

**OFFICE OF THE ATTORNEY GENERAL
COURT DIVERSION
FISCAL YEAR 2016**

DEPT MISSION

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

Court Diversion is a locally governed community justice program begun in the 1970's to divert minor offenders out of the court system to community-based programs staffed largely by volunteers. Diversion also operates two other programs: one for civil violations of underage possession of alcohol and marijuana, and one designed to help people regain their driver's license while they pay fines and fees owed to the State. Diversion's alternatives to the formal court processes use citizen involvement and a restorative justice approach to further multiple goals:

- Repair harm to victims
- Restore to the community any loss it sustained
- Redirect offenders in a more productive direction
- Reduce recidivism
- Reduce the workload on Vermont courts

DEPARTMENT/PROGRAM DESCRIPTION

Court Diversion operates cost-effective programs that hold offenders accountable, help offenders to repair the harm caused to victims and the larger community, and work to prevent future unlawful behavior. These programs are provided by non-profit agencies in each of the State's 14 counties. This restorative justice approach is a valuable investment that reduces the workload and cost of the Courts, State's Attorneys, and Department of Corrections.

In FY 2014, approximately 5,000 individuals were referred to Court Diversion programs: 1,422 from Superior Court to Diversion, 2,937 to the Youth Substance Abuse Safety Program, and over 600 to the Civil DLS Program. Last fiscal year approximately 80 percent of participants completed their contracts successfully. Clients paid over \$62,000 in restitution and charitable donations during the past year. Staffed by 30 full-time staff equivalents and 400 volunteers, programs provided these services at a cost of approximately \$280 per case in General Fund dollars. 92% of the GF appropriation is awarded as grants to the 14 county programs, operated by private non-profit agencies. All of the programs belong to the Vermont Association of Court Diversion Programs.

Through **Court Diversion**, offenders have the opportunity to accept responsibility for their actions, to repair the harm done, and to avoid a criminal record. The State's Attorney refers individuals to the county program. The majority of diversion clients are first-time offenders

charged with misdemeanors, although felony charges are also referred. Following a restorative justice approach, community members meet with clients to develop contracts that address the offense and the underlying reasons for the client's actions. Victims are invited to describe their needs, and clients through their contracts agree to pay restitution, participate in counseling or substance abuse treatment, write letters of apology, etc. Participation in the program is voluntary and upon successful completion of the program, the State's Attorney dismisses the case. If an offender does not complete the terms of the contract, the case is returned for prosecution.

At the start of FY 2011, the statutory purpose of adult Court Diversion was expanded to include second-time misdemeanants. During FY 2014, approximately 15% of people referred to Diversion had previously been involved in the criminal justice system. Of all misdemeanor cases disposed by the Superior Court's Criminal Division in FY 2013, approximately 10% were as a result of successful completion of Diversion, up from 8% each of the previous two years.

Special Fund: Court Diversion Fees

The Court Diversion Special Fund records fees from clients that are used to support the program. Each Court Diversion program reports quarterly to the Attorney General's Office the amount of fees collected and spent. As of July 2010, programs no longer submit fee revenue for deposit in the Court Diversion Special Fund, according to 3 VSA §166. A uniform statewide fee schedule was adopted in January 2009. Programs may reduce or waive fees to account for participants' financial situation.

In addition, Court Diversion programs run the **Youth Substance Abuse Safety Program**. When the legislature decriminalized possession of small amounts of marijuana in 2013, the Teen Alcohol Safety Program was renamed the Youth Substance Abuse Safety Program (YSASP), and expanded to include civil violations of marijuana possession. Youth age 16-20 caught with alcohol or marijuana (an ounce or less) are referred by law enforcement to YSASP. Youth pay a fee, participate in a substance abuse screening or assessment, follow the recommendations of the counselor, and may participate in an educational program and perform community service. If an individual fails to complete the contract, the ticket is sent to the Vermont Judicial Bureau, which levies a fine, and the individual's driver's license is suspended.

