

## Court Diversion – Budget Overview FY 2013

*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 statewide community justice program that operates under the auspices of the Attorney General's Office. It provides a cost-effective alternative to the formal court process using the principles of restorative justice for approximately 5,000 individuals each year. Diversion holds offenders accountable, helps offenders repair the harm caused to victims and the larger community, and works to prevent future criminal behavior. It is a valuable investment that reduces the workload and cost of the Courts, State's Attorneys, and the Department of Corrections. (3 VSA §163, 164, 166).

The program's goals are to use citizen involvement and a restorative model to

- Repair the 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

Since the late 1970's, minor offenders have been diverted out of the court system to this community-based program staffed largely by volunteers. The percentage of misdemeanor cases resolved through Diversion has increased each year since FY 2006. In FY 2006, 7.25% of misdemeanor cases resolved through Criminal Diversion were closed after successful completion of Diversion. In FY 2011, that percentage was 9.86%.

In 2010, the Legislature expanded the purpose of Adult Court Diversion to include second-time offenders. During FY 2011, 13% of people referred had prior involvement in the criminal justice system. Program staff report that people with prior involvement tend to present with more challenging situations, involving greater substance abuse or mental health needs, and require more staff to complete the program successfully.

Youth who violate Vermont's underage possession and consumption of alcohol laws (7 VSA §656 and §657) are referred by law enforcement to the **Teen Alcohol Safety Program** (TASP) within Court Diversion. Successful participants meet with a licensed substance abuse counselor, follow the recommendations of the counselor, and may participate in an educational program and perform community service.

Approximately 30 staff members and 350 volunteers provide Diversion services at a cost of roughly \$240 of General Fund dollars per case.

## **NUMBERS SERVED - FY 2011**

	<b>Youth &lt;18 Diversion</b>	<b>Adult Diversion</b>	<b>TASP</b>	<b>TOTAL</b>
Number of Referrals	570	1,580	2,515	4,665
Prior involvement referrals	73	199		

- Victims, fully compensated financially: 232
- Felony cases disposed after successful completion: 96
- Misdemeanor cases disposed after successful completion: 1,286

## **PERFORMANCE OUTCOME MEASURES**

Programs report aggregate data each quarter on closed cases, providing the successful completion rate, the amount of restitution paid to victims, the percentage of cases in which victims were fully compensated financially, and the number of hours of community service performed by participants.

<b>FY 2011</b>	<b>Juvenile</b>	<b>Adult</b>	<b>TASP</b>	<b>TOTAL</b>
Successful Completion Rate	81%	81%	78%	80%
Victims Financially Compensated	75%	95%	N/A	
Restitution & Charitable Donations	\$18,861	\$59,501	\$14,223	\$92,585
Hours of Community Service	5,486	9,343	7,984	22,813

## **FY 2007 – 2009 Recidivism study**

Over 3,800 adults and youth participated in Court Diversion during the three-year period of FY 2007-2009, and over 80% completed the program successfully. Of these successful Diversion participants, the statewide recidivism rate was 16%. In other words, 84% of successful Diversion participants were not subsequently charged with committing a crime up to two years after they completed Diversion. Recidivism for this study is defined as having a subsequent charge, not conviction, within two years of the date of successful completion of Court Diversion.

## **Peer Review**

Every three years, each program participates in a peer review, during which three other program directors visit the county to examine how the program is meeting the AGO/VACDP Standards for Court Diversion and TASP. The AGO Court Diversion Director monitors any ensuing improvement plan.

## **BUDGET AND FUNDING MIX**

**General Fund:** The Governor recommends level funding for Diversion, a General Fund appropriation of \$1,310,869.

**Special Fund:** Court Diversion programs collect fees from clients and report that revenue quarterly to the Attorney General's Office (AGO) according to 3 VSA §166. These fees are recorded within the Court Diversion Special Fund. Participants pay a fee, following a uniform statewide fee schedule, adopted in January 2009. Programs reduce or waive fees to account for participants' financial situation.

	<b>FY11 As Passed</b>	<b>FY11 Actual</b>	<b>FY12 As Passed</b>	<b>FY12 Estimated</b>	<b>FY13 Proposed</b>
<b>General Fund</b>	1,204,776	1,203,990	1,311,014	1,308,614	1,310,869
<b>Special Fund</b>	519,997	610,553	519,997	600,000	519,997

**Funding Mix:** In addition to State General Funds and client fees, other revenue sources include town appropriations, community donations and grants as follows:

- State General Funds: 53%
- Client Fees: 29%
- Other revenue: 18%

Programs submit an annual budget and quarterly financial reports to the Attorney General's Office. An independent financial audit is required every other year of each organization that operates Court Diversion.

## **OTHER WAYS TO FURTHER GOALS**

Current planning efforts to further Diversion goals include these initiatives.

- Work with the Center for Crime Victim Services to provide access to the Center's Restitution Unit for victims of individuals referred to Diversion. Legislation is required to authorize the Unit to make these payments. The proposed change would speed up payment of restitution to victims and increase the likelihood of more offenders being referred to Diversion. (If an offender is not able to pay restitution in a timely manner, his/her case is less likely to be referred to or accepted by Diversion.)
- S. 244 would establish a Driving with License Suspended (DLS) Diversion program designed to help Vermont drivers pay their fines and get their license reinstated. Over time this program would reduce the number of criminal DLS charges in Criminal Division.
- Partnering with another state department to provide a statewide database/case management system for Diversion to reduce the amount of time spent on administrative functions and provide more detailed, useful, and measurable outcome data.

