



INDIANA UNIVERSITY PUBLIC POLICY INSTITUTE

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PRETRIAL DIVERSION AND SUBSEQUENT CASE REFERRALS: Evidence from Lake and Monroe Counties

BACKGROUND

As part of the Promoting Racial Justice and Transparency in Indiana project, Indiana University researchers examined how pretrial diversion programs (PDPs) operate in Lake and Monroe Counties and assessed their impact on later criminal case referrals. PDPs aim to address underlying issues, such as poverty, mental health issues, or substance abuse, that often drive involvement in the criminal legal system. These programs offer eligible individuals the opportunity to avoid prosecution if they complete requirements, such as counseling, treatment, community service, or restitution. Successful completion typically results in dismissal of charges, reducing long-term harm to participants and easing burdens on courts and prosecutors.¹

Although pretrial diversion programs have existed for decades—tracing back to the Vera Institute of Justice’s^A Manhattan Court Employment Project (MCEP) (1968)²—Indiana’s modern legal framework formalized their use with state guidelines established by Indiana Code § 33-39-1-8 (2005).³ This legislation emerged amid growing concerns about mass incarceration. National incarceration rates climbed from 93 per 100,000 residents in 1972 to 715 per 100,000 in 2005, one of the highest rates in the world.^{4, 5, 6} Indiana lawmakers sought alternatives that could reduce unnecessary jail and prison use while promoting public safety and fairness.

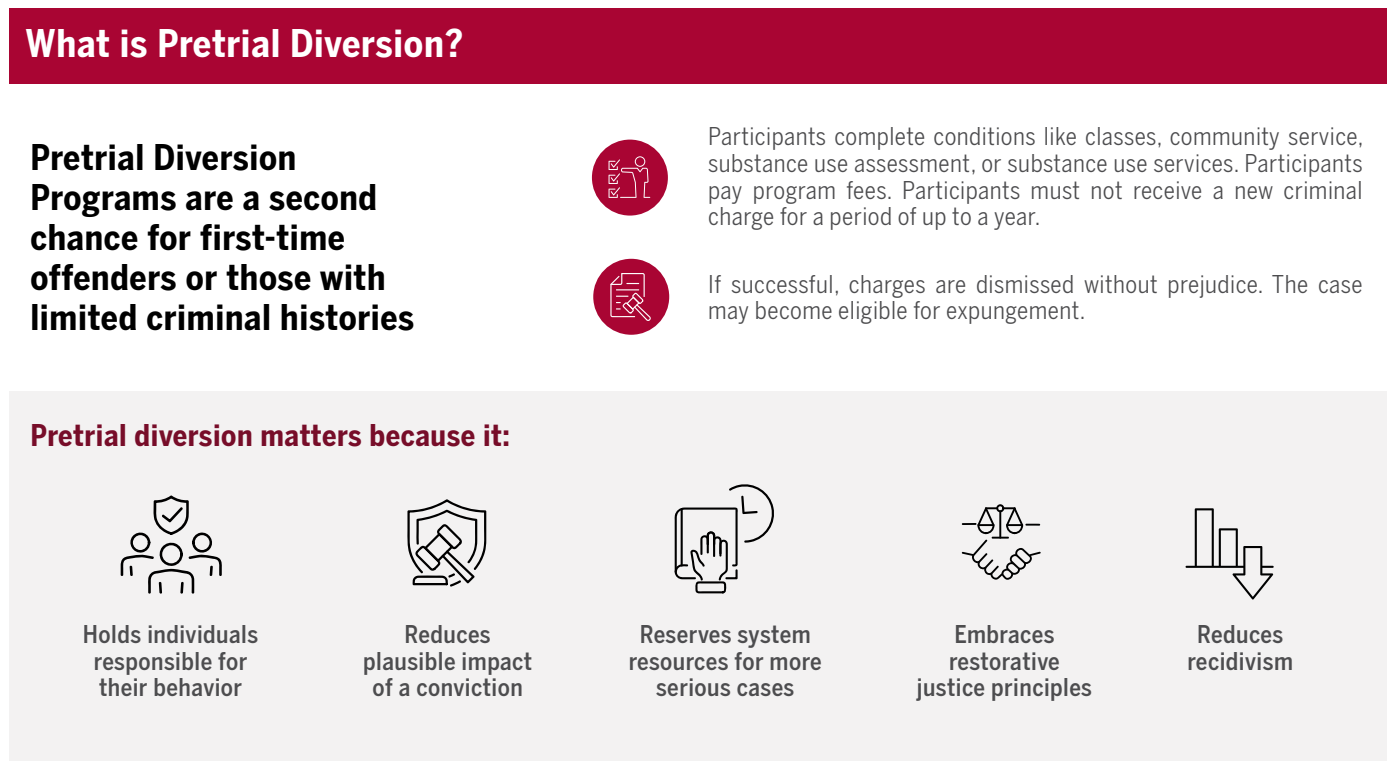
The Monroe and Lake County PDPs were created after these diversion program guidelines were established. In Indiana, prosecutors oversee PDPs, determining eligibility, setting program conditions, and dismissing charges upon successful

