

Direct Referral to Reparative Board Program

Memorandum of Understanding

The parties to this Memorandum of Understanding (MOU) are the Brattleboro Community Justice Center (BCJC) and Windham County State's Attorney's Office (WCSAO). In signing this MOU, the parties confirm their adoption of this protocol.

A. Description and Purpose

1. The Reparative Board program operated by the BCJC provides community-based responses to wrongdoing that are rooted in the principles of restorative justice.
2. Reparative Boards provide Vermont Courts with a restorative sentencing option for individuals to acknowledge and repair harm caused to victims and the community. Reparative Boards provide a restorative response to crime in accord with Vermont State policy under 28 V.S.A. § 2a.
3. Reparative Boards allow those who hurt others (hereafter referred to as "individuals" or "participants") and their community the opportunity to repair harm that was caused by their actions. Generally, participants who complete a restorative process come to see the effect of their actions on their victims, which in turn becomes a motivator to not re-offend. At the same time, victims and others affected by wrongdoing report they feel more satisfied with the outcome because of the opportunity to learn more about the participant's actions and reasons for offending, while being provided an opportunity to convey the impact of the offense and request specific reparations.
4. Each Reparative Board consists of 4-5 trained community volunteers. With the Board, participants actively participate in a process to learn about the effects of their actions on others and on their community, and to work with victims, affected parties, BCJC staff, and community volunteers to create and carry out a plan for making amends and for making better choices in the future.

B. Eligibility

Eligible referrals include persons who have committed crimes with the exception of domestic violence, sexual violence, sexual assault, or stalking. The individual must take responsibility for their actions as charged and be willing to fully participate in a restorative process to be accepted into the program.

C. Cost

Participation in the Reparative Board program is free.

D. Procedure

1. If the WCSAO offers a direct referral for a regularly scheduled Tuesday arraignment, then the WCSAO will notify the BCJC at least two business days prior to the Tuesday arraignment. If that notification occurs, then the BCJC will send a representative to the courthouse on Tuesday morning to speak with the individual regarding the program. If the BCJC is not available, then the parties will utilize available resources to explain the program to the referred individual prior to acceptance. The BCJC may make an exception to attending arraignments in person due to COVID-19 or other considerations.

2. If the WCSAO offers a direct referral, then most cases will have an alternative offer to the direct referral. If the alternate offer is other than a fine less than \$1,000, then the right to counsel will be addressed at arraignment. In any case, the potential consequences for failing to complete the reparative process will be explained to the individual.

3. If the individual accepts the direct referral to the Reparative Board, then the Court will do the following:

- Issue a Reparative Board sentencing order
- Issue a judicial summons for the individual to appear eight months from the date of arraignment
- Send the information, the affidavit of probable cause, and all contact information to the BCJC

4. If the individual accepts the direct referral to Reparative Board, then the individual will do the following:

- Meet with the BCJC on an intake day
- Complete all tasks developed with the Reparative Board
- Appear back in Court as directed if the individual fails to successfully complete Reparative Board

5. If the individual accepts the direct referral to Reparative Board, then BCJC will do the following:

- Advise the individual that there is no BCJC fee for Reparative Board
- Arrange staff coverage for the regular intake day
- Promptly notify the Court of successful completion or if the individual fails to complete the Reparative Board process

E. Restitution Policy

In cases where there are material damages, the participant is expected to pay restitution for damages not covered by insurance or a Court-issued restitution judgment order.

By our signatures below, we adopt this Protocol to guide us in our efforts to respond to appropriate offenses with a restorative justice approach.

Authorized Organizational Officials

Mel Motel

Date 2/8/2021

Mel Motel
Brattleboro Community Justice Center

Tracy Kelly Shriver

Date 2/8/21

Tracy Shriver
Windham County State's Attorney



GREATER FALLS COMMUNITY JUSTICE CENTER
WINDHAM COUNTY STATE'S ATTORNEY OFFICE
BELLOW FALLS POLICE DEPARTMENT
Referral Agreement for Reparative Programs
Memorandum of Understanding

The parties to this Memorandum of Understanding (MOU) are the Greater Falls Community Justice Center (the GFCJC), the Windham County State's Attorney's Office (State's Attorney) and the Bellows Falls Police Department (the BFPD). In signing this MOU, the parties confirm their adoption of this protocol.

