



A National Survey of Criminal Justice Diversion Programs and Initiatives

Appendix A

Diversion Program / Initiative Descriptions

Appendix B

Survey Questionnaire



Chicago, Illinois

December 2013

Full report available for download at www.centerforhealthandjustice.org

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Appendix A

Diversion Program / Initiative Descriptions

**A National Survey of
Criminal Justice Diversion
Programs and Initiatives**



Using Appendix A

For the complete discussion on project methodology, see the Project Overview section of the full report, available at www.centerforhealthandjustice.org.

This Appendix presents diversion programs and initiatives by state (see table of contents below). Programs that were submitted via an online survey are indicated by a § symbol. Programs identified through secondary research are indicated by a ‡ symbol.

Where contact information was provided, it has been included. Please note that some of the online survey responses were submitted by someone other than the primary contact for the program; such instances are noted.

Within the framework of the stated methodology, every attempt has been made to provide accurate information about programs and initiatives in this appendix. However, project staff recognize that inaccurate source information may have been reported or published, and that programs, contact information, and other relevant details may change over time. To submit a correction or inquire about the inclusion of a program or initiative in a subsequent iteration of Appendix A, please contact CHJ.

Note: The results of this survey are not intended to represent the characteristics, scale, or scope of all diversionary programs, initiatives, and mechanisms in operation across the U.S.

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United States

Pretrial Diversion Program†

State: All | **Jurisdiction:** Federal Judicial Districts

Oversight by: U.S. Pretrial Services or Probation Offices

Target Population: Individuals Charged with First- or Second-time Federal Felony Offenses

Authorized under 18 U.S.C. § 3154(10), and beginning in 1982, the U.S. Pretrial Diversion Program aims to divert certain individuals from traditional criminal justice processing into a program of supervision and services administered by the U.S. Pretrial or Probation Services. The program objectives include prevention of future crimes by connecting individuals with supervision and services, to reserve criminal justice system resources for serious cases, and to facilitate victim restitution.

Most of the time, individuals are diverted before charging, but diversion is possible at any time before trial when a pretrial diversion agreement is executed. The period of supervision is up to eighteen months.

Discretion for program participation lies with the U.S. Attorney's Office. Excluded from eligibility are individuals with two or more prior felony convictions, cases which must be diverted for prosecution by the State, current or former public officials accused of violating the public trust, and individuals accused of offenses related to national security or foreign affairs.

Participation in the program is voluntary, and participants must acknowledge responsibility for their behavior, though they are not asked to admit guilt. If it is determined that diversion is appropriate, the program tailors participation requirements to the individual's needs and includes the plan in the agreement, which is administered by Pretrial Services. Requirements may include employment, counseling, education, job training, psychiatric care, or community service. All participants are fingerprinted.

Pretrial Services or Probation will notify the U.S. Attorney when participants successfully complete the requirements of the program. In such cases, the U.S. Attorney will decline prosecution, and documentation will note program completion and dropped charges. In cases where individuals do not complete program requirements, their cases will be returned to the U.S. Attorney, who has discretion to initiate prosecution. The discretion to terminate an individual from program participation based upon breach of conditions lies with the U.S. Attorney, who may receive advice from either the Chief Pretrial Services Officer or the Chief Probation Officer.

Sources / Examples:

District of Columbia - <http://www.psa.gov/>

Eastern District of Missouri - <http://www.moed.uscourts.gov/pretrial-diversion>

Eastern District of Michigan - http://www.miept.uscourts.gov/pages/diversion_program.cfm

District of New Hampshire - <http://www.nhp.uscourts.gov/pretrial-services/pretrial-diversion.asp>

Office of the U.S. Attorneys - http://www.justice.gov/usao/eousa/foia_reading_room/usam/title9/22mcr.htm

http://www.justice.gov/usao/eousa/foia_reading_room/usam/title9/crm00712.htm

Southern District of Mississippi - <http://www.mssp.uscourts.gov/services/PretrialFAQ/prefaq.htm>

Federal Probation - http://www.uscourts.gov/uscourts/FederalCourts/PPS/Fedprob/2010-06/04_pretrial_diversion.html

ALABAMA

DeKalb County Diversion Treatment Court[‡]

State: Alabama | **Jurisdiction:** DeKalb County

Oversight by: Magistrate Court of DeKalb County

Target Population: Defendants with Serious Mental Illness

The DeKalb County Diversion Treatment Court (DTC) began in 2001 in response to the recognition that a significant portion of the court population demonstrated serious mental illness. The DTC is a collaborative effort of the Magistrate Court of DeKalb County, Adult Probation, DeKalb Community Service Board (DCSB), Jail Mental Health Services, the National Alliance for the Mentally Ill (NAMI), Office of the District Attorney, Office of the Sheriff, Office of the Solicitor, Pre-trial Services, Recorder's Court, State Court, Superior Court, and Georgia Public Defender Standards Council to decriminalize the mentally ill.

The goal of the DTC is to move defendants with mental illness from jail into treatment. Over eight hundred cases have been reviewed for inclusion since 2001, and over 100 defendants have graduated and had their criminal charges dismissed. Following acceptance, participants receive clinical case management and access to services through pretrial services and the DeKalb Community Service Board network of community providers.

Source:

http://web.co.dekalb.ga.us/StateCourt/diversion_info.htm

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Discretionary Pretrial Diversion Programs[‡]

State: Alabama | **Jurisdiction:** Various Jurisdictions

Oversight by: Determined by Statute

Target Population: Individuals Charged with First-time Non-violent Offenses

In Alabama, individual counties or cities have enacted enabling legislation for a "discretionary pretrial diversion program." Many jurisdictions use a similar form for this legislation, which is adapted to the preferences of the jurisdiction. Under the legislation, pretrial diversion is defined as:

"A program that allows the imposition of certain conditions of behavior and conduct...for a specified period of time upon an offender which would allow the offender to have his or her charged reduced, dismissed with or without prejudice, or otherwise mitigated should all of the conditions be met..."

The details of program operation vary. Some permit eligibility for individuals with felonies, while some are only available to those with misdemeanors, and the exclusions vary from jurisdiction to jurisdiction. Some are administered by city attorney offices, some by county district attorneys. The administering entity is typically given absolute discretion over eligibility and admittance, with the following guiding standards: 1) there is a probability justice will be served, 2) the needs of the state and individual can be met, 3) the individual poses no substantial threat, 4) the individual is not likely to be involved in further criminal activity, 5) the individual will likely respond to rehabilitative treatment or counseling.

Once accepted, the individual signs a written agreement outlining the terms of participation, and may or may not include a guilty plea. Conditions may include any or all of the following: participation in substance abuse treatment; job training or education courses; providing financial support to his or her children; abstinence from drug or alcohol use; refraining from criminal behavior; attending family, mental health or other counseling; restitution to the victim; and other conditions as deemed appropriate by the supervising justice entity.

Successful completion results in dismissal of the case. Violations or termination from the program results in imposition of the appropriate punishment.

EXAMPLE

Montgomery County Pre-Trial Diversion - Started in 2001, the District Attorney's Pre-Trial Diversion (PTD) Program diverts certain first-time nonviolent defendants from the traditional court process into a highly individualized and supervised restorative program. The program is only available to first-time offenders, and excludes offenses involving burglary, sale of drugs, and other specified charges. Applicants must be approved by the PTD staff, the Citizen's Advisory Commission on Prosecution, and the District Attorney. If approved, the defendant will be required to work, further educational training, perform regular volunteer work, participate in counseling, report to the PTD Office, and pay restitution if applicable. The defendant must admit guilt. However, an individual successfully completes the program, the District Attorney will file

a motion for nolle prosequi, and there will not be a conviction. In the case of non-compliance, the defendant will be sentenced under traditional standards and processes.

Sources / Examples:

City of Dothan - <http://www.alabamacounties.org/wp-content/plugins/download-monitor/download.php?id=225>

Limestone County - <http://www.alabamacounties.org/wp-content/plugins/download-monitor/download.php?id=238>

Montgomery County - <http://www.mc-ala.org/ElectedOfficials/DistrictAttorney/SpecialUnits/Pages/PreTrialDiversion.aspx>

ARIZONA

Maricopa County Pretrial Services§

State: Arizona | **Jurisdiction:** Maricopa | **Type:** Large Urban

Oversight by: Maricopa County Adult Probation

Program Start: 1979

Annual Budget: \$3,500,000 from county revenue and other sources, including sales tax

Target Population: Individuals Presenting with Substance Use Disorders, Mental Illness, Co-occurring Disorders, Veterans, Women, Transition Age Youth, and Other Populations Including Low Risk Offenders

Individuals Diverted per Year: Unknown

DEVELOPMENT CIRCUMSTANCES

The original catalyst for program development is unknown. The jurisdiction includes other diversion programs or sentencing alternatives, including crisis intervention teams, drug education, programs for first-time offenders, opportunities for deferred prosecution, and one or more specialty courts, which exist mostly in limited jurisdiction courts.

PROGRAM DEVELOPMENT

The goals of the program include reduction of jail crowding and reduced court costs. The planning process lasted over six months and included key partnerships with law enforcement, the local judiciary, public defenders, prosecutors, treatment providers, state agencies, and community providers. State agencies involved include those representing mental health, substance abuse, corrections, and employment/labor. Community agencies involved include mental health, substance abuse, and corrections. Management for the program is under the superior court presiding judge/adult probation department. Communication between partners occurs as needed.

PROGRAM DESIGN

The program includes intercept points at the post-booking, jail, and supervision phases of justice involvement. Other pre- or post-supervision options include all Superior Court divisions. The court can choose to release to pretrial at any time in the process pre-sentence. Participants are selected at the judge's discretion. Screening and assessment are conducted using validated pretrial risk assessment. Supervision requirements are decided at the judge's discretion and in accordance with statutory limitations, with the ultimate decision-maker being the judge.

Once enrolled, participants are managed through pre-trial supervision, case management, and drug testing. Community services accessed include mental health, substance abuse, employment/labor, and other public benefits. Average length of participation is three months. Criteria for success include compliance with other service plan requirements, and if successful, completion of probation. Following supervision, there is linkage to community services, along with ongoing justice involvement.

PROGRAM EVOLUTION

The program has evolved over time, including expansion of training beyond the initial target audience. Partners report that the program is achieving its goals. Outcomes are not officially documented. Demographic data are tracked but not documented. The program has not been subject to a formal evaluation, and has not been assessed for cost effectiveness.

Looking back on the history of the program, partners state that improvements could have been made in allowance for more pre-sentence diversion that defers prosecution. In Arizona, the County Attorney solely holds diversion authority and it is limited to first-time drug offenders. Additionally, partners saw the need for an automatic bail review process.

Contact:

Penny Stinson,
Division Director
(602) 506-1304
pstinson@apd.maricopa.gov

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Project ROSE (Reaching Out to the Sexually Exploited)‡

State: Arizona | **Jurisdiction:** Phoenix

Oversight by: Project Team

Target Population: Adults Engaged in Prostitution

Piloted in September 2011 and repeated in April 2012, Project ROSE resulted from a collaboration between the Phoenix Police Department, the City of Phoenix Prosecutors Office, Arizona State University School of Social Work, and community volunteers (Catholic Charities DIGNITY

Programs, Community Bridges, Empact La Frontera, Healthcare for the Homeless, ALERT, Bethany Bible Church, and Streetlight USA). The program is described by program partners as an arrest alternative designed to provide hope and assistance to people victimized by commercial sex trafficking who are very often struggling alone with a variety of legal, mental health, addiction, and residential issues that lead to life in the sex-trade.

During several twelve-hour operations, police officers and community partners fanned out across the city and actively sought those in greatest need of services and support. Individuals identified through the outreach efforts received options for safe housing, crisis mental health counseling, medical services, for detox and drug treatment, food, clothes, and an initial interview for the diversion program. Those who successfully complete the program, which can last six months, do not have charges filed on the originating case.

The program reported the following results from September 2011 outreach:

- As of April 2012, nearly 30 percent of the 43 women participants had completed the diversion program and not been re-arrested in the past seven months

The program reported the following results from April 2012 outreach (ROSE II):

- 76 adult subjects were contacted (71 women, four transgender individuals, and one male, ages 19 – 55)
- 73 completed intake at Catholic Charities Dignity Diversion, were offered and accepted prostitution diversion
- 29 received health care services from Healthcare for the Homeless, 26 saw EMPACT for mental health services, 23 saw Community Bridges with seven entering crisis detox, and 10 were referred into safe housing
- Three juvenile victims of commercial sex trafficking were identified and rescued following undercover operations
- One pimp was identified and booked on a warrant
- One subject was identified and booked for Child Prostitution & Pandering
- One subject was booked for possession of dangerous drugs for sale
- Anticipated minimum cost savings to the department by not booking as usual was \$29,874.84

Contact:

Lt. Jim Gallagher
Phoenix Police Department
james.gallagher@phoenix.gov

Dr. Dominique Roe-Sepowitz, Ph.D.
Arizona State University
dominique.roe@asu.edu

Sources:

Phoenix Police Department –

<http://webcache.googleusercontent.com/search?q=cache:iOf6nyORmnMJ:phoenix.gov/police/roseii.html+&cd=1&hl=en&ct=clnk&gl=us&client=firefox-a>

Arizona State University – https://asunews.asu.edu/20120426_social_work

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Tucson City Court Diversion Programs[‡]

State: Arizona | **Jurisdiction:** City of Tucson

Oversight by: Tucson City Prosecutor’s Office

Target Population: First-time, Non-violent Offenders, and Those with Serious Mental Illness

First Time Offender Program – The program is run by the prosecutor’s office, in collaboration with the Center for Life Skills. The program is open to first-time misdemeanants charged with non-violent crimes, who have not previously participated in the program, with the ultimate determination made by the prosecutor. Through the program, defendants are offered the opportunity to participate in counseling relevant to their offense (e.g., participants cited with substance abuse charges attend substance abuse counseling, participants cited for shoplifting, disorderly conduct, theft, etc., attend adult responsibility classes, and participants cited for specific animal code violations attend a humane education class). Participants are also required to pay a fee, and may be required to make restitution to the victim.

The Center for Life Skills tracks defendants’ progress in counseling, takes appropriate action in cases of non-compliance, and prepares the documentation when defendants successfully complete the program. Successful completion results in a dismissal of the original charge.

Tucson Mental Health Diversion Program (MHDP) – The program is designed for misdemeanants suffering from serious mental illness who are deemed to be better served through treatment rather than criminal penalties. Participants in the MHDP attend community-based treatment

programs in lieu of traditional prosecution. The individual must meet certain criteria and be connected to an approved service provider to qualify. They must also agree to be monitored by the Community Partnership of Southern Arizona (CPSA) throughout the duration of the program, which is usually 180 days.

Source:

<http://cms3.tucsonaz.gov/prosecutor/diversion>

CALIFORNIA

Forensic Multi-Disciplinary Team[§]

State: California | **Jurisdiction:** Marin County | **Type:** Suburban

Oversight by: Marin Public Guardian

Program Start: July 1999

Annual Budget: \$0

Target Population: Individuals Presenting with Substance Use Disorders, Mental Illness, Co-occurring Disorders, Veterans, Women, and Transition Age Youth

Individuals Diverted per Year: 50 to 100

DEVELOPMENT CIRCUMSTANCES

The primary catalyst for program development was to give support to the police department with substance use or mental health issues. The jurisdiction includes other diversion programs or sentencing alternatives, including crisis intervention teams, one or more specialty courts, jail, and reentry programs.

PROGRAM DEVELOPMENT

The primary goal of the program is to provide access to services before individuals end up in jail. The planning process included key partnerships with law enforcement, public defenders, prosecutors, treatment providers, and community providers. Community agencies involved include mental health, substance abuse, community-based coalitions, and agencies that work with homeless populations. Communication between partners occurs once a month.

PROGRAM DESIGN

The program includes intercept points at the law enforcement, pre-booking, post-booking, and jail phase of justice involvement. Participants are selected via group staffing. Screening and assessment are conducted using UNK. Supervision requirements are decided by UBK with the ultimate decision-maker being the multi-disciplinary committee.

Once enrolled, participants are managed through case management, probation supervision, and drug testing. Community services accessed include mental health, substance abuse, employment/labor, housing, Medicaid, other public benefits, and community health centers. Rewards for compliance include client determined-goals and self-rewards, and sanctions for violations vary based on level of court involvement. Average length of participation is eighteen months. Criteria for success include probation supervision, appearance at court dates, abstinence from drug use, medication (where appropriate), participation and retention in treatment, compliance with other service plan requirements, and the client meeting their goals. Following supervision, there is linkage to community services, but no ongoing justice supervision.

PROGRAM EVOLUTION

The program has retained the guidelines of the original funding grant, but the jail has identified other needs, and the partners have joined forces with area coalitions and mentors in the community to look at the future when the grant is no longer viable. Partners report that the program is achieving its goals. Outcomes have been documented. Demographic data are tracked and documented. The program has been subject to a formal evaluation, and has been assessed for cost effectiveness.

According to project partners, the critical components of the program include the identification process, the assessment process, the client management model, participation in services, communication between partners, linkage to services post-participation, and ongoing justice or case management contact. The largest desired change to the program is the use of full-time case management services.

Contact:

Mark VanDerScoff, Public Guardian

mvanderscoff@marincounty.org

** Note: Survey submission by someone other than the primary contact*

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Los Angeles Police Department Crisis Response[‡]

State: California | **Jurisdiction:** City of Los Angeles

Oversight by: Los Angeles Police Department

Target Population: Individuals in Need of Mental Health Crisis Intervention

Los Angeles has some of the longest-standing mental health crisis response mechanisms in the nation. In the 1970s, the Los Angeles Police Department (LAPD) created the Mental Evaluation Unit (MEU) to assist police officers responding to potential mental health situations. The MEU

includes a Triage Unit that assists officers on the street in real time. The Triage Unit has access to both justice system and mental health system databases to inform street-level responses and to support continuity with service delivery. In 1993, the LAPD developed a police/mental health co-responder model known as SMART (Systemwide Mental Assessment Response Team). SMART created the ability to more intentionally link individuals with mental illness to services in their community.

In 2001, the LAPD implemented a Crisis Intervention Team program, which is now voluntary for any officer. In 2005, the department developed the Case Assessment and Management Program (CAMP) to identify individuals who chronically came into contact with law enforcement and develop customized long-term responses and referrals to treatment. CAMP co-locates psychologists and social workers within the police department facility.

All of LAPD's response services work closely with one another to identify repeat contacts and to attempt to engage individuals with services in their community.

Contact:

Lionel M. Garcia
Lieutenant II
Detective Support & Vice Division, Crisis Response Support Section
100 W. First Street, Rm. 630
Los Angeles, CA 90012
(213) 996-1300
24050@lapd.lacity.org

Source:

http://csgjusticecenter.org/documents/0000/0895/Los_Angeles_PD_One_Pager.pdf

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Psychiatric Emergency Response Team (PERT)[§]

State: California | **Jurisdiction:** San Diego | **Type:** Large Urban

Oversight by: PERT

Program Start: June 1996

Annual Budget: \$2,100,000 from other sources, including San Diego County HHS

Target Population: Individuals Presenting with Substance Use Disorders, Mental Illness, Co-occurring Disorders, Veterans, Women, Transition Age Youth, and Other Populations

Individuals Diverted per Year: 15,000

DEVELOPMENT CIRCUMSTANCES

The primary catalyst for program development was law enforcement responding to citizens with mental illnesses. The jurisdiction includes other diversion programs or sentencing alternatives, including crisis intervention teams, drug education, pre-trial services, and one or more specialty courts.

PROGRAM DEVELOPMENT

The primary goal of the program was to safely respond to mental health calls to law enforcement.

The planning process lasted over six months and included key partnerships with law enforcement, treatment providers, and community providers. Community agencies involved include mental health, substance abuse, corrections, and community-based coalitions. Management for the program is through a not-for-profit agency. Communication between partners occurs daily, including email, phone calls, and face-to-face meetings.

PROGRAM DESIGN

The primary intercept point is the law enforcement phase. Calls come into 911 or dispatch, and PERT teams are deployed based on availability of the teams. Screening and assessment are conducted using a mental health screening, which is done by a licensed mental health professional. Supervision requirements are decided by the executive director of the not-for-profit with the ultimate decision-maker being law enforcement, in collaboration with PERT management.

Community services accessed include mental health, substance abuse, and community health centers. Rewards for compliance include release from custody, and sanctions for violations include return to custody. Average length of participation is three months. Criteria for success include appearance at court dates and compliance with other service plan requirements, and if successful, formal charges not being filed and dismissal of the case. Following supervision, there is no linkage to community services, and no ongoing justice supervision.

PROGRAM EVOLUTION

The program has evolved over time, including increased of technology. Partners report that the program is achieving its goals. Outcomes have been documented. Demographic data are not tracked or documented. The program has not been subject to a formal evaluation and has not been assessed for cost effectiveness.

According to project partners, the critical components of the program include the assessment process, the decision-making process, the client management model, participation in services, and communication between partners.

Contact:

Dr. Jim Fix
Executive Director
(619) 276-8112
jfix@comresearch.org

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San Francisco Pretrial Diversion Project[‡]

State: California | **Jurisdiction:** City of San Francisco

Oversight by: Non-profit

Target Population: Individuals with First-time Non-violent Misdemeanor Offenses

The San Francisco Pretrial Diversion Project (SFPDP) was established in 1976 through the joint efforts of a group of local citizens, the San Francisco Bar Association and the Judges of the Municipal Courts. Their experience had shown that most individuals charged with a misdemeanor offense did not benefit from jail time. They were convinced that both the goals of crime prevention and rehabilitation would be better served by an alternative program of rehabilitation, education, and community service work, with an opportunity for case dismissal upon successful completion. SFPDP is available to provide first-time misdemeanor offenders with alternatives and services such as anger management, parenting, domestic violence, and substance abuse counseling and education.

Over the years SFPDP has expanded its array of clinical and community-oriented programs and services to its participants. These programs include court-accountable case management, a comprehensive strategic model of case management focused on accountability, holistic treatment planning, successful client outcomes, and community awareness. Case managers provide each client with intensive supervision and a supportive network, which enables the client to meet the expectations of the court and decrease the likelihood of re-offending. Case management also affords access to a range of supportive workshops while awaiting placement into residential or outpatient community treatment programs.

Other programs include services for homeless individuals, community service in lieu of fines and fees, community courts and accountability programs, and intervention for HIV-infected individuals. SFPDP also operates a Supervised Pretrial Release program, designed to alleviate jail crowding. This program, which gives individuals access to SFPDP's case management programs, is also available to felons, but is not a diversion program in and of itself.

Contact:

567 7th Street
San Francisco, CA 94103
(415) 626-4995

Source:

<http://sfpretrial.com/>

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Support and Treatment After Release (STAR)[§]

Note: The STAR Program is a subset of the Marin County Forensic Multi-Disciplinary Team (described previously)

State: California | **Jurisdiction:** Marin County | **Type:** Large Urban

Oversight by: Public Guardians Office and County Probation

Program Start: January 2001

Annual Budget: \$0 (services are all voluntary)

Target Population: Individuals Presenting with Substance Use Disorders, Mental Illness, Co-occurring Disorders, Veterans, Women, and Transition Age Youth

Individuals Diverted per Year: 40

DEVELOPMENT CIRCUMSTANCES

The catalysts for program development included jail overcrowding, receipt of a grant, administrative priority, and what partners describe as the revolving door of incarcerated seriously mentally ill and co-occurring disorders, and prior failed access (or lack of access) to mental health services. The jurisdiction does not include other diversion programs.

PROGRAM DEVELOPMENT

The goals of the program include expediting case disposition, increased alternatives for the target population, and public safety. The planning process lasted over six months and included key partnerships with law enforcement, public defenders, treatment providers, and community providers. Community agencies involved include mental health, faith-based entities, corrections, community-based coalitions, and homeless services. Communication between partners occurs monthly and as needed.

PROGRAM DESIGN

The program includes intercept points at the law enforcement, pre-booking, post-booking, deferred prosecution, and jail phases of justice intervention. The local mental health court is based upon a treatment-after-release Mentally Ill Offender Crime Reduction (MIOCR) funded program. Participants are selected by criteria based on the MIOCR grant for the STAR Mental Health Court. The ultimate decision-maker on each case is the treatment providers and the judge.

