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**VT - Code of Vermont Rules AGENCY 13. AGENCY OF HUMAN SERVICES SUB-AGENCY 130.
DEPARTMENT OF CORRECTIONS CHAPTER 034. CUSTODY, CONTROL, AND PRESERVATION
OF INFORMATION RELATED TO RISK ASSESSMENT AND NEEDS SCREENING**

13 130 034. CUSTODY, CONTROL, AND PRESERVATION OF INFORMATION RELATED TO RISK ASSESSMENT AND NEEDS SCREENING

- A.** The Department of Corrections shall maintain custody, control, and preservation of records of information related to risk assessment and needs screening conducted during pre-trial services.
- B.** Records of information obtained by the Department of Corrections from a defendant during a risk assessment or needs screening pursuant to 13 VSA §7554c, are exempt from public inspection and copying under the Public Records Act. However, a defendant shall retain all of his or her due process rights throughout the assessment and screening process and may release his or her records at his or her discretion.
- C.** The Department of Corrections shall provide information to the prosecutor as required by 13 V.S.A. §7554c.
- D.** Information obtained may only be used for determining bail, conditions of release, and appropriate independent, non-Department of Corrections' based programming for the person in the pending case.
- E.** The immunity provisions of 13 V.S.A. § 7554c(e)(1) apply only to the use and derivative use of information gained as a proximate result of the risk assessment or needs screening.
- F.** All records of information obtained during risk assessment or needs screening shall be stored in a manner making them accessible only to the Director of Pre-trial Services and Pretrial Monitors for a period of five years, after which the records shall be maintained as required by state law. All records of information shall remain confidential pursuant to 13 V.S.A. §7554c.
- G.** The Director of Pretrial Services shall be responsible for the destruction of records when ordered by the Court.

Statutory Authority

STATUTORY AUTHORITY:

13 V.S.A. § 7554c(e)(3).

History

EFFECTIVE DATE:

October 1, 2015 Secretary of State Rule Log #15-044

CODE OF VERMONT RULES

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