

City of Topeka

Criminal Diversion Program



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CRIMINAL DIVERSION PROGRAM

The City of Topeka has a criminal diversion program that is offered on a case by case basis. Diversion is an agreement not to prosecute you on your present criminal offense if you comply with certain conditions.

MINIMUM ELIGIBILITY REQUIREMENTS

The decision of whether to offer someone diversion is totally discretionary with the prosecutor. There are several factors a prosecutor will consider, but generally, a prosecutor will offer diversion if it appears to them a diversion is in the interests of justice, benefits the defendant and benefits the community. To be minimally eligible, you must:

- Be a first offender.
- Agree to pay any restitution.
- Have no prior felony convictions of any kind.

If you meet each of the above requirements and wish to seek a diversion, you must appear in Municipal Court on your arraignment date and request diversion. The City Attorney's office will pre-screen cases and will sign a diversion agreement upon payment of necessary costs and fees, if appropriate.

REQUIREMENTS

To be granted a diversion, you must do each of the following:

1. Set an appearance date in municipal court within 14 days of receiving the citation or, if the charge began by the filing of a criminal complaint, on your arraignment date. You must personally appear. The court will not set an appearance date by telephone.
2. Appear in court on your appearance date and ask for diversion. Your case will be continued to a diversion docket.
3. On the diversion docket date, you must again appear and sign your diversion agreement and pay for the diversion in full. **Payment plans are not available for diversions.** The cost for a criminal diversion is generally \$100, plus a \$50.00 diversion fee, plus court costs. Criminal court costs can be either \$52.00 or \$119.00, depending on the severity of the violation. Most criminal diversions normally cost approximately \$269.00. If your case requires forensic testing, a \$400.00 laboratory analysis fee will also be assessed.

4. You will be required to waive all rights under the law to a speedy arraignment, speedy trial and the right to a trial. You have the right to an attorney, but if you choose to proceed without an attorney, you must waive your right to be represented by an attorney.
5. You must stipulate or agree to the facts of the case with the City Attorney, and that any trial or subsequent appeal will be based on those stipulated facts.
6. You must refrain from committing a similar violation for one year after you sign your diversion agreement.

EFFECT OF DIVERSION

If you are granted diversion and you comply with all the conditions set forth in the agreement, the charge(s) against you will be dismissed and the case cannot be refiled.

Because the charge is dismissed at the end of the diversion term, no conviction will appear on your criminal record.