Maricopa County Attorney

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Elizabeth Ortiz, Executive Director
Arizona Prosecuting Attorneys' Advisory Council
1951 W. Camelback Rd., Suite 202
Phoenix, Arizona 85015

Re: Maricopa County Attorney's Office Deferred Prosecution Program Annual Report, 2012-13

Dear Elizabeth:

Pursuant to Arizona Revised Statutes §11-362, I am sending you a copy of the Annual Evaluation (July 1, 2012 through June 30, 2013) of the Maricopa County Attorney's Office (MCAO) Diversion Programs.

Treatment Assessment Screening Center, Inc. (TASC) Diversion

The TASC program is intended for possessors of controlled substances and is available as a charging alternative (pre-filing) and after charging as an alternative to prosecution (post-filing). People who successfully complete the program and pay the assigned fees can avoid criminal charges being filed against them or can have filed charges dismissed with prejudice. Both options require the offender to meet general TASC eligibility criteria. TASC is a privately-owned and operated organization that designs and monitors this diversion program in cooperation with the MCAO.

Incoming Diversion Statistics*
July 1, 2012 through June 30, 2013

Pre-Files	649
Post-Files	2,252
Total New TASC Diversions	**2,901**

Termination Statistics*
July 1, 2012 through June 30, 2013

Successful Diversions	405
Unsuccessful Diversions	129

Successful Possessions of Marijuana	1,785
Unsuccessful Possessions of Marijuana	303

Total Successful Diversions	**2,190**
Total Unsuccessful Diversions	**432**

Breakdown of TASC Intake Felony Offenses
July 1, 2012 through June 30, 2013

Possession of Marijuana	63%
Possession of Dangerous Drugs	8.2%
Methamphetamine	5.5%
Other Dangerous Drugs	2.7%
Possession of Narcotic Drugs	10.3%
Cocaine	4.4%
Crack	0.4%
Heroin	2.7%
Prescription Fraud	2.8%

Possession of Marijuana (POM) is the most commonly referred drug offense; 85% of those referred for POM successfully completed TASC.

Support Group referrals (Alcoholics Anonymous, Cocaine Anonymous, Narcotics Anonymous, etc.) were made to 48% of the offenders who were referred to TASC.

Of those offenders participating in TASC, 75% were males and 25% were females.

*These TASC statistics do not include TASC matters that may be pending and have not been marked as completed/successful or completed/unsuccessful.

Adult (Non-Drug) Diversion

The MCAO contracts with three providers for non-drug diversion programs: Sage Counseling, TASC and Community Healthcare Company. These companies provide non-drug diversion programs for offenders who require general "life skills" training, anger management counseling and drug and alcohol awareness assistance.

- 1,069 offenders newly enrolled in MCAO Non-Drug Diversion Programs in FY 2012-13.
- 790 offenders completed MCAO Non-Drug Diversion Programs in FY 2012-13.
- 225 offenders were "non-compliant" and did not complete programs in FY 2012-13.
- Some offenders are carried over from year to year.

Child Abuse / Excessive Punishment Diversion

The Family Violence Bureau within the MCAO refers certain low level offenses to a child abuse diversion program for parents and guardians. This is available as a charging decision for first-time offenders who use excessive force in disciplining a child that causes only minor injury and are facing a charge of child abuse or a similar offense. If the offenders complete an education and counseling program, they can avoid having charges filed against them.

- In FY 2012-2013, 23 defendants were referred to this diversion program. 2 defendants successfully completed the program and 12 are still in the program. 8 defendants unsuccessfully completed (failed) the program during the reporting period. There was also 1 defendant who partially completed the program and did not return.

Juvenile Diversion

The MCAO uses the Juvenile Probation Department for the vast majority of diversion eligible cases. Juvenile Probation Diversion includes first and second misdemeanors and first-time drug-related offenses. If it is the first or second referral for the juvenile, the County Juvenile Probation Department will handle the diversion process and the referrals will not be prosecuted by the MCAO. A second program is the MCAO Juvenile Diversion Program. This begins with a referral to the MCAO that is reviewed by an MCAO Charging Attorney (DCA). If the DCA determines it is diversion eligible, the referral was sent to one of MCAO's two contracted providers. Currently those providers are no longer accepting MCAO referrals, as the volume was too low.

- In FY 2012-2013, there were 9,455 diversion eligible referrals and citations handled by Juvenile Probation.
- In FY 2012-2013, 456 juvenile referrals were made by the MCAO to our contracted providers.

The Maricopa County Attorney's Office continues to provide high-quality, cost-effective diversion programs to eligible adult and juvenile offenders who come in contact with our office.

Sincerely,

Bill Montgomery
Maricopa County Attorney