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CITY OF BURLINGTON, VERMONT
OFFICE OF
THE CITY ATTORNEY
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Date: 8/25/25

To: Burlington City Council

From: Jessica Brown, City Attorney; Emmett Wood, Assistant City Attorney; Becky Penberthy, Burlington Community Justice Center

Re: Update on Proposed City Circle Ordinance

Introduction:

At the July 14, 2025, City Council meeting, the Council waived the first reading of the “City Circle” ordinance and referred the ordinance to the Ordinance Committee. The Ordinance Committee discussed the City Circle ordinance at their July 17, 2025, meeting and voted to refer the ordinance back to the full Council for a second reading and a vote on adopting the ordinance.

In response to feedback and questions, the ordinance was amended to indicate that both criminal and civil ordinance violations may be referred to the City Circle. Many civil ordinance violations, already listed in the ordinance code, allow for a restorative response. However, no rapid restorative response program has previously been developed for the majority of civil ordinance violations. The Burlington Community Justice Center (BCJC) receives funding from the Vermont Attorney General’s Office to facilitate rapid response restorative justice programs for individuals facing criminal charges. Some City funding will be required to allow for civil ordinance violations to be referred to the City Circle.

The Attorney General's Office has agreed to allow the BCJC to use existing funding, on a pilot basis for the remainder of this fiscal year, to accept referrals of criminal municipal ordinance violations to City Circle. The BCJC will be required to submit data, on a quarterly basis, tracking municipal referrals.

For purposes of managing resources and evaluating efficacy, this pilot version of City Circle will accept cases for municipal violations committed in the Downtown Improvement District.¹

If adopted at tonight's Council meeting, the City Circle ordinance will be published in approximately three weeks, allowing for City Circle to begin in late September. Prior to that time, the City Attorney's Office and the BCJC will be working with City staff to identify a regular location in which City Circle will be held and will work with the Burlington Police Department to develop the City Circle referral protocol. In addition, the BCJC will be recruiting and training volunteers to serve as City Circle panelists, with a focus on recruiting volunteers who are stakeholders in the downtown area and who are eager to participate in creating and nurturing the community they want downtown Burlington to be.

City Circle Legal Process:

When an individual is served with a municipal ordinance violation, the charging document (i.e., the ticket) will inform the person of whether the violation is being charged as a civil violation or a criminal violation and will include the specific ordinance title and code number, which will provide notice of the potential penalties.

Once City Circle is approved and established, in addition to notice of an ordinance violation, the individual will also receive notice to appear at the next City Circle meeting date. All municipal violation tickets will be forwarded to the City Attorney's Office and will be held in abeyance pending engagement and completion of City Circle. (See below for additional information on the Circle process for individuals who choose to participate.)

If an individual does not appear at the next City Circle meeting, the City Attorney's Office will have various options, including:

- Enlisting community partners (e.g., CSLs and CARE team members, Howard Center Street Outreach staff, etc.) to encourage the individual to engage with City Circle as soon as possible;

¹ Per City Charter Article 89, Section 321, the Downtown Improvement District is bounded by the shoreline of Lake Champlain on the west, the north property lines of properties fronting on Pearl Street on the north, the east property lines of properties fronting South Winooski Avenue on the east, and the south property lines of properties fronting on Main Street to the intersection of Battery Street and then extending southerly to include properties fronting on Maple Street, on the south. The entirety of the Church Street Marketplace District is included within the Downtown Improvement District.

- Filing civil ordinance violation tickets with the Judicial Bureau for adjudication;
- Filing criminal ordinance violation tickets in the Superior Court for adjudication.

Under no circumstances will municipal ordinance violations filed with the City Attorney's Office be transferred to the Chittenden County State's Attorney's Office. The City Attorney's Office will exercise its discretion whether to prosecute criminal ordinance violations in Superior Court, including whether or not to request daytime bench warrants, or cite-and-release warrants, for individuals who do not engage with City Circle and do not appear at Court for arraignment. On the occasions that the City Attorney's Office files a criminal ordinance violation in the Superior Court, the prosecuting Assistant City Attorney will have the discretion to refer the case to the Burlington Community Justice Center for a City Circle process, Diversion, or other restorative response. The primary objective will always be to support people to engage with City Circle to take accountability for any conduct that has harmed the community, to address the needs of any directly or indirectly impacted parties, and to discuss ways to meet the responsible party's needs such that similar harm will not recur.

Upon successful completion of a City Circle restorative agreement developed by City Circle facilitators, any impacted parties, and the responsible party, the municipal ordinance violation(s) will be dismissed/voided.

City Circle Restorative Process:

Upon arrival at City Circle, the ticketed person will meet with a staff member from the Burlington Community Justice Center (BCJC) to learn about the process. The staff member determines readiness for participation. Both youth and adults are eligible to participate. Youth processes may differ from adult processes.

Victims are notified that the incident was referred to City Circle by the person issuing the ticket and by BCJC. BCJC reaches out to all victims. Victims may choose to participate in the Circle. Regardless of whether or not a victim participates in the Circle process, they are offered support from a BCJC staff person.

As part of the Circle process, ticketed persons are required to take responsibility for their actions. Responsible parties are supported by Circle facilitators to take accountability, make amends to those impacted, repair any harm done to the degree that it is possible, and to take steps to address any underlying

causes that contributed to their actions. The responsible party, BCJC staff, trained community volunteers, victims who were directly impacted, and, in some cases, support people, Cultural Advocates, and interpreters may be present at the circle.

All in the Circle work together to develop a restorative agreement that the person completes in order for their ticket to be dismissed. Progress on the agreement is tracked by BCJC. The process is confidential by State Law and can only be attended by those mentioned in this section.

In situations where the BCJC is not able to contact the ticketed person, they do not attend the Circle, or they fail to complete the restorative agreement, the incident is referred to the City Attorney's Office for further action.

Proposed Motion (Second Reading): Waive the reading and adopt the ordinance.