

Senator Richard Sears
Chair, Committee on Judiciary
Vermont Senate
115 State Street
Montpelier, VT 05633-5301

Senator Joseph Benning
Vice Chair, Committee on Judiciary
Vermont Senate
115 State Street
Montpelier, VT 05633-5301

April 13, 2018

Dear Senator Sears and Senator Benning:

My name is Naomi Ross, and for the past six years, I have served as a Victim Advocate for the Rutland County State's Attorney's office. I am writing to provide you with information about the ways in which crime victims experience employment discrimination in the workplace.

I work with all crime victims, regardless of the type of crime, to help them understand and navigate the criminal justice process and access resources and community services. I help empower victims to speak for themselves and advocate for those who need more support. A lot of the work I do relates to the ripple of other consequences that arise from the experience of being victimized. Employment discrimination and the fear of job-related consequences often come up in my cases.

Let me tell you about some of the people with whom I have worked. One young woman in her twenties was working in a job she loved and cared about very much. This woman moved into her very own apartment, a big feat for a single person. Two days later, she was sexually assaulted in the very apartment she worked so hard to attain. The next day she went to work as if nothing happened, never skipping a beat while internally struggling to decide whether to report this event to the police. She did all of her work for the day and ultimately decided to reach out for assistance through local law enforcement, the hospital, and community victim advocates. Throughout the investigation of the sexual assault, her job was aware of what had happened. She believed she could trust them with that information. When it came time for the court process to begin a few months later, her manager sat her down and gave her two options: give up her job or move to a lesser position within the business. The manager explained that the company did not want to be associated with any publicity that might come with a sexual assault trial involving one of their employees. The manager explained that they serve many out-of-town clients who might view her involvement in the court process in a negative light. Also, her particular position required much fine-tuned attention to detail, and the manager speculated her participation in the criminal court process would take her focus and attention away from her job.

This woman was confronted with her manager's ultimatum weeks after being sexual assaulted. Her job was a source of pride plus she loved it and needed the salary. I was one of the only people she trusted to tell about what happened, one of the only people familiar with the whole situation. As I worked with her to deal with yet another new consequence of a crime that she didn't commit, it became apparent that because of current law, getting her job back might be an uphill battle. She had done the so-called 'right thing' by coming forward and reporting the sexual assault, but so far, we had only made her life worse, not better. And the reason: Her employer did want to be associated with a crime victim. It would be bad for business and distracting.

Sadly, she's not the only victim I have worked with who has encountered this problem. Let me tell you about another young woman, living dangerously close to complete poverty, and technically speaking, homeless, sleeping on friends' couches, and relying on state assistance for housing. She had a job paying minimum wage—a job that she hoped would be a step forward to attaining more independence. On one very terrifying night, an ex-boyfriend entered her place of employment with one of his friends and threatened her life and safety. They entered and left very quickly, but they disturbed the space and she remained in a state of absolute terror. This woman's employer decided that she was not worth the risk or the trouble and let her go. Her status as the victim of a crime she did not commit was too much. Losing her job because of her employer's misplaced fear only contributed her lack of stability, pushing her to reliance on state-funded assistance.

Another victim happened to work for the same employer as her husband. I met her after her husband assaulted her multiple times, and he was charged multiple times with multiple offenses. His conditions of release did not allow him to contact her, and their employer reluctantly attempted to accommodate those conditions instead of firing him. The result was shifting the victim's job and workspace—not his—a visual demonstration to all of her co-workers who was really at fault here, and what happens to people who bring this kind of trouble into the workplace.

These few examples give a snapshot of the lives that people who experience crime must live after victimization. Not only do victims experience the trauma of a crime itself, but then the physical, emotional, and financial stressors that they experience can be compounded by their employer turning their victimization against them. Victims need to feel safe in order to ask for time off to participate in the process of prosecution and exercise their statutory rights to attend hearings. Keep in mind that this process can be just as emotionally draining as the crime that occurred in some cases, and so the fear that their employer will punish them or fire them for doing so, only makes the experience harder. Again, all for a crime they did not commit.

We can trace this trend to the culture of victim blaming, putting the weight of a defendant's actions onto the victim who did not choose for this to happen to them. Most of my victims are very vulnerable to begin with, even before victimization. Keeping people employed should always be a priority if we have any hope of letting victims heal and rebuild their lives.

I have so many other examples from my six years of doing this work, including countless others who work for minimum wage and don't want to do anything that would threaten their jobs. If we want to hold defendants accountable, if we care about the integrity of the criminal justice system, victim participation and support is essential. I have victims who decline to attend sentencings to speak to the court, their one opportunity to do so, because they know they won't have a job waiting for them when they get back. When victims are forced to choose to between participating and losing their job or being punished or discouraged, they chose their jobs and the system suffers.

Thank you for considering this information.

Sincerely,

/s/ Naomi Ross

Naomi Ross