

**Memorandum of Understanding:
A Restorative Justice Approach to Domestic Violence**

Greater Falls Community Justice Center (GFCJC)
Women's Freedom Center (WFC)
Taking Responsibility Domestic Violence Accountability Program (DVAP)
December 2024

Requirements

In 2023, Vermont enacted Act 11 (H.41). Act 11 amends 24 V.S.A. § 1967, which used to prohibit CJs from receiving domestic violence and sexual violence (DV/SV) case referrals. Act 11 allows cases involving domestic and sexual violence to be referred to Community Justice Centers (CJs) after they have a Memorandum of Understanding (MOU) with a local Vermont Network Against Domestic and Sexual Violence (the Network) organization, and the MOU has been approved by the AGO's Community Justice Unit.

This MOU is between the Greater Falls Community Justice Center in Bellows Falls, the Women's Freedom Center – the Network member in Windham County – and the Domestic Violence Accountability Program, also in Windham County.

Act 11 requires MOUs to address eight protocols that guide programs to do the following:

1. establish an evidence-based or promising program approach,
2. prioritize victim safety,
3. include voluntary referral and participation of parties,
4. require initial and annual training,
5. establish organizational roles,
6. establish confidentiality standards,
7. establish data collection standards, and
8. establish annual evaluation and quality improvement plans.

Overview

This MOU will establish protocols for a *one-time* pilot Restorative Justice (RJ) project addressing domestic violence, to bring together a male graduate of the DVAP with their female partner for a voluntary reparative panel facilitated by the GFCJC with the participation of a representative from the WFC and a facilitator from the DVAP. There will be no community volunteers involved in this pilot panel.

The reparative panel will be facilitated in RJ circle style. Focus questions for reflection and sharing will be designed collaboratively by representative members of the GCJC, the WFC, and the DVAP ahead of the first scheduled meeting with the participants. There may be one, two, or three meetings, as decided by the participants. New questions will be designed by representatives of the three organizations for any subsequent meetings.

Protocols

1. Program Approach

Representatives of organizations addressing domestic violence in Windham County have been meeting and talking informally for several years about potential creative approaches, and ways to apply restorative justice approaches in particular, to domestic violence. A few specific plans were imagined, but there was never a clear opportunity to test them. With the passage of Act 11, there is an opportunity to try a first approach.

This plan is to offer voluntary and informed participation in a restorative circle process to a male participant who worked hard during and has graduated from the 30-week Taking Responsibility DVAP held weekly at Brattleboro Probation and Parole, and to his female partner who still lives with him and their children. This will be a time-limited RJ intervention of two meetings facilitated by GFCJC staff with representatives from the DVAP and the WFC serving as support people for participants and acting as if they were community volunteers on a panel, as is standard for a restorative circle. The circle process applied will address and explore, as usual: what happened, harm and impact, needs, and how to make amends and move forward so no more abusive, violent incidents occur again.

Based on the extensive professional experience of the circle organizers/facilitators (enough collective years of domestic violence intervention work to get Medicare!), they agree that it is a promising approach to domestic violence, both to address the needs of the two parties and improve their chances for a more peaceful and healthy relationship moving forward.

There is emerging research that explores and begins to support the premises of this restorative circle based approach to domestic violence. Studies of:

“the use of restorative justice (RJ) interventions for intimate partner violence (IPV)...synthesized findings (that) highlight the awareness and meaning of RJ, significance of community, goals and outcomes of RJ, timing of program implementation, and what types of IPV cases are best suited for RJ.”*

A study of the use of restorative circles (Circle of Peace style) in DV cases revealed the “importance of community involvement, offenders’ prospects of change when the community is involved” and “the beneficial role of community in the restorative process.”**

A 2019 study by Linda Mills et al examined the effectiveness of DVAPs (referred to as Batterers’ Intervention Programming) with and without the addition of a Circles of Peace restorative circle, finding that the restorative circle resulted in significant improvement in

process. The restorative circle proposed in this pilot is not an official Circles of Peace approach, but draws on similar methodologies:

“a randomized controlled trial in Utah, USA, compared a typical BIP with one that included restorative justice-informed treatment, called circles of peace (CP). The findings reveal that the 'hybrid' BIP-plus-CP resulted in statistically significant reductions in both new arrests (53%) and crime severity scores (52%) for all offences, including DV, over a 24-month period. We conclude that a hybrid BIP-plus-CP programme should be considered as a viable treatment option for DV offenders.”**

The organizational representatives will debrief the impact, successes, limitations and potential requirements for full community participation in any future RJ approach, and make recommendations for the continuation of this pilot model.

