



# ADULT DIVERSION FUNDING COMMITTEE

*Office of the State Court Administrator  
1300 Broadway  
12<sup>th</sup> Floor  
Denver, CO 80203*



# ANNUAL LEGISLATIVE REPORT



**ON THE IMPLEMENTATION OF HB 13-1156,**  
*Concerning the creation of an adult diversion program, and in  
connection therewith, making an appropriation.*



STATE FISCAL YEAR 2016 – 2017

# TABLE OF CONTENTS

STATUTORY REPORTING REQUIREMENTS .....	3
ADULT DIVERSION FUNDING PROGRAM TIMELINE .....	4
FY 17 DIVERSION PROGRAM PROFILES .....	5
ADULT DIVERSION GRANT FINANCIAL SUMMARY .....	8
FISCAL YEAR 2018 AWARD REQUESTS AND ALLOCATIONS.....	10
ADULT DIVERSION PROGRAM FUNDING HISTORICAL SUMMARY.....	11
AGGREGATE ADULT DIVERSION PARTICIPANT DATA .....	12
PARTICIPANT DEMOGRAPHICS .....	14
FY 17 DIVERSION OFFENSE INFORMATION .....	14
RESTITUTION COLLECTION.....	14
ADULT DIVERSION PARTICIPANT NARRATIVES .....	15
ADULT DIVERSION PROGRAM FORECAST FOR FY 18.....	17
ADDENDUM TO ANNUAL REPORT .....	18
ATTACHMENT I – FY 18 ADULT DIVERSION FUNDING APPLICATION .....	19
ATTACHMENT II – FUNDING APPLICATION GUIDELINES .....	22
ATTACHMENT III – FREQUENTLY ASKED QUESTIONS .....	26



## STATUTORY REPORTING REQUIREMENTS

**THIS REPORT IS BEING SUBMITTED TO THE** Colorado General Assembly Joint Budget Committee in compliance with HB 13-1156 that requires the Judicial Department to prepare a report that includes a summary of statistics and progress on programs supported by adult diversion funding. This document is being guided by the Adult Diversion Funding Committee. As charged by § 13-3-115, C.R.S., the Adult Diversion Funding Committee is comprised of members from a variety of stakeholders within the criminal justice system.

Pursuant to statute, the Adult Diversion Funding Committee has established funding guidelines and an application process for reviewing funding requests submitted by a district attorney or another district-attorney approved agency (*see* Attachments I – III).

Funding requests are reviewed on an annual basis by the committee. Throughout the year, the committee meets bi-monthly to discuss program progress, review participant data, and manage other business items related to the administration of the grant funds.

Additional reporting requirements as outlined in § 13-3-115, C.R.S. regarding program enrollment data, demographic data, participant outcomes, and funding expenses are detailed in the subsequent pages of this report. For any clarification requests regarding information presented in this annual report, please feel free to contact the Adult Diversion Funding Grant Coordinator at [kyle.gustafson@judicial.state.co.us](mailto:kyle.gustafson@judicial.state.co.us) or by phone at (720) 625-5000.

### 2017 – 2018 ADULT DIVERSION FUNDING COMMITTEE

NAME	AGENCY REPRESENTING	EMAIL
<b>James Bullock</b>	<i>Colorado District Attorneys' Council</i> (Elected D.A. from the 16 <sup>th</sup> JD)	<a href="mailto:jbullock@da16co.gov">jbullock@da16co.gov</a>
<b>Susan Colling</b>	<i>Office of the State Court Administrator</i>	<a href="mailto:susan.colling@judicial.state.co.us">susan.colling@judicial.state.co.us</a>
<b>Mark Evans</b>	<i>Office of the Public Defender</i>	<a href="mailto:mark.evans@coloradodefenders.us">mark.evans@coloradodefenders.us</a>
<b>Joe Thome</b>	<i>Division of Criminal Justice, Department of Public Safety</i>	<a href="mailto:joe.thome@state.co.us">joe.thome@state.co.us</a>
<b>Scott Turner</b>	<i>Office of the Attorney General</i>	<a href="mailto:scott.turner@coag.gov">scott.turner@coag.gov</a>
Kyle Gustafson, <i>Grant Coordinator</i> : <a href="mailto:kyle.gustafson@judicial.state.co.us">kyle.gustafson@judicial.state.co.us</a>		



# ADULT DIVERSION FUNDING PROGRAM TIMELINE

## PROGRAM BACKGROUND

**HB 13-1156 CREATED A NEW MECHANISM FOR** diverting individuals accused of certain crimes, generally low level offenses, away from the traditional criminal justice system. In addition to defining the legal parameters of pretrial diversion, it provided a source of funding for District Attorneys' Offices to institute or operate pretrial diversion programs. It also established the Adult Diversion Funding Committee to develop a process by which elected District Attorneys could request funding. The bill became law in August 2013.

The State Court Administrator's Office filled the Adult Diversion Funding Committee's 0.5 FTE staff position as of October 1, 2013. The Adult Diversion Funding Committee was in place by the end of October 2013. The first funding application materials were released in January 2014. Since then, the committee has continued to develop the funding guidelines, application process, and report forms for this grant. The addendum to this report provides additional information on the application process for state fiscal year (FY) 2018. Adult Diversion funding application materials have also been given to the Colorado District Attorneys' Council with an announcement on behalf of the Adult Diversion Funding Committee.

All elected District Attorneys and programs operating in partnership or with the approval of the local DA may apply if interested. A public web page for information regarding adult diversion funding has been developed as a resource for diversion programs, in addition to training opportunities and quarterly coordinator conference calls. The application, guidelines, and answers to frequently asked questions are also posted on the Judicial Branch's website.

Following the planning and implementation of HB 13-1156 conducted in FY 14, four District Attorneys' Offices from the 6<sup>th</sup>, 9<sup>th</sup>, 15<sup>th</sup> and 16<sup>th</sup> Judicial Districts requested funding. In FY 17, six funded judicial districts in FY 17 received funding and have reapplied for FY 18 as well as three new programs. FY 18 funded judicial districts and counties include: 2<sup>nd</sup> – Denver; 4<sup>th</sup> – El Paso and Teller; 6<sup>th</sup> – La Plata, Archuleta and San Juan; 9<sup>th</sup> – Rio Blanco, Garfield

and Pitkin; 15<sup>th</sup> – Cheyenne, Kiowa, Prowers and Baca; 16<sup>th</sup> – Crowley, Otero and Bent; 20<sup>th</sup> – Boulder; 21<sup>st</sup> – Mesa; 22<sup>nd</sup> – Dolores and Montezuma.

## CURRENT PROGRAM STATUS

**ALL OF THE PREVIOUSLY FUNDED PROGRAMS** continue to remain fully operational as of December 31, 2017. The two newest programs in the 2<sup>nd</sup> and 22<sup>nd</sup> have begun to develop or implement their program models in order to offer diversion agreements to participants in FY 18. As the development of a new program can take approximately 3-5 years to complete according to implementation science, the Adult Diversion Funding Committee understands that some grantees will need time to further develop their programs and has continued to support the ongoing evolution of diversion throughout the state.

FY 17 represented the third year of operation for programs funded by the adult diversion grant. During this period, adult diversion programs continued to expand and adjust their screening and assessment procedures, criteria for receiving clients, participant data reporting, and day-to-day management of grant funds. Each of the funded jurisdictions maintained their growth in program capacity; however, grant-funded programs are nearing the limit of their ability to grow beyond currently available resources to adequately address the need within their jurisdiction. Correctional Treatment Board funding for substance-abuse and co-occurring disorders began to be used in FY 17 and spending has already exceeded FY 17 amounts through the first two quarters of FY 18.

The Adult Diversion Funding Committee continues to work with District Attorneys throughout the fiscal year to better understand program need and spending patterns. Several new jurisdictions have expressed an interest in applying for grant funding in the upcoming year. As of December 1, 2017, application materials for FY 19 funding have been posted on the website. All nine of the currently funded District Attorney's Offices intend to reapply for funding, despite the limitations of the grant to fully fund their programs' needs. The deadline for applications is February 23, 2018.



## FY 17 DIVERSION PROGRAM PROFILES

*Population & demographics compiled from publically available data through the Colorado Department of Local Affairs – State Demography Office*

### 6<sup>TH</sup> JD – ARCHULETA, LA PLATA AND SAN JUAN COUNTIES

**ELECTED DISTRICT ATTORNEY:**

*Christian Champagne*

EST. POPULATION (2016): 69,696

PROGRAM OVERVIEW			
Mailing Address	PO Box 3455, Durango, CO 81302	Phone	(970) 247-8850
Type of Program	Existing Program	Year Started	2015
FY 17 Request	\$43,370.00	FY 17 Award	\$34,470.00
Eligibility Criteria / Target Population	<i>Low risk, first-time offenders charged with Driving Under Restraint, Criminal Mischief, Neighbor Disputes, Recurring Pet-Control offenses, expanding to accept Domestic Violence cases believed to have a low probability of recidivism.</i>		
Program Goals	<i>Sustainability, Recidivism Reduction, Gain Support of Local Community and Agencies</i>		
Projected Enrollment	400	# of adults screened by diversion program in FY 17	136
Successful Completion	77.9%	# of adults enrolled by diversion program in FY 17	120*
Participant Outcomes	Successful Terminations	116	Unsuccessful Terminations 33
FY 16 One-Year Post Program Recidivism Rate			9.25%
Supervision Fees	<i>Varies by offense, supervision need, and income</i>	Fees Collected in FY 17	\$10,851
Treatment Assessment	<i>Offenders without significant criminal history involving substance abuse may be referred to a treatment provider for assessment and treatment or may be required to complete an education component.</i>		
Partner Agencies	<i>6<sup>th</sup> JD Probation, Colorado State Patrol, Axis Health, Preferred Counseling, Mobile Jo Testing, Bright Sky Counseling, The Recovery Center, Local Mediators, Certified Equine Specialist Therapy, Restorative Justice Practitioners</i>		

\* Enrollment was less than predicted due to the loss of a 0.5 FTE coordinator.

