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**PRETRIAL DIVERSION IN THE
21ST CENTURY**

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A NATIONAL SURVEY OF PRETRIAL DIVERSION PROGRAMS
AND PRACTICES





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SUMMARY

This monograph highlights findings from a national survey of pretrial diversion programs conducted by the National Association of Pretrial Services Agencies (NAPSA). The survey is intended to increase knowledge about diversion programs, create a comprehensive national directory of these programs, and promote networking, cooperation and sharing of technical expertise. It is the first comprehensive survey of pretrial diversion programs since 1982.

Major Findings

1. Pretrial diversion programs most commonly are located within pretrial services agencies, prosecutor's offices or non-profit agencies. Programs begun before 1990 most often are prosecutor-based, while those begun since 1990 generally are part of pretrial services agencies.
2. Pretrial diversion programs' operating authority derives mostly from state statute, local court rule and local interagency agreements. Nineteen of the 26 states represented in the survey have statutes authorizing pretrial diversion programs.
3. The median annual budget for respondents is \$159,000. Almost a quarter of respondents giving information had annual budgets of less than \$100,000. County funds, state funds, and client fees are the most common budget sources.
4. The average number of diversion placements reported was 150, with totals by respondents ranging from nine to 3,500. Programs begun before 1990 typically reported the highest number of placements.
5. The most commonly identified diversion screening criteria were prior criminal history and type of charge. Other reported criteria included substance abuse and mental health history, victim approval, the amount of restitution, and arresting officer approval.
6. Over half of respondent programs do not require a conditional guilty plea or admission of responsibility as a condition of diversion eligibility.
7. Two-thirds of programs require restitution as a mandatory condition and nearly 63 percent charge a fee for diversion participation. Reported annual restitution amounts ranged from \$2,500 to \$600,000, with a median of \$28,963.





8. Alternatives to adjudication for first-time arrestees, drug court, mental health services and programming for DUI and other traffic offenses were the most commonly identified pretrial diversion programming. First-offender diversion was more common to programs begun before 1990, though there were no differences by program age in drug court or mental health programming.
9. Over 90 percent of respondents have standard conditions of diversion participation, most commonly urinalysis, restitution, community service, and counseling.
10. Respondents reported a median success rate of 85 percent. Rates ranged from a low of 15 percent to a high of 98 percent. Nearly 84 percent of respondents reported success rates of at least 70 percent.
11. Few respondents maintain recidivism data. Time to a new conviction tracked by respondents varied from one year to five years.
12. Over half of respondents that provided information impose sanctions short of program termination to address participant noncompliance. Sanctions include increasing community service hours, modifying the diversion contract or level of supervision, increasing drug testing or treatment requirements, requesting short-term jail placements, providing written or verbal warnings, and requiring additional counseling.
13. Over 40 percent of respondents that provided information identified the court as the final authority on program terminations, followed by prosecutors and the diversion program, with 27 percent of responses each.
14. While most respondents routinely collect data on program performance, very few have participated in evaluations of program and service quality and the program's effects on participant behavior and criminal justice processing.





INTRODUCTION

Diversion was included in the [community-based problem solving criminal justice] initiative because the Bureau of Justice Assistance believes that diversion is a valuable option among problem-solving programs. By the end of the grant period, the Bureau of Justice Assistance expects that the 10 grantees will have explored diversion's potential and offered guidance to shape best practices.¹

The growth of court caseloads, corrections populations, and former prisoners and inmates returning to American communities have forced localities to become as smart about using criminal justice resources as they are tough on those who commit crimes. In the past decades, America's criminal justice systems have become laboratories for innovative programs and collaborative problem-solving approaches. At their core, these developing "best practices" are a desire for responses that use limited system resources wisely, but also address appropriately the defendant's criminal behavior and potential to reoffend and the community's need for restoration.

A hallmark of problem-solving approaches is the idea that, for many criminally-involved persons, substance abuse, mental illness, and a lack of pro-social influences heighten the risk of continued criminal behavior. Innovations such as specialty courts, community-based sanctions for quality of life crimes, and the provision of services and training to returning prisoners and inmates attempt to use *community-based alternatives to better address the underlying social and psychological causes of crime*. Most often, this involves using methods outside of traditional case processing and sentencing to address criminal behavior and to help reduce future criminality. As many pretrial practitioners know, the focus on alternatives to case

Alternatives to case processing that address the root causes of criminality and provide more suitable responses to criminal behavior are the foundation of pretrial diversion.

processing that address the root causes of criminality and provide more suitable responses to criminal behavior is the foundation of another well-established concept: *pretrial diversion*.

Pretrial diversion is a voluntary option that provides alternative criminal case processing—preferably resulting in dismissal of the charge—for eligible defendants.²

¹ Wolf, R.V., *Expanding the Use of Problem Solving: The U.S. Department of Justice's Community-Based Problem-Solving Criminal Justice Initiative* (Center for Court Innovation, 2007).

² National Association of Pretrial Services Agencies, *Performance Standards and Goals for Pretrial Diversion/Intervention* (2008 Revision), p. vi.





Diversion most often includes:

- alternatives to traditional criminal justice proceedings for persons charged with criminal offenses;
- voluntary participation by the accused;
- access to defense counsel prior to a decision to participate;
- eligibility throughout the pretrial period (no sooner than the filing of formal charges and prior to a final adjudication of guilt);
- strategies—with input from the accused—to address the needs of the accused in avoiding behavior likely to lead to future arrests; and
- dismissal of charges or its equivalent, if the divertee successfully completes the diversion process.

While pretrial diversion principles often are incorporated into newer problem-solving approaches, most criminal justice practitioners still are not fully informed about the benefits traditional diversion programs

While pretrial diversion principles often are incorporated into newer problem-solving approaches, most criminal justice practitioners still are not fully informed about the benefits traditional diversion programs offer.

offer. Extensive literature exists on pretrial diversion,³ but much of what has been written are general descriptions of diversion principles or of certain program components, such as drug testing and treatment. There are recent evaluations of individual pretrial diversion programs,⁴ but the last major comprehensive analysis of pretrial diversion practices nationwide occurred in 1982.⁵

Diversion practitioners know that dozens of well-established pretrial diversion programs have operated successfully at the state and local levels for decades—diverting thousands of criminal defendants each year—but this is not common knowledge in the criminal justice field. However, the willingness of criminal justice practitioners to look beyond normal court and corrections processes for effective solutions to crime and recidivism suggest that now is an advantageous time to “re-introduce” pretrial diversion to the broader community corrections field. Doing so will give practitioners another effective strategy to address the causes of crime and to strengthen the foundation of new problem-solving efforts.

3 National Association of Pretrial Services Agencies, *Revised and Expanded Bibliography on Pretrial Diversion—Results of a Recently Updated Literature Search* (February 2009).

4 See, for example, Simon, J. and Welter, S., *Review of Adult Diversion in Hennepin County*, Council on Crime and Justice, 1999 and Henry, D.A. and Kennedy S., *Evaluating the Merrimack County Adult Diversion Program: Process and Outcome Evaluation*, Pretrial Services Resource Center, 1997.

