

DISTRICT ATTORNEY DIVERSION PROGRAMS



INFORMATIONAL AUDIT
INVESTIGATIVE AUDIT SERVICES
ISSUED NOVEMBER 12, 2020

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LOUISIANA LEGISLATIVE AUDITOR
DARYL G. PURPERA, CPA, CFE

November 12, 2020

**MR. LOREN M. LAMPERT, EXECUTIVE DIRECTOR
LOUISIANA DISTRICT ATTORNEYS ASSOCIATION
AND THE HONORABLE DISTRICT ATTORNEYS
OF THE STATE OF LOUISIANA**

Re: Informational Audit of Louisiana's District Attorney Pretrial Diversion Programs

We are providing this report for the Louisiana district attorneys' information and use. This informational audit was performed by the Louisiana Legislative Auditor's Investigative Audit Services section in accordance with Louisiana Revised Statutes 24:513, *et seq.* to determine the policies, procedures, and guidelines in place in each district attorney's office in Louisiana with respect to diversion programs.

Specifically, we conducted this informational audit to ascertain if the state's 42 district attorneys were operating their pretrial diversion programs in accordance with the Louisiana District Attorneys Association's *Guidelines for Developing, Operating, and Improving Effective Prosecutor Diversion Programs*. In doing so, we reviewed all 42 district attorneys' written pretrial diversion policies, procedures, and guidelines (PP&G) and compared them to LDAA's Guidelines to determine whether the district attorneys' PP&G included, or otherwise addressed, the provisions recommended by the Guidelines. We found 10 Guidelines' provisions that were not fully implemented by six or more district attorney's offices (or 14.3%) statewide. Those 10 provisions are explained in greater detail in this report.

The procedures we performed primarily consisted of making inquiries and examining selected documents and did not constitute an audit, examination, or review in accordance with generally accepted auditing or attestation standards. Consequently, we provide no opinion, attestation, or other form of assurance with respect to the information upon which our work was based in accordance with those standards.

Respectfully submitted,

Daryl G. Purpera, CPA, CFE
Legislative Auditor

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BACKGROUND AND METHODOLOGY

Article V, Section 26 of the Louisiana Constitution provides that the district attorney has charge of every state criminal prosecution in his or her district, is the representative of the state before the grand jury in the district, and is the legal advisor to the grand jury. The district attorney also performs statutory duties and is elected by the qualified electors of the judicial district for a term of six years.

Pretrial Diversion – In General

Pursuant to their constitutional authority,¹ all Louisiana district attorneys operate some form of pretrial diversion program (also known as a pretrial intervention program).^A The 42 Louisiana district attorneys generally offer the following categories of pretrial diversion programs and may offer other more specialized pretrial diversion programs:

Number of District Attorneys with Each Type of Pretrial Diversion Program	
Criminal Diversion	40
DWI Diversion	36
Traffic Diversion	36

Although there is no standardized definition of pretrial diversion^B (PTD), in general terms, it is an alternative to prosecution which seeks to divert certain offenders from the traditional criminal justice process into a program of supervision and services overseen by a district attorney. PTD typically occurs before an offender is charged and may be used to divert any offense within the district attorney’s jurisdiction.

With regard to traffic offenses, PTD allows a driver to keep an alleged violation off his or her driving record, typically by participating in programs geared to deter future traffic offenses. For example, a district attorney may require participants to take and successfully complete an online driving course or other safety program before dismissing the traffic citation. If a person chooses to enroll in a pretrial diversion program, state law² authorizes the district attorney to collect a “reasonable fee” from program recipients.

^A Louisiana does not have a statutorily-created general (PTD) program. However, multiple state laws apply to general PTDs, including Louisiana Revised Statute (La. R.S.) 16:17(E) (allows district attorneys to “assess and collect a reasonable fee from participants in pretrial diversion or pretrial intervention programs to support and maintain victims assistance and/or diversionary programs”); and La. R.S. 15:242, which relates to pretrial diversion for driving while intoxicated. In addition, Louisiana law expressly authorizes district attorneys to create special pretrial diversion programs. See, for example, La. R.S. 15:243, which allows district attorneys to create and administer diversion programs for defendants charged with sexual activity offenses involving non-minors.

^B The Louisiana District Attorneys Association’s *Guidelines for Developing, Operating and Improving Effective Prosecutor Diversion Programs* defines district attorney diversion as “a formal program, used at the discretion of the District Attorney, as an alternative to formal processing of a criminal charge or adjudication.”