Once enrolled, participants are managed through case management, probation supervision, drug testing, and frequent court appearances for those in the STAR-managed program. Community services accessed include mental health, housing, Medicaid, other public benefits, and community health centers. Average length of participation is six months. Criteria for success include probation supervision, appearance at court dates, abstinence from drug use, medication (where appropriate), participation and retention in treatment, compliance with other service plan requirements. If successful, formal charges are not filed, and the case is dismissed. Following supervision, there is linkage to community services, along with ongoing justice involvement.

PROGRAM EVOLUTION

Over time, the projects have added reentry councils. Partners report that the program is achieving its goals. Outcomes have been documented. Demographic data are tracked and documented. The program has been subject to a formal evaluation, and has been assessed for cost effectiveness.

According to project partners, the critical components of the program include the identification process, the assessment process, the decision-making process, the client management model, participation in services, use of rewards and sanctions, communication between partners, length of participation, linkage to services post-participation, and ongoing justice or case management contact.

Contact:

Mark VanDerScoff

Public Guardian

mvaarderscoff@marincounty.org

** Note: Survey submission by someone other than the primary contact*

COLORADO

18th Judicial Mental Health Court§

State: Colorado | **Jurisdiction:** 18th Judicial District | **Type:** Suburban

Oversight by: Court and Admin

Program Start: November 2009

Annual Budget: \$900,000 from Federal Grant, and Other Sources Including Fundraising and Mental Health Indigent dollars

Target Population: Individuals Presenting with Mental Health Issues

Individuals Diverted per Year: 50-60

DEVELOPMENT CIRCUMSTANCES

The catalysts for program development included jail overcrowding, receipt of a grant, and administrative priority. The jurisdiction includes other diversion programs or sentencing alternatives, including crisis intervention teams and pre-trial services.

PROGRAM DEVELOPMENT

The goals of the program include reduction of jail crowding, implementing evidence-based practices, increased alternatives for the target population, reduced court costs, reduced recidivism, and better quality of life. The planning process lasted over six months and included key partnerships with law enforcement, the local judiciary, public defenders, prosecutors, treatment providers, state agencies, community providers, social services, and job programs. State agencies involved include those representing mental health, substance abuse, corrections, employment/labor, courts, public defender, and prosecution. Community agencies involved include mental health, substance abuse, corrections, employment/labor, and community-based coalitions. Management for the program occurs with the chief judge and program steering committee. Communication between partners occurs at weekly and quarterly meetings and as needed for emergencies.

PROGRAM DESIGN

The program includes intercept points at the pre-sentence specialty court phases of justice involvement. Participants are selected through a three-tiered screening process. Screening and assessment are conducted using Asus, ASI, mental health evaluation, and criminal history. Supervision requirements are decided by the mental health agency with judicial oversight, with the ultimate decision-maker being the judge and treatment providers.

Once enrolled, participants are managed through case management, probation supervision, day reporting, drug testing, and frequent court appearances. Community services accessed include mental health, substance abuse, employment/labor, housing, Medicaid, other public benefits, community health centers, and job skills. Rewards for compliance include remaining free on bond, and reduced reporting requirements. Sanctions for violations include return to jail, verbal/court admonishments, more frequent reporting requirements, and increased supervision/drug testing as applicable. Average length of participation is four months. Criteria for success include appearance at court dates, no new criminal charges, and if successful, sentences are mitigated. Following supervision, there is linkage to community services, along with ongoing justice involvement.

PROGRAM EVOLUTION

The program has evolved over time, including expanding supervision staff, GPS monitoring, SCRAM monitoring, and Domestic Violence Protocol per statute. Partners report that the program is achieving its goals. Outcomes are not officially documented. Demographic data are tracked but not documented. The program has not been subject to a formal evaluation, and has not been assessed for cost effectiveness.

According to project partners, the critical components of the program include the assessment process, the decision-making process, the client management model, participation in services, and communication between partners. Looking back on the history of the program, partners feel they would have benefitted from independence from mental health, better training on fidelity to evidence based practices, and more control over who is hired for treatment.

Contact:

Mike Tessean

Court Coordinator

** Note: Survey submission by someone other than the primary contact*

* * * * *

Jefferson & Gilpin Counties Diversion Programs‡

State: Colorado | **Jurisdiction:** First Judicial Circuit (Jefferson & Gilpin Counties)

Oversight by: District Attorney

Target Population: First-time Non-Violent Offenders with Felony Offenses or Misdemeanor Domestic Violence or Drug Offenses

The District Attorney offers several diversionary programs that offer an alternative to traditional prosecution and probation while protecting the community with a focused approach that includes appropriate supervision, rehabilitation, and education. The program allows first-time, non-violent offenders the opportunity to repay their debt to society, receive needed counseling, and build the skills needed to remain law-abiding citizens. Participants receive supervision, including monitored drug and alcohol use, training and counseling, and community service. Those who successfully complete the program and do not reoffend have their charges dismissed, and they may be expunged from their criminal records.

Adult Felony Diversion Program – The Adult Felony Diversion Program serves individuals with first-time non-violent felony offenses. Participants are engaged for two years, and it includes a minimum of 48 hours of community service.

Misdemeanor Domestic Violence and Drug Offender Program – The program serves people with first-time, low-level domestic violence or drug offenses. Participants are generally engaged for 12 months.

Contact:

Diversion Services
Remington Building
11011 W. 6th Avenue, Suite 200
Lakewood, CO 80215-5501
(720) 497-7800

Source:

<http://jeffco.us/district-attorney/diversion-services/>

CONNECTICUT

Connecticut Diversionary Programs‡

State: Connecticut | **Jurisdiction:** State of Connecticut

Oversight by: Connecticut Superior Court Criminal Division

Target Population: Individuals Charged with Non-serious Crimes that Could Result in a Sentence of Imprisonment

The State of Connecticut offers a number of diversionary programs targeted at individuals charged with crimes or motor vehicle violations that are deemed to be not serious, but for which a sentence of imprisonment could be an end result.

Accelerated Pretrial Rehabilitation (AR) – The program is available for offenders who have not previously been convicted of a crime, or those who have not participated in diversionary programs like AR before. The AR program involves up to two years of community supervision by the Court Support Services Division (CSSD). Prior to being accepted into the program, the defendant must notify the victim, who is allowed an opportunity to speak to the defendant’s participation in the program. If the defendant successfully completes the program, his or her charges are dismissed.

Supervised Diversionary Program – The program is similar to AR, but is designed for people with psychiatric disabilities. Defendants may only participate in supervised diversion twice. Like AR, supervised diversion affords the victim an opportunity to speak, and involves the supervision of CSSD. In the case of supervised diversion, CSSD identifies what treatment services are appropriate based on the defendant’s clinical needs and reports its decision to the court for approval. Like AR, successful completion results in dismissal of charges.

Treatment of Drug-Dependant Offenders – Connecticut courts may order defendants who are dependent on drugs or alcohol to get treatment instead of prosecution or incarceration. This program is available to all drug sale and possession crimes, as well as other motor vehicle crimes and felony crimes that are not among the most serious. Treatment under this program is only available to defendants twice, unless a court order for an exception is made. The court or probation may order a clinical examination to determine the extent of dependence. Under this program defendants request that their prosecution be suspended for up to 2 years. If they respond well to treatment or have completed treatment and complied with the other conditions of suspension, charges may be dismissed.

Source:

<http://www.jud.ct.gov/Publications/cr137P.pdf>

DELAWARE

Superior Court Specialty Court Programs‡

State: Delaware | **Jurisdiction:** Statewide

Oversight by: Delaware Superior Court

Target Population: Offenders with Drug Involvement and Mental Illness, Veterans

The Delaware Superior Court has statewide original jurisdiction over criminal matters in the state, and operates three specialty courts with diversionary components.

Drug Court Program – The program describes itself as the first statewide drug court in the nation, beginning operations in 1994. Since its inception, the drug courts in three counties have processed over nine thousand drug cases. The Drug Court Program is a multi-agency cooperative effort, and includes the involvement of the Attorney General, the Public Defender, the private bar, and community-based counseling agencies, which provide treatment services. Only Track II defendants are eligible for diversion. Track II targets defendants arrested for drug offenses who have minimal prior felony convictions and who are charged with offenses other than trafficking or delivery. Diversion-eligible defendants waive their right to a jury trial and appear at monthly hearings before the Track II judge, who monitors the defendants' progress in the drug treatment program. Upon successful completion, the case is dismissed. A University of Delaware study on the effectiveness of the program showed a significant decrease in recidivism for drug court graduates: approximately 19% compared with 49% for those not in the program.

Diversionary Veterans Treatment Court – The program was launched in 2011 as the first statewide veteran's court in the nation. It is open to justice-involved veterans, including those charged with new offenses as well as violations of probation. The goal of Veterans Court is to divert veterans with mental illness who are charged with nonviolent felonies and misdemeanor crimes away from jail and into rehabilitative programs. It includes partnerships with the United States Veterans Administration, and includes the involvement of local peer mentors. If the veteran chooses to participate, the veteran will have his or her charges deferred pending successful completion of a treatment plan, at which time the charges will be dismissed. Veterans in the program must attend regular court status conferences, participate in the development of their treatment plans, and engage in community groups as required. Failure to comply results in sanctions, which can range from an admonishment to termination from the program.

Sources:

Diversionary Veterans Treatment Court – http://courts.delaware.gov/Superior/veterans_court.stm

Drug Court – <http://courts.delaware.gov/Superior/drug.stm>

Mental Health Court – http://courts.delaware.gov/Superior/mental_health.stm

DISTRICT OF COLUMBIA

Drug Court, Community Court, and Mental Health Community Court[†]

State: District of Columbia | **Jurisdiction:** District

Oversight by: Pretrial Services Agency of the District of Columbia

Target Population: Multiple

Several court programs offer diversion options in the District of Columbia, and are operated by or in partnership with the federal Pretrial Services Agency (PSA):

Drug Court – A collaborative effort among the D.C. Superior Court, the U.S. Attorney’s Office’s (USAO), Public Defender Service for the District of Columbia, the defendant, the Court Services and Offender Supervision Agency (CSOSA), and PSA, Drug Court is a voluntary substance dependence treatment and supervision program for eligible defendants with non-violent misdemeanor and felony offenses. Eligibility is open to certain misdemeanants as a diversion program. (The program is also open to other misdemeanor-charged defendants after a finding of guilt or entry of a guilty plea, and to felony-charged defendants as a pretrial or post-trial pre-sentencing release option.) Misdemeanor diversion defendants who participate in Drug Court must be approved for participation by the USAO.

Community Court – The Community Court program, which covers the entire District of Columbia, is one in which low-risk defendants are eligible for diversion after completing court-ordered community service. It is an evolution of the the East of the River Community Court (ERCC), which was created in 2002 and had jurisdiction over misdemeanor cases other than domestic violence in two local police districts. (In FY2008, PSA supervised over 1,600 ERCC defendants.) The Community Court’s fundamental aim is to provide diversion opportunities, when appropriate, to defendants possessing the eligibility criteria for a specified deferred prosecution or deferred sentencing option. Diversion can include, but is not limited to, the Pretrial Services Agency’s (PSA) Drug Court and the USAO First Time Offender Program or mediation. When defendants complete the program successfully, their criminal charges are dismissed.

Mental Health Community Court (MHCC) – Created in 2007, the program was developed as an alternative court calendar for diverting mentally ill defendants charged with low-level crimes away from jail, and connecting these individuals with the necessary services to improve their quality of life. PSA partnered with the D.C. Superior Court, USAO, Department of Mental Health (DMH), and the District’s defense bar to craft the administrative order authorizing the court. PSA assesses and makes recommendations for placement, provides close supervision, and connects participants to services through DMH. The vast majority of defendants certified to the MHCC are dual-diagnosed, requiring both mental health and substance abuse treatment. When defendants complete the program successfully, their criminal charges are dismissed.

Sources:

http://www.psa.gov/?q=programs/treatment_services#drug

http://www.psa.gov/?q=leading_programs

FLORIDA

Alachua County Pretrial Services[§]

State: Florida | **Jurisdiction:** Alachua | **Type:** Small Urban

Oversight by: Alachua County Board of County Commissioners

Program Start: 1978

Annual Budget: \$850,000 from County Revenue

Target Population: Individuals Presenting with Substance Use Disorders, Mental Illness, and Co-occurring Disorders

Individuals Diverted per Year: 1,200 on supervision

DEVELOPMENT CIRCUMSTANCES

The primary catalyst for program development was receipt of a grant. The jurisdiction includes other diversion programs or sentencing alternatives, including opportunities for deferred prosecution, pre-trial services, and one or more specialty courts.

PROGRAM DEVELOPMENT

The primary goal of the program was increasing alternatives for the target population. The planning process lasted approximately three months and included key partnerships with law enforcement, the local judiciary, public defenders, prosecutors, treatment providers, and community providers. Community agencies involved include mental health, substance abuse, faith-based entities, and corrections. The program is managed by the county government. Communication between partners occurs daily.

PROGRAM DESIGN

The program includes intercept points at the conditional discharge and pre-sentence specialty court phases of justice involvement, and includes pretrial release supervision. Participants are selected by court order. Screening and assessment are conducted using Florida Pretrial Risk Assessment Instrument. Supervision requirements are decided by court order with the ultimate decision-maker being the judge.

Once enrolled, participants are managed through pre-trial supervision, case management, day reporting, drug testing, frequent court appearances, mental health court supervision and electronic monitoring. Community services accessed include mental health, substance abuse, employment/labor, housing, faith-based services, Medicaid, other public benefits, and community health centers. Rewards for compliance include remaining in the community during case pendency, and sanctions for violations include increased monitoring or revocation of release and return to jail. Average length of participation is four months. Criteria for success include appearance at court dates and remaining arrest-free. Following supervision, there is no linkage to community services.

PROGRAM EVOLUTION

The program has evolved over time, including increased use of monitoring, electronic monitoring, mental health linkages, substance abuse testing and treatment, and violation arrests. Partners report that the program is achieving its goals. Outcomes have been documented. Demographic data are tracked but not documented. The program has not been subject to a formal evaluation, but has been assessed for cost effectiveness.

According to project partners, the critical components of the program include the assessment process, the client management model, and service participation.

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** Note: Survey submission by someone other than the primary contact*

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Eleventh Judicial Criminal Mental Health Project[§]

State: Florida | **Jurisdiction:** Miami-Dade County | **Type:** Large Urban

Oversight by: Miami-Dade County, Administrative Office of the Court

Program Start: January 2000

Annual Budget: \$1,000,000 from State and County Revenue

Target Population: Individuals Presenting with Mental Illnesses and Co-occurring Disorders

Individuals Diverted per Year: 500

DEVELOPMENT CIRCUMSTANCES

The catalysts for program development included jail overcrowding and receipt of a grant. The jurisdiction includes other diversion programs or sentencing alternatives, including crisis intervention teams, opportunities for deferred prosecution, pre-trial services, and one or more specialty courts

PROGRAM DEVELOPMENT

The goals of the program include reduction of jail crowding, expedited case disposition, and increasing alternatives for the target population. The planning process lasted over six months and included key partnerships with law enforcement, the local judiciary, public defenders, prosecutors, treatment providers, and state agencies. State agencies involved include those representing mental health, and substance use treatment. Management for the program is through community collaboration involving the courts, and communication between partners occurs daily.

PROGRAM DESIGN

The program includes intercept points at the pre-booking, post-booking, jail, and pre-sentence specialty court phases of justice involvement. Participants are selected according to program eligibility requirements. Screening and assessment are conducted using program-developed screening and assessment tools. Supervision requirements are decided by court with the ultimate decision-makers being the judge, public defenders, and prosecutors.

Once enrolled, participants are managed through case management and frequent court appearances. Community services accessed include mental health, substance abuse, housing, Medicaid, other public benefits, and community health centers. Average length of participation is six months. Criteria for success include compliance with service plan requirements, and if successful, the case is expunged. Following supervision, there is no linkage to community services and no ongoing justice supervision.

PROGRAM EVOLUTION

Since its inception, the program has grown. Partners report that the program is achieving its goals. Outcomes are not officially documented. Demographic data are tracked but not documented. The program has not been subject to a formal evaluation, and has not been assessed for cost effectiveness.

According to project partners, the critical components of the program include the decision-making process and service participation.

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Fourth Circuit Diversion Programs[‡]

State: Florida | **Jurisdiction:** Duval, Clay & Nassau Counties

Oversight by: State Attorney's Office for the Fourth Judicial Circuit

Target Population: First Offenders, Drug and Drug-Related Offenders, Defendants with Mental Illness

The State Attorney's Office for Florida's Fourth Judicial Circuit offers four distinct diversion programs:

Pre-Trial Intervention Program (PTI) – The program was designed for first-time offenders who meet specific criteria. Participants sign a deferred prosecution agreement with conditions which may include remaining crime free, completing community service, paying restitution, or participating in counseling. Upon successful completion, charges are dismissed. Failure to comply results in prosecutorial review and appropriate legal action. (*This program is cited as an example in the previous listing "Pre-Trial Intervention Statute."*)

Drug Court Program – The program was designed for defendants arrested for offenses related to the purchase or possession of drugs and certain non-violent felonies that have been deemed drug-related. To be accepted, defendants must meet specific criteria and undergo an intensive interview and screening process. Once accepted, participants take part in an intensive, level-based treatment program with random drug testing,

case management, and regular court appearances. Defendants who successfully complete the program are eligible to have their charges dismissed. Non-compliance results in prosecutorial review.

Restitution Enforcement Program (REP) – The program began as a means to handle municipal ordinance violations and economic crimes such as public assistance fraud, unemployment compensation fraud, and certain types of theft and forgery cases. Defendants sign a deferred prosecution agreement, agree to pay restitution, and prosecution is deferred until all conditions of the deferred prosecution agreement are met.

Mental Health Court Program – The program is available to defendants who reside in the county in which they have a diagnosed mental health disorder and current nonviolent misdemeanor or nonviolent second or third degree felony charge. The defendant must provide proof of mental illness, and information on eligible participants is sent to the State Attorney’s Office for final determination of acceptance. The program typically lasts between twelve and eighteen months, and includes intensive, level-based treatment with random drug testing, case management, and regular court appearances. Participants are seen by a psychiatrist in the community or the assigned case manager assists them in obtaining a psychiatric evaluation and medication management. Successful completion results in charges being dismissed. Non-compliance may result in additional legal action through prosecutorial review.

Source:

<http://www.sao4th.com/how-we-can-help/alternatives-to-court/diversion-programs-for-adults/>

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Okaloosa County Mental Health Court and Drug Courts

State: Florida | **Jurisdiction:** Okaloosa County Florida | **Type:** Statewide/Multiple

Oversight by: Court House

Program Start: 2009

Annual Budget: Unknown

Target Population: Individuals Presenting with Substance Use Disorders and Mental illness, and Veterans

Individuals Diverted per Year: Unknown

DEVELOPMENT CIRCUMSTANCES

The catalysts for program development included jail overcrowding, receipt of a grant, and administrative priority. The jurisdiction includes other diversion programs or sentencing alternatives, including balanced and restorative justice, crisis intervention teams, drug education, opportunities for deferred prosecution, and pre-trial services. Some of these program are in their preliminary stages.

PROGRAM DEVELOPMENT

The goals of the program include reduction of jail crowding, expediting case disposition, increased alternatives for the target population, and reduced court costs. The planning process lasted over six months and included key partnerships with law enforcement, the local judiciary, public defenders, state agencies, and community providers. State agencies involved include those representing mental health and substance use treatment. Community agencies involved include mental health, corrections, and community-based coalitions. Communication between partners occurs via referrals from different community and agency advocates.

PROGRAM DESIGN

The program includes intercept points at the jail and pre-sentence specialty court phases of justice involvement. Participants are selected based on their success potential. Screening and assessment are conducted by the program director. Supervision requirements are decided by the director with the ultimate decision-maker being treatment providers collaboration with the program director.

Once enrolled, participants are managed through pre-trial supervision, case management, probation supervision, day reporting, and drug testing. Community services accessed include mental health and substance use treatment. Rewards for compliance include staying in the community, and sanctions for violations include incarceration. Average length of participation is twelve months. Criteria for success include probation supervision, appearance at court dates, abstinence from drug use, medication (where appropriate), participation and retention in treatment, and compliance with other service plan requirements. If successful, formal charges are not filed, the case is dismissed, probation is deemed complete, and the case is expunged. All outcomes depend on the specifics of each case. Following supervision, there is linkage to community services but no ongoing justice supervision.

PROGRAM EVOLUTION

The program has evolved over time, with new services needed, such as transportation and housing, but with no formal access to those services provided. As a result, program partners report that the program is not achieving its goals. Outcomes are not officially documented. Demographic data are tracked and documented. The program has not been subject to a formal evaluation, and has not been assessed for cost effectiveness.

According to project partners, the critical components of the program include the identification process, the assessment process, the decision-making process, the client management model, participation in services, use of rewards and sanctions, communication between partners, length

of participation, linkage to services post-participation, and ongoing justice or case management contact. Looking back on the history of the program, they would more intently identify past, present, and actual needs; history of trauma; housing; food; and basic needs.

Contact:

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Director

** Note: Survey submission by someone other than the primary contact*

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Pinellas County CIT Programs

State: Florida | **Jurisdiction:** Pinellas County | **Type:** Large Urban
Oversight by: Mental Health/Substance Abuse Coalition, Pinellas County
Program Start: March 1999
Annual Budget: None
Target Population: Individuals Presenting with Mental Health Issues
Individuals Diverted per Year: 1,000+

DEVELOPMENT CIRCUMSTANCES

The catalysts for program development stem primarily from grassroots community action. The jurisdiction includes other diversion programs or sentencing alternatives, including crisis intervention teams and deferred prosecution.

PROGRAM DEVELOPMENT

The goals of the program included access to treatment over jail. The planning process lasted over six months and included key partnerships with law enforcement, treatment providers, community service providers, and advocates and consumers of mental health services. Community agencies involved include mental health, substance abuse, community-based coalitions, and NAMI. Management for the program is achieved via committee, and communication between partners occurs monthly.

PROGRAM DESIGN

The program intercept occurs at the law enforcement phase. Participants selected are those deemed to be in a mental health crisis based on the responding law enforcement officers' judgement and training.

Once enrolled, participants are managed through case management. Community services accessed include mental health and substance use treatment. Rewards for compliance include case disposition. Average length of participation is 12 months. Criteria for success include appearance at court dates, abstinence from drug use, medication (where appropriate), participation and retention in treatment, compliance with other service plan requirements, and if successful, result in the dismissal of the case. Following supervision, there is linkage to community services, along with ongoing justice involvement.

PROGRAM EVOLUTION

The program has expanded over time. Partners report that the program is achieving its goals. Outcomes are not officially documented. Demographic data are tracked but not documented. The program has not been subject to a formal evaluation, and has not been assessed for cost effectiveness.

According to project partners, the critical components of the program include the client management model, participation in services, communication between partners, ongoing justice or case management contact, and law enforcement buy-in to the program.

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Pre-Trial Intervention Statute[‡]

State: Florida | **Jurisdiction:** Statewide

Oversight by: Florida Department of Corrections

Target Population: Individuals with First-time Misdemeanor or Third-degree Felony Charges

Under Florida Statute §948.08, the Florida Department of Corrections is authorized to supervise pretrial intervention programs for persons charged with a crime. The purpose of these programs is to “provide appropriate counseling, education, supervision, and medical and psychological treatment as available and when appropriate for the persons released to such programs.”

Pretrial intervention is available to any first-time offender, or any person charged with any misdemeanor or felony of the third degree who has not been previously convicted of more than one nonviolent misdemeanor. Participation is voluntary and requires the approval of the program administrator and the consent of the victim, the state attorney, and the judge who presided at the initial appearance hearing of the offender.

Once accepted, the individual’s charges are deferred for 90 days (more upon approval). If successful in completing the terms of the program, the administrator will recommend that the charged be dismissed without prejudice. If unsuccessful, that case is referred to normal channels for prosecution. The state attorney is the final arbiter of whether or not the prosecution shall continue.

Drug-involved defendants may also be eligible for specialized pretrial substance abuse education and treatment intervention programs. Eligibility is limited to certain second and third degree felony charges, with no prior history of crimes of violence, and the defendant may not have previously rejected an offer to participate in a similar program.

