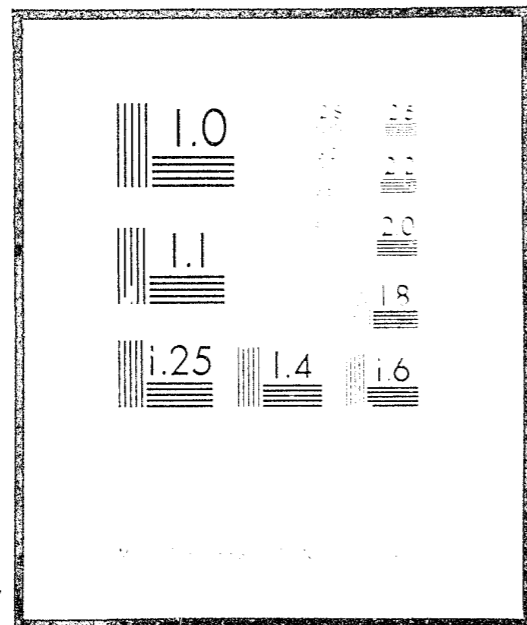


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J a s e r i l m e d

DRUG DIVERSION 1000 P.C. IN CALIFORNIA 1974

37312

STATE OF CALIFORNIA
DEPARTMENT OF JUSTICE
DIVISION OF LAW ENFORCEMENT
BUREAU OF CRIMINAL STATISTICS

FOREWORD

This is the third in a series of planned reports on the Drug Offender Diversion Program (Penal Code, Section 1000, et seq.). The Bureau of Criminal Statistics (BCS) is conducting this study under agreement with the State Office of Narcotics and Drug Abuse (SONDA) utilizing statistical data submitted by county probation departments.

This report describes the statewide movement of 1000 P.C. diversion cases during 1973 and 1974 and the various characteristics of defendants placed on and removed from the program. Analytical tables include both 1973 and 1974 data to provide program information since its inception in 1973. In addition to statewide program tables and analyses, 1974 local agency tables are included for each participating county.

No attempt is made in this publication to assess the success or failure of the 1000 P.C. Drug Offender Diversion Program. SONDA is sponsoring two additional studies to evaluate its impact. First, a recidivism study is being conducted by BCS. Its design will provide comparative data using prediversion control groups as well as control groups of contemporary cases which were not diverted. In addition to this recidivism study, a statewide workload and cost analysis of the impact of diversion statutes upon the local agencies and the community health care systems is being prepared for SONDA by a non-governmental agency. Both studies are scheduled for completion in 1976.

The Bureau extends its appreciation to staff members of the State Office of Narcotics and Drug Abuse for their contribution to this report.

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EXECUTIVE SUMMARY

As of December 31, 1974, all California counties (except one) were utilizing the provisions of Penal Code, Section 1000, the Drug Offender Diversion Law. A total of 50,923 adults have been diverted from conventional court processes since the program's inception in 1973. Of these, 30,503 diversions occurred during 1974. At the close of 1974, 25,172 cases, or 49.4 percent of those diverted during 1973 and 1974, were under active diversion supervision.

In 1973, 17.2 percent of all adults arrested for felony and misdemeanor drug law violations were diverted. Utilization of the statute during 1974 increased this proportion to 23.5 percent.

The following data show characteristics for defendants who participated in the drug diversion program during 1973 and 1974. Los Angeles County, which accounted for 33.9 percent (17,283) of the total number of persons diverted during 1973 and 1974, is excluded from the following data because individualized report data were not available.

- Of the 33,640 persons who entered the program during 1973 and 1974, 77.5 percent were charged with possession of marijuana, 6.0 percent with possession of narcotics, and 5.0 percent with possession of dangerous drugs.
- The percent of persons diverted who were under 20 years of age was 30.6, with 80.7 percent under 25. The median age of persons diverted during 1974 was 22.
- Whites comprised 83.1 percent of those diverted; Negroes, 7.8 percent; Mexican-Americans, 7.6 percent; and "all other" races, 1.4 percent.
- Almost one-third of those diverted and removed (31.0 percent) had a prior criminal record (one or more prior adult arrests).
- The average length of time for persons to be in a diversion program was 6.8 months.
- Of those diverted and removed during 1973 and 1974, 86.6 percent successfully completed the program.
- Defendants with the following characteristics usually have slightly better success rates:
 - those with no prior record
 - those charged with possession of marijuana
 - older divertees
 - females

INTRODUCTION

On December 15, 1972, the Campbell-Moretti-Deukmejian Drug Abuse Treatment Act was signed into law. Contained within this bill were the provisions of Penal Code, Sections 1000 through 1000.4 intended as an alternative to court processes for young adult drug abusers. The statute provides for the suspension of court proceedings for a period of six months to two years for certain first-time drug offenders. Those diverted from the court system are referred to community resources for education, treatment, or rehabilitation. A copy of the statute appears in Appendix A.

If the diveree successfully completes the program, the criminal charges are dismissed. However, if the diveree is arrested and convicted for any criminal offense while in the program, he is referred back to the court for arraignment and disposition as if he had not been diverted. Charges may also be reinstated for individuals who violate conditions of diversion such as attendance or participation in assigned education, treatment, or rehabilitation programs.

Individuals placed in the drug diversion program may be diverted for one of five Health and Safety Code Sections (H&S): possession of marijuana (11357 H&S), possession of narcotics (11350 H&S), possession of dangerous drugs (11377 H&S), possession of paraphernalia (11364 H&S), and visiting a place where narcotics are being used (11365 H&S). Throughout this report, the terms "narcotics", "marijuana", "dangerous drugs", and "paraphernalia" will imply possession of rather than selling, transporting, etc. of any of the above.

DRUG DIVERSION PROGRAM

Participation in the Program

Although the drug diversion program was signed into law on December 15, 1972, it was March 1973 before most counties had actually implemented the Drug Offender Diversion Program. By the end of the year, 20,420 adults had entered the program. By the end of 1974, the first full year of operation, 30,503 adults had been diverted (Table 14).

As shown in Table 14, the 30,503 adults diverted in 1974 amounted to almost one-fourth (23.5 percent) of all adults arrested for a drug law violation in 1974. Of those arrested for a marijuana offense in 1974, over one-third (37.7 percent) were diverted (Table 13).

Almost 60 percent of the divertees live in Los Angeles, San Diego, and Orange counties. These three counties together contained slightly less than one-half of the state's total population in 1974.

With a few exceptions, the less populated rural counties divert a much higher percentage of those arrested than do the urban counties. In Los Angeles County, 18.1 percent of those arrested for a drug law violation were diverted, 34.4 percent in San Diego, and 26.3 percent in Orange County.

Caseload Movement

On December 31, 1974 the drug diversion active caseload was 25,172, compared to 16,680 for the same date in 1973 (Table 14). The 50.9 percent increase from 1973 to 1974 indicates that the program was expanding and the number diverted exceeded those who were removed. In 1974, the average number of adults who entered the program each month was one-third greater than in 1973. Less than 4,000 removals were reported in 1973 since only those who entered the program prior to July 1 would be eligible for release after serving the six-month statutory minimum. Unsuccessful removals can, of course, occur at any time.

Length of Diversion

The average divertee stays in the program 6.8 months with the majority being retained in the program for the minimum statutory period of six months (excludes Los Angeles County). The average includes unsuccessful terminations and any successful termination removals prior to the six-month minimum. Most of the divertees (64.2 percent) are removed from the program after the first six months, with only 2.6 percent retained in the program for over one year (Table 10).

DRUG DIVERSION OFFENDER CHARACTERISTICS

The following characteristics do not include Los Angeles County data since they did not report any individual data.

Sex and Race

In 1973 and 1974, a slightly greater percentage of females were diverted for the more serious offenses such as narcotics and dangerous drugs. Females comprised 15.8 percent of the total adults diverted but comprised 27.1 percent of the adults diverted for possession of narcotics and dangerous drugs (Table 2). Whites comprised 83.1 percent of those diverted during 1973 and 1974; Negroes, 7.8 percent; Mexican-Americans, 7.6 percent; and "all other" races, 1.4 percent.

A statistical test (Chi square) was computed to determine whether the racial distribution for each offense fell within normal probability limits. The test shows Negroes and Mexican-Americans have more referrals to the program for the more serious offenses than would normally be expected. It cannot be concluded, however, that this finding indicates a bias in the selection of defendants for the program. Interpretation of racial findings are difficult since any differences shown could be due to racial drug preference, varying enforcement practices, or to some other factor.

Age

As shown in Table 3, 80.7 percent of adults diverted were under age 25; 30.6 percent were under 20. Older divertees are more often charged with the more serious offenses (possession of narcotics and dangerous drugs). Almost one-third (32.4 percent) of the divertees over 40 years of age were charged with either possession of narcotics or dangerous drugs compared to 7.5 percent for those under 20. Of those under 20, 79.6 percent are diverted for marijuana compared to 59.1 percent of those over 40. The median age of those diverted to the drug diversion program in 1974 was 22.

Offenses

Of those who entered the program during 1973 and 1974, 77.5 percent were charged with marijuana, 6.0 percent with narcotics, 5.0 percent with dangerous drugs, 3.7 percent with paraphernalia, and 5.3 percent with visiting a place where narcotics were being used (Table 2).

Prior Criminal Record

Prior criminal records were determined for almost 30 percent of those removed from the program during 1973 and 1974. Prior criminal records are determined at the time of removal so that the type of prior criminal record can be correlated with success or failure. The prior criminal record is

determined by BCS staff from the Criminal History (rap sheet) on file in the Bureau of Identification.

It was determined that 31.1 percent of all persons removed from diversion in 1973 and 1974 had some type of criminal record (at least one adult arrest) prior to being diverted. Data in Table 4 indicate that defendants with no prior criminal record are more frequently diverted on possession of marijuana charges (70.0 percent) than any other specific offense. (Of those diverted for possession of marijuana, 29.9 percent had minor or major prior criminal records compared to 45.6 percent of those individuals diverted for possession of dangerous drugs.)

PROGRAM OUTCOME

Table 14 shows that during 1973 and 1974, 25,751 divertees were removed from diversion (7,751 in Los Angeles County). Of the 18,000 known removal outcomes, 86.3 percent were considered successful terminations because the original charges were dismissed. Technical violation removals accounted for 7.6 percent and absconds for 2.3 percent. Those removed from diversion because they committed a new offense comprised 3.8 percent of all persons removed (Table 5).

Sex

Although females were diverted for the more serious drug offenses, the overall success rate for females is greater than for males, 91.8 percent vs. 85.6 percent (Table 9). For all females under 25 the success rate was 92.2 percent while the male rate was 84.6 percent. For both males and females 25 through 39 the rate is almost the same (89.4 and 90.4 respectively). For adults 40 and over, the success rate is higher for females, 96.4 percent compared to 94.5 percent for males. The female success rate gradually increases from 25 years and older.

Race

Table 6 shows whites have a success rate of 87.5 percent, which is higher than the success rates of Mexican-Americans and Negroes. A partial explanation may be that whites as a group had a smaller percentage with prior criminal records. Also, within each racial group those with no prior criminal records have much better success rates. The following table shows that as the percent with no prior record increases, so does the overall success rate, but to a lesser degree.

1000 P.C. DRUG DIVERSION REMOVALS DURING 1973 AND 1974
Race by Prior Record and Success Rate

Race	No prior record	Overall success rate
Negro	55.3%	76.8%
Mexican-American	59.7	83.1
Other	66.1	83.1
Whites	70.9	87.5

Age

Success in the program has a strong correlation with the age of the diverttee. The older diverttees, even though more were involved with more serious drugs, were more successful. In the under 25 years of age category, 85.7 percent successfully completed the program as compared to 94.1 percent in the over 40 age category (Table 9).

Offense

Persons diverted for marijuana have a slightly better success rate, 87.4 percent, than those diverted for the other specific offenses (Table 7). The second highest is narcotics with 86.9 percent.

Prior Record

The prior criminal record of the defendant is one of the major guides utilized by the courts in sentencing because it has been found that persons with prior criminal records generally are not as successfully rehabilitated as those with no prior record. However, because determination of a person's prior criminal record is a costly process, only 10 percent of those removed in 1974 had a determination made as to their prior criminal record. In 1973, the number of persons removed was small; therefore, prior record was determined for all of them.

Table 5 points out the relationship between an individual's prior criminal record and successful or unsuccessful completion of the program. The success rate is highest (89.1 percent) among divertees with no prior criminal record. Individuals with a minor record demonstrate an 80.7 percent success rate and those with a major record, a 74.4 percent success rate.

Length of Diversion

The average length of diversion is 6.8 months, with 64.2 percent of those diverted remaining in the program for the statutory minimum of six months (Table 10). The following table shows that a total of 2,842 persons were removed with less than six months of experience in the program and that 1,899 of them, or 66.8 percent, were reported as successfully completing the program. The remaining 943 were removed for some type of violation (absconds, technical violation, or a new offense). This amounted to 39.2 percent of the unsuccessful removals which occurred in 1973 and 1974 (calculated from data in Table 11). Of those adults who absconded, 76.3 percent did so within their first six months in the program (Table 11).

