

## **FRIENDSHIP DIVERSION SERVICES**

Friendship Diversion Services is a public benefit non-profit corporation, organized under the laws of the State of Washington. Branch offices of Friendship are staffed in Thurston, Clallam, Mason, Pierce, Spokane, Grant and Okanogan counties and the cities of Port Angeles, Sequim, Kent, Sumner and Everett. Friendship provides an alternative criminal justice program that is solely supported through fees paid by the offender. This allows certain eligible criminal defendants an opportunity to make restitution, perform community service, and comply with the Court's Order while maintaining family and employment. Eligibility is solely determined by the Prosecutor's office.

Diversion is not a "right," it is an opportunity for defendants to admit guilt and accept responsibility by paying restitution to their victim, fines assessed by the court, the fee assessed by Friendship, and complying with treatment requirements if Court ordered. The benefit of this program to the community is a reduction in the cost of the criminal justice system; and the benefit to the defendant is that, upon successful completion of the program, the criminal charges will be dismissed or reduced resulting in a record clear of a misdemeanor or felony conviction.

Some defendants may choose not to cooperate with their opportunity for diversion. Friendship is diligent about contacting them; however, non-compliant cases will be returned to the Prosecutor for further action. Friendship Diversion Services provides the defendant the opportunity to remain in the community without suffering the loss of employment, family support, and other positive influences. Friendship also provides resource and referral information to defendants who are in need of additional support or counseling using community based entities to provide those services.

On completion of the diversion program the defendant will have fully restored the victim financially, contributed to the community through service hours, reduced the economic and workload issues for the Prosecutor's and Public Defender's offices and defendant may not have a criminal conviction, which would impede their future. These goals are met without the use of any tax dollars.

### **Pre File:**

At the discretion of the County or City Prosecutor's Office, certain offenses for individuals cited for specific low risk misdemeanors may be considered for a Pre File Diversion Program. These referrals provide participants a means to resolve the offense without having a case filed. If they successfully complete the sanctions, there is not a charge history on the record. Persons in pre file status will be informed of their ability to consult with an attorney. For those who wish to proceed before or after consultation, specific sanctions will be established dependent upon the allegations. On completion, a final report will issue to the prosecutor's office. An agreement will be entered into setting forth the expectations that will include community service, specific completion of a sanction related to the charge, any restitution with payment plan and fee payment.

Program participants are under monitoring contract for 3-6 months. During this time they agree to have no law violations, complete treatment or education and report monthly to Friendship Staff.

## **Post Charge:**

This program provides an alternative to sentencing for defendants, who are referred by the County/City Prosecutor's office. All defendants have the right to consult with an attorney prior to signing the diversion agreement.

Friendship staff completes an intake interview with the defendant, fully explaining the expectations of diversion, the consequences for failure to comply and the incentives for completion. Requirements are reviewed by a staff member with the defendant, and an agreement is prepared outlining those requirements. Once the defendant signs this agreement they have a commitment to comply with the conditions set forth.

Staff is conversant with many resources within the community and will work with the defendant to resolve problems, by referring to employment services, training or education opportunities and generally, make use of resources which may be unknown to the defendant.

Post Charge Diversion Programs length is usually for one year; however, the Court may order a longer period of time or it may take longer to complete full payment of restitution. On completion of the conditions, monitoring for new law violations will continue until the full period of the program is complete.

Standard Contract Conditions also include:

- Meet with case manager as instructed.
- Be monitored for the period set by the Court.
- Pay a program fee with reductions if qualified through poverty guidelines. Monthly payments are available.
- Pay Court ordered victim restitution.
- Notification within 24 hours of any changes in employment, marital status, address, or phone number.
- Notification within 24 hours of any additional arrests or citations.
- No use of or possession of controlled substances.
- Completion of community service hours.
- Compliance with Court ordered assessment and treatment, or with any Court ordered program.

## **Community Service Work Program**

Defendants that are sentenced to perform community service work as a sanction, or in lieu of jail time or fines may be referred to Friendship for monitoring of compliance with the Court's order.