5 Pryor D.E., *Practices of Pretrial Diversion Programs: Review and Analysis*, NCJ 121909.





The NAPSA National Pretrial Diversion Survey

In 2004, the National Association of Pretrial Services Agencies' (NAPSA) Diversion Committee established, as strategic goals: expanding the overall knowledge of pretrial diversion programming; creating a comprehensive national directory of diversion programs; promoting networking and cooperation among these programs; and promoting sharing of technical expertise. To help accomplish these goals, the Committee commissioned a national survey of pretrial diversion programs. In 2007, NAPSA incorporated the survey into its support of the Bureau of Justice Assistance's (BJA) Community-Based Problem-Solving Criminal Justice Initiative and the Bureau's overall priorities of 1) assisting states and localities to free corrections space by diverting nonviolent offenders to community corrections options, 2) helping nonviolent offenders avoid incarceration and become law-abiding citizens, and 3) providing technical assistance to support effective criminal justice concepts. Under this collaboration, NAPSA agreed to help identify, outline, and communicate best pretrial diversion practices to assist jurisdictions incorporate these principles into their problem-solving initiatives.

Methodology

The survey comprised 71 questions developed by the NAPSA Diversion Committee to identify trends in pretrial diversion program characteristics and practices, and respondents' compliance with existing national pretrial diversion standards and established criminal justice best practices. The Committee based survey questions on NAPSA's pretrial diversion standards (1995 revised), previous diversion surveys conducted in 1979 (see *supra* note 2) and 1990, and a 2001 survey of pretrial release programs funded by the National Institute of Justice.⁶

Following approval by the full NAPSA Board, Diversion Committee members oversaw the survey's posting on the Association's website (www.napsa.org), with links to the Pretrial Justice Institute and BJA. The Committee sent notice of the survey to all known diversion programs and state and local pretrial diversion and release associations, and advertised the survey at NAPSA's Annual Training Conferences from 2004 to 2007. In 2007, the National Institute of Corrections posted notice of the survey under its public community corrections forums and the American Bar Association's (ABA) Diversion Committee notified its members of the instrument. The final validated survey database included responses from 69 diversion programs from 26 states, the District of Columbia, and the Federal Courts. (See Appendix B, Participating Programs). This represents 27 percent of the 253 known programs nationwide.⁷

⁶ Pretrial Services Resource Center, *Pretrial Services Programming at the Start of the 21st Century: A Survey of Pretrial Services Programs* (NCJ 199773).

⁷ The survey ran from November 2004 to March 2008. To ensure accuracy and relevance of the data, project staff sent manual versions of survey responses to all participating programs for verification of reported information. Ninety-five percent of respondents participated in the follow-up validation: 46 percent of respondents provided corrected or updated information.





Report Organization

This monograph includes sections that discuss:

1. General administrative and management characteristics of diversion programs, including operating authority, administrative location, budget, and staff size.
2. Program referral and placement procedures, including the types of persons referred to and eligible for diversion supervision, and the number of clients supervised.
3. The programming and services offered by diversion programs.

Where applicable, the monograph compares identified pretrial diversion practices to standards for diversion adopted by NAPSA and the National District Attorney's Association (NDAA)⁸ and best practices identified for criminal justice agencies.⁹

8 National District Attorney's Association, *National Prosecution Standards, Second Edition, 44.1-44.8, "Diversion."* (1991).

9 See Joplin, L., Bogue, B., Campbell, N., Carey, M., Clawson, E., Faust, D., Florio, K., Wasson, B., and Woodward, W., *Using an Integrated Model to Implement Evidence-based Practices in Corrections*, (International Community Corrections Association and American Correctional Association, 2004).





I. DIVERSION PROGRAM CHARACTERISTICS

Administrative Location: Nearly 35 percent of respondent programs (24 of 69) are located within pretrial services agencies. Prosecutor's offices are the second most common administrative locations (19 or 27.5 percent), followed by non-profit agencies (9, 13 percent), probation departments and courts (both with seven respondents or 10.1 percent), county corrections agencies (2, 2.9 percent) and universities (1, 1.4 percent).

Year of Program Origin: Year of origin for respondents range from 1971 to 2006. Where information was reported (n=68), 21 respondent programs (30.9 percent) began in the 1970s, 12 (17.6 percent) in the 1980s, 17 (25 percent) in the 1990s, and 18 (26.5 percent) since 2000. Older programs usually are located in prosecutors' offices: 14 of 33 programs begun in the 1970's and 1980's (42.4 percent) were prosecutor-based. Programs begun since 1990 tend to be located within pretrial services agencies (17 of the 35 respondent programs initiated since 1990, or 48.6 percent).

Type of Jurisdiction Covered: Over 78 percent of respondent programs (54 of 69) service counties. Eight respondents (11.6 percent) represent state systems, four (5.8 percent) are part of the Federal system, and three (4.3 percent) are city-based.

Nineteen of the 26 states represented in the survey have statutes authorizing diversion programs.

Operating Authority: Respondents derive operating authority from varied sources, including state statute (37 or 53.6 percent), local court rule (33, 47.8 percent), local memoranda of understanding or other interagency agreement (24, 34.7 percent), and prosecutorial discretion (3, 4.3 percent). Nineteen of the 26 states represented in the survey (73.1 percent) have statutes authorizing diversion programs.¹⁰ Twenty-two respondents reported multiple sources of operating authority.

Mission Statement: A mission statement is a brief summary of an organization's purpose. Mission statements keep persons within and outside the organization aware of institutional values, objectives, and responsibilities geared to helping the organization accomplish its mission. NAPSA Diversion Standard 9.1 encourages well articulated mission statements for pretrial diversion programs.

¹⁰ In all, 44 states have legislation enabling diversion programming (cite John's monograph).





Of the 66 programs responding, 50 (75.7 percent) have a mission statement.¹¹ Thirty-eight of these programs (76 percent) developed or updated their mission statement since 2003.

Fifty-six respondents (84.8 percent) have written goals and objectives. Of 51 respondents giving information, 41 (82.3 percent) developed or updated their program goals and objectives since 2003.

Program Budgets and Funding Sources: The median annual budget for the 62 respondents reporting data was \$159,000.¹² Five respondents (eight percent) reported annual budgets of at least \$1 million while 15 (24.2 percent) reported yearly funding of less than \$100,000.

County funds (38 respondents or 55.1 percent), state funds (31, 44.9 percent), and client fees (32, 46.4 percent) were the most common budget sources reported.

*Staff Size and Professional Requirements:*¹³ The median staff size for respondents reporting this information (n=57) was six. Staffing numbers ranged from one to 70, with 23 responding programs (40.4 percent) having staffs of two or less. Nine respondents (15.8 percent) reported supplementing paid staff with volunteers. The number of volunteers used annually ranged from one (three respondents) to 50 (one respondent), with a median of six.

Fifty-six of 63 respondents giving information (88.9 percent) have minimum requirements for professional hires. The most common requirements noted were a four-year undergraduate degree (36 respondents),¹⁴ an Associates degree (five), an undergraduate degree or work equivalent (three), and an undergraduate degree with a minimum of work experience (three). Two respondents required education above an undergraduate degree.

