

DIVERSION BEFORE DIVERSION

“Let’s Get It Started”

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Presenters

Judge Raquel “Rocky” Jones

203rd Judicial District Court

Dallas County, Texas

Presiding Judge of ATLAS Court

Interim 1st Assistant Vickie Rice

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Dallas County, Texas

Specialty Court Supervisor

Presenters



Judge Raquel "Rocky" Jones



Public Defender Vickie Rice

A still from the original music video for 'Can't Be Tamed' by MC Hammer. The rapper is in the center, wearing a red and black vertically striped shirt and dark sunglasses. He is surrounded by other people in a dimly lit, club-like setting. The background is out of focus, showing some lights and structures.

MC HAMMER

LET'S GET IT STARTED
ORIGINAL MUSIC VIDEO 1988

When you come
to a fork in the
road, take it.

Yogi Berra

Diversion is a broad term referring to “exit ramps” that move people away from the criminal justice system, offering an alternative life without a conviction or incarceration.



What is the purpose behind diversion?

There are several goals and purposes associated with pretrial supervision leading to diversion. Pretrial diversion attempts to:

- **remove minimal-risk cases** from crowded court dockets,
- **reduce** the problem of jail and prison overcrowding,
- **help** people avoid the negative results of a **criminal conviction**,
- **reduce recidivism**, and
- **help** offenders address the **underlying issues** that may have caused their criminal behavior.

For the offender,
the main goal of Pretrial is
STAYING OUT!!

Pretrial programs provide offenders with essential services that can address the underlying causes of criminal behavior:

- Such as alcohol and drug abuse.
- Allow offenders to establish a normal lifestyle, without the burden of a criminal record.
- An offender who remains in the community can retain his or her job



Goal & Mission:

Provide and bring a holistic approach with wrap around services to clients as they prepare to navigate the criminal justice system and future proceedings.



We are NOT asking anyone to be
Probation Or Pre-Trial Officers

More Like Troubleshooters

- Help stabilize them in the community
- Identify any areas that may cause concern
 - Home life
 - Friends
 - Relationships
 - People, Places & Things
- Locate services/community partners that can assist
- Lookout for any mental health or literacy deficiencies
- Preparing for upcoming “diversion program” or “specialty court”



Goal For Pre-Trial To Be...

- ✓ Support – Coach
- ✓ Encouragement – Cheerleader
- ✓ Guidance – Quarterback
- ✓ Interference - Linebacker

