

Winona County, Minnesota Juvenile Diversion Program Guidelines

Effective 3.28.11, Revised 8.15.22

TABLE OF CONTENTS

Program Guidelines			Page
	Introduction		3
I.	Eligibility		3
II.	Program Procedures		3
	A.	Initial Review	3
	B.	Panel Review	4
	C.	Diversion Program	4
		i. Mail-In Diversion	4
		ii. Regular Diversion	4
		iii. Restorative Justice Diversion	4
	D.	Termination	5
	E.	Data Collection	5
	F.	Effective Date	5
Program Forms			
	1.	Juvenile Review and Tracking Form	6
	2.	Mail In Regular Diversion Letter and Agreement	7-8
	3.	Regular Diversion Letter	9
	4.	Regular Diversion Admission & Diversion Agreement	10
	5.	DOC Privacy Act Statement	11
	6.	DOC Grievance Procedure	12
	7.	DOC Release of Information	13
	8.	Restorative Justice Community Group Conferencing Pre-Meeting Letter and Agreement	14
	9.	Restorative Justice Community Group Conferencing Statement of Understanding	15
	10.	Restorative Justice Community Group Conferencing Conference Agreement	16-17
	11.	Juvenile Diversion Flowchart	18
	12.	Juvenile Diversion Brochure	19-20

WINONA COUNTY JUVENILE DIVERSION PROGRAM GUIDELINES

The Winona County Attorney's Office, in conjunction with the Juvenile Justice Committee of the Winona County Criminal Justice Coordinating Council, has developed the following Diversion Program. Participation in the program is not a right of the juvenile, but rather an alternative to prosecution for those juveniles (1) who acknowledge that the conduct giving rise to possible prosecution was a violation of law, (2) who have demonstrated the ability to follow the program components in a timely way, (3) who are remorseful, and (4) who have the ability to make appropriate restitution to the victim and reparation to the community in a timely manner. Offenders who are accepted into and successfully complete the Juvenile Diversion Program will have the charges against them not filed with the Court.

I. Eligibility. Admission into the Juvenile Diversion Program rests within the discretion of the prosecutor. A juvenile may be eligible for the Juvenile Diversion Program if the juvenile:

- a. Is charged with any juvenile petty offense, as defined in Minnesota Statute § 260B.007, subd. 16; any juvenile alcohol offense, as defined in Minnesota Statute § 260B.007, subd. 17; any juvenile controlled substance offense, as defined in Minnesota Statute § 260B.007, subd. 18; or any referral as a child in need of protective services for truancy or runaway.
- b. Has no prior adjudication(s) of delinquency for, or any pending juvenile delinquency case(s); and
- c. Has not previously participated in the diversion program; and
- d. Has minimal petty offender-level contact with the juvenile justice system, as determined by a review panel.

II. Procedures

- a. **Initial Review.** The prosecutor will review all juvenile citations. If the juvenile has no prior history of any kind and there is no other reason to deny the application, the juvenile will be deemed eligible and referred to the Department of Corrections or Community Services for entry into the program. If the juvenile has any prior adjudication of delinquency, or any such case pending, or has been referred due to truancy with fifteen or more absences, the juvenile will be deemed ineligible and the case will be filed with the court. All other circumstances will be referred to a panel for review of eligibility.
- b. **Panel Review.** The panel will consist of a representative from each of the following departments/offices: prosecutor, law enforcement, probation, Restorative Justice and community services (social worker). The panel will review the reports and other relevant information, including, but not limited to, the juvenile's prior history as provided by the prosecutor's office, nature and circumstances of the offense, and any

other mitigating or aggravating circumstances. The panel will then make a recommendation as to whether the juvenile is eligible. The prosecutor for the jurisdiction has the final decision and has the discretion to override the panel where circumstances warrant, though great weight should be given to the panel's recommendation. If the juvenile is deemed not eligible, the matter will be sent back to the prosecutor, who will file the citation with the court. If the juvenile is deemed eligible, the matter will be referred to the Department of Corrections for participation in the Juvenile Diversion Program.