Attorney General (A.G.) Opinion No. 93-481^C addressed a district attorney's ability to charge a fee to participants in a pretrial intervention program. The A.G. concluded that:

“... [I]t is permissible for a district attorney's office to charge a fee to participants in a pretrial intervention program. However, the fee charged should be for expenses incurred for participation in the program and for administrative costs. Any additional fees charged would be payments for the dismissal of prosecutions. This would be a violation of La. R.S. 42:1116³...”

“...[I]t is permissible to remit a portion of any fees charged in a pre-trial intervention program to the judicial expense fund or the criminal court fund. However, the fees should be remitted only to reimburse the criminal court fund or judicial expense fund for any expenditures made to establish or finance the pretrial intervention program.”

Louisiana District Attorneys Association Guidelines

The Louisiana District Attorneys Association, Inc. (LDAA) is a Louisiana non-profit corporation whose mission is to improve Louisiana's justice system and district attorneys' offices statewide by enhancing the effectiveness and professionalism of Louisiana's district attorneys and their staffs through education, legislative involvement, liaison, and information sharing. LDAA's general membership adopted suggested *Guidelines for Developing, Operating and Improving Effective Prosecutor Diversion Programs* (hereafter referred to as the “Guidelines”) on August 3, 2000; and amended them on March 6, 2009; February 23, 2012; October 30, 2017; and October 29, 2018. LDAA's Guidelines suggest standards for the administration of Louisiana district attorneys' PTD programs. However, the Guidelines expressly state that they shall not be construed to modify, limit or in any way restrict the authority and discretion of an elected district attorney as provided in the Louisiana Constitution and laws.

Considering legislative interest in PTD statewide, we initiated this informational audit to determine if Louisiana's 42 district attorneys were operating their PTD programs in accordance with LDAA's Guidelines. The procedures performed during the audit included:

- (1) interviewing select district attorneys' office employees and other persons, as appropriate;
- (2) examining select district attorneys' office documents and records;
- (3) gathering and examining external documents and records; and
- (4) reviewing applicable state laws and regulations.

^C The A.G. released *Opinion No. 93-481* on August 31, 1993. During the 1995 Regular Session, the Louisiana Legislature passed Act No. 1170, which enacted La. R.S. 16:17. La. R.S. 16:17(E) authorizes the district attorney to “assess and collect a reasonable fee from participants in pretrial diversion or pretrial intervention programs to support and maintain victims assistance and/or diversionary programs.” As a result, it appears that PTD funds may be used to support and maintain victims assistance and/or diversionary programs, but may not be used for purposes that fall outside of La. R.S. 16:17(E).

FINDINGS AND RECOMMENDATIONS

Pretrial Diversion Programs' Compliance with LDAA Guidelines

LDAA's *Guidelines for Developing, Operating, and Improving Effective Prosecutor Diversion Programs* (hereafter referred to as the "Guidelines") state that each district attorney should, among other things, establish a formal written program that is consistent with the Guidelines, and more specifically, develop and maintain an up-to-date set of written policies, procedures and guidelines which implement the Guidelines. LDAA's Guidelines are comprised of the following sections:

- (1) District Attorney Diversion Defined
- (2) Goals of Pretrial Diversion
- (3) Enrollment
- (4) Screening and Eligibility
- (5) Services
- (6) Dismissal
- (7) Non-Completion
- (8) Confidentiality
- (9) Fees
- (10) Record Keeping and Data Collection
- (11) Organizational Structure
- (12) Miscellaneous

In performing this informational audit, we reviewed all 42 district attorneys' written PTD policies, procedures, and guidelines (PP&G) and compared them to LDAA's Guidelines to determine whether the district attorneys' PP&G included, or otherwise addressed, the provisions recommended by LDAA's Guidelines.

Results of Our Procedures

We found 10 Guidelines' provisions that were not fully implemented by six or more district attorneys' offices (14.3%). Those 10 provisions are explained in greater detail in this report. A complete list of the results can be found on page 9.

1. Individual screening of all participants' cases by an attorney for non-traffic offenses

Guideline: Section 4.1 of LDAA's Guidelines states, "All criminal and delinquency cases considered for pretrial diversion should be screened for eligibility by an attorney."

Result: Of the 40 PTD programs that operate criminal diversion programs (two district attorneys do not offer criminal diversion), nine programs (22.5%) do not expressly require an attorney to screen their cases for PTD eligibility. Four of the nine programs

required all cases to be screened, but did not specify that the screening must be performed by an attorney.

