

VICTIM CONTACT INFORMATION DISCLOSURE POLICY

Purposes: (1) To increase protection of victims in cases where the disclosure of their location may pose a heightened risk to their safety or to their emotional wellbeing.

Policy: In order to implement the above purposes, prosecutors are reminded to avail themselves of the following rule:

Rule 16(d)(3)

Victim's Residential Address or Place of Employment. Disclosure shall not be required of a victim's residential address or place of employment unless the court finds, based upon a preponderance of the evidence, that nondisclosure of the information will prejudice the defendant.

I. Use in SIU cases-

- In new SIU cases, when they are screened and prior to filing with the Court, the assigned DSA and VA shall consider whether to redact the victim's residential address from the **non-PC Affidavit** portions of the case packet, including but not limited to:
 - Victim's record check;
 - Police Discovery/Witness sheet;
 - Arrest Custody Report;
 - Main Names table;
 - RFA paperwork;
 - DV Investigative packets;
 - Juvenile Identifier sheet.
- Such redaction is discretionary, but will consider the following factors:
 - Whether or not the Defendant is already aware of the Victim's residential address;
 - Whether or not the Victim's residential address is a relevant piece of information to the case such that the Defendant will be prejudiced by the non-disclosure;
 - The degree and manner of risk the Defendant poses to the victim.

II. Discretionary use by assigned DSAs in non-SIU cases-

- In non-SIU cases, prosecutors may, in consultation with the assigned VA, choose to redact the Victim's residential address from the case packet as outlined above. This is at the discretion of the assigned DSA, and shall be conducted by the DSA in coordination with the assigned VA. Considerations that may inform this include but are not limited to:
 - Cases of intimate partner violence where a victim has moved away from a shared residence to protect themselves;
 - Stalking or Disturbing the Peace by Phone cases where the victim's address is believed to be unknown to the Defendant.

While redaction should be coordinated between VAs and DSAs, it is ultimately the responsibility of the assigned attorney. This is to ensure that any redactions comply with the rule, and that the assigned attorney is able to articulate the basis for the redaction should any litigation arise.

While these guidelines are in place to enhance security and peace of mind for victims, they are not intended to limit a prosecutor's discretion or to bring the office into conflict with any Vermont Rule of Evidence or Criminal Procedure.