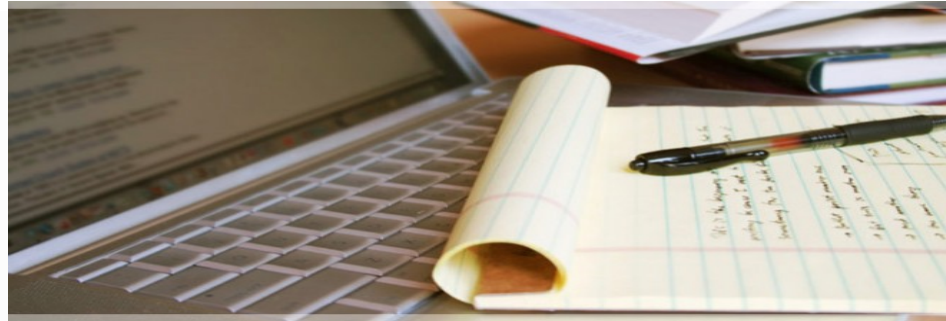


Alternatives to Incarceration

A Review of Arizona Pre-Trial Diversion Programs

Research Project Scope and Methodology



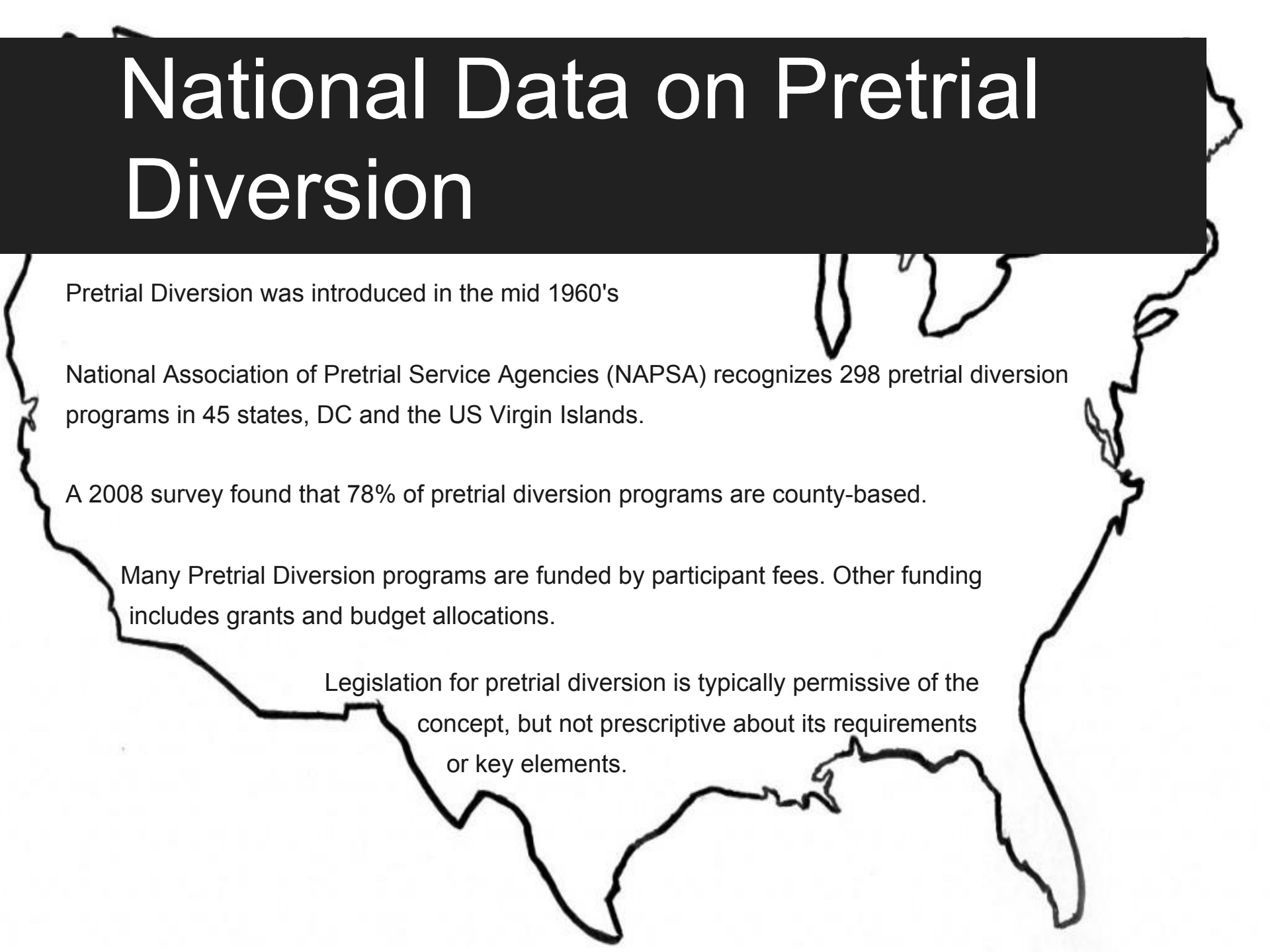
Interviews with diversion officers in 15 Arizona County Attorney's Offices and analysis of FY2012 statistics.

