

Maricopa County Attorney's Office Prosecution Policies and Procedures

CHAPTER DIVERSION PROGRAMS	EFFECTIVE DATE 10/09/2018	PROCEDURE # 17.1
SECTION PURPOSE, GOALS, AND AUTHORIZATION		
DISTRIBUTION CRIMINAL TRIAL ATTORNEYS	REVISION DATE	REVISION # 1

The purpose of all the MCAO's Diversion Programs is to offer an alternative to traditional prosecution to allow appropriate offenders to participate in an educational or treatment program that addresses the criminogenic risk factors related to recidivism. The overall goal is to reduce recidivism while preserving limited prosecutorial resources. Treatment services in diversion programs are provided by a provider selected by the MCAO. The provider will administer the program in accordance with the MCAO's requirements. Those who successfully complete their treatment program will either not have their criminal case filed against them or, if filed, the case will be dismissed with prejudice.

Entrance into a program is in the sole discretion of the MCAO, and no offer of diversion is required simply because an offender meets the criteria. The decision to divert a prosecution must be based on the facts and circumstances of the individual case after reasonable efforts are made to consult with any victim. As with any offer for a non-trial resolution, DCAs should consider the best way to use prosecutorial resources, reduce recidivism, hold the offender accountable, and protect the public when deciding if diversion is appropriate. DCAs should carefully evaluate cases for diversion-eligibility criteria as defined in the specific diversion program policies in this chapter.

A. COUNTY ATTORNEY AUTHORITY

Pursuant to A.R.S. § 11-361 et seq., the county attorney has sole discretion to divert or defer the prosecution of a person accused of committing a crime to an authorized diversion program.

B. REQUESTS FOR PARTICIPATION

If a defense attorney requests that a client be allowed to participate in an authorized diversion program in a case where the DCA has not offered a diversion resolution, the DCA should discuss the request with the bureau chief. If the bureau chief decides that diversion is not appropriate, the case should be reviewed with the division chief for a final decision. This procedure is to ensure that diversion opportunities are offered as consistently and appropriately as possible.

C. UNAUTHORIZED PROGRAMS

If a DCA has knowledge of a court using any type of diversion program, other than a program authorized by the county attorney, that results in the dismissal of a criminal case, the DCA should notify his or her bureau chief. If the DCA is appearing in any

case where a court attempts to use an unauthorized diversion program, the DCA should object to that practice pursuant to A.R.S. § 11-365.

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CHAPTER DIVERSION PROGRAMS	EFFECTIVE DATE 10/09/2018	PROCEDURE # 17.2
SECTION FELONY DIVERSION PROGRAM		
DISTRIBUTION CRIMINAL TRIAL ATTORNEYS	REVISION DATE	REVISION # 1

A. OFFENDER ELIGIBILITY CRITERIA

Offenders may be eligible for diversion if they meet the all of the following criteria:

1. Pursuant to A.R.S. § 11-361, the offender cannot have any prior convictions for any of the following: 1) a serious offense as defined in A.R.S. § 13-706; 2) an offense under title 13, chapter 14; or 3) an offense that is defined as dangerous or dangerous crime against children in A.R.S. § 13-105.
2. Pursuant to A.R.S. § 11-361, the offender has not been convicted three or more times of personal possession of drug paraphernalia or any controlled substance as defined in section 36-2501.
3. The offender has no historical prior felony convictions unless the offender's only prior felony conviction is an Aggravated DUI committed more than five years before the current offense, excluding any time spent incarcerated.
4. The offender has no convictions under Chapter 35.1 (Sexual Exploitation of Children) or A.R.S. § 13-3212 (Child Sex Trafficking)
5. The offender does not have any other pending felony cases unless all open cases are pre-arraignment, each case is eligible for diversion under this policy, and the combined restitution from all the cases does not exceed \$2,000. In that event, diversion may be offered in all open cases if otherwise appropriate.
6. The offender was not on felony probation or on pre-conviction release for a felony offense when the offense was committed
7. The offender has not completed any felony diversion program within the last five (5) years.
8. The offender's Recidivism Risk Score (Proxy Score) is four (4) or lower.
9. The offender has no holds or detainers that would prevent the completion of the program.
10. The offender resides in Arizona or can be physically present in Arizona throughout the course of the treatment program.

11. SMI Offenders. A specific diversion program is available for offenders designated Seriously Mentally Ill (SMI) as defined in A.R.S. § 35-550. The Felony Diversion-SMI program is offered through a community-based provider who will collaborate with the offender's clinical team and provide a cognitive behavioral treatment program.

