

RE; PEER, VT, Documents submitted to OpenPolice.org

1. Peer Document Index (w/notes)
2. Pictures of Assault(s)
3. Vermont State Police Incident Report, #14B300209, 1/30/2014
4. Vermont State Police Incident Report, #14B301008, 5/31/14

Find in James Wolcott Correspondence

5. Valley News Article, dated 2 July 2014 by Maggie Cassidy.
6. James Wolcott Correspondence dated 10/18/17 with Amy Farr, Victim's Advocate, Attorney General's Office, Ann Lepine, Victim's Advocate, Orange County State's Attorney Office, and Dickson Corbett, Orange County Deputy State's Attorney.
7. Peer--Highlights & Questions, Re; Clara Martin Notes.
8. Peer, Kali..RE: "children at the scene"

Note Emails: Siri Rooney, Lamoille County Victim's Advocate and Ferron Wambold Orange County's Child Advocacy Center's Executive Director.

9. Peer Document: Law Enforcement Officers
10. Failure to Report as a taking or seizure, VT Constitution
11. 13 V.S.A. Chapter 165, Victims

Note: These rights were never extended to the Peers.

12. NCVLI. Vermont Victims' Rights Laws
13. RFA Brochure

1. PICTURES OF ASSAULT

Picture 1.

Note: assault occurred "sometime" in early January 2014

Note: perpetrator's name: Ronnie Sweet

Note: There were 3 others present, one was Brian Postler

Note: Postler's statement in VSP Incident Report 5/31/14 314B301008 referring to an individual whose name is blacked out.

Picture 2-6

Note: perpetrator's name: Brian Postler

Note: These assaults occurred subsequent to assault of Picture 1.

Note: These assaults were meant to keep her and her daughter quiet about their abuse.

2. VERMONT STATE POLICE INCIDENT REPORT, 1/30/2014--#14B300209

Note: "that a female had called her doctor reporting that she was assaulted and lying on the floor".

Note: Peer's "condition did not rise to the level of an involuntary committal".

Note: It is not known who called 911.

Note: "EMS personnel" (of Upper Valley ambulance) spoken to "were familiar with the female"

Sub-note: Email correspondence with Clay Odell of Upper Valley Ambulance: they have no record of Peer and no record that they "spoke" with Trooper Shulze.

Note: Thetford Officer Rogers was not present.

3. VERMONT STATE POLICE INCIDENT REPORT, 5/31/14--#14B301008

Note: Postler refers to assault of Peer in January 2014 by _____, someone whose name is blanked out.

Note: The assault "was investigated by Thetford Police officer Rogers on 1/30/14", report # "14TF0032."

Sub-note: The report on file by that # is blank.

Note: "Peer also provided a written sworn statement regarding that incident that was investigated by Officer Rogers on 1/30/14"

Sub-note: There is no "written sworn statement" on record.

Note: Judith Powell, Administrative Secretary (part time) for Thetford Police Department statement that "I find no Thetford law incidents involving Peer and Postler."

Note: On 5/31/2014 or thereabouts PEER sat with Trooper Ostrout in his vehicle & showed him the pictures of her assault. He did not respond.

Note: Valley News Article by Maggie Cassidy, 7/2/2014, "Thetford has responded to roughly 250 complaints or "law incidents" since the start of the year, and of those 250 (about) 114 of them are incomplete, most of them have nothing written in them, some as old as January of this year."
Sub-note: The report filed by Officer Rogers regarding the incident of Peer's assault is blank.

4. PUBLIC RECORDS REQUEST. Judith Powell, Administrative Secretary (part time) for Thetford Police Department.

Note: Thetford Police incident report #14TF0032 is blank.

Note: The report's date of 1/30/14.

Note: Office Roger's statement to Trooper Ostrout, that he investigated the incident and that "Peer also provided a written sworn statement regarding that incident that was investigated by Officer Rogers on 1/30/14.

Sub-note: Injuries pictured are of assaults prior to 1/30/14.

Note: Powell's statement that "I find no Thetford law incidents involving Peer and Postler.

5. PUBLIC RECORDS REQUEST, Susan Elder, Docket Clerk, Orange County Courthouse.

Note: "There was no RFA found."

Sub-note: In a subsequent phone conversation, Susan acknowledged that there were RFAs (relief from abuse orders) but she could not release them without a court order.

6. PUBLIC RECORDS REQUEST, Upper Valley Ambulance, Clay Odell

Note: UVA has no record of Peer.

Sub-note: VSP Incident Report, 1/30/2014 #14B300209: "EMS personnel (UVA) were familiar with the female."

7. PUBLIC RECORDS REQUEST. Captain Kyle Kapitanski, Orange County Sheriff's Department.

8. VALLEY NEWS ARTICLE, dated 2 July 2014 by Maggie Cassidy. (quoted above)

Note: Several of the "law incidents" "as old as January of this year" left blank were the brutal assaults of Grace Michele Peer.

9. JAMES WOLCOTT CORRESPONDENCE, dated 10/18/17, with

--Amy Farr, Victim's Advocate, Attorney General's Office

--Ann Lepine, Victim's Advocate, Orange County State's Attorney Office

--Dickson Corbett, Orange County Deputy State's Attorney

Note: VSP Incident Report 5/31/14 # 14B301008 "Law Supplemental Narrative" Orange County State's Attorney's Face Sheet, Disposition date 1/8/15, Dismissed by State's Attorney. QUOTE: "Victim last known location is in NY state and last communication was request that cases be dismissed. Insufficient other evidence to sustain victimless prosecution given cost of travel of the NJ witness."

Sub-note: There is no evidence that PEER requested that cases be dismissed.

Sub-note: There is no evidence that PEER's injuries were ever documented.

Sub-note: There is no evidence that the State's Attorney conducted any due diligence to assure that the evidence presented was thorough, complete, accurate, and properly executed.

Sub-note: There is no evidence that the State's Attorney acted in the utmost interest of the safety and well-being of PEER and her daughter, Kali, who was 14 at the time.

Note: Ann Lepine statement that "State's Attorney's offices do not investigate allegations, that is up to Law Enforcement. Our offices file charges with the court only in regard to criminal paperwork, which is provided to us from Law Enforcement. The Vermont Statutes are very clear on this."

Sub-note: There is no Statute that prevents a State's Attorney from exercising his/her discretion, particularly in a matter such as PEER and her daughter, Kali's ongoing violence, abuse, and threat to their lives.

Sub-note: No "paperwork" was presented because of the willful malicious conduct of Officer Rogers, the gross negligence of the Thetford Police Department, and the negligence of Trooper Ostrout.

10. NOTES-- JAMES B CURRIE, MD. Gifford Medical Center

DATE: 6/26/2013. "Altercation" "He threw her against the wall and she hit her head."
"Adult Protective Services was notified."

DATE: 8/28/2013. "She fell down some stairs." "Rib injury." "dystonic episodes."

DATE: 4/2/2014. "Traumatic event in January in which someone beat her up. He pounded her head on a coffee table. He did so by grabbing her hair and as a result of that anything that touched her hair was super irritating to her. For that reason she shaved her head. She had 2 black eyes and a laceration on her forehead as well as a hematoma on the forehead. I know this because she showed me pictures.....patient states that she still has some drooping of the right eyelid at times...& some vertigo."

11. NOTES--CLARA MARTIN CENTER, Randolph VT...2012 to 2015 (confidential) 300 pages. Excerpts forthcoming.

--Grace Michele Peer deemed "a vulnerable adult."

In brief: notes demonstrate a consistent effort to report even while under the threat of death to her and her daughter and the terror, confusion, impairment of PTSD.




 **Grace Peer**
October 5 2014 Edited

Because a 280 pound man thought he c
me and not expect me to split his lip -

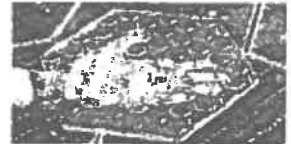
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Grace Peer

October 5, 2014

And I healed

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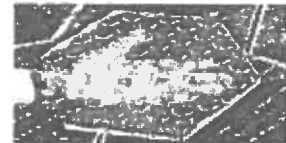
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Grace Peer
October 1, 2014

I don't mind losing a fight, but never in 4 minutes of Round 2!!!

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Grace Peer
October 5 2014

because the brain swelling and the seizure
intense!!:-

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at: about past life regressor



 **Grace Peer**
October 5, 2014

Until I could not stand a single hair move
head :-

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[Amy Case King](#)

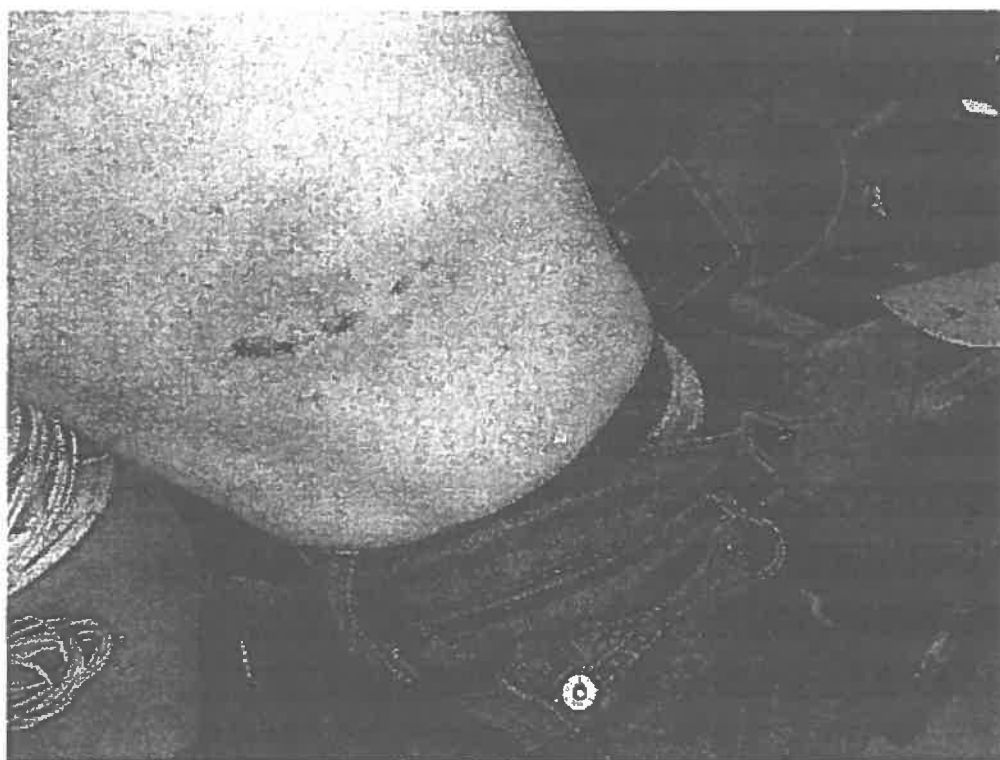
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1 from Mission from Agent
Grace Children
International



