



Testimony on S.212
Home Detention and Home Confinement Furlough Bill
Senate Committee on Judiciary
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Thank you for the opportunity to testify about this legislation before your Committee.

S.212 provides several important protections for crime victims: court oversight when an offender is released into the community on pre-trial or post-conviction furlough home confinement, as well as victim notification when an offender's allowed absences from home are modified.

According to the Judiciary's FY2015 report to the Legislature, domestic violence felony filings in Vermont continue to increase—up 4% from FY14 and up a total of 18% over the past five years.¹ This statistic underscores the importance of the victim notification provisions contained in this legislation. State's Attorney Victim Advocates report seeing more cases where home confinement and electronic monitoring are ordered as an alternative to incarceration.

As a result:

- Victims must be proactive to plan for their safety and well-being—as well as the safety and well-being of their families—and may be required to alter their daily routines and schedules to avoid coming into contact with the offender.
- Additionally, because law enforcement and the Department of Corrections have a finite ability to monitor offenders' whereabouts and whether they are observing their conditions of release, victims often bear the

¹ According to the Judiciary, 481 domestic violence felonies were filed in Vermont in FY15.

responsibility of reporting and gathering evidence of any violations. Victims have an even greater responsibility to self-report in rural parts of the state where law enforcement patrols and check-ins may be more infrequent.

- It is not uncommon for victims to report firearms possession violations, despite prior violations being reported or court orders requiring alternative storage. Notably, this type of violation cannot be detected using electronic monitoring.

By putting additional safeguards and resources in place, the Legislature can help ease the burdens on victims when offenders are supervised in the community.

Court Oversight: Home confinement and furlough decisions represent a prediction that the offender's interest in access to the community outweighs the risk of re-offense against the victim, the victim's family, or the community at large. Weighing these factors should allow for all interests to be considered impartially. Accordingly, the Center supports court oversight of these decisions in listed crime cases. Additionally, the Center supports a "24-hour lock-down" option for furlough cases where necessary for victim or public safety.

Victim Notification: The opportunity to be notified about an offender's custody status is a fundamental crime victim right, allowing victims to plan for safety and the possibility of encountering the offender in the community. This legislation requires any absences from pre-trial home confinement or furlough status to be identified on the record, in court, and issued electronically to the parties with sufficient time for the victim to be notified by the prosecuting attorney's victim advocate.

Thank you for the allowing the Center to offer our support for this legislation.