

- Office of the County Attorney -

PIMA COUNTY ATTORNEY'S
ADULT DIVERSION PROJECT'S
ANNUAL REPORT
1973-1974

Prepared by:

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October 30, 1974

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The Pima County Attorney's Adult Diversion Project is completing its first year of operation with the publication of this annual report. The Adult Diversion Project (ADP) commenced on September 2, 1973, with the first client being accepted October 1. After one year of operation, this project still adheres to the basic philosophy upon which it was founded. The project continues to address itself to cases in which the local law enforcement agencies and the county attorney's office have reasonable grounds to believe, from the evidence presented, that a person has committed a criminal offense within Pima County, but in which the county attorney's office determines that the traditional criminal prosecution procedure does not serve the best interest of society or the defendant. The concept of formalizing part of the prosecutor's discretion to seek nonadversary alternatives to the disposition of criminal charges has been endorsed by the President's Commission on Law Enforcement and the Administration of Justice, the National District Attorney's Association, the American Correctional Association, the National Council on Crime and Delinquency, the National Advisory Commission on Criminal Justice Standards and Goals, and the Arizona Bar Association.

The over all objectives of the Adult Diversion Project are:

1. to remove from the traditional system of adversary trial those accused of criminal acts who do not seriously contest their guilt and who are likely to benefit from an effective community based program of habilitation;

2. to displace nonadversary cases from the traditional criminal justice system so that the courts may give more prompt and efficient attention to cases which must be tried and to defendants whose presence in the community poses a serious threat;

3. to eliminate the unnecessary burden of a criminal conviction upon defendants who are able to demonstrate the desire and willingness to participate in a habilitation program, thus better equipping them to compete for satisfactory employment, cope with personal problems, and other benefits important to their full habilitation;

4. to curtail the substantial time delay between apprehension and treatment, for certain situational defendants, as is often the situation with cases processed through the court system; and

5. to diminish the exorbitant costs of prosecuting a defendant through the traditional criminal justice process by channeling the nonviolent, situational defendant via the diversion process.

The Adult Diversion Project is continuously striving to attain three main specific goals with its client population:

1. to work with the participants on their personal and social problems so that they will not recidivate,

2. to assist the participants in up-grading their occupational skills and/or academic status, and

3. to help the participants and their families in developing a more practicable self-acceptance and self-understanding.

Criteria for Acceptance

Defendants targeted for diversion in Pima County are those persons charged with a felony offense whose suspected offense does not represent a "continuing pattern of anti-legal behavior." The Adult Diversion Project is designed to service only those individuals who do not have any prior felony convictions. Though some exceptions to this emphasis on first time felony offenders

can be made after consultation with the Pima County Attorney's Criminal Trial Supervisors and/or the Adult Diversion Project Coordinator if there has been some significant passage of time since the last felony conviction. Thus, referral policies and criteria "screen-out" the person with an anti-legal behavior pattern and "screen-in" the situational, temporary, impulse-oriented law violator.

While the Adult Diversion Project is basically a habilitation endeavor, the primary and overriding concern of the project is public safety. Persons exhibiting symptoms of violent demeanor towards other persons and/or property generally tend to have emotional and character problems which would not be amenable to control and change under a "voluntary" diversion program of up to two years duration. In a few uncommon cases, the ADP will accept a person charged with a certain violent act after thorough staff inquiry; because, the case is so exceptional that it does not reflect the normal salient circumstances that are usually associated with these types of offenses. The ADP caseload indicates that two persons have been accepted into the project, one charged with Arson and one charged with Robbery, who in fact were attempting suicide; and four persons have been accepted into the project, two charged with Assault With A Deadly Weapon and two charged with Aggravated Battery, who were involved in family altercations. Individuals charged with having committed the following offenses are excluded from acceptance into the diversion project.

1. Murder
2. Kidnapping
3. Forcible Sex Crimes

4. Lewd and Lacivious Acts Upon a Child
5. Violation of Public Officials Duty and Obligation
6. Escape
7. Incest
8. Perjury or Subornation of Perjury
9. Possession of a Weapon by a Convicted Felon
10. Introduction of Drugs into an Institution
11. Preventing Attendance of Witnesses
12. Committing a Felony While on Bond or ROR
13. Ali Narcotics and Dangerous Drug Offenses (except Unlawful Possession of Marijuana)
14. Organized Crime Offenses

All applicants for diversion must be residents of Pima County or the surrounding area. Only legal adults (18 years or older) are eligible for deferred prosecution.

Selection Process

Once the decision, based upon established criteria discussed in the preceding sections, has been made to refer a defendant to ADP, prosecution is temporarily held in abeyance. Referral, however, does not assure acceptance for the ADP diversionary status and consequent dismissal of criminal charges. Upon receiving the referrals from the designated deputy county attorney liaison officer, the ADP intake officer requests a record check on all of the perspective clients to ascertain if they satisfy the criteria of the project. The defendants are then contacted via a standardized letter and asked to call the ADP office within four days if they

are interested in being considered for diversion. The first requirement that the perspective client must fulfill is to fill out a personal history application--see Appendix A, and subsequently, the intake officer interviews the applicant and advises him/her of his/her constitutional rights to a speedy trial, the necessity of representation by counsel, the right to proceed within the normal judicial process, explains the Adult Diversion Program, secures his/her cooperation, and refers the applicant to a staff counselor for a full work-up on his/her personal and social history. The intake officer also interviews the arresting officer(s) and the victim(s), if there is one, to seek their consent for an applicant's participation in the diversion project. There has been only one case in which the applicants were accepted into the project without the consent of the victim, but there has been no cases in which an applicant has been allowed into the project without the permission of the arresting officer(s).

The intake process has the added advantage of providing full time assistance to the complaint/referral decision-makers (deputy county attorneys), indoctrination of new criminal justice personnel in the policies and procedures of deferred prosecution, and necessary monitoring of the process. As a "public relations" function, the intake process will continue to contribute to the growing acceptance and support of the project among the county's law enforcement personnel.

If during the intake process an initial determination is made that a defendant possibly suffers from some social or other personal problems, which may be treated by participation in an available

community based treatment program, one of the staff counselors will refer the defendant to the intake department of a community human service agency that works in cooperation with the diversion project. For example, a Pima County resident who wants to participate and who has a history of mental health problems would be referred to the Mental Health Consortium; a defendant who has a history of alcoholism would be referred to the Alcohol Consortium. Defendants displaying other types of personal problems and still seem eligible for diversion, but do not fall into a category of a specific cooperating community human service agency, will be sent to the Pima County Court Clinic for a diagnostic work-up and evaluation.

The community human service agency or the Court Clinic will evaluate the defendant to determine what needs, if any, the defendant has that may have contributed to the offense he/she is alleged to have committed. The community service agency will develop a program of supervision and support that is addressed to the defendant's individual needs. The program could involve the services of other parochial human service agencies, members of the defendant's family, the church, labor unions, etc. Hence, the program will combine supportive services to the defendant as well as supervision by the human service agency involved and the diversion project staff. Each human service agency which accepts defendants in a program will make progress reports to the Adult Diversion Project on a regular basis.

Defendants who are evaluated by the Court Clinic will follow a different process; because, the Court Clinic's resources are limited

to evaluation and do not include the development and implementation of treatment programs. These defendants will be evaluated for factors pertinent to the diversion decision, and their needs will be defined by the Clinic staff. They will then be referred back to the ADP staff for the development and implementation of their program and supervision.

At this point, the diversion staff may, after careful analysis of both the facts of the case and the individual's potential, decide that diversion participation would not be appropriate treatment. The case is then referred back to the prosecutor's office for further disposition, and the defendant and his/her attorney will be notified by the County Attorney about the rejection and the rationale behind the decision.

If the diversion project staff determines that an applicant is amenable to community supervision during a six month to two year period of diversion participation, the assigned counselor develops a comprehensive plan directed at a short-term treatment of recent behavior and/or social problems. Then the project staff submits a "pre-sentence type" investigation and report to the prosecutor with the recommended community treatment plan. The designated deputy county attorney liaison officer then makes an independent decision based upon all of the information available to him as to whether to press charges or defer prosecution during the diversion participation period. If the prosecutor agrees that a defendant qualifies for diversion, he will offer to join the defendant's lawyer in a motion that charges against the defendant be dismissed contingent upon the supervision of the diversion project and/or the community agency

and subject to the condition that he/she participate in the community based habilitation program he/she has concurred to. If the defense counsel agrees, the diversion project staff notifies the defendant and the arresting law enforcement agency of the defendant's acceptance.

