



To: Joint Justice Legislative Oversight Committee
From: Willa Farrell, Court Diversion and Pretrial Services Director
Date: November 21, 2024
Re: Pre-charge Diversion and Act 180 – Written Testimony

With the passage of Act 180, the Attorney General's Office is prepared to build upon the success of post-charge Court Diversion, as well as the Youth Substance Awareness Safety Program and Pretrial Services. The AGO will work with community restorative justice providers towards a unified, efficient and accessible array of programming. All these services fall within the early stages of the Sequential Intercept Model and are pre-adjudication.

Act 180 codified pre-charge Diversion, laid out the rights of victims and participants, set parameters for statewide programming, and requires data reporting. The AGO takes seriously our role to support the formalization of pre-charge Diversion and the expansion to all areas of the state. We are working to support the growth of high quality, efficient, effective and accessible services with our partners, in particular the community providers and State's Attorneys.

Currently, robust pre-charge programs exist in Caledonia, Chittenden, Washington, Windham and Windsor counties. From conversations I have had with program directors and State's Attorneys, I know there is true interest in expanding in other counties, driven by the benefits of pre-charge Diversion.

Both individuals and the criminal legal system benefit from pre-charge Diversion. Because pre-charge referrals are made quickly, within hours or days of an incident, victims are provided support and connection to services quickly. And when people who commit crimes take responsibility soon after their actions, the restorative process is more meaningful. Pre-charge Diversion referrals made by law enforcement, in most instances, do not involve a prosecutor. Court staff do not process documents, and a judge is not required to review the case. These workload savings represent significant avoided costs to the State.

Providing these services does, however, require funding. The AGO submitted a FY 2026 budget request for grant funding to the Governor, as well as for a position to administer the expansion as included in Act 180. The AGO will explain these funding requests in budget presentations to the Legislature next year, including the importance of predictability of funding to ensure a stable workforce among community based restorative justice providers.