

Community Justice Network of Vermont

*Promoting a restorative approach to conflict and crime
— community by community*

Memorandum

To: Senate Government Operations Committee
From: Community Justice Network of Vermont/Karen Vastine
Date: April 29, 2014
Re: Confidentiality/Community Justice Programs

The Community Justice Network of Vermont is comprised of 20 Community Justice Centers, (CJCs) which provide services in every county and are directly tied to more than 70 municipalities. CJCs work with community volunteers to support victims and hold offenders accountable through a myriad of programs, which include conflict intervention, restorative justice panels, community safety work, and offender reentry programs.

The restorative justice panels are facilitated processes where offenders, community members and victims meet together in order to collaboratively create a restorative contract. With the restorative justice panels in particular, the CJCs see their primary role as offering victims support. In order to successfully complete the program, offenders must fulfill their contract, which can include steps such as apologizing to the victim and others impacted by the crime; repairing the harm they've caused by paying restitution or performing community service; and making a plan to avoid committing another crime. If they so choose, victims have the opportunity to directly communicate with the offender the impact of their actions on their life. This can often lead to a powerful redemption process for the offender, victim, and community.

Currently, 24 V.S.A. § 1964 (Structure of the community justice boards) does not address confidentiality of the restorative justice process. As more people are utilizing restorative justice approaches, we believe that this could be problematic and needs to be changed for several reasons:

- Victims need to be afforded the right to confidentiality, otherwise they are unlikely to participate thus also missing an opportunity to receive the support that the CJCs can offer to them; and
- The CJCs are serving more and more low level offenders with complex treatment needs. Compliance with treatment is an important component of offenders' restorative contracts. Offenders need to have this remain confidential.

Proposed Amendment

24 V.S.A. § 1964. Structure of the community justice boards

Each community justice center:

- (1) Shall have an advisory board comprised of at least 51 percent citizen volunteers.
- (2) May use a variety of restorative justice approaches, including ~~community panels or boards~~ restorative justice panels, group conferencing, or mediation. These restorative justice approaches, including all information gathered in the course of these restorative justice approaches shall be strictly confidential and information shall not be released without the participant's prior consent (except that research and reports that do not require or establish the identity of individual participants are allowed).
- (3) Shall include programs to resolve disputes, address the needs of victims, address the wrongdoing of the offender, and promote the rehabilitation of youthful and adult offenders.