**Court Diversion Grant Awards**

<b><u>FY 2012 Grants Awarded to</u></b>	<b>General Fund</b>	<b>Special Fund (estimate)</b>
Addison County Court Diversion	\$80,392	\$36,000
Bennington County - Center for Restorative Justice	\$94,900	\$27,500
Caledonia County Court Diversion - NEKYS	\$77,699	\$24,000
Chittenden County Court Diversion	\$164,322	\$138,000
Essex County Court Diversion - NEKYS	\$14,999	\$2,000
Franklin County CD & Community Justice Programs	\$80,576	\$45,000
Grand Isle County Court Diversion	\$19,564	\$1,500
Lamoille County CD & Restorative Justice Programs	\$84,400	\$66,000
Orange County Court Diversion	\$75,348	\$20,000
Orleans County Court Diversion - NEKCA	\$75,097	\$24,000
Rutland County CD & Restorative Justice Center	\$115,748	\$65,000
Rutland County CD & Restorative Justice Center	\$20,000	\$0
Washington County Court Diversion	\$118,613	\$59,000
Windham County Court Diversion - Youth Services	\$98,819	\$41,000
Windsor County - Valley Court Diversion Programs	\$97,060	\$51,000
Vermont Assoc. of Court Diversion Programs	\$3,800	\$0
<b>Total Grants awarded</b>	<b>\$1,221,337</b>	<b>\$600,000</b>
Attorney General's Office	\$89,677	
<b>Total General Fund</b>	<b>\$1,311,014</b>	

Grants for FY 2013 will be awarded to the programs listed above based on the Vermont Association of Court Diversion Program's (VACDP) recommendation. VACDP's allocation formula takes into account staffing and caseload averages over a four-year period.

Agency Name: Vermont Court Diversion  
 Program: 2100002000 Vermont Court Diversion  
 Reporting Level: 9522-9522-0001-0000-0000-0000

1 Object/Revenue Code	2 FY11 Budget As Passed	3 FY11 Actual	4 FY12 Budget As Passed	5 FY12 Estimated	6 FY13 Governor Proposed	7
<b>EXPENDITURES</b>						
Travel-Outst-Other Trans-Emp 518510	0	173	0	0	0	0
Travel-Outst-Meals-Emp 518520	0	64	0	0	0	0
Purchased Services Budget 001200	0	237	0	0	0	0
Other Grants 505000	1,724,773	1,814,544	1,831,011	1,830,866	1,830,866	0
Grants Other Than AHS Budget 005005	1,724,773	1,814,544	1,831,011	1,830,866	1,830,866	0
<b>EXPENDITURE TOTALS</b>	<b>1,724,773</b>	<b>1,814,781</b>	<b>1,831,011</b>	<b>1,830,866</b>	<b>1,830,866</b>	<b>0</b>
<b>MEANS OF FUNDING</b>						
General Fund 10000	1,204,776	1,204,228	1,311,014	1,310,869	1,310,869	0
General Fund 102590	1,204,776	1,204,228	1,311,014	1,310,869	1,310,869	0
AG-Court Diversion 21639	519,997	610,553	519,997	519,997	519,997	0
Special Fund 102640	519,997	610,553	519,997	519,997	519,997	0
<b>TOTAL FUNDING</b>	<b>1,724,773</b>	<b>1,814,781</b>	<b>1,831,011</b>	<b>1,830,866</b>	<b>1,830,866</b>	<b>0</b>

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1 Object/Revenue Code	2 FY11 Budget As Passed	3 FY11 Actual	4 FY12 Budget As Passed	5 FY12 Estimated	6 FY13 Governor Proposed	7
Change Package Type ADM Group: A Number: 1 Administrative Adjustments						
<u>Description:</u> Insurance reduction of \$145						
OTHER GRANTS	0	0	0	(145)	0	
GRANTS OTHER THAN AHS BUDGET	0	0	0	(145)	0	
EXPENDITURE TOTALS	0	0	0	(145)	0	
<u>MEANS OF FUNDING</u>						
GENERAL FUND	0	0	0	(145)	0	
GENERAL FUND	0	0	0	(145)	0	
TOTAL FUNDING	0	0	0	(145)	0	

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1 Object/Revenue Code	2 FY11 Budget As Passed	3 FY11 Actual	4 FY12 Budget As Passed	5 FY12 Estimated	6 FY13 Governor Proposed	7
Change Package Type UD      Group: A      Number: 4 Operating UPS/DOWNS <u>Description:</u> Allocation changed to reflect adjustment in funding						
<u>EXPENDITURES</u>						
OTHER GRANTS	550500	0	0	0	(145)	
GRANTS OTHER THAN AHS BUDGET	005005	0	0	0	(145)	
EXPENDITURE TOTALS		0	0	0	(145)	
<u>MEANS OF FUNDING</u>						
GENERAL FUND	10000	0	0	0	(145)	
GENERAL FUND	102590	0	0	0	(145)	
TOTAL FUNDING		0	0	0	(145)	