D. The data collected supports the conclusion that the immediate grant of Diversion substantially increases the rate of appearance at court hearings and probation sessions during the 2 year Diversion period.

1. In 1991, 97% of defendants referred to the F.I.R.S.T. Diversion Program appeared as ordered, for their initial Diversion Hearing. (NOTE: that hearing was typically held the day after the Diversion Referral was made.)

In 1990, 64% of defendants appeared for their initial Diversion hearing as ordered. 36% of defendants failed to appear for their initial Diversion hearing. (NOTE: That hearing was typically held six to eight weeks after the Diversion Referral was made.)

2. In 1991, 96% of defendants granted Diversion appeared for their Diversion orientation session as directed. (NOTE: Defendants granted diversion were ordered to report immediately to their named probation officer for their initial diversion orientation session.

In 1990, there was no comparable data for the defendants' rate of appearance at the initial Diversion Orientation session. However, it was not unusual for four weeks or more to transpire before that initial session.)

3. Those defendants in the FIRST Diversion Program demonstrated a 37% reduction in the number of bench warrants issued for failures to appear at court hearings (BWI) during the twenty-four (24) month period after the initial Arraignment date. This was true despite the fact that their were twice the number of regularly held court hearings in 1991.

<table>
<thead>
<tr>
<th>Total No. of Bench Warrants Issued (BWI) between Arraignment and Arraignment + 24 Months</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Table 6</strong></td>
</tr>
<tr>
<td>No. of BWI</td>
</tr>
<tr>
<td>-----------</td>
</tr>
<tr>
<td>No. of BWI per Defendant</td>
</tr>
<tr>
<td>Comparative % of Reduction</td>
</tr>
</tbody>
</table>

*Base line for comparison

(NOTE: There were a total of nine (9) regularly scheduled Diversion hearings during the twenty-four (24) month Drug Diversion Program in 1991, and only four (4) during the eighteen (18) month program existing in 1990.)
THE IMPORTANCE OF IMMEDIATE INTERVENTION FOR YOUNGER DIVERTEES

The data collected strongly suggests that immediate intervention (the Speedy Diversion group were diverted within 3 days of arraignment) is especially effective in engaging young offenders in the successful completion of a court-ordered drug diversion program and in reducing their rate of felony recidivism.

A. Those divertees, 18 to 30 years old in the 1991 Speedy Diversion program showed a dramatic reduction in the number of new felony arrests made over the two-year diversion period. These reductions substantially reversed the results of the 1990 program. (See Appendix D4).

The Average No. of Arrests Per Defendant for the 18 to 30 and 31 to 45 Year Age Groups During the 2 Year Diversion Period

| TABLE 7 |
|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| Average No. of new felony arrests per defendant | 1.18 | .61 | 1.21 | .63 | .46 |
| Comparative % of reduction | * | 48% | * | 48% | 62% | 34% |
| Average No. of new felony arrests per defendant | .80 | .49 | .91 | .41 | .52 | .31 |
| Comparative % of reduction | * | 39% | * | 55% | 43% | 66% |

*Base line for comparison.
In 1990, the percentage of arrests per first-time divertee, in the 18 to 30 year age group, was 25% greater (1.21 arrests per defendant) than divertees in the 31 to 45 year old group (.91 arrests per defendant).

In 1991, the percentage of arrests per divertee for the 18 to 30 year old in the *Speedy Diversion* group was 12% less (.46 arrests per defendant) than for divertees in the 31 to 45 year age speedy group (.52 arrests per defendant).

Furthermore, the *Speedy Diversion*, 18 to 30 year group achieved nearly 3 times the reduction in the rate of new felony arrests (.46 arrests per defendant) as that same 18 to 30 age year group in 1990 (1.21 arrests per defendant).

Significantly younger offenders in the 1991 *Speedy Diversion* program (.46 arrests per defendant) did much better than younger offenders in the 1991 non-Speedy Diversion program (.80 arrests per defendant), while older offenders in the non-Speedy Diversion program (.31 arrests per defendant) did much better than those older offenders in the *Speedy Diversion* program (.52 arrests per defendant).
GRAPH A:

Average Number of New Felony Arrests within 24 months of Arraignment
Per Defendant

First Timers Only

1990 GROUP 1991 GROUP

18-30 Year Olds 31-45 Year Olds

1.21 0.91
0.63 0.41

GRAPH B:

Average Number of New Felony Arrests within 24 months of Arraignment
Per Defendant

1991 SPEEDY 1991 NONSPEEDY

18-30 Year Olds 31-45 Year Olds

0.46 0.52
0.60 0.31
B. Those divertees in the 18 to 30 year *Speedy* Diversion group showed a significant reduction in the number of days spent in custody during the two year Diversion period. (See Appendix D4).

