



Senate Judiciary Committee: Raise the Age & YO

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The Vermont Network is deeply appreciative for the work of the Legislature on issues related to juvenile justice. We are committed to the overall purpose and direction of juvenile justice reforms. Policy changes related to Raise the Age and Youthful Offender have helped to move our legal responses to criminal behavior among emerging adults towards greater alignment with criminal justice reform efforts and the neurobiology of emerging adults.

Advances in neuroscience have demonstrated that the brain is not fully developed until an individual reaches their twenties, and that the adolescent brain is highly responsive to risk-taking, peer influence and reward systems.¹ We are also deepening our understanding of the impacts of trauma on the lives of youth, and the ways that responses to trauma can manifest as harmful or criminal, behaviors. We believe that it is essential that youth who commit crimes have access to resources and interventions outside of the traditional criminal legal responses and that the goal of these responses ought to be rehabilitation and support.

While Vermont has moved forward important juvenile justice reforms, implementation has revealed that more work remains to ensure that victims' rights are upheld as policy evolves. By raising the age to 19 and eventually to 22, we have already seen and anticipate further growth in the number of domestic and sexual violence-related cases that will appear in family court. In domestic and sexual violence cases, the victims are often also emerging adults and are in the same critical stages of brain development. They need to be afforded the same care and consideration as the person that has caused them harm.

As we consider making changes to the process to better support offenders, it is essential that we also take a look at the experiences of victims to ensure that the process works for them as well. Once raise the age has been fully implemented to age 22, this process will involve almost all campus sexual assaults as well as many dating and domestic violence cases, sometimes between married individuals. Domestic and sexual violence are intimately personal crimes and victim involvement in these court proceedings is often essential to their healing and safety, as well as to the offender's learning and rehabilitation. In the existing statute and structure, victims have very little opportunity to engage with the process or to even be informed about what is happening in their cases.

Access to Court Proceedings

We ask the committee to consider increasing a victim's notification of and access to proceedings for all domestic and sexual violence cases that fall under Raise the Age and Youthful Offender.

¹ Massachusetts General Hospital, Center for Law, Brain & Behavior: <http://clbb.mgh.harvard.edu/>



Victims, their attorneys, and victim advocates need to be able to be notified of, and have the ability to attend, all court proceedings regarding the case. Currently, in Raise the Age, victims are allowed to provide a victim impact statement at the disposition hearing and then may be called in to testify at any point in the process as the court deems necessary. When victim attorneys are not privy to the process it is extremely difficult for them to counsel their clients regarding testimony. We are hearing that many victims are declining to testify because of this lack of context about the case and ability to engage in the process.

Notification of all Treatment Conditions and Changes in Status

Currently, victims have very little right to notification regarding raise the age cases. Victims have a right to conditions that pertain directly to them (such as no contact orders). However, they are not privy to other conditions that might help them stay safe, such as general information about whether the individual is receiving intervention in their community or out of state. We are aware of cases of sexual violence where the victim and offender attend the same high school and victims are not notified when an offender is returning to school. These sorts of changes in status are important for safety planning.

We are hearing of several instances in which victims need to use the Civil Relief from Abuse process to gain a measure of safety because they do not have access to see conditions through the raise the age process. This is a duplication of court efforts and could easily be streamlined by increasing the transparency about conditions for victims.

Confidentiality

We recognize and support the need for strong confidentiality in these juvenile cases and during the court proceedings. This confidentiality is often a benefit for the victims as well as the offender. We fully support the state and DCF upholding strict confidentiality in these cases. However, confidentiality should not be a burden that victims are asked to bear. We hear from victim's advocates across the state that victims involved in raise the age or youthful offender cases are told by prosecutors that they cannot talk to anyone about their experiences or name their offender and that, if they do so, they can be charged with contempt of court.

Talking with trusted family members, friends and therapists is an essential part of the healing process. Our youth victims should not fear criminal repercussions because they are engaging in a natural and normal part of healing from their traumatic experiences. In adult criminal cases, even when the offender is tried and found not guilty, there is nothing that prevents that victim from talking about their experiences. We need to afford the same rights and considerations to our victims within the family court process.

Victims Compensation

When records are sealed and/or expunged as part of the family court process, we are unintentionally prohibiting victims from accessing the Victims Compensation Fund. The Victims Compensation Fund, run by the Center for Crime Victim Services, allows victims to pay for various expenses related to their



traumatic experiences, including therapy. Oftentimes it can be months or even several years before a victim realizes that they need therapy and reaches out for financial support. This is especially true when we consider that the victims in raise the age cases are typically youth themselves. The Center for Crime Victim Services is unable to administer these funds without any official records documenting their status as a victim. It is essential that we create a some mechanism to allow the Victims Compensation Program to administer these funds even after the case is expunged.

Predicate Offenses

Finally, we did want to highlight that many of our statutory schemes related to domestic and sexual violence do involve predicate offenses. Domestic and sexual violence can follow a pattern of escalating behaviors and this committee has worked hard to recognize that. It is important that our public policy reflects research that demonstrates that domestic violence must be understood not as a singular incident, but as part of an overall course of conduct. As juvenile justice reforms advance, we anticipate there may be more instances where an individual reoffends, potentially with the same victim, and prosecutors' options related to charging will be limited due to having to file in family court or because juvenile records being expunged so quickly.

We thank the committee for your consideration, and for all of your efforts to advance policies that increase safety for victims of crime. We look forward to working with the committee and the other stakeholders in the coming months to strengthen the juvenile justice system.