 **Grace Peer**
October 5 2014

And knocked around some more!!:-

[Tag Photo](#) [Add Location](#) [Ed.](#)

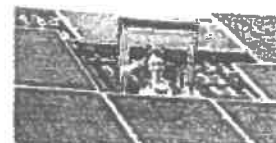
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05/15/2017
11:05

Vermont State Police, Headquarters
LAW Incident Table:

20329
Page: 1

Incident
Incident Number 14B300209 Nature Agency Assist
Case Number Image
Address?101 ACADEMY RD
City Thetford State VT ZIP 05074
Area 0911 THETFORD Contact Jodi

Complainant
Numbr 132264
Last Upper Valley Ambulance Fst Mid
DOB 01/01/1990 SSN - - Adro?LAKE MOREY RD; 5445
Race Sx Tel (802)333-4347 Cty Fairlee ST VT ZIP 05045

Details
Offense/Statute ASST
Circumstances LT20
Rspndg Officers Schulze, C ODonnell, H
Rspnsbl Officer ODonnell, H Agency SPA4 CAD Call ID 5471533
Received By Bennett, P Last RadLog 09:48:53 01/30/2014 CMPLT
How Received T Telephone Clearance RBL Reviewed by Lt/Capt/C
When Reported 08:32:11 01/30/2014 Disposition COM Disp Date 01/30/2014
Occurrd between 08:32:01 01/30/2014 Judicial Sts NCI Non-criminal Incident
and 08:32:01 01/30/2014 Supervisor RFR-01/31/14
MO

Narrative
Narrative (See below)
Supplement

=====

INVOLVEMENTS:

Type	Record #	Date	Description	Relationship
NM	132264	01/30/2014	Upper Valley Ambulance,	*Complainant
NM	1082626	01/30/2014	Peer, [REDACTED]	POI
CA	5471533	01/30/2014	08:32 01/30/2014 Agency Assist	*Initiating Call

LAW Incident Offenses Detail:

Seq Code	Offense and Statute Codes	Amount
	Statute Code	
1	ASST Agency Assist	0.00

LAW Incident Circumstances:

Seq Code	Contributing Circumstances	Comments
1	LT20 Residence/Home	

LAW Incident Responders Detail

Seq Name	Unit
1 Schulze, C	330
2 ODonnell, H	315

Main Radio Log Table:

Time/Date	Typ	Unit	Code	Zone	Agnc	Description
09:48:53 01/30/2014	1	315	CMPLT	SPB3	SPB3	incid#=14B300209 Completed cal
09:48:53 01/30/2014	1	330	CMPLT	SPB3	SPB3	incid#=14B300209 Completed cal
09:03:22 01/30/2014	1	315	43	SPB3	SPB3	updated with [REDACTED] res
08:52:15 01/30/2014	1	330	43	SPB3	SPB3	requesting [REDACTED]
08:46:51 01/30/2014	1	315	43	SPB3	SPB3	11/21
08:46:51 01/30/2014	1	330	43	SPB3	SPB3	11/21
08:44:46 01/30/2014	1	315	ARRVD	SPB3	SPB3	incid#=14B300209 Arrived on sc
08:40:03 01/30/2014	1	330	43	SPB3	SPB3	11/21
08:37:00 01/30/2014	1	330	ARRVD	SPB3	SPB3	incid#=14B300209 Arrived on sc
08:36:23 01/30/2014	1	315	ENRT	SPB3	SPB3	(MDC) Assisting unit 330 incid
08:33:06 01/30/2014	1	330	ENRT	SPB3	SPB3	incid#=14B300209 Enroute to a

Narrative:

On 01/30/14, at approximately 0830 hours, Trooper Schulze, Brennan, Officer Tweedie of the Thetford Police Department responded to [REDACTED] for a report of an assault that occurred. Dispatch advised that a female had called her doctor reporting that she was assaulted and lying on the floor. *

Upon Trooper Schulze and Officer Tweedies arrival they found the doors to the residence locked. They knocked loudly announcing their presence. I advised Tpr Schulze to make entry into the residence. I was concerned that the offender could still be there and that the victim could be suffering from a severe injury. Based on all the information that was provided from dispatch I believed an exigent circumstance existed to force entry into the residence.

Trooper Schulze subsequently kicked the door 2 times. On the second try the wooden door fractured near the locking mechanism allowing their entry. They located the alleged victim, which was suffering from an unknown [REDACTED] crisis.

Tpr Brennan and I arrived a short time after entry had been made into the residence. Tpr Brennan and I did a search of the remainder of the residence for anyone else that might be there. The search was for both the victim's and our safety. It was unknown whether the offender was still in the residence or if there had been another victim. no one else was located inside the residence. I could smell an odor of burnt marijuana inside the residence while I was there.

Once the search was completed I spoke to EMS personnel which were familiar with the female, [REDACTED]. [REDACTED] was contacted and was sending a worker out to speak with [REDACTED]. Upon their arrival and after speaking with [REDACTED] we were advised that [REDACTED] condition did not rise to the level of an involuntary committal. All units cleared.

It should be noted that I photographed the damage done to the door which will be filed with this case.

I spoke with a [REDACTED] worker after the incident. She asked what [REDACTED] could do to fix her door. I advised that [REDACTED] would have to have someone fix the door and that if she felt we were liable for the repairs to submit a request along with the bill so it could be forwarded up the chain of command. They were going to relay that information to [REDACTED]

Case closed.

Ex-Thetford Police Chief Blasts Selectboard on Interim Hiring

By Maggie Cassidy
Valley News Staff Writer

Wednesday, July 02, 2014

Thetford — A strongly worded email from former police chief Jim Lanctot to the townwide email Listserv sheds light not just on his lingering resentment toward the Selectboard but on a debate about the way the police department conducts its business.

Lanctot, a Thetford resident who left the department last month to operate the Pizza Loft restaurant, lambasted the board for how it hired an interim chief, writing that “another despicable decision has been made ... behind closed doors again.”

“There are many terrible decisions that have been made in the past four or five years, and this is right on track with the others,” Lanctot wrote in the post sent Thursday night. “I hope this terrible and downright sickening decision does not cost the town another dedicated and excellent employee.”

In the posting and in interviews, Lanctot also accused the board of wrongly passing over the police department’s long-time second-in-command, Sgt. Bridget Tweedie, who he said could have taken on the interim position with no training and at less expense.

“The board chose to spit on her instead,” Lanctot wrote.

Meanwhile, the Selectboard maintains that the decision to contract with the town of Norwich to hire Norwich Police Chief Doug Robinson as interim chief was properly done in executive session because it involved personnel and contracts — two of the exemptions allowed by the state law requiring open decision-making.

Thetford will pay Norwich at a rate of \$75 an hour for Robinson's services, including pay, benefits and administrative costs, for eight to 12 hours a week. Robinson will continue to work full-time in Norwich.

"Especially here where it is more of an operational thing ... this person isn't going to have a significant community role" because he will be largely overseeing administrative tasks and paperwork, said Selectman Donn Downey, who generally speaks for the board on police matters. "That didn't seem appropriate to say, 'Hey, public, what do you think?'"

Emails sent between Downey and Robinson on Friday and Saturday last week paint a picture of dissatisfaction over how the department was previously managed and Lanctot's reaction to Robinson's appointment as interim. In one message, Downey refers to Lanctot as appearing to be "bent out of shape" over the interim hiring process, a stark departure from Lanctot's and Downey's assertions last month that the two sides were parting ways on good terms.

Lanctot, who worked with the department for 11 years and was chief since 2006, acknowledged as much in an interview on Tuesday, questioning how Thetford officers could continue showing up to work for the Selectboard.

"Actually, I did work for those type of people, and that's why I don't come to work anymore," he said.

Lanctot was making \$60,445 annually when he stepped down, according to information from the town offices. His last day was June 6.


Robinson is paid \$35.89 an hour as the Norwich chief.

In one of the emails Robinson sent to Downey, he noted that the Thetford Police Department appears to be behind on paperwork and that officers need to get out of the office more.

Robinson noted that Tweedie made no traffic stops nor written tickets in the past two months, as of Friday, which he called "unacceptable."

During that time frame, another officer, Stuart Rogers, the son of the Selectboard chairman, by the same name, made 20 traffic stops and issued six tickets, which

Robinson characterized as “satisfactory but could be more.”

The emails, which were provided on Monday at the Valley News’ request, show that Thetford has responded to roughly 250 complaints or “law incidents” since the start of the year, and “of those 250, (about) 114 of them are incomplete, most of them have nothing written in them, some as old as January of this year,”  Robinson wrote.

Downey responded to Robinson that the stats were “enlightening” but there were “not really any surprises.”

On Tuesday, Lanctot called the incident reports a “style thing,” saying “you can go in and close out every case or you can leave them active and add more to them later on.”

In separate interviews, he and Tweedie disputed the characterizations of Tweedie’s work load. Lanctot said he had directed Tweedie to patrol back-roads, where traffic stops are less likely, in an effort to deter an increase in rural, day-time robberies that had been hitting the Upper Valley. He linked that to the number of burglaries that he said Thetford experienced in a year — eight — and how that was significantly fewer than some other towns in the area.