### 9<sup>TH</sup> JD – GARFIELD, PITKIN, AND RIO BLANCO COUNTIES

**ELECTED DISTRICT ATTORNEY:**

*Jefferson Cheney*

EST. POPULATION (2016): 84,005

PROGRAM OVERVIEW			
Mailing Address	109 8 <sup>th</sup> St., 308, Glenwood Springs, CO 81601	Phone	(970) 945-8635
Type of Program	Existing Program	Year Started	2015
FY 17 Request	\$32,909.92	FY 17 Award	\$25,409.92
Eligibility Criteria / Target Population	<i>Young adults (18-20) with pending charges related to Minor in Possession of alcohol or marijuana, adult defendants who have misdemeanor charges such as: harassment, disorderly conduct, trespass, menacing and theft. Lower level felony charges may also be considered.</i>		
Program Goals	<i>Divert 80 -120 cases from criminal justice system, rehabilitate offenders, and reduce recidivism.</i>		
Projected Enrollment	120	# of adults screened by diversion program in FY 17	94
Successful Completion	96.3%	# of adults enrolled by diversion program in FY 17	77^
Participant Outcomes	Successful Terminations	77	Unsuccessful Terminations 3
FY 16 One-Year Post Program Recidivism Rate			4.54%
Supervision Fees	<i>\$50 a month per participant, for 3 - 6 months</i>	Fees Collected in FY 17	\$13,575
Treatment Assessment	<i>If a defendant is referred who has prior substance related convictions or the current charge includes alcohol and or controlled substances the defendant may be referred to the appropriate certified counselor for further treatment evaluation and therapy if needed.</i>		
Partner Agencies	<i>Alpine Springs Counseling, Community Counseling, Mind Springs Health</i>		

^ Enrollment did not meet projections the result of a lower than anticipated diversion-eligible caseload for the judicial district.



**15<sup>TH</sup> JD – BACA, CHEYENNE, KIOWA, AND  
PROWERS COUNTIES**

**ELECTED DISTRICT ATTORNEY:**

*Joshua Vogel*

EST. POPULATION (2016): 18,711

PROGRAM OVERVIEW				
Mailing Address	110 E. Oak Street, Lamar, CO 81052	Phone	(719) 336-7446	
Type of Program	Existing Program	Year Started	2015	
FY 17 Request	\$59,154.56	FY 17 Award	\$44,156.56	
Eligibility Criteria / Target Population	Generally, first-time offenders who are low risk and considered non-violent. Both qualifying felony and misdemeanors will be eligible for the program.			
Program Goals	Identify treatment issues present, facilitate restitution, maximize successful completion and participation			
Projected Enrollment	20	# of adults screened by diversion program in FY 17	34	
Successful Completion	91.3%	# of adults enrolled by diversion program in FY 17	34	
Participant Outcomes	Successful Terminations	21	Unsuccessful Terminations	2
FY 16 One-Year Post Program Recidivism Rate				0.00%
Supervision Fees	Varies based upon ability to pay, up to \$50 per month	Fees Collected in FY 17	\$3,011	
Treatment Assessment	After initial screening by the coordinator, all participants in need of potential treatment will be referred to Southeast Health Group or Crossroads for mental and/or substance abuse evaluations.			
Partner Agencies	Southeast Health Group, Crossroad Turning Points, Cindy Vigil (local provider)			

**16<sup>TH</sup> JD – BENT, CROWLEY AND  
OTERO COUNTIES**

**ELECTED DISTRICT ATTORNEY:**

*Jim Bullock*

EST. POPULATION (2016): 30,034

PROGRAM OVERVIEW				
Mailing Address	PO Box 928, La Junta, CO 81050	Phone	(719) 384-8786	
Type of Program	Existing Program	Year Started	2015	
FY 17 Request	\$99,317.38	FY 17 Award	\$99,317.38	
Eligibility Criteria / Target Population	First time offenders, low-risk, non-violent offenders with charges including but not limited to: burglary (non-residential), burglary tools possession, drug possession including obtaining by fraud or forged prescription, forgery, fraud, impersonation, trespass, mischief, tampering, theft and other charges as considered in exceptional circumstances.			
Program Goals	Identify treatment issues present, basic education for all participants, full restitution by end of diversion			
Projected Enrollment	50	# of adults screened by diversion program in FY 17	92	
Successful Completion	67.3%	# of adults enrolled by diversion program in FY 17	52	
Participant Outcomes	Successful Terminations	33	Unsuccessful Terminations	16
FY 16 One-Year Post Program Recidivism Rate				7.04%
Supervision Fees	\$50 per month or \$600 annually per participant	Fees Collected in FY 17	\$19,184	
Treatment Assessment	All program participants will be referred for a complete medical, mental, and substance abuse assessment. Any recommendation for treatment will be set out in the treatment plan and reviewed by the Diversion Program specialist.			
Partner Agencies	Otero Junior College, Southeast Health Group, Local Treatment Providers			



20<sup>TH</sup> JD – BOULDER COUNTY

ELECTED DISTRICT ATTORNEY:

Stan Garnett

EST. POPULATION (2016): 321,872

PROGRAM OVERVIEW				
Mailing Address	1777 6 <sup>th</sup> Street, Boulder, CO 80302		Phone	(303) 441-4736
Type of Program	Existing Program		Year Started	2016
FY 17 Request	\$200,002	FY 17 Award	\$85,175.00	
Eligibility Criteria / Target Population	Young adults between the ages of 18-25, first-time felony or class 1 misdemeanors that are most at risk for ancillary consequences.			
Program Goals	Develop program, assessment, and referral practices, reduce risk and prevent recidivism.			
Projected Enrollment	80	# of adults screened by diversion program in FY 17		30
Successful Completion	100%	# of adults enrolled by diversion program in FY 17		29
Participant Outcomes	Successful Terminations	10	Unsuccessful Terminations	0
FY 16 One-Year Post Program Recidivism Rate				N/A
Supervision Fees	\$50 per month, dependent upon ability to pay	Fees Collected in FY 17	\$2,065	
Treatment Assessment	All participants will be assessed using the SPIN instrument to identify individualized referral needs for mental health, substance abuse, education and other services.			
Partner Agencies	Boulder County IMPACT, Center for Change, Phoenix Multisport, Mental Health Partners, Attention Homes, Bridge House, Workforce Boulder County, the Learning Source			

21<sup>ST</sup> JD – MESA COUNTY

ELECTED DISTRICT ATTORNEY:

Daniel Rubinstein

EST. POPULATION (2016): 152,357

PROGRAM OVERVIEW				
Mailing Address	125 N Spruce St., Grand Junction, CO 81502		Phone	(970) 244-1730
Type of Program	Existing Program		Year Started	2016
FY 17 Request	\$135,570.16	FY 17 Award	\$96,000.00	
Eligibility Criteria / Target Population	Lower to medium risk defendants on the proxy risk assessment (locally normed in Mesa County) including defendants with no prior arrests and lower level criminal charges consistent with the Mesa County Sentencing Guide.			
Program Goals	Supervision matched by risk level for appropriate accountability, monitoring, and criminogenic response			
Projected Enrollment	600	# of adults screened by diversion program in FY 17		599
Successful Completion	75.9%	# of adults enrolled by diversion program in FY 17		526
Participant Outcomes	Successful Terminations	252	Unsuccessful Terminations	80
FY 16 One-Year Post Program Recidivism Rate				N/A
Supervision Fees	\$40/month for 6 mos., if defendant able to pay	Fees Collected in FY 17	\$22,203	
Treatment Assessment	Proxy risk assessment and SSI for all defendants, a follow up LSI may be completed or an SOAR. If treatment needs identified, referrals will be made to appropriate in-house or outside providers.			
Partner Agencies	Mesa County Criminal Justice Services Department			



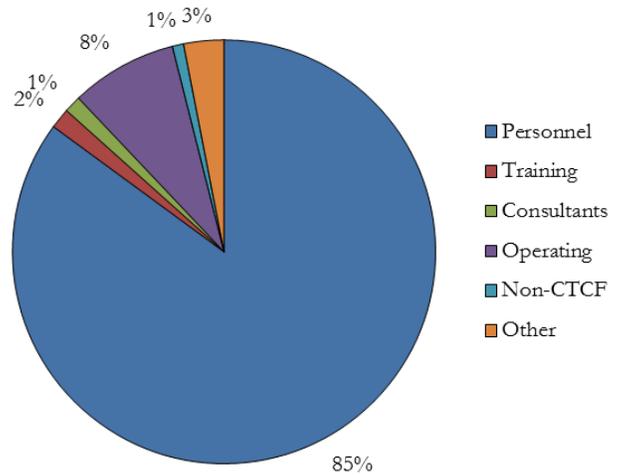
## ADULT DIVERSION GRANT FINANCIAL SUMMARY

BY STATUTE, HB 13-1156 PROVIDES \$400,000 IN allocations from the General Fund for Adult Diversion. During FY 17, six programs applied for funding in the amount of \$570,316.02. Due to the amount requested by the programs, the funding committee was unable to award all of the programs the amount they requested, limiting their ability to implement their program designs. During this fiscal year, diversion programs spent \$103,524.73 more than the prior fiscal year cycle, an increase of 50%. As represented in the first percentage column in the table below calculating the amount spent of the grant funding award for the fiscal year, the percentage of the FY 17 allocation award spent by a program on average exceeds 70% of their awarded amount. This amount not only exceeds FY 16 spending but also continues the growth trend for funded programs in expanding their ability to offer diversion agreements in each jurisdiction. Overall, diversion programs are spending more of their awards each year and, since FY 15, have increased expenditures by 116%.

The excess in spending from the 9<sup>th</sup> jurisdiction was covered through supervision fees collected by the program. Similarly, the 15<sup>th</sup> jurisdiction was able to pay for an unexpected operation expense relative to their diversion program through collected supervision fees as well. Both of the newly funded programs in the 20<sup>th</sup> and 21<sup>st</sup> jurisdictions were able to complete their initial planning and began accepting participants for diversion supervision during FY 17 with little delay. Programs also began to access available funding for substance abuse and co-occurring disorders through the Correctional Treatment Board in FY 17.

