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POLICY MEMORANDUM

Communication and Interactions with Victims (Effective March 1, 2018)

A. Preferred Means of Communication with Victims

1. To the greatest extent possible, the statutory obligations of the office with respect to sharing information with victims will be conducted in writing and transmitted by U.S. Mail. When time or circumstances do not permit this modality, communication by telephone or e-mail, is preferred.
2. Contact with a victim should be limited to regular business hours. To the greatest extent possible communication through text or social media should only be utilized when the victim is unable or unwilling to communicate by preferred methods. Any non-emergency contact by a victim requiring victim advocate services will be deferred until the next business day, unless unusual circumstances exist and the assigned attorney is consulted.
 - a. Victim advocates are mandated reporters. When information provided by a victim necessitates such a report it should be made immediately and then reported to the assigned attorney or on-call attorney as necessary.
 - b. Any communication conducted by e-mail, text message, or social media messaging shall be limited to essential information only.
 - c. The State's Attorney may authorize contact outside of business hours in circumstances where immediate provision of victim advocate services is required (e.g., homicide cases, other untimely deaths, or other extreme circumstances).
 - d. All victim advocates will maintain and be prepared to refer victim's to other services and advocacy organizations that are not provided by our office. Likewise, all emergencies will be referred to the responsible law enforcement agency.

B. Preservation of Electronic Communication

1. Communication between attorneys, staff, and victim advocates with victims of crime are not privileged or confidential. Substantive disclosures by victims or witnesses concerning factual matters relating to a case must be documented and provided to the assigned attorney for disclosure to a defendant, through counsel, or the court as appropriate.
2. Electronic communications, including those by e-mail or text message, must be preserved for the duration of the case and through the completion of any appellate proceedings. Justware will be used to preserve correspondence.
3. Prior to or within 3 business days of initiating contact with any victim by text messaging or social media messaging, victim advocates will provide the enclosed notice concerning non-confidentiality and ensure acknowledgment by the victim.

C. Staff Safety & Limitations on Victim Contact

1. Meetings with victims should occur at secure locations, including but not limited to the Washington County State's Attorney's Office, within the courthouse building, at a police station or barracks, hospital, the office of an attorney representing a victim, or at the office of a community victim advocacy organization.
2. Meetings at private residences or other unmonitored locations present unnecessary risk to office personnel. Any travel to a victim's residence or place of work requires advanced approval of the assigned attorney and the State's Attorney. Any approved travel to a victim's residence or workplace requires notification of the law enforcement agency exercising primary responsibility for the site visited.

D. Other Obligations

1. Under no circumstances will any staff member provide money, gifts, or in-kind support such as rides to a victim or witness. These actions, while potentially well intentioned, may influence the testimony of victims or witnesses and compromise the integrity of the prosecution of a case.
2. Any time a victim or witness makes statements relevant to a case, whether orally or in writing, a record must be kept in Justware and the matter disclosed to the assigned attorney. In any circumstance where a victim advocate or other staff member becomes a witness to a prosecution appropriate steps shall be taken to ensure the matter is properly reported and addressed, consistent with the rules of professional responsibility and the interests of justice.

APPROVED February 27, 2018

WASHINGTON COUNTY STATE'S ATTORNEY'S OFFICE
VICTIM NOTIFICATION OF NON-CONFIDENTIALITY

I _____, was informed that my correspondence with a victim advocate assigned to this office **are not confidential**. This includes, but is not limited to, e-mail, text messaging, social media messaging, and other written correspondence.

The "Victim & Crisis Worker Privilege" provided by 12 V.S.A. § 1614 does not apply to victim advocates assigned to this office. However, "confidentiality" should not be confused with privacy; our office makes all reasonable and lawful efforts to ensure the privacy of victims' sensitive information. Correspondence and communications with a victim advocate assigned to this office are not made available to the public and/or added to the court's file unless necessary to support the prosecution of the case. Such correspondence is, however, subject to rules concerning production of evidence (known as the discovery process) for the Defendant, as well as the Rules of Professional Responsibility for attorneys.

Written communications with victim advocates assigned to this office are preserved by office policy and are subject to disclosure to the defendant.

I acknowledge receipt of this information:

Name

Signature

Date