A. Description and Purpose

1. The GFCJC provides community-based responses to wrongdoing that are rooted in the principles of restorative justice.
2. The Reparative Panel program is a response to offenses committed in the community that utilizes restorative principles instead of traditional punitive methodologies.
3. People who have offended (referred to in this document as "Participants") actively engage in a process to learn about the effects of their actions on other individuals and on their community, and to work with harmed/affected parties and community volunteers to create and carry out a plan for repairing harm, making better future choices, and avoiding re-offense.
4. Participants must complete the requirements of the program. If they fail to complete the program, they will be sent back to the referral source and a traditional criminal justice proceeding will move forward.
5. Participants may work with the Restorative Justice program as a sentence received from the Windham Superior Court - Criminal Division - known as "direct reparative referrals" - and as "pre-charge referrals" from the Windham State's Attorney's Office or Bellows Falls Police Department. Pre-charge referrals are not filed in court unless the participant is unable to complete the program.

B. Offenses Which May be Addressed by Restorative Alternatives

Referrals may be accepted for the following types of offenses, at the discretion of the State's Attorney's Office:

- Retail Theft
- Noise Violations
- Unlawful Mischief Cases Under \$500
- Simple Assault
- Neighborhood and community conflicts
- Possession of marijuana
- Consumption of Illegal Substances
- Petit Larceny
- Credit Card Fraud or Bad Checks under \$300
- Disorderly Conduct
- Distracted Driving
- Noise in the Nighttime
- Vandalism
- Disturbing the Peace (including by electronic means)
- Unlawful Trespasses
- Civil Ordinance Violations
- Misdemeanor Drug Possession
- Other community conflicts that fall outside the above list. Referrals can be accepted from parents and business owners. All community referrals must be reviewed by the Windham County State's Attorney's Office.

C. Referral Sources

- a. Bellows Falls Police Department
- b. Windham County State's Attorney
- c. Vermont State Police
- d. Windham County Sheriff's Department
- e. Community organizations, businesses, churches, and others

D. Who is Served

Participants referred to the Reparative Panel program by the above-listed means must be willing to admit to the offense and demonstrate willingness to participate in the program.

E. Referral Process

a. For Victims and Affected Parties

- i. The referral source must inform the victim/affected partie(s) in referring the case to the Reparative Panel Program.
- ii. The referral source must provide the victim/affected partie(s) with Reparative Panel Program literature and contact information for GFCJC staff.
- iii. The referral source must obtain victim/affected partie(s)' contact information and submit it to the GFCJC for follow-up.
- iv. The referral source must notify parties that a GFCJC staff member or volunteer will be in contact within one week to discuss program options.
- v. **It is important to stress that victim/affected party participation is not mandatory.**

b. For Offending Parties

i. Referrals from the Bellows Falls Police Department

1. Case is appropriate for referral if the following conditions are met:
 - a. Any case deemed appropriate by BFPD officers following criteria listed above.
 - b. Offending party is from Windham County
 - c. The referral has been authorized by the State's Attorney's Office (this can be done by emailing the referral's name and DOB to the State's Attorney.
2. If the case is determined to be appropriate, the GFCJC requires the following:
 - a. Written narrative or affidavit
 - b. Statements from victims/harmed parties and/or witnesses
 - c. Completed referral form, including names and contact information for referral and parents/legal guardians (if the referral is a youth).
3. Referrals can be made to the GFCJC in the following ways:
 - a. Calling (802) 376-9794
 - b. Emailing completed paperwork to lauren@gfcjc.org
4. GFCJC staff will communicate with the referring officer on a monthly basis (or more frequently if deemed necessary) until completion of the program. Copies of all completion documents will be sent to the police department.

ii. School/Parent/Community Referral

1. The referral source must speak with the offending party and with the parents or guardian if the offender is a minor. Program literature must be provided, and the offending party (and parents or guardian if appropriate) must contact the GFCJC for an intake appointment or the case will not be considered for the Reparative Panel Program.

By our signatures below, we adopt this protocol to guide us in our collective implementation of restorative justice practices.

