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April 2024

Caledonia County Law Enforcement
Caledonia County Community Justice Center

All,

Please see the following list of incidents where PC exists to charge that can be referred directly to the Community Justice Center.

Retail Theft <\$100
Unlawful Mischief <\$100
Vandalism <\$100
False pretenses <\$100
Possession of Stolen Property <\$100 (so long as not a firearm)
Minor in Poss of Alcohol
Poss of Marijuana
Petit Larceny <\$100
Disorderly Conduct
Unlawful Trespass (no damage)
Excessive Speed (23 years old and younger)

Please also see the attached Referral Form: Included with the Referral Form should be a copy of your investigative narrative and witness list.

*Note: this does not preclude you from referring other incidents due to law enforcement interaction that you believe would benefit from CJC intervention or assistance. This is designed to be a list to send directly to CJC INSTEAD of sending to my office for review or charging. **If at any time, you have concerns or questions about whether something is appropriate or safe for referral, please call the office.**

Susan A. Cherry, Executive Director
Neil Favreau, RJ Program Director
Susan Russell, Reentry Coordinator
Tune Faulkner, RJ Panel Coordinator
Stephanie Rowe, Victim Outreach Liaison
Alexis Eickelberry, Transitional Housing
Kathleen Hunter, Adm. Asst.



**THE COMMUNITY
RESTORATIVE
JUSTICE CENTER**

Programs: *Community Development; Neighborhoods
*Mediation; Circles
*School Training and Support
*Free Legal Clinic/Information and Referral
*Restorative Justice Panels
* Restorative Reentry and CoSA
*Victim Outreach and Services

December, 22, 2021

The Community Restorative Justice Center, Inc. (CRJC) encourages direct referral of criminal offenders by local police to participate in Restorative Processes for minor crimes. Generally, crimes eligible for Direct Referral are Misdemeanors. Any case involving a Felony needs to be approved by the State's Attorney on a case-by-case basis prior to making a Direct Referral. The offender must be willing to take responsibility for the offense and work with the CRJC to address the harm caused by the crime. Particularly if there is a direct victim, collaboration between the CRJC Victim Liaison and the SA Victim Advocate is critical.

Eligible offenses for Direct Referrals to the CRJC include, but are not limited to, the following:

- Misdemeanor Retail Theft
- Unlawful Mischief
- Vandalism
- False Pretense
- Possession of Stolen Property
- Simple Assault by Mutual Affray (not DV/SV)
- Minor Possession of alcohol
- Marijuana cases
- Domestic Assault (not DV/SV)
- Petit Larceny
- False Reports
- Credit Card Fraud or Bad Checks
- Disorderly Conduct
- Minor Electronically Disseminating Indecent Material (Sexting)
- Leaving the Scene of an Accident
- Unlawful Trespass
- Careless Negligent Operation
- Excessive Speed for a juvenile case
- Neighborhood and school conflicts

Other cases may be referred for Direct Referral if approved by the SA and the Officer believes the case is a good CRJC referral. Other minor crimes, not listed above, may also be considered if approved by the SA first.

When a victim is involved, and the case is not coming to the CRJC by Direct Referral, we would encourage the SA office to recommend to the court a condition of Restorative Justice Panel as a part of the offender's probation. A Safe Driving Class or a Retail Theft Class may also be recommended.

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If a case is returned to the Police Department or the SA, it is hoped that a conversation with the offender will encourage them to complete the process. After a conversation with CRJC, the SA or the PD may decide that this case will not continue with CRJC.

Driving offenses:

It is the opinion of CRJC that suspended fines tend to show an economic bias; if the offender can pay, they don't have the opportunity to repair the harm through the CRJC. The CRJC is willing to hear all driving offenses and recommend the Safe Driving Class when the RJ Panel deems appropriate.

During an interview time with various victims, our Victim Outreach Liaison has found that many victims do want to participate in a Restorative Justice Panel. The process of referral could be made easier for the SA office. We would love to work with you to get a simple process.

Retail Theft:

Several business owners have become concerned that retail theft is not being charged. While the stores are interested in seeing a restorative process, we are concerned that the procedures could be simplified to ensure that this happens. We don't want the community to think that retail theft has become decriminalized.

In total, the CRJC is very interested in working closely with SA office to streamline and simplify any processes which would result in more referrals to CRJC. The intended result is to increase community safety (per our grant) by giving more people the opportunity to repair harm. Research shows that offenders that participate in a restorative process are 33% less likely to reoffend.

Thank you for your time on this matter.

Sincerely,
The staff of the CRJC.