The Total Number of Days In Custody on Felony Offenses for Divertees Ages 18 to 30 and 31 to 45 During the Two Year Diversion Period

<table>
<thead>
<tr>
<th>TABLE 8</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td>Average No. of days in custody</td>
</tr>
<tr>
<td>Comparative % of Reduction</td>
</tr>
</tbody>
</table>

| Average No. of days in custody | 59 | 39 | 66 | 32 | 45 | 21 |
| Comparative % of Reduction | * | 34% | * | 52% | 32% | 68% |

*Base line for comparison.

Younger offenders in the *Speedy* Diversion Group spent approximately one half the time in custody (32 days per defendant) as did younger offenders in 1990 (63 days per defendant). Those same younger offenders showed a 49% reduction in the number of days spent in custody (32 days per defendant) as compared to a 32% reduction for older divertees in the *Speedy* Diversion group (45 days per defendant).
C. Those divertees 18 to 30 years old in the 1991 *Speedy Diversion* program showed an extraordinary increase in the percentage of successful dismissals during the 2 year Diversion period. Those increases substantially reversed the results of the 1990 program.

The Percentage of Successful Dismissals of Divertees Ages 18 to 30 and 31 to 45 During the 2 Year Diversion Period

Table 9

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>% of Dismissals</td>
<td>24%</td>
<td>56%</td>
<td>23%</td>
<td>57%</td>
<td>67%</td>
<td>48%</td>
</tr>
<tr>
<td>Comparative % of Improvement</td>
<td>*</td>
<td>133%</td>
<td>*</td>
<td>148%</td>
<td>191%</td>
<td>109%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>% of Dismissals</td>
<td>29%</td>
<td>39%</td>
<td>33%</td>
<td>45%</td>
<td>43%</td>
<td>46%</td>
</tr>
<tr>
<td>Comparative % of Improvement</td>
<td>*</td>
<td>34%</td>
<td>*</td>
<td>36%</td>
<td>30%</td>
<td>39%</td>
</tr>
</tbody>
</table>

*Base line for comparison.

In 1990, first time divertees, 18 to 30 years old, were 30% less successful (a 23% dismissal rate) than the 31 to 45 year old group (a 33% dismissal rate). In 1991, however, the 18 to 30 year olds in the *Speedy Diversion* group were 36% more successful (a 67% dismissal rate) than those in the 31 to 45 year old group (a 43% dismissal rate).

That same 18 to 30 year old *Speedy Diversion* group achieved almost 3 times the dismissal rate (67%) of the 1990, 18 to 30 year old group (23%). (See Appendix D2).
GRAPH C:

Program Successfully Completed

First Timers Only

1990 GROUP
23% 33%

1991 GROUP
57% 45%

- 18-30 Year Olds - 31-45 Year Olds

GRAPH D:

Program Successfully Completed

1991 SPEEDY
87% 43%

1991 NONSPEEDY
48% 46%

- 18-30 Year Olds - 31-45 Year Olds
COST-BENEFIT ANALYSIS

The significant increase in the number of successful Diversion dismissals and the decrease in criminal recidivism resulting from the FIRST Diversion Program means a substantial reduction in the workload of judges, court staff, sheriff's deputies, public defenders, district attorneys, probation officers, and other criminal justice personnel.*

While we do not have the resources, at this time, to fully analyze the reduction in workload and increase in cost-effectiveness, we can estimate some of the savings achieved by the law enforcement community during the two year diversion period.

A. Savings in Custody Costs to the Alameda County Sheriff's Department

There were approximately 35,000 (35,028) fewer days in custody accrued by divertees in the 1991 FIRST program on all their felony arrests (including the underlying diversion case) during the 2 year Diversion period.

(Note: For statistical purposes, the number of days in custody during the first two years of the 1990 program, 1990 and 1991, were compared to the number of days in custody spent during the first two years of the 1991 program, 1991 and 1992. (See Appendix D5 through 7)).

Significantly in 1991, for the first time the Alameda County Sheriff's Department has been able to rent unused jail cells to San Francisco (as well as the U.S. Immigration Service) at $60.80 per day. Based on that amount, we can estimate the First program's value to Alameda County at over $2 million ($2,129,702) during the 2 year Diversion period.

