



**Report to
The Vermont Legislature**

**Report to the Vermont Legislature
On Court Diversion and Pretrial Services**

In Accordance with [3 V.S.A. § 163\(b\)\(3\)](#), [3 V.S.A. § 164\(b\)\(3\)](#) and
[13 V.S.A. § 7554c\(f\)](#)

Submitted to: General Assembly

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Introduction

This report has been prepared in accordance with 3 V.S.A. § 163(b)(3), 3 V.S.A. § 164(b)(3) and 13 V.S.A. § 7554c(f).

3 V.S.A. §§ 163(b)(3) [juvenile] & 164(b)(3) [adult]:

In consultation with community-based restorative justice providers, the Office of the Attorney General shall develop program outcomes following the designated State of Vermont performance accountability framework and, in consultation with the Department of State's Attorneys and Sheriffs, the Office of the Defender General, the Center for Crime Victim Services, the Judiciary, and the Division of Racial Justice Statistics of the Office of Racial Equity, report annually on or before December 1 to the General Assembly on services provided and outcome indicators. As components of the report required by this subsection, the Attorney General shall include data on the number of pre-charge and post-charge diversion program referrals in each county; race, gender, age, and other demographic variables, whenever possible; offenses charged and crime types; successful completion rates; and possible causes of any geographical disparities.

13 V.S.A. § 7554c(f)(2):

(f) The Attorney General's Office shall:

(2) develop pretrial services outcomes following the designated State of Vermont performance accountability framework and, in consultation with the Department of State's Attorneys and Sheriffs, the Office of the Defender General, the Center for Crime Victim Services, and the Judiciary, report annually on or before December 1 to the General Assembly on services provided and outcome indicators.

Services Provided

All services are provided by community-based restorative justice organizations using grant funds awarded by the AGO.

Pretrial Services [13 V.S.A. § 7554c](#)

Needs Screening & Risk Assessments Offered at DOC Facilities

For individuals lodged and unable to post bail within 24 hours, Pretrial Services (PTS) coordinators offer needs screenings. Results of the screening may inform decisions made by judges and prosecutors. For example, if a screening suggests a person is struggling with substance use, a judge may issue a PTS order including that the person meet with a counselor for a more formal clinical assessment. These screenings direct the focus of PTS work with individuals. Staff perform risk assessments upon a judge's order, but these are infrequent.

Pretrial Services Provided in the Community

PTS coordinators work to quickly connect people with substance use, mental health, and other supportive community-based services. Pretrial Services are provided to people aged 18 and older with substance use or mental health treatment needs who are going through the court process and awaiting final case resolution in either the Family or Criminal Divisions of Superior Court. Judges order defendants to work with PTS; however, a person's refusal to engage cannot result in a violation of conditions of release. In addition, individuals may choose to engage with PTS without a Court order.

Court Diversion Program [3 V.S.A §§ 163 \[juvenile\], 164\(b\)\(1\) \[adult\]](#)

Diversion case managers work with people referred to the program who are willing to take responsibility for their actions and engage in a restorative process aimed at repairing the harm done.

Pre-charge Diversion

As of July 1, 2025, the Attorney General’s Office (AGO) administers Pre-charge Court Diversion. Youth and adults alleged to have violated a criminal statute may be referred by a law enforcement officer or a prosecutor – based on that county’s State’s Attorney’s Pre-charge Diversion policy – to resolve the case through a restorative justice process.

Act 180 (2023) tasked the AGO with streamlining the administration and provision of Pre-charge and Post-charge Diversion. The AGO’s April 2025 [report](#) to the Legislature summarizes these efforts. AGO FY 2026 grants to community restorative justice organizations include new funding for Pre-charge Diversion in 12 of Vermont’s 14 counties. The AGO anticipates savings from streamlining efforts and use of carryforward funds to expand Pre-charge Diversion statewide in FY 2027, including in Rutland and Orleans counties. Subsequent annual reports will include data on Pre-charge Diversion.

Post-charge Diversion

This restorative justice program is for youth with a delinquency petition, Youthful Offenders, and adults charged with a crime. Only prosecutors may refer cases to Post-charge Diversion. A person charged with a felony offense that is a crime listed in 13 V.S.A. § 5301(7) is not eligible for Court Diversion. Prosecutors subsequently dismiss the charge of successful participants, and records are expunged two years later if the person has not subsequently been charged with a crime and does not owe restitution.

