



TO: Senate Judiciary Committee
House Judiciary Committee
House Corrections and Institutions Committee

FROM: Hon. Thomas A. Zonay, Chief Superior Judge
Chair, Post-Adjudication Reparative Program Working Group

RE: Final Report of Post-Adjudication Reparative Program Working Group pursuant
to subsection (e)(3) of Section 4 of Act 180 (H. 645) (2024) (the “Act”)

DATE: November 4, 2025

Report Requirements

Pursuant to Subsection (e)(3) of Section 4 of Act 180 (H. 645) (2024), on or before November 15, 2025, the Working Group shall submit a written report in the form of proposed legislation to the Joint Legislative Justice Oversight Committee, the Senate Committee on Judiciary, and the House Committees on Corrections and Institutions and on Judiciary.

The Act also required updates be filed prior to January 15, 2025 and July 15, 2025. Those updates were submitted to the Legislature.

Membership

The Members of the Working Group are:

1. Thomas A. Zonay, Chief Superior Judge (Chair)
2. Derek Miodownik, Dept. of Corrections (Vice-chair)
3. Courtney Whittemore, Director of Reentry Services, Franklin Grand Isle Restorative Justice Center
4. Neil Favreau, Executive Director, Community Restorative Justice Center, St. Johnsbury
5. Jeannie MacLeod, Executive Director, Barre Community Justice Center
6. Damien Barnes, Program Director, Rutland County Community Justice Center ¹
7. Kaci Viado, Restorative Justice Co-Director, Interaction Youth Services and Restorative Justice, Brattleboro

¹ Mr. Barnes membership ended following his attendance at the May 12, 2025, meeting.

Report

The Act directs the Working Group to create a Post-Adjudication Reparative Program that promotes uniform access to the appropriate community-based service providers for individuals sentenced to reparative boards and probation pursuant to 13 V.S.A. § 7030(a)(2) and (a)(3). It further directs the Working Group to study establishing a stable and reliable funding structure to support the operation of the appropriate community-based service providers. The enabling statute is available here [ACT180 As Enacted.pdf \(vermont.gov\)](#)

The Act sets forth specific issues the Working Group is to study:

- (1) defining the Program and its scope;
- (2) determining the offenses that presumptively qualify for referral to the Program;
- (3) establishing any eligibility requirements for individuals sentenced to a reparative board or probation to be referred to the Program;
- (4) designing uniform operational procedures for Program referrals from the courts, intake, data collection, participant success standards, and case closures;
- (5) assessing the necessary capacity and resources of the Judiciary, the Department of Corrections, and the community-based restorative justice providers to operate the Program; and
- (6) exploring an approach to achieve greater stability and reliability for the community-based restorative justice providers, including the Designated Agency model.

The Act further directs that the Working Group consult with the Office of the Attorney General, the Department of State's Attorneys and Sheriffs, the Office of the Defender General, the Center for Crime Victim Services, and other stakeholders as necessary, on considerations to incorporate into the Program.

In furtherance of its duty to consult with stakeholders, the Working Group reached out to the entities identified in the Act requesting that they provide the group with any comments, insights, and information they felt would be helpful for the Working Group to consider moving forward. Representatives of the Department of States Attorneys and Sheriffs (Timothy Lueders-Dumont), the Office of the Attorney General (Todd Daloz), and the Center for Crime Victim Services (Jennifer Poehlmann) provided information to the Working Group in response to its request. Jeannie Macleod also provided information that had been forwarded to her from CJC's in response to the Working Group's outreach.

The Working Group has, *inter alia*: reviewed relevant statutory provisions governing reparative programming; considered the information from the stakeholders, as well as the information and insights from its members; reexamined the scope of its work under the Act; determined what, if any, of the current statutory provisions should be maintained; developed a consistent referral process across the State; determined which offenses should/should not qualify for reparative programming; assured that any proposal provides for geographic justice and access to reparative

programming across the State; and considered the need for discretion by the CJC's as to the cases they will accept.