- c. **Diversion Program.** Upon receiving a referral to the Juvenile Diversion Program the Department of Corrections will determine which diversion track (Mail-In, Regular or Restorative Justice) is appropriate for the juvenile, based upon the offense and other circumstances. A probation officer will be assigned to each juvenile, regardless of the diversion track. Each diversion track will require the juvenile to sign an acknowledgement acknowledging his or her rights, admitting to the offense and agreeing to the specific terms of participation in the program. Such terms may include remaining law-abiding, paying reasonable restitution, completing community work service, completing an alcohol assessment or chemical dependency evaluation and following any recommendations, participating in Restorative Justice Circles, and/or any other terms considered appropriate by the probation officer. The acknowledgement of rights and admission may be offered in court as evidence of the juvenile's guilt at trial if the juvenile is unsuccessfully terminated from the Juvenile Diversion Program. Failure to abide by any of the program requirements will result in the juvenile being deemed ineligible for the program and the case will be returned as unsuccessful to the prosecutor, who will file the citation with the court.
- i. **Mail-In Diversion:** The Department of Corrections will send an Admission & Diversion Agreement to the juvenile and his/her parents notifying them of (1) the Mail-In Diversion opportunity; (2) the juvenile's rights; and (3) the option to pay a fine, complete community work service or deny the allegations and request a court hearing. If the juvenile opts for diversion and completes and returns the Admission & Diversion Agreement within 7 calendar days of receiving the document, the case will proceed as a Mail-In Diversion. If not, the case will be returned as unsuccessful to the prosecutor, who will file the citation with the court.
 - ii. **Regular Diversion:** The Department of Corrections will send a notice to the juvenile and his/her parents notifying them of (1) the Regular Diversion opportunity; (2) the juvenile's rights; and (3) a date and time for a mandatory meeting with the probation officer. If the juvenile opts for diversion, attends the meeting with the probation officer and completes and signs an Admission & Diversion Agreement, the case will proceed as a Regular Diversion. If not, the case will be returned as unsuccessful to the prosecutor, who will file the citation with the court.

- iii. **Restorative Justice Diversion:** Restorative Justice will contact the juvenile and his/her parents, notifying them of (1) the Restorative Justice Diversion opportunity and (2) the juvenile's rights. If the juvenile opts for diversion, attends a pre-conference interview with Restorative Justice and is confirmed by Restorative Justice as being eligible, the case will proceed as a Restorative Justice Diversion. If not, the case will be returned as unsuccessful to the prosecutor, who will file the citation with the court.

III. Termination

- a. **Successful.** If the juvenile completes the terms of the agreement within six (6) months, the juvenile will be successfully discharged from the Juvenile Diversion Program. In appropriate circumstances, the Department of Corrections or Community Services may extend the time for completion. The Department of Corrections or Community Services will send a copy of the completed Juvenile Diversion Form to the assigned prosecutor so that files may be closed.
- b. **Unsuccessful.** If the juvenile fails to complete any one or more terms of the agreement within six (6) months, the juvenile will be unsuccessfully discharged from the Juvenile Diversion Program. The Department of Corrections or Community Services will send a copy of the completed Juvenile Diversion Form, Admission, and Agreement to the assigned prosecutor, who will file the citation with the court.

IV. **Data Collection:** Prosecutors will keep records of the number and characteristics of persons entering the program and whether they are successfully or unsuccessfully terminated.

V. **Effective Date.** The Winona County Juvenile Diversion Program Guidelines are effective March 28, 2011 and will only apply to any charges pending at or after that time.

