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Contact: Hilary Nemchik at
hnemchik@sandiego.gov or (619) 533-6176

Criminal Diversion Program Reduces Recidivism

Community Justice Initiative keeps low-level offenders from repeating their mistakes

An independent evaluation of San Diego City Attorney Mara W. Elliott's Community Justice Initiative (CJI) confirmed that it reduces crime by allowing low-level misdemeanor offenders to have their cases dismissed in exchange for 16 hours of community service.

The evaluation, which was released today, was conducted by the San Diego Association of Governments under a U.S. Department of Justice Bureau of Justice Assistance grant. It reviewed 605 participants over the course of April 2016 to October 2017.

Among its principal findings:

- 36% of CJI participants had no prior arrest
- 83% of CJI participants successfully completed the program's 16 hours of community service, which can include planting trees; recycling waste products; painting out graffiti, clearing neighborhoods of illegally dumped trash; cleaning parks, canyons, and beaches; and helping provide services to the homeless
- When surveyed, most CJI participants rated the work experience as "great" (79%)
- 68% of participants were rated at a very low or medium risk to commit new crimes (only 11% were convicted of a crime within the 12 months following completion)

"With our Community Justice Initiative, we're offering a second chance to individuals who made a mistake," said City Attorney Mara W. Elliott. **"We are encouraged to see that CJI not only has a positive impact on individual participants' lives, but also the broader San Diego community who benefits from the tens of thousands of hours of community service that improves the quality of life in our neighborhoods."**

During the study period, CJI participants performed more than 8,000 hours of community service. Since the program began in 2014, participants have completed nearly 45,000 hours of community service.

In addition to having their criminal case dismissed, CJI helps participants by exposing them to the services offered by Alpha Project and Urban Corps, which include job referrals, education centers, and treatment programs.

"In partnership with the City Attorney's Office, we have seen hundreds of individuals benefit from the Community Justice Initiative," said Amy Gonyeau, Chief Operating Officer, Alpha Project. **"The program has been extremely successful, and Alpha Project is here to support participants with resources and referrals to services."**

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1200 Third Avenue, Suite 1620, San Diego, California 92101-4188 (619) 236-6220

“The Community Justice Initiative has turned a negative experience into something positive for the offenders who choose to complete their service hours with Urban Corps,” said Anne Bernstein, Chief Operating Officer, Urban Corps of San Diego County. **“CJI helps give participants a chance to wipe their record clean while giving back to their community. We’ve enrolled a number of participants into the Urban Corps program after they’ve completed their service hours, and we’ve had the good fortune to help them turn their lives around. The CJI program is a win-win for everyone.”**

This potential for early intervention and fresh direction in the lives of low-level misdemeanor offenders is one reason the City Attorney's Office is as inclusive as possible in making CJI offers. However, the City Attorney's Office retains discretion over who receives offers, and certain types of offenses -- including DUI, domestic violence, sex offenses, child and elder abuse, and arson -- warrant automatic exclusion.

CJI's goals include reducing recidivism, courthouse crowding and costs by limiting the number of court hearings, jail crowding and costs by lowering inmate levels, and law enforcement costs by removing the need for law enforcement officers to testify.

As a result, jails, courts, and attorneys will be able to focus resources on more serious crimes, and our law-enforcement personnel can spend more time on the streets.

In addition to Alpha Project and the Urban Corps, partners in the program include the Public Defender's Office and the Sheriff's Department.

“Through the Community Justice Initiative, members of the community who find themselves in a low-level criminal situation are given the opportunity to give back to the community, learn skills and receive services where appropriate, while avoiding a conviction on their records which may close opportunities for them in the future,” said Michael Ruiz, Supervising Attorney, Central Misdemeanor Unit, San Diego Public Defender's Office. **“We support programs such as CJI which provide members of the community an opportunity to correct their wrongs without having those wrongs haunt them with the stigma of a record.”**

The American Civil Liberties Union has praised the program for taking "a common-sense approach to handling misdemeanor offenses."

CJI is part of the City Attorney's Office's larger effort to divert low-level offenders away from the criminal justice system and provide them with opportunities to get their lives back on track.

