



Testimony on H.533 Victim Notification Bill
House Committee on Judiciary
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Thank you for taking the time to consider this legislation and for asking the Center to testify about it.

The State's Attorney Victim Advocates who support crime victims as they navigate the criminal justice process helped to bring this bill to fruition. Each of the provisions in this bill represents recurring circumstances where victims can be left in the dark about the whereabouts of their offender, only to learn by encountering the individual in the community.

The opportunity to be notified about an offender's custody status is a fundamental crime victim right. Notifications allow victims to plan for their safety and the safety of their families and to mentally prepare for seeing the offender in person. In domestic violence cases in particular, safety planning after an arrest and throughout prosecution is vital because of the heightened risk of re-offense during that time.¹ Generally, victim advocates perform notifications related to court procedures that are required under the statute. The statute also requires the agency that has custody of an offender to notify the victim prior to releasing the offender into the community, where the victim provides contact information and requests the notification.

¹ Domestic violence prosecutions are on the rise in Vermont. According to the Judiciary's FY14 Annual Report, in the five years between 2010 and 2014, the number of domestic violence felony cases filed in Vermont increased by an average of 30%.

This bill clarifies the victim notification requirements at three key phases in the criminal process: 1) when corrections terminates or discharges an offender from probation; 2) when an offender is arrested, cited, and then released back into the community by law enforcement prior to arraignment; and 3) when the Department of Mental Health discharges an offender after committing the individual under Title 13 and Title 18. The bill codifies some existing practices to ensure consistency throughout the system and closes the information loop where a victim may have several points of contact.

Section A adds “termination or discharge from probation” to the list of events for which a victim has the right to request notification prior to an offender’s release into the community. Victims must elect to receive these notifications by signing up for the Vermont Automated Notification System (VANS).

Section B addresses “cite-and-release” cases that advocates report are increasingly common and are especially problematic in domestic violence cases. In these cases, defendants are arrested, taken into custody for processing at the station, and the court is called to set bail and conditions of release, rather than lodging the offender until the arraignment. Often the offender is released, with or without conditions, without the victim having any knowledge that the offender is back in the community, all the while under the assumption that the offender will remain in custody for the time being. Because several days may pass before the state’s attorney’s office receives the case, the victim advocate does not have an opportunity to notify the victim. Therefore, Section B clarifies that where this practice occurs, law enforcement—the only source of information at this early stage in the case—is responsible for notifying the victim.

Section C can be seen as a companion to Rep. Clarkson’s Competency Hearing bill that the Committee heard about earlier in the morning. This provision would also give victims important protections in the event the former bill does not advance. Section C requires the Department of Mental Health to notify the State’s Attorney’s office for purposes of victim notification prior to discharging an offender from DMH custody.

Thank you again for the opportunity to provide these remarks.