KEY FINDINGS

- Pretrial diversion program (PDP) participation reduced the new criminal case filings in Lake and Monroe Counties at 6 and 12 months.
- Lake County showed modest but statistically significant reductions (three percentage points at 6 months; four points at 12 months).
- Monroe County saw larger declines (9 percentage points at 6 months; 11 points at 12 months).
- PDP outcomes showed no racial or ethnic disparities, with Black, Hispanic, and white participants all experiencing equally positive results.
- Results were consistent across multiple statistical methods, strengthening confidence in the findings.
- PDPs show strong potential to decrease recidivism, reduce system workload, and promote fairer outcomes.
- Policymakers and practitioners can address remaining challenges by strengthening long-term data systems, evaluating specific program components, and improving implementation fidelity.

^A Established in 1961 as the Vera Foundation, the institute expanded from a local reform initiative addressing inequities in the New York City justice system to a national organization. See Vera Institute. (n.d.). *About Us*. <https://www.vera.org/who-we-are/about-us>

Figure 1. Pretrial Diversion Programs



completion.^{7 8} By allowing prosecutors to withhold prosecution through diversion agreements, the state created a pathway for counties to strengthen rehabilitative responses to low-level offenses. Both Lake and Monroe Counties operate PDPs under this model.

Nationally, PDPs have expanded as jurisdictions search for strategies to reduce recidivism, increase justice system efficiency, and limit the long-term consequences of criminal convictions. Despite their widespread use, questions remain about how effective PDPs truly are, whether benefits vary across demographic groups and which programs are most impactful. This study provides new evidence by examining two counties with distinct populations and court practices.

This brief summarizes findings from rigorous analyses of whether PDP participation in Lake and Monroe Counties reduced the likelihood of new criminal case filings at 6 and 12 months, and whether outcomes differed by race or ethnicity. It concludes with implications for policymakers, prosecutors, and justice system stakeholders.

FINDINGS

The research team analyzed whether participation in PDPs in Lake and Monroe Counties reduces the likelihood that defendants will face new criminal case filings within 6 and 12 months of their initial case. They also evaluated whether outcomes differ across racial and ethnic groups.

PDP PARTICIPATION REDUCES NEW CRIMINAL CASE FILINGS

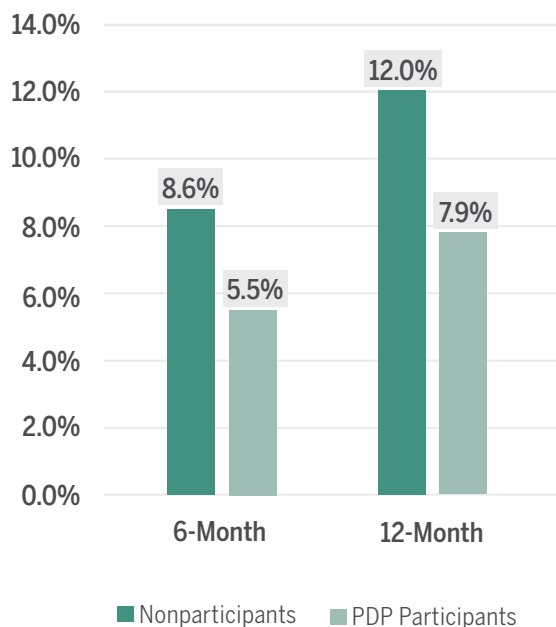
In both counties, PDP participation was consistently associated with significant reductions in new criminal case referrals.

Lake County

In Lake County, PDP participants were significantly less likely to have a new criminal case filed within six months (a reduction of three percentage points) than defendants who did not participate in PDP. At 12 months, this pattern persisted. The difference between participants and nonparticipants was four percentage points.

For Lake County, the effects of PDP participation were statistically significant but modest in size, consistent with expectations based on prior research and the county's program structure.

Figure 2. Lake County summary of new case outcomes



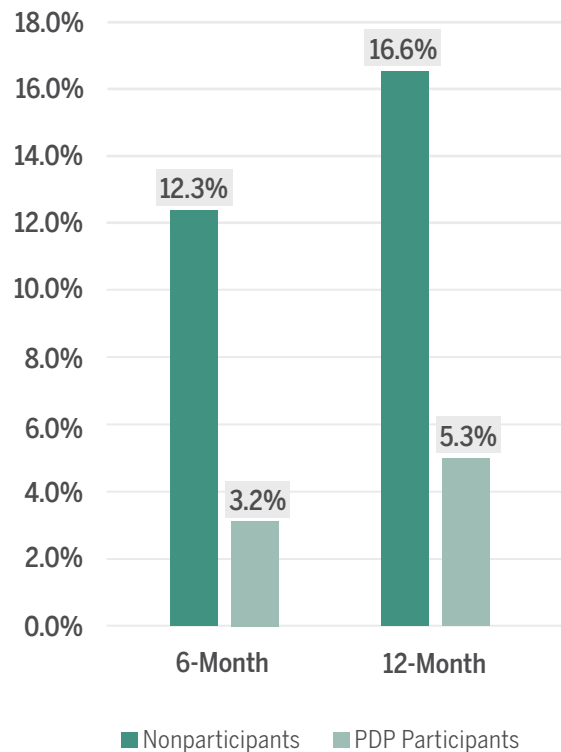
Note: Figure displays predicted probabilities based on regression results.

