Apache County Attorney's Office

Michael B. Whiting, County Attorney

"...one nation, under God, indivisible, with liberty and justice for all."

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September 9, 2014

Arizona State Senate
Attn: Andy Biggs
Capitol Complex
1700 West Washington
Phoenix, AZ 85007

Arizona House of Representatives
Attn: Andy Tobin
Capitol Complex
1700 West Washington
Phoenix, AZ 85007

Re: Apache County Diversion/Deferred Prosecution Program

Dear Mr. President and Mr. Speaker:

Pursuant to A.R.S. 11-362, I am submitting to you the annual Deferred Prosecution report. The statute requires the County Attorney's Office to maintain statistical records pertaining to the program and an annual evaluation be submitted to both of you. At least 11 of Arizona's 15 counties have established and administer a deferred prosecution program.

The program has been instituted in this office for several years. Shortly after I took office in January 2009, we made several modifications. Since that time, an employee within our office oversees the program, collects the fees, monitors the participants, makes recommendations to the courts and the prosecutors and maintains the program's statistics. This employee sends a weekly report to the members of the office so defendants on the deferred prosecution program are monitored by both the prosecutors and the legal secretaries.

The program is largely effective and allows citizens who come through the court system in Apache County to avoid criminal prosecution if the prosecutor deems such appropriate. A person is only eligible to participate in the program once in their lifetime. Also, certain crimes are not eligible for deferred prosecution.

During fiscal year 2014 (7/1/2013-6/30/14):

- 134 individuals were placed on Diversion.
- 124 individuals successfully completed Diversion (most of these cases involved low level petty or misdemeanor offenses).

The money derived from the Deferred Prosecution Program is used to pay prosecutor salaries, costs associated with administering the program and other office expenses. If you have any questions, please do not hesitate to contact me.

Sincerely,

Michael B. Whiting
Apache County Attorney