



ADULT DIVERSION FUNDING COMMITTEE

*Office of the State Court Administrator
1300 Broadway
12th Floor
Denver, CO 80203*



ANNUAL LEGISLATIVE REPORT



ON THE IMPLEMENTATION OF HB 13-1156,

*Concerning the creation of an adult diversion program, and in
connection therewith, making an appropriation.*



STATE FISCAL YEAR 2017 – 2018

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ADULT DIVERSION FUNDING COMMITTEE

Thursday, January 10, 2019



COMMITTEE MEMBERS

Jim Bullock, District Attorney
16th Judicial District
Colorado District Attorney's Council

Janet Drake, Deputy Attorney
Attorney General's Office

Mark Evans, Senior Deputy
State Public Defender's Office

Tom Harbaugh, Probation Analyst
State Court Administrator's Office

Joe Thome, Director
Division of Criminal Justice
Department of Public Safety

COMMITTEE STAFF

Kyle Gustafson
Court Services Division
Colorado Judicial Branch

Members of the General Assembly:

It is my pleasure to present the Adult Diversion Funding Committee's Annual Legislative Report. The Committee's goal is to administer state funds to best achieve the statutory goals of pretrial diversion: (1) preventing criminal acts, (2) restoring victims of crime, (3) facilitating payment of restitution, and (4) reducing the number of cases in the criminal justice system. As the following pages illustrate, that goal is being met.

Use of pretrial diversion has grown dramatically since the General Assembly passed House Bill 13-1156. That legislation has enabled the creation of diversion programs in eight judicial districts spanning rural and metropolitan areas, including two new programs this year. Each of the programs is unique, as they are designed to meet the needs of their respective populations. Nearly all, however, rely on the legislature's ongoing support to continue their good work.

Funded diversion programs have yielded clear results. They diverted over 1,500 individuals from the traditional justice system in the last fiscal year, allowing courts and prosecutors to focus resources on more critical cases. Diverted individuals were typically required to address the issues that lead to a criminal act, thus reducing the chances of further justice system involvement, and to restore victims of crime through payment of restitution. The programs have ensured that individuals are held accountable for their actions, while allowing them to recover from a mistake and remain productive Coloradans.

Largely because of their success, Colorado's diversion programs are nearing their limits. The Committee's current general fund allocation is completely committed, leaving no room for additional programs to be funded or existing programs to expand. The Committee hopes to address that issue in future budget requests.

We are eager to share information about the work and benefits of Colorado's pretrial diversion programs, and encourage you to contact us if you have questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark Evans".

Mark Evans
Adult Diversion Funding Committee Chair





HB 13-1156: TO FACILITATE AND ENCOURAGE DIVERSION OF DEFENDANTS FROM THE CRIMINAL JUSTICE SYSTEM WHEN DIVERSION MAY...

1712 CASES SCREENED	322% CHANGE <u>SINCE 2015</u>	1592 PARTICIPANTS ENROLLED	432% CHANGE <u>SINCE 2015</u>
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[1] PREVENT COMMISSION OF ADDITIONAL CRIMINAL ACTS	FY 17 ONE-YEAR RECIDIVISM < 7%	<i>Less than 3% of participants reoffended while on supervision</i>
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AN AVERAGE OF [92] DAYS FROM OFFENSE TO RESTORATION	80% OF RESTITUTION OWED COLLECTED	[2] RESTORE VICTIMS OF CRIME
VICTIMS SERVED 239	[\$99,244.39]	

[3] FACILITATE THE ABILITY TO PAY RESTITUTION

TO VICTIMS OF CRIME

Participants with restitution being owed in their case completed diversion successfully 89% of the time.

On average, cases with restitution averaged an amount owed of \$518.90 to a victim.

AVERAGE DAYS SUPERVISED: 129	[4] REDUCE THE NUMBER OF CASES IN THE JUSTICE SYSTEM	FUNDING COST PER DIVERSION EXIT: \$392.52
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109 AVERAGE DAYS TO PROGRAM ENTRY	PARTICIPANT SUCCESS RATE: 78.4%	\$101,385.95 IN SUPERVISION FEES COLLECTED	AVERAGE DAYS ARREST TO EXIT: 237
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*From July 2017 to June 2018, **826** individuals were held accountable while being allowed to avoid the collateral consequences associated with criminal charges and convictions.*



STATUTORY REPORTING REQUIREMENTS

THIS REPORT IS BEING SUBMITTED TO THE Colorado General Assembly Joint Budget Committee in compliance with HB 13-1156 that requires the Judicial Department to prepare a report that includes a summary of statistics and progress on programs supported by adult diversion funding. This document is being guided by the Adult Diversion Funding Committee. As charged by § 13-3-115, C.R.S., the Adult Diversion Funding Committee is comprised of members from a variety of stakeholders within the criminal justice system.

Pursuant to statute, the Adult Diversion Funding Committee has established funding guidelines and an application process for reviewing funding requests submitted by a district attorney or another district-attorney approved agency (*see* Attachments I – III).

Funding requests are reviewed on an annual basis by the committee. Throughout the year, the committee meets bi-monthly to discuss program progress, review participant data, and manage other business items related to the administration of the grant funds.

Additional reporting requirements as outlined in § 13-3-115, C.R.S. regarding program enrollment data, demographic data, participant outcomes, and funding expenses are detailed in the subsequent pages of this report. For any clarification requests regarding information presented in this annual report, please contact the Adult Diversion Funding Grant Coordinator at kyle.gustafson@judicial.state.co.us or by phone at (720) 625-5000.

2018 – 2019 ADULT DIVERSION FUNDING COMMITTEE

NAME	AGENCY REPRESENTING	EMAIL
James Bullock	<i>Colorado District Attorneys' Council</i> (Elected D.A. from the 16 th JD)	jbullock@da16co.gov
Mark Evans	<i>Office of the Public Defender</i>	mark.evans@coloradodefenders.us
Thomas Harbaugh	<i>Office of the State Court Administrator</i>	thomas.harbaugh@judicial.state.co.us
Cynthia Kowert	<i>Office of the Attorney General</i>	cynthia.kowert@coag.gov
Joe Thome	<i>Division of Criminal Justice, Department of Public Safety</i>	joe.thome@state.co.us
Kyle Gustafson, <i>Grant Coordinator</i> : kyle.gustafson@judicial.state.co.us		



ADULT DIVERSION FUNDING PROGRAM TIMELINE

PROGRAM BACKGROUND

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 0.5 FTE staff position as of October 1, 2013. The Adult Diversion Funding Committee was in place by the end of October 2013. The first funding application materials were released in January 2014. Since then, the committee has continued to develop the funding guidelines, application process, and report forms for this grant. The addendum to this report provides additional information on the application process for state fiscal year (FY) 2019. Adult Diversion funding application materials have also been given to the Colorado District Attorneys' Council with an announcement on behalf of the Adult Diversion Funding Committee.

All elected District Attorneys and programs operating in partnership or with the approval of the local DA may apply if interested. A public web page for information regarding adult diversion funding is available as a resource for diversion programs, in addition to training opportunities and quarterly coordinator conference calls. The application, guidelines, and answers to frequently asked questions are also posted on the Judicial Branch's website. Upon completion of HB 13-1156 planning conducted in FY 14, four District Attorneys' Offices from the 6th, 9th, 15th and 16th Judicial Districts requested funding. In FY 17, six judicial districts received funding and reapplied for FY 18 as well as three newly-funded programs in the 2nd – Denver; 4th – El Paso and Teller; and 22nd – Dolores and Montezuma. FY 19 funded programs and counties served include: 2nd – Denver; 6th – La Plata, Archuleta and San Juan;

7th – Delta (Only); 9th – Rio Blanco, Garfield and Pitkin; 15th – Cheyenne, Kiowa, Prowers and Baca; 16th – Crowley, Otero and Bent; 20th – Boulder; 21st – Mesa; 22nd – Dolores and Montezuma.

CURRENT PROGRAM STATUS

ALL OF THE PREVIOUSLY FUNDED PROGRAMS

continue to remain fully operational as of December 31, 2018. The two newest programs in the 2nd and 22nd both began to implement their program models and offer diversion agreements to participants by the end of FY 18. As the development of a new program can take approximately 3-5 years to complete according to implementation science, the Adult Diversion Funding Committee is starting to see consistent results regarding diversion outcomes and has begun its work to evaluate this data while encouraging further development of programs and continuing to support the ongoing evolution of diversion throughout the state (as funding permits).

FY 18 represented the fourth year of operation for programs funded by the adult diversion grant. During this period, adult diversion programs continued to expand and adjust their screening and assessment procedures, criteria for receiving clients, participant data reporting, and day-to-day management of grant funds. However, each jurisdiction has reached the limit of its ability to effectively grow beyond currently available resources. Despite funding limitations, programs have diligently worked to adequately address the growing need for diversion resources within their community. Correctional Treatment Board funding needs for substance-abuse and co-occurring disorders have continued to grow as well.

The Adult Diversion Funding Committee continues to work with District Attorneys throughout the fiscal year to better understand program need and spending patterns. New jurisdictions have been hesitant to apply due to the anticipated availability of grant funding in each upcoming fiscal year. As of December 1, 2018, application materials for FY 20 funding have been posted on the website. All nine of the currently funded District Attorney's Offices intend to reapply for funding. The deadline for applications is February 22, 2019.



FY 18 DIVERSION PROGRAM PROFILES

Population & demographics compiled from publicly available data through the Colorado Department of Local Affairs –State Demography Office

2ND JD – DENVER COUNTY

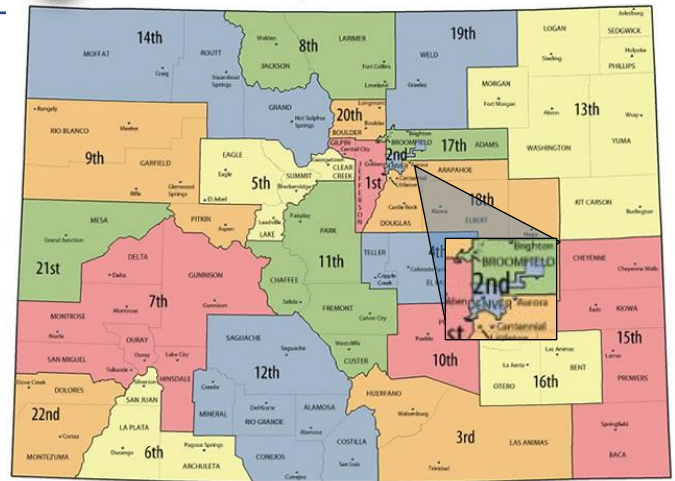
ELECTED DISTRICT ATTORNEY:

Beth McCann

PROGRAM OVERVIEW				
Mailing Address	201 West Colfax Ave. 8th floor, Denver, CO 80202	Phone	(720) 913-9022	
Type of Program	New Program	Year Started	2018	
FY 18 Request	\$131,040.00	FY 18 Award	\$28,193.28	
Eligibility Criteria / Target Population	<i>The initial target population includes young adults, 18-26 years of age. If successful with this population, further expansion of the program will include all adults, regardless of age.</i>			
Program Goals	<i>To start an Adult Diversion Program for up to 40 young adults ages 18-26.</i>			
Projected Enrollment	40	# of adults screened by diversion program in FY 18	22	
Successful Completion	N/A	# of adults enrolled by diversion program in FY 18	10	
Participant Outcomes	Successful Terminations	0	Unsuccessful Terminations	0
FY 17 One-Year Post Program Recidivism Rate			N/A	
FY 16 One-Year Post Program Recidivism Rate			N/A	
Supervision Fees	\$50.00	Fees Collected in FY 18	\$150	
Treatment Assessment	<i>The goal is to separate offenders based on risk level with higher risk offenders being placed in more intensive treatment services while lower risk offenders receive minimal or no intervention. The tool will focus on addressing needs that contribute to criminal behavior while offering an opportunity to rehabilitate those needing treatment services through a style and mode that is custom to each offender.</i>			
Partner Agencies	<i>Mental Health Center of Denver, Emerson Street for Teens and Young Adults Program, others to be identified that can provide evidence based, outcome measured services to clients.</i>			



COLORADO JUDICIAL DISTRICTS



EST. POPULATION (2017): 705,651

FY 18 ACHIEVEMENT IN IMPLEMENTATION

After a long planning process, Denver DA Diversion accepted their first Young Adult case for defendants ages 18-26 on May 14, 2018. To date, the program has accepted over 40 cases and will look to increase participant numbers once securing additional staff. Additionally, through collaboration with the office's Behavioral Health Unit and Denver Court, clients in the program are able to have their records sealed shortly after program acceptance.

