



**Testimony on S.45– Discharge from Probation**  
**Jessica Barquist, Policy & Organizing Director**  
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Thank you for the opportunity to testify today. For the record, I am Jessica Barquist, Policy and Organizing Director for the Vermont Network.

Philosophically, we support S.45 and its underlying intentions. We support policies that encourage individuals to comply with the conditions of their probation and move forward with leading productive lives. This is essential to our communities and our victims. That said, we have a few concerns with the bill as is currently drafted.

Evidentiary Requirement

The current language on page 2 line 3 includes, “Unless the court determines by clear and convincing evidence that discharge is not in the best interest of the person or that discharging the person will present a risk of danger to the victim of the offense or to the community.”

- We would support changing the evidentiary standard from the high level of “clear and convincing” down to a “preponderance” standard.

When cases contain a public safety risk or victims concerns, it may make more sense for there to be discretion to remove all probation conditions except for those specifically related to the safety risks, like no contact orders. These cases can be complex and may require a more nuanced approach with more flexibility.

- We would welcome language changes here that allows the court to reduce the probation term or make other modifications to the sentence beyond discharge from probation.

Completion of Programming

We, like many who testified last week, are concerned with the removal of language around the completion of specific treatment programming. We would like the committee to reconsider its removal. This is primarily a concern for us with regards to sex offender treatment and domestic violence accountability programming. Domestic Violence Accountability programs are typically around 26 weeks (or 6.5 months). Depending on the length of probation and when the



individual was able to start the program, it is an entirely likely scenario that an individual could be in the midst of this treatment at the time of midpoint review. In order to be at its most effective, this programming needs to be completed in its entirety. If an individual is discharged from probation before this programming is completed, the likelihood of them remaining in this necessary treatment program is significantly lower.

- We support the suggestion made to change the language in Section 2 on page 6 from complying with the conditions to completion of programming.

### Victim Notification

The other main concern that arises for us with this bill is the issue of victim notification. There was some question as to whether or not this bill would apply to those currently serving probation sentences. If this is not a fully prospective bill and it goes into effect for those currently serving probation, victims need to be notified that these sentences may be much shorter than they are anticipating. This notification is essential so that victims who have information about an offender's noncompliance with conditions or other concerns regarding their offender's discharge can bring these to the parole officer in a timely manner. This notification is also imperative for victim safety. Victims will need to know when these conditions will be lapsing so that they can ensure adequate protections are in place for their safety, which may include filing for a civil Relief from Abuse order.

We would like to see language added related to victim notification as follows:

- Language that requires victims be notified of this policy change and how it may potentially impact their offender's sentence length.
- Language that strengthens the victim notification for cases yet to be sentenced.
- Language that requires the prosecutor's office to notify victims of this practice prior to making a plea deal or sentencing to ensure that victims have all the necessary information they need prior to agreeing to a particular plea.

I am happy to take any questions the committee may have. Thank you.