Program Requirements of Participants

The defendant who is accepted into the project is asked to enter a signed and informal agreement, "moral contract," with the prosecutor wherein he/she agrees to abide by the conditions of his/her diversion participation, the conditions of participation being an explicit statement of the behavioral objectives of a community treatment plan. If the diversion participant satisfactorily completes his/her program, which may include restitution to the victim(s) of a crime, prosecution is not reinstated, and subsequently, the successful diversion participant does not have to be burdened for the rest of his/her life with the stigmatization of a felony or misdemeanor conviction.

For legal as well as therapeutic reasons, it is continually impressed upon the client that participation in the ADP is "voluntary" and that the client has the right to withdraw from the project at any time subject only to the original implications of prosecution and court adjudication. There has been only one client to date who "voluntarily" decided not to continue his program, and immediately, thereafter, his case was refiled and taken to court for prosecution. Additionally, participation may be revoked by the prosecutor's office upon recommendation by the ADP staff if the client violates the

conditions of diversion participation agreed to at the time of acceptance or is charged with another misdemeanor or felony offense. Thus far, there have been five participants revoked because of refusing to cooperate with the diversion staff, and three participants have been revoked because of being rearrested in addition to not meeting the requirements of their programs. When the participants were revoked, their original charges were refiled for prosecution.

The Adult Diversion Project is community based in the sense that the services offered to clients are provided in the client's own community in order to preserve the client's contacts with his/her family and others whose support and participation the client will need for habilitation to be successful. The project is also community based in the sense that it will rely primarily upon presently existing community service agencies. However, there is one exception to this concept of using existing services. Some defendants will have needs not met by existing agencies, so ADP has established its own limited program for vocational counseling and job-readiness training. In addition, \$100,000 of Manpower money was allocated for job-training slots for diversion participants. The ADP staff will provide the client population with two basic services that certain other local human service agencies are not capable of providing: group and individual counseling, and job training or academic placement.

A variety of group counseling techniques will be utilized with the emphasis being to assist the clients in better understanding themselves and their environment, and in becoming job ready.

The group sessions aim to help participants articulate their feelings, learn to establish more effective interpersonal communication skills, and reorient themselves through role playing toward a better self-image, which results in presenting a better image to a potential employer. Group counseling sessions are scheduled one evening each week, with family counseling provided if required. The career development phase involves the appropriate placement of participants in a job, vocational training, or academic setting.

The client and the counselor will also meet for a one-to-one counseling session where short-term, goal-oriented plans will be discussed on a weekly basis. The client will be expected to carry out his/her commitments which will be agreed upon at each weekly session. Their treatment plans will also include, when appropriate, volunteer work in conjunction with working toward helping himself/herself learn alternative ways of behaving which will not result in future anti-legal activities.

Victim and Law Enforcement Participation

Two very unique aspects of the Adult Diversion Project are the roles played by the victim and the law enforcement authorities. As cited earlier in the report, in order to participate in the diversion project, an applicant must not only meet the criteria of the county attorney's office, but must also, have the approval of both the victim(s) and the arresting officer(s).

After a defendant is referred to the ADP, the victim is contacted by telephone by the intake officer. An explanation of

how the Diversion Project operates is given, and the victim is asked if there would be any objection on his/her part to the perspective client's participation in the project. If the victim approves, the intake officer encourages the victim to meet personally with the client to discuss the crime and any restitution which is to be made. Restitution is very much part of a participant's program whenever damage has been done to a victim's property.

The results of these face-to-face meetings have been quite favorable and have resulted in a much clearer understanding by the victim of the surrounding circumstances related to the criminal act. In a few instances, victims have taken the time to involve themselves in the defendant's treatment plan.

The arresting officers have been very cooperative in helping the diversion staff understand how the defendants involved are viewed by law enforcement. They have attempted to be objective with their recommendations and have displayed sensitivity along with a deep concern for both the community and the defendants. After a client is accepted into diversion, the police officers keep the diversion staff advised of any problems that the participants might be having in the community.

To give a vivid explanation of the victim-defendant meeting with a diversion facilitator, two case histories are briefly discussed below:

1. A burglary of a local gun store resulted in the referral of a young man to the Adult Diversion Project. On two separate occasions the defendant tried to enter the store through the roof. His second attempt resulted in his arrest.

Law enforcement and the victim gave their approval to the defendant's participation in the program. They were satisfied that the burglary was not related to any organized efforts to steal large quantities of guns but just an isolated incident.

The victim-defendant meeting took place at the ADP office. The conversation ran from why the offense occurred to types of burglar systems installed. There was no need to have restitution payments made to the victim since both of the parties agreed at the meeting that the victim was able to take the \$25 deposit on a gun that the defendant had paid at an earlier date and use it to repair the damage to the store roof.

2. The defendant was arrested and charged with Burglary and Grand Theft. The criminal act took place at a shop which sold Indian jewelry. The total value of the items taken was \$1,070.00.

The victim of the crime had known the defendant for a short period of time prior to the offense. The victim had mixed emotions about the offense. On one hand she felt betrayed and on the other hand she felt a responsibility to help this person.

The meeting between the ADP Director, the victim, and the defendant lasted for two hours. The victim had the opportunity to express her feelings about the crime and also receive the assurance that complete restitution would be made. The defendant was able to give an explanation of what prompted him to commit the offense and to express his regrets.

The defendant was accepted into the program, and restitution was paid back in full. On a number of occasions, this victim called the diversion office seeking assistance on some unrelated problems, and when possible, the staff did aid her on solving these problems.

Program for County and City Misdemeanors

The Adult Diversion Project has, thus far, accepted fourteen applicants referred by the county and city prosecutor's office for high and low misdemeanor offenses, excluding marijuana cases.

because it's a separate program in ADP. Persons charged with misdemeanors have not been referred routinely by the prosecutor's office but only in special cases; because, the Adult Diversion Project was originally designed to only handle felony cases. The "misdemeanor" clients must go through the same intake process as the other ADP clients and must meet the same criteria as the other clients to obtain acceptance status. The ADP clients charged with high misdemeanors are obligated to participate in the project for six months.

The City of Tucson has received Federal grant monies to initiate a city diversion program for misdemeanors for the 1975-76 fiscal year, and the Adult Diversion Project will be mainly responsible for staffing and supervising this new project once it begins operating. The objectives of the Tucson Diversion Project are: (1) that the 1,000 trials per month should be reduced by ten percent, (2) that the cost savings to various Tucson agencies, such as the police, to prosecution, and the courts, would surpass the cost of the project, and (3) more importantly, the opportunity to habilitate such offenders justifies the project. The Chief Tucson Prosecutor will monitor each diverted case, developing a data base so recidivism can be noted immediately. The city clients will be obligated to participate in the diversion project for six months with the same commitment as the other ADP clients.

Pilot Program for Unlawful Possession of Marijuana

The Unlawful Possession of Marijuana Program (UPOM) has been set up as a pilot to last for a period of six months,

starting June 1, 1974, and to include a maximum of thirty-nine participants. All cases referred to the UPOM Program are being treated as misdemeanors. The objectives of the pilot program are identical to those enumerated earlier in the report for the ADP. To be a participant in the UPOM Pilot Program, the applicant must satisfy the same criteria required of other applicants in the Adult Diversion Project.

The "UPOM" clients are assigned to a diversion counselor, like any other client, for one-to-one counseling and are required to attend an eight week, one night a week group counseling cycle staffed by the Tucson Awareness House's Drug Free Clinic. The "UPOM" clients are treated in the same manner as the other ADP clients; although, they are only obligated to participate in the diversion project for six months instead of one year like most of the other project clients. Before the county attorney's office will consider referring any more "UPOM" cases, the ADP staff must do a thorough job of evaluating the six month pilot project and submits its findings to the County Attorney.

Diversion Staff and Job Descriptions

To ensure a "healthy" success rate, the diversion staff is client oriented and draws upon all available community resources to meet the needs of the clients. The diversion staff has established an open and cooperative policy with one another, which has resulted in a trading of ideas and sharing of information concerning primarily clients and counseling techniques. The philosophy of the staff is

that a counselor can be more effective with his/her clientele by eliciting constructive input from fellow staff about problem areas. Every three months the diversion counselors will evaluate the progress of their clients, and in turn, the clients will be encouraged to evaluate their counselors, other facets of the project, and themselves in the same time span -- see Appendix B. Consequently, any internal problems that are detected in the client's responses to the evaluation queries will be corrected immediately, if possible, by the staff personnel.