Monroe County

The picture in Monroe County showed a similar PDP impact but much larger in size. Within six months, PDP participants were nine percentage points less likely than nonparticipants to receive a new case filing. At 12 months, participants were 11 percentage points less likely to have a new case filed against them.

In Monroe County, these reductions were moderate to large, far exceeding the small effect anticipated in the pre-analysis plan. Monroe County's program structure, participant demographics, or local court practices may have contributed to these stronger effects.

Figure 3. Monroe County summary of new case outcomes



Note: Figure displays predicted probabilities based on regression results.

Why does this matter?

These findings suggest that PDPs are an effective tool for reducing short-term recidivism across diverse local contexts. The magnitude of effects varied, but the direction and significance were consistent: diversion helped participants avoid new justice involvement during the first year after their initial case.

PRETRIAL DIVERSION PROGRAMS SHOWED NO MEANINGFUL RACIAL OR ETHNIC DISPARITIES IN OUTCOMES

Both counties demonstrated no statistically significant differences in PDP effectiveness across racial or ethnic groups. Study results showed comparable reductions in new case referrals for Black, Hispanic, and white defendants.

Why does this matter?

These findings are a promising indicator that PDPs can contribute to racial equity in pretrial outcomes when

thoughtfully designed and implemented. While disparities can still emerge in earlier stages, such as arrests or charging decisions, these results show that diversion programs themselves did not produce unequal outcomes.

CONCLUSIONS REMAIN RELIABLE WHEN TESTED WITH DIFFERENT METHODS

Researchers used multiple analytical approaches to test the reliability of the results. These included methods designed to detect whether unmeasured factors—such as prosecutors' decisions about who is offered diversion—could have biased the findings.

Across these tests, the core results remained unchanged: PDP participation was associated with meaningful reductions in new cases.

Why does this matter?

The consistency of the results across multiple methods provides strong evidence that the findings genuinely reflect PDP impact, rather than selection bias or other hidden factors. This reliability increases the value of the findings for policymakers and practitioners.

CONCLUSIONS AND IMPLICATIONS

This study adds important evidence to the national conversation about pretrial diversion. Previous research on PDPs has often been limited by small sample sizes, lack of diversity across study sites, or insufficient attention to racial equality.^{9, 10} By analyzing two counties side-by-side, tracking outcomes at 6 and 12 months, and using multiple statistical techniques, this project addresses several of these limitations.

What the results show

Within this enhanced research framework, the study showed that PDP participation reduced the likelihood of new criminal case referrals in Lake and Monroe Counties. Lake County experienced modest but expected declines, while Monroe County saw large and meaningful decreases. These findings were robust across multiple statistical approaches and showed no variation by defendant race or ethnicity.

The results indicate that PDPs can reduce recidivism, improve system efficiency, and promote fairer outcomes—key priorities for policymakers and practitioners seeking effective, balanced, and evidence-informed pretrial strategies.

Remaining challenges

- Limited long-term data
 - The current analysis examines outcomes up to 12 months. Longer-term tracking, for two to five years, would offer richer insight into the durability of PDP effects.
- Uncertainty about which program components matter most
 - PDPs often involve multiple requirements (e.g., treatment, community service). Identifying which components produce the greatest benefits could help optimize program design.
- Variability in program implementation
 - Differences in staffing, caseloads, program requirements, and court culture may affect program outcomes. More consistent implementation could strengthen impact.

Recommendations for policymakers and practitioners

- Invest in long-term data systems to track outcomes beyond 12 months.
- Conduct component-level evaluations to determine which program elements drive success.
- Standardize PDP implementation practices across counties to improve consistency.
- Monitor fidelity regularly to ensure programs operate as intended.
- Expand access and reduce financial barriers to further support equitable participation.

METHODOLOGY

THE APPROACH

Researchers compared outcomes for PDP participants with similar individuals who did not participate, controlling for factors such as age, prior criminal history, and case type. The team then analyzed whether each group received a new case filing within 6 and 12 months after the initial case.

To increase confidence in the results, the researchers applied a second set of analytical techniques designed to test whether unmeasured factors—such as differences in prosecutors’ referral tendencies—might explain the observed effects. Results from these validation tests aligned with the primary analysis, reinforcing the conclusion that PDP participation reduces new case filings.

LIMITATIONS

At the same time, the study could not fully address several limitations common to field-based evaluations, including gaps in long-term outcome data, difficulty isolating which program components are most effective, and variations in implementation across different program settings.

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FURTHER READING

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