

# House Committee on Judiciary

115 State Street • Montpelier, VT 05633-5301 • (802) 828-2231 • Fax: (802) 828-2424

## MEMORANDUM

To: House Committee on Appropriations

From: House Committee on Judiciary

Date: June 11, 2020

Subject: House Judiciary Committee Recommendations for Appropriations from Coronavirus Relief Fund and for Additional Future Priorities

Attached are recommendations from the House Judiciary Committee for appropriations from the Coronavirus Relief Fund (CRF). Sections A and B of this Memorandum provide a detailed explanation that describes the necessity for each appropriation. Section C explains additional requests that the Judiciary Committee asks the Appropriations Committee to consider for future action.

The Committee heard from several constituencies related to COVID-19 funding. While many of these witnesses represented a variety of governmental agencies, including the judicial branch, it has been more difficult to obtain requests from outside of state government. While we heard from the Vermont Bar Association, the Network Against Domestic Violence and Sexual Assault, and the Racial Justice Alliance, our committee remains concerned that unless we take some additional approaches, as we are recommending, we are unlikely to reach many of the most vulnerable populations that we are committed to serving.

### **Below are our recommendations with the rationale for each:**

#### **A. \$567,000: Domestic Violence/Sexual Assault Related Projects:**

**Rationale:** According to the National Institute of Health’s article, “An increasing Risk of Domestic Violence during the COVID-19 Pandemic, Strengthening Community Collaborations to Save Lives” article:

“In the United States, agencies from across the country are also reporting an increase in domestic violence. In addition to risk of physical harm, victims are also at great risk of emotional harm and abuse. U.S. reports have surfaced of domestic violence perpetrators using Covid-19 as a weapon against their victims, forbidding handwashing in an attempt to increase the victim’s fear of contracting the virus and threatening to forbid medical treatment if the victim *does* contract the virus.” They go on to report “An increasing risk of domestic violence-related homicide is also a growing concern – reports continue to surface around the globe of intimate

partner homicides with ties to stress or other factors related to the Covid-19 pandemic. Reports of increasing gun and ammunition sales in the U.S. during the crisis are particularly concerning given the clear link between firearm access and fatal domestic violence incidents”.

In the following article, that was published in Medical News Today on April 20, 2020:

“A U.S. Department of Justice special report on intimate partner violence (IPV) found that from 1994 to 2010, [4 in 5](#) people who experienced this form of abuse were female. In 1994, for example, “85% of IPV victims were female, and the remaining 15% were male,” the authors note, highlighting a trend that remained roughly the same until 2010. More recent data, spanning 80 countries, found that almost [30%](#) of women who have ever been in a relationship have experienced “physical and/or sexual violence” from their partners at some point. Pandemics and natural disasters tend to amplify these trends, and COVID-19 is no exception.

The article goes on to site recommendations to address this international problem:

“The [United Nations](#) has listed actions that governments throughout the world must take in order to end violence against women and girls during COVID-19. These are:

- “Allocate additional resources and include evidence-based measures to address violence against women and girls in COVID-19 national response plans.
- Strengthen services for women who experience violence during COVID-19.
  1. Build capacity of key services to prevent impunity and improve quality of response.
  2. Put women at the center of policy change, solutions, and recovery.
  3. Ensure sex-disaggregated data is collected to understand the impact of COVID-19 on violence against women and girls, and inform the response.”

**1. Remote operations of Domestic Violence Accountability Programs: \$130,000.**

**Rationale:**

There are 13 community-based Domestic Violence Accountability Programs (DVAP) across the state. These programs offer treatment to address violence and coercive control with individuals who use violence against their intimate partners with a goal of reducing future violence. Each DVAP program is certified by the Vermont Council on Domestic Violence and must meet a set of over 50 statewide standards in order to

operate. These programs currently rely solely on participant fees for operations. The COVID-19 pandemic has necessitated that these programs transition immediately to remote operations. Treatment groups are now being held remotely. There is no funding to support the transition to remote operations, other than participant fees. With the widespread economic impacts of the pandemic, participants are even less likely than before to be able to pay for this treatment. The state has previously worked to reduce unnecessary fees for defendants and to facilitate their utilization of treatment. These funds will provide \$10,000 to each DVAP program in Vermont to be used for expenses incurred due to the transition to remote services. (This request is wholly separate from the Justice Reinvestment S. 338, appropriations request which will also serve to support these programs).

2. **Supports for incarcerated and re-entering victims of domestic and sexual violence: \$197,000.**

**Rationale:**

During the COVID-19 pandemic, the Department of Corrections has worked to isolate virus exposure of incarcerated individuals and limit the total number of individuals housed in facilities in order to reduce the spread of the virus within Vermont prisons. These efforts, while laudable, also have the potential to increase isolation and risk for victimization. In addition, recently released survivors have inadequate supports available to ensure successful re-entry. The Vermont Network operates a program (DIVAS) in the Chittenden Regional Correctional Facility providing advocacy and supports to incarcerated victims of domestic and sexual violence. This investment would allow for the DIVAS program to provide support to re-entering survivors as they transition out of incarceration. In addition, these funds would allow the DIVAS program to begin providing remote services to incarcerated male victims of domestic and sexual violence in Vermont.

3. **Investment in no-cost legal representation for victims of domestic and sexual violence: \$80,000.**

**Rationale:**

As a result of the pandemic, many victims are facing increasingly complex civil and family court matters. Prior to the pandemic, it was already difficult for victims to gain access to low or no-cost legal representation for civil and family matters. The pandemic has exacerbated these challenges, with many victims facing increased economic insecurity or loss of income. These funds will be used by the Justice for Victims Legal Clinic at the Vermont Network to provide additional no-cost legal representation to victims of domestic and sexual violence statewide. These funds will be especially important as the Judiciary works to resume non-emergency operations.

