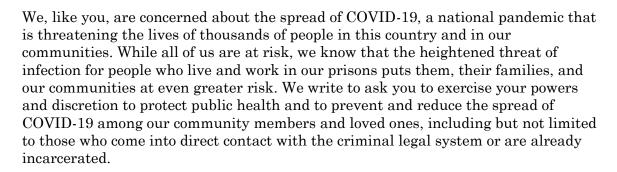
Jennifer Barrett State's Attorney Orleans County

April 7, 2020

Re: Eliminating Unnecessary Incarceration During Public Health Crisis

Dear Ms. Barrett,



As you know, Vermont Attorney General T.J. Donovan <u>issued guidance</u> to law enforcement, prosecutors, and DOC personnel, with specific recommendations to reduce unnecessary incarceration. Given the urgency of this public health crisis, Vermonters deserve to know how each of Vermont's elected prosecutors is responding. For that reason, we ask that you reply by Monday, April 13 and state in writing whether your county has implemented or will be implementing the recommendations specified in the Attorney General's guidance.

In addition, we ask you to state your position on these eight (8) additional recommendations, and to respond by April 13 to let us know which of the following measures you have already implemented or are committed to implementing promptly, in order to reduce unnecessary contact with the criminal legal system and incarceration:

- 1. Decline to bring new low-level charges and dismiss all pending cases for low-level offenses immediately.
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- 3. Do not seek detention of defendants solely due to prior FTAs (Failures to Appear) during this time.
- 4. Advocate for people not to be detained and either be released on their own recognizance or without conditions that could risk spread of COVID-19, including drug testing, AA meetings, and in-person checkins at pretrial services.



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Julie Kalish *President*

- 5. Agree to and advocate for the release of all people serving a misdemeanor or felony sentences who are within six months of their release date.
- 6. Stipulate to motions to vacate old convictions for people who are currently, or formerly, incarcerated, allowing people, as needed, to replead to alternatives that do not carry negative attendant consequences (such as dispositions that avoid immigration, employment, or housing consequences).
- 7. Exercise your re-sentencing powers and move to re-sentence people to time served who are in state prisons and are particularly vulnerable to COVID-19.
- 8. Promptly release statistics and non-identifying demographic data on anyone released or impacted by these policies.

Please contact us if you have questions or wish to discuss, otherwise we look forward to hearing from you by April 13.

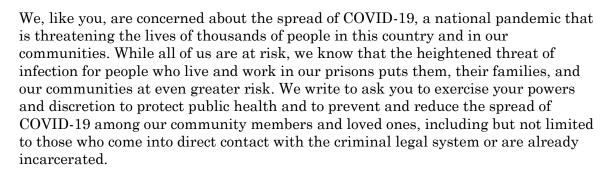
Sincerely,

Sarah George State's Attorney Chittenden County

April 7, 2020

Re: Eliminating Unnecessary Incarceration During Public Health Crisis

Dear Ms. George,



As you know, Vermont Attorney General T.J. Donovan <u>issued guidance</u> to law enforcement, prosecutors, and DOC personnel, with specific recommendations to reduce unnecessary incarceration. Given the urgency of this public health crisis, Vermonters deserve to know how each of Vermont's elected prosecutors is responding. For that reason, we ask that you reply by Monday, April 13 and state in writing whether your county has implemented or will be implementing the recommendations specified in the Attorney General's guidance.

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Please contact us if you have questions or wish to discuss, otherwise we look forward to hearing from you by April 13.

Sincerely,

Ward Goodenough State's Attorney Windsor County

April 7, 2020

Re: Eliminating Unnecessary Incarceration During Public Health Crisis

Dear Mr. Goodenough,

We, like you, are concerned about the spread of COVID-19, a national pandemic that is threatening the lives of thousands of people in this country and in our communities. While all of us are at risk, we know that the heightened threat of infection for people who live and work in our prisons puts them, their families, and our communities at even greater risk. We write to ask you to exercise your powers and discretion to protect public health and to prevent and reduce the spread of COVID-19 among our community members and loved ones, including but not limited to those who come into direct contact with the criminal legal system or are already incarcerated.

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Sincerely,

Vincent Illuzzi State's Attorney Essex County

April 7, 2020

Re: Eliminating Unnecessary Incarceration During Public Health Crisis

Dear Mr. Illuzzi,

We, like you, are concerned about the spread of COVID-19, a national pandemic that is threatening the lives of thousands of people in this country and in our communities. While all of us are at risk, we know that the heightened threat of infection for people who live and work in our prisons puts them, their families, and our communities at even greater risk. We write to ask you to exercise your powers and discretion to protect public health and to prevent and reduce the spread of COVID-19 among our community members and loved ones, including but not limited to those who come into direct contact with the criminal legal system or are already incarcerated.