Oversight: Of the 68 respondents giving information, 45 (66.2 percent) have an oversight body. Forty-three respondents described these entities, which included advisory boards (15 or 34.9 percent), statewide central offices (eight, 18.6 percent), boards of directors (seven, 16.3 percent) and the diversion program's parent agency (seven, 16.3 percent). Three respondents noted joint oversight by the parent agency and another criminal justice partner, two gave oversight by a state commission on prosecution coordination, and one described oversight as performed informally by partner agencies.

11 One respondent answering "No" reported that the diversion program's mission was tied to that of its parent agency.

12 Three respondents reported being funded entirely through the budgets of parent agencies. Four respondents did not report budget information.

13 Staff size calculations are based on total number of staff for stand alone programs and the number of staff assigned to the pretrial diversion function for programs within larger parent agencies.

14 Thirty-one of these responses noted a Bachelor of Arts degree.





Use of Successful Participants: Twelve of 65 respondents giving information (18.5 percent) reported using successful diversion participants in their regular programming. Roles for successful participants included speaking at program events (four respondents), staffing life skills, aftercare, and other programming (three), mentoring current participants (two), volunteering at the diversion program (two), and sponsoring current participants (one).

Performance Measurement and Evaluation: Measuring program performance and using data to encourage positive change are two established evidence-based practices for criminal justice agencies.¹⁵ These practices require regular collection of internal performance-related data and techniques such as formative evaluations (usually process evaluations) to improve program quality and summative evaluations (impact evaluations or cost-benefit analyses) to examine program outcomes on participant behavior. NAPSA Diversion Standards also encourage diversion programs to routinely monitor and evaluate performance and practices.¹⁶

Of the 62 respondents providing information, 54 (87 percent) routinely collect data on program performance. However, only 19 respondents reported that their programs participated in a process evaluation and only 17 took part in an impact review. Nine of the reported process evaluations and seven impact evaluations occurred within the past five years.

15 Joplin, L., et. al, *Using an Integrated Model to Implement Evidence-based Practices in Corrections*.

16 NAPSA, *Performance Standards and Goals for Pretrial Diversion/Intervention*, Standard 9.9.





II. DIVERSION REFERRALS AND PLACEMENTS

Referrals

Referrals Sources: Respondent programs note several referral sources for clients, most commonly prosecutors (59 respondents or 85.5 percent), courts (55, 79.7 percent), defense attorneys (37, 53.6 percent), police (26, 37.7 percent) and victims (20, 29 percent). Six respondent programs (8.7 percent) receive referrals from pretrial services agencies, five (7.2 percent) from defendants or their families, and three (4.3 percent) from local departments of corrections.

Point of enrollment: NAPSA Diversion Standards suggest that defendants should be eligible for diversion enrollment from arrest to final adjudication.¹⁷ Respondent programs report as the most common points of enrollment: arraignment (57, or 82.6 percent); following arrest (52, 75.4 percent); post-indictment (42, 60.9 percent); and following a guilty plea (22, 31.9 percent).

Most programs cited multiple diversion enrollment points in their jurisdiction. For example, 47 jurisdictions offering diversion post arrest (90.4 percent) also use the alternative at arraignment, 36 (69.2 percent) at post indictment and 16 (30.8 percent) post plea.

Placements

Eligibility Criteria: The most common diversion eligibility criteria identified by respondent programs were as follows:

Prior criminal history	66	95.7%
Current charge	63	91.3%
Substance abuse history	27	39.1%
Mental health history	25	36.2%
Victim approval	24	34.8%
Restitution amount imposed	23	33.3%
Arresting officer approval	21	30.4%

¹⁷ NAPSA, *Performance Standards and Goals for Pretrial Diversion/Intervention*, Standard 2.1.



One respondent program excludes persons charged with misdemeanors while another did not consider persons charged with traffic offenses. Of the 48 respondent programs providing data, none reported restrictions on felony-charged defendants; however, three reported no felony placements in the previous year.

Annual diversion placements: Reported yearly placements for respondent programs ranged from a high of 3,500 to a low of nine: half of respondent programs giving information (n=62) had yearly placements of 150 or fewer. Yearly placement totals seemed related to the age of diversion programs. Of the 18 programs with 500 or more annual placements, 10 (55.5 percent) began in the 1970s and five (27.8 percent) in the 1980s. Conversely, eight of 20 programs with annual placements of 100 or fewer (40 percent) began in the 1990s and seven (35 percent) in 2000 or later.

Special populations: Respondents reported providing program services for the following “special populations”:

Non-English speakers	54 of 63	85.7 percent
Persons with physical limitations	60 of 63	95.2 percent
Persons with limited intellectual capacity	62 of 64	96.9 percent
Non-citizens	50 of 68	73.5 percent
Juveniles	10 of 69	14.5 percent
Persons charged with domestic violence offenses	7 of 69	10.3 percent
Persons charged with criminal child non-support	6 of 69	08.7 percent





III. DIVERSION PROGRAM PRACTICES

Participation Requirements

Conditional Guilty Plea or Admission of Responsibility: Diversion Standards differ on conditioning pretrial diversion on the defendant admitting guilt or responsibility for the offense. The NDAA Diversion Standards favor conditional guilty pleas as an “appropriate mechanism to safeguard the prosecution of the case”¹⁸ if the defendant does not complete diversion. NAPSA Diversion Standard 4.3 discourages conditional pleas, but considers more informal admissions of responsibility as appropriate for diversion services plans.¹⁹

Of the 68 respondents providing information, 38 (55.9 percent) do not require a conditional guilty plea or admission of responsibility for pretrial diversion eligibility.

Mandatory Restitution: Forty-three of 65 respondents giving information (66.1 percent) reported restitution payment as a mandatory pretrial diversion condition.²⁰ For the 23 respondents providing data, annual diversion collection ranged from \$2,500 to \$600,000, with a median of \$28,963.00.

Charge to Participate in Diversion Programming: Forty-three respondents (62.3) reported charging a fee for diversion participation. These fees covered the diversion program eligibility screening (10 respondents or 23.5 percent) and/or the partial costs of diversion supervision (43 respondents, 100 percent). Thirty-six respondents reported flat fees, ranging from \$10.00 (two programs) to \$600.00 (one program), while five programs charged monthly fees, from \$10.00 to \$250.00.²¹

Thirty-seven of the 43 respondents (53.6 percent) offered waivers of program fees for indigent defendants.

18 NDAA, *National Prosecution Standards*, 44.5 (e).

19 At least two courts have supported restrictions on requiring guilty pleas for diversion participation. In *State v. Catlin*, 215 N.J. Super. 471 (1987), the New Jersey Supreme Court decided that denial to the pretrial intervention program based on the objection of the victim because the defendant would not admit guilt was improper. It ruled that any automatic decision, whatever the basis, is arbitrary and that defendants cannot be required to admit guilt. There was a similar finding in the 1983 *State v. Smith*, 92, N.J. 143 (1983).

20 This figure included 42 programs with restitution as a condition of diversion and another program that reported restitution as mandatory, but which did not supervise collection of restitution fees.

21 One respondent reported a weekly fee schedule.





Supervision and Services

Types of Diversion Programming: Alternatives to adjudication for first-time arrestees was the most common diversion programming identified by respondents (52 of 69, or 75.4 percent), followed by drug court (22, 31.9 percent), mental health services (15, 21.7 percent) and programming for driving under the influence and other traffic charges (13 respondents each or 18.8 percent).