4. **Support for Vermont's Forensic Nursing Program to support access to medical care for victims of domestic and sexual violence during COVID: \$160,000.**

**Rationale:**

The pandemic has heightened the risk of sexual violence and abuse for adult and child victims. One of the primary resources available for victims is medical care from trained forensic nurses who provide care and make referrals to services for victims of assault. Forensic nurses also collect evidence which may be used in legal proceedings. Previously, advocates were almost always present during forensic exams to provide support to victims. During the current pandemic, hospitals have restricted the access of advocates to provide support to victims during these exams as an infection control strategy. These funds will provide small grants to hospital forensic nursing programs or advocacy organizations to fund efforts to facilitate remote advocacy during exams or other services.

**B. Office of the Attorney General Strategic Plan for Equity and Inclusion:  
\$30,000**

**Rationale.** The Attorney General's Office is seeking an organization to develop a Strategic Plan for Equity and Inclusion and to advise on its public dissemination and internal implementation through the offices of the Attorney General. The plan will provide recommendations and benchmarks to address implicit bias and the Attorney General's Office's ability to respond to racial discrimination in the State of Vermont.

The plan must research, analyze, and make recommendations with respect to each of the three following goals:

- Goal 1: Identify and make recommendations for addressing implicit bias and its impact upon the Attorney General's Office.
- Goal 2: Promote inclusion and engagement of all Vermonters.
- Goal 3: Develop means to respond to racial discrimination in the State.

Using the Attorney General's Office mission the consultant will:

- Identify and analyze implicit bias within the Attorney General's Office and the broader community;
- Research best practices among organizations of similar size and demographics including urban-rural classification for addressing comparable disparities;
- Collect and incorporate past Attorney General's Office history, demographics and data; and
- Establish benchmarks for these initiatives.

Reliable data has clearly established that the COVID-19 pandemic has had a disproportionate impact of the pandemic on people of color. This impact has exacerbated

the impact of existing race-based disparities and implicit bias so severely that immediate action is necessary, and for that reason the Committee recommends appropriating this now so that the Office of the Attorney General can begin its Strategic Plan for Equity and Inclusion right away.

### C. Additional Considerations:

- **Increase Attorney General's Office Internet Crimes Against Children Task Force Efforts: Increase/Need for 2 Additional FTE's.**

**Rationale:** While the number of child pornography crimes has increased in Vermont in the past four years, it has continued to rise disproportionately nationally and in Vermont during the COVID-19 crisis. We heard that there has been a 219% increase in the number of tips to office of Internet Crimes Against Children, especially younger children under the age of eight (with more one- and two-year old child victims).

We are supportive of funding two FTEs to add investigators to the Internet Crimes Against Children task force. These positions are needed to deal with the backlog of investigations into these crimes that have increased due to the COVID-related stay-at-home order. We were told in testimony, however, that it would not be useful to hire and train two FTEs for a six-month work period. If there were some way to ensure that the two FTEs would be funded beyond December 30, 2020, the Judiciary Committee would prioritize the use of COVID relief funds for the next six months for these positions.

- **Technology for Judiciary/Access to Justice**

**Rationale:** The House Judiciary is extremely supportive of the Judiciary's expanded use of technology to increase access, particularly the increased availability of remote access to the courts and justice. While not all of the projects related to these efforts will be eligible for COVID-19 money at this time, we strongly support the efforts that are underway to enhance access, in particular to treatment court by helping to overcome the barriers of transportation and time off of work to access the treatment court.

We also strongly support the initiative to improve and ensure statewide access to the internet and cell service, as the lack of connectivity continues to create a gigantic barrier to justice for all Vermonters. Although we do not make any recommendation regarding investments in expanding broadband in Vermont, the Judiciary Committee supports any such investment for purposes of enhancing

access to justice. The Committee heard from Chief Justice Reiber of the Vermont Supreme Court, who stated that making broadband more available throughout Vermont is an important access to justice issue. Currently, and for the next few months, Vermont courts are holding some remote hearings electronically. Without appropriate access to the internet, individuals throughout the State are unable to readily participate in such hearings. Broadband availability is not only important during the COVID-19 pandemic. It will become increasingly important as the Court implements its electronic filing system throughout the State. It is our hope that the Technology and Appropriations Committees will continue to support the efforts to bring these changes about in the regular state budget.

- **Support for Office of Racial Equity in Agency of Administration**

**Rationale.** According to VT Digger, “Racial justice advocates are calling for more support for people of color in Vermont after new data revealed that black and Hispanic people are testing positive for Covid-19 at a disproportionately high rate. Black Vermonters are testing positive for Covid-19 at the highest rate in the state of any racial group, according to statistics on the demographics impacted by the coronavirus compiled by the Vermont Department of Health.” We also know that the death rate for black and Hispanics has also been disproportionately higher in Vermont, and nationally.

There are many underlying factors that contribute to these outcomes, including income inequality/wealth disparity that influences health outcomes, criminal justice and incarceration rates, access to COVID safe transportation and housing, etc.

The work of the Office of Racial Equity is vitally important. The Governor’s recent Executive Order No. 04-18, codified as Executive Order No. 3-86, clearly articulated a goal of having a more diverse and welcoming state; and charging that Vermont must create a culture in which racial, ethnic and other cultural disparities are openly acknowledged and addressed; and that we must achieve racial, ethnic and cultural equity across the State. The Executive Order further recognizes that the COVID-19 pandemic has highlighted racial inequities across the United States, and in Vermont; COVID-19 and other emergencies demonstrate that disparities in times of crisis are reflective of disparities in times of prosperity, and that the state must actively work to reduce structural inequities to ensure that no community is more vulnerable than another based on immutable factors such as race or ethnicity.