The Working Group has identified a number of statutory changes which it believes will clarify, enhance, and improve the use of post-adjudication community reparative programs. The statutes which define such programs are found in Chapter 221 (*Judgment, Sentence, and Execution*) of Title 13 and Chapter 012 (*Community Reparative Boards*) under Title 28.

The following statutory changes are recommended:

1. It is recommended that 13 V.S.A. § 7030. *Sentencing alternatives* be amended as follows:

(a)(2) Referral to a community reparative program board pursuant to 28 V.S.A. chapter 12[.] ~~in the case of an offender who has pled guilty to a nonviolent felony, a nonviolent misdemeanor, or a misdemeanor that does not involve the subject areas prohibited for referral to a community justice center under 24 V.S.A. § 1967. Referral to a community reparative board pursuant to this subdivision does not require the court to place the offender on probation. The offender shall return to court for further sentencing if the reparative board does not accept the case or if the offender fails to complete the reparative board program to the satisfaction of the board in a time deemed reasonable by the board.~~

This change effectuates two goals: (1) it simplifies the authority section in the statute to be consistent with other available sentencing options in the statute; and (2) it makes clear the referral is to a “reparative program” as the same term is used in Title 28, Chapter 12.

2. It is recommended that 28 V.S.A. § 910. *Restorative Justice Program* be amended as follows:

This chapter establishes a program of restorative justice for use with offenders required to participate in such a program as a sentence, or 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 shall be carried out by community reparative boards under the supervision of the Commissioner, as provided by this chapter.

This change removes the potential use of a reparative program for civil contempt in a child support case. The Working Group was unaware of any such cases which have been sent to a reparative board and could not find a basis to continue having the availability of such an order in civil cases given that the programs are designed to address criminal conduct.

3. It is recommended that a new statute, 28 V.S.A. § 913. *Restorative Justice Program Referral*, be added as follows:

28 V.S.A. § 913. *Restorative Justice Program Referral*,

- (a) The court may require participation in the Restorative Justice Program in the case of an offender who has pled guilty to a nonviolent felony, a nonviolent misdemeanor, or a misdemeanor that does not involve the subject areas prohibited for referral to a community justice center under 24 V.S.A. § 1967.**
- (b) Referral to a Restorative Justice Program pursuant to this section does not require the court to place the offender on probation. In sentences where the referral is not a condition of probation, the offender shall return to court for further sentencing if the reparative board does not accept the case or if the offender fails to complete the reparative board program to the satisfaction of the board in a time deemed reasonable by the board.**
- (c) The court may require participation in the Restorative Justice Program as a condition of probation under 28 V.S.A. § 252 (b)(15).**
- (d) In determining whether to order an offender to participate in the Restorative Justice Program the court shall consider any relevant factors, including: whether there is an agreement between the parties for the referral; the views of any victim of the offense; the impact of the offense on the community; the offender's willingness to participate in the program; the offender's capacity to meaningfully participate in the program; whether there are any orders of protection in effect, or previously in effect, between the offender and any victim.**
- (e) The Court Administrator shall create standardized forms for the referral of offenders to a Restorative Justice Program to be used in all courts of the state.**
- (f) The Supreme Court may adopt procedural rules to effectuate this section.**

This new provision: (1) carries forward the provisions from the current statute (13 V.S.A. § 7030(a)(2)) as to the types of cases for which reparative program may be ordered and that an offender need not be placed on probation to be ordered to a reparative program; (2) sets forth relevant factors for the sentencing court to consider when determining whether to order a reparative program. There are no such factors in the current statutes; and (3) provides consistency across the State through the creation and use of standardized forms and procedural rules to be adopted by the Court to effectuate the use of reparative programs in sentences. There are no analogous provision in current statutes and this can lead to geographic disparities in the use of reparative programs as a sentencing option.