B. CASE ELIGIBILITY CRITERIA

1. To be eligible, all cases must meet the following criteria:
 - a. The case must present a reasonable likelihood of conviction;
 - b. The case must be filed; there is no pre-file diversion for this program; and
 - c. Total restitution owed cannot exceed \$2,000.
2. The following specific types of cases are eligible for this program:
 - a. Any case that requires mandatory probation under A.R.S. § 13-901.01 if convicted at trial; or
 - b. A case involving a class 4, 5 or 6 felony or the acquisition of drugs by fraud.
3. Exceptions and Special Circumstances.

The following cases or charges are not eligible even if they meet the criteria above:

- a. DUI offenses are not eligible pursuant to A.R.S. § 28-1387(I);
- b. Robbery;
- c. Arson;
- d. Any offense under A.R.S. § 13-3212 (Child Sex Trafficking) or an offense in title 13, chapters 14 (Sexual Offenses), or 35.1 (Sexual Exploitation of Children);
- e. Cases involving the use of a firearm or the infliction of significant physical injury;
- f. Domestic violence cases, except that if the charge involves child abuse that is the result of the offender negligently leaving a child in a car (frequently referred to as "hot car cases"), this program may be offered if the case does not involve serious physical injury;
- g. Cases where some charges are eligible and others are not. However, if the only

ineligible charge is a misdemeanor DUI filed with eligible felony charges, the DCA may resolve the DUI charge by plea, or by a separate prosecution in a municipal or justice court.

C. ADDITIONAL CONSIDERATIONS

In deciding whether this program is appropriate in a given case, the DCA should consider the following factors:

1. The offender's overall criminal history including the number and nature of previous arrests; previous charges that were not filed and the reason for those decisions; prior felony charges that were dismissed; and any prior convictions.
2. The offender's FTA history or other matters that would raise doubts as to the offender's likelihood of successfully completing the treatment program.
3. Whether the offender has previously completed any criminal diversion program and, if so, how long ago the program was completed, and the nature of the treatment provided in that program.

D. VICTIM CASES

When considering whether diversion is appropriate in a case involving a victim, the DCA must ensure that the victim has the opportunity to be fully informed about the goals and requirements of the program. The victim's input should be fully considered before deciding whether the program is an appropriate resolution for in a particular case. In all cases involving restitution, payment of restitution in full must be required for the successful completion of the program. The DCA will draft a restitution ledger for the service provider which will include the name of the victim, their payment priority, and the amount they are owed. All individual victims will be priority 1 and business and insurance companies will be priority 2 unless the business is the only victim.

E. TIMING OF DIVERSION OFFER

If diversion is an appropriate alternative to prosecution, it should be offered as early in the prosecution as possible. Therefore, diversion offers should only be made before arraignment.

F. TERMINATION, COMPLETION, AND RE-ENTRY

1. Termination and Reinstating the Prosecution

In accordance with the guidelines established by the MCAO, the diversion program provider will monitor the offender's performance. If the diversion provider terminates an offender from the program, the provider will notify the MCAO and include the reasons for the termination. Generally, a motion to

reinstate the prosecution should be filed. However, before filing a motion to reinstate the prosecution, the prosecutor must review the termination report and, if it appears that the termination is due solely to an offender's non-payment of program costs and fees (other than restitution), the case should be referred to the Director of the Diversion Strategies Group. The Director will review the termination report and consult with the provider to review the offender's financial assessment application, financial responsibility determination, and any other available information regarding the offender's financial circumstances. The Director will then discuss the case with the assigned DCA and the DCA will determine whether the prosecution should be reinstated.

2. Successful Completion

The program provider will notify the MCAO when an offender successfully completes the program. Upon receipt of notification of successful completion, including the payment of restitution in full, MCAO will file a motion to dismiss the case(s) with prejudice.

3. Re-Entry

Generally, offenders who fail to successfully complete the program will not be offered another opportunity to resolve the criminal matter through diversion. Unsuccessful completion followed by a successful prosecution will not automatically bar an offender from participation in the future on a new case if otherwise appropriate based on the criteria listed above.

G. DEVIATIONS

If the DCA believes that any portion of this policy should not apply to bar a particular defendant from an initial diversion opportunity or re-entry into the program, the matter should be discussed with the bureau chief. With the exception of the statutory requirements noted above, any of the requirements of this policy may be deviated from in an appropriate case with bureau chief approval. The fact of and reason for any deviation should be specifically detailed in the case notes.

