

Heather Hobart, Executive Director, [Lamoille Restorative Center](#)
Joint Justice Oversight Testimony – September 28, 2022

Good afternoon, my name is Heather Hobart. I am the Executive Director of [Lamoille Restorative Center](#). I've been with the organization since 1999.

LRC Info

LRC is a community based nonprofit organization with a **42+ year history of providing restorative justice services for our community**. LRC's mission is to **uphold the dignity and resilience of individuals and families through restorative justice principles and programs**.

Each year about **700-800 individuals** are served by one of LRC's 10 programs. With 19 employees and 30 volunteers, LRC **serves youth and adults interfacing with the legal system** to keep them from future or deeper involvement.

LRC also serves children, youth, and adults at risk for future involvement due to school engagement challenges, history of abuse or neglect, lack of community connections, and other life circumstances that result in stigmatization and greater vulnerabilities.

We hold **contracts with DCF, AGO and DOC** to provide restorative justice services for youth and adults. Will show a pie chart later that demonstrates the variety of funding we receive.

LRC is **overseen by a seven-member [board of directors](#)**.

I am here as a member of a recently-formed restorative justice workgroup including:

Lindy Boudreau, Juvenile Justice Director at DCF
Willa Farrell, Court Diversion & Pretrial Services Director at AGO
Derek Miodownik, Restorative Justice Executive at DOC
Chris Barton, Restorative Justice Administrator at DOC
Mel Motel, Co-director of the Brattleboro Comm Justice Ctr at Youth Services
Jill Evans, Director of the Essex Community Justice Center
Ellen Wicklum, Director of Valley Court Diversion Programs in White River

I intend to share our group's recommendations, as well as my own recommendations.

Workgroup recommendations:

1) Consider prosecutorial discretion when geographic equity is the goal

I appreciate your focus on the issue of geographic equity in the application of restorative justice options throughout Vermont. The best way to tackle the issue of **geographic equity is to focus on prosecutorial discretion**, as it will provide the best “bang for your buck”.

I want to highlight this issue with a few stories and a chart. First, four actual cases that have recently been referred to restorative justice programs in VT:

A 17-year-old juvenile was issued a citation for underage drinking at a graduation party.

- Her ticket is sent to the county's Court Diversion Program and she will be given the opportunity to engage in Diversion's Youth Substance Awareness Safety Program (YSASP). YSASP is a program in every county in the state and it follows common program guidelines and procedures.

A 35-year-old man was released from incarceration after 15 years serving a sentence for sexual assault.

- He is referred to the local community justice agency for Reentry Navigation which will support him to secure housing, seek employment and connect him with local social services. Reentry Navigation is a program in each region of the state and each program follows core principles, guidelines and practices.

A 14-year-old youth was struggling to attend school and was recently cited for simple assault and retail theft. He is also dealing with anger management issues and making good decisions. He is placed on probation with DCF.

- He is referred to the community Balanced and Restorative Justice Program (BARJ). BARJ will conduct a risk screening (YASI), facilitate a juvenile restorative panel and provide anger management skill classes. There is a BARJ program in every part of the state. Each BARJ program follows common programmatic guidelines and practices.

A 60-year old woman was charged with retail theft for walking out of Hannafords with items in her cart that she failed to scan through the self-checkout. The items totaled \$65.49. She has no prior charges.

- She is referred to the county's Court Diversion Program. Court Diversion programs are run in every part of the state, and all follow unified practices.

The community restorative programs (YSASP, Reentry Navigation, BARJ, Court Diversion) are poised to meet the needs of each situation and are available in each county/region.

The programs may be housed in various organizations (non-profits, municipalities, etc.), but all programs follow common principles and guidelines.

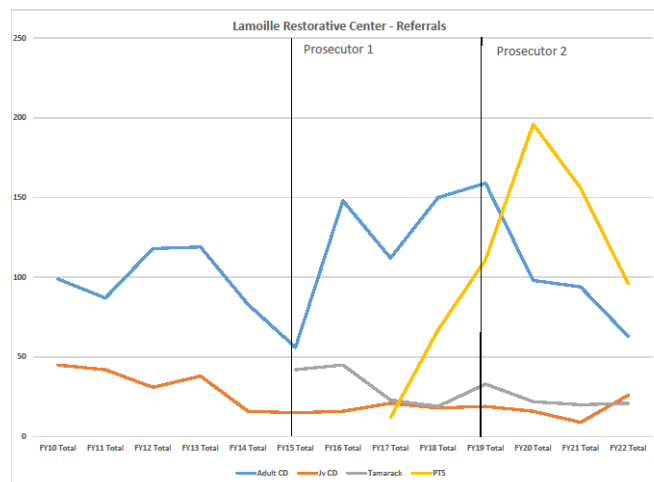
The equity issue (or inequity issue) is for the 60-year-old woman who stole from Hannafords.