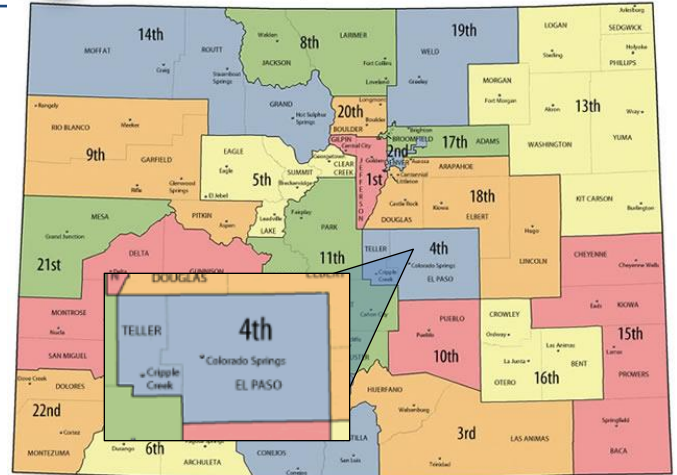




ELECTED DISTRICT ATTORNEY:

Daniel May

PROGRAM OVERVIEW			
Mailing Address	105 East Vermijo Avenue, Colorado Springs, CO 80903	Phone	(719) 520-6178
Type of Program	Existing Program	Year Started	2006
FY 18 Request	\$31,590.00	FY 18 Award	\$2,750.00
Eligibility Criteria / Target Population	Adults 18 years or older are referred to adult diversion as first-time felony offenders charged with non-violent crimes.		
Program Goals	Increase referrals by 40%, provide affordable access to community treatment, increase number of successful cases.		
Projected Enrollment	50-75	# of adults screened by diversion program in FY 18	6
Successful Completion	N/A	# of adults enrolled by diversion program in FY 18	6
Participant Outcomes	Successful Terminations	0	Unsuccessful Terminations
			0
FY 17 One-Year Post Program Recidivism Rate			N/A
FY 16 One-Year Post Program Recidivism Rate			N/A
Supervision Fees	\$29.00 / month	Fees Collected in FY 18	N/A
Treatment Assessment	Information provided by the Deputy District Attorney, law enforcement, and police reports allows us to assess and make determinations regarding the offender's treatment referral needs. The nature of the crime committee such as drug or alcohol charges, burglary, assault, helps us to make an early determination on resources that may be needed.		
Partner Agencies	Aspen Pointe, Peak Vista Health Centers, Cedar Springs Behavioral Health Facility, Therapeutic Outpatient Services, ISAE, Centro de la Familia, Colorado Health Services		



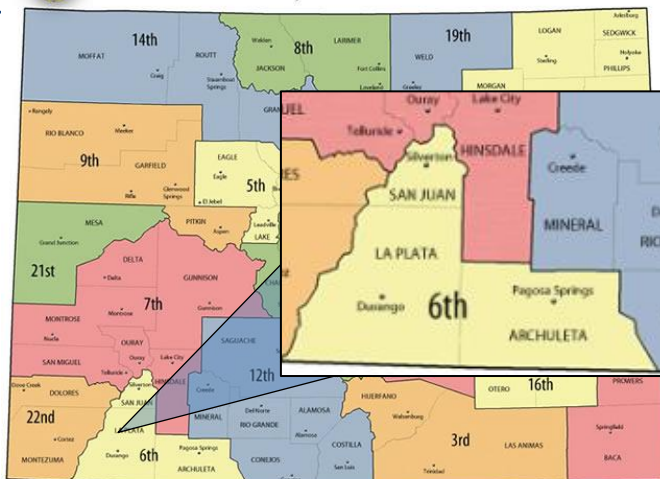
EST. POPULATION (2017): 725,908

FY 18 PROGRAM FUNDING UPDATE	
<p>Following receiving an award for correctional treatment funding, the 4th JD adult diversion program experienced a lower than expected number of referrals within their jurisdiction which significantly impacted their ability to use funding. Given the additional funding need from a rural program, the 4th JD offered to reallocate their award to support their request at the end of the third quarter of the fiscal year.</p>	



**6TH JD – ARCHULETA, LA PLATA AND
SAN JUAN COUNTIES**

COLORADO JUDICIAL DISTRICTS



EST. POPULATION (2017): 69,649

ELECTED DISTRICT ATTORNEY:

Christian Champagne

PROGRAM OVERVIEW			
Mailing Address	PO Box 3455, Durango, CO 81302	Phone	(970) 247-8850
Type of Program	Existing Program	Year Started	2015
FY 18 Request	\$78,875.00	FY 18 Award	\$70,500.00
Eligibility Criteria / Target Population	<i>Low risk, first-time offenders charged with Driving Under Restraint, Criminal Mischief, Neighbor Disputes, Recurring Pet-Control offenses, expanding to accept Domestic Violence, Substance Use, Anger Management cases believed to have a low probability of recidivism. Restorative Justice emphasis-focused.</i>		
Program Goals	<i>Self-Sustainability, Recidivism Reduction, Gain Support of Local Community and Agencies</i>		
Projected Enrollment	200	# of adults screened by diversion program in FY 18	254
Successful Completion	77.2%	# of adults enrolled by diversion program in FY 18	242
Participant Outcomes	Successful Terminations	136	Unsuccessful Terminations 40
FY 17 One-Year Post Program Recidivism Rate			6.25%
FY 16 One-Year Post Program Recidivism Rate			9.25%
Supervision Fees	<i>Varies by offense, supervision need, and income.</i>	Fees Collected in FY 18	\$12,425
Treatment Assessment	<i>Cases are screened prior to Court and upon reviewing the case, the attorney assigned considers all of the facts of the case including background information, criminal history, demographic information, prior treatment completion. The defendant is involved in this process as well as the defendant's attorney, if applicable. Factors that help determine conditions of Diversion also include their willingness to take accountability for the offense in question, prior charges, prior success in treatment and, as previously stated, prior criminal history.</i>		
Partner Agencies	<i>Durango Adult Education Center, La Plata Family Center, Local Drug/Alcohol Testing Agencies, The Recovery Center, Colorado State Patrol, Therapeutic Experiences, Axis Health System, Bright Sky Counseling, Various Domestic Violence Providers, Restorative Justice Facilitators, 6th JD Probation</i>		

FY 18 ACHIEVEMENT IN IMPLEMENTATION

We have recently contracted with The Advantage Group for Collections in an effort to further assist us in collecting past due supervision fees. These fees are from those who have either successfully or unsuccessfully completed the program but still have an outstanding balance. Any participant on diversion prior to July 10, 2018 date will not be subject to the Collection policy as it was not implemented at that time. Following that date, should a defendant carry an outstanding balance past their termination, the balance is referred to collections and they have been assisting us with fee collections. We believe this will save us time in the collection process but also increase revenue that otherwise may not have been brought in.

Secondly, we are excited to be a pilot site for a Mental Health diversion grant beginning January 1, 2018. This grant will provide the Diversion Coordinator with the time and resources necessary to focus more hours on referrals from Mental Health providers and get those participants experiencing mental health symptoms the treatment they need while they work through the judicial system and resolve their charges. The grant allows for a full time, benefited position and the Coordinator will work closely with not only the referring attorneys but also the mental health providers to provide treatment and referrals. Other services and incentives are hopefully to follow such as purchasing bus passes for participants, grocery cards, as needed. We are excited at starting this new program as we expand and grow.

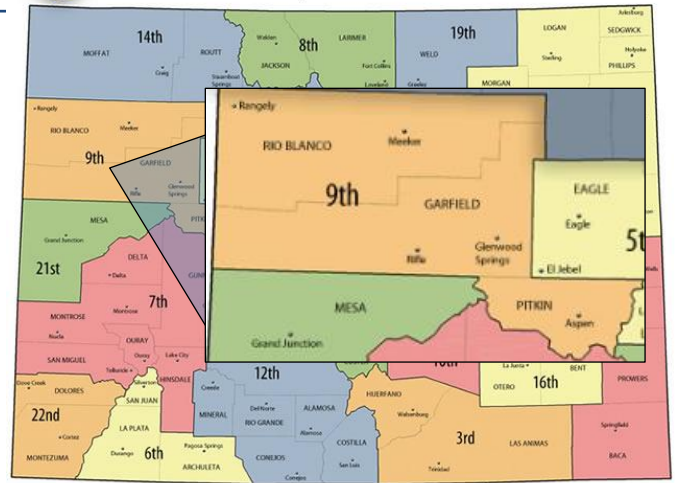


**9TH JD – GARFIELD, PITKIN, AND
RIO BLANCO COUNTIES**

COLORADO JUDICIAL DISTRICTS

ELECTED DISTRICT ATTORNEY:

Jefferson Cheney



EST. POPULATION (2017): 83,387

PROGRAM OVERVIEW			
Mailing Address	109 8 th St., 308, Glenwood Springs, CO 81601	Phone	(970) 945-8635
Type of Program	Existing Program	Year Started	2015
FY 18 Request	\$42,840.00	FY 18 Award	\$37,000.00
Eligibility Criteria / Target Population	Young adults with pending charges related to Minor in Possession of alcohol or marijuana. The program will also consider adult defendants who have misdemeanor charges such as harassment, disorderly conduct, trespass, menacing, and theft. Lower level felony charges that meet program criteria will also be considered as well as domestic violence cases that meet criteria.		
Program Goals	Divert 100 - 150 cases from criminal justice system, identify treatment and rehabilitate offenders to reduce recidivism, and incorporate restorative justice.		
Projected Enrollment	100-150	# of adults screened by diversion program in FY 18	77
Successful Completion	87.2%	# of adults enrolled by diversion program in FY 18	68
Participant Outcomes	Successful Terminations	48	Unsuccessful Terminations
FY 17 One-Year Post Program Recidivism Rate			6.49%
FY 16 One-Year Post Program Recidivism Rate			4.54%
Supervision Fees	\$50 a month per participant, for 3 - 6 months	Fees Collected in FY 18	\$9,150
Treatment Assessment	If a defendant is referred who has prior substance related convictions or the current charge includes alcohol, marijuana, or controlled substances the defendant may be required to complete an evaluation and attend treatment. The Diversion program works with certified treatment providers and addiction counselors who will complete the evaluations and make recommendations.		
Partner Agencies	Alpine Springs Counseling, Community Counseling, Mind Springs Health, YouthZone		

FY 18 ACHIEVEMENT IN IMPLEMENTATION

The Ninth Judicial District is unique because we are both rural, in that we are distant from the metro area, and a tourist destination for outdoor enthusiasts. Diversion provides an opportunity for those who commit minor, non-violent crimes whether they are from a local small town or just visiting. They are able to participate in the program, take responsibility and strive to lead a crime free lifestyle.

Within the last year our program initiated two Restorative Justice Circles successfully. This gives both the victim and the offender restoration. We successfully incorporated Restorative practices into our Diversion program. In the small mountain town in which we live it is important to restore the community when crimes occur.

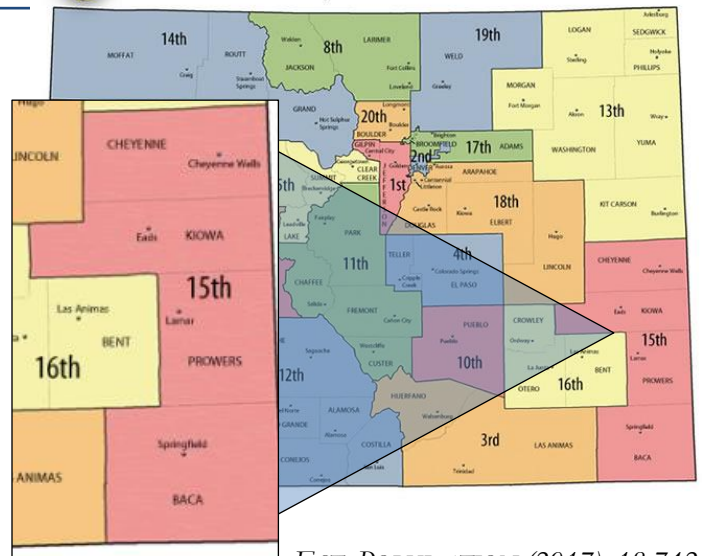


15TH JD – BACA, CHEYENNE, KIOWA, AND PROWERS COUNTIES

COLORADO JUDICIAL DISTRICTS

ELECTED DISTRICT ATTORNEY:

Joshua Vogel



EST. POPULATION (2017): 18,742

PROGRAM OVERVIEW			
Mailing Address	110 E. Oak Street, Lamar, CO 81052	Phone	(719) 336-7446
Type of Program	Existing Program	Year Started	2015
FY 18 Request	\$44,156.56	FY 18 Award	\$40,000.00
Eligibility Criteria / Target Population	Generally, first-time offenders who are low risk and considered non-violent. Both qualifying felony and misdemeanors will be eligible for the program.		
Program Goals	Identify treatment issues present, facilitate restitution, continue increase in number of active clients		
Projected Enrollment	25	# of adults screened by diversion program in FY 18	32
Successful Completion	86.2%	# of adults enrolled by diversion program in FY 18	28
Participant Outcomes	Successful Terminations	25	Unsuccessful Terminations
			4
FY 17 One-Year Post Program Recidivism Rate			0.00%
FY 16 One-Year Post Program Recidivism Rate			0.00%
Supervision Fees	\$15 per month (avg.), based upon ability to pay	Fees Collected in FY 18	\$3,716
Treatment Assessment	The determination of a treatment assessment referral will be based upon the nature of the offense, prior history or contacts relevant to the offense and relevant information obtained during the initial intake. Assessments will be provided by our partnering providers Southeast Health Group, Crossroads, Cindy Vigil and Safe Care Colorado. Oversight for assessment and treatment is in place and encompasses a conversation with the clinician by the Diversion Program Manager after the initial assessment.		
Partner Agencies	Southeast Health Group, Crossroad Turning Points, Cindy Vigil (local provider), Diversion Direct		

