

COMPREHENSIVE WINDSOR COUNTY JUVENILE CITATION PROTOCOL

1. Timing and Content of Citation:

- a. Law Enforcement shall hand the juvenile a citation as near as possible to the date of offense, taking into consideration reasonable time necessary for the investigation.
- b. The citation shall be issued for a Monday morning at 8:30 a.m., roughly thirty days from the date the juvenile was handed the citation. For example, if the officer issues a citation on Wednesday, March 6, 2013 the appearance date for the juvenile would be Monday, April 8th 2013. (An easy way to calculate this would be to go to the same day of the next month, which above would be April 6, and then find the first Monday following that date.)
- c. The citation shall be issued for the appearance time of 8:30 a.m.
- d. Law Enforcement shall forward all necessary paperwork to the State's Attorney's Office no later than 10 business days from the date the juvenile was handed the citation.
- e. Along with the citation, Law Enforcement should provide the juvenile with a copy of the Notice of Risk Assessment. Sign and date the bottom of the form, and make sure to send a copy to Court Diversion. You should not provide the notice in the event of a flash cite or custody. (see Appendix A)

2. Flash Cites

- a. When a juvenile poses a danger to himself/herself or others, or if Law Enforcement believes that a flash cite is otherwise appropriate, Law Enforcement should contact the State's Attorney's Office to discuss whether custody is appropriate.

Micheal Kainen

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- b. If the State's Attorney and Law Enforcement determine that a flash cite is appropriate, Law Enforcement will issue the juvenile citation for 1:00 p.m. on the next day that the Family Division is in session.
- c. Law Enforcement shall get all of the paperwork for the flash cite to the State's Attorney's Office by 8:30 a.m. of the date of the flash cite.

d. The State's Attorney's Office shall contact DCF if DCF's presence at the preliminary hearing is deemed necessary.

3. Documents to be Submitted by Law Enforcement

a. Standard case documents (affidavit, evidence and witness lists, etc.)

b. Form 101 (see Appendix B)

4. Choosing the Appropriate Court

a. For all misdemeanor offenses (excluding motor vehicle offenses, serious assaults, stalking, and assaults on Law Enforcement Officers), juveniles under the age of 18 years old should be cited into juvenile (rather than adult) court.

i. EXCEPTIONS:

1. If the Officer believes that a citation to adult court is more appropriate (given the juvenile's history, other pending adult charges, the nature of the particular offense, etc.), the Officer should contact the State's Attorney's Office, which will authorize an adult court citation.

2. If the Officer believes that it is appropriate to refer the juvenile directly to the Community Justice Center, or other local reparative board, the Officer should do so.

b. For serious assaults, stalking, assaults on Law Enforcement Officers, major motor vehicle offenses (DUI, GNO, ATE, NEG OP), and most felonies, 16 and 17 year-olds should generally be cited into adult court, while juveniles under 16 years old should still be cited into juvenile court.

i. In the event that you are unsure, Law Enforcement is encouraged to discuss these cases with the State's Attorney's Office prior to citing these juveniles, in order to determine the most appropriate citation. There have been a couple of child on parent and sibling on sibling domestics where Officers have called me, and we have determined that there were better services available in juvenile court. For more serious cases, the State can offer Youthful Offender status in adult court.

5. YASI in the Event of a Flash Cite or Custody

a. In the event of a custody or flash cite, the juvenile will be asked to contact DCF to arrange a YASI as soon as possible.

Dept Case # _____

NOTICE TO REPORT

FOR A FREE COURT DIVERSION YOUTH ASSESSMENT

You have been given a citation from a police officer to appear in Court. You must be at the Court on the day and time stated on the citation. If you do not go to Court on the specified day and time, a judge can order that you be picked up by a police officer and brought to Court. You may be penalized for not showing up on your own.

However, if you would like to be considered for an alternative to the formal court process, you must contact a Case Manager (see "Who to Contact" below) **within 7 calendar days of this notice** to sign up for a free youth assessment. The assessment must be done before the day you are scheduled to be at court.

Purpose The purpose of the youth assessment is to determine the best way to support you. If you qualify, you could be referred to the local community justice center or court diversion program instead of Court.