*It should be noted that only possession for personal use cases are statutorily eligible for Diversion under PC1000. Even with that limitation, more than fifty percent (50%) of all drug cases filed in Oakland in 1991 met that criterion.

The Alameda County District Attorney's Office reports the following number of Felony Drug Cases filed in the Oakland-Piedmont-Emeryville Municipal Court for 1990/1991:

Table 10

<table>
<thead>
<tr>
<th>Health &amp; Safety Code Cases (H*S)</th>
<th>1990</th>
<th>1991</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Drug Cases Filed</td>
<td>3121</td>
<td>2881</td>
</tr>
<tr>
<td>Possession of Controlled Substance Cases Filed</td>
<td>1133</td>
<td>1452</td>
</tr>
</tbody>
</table>
B. **Savings in Arrest and Booking Costs to the Oakland Police Department**

The estimated 539 fewer felony arrests made by the Oakland Police Department of defendants in the FIRST Diversion program saved the county approximately $169,000 in arrest and booking costs during the 2 year Diversion period. (Based on Oakland Police Department estimates that each arrest and booking costs the arresting agency approximately $314.00).

C. **Savings in Probation Personnel to the Alameda County Probation Department**

The FIRST Diversion Program, by eliminating the need for formal Diversion investigation reports, saved an estimated $600,000 over the 2 year Diversion period ($300,000 plus per annum).

Under the 1990 program, the defendant’s case would be continued 6 to 8 weeks for a comprehensive Diversion eligibility report to be filed with the court. By going to a brief overnight eligibility report (see Appendix C), the defendant’s entry into the program is immediate and the five plus probation officers who formerly wrote the longer reports now engage in hands-on Diversion supervision.
APPENDICES
CHAPTER 2.5
SPECIAL PROCEEDINGS IN NARCOTICS AND DRUG ABUSE CASES

Chapter applicability, §1000.
Notification—Action by probation department—Inadmissible information. §1000.1.
Diversion of proceedings—Time limits. §1000.2.
Resumption of criminal proceedings. §1000.3.
Record of diverted cases. §1000.5.

§1000. Chapter Applicability.

(a) This chapter shall apply whenever a case is before any court upon an accusatory pleading for a violation of Section 11350, 11357, 11364, 11365, 11377, or 11550 of the Health and Safety Code, or Section 11358 of the Health and Safety Code if the marijuana planted, cultivated, harvested, dried, or processed is for personal use, or Section 11368 of the Health and Safety Code if the narcotic drug was secured by a fictitious prescription and is for the personal use of the defendant and was not sold or furnished to another, or Section 11370.1 of the Health and Safety Code if the amount possessed is one-half gram or less of a substance containing cocaine base, or one gram or less of a substance containing cocaine, one gram or less of a substance containing heroin, one gram or less of a substance containing methamphetamine, one-eighth gram or less of a crystalline substance containing phenylcyclidine, one milliliter or less of a liquid substance containing phenylcyclidine, one-half gram or less of plant material containing phenylcyclidine, or one hand-rolled cigarette treated with phenylcyclidine, or subdivision (d) of Section 653f if the solicitation was for acts directed to personal use only, or Section 381 or subdivision (f) of Section 647 of the Penal Code, if for being under the influence of a controlled substance, or Section 4230 of the Business and Professions Code, and it appears to the district attorney that, except as provided in subdivision (b) of Section 11357 of the Health and Safety Code, all of the following apply to the defendant:

(1) The defendant has no conviction for any offense involving controlled substances prior to the alleged commission of the charged divisible offense.
(2) The offense charged did not involve a crime of violence or threatened violence.
(3) There is no evidence of a violation relating to narcotics or restricted dangerous drugs other than a violation of the sections listed in this subdivision.
(4) The defendant’s record does not indicate that probation or parole has ever been revoked without thereafter being completed.
(5) The defendant’s record does not indicate that he or she has been diverted pursuant to this chapter within five years prior to the alleged commission of the charged divisible offense.
(6) The defendant has no prior felony conviction within five years prior to the alleged commission of the charged divisible offense.