WINONA COUNTY JUVENILE DIVERSION PROGRAM
JUVENILE REVIEW WORKSHEET AND TRACKING FORM

Welfare of: _____

Probable Cause: Petty/Traffic
 Payable
 Delinquency
 CHIPS (T / R)

Diversion File #: _____

<u>INITIAL REVIEW</u>		Review Date: _____ By: _____
ELIGIBLE	<input type="checkbox"/>	No history
INELIGIBLE	<input type="checkbox"/>	Ineligible offense
	<input type="checkbox"/>	Prior adjudication(s) of delinquency
	<input type="checkbox"/>	Pending delinquency case(s)
	<input type="checkbox"/>	Truancy offense, 15+ absences
	<input type="checkbox"/>	Current Probation, Stay of Adjudication or CFD
	<input type="checkbox"/>	Prior or pending non-status offense diversion
PANEL REVIEW	<input type="checkbox"/>	Uncharged lack of cooperation
	<input type="checkbox"/>	Prior or pending status offense diversion
	<input type="checkbox"/>	Prior or pending petty offense(s)
	<input type="checkbox"/>	Prior or pending traffic offense(s)
	<input type="checkbox"/>	Prior or pending CHIPS case(s)
Notes:		

<u>PANEL REVIEW</u>	
Sent: _____	
Due: _____	
Decision: _____	
ELIGIBLE	INELIGIBLE

<u>OVERRIDE</u>

<u>FINAL OUTCOME</u>
ELIGIBLE
Referred to:
<input type="checkbox"/> Department of Corrections
<input type="checkbox"/> Community Services
<input type="checkbox"/> Restorative Justice
INELIGIBLE

<u>DIVERSION PROGRAM</u>		Returned on _____
<input type="checkbox"/>	Letter sent on _____	Reason: _____
<input type="checkbox"/>	Met with agent on _____	
<input type="checkbox"/>	Agreement signed on _____	Discharged – Unsuccessful on _____
<input type="checkbox"/>	Discharged – Successful on _____	Conditions violated: _____
Agent: _____		

SUCCESSFUL DISCHARGE FROM DIVERSION
 RETURNED TO COURT FOR PROSECUTION



ADMISSION & DIVERSION AGREEMENT

NOTICE

In the Matter of the Welfare of: & PARENT(S)

, MN

Pending Allegations:

File #: **85-JV-**

DOB:

Agent:

Investigating Agency:

Date Sent Out:

The Winona County Attorney's Office has determined that your case can be processed through the Minnesota Department of Correction's Diversion Program. Participation in this program is voluntary. The purpose of the program is to keep **first-time** youthful offenders out of the Court system and to hold them accountable by having them accept responsibility for their actions. In order to participate in the Diversion Program, you must admit to the above allegation(s); by doing this, you will give up the following rights:

1. The right to have the charges against you fully explained.
2. The right to admit or deny the charges against you in a formal hearing.
3. The right to a hearing or a trial before a judge.
4. The right to be presumed innocent and the prosecutor must prove the offense against you beyond a reasonable doubt.
5. The right to be represented by a lawyer, and if you or your family cannot afford a lawyer, you can ask the court to appoint one to represent you at government expense.
6. The right to remain silent.
7. The right to testify if you choose to explain your side of the story.
8. The right to question all witnesses that testify against you.
9. The right to compel witnesses to testify in court on your behalf.
10. The right to withdraw an admission to the charge for any fair and just reason.

Please complete, sign, and return the Admission & Diversion Agreement (both pages) within 7 days.

When completing this form, you may elect (see page 2) one of the following options:

- A. To pay the fine or complete community work service, or
- B. To request a Court hearing.

*If you elect to pay the fine, make **checks or money orders payable to the Winona County Court Administrator**. Please include the court file number on the check or money order.*

*If you choose to do Community Work Service, it is your responsibility to contact **Joyce Packard, Community Work Service Coordinator, at (507) 457-6478 within 7 days** of receiving this Diversion Agreement.*

Please indicate your decision regarding participation in the Diversion Program by checking either **Yes** or **No**, and return this form using the enclosed self-addressed stamped envelope. Failure to return this form will result in a mandatory court appearance.

_____ **YES**, I intend to participate in the Diversion Program and voluntarily waive my rights, as listed. Furthermore, I admit to the above allegation(s).

