

1 S.179

2 Introduced by Senator Benning

3 Referred to Committee on Judiciary

4 Date: January 3, 2018

5 Subject: Probation and parole; community justice centers

6 Statement of purpose of bill as introduced: This bill proposes to clarify how
7 community justice centers receive cases, specify how volunteers are screened
8 prior to service on restorative justice panels and reentry programs, and make
9 various technical updates to the statutes governing community justice centers.

10 An act relating to community justice centers

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

12 ~~Sec. 1, 24 V.S.A., § 1964 is amended to read:~~

13 § 1964. STRUCTURE OF THE COMMUNITY JUSTICE BOARDS;

14 CONFIDENTIALITY OF CERTAIN RESTORATIVE JUSTICE

15 MEETINGS

16 (a) Each community justice center:

17 (1) shall have an advisory board or board of directors comprising at
18 least 51 percent citizen volunteers;

19 ~~(2) may use a variety of community-based restorative justice~~

1 ~~approaches, including restorative justice panels, group conferencing, or~~

2 mediation; and

3 (d) shall include programs to resolve disputes, address the needs of
4 victims, address the wrongdoing of the offender, and promote the
5 rehabilitation of youthful and adult offenders.

6 (b) Meetings of restorative justice panels and meetings to conduct
7 restorative justice group conferencing or mediation shall not be subject to the
8 Vermont Open Meeting Law, 1 V.S.A. chapter 5, subchapter 2.

9 Sec. 2. 24 V.S.A. § 1965 is amended to read:

10 § 1965. ~~DUTIES~~ SCOPE OF WORK OF THE COMMUNITY JUSTICE

11 CENTERS

12 Each community justice center:

13 (1) shall work in close coordination with State agencies, law
14 enforcement agencies, State's Attorneys, social service providers, victim
15 advocacy organizations, and other community resources in administering the
16 programs defined in subdivision 1964(a)(3) of this title;

17 (2) shall, in collaboration with State and local agencies, provide training
18 on the approaches to restorative justice process to citizen volunteers to enable
19 their participation in the local community justice center;

20 (3) may address ~~quality of life~~ quality-of-life issues in the community it
21 serves by providing informational and educational resources to the

1 community; and

2 (4) may apply for funding from private foundations, other governmental
3 sources, or other sources; and

4 (5) may receive cases referred by:

5 (A) local law enforcement prior to filing a charge; or

6 (B) the State's Attorney after filing a charge, prior to adjudication.

7 Sec. 3. 24 V.S.A. § 1966 is amended to read:

8 § 1966. COMMUNITY JUSTICE CENTERS' RELATIONSHIP WITH
9 STATE GOVERNMENT ENTITIES

10 (a) Support from the Agency of Human Services. The Agency of Human
11 Services shall provide to the community justice centers the information,
12 analysis, and technical support that the community justice centers, in
13 collaboration with the Agency of Human Services, determine are necessary to
14 further their the Agency's policy of restorative justice.

15 (b) Funding from the Agency of Human Services. The Agency of Human
16 Services may provide funding and authorize community justice centers to
17 participate in the implementation of State restorative programs related to
18 juvenile and criminal offenses.

19 (c) Access to information. Community justice center employees and
20 volunteers participating in State-funded programs shall have access to
21 information, analysis, and technical support as necessary to carry out their

1 ~~duties within the program in accordance with State and federal confidentiality~~
2 statutes and policies. Victim information that is not part of the public record
3 shall not be released without the victim's consent.

4 (d) Liability.

5 (1) For the purposes of defining liability, community justice center
6 volunteers participating in programs funded by the Agency of Human Services
7 pursuant to subsection (b) of this section shall be considered volunteers of ~~that~~
8 ~~agency~~ the Agency.

9 (2) In all other cases, ~~the State and the~~ municipality, or any other entity
10 operating a State-funded community justice center shall each be liable for the
11 acts and omissions of employees operating within the scope of their
12 employment.

13 Sec. 4. 28 V.S.A. § 910 is amended to read:

14 § 910. RESTORATIVE JUSTICE PROGRAM

15 This chapter establishes a program of restorative justice for use with
16 offenders required to participate in such a program as a condition of a sentence
17 of probation ~~or as ordered for civil contempt of a child support order under~~
18 ~~15 V.S.A. § 603~~. The ~~Program~~ program shall be carried out by community
19 ~~reparative boards~~ justice centers under the supervision of the Commissioner, as
20 provided by this chapter.

