

Good morning Chairperson Houghton and members of the VT House Healthcare Committee,

My name is Kelly Carroll. I write in on legislation from time to time. I am a resident of Bennington and have lived on the same street since 1969. I have raised 3 children here, and sadly, I have buried one of them while living here.

I don't often talk about what happened "that" day. Victims like me don't get a chance to tell the courts what happened and how it's impacted us. January 18, 2021. Martin Luther King Day and the day my life was forever changed. My Emily was brutally murdered at 11 am in downtown Bennington. I was home and Cat, my grandson Killian's, (Emily's little boy), now adopted Mom called me around 12:30 and asked me if everything was ok. That can be a very scary question. It turned out that there had been a young woman that was stabbed not too far from my house. It was all over Facebook. We were both afraid it might be Emily. I remember trying to call her and call her and call her. I can't tell you how many times. I just kept thinking she'll pick up this time and say she had just been sleeping but she never did. I remember calling Cat about 3:30 and telling her I hadn't heard anything yet from anyone so no news must be good news. It was probably 10 minutes later that I had 2 police officers at my door. I had been following Facebook all afternoon. I asked them if it was Emily. They said yes. I asked them if she survived, and they said no. I don't really remember what happened next. I think I may have screamed for my husband.

The next thing I remember I was sitting in my dining room and they were telling me they had the person who had killed her in police custody and asked us if we knew him. We didn't. They told us he had already been found not competent for attempted murder and had been released back into the community so he most likely would not be doing any jail time but they would do what they could to make sure he stayed secured in a hospital for life. Silly me, I believed them. I really don't think they knew VT had no such place.

The police have a 15 minute video of him bragging about being a murderer and how the state of VT can't do anything about it because he had been found not competent. He can kill anyone he wants, and he made that video 7 weeks before he killed my Emma. Never in a million years did I think something like this would happen to us. We live in Vermont. It's supposed to be safe here. Right?

Since that horrific day in 2021 I have been advocating for changes to VT Mental Health System , especially where that system intersects with Vermont's criminal justice system. I have been fortunate to testify on S.3 in 2021- An act relating to competency to stand trial and the ability for the state to request their own evaluation. I participated in the S.3 / Act 57 working group and in 2023 I testified on S.89 An act relating to a forensic facility. I participated in the S.89/ Act 27 working group thru Jennifer Poehlmann at the Vermont Center for Crime Victims Services.

As a Vermonter I can't begin to tell you how hurt I am at the way the some in the Vermont House treat victims of violent mental health related crimes. As a mom, I'm devastated. I'm no lawyer and I know I can get some things mixed up but I have listened to testimony after testimony from several House committees over these past 3 years and never have I felt as "irrelevant" as I have this past month listening to the House Human Services Committee's testimony on S.192.

I am heartbroken with some of our "leadership" and the way victims rights have been removed this year thru HHS's S.192 testimony and HHS's refusal to support (or even hear from) any victims. The testimony was decidedly one-sided and not balanced at all and that to me, is not only deflating, but reprehensible. The HHS committee and a couple of their "expert witnesses" did an exceptional job at silencing victims and removing whatever limited rights we had advocated so extensively for.

Victims of violent mental health crimes do not get a lot- we almost had the opportunity to submit an impact statement to the court if the offender gets discharged or escapes. There was no guarantee that it would get read, let alone taken into consideration, but at least it was an opportunity to be heard. What HHS is telling me, is that my daughters violent murder doesn't even qualify me to say how her killers hunting her down, tackling her and slitting her throat has impacted me, her twin sister, her 4 year son Killian, her brother, her father, her step-father, her step-mother, her- step sisters, her grand-mother, her aunts, uncles and cousins, her friends,,, none of us matter, not one of us matters enough to even have a statement submitted.

The VT House Human Services Committee and the Mayor of Montpelier are telling Vermont that victims are irrelevant and hearing from people like us are unnecessary - Well I say WE DO MATTER. And, like victims in criminal court cases we should have an opportunity to be heard. You may not hear from many of us victims, but with almost 100 open murder and attempted murder cases in VT you need to know that there are many, many victims in Vermont and not all of them are in the criminal courts. Some of us may be a little quieter, but we are all out here, and we should all be notified when there is a change in custody and we deserve the choice and chance to be heard. It shouldn't matter if it's a criminal court crime or a mental health related criminal crime in family court. Why does my daughters murder not matter? Answer- because it's a mental health related extremely violent crime and nothing matters more than getting him released into the least restrictive community program.

I encourage you to support victim statements, notifications and rights in S.192 and return what is within the Healthcare Committee's jurisdiction. The S.89 working group did not object to it but it was still ignored by the HHS committee.

I request that you take some testimony on these topics and that you listen to some victims. Not just hear from some victims, but actually listen to victims. I have worked with Jennifer Poehlmann from the Vermont Center for Crime Victims Services and Joanne Kortendick, another victim who lost her sister Kathleen and was in Vermont's nightmarish court system for almost 10 years. I encourage you to invite them to testify. I also ask that you invite representatives from the State Attorney's office to testify.

My final ask is more of a wish for all of you-----May you never get to personally experience just how unfriendly Vermont is for victims of mental health related violent crimes. I hope all of the seats at your tables stay full but please, please don't ever think something like this can't happen to you. Life is so precious. I'm grateful I spoke to my Emma that fateful morning. The last thing I said was I love you and she said she loved me too. Dangerousness is dangerousness and with that extreme level of violence, public safety and all victims should matter. Competency restoration should matter and victims like me should be legally allowed to be notified if there is a change of custody and truth be told victim's like me should also have the right to make impact statements in court if we so choose.

This is Emily's son Killian. On Saturday, we went down to where she was murdered and did some Earth Day cleanup. He is at Emma's memorial. He talks to her. He knows a bad man hurt her but he doesn't really understand yet. I'm not sure what I will tell him as he gets older, but at least I will honestly be able to tell him that Gramma tried to give him a voice and keep him notified.

Thank you for reading me letter and for all you do for Vermont.

Kelly Carroll and Killian

#JusticeForEmily