

**OFFICE OF THE ATTORNEY GENERAL
COURT DIVERSION
FISCAL YEAR 2017**

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 in 11 counties by non-profit agencies, in two counties under a municipality, and in one county under a sheriff's department. 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 2015, approximately 5,300 individuals were referred to Court Diversion programs: 1,715 from Superior Court to Diversion, 2,750 to the Youth Substance Abuse Safety Program, and over 850 to the Civil DLS Program. Last fiscal year 84% of participants completed their contracts successfully. Clients paid over \$34,500 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 \$260 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 2015, approximately 17% 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 (most recent available Judiciary data), approximately 10% were as a result of successful completion of Diversion, up from 8% each of the previous two years.

In addition, Court Diversion programs run the **Youth Substance Abuse Safety Program (YSASP)**. When the legislature decriminalized possession of small amounts of marijuana in 2013, the Teen Alcohol Safety Program was renamed the 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 participate in a substance abuse screening and brief educational intervention tailored to the individual, and those at higher risk are referred for an assessment and any recommended treatment with a substance use clinician. If an individual fails to complete the contract, the ticket is sent to the Vermont Judicial Bureau, which upon adjudication levies a fine, and the individual's driver's license is suspended.

The **Civil Driver's License Suspension (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. During FY 2015, approximately 400 individuals regained their driving privileges while paying of their debt; another 450 people received assistance through Diversion and may have availed themselves of other means of reinstatement.

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.

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 May 1, 2014 through March 31, 2015, \$74,463 was deposited in the Fund and distributed to Court Diversion programs as part of their FY 2016 grant awards.

KEY BUDGET ISSUES

The past few years have been ones 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 or 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.

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 17% of referrals to Court Diversion in FY 2015 were of people with "prior involvement in the criminal justice system" - they had either participated in Diversion previously or have a criminal record. This rate has trended upwards in the past few years. 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 organizations that run Court Diversion in each county. In addition to these General Funds, programs rely on client fees, which provide approximately 28% 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 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

Crime Research Group (formerly the Vermont Center for Justice Research) 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 of FY 2009 through FY 2011. 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 2017

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 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, a municipality, and a sheriff's department 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 \$286 GF
- Participant fees account for approximately one-quarter of the 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 2015 — over 1,700 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%)
- 17% 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 2015 — approximately 2,750 youth referred by law enforcement; 650 for possession of an ounce or less of marijuana

Driving with License Suspended Program

- Over 800 people served; 400 individuals regained driving privileges while paying off their debt; others provided information and support regarding other resources and options

KEY BUDGET ISSUES

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

PERFORMANCE MEASURES – see attached

FY 2017 GOVERNOR'S BUDGET RECOMMENDATIONS - PROGRAM PERFORMANCE MEASURES

AGENCY NAME:	ATTORNEY GENERAL'S OFFICE	
DEPARTMENT NAME:	COURT DIVERSION	
DIVISION NAME:	COURT DIVERSION	
PRIMARY APPROPRIATION #	2100002000	
PROGRAM NAME	COURT DIVERSION	
PROGRAM NUMBER (if used)		
FY 2017 Appropriation \$\$	\$ 2,060,533.00	
Budget Amounts in Primary appropriation not related to this program:	\$ -	
		SECONDARY APPROPRIATION #
Program Budget Amounts from other appropriation:	\$ 8,762.00	2100001000
Program Budget Amounts from other appropriation:	\$ -	
Program Budget Amounts from other appropriation:	\$ -	
Program Budget Amounts from other appropriation:	\$ -	
Program Budget Amounts from other appropriation:	\$ -	
TOTAL PROGRAM BUDGET FY 2017	\$ 2,069,295.00	n/a

