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## **Report to The Vermont Legislature**

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### **Vermont Victim Notification Task Force Group**

#### **Report In Accordance with Act 64**

Submitted to: Joint Legislative Justice Oversight Committee  
House Committee on Corrections and Institutions  
House Committee on Judiciary  
Senate Committee on Judiciary  
Senate Committee on Institutions

Submitted by: Victim Notification Task Force Group  
Jennifer Poehlmann, JD, Chair  
Executive Director, Vermont Center for Crime  
Victim Services

Prepared by: Jennifer Poehlmann, JD, Chair

Report Date: November 15, 2025

## INTRODUCTION

This report summarizes the work to date of the Victim Notification Task Force Group (VNTFG). The VNTFG was established by Act 64, passed in 2025, in response to testimony about the concerns and challenges with victim notification within the criminal justice process impacting the rights and safety of victims of crime. Specifically, the VNTFG was asked to focus on the following areas:

- improving victims' accessibility to information;
- ensuring that the entire notification process is trauma-informed, including all notifications, communications, and informational materials;
- expanding the use of automated notification systems in order to increase options and maximize communication choices for victims and survivors; and
- recommendations for necessary training and resources.

The VNTFG was officially called to order by the Vermont Department of Corrections (DOC), pursuant to Act 64, on August 5, 2025, and has met seven times in total to date. Small group or independent work has also taken place during this time. Minutes, recordings and supporting documents are included on the DOC website. Pursuant to Act 64, the VNTFG is to cease existence on February 15, 2026.

It should be noted that the need for this work was identified just one year prior in Act 159, passed in 2024, which included the following language: *"The review of the Department's earned time program shall also include an examination of the current operation and effectiveness of the Department's victim notification system and whether it has the capabilities to handle an expansion of the earned time program. The Committee shall solicit testimony from the Department; the Center for Crime Victim Services; victims and survivors of crimes, including those who serve on the advisory council for the Center for Crime Victim Services; and the Department of State's Attorneys and Sheriffs."*

## ESTABLISHMENT OF THE WORKING GROUP

**The Working Group membership** is comprised of the following members:

- Jennifer Poehlmann, JD, VNTFG Chair – Executive Director, Vermont Center for Crime Victim Services
- Tim Luders-Dumont, Esq., Executive Director, Vermont Department of State's Attorneys and Sheriffs
- Amy Farr, LICSW, Director of Victim Services, Vermont State Police
- Kelsey Rice, Victim/Survivor
- Brittany Antunes, Victim/Survivor

- Charlie Parker Gliserman, Director of Policy, Vermont Network Against Domestic and Sexual Violence
- Meredith Pelkey, Director of Victim Services, Vermont Department of Corrections
- Joseph Bordeau, Business Analyst, Vermont Department of Corrections

There was significant input provided through the regular participation of non-task force attendees, including: staff from Disability Rights Vermont; Meghan Place, State's Attorney Victim Advocate; Shea Kennedy, State's Attorney Victim Advocate; Karen Burns, State's Attorney Victim Advocate; Tammy Loveland, State's Attorney Victim Advocate; Anna Nasset, VINE consultant for Vermont; Danielle Levesque, Victim Services Specialist with the Vermont State Police; Haley Sommer, Director of Communications and Legislative Affairs, Vermont Department of Corrections; and, Jenna Bessette, Administrative Services Coordinator, Vermont Department of Corrections.

## **DELIBERATIONS**

The framework for our conversations lay within the foundation of first, understanding and supporting the capacity of the automated VINE system to serve as a valuable tool to assist the Department of Corrections (DOC) with effectuating its statutory obligations to victims and serve as an informational resource for victims.

Equally important, if not more so, was the accepted principle that no amount of automation can replace the skilled and personal support that can and should be provided to victims. This was a common theme that we were mindful of as we strived to achieve a balanced approach that met the needs of victims and survivors.

When the term "majority" is used within the context of this report, it refers to all work group members aside from the two who are appointed by DOC.

- **Understanding the roles and responsibilities of DOC's VSU and DOC Staff**

To obtain a common understanding among the group, the VNTEG was educated on the responsibilities of DOC staff and a specific focus on DOC's Victim Services Unit (VSU). Responsibility for working with and supporting victims primarily lies with DOC staff outside the VSU, as the VSU provides support and training to the Department as a whole. The DOC VSU does have the discretion to determine which cases they will support directly. (see the Appendix for the Victim/Survivor Support Directive)

The occurrence of erroneous notifications is a concern that was repeatedly shared in committee hearings as experienced by victims and witnessed by other partners in the

system. Human error and lack of understanding or knowledge of the system among those responsible for using VINE were noted as a contributor to these problems. Inaccurate data entered into the automated system resulted in inaccurate notifications, which negatively impacted victims. DOC reports it has been working with VINE to refine the codes that trigger notification and engage in a remapping of the system.

#### VINE Data Accuracy and Notification Improvement Project

The Vermont Department of Corrections is working with its victim notification vendor, VINE, to improve the accuracy and reliability of information shared with victims and the public. The VINE system receives regular data updates, every 15 minutes, from the Department's Offender Management System (OMS), which tracks individuals under supervision or incarceration. This data powers both the VINE online portal and the automated notifications sent to registered victims about changes in an individual's status.

Over time, as the system evolved and new requirements were added, the complex network of rules and data interpretations on the vendor's side became inconsistent. These inconsistencies occasionally led to incorrect or unclear notifications being sent. The current project aims to address that by conducting a comprehensive audit and restructuring of how VINE processes Department data.

In collaboration with VINE, DOC staff are reviewing every possible data scenario and determining what each should trigger within the system. This effort will simplify and document the notification process so that future maintenance is easier, and any errors can be quickly corrected. The outcome will be a more accurate, transparent, and dependable notification system that better meets statutory obligations and ensures victims receive timely and correct information.

Representatives from the DOC noted their intention to ensure all staff are trained in VINE moving forward.

- **Ensuring victim notification is accessible and trauma informed**

#### Trauma informed and understandable language:

The VNTFG spent a considerable amount of time discussing this issue. The language provided via email to registered victims and survivors was reviewed and heavily revised; the expertise of Disability Rights Vermont in this process was invaluable. The VNTFG came to a consensus on the revised email notification language to be provided by VINE moving forward, which all members and non-member participants agreed to be trauma-informed and understandable.

One area where work remains is with the parole notification language. This is a more complex process as it was shared that the current automated notifications happen only the first time the offender is eligible for consideration, necessitating that if parole is denied, there is the need for subsequent notifications through direct communication. The DOC is working with a small group to refine and make improvements to this area.

- Text Notifications:

As noted, the VNTFG was able to review the notification language provided through email. The status of text notifications, which most victims/survivors are reported to prefer, is currently unresolved. It was agreed that the language in both types of notifications should be consistent. Due to the text character limitations, it is not possible to include that same level of information provided in an email within a text. The idea of embedding a link in the text was offered, which could then direct the victim/survivor to VINE where they could log in to receive that information. DOC has communicated in the workgroup forum that it continues to work with VINE to set a timeframe to adopt changes to both phone and email notifications and VINE has indicated that this will take design work, engineering, documentation, recoding, testing, translating, etc.

Notifications via telephone have not been discussed at this time. The Group has additional work to do in this area, as these notifications have also raised concerns.

- Release notifications:

At the time the VNTFG commenced its work, release notifications were provided 30 days in advance to victims/survivors registered in VINE. There was consensus that this did not give victims/survivors sufficient notice, and the timeline was changed to trigger notification 60 days out. The Group also discussed populating the form itself with a link to resources for assistance and support. The VINE system does have this capability and the VNTFG is working on finalizing this aspect for inclusion.

- Language access:

Currently the VINE system can provide *interpretation* in over 260 languages to victims who contact VINE directly. In Vermont, the current contract only supports the English and Spanish language for *translation*. The population of non-English speakers in Vermont is largely comprised of the following: Bosnian, Dari, Pashto, Arabic, Nepalese, Somali, Spanish, Chinese, Swahili, Maay Maay, Vietnamese and French, with Bosnian, Arabic and Somali identified as the most dominant languages.

The majority of the VNTFG have urged the DOC to work with VINE to translate notifications and information provided so that the system is equally accessible for all victims of crime. The VINE system has this capability. The DOC has communicated with the workgroup and continues to explore utilization of translation with VT DOC Health Equity Program Director to include determination of whether the documents are vital and the exploration within DOC's operations as well as ongoing analysis with VINE for the additional cost for translation not outlined in contract. It should be noted that victims' have a right to the information VINE is utilized to provide per statute.