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CHAPTER DIVERSION PROGRAMS	EFFECTIVE DATE 08/12/2019	PROCEDURE # 17.3
SECTION ANIMAL CRUELTY DIVERSION PROGRAM		
DISTRIBUTION CRIMINAL TRIAL ATTORNEYS	REVISION DATE	REVISION #

All of the provision of Prosecution Policy 17.2, Felony Diversion Program, apply to the Animal Cruelty Diversion Program except as follows:

A. ELIGIBLE OFFENSES

The following offenses under A.R.S. § 13-2910(A) are eligible for the Animal Cruelty Diversion Program:

1. Intentionally, knowingly or recklessly subjects any animal under the person's custody or control to cruel neglect or abandonment.
2. Intentionally, knowingly or recklessly fails to provide medical attention necessary to prevent protracted suffering to any animal under the person's custody or control.
3. Intentionally, knowingly or recklessly inflicts unnecessary physical injury to any animal.
4. Recklessly subjects any animal to cruel mistreatment.
5. Intentionally, knowingly or recklessly kills any animal under the custody or control of another person without either legal privilege or consent of the owner.
6. Recklessly interferes with or harms a working service animal without either legal privilege or consent of the owner.
7. Intentionally, knowingly or recklessly leaves an animal unattended and confined in a motor vehicle and physical injury to or death of the animal is likely to result.
8. Recklessly allows any dog that is under the person's custody or control to interfere with, kill or cause physical injury to a service animal.
9. Intentionally or knowingly obtains or exerts unauthorized control over a service animal with the intent to deprive the service handler of the service animal.

B. TIMING OF DIVERSION OFFER

If diversion is an appropriate alternative to prosecution, it should be offered as early in the prosecution as possible. Therefore, in felony cases diversion offers should only be made

before arraignment. In misdemeanor cases in the justice courts, offers to resolve a case with this diversion program should be made at the first setting after the arraignment.

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CHAPTER DIVERSION PROGRAMS	EFFECTIVE DATE 04/20/2018	PROCEDURE # 17.4
SECTION PARENTING SKILLS DIVERSION PROGRAM		
DISTRIBUTION CRIMINAL TRIAL ATTORNEYS	REVISION DATE 09/03/2019	REVISION # 1

The Parenting Skills Diversion Program provides counseling and education for adults who care for children in a parent or guardian role. This program is available as a charging alternative for first time offenders who use excessive force in disciplining a child and are facing a charge of child abuse or similar offense. Those who successfully complete an education and counseling program as directed by an MCAO-approved provider can avoid having any criminal charge filed against them. The MCAO-approved provider is a privately owned and operated organization that designs and monitors the diversion program in cooperation with the MCAO. Entrance into the program is discretionary with the MCAO.

A. ELIGIBILITY REQUIREMENTS

An individual case and offender must meet the following eligibility requirements to be considered for participation in this diversion program.

1. The case meets the filing standards of MCAO.
2. The investigation contains adequate safeguards so that, if the offender does not successfully complete the diversion program, the case can be prosecuted successfully despite the delay.
3. The offender is facing criminal charges as an adult who cares for a child in a parent or guardian role.
4. The offense involves discipline that is legally excessive so that it subjects the offender to criminal charges.
5. The offender has no prior felony convictions.
6. The offender has no misdemeanor convictions for child abuse, or other crimes involving the abuse or harm or potential or attempted abuse or harm of children.
7. The offense did not result in serious physical injury.
8. The abuse did not cause the substantial disfigurement or temporary but substantial loss or impairment of any body organ or part, or a fracture of any body part.

9. The offense did not involve the use of a dangerous instrument or the use or threatened use of a deadly weapon.

B. GENERAL CONSIDERATIONS FOR DCAs

In determining whether diversion is appropriate in an eligible case, the DCA should consider the following:

1. The age of the child, in that abuse of a young child should weigh against the offering of diversion.
2. The offender's criminal history, including convictions for misdemeanors and arrests for felonies and misdemeanors.
3. Whether the offender is affiliated with any criminal street gang.
4. Whether the offense was an act in a series of abusive events involving this child or any other children.
5. Whether the offender has been the subject of any other CPS referrals.
6. Whether drug or alcohol use was involved.
7. Whether the victim needed medical treatment.
8. The nature, severity, and location of any injuries.
9. Whether the offender has previously received counseling, education, or treatment similar to that provided in this diversion program.
10. Whether the attitude of the offender appears to be such that he or she is willing to admit wrongdoing and willing to accept counseling and assistance.
11. Whether the offender has used other alternatives to this form of discipline.
12. The justification offered by the offender and the child for the discipline.