“As far as I’m concerned, Sgt. Tweedie was a model employee and did exactly what the chief at the time told her to do,” Lanctot said. “They’re lashing out at her for an email I wrote to the Listserv basically asking why there was an illegal meeting. They’re trying to throw a curveball and say ... ‘oh, look, look, Sgt. Tweedie wasn’t doing her job.’ Well, bull-crap, she was doing her job.”

While making pizzas at the Pizza Loft Friday, Lanctot said the department had been set up and Tweedie had been trained to take over for Lanctot in any situation, including planned vacations, unexpected injuries or his departure.

Less than an hour earlier, several of the police department’s officers, including Tweedie, dined at the restaurant for lunch.

In an email, Tweedie wrote that she was forced to spend significant time in the office in the past two months for two reasons: to prepare for Lanctot’s departure, and to respond to a federal audit to make sure that the town didn’t lose access to federal records.

Lanctot called Downey a "creep" for bringing up Tweedie's job performance during a public meeting Monday night.

"This is a single mom who just got hammered on by some creep last night and she's just trying to do the best she can to support her child ... and then this creep goes and buries her in public," he said on Tuesday.

Downey said the board did not pass over Tweedie without consideration, saying that the board engaged in discussions with internal officers and outside agencies, such as the sheriff's department.

Downey said the board decided not to hire Tweedie because of "complications in terms of negotiating this with the union. ...

"And regardless of how the former chief wants to portray it, that's exactly the reason," Downey said. He said he was limited in what he could discuss publicly.

When the board approached Robinson about sitting on a search committee for a permanent chief, Downey said, Robinson asked how the interim search was going and Downey told him the board was struggling.

At that point, Downey said, Robinson offered to help out and the contract was later negotiated between the elder Rogers, the board chairman, and Fuiton, the Norwich town manager.

"Jim is portraying it like this Norwich money grab. This is a Norwich gesture of support," Downey said. "They're struggling themselves ... they're short-staffed but they understand what it's like to try to run a department."

In a brief interview at the police department Friday, Tweedie confirmed that she had expressed interest in the interim chief position. There was no application process, she said, and she was not included in the discussion about hiring Robinson as chief.

She said that she was probably not interested in the permanent chief position. She had previously not given it much thought, she said.

She declined to discuss her feelings or the general feelings of the department

2/9/2019

Valley News - Thetford — A strongly worded email from former police chief Jim Lanctot to the townwide email Listserv sheds light not

and its relationship with the Selectboard.

The department has experienced some other tumult in the past year, including an unfair labor complaint filed by Thetford's police union against the town last summer, alleging that Lanctot refused to talk to Officer Rogers. The complaint was ultimately dismissed by the Vermont Labor Relations Board following a mediation session, according to documents.

Maggie Cassidy can be reached at mcassidy@vnews.com or 603-727-3220.



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Regional Report: Turmoil Continues In Thetford Over Interim Police Chief Hiring

By MAGGIE CASSIDY · AUG 1, 2014

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Turmoil involving some town officials and the town's police force has continued to roil this month.

Listen

Sgt. Bridget Tweedie filed a written complaint with Selectboard member Donn Downey earlier this month, accusing him of “blatant disregard” for Vermont’s public records law when he discussed emails between himself and the interim police chief during a public Selectboard meeting.

Tweedie also took issue with Downey providing the emails to the Valley News prior to the meeting.

Tweedie, who wrote in the July 14 complaint that she was seeking a public apology, asserted that the emails between Downey and Doug Robinson, the interim police chief, should be exempt from public disclosure because they included “an evaluation of my performance with intent to smear my reputation,” among other complaints.

“This evaluation email was only based on limited information that Interim Chief Robinson took out of context without allowing me any chance for an explanation,” Tweedie wrote. “I was following, and continue to follow, orders given to me by my Chief and to that end, I was punished for doing my job.”

Meanwhile, a written response by Downey on July 21 asserted that Tweedie was misinterpreting the public records law.

“To be clear, (the law) defines ‘a public record’ as ‘any written or recorded information, regardless of physical form or characteristics, which is produced or acquired in the course of public agency business;’ ” Downey wrote. “Accordingly, the Town’s perspective is that those emails, and the accompanying spreadsheets, are public records under (the law).”

The incident stemmed from the town contracting with Norwich, where Robinson is the full-time police chief, to bring him to Thetford as interim chief for several hours a week until a permanent replacement can be found.

Thetford residents — including former chief Jim Lanctot, who departed in June to run a pizza restaurant — have raised concerns about the process the Selectboard used to enlist Robinson's services. The board discussed the contract in executive session and announced its decision in public session.

Downey previously told the Valley News that Selectboard Chairman Stuart Rogers, whose son is a Thetford officer, negotiated the contract with Norwich Town Manager Neil Fulton.

Downey, who generally speaks for the board on police issues, said the board was exercising its right to executive sessions to deal with personnel, contracts and hiring.

In an interview on Tuesday, Downey defended the town's decision to share the emails publicly, saying that although the emails contained information such as how many traffic stops officers were making, it was not a personnel document.

He said he reviewed his response with Selectboard members and the town attorney before sending it to Tweedie.

"This is strictly department organizational operations," Downey said. "This is a discussion of what our officers are doing. Not only is that a document that can be legally shared and should be ... but the activities of officers are supposed to be very transparent."

Tweedie provided a copy of her complaint to the Valley News Tuesday afternoon.

She subsequently could not be reached for comment.

Secretary of State Jim Condos said that correspondence between public officials related to public business is public record, and any exemptions — such as whether a document qualifies as a personnel record — is to be determined by the municipality.

"My point would be all records acquired in the course of doing agency business are considered public, but some public records have exemptions that prevent disclosure," he said. "From there, it's up to the public body to decide if something's exempt."

Tension has been so high in town that some residents alleged at a Selectboard meeting and in email listserv postings that Downey and former Selectboard member Tig Tillinghast, who are business partners, exchanged a cake as part of some kind of bet related to Lanctot's departure. It's an allegation Downey denies.

Downey said the men had a bet, but it had to do with sales within their business.

"But of course the story that has been construed from this is that Tig and I had a bet ... (over) who would be on the board when the chief left, or who, quote, 'got rid of the police chief,' which is obviously nonsense."

In a listserv post titled "cake gossip half baked," Elise Tillinghast, who is married to Tig, also denied the rumors.

"As this appears to be a matter of public concern," she wrote, "let me state for the record that it was chocolate, with chocolate frosting. I volunteered to bake said cake because I was trying to keep toddlers busy, and, frankly, wanted to eat chocolate frosting. ... It was worth it. I regret nothing."

Maggie Cassidy is a reporter for the Valley News (<http://www.vnews.com/news/police/fire/courts/12941976-95/thetford-police-officer-complains-about-emails-made-public>).

TAGS: [REGIONAL REPORT \(/TERM/REGIONAL-REPORT\)](#)

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10/18/17

Please review forwarded documents.

Can you help Grace Michele Peer and her daughter? If so, how?

Understandably, she has no confidence in Orange County law enforcement. They failed repeatedly to protect and serve, putting her and her daughter's life at risk. She is seeking an independent, thorough, conclusive investigation, a holding to account, in a word, justice.

She believes the failure to report and an officer's deliberate attempt to mislead, resulting in life-long personal injury, are misconduct and a violation of her civil rights.

Ms Peer may be contacted at the address below.

Thank You

James Wolcott
19 Gallup Brook Ln
Jeffersonville VT 05464
802 495 1541

jameswolcott054@gmail.com



james wolcott <jameswolcott054@gmail.com>

(no subject)

16 messages

The UPS Store #3327 <store3327@theupsstore.com>

Thu, Jun 15, 2017 at 10:44 AM

To: "jameswolcott054@gmail.com" <jameswolcott054@gmail.com>

The UPS Store 3327

4 Carmichael St.

Essex Jct., VT 05452

802-879-6959

store3327@theupsstore.com

 **DOC053.pdf**
96K

james wolcott <jameswolcott054@gmail.com>

Fri, Jun 16, 2017 at 2:51 PM

To: ann.lepine@state.vt.us

Cc: Amy.Farr@vermont.gov

Ann--

Please review & forward to Dickson Corbett.

Dickson Corbett--

Please review carefully, particularly paragraph 5, statements made by Officer Rogers. He alleges that he investigated an incident involving Peer in January & that she "provided a written sworn statement" & numbers the report 14TF0032. This document is included ...It is a blank document. Judith Powell, current administrative secretary, has searched all Thetford Police records and found no other records relating to this incident--or Peer.

The incident "investigated" by Officer Rogers is a very serious matter. The victim Peer was assaulted by one perpetrator & beaten unconscious by another perpetrator while a third witnessed. The first perpetrator returned, picked her up & dropped her off at her residence. She was unconscious for 2 days & taken care of by her daughter who was 14 at the time. The first perpetrator returned daily to warn them that if she told anyone what had happened they would kill her and her daughter.

Peer has suffered permanent brain injury and has PTSD, as does her daughter. There are pictures that her daughter took to document the injuries. She did eventually report the incident to her doctor but she never

received medical care—until recently,& that is ongoing for her PTSD.

As you know,she had to flee the state and her daughter put in safe houses... You also know many of the ones who committed this or were accessories..

She is seeking some sense of justice. So the question is how to proceed. At this point,I am gathering all the information & once gathered,I will present it to her for her determination.

What can the State's Attorney do for her? And how will he go about doing it?

Let me be very clear:she considers these people a threat to her life.
Keep in mind that,Officer Rogers is an off duty friend of several of those involved & that the victim had several disturbing calls from the Officer regarding the incident in question.

Please contact me by email.

Thank You
James Wolcott

 DOC053.pdf
96K

James Wolcott <jameswolcott054@gmail.com>
To: Amy.Farr@vermont.gov

Fri, Jun 16, 2017 at 2:59 PM

Amy--

Please forward to Dickson. It appears Ann's email is not correct. Thank You

James Wolcott
[Quoted text hidden]

Farr, Amy <amy.farr@vermont.gov>
To: James Wolcott <jameswolcott054@gmail.com>

Fri, Jun 16, 2017 at 3:25 PM

Hi James,

I have forwarded this to Ann (ann.lepine@vermont.gov).

