



VERMONT VICTIM RIGHTS UPDATE FOR LAW ENFORCEMENT PROFESSIONALS

Notifying Victims About Defendant Release in Listed Crime Cases

Act 155 (H.533) “An act relating to victims’ rights and animal welfare” goes into effect on July 1, 2016. Section 2 adds a new notification provision for law enforcement officers, requiring law enforcement to **provide victims of listed crimes, using all reasonable efforts, and as soon as practicable:**

Information concerning any bail or conditions of release imposed by a judicial officer prior to arraignment or an initial court appearance.

This provision will be codified at 13 V.S.A. § 5314, where you can find other law enforcement notification requirements for listed crimes.

This provision only applies where a Defendant is lodged or released on conditions by the Court (or other judicial officer) **prior to the Defendant’s arraignment or initial court appearance** – in other words, when the arrest occurs after hours or during a weekend or holiday. If the judicial officer orders the Defendant lodged on bail, law enforcement is only required to notify the victim about the amount of bail set. Law enforcement is not required to notify the victim about whether the Defendant later posts bail. In that instance, victims can sign up for the VANS system as soon as the Defendant is lodged in order to be notified if and when the Defendant is released from a DOC facility.

The purpose of this provision is victim safety. Many crime victims assume that after a Defendant is arrested and transported for processing, the Defendant will remain in custody until after arraignment or indefinitely. As those working in criminal justice know, this assumption is often false and dangerous. By notifying the victim about a Defendant’s release on conditions or about the bail amount set by the judicial officer, law enforcement can ensure that victims have the information they need to plan for their safety and the safety of their families. Because of the delay that occurs when transferring the case to the prosecutor’s office, law enforcement is the best and only source for this information during what might be a crucial time in the victim’s life.

Best Practice Tip: Getting accurate victim contact information upon arrest is important in all cases – the victim advocate will thank you! But in listed crime cases that come in after hours, knowing how to reach the victim will be essential in fulfilling this new statutory obligation and will help keep crime victims safe.

**The Center for Crime Victim Services is here to assist you!
Contact Cara Cookson at (802) 241-4688 x215 for more information.**