Alternatives to adjudication for first-time arrestees, drug court and mental health service are the most common reported diversion programming. Alternatives for first-time arrestees are more common to older diversion programs.

Twenty-eight of 33 respondent programs begun before 1990 (84.8 percent) offered first-time arrestee diversion services, compared to 23 of 35 (65.7 percent) started since 1990. Older diversion programs also are likelier to offer services for juvenile arrestees—eight of 33 (24.2 percent) compared to two of 35 (5.7 percent)—and persons charged with domestic violence offenses—five of 33 (15.1 percent) compared to 2 of 35 (5.7 percent). There were no differences by program age in drug court or mental health programming.

All respondents use a risk assessment or pre-determined eligibility criteria to identify appropriate individuals for diversion placement.

Assessment of Participant Conditions and Services: Timely and objective assessment of defendant risk and needs is an identified evidence-based criminal justice practice and essential to effective supervision and monitoring.²² Preferably, assessment tools should focus on dynamic and static risk factors validated on similar populations.

All respondents use a risk assessment or pre-determined eligibility criteria to identify appropriate individuals for diversion placement. Forty respondent programs (58 percent) also use other assessments to identify placement conditions or rehabilitative services. Additional assessment tools included a substance

22 Joplin, L., et. al, supra note 15; Simon, J., “Reversal of Fortune: The Resurgence of Individual Risk Assessment in Criminal Justice,” *Annual Review of Law and Social Science*, Vol. 1:397-421, December 2005; The Vera Institute of Justice, *Proposals for New Orleans’ Criminal Justice System: Best Practices to Advance Public Safety and Justice* (Vera, June 2007); Harris, P.M., “What Community Supervision Officers Need to Know About Actuarial Risk Assessment and Clinical Judgment,” *Federal Probation*, 70, 2 (September 2006: pp. 8-14), NCJ 216183





abuse/chemical dependency assessment (27 respondents or 67.5 percent), most often the Addiction Severity Index (eight respondents) or the Simple Screening Instrument (six) and a combination risk/needs assessment (four respondents or 10 percent), most commonly the Life Services Inventory (three).

Standard Written Diversion Contract: Both NAPSA and NDAA Standards encourage the use of formal, written diversion agreements.²³ All but one of the respondent programs reported using a “contract”—a written description of the diversion program and statement of program conditions, requirements, and services.

Diversion Conditions: Sixty-one respondent programs (91.3 percent) have standard diversion conditions. These include urinalysis (43 or 68.3 percent) restitution (41, 65.1 percent), community service (39, 61.9 percent), and counseling (38, 60.3 percent). Overall, drug testing was the most common diversion condition mentioned (44 of 69 respondents or 63.8 percent), followed by restitution (42, 60.9 percent), community service (39, 56.5 percent) and counseling (39, 56.5 percent).

Over 90 percent of respondent programs have standard conditions. The most common are urinalysis, restitution, community service, and counseling.

Several respondents offer in-house services, such as drug testing (34 respondents, or 49.3 percent), job assistance (23, 33.3 percent), counseling (22, 31.9 percent), drug treatment and restorative justice services (eight respondents each, 11.6 percent). Other reported in-house services included adult education (three, 4.3 percent), motivational enhancement (two, 2.9 percent), and batterer intervention, cognitive skills training, and life skills training (one response each).

Length of Diversion Participation: Consistent with NAPSA Diversion Standard 4.4, 45 of 65 respondent programs providing information (69.2 percent) have established time limits for diversion participation. These include set time periods (26 respondents), minimum and maximum times for participation (15 programs), and differences in times for persons charged with misdemeanors or felonies (four programs). Set time periods range from three months to three years, with a median of 12 months. Median set time periods for misdemeanor and felony-charged participants are six months and 12 months, respectively. Programs with a minimum/maximum range reported a median minimum time of three months and median maximum time of 12 months.²⁴

²³ NAPSA *Performance Standards and Goals for Pretrial Diversion/Intervention*, Standard, 3.3. NDAA *National Prosecution Standards*, 44.5 (a).

²⁴ One respondent noted that diversion could be extended up to 60 months, depending on the defendant’s payment of restitution.





Non-Compliance, Program Responses and Violations of Diversion

Program Non-Compliance: The survey defined “non-compliance” as infractions to diversion program requirements that fall short of actual program failure. The most common non-compliant events considered by respondent programs are failure to keep appointments with the diversion program (60 or 87 percent), new arrests (53, 76.8 percent), new convictions (51, 73.9 percent), and failure to pay restitution (49, 71 percent).

Administrative Sanctions: Criminal justice and behavioral science literature suggests that swift, certain and equitable responses to noncompliance with conditions of supervision can reduce future noncompliance and recidivism.²⁵ Of the 63 respondent programs providing information, 52 (75.4 percent) impose administrative sanctions short of program termination to address participant non-compliance. Programs employ a wide range of sanctions, most commonly increases in community service hours (15 responding programs), modifications to the diversion contract or level of supervision (12), and increases in drug testing or treatment requirements (10).

Use of Graduated Sanctions (n=52 respondents)

Sanction	#	%
Increase in community service hours	15	(28.84)
Modification of diversion contract or supervision level	12	(23.07)
Increase in drug testing or treatment requirements	10	(19.23)
Short-term jail placement ¹	9	(17.30)
Written/verbal warning	7	(13.46)
Counseling	7	(13.46)
Request for judicial action	7	(13.46)
Increase in the time in diversion program	5	(9.61)
Increase in required contact with the diversion program	4	(7.69)

NOTE: Respondents may employ several sanction options. Therefore, sanctions frequency is greater than the number of respondents reporting.

25 Harrell, A. and Roman, J.: “Reducing Drug Use and Crime Among Offenders: The Impact of Graduated Sanctions,” *Journal of Drug Issues* Volume:31 Issue:1 (Winter 2001), pp. 207-232; Mitchell, O. and Harrell, A., “Evaluation of the Breaking the Cycle Demonstration Project: Jacksonville, FL and Tacoma, WA,” *Journal of Drug Issues*, Volume:36 Issue:1 (Winter 2006), pp. 97-118; Burke, C. and Pennell, S., *What Works: San Diego County’s Breaking Cycles Program* (San Diego Association of Governments (SANDAG), Criminal Justice Research Division), November 2001; and Marlowe, D.B., and Kirby, K.C., “Effective Use of Sanctions in Drug Courts: Lessons From Behavioral Research,” *National Drug Court Institute Review* Volume 2 Issue1 (Summer 1999), pp. 1-31.





Program Violations: Given the use of graduated sanctions, few respondent programs identified single events that constitute automatic violation of diversion placement. All respondents noted that continued noncompliance of diversion conditions would warrant a violation request.

Completion

Success Rates: The survey defines program “success rate” as the percent of defendants completing diversion program requirements. The median success rate reported by respondent programs (n=57) was 85 percent. Rates ranged from a low of 15 percent to a high of 98 percent. Nearly 84 percent of respondent programs (48 of 57) reported success rates of at least 70 percent.