POPULATION-LEVEL OUTCOME:	4. Vermont's communities are safe and supportive.
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POPULATION-LEVEL INDICATOR:	Recidivism rate
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		Performance Measure Data				
		FY 2014	FY 2015	FY 2016 Budget	FY 2016 BAA	FY 2017 Budget
Performance Measure A:	Diversion Successful Completion	81%	84%	90%	90%	85%
Type of PM A:	3. Is anyone better off? (a.k.a. effectiveness or result/outcome) (Best PM)					
		FY 2014	FY 2015	FY 2016 Budget	FY 2016 BAA	FY 2017 Budget
Performance Measure B:	YSASP Successful Completion	80%	84%	90%	90%	85%
Type of PM B:	3. Is anyone better off? (a.k.a. effectiveness or result/outcome) (Best PM)					
		FY 2014	FY 2015	FY 2016 Budget	FY 2016 BAA	FY 2017 Budget
Performance Measure C:	Victim Restitution Paid	94%	98%	100%	100%	100%
Type of PM C:	3. Is anyone better off? (a.k.a. effectiveness or result/outcome) (Best PM)					

NARRATIVE/COMMENTS/STORY: Describe the program. Who/what does it serve? Are there any data limitations or caveats? Explain trend or recent changes. Speak to new initiatives expected to have future impact.

Court Diversion holds offenders accountable outside the formal criminal court process. YSASP (Youth Substance Abuse Safety Program) holds youth who violate underage possession of alcohol or marijuana laws outside the formal civil court process. Successful completion indicates the participant has met all program agreements and will not have a criminal (Diversion) or civil (YSASP) record of the violation; a significant benefit for the participant. In addition, successful Diversion participants will have addressed the needs of any victims. YSASP participants also benefit from an educational, health-related intervention, with referral to substance use clinician as indicated by screening results. A 100% successful completion rate for Diversion or YSASP is unrealistic and would likely indicate lack of program rigor. While a 100% victim restitution rate is desirable, each year a few participants successfully complete the program without paying all restitution; these situations typically involve large corporate victims who do not respond to request for information. FY 17 targets for successful completion rates are set at a more attainable level compared to FY 16 targets and consistent with the trend of prosecutors to refer repeat offenders with increasing frequency (repeat offenders tend to have more complex lives and their successful completion rate is often lower.)

Fiscal Year 2017 Budget Development Form - Office of the Attorney General - Court Diversion

	General \$\$	Special \$\$	Tobacco \$\$	Federal \$\$	Interdept'l Transfer \$\$	Total \$\$
Office of the Attorney General - FY 2016 Approp	1,396,486	599,997				1,996,483
Contracted and 3rd Party Services	0	63,550				63,550
Travel	0	500				500
Subtotal of increases/decreases	0	64,050	0	0	0	64,050
FY 2017 Governor Recommend	1,396,486	664,047	0	0	0	2,060,533
Office of the Attorney General - FY 2016 Appropriation	1,396,486	599,997	0	0	0	1,996,483
TOTAL INCREASES/DECREASES	0	64,050	0	0	0	64,050
Office of the Attorney General - FY 2017 Governor Recommend	1,396,486	664,047	0	0	0	2,060,533

Special Fund increase includes the following:

Second year of grant funding from Portland State University - Reclaiming Futures National Program. Funds are to be used to improve the juvenile justice system in VT through use of substance abuse and mental health screening and assessment and SBIRT (Screening, Brief Intervention, and Referral to Treatment). Grant Acceptance JFO #2739 / March 2015

64,050

Report ID: VTPB-11-BUDRLLUP

State of Vermont

Run Date: 01/04/2016

FY2017 Governor's Recommended Budget: Rollup Report

Run Time: 10:12 AM

Organization: 2100002000 - Vermont court diversion

Budget Object Group: 1. PERSONAL SERVICES

Budget Object Rollup Name	FY2015 Actuals			FY2017 Governor's Recommended Budget	Difference Between FY2017 Governor's Recommend and As Passed	Percent Change FY2017 Governor's Recommend and As Passed
Contracted and 3rd Party Service	21,810	0	0	63,550	63,550	0.0%
Budget Object Group Total: 1. PERSONAL SERVICES	21,810	0	0	63,550	63,550	0.0%

Budget Object Group: 2. OPERATING

Budget Object Rollup Name	FY2015 Actuals			FY2017 Governor's Recommended Budget	Difference Between FY2017 Governor's Recommend and As Passed	Percent Change FY2017 Governor's Recommend and As Passed
Travel	1,048	0	0	500	500	0.0%
Other Purchased Services	(325)	0	0	0	0	0.0%
Budget Object Group Total: 2. OPERATING	723	0	0	500	500	0.0%

