Diversion Program Policy

Diversion Program: ADEP, Criminal and Sex Offender

1. Referral Process

A. The Prosecutor of the jurisdiction in which the defendant was charged shall have the option at Pre-Trial to refer first time offenders for application to a diversion program.

2. Defendant Application

A. The defendant shall make application to the program through the Court Services Department. The Defendant will be required to truthfully complete an information packet at the time of the referral. At this time the Defendant will be informed of the program requirements.
B. A complete criminal history and driving record will be complied by Support Staff and attached to information packet, a copy of the Court file, and completed eligibility form for scoring by the Chief Probation Officer.
C. Each defendant's file will be reviewed and scored for applicability. Defendants with prior felony convictions and/or DUI convictions will be automatically denied entrance into the program. Any Defendant who scores more than 12 points on the admissions guide will be denied admission.
D. The assigned Judge is notified of the defendant's acceptance or denial into the program in writing by the Court Services Department. If the defendant is accepted into the program, a Court date is assigned for admission. If the Defendant is denied entrance entry into the program, a second Pre-Trial Conference is scheduled.

3. Defendant Admission

A. The defendant will receive a notice to appear for admission into the program.
B. At this hearing, the defendant will enter a Conditional No Contest Plea before the Court. This is kept in the probation file.
C. The Defendant will be required to pay all program fees and Court costs at this time. No defendant will be permitted to enter the program without payment in full. Court Costs are assessed according to Statute. There will be a $50.00 Administrative fee collected and placed in to the Probation Services fund 135-183-00, and a $50.00 ADEP class fee that will be payable to the Miami County Recovery Counsel.

4. Defendant Program Compliance

A. The period of diversion is set at 12 months from the date of entering the Conditional No Contest Plea.
B. During this period the defendant cannot be convicted of any additional violations of the law, such as, a DUI or drug related offense, or a serious criminal or traffic offense.
C. The defendant will be required to successfully complete all educational and treatment program requirements, in the scheduled time frame.

5. Defendant Program Termination

A. Defendants who fail to comply with program guidelines are subject to unsuccessful termination from the diversion program. A Court Hearing will be set and the Court will determine at that time whether to extend the diversion time frame, or impose the previously suspended sentence.
B. Defendants who complete all program requirements after 12 months will have their case successfully terminated.