

D. ANDREW WILSON CLARK COUNTY PROSECUTING ATTORNEY

DIVERSION PROGRAM POLICY AND PROCEDURES

- -The Clark County Prosecutor's Office intake attorney working with the diversion coordinator will screen cases for acceptance into the diversion program. This will take place after a charge has been filed in Municipal Court and prior to presentation of the case to the Grand Jury.
- -Attorneys representing criminal defendants may recommend defendants for acceptance into the diversion program. Recommendations must be made to the intake attorney before an indictment is issued by the Grand Jury.
- -Admission into the diversion program is based upon the criteria set forth in diversion criteria for acceptance policy.
- -Consent of the arresting agency and the victim must be obtained.
- -If there are any misdemeanor charges accompanying the felony charges, the misdemeanors must be resolved prior to acceptance into the diversion program, or as part of the agreement allowing the defendant to participate in diversion.
- -The intake attorney and the diversion coordinator will recommend defendants for acceptance into the diversion program. These recommendations will be made to the Clark County Prosecutor who will be the final approval authority for the diversion program.
- -Upon acceptance into the diversion program, the defendant must sign a sworn statement admitting his / her guilt in the underlying offense. The defendant must sign a waiver of Evidence Rule 410; acknowledge that the admission is being made knowingly voluntarily, and intelligently; and agree that if he/she fails to complete the program, the

- admission will be used against him/her, without objection, in the prosecution of the underlying offense.
- -The defendant must waive, in writing, his/her right to a speedy trial, right to a preliminary hearing, the time period within which the grand jury may consider an indictment against him/her, and his/her arraignment.
- -Upon acceptance into the diversion program, the defendant must submit to an assessment under the Ohio Risk Assessment System. This assessment will be completed by the diversion coordinator who will be trained and certified in the ORAS.
- -If advised by the diversion coordinator, the defendant must submit to a drug, alcohol, or mental health assessment, and must complete any recommended treatment.
- -The defendant must be willing to make himself/herself available to meet with the diversion coordinator between the hours of 8:00 am and 4:30 pm Monday through Friday. These meetings will be at least once a month and the actual meeting schedule will be set during the initial meeting with the diversion coordinator.
- -The defendant must be willing to submit to random home visits.
- -The defendant must not carry, possess, purchase, or have, any firearm during the period he/she is on diversion. This includes handguns, rifles, and shotguns. (Program participants may not possess firearms for hunting).
- -Program participants must not violate any federal, state, or local laws or ordinances during the period they are on diversion.
- -Program participants must not possess, buy, or ingest any illegal drugs.
- -Program participants will be subject to random drug testing at their costs of \$6.00.
- -Program participants under 21 years of age must not use, possess, or purchase alcohol.
- -If called to testify either "for" or "against" a co-defendant, the defendant must not invoke his right to remain silent.
- -Defendant must be employed at least 32 hours a week, or enrolled as a student at a college or university. If a defendant is not employed or a student, the defendant must complete 20 hours of community service a week.
- -All program participants must complete at least 20 hours of community service.
- -All program participants must pay full restitution to the victim of the underlying offense.
- -Program participants must pay a diversion supervision fee of \$20.00 a month.

- -Defendants will participate in the diversion program for a minimum of one year and a maximum of two years. If at the completion of one year the defendant has successfully completed the requirements, then they will be released from the program. If at the end of two years, the defendant has failed to successfully complete all requirements, then the defendant will be terminated as an unsuccessful participant.
- -If the defendant fails to successfully complete the program or is terminated from the program for a rules violation, the case will be presented to the Clark County Grand Jury for indictment.

-If the defendant successfully completes the diversion program, the case will be dismissed / not presented to the grand jury and removed from the defendant's record.

ANDREW WILSON

CLARK COUNTY PROSECUTOR