Maricopa County Attorney

BILL MONTGOMERY

301 WEST JEFFERSON STREET, SUITE 800
PHOENIX, ARIZONA 85003
WWW.MARICOPACOUNTYATTORNEY.ORG

PH. (602) 506-1260
TDD (602) 506-4352
FAX (602) 506-8102

RECEIVED
JUL 27 2012

July 25, 2012

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, 2011-12

Dear Ms. Ortiz:

Pursuant to Arizona Revised Statutes §11-362, I am sending you this Annual Evaluation (July 1, 2011 through June 30, 2012) 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, 2011 through June 30, 2012

Pre-Files	663
Post-Files	2,668
Total New TASC Diversions	**3,331**

Termination Statistics*
July 1, 2011 through June 30, 2012

Successful Diversions	318
Unsuccessful Diversions	151

Successful Possessions of Marijuana	1,755
Unsuccessful Possessions of Marijuana	335

Total Successful Diversions	**2,073**
Total Unsuccessful Diversions	**486**

Breakdown of TASC Intake Felony Offenses
July 1, 2011 through June 30, 2012

Possession of Marijuana	63.7%
Possession of Dangerous Drugs	7.8%
Methamphetamine	4.8%
Other Dangerous Drugs	2.9%
Possession of Narcotic Drugs	10.4%
Cocaine	4.0%
Crack	0.5%
Heroin	2.8%
Prescription Fraud	3.1%

Possession of Marijuana (POM) is the most commonly referred drug offense; 84% of those referred for POM successfully completed TASC.

Support Group referrals (Alcoholics Anonymous, Cocaine Anonymous, Narcotics Anonymous, etc.) were made to 64% 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 cases 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.

- 1,164 offenders enrolled in the MCAO Non-Drug Diversion Program in FY 2011-12.
- 804 offenders completed the MCAO Non-Drug Diversion Program in FY 2011-12.
- 138 offenders were "non-compliant" and did not complete the program in FY 2011-12.

Child Abuse / Excessive Punishment Diversion

The Family Violence Bureau within the MCAO has 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 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 2011-2012, 15 defendants were referred to this diversion program. 1 defendant successfully completed the program and 14 are still in the program. No defendants unsuccessfully completed (failed) the program during the reporting period.

Juvenile Diversion

The MCAO has two Juvenile Diversion Programs. 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 divert those to probation officers 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 is sent to MCAO contracted providers.

- In FY 2011-2012, there were 8,122 probation eligible diversion referrals.
- In FY 2011-2012, 581 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