Pima County Attorney Project Coordinator

A deputy county attorney is assigned to the Adult Diversion Project by the County Attorney. His responsibilities entail reviewing applications for consideration of defendants being diverted; supervising the administration of the project for the County Attorney; and acting as a liaison between the project, the rest of the county attorney's office, the judiciary, law enforcement, and the community.

Adult Diversion Project Director

The Director has a Master's in Social Work and background experience in community development and community planning; vocational and employment development; program evaluations; casework and after-care supervision; grant writing and has collected substantial information on local, state, and Federal financial and manpower resources; training of staff and volunteers; and interview techniques. Her responsibilities entail being accountable to the County Attorney for

the daily administration of the program, including collection of data; and acting as a liaison between the project and the local criminal justice agencies, the county, the community, Arizona State Justice Planning Agency, VERA, and LEAA.

Adult Diversion Assistant Directors

The two Assistant Directors have a Master's in the social science area and background experience in vocational and employment development; career and group counseling; casework and aftercare supervision; have a familiarity with sources of funding for supported job development grants; and have a familiarity with community human service agencies. Their responsibilities entail identifying vocational resources available to diversion clients; being a liaison between the project and vocational programs in the county; identifying vocational needs of diversion clients; developing vocational programs for individual clients; developing additional resources for vocational development, placement, and guidance -- such as supported work programs; writing grant proposals; conducting group counseling sessions; supervision of the counselors' caseloads; and handling a caseload.

Adult Diversion Intake Officer

The Intake Officer has over eighteen years of experience in law enforcement programs, both domestic and foreign, thereby having a good understanding of local, state, and Federal law enforcement operations. Presently, he is working toward a Bachelor's of Science in Police Administration. His responsibilities entail requesting record checks of all referrals coming over from the county attorney's office; interviewing perspective clients in person; contacting the

arresting officer(s) and victim(s), if there is one; and being a liaison between the project and local and state law enforcement agencies.

Adult Diversion Counselors

One of the full time Counselors has a Master's of Art in Counseling and Guidance and the other full time Counselor is presently working on his Master's in the social science area and both of them have background experience in casework and aftercare supervision; and have a familiarity with local community human service agencies. Their responsibilities entail developing the program for the diversion participants; supervising and assisting the participants with their personal and social problems; making periodic reports on the participant's progress, and meeting with the Director and the Assistant Directors when a decision is to be made in reference to dismissal, continuance, or prosecution.

Adult Diversion Program Evaluator/Counselor

The Program Evaluator/Counselor has a Master's of Science in Criminal Justice Administration and background experience in casework and aftercare supervision; evaluating criminal justice programs; and has a familiarity with community human service agencies. His responsibilities entail evaluating the efficiency and effectiveness of the project; carrying a small caseload; writing grant proposals; and conducting on-going research and evaluation.

Adult Diversion Secretary/Receptionist

The Secretary/Receptionist has background experience in secretarial type work; volunteering and working in criminal justice agencies; and has a familiarity with local community human service agencies. Her responsibilities entail keeping forms and case records; preparing written recommendations; scheduling appointments for defendants; preparing and typing all forms for court filing; and helping the perspective clients fill out the personal history applications.

The ADP counselors selected five case histories as representative of the prototype of clients accepted into diversion. These five cases should give the reader a better understanding of the type of clients that the diversion project is designed to work with.

Case History Number One

The client is a twenty-one year old male who was charged with forgery of a Credit Card. The client appeared at his first intake interview to be a reasonably "together" young man who described his offense as "a spur of the moment, stupid act."

The client's diversion program involved weekly supervision, participation in a diversion group cycle, personal counseling with emphasis on future plans as to education and employment, and volunteer work.

The client successfully completed his one year commitment on October 4, 1974, fulfilling all his obligations to the program. During the diversion period, the client showed a genuine concern, interest, and responsibility. Presently, this young man is working at an autobody shop. He has been married for almost one year and seems to have developed some very realistic goals for the future.

Case History Number Two

The client is a thirty-one year old female who was charged with Robbery and Burglary. She is married and has two children. The circumstances surrounding the offense involved a few months

of depression by the client because of her inability to manage the family finances. The night of the offense she entered a convenience market with a gun, took the cash, left the gun on the counter, and ran out of the store.

The client and her spouse seemed able to take this negative event and build a more positive relationship from it. The recommended diversion program included: weekly supervision, participation with her husband in a group counseling session, financial counseling, and restitution of \$86 to the convenience market.

During the eleven months in diversion, the client has successfully completed all aspects of her program. Presently, she is earning money running a small day care program in her home and has recently completed five months of attending weight watchers which resulted in a loss of forty pounds.

Case History Number Three

A twenty-one year old female was arrested for Unlawful Possession of Marijuana while passing through the security check point at Tucson International Airport. During the intake interview, the client appeared to be very emotional, unsure of her future plans, easy to get along with, and angered about being arrested for possessing marijuana.

Her recommended program included: diversion group sessions, counseling on educational advancement, and bi-monthly meetings with a diversion counselor. The client was threatened with losing her job, but her counselor explained her diversion program to the employer which resulted in her keeping the job. At this time, she is attending

college in addition to working full time.

Case History Number Four

The client is a thirty-one year old male who was charged with Drawing Checks on Insufficient Funds. The client informed the intake officer that at the time he decided to cash the checks totaling \$600 at his place of employment his three children were sick and he had a problem managing his finances. Subsequently, he lost his job.

The recommended program for this client was weekly counseling and supervision, on-going financial counseling, and volunteer work at a church. Presently, the client is employed full time as a salesman. His restitution has been paid in full, and the financial counseling has helped him in meeting all of his financial obligations in addition to accumulating a savings account for any further emergencies.

Case History Number Five

The client is a nineteen year old Airman in the Air Force. He was charged with Grand Theft of a Motorcycle. This young man and his three co-defendants were accepted into diversion because of their realization of the ignorance and impulsiveness of their acts.

This client made minimum progress during the first six months of his program which involved weekly counseling and supervision, restitution, volunteer work, and ADP group counseling. After six months in the project, he was arrested for Shoplifting at a local department store.

The client was found guilty of the Shoplifting charge, and therefore, he was unsuccessfully terminated from the ADP. The original Grand Theft

charge was refiled and this young man was found guilty of the act and is now serving six months in the local jail to be followed by three years probation.

Since the ADP is still a novice program, there has not been the time lapse needed to collect the necessary data to evaluate how successful the project has been in attaining its specified goals in their entirety, listed in the Introduction of this report. The diversion administrators have shown a sincere interest in having an on-going assessment of the project's efficiency and effectiveness. A systematic process of collecting important data is currently underway by the diversion staff and several meaningful evaluation studies are presently being planned by the diversion program evaluator. The two biggest evaluative research studies being worked on at this time are: 1. a comprehensive five year follow-up study of diversion graduates--see Appendix C, and 2. a comparative study of non-diverted UPOM Offenders (control group) versus diverted UPOM Offenders.

This part of the report will present some basic statistical information about the Adult Diversion Project. It has taken a month to collect and analyze this data. The first section presents an assessment of the five over-all objectives of the ADP. In assessing the fifth over-all objective, a cost comparison of the traditional prosecution versus diversion will be exhibited, and the formula for this comparison was devised by the VERA Institute of Justice. The second section will present statistical information on all of the ADP participants currently in the program. The third, fourth, and fifth sections give a break down of the total statistical

information, presented in the second section, on ADP participants, into three separate project categories: Felony, County and City Misdemeanors, and UPOM. All of the statistical information for the last four sections was obtained from the personal history applications that the clients filled out during the intake process and from the diversion counselors.

Assessment of the Five Over-All Objectives

The first four over-all objectives, that are enumerated in the Introduction, center on the organizational operations, and therefore, when the ADP began accepting participants in October 1973, these four objectives were instantly attained. By successfully diverting 195 defendants thus far, the ADP removed them from the traditional system of adversary trial (the first over-all objective), allowed the courts to give a little more prompt and efficient attention to cases which must be tried and to defendants whose presence in the community poses a serious threat (the second over-all objective), eliminated the unnecessary burden of a criminal conviction upon defendants who are able to demonstrate the desire and willingness to participate in a habilitation program (the third over-all objective), and curtailed the substantial time delay between apprehension and treatment (the fourth over-all objective). If the ADP had accepted more than the present number of participants, the first four over-all objectives would have been achieved to a greater degree because the quantity of participants has a direct influence on these objectives; although, a substantial increase in the quantity of participants could possibly affect the quality of services provided by the diversion staff in a negative way unless there was an increase in manpower and monies to coincide.

