



# Maricopa County Attorney

## BILL MONTGOMERY

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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 2019 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 Statute § 11-362, the following is an Annual Evaluation of the six current MCAO Diversion Programs.

Note: For Diversion Programs A-E, new enrollment totals may differ from program completion total 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. 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 Alcoholics Anonymous, Narcotics Anonymous and Cocaine Anonymous. For some, monthly contact with case managers is required.

Table 1: New enrollments by type

Pre-file	1,207
Post-File	1,926
Total	3,133

Table 2: Program completion

Successful	46.9%
Unsuccessful	53.1%
Total	100%

Table 3: Referred offense

Marijuana	63.8% (2,214)	<i>Marijuana</i>
Methamphetamine	10.9% (377)	<i>Dangerous</i>
Other Dangerous Drug	2.4% (83)	<i>Drugs</i>

Cannabis	6.9% (240)	<i>Narcotic Drugs</i>
Cocaine	7.8% (269)	
Crack	0	
Heroin	6.2% (215)	
Prescription	2% (70)	
Prescription fraud	0	
Total*	100% (3,468)	

\*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. 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 participants attend 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.

Table 4: New enrollments

Total	649
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Table 5: Program completion

Successful	60.1%
Unsuccessful	39.9%
Total	100%

Table 6: Restitution paid to victims

Total	\$95,904.08
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Table 7: Referred offense

Aggravated assault	20.3% (132)
Forgery	9.6% (62)
Theft	5.1% (33)
Burglary	8.2% (53)
Criminal trespass	4.6% (30)
Discharge of a firearm	3.5% (23)
Shoplifting	4.5% (29)
Stolen property	4% (26)
Unlawful flight	2.8% (18)
Resisting arrest/hindering	5.1% (33)
Dangerous drug possession or use	4.2% (27)
Marijuana possession	4.3% (28)
Theft of credit card	3.2% (21)
Unlawful means of transportation	.2% (1)
Disorderly conduct	1.5% (10)
Criminal damage	3.4% (22)
Narcotic drug possession	3.1% (20)
Other	12.5% (81)
Total*	100% (649)

\* Lead offense reported

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

Time Following Successful Completion	FY 2016 (total successful participants =49)	FY 2017 (total successful participants =110)	FY 2018 (total successful participants =103)	Average (total successful participants FY'16-FY'18=262)
0 to 12 months	4.1%	5.5%	3.9%	4.5%
13 to 23 months	6.1%	7.3%	n/a	6.7%
24 to 35 months	10.2%	n/a	n/a	n/a

\* 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	968
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Table 10: Program completion

Successful	85.2%
Unsuccessful	14.8%
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 and the Arizona Attorney General's Office 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.

Table 11: New enrollments

Total	100
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Table 12: Program completion

Successful	98%
Unsuccessful	2%
Total	100%

**E. 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. In February 2019, MCAO revised the Child Abuse Diversion Program by contracting with a new community-based provider who utilizes the 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	20
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Table 14: Program completion

Successful	100%
Unsuccessful	0%
Total	100%

**F. 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 2019, the Check Enforcement Program accepted 250 new bad check cases and collected \$139,586.27 in restitution for victims.*

**G. 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 2019 data are unavailable. Therefore, based on data from *Arizona's Juvenile Court Counts* (Administrative Office of the Courts, 2018) from Fiscal Year 2014 through Fiscal Year 2018, it is estimated that the Maricopa County Juvenile Probation Department received 3,988 diversion-eligible referrals in Fiscal Year 2019.

Please contact Diversion Program Bureau Chief Patricia Cordova at 602-506-5661 with any questions.

Sincerely,

  
 Bill Montgomery  
 Maricopa County Attorney