If yes, I will repay the community by (choose one of the following):

- **Working _____ hours of community service (10 hours for each offense) to be completed within 30 days.**

-or-

- **Paying a \$ _____ fine to the community (\$100 fine for each offense) to be paid within 30 days.**

It is my responsibility to verify that I have completed what is required of me by this agreement and to contact the Minnesota Department of Corrections - Courthouse Unit if I am unable to complete the terms of this agreement on time.

_____ **NO**, I deny the above allegation(s) and request a Court hearing on this matter.

Juvenile

Date

Parent

Date

Failure to comply or submit this form to the Department of Corrections - Courthouse Unit (171 West Third Street, Winona, MN 55987) may result in formal proceedings.

If you have any questions, please call the Minnesota Department of Corrections - Courthouse Unit at (507) 457-6470.

May 19, 2022



In the Matter of the Welfare of:

and Parent(s)

, MN

Pending allegations:

File No. **85-DIV-** -

The County Attorney's Office has determined that your case can be processed by the Winona County Diversion Program. Therefore, an appointment has been scheduled for you and your parent(s) with the Department of Corrections, Winona County Courthouse, 171 West Third Street, Fifth Floor, Winona, Minnesota, at _____ on _____, _____, 20____. You will be meeting with _____, Corrections Agent.

If you fail to show up for the scheduled meeting or contact the Department of Corrections, the charges will be sent back to the County Attorney's Office for formal proceedings. If you have any questions, or would like to change the appointment time, call the Department of Corrections at (507) 457-6470.

March 29, 2011

**WINONA COUNTY
ADMISSION & DIVERSION AGREEMENT**

File No. _____

I, _____, am advised that the Winona County Attorney's office has decided that it could prove that on or about _____ in the County of Winona, State of Minnesota, I did wrongfully and unlawfully commit the offense(s) of: _____

Minnesota Statute:

I understand that

1. I have the right to remain silent.
2. I have the right to have the charges against me fully explained.
3. I have the right to admit or deny the charges against me in a formal hearing.
4. I have the right to a lawyer, and if I am unable to financially afford a lawyer, I can ask the court to appoint one to represent me at government expense.
5. If formally charged, I would be presumed innocent and the State must prove my guilt beyond a reasonable doubt.

I understand that in order to participate in the Winona County diversion program, I agree to waive the above rights and will proceed without an attorney and without formal charges being brought against me.

I hereby admit that I committed the offense(s) listed above and agree to the following:

VICTIM

I will repay the victim by:

- Working _____ hours for the victim to be completed by _____.
- Paying \$ _____ restitution to the victim to be paid in full by _____.

COMMUNITY

I will repay the community by:

- Working _____ hours of voluntary work service to be completed by _____.
- Paying a \$ _____ fine to the community to be paid in full by _____.

SELF IMPROVEMENT

It is my responsibility to verify that I have completed what is required of me by this agreement and to contact the Department of Corrections if I am unable to complete the terms of this agreement on time.

I understand that failure to comply may result in formal proceedings.

Date: _____

Corrections Agent

Juvenile

Parent

Parent

**STATE OF MINNESOTA
DEPARTMENT OF CORRECTIONS**
1450 Energy Park Drive - Suite 200
St. Paul, MN 55108
(651) 642-0200

PRIVACY ACT STATEMENT

The Minnesota Government Data Practices Act protects your right to privacy. Minn. Stat. S 13.04, subd. 2 requires that when you are requested to provide private information on yourself, you have the right to be informed of:

1. The purpose and intended use of that data.
2. Whether you may refuse or are legally required to supply the data.
3. The consequence for refusing to supply the data.
4. The identity of others who may receive this data.