The fifth over-all objective, that is also enumerated in the

Introduction, centers on a cost comparison between the traditional judicial process and the diversion process, and like the first four over-all objectives, this particular one is also directly influenced by the quantity of defendants participating in the diversion project. Table 1 shows the cost per case of a defendant being processed through the traditional criminal justice system versus the cost per case of a defendant being processed through the adult diversion system. An explanation of how the cost break down was calculated is also included in Table 1.

Table 1 divulges that a defendant being diverted in lieu of going through the traditional judicial process saves the local taxpayers \$1,262 per case. Since the ADP has been working with 195 active participants during the first year of operation, diversion has saved the local taxpayers a total of \$246,090 so far. Accordingly, the Adult Diversion Project has amply satisfied the fifth, and final, over-all objective.

TABLE 1.

ADULT DIVERSION PROJECT'S COST COMPARISON
(September 19, 1974)

A. Traditional Prosecution - Felony Cases

	<u>74-75 Budget</u>	<u>Estimated case load</u>	<u>Cost per case</u>
Superior Court	\$1,053,493	2590	\$407
Clerk of the Court	427,944	2590	165
Probation	524,815	2400	218
Public Defender	734,000	2331	315
Prosecutor	1,194,817	2590	461
Total			<u>\$1566</u>

B. Diversion - Cost per Diverted Case

	<u>Cost per case</u>
Superior Court - 1/2 hour at \$60 per hr.	\$ 30
Clerk of the Court - 1/2 hour at \$6.00 per hr.	3
Public Defender - 2 hrs. at 9.00 per hr.	18
Prosecutor - 3 hrs. at 9.00 per hr.	27
Diversion Program - \$116,428 ÷ 515 cases	<u>226</u>
Total	<u>\$304</u>

Difference - \$1262 per case

To provide a common understanding of these figures, here is the basis for the calculations:

1. Superior Court Administrator estimates 65% of Court's time is devoted to Criminal cases, so I used 65% of their total budget divided by estimated case load.
2. Clerk of the Court estimates 50% of their time is devoted to current Criminal cases, so I used 1/2 their total budget.
3. Probation costs are based on their total budget divided by their total estimated number of probationers for the Fiscal year so the cost per case is actually the cost per probationer per year.
4. Public Defender costs are based on their total budget.

TABLE 1.
(Continued)

5. Prosecutor budget is the Criminal Division portion of the County Attorney budget minus misdemeanor costs.
6. Diversion costs are based on Diversion budget divided by your estimate of 515 cases to be handled during year beginning 7/1/74 if fully staffed, considering both new and carryover cases.
7. All these figures are based on a number of estimates and projections so they are not to be construed as actual costs such as would be derived from an after the fact cost study.

Adult Diversion Project's Annual Report

Table 2 shows that three out of every four perspective client referrals have been accepted into the ADP. Out of the 204 total referrals accepted into ADP, only nine of them have been unsuccessfully terminated, and one of the unsuccessful terminations was a voluntary choice initiated by the client. The average amount of time that the active participants have been in diversion is six months. A majority of the active participants are male, under twenty-four years of age, Anglo, not married, claim just themselves as their only dependant, and have a high school diploma or G.E.D. A plurality of the active participants employed full time are grossing between \$300 and \$699 per month.

To find out if the diversion counselors have been effective with their clients in the employment area, a comparison of the job status of the clients when they entered the ADP with their job status at this time is disclosed in Table 2. There were 51 more clients unemployed at the time of acceptance than there are now; there are 45 more clients employed full time now than there were at the time of acceptance; and there are 4 more clients enrolled in a vocational training program now than there were at the time of acceptance. These figures clearly reveal that the diversion counselors have been quite successful with their clients in the employment area. Since some of these clients do have families, the diversion staff have helped many of these households from being referred for welfare assistance.

Of the clients employed full time, Table 2 indicates that the diversion counselors felt that four percent more clients were underemployed (a job that does not provide room for advancement and is not tantamount to the capabilities of the client) at the time of acceptance than there are now; the diversion counselors felt that thirty-three percent more clients were marginally employed (a job that provides little room for advancement and is somewhat tantamount to the capabilities of the client) at the time of acceptance than there are now; and the diversion counselors felt that thirty-seven percent more clients are adequately employed (a job that does provide ample room for advancement and is tantamount to the capabilities of the client) at this time than there were at the time of acceptance. Thus, in addition to having more clients employed now than at the time of acceptance, there are also more clients adequately employed full time at this time, percentage wise, than there were at the time of acceptance.

The final segment of Table 2 addresses restitution payments. It is a part of every client's program that restitution be paid in full. Table 2 shows that 45 active participants owed restitution at the time of their acceptance and a little over half of them have paid back the amount owed in full; although, only two-fifths of the total owed has been paid. The majority of the clients still owing restitution have several months to go in the project, and the staff will continue to require that their restitution be paid back in full if they want to complete their programs satisfactorily.

TABLE 2.

ADULT DIVERSION PROJECT'S ANNUAL REPORT

October 1, 1973 thru September 30, 1974

Disposition of Diversion Referrals from Pima County Attorney's Office

Number of Referrals from Pima County Attorney's Office	310	(100%)
Referrals Accepted by ADP	204	(66%)
Referrals Rejected by ADP	106	(34%)
Number of Referrals Accepted by ADP	204	(100%)
Active Participants	195	(96%)
Unsuccessful Termination	9	(4%)
Number of Referrals Accepted by ADP	204	(100%)
Revocation by ADP (Uncooperative)	5	(2%)
Revocation by Rearrest (1 Felony and 2 Misdemeanors)	3	(1%)
Voluntary Termination	1	(.5%)
<u>Total Number of Clients Active in ADP</u>	195	(100%)

The Number of Months Clients Have Been in ADP

One Month	14	(7%)
Two Months	23	(12%)
Three Months	12	(6%)
Four Months - (Mode)	26	(13%)
Five Months	21	(11%)
Six Months - (Mean and Median)	14	(7%)
Seven Months	19	(10%)
Eight Months	15	(8%)
Nine Months	7	(4%)
Ten Months	21	(11%)
Eleven Months	11	(6%)
Twelve Months	12	(6%)

Sex, Age, and Race Composition of Clients in ADP

<u>Sex</u>	195	(100%)
Male	159	(82%)
Female	36	(18%)
<u>Age Range</u>		
From 18 to 20	105	(54%)
From 21 to 24	42	(22%)

TABLE 2.
(Continued)

From 25 to 29	19	(10%)
From 30 to 39	20	(10%)
From 40 to 61	9	(5%)

Race

Anglo	142	(73%)
Mexican-American	37	(19%)
Black	9	(5%)
Indian	6	(3%)
Oriental	1	(1%)

Marital Status and Number of Dependents of Clients in ADP

<u>Marital Status</u>	195	(100%)
Single	123	(63%)
Married	53	(27%)
Divorced	16	(8%)
Separated	2	(1%)
Widowed	1	(1%)

Number of Dependents (Including Clients)

One Dependent	137	(70%)
Two Dependents	22	(11%)
Three Dependents	12	(6%)
Four Dependents	10	(5%)
Five Dependents	11	(6%)
Six Dependents	3	(2%)

Highest Academic Grade Attended by Clients in ADP

<u>Highest Grade Range Attended</u>	195	(100%)
Grades Two thru Eight	6	(3%)
Grades Nine thru Eleven	36	(18%)
Grade Twelve or GED - (Mean, Median, and Mode)	94	(48%)
Grades Thirteen thru Sixteen	55	(28%)
Grades Seventeen and Eighteen	4	(2%)

Job Status of Clients in ADP At Time of Acceptance

<u>Job Status at Time of Acceptance</u>	195	(100%)
Unemployed	63	(32%)
Employed Part Time	10	(5%)
Employed Full Time (Military Included)	84	(43%)
Enrolled in School	29	(15%)
Housewife	4	(2%)
Retired	3	(2%)
Vocational Training Program	2	(1%)

TABLE 2.
(Continued)

