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SB27 Criminal Procedure – Restorative Justice Program
Senate Judicial Proceedings Committee – February 2, 2023
Testimony of Joyce Lombardi on behalf of Center for Hope
Position: **LETTER OF INFORMATION**

Center for Hope writes this letter of information for SB27, which would create a Restorative Justice Program at the Governor’s Office of Crime Prevention, Youth, and Victim Services. In sum, a bill of this magnitude has many unanswered questions that seem to require further deliberation among stakeholders in the victim advocacy, restorative justice, mental health, and criminal law communities.

Restorative justice and community conferencing programs can achieve healthy results for individuals and communities. They have worked well in Baltimore, e.g., for misdemeanors such as theft of services or malicious destruction of property. This bill, however, includes all crime, including serious felonies for which the defendant is incarcerated, including child sexual abuse and felony-level interpersonal violence. A policymaker would likely want to know what restorative justice approaches work best for particularly psychologically difficult crimes. Are there other victim-centered, victim-led safeguards in other felony-level restorative justice programs? Do those programs actually work to “prevent recidivism,” “change the offender’s behavior” and “make the victim whole,” as this bill envisions?

For example, although the bill includes language on taking a trauma-informed approach to victims, it allows incarcerated defendants, through a government intermediary, to request a mediated process with the victim. This is not a victim-led program. While the bill states that a victim may not be coerced to accept and can decline the invitation, it ignores two fundamental truths about many interpersonal violence victims. One –often overlooked – is the tremendous pressure exerted on young crime victims, especially in instances of interfamily and sexual violence, to forgive the abuser so that the family or community can “return to normal.” Predators groom communities, who often rally behind offenders. Often, the abuse victim is shunned, shamed, and isolated so that the family, faith community, or sports team, e.g., can continue to function and “move on.” Two, the invitation would not arrive as between two equal arms-length parties in a contract dispute. It would arrive on behalf of a party who has often deliberately caused years of shame, pain, or fear, or who has manipulated, tortured, or psychologically wounded the recipient. Receiving an invitation to hear the defendant’s contrition from prison, and relive the victim’s own trauma, is no small matter for many violence victims.

Also, the bill does not emanate from the victim advocacy or mental health community, or from the Governor’s Office of Crime Prevention, Youth, and Victim Services. It emanates from the restorative justice community and proposes ongoing oversight by a Restorative Justice Council made up of “four representatives of restorative justice advocacy organizations, one representative of the Maryland State’s Attorney’s Association, one mental health practitioner, one victim, and one offender.” As Maryland seeks to become a trauma-informed state with trauma-informed state institutions, the composition of this proposed Council seems lacking in trauma experts or victim advocates. We trust that decision-makers will carefully balance the input of multiple stakeholders in convening a program of this magnitude in our state.

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