FY 18 ACHIEVEMENT IN IMPLEMENTATION

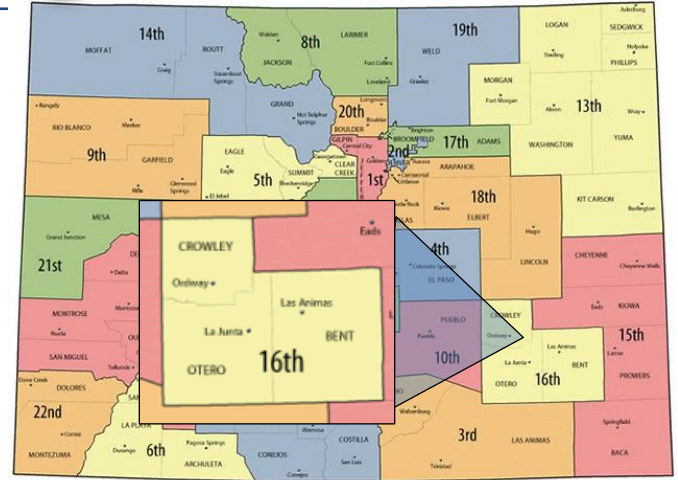
The 15th Judicial District's goals and program achievements are focused around maximizing the impact the program has not only on the court system, but for the individual and the community. The programs goals and achievements can be seen through our prior 0% recidivism rate and surpassing our goal of a 90% completion rate, while maintaining a wide range of criminal offenses in the program. With our focus on increasing misdemeanor 1 and felony diversion cases, we believe we can maintain our positive impact. In the first two years our program was in effect, we rarely had a felony case. For the year 2018 to current, we expect to have approximately 16 felony cases in or have completed our program. While we understand that our smaller program and population base will somewhat dictate the eligible upper level misdemeanors and felony cases, we would like to continue the trend with our program and hope to set a 20 to 30 percent target of total cases for these offense levels. Another achievement for our program is giving back to the community. We have focused on a variety of local organizations and charities who receive donations through our clients as part of their diversion agreement. Local community organizations and charities who have received donations from our clients include local school after prom activities (to minimize alcohol consumption) by clients who have been charged with selling alcohol to minors, The Hope Center or Lamar Teen Center, Domestic Safety Resource Center and local fully volunteer fire departments. The program hopes to expand the local organizations to include local food banks, community centers and the Ministerial Alliance for assisting transient and homeless individuals. We believe these donations also provide the clients a sense of accountability and that their participation will benefit the community.



ELECTED DISTRICT ATTORNEY:

Jim Bullock

PROGRAM OVERVIEW			
Mailing Address	PO Box 928, La Junta, CO 81050	Phone	(719) 384-8786
Type of Program	Existing Program	Year Started	2014
FY 18 Request	\$85,857.38	FY 18 Award	\$73,000.00
Eligibility Criteria / Target Population	<i>The Adult Diversion program is generally available to first time offenders. The target group are those individuals who have engaged in criminal activity and whose behavior may be subject to modification through education, therapy and active guidance toward a lawful lifestyle. Participation in the diversion process is an intensive program geared toward changing the criminal behavior that resulted in the commission of the underlying crime.</i>		
Program Goals	<i>Identify treatment issues present, basic education for all participants, full restitution by end of diversion</i>		
Projected Enrollment	65-75	# of adults screened by diversion program in FY 18	88
Successful Completion	56.2%	# of adults enrolled by diversion program in FY 18	52
Participant Outcomes	Successful Terminations	27	Unsuccessful Terminations 21
FY 17 One-Year Post Program Recidivism Rate			1.03%
FY 16 One-Year Post Program Recidivism Rate			7.04%
Supervision Fees	\$50 per month or \$600 annually per participant	Fees Collected in FY 18	\$18,394
Treatment Assessment	<i>All program participants are required to be assessed by a duly qualified professional for overall general health, mental health and substance abuse issues. This assessment may be done by the provider of the participant's choice, but only with the approval and consent of the Program Specialist. Any treatment deemed necessary by the assessment and reviewed by the Program Specialist may be provided by the treatment provider of the participants choosing provided such treatment provider is approved by the Program Specialist.</i>		
Partner Agencies	<i>Otero Junior College, Southeast Health Group, Local Treatment Providers</i>		



EST. POPULATION (2017): 29,985

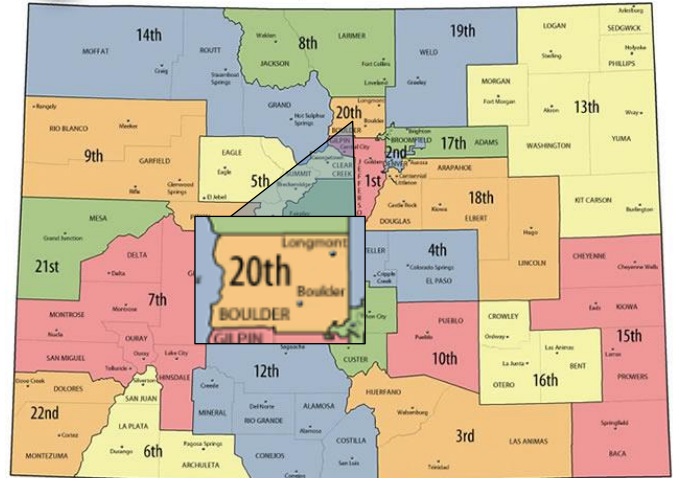
FY 18 ACHIEVEMENT IN IMPLEMENTATION	
<p><i>Over the past year, with the hiring of a new coordinator, the program was able to see first-hand that between the treatment providers and this office we have been communicating more. This has helped tremendously with our Diversion program staff being able to stay on top of our clients. Their needs and compliance not only with the Diversion program but with their treatment. The clients are aware that we get information to hold them accountable, but on the flip side we are able to give our clients praise as well when it is deserved. The program is also working closer during the screening process with our DA's to obtain more referrals into the Diversion program.</i></p>	





ELECTED DISTRICT ATTORNEY:

Michael Dougherty



EST. POPULATION (2017): 322,854

PROGRAM OVERVIEW			
Mailing Address	1777 6 th Street, Boulder, CO 80302		Phone (303) 441-4736
Type of Program	Existing Program		Year Started 2016
FY 18 Request	\$83,216.00	FY 18 Award	\$74,700.00
Eligibility Criteria / Target Population	This program targets adults charged with first-time felony or class 1 misdemeanors who are willing to accept responsibility for their actions, are amenable to treatment as indicated, and are motivated to repair the harms to those affected by their actions. This program targets high-level offenses to mitigate the serious ancillary consequences of criminal convictions that may actually contribute to future criminality such as ineligibility for certain employment, schooling, financial assistance, and other government programs. Programming will remain targeted to defendants between the ages of 18-25.		
Program Goals	Effective program assessment and referral practices, defendant accountability and victim satisfaction, and reduce risk factors and recidivism.		
Projected Enrollment	50	# of adults screened by diversion program in FY 18	249
Successful Completion	91.5%	# of adults enrolled by diversion program in FY 18	228
Participant Outcomes	Successful Terminations 174	Unsuccessful Terminations	16
FY 17 One-Year Post Program Recidivism Rate			0.00%
FY 16 One-Year Post Program Recidivism Rate			N/A
Supervision Fees	\$50 per month, dependent upon ability to pay	Fees Collected in FY 18	\$10,552
Treatment Assessment	All participants will be assessed using the SPIN instrument to identify individualized referral needs for mental health, substance abuse, education and other services.		
Partner Agencies	Boulder County IMPACT, Center for Change, The Phoenix, Mental Health Partners, Attention Homes, Bridge House, Workforce Boulder County, the Learning Source		

FY 18 ACHIEVEMENT IN IMPLEMENTATION

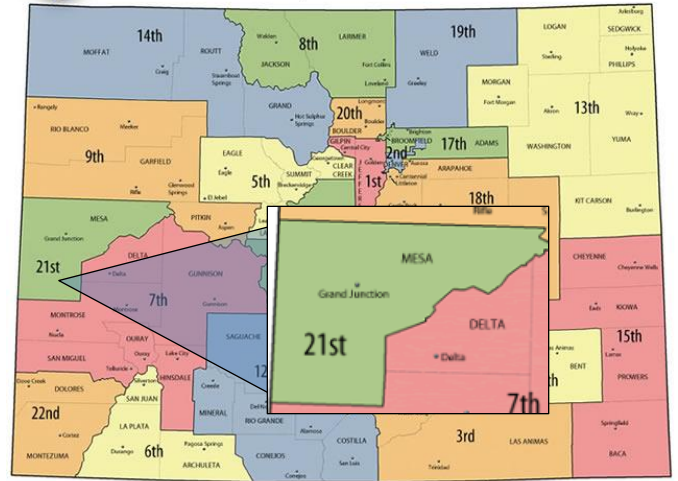
The 20th Judicial District Attorney's adult diversion program emphasizes accountability, prevention, and repair of harm, and in the past year, we have been successful in our efforts to more fully integrate restorative justice (RJ) into our diversion model. Our adult diversion model utilizes (1) diversion supervision to match services to the needs of the offender, increase skills, and improve stability to increase protective factors and drive down risk; and (2) restorative practices to address and repair harm from the specific offense, include victims in the process of justice to meet their stated needs, increase offender empathy and awareness of impact, and support reintegration of the offender within their community. These two arms of our diversion model work in tandem to achieve increased accountability and self-efficacy for offenders, and meaningful repair of harm and restoration for victims and community, which together help improve community safety. Through successful implementation of our in-house Restorative Justice Program (DARJ), we are able to provide high-quality victim-centered restorative services such as Victim Offender Dialogue, Community Group Conferencing, and a specialized restorative process developed by DARJ to address the harm from substance-related offenses in which there is no direct victim. With our in-house RJ program, we are ensuring delivery of high-quality RJ services and consistent and accurate data collection for program evaluation, and we are achieving low recidivism and high agreement completion rates. We now have a strong base of highly-trained volunteer facilitators and community members, which has increased our capacity to facilitate restorative processes in-house, and we have streamlined case management and referral processes resulting in decreased time between the court referral and the RJ process. As a result of our implementation work we are now providing high-quality restorative justice services to more victims and offenders for a wider variety of violations, more efficiently, and with better outcomes.





ELECTED DISTRICT ATTORNEY:

Daniel Rubinstein



EST. POPULATION (2017): 151,900

PROGRAM OVERVIEW			
Mailing Address	125 N Spruce St., Grand Junction, CO 81502	Phone	(970) 244-1730
Type of Program	Existing Program	Year Started	2016
FY 18 Request	\$131,603.22	FY 18 Award	\$82,201.72
Eligibility Criteria / Target Population	The primary target population includes lower to medium risk defendants on the proxy risk assessment (locally normed in Mesa County) including defendants with no prior arrests and lower level criminal charges. This target population may be expanded to law enforcement led Diversion, in which they may utilize the proxy risk assessment on lower level charges to complete direct referrals to Diversion.		
Program Goals	Supervision matched by risk level for appropriate accountability, monitoring, and criminogenic response; increased success with effective supervision dosage and achieve outcomes from Mesa County Sentencing Guide.		
Projected Enrollment	750	# of adults screened by diversion program in FY 18	550
Successful Completion	73.8%	# of adults enrolled by diversion program in FY 18	540
Participant Outcomes	Successful Terminations	313	Unsuccessful Terminations 111
FY 17 One-Year Post Program Recidivism Rate			3.89%
FY 16 One-Year Post Program Recidivism Rate			N/A
Supervision Fees	\$40/month for 6 mos., if defendant able to pay	Fees Collected in FY 18	\$22,422
Treatment Assessment	Mesa County CJSD will make determinations regarding treatment eligibility and needs by utilizing the Proxy risk assessment and the SSI universally. In felony cases or if the proxy is high risk, then a follow-up LSI may be completed. Substance Screening assessments will be completed on defendants with drug charges. If the SSI is 4 or greater, then additional SOAR assessments will be conducted by CJSD staff in cases that require evaluations. If treatment needs are identified clients will be referred to appropriate treatment agencies, which may be in-house or referred to outside providers.		
Partner Agencies	Mesa County Criminal Justice Services Department		

FY 18 ACHIEVEMENT IN IMPLEMENTATION

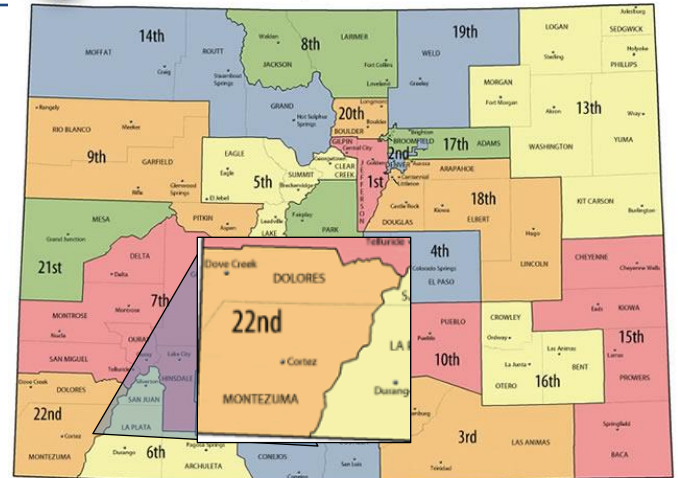
In the last year, we had several defendants who were sent to us straight from the DA's office who would have received charges but instead of getting formally charged, they made deals with the DA's, where they would comply with what CJSD requires of them (classes, drug testing, UPS) and if they completed their requirements successful, then no formal charges will be placed on them. If for any reason they failed the requirements, then CJSD will report back to the DA and the DA would formally charge them and the defendant would have to go through the normal court proceedings. We have had one successful defendant who completed her year diversion; she was able to get into treatment and counseling and kicked her morphine addiction. We currently have 3 other defendants who are currently doing well with their requirements. As always for the last several years, we monitor all UPS for the Country Jam concert that happens here in June. Generally we get about 100 MIP's each year. Each one receives a Diversion contract; we generally have a good success rate with these defendants successfully completing their requirements.



