

H.645 Expansion of Restorative Justice
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Thank you for the opportunity to testify on H.645. Although we do welcome the concept of expanding restorative justice services as well as stabilization of our funding, there remain some areas of concern.

We really appreciate your continuing support of the valuable role that restorative justice plays in our greater system of criminal justice. In addition to the restorative benefits that our programs provide to victims and offenders alike, the state also benefits from the significant savings in court and case management costs, as well as low recidivism rates for those who complete the program. This speaks to the quality of our programming.

As H.645 has moved through the legislative process, we have heard the underlying assumption that streamlining restorative justice programming and funding will benefit Vermonters; We are not aware of clear evidence or data to support this notion. It is important to remember that restorative justice programs in Vermont evolved from the local nature of communities – the programs are administered by and for local community members – and they vary across the state. Please keep that in mind as we walk through some provisions in H.645 that remain of concern.

Funding

H.645 does not specifically address the issue of funding when these provisions go into effect. . The goals of H.645, including moving pre-charge and post-charge cases that are currently funded through DOC to the AGO, cannot be accomplished without funding.

The DOC funding stream for restorative justice is not stable. DOC funds us with discretionary funds which have included one-time funds over the years. In addition, the funding from DOC is not adequate enough to support staffing and programming needs.

We have heard DOC testify, both in the House and in this committee, that they have plans for the funds that will be freed up once the AGO assumes full financial responsibility for pre-charge and post-charge cases. It is not clear what those plans are and how that will affect our programming.

Request: Address the following questions re: funding:

(1) Will Community Justice Centers remain in the same precarious funding position that we are in now for post-adjudication restorative justice programming that DOC will continue to fund?

(2) Where will the new funds come from, and in what amount, in order for the AGO to award grants/contracts in their expanded capacity per H.645?

(3) How will the dollar amounts be determined? This needs to be determined with data, and the data will depend on the State's Attorney's policy.

Geographic Equity

One of the goals of the bill is to create geographic equity. However, if referrals cannot be made in the absence of a State's Attorney policy in that county, then geographic equity cannot be achieved. Note that if there is no State's Attorney's policy in a county, then restorative justice programs cannot accept referrals for pre-charge cases.

Municipalities/One organization per county

There are 6 municipality-based restorative justice programs in Vermont – Franklin-Grand Isle, Montpelier, Essex, South Burlington, Williston, and Burlington. These programs are integrated into the local governments. Of these six programs, four are in Chittenden County, where the most robust pre-charge program in the state has been in effect for over ten years. Chittenden County programs received over 500 pre-charge referrals in FY 2023. We have been embedded in our municipalities for over 30 years and that model has resulted in being able to leverage municipal dollars to enhance state funding and build strong community connections. For example, the Towns of Essex and Colchester contribute over \$52,000 to our restorative justice program and the City of South Burlington will be contributing \$30,000 to their restorative justice programs. Williston and Burlington have also leveraged municipal dollars.

H.645 requires the AGO, to provide grants to, or contracts for, services with, a single municipality or organization to provide community-based restorative justice programs and services in each county. The bill, as passed by the House, allows for the funding of more than one such organization per county only until 2029.

Because all of the Chittenden County restorative justice programs are municipality-based, if we don't allow for adequate time to work on transitioning to one organization per county, then we are at risk of losing the municipality funding that has been leveraged.

Requests:

(1) If the intent is to directly fund only one organization per county, it is imperative that there be enough time to adequately plan, with stakeholder input, for this significant transition so that there are no adverse impacts on service delivery (such as the 4-year timeframe that is set forth in H.645 as passed the House).

(2) Consider allowing the CJs which receive large numbers of pre-charge referrals, such as the Chittenden County CJs, which are currently receiving funding for pre-charge referrals to continue to receive funding for pre-charge referrals

(3) Delete Section 10 - Section 10 moves the Title 24 statutes (municipalities) to Title 28. We do not think that is appropriate. The Title 24 statutes govern the role of municipalities in restorative justice programs and should remain in Title 24. Those statutes are centered around the municipal model in which we operate and how we came to be when restorative justice programming was created in Vermont. Moving those statutes into Title 28 does not make sense.

Post- Adjudication Reparative Program Working Group (Sec. 4)

H.645 creates the Post-Adjudication Reparative Program Working Group to create a Post-Adjudication Reparative Program. The composition of the group was thoughtfully crafted by the House Corrections and Institutions Committee to ensure adequate representation by restorative justice programs.

Request: If any additional organizations request to be involved (as the Office of Racial Equity has done), we request that you include these additional organizations in the group of stakeholders who need to be consulted (as the Office of Racial Equity put forth as an acceptable option) so as not to change the composition of the Working Group.

Local financial contributions.

The AGO, to our knowledge, does not currently require local financial contributions as a condition of receipt of program funding.

Request: Delete this provision in H.645.

Funding Alternatives – Community referrals (no probable cause)

Pre-charge, as defined in H.645, requires probable cause. CJs also accept referrals from law enforcement and others for cases that do not meet the probable cause standard. Those cases are not subject to the AGO process in H.645. However, Section 9 requires the AGO, to submit a written report outlining funding alternatives, including local funding options, entities through which funding could be provided, and oversight requirements for community referrals (referrals to community-based restorative justice providers that do not involve criminal offenses for which probable cause has been established). We are not sure why the AGO is tasked with this responsibility.

Requests:

- (1) Ensure that community referrals and funding will continue to be permitted in light of H.645.
- (2) Delete or amend Section 9 – possibly add the task of funding community referrals to Section 4, as DOC is currently one of the funders for these referrals.