

Adult Diversion Annual Legislative Report

On the Implementation of HB 13-1156

January 2015



**Colorado State Judicial Department
State Court Administrator's Office
Adult Diversion Funding Committee**

Reporting Requirements

This report is being submitted to the Colorado General Assembly, specifically the Joint Budget Committee, in response to the mandate from HB 13-1156 for the Judicial Department to prepare a report that includes a summary of statistics and progress on the programs supported by Adult Diversion funding and how those funds were expended. This work is being guided by the Adult Diversion Funding Committee.

Adult Diversion Funding Committee

Name	Appointment	Email
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Program Timeline

HB 13-1156 created a new mechanism for diverting individuals accused of certain crimes, generally low level offenses, away from the traditional criminal justice system. In addition to defining the legal parameters of pretrial diversion, it provided a source of funding for District Attorneys' Offices to institute or operate pretrial diversion programs. It also established the Adult Diversion Funding Committee to develop a process by which elected District Attorneys' could request funding. The bill became law in August 2013.

The State Court Administrator's Office filled the Adult Diversion Funding Committee's .5 FTE staff position as of October 1, 2013. The Adult Diversion Funding Committee was in place by the end of October 2013.

The committee began developing funding guidelines, application and report forms, and application processes. They released the first funding applications in January 2014. Attached addendums provide information on the application process.

Four District Attorneys' Offices—the 6th, 9th, 15th and 16th Judicial Districts—applied for funding. By April 2014 all were contracted to develop Adult Diversion programs.

The Judicial Districts include the following counties: 6th- La Plata, Archuleta and San Juan, 9th- Rio Blanco, Garfield and Pitkin, 15th- Cheyenne, Kiowa, Prowers and Baca, 16th- Crowley, Otero and Bent.

Fiscal year (FY) 2015 applications went out as soon as the FY 2014 grantees were contracted. Each of the funded grantees was given the opportunity to submit a letter of intent to continue their program development and implementation. All four districts submitted letters of intent.

April-June 2014 was a very short timeframe in which to expend FY 2014 funds. Hence, the unexpended dollars were rolled into funding for FY 2015. The same four districts remain funded for the current fiscal year.

Adult Diversion funding applications were distributed at Colorado District Attorneys' Council meetings and to their email list with an announcement by members of the Adult Diversion Funding Committee and staff. The application, guidelines, and answers to frequently asked questions were posted on the Judicial website with an open call to all District Attorneys to apply if interested.

The Adult Diversion Funding Committee has kept the door open for District Attorneys to apply during this fiscal year in an effort to support any interest. Several additional District Attorneys' Offices have expressed interest in Adult Diversion but have not yet applied for funding.

Three out of the four funded programs are fully operational as of December 31, 2014. One district has had difficulty staffing the program as originally expected and is reconsidering their plan. The Adult Diversion Funding Committee had anticipated that some grantees would need time to develop policies and procedures for how their funding would be spent.

As of January 2015 applications for FY 2016 funding have been posted and inquiries are beginning to occur. All four of the currently funded District Attorneys' Offices intend to reapply for funding. The deadline for applications is February 27, 2015.

Budget Information

Although Adult Diversion funding allocations have been low, the Adult Diversion Funding Committee expects that will change. Funding for the initial application period, in April 2014, was complicated by its proximity to the end of the fiscal year. The committee expects to see an increase in interest from other judicial districts as awareness of the availability of funds grows and the successes of existing new programs are communicated.

Correctional Treatment Funds are also available to Adult Diversion programs, although none have been spent to date.

Fiscal Year 2014:

A total of \$ 425,000 was allocated from the general fund for Adult Diversion, of which \$390,223 was provided to directly support District Attorney pretrial diversion programs.

A total of \$ 144,350 was applied for and granted.

A total of \$ 30,791.07 was expended between April and June of 2014. Funded programs did not expend as much as anticipated because they were still in the process of developing their programs and hiring staff.

Granted and expended Adult Diversion funds by Judicial District:

District	Granted	Expended
6 th	\$ 20,000	\$ 0
9 th	\$ 13,350	\$ 7,399.94
15 th	\$ 55,000	\$ 15,155.21
16 th	\$ 56,000	\$ 8,235.92

All FY 2014 grantees were given the full granted amount. FY 2015 grant amounts are being offset by the amount of the remaining FY 2014 unexpended funds before any additional funds are dispersed.

Fiscal Year 2015:

\$400,000 was allocated from the general fund for Adult Diversion.

A total of \$240,060 was applied for and granted.

Granted and expended Adult Diversion funds by Judicial District:

District	Granted	Expended
6th	\$70,000	\$ 0
9th	\$29,460	\$ 2,700.45
15th	\$75,000	\$ 1,666.00
16th	\$65,600	\$ 27,698.16

Aggregate Adult Diversion Program Data

Participant Information as of December 31, 2014:

- Number of people who met criteria and were referred for consideration (screened): **107**
- Number of people who were enrolled in the program (agreed to participate): **92**
- Number of program participants that have completed successfully: **15**
- Number of participants who did not successfully complete the program: **6**
 - 2 were non-compliant, 2 chose to go to trial, 1 was terminated on account of a new offense, and 1 voluntarily withdrew.
- Number of people currently under active supervision with Adult Diversion agreements: **71**

Participant Demographics:

Demographic data is only collected when a participant has completed a pretrial diversion agreement, either successfully or under other circumstances. Hence, the demographic data below does not include individuals who are currently in a diversion program.

As of this reporting period the following demographic information is available:

Total number served: 21

Race/Ethnicity	
Caucasian/White	16
African American/Black	0
Hispanic/Latino	5
Native American	0
Asian/Pacific Islander	0
Other	0

Age		
18-25	26-35	36 +
11	2	8

Gender		
Male	Female	Other
12	9	0

Stories From the Field:

Anecdotal information provided to the Adult Diversion Funding Committee, as well as the limited hard data which has been reported to date, indicates that Colorado's three new pretrial diversion programs are operating successfully. The District Attorneys from all three jurisdictions have been pleased with the results they are seeing.

One client that was accepted into Adult Diversion had not completed his GED or achieved high school graduation. After his initial intake it was determined that he was reading at a 2nd grade level. As a part of his agreement he enrolled in a GED program and is working on his GED.

Another Adult Diversion participant was charged with introduction of contraband at a Department of Corrections facility. When this individual was searched, it was determined that the drug contraband had to be removed at the hospital. After the removal of the contraband, it was determined that this client had cancer. As an Adult Diversion participant, the program coordinator was able to help the participant obtain health insurance. After researching the Colorado Medicaid program, they found that there was a program within Medicaid that treats cancer. This client is enrolled in this program and is getting treatment as a result of her participation in Adult Diversion.

Colorado's pretrial diversion statute is very new, as are its associated funding mechanisms. Both have nevertheless shown great promise as a tool for reaching successful dispositions within the criminal justice system.