The District Court ordered the Department of Corrections to prepare the following reports concerning you: NA

- A. Pre-Sentence Investigation (Background report to assist the court in sentencing).
- B. Post-Sentence Investigation (Background report to the court after sentencing).
- C. Pre-Disposition (Background report to assist the court in determining juvenile dispositions).
- D. Bond Study (Information provided to the court to assist in making release conditions and setting the bail amount).
- E. Supervised Release / Probation / Parole / **Diversion (Restorative Justice Conference)**.
- F. Other (provide brief description):

The data collected will be provided to the court and retained in your Department of Corrections file. Additionally, the information may be provided to other criminal justice agencies as provided by law for the following purposes:

- ~~1. Probation, correctional institution and release planning.~~
- ~~2. Case referral, evaluation, placement or treatment.~~
- ~~3. Collection of statistical or research data.~~

You are legally required to supply the requested information. If you fail to do so, the court will be informed and further court action will be requested.

I have been informed of and understand these rights. I have been provided a copy of this statement, and I understand that a copy will be placed in my Department of Corrections file.

(Date)

(Signature)

(Agent's Signature)

(Parents/Guardian Signature if under age 18)

Minnesota Department of Corrections
GRIEVANCE PROCEDURE

Please be advised that all offenders on probation, parole, or supervised release, along with their parents, guardians, custodians, or their representatives, may initiate a written grievance to attempt to resolve conflict or obtain clarification of policy and procedures.

An offender described above may submit a written grievance within five working days of the incident that brought the offender to feel he/she had been treated unfairly. The grievance is to apply only to the offender submitting the grievance and may only grieve incidents that affect or impact him/her individually. Offenders may not make a "class action" grievance or grieve an incident that impacts another offender(s).

Upon receipt of the written grievance, the supervisor or designee will respond in writing within five working days.

The written grievance should be forwarded to the staff member's direct supervisor:

Rena Patterson, District Supervisor
171 West Third Street
Winona, MN 55987

I have read or have had read to me the Department of Corrections Grievance Procedure.

Client

Date

Parent/Guardian (if applicable)

Witness

DISTRIBUTION: Original to client
Copy to case file

RELEASE OF INFORMATION AUTHORIZATION

I, **(DOB:)** authorize Winona Area Public Schools (District #861); Winona County Community Services; Winona County Attorney's Office;

(name) (name of agency making the disclosure)

to exchange data about me with:

Name and Title: Katie Illies and Kylie Davison ,Restorative Justice Coordinators

City, State, Zip: 171 W. Third St., Winona, MN 55987

The specific data covered by this release: Personal Client Information
(type of information)

Related to the following time period and/or condition: Truancy Diversion # TC-DIV-
I understand that:

- The data listed above may include data which is classified private data under Minn. Stat. Ch. 13 and would otherwise be private and accessible only to me, the department or anyone authorized by law to receive it.
- By signing this form, I am authorizing the department to release data to the person(s) named.
- Without my authorization, the department could not release that data which is classified as private.
- When data about me is released to the named person(s) named and their representatives, the department has no control over the use the named person(s) make of the data disclosed.

I am giving this consent freely and voluntarily and I understand the consequences of my giving this consent.

This consent expires upon completion of the above-stated purpose or after one year, whichever comes first. However, I may renew this consent.

Date

Signature of Subject of Data

Signature of Parent, Guardian, or Authorized Representative (if subject of data is a juvenile)



COMMUNITY GROUP CONFERENCING

Courthouse
171 West Third Street
Winona, MN 55987
(507) 457-6534

May 19, 2022

and Parent(s)
Street
Winona MN 55987

Pending Allegations:
File No. 85-DIV-10-

Dear and Parent(s):

The Minnesota Department of Corrections – Courthouse Unit has determined that your case can be processed through the Minnesota Department of Correction’s Restorative Justice Program of Community Group Conferencing. Participation in this program is voluntary. The purpose of the program is to keep **first-time** youthful offenders out of the Court system and to hold them accountable by having them accept responsibility for their actions. In order to participate in the Community Group Conference, you must admit to the above allegation(s); by doing this, you give up the following rights:

- 1) The right to have the charges against you fully explained.
- 2) The right to admit or deny the charges against you in a formal hearing.
- 3) The right to a hearing or trial before a judge.
- 4) The right to be presumed innocent and the prosecutor must prove the offense against you beyond a reasonable doubt.
- 5) The right to be represented by a lawyer, and if you or your family cannot afford a lawyer, you can ask the court to appoint one to represent you at government expense.
- 6) The right to remain silent.
- 7) The right to testify if you choose to explain your side of the story.
- 8) The right to question all witnesses that testify against you.
- 9) The right to compel witnesses to testify in court on your behalf.
- 10) The right to withdraw an admission to the charge for any fair and just reason.