2. Requirement that cases have “prosecutorial merit”

Guideline: Section 4.4 of the Guidelines states, “All cases considered for pretrial diversion should have prosecutorial merit.”

Result: We found that the policies and procedures for seven PTD programs (16.7%) did not expressly require all cases to have prosecutorial merit.

3. Time limit for duration of participation

Guideline: The first sentence of Section 4.7 of the Guidelines states, “A standard time limit for the duration of participation in the diversion process should be established.”

Result: We found that the policies and procedures for 13 of the 42 PTD programs (31%) did not establish or otherwise address the time limit for diversion programs.

4. Requirement that all cases in diversion are considered “active” for public records purposes

Guideline: The first three sentences of Section 6.2 of the Guidelines state, “A case shall remain active while in diversion. As such, records relating to participation in a diversion program shall not be made public while the divertee is enrolled in the program. After successful completion of the program, the records shall be treated as finally disposed of for the purpose of public records application.”

Result: We found that nine of the 42 PTD programs (21.4%) did not expressly require diversion cases be considered active for public records purposes in their policies and procedures.

5. Maintain list of all DWI participants (R.S. 15:242, 15:578.1)^{4, 5}

Guideline: The fourth sentence of Section 6.2 of the Guidelines states, in part, “... records relating to the diversion of DWI offenses should be maintained for a period of at least 5 years from the date of arrest, pursuant to La. R.S. 15:578.1.”

Result: Thirty-six district attorneys’ offices permit PTD for DWI cases. We found that 14 of the 36 programs (38.9%) did not include a statement in its PP&G requiring DWI diversion cases to be retained for at least five years.

6. Providing information and cooperation related to expungements upon successful program completion

Guideline: Section 6.3 of the Guidelines states, “Each office is encouraged to provide information and cooperation regarding expungement to those successful divertees who qualify.”

Result: Fourteen of the 42 PTD programs’ (33.3%) PP&G did not reference providing information and assisting qualified divertees with expungement.

7. Prohibition against utilizing information obtained from program participation to prosecute the diverted charge

Guideline: Section 8.2 of the Guidelines states, “Programs should strive to guarantee, by means of interagency operating agreements or otherwise, that no information gathered in the course of a diversion application or participation in a diversion program will be admissible as evidence in the case diverted, except as provided by law.”

Result: We found that the PP&G for 28 PTD programs (66.7%) did not include a prohibition against utilizing information obtained from program participation to prosecute the diverted charge. In addition, we found that the PP&G for three PTD programs require defendants to sign an admission of guilt, which will be used against the defendant to prosecute the diverted charge if he or she fails to satisfactorily complete the diversion program. Finally, PP&G for two of the PTD programs require the defendant to testify against codefendants, which testimony will be used against the defendant to prosecute the diverted charge if he or she fails to satisfactorily complete the diversion program. These conditions appear to run counter to the spirit of the Guidelines.

8. Fees are related to the actual costs of operating all aspects of the program

Guideline: The first sentence of Section 9.1 of the Guidelines provides, “Diversion fees should be consistent with and related to the actual costs of operating all aspects of the program (criminal, juvenile, wildlife, traffic, and victim assistance).”

Result: Ten of the 42 PTD programs (23.8%) did not include language requiring fees to be related to the PTD program’s actual cost. We also noted that 11 programs’ (26.2%) PP&Gs were silent on the types and amounts of fees.

9. Spending limitations relating to the cost of the program (including payment to other entities that incur costs associated with diverted cases), victims assistance, and traffic safety initiatives

Guideline: Section 9.5 of the Guidelines states, “Expenditures of revenue generated by diversion programs should be limited to: support and maintenance of any diversion programs; support and maintenance of victim assistance programs; and any other authorized purpose which may result from constitutional, statutory, jurisprudential, or

proper administrative authority, including but not limited to: traffic safety initiatives, veteran’s initiatives, and human trafficking initiatives. Sharing of fees and mandating direct payment of fees to other entities, including but not limited to service providers, and all other expenditures, should comply with the limitations herein.”

Result: We found that twelve of the 42 PTD programs (28.6%) did not include provisions in their policies and procedures restricting expenditures of PTD funds to the costs of the PTD program and victims’ assistance programs. We also found that policies for many district attorneys’ offices permit expenditures of PTD funds which may violate state law. La. R.S. 16:17(E) allows PTD funds to be used to support and maintain victims assistance and/or diversionary programs, but not for purposes that fall outside of La. R.S. 16:17(E).