I do not work with Dickson Corbett, so I have forwarded this to her so that she can pass it along to him.

Thank you,

Amy Farr

From: James Wolcott [mailto:jameswolcott054@gmail.com]

Sent: Friday, June 16, 2017 2:59 PM
To: Farr, Amy <amy.farr@vermont.gov>
Subject: Re:

[Quoted text hidden]

james wolcott <jameswolcott054@gmail.com>
To: "Farr, Amy" <amy.farr@vermont.gov>

Sat, Jun 17, 2017 at 10:04 AM

Thanks Amy
[Quoted text hidden]

james wolcott <jameswolcott054@gmail.com>
To: ann.lepine@vermont.gov

Thu, Jun 22, 2017 at 10:36 AM

Ann---

Please confirm receipt.

Thank You
James Wolcott
[Quoted text hidden]

 **DOC053.pdf**
96K

Lepine, Ann <Ann.Lepine@vermont.gov>
To: james wolcott <jameswolcott054@gmail.com>

Mon, Jun 26, 2017 at 7:50 AM

Good Morning Mr. Wolcott,

I have been out of the office, but have received this. Attorney Corbett has been on vacation, but will be in later this week. I will pass this on to him for his input, and get back to you.

Thank you –

Ann

Ann Lepine

Victim Advocate

Orange County State's Attorneys Office

Office: 802-685-3036

Direct: 802-685-2187

Email: Ann.Lepine@Vermont.gov

From: james wolcott [mailto:jameswolcott054@gmail.com]
Sent: Thursday, June 22, 2017 10:37 AM
To: Lepine, Ann <Ann.Lepine@vermont.gov>
Subject: Fwd:

[Quoted text hidden]

james wolcott <jameswolcott054@gmail.com>
To: "Lepine, Ann" <Ann.Lepine@vermont.gov>

Mon, Jun 26, 2017 at 9:38 AM

Thank You

[Quoted text hidden]

Lepine, Ann <Ann.Lepine@vermont.gov>
To: james wolcott <jameswolcott054@gmail.com>

Mon, Jun 26, 2017 at 9:40 AM

You're very welcome.

From: james wolcott [mailto:jameswolcott054@gmail.com]
Sent: Monday, June 26, 2017 9:39 AM
To: Lepine, Ann <Ann.Lepine@vermont.gov>
Subject: Re: Fwd:

[Quoted text hidden]

Lepine, Ann <Ann.Lepine@vermont.gov>
To: james wolcott <jameswolcott054@gmail.com>

Tue, Jun 27, 2017 at 9:57 AM

Good Morning Mr. Wolcott,

Please see the email response below from Attorney Corbett.

Thank you --

Ann

Ann Lepine

Victim Advocate

Orange County State's Attorneys Office

Office: 802-685-3036

Direct: 802-685-2187

Email: Ann.Lepine@Vermont.gov

From: Corbett, Dickson

The victim referenced below is Grace Peer. Allegations of this nature were raised in connection with the prosecution of Brian Postler in 2014. Mr. Postler was charged with domestic assault and violation of conditions of release based on allegations made by Ms. Peer. The charges against Postler were dismissed because Ms. Peer moved to New York and was unavailable as a witness and did not wish to participate in the proceedings.

The offense date for the allegations in the Postler case are more than three years old and as such no prosecution is possible under the applicable statute of limitations.

To the extent that the narrative below alleges involvement of unnamed other perpetrators and conduct that would be subject to a different limitations period, there is not presently probable cause to believe that any one identified person committed a crime. If someone is in possession of information that they want to refer to an appropriate police agency for investigation, they may feel free to do so, but given the passage of time a successful outcome is exceedingly unlikely.

james wolcott <jameswolcott054@gmail.com>

Thu, Jun 29, 2017 at 2:02 PM

To: "Lepine, Ann" <Ann.Lepine@vermont.gov>, "Farr, Amy" <Amy.Farr@vermont.gov>

Ann please forward response to Corbett. Thank You

Corbett--

Thank you for getting back to me.

Information & belief suggest "probable cause" is in plain sight. Our concern, however, is that it involves not only the perpetrators but also 2 police officers' failure to report. In the case of Officer Rodgers an egregious, perhaps, criminal one, since he claims to have made an "investigation" & produced "a written sworn statement". (& coerced the victim). Given their conduct, it would be prudent for the matter to be referred to the AG for investigation.

To be clear, the victim, suffering a grave head injury from the assault, did her best to "report" the incident, often months later. Indeed, the State Trooper was shown the pictures... just days before she fled the state.

The question of "successful" outcome is a low bar for justice & human dignity. The next step is a thorough investigation & diligent collection of facts. If you are suggesting the victim MUST report the crime to "an appropriate" police agency before the States' Attorney will consider it. We would contend it has already been reported.

[Quoted text hidden]

Lepine, Ann <Ann.Lepine@vermont.gov>
To: james wolcott <jameswolcott054@gmail.com>

Thu, Jun 29, 2017 at 2:31 PM

Good Afternoon Mr. Wolcott,

Attorney Corbett did respond to each of your concerns. State's Attorney's offices do not investigate allegations, that is up to Law Enforcement. Our offices file charges with the court in only in regard to criminal paperwork, which is provided to us from Law Enforcement. The Vermont Statutes are very clear on this.

I hope this helps to clarify what our office can, and can not do.

Sincerely,

Ann

Ann Lepine

Victim Advocate

Orange County State's Attorneys Office

Office: 802-685-3036

Direct: 802-685-2187

Email: Ann.Lepine@Vermont.gov

From: james wolcott [mailto:jameswolcott054@gmail.com]
Sent: Thursday, June 29, 2017 2:02 PM
To: Lepine, Ann <Ann.Lepine@vermont.gov>; Farr, Amy <amy.farr@vermont.gov>
Subject: Re: FW:

[Quoted text hidden]

james wolcott <jameswolcott054@gmail.com>
To: "Lepine, Ann" <Ann.Lepine@vermont.gov>

Fri, Jun 30, 2017 at 10:47 AM

Thank you Ann
[Quoted text hidden]

james wolcott <jameswolcott054@gmail.com>
To: "Lepine, Ann" <Ann.Lepine@vermont.gov>

Sat, Jul 1, 2017 at 11:20 AM

Ann--

Narrative:

Incident Report
Case# 14B301008
Richard Ostrout

On 05/31/14, at approximately 0846 hrs. [REDACTED] (DOB [REDACTED]) of [REDACTED] S Thetford, VT contacted the Vermont State Police in Bradford to advise of a possible Court Condition Violation involving her ex-boyfriend Brian Postler (DOB [REDACTED]). [REDACTED] recently moved into Postler's residence located at this address.

[REDACTED] advised on 05/29/14, Postler was arrested for Domestic Assault ([REDACTED]) involving [REDACTED] and was released on court conditions on 05/30/14. [REDACTED] advised that Orange County Deputy States Attorney Dickson Corbett had contacted her before and after the arraignment. [REDACTED] advised OCDSA Corbett advised her on 05/30/14, sometime in the afternoon that it was ok for Postler to retrieve his personal belongings (Heart medicine, vehicle, clothes, etc;) at the residence. Peer stated she was advised by OCDSA Corbett that Postler has court conditions stating that he cannot have contact with her or her daughter, he cannot harass her and he cannot enter the property located at [REDACTED], Thetford, VT.

[REDACTED] advised on 05/30/14, at approximately 1630 hrs, Postler arrived at the residence to retrieve his belongings and tried to enter the residence with a spare key. [REDACTED] advised she had barricade the door so Postler could not enter and Postler stated "what the hell" through the door. [REDACTED] advised she told Postler his personal belongings were in his vehicle and if he did not leave she was going to call 911. [REDACTED] advised Postler left the residence. [REDACTED] advised late Friday night (05/30/14) she heard someone walking around the residence and stayed up all night with the phone in her hand.

[REDACTED] advised on 05/31/14, at approximately 0600 hrs, Postler again came to the residence to try and obtain some of his personal belongings. [REDACTED] advised she threw Postler a pair of shoes and he left. [REDACTED] advised then on 05/31/14, at approximately 0800 hrs, Postler returned again to the residence while she was on the phone with her sister [REDACTED] from NJ. [REDACTED] advised [REDACTED] could hear Postler yelling at her so [REDACTED] told her to hang up and call 911. [REDACTED] advised seconds later Postler backed in the driveway and threatened to kill her after refusing to talk to him.

[REDACTED] advised Postler had asked her why she called 911 on him, but not on a [REDACTED] who had assaulted her in January of 2014. [REDACTED] advised Postler told her not to contact the police then because they ([REDACTED]) would kill her if she did. This was investigated by Thetford Police Officer Rogers on 01/30/14. (14TF0032) Peer also provided a written sworn statement regarding that incident that was investigated by Officer Rogers on 01/30/14.

[REDACTED] sister [REDACTED] (DOB [REDACTED]) of Long Branch, NJ advised on 05/31/14, at approximately 0830-0845 hrs, she was speaking to her sister [REDACTED] on the telephone when she heard [REDACTED] say [REDACTED] is here. [REDACTED] advised she heard a male subject yelling something about shoes and then saying "I can't believe you fucking threw me out of my own house" and [REDACTED] stating "I am on the phone with my sister, not the police".

[REDACTED] advised Postler's statements still echo in her mind by him stating "you say

anything to anyone, your dead" and "if you call 911, I'll kill you". [REDACTED] advised she is sad, angry, tired, in a lot of pain and very confused. [REDACTED] provided a written sworn statement pertaining to these current events of Postler entering the property, threatening and harassing her and violating his Conditions of Release. A copy of these statements are attached and incorporated into this case.

Upon looking at Postler's conditions of release dated 05/30/14, and granted by the Honorable Judge Robert Bent of Orange County Superior Court, it states the following:

Docket# 216-5-14 Oocr

#14. You must not have contact with: [REDACTED] and [REDACTED]. This includes in person, in writing, by telephone, by email or through a third person regardless of whether you are in jail or released.

#15. You must not abuse or harass in any way: [REDACTED] and [REDACTED] regardless of whether you are in jail or released.