Participation in this program lasts no less than one year. At the end of the pretrial intervention period, the judge considers the recommendations of the administrator and the state attorney as to disposition of the pending charges. The court shall determine, by written finding, whether the defendant has successfully completed the pretrial intervention program. As with the traditional pretrial intervention programs, successful completion results in dismissal of charges, whereas unsuccessful completion may result in either a court order to continue in the program, or the reversion of the charges to normal channels for prosecution.

Sources / Examples:

4th District – <http://www.sao4th.com/how-we-can-help/alternatives-to-court/diversion-programs-for-adults/>

17th District – http://www.sao17.state.fl.us/PreTrialInterventionPTI/FELONY_PTI.htm

Statute –

http://www.leg.state.fl.us/statutes/index.cfm?App_Mode=Display_Statute&Search_String=&URL=Ch0948/Sec08.htm&StatuteYear=2001

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Seminole County Drug Court and Tier One (PTI) Felony Drug Court[‡]

State: Florida | **Jurisdiction:** Seminole County

Oversight by: Court Program

Target Population: Non-violent Offenders with Serious Drug Problems / Non-violent First-time Offenders with Non-serious Drug Problems

Seminole County Drug Court – The mission of the Seminole County Drug court is to unite the judiciary, criminal justice entities, substance abuse treatment providers, and the community in a singular program that reduces drug use by non-violent offenders, restores them to law-abiding productivity, and lessens the fiscal impact on society. Eligible participants have a serious drug/alcohol problem needing treatment, are charged with one or more specific felony drug-related charges, and be determined mentally capable of benefiting from the program and possess the motivation to it. Participants must be approved by the State Attorney’s Office and may be required to pay restitution. Probation violators may be eligible, but those with prior violent felonies are not. The program consists of four phases, including educational, intensive, relapse prevention, and transition phases. Program elements include therapy, regular supervision and meetings with judges, drug testing, and guilty plea or pretrial intervention contract. Once the four phases are complete, felony charges or violation of probation are dismissed.

Seminole County Tier One (PTI) Felony Drug Court – The program was established in 2009 with a federal grant and legal and administrative support from the Office of the State Attorney. Prior to the program, the State Attorney’s Office allowed first-time felony offenders charged with low level drug charges, such as felony drug possession or prescription fraud, who were not in need of intensive outpatient drug treatment to request pre-adjudication diversion from the criminal justice system. In 2008, there were seventy-two cases filed with low-level felony drug counts where the defendants were found eligible and signed a pre-trial diversion agreement and entered the pre-trial intervention program. In the first three months of 2009, twenty-eight similar cases signed pretrial intervention contracts which amortize out to sixty-eight potential participants. The State Attorney’s Office no longer accepts such cases for diversion, and they are instead routed through the drug court program.

Participation in a pre-adjudication diversion program such as a Drug Court for First Time Felony Drug Offenders assists these first time felony offenders to avoid a criminal record, and helps them become more productive members of society, pursue educational and employment goals, and increase the economic and societal well-being of the community. Early identification and removal of these individuals from the normal criminal docket will reduce caseloads for all members of the justice system, freeing time to focus on more serious criminal cases and lowering the overall costs of court operations. Breaking the cycle of addiction lowers future law enforcement and societal costs by preventing future crimes.

Eligible participants must not have significant addiction issues, must be charged with a third-degree felony for possession of a controlled substance or a second felony purchase of a controlled substance under Chapter 893 (but not have a controlled substance sale charge or conviction record), have no previous admission to a felony pretrial program, have no more than one prior misdemeanor conviction, be deemed mentally capable of benefitting from the program and possess the motivation to complete it. Participation requires State's Attorney approval, and participants may be required to pay restitution. Violation of probation cases are not eligible. Program elements include a TASC evaluation, drug education, life skills training, supervision, drug testing, court appearances, and community service. Upon completion of the program, the charges against the defendant will be dismissed by the State. The standard contract length is twelve months but may vary depending on individual program.

Source:

<http://www.flcourts18.org/page.php?109>

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University of Florida Police CIT⁺

State: Florida | **Jurisdiction:** University of Florida Campus

Oversight by: University of Florida Police Department

Target Population: Individuals in Need of Crisis Response

The University of Florida Police Department (UFPD) has incorporated mental health responses into its practices for several decades, working with the University's Counseling and Wellness Center. The UFPD, in collaboration with several University departments, the Dean of Student's Office, administrators, University General Counsel and campus health services, now has an array of response mechanisms designed to address unique situations which may occur on a college campus.

In 2004, UFPD incorporated Crisis Intervention Training into its curriculum. With the help of the Counseling and Wellness Center, UFPD has access to on-call crisis intervention specialists, who provide both consultation and intervention resources. The specialists assist by providing brief assessment and recommendations for stabilization in crisis situations. Additionally, the UFPD established a Crisis Response Team, which is activated when crises arise on campus. The Crisis Response Team includes mental health counselors, administrators, campus ministry representatives, and other staff who respond to the scene of the crisis and assist the UFPD by providing on-site counseling and other need coordination.

Finally, the UFPD and a team of partners created a preemptive assessment group called the Behavioral Consultation Team (BCT). This multi-disciplinary group reviews individual cases, including student, staff, and faculty, and discuss situations that may pose a direct threat to the community or is otherwise disruptive.

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Source:

http://csgjusticecenter.org/documents/0000/0900/Univ_Florida_PD_One_Pager.pdf

GEORGIA

Pretrial Intervention & Diversion Programs‡

State: Georgia | **Jurisdiction:** Individual Judicial Circuits

Oversight by: Prosecuting Attorneys

Target Population: Determined by Jurisdiction

Under Title 15 of the 2010 Georgia Code, prosecuting attorneys for each judicial circuit of are authorized to create and administer a Pretrial Intervention and Diversion Program, the purpose of which is “to provide an alternative to prosecuting offenders in the criminal justice system,” O.C.G.A. 15-18-80 (2010).

Guidelines for eligibility, participation, and successful completion are solely within the purview of the prosecuting attorney. The only ineligibility defined by statute are offenses for which a mandatory minimum sentence of incarceration is prescribed, or any other offense for which suspension, probation, or deferral is not an option.

EXAMPLES

Clayton County – The Clayton County program is offered to certain non-violent offenders, including some drug offenders. Participants receive coordinated assistance in educational and vocational referrals, personal and group counseling, and referrals to other community agencies appropriate to their needs. Participation in the program also allows the participant to remain in the community with limited disruption to family life and employment. Defendants are assessed a one-time fee, then meet regularly with the Program Coordinator for individual meetings and referral to community services. Successful completion results in the charge being dismissed.

Cobb Judicial Circuit – The Cobb Judicial Circuit Diversion Program is designed for first-time offenders who have committed crimes that did not result in injury to a victim, are otherwise non-violent and non-aggressive in nature, and are non-drug related. Individuals accepted to participate are subjected to individualized and controlled supervisory programs for a specified period of time in lieu of traditional prosecution. Participation is voluntary, occurs prior to adjudication, and if participants satisfactorily complete the program, charges are dismissed.

New Heights Education Program – The Dougherty County District Attorney’s Office partnered with Albany Technical College to create “New Heights,” a program that gives nonviolent first-time offenders the opportunity to get an education instead of going to jail. The District Attorney’s office screens and selects appropriate candidates and refers them to the state probation office, which operates the pretrial intervention program. Offenders have two years to complete a program at Albany Technical College, and their cases are considered pending while they are in school. Prosecutors may also require special conditions like community service. Successful completion results in dismissal of the case.

Sources / Examples:

Clayton County – <http://www.claytoncountyga.gov/courts/solicitor-general/initiatives/pre-trial-intervention-diversion.aspx>

Cobb County – <http://portal.cobbcountyga.gov/images/documents/District-Atty-Docs/pretrial%20diversion%20guidelines321.pdf>

New Heights – <http://www.albany.ga.us/content/1800/2889/2999/3448/default.aspx>

Statute – <http://law.justia.com/codes/georgia/2010/title-15/chapter-18/article-4/15-18-80/>

ILLINOIS

Chicago CIT[‡]

State: Illinois | **Jurisdiction:** Chicago

Oversight by: Chicago Police Department

Target Population: Individuals with Mental Illness in Crisis

Beginning in 2004-5, as a pilot in two of Chicago's 25 police districts, and expanded citywide the following year, the Chicago CIT program is charged with improving the Department's response to mental-health-related incidents and facilitating and coordinating law-enforcement services provided to the mental health community. Program partners include the National Alliance on Mental Health (NAMI) of Greater Chicago, Illinois Law Enforcement Training and Standards Board (ILETSB), Illinois Office of Mental Health, Cook County Circuit Court, mental health service system, Office of Emergency Management and Communications, the University of Illinois (UIC) at Chicago, and the Illinois College of Psychology.

Goals of the program include enhancing outcomes, officer safety, de-escalation, diversion, crisis prevention, identifying and quantifying mental health goals, and identifying best practices. Officers volunteer for the CIT training program, which consists of a 40-hour state certification course.

Program design consists of the development of a uniform intervention strategy, collaboration in development of training materials, dissemination of information about mental health issues and resources and services, and coordination between services providers and CIT officers. The CIT program is linked to the Cook County Mental Health Court Program, whereby officers provide intervention with court clients and judges, case managers, and treatment providers, helping to ensure client treatment compliance. Individuals may be diverted from arrest directly into community-based mental health services.

Initial program costs covering training for 80 officers in the two pilot program districts were estimated to be \$46,000, and funding was obtained from the Illinois statewide CIT initiative conducted by the ILETSB. Subsequent funding to expand the program citywide came from grants made possible by collaboration with the Cook Co. Mental Health Court, and with continued funding by the Chicago Police Department.

Partners report that they would not have done anything differently with regard to planning, developing, and implementing the program.

Sources:

<http://directives.chicagopolice.org/directives/data/a7a57bf0-12d103eb-84112-d103-f1bd3a851b8bc48e.html>

<http://www.mhconsultantsinc.com/imurphy.html>

<http://goo.gl/IFZiOJ>

<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2990632/>

<http://www.icjia.org/public/strategy2010/pdf/Program%20Snapshots/Crisis%20Intervention%20Training%20Summary.pdf>

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Cook County Drug School Deferred Prosecution Program[§]

State: Illinois | **Jurisdiction:** Cook County | **Type:** Large Urban

Oversight by: Cook County State's Attorney's Office

Program Start: 1972

Annual Budget: \$705,000

Target Population: Simple Drug Possession Offenders

Individuals Diverted per Year: 3,500

DEVELOPMENT CIRCUMSTANCES

The catalyst for program development was the desire to give simple drug possession offenders a second chance. The jurisdiction does include other diversion programs including treatment courts, deferred prosecution, and drug education.

PROGRAM DEVELOPMENT

The goal of the program was to reduce the number of new felons coming into the county justice system. The target population is people charged with simple drug possession violations. Program development included partnerships with local providers to administer the program and develop curriculum. The program is funded by the county board, with oversight by the State's Attorney's Office.

PROGRAM DESIGN

The primary intercept point occurs at preliminary hearing. Assistant State's Attorneys use eligibility criteria to identify potential participants and offer participation. If the individual accepts, they are required to attend four two-and-a-half hour drug education classes. If they attend those classes, the case is dismissed. The Cook County State's Attorney's Office is the ultimate decision maker on participation and successful

completion. Participant management is handled through tracking of attendance. Successful completion results in dismissal of the charge, and application for expungement is available immediately. Non-compliance results in indictment. Partners communicate daily, and the average length of participation is two months. There is no linkage to services post-participation and no ongoing justice involvement.

PROGRAM EVOLUTION

The program has evolved in terms of volume of participants, and changes in curriculum in response to changes in the population. Program partners report that they are achieving their goals. They report dramatic reduction in re-arrests for graduates as compared to non-graduates. There has not been a formal project evaluation. Partners estimate cost savings of over \$2 million annually.

Partners report that critical components of the program include close collaboration between partners and absolute accuracy of reporting. The only desired change is expansion as funding permits.

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Cook County Felony Deferred Prosecution Programs

State: Illinois | **Jurisdiction:** Cook County | **Type:** Large Urban

Oversight by: Cook County State's Attorney's Office

Program Start: 2011

Annual Budget: N/A

Target Population: First-time Felony Arrestees

Individuals Diverted per Year: 750

DEVELOPMENT CIRCUMSTANCES

The catalyst for program development was the desire to divert first-time felony arrestees out of the county justice system. The jurisdiction does include other diversion programs, including treatment courts and drug education.

PROGRAM DEVELOPMENT

The goal of the program was to reduce felony convictions and the target population is first-time, non-violent felony arrestees. The planning process lasted six months, and includes partnerships with Pretrial Services, the judiciary, the state's attorney's office, the public defender's office, and TASC. Program partners meet monthly. The program has no specific funding.

PROGRAM DESIGN

The primary intercept point occurs at preliminary hearing. Assistant State's Attorneys use eligibility criteria to identify potential participants and offer participation. If the individual accepts, they waive the preliminary hearing and are assigned to a special court call. The Cook County State's Attorney's Office is the ultimate decision maker on participation and successful completion. Participants are managed through pretrial services case management, with clinical assessment by TASC, and regular court appearances and supervision. Services accessed include GEDs, work training, drug education, and community service. Compliance results in dismissal of charges and access to immediate application for expungement. Non-compliance results in indictment. Partners meet weekly to discuss cases prior to court, and hold monthly staff meetings.

Average length of participation is one year. Criteria for success include accomplishment of specific terms, and may include receipt of GED or diploma, job training, payment of restitution, and refraining from criminal activity. No services are accessed post-participation, nor is there additional justice supervision.

PROGRAM EVOLUTION

The program is relatively new, so has not evolved. Program partners are gathering and analyzing information, primarily recidivism. Currently, 92 percent of participants are not arrested while participating in the program. There has not been a formal evaluation, and only preliminary estimates of cost savings. Program partners report that the critical components of the program are accountability, high expectations, and court supervision.

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Jefferson County Datalink^s

State: Illinois | **Jurisdiction:** Jefferson County | **Type:** Rural

Oversight by: Jefferson County Comprehensive Services, Inc. through State Dept. of Human Services

Program Start: July 2004

Annual Budget: \$40,000 from Federal Block Grant

Target Population: Individuals Presenting with Mental Illness and Co-occurring Disorders

Individuals Diverted per Year: 200-300

DEVELOPMENT CIRCUMSTANCES

The catalysts for program development included receipt of a grant, and strong interest in turning issues in a small community around. The jurisdiction includes other diversion programs or sentencing alternatives, including balanced and restorative justice, crisis intervention teams, drug education, programs for first-time offenders, opportunities for deferred prosecution, pre-trial services, and one or more specialty courts.

PROGRAM DEVELOPMENT

The goals of the program include reduction of jail crowding, expediting case disposition, implementing evidence-based practices, increased alternatives for the target population, reduced court costs, and linkage of detainees with mental health issues to care. The planning process lasted over six months and included key partnerships with law enforcement, prosecutors, treatment providers, state agencies, community service providers, and jail administration. State agencies involved include those representing mental health services. Community agencies involved include mental health. Communication between partners occurs daily, online, in person and by phone.

PROGRAM DESIGN

The primary intercept point is the jail. Participants are selected through state CLIF access and by jail identification. Screening and assessment are conducted using Medicaid rule 132 assessment, DLA, and additional tools for crisis. Supervision requirements are decided by rule 132 with the ultimate decision-maker being law enforcement and community providers.

Once enrolled, participants are managed through case management. Community services accessed include mental health, substance abuse, employment/labor, housing, faith based, Medicaid, other public benefits, community health centers, and others depending on the need of the detainee and their discharge. Rewards for compliance include treatment instead of jail. Average length of participation is six months. Criteria for success include medication (where appropriate), participation and retention in treatment, compliance with other service plan requirements. If successful, formal charges are not filed, and no future involuntary examinations are required. Following supervision, there is no linkage to community services, and no ongoing justice supervision.

PROGRAM EVOLUTION

Over 1,100 law enforcement officers have attended a 40-hour CIT course. Partners report that the program is achieving its goals. Outcomes have been documented. Demographic data are not tracked or documented. The program has not been subject to a formal evaluation, and has not been assessed for cost effectiveness.

According to project partners, the critical component of the program is communication between partners.

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Macon County Pretrial Phase Program^s

State: Illinois | **Jurisdiction:** Macon County | **Type:** Large Urban

Oversight by: Macon County Probation

Program Start: 1998

Annual Budget: Funded through County Revenue

Target Population: Low-risk Felons

Individuals Diverted per Year: 40-50

DEVELOPMENT CIRCUMSTANCES

The catalysts for program development included jail overcrowding, receipt of a grant, and legislative priority. The jurisdiction includes other diversion programs or sentencing alternatives, including programs for first-time offenders, opportunities for deferred prosecution, pre-trial services, and one or more specialty courts including drug court, domestic violence court, and DUI supervision.

PROGRAM DEVELOPMENT

The goals of the program include reduction of jail crowding, expediting case disposition, implementing evidence-based practices, increased alternatives for the target population, and reduced court costs. The planning process lasted over six months and included key partnerships with the local judiciary, public defenders, and prosecutors. The program is managed by the judge, attorneys, and probation. Communication between partners occurs daily in written form.

PROGRAM DESIGN

The program intercept point occurs at the jail. Participants are selected based on bond reports, criminal record, and current offense. Screening and assessment are conducted using customized tools and LSI-R. Supervision is based on a step-down model based on offense, cooperation, history, and other factors, with the ultimate decision-maker being the judge. Once enrolled, participants are managed through pre-trial supervision, case management, and drug testing. Sanctions for violations include remanding to jail and appearance in court. Average length of participation is twenty-four months. If successful in meeting the program requirements, the case is closed. Following supervision, there is linkage to community services, along with ongoing justice involvement.

PROGRAM EVOLUTION

Partners report that the program is achieving its goals. Outcomes have been documented. Demographic data are tracked and documented. The program has not been subject to a formal evaluation, and has been assessed for cost effectiveness.

According to project partners, the critical components of the program include the identification process, the assessment process, and ongoing justice or case management contact.

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Macon County Specialty Courts^s

State: Illinois | **Jurisdiction:** Macon/Decatur Counties | **Type:** Small Urban

Oversight by: Macon County Court Services / Macon County State's Attorney

Program Start: October 2011

Annual Budget: \$250,000 from Federal Grant, Court Fees, Public Insurance and/or Medicaid

Target Population: Individuals Presenting with Substance Use Disorders, Mental Illness, and Co-occurring Disorders

Individuals Diverted per Year: 60

DEVELOPMENT CIRCUMSTANCES

The catalysts for program development included jail overcrowding, receipt of a grant, and legislative priority. The jurisdiction includes other diversion programs or sentencing alternatives, including balanced and restorative justice, crisis intervention teams, drug education, opportunities for deferred prosecution, one or more specialty courts, adult and juvenile community-based programs, and juvenile second chance reentry.

PROGRAM DEVELOPMENT

The goals of the program include reduction of jail crowding, expediting case disposition, implementing evidence-based practices, and increasing alternatives for the target population. The planning process lasted over six months and included key partnerships with law enforcement, the local judiciary, public defenders, prosecutors, and treatment providers. Management for the program is via a steering committee/task force. Communication between partners occurs at meetings monthly or bi-weekly meetings.

PROGRAM DESIGN

The program includes intercept points at the pre-sentence specialty court, and post-sentence specialty court phases of justice involvement. Participants are selected by initial referral from court/prosecution and defense/screening by probation and treatment. Final decisions are made by team consensus. Screening and assessment are conducted using CAAPE. Supervision requirements are decided by team consensus with the ultimate decision-maker being the local judiciary, public defenders, prosecutors, and treatment providers.

Once enrolled, participants are managed through case management, probation supervision, drug testing, and frequent court appearances. Community services accessed include mental health and substance use treatment. Specialty courts include both a mental health court and hybrid drug/DUI court. Rewards for compliance include sentence reduction and the program employs a wide range of graduated sanctions up to and including jail time. Average length of participation is eighteen months. Criteria for success include probation supervision, appearance at court dates, abstinence from drug use, participation and retention in treatment, compliance with other service plan requirements. Results of

success vary as cases may be both pre- or post-adjudication. Following supervision, there is linkage to community services, along with ongoing justice involvement.

PROGRAM EVOLUTION

The program has evolved over time. Partners report that the program is achieving its goals. Outcomes are not officially documented. Demographic data are tracked but not documented. The program has not been subject to a formal evaluation, and has not been assessed for cost effectiveness.

According to project partners, the critical components of the program include the decision-making process, the client management model, use of rewards and sanctions, communication between partners, and length of participation.

Contact:

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** Note: Survey submission by someone other than the primary contact*

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McLean County Pretrial Services[§]

State: Illinois | **Jurisdiction:** McLean | **Type:** Statewide / Multiple

Oversight by: McLean County Adult Court Services

Program Start: September 2007

Annual Budget: Not Reported – State Revenue, County Revenue, and Court Fees

Target Population: Individuals Presenting with Substance Use Disorders, Mental Illness, Co-occurring Disorders, Veterans, Women, Transition Age Youth, and Anyone in Custody with Appropriate Risk Scores

Individuals Diverted per Year: Approximately 300 Bond Reports, Aproximately 150 Actually Released on Supervision

DEVELOPMENT CIRCUMSTANCES

The catalysts for program development included jail overcrowding, court decree, and administrative priority. The jurisdiction does not include other diversion programs.

PROGRAM DEVELOPMENT

The primary goal of the program was reducing jail overcrowding. The planning process lasted over six months and included key partnerships with law enforcement, the local judiciary, public defenders, prosecutors, treatment providers, community providers, private attorneys, community action groups, and sometimes clergy. Community agencies involved include mental health, substance abuse, faith-based entities, corrections, employment/labor, housing, and community-based coalitions. Management for the program is through the Chief Judge, Director of Court Services, and Pretrial Coordinator. Communication between partners is ongoing with a minimum of quarterly meetings.

PROGRAM DESIGN

The program includes intercept points at the post-booking and jail phases of justice involvement. Participants are selected by court referrals, attorney referrals, and judicial review of bond reports. Screening and assessment are conducted using uniform instruments approved by State Supreme Court, however the program is seeking a new tool. Supervision requirements are decided based upon evidence-based criminogenic risk factors, with the ultimate decision-maker being the judge. Once placed in the program by judge, pretrial services develops the service plan.

Once enrolled, participants are managed through pre-trial supervision and case management. Community services accessed include mental health, substance abuse, employment/labor, housing, faith-based services, Medicaid, community health centers, and vocational and educational programs.

PROGRAM EVOLUTION

Partners report that the program is achieving its goals, and outcomes have been documented.

Contact:

Sharjeel Rizvi
Pretrial Coordinator

** Note: Survey submission by someone other than the primary contact*

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Offender Initiative Program Statute†

State: Illinois | **Jurisdiction:** Statewide

Oversight by: State's Attorneys

Target Population: Individuals with Certain First-time Felony Offenses

Effective January 1, 2013, Illinois' Offender Initiative Program statute targets individuals with no prior felony convictions, and charged with a non-violent, probationable offense including theft, retail theft, forgery, possession of a stolen motor vehicle, burglary, possession of burglary tools, possession of cannabis, possession of a controlled substance, or possession of methamphetamine. Participation is voluntary, and requires the consent of the judge and the State's Attorney. Approval results in a suspension of the proceedings pending the outcome of participation.

The conditions of participation include: 1) refrain from criminal activity; 2) refrain from possessing a firearm; 3) make full restitution; 4) obtain employment or perform at least 30 hours of community service; and 5) attend educational courses for obtaining a high school diploma, GED, or a vocational training program. Additionally, the court may require that the individual: 1) undergo medical or psychiatric treatment; 2) refrain from drug use; 3) submit to periodic drug testing; 4) pay any fines or fees; and 5) additional conditions if a minor.

Successful completion results in the charges being dropped and proceedings dismissed. Failure to complete the program requirements results in arraignment and traditional case processing. An individual may only participate in the program once.

