

**OFFICE OF THE ATTORNEY GENERAL
COURT DIVERSION
FISCAL YEAR 2014**

DEPT MISSION

The mission of Vermont court diversion programs is to engage community members in responding to the needs of crime victims, the community, and those who violated the law, holding the latter accountable in a manner that promotes responsible behavior.

Court Diversion is a locally governed community justice program begun in the 1970's to divert minor offenders out of the court system to community-based programs staffed largely by volunteers. It provides a community-based alternative to the formal court process for youth and adult offenders. Its goals are to:

- Use citizen involvement and a restorative justice approach
- Repair harm to victims
- Restore to the community any loss it sustained
- Redirect offenders in a more productive direction
- Reduce recidivism
- Reduce the workload on Vermont courts

DESCRIPTION OF APPROPRIATIONS, DIVISIONS & PROGRAMS

Through Court Diversion, offenders have the opportunity to accept responsibility for their actions, to repair the harm done, and to avoid a criminal record. The State's Attorney refers individuals to the county program. The majority of diversion clients are first-time offenders charged with misdemeanors; typical violations are disorderly conduct, simple assault, retail theft, and alcohol and marijuana violations. At the start of FY 2011, the statutory purpose of adult Court Diversion was expanded to include second-time misdemeanants. During FY 2012, approximately 13% of people referred to Diversion had previously been involved in the criminal justice system. Of all misdemeanor cases disposed by the Superior Court's Criminal Division in FY 2012, approximately 8% were as a result of successful completion of Diversion.

In FY 2012, 2,117 individuals were referred to Court Diversion and 2,799 youth to the Teen Alcohol Safety Program. Last fiscal year over 80 percent of the adults and youth completed their court diversion contracts successfully. Clients paid over \$80,000 in restitution and charitable donations during the past year. Staffed by 30 full-time staff equivalents and 400 volunteers, programs provided these services at a cost of approximately \$260 per case in General Fund dollars. 93% of the GF appropriation is awarded as grants to the private non-profit agencies that run Court Diversion in each county.

Court Diversion is a cost-effective program that holds offenders accountable, helps offenders to repair the harm caused to victims and the larger community, and works to prevent

future criminal behavior. This community-based, restorative justice approach to crime is a valuable investment that reduces the workload and cost of the Courts, State's Attorneys, and Department of Corrections.

Community members on review boards meet with clients to develop contracts that address the offense and the underlying reasons for the client's actions. Approximately 400 Vermonters volunteer with Court Diversion. Victims are invited to voice their opinion, and clients through their contracts may agree to pay restitution, participate in counseling or substance abuse treatment, write letters of apology, etc. Participation in the program is voluntary and upon successful completion of the program, the State's Attorney dismisses the case. If an offender does not complete the terms of the contract, the case is returned for prosecution.

In addition, Court Diversion programs run the Teen Alcohol Safety Program (TASP). Youth who violate Vermont's underage possession and consumption of alcohol laws (7 VSA §656 and §657) are referred by law enforcement to the Teen Alcohol Safety Program. Participants pay a fee, meet with a licensed substance abuse counselor for a screening or assessment and must follow the recommendations of the counselor, and may participate in an educational program and perform community service. If an individual fails to complete the contract, the ticket is sent to the Vermont Judicial Bureau, which levies a fine, and the individual's driver's license is suspended.

The Vermont Association of Court Diversion Programs is made up of 14 court diversion programs housed in 13 community based non-profit agencies. Two programs (Caledonia and Essex Counties) are based in the same agency. A community board of directors governs each program, designated by the Attorney General and the Vermont Association of Court Diversion Programs (VACDP) as the diversion agency serving a particular county.

KEY BUDGET ISSUES

Most of the Court Diversion GF appropriation (93%) is awarded to the private non-profit agencies that run Court Diversion in each county. As funding has tightened, expenses have risen, and caseloads grown. Two years ago, the legislature expanded the purpose of Adult Court Diversion from assisting "adult first-time offenders" to adults who have been charged with a first or second misdemeanor or a first felony. State's attorneys retain discretion in which cases to refer but as pressures grow to reduce the workload of the Courts and the Department of Corrections, more challenging cases are being referred to these community programs.

Programs report that individuals who are referred to Court Diversion after a second charge typically present challenging issues and require more case manager supervision and support. Approximately 13% of referrals to Court Diversion in FY 2012 were of people with "prior involvement in the criminal justice system" - they had either participated in Diversion previously or have a criminal record.