The DOC did recently obtain a quote on the cost of enhancing their system, which has not been presented to the larger VNTFG, to include the requested languages Bosnian, Dari, Pashto, Arabic, Nepalese, Somali, Spanish, Chinese, Swahili, Maay Maay, Vietnamese and French, with Bosnian, Arabic and Somali. The total cost of this enhancement would be \$278,334. The DOC states it will continue to offer translation services to any victim/survivor who requests it. Further details about establishing an accessible system need to be explored in future meetings and understood by stakeholders.

- **Enhancing Communication and Coordination**

Improving communication between the parties responsible for providing victim notification was specifically identified as a goal of the Legislature on multiple occasions. The Department of State's Attorneys and Sheriffs provided leadership to organize an effort to develop a comprehensive MOU, which should be finalized in the next couple of weeks. The current draft can be found in the Appendix.

- **Restoring/Providing Victim Choice**

One of the driving issues that resulted in the establishment of the task force was an expressed desire by many to see the VINE system restore options and choice for victims as to the notifications they would receive. This option existed several years ago but had been eliminated by the DOC. Currently, there is no agreed upon clear plan for moving forward in this area.

DOC represented in a meeting that as all the notifications that DOC provides are mandated in statute, implementing a "menu" option for providing notifications to a victim who registers for VINE would interfere with its ability to meet its statutory obligations. DOC's position is that it cannot restore this option until statute is changed. Currently, there are two obligations where victims/survivors can opt in or out of; these relate to parole and earned time notifications.

Additionally, the group noted that victims can opt out of any and all services provided by a victim advocate through Title 13; no such option exists relative to DOC within Title 28. A desire to address this can be found in the “Recommendations” section.

The DOC offered that the “notes” section of VINES could serve as a place where approved users could include information about what notifications victims did or did not want, how they wanted to be notified, and any special safety considerations. The DOC represented it would expand usage to the “notes/backend” section to additional non-DOC staff and provide training. While this access is greatly appreciated, the majority of the group expressed concern with simply relying upon a “notes” section.

The VINE consultant has recently confirmed that VINE has the implementation of a “menu” option scheduled for 2026. In the meantime, the VINE consultant is pursuing whether it is possible to modify the system in some way to build in a “red flag” or to move the notes section to a more prominent position, so this information is more likely to be seen.

- **Earned Time**

Within Act 64, the Legislature amended the Earned Time laws (28 VSA §818(b)(4)(B)) to ensure that victims receive active notification of an offender’s earned time accrual no less than every 90 days, if they choose. In making the change, the Legislature intended to improve the current notification system, as victims had to either check the automated VINE system or reach out to corrections staff to learn this information. The amendment established the same affirmative obligation that DOC was responsible for relative to offenders in their custody. This change was supported by the DOC.

The majority of the VNTFG was concerned to find that months after the law became effective, registered victims had not been informed of the change to statute. DOC has reported that this language is now on the VINES website and on the DOC website. The majority have recommended that there is active outreach to victims and survivors about this significant change to the law. The DOC reports they are working on their outreach and information in this area.

- **Gap between detention/arrest and PC hearing**

- Booking Improvements Identified:

- One of the longstanding identified gaps in notification has been regarding the release of someone who has been lodged after hours or on weekends. The problem is largely due to a lack of information about the victim collected by law enforcement and communicated and entered by DOC. The Vermont State Police are working on closing this gap by adding

language to the booking paperwork, as this information was previously absent or not immediately available. This language will prompt law enforcement officers to ask victims if they wish to share information with DOC that will allow for notification if a lodged person is able to post bail and be released. The Vermont State Police Victim Services Unit will provide this information and training to their officers as well as include it in the training regularly provided for the Police Academy.

#### Law Enforcement Tool:

The Center for Crime Victim Services has collaborated with partner agencies for over 20 years to provide law enforcement officers with a tool to enable them to meet their statutory obligations under 13 VSA §5314. The VNTFG updated this tool and there was consensus on adopting the changes therein. Significantly, among other changes, the form given to victims now provides information about VINE and DOC's Offender Locator system. It should be noted that providing information on these systems is not currently required under 13 VSA §5314. The VNTFG unanimously recommends that language should be added to this provision that does so.

The Center for Crime Victim Services arranged for this tool to be translated into 12 different languages, all of which are readily available to law enforcement throughout the state. The Vermont State Police, the Department of State's Attorneys and Sheriffs and the Vermont Network Against Domestic and Sexual Violence have all identified specific ways in which they intend to train and engage law enforcement partners on the information included in the form and its utilization.

DOC has reached out to numerous law enforcement agencies across the state offering training, including the distribution of VINE information materials.

- **Training and Resources**

There were no identified resources needed for training at this time. The Department of State's Attorneys, the Vermont State Police, the Vermont Network Against Domestic and Sexual Violence and the Vermont Center for Crime Victim Services offered ways they could provide training and outreach to the larger communities identified. The DOC continues to provide training as well to DOC staff and stakeholders, and per the VINE consultant, such training is available and can be created as a support and resource to the DOC and Vermont at no cost. The DOC has also offered to provide training to advocates on utilizing the "back end" of the VINE system, which allows approved users to provide input information to the system that other users are not able to.



The victim/survivors that participated also offered to provide support to inform a trauma-centered approach to future training. Additionally, in 2025, DOC provided a 2-day training to staff entitled “DOC Survivor Centered Trauma Informed Communication Training”, which featured two survivors in its development and implementation. The training received excellent feedback; at this time funding for 2026 is unknown.

- **Department of Corrections Operational Changes**

During the time the VNTFG met, DOC made two operational changes that raised concern among members and participants that were not staff of the DOC. These changes eliminated two notifications provided to victims - for facility-to-facility transfers and for out-to-court. In addition, DOC shifted a direct service position from the Vermont Services Unit into a business analysts technical IT for the VINE system to support maintenance and updates. The majority of the VNTFG, especially the victim/survivors, expressed that the action removing a direct service position from the VSU is counter to the clear and consistent message from victims/survivors and advocates - automated communication cannot replace human to human support.

As these actions are recent, their impact has yet to be understood.

## **RECOMMENDATIONS FOR ACTION**

As noted above, there has been a great deal of work by all involved which has resulted in some specific accomplishments. Our lengthy recommendations reflect the status of our work, and consensus or majority support has been indicated where relevant.

### **Recommended for Legislative Consideration at this time**

1. The Legislature amend 13 VSA §5314(b) to add (7) Information about the Department of Corrections’ Offender Locator System and the ability to register for automated notification of the defendant’s custody status through the VINES automated victim notification system.
2. The Legislature brings the statutes relating to parole notification to victims in conformance, by amending 13 VSA §5305 to reflect the language within 28 VSA §507, ensuring that notification is an opt out rather than an opt in. (see Appendix for side-by-side comparison)
3. The Legislature establish an ongoing Advisory Group to ensure support for victim notification and exploration of innovation and improvement in this area.
4. The majority of the VNTFG recommends that DOC restore the option for victims/survivors to choose which notifications they receive through the reinstitution of a “Menu” through VINE. Title 13 VSA §5304(b) explicitly provides a victim/survivor with the ability to opt out of any service the state’s attorney advocate

is otherwise obligated to provide; the majority recommends that a similar provision be instituted within Title 28.

Further Work to Carry Out Legislative Objectives with potential further recommendation

1. As outlined in the “Victim Survivor Services and Support” policy, DOC continues to train all staff on the functions of VINE and continue to bolster trainings to support the outreach to victims to the use of VINE for automatic notifications. Ongoing efforts should include the continued offering of its 2-day “DOC Survivor Centered Trauma Informed Communication Training”.
2. The DOC implement a clear plan to meet its obligations established under 28 VSA §818(b)(4)(B), relating to active notification of earned time to victims of record who opt in. While DOC asserts no survivors have reached out to receive notification of earned time and it is therefore meeting its obligation under 24 VSA §818(b)(4)(B), the majority continue to assert victims/survivors need to be made aware of the change in order to decide if it is something they want to opt in to.
3. The VNTFG reviewed the language and accessibility of email notifications, however text notifications must undergo the same language review and updating process. Text messaging should include a link to VINE and language that is consistent with what is reflected in email messaging. The VNTFG is committed to reviewing telephonic notification as well to ensure the same principles of trauma informed accessibility are included.
4. Development of a process directing all DOC direct service staff (not limited to victim services) to proactively initiate outreach to victim/survivors in the DOC intake process for the victim/survivor population identified in the Victim Services Directive and as required by statute. Intake should include gathering and entering victim contact information, identifying victim notification preferences, sharing information about VINE’s functionality, and providing resources available to victims of crime post adjudication.
5. While VINE is a useful tool that can fulfill many notification responsibilities, the VNTFG acknowledges that VINE is not a replacement for direct service, especially in more complicated, high risk, or highly sensitive situations. Some of the critical areas that should require direct service from the DOC include:
  - a. Parole hearings. This support should include helping victims prepare their testimony and providing information about potential outcomes. Release on furlough may occur even if parole is denied. Planning for this must be done on a case-by-case basis weighing the specific needs of the victim/survivor and the risk posed by the supervised/incarcerated individual.

