



growth, as well as carrying out the duties imposed upon the Department by the court or Parole Board. However, the concept also recognizes that the client's reintegration into society is conditional and experimental and certain segments of society should be allowed to know of that conditional nature of the client's release. By release of the information listed above, the Department does not express an opinion or belief as to the client's future behavior.

**4.2 DISCLOSURE INITIATED BY THE DEPARTMENT**

**4.2.1 Intensive Supervision**

**4.2.1.1** It is the policy of the Department of Corrections to disclose non-confidential offender status information in all cases where an intensive level of supervision is indicated. Employers, landlords (or building managers), police, victims, and service providers may be advised of the offender's status (probation, parole, furlough) and other non-confidential information relevant to their association or possible contact with the offender.

**4.2.2 Other Levels of Supervision**

**4.2.2.1** In cases where supervision is less than intensive, Department employees must assess individual circumstances and determine if, what, and to whom information should be disclosed. Department employees must be cognizant of behavior patterns, need areas, and case history to assess potential risk and identify possible victims. Case plans must reflect this.

**4.2.3 Disclosure Guidelines**

**4.2.3.1** The following considerations should be applied prior to reaching a decision on whether to disclose with all levels of supervision.

**4.2.3.1.1** Is there a relationship between the offender's past conduct and present circumstances to suggest that the past conduct will re-occur in the present circumstances (e.g., convicted pedophile working in a day care center)?

**4.2.3.1.2** If so, who is likely to be a potential victim?

**4.2.3.1.3** What information is sufficient to provide that potential victim (or guardian) with adequate notice of potential risk?

**4.2.3.1.4** The offender's rehabilitation needs.

**4.2.4 Special Relationship**

**4.2.4.1** Department employees will periodically become directly involved in establishing ties between a client and members of the community. Such instances might include arranging employment, introducing volunteers into the case, assisting in securing a residence, or directly intervening with any member of society in an attempt to establish a relationship between a client and that member of society. Under such circumstances a "special relationship" is established between the officer, the community member, and the offender. Disclosure of offender status information and criminal history is required when) a probation and parole officer takes an active role in establishing such ties. When such a relationship exists the probation and parole officer should release such non-confidential information to a potential victim when there is a reasonably foreseeable risk.

**4.3 DISCLOSURE UPON REQUEST**

**4.3.1** In the conduct of normal supervision or investigative duties, probation and parole officers and assigned facility caseworkers come in frequent contact with members of the community. Inquiries about offenders under supervision are common. Departmental employees must be able to distinguish between public and confidential information. Policy 266 - Privacy and Confidentiality of Offender Information, and Policy 330 - Relationship of the Department With the Press, define certain criteria, protocol, and restrictions governing release of information.

**4.4 PROCEDURE**

**4.4.1** District Managers/Assistant District Managers/Superintendents shall develop local procedures to ensure that appropriate, relevant information is disclosed according to this policy. Department employees shall consider disclosure with their supervisors as part of case plan development. Sound judgment should be

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exercised avoid causing unjustified alarm, fear or reaction. Recipients of disclosed information may wish to discuss the client, the offense(s) or other details relevant to their situation. Officers should cooperate within their limits of confidentiality. Offenders should be encouraged to accept the responsibility to self-disclose and certify same to the supervising Department employee. The assigned Department employee will verify the information provided by the offender. When possible, offenders should be advised of the necessity for disclosure and be requested to sign Authorizations For Release of Information to allow officers to discuss details that fall outside the limits of public information. Additionally, offenders should be notified prior to disclosure. Any disclosure shall be property recorded in the case file.

### **5. Training Method**

#### **5.1**

### **6. Quality Assurance Processes**

#### **6.1**

### **7. Financial Impact:**

#### **7.1**

### **8. References**

28 V.S.A. Section 601 (10), (2)

202(2)

252 (1), (9)

753 (a), (b)

754 (1), (2), (3)

Johnson v State, 447 P.2d 352 (1968).

Goergen v. State, 196 N.Y.S 2d 455, 18 Misc. 2d 1085 (Ct.Cl. 1959).

Rieser v. District of Columbia, 563 F. 2d 462 (D.C. Clr.1977).

### **9. Responsible Director and Draft Participants**