

§ 914. MEMORANDUM OF UNDERSTANDING; GUIDANCE AND PROTOCOLS...

(b) Guidance and protocols. On or before July 1, 2025, the Department of  
2 Corrections, in consultation with the Community Justice Unit of the Office of  
3 the Attorney General, the Department for Children and Families, the  
4 Department of State's Attorneys and Sheriffs, the Office of the Defender  
5 General, the Center for Crime Victim Services, ~~and~~ the Vermont Judiciary, [and the Office of Racial  
Equity](#)

6 shall create guidance for memoranda of understanding. Memoranda of  
7 understanding shall include protocols that:

8 (1) list mandatory qualifying offenses;

9 (2) permit the parties to supplement the list of mandatory qualifying  
10 offenses;

11 (3) establish an evidence-based screening process to assess referral  
12 eligibility for responsible parties who have been adjudicated of offenses that  
13 are not mandatory qualifying offenses;

14 (4) set timelines to complete the restorative process for responsible  
15 parties;

16 (5) contemplate the procedure for responsible parties who fail to  
17 complete the restorative process;

18 (6) The reparative program shall have the right to determine that the  
19 matter is not appropriate for post-adjudication programming and send the  
20 referral back to the court.

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1 (7) require initial and annual training for staff, facilitators, and  
2 volunteers of programs or services employing restorative justice approaches, as  
3 well as judges on the dynamics and principles of restorative justice.

4 (8) outline roles and participation of the programs or services employing

Office of Racial Equity/Division of Racial Justice Statistics  
Recommended changes to H.645, An act relating to approaches to restorative justice

5 restorative justice approaches and other community partners, as needed;

6 (9) establish written confidentiality standards that ensure constitutional

7 protections and the privacy of responsible parties and victims participating in

8 the restorative process;

9 (10) ~~create~~formulate universal data collection standards ~~developed by the~~

~~10 Department of Corrections through close collaboration with the Division of Racial Justice Statistics within the Office of Racial Equity and their strategic partners, such as including, but not limited to, the Vermont State Archives & Records Administration and the Agency of Digital Services. The consulting entities shall;~~ ensure~~ing~~ careful consideration of requirements and needs related to data integration, information governance, and the continuing development of a robust data and information technology infrastructure; and

11 (11) implement written annual evaluation and quality improvement

12 plans and processes that engage community and system stakeholders.

13 (c) Compliance.

14 (1) The Department of Corrections, in collaboration with consulting entities, shall review each memorandum of

15 understanding annually to ensure compliance with the protocols set forth in

16 subsection (b) of this section and the guidance established by the Department

17 and its consulting entities. The Department may engage other relevant

18 stakeholders, including the Office of Racial Equity, to assess any defined restorative approach outlined in a

19 memorandum of understanding that is under review for compliance with the

20 Department's protocols and guidance.

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1 (2) Once a memorandum of understanding is verified for compliance by

2 the Department of Corrections and the consulting entities, and is executed by the parties, the program or

3 service employing restorative justice approaches that is a party to the

4 memorandum may begin accepting referrals.

5 (d) Confidentiality.

6 (1) All information gathered in the course of the post-adjudication  
7 reparative program shall be held strictly confidential and shall not be released  
8 without the participant's prior consent, except that research and reports that do  
9 not establish the identity of individual participants are allowed.

10 (2) If a case is referred to the program, the court may release  
11 information to the victim upon a showing of legitimate need and subject to an  
12 appropriate protective agreement defining the purpose for which the  
13 information is being released and in all other respects maintaining the  
14 confidentiality of the information; otherwise, files held by the court, the  
15 prosecutor, law enforcement agency, referring entity, and the reparative  
16 program related to the matter shall be confidential and shall remain  
17 confidential unless:

- 18 (A) the reparative program declines to accept the referral;
- 19 (B) the reparative program accepts the referral, but the person does  
20 not successfully complete the program; or
- 21 (D) the court recalls the referral from the reparative program.

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1 (e) Reparative boards. When engaged in board activities, a board member  
2 shall be considered a volunteer with regard to any grievance or other matter  
3 governed by 3 V.S.A. § 1101.