



BILL NO: Senate Bill 27
TITLE: Criminal Procedure - Restorative Justice Program
COMMITTEE: Judicial Proceedings
HEARING DATE: February 2, 2023
POSITION: **OPPOSE**

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the Senate Judicial Proceedings Committee to issue an unfavorable report on SB 27.**

MNADV is incredibly supportive of the idea of utilizing restorative justice and restorative practices in the criminal justice system. Research is emerging regarding its use in domestic violence cases. However, as drafted, we have many concerns with SB 27. Most notably *the bill does not take a victim-centered approach*. At its most basic, restorative justice is about repairing harm that was caused to a victim or victims by criminal behavior. While sometimes used after conviction, it is most often used as a diversionary tool.

By permitting, as SB 27 would, a person who was convicted of a crime and sentenced to incarceration to initiate a restorative justice process is counter to a victim-centered approach. *Only a victim should be able to initiate the process*. While the bill contemplates using a third-party intermediary as the point of contact, domestic abusers could utilize this ability to reach their victim which would otherwise be prohibited. It could be incredibly psychologically harmful to a victim and triggering for them to have the person convicted of committing a crime that they were the victim of initiating the process. Senate Bill 27 allows an abuser to initiate unwanted contact with a survivor. A survivor of domestic violence shared her concerns about this aspect of the bill stating, “abuser manipulation of systems to continue their abuse is already a recognized problem, and the procedure as outlined is an ideal and easily manipulated tool for abusers.”

Senate Bill 27 does not appreciate the differences present in power-based violence, such as domestic violence, human trafficking or sexual assault. There is no training required for those that would be administering the restorative process to account for the unique dynamics present in power-based violence to protect the victim from the power, control, and intimidation tactics used. It also does not account for the possible external influences such as family members of the offender coercing a victim into participating in a restorative process.

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As a practical matter, SB 27 would house the Restorative Justice Program in the Governor's Office of Crime Prevention, Youth, and Victim Services (GOCPYVS). This agency is currently experiencing staffing shortages and does not provide any direct victim services.

There are several additional concerns that MNADV has regarding the bill. These include the following: preventing offenders from manipulating the system to learn of the survivor's whereabouts, how information learned during the restorative justice process can be used, qualifications for facilitators including requiring professional licensure as well as training, whether certain power-based crimes should have additional limits or protections during the process such as family violence, sex trafficking, etc, limiting access to restorative justice for serial offenders, ensuring survivors have appropriate supports, the requirement that court files be disclosed which may include sealed documents, including access to a support person most critically access to crime victim rights counsel.

*MNADV has met with the proponents of this bill on at least 4 occasions. We are committed to exploring options for restorative justice but **there must be necessary safeguards for victims that are not present in the legislation.** There also must be significant input from the many victim communities that this bill would impact including MNADV, our sister coalition advocating on behalf of victims of sexual assault, survivors and advocates focused on human trafficking, child abuse, elder abuse, victims of gun violence and the numerous other victim communities that this bill would impact. We welcome continued conversations to develop a restorative justice framework in Maryland.*

For the above stated reasons, the **Maryland Network Against Domestic Violence urges an unfavorable report on SB 27.**