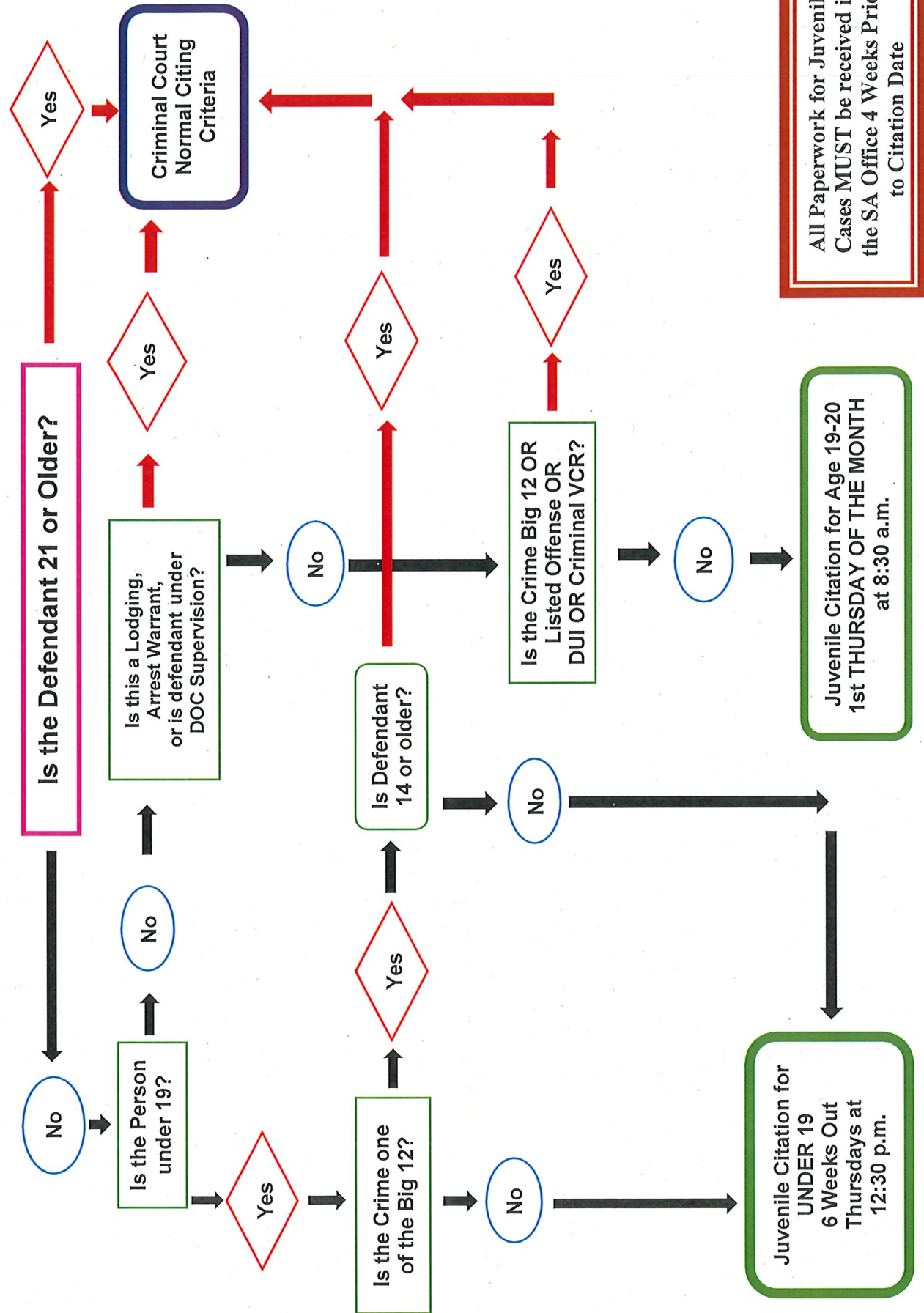


Washington County Officer's Guide Sheet on Citing Defendants to Court



All Paperwork for Juvenile Cases MUST be received in the SA Office 4 Weeks Prior to Citation Date

Big 12 Offenses (33 V.S.A. §5204(a)):

- (1) arson causing death as defined in 13 V.S.A. § 501;
- (2) assault and robbery with a dangerous weapon as defined in 13 V.S.A. § 608(b);
- (3) assault and robbery causing bodily injury as defined in 13 V.S.A. § 608(c);
- (4) aggravated assault as defined in 13 V.S.A. § 1024;
- (5) murder as defined in 13 V.S.A. § 2301;
- (6) manslaughter as defined in 13 V.S.A. § 2304;
- (7) kidnapping as defined in 13 V.S.A. § 2405;
- (8) unlawful restraint as defined in 13 V.S.A. § 2406 or 2407;
- (9) maiming as defined in 13 V.S.A. § 2701;
- (10) sexual assault as defined in 13 V.S.A. § 3252(a)(1) or (a)(2);
- (11) aggravated sexual assault as defined in 13 V.S.A. § 3253; or
- (12) burglary into an occupied dwelling as defined in 13 V.S.A. § 1201(c).