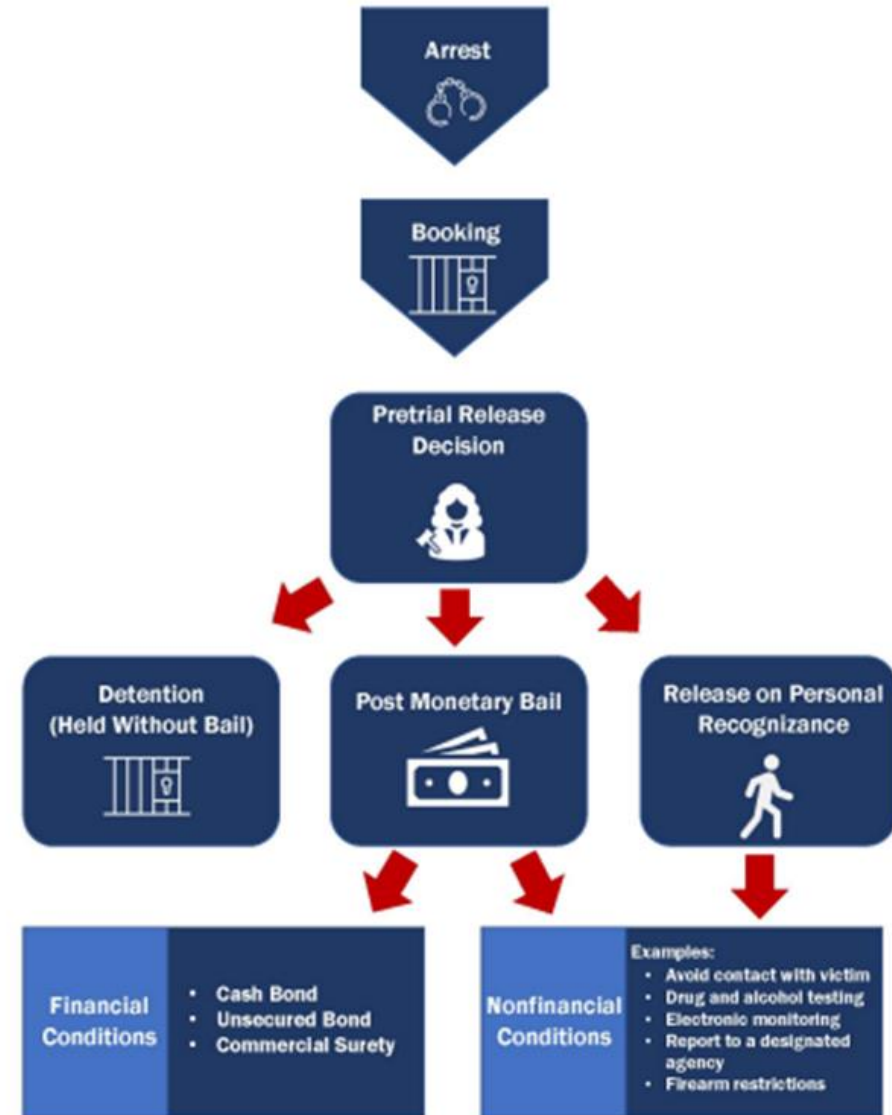


Can Help Relieve



TYPICAL PRE-TRIAL PROCESS

Pretrial Release and Detention Process





“It’s Not My Job To Get Folks Arrested”

“But as Judge we can speak with them if”

- Dirty UA
- Not Med Compliant
- Not attending classes
- Not responding to calls
- ELM violations
- Interlock Violations

***Officer or Attorney
Give Them A Heads Up!!***



Progressive Sanctions

Failure to call the UA line/Failure to Provide UA

1st Violation – verbal warning (court UA)

2nd Violation – NA meetings

3rd Violation – days in jail

4th Violation – Bond Held Insufficient

Failure to report to Court Sessions

1st Violation – verbal warning

2nd Violation – days in jail

3rd Violation – Bond Held Insufficient

Failed Drug Test

1st Violation – admonishment & additional NA meetings

2nd Violation – drug patch

3rd Violation – days in jail

Continued Violations – Bond Held Insufficient

What's the Difference.....