**THE COMMUNITY
RESTORATIVE
JUSTICE CENTER**

108 Cherry St. • St. Johnsbury, VT 05819
Telephone: (802) 748-2977 • Fax: (802) 748-3146

Agreement for Referral of Criminal Direct (Pre-Charge) Cases

1. Purpose

The purpose of this policy is to provide the St. Johnsbury Police Dept. (STJPD) and the staff of the Community Restorative Justice Center (CRJC) with a shared understanding of how cases may be referred directly by the STJPD to the CRJC for resolution prior to being sent to the State's Attorney for possible prosecution.

2. Protocol

The St. Johnsbury Police Dept. will refer cases to the CRJC based on its judgment that CRJC is the best place to resolve the matter and after a discussion about the referral with both the victim and offender to explain why the CRJC is an appropriate place to deal with the case.

Case referral paperwork will include at least;

1. Cover sheet with name, address, phone number, case number
2. Police report/affidavit - this should include confirmation that the victim and offender agree to the CRJC referral and some documentation that the offender does admit guilt;
3. Witness list with contact information

Individuals referred will in most instances attend either a group conference or reparative panel meeting. Occasionally, however, mediation may be the most appropriate process to be used. The Restorative Justice Program Coordinator in consultation with the CRJC Director will review each referral and decide which process is most appropriate for each case, with any recommendation from the St. Johnsbury Police Dept. taken into serious consideration. The St. Johnsbury Police Dept. will make every effort to have an officer present for the meeting if requested by the CRJC.

The CRJC will contact the offender and set a date for a pre-conference (intake) meeting. At this time the program will be explained to the offender as well as the legal status of the case. Facts and issues surrounding the incident will be explored. A tentative date for a reparative board meeting or group conference is established with the offender, subject to the victim's availability.

Following the meeting with the offender, the victim(s) in the case will be contacted by the CRJC so that the process can be explained to them and they can be encouraged to participate. The

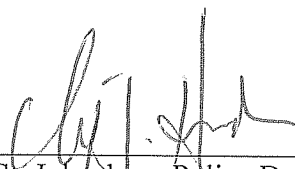
victim's level of involvement in the case is entirely up to them. The victim may participate fully in the meeting and have an equal voice in the creation of the Reparative Agreement, may make his/her wishes and opinion(s) known through the CRJC's representative, or may choose not to be involved at all.

3. Follow-Up

Following the initial meeting at which the terms of the Reparative Agreement are set, the Offender will typically have up to 90 days to complete his/her reparative activities. At the initial meeting a date for a final review will be set, and if needed, an additional meeting date to check on the Offender's progress will also be determined. During the Agreement completion phase CRJC staff will provide assistance and advice as needed.

Upon successful completion of the Reparative Agreement the St. Johnsbury Police Dept. will be notified in writing by the CRJC and provided with a copy of the Agreement.

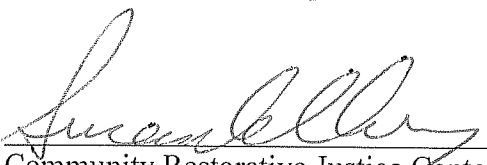
Offenders who fail to appear or who do not successfully complete the reparative process will be referred back to the St. Johnsbury Police Dept. by letter stating the reason they are being referred back. The Offender may or may not then be formally charged with an offense at the discretion of the St. Johnsbury Police Dept.



St. Johnsbury Police Department

12/10/15

Date



Community Restorative Justice Center

12/2/15

Date



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Telephone: (802) 748-2977 • Fax: (802) 748-3146

Agreement for Referral of Criminal Direct (Pre-Charge) Cases

1. Purpose

The purpose of this policy is to provide the Lyndonville Police Department (LPD) and the staff of the Community Restorative Justice Center (CRJC) with a shared understanding of how cases may be referred directly by the LPD to the CRJC for resolution prior to being sent to the State's Attorney for possible prosecution.

2. Protocol

The LPD will refer cases to the CRJC based on its judgment that the CRJC is the best place to resolve the matter and after a discussion about the referral with both the victim and offender to explain why the CRJC is an appropriate place to deal with the case.

Case referral paperwork will include at least;

1. Cover sheet with name, address, phone number, case number
2. Police report/affidavit - this should include confirmation that the victim and offender agree to the CRJC referral and some documentation that the offender does admit guilt;
3. Witness list with contact information

Individuals referred will in most instances attend either a group conference or reparative panel meeting. In some cases mediation might be the most appropriate process.

The Restorative Justice Program Coordinator in consultation with the CRJC

Director will review each referral and decide which process is most appropriate for each case, with any recommendation from the LPD taken into serious consideration. The LPD will make every effort to have an officer present for the meeting if requested by the CRJC.