#31. You shall not enter onto [REDACTED] Thetford, VT. This condition shall expire on June 4, 2014 at 1200 PM.

Because Postler had entered [REDACTED]. Thetford, VT, threatened and harassed [REDACTED] on 05/30/14 and 05/31/14, after his release, Postler will be charged with a violation of conditions of release, Title 13 VSA 7559, when contact is made.

On 05/31/14, at approximately 1800 hrs, Brian Postler came to VSP Bradford and provided a written sworn statement to Trp. Schlesinger. Postler advised on Thursday at approximately 1800 hrs, he picked up his vehicle at his cabin. Postler advised he did not go to his cabin at all on 05/31/14. As of Thursday (05/29/14) at approximately 2118 hrs, Postler was arrested for Domestic Assault and was incarcerated until 1230 hrs, on 05/30/14.

On 05/31/14, Brian Postler was issued a new Conditions of Release order by Orange County Court Clerk Tari Scott and to appear in Orange County Superior Court on 06/02/14, at 1230 hrs, for the above charge. Postler was not finger printed or photographed.

Law Supplemental Narrative:

Seq Name	Date	Supplemental Narratives Narrative
1 Schlesinger, J	22:35:20 05/31/2014	

Supplemental Report of Trooper Jason Schlesinger
14B301008

On 5/31/14 at approximately 1800 hours I met with Brian Postler at the Bradford barracks. I spoke with Postler about being at his residence at [REDACTED] in Thetford. Postler has been ordered by the court not to go to the residence. Postler stated that he had only been to the residence one time and it was to retrieve his vehicle from the driveway. Postler stated that the keys were in the vehicle and some of his clothes were inside. Postler stated that he did not go up to the residence or see [REDACTED] [REDACTED]. I obtained a written statement from Postler and called the court clerk. I was advised to issue Postler with another set of conditions and to issue a citation for Monday 6/2/14 and to remind Postler that he can be sent to jail for violating these conditions. Postler stated over and over again that he had not been to the residence and had no conversations with [REDACTED]. Postler signed his conditions and left the Bradford Barracks with out incident.

This ends my involvement.

:

Law Supplemental Narrative:

Seq Name	Date	Supplemental Narratives Narrative
4 Taylor, C	12:07:44 01/23/2015	

Orange County State's Attorney's Face Sheet
Case Number: 14B301008

Disposition Date: 1/8/15

Dismissed by State's Attorney.

Victim last known location is in NY state and last communication was request that cases be dismissed. Insufficient other evidence to sustain victimless prosecution given cost of travel of the NJ witness.

DETAILS	PARTY(S)	VEHICLE(S)	PROPERTY(S)	CHARGE(S)/OFFENSE(S)	NARRATIVE
App Number		14TPO032		Other	Raper, Stuart (Badge #:)
Type		Law			
Start Date/Time		2014-01-30 10:50:28		End Date/Time	2014-01-30 18:50:28
Agency		Thetford PD		Location	181 ACADEMY RD Thetford VT 05074

DETAILS	PARTY(S)	VEHICLE(S)	PROPERTY(S)	CHARGE(S)/OFFENSE(S)	NARRATIVE
App				Other	
Completed		Grace Pear			Gender Female

DETAILS	PARTY(S)	VEHICLE(S)	PROPERTY(S)	CHARGE(S)/OFFENSE(S)	NARRATIVE		
Code	Description	Status	# Premises Entered	Entry Method	Location	Bus	Weapon
CITA	Citizen Assist	Closed					

PEER--HIGHLIGHTS & QUESTIONS re: Clara Martin Notes

October 25 , 2012

--Peer called 911 & was brought to DHMC.

June 21, 2013

--Adult Protective Services was called.

January 21, 2014

--Peer reported to CMC that she was injured on 1/6.

January 23 ,2014

--CMC reports physical abuse to APS.

January 30, 2014

--CMC spoke with VSP.

--CMC spoke with Thetford Police

--CMC spoke with Thetford Police who reported that Peer had called twice about door.

--CMC spoke with Thetford Police.

Question: Who called 911?

January 31,2014

--CMC discussed Peer with Janice of APS.

February 3, 2014

--Thetford Academy was shut down due to Peer's wellness check.(of 1/30/2014)

Question: What was the nature of the danger associated with the wellness check that "shut down" Thetford Academy?

February 4,2014

--CMC discussed Thetford Police's call regarding community member offer of respite for Peer's daughter.

--CMC received phone call from Thetford Police re Peer's recent abuse and wellness check..Thetford police Chief plans on suggesting community member report concern to CMC.

Question: Who is this community member?

February 6,2014

---CMC concerned about staff safety re;abuser..2 staff will always be present at Peer's home.

Question: What was the nature of the threat posed by abuser to CMC staff?

February 7,2014

--Peer gave statement to police regarding physical abuse and names of abusers but the statement read back was not the same as she gave..

March 27,2014

--Peer contacted Haven for support

May 20,2014

--Peer reports to William Giblin (Individual Therapy) her assault in January.

May 30,2014

--Peer talked to DA

--DCF report # 167659.

--CMC discussed Peer with Upper Valley Haven

--CMC called Thetford Police and was directed to state Police (about cellphone) assist for her safety. Note: No Police were available.

June 2,2014

--Peer called Police. Postler arrested (again).

--DCF and APS reports made (on Friday).

NOTE: There are no reports regarding the Thetford Police Department known to exist (to date) regarding above involvement(s).

PEER,Kali..RE; "children at the scene" (for Peer Document Index)

SEE: VERMONT'S MODEL PROTOCOL:

Law Enforcement Response to Children at the Scene of a Domestic Violence Incident
Established June 2004, Revised August 2007 & September 2010

THERE is no evidence that regarding the stalking, false imprisonment, home invasion, serial abuse, beating, and rape, of Kali May Peer's mother, Grace Michele Peer, which was duly reported to Thetford Police, Vermont State Police, and Orange County State's Attorney, from 1/2014 to 5/2014, that Law Enforcement ever

1. Assessed whether Kali was physically present.
2. Assessed whether Kali was physically harmed.
3. Minimized the impact and repercussions to Kali.
4. Empowered Kali in the process.
5. Maintained Kali's safety; or
6. Maintained batterer accountability.

NOTE

1. In 2014 Kali was 14 years old.
2. In 2017 Kali had the first of 4 (to date) involuntary hospitalizations, 3 at Greater Binghamton Health Center, NY & 1 briefly in VT, for schizoaffective disorder.
3. Since 2017 Kali has called 911 over 2 dozen times.
4. The 911 calls are always the same: "My mother is being held prisoner and being beaten and raped."
5. When not hospitalized or in out-patient transition, heavily medicated, Kali, in the psychotic throes of her trauma, often finds herself homeless, on the streets, reliving the assaults of 2014 of Thetford Vermont.
6. Kali's trauma is a profound testimony that, at the scene(s) of violence in 2014, she was PRESENT AND HARMED.

NOTE

1. Law Enforcement's Wellness check of Grace Michele Peer on 1/30/14 required Thetford Academy, where Kali was a student, to "shelter in place".

NOTE

1. In 2017 after the passage of ACT 56 20 VSA 2401 (effective July 1, 2018) James Wolcott spoke with Richard Gautier, executive director of the Vermont Criminal Justice Training Council, regarding the false statements Thetford Police Officer Stuart Rogers made on 5/31/14 to VSP Trooper Ostrout (# 14B301008) regarding the violent assault(s) of Grace Michele Peer by Ronald Sweet (& Brian Postler) on or about 1/4/14. Richard Gautier was very clear (quote): Lying to a Law Enforcement Officer is a crime.



james wolcott <jameswolcott054@gmail.com>

PEER,Kali

james wolcott <jameswolcott054@gmail.com>
To: siri.rooney@vermont.gov, Indigo Rivers <deepindigorivers@gmail.com>

Fri, Apr 17, 2020 at 1:18 PM

Siri--

Please review carefully and add to PEER DOCUMENT INDEX.

Please work with Michele (& her daughter, Kali) so that they may have their day in court.
To that end, help them recover all documents from the Orange County Court, RFAs & others, 911 calls of the years 2013
2014 2015, and all VSP Incident Reports unredacted.

Also, please note that by all accounts, Kali has been trying to articulate the harm she suffered, a harm which was not only
psychological but physical.

Also note that the term "domestic" as a descriptive term of the violence is erroneous and misleading. What happened was
stalking, home invasion, and false imprisonment. The violence occurred at various locations and various times.

Going forward, hopefully your advocacy will help not only Michele but Kali.

Thank You

James Wolcott
[Quoted text hidden]

 **PEER,Kali.pdf**
30K



james wolcott <jameswolcott054@gmail.com>

PEER,Kali. RE; "children at the scene" i

james wolcott <jameswolcott054@gmail.com>

Tue, May 12, 2020 at 1:38 PM

To: Kyle Kapitanski <kkapitanski@orangecountysheriff.com>, Indigo Rivers <deepindigorivers@gmail.com>, william.porter@vermont.gov, siri.rooney@vermont.gov

Kyle Kapitanski--

As a member of the Orange County Sheriff Department's Special Investigations Unit, please read the attached & consider carefully. Kali May Peer relives the trauma she suffered in 2014 in Thetford VT daily.

Please forward to Orange County's Child Advocacy Center's Executive Director Ferron Wambold & CAC Executive Director Wendy Loomis with the question:

Can CAC be an advocate for Kali?

Contact, Kali's mother: GRACE MICHELE PEER at deepindigorivers@gmail.com

Thank You

James Wolcott
Jeffersonville VT
jameswolcott054@gmail.com
[Quoted text hidden]

**PEER,Kali. RE; "children at the scene"**
31K**i.pdf**

PEER DOCUMENT:LAW ENFORCEMENT OFFICERS

Who have received these documents in one form or another to date (June 4 2020)

Thetford Police Officer Stuart Rogers 2014

Vermont State Police Trooper Ostrout 2014

Dixon Corbett, Orange County State's Attorney 2014,2017

William Sorrel, Attorney General,2017

TJ Donovan, Attorney General,2018

Michael Evans, Chief of Thetford Police, 2019

Detective Metayer, VSP, Williston Barracks, 2019

Lieutenant Lucas, VSP, Williston Barracks, 2019

William Porter, Orange County State's Attorney, 2020

Captain Gary Scott, VSP, Williston Barracks, 2020

FAILURE TO REPORT as a taking or seizure, VT Constitution
12/26/19

QUESTION.

