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**TO: Members of the Senate Judiciary Committee**  
**FROM: Jennifer Poehlmann, JD**  
**Executive Director, Vermont Center for Crime Victim Services**  
**RE: S.89: An Act Relating to Establishing a Forensic Facility**  
**DATE: March 14, 2023**

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The Vermont Center for Crime Victim Services (“Center”) wishes to express its support for S.89: An Act Relating to Establishing a Forensic Facility. This Bill creates a new level of care for those who do not meet the standard for hospital level of care but need a secure setting, and is therefore essential from both a victim and public safety perspective. “Forced choice” situations rarely result in good outcomes; allowing for another option benefits all who are directly and indirectly impacted.

The Center requests one addition to the Bill; this addition relates to the assurance of notification of a victim of record upon discharge under 18 V.S.A. §8845. The language proposed in S.89 currently would require notification to the State’s Attorney’s Office of jurisdiction at least 10 days prior to the Commissioner’s order of discharge taking effect. (See Section 16)

We are requesting that the State’s Attorney also be directed to make “reasonable efforts to provide notice” to the victim of record. As defined elsewhere in statute “Notification efforts shall be deemed reasonable if the state’s attorney attempts to contact the victim at the last known address or telephone number provided.”

It should be noted that in 2021, when this Committee and this Legislature took up S.3: An Act Relating to Competency to Stand Trial and Insanity as a Defense, the Bill as enacted included similar notification as an amendment to commitment proceedings initiated under 13 VSA 4822(c)(2)(B)(ii): “When the State’s Attorney or Attorney General receives notice.....the Office shall provide notice of the action to any victim of the offense for which the person has been charged who has not opted out of receiving notice.” Further language in (iii) states that “”Victim” has the same meaning as in section 5301 of this title.”

Additionally, our proposed language requiring “reasonable efforts” is more reflective of the reality and the concerns that victim advocates often express around what lengths they are required to go to locate someone, and is a standard that practitioners are familiar with.

Providing notice does not interfere with the care and treatment of the person who caused harm and has no impact on the discharge determinations. Rather, providing notice to victims and survivors of the



discharge of an individual who has caused harm back into the community is critical to enabling victims to plan and provide for their own safety and to take any other measures to prepare themselves for the fact that in our small state, there is a good possibility they may see this person. You heard powerful testimony from homicide survivor Kelly Carroll on March 1<sup>st</sup>, during which she noted the lack of notification to victims concerning the discharge of the person who is alleged to have killed her daughter. Unfortunately, we know this is not an anomaly; this is the reality for victims in these cases.

We have frequently heard from countless victims, survivors and advocates that when a case goes the mental health route, it is as if it has fallen into a black hole. A provision directing notice to the victim will make a significant difference for victims/survivors and restore some ability for them to feel a little in control over the well-being of themselves and their families.

Thank you for your consideration.