Special Fund: Youth Substance Abuse Safety Program

In 2013, the Legislature decriminalized the possession of an ounce or less of marijuana, and created a civil violation and fine for this type of possession by adults aged 21 and older. Fine revenue from these violations is used for different purposes, including supporting the Youth Substance Abuse Safety Program. This Special Fund records the portion of fines designated to support YSASP. (18 VSA Sec 4230a(f)). From July 1, 2013 through April 30, 2014, \$59,614 was deposited in the Fund and distributed to Court Diversion programs as part of their FY 2015 grant awards.

The **Civil DLS Diversion Program**, fully operational July 2013, helps individuals whose driver's license remains suspended only because of fines and fees owed to the State to obtain a valid license while paying off that debt. Diversion staff gathers information from the Vermont

Judicial Bureau (VJB) and Department of Motor Vehicles (DMV) to determine license reinstatement requirements, help participants create a workable payment plan, and submit a Motion and contract to the VJB. After the VJB hearing officer approves the contract, the Bureau informs DMV that the person is eligible to have his or her license reinstated. Diversion staff collects payments, sends them to the VJB and otherwise monitors the contract. Staff also assists individuals who are not eligible for the program, helping them to identify what is needed to get reinstated. As of December, 2014 approximately 340 individuals are enrolled in the program, possessing a valid driver's license while they pay their debt.

KEY BUDGET ISSUES

The past few years have been one of change and growth for Diversion programs, and staff are both energized and challenged by these changes. The recent development of new programs, changes in case load, and tightening of funding all combine to test Diversion programs both fiscally and programmatically.

No state funding was appropriated for the DLS program; however, the program has created a significant workload. While participants pay a fee (typically about \$150), the fee does not cover the time staff spend on reconciling information provided by VJB and DMV, preparing and monitoring contracts. In addition, staff work with many individuals who do not end up enrolling in the program, and so do not pay any fee. Diversion directors see great value in the program for Vermonters but are concerned about the sustainability of providing these services.

Another pressure for Diversion stems from legislators' desire for greater consistency in how civil violations are handled. To address that goal, a statewide protocol for the Youth Substance Abuse Safety Program will launch by spring 2015. This new protocol, designed with the assistance of an adolescent treatment expert recommended by the Health Department, will require changes in some counties and additional training and support during its adoption.

The increase in referrals to YSASP with the addition of underage possession of marijuana by underage youth has been offset by a reduction in referrals from criminal court for possession of marijuana.

It is also worth noting that Diversion is no longer an alternative limited to first-time offenders. In the past few years as pressures grew to reduce the workload of the Courts and the Department of Corrections, prosecutors have referred repeat offenders to Diversion with far greater frequency. Approximately 15% of referrals to Court Diversion in FY 2014 were of people with "prior involvement in the criminal justice system" - they had either participated in Diversion previously or have a criminal record. These more challenging cases require additional case manager supervision and support, and the successful completion rate for this group is lower than for first-time participants.

Finally, 92% of the Court Diversion GF appropriation is awarded to the private non-profit agencies that run Court Diversion in each county. In addition to these General Funds, programs rely on client fees, which provide approximately 25% of program revenues. However, many participants struggle to pay the fee, and programs reduce the fee in cases of financial hardship.

GOALS/OBJECTIVES/PERFORMANCE MEASURES

Court Diversion, as part of the State's performance measure pilot, has established the following objective and performance measures.

Objective: to hold low-level offenders diverted from traditional court proceedings accountable for the harm caused to others and themselves in order to reduce recidivism.

Measures

% of Court Diversion (criminal & family division) cases closed successfully

% of victims receiving full restitution after successful closure

% of Youth Substance Abuse Safety Program cases closed successfully

Last spring the Vermont Center for Justice Research (now Crime Research Group, CRG) completed an outcome evaluation that revealed a recidivism rate of 14.3% for the study cohort of 3,464 successful Diversion participants during a three-year period. Analysis of when participants were convicted after participation in Diversion revealed a recidivism rate of only 5.8% during the post-program time period of less than one year. The vast majority of post-Diversion recidivists were misdemeanants.