(b) The district attorney shall review his or her file to determine whether or not paragraphs (1) to (6), inclusive, of subdivision (a) are applicable to the defendant. Upon the agreement of the district attorney, law enforcement, the public defender, the presiding judge of the criminal division of the municipal court or a judge designated by the presiding judge [1], this procedure shall be completed as soon as possible after the initial filing of the charges. If the defendant is found eligible, the district attorney shall file with the court a declaration in writing or state for the record the grounds upon which the determination is based, and shall make this information available to the defendant and his or her attorney. This procedure is intended to allow the court to set the diversion hearing at the arraignment. If the defendant is found ineligible, the district attorney shall file with the court a declaration in writing or state for the record the grounds upon which the determination is based, and shall make this information available to the defendant and his or her attorney. [2]

(c) All referrals to diversion granted by the court pursuant to this chapter on or after January 1, 1995, shall be made only to diversion programs which have been certified by the county drug program administrator pursuant to Chapter 1.5 (commencing with Section 1211) of Title 8, or to diversion programs which provide services at no cost to the participant and have been deemed by the court and the county drug program administrator to be credible and effective. The defendant may request to be referred to a program in any county, as long as that program meets the criteria set forth in this subdivision. Prior to January 1, 1995, all referrals to diversion granted by the court shall, to the maximum extent possible, be made to diversion programs which have been certified by the county drug program administrator pursuant to Chapter 1.5 (commencing with Section 1211) of Title 8, or to diversion programs which provide services at no cost to the participant and have been deemed by the court to be credible and effective.


$1000. 1992 Deletes. [1], and the probation department of each county [2] Nothing in this subdivision shall be construed to affect the obligation of a probation department to conduct an investigation and make a report to the court, pursuant to subdivision (b) of Section 1000.1 and Section 1000.2.

Cross-References
"Felony" defined. Penal Code §17.
Effect of successful completion of diversion. Penal Code §1000.5.
Revocation of probation. Penal Code §1203.2.
Refs: Cal. Crim. Def. Prac., Ch. 51, "Diversion and Dismissal in Interest of Justice."
§1000.1. Notification—Action by Probation Department—Inadmissible Information.

(a) If the district attorney determines that this chapter may be applicable to the defendant, he or she shall advise the defendant and his or her attorney in writing of [1] that determination. This notification shall include the following:

(1) A full description of the procedures of diversionary investigation.
(2) A general explanation of the roles and authorities of the probation department, the district attorney, the community program, and the court in the diversion process.
(3) A clear statement that the court may decide in a hearing not to divert the defendant and that he or she may have to stand trial for the alleged offense.
(4) A clear statement that should the defendant fail in meeting the terms of his or her diversion, or should he or she be convicted of a misdemeanor which reflects the divertee’s propensity for violence, or should the divertee be convicted of any felony, he or she may be required, after a court hearing, to stand trial for the original alleged offense.
(5) An explanation of criminal record retention and disposition resulting from participation in the diversion and the divertee’s rights relative to answering questions about his or her arrest and diversion following successful completion of the diversion program.

(b) If the defendant consents and waives his or her right to a speedy trial, the [2] court may refer the case to the probation department or the court may summarily grant diversion. When directed by the court, the probation department shall make an investigation and take into consideration the defendant’s age, employment and service records, educational background, community and family ties, prior controlled substance use, treatment history, if any, demonstrable motivation, and other mitigating factors in determining whether the defendant is a person who would be benefited by education, treatment, or rehabilitation. The probation department shall also determine which community programs or programs of the probation department the defendant would benefit from and which of those programs would accept the defendant. The probation department shall report its findings and recommendation to the court. The court shall make the final determination regarding education, treatment, or rehabilitation for the defendant.

(c) No statement, or any information procured therefrom, made by the defendant to any probation officer or drug treatment worker, which is made during the course of any investigation conducted by the probation department or drug treatment program pursuant to subdivision (b), and prior to the reporting of the probation department’s findings and recommendations to the court, shall be admissible in any action or proceeding brought subsequent to the investigation.

No statement, or any information procured therefrom, with respect to the specific offense with which the defendant is charged, which is made to any probation officer or drug program worker subsequent to the granting of diversion, shall be admissible in any action or proceeding.

In the event that diversion is either denied, or is subsequently revoked once it has been granted, neither the probation investigation nor statements or information divulged during that investigation shall be used in any sentencing procedures. Leg.H. 1972 ch. 1255. effective December 15, 1972, 1975 ch. 1267, 1984 ch. 1179, 1992 ch. 1118.


Cross-References
Effect of successful completion of diversion. Penal Code §1000.5.
Time for trial. Penal Code §1382.

§1000.2. Diversion of Proceedings—Time Limits.