Sources:

Illinois Government News Network – <http://www3.illinois.gov/PressReleases/ShowPressRelease.cfm?SubjectID=1&RecNum=10553>

Statute – <http://www.ilga.gov/legislation/publicacts/97/PDF/097-1118.pdf>

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Peoria Mental Health Court/Emergency Response Services§

State: Illinois | **Jurisdiction:** Peoria | **Type:** Rural

Oversight by: Human Service Center

Program Start: March 2013

Annual Budget: \$133,000 from County Revenue and Other Sources, Including Grant Paid through County Funds, Allocated Grant of \$500,000

Target Population: Individuals Presenting with Mental Health Issues, Co-occurring Disorders, and Other Populations in the Criminal Justice System

Individuals Diverted per Year: 20

DEVELOPMENT CIRCUMSTANCES

The catalysts for program development included jail overcrowding, court decree, receipt of a grant, and other circumstances, including creating the opportunity and access to mental health services rather than jail time. The jurisdiction includes other diversion programs or sentencing alternatives, including a drug court.

PROGRAM DEVELOPMENT

The primary goal of the program was increased access to mental health services. The planning process lasted over six months and included key partnerships with law enforcement, the local judiciary, public defenders, prosecutors, and treatment providers. Management for the program is through the designated judge for the specialty court. Communication between partners occurs at weekly meetings and staffing.

PROGRAM DESIGN

The program includes intercept points at the post-booking, and pre-sentence specialty court phases of justice involvement. Participants are assessed after referral made or approved by the prosecutor. Screening and assessment are conducted using individualized assessment and psychiatric evaluation if approved. Supervision requirements are decided through team stakeholder staffings with the ultimate decision-maker being prosecutors.

Once enrolled, participants are managed through case management, probation supervision, drug testing, and frequent court appearances. Community services accessed include mental health, substance abuse, housing, Medicaid, other public benefits, community health centers, and primary care medical and wellness. Rewards for compliance include contingency management during court, praise from team and judge, and quicker completion for compliance and progress. Sanctions for violations include increased case management if needed, and jail time if needed. Average length of participation is fifteen months. Criteria for success include probation supervision, appearance at court dates, abstinence from drug use, medication (where appropriate), participation and retention in treatment, compliance with other service plan requirements. If successful, charges are not filed, the case is dismissed, and probation is deemed complete. Following supervision, there is linkage to community services, but no ongoing justice supervision.

PROGRAM EVOLUTION

Partners report that the program is achieving its goals. Outcomes are not officially documented. Demographic data are tracked but not documented. The program has not been subject to a formal evaluation, and has not been assessed for cost effectiveness.

According to project partners, the critical components of the program include the identification process, the assessment process, the decision-making process, the client management model, participation in services, use of rewards and sanctions, and communication between partners.

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St. Clair County Jail Data Link^s

State: Illinois | **Jurisdiction:** St. Clair County | **Type:** Small Urban

Oversight by: 708 Board

Program Start: June 2009

Annual Budget: \$48,000 from Federal Grant

Target Population: Individuals Presenting with Substance Use Disorders, Mental Health Issues, and Other Populations

Individuals Diverted per Year: 250

DEVELOPMENT CIRCUMSTANCES

The catalysts for program development included jail overcrowding and receipt of a grant. The jurisdiction includes other diversion programs or sentencing alternatives, including crisis intervention teams, drug education, pre-trial services, and one or more specialty courts.

PROGRAM DEVELOPMENT

The goals of the program include reduction of jail crowding, expediting case disposition, implementing evidence-based practices, increased alternatives for the target population, and reduced court costs. The planning process lasted over six months and included key partnerships with law enforcement, the local judiciary, public defenders, prosecutors, treatment providers, state agencies, and community providers. State agencies involved include those representing mental health, substance abuse, public health, corrections, employment/labor, and housing. Community agencies involved include mental health, substance abuse, corrections, housing, and community-based coalitions. Management for the program is the responsibility of the probation and parole systems. Communication between partners occurs twice weekly or as needed.

PROGRAM DESIGN

The program includes intercept points at the jail, conditional discharge, pre-sentence specialty court, and post-sentence specialty court phases of justice involvement. Participants are selected based on offense. Screening and assessment are conducted using a mental health assessment and LOCUS. Supervision requirements are decided through a multi-disciplinary team approach with the ultimate decision-maker being law enforcement and prosecutors.

Once enrolled, participants are managed through pre-trial supervision, case management, and probation supervision. Community services accessed include mental health, substance abuse, housing, Medicaid, other public benefits, and community health centers. Rewards for compliance include no contact with police, and sanctions for violations include jail. Average length of participation is eleven months. If successful, formal charges are not filed, the case is dismissed, probation is deemed complete, and the case is expunged. Following supervision, there is linkage to community services, along with ongoing justice involvement.

PROGRAM EVOLUTION

The program has evolved over time, including more agencies coming to the table to assist with planning. Partners report that the program is achieving its goals. Outcomes have been documented. Demographic data are not tracked or documented. The program has not been subject to a formal evaluation, and has not been assessed for cost effectiveness.

According to project partners, the critical components of the program include the assessment process, the decision-making process, the client management model, participation in services, and ongoing justice or case management contact.

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INDIANA

Pretrial Deferred Prosecution Statute†

State: Indiana | **Jurisdiction:** Various Jurisdictions

Oversight by: Prosecuting Attorneys

Target Population: Misdemeanor Offenders

By statute, the State of Indiana authorizes local prosecuting attorneys to defer prosecution for certain misdemeanants (Indiana Code 33-39-1-8). The Pretrial Deferred Prosecution Program (PDP) is voluntary for defendants and requires a formal agreement between the individual and the prosecuting attorney outlining the conditions of the deferral. These conditions may include, but are not limited to: paying a fee, pursuing steady employment or an education, medical treatment or counseling, family support, restitution to the victim, and regular reporting to the prosecuting attorney. Upon successful completion, the charge is dismissed.

EXAMPLES

Monroe County – The Pre-trial Diversion Program (PDP) is a program offered at the discretion of the Monroe County Prosecutor’s Office. It may be offered to defendants without significant prior criminal records who have been charged with certain offenses. Eligible offenses include but are not limited to illegal consumption or possession of an alcoholic beverage, public intoxication, and sometimes possession of marijuana. Felonies or charges that involve operating a motor vehicle while intoxicated are not eligible. Arresting agencies forward reports from arrests and citation tickets to the Monroe County Prosecutor’s Office for charging. Prosecutor staff reviews each report and consider, among other things, the charges involved, the circumstances surrounding the incident, and the defendant’s prior criminal history. If eligible, the defendant will be given paperwork by the bailiffs and then sent to meet with program staff without actually appearing before the judge. Staff will go over the program and describe what the program is, what it does and does not do, and what the defendant will be expected to do in order to complete successfully. If the defendant chooses to go ahead with PDP, then they must pay a fee and sign an agreement before the court date.

The program requires a defendant to complete a specific set of requirements, and upon successful completion the defendant’s charges will be dismissed. Depending on the circumstances of a given case, in addition to paying court, clerk, program fees, defendants must meet additional obligations. Requirements range from varying degrees of alcohol and drug education to substance abuse evaluations and the resulting treatment or therapy. Defendants may also be required to do community service, road crew, and pay restitution where appropriate. These and other requirements are assigned as is deemed appropriate by the Pre-trial Diversion Program staff. Upon successful completion of the program, the charge is dismissed.

St. Joseph County – The program offers pre-trial diversion to individuals who have first-time misdemeanor charges and do not have a criminal history. Overseen by the county prosecutor, eligibility is determined on a case-by-case basis by the deputy prosecutor assigned to the case. If an individual satisfies all requirements of the program, after one year charges will be dropped. Program requirements may include payment of court and program fees, community service, employment (or actively seeking employment) or engagement in education, and reporting to the Probation Department.

Sources / Examples:

Allen County – http://www.allencountyprosecutor.com/pretrial_diversion_program.htm

Delaware County – <http://www.co.delaware.in.us/department/division.php?fDD=16-35>

Greene County – http://www.co.greene.in.us/prosecutor/index_files/Page990.htm

Hamilton County – <http://www.hamiltoncounty.in.gov/topic/?topicid=245&structureid=26>

Johnson County – <http://www.icpo.us/pretrialdiversion.html>

Kosciusko County – <http://www.kcgov.com/egov/docs/1314131879997.htm>

Miami County – <http://www.miamicountyin.gov/Departments/Prosecutor/DeferredProsecution.htm>

Monroe County – <http://www.co.monroe.in.us/tsd/Justice/Prosecutor/PreTrialDiversionProgramPDP.aspx>

Noble County – <http://www.nobleprosecutor.org/deferred.htm>

Perry County – <http://perrycountyprosecutor.com/mis-diversion.asp>

St. Joseph County – http://www.stjoepros.org/index.php?option=com_content&task=view&id=127&Itemid=95

Statute – <http://www.in.gov/legislative/ic/code/title33/ar39/ch1.html>

Vanderburgh County – http://www.vanderburghprosecutor.org/?page_id=212

Wayne County – <http://www.co.wayne.in.us/prosecutor/index.html>

KANSAS

Diversion Program Statute‡

State: Kansas | **Jurisdiction:** Statewide

Oversight by: Prosecuting Attorneys

Target Population: Determined by Prosecuting Attorney

By statute, the State of Kansas authorizes local prosecuting attorneys to develop policies and guidelines for the implementation of a pre-sentence diversion program. The statute outlines basic considerations, but the local prosecutor is given ultimate authority to determine what is in the best interest of justice and of benefit to the defendant and the community. The only charges for which defendants are explicitly excluded from participation are DUI charges, security level 1, 2, or 3 felony non-drug crimes, or severity level 1 or 2 felony drug crimes. The statute explicitly states that the defendant cannot be required to plead guilty to a conviction as a condition of participation.

The local District Attorney oversees the program and its policies and has final authority on program participation for any applicant. Individuals charged with misdemeanors and lower-level felonies may be eligible. The District Attorney appoints a Diversion Chief to enforce policies and determine individual eligibility and conditions included in diversion contracts. Contracts may include provisions relating to payment of restitution and court/program fees, residence and employment requirements, and participation in programs offering medical, educational, vocational, social and psychological services, corrective and preventive guidance, and other rehabilitative services, including successful completion of a drug education or treatment program. “Direct Diversion” may be available to certain individuals with misdemeanor offenses who have no prior diversions or convictions.

The program includes protocols to manage applicants with chronic or severe and persistent mental illness, whereby eligible individuals are referred to treatment with Johnson County Mental Health (JCMH).

If at any point the defendant fails to meet the conditions of the agreement, criminal proceedings resume. If the defendant fulfills the terms of the agreement, charges are dismissed with prejudice.

Source:

http://kansasstatutes.lesterama.org/Chapter_22/Article_29/

KENTUCKY

Kentucky Pretrial Services§

State: Kentucky | **Jurisdiction:** Statewide | **Type:** Statewide / Multiple

Oversight by: Administrative Office the Courts

Program Start: June 1978

Annual Budget: Not Reported – From State Revenue and Court Fees

Target Population: Individuals Presenting with Substance Use Disorders, Mental Illness, Co-occurring Disorders, and Veterans

Individuals Diverted per Year: 10,000

DEVELOPMENT CIRCUMSTANCES

The primary catalyst for program development was receipt of a grant. The jurisdiction includes other diversion programs or sentencing alternatives, including crisis intervention teams, drug education, programs for first-time offenders, opportunities for deferred prosecution, pre-trial services, and one or more specialty courts.

PROGRAM DEVELOPMENT

The goals of the program include reduction of jail crowding, expediting case disposition, implementing evidence-based practices, and increasing alternatives for the target population. The planning process lasted approximately three months and included key partnerships with law enforcement, the local judiciary, public defenders, prosecutors, treatment providers, state agencies, and community providers. State agencies involved include those representing mental health, substance abuse, and corrections. Community agencies involved include mental health, substance abuse, faith-based entities, corrections, and community-based coalitions. Management for the program is through state. Communication between partners occurs daily.

PROGRAM DESIGN

The program includes intercept points at the post-booking, deferred prosecution, and conditional discharge phases of justice involvement. Participants are selected by Standardized Eligibility Criteria. Screening and assessment are conducted using internal tools. Supervision requirements are decided by risk and needs assessment with the ultimate decision-maker being the judge.

Once enrolled, participants are managed through pre-trial supervision, case management, and drug testing. Community services accessed include mental health, substance abuse, and employment services. Average length of participation is twenty-four months. Criteria for success include compliance with probation supervision, appearance at court dates, abstinence from drug use, medication (where appropriate), participation and retention in treatment, and compliance with other service plan requirements. If successful, formal charges are not filed, the case is dismissed, probation is deemed complete, and the case expunged. Following supervision, there is linkage to community services, along with ongoing justice involvement.

PROGRAM EVOLUTION

Partners report that the program is achieving its goals. Outcomes are not officially documented. Demographic data are not tracked or documented. The program has not been subject to a formal evaluation, and has not been assessed for cost effectiveness.

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LOUISIANA

Pretrial Intervention Guidelines†

State: Louisiana | **Jurisdiction:** Various Jurisdictions

Oversight by: Offices of the Parish/District Attorneys

Target Population: Non-violent Offenders

By 1977, the State of Louisiana had initiated pretrial diversion standards, now in use throughout the state. While the exact implementation of the guidelines may vary from parish to parish, the same core guidelines are typically in place.

The program is limited to non-violent offenders who acknowledge their wrongdoing, do not demonstrate a pattern of criminal behaviors, and show a good-faith willingness to participate in the program. Some jurisdictions may limit participation to individuals between the ages of seventeen and twenty-five. In some cases, restitution may be required, and in drug cases, the individual must be willing to participate in drug testing or drug counseling. The District Attorney approves the individual or participation, and participation is voluntary.

Each participant meets regularly with an assigned counselor or program director for individual meetings. Some participants may also be required to attend group meetings. The goal of the counseling is to help the participant gain an awareness of the legal and social consequences of criminal behavior. Referrals may be made to community providers, based on the participant's needs, and may include services such as substance abuse treatment, parenting classes, and other services. Community service may also be required. Length of participation varies based on the seriousness of the offense and achievement of goals as developed by the program.

Successful completion includes achievement of all goals, as well as any other conditions, including payment of restitution, employment or enrollment in school, and absence of additional arrests. Upon successful completion, the charge is "dead filed," meaning no further prosecution.

Sources / Examples:

2nd Judicial Circuit - <http://www.2idda.org/pretrial.html>

21st Judicial Circuit - <http://www.21idda.org/11111new-page.aspx>

23rd Judicial Circuit - <http://www.23rdda.org/pretrialintervention.html>

Baton Rouge / Parish of East Baton Rouge - <http://brgov.com/dept/parishattorney/pretrial.htm>

Calcasieu Parish / 14th Judicial Circuit - <http://www.calcasieuda.com/programs-services/pre-trial-diversion/>

East and West Feliciana Parish / 20th Judicial Circuit - <http://www.felicianasda.org/diversion.html>

Parish of Terrebonne / 32nd Judicial Circuit - <http://www.tpda.org/>

MAINE

Portland Police Department Crisis Response‡

State: Maine | **Jurisdiction:** City of Portland

Oversight by: Portland Police Department

Target Population: Individuals in Need of Mental Health Crisis Intervention

In 1996, the Portland Police Department (PPD) initiated a co-response model by embedding a mental health system employee at the police station as a mental health liaison. Today, a mental health coordinator works with the mental health liaison to assist officers encountering individuals who may be in crisis. The liaison and coordinator also follow up with individuals who consistently come into contact with law enforcement and make mental health service referrals.

In 2001, the PPD collaborated with the National Alliance on Mental Illness (NAMI) to implement Crisis Intervention Team training. All new officers are now required to complete this training, and PPD makes the training available to dispatchers.

The PPD relies on a network of community partners which can be brought to bear as circumstances require. These partners include a mobile crisis outreach team, a community-based behavioral healthcare provider that specializes in situations involving children, a local non-profit that specializes in individuals who are homeless, agencies specializing in family and domestic violence issues, and a counseling center that specializes in trauma support.

Contact:

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Source:

http://csgjusticecenter.org/documents/0000/0898/Portland_PD_One_Pager.pdf

MARYLAND

Montgomery County Diversion Programs‡

State: Maryland | **Jurisdiction:** Montgomery County Department of Corrections and Rehabilitation

Oversight by: Pre-Trial Services Division

Target Population: First-time Low-level Non-drug Offenders or First-time Misdemeanor Drug Offenders

Alternative Community Service Program (ACS) – Designed to reduce costs to the courts and community, the ACS Program is a diversion program for adults with non-drug charges. The program is managed by the County Department of Corrections and Rehabilitation's Pre-Trial Services Division. Referrals are made by the State's Attorney's Office. Program participants are required to pay program fees and complete community service with public and non-profit organizations (an average of 30 hours, number typically depends on offense severity). If they meet requirements and complete the program successfully, their charges are dropped, and they have an opportunity to expunge their criminal records. The ACS Program is also available as a sentencing option for judges, who may make participation a requirement for probation.

Intervention Program for Substance Abusers (IPSA) – With goals of reducing pressure on the court system and providing opportunities for individuals to avoid achieving criminal records, IPSA diverts eligible individuals with first-time drug offenses from the court system into programs that provide drug testing, drug education or treatment, and community service. Eligibility requirements include no prior felony convictions in the past ten years, no jail time in excess of thirty days in the past ten years, no previous IPSA program participation, and no other criminal charges pending.

The program is managed by the county's Department of Correction and Rehabilitation, Pre-Trial Services Division, in cooperation with the State's Attorney's Office, the County Police Department, and the County Department of Health and Human Services. Program referrals are made by the State's Attorney's Office. Defendants are preliminarily screened for program eligibility by Department of Corrections' staff. If found eligible, defendants are assessed by an IPSA caseworker for substance use and need for drug education or drug treatment.

Program candidates who are found eligible and wish to participate agree to a program contract, which includes requirements to participate in drug education or drug treatment (as recommended by caseworker), perform community service, undergo drug/alcohol testing, attend drug/alcohol support groups, meet with caseworker, pay program fees, and remain arrest-free. Cases are placed on a "STET" (inactive) docket for up to twelve months. Successful participants may have their cases dismissed and may expunge their records after successful program completion. The IPSA Program is also available as a sentencing option for judges, who may make participation a requirement for probation.

Sources:

<http://www6.montgomerycountymd.gov/doctmpl.asp?url=/content/DOCR/PTS/PTS-ACS.asp>

<http://www6.montgomerycountymd.gov/saotmpl.asp?url=/content/SAO/units/DistrictCourt.asp>

http://www6.montgomerycountymd.gov/content/SAO/AnnualReport/Publication2_files/page353.html

<http://www6.montgomerycountymd.gov/doctmpl.asp?url=/content/DOCR/PTS/IPSA.asp>

<http://www6.montgomerycountymd.gov/content/docr/pdfs/ipsabrochure.pdf>

MASSACHUSETTS

Pretrial Diversion and Probation Statutes‡

State: Massachusetts | **Jurisdiction:** Statewide

Oversight by: Program as Defined by Statute

Target Population: Individuals with First-time Charges

Pretrial Diversion – Massachusetts General Law (M.G.L. ch.276A §1-11) lays out a mechanism permitting district courts, and in Boston, the municipal court, to divert individuals charged with various offenses that could result in imprisonment to sanctioned programming instead. Individuals must be between the ages of seventeen and twenty-two years old, and they must be first-time offenders who may benefit from the program. A violation of the terms of the agreement may result in the stay of proceedings being terminated. Special provisions are made to identify veterans, and to permit such diversion for adult veterans of any age.

Pretrial Probation – Massachusetts General Law (M.G.L. ch.276 §87) permits superior, district, and juvenile courts to place individuals charged with certain offenses on probation without entering a plea or conviction. The arrangement involves an agreement between the defendant and the prosecutor. Individuals who complete their term of probation successfully have their charges dismissed; those who do not have their cases proceed normally.

Sources:

MALawForum.com – <http://www.malawforum.com/content/pre-trial-probation-ma-crime#comment-3415>

Pretrial Diversion Law – <http://www.malegislature.gov/Laws/GeneralLaws/PartIV/TitleII/Chapter276A>

Pretrial Probation Law – <http://www.malegislature.gov/Laws/GeneralLaws/PartIV/TitleII/Chapter276/Section87>

MICHIGAN

Citizen’s Probation Authority‡

State: Michigan | **Jurisdiction:** Genesee County
Oversight by: County Pretrial Services
Target Population: Non-violent First-time Offenders

Citizen’s Probation Authority is a deferred prosecution program established to work with non-violent, first-time offenders. Program participants are screened by established referral policies and eligibility criteria developed through the Genesee County Prosecutor’s Office. These policies and practices ensure an equitable diversion from prosecution for qualifying offenders. This correctional approach provides financial savings in law enforcement, prosecutorial and judicial time, appointed attorney costs, and jury fees.

Participation is voluntary and for a period of up to one year. Individual treatment plans are developed for each offender. The treatment plans emphasize the utilization of community resources. If appropriate, restitution is collected and returned to victims. A probation service fee is assessed and returned to the County General Fund. Upon successful completion of the program, further prosecution is dismissed.

Source:
<http://www.co.genesee.mi.us/pretrial/divisions.htm?#cpa>

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Kent County Diversion Program‡

State: Michigan | **Jurisdiction:** Kent County, Grand Rapids
Oversight by: County Court Services Division
Target Population: Non-violent Offenders with No/Limited Criminal History

Kent County Diversion Program goals include relieving pressure and reducing court docket backlogs, decreasing pre-sentence investigation caseloads for probation, reducing costs associated with court-appointed attorneys, reducing jail overcrowding, reducing likelihood of recidivism by providing early intervention services, and increasing the likelihood of victim restitution through the avoidance of a criminal record. Eligible participants have non-violent charges, no felony convictions, and no more than two misdemeanor convictions. The program is voluntary, and participants must admit to the offense.

The program is operated by the Court Services Division. Referrals are made by the Kent County Prosecuting Attorney’s Office.

Program components include case management and supervision services that include diversion fee and restitution collection (restitution may not exceed \$2,000 without approval of Chief Prosecutor), drug testing, referrals to treatment, and monitoring for at least six months. Successful completion of the program results in charges being dismissed.

Source:
<https://www.accesskent.com/Courts/CourtServices/diversion.htm>

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Wayne County Pretrial Diversion Program‡

State: Michigan | **Jurisdiction:** Wayne County
Oversight by: Diversion Section, Wayne County Prosecutor’s Screening District Courts Division
Target Population: Non-violent First Offenders

The Pre-Trial Diversion Program is available to non-violent first-time offenders, consisting mostly of theft or fraud of small amounts of money or property. Participants must make victim restitution and perform community service, report regularly, maintain a stable residence, seek or maintain full-time employment, and avoid contact with law enforcement. After one year, cases are evaluated for dismissal by the prosecutor. If a participant meets program requirements, the case is dismissed. If they fail to do so, diversion status is revoked and the case proceeds to trial.

Source:
<http://www.co.wayne.mi.us/prosecutor/diversion.htm>

MINNESOTA

Operation de Novo Adult Diversion†

State: Minnesota | **Jurisdiction:** Hennepin County

Oversight by: Not-for-profit Organization

Target Population: Individuals with First-time Property Offenses

Operation de Novo's Adult Diversion Program was developed in 1971 to provide direct client services to people diverted from Hennepin County District Court and its municipalities. The criteria for diversion include that a client:

- Is charged with a property offense
- Has prosecutorial approval
- Has no prior felony convictions
- Is eighteen years of age or older

In order for a person to enter into the program, an intake interview is scheduled with the Court Screening Unit to assess the appropriateness of the referral. The intake process may include a restitution investigation, if warranted. When clients are found suitable for diversion and accepted into the program, a Counselor is assigned to work with them throughout their duration in the program. Typical conditions of diversion for a client include:

- Agreeing to voluntarily join the program
- Waiving the right to a speedy trial upon legal advice
- Meeting with the program counselor at agreed upon times
- Paying restitution, when applicable
- Following chemical dependency requirements, when indicated
- Having no felony convictions
- Following mental health requirements, when indicated

Operation de Novo provides direct client services in the area of case management, group and individual counseling, chemical assessment, collection of restitution, and community referrals. When clients have successfully completed the program, a recommendation is made to the County Attorney's Office for a dismissal of the pending charge. Failure to complete the program will result in the case being charged by the court system.

In its first year of existence, the program served only clients charged with misdemeanor offenses. In 1972, the intake criteria were expanded to accept people charged with felony offenses. Currently, over 90 percent of the adult clients are charged with felonies.