Recidivism: The survey defined “recidivism” as the percentage of diversion participants convicted of a new offense following program completion. Twenty-three of 63 respondents reporting (36.5 percent) maintained data on recidivism rates.²⁶ Of these, 10 reported recidivism data on new felony convictions, eight on misdemeanors, and four on serious traffic offenses. The median recidivism rates for these respondents were five percent for new felonies, 12 percent for new misdemeanors, and one percent for new serious traffic offenses. The periods of time that respondents tracked new convictions following program completion varied greatly, from one year (two programs) to five years (four programs).

Final Termination Authority: While NDAA Standards recommend the prosecutor as the sole termination authority of diversion placements,²⁷ 27 of the 65 program respondents reporting (41.5 percent) identified

While most respondents report a high percent of defendants completing diversion program requirements, few keep data on recidivism.

the court as having this authority. Prosecutors and the diversion program scored 18 responses each (27.7 percent).²⁸ Three respondents noted that final termination authority was shared among system actors: the diversion program and the Court (two responses) and the diversion program and prosecutor (one response).

²⁶ Nine of 21 programs begun in the 1970’s (42.9 percent) kept data on recidivism rates, compared with 2 of 12 programs begun in the 1980s (16.7 percent), five of 17 programs begun in the 1990s (29.4 percent) and seven of 18 programs started since 2000 (38.9 percent).

²⁷ NDAA, National Prosecution Standards, p.137: “The right of the prosecutor to terminate an offender’s participation in a diversion program is essential.”

²⁸ Twelve of the 18 responses noted the diversion program director as having final authority while the remaining six identified program staff.



Eight of 15 programs with mental health programming (53.3 percent) noted the court as the termination authority, compared with 19 of 54 respondents (35.2 percent) not offering this service. Ten of 22 respondents with drug courts (45.5 percent) noted the court, compared with 17 of 47 respondents (36.2 percent) not associated with drug courts.

Appeal of Unsuccessful Diversion Program Termination: NAPSA Diversion Standards advocate that diversion participants facing an unsuccessful termination “should be afforded an opportunity to challenge that decision.”²⁹ NDAA Diversion Standards do not address this point, but do support the prosecutor’s right to proceed with the criminal case “when, in his judgment, such action would be in the interest of justice.”³⁰

Twenty-four of 62 respondents giving information (38.7 percent) stated that diversion participants could formally appeal unsuccessful diversion terminations. The survey did not include questions about termination procedures. However, allowing these appeals seems correlated to the identified termination authority. Eleven of the 24 respondents allowing appeal (45.8 percent) identified the court as the termination authority, compared with six respondents (25 percent) identifying prosecutors and six (25 percent) identifying the diversion program. Eleven of the 27 respondents identifying the court as the termination authority (40.7 percent) allowed participant appeals, compared with six of 18 respondents (33.3 percent) identifying the prosecutor and six of 18 (33.3 percent) identifying the diversion program.

Legal Challenges to Diversion Programming

Since the 1970’s, over 2,000 cases related to diversion issues have been filed in America’s state and federal appeals courts. This case law has touched upon subjects as varied as diversion eligibility, program admission, the terms of diversion agreements, program termination, and the use of confidential diversion information.³¹

Despite this activity, only five respondents (7.2 percent) reported ever facing a significant court challenge. Issues cited by four respondents involved the proper separation of diversion authority between the prosecution and the court—particularly the court’s ability to review and overrule a prosecutor or program’s decision to terminate diversion. The other response involved compulsory substance abuse treatment as part of diversion participation.

29 NAPSA *Performance Standards and Goals for Pretrial Diversion/Intervention*, Standard, 7.3.

30 NDAA, *National Prosecution Standards*, 44.5 (c).

31 Clark, J., *Pretrial Diversion and the Law: A Sampling of Four Decades of Appellate Court Rulings* (Pretrial Justice Institute, 2008).





The Court's Role

“While it is the prosecutor’s prerogative to initiate pretrial diversion consideration for potential participants, courts should have a role in monitoring the fair application of diversion eligibility guidelines.”³²

Offering diversion as an alternative to adjudication and managing diversion programming is viewed by most criminal justice practitioners as the solely the province of the prosecutor. However, state statutes, court opinion, and the advent of “problem-solving” criminal justice initiatives have broadened the judiciary’s role in alternatives to adjudication. Of the 64 respondent programs providing information, 38 (59.3 percent) stated that the court had a role in diversion programming. Almost 40 percent of these respondents (15) were diversion programs begun since 2000.³³ Thirteen of the 38 respondent programs (34.3 percent) were affiliated with drug courts, the most common diversion programming cited with a judicial role.

State statutes, court opinion, and problem-solving initiatives have broadened the judiciary’s role in alternatives to adjudication. Nearly 60 percent of respondents stated that the court had a role in diversion programming.

As mentioned earlier, the court is the final say on diversion terminations in many of the survey jurisdictions. Programs detailing diversion-related court functions (n=33) also cited as common judicial roles: approving diversion placements or conditions of diversion (13 or 39.4 percent), referring defendants to diversion programs (10, 30.3 percent), reviewing program compliance and imposing sanctions (eight, 24.2 percent), and hearing appeals of termination (two, six percent).

³² NAPSA *Performance Standards and Goals for Pretrial Diversion/Intervention*, Standard, 3.6.

³³ These 15 accounted for 83.3 percent all programs begun since 2000.





CONCLUSION

The contributions of survey respondents present a clearer picture of current diversion programming and practices. Diversion is a legitimate, established part of most criminal justice systems, promulgated usually by state statute or local court rule. Most diversion programs are relatively small, with average annual budgets of just over \$150,000 (supported mainly by local county fees and client fees), staff size of six, and yearly client placements of around 150. These limitations aside, diversion programs still strive to offer programs and services that respond to criminal behavior appropriately, address issues associated to continued criminality, and help restore victims of crime. Urinalysis, restitution, community service, and

Diversion appears to be a successful alternative for eligible defendants. Respondents averaged an 85 percent rate of defendants who complete diversion successfully, and over 80 percent of programs had a rate of 70 percent or higher.

counseling are common supervision conditions. Moreover, over half of programs impose sanctions—particularly increases in supervision requirements—to address participant noncompliance. Many programs are involved with problem-solving initiatives such as drug courts and mental health diversion.

Since 1990, diversion programming has shifted administratively from prosecutor’s offices to pretrial services programs. This may be part of a larger trend of diversion evolving into a partnership among local justice agencies rather than the sole charge of the prosecutor. Besides shared administrative authority, other justice entities have a greater say in recommendations for diversion and actual program placements, review of client compliance, and authority over termination decisions. This is especially true for the courts, which in many jurisdictions wield far more influence over diversion programming than in years past.

Diversion appears to be a successful alternative for eligible defendants. Respondents averaged an 85 percent rate of defendants who complete diversion successfully, and over 80 percent of programs had a rate of 70 percent or higher. However, these figures are tempered by the very small number of programs that keep recidivism data (a key success indicator) or who have participated in evaluations of program and service quality.

As practitioners continue to study and apply alternatives to traditional ways of doing business with defendants and offenders, the results of this survey reinforce that diversion offers to them tested and practical strategies for non-violent defendants. We hope that “re-introducing” diversion to the corrections community will help efforts nationally and locally in decreasing crime and increasing the public’s trust in the justice system.





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National Association of Pretrial Services Agencies, *Revised and Expanded Bibliography on Pretrial Diversion—Results of a Recently Updated Literature Search* (February 2009).

