



Testimony on H.87  
An act relating to establishing a classification system for criminal offenses  
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Thank you for the opportunity to testify on H.87 and give information about the Center's Restitution Unit and Compensation Program.

In regard to H.87, the Center recognizes the need for updating the classification system for criminal offenses and appreciates the work that has gone into crafting this bill. There is one area we are concerned about and is any automatic classification that sets the offense at the lower amount when the crime falls between tiers. Our position is that in these cases, there should not be any automatic classification and that each crime be reviewed individually to ensure that those falling in between tiers are not automatically decreased.

**The Center's Restitution Unit** manages Vermont's restitution system. The Restitution Unit processes final restitution judgment orders issued by the court, works with victims to advance any amounts from the Restitution Special Fund to which they are entitled, and then collects restitution payments from offenders on behalf of victims and the Fund. Restitution is collected for all crime types and all businesses including state agencies, commercial businesses such as stores, banks, and individuals. It is only individual crime victims that qualify for an advance (up to \$5,000) from the fund. In FY20, Vermont courts ordered offenders to pay a total of \$987,648 in restitution, \$256,953 of which was advanced to victims from the Restitution Special Fund. As of February 15, the Restitution Unit had already collected \$52,311 of the total amounts ordered in FY20.

Currently, the Restitution Unit has 6 FTE staff to pursue unpaid balances. Each staff member has a caseload of 700. Case Managers contact offenders by phone to establish payments plans and encourage offenders who are able to pay to work towards paying their balances in full. In addition, the Unit also has 1 FTE victim liaison/supervisor position and 1 FTE Unit manager.

Occasionally, cases are referred to outside legal counsel for enforcement in the Civil Division. Currently there are 9,924 active accounts for 4,922 offenders.

Under existing law, the Restitution Unit may seek “any monies owed by the state to an offender who is under a restitution order, including lottery winnings and tax refunds,” and use those amounts “to discharge the restitution order to the full extent of the unpaid total financial losses.” The Center has promulgated rules that govern setoff procedures and establish a mechanism for prior written notice to offenders and a right to seek administrative review prior to disbursement. The Restitution Unit also obtains any unclaimed property held by the Treasurer’s Office on the offender’s behalf to help satisfy the offender’s unpaid restitution judgment order. The Vermont Department of Taxes and the Vermont Office of Child Support already use this mechanism to satisfy outstanding balances.

**The Center’s Vermont Victims Compensation Program** has provided limited financial assistance (up to \$10,000) for Vermonters who incur uninsured, crime-related expenses arising from violent crime. Covered expenses might include medical co-pays that the victim owes for the treatment of a crime-related injury, mental health counseling necessary to address psychological harm, travel to and from medical appointments or court dates, or the cost of crime-scene cleanup or funeral expenses after a homicide. Victims can receive assistance as soon as law enforcement finds probable cause that a crime has occurred—typically when an affidavit is filed with the prosecutor—instead of waiting for the case to end in a conviction. For the many victims and survivors we serve who live paycheck-to-paycheck, even a small amount of financial assistance from the Compensation Program can make a huge difference when it comes to mitigating the long-term impacts of crime.

The Victims Compensation Special Fund is the state funding source for both the financial benefit and administrative cost of the program. There are 4.5 FTE staff working in the program. A federal Victims of Crime Act (VOCA) Victim Compensation formula grant annually reimburses the State’s expenditures at 60%. The Compensation Program also recovers some restitution from offenders who are ordered to pay restitution for amounts the Compensation Program paid on behalf of the victim.