VINE technology is only capable of notifying victims of an incarcerated/supervised individual's first instance of parole eligibility. Any subsequent outreach must be done by staff.

- b. Notification about supervised individuals who abscond. VINE provides notification about supervised individuals who abscond upon receipt of a Commissioner's Warrant; however, DOC staff do provide more immediate contact if information is known for purposes of supporting the victim/survivor of safety planning and available resources. The VNTFG needs to do more work to solidify its understanding of this process and what, if any, additional support is needed to ensure seamless notification to victims and survivors without delay.
- c. Sex Offender Release. Per DOC policy "Release Notifications" sex offender releases are reviewed by the Central Case Staffing Committee to ensure release planning and outreach if applicable has been made and that reintegration for the incarcerated individual includes access to wrap around services that support individuals and families as individuals transition to community supervision. Victims are entitled to participate in the offender's release plan process to ensure their safety. 13 VSA §3272.
- d. Pre-sentence Investigation (PSI) reports. Interacting with victims during this process is a great entry point for victims to understand the role of the DOC. It also provides support to victims of the most serious offenses and allows victim voices to be heard and considered in a meaningful way.

Per DOC policy 342, "Legal Reports and investigations" DOC outlines guidance to contacting and ensuring the standard and Sex Offender PSI investigative process includes victim input. This is bridged through the relationship with the State's Attorney's Victim Advocates to gather and develop rapport with victims/survivors for victim impact statements that may include in-person interviews, phone interviews, and/or written statements. There are questions that have been raised by group members and participants about how that information is gathered and who is gathering it.

\*\*\*The above areas, where support is particularly critical, have only been recently explored by the VNTFG. The majority of the VNTFG feel the role of DOC staff and the role of VINE in these areas need to be further understood and clarified.

- 6. The majority of the VNTFG recognizes that any system is vulnerable to technical and human error in data entry or other user interaction or unforeseeable forces such as power outages or network problems, each of which can lead to a disruption in notification or in other notification errors. The VNTFG recommends that DOC work

toward remedying identified technical issues and develop a protocol to monitor and remedy notifications when outages and errors occur.

7. The DOC must revisit their “Victim Support Directive” to ensure recent changes to practice are reflected.
8. The DOC continues to develop introductory information and outreach to victims, including written materials. Such outreach shall include transparency on the confidentiality and privacy of victim information. The majority recommend the inclusion of DRVT and survivors in this process.
9. The Vermont State Police continue to work on a booking form that will feature victim contact information if the victim chooses. At such time that the form is developed, the Vermont State Police VSU and DOC will provide training and support.
10. All parties involved finalize the memoranda of understanding between them and commit to regular reviews.
11. The majority of the VNTFG recommend that an audit of the VINE system is conducted. The state invests general fund dollars in this system and some of the questions that could be answered in an audit include:
  - a. How many victims are enrolled in VINE?
  - b. How many victims are accessing VINE?
  - c. Who is inputting data into VINE? How many victims register themselves? How many service providers register victims or themselves for notification using VINE? How often is the NOTES function utilized and by whom?
  - d. How are DOC staff using victim information to support their safety and need for information?
  - e. How many USERS are registered in VINE? What agencies do those users work for? How often do they access VINE?

\*\*\* It should be noted that the DOC reports that VINE may not be able to provide information to some of the above. Further inquiry should be made into this area.

As the report indicates, many of the critical issues initially identified within the criminal justice continuum remain in a pending status as to their resolution. There are other areas where an automated system, whether it be VINE, or a different one, may be appropriate to provide support to those in the field to best ensure the timely provision of information to victims. Areas that have been identified include, but are not limited to, notification in mental health matters involving violent crime, civil protections orders, firearm seizure and integration of Court Hearing Notifications (VINE COURTS). The VNTFG hopes to have time to explore these options as a tool that can provide safety and support in a trauma-informed way.

# **Act 64 Report of the Victim Notification Task Force Work Group**

## **Appendix**

- A) Victim/Survivor Services and Support Directive, 502.01 Department of Corrections
- B) "Life of a Case" Chart
- C) "Your Rights as a Victim of Crime" form for Law Enforcement
- D) Information from law enforcement agency: 13 VSA §5314
- E) Comparison of Existing Parole Laws
- F) Earned time; reduction of term: 28 VSA §818
- G) Draft Memorandum of Understanding

<b>STATE OF VERMONT</b> <b>AGENCY OF HUMAN SERVICES</b> <b>DEPARTMENT OF CORRECTIONS</b>	<b>Victim/Survivor Services and Support</b>	<b>Page 1 of 10</b>
<b>CHAPTER: PROGRAMS – RESTORATIVE JUSTICE</b>	<b>#502.01</b>	<b>Supersedes:</b> #502.01, dated 04/04/2022
<b>Local Procedure(s) Required:</b> No <b>Applicability:</b> All staff (including contractors and volunteers) <b>Security Level: “B”</b> – Anyone may have access to this document.		
<b>Approved:</b>  <div> <div> <u>SIGNED</u>  Nicholas J. Deml, Commissioner </div> <div> <u>05/02/2022</u>  Date Signed </div> <div> <u>05/16/2022</u>  Date Effective </div> </div>		

## PURPOSE

This policy outlines the process by which victims/survivors of crime, affected persons, and other members of the community receive notification, or otherwise access information regarding the status of individuals under the custody or supervision of the Vermont Department of Corrections (DOC). It also provides the implementation mechanism that ensures that the DOC and the Victims Services Unit (VSU) meet a minimum standard set by the DOC which includes meeting statutory requirements concerning victims’/survivors’ rights and notification.

## AUTHORITY

28 V.S.A. §§ 104(a), 507; 13 V.S.A. §§ 5301, 5305.

## POLICY

The DOC recognizes, and endeavors to consistently fulfill, its statutory obligations to victims of crime. It also maintains a commitment to implementing victim-informed best practices in carrying out all its duties. VSU staff serve in a consultative and expert role by providing support and services to victims and other DOC staff as needed. DOC staff are supported by the VSU in developing and implementing trainings on trauma-informed best practices to enable all DOC staff to carry out their duties using best practices and the most current information. DOC staff, in collaboration with the VSU, holistically address the needs of individuals and communities that have been affected by crime.

## **GENERAL GUIDELINES**

### **A. Victim Services Unit (VSU) Role**

1. The DOC's Victims Services Unit serves to bridge the gap of need for individuals whose lives have been impacted by individuals under the DOC's custody or supervision. The VSU is predominately guided by the definition of victims provided by 13 V.S.A. §5301 when carrying out its work. The VSU also recognizes as "victims/survivors" those who are involved with unadjudicated cases or individuals who have been harmed (i.e., "affected persons") by individuals under the DOC's custody or supervision.
2. The VSU acknowledges the important role of victims/survivors in supervising and informing the treatment of individuals under the DOC's custody or supervision who have been convicted of crimes. The VSU works to support community and victim/survivor safety by integrating victim perspectives throughout the supervision process. It achieves this through collaboration, primarily by directly communicating with field and facility casework staff.
3. Victim Services Specialists (VSSs) may serve as points of contact between victims/survivors and the DOC. VSSs may be assigned to certain cases (see section 1 under Heading A. Victim Services Unit (VSU) Role in the Procedural Application portion of this policy). VSSs provide information, support, advocacy, and referral services to victims/survivors in the following areas:
  - a. Updates and information concerning individuals under the DOC's custody or supervision;
  - b. Coordination of state - and community - based services;
  - c. Navigation of victim/survivor contact with individuals under the DOC's custody or supervision;
  - d. Support before, during, and after parole board and other post-conviction hearings; and
  - e. Victim/survivor safety planning prior to an individual's release from DOC custody.

## **PROCEDURAL APPLICATION**

### **A. Victim Services Unit (VSU) Role**

1. The VSU Director, or designee, shall determine whether to assign a VSS to a case using the criteria below.
  - a. The VSU shall assign a VSS to cases involving individuals under the DOC's custody or supervision designated as:
    - i. Level C;
    - ii. Release Sensitive Notification (RSN); or
    - iii. High-Risk Sex Offenders (HRSO).
  - b. The VSU may consult on, or assign a VSS to, cases that may require additional victim/survivor services.