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Pryor D.E., *Practices of Pretrial Diversion Programs: Review and Analysis*, NCJ 121909.

Simon, J., "Reversal of Fortune: The Resurgence of Individual Risk Assessment in Criminal Justice," *Annual Review of Law and Social Science*, Vol. 1:397-421, December 2005

Simon, J. and Welter, S., *Review of Adult Diversion In Hennepin County*, Council on Crime and Justice, 1999

The Vera Institute of Justice, *Proposals for New Orleans' Criminal Justice System: Best Practices to Advance Public Safety and Justice* (Vera, June 2007)

Wolf, R.V., *Expanding the Use of Problem Solving: The U.S. Department of Justice's Community-Based Problem-Solving Criminal Justice Initiative* (Center for Court Innovation, 2007).

Case Law

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State v. Smith, 92, N.J. 143 (1983).





APPENDIX A: THE NAPSA PRETRIAL DIVERSION SURVEY

Section I - Directory Information

1. Program Name: _____
2. Street Address: _____
3. City: _____
4. State: _____
5. Zip Code: _____
6. Phone: _____
7. Fax: _____
8. Email Address: _____
9. Your program's web address: _____
10. National Association of Pretrial Services (NAPSA) Member?:
 Yes No
11. Former NAPSA Member?:
 Yes No





Section II - Program Background and Structure

12. Please indicate in numerical format what year the program was established. _____

13. Where is the program located administratively?

- Court
- Prosecutor's Office
- Pretrial Services Agency
- Probation Department
- Non-profit Agency
- Other (please explain): _____

14. What jurisdiction(s) does the program cover?

- State
- County(ies) or Parish
- City
- Federal
- Other (please explain): _____

15. Does the program accept courtesy supervision cases from other programs?

- Yes
- No

16. Program operating authority is derived from: (Choose ALL that apply)

- Statute
- Court rule
- Formal interagency memorandum of understanding
- Informal interagency understanding
- Other (please explain): _____

17. What types of diversion programs are offered? (Choose ALL that apply)

- Traditional Diversion (first time offenders)
- Drug Court
- Domestic Violence
- Mental Health
- Juvenile
- Criminal Non-Support
- DUI (Driving Under the Influence)
- Traffic, Other than DUI
- Other (please explain): _____





18. Using a numerical answer i.e., 100, please indicate approximately how many defendants are diverted per year: _____

19. Using a numerical answer i.e., 1,000, please indicate the annual program budget. (Example answer: 50,000 - without the dollar sign): _____

20. Is this figure:

- Personnel Only
- Comprehensive/Overall

21. Who are the program's funding sources? (Choose ALL that apply)

- State
- County
- City
- Federal
- Client Fees
- Other, Please Specify: _____

22. Is there a charge to participate in the program?

- Yes
- No

23. If yes, is there allowance for indigent clients or a sliding fee scale?

- Yes
- No

24. Using a numerical answer i.e., 100 (without the dollar sign), what does the program usually charge for:

- Eligibility Screening: \$ _____
- Program Participation: \$ _____

25. Does the program have a written mission statement?

- Yes
- No

If so, please indicate the year that it was last reviewed or updated: _____

26. Does the program have written program goals and objectives?

- Yes
- No

If so, please indicate the year that these were last reviewed or updated: _____

27. Does the program have a written operations or procedures manual?

- Yes
- No

If so, please indicate the year these were last reviewed and/or updated: _____





28. Does the program have an oversight body?

- Yes No

29. If yes, is the body a:

- Board of Directors
 Advisory Board
 Other (please explain): _____

30. Does the diversion program use a:

- Manual management information system
 Automated management information system

31. If automated, what type of software is used?: _____

Section III - Program Staffing

32. Using numerical values i.e., 100, please enumerate staff totals by type of staff:

- Professional Staff - Service Providers (includes screeners, caseworkers, counselors, etc.)
 Professional Staff - Management
 Administrative Staff
 Volunteers

33. What are the employment requirements for professional staff?

34. Is there a minimum education requirement for professional staff?

- Yes No

If so, what is this requirement?: _____

35. Are professional staff required to hold certification as a substance abuse treatment counselor?

- Yes No

36. Are professional staff required to hold certification or licensure as a counselor or social worker?

- Yes No





Section IV - Program Eligibility and Acceptance

37. Who can make referrals to the program? (Choose ALL that apply)

- Police
- Prosecutor
- Judges
- Defense Attorney
- Victim
- Other (please explain): _____

38. Program eligibility is based on: (Choose ALL that apply. Explain if necessary, or add other criteria)

- Offense type or level
- Restitution amount
- Prior record
- Approval from arresting officer(s)
- Approval from victim(s)
- Substance use history
- Mental health history
- Other (please explain): _____

39. Are non-citizens eligible for the program?

- Yes
- No

40. Can a defendant formally appeal an ineligibility determination or a denial of participation?

- Yes
- No

41. What are the point(s) during case processing where diversion can be considered? (

Choose ALL that apply)

- Post Arrest
- Post Indictment
- Post Arraignment
- Post Plea

42. Does the program require a conditional guilty plea or admission of responsibility?

- Yes
- No

43. Does the program have a standard written diversion contract that outlines the program, conditions, and services?

- Yes
- No





44. Does the client sign this before electing to participate in the program?
 Yes No

Section V - Client Programming

45. Does the program have a standard length of participation?
 Yes No
If so, please indicate the standard length of participation: _____

46. What are the standard conditions of the diversion program? (Please choose ALL that apply)
 There are no standard program conditions
 Restitution
 Community Service
 Counseling
 Drug Screening
 Other - please list: _____

47. Are assessment tools used to determine program conditions and services?
 Yes No
If so, which are used?: _____

48. Does the program order restitution?
 Yes No

49. Is full payment of restitution mandatory to complete the program?
 Yes No

50. If the program collects restitution, please indicate the numerical value for the average yearly total collected. (For example, a numerical dollar answer should be indicated as: 1,000): _____

51. What conditions/services does the diversion program offer in house?(Choose ALL that apply)
 Counseling
 Drug Testing
 Drug Treatment
 Job Assistance
 Restorative Justices Services
 Other (please explain): _____





52. If services are not provided in house, is there a Memorandum of Understanding or contract in place with outside providers?