1000 P.C. DRUG DIVERSION REMOVALS DURING 1973 AND 1974

Type of removal	Total diverted		Diverted less than six months	
	Number	Percent	Number	Percent
Total	18,000	100.0	2,842	15.8
Successful	15,534	100.0	1,899	12.2
Absconded	334	100.0	191	57.2
Committed new offense	650	100.0	306	47.0
Committed technical violation	1,420	100.0	431	30.4
Unknown	62	100.0	15	24.2

DRUG DIVERSION LEGISLATION

Table 10 shows removals from diversion during 1973 and 1974, length of time by charged offense and sex. Initially this table indicates that length of diversion for each offense group is fairly constant. However, closer analysis reveals that a greater proportion of defendants charged with the more serious drug offenses stayed in the program for a longer period of time than those charged with the lesser offenses. Only 13.6 percent of those diverted for marijuana were in the program longer than nine months compared to 18.1 percent for narcotics and 15.4 percent for dangerous drugs. Those diverted for charges of narcotics showed the longest average period of time on diversion, 7.0 months (calculated from data in Table 10).

CONCLUSION

In this report, we have attempted to isolate the factor or factors which influence success or failure in the program. This is difficult because of the small number of data elements collected and the divergence of philosophy and practices throughout the state.

This study shows that defendants with no prior criminal records had the best success rate. Still, 74 out of every 100 who had a major prior criminal record and who were diverted, were successful. Of the 18,000 persons for whom the removal outcome is known during 1973 and 1974, 86.3 percent completed the program successfully.

NEW STUDY DEVELOPMENT

The Bureau of Criminal Statistics is currently conducting a recidivism study for the State Office of Narcotics and Drug Abuse which will compare the recidivism rate of persons arrested in 1973 with those arrested prior to the implementation of the drug diversion program. Also, a workload impact study is currently being prepared for SONDA by a non-governmental agency.

During the first three years the diversion law has been in effect, the courts have interpreted various aspects of its provisions. The Supreme Court has clarified legislative intent, defined the role of the district attorney, and specified when diversion may occur. The District Courts of Appeal have dealt with several procedural areas of the statute in following the lead of the Supreme Court. A summary of these high court decisions through mid-1975 appears in Appendix B.

Several new rulings have been incorporated into a diversion statute signed by Governor Edmund G. Brown, Jr., on October 1, 1975 [AB 1274 (Sieroty) Chapter 1267]. Additional drug use and possession offenses which will be eligible for possible diversion on January 1, 1976, include: being under the influence of a drug (11550 H&S or 647f P.C. drugs), cultivation of marijuana for personal use (11358 H&S), inhaling poisonous fumes (381 P.C.), and unauthorized possession of prescription drugs (4230 B&P). Possession of chemicals to manufacture methamphetamine (Section 11383 H&S) has been deleted. Two new eligibility restrictions have been added: no person shall be diverted under this law twice within five years, and a person with a prior felony conviction within the past five years shall be excluded from diversion. The new statute further provides that a defendant be informed in writing of his alternatives and the responsibilities, requirements, and potential consequences which his acceptance of diversion entails. Chapter 1267 clarifies the relationship between the individual and the probation department in their prediversion and diversion contacts, and provides more specific, yet discretionary, grounds for a diversion revocation, including a court hearing.

While the diversion period of six months to two years remains intact, the new Section 1000.5 of the Penal Code will allow an individual, upon successful completion of his diversion period, to state that neither the arrest nor the diversion ever occurred. And finally, the statute changes the repeal date from January 1, 1977 to January 1, 1979.

In the area of legislation, equally as important to the future of the diversion program is the enactment of Chapter 248 (SB 95, Moscone), which reduces possession of one ounce or less of marijuana to a citable misdemeanor with a maximum penalty of \$100. Beginning January 1, 1976, an individual cited for this offense -- if he has no prior marijuana convictions, and if the magistrate sets bail and allows for bail forfeiture procedures -- can forfeit bail as in a traffic violation and avoid a court appearance altogether.

Aside from those who forfeit bail, others cited for one ounce or less, or those alleged offenders arrested or cited for simple possession of more than one ounce of marijuana, or those arrested for possession of "concentrated cannabis," will appear in court as if in a normal arraignment. If they meet the eligibility criteria, they can choose to be considered for diversion as they do under current

procedures. If an individual has four convictions for possession of one ounce or less of marijuana within two years, upon the fourth conviction, the offender will be granted diversion without a hearing and referred to a community program of education, treatment, or rehabilitation in lieu of the fine. If the program does not accept the offender, or by implication, if the offender refuses to cooperate with the program, the fine would be reinstated as the sentence.

The future impact of this new marijuana legislation on the diversion program has received considerable attention. Estimates of the State Office of Narcotics and Drug Abuse, based on a survey of county officials, suggest that at least one-half of the current divertees would choose to pay a fine rather than accept diversion. The variables which will determine whether the defendant chooses to pay a fine or enter the diversion program are many, including individual motivation, the reputation of local diversion programs, the actual and perceived effects of bail forfeiture procedures, and the activities and decisions of local law enforcement and the court.

TABLE 1
1000 P.C. DRUG DIVERSIONS DURING 1973 AND 1974
Offense by Race and Age

Race and age	Total known ^a	Offense													
		Narcotics 11350 H&S		Marijuana 11357 H&S		Paraphernalia 11364 H&S		Visiting 11365 H&S		Dangerous drugs 11377 H&S		Other drugs		Non-drug	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total known ^a	32,064	1,933	6.0	24,840	77.5	1,180	3.7	1,703	5.3	1,608	5.0	516	1.6	284	0.9
White	26,661	1,567	5.9	20,721	77.7	987	3.7	1,401	5.3	1,332	5.0	421	1.6	232	0.9
Under 20	8,411	320	3.8	6,714	79.8	353	4.2	535	6.4	297	3.5	130	1.5	62	0.7
20-24	13,314	703	5.3	10,452	78.5	507	3.8	704	5.3	648	4.9	188	1.4	112	0.8
25-29	3,462	345	10.0	2,563	74.0	85	2.5	123	3.6	240	6.9	70	2.0	36	1.0
30-34	915	117	12.8	621	67.9	31	3.4	32	3.5	85	9.3	18	2.0	11	1.2
35-39	308	42	13.6	220	71.4	6	1.9	2	0.6	26	8.4	6	1.9	6	1.9
40 and over	251	40	15.9	151	60.2	5	2.0	5	2.0	36	14.3	9	3.6	5	2.0
Mexican-American	2,446	160	6.5	1,872	76.5	84	3.4	122	5.0	156	6.4	35	1.4	17	0.7
Under 20	730	26	3.6	579	79.3	28	3.8	51	7.0	34	4.7	8	1.1	4	0.5
20-24	1,220	67	5.5	957	78.4	35	2.9	57	4.7	72	5.9	21	1.7	11	0.9
25-29	329	34	10.3	229	69.6	18	5.5	14	4.3	28	8.5	4	1.2	2	0.6
30-34	92	16	17.4	63	68.5	1	1.1	0	0.0	11	12.0	1	1.1	0	0.0
35-39	45	6	-	30	-	2	-	0	-	6	-	1	-	0	-
40 and over	30	11	-	14	-	0	-	0	-	5	-	0	-	0	-
Negro	2,512	179	7.1	1,913	76.2	94	3.7	149	5.9	100	4.0	47	1.9	30	1.2
Under 20	536	30	5.6	421	78.5	22	4.1	37	6.9	16	3.0	6	1.1	4	0.7
20-24	1,288	83	6.4	985	76.5	47	3.6	92	7.1	38	3.0	27	2.1	16	1.2
25-29	418	36	8.6	322	77.0	12	2.9	14	3.3	24	5.7	6	1.4	4	1.0
30-34	145	13	9.0	102	70.3	8	5.5	5	3.4	13	9.0	3	2.1	1	0.7
35-39	65	8	12.3	43	66.2	5	7.7	0	0.0	3	4.6	3	4.6	3	4.6
40 and over	60	9	15.0	40	66.7	0	0.0	1	1.7	6	10.0	2	3.3	2	3.3
Other	445	27	6.1	334	75.1	15	3.3	31	7.0	20	4.5	13	2.9	5	1.1
Under 20	131	8	6.1	99	75.6	4	3.1	10	7.6	5	3.8	4	3.1	1	0.8
20-24	232	9	3.9	172	74.1	9	3.9	20	8.6	11	4.7	8	3.4	3	1.3
25-29	56	4	7.1	44	78.6	2	3.6	1	1.8	3	5.4	1	1.8	1	1.8
30-34	17	4	-	12	-	0	-	0	-	1	-	0	-	0	-
35-39	4	1	-	3	-	0	-	0	-	0	-	0	-	0	-
40 and over	5	1	-	4	-	0	-	0	-	0	-	0	-	0	-

^aTotal does not include Los Angeles County data.

Note: Percent distributions are not calculated whenever the total number upon which those percents are based is less than 50. Percentages may not total 100.0 due to rounding.

TABLE 2
1000 P.C. DRUG DIVERSIONS DURING 1973 AND 1974

Offense by Sex and Race

Sex and race	Total known ^a	Offense													
		Narcotics 11350 H&S		Marijuana 11357 H&S		Paraphernalia 11364 H&S		Visiting 11365 H&S		Dangerous drugs 11377 H&S		Other drugs		Non-drug	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total known ^a	32,287	1,948	6.0	25,014	77.5	1,184	3.7	1,709	5.3	1,623	5.0	522	1.6	287	0.9
Male	27,173	1,420	5.2	21,626	79.6	983	3.6	1,391	5.1	1,138	4.2	404	1.5	211	0.8
White	22,398	1,139	5.1	17,875	79.8	814	3.6	1,140	5.1	935	4.2	325	1.5	170	0.8
Mexican-American	2,188	123	5.6	1,719	78.6	75	3.4	105	4.8	118	5.4	34	1.6	14	0.6
Negro	2,204	140	6.4	1,732	78.6	80	3.6	126	5.7	70	3.2	32	1.5	24	1.1
Other	383	18	4.7	300	78.3	14	3.7	20	5.2	15	3.9	13	3.4	3	0.8
Female	5,114	528	10.3	3,388	66.2	201	3.9	318	6.2	485	9.5	118	2.3	76	1.5
White	4,437	441	9.9	2,983	67.2	176	4.0	263	5.9	412	9.3	99	2.2	63	1.4
Mexican-American	276	38	13.8	164	59.4	9	3.3	20	7.2	38	13.8	3	1.1	4	1.4
Negro	335	40	11.9	204	60.9	15	4.5	23	6.9	30	9.0	16	4.8	7	2.1
Other	66	9	13.6	37	56.1	1	1.5	12	18.2	5	7.6	0	0.0	2	3.0

^aTotal does not include Los Angeles County data.
Note: Percentages may not total 100.0 due to rounding.

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TABLE 3
1000 P.C. DRUG DIVERSIONS DURING 1973 AND 1974

Offense by Age and Sex

Age and sex	Total known ^a	Offense													
		Narcotics 11350 H&S		Marijuana 11357 H&S		Paraphernalia 11364 H&S		Visiting 11365 H&S		Dangerous drugs 11377 H&S		Other drugs		Non-drug	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total known ^a	33,292	2,046	6.1	25,755	77.4	1,223	3.7	1,767	5.3	1,677	5.0	534	1.6	290	0.9
Under 20	10,177	401	3.9	8,104	79.6	421	4.1	655	6.4	369	3.6	155	1.5	72	0.7
Male	8,786	293	3.3	7,154	81.4	367	4.2	522	5.9	269	3.1	124	1.4	57	0.6
Female	1,391	108	7.8	950	68.3	54	3.9	133	9.6	100	7.2	31	2.2	15	1.1
20-24	16,683	916	5.5	13,038	78.2	622	3.7	907	5.4	802	4.8	252	1.5	146	0.9
Male	14,130	677	4.8	11,297	80.0	517	3.7	761	5.4	577	4.1	194	1.4	107	0.7
Female	2,553	239	9.4	1,741	68.2	105	4.1	146	5.7	225	8.8	58	2.3	39	1.5
25-29	4,422	443	10.0	3,269	73.9	121	2.7	158	3.6	307	6.9	81	1.8	43	1.0
Male	3,559	327	9.2	2,707	76.1	92	2.6	125	3.5	217	6.1	59	1.7	32	0.9
Female	863	116	13.4	562	65.1	29	3.4	33	3.8	90	10.4	22	2.5	11	1.3
30-34	1,203	155	12.9	823	68.4	41	3.4	38	3.2	112	9.3	22	1.8	12	1.0
Male	935	108	11.6	685	73.3	29	3.1	26	2.8	68	7.3	15	1.6	4	0.4
Female	268	47	17.5	138	51.5	12	4.5	12	4.5	44	16.4	7	2.6	8	3.0
35-39	443	60	13.5	306	69.1	13	2.9	3	0.7	40	9.0	12	2.7	9	2.0
Male	326	40	12.3	243	74.5	9	2.8	2	0.6	17	5.2	8	2.5	7	2.1
Female	117	20	17.1	63	53.8	4	3.4	1	0.9	23	19.7	4	3.4	2	1.7
40 and over	364	71	19.5	215	59.1	5	1.4	6	1.6	47	12.9	12	3.3	8	2.2
Male	274	49	17.9	175	63.9	5	1.8	5	1.8	26	9.5	9	3.3	5	1.8
Female	90	22	24.4	40	44.4	0	0.0	1	1.1	21	23.3	3	3.3	3	3.3

^aTotal does not include Los Angeles County data.
Note: Percentages may not total 100.0 due to rounding.

