

**WASHINGTON COUNTY ATTORNEY  
BIENNIAL ADULT PRE-TRIAL DIVERSION REPORT  
2009 and 2010**

**Purpose of Report**

This report is pursuant to Minnesota Statute §401.065 which mandates each county attorney of a Community Corrections Act County to report biennially to the state court administrator and legislature on the operation of its mandated pretrial diversion program.

**Pre-Trial Diversion Program**

The Washington County Adult Pre-Trial Diversion Program is an alternative to criminal prosecution resulting in conviction with the goals of providing responsible alternatives to criminal prosecution and conviction, reduction of recidivism, restoration of the victim and reduction of prosecution costs. The program is available to first-time offenders who have had a criminal complaint filed against them who submit to a Diversion Application, meet the criteria for diversion established by the Washington County Attorney's Office for cases within the jurisdiction of the office and cooperate in the program. Offenders are required to execute diversion agreement documents and plead guilty. The court then essentially with the consent of the County Attorney proceeds in a manner similar to a felony stay of adjudication of sentence. Supervision of the offender is provided by Washington County Community Corrections.

**Number of Offenders Participating in the Program during Reporting Period**

There were 49 people in 2009 and 29 in 2010 that applied to participate in the Pre-Trial Diversion Program. In 2009 a total of 24 were accepted and that number was 39 in 2010. 2009 saw 25 people successfully complete diversion and that number was 20 in 2010. Some offenders who completed in one of those years had started participation before 2009 and many were still enrolled as of January 1, 2011.

**Number and Characteristics of Offenders Successfully Completing Program during Reporting Period**

The following characteristics have been determined from case records regarding those offenders who successfully completed diversion:

Gender – 2009

15 male offenders  
24 female offenders

Gender – 2010

16 male offenders  
2 female offenders  
2 gender not indicated

Offense – 2009

Theft-related	3
Forgery	2
Property Damage	4
Theft	16

Offenses – 2010

Theft	8
Theft-related	3
Forgery/Fraud	5
Burglary	3

**Number and Characteristics of Offenders Failing Program during Reporting Period**

The following charged offenses have been documented regarding those offenders who failed diversion:

<u>Offense – 2009</u>		<u>Offense – 2010</u>	
Theft	2	Theft	1
Forgery	1	Theft-related	2
Criminal Damage to Property	1	Criminal Damage to Property	1

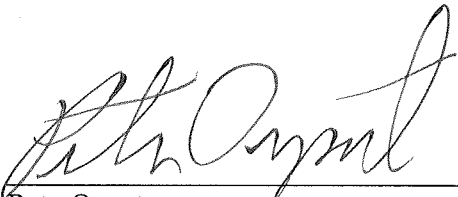
**Evaluation on Program’s Effect on Operation of Washington County Criminal Justice System**

In 2009 and 2010, 807 and 820, respectively, felony cases were referred to court either by complaint, citation or indictment. If there were no diversion program that total would have been increased by slightly less than 3% in 2009 and 5% in 2010.

There is little empirical evidence that adult felony diversion has any significant impact on the burdens of the criminal justice system. The two primary groups who gain from diversion are crime victims, who may get restitution paid slightly faster, and the defendants, who if successful have a major benefit of avoiding a felony record if successful in diversion. Prior statistically valid empirical research analyzing the Washington County Adult felony diversion program showed it had no impact of criminal justice costs nor did it reduce recidivism or jail beds used to confine offenders.

2/7/11

Date



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