

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
ACTION AGENDA SUMMARY

DEPT: DISTRICT ATTORNEY

BOARD AGENDA # B-7

Urgent

Routine

AGENDA DATE January 10, 2012

CEO Concurs with Recommendation YES  NO

4/5 Vote Required YES  NO

(Information Attached)

SUBJECT:

Approval of a Report from the District Attorney's Office Regarding the First Year of Misdemeanor Diversion Services Provided by Pacific Educational Services and Approval to Continue the Program by Pacific Educational Services.

STAFF RECOMMENDATIONS:

1. Accept the District Attorney's report regarding the first year of misdemeanor diversion services provided by Pacific Educational Services from December 2010 through November 2011.
2. Authorize the District Attorney to approve the continuation of the contract terms, including any modifications or amendments, with Pacific Educational Services for the misdemeanor diversion program.

FISCAL IMPACT:

The District Attorney's Office will continue to contract with this company to run this program at no cost to the county. An administrative fee will be assessed by Pacific Educational Services on participants and a portion remitted to the District Attorney's office for partial recovery of personnel and operating costs of the District Attorney's Office. Total annual revenues to be remitted to the District Attorney's office are projected to be \$13,500 annually.

BOARD ACTION AS FOLLOWS:

No. 2012-016

On motion of Supervisor Withrow, Seconded by Supervisor Monteith  
and approved by the following vote,

Ayes: Supervisors: Chiesa, Withrow, Monteith, De Martini, and Chairman O'Brien

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2)        Denied

3)        Approved as amended

4)        Other:

MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval of a Report from the District Attorney's Office Regarding the First Year of Misdemeanor Diversion Services Provided by Pacific Educational Services and Approval to Continue the Program by Pacific Educational Services.

#### DISCUSSION:

On November 9, 2010, the District Attorney requested Board of Supervisor's approval to enter into a contract with Pacific Educational Services, Inc. to operate a Misdemeanor Diversion Program. The diversion program was deemed necessary by the District Attorney's Office to free up valuable, and scarce, resources in the face of unprecedented budgetary cut-backs. It was anticipated that the program would reduce court caseloads for both District Attorney and Public Defender staff.

The Board of Supervisors authorized the District Attorney to enter into a contract with Pacific Educational Services so that a pre-filing misdemeanor diversion program could be implemented. The Board requested at that time that a report back to the Board be provided regarding the success of the program.

An oral report covering the full twelve months of the program will be presented at the Board of Supervisors meeting on January 10, 2012. Attached to this agenda item is a summary of program activity covering the first eleven months. Based on the eleven months of data, Pacific Educational Services has determined that 74.2% of 855 baseline referrals enrolled in the program. Of those enrolled, 81% had completed and 11.8% were still going through the program. Pacific Educational Services had collected \$2,405.90 in restitution for victims and \$11,280 in administrative fees for the District Attorney's Office. Pacific Educational Services has held 49 one-day classes in Modesto since the inception of the program.

Based on the success of the program, the District Attorney is requesting the continuation of the contract with Pacific Educational Services. The initial outcomes indicate a benefit to the overall justice system with fewer incarcerations and more education to empower defendants not to re-offend.

#### POLICY ISSUES:

The misdemeanor diversion program supports the Board priority of A Safe Community.

#### STAFFING IMPACTS:

There are no staffing requirements associated with this item.

#### CONTACT INFORMATION:

Birgit Fladager, District Attorney (209) 525-5519

Stanislaus County Misdemeanor Diversion Program Status  
 December 1, 2010 to  
 October 31, 2011

| <b>Total Referrals Received</b>   | <b>Invalid Referrals *</b> | <b>Valid Referrals</b>            | <b>Invalid Referrals That Contacted PES</b> | <b>Baseline of Referrals</b> |                   |
|---|----------------------------|-----------------------------------|---|------------------------------|-------------------|
| 1231  | 523                        | 708                               | 147   | 855                          |                   |
| * Referrals without contact information and/or invalid contact information. |                            |                                   |   |                              |                   |
|   |                            |                                   |   |                              |                   |
| <b>Baseline Referrals</b>   | <b>Failed to Enroll**</b>  | <b>Enrolled then Terminated**</b> | <b>Completed Enrollment</b>                 | <b>Defendents Enrolled</b>   |                   |
| 855   | 174                        | 46                                | 635   | <b>Completed</b>             | <b>In Process</b> |
|   |                            |                                   |   | 514                          | 75                |
| **Will be criminally prosecuted   |                            |                                   |   |                              |                   |

