

Nate Biscotti

From: Martin LaLonde
Sent: Tuesday, February 3, 2026 7:25 PM
To: Nate Biscotti
Subject: Fw: Rule 3K Amendment - Input

Follow Up Flag: Follow up
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Please post to H.744.

Representative, Chittenden 12, South Burlington, VT
Chair, House Judiciary Committee
Chair, House Ethics Panel
martinlalondevt.com

From: George, Sarah <Sarah.George@vermont.gov>
Sent: Tuesday, February 3, 2026 8:46 AM
To: Tanya Vyhovsky <TVyhovsky@leg.state.vt.us>; Barbara Rachelson <BRachelson@leg.state.vt.us>; Martin LaLonde <MLaLonde@leg.state.vt.us>
Cc: George, Sarah <Sarah.George@vermont.gov>; McManus, Kim <Kim.McManus@vermont.gov>
Subject: RE: Rule 3K Amendment - Input

Hello Senator Vyhovsky, Representative Lalonde and Representative Rachelson,

It is my understanding that this conversation is continuing – with the slight change of “[t]he procedures and standards established by the Presiding Judge of each unit pursuant to V.R.Cr.P. 5(b) **may** require that the affidavit or sworn statement include the charge or charges that the prosecuting attorney intends to file, and may require that the affidavit also include any conditions of release, including bail or an order to hold without bail, that the prosecuting attorney is requesting.”

I wanted to reach out to stress that this doesn’t change my significant concerns about this proposal. For starters, despite asking multiple times, I have yet to hear what the actual problem is that this proposal is attempting to fix. From my perspective it seems only to make things easier on Judges and significantly harder on law enforcement and prosecutors – with zero additional funding or support for those of us who would be dramatically impacted. It seems fair that we should all be told exactly what the problem is that is attempting to be fixed so we have an opportunity to fix it without a legislative fix, or have the ability to give feedback on the legislation with all the context.

All my concerns stated below still stand – but with this proposed change I have an added concern that the practice or mandate could change with each presiding Judge. This means that every year when we get a new presiding Judge, they can significantly alter our practice and our obligations – which would fall on me and my office to adapt to an entirely new practice each year and to inform and train law enforcement each year.

I know that DSA Novick-Smith is testifying on this issue tomorrow and I imagine she will echo these concerns and likely even more from her perspective as a DSA.

Please let me know if you have any questions, and please feel free to share this feedback as you see fit.

Sarah F. George

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(she/her pronouns)

"Injustice anywhere is a threat to Justice everywhere" - Martin Luther King Jr.

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From: George, Sarah <Sarah.George@vermont.gov>

Sent: Friday, November 21, 2025 12:04 PM

To: Tanya Vyhovsky <tvyhovsky@leg.state.vt.us>; Barbara Rachelson <brachelson@leg.state.vt.us>; mlalonde@leg.state.vt.us

Cc: George, Sarah <Sarah.George@vermont.gov>

Subject: Rule 3K Amendment - Input

Hello Senator Vyhovsky, Representative Lalonde and Representative Rachelson,

I wanted to reach out to each of you to plead you **not to pass** the proposed order to amend Rule 3(K) as outlined below:

a. Proposed Order Amending Rule 3(k) of the Vermont Rules of Criminal Procedure

<https://www.vermontjudiciary.org/PROPOSED--VRCrP3k--FORCOMMENT>

The proposed amendments provide clarity and flexibility regarding after-hours requests for bail or conditions of release following arrest. The proposed amendment deletes the existing sentence which requires that "[t]he affidavit or sworn statement must indicate the crimes to be charged by the arresting officer," as it is the prosecuting attorney who is solely authorized to charge criminal offenses. Second, the proposal provides that "[t]he procedures and standards established by the Presiding Judge of each unit pursuant to V.R.Cr.P. 5(b) must require that the affidavit or sworn statement include the charge or charges that the prosecuting attorney intends to file, and may require that the affidavit also include any conditions of release, including bail or an order to hold without bail, that the prosecuting attorney is requesting." This provides clarity as to a judge's authority to require the arresting officer to include in the affidavit a statement of a prosecuting attorney's intended charges and recommended bail or conditions of release for the individual.

When my office saw this proposal they were understandably upset (including myself) . Our DSAs, when on call, get between 0-10 calls per day, sometimes more. Many of these calls occur in the middle of the night. If our DSAs are going to be called/paged for every one of the cases law enforcement processes after hours there are likely to be 5-10 additional calls per night when each of us are on call. It is completely unsustainable, and I will absolutely lose good DSAs over it. I was on call a few weeks ago for a weekend and got paged 2-4 times each night for warrants and untimely deaths – one of the calls was a fatal crash and I was up for 3 hours dealing with just that one call – if I had been paged for everyone arrested that weekend it would easily have been 10 pages each night.

I'm not sure I fully understand what problem this is attempting to solve – but I do know that it will adversely impact Chittenden County significantly more than it will impact any other county in the State. I also know that

whatever decision the on-call DSA makes in the middle of the night after being woken up from their sleep is not binding on this office the next day when the charging attorney is reviewing the same affidavit on a full night's sleep – which makes the entire exercise in the middle of the night completely moot. For example, we have DSAs in our office that practice fully in appellate court or family court, but they are on call as part of our rotation. They don't always have all the background of a particular person or a particular charge and cannot be expected to make a fully informed decision on a case without all of that context. Further, if law enforcement have to have a fully formed affidavit written before paging the on-call DSA, it will take each of them away from other calls for an unreasonable amount of time – significantly impacting public safety and response times by law enforcement. Every agency in our County is struggling to have enough police to respond to calls in a timely manner. This will negatively impact their ability to do that.

Prosecutors in Vermont right now are being overburdened with work, for very little pay, and next to no additional pay for being on call. Most of my attorneys have young children, many have second jobs, and every one of them is doing the best they can to manage caseloads between 300-400 cases at a time. Adding additional responsibilities to their after-work hours unnecessarily for no understandable reason and for zero additional compensation is unnecessary and I beg you not to do it. Having attorneys coming to work each day having had no sleep the night before because they were paged 10+ times throughout the night will only prolong our ability to keep good prosecutors staffed and our ability to efficiently get through the backlog we are currently struggling to get through.

Please let me know if you have ANY questions. Thank you for all the good work you do.

Sarah F. George
Chittenden County State's Attorney
32 Cherry Street
Suite 305
Burlington, VT 05401
Phone: (802) 863-2865
(she/her pronouns)

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