

Misdemeanor Diversion Program (MDP)

Misdemeanor Diversion Program (MDP) is a Pre-Filing 90 day program, in which defendants are required to attend a class offered by Pacific Educational Services (PES) and show the DA's office proof of completion. If MDP is not completed, the charges will then be filed and the defendant will go into the criminal justice system. There are two levels of the program: (1) MDP Program (Level I) - \$250; and (2) DEJ Program (Level II) - \$450. If restitution is involved, defendant will pay a \$25 monthly restitution collection fee in which PES collects, monitors, and distributes. Flexibility is granted to filers. In order to be eligible for MDP, defendant must: (1) not be on probation; (2) never have had a previous grant of probation terminated unsuccessfully; (3) never had inflicted an injury upon the victim or any other person during the commission of the crime; and (4) not have had exhibited criminal sophistication through his or her modus operandi, or criminal intent.

Eligible offenses:

- PC 484 – Petty Theft
- PC 415 – Disturbing the Peace
- PC 537 – Defrauding Inn Keeper
- PC 602/555 – Trespassing
- PC 647(f) – Public Intoxication
- VC 20002 – Hit and Run without injuries
- PC 240, 242 – Drug cases
- Any other misdemeanor violation which is minor in nature and not otherwise disqualified

Ineligible Offenses:

- Felony Conviction in the last three (3) years
- Defendant is currently on probation or parole
- Defendant has been convicted of a serious or violent felony under PC 1192.7 or PC 667.5-unless the prior is over twenty (20) years old
- Defendant is a 290 registrant
- Defendant has failed out of any diversion program in the last three (3) years
- Defendant has successfully completed any diversion program in the last one (1) year
- Any domestic violence offense
- Any stalking or criminal threats offenses under PC 646.9 or PC 422
- Any registerable sex offense
- Illegal firearm possession and cases where a firearm was used
- Any offense involving a hate crime
- Any offense involving a high degree of criminal sophistication (acting in concert, evidence of conspiracy or planning, criminal street gang activity)
- Any offense where the defendant personally inflicted an injury
- Any Child abuse offense
- Any case involving VC 23152/23550, VC 23153, PC 192(c)

- Any Animal abuse offense
- Any violation of VC 2800.2
- Any assault on a peace officer/1st responder under PC 241, 241.1, 243(b)-243.1
- Any theft of government funds
- Any offense involving elder abuse
- Any case where the reviewing DDA can articulate why diversion would put public safety at risk

Military Diversion Program – PC1001.80 (MILD)

Military Diversion Program (MILD) is a Pre-Plea diversion program for veterans and active duty military members who commit misdemeanor offenses; can establish that their offense was caused by substance abuse, PTSD, depression, traumatic brain injury, or sexual trauma due to their military service per PC 1001.80. With consent and waiver of defendant's speedy trial right, the court is authorized to postpone prosecution of a misdemeanor that which a sentence would be served in county jail. If defendant's performance is not satisfactory, criminal proceedings can be reinstated; if defendant completes program satisfactorily, the charges shall be dismissed.

Mental Health Diversion – PC 1001.36 (MHD)

Mental Health Diversion (MHD) is a Pre-Plea diversion program for felony and misdemeanor charges. Defendants charged with an applicable offense do not enter a guilty or no contest plea. With consent and waiver of defendant's speedy trial right, the court is authorized to postpone prosecution. If defendant's performance is not satisfactory, criminal proceedings can be reinstated; if defendant completes program satisfactorily. The charges shall be dismissed.

Theft Awareness Program (TAP)

Theft Awareness Program (TAP) is a Pre-Plea 90 day program for first time defendants with minor theft offenses. Defendant is required to attend a class, return to court with proof of completion and pay a \$300 admin fee, in which the case is continued and eventually dismissed. If TAP is not completed, the defendant must enter plea to charges against them.

Pre-Plea Substance Abuse Treatment (SATC)

Pre-Plea Substance Abuse Treatment (SATC) is for those charged with misdemeanors and first time felonies involving theft, illegal drug use or possession can complete a drug treatment program without having to enter a guilty plea or suffer a conviction. Upon the successful completion of the program, the charges are dismissed, and the defendant never suffered a conviction. Misdemeanors participate for at least 6-9 months, felonies for at least 12 months. The

defendant does not plead guilty, but waives their right to speedy trial. If defendant fails program, the judge can decide guilt based on police/lab reports. If defendant successfully completes the program, the case is dismissed

Eligible offenses

- Public Intoxication per PC 647(f)
- Theft related offenses
- Fraud offenses
- Drug offenses

Ineligible Offenses:

- Drug sales or possession with intent to sell, unless the reviewing Deputy District Attorney determines the amount possessed in an amount that would reasonably justify a possession disposition and it appears that the sale/possession for sale was to support the user's habit.
- Felony cases involving manufacturing, transportation for sales, or distribution of controlled substances
- Residential Burglary, Auto Theft, DUI or any driving related offense
- Possession or use of a deadly weapon
- Any strike offense
- Crimes involving use of force against another
- Sex Offenses
- Domestic Violence or a related offense
- Gang Offenses
- Theft/496 of a firearm
- Felonies where loss exceeds \$1,200, or with multiple, non-654 charges
- Felonies where victim is a minor, elder, or dependent adult.

Credo 47

Credo 47 is a grant-funded voluntary participation diversion program administered by the Public Defender and Behavioral Wellness which benefits minor criminal offenders and low-level felony offenders who have serious mental illness/homelessness/substance use disorders.

Pre-Arrest:

- If person is willing to participate in program, no arrest will be made and subject will be taken to either Sobering Center or South County Crisis Services hub for stabilization and referral to treatment, housing, and mental health services.

Post-Arrest:

- If defendant lacks willingness to participate in program, but would still be a great candidate, will be referred to the DA for consideration pre-filing, and participation may be allowed.

Post-filing/Pre-arraignment:

- If entry to the program is requested after charges have been filed, cases must be screened and approved, and arraignment will be continued for 60-90 days.

Post Plea Diversion Programs:

Dual Diagnosis Court (DDX)

Dual Diagnosis Court (DDX) is a Post-Plea 12-18 month program in which defendants are on supervised probation. DDX serves a smaller population of felony offenders experiencing co-occurring disorders of mental illness and substance abuse, and is an alternative to Mental Health Treatment Court when defendant has co-occurring disorder.

Mental Health Treatment Court (MHTC)

Mental Health Treatment Court (MHTC) is a Post-Plea 12-18 month program in which defendants are on supervised probation, in which the defendant may have review hearing prior to sentencing to determine if they meet requirements (misdemeanor charges as well as low level felonies). Each candidate will be reviewed and considered for the program based on their criminal and mental health history. Defendant must participate in all recommended mental health therapies, and take all recommended medications. A post-plea admission results in an added term and condition to probation. Upon completion, the condition of probation is satisfied.

Veterans Treatment Court (VTC)

Veterans Treatment Court (VTC) is a Post-Plea program with supervised probation that provides for alternative sentencing and treatment programs for military veterans and active duty service members. Eligibility includes no serious, violent crimes, domestic violence, and DUI felonies. Upon successful completion, the court may consider on a case-by-case basis if probation should be terminated, and whether a dismissal of charges pursuant to PC 1203.4 should be granted.