- i. Corrections Service Specialists (CSSs) or Probation Officers (POs) shall contact the VSS assigned to their geographic area to request VSU involvement.
  - ii. The VSU Director and VSSs may use their discretion in response to case assignment requests.
- 2. When a VSS is assigned to a victim/survivor or case, they shall serve as the primary contact. In cases in which a VSS is not assigned, the PO or CSS shall serve as the primary contact for the victim/survivor. The primary contact shall:
  - a. Ensure statutory notification to victim(s)/survivor(s) and
  - b. Provide necessary support.
- 3. The VSU plays a critical supporting role in the case staffing determination process.
  - a. Assigned VSSs or the VSU Director shall provide information in case staffing determination processes based on the needs and priorities of victims/survivors during the release planning process.
  - b. DOC staff shall notify assigned VSSs when their cases are scheduled for a staffing determination process.
  - c. VSSs shall contact victims/survivors as necessary to:
    - i. Invite input about victim/survivor safety concerns for case staffing consideration, especially related to sex offender release; or
    - ii. Notify victims/survivors of staffing outcomes related to sex offender releases, as requested.
  - d. In the absence of an assigned VSS, DOC staff shall take responsibility for carrying out the tasks listed in this subsection c. of this section.
  - e. DOC staff completing a staffing form shall not include victim/survivor information on the form.

#### **B. Victim/Survivor Documentation Expectations**

- 1. Any time DOC staff have contact with a victim/survivor, they shall enter a victim contact note in the Offender Management System (OMS).
- 2. Staff shall record information from victim/survivor contact only in the Victim Contact Note section due to victim/survivor safety concerns.

#### **C. Notifications**

- 1. DOC staff shall ensure that victims/survivors receive notification when the individual(s) in their case experiences a change in custody status. Status changes that initiate notification include when an individual:
  - a. Is released from incarceration such as release on bail;
  - b. Is released upon completion of a maximum or split sentence;
  - c. Is released to community supervision;
  - d. Is transferred to court;
  - e. Escapes or is recaptured;
  - f. Dies; or
  - g. Receives a pardon or commutation of sentence.



2. DOC staff shall provide notice to the victim/survivor or affected person(s) (as deemed appropriate by VSU) as expeditiously as possible using the address or telephone number provided to the DOC by the person requesting notification. DOC staff shall:
  - a. Ensure the notification is made either through automated notification technology or direct communication.
  - b. Treat any provided email address, physical address or telephone number as confidential.
  - c. Afford victims/survivors of listed, or non-listed, crimes where the facts of the case indicate an ongoing safety concern the opportunity to provide input regarding the pending release of an individual under the DOC's custody or supervision into the community where issues pertaining to victim/survivor safety have been identified.
    - i. The CSS shall contact the VSU when the facts of the case indicate an ongoing safety concern.
  - d. Notify victims/survivors of listed, or non-listed, crimes where the facts of the case indicate ongoing safety concerns about the release of incarcerated individual(s) and parole board hearings.
    - i. For cases where the CSS cannot make a determination about whether the facts of the case indicate an ongoing safety concern, the CSS shall contact the VSU. Please reference the information under the Release Planning Work and Parole Board Hearing heading of this document for additional information.
3. The following provides direction on notification for specific types of situations:
  - a. If a VSS is assigned to a case, the associated PO or CSS shall notify the VSS as soon as an incarcerated individual is scheduled for release. The VSS shall notify and support the victim/survivor.
    - i. If no VSS is assigned to the case, the PO or CSS notifies the victim/survivor as soon as possible to ensure adequate time to safety plan.
    - ii. If there is no victim/survivor listed in the VANS system, the PO or CSS is expected to contact the State's Attorney's Victim Advocate (SAVA) in the jurisdiction where the case was adjudicated to obtain victim and survivor contact information.
  - b. As soon as the CSS is aware that medical furlough is a consideration the CSS shall contact the assigned VSS. The assigned VSS shall contact the victim/survivor for notification and to screen for any potential victim/survivor issues. If there is no assigned VSS, the CSS shall contact the victim/survivor for notification and to screen for any potential victim/survivor issues.
  - c. POs shall notify associated VSSs within 24 hours of a death notice. VSSs shall notify victims/survivors of a death within three days.
  - d. POs or CSSs shall notify associated VSSs of a pardon as soon as possible, but no later than within three days of receiving the investigation packet. VSSs shall provide notification to victims/survivors within three days of receiving notice from associated POs or CSSs.

- e. DOC staff shall notify victims/survivors of listed crimes, non-listed crimes where the facts of the case indicate an ongoing safety concern at least 30 days prior to any parole eligibility hearing for the defendant. For cases where the CSS or PO cannot make a determination about whether the facts of the case indicate an ongoing safety concern the CSS/PO shall contact the VSU.
  - i. If the hearing is merely a record review, DOC staff shall only contact the victim/survivor if, after the record review, the parole board requests a hearing.
    - a) DOC staff shall notify the victim/survivor of this subsequent hearing because crime victims/survivors and affected parties have a legal right to attend Parole Board hearings and to provide testimony to the Parole Board.
  - ii. VSS support is primarily driven by the needs and priorities of victims/survivors.
  - iii. VSSs shall ensure that the victims/survivors in the cases to which they are assigned receive notice of hearings and that victims/survivors in those assigned cases, and all other referred cases, are provided with the support and information they need to participate.
  - iv. If a VSS is assigned to a case, the PO or CSS shall notify the VSS of the hearing date, ideally 45 days prior to the hearing. The VSS shall notify and support the victim/survivor.
  - v. If a VSS is not assigned to the case, the PO or CSS shall notify the victim/survivor so that they may participate in the parole board process.
  - vi. If there is no victim/survivor listed in the VANS system, the PO or CSS shall contact the State's Attorney's Victim Advocate (SAVA) in the jurisdiction where the case was adjudicated to obtain victim/survivor contact information.
  - vii. VANS only makes notifications for the minimum parole hearing so the assigned VSS or CSS/PO shall make any other hearing notification.
  - viii. If the victim/survivor wishes to participate in the Parole Board hearing and there is no VSS assigned, a referral may be made to the VSS responsible for the appropriate field site so that further instructions and support may be offered to the victim/survivor.
  - ix. The DOC staff member making the notification, or attempting to, shall use the appropriate parole board victim/survivor notification form to document these actions and submit the completed form to the Parole Board at the same time as the parole board packet. Due to victim/survivor confidentiality concerns, staff shall not include this form as part of the parole packet.
- 4. Staff shall follow these guidelines for probation situations.
  - a. For term probation (i.e., one with a fixed expiration date) staff shall ensure that victims/survivors have been notified that the probation term will expire or has expired.

- i. If there is a VSS assigned to the case, the PO shall notify the VSS of the upcoming probation expiration, as soon as possible, and the VSS shall notify the victim/survivor.
  - ii. If there is no VSS assigned, the PO shall notify the victim/survivor as soon as possible.
  - iii. For midpoint probation review, the SAVA, not the VSS, is responsible for notifying victims/survivors. The PO shall notify the VSS - if assigned - of the filed midpoint review, and potential probation expiration, as soon as possible.
- b. For probation orders reading: probation continues 'until further order of the Court,' the SAVA, not the VSS, is responsible for notifying victims/survivors of a filed probation discharge. The PO shall notify the VSS - if one is assigned - of the filed discharge order as soon as possible.
- c. Pursuant to the Commissioner's authority in APA Rule #19-035, Offender/Inmate Records and Access to Information, § 4 of "Information Provided to Persons Other than Offenders," the DOC staff member responsible for notification shall share applicable conditions of community supervision with the identified victims/survivors upon request.
  - i. For the purpose of this paragraph, applicable conditions shall include:
    - a) Those conditions that control the movement and behavior of the supervised individual; and
    - b) Are directly related to the individual to whom the conditions are being provided.
  - ii. Staff shall not share conditions about programming, treatment programming, or limiting contact or access to other victims.
  - iii. Staff shall contact the VSU with any questions regarding whether specific conditions should be released.
- 5. The automated VANS notification system is a tool used for notifications regarding basic status changes for individuals under the DOC's custody or supervision.
  - a. The VSU Director or designee shall ensure that any DOC staff using VANS receives VANS training before establishing a VANS user account.
  - b. Notifications generated by VANS are accurate, but do not provide specific case details.
  - c. VANS integrates with the Offender Management System (OMS), therefore staff shall ensure that information is entered into the OMS correctly in order to avoid inaccurate notifications.
  - d. All VANS notifications include additional links for obtaining contact information for the case PO or CSS and contact information for the Victim Services Unit.
  - e. Please reference the VANS Notification Events & Timelines documents.