21 ~~Sec. 5. 28 V.S.A. § 910a is amended to read.~~

~~§ 910a. REPARATIVE BOARDS RESTORATIVE JUSTICE PANELS.~~

REENTRY; FUNCTIONS

~~(a) The Commissioner Each community justice center shall establish reparable boards restorative justice panels and appoint to them members of the community with the advice and recommendation of local nonprofit organizations or municipal entities in the localities concerned. The Commissioner shall appoint each board member to a term of one to three years, may reappoint a member to consecutive terms, and may remove a member for good cause. The local probation and parole office and the volunteer services coordinator together shall screen the volunteer prior to the volunteer's commencing service on a restorative justice panel.~~

~~(b) Each board shall elect its chair from its membership. A chair may serve for no more than one year uninterrupted. All meetings of a board shall comply with open meeting law requirements of 1 V.S.A. chapter 5, subchapter 2, consistent with probationer confidentiality requirements of this title, and as may be imposed by the court. Each community justice center shall establish a reentry program to address the local needs of the individual probation and parole office. The programs may include navigation services, circles of support and accountability (CoSAs), or other community-based resource and referral services. The community justice center shall appoint to the programs members of the community with the advice and recommendation of local~~

1 ~~nonprofit organizations or municipal entities. The local probation and parole~~
2 office and the volunteer services coordinator together shall screen volunteers
3 prior to the volunteer commencing service in the program.

4 (c) ~~Each board shall adopt bylaws approved by the Commissioner. Such~~
5 ~~bylaws may authorize each board to establish panels to conduct reparative~~
6 ~~board activities. [Repealed.]~~

7 (d) Each board restorative justice panel or reentry CoSA shall conduct its
8 meetings in a manner that promotes safe interactions among an offender,
9 victim or victims, and community members, and shall:

10 (1) In collaboration with ~~the Department~~ community organizations,
11 municipalities, the courts, and other entities of the criminal justice system,
12 implement the Restorative Justice Program restorative justice program of
13 seeking to obtain offender accountability, repair harm and compensate a victim
14 or victims and the community, increase an offender's awareness of the effect
15 of his or her behavior on a victim or victims and the community, and identify
16 ways to help ~~an offender comply~~ offenders' compliance with the law.

17 (2) Educate the public about, and promote community support for, the
18 ~~Restorative Justice Program~~ restorative justice program.

19 (e) Each board community justice center shall have access to the central
20 file of any offender required to participate with that board in the Restorative
21 ~~Justice Program~~ panel or reentry program.

1 ~~(f) When engaged in board restorative justice activities, a board panel or~~
2 ~~CoSA member shall be considered a volunteer with regard to any grievance or~~
3 ~~other matter governed by 3 V.S.A. § 1101.~~
4 Sec. 6. EFFECTIVE DATE
5 ~~This act shall take effect on passage.~~

Sec. 1. 24 V.S.A. § 1964 is amended to read:

*§ 1964. STRUCTURE OF THE COMMUNITY JUSTICE BOARDS;
CONFIDENTIALITY OF CERTAIN RESTORATIVE JUSTICE
MEETINGS*

(a) Each community justice center:

(1) shall have an advisory board or board of directors comprising at least 51 percent citizen volunteers;

(2) may use a variety of community-based restorative justice approaches, including restorative justice panels, group conferencing, or mediation; and

(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.

(b) Meetings of restorative justice panels and meetings to conduct restorative justice group conferencing or mediation shall not be subject to the Vermont Open Meeting Law, 1 V.S.A. chapter 5, subchapter 2.

Sec. 2. 24 V.S.A. § 1965 is amended to read:

*§ 1965. DUTIES SCOPE OF WORK OF THE COMMUNITY JUSTICE
CENTERS*

Each community justice center:

(1) shall work in close coordination with State agencies, law enforcement agencies, State's Attorneys, social service providers, victim advocacy organizations, and other community resources in administering the programs defined in subdivision 1964(a)(3) of this title;

(2) shall, in collaboration with State and local agencies, provide training on the approaches to restorative justice process to citizen volunteers to enable their participation in the local community justice center;

(3) may address ~~quality-of-life~~ quality-of-life issues in the community it serves by providing informational and educational resources to the community; ~~and~~

(4) may apply for funding from private foundations, other governmental sources, or other sources; and

(5) may receive cases referred by:

(A) local or State law enforcement prior to filing a charge;

(B) the State's Attorney prior to filing a charge; or

(C) the court as a part of a sentence or a term of a suspended sentence.