Source:

http://www.operationdenovo.org/adult_diversion.htm

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Pretrial Diversion Programs†

State: Minnesota | **Jurisdiction:** Certain Counties

Oversight by: County Attorneys in Each County Participating in the Community Corrections Act

Target Population: First-time Non-violent Felony Offenders

Minnesota's State statute 401.065 requires the establishment by the county attorney of pretrial diversion programs in each county that participates in the Minnesota Community Corrections Act. Counties participating in the Act as part of a group of counties may establish a program in conjunction with other county attorneys in the group. (According to the Minnesota Association of Community Corrections Act Counties, there are thirty-two counties in Minnesota organized into seventeen administrative units that, as of 2006, have opted to operate under the requirements of the Act.)

The statute articulates goals that must drive each program's development and operations. Goals include the provision of an alternative to confinement and a criminal conviction, reduction in costs and caseload burdens on district courts and the criminal justice system, reduction in recidivism among diverted offenders, promotion of the collection of restitution to the victim of the offender's crime, the development of responsible alternatives to the criminal justice system for eligible individuals.

Basic program eligibility requirements under the statute include that participants be charged with a felony, gross misdemeanor, or misdemeanor that is not a crime against the person, who has no prior convictions of any crimes against the person, and who has not previously successfully participated in a pretrial diversion program.

Program components permitted under the statute include screening that identifies likely candidates, established goals for diverted individuals, drug testing and treatment referral and monitoring, counseling, oversight of victim restitution payments, assistance to participants with identification of and outreach to community resources, educational services leading to high school diplomas or GEDs, and reporting of individual program progress to the court, prosecutors, defense attorneys, and probation officers. Additionally, the statute requires reporting of information on participation of individuals to the Bureau of Criminal Apprehension.

The statute requires the biennial reporting by county attorneys to the state court administrator and the legislature on the operation of pretrial diversion programs required by the statute. Reports must include program descriptions, the numbers and characteristics of participants (including those who were successful and unsuccessful in the program), and an evaluation of the program's impact on the relevant county's criminal justice system.

EXAMPLE

Stearns County Adult Diversion Program – The program is available to first-time offenders of certain eligible misdemeanor and felony offenses, as defined by statute. Participation may also be considered on the recommendation of the Chief Law Enforcement Officer (CLEO) in the jurisdiction, referring the matter to the County Attorney's Office. Written recommendations shall include an explanation and/or justification upon which the proposal for admission into the diversion program is made. Diverted cases must meet the same evidentiary and charging standards as those in which a citation or complaint is filed with the court.

The final determination of an offender's eligibility for the diversion program is within the sole discretion of the County Attorney. Once enrolled, participants may be required to complete general or offense-specific programming at the discretion of the Diversion Programs Specialist, including but not limited to: Program for the Encouragement of Responsible Thinking (PERT) Offender Workshops, written or personal apology to the victim, community service, written essay, restitution, and community treatment and counseling.

The individual must complete the diversion program no later than three months from the date on which the individual signs the diversion agreement. An individual may spend no more than six months in the diversion program unless the County Attorney approves an extension. To successfully complete diversion, the individual must follow all rules and regulations of the Stearns County Attorney's Office Adult Diversion Program and must successfully complete all program requirements specified in the diversion agreement.

Once the individual has fulfilled all of the requirements of their personalized diversion agreement to the satisfaction of the Diversion Programs Specialist, the Stearns County Attorney's Office will not file a citation or complaint against the individual charging them with the diverted offense and completion of the diversion program will not result in a court record.

Sources / Examples:

Hennepin County –

<http://www.crimeandjustice.org/researchReports/Review%20of%20Adult%20Pretrial%20Diversion%20in%20Hennepin%20County.pdf>

Minnesota Association of Community Corrections – http://www.maccac.org/About_MACCAC.htm

Olmsted County – <http://www.co.olmsted.mn.us/attorney/divisions/criminal/Documents/Olmsted%20County%20Diversion%20Program.pdf>

Statute – <https://www.revisor.mn.gov/statutes/?id=401.065>

Stearns County – <http://www.co.stearns.mn.us/LawPublicSafety/AdultCriminalJustice/AdultCriminalProsecution/AdultDiversionProgram>

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Project Remand^s

State: Minnesota | **Jurisdiction:** Ramsey County | **Type:** Large Urban

Oversight by: Project Remand (not-for-profit)

Program Start: 1973

Annual Budget: Not specified

Target Population: Non-violent and Low-level Offenders

Individuals Diverted per Year: ~ 800 per year

PROGRAM DEVELOPMENT

Project Remand is a private, non-profit organization, providing a comprehensive array of adult pretrial services since 1973. Project Remand was designed to help reduce jail population pressures by offering alternatives to traditional detention while promoting public protection and lawful behavior through pretrial services.

PROGRAM DESIGN

The program intervenes with offenders following the filing of formal charges. If eligible for the program, the defendant appears in court, and the case is diverted prior to plea. Most participants are non-violent and low-level offenders with little or no criminal justice history. Potential participants are screened at their first court appearance, based on input from law enforcement and the victim. Project Remand then completes a formal assessment including tools such as CAGE for drug and alcohol problems, and the Brief Jail Mental Health Screen. A criminal justice history check is also performed. A report on all of the above is presented to the judge.

Once the judge, prosecutor, defense attorney, and defendant agree to the diversion, Remand staff outline personalized behavioral goals that must be met within a stated time, typically twelve months. These goals may include restitution, chemical dependency treatment, volunteer community service, counseling, and/or employment.

Additionally, the defendant completes a needs questionnaire for issues such as housing, employment, and primary health, and the program assists the defendant in accessing these services in the community. At the end of the year, if all of the established goals and conditions are met, the case is formally dismissed.

Project Remand is overseen by a Board of Directors, but programmatic decision-making occurs in collaboration with justice partners, including the state's attorney, public defender, judge, and pretrial services.

PROGRAM EVOLUTION

While currently focusing on lower-level cases, Project Remand is collaborating with Ramsey County justice partners to develop a similar model within the felony courts. Under this model, cases would be diverted even prior to formal charges being filed, reducing the collateral consequences of the criminal record. Additionally, partners are incorporating more evidence-based practices in their work, including investigating a variety of assessment tools and the integration of cognitive and behavioral services like Thinking for a Change.

Project Remand reports outcomes as part of their contract with the county, but the data are not public, and the program has never been subject to a formal evaluation.

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Winona County Adult Diversion Programs‡

State: Minnesota | **Jurisdiction:** Winona County

Oversight by: Winona County Attorney's Office

Target Population: Individuals Charged with Minor Felony and Misdemeanor Offenses, No/Minor Criminal Histories

Adult Diversion Program – Developed by the Winona County Attorney's Office with the Adult Diversion Workgroup of the Winona County Criminal Justice Coordinating Council in 2010, the Diversion Program aims to provide programmatic interventions that prevent, eliminate, or reduce the rate of recidivism, provide an alternative to traditional court and criminal conviction, promote victim restitution, and reduce the costs and caseload burdens on the court and criminal justice system. At the sole discretion of the County Attorney, and with approval of the court, participation in the program is for individuals who acknowledge that the offense with which they are charged is a violation of law and could result in prosecution, who can adhere to program requirements (including victim and community restitution), and who demonstrate remorse. Participants sign a diversion agreement that outlines requirements of their participation, which may include but are not limited to programs and conditions such as counseling, attendance at various program classes, community service, and drug testing, evaluation, and treatment. Many aspects of the program are operated with and by the Department of Corrections.

Eligible participants are those who have no prior felony or gross misdemeanor convictions or pending charges, fewer than four misdemeanor convictions in the past ten years, and no prior felony juvenile adjudications in the past two years. Eligibility is limited to individuals with specific offenses, which do not include drug-related offenses.

Program participation generally lasts for one year, though it may be extended for an additional year under special circumstances. Upon successful completion, charges are dismissed. If program requirements are not met, the court accepts the participant's previously entered guilty plea, a conviction judgement is entered, and sentencing is carried out.

Prosecutors are expected to keep records of the number and characteristics of individuals who successfully and unsuccessfully complete the program, and to provide it annually to the County Board and Coordinating Council.

Adult Misdemeanor Diversion Program – With similar aims and structures as the Adult Diversion program, the Winona County Adult Misdemeanor Diversion Program emerged as a joint effort of the County Attorney's office, City Attorney's office, and Coordinating Council. Eligible individuals are those charged with specified misdemeanor offenses, including limited drug- and alcohol-related offenses, and no prior felony or misdemeanor convictions or pending cases.

Program participation lasts six months. Upon successful completion, participants will be successfully discharged from the program and court files will be closed. If program requirements are not met, individuals will be unsuccessfully discharged from the program, and a subsequent court hearing will occur.

Note: Winona County is not a County Corrections Act participating county, but its program appears to have been designed in accordance with the statute that applies to participating counties.

Sources:

Winona Co. Criminal Justice Coordinating Council –

http://www.winonacountycjcc.org/images/Winona_County_Adult_Diversion_Policy_and_Procedure_Manual.pdf

http://www.winonacountycjcc.org/images/Adult_Misdemeanor_Guidelines_and_Forms.pdf

Winona County – <http://www.co.winona.mn.us/page/2490>

MISSISSIPPI

Pre-trial Intervention Program‡

State: Mississippi | **Jurisdiction:** Various Jurisdictions

Oversight by: District Attorney's Office

Target Population: First-time Non-violent Felony Offender

Mississippi's pretrial intervention program is authorized by State statute (Sections 99-15-101 through 99-15-127 of the Mississippi State Code of 1972). Each district attorney may establish a pretrial intervention program in the circuit court districts with the consent of a circuit court judge.

Only individuals charged with non-violent felony offenses are eligible. Those charged with an offense related to sale or distribution of a controlled substance, or possession with intent to sell or distribute are ineligible, except some offenses related to marijuana. Individuals must be in compliance with requirements of the program while involved, including supervision and drug testing, pay fees, and possibly pay restitution.

Duration of program participation is between one and three years. Upon successful completion, the charges are dismissed and the case may be expunged. Failure to complete successfully results in a return of their case to the court docket for prosecution.

Sources / Examples:

3rd Judicial District (serving Benton, Calhoun, Chickasaw, Lafayette, Marshall, Tippah and Union Counties) -

<http://www.thirdcircuitmsda.com/wp-content/uploads/2011/01/Pretrial-Intervention1.pdf>

19th Judicial District (serving Jackson, George, and Greene Counties) - <http://www.msda19.com/ptdiversion.html>

Hinds County - <http://www.hindscountyda.com/pretrialintervention.htm>

Statute - <http://www.mscode.com/free/statutes/99/015/>

NEBRASKA

Pretrial Diversion Program Statute[‡]

State: Nebraska | **Jurisdiction:** Various Jurisdictions

Oversight by: County Attorneys

Target Population: Varies by Jurisdiction

Nebraska Statute (§29-3602) authorizes County Attorneys to establish a pretrial diversion program with the agreement of the County Board, and any City Attorney to establish a pretrial diversion program with the agreement of the governing body of the city. Programs must be established according to statutory guidelines (§29-3603 and 29-3605 to 29-3609), including the determination of formal, accessible eligibility guidelines, a maximum time limit for participation, dismissal of the diverted case upon completion of the program, ability for participants to withdraw at any time before completion and be remanded back to the court process without prejudice, enrollment not be conditioned on a plea of guilty, and availability of administrative review related to decisions to deny enrollment.

EXAMPLES

Lancaster County Veterans' Pretrial Diversion Program – Through collaboration between the Department of Veterans Affairs (VA) Nebraska-Western Iowa Health Care System, the Lancaster County Attorney's Office, and the Lincoln Community Foundation, the pretrial diversion program focuses on veterans and active-duty service men and women charged with certain non-violent criminal offenses. The program aims to combine traditional pretrial diversion services with efforts to connect veterans to VA services and treatment programs, especially mental health and substance abuse programs. Eligible participants are those charged with non-violent offenses and must be eligible for full VA health care benefits, have a diagnosis of post-traumatic stress disorder or traumatic brain injury related to military service, and be able to demonstrate a connection between the trauma and criminal conduct. The county attorney has discretion over who may participate.

Seward County Pretrial Diversion Program – The pretrial diversion program in Seward County was designed by the county attorney and Bridges, Inc. as a rehabilitative alternative to the court system for individuals with first-time offenses. Program goals include evaluation of rehabilitative needs; provision of standard alternative procedures; education for individuals related to parenting, decision-making, money management, and alcohol, tobacco, and other drugs; ensuring full victim restitution; and reduction of law violations and costs to the justice system.

Sarpy County Adult Diversion – Overseen by the Sarpy County Attorney's Office, the program provides an alternative for adults with first-time offenses to the formal court process for voluntary participants. Common offenses among participants include DUIs, marijuana possession, and shoplifting. Based on principles of rehabilitation and accountability, the program begins with referral by the county attorney's office. Participation generally lasts eighteen months, the first six of which are considered "active." The program works to provide participants a full continuum of services in an effort to discourage people from further involvement in the justice system. During the remaining inactive stage, participants are monitored, and any new offenses will result in filing by the attorney's office on both charges. Successful completion, which includes attendance at court hearings, results in dismissal of charges, and no conviction record.

Sources:

Lancaster County – http://www.nebraska.va.gov/pressreleases/VA_Community_Launch_Veterans_Pretrial_Diversion_Program.asp

Seward County – <http://www2.connectseward.org/cgov/pretrialdiversion.htm>

Sarpy County – http://www.sarpy.com/diversion/adult_alcohol_diversion.html

NEW JERSEY

New Jersey Pretrial Intervention (PTI) Program‡

State: New Jersey | **Jurisdiction:** Statewide

Oversight by: County/Court Criminal Divisions

Target Population: First-time Non-violent Offenders in Need of Early Rehabilitative Services

Passed in 1970, New Jersey statute effectuates a Statewide program of Pretrial Intervention (N.J.S.A. 2C:43-12 et. seq.). With the goals of reducing court system costs, crime, and recidivism, the Pretrial Intervention Program allows adults with first-time, non-violent offenses an opportunity to avoid a criminal record by successfully completing the terms of the program, which usually include drug testing and payment of fees, penalties, and fines, and may also include community service, payment of victim restitution, psychological and/or substance use assessments, and compliance with treatment programs. Program supervision may last one to three years.

Applications to the program can be made immediately following the commencement of proceedings and no later than twenty-eight days after indictment. Applications are made to the Criminal Division Office in the county where the criminal charge is filed. Candidates undergo an interview by a staff member of the Criminal Division, who prepares a written report that expresses the decision and justification for admittance to or rejection from the program. The report is forwarded to the prosecutor and defense counsel, both of which must consent in order to approve an applicant's participation. Program conditions for each participant are detailed in a "PTI Order." Applicants who are rejected from the program may appeal the decision to the Presiding Judge of the Criminal Division.

Those who successfully complete all of the program conditions have their original charges dismissed, and there is no record of conviction. Those who fail to do so may be terminated from the program, whereby the case would be returned to the trial list.

Sources / Examples:

Criminal Division Managers - <http://www.judiciary.state.nj.us/criminal/crdivof.pdf>

Essex County - <http://www.njecpo.org/pti.htm>

Mercer County - <http://www.mercercountyprosecutor.com/our-units/pretrial-intervention>

Middlesex County - <http://www.co.middlesex.nj.us/prosecutor/pretrial.asp>

Monmouth County - <http://prosecutor.co.monmouth.nj.us/faq-pti.html#q1>

Morris County - <http://www.morrisprosecutor.org/units.asp>

Statute - [http://lis.njleg.state.nj.us/cgi-](http://lis.njleg.state.nj.us/cgi-bin/om_isapi.dll?clientID=37691360&Depth=2&depth=2&expandheadings=on&headingswithhits=on&hitsperheading=on&infobase=tatutes.nfo&record={1B02}&softpage=Doc_Frame_PG42)

[bin/om_isapi.dll?clientID=37691360&Depth=2&depth=2&expandheadings=on&headingswithhits=on&hitsperheading=on&infobase=tatutes.nfo&record={1B02}&softpage=Doc_Frame_PG42](http://lis.njleg.state.nj.us/cgi-bin/om_isapi.dll?clientID=37691360&Depth=2&depth=2&expandheadings=on&headingswithhits=on&hitsperheading=on&infobase=tatutes.nfo&record={1B02}&softpage=Doc_Frame_PG42)

New Jersey Courts - <http://www.judiciary.state.nj.us/rules/r3-28.htm>

<http://www.judiciary.state.nj.us/criminal/crpti.htm>

NEW MEXICO

Bernalillo County Pretrial Services Division^s

State: New Mexico | **Jurisdiction:** Bernalillo County, Albuquerque | Type: Statewide / Multiple

Oversight by: Second Judicial District Court

Program Start: August 2002

Annual Budget: \$875,000 from State Revenue and County Revenue

Target Population: Individuals Presenting with Substance Use Disorders, Mental Illness, Co-occurring Disorders, Veterans, Women, and Other Populations Including Defendants Who Are Incarcerated and May Not Be Competent to Stand Trial

Individuals Diverted per Year: 1,500

DEVELOPMENT CIRCUMSTANCES

The catalysts for program development included jail overcrowding, receipt of a grant, and administrative priority. Services were being provided through Metropolitan Court, a lower court with limited jurisdiction. A need for services to adults with felony offenses was identified and subsequently funded. The jurisdiction includes other diversion programs or sentencing alternatives, including crisis intervention teams, programs for first-time offenders, opportunities for deferred prosecution, pre-trial services, and one or more specialty courts.

PROGRAM DEVELOPMENT

The goals of the program include reduction of jail crowding, increased alternatives for the target population, linkage of defendants to treatment services at the pre-adjudication level, and reduced recidivism. The planning process lasted less than two months and included key partnerships with law enforcement, the local judiciary, public defenders, prosecutors, treatment providers, state agencies, community service providers, veterans affairs, Access To Recovery (ATR) vouchering agencies, and Veteran Services Organizations (VSO). State agencies involved include those representing mental health, substance abuse, the state Medicaid authority, corrections, employment/labor, and housing. Local agencies included the Public Defender's Office, District Attorney's Office, and Mayor's Office. Community agencies involved include mental health, substance abuse, faith-based entities, employment/labor, housing, community-based coalitions, veteran services organizations, VA Medical & Benefits, and agencies serving the homeless. Management for the program is through the Second Judicial District Court Administration, which oversees the Pretrial Services Division that works closely with the criminal judiciary. Communication between partners occurs at weekly meetings between partners of the treatment/specialty courts (Judicial Supervision Program and Veterans Court); and bi-monthly meetings with Veterans Court Advisory Committee with monthly meetings of subcommittees. Partners/stakeholders include criminal justice entities, providers, law enforcement, the detention center, and other state agencies.

PROGRAM DESIGN

The program includes intercept points at the post-booking, deferred prosecution, jail, conditional discharge, pre-sentence specialty court, and post-sentence specialty court phases of justice involvement. Other pre- or post-supervision options include preadjudication supervision through pretrial services for individuals who are unsuccessful in traditional supervised probation and who have mental health, substance abuse, or co-occurring disorders. Supervision with treatment linkages is available for veterans who do not qualify for Veterans Court. Participants are selected by court order or are referred by their attorney/public defender, district attorney's office, or community members. Screening and assessment are conducted using Brief Jail Mental Health Screen, and PTS Triage & Intake Form. Supervision requirements are decided based on defendant's criminal history, severity of the charges, willingness to address treatment issues, and based on The Criminal Procedures for the District Courts, Rule 5-401: Right to Bail Rule, NMSA 1978. Rule 5-401 dictates determining factors in releasing and supervising individuals, with the ultimate decision-maker being the judge, pretrial services staff, and treatment/specialty court team(s).

Once enrolled, participants are managed through pre-trial supervision, case management, day reporting, drug testing, and frequent court appearances. Community services accessed include mental health, substance abuse, employment/labor, housing, faith based, Medicaid, other public benefits, community health centers, homeless services, and veterans' services. Rewards for compliance include dropping of the sentence, and sanctions for violations include adjudication of sentence. Average length of participation is twelve months. Criteria for success include compliance with probation supervision, abstinence from drug use, participation and retention in treatment, and compliance with other service plan requirements. If successful, the case is dismissed, and probation is deemed to be complete. Following supervision, there is linkage to community services, along with ongoing justice involvement.

PROGRAM EVOLUTION

The program has evolved over time. Partners report that the program is achieving its goals. Outcomes are not officially documented. Demographic data are tracked and documented. The program has not been subject to a formal evaluation, and has not been assessed for cost effectiveness.

According to project partners, the critical components of the program include the assessment process, the client management model, length of participation, and ongoing justice or case management contact. Partners note that one area of need is obtaining more resources for service delivery.

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NEW YORK

Bronx TASC Mental Health Court Programs

State: New York | **Jurisdiction:** Bronx | **Type:** Large Urban

Oversight by: EAC, Inc.

Program Start: September 2000

Annual Budget: \$350,000 from Federal Grant and State Revenue

Target Population: Individuals Presenting with Mental Illness and Co-occurring Disorders

Individuals Diverted per Year: 130

DEVELOPMENT CIRCUMSTANCES

The program was developed on the initiative of the District Attorney. The jurisdiction includes other diversion programs or sentencing alternatives, including TASC.

PROGRAM DEVELOPMENT

The primary goal of the program was increasing alternatives for the target population. The planning process lasted over six months and included key partnerships with the local judiciary, public defenders, prosecutors, treatment providers, and community providers. Community agencies involved include mental health, substance abuse, and housing. Management for the program is through a non-profit entity. Communication between partners occurs via a weekly meeting.

PROGRAM DESIGN

The program includes intercept points at the post-booking and pre-sentence specialty court phases of justice involvement. Participants are selected by clinical assessment, including doctoral level assessment and Compass. Supervision requirements are decided based on clinical evaluation, with the ultimate decision-maker being the judge. Services to be accessed are determined by doctoral level clinicians, but the judge is always the ultimate decision-maker.

Once enrolled, case management navigates participants through community services, including mental health, substance abuse, employment/labor, housing, Medicaid, other public benefits, and community health centers. Rewards for compliance include various incentives, no-cost urinalysis, and subsidized treatment. Sanctions for violations include primarily parole officer intervention. Average length of participation is thirty-six months. Criteria for success include abstinence from drug use, participation and retention in treatment, compliance with other service plan requirements, and if successful, participants are deemed to have completed parole. Following supervision, there is no linkage to community services, and no ongoing justice supervision.

PROGRAM EVOLUTION

Over time, the program has seen increased funding that enables offenders to participate in substance abuse treatment at no cost. Partners report that the program is achieving its goals. Outcomes are not officially documented. Demographic data are tracked but not documented. The program has been subject to a formal evaluation, and has been assessed for cost effectiveness, which is not yet available.

According to project partners, the critical components of the program include the assessment process, participation in services, use of rewards and sanctions, communication between partners, and length of participation. Looking back on the history of the program, they would not do anything differently.

Contact:

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Kings County Drug Treatment Alternative-to-Prison (DTAP)†

State: New York | **Jurisdiction:** Kings County | **Type:** Urban

Oversight by: Kings County District Attorney

Program Start: 1990

Target Population: Non-violent, Drug-addicted Chronic Felony Offenders

Individuals Diverted: 2,971 Accepted into the Program 1990-2011; 1,349 Successfully Completed the Program

Kings County Drug Treatment Alternative-to-Prison (DTAP) program was established in 1990 to divert substance-abusing, nonviolent, repeat felony offenders into treatment. Defendants in DTAP's target population face mandatory prison sentences under New York State law if convicted of their charged crime.

DTAP provides substance abuse treatment under a deferred sentencing model. Participants must plead guilty to a felony prior to their admission into the program, however defendants who successfully complete DTAP are allowed to withdraw their guilty pleas, and the charges against them are dismissed. The plea agreement includes a specific prison term that will be imposed in the event of treatment failure.

Upon meeting the initial screen for eligibility, a multidisciplinary team lends its expertise to determine the appropriate course of action. This team includes the judge, the district attorney, the defense attorney, probation and parole, Treatment Alternatives for a Safer Community (TASC), and the warrant enforcement team. To determine program eligibility, the assistant district attorney reviews the defendant's criminal history and the facts of the case. The most common charges are possession and sale of narcotics, and theft. Rejections following screening by the assistant district attorney most often include cases that involve defendants who are major drug traffickers and those who have significant histories of violence.