Listed Offenses (13 V.S.A. §5301(7))

- (A) stalking as defined in section 1062 of this title;
- (B) aggravated stalking as defined in subdivision 1063(a)(3) or (4) of this title;
- (C) domestic assault as defined in section 1042 of this title;
- (D) first degree aggravated domestic assault as defined in section 1043 of this title;
- (E) second degree aggravated domestic assault as defined in section 1044 of this title;
- (F) sexual assault as defined in section 3252 of this title or its predecessor as it was defined in section 3201 or 3202 of this title;
- (G) aggravated sexual assault as defined in section 3253 of this title;
- (H) lewd or lascivious conduct as defined in section 2601 of this title;
- (I) lewd or lascivious conduct with a child as defined in section 2602 of this title;
- (J) murder as defined in section 2301 of this title;
- (K) aggravated murder as defined in section 2311 of this title;
- (L) manslaughter as defined in section 2304 of this title;
- (M) aggravated assault as defined in section 1024 of this title;
- (N) assault and robbery with a dangerous weapon as defined in subsection 608(b) of this title;
- (O) arson causing death as defined in section 501 of this title;
- (P) assault and robbery causing bodily injury as defined in subsection 608(c) of this title;
- (Q) maiming as defined in section 2701 of this title;
- (R) kidnapping as defined in section 2405 of this title or its predecessor as it was defined in section 2401 of this title;
- (S) unlawful restraint in the second degree as defined in section 2406 of this title;
- (T) unlawful restraint in the first degree as defined in section 2407 of this title;
- (U) recklessly endangering another person as defined in section 1025 of this title;
- (V) violation of abuse prevention order as defined in section 1030 of this title, excluding violation of an abuse prevention order issued pursuant to 15 V.S.A. § 1104 (emergency relief) or 33 V.S.A. § 6936 (emergency relief);
- (W) operating vehicle under the influence of alcohol or other substance with either death or serious bodily injury resulting as defined in 23 V.S.A. § 1210(f) and (g);
- (X) careless or negligent operation resulting in serious bodily injury or death as defined in 23 V.S.A. § 1091(b);
- (Y) leaving the scene of an accident with serious bodily injury or death as defined in 23 V.S.A. § 1128(b) or (c);
- (Z) burglary into an occupied dwelling as defined in subsection 1201(c) of this title;
- (AA) the attempt to commit any of the offenses listed in this section;
- (BB) abuse (section 1376 of this title), abuse by restraint (section 1377 of this title), neglect (section 1378 of this title), sexual abuse (section 1379 of this title), financial exploitation (section 1380 of this title), and exploitation of services (section 1381 of this title);
- (CC) aggravated sexual assault of a child in violation of section 3253a of this title;
- (DD) human trafficking in violation of section 2652 of this title; and
- (EE) aggravated human trafficking in violation of section 2653 of this title.

Washington County Protocol: YO Cases filed by SA

1. Offense.
2. Citation into Juvenile Court as YO for first Thursday of each month at 8:30 a.m.
3. SA reviews case.
4. SA sends YASI letter to Youth.
5. SA sends information to BARJ provider for YASI, including Citation Date.
6. SA files YO petition in Juvenile Court.
7. Court assigns docket number and attorney.
8. Court decides probable cause.
9. Youth contacts BARJ provider and schedules YASI.
10. YASI occurs as well as makes collateral contacts.
11. BARJ provider provides form to SA with results of YASI.
12. SA makes decision:
 - a. Refers case to Diversion or CJC.
 - i. **Youth must sign referral form** if Youth agrees to referral.
 - ii. Youth meets with BARJ provider to go over form and sign referral form.
 - iii. BARJ provider files referral form with the court.
 - iv. Court lists case as Inactive-Diversion.
 - b. Decides to go through court process.
13. If Youth or SA decides court process:
 - a. Preliminary Hearing held.
 - b. Court provides Notice of Collateral Consequences.
14. DCF assigns family services worker & DOC assigns probation officer.
15. DCF/DOC will notify the parties by email who was assigned to the case.
16. DCF writes report to the Court regarding whether to treat as YO. DCF has 30 days after the YASI interview to file the report with the Court.
17. Court holds YO hearing.
 - a. Victim may attend all hearings.
 - b. Victim may give input
 - c. Court holds colloquy with Youth to ensure that Youth understands that:
 - i. Youth is giving up their right to a jury trial by being treated as YO;
 - ii. Youth is giving up their right to a public trial by being treated as YO;
 - iii. Once Family Court makes decision regarding adjudication, Youth cannot then decide to choose to have case handled by Criminal Division;
 - iv. Youth will accept the decisions made in the Family Division;