ELECTED DISTRICT ATTORNEY:

Will Furse

PROGRAM OVERVIEW			
Mailing Address	103 North Chestnut, Cortez, CO 81321	Phone	(970) 565-3788
Type of Program	New Program	Year Started	2017
FY 18 Request	\$65,475.00	FY 18 Award	\$68,655.00
Eligibility Criteria / Target Population	<i>The target population constitutes defendants charged with traffic and property crimes including such offenses as driving under restraint; 1st time DUI (with blood alcohol contents up to and including .18 Blood Alcohol Content); minor drug charges including possession and use; and low-level theft & criminal mischief offenses.</i>		
Program Goals	<i>Create a formal pretrial program, develop community resources and restorative justice, increase use of diversion.</i>		
Projected Enrollment	110	# of adults screened by diversion program in FY 18	429
Successful Completion	78.1%	# of adults enrolled by diversion program in FY 18	409
Participant Outcomes	Successful Terminations	100	Unsuccessful Terminations 28
FY 17 One-Year Post Program Recidivism Rate			N/A
FY 16 One-Year Post Program Recidivism Rate			N/A
Supervision Fees	\$25.00 per month (avg.)	Fees Collected in FY 18	\$24,577
Treatment Assessment	<i>In instances where completion of community-based programming is required as part of the Diversion Agreement, the Diversion Coordinator will work with the community based program to identify treatment objectives that will be monitored for completion. The community provider will be required to provide a treatment plan to the Diversion Coordinator along with any assessment information that is deemed useful in supporting the client's success. If upon referral and initial assessment by the treatment provider it is felt that the participant is inappropriate or not a good candidate for services, the service provider will be required to state in writing their recommendations.</i>		
Partner Agencies	<i>The Recovery Center</i>		



EST. POPULATION (2017): 28,114

FY 18 ACHIEVEMENT IN IMPLEMENTATION

The 22nd Judicial District Attorney's Office has had great success with the Adult Diversion Program, not with just specific clients, but the client base as a whole. A large portion of our diversion clients are first time DUI or DWAI offenders, and we have mitigated the financial barriers to allow offenders to receive alcohol education and therapy. A large barrier for success for these individuals was the financial strain that comes with receiving treatment for a DUI or DWAI, and we have been able to give offenders a chance to receive treatment at virtually no cost out of pocket. Diversion clients also receive treatment more rapidly than individuals who go through the entire criminal justice process and either plead guilty or are found guilty at trial. The District Attorney's Office has also been able to cut down on the cycle of driver's license suspension with our diversion program; first time offenders for driving under restraint are given an opportunity to get their driving privileges reinstated instead of being suspended for an additional year and then being cited for driving under restraint yet again. Clients of our diversion program are also able to prioritize their financial management for their cases as they are not responsible for court costs, fines, and surcharges and can thus put that money towards restorative justice efforts such as restitution. We have had several diversion clients who were originally facing felony convictions that would hinder them in their later life. We have used diversion as an opportunity for first time or low risk offenders who are facing a felony conviction the opportunity to enter into diversion and get into specified treatments with the goal of not only resolving their case with no felony convictions, but also lowering recidivism within the 22nd district. The 22nd Judicial District Attorney's Office would like to note that these accomplishments would not be possible without all of the assistance that the Adult Diversion Funding Committee provides to each of their clients. Our office and our clients are truly thankful for the service that this program is able to extend to our rural area and the positive changes that are being brought to our community because of this program.

ADULT DIVERSION GRANT FINANCIAL SUMMARY

BY STATUTE, HB 13-1156 PROVIDES \$400,000 IN allocations from the General Fund for Adult Diversion. During FY 18, nine programs applied for funding in the amount of \$694,653.16. Due to the amount requested by the programs, the funding committee was unable to award all of the programs the amount they requested, limiting their ability to implement their program designs. During this fiscal year, diversion programs spent \$50,223.50 more than the prior fiscal year cycle, an increase of 14%. As represented in the first percentage column in the table below calculating the amount spent of the grant funding award for the fiscal year, the percentage of the FY 18 allocation award spent by a program on average exceeds 88% of their awarded amount. This amount reflects a 17% increase in funding allocation use from FY 17 and, for the third consecutive year, continues the growth trend of programs continuing to demonstrate a financial need to effectively offer diversion in their jurisdiction. Overall, diversion programs are spending more of their awards each year and in the past two years have experienced a significant 102% increase.

Both of the newly funded programs in the 2nd and 22nd jurisdictions were able to complete their initial planning and began accepting participants for diversion supervision by the end of FY 18. The 4th jurisdiction (El Paso & Teller Counties), while requesting correctional treatment funding, struggled to maintain referrals for their adult program and relinquished a portion of their funding award to help

support additional need for substance use evaluations in Cortez. Overall, programs have continued to access available funding for substance abuse and co-occurring disorders through the Correctional Treatment Board in FY 18 which expenditures grew from 8% spent in FY 17 to 62% during the current fiscal year.

While programs grow more able to estimate the cost of their operations, their ability to use their award funding to provide services for their participants is becoming restricted. With the majority of expenses being attributed to personnel costs, other categories of program operational expenditures have maintained a consistent need for funding from prior fiscal years but have required programs to seek out external funding sources to support their needs. As new programs have continued to apply for funding, the ability of the diversion grant to fund any necessary or additional program expenses (including personnel costs) has nearly reached its capacity. For the past fiscal year, supervision fees collected statewide amounted to \$101,385.95 and would cover, conservatively, 25.3% of all expenditures for programs during the present fiscal year. In considering cost per completion, this is estimated to be a gap in funding through supervision fees alone of \$250.92 per exit.

During FY 18, the adult diversion grant funding requests were greater than the allocated amount permitted by statute for the second consecutive year.

Adult Diversion FY 18 Expenses by Category								
JD	Personnel	Non-Personnel	Total*	Award	%	CTCF [^]	Award	%
2	\$0.00	\$8,898.35	\$8,898.35	\$15,848.28	56%	\$0.00	\$12,345.00	0%
4	\$0.00	\$0.00	\$0.00	\$0.00	0%	\$120.00	\$2,750.00	4%
6	\$30,456.00	\$1,338.06	\$31,794.06	\$52,000.00	61%	\$15,662.51	\$18,500.00	85%
9	\$24,543.50	\$462.86	\$25,006.36	\$32,000.00	78%	\$4,365.00	\$5,000.00	87%
15	\$25,000.00	\$15,000.00	\$40,000.00	\$40,000.00	100%	\$0.00	\$0.00	0%
16	\$81,016.50	\$0.00	\$81,016.50	\$73,000.00	111%	\$0.00	\$0.00	0%
20	\$71,160.65	\$3,038.98	\$74,199.63	\$74,200.00	100%	\$0.00	\$500.00	0%
21	\$75,451.72	\$0.00	\$75,451.72	\$75,451.72	100%	\$0.00	\$6,750.00	0%
22	\$37,164.31	\$335.69	\$37,500.00	\$37,500.00	100%	\$27,716.86	\$31,155.00	0%
T.	\$344,792.68	\$29,073.94	\$365,850.12	\$400,000.00	91%	\$47,864.37	\$77,000.00	62%

** Incurred expenses greater than the allocation were paid for by collected supervision fees or DA budget and have been removed from the total grant expense calculation.
[^] Allocations from the Correctional Treatment Fund (C.R.S. § 18-19-103) are a separate source of program funding than the diversion grant general fund.*



The Adult Diversion Funding Committee had anticipated that more funding would be distributed in FY 18 as the current adult diversion programs grew and new programs were implemented. Similarly, for FY 19 the Committee expected a similar situation given the amount of funding requests and allocations made for the current fiscal year as outlined in the following section.

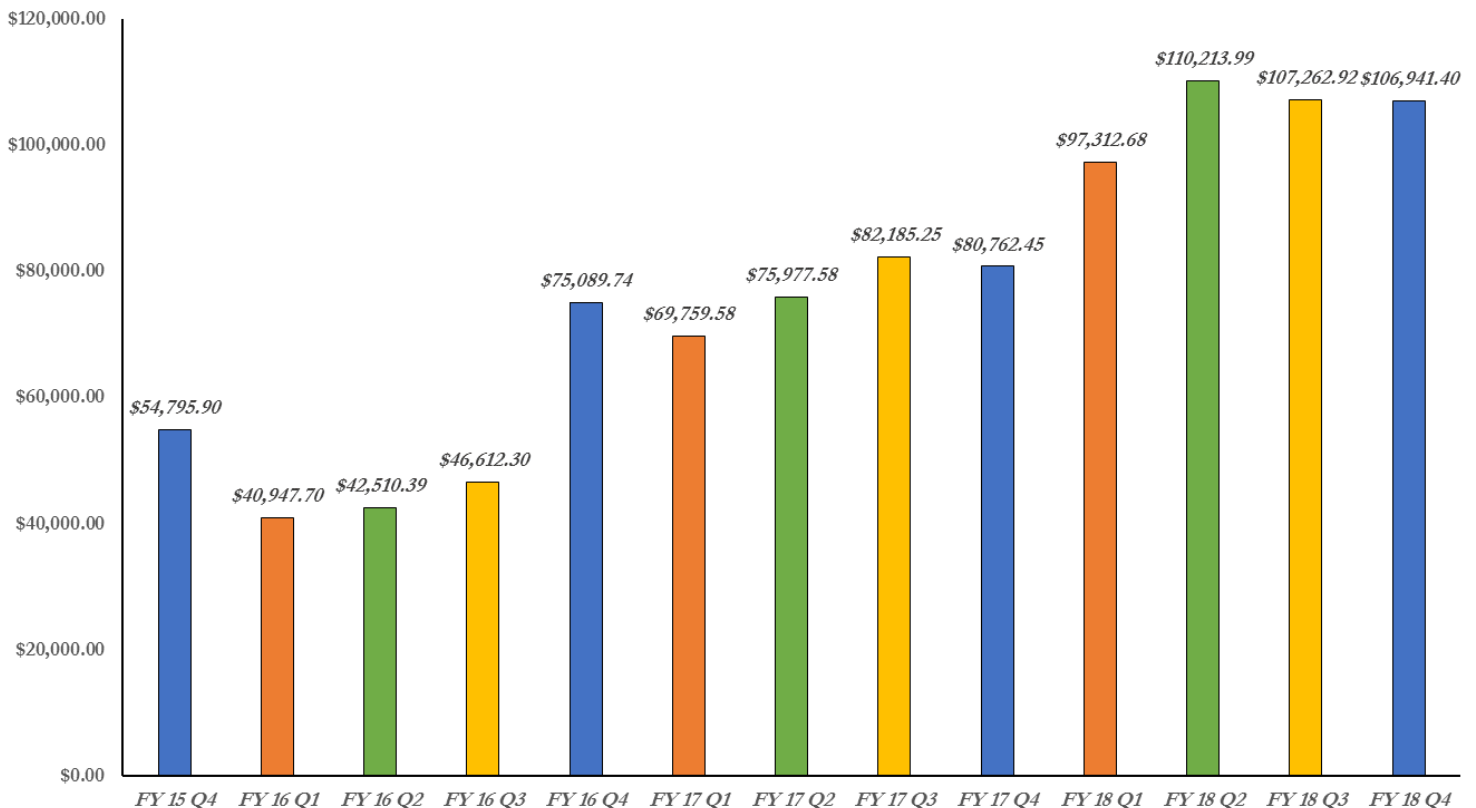
During FY 18 Q4, diversion programs expensed \$106,941.40 which represented a 32.4% increase from the prior year for that quarter. Two new jurisdictions became fully operational and an additional program began to be implemented in FY 18 and coupled with a continued increase in use of funding allocated from the Correctional Treatment Board and the expansion of services from a previously funded program to have its coordinator working at 1.0 FTE contributed towards the sustained pattern of growth by adult diversion programs in Colorado. It is forecasted that programs will use over 95% of available general fund **and** correctional treatment fund grant allocations combined, or approximately \$451,715.64, by the end of the June 2019, given FY 19 allocations and historical spending patterns.

The Adult Diversion Funding Committee continues

to encourage programs to develop funding requests that are reflective of anticipated, actual program costs in order to enhance the Committee’s ability to award effectively. In order for the funding utilized by the grant programs to continue to grow as the population served through diversion expands and more services are required, the Committee has collaborated with funded programs to better understand future need and what outcomes could be expected with additional monies to support operations.