- Yes No For some, not all

53. Is the program able to work with non-English speaking participants?

- Yes No

54. Is the program able to work with participants with physical limitations?

- Yes No

55. Is the program able to work with participants who have intellectual limitations?

- Yes No

56. What constitutes program non-compliance? (Choose ALL that apply)

- Failure to keep appointments
- Not complying with service plan
- Failure to pay restitution
- New arrest
- New conviction
- Other (please explain): _____

57. What constitutes program failure? (Choose ALL that apply)

- Failure to keep appointments
- Not complying with service plan
- Failure to pay restitution
- New arrest
- New conviction
- Other (please explain): _____

58. Does the diversion program impose any sanction short of termination to address noncompliance?

- Yes No
- If so, what sanctions are used?: _____
- _____

59. Who has final program termination authority?

- Program Staff
- Program Executive
- Prosecutor
- Court
- Other (please explain): _____





60. Can a participant formally appeal a program termination?

- Yes No

61. Using a numerical value without the percent sign, please indicate the diversion program's success rate. (i.e., the percentage of clients who successfully complete the program) Example percentage answer: 10 (indicated without the percent sign): _____

62. Is there a formal "graduation" process?

- Yes No

63. Are there follow-up interviews or written evaluations given to successful clients to get feedback about the program?

- Yes No

64. Does the program use successful clients in the diversion process, for example, as "mentors" to other participants?

- Yes No

If so, how?: _____

65. Does the Court have a role in the diversion process? (Excluding drug and other specialty court program)

- Yes No

If so, what is this role?: _____

Section VI – Evaluation

66. Does the program collect internal program data?

- Yes No

67. Has a recidivism study been done?

- Yes No





68. If so, please complete the following:

The percent of former participants convicted of a felony: ____%

The percent of former participants convicted of a misdemeanor: ____%

The percent of former participants convicted of a serious traffic offense: ____%

The time frame following program participation the study measured recidivism?: ____

69. Has the program been evaluated?

Yes, a process evaluation was done. Date: _____

Yes, an impact evaluation was done. Date: _____

The program has never been evaluated.

70. Has your program ever faced a court challenge or been involved in litigation?

Yes No

If "yes," please list the case citation(s): _____

71. If possible, please provide a brief summary of the issue(s) involved and the outcome:

(100 words or less):





APPENDIX B: PARTICIPATING PROGRAMS

Alabama

University of Alabama at Birmingham TASC
401- Beacon Parkway West
Birmingham, Alabama 35209
Phone: (205) 917-3784
Fax: (205) 917-3721
Web: <http://www.uab.edu/uabsap/tasc>

Pre-Trial Diversion Program
125 Washington Avenue
Montgomery, Alabama 36102
Phone: 334-832-2503
Fax: 334-832-2501
Web: <http://www.mc-ala.org/Home/Elected%20Officials/>

Connecticut

Chase Center Women and Children
21 Cliff Street
Waterbury, Connecticut 6790
Phone: 203-596-0783
Fax: 203-596-0769
Web: www.csi-online.org

Jail Re-Interview Transitional Residential Center
48 Howe Street
New Haven, Connecticut 6511
Phone: 203 752 9343
Fax: 203-789-4453
Web: theconnection.org

District of Columbia

D.C. Superior Court Drug Intervention Program
633 Indiana Ave.
Washington, D.C. 20004
Phone: (202) 220-5516
Fax: (202) 220-5513
Web: psa.gov

D.C. Pretrial Services Agency East of the River
Community Court
601 Indiana Avenue NW
Washington, DC 20004
Phone: 202 220-5500
Fax: 202 220-5618
Web: psa.gov

Florida

Diversion Services
P O Box 4970
Orlando, Florida 32802 - 4970
Phone: 407-836-3164

Alachua County Department of Court Services
14 NE 1st Street
Gainesville, Florida 32601
Phone: 352-338-7338
Fax: 352-338-7364

Alachua County W.O. Beauchamp
Drug Court Program
249 W. University Avenue
Gainesville, Florida 32601
Phone: 352-491-4634
Fax: 352-381-0107





Florida (continued)

Pretrial Diversion-United States Pretrial Services
500 Zack Street, Suite 301
Tampa, Florida 33602
Phone: (813) 225-7648 X127
Fax: (813) 225-7687

Idaho

U.S. Probation and Pretrial Services
550 W. Fort, MSC 032
Boise, Idaho 83724
Phone: 208-334-9110
Fax: 208-334-1872

Illinois

Deferred Prosecution
414 Court Street, Suite 200 Tazewell Bld.
Pekin, Illinois 61554
Phone: (309) 477-2294
Fax: (309) 477-3194
Web: Deferred@Tazewell.com

Winnebago County Pretrial Services Unit
650 West State Street, 2nd Floor,
Justice Center
Rockford, Illinois 61102
Phone: 815-319-6860
Fax: 815-968-6881

Indiana

St. Joseph County Pretrial Diversion Program
227 W. Jefferson Blvd, 10th Floor
South Bend, Indiana 44601
Phone: 574-235-7897
Fax: 574-235-9761
Web: stjoepros.org

Kansas

Adult Diversion Program
Office of the District Attorney,
535 N. Main
Wichita, Kansas 67203
Phone: (316) 660-3663 or 1-800-432-6878
Fax: (316) 383-4669
Web: www.sedgwickcounty.org/da

Johnson County District Attorney's
Diversion Program
100 N. Kansas
Olathe, Kansas 66061
Phone: 913-715-3114
Fax: 913-715-3040
Web: www.jocogov.org

Kentucky

Oldham County Pretrial Services
101 1/2 E. Jefferson Street
LaGrange, Kentucky 40031
Phone: 502-222-3535
Fax: 502-222-3535

Ballard/Carlisle/Hickman/
Fulton Co. of Ky
po box 534
BARDWELL, Kentucky 42035
Phone: 270-628-0145
Fax: 270-628-0145

Marshall County Pretrial Services
80 Judicial Building Unit 220
Benton, Kentucky 42025
Phone: 270-527-1503
Fax: 270-527-1503





Kentucky (continued)

Letcher County Diversion Program
84 East Main St.
Whitesburg, Kentucky 41858
Phone: 606-633-0073
Fax: 606-633-3800

Campbell County Pretrial Services (Kentucky)
600 Columbia Street
Newport, Kentucky 41071
Phone: 859-292-6516
Fax: 859-292-6528

Pretrial Services 18th Judicial District
213 Chapel Street
Falmouth, Kentucky 41040
Phone: 859-654-8581
Fax: 859-654-4228

Kentucky Pretrial services Diversion
6025 Rogers Lane
Burlington, Kentucky 41005
Phone: 859.334.2118
Fax: 859.334.3556
Web: www.kycourts.net

Jefferson County Pretrial Services
600 W. Jefferson St Room 1002
Louisville, Kentucky 40206
Phone: 502-595-4142
Fax: 502-595-0097

Pretrial Services 40th Judicial District
535 East Highway 90 By-Pass
Monitecello, Kentucky 42633
Phone: 606-348-4672
Fax: 606-348-4672

Kenton County Pretrial Services
230 Madison Ave
Covington, Kentucky 41011
Phone: 859-292-6518
Fax: 859-292-6631

Pretrial Services 13th Judicial District
117 S. Main Stree, Suite 101
Nicholasville, Kentucky 40356
Phone: 859-887-2512
Fax: 859-887-2624

Maine

Maine Pretrial Services, Inc.
175 Lancaster Street, Suite 305
Portland, Maine 4101
Phone: 207-774-1501
Fax: 207-874-0218
Web: mainepretrial.org

Maryland

Alternative Community Service
12500 Ardennes Avenue
Rockville, Maryland 20852
Phone: 240-777-5409
Fax: 240-777-5440

Intervention Program for Substance Abusers
(IPSA)
12500B Ardennes Avenue
Rockville, Maryland 20852
Phone: 240/777-5410
Fax: 240/777-5482





Michigan

Kent County Court Services Pre-trial
Diversion Program
180 Ottawa Ave NW Suite 2100
Grand Rapids, Michigan 49503
Phone: 616-632-5333
Fax: 616-632-5339
Web: www.accesskent.com