When does Law Enforcements' failure to report constitute a "taking" or seizure as defined by Articles 9,10, and 11 of the Vermont Constitution?*(Article 7)

CONTEXT,in brief.

In January of 2014, Grace Michele Peer was brutally assaulted by 2 men on multiple occasions in Thetford VT.---- PICTURES attached.

She duly reported those assaults to the best of her ability at the time, under daily threats to her & her 14 year old daughter's life, documenting the injuries, to Thetford Police Officer Rogers, VSP Trooper Ostrout, and Orange County Deputy State's Attorney Dickson Corbett.

On 5/31/14, VSP Incident Report #14B301008. Officer Rogers made false statements to Trooper Ostrout that he had investigated those incidents.--REPORT attached.On that day,Ostrout viewed the pictures Peer took of her injuries.

ZULLO v VERMONT. Individuals can sue officers who "knew or should have known" that they were violating "clearly established law"...victims can sue officers who "acted in bad faith" defined as "ill will or wrongful motive".

Subsequently, she and her daughter had to flee the State for their lives

INJURIES: complex ptsd. Recurring terror, mania, anxiety.

Her daughter has been in the Psych ward ,involuntary committed, receiving treatment for trauma which has manifested itself as psychoaffective disorder, marked by extreme sudden episodes of disassociation, leaving her "incompetent."

VICTIM's RIGHTS as per 13VSA Chapter 165 Victims, were never extended to her & her daughter. State's Attorney Corbett claims he cannot proceed without Law Enforcement "paper work"..

No investigation was done. To this day, continuing to report, she and her daughter have not had their day in court.

Article 9 of the Vermont Constitution: "That every member of society hath a right to be protected in the enjoyment of life, liberty, and property..."

ANSWER

****When the TAKING is of life, liberty, and livelihood.(property) by crippling terror, mania, and anxiety, loss of sleep, eating disorders, vision impairment, cognitive impairment, involuntary movements of the body, excruciating pain on the right side of the head, speech impairment, inability to work, random disassociation, Intracranial Hypertension.**

IN 2012 Clara Martin Center (Randolph VT) deemed PEER "a vulnerable adult".

SEE; Doe v Forrest 2004 vt 371 "vicarious liability".

SEE: In re Town Highway No 20 2012 vt 17 "common benefits"

VERMONT VICTIMS' RIGHTS LAWS¹

Constitution

Vermont does not have a victims' rights amendment to its constitution.

Statutes

Title 13, Crimes and Criminal Procedure; Part 2, Criminal Procedure Generally; Chapter 165, Victims

§ 5301 – Definitions

As used in this chapter:

- (1) “Disposition” means the sentencing or determination of penalty or punishment to be imposed upon a person convicted of a crime or against whom a finding of sufficient facts for conviction is made.
- (2) “Family member” means a spouse, child, sibling, parent, next of kin, domestic partner, or legal guardian of a victim.
- (3) “Restitution” means money or services which a court orders a defendant to pay or render to a victim as a part of the disposition.
- (4) “Victim” means a person who sustains physical, emotional or financial injury or death as a direct result of the commission or attempted commission of a crime or act of delinquency and shall also include the family members of a minor, incompetent or a homicide victim.
- (5) “Affected person” means any of the following persons who has requested notification in writing from the court or the department of corrections:
 - (A) Witnesses;
 - (B) Jurors;
 - (C) Family members who are not covered by subdivision (4) of this section;
 - (D) Any other persons who demonstrate to the court that the release or escape of a defendant will constitute a threat of physical, emotional or financial injury or death.

(6) "Release" means release from a correctional facility to furlough or to probation or parole supervision, release from a correctional facility upon expiration of sentence or release from a correctional facility on bail after the defendant's initial appearance.

(7) For the purpose of this chapter, "listed crime" means any of the following offenses:

(A) stalking as defined in section 1062 of this title;

(B) aggravated stalking as defined in subdivision 1063(a)(3) or (4) of this title;

(C) domestic assault as defined in section 1042 of this title;

(D) first degree aggravated domestic assault as defined in section 1043 of this title;

(E) second degree aggravated domestic assault as defined in section 1044 of this title;

(F) sexual assault as defined in section 3252 of this title or its predecessor as it was defined in section 3201 or 3202 of this title;

(G) aggravated sexual assault as defined in section 3253 of this title;

(H) lewd or lascivious conduct as defined in section 2601 of this title;

(I) lewd or lascivious conduct with a child as defined in section 2602 of this title;

(J) murder as defined in section 2301 of this title;

(K) aggravated murder as defined in section 2311 of this title;

(L) manslaughter as defined in section 2304 of this title;

(M) aggravated assault as defined in section 1024 of this title;

(N) assault and robbery with a dangerous weapon as defined in subsection 608(b) of this title;

(O) arson causing death as defined in section 501 of this title;

(P) assault and robbery causing bodily injury as defined in subsection 608(c) of this title;

(Q) maiming as defined in section 2701 of this title;

(R) kidnapping as defined in section 2405 of this title or its predecessor as it was defined in section 2401 of this title;

(S) unlawful restraint in the second degree as defined in section 2406 of this title;

(T) unlawful restraint in the first degree as defined in section 2407 of this title;

(U) recklessly endangering another person as defined in section 1025 of this title;

(V) violation of abuse prevention order as defined in section 1030 of this title, excluding violation of an abuse prevention order issued pursuant to 15 V.S.A. § 1104 (emergency relief) or 33 V.S.A. § 6936 (emergency relief);

(W) operating vehicle under the influence of intoxicating liquor or other substance with either death or serious bodily injury resulting as defined in 23 V.S.A. § 1210(e) and (f);

(X) careless or negligent operation resulting in serious bodily injury or death as defined in 23 V.S.A. § 1091(b);

(Y) leaving the scene of an accident with serious bodily injury or death as defined in 23 V.S.A. § 1128(b) or (c);

(Z) burglary into an occupied dwelling as defined in subsection 1201(c) of this title;

(AA) the attempt to commit any of the offenses listed in this section;

(BB) abuse (section 1376 of this title), abuse by restraint (section 1377 of this title), neglect (section 1378 of this title), sexual abuse (section 1379 of this title), financial exploitation (section 1380 of this title), and exploitation of services (section 1381 of this title);

(CC) aggravated sexual assault of a child in violation of section 3253a of this title;

(DD) human trafficking in violation of section 2652 of this title; and

(EE) aggravated human trafficking in violation of section 2653 of this title.

§ 5302 – Reporting to law enforcement agencies

Victims are eligible for the services set forth under this chapter only if the crime has been reported to law enforcement authorities.

§ 5303 – Legislative purpose

- (a) The fundamental objective underlying this chapter is the protection of victims of crime. This chapter seeks to ensure that crime victims are treated with the dignity and respect they deserve while functioning in a system in which they find themselves through no fault of their own. This chapter seeks to accommodate that objective and balance crime victims' needs and rights with criminal defendants' rights.
- (b) This chapter also seeks to reduce the financial, emotional and physical consequences of criminal victimization, to prevent victimization by the law enforcement and criminal justice system and to assist victims with problems that result from their victimization.
- (c) Victims of crime shall be treated with courtesy and sensitivity by the court system and the state's attorney's office. Those responsible should ensure that the process of criminal prosecution moves smoothly and expeditiously and, after the conclusion of a prosecution, should cooperate in an appropriate manner with victims who seek to enforce their civil rights and remedies, which

cooperation may include preserving and producing evidence, documents and testimony to the victims for use in such efforts.

§ 5304 – Victims Assistance Program

(a) The center for crime victims services shall create and maintain a victims assistance program. Except as otherwise provided by law, victim advocates shall provide victims the following services:

(1) Information. Victims shall be informed as to the level of protection available, procedures to be followed in order to receive applicable witness fees, the right to seek restitution as an element of the final disposition of the case, and the right to appear at sentencing in accordance with section 7006 of this title.

(2) Notification. Victims, other than victims of acts of delinquency, shall be notified in a timely manner when a court proceeding involving their case is scheduled to take place and when a court proceeding to which they have been summoned will not take place as scheduled. Victims shall also be notified as to the final disposition of the case, and shall be notified of their right to request notification of a person's release or escape under section 5305 of this title.

(3) Services. Victims shall be entitled to:

(A) receive short-term counseling and support from the victim advocate and referrals for further services;

(B) assistance in obtaining financial assistance and minimizing loss of pay or other benefits resulting from involvement in the criminal justice process;

(C) assistance in documenting and preparing requests for restitution and insurance reimbursement;

(D) assistance in obtaining protection through local law enforcement agencies from harm and threats of harm arising out of their cooperation with the court system;

(E) assistance in the return of property from law enforcement agencies;

(F) assistance and support in dealing with law enforcement agencies;

(G) transportation as needed to court proceedings.

(b) A victim may decline any service provided by the victims assistance program under this section.

§ 5305 Information concerning release from confinement

(a) Victims, other than victims of acts of delinquency, and affected persons shall have the right to request notification by the agency having custody of the defendant before the defendant is released, including a release on bail or conditions of release, furlough or other community program, or whenever the defendant escapes, is recaptured, dies, or receives a pardon or

commutation of sentence. Notice shall be given to the victim or affected person as expeditiously as possible at the address or telephone number provided to the agency having custody of the defendant by the person requesting notice. Any address or telephone number so provided shall be kept confidential.

(b) If the defendant is released on conditions at arraignment, the prosecutor's office shall inform the victim of a listed crime of the conditions of release.

(c) If requested by a victim of a listed crime, the department of corrections shall:

(1) at least 30 days before a parole board hearing concerning the defendant, inform the victim of the hearing and of the victim's right to testify before the parole board or to submit a written statement for the parole board to consider; and

(2) promptly inform the victim of the decision of the parole board, including providing to the victim any conditions attached to the defendant's release on parole.