- v. If Youth is ordered on probation, a VOP may result in the case being transferred to Criminal Court for sentencing; If case is returned to Criminal Division, all information in the Youthful Offender case will no longer be confidential.
- vi. If case is returned/transferred to Criminal Division for sentencing, any adjudication in the Family Division will become a Criminal Conviction and the maximum penalty is _____.
- vii. Youth acknowledges receipt of Notice of Collateral Consequences;
- viii. Youth may be deported as a result of an adjudication or sentencing if Youth is not a U.S. citizen;
- ix. If the charge is a felony, Youth may be subject to Habitual Offender enhancements should the Youth be sentenced in Criminal Court and has two more felony convictions.

18. Court makes decision regarding treating Youth as YO.

- a. If Court denies YO, case transferred to Criminal Court.
- b. If Court accepts YO, continue to 19.

19. Court holds Merits Hearing or accepts Admission.

20. If Court adjudicates Youth a delinquent:

- a. Court will order Disposition Report to be provided by DCF. Continue to 21.
- b. Parties may waive disposition report and agree on probation conditions. If so, skip to 23.

21. DCF and/or DOC may hold further interviews or assessments of Youth.

22. DCF will provide Disposition Report to Court.

23. Court will hold Disposition hearing and place Youth on probation as YO.

Washington County Protocol: YO Motion filed in Criminal Division

1. Offense.
2. Citation into Criminal Court on regular schedule.
3. SA reviews case.
4. SA files case in Criminal Court.
5. Court assigns docket number.
6. Court makes probable cause determination.
7. Defense attorney completes YO referral form and will notify the Court, the SA, DCF and DOC in advance of intent to file.
8. SA will prepare appropriate assessment letter.
9. Defense attorney files Motion to treat Youth as YO.
 - a. Must be filed at a court hearing scheduled on the third Thursday of each month with Youth present.
 - b. SA will provide Youth with appropriate assessment letter.
 - c. Defense attorney will provide complete YO referral form to the Court, State's Attorney, DOC and DCF.
 - d. Upon receiving the Motion and YO referral form, the Court will provide DCF and DOC with the appropriate paperwork.
 - e. Defense attorney will ensure that the court provides paperwork to DCF and DOC.
10. Criminal Court Clerk will place Criminal Case on Inactive-Youthful Offender status.
11. Court will create Juvenile case number.
12. SA will send information to BARJ provider.
13. BARJ provider will consult with DCF to determine who will perform YASI.
14. Youth will contact BARJ provider to discuss YASI.
 - a. Youth schedules appointment with BARJ provider, or
 - b. Youth schedules appointment with DCF.
15. YASI occurs as well as collateral contacts.
16. BARJ provider or DCF FSW provides SA with results of YASI.
17. SA makes decision:
 - a. Refers case to Diversion or CJC.
 - i. **Youth must sign referral form** if Youth agrees to referral.
 - ii. Youth meets with BARJ provider to go over form and sign referral form.
 - iii. BARJ provider files referral form with the court.
 - iv. Court lists case as Inactive-Diversion.
 - b. Decides to go through court process. Continue to 18.