Number of Clients Employed Full Time Who Are Either Underemployed, Marginally Employed, or Adequately Employed	84	(100%)
Underemployed	20	(24%)
Marginally Employed	36	(43%)
Adequately Employed	28	(33%)
<u>Present Job Status of Clients in ADP</u>	195	(100%)
Present Job Status		
Unemployed	12	(6%)
Employed Part Time	10	(5%)
Employed Full Time (Military Included)	129	(66%)
Enrolled in School	28	(14%)
Housewife	7	(4%)
Retired	3	(2%)
Vocational Training Program	6	(3%)
Number of Clients Employed Full Time Who Are Either Underemployed, Marginally Employed, or Adequately Employed	129	(100%)
Underemployed	26	(20%)
Marginally Employed	13	(10%)
Adequately Employed	90	(70%)
Present Monthly Income Earned Before Tax Deductions By Clients Employed Full Time (Military Included)	129	(100%)
Income Range		
0 to \$299	2	(2%)
\$300 to \$699	90	(70%)
\$700 to \$999	26	(20%)
\$1000 to \$1999	8	(6%)
\$2000 to \$2999	2	(2%)
<u>Restitution Payments</u>		
Total Number of Clients Originally Owing Restitution	45	(100%)
Number of Clients No Longer Owing Restitution	24	(53%)
Number of Clients Owing Restitution	21	(47%)
Total Amount Originally Owed	\$14,169.24	(100%)
Total Amount Paid	5,658.86	(40%)
Total Amount Outstanding	8,510.38	(60%)

Adult Diversion's "Felony" Program

Table 3 discloses that seventy-three percent of the active participants in the ADP are in the "Felony" Program. The "felony" participants have been in the project one month longer on the average, seven months, than the average of all the participants in the ADP. The same characteristics that describe the majority of participants in Table 2 also describe the characteristics of "felony" participants in Table 3. In regard to the employment area, there were 45 more "felony" clients unemployed at the time of acceptance than there are now; there are 40 more "felony" clients employed full time now than there were at the time of acceptance; and there are three more "felony" clients enrolled in a vocational training program now than there were at the time of acceptance. Of the "felony" clients employed full time, Table 3 shows that six percent more clients were underemployed at the time of acceptance than there are now; that fifty-three percent more clients were marginally employed at the time of acceptance than there are now; and that fifty-eight percent more clients are adequately employed at this time than there were at the time of acceptance.

In reference to employment, the statistics in Table 3 indicate that the diversion counselors have been slightly more successful with "felony" clients in securing adequate employment than they have been with all the ADP clients averaged together. A cogent reason given for this difference in success between the "felony" clients and the other clients is that "felony" clients

have been in the project for a longer period of time, on the average, than the County and City "Misdemeanor" and "UPOM" clients, and in most cases, the "felony" clients will continue to be in the project longer than the other clients.

TABLE 3.

ADULT DIVERSION PROJECT'S ("FELONY" PROGRAM'S) ANNUAL REPORT

October 1, 1973 thru September 30, 1974

<u>Total Number of "Felony" Clients Active in ADP</u>	142	100%
The Number of Months Clients Have Been in ADP		
One Month	8	(6%)
Two Months	9	(6%)
Three Months	8	(6%)
Four Months	8	(6%)
Five Months	14	(10%)
Six Months	14	(10%)
Seven Months - (Mean and Median)	19	(13%)
Eight Months	14	(10%)
Nine Months	7	(5%)
Ten Months -- (Mode)	20	(14%)
Eleven Months	9	(6%)
Twelve Months	12	(8%)
<u>Sex, Age, and Race Composition of Clients in ADP</u>		
Sex		
Male Clients	114	(80%)
Female Clients	28	(20%)
Age Range		
From 18 to 20	73	(51%)
From 21 to 24	29	(20%)
From 25 to 29	16	(11%)
From 30 to 39	18	(13%)
From 40 to 61	6	(4%)
Race		
Anglo	98	(69%)
Mexican-American	30	(21%)
Black	9	(6%)
Indian	4	(3%)
Oriental	1	(1%)
<u>Marital Status and Number of Dependants of Clients in ADP</u>		
Marital Status		
Single	82	(58%)
Married	43	(30%)
Divorced	14	(10%)

TABLE 3.
(Continued)

Marital Status		
Separated	2	(1%)
Widowed	1	(1%)
Number of Dependents (Including Clients)		
One Dependent	93	(65%)
Two Dependents	19	(13%)
Three Dependents	11	(8%)
Four Dependents	9	(6%)
Five Dependents	8	(6%)
Six Dependents	2	(1%)
<u>Highest Academic Grade Attended by Clients in ADP</u>	<u>142</u>	<u>100%</u>
Highest Grade Range Attended		
Grades Two thru Eight	5	(4%)
Grades Nine thru Eleven	32	(23%)
Grade Twelve or G.E.D. -- (Mean, Median, and Mode)	62	(44%)
Grades Thirteen thru Sixteen	41	(29%)
Grades Seventeen and Eighteen	2	(1%)
<u>Job Status of Clients in ADP At Time of Acceptance</u>	<u>142</u>	<u>(100%)</u>
Job Status At Time of Acceptance		
Unemployed	55	(39%)
Employed Part Time	9	(6%)
Employed Full Time (Military Included)	54	(38%)
Enrolled in School	17	(12%)
Housewife	3	(2%)
Retired	2	(1%)
Vocational Training Program	2	(1%)
Number of Clients Employed Full Time Who Are Either Underemployed, Marginally Employed, or Adequately Employed	54	(100%)
Underemployed	9	(17%)
Marginally Employed	36	(67%)
Adequately Employed	9	(17%)
<u>Present Job Status of Clients in ADP</u>	<u>142</u>	<u>(100%)</u>
Present Job Status		
Unemployed	10	(7%)
Employed Part Time	9	(6%)
Employed Full Time (Military Included)	94	(66%)
Enrolled in School	17	(12%)
Housewife	5	(4%)
Retired	2	(1%)
Vocational Training Program	5	(4%)

TABLE 3.
(Continued)

Number of Clients Employed Full Time Who Are Either Underemployed, Marginally Employed, or Adequately Employed	94	(100%)
Underemployed	10	(11%)
Marginally Employed	13	(14%)
Adequately Employed	71	(75%)
<u>Present Monthly Income Earned Before Tax Deductions By Clients Employed Full Time (Military Included)</u>	<u>94</u>	<u>(100%)</u>
Income Range		
0 to \$299	2	(2%)
\$300 to \$699	61	(65%)
\$700 to \$999	24	(26%)
\$1000 to \$1999	5	(5%)
\$2000 to \$2999	2	(2%)

Adult Diversion's County and City Misdemeanor Program

Table 4 denotes that seven percent of the active participants in the ADP are in the County and City Misdemeanor Program. The "misdemeanor" participants have been in the project one month less, on the average, than the average of all the participants in ADP and two months less, on the average, than the "felony" participants. The same characteristics that describe the majority of participants in Tables 2 and 3 also describe the majority of "misdemeanor" participants in Table 4. In reference to employment, there is one "misdemeanor" client unemployed at this time and there were no "misdemeanor" clients unemployed at the time of acceptance; and there were two more "misdemeanor" clients employed full time at the time of acceptance than there are now. Of the "misdemeanor" clients employed full time, Table 4 sets forth that seven percent more clients are now underemployed than there were at the time of acceptance and that seven percent more clients are adequately employed at the time of acceptance than there are now.

The data on employment discloses that the diversion counselors have been somewhat unsuccessful in aiding these clients obtain jobs and somewhat unsuccessful in finding them jobs that are adequate for their capabilities. The difference in full time employment and the quality of employment for "misdemeanor" clients that engenders the above figures is only two, but still there is no doubt that a little extra work in the employment area with these clients is needed.

