

Washington County State's Attorney Candidate Questionnaire: Michelle Donnelly

The ACLU of Vermont reached out to each candidate for state's attorney in June 2022 and asked about their views and policy intentions through a series of county-specific questions.

Q: For many, the money bail system perpetuates widespread wealth-based incarceration: those who have money are released from jail while their court case is pending, those who do not have money remain in jail while their case is pending. Will your office adopt an office-wide policy to not request monetary bail?

A: No

Q: In 2018, Vermont passed a law lowering the maximum bail amount for expungable misdemeanors to \$200. If you will not adopt a policy to never request monetary bail, will you adopt an office-wide policy to not request monetary bail for individuals charged with expungable misdemeanors?

A: No

Q: Will you, at a minimum, maintain the current policies of the Washington County State's Attorneys office? If you would like to improve them, please indicate how you would do so.

A: I want to keep building on the work of my predecessor and seek just outcomes to all cases in the office. I aim to treat all community members, victims, and defendants with respect and fairness. I will continue to evaluate policies, seek feedback and input from stakeholders, and adjust procedures as necessary to ensure the office is meeting its goals.

Q: Access to a vehicle is a practical necessity in a rural state, and yet many Vermonters have lost their licenses because they have been unable to pay traffic fines. In 2015, then-State's Attorney T.J. Donovan instituted a "[Driver Restoration Day](#)," where those with suspended licenses could pay \$20 per fine and have their license restored. Within one year of being sworn into office, will you institute or participate in a similar driver's license restoration program?

A: Yes

Q: The Vermont House of Representatives recently passed a bill that would have reduced penalties for drug prosecutions. One of the bill's goals was to reduce racial disparities in Vermont's drug prosecutions. Will you write and publish a drug prosecution policy that adopts, at a minimum, the categorization and limited penalty structure of [H. 505 \(2022\) as passed by the Vermont House of Representatives](#)?

A: No

Q: Will you track and publish data on your office's charging decisions, diversion recommendations, bail recommendations, plea offers, and sentencing recommendations by race/ethnicity, gender, age, and public defense eligibility to identify and address racial, gender, and class disparities in your office's prosecutions?

A: Yes

Q: Will you institute or participate in an expungement clinic in your county within one year of being sworn in?

A: Yes



Smart Justice Vermont is a nonpartisan campaign of the ACLU of Vermont. The ACLU of Vermont does not endorse or oppose candidates for office.

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Q: A recent Council of State Government's report recommends Vermont's state's attorneys' offices "develop internal guidance to support consistency in charging and plea-bargaining decisions." To the extent your office does not have such policies, within two years of being sworn in, will you publish policies regarding charging, bail, plea bargaining, Brady/Giglio obligations, sentencing, and data collection?

A: Yes

Q: To reduce re-incarceration on technical violations, will you direct your prosecutors to seek probation on terms of one year or less for misdemeanors and the minimum required probation terms for felonies unless there is compelling reason for a longer term?

A: No

Q: Vermont is in the midst of an unprecedented overdose crisis. Overdose prevention sites or mobile services, where individuals can use their own drugs in view of medical personnel ready to save their life, help prevent needless deaths and have been implemented in hundreds of locations around the world. There has never been a recorded death in an overdose prevention site. Do you support the opening of overdose prevention sites or the use of mobile overdose prevention services in Vermont?

A: Yes

Q: Will you ensure people are not excluded from diversion programs because of their criminal history, mental illness, drug use, or lack of funds to pay for diversion program fees?

A: Yes

Q: As state's attorney, will you expand your offices use of restorative justice and court diversion services and publish data showing such an expansion?

A: Yes

Q: Will you implement an "open-file" discovery program and require that prosecutors turn over full discovery, including exculpatory information, to the defense upon filing charges?

A: Yes

Q: Will you decline to prosecute children for typical childhood behavior such as disorderly conduct, fights, smoking marijuana, or other low-level infractions committed in school or the community that do not result in serious physical harm, and instead reject the case or refer them to restorative justice processes?

A: Yes

Q: Will you develop, implement, and/or continue updating a "Do Not Call" or "Brady" witness list, and require all prosecutors in your office to reject new cases and search warrant requests from police officers with histories of dishonesty, racism, or bias?

A: Yes



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