The court shall hold a hearing and, after consideration of [1] any [2] information [3] relevant to its decision, shall determine if the defendant consents to further proceedings under this chapter and waives his or her right to a speedy trial and if the defendant should be diverted and referred for education, treatment, or rehabilitation. On or after January 1, 1995, if the court deems the defendant a person who would be benefited by diversion and the defendant consents to participate, the court referral to diversion shall only be made to diversion programs which have been certified by the county drug program administrator pursuant to Chapter 1.5 (commencing with Section 1211) of Title 8, or to diversion programs which provide services at no cost to the participant and have been deemed by the court to be credible and effective. Prior to January 1, 1995, all referrals to diversion granted by the court shall, to the maximum extent possible, be made to diversion programs which have been certified by the county drug program administrator pursuant to Chapter 1.5 (commencing with Section 1211) of Title 8, or to diversion programs which provide services at no cost to the participant and have been deemed by the court to be credible and effective. If the court does not deem the defendant a person who would be benefited by diversion, or if the defendant does not consent to participate, the proceedings shall continue as in any other case.

At [4] the time that a defendant’s case is diverted, any bail bond or undertaking, or deposit in lieu thereof, on file by or on behalf of the defendant shall be exonerated, and the court shall enter an order so directing.

The period during which the further criminal proceedings against the defendant may be diverted shall be for no less than six months nor longer than two years. Progress reports shall be filed by the probation department with the court [5] as directed by the court. Leg.H. 1972 ch. 1255. effective December 15, 1972, 1975 chs. 357, 1267, 1992 ch. 1118.


Cross-References
Waiver of time for trial. Penal Code §1382.
Ch. 51, “Diversion and Dismissal in Interest of Justice.”
§1000.3. Resumption of Criminal Proceedings.

If it appears to the probation department that the divertee is performing unsatisfactorily in the assigned program, or that the divertee is not benefiting from education, treatment, or rehabilitation, or that the divertee is convicted of a misdemeanor which reflects the divertee's propensity for violence, or if the divertee is convicted of a felony, after notice to the divertee, the court shall hold a hearing to determine whether the criminal proceedings should be reinstated. If the court finds that the divertee is not performing satisfactorily in the assigned program, or that the divertee is not benefiting from diversion, or the court finds that the divertee has been convicted of a crime as indicated above, the criminal case shall be referred back to the court for resumption of the criminal proceedings. If the divertee has performed satisfactorily during the period of diversion, at the end of the period of diversion, the criminal charges shall be dismissed. Leg.H. 1975 ch. 1267.

Cross-References

"Felony" and "misdemeanor" defined. Penal Code §17.
Effect of successful completion of diversion. Penal Code §1000.5.


§1000.5. Record of Diverted Cases.

Any record filed with the Department of Justice shall indicate the disposition in those cases diverted pursuant to this chapter. Upon successful completion of a diversion program the arrest upon which the diversion was based shall be deemed to have never occurred. The divertee may indicate in response to any question concerning his prior criminal record that he was not arrested or diverted for such offense. A record pertaining to an arrest resulting in successful completion of a diversion program shall not, without the divertee's consent, be used in any way which could result in the denial of any employment, benefit, license, or certificate. Leg.H. 1975 ch. 1267.
ALAMEDA COUNTY PROBATION DEPARTMENT
SPEEDY DRUG DIVERSION
TEN WEEK CONTRACT (PHASE II - ASSESSMENT)

You have been granted Drug Diversion for 24 months and will have a Court appearance scheduled in 10 weeks. The purpose of this Court date is to inform the Judge whether you have successfully completed Phase II of the Drug Diversion Program.

During the next 10 weeks, you are responsible for completing the following:

6. See your Probation Officer at least 6 times.
5. Attend 4 Drug Education and 1 AIDS Education class at the Probation Center.
3. Take urine tests. 1 point for each negative test. Maximum of three points.
1. Register with a community counseling agency.
6. Participate in counseling. 1 point for each week of participation (Maximum of 6 points).
1. Make 1 payment toward $220 fee.

The above equals 22 different tasks that you will be responsible to complete by your next Court date. You must complete all Drug/AIDS Education classes and attend a specified number of community counseling sessions in order to graduate to Phase III.

THE FOLLOWING POINT TOTALS WILL RESULT IN THESE SPECIFIC RECOMMENDATIONS:

22 points: Continue on diversion, REDUCE TIME TO 15 MONTHS AND REDUCE FEE TO $120. (Reduction of 9 months and $100)

18-21 points: Continue on diversion, REDUCE TIME TO 18 MONTHS AND REDUCE FEE TO $145. (Reduction of 6 months and $75) MUST HAVE 2 NEGATIVE URINE TESTS.

