



**Testimony on Electronic Monitoring/Home Detention
Senate Committee on Judiciary
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Network advocates report that current home confinement and furlough arrangements for scheduled absences often fall short of all best intentions to maintain victim safety. Specific concerns are as follows:

- Inability to ensure timely and effective notice to victims of the offenders schedule and movements. In all cases victims need at least 72 hours notice in order to rearrange their own movements and schedules, which may also include safety planning and schedule changes with or for their children.
- Electronic monitoring done well is done in tandem with traditional supervision.
 - For example, when a domestic or sexual violence offender is ordered to have “no contact” with the victim, traditional supervision manages allows for checking of alternative communication with victim that cannot be tracked solely by GPS (telephone, email, letters)
 - Compliance with firearms relinquishment is best managed by in-person (rather than electronic) supervision.
 - In the event that electronic monitoring or supervision is inadequately resourced and staffed, victims remain the compliance monitor, the burden is theirs.
- In domestic violence cases, the setting of offenders’ schedules without victim input, forces victims to modify their whereabouts in response to offenders movements.
- Victim advocates report the following challenges with current attempts to electronically monitor perpetrators on home confinement:
 - no cell coverage in the most isolated areas (GPS technology often relies upon this technology);
 - no 24/7 staff available to supervise and report violations; due to lack of weekend, 24/7 coverage – a Saturday morning violation may not be known to the victim until Monday, far too late to ensure victim safety;
- Sheriff’s departments across Vermont vary widely in staffing, resources, and access to training and expertise. All county based programs should provide for risk assessment, victim notification, input, and safety coordination, collaboration with community providers, recidivism reduction, programming (drug/alcohol/mental illness, but also DV accountability).



The Network respectfully recommends the following items be included in any legislation related to electronic monitoring/home detention:

Victim Input

In all cases of court ordered absences, victims must be allowed to provide input within the hearing, prior to the court decision.

Defining Electronic Monitoring

In all cases, “community-based electronic monitoring” should be defined as an integrated community detention program that provides 24-hours-a-day, seven-days-a-week electronic monitoring that restricts the defendant to a preapproved community with continuous supervision and immediate response by the Department of Corrections or sheriff’s office that is providing the electronic monitoring.

Court Processes

The Court should find that placing the defendant on community-based electronic monitoring will reasonably assure his or her appearance in Court when required, *and that notice be given to the victim or affected person as expeditiously as possible at the address or telephone number provided to the agency having custody of the defendant*, and that the proposed community is an appropriate placement for the defendant.

Absences, Rescheduling Absences: DOC involvement and 72 Hours notice

In cases involving offenders convicted of a listed crime, the court may approve authorized absences from the residence only if such absences are clearly identified on the record with respect to the day of the week, time of day, the purpose of the absence, the permissible duration of the absence, the places that may be visited during the absence, and the frequency with which the absence may recur. *The absences may commence no earlier than 72 hours following the issuance of the order. The day the order is issued, the court shall provide an electronic copy of the order to the State’s Attorney’s or Attorney General’s Victim Advocate.*

The Network would like to ensure that it is the Department of Corrections which may reschedule court-authorized absences only after providing 72 hours’ advance notice to the State’s Attorney’s or Attorney General’s Victim Advocate of the changes. Only medical emergencies are exempted from the notification requirements of this subdivision.

Thank you.