# Stanislaus County District Attorney



## Misdemeanor Diversion Program

January 2012

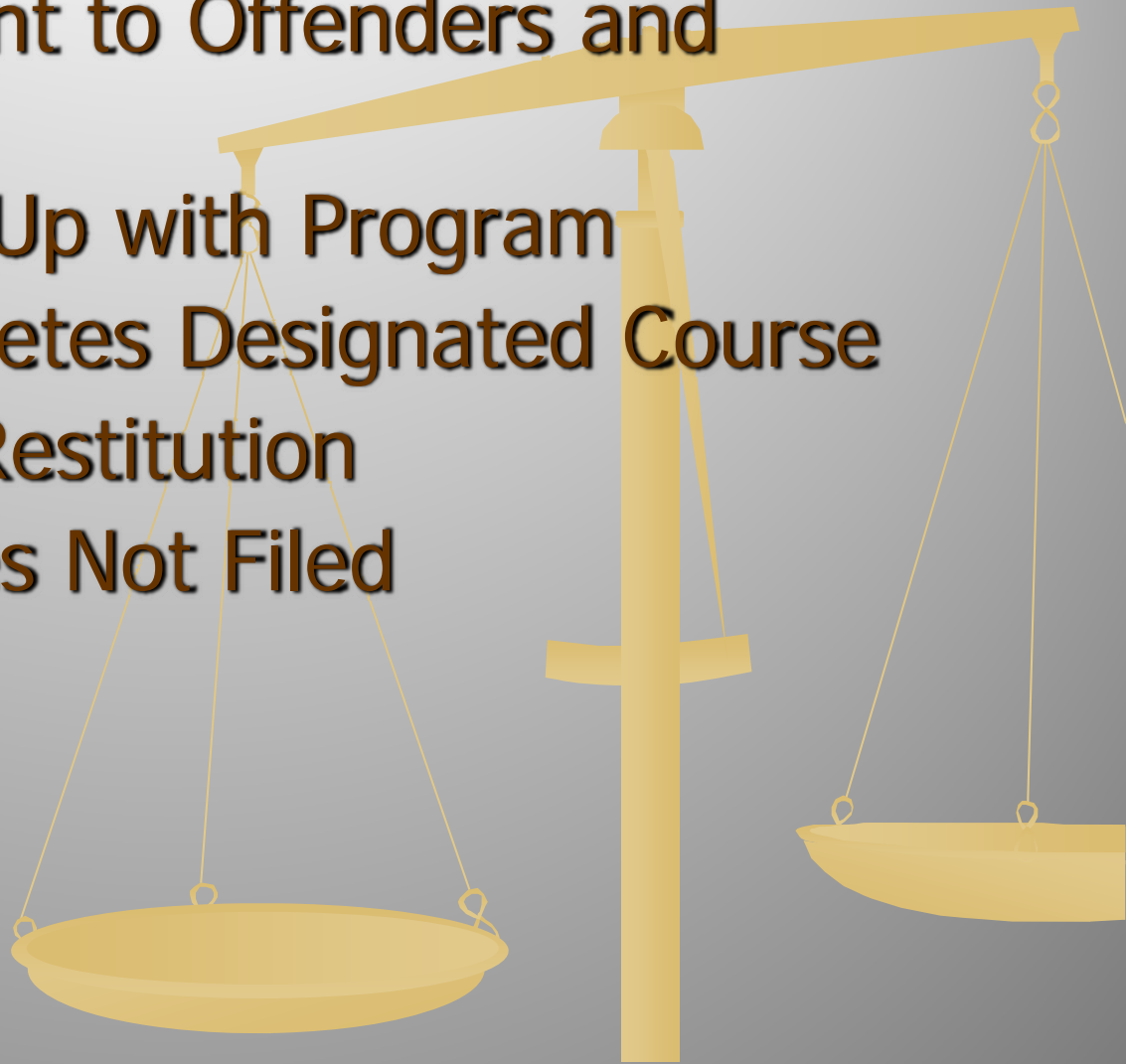
# What It Is

- Pre-Filing Diversion Program
- Removes Cases from the Court Process
- Limited to Low Level Offenses
- Restricted to Initial Offenders



# Process

- Notifications Sent to Offenders and Program
- Offender Signs Up with Program
- Offender Completes Designated Course
- Offender Pays Restitution
- Criminal Charges Not Filed



