

ASSESSMENT OF DEFERRED  
PROSECUTION BILLINGS/  
YELLOWSTONE COUNTY

M BCC

Montana Board of Crime Control

45236

NCJRS

FEB 27 1978

ACQUISITIONS

Norm Thompson  
February 14, 1978

## I. Project Summaries

Project Title: Deferred Prosecution  
Project Director: Harold F. Hanser, County Attorney  
Grant Number: #43561, Yellowstone County  
Award Date: June 27, 1975  
Project Duration: July 1, 1975 to June 30, 1976  
Funding: Federal \$17,051.33  
State 947.30  
Local 946.77  
Total \$18,935.40

### Goals and Objectives

- I. To identify eligible first offenders within 36 hours of the arrest and release them on their own recognizance, with the understanding that further screening will follow.
- II. To divert eligible participants into the program within one week after the identification.
- III. To make every opportunity available to the diverted individual for social and economic readjustment.
- IV. To reduce the costs involved in dealing with the first offender by a minimum of \$200.
- V. To develop a constant input of 8 individuals per month with a six month average probation period.
- VI. To offer a 10 to 1 client to staff ratio with the aid of five work study counselors to obtain better and more individualized treatment.

VII. To avoid the stigma of criminal prosecution in cases where the benefits of diversion outweigh the benefits of prosecution.

VIII. To reduce the full prosecution caseload in Yellowstone County by 88 defendants within the first year of operation. This figure is based on an average input of 8 persons per month for 11 months, allowing us one month for the organization of the program.

#### LONG TERM BENEFITS

I. To lessen the strain on existing professional agencies by diverting first offenders, thus allowing professional agencies more time and energy to deal with the serious crimes that threaten the Billings area.

II. To educate the community on the needs of the first offender and the different types of treatment available for those who violate the law.

#### II. INTRODUCTION

The following evaluation report is intended to provide information of value to management for future funding determinations.

The approaches used in evaluating this project were:

- A. Conducted preapplication conference to assist in planning and formatting application.
- B. Reviewed quarterly reports and analyzed results attained and,
- C. Compared actual achievements against stated objectives.

#### III. EXECUTIVE SUMMARY

The deferred prosecution program began in Yellowstone County on September 1975. The program was designed to provide alternatives within the criminal justice system for certain cases involving first offenders.

Fifty-seven programs of this type exist throughout the country, many of which were studied by the county attorney's office prior to formulating the subgrant application.

The purpose of deferred prosecution is to:

- 1) Separate less serious offenders from hardened criminals and provide the first offender with a less costly, more effective means of treatment than traditional prosecution and incarceration.
- 2) Involve the community in meeting the needs of the first offender and provide positive alternatives. Through employment, schooling, volunteer work, counseling and the meeting of basic needs.
- 3) Lessen the burden on judicial agencies by diverting first offenders of "low social risk" crimes, thus allowing the judicial system more time to deal with the serious crimes in Yellowstone County.

#### Evaluation Results

An evaluation of program objectives indicated the following:

I. To identify eligible first offenders within 36 hours of the arrest and release them on their own recognizance, with the understanding that further screening will follow.

(a) The time between arrest and initial interview for all cases screened averaged three days.

(b) More time was utilized to identify and interview eligible participants than was originally planned, this was due to weekend arrests, notices to appear given by arresting officers, and the response time allotted in letters.

II. To divert eligible participants into the program within one week after the identification.

Time spent between initial interview and acceptance to the program averaged 15.33 days. This was due to:

- (a) One week does not allow sufficient time for the dependant to contact his references.
- (b) Staff time to complete a records check and contact references.
- (c) Schedule follow-up interview
- (d) Write pre-diversion investigation
- (e) Meet with community advisory board to establish conditions and confer with county attorney to divert.

III. To make every opportunity available to the diverted individual for social and economic readjustment.

Twenty-four helping services and agencies were contacted by project personnel.

