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H.718

Introduced by Representatives Emmons of Springfield and Hooper of
Montpelier

Referred to Committee on

Date:

Subject: Crimes and criminal procedure; domestic and sexual violence

Statement of purpose of bill as introduced: This bill proposes to establish the
Restorative Justice Study Committee for the purpose of conducting a
comprehensive examination of whether there is a role for restorative justice
principles and processes in domestic and sexual violence and stalking cases.

An act relating to creation of the Restorative Justice Study Committee

It is hereby enacted by the General Assembly of the State of Vermont:

~~Sec. 1. FINDINGS~~

~~The General Assembly finds that:~~

~~(1) Restorative justice has proven to be very helpful in reducing
offender recidivism, and, in many cases, has resulted in positive outcomes for
victims.~~

~~(2) Victims thrive when they have options. Because the criminal justice
system does not always meet victims' needs, restorative justice may provide~~

1 options to improve victims' outcomes.

2 (3) Restorative justice as an alternative to incarceration of domestic and
3 sexual assault offenders should be assessed to determine whether the necessary
4 tools exist to ensure the safety of victims.

5 (4) Cultural shifts occur when communities are engaged in changing
6 violent behaviors and when victims and perpetrators have access to options
7 that support change and offer healing to families and communities. Allowing
8 for restorative justice intervention when deemed safe and appropriate may
9 achieve these goals.

10 Sec. 2. RESTORATIVE JUSTICE STUDY COMMITTEE

11 (a) Creation. There is created the Restorative Justice Study Committee for
12 the purpose of conducting a comprehensive examination of whether there is a
13 role for restorative justice principles and processes in domestic and sexual
14 violence and stalking cases.

15 (b) Membership. The Committee shall be composed of the following
16 members:

17 (1) the Executive Director of the Vermont Network Against Domestic
18 and Sexual Violence or designee;

19 (2) an executive director of a dual domestic and sexual violence
20 Network Member Program or designee, appointed by the Executive Director
21 of the Vermont Network Against Domestic and Sexual Violence,

- 1 ~~(3) an executive director of a sexual violence Network Member~~
2 Program or designee, appointed by the Executive Director of the Vermont
3 Network Against Domestic and Sexual Violence;
4 (4) the Executive Director of the Vermont Center for Crime Victim
5 Services or designee;
6 (5) a representative of the Vermont Association of Court Diversion
7 Programs;
8 (6) a representative of a Vermont community justice program;
9 (7) a prosecutor who handles, in whole or in part, domestic violence,
10 sexual violence, and stalking cases, appointed by the Executive Director of the
11 Department of State's Attorneys and Sheriffs;
12 (8) the Executive Director of Vermonters for Criminal Justice Reform or
13 designee;
14 (9) three representatives of organizations serving marginalized
15 Vermonters, appointed by the Vermont Network Against Domestic and Sexual
16 Violence;
17 (10) a representative of the Vermont Abenaki community, appointed by
18 the Governor;
19 (11) the Executive Director of the Discussing Intimate Partner Violence
20 and Accessing Support (DIVAS) Program for incarcerated women;
21 ~~(12) the Coordinator of the Vermont Domestic Violence Council,~~

1 (13) the Vermont Department of Corrections' Community and

2 Restorative Justice Director;

3 (14) a representative of the Office of the Defender General; and

4 (15) two victims of domestic and sexual violence or stalking appointed
5 by the Vermont Network Against Domestic and Sexual Violence.

6 (c) Powers and duties. The Committee shall study whether restorative
7 justice can be an effective process for holding perpetrators of domestic and
8 sexual violence and stalking accountable, while preventing future crime and
9 keeping victims and the greater community safe. In deciding whether
10 restorative justice can be suitable for each subset of cases, the Committee shall
11 study the following:

12 (1) the development of specialized processes to ensure the safety,
13 confidentiality, and privacy of victims;

14 (2) the nature of different offenses such as domestic violence, sexual
15 violence, and stalking, including the level of harm caused by or violence
16 involved in the offenses;

17 (3) the appropriateness of restorative justice in relation to the offense;