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Sincerely,

Rosemary Kennedy State's Attorney Rutland County

April 7, 2020

Re: Eliminating Unnecessary Incarceration During Public Health Crisis

Dear Ms. Kennedy,

We, like you, are concerned about the spread of COVID-19, a national pandemic that is threatening the lives of thousands of people in this country and in our communities. While all of us are at risk, we know that the heightened threat of infection for people who live and work in our prisons puts them, their families, and our communities at even greater risk. We write to ask you to exercise your powers and discretion to protect public health and to prevent and reduce the spread of COVID-19 among our community members and loved ones, including but not limited to those who come into direct contact with the criminal legal system or are already incarcerated.

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Sincerely,

Erica Marthage State.s Attorney Bennington County

April 7, 2020

Re: Eliminating Unnecessary Incarceration During Public Health Crisis

Dear Ms. Marthage,

We, like you, are concerned about the spread of COVID-19, a national pandemic that is threatening the lives of thousands of people in this country and in our communities. While all of us are at risk, we know that the heightened threat of infection for people who live and work in our prisons puts them, their families, and our communities at even greater risk. We write to ask you to exercise your powers and discretion to protect public health and to prevent and reduce the spread of COVID-19 among our community members and loved ones, including but not limited to those who come into direct contact with the criminal legal system or are already incarcerated.

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Sincerely,

William Porter State's Attorney Orange County

April 7, 2020

Re: Eliminating Unnecessary Incarceration During Public Health Crisis

Dear Mr. Porter,

We, like you, are concerned about the spread of COVID-19, a national pandemic that is threatening the lives of thousands of people in this country and in our communities. While all of us are at risk, we know that the heightened threat of infection for people who live and work in our prisons puts them, their families, and our communities at even greater risk. We write to ask you to exercise your powers and discretion to protect public health and to prevent and reduce the spread of COVID-19 among our community members and loved ones, including but not limited to those who come into direct contact with the criminal legal system or are already incarcerated.

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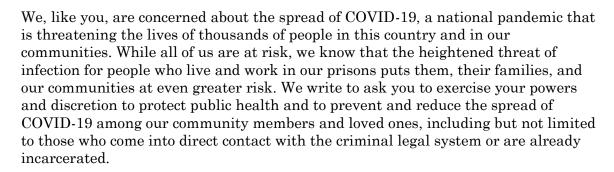
Sincerely,

Todd Shove State's Attorney Lamoille County

April 7, 2020

Re: Eliminating Unnecessary Incarceration During Public Health Crisis

Dear Mr. Shove,



As you know, Vermont Attorney General T.J. Donovan <u>issued guidance</u> to law enforcement, prosecutors, and DOC personnel, with specific recommendations to reduce unnecessary incarceration. Given the urgency of this public health crisis, Vermonters deserve to know how each of Vermont's elected prosecutors is responding. For that reason, we ask that you reply by Monday, April 13 and state in writing whether your county has implemented or will be implementing the recommendations specified in the Attorney General's guidance.

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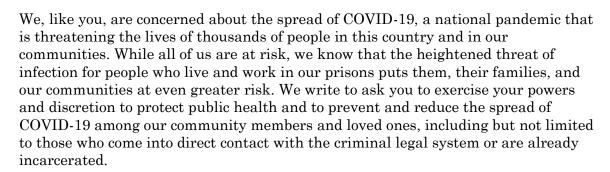
Sincerely,

Tracy Kelly Shriver State's Attorney Windham County

April 7, 2020

Re: Eliminating Unnecessary Incarceration During Public Health Crisis

Dear Ms. Shriver,



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Julie Kalish *President*

 $\begin{array}{c} {\rm James\;Lyall} \\ {\it Executive\;Director} \end{array}$

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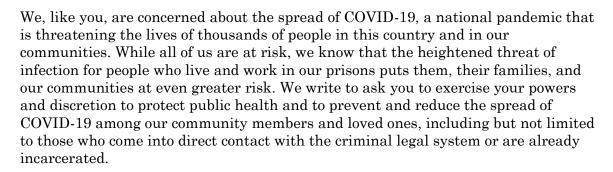
Sincerely,

Rory Thibault State's Attorney Washington County

April 7, 2020

Re: Eliminating Unnecessary Incarceration During Public Health Crisis

Dear Mr. Thibault,



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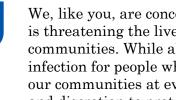
Sincerely,

