



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 FY 2018 Deferred Prosecution Program Annual Report

Dear Elizabeth:

In Fiscal Year 2018, the Maricopa County Attorney's Office (MCAO) established the Diversion Program Bureau. This Bureau administers all MCAO Diversion Programs and develops new diversion programs in order to expand prosecutorial options. Pursuant to Arizona Revised Statutes §11-362, the following is an Annual Evaluation of the six current MCAO Diversion Programs.

Note: For Diversion Programs 1-4, participant total may differ from program completion total due to cases having a start or completion date occurring in another fiscal year.

1. 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. The program is available as a charging alternative (pre-file) and after charging, as an alternative to prosecution (post-file). Participants who successfully complete the program can avoid criminal charges being filed against them or can have filed charges dismissed with prejudice to avoid a felony conviction. Offered through a community-based contracted provider, participants submit to random urinalysis testing, attend an education seminar, substance abuse counseling, and known self-help meetings such as Alcoholic Anonymous, Narcotics Anonymous and Cocaine Anonymous. For some, monthly contact with case managers is required.

Participants	
Pre-file	421
Post-file	2652
Total	3073

Program Completion	
Successful	2520
Unsuccessful	1111
Total	3631

Referred Offense		
Marijuana	2535	<i>Marijuana</i>
Methamphetamine	426	<i>Dangerous Drugs</i>
Other Dangerous Drug	128	
Cannabis	118	<i>Narcotic Drugs</i>
Cocaine	256	
Crack	5	
Heroin	189	
Prescription	73	
Prescription Fraud	5	
* Total	3735	

* May exceed total participants due to multiple offenses.

2. Felony Pretrial Intervention Program (FPIP)

The Felony Pretrial Intervention Program began in July 2015 as cognitive-behavioral treatment program for individuals charged with committing 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. 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 felony conviction. Through a community-based contracted provider, participants undergo an initial assessment to identify individual criminogenic factors that correlate to criminal behavior. The participant attends 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 is required for successful completion.

Participants	
Total	266

Program Completion	
Successful	103
Unsuccessful	57
Total	160

Restitution Paid to Victims	
Total	\$35,082.40

Referred Offense	
Aggravated Assault	60
Forgery	27
Theft	23
Burglary	21
Criminal Trespass	16
Discharge of a Firearm	15
Shoplifting	12
Stolen Property	12
Unlawful Flight	12
Resisting Arrest/Hindering	11
Dangerous Drug Possession or Use	9
Marijuana Possession	9
Theft of Credit Card	9
Unlawful Means of Transportation	7
Disorderly Conduct	5
Criminal Damage	3
Narcotic Drug Possession	3
Other	12
* Total	266

* Lead offense reported.

FPIP Recidivism
For the 262 successful FPIP participants from July 1, 2015 to June 30, 2018:
MCAO received a new submittal on 2 successful participants, 0-3 months after release from FPIP
MCAO received a new submittal on 3 successful participants, 4-6 months after release from FPIP
MCAO received a new submittal on 6 successful participants, 7-12 months after release from FPIP
MCAO received a new submittal on 2 successful participants, 13-23 months after release from FPIP
MCAO received a new submittal on 1 successful participant, 24-35 months after release from FPIP
MCAO received a new submittal on 0 successful participants, 36+ months after release from FPIP

3. Justice Court Diversion

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 8-hour class or two 8-hour classes to explore the consequences of their past decision-making. Participants practice critical thinking skills and problem-solving techniques.

Participants	
Total	1337

Program Completion	
Successful	1147
Unsuccessful	144
Total	1291

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

Participants in ARTT	
Total	36

ARTT Program Completion	
Successful	33
Unsuccessful	5
Total	38

4. Child Abuse Diversion

The Child Abuse Diversion Program began in 2002 for adults who care for children in a parent or guardian role and 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. Through a community-based provider, offenders attend 26 weeks of group sessions. Each session practices the exercises presented in a parenting workbook, which uses Moral Reconciliation Therapy (MRT), as the treatment strategy.

Participants	
Total	29

Program Completion	
Successful	13
Unsuccessful	9
Total	22

5. The 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. *For Fiscal Year 2018, the Check Enforcement Program processed 515 new bad check referrals and collected \$234,651.76 in restitution for victims.*

6. 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 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, the MCAO will not pursue charges. *As of this writing, Fiscal Year 2018 stats are not available. Therefore, given available juvenile diversion statistics from Fiscal Year 2012 through Fiscal Year 2016, it is estimated that the Maricopa County Juvenile Probation Department received 7622 diversion-eligible referrals in Fiscal Year 2018 with an estimated 86.3 percent success rate.*

Should you have any questions, feel free to contact Diversion Program Bureau Chief Patricia Cordova, at 602-506-5661.

Sincerely,


Bill Montgomery
Maricopa County Attorney