Maricopa County Attorney
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September 1, 2015

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, 2014-15**

Dear Ms. Ortiz:

Pursuant to Arizona Revised Statutes §11-362, I am sending you a copy of the Annual Evaluation (July 1, 2014 through June 30, 2015) 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, 2014 through June 30, 2015

Pre-Files	1,293
Post-Files	2,640
Total New TASC Diversions	**3,933**

Termination Statistics*
July 1, 2014 through June 30, 2015

Successful Diversions	595
Unsuccessful Diversions	209

Successful Possessions of Marijuana	1,996
Unsuccessful Possessions of Marijuana	360

Total Successful Diversions	**2,591**
Total Unsuccessful Diversions	**569**

***Breakdown of TASC Intake Felony Offenses**
July 1, 2014 through June 30, 2015

Possession of Marijuana	77.2%
Methamphetamine	8.4%
Other Dangerous Drugs	2.3%
Cocaine	4.8%
Crack	0.2%
Heroin	4.9%
Prescription Fraud	2.2%

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 62% of the offenders who were referred to TASC (excluding those referred for POM).

Of those offenders participating in TASC, 74% were males and 26% were females.

*These TASC statistics do not include TASC matters 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.

- 1,467 offenders newly enrolled in MCAO Non-Drug Diversion Programs in FY 2014-15.
- 1,261 offenders completed MCAO Non-Drug Diversion Programs in FY 2014-15.
- 135 offenders were "non-compliant" and did not complete programs in FY 2014-15.

Child Abuse / Excessive Punishment Diversion
The Family Violence Bureau within the MCAO refers certain low level offenses to 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 that causes only minor injury 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 2014-2015, 20 defendants were referred to this diversion program. 11 are still in the program; the MCAO filed criminal charges against 1 and 2 files are currently under review for possible criminal charges. 6 defendants unsuccessfully completed (failed) the program during the reporting period.

Juvenile Diversion
The MCAO uses the Juvenile Probation Department for diversion eligible cases. 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 handle the diversion process and the referrals will not be prosecuted by the MCAO.

- In FY 2014-2015, there were 9,858 diversion eligible referrals handled by Juvenile Probation. This includes traditional diversion, drug diversion, FINS (Families in Need) and Teen Court. This represents the number of referrals and not the number of youth; as some youth are referred multiple times during the same year.

Felony Pretrial Intervention Program
The Felony Pretrial Intervention Program is an alternative to traditional court prosecution. The program, initiated in July 2015, aims to reduce recidivism by requiring defendants to complete treatment programs that are targeted to their individual needs. Eligibility is determined on a case-by-case, defendant-by-defendant basis. This program is intended for offenders with minimal criminal history who are willing to do the hard work necessary to get back on track and become productive members of our community. Successfully completing the program allows the offender to avoid a felony conviction. We will have FY numbers to report in 2016 when the program has been operational for one full year.

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

Maricopa County Attorney's Office

FY 2014/2015 Adult Diversion Program Statistics

Annual totals all programs combined[1]:

Total new matters	15,278
Total successful terminations	12,329
Total unsuccessful terminations	2,091
Total pending matters	858
Success Rate[2]	80%

Annual totals for each program[3]:

	Total Completed	Successful	Unsuccessful	Success Rate[4]
TASC	3,160	2,591	569	81%
Adult Non-Drug Diversion	1,396	1,261	135	90%
Child Abuse / Excessive Punishment[5]	See Footnote; the majority of matters are pending.	UNK	6	UNK
Juvenile	9,858	8,477	1,381	85%

[1] All programs = TASC, Adult Non-Drug Diversion programs, Child Abuse / Excessive Punishment Diversion programs and Juvenile Diversion programs.

[2] Success rate =successful / new matters

[3] Felony Pretrial Intervention program was created in July 2015 and will not have statistics to report until the 2015-16 report.

[4] Success rate = successful / total closed

[5] 20 defendants were referred to this diversion program; 6 were unsuccessful, 11 are still in the program and 3 are pending criminal charges. Therefore we cannot report any successful matters.