The PP&G from several PTD programs we reviewed contained identical language regarding expenditures of funds generated from PTD Programs. This language included the following:

EXPENDITURES: Authorized expenditures of revenue generated by the pre-trial diversion program shall include:

- All costs associated with the program;
- Costs of the program may include reimbursement to criminal justice stakeholders within the jurisdiction who expend resources on behalf of the participant or diverted case, to include:
 - Local Indigent Defender;^D
 - Law Enforcement;
 - Crime Labs;
 - Criminal Court;
 - Criminal Court Clerk;

^D The Louisiana Second Circuit Court of Appeal, in *In re: Cooperative Endeavor Agreement between the District Attorney’s Office for the 42nd Judicial District and the Public Defender’s Office for the 42nd Judicial District*, No. 52,393-CA (La. App. 2nd Cir. September 7, 2018), found, at p. 14, that a cooperative endeavor agreement between a district attorney and a public defender “violated constitutional provisions guaranteeing conflict-free counsel and prohibiting the district attorney from assisting in criminal defense, as well as a professional rule requiring the public defender to use independent or professional judgment.” The Second Circuit emphasized, at p. 13, that the disbursement of PTD funds to outside parties, such as through a cooperative endeavor agreement, “cannot stand if the cause is found to produce a result prohibited by law or against public policy.” Therefore, policies that permit disbursement of funds for expenses unrelated to the support and maintenance of victims’ assistance and diversionary programs may violate Article V, Section 26 of the Louisiana Constitution and La. R.S. 16:17(E). NOTE: The Louisiana Supreme Court reversed the Second Circuit Court of Appeal in *In re: Cooperative Endeavor Agreement between the District Attorney’s Office for the 42nd Judicial District and the Public Defender’s Office for the 42nd Judicial District*, No. 18-C-1644 c/w No. 18-C-1654 (La. April 15, 2019), finding, at p. 1, the “district court erred in rendering a judgment in this matter because there was no justiciable controversy before the court.” The Supreme Court did not consider the merits of the case in deciding to reverse, but made it clear that a district court lacks standing to invoke constitutional concerns on its own. In the case before the court, neither party nor a criminal defendant asserted the agreement’s unconstitutionality; rather, the district court invoked it on its own.

- Crime Victim's Assistance Program; and
- Outside Programming and service providers.

We found some PTD programs' PP&Gs detail expenditures of PTD funds which may violate state law. One PTD program requires participants to pay a diversion fee and "an amount equal to the fine amount for conviction to reimburse agencies for costs related to the cases which are diverted." Another PTD program charges an enrollment fee which is "distributed to the same entities and in the same proportion as if the enrollee had gone to court and plead [sic] guilty. This is done to assure that all entities receive its [sic] share of the proceeds collected." In both cases, it appears that these PTD programs' PP&Gs permit the disbursement of PTD funds to entities not involved in PTD or victims assistance programs.

10. Ongoing program evaluation and periodic review to ensure compliance with program standards

Guideline: Sections 12.2 through 12.4 of the Guidelines require that "The LDAA and its member District Attorneys shall strive to monitor, consider and when appropriate implement changes in best practices, protocols and model guidelines. Each member office should develop and maintain an up-to-date set of written policies, procedures and guidelines which implement the guidelines herein. The consistent application of these guidelines should be internally monitored."

Result: We found that 11 of the 42 PTD programs (26.2%) did not include provisions in their PP&Gs requiring periodic review and evaluation of their PTD programs for compliance with the Guidelines.

As part of our review, we also analyzed how PTD funds were accounted for and presented within each District Attorney's office's audited financial statements for the year ending December 31, 2018. It appears from *A.G. Opinion No. 93-481* and La. R.S. 16:17(E) that PTD funds may be used to support and maintain victims assistance and/or diversionary programs, but may not be used for purposes that fall outside of La. R.S. 16:17(E). Due to the restricted nature of PTD funds, PTD funds would be most appropriately accounted for using a special revenue fund. However, during our review, we found that only 10 District Attorney's offices used a special revenue fund to account for PTD funds. The remaining 32 districts (76%) do not detail a separate fund for PTD funds, indicating PTD funds are accounted for in the general fund. Furthermore, the financial statements for one District Attorney reflected that PTD funds are a component of the general fund and that PTD funds could be "used for any purpose at the sole discretion of the District Attorney."

The audited financial statements for most district attorney offices do not account for PTD funds using the most appropriate accounting methodology.