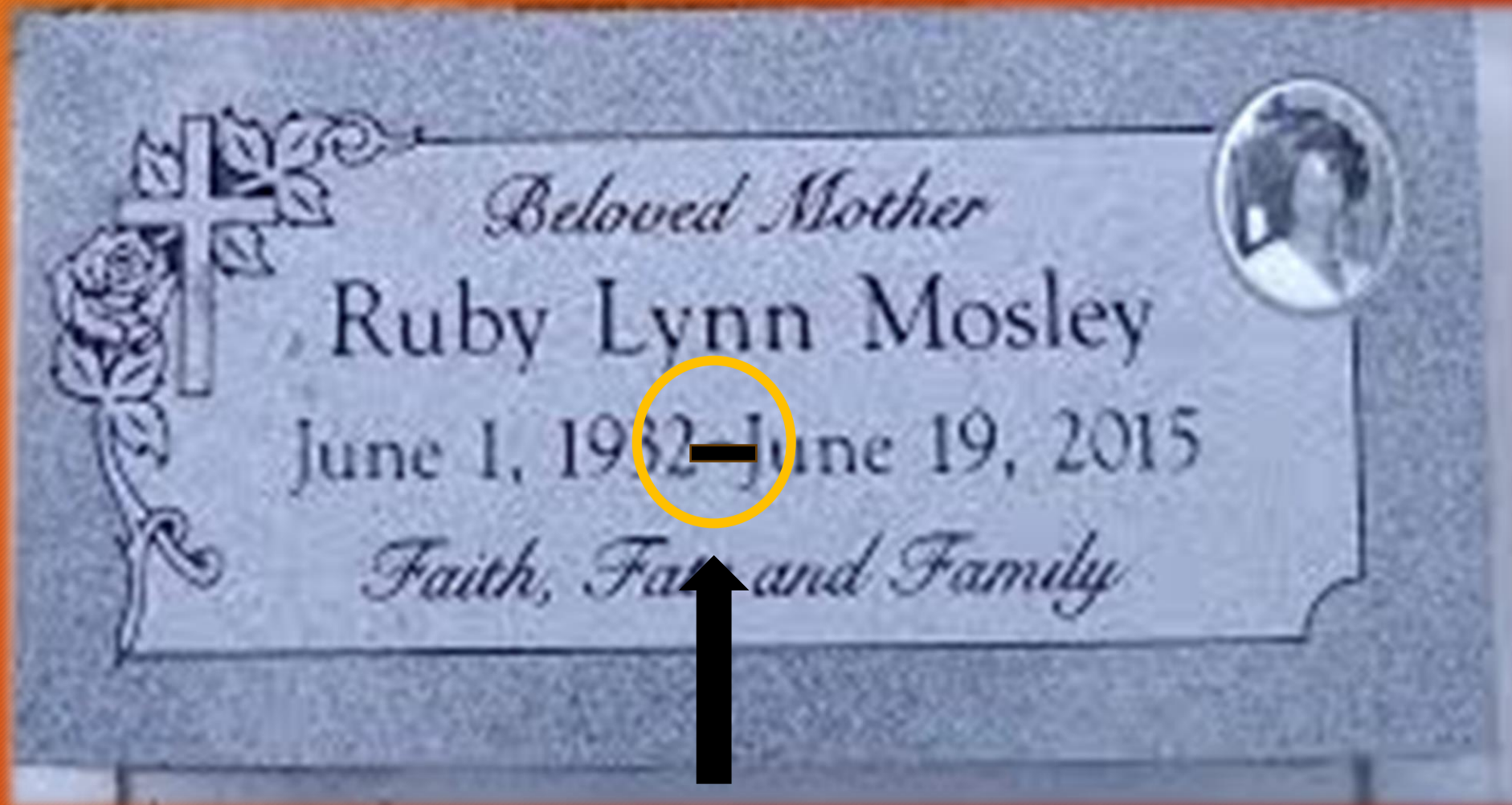
The Pre-Trial Client

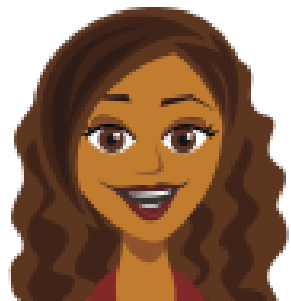
Vs.

The Probation Client

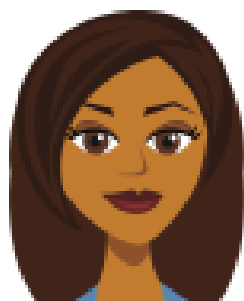


Can't Wait For Them To Get In the Program Or Be On Probation





Gen Z
(born after
1997)



Millennial/
Gen Y
(born
between
1980 - 1997)



Gen X
(born
between
1965 - 1980)



Baby
Boomer
(born
between
1946 - 1964)