Budget Object Group: 3. GRANTS

Budget Object Rollup Name	FY2015 Actuals	FY2016 Original As Passed Budget	FY2016 Governor's BAA Recommended Budget	FY2017 Governor's Recommended Budget	Difference Between FY2017 Governor's Recommend and FY2016 As Passed	Percent Change FY2017 Governor's Recommend and FY2016 As Passed
Grants Rollup	1,952,276	1,996,483	1,996,483	1,996,483	0	0.0%
Budget Object Group Total: 3. GRANTS	1,952,276	1,996,483	1,996,483	1,996,483	0	0.0%

Total Expenses	1,974,809	1,996,483	1,996,483	2,060,533	64,050	3.2%
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Fund Name	FY2015 Actuals	FY2016 Original As Passed Budget	FY2016 Governor's BAA Recommended Budget	FY2017 Governor's Recommended Budget	Difference Between FY2017 Governor's Recommend and FY2016 As Passed	Percent Change FY2017 Governor's Recommend and FY2016 As Passed
General Funds	1,407,052	1,396,486	1,396,486	1,396,486	0	0.0%
Special Fund	567,757	599,997	599,997	664,047	64,050	10.7%
Funds Total	1,974,809	1,996,483	1,996,483	2,060,533	64,050	3.2%

Position Count						
FTE Total						

Report ID: VTPB-07
 Run Date: 01/04/2016
 Run Time: 10:09 AM

State of Vermont
FY2017 Governor's Recommended Budget: Detail Report

Organization: 2100002000 - Vermont court diversion

Budget Object Group: 1. PERSONAL SERVICES

		FY2015 Actuals			FY2017 Governor's Recommended Budget	Difference Between FY2017 Governor's Recommend and As Passed	Percent Change FY2017 Governor's Recommend and As Passed
Contracted and 3rd Party Service							
Description	Code						
Contr&3Rd Pty - Info Tech	507550	4,344	0	0	0	0	0.0%
Other Contr and 3Rd Pty Serv	507600	17,466	0	0	63,550	63,550	0.0%
Total: Contracted and 3rd Party Service		21,810	0	0	63,550	63,550	0.0%
Total: 1. PERSONAL SERVICES		21,810	0	0	63,550	63,550	0.0%

Budget Object Group: 2. OPERATING

		FY2015 Actuals			FY2017 Governor's Recommended Budget	Difference Between FY2017 Governor's Recommend and As Passed	Percent Change FY2017 Governor's Recommend and As Passed
Other Purchased Services							
Description	Code						
Registration For Meetings&Conf	517100	(325)	0	0	0	0	0.0%
Total: Other Purchased Services		(325)	0	0	0	0	0.0%

		FY2015 Actuals			FY2017 Governor's Recommended Budget	Difference Between FY2017 Governor's Recommend and As Passed	Percent Change FY2017 Governor's Recommend and As Passed
Travel							
Description	Code						
Travel In-State Employee	517999	0	0	0	500	500	0.0%

Report ID: VTPB-07
 Run Date: 01/04/2016
 Run Time: 10:09 AM

State of Vermont
FY2017 Governor's Recommended Budget: Detail Report

Organization: 2100002000 - Vermont court diversion

Travel		FY2015 Actuals			FY2017 Governor's Recommended Budget	Difference Between FY2017 Governor's Recommend and As Passed	Percent Change FY2017 Governor's Recommend and As Passed
Travel-Inst-Auto Mileage-Emp	518000	92	0	0	0	0.0%	
Travel-Inst-Lodging-Emp	518030	95	0	0	0	0.0%	
Travel-Inst-Incidentals-Emp	518040	6	0	0	0	0.0%	
Travel-Outst-Other Trans-Emp	518510	855	0	0	0	0.0%	
Total: Travel		1,048	0	0	500	0.0%	
Total: 2. OPERATING		723	0	0	500	0.0%	

Budget Object Group: 3. GRANTS

Grants Rollup		FY2015 Actuals			FY2016 Original As Passed Budget	FY2016 Governor's BAA Recommended Budget	FY2017 Governor's Recommended Budget	Difference Between FY2017 Governor's Recommend and FY2016 As Passed	Percent Change FY2017 Governor's Recommend and FY2016 As Passed
Other Grants	550500	1,952,276	1,996,483	1,996,483	1,996,483	1,996,483	0	0.0%	
Total: Grants Rollup		1,952,276	1,996,483	1,996,483	1,996,483	1,996,483	0	0.0%	
Total: 3. GRANTS		1,952,276	1,996,483	1,996,483	1,996,483	1,996,483	0	0.0%	
Total Expenses:		1,974,809	1,996,483	1,996,483	2,060,533	2,060,533	64,050	3.2%	