Defendants who meet the screener's eligibility criteria then receive a clinical assessment by TASC, a not-for-profit criminal justice case management organization. Next, defendants are reviewed by DTAP's enforcement team. Final acceptance decisions are then made by the Alternative Programs Bureau of the District Attorney's Office.

Participation in DTAP is voluntary. If the defendant agrees to participate, then the Alternative Programs Bureau assistant district attorney, through regular contact with the TASC case manager, carefully monitors the defendant's progression through treatment. DTAP relies on the therapeutic community (TC) model of treatment, a highly structured and supervised community-based residential environment with an emphasis on self-help through the use of a peer community where individuals go through successive stages of rehabilitation.

The assistant district attorney consults with the court regarding appropriate sanctions and rewards. Finally, once a defendant appears to have successfully finished all phases of the drug treatment plan and to have fulfilled other criteria for graduation, TASC, in consultation with the treatment provider, will make a recommendation to the District Attorney's Office that the defendant be considered as having completed DTAP. The decision of whether the defendant has completed DTAP is then made by the office's Alternative Programs Bureau. Recognizing that relapse is part of the recovery process, DTAP also has a selective readmission policy. Defendants who relapse or experience treatment setbacks are readmitted to DTAP if they express a genuine desire to continue treatment and pose no threat to the provider or the community.

DTAP partners have consistently collected and analyzed data on program involvement and impact – including recidivism rates, employment rates and estimated cost savings – since the program's inception. Based on the 1,349 graduates as of October 2011, DTAP partners estimate savings of over \$92 million dollars, from criminal justice cost-savings that have been realized from lower costs of incarceration, public assistance, healthcare, and recidivism, combined with the tax revenues generated by the graduates. DTAP graduates have a five-year post-treatment recidivism rate that is almost half the rate for comparable offenders who served time in prison.

In 1998, the program saw a significant shift in design, moving from a deferred prosecution model to a deferred sentencing model. DTAP partners believed that the guilty plea and the guaranteed prospect of prison upon failure would serve as effective motivation, even if the plea could be later withdrawn and charges dropped. Program partners believed that the deferred sentencing model has proven very effective in maintaining high treatment retention rates.

Source:

<http://www.brooklynnda.org/dtap/reports/dtap-twenty-first-annual-report%20.pdf>

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Monroe County Pre-Trial Services†

State: New York | **Jurisdiction:** Monroe County

Oversight by: Pre-Trial Services Corporation of the Monroe County Bar Association

Target Population: Pre-trial Defendants

Pre-Trial Services Corporation (PTSC) is a not-for-profit organization supported by the County of Monroe, the New York Division of Probation and Correctional Alternatives, and the New York Division of Parole. PTSC was introduced to the criminal justice system by the Monroe County Bar Association in 1970 as a response to jail overcrowding and based on the principle that when defendants receive the quickest and least restrictive form of release, their needs and society's can be met without involving the full judicial process. PTSC is an integral component of the criminal justice system, offering a number of pretrial community supervision and other services, such as electronic monitoring.

PTSC's pre-trial diversion program provides defendants an opportunity to address issues that brought them into the court system, thus reducing the likelihood of future arrests. Defendants enter into a treatment plan, and if successful, the original charge is reduced or dismissed.

Source:

<http://www.monroepretrialservices.org/>

NORTH CAROLINA

Buncombe County Pretrial Services§

State: North Carolina | **Jurisdiction:** Buncombe County | **Type:** Rural

Oversight by: Department of Planning

Program Start: January 1986

Annual Budget: \$635,000 from County Revenue

Target Population: Defendants Held in Custody

Individuals Diverted per Year: 800-1,000

DEVELOPMENT CIRCUMSTANCES

The primary catalyst for program development was jail overcrowding. The jurisdiction includes other diversion programs or sentencing alternatives, including crisis intervention teams, opportunities for deferred prosecution, pre-trial services, one or more specialty courts, and mental health jail diversion.

PROGRAM DEVELOPMENT

The primary goal of the program is reducing jail overcrowding. The planning process lasted between three and six months and included key partnerships with law enforcement, the local judiciary, public defenders, prosecutors, treatment providers, and community providers. Community agencies involved include mental health, substance abuse, corrections, housing, and community-based coalitions. The County of Buncombe manages the program, and communication between partners occurs daily or weekly.

PROGRAM DESIGN

The program includes intercept points at the post-booking and jail phases of justice involvement. Upon arrest, prospective participants are screened, and the information is submitted to court. The judges determine who is released based on the information provided. Screening and assessment are conducted using the Pretrial Risk Assessment Instrument. The program has a basic supervision structure, and the court may choose to add additional requirements, with the ultimate decision-maker being the judge.

Once enrolled, participants are managed through pre-trial supervision. Community services accessed include mental health, substance abuse, housing, Medicaid, other public benefits, and community health centers. Average length of participation is twelve months. If successful, the case is dismissed. Following supervision, there is no linkage to community services, and no ongoing justice supervision.

PROGRAM EVOLUTION

The program has evolved over time. Partners report that the program is achieving its goals. Outcomes are not officially documented. Demographic data are not tracked or documented. The program has not been subject to a formal evaluation and has not been assessed for cost effectiveness.

Contact:

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Deferred Prosecution Statutes‡

State: North Carolina | **Jurisdiction:** Various Jurisdictions

Oversight by: District Attorneys

Target Population: First-time Felony or Misdemeanor Offenders

Under North Carolina General Statutes 15A-1341(a1) (a2), -1342(a), -1342(i), and General Statute 143B-475.1, individuals with certain classes of felony and misdemeanor charges may be placed on probation, with approval by the prosecutor and the court, if prosecution has been deferred to allow the individual to demonstrate good conduct. Each jurisdiction's district attorney decides whether to formalize a deferred prosecution program or use their ability to implement deferred prosecution less formally and less often. The North Carolina Sentencing and Policy Advisory Commission indicates that at least nineteen judicial districts have formal deferred prosecution programs and numerous districts use it to some degree.

Eligible individuals are those without previous placements on probation, and who are unlikely to commit another offense other than certain low-level misdemeanors. Participation is also contingent on a requirement that each known victim has been informed of a motion for probation and

been given a chance to be heard, and that the individual has not been convicted of any offense involving moral turpitude. Beyond these, guidelines for eligibility, participation, and successful program completion are within the purview of the prosecuting attorney.

EXAMPLES

19th Judicial District – Participation in the 19th Judicial District’s Deferred Prosecution Program (DPP) is limited to individuals with first-time offenses who are not likely to commit any future offenses and would likely be placed on probation under traditional prosecution. Some common eligible offenses of participants include Class H felonies (breaking and entering, larceny, and obtaining property by false pretenses), Class I felonies (forgery), and all misdemeanors (assaults and larcenies). Eligible individuals enter into a “punishment contract” designed by the district attorney that includes an admission of guilt approved by the court and implemented under the supervision of a probation officer. The program requires victim restitution prior to entering the program. Generally, individuals are involved in the program for six to twelve months, but may be supervised for up to two years. Those who successfully complete contract requirements have their charges dismissed. Those who violate terms of the agreement have their charges reinstated and are prosecuted.

26th Judicial District – Participation in the 26th Judicial District program requires an admission of guilt. Eligible participants are those with first-time charges for misdemeanor offenses or certain Class H and I offenses who have not been on probation before or part of a program that resulted in dismissal of charges, and who are mentally and emotionally stable and capable of meeting program requirements. Individuals with traffic-related charges may not participate. Participation requires the assent of arresting officers and victims, and the ability to provide full victim restitution. Referrals to the program can come from judges, magistrates, court services, attorneys, prosecuting witnesses, police officers, and others. The program is operated by TASC (drug cases) and North Carolina Department of Correction, Division of Community Correction (non-drug cases), and participation can last up to two years. Program requirements may include drug treatment, attendance at work or in school, community service, program fee payment, and victim restitution. Successful program completion results in a dismissal of charges. Violation of requirements results in prosecution.

Sources:

Statute – <http://law.onecle.com/north-carolina/15a-criminal-procedure-act/15a-1341.html>

19th Judicial District – <http://www.ncdistrictattorney.org/michaelparker/deferredprosecution.pdf>

26th Judicial District – http://www.meckbar.org/publications/pr_handbook_detail.cfm?hand_id=5960

North Carolina Sentencing and Policy Advisory Commission Report –

<http://www.nccourts.org/Courts/CRS/Councils/spac/Documents/compendium09-10.pdf>

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Drug Education Schools‡

State: North Carolina | **Jurisdiction:** Multiple

Oversight by: Department of Health and Human Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services

Target Population: First-time Drug Offenders

Started in 1981, the purpose of Drug Education School (DES) is early intervention in the pattern of drug use by first offenders charged with the offenses of misdemeanor possession of controlled substances, possession of drug paraphernalia, possession of less than one gram of cocaine, or inhaling or possessing toxic vapors. Authorized under North Carolina General Statutes Sections 90-96, -96.01, -113.14., eligible individuals are those with no prior conviction for any offense involving a controlled substance, drug paraphernalia, or toxic vapors. Some participants are on deferred prosecution status. With participant consent, judges place individuals on probation without entering a judgement. Probation requirements include completion of DES, and may also include other conditions.

Participants must complete a fifteen-hour curriculum within 150 days of entry into the program and pay the \$150 program fee. The program is administered by the State Division of Mental Health, Developmental Disabilities and Substance Abuse Services in the Department of Health and Human Services, and all thirty-nine mental health programs in the state are required to either provide or contract the provision of DES programs in their areas. The curriculum includes topics such as the legal, social, and financial implications of substance abuse, pharmacology and physiology of drugs, and life skills (e.g., peer pressure, communication, decision-making).

For participants on deferred prosecution status, DES is responsible for managing cases and reporting violations to the court. For those who violate probation conditions, the court may enter an adjudication of guilt and proceed to sentence the defendant. For those who successfully complete the terms of their probation, the court must discharge the individual and dismiss the proceedings.

Source:

<http://www.nccourts.org/Courts/CRS/Councils/spac/Documents/compendium09-10.pdf>

OHIO

Akron Mental Health Court‡

State: Ohio | **Jurisdiction:** Akron, Summit County

Oversight by: Mental Health Court Team

Target Population: Individuals Charged with Misdemeanors Who Have Certain Mental Illnesses

Individuals Diverted per Year: Approximately 100

Started in 2001, the Akron Mental Health Court was created, in part, to address the growing awareness of individuals with mental illness repeatedly coming through the courts and jail, and specifically through the Akron Drug Court program. Judges observed significant numbers of defendants coming through their courts with mental health disorders, and often they waited weeks in jail for a psychological assessment. An effort to match probationers who have mental health problems with a probation officer familiar with mental health issues did not result in access to the various types of necessary care.

The county Alcohol, Drug Addiction, and Mental Health Services (ADM) Board sought the assistance of the GAINS Center for People with Co-Occurring Disorders in the Justice System. The result of their recommendations included the creation of the Akron Mental Health Court Program. The primary goals of the program included increased access to mental health services and decreased recidivism. A criminal justice forum was established, consisting of representatives from a local mental health and social services provider, a local university, the public defender's office, an addiction treatment and community corrections agency, and the county ADM Board.

The program is operated by a team that includes a judge, the chief probation officer (who acts as the program manager), a court liaison, a psychiatrist who serves as the clinical director, a treatment manager, and several community living specialists. Eligible participants are those with misdemeanor charges serious enough to result in jail stays of sixty days or longer, and who have bi-polar disorder, schizoaffective disorder, or schizophrenia.

Most referrals are from judges, the drug court, and the court liaison, who searches court records to find individuals engaged in mental health services. The liaison screens candidates, and within a week or two following arrest, participants are assessed and accepted into the program. When accepted into the program, participants are usually in the community or in jail. Those in jail are released into the community, and program staff assists with applications for public benefits that help pay for some of the rehabilitative services. Participants plead guilty and receive a minimum of two years of probation supervision, and they sign a program contract to participate.

The program consists of two stages: 1) intensive programming, including a residential treatment placement, assistance with benefits, linkage with substance use and mental health services, case management supervision, medication stabilization, court appearances, and other supportive services, and 2) step-down programming, including less oversight while participants demonstrate their ability to maintain their rehabilitative services engagement, housing, and employment situations. When participants comply with program requirements, charges are dismissed, and they may seek expungement of their criminal record.

The program team meets every six weeks, and some of its members meet briefly before the program court call to discuss case specifics.

Individuals with other mental health disorders were initially permitted to participate in the program (traumatic brain injury and mental retardation), but later the decision to exclude them was made after it was observed that these individuals realized limited success in treatment.

Sources:

Consensus Project - <http://www.pacenterofexcellence.pitt.edu/documents/snapshotAkron.pdf>

Ohio Office of Criminal Justice Services - http://www.publicsafety.ohio.gov/links/ocjs_AkronMHCcasestudy.pdf

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Mahoning County TASCs

State: Ohio | **Jurisdiction:** Mahoning | **Type:** Large Urban

Oversight by: Ohio Department of Alcohol and Drug Addiction Services

Program Start: June 1999

Annual Budget: \$975,000 from Federal Grant, Federal Block Grant, State Revenue, County Revenue, Court Fees, Public Insurance and/or Medicaid

Target Population: Individuals Presenting with Substance Use Disorders

Individuals Diverted per Year: 1,200

DEVELOPMENT CIRCUMSTANCES

The primary catalyst for program development included receipt of a grant. The jurisdiction includes other diversion programs or sentencing alternatives, including one or more specialty courts.

PROGRAM DEVELOPMENT

The goals of the program include reduction of jail crowding, increased alternatives for the target population, and linkage of the treatment and criminal justice systems. The planning process lasted between three and six months and included key partnerships with the local judiciary, public defenders, prosecutors, treatment providers, state agencies, and community providers. State agencies involved include those representing mental health, substance abuse, the state Medicaid authority, and corrections. Community agencies involved include mental health, substance abuse, faith-based entities, and corrections. Management for the program is through an independent 501(c)(3) organization. Communication between partners occurs monthly.

PROGRAM DESIGN

The program includes intercept points at the pre-booking, post-booking, deferred prosecution, jail, conditional discharge, and post-sentence specialty court phases of justice involvement. Participants are selected by court referral or through volunteering. Screening and assessment are conducted using ORAS, SSI-AOD, MAST, and a mental health screening form. Supervision requirements are decided by the director with the ultimate decision-maker being TASC.

Contact:

Andrea Paventi
Executive Director

** Note: Survey submission by someone other than the primary contact*

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Oriana House Pretrial Diversion Programs‡

State: Ohio | **Jurisdiction:** Summit County

Oversight by: Oriana House

Target Population: Varied

Oriana House is an independent not-for-profit organization offering an array of community corrections services to the city of Akron and Summit County. The following Oriana House programs facilitate diversion:

Discretionary Rehabilitation Program: Akron Municipal Court –The Discretionary Rehabilitation Program provides an alternative for Akron Municipal Court in the handling of first-time misdemeanor offenders. Sentencing to this program allows offenders to avoid conviction by completing five educational sessions aimed at preventing further criminal activity by concentrating on behavior management and personal skills. Topics for these informational sessions include Decision Making, Chemical Dependency/Abuse Review, Anger Management, Values and Personal Responsibility, and Court Structure/Restorative Justice Overview. Offenders entering this program undergo background checks to verify there is no previous criminal history. Upon successful completion of the five educational sessions mandated by the program guidelines, charges are dismissed.

Family Violence Court –The Family Violence Court, in conjunction with the Akron Municipal Court, offers early intervention, case management, and treatment services for misdemeanor and felony domestic violence offenders. In order for the case to be overseen by the court, the individual must first qualify for probation or other community placement. Program needs are assessed for each participant and a personal, individualized plan is developed. Offenders are required to complete four phases of programming that generally can be completed in one year. Financial responsibilities such as court costs, fines, and restitution also must be addressed before release from the program. Additional coordination with the Battered Women's Shelter and the Victim Assistance Program helps to offer counseling for victims involved in these cases. Successful completion of the program results in release from the program and dismissal of charges.

Pretrial Diversion – The Pretrial Diversion Program offers an alternative to prosecution for first-time felony offenders. In an effort to stop detrimental behavior and to reduce the likelihood of future offenses, diversion counselors work with offenders from six months to one year to help them learn new ways to deal with the issues and actions that led to their offense. If successful in completing the goals set and finishing restitution payments, the client will have a hearing where, in most cases, the charges are dismissed.

Misdemeanor Diversion Program: Barberton Municipal Court and Summit County – The Misdemeanor Diversion Program holds first-time offenders accountable for their actions and requires participation in informative sessions addressing the issues and behaviors that led to their offense. It is through these sessions that offenders learn new ways to positively change their behavior for the future. Upon completion of the program, offenders' charges are dismissed, eliminating the stigma of a criminal conviction. This program is offered as an alternative for Barberton Municipal Court sentencing.

Source:

<http://www.orianahouse.com>

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Pre-Trial Diversion Program Statute†

State: Ohio | **Jurisdiction:** Various

Oversight by: Prosecuting Attorneys

Target Population: Offenders Not Considered Repeat or Dangerous

Under Ohio Revised Code (Chapter 2935.36), prosecuting attorneys are authorized to create adult pre-trial diversion programs for individuals believed unlikely to reoffend. Programs must be operated according to written standards approved by the presiding judge or judge of the court of common pleas. Program eligibility is limited, prohibiting individuals who are considered repeat or dangerous offenders (as defined by statute) from participation, as are those accused of crimes of violence. Participation is also prohibited for individuals accused of certain offenses committed while operating a commercial motor vehicle, and for those who hold a commercial driver's licence if conviction of the offense would disqualify them from operating a commercial motor vehicle.

Participants must agree to conditions of the program as set forth by the prosecuting attorney, and to pay program fees that cover expenses associated with monitoring, drug testing, and other services. When the prosecuting attorney submits an application to the trial court for an individual who agrees to participate, the court is required to release him or her from confinement and any bail requirements on a recognizance bond. The prosecutor must notify all victims and arresting officers of the intent to admit an individual to the program, and they must be able to file objections prior to entry.

Individuals who successfully complete the diversion program have their charges dismissed. Individuals who elect not to participate or who violate terms of the agreement may be prosecuted. Beyond these, guidelines for eligibility, participation, and successful program completion are within the purview of the prosecuting attorney.

EXAMPLES

Coshocton County Municipal Court Pre-Trial Domestic Violence Diversion Program – Targeting individuals charged with first-time domestic violence offenses who have not recently participated in domestic violence counseling, whose charged offense did not lead to visible injury, this program facilitates dismissal of charges for those who successfully complete certain requirements. Participation is voluntary, and participants must pay program fees, submit to an evaluation and follow-up counseling and treatment recommended by a service provider.

Cuyahoga County Diversion and Early Intervention Programs – For people with first-time offenses, these programs offer diversion for non-violent and non-drug related offenses (Diversion) and drug-related offenses (Early Intervention Programs, or EIP). These programs aim to hold individuals responsible for their criminal conduct and place them in a supervised program, with a goal of reestablishing them in the community without a felony record after completion of requirements. Program conditions may include admitting to the crime, regular reporting to a probation officer, community service, drug testing, victim restitution, and court costs. After successful completion of the program, which lasts from six to twelve months, the offender's record is expunged.

Delaware Municipal Court Diversion Programs – Delaware Municipal Court offers two diversion programs for individuals charged with first-time misdemeanor offenses: one for those charged with certain alcohol- and drug-related offenses, and one for those charged with certain theft offenses. Individuals who successfully complete the program will not have a criminal conviction on their records. Participation for each individual is recommended by the prosecutor, subject to judicial approval, and voluntary. The prosecutor must consult victims and consider their views. Participants are required to plead guilty, and within ninety days, pay a \$150 program fee, complete mandated education or substance abuse treatment requirements, pay victim restitution, under drug testing if necessary, refrain from further offenses, and report regularly to the probation department. Successful completion results in the withdrawal of charges.

Hancock County Pretrial Diversion Program – Developed by the Hancock County Prosecutor, the Pre-Trial Diversion Program offers an alternative to traditional prosecution of certain adults charged with offenses. Diversion allows appropriate offenders to plead guilty to the charges on which they were indicted, and to be placed into a “quasi-probationary” period of time tailored to each individual. After successful completion of this time period, the indictment is dismissed, preventing a felony or misdemeanor conviction on record. Failure to successfully complete the diversion program results in prosecution.

Hocking County Municipal Court Pre-trial Diversion Program – The program admits individuals with first-time offenses in cases for which it is thought that participation will sufficiently prevent future problems. Participants pay \$10/month, and those unable to pay may be required to perform community service instead.

Lakewood Municipal Court in Cuyahoga County – The Lakewood Municipal Court Pretrial Diversion Program (PDP) permits diversion from prosecution for individuals with first-time felony offenses and no misdemeanor offenses in the past ten years, and who also have no criminal involvement or pending charges other than those in the case for which diversion is requested. Participation by individuals with prior participation in any diversion program, who have previously been on probation, and who are charged with traffic offenses, including driving while under the influence, are also prohibited from participating. After initiation by the court, the prosecutor, or the defendant, the prosecutor’s office or the court’s probation department conducts an investigation into a candidate’s eligibility. Investigation findings and recommendations include consideration of factors related to harm caused by the offense, likelihood of recurrence, circumstances surrounding the offense, likelihood of an individual to respond to rehabilitative treatment, and likelihood of recidivism. With court approval and the withdrawal of any plea that has been entered, program participation begins, lasting a minimum of ninety days. Conditions of participation and a maximum duration are established by the court, and the program is administered by the prosecutor’s office and/or probation department, with the court clerk. Conditions of the program include payment of a \$25 fee, which can be waived for individuals unable to pay it. Successful completion results in dismissal of charges. Violation of conditions of participation may result in prosecution.

Lucas County Pretrial Diversion Program – With screening, recommending, and supervising of program participants provided by the pretrial defendant supervision section, the Lucas County Pretrial Diversion Program permits individuals charged with certain felony offenses the opportunity to avoid conviction upon satisfaction of special conditions. Requirements include payment of a program participation fee, no significant prior criminal history, no drug or alcohol dependency, full victim restitution, and community service.

Wayne County Pretrial Diversion Program and Treatment in Lieu of Conviction Program – The Pretrial Diversion Program was established by the Wayne County Prosecutor to reduce court and prosecutor caseloads, to improve the collection of restitution, fines, and fees, and to reduce recidivism. Eligible participants are supervised by the court pretrial diversion officer for up to one year. Participation is voluntary and includes individualized program conditions, including payment of supervision fees, participating in treatment/counseling as appropriate, community service, and victim restitution. Upon successful completion, all criminal charges are dismissed, resulting in avoidance of the stigma and disabilities caused by a felony conviction. Effectiveness and recidivism data are collected and evaluated for a time period of five years after completion. The program is designed to meet the needs of individuals charged with low-level, non-violent offenses who have significant substance abuse problems that contributed to commission of the charged offense. Eligibility requirements include not having participated in the program previously, not having been convicted of a felony, and being charged with an offense that would be sentenced to community supervision if prosecuted traditionally. Participants must undergo a thorough substance abuse assessment and, if accepted, are supervised in the community for at least one year. Program requirements include treatment completion. Once all recommended treatment and other program requirements are completed, charges are dismissed.

Sources:

- Coshocton Pre-trial Domestic Violence Diversion Program <http://www.coshoctonmunicipalcourt.com/PDFforms/dom.pdf>
- Cuyahoga Diversion and Early Intervention Programs – <http://prosecutor.cuyahogacounty.us/Unit.aspx?uid=6&uname=General%20Felony>
- Delaware Diversion Programs – <http://www.delawareohio.net/MunicipalCourt/CourtHome/AboutTheCourt/diversiondrugalcohol.aspx>
- Hancock County PDP – <http://co.hancock.oh.us/government-services/prosecutor/adult-diversion>
- Hocking County PDP – <http://www.hockingcountymunicipalcourt.com/rules.pdf>
- Lakewood PDP – <http://www.lakewoodcourtoh.com/rules/rule25.html>
- Lucas County PDP – <http://co.lucas.oh.us/index.aspx?nid=1331>
- Statute – <http://codes.ohio.gov/orc/2935.36>
- Wayne County Programs – <http://www.waynecourts.org/courtcommonpleas/probationprograms>

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Recovery Project^s

State: Ohio | **Jurisdiction:** Summit County | **Type:** Small Urban

Oversight by: Several Advocacy Organizations

Program Start: January 1996

Annual Budget: From County Revenue

Target Population: Individuals Presenting with Mental Health Issues

Individuals Diverted per Year: 100+

DEVELOPMENT CIRCUMSTANCES

The primary catalyst for program development was administrative priority. The jurisdiction includes other diversion programs or sentencing alternatives, including crisis intervention teams, drug education, and one or more specialty courts.