#### **D. Release Planning Work**

- 1. DOC staff are expected to consider victim/survivor input when making release planning decisions in order to, as much as possible, consider victim/survivor safety and apply a trauma-informed approach.

- a. DOC staff shall afford victims/survivors the opportunity to provide input regarding the pending release of an individual in custody into the community where issues pertaining to victim/survivor safety have been identified.
- b. Staff shall afford victims/survivors this opportunity as quickly as possible.
- c. Staff shall prioritize the victims'/survivors' needs, as much as possible, when working with them.

#### **E. Parole Board Hearings**

- 1. VSS support is primarily driven by the needs and priorities of victims/survivors.
- 2. Crime victims/survivors have the right to participate in parole board hearings.
  - a. DOC staff shall notify victims/survivors of an incarcerated individual's eligibility for parole board consideration at least 30 days prior to the parole board hearing.
  - b. The DOC staff member making the notification, or attempting to, shall use the appropriate parole board victim/survivor notification form to document these actions and submit the completed form to the Parole Board at the same time as the parole board packet. Due to victim/survivor confidentiality concerns, staff shall not include this form as part of the parole packet.
  - c. VSSs shall notify and support the victim/survivor throughout the parole board process if there is an assigned VSS.
    - i. VSSs shall prepare the victim/survivor to appear before the board. The victim/survivor may choose to:
      - a) Appear with, or without, the presence of the incarcerated individual;
      - b) Provide verbal input directly to the parole board, or indirectly through a VSS;
      - c) Write and submit a written statement for the parole board's consideration; or
      - d) Request that a VSS read their written statement aloud to the parole board for its consideration.
  - d. If a VSS is not assigned to the case, the PO or CSS shall notify the victim/survivor of parole board hearings so that they may participate in the process.
    - i. If there is no victim/survivor listed in the VANS system, the PO or CSS shall contact the SAVA in the jurisdiction where the case was adjudicated to obtain victim/survivor contact information.
    - ii. The PO or CSS may make a referral to the Victim Services Unit if a victim/survivor, upon being notified of an upcoming Parole Board hearing, wishes to participate and may benefit from the services and support of the VSU.
  - e. DOC staff shall promptly notify victims/survivors of Parole Board decisions and any attached conditions or restrictions pertaining to the incarcerated individual's release.

#### **F. Presentence Investigations (PSI)**

- 1. Presentence Investigators shall consult the VSU when:
  - a. The case involves complicated victim issues; or

- b. The victim has limited ability to provide a written statement.
- 2. When assigned, VSSs shall carry out the following:
  - a. Obtain victim/survivor contact information through VANS. If there is no contact information listed in VANS, the Investigator shall reach out to the appropriate SAVA to obtain relevant:
    - i. Victim/survivor contact information; and
    - ii. Victim impact statement(s), if on file.
  - b. Contact victims/survivors to:
    - i. Notify them of the investigation and explain its objectives so that they may participate in the process;
    - ii. Provide information about the rules governing the PSI process and release of the report's information;
      - a) This information is intended to empower victims/survivors to determine the best options for their involvement in a PSI.
    - iii. Assess and address any barriers to victim/survivor participation
  - c. If there is a victim impact statement available, ask the victim/survivor if they would like:
    - i. Their existing statement to be used; or
    - ii. To provide a separate statement; and
  - d. Provide emotional and other support for victims/survivors who choose to participate in a PSI. VSSs offer support that is primarily driven by the needs and priorities of victims/survivors.
- 3. If there is no VSS assigned to the case, the Investigator shall carry out the same process as if a VSS were assigned, and follow the steps in subsections a. through c. of section 2 under this Heading.

**G. Navigation of Victim/Survivor Contact with Individuals Under the DOC's Custody or Supervision**

- 1. The VSU acknowledges that victims/survivors may have continued relationships with individuals under the DOC's custody or supervision and works to support their preferences for maintaining contact as long as it comports with other DOC policies.
  - a. The VSU prioritizes supporting victims'/survivors' goals of preserving relationships with those under the DOC's custody or supervision.
  - b. The VSU supports victims'/survivors' efforts to navigate the complexities of meeting these goals.
- 2. The VSU acknowledges that victims/survivors should be empowered to make their own decisions regarding visitation and contact with individuals under the DOC's custody or supervision. Whenever possible, DOC staff shall prioritize the victims'/survivors' needs and preferences in facilitating these decisions, while concurrently honoring the processes set out in the Department's visitation policies.
- 3. The VSU acknowledges that there are circumstances in which the DOC staff determine that there should be no, or limited, contact between victims/survivors and individuals under the DOC's custody or supervision.

- a. DOC staff shall stay vigilant for indicators that contact between victims/survivors and incarcerated individuals should be limited or prohibited. Staff may consult with VSU to make this determination.
  - b. DOC staff shall consult with an assigned VSS where appropriate for any of their cases involving victims/survivors.
    - i. At a minimum, staff shall notify an assigned VSS any time a victim/survivor requests contact or visitation or requests that contact/visitation be limited.
  - c. POs shall determine appropriate levels of contact between victims/survivors and individuals under community supervision. POs may consult with the VSU, even if there is no assigned VSS, to make this determination.
  - d. DOC staff shall take into consideration case-specific details and active court conditions or orders that could restrict contact.
  - e. The VSU acknowledges that these processes may impact victim/survivor empowerment.
4. The VSU serves as critical support for victims/survivors to navigate unwanted communication.
- a. The VSU provides a necessary buffer and information resource for victims/survivors who receive unwanted communication.
  - b. The VSU helps to collect and document incidents of unwanted contact to support safety planning for victims/survivors who have received unwanted contact.
  - c. The VSU helps victims/survivors achieve outcomes related to holding individuals under the DOC's custody or supervision accountable for engaging in unwanted contact.

#### **H. Outreach and Education**

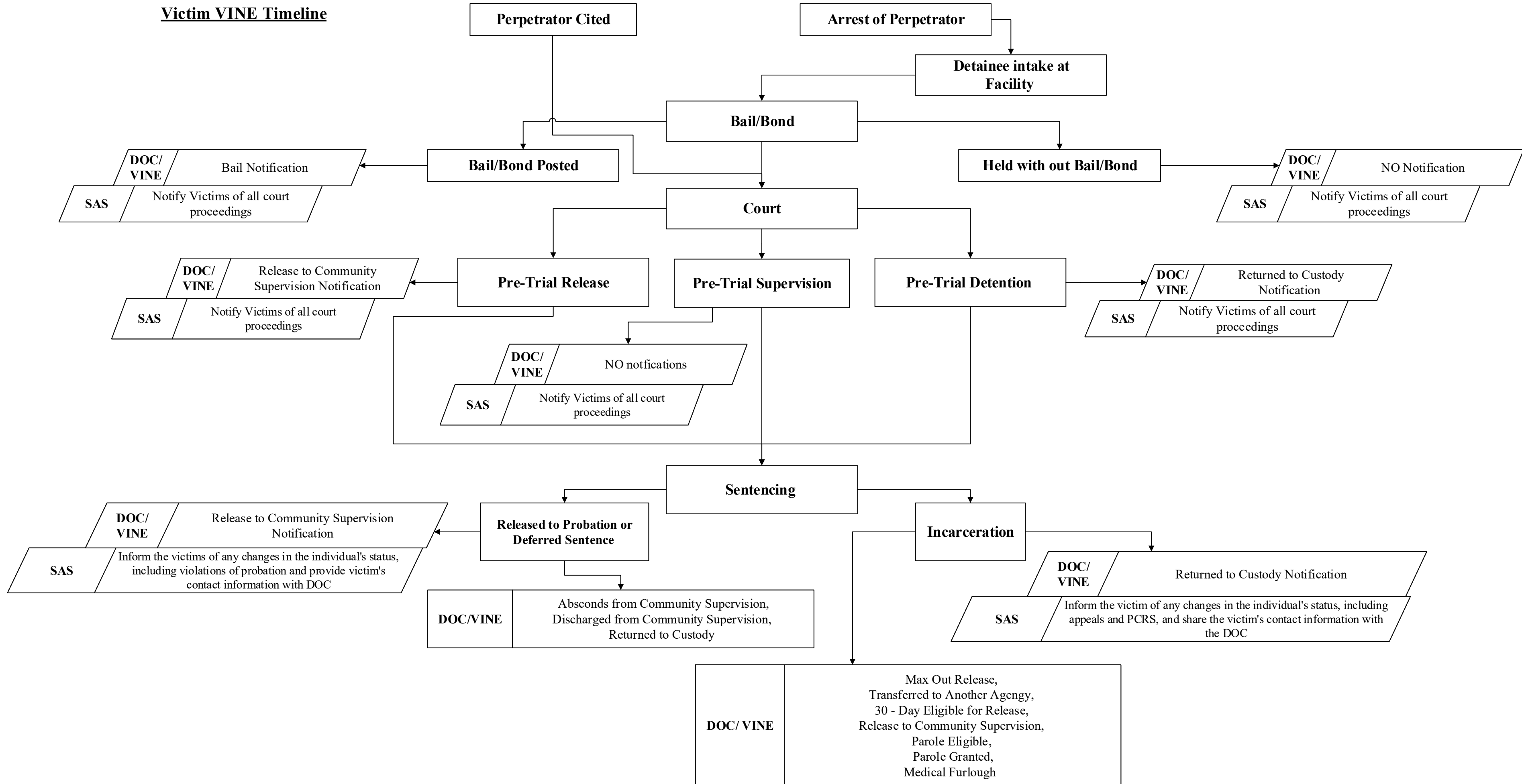
- 1. VSSs are content experts in victim-centered, trauma-informed, best practices in victim services and:
  - a. Provide training intended to increase the knowledge base of DOC staff in victim/survivor-related issues in collaboration with the Department's training unit; and
  - b. Model a strengths-based approach to their collaborative work with staff and service users.
- 2. VSSs conduct trainings and outreach on related topics such as the VANS Automated Notification System.