18 (4) a review of the potential power imbalances between the people who
19 are to take part in restorative justice for these offenses;

20 (5) ways to protect the physical and psychological safety of anyone who
21 is to take part in restorative justice for these offenses,

1 ~~(6) training opportunities related to intake level staff in domestic and~~
2 ~~sexual violence and stalking;~~

3 ~~(7) community collaboration opportunities in the implementation of~~
4 ~~statewide protocols among restorative justice programs and local domestic and~~
5 ~~sexual violence organizations, prosecutors, corrections, and organizations that~~
6 ~~represent marginalized Vermonters;~~

7 ~~(8) the importance of victims' input in the development of any~~
8 ~~restorative justice process related to domestic and sexual violence and stalking~~
9 ~~cases;~~

10 ~~(9) opportunities for a victim to participate in a restorative justice~~
11 ~~process, which may include alternatives to face-to-face meetings with an~~
12 ~~offender;~~

13 ~~(10) risk-assessment tools that can assess perpetrators for risk prior to~~
14 ~~acceptance of referral;~~

15 ~~(11) any necessary data collection to provide the opportunity for~~
16 ~~ongoing improvement of victim-centered response; and~~

17 ~~(12) resources required to provide adequate trainings, ensure needed~~
18 ~~data gathering, support collaborative information sharing, and sustain relevant~~
19 ~~expertise at restorative justice programs.~~

20 ~~(d) Assistance. The Vermont Network Against Domestic and Sexual~~
21 ~~violence shall convene the first meeting of the Committee and provide support~~

1 ~~services.~~

2 (e) Reports. On or before December 1, 2018, the Vermont Network
3 Against Domestic and Sexual Violence, on behalf of the Committee, shall
4 submit an interim written report to the House and Senate Committees on
5 Judiciary. On or before July 1, 2019, the Vermont Network Against Domestic
6 and Sexual Violence, on behalf of the Committee, shall submit a final report to
7 the Joint Legislative Justice Oversight Committee.

8 (f) Meetings.

9 (1) The Vermont Network Against Domestic and Sexual Violence shall
10 convene the meetings of the Committee, the first one to occur on or before
11 August 1, 2018.

12 (2) The Committee shall select a chair from among its members at the
13 first meeting.

14 (3) A majority of the membership shall constitute a quorum.

15 (4) The Committee shall cease to exist on July 1, 2019.

16 Sec. 3. EFFECTIVE DATE

17 ~~This act shall take effect on passage.~~

Sec. 1. FINDINGS

The General Assembly finds that:

(1) Restorative justice has proven to be very helpful in reducing offender
recidivism, and, in many cases, has resulted in positive outcomes for victims.

(2) Victims thrive when they have options. Because the criminal justice system does not always meet victims' needs, restorative justice may provide options to improve victims' outcomes.

(3) Restorative justice as an alternative to incarceration of domestic and sexual assault offenders should be assessed to determine whether the necessary tools exist to ensure the safety of victims.

(4) Cultural shifts occur when communities are engaged in changing violent behaviors and when victims and perpetrators have access to options that support change and offer healing to families and communities. Allowing for restorative justice intervention when deemed safe and appropriate may achieve these goals.

Sec. 2. RESTORATIVE JUSTICE STUDY COMMITTEE

(a) Creation. There is created the Restorative Justice Study Committee for the purpose of conducting a comprehensive examination of whether there is a role for restorative justice principles and processes in domestic and sexual violence and stalking cases.

