



**Sheriff Bob Gualtieri**  
**Pinellas County Sheriff's Office**

**Adult**

**Pre**

**Arrest**

**Diversion**



*"Leading The Way For A Safer Pinellas"*



# Purpose & Overview of APAD

- Establish a county-wide Adult Pre-Arrest Diversion Program (APAD) within Pinellas County, Florida.
- Provide law enforcement with an alternative to arrest when certain criteria is met.
- Avoid a criminal arrest record for those who commit certain minor offenses.
- Avoid adverse affect on employment, acceptance into the military, admission into certain academic institutions, or otherwise be a barrier to individual accomplishment.
- Modify future behavior.
- Divert from Criminal Justice System.
- Prevent unnecessary incarceration.
- Equal access for all through objective assessments and no cost to participate.
- Supported by the Sheriff, all Pinellas County Police Chiefs, State Attorney, Public Defender, Chief Judge and Clerk of Court.



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# MOU

- APAD Program was established through an MOU signed by all criminal justice system stakeholders. Allows flexibility to modify the program as needed.
  
- To ensure consistency and fairness it was essential that all Pinellas County law enforcement agencies and criminal justice stakeholders agree to participate in the APAD Program.
  
- The agreement's terms will ensure APAD is carried out impartially and its terms applied fairly and consistently to all eligible participants.



# Program Criteria

To be eligible for APAD the person must:

- Not contest the offense.
- Agree to make restitution to the victim, if applicable.
- Not present a risk to the safety of others.
- Not have a prior misdemeanor conviction within two (2) years.
- Not have a prior felony conviction within five (5) years.
- Adjudication withheld will be treated as a conviction.
- Not be a registered sex offender.



# Program Criteria

- A person may participate a maximum of three (3) times in APAD.
- Participation in juvenile diversion does not affect eligibility to participate in APAD or count toward participation levels.
- Have sufficient ties to the community (i.e. local employment/address) to ensure they will successfully complete the program.
- If someone commits an eligible offense, a criminal history must be reviewed to ensure the individual qualifies.



# Eligible Offenses

- Possession of 10 grams or less of marijuana, or up to 20 grams if it is clearly established that the marijuana is intended solely for personal use and it does not appear ready for sale.
- Possession of marijuana paraphernalia.
- Possession of alcohol under 21 YOA.
- Petit theft \$300 or less.
- Retail theft \$300 or less.
- Misdemeanor criminal mischief (vandalism under \$1,000).
- Misdemeanor assault (Non Domestic).
- Misdemeanor battery with very minor injuries, if any (Non Domestic).
- Disorderly conduct / Disorderly intoxication
- Trespass
- Littering



# Eligible Offenses

- Multiple offenses from one incident may be referred at the same time and will be considered one referral.
- Once Criteria is established, the Arresting Officer *shall* make the referral.
- If an eligible subject is not referred, the reason shall be documented in the affidavit narrative.



# Diversion Placement LEO

*There are three (3) ways a person can be placed onto this program by an APAD specialist:*

## **1) Law Enforcement (Referred):**

- ❑ Person has committed an eligible offense.
- ❑ Meets initial program screening criteria.
- ❑ If subject has committed both an eligible offense and a non-eligible offense, the subject will not be diverted.
- ❑ A VIPAR Notice of Referral shall be issued with reporting instructions.
- ❑ There will be no arrest and no record of an arrest.





# Diversion Placement Jail

## 2) Jail Pre-Booking (Non-Referred):

- ❑ Person was not referred by arresting deputy/officer and was transported to jail.
- ❑ Initial determination that the person was arrested for a qualifying offense.
- ❑ Screening by APAD staff to determine program eligibility.
- ❑ Program placement and released without booking if eligible.
- ❑ If not eligible then booked into the jail.
- ❑ Arresting deputy/officer notified if not booked.
- ❑ Victim notification if applicable.
- ❑ Local, State and National databases will not contain a record of arrest if the person is accepted into APAD and not booked into the jail.



# Diversion Placement NTA

## **3) Notice to Appear (Non-Referred):**

- Person was not referred and received a criminal NTA.
- APAD staff will check with clerk daily to screen NTA's.
- NTA will be intercepted at clerk prior to criminal case assignment or entry in Odyssey.
- If determined to meet program criteria the person will be notified to report to APAD.
- Arresting deputy/officer will be notified.
- Program placement.



# Diversion Placement

- ❑ The VIPAR referral will automatically send an e-mail to APAD staff (If referred by Arresting Officer).
- ❑ Person reports within 48 hours.
- ❑ Initial screening by APAD staff.
- ❑ Program placement and sanctions (community service).
- ❑ Arresting deputy/officer notification of non-compliance, if necessary.
- ❑ If there is non-compliance an arrest or referral to the SAO must occur within seven (7) business days of the incident.



# Reporting to APAD

- One centralized location: PCSO facility on 49<sup>th</sup> Street.
- May report anytime 24/7 without an appointment.
- Provided with program overview and expectations.
- Interview and basic risk assessment instrument to determine program needs, if any.
- Notified of community service assignment and requirements. We will use our existing list of governmental entities and non-profit organizations to assign community service.



# Diversion Sanctions



Community Service:

1<sup>st</sup> Time: 24 hrs within 30 days

2<sup>nd</sup> Time: 32 hrs within 60 days

3<sup>rd</sup> Time: 48 hrs within 90 days

\*Healthcare insurance is required and may be purchased at \$5 per 50 hour block, available at APAD office.



\*\*Education, if applicable:

Shoplifter Awareness

Anger Management

Substance Abuse



Restitution (if applicable)

\*\*All Pinellas County Sheriff's Office programs will be provided at no cost to the participant; however, programs provided by outside entities will be at the participants expense, if any. Completion times may be extended based upon reasonable need.



# Successful Program Completion

- ❑ All sanctions satisfied.
- ❑ Community service completed.
- ❑ Restitution payments completed (if applicable).



# Diversion Violation

- ❑ Non-compliance with program requirements will result in permanent ineligibility for future diversion.
- ❑ Failure to Report: arresting deputy/officer will be notified and refer charges for prosecution if within seven (7) business days of the offense date.
- ❑ If a subject who is currently in APAD commits another eligible offense, they will be arrested/issue an NTA and will not be eligible for diversion.
- ❑ APAD specialist will update VIPAR.
- ❑ File closed documenting disposition.



# Results

- ❑ APAD began October 17, 2016.
- ❑ 2,105 people have been screened and 816 accepted into the program through March 2017 (39% acceptance rate).
- ❑ Possession of marijuana (296 or 36%) and retail theft (233 or 28%) are the top two charges for which people have been accepted into APAD.
- ❑ Disorderly intoxication (184) is the offense for which most people are not accepted. This is primarily due to chronic prior arrests.





# Results

- Overall, 61% of the people screened are not accepted.
- Most ineligible referrals (54%) are due to a prior misdemeanor or felony conviction within the ineligibility period.
- Participants have completed 11,330 community service hours.
- Of the 816 people accepted into APAD 109 (13%) failed to complete their community service and are now barred from any future APAD participation.



# Results

- ❑ We have collected \$9,631 in victim restitution, primarily in theft and criminal mischief (vandalism) cases.
- ❑ 469 of the 816 people (57%) accepted into APAD have successfully completed the program.
- ❑ The remainder are either in the process of completing the program (127 people or 16%) or have failed to complete the program (220 people or 27 %)
- ❑ 109 of the 220 people failed to perform community service and 44 failed to make restitution. 67 failed appear after meeting initial criteria and were referred to the SAO for prosecution.