



# **A SYSTEM OVERVIEW AND LIST OF CHARGES THAT PROSECUTORS MAY WISH TO HANDLE THROUGH DIVERSION**

**Provided by**



**Diversion Management**

**The Prosecutor's Choice for Efficient, Respectful and  
Affordable Diversion Automation and Support**

## You Decide...You Control... Then.... We Do All the Work

First, please note that many of the violations listed herein may not be applicable in your state and even if they are, our role is to provide support, not decisions regarding them. We operate as an extension of your office and process only and exactly what you approve.

We strongly believe in the role of PTD provided it is a true diversion system that results in improvement. Society can greatly benefit from such a system provided it is efficient, respectful and requires some level of compliance. "Diversion Programs" that simply require payments are often seen as little more than "cash grabs." A true diversion program should both require agreement to improve conduct and clearly benefit everyone, including, at least over time, the violator as well.

Years ago, States increasingly recognized that low-level offenses, particularly those committed by first-time offenders, shouldn't necessarily trigger the normal criminal-case process. It was acknowledged that offenders with minor crimes may not be best served going through the regular court process of a plea and sentence or, in the case of a not-guilty plea, a trial. Counseling, rather than punishment, can often help and deter such people from future illegal conduct.

Such programs not only benefit society by helping ensure lower recidivism and on-going crime but dramatically lower court and incarceration costs, thus benefiting taxpayers. Studies prove that diversion programs are much less costly than sending a case through the normal court process while also reducing recidivism. In addition, diversion can help ensure the ability to attend school or get to work while often also providing defendants with the opportunity to compensate victims, by means of restitution orders and benefit society by community service.

## How Diversion Works

Diversion programs identify identifies the crimes and offender characteristics that will enable the defendant to enter the program. Under some diversion systems, defendants are "diverted" to counseling early in the proceedings. Increasingly and especially with lower-level offenses, such counseling takes the form of on-line courses that also include an occasional and entirely random "pop quiz" and at the end, both a test and for those that complete it, a certificate that can be printed and is recorded in a datavault for future reference. In some formats, the defendant doesn't have to enter a guilty or no-contest plea in order to receive diversion. Other systems require that the defendant formally admit guilt but punishment is then suspended until the defendant has had the opportunity to complete diversion. (The plea isn't formally entered into the court system so it can be erased upon successful completion of the program.) Violators will typically of course, have to agree to waive discovery, quick trial, etc..



Defendants typically pay for their diversion programs with a fee to your office, to the court, treatment center or course provider. Payments must be to a government account or other as only you can authorize. Our company can never accept payment in our name and all transactions are on-line and accessible to you at all times. Transparency is essential. If we handled the payments through our Bank of America accounting, then we can also distribute payments on the schedule and to the individual courts, agencies and municipalities as you direct. We can also accept, in addition to both credit and debit cards, money orders, checks and E-checks and, if a credit or debit card, can immediately refund an application or registration fee should the violator be refused entry into diversion. If instead, you prefer to have all payments sent immediately to a local account, that too is fully supported. If community service is required, with or without a fine, we can also handle that.

Diversion programs can last from sixty days to a year or more. The focus is always on counseling, treatment, and behavior modification over punitive measures. Often, participants must agree to attend classes and vocational training, participate in individual or group therapy or counseling, perform community service work, make restitution to any victim, and pay fines.

Violators begin by filling-out an application on-line which becomes their registration if accepted. Prosecutors are enabled to “click-on or click-off” acceptance. The violator, if accepted, then becomes a “participant.” The application requires a smart phone or other scan of the ticket or other relevant documents and will hopefully later end with a certificate of completion or release form and notification to all parties involved. All records go to your personalized datavault. We handle questions, filings and all else.

When participants successfully complete the program, the case returns to court and is dismissed. We provide all initial and final notifications on your behalf to all local and state courts and agencies involved but you retain oversight and control. If the case is dismissed, the record of the arrest may or may not be sealed or otherwise destroyed. Defendants may be able take the additional step of seeking to expunge, or seal, the record of the case if that has not happened but again, you retain all records in e-format and they will be permanently available to you instantly and without charge.

If the defendant doesn't complete diversion or is discharged from the program for failure to adhere to its terms (or for subsequent criminal behavior), the case returns to court. If the defendant previously entered a guilty or no-contest plea, then the judge can impose a sentence. If the defendant failed and the form of diversion didn't require him or her to previously enter such a plea, then the person involved will then have to enter one, and the case will proceed accordingly.

## Who Qualifies for Diversion?

Most programs limit participation to those who have no prior convictions for the charge they now face. Common requirements for drug diversion in particular include:



- no probation revocations for any prior offenses
- a period of being "clean," or without convictions, prior to the present case, and
- no diversions within a specified amount of time.

