

MEMORANDUM OF UNDERSTANDING
BETWEEN BURLINGTON COMMUNITY JUSTICE CENTER
AND BURLINGTON POLICE DEPARTMENT
REGARDING DIRECT REFERRALS TO ALTERNATIVE JUSTICE

This Memorandum of Understanding (MOU), between the Burlington Community Justice Center, hereafter referred to as "CJC" and the Burlington Police Department, hereafter referred to as "BPD", provides as follows:

Section 1. Purpose and Scope of Agreement

The purpose of this agreement is to clearly identify the roles and responsibilities of each party as they relate to referrals made by BPD to the CJC's Restorative Justice Program. The agreement outlines criteria for referral, case flow, completion procedures, and special considerations.

Section 2. Background

Direct referrals from BPD to the CJC provide a speedy alternative to the juvenile and criminal justice systems for cases involving crime or misconduct. Offenders are held accountable for their actions in a timely and meaningful way, and the number of petty crimes burdening the juvenile and criminal justice systems is reduced, reducing the cost of prosecuting these low level cases.

Section 3. Criteria for Referral

Criminal history: Offender has no prior similar offenses or, depending on the circumstances, is deemed an appropriate referral by BPD and CJC.

Eligible Offenders: Adults and juveniles age 10 and older are eligible for direct referral to the Restorative Justice Program.

Voluntariness: Offender takes responsibility and is willing to participate in the program. Victim is informed that the case has been referred to CJC.

Offense types: Example offenses (misdemeanors) that may be referred include, but are not limited to:

- Retail theft under \$300
- Unlawful Mischief under \$500
- Possession of Alcohol or Drugs 22 up
- False personation / pretenses
- Petty larceny under \$500
- Bad checks / insufficient funds
- Simple assault / domestic assault (non-intimate partner violence only)
- Disorderly conduct (including by phone/electronic means)
- False reports (e.g. False Information to a Police Officer)
- Leaving the Scene of an Accident (where injuries didn't require medical attention and damages are \$3,000 or less)
- Unlawful Trespass
- Unoccupied Burglary
- Possession of stolen property
- Theft of services
- Weapons in school
- Careless and negligent operation
- Excessive speed
- Other offenses subject to agreement by BPD and CJC
- BPD may also refer civil violations and neighborhood and school conflicts as deemed appropriate

Section 4. Criteria for Non-Acceptance

The Burlington CJC may return a case to the Burlington PD when:

1. The offender does not acknowledge that he/she committed the offense. The BCJC does not offer a court process that determines guilt or innocence. If the offender denies the charge(s), s/he will be advised the at the Restorative Justice Program cannot be of assistance and that the Court is there to hear from anyone who believes they have been wrongly accused. The case will then be sent back to the referring officer with an explanation of why the CJC cannot accept the case.
2. There has been a history of intimate partner violence between the offender and victim.
3. Members of the CJC staff and/or Restorative Justice Program believe the process could be harmful to the victim, offender, panel members or the larger community. The Burlington CJC will consider whether other restorative approaches may be more appropriate.
4. The offender refuses to participate in the process and/or is unreachable (after repeated phone/text/email attempts).

Section 5. Case Flow

1. Officer handles an offense eligible for Restorative Justice (RJ) and provides a CJC business card with the CJC RJ Panel Coordinator's information to offender so he/she can participate in the program. This must be documented in the officer's narrative—i.e. RJ program explained to suspect and business card provided.
2. Officer completes a narrative (that can become an affidavit if necessary) and the names jacket for all involved. The paperwork must be completed within a few days of the incident.

3. The officer has supervisor review incident for referral. Once approved, the Records Department or Assistant to the Officer in Charge (AOIC) will email the incident narrative and names jacket(s) to CJC with the RJ cover sheet.
4. Offenders are encouraged to contact the CJC within 7 days from the referral date to participate..
5. Upon completion of the RJ process, and earlier by request of the officer, the CJC will forward case status report to the referring officer and AOIC.

Confidentiality of Police Referrals

All information provided to the CJC by the Burlington Police Dept. is considered the responsibility of the CJC and a redacted version may be shared with our trained panel members and participants, by request and upon approval of CJC staff.

CJC staff, School Resource Officers, Support Center staff, and Student Assistant Program Coordinators are able to collaborate on and freely communicate without a release about incidents that happen on campus that reach a civil or criminal level.

Section 5. Completion procedures

1. If offender does not call CJC or complete the RJ process, the case is referred back to BPD for possible prosecution. When referring a case back, the CJC emails a formal referral-back letter as an attachment to the referring officer, Assistant to the Officer in Charge (AOIC) and the AOIC will forward onto the Records Department. The Records Department attaches the letter to the case file. Officers will have to refer case to the State's Attorneys' Office for prosecution.
2. Upon successful program completion, the CJC emails a formal completion letter within 7 days as an attachment to the referring officer, AOIC and Records Department. The Records Department attaches the letter to the case file and follows the checklist outlined in Appendix A, which includes:

- a. Removing appropriate reference in the Records Management System (RMS) and changing the Person role to "Other".
- b. Notifying VCIC to remove fingerprints and arrest record. Notification should be submitted within 7 days of receiving notice of successful completion from CJC. CJC should be copied on the notification.
- c. Checking the BPD website and social media sites for press release or name of offender and charge.

Section 6. Special considerations

In consideration of the community volunteers who give their time to make this program possible, and the need to adequately screen these volunteers, BPD agrees to assist with checking the criminal histories of volunteers who have lived outside of the state of Vermont and whose histories are not checked by the Department of Corrections (DOC)—e.g. because they are only serving on CJC's dedicated youth panel, which does not work with DOC-referred cases.

The CJC will check the criminal histories of any potential volunteers not covered by DOC who have only ever lived in Vermont. This will be done through the Vermont Crime Information Center's (VCIC) online portal (<https://secure.vermont.gov/DPS/criminalrecords/>). It is understood that such checks will only include a list of any convictions in the state of Vermont.

For potential volunteers who have lived outside of the state of Vermont, BPD will assist CJC with obtaining a fingerprint supported background check by fingerprinting the potential volunteer free of charge and submitting the FAC form to VCIC. The CJC will be responsible for paying the federal fee charged by VCIC (currently quoted at \$30). It is understood that the typical turnaround time for such requests is 1-2 weeks. The CJC will be responsible for scheduling volunteers to be fingerprinted, and for submitting necessary paperwork to the BPD Records Department. The contact person for this will be the Deputy Chief of Administration.

Section 7. Amendment/Termination of Agreement

This Agreement shall remain in effect from the date signed unless or until any party to the agreement requests amendment or termination in writing. It is recommended that this agreement be revisited annually.

In witness whereof, this Agreement has been executed and is effective as to each of the parties as herein provided.

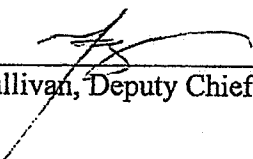
Burlington Community Justice Center

Rachel Jolly

Rachel Jolly, Director

Date: October 6, 2020

Burlington Police Department



Matt Sullivan, Deputy Chief

Date: 9/14/20