18. If Youth or SA decides court process or the case is prohibited from alternative programs, DCF will assign family services worker & DOC will assign probation officer.
19. DCF/DOC will notify the parties by email of the assignments.
20. DCF writes report to the Court regarding whether to treat as YO.
21. Court holds YO hearing.
 - a. Victim may be present at all hearings.
 - b. Victim may give input
 - c. Court holds colloquy with Youth to ensure that Youth understands that:
 - i. Youth is giving up their right to a jury trial by being treated as YO;
 - ii. Youth is giving up their right to a public trial by being treated as YO;
 - iii. Once Family Court makes decision regarding adjudication, Youth cannot then decide to choose to have case handled by Criminal Division;
 - iv. Youth will accept the decisions made in the Family Division;
 - v. If Youth is ordered on probation, a VOP may result in the case being transferred to Criminal Court for sentencing; If case is returned to Criminal Division, all information in the Youthful Offender case will no longer be confidential.
 - vi. If case is returned/transferred to Criminal Division for sentencing, any adjudication in the Family Division will become a Criminal Conviction and the maximum penalty is _____.
 - vii. Youth acknowledges receipt of Notice of Collateral Consequences;
 - viii. Youth may be deported as a result of an adjudication or sentencing if Youth is not a U.S. citizen;
 - ix. If the charge is a felony, Youth may be subject to Habitual Offender enhancements should the Youth be sentenced in Criminal Court and has two more felony convictions.
22. Court makes decision regarding treating Youth as YO.
 - a. If Court denies YO, case returned to Criminal Court and Criminal Court Clerk changes status of case to Active-Pretrial.
 - b. If Court accepts YO, continue to 23.
23. Court holds Merits Hearing or accepts Admission.
24. If Court adjudicates Youth a Delinquent:
 - a. Court will order Disposition Report to be provided by DCF.
 - b. Parties may waive disposition report and agree on probation. If so, skip to 27.
25. DCF and/or DOC may hold further interviews or assessments of Youth.
26. DCF will provide Disposition Report to Court.

27. Court will hold Disposition hearing and place Youth on probation as YO.

Youthful Offender Court Colloquy for Determination Hearing

- Youth is giving up right to a jury trial by accepting treatment as Youthful Offender
- Youth is giving up the right to a public trial by accepting treatment as Youthful Offender
- Once the Family Court judge makes a decision regarding adjudication, Youth cannot then decide to have the case handled in the Criminal Division
- Youth will accept the decisions made in the Family Division
- If Youth is ordered on probation, a VOP may result in the case being returned/transferred to Criminal Division for sentencing. If case is returned to Criminal Division, all information in the Youthful Offender case will no longer be confidential.
- If case is returned/transferred to Criminal Division for sentencing, any adjudication in the Family Division will become a Criminal Conviction and the maximum penalty is _____.
- Youth acknowledges receipt of Notice of Collateral Consequences
- Youth may be deported as a result of an adjudication or sentencing if Youth is not a U.S. citizen
- If the charge is a Felony, Youth may be subject to Habitual Offender enhancements should the Youth be sentenced in Criminal Division and have two subsequent felony convictions

YOUTHFUL OFFENDER REFERRAL FORM (AGES 18-21)

Date of Referral: _____

Referral Source(s): Court ___ Defense ___ Prosecution ___

Youth Name: _____ DOB: _____ Age: _____

Youth Home Address: _____

Youth Mailing Address: _____

Youth Phone: _____ Alternate Contact Phone: _____

Youth Email Address: _____

If Incarcerated:

Facility: _____ Held without Bail: Yes ___ No ___

Case Manager Name: _____ Phone: _____

School (if applicable): _____ Phone: _____

Docket(s)/Charge(s):

Docket: _____ Charges: _____

Docket: _____ Charges: _____

Docket: _____ Charges: _____

Docket: _____ Charges: _____

Docket: _____ Charges: _____

Prosecuting Attorney: _____ Victim Advocate: _____

Defense Attorney: _____ Attorney Phone: _____

Defense attorney will ensure that the Court provides to DCF & DOC: Motion for YO Treatment, Information(s), Affidavit(s), Current Conviction Record, Decision Holding Youth without Bail (if applicable), Court DDR(s)

Referral Distribution: Court, Defense Attorney, State's Attorney, DOC, DCF

For DCF/DOC use

Date Received: _____

DCF FSW Assigned: _____ Date assigned _____

DOC PO Assigned: _____ Date assigned _____

RORY T. THIBAUT
STATE'S ATTORNEY

KRISTIN W. GOZZI
SENIOR DEPUTY STATE'S ATTORNEY

ASHLEY HILL
DEPUTY STATE'S ATTORNEY

TRACI LEIBOWITZ
DEPUTY STATE'S ATTORNEY

ALFONSO VILLEGAS
DEPUTY STATE'S ATTORNEY



STATE OF VERMONT
OFFICE OF THE
WASHINGTON COUNTY STATE'S ATTORNEY
255 NORTH MAIN STREET, SUITE 9
BARRE, VT 05641-4163
TELEPHONE: (802) 479-4220
FAX: (802) 479-4408