IV. To reduce the costs involved in dealing with the first offender by a minimum of \$200.

The average cost per person who successfully completed the program was \$235.85. The cost to the county for a person to go through the courts is \$761.10, a decrease of \$525.25.

V. To develop a constant input of 8 individuals per month with a six month average probation period.

Three months after project start-up this objective was revised downward to 5 or 6 individuals per month as there were less divertable people than anticipated.

VI. To offer a 10 to 1 client to staff ratio with the aid of five work study counselors to obtain better and more individualized treatment.

This objective was modified to read "to offer 20/30 to 1 client to staff ratio for better and individualized treatment."

Procedural changes were implemented and a one to one staff to client ratio was possible with the use of Community Volunteers.

VII. To avoid the stigma of criminal prosecution in cases where the benefits of diversion outweigh the benefits of prosecution.

At the end of first years operation a total of 101 persons were interviewed, 44 were rejected a 4 cases were pending.

Fifty-three persons were accepted by the program, three unsuccessful terminations and thirty successful terminations. The case load was twenty.

Reasons for unsuccessful terminations are given in the attached project statistics.

VIII. To reduce the full prosecution caseload in Yellowstone County by 88 defendants within the first year of operation. This figure is based on an average input of 8 persons per month for 11 months, allowing one month for the organization of the program.

This objective was not met due to the number of persons who qualified for the program. The prosecution caseload was reduced by 30 in the first year of operation.

#### Conclusion

This program proved very worthwhile after its first years operation. Being the first of its kind in Montana problems surfaced during the early months. Requiring modification of objectives to meet the project needs.

By proving itself cost beneficial, the program was funded in its second year by the County Commissioners. During the second years operation a few higher risk individuals were included in the program under the same conditions and guidelines. Original modified objectives remained with very few changes.

In the second year of operation follow-up of clients was provided by 100 volunteers. Six ex-clients of the Diversion Program served as volunteers.

