

Vermont Pretrial Services – AGO Proposals March 2017

Risk Assessments & Needs Screenings

Pretrial Services Coordinators offer

- risk assessments (risk of non-appearance) and
- needs screenings (mental health & substance use) to those cited or arrested.

Results are provided to the person screened, Defense Attorney, Prosecutor, and Court.

1. Limit required offering of risk assessment to those lodged and unable to post bail within 24 hours
2. Provide that refusal to participate shall not result in legal liability
3. Strengthen limitations on use of information
4. Restrict information a pretrial services coordinator may share to whether there is a risk of non-appearance, if treatment is indicated, defendant participated in an assessment, further engagement with pretrial services recommended
5. Authorize the court to order a person to participate in a needs screening

Court Ordered Screening & Monitoring

Pretrial Services Coordinators

- support defendants to follow these conditions of release as ordered by the Court
- provide case management support and help defendants address other unmet needs, connecting them to services when appropriate.

1. Authorize the Court to order a person to engage in pretrial services
2. Define pretrial services as including
 - a. supporting the person in meeting the conditions imposed by the Court,
 - b. connecting the person with services and restorative justice programs
 - c. supporting a referral to the diversion program
3. Ensure that not participating in needs screening or not engaging in pretrial services, as ordered by the Court, does not constitute a violation of a condition of release (i.e. not a new crime)

Diversion Referral

Pretrial Services Coordinators provide a pretrial intervention for those

- for whom the underlying cause of criminal behavior is substance abuse or mental health problems
- whose repeated convictions have not led to any behavior change.
- referred by the Prosecutor pre-charge or post-charge, pre- or post-arraignment

1. Add 2nd Court Diversion purpose: to assist individuals with criminal records and with substance abuse or mental health treatment needs. Programming is intended to support an individual in accessing any needed treatment or other resources with the aim of improving the person's health and reducing future adverse involvement in the justice system
2. Authorize the court to refer a person to Court Diversion either before or after arraignment
3. Strengthen confidentiality provisions
4. Change sealing provisions to expungement

- Direct the AGO to contract for services, develop outcomes and report annually
- Change "monitor" to "coordinator"
- Add record storage provisions