

Prosecutor Led Diversion Frequently Asked Questions: General Public

Why should diversion programs matter to the general public?

Diversion programs represent an important opportunity to dispose of appropriate criminal cases in a faster, less costly, and more effective way. This can save victims, witness, and jurors the time and money associated with the traditional trial process and free police officer witnesses to return to law enforcement activities back on the street. Victims in diversion cases may receive more restitution and more rapidly than they might otherwise. Diversion programs can also provide appropriate individuals with an important second chance at turning their lives around. And finally, many diversion programs create opportunities for citizens to participate more directly in the criminal justice system through volunteerism.

Are all individuals eligible for diversion?

No, jurisdictions often place significant limitations on who is eligible for diversion based on the charge, their criminal history, and the circumstances of the case. Diversion may be limited to misdemeanors, first-time offenders or juveniles, or people facing challenges from mental health or drug addiction. In other programs, more serious offenses may be considered such as felony property or drug offenses. Most diversion programs preclude charges involving violence to persons or more serious felonies.

What if I am or someone I care about is facing charges, how can we learn about whether diversion is an option?

The web pages of many prosecutor's offices describe what diversion programs their offices may be involved with. If you are represented by legal counsel, you should discuss what those diversions options are with them. Your local public defender agency is also a potential resource for information regarding a jurisdiction's diversion programs.

What happens if I do not complete the requirements of a diversion program?

Although programs differ somewhat in their details, failure to complete programmatic requirements may lead to reinstitution of original case or may result in the entry of a finding of guilt. You should get a clear understanding of what the consequences of a failure are from legal counsel, prior to entering such a program.

What are mandated social services requirements?

Many diversion programs require that a program participants complete a course of treatment with social services providers based on a needs assessment of the participant. If such a course of treatment is mandated, participants must complete such treatment to successfully complete the program.

What is restitution?

Restitution is the act making amends for the harm caused by the behavior done to individuals and the community. Restitution may involve paying for damages done to the victim, or community service for the benefit of the public. Restitution requirements differ from one program to another.

What happens if a diversion program's requirements are successfully completed?

Successful completion of a diversion program usually results in the dismissal of charges and the opportunity the opportunity to seal or expunge the proceedings. Such an outcome prevents a criminal conviction from appearing on a person's criminal record. Once again, you should get a clear understanding of what the consequences of a successful completion are from legal counsel, prior to entering such a program.