**SNOHOMISH COUNTY**

**FELONY DIVERSION**

**PURPOSE**

The Felony Diversion Program is a post-charging alternative to prosecution for adult, first-time felony offenders. The program holds individuals accountable for the commission of a crime without formal adjudication. It is a solution-based program designed to help offenders identify factors that contributed to their involvement in the criminal justice system and develop life skills necessary to navigate personal challenges. Participation in the program is voluntary and offered to offenders who are motivated to make positive changes in their lives. The Felony Diversion Program ensures full restitution for victims, reduces recidivism in the first-time felony criminal population and promotes a judicious use of county resources.

**Eligibility**

The Felony Diversion Program is a prosecutor-led diversion program. The Deputy Prosecuting Attorney (DPA) reviews cases and determines which cases will be referred to the program based on eligibility standards. The DPA will take into consideration the charge, the nature of the crime, the offender criminal history, victim impact, and other relevant factors. Offenders referred to the Felony Diversion Program are evaluated by a program counselor to determine eligibility. Only offenders who take full responsibility for their crime and are amenable to program requirements and any recommendations for treatment are accepted into the program. Offenders will be required to sign an admission of guilt upon acceptance into the program. When the offender successfully completes the Felony Diversion Program, the pending charge is dismissed.

**REFERRAL PROCEDURE**

Once the DPA has decided to refer a case to the Felony Diversion Program, defense counsel is provided the following forms: Stipulation for Evaluation, Preliminary Confession and a Current Contact Information Form. Defense will review and sign the forms with their client and return them to the assigned DPA. With the approval of the unit lead, the DPA will refer the case to the Felony Diversion Program for evaluation. A letter with the initial appointment date and time and a packet of intake forms will be sent to the defendant. The offender will be directed to bring the completed intake forms along with the evaluation fee to the initial evaluation appointment.

**PROGRAM EVALUATION**

The evaluation process takes approximately 60 days. The assigned counselor will meet with the client several times during this time to explore treatment needs, barriers and observe their follow through.

During the initial appointment the counselor will:

* Review the Felony Diversion Intake Forms with the client to gather biopsychosocial history
* Request supporting documentation such as treatment records, pay stubs, education transcripts, etc.
* Refer client out to address treatment, educational and/or employment needs
* Review general program requirements and expectations
* Develop a plan for payment of program fees and any restitution owed

During the evaluation period, the counselor will consider the client’s:

* Acceptance of responsibility for the crime committed
* Amenability to treatment/education/employment requirements and motivation to participate in the program
* Ability to keep appointments and maintain required contact with their counselor
* Follow through with directives and including requested documentation
* Financial ability to pay program fees and restitution

**PROGRAM REQUIREMENTS**

The Felony Diversion Agreement will include standard program conditions and conditions tailored to the needs of the individual client. Program requirements include, but are not limited to:

* No new criminal charges
* Monthly meetings with the program counselor
* Compliance with recommended treatment/education/employment
* Maintain a clean and sober lifestyle and submit to random UA’s
* Community restitution
* Job readiness training, financial literacy course, Theft Awareness class, etc.
* Comply with conditions in any active cases in other courts
* Pay monthly program fees and restitution

**FELONY DIVERSION CONTRACT SIGNINGS**

Once the evaluation is complete and the counselor has determined the client is eligible for the program, a date to sign the Felony Diversion Agreement is arranged by the program legal secretary and the defense attorney. Contract signings take place on the 3rd floor of the Robert Drewel Building and are attended by the client, defense, program legal secretary and the designated DPA. The process is as follows:

* + - * A detailed instruction letter is sent to defense along with the original Agreement so they can review the agreed terms with their client prior to the signing.
* The signings are officiated by a notary. The DPA will review the agreement and the written confession before all parties sign the document. Clients must present a valid, government issued picture ID at signing.
* At the next hearing, a Stay of Proceedings will be entered which will set a review hearing out one year. A Stay of Proceedings will be entered each year until the offender completes the program. Both the defense attorney and the client need to appear for all hearings.

**SUCCESSFUL COMPLETION & DISMISSAL OF CHARGES**

All Felony Diversion Agreements are 3 years in length and early dismissal is at the discretion of the counselor after one year.

* To be considered for early release, the client must have satisfied all the conditions of the agreement.
* All requests for early dismissal will be reviewed and signed off by the Chief Criminal DPA. Charges are dismissed with prejudice, all future hearings are stricken, and the case is closed.

**TERMINATION**

If a client violates the conditions of the Felony Diversion Agreement, they may be considered for termination from the program. If the violation is minor, the program counselor can employ sanctions and continue working with the offender to overcome barriers and get back into program compliance. A violation involving new criminal charges or a threat to community safety will result in immediate termination. Upon termination, all parties are notified and the case is returned to the trial track. A client terminated from the program has the right to appeal the termination prior to the next hearing/bench trial.