As the successes of existing programs are beginning to be communicated throughout the state, the need for diversion as a viable option for individualized responses to offender behavior within the criminal justice system also continues to evolve. Expanding the impact of diversion programs in prioritizing community-based solutions is limited by the present availability of diversion throughout the state. Currently funded programs have encountered significant financial barriers in developing the services they provide and have displayed need for additional resources to improve the effectiveness of their service delivery even further. Despite funding limitations, programs are working to balance sustainable growth while developing diversion within their jurisdictions.

ADULT DIVERSION EXPENDITURES BY QUARTER



FISCAL YEAR 2019 AWARD REQUESTS AND FINAL ALLOCATIONS

IN FY 19, \$400,000 WAS ALLOCATED FROM THE General Fund for Adult Diversion. Of the statutory allocation for FY 19, nine jurisdictions requested \$748,454.78 in grant funding. A total of \$400,000.00 was awarded by the funding committee. Of the programs requesting funding for treatment, initial allocations were made by the funding committee from its allotment of monies from the Correctional Treatment Board pursuant to § 18-19-103, C.R.S. Based upon program spending, in FY 18 the Committee worked with the programs to readjust Correctional Treatment allocations mid-year to ensure the awarded amounts are able to best match program expenditure patterns for the rest of the fiscal year.

Nine programs received a grant award including the two newest jurisdictions from FY 18, the 22nd JD – Montezuma and Dolores Counties and the City and County of Denver’s District Attorney Office, both of whom were operational by July 2018. The 7th JD – Delta County had piloted a diversion process in 2017 and was awarded a funding allocation for FY 19 based upon its application request. Of the programs requesting grant funding in FY 19, none of the programs received a final allocation award that was able to meet their operational needs for the year in full. It is anticipated that the majority of funding will cover minimum personnel costs. Each of the programs have begun to reach the capacity of what currently available funding can support, as demonstrated in the distribution of expenses by fiscal year in the following section of this report.

In FY 19, the funding committee continued its employment of the reimbursement process. All FY 18

grant amounts paid were expensed by the end of the fiscal year. In the future, the funding committee will consider pre-payment of anticipated costs should a new program or situation for a current program require advance funding, as needed. Few jurisdictions remain able to obtain outside funding from county commissioners, community partners, or other grant funding sources at the time of this report, though they continue to work to explore alternative funding options to supplement the availability of support through this grant application process. Any additional funding that has been made available through other sources has been minimal and unable to support sustained program growth and development. The limited ability of jurisdictions to collect supervision fees from program participants is largely dependent upon the strength of the local economy. Many of the areas served by diversion cover some of the more impoverished regions of Colorado. Consequently, supervision fees would only be able to be expected to cover a very limited number of expenses needed to fully operate a diversion program.

The use of supervision fees by programs is most often designated to help offset or support costs participants may be required to pay by an external party or service provider in fulfilling the terms of their diversion agreement. This practice is employed to ensure that ability to pay is not a barrier to successful completion. Any fees that remain at the end of the year are retained by the program to further develop the scope of services it provides and to offset any remaining costs unable to be supported by the grant. As programs grow and increase the impact of diversion to their communities, collection of supervision fees will be a critical component in ensuring ongoing and meaningful success. Programs are unable to effectively expand based upon the current funding allocation.

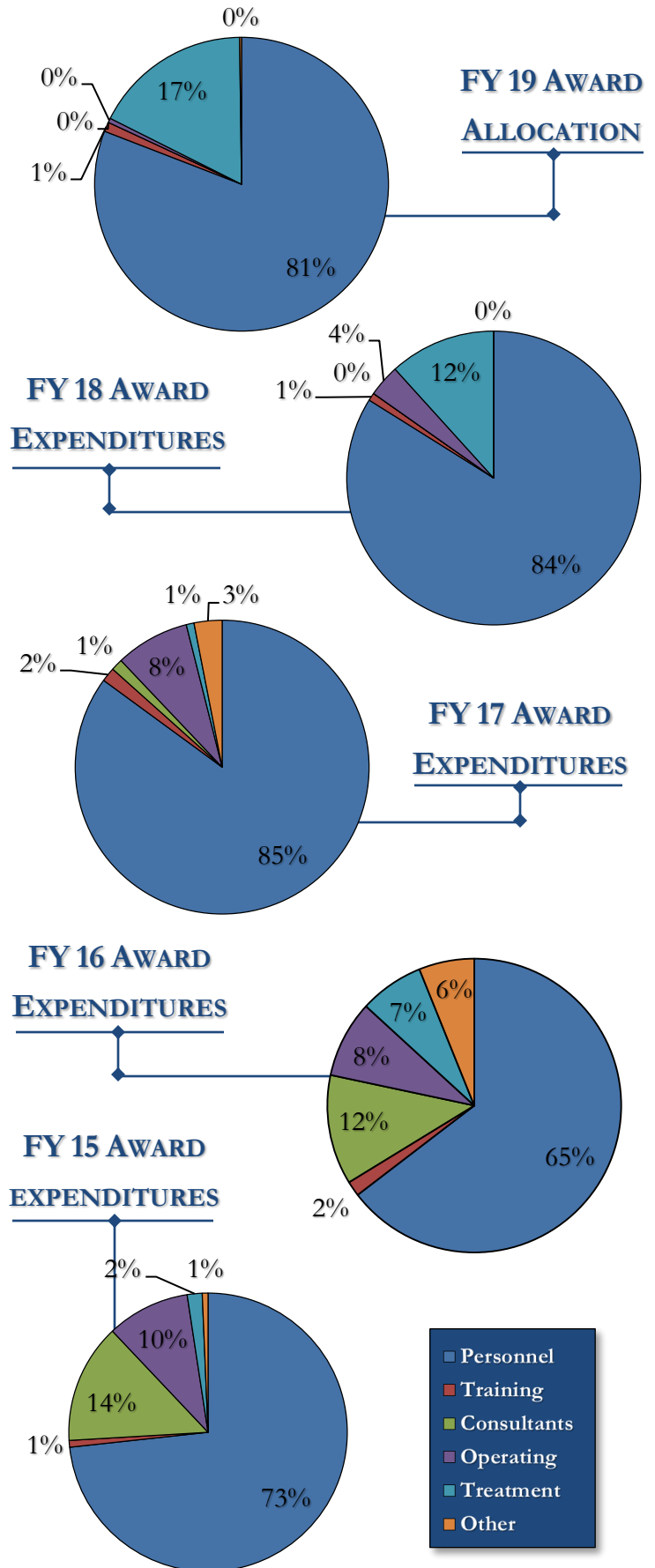
JD	FY 19 Request	FY 19 Grant Award	% Reduction	FY 19 Correctional Treatment Award	Total FY 19 Award
2 nd	\$97,601.00	\$0.00	-100%	\$21,776.00	\$21,776.00
6 th	\$106,134.00	\$43,744.00	-59%	\$18,000.00	\$61,744.00
7 th	\$50,175.23	\$24,544.00	-51%	\$3,974.00	\$28,518.00
9 th	\$41,905.00	\$32,000.00	-24%	\$5,000.00	\$37,000.00
15 th	\$40,000.00	\$34,154.56	-15%	\$0.00	\$34,154.56
16 th	\$73,000.00	\$71,000.00	-3%	\$2,000.00	\$73,000.00
20 th	\$88,733.00	\$72,298.00	-19%	\$1,250.00	\$73,548.00
21 st	\$125,031.55	\$68,859.44	-45%	\$0.00	\$68,859.44
22 nd	\$125,875.00	\$53,400.00	-58%	\$25,000.00	\$78,400.00
Tot.	\$748,454.78	\$400,000.00	-47%	\$77,000.00	\$477,000.00



ADULT DIVERSION PROGRAM FUNDING AVAILABILITY AND DISTRIBUTION: YEAR-BY-YEAR COMPARISON

SINCE THE BEGINNING OF IMPLEMENTATION IN FY 14, district attorneys have continued to apply for greater grant-funding though the availability of funds has remained static. As demonstrated by the charts at right, funding allocations have increasingly been distributed towards minimum personnel costs to supervise the core diversion agreement conditions as outlined in § 18-1.3-101, C.R.S. The need for monies to support other necessary services such as housing, education, and non-substance use behavioral health treatment has exponentially grown as programs have nearly quintupled in the population served since FY 15. In order to effectively remove barriers to participant success in reducing known recidivism risk factors, programs have had to creatively solve individual needs with community providers but have faced significant systematic challenges to meet assessed participant needs without additional funding to stably develop local resources. Funds requested by programs were distributed and expensed as outlined in the following chart for the last five state fiscal year cycles:

FISCAL YEAR	Awarded	Requested	Enrolled
FY 19 [9 JDs]	\$477,000.00	\$748,454.78	1,848 (Projected)
FY 18 [9 JDs]	\$477,000.00	\$694,653.16	1,592
FY 17 [6 JDs]	\$454,428.86	\$570,324.02	837
FY 16 [5 JDs]	\$277,923.46	\$277,923.46	502
FY 15 [4 JDs]	\$240,060.00	\$240,060.00	299
Average Annual Growth Since FY 15		32.9%	57.7%



AGGREGATE ADULT DIVERSION PARTICIPANT DATA

AT THE END OF A FOURTH YEAR OF OPERATION, adult diversion programs have demonstrated similar patterns of successes with established programs continuing to grow and new jurisdictions implementing their models. The Committee continues to discuss collecting appropriate data that can demonstrate the effectiveness of adult diversion programming throughout the state as well as its value to communities in Colorado in order to use the results to inform a more comprehensive and more reliable guide to best practice, program effectiveness, and future funding priorities.

PARTICIPANT INFORMATION FOR GRANT FUNDED ADULT DIVERSION PROGRAMS*

FOR THE REPORTING PERIOD OF
JULY 1, 2017 – JUNE 30, 2018

- Number of people who met criteria and were referred for consideration (**screened**): [1712]
- Number of people who were enrolled in the program (**agreed to participate**): [1592]
- Number of program participants that have **completed successfully**: [826]
- Number of program participants under contract **pending completion** at end of FY 18: [723]
- Number of participants who **did not successfully complete** the program: [228]
 - 148 were non-compliant;
 - 47 were terminated for a new offense;
 - 31 voluntarily withdrew; and,
 - 2 were terminated for other reasons.

* Program exits include participants from the prior fiscal year who may have not completed their period of supervision before the conclusion of that reporting period. Additionally, some duplicative reporting for defendants with multiple cases may exist in this report as the data collection measures cases, primarily, but it is estimated that any duplication is minimal.

The length of a diversion supervision agreement varies by jurisdiction and individual participant. By statute, diversion supervision is not to exceed two years, unless unpaid restitution is the sole remaining condition (at which time the agreement can be extended for another year). During FY 18, participants on average spent 129 days in a diversion program. By offense level, participants charged with a felony spent approximately 169 days under supervision compared with 143 days for misdemeanors and 108 days for traffic or other classes of offense. As Figure 1 on the next page demonstrates, diversion programs maintained relatively high success rates throughout the year.

For the third consecutive year, program intakes (defendants who agreed to participate in diversion after referral to and evaluation by the program coordinator) increased by over 50%. In FY 18, enrollment was 90% higher than the previous state funding cycle. Overall, the admission rate of participants screened for enrollment into diversion programs increased from 85% in FY 17 to 93% for the current reporting period. Figure 2 displays the enrollment by program for FY 18. At the end of FY 19 Q1, 747 people were actively supervised statewide by adult diversion which represents a growth of 16% from the prior quarter and 67% from the same quarter of the past fiscal year. This data does not reflect other adult diversion programs in the state that are not funded by this grant.

As the statute allows for local discretion in diversion model implementation, the committee cautions against the comparison of success rates between programs as the population served by each jurisdiction varies significantly. Overall, participants who were terminated from diversion programs were largely due to non-compliance with the diversion agreement (65% of terminations). Thirty-one participants chose to voluntarily withdraw from diversion programming. Only 2.9% of participants who entered into a diversion programs were charged with a new offense in FY 18.



