



Maricopa County Attorney

ALLISTER ADEL

July 30, 2020

Elizabeth Ortiz, Executive Director
Arizona Prosecuting Attorney's Advisory Council
3838 N. Central Ave, Suite 850
Phoenix, Arizona 85012

Re: Maricopa County Attorney's Office FY 2020 Deferred Prosecution Program Annual Report

Dear Elizabeth:

The Maricopa County Attorney's Office (MCAO) created the Diversion Program Bureau in 2018, and program enrollment has increased significantly. To acknowledge that growth, it was renamed the Diversion Strategies Group in 2020. This Group administers all MCAO Diversion Programs and develops new diversion programs in order to expand prosecutorial options. Pursuant to Arizona Revised Statute §11-362, the following is an Annual Evaluation of the 10 current and former MCAO Diversion Programs.

Note: For Diversion Programs A-H, new enrollment totals may differ from program completion totals due to cases having a start or completion date occurring in another fiscal year.

A. Drug Diversion

The Drug Diversion program began in March 1989 as an education and treatment program for individuals meeting eligibility criteria and suspected or charged with crimes involving the possession of controlled substances. This program was replaced by the Felony Diversion Program in late FY 2020. The program was available as a charging alternative (pre-file) and after charging, as an alternative to prosecution (post-file). Participants who successfully completed the program avoided criminal charges being filed against them or had filed charges dismissed with prejudice to avoid a felony conviction. Offered through a community-based contracted provider, participants submitted to random urinalysis testing, attended an education seminar, substance abuse counseling, and known self-help meetings such as Alcoholics Anonymous, Narcotics Anonymous and Cocaine Anonymous. For some, monthly contact with case managers was required.

Table 1: New enrollments by type

Pre-file	337
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Post-File	1,982
Total	2,319

Table 2: Program completion

Successful	55.8%
Unsuccessful	44.2%
Total	100%

Table 3: Referred offense

Marijuana	56.6% (1,457)	<i>Marijuana</i>
Methamphetamine	12.1% (310)	<i>Dangerous Drugs</i>
Other Dangerous Drug	3% (87)	
Cannabis	11.4% (290)	
Cocaine	7.6% (196)	<i>Narcotic Drugs</i>
Crack	.01% (2)	
Heroin	5.4% (138)	
Prescription	3.8% (97)	
Prescription fraud	0	
Total*	100% (2,577)	

*May exceed total new enrollments due to multiple offenses

B. Felony Pretrial Intervention Program (FPIP)

The Felony Pretrial Intervention Program began in July 2015 as a cognitive-behavioral treatment program for individuals charged with committing specific Class 4,5, and 6 felony offenses. Along with other prescribed eligibility criteria, participants have a minimal criminal history and are at low risk to re-offend. This program was replaced by the Felony Diversion Program in FY 2020. The program was available as a post-file charging alternative. Participants who successfully completed the program had filed charges dismissed with prejudice to avoid a felony conviction. Through a community-based provider, participants underwent an initial assessment to identify individual criminogenic factors that correlate to criminal behavior. The participant attended a series of classes such as anger management, substance abuse and cognitive restructuring, each teaching problem-solving skills in order to increase rational thinking, which leads to pro-social interactions and behaviors. If applicable, fully paid restitution to the victim was required for successful completion.

Table 4: New enrollments

Total	597
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Table 5: Program completion

Successful	76.4%
Unsuccessful	23.6%

Total	100%
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Table 6: Restitution to victims

Total	\$132,226.21
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Table 7: Referred offense

Aggravated Assault	19.1% (114)
Burglary	9.7% (58)
Forgery	8.4% (50)
Criminal Trespass	6.0% (36)
Resisting Arrest/hindering	5.7% (34)
Possession or Use of Dangerous Drug	5.7% (34)
Unlawful Discharge of Firearm	4.4% (26)
Organized Retail Theft	3.9% (23)
Unlawful Flight	3.7% (22)
Shoplifting	3.5% (21)
Marijuana Possession	3.5% (21)
Narcotic Drug Possession	3.4% (20)
Trafficking Stolen Property	3.0% (18)
Theft	2.7% (16)
Criminal Damage	2.7% (16)
Theft of Credit Card	1.8% (11)
Other	12.9% (77)
Total*	100% (597)

* Lead offense reported

Table 8: FPIP Recidivism* by fiscal year (FY) of successful program completion

	FY 2017 (total =110)	FY 2018 (total =103)	FY 2019 (total =252)	Average (total =465)
0 to 12 months	5.5%	3.9%	4.8%	4.7%
13 to 24 months	7.3%	4.9%	n/a	6.1%
25 to 36 months	7.3%	n/a	n/a	n/a

* FY numbers are cumulative and are defined as MCAO receiving a new submittal for participant after s/he successfully completed the program.

C. Justice Court Diversion: Various Misdemeanors

The Justice Court Diversion Program began in 2008 as an education program for individuals meeting certain eligibility criteria and charged with committing specific misdemeanor offenses such as shoplifting and non-residential trespassing. The program is available as a post-file charging alternative. Participants who successfully complete the program can have filed charges

dismissed with prejudice to avoid a misdemeanor conviction. Through community-based contracted providers, offenders attend either an eight-hour class or two eight-hour classes to explore the consequences of their past decision-making. Participants practice critical thinking skills and problem-solving techniques.

