

Dear Honorable Members of the House Health Care Committee,

By way of introduction, I am the Executive Director of the Vermont Center for Crime Victim Services. I feel compelled to reach out and express my significant concerns about recent conversations around S.192, specifically relative to the recent statement offered by a witness in your Committee about the lack of relevance of victim impact statements.

I have attached S.89, which passed out of this Body and was signed by the Governor last year. Please note the intention statement in Section 1 and the establishment of the “Act 27 Working Group”, within Section 6, as it is commonly referred to. I have attached that report of that Group for your convenience.

While the Act 27 working group, after meeting 2½ hours every other week for approximately 6 months, recommended by a significant majority that a forensic facility should be established, it seems we may no longer be there.

What I find to be extremely concerning and what triggered my desire to reach out now (while understanding House Judiciary will be taking possession next) are statements made by the witness I referred to above, both this year and last year. As far as the victim “rights” provisions you see in the version of S.192 as passed the Senate, along with those included in the Act 27 report, there was no disagreement at all expressed by ANY party at any time; this includes from the member on the workgroup who was the designated Legal Aid representative. These provisions passed the entire Senate, again, with no objection. Yet here we are now.

To hear it expressed on more than one occasion by a certain witness over the past couple of years that what a victim has to offer has no relevance is beyond disturbing. For victims/survivors like Kelly Carroll, whose daughter Emily was stabbed in broad daylight on a walking path in Bennington, or Joanne Kortendick, whose sister Kathleen Smith was brutally murdered in Burlington, to actually hear this from someone in a position of power after the systems themselves have repeatedly sent that message in so many ways should give us pause. Kelly and Joanne have worked tirelessly on these issues for years, and I cannot describe how I felt knowing they had to listen to that.

With the serious violent cases contemplated within S.192, based upon Act 248, we know that victims often know far more about the person who caused harm because the victims of violent and interpersonal crimes generally know that person. More important than anything else to a victim of crime is the experience of feeling heard – this has been validated by national surveys. The current system in Vermont provides a stark dichotomy – the same grievous harm but an entirely different trajectory depending on the case's direction.

Victims have countless statutes that provide specific rights if it goes the criminal justice route. If it goes the mental health or incompetency route, victims currently have NO right to information and NO right to notification. Victims are not requesting the right to access confidential treatment information; rather, victims seek to, and must be, provided with notification that can allow them to safely plan and prepare themselves for seeing the person in our small communities.

Victims also deserve to be heard. The witness I have noted questioned what a court would do with that information. My answer is the court would do exactly what it does in every case that goes through the criminal court process – the court would listen and determine its weight. The Center’s concerns particularly apply when considering situations of elopement and discharge – I contend that no one is more at risk in the limited number of cases contemplated in this bill than the victim of record. To presume that the victim has no information that might ever bear upon that consideration is a false and dangerous assumption.

I respectfully request that this Committee allow the very minimum provision of rights recommended in S.192 to stand. If there are concerns, respectfully, please raise those with your colleagues in House Judiciary for their consideration when they hear from us and others who have yet to be consulted. The process of considering this language and rolling back the expressed intent in Act 27 and the recommendations of the Workgroup established therein should not also be one in which victims have their voices ignored.

Very truly yours,

Jennifer Poehlmann, J.D. (she/her)  
Executive Director  
Vermont Center for Crime Victim Services