Tamarack Program [3 V.S.A. § 164\(b\)\(2\)](#)

This restorative justice program is to assist people aged 18 and older who are charged with a delinquency or crime who have a substance use or mental health treatment need regardless of their criminal history. It is based on the second purpose in the Court Diversion statute (“Programming for these persons is intended to support access to appropriate treatment or other resources with the aim of improving the person’s health and reducing future adverse involvement in the justice system.” 3 V.S.A. § 164(b)(2)). Program staff quickly connect those referred to substance use, mental health and other supportive community-based services. Participants must be willing to take responsibility for their actions and engage in a restorative process aimed at repairing the harm. Prosecutors subsequently dismiss the charge of successful participants, and records are expunged two years later if the person has not subsequently been charged with a crime and does not owe restitution.

People Served

The AGO collects self-reported demographic data, as well as age of individuals referred to Court Diversion and Pretrial Services. Data on ethnicity is not reported.

The *Referrals by Race* chart on page 5 shows the percentage of referrals to programs by race category for the past two years. Most people served report English as their primary language, and the most common other languages are Spanish, French, and Nepali. Approximately two-thirds of participants are male. During FY 2025, approximately 40% of adult participants were between the age of 22-40.

A [study](#) by the Crime Research Group (CRG) in 2022 found the race of people charged with public order and motor vehicle offenses was associated with whether they participated in Court Diversion. However, CRG concluded that because of data availability issues, “it was not possible to build a statistical model capable of determining exactly how race is related to the Court Diversion participation.” (CRG, “Equal Access to Alternative Programs,” Sept. 2022, at 4). No other analysis regarding demographic characteristics and other AGO-funded programs has been done.

During FY 2025, about one-third of Court Diversion and Tamarack closed cases involved victims. Most victims (69%) were individuals. Large corporations comprised 18%, with small business owners, government entities, and other organizations amongst the other types of victims. These data are similar to past years.

Services Provided and Outcome Indicators

Pretrial Services

Judges continue to rely on PTS as do other parties. Often, judges issue PTS orders after a prosecutor requests one, and defense attorneys may refer a client as well. Close to 1,150 defendants received orders to engage with PTS during FY 2025, a comparable number to recent years. Approximately 20% of defendants ordered to work with PTS were charged with a felony. (See *Pretrial Services – Court Orders* chart on page 6.)

Many Sequential Intercept Workshops hosted by the Vermont Judiciary’s Commission on Mental Health and the Courts, as well as similar community discussions, have focused on the work of PTS and how these services could play a larger role to support defendants in accessing treatment and other supports to promote people’s health and limit repeat criminal behavior. Within the current funding structure, the AGO, PTS providers, and other partners continue to work on best practices and program improvements to meet these goals.

We also are collaborating with researchers and stakeholders to establish the elements of successful completion of programming and identify viable outcomes measures.

Post-charge Court Diversion and Tamarack

Court Diversion and Tamarack benefit individuals, both those charged with crimes or delinquencies, as well as victims, and ease the workload of the formal court system.

Through these programs, victims choose how and with whom they talk about their experience and suggest ideas for the Diversion agreement. Often victims want information and to understand why the person committed the crime. Many victims suggest that the person referred to Diversion engage in services so that others do not suffer the same experience.

In addition, restitution is an important part of repairing harm. During FY 2025, approximately 1,500 cases closed successfully; of these, 111 involved the payment of restitution. A total of \$50,598 was paid to victims.

Individuals who successfully complete Diversion avoid a criminal conviction, and the case records are expunged two years later if the individual is not subsequently charged with a crime. Criminal convictions limit people’s opportunities for employment, housing, and education, and the related stigma causes significant damage to people’s lives as well. During FY 2025, 91% of youth and almost 70% of adults completed the program successfully. Fewer adults referred for driving with license suspended (DLS) and to the Tamarack program are successful. (See discussion, below, and *Adult Court Diversion – Closures* chart on page 10.)

Prosecutors in all counties turn to Court Diversion to handle a significant portion of charges filed. Referring cases to Diversion and Tamarack as an alternative to prosecution is a standard component of the criminal and youth justice systems used by prosecutors in all counties. During the past three years, Criminal Division Diversion and Tamarack referrals represented approximately 20% of all misdemeanors statewide, with some variations in a few counties. In FY 2025, 37% of delinquencies filed in Family Division were referred to Youth Diversion and 25% of Youthful Offenders were referred to Youth Diversion. These rates are comparable to FY 2024.

