

Sample Certification to Implement Statutorily Defined Restorative Practices

[Applicant Letterhead]

[Date]

Director
Office on Violence Against Women
145 N Street, NE
Suite 10 W.121
Washington, DC 20530

Re: Restorative Practices Pilot Program Certification

Dear Director:

This letter serves to certify that the project that [APPLICANT] proposes in response to the Restorative Practices Pilot Program solicitation adheres to the definition of “restorative practice” in 34 U.S.C. 12514:

The term “restorative practices” means practices that--

- (A) are community-based and unaffiliated with any civil or criminal legal process;
- (B) are initiated by a victim of the harm;
- (C) involve, on a voluntary basis and without any evidence of coercion or intimidation of one or more victim of the harm by one or more individual who committed the harm or anyone associated with any such individual-
 - (i) any individual who committed the harm;
 - (ii) any victim of the harm; and
 - (iii) the community affected by the harm through one or more representatives of the community;
- (D) include and has the goal of--
 - (i) collectively seeking accountability from one or more individuals who committed the harm;
 - (ii) developing a written process whereby one or more individuals who committed the harm will take responsibility for the actions that caused harm to one or more victims of the harm; and
 - (iii) developing a written course of action plan--
 - (I) that is responsive to the needs of one or more victims of the harm; and
 - (II) upon which one or more victims, one or more individuals who committed the harm, and the community can agree; and
- (E) are conducted in a victim services framework that protects the safety and supports the autonomy of one or more victims of the harm and the community.

Additionally, [APPLICANT] certifies that the proposed project:

(A) includes set practices and procedures for screening the suitability of any individual who committed a harm based on--

- (i) the history of civil and criminal complaints against the individual involving domestic violence, sexual assault, dating violence, or stalking;
- (ii) parole or probation violations of the individual or whether active parole or probation supervision of the individual is being conducted for prior offenses involving domestic violence, sexual assault, dating violence, or stalking;
- (iii) the risk to the safety of any victim of the harm based on an evidence-based risk assessment;
- (iv) the risk to public safety, including an evidence-based risk assessment of the danger to the public; and
- (v) past participation of any individual who committed the harm in restorative practice programing; and

(B) denies eligibility to participate in the program for any individual who committed a harm against whom there is—

- (i) a pending felony or misdemeanor prosecution for an offense against any victim of the harm or a dependent of any such victim;
- (ii) a restraining order or a protection order (as defined in 18 U.S.C. § 2266(5)) that protects any victim of the harm or a dependent of any such victim, unless there is an exception in the restraining order or protective order allowing for participation in a restorative practices program;
- (iii) a pending criminal charge involving or relating to sexual assault, including rape, human trafficking, or child abuse, including child sexual abuse; or
- (iv) a conviction for child sexual abuse against the victim or a sibling of the victim if the victim or sibling of the victim is currently a minor.

The [APPLICANT] also certifies that the [APPLICANT] or a subrecipient of [APPLICANT] has knowledge and experience in conducting risk assessments and referring victims to additional services and resources, and if the [APPLICANT] or subrecipient determines that a victim or a dependent of a victim are at significant risk of subsequent serious injury, sexual assault, or death, the [APPLICANT] or subrecipient, shall refer the victim or dependent to other victim services, instead of restorative practices.

Sincerely,

Name

[Applicant's Authorizing Official]