DEFERRED PROSECUTION PROGRAM

ONE YEAR STATISTICS

2 SEPTEMBER 1975 - 2 SEPTEMBER 1976

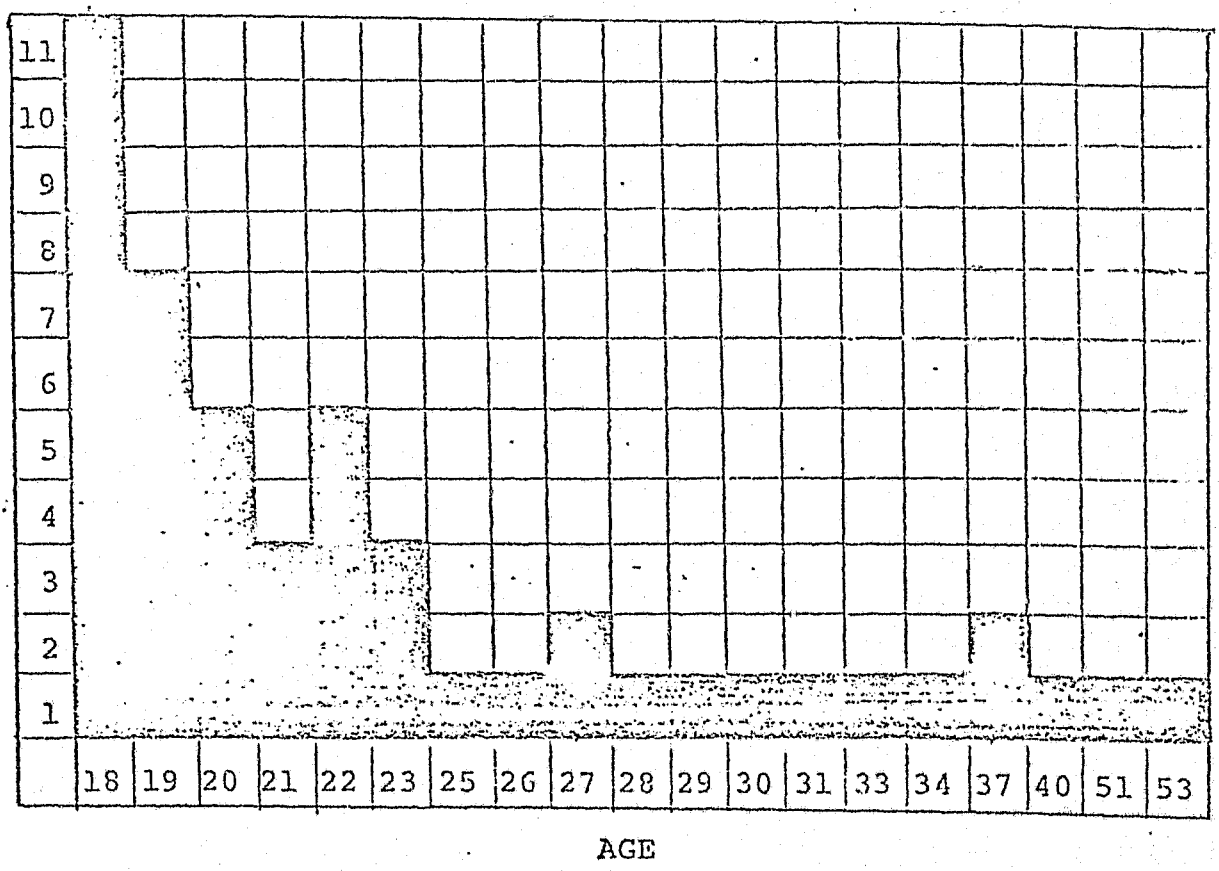


SEP 76 SEP 77

TOTAL INTERVIEWS	101
REJECTIONS	44
PENDING CASES	4
TOTAL ACCEPTANCE	53
SUCCESSFUL TERMINATIONS	30
PRESENT ACTIVE CASELOAD	20
ASSIGNED VOLUNTEERS	19
UNSUCCESSFUL TERMINATIONS	3 (5.7%)
1 - Non-Cooperative	
1 - Further Charges	
1 - Continual Criminal Activity	

AGE BREAKDOWN  
(Based on Total Acceptance)

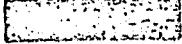
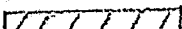
NO.  
OF  
CLIENTS



MALE	40
FEMALE	13
MARRIED	20
SINGLE	33

OFFENSE BREAKDOWN - BASED ON TOTAL ACCEPTANCE

Possession of Dangerous Drugs - Misd.																								
Possession of Dangerous Drugs - Felony																								
Theft - Felony																								
Burglary - Felony																								
Issuing Bad Checks - Felony																								
Aggravated Assault - Felony																								
Carrying A Concealed Weapon - Felony																								
Forgery - Felony																								
Theft - Misd.	▨																							
Forgery - Misd.	▨																							
Issuing Bad Checks - Misd.	▨																							
Disorderly Conduct - Misd.	▨																							
Criminal Trespass - Misd.	▨																							
Unauthorized use of Motor Vehicle - Misd.	▨																							
Endangering Welfare of Children - Misd.	▨																							
NO. OF CLIENTS	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22		

District Court Cases            - 36  
 Justice Court Cases            - 18

EDUCATIONAL BREAKDOWN

(Level Completed at Acceptance)

High School Education

G.E.D.											
High School Diploma											
12th Grade											
11th Grade											
10th Grade											
9th Grade											
NO. OF CLIENTS	1	3	5	7	9	11	13	15	17	19	21

College or Technical Training

College Graduate						
3-3½ Years						
2 Years						
1 Year						
Less than 1 Year						
NO. OF CLIENTS	1	2	3	4	5	6