Data on referrals to Adult Court Diversion and Tamarack for the past three years are summarized in the *Adult Court Diversion and Tamarack – Prosecutor Referrals* chart on page 7; similar information for Youth Diversion is on the following page. These data do not capture the full picture of Diversion referrals relative to new cases filed in court. Data limitations have restricted this analysis to using new misdemeanor charges (labeled *New Misd Charges* in the charts below). While the law directs prosecutors to provide a person charged with an expungement-eligible (now sealing-eligible) misdemeanor the opportunity to participate in Diversion, prosecutors also refer non-expungement eligible misdemeanor (e.g., first-time DUI) and felony cases to Diversion. Approximately 5% of referrals are felony charges.

DLS and Tamarack cases are outliers given some of the challenges specific to individuals engaged in

these types of programming. The lower successful completion rate of criminal cases involving DLS charges (44%) likely reflects, at least in part, financial barriers that most participants face in meeting license reinstatement requirements. The somewhat higher successful completion rate of people referred to Tamarack (59%) may indicate how substance use, mental health challenges, and lack of housing constrain people's ability to effectively engage in repairing harm and following program agreements. Still, Tamarack remains a valuable tool in increasing these individuals' connection to and engagement in health and other supportive services, even in communities where those services have long waitlists.

Court Diversion is cost effective. A [cost analysis](#) done by Crime Research Group in 2019 documented that Diversion is much less expensive than processing a case through the traditional criminal justice system. For example, an assault case resolved through Diversion costs \$216, while a similar case could cost \$1,480 in the traditional court system. On average, the cost of resolving Diversion cases is 15% of the cost of court adjudication.

Possible Causes of Geographical Disparities in Referrals

The rate of referral to Adult Court Diversion and Tamarack varies by county—from a low of 8% of misdemeanor charges in FY 2025 to a high of 42%—for several reasons. The rate and type of crime differ by county; law enforcement has discretion regarding when to issue a citation or make a direct referral to a pre-charge program (where pre-charge programs exist, which is not yet in all communities); and prosecutors retain discretion regarding when to file a charge or a delinquency or youthful offender petition. Factors that may affect a prosecutor's decision to refer to Diversion or Tamarack include the individual facts of the case, the prosecutor's views on Diversion for repeat offenders, and their experience working with the county program. While neither defense attorneys nor judges can refer a case to Court Diversion, a defense attorney's advocacy or a judge's inquiry regarding why a case has not been referred may influence a prosecutor's decision to refer.

Data Caveats

Specific to the data included in this report, the Department of State's Attorneys and Sheriffs has provided several caveats to explain the different rates of referrals to Diversion and Tamarack.

1. Not all misdemeanor offenses are presumptively eligible for Diversion or Tamarack. The data sources regarding charged misdemeanors, included within this report, capture all misdemeanors charged and do not distinguish between eligible and non-eligible offenses. For example, a DUI charge is not presumptively eligible for Diversion.
2. The data sources do not distinguish misdemeanor charges that arise when an individual has another ineligible docket pending (e.g., a related felony charge) or is already under Department of Corrections supervision, which may be a reason a prosecutor does not refer an individual to Diversion.
3. Some State's Attorneys use pre-charge programs and other types of specialized alternatives where they are available instead of Diversion. These referrals may account for a significant number of cases that are not captured in the data below.
4. The "Diversion Referral – Criminal Division" data points only identify referrals in which the Defendant accepted the Diversion offer. It does not include referrals made by the State's Attorney but declined by the Defendant or the Court Diversion program. Nor do the data include consultation calls made by prosecutors to assess a potential Diversion referral and which a program may decline.

Consulting Partners

- Laura Carter, Division of Racial Justice Statistics of the Office of Racial Equity
- Kim McManus, Legislative & Policy Attorney, Department of State's Attorneys and Sheriffs
- Jennifer Poehlmann, Executive Director, Vermont Center for Crime Victim Services
- Matthew F. Valerio, Defender General

Appendix

Referrals by Race – Court Diversion and Pretrial Services

Percentages are rounded to whole numbers.

