



S.18 – House Corrections and Institutions Committee

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Thank you for the opportunity to testify today on S.18, a bill which proposes to make changes to Vermont's earned time program. The Vermont Network did not serve on the original committee which developed the legislative recommendations for Vermont's earned 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 usually complimentary efforts, though they 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 time. Incentives play an important role in encouraging growth and change in people who are incarcerated, and an earned time program is one possible way to achieve this.

Since the Legislature passed and enacted the new earned time law last session, we have heard from victims across the state with concerns about the one-size-fits-all approach to the applicability of earned time to individuals serving sentences for every possible crime. We appreciate the Legislature's intention last year to move to a system that removes discretion about earned time accrual and promotes a simplified approach.

However, we believe that for certain crimes – such as those exempted in S.18, including murder, voluntary manslaughter, and the most serious sexual offenses – the impact on victims and surviving family members ought to be given weight in the state's earned time program. Of critical importance, S.18 addresses cases where individuals were previously sentenced for these most serious crimes. In these instances, sentences often represent promises made to victims during the criminal legal proceedings of their cases. In some cases, victims agreed to potentially lower sentences (through plea agreements), in order to avoid the pain and risk of a trial. In these cases, the term of incarceration represented at sentencing provided a fixed period of time during which they could focus on their own healing, and not on continued involvement with the legal system. We believe it is our responsibility not to change the rules of the game in the middle, in these limited number of cases.

S.18 also includes an important change regarding victim notification. The bill ensures that moving forward, victims are informed at sentencing about the potential impact of earned time on a sentence, so that they can be prepared for an accurate length of incarceration. Victims deserve to be notified of the potential impact of earned time, prior to their opportunity to provide input through victim impact statements.



The Network supports the efforts of the Legislature to reform Vermont's justice system, reduce our state's reliance on incarceration, and provide resources for treatment and support in communities. However, each one of these reforms will only be successful with a careful balancing of victims' needs and concerns. We do believe that S.18 represents needed changes to the underlying earned time law and the implementation of the new program.