ADULT DIVERSION PROJECT'S
(COUNTY AND CITY MISDEMEANOR PROGRAM'S) ANNUAL REPORT

October 1, 1973 thru September 30, 1974

<u>Total Number of "Misdemeanor" Clients Active in ADP</u>	<u>14</u>	<u>100%</u>
The Number of Months Clients Have Been in ADP		
One Month - (Mode)	5	(36%)
Two Months	1	(7%)
Five Months--(Mean and Median)	4	(29%)
Eight Months	1	(7%)
Ten Months	1	(7%)
Eleven Months	2	(14%)
<u>Sex, Age, and Race Composition of Clients in ADP</u>	<u>14</u>	<u>100%</u>
Sex		
Male Clients	11	(79%)
Female Clients	3	(21%)
Age Range		
From 18 to 20	7	(50%)
From 21 to 24	4	(29%)
From 30 to 39	1	(7%)
From 40 to 61	2	(14%)
Race		
Anglo	10	(71%)
Mexican-American	3	(21%)
Indian	1	(7%)
<u>Marital Status and Number of Dependents of Clients in ADP</u>	<u>14</u>	<u>100%</u>
Marital Status		
Single	6	(43%)
Married	6	(43%)
Divorced	2	(14%)
Number of Dependents (Including Clients)		
One Dependent	7	(50%)
Two Dependents	3	(21%)
Three Dependents	1	(7%)

TABLE 4.
(Continued)

Four Dependents	1	(7%)
Five Dependents	2	(14%)
<u>Highest Academic Grade Attended by Clients in ADP</u>	<u>14</u>	<u>100%</u>
Highest Grade Range Attended		
Grades Two thru Eight	1	(7%)
Grade Twelve or G.E.D. (Mean, Median, and Mode)	8	(57%)
Grades Thirteen thru Sixteen	5	(36%)
<u>Job Status of Clients in ADP at Time of Acceptance</u>	<u>14</u>	<u>100%</u>
Job Status At Time of Acceptance		
Employed Full Time (Military Included)	9	(64%)
Enrolled in School	4	(29%)
Housewife	1	(7%)
Number of Clients Employed Full Time Who Are Either Under-employed, Marginally Employed, or Adequately Employed	9	(100%)
Underemployed	2	(22%)
Adequately Employed	7	(78%)
<u>Present Job Status of Clients in ADP</u>	<u>14</u>	<u>100%</u>
Present Job Status		
Unemployed	1	(7%)
Employed Full Time (Military Included)	7	(50%)
Enrolled in School	4	(29%)
Housewife	2	(14%)
Number of Clients Employed Full Time Who Are Either Under-employed, Marginally Employed, or Adequately Employed	7	(100%)
Underemployed	2	(29%)
Adequately Employed	5	(71%)
Present Monthly Income Earned Before Tax Deductions For Clients Employed Full Time (Military Included)	7	(100%)
\$300 to \$699	5	(71%)
\$1000 to \$1999	2	(29%)

Adult Diversion's Unlawful Possession of Marijuana Pilot Program

On December 12, 1974, a preliminary evaluative research study of the Unlawful Possession of Marijuana (UPOM) Pilot Program was completed. The study first revealed that out of the 49 "UPOM" defendants (100%) referred for diversion 39 of them (80%) met the criteria for acceptance into the Pilot Program.

Table 5 divulges that out of the thirty-nine "UPOM" referrals accepted into the Pilot Program, thirty-four are still active participants, three have been successfully terminated, one has unsuspectedly died in his sleep, and one has been revoked (as mentioned in the preceding section). The average amount of time that the active participants have been in the program is five and one-half months. Also, Table 5 reveals that a vast majority of the thirty-nine defendants accepted into the Pilot Program are residence of Pima County, male, under twenty-five years old, Anglo, not married, claim just themselves as their only dependant, and have a high school diploma or GED.

To maximize administrative efficiency, the Adult Diversion Director designated one of the staff counselors to be responsible for all of the "UPOM" participants. Through one-to-one counseling and group counseling sessions, this particular counselor has discovered that all of the participants felt that it should not be illegal to possess marijuana and thought that they would never have been caught by law enforcement possessing it. In addition, all

of the participants were frightened by the arrest and the short jail time they served before arraignment. The counselor has found that many of these participants have a low self-concept and were unaware that it is a felony to possess any amount of marijuana. Also, the counselor believes that eight of the participants are using hard drugs and/or alcohol frequently, and these eight participants often try to deceive others as well as themselves by constantly making excuses for what they did or did not do.

TABLE 5.

ADULT DIVERSION PROJECT'S
UNLAWFUL POSSESSION OF MARIJUANA PILOT PROGRAM

(June 1, 1974 thru December 12, 1974)

<u>Status of Referrals Accepted Into the Pilot Program</u>	39	(100%)
Number of Active Participants	34	(87%)
Number of Successfully Terminated Participants	3	(8%)
Number of Early Terminated Participants	1	(3%)
Number of Unsuccessfully Terminated Participants	1	(3%)
<u>Number of Months Active Participants Have Been in the UPOM Program</u>	34	(100%)
Three months	1	(3%)
Four months	11	(32%)
Five months	4	(12%)
Six months	18	(53%)
<u>Resident Status of the UPOM Participants at the Time of Acceptance</u>	39	(100%)
Residents of Pima County	37	(95%)
Residents of Arizona But Not Pima County	1	(3%)
Residents of Another State	1	(3%)
<u>Sex, Age, and Race Composition of UPOM Participants</u>	39	(100%)
Male Participants	34	(87%)
Female Participants	5	(13%)
From 18 to 20	25	(64%)
From 21 to 24	9	(23%)
From 25 to 29	3	(8%)
From 30 to 39	1	(3%)
From 40 to 61	1	(3%)
Anglo	34	(87%)
Mexican-American	4	(10%)
Indian	1	(3%)

Table 5.

<u>Marital Status and Numbers of Dependents of UPOM Participants</u>	<u>39</u> (100%)
Single	35 (90%)
Married	4 (10%)
One Dependent	37 (94%)
Five Dependents	1 (3%)
Six Dependents	1 (3%)
 <u>Highest Academic Grade Attended By UPOM Participants</u>	 <u>39</u> (100%)
Grades Nine thru Eleven	4 (10%)
Grade Twelve or GED	24 (62%)
Grades Thirteen thru Sixteen	9 (23%)
Grades Seventeen and Eighteen	2 (5%)

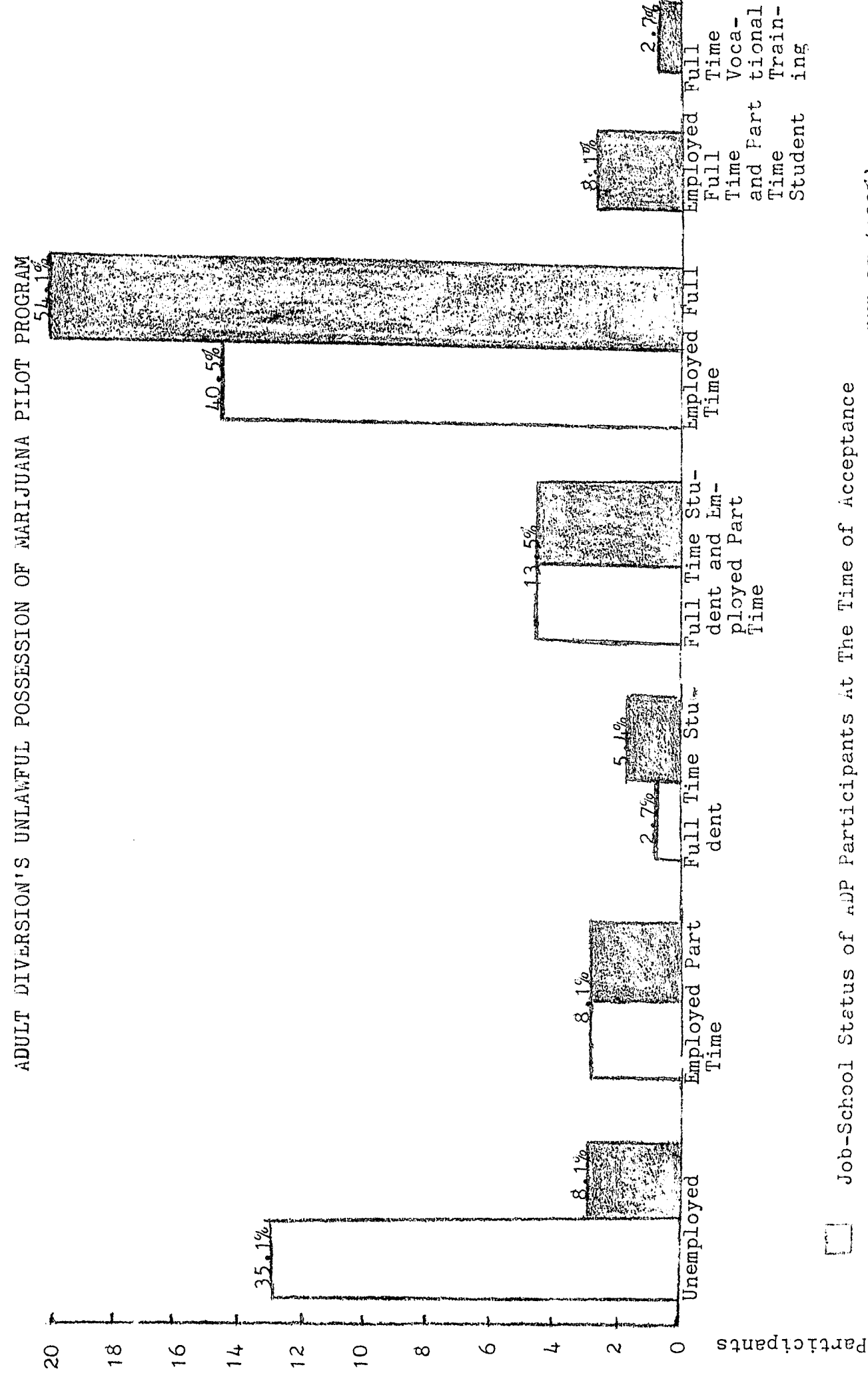
ASSESSMENT OF THE THREE SPECIFIC GOALS IN PART

