

Representative Lori Houghton
Chair, Health Care Committee

Re: S. 192

Honorable Members of the House Health Care Committee,

My name is Joanne Kortendick. My sister Kathleen Smith was brutally murdered in Burlington Vermont in 2010. Her killer, Jose Pazos died in the custody of the Mental Health system nine years after my sister's death never having stood trial for her murder.

Since that time, I have been involved in advocating for reform to occur at the intersection of the Criminal Justice and the Mental Health System in Vermont. I have testified during the Legislative process for various Bills impacting victims including S. 3, S. 89, S. 91 and before the Senate during its consideration of S. 192. I was a victim's representative on the S. 3 working group and participated through Jennifer Poehlmann, Director of the Vermont Center for Crime Victim Services in the S. 89 (Act 27) Legislative Working Group. I worked with Jennifer, Kelly Carroll (another victim's advocate) in providing recommendations from a victim's perspective in the report submitted to the Legislature per S. 91 (Act 28) studying the formation of a Competency Restoration Program in Vermont.

I have followed the testimony regarding S. 192 in the House Human Services Committee and your Health Care Committee.

Although victims have not been invited to testify before either House Committee on this Bill, I am writing to you now to urge you to retain the provision allowing victims to provide a statement in cases where they are notified that an individual is being released or has eloped from the Commitment of the Mental Health Commissioner or a secured residential recovery facility such as River Valley. I am aware that your committee will be considering a revised version of the Bill on Tuesday the 23rd. I am also aware that there was previous testimony provided by Jack McCullough that a victim statement was unnecessary and irrelevant to the Court looking at what risk release would pose and punitive.

One of the biggest frustrations for Victims in situations where the accused is transferred to the custody of the Mental Health Commissioner from the Criminal Justice System is that the victim is no longer in the albeit limited communication channels provided for victims under the Criminal Justice System pursuant to the Victim's Rights Act. We worked along with Karen Barber during the Senate consideration of S. 192 to include this victim statement language. I strongly disagree with Jack McCullough that our statement is irrelevant or punitive. Releasing the accused from Commitment or from a secured residential recovery facility has a potentially paramount impact on public safety in general and particularly for the victim.

I appreciate your careful consideration of this Bill and urge you to retain the language giving victims a voice in the discharge process as well as retention of the section of the Bill pertaining to a Competency Restoration Program in Vermont.

Sincerely,

Joanne Kortendick