Interviews with Municipal Courts in Tucson and Phoenix.

This report comprises interviews with 36 people through phone conversations and email.

Research National Programs and Trends in Diversion

National Data on Pretrial Diversion

A black outline map of the United States is positioned in the background of the slide, showing the continental United States and Alaska.

Pretrial Diversion was introduced in the mid 1960's

National Association of Pretrial Service Agencies (NAPSA) recognizes 298 pretrial diversion programs in 45 states, DC and the US Virgin Islands.

A 2008 survey found that 78% of pretrial diversion programs are county-based.

Many Pretrial Diversion programs are funded by participant fees. Other funding includes grants and budget allocations.

Legislation for pretrial diversion is typically permissive of the concept, but not prescriptive about its requirements or key elements.

AZ - Deferred Prosecution



States have different initiatives that are considered Pretrial Diversion. Arizona's version of Pretrial Diversion is called "**Deferred Prosecution**". Deferred Prosecution used in many states including CO, MI, NC, OK, TX, WA, WI.

Deferred Prosecution in Other States

Like Arizona, most states that offer deferred prosecution programs do not have a comprehensive statewide review of their programs.



Washington State has offered a deferred prosecution program for DUI Offenders and others that could benefit from a treatment program since 1975. The University of Washington Alcohol and Drug Abuse Institute conducts an ongoing study of the effects of the program on reducing re-offense.

Review of Arizona Legislation

1978 - Authorized counties to adopt pretrial diversion (excluding felonies, 2nd offenses or violent crimes). Provided matching funds for counties that chose to adopt them.

1998 - Modified statutes by eliminating the list that excluded defendants from diversion, and replacing it with one anyone accused of a "dangerous" offense. The modification also required county attorneys to administer programs according to standards set by the Arizona Prosecuting Attorneys Advisory Council and repealed matching state funds for diversion programs.

In **2005**, the Arizona House of Representatives Alternative Sentencing Working Group proposed increased use of diversion. In **2010**, the Arizona Auditor General's report recommended diversion as a possible solution to reduce the impact of growing prison population on the state (Arizona Auditor General, 2010).

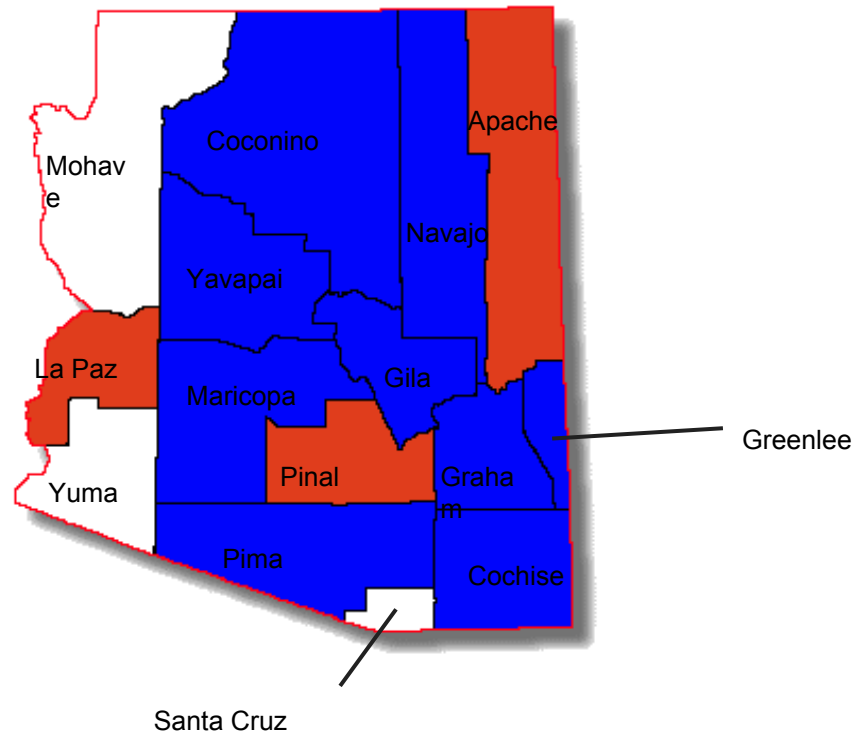
In **2012**, HB 2374 allowed for even more opportunities for those charged with non-dangerous offenses and non-serious offenses (felonies) to participate in deferred prosecution and deferred sentencing programs, previously prohibited. Also allows deferred prosecution and sentencing for 2nd offenses.

AZ Deferred Prosecution By County

9 of Arizona's County Attorney Offices (Blue) have deferred prosecution for Felony and Misdemeanor Offenses.

Three of Arizona's County Offices (Red) have deferred prosecution for Misdemeanor Offenses.

Three of Arizona's County Attorney's Offices (White) do not currently have deferred prosecution programs.