Our role is limited to “taking care of the busy work” .... and .... we record, monitor and report. We interface with course material and their providers and ensure that government requirements are met, (many do not meet those requirements and it is our job to protect you and your office by insisting they do). We are not however, course providers and do not offer counselling. Our role requires that we work with many such counsellors and organizations. We do not wish to be seen as a “competitor.” Our role involves maintaining a very positive relationship with everyone.

We can provide a template that allows you to just “check the boxes” and then automate the process but, the final decision regarding who is or is not approved must always be yours.

## How Much Does This Cost?

The simple answer is “typically a small fraction of what you are spending now” and of course, diversion allows you to retain funds you would usually otherwise lose.

That said, we strongly suggest that the entire focus of a positive and successful program requires a great deal of respect and helping secure a pathway to compliance and success for participants. That then requires that the costs charged should remain low. In regards to payment for our services, we are also trying to reduce the burden on participants and so, the base charge is only \$20./citation /ticket or 10%, whichever is greater. You may decide that the violator should pay that separately or include it in what is paid to you but that is entirely your choice. We can accommodate any payment and reporting structure you might wish. It is important to also note that while the on-line payment portal handles all requirements, (and can link directly to whatever you use now), there is a \$5. fee required by the bank/processing company for handling debit and credit cards but also, for e-Checks.

## How Does This Start – What Is Required?

The registration form is on-line and, simple quick and easy to use. It requires only that we are paid at least monthly but has no requirements regarding anything else. You can send as many or as few files as you wish.

## QUESTION: What Crimes Qualify for Diversion?

**ANSWER: Those You Approve... That Is Entirely Your Decision**



When creating a diversion program, legislators often identified the main types of offenses that make offenders eligible for that but, in most cases, left much discretion to the courts and prosecutors provided offenses are typically minor and non-violent. Such offenses as petty theft, personal possession of certain drugs (not possession for sale), and in some states, driving while under the influence of alcohol or drugs. Some states include assaults that involved very minor or no injuries, and some include domestic violence and child abuse or neglect. In many states, ordinances are also handled as well using this method.

The most common use may involve “V&T” ... (Vehicle and Traffic) and that **may** include:

1. Speeding
2. Cellphone and other portable electronic devices
3. Disobey a traffic control device
4. Reckless driving
5. Aggravated Unlicensed Operation, (AUO)
6. Improper turn
7. Seat belts
8. Failure to stop for a school bus
9. Failure to yield to a pedestrian
10. Failure to yield to a vehicle
11. Failure to move over
12. Failure to signal
13. Unsafe lane change
14. Uninsured operation
15. Red light or other traffic signal
16. Stop sign
17. Spillback – blocking the box, (obstructing traffic at an intersection)
18. One-Way/Wrong Way
19. Tailgating – Following too closely

But many other charges are often handled in this manner and as noted elsewhere, increasingly municipal ordinances such as:

1. Violating local speed limits
2. Operating a vehicle while Intoxicated (OWI/DUI);
3. Constructing illegal structures on one’s property;
4. Creating or allowing excessive noise from one’s domestic animals;
5. Failure to clean up after one’s domestic animals;
6. Polluting public water supplies;
7. Consuming alcohol where prohibited;



8. Using fireworks without the proper permit;
9. Allowing one's property to become dilapidated to the point of posing a safety hazard
10. Illegally burning materials

## Typical Offenses: Misdemeanors May Include:

Aiding and abetting  
Aggravated operation of motor vehicle  
Alcoholic beverage violations  
Allowing unlicensed person to operate motor vehicle  
Abuse of a child  
Altered driver's license  
Animal neglect/abuse  
Arson – 3rd degree  
Assault – 3rd degree  
Assault on an officer  
Assault/battery  
Assist suicide  
Attempt to escape  
Attempted interfering  
Battery of a spouse  
Brandishing a weapon  
Broken/inoperable tail light  
Broken/inoperable signal light  
Burglary  
Burglary tools/possession  
Carrying a concealed weapon  
Child in front seat violation  
Child safety restraint violation  
Concealment  
Conspiracy to commit bank fraud  
Conspiracy to traffic  
Contempt of court  
Contributing alcohol to a minor  
Controlled substance acquired by fraud  
Criminal contempt  
Criminal mischief  
Crossing median  
Dangerous driving  
Defrauding an innkeeper  
Delivery of marijuana (incidental)  
Disobeying traffic control signal, STOP sign or YIELD sign  
Disorderly conduct  
Disorderly jostling