While programs grow more able to estimate the cost of their operations, their ability to use their award

**ADULT DIVERSION FY 17 EXPENSES**



funding to provide services for their participants also improves. Though the majority of expenses are attributable to personnel costs, other categories of program operational expenditures maintain a similar distribution from prior fiscal years. However, as new programs continue to apply for funding, the ability of the diversion grant to fund necessary program expenses other than personnel costs has become more restricted. For the past fiscal year, supervision fees collected statewide amounted to \$70,888.50 and would cover, conservatively, 23% of all expenditures for programs during the present fiscal year.

During FY 17, the adult diversion grant funding requests were greater than the allocated amount permitted by statute for the first time. The Adult Diversion Funding Committee had anticipated that more funding would be distributed in FY 17 as the current adult diversion programs grew and new programs were implemented. Similarly, for FY 18 the

**Adult Diversion FY 17 Expenses by Category**

JD	Personnel	Training	Consultants	Operating	Non-CTCF	Other	Total*	Award	%	CTCF <sup>^</sup>	Award	%
6	\$20,790.00	\$1,080.69	\$0.00	\$1,098.42	\$1,290.00	\$336.00	\$24,595.11	\$34,370.00	72%	\$1,525.16	\$30,361.45	5%
9	\$23,384.75	\$1,082.80	\$0.00	\$1,018.35	\$0.00	\$0.00	\$25,485.90	\$25,409.92	100%	\$3,955.00	\$6,325.30	63%
15	\$25,000.00	\$0.00	\$0.00	\$10,256.23	\$0.00	\$9,154.56	\$44,410.79	\$44,156.56	101%	\$0.00	\$8,433.73	0%
16	\$74,240.84	\$789.74	\$100.00	\$7,165.80	\$1,345.00	\$0.00	\$83,641.38	\$99,317.38	84%	\$0.00	\$0.00	N/A
20	\$51,838.36	\$539.00	\$3,900.00	\$2,976.67	\$0.00	\$0.00	\$59,254.03	\$85,175.00	70%	\$0.00	\$2,108.43	0%
21	\$67,305.61	\$1,341.26	\$0.00	\$2,650.78	\$0.00	\$0.00	\$71,297.65	\$96,000.00	74%	\$0.00	\$22,771.08	0%
<b>T.</b>	<b>\$262,559.56</b>	<b>\$4,833.49</b>	<b>\$4,000.00</b>	<b>\$25,166.25</b>	<b>\$2,635.00</b>	<b>\$9,490.56</b>	<b>\$308,684.86</b>	<b>\$384,428.86</b>	<b>80%</b>	<b>\$5,480.16</b>	<b>\$69,999.99</b>	<b>8%</b>

\* Incurred expenses greater than the award allocation were paid for by collected supervision fees.

<sup>^</sup> Allocations from the Correctional Treatment Fund (C.R.S. § 18-19-103) are a separate source of program funding than the diversion grant general fund.



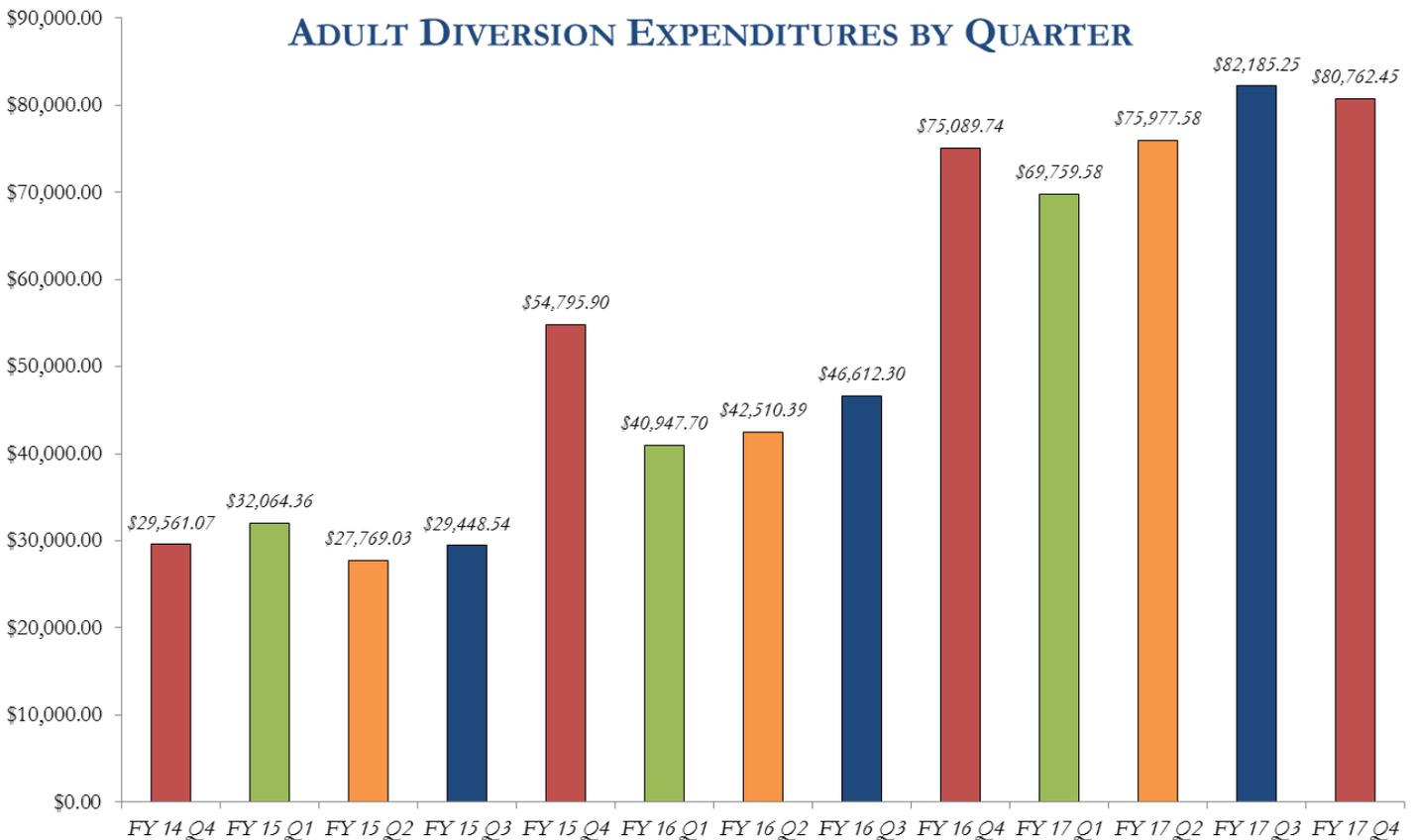
Committee expected a similar situation given the amount of funding requests and allocations made for the current fiscal year. As expenditures among the funded programs which had been relatively low but gradually increased over time, evidence of growth in program expenditures can also be seen in comparing fiscal trends by quarter over several fiscal years as outlined in the chart below.

At the end of FY 18 Q1, diversion programs had expensed nearly \$97,312.68 in funding which represents a 40% increase from the prior year for that quarter. This increase in expenditures is partly attributable to an approved funding request from two additional jurisdictions to develop a new program (with the planned start dates of Fall 2017 and Spring 2018), a continued increase in use of funding allocated from the Correctional Treatment Board, and the expansion of services from two previously funded programs to have coordinators working as 0.75 FTE. Given FY 18 allocations and historical spending patterns, it is forecasted that programs will use over 95% of available general fund grant allocations, or approximately \$390,000 by the end of the June 2018.

The Adult Diversion Funding Committee continues to encourage programs to develop funding requests

that are reflective of anticipated, actual program costs in order to enhance the committee’s ability to award effectively. It is anticipated that the funding utilized by the grant programs will continue to grow as the population served through diversion expands and more services are required, something indicated by requests for FY 18 and also expected for the upcoming FY 19 grant solicitation period as well.

As the successes of existing programs have been communicated throughout the state, the need for diversion as a viable, responsive option for individualizing responses to offender behavior within the criminal justice system also continues to evolve and require additional opportunities to be funded. With the expansion of the availability of diversion, the demand for treatment providers and other community-based resources to magnify the impact of diversion programming continues to increase. Currently funded programs are looking to develop the services they provide and will continue to display a need for additional funding in order to improve the effectiveness of their service delivery even further. Despite funding limitations, programs are working to balance sustainable growth while developing diversion within their jurisdictions.



## FISCAL YEAR 2018 AWARD REQUESTS AND ALLOCATIONS

**IN FY 18, \$400,000 WAS ALLOCATED FROM THE General Fund for Adult Diversion.**

Of the statutory allocation for FY 18, nine jurisdictions requested \$694,653.16 in grant funding. A total of \$400,000.00 was awarded by the funding committee.

Of the programs requesting funding for treatment, initial allocations were made by the funding committee from its allotment of monies from the Correctional Treatment Board pursuant to § 18-19-103, C.R.S. Based upon program spending, the Committee will work with the programs to readjust Correctional Treatment allocations mid-year to ensure the awarded amounts are able to best match program expenditure patterns for the rest of the fiscal year.

Eight programs received a grant award including two new jurisdictions. The 22<sup>nd</sup> JD – Montezuma and Dolores Counties – is operational as of the date of this report. The second program, located in the City and County of Denver’s Office of the District Attorney, is expected to be accepting referrals in February 2018.

Of the programs requesting grant funding in FY 18, none of the programs received a final allocation award that was able to meet their operational needs for the year in full. It is anticipated that the majority of funding will cover minimum personnel costs.

In FY 18, the funding committee continued its employment of the reimbursement process from the previously utilized pre-pay grant model. All FY 17 grant amounts paid were expensed by the end of the

fiscal year. In the future, the funding committee will consider pre-payment of anticipated costs should a new program or situation for a current program require advance funding, as needed.

