

Pretrial Diversion

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Pretrial Diversion

Deflection

- Law Enforcement
- No citation, arrest, or charge
- Low-level incidents, serious mental illness

Diversion

- Prosecution
- At charge
- First timers, low level incidents, age or crime focused

Problem-solving Court

- Court
- Pre- or post- plea
- Substance use or mental health focused (others)

Deflection Models

- Law Enforcement Assisted Diversion (LEAD: King County, WA)
 - Co-Responder Model (Johnson County, KS)
 - Yellow Line Project (Blue Earth County, MN)
 - Crisis Intervention Teams
 - Triage Centers
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LEAD: Advancing Criminal Justice Reform In 2021



Downloaded from: <https://www.leadbureau.org/>

Prosecutor-Led Diversion

- Post-filing
 - Charge-based and charge-restricted
 - Program Goals:
 - hold participants accountable;
 - reduce participant recidivism;
 - rehabilitate participants by treating underlying problems; and
 - use resources more efficiently
 - **Do no harm**
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Prosecutor-Led Diversion

- Target Population
 - Screening and Assessment
 - Program Requirements:
 - community service
 - substance abuse education
 - substance abuse treatment
 - individual therapy (42%)
 - Supervision (44%)
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Prosecutor-Led Diversion

- Prosecutor only programs
 - Limited checks or balances
 - Potential for net-widening
 - Transparency
 - Program comparisons
 - Equity in participants
 - Limited studies and evaluations
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- Yellow Lone Project <https://www.yellowlineproject.com/>
Blue Earth County, MN (Mankato) (Pop: 67,653)
<https://youtu.be/6ycaGNZQgNI>
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Yellow Line Project

<https://www.yellowlineproject.com/>

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Resources

•**Prosecutor-Led Diversion: A National Survey, Center of Court Innovation, March 2019** : Survey of some of the main prosecutor-led programs that exist in the United States.

https://www.courtinnovation.org/sites/default/files/media/document/2019/prosecutor-led_diversion.pdf

•**Prosecutor-Led Pretrial Diversion: Case Studies in Eleven Jurisdictions, Center for Court Innovation, April 2018** : Evaluation of 16 diversion programs in 11 different offices:

https://www.courtinnovation.org/sites/default/files/media/documents/2017-11/pretrial_diversion_case_study_report_final_provrel.pdf

•**Models of Prosecutor-Led Diversion Programs in the United States and Beyond, Annual Review of Criminology, 2021** : Discussion of some of the pitfalls of prosecutor-led diversion including net widening, unilateral decision making and limited accountability, challenges of documenting results, and program and eligibility criteria.

<https://www.annualreviews.org/doi/abs/10.1146/annurev-criminol-061020-022236>

ES.1. Prosecutor-Led Diversion Programs in the Study

Prosecutor's Jurisdiction	Program Name	Program Start	Timing of Diversion	Charge Severity	Charge Specialization
Northeast					
Chittenden County (VT)	• Rapid Intervention Community Court Project	2010	Mixed model	Misd	No
Philadelphia (PA)	• Small Amount of Marijuana Program (SAM)	2010	Post-filing	Misd	Marijuana
	• Accelerated Misdemeanor Program (AMP)	2010	Post-filing	Misd	No
	• Accelerated Rehabilitative Disposition (ARD)	1972	Post-filing	Misd and fel	No
Midwest					
Cook County State's Attorney's Office (IL)	• Cook County Drug School	1972	Post-filing	Misd and fel	Drug/marij
	• Cook County Misdemeanor Diversion Program	2012	Post-filing	Misd	No
	• Cook County Felony Diversion Program	2011	Post-filing	Fel	No
Hennepin County (MN)	• Operation De Novo (Property and Drug Diversion)	1971	Mixed model	Fel	Drug and property
Milwaukee County (WI)	• Diversion Program	2007	Pre-filing	Misd and fel	No
	• Deferred Prosecution Program	2007	Post-filing	Misd and fel	
South					
Dallas County Attorney's Office (TX)	• Memo Agreement Program	2007	Post-filing	Misd	Mainly retail theft or marij
West					
Maricopa County (AZ)	• Maricopa TASC Adult Prosecution Program	1989	Mixed model	Fel	Drug/marij
Phoenix City (AZ)	• Project Rose	2011	Pre-filing	Misd	Prostitution
San Diego City (CA)	• Beach Area Community Court	2005	Pre-filing	Misd and Citations	No
San Francisco (CA)	• Neighborhood Courts	2011	Mixed model	Misd and fel	No

Thank you!

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