

# Evaluation of the Supervised Diversionary Program

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# Public Act 08-01 (January 2008)

- Primary goal was to increase public safety by incarcerating more serious offenders for longer periods of time and decrease the likelihood of incarceration for less serious offenders
- Significantly enhanced community-based resources for less serious offenders, including the pretrial population
- Created a “Diversion Program for Offenders with Psychiatric Disabilities” (subsection 41) to be implemented by CSSD based on concerns that less serious offenders with psychiatric disorders were taking away significant amounts of criminal justice resources that could be allocated for more serious offenders

# CT Research on Offenders with Mental Illness

- 2004: Lieutenant Governor's report stated that 16% of CT inmates had a serious mental illness
- 2008: CT Annual Recidivism Study reported that 19% of released inmates had a serious mental illness
- 2009: UConn researchers (Dr. Julian Ford) published a study finding that approximately 25% of CT's jail population had an undetected mental illness

# Diversion Program for Offenders with Psychiatric Disabilities

Referred to as the “Supervised Diversionary Program” (SDP) and provides certain offenders the opportunity to have their charges dismissed if they successfully complete specific probation conditions centered on their psychiatric needs

Purpose: Decrease the number of offenders who are incarcerated with a psychiatric disability or who are not receiving adequate care and/or services to keep them from recidivating

Goals:

1. Divert SDP clients from pretrial incarceration;
2. Improve treatment access and provide community supervision;
3. Expunge clients’ criminal records so they can be more successfully re-integrated into the community.

# SDP Application and Supervision Process

1. Defendant submits an Application for the SDP to court clerk
2. Court clerk forwards application to CSSD to review for eligibility based on the police report, prior use of the program, assessments (LSI-R and ASUS-R), and mental health assessment
3. CSSD forwards recommendation to court and is reviewed by presiding Judge, State's Attorney, and Defense Counsel
4. Presiding Judge makes final determination
5. After being granted the SDP, clients are required to meet with probation officers at least twice a month
6. A client can be returned to court if he/she refuses treatment, has a history of persistent noncompliance, or his/her probation officer has concerns for the imminent health and safety of the probationer or others
7. If returned to court, Judge decides whether to continue the program

# SDP Evaluation Research Questions

1. Is the SDP being utilized across courts and being implemented in a manner that is consistent with Public Act 08-01?
2. What are the characteristics of SDP participants?
3. How many clients complete the SDP and what are the differences between completers and non-completers?
4. Do clients remain crime-free after discharge from the SDP?

# Data Collected from CMIS

1. Demographics (age, gender, race/ethnicity, marital status, education, and employment);
2. SDP participation (investigation dates, supervision dates, and outcome);
3. Criminal history (arrests, convictions, verdicts, and sentences);
4. Assessments (Level of Service Inventory-Revised and the Adult Substance Use Survey- Revised)
5. From CMIS Casenotes:
  - Whether client had prior mental health treatment;
  - Whether client was currently in mental health treatment;
  - Mental health diagnosis;
  - Whether client was taking psychotic medication;
  - Whether client successfully completed the SDP;
  - Client's housing stability while in the SDP.

# Who is Selected for SDP?

- Out of 1,183 SDP applications submitted between October 1, 2008 and March 28, 2011: 841 were granted (71% granting rate)
- Males (62%)
- White (72%)
- Never Married (74%)
- Disabled or relied on family for financial support (44%)
- No discernable age
- High number of less serious contacts with the CJ system
  - 83% had multiple arrests prior to SDP
  - 3% had been sentenced to prison
  - 67% had a prior probation sentence or were on probation at the time of the offense
- High degree of mental illness and prior treatment (86% were in treatment at the start of SDP and 85% were prescribed psychiatric medication)
- Minimal risk (71% were low or medium risk based on the LSI-R)

# SDP Completion Rates

- Of the 841 defendants accepted into the SDP between October 1, 2008 and March 28, 2011:
  - 543 completed the SDP (78% completion rate)
  - 151 did not completed the SDP (22% failure rate)
  - 133 were still in the SDP
  - 9 died while in the program
  - 5 had their cases disposed for non-SDP related reasons
- No differences in completion by gender, race/ethnicity, age
- SDP Completers were different from Non-Completers
  - No prior or current probation
  - Less criminal history
  - Lower risk
  - Current mental health treatment
  - Stable housing (7.5 times more likely to complete than unstable housing)
- Time in SDP: 40% one year, 45% two years, 5% more than two years

# Disposition of SDP Cases

## Completers (n=543)

- 526 (97%) had their cases dismissed
- 12 (2%) had their charges nulled
- 4 (0.7%) received a conditional or unconditional discharge
- 1 (0.3%) was convicted of charges due to circumstances associated with other pending cases

## Non-Completers (n=151)

- 58 (46%) were convicted of their charge
- 42 (34%) had their charges nulled
- 20 (16%) received a conditional or unconditional discharge
- 5 (4%) had their charges dismissed
- 26 had not been sentenced at the time of data collection

# Recidivism One Year After SDP Discharge

## Rearrest Rates One Year After Discharge

- Completers – 16%
- Non-Completers – 42%

## Differences between Clients Rearrested and Not Rearrested

- Arrestees had a concurrent probation case at the start of SDP
- Arrestees had more prior arrests and convictions
- Arrestees were high risk
- Arrestees had no stable housing (5 times more likely than those with stable housing)

# Did the SDP Meet Intended Goals?

1. Divert SDP clients from pretrial incarceration.
  - Very few SDP clients were incarcerated pretrial at time of their SDP supervision
  - 78% of SDP clients completed the program with most remaining crime free, diverting participants from future incarceration
2. Improve treatment access and provide community supervision.
  - 85% of SDP clients were receiving mental health treatment during SDP and probation officers spent a significant amount of time assuring treatment compliance.
3. Expunge clients' criminal records so they can be more successfully re-integrated into the community.
  - 97% of completers had their charges dismissed
  - 16% of completers were rearrested one year after SDP discharge.

# Observations and Recommendations

- Continue to monitor SDP application and granting rates across courts to assure even usage throughout the state.
- We found inconsistencies in how mental health information was recorded and stored. CSSD subsequently resolved this issue by having ABH providers send mental health assessments to probation officers.
- While housing is typically not a primary risk factor for most offenders, its strong influence on clients' SDP completion and long term success leads us to recommend that POs aggressively target housing problems early in a client's SDP supervision.
- SDP Non-Completers had significant mental health and significant criminogenic risk/needs. We recommend the best way to work with these clients is to connect the client with a mental health provider and then continue to target the client's criminal risk factors.