Few jurisdictions are able to obtain outside funding from county commissioners, community partners, or other grant funding sources at the time of this report, though they continue to work to explore alternative funding options to supplement the availability of support through this grant application process.

The limited ability of jurisdictions to collect supervision fees from program participants is largely dependent upon the strength of the local economy. Many of the areas served by diversion cover some of the more impoverished regions of Colorado. Consequently, supervision fees would only be able to be expected to cover a very limited number of expenses needed to fully operate a diversion program.

The current use of supervision fees by programs is most often designated to help offset or support costs participants may be required to pay by an external party or service provider in fulfilling the terms of their diversion agreement. This practice is employed in order to ensure that ability to pay is not a barrier to successful completion.

As programs continue to grow and increase the impact of diversion to their communities, access to additional funding that supplements their ability to collect supervision fees will be a critical component in ensuring ongoing success.

JD	FY 18 Request	FY 18 Grant Award	% of Request Reduction	FY 18 Correctional Treatment Allocation	Total FY 18 Award
2 <sup>nd</sup>	\$131,040.00	\$15,848.28	-88%	\$12,345.00	\$28,193.28
4 <sup>th</sup>	\$31,590.00	\$0.00	-100%	\$8,750.00	\$8,750.00
6 <sup>th</sup>	\$78,875.00	\$52,000.00	-34%	\$10,500.00	\$62,500.00
9 <sup>th</sup>	\$42,840.00	\$32,000.00	-25%	\$2,500.00	\$34,500.00
15 <sup>th</sup>	\$44,156.56	\$40,000.00	-9%	\$0.00	\$40,000.00
16 <sup>th</sup>	\$85,857.38	\$73,000.00	-15%	\$0.00	\$73,000.00
20 <sup>th</sup>	\$83,216.00	\$74,200.00	-11%	\$500.00	\$74,700.00
21 <sup>st</sup>	\$131,603.22	\$75,451.72	-43%	\$6,750.00	\$82,201.72
22 <sup>nd</sup>	\$65,475.00	\$37,500.00	-43%	\$12,500.00	\$50,000.00
<b>Tot.</b>	<b>\$694,653.16</b>	<b>\$400,000.00</b>	<b>-42%</b>	<b>\$53,845.00</b>	<b>\$453,845.00</b>

## ADULT DIVERSION PROGRAM FUNDING HISTORICAL SUMMARY

**DURING STATE FISCAL YEARS 14 AND 15, FOUR** district attorneys applied for grant-funding. The funds were distributed and expensed as outlined in the following chart.

FY 14 grantees were given the full grant amount following award notification to start the implementation process for their programs. A total of \$29,561.07 was expended between April and June of 2014. Funded programs did not expend as much as anticipated because they were still in the process of developing their programs and hiring staff.

FY 15 grant amounts were offset by the amount of the remaining FY 2014 unexpended funds before any

additional funds were dispersed. The 6<sup>th</sup> JD had difficulty hiring staff and consequently was not able to spend as much as anticipated. The amount overspent by the 16<sup>th</sup> JD is attributed to expenses incurred in consulting fees from work their office conducted for the 15<sup>th</sup> JD in providing technical assistance and support in developing and sustaining the program in Lamar, CO.

For FY 16, the four initially funded programs applied again for the grant, as well as a fifth program during the last quarter of the fiscal year. Programs continued to increase their spending during this period, overall spending 15% more than the prior fiscal year and expenditures exceed half of the available general fund allocation for the first time. Given the trends witnessed during these three years and also for FY 17, the Committee expects the need for diversion funding to continue to grow.

<b>FY 16</b>	<i>Award</i>	<i>Personnel</i>	<i>Training</i>	<i>Contract Support</i>	<i>Operating</i>	<i>Treatment</i>	<i>Other</i>	<i>Total</i>	<i>% Spent</i>
6 <sup>th</sup> JD – La Plata	\$80,170.00	\$21,200.00	\$405.16	\$0.00	\$1,133.99	\$9,155.00	\$181.15	\$32,075.30	40%
9 <sup>th</sup> JD – Garfield	\$21,418.90	\$19,536.71	\$0.00	\$0.00	\$311.59	\$1,738.00	\$40.21	\$21,626.51	101%
15 <sup>th</sup> JD – Lamar	\$69,154.56	\$25,000.00	\$0.00	\$5,000.00	\$10,000.00	\$2,150.00	\$9,154.56	\$51,304.56	74%
16 <sup>th</sup> JD – La Junta	\$73,450.00	\$66,782.88	\$0.00	\$0.00	\$3,504.79	\$1,520.00	\$3,114.38	\$74,922.05	102%
20 <sup>th</sup> JD – Boulder	\$27,730.00	\$0.00	\$3,000.00	\$19,800.00	\$2,431.71	\$0.00	\$0.00	\$25,231.71	91%
<b>Total</b>	<b>\$271,923.46</b>	<b>\$132,519.59</b>	<b>\$3,405.16</b>	<b>\$24,800.00</b>	<b>\$17,382.08</b>	<b>\$14,563.00</b>	<b>\$12,490.30</b>	<b>\$205,160.13</b>	<b>75%</b>
<b>FY 15</b>									
6 <sup>th</sup> JD – La Plata	\$70,000.00	\$1,670.00	\$0.00	\$0.00	\$20.00	\$0.00	\$0.00	\$1,690.00	2%
9 <sup>th</sup> JD – Garfield	\$29,460.00	\$20,009.45	\$0.00	\$0.00	\$73.51	\$675.00	\$36.94	\$20,794.90	71%
15 <sup>th</sup> JD – Lamar	\$75,000.00	\$20,925.71	\$0.00	\$20,000	\$0.00	\$1,180.00	\$0.00	\$42,105.71	56%
16 <sup>th</sup> JD – La Junta	\$65,600.00	\$62,106.93	\$1,129.39	\$0.00	\$13,811.35	\$648.00	\$921.80	\$78,617.47	120%
<b>Total</b>	<b>\$240,060.00</b>	<b>\$104,712.09</b>	<b>\$1,129.39</b>	<b>\$20,000</b>	<b>\$13,904.86</b>	<b>\$2,503.00</b>	<b>\$958.74</b>	<b>\$143,208.08</b>	<b>60%</b>
<b>FY 14</b>									
6 <sup>th</sup> JD – La Plata	\$20,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0%
9 <sup>th</sup> JD – Garfield	\$13,350.00	\$6,169.94	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$6,169.94	46%
15 <sup>th</sup> JD – Lamar	\$55,000.00	\$15,155.21	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$15,155.21	28%
16 <sup>th</sup> JD – La Junta	\$56,000.00	\$8,235.92	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$8,235.92	15%
<b>Total</b>	<b>\$144,350.00</b>	<b>\$29,561.07</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$29,561.07</b>	<b>20%</b>



## AGGREGATE ADULT DIVERSION PARTICIPANT DATA

AT THE END OF A THIRD YEAR OF OPERATION, adult diversion programs are continuing to demonstrate similar patterns of successes as programs grow and new jurisdictions implement their models.

After redeveloping the process for collecting participant data to provide more comprehensive and more reliable data for informing best practices, evaluating program effectiveness, and establishing future funding priorities, the Committee continues to discuss identifying information that demonstrates the evidenced effectiveness of adult diversion programming throughout the state and its value to communities in Colorado.

### PARTICIPANT INFORMATION FOR GRANT FUNDED ADULT DIVERSION PROGRAMS\*

FOR THE REPORTING PERIOD OF  
JULY 1, 2016 – JUNE 30, 2017

- Number of people who met criteria and were referred for consideration (**screened**): [ 985 ]
- Number of people who were enrolled in the program (**agreed to participate**): [ 837 ]
- Number of program participants that have **completed successfully**: [ 509 ]
- Number of program participants under contract **pending completion** at end of FY 17: [ 369 ]
- Number of participants who **did not successfully complete** the program: [ 134 ]
  - 97 were non-compliant;
  - 24 were terminated for a new offense;
  - 11 voluntarily withdrew; and,
  - 2 were deceased.

\* Program exits include participants from the prior fiscal year who may have not completed their period of supervision before the conclusion of that reporting period. Additionally, some duplicative reporting for defendants with multiple cases exists in this report as the data collection measures cases, primarily, but it is estimated that any duplication is minimal.