In 2016, the City Attorney's Office launched the San Diego Misdemeanants At-Risk Track (S.M.A.R.T.) Program, which aims to prevent low-level misdemeanor drug offenders from cycling through the criminal justice system without access to services. S.M.A.R.T. safely connects chronic misdemeanor drug offenders, particularly those who are otherwise resistant to intervention, to a case manager and offers personalized treatment and tailored housing placements.

As part of their ongoing effort to get low-level drug offenders off the streets and into treatment, City Attorney Mara W. Elliott and San Diego Police Chief Nisleit launched Prosecution and Law Enforcement Assisted Diversion Services (PLEADS) in May 2019. PLEADS is a voluntary, pre-booking diversion pathway that allows individuals suspected of being under the influence of a controlled substance to avoid prosecution and jailtime by agreeing to seek support services.

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San Diego's Community Justice Initiative

Background

In 2014, the San Diego City Attorney, in partnership with the San Diego County Public Defender, San Diego County Sheriff's Department, and two non-profit service providers – Urban Corps of San Diego County and Alpha Project, created the Community Justice Initiative (CJI). CJI, a post-plea diversion program for individuals who have committed lower level offenses, provides an opportunity for defendants to pay their debt back to the community through targeted work service and other conditions. When defendants successfully complete program requirements, they have their case dismissed.

One year after implementation, the City Attorney's Office partnered with SANDAG and successfully competed for a grant from the U.S. Department of Justice's Bureau of Justice Assistance (BJA), that enabled the partners to enhance and expand the program, as well as to use data to inform program decisions and have SANDAG conduct a process and outcome evaluation. The four BJA-funded expansion goals included (1) conducting standardized assessments with clients to understand risk and need; (2) improving linkages of clients to service providers; (3) strengthening the current documentation effort to ensure decisions and strategies are informed by data; and (4) engaging with the community to a greater degree. While the complete evaluation report is available [online](#), this CJ Summary highlights key findings from this study, with an emphasis on lessons learned.

How does CJI work?

As part of CJI, once a criminal complaint is filed, an offer to divert an eligible case to CJI is made at the initial Superior Court appearance. If rejected (participation is completely voluntary), the offer is withdrawn and the case proceeds through the normal process. If accepted, the defendant enters a guilty plea and accepts the CJI conditions, which include a referral to one of two non-profit agencies to complete 16 hours of community service (e.g. planting trees, recycling, removing graffiti, clearing neighborhoods of illegally dumped trash) and pay the administrative fee (\$120.00 at the time of the evaluation). For those who are unable to pay, indigent spots are available and require 8 hours of additional service in lieu of paying the administrative fee. The court then sets a sentencing date approximately 90 days later. If the offender successfully completes all conditions within the time allotted, the offender earns a dismissal of the case and the sentencing date is vacated administratively by the City Attorney, effectively requiring only one court appearance. If the offender fails to complete the conditions, the offender is sentenced to two days in jail and three years of summary probation, or alternatively, five days in jail and no probation. Funding through this grant was used to hire a CJI Program Coordinator to achieve expansion goals, provide case management services through Alpha Project to clients assessed as being at medium- to high-risk and need, and conduct a process and impact evaluation of the program.

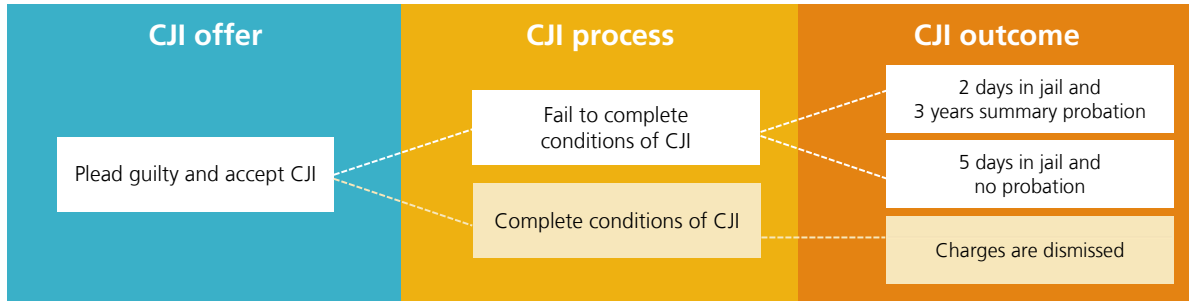
Why CJI?

