



H. 41 – An Act Relating to Domestic and Sexual Violence Cases and Community Justice Centers

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Thank you for the invitation to speak with the committee today about H. 41. This bill represents an overdue revisit to important questions about the role for restorative justice in domestic and sexual violence cases.

History and Context

In 2007, the Community Justice Centers were codified in state statute. At that time, formalized restorative justice practices were first emerging in an organized and statewide manner and Community Justice Centers had a narrower scope - primarily focused around reparative boards for lower level offenses. At that time, the Vermont Network and the movement to address domestic and sexual violence was uncertain of restorative justice approaches and the ability of such programs to hold offenders accountable and provide victim safety. As the Community Justice Centers were codified in state statute, the Vermont Network requested that the authorizing statute for community justice centers include a prohibition on referring domestic violence, sexual violence and stalking cases to community justice centers. Today we speak to you about H. 41 – to create a thoughtful exception to the prohibition which centers victim safety.

Since 2007, there has been a thoughtful and important evolution in restorative justice practices in Vermont and across the nation, as well as the thinking and practices in the victim services field. While there is broad acknowledgement and investment in the safety and tools provided by the civil and criminal legal system, too often legal responses can be further traumatizing or leave survivors lacking a sense of resolution, justice or healing.

Current legal responses are often designed around survivors who report and those who seek separation from the person who caused them harm. There remains a significant gap in community responses for victims who do not report or choose to remain in relationship with their partners. The majority of survivors of domestic and sexual violence never report their experience of violence to the legal system. National data suggests that half of domestic violence victims report to law enforcement¹ and only a quarter of sexual assault victims report to law enforcement or seek medical care for assault². Importantly, many survivors also continue to be in some form of relationship with the people who harm

¹ [National Crime Victimization Survey](#)

² [Bureau of Justice Statistics, Rape and Sexual Assault: Reporting to Police and Medical Attention](#)



them – whether this is continuing an intimate partner relationship or navigating the challenges of co-parenting. This is one area of significant potential for restorative approaches.

As understandings of the limitations of the criminal and civil legal process have evolved, so too have explorations of restorative justice approaches for domestic and sexual violence. In 2018, the Vermont Legislature passed Act 146 which created an interdisciplinary Study Committee which examined the potentials for restorative justice for domestic and sexual violence. The Committee met for a year and issued an interim and final report with consensus recommendations which comprise the foundation of this proposal. The practices of Community Justice Centers have continued to expand as well. The Hartford Community Justice Center, in partnership with their local domestic and sexual violence advocacy organization and their State’s Attorney, became certified as a Domestic Violence Accountability Program and established Circles of Peace – a restorative justice program for individuals charged with misdemeanor domestic violence.

On the national level, there has also been examination of restorative approaches to domestic and sexual violence. In 2019, the national Center for Court Innovation was funded by the Department of Justice to catalogue the current use of restorative justice to address intimate partner violence. In addition, in 2022, Congress reauthorized the federal Violence Against Women Act and for the first time created a grant program to support and fund restorative practices aimed to address intimate partner violence.³ All of these approaches recognize restorative justice not as a replacement for a criminal or civil legal approach, but as supplemental options to augment and improve the way that our communities respond to violence and hold people who use violence accountable.

H. 41 Proposal

The proposal being considered by the Committee today is one small, very narrow step towards creating a safe and thoughtful approach to creating restorative justice options for survivors of domestic and sexual violence. This language was negotiated and written by domestic and sexual violence advocacy programs and Community Justice Centers across the state and represents a consensus recommendation from these key stakeholders. We want to highlight some important facets of this proposal:

- This proposal maintains the prohibition on domestic violence, sexual violence and stalking cases being sent to Community Justice Centers, but **creates an exception to the prohibition for domestic and sexual violence cases if a robust set of preconditions are satisfied.** The prohibition on referring stalking cases to community justice centers remains intact. Nothing in this language requires communities to develop such programming – it simply creates the framework if there is readiness and capacity within communities.

³ [2022 Violence Against Women Act, Section 109](#)



- The proposed language **creates a framework for communities to establish (if they so choose) a detailed plan and protocol for establishing a restorative justice approach to domestic or sexual violence which prioritizes victim safety.** This framework locates decision-making for such a program in local communities through a Memorandum of Understanding process. Local CJs and domestic and sexual violence advocacy programs are mandatory MOU partners under this proposal, ensuring that victim advocates fully inform the program design and implementation. Other community partners such as prosecutors or law enforcement agencies can also serve as MOU partners, depending on the model a community pursues. The proposed language creates a statutory framework to ensure safety and voluntary engagement, but delegates the details of protocol to local communities, which we believe is where it belongs.

Other Information

We want to be sure to highlight a few other points:

- In accordance with the Department of Corrections' stated wishes, we are in agreement with them that the grant funding routinely dispersed to Community Justice Centers will not be permitted to be used for these purposes. We anticipate a federal grant program from the Department of Justice becoming available in the coming year to support these efforts and will continue to work with the CJs to seek additional, new funding for this use.
- There is no statewide regulating body enumerated in the proposed language. There is no appropriate or willing entity to serve in any such regulatory capacity. However, the Vermont Network is committed to and is stating for the record here that it is our intention to provide statewide technical assistance to communities who wish to develop MOUs and implement programming. We have a position that is already dedicated in part to this work.

We appreciate the Committee's consideration of this proposal and look forward to working with stakeholders to move towards a justice system where all victims in Vermont have options – including restorative justice - for addressing and repairing the harm that they have experienced.