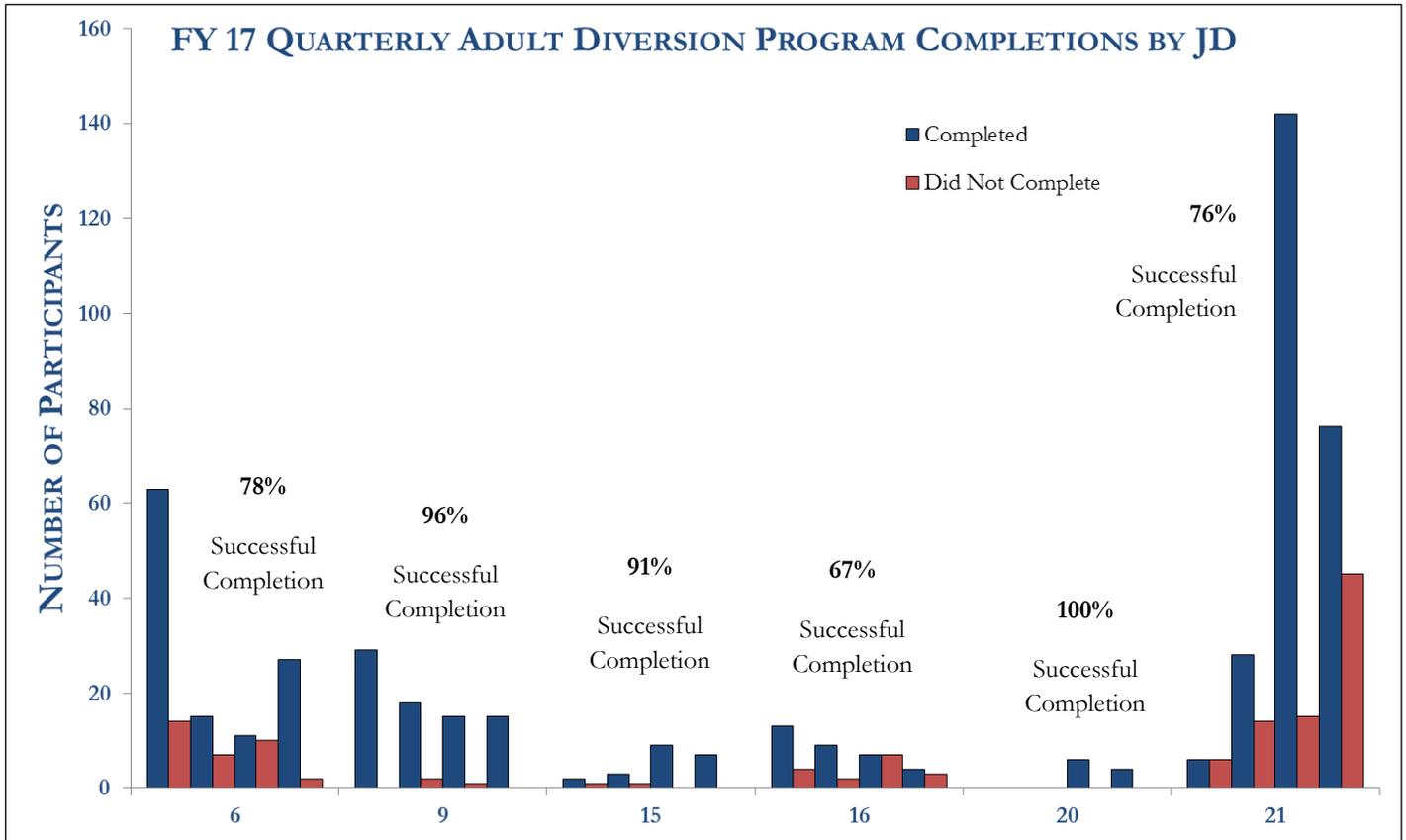
The length of a diversion supervision agreement varies by the individualized agreement crafted by each jurisdiction for each participant. By statute, diversion supervision is not to exceed two years, unless unpaid restitution is the sole remaining condition (at which time the agreement can be extended for another year). During FY 17, participants on average spent 149 days in a diversion program. By offense level, participants charged with a felony spent approximately 187 days under supervision compared with 158 days for misdemeanors and 48 days for traffic or other classes of offense. As Figure 1 on the next page demonstrates, diversion programs maintained relatively high success rates throughout the year.

For the second consecutive year, program intakes (defendants who agreed to participate in diversion after referral to and evaluation by the program coordinator) increased by 67%. When compared with the prior fiscal year FY 16, the amount of participants screened following a referral to diversion program also increased 52% (or 335 screenings). Overall, the admission rate of participants screened for enrollment into diversion programs increased from 77% in FY 16 to 85% for the current reporting period. Figure 2 displays the enrollment by program for FY 17. At the end of FY 18 Q1, 448 people were actively supervised statewide by adult diversion which represents a growth of 21% from the prior quarter. This data does not reflect other adult diversion programs in the state that are not funded by this grant, which the committee does not have data for, nor is it tasked with collecting.

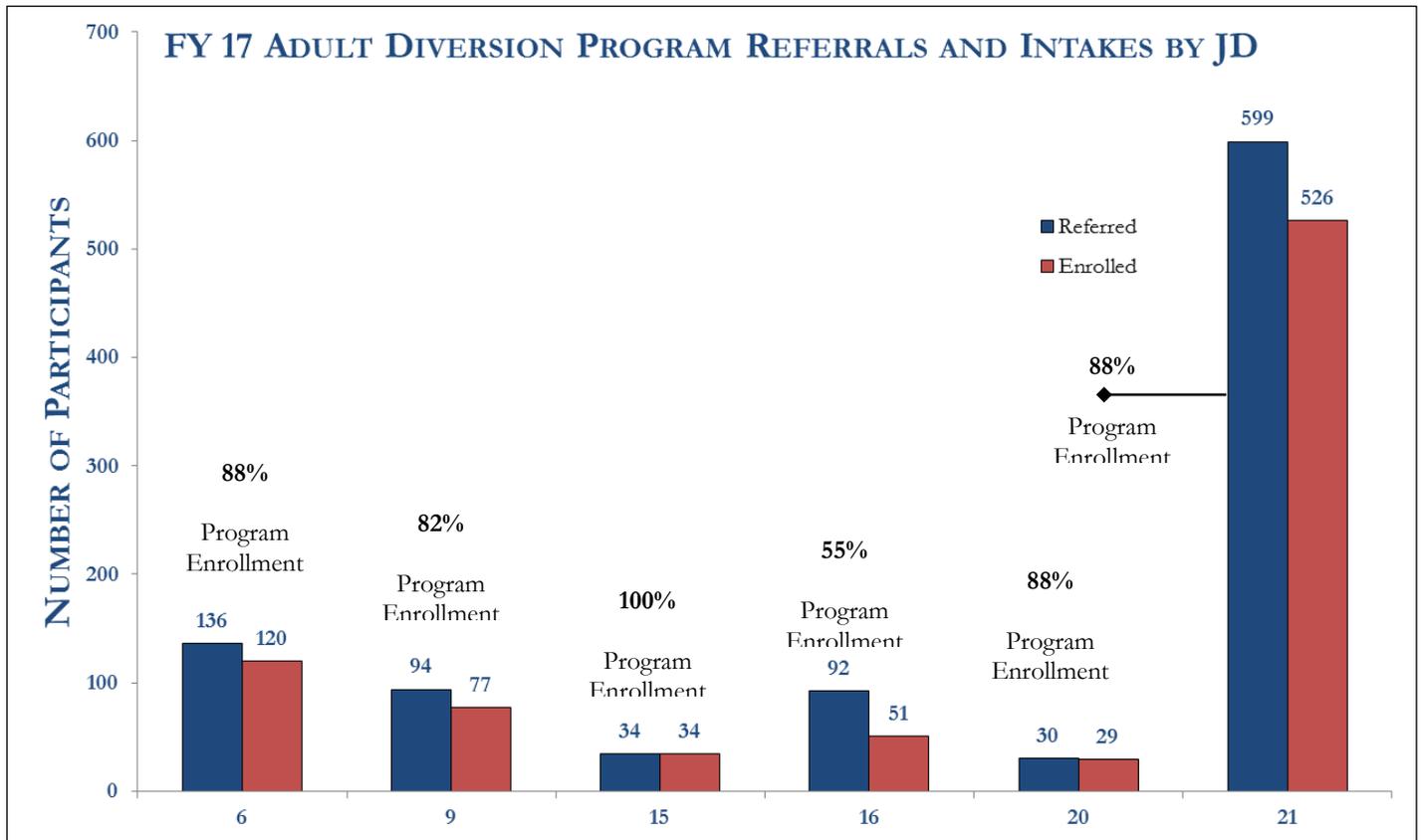
As the statute allows for local discretion in diversion model implementation, the committee cautions against the comparison of success rates between programs as the population served by each jurisdiction varies significantly. Overall, participants who were terminated from diversion programs were largely due to non-compliance with the diversion agreement (72% of terminations). Eleven participants chose to voluntarily withdraw from diversion programming to proceed forward with traditional prosecution. Only 3.7% of participants who entered into a diversion programs were charged with a new offense during the course of supervision.



**FIGURE 1**



**FIGURE 2**



## PARTICIPANT DEMOGRAPHICS

**DEMOGRAPHIC DATA IS COLLECTED WHEN A** participant has successfully completed a pretrial diversion agreement or has been terminated unsuccessfully. Therefore, the demographic data below does not represent individuals who are currently in a diversion program; the data reporting mechanism for the grant is not presently designed to capture information about active participants.

The committee recognizes that the distribution of race may be disproportionate towards several minority categories. In doing so, the Committee continues to monitor program data and analyze how the diversion population mirrors local jurisdiction demographics of pretrial populations in regional areas to avoid potential overrepresentation issues or equal access to diversion opportunities by historically-disadvantaged groups, such as African Americans, Hispanic/Latinos, or Native Americans. Evidenced outcomes for these groups are also reviewed on an ongoing basis. In juxtaposing the demographic distribution by percentage within program (Pro.) and within the total population (Pop.) of the jurisdiction served by the program, the following information is available for comparison below (as well as demographic information by age and gender). The percentages provided in the chart below are relative to the size of the respective diversion program and local

populations for the jurisdiction and may be affected by changes in population demographics more easily.

JD	CAUCASIAN		JD	AMERICAN INDIAN		ASIAN AMERICAN	
	POP.	PRO.		POP.	PRO.	POP.	PRO.
6	79%	72%	6	5%	9%	1%	4%
9	73%	93%	9	1%	1%	1%	0%
15	71%	52%	15	1%	4%	1%	0%
16	54%	53%	16	1%	2%	1%	4%
20	78%	100%	20	1%	0%	5%	0%
21	82%	78%	21	1%	0%	1%	0%
JD	AFRICAN AMERICAN		HISPANIC/LATINO				
	POP.	PRO.	POP.	PRO.			
6	1%	1%	14%	13%			
9	1%	0%	25%	6%			
15	1%	4%	28%	39%			
16	4%	2%	40%	39%			
20	1%	0%	15%	0%			
21	1%	3%	15%	18%			

## FY 17 DIVERSION OFFENSE INFORMATION

**THE MAJORITY OF** offenses in diversion programs were post-filing cases that primarily were a mixture of drug-related (30%) and traffic-related offenses (38%). This distribution is influenced by the volume of cases from the 21<sup>st</sup> JD (52% of exits overall) that involve Driving Under Restraint and Under 21 Possession of Alcohol. Statewide, traffic and drug offenses included a variety of other types of charges. Examples of other offenses diversion programs accepted are cases with allegations of 3<sup>rd</sup> Degree Assault, Criminal Mischief, Harassment, Careless Driving, Theft, and Driving Under the Influence. Overall during FY 17, diversion programs supervised 34 Felonies, 390 Misdemeanors, 62 Traffic, and 157 other case types.