§ 5306 – Victim advocates

In order to carry out the provisions of the victims assistance program, state's attorneys are authorized to hire victim advocates who shall serve at their pleasure.

§ 5307 – Cooperation

State's attorneys, local law enforcement agencies, local social service agencies and courts shall cooperate to afford victims of crimes the right and services described in this chapter; however, victim advocates shall not delegate to these agencies or to the courts the duties imposed on them under section 5304 of this title.

§ 5308 – Notice and right to be present at arraignment

If practicable the victim of a listed crime shall be given notice of the defendant's arraignment by the law enforcement agency that issued the citation or made the arrest. The victim of a listed crime shall have the right to be present at the defendant's arraignment. The prosecutor's office shall inform the victim about the issues concerning bail and the prosecutor shall advise the court of the victim's position regarding bail.

§ 5309 – Presence in courtroom

The victim of a listed crime shall be entitled to be present during all court proceedings subject to the provisions of Rule 615 of the Vermont Rules of Evidence.

§ 5310 – Nondisclosure of information about victim

A witness testifying in a criminal proceeding, including any discovery proceedings, shall not be compelled to disclose the victim's residential address or place of employment on the record unless

the court finds, based upon a preponderance of the evidence, that nondisclosure of the information will prejudice the defendant.

§ 5311 – Prompt return of property

A law enforcement agency holding property of any individual shall take reasonable care of the property. Upon authorization of the prosecutor, the law enforcement agency holding the property, unless it is contraband or subject to forfeiture, shall promptly notify the individual that the property is no longer needed for evidentiary purposes and may be picked up by the individual.

§ 5312 – Victim's interest in speedy prosecution

- (a) The prosecutor's office, if practicable, shall inform a victim of a listed crime of any pending motion that may substantially delay the prosecution. The prosecutor shall inform the court of the victim's position on the motion, if any.
- (b) If a victim of a listed crime objects to a delay, the court shall consider the victim's objection.

§ 5313 – Limitations on employer

An employer may not discharge or discipline a victim of a listed crime or a victim's family member or representative for honoring a subpoena to testify.

§ 5314 – Information from law enforcement agency

- (a) Information to all victims. After initial contact between a victim and a law enforcement agency responsible for investigating a crime, the agency shall promptly give in writing to the victim:
 - (1) an explanation of the victim's rights under this chapter and chapter 167 of this title;
 - (2) information concerning the availability of:
 - (A) assistance to victims, including medical, housing, counseling and emergency services;
 - (B) compensation for victims under chapter 167 of this title, and the name, street address and telephone number of the center for crime victims' services;
 - (C) protection for the victim, including protective court orders; and
 - (D) access by the victim and the defendant to records related to the case which are public under the provisions of subchapter 3 of chapter 5 of Title 1 (access to public records).
- (b) Information to victims of listed crimes. As soon as practicable, the law enforcement agency shall use reasonable efforts to give to the victim of a listed crime, as relevant, all of the following:
 - (1) Information as to the accused's identity unless inconsistent with law enforcement purposes.
 - (2) Information as to whether the accused has been taken into custody.

- (3) The file number of the case and the name, office street address and telephone number of the law enforcement officer currently assigned to investigate the case.
- (4) The prosecutor's name, office street address and telephone number.
- (5) An explanation that no individual is under an obligation to respond to questions which may be asked outside a courtroom or deposition.

§ 5315 – Information concerning appeal or post-conviction remedies

If the defendant appeals or pursues a post-conviction remedy, the prosecutor's office shall promptly inform the victim of a listed crime of that fact, shall explain the significance of such a proceeding and shall promptly notify the victim of the date, time and place of any hearing and of the decision.

§ 5316 – Complete identification by prosecution and defense

Any individual associated with the prosecution or defense of a listed crime, including attorneys, investigators or experts, who comes in contact with the victim or the victim's family shall properly identify himself or herself and by whom he or she is employed.

§ 5317 – General requirements for information

- (a) The information required to be furnished to victims under this chapter shall be provided upon request of the victim and unless otherwise specifically provided, may be furnished either orally or in writing.
- (b) A person responsible for furnishing information may rely upon the most recent name, address and telephone number furnished by the victim.
- (c) The court, state's attorneys, public defenders, law enforcement agencies, and the departments of corrections and of public safety shall develop and implement an automated notification system to deliver the information required to be furnished to victims under this chapter.

§ 5318 – Derivative rights of member of victim's family

- (a) If the victim is a minor or is unable to exercise his or her rights under the provisions of this chapter, section 7006 of this title, or section 507 of Title 28, a family member of the victim shall be permitted to do so in place of the victim. If more than one family member of the victim's family attempts to exercise the victim's rights, the court may designate one of them to exercise those rights based on the best interest of the victim. If no family member is able to exercise such rights, a victim's advocate or other representative may, in situations where a victim is authorized by law to address the court or parole board, attend and read to the court or parole board a written statement prepared by the victim or the victim's family member without the assistance of the prosecutor or a law enforcement officer.

- (b) If a victim is a minor or is incapacitated, incompetent, or deceased, a family member of the victim may exercise the rights of the victim under sections 5305, 5308-5317, and 7006 of this title; 28 V.S.A. §§ 205, 252 and 507; and 33 V.S.A. § 5529a.

§ 5319 – Victim not a party

The rights of victims contained in this chapter do not entitle a victim to be a party in any proceeding, or to any procedural rights which are not specifically provided for in this chapter, including any right to request a delay or rescheduling of any proceeding.

§ 5321 – Appearance by victim

- (a) The victim of a crime has the following rights in any sentencing proceedings concerning the person convicted of that crime:
- (1) to be given advance notice by the prosecutor's office of the date of the proceedings; and
 - (2) to appear, personally, to express reasonably his or her views concerning the crime, the person convicted, and the need for restitution.
- (b) Sentencing shall not be delayed or voided by reason of the failure to give the victim the required notice or the failure of the victim to appear.
- (c) In accordance with court rules, at the sentencing hearing, the court shall ask if the victim is present and, if so, whether the victim would like to be heard regarding sentencing. In imposing sentence, the court shall consider any views offered at the hearing by the victim. If the victim is not present, the court shall ask whether the victim has expressed, either orally or in writing, views regarding sentencing and shall take those views into consideration in imposing sentence.
- (d) At or before the sentencing hearing, the prosecutor's office shall instruct the victim of a listed crime, in all cases where the court imposes a sentence which includes a period of incarceration, that a sentence of incarceration is to the custody of the commissioner of corrections and that the commissioner of corrections has the authority to affect the actual time the defendant shall serve in incarceration through good time credit, furlough, work-release and other early release programs. In addition, the prosecutor's office shall explain the significance of a minimum and maximum sentence to the victim and shall also explain the function of parole and how it may affect the actual amount of time the defendant may be incarcerated.
- (e) The prosecutor's office shall use all reasonable efforts to keep the victim informed and consult with the victim throughout the plea agreement negotiation process in any case involving a victim of a listed crime.

§ 5322. Confidentiality

When responding to a request for public records, or on any state website or state payment report, the state of Vermont shall not disclose to the public the name or any other identifying information, including the town of residence or the type or purpose of the payment, of an applicant to the victim's compensation program, a victim named in a restitution judgment order, or a recipient of the domestic and sexual violence survivors' transitional employment program.

YOUR RIGHTS AS A VICTIM OF CRIME IN VERMONT

KEEP THIS HANDOUT FOR FUTURE REFERENCE

As a victim of a crime, or a victim's family member, you may feel helpless, angry or fearful. The criminal justice system can be confusing and frustrating. There are free services designed to help minimize the physical, financial, and emotional damage of criminal victimization. **AS A VICTIM OF CRIME, YOU HAVE RIGHTS!** *NOTE: Some of these rights only apply if your offender is criminally charged.*

The Right to Choice

You have the right to choose the ways you will participate if your case moves through the criminal justice process. Some of the ways you may participate are described in this handout. You can decline any of the services that are offered to you.

It is important that you know you are under **no** obligation to respond to questions regarding this crime from anyone outside a courtroom or a deposition. A deposition is where a person gives recorded sworn testimony.

The Right to Have a State's Attorney Victim Advocate

If your offender is charged, your case will be assigned a State's Attorney (SA) Victim Advocate. SA Victim Advocates are available to provide support and information throughout the criminal justice process. Your SA Advocate will help you understand and exercise your rights and can assist you with the following: Completing paperwork, requesting financial assistance, communicating with law enforcement, and arranging transportation. Additionally, your SA Advocate will give you notice of court proceedings and can make referrals for further services.

If you have any questions or concerns about this case, you should contact your SA Advocate at the State's Attorney's Office (see box).

*NOTE: Information that you share with the State's Attorney's Victim Advocate is **NOT** confidential. Information may be shared with the State's Attorney, who may have an obligation to share it with the defense attorney and the Court.*

The Right to Safety

- If you think you are being harassed or intimidated, ask the police for information about the various forms of protection that may be available to you. Witness tampering is a crime.
- If you are afraid for your safety, you may be able to obtain a court issued protective order. For further information contact police or your SA Advocate.
- If you are testifying in a criminal case, you **can't** be forced to reveal your home address or place of employment, unless the court finds that keeping this information private will hurt the defendant's case.
- If you are a witness, you may have to give a deposition. You may ask for your SA Advocate and/or a private attorney to be with you during the deposition. The defendant may not be there without your agreement, unless the judge orders it. No attorney may act in ways that harass or intimidate you.
- If the defendant is in Department of Corrections (DOC) custody, see "The Right to Information and Notification" section.
- If you are a victim of domestic violence, sexual violence, stalking, or human trafficking and want to keep knowledge of your new address from the defendant, the "Safe at Home" address confidentiality program may be able to help. For more information about the program call (800) 439-8683 or visit the website at <http://www.sec.state.vt.us/otherprg/safeathome/safeathome.html>.