		FY 2025		FY 2024	
Court Diversion: Family Division		Referrals	% of Total	Referrals	% of Total
Delinquencies & Youthful Offenders	Alaskan American	0	0%	0	0%
	American Indian	0	0%	0	0%
	Asian	2	1%	2	<1%
	Black or African American	23	6%	15	4%
	Native Hawaiian or other Pacific Islander	0	0%	0	0%
	Other Single Race	1	0%	2	<1%
	Self-identified Other	0	0%	0	0%
	Two or More Races	9	3%	6	2%
	White	288	81%	304	87%
	Chose not to identify / no entry	32	9%	21	6%
Total		354		350	
		FY 2025		FY 2024	
Court Diversion: Criminal Division		Referrals	% of Total	Referrals	% of Total
Court Diversion & Tamarack	Alaskan American	0	0%	0	0%
	American Indian	6	0%	6	<1%
	Asian	22	1%	22	1%
	Black or African American	89	4%	98	5%
	Native Hawaiian or other Pacific Islander	4	0%	1	<1%
	Other Single Race	32	2%	30	1%
	Self-identified Other	6	0%	2	<1%
	Two or More Races	38	2%	24	1%
	White	1815	85%	1821	87%
	Chose not to identify / no entry	125	6%	86	4%
Total		2,133		2,090	
		FY 2025		FY 2024	
Pretrial Services		Referrals	% of Total	Referrals	% of Total
Pretrial Services	Alaskan American	0	0%	0	0%
	American Indian	5	0%	1	<1%
	Asian	8	1%	9	1%
	Black or African American	60	5%	37	4%
	Native Hawaiian or other Pacific Islander	0	0%	1	0%
	Other Single Race	10	1%	9	<1%
	Self-identified Other	3	0%	4	0%
	Two or More Races	8	1%	7	<1%
	White	908	79%	897	88%
	Chose not to identify / no entry	147	13%	52	5%
Total		1,149		1,017	

Pretrial Services – Court Orders

	FY 2025			FY 2024			FY 2023		
	New Misd Charges	Pretrial Services*	PTS as % of New Misd Charges	New Misd Charges	Pretrial Services*	PTS as % of New Misd Charges	New Misd Charges	Pretrial Services*	PTS as % of New Misd Charges
Addison	404	57	14%	323	45	14%	285	61	21%
Bennington	721	76	11%	797	75	9%	776	56	7%
Caledonia	459	20	4%	481	45	9%	483	44	9%
Chittenden	2118	362	17%	2353	283	12%	2,027	525	26%
Essex	54	15	28%	73	16	22%	74	3	4%
Franklin	1102	100	9%	958	104	11%	877	106	12%
Grand Isle	32	0	0%	57	1	2%	78	12	15%
Lamoille	380	51	13%	413	61	15%	571	95	17%
Orange	301	89	30%	272	73	27%	290	54	19%
Orleans	615	51	8%	617	58	9%	584	115	20%
Rutland	1052	20	2%	1027	24	2%	995	26	3%
Washington	1254	183	15%	1053	125	12%	1,135	93	8%
Windham	1031	105	10%	945	62	7%	808	136	17%
Windsor	695	20	3%	586	45	8%	575	79	14%
Total/Avg. %	10,218	1,149	11%	9,955	1,017	10%	9,558	1,177	12%

New Misdemeanor Charges - data provided by Vt. Judiciary

Other data gathered by AGO from county programs

Adult Court Diversion and Tamarack – Prosecutor Referrals

	FY 2025				FY 2024				FY 2023			
	New Misd Charges	Diversion Referrals Criminal Division	Tamarack Referrals	Diversion & Tamarack as % of New Misd Charges	New Misd Charges	Diversion Referrals Criminal Division	Tamarack Referrals	Diversion & Tamarack as % of New Misd Charges	New Misd Charges	Diversion Referrals Criminal Division	Tamarack Referrals	Diversion & Tamarack as % of New Misd Charges
Addison	404	118	12	32%	323	79	23	32%	285	60	19	28%
Bennington	721	133	40	24%	797	114	9	15%	776	140	11	19%
Caledonia	459	52	33	19%	481	74	14	18%	483	40	14	11%
Chittenden	2118	238	121	17%	2353	263	144	17%	2,027	248	66	15%
Essex	54	8	0	15%	73	11	1	16%	74	10	0	14%
Franklin	1102	189	188	34%	958	198	116	33%	877	197	120	36%
Grand Isle	32	11	1	38%	57	17	1	32%	78	17	2	24%
Lamoille	380	154	6	42%	413	167	20	45%	571	144	18	28%
Orange	301	54	13	22%	272	53	7	22%	290	54	5	20%
Orleans	615	115	7	20%	617	134	10	23%	584	104	15	20%
Rutland	1052	142	50	18%	1027	166	27	19%	995	168	27	20%
Washington	1254	115	55	14%	1053	174	56	22%	1,135	191	24	19%
Windham	1031	61	21	8%	945	44	14	6%	808	41	4	6%
Windsor	695	161	35	28%	586	133	21	26%	575	117	32	26%
Total/Avg. %	10,218	1,551	582	21%	9,955	1,627	463	21%	9,558	1,531	357	20%