John Ungerleider

Interim Director, Greater Falls Community Justice Center

Date 11 / 19 / 2020

David Bewis

Chief of Police, Bellows Falls Police Department

Date 11 / 19 / 2020

Tracy Shriver

Office of the State's Attorney, Windham County

Date 11 / 20 / 2020

Signature Certificate

Document Ref.: BBCNE-TC3YI-XXEOZ-AJXVB

Document signed by:

	David Bemis E-mail: david.bemis@vermont.gov Signed via link IP: 207.136.239.67 Date: 19 Nov 2020 21:24:40 UTC	 
	John Ungerleider E-mail: john@gfcjc.org Signed via link IP: 73.167.65.159 Date: 19 Nov 2020 22:06:03 UTC	 
	Tracy Shriver E-mail: tracy.shriver@vermont.gov Signed via link IP: 73.69.9.251 Date: 20 Nov 2020 12:56:13 UTC	 

Document completed by all parties on:
20 Nov 2020 12:56:13 UTC

Page 1 of 1



Signed with PandaDoc.com

PandaDoc is the document platform that boosts your company's revenue by accelerating the way it transacts.



Brattleboro Food Coop
Justice Alternatives Pilot Program
Memorandum of Understanding

The parties to this Memorandum of Understanding (MOU) are the Brattleboro Food Coop (BFC), Brattleboro Community Justice Center (BCJC), the Brattleboro Police Department (BPD), and the Windham County State's Attorney (WCSA). In signing this MOU, the parties confirm their adoption of this protocol.

A. Description and Purpose

The Brattleboro Food Coop is a natural foods market and deli on the ground floor of a four-story building that also includes Co-op offices, a commissary kitchen, a cooking classroom, and 24 apartments.

The Brattleboro Food Coop is grounded in the cooperative principles of self-help, self-responsibility, democracy, equality, equity, and solidarity. Cooperative members believe in the ethical values of honesty, openness, social responsibility, and caring for others.

The Brattleboro Community Justice Center provides community-based responses to conflict and harm that are rooted in the principles of restorative justice.

Justice Alternatives is a program of the BCJC. In the Justice Alternatives (pre-charge) Program, people who have done harm actively participate in a process to learn about the effects of their actions on other individuals, the community, and themselves. Restorative processes seek an inclusive, engaging approach to meet the needs of those harmed, wrongdoers, and affected communities to repair relationships, make amends, and prevent future harms.

We adopt this Protocol to guide us in our efforts to respond to appropriate offenses that take place at the Brattleboro Food Coop with a restorative justice approach.

B. Offenses Which May Be Addressed by Justice Alternatives at Brattleboro Food Coop

Retail Theft (items \$20.00 and under in value)

Unlawful Trespass

Disorderly Conduct

C. Who is Eligible

In order to participate, individuals must take responsibility for their actions and actively engage in the process.

The Windham County State's Attorney's Office agrees that all persons charged with the above listed offenses occurring at the Brattleboro Food Coop shall be referred regardless of their criminal history.

The Brattleboro Food Coop and the Brattleboro Police Department may opt out of this process in appropriate cases, and the individual will be cited to Windham Superior Court, Criminal Division solely. It is anticipated by all parties to this MOU that opting out would be only for the exceptional cases during the timeframe of this pilot project.

D. Referral Process

1. Brattleboro Food Coop contacts Brattleboro Police Department following an incident.

2. If offense falls within appropriate offenses listed, BPD issues Justice Alternatives referral form and a citation to Windham Superior Court, Criminal Division.

a.) The Justice Alternatives referral form includes relevant contact information of individual and parent/guardian, victim and affected party contact information, and case notes. BPD informs individual – and if a minor, the individual's parents or guardian – of their interest in having their case referred to the Justice Alternatives Program. Program literature is provided and individual informed of the 72 hour timeframe in which they must contact the BCJC for an intake appointment or their case will not be considered for the Justice Alternatives program.

b.) The citation date shall be at least six weeks in the future except in cases of unlawful trespass which must be arraigned within 60 days of the offense. BPD will not complete an affidavit of probable cause and will not submit the case for prosecution unless notified by the Windham County State's Attorney's Office.