The three specific goals of the UPOM Pilot Program, that are enumerated in the Introduction, are addressed in part in this section. Table 6 reveals the job and school status of the thirty-seven participants (excluding the one rearrested and the one deceased) at the time of acceptance into the program and at the time of this evaluation to ascertain if there is any significant difference. Table 6 shows that there were ten more participants unemployed at the time of acceptance than there are now; there are as many participants employed part-time now as there were at the time of acceptance; there are as many participants enrolled in school full time and employed part time now as there were at the time of acceptance; there are five more participants employed full time now than there were at the time of acceptance; there are three participants employed full time and enrolled in school part time at this time and there were none at the time of acceptance; and there is one participant enrolled in a full time vocational training program at this time and there were none at the time of acceptance.

The designated "UPOM" diversion counselor has related some personal observations about the participants that should be weighed alongside Table 6 in the assessment of the three specific goals of the Pilot Program. The counselor strongly feels that out of the 39 participants 19 (49%) have completely stopped smoking marijuana, 16 (41%) are occasionally smoking marijuana, and 4 (10%)

are frequently smoking marijuana. Furthermore, the diversion counselor has witnessed to different degrees a truculent, obstinate, and recalcitrant attitude on the part of almost every one of the "UPOM" participants at the time of acceptance because they were recently arrested for possessing a small quantity of marijuana, but after several meetings with the diversion staff and with the one-to-one and group counseling sessions, they all became more cooperative with the diversion staff and more aware of how the criminal justice system functions.

TABLE 6.



CONCLUSION

This evaluative research study attempted to review the UPOM Pilot Program's performance in relation to the originally conceived over-all objectives and specified main goals. To date, the Pilot Program has been successful in attaining all of the five over-all objectives and part of the three main goals. The large majority of "UPOM" participants will terminate in the latter part of January 1975, and the last participant in the Pilot Program will terminate in the middle part of March 1975. Since the UPOM Pilot Program has been exceedingly successful thus far and is near completion, the all-important question now arises how does the Pima County Criminal Justice System handle first time "UPOM" offenders apprehended with a small amount from this time on? A more narrower question that begs an answer is in what capacity, if any, should the Adult Diversion Project be involved with UPOM defendants?

Given the findings of the UPOM Pilot Program, one of the most simplistic and seemingly most logical answers to the above two queries is to expand the UPOM Program by admitting every first time defendant who is apprehended possessing two ounces or less of marijuana. The most salient problem inherent in this answer is that the Diversion Project does not have the economics, manpower, and time to sufficiently handle the substantial increase in "UPOM" defendants that would

be admitted into the program taking into account the present operational budget--especially with the projected number of felony defendants that the project will be accepting during this fiscal year.

On December 20, the Adult Diversion staff met with the County Attorney and the Tucson Chief of Police and his administration to discuss the research findings of the UPOM Pilot Program and to discuss the feasibility of instituting an efficient and effective program to handle all of the first time "UPOM" offenders apprehended with a small quantity in Pima County. The consensus among the persons attending this meeting was that the Tucson Police Department would assist the Adult Diversion Project in writing a LEAA grant proposal for a special UPOM Program to handle the estimated 700 first time, simple possession offenders for the 1975-76 fiscal year. The ADP will be requesting LEAA funds to hire an intake officer who has prior law enforcement experience and is knowledgeable about drug use and abuse, and a counselor whom is also knowledgeable about drug use and abuse.

The defendants charged with UPOM will have to go through the same intake process as the other ADP applicants and will have to meet the same criteria as the other applicants to obtain acceptance status. Once accepted into the UPOM Program, the intake officer and diversion counselor will determine if the participants require maximum or minimum supervision. The participants requiring maximum supervision will be assisted by the

diversion counselor in developing a comprehensive plan directed at a short-term treatment of recent behavior and/or social problems. The participants requiring only minimal supervision will be seen by the diversion counselor periodically just to check on their progress. All of the "UPOM" participants will be obligated to participate in the program for six months. The goals of the UPOM Program will be identical to the goals of the Adult Diversion Project.

The ADP personnel is continuously working on making the project's services more effective and working on developing concrete plans for expansion of services. As the statistics indicated in the prior chapter, the ADP has been quite successful over all in the economic and employment areas, but the staff firmly believes that much more could be done for the diversion participants and the community at large. At this time, the two most innovative programs that the staff is working on to better serve the participants and the community will be discussed below.

Two Innovative ADP Programs For the Forthcoming Year

One of the two innovative programs that the diversion staff is working on to institute in the near future is a Public Service Employment Program (PSE). The diversion administrators have already begun to collaborate with the Pima County and Tucson Manpower Offices. The Adult Diversion Project is proposing that ten public service employment slots be made available within the personnel office of Pima County and City of Tucson for deserving clients who would benefit from the experience. The three objectives of the PSE Program are:

1. to provide immediate jobs for diversion clients as laborers in the city and county employment systems,
2. to encourage city and county employers to absorb the public service employees, if feasible, as rapidly as possible onto their own payrolls so that more diversion clients would have the opportunity to gain entry

into the public employment system, and

3. to provide supportive counseling services for the clients in the public service employment jobs as well as consult with their employers periodically.

The other innovative program that the diversion staff is currently researching for future implementation is a Victim Advocate Program. At this time, the ADP personnel is servicing the persons victimized by diversion participants by requiring these participants to pay the victims restitution, but the diversion staff is very interested in expanding their scope and services to help other victims in the local community. The Adult Diversion Project administration strongly feels that the person victimized by criminal offenders in the local community have not been receiving enough assistance in addressing their personal and social problems resulting from the illegal actions. Presently, the ADP staff is doing library research, attending conferences, and contacting prominent experts on victimology so that the administrators will know how to best institute a comprehensive and effective Victim Advocate Program. The Victim Advocate Program will, at least, provide for the persons victimized information about how the criminal justice system operates and referral services to community agencies for physical, emotional, and/or monetary problems stemming from the criminal acts.

In conclusion, this report attempted to review the project results in relationship to the originally conceived goals for the diversion project. There are four basic reasons for the creation and continuance of this project and they are important enough to be restated.

The Pima County Attorney's Office has had a serious problem of handling an augmented caseload with a limited staff. The ADP has been able to help the County Attorney combat this problem by allowing him to divert the impulsive, situational, and non-violent offenders. Therefore, the prosecutors are able to give more time and concentrate more effort towards a speedy trial for crimes of violence, consumer fraud, and organized crime. This allows the County Attorney to prioritize his staff for better utilization of manpower to meet the needs and expectations of the community.

The Pima County Court System has had a serious problem with a spiraling crime rate which has caused increasing pressure on the county tax dollars. By reducing this already heavy court load, ADP provides an alternative to the necessity for the construction of additional court rooms, and the hiring of additional judges, county attorneys, and public defenders.

This program has placed emphasis on the needs of the victims of crime. With the belief, that victims also have rights, the diversion program has had every defendant meet with the victim and agree to make restitution. Also, services have been provided for victims where crisis intervention or further assistance was indicated. The defendant has also gained insight into the consequences to others that resulted from his/her actions.

Possibly the most important reason that could be given to justify the ADP is that the project is designed to habilitate the impulsive, situational, non-violent offender before he/she begins establishing a criminal behavior pattern. Hence, the ADP staff is striving to work with the diversion participants in their own communities so that they will have a better chance to be law-abiding, productive citizens for the rest of their lives instead of being stigmatized with a criminal conviction.

APPENDIX A.

