



WINDSOR COUNTY DIRECT PRE-CHARGE REFERRAL PROTOCOL

Overview: Law enforcement officers are encouraged to utilize direct pre-charge referrals as a means of case resolution, utilizing officer discretion and judgment.

- A finding probable cause by the investigating law enforcement officer is required for a referral to commence. Both juveniles and adults are eligible to be referred to pre-charge programming.
- This policy is not intended to limit or mandate law enforcement regarding whether a case may be referred to pre-charge programming instead of court.
- The decision should be based on the facts and circumstances of each instance of conduct and left to the discretion of the officer and their supervisor. Each instance of conduct that may or may not benefit from a referral to pre-charge programming should be reviewed on a case-by-case basis prior to referral, based on available information.
- Law enforcement agencies in Windsor County may draft a list of circumstances or conduct or conduct-offense-types that they deem worthy of pre-charge consideration. Some types of cases that may be considered include: Noise in the Nighttime (13 VSA 1022), Simple Assault (13 VSA 1023), Disorderly Conduct (13 VSA 1026), Disturbing the Peace by Phone (13 VSA 1027), Bad Checks (13 VSA 2022), Petit Larceny (13 VSA 2502), Retail Theft (13 VSA 2575), Unlawful Mischief (13 VSA 3701), Unlawful Trespass (13 VSA 3705), misdemeanor Drug Possession (Title 18).
- Cases of domestic or sexual violence should not be referred to the pre-charge program.

Framework Concerning Procedure: Law enforcement agencies and providers of pre-charge programming, in consultation with the State's Attorney, may agree upon procedure, forms, and process as needed to fit the needs of the those making and receiving referrals.

- After law enforcement contact with an alleged offender, or after or during the midst of a law enforcement investigation of an incident resulting in law enforcement contact, law enforcement officers may determine that the instance of conduct may be appropriate for a direct pre-charge referral to community justice programming. As such, law enforcement officers may refer an individual to available pre-charge programming.
- If the individual agrees to participate in pre-charge programming, the officer will submit to the provider referral paperwork as soon as possible (*Referral Form to be provided by Valley Court Diversion*). All minors under the age of 18 need parent or guardian consent to participate in pre-charge programming.
- If the individual successfully participates, as deemed by the provider, in pre-charge programming, the provider will notify the law enforcement officer and the case will be deemed closed. Records shall not be deleted and relevant data must be maintained.¹
- If the individual does not successfully participate nor follow through with the restorative any relevant pre-charge agreement and programming, the case will be returned to the investigating officer for further investigation and/or 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, or it is determined through a YASI pre-screen that the juvenile is deemed high-risk or has underlying mental health or other special needs; or if the State's Attorney deems that the matter is inappropriate for programming or a referral (at any time).

Pre-Charge Referrals can be emailed to Valley Court Diversion Programs at valleycourt@vcdp.org.

Current as of June, 2025

A handwritten signature in blue ink, appearing to read "W. H. Goodenough".

Ward Goodenough, Windsor County State's Attorney

¹ Records of success or failure regarding a pre-charge programming must be maintained to successful gauge future success as well as success of programming, overall. Data should be maintained by each provider and reported as needed in a uniform manner.