Ingham County Prosecutor's Diversion Program
303 W Kalamazoo
Lansing, Michigan 48933
Phone: 517 483- 6112
Fax: 517- 483-6397
First Offender Program
1200 N. Telegraph Rd
Pontiac, Michigan 48341
Phone: (248) 452-9849

Minnesota

Project Remand - Ramsey County Pretrial Services
50 West Kellogg Boulevard, Suite 510A
Saint Paul, Minnesota 55102
Phone: 651-266-2992
Fax: 651-266-2982
Web: projectremand.org

Operation de Novo, Inc.
800 Washington Avenue North, Suite 610
Minneapolis, Minnesota 55401
Phone: 612-348-4005
Fax: 612-348-6188
Web: www.operationdenovo.org

Mississippi

Justice Correctional Enforcement Systems
915 Locust St.
Vicksburg, Mississippi 39183
Phone: 601-661-9877
Fax: 601-661-7002

Montana

Gallatin County Treatment Court
1709 W. College
Bozeman, Montana 59715
Phone: 406-582-3700
Fax: 406-582-3701

New Hampshire

Merrimack County Adult Diversion
163 North Main Street
Concord, New Hampshire 03301
Phone: 603-226-1921
Fax: 603-228-2143

New Mexico

11th Judicial District Court, Pretrial Services
103 South Oliver
Aztec, New Mexico 87401
Phone: 505-334-9095
Fax: 505-334-9097
Web: www.11thjdc.com/modules/tinycontent/?id=181

New York

Fulton County Alternatives to Incarceration
1 E. Montgomery St.
Johnstown, New York 12095
Phone: (518)762-7856
Fax: (518)762-4597

Schuyler County Pretrial Services
105 Ninth St.
Watkins Glen, New York 14891
Phone: 607-535-8165
Fax: 607-535-8173





New York (continued)

Steuben County Probation Department
3 East Pulteney Square
Bath, New York 14810
Phone: 607-664-2330
Fax: 607-664-2165

Pre-Trial Services
80 West Main Street Suite 200
Rochester, New York 14614
Phone: 585-454-7350
Fax: 585-454-4516

Lewis County Pre-Trial Release Program
7660 N. State Street
Lowville, New York 13367
Phone: 315-376-5358
Fax: 315-376-5445

U.S. Pretrial Diversion Program, ED/NY
225 Cadman Plaza East
Brooklyn, New York 11201
Phone: (718) 260-2602
Fax: (718) 260-2568

North Carolina

Hoke County Pretrial Services
125 East Edinborough Ave, Rm 114
Raeford, North Carolina 28376
Phone: 910-875-2476
Fax: 910-875-3136
Web: www.hokecounty.org

Ohio

Marion County Pre-trial Diversion Program
100 N. Mian St.
Marion, Ohio 43302
Phone: 740 223-4230
Fax: 740 397-9547

Williams County Pretrial Diversion Program
Adult Probation Dept, Courthouse, #1
Courthouse Sq.
Bryan, Ohio 43506
Phone: 419-636-4722
Fax: 419-636-8532

Lucas County, Ohio Pretrial-Presentence Division
1100 Jefferson Ave.
Toledo, Ohio 43604
Phone: 419-213-6080
Fax: 419-2936-8019

Franklin County Prosecutor's Diversion Program
373 S. High St., 15th Fl
Columbus, Ohio 43215
Phone: 614-462-3692
Fax: 614-462-2532

Summit County Prosecutor's Diversion Program
Oriana House, P.O. Box 1501
Akron, Ohio 44309
Phone: 330-535-8116, ext. 2759
Fax: 330-761-3327
Web: www.orianahouse.org

Akron Municipal Court Discretionary
Rehabilitation
PO Box 1501 (Oriana House, Inc.)
Akron, Ohio 44309
Phone: (330) 535-8116
Fax: (330) 761-3327
Web: www.orianahouse.org

Richland County Prosecutor's Diversion Program
38 South Park Street, Second Floor
Mansfield, Ohio 44902
Phone: 419-774-5676
Fax: 419-774-3529





Ohio (continued)

Hamilton Co. Dept of Pretrial &
Cmty Trans Service
1000 Sycamore St Room 111
Cincinnati, Ohio 45202
Phone: 513-946-6172
Fax: 513-946-6175

Oklahoma

North Care Day Reporting Program
1140 North Hudson
Oklahoma City, Oklahoma 73103
Phone: 405-272-0660
Fax: 405 272 0472

Oregon

U.S. Pretrial Services
1000 SW Third #440
Portland, OR 97204
Phone: 503.326-8506
Fax: 503.326-8590

Chester County Court Bail Agency
17 N Church St Suite 339
West Chester, Pennsylvania 19380
Phone: 610-344-6886
Fax: 610-344-6524
Web: <http://dsf.chesco.org/Courts/cwp/view.asp?A=3&QUES>

Pennsylvania

Luzerne County Pre-Trial Services
27 East Northampton Street
Wilkes-Barre, Pennsylvania 18701
Phone: (570)208-1098
Fax: (570)208-3905

Rhode Island

Dept. of Attorney General-Adult Diversion
Program
150 South Main Street
Providence, Rhode Island 02903
Phone: 401-274-4400
Fax: 401-751-2860
Web: www.riag.state.ri.us

South Carolina

Pretrial Intervention Program
PO Box 2226, 100 S. Ribaut Rd. Main Courthouse
Beaufort, South Carolina 29901
Phone: (843) 470-3728
Fax: (843) 470-3732

11th Judicial Circuit Diversion Programs
205 East Main ST
Lexington, South Carolina 29072
Phone: 803-785-8197
Fax: 803-785-8229

Pretrial Intervention
1520 Ellis Avenue
Orangeburg, South Carolina 29115
Phone: 803-533-6137
Fax: 803-533-61-004

Pretrial Intervention
1701 Main Street, Room 406-B PO Box 192
COLUMBIA, South Carolina 29202
Phone: 803-576-1850
Fax: 803-576-1866

Pretrial Intervention/Alcohol Education Program
292 Barnwell Highway
Allendale, South Carolina 29810
Phone: 803-584-4543
Fax: 803-584-4545





South Carolina (continued)

Seventh Circuit Pre-Trial Intervention Program
180 Library Street
Spartanburg, South Carolina 29306
Phone: (864) 596-2630
Fax: (864) 596-2268

Tennessee

Nashville-Davidson Cty Sheriff Pretrial Diversion
100 James Robertson Pkwy Suite 102, PO Box
196300
Nashville, Tennessee 37219-6300
Phone: (615) 862-8520 ext:5
Fax: (615) 880-2693
Web: www.Nashville_Sheriff.net/pretrial

Texas

Fannin County Adult Probation
Diversion Program
411 Chestnut
Bonham, Texas 75418
Phone: 903/583-7446
Fax: 903/583-1139

Virginia

Court Services Division, Fairfax County GDC
4110 Chain Bridge Road, Suite 203
Fairfax, Virginia 22030
Phone: 703 246-2153
Fax: 703 352-7869
Web:
www.fairfaxcountygov/courts/gendist

Wisconsin

St. Croix County Pretrial Diversion Program
1101 Carmichael Road
Hudson, Wisconsin 54016
Phone: (715)386-4641
Fax: (715)381-4397