FIGURE 1

FY 18 QUARTERLY ADULT DIVERSION PROGRAM COMPLETIONS BY JD

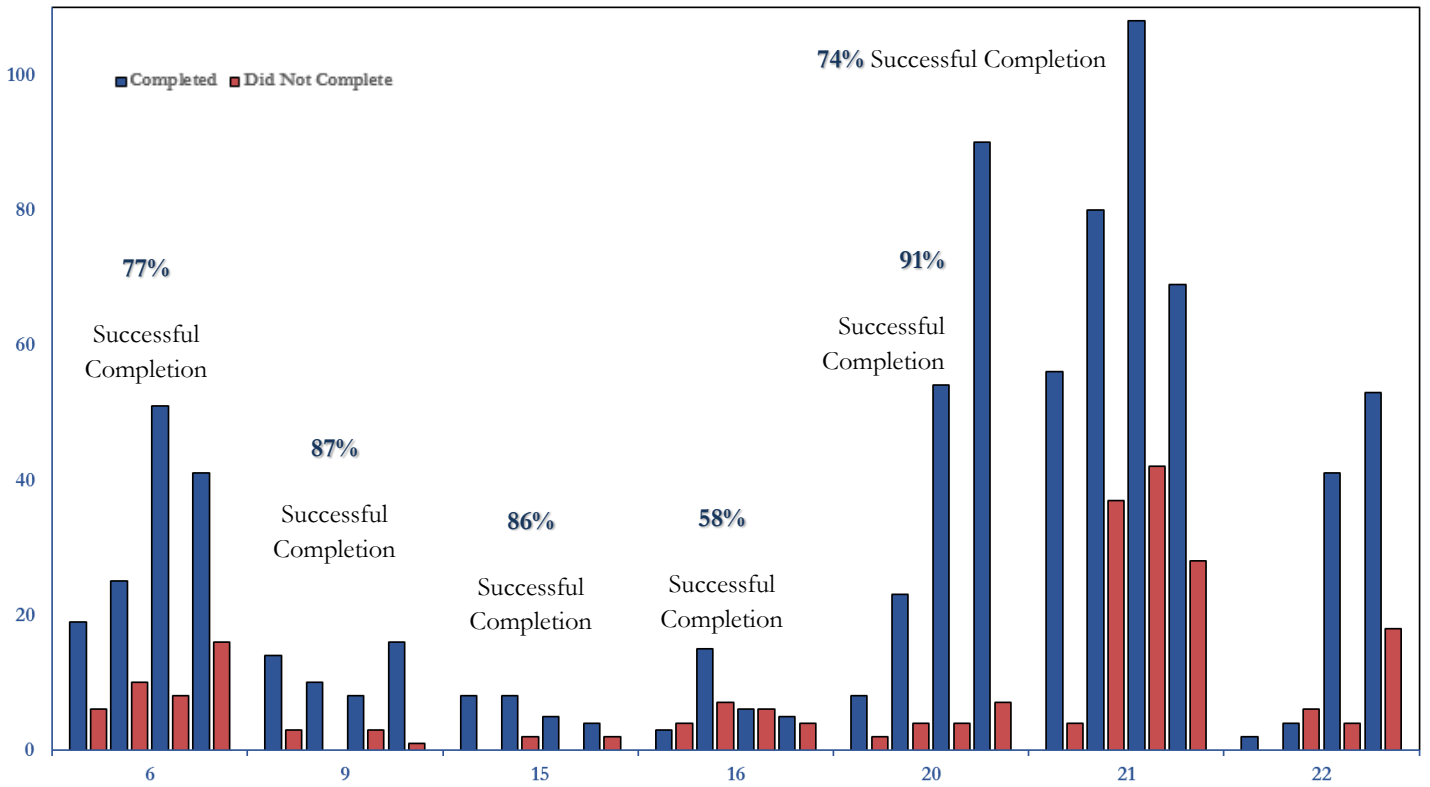
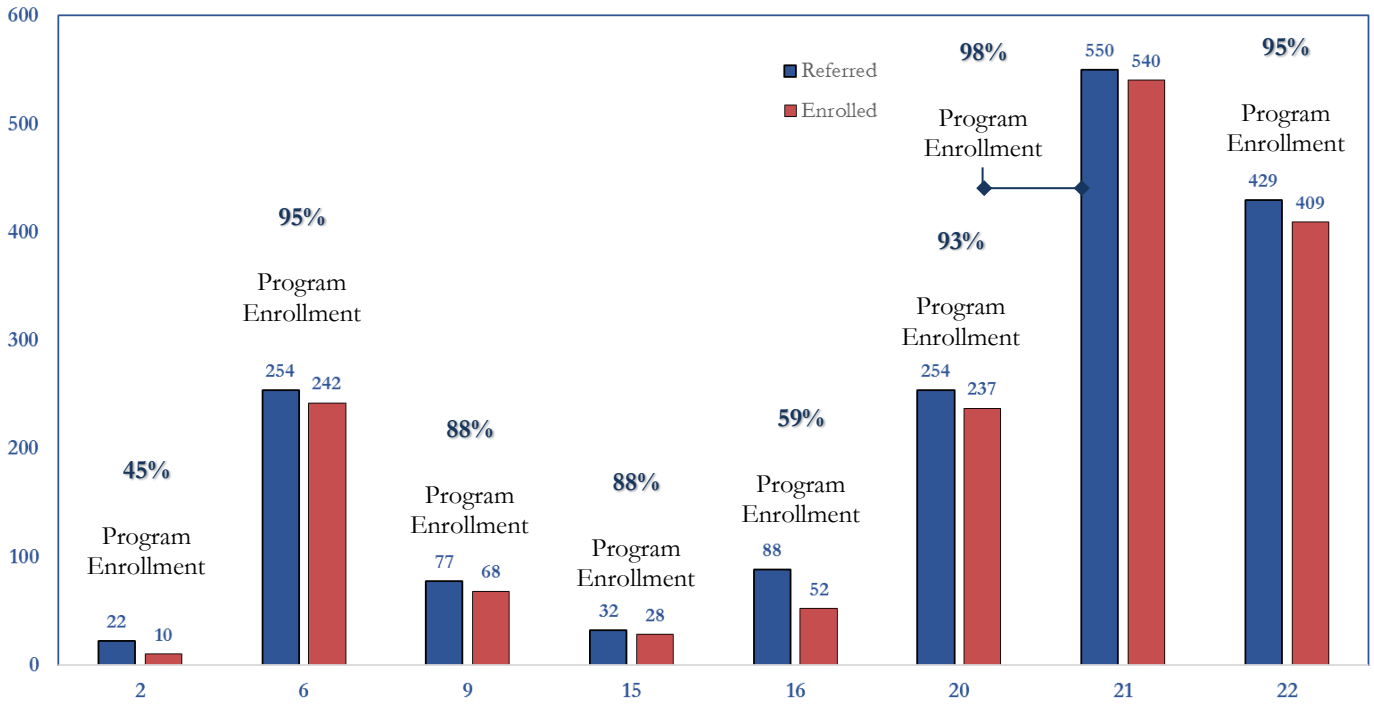


FIGURE 2

FY 18 ADULT DIVERSION PROGRAM REFERRALS AND INTAKES BY JD



PARTICIPANT DEMOGRAPHICS

DEMOGRAPHIC DATA IS COLLECTED WHEN A participant exits diversion. Therefore, the demographic data below does not represent individuals who are currently in a diversion program.

The Committee continues to monitor program data and analyze how the diversion population mirrors local jurisdiction demographics to avoid potential overrepresentation issues or equal access to diversion opportunities by historically-disadvantaged groups. Evidenced outcomes for these groups are also reviewed on an ongoing basis. The following charts compare the demographic distribution by percentage within program (Pro.) and within the total population (Pop.) of the jurisdiction served by the program.

JD	CAUCASIAN		HISPANIC/LATINO	
	POP.	PRO.	POP.	PRO.
6	82%	69%	13%	15%
9	77%	80%	20%	13%
15	75%	62%	23%	31%
16	57%	56%	36%	44%
20	81%	66%	12%	21%
21	85%	77%	13%	21%
22	79%	64%	10%	8%
JD	NATIVE AMERICAN		ASIAN AMERICAN	
	POP.	PRO.	POP.	PRO.
6	4%	14%	1%	1%
9	1%	2%	1%	2%
15	1%	0%	0%	0%
16	1%	0%	1%	0%
20	1%	1%	5%	4%
21	1%	1%	1%	0%
22	10%	27%	1%	1%
JD	AFRICAN AMERICAN		RACE NOT IDENTIFIED	
	POP.	PRO.	POP.	PRO.
6	0%	1%	N/A	0%
9	1%	4%	N/A	0%
15	0%	7%	N/A	0%
16	4%	0%	N/A	0%
20	1%	3%	N/A	5%
21	1%	0%	N/A	0%
22	0%	1%	N/A	0%

FY 18 DIVERSION OFFENSE INFORMATION

THE MAJORITY OF OFFENSES IN DIVERSION programs were a mixture of post-filed drug-related (18%) and traffic-related offenses (35%). This distribution is influenced by the volume of cases from the 21st JD (40% of exits overall, a decrease of 12% from the prior fiscal year).

Examples of other offenses diversion programs accepted are cases with allegations of 3rd Degree Assault, Criminal Mischief, Harassment, Careless Driving, Theft, and Driving Under the Influence. Overall during FY 18, diversion programs supervised the completion of 99 Felonies, 566 Misdemeanors, 188 Traffic, and 201 other state-level case types.

RESTITUTION COLLECTION

DURING THE PAST FISCAL YEAR, STATEWIDE, diversion programs accepted 239 cases with restitution being owed, a 500% change from FY 17. Participants ordered to pay restitution successfully completed their diversion agreements 89% of the time. Diversion programs were able to help facilitate the collection of \$99,244.39 or a collection rate of 80%, with an average of \$519 owed.

Cases with restitution typically took 84 days to complete and 94% of cases where restitution was owed were paid in full within a year of the date of offense. 69% of the cases involving restitution were charged misdemeanor offenses, 10% felonies, and the remaining 20% involved traffic or other charge classifications.

ADULT DIVERSION PARTICIPANT DEMOGRAPHICS BY AGE AND GENDER							
JD	GENDER	<18	18-25	26-40	41-60	61+	TOTAL
6	Female	0	30	30	16	1	77
	Male	0	37	41	13	8	99
9	Female	0	10	9	7	0	26
	Male	0	18	6	4	1	29
15	Female	0	3	5	3	0	11
	Male	0	6	6	4	2	18
16	Female	0	5	10	5	1	21
	Male	1	14	6	7	1	29
20	Female	0	49	22	9	1	81
	Male	0	81	19	8	2	110
21	Female	0	74	64	45	8	191
	Male	1	103	76	40	13	233
22	Female	0	19	16	12	3	50
	Male	0	19	35	21	3	78
* TOTAL		2	468	345	194	44	1053

* one participants identified as "other" during FY 18



IMPACT OF ADULT DIVERSION IN THE COMMUNITY

DURING THE FISCAL YEAR REPORTING CYCLE, THE

Adult Diversion Funding Committee requests updates from the grant programs to help demonstrate the qualitative benefit these programs are providing to their jurisdictions. As evidenced by coupling the quantitative program data with these narratives, Colorado's pretrial diversion programs continue to operate successfully and serve a diverse population that varies between districts. What follows is a sampling of some of the successful outcomes these programs are seeing in addressing community need.

❖ NEAR THE END OF THE FISCAL YEAR THE 6TH JD had a defendant on diversion for criminal mischief for getting into an altercation with her boyfriend. During the fight she became very angry and started to throw items at her boyfriend and ended up getting arrested. The defendant was referred into and successfully completed domestic violence classes through the diversion program and, upon completion, she said the classes helped her both personally and also with the relationship between her and her boyfriend. She reported about how much closer they are now as she is much better at communicating her needs and frustrations.

On a professional level the defendant states that she is very grateful for the diversion program because it allowed her to "fix her mistake" as she recently was accepted into nursing school at Pueblo Community College. A domestic violence conviction would have prevented her from getting accepted into this program which made her very appreciative of the 6th JD's diversion program and this opportunity. She plans on furthering her education beyond her nursing degree and hopes to get a Master's degree one day.

❖ DURING THE PAST FISCAL YEAR, THE 9TH JD IN Glenwood Springs experienced one of their most challenging cases to date. The case was well known in the area and had become public as the offender had been accused of taking money from a local art center. The individual participated in a restorative justice circle and was given several conditions to complete through her contract. She did not complete the contract and the case was sent back to be handled by formal prosecution.

Although the individual did not complete the program, the program found it to be a success due to her efforts at making a good faith attempt at diversion and restorative justice simultaneously. This case was a challenging case to them but brought together "a true team effort" to help seek closure for the victims. Along with co-facilitators, community members, and attorneys, all involved made diligent efforts to seek closure and repair for the victims. The victims were able to have their voice heard and the offender was able to see how she could possibly restore some harm that was done. It was a valuable experience and helped teach the team in the 9th JD valuable lessons in using restorative justice as a tool for appropriate cases in the diversion program.

❖ FOR THE 15TH JD, DIVERSION CONTINUED TO evolve to help meet clients where they were at by addressing barriers to successfully completing diversion. Their program has received positive feedback regarding its handling of restitution cases and several cases where the client lives out of town. Their program has served clients from Denver to Maryland. Clients have shared their appreciation of the program and the fact that entering diversion has not caused a significant disruption in their lives, although typically these cases involved property crimes where no treatment or restitution was ordered.

For treatment-related cases, clients had reported very positive life changes due to treatment, including continuing services after their agreed-to diversion treatment had ended. Clients were able to successfully seal their cases and will be able to continue working for advancement in their careers to obtain promotions they would not have been able to get with a conviction in their case.

❖ THROUGH INVOLVEMENT WITH THE 16TH JD'S diversion program, participants were able to avoid felony charges through participation in a variety of community services. Furthermore, participants have demonstrated their ability to excel in these programs as one woman who faced a felony charge was asked to be certified as an instructor with the course after a few weeks of a MRT program ending. This client



became quite motivated to succeed given her connection and progress with treatment and has continued to perform exceptionally. Another participant with a high-school level education had been addicted to heroin. Through referral to diversion, the program was able to connect him with a local service provider in the community to address his substance use disorder. Prior to graduation, the client had over two and a half months of being sober, received a raise at work, and had begun to plan on being able to afford to attend culinary school.