If you choose to participate in the Community Group Conference, you must complete the conference and meet all of terms agreed to on the Conference Agreement Sheet.

Please indicate your decision to participate in the Community Group Conference by checking either **Yes** or **No** and returning this form in the enclosed envelope.

****Failure to return this form by _____, _____, 2011 will result in a mandatory court appearance.**

_____ YES, I intend to participate in the Community Group Conference and voluntarily waive my rights as listed. Furthermore, I admit to the above allegation(s).

_____ NO, I deny the above allegation(s) and request a Court hearing on this matter.

Juvenile Date

Parent(s) Date

If you checked “YES” above, it is *your* obligation to call _____, Restorative Justice Facilitator, at (507) 457-64 by _____, 2011, to set up a pre-conference interview.



COMMUNITY GROUP CONFERENCING

Courthouse
171 West Third Street
Winona, MN 55987
(507) 457-6534

June 16, 2022

STATEMENT OF UNDERSTANDING

Winona County Restorative Justice Juvenile Diversion Programming

By participating in juvenile diversion programming in Winona County, there are certain obligations for you to follow to maintain eligibility. This Statement of Understanding is making you aware of the following terms:

- **You must remain law abiding and of good behavior at home, in school, and in the community.**
 - o If it is found you have committed a new offense while in diversion status, it will be grounds for immediate dismissal from diversion and a court date will be mandatory.
 - o If you have a past or pending offense at the time of the initial meeting, it is your responsibility to make it known to program coordinator during the interview. If you fail to do so and it is found you have a past or pending offense, it will be grounds for immediate dismissal from diversion and a court date will be mandatory.
 - o If found to have been dishonest during an open diversion, it will lead to immediate dismissal.
 - o School suspensions may affect diversion status.
- **You must attend school regularly with no unexcused absences.**
 - o If you begin to accrue unexcused absences during an open diversion, whether it be full days missed or class periods missed, a truancy conference to be held at your school will be requested by program coordinator. Failure to attend the conference will be grounds for immediate dismissal.
- **You must not use or possess alcohol or controlled substances unless otherwise prescribed to you and only in the amounts and dosages prescribed.**
 - o If substance use or alcohol use is suspected, it may lead to random urinalysis during the open diversion period.
 - o If substance or alcohol use is confirmed, it will be grounds for immediate dismissal from diversion and a court date will be mandatory.
- **You must maintain updated contact information with program coordinator.**
- **You must complete all terms of diversion agreement in a timely manner.**
 - o If you have deadline dates, submissions must be made by that date and no later. If mailing submissions into program coordinator, correspondence must be postmarked by stated deadline.
 - o All other terms without stated deadlines must be completed within the given diversion period.
 - o Deadline extensions must be submitted in writing to program coordinator, no later than two weeks prior to stated deadline in diversion contract. Extensions will be reviewed by program coordinator and supervisor, and you will be notified by phone and/or mail.

By signing below, you agree to aforementioned terms.

Juvenile: _____

Date: _____

Parent/Guardian: _____

Date: _____



COMMUNITY GROUP CONFERENCING

Courthouse
171 West Third Street
Winona, MN 55987
(507) 457-6457

NAME:

FILE #: 85-DIV-16-

DATE OF BIRTH:

Investigating Agency:

Corrections Agent:

The Community Group Conference took place on _____
at _____ and was coordinated by _____
_____.

The participants in the Conference were (list all in attendance):

Victim(s) and Supporters:

Offender(s) and Supporters:

The following agreements were made:

The terms of the agreement will be supervised by _____ .