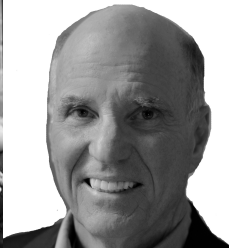
AZ Deferred Prosecution County Attorney Programs

AZ felonies diverted
from courts and jails

Over 4,500

AZ misdemeanors
diverted from courts
and jails

Over 2,500



Arizona Diversion Programs

City Prosecutor Programs



City of Phoenix
Misdemeanors

4,077



City of Tucson
Misdemeanors

9,044

Other Arizona cities divert many hundreds of people into a variety of diversion programs including drug violations, domestic violence, shoplifting, disorderly conduct, public nuisance, home detention, and so forth.



Recidivism Studies

Pretrial Diversion Programs

Recidivism rates are largely unstudied. Nationally, only 36% maintain data on recidivism rates (tracking for 1-5 years after program completion). Those that do report **5% for new felonies**, **12% for new misdemeanors**.

Copies of recently released study of Pima County's DTAP program are available.

The City of Phoenix **pretrial diversion program for (selling) prostitution** has a **17% recidivism rate**.

A study on Domestic Violence recidivism is coming out in August.

A 56-72 month study comparing those who were **TASC** eligible, but did not participate to those who were TASC eligible and did participate revealed a **54% versus a 22% recidivism rate**.

Cost-Benefit Studies



There is a great need for cost-benefit studies that provide solid data on the impacts of alternatives to incarceration.

The State of Arizona requires annual reports for county deferred prosecution programs. These reports include participation numbers for each county as well as a breakdown of the crimes involved.

There is no consistent and comprehensive data collection on the impact (or potential impact) of these programs in Arizona.

Guiding Principles

Core Standards are Good, Remain Flexible

Guiding Principles: Mimi Carter, from the Center for Effective Public Policy identifies 8 elements of an evidence based diversion program.

Local design: "One of the strengths of diversion is its non- standardization. Because of the way that diversion works, local municipalities have the flexibility to deal with cases individually and address specific needs of participants instead of a one size fits all approach."

Jason Lindstrom, Cochise County Diversion Officer

Research Findings

- Arizona deferred prosecution and diversion programs are widespread and varied.
- Arizona county deferred prosecution programs are diverting both felony and misdemeanor offenses. Arizona city diversion programs are diverting misdemeanors.
- Arizona diversion programs are established and successful, providing Arizona Justice Alliance with a solid base to recommend expansion.

Research Findings

Arizona Deferred Prosecution Programs

12 out of 15 Arizona County Attorneys deferred over **2,500 misdemeanors** and **4,500 felonies** in FY2012, **saving Arizona counties millions of dollars** and allowing defendants a chance for rehabilitation in their communities.

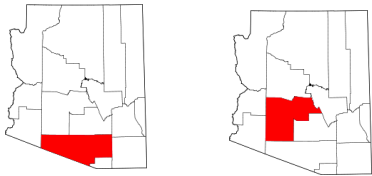
Pima County successfully diverted **995 persons** in FY2012 in their domestic violence, felony, misdemeanor, and substance abuse diversion programs.

The City of Phoenix Prosecutor deferred over **4,000 misdemeanors** in FY2012, **saving the city over \$3,000,000** in jail costs as well as reducing recidivism.

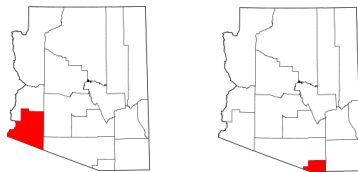
Analysis

Pima and Maricopa County can do better

In Arizona, Pretrial Diversion programs provide the highest numbers of cost savings as well as diverted individuals (both felony and misdemeanor).

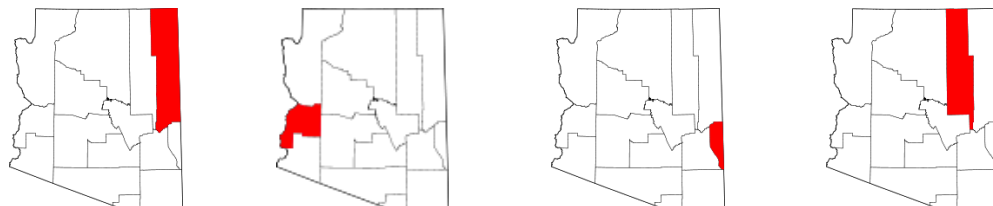


Pima and **Maricopa** provide the highest numbers, but the *rate of arrests to diversion participants is half the rate* of Coconino County. Both Pima and Maricopa County can do better, as could Pinal and Yavapai.



Yuma County and **Santa Cruz County** reported that they are simply too small and underfunded to maintain a deferred prosecution program.

Four of Arizona's rural counties send large percentages of arrests to diversion: **Apache, La Paz, Greenlee** and **Navajo**.



Next Steps

Is it useful for counties/cities drive a program to document more information on AZ diversion programs?

Could this data be used evaluate impacts of diversion programs in Arizona?

If impacts were measurable, would programs be expanded/ improved?