

## ANOKA COUNTY ATTORNEY

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09 - 0858

August 24, 2009

Sue Dosal  
State Court Administrator  
25 Reverend Martin Luther King Jr. Blvd.  
St. Paul MN 55155

RE: **REPORT TO THE STATE COURT ADMINISTRATOR AND THE MINNESOTA LEGISLATURE ON THE OPERATION OF THE ANOKA COUNTY ADULT CRIMINAL PRE-TRIAL DIVERSION PROGRAM 2005/2006**

Dear Ms. Dosal:

Enclosed you will find a biennial report on the 2005/2006 Anoka County Pretrial Diversion Program required by Minnesota Statute § 401.065, Subd. 4.

Sincerely yours,

Bryan R. Lindberg, #155512  
Division Chief Attorney – Property & Drug

BRL/mhk

Enclosure

cc: Robert M.A. Johnson, Anoka County Attorney  
Robert C. Parta, Chief Deputy Anoka County Attorney  
Don Ilse, Anoka County Community Corrections Department  
Judge Lawrence R. Johnson, Chair of the Anoka Chambered Judges  
Criminal Division Attorneys  
Legislative Library

**REPORT TO THE STATE COURT ADMINISTRATOR AND THE  
MINNESOTA LEGISLATURE ON THE OPERATION OF THE ANOKA COUNTY  
ADULT CRIMINAL PRE-TRIAL DIVERSION PROGRAM.**

August 10, 2009

PURPOSE OF REPORT

This report is made pursuant to Minnesota Statute §401.065, Subd. 4, requiring that by January 1, 1995, and bi-annually thereafter, each county attorney of a county participating in the Community Corrections Act shall report to the state court administrator and the legislature on the operation of a pre-trial diversion program required under that section. Anoka County is a county participating in the Community Corrections Act and has developed and filed an adult criminal pre-trial diversion plan and effective July 1, 1994, has implemented an adult criminal pre-trial diversion program in the county.

DESCRIPTION OF PROGRAM

The Anoka County Adult Criminal Pre-Trial Diversion Program is designed for first-time offenders charged with a misdemeanor, gross misdemeanor or felony offense, other than a crime against a person. The goals of the diversion plan in Anoka County are to provide an alternative to criminal prosecution as an incentive to change behavior and thus reduce recidivism, while at the same time promoting payment of restitution to crime victims and reducing court-related costs. The diversion program provides an alternative to incarceration and criminal conviction for eligible low-level property crime offenders. The prosecutor responsible for prosecuting the offense makes the decision to divert an offender and will dismiss the criminal charges after a specified period of time if the offender successfully completes the diversion program.

NUMBER OF OFFENDERS PARTICIPATING IN THE ANOKA COUNTY DIVERSION PROGRAM

On December 31, 2006, there were 462 offenders participating in the program. Virtually every program participant had been charged with a felony level crime. During 2005 and 2006, 369 offenders entered the diversion program. By gender, 203 offenders (55%) were male, 166 offenders (45%) were female. By age, 166 of the offenders entering the program (45%) were ages 18 through 25, the remainder were age 26 or older. By race, 37 of the offenders entering the program (10%) report being of a minority group. The type of offense committed by the majority of the offenders entering the program was Controlled Substance in the Fifth Degree, Theft related, Check Forgery, Damage to Property, and Dishonored Checks, in that order.

NUMBER AND CHARACTERISTICS OF OFFENDERS WHO HAVE SUCCESSFULLY COMPLETED THE DIVERSION PROGRAM

During 2005 and 2006, 115 participants successfully completed the diversion program and the criminal charges against those individuals were dismissed.

NUMBER AND CHARACTERISTICS OF THE OFFENDERS WHO FAILED TO COMPLETE THE DIVERSION PROGRAM

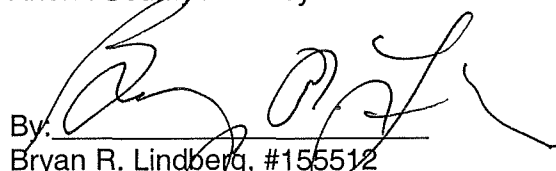
During 2005 and 2006, 114 participants failed to complete the diversion program, were terminated from the program, and were sentenced.

EVALUATION OF THE EFFECT OF THE DIVERSION PROGRAM ON THE OPERATION OF THE CRIMINAL JUSTICE SYSTEM IN ANOKA COUNTY

The Anoka County Adult Criminal Pre-Trial Diversion Program has been in existence since July 1, 1994. Since implementation, 1698 offenders have been diverted, 462 of which are still participating in the program. Since implementation, 1236 individuals have either successfully completed (769) or failed (467) the diversion program. Those successfully completing the program (63%) exceed those failing the program (37%).

Approximately 11% of the charged felony cases in the Anoka County Attorney's Office are diverted each year. The diverted offenses are largely thefts and theft related offenses, check forgeries and dishonored checks, damage to property, and drug possessions. The majority of individuals diverted are young (18 to 25 years of age). The "success rate" is approximately two out of every three offenders entering the program. Assuming those successfully completing the program do not re-offend and do not return to the criminal justice system, then the program may be judged a success. Further, the program has by its operation reduced the burden upon the court, prosecution, public defender, and corrections.

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# BIENNIAL ADULT PRETRIAL DIVERSION PROGRAM REPORT

So that the numerical information required by Minn. Stat. §401.065, Subd. 4 is provided in a consistent manner by all counties, please answer the questions below, and include this form as part of your report to the Department of Corrections. Please see the accompanying cover letter for further instructions concerning this report.

## ANOKA

How many individuals were participating in your adult pretrial diversion program on December 31, 2006? (One-day count)	<b>462</b>
How many individuals entered your adult pretrial diversion program during calendar years 2005 and 2006?	(Biennium total) <b>369</b>
How many individuals successfully completed your adult pretrial diversion program during calendar years 2005 and 2006?	(Biennium total) <b>115</b>
How many individuals were terminated from your adult pretrial diversion Program as program failure during calendar years 2005 and 2006?	(Biennium total) <b>114</b>

### COMMENTS:

Please provide any comments that would be of use to those using the figures you provided. If any of your figures are based on a time period other than that specified in the question, please indicate this.