2. Victim Safety

The male participant was selected and invited by his DVAP group facilitator based on sustained assessment of a man who presents as low risk for repeat violence and is still in the relationship and living together with his partner, including with a clean track record with no incident of abuse and no limits to contact. The case in question does not involve known stalking elements. The male participant will have completed the 30-week DVAP as a certified graduate. By definition there can have been no incident of domestic violence during those 30 weeks, as the male participant would have been terminated from the group if this were the case. His Probation Officer will be informed of this RJ process. Any participant can withdraw from the process at any time. The Women's Freedom Center representative will be on hand to directly address any concerns for safety raised by the female participant. If there is any safety concern that arises, as perceived by the convening facilitators/organizational representatives, we will inform the Probation Officer, while still trying to protect the promised confidentiality of what is said in the circle.

3. Voluntary Referral and Participation

Participation is voluntary for both participants. The two participants will be given a preliminary waiver to sign establishing the procedures and limits of liability for this program design. This waiver includes the following phrasing:

“I acknowledge that I am participating voluntarily in this pilot program between the Greater Falls Community Justice Center, the Women's Freedom Center and the Taking Responsibility program. I agree not to hold liable any of these parties for any unintended harm that may result from this process.”

4. Training

Organizational representatives of GFCJC, WFC, and DVAP who are facilitating and serving in volunteer and support roles on the panel have all already had some level of DV training in, as well as extensive exposure to, widely-used models of domestic violence prevention, psychosocial education, and interventions that seek to prevent harm and shift perpetrators away from the wheel of abuse and cycle of violence. We will not solicit actual community volunteers or support people to join this pilot, since we have not yet established training criteria for community-based participants. Training for leaders of the circle include Level 1, 2, and 3 with the Family Peace Initiative in Kansas. In this case the facilitators of the circle have been creators of curriculum for restorative justice training and domestic violence accountability training with men. They have and have also written about assessing men's learning: John Ungerleider and Bill Pelz-Walsh, "Teaching Accountability and Respect," Voice Male, Summer, 2022. <https://voicemalemagazine.org/summer-2022-edition/>

5. Organizational Roles

The reparative panel meetings will be facilitated by GFCJC staff members John Ungerleider and Lauren MacArthur with Bill Pelz-Walsh from the DVAP and Donna Macomber from the WFC also serving in the restorative circle roles of support people for participants and community volunteers. These four organizational representatives will debrief the process and John will coordinate the writing of recommendations for the potential continued implementation of this pilot model.

6. Confidentiality

What is said in the meeting and who participates will be kept confidential. Both DVAP participation and assistance by the WFC are confidential, so participants are familiar with confidentiality standards. This will be stated explicitly in the written, signed participant agreement. The CJC will protect the confidentiality of all information provided by participants by invoking the applicable confidentiality provisions in Vermont statutes in Title 24. The CJC will only share information that constitutes a safety threat within the mandated reporting statute in Title 33. Since the male participant has finished the DVAP program, nothing he says will be used retroactively towards his graduation. Probation and Parole will be told of his participation, but not what is said in the circle, unless there is a danger to anyone, which is the same confidentiality model used in the DVAP.

7. Data Collection

Participants will be asked to assess their perceived impact of sessions, verbally and in writing. After all sessions are completed, each will be asked to voluntarily fill out a follow up written questionnaire to give feedback to the organizers and facilitators, as well as to the broader effort to apply RJ processes to DV. Each participant will be asked to participate in an exit interview to share their sense of how the sessions went and what they may need for support and relational success moving forward. The man will speak with his DVAP facilitator, and the woman with the participating WFC staff member. We will provide the AGO with basic demographic information and a summary of qualitative

feedback. John will track non-identifying data and report it to the AGO's Community Justice Unit as requested.

8. Evaluation and Quality Assessment

Creators of these sessions from the three organizations will meet to review perceptions of success and challenges in the meetings, as well as to review participant feedback. GFCJC will make written recommendations about whether we should continue to try out this model, and list any recommended changes. If we decide to move forward with this basic model, GFCJC will submit a new MOU to the AGO describing a proposed ongoing and systemic model for future participants. If these RJ/DV sessions continue with other participants, the organizers will continue to assess impact and make ongoing recommendations for adjustments and potential implementation by other agencies.

Citations

*Barocas, Briana, Avieli, Hila, Shimizu, Rei, "Restorative Justice Approaches to Intimate Partner Violence: A Review of Interventions." *Partner Abuse* Vol 11 Issue 3, Jul 2020, DOI:10.1891/PA-2020-0010

**Briana Barocas, Hila Avieli, Rei Shimizu, Sejung Yang, Krushika Uday Patankar & Layla Al Neyadi, "Restorative Justice for Domestic Violence: The Meaning of Community in Circles." Pages 984-1002 | *Published online*: 12 Feb 2024. p. 984.\

***Mills LG, Barocas B, Butters RP, Ariel B. "A Randomized Controlled Trial of Restorative Justice-informed Treatment for Domestic Violence Crimes." *Nat Hum Behav.* 2019 Dec;3(12):1284-1294. p.1284.