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

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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, 2015-16**

Dear Elizabeth:

Pursuant to Arizona Revised Statutes §11-362, I am sending you a copy of the Annual Evaluation (July 1, 2015 through June 30, 2016) 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, 2015 through June 30, 2016

Pre-Files	856
Post-Files	2,396
Total New TASC Diversions	**3,252**

Termination Statistics*
July 1, 2015 through June 30, 2016

Successful Diversions	771
Unsuccessful Diversions	247

Successful Possessions of Marijuana	1,573
Unsuccessful Possessions of Marijuana	360

Total Successful Diversions	**2,344**
Total Unsuccessful Diversions	**607**

***Breakdown of TASC Intake Felony Offenses**
July 1, 2015 through June 30, 2016

Possession of Marijuana	76.4%
Methamphetamine	8.5%
Other Dangerous Drugs	2.7%
Cocaine	4.9%
Crack	0.2%
Heroin	5.5%
Prescription Fraud	1.9%

Possession of Marijuana (POM) is the most commonly referred drug offense; 80% of those referred for POM successfully completed TASC. Support Group referrals (Alcoholics Anonymous, Cocaine Anonymous, Narcotics Anonymous, etc.) were made to 52% of the offenders who were referred to TASC (excluding those referred for POM). Of those offenders participating in TASC, 75% were males and 25% 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.

In addition, two new non-drug diversion programs were utilized by the MCAO in FY 2015-16: Arizona Retailer Tobacco Training (ARTT) and SADD. ARTT is a partnership between the Maricopa County Department of Public Health, the AZ Attorney General's Office and the AZ Department of Health Services. Together these entities offer a free training program for business retailers and their employees who have been cited for violating Arizona laws prohibiting the sale of tobacco to minors. Retailers and/or their employees can attend training often in lieu of paying fines associated with the citation. Students Against Destructive Decisions (SADD) empowers teens to stand strong against destructive decisions through education.

- 1,382 offenders newly enrolled in MCAO Non-Drug Diversion Programs in FY 2015-16.
- 1,042 offenders completed MCAO Non-Drug Diversion Programs in FY 2015-16.
- 216 offenders were "non-compliant" and did not complete programs in FY 2015-16.
- 47 offenders participated in the ARTT program.
- 15 offenders participated in SADD.

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.

- 28 offenders were referred to this diversion program. 16 are still in the program and 5 successfully completed the program. 7 offenders 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 2015-16, there were 10,153 *(estimated; number not yet finalized)* 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 and 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.

Since this program is designed to address the needs of individual offenders and is not "one size fits all", the time to completion varies based on the individual's needs.

- In FY 2015-16, there were 151 individuals accepted into the program. 28 of these individuals unsuccessfully completed the program and 49 successfully completed the program. 74 of these people remain in the program and have not yet completed.

- The average time to successful completion is 150 days and $9,080.71 in victim restitution was collected.

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