Summary of Results			
	<u>Number of Negative Responses</u>	<u>Number of Applicable Districts</u>	<u>Percentage of Negative Responses</u>
Have Adopted 2018 LDAA Standards	1	42	2.4%
Have Written Policies, Procedures & Guidelines (12.3)	0	42	0.0%
Policies & Procedures:			
Guidelines are provided to all candidates (4.1)	5	42	11.9%
Individual screening of all participants' cases by an attorney for non-traffic offenses (4.1)	9	40	22.5%
Individual or technology-based screening of participants' cases for traffic offenses (4.1)	5	39	12.8%
Eligibility criteria should be broad enough to encompass all defendants who can benefit from the diversion option (4.2)	0	42	0.0%
Requirement that cases have "prosecutorial merit" (4.4)	7	42	16.7%
Formal guilty plea not a condition of enrollment (4.5)	1	42	2.4%
Criteria for DWI diversion acceptance/refusal, including review of prior convictions and arrests (4.9)	2	36	5.6%
Offer of diversion not conditioned solely on payment of fees (5.1)	1	42	2.4%
Programming services should relate to needs of the divertee (5.2)	4	42	9.5%
Requirement that all cases in diversion are considered "active" for public records purposes (6.2)	9	42	21.4%
Maintain list of all DWI participants (R.S. 15:242, 15:578.1) (6.2)	14	36	38.9%
Providing information and cooperation related to expungements upon successful program completion (LDAA suggests but does not require) (6.3)	14	42	33.3%
* Criteria for voluntary and non-voluntary program withdrawal and requirements for timely notification of such withdrawal (7.1 - 7.3)	2	42	4.8%
Prohibition against utilizing information obtained from program participation to prosecute the diverted charge (8.2)	28	42	66.7%
Fees are related to the actual costs of operating all aspects of the program (9.1)	10	42	23.8%
Criteria for no fee, reduced fee diversion, and programming/services scholarships for those with the inability to pay (9.3)	3	42	7.1%
Spending limitations relating to the cost of the program (including payment to other entities that incur costs associated with the diverted case), victim's assistance, and traffic safety initiatives (9.5)	12	42	28.6%
Preference for outside services that meet program needs (11.2)	5	42	11.9%
Ongoing program evaluation and periodic review to ensure compliance with program standards (12.2 - 12.4)	11	42	26.2%
Program Guidelines address:			
Eligibility	1	42	2.4%
Time limit for duration of participation (4.7)	13	42	31.0%
Conditions for participation (4.8)	1	42	2.4%
Possible outcomes (4.8)	1	42	2.4%
* Of the 40 districts that address termination from the diversion program, 24 districts do not address criteria for voluntary termination from the program.			

Recommendations

We recommend that District Attorneys review their policies, procedures, and guidelines and:

- (1) strive to meet the standards set forth in LDAA's Guidelines;
- (2) consider using a special revenue fund to account for PTD funds in their audited financial statements;
- (3) ensure expenditures of PTD funds comply with state law;
- (4) comply with laws concerning pretrial diversion and public records; and
- (5) maintain listings of diverted DWI cases as required by state law.

LEGAL PROVISIONS

¹ **Louisiana Constitution Article V, Section 26** states, “(A) Election; Qualifications; Assistants. In each judicial district a district attorney shall be elected for a term of six years. He shall have been admitted to the practice of law in the state for at least five years prior to his election and shall have resided in the district for the two years preceding election. A district attorney may select assistants as authorized by law, and other personnel. (B) Powers. Except as otherwise provided by this constitution, a district attorney, or his designated assistant, shall have charge of every criminal prosecution by the state in his district, be the representative of the state before the grand jury in his district, and be the legal advisor to the grand jury. He shall perform other duties provided by law. (C) Prohibition. No district attorney or assistant district attorney shall appear, plead, or in any way defend or assist in defending any criminal prosecution or charge. A violation of this Paragraph shall be cause for removal.”

² **Louisiana Revised Statute (La. R.S.) 16:17 (E)** states, “The district attorney may assess and collect a reasonable fee from participants in pretrial diversion or pretrial intervention programs to support and maintain victims assistance and/or diversionary programs.”

³ **La. R.S. 42:1116(A)** states, “No public servant shall use the authority of his office or position, directly or indirectly, in a manner intended to compel or coerce any person or other public servant to provide himself, any other public servant, or other person with any thing of economic value. This Subsection shall not be construed to limit that authority authorized by law, statute, ordinance, or legislative rule in carrying out official duties.”