PROGRAM DEVELOPMENT

The primary goal of the program is to assist in recovery. The planning process included key partnerships with law enforcement, the local judiciary, treatment providers, state agencies, and community providers. State agencies involved include those representing mental health, which provided grants and other funding. Community agencies involved include mental health and community-based coalitions. Collaboration with mental health providers has been critical. Management for the program is evolving. Communication between partners occurs roughly monthly in meetings, via phone and e-mail.

PROGRAM DESIGN

Rewards for compliance include case dismissal, and expungement and sanctions for violations include case indictment and supervision. Average length of participation is one month. Criteria for success include completion of ten hours of drug education sessions, and if successful, the case is dismissed and expunged. Following supervision, there is no linkage to community services and no ongoing justice supervision.

PROGRAM EVOLUTION

The program has evolved over time, including the program being offered throughout the courthouse in Summit County. Partners report that the program is achieving its goals. Outcomes have been documented. Demographic data are tracked and documented. The program has not been subject to a formal evaluation, and has not been assessed for cost effectiveness.

According to project partners, the critical components of the program include the identification process, use of rewards and sanctions, length of participation, and linkage to services post participation.

Contact:

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Coordinator

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** Note: Survey submission by someone other than the primary contact*

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Westerville CIT^s

State: Ohio | **Jurisdiction:** City of Westerville | **Type:** Suburban

Oversight by: Delaware/Morrow Mental Health Board

Program Start: January 2006

Annual Budget: State Revenue and County Revenue

Target Population: Individuals Presenting with Substance Use Disorders and Mental Health Issues

Individuals Diverted per Year: Not Reported

DEVELOPMENT CIRCUMSTANCES

The catalysts for program development included administrative priority and training law enforcement. The jurisdiction includes other diversion programs or sentencing alternatives, including crisis intervention teams, programs for first-time offenders, and one or more specialty courts.

PROGRAM DEVELOPMENT

The goals of the program include increasing alternatives for the target population. The planning process lasted approximately three months and included key partnerships with law enforcement, the local judiciary, and treatment providers. Management for the program is through the Delaware/Morrow County Mental Health Board.

PROGRAM DESIGN

The program includes intercept points at the law enforcement, jail, and pre-sentence specialty court phases of justice involvement. The ultimate decision-makers for services are participating treatment providers.

Once enrolled, participants are managed through pre-trial supervision, case management, and probation supervision. Community services accessed include mental health, substance abuse, employment/labor, housing, and faith-based services. Rewards for compliance include reduced charges or dismissal, and sanctions for violations may include jail. Average length of participation is twenty-two months. Criteria for success include appearance at court dates, abstinence from drug use, medication (where appropriate), participation and retention in treatment, and compliance with other service plan requirements. If successful, charges are reduced or dismissed. Following supervision, there is linkage to community services, but no ongoing justice supervision.

PROGRAM EVOLUTION

The program has both expanded and reduced in size as a result of budget cuts. Partners report that the program is achieving its goals. Outcomes have been documented. Demographic data are tracked and documented. The program has been subject to a formal evaluation, but has not been assessed for cost effectiveness.

According to project partners, the critical components of the program include the assessment process, the decision-making process, communication between partners, and length of participation.

Contact:

Paul Damron

** Note: Survey submission by someone other than the primary contact*

OKLAHOMA

Oklahoma County Veteran's Program (OCVP)‡

State: Oklahoma | **Jurisdiction:** Oklahoma County, Oklahoma City

Oversight by: County District Attorney

Target Population: Veterans Facing Prosecution for One or More Criminal Offenses

The Oklahoma County Veteran's Program is designed to divert veterans from prison, reduce their involvement in future crimes, and connect them with rehabilitative services.

The program team screens and assesses participants and confirms their eligibility and voluntary participation. The program combines intensive treatment and supervision, and participants engage in treatment that addresses their specific needs. In addition to drug and alcohol treatment, program components include random drug testing, support group meetings, vocational or job counseling, educational classes, and community supervision.

For participants who successfully complete the program, their charges are usually dismissed or never filed. Program failure results in the case(s) being remanded to the court of origin for continued prosecution.

Source:

<http://www.oklahomacounty.org/departments/districtattorney/Veterans.aspx>

OREGON

Multnomah County Community Court[‡]

State: Oregon | **Jurisdiction:** Multnomah County

Oversight by: Multnomah County District Attorney

Target Population: Defendants Charged with “Quality of Life” Misdemeanor Offenses

With goals of reducing the number of cases on other court dockets and costs associated with jail incarceration, the Community Court focuses on misdemeanors described as “quality of life” crimes, including theft, prostitution, public drinking, and trespass. Participants plead guilty and receive a sentence that may include community service and required social services. Services can include health care, food assistance, access to shelter and clothing, and drug and alcohol assessments. Most first-time cases in the program are dismissed following successful completion of mandated community service and/or social services.

Source:

<http://mcda.us/index.php/community-initiatives-special-programs/community-court/>

PENNSYLVANIA

Accelerated Rehabilitation Disposition (ARD) Program‡

State: Pennsylvania | **Jurisdiction:** Various Jurisdictions

Oversight by: District Attorneys in Each Jurisdiction

Target Population: First-time Offenders

Pennsylvania legal code (234 Pa. Code § 300-320) creates the Accelerated Rehabilitation Disposition (ARD) Program, which may be utilized by judges in jurisdictions across the state. With goals of offering rehabilitation and avoiding costly court proceedings, participants are generally first-time offenders thought to benefit from treatment and rehabilitation rather than punishment and whose crimes are relatively minor – often charges of driving under the influence or drug possession. The program offers successful participants the opportunity to avoid a criminal conviction on their records. Participation may last up to two years.

The code provides the procedural framework for the utilization of ARD by judges in minor cases but does not specify specific classes of offenses or defendants that are eligible or ineligible for participation. Jurisdictions each structure their own ARD programs, based on the code's framework. District attorneys generally determine which cases are recommended for the program and conditions for participation. During program participation, court proceedings are deferred. Conditions of participation may include restitution, administrative fees, community service, treatment, etc. Failure to meet conditions may result in reinstatement of court proceedings as usual. Upon successful program completion, judges dismiss the charges and initiate record expungement.

Sources / Examples:

Allegheny County – <http://www.alleghenycounty.us/crim/dui.aspx>

Armstrong County – <http://www.accourts.com/ard-application>

Beaver County – <http://www.beavercountypa.gov/courts/adult-probation/adult-probation-dui-school>

Berks County – <http://www.co.berks.pa.us/Dept/Courts/APO/Pages/DUI%20-%20ARD.aspx>

Bucks County – <http://www.buckscounty.org/government/rowofficers/DistrictAttorney/ARD.aspx>

Chester County – <http://www.chesco.org/index.aspx?NID=1129>

Code – <http://www.pacode.com/secure/data/234/chapter3/chap3toc.html>

Lancaster County – <http://www.co.lancaster.pa.us/da/cwp/view.asp?Q=647307>

<http://www.co.lancaster.pa.us/da/cwp/view.asp?A=3&Q=648287>

Lebanon County – <http://www.lebcounty.org/Da/Pages/AcceleratedRehabilitationProgram.aspx>

Warren County – <http://www.warrencountypa.net/forms/ARD%20DUI%20Program.pdf>

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Allegheny County Justice Related Services§

State: Pennsylvania | **Jurisdiction:** Allegheny/Pittsburgh | **Type:** Large Urban

Oversight by: Allegheny County Dept of Human Services, OBH

Program Start: October 1988

Annual Budget: Funding from Federal Grant, Federal Block Grant, State Revenue, and County Revenue

Target Population: Individuals Presenting with Mental Health Issues

Individuals Diverted per Year: Unknown

DEVELOPMENT CIRCUMSTANCES

The catalysts for program development included administrative priority and federal lawsuit. The jurisdiction includes other diversion programs or sentencing alternatives, including crisis intervention teams, pre-trial services, and one or more specialty courts.

PROGRAM DEVELOPMENT

The primary goal of the program is response to mentally ill individuals in the justice system. The planning process lasted close to three months and included key partnerships with law enforcement, the local judiciary, public defenders, treatment providers, and community providers. Community agencies involved include mental health, substance abuse, faith-based entities, corrections, housing, and community-based coalitions. Management for the program is through the single county authority.

PROGRAM DESIGN

The program includes intercept points at the law enforcement, pre-booking, post-booking, jail, conditional discharge, pre-sentence specialty court, and post-sentence specialty court phases of justice involvement. Participants are selected based on charges and diagnosis plus referrals. Supervision requirements are decided by the courts, with the ultimate decision-maker being the local judiciary and treatment providers.

Once enrolled, participants are managed through pre-trial supervision, case management, probation supervision, day reporting, and drug testing. Community services accessed include mental health, substance abuse, employment/labor, housing, faith based, and Medicaid. Average length of participation is one month. Criteria for success include medication (where appropriate), participation and retention in treatment, compliance with other service plan requirements, and if successful, charges are not filed. Following supervision, there is linkage to community services, along with ongoing justice involvement.

PROGRAM EVOLUTION

Partners report that the program is achieving its goals. Outcomes are not officially documented. Demographic data are not tracked or documented. The program has not been subject to a formal evaluation, and has not been assessed for cost effectiveness.

According to project partners, the critical components of the program include the identification process, assessment process, and decision making process. One area of improvement suggested was the better selection of candidates.

Contact:

Michael Nock

** Note: Survey submission by someone other than the primary contact*

RHODE ISLAND

Adult Diversion Program‡

State: Rhode Island | **Jurisdiction:** Statewide

Oversight by: Office of the Attorney General

Target Population: First-time, Non-violent Felony Offenders

The Adult Diversion Program was established in 1976 as an alternative to prosecution, enabling first-time non-violent offenders to avoid the stigma of a criminal record. The program is operated by the Adult Diversion Unit within the Office of the Attorney General's Criminal Division.

The Adult Diversion Unit's staff interviews program candidates. Eligible participants are those charged with certain first-time non-violent felony offenses. Program components include payment of restitution; completion of community service (typically sixty hours); counseling for substance abuse, mental health problems, and gambling addiction; and supervision. Individuals who successfully complete program requirements have their charges dismissed, and they may seek expungement of their criminal record.

In 2012, the Unit handled 542 referrals, accepted 302 cases and completed 249 cases. That year, \$159,121 in restitution collected and distributed to victims, 7,325 hours of community service at statewide non-profit agencies were performed, and 187 counseling program placements were made (i.e., substance abuse, gambling addiction, and mental health).

Source:

<http://www.riag.ri.gov/criminal/diversion/index.php>

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Intensive Diversion Program (IDP)‡

State: Rhode Island | **Jurisdiction:** Third and Sixth Judicial Districts

Oversight by: Pretrial Services Unit, Rhode Island District Court

Target Population: Individuals Charged with Misdemeanors, No/Little Criminal History, Substance Abuse and Mental Health Problems

With assistance from the U.S. Bureau of Justice Assistance, and in coordination with Fellowship Health Resources, Inc., a non-profit behavioral health provider, Rhode Island's District Court established the Intensive Diversion Program in 2011. The program aims to provide treatment for people with substance abuse and mental health problems so they can stay out of the criminal justice system. Conditions of participation include attendance in an eight-week psychosocial educational group called "Life Skills," participation in treatment services as recommended by Pretrial Services and service provider staff, participation in a data collection interviews, ongoing monitoring, and compliance with other conditions of bail set forth by the court or Pretrial Services. A case manager helps to develop a treatment plan and provide assistance in finding community resources, such as financial and vocational opportunities.

Once participants have completed the eight-week education program and been established with a treatment provider, a recommendation is made to the court to have charges dismissed.

Sources:

Fellowship Health Resources - <http://www.fellowshiphr.org/news-events/news/intensive-diversion-program-proves-successful-in-rhode-island>

Rhode Island Courts - <http://www.courts.ri.gov/Courts/districtcourt/Pretrial%20Services/Pretrial-DiversionBrochure.pdf>

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Mental Health Diversionary Programs

State: Rhode Island | **Jurisdiction:** Providence, Kent, and Washington Counties | **Type:** Statewide / Multiple

Oversight by: Gateway and Kent Center CMHC and Pre-Trial Services

Program Start: January 2000

Annual Budget: \$200,000 from Federal Grant, and State Revenue

Target Population: Individuals Presenting with Substance Use Disorders, Mental Illness, Co-occurring Disorders, and Veterans

Individuals Diverted per Year: 500 to 750 (conservative estimate)

DEVELOPMENT CIRCUMSTANCES

The catalysts for program development included jail overcrowding, administrative priority, and the creation of an environment where the mentally ill would not be detained in a correctional setting. The jurisdiction includes other diversion programs or sentencing alternatives, including pre-trial services, one or more specialty courts, and a veteran diversionary program.

PROGRAM DEVELOPMENT

The goals of the program include reduction of jail crowding, expediting case disposition, implementing evidence-based practices, and increasing alternatives for the target population. The planning process lasted over six months and included key partnerships with law enforcement, the local judiciary, public defenders, prosecutors, treatment providers, state agencies, community service providers, and Veteran Affairs. State agencies involved include those representing mental health, substance abuse, and corrections. Community agencies involved include mental health, substance abuse, corrections, and community-based coalitions.

PROGRAM DESIGN

The program includes intercept points at the law enforcement, pre-booking, post-booking, deferred prosecution, jail, conditional discharge, pre-sentence specialty court, and post-sentence specialty court phases of justice involvement. Participants are selected by clinical interview and historical data. Screening and assessment are conducted using crisis assessment, mental status examination, and TCU. Supervision requirements are decided based upon clinical need, with the ultimate decision-maker being law enforcement, the local judiciary, public defenders, prosecutors, treatment providers, and community providers.

Once enrolled, participants are managed through pre-trial supervision, case management, probation supervision, drug testing, and frequent court appearances. Community services accessed include mental health, substance abuse, and community health centers. Average length of participation is twelve months. Criteria for success include abstinence from drug use, medication (where appropriate), participation and retention in treatment, compliance with other service plan requirements. If successful, formal charges are not filed, the case is dismissed, and probation is deemed complete. Following supervision, there is linkage to community services, along with ongoing justice involvement.

PROGRAM EVOLUTION

Partners report that the program is achieving its goals. Outcomes have been documented. Demographic data are tracked but not documented. The program has been subject to a formal evaluation, and has been assessed for cost effectiveness.

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SOUTH CAROLINA

Pre-Trial Intervention (PTI) and Alcohol Education (AEP) Program Statutes†

State: South Carolina | **Jurisdiction:** Various Jurisdictions

Oversight by: Solicitor's Offices

Target Population: Non-violent First-time Offenders / First Offenders 17-21 Years Old

Pre-Trial Intervention (PTI) – The program was developed in 1980 as an alternative to prosecution, via the Pretrial Intervention Act (S.C. Code Ann. §17-22-10 through §17-22-170). PTI was designed to minimize loss to victims through restitution, improve court efficiency by diverting less serious cases, and provide community supervision. PTI participation is voluntary, and is only available to each defendant once. Any adult defendant charged with any crime may apply, but acceptance is solely at the discretion of the solicitor based on the nature of the offense, the recommendation of the arresting agency and any victim, and prior criminal history. Eligible participants are those for whom it is determined that the needs of the defendant and the State can be better met outside of the criminal justice system.

If accepted, the defendant will enter into a contract setting forth all requirements for successful completion, which may include restitution to the victim, participation in counseling, community service, high school education, and steady employment. Curfews, drug screens, and prison tours may also be required. Subsequent arrests or non-compliance may result in unsuccessful termination for PTI and the case(s) being returned to court for prosecution. If a defendant successfully completes all of the requirements, their charges will be dismissed and they may obtain an expungement order for their arrest record.

Alcohol Education Program (AEP) – In 2007, state legislation added Article 5 to S.C. Code Ann. §17-22, creating the Alcohol Education Program Act. First-time offenders between the ages of 17 and 21 with specified alcohol-related charges may be eligible. The program may require community service, alcohol education, and alcohol testing. The program is designed to increase awareness of underage drinking by providing information about alcohol abuse. It provides knowledge of the negative effects of alcohol abuse and how individual choices can impact the lives of others. Individuals may only participate in the program once, though may be eligible for PTI following AEP. If an individual successfully completes the program, the charges will be dismissed, and s/he is eligible to apply for expungement of the arrest record. Failure to complete program requirements will result in termination from the program, and the offense will be returned to court for prosecution.

Sources / Examples:

1st Judicial Circuit – <http://www.scsolicitor1.org/cmp/Programs/PreTrialInterventionPTI.aspx>

2nd Judicial Circuit – <http://www.aikencounty.net/dspofc.cfm?qofcid=sol>

7th Judicial Circuit – <http://www.spartanburgcounty.org/govt/depts/sol/docs/SolicitorsInterventionPrograms.pdf>

8th Judicial Circuit – <http://www.scsolicitor8.org/#!diversion-programs/c5ro>

9th Judicial Circuit – <http://www.scsolicitor9.org/pti.htm>

10th Judicial Circuit – <http://www.soli10th.com/pre-trial>

12th Judicial Circuit – http://files.florenceco.org/public/Solicitor/pti_requirements.pdf

13th Judicial Circuit – http://www.greenvillemunicipal.org/solicitor/pre_trial_intervention.asp

<http://cityofcentral.org/wp-content/uploads/2011/06/PTI-Information2.pdf>

<http://www.greenvillemunicipal.org/solicitor/aep.asp>

15th Judicial Circuit – <http://nmb.us/files/files/pdf/PreTrial%20Intervention%20Program.pdf>

16th Judicial Circuit – <http://www.scsolicitor16.org/Diversion/pti>

<http://www.scsolicitor16.org/Diversion/alcoholEd>

Clemson University Municipal Court – <http://www.clemson.edu/campus-life/campus-services/municipal-court/charges/pti.html>

<http://www.clemson.edu/campus-life/campus-services/municipal-court/charges/aep.html>

Statute – www.scstatehouse.gov/code/t17c022.php

TEXAS

Bexar County Jail Diversion§

State: Texas | **Jurisdiction:** Bexar County | **Type:** Large Urban

Oversight by: CHCS

Program Start: September 2003

Annual Budget: \$9,000,000 from Federal Grant, State Revenue, County Revenue, Public Insurance and/or Medicaid

Target Population: Individuals Presenting with Substance Use Disorders, Mental Illness, Co-occurring Disorders, Veterans, Women, and Transition Age Youth

Individuals Diverted per Year: 12,000

DEVELOPMENT CIRCUMSTANCES

The catalysts for program development included jail overcrowding and realigning of the crisis system. The jurisdiction does not include other diversion programs.

PROGRAM DEVELOPMENT

The goals of the program include reduction of jail crowding and increasing alternatives for the target population. The planning process lasted over six months and included key partnerships with law enforcement, the local judiciary, public defenders, prosecutors, treatment providers, state agencies, and community providers. State agencies involved include those representing mental health, substance abuse, public health, corrections, and housing. Community agencies involved include mental health, substance abuse, faith-based entities, corrections, employment/labor, housing, and community-based coalitions. Management for the program is collaborative. Communication between partners occurs monthly.

PROGRAM DESIGN

The program includes intercept points at the law enforcement, pre-booking, post-booking, deferred prosecution, jail, conditional discharge, pre-sentence specialty court, post-sentence specialty court, and probation phases of justice involvement. Participant screening and assessment is conducted using a variety of tools. Supervision requirements are decided based on mental health needs with the ultimate decision-maker being law enforcement, the local judiciary, public defenders, prosecutors, treatment providers, and community providers.

Once enrolled, participants are managed through pre-trial supervision, case management, probation supervision, and drug testing. Community services accessed include mental health, substance abuse, employment/labor, housing, faith-based services, Medicaid, other public benefits, and community health centers.

PROGRAM EVOLUTION

According to project partners, the critical component of this program is collaboration between partners.

Contact:

Gilbert Gonzales

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Ggonzales@chcsbc.org

Additional Information:

http://www.samhsa.gov/samhsa_news/VolumeXIII_3/article3.htm

<http://www.naco.org/programs/csd/Documents/Criminal%20Justice/Jail%20Diversion%20Forum%20Materials/Cost%20Benefit%20Study.pdf>

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Bowie County Pre-Trial Diversion‡

State: Texas | **Jurisdiction:** Bowie County

Oversight by: Bowie County Community Supervision & Corrections

Target Population: Eligible First-time Felony or Misdemeanor Offenders

Bowie County Pre-Trial Diversion (PTD) is designed to divert eligible misdemeanor and felony offenders from the criminal justice system. This diversion allows such first-time offenders an avenue to avoid the stigma. The target population is be felons and misdemeanants who have no prior conviction other than a class “C” offense, not previously received a probated sentence for a like offense, and not previously participated in a pretrial program. Certain offenses are ineligible, including sale of a controlled substance, felony DWI, DWI resulting in injury, offenses committed with weapons, and assault.

PTD assists the courts and/or district attorney's office in the program and supervises participants. PTD schedules defendants for orientation interviews, where they are given a brief explanation of the terms and conditions of their supervision. A risk/needs assessment and supervision plan is completed, and may include DWI 1st Education, Drug Offender Education, Court Ordered Probation Education (COPE), and/or Minor in Possession Classes (MIP).

PTD supervises participants for up to one year. Supervision is based on a traditional casework approach. After successful completion of the program, a recommendation for dismissal of charges is submitted to the district attorney's office.

Source:

http://bowiecountycscd.com/index_files/Page1337.htm

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Deferred Adjudication Community Supervision and Pre-Trial Diversion†

State: Texas | **Jurisdiction:** Brazos County

Oversight by: Community Supervision and Corrections Department

Target Population: Eligible Misdemeanor or Felony Offenders

Deferred Adjudication Community Supervision – After pleading guilty or nolo contendere, individuals charged with offenses for which there is enough evidence to result in a finding of guilt may receive deferred adjudication community supervision. Deferred adjudication means that the finding of guilt is deferred by the judge, who imposes a sentence of community supervision with terms and conditions of supervision not unlike what would be imposed on individuals with convictions. Individuals charged with misdemeanors can be sentenced for up to two years; those with felony charges can be sentenced for up to ten years. This option is available to individuals charged with certain sex offenses against children, whose cases require a minimum sentence of five years. This option is not available for individuals charged with intoxication offenses or offenses related to the sale of drugs in drug-free zones or to minors.

Individuals who successfully serve deferred adjudication sentences have no conviction on their record, but they do retain a record of arrest. Those who fail to meet program requirements may have their cases opened up to regular adjudication proceedings.

Pre-Trial Diversion in Brazos County – Brazos County Attorney's office makes very limited use of pre-trial diversion, generally for individuals charged with insufficient funds checks. After agreements negotiated between prosecutors and defense attorneys are reached, individuals are provided an opportunity to avoid prosecution by successfully completing a period of time during which there are no new arrests and other specified conditions such as counseling, restitution, and community service. Those who successfully complete the terms of the agreement have the arrest and diversion record removed from their criminal record.

Sources:

<http://www.brazoscountytexas.gov/index.aspx?NID=400>

<http://www.brazoscountytexas.gov/index.aspx?NID=403>

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Houston Police Department CIT†

State: Texas | **Jurisdiction:** City of Houston

Oversight by: Houston Police Department

Target Population: Individuals in Need of Mental Health Crisis Intervention

The Houston Police Department (HPD) has had a number of crisis response strategies in place since 1999. These programs are built on a strong partnership with the mental health community in the Houston area, as well as the National Alliance on Mental Illness.

The HPD Crisis Intervention Training program is based on the Memphis Model and is among the largest such programs in the country. New officers are required to participate in the CIT training, while participation is voluntary for veteran officers. HPD has enhanced its CIT curriculum with additional modules, including refresher courses and training for non-officer staff such as dispatchers and jail staff.

The HPD Crisis Intervention Response Team (CIRT) involves a direct collaboration between responding officers and a licensed mental health professional in response to crises. These teams, which participate in an interdisciplinary cross-training curriculum, respond to the most serious of mental illness-related crises, as well as SWAT responses.