Report ID: VTPB-07
 Run Date: 01/04/2016
 Run Time: 10:09 AM

State of Vermont

FY2017 Governor's Recommended Budget: Detail Report

Fund Name	Fund Code	FY2015 Actuals	FY2016 Original As Passed Budget	FY2016 Governor's BAA Recommended Budget	FY2017 Governor's Recommended Budget	Difference Between FY2017 Governor's Recommend and FY2016 As Passed	Percent Change FY2017 Governor's Recommend and FY2016 As Passed
General Fund	10000	1,407,052	1,396,486	1,396,486	1,396,486	0	0.0%
Youth Substance Abuse Safety Program	21142	59,614	80,000	80,000	80,000	0	0.0%
AG-Court Diversion	21639	496,176	519,997	519,997	519,997	0	0.0%
Misc Grants Fund	21908	11,967	0	0	64,050	64,050	0.0%
Funds Total:		1,974,809	1,996,483	1,996,483	2,060,533	64,050	3.2%
Position Count							
FTE Total							

Report ID: VTPB-28 GRANTS_INVENTOR

**State of Vermont
FY2017 Governor's Recommended Budget
Grants Out Inventory Report**



Department: 2100002000 - Vermont court diversion

Budget Request Code	Fund	Justification	Est Amount
6092	10000	Addison County Court Diversion & Community Justice Projects, Inc.	\$92,192
6092	10000	Center for Restorative Justice - Bennington County	\$95,177
6092	10000	Chittenden County Court Diversion	\$184,458
6092	10000	Essex County Sheriff's Department	\$10,940
6092	10000	Lamoille County Court Diversion Program	\$93,370
6092	10000	Northeast Kingdom Community Action - Orleans County	\$86,646
6092	10000	Office of the Attorney General - Director/Support Staff Salary	\$109,678
6092	10000	Orange County Court Diversion Program	\$78,558
6092	10000	Rutland County Court Diversion & Restorative Justice Program	\$120,750
6092	10000	St. Albans Community Justice Center - Franklin County	\$99,660
6092	10000	St. Albans Community Justice Center - Grand Isle County	\$13,617
6092	10000	St. Johnsbury Area Youth Service Bureau - Caledonia County	\$86,429
6092	10000	Valley Court Diversion Program - Windsor County	\$104,463
6092	10000	Vermont Association of Court Diversion Programs	\$3,800
6092	10000	Washington County Court Diversion Program	\$115,459
6092	10000	Youth Services, Inc. - Windham County	\$101,289
6092	21142	Addison County Court Diversion & Community Justice Projects, Inc.	\$4,808

Report ID: VTPB-28 GRANTS_INVENTOR\

**State of Vermont
FY2017 Governor's Recommended Budget
Grants Out Inventory Report**



Budget Request Code	Fund	Justification	Est Amount
6092	21142	Center for Restorative Justice - Bennington County	\$4,260
6092	21142	Chittenden County Court Diversion	\$24,578
6092	21142	Essex County Sheriff's Department	\$263
6092	21142	Lamoille County Court Diversion Program	\$4,696
6092	21142	Northeast Kingdom Community Action - Orleans County	\$3,739
6092	21142	Orange County Court Diversion Program	\$3,122
6092	21142	Rutland County Court Diversion & Restorative Justice Center	\$8,824
6092	21142	St. Albans Community Justice Center - Franklin County	\$4,287
6092	21142	St. Albans Community Justice Center - Grand Isle County	\$375
6092	21142	St. Johnsbury Area Youth Service Bureau - Caledonia County	\$3,309
6092	21142	Valley Court Diversion Program - Windsor County	\$5,667
6092	21142	Washington County Court Diversion Program	\$6,674
6092	21142	Youth Services, Inc. - Windham County	\$5,398
6092	21639	County Court Diversion Programs (14)	\$519,997
		Total	\$1,996,483