Table 9: New enrollments

Total	1,095
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Table 10: Program completion

Successful	77.1%
Unsuccessful	22.9%
Total	100%

D. Justice Court Diversion: Arizona Retail Tobacco Training

The Arizona Retail Tobacco Training (ARTT) is a focused Justice Court Diversion Program offered through the Maricopa County Department of Public Health, the Arizona Attorney General’s Office and SAGE Counseling for those cited with furnishing tobacco to a minor. ARTT is a training program designed to educate retailers and their employees on how to comply with state and federal laws that regulate youth access to tobacco.

Table 11: New enrollments

Total	284
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Table 12: Program completion

Successful	93%
Unsuccessful	7%
Total	100%

E. Parenting Skills Diversion

The Parenting Skills Diversion Program began in 2002 for adults who care for children in a parent or guardian role and who are suspected of using excessive child discipline. The program is available as a charging alternative (pre-file). Participants who successfully complete the program can avoid criminal charges being filed against them and a felony conviction. In February 2019, MCAO revised the Parenting Skills Diversion Program by contracting with a new community-based provider who utilizes an evidenced-based curriculum, *Common Sense Parenting*. Participants attend a group-based, two-hour class, once a week for six weeks. The program teaches parents the use of positive communication with their child, how to reduce stress in crisis situations, and how to improve family relationships.

Table 13: New enrollments

Total	28
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Table 14: Program completion

Successful	79.3%
Unsuccessful	20.7%
Total	100%

F. Check Enforcement Program

The Check Enforcement Program began in the late 1980’s as a free service to individuals and businesses who are the recipients of checks not honored at a bank due to insufficient funds or a closed account. The Check Enforcement Program is a pre-file diversion program. Check Enforcement Program staff contacts the bad check writer to collect the face value of the dishonored check and statutory fees prior to filing misdemeanor or felony charges. If the bad check writer is compliant and compensates the victim within a set time, the offender avoids filed charges and a conviction.

Table 15: New enrollments

Total	143
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Table 16: Restitution to victims

Total	\$108,743.53
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G. Serious Mental Illness – Felony Diversion Program (SMI-FDP) Overview:

In August 2019, the MCAO launched the Felony Pretrial Intervention Program – Serious Mental Illness Diversion Program. Now, renamed the Serious Mental Illness – Felony Diversion Program (SMI-FDP), it continues to provide diversion services to those eligible post-file felony offenders with an SMI designation. Along with other prescribed eligibility criteria, offenders must have a minimal criminal history and are at low risk to reoffend. Diverting these offenders reduces their contact with the criminal justice system, increases connections to appropriate community-based systems of care, and holds the individual accountable for criminal conduct through their participation in an evidenced-based, cognitive-behavioral program. If applicable to their case, restitution must be paid in full to earn a successful completion; thus, providing timely financial restoration to the victim. Overall, the SMI-FDP Diversion Program addresses the behavioral health and criminogenic needs of the offender.

Table 17: New enrollments

Total	21
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H. Animal Cruelty Diversion Program Overview:

There is a growing recognition of the relationship between animal abuse and other types of perpetrated violence or criminal behaviors. The Animal Cruelty Post-File Diversion Program permits the MCAO to respond more effectively to the needs of adult offenders who have been

charged with abusing or neglecting an animal. There are several benefits to diverting this specific type of offender: prevents and corrects misbehavior, allows offenders to gain insight into the harm their behavior caused, reduces the offender’s contact with the criminal justice system, increases connections to appropriate community-based systems of care, and holds the offender accountable for criminal conduct through their participation in an evidence-based, cognitive-behavioral program.

Table 18: New enrollments

Total	9
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Table 19: Program completion

Successful	100%
Unsuccessful	0%
Total	100%

I. Felony Diversion Program

The Felony Diversion Program (FDP) offered through SAGE Counseling Inc. began in May 2020. The FDP is an education and treatment program for individuals charged with crimes involving specific felony offenses, including the possession of controlled substances and meeting other eligibility criteria. This program combines what was formerly known as the Drug Diversion Program and FPIP. The treatment offered in the FDP addresses the specific underlying behaviors and attitudes that affect criminal behavior. The FDP permits the MCAO to respond more effectively to the needs of adult offenders, by using research-based curricula to address specific individual criminogenic needs. Diverting these offenders reduces their contact with the criminal justice system, increases connections to appropriate community-based systems of care, and holds the individual accountable for criminal conduct.

Table 20: Offers made to defense counsel*

Total	1,502
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* Between May 18, 2020 and June 30, 2020.

J. Juvenile Diversion

The Maricopa County Juvenile Probation Department administers Juvenile Diversion Programs. Juveniles are generally eligible for diversion upon their first and second misdemeanor offenses and first-time drug-related offenses. Diversion consists of one or more of the following: participation in community service, participation in an education or counseling program, payment of restitution to a victim, and payment of a fine. At the discretion of a Diversion Officer, a juvenile may be required to participate in a specialized program such as a Community Justice Panel, Teen Court, Drug Diversion, Families in Need of Services (FINS) Program, or the Court

Unified Truancy Suppression (CUTS) Program. If a juvenile successfully completes their diversion, MCAO will not pursue charges.

Table 21: New enrollments*

Total	5,827
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* For FY 2019; FY 2020 data are unavailable.

Table 22: Program completion*

Successful	3,870
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* For FY 2019; FY 2020 data are unavailable

Table 23: Recidivism*

No new referral	89%
New referral	11%
Total	100% (Total = 2,805)

* For FY 2019; FY 2020 data are unavailable

Should you have any questions, feel free to contact Diversion Strategies Group Director Patricia Cordova at 602-506-5661.

Sincerely,

Allister Adel
Maricopa County Attorney