The CRJC will contact the offender and set a date for a pre-conference (intake) meeting. At this time the program will be explained to the offender as well as the legal status of the case. Facts and issues surrounding the incident will be explored. A tentative date for a reparative board meeting or group conference is established with the offender, subject to the victim's availability.

Following the meeting with the offender, the victim(s) in the case will be contacted by the CRJC so that the process can be explained to them and they can be encouraged to

participate. The victim's level of involvement in the case is entirely up to them. The victim may participate fully in the meeting and have an equal voice in the creation of the Reparative Agreement, may make his/her wishes and opinion(s) known through the CRJC's representative, or may choose not to be involved at all.

3. Follow-Up

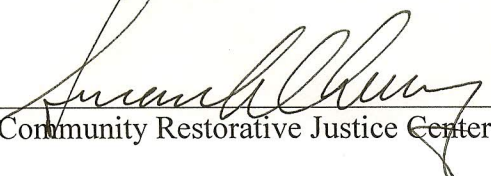
Following the initial meeting at which the terms of the Reparative Agreement are set, the Offender will typically have up to 90 days to complete his/her reparative activities. At the initial meeting a date for a final review will be set, and if needed, an additional meeting date to check on the Offender's progress will also be determined. During the Agreement completion phase CRJC staff will provide assistance and advice as needed.

Upon successful completion of the Reparative Agreement the LPD will be notified in writing by the CRJC and provided with a copy of the Agreement.

Offenders who fail to appear or who do not successfully complete the reparative process will be referred back to the LPD by letter stating the reason they are being referred back. The Offender may or may not then be formally charged with an offense at the discretion of the LPD.


Lyndonville Police Department

2/11/16
Date


Community Restorative Justice Center

2/18/16
Date

CALEDONIA COUNTY
Court Diversion Program
Eligibility Guidelines

Note: Under State statute, the State's Attorney shall retain final discretion over the referral of each case for Diversion. The Diversion Review Panel retains the right to deny acceptance to any case/applicant.

- **Persons charged with a misdemeanor offense / delinquency may be referred provided:**
 - 1) The accused is 10 years of age or older;
 - 2) The accused has been charged with a first or second misdemeanor / delinquency;
However, the individual can process through Diversion a subsequent time if:
 - a) There is the approval of the Caledonia State's Attorney;
 - b) There is agreement by the Caledonia County Court Diversion Program Director
 - 3) The court has found probable cause for the offense and the case rises to a level which would normally be prosecuted;
 - 4) The accused voluntarily accepts the Diversion referral with the understanding that acceptance into the program will be based on their acknowledging responsibility for commission of the offense(s) charged and a willingness to be held accountable, via a Diversion Contract, for addressing/repairing harms caused by their unlawful actions;
 - 5) The charge does not stem from domestic/intimate partner violence (DV/IPV) as outlined in VACDP's IPV Policy adopted April 2014 and revised December 6, 2017.
- **Persons charged with a felony offense may be referred provided:**
 - 1) It is a first time felony charge;
 - 2) All misdemeanor conditions are met;
 - 3) The offense **does not** involve:
 - a) The threat or use of deadly force;
 - b) Physical, emotional or sexual maltreatment of a child or an elderly person;
 - c) Sexual or domestic assault, rape, kidnapping or other acts of a serious physical nature/injury.
 - d) Is not a listed crime pursuant to 13 V.S.A. § 5301.
- **Persons charged with a Fish and Wildlife related offense may be referred provided:**
 - 1) The arresting officer consents to the referral;
 - 2) All criteria relating to a misdemeanor offense are met.
- **C&N, OOC or LSA charges are eligible unless arising from DUI or DUI-reduced charge**
- **Persons charged with multiple offenses may be referred provided all of the applicable conditions stated above are met.**
- Offenses not meeting the above referral criteria may be allowed to apply for the Diversion Program subject to the State's Attorney's and Court Diversion Director's consent, and subject to the approval of the Diversion Review Panel. Such referrals are to be considered **one-time exceptions**, and the allowance of such offenses **does not** serve to establish a precedent for subsequent referrals.
- Any subject not covered must be jointly addressed by authorized representatives from the State's Attorney's Office and the Court Diversion Program.

***Note:** The signing of a contract is **voluntary**. If a new charge is filed against a participant **at any time** during the contract agreement period, the contract may be terminated and prosecution of the referred charge(s) may resume in court, at the discretion of the State's Attorney's Office after consultation with the Diversion Program Director or designated staff.

August 2007
Revised: September 2009
Revised: August 2012
Revised: September 2015
Revised: April 2019 / November 2019