

Diversion has returned to the District of Kansas. Here is a summary of the criteria, the process, the program and the policy considerations.

**The criteria.** Diversion will not be considered (except in truly extraordinary circumstances) for a client who is:

1. Accused of an offense, under existing USAO or DOJ guidelines, that should be declined or referred to the State for prosecution;
2. A felon (any prior felony conviction);
3. A public (or former public) official accused of an offense arising from a violation of public trust;
4. Accused of an offense related to national security or foreign affairs;
5. Accused of any crime in which a firearm is involved;
6. Accused of any crime involving children or exploitation of children;
7. Accused of any crime of violence;
8. In the U.S. illegally, or has remained here without legal status; or
9. Under supervision in any other court.

**The process.** Mona Furst is the Diversion Coordinator. The AUSA who is assigned to the case, however, is the diversion gatekeeper. After considering the nine disqualifiers, you may request a diversion application from the AUSA on your case. The application must be submitted to the AUSA, within 21 days of arraignment. Within 14 days, the AUSA will turn over the application, other relevant information, and a recommendation, to the Diversion Coordinator. If the Diversion Coordinator believes that the defendant is a proper candidate, she will send the information to the USPO. Someone from that office will interview the defendant and conduct a background investigation. A written report, with recommendations, will be sent from USPO to the US Attorney's Office within 45 days.

If the person is accepted for diversion, the AUSA will prepare the agreement with appropriate conditions, including supervision up to 18 months and restitution. If the person is not accepted for diversion, the AUSA will notify defense counsel within 14 business days of receiving the information from USPO.

**The program.** USPO will supervise anyone on diversion. If there is an alleged violation the Diversion Coordinator will decide whether diversion will be continued or terminated with a return to the criminal docket. This decision is not appealable.

When the program has been successfully completed, counsel is notified and the indictment is dismissed, with prejudice.

**The policies.** The program is designed to reduce recidivism by diverting clients from traditional prosecution to community supervision and service; to save judicial and prison resources for major offenders; and to provide restitution for the community and crime victims.