

DATE: 11/15/12

MEMO TO: LAMOILLE COUNTY LAW ENFORCEMENT OFFICERS

FROM: LAMOILLE COUNTY STATE'S ATTORNEY JOEL PAGE

REGARDING: CHARGING 16-17.5 YEAR OLDS IN JUVENILE COURT

REVISED POLICY: OFFENSES BY 16-17.5 YEAR OLDS: For offenses committed by **juveniles who are 16-17.5 years old**, I want you to **cite them into juvenile court, EXCEPT** for major motor vehicle offenses (DUI, DLS, Negligent Operation, ATE, and LSA), "listed crimes" per 13 VSA 5301 (7), and fish and game offenses. This policy takes effect January 1, 2013.

"**Listed** crimes" includes all levels of stalking, domestic assault, sexual assault, L&L, murder, manslaughter, aggravated assault, assault and robbery per 13 VSA 608, arson, maiming, unlawful restraint, kidnapping, reckless endangerment, VAPO, burglary into occupied dwelling, various forms of abuse per 13 VSA 1376-1381, and attempts to commit any of the above.

REVISED PROCEDURE: GIVE CITATION AND THE ATTACHED REVISED "NOTICE TO REPORT FOR RISK ASSESSMENT" TO JUVENILE AND CUSTODIAL PARENT/GUARDIAN (see below for time frames). A "**Notice to Report for Risk Assessment**" should be given to the juvenile and custodial parent/guardian at the same time the citation is issued. A copy of the Revised Notice to Report for Risk Assessment is attached. (Note: with this revised form you do not need to fill anything out or fax a copy to Diversion). **Please issue the Notice to Report for Risk Assessment in all delinquency cases, including those involving juveniles under age 16.**

TIME FRAMES FOR CITATION AND CASE SUBMISSION: Time frames for citing and submitting cases should generally be as follows: **Cite for next available juvenile court date that is 30 or more days out.** A list of juvenile court dates through March is attached and will be provided periodically as the court gives them to us. Give "Notice to Report for Risk Assessment" to juvenile at same time as citation. Provide custodial parent/guardian with copy of citation and "Notice to Report" promptly. **Get paperwork to State's Attorney within 10 days of cite.**

EXCEPTIONS: If you have a case which you think should be handled differently than above, contact me to discuss it.

REASONS FOR POLICY OF CHARGING MOST 16-17.5 YEAR OLDS IN JUVENILE COURT:

1. Most of these cases go to Diversion anyway.
2. Risk assessment will generally be done and risk issues addressed, with risk areas hopefully reduced.
This means better outcomes.
3. Confidentiality of juvenile process reduces undesirable negative consequences to employment, higher education, and housing. There is no negative publicity or adult record created.
4. A "Google record" is avoided. Most of these individuals, if charged as adults, are statutorily entitled to have records sealed or expunged. However, for cases handled as adults, Internet sites now capture the arrest/charge/conviction and make that information permanently accessible to employers, schools and landlords. This "Google record" defeats the statutory right and legislative intent of sealing or expunging records. This in turn creates an additional barrier for a young (often struggling) person trying to get started in life. Handling the case as a juvenile matter from inception usually achieves better outcomes for this age group, and avoids the unfairness and negative effects of the "Google record".
5. Vermont is one of only a few states that allow 16 year olds to be initially charged in adult court. This new policy is in line with majority practice.
6. The Caledonia County State's Attorney implemented a substantially similar policy nearly 2 years ago and it seems to be working well there.
7. This new policy is consistent with recent studies about brain development in adolescents.
8. This policy is consistent with current government efforts to reduce the Department of Corrections case loads (though in reality few of these cases would have ended up in jail or on adult probation).
9. We have used this policy with 16 year olds for nearly a year without significant problems.

NOTICE TO REPORT FOR A RISK ASSESSMENT

You have been given a juvenile citation from a police officer to go to court about a delinquent act. You must be at the court on the day and at the time stated on the citation. If you do not go to court on the day and at the time stated, a judge can order that you be picked up and brought to the court, and you may get a penalty for not showing up on your own.

RISK ASSESSMENT: Please contact Court Diversion in Hyde Park, VT (802-888-5871) within 10 calendar days of this notice to sign up for a risk assessment, The assessment should be done before the day you must be at court.

Purpose: The purpose of the risk assessment is to figure out the best way to handle your case. If you qualify, you could be sent to Court Diversion, instead of going through the court process.

Confidentiality: The assessment is a confidential interview with the Court Diversion Program. The things you talk about are strictly confidential, and will not at any time be shared with the police, the State's Attorney, or the Court. However, the level of risk determined by the assessment will be shared with the State's Attorney and Department of Children and Families. (If the decision is made that you Must go through the court process, Department of Children and Families will have access to your full risk assessment.)

How Much Will This Cost? There is no cost for the risk assessment, (However, if your case is referred to Court Diversion, there is a program fee)
How Long Will This Take? The assessment usually takes approximately 30 - 45 minutes.

Who to Contact:

Lamoille County Court Diversion
221 Main Street, P.O. Box 148
Hyde Park, VT 05655

Phone: 802-888-5871 / Fax: 802-888-5400
[E-mail: info@lamoillecourtdiversion.org](mailto:info@lamoillecourtdiversion.org)
Subject: Risk Assessment

Mondays Fridays, 8:30 — 4:30 PM

All individuals under the age of 18 MUST be accompanied by a parent or legal guardian to the risk assessment and to court,