EMPLOYMENT BREAKDOWN

Total Employed at Acceptance 33  
 Total Unemployed at Acceptance 20

SUCCESSFUL TERMINATIONS

Employed at Acceptance 17  
 Unemployed at Acceptance 13  
 Employed at Termination 30  
 Unemployed at Termination 0

PRESENT CASELOAD

Employed														
Employed/In School														
Unemployed/In School														
Unemployed														
NO. OF CLIENTS	1	2	3	4	5	6	7	8	9	10	11	12	13	14

WAGE ANALYSIS

Average hourly wage at acceptance \$4.23/hour  
 Average hourly wage at present \$4.66/hour

(An average increase of \$.43/hour per client)

MISCELLANEOUS STATISTICS

AVERAGE TIME OF DIVERSION 5.4 months

TOTAL RESTITUTION MADE TO DATE \$610.25

CLIENTS INVOLVED IN VOLUNTEER WORK IN COMMUNITY

Present Caseload	10
Successful Terminations	27

TOTAL NUMBER OF VOLUNTEER HOURS WORKED BY SUCCESSFULLY  
TERMINATED CLIENTS

310

AGENCY REFERRALS

Rimrock Guidance Foundation	19
Mental Health Center	10
Community Center Counseling Service	5

ETHNIC BACKGROUND OF CLIENTS

White	52
Mexican-American	1
Black	0
Indian	0

YELLOWSTONE COUNTY  
DEFERRED PROSECUTION PROGRAM

JUNE 1, 1976 - MAY 31, 1977

TABLE I

TOTAL INTAKES  
BY OFFENSE

TOTAL ACCEPTANCES  
BY OFFENSE

Felonies	42	21
Misdemeanors	62	44

OFFENSE

FELONY BREAKDOWN BY OFFENSE

	<u>Number Intakes</u>	<u>Number Acceptances</u>
Theft	15	8
Burglary	7	2
Possession of Dangerous Drugs	5	1
Forgery	3	2
Cultivation of Dangerous Drugs	3	2
Destruction of Private Property	2	1
Issuing Bad Checks	2	2
Auto Theft	1	1
Vandalism	1	1
Attempt	1	1
Escape	1	0
Deceptive Practices	1	0
	<u>42</u>	<u>21</u>

MISDEMEANOR BREAKDOWN BY OFFENSE

OFFENSE

Number Intakes

Number Acceptances

Possession of Dangerous Drugs	41	28
Theft	16	13
Issuing Bad Checks	3	2
Assault	1	0
Disorderly Conduct	1	1
	<u>62</u>	<u>44</u>

INTAKES BY SEX

Male	86	86%
Female	14	14%

ACCEPTANCES BY SEX

Male	53	84%
Female	10	16%

ACCEPTANCES BY AGE

18	18
19	11
20	7
21	5
22	2
23	3
25	2
26	1
27	2
28	3
29	1
30	1
31	1
32	1
33	1
37	1
43	1
44	1
49	1
	<u>63</u>

NOTE: 64.8% of acceptances in  
18-21 age percent  
bracket

REASONS FOR REJECTIONS OR NON-ACCEPTANCE

<u>Reason</u>	<u>Charge</u>	<u>Number Involved</u>
Non Cooperation	Poss. of D/D (Misd.)	9
Dismissed - Lack of Evidence	Poss. of D/D (Misd.) Destruction of Private Property (Felony) Cultivation of D/D (Felony)	3
Did not contact References	Poss. of D/D (Misd.)	1
Could not guarantee staying in the community	Poss. of D/D (Misd.)	1
Victim was adamantly opposed	Burglary (Felony) Theft (Misd.)	3
Previous Offense	Poss. of D/D (Misd.) Theft (Felony)	3
Not Yellowstone County resident - follow-up too difficult	Poss. of D/D (Misd.) Poss. of D/D (Felony)	2
Too severe problems	Theft (Felony) Forgery (Felony) Deceptive Practices (Felony)	3
Wants to plead not guilty	Poss. of D/D (Misd.) Theft (Misd.) Assault (Misd.) Theft (Felony)	4
Deferred Prosecution too demanding	Poss. of D/D (Misd.)	1
Re-Arrested	Auto theft & vandalism (Felony) Theft (Felony) Burglary (Felony)	3