❖ FOR THE 20TH JD, THEIR PROGRAM CONTINUED TO see clear benefits to addressing their intended target population. A young woman had been offered diversion on identity theft and theft charges. She was living with her brother and ailing parents and was expected to be their caregiver but lived in fear of telling her family what had happened. As a Muslim woman, she was experiencing considerable cultural stress that resulted in her feeling overwhelmed and uncertain of her ability to prioritize some of her own needs.

While on diversion, she worked with the 20th JD Diversion Coordinator on confidence and empowerment. She utilized meetings with diversion to discuss cultural stress, to plan how to reconcile her dreams with her familial obligations, and to obtain a job outside the home which allowed her to develop her identity outside of her family as well as contribute money to her household.

Throughout the program, their client worked with extended family members to create a caregiving schedule so that she was able to enroll in school while still having her parents cared for. She also obtained insurance so that she could go to the doctor and obtain mental health support if needed. She initially struggled to understand the impact that theft has on large corporations, so she completed a research paper on the topic and reported an increase in empathy in regards to other affected by her offense.

In her completion survey, she reported, “Diversion really helped me to become a better person in terms of emotional being and also mental being. Before starting Diversion, I didn’t really know who I am and just felt alone and really broken inside, but with the

help of my coordinator I was able to get up and not only get a job but also to apply back to school, and just be myself again. I am really happy that I got to complete diversion with someone who understands and listens to me. I now have learned many things such as, we all have to work hard to get what we want the most in life, and that earning things should be done the right way.”

❖ IN THEIR SECOND YEAR OF OPERATION, THE 21ST JD had over a hundred defendants from a local event known as “Country Jam” whose cases were disposed of at the First Appearance Center by entering into a diversion contract that removed them from further court appearances.

As Mesa County continued to plan to expand their diversion model system-wide, over a hundred pre-filing cases were received from Mesa County Animal Services to pilot the law enforcement referral process. Nearing the end of the year, based upon these and other program successes, the program began to accept felony level pre-filing diversion agreements in cooperation with the Office of the District Attorney.

❖ AS THE NEWEST FUNDED DIVERSION PROGRAM, the 22ND JD has seen some early success in the implementation of its diversion model. One recently graduated client charged with possession of a Schedule 1/2 Substance had perfect attendance at treatment, negative urinalysis tests, and expressed on multiple occasion that he is “thankful for the opportunity to be in treatment that otherwise would not be affordable” and through the diversion program “being enrolled in treatment has made a positive impact.” This example helps to illustrate the potential impact of being able to apply an effectively designed diversion model that can respond, monitor, and support the individual needs of its clients.

Narratives such as these continue to highlight the valuable work being done by diversion coordinators and District Attorneys’ offices statewide. The Adult Diversion Funding Committee continually works to support and showcase successes of grant-funded programs in working to reduce the number of cases in the criminal justice system while preventing the commission of additional criminal acts.



ADULT DIVERSION PROGRAM FORECAST FOR FY 19

FOR FISCAL YEAR 18, ADULT DIVERSION PROGRAMS

not only expanded the population they served by 90% but maintained a successful completion rate of 78.4% for the year. Statewide successful completion rates have averaged 79% since 2015. Twenty-two percent of participants exiting a diversion program in FY 18 received a referral for a correctional treatment assessment following intake.

During the fiscal year, grant-funded programs averaged about 264 program exits per quarter (or 38 per funded program), an increase of over 94 exits per quarter from FY 17. The implementation of two newly funded programs in FY 18 and the increased capacity from two programs that began operating in FY 17 led to this substantial increase.

Jurisdictions continue to develop case selection criteria and policies and procedures for DA staff and to improve their internal databases to help manage the administration of their diversion programs. Multiple jurisdictions have made use of technology to help facilitate participants' success such as online payment systems for supervision fees and case management/assessment tools.

Programming for domestic violence treatment, general education degrees, substance abuse, as well as the ability to offer a variety of opportunities for useful public service, also continue to be expanded throughout these jurisdictions.

Statewide, 435 people agreed to participate and enroll in diversion programs during FY 19 Q1. Based upon aggregate data trends from FY 15 through FY 18, we predict that diversion programs can be expected to exceed serving 1800 people during FY 19. Expenditure patterns from FY 17 continued for FY 18 at approximately \$400 per participant exit in grant funds reimbursed (or about \$3.05 in supervision costs supported by the grant per day) which is significantly lower than other criminal justice system programs and outcomes.

Similarly, program staff continue to work at maximizing available resources such as correctional treatment funding for substance use assessments in order to help sustain program growth. With the

continued interest in and success of diversion programming in Colorado, the committee will continue to work to facilitate the ability of jurisdictions to sustain their growth patterns while maintaining a high level of service delivery for participants.

Despite the limitations of available resources which make it difficult for currently funded programs to remain operational without grant-funding, programs continually work to expand their service capacities to match the needs of their jurisdiction. The growth that grant-funded jurisdictions are experiencing has resulted in a corresponding increase in needed monies to support program costs and staff as outlined in this report.

Requests for diversion funding have constantly grown at a rate of 32.9% per year since FY 15 while grant-funded program enrollment has grown at 57.7%. Programs have also consistently spent allocated monies (over 91.4% for FY 18). The Committee however is now unable to provide additional funding without exceeding its spending authority.

In FY 18 these measures of growth directly reflect the ability for programs to allow over 800 people to avoid long-term collateral consequences associated with criminal charges and convictions. That number could grow with additional resources and allow the benefits of diversion to reach everyone who would qualify. Greater financial support would allow more Coloradoans to effectively receive needed services to reduce barriers for their success in being held accountable for their behaviors.

One-year recidivism rates for grant-funded programs continue to show the promising nature of diversion interventions. Less than 10% of the 509 individuals in FY 17 completing an agreement received a new felony or misdemeanor conviction following their exit from the program. As time passes, the correlation between successful diversion programs and recidivism reduction may be more evident as the knowledge base regarding best practices in diversion continues to evolve.



ADDENDUM TO ANNUAL REPORT

- ATTACHMENT [I] – *Adult Diversion Funding Application for FY 19*
- ATTACHMENT [II] – *FY 19 Funding Application Guidelines*
- ATTACHMENT [III] – *Frequently Asked Questions*



ATTACHMENT I – FY 19 ADULT DIVERSION FUNDING APPLICATION

COMPLETE AND RETURN APPLICATION BY FEBRUARY 23, 2018 to:

KYLE.GUSTAFSON@JUDICIAL.STATE.CO.US

SCAO use only:	Prior FY Award	Awarded:	\$	Spent:	\$
	Current FY Award	Awarded:	\$	Spent:	\$
Score:		Grant		Deny	Amount: \$
Comments:					

SECTION 1. APPLICANT INFORMATION

Judicial District Information: *Include the judicial district number, elected District Attorney name, and the counties served by the district.*

Primary Contact Name:

Email:	Office Phone:	Alt. Phone:	
Mailing Address:	City:	CO	Zip:
Amount Requested: <i>How much funding are you requesting for FY 2019?</i>		\$	

SECTION 2. ADULT DIVERSION PROGRAM INFORMATION

Program Status: *Is this a new or existing program?* *New* *Existing* *Year Started*

Target Population: *Describe the program’s target population of defendants and identify how many defendants you anticipate will be served this year. If able, please explain how that population was chosen and the calculation of anticipated program volume or target caseload was reached.*

Partner Organizations: *If applicable, identify any partnering organizations. Include name, point of contact, phone, e-mail, and mailing address. Partner organizations are defined as organizations expected to provide services, supervision, or support in executing the adult diversion agreement with defendants.*

Partner Organization’s Roles and Responsibilities: *Please describe any collaborative efforts, partnerships, or contract support that will be part of this program. Include what service(s) partners will provide and their respective qualifications for providing that service for the diversion program.*

**** If this is a first-time request for funding or if you have had a change in partnership, please include with the application a letter of commitment from each partner organization clearly stating their understanding of their role in the District Attorney’s adult diversion program. ****



SECTION 3. ADULT DIVERSION PROGRAM NARRATIVE

PART A – NEED FOR ADULT DIVERSION

Help the Committee understand the need for adult diversion funding in your district.

PART B – DESCRIPTION OF ADULT DIVERSION PROGRAM

B (1). Description of Adult Diversion Program: *Describe the adult diversion program you have implemented or are looking to create.*

**** Programs must provide a copy of the adopted policies, procedures, and/or guidelines delineating eligibility criteria for case acceptance in their final year-end reporting in July/August.**

B (2). Accountability and Victim Restoration: *How will your program prevent the commission of additional criminal acts, facilitate the ability to pay restitution, and/or restore victims of crime?*

B (3). Program Planning: *What is your implementation plan? What training or resources will be needed for staff?*

B (4). Program Outcomes: *How will you know if your adult diversion program is successful? Please describe what outcomes you will measure in determining the effectiveness of your program.*

PART C – ELIGIBILITY CRITERIA AND SUPERVISION PLAN

C (1). Eligibility Criteria: *What are the eligibility criteria for defendants to participate in adult diversion?*



C (2). Screening Process: *How are defendants selected for adult diversion?*

C (3). Supervision Plan: *Describe the nature of supervision of defendants. How will you determine their successful completion of the program?*

PART D – TREATMENT PLAN INFORMATION

D (1). Description of Treatment Referral Plan: *What process will be employed to determine if a treatment assessment referral is necessary?*

D (2). Description of Treatment Outcomes: *How will the program track a client's successful participation in treatment and evaluate the effectiveness of treatment options in the community?*

D (3). Description of Treatment Assessment Process: *Who will provide assessment? If the treatment provider and assessment agency are the same, what oversight will be in place to ensure people are not over assessed into treatment?*

D (4). Treatment Need: *What is the anticipated number of people who may need treatment, if possible to estimate?*



PART E – GOALS, OBJECTIVES, OUTCOMES AND TIMEFRAMES

Please briefly note the program’s overarching goals. Complete the form below in full and add goal/objective/outcome/timeframe sections as needed. Each objective should be relative to the corresponding program goal and include measurable outcomes and timeframes for how the program will address this goal during the active funding year cycle.

Program Goal:

Objective:	Objective:	Objective:
------------	------------	------------

Outcomes:	Outcomes:	Outcomes:
-----------	-----------	-----------

Timeframe:	Timeframe:	Timeframe:
------------	------------	------------

Program Goal:

Objective:	Objective:	Objective:
------------	------------	------------

Outcomes:	Outcomes:	Outcomes:
-----------	-----------	-----------

Timeframe:	Timeframe:	Timeframe:
------------	------------	------------

Program Goal:

Objective:	Objective:	Objective:
------------	------------	------------

Outcomes:	Outcomes:	Outcomes:
-----------	-----------	-----------

Timeframe:	Timeframe:	Timeframe:
------------	------------	------------

Program Evaluation: *How will data required by the statute be collected and reported? Who will be responsible for this?*



SECTION 4. ADULT DIVERSION BUDGET

Budget Narrative: *Explain program needs relative to anticipated expenses. What fees, if any, will be charged to the defendant? What is the anticipated cost per defendant and relative formula for this estimate?*

Instructions for Table: *Please estimate the total dollar amount of expenses that will be funded from this grant and the total dollar amount that will be supported by other sources. Example: if you anticipate an in-kind or match support from your current budget to cover partial personnel costs in the amount of \$20,000 but you anticipate the total personnel need to be \$50,000, the funded by grant column should indicate \$30,000. Please divide your projected expenses as outlined by category in the table below.*

Expenses Category	Funded by Grant*	Funded by Other Sources	Total
Personnel:			
Training:			
Consultants/Contract Support:			
Operating:			
Correctional Treatment:		*see C.R.S. 18-19-103 *	
Non-Correctional Treatment:			
Other: <i>please specify</i>			

***Quarterly fiscal reporting will only track expenses related to grant monies distributed, not outside funding.**

# of Defendants to be supervised (est.)	Avg. Monthly Supervision Fee	Total Anticipated Defendant Fees
Match or In Kind Support:	\$	Grant-Funding Requested \$
Total Cost for Adult Div. Program	\$	

SIGNATURE

I have reviewed the information contained in this request and certify that is true and correct to the best of my knowledge.

District Attorney printed name: _____

District Attorney signature: _____

Date: _____



ATTACHMENT II – FUNDING APPLICATION GUIDELINES

BACKGROUND:

The Colorado Commission on Criminal and Juvenile Justice supported the passage of HB 13-1156, which replaced deferred prosecution with adult diversion. (C.R.S. 18-1.3-101)

Diversion is a voluntary alternative to criminal adjudication that allows a person accused of a crime to fulfill a set of conditions as defined by an agreement with a District Attorney which may include completing a program designed to address, treat, or remedy issues related to or raised by the allegation. Upon successful completion of the conditions or program, the charges against the defendant are dismissed or not filed.

