



**Testimony on ACLU Bail reform proposal
House Committee on Judiciary
February 8, 2017**

**Auburn Watersong
Policy Director**

Thank you for the opportunity to speak to you on the proposed changes to Bail statutes.

The Network acknowledges that there is a bias woven into a bail structure which enables financial inequity in the system. In Vermont, our current bail structure may well inequitably jail folks who live in poverty. And for low-level offenses – we understand and agree that this is worth review and revision. We understand that an offender who lives in poverty may also be supporting a family that lives in poverty. It is important to remember that when offenders are jailed – those who are in relationships with them are also affected – we know that incarcerative remedies can affect the offender’s families’ ability to meet their basic needs when the offender’s ability to work is also affected.

That said, ***no offender who poses a safety risk to a victim or to the public should be allowed released into the community without proper risk assessment and adequate supervision.*** In Vermont, as mentioned in my previous testimony, we do not have the systems in place to adequately assess the risk of those charged with domestic violence, sexual violence or stalking nor do we have the ability to adequately supervise these offenders via electronic monitoring.

Regarding the ACLU’s recommendation in 13 V.S.A. §7554 (a)(1)(G) that the electronic monitoring system be used as an option for supervision in Vermont, ***the Network does not support this option at this time for the following reasons:***

- §7554d is being most prominently used in domestic violence cases in Windham county right now and this EM system has no current MOU with the Dept. of Corrections;
- Technology does not allow for its efficacy – no cell reception;
- Financial resources and staffing capacity for 24/7 supervision are lacking;
- Requires excellent coordinated community response



The Network concurs with Attorney General T.J. Donovan’s position and ***strongly recommends that bail reform should not include domestic violence, sexual violence, and stalking offenders at this time.***

The Network therefore supports the proposed amendment to 13 V.S.A. § 7551 as written in draft 1.3 dated January 31, 2017 which reads as follows:

(b) No bond may be imposed at the initial appearance of a person charged with a misdemeanor, other than a misdemeanor violation of subchapters 6 and 7 of chapter 19 of this title or 13 V.S.A. § 5409, if the person was cited for the offense in accordance with Rule 3 of the Vermont Rules of Criminal Procedure.

The Network is not opposed to considering ability to pay in bail reform efforts related to crimes other than domestic violence, sexual violence, and stalking. The Network strongly advises that any bail reform ensure that the severity of the crime be maintained as a marker for decision.