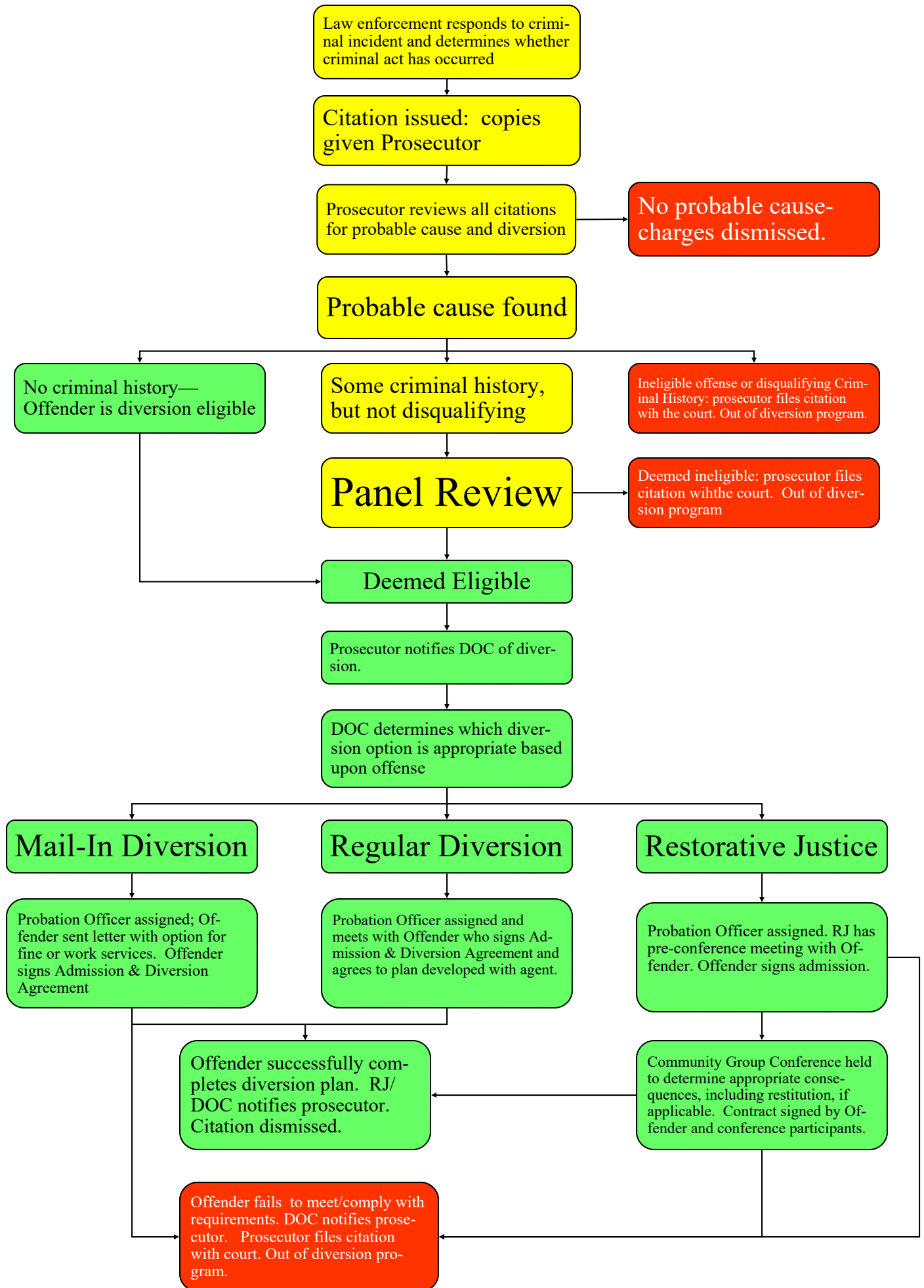
Follow-up in the form of _____

_____ will take place _____ .

Signatures:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

WINONA COUNTY JUVENILE DIVERSION PROGRAM
REVISED 6/16/22 by KME



What is the Juvenile Diversion Program?

