

Pretrial Diversion

Pretrial diversion is an alternative to prosecution which seeks to divert certain candidates from traditional criminal justice processing into a program of community supervision administered by pretrial services. The authority relating to pretrial diversion is provided in 18 USC 3154(10).

Participation in the diversion program must be voluntary. The United States attorney has the discretion to divert any individual for whom a prosecutable case exists. Pretrial diversion may commence at the pre-charge stage or prior to trial after charges are filed. A diversion investigation does not begin until the United States attorney's office makes a formal request. Prosecution is suspended during the term of diversion and charges are dismissed after successful completion of supervision.

Referrals for diversion are made by the United States attorney's office; however, an officer may identify and suggest potential candidates to the United States attorney's office.

Any questions concerning pretrial diversion program should be addressed with the supervising pretrial services officer or chief pretrial services officer.