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TABLE 4

1000 P.C. DRUG DIVERSION REMOVALS DURING 1973 AND 1974

Offense by Prior Record and Race

Prior record ^a and race	Total known ^b	Offense										Other drugs		Non-drug	
		Narcotics 11350 H&S		Marijuana 11357 H&S		Paraphernalia 11364 H&S		Visiting 11365 H&S		Dangerous drugs 11377 H&S		Number	Percent	Number	Percent
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent				
Total known	4,776	329	100.0	3,723	100.0	127	100.0	241	100.0	215	100.0	112	100.0	29	-
Major	154	14	4.3	109	2.9	5	3.9	2	0.8	14	6.5	6	5.4	4	-
White	108	11	3.3	78	2.1	2	1.6	1	0.4	10	4.7	3	2.7	3	-
Mexican-American	17	0	0.0	13	0.3	0	0.0	1	0.4	2	0.9	0	0.0	1	-
Negro	26	3	0.9	17	0.5	3	2.4	0	0.0	0	0.0	3	2.7	0	-
Other	3	0	0.0	1	0.0	0	0.0	0	0.0	2	0.9	0	0.0	0	-
Minor	1,331	110	33.4	1,007	27.0	27	21.3	64	26.6	84	39.1	30	26.8	9	-
White	1,062	93	28.3	799	21.5	22	17.3	54	22.4	60	27.9	27	24.1	7	-
Mexican-American	146	11	3.3	109	2.9	4	3.1	5	2.1	16	7.4	1	0.9	0	-
Negro	106	4	1.2	89	2.4	1	0.8	5	2.1	5	2.3	0	0.0	2	-
Other	17	2	0.6	10	0.3	0	0.0	0	0.0	3	1.4	2	1.8	0	-
None	3,291	205	62.3	2,607	70.0	95	74.8	175	72.6	117	54.4	76	67.9	16	-
White	2,849	172	52.3	2,272	61.0	79	62.2	147	61.0	103	47.9	65	58.0	11	-
Mexican-American	241	23	7.0	186	5.0	8	6.3	10	4.1	8	3.7	4	3.6	2	-
Negro	162	9	2.7	119	3.2	6	4.7	13	5.4	6	2.8	6	5.4	3	-
Other	39	1	0.3	30	0.8	2	1.6	5	2.1	0	0.0	1	0.9	0	-

^a Prior record:

None: No arrests.

Minor: One or more arrests, or convictions of less than 90 days jail, or two years probation.

Major: Any number of convictions of 90 days or more jail, over two years probation, or any number of prison commitments.

^b Total does not include Los Angeles County data.

Notes: Prior record was determined for all 1973 removals and 10.6 percent of 1974 removals.

Percent distributions are not calculated whenever the total number upon which those percents are based is less than 50.

Percentages may not total 100.0 due to rounding.

TABLE 5

1000 P.C. DRUG DIVERSION REMOVALS DURING 1973 AND 1974

Type of Removal by Prior Record and Offense

Prior record ^a and offense	Total known ^b	Type of removal							
		Successful		Abscond		New offense		Technical violation	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total known ^b	5,176	4,468	86.3	121	2.3	196	3.8	391	7.6
Major	160	119	74.4	7	4.4	20	12.5	14	8.8
Narcotics (11350 H&S)	15	11	-	0	-	4	-	0	-
Marijuana (11357 H&S)	114	87	76.3	6	5.3	10	8.8	11	9.6
Paraphernalia (11364 H&S)	5	3	-	0	-	2	-	0	-
Visiting (11365 H&S)	2	2	-	0	-	0	-	0	-
Dangerous drugs (11377 H&S)	14	10	-	1	-	2	-	1	-
Other drugs	6	3	-	0	-	2	-	1	-
Non-drug	4	3	-	0	-	0	-	1	-
Minor	1,434	1,157	80.7	46	3.2	85	5.9	146	10.2
Narcotics (11350 H&S)	122	89	73.0	10	8.2	8	6.6	15	12.3
Marijuana (11357 H&S)	1,084	908	83.8	19	1.8	54	5.0	103	9.5
Paraphernalia (11364 H&S)	30	13	-	6	-	4	-	7	-
Visiting (11365 H&S)	69	51	73.9	3	4.3	9	13.0	6	8.7
Dangerous drugs (11377 H&S)	89	62	69.7	7	7.9	9	10.1	11	12.4
Other drugs	31	28	-	1	-	0	-	2	-
Non-drug	9	6	-	0	-	1	-	2	-
None	3,582	3,192	89.1	68	1.9	91	2.5	231	6.4
Narcotics (11350 H&S)	229	213	93.0	1	0.4	3	1.3	12	5.2
Marijuana (11357 H&S)	2,832	2,531	89.4	57	2.0	70	2.5	174	6.1
Paraphernalia (11364 H&S)	102	85	83.3	2	2.0	2	2.0	13	12.7
Visiting (11365 H&S)	188	161	85.6	1	0.5	5	2.7	21	11.1
Dangerous drugs (11377 H&S)	135	118	87.4	7	5.2	4	3.0	6	4.4
Other drugs	80	74	92.5	0	0.0	2	2.5	4	5.0
Non-drug	16	10	-	0	-	5	-	1	-

^a Prior record:

None: No arrests.

Minor: One or more arrests, or convictions of less than 90 days jail, or two years probation.

Major: Any number of convictions of 90 days or more jail, over two years probation, or any number of prison commitments.

^b Total does not include Los Angeles County data.

Note: Prior record was determined for all 1973 removals and 10.6 percent of 1974 removals.

Percent distributions are not calculated whenever the total number upon which those percents are based is less than 50.

Percentages may not total 100.0 due to rounding.

TABLE 6

1000 P.C. DRUG DIVERSION REMOVALS DURING 1973 AND 1974

Type of Removal by Race and Prior Record

Race and prior record ^a	Total known ^b	Type of removal							
		Successful		Abscond		New offense		Technical violation	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total known ^b	4,761	4,115	86.3	106	2.3	172	3.6	368	7.7
White.	4,007	3,507	87.5	78	1.9	127	3.2	295	7.4
Major.	106	81	76.4	4	3.8	9	8.5	12	11.3
Minor.	1,059	876	82.7	27	2.5	48	4.5	108	10.2
None	2,842	2,550	89.7	47	1.7	70	2.5	175	6.2
Mexican-American	402	334	83.1	16	4.0	21	5.2	31	7.7
Major.	17	15	-	1	-	1	-	0	-
Minor.	145	107	73.8	7	4.8	16	11.0	15	10.3
None	240	212	88.3	8	3.3	4	1.7	16	6.7
Negro.	293	225	76.8	11	3.8	22	7.5	35	11.9
Major.	25	17	-	1	-	6	-	1	-
Minor.	106	80	75.5	5	4.7	8	7.5	13	12.3
None	162	128	79.0	5	3.1	8	4.9	21	13.0
Other.	59	49	83.1	1	1.7	2	3.4	7	11.9
Major.	3	2	-	0	-	1	-	0	-
Minor.	17	11	-	1	-	1	-	4	-
None	39	36	-	0	-	0	-	3	-

^aPrior record:

None: No arrests.

Minor: One or more arrests, or convictions of less than 90 days jail, or two years probation.

Major: Any number of convictions of 90 days or more jail, over two years probation, or any number of prison commitments.

^bTotal does not include Los Angeles County data.

Notes: Prior record was determined for all 1973 removals and 10.6 percent of 1974 removals.

Percent distributions are not calculated whenever the total number upon which those percents are based is less than 50.

Percentages may not total 100.0 due to rounding.

TABLE 7

1000 P.C. DRUG DIVERSION REMOVALS DURING 1973 AND 1974

Type of Removal by Offense and Race

Offense and race	Total known ^a	Type of removal							
		Successful		Abscond		New offense		Technical violation	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total known ^a	16,966	14,706	86.7	307	1.8	601	3.5	1,352	8.0
Narcotics (11350 H&S).	1,225	1,064	86.9	30	2.4	37	3.0	94	7.7
White.	1,034	916	88.6	25	2.4	23	2.2	70	6.8
Mexican-American	98	80	81.6	2	2.0	3	3.1	13	13.3
Negro.	80	57	71.3	3	3.8	11	13.8	9	11.3
Other.	13	11	-	0	-	0	-	2	-
Marijuana (11357 H&S).	13,432	11,746	87.4	225	1.7	444	3.3	1,017	7.6
White.	11,291	9,989	88.5	157	1.4	327	2.9	818	7.2
Mexican-American	990	833	84.1	31	3.1	41	4.1	85	8.6
Negro.	989	787	79.6	32	3.2	70	7.1	100	10.1
Other.	162	137	84.6	5	3.1	6	3.7	14	8.6
Paraphernalia (11364 H&S).	524	404	77.1	16	3.1	33	6.3	71	13.5
White.	428	343	80.1	10	2.3	22	5.1	53	12.4
Mexican-American	48	25	-	4	-	8	-	11	-
Negro.	40	31	-	1	-	3	-	5	-
Other.	8	5	-	1	-	0	-	2	-
Visiting (11365 H&S)	842	721	85.6	8	1.0	27	3.2	86	10.2
White.	698	604	86.5	6	0.9	24	3.4	64	9.2
Mexican-American	67	59	88.1	1	1.5	0	0.0	7	10.4
Negro.	58	42	72.4	1	1.7	3	5.2	12	20.7
Other.	19	16	-	0	-	0	-	3	-
Dangerous drugs (11377 H&S).	553	443	80.1	24	4.3	28	5.1	58	10.5
White.	456	367	80.5	18	3.9	20	4.4	51	11.2
Mexican-American	58	44	75.9	5	8.6	5	8.6	4	6.9
Negro.	30	26	-	1	-	1	-	2	-
Other.	9	6	-	0	-	2	-	1	-
Other drugs.	263	230	87.5	3	1.1	16	6.1	14	5.3
White.	217	194	89.4	1	0.5	13	6.0	9	4.1
Mexican-American	17	13	-	0	-	1	-	3	-
Negro.	23	18	-	1	-	2	-	2	-
Other.	6	5	-	1	-	0	-	0	-
Non-drug	127	98	77.2	1	0.8	16	12.6	12	9.4
White.	102	82	80.4	0	0.0	11	10.8	9	8.8
Mexican-American	12	9	-	0	-	3	-	0	-
Negro.	12	7	-	0	-	2	-	3	-
Other.	1	0	-	1	-	0	-	0	-

^aTotal does not include Los Angeles County data.

Note: Percent distributions are not calculated whenever the total number upon which those percents are based is less than 50.

Percentages may not total 100.0 due to rounding.

TABLE 8

1000 P.C. DRUG DIVERSION REMOVALS DURING 1973 AND 1974

Type of Removal by Race and Sex

Race and sex	Total known ^a	Type of removal							
		Successful		Abscond		New offense		Technical violation	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total known ^a	16,977	14,716	86.7	307	1.8	602	3.5	1,352	8.0
White	14,234	12,502	87.8	217	1.5	441	3.1	1,074	7.5
Male	11,920	10,357	86.9	188	1.6	400	3.4	975	8.2
Female	2,314	2,145	92.7	29	1.3	41	1.8	99	4.3
Mexican-American . .	1,290	1,063	82.4	43	3.3	61	4.7	123	9.5
Male	1,151	935	81.2	42	3.6	56	4.9	118	10.3
Female	139	128	92.1	1	0.7	5	3.6	5	3.6
Negro	1,235	971	78.6	39	3.2	92	7.4	133	10.8
Male	1,086	849	78.2	35	3.2	81	7.5	121	11.1
Female	149	122	81.9	4	2.7	11	7.4	12	8.1
Other	218	180	82.6	8	3.7	8	3.7	22	10.1
Male	183	151	82.5	8	4.4	8	4.4	16	8.7
Female	35	29	-	0	-	0	-	6	-

^aTotal does not include Los Angeles County data.

Note: Percent distributions are not calculated whenever the total number upon which those percents are based is less than 50.
Percentages may not total 100.0 due to rounding.

TABLE 9

1000 P.C. DRUG DIVERSION REMOVALS DURING 1973 AND 1974

Type of Removal by Sex and Age

Sex and age	Total known ^a	Type of removal							
		Successful		Abscond		New offense		Technical violation	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total known ^a	17,765	15,379	86.6	332	1.9	641	3.6	1,413	8.0
Male	15,013	12,852	85.6	296	2.0	583	3.9	1,282	8.5
Under 20	3,029	2,442	80.6	72	2.4	172	5.7	343	11.3
20-24	8,979	7,717	85.9	169	1.9	322	3.6	771	8.6
25-29	2,159	1,929	89.3	41	1.9	62	2.9	127	5.9
30-34	522	469	89.8	10	1.9	15	2.9	28	5.4
35-39	176	157	89.2	3	1.7	6	3.4	10	5.7
40 and over	148	138	94.5	1	0.7	6	3.4	3	2.0
Female	2,752	2,527	91.8	36	1.3	58	2.1	131	4.8
Under 20	452	418	92.5	3	0.7	10	2.2	21	4.6
20-24	1,525	1,405	92.1	21	1.4	28	1.8	71	4.7
25-29	512	462	90.2	7	1.4	13	2.5	30	5.9
30-34	138	125	90.6	2	1.4	6	4.3	5	3.6
35-39	69	63	91.3	2	2.9	1	1.4	3	4.3
40 and over	56	54	96.4	1	1.8	0	0.0	1	1.8

^aTotal does not include Los Angeles County data.

Note: Percentages may not total 100.0 due to rounding.

