



Testimony on S.206  
An Act Related to Probation, Parole, and Furlough Conditions  
Senate Committee on Institutions  
February 4, 2016

Cara Cookson  
Policy Director and Victim Assistance Program Coordinator  
Vermont Center for Crime Victim Services

Thank you for the opportunity to testify about this legislation before your Committee. VCCVS appreciates the need to minimize recidivism and reduce incarceration rates by providing non-violent offenders who pose a low risk of re-offense with opportunities to reintegrate and receive services close to home. ***VCCVS and the State's Attorney Victim Advocates who comprise the Vermont Victim Assistance Program are extremely concerned that S.206 would expose crime victims and the public at large to unnecessary risks by dismantling important checks on the probation, parole, and furlough programs.***

Every decision to place an offender on probation, parole, or furlough shifts some amount of risk back onto the public at large. These decisions represent a prediction that the benefit to the offender and the community as a whole outweighs the possibility that the offender will commit another crime. Probation, parole, and furlough conditions that are reasonably related to rehabilitation and public safety ensure that crime victims and the public don't shoulder the entire risk of re-offense. **If no conditions are imposed, the system has no way of knowing that an offender isn't ready for community supervision and re-entry until the offender harms the same victim again or harms yet another individual by committing a new crime.** Requiring victims to shoulder the responsibility of high-risk behavior without recourse would shift the balance too far.

**Sec. 1: Eliminates Probation Conditions that Minimize the Risk of Re-Offense**

- The provision would not allow judges to impose conditions to minimize risks to public safety, only victim or witness safety.
- The provision heightens the legal standard for conditions that are designed to minimize risk to known victims and witnesses to a “substantially necessary” standard and does not allow for consideration of risks to “affected persons” (i.e. family members).

**Sec. 2 and 3: Eliminates Any Accountability for Violating Probation Conditions**

- Under these sections, the only basis for arresting the offender or revoking probation would be the commission of a new crime, meaning that offenders would not be held accountable for engaging in behaviors that pose a heightened risk of re-offense, such as contacting the victim, harassing the victim’s family, using alcohol, possessing a firearm, or accessing certain internet sites. The system shouldn’t ignore these behaviors and wait for victims to suffer actual harm.
- Under existing revocation provisions, the court already is required to make careful findings prior to revoking probation. Offenders often receive second and third chances when minor conditions are violated.

**Sec. 4: Eliminates Parole Conditions that Minimize the Risk of Re-Offense**

- Like Section One, Section Four would not allow the Parole Board to require parole conditions for purposes of minimizing risks to public safety.

**Sec. 5 and 6: Eliminates Any Accountability for Violating Parole Conditions and Heightens the Standard for Revoking Parole**

- Like Sections Two and Three, Section Five would not allow the Parole Board to enforce any parole violations other than committing a new crime, which amounts to a complete lack of accountability for behaviors that could re-traumatize the victim or that demonstrate a heightened risk of re-offense. Section Six would require an even higher burden of proof to be met prior to revoking parole, which often amounts to a higher burden on the victim who was violated.

**Sec. 7: Eliminates Any Accountability for Violating Furlough Conditions**

- Under Section 7, DOC would not be able to hold offenders accountable for violating furlough conditions that impact victim or public safety.