Provide low-level offenders the opportunity to give back to the community and earn a dismissal of their case

Address underlying needs of low-level offenders that could lead to continued contact with the justice system

Allow the City Attorney's Office to focus more resources on high-level offenders through reduced involvement with the courts by successful CJI participants

Flow of the CJJ process



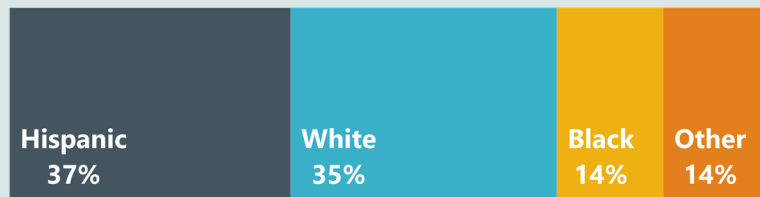
What are the characteristics of CJJ clients?

Data regarding assessed risk and in some cases need, as well as service provision and recidivism outcomes were available for 605 CJJ clients who participated in the enhanced program between April 2016 and October 2017. The median age of these clients was 27 (range 18 – 78), and while three in every five were male, females represented a greater proportion of these individuals, compared to the traditional justice-involved population. In addition, the clients were ethnically diverse, one in three reported no prior arrests, and another two in three were rated as very low to low/medium risk on the Proxy risk assessment. The greatest needs of these clients related to criminal thinking, financial status, residential instability, and substance abuse.

Client characteristics



59%
male



age



36% no prior arrest

68% rated very low to low/medium risk to recidivate

Greatest client needs



Criminal thinking
30%



Residential instability
29%



Financial
27%



Substance abuse
24%

What happened to clients who participated in CJI?

- Around 4 in every 5 clients tracked (83%) for the evaluation successfully completed program requirements.
- Of those who failed to complete, around half (49%) failed to complete the community service and also failed to make the required payment.
- Two client characteristics were associated with the probability of successfully completing – risk on the Proxy (with those who were higher risk less likely to complete) and having a prior booking or conviction (less likely to complete).
- Case managed clients received a median of three services, which most often included life skills training (87%) and individual counseling (72%).
- Almost all of CJI clients who completed an exit survey during the evaluation period rated their experience as either “great” (79%) or “good” (18%).

Was recidivism lowered for CJI clients?

- CJI clients overall, regardless of exit status, were significantly less likely to be arrested and convicted (both 11%) in the 12-months following participation, in comparison to a matched historical control group (17% and 16%).
- The 12-month follow-up arrest and conviction rates for CJI clients who successfully completed the program was 6 percent and 7 percent, respectively, compared to 37 percent and 32 percent for those who did not.

What were some lessons learned that could be helpful to other sites?

- Engaging clients in a voluntary program, even when they have unmet needs can be challenging, with only about 2 in every 5 individuals eligible for an additional assessment to receive case management accepting the opportunity. Warm hand offs and the resources necessary to engage clients are important to ensure underlying risks and needs can be met.
- Flexibility is key. Throughout the project the partners communicated regularly and were open to changing policies and procedures to ensure an effective and efficient program.
- Information sharing needs to be emphasized and an ongoing priority. Because of competing priorities of those responsible for data collection, there were gaps in the information received for the evaluation and to inform decisions. Reliable data collection takes ongoing attention and effort.

Evaluation highlights

36% of clients no prior arrest

29% rated as high need for residential instability

83% successfully completed the program

Those rated as lower risk and with no prior criminal history were more likely to successfully complete

79% of surveyed clients described the program as “great”

11% of clients were convicted in the 12-month follow-up period, less than the comparison group

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