TABLE 10

1000 P.C. DRUG DIVERSION REMOVALS DURING 1973 AND 1974

Length of Diversion by Offense and Sex

Offense and sex	Total known ^a	Length of diversion in months												Average length of diversion
		1-3		4-6		7-9		10-12		13-15		Over 15		
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	
Total known ^a	17,989	945	5.3	11,549	64.2	2,996	16.7	2,036	11.3	373	2.1	90	0.5	6.8
Narcotics (11350 H&S)	1,330	74	5.6	807	60.7	208	15.6	202	15.2	33	2.5	6	0.5	7.0
Male	967	55	5.7	582	60.2	151	15.6	150	15.5	25	2.6	4	0.4	7.0
Female	363	19	5.2	225	62.0	57	15.7	52	14.3	8	2.2	2	0.6	7.0
Marijuana (11357 H&S)	14,200	709	5.0	9,152	64.5	2,413	17.0	1,572	11.1	288	2.0	66	0.5	6.7
Male	12,313	653	5.3	7,892	64.1	2,096	17.0	1,355	11.1	253	2.1	54	0.4	6.7
Female	1,887	56	3.0	1,260	66.8	317	16.8	207	11.0	35	1.9	12	0.6	6.8
Paraphernalia (11364 H&S)	558	49	8.8	352	63.1	79	14.2	57	10.2	15	2.7	6	1.1	6.6
Male	471	39	8.3	304	64.5	62	13.2	50	10.6	11	2.3	5	1.1	6.6
Female	87	10	11.5	48	55.2	17	19.5	7	8.0	4	4.6	1	1.1	6.5
Visiting (11365 H&S)	890	29	3.3	619	69.6	140	15.7	87	9.8	10	1.1	5	0.6	6.7
Male	712	25	3.5	501	70.4	106	14.9	67	9.4	10	1.4	3	0.4	6.6
Female	178	4	2.2	118	66.3	34	19.1	20	11.2	0	0.0	2	1.1	6.8
Dangerous drugs (11377 H&S)	604	59	9.8	359	59.4	93	15.4	70	11.6	18	3.0	5	0.8	6.8
Male	422	46	10.9	254	60.2	63	14.9	46	10.9	9	2.1	4	0.9	6.6
Female	182	13	7.1	105	57.7	30	16.5	24	13.2	9	4.9	1	0.5	6.9
Other drugs	277	15	5.4	181	65.3	34	12.3	39	14.1	6	2.2	2	0.7	6.9
Male	211	11	5.2	137	64.9	27	12.8	28	13.3	6	2.8	2	0.9	6.9
Female	66	4	6.1	44	66.7	7	10.6	11	16.7	0	0.0	0	0.0	6.7
Non-drug	130	10	7.7	79	60.8	29	22.3	9	6.9	3	2.3	0	0.0	6.4
Male	103	8	7.8	64	62.1	20	19.4	8	7.8	3	2.9	0	0.0	6.5
Female	27	2	-	15	-	9	-	1	-	0	-	0	-	6.1

^aTotal does not include Los Angeles County data.

Note: Percent distributions are not calculated whenever the total number upon which those percents are based is less than 50.

Percentages may not total 100.0 due to rounding.

TABLE 11

1000 P.C. DRUG DIVERSION REMOVALS DURING 1973 AND 1974

Length of Diversion by Type of Removal

Type of removal	Total known ^a	Length of diversion in months											
		1-3		4-6		7-9		10-12		13-15		Over 15	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total known ^a	17,938	935	5.2	11,508	64.2	2,996	16.7	2,036	11.4	374	2.1	89	0.5
Successful	15,534	460	3.0	10,291	66.2	2,604	16.8	1,803	11.6	301	1.9	75	0.5
Abscond	334	112	33.5	143	42.8	41	12.3	31	9.3	6	1.8	1	0.3
New offense	650	159	24.5	275	42.3	118	18.2	69	10.6	23	3.5	6	0.9
Technical violation	1,420	204	14.4	799	56.3	233	16.4	133	9.4	44	3.0	7	0.5

^aTotal does not include Los Angeles County data.

Note: Percentages may not total 100.0 due to rounding.

TABLE 12
1000 P.C. DRUG DIVERSION REMOVALS DURING 1973 AND 1974
Length of Diversion by Prior Record and Race

Prior record ^a and race	Length of diversion in months														
	Total known ^b	1-3		4-6		7-9		10-12		13-15		Over 15			
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent		
Total known ^b	4,480	6.3	3,353	74.8	515	11.5	270	6.0	51	1.1	10	0.2			
Major	138	13.0	98	71.0	11	8.0	11	8.0	0	0.0	0	0.0			
White	98	9.2	75	76.5	7	7.1	7	7.0	0	0.0	0	0.0			
Mexican-American	14	-	11	-	3	-	3	-	0	-	0	-			
Negro	23	-	11	-	3	-	1	-	0	-	0	-			
Other	3	-	3	-	0	-	0	-	0	-	0	-			
Minor	1,250	8.4	865	69.2	160	12.8	96	7.7	22	1.8	2	0.2			
White	1,005	7.7	698	69.5	124	12.3	85	8.5	19	1.9	2	0.2			
Mexican-American	136	11.0	85	62.5	29	21.3	4	2.9	3	2.2	0	0.0			
Negro	93	12.9	70	75.3	5	5.4	6	6.5	0	0.0	0	0.0			
Other	16	-	12	-	2	-	1	-	0	-	0	-			
None	3,092	5.1	2,390	77.3	344	11.1	163	5.3	29	0.9	8	0.3			
White	2,678	4.9	2,072	77.4	300	11.2	145	5.4	23	0.9	6	0.2			
Mexican-American	223	5.8	168	75.3	28	12.6	9	4.0	4	1.8	1	0.4			
Negro	154	7.8	120	77.9	12	7.8	7	4.5	2	1.3	1	0.6			
Other	37	-	30	-	4	-	2	-	0	-	0	-			

^aPrior record:
None: No arrests.
Minor: One or more arrests, or convictions of less than 90 days jail, or two years probation.
Major: Any number of convictions of 90 days or more jail, or over two years probation, or any number of prison commitments.
^bTotal does not include Los Angeles County data.
Notes: Prior record was determined for all 1973 removals and 10.6 percent of 1974 removals.
Percent distributions are not calculated whenever the total number upon which those percents are based is less than 50.
Percentages may not total 100.0 due to rounding.

TABLE 13
DRUG LAW VIOLATION ARRESTS AND NUMBER DIVERTED INTO 1000 P.C. DRUG DIVERSION DURING 1974

County	Arrests and Diversions by County								
	Drug law violation arrests			Entered the drug diversion program					
	Total ^a	Felony marijuana	All other	Total drug law violation arrests		Felony marijuana arrests		All other drug law violation arrests	
	Number	Percent	Number	Percent	Number	Percent	Number		
Total ^a	74,871		42,267	32,604	20,549	27.4	15,955	37.7	4,594
Alameda	7,074		2,748	4,326	1,558	22.0	1,261	45.9	297
Alpine	7		6	1	2	-	0	-	2
Amador	31		26	5	6	-	6	-	0
Butte	393		291	102	58	14.8	47	16.2	11
Calaveras	77		63	14	58	75.3	51	81.0	7
Colusa	30		18	12	12	-	8	-	4
Contra Costa	2,351		1,381	970	847	36.0	625	45.3	222
Del Norte	57		45	12	8	14.0	8	0.0	0
El Dorado	274		216	58	142	51.8	118	54.6	24
Fresno	1,483		755	728	277	18.7	211	27.9	66
Glenn	42		31	11	28	-	22	-	6
Humboldt	431		290	141	179	41.5	146	50.3	33
Imperial	660		376	284	169	25.6	143	38.0	26
Inyo	50		40	10	8	16.0	7	0.0	1
Kern	1,786		937	849	385	21.6	302	32.2	83
Kings	252		128	124	118	46.8	94	73.4	24
Lake	88		52	36	9	10.2	9	17.3	0
Los Angeles ^a	55,064		24,339	30,725	9,954	18.1	-	0.0	-
Madera	128		94	34	18	14.1	18	19.1	0
Marin	542		301	241	220	40.6	170	56.5	50
Mariposa	90		33	57	35	38.9	28	0.0	7
Mendocino	195		139	56	67	34.4	58	41.7	9
Merced	588		368	220	129	21.9	106	28.8	23
Modoc	25		22	3	4	-	4	-	0
Mono	82		65	17	24	29.3	14	21.5	10
Monterey	1,456		657	799	279	19.2	233	35.5	46
Napa	441		299	142	228	51.7	173	57.9	55
Nevada	88		69	19	31	35.2	26	37.7	5
Orange	12,741		7,712	5,029	3,357	26.3	2,686	34.8	671
Placer	455		314	141	197	43.3	159	50.6	38
Plumas	86		65	21	14	16.3	13	20.0	1
Riverside	2,993		1,674	1,319	726	24.3	522	31.2	204
Sacramento	2,136		1,205	931	536	25.1	438	36.3	98
San Benito	38		32	6	26	-	22	-	4
San Bernardino	4,266		2,334	1,932	1,118	26.2	883	37.8	235
San Diego	12,222		8,191	4,031	4,204	34.4	3,025	36.9	1,179
San Francisco	3,764		1,348	2,416	496	13.2	367	27.2	129
San Joaquin	1,075		532	543	150	14.0	118	22.2	32
San Luis Obispo	643		471	172	327	50.9	270	57.3	57
San Mateo	1,655		979	676	517	31.2	411	42.0	106
Santa Barbara	1,525		981	544	485	31.8	403	41.1	82
Santa Clara	4,130		2,607	1,523	1,214	29.4	958	36.7	256
Santa Cruz	707		423	284	221	31.3	192	45.4	29
Shasta	285		197	88	110	38.6	91	46.2	19
Sierra	4		2	2	0	-	0	-	0
Siskiyou	207		158	49	19	9.2	16	10.1	3
Solano	1,037		667	370	357	34.4	285	42.7	72
Sonoma	538		305	233	184	34.2	150	49.2	34
Stanislaus	1,144		690	454	357	31.2	286	41.4	71
Sutter	176		109	67	60	34.1	50	45.9	10
Tehama	130		86	44	55	42.3	44	51.2	11
Trinity	18		15	3	0	-	0	-	0
Tulare	594		312	282	211	35.5	153	49.0	58
Tuolumne	127		103	24	16	12.6	14	13.6	2
Ventura	2,909		953	1,956	500	17.2	366	38.4	134
Yolo	355		224	131	131	36.9	102	45.5	29
Yuba	190		128	62	62	32.6	43	33.6	19

^aBreakdown of specific charges for those who entered the drug diversion program is not available for Los Angeles County; therefore their data are excluded from the totals.
Note: Percent distributions were not calculated when the total number upon which those percents are based is less than 50.

TABLE 14
1000 P.C. DRUG DIVERSION CASELOAD MOVEMENT, 1973 - 1974
Type of Movement by County

County	Diverted			Removed			Active caseload, December 31		
	1973	1974	Percent change	1973	1974	Percent change	1973	1974	Percent change
Total	20,420	30,503	49.4	3,738	22,013	488.9	16,680	25,172	50.9
Alameda	1,081	1,558	44.1	123	1,188	865.9	958	1,328	38.6
Alpine	0	2	-	0	0	-	0	2	-
Amador	4	6	-	1	4	-	3	5	-
Butte	0	58	-	0	1	-	0	57	-
Calaveras	30	58	93.3	4	22	-	26	62	138.5
Colusa	3	12	-	0	2	-	3	13	-
Contra Costa	439	847	92.9	53	619	1067.9	386	614	59.1
Del Norte	9	8	-	1	3	-	8	13	-
El Dorado	73	142	94.5	8	112	-	65	95	46.2
Fresno	201	277	37.8	92	215	133.7	107	171	59.8
Glenn	21	28	-	0	12	-	21	37	-
Humboldt	100	179	79.0	13	167	-	87	99	13.8
Imperial	120	169	40.8	12	73	-	108	204	88.9
Inyo	4	8	-	0	1	-	4	11	-
Kern	216	385	78.2	9	207	-	207	385	86.0
Kings	56	118	110.7	16	70	-	40	88	120.0
Lake	2	9	-	0	0	-	2	11	-
Los Angeles	7,329	9,954	35.8	973	6,778	596.6	6,356	9,532	50.0
Madera	27	18	-	1	10	-	26	34	-
Marin	141	220	56.0	7	110	-	134	244	82.1
Mariposa	12	35	-	0	11	-	12	36	-
Mendocino	45	67	-	1	42	-	44	69	-
Merced	36	129	-	8	66	-	28	91	-
Modoc	7	4	-	0	3	-	7	8	-
Mono	25	24	-	0	18	-	25	31	-
Monterey	136	279	105.1	23	216	-	113	176	55.8
Napa	136	228	67.6	20	189	-	116	155	33.6
Nevada	16	31	-	2	19	-	14	26	-
Orange	2,637	3,357	27.3	575	2,835	393.0	2,062	2,584	25.3
Placer	119	197	65.5	19	162	-	100	135	35.0
Plumas	0	14	-	0	7	-	0	7	-
Riverside	413	726	75.8	151	459	204.0	262	529	101.9
Sacramento	339	536	58.1	41	390	851.2	298	444	49.0
San Benito	29	26	-	9	25	-	20	21	-
San Bernardino	556	1,118	101.1	82	655	698.8	474	937	97.7
San Diego	2,498	4,204	68.3	600	3,286	447.7	1,898	2,816	48.4
San Francisco	260	496	90.8	42	296	604.8	218	418	91.7
San Joaquin	133	150	12.8	21	116	-	112	146	30.4
San Luis Obispo	186	327	75.8	38	133	-	148	342	131.1
San Mateo	291	517	77.7	47	355	-	244	406	66.4
Santa Barbara	259	485	87.3	53	328	518.9	206	363	76.2
Santa Clara	1,032	1,214	17.6	411	1,030	150.6	621	805	29.6
Santa Cruz	205	221	7.8	49	229	-	156	148	-5.1
Shasta	26	110	-	3	61	-	23	72	-
Sierra	0	0	-	0	0	-	0	0	-

TABLE 14 - Continued
1000 P.C. DRUG DIVERSION CASELOAD MOVEMENT, 1973 - 1974
Type of Movement by County

County	Diverted			Removed			Active caseload, December 31		
	1973	1974	Percent change	1973	1974	Percent change	1973	1974	Percent change
Siskiyou	0	19	-	0	0	-	0	19	-
Solano	233	357	53.2	29	278	-	204	283	38.7
Sonoma	81	184	127.2	17	124	-	64	124	93.8
Stanislaus	271	357	31.7	65	351	440.0	206	212	2.9
Sutter	17	60	-	1	42	-	16	34	-
Tehama	13	55	-	0	15	-	13	53	-
Trinity	1	0	-	0	0	-	1	1	-
Tulare	126	211	67.5	39	163	317.9	87	135	55.2
Tuolumne	2	16	-	1	0	-	1	17	-
Ventura	296	500	68.9	56	391	598.2	240	349	45.4
Yolo	99	131	32.3	22	79	-	77	129	67.5
Yuba	29	62	-	0	45	-	29	46	-

Note: Percent changes from one given year to a subsequent year are not calculated when the given base year is less than 50.