The Right to Financial Assistance

The Victim Compensation Program provides limited financial assistance to victims of crime who have experienced a financial loss as the direct result of the crime, as long as the loss is not reimbursable through other sources, such as insurance. Immediate family members of homicide victims are also eligible. For more information about Victim Compensation Program, contact the Vermont Center for Crime Victim Services (see box). *Note: Property losses are generally not covered.*

Through your local State's Attorney's Office:

- You have the right to receive witness fees and mileage costs, if you are called as a witness of the State or subpoenaed to testify in court.
- If you have suffered any uninsured crime-related losses, you have the right to request restitution.
- Restitution can be ordered by the court as part of the defendant's sentence. Saving receipts and other documents is very important, as this information will be needed in order to verify your losses. Your SA advocate can assist you with your claim. For additional information about restitution, you can call the Restitution Unit at

(802) 241-4688 or toll free at (800) 584-3485 (VT ONLY).

This form can also be viewed at:

www.ccv.s.state.vt.us

Vermont Center for Crime Victim Services
Victim Compensation Program
58 South Main Street, Suite 1
Waterbury, VT 05676-1599



1-800-750-1253 (VT only)

1-802-241-1250 (Voice)

1-802-241-1253 (fax)

www.ccv.s.state.vt.us

The Right to Information and Notification

If your offender is charged, you have the right:

- To be notified when any court proceeding is scheduled for this case.
 - To be notified when a court proceeding has been cancelled or postponed, if your presence was requested at that hearing.
 - To be notified of the conditions of release and issues concerning bail.
 - To be notified of the sentencing date, if you asked to be notified.
 - To be notified of the court's final decision and sentence.
 - If a defendant is sent to prison, you can ask the Department of Corrections to notify you of the defendant's release, escape, recapture, death, pardon, or commutation of sentence. To make this request, call DOC's Victim Services Program at (800) 810-1847.
- Note: You will not automatically be notified if the defendant is moved to another correctional facility, or of his/her release date, or of a change in his/her custody level. However you can locate the defendant by using the Vermont Automated Notification Service (VANS).*

Additionally, you have the right to the following information:

- Access to public records, related to this case, which are considered public under the law. To request these records, call the records division of the investigating police agency.
- Victims of sexual crimes have the right to receive information from the Vermont Sex Offender Registry. If requested, the Sex Offender Registry will notify you in writing if your offender changes his address. Forms for this request can be obtained from Vermont Center for Crime Victim Services. For additional information and to access the registry visit: http://vcic.vermont.gov/sex_offender.

If Your Offender is Charged, You Have the Right to Be Heard

- You have the right to come to the sentencing and address the Court. Your views must be heard and considered by the Court.
- If you are not at the sentencing hearing you may send a written or tape-recorded statement about the impact the crime had on you and how you feel about the sentence.
- If you are a minor, or unable to exercise your rights at sentencing, a family member, the SA Victim Advocate, or another representative may do so in your place.
- If the defendant is sentenced to jail, you may have the right to address the parole board prior to the defendant's release. To find out if you have this right, contact DOC's Victim Services Program at (800) 810-1847.

Information for Victims of Domestic and Sexual Violence

Your local Vermont Network program (see box) supports victims and survivors of domestic and sexual violence. This support may include: free and confidential 24/7 hotline support, help with the legal system, financial and personal advocacy, medical advocacy, help finding emergency shelter, and assistance filing a protection order.

If you are being abused by a partner or family member, you can request a Relief from Abuse Order (protection order or RFA) from the Family Division of Superior Court. RFAs can be obtained 24/7 and may order your abuser to stop hurting you, leave your home, and grant you temporary custody of your children. An advocate can help you with this. After court hours call (800) 540-9990.

If you have been sexually assaulted or stalked by someone who is not a family member, an advocate can help you file for a Sexual Assault or Stalking Order which may order the perpetrator to stay away from you and/or stop contacting you. You can apply for these orders at Civil Court during regular court hours.

A violation of these orders is a crime and should be reported to the police. Orders are recognized across state lines.

Additional Information for Victims of Sexual Violence

If you are a victim of sexual violence, an advocate can help you figure out your options. An advocate from your local Vermont Network program (see box) is confidential and can go with you to the hospital or to a doctor and can help you get legal, police, and social services. *If you are a minor or are concerned about confidentiality, you may want to call the hotline anonymously.*

You have the right to request a Sexual Assault Nurse Examiner (SANE) at every hospital in Vermont. SANEs are trained in examining and treating injuries related to sexual violence. They can provide medical care, perform a sexual assault exam, give you information, and gather medical evidence which can be stored anonymously for up to 6 months while you decide whether to report the crime to the police. *If you are minor (under 18 years of age), a SANE will be required to report the sexual violence to the Department for Children and Families (DCF).*

If you are worried about being exposed to HIV as a result of a sexual assault, a SANE can perform an HIV screening, give you medication to prevent HIV infection, and refer you to a local infectious disease specialist. Medication to prevent HIV infection work best if taken within 48 hours (2 days) of a sexual assault. If you suspect that you were drugged with a predatory drug such as Rohypnol, GHB, or Ecstasy, a SANE nurse can test you for drug traces. It is important that you get tested within 24 hours for the most accurate results.

All of these services are free, except for drug testing. You do not have to have health insurance and any identifying information will be kept confidential. If you seek medical services from someone other than a SANE, you can still receive services for free. For more information, call the Vermont Center for Crime Victim Services Sexual Assault Program at (800) 750-1213.

Domestic Violence 24-Hr Hotline: 1-800-228-7395

Sexual Violence 24-Hr Hotline: 1-800-489-7273

These hotlines are confidential with a few exceptions. If you have concerns about your confidentiality, talk to the hotline about your concerns first.

Find more information about your nearest network program at www.vtnetwork.org

Other Statewide Resources

Vermont's statewide information services: 2-1-1

Child Abuse Reporting hotline: (800) 649-5285

Deaf Vermonters Advocacy Services: (802) 661-4091 (TTY)

Vermont Automated Notification Service (VANS): (866) 976-8267 or visit www.vinellink.com

LGBTQQ Survivors of Violence, support: (866) 869-7341

Adult Protective Services: (800) 564-1612

Vermont Human Trafficking Hotline: (888) 984-8626

How to file for a RFA Order:

You can file for an Emergency or Non-Emergency RFA order during court hours. Emergency filing can be done any time of the day or the night.

To file for a RFA order you must show that the defendant is one of the following:

- Family Member
- Household Member
- Current or former spouse
- Person you have lived with
- Person you have dated
- Person you have had a sexual relationship with or a sexual encounter

If your relationship with the defendant isn't included in any of the above, you may be eligible to file for a Stalking or Sexual Assault order. You can pick up Stalking or Sexual Assault brochure at the court or www.vermontjudiciary.org.

And you must also show that:

- The defendant physically harmed you
- The defendant attempted to harm you
- The defendant put you in fear of serious physical harm
- And you are afraid that the defendant will harm you, or put you in fear of serious physical harm in the future

You will need to fill out a complaint form and write a sworn affidavit. A judge will review your filing the same day it is filed. Based on your filing, the judge will grant or deny your request for an Emergency RFA Order.

If your request for an Emergency Order is Denied

You may request a final hearing on your filing. You will have the chance to testify in court to try to prove your case. If you request a hearing, then your complaint, affidavit and hearing notice will be sent to law enforcement. Law enforcement will then serve the defendant in hand with the paperwork. If you decide not to request a final hearing, your complaint and affidavit will be kept confidential and the defendant will never be able to get a copy of the emergency paperwork that you filed.

If Your Emergency Order is Granted

The emergency order issued by the judge is only a temporary order, it stays in effect until your final hearing. The final hearing will be scheduled within ten business days of your filing. At the hearing, you and the defendant will be able to tell the judge what happened and bring witnesses to testify.

The judge may order any of the following on a temporary basis:

- The defendant to stop abusing you and/or your children
- The defendant to stop harassing you and/or your children
- The defendant to stay a certain distance away from you, your children, your home, your work place, your vehicle
- The defendant to not contact you or to just allow certain kinds of contact
- The defendant to leave your home temporarily
- You to have temporary custody of the children

The court will send a copy of your complaint, affidavit and the temporary order, with the date of the hearing, to law enforcement and they will serve a copy to the defendant. Until law enforcement serves the paperwork the temporary order is not in effect.

Make sure you get a copy of your order from the court. The date and time of your hearing is on the second page of the order.

What to Expect at the Final Hearing

At the final RFA hearing both the plaintiff and defendant get a chance to testify. Also, each may bring witnesses to testify. The plaintiff may ask for an order to be granted for a specific period of time.

The plaintiff must appear for the hearing or the emergency order will automatically be dismissed. The defendant is not required to appear for the final hearing. If the defendant does not come to the hearing the court may still issue a RFA order. The final order is not in effect until the defendant has been served.

If after listening to all the evidence the judge decides that there is not enough evidence to issue a final order, the emergency order will end and the case will be closed.

Final Relief from Abuse Protection Order

Both the plaintiff and defendant will be given a copy of the order. If the defendant is not present at the hearing law enforcement will serve the defendant with a copy. If the judge issues a final order it must be for a specific period of time.

Before the final order expires the plaintiff may file a written request with the court to have the order extended. This paperwork is available at the courts, your local advocacy group and at www.vermontjudiciary.org.

Violation of the Final Order

It is a crime to violate a RFA order. If the defendant does something that the order says they cannot do, you should call law enforcement; law enforcement may arrest the defendant.

Number to call for a RFA order when the courts are closed:

1-800-540-9990

Available Help

**Domestic Violence Hotline
1-800-228-7395**

You can call the hotline and ask for your local domestic violence advocacy group's phone number.

Judiciary website:
www.vermontjudiciary.org

Filing for a Relief from Abuse Order in Family Court

This brochure is to help you understand how the law works for Relief from Abuse (RFA) orders. Please read this entire brochure before you file for a RFA order. The person requesting the relief from abuse order is the "plaintiff". The "defendant" is the person you want the order against. You do not have to be a citizen to file. There is no filing fee or costs.

A RFA order is an order issued by a judge in the family court to protect you and/or your children from the defendant.

This brochure only provides limited information. You may want to talk with an attorney.

Vermont Judiciary Online
www.vermontjudiciary.org