Disturbing the peace  
Domestic battery – low end  
Domestic violence  
Driving left of center and/or in wrong direction  
Driving on shoulder  
Driving under the influence  
Driving while impaired  
Driving while license suspended (1st, 2nd offense)  
Driving with no registration  
Driving with no valid insurance  
Driving without valid proof of insurance  
Driving with no valid license  
Driving without/revoked license  
Educational neglect  
Embezzlement (misdemeanor)  
Endangering the welfare of a child  
Evading a Law Enforcement Officer  
Ex Parte violation  
Failure to appear in court  
Failure to comply with ignition interlock  
Failure notify insurer after accident / hire vehicle  
Failure to stop at an accident  
Failure to surrender registration, plates, license after revocation/termination - financial security  
Failed to yield right-of-way  
False impersonation  
False statement under oath  
False tax return  
Filing a false police report  
Firearm charge  
Followed too closely (tailgating)  
Forgery  
Furnishing tobacco to a minor  
Grand larceny  
Graffiti  
Handicapped Parking Zone Violation  
Harassing phone calls  
Harassment – 2nd degree  
Harboring misdemeanants  
Housing code violations  
Illegal entry  
Improper Turn  
Improper passing, changing lane unsafely  
Improper use of car pool lane  
Inadequate Brakes (employer's vehicle)



Inadequate brakes (personal vehicle)  
Insurance fraud  
Interference with custody  
Introduction of contraband in prison  
Issuing a bad check  
Larceny \$200 or more  
Leaving scene of property damage incident  
Littering  
Loitering or prowling  
Malicious destruction of police property  
Malicious destruction of property  
Manufacturing marijuana (personal use)  
Minor attempting to purchase alcohol  
Minor in possession of alcohol  
Minor in possession of tobacco  
Misdemeanor drug offense  
Not signaling/improper signaling  
Nuisance violations  
Obstructing justice  
Open container in vehicle  
Operate w/o proof of financial security after revocation  
Parking in a No Parking Zone  
Passing in No Passing Zone  
Parking illegally on road shoulder, (non-emergency)  
Passing a bad check  
Patronizing post – 3rd degree  
Permitting unlicensed operation  
Permitting uninsured/financial security operation  
Petty larceny  
Possession of drugs  
Possession of firearm  
Possession of illegal bobcat  
Possession of marijuana  
Possession of paraphernalia  
Possession of stolen check  
Possession with intent to distribute  
Property damage  
Prostitution  
Public drunkenness  
Railroad crossing violation  
Receiving and/or concealing stolen property  
Reckless driving  
Resisting arrest  
Retail fraud





Retail fraud – 3rd degree  
Retail theft  
Sexual misconduct  
Shoplifting  
Soliciting prostitution  
Speeding 1 to 10 MPH over posted limit  
Speeding 11 to 20 MPH over posted limit  
Speeding 21 to 30 MPH over posted limit  
Stalking  
Tampering  
Theft by unlawful taking  
Theft of a controlled substance  
Theft or stealing  
Tobacco on school property  
Trespassing  
Unauthorized use of financial transaction device  
Unauthorized use of propelled vehicle  
Underage drinking  
Unemployment fraud  
Unlawful assembling  
Unlawful dealing with a child  
Unlawful imprisonment  
Use of portable electronic device ("texting")  
Vandalism  
Violation of an order of protection  
Violation of probation  
Welfare fraud  
Window tint  
Zoning violation

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## Typical Offenses: Lower Level Felonies May Include:

Accessory to a felony  
Acquisition or possession of controlled substance by fraud  
Attempted burglary  
Burglary  
Criminal conspiracy  
Criminal Impersonation  
Criminal mischief  
Criminal possession of financial transaction device  
Forgery  
Forgery – 1st degree



Fraud  
Fraudulent Insurance  
Identity theft  
Issuing bad check  
Marijuana delivery  
Operation of vehicle to avoid arrest  
Possession of controlled substance with intent to distribute  
Possession of forged instrument  
Possession of burglary tools  
Possession of controlled substance  
Possession of marijuana with intent to distribute  
Possession of stolen firearm  
Shoplifting  
Theft  
Theft by receiving  
Unauthorized use of a financial transaction device

There are of course... many, many more but again... if we receive the file from you or have submitted it and you or your staff approved the Participant, we will assume that represents your authority to process and, we will then proceed.

We must however, respectfully remind you that we are only monitoring, dealing with the violator, recording and reporting. We are very focused on keeping costs very low so that everyone concerned sees our efforts as respectful and excellent value. If the file involves either drug or juvenile matters, we may not be able to assist and will then quickly inform your office and return the file. Our Mission Statement requires "Under-Promising and Over-Delivering" so, we ask that you understand that we can't accept work that we might not be able to properly process for you.

Thank You. Please call with any questions.