TABLE 15 - Continued
1,000 P.C. DRUG DIVERSIONS DURING 1974

Month Diverted by County

TABLE 15
1000 P.C. DRUG DIVERSIONS DURING 1974
Month Diverted by County

County	Total	Month diverted											
		Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Total	30,503	2,499	2,253	2,294	2,547	2,512	2,466	2,713	2,723	3,084	3,253	2,185	1,974
Alameda	1,558	122	126	100	139	114	115	96	129	151	185	144	137
Alpine	2	0	0	0	0	2	0	0	0	0	0	0	0
Amador	6	0	0	1	0	0	0	0	0	5	0	0	0
Butte	58	0	0	0	0	0	13	5	9	4	12	6	9
Calaveras	58	0	0	4	0	2	1	10	16	10	6	5	4
Colusa	12	2	0	0	1	1	1	5	0	0	0	1	1
Contra Costa	847	61	49	56	81	79	62	62	72	91	95	70	69
Del Norte	8	0	0	0	0	0	1	1	1	2	3	0	0
El Dorado	142	7	8	5	10	16	18	9	13	15	19	13	9
Fresno	277	26	28	17	28	25	19	22	29	16	24	27	16
Glenn	28	2	1	2	3	3	1	3	7	2	4	0	0
Humboldt	179	16	11	14	17	12	18	12	17	15	15	12	20
Imperial	169	7	4	8	6	11	20	21	21	29	21	9	12
Inyo	8	0	0	0	0	1	0	0	0	1	4	2	0
Kern	385	27	25	49	28	32	32	39	32	28	51	23	19
Kings	118	15	2	13	7	4	7	9	6	14	9	15	17
Lake	9	0	0	1	0	0	0	0	0	5	2	0	1
Los Angeles	9,954	920	787	690	818	670	825	926	693	1,079	1,069	791	686
Madera	18	1	0	2	0	0	0	3	2	0	6	2	2
Marin	220	12	9	15	13	21	18	16	25	25	26	29	11
Mariposa	35	2	0	3	1	2	11	5	2	1	3	1	4
Mendocino	67	0	2	10	6	5	9	3	5	7	5	10	5
Merced	129	7	12	11	12	19	15	7	4	7	21	9	5
Modoc	4	0	0	0	0	0	0	0	2	0	0	2	0
Mono	24	0	0	0	0	4	5	2	1	8	0	2	2
Monterey	279	38	33	29	16	21	17	22	19	26	29	17	12
Napa	228	14	12	20	16	18	20	29	12	26	22	18	21
Nevada	31	1	0	1	2	6	2	1	7	3	1	4	3
Orange	3,357	267	222	272	233	290	239	245	367	385	396	255	186
Placer	197	21	10	8	13	28	13	32	15	15	12	16	14
Plumas	14	1	4	2	0	5	0	0	0	2	0	0	0
Riverside	726	34	42	46	57	64	55	78	64	54	105	64	63
Sacramento	536	36	42	36	35	53	49	52	36	39	55	49	54
San Benito	26	3	3	1	2	3	0	1	1	2	6	0	4
San Bernardino	1,118	96	71	107	111	79	88	86	97	107	119	89	68
San Diego	4,204	328	358	333	411	461	357	432	488	421	390	98	127
San Francisco	496	49	48	39	52	33	29	42	44	36	52	31	41
San Joaquin	150	9	16	11	12	19	7	9	10	17	11	14	15
San Luis Obispo	327	32	13	24	28	32	22	38	25	38	24	29	22
San Mateo	517	35	22	37	49	42	51	38	50	40	51	56	46
Santa Barbara	485	53	38	49	35	31	48	51	48	34	35	30	33
Santa Clara	1,214	91	67	95	89	114	97	99	132	99	133	104	94
Santa Cruz	221	16	20	14	21	31	16	18	20	15	19	12	19
Shasta	110	11	7	8	10	11	10	9	8	16	8	4	8
Sierra	0	0	0	0	0	0	0	0	0	0	0	0	0

Month Diverted by County

County	Total	Month diverted											
		Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Siskiyou	19	0	0	0	0	0	0	1	6	9	0	1	2
Solano	357	33	33	25	14	18	36	33	33	38	51	26	17
Sonoma	184	14	9	17	15	21	9	18	12	9	27	22	11
Stanislaus	357	36	36	24	53	18	24	37	44	28	19	22	16
Sutter	60	0	8	5	7	9	5	3	4	6	5	7	1
Tehama	55	2	4	4	10	5	3	3	9	5	6	3	1
Trinity	0	0	0	0	0	0	0	0	0	0	0	0	0
Tulare	211	13	23	21	20	18	15	19	25	19	20	9	9
Tuolumne	16	0	0	0	0	0	0	0	2	8	2	1	3
Ventura	500	22	35	51	46	47	47	41	36	58	54	22	41
Yolo	131	10	5	10	14	10	9	15	21	7	14	6	10
Yuba	62	7	8	4	6	2	7	5	2	7	7	3	4

TABLE 16

1000 P.C. DRUG DIVERSIONS DURING 1974

Age by County

County	Total known	Age in years																Median age
		Under 20		20-24		25-29		30-34		35-39		40-44		45-49		50 and older		
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	
Total known . . .	30,309	8,275	27.3	15,094	49.8	4,561	15.0	1,400	4.6	503	1.7	261	0.9	121	0.4	94	0.3	21.8
Alameda	1,542	444	28.5	768	49.3	216	13.9	68	4.4	26	1.7	10	0.6	6	0.4	4	0.3	21.7
Alpine	1	0	-	1	-	0	-	0	-	0	-	0	-	0	-	0	-	-
Amador	4	1	-	2	-	0	-	1	-	0	-	0	-	0	-	0	-	-
Butte	58	26	44.8	22	37.9	5	8.6	3	5.2	1	1.7	1	1.7	0	0.0	0	0.0	20.2
Calaveras	58	13	22.4	34	58.6	8	13.8	3	5.2	0	0.0	0	0.0	0	0.0	0	0.0	21.9
Colusa	12	3	-	7	-	2	-	0	-	0	-	0	-	0	-	0	-	-
Contra Costa	843	243	28.7	407	48.1	124	14.6	40	4.7	21	2.5	4	0.5	2	0.2	2	0.2	21.7
Del Norte	8	3	-	2	-	1	-	2	-	0	-	0	-	0	-	0	-	-
El Dorado	135	40	28.2	54	38.0	33	23.2	8	5.6	0	0.0	0	0.0	0	0.0	0	0.0	22.4
Fresno	277	78	28.2	136	49.1	40	14.4	10	3.6	5	1.8	5	1.8	2	0.7	1	0.4	21.7
Glenn	27	7	-	15	-	2	-	2	-	1	-	0	-	0	-	0	-	-
Humboldt	177	46	25.7	91	50.8	29	16.2	7	3.9	2	1.1	1	0.6	1	0.6	0	0.0	21.9
Imperial	169	54	32.0	94	55.6	14	8.3	6	3.6	0	0.0	1	0.6	0	0.0	0	0.0	21.1
Inyo	7	1	-	5	-	0	-	0	-	1	-	0	-	0	-	0	-	-
Kern	385	121	31.4	214	55.6	37	9.6	10	2.6	2	0.5	0	0.0	0	0.0	1	0.3	21.2
Kings	118	36	30.5	67	56.8	11	9.3	4	3.4	0	0.0	0	0.0	0	0.0	0	0.0	21.2
Lake	9	1	-	6	-	2	-	0	-	0	-	0	-	0	-	0	-	-
Los Angeles	9,947	2,268	22.8	4,825	48.5	1,740	17.5	618	6.2	240	2.4	143	1.4	67	0.7	46	0.5	22.3
Madera	18	4	-	10	-	4	-	0	-	0	-	0	-	0	-	0	-	-
Marin	214	57	25.9	94	42.7	33	15.0	18	8.2	5	2.3	6	2.7	1	0.5	0	0.0	22.3
Mariposa	32	13	-	13	-	5	-	0	-	0	-	0	-	0	-	1	-	-
Mendocino	67	15	22.4	30	44.8	13	19.4	7	10.4	1	1.5	1	1.5	0	0.0	0	0.0	22.7
Merced	125	29	22.5	65	50.4	23	17.8	7	5.4	1	0.8	0	0.0	0	0.0	0	0.0	22.3
Modoc	4	0	-	2	-	1	-	0	-	0	-	0	-	0	-	0	-	-
Mono	22	6	-	9	-	7	-	0	-	0	-	0	-	0	-	0	-	-
Monterey	276	79	28.3	142	50.9	41	14.7	5	1.8	3	1.1	3	1.1	2	0.7	1	0.4	21.7
Napa	225	87	38.2	88	38.6	33	14.5	9	3.9	6	2.6	2	0.9	0	0.0	0	0.0	21.0
Nevada	30	9	-	13	-	8	-	0	-	0	-	0	-	0	-	0	-	-
Orange	3,352	1,110	33.1	1,661	49.5	438	13.0	99	2.9	25	0.7	11	0.3	5	0.1	3	0.1	21.2
Placer	191	58	29.4	95	48.2	27	13.7	9	4.6	0	0.0	2	1.0	0	0.0	0	0.0	21.7
Plumas	13	6	-	6	-	0	-	1	-	0	-	0	-	0	-	0	-	-
Riverside	723	225	31.0	350	48.2	111	15.3	24	3.3	9	1.2	4	0.6	0	0.0	0	0.0	21.5
Sacramento	533	161	30.0	273	50.9	77	14.4	15	2.8	1	0.2	2	0.4	2	0.4	2	0.4	21.5
San Benito	25	6	-	10	-	6	-	1	-	0	-	2	-	0	-	0	-	-
San Bernardino	1,115	322	28.8	567	50.7	149	13.3	47	4.2	22	2.0	5	0.3	3	0.3	0	0.0	21.6

TABLE 16 - Continued

1000 P.C. DRUG DIVERSIONS DURING 1974

Age by County

County	Total known	Age in years																Median age
		Under 20		20-24		25-29		30-34		35-39		40-44		45-49		50 and older		
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	
San Diego	4,186	1,205	28.7	2,307	54.9	505	12.0	117	2.8	24	0.6	14	0.3	5	0.1	9	0.2	21.4
San Francisco	467	77	15.5	186	37.5	110	22.2	46	9.3	25	5.0	13	2.6	6	1.2	4	0.8	24.1
San Joaquin	148	35	23.3	75	50.0	26	17.3	9	6.0	3	2.0	0	0.0	0	0.0	0	0.0	22.2
San Luis Obispo	326	89	27.2	175	53.5	48	14.7	10	3.1	2	0.6	1	0.3	1	0.3	0	0.0	21.6
San Mateo	517	129	25.0	250	48.4	80	15.5	31	6.0	17	3.3	5	1.0	4	0.8	1	0.2	22.1
Santa Barbara	478	140	28.9	258	53.2	63	13.0	12	2.5	2	0.4	2	0.4	0	0.0	1	0.2	21.5
Santa Clara	1,209	381	31.4	563	46.4	162	13.3	64	5.3	20	1.6	7	0.6	7	0.6	5	0.4	21.5
Santa Cruz	216	54	24.4	110	49.8	36	16.3	9	4.1	6	2.7	0	0.0	0	0.0	1	0.5	22.1
Shasta	109	33	30.0	53	48.2	12	10.9	5	4.5	4	3.6	0	0.0	0	0.0	2	1.8	21.6
Sierra	0	0	-	0	-	0	-	0	-	0	-	0	-	0	-	0	-	-
Siskiyou	18	4	-	6	-	4	-	3	-	0	-	0	-	1	-	0	-	-
Solano	352	103	28.9	179	50.1	49	13.7	9	2.5	5	1.4	3	0.8	1	0.3	3	0.8	21.6
Sonoma	183	52	28.3	82	44.6	35	19.0	9	4.9	3	1.6	2	1.1	0	0.0	0	0.0	21.9
Stanislaus	341	98	27.5	165	46.2	50	14.0	18	5.0	4	1.1	2	0.6	1	0.3	3	0.8	22.0
Sutter	60	14	23.3	31	51.7	12	20.0	3	5.0	0	0.0	0	0.0	0	0.0	0	0.0	22.1
Tehama	53	12	21.8	29	52.7	6	10.9	4	7.3	0	0.0	1	1.8	1	1.8	0	0.0	22.3
Trinity	0	0	-	0	-	0	-	0	-	0	-	0	-	0	-	0	-	-
Tulare	211	49	23.2	112	53.1	37	17.5	4	1.9	7	3.3	1	0.5	1	0.5	0	0.0	22.0
Tuolumne	14	5	-	5	-	4	-	0	-	0	-	0	-	0	-	0	-	-
Ventura	498	182	36.4	220	44.0	66	13.2	17	3.4	5	1.0	2	0.4	2	0.4	4	0.8	21.0
Yolo	129	28	21.4	77	58.8	10	7.6	5	3.8	4	3.1	5	3.8	0	0.0	0	0.0	22.0
Yuba	52	13	21.0	33	53.2	6	9.7	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	22.2

Notes: Median age was not calculated whenever total cases were less than 50.