C. PROCEDURE

The DCA must have Bureau Chief approval prior to offering this diversion program.

As with other diversion programs, before entering into the diversion agreement, the offender must admit to guilt in writing, and waive all objections to the admission of that document in any subsequent trial on the matter.

If the offender was offered but declined pre-filing diversion, once charges are filed a diversion resolution is not appropriate absent an approved deviation.

If the offender completes the child abuse/ excessive punishment diversion program, no charge(s) will be filed. If the offender fails to complete the child abuse/ excessive punishment diversion program, the charge(s) will be filed and prosecution will proceed as it would in any other child abuse case.

D. DEVIATIONS

Deviations from this policy may be approved by the DCA's bureau chief with the justification for the deviation documented in the case notes in the file.

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CHAPTER DIVERSION PROGRAMS	EFFECTIVE DATE 10/09/2018	PROCEDURE # 17.5
SECTION JUSTICE COURT DIVERSION PROGRAMS		
DISTRIBUTION CRIMINAL TRIAL ATTORNEYS	REVISION DATE	REVISION #

A. PURPOSE

The Maricopa County Attorney's Office is committed to the efficient and just resolution of misdemeanor cases in the various justice courts. Recognizing that diversion programs are in place throughout the county and that these programs can serve to educate offenders and ultimately remove them from the criminal justice system MCAO has created the following diversion program for eligible defendants who are charged with eligible crimes in the various justice courts.

Entrance into this diversion program is discretionary with MCAO and diversion is not required merely because a particular defendant meets the eligibility requirements. The decision to offer a diversion alternative to prosecution rests with the DCA handling the case and should be based on all the facts and circumstances of the individual case.

B. ELIGIBILITY REQUIREMENTS

To be eligible for a diversion alternative all of the following facts must be true:

1. The defendant has no prior felony convictions at any time and no misdemeanor convictions within the past five years.
2. The defendant has not participated in any prior diversion program.
3. The complaint contains only one charge or one additional closely related charge that also falls within these criteria.
4. The defendant has no other pending criminal charges.
5. The defendant is not a gang member.
6. The defendant is charged with one of the following offenses:
 - a. Minor in Possession of Alcohol or Minor Consumption where the defendant was not in possession of forged identifications.
 - b. Open Container, but if in a vehicle needs Bureau Chief approval
 - c. Possession of Drug Paraphernalia
 - d. Non-Moving Traffic Offenses
 - e. Driving on a Suspended License

- f. Disorderly Conduct where there is no physical contact or threatening behavior between the parties.
- g. Truancy or Parent Truancy
- h. County code violations except food violations
- i. Shoplifting without monetary loss
- j. Trespassing, business victim only
- k. Littering
- l. Fishing without a license
- m. Furnishing Tobacco to a Minor
- n. Any other misdemeanor offense that does not involve a victim can be diverted with Bureau Chief approval.

C. PROCEDURE

1. In preparation for the first status conference, the assigned DCA will review the complaint and criminal history to determine if the charge and defendant are eligible and appropriate for diversion.
2. If diversion is appropriate, the DCA will offer the defendant the following three options to resolve the case:
 - a. the defendant can enter a guilty plea to the charge,
 - b. the case can be set for trial, or
 - c. the defendant can contact the diversion provider to schedule a diversion class.
3. If the defendant chooses the third option, before leaving the court, the defendant will contact the provider, schedule an intake appointment, and complete the diversion paperwork which includes an agreement to have prosecution suspended, an acknowledgment of responsibility for the offense charged, and an avowal that they meet the eligibility requirements for the program.
4. The DCA then files a motion pursuant to Rule 38, Arizona Rules of Criminal Procedure, requesting that prosecution be suspended for 90 days.
5. Within 60 days of the suspension of prosecution, the provider will provide documentation indicating whether the defendant has successfully completed the diversion program.
6. Upon receiving notification that a defendant has completed the program from the provider, the DCA will file a motion to dismiss the case with prejudice.
7. If the defendant fails to successfully complete the program within 60 days, the DCA will file a motion to resume prosecution pursuant to Rule 38.2. When prosecution is resumed, the DCA will ensure that the “last day” is 90 days from the date that the prosecution is resumed.

