



439 Main St. Suite 2
Bennington, VT 05201
Phone 802.447.1595

BENNINGTON COUNTY PRE-CHARGE PROTOCOL Juvenile and Adult Referrals

Overview: Officers are encouraged to utilize Pre-Charge as a first response whenever possible as a means of case resolution and to aid in the reduction of charges referred to court. Both juveniles and adults are eligible to be referred to the Pre-Charge Program. This Pre-Charge Protocol is not intended to limit or mandate to the officer whether a case must go to the Pre-Charge Program instead of court; the decision should be based on the totality of the circumstances and left to the discretion of the officer and their supervisor. Bennington's Pre-Charge Program follows restorative justice principles and is designed to provide a swift and meaningful response to crime and delinquency cases.

Eligible Offenses: Pre-Charge Offenses pre-approved by the Bennington County State's Attorney include:

- Misdemeanor Retail Theft cases under \$300
- Unlawful Mischief < \$500
- Simple Assaults by mutual affray
- Petty Larceny
- Domestic Assault that is not IPV
- Minor (Under age 16) Possession of alcohol or marijuana - provided there was no intent to sell and the juvenile's consumption was low and it did not involve a gathering of juveniles consuming alcohol.
- Conflicts from school such as harassment or bullying
- Disorderly conducts
- Excessive Speed if defendant is under 18 – if civil violation is issued
- Unlawful Trespasses

*Other minor offenses not listed above **may** also be considered. Officers should seek prior approval of the State's Attorney.

Procedure:

- After law enforcement conducts an investigation of the incident and determines that it meets the Pre-Charge Protocol, the officer may offer an individual the opportunity to participate in the Pre-Charge Program. An information sheet about the Pre-Charge Program will be provided.
- If the individual agrees to participate in the Pre-Charge Program, the officer will submit to CRJ referral paperwork as soon as possible (Referral Form and Police Report/Affidavit). All minors under the age of 18 need parent or guardian consent to participate in the Pre-Charge Program.
- If the individual successfully participates in the Pre-Charge Program, CRJ will notify the officer and the case will be closed.
- If the individual does not successfully participate nor follow through with his/her restorative Pre-Charge agreement, the case will be returned to the investigating officer for referral to the State's Attorney's office.
 - The case may also be sent back to the investigating officer if:
 - the individual does not take responsibility for the offense or denies the charge.
 - it is determined through a YASI pre-screen that the juvenile is deemed high-risk or has underlying mental health or other special needs

Pre-Charge Referrals can be emailed to CRJ's Executive Director: Leitha Cipriano- leitha@bcnj.org

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