3. BPD submits Justice Alternatives referral form to the BCJC within 72 hours of incident.

4. If the individual contacts the BCJC within 72 hours, the Justice Alternatives process will begin. If the individual does not contact the BCJC within 72 hours, the BCJC shall notify the Windham County State's Attorney's Office for further action.

E. Justice Alternatives Process

1. Upon receipt of referral paperwork, BCJC staff will enter information into internal spreadsheet for case management purposes. If individual does not contact BCJC staff within 72 hours from the time of the incident, notification will be sent to Windham County State's Attorney's Office and BCJC staff will notify victims and affected parties that the case will not be moving forward with the Justice Alternatives program.

2. If individual contacts BCJC within the 72 hour timeline, BCJC staff will set-up an intake appointment to review programming requirements and secure parental/guardian permission to participate in the program.

3. The intake meeting determines appropriate pre-charge process which may include any of the following:

- a. Restorative Justice Conference
- b. Restorative Justice Panel
- c. National Association for Shoplifting Prevention modules
- d. Other restorative activities as determined by BCJC program staff

4. BCJC will reach out to the BFC as appropriate to solicit BFC's involvement in the process which may include any of the following:

- a. Written statement to share with participant about what happened, how BFC and Coop community was impacted, and suggestions for repairing the harm
- b. Verbal feedback over the phone or in person to share with participant
- c. In-person participation in restorative justice panel or conference
- d. No involvement. However, it is expected BFC will participate in some manner whenever possible.

5. If the individual successfully completes the program, notice will be sent to BPD and WCSA. If the responsible party fails to complete the Justice Alternatives process within the agreed upon timeframe, the case will be closed out by BCJC staff as "failed" and notice will be sent to the

Windham County State's Attorney's Office and BPD. Victims and affected parties will receive written notice from BCJC staff regarding the outcome of the process.

The total process from referral to completion will ideally take place with 45 days, though there may be exceptions due to scheduling needs of participants, restitution amounts, etc.

F. Restitution Policy

In cases where there are material damages the responsible party is expected to pay restitution for damages not covered by insurance.

Affected party who has incurred the loss will be asked to account for damages by producing proof such as photos, estimates, receipts, etc. Restitution that is agreed to must be paid by the deadline established in the restorative agreement. Responsible parties will be required to submit restitution payments in a timely manner directly to the BCJC who will then forward onto affected parties.

If no agreement is reached about restitution, or full restitution is not paid by the agreed upon deadline, the case will be returned to the Windham County State's Attorney's Office as incomplete.

G. Project Timeline and Evaluation

The pilot program will begin on October 1, 2018.


Parties will evaluate project throughout and will communicate as needed.

Parties will formally evaluate project by March 31, 2019. At that point the parties will determine whether they agree to continue the project.

By our signatures below, we adopt this Protocol to guide us in our efforts to respond to appropriate offenses with a restorative justice approach.

Brattleboro Food Coop

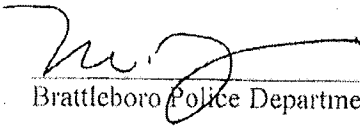
Date



Brattleboro Community Justice Center

9/24/18

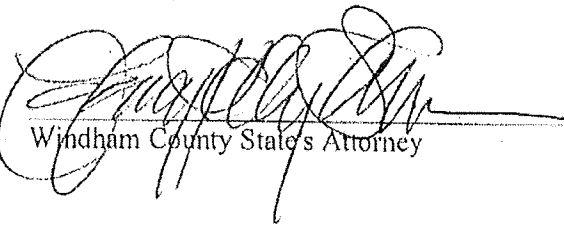
Date



Brattleboro Police Department

9/21/18

Date



Windham County State's Attorney

18 Sept 18

Date

Market 32 and Brattleboro Community Justice Center Pre-Charge Program

Parties involved include Price Chopper/Market 32 (PCM32), Brattleboro Community Justice Center (BCJC), Brattleboro Police Department (BPD), and the Windham County State's Attorney's Office (WCSAO).

