

Franklin County State's Attorney Candidate Questionnaire: John Lavoie

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: Yes

Q: The Franklin County criminal docket has an enormous backlog, which has already resulted in the potential dismissal of hundreds of cases. Many have languished in the system for more than a year, preventing defendants from accessing employment, housing, education, and other public and private services. Will you agree to dismiss non-violent misdemeanor cases that are more than one year old as of the date you are sworn in?

A: No

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: Yes

Q: According to your office's response to the ACLU of Vermont's January 2022 public record request, your office has never provided a Brady/Giglio letter to defense counsel regarding an officer having credibility issues. Will you consistently review available records for all officers providing testimony in Franklin County criminal cases currently and in the future, and disclose any credibility or bias issues to defense counsel?

A: Yes

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



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

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: Franklin County is home to numerous immigrant farmworkers. As state's attorney, will you train and direct prosecutors, in written policies, to consider the immigration consequences of a conviction during each stage of a case, and to favor dispositions that avoid adverse immigration consequences?
A: Yes

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: 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: Vermont's Habitual Offender or "three strikes" law can force a defendant who commits a low-level felony to face a life sentence, when they have committed three prior felonies. Such laws can result in punishments that do not fit the crime at issue. Habitual offender laws also do not deter future crime or reflect Vermont's long-standing understanding that everyone can change for the better. Will you pledge to not charge any individuals as habitual offenders?
A: No

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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