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STATE OF VERMONT
OFFICE OF THE STATE'S ATTORNEY
GRAND ISLE COUNTY

July 1, 2025

Pre-Charge Policy

Where appropriate, the use of Pre-Charge referrals to the FGIRJC serves as a means of just case resolution without creating a criminal record. Both juveniles and adults are eligible to be referred to the Pre-Charge program. This Pre-Charge Policy is not a mandate or a directive to make Pre-Charge referrals. The decision to refer a case to Pre-Charge or to refer it for prosecution should be based on the totality of the circumstances. All referrals to the Pre-Charge Program require prior approval by the Grand Isle County State's Attorney.

Factors that may *weigh in favor of* a referral to the FGIRJC:

- Victim support or direct request for a FGIRJC referral;
- Criminal or supervisory history supportive of a referral to a court diversion program, charges were referred for prosecution, e.g. first-time offenders or individuals with limited or older criminal histories; and/or
- Demonstrated amenability to participate in a restorative justice process by the offender.

Factors that may *weigh against* a referral to the FGIRJC:

- Conduct is in violation of existing Department of Corrections supervision conditions or court ordered conditions of release;
- Criminal history;
- Offender lacks the capacity to meaningfully participate in the process, e.g. serious mental diseases or defects, a significant traumatic brain injury, or other developmental disabilities that would render an offender incompetent to stand trial;
- Prior unsuccessful referral to any CJC for any criminal conduct, without excuse or justification, or an absence of compelling changes in circumstances;
- Nature of victim impact or persuasive victim objection to a referral;
- Substance abuse or mental health concerns that require a higher level of supervision or care, and are unlikely to be addressed through the CJC program; and/or
- Need for conditions of release, pretrial screening, pretrial monitoring, or other pre-adjudication responses from the justice system to protect public safety or public order.

There shall be no direct referral of criminal offenders by police to the FGIRJC.


Douglas E. DiSabito, Esq.
Grand Isle County State's Attorney