Dennis Wygman State's Attorney Addison County

April 7, 2020

Re: Eliminating Unnecessary Incarceration During Public Health Crisis

Dear Mr. Wygman,



PO Box 277 Montpelier, VT 05601 (802) 223-6304 acluvt.org

Julie Kalish President

James Lyall Executive Director

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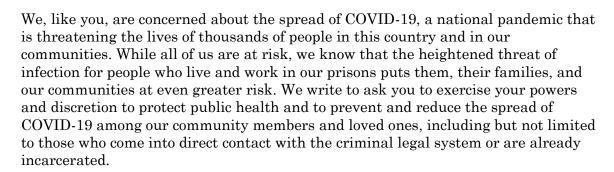
Sincerely,

Douglas Disabito State's Attorney Grand Isle County

April 7, 2020

Re: Eliminating Unnecessary Incarceration During Public Health Crisis

Dear Mr. Disabito,



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Please contact us if you have questions or wish to discuss, otherwise we look forward to hearing from you by April 13.

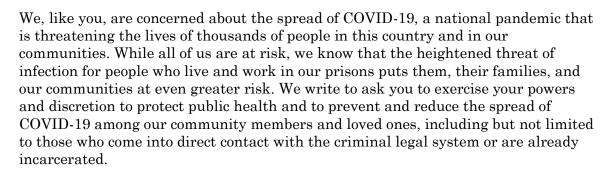
Sincerely,

James Hughes State's Attorney Franklin County

April 7, 2020

Re: Eliminating Unnecessary Incarceration During Public Health Crisis

Dear Mr. Hughes,



As you know, Vermont Attorney General T.J. Donovan <u>issued guidance</u> to law enforcement, prosecutors, and DOC personnel, with specific recommendations to reduce unnecessary incarceration. Given the urgency of this public health crisis, Vermonters deserve to know how each of Vermont's elected prosecutors is responding. For that reason, we ask that you reply by Monday, April 13 and state in writing whether your county has implemented or will be implementing the recommendations specified in the Attorney General's guidance.

In addition, we ask you to state your position on these eight (8) additional recommendations, and to respond by April 13 to let us know which of the following measures you have already implemented or are committed to implementing promptly, in order to reduce unnecessary contact with the criminal legal system and incarceration:

- 1. Decline to bring new low-level charges and dismiss all pending cases for low-level offenses immediately.
- 2. Work with defense attorneys to review and reopen bail hearings for all those detained pending trial who do not pose a risk to public safety if released, particularly those who are medically vulnerable to COVID-19.
- 3. Do not seek detention of defendants solely due to prior FTAs (Failures to Appear) during this time.
- 4. Advocate for people not to be detained and either be released on their own recognizance or without conditions that could risk spread of COVID-19, including drug testing, AA meetings, and in-person checkins at pretrial services.



PO Box 277 Montpelier, VT 05601 (802) 223-6304 acluvt.org

Julie Kalish *President*

- 5. Agree to and advocate for the release of all people serving a misdemeanor or felony sentences who are within six months of their release date.
- 6. Stipulate to motions to vacate old convictions for people who are currently, or formerly, incarcerated, allowing people, as needed, to replead to alternatives that do not carry negative attendant consequences (such as dispositions that avoid immigration, employment, or housing consequences).
- 7. Exercise your re-sentencing powers and move to re-sentence people to time served who are in state prisons and are particularly vulnerable to COVID-19.
- 8. Promptly release statistics and non-identifying demographic data on anyone released or impacted by these policies.

Please contact us if you have questions or wish to discuss, otherwise we look forward to hearing from you by April 13.

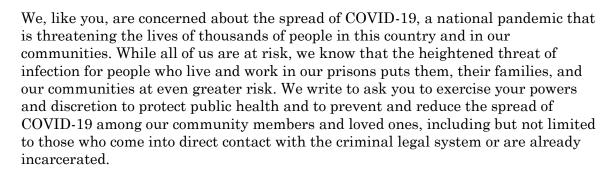
Sincerely,

Jessica Zaleski State's Attorney Caledonia County

April 7, 2020

Re: Eliminating Unnecessary Incarceration During Public Health Crisis

Dear Ms. Zaleski,



As you know, Vermont Attorney General T.J. Donovan <u>issued guidance</u> to law enforcement, prosecutors, and DOC personnel, with specific recommendations to reduce unnecessary incarceration. Given the urgency of this public health crisis, Vermonters deserve to know how each of Vermont's elected prosecutors is responding. For that reason, we ask that you reply by Monday, April 13 and state in writing whether your county has implemented or will be implementing the recommendations specified in the Attorney General's guidance.

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