Percent distributions were not calculated when the total number upon which those percents are based is less than 50.

Percentages may not total 100.0 due to rounding.

TABLE 17

1000 P.C. DRUG DIVERSIONS DURING 1974

Offense Group by County

County	Total known ^a	Offense group													
		Narcotics 11350 H&S		Marijuana 11357 H&S		Paraphernalia 11364 H&S		Visiting 11365 H&S		Dangerous drugs 11377 H&S		Other drugs		Non-drug	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total known ^a	20,536	856	4.2	15,955	77.7	833	4.1	1,152	5.6	1,224	6.0	290	1.4	226	1.1
Alameda	1,551	41	2.6	1,261	81.3	36	2.3	43	2.8	116	7.5	36	2.3	18	1.2
Alpine	2	2	-	0	-	0	-	0	-	0	-	0	-	0	-
Amador	6	0	-	6	-	0	-	0	-	0	-	0	-	0	-
Butte	58	1	1.7	47	81.0	1	1.7	7	12.1	1	1.7	1	1.7	0	0.0
Calaveras	58	5	8.6	51	87.9	0	0.0	0	0.0	2	3.4	0	0.0	0	0.0
Colusa	12	3	-	8	-	0	-	0	-	1	-	0	-	0	-
Contra Costa	847	31	3.7	625	73.8	26	3.1	69	8.1	59	7.0	31	3.7	6	0.7
Del Norte	8	0	-	8	-	0	-	0	-	0	-	0	-	0	-
El Dorado	142	14	9.9	118	83.1	5	3.5	0	0.0	2	1.4	1	0.7	2	1.4
Fresno	277	17	6.1	211	76.2	8	2.9	0	0.0	38	13.7	3	1.1	0	0.0
Glenn	28	6	-	22	-	0	-	0	-	0	-	0	-	0	-
Humboldt	179	11	6.1	146	81.6	11	6.1	7	3.9	4	2.2	0	0.0	0	0.0
Imperial	169	7	4.1	143	84.6	1	0.6	3	1.8	13	7.7	0	0.0	2	1.2
Inyo	8	0	-	7	-	0	-	0	-	1	-	0	-	0	-
Kern	385	15	3.9	302	78.4	22	5.7	21	5.5	22	5.7	3	0.8	0	0.0
Kings	118	5	4.2	94	79.7	8	6.8	5	4.2	5	4.2	1	0.8	0	0.0
Lake	9	0	-	9	-	0	-	0	-	0	-	0	-	0	-
Los Angeles ^a	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Madera	18	0	-	18	-	0	-	0	-	0	-	0	-	0	-
Marin	220	38	17.3	170	77.3	6	2.7	4	1.8	2	0.9	0	0.0	0	0.0
Mariposa	35	1	-	28	-	0	-	2	-	2	-	2	-	0	-
Mendocino	67	8	11.9	58	86.6	0	0.0	0	0.0	1	1.5	0	0.0	0	0.0
Merced	129	16	12.4	106	82.2	3	2.3	2	1.6	1	0.8	1	0.8	0	0.0
Modoc	4	0	-	4	-	0	-	0	-	0	-	0	-	0	-
Mono	24	8	-	14	-	1	-	0	-	0	-	1	-	0	-
Monterey	278	16	5.8	233	83.8	5	1.8	8	2.9	12	4.3	4	1.4	0	0.0
Napa	228	25	11.0	173	75.9	10	4.4	9	3.9	8	3.5	3	1.3	0	0.0
Nevada	31	5	-	26	-	0	-	0	-	0	-	0	-	0	-
Orange	3,357	60	1.8	2,686	80.0	96	2.9	224	6.7	268	8.0	13	0.4	10	0.3
Placer	197	15	7.6	159	80.7	5	2.5	6	3.0	10	5.1	2	1.0	0	0.0

Table 17 - Continued

1000 P.C. DRUG DIVERSIONS DURING 1974

Offense Group by County

County	Total known ^a	Offense group													
		Narcotics 11350 H&S		Marijuana 11357 H&S		Paraphernalia 11364 H&S		Visiting 11365 H&S		Dangerous drugs 11377 H&S		Other drugs		Non-drug	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Plumas	14	0	-	13	-	0	-	0	-	0	-	1	-	0	-
Riverside	726	26	3.6	522	71.9	44	6.1	49	6.7	61	8.4	16	2.2	3	1.1
Sacramento	535	9	1.7	438	81.9	17	3.2	15	2.8	54	10.1	0	0.0	2	0.4
San Benito	26	1	-	22	-	1	-	2	-	0	-	0	-	0	-
San Bernardino	1,118	73	6.5	883	79.0	25	2.2	33	3.0	90	8.1	14	1.3	0	0.0
San Diego	4,204	62	1.5	3,025	72.0	324	7.7	455	10.8	85	2.0	94	2.2	159	3.8
San Francisco	496	56	11.3	367	74.0	14	2.8	13	2.6	28	5.6	8	1.6	10	2.0
San Joaquin	150	12	8.0	118	78.7	5	3.3	5	3.3	8	5.3	2	1.3	0	0.0
San Luis Obispo	327	7	2.1	270	82.6	4	1.2	16	4.9	28	8.6	2	0.6	0	0.0
San Mateo	517	36	7.0	411	79.5	13	2.5	10	1.9	41	7.9	5	1.0	1	0.2
Santa Barbara	485	17	3.5	403	83.1	16	3.3	24	4.9	12	2.5	13	2.7	0	0.0
Santa Clara	1,214	61	5.0	958	78.9	28	2.3	34	2.8	130	10.7	1	0.1	2	0.2
Santa Cruz	221	19	8.6	192	86.9	5	2.3	1	0.5	2	0.9	2	0.9	0	0.0
Shasta	110	5	4.5	91	82.7	2	1.8	1	0.9	11	10.0	0	0.0	0	0.0
Sierra	0	0	-	0	-	0	-	0	-	0	-	0	-	0	-
Siskiyou	19	2	-	16	-	0	-	0	-	0	-	1	-	0	-
Solano	357	23	6.4	285	79.8	20	5.6	6	1.7	16	4.5	5	1.4	2	0.6
Sonoma	184	14	7.6	150	81.5	1	0.5	1	0.5	17	9.2	1	0.5	0	0.0
Stanislaus	357	16	4.5	286	80.1	18	5.0	10	2.8	24	6.7	2	0.6	1	0.3
Sutter	60	3	5.0	50	83.3	4	6.7	3	5.0	0	0.0	0	0.0	0	0.0
Tehama	54	7	13.0	44	81.5	0	0.0	0	0.0	2	3.7	1	1.9	0	0.0
Trinity	0	0	-	0	-	0	-	0	-	0	-	0	-	0	-
Tulare	211	30	14.2	153	72.5	7	3.3	2	0.9	10	4.7	9	4.3	0	0.0
Tuolumne	16	2	-	14	-	0	-	0	-	0	-	0	-	0	-
Ventura	499	19	3.8	366	73.3	25	5.0	54	10.8	28	5.6	6	1.2	1	0.2
Yolo	129	3	2.3	102	79.1	10	7.8	4	3.1	8	6.2	0	0.0	2	1.6
Yuba	62	3	4.8	43	69.4	6	9.7	4	6.5	1	1.6	5	8.1	0	0.0

^aData from Los Angeles County are unavailable.

Note: Percent distributions are not calculated when the number upon which those percents are based is less than 50. Percentages may not total 100.0 due to rounding.

TABLE 18
1000 P.C. DRUG DIVERSIONS DURING 1974
Sex and Race by County

County	Total	Sex			Total known	Race							
		Male		Female		White		Mexican-American		Negro		All other	
		Number	Percent			Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total	30,503	25,585	83.5	4,918	29,940	22,911	76.5	2,860	9.6	3,526	11.8	643	2.1
Alameda	1,558	1,317	84.5	241	1,545	1,116	72.2	95	6.1	307	19.9	27	1.7
Alpine	2	2	-	0	2	2	-	0	-	0	-	0	-
Amador	6	6	-	0	6	4	-	0	-	0	-	2	-
Butte	58	49	84.5	9	58	55	94.8	0	0.0	3	5.2	0	0.0
Calaveras	58	55	94.8	3	58	54	93.1	3	5.2	0	0.0	1	1.7
Colusa	12	11	-	1	12	12	-	0	-	0	-	0	-
Contra Costa	847	694	81.9	153	757	611	80.7	35	4.6	105	13.9	6	0.8
Del Norte	8	5	-	3	8	7	-	0	-	0	-	1	-
El Dorado	142	126	88.7	16	140	133	95.0	1	0.7	4	2.9	2	1.4
Fresno	277	242	87.4	35	275	179	65.1	71	25.8	21	7.6	4	1.5
Glenn	28	24	-	4	28	26	-	1	-	1	-	0	-
Humboldt	179	162	90.5	17	179	171	95.5	0	0.0	4	2.2	4	2.2
Imperial	169	139	82.2	30	167	126	75.4	35	21.0	4	2.4	2	1.2
Inyo	8	8	-	0	8	7	-	1	-	0	-	0	-
Kern	385	343	89.1	42	384	291	75.8	56	14.6	29	7.6	8	2.1
Kings	118	106	89.8	12	118	93	78.8	17	14.4	7	5.9	1	0.8
Lake	9	7	-	2	9	8	-	0	-	0	-	1	-
Los Angeles	9,954	8,222	82.6	1,732	9,898	6,398	64.6	1,324	13.4	1,813	18.3	363	3.7
Madera	18	15	-	3	18	13	-	4	-	1	-	0	-
Marin	220	190	86.4	30	215	199	92.6	5	2.3	10	4.7	1	0.5
Mariposa	35	31	-	4	35	29	-	1	-	0	-	5	-
Mendocino	67	53	79.1	14	67	65	97.0	1	1.5	0	0.0	1	1.5
Merced	129	109	84.5	20	129	94	72.9	19	14.7	15	11.6	1	0.8
Modoc	4	3	-	1	4	4	-	0	-	0	-	0	-
Mono	24	21	-	3	24	24	-	0	-	0	-	0	-
Monterey	279	240	86.0	39	262	177	67.6	68	26.0	11	4.2	6	2.3
Napa	228	200	87.7	28	227	210	92.5	8	3.5	2	0.9	7	3.1
Nevada	31	26	-	5	30	30	-	0	-	0	-	0	-
Orange	3,357	2,773	82.6	584	3,345	3,090	92.4	149	4.5	78	2.3	28	0.8
Placer	197	170	86.3	27	197	181	91.9	12	6.1	0	0.0	4	2.0
Plumas	14	9	-	5	14	14	-	0	-	0	-	0	-
Riverside	726	601	82.8	125	726	572	78.8	95	13.1	46	6.3	13	1.8
Sacramento	536	458	85.4	78	535	472	88.2	24	4.5	31	5.8	8	1.5
San Benito	26	22	-	4	25	15	-	9	-	0	-	1	-
San Bernardino	1,118	935	83.6	183	1,112	922	82.9	126	11.3	59	5.3	5	0.4
San Diego	4,204	3,565	84.8	639	4,159	3,318	79.8	244	5.9	556	13.4	41	1.0
San Francisco	496	433	87.3	63	463	293	62.6	16	3.4	133	28.4	26	5.6
San Joaquin	150	123	82.0	27	150	115	76.7	20	13.3	11	7.3	4	2.7
San Luis Obispo	327	292	89.3	35	326	295	90.5	22	6.7	5	1.5	4	1.2
San Mateo	517	426	82.4	91	516	407	78.9	19	3.7	70	13.6	20	3.9
Santa Barbara	485	415	85.6	70	483	439	90.9	23	4.8	16	3.3	5	1.0
Santa Clara	1,214	1,028	84.7	186	1,035	739	71.4	194	18.7	86	8.3	16	1.5
Santa Cruz	221	187	84.6	34	219	187	85.4	27	12.3	2	0.9	3	1.4
Shasta	110	93	84.5	17	109	108	99.1	0	0.0	0	0.0	1	0.9
Sierra	0	0	-	0	0	0	-	0	-	0	-	0	-

TABLE 18 - Continued
1000 P.C. DRUG DIVERSIONS DURING 1974
Sex and Race by County

County	Total	Sex			Total known	Race							
		Male		Female		White		Mexican-American		Negro		All other	
		Number	Percent			Number	Percent	Number	Percent	Number	Percent	Number	Percent
Siskiyou	19	15	-	4	19	18	-	1	-	0	-	0	-
Solano	357	305	85.4	52	328	263	80.2	11	3.4	50	15.2	4	1.2
Sonoma	184	159	86.4	25	180	168	93.3	6	3.3	2	1.1	4	2.2
Stanislaus	357	297	83.2	60	354	328	92.7	16	4.5	7	2.0	3	0.8
Sutter	60	46	76.7	14	60	58	96.7	2	3.3	0	0.0	0	0.0
Tehama	55	48	87.3	7	54	52	96.3	0	0.0	2	3.7	0	0.0
Trinity	0	0	-	0	0	0	-	0	-	0	-	0	-
Tulare	211	172	81.5	39	192	147	76.6	42	21.9	3	1.6	0	0.0
Tuolumne	16	16	-	0	16	16	-	0	-	0	-	0	-
Ventura	500	427	85.4	73	491	418	85.1	45	9.2	19	3.9	9	1.8
Yolo	131	108	82.4	23	112	91	81.3	12	10.7	8	7.1	1	0.9
Yuba	62	56	90.3	6	52	47	90.4	0	0.0	5	9.6	0	0.0

Note: Percent distributions are not calculated whenever the total number upon which those percents are based is less than 50. Percentages may not total 100.0 due to rounding.