## RESTITUTION COLLECTION

**DURING THE PAST FISCAL YEAR, STATEWIDE,** diversion programs accepted 40 cases with restitution owing, nearly doubling the amount of cases from FY 16. Participants ordered to pay restitution successfully completed their diversion agreements 84% of the time. Diversion programs were able to help facilitate the collection of \$20,551.75 from \$22,761.55 owed, or a collection rate of 90%. The types of offenses charged that had restitution owing ranged from Trespassing and Identity Theft to Driving Under the Influence and Criminal Mischief. Cases with restitution typically took 133 days to complete and 75% of cases where restitution was owed were paid in full within a year of the date of offense. 70% of the cases involving restitution were charged misdemeanor offenses, 23% felonies, and the remaining 7% were unclassified charges. Each jurisdiction's program has been able to accept cases with restitution owing.

ADULT DIVERSION PARTICIPANT DEMOGRAPHICS BY AGE AND GENDER							
JD	GENDER	<18	18-25	26-40	41-60	61+	TOTAL
6	Female	0	15	24	11	0	50
	Male	0	35	38	17	9	99
9	Female	1	14	10	5	0	30
	Male	0	29	11	8	2	50
15	Female	0	3	6	1	1	11
	Male	0	6	3	3	0	12
16	Female	0	8	6	2	0	16
	Male	3	16	8	4	2	33
20	Female	0	1	1	0	0	2
	Male	0	8	0	0	0	8
21	Female	1	75	39	14	0	129
	Male	0	119	58	23	3	203
<b>TOTAL</b>		<b>5</b>	<b>329</b>	<b>204</b>	<b>88</b>	<b>17</b>	<b>643</b>



## ADULT DIVERSION PARTICIPANT NARRATIVES

**DURING THE FISCAL YEAR REPORTING CYCLE, THE** Adult Diversion Funding Committee requests participant narratives from the grant programs to help demonstrate the qualitative benefit these programs are providing to their jurisdictions. As evidenced by coupling the quantitative program data with these narratives, Colorado's pretrial diversion programs continue to operate successfully and serve a diverse population that varies between districts. What follows is a sampling of some of the successful outcomes these programs are seeing.

❖ IN THE 6<sup>TH</sup> JD, THE DIVERSION COORDINATOR reports how they recently had a defendant successfully complete the diversion program in which the individual was arrested for Trespassing (F5) that resulted in significant damage done to historical property at one of the businesses in Durango. At the time of the offense, the defendant was under the influence of alcohol to the point where the defendant was unable to remember any of the event or actions that occurred. As part of the diversion agreement, the defendant was expected to complete a substance abuse evaluation, comply with any recommendations, complete useful public service, and pay approximately \$4,300.00 in restitution for damage done to the property.

The defendant took responsibility and showed initiative during the program, as the defendant did not want the mistake to damage their professional status in the community. The evaluation, treatment, and useful public service (which was completed at an organization for underprivileged youth) were all completed. Restitution was paid in full. An apology letter to the business was also written. In the end, the defendant, local businesses, and the community were served by the diversion program as this process allowed for the facilitation of the defendant's ability to fully restore and repair harms done as if the incident had never occurred.

❖ AS DESCRIBED BY THE PROGRAM COORDINATOR for the Office of the District Attorney for the 9<sup>th</sup> JD in Glenwood Springs, this narrative is quite memorable as it shows how a mistake or lapse in judgment can have consequences when someone is

unaware that they are breaking the law, emphasizing the value of diversion in giving citizens a second chance. Through diversion process, the defendants were able to take responsibility for their actions, gain awareness in being educated about what not to do, and avoid a criminal conviction.

“Two friends in their 50s with no criminal history drove to a body shop to pick up a phone and a few other items left behind in a car that was getting work done on it. One of the defendants owned this car, and the defendants had contacted the auto body shop to see if they could pick up the property left behind. The auto body shop agreed, but only during the normal business hours of the work week. On a Sunday, the defendants drove onto the auto body lot (which had its gates open) and removed their property from their car. After they left, the owner called the police. They were cited with second degree criminal trespassing. The defendants completed an education course and wrote about their experiences with this incident. Both appreciated the opportunity to participate in diversion and remained compliant throughout supervision, in fact, they even learned a thing or two about car safety rules that, in all their years of driving, they never knew they needed to know.”

❖ FOR THE 15<sup>TH</sup> JD, DIVERSION ALLOWED SEVERAL clients to keep their jobs as a result of their cases being dismissed after completing the program, including one participant who was able to keep a CNA license from the state. Additionally, victims received full compensation for owed restitution in what is estimated to be half the time it normally would have taken, if they ever would have paid at all, through normal case processing. One such case nearly totaled \$8,000 in restitution being fully paid.

A few cases that the program saw during the past year involved domestic violence allegations as part of the offense. Through the diversion program, several participants were able to go through treatment with their spouses and in some instances continued treatment after the case was dismissed.



Recent changes in the availability of service providers have made it difficult for the 15<sup>th</sup> to be able to refer eligible participants to treatment in a timely, efficient manner.

---

❖ THROUGH INVOLVEMENT WITH THE 16<sup>th</sup> JD's diversion program, participants were able to see a variety of positive impacts to their lives. As one recent graduate shared, "This program changed my life in so many ways. Lynn is a great person, she has so many resources, she is great to talk to, and is able to help you work through many different issues that you may be dealing with. What I like best about Lynn is that she is nonjudgmental. She treats the people in the program with dignity and respect. Lynn is able to help you sort out issues and help you to problem solve thinking outside the box. I love the fact that she is relatable in so many ways.

"I know this program was the best thing that could have happened to me. I was able to go from being homeless to employment, from shame to having confidence and knowing that my path is going to be ok. I don't think I would have made it through this time in my life without her guidance and her availability. No matter what the problem is no matter how bad of a person you may think you are Lynn is able to help you. She challenges you to set goals for yourself and to check up to make sure you are following through with the program.

"The visits are always lovely and she makes sure that when she needs to have those tough conversations with you, she does. She keeps things in a professional manner and she takes the time to get to know you as a person. Overall, the program made me a better person and I pray that this program with Mrs. Logan can keep shaping and changing lives one story, one person, and one case at a time. I hope that my story and my mistake can help other people become better as well."

---

❖ IN THE PAST YEAR, THE 20<sup>th</sup> JD BEGAN TO ACCEPT individuals 18 – 25 years old who had been with charged with a felony offense to their adult diversion and restorative justice program. One of their early program successes involved a young adult arrested for First Degree Criminal Trespass (F5). One night, while heavily intoxicated and trying to find the way home,

the defendant entered the wrong house, caused damage, and impacted the residents greatly. Due to being intoxicated, the defendant had no recollection of the events that took place that night and was initially reluctant to talk about the incident but took responsibility for the actions taken that night.

After referral to the program, the defendant completed a pre-conference for restorative justice to seek a possible meeting with the victim. Ultimately, the victim chose not to participate but did share a Victim Impact Statement with the program that allowed the defendant to respond to the financial, material, and emotional harms the incident caused.

The apology letter shared with the victim, coupled with almost \$1000 in restitution, was part of a diversion agreement that included engaging pro-social community activities through Phoenix Multi-Sport and working with a mental health counselor to develop healthy coping skills to handle anxiety without resorting to alcohol.

Upon reflecting on the diversion experience, this particular defendant noted how, "The diversion program has been one of the most incredible experiences I have gone through. Where I expected to be given probation, I instead was sent to an amazing program that has helped me to mature and change how I see myself. From the first meeting, it was clear that [my diversion coordinator] genuinely wanted to help me work through my issues and help me move on with my life. Everyone else I have met in the program has had the same attitude and it has made it much easier to make meaningful changes to myself."

---

Narratives such as these continue to highlight the valuable work being done by diversion coordinators and District Attorneys' offices in using diversion as a prosecutorial method that allows for individuals to demonstrate accountability by facilitating their ability to repair harms done to the community, whether through restitution or another practice such as restorative justice. The Adult Diversion Funding Committee continually works to support through its data collection the ability to showcase successes of grant-funded programs (as well as their impact upon the participants served) in working to reduce the number of cases in the criminal justice system while preventing the commission of additional criminal acts.

## ADULT DIVERSION PROGRAM FORECAST FOR FY 18

**DURING FY 17, ADULT DIVERSION PROGRAMS NOT** only expanded the population they served by 46% but they also saw a successful completion rate of 79.2% for the year. Twenty-one percent of participants entering a diversion program received a referral for a correctional treatment assessment. The rate of participant completion remained relatively consistent during FY 17, averaging about 170 program exits per quarter an increase of over 30 exits per quarter from FY 16. This occurred prior to the implementation of two newly funded programs in FY 18 and the increased capacity from two programs that began operating in FY 17 to accept more clients. As programs increase caseloads, the types of cases selected for diversion has also evolved.

Jurisdictions continue to develop case selection criteria and policies and procedures for DA staff and to improve their internal databases to help manage the administration of their diversion programs. Multiple jurisdictions have made use of technology to help facilitate participants' success such as online payment systems for supervision fees and case management/assessment tools. Programming for domestic violence treatment, general education degrees, substance abuse, as well as the ability to offer a variety of opportunities for useful public service, also continue to be expanded throughout these jurisdictions as diversion programs grow.

Statewide, 314 people agreed to participate and enroll in diversion programs during FY 18 Q1. Based upon aggregate data trends from FY 15 through FY 17, we predict that diversion programs can be expected to exceed serving 1200 people during FY 18. If FY 17 expense patterns continue for FY 18, programs are likely to be able to maintain the \$400 per participant exit in grant funds expended (or about \$3.28 in supervision costs funded by the grant per day), significantly lower than other criminal justice system outcomes. Similarly, program staff continue to maximize available resources such as correctional treatment funding for substance use assessments in order to help sustain program growth. With the continued interest in and success of diversion programming in Colorado, the committee will continue to work to facilitate the ability of jurisdictions to sustain their growth patterns while maintaining a high level of service delivery for participants. Despite the limitations of available

resources which make it difficult for currently funded programs to remain operational without grant-funding, programs continually work to expand their service capacities to match the needs of their jurisdiction.

