

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 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 that they are accessible only to the Director of Pre-trial Services and Pretrial Monitors for a period of five years upon after which the records will be sent to the Vermont State Archives and Records Administration to be maintained pursuant to 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.

