RECOMMENDATION

RESOLVED, That the American Bar Association urges federal, state, territorial and local governments to develop, implement, and fund programs that prosecutors and other criminal justice professionals can utilize to enable an offender to be placed under community supervision in appropriate cases. While the qualifications for entry into the programs will vary among jurisdictions, generally the programs should be available when the offender:

i) poses no substantial threat to the community;
ii) is not charged with a predatory crime, a crime involving substantial violence, a crime involving large scale drug trafficking, or a crime of equivalent gravity;
iii) has no prior criminal history that makes community supervision an inappropriate sanction; and
iv) is not currently on parole or probation, unless the supervising authority specifically consents.

FURTHER RESOLVED, That the American Bar Association urges federal, state, territorial and local governments to develop, and to support and fund prosecutors and others seeking to develop, deferred adjudication/deferred sentencing/diversion options that avoid a permanent conviction record for offenders who are deemed appropriate for community supervision pursuant to the criteria set forth above.

FURTHER RESOLVED, That the American Bar Association urges federal, state, territorial and local governments to develop, support and fund programs that offer community-based treatment alternatives to incarceration, including inpatient treatment, to those offenders whose crimes are associated with substance abuse and/or mental illness; and for whom diversion has been deemed appropriate pursuant to the criteria set forth above.

FURTHER RESOLVED, That the American Bar Association urges federal, state, territorial and local governments to develop, support and fund prosecutors and other criminal justice professionals seeking to develop programs to train law enforcement officers to recognize the signs and symptoms of mental illness in order to facilitate the appropriate resolution by the police in those situations.

FURTHER RESOLVED, That the American Bar Association urges federal, state, territorial and local governments to encourage prosecutors and defenders, in close cooperation with the courts, to create working groups that include other stakeholders in the justice system to develop, review, monitor, and improve deferred adjudication/deferred sentencing/diversion options.