#### **I. Coordinated Community Response**

- 1. In order to address the full spectrum of victim/survivor needs, VSSs shall:
  - a. Primarily be driven by victims'/survivors' needs and priorities
  - b. Participate in multidisciplinary regional task forces;
  - c. Partner with community-based sexual and domestic violence prevention programs;
  - d. Collaborate with law enforcement, special investigative units, State's Attorney's offices and Community Justice Centers.

2. VSSs shall utilize this participation, partnership, and collaboration to support coordinated community response initiatives and restorative justice programs that are:
  - a. Designed to improve positive outcomes for individuals under the DOC's custody or supervision while
  - b. Acknowledging and supporting the needs of corresponding victims/survivors.

## Victim VINE Timeline





Case and Officer's Information:	*Suspect's Information:
Case Number: _____	Name of Accused: _____
Officer's Name: _____	Taken into custody: ____ Yes Facility: _____
Department: _____	Will be released on citation: ____ Yes ____ No
_____, Vermont _____	Date of Arraignment: _____
802-_____-_____	Information is being withheld due to: _____
State's Attorney Office - County: _____	
_____, Vermont _____	
802-_____-_____	<b>*Complete ONLY if an adult offender or "Listed" crime – 33 VSA 5204(a)</b>

## YOUR RIGHTS AS A VICTIM OF CRIME IN VERMONT

As a victim of crime, or a victim's family member, you may feel confused, helpless, angry, or even fearful. There are free services and supports to help you. Many people who work in this system care and are committed to helping you. **As a victim of crime, you have rights!** The services below are available to you at no cost.

### The Right to Choice

- You can choose how you participate if your case moves forward.
- You do not have to answer any questions from anyone outside of a courtroom or a sworn deposition. A deposition is a formal process where you give recorded, sworn testimony.

### The Right to Advocacy

If the accused is charged, you will be assigned a Victim Advocate from the State's Attorney's office. Your advocate can provide support and information and can help you:

- Understand your rights;
- Complete paperwork;
- Request financial support for eligible crime-related losses;
- Communicate with law enforcement and attorneys; and
- Notify you of court proceedings.

**Your advocate is there for you!** Contact them with any questions or concerns you have.

### The Right to Safety

If you have concerns about your safety, call a law enforcement agency first. Then call your Victim Advocate. **They can help you!**

### The Right to Be Heard

You have the right to a voice in the court process if you choose. This could include sharing your thoughts with your Victim Advocate, writing a Victim Impact Statement, and addressing the court at sentencing.

## **The Right to Financial Assistance**

The Victim Compensation Program provides limited financial assistance to victims of crime. The financial loss must be a direct result of the crime and not covered by other sources. You may receive witness fees and mileage costs if you are called as a witness or ordered to attend a court hearing. For more information about this program, contact the Vermont Center for Crime Victim Services at 800-750-1253.

The court can order reimbursement for financial losses as part of the defendant's sentence. This is called restitution. It is very important to save your receipts. Your Advocate can help you with your claim, or you can call the Restitution Unit at (802) 241-4688.

## **The Right to Information and Notification**

If the accused is at a Correctional Facility, you have the right to find out where they are held and if they are released. This information can be found on DOC Vermont Offender Locator website [Vermont DOC](#). To register for automated notifications for release, call toll free 866-976-8267 or register online at [www.vinelink.com](http://www.vinelink.com). You also have additional rights to information and notification. Your Advocate is there to help you.

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### **VICTIMS OF DOMESTIC VIOLENCE AND SEXUAL VIOLENCE HAVE ADDITIONAL RIGHTS.**

Your local Vermont Network program supports victims and survivors of domestic and sexual violence and stalking. This support may include: confidential 24/7 hotline support and chat line, help with the legal system, financial, medical and personal medical advocacy, help finding emergency shelter, and assistance filing a protection order. You are not required to report a crime. Contact your local network program at the number listed below.

#### **Vermont Network Against Domestic and Sexual Violence**

**Domestic Violence 24-Hour Hotline: 1-800-228-7395**

**Sexual Violence 24-Hour Hotline: 1-800-489-7273**



*Hotlines are confidential with a few exceptions.*

*To learn more about these exceptions talk to the hotline or an advocate about your concerns first.*

**My local network program is:** \_\_\_\_\_

Find more information about your nearest Network program at <https://www.vtnetwork.org/>

This form can also be viewed at [www.ccvv.vermont.gov](http://www.ccvv.vermont.gov) and is available in other languages upon request. For more information, contact the Vermont Center for Crime Victims Services at this website or at 1-800-750-1213.

## Title 13 : Crimes and Criminal Procedure

### Chapter 165 : Victims

**(Cite as: 13 V.S.A. § 5314)**

- **§ 5314. Information from law enforcement agency**

(a) Information to all victims. After initial contact between a victim and a law enforcement agency responsible for investigating a crime, the agency shall promptly give in writing to the victim:

(1) an explanation of the victim's rights under this chapter and chapter 167 of this title;

(2) information concerning the availability of:

(A) assistance to victims, including medical, housing, counseling, and emergency services;

(B) compensation for victims under chapter 167 of this title, and the name, street address, and telephone number of the Center for Crime Victim Services;

(C) protection for the victim, including protective court orders; and

(D) access by the victim and the defendant to records related to the case which are public under the provisions of 1 V.S.A. chapter 5, subchapter 3 (access to public records).

(b) Information to victims of listed crimes. As soon as practicable, the law enforcement agency shall use reasonable efforts to give to the victim of a listed crime, as relevant, all of the following:

(1) Information as to the accused's identity unless inconsistent with law enforcement purposes.

(2) Information as to whether the accused has been taken into custody.

(3) The file number of the case and the name, office street address, and telephone number of the law enforcement officer currently assigned to investigate the case.

(4) The prosecutor's name, office street address, and telephone number.

(5) An explanation that no individual is under an obligation to respond to questions that may be asked outside a courtroom or deposition.

(6) Information concerning any bail or conditions of release imposed on the defendant by a judicial officer prior to arraignment or an initial court appearance.

(7) Information about the Department of Corrections' Offender Locator System and the ability to register for automated notification of the defendant's custody status through the VINES automated victim notification system. (Added 1995, No. 170 (Adj. Sess.), § 10, eff. Sept. 1, 1996; amended 2015, No. 97 (Adj. Sess.), § 76; 2015, No. 155 (Adj. Sess.), § 2.)

## Parole Hearing Victim Notifications

### Parole Board Hearing & Outcomes 13 V.S.A. § 5305

***If requested by a victim of a listed crime, the Department of Corrections shall:***

- (1) ***at least 30 days before a parole board hearing*** concerning the defendant, inform the victim of the hearing and of the victim's right to testify before the parole board or to submit a written statement for the parole board to consider; and
- (2) promptly ***inform the victim of the decision of the parole board***, including providing to the victim any conditions attached to the defendant's release on parole. (Added 1985, No. 182 (Adj. Sess.), § 2; amended 1989, No. 290 (Adj. Sess.), § 3; 1995, No. 170 (Adj. Sess.), § 4, eff. Sept. 1, 1996; 2015, No. 155 (Adj. Sess.), § 1.)