Confidentiality The State's Attorney's Office has agreed that anything disclosed during this youth assessment will not be used against you. The only information that is shared with the State's Attorney is whether or not you qualify for an alternative to Court.

How Much Will This Cost? The youth assessment is **free**.

How Much Time Will This Take? The youth assessment takes approximately 30-45 minutes.

Who to Contact: Rick Wesson, Case Manager
Hartford District Office
Office: (802) 295-5078, ext 16
Cell: (603) 667-5253
Email: rick@vcdp.org

Alecia Armstrong, Case Manager
Springfield District Office
Office: (802) 295-5078, ext 15
Cell: (802) 356-4712
Email: alecia@vcdp.org

All Individuals under the age of 18 MUST BE accompanied by a parent or legal guardian.

| | |
|-------------------------------------|----------------|
| Youth's Name: _____ | DOB: _____ |
| Youth's Address: _____ | Phone #: _____ |
| Parent's/ Guardian's Name: _____ | Phone #: _____ |
| Offense(s) for which cited: _____ | |

| | | | |
|----------------|------------|---------|------|
| Officer's Name | Department | Radio # | Date |
|----------------|------------|---------|------|

White Copy: DEFENDANT Yellow Copy: CASE
 Photocopy mailed faxed emailed delivered to VCDP on _____

LAW ENFORCEMENT JUVENILE DATA SHEET

| | | | |
|--|---|---|--|
| Incident No. | | | |
| Information about the juvenile | | | |
| Name | DOB / / | Gender M F | |
| Street Address | Ethnicity / Race (check one) | | |
| Telephone Number | <input type="checkbox"/> Hispanic / Latino | <input type="checkbox"/> Asian | <input type="checkbox"/> Other / Mixed |
| | <input type="checkbox"/> African American | <input type="checkbox"/> Caucasian | <input type="checkbox"/> Not Known |
| | <input type="checkbox"/> Native Hawaiian/ Pacific Islander | <input type="checkbox"/> American Indian / Alaska Native | |
| Information about the parents/guardians/custodians | | | |
| Name of Parent/Guardian/Custodian | | Name of Parent/Guardian/Custodian | |
| Street Address | | Street Address | |
| Town, State, Zip | | Town, State, Zip | |
| Phone Number | DOB / / | Phone Number | DOB / / |
| Email Address | | Email Address | |
| Information from Officer | | | |
| I took the following actions regarding this juvenile on | | | Date Action was taken / / |
| <input type="checkbox"/> I submitted an affidavit for a CHINS petition to the State's Attorney. | | | |
| <input type="checkbox"/> I issued a delinquency citation to the juvenile to appear in court on | | | Date of Court Appearance / / |
| <input type="checkbox"/> I did not take the child into custody. | | | |
| <input type="checkbox"/> I took the child into custody for the following reason(s): | | | |
| CHINS (33 V.S.A. §5301): | | | |
| <input type="checkbox"/> pursuant to a court order under Title 33, Chapters 51, 52, 53 | | | |
| <input type="checkbox"/> the child was in immediate danger and removal from home was necessary for the child's protection | | | |
| <input type="checkbox"/> I believe the child has run away | | | |
| DELINQUENCY (33 V.S.A. §5251): | | | |
| <input type="checkbox"/> pursuant to the laws of arrest. | | | |
| <input type="checkbox"/> pursuant to a court order under Title 33, Chapters 51, 52, 53 | | | |
| <input type="checkbox"/> I believe the child committed a delinquent act, and the child's immediate welfare and/or the protection of the community require taking the child into custody. | | | |
| Release of child (if applicable) | | | |
| I released the juvenile on | | | Date of Release / / |
| to the following person(s): | | | |
| <input type="checkbox"/> Parents, guardian, or custodian of the juvenile | | | |
| <input type="checkbox"/> The Department for Children and Families (DCF) per court order | | | |
| <input type="checkbox"/> A designated runaway shelter | | | |
| Date / / | Signature of Officer | | |
| | Printed Name of Officer | | |
| | Department | | |