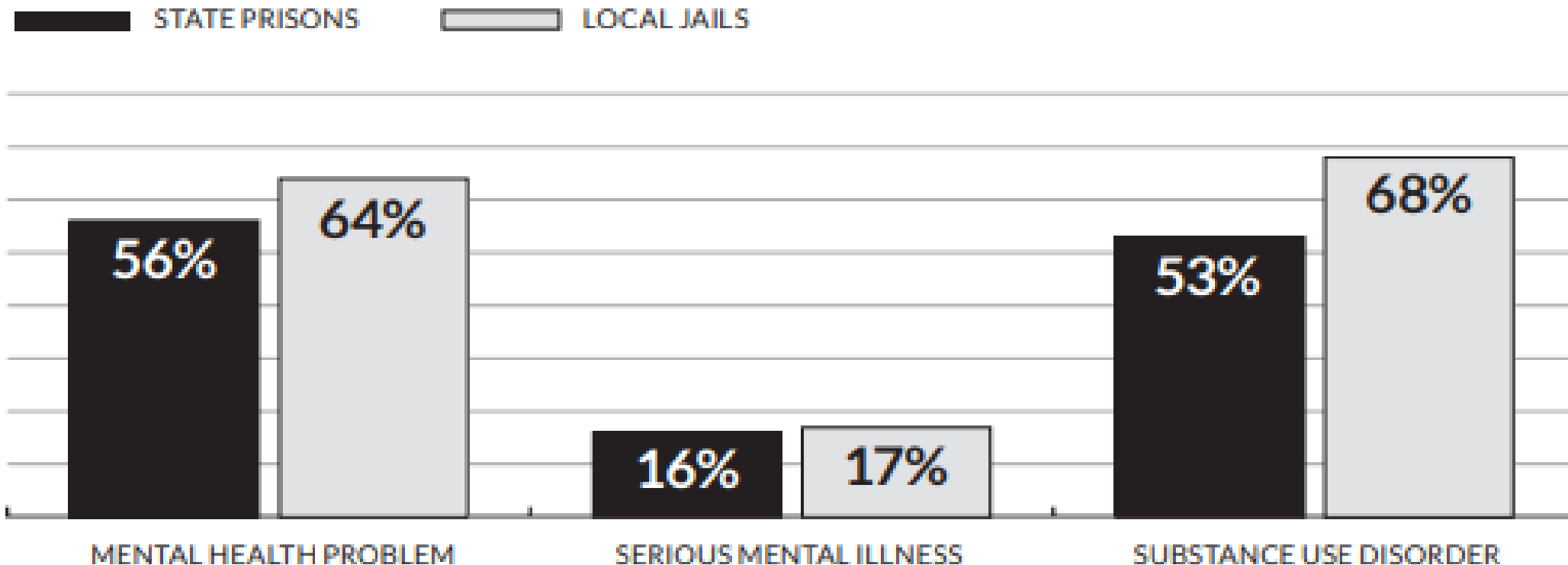
Traditionalist
(born before
1946)

Know Your Population of Defendants

No Entry: A National Survey of Criminal Justice Diversion Programs and Initiatives*



Prevalence of substance use and mental health disorders in state prisons and local jails



*CENTER FOR HEALTH AND JUSTICE ~TASC DECEMBER 2013

Mental Health America Report*



45% of youth aged 11 to 17 screened for mental health in 2021 an increase by 16% from 2019

Rates of suicidal ideation are highest among youth (51% among ages 11 to 17), especially LGBTQ+ youth (63%)

Suicidal ideation increased most for Black youth and adults from 2019 to 2021 by span of 8.59%

Blacks had the largest increase in anxiety during the pandemic, compared to other races/ethnicities (5% increase from 2019 to 2021)

KNOW YOUR AUDIENCE

Pretrial information about a Defendant can come from the following areas:

- ✓ Criminal record
- ✓ Prior compliance with supervision
- ✓ Pretrial evaluation
- ✓ Substance abuse assessment
- ✓ Substance abuse treatment
- ✓ Mental health treatment
- ✓ Relevant medical information

Working with the Accused:

- Have been through the pretrial program before?
- Educational level of the participants
- Test for the correct drugs
 - Run a “nurses panel” or K2 test, when necessary
- Consider testing on.....
 - Birthdays, weddings, travel, weekends, the Superbowl, World Cup, World Series, etc.
- What’s important to the participant?



Everyone Has Choices

*“The Pre-Trial
Officer & Judge
are the ones that
may have to show
the Defendant a
clear path”*