The HPD Chronic Consumer Stabilization Initiative (CCSI) identifies mentally ill individuals who demonstrated repeated contact with law enforcement, and proactively pairs them with a mental health case manager, who assists in identifying services that will help stabilize the individual.

Contact:

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Houston, TX 77002
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Source:

Consensus Project - http://csgjusticecenter.org/documents/0000/0896/Houston_PD_One_Pager.pdf

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Travis County Drug Court Program[‡]

State: Texas | **Jurisdiction:** Travis County

Oversight by: Travis County Criminal Courts

Target Population: Non-violent Felony Offenders with Chemical Dependency

Founded in 1993 by the District Criminal Courts, the Travis County Adult Drug Diversion Court (also known as S.H.O.R.T., or System of Healthy Options for Release and Transition) aims to address substance misuse and individual needs. Current eligibility requirements consist of those both legal and clinical in nature. Applicants must be charged with a felony drug-related case, have no history of significant and substantial drug dealing, have no cases pending in other jurisdictions, not be currently on probation or parole, not have a history of violence, live in the county, and be first-time participants in the program. Clinical criteria require that participants not be suicidal, homicidal, or medically unstable; volunteer for the program; and assessed as chemically dependent with a non-alcohol primary drug of choice.

Once the case is deemed eligible, potential participants are required to attend a court orientation session. During this session, the judge will either accept or deny each case. While the program structure is being revised, several media reports indicate that it permits a dismissal of criminal charges upon successful completion.

Sources:

Travis County Criminal Courts - http://www.co.travis.tx.us/courts/criminal/drug_court/default.asp

MyFoxAustin.com - <http://www.myfoxaustin.com/story/19687485/crimewatch-travis-county-revamps-drug-court-program>

Statesman.com - <http://www.statesman.com/news/news/local/officials-trying-to-save-drug-court/nSLLM/>

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Travis County Felony Pretrial Diversion Program[‡]

State: Texas | **Jurisdiction:** Travis County

Oversight by: Travis County District Attorney's Office

Target Population: Eligible First-time Felony Offenders without Substance Use Problems

At the sole discretion of the Travis County District Attorney's Office, the Felony Pretrial Diversion Program affords individuals an opportunity to avoid prosecution by successfully completing a period (up to two years) during which there are no new arrests and all other requirements of the term. Requirements may include counseling, restitution, and community service. Only individuals charged with a first-time third-degree or State jail non-violent felony offense are eligible, though some with a history of minimal, non-violent, juvenile, or misdemeanor criminal offenses may be considered. Individuals with substance abuse issues or other conditions that should be monitored in a formal probation environment or Travis County Drug Court are ineligible.

Cases meeting criteria are referred to the screening committee for consideration. Drug offense cases and any other deemed appropriate by the screening attorney require evaluation by court administration prior to application. Applicants accepted into the program enter into a written agreement that states the terms and conditions of the program, and they must plea guilty and pay a \$60 monthly supervision fee along with other program and service fees.

Individuals who fail to meet program requirements may have their participation revoked, a decision that rests solely with the District Attorney's office. In such instances, cases are returned to regular dockets and proceed as usual. Individuals who complete their terms successfully may apply for an expunction of the arrest record, which will not be contested by the District Attorney's Office. (The Office indicates that it cannot require the Texas Department of Public Safety to abide by this agreement.)

Source:

<http://www.traviscountyda.com/pretrialdp2.htm>

UTAH

Salt Lake City Police Department, Utah Statewide CIT[‡]

State: Utah | **Jurisdiction:** Salt Lake City

Oversight by: Salt Lake City Police Department

Target Population: Individuals in Need of Mental Health Crisis Intervention

The Salt Lake City Police Department (SLCPD) leads Utah's statewide CIT effort, which is based on a best-practice review of mental health response programs from around the country. The CIT program is built on a strong collaboration with the state Department of Human Services Division of Substance Abuse and Mental Health (DSAMH), which prioritized specialized mental health response training for officers and supported the statewide CIT training effort, which began in earnest in 2001.

The statewide CIT effort relies on regional training academies, which abide by a set of uniform requirements and standardized examinations, but also are given the autonomy to adapt the curriculum and the responses themselves to nuances, unique needs, or service access logistics within their region. Officers who successfully complete the training are certified by the state.

In addition to its statewide coordination responsibilities, SLCPD operates a CIT Investigative Unit, which reviews reports from street-level law enforcement and determines what follow-up, if any, might benefit the individual. The Investigative Unit will then proactively contact the individual and make a referral to mental health services.

Contact:

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Source:

http://csgjusticecenter.org/documents/0000/0899/Salt_Lake_City_PD_One_Pager.pdf

VERMONT

Vermont Court Diversion‡

State: Vermont | **Jurisdiction:** Various Jurisdictions

Oversight by: State's Attorneys and Local NFPs

Target Population: Misdemeanor Offenders

Beginning as a single community program in the late 1970s, court diversion was a community justice program that aimed to divert minor offenders out of the court system. The program's success led the State legislature to expand it to youth across the State, and in 1982 to adults as well (3 VSA §163 & §164).

Following a balanced and restorative justice (BARJ) model, Vermont court diversion programs engage community members in responding to the needs of crime victims, the community, and those who violated the law, holding the latter accountable in a manner that promotes responsible behavior. State's Attorneys refer individuals to local programs. The majority of participants ("clients") are charged with misdemeanors, typically related to disorderly conduct, simple assault, larceny, retail theft, unlawful mischief, alcohol and marijuana violations, and bad checks. Participants enter the program voluntarily after being charged with a criminal offense and prior to adjudication.

Community members make up review boards, which meet with clients to develop contracts that address the particular offense and the underlying reasons for their actions. Victims have the opportunity to voice their opinion, and contracts may require clients to pay restitution, participate in counseling or substance abuse treatment, or write letters of apology. Participants accept responsibility for violating the law and work to repair the harm they caused. Those who complete the program successfully have their cases dismissed by the State's Attorney. Two years later, the court orders the sealing of all records related to the case. If an offender does not complete the terms of the contract, the case is returned to court for prosecution.

Each county in Vermont has a diversion program run by a local, private non-profit organization. Programs are funded by a state grant administered by the Attorney General's office, client fees, town appropriations, grants, private donations, and United Way allocations. Programs are joined together through membership in the Vermont Association of Court Diversion Programs.

Sources / Examples:

Vermont Association of Court Diversion Programs (VACDP) – <http://vtcourtdiversion.org/>

VACDP List of Programs – <http://www.atg.state.vt.us/assets/files/VACDP%20Programs.pdf>

Virginia Office of the Attorney General – <http://www.atg.state.vt.us/issues/court-diversion.php>

VIRGINIA

Colonial Crisis Intervention Teams

State: Virginia | **Jurisdiction:** James City County / York County / City of Williamsburg | **Type:** Suburban

Oversight by: Colonial Behavioral Health

Program Start: January 2012

Annual Budget: \$40,000 from State Grant

Target Population: Individuals Presenting with Mental Illness, Co-occurring Disorders, Veterans, and Women

Individuals Diverted per Year: 100-200

DEVELOPMENT CIRCUMSTANCES

The catalysts for program development included jail overcrowding, receipt of a grant, legislative priority, and administrative priority. The jurisdiction does not include other diversion programs.

PROGRAM DEVELOPMENT

The goals of the program include reduction of jail crowding, increased alternatives for the target population, and reduced law enforcement time. The planning process lasted between three and six months and included key partnerships with law enforcement, the local judiciary, public defenders, prosecutors, treatment providers, and community providers. Community agencies involved include substance abuse treatment, faith-based entities, corrections, and community-based coalitions. Management for the program is through the collaboration of community stakeholders. Communication between partners occurs weekly.

PROGRAM DESIGN

The program includes intercept points at the law enforcement and pre-booking phases of justice involvement. Participants are selected upon contact with law enforcement. Screening and assessment are conducted using crisis intervention techniques. Supervision requirements are decided by state statute and the holding facility policy and procedure, with the ultimate decision-maker being treatment providers.

Once enrolled, participants are managed through case management. Community services accessed include mental health, substance abuse, and other public benefits.

Contact:

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WASHINGTON

Law Enforcement Assisted Diversion (LEAD)^s

State: Washington | **Jurisdiction:** King County/City of Seattle | **Type:** Large Urban

Oversight by: Policy Coordinating Group (Diverse Stakeholders Unified by a Memo of Understanding)

Program Start: 10/01/2011 | **End:** N/A

Annual Budget: \$900,000 in Private Foundation Funding, Plus Substantial In-kind Local-level Resources

Target Population: Individuals Presenting with Substance Use Disorders

Individuals Diverted per Year: 100

DEVELOPMENT CIRCUMSTANCES

The primary catalysts for the program were jail overcrowding, receipt of a grant, and the mutual dissatisfaction among stakeholders with arrest and prosecution as a way to address low-level street drug use and sales. The jurisdiction includes other diversion programs, including crisis intervention teams, deferred prosecution, and specialty courts.

PROGRAM DEVELOPMENT

The primary goal of the program is to offer a viable alternative to arrest/prosecution for low-level drug offenses. The planning process lasted six months and included key partnerships with law enforcement, public defenders, prosecutors, treatment providers, neighborhood leaders, and elected officials, including the mayor, county executive, and members of both city and county councils. Management for the program is provided through a policy coordinating group comprised of key stakeholders united under a memorandum of understanding (MOU). Communication between partners occurs quarterly at some levels, every other week at others, and nearly daily at yet others.

According to program partners, critical components of the program's evolution included focused efforts to engage every group of stakeholders – including law enforcement, defending and prosecuting attorneys, treatment and other service providers, community members, and advocacy groups – to learn and address their beliefs and concerns with regard to proposed program elements. Additionally, instead of permitting law enforcement officers to self-select into the program to encourage their buy-in, the program team selected groups of officers they thought would be less likely to believe in and support the program's design. The project team then held focus groups with them, listening to and incorporating their feedback into the design, as well as providing education and training to help promote attitudes that would be conducive to the fundamental program design. The project team reports very high levels of critical program support from law enforcement partners as a result of this strategy.

PROGRAM DESIGN

The program includes intercept points at the pre-booking and Department of Corrections supervision phases of justice involvement. Participants are selected through social contact with law enforcement officers or through arrest for eligible offenses. Screening and assessment are conducted by officers who check to see whether arrestees meet eligibility criteria, including checking for prior offenses that would exclude them. There are no universal supervision requirements, and there is no ultimate decision maker. Each agency retains its options to refer or not refer, to prosecute or not, to accept an individual for services or not. In practice, program participants are very rarely if ever subject to processing as usual.

Once enrolled, participants are managed through case management. Community services accessed include mental health, substance abuse, employment/labor, housing, Medicaid, other public benefits, and community health centers. Criteria for success are not universally defined. Following supervision, there is linkage to community services.

Project partners stress that key components of the program include that it was designed to function within the current legal paradigm and required no statutory changes, that it is fundamentally a public safety program that uses healthcare and human services to deliver public safety outcomes by freeing up resources currently tied up in justice system budgets, and that it was deliberately designed to meet the needs of all of the stakeholders involved.

PROGRAM EVOLUTION

The program has evolved over time and is constantly being modified. Partners report that the program is achieving its goals. Since it began recently (2011), program outcomes have not yet been documented; data are currently being collected, and documentation is anticipated in subsequent years of the project. Demographic data are tracked but have not yet been documented. The program will be subject to a formal evaluation, and will be assessed for cost effectiveness. Partners report that it is currently unknown whether or not the program has impacted drug arrests.

According to project partners, the critical components of the program include the assessment process, decision making process, client management model, communication between partners, and length of participation. Looking back on the history of the program, they report that they would not do anything differently than they have.

Contact:

Kris Nyrop

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knyrop@defender.org

Additional Information:

<http://leadkingcounty.org/>

<http://www.law.seattleu.edu/Documents/cle/archive/2010/032610%20Restorative%20Justice/215pm%20LEAD%20concept%20paper.pdf>

WISCONSIN

Dane County Deferred Prosecution Unit (DPU)‡

State: Wisconsin | **Jurisdiction:** Dane County

Oversight by: District Attorney's Office

Target Population: Individuals with No/Limited Criminal History

The Deferred Prosecution Unit (DPU), sometimes referred to as First Offenders Program, offers individuals facing criminal charges or charged with a crime an opportunity to have their cases diverted from the criminal court process. Eligible defendants, who must volunteer for the program, can avoid adjudication, criminal conviction, and sentencing by satisfying the requirements of a deferred prosecution agreement contract, which can last from nine to thirty-six months.

The contract may require the defendant to participate in one or more of the following: alcohol and drug assessment, any recommended treatment, abuser/generalized aggression treatment, other classes, restitution, community service, mental health counseling, or vocational services. Participants must pay program and other fees. DPU counselors monitor participants during scheduled check-ins.

Participants who successfully complete the terms of their contract have their charges dismissed or amended. Those who fail to meet the terms have their contract terminated and their case returned to court for the entry of adjudication and the imposition of sentence or prosecution if charges have not yet occurred. These cases go straight to sentencing.

The District Attorney's Office notes that there are several benefits that result from the program. Victims are compensated through restitution or community service. Courts, attorneys, and police spend less of their resources and time in court for pretrial conferences, hearings, and trials. Taxpayers and the public benefit from decreased stress upon law enforcement and justice system agencies, and from reduced chances of recidivism. Participants have the opportunity to avoid a criminal conviction that may affect the availability of options for them in the future, including those related to education, employment, housing, relationship, and more.

Contact:

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Madison, WI 53703
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Source:

http://www.countyofdane.com/da/deferred_prosecution.aspx

* * * * *

Madison Police Department Crisis Response‡

State: Wisconsin | **Jurisdiction:** City of Madison

Oversight by: Madison Police Department

Target Population: Individuals in Need of Mental Health Crisis Intervention

Starting in the mid-1980s, the Madison Police Department (MPD) has cultivated relationships with a wide array of partners to assist in mental health response scenarios. These partners include the Mental Health Center of Dane County Human Services, NAMI, the United Way, Mendota Mental Health Institute of Wisconsin, the County Sheriff's Office, the County District Attorney's Office, the state Probation and Parole Division, the state Department of Corrections, and several local hospitals.

Every MPD officer receives approximately 60 hours of crisis management and mental health response training, including de-escalation and stabilization techniques. This training begins at the academy level and is supported through ongoing in-service trainings, which may be adapted to the specific needs of a community.

MPD also operates a Mental Health Liaison Program, which supports officers responding on the scene. The mental health liaison officers assist in identifying ongoing concerns, coordinating follow-up efforts, engaging residents with mental illnesses, and serving as a point of contact regarding mental health issues for the community.

Contact:

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Source:

http://csgjusticecenter.org/wp-content/uploads/2013/03/Madison_PD_One_Pager.pdf

* * * * *

Rock County Deferred Prosecution Program‡

State: Wisconsin | **Jurisdiction:** Rock County
Oversight by: District Attorney’s Office
Target Population: Individuals with First-time Offenses

The deferred prosecution program offers individuals facing criminal charges or charged with a crime an opportunity to have their cases diverted from the criminal court process. Eligibility requirements include having no prior criminal record, accepting responsibility for the offense, and willingness to participate. Referrals are made by the District Attorney’s Office, and participation is permitted only with their consent.

Participants sign a contract that requires them to abide by conditions of participation, which may include classes, restitution, community service, alcohol and drug treatment, and counseling as needed, all of which are intended to require the participant to take appropriate measures to diminish the likelihood of further criminal behavior. Successful completion of the program results in the dismissal of criminal charges or an amendment to a county ordinance. Those who violate the contract or become involved in further criminal behavior have their cases returned to court for prosecution.

Source:

<http://www.co.rock.wi.us/deferred-prosecution>

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Rock County Drug Court and Veterans Court Programs‡

State: Wisconsin | **Jurisdiction:** Rock County
Oversight by: Court Teams
Target Population: Individuals in Need of Drug Treatment; Veterans in Need of Drug and Mental Health Treatment

Drug Court Program – The program operates as a collaboration between the sheriff’s office, courts, district attorney, public defender’s office, and ACS Clinical Services. A written agreement between participants, their attorneys, and the district attorney’s office specifies the conditions of participation and successful completion. This agreement includes an agreed upon disposition after successful completion, which for some participants may be dismissal of charges. Conditions generally include alcohol/drug treatment and other behavioral counseling, random drug testing, program fees, and case management monitoring. Referral for services to treatment and other supportive services are made, including employment, housing, education, or other special needs. Participation in the program is voluntary and lasts a minimum of nine months.

Veterans Court Program – The program operates as a collaboration between the sheriff’s office, the courts, district attorney, public defender’s office, county human services department, the county criminal justice coordinating council, and Veterans Affairs (VA) offices at county, state, and federal levels. It seeks to give veterans a second chance. Like the county’s drug court program, the veteran’s court program targets individuals with drug treatment needs, and it also includes components aimed at addressing mental health and anger management issues. Program participation typically lasts twelve to eighteen months. Individuals receive services from the VA.

Sources:

http://www.co.rock.wi.us/images/web_documents/departments/courts/drug_court_participant_info.pdf
http://www.co.rock.wi.us/images/web_documents/departments/courts/veterans_court_brochure.pdf

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St. Croix County Pre-trial Diversion Program‡

State: Wisconsin | **Jurisdiction:** St. Croix County

Oversight by: District Attorney's Office

Target Population: First-time Misdemeanor or Felony Offenders

The St. Croix County Pre-trial Diversion Program's goals include providing victim restitution, reducing costs associated with court processing, providing early intervention and connection to rehabilitative services motivating the offense, and reducing recidivism. The program is operated by the District Attorney's Office.

Individuals without prior convictions or diversions who pose no threat to the community, admit guilt, and volunteer for the program are eligible. The Diversion Coordinator interviews candidates to determine eligibility and needs, and to provide an overview of the program, which typically takes between six months and two years to complete. Program requirements include payment of restitution (up to \$3,000) and program fees, rehabilitative services, remaining arrest-free, and supervision. If the terms of the Diversion Agreement are met and the program is completed successfully, the case is dismissed or amended.

Source:

http://www.co.saint-croix.wi.us/index.asp?Type=B_BASIC&SEC={C93960CA-51DE-46A0-BC26-8F6BC1B9CA64}&DE={6616FF3D-B550-4688-9179-29C4A5090931}

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Milwaukee County Treatment Alternatives and Diversion (TAD)‡

State: Wisconsin | **Jurisdiction:** Seven Sites

Oversight by: Various

Target Population: Individuals Who Abuse Alcohol or Other Drugs

In 2005, Wisconsin Act 25 § 90m. 16.964 authorized "grants to counties to enable them to establish and operate programs, including suspended and deferred prosecution programs and programs based on principles of restorative justice, that provide alternatives to prosecution and incarceration for criminal offenders who abuse alcohol or other drugs." In response, through collaboration between Wisconsin's Office of Justice Assistance (OJA), Department of Corrections (DOC), and Department of Health Services (DHS), the state established in 2006 the Treatment Alternatives and Diversion (TAD) grant program to provide alternatives to prosecution and incarceration for non-violent individuals with criminal offense charges or convictions who abuse alcohol or other drugs. TAD currently funds programs in seven sites, which, though their design varies in terms of model/approach, length, treatment intensity, and target population, all provide case management, substance abuse treatment, drug testing, and monitoring.

Four TAD projects utilize traditional adult drug treatment court models (Burnett County, Washburn County, Wood County, and Rock County). Three TAD projects provide some type of diversion (Milwaukee County, Washington County, and Dane County). The Dane County TAD project operates largely as a pre-trial treatment-alternative-to-jail day-reporting program. The Washington County TAD project focuses on individuals with subsequent OWI (operating while intoxication) charges and those on probation or parole facing revocation. The Milwaukee County TAD project uses a pre-charging diversion and deferred prosecution model.

The TAD program, including all sites, has been evaluated. Information including participant demographics, program outcomes (related to substance abuse/mental health and justice involvement), and costs/benefits are documented in evaluation reports. For example, TAD projects successfully divert non-violent offenders with alcohol or other drug problems from jail and prison incarceration. A total of 135,118 incarceration days were averted by TAD projects during the first four years of the program (86,530 jail days and 45,588 prison days). Also, participants who complete TAD are nine times less likely to be admitted to state prison after program participation than those who do not (3 vs. 28 percent).

Milwaukee County TAD - The program serves non-violent offenders with substance abuse and/or co-occurring mental health problems through either pre-charging diversion or deferred prosecution. Through pre-charging diversion, individuals who successfully participate in case management and treatment services avoid having charges filed for their arresting offense. Through deferred prosecution, individuals enter a plea, judgment is deferred, and cases are held open for a period of time under the condition that program requirements are completed. Successful completion results in a dismissal or reduction of the charges. Pre-trial, screening, case management, and substance abuse services are provided by contracted providers.

Contact:

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Justice Programs
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Sources:

Evaluation Brief - <http://uwphi.pophealth.wisc.edu/about/staff/van-stelle-kit/tad-2011-evaluation-report-brief-summary.pdf>
Evaluation Report (Executive Summary) - <http://uwphi.pophealth.wisc.edu/about/staff/van-stelle-kit/tad-2011-evaluation-report-exec-summary.pdf>
Evaluation Report (Full) - <http://uwphi.pophealth.wisc.edu/about/staff/van-stelle-kit/tad-2011-evaluation-report-full-report.pdf>
Expansion Cost-benefit Analysis - <http://www.lafollette.wisc.edu/publications/workingpapers/cba2012-004.pdf>

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Appendix B
Survey Questionnaire

A National Survey of
Criminal Justice Diversion
Programs and Initiatives



I. Program Details

STATE
COUNTY / MUNICIPALITY
SOCIO/DEMOGRAPHICS
Rural
Suburban
Small Urban
Large Urban
Statewide / all of above
PROGRAM NAME
OVERSIGHT AGENCY
STATUTORY / ADMINISTRATIVE AUTHORITY (if applicable)
MAIN CONTACT / ROLE / CONTACT INFORMATION
KEY PARTNERS / ROLE
PROGRAM START DATE
PROGRAM END DATE (if time-limited)

II. Program Development

What was the catalyst for the effort to establish the program (ie. why did it start?)
e.g. overcrowding, court decree, grant funds, legislative / administrative priority

Does your community / jurisdiction have a history of diversion programs or alternatives to arrest, prosecution or incarceration? If so, what types of other programs exist?
e.g. crisis intervention teams, deferred prosecution, drug education, etc.

What was the goal of the program when it started?

Was there a planning process, and if so, how long was it?

What is the target population?
e.g. drug of choice, presenting behavioral health, veterans, women, co-occurring

How many people are you expecting (or did you expect) to serve annually?

Who are the key partners and stakeholders?
e.g. state agencies, community providers, judge, prosecutors, police, etc.

What is the management/governing structure for the program?
e.g. team meetings; advisory board; coalition

What is the annual budget?

Where does the money come from?
e.g. federal, state program / general revenue, county, client fees, insurance/Medicaid

III. Program Design

At what phase does the intervention take place?
Law Enforcement
Pre-Booking
Post-Booking
Deferred Prosecution
Jail
Conditional discharge
Specialty Court (pre-sentence)
Other supervision (pre-sentence)

What is the protocol / criteria for identifying and selecting participants?

What is the protocol / process for diversion?

Incl. identification, assessment, decisionmaking, referral, etc.

Who is the ultimate decisionmaker regarding admission to the program, the initial service plan, and any changes that may need to be made?

e.g. service providers, police, presiding judge, jail administration, prosecutor, etc.

What is the participant management model?

e.g. case management, probation supervision, day reporting, etc.

What services are being accessed?

What are the rewards for compliance?

What are the sanctions for non-compliance?

What communication / staffing / ongoing management occurs between partners?

What is the average length of participation?

What are the criteria for success or failure?

What is the end result of success?

e.g. charges not filed, charges dropped, arrest expungement

Is there linkage to services post-participation?

Is there any ongoing justice / case management contact post-participation?

IV. Program Evolution & Evaluation

Has the program changed / evolved / expanded? How?

Are you achieving your goals?

What outcome measures are you capturing, and what are the outcomes?

Are you collecting / tracking demographic information on your target population? If so, how does it compare to demographics for drug arrests?

Has there been a formal evaluation? If so, what are the results?

Get link / hard copy if available

Has there been an assessment of cost savings? If so, what are the results?

What do you feel are the critical components of your program?

Is there anything you would do differently?