As Colorado's adult pretrial diversion has completed its third full year of operation for grant-funded programs following the initial implementation planning seen during FY 14 through FY 16, diversion coordinators have successfully used their abilities to evolve and expand the scope of program influence within their jurisdictions, as evidenced in the overall program growth and need for resources. The growth that these jurisdictions are experiencing is beginning to result in a corresponding increase in needed monies to support program costs and staff.

Due to the limited availability of programs to fully offset additional funding needs through county support or the collection of supervision fees, it is anticipated that the need for diversion funding can be expected to remain constant as current programs continue to grow, improve their efficiency in spending allocated monies within the general fund authority limits, and new programs submit requests for initial funding to the Committee. Throughout the duration of the diversion allocation being made available statewide, diversion programs have consistently exceeded the 75% threshold for successful completions, nearly exceeding 80% for the past two years. Most importantly, for FY 17 this rate reflects over 500 lives that avoided long-term collateral consequences associated with criminal charges and convictions, a number which should be expected to grow as programs seek to reach everyone who would qualify for diversion.

The initial evaluation of one-year recidivism rates for active grant-funded programs for FY 15 and FY 16 has shown great promise for diversion programs. Out of the 545 successful completions during those years, less than 10% of individuals completing an agreement received a new felony or misdemeanor conviction following their exit from the program. As time passes, the correlation between successful diversion programs and recidivism reduction may be more evident as the knowledge base regarding best practices in diversion continues to evolve.



## ADDENDUM TO ANNUAL REPORT

ATTACHMENT [ I ] – *Adult Diversion Funding Application for FY 18*

ATTACHMENT [ II ] – *FY 18 Funding Application Guidelines*

ATTACHMENT [ III ] – *Frequently Asked Questions*



ATTACHMENT I – FY 18 ADULT DIVERSION FUNDING APPLICATION

**COMPLETE AND RETURN APPLICATION BY FEBRUARY 16, 2017 to:**  
[KYLE.GUSTAFSON@JUDICIAL.STATE.CO.US](mailto:KYLE.GUSTAFSON@JUDICIAL.STATE.CO.US)

<b>SCAO use only:</b>	Prior FY Award	Awarded:	\$	Spent:	\$
	Current FY Award	Awarded:	\$	Spent:	\$
Score:		Grant		Deny	
Comments:					
				Amount:	\$

**SECTION 1. APPLICANT INFORMATION**

**Judicial District Information:** *Include the judicial district number, elected District Attorney name, and the counties served by the district.*

**Primary Contact Name:**

<b>Email:</b>	<b>Office Phone:</b>	<b>Alt. Phone:</b>	
<b>Mailing Address:</b>	<b>City:</b>	<b>CO</b>	<b>Zip:</b>
<b>Amount Requested:</b> <i>How much funding are you requesting for FY 2017?</i>			<b>\$</b>

**SECTION 2. ADULT DIVERSION PROGRAM INFORMATION**

**Program Status:** *Is this a new or existing program?*    *New*        *Existing*        *Year Started*   

**Target Population:** *Describe the program's target population of defendants and identify how many defendants you anticipate will be served this year. If able, please explain how that population was chosen and the calculation of anticipated program volume was reached. Limit response to half a page.*

**Partner Organizations:** *If applicable, identify any partnering organizations. Include name, point of contact, phone, e-mail, and mailing address. Partner organizations are defined as organizations expected to provide services, supervision, or support in executing the adult diversion agreement with defendants.*

**Partner Organization's Roles and Responsibilities:** *Please describe any collaborative efforts, partnerships, or contract support that will be part of this program. Include what service(s) partners will provide and their respective qualifications for providing that service for the diversion program.*



**\*\* Please include with the application a letter of commitment from each partner organization clearly stating their understanding of their role in the District Attorney's adult diversion program. \*\***

**SECTION 3. ADULT DIVERSION PROGRAM NARRATIVE**

**A. Need for Adult Diversion Program:** *Help us understand the need for adult diversion funding in your district. Limit your response to a half page.*

**B. Description of Adult Diversion Program:** *Describe the adult diversion program. How will your program prevent the commission of additional criminal acts? What is the implementation plan? What training will be needed for staff? How will you know if your adult diversion program is successful? Limit your response to one page.*

**\*\* Programs must provide a copy of the adopted policies, procedures, and/or guidelines delineating eligibility criteria for case acceptance in submission of the final year-end reporting in July/August.**

**C. Eligibility Criteria and Supervision Plan:** *What are the eligibility criteria for defendants to participate in adult diversion? How are defendants selected for adult diversion? Describe the nature of supervision of defendants. How do you determine their success? How will your program facilitate the ability to pay restitution? Limit your response to one page.*

**D. Description of Treatment Assessment Plan:** *What process will be employed to determine if a treatment assessment referral is necessary? Who will provide assessment? How will successful treatment be determined? If the treatment provider and assessment agency are the same, what oversight will be in place to ensure people are not over assessed into treatment? What is the anticipated number of people who may need treatment, if possible to estimate? Limit your response to one page.*

**E. Goals, Objectives, Outcomes and Timeframes:** *Please briefly note the program's overarching goals. Complete the form below in full and add goal/objective/outcome/timeframe sections as needed. Each objective should be relative to the corresponding program goal and include measurable outcomes and timeframes for achieving the goal during the funding year cycle.*

Program Goal:		
Objective:	Objective:	Objective:
Outcomes:	Outcomes:	Outcomes:
Timeframe:	Timeframe:	Timeframe:
Program Goal:		



Objective:	Objective:	Objective:
Outcomes:	Outcomes:	Outcomes:
Timeframe:	Timeframe:	Timeframe:
Program Goal:		
Objective:	Objective:	Objective:
Outcomes:	Outcomes:	Outcomes:
Timeframe:	Timeframe:	Timeframe:

**F. Program Evaluation:** *How will data required by the statute be collected and reported? Who will be responsible for this? Limit your response to a half page.*

**SECTION 4. ADULT DIVERSION BUDGET**

**Budget Narrative:** *Explain program needs relative to anticipated expenses. What fees, if any, will be charged to the defendant? What is the anticipated cost per defendant and relative formula for this estimate? Limit your response to a half page.*

**Instructions for Table:** *Please estimate the total dollar amount of expenses that will be funded from this grant and the total dollar amount that will be supported by other sources. Example: if you anticipate an in-kind or match support from your current budget to cover partial personnel costs in the amount of \$20,000 but you anticipate the total personnel need to be \$50,000, the funded by grant column should indicate \$30,000. Please divide your projected expenses as outlined by category in the table below.*

Expenses Category	Funded by Grant*	Funded by Other Sources	Total
Personnel:			
Training:			
Consultants/Contract Support:			
Operating:			
Correctional Treatment:		*see C.R.S. 18-19-103 *	
Non-Correctional Treatment:			
Other: <i>please specify</i>			

*\*Quarterly fiscal reporting will only track expenses related to grant monies distributed, not outside funding.*

# of Defendants to be supervised (est.)	Avg. Monthly Supervision Fee	Total Anticipated Defendant Fees
Match or In Kind Support:	\$	Grant-Funding Requested \$
Total Cost for Adult Div. Program	\$	



---

## ATTACHMENT II – FUNDING APPLICATION GUIDELINES

---

### **BACKGROUND:**

The Colorado Commission on Criminal and Juvenile Justice supported the passage of HB 13-1156, which replaced deferred prosecution with adult diversion. (C.R.S. 18-1.3-101)

Diversion is a voluntary alternative to criminal adjudication that allows a person accused of a crime to fulfill a set of conditions as defined by an agreement with a District Attorney which may include completing a formal program designed to address, treat, or remedy issues related to or raised by the allegation. Upon successful completion of the conditions or program, the charges against the defendant are dismissed or not filed.

Diversion is intended to operate simply and flexibly. District Attorneys can agree to divert a defendant at any point before plea or trial, including before charges are filed. They can preserve their ability to reinstate prosecution by requiring a signed “statement of facts” upon which the allegation is based. The terms of a diversion agreement can restore victims and require defendants to address the antecedents to their criminal behavior, with the intent of reducing the likelihood of future criminal behavior. Compliance with the agreement can be monitored and enforced by any approved entity, including, but not limited to: diversion programs run by District Attorneys’ offices; law enforcement agencies; and pretrial service organizations. For defendants to be ordered to the supervision of the probation department, a diversion agreement must be filed with a court. If the diversion agreement is successfully completed, the defendant is returned to the same legal status as if the offense had never occurred.

Upon passage of the adult diversion bill, HB 13-1156, the State Court Administrator’s Office formed the Adult Diversion Funding Committee.

The statutory goals of adult diversion include:

- Preventing defendants from committing additional criminal acts.
- Restoring victims of crime.
- Facilitating defendants’ ability to pay restitution to victims of crime.
- Reducing the number of cases within the criminal justice system.

### **OVERVIEW:**

- There will be an application process for both existing and new adult diversion programs as funding is available. Priority consideration will be given to those requests that are submitted during the initial reporting cycle. Late requests will be considered in order received, should funds remain.
- The FY ’18 Adult Diversion Fund has approximately \$390,000 available. Additional funding for treatment needs is available to funded programs via the Correctional Treatment Fund. This money will fund multiple requests that demonstrate they will meet the legislative goals and intents of diversion, as well as the reporting requirements.
- The use of documented best practices is encouraged but not required at this time.

### **TIMELINES:**

- Request for proposals announced: December 2, 2016.
- Application deadline: February 16<sup>th</sup>, 2017.
- Approximate date for grant award notices: March 10<sup>th</sup>, 2017.
- Awards are effective July 1<sup>st</sup>, 2017 through June 30, 2018.