A. Description and Purpose

1. As with most large retail stores, there is a substantial amount of criminal activity committed by individuals that occurs at PCM32.
2. While a criminal justice response is warranted in some cases, it is not necessarily efficient or effective in other cases, particularly in regards to crimes associated with underlying socioeconomic factors such as poverty, homelessness, mental health, and substance use disorder.
3. The pre-charge program operated by the BCJC provides community-based responses to wrongdoing that are rooted in the principles of restorative justice (RJ). We strive for compassion, inclusivity, and respect in all aspects of the process.
4. In pre-charge, people who have offended actively engage in a process to learn about the effects of their actions on other individuals and their community and to repair harm caused by their actions, make better future choices, and avoid reoffending.
5. There are several processes that may be used in this program – all have the same goals of participant accountability, greater understanding, and making amends where possible. Processes include restorative conferencing, restorative justice panels, or a combination of elements including meetings with BCJC staff, restitution, and letters of explanation/apology.
6. The participant may not participate in pre-charge if they have a prior record on file with the WCSAO (the WCSAO may make exceptions on an individual basis).
7. If the participant fails to complete the requirements of the program, they will be sent back to the referral source and a criminal justice response may proceed.

B. Offenses Which May be Addressed by Pre-Charge

1. Retail Theft >\$100
2. Disorderly Conduct
3. Unlawful Trespass

C. Referral Sources

1. PCM32 Asset Protection Staff
2. BPD

Note – Referral sources have discretion for cases with special circumstances (i.e. repeat offenders, resale merchandise, etc.)

D. Who Is Served

Pre-Charge only accepts individuals into the program who take responsibility for their actions and who are willing to participate in the program.

The names of all referred individuals will be forwarded to the WCSAO to search for prior complaints, citations, charges, or convictions. If the participant has a prior record on file, they will be allowed to participate only at the discretion of the WCSAO.

E. Referral Process

Price Chopper/Market 32

PCM32 staff will contact the BPD as per usual. In addition to collecting contact information and writing case notes, a BPD officer will complete the referral form with relevant contact information for participant(s). Referred individuals will be provided with the pre-charge brochure with contact information for BCJC staff.

BPD

Submit referral documents (referral form with contact info, written narrative/report, citation) to BPD Records Clerk; records clerk will then forward the information via email to the BCJC Program Coordinator

Participants will also be given citations to Criminal Division for some weeks in the future; thus, if the individual fails to contact and be accepted into the program, they will already have a court date.

F. BCJC Program Procedure

After making initial contact with the participant, an intake meeting will be scheduled to review programming requirements. If the participant takes responsibility for their actions and gives consent to participate, their name will be forwarded to the WCSAO for a records check.

If the individual has priors and the referral is denied by the WCSAO, the case will be closed out and sent back to relevant parties (PCM32 asset protection staff, BPD, WCSAO) for alternative criminal action.

For individuals cleared for participation by the WCSAO, BCJC staff will conduct intakes and carry out an appropriate restorative process. The process will include the creation of a Restorative Agreement, which outlines reparations the participant will take to make amends.

BCJC will send a close-out letter to PCM32, WCSAO, and the BPD as each participant completes or fails the program.

If the participant fails to complete the requirements of the program, they will be sent back to the referral source and a criminal justice response may proceed.

G. Restitution Policy

In cases where there is unrecouped material loss or damages, the participant is expected to pay restitution for loss not covered by insurance. Restitution that is agreed to must be paid by the deadline established in the Restorative Agreement.

Market 32 and Brattleboro Community Justice Center Pre-Charge Program

Price Chopper/Market 32 (PCM32)
Brattleboro Community Justice Center (BCJC)
Brattleboro Police Department (BPD)
Windham County State's Attorney's Office (WCSAO)

Why Restorative Justice?

As with most large retail stores, there is a substantial amount of criminal activity committed by individuals that occurs at Price Chopper/Market32. While a criminal justice response is warranted in some cases, it is not necessarily efficient or effective in other cases, particularly in regards to crimes associated with underlying socioeconomic factors such as poverty, homelessness, mental health, and substance use disorder.

The pre-charge program operated by the BCJC provides community-based responses to wrongdoing that are rooted in the principles of restorative justice (RJ). We strive for compassion, inclusivity, and respect in all aspects of the process.