The Winona County Juvenile Diversion Program is an alternative to traditional court prosecution for those juveniles :

- Who acknowledge that the conduct giving rise to possible prosecution was a violation of law;
- Who demonstrate the ability to follow the program components in a timely way;
- Who are remorseful; and
- Who have the ability to make appropriate restitution to the victim and reparation to the community in a timely manner.

Offenders who are accepted into and successfully complete the Diversion Program will have the criminal charges against them dismissed.

Costs

Restitution: Depending upon the nature of the offense, a participant may be required to pay restitution to any victim(s) of the offense who incurred a loss.

Other Costs: Depending upon the terms considered appropriate by the probation agent, there may be additional costs for services such as an alcohol assessment or chemical dependency evaluation or similar items.



**THIS BROCHURE PROVIDED COURTESY OF:
WINONA COUNTY
CRIMINAL JUSTICE COORDINATING COUNCIL
WWW.WINONACOUNTYJCC.ORG
(507) 453-3646
REVISED 6.15.22**

Winona County Juvenile Diversion Program



For more information, please contact
Diversion Coordinator
Winona County Attorney's Office
Winona County Courthouse
171 West Third Street
Winona, MN 55987
(507) 457-6490
www.co.winona.mn.us/winonacounty/diversion/

Eligibility

A juvenile may be eligible for the Juvenile Diversion Program if the juvenile:

- A. Is charged with a juvenile petty offense; a juvenile alcohol offense; or a juvenile controlled substance offense;
- B. Has no prior adjudication(s) or delinquency for, or any pending delinquency, felony, gross misdemeanor, or misdemeanor case(s); and
- C. Has minimal petty offender-level contact with the juvenile justice system, as determined by a review panel.

Procedure

Initial Review: The prosecutor will review all juvenile citations. If the juvenile has no prior criminal history, the juvenile will be deemed eligible and referred to the Department of Corrections for entry into the Juvenile Diversion Program. If there is disqualifying criminal history, the juvenile will be deemed ineligible and the prosecutor will continue with prosecution. All other cases will be referred to a panel for review of eligibility.

Procedure (cont.)

Panel Review: The panel will review relevant information and make a recommendation as to whether the juvenile is eligible. The prosecutor has the final decision. If deemed eligible, the matter will be referred to the Department of Corrections for participation in the Juvenile Diversion program. If deemed ineligible, the matter will be sent back to the prosecutor for continued prosecution.

Diversion Program: Upon receiving a referral to the Juvenile Diversion Program the Department of Corrections will determine which diversion track (Mail-In, Regular or Restorative Justice) is appropriate for the juvenile, based upon the offense and other circumstances. A probation officer will be assigned to each juvenile, regardless of the diversion track. Each diversion track will require the juvenile to sign an acknowledgement acknowledging his or her rights, admitting to the offense and agreeing to the specific terms of participation in the program. Such terms may include remaining law-abiding, paying reasonable restitution, completing community work service, completing an alcohol assessment or chemical dependency evaluation and following any recommendations, participating in Restorative Justice Circles, and/or any other terms considered appropriate by the probation officer. The acknowledgement of rights and admission may be offered in court as evidence of the juvenile's guilt at trial, if the juvenile is unsuccessfully terminated from the Juvenile Diversion Program.

Program Outcomes

- A. **Successful:** If the juvenile completes the terms of the agreement within six months, the juvenile will be successfully discharged from the Juvenile Diversion Program. In appropriate circumstances, the Department of Corrections may extend the time for completion. The Department of Corrections will send a copy of the completed Juvenile Diversion Form to the court and the assigned prosecutor so that the file may be closed. Offenders who are accepted into and successfully complete the Diversion Program will have the criminal charges against them dismissed
- B. **Unsuccessful:** If the juvenile fails to complete any one or more terms of the agreement within six months, the juvenile will be unsuccessfully discharged from the Juvenile Diversion Program. The Department of Corrections will send a copy of the completed Juvenile Diversion Form, Admissions and Agreement to the assigned prosecutor, who will file the citation with the court.