HOLLY LEACH
VICTIM'S ADVOCATE

KATHLEEN DAUB-STEARNES
DOMESTIC VIOLENCE
VICTIM'S ADVOCATE

DOMESTIC VIOLENCE
INVESTIGATOR

SUSAN SABENS
ADMINISTRATIVE SECRETARY

ELIZABETH HEBERT
SUPPORT SECRETARY

January 13, 2022

RE: Youthful Offender ; Delinquent Act:

Dear Youth:

Your attorney has filed a motion to have your case heard in Family Division as a Youthful Offender. To assist the State's Attorney's Office and the Department for Children and Families with recommendations for your case; you have been referred to complete a risk assessment. **Failure to attend this risk assessment will result in the Family Court denying you the opportunity to have your case heard in Family Court and your case will be returned to the Criminal Division.**

This assessment is a confidential interview conducted at the Diversion office in Barre. There is no cost for the assessment. The assessment usually takes approximately 30 to 45 minutes to complete and the results will be used to help determine the appropriate method to treat the case.

After the risk assessment is completed, a recommendation will be made to the State's Attorney's Office as to the most appropriate way to handle the case. The final decision as to how the case is handled will be made by the State's Attorney's Office. The State's Attorney's Office will not use anything disclosed during the risk assessment as evidence against the juvenile in the case.

You have 7 calendar days to contact the **Diversion Office at 479-1900** to schedule an appointment. If you have questions about the process, you may ask them of the Diversion office or contact the Public Defender at 479-2514.

Very truly yours,

State's Attorney
Washington County

RORY T. THIBAUT
STATE'S ATTORNEY

KRISTIN W. GOZZI
SENIOR DEPUTY STATE'S ATTORNEY

ASHLEY HILL
DEPUTY STATE'S ATTORNEY

TRACI LEIBOWITZ
DEPUTY STATE'S ATTORNEY

ALFONSO VILLEGAS
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STATE OF VERMONT
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INVESTIGATOR

SUSAN SABENS
ADMINISTRATIVE SECRETARY

ELIZABETH HEBERT
SUPPORT SECRETARY

September 26, 2018

RE: Youthful Offender ; Delinquent Act:

Dear Youth:

You have been charged with a delinquent act. You are being afforded an opportunity to have your case heard in Family Division as a Youthful Offender. To assist the State's Attorney's Office and the Department for Children and Families (DCF) with recommendations for your case; you have been referred to complete a risk assessment. **Failure to attend this risk assessment will result in the Family Court denying you the opportunity to have your case heard in Family Court and your case will be heard in the Criminal Division.**

This assessment is a confidential interview conducted by a DCF Family Services Worker or a person designated by DCF. There is no cost for the assessment. The assessment usually takes approximately 30 to 45 minutes to complete and the results will be used to help determine the appropriate method to treat the case.

After the risk assessment is completed, a recommendation will be made to the State's Attorney's Office as to the most appropriate way to handle the case. The final decision as to how the case is handled will be made by the State's Attorney's Office. The State's Attorney's Office will not use anything disclosed about the charged crime during the risk assessment as evidence against you in the case.

You have 7 calendar days to contact the **Balanced and Restorative Justice Program (BARJ)** located in the Diversion Office at 479-1900 to schedule an appointment. If you have questions about the process, you may ask them of the BARJ provider or contact the Public Defender at 479-2514.

Very truly yours,

State's Attorney
Washington County

Court:

If the recommendation is that you are best served by the court system or you decide that the court system is preferable, the first court appearance is called a Preliminary Hearing. You will be assigned an attorney to represent you. This attorney will examine the affidavit and petition with you explain your rights and options. You will have to decide whether you want your case handled in the Family Division as a Youthful Offender case or in the Criminal Division of the court. If you choose to have your case handled in the Family Division, you will schedule a joint interview with a social worker with the Department for Children and Families and a probation officer from the Department of Corrections. Based on this interview, the Department for Children and Families will provide a report to the court about whether you should be treated as a Youthful Offender in the Family Division. The Court will hold a public hearing on this recommendation. If the Court accepts your case as a Youthful Offender, you will have to decide whether you want to have a hearing on the merits where the State will have to prove the delinquent act beyond a reasonable doubt to the judge or whether you want to admit the delinquent act. If the court finds that you committed the delinquent act, either by your admission or after a hearing, the court will order a Disposition Report to be completed by the Department for Children and Families, Family Services Division. The report will recommend conditions and activities that must be completed by you before the court case may be closed. The judge will decide whether to follow the recommendations of the Disposition Report.