## **INSTRUCTIONS FOR SUBMISSIONS:**

All supporting materials and a completed funding application request must be submitted electronically as a PDF document to the grant coordinator, Kyle Gustafson, via email: [kyle.gustafson@judicial.state.co.us](mailto:kyle.gustafson@judicial.state.co.us). All requests for adult diversion funding are to be received by end of business on **February 16<sup>th</sup>, 2017**.

## **FUNDING CRITERIA:**

In making funding decisions, the following criteria will be taken into consideration:

- The local need for adult diversion with the target population including the projected number of adult diversion participants (18 years or older).
- Explanation of how the proposed pre-plea/pre-trial adult diversion service will meet the statutory goals.
- Demonstration of how the District Attorney's office will comply with reporting requirements.
- Plan for adult diversion program management including budget management, data collection, and reporting.
- Priority will be given to program needs including but not limited to: start-up costs for new programs, personnel, operating, training, and contract support for program needs.

## **FUNDING AND REPORTING CYCLE:**

- All District Attorney's offices receiving adult diversion funding will be required to maintain a contract with the State Court Administrator's Office (SCAO) and to adhere to the SCAO policies and procedures related to data collection, reporting, and billing.
- The state operates on a July 1 – June 30 fiscal year.
- *All awarded funds must be expended by June 30, 2018 and reported by July 15, 2018.*
- In FY '18, data reporting and program expense reimbursements will be done on a quarterly basis.
- Participant data and fiscal reports will be due by the 10<sup>th</sup> day of the month following the quarter or month's end. The FY '18 reporting deadline will be as follows: Q1 materials will be due October 10, 2017; Q2 will be due January 10, 2018; Q3 will be due April 10, 2018; Q4 will be due July 10, 2018.
- Quarterly reporting will include Intake/Exit Forms for participants who have exited the program and basic program information.
- Quarterly reporting will include documentation of expended funds to be reviewed by SCAO. Receipts for all program expenses must be kept for audit purposes or expense verification.
- Funds will be distributed quarterly to District Attorney's offices following approval of quarterly expenses.
- A year-end report will require more extensive reporting, evaluation and final financial reports.
- There are no guarantees that there will be funding in subsequent years.

## **PROGRAM EVALUATION:**

Award recipients will be required to report as defined below to SCAO. Incomplete reporting will affect funding.

## **AWARD RECIPIENT REQUIREMENTS:**

Award recipients must collect participant data and provide status reports on the following by the 10<sup>th</sup> day of October, January, April, and July, including but not limited to:

- The number of people screened and the number of people who met criteria for adult diversion.
- The number of people enrolled in adult diversion.



- The number of people that declined to participate or were rejected by the DA.
- Demographic information on those enrolled (age, gender, ethnicity, judicial district, county of residence).
- Case supervision data, such as: treatment assessment, restitution owed, charging details.
- Participant status within adult diversion (intake, under agreement, complete, did not complete and reason they did not complete, if did not complete, what was the reason).

Provide financial updates including:

- Funds requested
- Funds expended by category (receipts must be available upon request).
- Supervision fees collected

Annual reporting will include all quarterly reporting details, and:

- Recidivism data for all participants, including those who successfully completed diversion and those who did not.
  - Pre-Discharge Recidivism: A filing for a new felony or misdemeanor offense that occurred prior to discharge from diversion. This could also affect the completion rates if defendants are referred back for prosecution due to re-offense.
  - Post-Discharge Recidivism: A filing for a new felony or misdemeanor offense that occurred within one year following termination of the diversion agreement.
- Aggregate data on outcomes, restitution, and other diversion agreement data.
- A copy of adopted adult diversion policies and guidelines for eligibility in the Judicial District's program.

#### **PROGRAM GUIDELINES:**

Elected District Attorneys that apply and request funds to operate an adult diversion program must be compliant with section 18-1.3-101, C.R.S. Funding may be for existing or new adult diversion programs. Funded programs will involve pre-plea or pre-trial diversion targeting adults 18 years and older.

All funded adult diversion programs must adopt and submit policies and guidelines delineating eligibility criteria for their program. In determining eligibility the District Attorney shall consider:

- The nature of the crime and the circumstances surrounding it.
- Any special circumstances or characteristics of the defendant.
- Whether diversion is consistent with the defendant's rehabilitation and reintegration.
- Whether the public interest will be best served by diverting the individual from prosecution.

Adult diversion may operate internally at a District Attorney's office or in conjunction with outside agencies or programs approved by the District Attorney, including those that provide restorative justice services. The supervising agency shall provide the supervision necessary to facilitate rehabilitation and support completion of the diversion agreements.

Supervising agencies will hold defendants accountable to agreements. Victims shall have the right to be informed of the decision to enter an adult diversion agreement. The intent of diversion is to reduce collateral consequences to defendants and to repair harm to victims.

The diversion period may not extend beyond two years, unless payment of restitution is the sole remaining condition of diversion due to an inability to pay and the defendant may have the future ability to pay. In this event, the diversion may be extended for no more than one additional year.

Cases involving domestic violence or sexual offenses require special consideration:

- Charges must be filed before a defendant can be eligible for diversion.
- Defendants must have had the opportunity to consult with counsel, and have completed a domestic violence treatment evaluation or sex-offender specific evaluation.
- Defendants accused of the following offenses are not eligible for diversion in state-funded programs: Sexual assault, sex assault on a child, any sexual offense committed against an at-risk adult or juvenile, any sexual offense with a deadly weapon, enticement of a child, sexual exploitation of a child, procurement of a child for exploitation, sexual assault on a child by a person in a position of trust, or any child prostitution offense.

Diversions agreements shall include:

- Signature by the defendant, the defendant's attorney if represented, and the District Attorney.
- A written waiver of the right to a speedy trial for the period of diversion.
- A condition that no other criminal offense be committed during the period of diversion.
- A statement clarifying that if the defendant completes the agreement and the obligations therein, the court shall order all criminal charges filed against the defendant relative to this case dismissed with prejudice.

Diversions agreements may also include:

- Individually designed agreement items based on the defendant's strengths, risks, needs, and abilities, as well as the victim's needs for repair.
- Assessment of criminogenic needs and subsequent treatment to meet their needs.
- A designated supervisor or supervisory agency with contact information.

A defendant shall not be required to enter any plea to criminal charges as a condition of pre-trial diversion. No information obtained during the diversion process, other than a statement of fact completed by the defendant, may be used as evidence in criminal proceedings on the referred crime or facts alleged relative to the adult diversion case.

If the District Attorney offers diversion in lieu of further criminal proceedings and the defendant agrees to all of the terms of the agreement, the agreement may either be filed with the court or held by the parties. A court filing is only required if probation supervises the defendant or collects restitution.

When a diversion agreement is entered the court shall stay further proceedings. When the diversion agreement is completed successfully all charges, if filed, will be dismissed. At any point after a diversion agreement is completed a defendant may petition the court to seal all records pertaining to the relative offense. Sealing is mandatory, upon request by the defendant, following successful completion of a diversion agreement.

In the event the defendant violates the terms of a diversion agreement, the supervising entity must provide written notice to the defendant, the District Attorney, and the court. The District Attorney may then proceed with the prosecution as allowed by law.

**For more information and questions please contact Kyle Gustafson at (720) 625-5900  
or [kyle.gustafson@judicial.state.co.us](mailto:kyle.gustafson@judicial.state.co.us)**



---

### ATTACHMENT III – FREQUENTLY ASKED QUESTIONS

---

- Q:** *If a DA's office applies for funding for a new Adult Diversion program but has an existing Adult Diversion program, does the existing program have to comply with the statutory language too?*
- A:** These funds can only be used for Adult Diversion programs that meet the requirements of the legislative act and enacted statute (HB 13-1156; C.R.S. § 18-1.3-101). Programs operating outside of this funding do not currently need to comply. Reporting will need to reflect the distinction between programs funded by these dollars and any additional Adult Diversion programs in the judicial district.
- Q:** *Would this be considered a grant funded program therefore the employee(s) would technically not be employed directly by the DA's office?*
- A:** This would be considered grant funding. How the DA chooses to employ or contract for services is at their discretion. Funding is not guaranteed. However, as long as you are running a program compliant with the statute and keeping up with reporting and funding from the general fund still exists, you would be a good candidate for continuation funding.
- Q:** *Would the employee(s) hired to manage the program only be able to perform duties specifically pertaining to the grant?*
- A:** If you clearly document in reports how the contractor/employee's time is spent on this Adult Diversion program that time could be paid for by the grant. If they had other duties outside of adult diversion that time would not be paid for by the grant. But it does not matter if they are working only a percentage of their time on Adult Diversion. These funds could cover the percentage that is dedicated to this Adult Diversion funded program.
- Q:** *Will training be required if funded?*
- A:** Online orientation training will be required for reporting procedure and funding distribution for FY 18, likely to take place prior to the start of the next fiscal year. Topic specific training may be offered to support grantees. Attendance at the yearly Colorado Collaborative Justice Conference may also be made available through the Correctional Treatment Board. Any additional questions or training requests may be directed to the grant coordinator from the grantee.
- Q:** *Can the application for funding be done by an organization outside of the DA's office to help cover the costs of supervision, or does the application for funding have to be filled out by the District Attorney's office?*
- A:** It does not matter to the committee who completes the application. However, it must be approved and submitted by the DA.

**Q:** *Can we charge a fee for Adult Diversion?*

**A:** Yes, the statute allows Adult Diversion fees up to \$50 per month.

**Q:** *Can we use funds for treatment?*

**A:** Yes, the use of Adult Diversion funds for treatment is encouraged. Currently, there are additional funds available from the Correctional Treatment Board specifically for treatment of Adult Diversion participants. *See:* “FUNDING GUIDELINES – CORRECTIONAL TREATMENT BOARD.”

**Q:** *Can we receive technical assistance with the application?*

**A:** Yes, please contact the Adult Diversion Coordinator, Kyle Gustafson, with any questions about the funding process, application materials, or for any additional information related to adult diversion. Feel free to reach him either by email at [kyle.gustafson@judicial.state.co.us](mailto:kyle.gustafson@judicial.state.co.us) or by phone (720) 625-5966.

