

## Diversion Criteria

### Drug Cases

Basic eligibility criteria for all diversion cases.

1. 5<sup>th</sup> Degree possession
2. 4<sup>th</sup> Degree possession
3. No sale cases involving cocaine, meth, heroin or other narcotic drugs
4. Sale of marijuana under 100 grams is within the attorneys discretion – no diversion in these cases if there is a gun involved, there is a grow operation or there is indicia the defendant is involved in a larger sale operation.

The following cases are eligible for pre-charge drug diversion.

1. Cases involving possession only. Cases where is indicia of sale would not be eligible.
2. Possession of a total amount of 1 gram or less of everything except synthetic drugs, heroin, marijuana and khat.
3. Possession of 100 grams or less of marijuana or khat.
4. Possession of 10 pills or less.
5. Heroin and synthetic drugs are not eligible for pre-charge diversion in any amount.

The same disqualifiers apply to all potential diversion cases. They include:

1. No prior felonies
2. No prior diversion or 152.18
3. No juvenile adjudication for felony sexual assault or firearms cases. Prior juvenile adjudications for other crimes are not automatic disqualifiers.
4. Not where Defs job includes access to drugs or creates risk to public (e.g., medical professional)
5. No gun in instant case or any gun prior
6. No Court Watch or chronic offenders
7. Not where sale operation indicated (exception for under 100 grams of marijuana – see above)
8. No prior DASLT
9. No prior DWI w/in 1 year.

On the pre-charge diversion cases, it will be up to you to review the person's criminal history to see if they have prior convictions that would disqualify them. You can do that by either reviewing the NCIC if one was submitted with the case or by reviewing their conviction history on MNCIS.