



Dakota County Attorney's Office

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County Attorney

BIENNIAL ADULT PRETRIAL DIVERSION REPORT 2022-2023

Purpose.

This report is made pursuant to Minn. Stat. § 401.065 which mandates every county attorney of a county participating in the Community Corrections Act to establish a pretrial diversion program for adult offenders; and to report biennially thereafter to the state court administrator and the legislature on the operation of their diversion program(s).

Description of Programs.

The Dakota County Attorney's Office has established three separate adult pretrial diversion programs under Minn. Stat. § 401.065. A description of each follows.

1. Adult Community Accountability Program. This program is for first time offenders who have committed a misdemeanor, gross misdemeanor, or low level property offense. Low level felony property offenses are those property offenses under \$5,000 and with a severity level ranking of III or less under the Minnesota Sentencing Guidelines. As part of the program, the participant must voluntarily agree to participate in the program, pay program fees, perform 40 hours of community work service, attend an educational class, and pay restitution.
2. Diversion Program for Low Level Drug Offenses. This program was implemented on August 1, 2021, for first time low level drug offenders who have been charged with controlled substance crime in the fifth degree in violation of Minn. Stat. §152.025, subd. 2. As part of the program, the participant must voluntarily agree to participate in the program, pay program fees, undergo a chemical dependency and/or mental health evaluation and complete all recommend treatment or counseling, and perform 40 hours of community work service.
3. Diversion Program for Low Level/Non-Violent Drug Offenders - Corrections. This program is a joint effort between the Dakota County Attorney's Office and Dakota County Community Corrections. It is for offenders who have been charged with controlled substance crime in the fifth degree that upon conviction would result in a presumptive probation sentence under the Minnesota Sentencing Guidelines and the offender is not otherwise eligible for a mandated stay of adjudication under Minn. Stat. §152.18, subd. 1(b). As part of the program, the participant must pay program fees, submit to random urinalysis, participate and complete all treatment, counseling, educational training, cognitive group program and/or vocational training programs as directed by Dakota County Community Corrections.

Number and Characteristics of Offenders.

Table 1-2022. Entered in 2022: Program by Gender with Age Range at Entry

| | | 18-29 | 30-39 | 40-49 | 50 Plus | Total Number of Participants |
|------------------------------|--------------|-------|-------|-------|---------|------------------------------|
| Adult CAP | Female | 9 | 5 | 4 | 3 | 21 |
| | Male | 18 | 6 | 0 | 6 | 30 |
| | Total | 27 | 11 | 4 | 9 | 51 |
| Pretrial Drug Diversion | Female | 3 | 6 | 2 | 0 | 11 |
| | Male | 14 | 4 | 2 | 0 | 20 |
| | Total | 17 | 10 | 4 | 0 | 31 |
| Drug Diversion - Corrections | Female | 3 | 2 | 3 | 0 | 8 |
| | Male | 11 | 8 | 4 | 1 | 24 |
| | Total | 14 | 10 | 7 | 1 | 32 |

Table 2-2022. Completed in 2022: Program by Gender with Age Range at Entry

***Note:** Participants completing a program in 2022 may have entered a program in a previous year.

| | | 18-29 | 30-39 | 40-49 | 50 Plus | Total Number of Participants |
|------------------------------|--------------|-------|-------|-------|---------|------------------------------|
| Adult CAP | Female | 7 | 4 | 2 | 2 | 15 |
| | Male | 10 | 2 | 1 | 1 | 14 |
| | Total | 17 | 6 | 3 | 3 | 29 |
| Pretrial Drug Diversion | Female | 0 | 0 | 0 | 0 | 0 |
| | Male | 1 | 0 | 0 | 0 | 1 |
| | Total | 1 | 0 | 0 | 0 | 1 |
| Drug Diversion - Corrections | Female | 1 | 2 | 3 | 0 | 6 |
| | Male | 4 | 5 | 0 | 1 | 10 |
| | Total | 5 | 7 | 3 | 1 | 16 |