⁴ **La. R.S. 15:242** states, “Notwithstanding any provision of law to the contrary, if a person is placed into a pretrial diversion program following an arrest for a violation of R.S. 14:98, operating a vehicle while intoxicated, or a parish or municipal ordinance that prohibits operating a vehicle while intoxicated, while impaired, or while under the influence of alcohol, drugs, or any controlled dangerous substance, then the prosecuting authority shall maintain a record consisting of the name of the person, the arrest date, and a description of the pretrial intervention or diversion program into which the person was placed. Such record shall become a public record when the person has successfully completed the intervention program or is terminated from the program.

⁵ **La. R.S. 15:578.1** states, “Pursuant to the provisions of R.S. 15:242, the prosecuting authority shall maintain a list of all persons arrested for a violation of R.S. 14:98, operating a vehicle while intoxicated, or a parish or municipal ordinance that prohibits operating a vehicle while intoxicated, while impaired, or while under the influence of alcohol, drugs, or any controlled dangerous substance, and placed by the prosecuting authority into a pretrial diversion program. The arrest record and placement into the pretrial diversion or intervention program shall become a public record when the person successfully completes the pretrial diversion or intervention program or is terminated from the program. Such record shall be maintained for a period of five years from the date of arrest and shall not be subject to expungement or destruction during the period.

APPENDIX A

Management's Response



LOUISIANA DISTRICT ATTORNEYS ASSOCIATION

EXECUTIVE DIRECTOR
LOREN M. LAMPERT

October 28, 2020

Mr. Daryl G. Purpera
Louisiana Legislative Auditor
P.O. Box 94397
Baton Rouge, Louisiana 70804-9397

Dear Mr. Purpera:

I am writing on behalf of our membership which includes all 42 elected District Attorneys within the State of Louisiana. We are in receipt of, and thank you for, your draft audit report of October 14, 2020, relating to the pre-trial diversion policies of Louisiana District Attorneys.

As you know, District Attorneys have taken a very proactive stance in assuring that all District Attorney pre-trial diversion programs are compliant with all applicable laws, administrative regulations, and best practices. Pre-trial diversion is an essential component of the national, state, and local criminal justice system. Diversion provides alternatives to formal charges through meaningful programming designed to restore qualified individuals to a productive quality of life and avoid the collateral consequences of a criminal prosecution and criminal conviction for certain qualified non-violent crimes, juvenile offenses, wildlife violations and traffic offenses.

In support of these efforts, the LDAA and its members voted unanimously in October 2018 to revise our LDAA Diversion Standards in an effort to promote best practices for diversion programs and to address some recent concerns. Consequently, each individual District Attorney was urged to modify their individual office policies to assure compliance and the absence of conflict with the revised standards. As you know, we asked your office to assist with the compliance component of our standards by undertaking various reviews of the individual policies and programs of the District Attorneys. Thank you for your diligent efforts. Although there is still work to be done, in large measure the adoption of and compliance with these revised standards has significantly improved both the practice and perception of pre-trial diversion in Louisiana.

We have reviewed the report detailing the variances between the revised standards and the individual office policies. We acknowledge the listed deficiencies exist and have undertaken immediate follow-up and remedial measures to assure that all individual policies are compliant with the revised standards. Immediately, we convened a meeting of our Standing Diversion Committee on Thursday, October 15, to address the draft report and outlined the plan to swiftly correct the deficiencies. This Standing Committee was key in bringing about the aforementioned revision to our standards and further serves our membership with assistance in compliance with same. In short:

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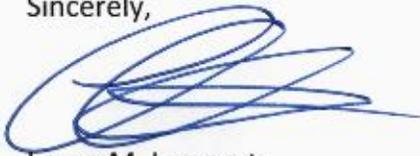
Mr. Daryl G. Purpera

October 28, 2020

- 1) We have communicated the deficiencies in detail to all members and requested that all members review their policies with an eye toward assuring and reporting compliance. It is worthy of note that offices report program compliance even in some instances where policies have not been updated with the revised standards.
- 2) We have developed and performed three separate remedial trainings on standards compliance and will conduct a fourth during a Fall Meeting of Elected District Attorneys in mid-November.
- 3) The Diversion Committee plans to conduct random samplings of policies during the next calendar year to further review compliance with an eye towards assisting those offices who may need guidance.

Once again, thanks to you and your staff for the essential functions that you perform for our great State. If there are any additional suggestions, we welcome your input.

Sincerely,



Loren M. Lampert
Executive Director

LML:rbj