The way this first-time, low-level offense is handled lies with her county's prosecutor.

Based on prosecutorial discretion she may:

- Be charged in Criminal Court for the offense and given a fine
- Be charged for the offense and sentenced to Probation with a condition to engage in a community restorative justice panel (Reparative Probation)
- Be charged in Criminal Court and given a Deferred Sentence with a Direct Referral to a community justice program
- Be offered Court Diversion where her record is expunged once she successfully completes the restorative program
- Be offered Pre-Charge where her case is dismissed if successful
- Have her charges dismissed with no program referral

This chart demonstrates on a program-level, the referral trend for Court Diversion & Pretrial Services over the last 12 years in Lamoille. As you can see, there is a strong correlation between referrals to CD and when new States' Attorneys came into office.



Changes in funding and/or program mergers won't necessarily fix this equity issue, as the power lies with the prosecutor.

2) Review Pre-charge and Court Diversion policies/practices and statutory frameworks

Analysis of pre-charge that considers prosecutors' and law enforcement's policies and practices and **statutory frameworks** should be considered. This analysis should include youth and adult referrals to Pre-charge and Court Diversion by county (while keeping issues of racial and economic equity in-mind) to help us understand how people like the 60-year-old woman from earlier, would be best served.

Lamoille doesn't offer pre-charge programming for adults for two reasons. First, I have concerns about due process rights and unexpunged case information for pre-charge participants. Secondly, I feel that DOC funding should support adult participants and victims at intercepts 3 (adjudication) and 4 (reentry) only (reference *Comm-based RJ Services funded by AGO, DCF & DOC*).

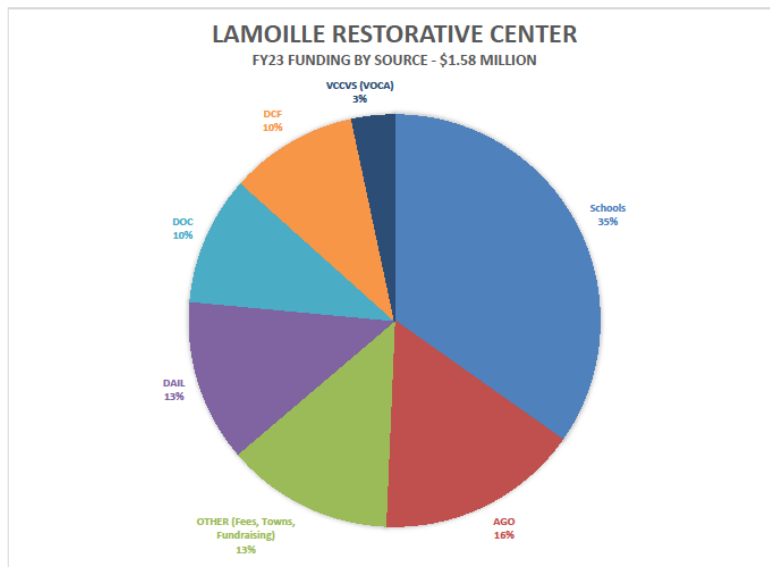
My personal recommendations:

3) Common contract/budget templates, common reporting forms, and a core set of common outcome metrics

At LRC, DCF/AGO/DOC funding all comes to one organization. If we were to receive DCF/AGO/DOC funding from one State Department/Agency, it would not improve our efficiency. Common contracts, reporting forms and outcome metrics would.

4) Keep multiple funding streams

Varied funding sources help LRC manage funding changes due priority shifts within Departments and Agencies we contract with. DCF funding challenges for RBI, our program for kids of incarcerated parents, required us to close the program and lay off staff. This loss of revenue was significant, but because we have other revenue sources, we could keep our doors open.



Before I wrap-up, I want to share a recent couple of experiences of a participants at LRC, to give you a sense of why I believe having RJ services overseen by one organization works so well.

1. A 55-year-old woman who receives support from DOC-funded Reentry Supports after coming out of jail is walked down the hall to for help getting her license (the DLS program is funded by AGO).
2. A father and daughter are referred for an altercation with someone in their apartment building. The father is referred to a Reparative panel (DOC funded) and the daughter is referred to Court Diversion (AGO funded). Their victim gets support from our victim services case manager.

I appreciate your time and will be happy to take questions after Mel, Jill and Rachel have spoken.