Program Reviews

A major focus of the Vermont Association of Court Diversion Programs (VACDP) is to promote high quality restorative justice by creating uniform practices and providing training and support. Each program participates in a peer review every three years. Following the peer review, a program develops a plan to implement improvements, and the Court Diversion Director, of the Attorney General's Office, monitors that implementation plan.



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

Court Diversion – Budget Overview FY 2016

www.vtcourtdiversion.org

Court Diversion includes three programs that provide a cost-effective alternative to the formal court process using principles of restorative justice for approximately 5,000 individuals each year.

- Offenders together with those directly harmed and with community members decide how to repair the harm caused to victims and the larger community, and how to address factors that led to their breaking the law.
- 14 county programs are run by non-profit agencies under grant agreements with the Attorney General's Office. All are members of the Vermont Association of Court Diversion Programs (VACDP).
- Cost per case is approximately \$280 GF.
- Participant fees account for approximately one-quarter of programs' revenues.
- Diversion reduces the workload and cost of the Courts, State's Attorneys, and the Department of Corrections

Court Diversion

- Restorative justice program for adults and youth charged with a crime or delinquency
- FY 2014 — over 1,400 individuals referred by state's attorneys
- FY 2013 — 10% of misdemeanor cases resolved through Criminal Division of Superior Court were closed after successful completion of Diversion (previous two years, 8%)
- 15% of people referred had prior involvement in the criminal justice system
- CRG (VCJR) study - 14% recidivism of study cohort up to 5 years after program completion

Youth Substance Abuse Safety Program

- Voluntary program for youth aged 16 to 20 who violate Vermont's underage possession and consumption of alcohol and marijuana laws
- FY 2014 — approximately 3,000 youth referred by law enforcement; 600 for possession of an ounce or less of marijuana

Driving with License Suspended Program

- Over 600 referrals; currently close to 400 individuals are enrolled, possessing a valid driver's license while they pay their debt.

KEY BUDGET ISSUES

- Complexity of caseload and participants' ability to pay fees
- Sustainability of DLS program
- Statewide program consistency

PERFORMANCE MEASURES – see Vantage document

Report ID: VTPB-11-BUDRLLUP
 Run Date: 01/22/2015
 Run Time: 11:02 AM

State of Vermont
FY2016 Governor's Recommended Budget: Rollup Report

Organization: 2100002000 - Vermont court diversion

Budget Object Group: 1. PERSONAL SERVICES

Budget Object Rollup Name	FY2014 Actuals				Difference Between Recommend and As Passed	Percent Change Recommend and As Passed
Contracted and 3rd Party Service	15,860	0	0	0	0	0.0%
Budget Object Group Total: 1. PERSONAL SERVICES	15,860	0	0	0	0	0.0%

Budget Object Group: 2. OPERATING

Budget Object Rollup Name	FY2014 Actuals				Difference Between Recommend and As Passed	Percent Change Recommend and As Passed
Other Purchased Services	341	0	0	0	0	0.0%
Rental Other	200	0	0	0	0	0.0%
Budget Object Group Total: 2. OPERATING	541	0	0	0	0	0.0%

Budget Object Group: 3. GRANTS

Budget Object Rollup Name	FY2014 Actuals	FY2015 Original As Passed Budget	FY2015 Governor's BAA Recommended Budget	FY2016 Governor's Recommended Budget	Difference Between FY2016 Governor's Recommend and FY2015 As Passed	Percent Change FY2016 Governor's Recommend and FY2015 As Passed
Grants Rollup	1,807,367	1,916,483	1,916,483	1,996,483	80,000	4.2%
Budget Object Group Total: 3. GRANTS	1,807,367	1,916,483	1,916,483	1,996,483	80,000	4.2%
Total Expenses	1,823,767	1,916,483	1,916,483	1,996,483	80,000	4.2%

Report ID: VTPB-11-BUDRLLUP
 Run Date: 01/22/2015
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State of Vermont
FY2016 Governor's Recommended Budget: Rollup Report

