

- Beginning August 3, 2020, eligible misdemeanants will qualify for the Napa County District Attorney's Early Diversion program.
- Early Diversion provides a meaningful alternative to criminal prosecution by offering the misdemeanor offender a chance to participate and complete a diversion program offered by Corrective Solutions
- The objectives of the Napa County DA's Office and Early Diversion include:
 - o Hold offenders accountable for their crimes
 - o Reduce recidivism
 - o Provide the offender a path toward a law-abiding life and the opportunity to avoid a criminal conviction
 - o Reduce the volume of misdemeanor criminal cases by processing eligible cases outside of the traditional criminal justice system which benefits the victims of crime, the offender, and the public.
- Early Diversion holds offenders accountable and reduces recidivism by:
 - o connecting offenders with local community resources that can provide support for living a law-abiding life
 - o Requiring cognitive behavioral change intervention classes and strategies to support lasting life-style changes to reintegrate offenders as productive members of their communities.
- Early Diversion is an Alternative Accountability Program
 - o Early Diversion is an alternative to the criminal justice system – where the offender must go to court and/or hire an attorney, face a judge, and undergo criminal proceedings where the consequence may result in a conviction, incarceration, and/or fine;
 - o Early Diversion gives the offender an opportunity to avoid a criminal conviction that include high fines and impact employment opportunities.
- **Who is eligible?**
 - o Nearly all misdemeanor offenders – see attachment (Eligibility Criteria).
 - o Not eligible- PC 148, 69, DV, 290, crimes involving significant injury, gang, DUIs and cases determined to pose a public safety risk

- **How it works?**
 - The offender will receive two notices- one from CS and one from the Napa DA's Office. They have 30 days to enroll in the program.
 - The program is a 3 month long program
 - There are payment plans for low income offenders and an assistance fund for those unable to pay
 - Classes are available for Spanish speakers
 - All classes can be done on-line maintaining the health and safety of participants
 - Every program is tailored to the offender and type of offense.
 - The program may include :
 - Initial assessment
 - crime-specific behavioral-change classes- 2 full day classes, including a one-on-one
 - drug testing (1 per month)
 - community service (up to 8 hours)
 - journal writing (crime specific)
 - And restitution.

- **Program completed**
 - Case is deemed "successful Early Diversion" and a criminal complaint is NOT filed;

- **Program is not completed**
 - Case is deemed "unsuccessful Early Diversion."
 - Complaint is filed
 - Offender has the opportunity to do the Napa County Deferred Entry of Judgement (DEJ) program- a post-filing diversion program administered by the Napa County Probation Department.
 - If the offense is a narcotics offense, offender may be eligible for Drug Diversion, Prop 36, or Drug Court.

- **Other Counties using Corrective Solutions Pre-filing diversion**
 - Colusa
 - Contra Costa
 - Imperial
 - Monterey
 - San Bernardino
 - Sonoma
 - Tulare (Post Filing)

- Other Diversion Programs available if Early Diversion is unsuccessful (Case filed and in court):
 - o General DEJ
 - o Drug Diversion (drug DEJ)
 - o Driving DEJ (CDL related offenses)

EARLY RESOLUTION CRITERIA

1. Has never been convicted of a felony (unless reduced by statute) within the last five years;
2. Has not been convicted of a misdemeanor within the last 3 years;
3. Has never been required to register pursuant to Penal Code section 290;
4. Has not previously been convicted for the same or similar charges as current case within the last 3 years;
5. Is not on probation;
6. Has not failed to successfully complete probation within the last five years;
7. Has not been diverted for any program, in the last 3 years;
8. Did not exhibit criminal sophistication through his or her modus operandi, or criminal intent;
9. Did not inflict significant injury upon the victim or any other person in the commission of the crime; or
10. Did not commit an act of domestic violence, driving under the influence, or a gang related offense in the commission of the crime.
11. The defendant's eligibility and suitability for the program will be at the sole discretion of the District Attorney.