TABLE 19
1000 P.C. DRUG DIVERSION REMOVALS DURING 1974
Length of Diversion by County

County	Total ^a	Length of diversion in months												
		1	2	3	4	5	6	7	8	9	10	11	12	Over 12
Total ^a	15,235	336	148	217	325	1,174	7,749	1,759	609	425	308	310	1,413	462
Alameda	1,188	6	17	36	48	37	170	297	93	76	158	65	69	116
Alpine	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Amador	4	2	0	0	0	0	2	0	0	0	0	0	0	0
Butte	1	0	0	0	0	0	1	0	0	0	0	0	0	0
Calaveras	22	1	0	0	0	0	13	0	1	0	1	1	3	2
Colusa	2	0	0	0	0	0	0	0	0	0	0	0	2	0
Contra Costa	619	7	4	6	8	90	327	14	33	39	8	11	62	10
Del Norte	3	0	0	0	0	0	0	1	0	1	0	1	0	0
El Dorado	112	5	2	2	0	5	85	4	3	3	0	0	3	0
Fresno	215	3	1	2	1	40	158	7	0	3	0	0	0	0
Glenn	12	0	1	0	0	0	0	0	0	0	0	0	9	2
Humboldt	167	1	0	3	4	11	116	6	2	1	1	2	19	1
Imperial	73	4	0	1	0	1	19	6	1	3	2	1	25	10
Inyo	1	0	0	0	0	0	1	0	0	0	0	0	0	0
Kern	207	1	5	9	12	12	15	24	34	27	20	15	12	21
Kings	70	5	2	0	1	3	33	9	4	4	2	1	6	0
Lake	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Los Angeles ^a	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Madera	10	1	0	0	0	1	1	0	2	0	1	0	1	3
Marin	110	7	1	1	1	1	22	2	2	4	2	3	54	10
Mariposa	11	0	1	1	0	0	6	0	0	0	0	0	3	0
Mendocino	42	11	0	0	0	1	8	4	5	4	0	3	5	1
Merced	66	0	0	0	1	1	62	0	0	1	0	0	1	0
Modoc	3	0	0	0	0	0	2	0	1	0	0	0	0	0
Mono	18	0	0	0	0	0	0	0	0	0	0	1	17	0
Monterey	216	4	3	1	3	13	39	123	9	3	1	3	12	2
Napa	189	6	3	4	3	3	151	4	1	2	0	0	11	1
Nevada	19	1	0	0	0	0	14	1	0	0	0	0	3	0
Orange	2,835	15	12	21	84	301	1,089	746	89	48	26	28	264	112
Placer	162	4	4	1	2	0	124	10	3	1	0	0	9	4
Plumas	7	0	0	0	0	2	5	0	0	0	0	0	0	0
Riverside	459	9	4	6	13	96	218	16	8	17	5	25	32	10
Sacramento	390	96	7	14	8	20	122	9	8	5	2	1	91	7
San Benito	25	0	0	0	0	2	3	2	2	3	2	1	9	1
San Bernardino	655	29	2	5	12	110	230	32	28	21	8	47	116	15
San Diego	3,285	15	20	37	31	102	2,386	152	120	44	14	34	290	40
San Francisco	296	10	3	1	2	8	205	26	14	8	3	2	6	8
San Joaquin	116	7	0	0	3	9	19	11	9	5	3	7	30	13
San Luis Obispo	133	10	2	1	1	6	46	2	2	2	1	6	44	10
San Mateo	355	23	6	3	3	18	180	18	13	16	3	6	64	2
Santa Barbara	328	1	6	3	12	61	156	29	21	8	1	3	22	5
Santa Clara	1,031	9	15	27	21	31	628	113	59	36	30	7	29	26
Santa Cruz	229	12	3	2	3	6	187	2	3	1	0	0	7	3
Shasta	61	0	2	0	1	0	41	13	2	1	0	1	0	0
Sierra	0	0	0	0	0	0	0	0	0	0	0	0	0	0

TABLE 19 - Continued
1000 P.C. DRUG DIVERSION REMOVALS DURING 1974
Length of Diversion by County

County	Total ^a	Length of diversion in months												
		1	2	3	4	5	6	7	8	9	10	11	12	Over 12
Siskiyou	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Solano	278	2	2	2	11	72	121	10	5	13	6	14	15	5
Sonoma	124	1	5	5	3	9	88	2	3	4	0	1	2	1
Stanislaus	351	4	7	6	7	16	236	36	4	3	2	3	19	8
Sutter	42	1	1	1	0	2	18	3	7	1	1	0	4	3
Tehama	15	1	0	3	1	1	3	1	0	0	0	0	5	0
Trinity	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Tulare	163	8	2	3	4	13	109	7	4	3	1	1	6	2
Tuolumne	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ventura	391	13	4	9	20	65	203	10	9	11	2	15	26	4
Yolo	79	1	1	0	0	3	62	2	1	0	0	1	5	3
Yuba	45	0	0	1	1	2	25	5	4	3	2	0	1	1

^aTotal does not include Los Angeles County data.

TABLE 20
1000 P.C. DRUG DIVERSION REMOVALS DURING 1974
Type of Removal by County

County	Total known ^a	Type of removal									
		Successful		Technical violation		New offense		Abscond		Other	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total known ^a	14,306	12,409	86.7	1,232	8.6	373	2.6	251	1.7	41	0.3
Alameda	216	154	71.3	0	0.0	62	28.7	0	0.0	0	0.0
Alpine	0	0	-	0	-	0	-	0	-	0	-
Amador	4	4	-	0	-	0	-	0	-	0	-
Butte	1	1	-	0	-	0	-	0	-	0	-
Calaveras	22	20	-	2	-	0	-	0	-	0	-
Colusa	2	2	-	0	-	0	-	0	-	0	-
Contra Costa	619	558	90.1	30	4.8	9	1.5	22	3.6	0	0.0
Del Norte	3	2	-	0	-	0	-	1	-	0	-
El Dorado	112	106	94.6	4	3.6	0	0.0	1	0.9	1	0.9
Fresno	215	204	94.9	7	3.3	3	1.4	1	0.5	0	0.0
Glenn	12	11	-	1	-	0	-	0	-	0	-
Humboldt	167	157	94.0	3	1.8	5	3.0	2	1.2	0	0.0
Imperial	73	65	89.0	5	6.8	0	0.0	3	4.1	0	0.0
Inyo	1	1	-	0	-	0	-	0	-	0	-
Kern	207	174	84.1	32	15.5	0	0.0	1	0.5	0	0.0
Kings	70	61	87.1	4	5.7	4	5.7	1	1.4	0	0.0
Lake	0	0	-	0	-	0	-	0	-	0	-
Los Angeles ^a	-	-	-	-	-	-	-	-	-	-	-
Madera	10	8	-	0	-	1	-	1	-	0	-
Marin	110	94	85.5	7	6.4	4	3.6	5	4.5	0	0.0
Mariposa	11	11	-	0	-	0	-	0	-	0	-
Mendocino	42	40	-	1	-	1	-	0	-	0	-
Merced	65	64	98.5	1	1.5	0	0.0	0	0.0	0	0.0
Modoc	3	3	-	0	-	0	-	0	-	0	-
Mono	18	18	-	0	-	0	-	0	-	0	-
Monterey	216	200	92.6	13	6.0	0	0.0	3	1.4	0	0.0
Napa	189	171	90.5	17	9.0	0	0.0	1	0.5	0	0.0
Nevada	19	19	-	0	-	0	-	0	-	0	-
Orange	2,835	2,566	90.5	249	8.8	20	0.7	0	0.0	0	0.0
Placer	162	144	88.9	8	4.9	3	1.9	7	4.3	0	0.0
Plumas	7	5	-	2	-	0	-	0	-	0	-
Riverside	460	401	87.2	35	7.6	4	0.9	20	4.3	0	0.0
Sacramento	390	315	80.8	64	16.4	2	0.5	9	2.3	0	0.0
San Benito	25	24	-	1	-	0	-	0	-	0	-
San Bernardino	655	580	88.5	70	10.7	0	0.0	5	0.8	0	0.0
San Diego	3,326	2,779	83.6	446	13.4	94	2.8	6	0.2	1	0.3
San Francisco	296	232	78.4	4	1.4	2	0.7	22	7.4	36	12.2
San Joaquin	117	97	82.9	15	12.8	5	4.3	0	0.0	0	0.0
San Luis Obispo	133	116	87.2	8	6.0	3	2.3	6	4.5	0	0.0
San Mateo	355	312	87.9	14	3.9	3	0.8	26	7.3	0	0.0
Santa Barbara	328	313	95.4	6	1.8	8	2.4	1	0.3	0	0.0
Santa Clara	1,031	832	80.7	49	4.8	100	9.7	50	4.8	0	0.0
Santa Cruz	229	201	87.8	18	7.9	0	0.0	10	4.4	0	0.0
Shasta	61	58	95.1	3	4.9	0	0.0	0	0.0	0	0.0
Sierra	0	0	-	0	-	0	-	0	-	0	-

TABLE 20 - Continued
1000 P.C. DRUG DIVERSION REMOVALS DURING 1974
Type of Removal by County

County	Total known ^a	Type of removal									
		Successful		Technical violation		New offense		Abscond		Other	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Siskiyou	0	0	-	0	-	0	-	0	-	0	-
Solano	278	241	86.7	2	0.7	18	6.5	17	6.1	0	0.0
Sonoma	124	103	83.1	11	8.9	3	2.4	7	5.6	0	0.0
Stanislaus	351	316	90.0	18	5.1	10	2.8	7	2.0	0	0.0
Sutter	42	38	-	2	-	1	-	1	-	0	-
Tehama	15	10	-	3	-	0	-	1	-	1	-
Trinity	0	0	-	0	-	0	-	0	-	0	-
Tulare	163	136	83.4	27	16.6	0	0.0	0	0.0	0	0.0
Tuolumne	0	0	-	0	-	0	-	0	-	0	-
Ventura	392	322	82.1	49	12.5	7	1.8	14	3.6	0	0.0
Yolo	79	76	96.2	1	1.3	0	0.0	0	0.0	2	2.5
Yuba	45	44	-	0	-	1	-	0	-	0	-

^aData from Los Angeles County are unavailable.

Note: Percent distributions are not calculated when the number upon which those percents are based is less than 50.

Percentages may not total 100.0 due to rounding.

TABLE 21

1000 P.C. DRUG DIVERSION REMOVALS DURING 1973 AND 1974

Prior Record by Selected Counties

County	Total	Prior record ^a					
		Major		Minor		None	
		Number	Percent	Number	Percent	Number	Percent
Total	3,919	124	3.2	1,094	27.9	2,701	68.9
Alameda	109	17	15.6	39	35.8	53	48.6
Contra Costa	155	4	2.6	54	34.8	97	62.6
Orange	1,122	20	1.8	345	30.7	757	67.5
Riverside	213	10	4.7	65	30.5	138	64.8
Sacramento	173	1	0.6	40	23.1	132	76.3
San Bernardino	146	3	2.1	41	28.1	102	69.9
San Diego	935	48	5.1	202	21.6	685	73.3
San Mateo	105	1	0.9	18	17.1	86	81.9
Santa Barbara	93	1	1.1	17	18.3	75	80.6
Santa Clara	634	14	2.2	204	32.2	416	65.6
Stanislaus	154	2	1.3	41	26.6	111	72.1
Ventura	80	3	3.8	28	35.0	49	61.3

^aPrior record:

None: No arrests.

Minor: One or more arrests, or convictions of less than 90 days jail, or two years probation.

Major: Any number of convictions of 90 days or more jail, over two years probation, or any number of prison commitments.

Note: Prior record was determined for all 1973 removals and 10.6 percent of 1974 removals.

Percentages may not total 100.0 due to rounding.

APPENDIX A

Chapter 2.5. SPECIAL PROCEEDINGS IN NARCOTICS AND DRUG ABUSE CASES
(Effective December 15, 1972)

Section 1000. (a) This chapter shall apply whenever a case is before any court upon an accusatory pleading for violation of Section 11500, 11530, 11555, 11556, 11910, or 11990 of the Health and Safety Code¹ and it appears to the district attorney that all of the following apply to the defendant:

(1) The defendant has no prior conviction for any offense involving narcotics or restricted dangerous drugs.

(2) The offense charged did not involve a crime of violence or threatened violence.

(3) There is no evidence of a violation relating to narcotics or restricted dangerous drugs other than a violation of the sections listed in this subdivision.

(4) The defendant has no record of probation or parole violations.

(b) The district attorney shall review his file to determine whether or not paragraphs (1) to (4), inclusive, of subdivision (a) are applicable to the defendant.

Section 1000.1. (a) If the district attorney determines that this chapter may be applicable to the defendant, he shall advise the defendant or his attorney of such determination. If the defendant consents and waives his right to a speedy trial the district attorney shall refer the case to the probation department. The probation department shall make an investigation and take into consideration the defendant's age, employment and service records, educational background, community and family ties, prior narcotics or drug use, treatment history, if any, demonstrable motivation and other mitigating factors in determining whether the defendant is a person who would be benefited by education, treatment, or rehabilitation. The probation department shall also determine which community programs the defendant would benefit from and which of those programs would accept the defendant. The probation department shall report its findings and recommendation to the court.

