Washington County
Restorative Justice Alternative Protocol
Memorandum of Understanding

The parties to this Memorandum of Understanding (MOU) are the Montpelier Community Justice Center, Greater Barre Community Justice Center, Montpelier Police Department, Barre City Police Department, and Washington County State’s Attorney. In signing this MOU, the parties confirm their adoption of this protocol.

A. Description and Purpose

1. The Restorative Justice Alternative Programs operated by the Montpelier Community Justice Center and the Greater Barre Community Justice Center provide a community-based response to wrongdoing that is rooted in the principles of restorative justice.

2. The Restorative Justice Alternative Program (RJAP) is a response to offending that replaces prosecution.

3. People who offend can be referred to Community Justice Centers (CJCs). They actively participate in a process to learn about the effects of their actions on other individuals and on their community, and work with affected parties and community volunteers to create and carry out a plan for making amends and for making better choices in the future.

4. People who hurt others have the opportunity and the support necessary to “clean up the mess” they made instead of being punished for it. People who complete this process usually develop internal, rather than external, motivation to refrain from hurting others in the future because they have seen the effects of their actions and have been given the chance to rejoin with their community. Concurrently, those affected by wrongdoing report that they feel more satisfied with the outcome because of the community-supported opportunity they have been given to learn more about the incident, talk about the effects, and have an active voice in identifying what it would take to make things better.

B. Offenses Which May Be Addressed by Program – Referrals will be accepted for the following types of offenses, as deemed appropriate by the police officer, school administrator, or other source of referral.

1. Noise Violations
2. Unlawful Mischief Cases Under $500
3. Simple Assault by Mutual Affray
4. Petty Larceny
5. Credit Card Fraud or Bad Checks under $300
6. Disorderly Conduct
7. Unlawful Trespasses that do not Involve Residences
8. Civil Ordinance Violations
9. School Policy Violations
10. Home, School, and Neighborhood Conflicts
11. Other (as deemed appropriate and agreed to after consultation with the State's Attorney's Office and the Community Justice Centers)

C. Referral Sources

1. Police
2. Schools
3. State's Attorney
4. A family, agency, business owner, etc. can ask the police or school to refer a case.

D. Who Is Served

1. The RJAP only accepts people into the program who admit to the offense and who are willing to participate in the program. In some cases an admission of guilt may be waived, as discussed below in Paragraph G.7.
2. For cases originating with the police, the investigating officer may refer directly to the RJAP any person who has never been involved with the criminal justice system.
3. Police officers will do a CAD search to determine prior involvement with the juvenile and/or criminal justice systems. Montpelier police officers will telephone the Barre Police Department to request a CAD search. Barre police officers will telephone the Montpelier Police Department to inquire about prior involvement with that office.
4. Any person who has been involved with the criminal justice system may be referred after consulting with and obtaining the agreement of the State's Attorney's Office.

E. Restitution Policy

1. In cases where there are material damages the person who has offended is expected to pay restitution for damages that are not recoverable by insurance.
2. The person who has incurred the loss will be asked to account for damages by producing proof such as photos, estimates, receipts, etc.
3. If no agreement is reached about restitution, the case will be returned to the referring agency as not completed.
4. Restitution that is agreed to must be paid by the deadline established in the restorative agreement or the person who offended will be deemed to have not completed the RJAP.

F. Program Fee

1. Each person referred to the RJAP must pay the Community Justice Center the administrative fee charged by the CJC.
2. The fee is payable after the intake meeting with the CJC staff and only if the case is accepted for a restorative process.
3. The fee must be paid before the case is considered complete.
4. Once a person is accepted into the RJA program and pays the fee, that fee is non-refundable, even if the person fails to complete the program.
5. This fee structure will be revisited six months from the signing of the MOU and annually thereafter.

F. Process for Referral

1. For person who offended:
   a. Contact the person—or, if a juvenile, the offender’s parent or guardian—and inform them of your interest in referring the case to the RJAP. Give literature about the RJAP to the person who offended.
   b. Obtain the person’s agreement to participate and admission to the charged offense. Inform the person of the criminal justice consequences should s/he not participate in the RJAP or fail to complete the process.
   c. Refer the person to the Community Justice Center if s/he has questions about the program.
   d. Send the name and contact information for the person who is being referred, his/her parent(s) or guardian(s) if a juvenile, and those people affected by the offense to the Community Justice Center. Also provide the affidavit of probable cause, or comparable supporting documentation that describes the reasons for referral.

2. For victim(s).
   a. Inform victim of the interest in referring the case to the CJC and the RJAP, send handout describing the RJAP, and explain how case would be handled if not for this option.
   b. Request that victim allows CJC staff to meet with them and explain the RJAP.

G. Program Procedure

1. CJC staff or a volunteer liaison will contact victims and other affected parties to discuss the incident, explore their needs, explain the program, and invite participation.
2. If the victim opposes the referral to the RJAP, the CJC staff will inform the referring agent who will rescind the referral.
3. CJC staff meets with the client and, if a juvenile, his/her parent(s) or guardian(s), to explain the process, obtain written consent for participation, collect pertinent information, and confirm agreement to participate in the program.
4. Based on the specifics of the case, the needs of all parties, and the judgment of a staff person experienced in intervening in and managing conflict, staff will decide on an appropriate restorative justice intervention, such as a family group conference, a reparative board process, mediation, or the conflict education option.
5. Except as noted in paragraph 7 below, the restorative justice intervention will focus on the needs of the affected parties while educating the person who offended about the impact of his/her actions. Within the context of the restorative meeting and/or by virtue of a plan created by the participants of the meeting, the person
who offended will take steps to first understand and then remedy the harm as much as possible in accordance with the needs of the affected parties, including the community, and do things that make re-offending less likely. The restorative plan may call for check-ins at pre-determined intervals.

6. The person who offended will complete the activities in his/her restorative plan and demonstrate completion to the other parties who took part in the restorative meeting. CJC staff will provide training and administrative and technical support for volunteer service provider(s), monitor check-in and other criteria for compliance.

7. In some cases, as determined by CJC staff, when a person has been accused of committing an offense against another person akin to verbal or physical assault (including property damage) that has resulted from a conflict between the parties, and when that person denies having committed the alleged action(s), to complete the RJAP the person must do all of the following:
   a. Attend an intake appointment with CJC staff;
   b. Complete the conflict resolution course offered by the CJC;
   c. Complete any written homework and reflection work required as part of the conflict resolution course; and
   d. Participate in mediation with the other party(s) if the other party(s) is willing and if the CJC staff recommends such a meeting.
   e. Perform 12 (twelve) hours of community service at a non-profit or public organization, at a location agreed to with the CJC staff.

8. Upon completion of the restorative process, staff will send a summary to the referring agent and the case will be closed.

9. If the person who offended does not satisfactorily complete the RJAP, Community Justice Center staff will notify the referring agent so that the case may be forwarded for prosecution by the State’s Attorney’s Office or school disciplinary procedure, as appropriate.

By our signatures below, we adopt this Protocol to guide us in our efforts to respond to appropriate offenses with a restorative justice approach.

[Signatures]

Montpelier Community Justice Center
Montpelier Police Department
Washington County State’s Attorney

Greater Barre Community Justice Center
Barre City Police Department

7/1/08  8/6/08