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MEMORANDUM

To: Senate Committee on Appropriations
Senate Committee on Judiciary
Senate Committee on Institutions
House Committee on Appropriations
House Committee on Judiciary
House Committee on Corrections and Institutions

From: Rep. Alice M. Emmons, Chair of Joint Legislative Justice Oversight Committee

Date: December 12, 2022

Subject: Examining Vermont's Restorative Justice Approach to Criminal Justice

Pursuant to 2022, Act No. 185, Section E.126.1(a), the Joint Legislative Justice Oversight Committee (the "Committee") began to study the various programs and services administering restorative justice approaches to Vermont's criminal justice system. The study evaluated whether reform is needed to ensure geographic equity and efficiency in the services, programs, and financing of the system. The Committee heard testimony from the state agencies that oversee Vermont's restorative justice approaches: the Department of Corrections, the Attorney General's Office, and the Department for Children and Families. Additionally, the Committee heard from the local administrators of community justice centers, academics, and others who have direct experience in restorative justice. As the Committee engaged in its study, it is apparent that some reform may be needed but further examination is required to determine the nature and scope of any reform. Therefore, the Committee voted to propose legislation that would create a task force to continue its work.

Accordingly, the Committee requests that your respective committees take up the bill and hear testimony to assess the feasibility of the following potential reform measures and whether they achieve the goal of greater geographic equity and accessibility within the system:

- Creating a single department or agency, or other administrative efficiencies, to operate the programs and services providing restorative justice approaches;
- Reviewing and potentially restructuring statutes governing restorative justice approaches to be within a single title of the Vermont Statutes Annotated
- Standardizing pre-charge referrals to diversion and other restorative justice approaches to create uniformity throughout the State;

- Limiting prosecutorial discretion throughout the State so certain crimes and offenders have mandated referrals to various restorative justice approaches before entering the criminal justice system;
- Authorizing the courts to directly refer certain offenders to court diversion and other restorative justice programs; and
- Streamlining funding mechanisms for community justice centers, transitional housing partners, substance abuse prevention and treatment providers, and recipients of Justice Reinvestment II monies so that the effectiveness of the funding can be measured.