Diversion is intended to operate simply and flexibly. District Attorneys can agree to divert a defendant at any point before plea or trial, including before charges are filed. They can preserve their ability to reinstate prosecution by requiring a signed “statement of facts” upon which the allegation is based. The terms of a diversion agreement can restore victims and require defendants to address the antecedents to their criminal behavior, with the intent of reducing the likelihood of future criminal behavior. Compliance with the agreement can be monitored and enforced by any approved entity, including, but not limited to: diversion programs run by District Attorneys’ offices; law enforcement agencies; and pretrial service organizations. For defendants to be ordered to the supervision of the probation department, a diversion agreement must be filed with a court. If the diversion agreement is successfully completed, the defendant is returned to the same legal status as if the offense had never occurred.

Upon passage of the adult diversion bill, HB 13-1156, the State Court Administrator’s Office formed the Adult Diversion Funding Committee.

The statutory goals of adult diversion include:

- Preventing defendants from committing additional criminal acts.
- Restoring victims of crime.
- Facilitating defendants’ ability to pay restitution to victims of crime.
- Reducing the number of cases within the criminal justice system.

OVERVIEW:

- There will be an application process for both existing and new adult diversion programs as funding is available. Priority consideration will be given to those requests that are submitted during the initial reporting cycle. Late requests will be considered in order received, should funds remain.
- The FY ’19 Adult Diversion Fund has approximately \$400,000 available. Additional funding for treatment needs is available to funded programs via the Correctional Treatment Fund. This money will fund multiple requests that demonstrate they will meet the legislative goals and intents of diversion, as well as the reporting requirements.
- The use of documented best practices is encouraged.

TIMELINES:

- Request for proposals announced: December 1, 2017.
- Application deadline: February 23, 2018.



- Approximate date for grant award notices: March 12, 2018.
- Awards are effective July 1, 2018 through June 30, 2019.

INSTRUCTIONS FOR SUBMISSIONS:

All supporting materials and a completed funding application request must be submitted electronically as a PDF document to the grant coordinator, Kyle Gustafson, via email: kyle.gustafson@judicial.state.co.us. All requests for adult diversion funding are to be received by end of business on **February 23, 2018**.

FUNDING CRITERIA:

In making funding decisions, the following criteria will be taken into consideration:

- The local need for adult diversion with the target population including the projected number of adult diversion participants (18 years or older).
- Explanation of how the proposed pre-plea/pre-trial adult diversion service will meet the statutory goals.
- Demonstration of how the District Attorney's office will comply with reporting requirements.
- Plan for adult diversion program management including budget management, data collection, and reporting.
- Priority will be given to program needs including but not limited to: start-up costs for new programs, personnel, operating, training, and contract support for program needs.

PERMISSIBLE USES OF FUNDING:

In submitting an application for grant funding, programs that receive an award allocation may budget for the following expenses:

- **Personnel:** Applicable expenses relevant to the salaries, wages, and benefits for employing full-time, part-time, or contractual diversion program staff or attorneys.
- **Training:** Expenses associated with the training and development of diversion program staff or attorneys regarding best practices in case management, assessment, or professional skill development that are intended to improve the ability of the diversion program to effectively provide services to its participants; additionally, expenses incurred by staff/attorneys regarding outreach to educate, inform, or promote the diversion program locally may be included.
- **Consultants/Contracts support:** Expenses used to help improve the quality of services delivered by or provided for the benefit of the diversion program and its participants by a non-employee that can be directly tied to a program or statutory goal for diversion participant and/or program outcomes.
- **Operating:** Expenses attributable to the day-to-day business processes of a diversion program (e.g. office supplies, monitoring services, software licenses, etc.) or other relevant expenses specifically incurred or expensed by a diversion program from being housed in the Office of the District Attorney or another agency approved by the Office of the District Attorney.
- **Treatment (non- C.R.S. § 18-19-103):** Program expenses directed towards providing needed social or human support services, cognitive behavioral therapy, or other services performed by a licensed, certified, or accredited provider that are designed towards reducing a participant's recidivism or criminogenic risk(s) which have been identified as a result of: a professional assessment, evaluation, or screen; the nature of the crime charged and circumstances surrounding the offense; or due to a special circumstance or characteristic of the participant which made them appropriate for diversion.
- **Other:** Any remaining expenses not outlined by another expense category that are necessary for the operation of an adult diversion program.

FUNDING AND REPORTING CYCLE:

- All District Attorney's offices receiving adult diversion funding will be required to maintain a contract with the State Court Administrator's Office (SCAO) and to adhere to the SCAO policies and procedures related to data collection, reporting, and billing.
- The state operates on a July 1 – June 30 fiscal year.
- *All awarded funds must be expended by June 30, 2019 and reported by July 10, 2019.*
- In FY '19, data reporting and program expense reimbursements will be done on a quarterly basis.
- Participant data and fiscal reports will be due by the 10th day of the month following the quarter or month's end. The FY '19 reporting deadlines will be as follows: Q1 will be due October 10, 2018; Q2 will be due January 10, 2019; Q3 will be due April 10, 2019; Q4 will be due July 10, 2019.
- Quarterly reporting will include Intake/Exit Forms for participants who have exited the program and basic program information.
- Quarterly reporting will include documentation of expended funds to be reviewed by SCAO. Receipts for all program expenses must be kept for audit purposes or expense verification.
- Funds will be distributed quarterly to District Attorney's offices following approval of quarterly expenses.
- A year-end report will require more extensive reporting, evaluation and final financial reports.
- There are no guarantees that there will be funding in subsequent years.

PROGRAM EVALUATION:

Award recipients will be required to report as defined below to SCAO. Incomplete reporting will affect funding.

AWARD RECIPIENT REQUIREMENTS:

Award recipients must collect participant data and provide status reports on the following by the 10th day of October, January, April, and July, including but not limited to:

- The number of people screened and the number of people who met criteria for adult diversion.
- The number of people enrolled in adult diversion.
- The number of people that declined to participate or were rejected by the DA.
- Demographic information on those enrolled (age, gender, ethnicity, judicial district, county of residence).
- Case supervision data (treatment assessment, restitution owed, charging details).
- Participant status within adult diversion (intake, under agreement, complete, did not complete and reason they did not complete, if did not complete, what was the reason).

Provide financial updates including:

- Funds requested
- Funds expended by category (receipts must be available upon request).
- Supervision fees collected

Annual reporting will include all quarterly reporting details, in addition to but not limited to:

- Recidivism data for all participants, including those who successfully completed diversion and those who did not.



- Pre-Discharge Recidivism: A filing for a new felony or misdemeanor offense that occurred prior to discharge from diversion. This could also affect the completion rates if defendants are referred back for prosecution due to re-offense.
- Post-Discharge Recidivism: A filing for a new felony or misdemeanor offense that occurred within one, three, and five years following termination of the diversion agreement as well as re-offense information as requested by the committee.
- Aggregate data on outcomes, restitution, and other diversion agreement data.
- A copy of adopted adult diversion policies and guidelines for eligibility in the Judicial District's program.

PROGRAM GUIDELINES:

Elected District Attorneys that apply and request funds to operate an adult diversion program must be compliant with section 18-1.3-101, C.R.S. Funding may be for existing or new adult diversion programs. Funded programs will involve pre-plea or pre-trial diversion targeting adults 18 years and older.

All funded adult diversion programs must adopt and submit policies and guidelines delineating eligibility criteria for their program. In determining eligibility the District Attorney shall consider:

- The nature of the crime and the circumstances surrounding it.
- Any special circumstances or characteristics of the defendant.
- Whether diversion is consistent with the defendant's rehabilitation and reintegration.
- Whether the public interest will be best served by diverting the individual from prosecution.

Adult diversion may operate internally at a District Attorney's office or in conjunction with outside agencies or programs approved by the District Attorney, including those that provide restorative justice services. The supervising agency shall provide the supervision necessary to facilitate rehabilitation and support completion of the diversion agreements.

Supervising agencies will hold defendants accountable to agreements. Victims shall have the right to be informed of the decision to enter an adult diversion agreement. The intent of diversion is to reduce collateral consequences to defendants and to repair harm to victims.

The diversion period may not extend beyond two years, unless payment of restitution is the sole remaining condition of diversion due to an inability to pay and the defendant may have the future ability to pay. In this event, the diversion may be extended for no more than one additional year.

Cases involving domestic violence or sexual offenses require special consideration:

- Charges must be filed before a defendant can be eligible for diversion.
- Defendants must have had the opportunity to consult with counsel, and have completed a domestic violence treatment evaluation or sex-offender specific evaluation.
- Defendants accused of the following offenses are not eligible for diversion in state-funded programs: Sexual assault, sex assault on a child, any sexual offense committed against an at-risk adult or juvenile, any sexual offense with a deadly weapon, enticement of a child, sexual exploitation of a child, procurement of a child for exploitation, sexual assault on a child by a person in a position of trust, or any child prostitution offense.

Diversion agreements shall include:

- Signature by the defendant, the defendant's attorney if represented, and the District Attorney.
- A written waiver of the right to a speedy trial for the period of diversion.
- A condition that no other criminal offense be committed during the period of diversion.

- A statement clarifying that if the defendant completes the agreement and the obligations therein, the court shall order all criminal charges filed against the defendant relative to this case dismissed with prejudice.

Diversion agreements may also include:

- Individually designed agreement items based on the defendant's strengths, risks, needs, and abilities, as well as the victim's needs for repair.
- Assessment of criminogenic needs and subsequent treatment planning for services to meet the participant's individually assessed needs.
- A designated supervisor or supervisory agency with contact information.

A defendant shall not be required to enter any plea to criminal charges as a condition of pre-trial diversion. No information obtained during the diversion process, other than a statement of fact completed by the defendant, may be used as evidence in criminal proceedings on the referred crime or facts alleged relative to the adult diversion case.

If the District Attorney offers diversion in lieu of further criminal proceedings and the defendant agrees to all of the terms of the agreement, the agreement may either be filed with the court or held by the parties. A court filing is only required if probation supervises the defendant or the court assists with the collection of restitution.

When a diversion agreement is entered the court shall stay further proceedings. When the diversion agreement is completed successfully all charges, if filed, will be dismissed. At any point after a diversion agreement is completed a defendant may petition the court to seal all records pertaining to the relative offense. Sealing is mandatory, upon request by the defendant, following successful completion of a diversion agreement.

In the event the defendant violates the terms of a diversion agreement, the supervising entity must provide written notice to the defendant, the District Attorney, and the court. The District Attorney may then proceed with the prosecution as allowed by law.

For more information and questions please contact Kyle Gustafson at (720) 625-5000 or kyle.gustafson@judicial.state.co.us

ATTACHMENT III – FREQUENTLY ASKED QUESTIONS

Q: *If a DA's office applies for funding for a new Adult Diversion program but has an existing Adult Diversion program, does the existing program have to comply with the statutory language too?*

A: These funds can only be used for Adult Diversion programs that meet the requirements of the legislative act and enacted statute (HB 13-1156; C.R.S. § 18-1.3-101). Programs operating outside of this funding do not currently need to comply. Reporting will need to reflect the distinction between programs funded by these dollars and any additional Adult Diversion programs in the judicial district.

Q: *Would this be considered a grant funded program therefore the employee(s) would technically not be employed directly by the DA's office?*



- A:** This would be considered grant funding. How the DA chooses to employ or contract for services is at their discretion. Funding is not guaranteed.
- Q:** *Would the employee(s) hired to manage the program only be able to perform duties specifically pertaining to the grant?*
- A:** If you clearly document in reports how the contractor/employee's time is spent on this Adult Diversion program that time could be paid for by the grant. If they had other duties outside of adult diversion that time would not be paid for by the grant. But it does not matter if they are working only a percentage of their time on Adult Diversion. These funds could cover the percentage that is dedicated to this Adult Diversion funded program.
- Q:** *Will training be required if funded?*
- A:** Online orientation training will be required for reporting procedure and funding distribution for FY 19, likely to take place prior to the start of the next fiscal year. Topic specific training may be offered to support grantees. Attendance at the yearly Colorado Collaborative Justice Conference may also be made available through the Correctional Treatment Board. Any additional questions or training requests may be directed to the grant coordinator from the grantee.
- Q:** *Can the application for funding be done by an organization outside of the DA's office to help cover the costs of supervision, or does the application for funding have to be filled out by the District Attorney's office?*
- A:** It does not matter to the committee who completes the application. However, it must be approved and submitted by the DA.
- Q:** *Can we charge a fee for Adult Diversion?*
- A:** Yes, the statute allows Adult Diversion fees up to \$50 per month. Collected supervision fees are to be used towards the operation of an Adult Diversion program and should be kept in an account separately from awarded grant funds.
- Q:** *Can we use grant funds for treatment?*
- A:** Yes, the use of Adult Diversion funds for treatment is encouraged. Currently, there are additional funds available from the Correctional Treatment Board specifically for treatment of Adult Diversion participants. *See:* "FUNDING GUIDELINES – CORRECTIONAL TREATMENT BOARD (FY 19)."
- Q:** *Can we receive technical assistance with the application?*
- A:** Yes, please contact the Adult Diversion Coordinator, Kyle Gustafson, with any questions about the funding process, application materials, or for any additional information related to adult diversion. Feel free to reach him either by email at kyle.gustafson@judicial.state.co.us or by phone (720) 625-5966.
- Q:** *Are we required to provide an annual report in addition to the quarterly summaries?*
- A:** Yes, the funding committee uses information compiled within the year-end reports from the program for purposes of drafting their annual report to the legislature pursuant to C.R.S. § 13-3-115 and is a contractual part of the funding agreement.