14-17 points: Continue on diversion, REDUCE TIME TO 21 MONTHS AND REDUCE FEE TO $170. (Reduction of 3 months and $50) MUST HAVE 1 NEGATIVE URINE TEST AND MUST BE REGISTERED FOR COMMUNITY COUNSELING.

11-13 points: Continue on diversion. (Must be registered for community counseling.)

10 points or less:

a) Continue on diversion; time in custody
b) Termination from diversion; reinstate criminal proceedings

IF YOU FAIL TO APPEAR FOR COURT, THE JUDGE WILL REVOKE YOUR O.R., FORFEIT BAIL AND ISSUE A BENCH WARRANT.

APPENDIX B
PHASE II

TWO MONTH SUMMARY DRUG DIVERSION REPORT

On October 29, 1992, [redacted] was referred to the Probation Department for Report and Modification pursuant to a grant of diversion under Section 1000 of the California Penal Code.

Conviction record attached   X No known prior H&S convictions

PERFORMANCE DURING FIRST TWO MONTHS OF DIVERSION SUPERVISION

<table>
<thead>
<tr>
<th>Number</th>
<th>Tasks Possible</th>
<th>Number Satisfactorily Completed</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>REPORTING</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>IDAP</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>PROGRAM</td>
<td>7</td>
<td>Def, referred to Terra Firma on 11-10-92. He registered with program on 11-11 &amp; has attended weekly sessions since then.</td>
</tr>
<tr>
<td>3</td>
<td>TESTING</td>
<td>3</td>
<td>Def, tested negative for cocaine on 11-9 &amp; 11-24 and 12-7-92.</td>
</tr>
<tr>
<td>1</td>
<td>FEE PAYMENT</td>
<td>1</td>
<td>ORDERED: $220.00 PAID: $20.00</td>
</tr>
</tbody>
</table>

22 TOTAL

DEFENDANT'S SELF-REPORTED DRUG HISTORY:

(a) Drug(s) of Choice: Cocaine and alcohol, specifically beer and rum.

(b) Frequency of Use: The defendant reports that he began using cocaine in March 1991 and that from May to August of that year he used daily. He uses cocaine once every other week currently. The defendant reports that he drinks beer daily and rum on the weekends. He admits that he has had problems in personal relationships because of his drinking.

(c) Latest Usage: Cocaine--on or about December 8, 1992. Alcohol--unreported.

(cont'd)
DRUG DIVERSION CONTRACT  
PHASE III

You have been continued on Drug Diversion and have a Court date scheduled to review your progress on ________________, ________________, and ________________.  

Date  Time

Before your next Court date, you are responsible for completing this list of tasks. With each task you earn the following points:

Points:

8  See your Probation Officer for eight weekly group meetings.
4  Take four urine tests with negative results.
2  Make payments toward your fee. If you pay $25 of the amount ordered, you get 1 point. If you pay $50, you get 2 points.
8  Continue weekly participation with a community counseling/drug treatment program. (If you do not do so, you will have to repeat Phase III and risk reinstatement of criminal charges.)
2  Keep 2 individual appointments with your Probation Officer.

24  Total Possible Points

THE FOLLOWING POINT TOTALS WILL RESULT IN THESE SPECIFIC RECOMMENDATIONS:

22-24 points (and all clean tests): Continue on diversion, reduce time by NINE (9) MONTHS, REDUCE FEE BY $75. No further reporting to Probation Officer, unless you ask for help.

19-21 points (and at least 3 clean tests): Continue on Diversion, reduce time by SIX (6) MONTHS, REDUCE FEE BY $50.

16-18 points: Continue on Diversion, REDUCE TIME BY THREE MONTHS, REDUCE FEE BY $25. Attend monthly Probation appointments and tests.

13-15 points: Continue on Diversion, repeat Phase III, 24 point program.

12 points or less: Repeat Phase III, 24 point program, PLUS A MINIMUM OF ONE (1) DAY IN JAIL.

IF YOU DO NOT COME TO COURT on your Court date, the recommendation will be to terminate diversion, reinstate criminal proceedings, and issue a bench warrant for your arrest.

About Urine Testing:

• A missed test counts as a dirty test.
• An insufficient sample to test will count as a dirty test.
• If you have 2 or more dirty tests, your Probation Officer will evaluate (with you) whether you need more help (such as acupuncture to help you with craving, a medical detox, a residential program, or a more intensive counseling program). The Judge may also decide that time in custody is necessary to help you stop using.