Organization: 2100002000 - Vermont court diversion

Fund Name	FY2014 Actuals	FY2015 Original As Passed Budget	FY2015 Governor's BAA Recommended Budget	FY2016 Governor's Recommended Budget	Difference Between FY2016 Governor's Recommend and FY2015 As Passed	Percent Change FY2016 Governor's Recommend and FY2015 As Passed
General Funds	1,279,207	1,396,486	1,396,486	1,396,486	0	0.0%
Special Fund	544,561	519,997	519,997	599,997	80,000	15.4%
Funds Total	1,823,767	1,916,483	1,916,483	1,996,483	80,000	4.2%

Position Count						
FTE Total						

Report ID: VTPB-07
 Run Date: 01/22/2015
 Run Time: 11:06 AM

State of Vermont
FY2016 Governor's Recommended Budget: Detail Report

Organization: 2100002000 - Vermont court diversion

Budget Object Group: 1. PERSONAL SERVICES

Contracted and 3rd Party Service		FY2014 Actuals				Difference	Percent Change
						Between	Recommend and
						Recommend and	As Passed
						As Passed	As Passed
Description	Code						
Contr & 3Rd Party - Financial	507100	7,300	0	0	0	0	0.0%
Other Contr and 3Rd Pty Serv	507600	8,560	0	0	0	0	0.0%
Total: Contracted and 3rd Party Service		15,860	0	0	0	0	0.0%
Total: 1. PERSONAL SERVICES		15,860	0	0	0	0	0.0%

Budget Object Group: 2. OPERATING

Other Purchased Services		FY2014 Actuals				Difference	Percent Change
						Between	Recommend and
						Recommend and	As Passed
						As Passed	As Passed
Description	Code						
Registration For Meetings&Conf	517100	341	0	0	0	0	0.0%
Total: Other Purchased Services		341	0	0	0	0	0.0%

Rental Other		FY2014 Actuals				Difference	Percent Change
						Between	Recommend and
						Recommend and	As Passed
						As Passed	As Passed
Description	Code						
Rental - Other	515000	200	0	0	0	0	0.0%
Total: Rental Other		200	0	0	0	0	0.0%

Report ID: VTPB-07
 Run Date: 01/22/2015
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State of Vermont
FY2016 Governor's Recommended Budget: Detail Report

Organization: 2100002000 - Vermont court diversion

Total: 2. OPERATING	541	0	0	0	0	0.0%
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Budget Object Group: 3. GRANTS

Grants Rollup		FY2014 Actuals	FY2015 Original As Passed Budget	FY2015 Governor's BAA Recommended Budget	FY2016 Governor's Recommended Budget	Difference Between FY2016 Governor's Recommend and FY2015 As Passed	Percent Change FY2016 Governor's Recommend and FY2015 As Passed
Description	Code						
Grants To Municipalities	550000	0	0	0	0	0	0.0%
Other Grants	550500	1,807,367	1,916,483	1,916,483	1,996,483	80,000	4.2%
Total: Grants Rollup		1,807,367	1,916,483	1,916,483	1,996,483	80,000	4.2%
Total: 3. GRANTS		1,807,367	1,916,483	1,916,483	1,996,483	80,000	4.2%
Total Expenses:		1,823,767	1,916,483	1,916,483	1,996,483	80,000	4.2%

Fund Name		Fund Code	FY2014 Actuals	FY2015 Original As Passed Budget	FY2015 Governor's BAA Recommended Budget	FY2016 Governor's Recommended Budget	Difference Between FY2016 Governor's Recommend and FY2015 As Passed	Percent Change FY2016 Governor's Recommend and FY2015 As Passed
General Fund	10000		1,279,207	1,396,486	1,396,486	1,396,486	0	0.0%
Youth Substance Abuse Safety Program	21142		0	0	0	80,000	80,000	0.0%
AG-Court Diversion	21639		544,561	519,997	519,997	519,997	0	0.0%
Funds Total:			1,823,767	1,916,483	1,916,483	1,996,483	80,000	4.2%
Position Count								
FTE Total								

Report ID:	CGI infoAdvantage
Run Date: 1/30/15	State of Vermont
Run Time: 1:19:29 PM	Performance Measure Detail

Appropriation: 2100002000 Vermont court diversion

Objective: To hold low-level offenders, diverted from traditional court proceedings, accountable for the harm caused to others and themselves in order to reduce recidivism.

