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PRE-TRIAL DIVERSION - POLICY

Goals

The Pre-Trial Diversion Program has been established by this office to ensure prompt and equitable disposition of low-level felony cases with minimal use of public resources, encourage early payment of restitution to crime victims, and distinguish between offenders who merit criminal sanctions and those who deserve a second chance.

Authority

The Program functions as an exercise of prosecutorial discretion; its terms are not set by statute and its outcomes are generally not subject to court oversight. This means that all policies, as well as the decisions made in individual cases, are entirely within the discretion of this office.

Eligible Offenses

As a general rule, Diversion Placement is available for lower level theft and fraud cases. Diversion is not available for violent crimes and most weapons offenses. See the Diversion List for a more detailed description. Please keep in mind the circumstances of a particular case may make it inappropriate for Diversion placement, even if the charge itself is eligible. See the "Notes" that accompany the list for some examples.

Priors

In general, defendants with no prior record, or limited, non-assaultive misdemeanor or juvenile contacts will be eligible for Diversion. Exceptions might be made for defendants with extremely old criminal contacts, if there has been a long history of law-abiding behavior and if other equitable circumstances exist.

Restitution

Restitution will be assessed in a fair and efficient manner. In general, reasonable claims made by victims will be honored and close questions will be resolved in their favor. Attorneys will have the opportunity to challenge claims not supported by the evidence, but these questions will be resolved informally and not through an evidentiary hearing.

Other Terms

Other conditions of the program generally include payment of a supervision fee, regular reporting, and community service. Diversion participants are expected to maintain stable residence and employment and to obey the law.

Depending on the individual defendant, or the facts of a particular case, some conditions may be held in abeyance; other conditions may be added. These might include: counseling for substance abuse, anger management, or other behavioral health problems; drug screening; the Wayne County Alternative Work Force; GED classes and/or vocational training.