(b) Membership. The Committee shall be composed of the following members:

(1) the Executive Director of the Vermont Network Against Domestic and Sexual Violence or designee;

(2) an executive director of a dual domestic and sexual violence

Network Member Program or designee, appointed by the Executive Director of the Vermont Network Against Domestic and Sexual Violence;

(3) an executive director of a sexual violence Network Member Program or designee, appointed by the Executive Director of the Vermont Network Against Domestic and Sexual Violence;

(4) the Executive Director of the Vermont Center for Crime Victim Services or designee;

(5) a representative of the Vermont Association of Court Diversion Programs;

(6) a representative of a Vermont community justice program;

(7) a prosecutor who handles, in whole or in part, domestic violence, sexual violence, and stalking cases, appointed by the Executive Director of the Department of State's Attorneys and Sheriffs;

(8) the Executive Director of Vermonters for Criminal Justice Reform or designee;

(9) three representatives of organizations serving marginalized Vermonters, appointed by the Vermont Network Against Domestic and Sexual Violence;

(10) a representative of the Vermont Abenaki community, appointed by the Governor;

(11) the Executive Director of the Discussing Intimate Partner Violence

and Accessing Support (DIVAS) Program for incarcerated women;

(12) the Coordinator of the Vermont Domestic Violence Council;

(13) the Commissioner of Corrections or a designee familiar with
community and restorative justice programs;

(14) a representative of the Office of the Defender General;

(15) the Court Diversion and Pretrial Services Director; and

(16) two victims of domestic and sexual violence or stalking appointed
by the Vermont Network Against Domestic and Sexual Violence.

(c) Powers and duties. The Committee shall study whether restorative
justice can be an effective process for holding perpetrators of domestic and
sexual violence and stalking accountable, while preventing future crime and
keeping victims and the greater community safe. In deciding whether
restorative justice can be suitable for each subset of cases, the Committee shall
study the following:

(1) the development of specialized processes to ensure the safety,
confidentiality, and privacy of victims;

(2) the nature of different offenses such as domestic violence, sexual
violence, and stalking, including the level of harm caused by or violence
involved in the offenses;

(3) the appropriateness of restorative justice in relation to the offense;

(4) a review of the potential power imbalances between the people who

are to take part in restorative justice for these offenses;

(5) ways to protect the physical and psychological safety of anyone who is to take part in restorative justice for these offenses;

(6) training opportunities related to intake-level staff in domestic and sexual violence and stalking;

(7) community collaboration opportunities in the implementation of statewide protocols among restorative justice programs and local domestic and sexual violence organizations, prosecutors, corrections, and organizations that represent marginalized Vermonters;

(8) the importance of victims' input in the development of any restorative justice process related to domestic and sexual violence and stalking cases;

(9) opportunities for a victim to participate in a restorative justice process, which may include alternatives to face-to-face meetings with an offender;

(10) risk-assessment tools that can assess perpetrators for risk prior to acceptance of referral;

(11) any necessary data collection to provide the opportunity for ongoing improvement of victim-centered response; and

(12) resources required to provide adequate trainings, ensure needed data gathering, support collaborative information sharing, and sustain

relevant expertise at restorative justice programs.

(d) Assistance. The Vermont Network Against Domestic and Sexual Violence shall convene the first meeting of the Committee and provide support services.

(e) Reports. On or before December 1, 2018, the Vermont Network Against Domestic and Sexual Violence, on behalf of the Committee, shall submit an interim written report to the House Committee on Corrections and Institutions and to the House and Senate Committees on Judiciary. On or before July 1, 2019, the Vermont Network Against Domestic and Sexual Violence, on behalf of the Committee, shall submit a final report to the House Committee on Corrections and Institutions and to the House and Senate Committees on Judiciary.

(f) Meetings.

(1) The Vermont Network Against Domestic and Sexual Violence shall convene the meetings of the Committee, the first one to occur on or before August 1, 2018.

(2) The Committee shall select a chair from among its members at the first meeting.

(3) A majority of the membership shall constitute a quorum.

(4) The Committee shall meet not more than ten times, and cease to exist on July 1, 2019.

(g) Members of the Committee who are not employees of the State of Vermont and who are not otherwise compensated or reimbursed for their attendance shall be entitled to compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010 for not more than ten meetings except that:

(1) Compensation and reimbursement for the two victims of domestic and sexual violence or stalking appointed by the Vermont Network Against Domestic and Sexual Violence shall be paid by the Vermont Network Against Domestic and Sexual Violence.

(2) Compensation and reimbursement for the representative of the Vermont Abenaki community, appointed by the Governor, shall be paid by the General Assembly.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.