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Bennington, VT 05201  
Phone 802.447.1595

## Juvenile Pre-Charge Program Guidelines

This program is directed at juveniles who can be charged as a delinquent as well as for other non-criminal acts. A juvenile who may or may not have prior offenses submitted to the court may be directly sent to CRJ's Pre-Charge Program by the investigating officer for eligible offenses listed below.

Although not a mandatory program, officers are encouraged to utilize this program as a first response whenever possible as a means of case resolution and to aid in the reduction of delinquency charges referred to court. The guidelines for the Pre-Charge Program are 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. CRJ's Pre-Charge Program follows restorative justice principles and is designed to provide a swift and meaningful response to young offenders.

**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
- Minor Electronically Disseminating Indecent Material (Sexting)
- Unlawful Trespasses

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

### Procedure:

- After the police conduct an investigation of the incident and determine that it meets the program guidelines, the officer may offer the juvenile and parent/guardian the opportunity to participate in the Pre-Charge Program. An information sheet about the Pre-Charge Program will be provided.
- If the juvenile and parent/guardian agree to participate, the officer will submit referral paperwork (Referral Form and Police Report/Affidavit) to CRJ. All minors under the age of 18 need parent or guardian consent to participate in the Pre-Charge Program.
- If the juvenile successfully participates in the Pre-Charge Program, the officer will be notified and the officer's involvement with the case will be concluded.
- If the juvenile does not successfully participate nor follow through with his/her restorative agreement, the case will be returned to the investigating officer for referral to the State's Attorney's office.
  - The case will also be sent back to the investigating officer if the juvenile does not take responsibility for the offense or denies the charge.
  - The case will also be sent back to the investigating officer if 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: Leitha Cipriano, Executive Director- [leitha@bcjrj.org](mailto:leitha@bcjrj.org)