8. In all cases where prosecution is suspended for a diversion program, the DCA will ensure that the case is routed for sign off and PbK data entry after the case is resolved. Support staff will complete PbK data entry on these cases following the procedures established by the bureau chief.

D. UNAUTHORIZED DIVERSION PROGRAMS

Pursuant to A.R.S. §11-365 the county attorney has sole discretion to decide whether to divert or defer prosecution of an offender and to what program to divert the offender. DCAs may divert offenders only through the use of MCAO approved diversion programs and providers. The only approved program for Furnishing Tobacco to a Minor is the Arizona Retailers Tobacco Training.

If a DCA has knowledge that any court is using any type of diversion program, other than a program authorized by the County Attorney, which results in the dismissal of a criminal case against a defendant, the DCA should notify his or her bureau chief. If the DCA is appearing in any case where a court attempts to use an unauthorized diversion program, the DCA should object to that practice pursuant to A.R.S. §11-365.

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CHAPTER DIVERSION PROGRAMS	EFFECTIVE DATE 10/09/2018	PROCEDURE # 17.6
SECTION CHECK ENFORCEMENT		
DISTRIBUTION CRIMINAL TRIAL ATTORNEYS	REVISION DATE	REVISION #

Pursuant to A.R.S. § 13-1810 the MCAO has created a deferred prosecution program known as the Check Enforcement Program (Program) for bad check cases.

A. ACCEPTANCE CRITERIA

1. MCAO will not accept a check into the Program if any of the following are true:

- a. The total amount of all checks in all cases is less than \$100;
- b. It is received by MCAO more than six months after the vendor accepted it;
- c. The check was not stamped as accepted by a bank on or after the date on the check;
- d. The check is post-dated;
- e. There is no driver's license number or other government issued identification number of the check writer recorded on the check or the merchant is not personally familiar with the check writer and observed them sign the check;
- f. The vendor received the check in the mail;
- g. The check was not deposited within 30 days of receipt;
- h. There is no completed witness submittal form;
- i. The check was passed outside of Maricopa County or was passed on an Indian reservation;
- j. The check is obviously altered;
- k. The check is a dual signature check;
- l. The check has a stamped signature;
- m. The check is unsigned; or
- n. The merchant has already received restitution.

2. After accepting a check into the Program, a bad check case will not be forwarded for charging review if any of the following are true:

- a. The check was for goods or services and the check writer submits verifiable information that there is a legitimate dispute between the parties involving the goods or services;
- b. The identification information of the check writer recorded on the check is fictitious or does not match the check writer;
- c. The check writer is deceased or incarcerated;
- d. The merchant requests that the case not be pursued;

- e. Check writer is under 18;
 - f. Statute of limitations, after any tolled time has been excluded, is within 30 days of expiring; or
 - g. Witness information is missing.
3. As part of deciding whether there is a reasonable likelihood of conviction or whether additional law enforcement investigation is needed, before filing criminal charges the DCA should consider whether:
- a. any of the statements in (A)(1) or (A)(2) are true;
 - b. the check writer received notice of the Program;
 - c. the original check is missing;
 - d. the check signer's name is illegible or appears irregular;
 - e. the check writer lives out of state;
 - f. the partial payment was accepted;
 - g. the check signer is not an authorized signer on the account; or
 - h. the check itself is not legitimate bank check.

B. POLICIES RELATING TO SPECIFIC TYPES OF CHECKS

1. **Rent checks, Car Repair Checks with a Stop Payment, Loan Repayment Checks, Bad Wage Checks and COD Checks.** Rent checks, checks for car repairs where there is a stop in payment, loan repayments checks, bad wage checks, and COD checks may be accepted into the Program if all criteria above are met. However, if the check writer submits information showing there is a legitimate dispute between the parties involving the goods or services, the MCAO will not pursue the matter further allowing the parties to pursue civil remedies.
2. **Payments on a car purchase.** If a check is submitted to the Program that is the down payment on a car, the Program will not accept that case and the seller should be advised to contact local law enforcement to conduct a full investigation into the possibility of felony charges. The Program will not accept a case involving a bad check written in the course of an installment purchase of an automobile.
3. **Out-of-state banks.** The Program will accept a check drawn on an out-of-state bank if the amount of the theft or fraud exceeds \$4,000.00, or the suspect is a serious or repetitive offender. However, unless felony charges are appropriate, criminal charges will not be filed if out of State witnesses are needed to prove the case.

