

## **Testimony of Kelsey Rice before Joint Legislative Justice Oversight Committee**

### **Act 159: An act relating to miscellaneous amendments to the corrections laws**

#### **Section 3, Earned time expansion review**

My name is Kelsey Rice. I am a lifelong resident of Windham County, a survivor of intimate partner violence, and a member of Vermont Center for Crime Victim Services, Victim Advisory Council.

Thank you for the opportunity to testify in consideration of the proposed earned time expansion and victim notification review. I would like to thank Jennifer Poehlmann, Vermont Center for Crime Victim Services, Executive Director for her commitment to lifting up survivor voices in her steadfast victims' rights advocacy. I would also like to thank the late Senator Sears for his many years of service and for supporting victim voices being heard in consideration of the proposed earned time expansion.

As a victim of crime I have experienced stalking, physical, sexual, emotional and economic abuse. When I was ready to seek freedom for myself and my three children, I needed to rely upon all of Vermont's systems of support and protection, that included accessing support from trained advocates and Vermont's criminal justice system.

In every interaction I have had as a survivor, I have analyzed the services I have received. I do not have time today to share the many examples of positive experiences I have had with individuals providing system services. Every individual who has touched my life while providing services to me has left a lasting imprint on my recovery journey.

I have also had many horrible experiences navigating just about every system there is designed to support victims of crime here in Vermont. I do not presume to know how to do anyone else's job. With that said, I am extremely confident in saying we need more trauma informed training across the board, when it comes to system based responses to victims of crime.

Prior to fleeing intimate partner violence I had no experience engaging with the criminal justice system. From the very first domestic assault report I made to law enforcement in 2018, throughout my journey as a survivor navigating the criminal

justice system, and to this day, I have been appalled by the additional harm Vermont's criminal justice system causes survivors. My decision five years ago to begin publically sharing my story was fueled by my outrage for our more vulnerable community members fleeing violence. I offer my story in service to Vermonters who were not gifted with the level of privilege I possess.

Today, I will be sharing my experience with Vermont's victim notification system, VINElink.

August 2018 my abuser was charged with domestic assault and interference to access emergency services. At that time, I had no knowledge of how the criminal justice system worked and no understanding of how little time perpetrators of domestic assault can be held. Vermont State Police did not inform me when they released him after he was charged in August 2018. I was notified by my abuser showing up at my house, standing outside my window.

April 2019 my abuser was charged with breaking and entering, along with numerous conditions of release violations which were in place as a result of his August 2018 charges. The incident in April 2019 involved my abuser breaking into my home in the middle of the night. I heard a noise in my dining room, just outside my bedroom. I got up to check on my 2 older children who were sleeping in their bedroom and found my abuser standing in the dark, blocking my path to my children. He proceeded to threaten to kill himself and me, while holding a knife to his arm. I did not fight back when he raped me with my baby in the bed. For 5 hours I did whatever I could to keep him quiet in order to prevent my older children from waking up. He left on foot at sunrise.

I called 911. VSP dispatcher informed me because my abuser left the premises, a trooper would come to take my report but it was not designated as an emergency. I emphasized to the dispatcher, I did not know where he was and that his stalking behavior was escalating. A trooper arrived to my home to take my report over an hour later, and then called me later in the day to inform me he had located and arrested my abuser. The trooper informed me of my abuser's charges and said he would be held at Southern State Correctional Facility. This was the first time he was held following a report I made to law enforcement. I thought surely I would receive information regarding what to expect next, certainly before he would be released.

The April 2019 incident took place on a Friday night, into Saturday morning. My abuser was arrested, and held at Southern State that same day, Saturday. My abuser was outside my bedroom window the next night, Sunday. I was in shock. No one told me he was released, and there he was outside my window, again. I knew I could not keep him out. VSP took over an hour to arrive when I called 911 the day before. He was becoming increasingly loud, and my primary goal was to not wake my children with the hope of protecting them from further trauma. Again, he raped me with my baby in the bed. Again, I did whatever I could to keep him contained. Again, he threatened to kill me and himself.

2 days later, Tuesday morning, I dropped my children off at school and went to work, holding it all together as survivors do. While in my office, I received an automated VINELink call informing me my abuser was going to be released from Southern State Correctional Facility. Thankfully I made it to the bathroom before vomiting. Receiving that automated call 2 days AFTER he was back in my home raping me was more than I could keep shoved down under my professional facade.

The massive breakdown in the VINELink notification system was due to a human being not entering in time sensitive information when my abuser was processed and held at Southern State on a Saturday. No one contacted me to explain what VINELink is, or that I was set up to receive notifications. My first introduction to VINELink was the automated call on Tuesday morning, 2 days after my abuser was released. I cannot express in words what that call did to me that day. The level of courage, and resilience it took to survive the violence and then to carry on for my children in order to provide for them through the crisis we were experiencing, is something only survivors of intimate partner violence can understand. Receiving that automated call 2 days late illuminated for me, just how alone I was in my fight for freedom.

I received that VINELink call during a yearlong series of law enforcement and probation and parole errors which led to additional harm and increased safety risk to myself and to my children. A few months after that VINELink call came 2 days too late, it took law enforcement and probation and parole 6 weeks to issue a warrant and arrest my abuser for violations to his conditions of release and violations to my relief from abuse order. While I waited in terror not knowing

whether law enforcement or probation and parole informed my abuser I had reported him, my abuser continued to stalk me, threaten my safety and the safety of those around me. A relief from abuse order is simply pieces of paper if the system responses designed to uphold RFA orders do not function as designed.

January 2020 my abuser was sentenced to serve 9 weekends in Southern State Correctional Facility for violating my relief from abuse order and his conditions of release. His weekends were to be served beginning in March 2020. He was excused from reporting for his sentenced weekends as the pandemic was on the rise. September 2020 my abuser was sentenced to a year in jail as a result of MORE violations to my relief from abuse order. While my abuser was incarcerated I received automated calls from VINELink informing me of his whereabouts and when he was being transported places, up until he was released. Every time I saw the VINELink call coming through, it was a trauma reminder. When I was not available to take the call, it would come through repeatedly creating additional anxiety for me. It is possible I received both written and verbal guidance on how to navigate VINELink. I imagine if I did, it may have been shared with me during intense periods of elevated trauma, therefore I simply could not absorb the information when it was delivered.

Vermont needs to closely examine and address potentially life threatening gaps present within the criminal justice system, including victim notification. Vermont needs to invest in additional staff training and oversight to ensure victim protections are upheld, Vermont's victim notification system is operated correctly, and provided to victims through trauma informed practices to enhance accessibility to all victims and survivors.

As a victim of intimate partner violence, I have a life sentence. I will be safety planning until the day I die. The generational trauma caused by intimate partner violence will carry on down to my grandchildren regardless of my tireless efforts to mitigate the lasting impact on my children. When I think about the issue of earned time and Vermont's heightened focus on offender rights, it is very clear to me those in positions of leadership do not recognize the devastation to victims' lives does not end when the criminal justice system is no longer involved. This state continues level fund victim support programs, assuming the system based responses to crime we have in place do not need a massive overhaul.

My abuser benefited from earned time in 2021, leading to his early release. I was not my abuser's first victim, nor his last.

We cannot push forward with initiatives like earned time expansion until Vermont takes a closer look at where the current system is broken.

I ask you to please pause moving forward with ACT 159. Prioritize improving systems to protect victims before moving forward.

Thank you