APPLICATION FOR DEFERRED PROSECUTION
 in the
 PIMA COUNTY ATTORNEY'S OFFICE

I. Please print or type:
 Name _____ Date _____
 first middle last
 Address _____ ZipCode _____
 Telephone _____ Date of Birth _____
 month day year
 Age _____ Sex _____ Place of Birth _____
 Social Security No. _____

Is there someone to contact if we cannot get ahold of you? (neighbor, relative, friend) Name _____
 Address _____ Phone _____
 Relationship to you _____

II. Family Background: (Please list the names, addresses, ages, and occupations of your spouse, parents, brothers, and sisters)

Name	Address or City	Age	Occupation	Relationship
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

III. Marital Status - Circle One: Married Single Divorced
 Widowed Separated Number of Dependents: _____
 Are you paying child support? _____ How much? _____

IV. Education: Highest grade attended _____
 List any high school, trade school or University attended

Name	Location	Dates of Attendance	Diploma or Degree
_____	_____	_____	_____
_____	_____	_____	_____

APPLICATION FOR DEFERRED PROSECUTION

- IV. Education--continued
If you do not have a high school diploma, are you interested in obtaining a GED equivalent? _____
- V. Housing--With whom are you living at the present time?

Type of residence (please check)
Apartment _____ Mobile Home _____ House _____
Dormitory _____ Other _____
Rent _____ Own _____ Share _____
Cost of housing per month _____
What is the length of time at present residence? _____
Number of residences lived in the past year _____
- VI. Employment: List most recent employment first

Employer	Address	Dates Employed	Type of Work	Monthly Earnings
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Number of jobs in last two years? _____
Are you satisfied with your present employment? Yes _____ No _____
What kind of job preferences do you have?
1. _____
2. _____
3. _____
4. _____
Are you interested in any type of training?
1. _____
2. _____
3. _____
4. _____
- VII. Economic Situation: Source of income (employment, welfare, social security, training allotments, child support, other) _____
Amount per month _____

APPLICATION FOR DEFERRED PROSECUTION

- VII. Economic Situation--continued
What expenses do you have per month: (Include payments on car, housing medical, loans, credit cards, etc.)

Do you have a checking account? Yes _____ No _____
Savings account? Yes _____ No _____
- VIII. Transportation: Driver's License Number _____
Means of transportation (Car, bus, bicycle, other) _____
Type of license (regular, chauffeur) _____
If you own a car do you have car insurance? Yes _____ No _____
With whom _____
Do you have any outstanding traffic tickets? _____
- IX. Military Status:
What is your Selective Service Number? _____
What is your Selective Service Status? _____
List past military service?

Branch of Service	Dates
_____	_____
_____	_____

Are you eligible for G.I. benefits? _____
Are you presently receiving G.I. benefits? _____
- X. Briefly explain why you wish to be accepted in the Adult Diversion Project

I certify the above information to be true and correct to the best of my knowledge.
Signature of applicant: _____
Date of application: _____

REVIEW OF: _____ DATE: _____
(9 mos. - 6 mos. - 3 mos.)

COUNSELOR: _____

Each three months, ADP asks you to review for us your situation in the following areas:

1. Your current housing: _____
Address _____
With whom are you living? _____
How do you feel about where you are living? _____
2. Current job status: employed ___ unemployed ___ Part-Time ___
Employed Full-Time ___ Attending School ___ Participating in a
Training Program ___ Retired ___ Disability ___ Houseperson ___
Employer _____
Is this a different job than the previous three months? _____
Type of work _____
Salary _____
Are you satisfied? _____
3. Are you interested in any training? _____
What type? _____
4. Legal status -- have you had any recent contacts with law enforcement, pending cases or parking fines? _____
5. Financial status:
Are your bills being taken care of? _____ Please list them.
1. _____ 4. _____
2. _____ 5. _____
3. _____ 6. _____
6. Have you completed your restitution payments? _____
How much do you owe? _____
How much are you paying each month? _____
7. Educational: Are you involved in any type of training or schooling?
Where? _____

8. What services, if any, have you used during these three months that have been helpful to you? (employment, mental health, food stamps, etc.) _____

9. What services, if any, have been unhelpful? _____

10. What services could ADP offer that would be helpful? _____

11. Have you participated in ADP group sessions? Yes ___ No ___
Date _____ Completion _____
If yes, was the group worthwhile? Yes ___ No ___ Please
explain your answer to the question. _____

12. Current Goals or Plans (schooling, employment, personal, etc.)

13. How interested is your counselor in you?
Very Interested |-----| Not Interested
14. Additional comments or recommendations: _____

COUNSELORS REVIEW OF: _____
(9 Month, 6 Month, 3 Month)

COUNSELOR: _____

I. NUMBER OF VISITS OR CONTACTS WITH ADP DURING 3-MONTH PERIOD

II. GOALS: (Long, Short Range, Client's, by Counselor) _____

III. CLIENT'S ATTITUDE AND ADJUSTMENT: (i.e. toward self, toward program)

FOLLOW-UP ADP QUESTIONNAIRE

ADP Follow-Up Interview With _____

1. Date of ADP Termination _____ Date of Follow-Up Interview _____

2. Age _____ Sex _____

3. Marital Status: Married ___ Single ___ Divorced ___ Widowed ___
Separated ___ Number of Dependents ___

4. How long have you lived in Tucson-Pima County? _____

5. How long have you lived in Arizona? _____

6. From the time you were accepted into the Adult Diversion Project till now, have you had any contact with the police? Yes ___ No ___
If yes, please state what the contact involved. (Do not include traffic tickets)

<u>Date</u>	<u>Charge</u>	<u>Disposition</u> (e.g., Fine, Probation, Charges Dropped)
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7. How many jobs have you held in the past two years? _____

8. Present Employment Status: Employed Full Time _____
Employed Part Time ___ Unemployed ___ Full Time Student ___
Part Time Student ___ Enrolled in a Vocational Training Program ___
Houseperson ___ Retired ___

9. List your most recent employment first.

<u>Dates Employed</u>	<u>Type of Work</u>	<u>Hours per Week</u>	<u>Weekly Gross Earnings</u> (Before taxes)
-----------------------	---------------------	-----------------------	--

10. The amount grossed per month at this time? Source(s)? _____

11. The amount grossed per month before being accepted into the ADP _____

12. How does the job you have now compare with the job you had before you were accepted into the Adult Diversion Project?

The job I have now is:

- better than the job I had before I was accepted into the ADP
- just as good as the job I had before I was accepted into the ADP
- not as good as the job I had before I was accepted into the ADP
- I have no job now and I did have a job before I was accepted into ADP
- I have no job now and I had no job before I was accepted into ADP
- I have a job now and I had no job before I was accepted into ADP

13. Do you feel that what you learned in the ADP helped you, or will help you in finding a job and/or keeping a job?

- Helped or will help a lot
- Helped or will help some
- Did not or will not help at all

14. Level of education when accepted into the program _____

15. Level of education when completed the program _____

16. Level of education at the time of this interview _____

17. Do you feel that what you have been exposed to in the ADP helped you, or will help you in continuing school?

- Helped or will help a lot
- Helped or will help some
- Did not or will not help at all
- Did not and do not have any desire to continue school

18. Were you involved in any type of vocational training while in ADP?

Yes No If yes, what type of training _____
Please state if the training was worthwhile? Yes No . and explain your answer _____

19. Did you participate in the ADP group sessions? Yes No
If yes, was the group worthwhile? Yes No Please explain your answer _____

20. How do you feel about "where your head's at" now?

- Better than before I was accepted into the ADP
- About the same as before I was accepted into the ADP
- Not as good as before I was accepted into the ADP

21. Did the ADP help you in understanding yourself better?

- Helped a great deal
- Helped some
- Did not help at all
- Did not need any help
- Made it harder to understand myself

22. How much of what you have been exposed to in the ADP do you think will be, or is, useful to you in everyday living?

- A lot of what I learned
- Some of what I learned
- None of what I learned
- Did not learn anything

23. What services, if any, did you use during your participation in the ADP that have been helpful to you (employment, mental health, food stamps, etc.) _____

24. What services, if any, have been unhelpful during your participation in the ADP? _____

25. How interested was your counselor in you? Circle your answer.

Not Interested |-----| AVERAGE |-----| Very Interested
Briefly explain your answer _____

26. How many times a month, on the average, did you see an ADP Counselor: _____

27. How interested was the entire ADP staff in you? Circle your answer.

Not Interested |-----| AVERAGE |-----| Very Interested
Briefly explain your answer _____

28. What services, not already offered to ADP participants, could ADP offer to participants, like yourself, that would be helpful? _____

29. How do you feel about your over-all experience in the ADP? Circle your answer.

Really Bad |-----| AVERAGE |-----| Really Good

29. Please explain your answer: _____

30. How long were you actually participating in ADP (e.g., seeing a
diversion counselor) before you left this area to be where you are
now? _____

31. Additional comments or recommendations: _____

END