C. FAILURE TO APPEAR.

If a defendant fails to appear after charges have been filed, no warrant will be requested until a law enforcement officer has verified the identity of the check writer.

D. FELONY BAD CHECK CASES - §13-1807(E).

If a case is submitted by law enforcement under A.R.S. §13-1807(E) as a felony due to the amount being \$5000 or more and the reviewing attorney determines the charges are appropriate and that the case should not be pursued under another theory, the DCA will route the case to the Program if the person is otherwise eligible for diversion. The Program will follow regular procedures to attempt to obtain full payment of restitution and fees. If full restitution and fees are not paid after notification procedures are followed, the case will be returned to the DCA to file appropriate criminal charges.

E. CRIMINAL INVESTIGATIONS

If the Program receives multiple checks from the same check writer, or a single check, where the loss totals \$5,000 or more, attempts will be made to obtain full restitution and fees based on procedures in place for the program. If full restitution and fees are not paid the case will be sent to a DCA for review. The DCA may submit the case to the MCAO Investigations Division to conduct a criminal investigation.

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CHAPTER DIVERSION PROGRAMS	EFFECTIVE DATE 10/09/2018	PROCEDURE # 17.7
SECTION JUVENILE DRUG DIVERSION		
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In cooperation with the Maricopa County Juvenile Probation Department, the Maricopa County Attorney's Office has developed a Juvenile Drug Diversion Program. This is an intensive program that incorporates parental involvement. The goal of this program is to significantly reduce the incidence of drug usage and ancillary crimes among youth in our community by reaching juveniles before they become entrenched in addictions.

A. ELIGIBILITY REQUIREMENTS

A drug possession referral must meet the following criteria before being sent to the juvenile drug diversion program:

1. The juvenile is less than 17 years and 6 months of age;
2. The referral is the juvenile's first felony referral;
3. The juvenile is not on probation or parole for any offense;
4. There is no indication from the juvenile's profile that the juvenile has ever participated in more than one drug or alcohol diversion program;
5. The juvenile was not arrested with 4 or more different drugs in possession (i.e., marijuana, cocaine, heroin, and methamphetamine);
6. There is no evidence in the police report sufficient to charge the juvenile with an offense other than drug possession;
7. There is no indication in the police report that the juvenile is a known gang member;
8. There is no indication in the police report that the juvenile is a transient; and
9. The referral meets MCAO filing standards.

B. PROCEDURE

If the referral qualifies under the above criteria, the matter may be sent to drug diversion, where it will be further screened by the probation department. In the event the referral for diversion is returned to MCAO as a "petition request," charges will be filed, and the matter may only be dismissed for evidentiary problems.

If a juvenile successfully completes the pre-filing drug diversion program and is subsequently referred for a new drug possession offense, the juvenile may be offered a post-filing drug diversion program if the above pertinent criteria are otherwise met.

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CHAPTER DIVERSION PROGRAMS	EFFECTIVE DATE 10/09/2018	PROCEDURE # 17.8
SECTION REQUESTING AUTHORIZATION FOR A DIVERSION PROGRAM		
DISTRIBUTION CRIMINAL TRIAL ATTORNEYS	REVISION DATE	REVISION #

A. INITIATING A REQUEST

DCAs seeking authorization of a diversion program should provide the DCA's bureau chief, division chief, and the Director of the Diversion Strategies Group (Director) a written request for a new diversion program. The request should contain the following:

1. A description of the diversion program;
2. An explanation of the need for the diversion program;
3. Program eligibility criteria; offense types/statutes;
4. If this would be a pre-file or post-file diversion program; and
5. If there is an existing program offered in Maricopa County or another jurisdiction, provide the service provider name and information about the program.

B. DIVERSION PROGRAM PROPOSAL

If the Director determines there is a need for the proposed program, the Director will write a Diversion Program Proposal and submit it to the Chief Deputy for review and authorization by the County Attorney.

C. IMPLEMENTING THE DIVERSION PROGRAM

Once the County Attorney authorizes a diversion program, the Director, in consultation with the affected bureaus, must:

1. Outline the case flow;
2. Draft an MCAO Prosecution Policy for the program;
3. Establish a service provider contract, including fee structure;
4. Coordinate with the Information Technology Division; and
5. Coordinate for appropriate training.