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RE: H.645

In a reading of the most recent draft, I have concerns about H.645 that I would like to share with you and for you to pass along to the House Committee on Judiciary.

First, regarding the requirement that a victim show a "need" to access information – my response is, "because they are a victim." A crime was allegedly perpetrated on them and now law enforcement has become involved. The language in H.645 places an enormous burden. If there is to be a burden, it should be on the offender to provide proof about why information should NOT be shared. For a victim-centered approach to be realized, victims should not be required to navigate further hurdles. The only thing worse than being a victim of crime is being a victim of juvenile-related criminal conduct where there are additional limitations.

Second, H.645 makes reference to a protective agreement. A victim should never have to sign a non-disclosure agreement saying they will not talk about what happened to them. Frankly, as an advocate, I find it offensive to think we expect a victim to sign something agreeing to "protect their offender" on any level. Part of the criminal justice process for victims is to empower them and telling them what they CANNOT DO has the opposite effect. What can be done effectively is to share information with an understanding that it is sensitive information.

Concerning juvenile offenders, in my many years as a victim advocate, I have never had a situation where a juveniles' information was made public from family court case.

As contemplated in H.645, what type of proof is a victim expected to provide? Evidence of PTSD? A showing of Anguish? Record of medical appointments? A showing of damage or restitution owed?

If there is alleged criminal conduct relating to adults or juveniles, information must be shared with the victim, without further hurdles to overcome.

Regarding the section of H.645 where the Attorney General shall adopt a policy and procedure manual that will be uniform across the state:

1. Who is responsible for the timely notification of victims about pre-charge and post-charge diversion? It appears that this burden should fall on the Diversion office.
2. What is considered timely? Undefined.
3. Who is responsible for the invitation to engage in the process? Again, this should be the Diversion office. Is that only from the Case Coordinator of the program? Is a victim notified that they have the right to have a

Victim Advocate present through the process? What happens if a case was going through the post-charge process and then gets referred?

4. How is information shared with a victim about restorative agreements? How involved will law enforcement (who investigated the case) and the SAO be in understanding the status of these agreements?

My understanding of the Diversion process is that a victim is included and asked for input about how they will be restored or how they were impacted. This bill, as drafted, appears to shift the burden back on the victim.

Concerning younger alleged offenders, if a victim has to give input "blindly," meaning they don't know who the offender is, but they are expected to feel restored at the end of the process this will not work. For example, if a person's car is sitting outside of a grocery store and a 17 year-old steals cash from the glove box and the case is sent to pre-charge, under this bill would the victim be barred from knowing who allegedly stole from their car? For some people, the input they give will depend solely on the information they have been given about the juvenile. In current practice, Victim Advocates are versed in juvenile law about what information can be shared.

In sum, the bill may well do damage to the delicate fabric of victim rights as they currently stand, particularly as we have seen an uptick in community level crime.

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