TERMINATIONS

By Type:

Favorable	51	96.2%
Unfavorable	2	3.8%

By Sex:

Male	43	84.3%
Female	8	15.7%

Unemployed:

BEGINNING  
16 - 31%

TERMINATIONS  
7 - 14%

DECREASE OF 17%

Wage Increase 27%  
14 each

- average increase - \$.74/hr.

Educational Improvement:

15 persons

29.4%

Marital Status:

Married	18
Single	32
Divorced	1
	<u>51</u>

YELLOWSTONE COUNTY  
DEFERRED PROSECUTION PROGRAM

JUNE 1, 1977 - AUGUST 31, 1977

<u>Total Intakes by Offense</u>		<u>Acceptance</u>
Felonies	9	8
Misdemenaors	<u>31</u>	<u>7</u>
	40	15

<u>Offense</u>	<u>Felony Breakdown by Offense</u>	
	<u>Number Intakes</u>	<u>Number Acceptances</u>
Theft	3	3
Burglary	1	1
Possession of Dangerous Drugs	5	3
Carrying Concealed Weapon		1

	<u>Misd. Breakdown by Offense</u>	
	<u>Number Intakes</u>	<u>Number Acceptances</u>
Possession of Dangerous Drugs	16	5
Theft	6	1
Assault	2	0
Criminal Mischief	1	0
Criminal Trespass	1	0
Disorderly Conduct	1	0
Shooting from Roadway	1	1
Illegal Trans. with Minor	1	0
Taking & Using Motor Vehicle Without Owner's Consent	1	0
Interferring with Peace Officer	<u>1</u>	<u>0</u>
	31	7

INTAKES BY SEX

Male 34

Female 6

ACCEPTANCES BY SEX

Male 13

Female 2

ACCEPTANCES BY AGE

18 4

19 2

20 2

22 1

23 1

26 2

31 1

41 1

61 1

REASONS FOR REJECTIONS OR NON-ACCEPTANCE

<u>REASON</u>	<u>CHARGE</u>	<u>NUMBER INVOLVED</u>
Did not contact reference	Possession of Dangerous Drugs	1
Wants to plead not guilty	Possession of Dangerous Drugs (Misd.)	2
	Disorderly Conduct (Misd.)	1
	Cultivation of Dangerous Drugs (Felony)	1
Rather pay fine	Theft (Misd.)	3
	Assault (Felony)	1
	Criminal Mischief (Felony)	1
Previousl Record	Theft (Misd.)	1
Extensive Previous Psychiatric Treatment	Taking Motor Vehicle Without Owner's Consent	1
Dismissed - Insufficient Evidence	Possession of Dangerous Drugs (Misd.)	5
No show on Summons	Assault (Misd.)	1
	Possession of Dangerous Drugs (Misd.)	1
Too difficult for follow-up	Criminal Mischief (Misd.)	1
	Possession of Dangerous Drugs (Misd.)	1
Too serious a charge	Possession of Dangerous Drugs (Felony)	2
Threatened office	Theft (Felony)	1

TERMINATIONS

By Type:  
Favorable  
Unfavorable

13  
4

By Sex:  
Male  
Female

FAVORABLE  
11  
2

UNFAVORABLE  
4  
0

Unemployed:

FAVORABLE  
AT ACCEPTANCE  
5

UNFAVORABLE  
AT ACCEPTANCE  
3

AT TERMINATION  
1 Student

AT TERMINATION  
3

Educational Improvement:

FAVORABLE  
9

UNFAVORABLE  
1

Marital Status:

Married  
Single  
Divorced  
Widowed

FAVORABLE  
4  
8  
1

UNFAVORABLE  
3  
1



**END**