In FY 2012, the state General Fund appropriation for Diversion increased by \$106,238 to \$1,311,014. The program had been level funded from FY 2004 through FY 2011, except in FY 2007 an increase of approximately \$79,000 was awarded to raise wages in seven counties. On

average, the state grant supports approximately 60% of the annual costs of each Court Diversion program, and fees provide 25% of program revenue. In recent years, directors have spent a growing amount of time working to raise the remainder, through annual campaigns, special events, town appropriations and the United Way. While town support is important for some programs, there has been little growth in these appropriations, and many towns have more stringent and time-consuming conditions for requesting funds. United Way support varies significantly by community and has decreased in some regions. Approximately one-third of Court Diversion programs do not receive any support from towns, and a similar number do not receive United Way funding.

Special Fund: Court Diversion Fees

The FY 2014 Court Diversion Special Fund is budgeted at \$519,997. Court Diversion programs collect fees from clients and report the amount collected and spent quarterly to the Attorney General's Office (AGO). As of July 2010, programs no longer submit fee revenue for deposit in the Court Diversion Special Fund, according to 3 VSA §166. A uniform statewide fee schedule was adopted in January 2009. Programs may reduce or waive fees to account for participants' financial situation.

New Civil DLS Diversion Programs

During the last session, the Legislature created a new DLS Diversion program with no GF appropriation. Since July, Diversion programs have been working to develop this initiative in anticipation of fee revenue supporting the operation come January 2013. While Diversion programs are eager to help tackle this long-standing issue, staff are concerned about the potential financial burden to their programs.

PERFORMANCE PROGRAM ISSUES

Current key indicators of Court Diversion programs' success include the percentage of clients who complete their contracts, percentage of victims who receive financial compensation, amount of restitution and donations paid by clients, and hours of community service performed by clients.

FY 2012	Youth CD	Adult CD	TASP
Successful Completion Rate	81%	83%	81%
Victims Financially Compensated	81%	93%	N/A
Restitution & Charitable Donations	\$7,995	\$73,217	\$11,989
Hours of Community Service	2,811	17,308	7,587

During FY 2012, programs collected information on the number of people referred who had either previously participated in Diversion or had a criminal record. These referrals

accounted for approximately 13% of all referrals; the successful completion rate of these participants was a few percentage points lower than people with no prior involvement in the criminal justice system.

Recidivism Study

A recent study examined recidivism of Diversion participants. Recidivism was defined as having a subsequent charge -- not conviction -- within two years of the date of successful completion of Court Diversion. Over 3,800 adults and youth participated in Court Diversion (referred through District Court/Criminal Division) during the three-year period of FY 2007-2009, and over 80% completed the program successfully. Of these successful Diversion participants, the statewide recidivism rate was 16%. In other words, 84% of successful Diversion participants were not subsequently *charged* with committing a crime up to two years after they completed Diversion.

Program Reviews

A major focus of the Vermont Association of Court Diversion Programs (VACDP) is to create uniform practices, while still preserving local control and governance. Performance standards are encompassed in the Compliance Standards that serve as the basis for each program's peer review, conducted every three years. Following the peer review, a program develops a plan to implement improvements, and the Court Diversion Director, of the Attorney General's Office, monitors that implementation plan.

Report ID: VTPB-11-BUDRLLUP

Run Date: 01/08/2013

Run Time: 10:17 AM

Organization: 2100002000 - Court Diversion

**State of Vermont
Budget Rollup**

Budget Object Group: 2. OPERATING

Budget Object Rollup Name	FY2012 Actuals	FY2013 as Passed	FY2013 Governor's BAA Recommended	FY2014 Governor's Recommended	Diff between FY14 Gov Rec and FY13 As Passed	Percentage Chg: FY2014 Gov Rec and FY2013 As Passed
Travel	1,077	0	0	0	0	0.0%
Budget Object Group Total: 2. OPERATING	1,077	0	0	0	0	0.0%

Budget Object Group: 3. GRANTS

Budget Object Rollup Name	FY2012 Actuals	FY2013 as Passed	FY2013 Governor's BAA Recommended	FY2014 Governor's Recommended	Diff between FY14 Gov Rec and FY13 As Passed	Percentage Chg: FY2014 Gov Rec and FY2013 As Passed
Grants Rollup	1,889,791	1,830,866	1,830,866	1,916,483	85,617	4.7%
Budget Object Group Total: 3. GRANTS	1,889,791	1,830,866	1,830,866	1,916,483	85,617	4.7%