Sec. 3. 24 V.S.A. § 1966 is amended to read:

*§ 1966. COMMUNITY JUSTICE CENTERS' RELATIONSHIP WITH
STATE GOVERNMENT ENTITIES*

(a) Support from the Agency of Human Services. The Agency of Human Services shall provide to the community justice centers the information, analysis, and technical support that the community justice centers, in collaboration with the Agency of Human Services, determine are necessary to further ~~their~~ the Agency's policy of restorative justice.

(b) Funding from the Agency of Human Services. The Agency of Human Services may provide funding and authorize community justice centers to participate in the implementation of State restorative programs related to juvenile ~~and~~, criminal, and civil offenses.

(c) Access to information. Community justice center employees and volunteers participating in State-funded programs shall have access to information, analysis, and technical support as necessary to carry out their duties within the program in accordance with State and federal confidentiality statutes and policies. Victim information that is not part of the public record shall not be released without the victim's consent.

(d) Liability.

(1) For the purposes of defining liability, community justice center volunteers participating in programs funded by the Agency of Human Services pursuant to subsection (b) of this section shall be considered volunteers of ~~that~~ agency the Agency.

(2) In all other cases, the State ~~and the~~ municipality, or any other entity operating a State-funded community justice center shall each be liable for the acts and omissions of employees operating within the scope of their

employment.

Sec. 4. 28 V.S.A. § 910 is amended to read:

§ 910. RESTORATIVE JUSTICE PROGRAM

This chapter establishes a program of restorative justice for use with offenders required to participate in such a program as a condition of a sentence of probation or as ordered for civil contempt of a child support order under 15 V.S.A. § 603. The Program program shall be carried out by community reparative boards justice centers under the supervision of the Commissioner, as provided by this chapter.

Sec. 5. 28 V.S.A. § 910a is amended to read:

§ 910a. REPARATIVE BOARDS RESTORATIVE JUSTICE PANELS;
REENTRY; FUNCTIONS

(a) ~~The Commissioner~~ Each community justice center shall establish reparative boards restorative justice panels and appoint to them members of the community with the advice and recommendation of local nonprofit organizations or municipal entities in the localities concerned. The Commissioner shall appoint each board member to a term of one to three years, may reappoint a member to consecutive terms, and may remove a member for good cause. The local probation and parole office and the volunteer services coordinator together shall screen the volunteer prior to the volunteer's commencing service on a restorative justice panel.

(b) ~~Each board shall elect its chair from its membership. A chair may serve for no more than one year uninterrupted. All meetings of a board shall comply with open meeting law requirements of 1 V.S.A. chapter 5, subchapter 2, consistent with probationer confidentiality requirements of this title, and as may be imposed by the court.~~ Each community justice center shall establish a reentry program to address the local needs of the individual probation and parole office. The programs may include navigation services, circles of support and accountability (CoSAs), or other community-based resource and referral services. The community justice center shall appoint to the programs members of the community with the advice and recommendation of local nonprofit organizations or municipal entities. The local probation and parole office and the volunteer services coordinator together shall screen volunteers prior to the volunteer commencing service in the program.

(c) ~~Each board shall adopt bylaws approved by the Commissioner. Such bylaws may authorize each board to establish panels to conduct reparative board activities. [Repealed.]~~

(d) ~~Each board~~ restorative justice panel or reentry CoSA shall conduct its

meetings in a manner that promotes safe interactions among an offender, victim or victims, and community members, and shall:

(1) In collaboration with ~~the Department~~ community organizations, municipalities, the courts, and other entities of the criminal justice system, implement the ~~Restorative Justice Program~~ restorative justice program of seeking to obtain offender accountability, repair harm and compensate a victim or victims and the community, increase an offender's awareness of the effect of his or her behavior on a victim or victims and the community, and identify ways to help ~~an offender comply~~ offenders' compliance with the law.

(2) Educate the public about, and promote community support for, the ~~Restorative Justice Program~~ restorative justice program.

(e) Each ~~board~~ community justice center shall have access to the central file of any offender required to participate with that ~~board in the Restorative Justice Program~~ panel or reentry program.

(f) When engaged in ~~board~~ restorative justice activities, a ~~board panel or CoSA~~ member shall be considered a volunteer with regard to any grievance or other matter governed by 3 V.S.A. § 1101.

Sec. 6. EFFECTIVE DATE

This act shall take effect on passage.