

Pretrial diversion benefits all participants

By Diane Andersen

The "payoffs" in the Lancaster County Pretrial Diversion Program go to the offender, his victim and the Lincoln community, according to program Director Eric McMasters, 1200 S. 37th St.

The diversion program, founded in 1975 by McMasters, helps eligible offenders earn dismissal of their charges by requiring them to participate in rehabilitation programs and community volunteer work.

The offender benefits by having the charges against him officially dismissed, McMasters said, although a criminal record is retained.

The victims of the crimes benefit, he said, because offenders must pay damages, called restitution fees, equal to the losses of their victims.

The community benefits because it gets more volunteers in programs like Planned Parenthood and the Children's Zoo.

However, for all these benefits to become a reality, offenders first must be accepted into the program after being recommended for diversion by the courts.

"We reject about 20 percent of the people the court sends us," McMasters said. "But less than 5 percent withdraw from the program."

"Some people would rather take their chances in court," he added.

The Lancaster County program provides that eligible offenders charged with non-violent offenses, such as fraud, possession or sale of drugs, or property crimes, can have their charges dropped in county or district court.

But dismissal is possible only if the offenders are accepted into the program, located at 2202 S. 11th St., and fulfill a goal contract signed by themselves and their program counselors.

The contract requires that those charged with misdemeanors commit no new crimes, pay restitution to their victims, perform volunteer services and, in some cases, participate in drug-alcohol or consumer education courses.

The same rules apply to those with felony charges. But felony offenders also must have a job or pursue education or training while enrolled in the diversion program. They are required to seek drug, alcohol or mental health treatment, if necessary.

A law passed by the Legislature, which went into effect in August, gives program participants some rights, as well as requiring them to live up to all the obligations of the program.

The law stipulates that defendants have the right to counsel, that participation is voluntary and that offenders have the right to hear an explanation if they are found ineligible for the program.

McMasters, former assistant director of the Lincoln Council on Alcoholism and Drugs, said he founded the diversion program four years ago to be geared toward drug offenders.

In those four years, he said, his budget has dropped from \$215,000 to \$155,000.

"That's all a result of trying to make it more cost-effective," he said.

The program originally was funded 90 percent through State Crime Commission grants. As of October 1978, it has been financed totally through county government, McMasters said.

One way in which costs have been cut is by contracting with UNL doctoral candidates who have educational psychological backgrounds. UNL pays part of the salary for these student counselors, McMasters said.

One full-time counselor works with misdemeanor offenders, of which there were 133 in 1978, and handles all volunteer services assignments. The assignments include work at the Children's Zoo, Planned Parenthood and the CONTACT clearinghouse for corrections information.

Three part-time counselors work intensively with the felony offenders, McMasters said. There were 141 felony diversions in 1978 in the Lancaster County program.

The offenders who are most likely to complete the program are selected by the Lancaster County attorney's office and a "screener" from the diversion program. They cannot select anyone with a prior felony record, or three or more serious misdemeanors within the last five years. Misdemeanor offenders who have prior records are ineligible for diversion.

Program participants must be charged as adults in Lancaster County or District Court, and may go through the program only once, McMasters said.

"How much of a juvenile record should a person have to make him ineligible?" he asked, answering himself by saying that varies from case to case.

McMasters said that after this careful screening process, about 90 percent of misdemeanor offenders successfully complete their contracts, while only three-fourths of those charged with felonies finish the program.

"Our recidivism rate (return to the court system for other crimes) is about the same," McMasters said, comparing pretrial diversion to the prison and probation

system.

Both methods have recidivism rates of about 30 percent for the first year after fulfillment of the offenders' legal obligations, he noted.

He said these statistics, and many more, have been compiled into reports that program supporters use to apply for funds.

"We have probably the best computer evaluation system in the country," he said. "I haven't seen any better (among diversion programs)."

McMasters said the Lancaster County program conducts follow-up studies of all program participants one year after they leave the program. That is, they interview the two-thirds of the participants they are able to find, almost all of whom agree to the evaluation.

McMasters said he can "really track changes in the people." For example, he cited changes in their jobs, educational accomplishments, continued volunteer activities, and how the offender now feels about his personal life and relationships with people.

The people who are most successful in his program, McMasters said, are older people, those who are married, those with few arrests and those who are well-educated.

Although 75 percent of the participants are male, they don't do as well as females. And drug offenders are more successful than property damage offenders, he said.

A report issued by the Lancaster County program states that the program has, to some extent, met most of its goals. The goals include achieving lower costs than the criminal justice system route, lower recidivism rates than the court system, and improved education, jobs, volunteer service, survival skills and self-esteem for offenders upon completing the program.

Despite these triumphs, McMasters said, there are as many opponents of the program as there are supporters.

The police, he said, are among those who feel that dealers are being punished too lightly because of diversion.

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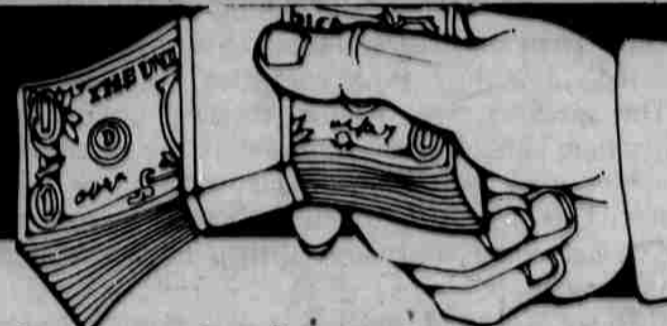
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