Measures	Unit	FY 14 Targets	FY 14 Actuals	FY 15 Targets	FY 15 Estimate	FY 16 Targets
Successful completion rate of Court Diversion cases (criminal and family division)	% completed cases	0	81	82	90	90
Successful completion rate of Youth Substance Abuse Safety Program cases	% completed cases	0	80	83	90	90
% of victims receiving full amount of restitution after Diversion case has closed	% restitution paid	0	94	99	100	100

Program Budget:	FY2014 Actuals	FY2015 Original As Passed Budget	FY2015 Governor's BAA Recommended Budget	FY2016 Governor's Recommended Budget
PE Personal Services	15,860	0	0	
Operating Expenses	541	0	0	
GR Grants	1,807,367	1,916,483	1,916,483	1,996,483
Total Appropriation	1,823,767	1,916,483	1,916,483	1,996,483
Total Program Cost:	1,823,767	1,916,483	1,916,483	1,996,483

Report ID: VTPB-28 GRANTS_INVENTOR\

**State of Vermont
FY2016 Governor's Recommended Budget
Grants Out Inventory Report**



Department: 2100002000 - Vermont court diversion

Budget Request Code	Fund	Justification	Est Amount
4804	10000	Addison County Court Diversion & Community Justice Projects, Inc.	\$90,738
4804	10000	Center for Restorative Justice - Bennington County	\$95,382
4804	10000	Chittenden County Court Diversion	\$192,752
4804	10000	Franklin County Court Diversion	\$93,307
4804	10000	Grand Isle County Court Diversion Program	\$13,646
4804	10000	Lamoille County Court Diversion Program	\$91,914
4804	10000	Northeast Kingdom Community Action - Orleans County	\$85,908
4804	10000	Office of the Attorney General - Director/Support Staff Salary	\$109,677
4804	10000	Orange County Court Diversion Program	\$78,168
4804	10000	Rutland County Court D iverision & Restorative Justice Center	\$121,822
4804	10000	St. Johnsbury Area Youth Service Bureau - Caledonia County	\$85,134
4804	10000	St. Johnsbury Area Youth Service Bureau - Essex County	\$10,972
4804	10000	Valley Court Diversion Program - Windsor County	\$105,351
4804	10000	Vermont Association of Court Diversion Programs	\$3,800
4804	10000	Washington County Court Diversion Program	\$115,970
4804	10000	Youth Services, Inc. - Windham County	\$101,945
4804	21142	Addison County Court Diversion & Community Justice Projects, Inc.	\$4,408

Report ID: VTPB-28 GRANTS_INVENTOR

State of Vermont
FY2016 Governor's Recommended Budget
Grants Out Inventory Report



Budget Request Code	Fund	Justification	Est Amount
4804	21142	Center for Restorative Justice - Bennington County	\$5,046
4804	21142	Chittenden County Court Diversion	\$23,546
4804	21142	Franklin County Court Diversion Program	\$3,987
4804	21142	Grand Isle Court Diversion Program	\$429
4804	21142	Lamoille County Court Diversion Program	\$4,294
4804	21142	Northeast Kingdom Community Action - Orleans County	\$3,356
4804	21142	Orange County Court Diversion Program	\$2,935
4804	21142	Rutland County Court Diversion & Restorative Justice Center	\$9,583
4804	21142	St. Johnsbury Area Youth Service Bureau - Caledonia County	\$2,991
4804	21142	St. Johnsbury Area Youth Service Bureau - Essex County	\$286
4804	21142	Valley Court Diversion Program - Windsor County	\$5,626
4804	21142	Washington County Court Diversion Program	\$7,651
4804	21142	Youth Services, Inc. - Windham County	\$5,862
4804	21639	County Court Diversion Programs (14)	\$519,997
		Total	\$1,996,483