¹Effective March 7, 1973 (three months after the Drug Offender Diversion Program was signed into law), the Health and Safety Code Sections were renumbered accordingly:

11500 - 11350

11530 - 11357

11555 - 11364

11556 - 11365

11910 - 11377

11990 - 11383

(b) No statement, or any information procured therefrom, made by the defendant to any probation officer which relates to the specific offense with which the defendant is charged, which is made during the course of any investigation conducted pursuant to subdivision (a), and prior to the reporting of the probation department's findings and recommendations to the court, shall be admissible in any action or proceeding brought subsequent to the investigation, with respect to the specific offense with which the defendant is charged.

Section 1000.2. The court shall hold a hearing and, after consideration of the probation department's report and any other information considered by the court to be relevant to its decision, shall determine if the defendant consents to further proceedings under this chapter and waives his right to a speedy trial and if the defendant should be diverted and referred for education, treatment, or rehabilitation. The defendant's case shall not be diverted unless the district attorney concurs with the court's determination that the defendant be so referred though such concurrence is not necessary with respect to the program to which the defendant is referred. If the court does not deem the defendant a person who would be benefited by diversion, or if the district attorney or the defendant do not consent to participate, the proceedings shall continue as in any other case.

The period during which the further criminal proceedings against the defendant may be diverted shall be for no less than six months nor longer than two years. Progress reports shall be filed by the probation department with the court not less than every six months. If the defendant is arrested and convicted of any criminal offense during the period of diversion, the case for which he has been diverted shall be referred to the court for arraignment and disposition as if he had not been diverted and the case is a regular criminal matter. If the defendant has performed successfully in the education or treatment program, at the end of the period of diversion, the charges shall be dismissed.

Section 1000.3. Any record filed with the Bureau of Criminal Identification and Investigation shall indicate the disposition in those cases diverted pursuant to this chapter.

Section 1000.4. This chapter shall remain in effect until January 1, 1975, and on such date is repealed.

APPENDIX B

JUDICIAL INTERPRETATION OF PENAL CODE, SECTION 1000

The California Supreme Court and District Courts of Appeal have interpreted the diversion statute by analyzing declarations of legislative intent, statutory language, and constitutional and decisional law. A statement of the law's twofold purpose was made by the Supreme Court in its first decision:

First, diversion permits the courts to identify the experimental or tentative user before he becomes deeply involved with drugs, to show him the error of his ways by prompt exposure to educational and counseling programs in his own community, and to restore him to productive citizenship without the lasting stigma of a criminal conviction. Second, reliance on this quick and inexpensive method of disposition, when appropriate, reduces the clogging of the criminal justice system by drug abuse prosecutions and thus enables the courts to devote their limited time and resources to cases requiring full criminal processing.

[People v. Superior Court (On Tai Ho)]

Diversion Eligibility and the Role of the District Attorney

The courts have ruled that defendants charged with non-divertible drug offenses, or defendants involved in other drug offenses as evidence by testimony or official reports, are ineligible. However, the existence of concurrent non-drug charges does not preclude diversion eligibility. A defendant cannot be referred for a diversion investigation over the objection of the district attorney, but the grounds for diversion ineligibility are to be put in writing and are reviewable subsequent to a conviction in the case. Once a case is referred for a suitability investigation, the district attorney cannot veto the court's decision to divert the defendant.

Sledge v. Superior Court, 11 Cal 3d 70 (March 1974)

The Supreme Court decided that Section 1000 gives the district attorney sole authority to determine eligibility, subject to post-conviction review. The Court further attempted to define "evidence" in subsection (3) as official reports of trafficking or other offenses, not just mere rumor or speculation.

People v. Fulk, First District, Division 4, 39 Cal App 3d 851 (June 1974)

The District Court ruled that the district attorney could not deem an otherwise eligible defendant ineligible because he is being charged with a non-drug offense in the same case.

People v. Cina, Second District, Division 2, 41 Cal App 3d 136 (August 1974)

A defendant charged with 11358 H&S (cultivation of marijuana) is not eligible for diversion unless the district attorney amends the complaint to charge a divertible offense and deems the defendant eligible.

People v. Haycock, First District, Division 4, 45 Cal App 3d 90 (February 1975)

If the district attorney fails to initiate diversion proceedings prior to trial, it is up to the defendant to do so, thereby forcing the district attorney to either render an ineligibility decision or allow referral to the probation department.

People v. Campbell, Fourth District, Division 1, 46 Cal App 3d 799 (April 1975)

The District Court upheld the district attorney's determination that *testimonial evidence* that a defendant was under the influence of a drug (a non-divertible offense) is grounds for excluding the defendant from diversion.

People v. Superior Court (On Tai Ho), 11 Cal 3d 59 (March 1974)

The Supreme Court found that the provision of Penal Code, Section 1000.2 which says that "The defendant's case shall not be diverted unless the district attorney concurs with the court's determination that the defendant be so referred..." violates Article III of the California Constitution.

Diversion Suitability

A hearing on diversion suitability is mandated in the statute. The Supreme Court in the *Morse* decision declared that the diversion statute is meant "to facilitate its (the Legislature's) broader aim of conducting an unusually liberal experiment in rehabilitation by encouraging the broadest possible participation in the drug treatment programs."

Harvey v. Superior Court, Third District, 43 Cal App 66 (November 1974)

The District Court ruled that diversion "is not limited to those who through ignorance or lack of education wander into drug abuse", but should be based upon "whether the accused 'would be benefited by education, treatment or rehabilitation'." The court asserted that the suitability investigation should take other charges and their potential outcomes into consideration, but their mere existence should not be the basis for denying diversion.

Time of Diversion

The statute is unclear as to the stage in the proceedings when diversion should take place. Two district courts of appeal issued diametrically opposed decisions; one ruled that diversion had to be accepted when offered at the outset, while the other court said diversion could occur any time prior to sentencing. Both courts relied heavily on their perceived intent of the law, but the Supreme Court adhered to the language of the statute in declaring that diversion must occur before the commencement of a trial.

People v. Reed, Second District, Division 5, 37 Cal App 3d 369 (February 1974)
Decision reversed 46 Cal App 3d 625 (March 1975)

Because rehabilitation was seen as the primary intent, the court originally ruled that a convicted but yet unsentenced defendant would benefit from diversion. This decision was reversed to conform to the Supreme Court's decision below.

Morse v. Municipal Court, 13 Cal 3d 149 (December 1974)

The Supreme Court interpreted the statute to read that the only condition the Legislature imposed on a potential diveree was the waiver of a speedy trial. Therefore an eligible defendant can exercise pretrial motions and be granted diversion any time before trial. Again dealing with the rehabilitative intent, the court asserted that to deny the defendant the right to determine whether a prosecutable case exists against him would operate contrary to the intent of diversion.

Conditions of Diversion

Frederick v. Justice Court, Second District, Division 3, 47 Cal App 3d 687 (April 1975)

The District Court used the language of the *Morse* decision in asserting that a Court cannot place a search and seizure condition upon a diveree. The statute requires a waiver of only one constitutional right, and the trial court has no right to add another. A second reason for this ruling was founded on the court's perception of the diveree as an "experimental or tentative user" rather than a person "deeply involved with drugs". Therefore a search and seizure condition is not a compelling necessity as it may be among addicts or near addicts.

Revocation of Diversion

Kramer v. Municipal Court, Second District, Division 5, 49 Cal App 3d 418 (June 1975)

It is "compelling implied" that termination of diversion can occur because of a divertee's non-participation in a program or a related cause, declared the court. However, it is equally clear by due process principles that a hearing prior to any revocation of diversion would be required.

CRIMINAL JUSTICE GLOSSARY

GENERAL TERMS

ABSCOND: to leave the judicial jurisdiction without consent.

ADULT: a person 18 years of age or older.

ARREST: "taking a person into custody, in a case and in the manner authorized by law. An arrest may be made by a peace officer or by a private person." (P.C. 834)

CRIME: "an act committed or omitted in violation of law forbidding or commanding it . . ." (P.C. 15)

DRUGS: (a) a substance officially recognized as such; (b) intended for medical use; (c) a non-food, used to change the structure or function of the body and; (d) substances intended for use as a component in (a) through (c) above.

DRUG DIVERSION: per Penal Code, Section 1000, criminal proceedings are suspended for selected first-time drug offenders while they are participating in a community-based treatment program. Following successful completion of the program, the original charges against the drug offender may be dismissed.

FELONY: "a crime punishable with death or imprisonment in state prison." (P.C.17)

JAIL: a county or city facility for incarceration of sentenced or unsentenced persons.

LOWER COURTS: municipal and justice courts.

MISDEMEANOR: a crime punishable by imprisonment in the county jail, by a fine, or by both. Under certain conditions defined by Section 17 of the Penal Code, a felony crime can be treated as a misdemeanor.

MUNICIPAL OR JUSTICE COURT: court of original or trial jurisdiction for adults being prosecuted for misdemeanors and those certain felonies which may be tried as misdemeanors. Also, municipal and justice courts conduct probable cause preliminary hearings for those felonies which are subject to jurisdiction of superior courts - the felony trial court.

OFFENSE: charged offense is the offense for which the defendant was arrested or filed on by the district attorney. Convicted offense is the offense which the defendant was convicted of, or pled guilty to in court. Sustained offense is the offense by which the juvenile court sustains a petition.

PRIOR CRIMINAL RECORD: criminal record at the time of arrest which led to the disposition of the defendant indicated in the reports.

PRISON: a state facility where adults are confined following conviction of a felony offense.

PUNISHMENT: minimum sentence for a felony conviction is six months in state prison, maximum is death. Misdemeanor convictions are punishable by imprisonment in the county jail for one day to one year, or by a fine, or both.

SENTENCE: see punishment.

SUCCESSFUL TERMINATION: the adult who has been diverted completes the program and all charges against him are dismissed.

SUPERIOR COURT: court of original or trial jurisdiction for felony cases and all juvenile hearings. Also, the first Court of Appeals for municipal or justice court cases.

TECHNICAL VIOLATION: when the adult who has been diverted is performing unsatisfactorily or is not being benefitted by a drug diversion program, the probation department recommends to the court that the adult be terminated from the program.

UNSUCCESSFUL TERMINATION: the adult who has been diverted does not complete the program because he either commits a new criminal offense, a technical violation, or he absconds.

FELONY ARREST LEVEL

(Penal Code Sections unless indicated otherwise)¹

<i>Homicide -</i>	187, 192 (except vehicular manslaughter)
<i>Manslaughter, Vehicle -</i>	192.3a
<i>Forcible Rape -</i>	261(1), 261(2), 261(3), 261(4), 261(5), 220/261, 664/261
<i>Robbery -</i>	211, 200/211, 664/211
<i>Assault -</i>	69, 71, 148.1, 148.4(2), 149, 664/187, 203, 216, 217, 218, 219.2, 221, 222, 241, 243, 244, 245a, 245b, 246, 247, 273a, 347, 375.4, 401, 405a, 588a, 4500, 4501, 4501.5, 12303, 12304, 12308, 12309, 12310, 12352 HS, 12354 HS, 23110b VC
<i>Kidnapping -</i>	207, 209, 210, 278, 4503
<i>Burglary -</i>	459, 664/459, 464
<i>Theft -</i>	72, 115, 134, 182.4, 424, 474, 481, 484b, 485, 487, 487.1, 487.2, 487.3, 664/487, 495, 496, 496a, 502.7e, 503, 504a, 506, 508, 530, 532, 538, 543, 556 IC, 666, 667, 1733 IC, 3020a IC, 10855 VC, 11022 BP, 11483(2) WI, 25541 CC, 17410 WI
<i>Motor Vehicle Theft -</i>	487.3, 664/487.3, 499d, 10851 VC, 664/10851 VC
<i>Forgery, Checks, Credit Cards -</i>	470, 664/470, 472, 475, 475a, 476, 476(a), 476a(b), 477, 480, 484e(4), 484(f)1, 484(f)2, 484(g), 484h, 484i(b), 4463 VC

¹BP - Business and Professions Code; CC - Civil Code; HS - Health and Safety Code; IC - Insurance Code; VC - Vehicle Code; WI - Welfare and Institutions Code.

Other Sex Law Violations

Unlawful Sexual Intercourse - 261.5

Lewd and Lascivious - 288

All Other - 265, 266, 266f, 266g, 266h, 266i, 267, 285, 286,
220/286, 664/286, 288a, 288b, 311, 314, 647a

Drug Law Violations

Marijuana - 11357 HS, 11358 HS, 11359 HS, 11360 HS, 11361
HS

All Other - 4234 BP, 4237 BP, 4390 BP, 11155 HS, 11162 HS,
11173 HS, 11174 HS, 11350 HS, 11351 HS, 11352
HS, 11353 HS, 11354 HS, 11355 HS, 11363 HS,
11366 HS, 11368 HS, 11377 HS, 11378 HS, 11379
HS, 11380 HS, 11382 HS, 11383 HS, 23106 VC

Weapons - 171(c).1, 171(c).2, 626.9, 4502, 12020, 12021,
12025, 12090, 12220, 12420, 12520, 12560

Drunk Driving - 23101 VC

Hit and Run - 20001 VC

Escape - 107, 109, 2041, 2042, 3002 WI, 4530, 4530a, 4530b,
4532a, 4532b, 4533, 4534, 4535, 4550.1, 4550.2,
6330 WI

Bookmaking - 337a

Arson - 447a, 448a, 449a, 449b, 449c, 450a, 451a, 452a,
452b, 548

All Other Felony Offenses

END

7 11/15/11