



Testimony on S. 112  
An Act Relating to Earned Good Time

House Committee on Corrections and Institutions  
April 15, 2019

Chris Fenno, Executive Director

Thank you for the opportunity to comment on this legislation.

By statute, CCVS is charged with promoting the rights and needs of crime victims statewide and serving as a clearinghouse for information. To that end, CCVS is actively engaged in statewide conversations regarding proposed criminal justice reform measures. Crime victims and criminal defendants share many of the same needs, especially access to housing, jobs, mental and behavioral health services, affordable childcare, and timely, trauma-informed dispositions in criminal cases.

It's fair to say that so-called "Earned Good Time" is a controversial topic amongst victim/survivors and victim rights advocates. In many cases, sentencing is the product of plea negotiations and compromise that favor the defendant, with many victims feeling that their expectations for the criminal justice process were not met. Some victims perceive "earned good time" schemes as unfair and minimizing of their experience. Some victims also live in genuine fear of the person who perpetrated the crime against them and do not believe that good behavior in a facility will translate to good behavior out in society.

However, if crime victims have anything in common, it's the desire for no new crimes. For some individuals, a long incarcerative sentence does not necessarily translate to a lower risk of recidivism—individual, risk-based determinations with victim input are important to tailor sentencing and programming requirements in order to achieve this possibility. The Earned Good Time Study Committee Report cites the available research to suggest that in two states that offer earned good

time, recidivism has not increased and public safety has not been impacted. If the General Assembly chooses to return to an earned good time model, the Center will partner with the Department of Corrections to provide any support we can offer to help obtain even better outcomes here.

One specific issue is the matter of pre-sentence victim notification. Fortunately, a provision already exists to help ensure that victims understand what earned good time means.

**13 V.S.A. § 5321 (d):**

At or before the sentencing hearing, **the prosecutor's office shall instruct the victim of a listed crime, in all cases where the court imposes a sentence that includes a period of incarceration**, that a sentence of incarceration is to the custody of the Commissioner of Corrections **and that the Commissioner of Corrections has the authority to affect the actual time the defendant shall serve in incarceration through good time credit**, furlough, work-release, and other early release programs. In addition, the prosecutor's office shall explain the significance of a minimum and maximum sentence to the victim and shall also explain the function of parole and how it may affect the actual amount of time the defendant may be incarcerated.

Prosecutors are the experts on sentencing laws and will be the best source of information for victims during the pre-sentence phase. It's also important that the Department of Corrections offer ample services and support through its Victim Services Department so that victims have good information and do not experience re-victimization due to unmet expectations.