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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: Update of Post-Adjudication Reparative Program Working Group pursuant to subsection (e)(1) of Section 4 of Act 180 (H. 645) (2024) (the “Act”)

DATE: January 8, 2025

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## Update Requirements

Pursuant to Subsection (e)(1) of Section 4 of Act 180 (H. 645) (2024), not later than December 1, 2024, the Post-Adjudication Reparative Program Working Group shall provide an update to the Senate Committee on Judiciary and House Committees on Corrections and Institutions and on Judiciary concerning any progress.

## 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 Whittmore, 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
7. Kaci Viado, Restorative Justice Co-Director, Interaction Youth Services and Restorative Justice, Brattleboro

## Working Groups Meetings

The Working Group met on: July 24, 2024, September 4, 2024, October 10, 2024, and December 5, 2024. The next meeting is scheduled for January 27, 2025.

## Update

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 those 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) attended the meeting on December 5<sup>th</sup>. 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 been asked to address funding for CJC's and has discussed the issues surrounding such funding. It notes that a stable funding structure should be established to support CJC's. Preliminarily, the Working Group believes that the best way to accomplish stability and consistency in the CJC's is likely to have their funding be provided through the general fund.

As it moves forward to perform its duties under the Act, the Working Group plans to, *inter alia*: consider the information from the stakeholders, as well as the information and insights from its members; reexamine the scope of its work under the Act; determine what, if any, of the current statutory provisions should be maintained; develop a consistent referral process across the State; determine which offenses should/should not qualify for reparative programming; assure that any proposal provides for geographic justice and access to reparative programming across the State; and consider the need for discretion by the CJC's as to the cases they will accept.

The Working Group expects to begin developing specific recommendations for submission to the Legislature at its next meeting. It will further provide its next required update in July, 2025, as well as to submit its report and recommendations, in the form of Legislation, to the Legislature as directed in the Act on or before November 15, 2025.