An initial intake will be scheduled with the defendant upon receipt of the referral or Court Order. The purpose of the intake will be to ascertain the skills and availability of the defendant to participate in community service work. A financial assessment will occur, although the fees paid by the defendants for this supervision are fixed. A payment plan would be available providing the payments are completed prior to completion of the program.

The program coordinator will maintain a current list of governmental and non-profit organizations that are willing to provide work and active supervision of the defendants. This list will include

exclusions the work site requires, in terms of criminal history or other considerations. From this list, and in consultation with the defendant, assignments will be made for each defendant and liaison established with the community service site. The defendant will be provided names, addresses, phone numbers and a schedule of the days and hours they are expected to work.

Each defendant will be provided a time sheet that will be turned in at a designated time showing the days and hours worked, signed off on by the work site supervisor. The timesheets will be due in the Friendship offices on a schedule, that allows staff to verify hours performed with site supervisors and report to the Court prior to any deadline.

Friendship staff will provide a completion report to the Court, prosecutor and defense counsel setting forth the completed hours and location of service provided.

Defendants will be charged a supervision fee by Friendship Diversion Services.

## **Re-Licensing Program**

The Friendship Diversion Services Re-licensing program is available for those referrals whose license has been suspended in the third degree and tickets holding the license were issued in Washington State. We cannot help if they are suspended by support enforcement, an insurance company or if your license is revoked.

Our program does NOT pay for license renewals, driving school or any fees required by the Department of Licensing or the courts. We do not help with occupational licenses. Friendship Diversion does not help participants pay fines and court costs owed to obtain their license. Friendship does assist the participant in taking the steps necessary to release the hold on their license usually through payment plans, respond to courts and agencies to clear their record and obtain a valid driver's license to once again drive legally in Washington State.

## **Post Conviction Compliance Monitoring**

Cases subject to post conviction compliance monitoring include felonies, gross misdemeanors, and misdemeanors not subject to community custody or otherwise monitored by the State Department of Corrections. Sex and violent offenses are specifically excluded and will not be monitored.

The referring court provides Friendship Diversion with a copy of the Judgment and Sentence with an Order for Compliance Monitoring. The defendant is ordered to contact the office within 3 business days. Friendship staff will enter the case into its internal database with a tracking due date to insure the defendant has scheduled their intake appointment. If two weeks lapse without contact from the defendant, the Court will be notified with copies of notification to the defense attorney and deputy prosecutor.

Once a defendant has contacted the office to schedule an intake appointment, statistical information is gathered and added to the database and an appointment scheduled. During the intake appointment, the defendant will review with the case manager the requirements outlined in the Judgment and Sentence. Timelines will be established for the defendant to return with proof of compliance of requirements (i.e.: drug/alcohol evaluation appointment). The defendant is further advised of the reporting schedule, fee payments, and consequences for failing to comply with the Order of the Court.

Initial contact with Friendship staff may be frequent to allow the defendant time to establish deadlines, with the goal of monthly in person reporting once requirements have been established. As requirements are met notifications will be sent to the Court and appropriate parties. Non-compliance issues will be reported to those parties immediately, including any steps taken by staff and/or defendant to remedy non-compliance.

Legal Financial Obligations will continue to be monitored through the pay or appear programs, where available, unless the Court directs Friendship staff to monitor those obligations.

Judgment and Sentences that include referrals to other programs in Friendship Diversion Services will be considered for combined fees for the cost of those programs, in regards to community service work supervision fees and compliance monitoring fees. Electronic Home Monitoring, SCRAM and/or VICAP fees will not be reduced with participation in other service areas.

## **Electronic Monitoring and Alcohol Monitoring**

In some counties/cities Friendship Diversion staff also provide case management of electronic home monitoring, using devices that provide GPS, Cell and computer coverage identifying where a specific offender is at all times. It also provides 24 hours/day off site monitoring with contact to the local monitor on whatever schedule is established. We make use of an alcohol monitoring device, one is a traditional photograph and breathalyzer setup and the other is a transdermal reader known as SCRAM that reports the presence of alcohol, should that occur, every 30 minutes