Court Diversion Program:

The Washington County Diversion Program (WCDDP) is a voluntary, confidential restorative justice process that provides an opportunity for participants to make amends and avoid a criminal record. The State's Attorney will make the decision about whether your case is referred to Diversion. Diversion follows a balanced and restorative justice model by putting right the wrongs that have been done and addressing the needs of all stakeholders, including the victim, the community and the offender. Participation is voluntary; but requires individuals to accept responsibility for their unlawful action(s). Interested Diversion participants meet with a case manager at the Diversion office in Barre for an intake interview. During this interview, basic information is shared and the participant is asked to describe in detail how and why the offense was committed. If there is a victim(s) involved, they will be contacted, asked to submit an Incident Impact Statement and invited to participate in the restorative process to the extent they wish. Later, participants meet with the Community Restorative Panel. The Restorative Panel is a group of community members (usually 3 or 4 people) who will work with you to develop a contract that repairs the harm the offense(s) have caused. Once you receive your contract, you will have a reasonable amount of time to complete the conditions. Your case manager will continue to be a resource for you and a support person as you work to complete your contract. When you successfully complete your contract conditions, your case will be dismissed by the State's Attorney. If you do not complete your contract, your case will be returned to court for prosecution.

Community Justice Center:

Using the principles of restorative justice, Community Justice Centers address wrongdoing and crime. This process involves victims, responsible parties and community members who come to an understanding of the harm done. Together they identify needs and create a responsible plan in an effort to make things right. Family Group Conferencing (FGCs), which is just one the CJC's programs, is a comprehensive restorative process. FGCs are designed to allow the responsible youth along with their family, victim(s) and other support people to engage in a decision-making process that addresses the youth's wrongdoing and how to move forward. It is designed to support the responsible youth to take responsibility to change their behavior, to empower the family to take a role in this process and to address the victim's needs. The goal is to empower the family and youth to come up with their own plan, and meet what the referring agent needs to see addressed. The process is guided by a Justice Center coordinator, whose role is to help the youth determine who should attend and to design a process that would be appropriate for the needs of those involved. If you do not complete your contract, your case will be returned to court for prosecution.

Rory Thibault
Washington County State's Attorney



255 North Main Street, Suite 9
Barre, VT 05641-
Phone: 802-479-4220
Fax: 802-479-4408

STATE OF VERMONT
OFFICE OF THE WASHINGTON COUNTY STATE'S ATTORNEY

Youth
Address

In re: Youth DOB:
Incident No.: _____ Docket No.: _____ Wnjv
Offense(s):

Dear Youth,

I intend to refer you to the:

- Diversion Program Community Justice Center Program (Barre) (Montpelier)

to resolve the offense(s) described above. If you accept this referral, you must sign this form and either:

1. meet with a Program representative at the courthouse TODAY; or
2. contact the Program WITHIN SEVEN (7) DAYS OF THE DATE OF THIS NOTICE.

You may contact the Program by telephone, mail or in person. The contact information for the Program in this County is:

- Washington County Court Diversion, 322 North Main Street, Suite 5, Barre, VT 05641; 802.479.1900.
- Greater Barre Community Justice Center, 30 Keith Avenue, Suite 1, Barre, VT 05641; 802.476.0276
- Montpelier Community Justice Center, City Hall, 39 Main Street, Montpelier, VT 05602; 802.223.9606

Successful resolution of your case through the Program is subject to: (1) your agreement to participate in the program under the terms set forth below and (2) your successful completion of the program. If you decide not to accept this referral, your case will proceed forward in court.

Date	Signature of (Deputy)	
<p>ACCEPTANCE OF REFERRAL</p> <p>I hereby accept the offer of the State's Attorney to participate in the Program indicated above. I understand that if I choose not to participate in the Program or I am found to be ineligible for the Program, I must appear in court whenever my case is scheduled for a hearing. If I fail to appear at that hearing, my case may be moved to the Criminal Division and an arrest warrant may issue.</p> <p>My mailing address is:</p> <p>[] The address set forth above is a correct mailing address for me.</p> <p>[] The address set forth above is NOT a correct mailing address. My correct mailing address is:</p>		
My phone number is: Home:	Cell:	Business:
My email address is:		

I agree to immediately inform the Court if my address changes. I understand that if my case is scheduled for a court hearing and I fail to attend the hearing, the court may issue an arrest warrant and require cash bail.

Signature of the Youth _____ Date _____