Total Expenses	1,890,868	1,830,866	1,830,866	1,916,483	85,617	4.7%
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Fund Name	FY2012 Actuals	FY2013 as Passed	FY2013 Governor's BAA Recommended	FY2014 Governor's Recommended	Diff between FY14 Gov Rec and FY13 As Passed	Percentage Chg: FY2014 Gov Rec and FY2013 As Passed
General Funds	1,307,420	1,310,869	1,310,869	1,396,486	85,617	6.5%
Special Fund	583,448	519,997	519,997	519,997	0	0.0%
Funds Total	1,890,868	1,830,866	1,830,866	1,916,483	85,617	4.7%

Position Count						
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Report ID: VTPB-07
 Run Date: 01/08/2013
 Run Time: 10:09 AM

State of Vermont
Budget Detail Report

Organization: 2100002000 - Court Diversion

Budget Object Group: 2. OPERATING

<i>Rollup: Travel</i>		FY2012 Actuals	FY2013 as Passed	FY2013 Governor's BAA Recommended	FY2014 Governor's Recommended	Diff between FY14 Gov Rec and FY13 As Passed	Percentage Chg: FY2014 Gov Rec and FY2013 As Passed
Description	Code						
Travel-Inst-Auto Mileage-Emp	518000	72	0	0	0	0	0.0%
Travel-Inst-Incidentals-Emp	518040	48	0	0	0	0	0.0%
Travel-Outst-Other Trans-Emp	518510	488	0	0	0	0	0.0%
Travel-Outst-Meals-Emp	518520	74	0	0	0	0	0.0%
Travel-Outst-Lodging-Emp	518530	395	0	0	0	0	0.0%
Budget Object Group Total:		1,077	0	0	0	0	0.0%
Total: 2. OPERATING		1,077	0	0	0	0	0.0%

Budget Object Group: 3. GRANTS

<i>Rollup: Grants Rollup</i>		FY2012 Actuals	FY2013 as Passed	FY2013 Governor's BAA Recommended	FY2014 Governor's Recommended	Diff between FY14 Gov Rec and FY13 As Passed	Percentage Chg: FY2014 Gov Rec and FY2013 As Passed
Description	Code						
Other Grants	550500	1,889,791	1,830,866	1,830,866	1,916,483	85,617	4.7%
Budget Object Group Total:		1,889,791	1,830,866	1,830,866	1,916,483	85,617	4.7%

Report ID: VTPB-07
 Run Date: 01/08/2013
 Run Time: 10:09 AM

**State of Vermont
 Budget Detail Report**

Organization: 2100002000 - Court Diversion

Total: 3. GRANTS	1,889,791	1,830,866	1,830,866	1,916,483	85,617	4.7%
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Total Expenses:	1,890,868	1,830,866	1,830,866	1,916,483	85,617	4.7%
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Fund Name	Fund Code	FY2012 Actuals	FY2013 as Passed	FY2013 Governor's BAA Recommended	FY2014 Governor's Recommended	Diff between FY14 Gov Rec and FY13 As Passed	Percentage Chg: FY2014 Gov Rec and FY2013 As Passed
General Fund	10000	1,307,420	1,310,869	1,310,869	1,396,486	85,617	6.5%
AG-Court Diversion	21639	583,448	519,997	519,997	519,997	0	0.0%
Funds Total:		1,890,868	1,830,866	1,830,866	1,916,483	85,617	4.7%

Position Count							
FTE Total							

**State of Vermont
Grants out Inventory Report**



Department: 2100002000 - Court Diversion

Budget Request Code	Fund	Justification	Est Amount
1500	10000	Addison County Court Diversion & Community Justice Projects, Inc.	\$87,138
1500	10000	Center for Restorative Justice - Bennington	\$101,673
1500	10000	Chittenden County Court Diversion	\$178,522
1500	10000	Franklin County Court Diversion Program	\$89,878
1500	10000	Grand Isle Court Diversion Program	\$17,575
1500	10000	Lamoille County Court Diversion Program	\$95,558
1500	10000	Northeast Kingdom Community Action - Orleans Cty	\$81,702
1500	10000	Office of the Attorney General - Director/Support Staff Salary	\$109,532
1500	10000	Orange County Court Diversion Program	\$79,871
1500	10000	Rutland County Court Diversion & Restorative Justice Center	\$121,197
1500	10000	St. Johnsbury Area Youth Service Bureau - Caledonia Cty	\$83,844
1500	10000	St. Johnsbury Area Youth Service Bureau - Essex Cty	\$12,691
1500	10000	Valley Court Divesion Program - Windsor Cty	\$102,717
1500	10000	Vermont Assoc of Court Diversion Program	\$3,800
1500	10000	Washington County Court Diversion Program	\$121,143
1500	10000	Youth Services, Inc. - Windham Cty	\$109,645
1500	21639	County Court Diversion Programs (14)	\$519,997
		Total	\$1,916,483