

## Diversion

BY SANTA BARBARA COUNTY DISTRICT  
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If you have listened to, or participated in, any recent criminal justice reform discussions, you've heard that the DA's office should offer diversion programs.

Diversion programs are programs that divert individuals from the criminal justice system either by deleting a conviction from a person's record or by avoiding a conviction altogether. Some programs also divert participants away from the traditional sentencing structure by substituting treatment and program compliance for possible incarceration. Participation is voluntary, and the benefits of the particular program are granted after successful participation in the program. Diversion programs have been created by various laws, such as; Penal Code section 1000 pre-plea drug diversion, PC 1001.36 pre-plea mental health diversion, and PC 1001.80 pre-plea military diversion, which can all result in avoiding a conviction. Penal Code section 1210.10, post-plea non-violent drug possession diversion, generally prohibits incarceration for non-violent offenders and results in deleting the conviction for the successful participant.

In addition to the various statutory diversion programs, your DA's office has also created other diversion programs either on our own or in collaboration with other criminal justice partners.

In addition to the programs we presently offer we also have other Diversion programs in the infant or planning/implementation stage.

Our most successful Diversion program is our Truancy Program. Its success is based upon research conducted by Fight Crime Invest in Kids. This is a national organization; I serve on the Executive Board in California. According to their research 60% of the inmates in California's state prison have not graduated High School. Based upon that fact we have created a successful Truancy program called CLASS, which keeps children both in, and engaged in, school.

We are also approaching our 10th year of offering pre-filing diversion for many misdemeanor crimes. The goal of this program is to offer those who have been cited or arrested for a crime an opportunity to attend a class focused on addressing the type of criminal behavior alleged, as well as paying any restitution in full in exchange for no charges being filed. We hope to extend this Diversion Program to some felony crimes as soon as an effective and cost efficient Felony Diversion programming can be established.

Additionally, we offer other misdemeanor diversion

programs including: Theft Awareness, post-plea Veteran's and post-plea Mental Health Diversion.

Beyond those we also support diversion programs focused on crimes committed by our unsheltered/homeless population including Restorative Court and a post-filing program called Solutions Track.

We have also had a long history of participating in many treatment courts: Substance Abuse Court, Mental Health Court, Dual Diagnosis Court, and Veteran's Court. Graduation from these courts results in criminal charges being dropped.

Whenever possible, we plea-bargain cases and support defendants attending treatment programs rather than going to jail, or in combination with a shortened jail sentence.

Most recently, we have added Credo 47, a grant-funded diversion program administered by the Public Defender and Behavioral Wellness. This program is focused on avoiding incarceration for misdemeanor and low-level felony offenders who are suffering some form of serious mental illness/substance use disorder.

Our office, in conjunction with Santa Barbara County Supervisor Greg Hart, IV Community Service Board President Ethan Bertrand, and our Community Corrections Partnership have begun formulating a Neighborhood Court Program within the City of Goleta in which we intend to incorporate the principals of Restorative Court to misdemeanors and, when possible, some low-level felony offenses.

Our office continues to seek new Diversion Programs in our effort to divert individuals away from our criminal justice system and reduce our jail population, but without negatively impacting public safety.

Finding the balance between giving those cited or arrested for a crime another chance, and risking the safety of our community, is an arduous task that we are committed to pursuing just as we are committed to seeking justice for all. ■

*Joyce E. Dudley has a BA in psychology, and two Master's Degrees in Education. In 1990 Joyce received her JD degree. The day she passed the Bar she was hired by the Santa Barbara County District Attorney's office. For 20 years Joyce was a Deputy District Attorney specializing in prosecuting violent crimes against vulnerable victims. In 2010 she was elected District Attorney.*



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