Pima County Attorney's Office

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Pima County Attorney

August 6, 2015

The Honorable Andy Biggs
Senate President
1700 West Washington
Phoenix, AZ 85007-2890

The Honorable David M. Gowan Sr.
Speaker of the House
1700 West Washington
Phoenix, AZ 85007-2890

Mr. Richard Stavneak, Director
Joint Legislative Budget Committee
1716 West Adams
Phoenix, Arizona 85007

Re: Deferred Prosecution Annual Report

Dear President Biggs, Speaker Gowan and Mr. Stavneak:

Pursuant to A.R.S. 11-362, The Pima County Attorney's Office is responsible for providing an annual report to the President of the Senate, the Speaker of the House of Representatives and the Joint Legislative Budget Committee. Enclosed is the Pima County Attorney's 2014-2015 Annual Report on the Deferred Prosecution/Adult Diversion Program.

The Pima County Deferred Prosecution program is called the Adult Diversion program. The program is comprised of seven separate diversion entities: the Felony Diversion Program, the Domestic Violence Diversion Program, the Re-offender Diversion Program, the Misdemeanor Diversion Program, the Substance Abuse Diversion Program, the University of Arizona Student Diversion Program, and the Tobacco Retailer Diversion Program. The annual report provides a summary of the programs, the number of persons participating in the programs, and the success rates. If you have any questions concerning this report, please feel free to contact me.

Sincerely,

Linda McCollum
Pima County Attorney's Office
Adult Diversion Program Director

PIMA COUNTY ATTORNEY'S OFFICE
DEFERRED PROSECUTION
ANNUAL REPORT FISCAL YEAR 2014/2015

ADULT DIVERSION PROGRAM ORGANIZATION

The program is comprised of seven separate diversion entities:

- Felony Diversion Program (FDP)
- Domestic Violence Diversion Program (DVDP)
- Re-offender Diversion Program (RDP)
- Misdemeanor Diversion Program (MDP)
- Substance Abuse Diversion Program (SADP)
- University of Arizona Student Diversion Program (UASDP)
- Tobacco Retailer Diversion Program (TRDP)

Felony Diversion Program (FDP)

This program is designed to handle first-time diversion eligible defendants arrested for a felony offense. The defendant is interviewed and supervised by an Adult Diversion Specialist (Specialist). The Specialist conducts an initial interview to determine the types of intervention strategies to be completed. The defendant may be supervised by the Specialist for a maximum of twenty (20) months. The supervision method and the contact frequency of the defendant are at the discretion of the Specialist. The Specialist will direct the defendant to attend counseling programs, pay diversion fees and restitution if applicable. The defendant will complete

Re-offender Diversion Program (RDP)

This program is designed to handle diversion eligible defendants arrested for a second misdemeanor offense. The defendant is interviewed and supervised by a Specialist. The Specialist conducts an initial interview to determine the types of intervention strategies to be completed. The defendant may be supervised by the Specialist from three (3) to six (6) months. The supervision method and the contact frequency of the defendant are at the discretion of the Specialist. The Specialist will direct the defendant to attend counseling programs, pay diversion fees and restitution if applicable. The defendant will complete volunteer community service hours at the discretion of the Specialist. Periodic and random drug testing may be required of the defendant. If the defendant completes all of the diversion terms the prosecutor will file dismissal paperwork, and the case will be successfully closed. At any point, the diversion case can be terminated for failure to comply and a criminal prosecution will be initiated.

Misdemeanor Diversion Program (MDP)

This program is designed to handle first-time diversion eligible defendants cited for a misdemeanor offense. These defendants are monitored by a Specialist. The defendant will appear at the diversion office to complete paperwork, will be given the fee amounts, program(s) to attend, restitution amount if applicable, and may be given volunteer community service hours to complete. If the defendant completes all of the diversion terms the prosecutor will file dismissal paperwork, and the case will be successfully closed. The diversion case will be terminated if there is a failure to comply, and a criminal prosecution will be initiated.

Tobacco Retailer Diversion Program (TRDP)

This program works closely with the Pima County Health Department's Tobacco and Chronic Disease Prevention program. It is designed to handle individuals and businesses that are first-time offenders and are cited for selling tobacco to minors. These defendants are monitored by a Specialist. The defendant will appear at the diversion office to complete paperwork, will be given the fee amounts and is instructed to attend an Arizona Retailer Tobacco Training. If the defendant completes all of the diversion terms the prosecutor will file dismissal paperwork, and the case will be successfully closed. The diversion case will be terminated if there is a failure to comply, and the case will be referred for criminal prosecution.

PROGRAM SUPERVISION

Currently, two (2) Specialists supervise the Felony Diversion Program cases, Domestic Violence Diversion Program cases, the Re-offender Diversion Program cases and they monitor the Misdemeanor Diversion Program cases, Substance Abuse Diversion Program cases, University of Arizona Student Diversion Program cases, and the Tobacco Retailer Diversion Program cases. Three (3) legal processing support staff members assist the two Specialists. An additional part-time employee provides instructions to the defendants during their first appearance in the diversion office and reviews their paperwork. A director oversees the everyday operations of the specialists, legal processing support staff members, and the diversion program.