

ANOKA COUNTY ATTORNEY

ROBERT M.A. JOHNSON

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09 - 0859

August 24, 2009

Sue Dosal
State Court Administrator
25 Reverend Martin Luther King Jr. Blvd.
St. Paul MN 55155

RE: **REPORT TO THE STATE COURT ADMINISTRATOR AND THE MINNESOTA LEGISLATURE ON THE OPERATION OF THE ANOKA COUNTY ADULT CRIMINAL PRE-TRIAL DIVERSION PROGRAM 2007/2008**

Dear Ms. Dosal:

Enclosed you will find a biennial report on the 2007/2008 Anoka County Pretrial Diversion Program required by Minnesota Statute § 401.065, Subd. 4.

Sincerely yours,

Bryan R. Lindberg, #155512
Division Chief Attorney – Property & Drug

BRL/mhk

Enclosure

cc: Robert M.A. Johnson, Anoka County Attorney
Robert C. Parta, Chief Deputy Anoka County Attorney
Don Ilse, Anoka County Community Corrections Department
Judge Lawrence R. Johnson, Chair of the Anoka Chambered Judges
Criminal Division Attorneys
Legislative Library

**REPORT TO THE STATE COURT ADMINISTRATOR AND THE
MINNESOTA LEGISLATURE ON THE OPERATION OF THE ANOKA COUNTY
ADULT CRIMINAL PRE-TRIAL DIVERSION PROGRAM.**

August 10, 2009

PURPOSE OF REPORT

This report is made pursuant to Minnesota Statute §401.065, Subd. 4, requiring that by January 1, 1995, and bi-annually thereafter, each county attorney of a county participating in the Community Corrections Act shall report to the state court administrator and the legislature on the operation of a pre-trial diversion program required under that section. Anoka County is a county participating in the Community Corrections Act and has developed and filed an adult criminal pre-trial diversion plan and effective July 1, 1994, has implemented an adult criminal pre-trial diversion program in the county.

DESCRIPTION OF PROGRAM

The Anoka County Adult Criminal Pre-Trial Diversion Program is designed for first-time offenders charged with a misdemeanor, gross misdemeanor or felony offense, other than a crime against a person. The goals of the diversion plan in Anoka County are to provide an alternative to criminal prosecution as an incentive to change behavior and thus reduce recidivism, while at the same time promoting payment of restitution to crime victims and reducing court-related costs. The diversion program provides an alternative to incarceration and criminal conviction for eligible low-level property crime offenders. The prosecutor responsible for prosecuting the offense makes the decision to divert an offender and will dismiss the criminal charges after a specified period of time if the offender successfully completes the diversion program.

NUMBER OF OFFENDERS PARTICIPATING IN THE ANOKA COUNTY DIVERSION PROGRAM

On December 31, 2008, there were 472 offenders participating in the program. Virtually every program participant had been charged with a felony level crime. During 2007 and 2008, 366 offenders entered the diversion program. By gender, 212 offenders (58%) were male, 154 offenders (42%) were female. By age, 248 of the offenders entering the program (68%) were ages 18 through 25, the remainder were age 26 or older. By race, 36 of the offenders entering the program (10%) report being of a minority group. The type of offense committed by the majority of the offenders entering the program was Controlled Substance in the Fifth Degree, Theft related, Check Forgery, Damage to Property, and Dishonored Checks, in that order.

NUMBER AND CHARACTERISTICS OF OFFENDERS WHO HAVE SUCCESSFULLY COMPLETED THE DIVERSION PROGRAM

During 2007 and 2008, 241 participants successfully completed the diversion program and the criminal charges against those individuals were dismissed.

NUMBER AND CHARACTERISTICS OF THE OFFENDERS WHO FAILED TO COMPLETE THE DIVERSION PROGRAM

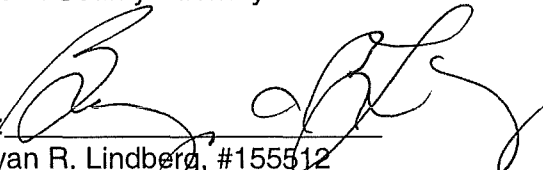
During 2007 and 2008, 115 participants failed to complete the diversion program, were terminated from the program, and were sentenced.

EVALUATION OF THE EFFECT OF THE DIVERSION PROGRAM ON THE OPERATION OF THE CRIMINAL JUSTICE SYSTEM IN ANOKA COUNTY

The Anoka County Adult Criminal Pre-Trial Diversion Program has been in existence since July 1, 1994. Since implementation, 2064 offenders have been diverted, 472 of which are still participating in the program. Since implementation, 1592 individuals have either successfully completed (1010) or failed (582) the diversion program. Those successfully completing the program (63%) exceed those failing the program (37%).

Approximately 11% of the charged felony cases in the Anoka County Attorney's Office are diverted each year. The diverted offenses are largely thefts and theft related offenses, check forgeries and dishonored checks, damage to property, and drug possessions. The majority of individuals diverted are young (18 to 25 years of age). The "success rate" is approximately two out of every three offenders entering the program. Assuming those successfully completing the program do not re-offend and do not return to the criminal justice system, then the program may be judged a success. Further, the program has by its operation reduced the burden upon the court, prosecution, public defender, and corrections.

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BIENNIAL ADULT PRETRIAL DIVERSION PROGRAM REPORT

So that the numerical information required by Minn. Stat. §401.065, Subd. 4 is provided in a consistent manner by all counties, please answer the questions below, and include this form as part of your report to the Department of Corrections. Please see the accompanying cover letter for further instructions concerning this report.

ANOKA

How many individuals were participating in your adult pretrial diversion program on December 31, 2008? (One-day count)	472
How many individuals entered your adult pretrial diversion program during calendar years 2007 and 2008?	(Biennium total) 366
How many individuals successfully completed your adult pretrial diversion program during calendar years 2007 and 2008?	(Biennium total) 241
How many individuals were terminated from your adult pretrial diversion Program as program failure during calendar years 2007 and 2008	(Biennium total) 115

COMMENTS:

Please provide any comments that would be of use to those using the figures you provided. If any of your figures are based on a time period other than that specified in the question, please indicate this.