Table 3-2022. Terminated in 2022: Program by Gender with Age Range at Entry

***Note:** Participants terminated in 2022 may have entered a program in a previous year.

| | | 18-29 | 30-39 | 40-49 | 50 Plus | Total Number of Participants |
|------------------------------|--------------|-------|-------|-------|---------|------------------------------|
| Adult CAP | Female | 2 | 0 | 0 | 0 | 2 |
| | Male | 4 | 0 | 1 | 1 | 6 |
| | Total | 6 | 0 | 1 | 1 | 8 |
| Pretrial Drug Diversion | Female | 0 | 0 | 0 | 0 | 0 |
| | Male | 0 | 0 | 0 | 0 | 0 |
| | Total | 0 | 0 | 0 | 0 | 0 |
| Drug Diversion - Corrections | Female | 0 | 0 | 0 | 0 | 0 |
| | Male | 0 | 0 | 0 | 0 | 0 |
| | Total | 0 | 0 | 0 | 0 | 0 |

Table 1-2023. Entered in 2023: Program by Gender with Age Range at Entry

| | | 18-29 | 30-39 | 40-49 | 50 Plus | Total Number of Participants |
|------------------------------|--------------|-------|-------|-------|---------|------------------------------|
| Adult CAP | Female | 8 | 11 | 7 | 3 | 29 |
| | Male | 19 | 3 | 3 | 5 | 30 |
| | Total | 27 | 14 | 10 | 8 | 59 |
| Pretrial Drug Diversion | Female | 3 | 5 | 1 | 0 | 9 |
| | Male | 18 | 5 | 2 | 1 | 26 |
| | Total | 21 | 10 | 3 | 1 | 35 |
| Drug Diversion - Corrections | Female | 2 | 5 | 1 | 0 | 8 |
| | Male | 9 | 12 | 4 | 1 | 26 |
| | Total | 11 | 17 | 5 | 1 | 34 |

Table 2-2023. Completed in 2023: Program by Gender with Age Range at Entry

***Note:** Participants completing a program in 2023 may have entered a program in previous year.

| | | 18-29 | 30-39 | 40-49 | 50 Plus | Total Number of Participants |
|------------------------------|--------------|-------|-------|-------|---------|------------------------------|
| Adult CAP | Female | 9 | 9 | 3 | 1 | 22 |
| | Male | 13 | 6 | 1 | 5 | 25 |
| | Total | 22 | 15 | 4 | 6 | 47 |
| Pretrial Drug Diversion | Female | 2 | 0 | 1 | 0 | 3 |
| | Male | 3 | 1 | 1 | 0 | 5 |
| | Total | 5 | 1 | 2 | 9 | 8 |
| Drug Diversion - Corrections | Female | 1 | 1 | 0 | 1 | 3 |
| | Male | 2 | 0 | 4 | 0 | 6 |
| | Total | 3 | 1 | 4 | 1 | 9 |

Table 3-2023: Terminated in 2023: Program by Gender with Age Range at Entry

***Note:** Participants terminated in 2023 may have entered a program in a previous year.

| | | 18-29 | 30-39 | 40-49 | 50 Plus | Total Number of Participants |
|------------------------------|--------------|-------|-------|-------|---------|------------------------------|
| Adult CAP | Female | 0 | 0 | 1 | 0 | 1 |
| | Male | 1 | 0 | 0 | 0 | 1 |
| | Total | 1 | 0 | 1 | 0 | 2 |
| Pretrial Drug Diversion | Female | 0 | 0 | 0 | 0 | 0 |
| | Male | 0 | 0 | 0 | 0 | 0 |
| | Total | 0 | 0 | 0 | 0 | 0 |
| Drug Diversion - Corrections | Female | 0 | 0 | 0 | 0 | 0 |
| | Male | 0 | 0 | 0 | 0 | 0 |
| | Total | 0 | 0 | 0 | 0 | 0 |

Evaluation of Diversion Programs

The use of these various diversion programs has a positive impact on the operation of the criminal justice system in Dakota County because it provides eligible persons with an alternative to confinement and criminal conviction; minimizes recidivism; ensures full and prompt payment of restitution to crime victims; and reduces the costs and caseload burdens associated with the criminal justice system.

Dated: September 4, 2024

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