### Parole Eligibility & Victim Opportunity to Testify 28 V.S.A. § 507

- (a) ***At least 30 days prior to a parole eligibility hearing***, the victim of a listed crime as defined in subdivision 5301(7) of Title 13, ***shall be notified*** as to the time and location of the hearing. Such notification ***may be waived by the victim in writing***.
- (b) At a parole eligibility hearing, unless waived by the victim of a listed crime as defined in subdivision 5301(7) of Title 13 the inmate shall not be present when the victim testifies before the parole board.
- (c) Parole board proceedings shall be subject to the Vermont open meeting law.
- (d) As used in this section, "victim" means:
  - (1) a victim of the listed crime for which the parole board is determining the inmate's eligibility for parole; and
  - (2) a victim of a listed crime of which the inmate was convicted other than the listed crime for which the parole board is determining the inmate's eligibility for parole. (Added 1995, No. 170 (Adj. Sess.), § 21, eff. Sept. 1, 1996; amended 1999, No. 4, § 5; 2007, No. 174 (Adj. Sess.), § 16.)

## **Changes to Earned Time Laws passed within Act 64**

Sec. 27. 28 V.S.A. § 818 is amended to read:

### **§ 818. EARNED TIME; REDUCTION OF TERM**

(b) The earned time program implemented pursuant to this section shall comply with the following standards:

(4) The Department shall: (A) ensure that all victims of record are notified of the earned time program at its outset and made aware of the option to receive notifications from the Department pursuant to this subdivision;

(B) provide timely notice not less frequently than every 90 days to the offender, and to any victim who opts to receive the notice, any time the offender receives a reduction in ~~his or her~~ the offender's term of supervision pursuant to this section;

(C) maintain a system that documents and records all such reductions in each offender's permanent record; and

(D) record any reduction in an offender's term of supervision pursuant to this section on a monthly basis and ensure that victims who want information regarding changes in scheduled an offender's minimum release dates date have access to such information.

# MEMORANDUM OF UNDERSTANDING (MOU)

## Regarding Victims' Rights Under Vermont Law

### I. PARTIES

This Memorandum of Understanding (MOU) is made and entered into by and among the following entities, referred to collectively as the "Parties":

1. **Vermont Department of State's Attorneys and Sheriffs (SAS).**
2. **Vermont Department of Corrections (DOC).**
3. **Vermont State Police (VSP).**
4. **Vermont Center for Crime Victim Services (CCVS).**
5. **Vermont Network Against Domestic and Sexual Violence (Vermont Network).**

### II. PURPOSE

The purpose of this MOU is to establish a framework for interagency collaboration and communication and to better define the specific roles and responsibilities, to the extent that resources allow, of each Party in upholding the rights of crime victims throughout the criminal justice process, as guaranteed by Vermont law. All parties shall make a good faith effort to ensure and uphold/adhere to victims' rights across the spectrum of the duties afforded to actors in the criminal justice process. This MOU is grounded in the principles outlined in **13 V.S.A. Chapter 165, 13 V.S.A. Chapter 167**, Title 28, \_\_\_\_\_, and 15 V.S.A. Sec. 305 ensuring that victims are treated with dignity, respect, and are provided with a meaningful opportunity to participate in the criminal justice process (*investigations, filed and charged pending cases, and post conviction? cases where a conviction occurs*).

### III. VICTIMS' RIGHTS

All Parties acknowledge and agree to make all reasonable efforts to protect and enforce the rights of crime victims under Vermont law and to coordinate amongst the parties concerning interactions with the criminal justice system, including the investigation of a crime, the filing of a criminal case, the pendency of a case, and the rights of victims post conviction .

1. **Right to Participation and Input:** Victims/Survivors have the right to participate, and have meaningful input, in the criminal case that has caused harm to them.
2. **Right to Timely Information:** Victims/Survivors shall be provided with timely information regarding the status and progress of a case during the course of an investigation and after the case is charged, including, but not limited to, the following information :

- The initial investigatory steps taken by the law enforcement agency responsible for investigating the crime. 13 V.S.A. 5314
- The date and time of offender's arraignment and any court orders regarding bail or conditions of release. 13 V.S.A. 5308.
- Scheduled court hearings
  1. Sentencing hearing or change of plea hearing. 13 V.S.A. 5321
  2. Status updates pertinent to a pending case.
- Information about the negotiation process and possible plea agreement offers to resolve the case. 13 V.S.A. 5321(f)
- Information concerning release from custody. 13 V.S.A. 5305
- The Status of an offender who is detained and in the custody of DOC. 13 V.S.A. 5305,
- Information concerning appeal or post-conviction remedies. 13 V.S.A. 5315
- Post-sentencing events, including incarceration, probation, or parole. 13 V.S.A. 5305, 28 V.S.A. 818(b)(4).
- Special rules concerning a victim's involvement in family court:
  1. *Listed Offense Victim's Rights: 33 V.S.A. 5243*
  2. *Non-Listed Offense Victim's Rights: 33 V.S.A. 5243a*

3. *Rights of a Victim in Youthful Offender Proceedings: 33 V.S.A. 5288*

3. **Right to Be Heard by the Court:** At certain hearings, including sentencing, the court is required to ask whether the victim is present, has filed a statement, or if a Victim Advocate has a statement to present on their behalf.
4. **Right to Information about Protection Orders:** Victims shall be informed about the potential protective orders, both temporary and final, that may be issued by the court under certain.
5. **Right to Restitution and Compensation:** Victims shall be informed about their right to restitution for financial losses and eligibility for victim compensation programs.
6. **Rights in "Listed" Crimes:** Victims of a listed crime as defined in 13 V.S.A. 5301(7) have additional rights and protections.
7. **Earned Time Credit Calculation and Information:** Victims shall be notified about the earned time program afforded to some offenders. Victims shall be informed of the option to receive notifications from the Department of Corrections regarding an offender's reduction of offender's term of supervision due to earned time. 18 V.S.A. 818.



#### IV. ROLES AND RESPONSIBILITIES

Each Party is responsible for specific actions to ensure victims' rights are upheld. Each Party shall work in collaboration and make all reasonable efforts to ensure a seamless continuum of care, communication and support for victims of crime through the justice continuum

**1. Law Enforcement (\_\_\_\_Amy flag\_\_\_\_), pursuant to 13 V.S.A. § 5314. (Jenn P / Amy / Meghan)**

- Upon initial contact, during the course of an investigation, and prior to the filing of a charge with the courts, law enforcement shall provide victims with information required "Victims Rights" pamphlet or equivalent information.
- Law enforcement will inform victims of the status of their case, including arrests and conditions of release, until the case is transferred to either a State's Attorney or the Attorney General.
- Law enforcement will facilitate referrals to SAVAs and community-based victim services.
- Law enforcement personnel are responsible for providing information about compensation for victims under chapter 167 of Title 13, and the name, street address, and telephone number of the Center for Crime Victim Services. 13 VSA §5314(a)(2)(B)
- After initial contact between a victim and a law enforcement agency responsible for investigating a crime, the agency shall promptly give in writing to the victim:
  - 1. an explanation of victims' rights under Chapters 165 and 167 of Title 13;
  - 2. information concerning the availability of:
    - a. assistance to victims, including medical, housing, counseling, and emergency services;
    - b. compensation for victims under chapter 167 of Title 13 of this title, and the name, street address, and telephone number of the Center for Crime Victim Services;
    - c. protection for the victim, including protective court orders; and
    - d. access by the victim and the defendant to records related to the case which are public under the provisions of 1 V.S.A. chapter 5, subchapter 3 (access to public records).