10 things that require zero talent

@Secrets2Success | @AgentSteven

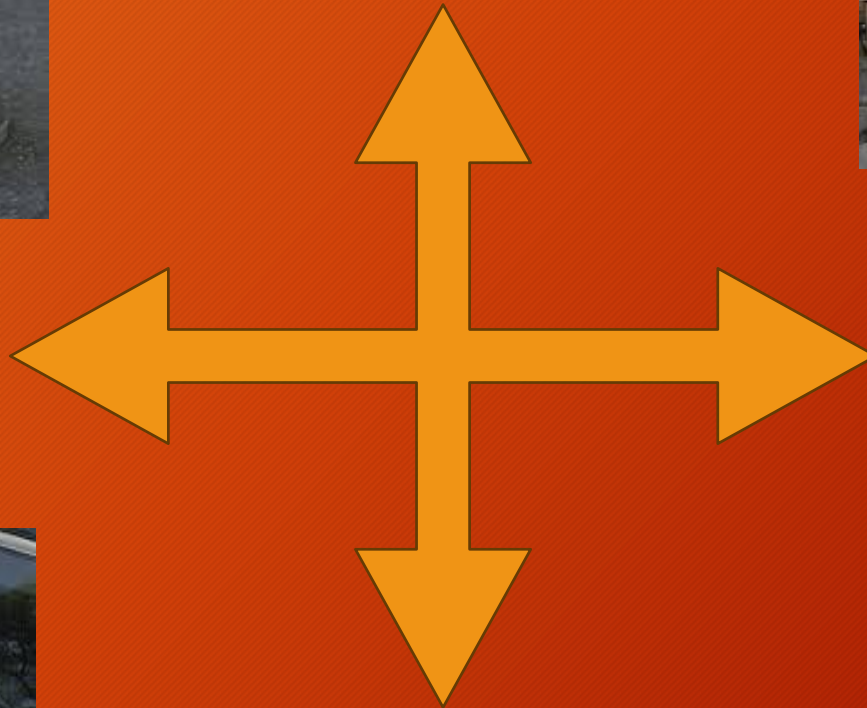
1. Being on time
2. Work ethic
3. Effort
4. Body language
5. Energy
6. Attitude
7. Passion
8. Being coachable
9. Doing extra
10. Being prepared



Make It Very Plain

“You Can Get With This or You Can Get With That”

This or That



TEMPORARY

PERMANENT



Pre-Trial Builds a Foundation of Success



- Qualify for a Diversion Program
- Qualify for a Specialty Court
- Completion of Probation
- Dismissal of Case

Defendant Shows Sincerity & Interest
in Programs



Once an Attorney is Appointed or Retained



Can help to ensure client:

- Reports to meetings & court dates
- Stay compliant with ELM
- Abide by work release rules
- Provide clean UA's
- Remain Med Compliant
- No Interlock violations
- Follow other pretrial conditions

Until the baton is passed Pre-Trial Officers are...

Their Advocate

Their Liaison

Their Rabbi

Their Priest

Their Counselor

Their Parental figure

Their Village



Can't Go It Alone...

- They can't speak directly to the Judge
- Engagement keeps them focused
- Relieves anxiety and fear
- Preview of what's to come

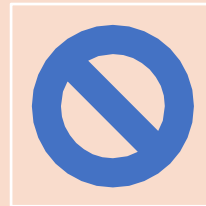


Diversion is generally divided into 3 categories:

What Diversion Look Like



providing sentencing alternatives at the time of conviction



providing sanctioning alternatives to revocation



reducing the future likelihood of recidivism

Hug ~ A ~ Thug



Specialty Courts & Diversion Programs

ATLAS-Felony Mental Health Court

Felony Domestic Violence Court

FDWI-Felony D.W.I Court

Veterans Court

MDWI-Misdemeanor D.W.I Court

4C Re-entry Court

STAR-Felony Prostitution Court

Diversion Programs

I.I.P Intensive Intervention Program Court

Divert Court (Pre-Trial Diversion)

**S.T.A.C. Successful Treatment of Addiction through
Collaboration - HR Court**

AIM Court (Pre-Trial Diversion)

**DDAC Court - Dual Diagnosis Program at the John
Creuzot Treatment Center.**

MISD Mental Health-SET Court (Pre-Trial Diversion)



If successfully complete a diversion program, then most jurisdictions will dismiss criminal charges and will avoid:

a criminal conviction

possible jail time

a criminal record



But if fail to complete the program, will be prosecuted for the crime allegedly committed and the case will proceed as if the diversion program never existed.

Take ~ A ~ Ways

- Review Pretrial Guidelines – Do's & Don'ts
- Have assessments to determine requirements for success
- Determine the ultimate goal for the Defendant? (i.e. diversion, probation or trial)
- What is your threshold of tolerance –
NON-NEGOTIABLES
- Accept & Meet the Defendants where they are in life – Be Relatable



Above all remember.....



— From the movie, "The Help"

In Conclusion...

There Will Be An Evaluation.....



ANY QUESTIONS ?????



The image features a hypnotic spiral background composed of concentric circles in shades of red and black. The spiral starts from a dark blue/black center and expands outwards. Overlaid on this background is the text "That's all Folks!" written in a white, elegant cursive script. The text is positioned diagonally across the center of the spiral.

That's all Folks!

Thank You



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