New Misdemeanor Charges - data provided by Vt. Judiciary

Other data gathered by AGO from county programs

Youth Court Diversion and Youthful Offenders – Prosecutor Referrals

	FY 2025						FY 2024					
	New Filings		Diversion Referrals				New Filings		Diversion Referrals			
	Delinquency Filings	Youthful Offenders	Delinquency	YO	Del. Referrals as % of Filings	YO Referrals as % of Filings	Delinquency Filings	Youthful Offenders	Delinquency	YO	Del. Referrals as % of Filings	YO Referrals as % of Filings
Addison	24	11	7	1	29%	9%	34	12	19	2	56%	17%
Bennington	92	25	33	3	36%	12%	77	34	14	0	18%	0%
Caledonia	20	15	11	2	55%	13%	20	31	12	5	60%	16%
Chittenden	91	57	35	18	38%	32%	96	61	46	18	48%	30%
Essex	2	5	0	0	0%	0%	6	3	0	0	0%	0%
Franklin	84	38	34	6	40%	16%	85	23	34	10	40%	43%
Grand Isle	6	2	4	0	67%	0%	6	3	3	3	50%	100%
Lamoille	41	5	14	1	34%	20%	26	1	15	0	58%	0%
Orange	21	16	10	8	48%	50%	32	11	10	2	31%	18%
Orleans	89	22	20	4	22%	18%	59	20	9	3	15%	15%
Rutland	80	24	36	1	45%	4%	76	17	33	2	43%	12%
Washington	90	22	29	17	32%	77%	94	30	42	17	45%	57%
Windham	65	13	15	0	23%	0%	43	6	10	0	23%	0%
Windsor	51	12	30	5	59%	42%	48	21	32	9	67%	43%
Total/Avg. %	756	267	278	66	37%	25%	702	273	267	83	38%	30%

New Delinquency & YO Filings - data provided by Vt. Judiciary

Other data gathered by AGO from county programs

Youth and Youthful Offenders Court Diversion – Closures

FY 2025	Family Division - Diversion			Family Division - Diversion – Youthful Offenders (YO)		
	# Closed	# Successful	% Successful	# Closed	# Successful	% Successful
Addison	13	11	85%	5	5	100%
Bennington	30	30	100%	1	1	100%
Caledonia	10	10	100%	8	7	88%
Chittenden	45	44	98%	15	12	80%
Essex	0	0	N/A	0	0	N/A
Franklin	36	31	86%	6	5	83%
Grand Isle	2	2	100%	0	0	N/A
Lamoille	10	10	100%	6	6	100%
Orange	14	10	71%	2	2	100%
Orleans	33	27	82%	5	5	100%
Rutland	27	27	100%	1	1	100%
Washington	30	23	77%	18	18	100%
Windham	17	16	94%	0	0	N/A
Windsor	24	23	96%	5	5	100%
Subtotal	291	264	91%	72	67	93%
Unsuccessful		27	9%		5	7%

Adult Court Diversion – Closures

FY 2025	Criminal Division - Diversion			Criminal Division – DLS charge			Criminal Division - Tamarack		
	# Closed	# Successful	% Successful	# Closed	# Successful	% Successful	# Closed	# Successful	% Successful
Addison	54	41	76%	35	22	63%	19	17	89%
Bennington	109	89	82%	51	26	51%	23	8	35%
Caledonia	39	23	59%	12	9	75%	32	19	59%
Chittenden	260	219	84%	9	3	33%	117	74	63%
Essex	5	2	40%	2	2	100%	0	0	N/A
Franklin	125	96	77%	56	21	38%	119	66	55%
Grand Isle	17	15	88%	7	1	14%	1	1	100%
Lamoille	123	99	80%	18	12	67%	9	3	33%
Orange	31	29	94%	8	2	25%	7	3	43%
Orleans	64	53	83%	29	16	55%	9	6	67%
Rutland	58	48	83%	50	28	56%	26	11	42%
Washington	114	83	73%	46	4	9%	54	40	74%
Windham	38	35	92%	0	0	0%	19	5	26%
Windsor	78	58	74%	45	17	38%	26	18	69%
Subtotal	1,115	890	80%	368	163	44%	461	271	59%
Unsuccessful		225	20%		205	56%		190	41%