



**Testimony on H.718
Senate Judiciary
March 22, 2018**

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Policy Director**

Thank you for the opportunity to speak to you on H.718 which creates 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.

Network support for H.718

Currently, Vermont statute dictates that the Community Justice Centers (where restorative justice is practiced) are not allowed to accept any domestic violence cases (24 V.S.A. § 1967). This law was created in order to best ensure that victims were protected adequately and that there was sufficient perpetrator accountability in the form of the traditional criminal justice system, i.e. incarcerative remedies, conditions of release, probation etc.

The Network is in strong support of a multidisciplinary review of current practice and policy, which is why we support H.718.

For years, the Network has worked to reform the criminal justice system in order to address the issue of domestic violence in Vermont. We have looked to the criminal justice system to ensure offender accountability and provide a measure of protection to victims and their families. Unfortunately, these reforms have done little to address the underlying social and family dynamics that perpetuate violent behavior, and they have not been fully responsive to the needs or wishes of victims.

The Network is committed to growing a culture in which domestic violence no longer exists. This means that we must support all people to thrive. We are turning our attention from focusing solely on punitive remedies to solutions which recognize the psychological and social harms caused by domestic violence and places victims' experiences and needs at the center of a process which includes corrective and rehabilitative options for their abusers.

Many of our member organization leaders are interested in exploring restorative justice as an option for victims. We know that more than half of all victims who access services in our member programs do not engage the criminal legal system at all. Many victims tell advocates they simply want their abusers to change their behaviors and claim responsibility for what they have done. The potential for incarceration of their abusive partner can lead to long lasting negative effects for victims and their children. Sometimes, the relationship our programs have to the criminal legal



system keeps some survivors from seeking our services. We also know that women of color and Native American women are more likely to seek alternatives to the punitive and long-damaging effects of adjudication and incarceration. Many survivors who want to manage the effects of the violence with a process that seeks to change and restore her dignity and the development of a healthy family life rather than degrade, isolate, and deconstruct.

The Network fundamentally believes in the ability of some perpetrators to change and is committed to creating communities in which all people can thrive. To that end, our hope is that restorative justice becomes one of a larger menu of options for victims who seek change, peace, and resolution.

Vermont's restorative justice and domestic violence conversation

For years now, Vermont's domestic violence advocates, justice reform advocates, law enforcement entities, and prosecutors have been weighing the benefits and problems with addressing domestic violence cases through the restorative justice process. Because of well-known Vermont professionals in this work (i.e. Gale Burford), our state has been leading this conversation on the national stage.

Three years ago, the International Restorative Justice Conference was held here in Vermont and included Leigh Goodmark, author of the controversial book: *A Troubled Marriage: Domestic Violence and the Legal System*. *A Troubled Marriage* is a provocative exploration of how the legal system's response to domestic violence developed, why that response is flawed, and what we should do to change it. She has returned to speak in Vermont twice since. Nearly two years ago, the Network brought Sujatha Baliga, a nationally recognized expert in restorative justice, criminal & juvenile justice reform to Vermont to lead a multidisciplinary conversation regarding restorative justice practices.

Restorative justice and domestic violence nationally

We are learning a lot from the leadership of women of color and Native American women, many of whom are demanding that the mainstream anti-violence movement recognize the impact of criminalization on their communities and families. Their communities deal with domestic violence and sexual violence in many ways outside of the criminal legal system. These alternatives to the criminal legal system often work better for their communities. There currently are a number of restorative justice and domestic violence pilot programs around the country (*for example: Men as Peacemakers, in Duluth, Minnesota; <http://www.menaspeacemakers.org/dvrc/>*). In an effort to collect data on these burgeoning projects, the Center for Court Innovation out of New York City has obtained grant from the Office of Violence Against Women to identify and evaluate them. This current progress suggests that restorative justice will soon be a mainstream option in the movement to end domestic and sexual violence.



Why we need to legislatively create a Study Committee

The time has come to consider other options. There are, however, a number of wide ranging opinions as to whether to include restorative justice in domestic violence cases, and how restorative justice can be successfully and safely employed in those cases. Because the approaches to the criminal justice and the restorative justice systems are not always aligned, we believe that legislation requiring a multidisciplinary study will lend itself toward progress. We have reached out to entities that are involved with both sides of the conversation and those we have met with agree that this will provide a much needed opportunity for a structured and focused investigation into whether it is time for Vermont to change its practice and policies.

Committee membership and process:

It is necessary that all 19 members comprise the committee because they include the relevant parties that are *currently involved* - and those that *will be involved* should restorative justice become an option for domestic and sexual violence and stalking cases: prosecutors, defenders, courts, victim advocates, disproportionately affected populations, restorative justice experts, and restorative justice practitioners.

Upon the first meeting, the committee will choose co-chairs and establish their working process. The committee will form subcommittees to work on certain areas of concern. These committees will then report back to the larger group with any recommendations. The final recommendations will then be conveyed in a written report presented to the legislature.

Recommended change:

Add "the Commissioner of the Department of Children and Families or a designee".

Please support the passage of H.718 so that Vermont can lead in truly shifting the culture of violence, and provide safety, hope, and healing in our homes and in our communities.