In pre-charge, people who have offended actively engage in a process to learn about the effects of their actions on other individuals and their community and to repair harm caused by their actions, make better future choices, and avoid reoffending. There are several processes that may be used in this program – all have the same goals of participant accountability, greater understanding, and making amends where possible. Processes include restorative conferencing, restorative justice panels, or a combination of elements including meetings with BCJC staff, restitution, and letters of explanation/apology.

Offenses Which May be Addressed by Pre-Charge

- Retail Theft >\$100
- Disorderly Conduct
- Unlawful Trespass

Referral Sources

- PCM32 Asset Protection Staff
- BPD

Note – Referral sources have discretion for cases with special circumstances (i.e. repeat offenders, resale merchandise, etc.)

Who Can do Pre-Charge?

Pre-Charge only accepts individuals into the program who take responsibility for their actions and who are willing to participate in the program.

How to Make Referrals

PCM32 staff will contact the BPD as usual. In addition to collecting contact information and writing case notes, a BPD officer will complete the referral form with relevant contact information for participant(s) and that information will be forwarded to the BCJC by the BPD clerk.

What Happens Once the Case is Sent to BCJC?

After making initial contact with the participant, an intake meeting will be scheduled to review programming requirements. If the participant takes responsibility for their actions and gives consent to participate, their name will be forwarded to the WCSAO for a records check. If the individual has priors and the referral is denied, the case will be closed out and sent back to the referral source (BPD) for alternative criminal action.

For individuals cleared for participation, BCJC staff will conduct intakes and carry out an appropriate restorative process. The process will include the creation of a Restorative Agreement, which outlines reparations the participant will take to make amends.

BCJC will send a close-out letter to PCM32, WCSAO, and the BPD as each participant completes or fails the program.

If the participant fails to complete the requirements of the program, they will be sent back to the referral source and a criminal justice response may proceed.

E.reparative Rack card:

For teenagers and young adults who have caused harm or been harmed via electronic means

What type of case is eligible for this program:

- Offense involving teenagers or young adults aged between 13 and 21
- Those involved live in Windham County
- There is a power differential (relative ages or position e.g. tutor/student)
- Sexting
- Coercion
- Dissemination of images
- Derogatory, racist, or harmful words or phrases
- Cyberbullying
- This program is not for two **consenting teenagers/young adults of the same age and cognitive development** who have sent images back and forth to each other with **no coercion or distribution** involved.
- If your case meets these criteria, or if you question whether it does, please contact the Windham County State's Attorney's Office.

What the program typically looks like:

Three Main Goals:

1. Understanding the harm that was or could have been caused
2. Working towards repairing that harm
3. Ensuring that a similar harm isn't caused again (educational element)

Process:

- Initial intakes will take place with the E.reparative coordinator and the 'offender' to further explain the reparative process.
- An opportunity will be given to the affected parties to engage in the process in any way they feel willing and able.
- The 'offender' will take part in an open ended restorative process, meeting with the E.reparative coordinator and selected community volunteers who are specialized in youth development and victim advocacy.
- Affected parties will be invited to participate in the panel process with a support person, or have someone represent them during the process.
- A reparative agreement will be created with individual steps for the 'offender' to take to work towards repairing any harm that was caused and demonstrate a commitment to a similar harm not happening again.

How to get in contact with the Justice Center:

GFCJC Contact information:

Email Address

Director: 802-376-9837

Reparative Panel Coordinator: 802-376-9794

E-Rep Referral form

Pre-charge programming for teens and young adults who have caused harm or been harmed via electronic means.

Officer/Individual making referral: _____

Agency: _____ Contact Number: _____

Name of Individual being referred: _____

Age: _____ Parent/Guardian's name (if under 18): _____

Address: _____

Phone number: _____

Name of Affected Party: _____

Age: _____ Parent/Guardian's name (if under 18): _____

Address: _____

Phone number: _____

This case has been reviewed by:

Safe Place CAC _____ State's Attorney's Office _____ Neither _____

****Please note that all E-Rep cases should be reviewed by either the SA or CAC prior to referral****

Please give a short summary of the case:

Please send this referral form to Matt Furnell at the Greater Falls Community Justice Center. Referrals can be sent by e-mail to intern@gfcjc.org or by fax to (802)376-9794.
