



OFFICE OF THE DISTRICT ATTORNEY

COUNTY OF VENTURA, STATE OF CALIFORNIA

GREGORY D. TOTTEN
District Attorney

MICHAEL D. SCHWARTZ
Chief Assistant District Attorney

MICHAEL K. FRAWLEY
Chief Deputy District Attorney
Administrative Services

CHERYL M. TEMPLE
Chief Deputy District Attorney
Special Prosecutions

MICHAEL R. JUMP
Chief Deputy District Attorney
Victim & Community Services

W. CHARLES HUGHES
Chief Deputy District Attorney
Justice Services

R. MILES WEISS
Chief Deputy District Attorney
Criminal Prosecutions

MICHAEL BARAY
Chief Investigator
Bureau of Investigation

April 9, 2019

Board of Supervisors
County of Ventura
800 S. Victoria Ave.
Ventura, CA 93009

Subject: Receive and File Report of the District Attorney Misdemeanor Diversion
Program in the County of Ventura

RECOMMENDATION:

It is respectfully recommended that your Board:

1. Receive and file Report of the District Attorney Misdemeanor Diversion Program in the County of Ventura for the time period of January 1, 2018, through December 31, 2018.

FISCAL IMPACT/MANDATES:

There is no fiscal impact associated with this item.

DISCUSSION:

A significant trend has emerged in criminal justice toward efforts to reduce recidivism by providing meaningful education and rehabilitation to appropriate offenders. To that end, the District Attorney's Office created a Misdemeanor Diversion Program that offers offense-specific education to low-level misdemeanants in lieu of traditional prosecution. With the support of the Board of Supervisors, the Misdemeanor Diversion Program began on October 1, 2017.

The program allows eligible offenders to have their charges deferred until they complete rehabilitative classes aimed at increasing personal accountability. Programming is based upon a therapeutic concept known as cognitive behavioral therapy and addresses the individual's particular criminal actions. If the offender successfully completes the program, the District Attorney's Office does not file criminal charges. If the offender does not complete the program, the criminal case is filed.

Diversion is available only to lesser misdemeanor offenders. Among other criteria, individuals are eligible only if they have never been convicted of a felony and have not been convicted of a misdemeanor in the past 10 years. More serious misdemeanor crimes are not diverted, including driving under the influence, domestic violence, gang-related offenses, crimes exhibiting criminal sophistication, and crimes of significant violence. Diversion is offered only after the District Attorney's Office has determined that criminal charges can be proven. Participation is entirely voluntary for the offender.

Individuals who accept the program attend one or two, six-hour classes administered by Pacific Educational Services, Inc. (PES), a leader in California diversion programs. The classes address life skills, theft causes and impacts, vehicular offenses, anger management, substance abuse, and victim impacts. The offenders pay fees to PES of either \$300, for a one-day, six-hour program, or \$530, for a two-day, twelve-hour program, depending on the offense. No portion of the fee goes to the District Attorney's Office or to the County of Ventura. Payment plans and/or a sliding fee scale are available for offenders who are indigent or cannot pay their entire fee at once. From each fee, \$50 is deposited into an indigent offender fund used to reduce program fees for indigent defendants. The remainder of the fees are paid to PES. Neither Ventura County nor the District Attorney's Office receive any revenue from the program. Defendants also pay restitution to their victims via PES.

The goals of the misdemeanor diversion program are to achieve more positive criminal outcomes and reduce recidivism. Misdemeanor diversion offers a rehabilitative outcome while providing restorative justice to the victim by requiring immediate restitution.

Our first full year of operating the program indicates that we are meeting our goals. During calendar year 2018:

- 616 offenders were invited to participate in the misdemeanor diversion program.
- 365 enrolled in the program.
- 21 dropped out of the program.
- 274 completed the program.
- 70 are still finishing the program.

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Of the 274 people who completed the program, only one has been convicted of a new crime in Ventura County. Of the 272 who either declined the program or dropped out, 31 have been convicted of a new crime in Ventura County. Although there is some self-selection, such that people who choose the program are perhaps more likely to avoid future crime in the first place, these results are significant. Importantly, the data shows that, without endangering the community, the program offers appropriate offenders an opportunity to avoid entanglement in the criminal justice system and the lifelong consequences that can attach to a criminal conviction.

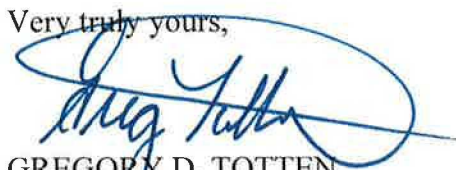
Although fewer offenders than anticipated were invited to participate in the program during its first year, the program's early success has encouraged us to examine ways we can safely expand the program.

The indigence fee reduction aspect of the program is working as well. Everyone invited to participate in the program is notified of the potential availability of fee reductions. In 2018, 59 individuals requested fee reductions, or just under 10 percent of those invited to participate. Two-thirds of those requests were granted.

Significantly, crime victims recovered \$11,840 in restitution from offenders participating in the Misdemeanor Diversion Program.

This letter has been reviewed by the County Executive Office, County Counsel, Sheriff's Office, Probation Agency, and the Public Defender's Office. If you have any questions regarding this item, please call Chief Deputy District Attorney Chuck Hughes at (805) 654-2719.

Very truly yours,



GREGORY D. TOTTEN
District Attorney

GDT\cb

cc: Leroy Smith, County Counsel
Michael Powers, County Executive Officer
William Ayub, Sheriff
Mark Varela, Chief Probation Officer
Todd Howeth, Public Defender