



**DEPARTMENT OF CORRECTIONS  
AGENCY OF HUMAN SERVICES  
STATE OF VERMONT**

NUMBER

365 POLICY  
DIRECTIVE  
PROCEDURE

<b>SUBJECT</b>  ACCESS TO TREATMENT PENDING APPEAL	<b>EFFECTIVE DATE</b>	<b>REVIEWED AND RE-ISSUED</b>	<b>SUPERSEDES</b>  NEW
<b>RECOMMENDED FOR APPROVAL BY:</b>  SIGNATURE	<b>AUTHORIZED BY:</b>  SIGNATURE		

**AUTHORITY**

28 V. S. A., Chapter 3, Sections 101-102, Chapter 9, Section 601; Chapter 11, Section 903.

**PURPOSE**

The purpose of this rule is to ensure that inmates have access to treatment programs regardless of the status of an appeal of the criminal conviction.

**APPLICABILITY/ACCESSIBILITY**

All individuals and groups affected by the operations of the Department of Corrections. Anyone may have a copy of this policy.

**DEFINITION**

Inmate - An individual in physical custody in a confinement facility.

**POLICY**

Inmates shall be afforded the opportunity to participate in treatment programs while they have criminal convictions under appeal. Treatment, assessment, evaluation, screening and programing shall not be restricted or denied to inmates on the basis of any anticipated or pending direct or collateral appeal of any criminal conviction, nor on the basis of any position taken by them in any such action. All decisions regarding treatment, including development of treatment strategy, denial of treatment, or changes in treatment methodology will be based on the inmate's behavior, prior history of behavior, the circumstances of the current offense(s) and attitudes

## ACCESS TO TREATMENT PENDING APPEAL

toward on-going treatment including but not limited to oral or written statements to treatment providers concerning personal responsibility for the current offense(s)

While an inmate's appeal is pending, no statements by the inmate during treatment, assessment, evaluation, screening and programing concerning the offense(s) in question, will be disclosed to anyone for purposes that would potentially adversely affect the inmate's appeal. Further, no statements and the fruits of such statements made by the inmate during treatment concerning the offense(s) in question may, while the inmate is taking any direct or collateral appeal of such criminal conviction(s), be used at a subsequent criminal proceeding.

The Director of Program Services/ designee shall insure that directives are promulgated that will carry out this policy.

**REFERENCES**

28 V. S. A., Section 903, Department of Corrections Policy #266 Access of Offender Information and Policy #255 Reporting of Offender Information.