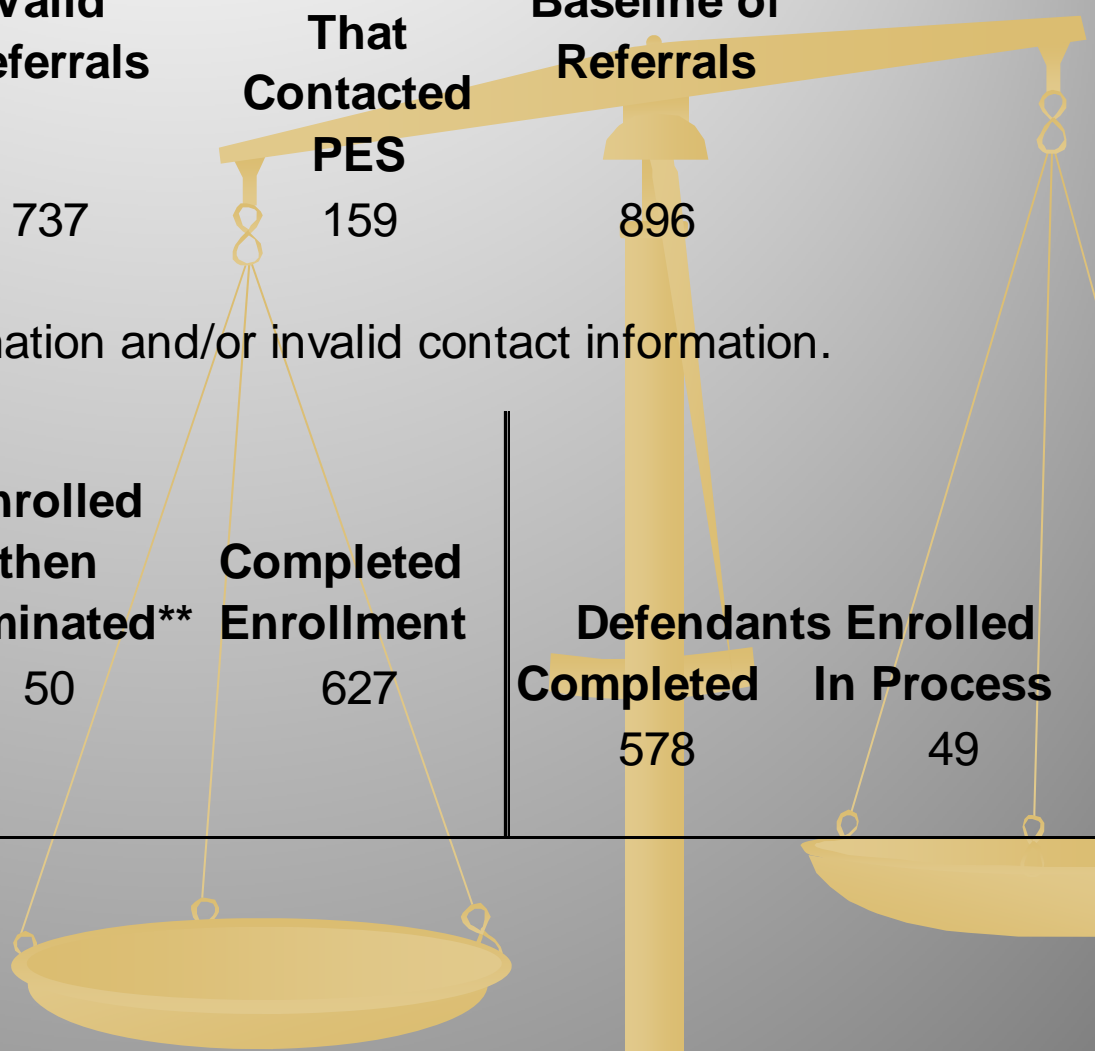
# 12 Month Statistics

| Total Referrals Received | Invalid Referrals* | Valid Referrals | Invalid Referrals That Contacted PES | Baseline of Referrals |
|--------------------------|--------------------|-----------------|--------------------------------------|-----------------------|
| 1302                     | 565                | 737             | 159                                  | 896                   |

\* Referrals without contact information and/or invalid contact information.

| Baseline Referrals | Failed to Enroll** | Enrolled then Terminated** | Completed Enrollment | Defendants Enrolled Completed | Defendants Enrolled In Process |
|--------------------|--------------------|----------------------------|----------------------|-------------------------------|--------------------------------|
| 896                | 219                | 50                         | 627                  | 578                           | 49                             |

\*\*Will be criminally prosecuted



# Benefits

- 627 Cases Diverted from System
- Cases Don't Go to Court
  - Public Defenders Aren't Appointed
  - Minimize DA Clerical/Attorney Work Time
- Benefits to Offenders
  - No Criminal Conviction
  - Educated
- Recidivism Reduced





# Stanislaus County District Attorney

