Earned Good Time
Joint Legislative Justice Oversight Committee
December 2nd, 2020
Sarah Robinson, Deputy Director

Thank you for the opportunity to testify today on the implementation of the earned good time program. The Vermont Network did not serve on the committee which developed the legislative recommendations for the eligibility of earned good time law, although we have been engaged in related and broader conversations about both victims' rights and criminal justice reform efforts. We believe that these are often complimentary efforts which require a careful balancing. We are very supportive of Vermont's Justice Reinvestment Initiative and in concept the Vermont Network is also supportive of earned good time. We believe that incentives play an important role in encouraging growth and change among people who are incarcerated. It is with this understanding that we would like to highlight two significant issues in the implementation of the new earned good time provisions for your consideration.

Our first concern is with the one-size-fits-all approach to the applicability of earned good time to individuals serving sentences for every possible crime. We understand that the State's previous good time program was overly complex and relied on the discretion of DOC staff, which led to disparities and inaccuracies. We appreciate the intention to move to a system that removes discretion about good time accrual and promote a simplified approach. However, we are concerned that individuals serving sentences for murder, manslaughter, and the worst forms of domestic and sexual violence earn good time by the same measure and in the same way as an individual serving a sentence for crimes with less severe impacts on victims or their surviving family members. The Vermont Network would welcome a further policy discussion about whether just a few of the most serious crimes ought to be exempted from earned good time moving forward or whether previously sentenced individuals should all be equally eligible for good time.

Our second concern is related to victim rights and notification related to earned good time. This past spring, we testified in House Corrections and Institutions Committee about the importance of a victim-centered notification process for earned good time. Currently, the Department of Corrections is proposing to use the automated victim notification system to send monthly automated notifications to victims about whether their perpetrators have earned good time. We have heard major concerns from victims about the frequency and mode of these notifications. This is especially applicable to victims whose perpetrators are serving long sentences. Receiving a monthly notification about the good behavior of the person that caused you harm could be difficult to begin with – but receiving reminders of the good behavior of your perpetrator monthly for 15 or 20 years is a significant barrier to healing for many survivors.

In addition, we are concerned that there is no standard process in place for prosecutors communicating the impact of earned good time to victims when seeking their input on potential plea agreements. One of the primary concerns we have heard from victims is that when a plea agreement is finalized, it can provide a sense of closure and a fixed period of safety for victims to heal. We believe that if good time is to apply to all crimes, victims should be notified of the potential sentence reduction if good time is earned, prior to their opportunity to provide input through victim impact statements.

The Network supports the efforts of the legislature to reform its justice system, reduce our state's reliance on incarceration and resource treatment and support in communities. However, each one of these reforms will only be successful with a careful balancing of victims needs and concerns and we do believe that in this case, additional changes are needed to the underlying law and the implementation of the new good time program.