3. Information to victims of listed crimes. As soon as practicable, the law enforcement agency shall use reasonable efforts to give to the victim of a listed crime, as relevant, all of the following:
  1. (1) Information as to the accused's identity unless inconsistent with law enforcement purposes.
  2. (2) Information as to whether the accused has been taken into custody.
  3. (3) The file number of the case and the name, office street address, and telephone number of the law enforcement officer currently assigned to investigate the case.
  4. (4) The prosecutor's name, office street address, and telephone number.
  5. (5) An explanation that no individual is under an obligation to respond to questions that may be asked outside a courtroom or deposition.
  - (6) Information concerning any bail or conditions of release imposed on the defendant by a judicial officer prior to arraignment or an initial court appearance

## 2. **SAS:**

- State's Attorneys and Deputy State's Attorneys are responsible for ensuring that SAS Victim Advocates are fully integrated into all victim-involved cases, currently pending in Vermont courts. "Pending" means that the case has been filed and is currently awaiting trial.
- State's Attorneys and Deputy State's Attorneys shall collaborate with SAS Victim Advocates to provide victims with all legally required timely information and to facilitate the victim's input in the case.
- The Department of State's Attorneys and Sheriffs shall maintain the Victim Advocate Program.
- Victim Advocates shall provide victims the following information:
  1. the level of protection available,
  2. the procedures to be followed in order to receive applicable witness fees,
  3. the right to seek restitution as an element of the final disposition of the case, and
  4. the right to appear at sentencing. 13 V.S.A. 5304(a)(1)
- Victim Advocates shall notify victims of:
  1. When a court proceeding involving their case is scheduled;
  2. When a court proceeding that they have been summoned to has been canceled;

3. The final disposition of the case; and
  4. The victim's right to request notification of a person's release or escape. 13 V.S.A. 5304(a)(2).
- The prosecutor's office shall inform the victim about issues concerning bail and the prosecutor shall advise the court of the victim's position regarding bail. 13 V.S.A. 5308.
- If an offender is released on conditions at arraignment, the prosecutor's office shall inform the victim of a listed crime of the conditions of release. 13 V.S.A. 5305(b).
- State's Attorneys and Deputy State's Attorneys shall collaborate with SAS Victim Advocates to ensure the court is notified of a victim's presence or wishes to provide a statement at relevant hearings.)13 V.S.A. 5321
  - Victim advocates provide victims with information and guidance in obtaining financial assistance and minimizing loss of pay or other benefits resulting from involvement in the criminal justice process. 13 VSA §5301(a)(3)(B)
  - Prior to the date of a restitution hearing, the prosecuting attorney shall provide the defendant with a statement of the amount of restitution claimed together with copies of bills that support the claim for restitution. If any amount of the restitution claim has been paid by the Victims Compensation Fund, the prosecuting attorney shall provide the defendant with copies of bills submitted by the Victims Compensation Board.13 VSA §7043(c)(2).
  - At or before the sentencing hearing, the prosecutor's office shall inform a victim whether the sentence includes a period of incarceration, that a sentence of incarceration is to the custody of the Commissioner of Corrections and that the Commissioner of Corrections has the authority to affect the actual time the defendant shall serve in incarceration through earned time credit, furlough, work-release, and other early release programs. The prosecutor's office shall explain the significance of a minimum and maximum sentence to the victim, explain the function of parole and how it may affect the actual amount of time the defendant may be incarcerated, and inform the victim of the maximum amount of earned time that the defendant could accrue and that earned time only affects when a defendant is eligible for parole consideration but does not necessarily result in the defendant's release. 13 V.S.A. 5321(d)
  - The prosecutor shall make a reasonable effort to notify any victim of record of a motion filed to reduce a probationer's term. 28 V.S.A. 252(d)(4)
  - If an offender appeals or pursues a post-conviction remedy, the prosecutor's office shall promptly inform the victim of a listed crime of the offender's filing, explain the significance

of such a proceeding, and shall promptly notify the victim of the date, time and place of any hearings and of the decision. 13 V.S.A. 5315

### 3. Department of Corrections (DOC):

- DOC shall inform victims/survivors that they have the right to receive information regarding the offender's custody status and release, to include individuals who are under supervision as well as those who are serving an incarcerated sentence.(Cite).
  - DOC shall provide automatic notifications through VINES to survivors/victims for the detainment status of an offender (or incarcerated individual?) in a correctional facility
  - Pre-Trial Supervision (Cite and Comms between DOC and SAS DOC shall provide victims/survivors with timely notification regarding the offender's release, escape, parole hearings. 13 V.S.A. § 5305.
    - 1. At least 30 days prior to a parole eligibility hearing, DOC shall:
      - a. inform the victim of a listed crime as to the time and location of the parole board hearing concerning the offender, and of the victim's right to testify before the parole board or to submit a written statement for the parole board to consider;
      - b. Inform the victim that the victim may waive, in writing, receiving notification about parole hearings; and
      - c. Inform the victim of a listed crime that the offender will not be present when the victim testifies unless the victim waives the absence of the inmate. 13 V.S.A. § 5305.
    - 2. Promptly inform the victim of the decision of the parole board, including providing to the victim any conditions attached to the defendant's release on parole. 13 V.S.A. § 5305.
  - DOC shall notify all victims of record of the earned time program and inform victims of the option to receive notifications from the DOC For victims who opt to receive notification, DOC will provide notice to the victim any time the offender receives a reduction in the offender's term of supervision. 28 V.S.A. 818(b)(4)(A) &(B).
  - DOC shall work collaboratively with the Restitution Unit to assist with the collection of restitution. DOC shall provide the Restitution Unit with information about the location and employment status of the offender. 13 VSA §7043(f)(2)
- (Presumptive Parole and Vic. Engagement).
- Mid-Point: Comms Piece. (SAS/DOC) (p and p)

- VOPs: Comms Piece. (SAS/DOC) (p and p)
  - 1. Supervised person – who has never been in incarcerated (gap).

#### **4. Vermont Center for Crime Victim Services (CCVS)**

- The Vermont Center for Crime Victim Services is charged with operating the Vermont Restitution Unit (13 VSA §5362)
- An obligation to pay restitution is part of a criminal sentence. 13 VSA § 7043(p)
- The purpose of the Restitution Unit (Unit) is to provide financial support to victims of crime who have suffered a “material loss” through the disbursement and collection of funds pursuant to a court order (restitution judgment order) issued upon conviction. 13 VSA § 7043
- The Unit is authorized to administer funds established under 13 VSA § 5363 in support of victims and the collection efforts of the Unit.
- The Unit is responsible for providing restitution payments to victims and for holding offenders accountable for those payments. 13 VSA § 7043
- State’s Attorneys’ victim advocates are tasked with providing information, assistance and guidance to victims to submit claims for restitution. 13 VSA §§5304 (a)(1) and (a)(3)(C).
- Prior to the date of a restitution hearing, the prosecuting attorney shall provide the defendant with a statement of the amount of restitution claimed together with copies of bills that support the claim for restitution. If any amount of the restitution claim has been paid by the Victims Compensation Fund, the prosecuting attorney shall provide the defendant with copies of bills submitted by the Victims Compensation Board. 13 VSA §7043(c)(2)
- The Unit is responsible for providing information to the Department of Corrections concerning supervised offenders, including an offender’s restitution payment history and balance, address and contact information, employment information, and information concerning the Unit’s collection efforts. 13 VSA §5362(a)(3)(B)
- The Vermont Victims Compensation Program is responsible for providing limited financial support to victims of crime for eligible expenses that are the result of the crime. 13 VSA Chp.167(1).
- Both the Vermont Center for Crime Victim Service (CCVS) (13 VSA §5361) and the Vermont Compensation Board administer the Program, which is housed within CCVS. 13 VSA §§5352(a) and (b).
- The Center shall provide training and technical assistance to providers in the field as needed, including, but not limited to, victim advocates and members of law enforcement.

## **5. Vermont Network Against Domestic and Sexual Violence (Vermont Network)?**

- Referrals? Access to Services?

## **V. COLLABORATION AND COMMUNICATION**

The Parties agree to maintain open and consistent communication to facilitate the seamless flow of information and ensure that no victim's rights are overlooked. This includes:

- Establishment of clear and accessible communication channels between all Parties.
- For victims of crime who consent and/or voluntarily provide contact information, parties should make reasonable efforts to provide that contact information to the appropriate parties to ensure that victims' information is available as required by law (law enforcement to prosecutor, prosecutor's office to DOC etc.).
- Regular review of practices and policies to identify and address any gaps in services or communication.

## **VI. FINANCIAL PROVISIONS**

Unless otherwise arranged for in writing, each party intends to bear its own costs in relation to this MOU. This MOU is not an obligation or commitment of funds, nor does it serve as a basis for transfer of funds. Expenditures are subject to the parties' respective budgetary processes and availability of funds pursuant to applicable laws and regulations.

## **VII. SIGNATURES**

This MOU will take effect upon the date of the final signature below but may be subject to change or alteration upon agreement of the parties.

- 1. Vermont Department of State's Attorneys and Sheriffs (SAS).**
- 2. Vermont Department of Corrections (DOC).**
- 3. Vermont State Police (VSP).**
- 4. Vermont Center for Crime Victim Services (CCVS).**
- 5. Vermont Network Against Domestic and Sexual Violence (Vermont Network).**
- 6. Vermont Attorney General's Office?**

Will expire upon\_\_\_\_\_.