

## **What is the Diversion Agreement Program of Trempealeau County?**

The program permits eligible participants to have his or her case removed from the formal criminal court process following a guilty or no contest plea. Entry of a Judgment of Conviction in a case is delayed pending completion of a Diversion Agreement.

Participants sign a Diversion Agreement in which they agree to comply with conditions as determined by the Diversion Agreement Coordinator. Examples of possible conditions include: counseling, community service, obtain or maintain employment, completion of an education program, payment of restitution to victims, etc. Participants agree to take other appropriate measures to ensure they do not repeat any criminal behavior.

In return for the successful completion of the agreement, the District Attorney will request that the court not file a judgment of conviction in the case, but instead dismiss the charge(s) to which the participant initially pled guilty or no contest.

***NOTE: Even if a charge is eventually dismissed or amended due to completion of the Diversion Agreement, the case itself will remain of public record, but will indicate the amendment or dismissal.***

## **What is the length of the agreement?**

The length of the agreement varies with the nature and seriousness of the participant's criminal charge(s). The average agreement will anticipate participation for 12 months.

## **Who is eligible for participation in the Diversion Program?**

### ***Participants must:***

- Accept responsibility for the offense and plead guilty or no contest to one or more criminal charges.
- Be charged with a nonviolent, misdemeanor offense.
- Voluntarily agree to participate in the program.
- Meet with the Diversion Coordinator for a personal interview to determine eligibility for the participation in the program.

All participants in the Diversion Program **must pay** a mandatory program fee. **No** checks are accepted. All payments must be made by **money order payable to:**

***Trempealeau County  
Department of Human Services***

## **Can an offender be terminated from the program?**

**Yes.** An agreement may be terminated if a participant fails to successfully complete any of the conditions set forth in the agreement, or if the Coordinator receives evidence of further criminal violations (this does not include minor traffic violations) during the agreement period.

If the court grants termination of an agreement before completion, a Judgment of Conviction will be entered and the participant will be sentenced on the criminal charge(s) to which he or she pled.

The Trempealeau County Department of Human Services does not discriminate based on age, gender, race, religion, ethnicity, sexual orientation, or any other basis, in providing services to the public.

## **What benefits does the Diversion Program offer victims, participants, the community and law enforcement agencies?**

Victims who suffered personal property and other monetary loss are compensated by the participant through payment of restitution as part of his/her Diversion Agreement.

Participants benefit from the program through referrals to supportive service agencies. These agencies assist participants with counseling, education and employment opportunities. Participants also benefit by avoiding a criminal record.

The community benefits by a reduction in repeat offenses because participants are given tools to avoid further criminal activity. The community also benefits from community service work performed by participants. In addition, taxpayers benefit from reduced costs associated with the court process. National studies reveal that the cost of handling cases through a program such as this one is less than half of the cost of handling similar cases traditionally.

Law enforcement and courts save money with the elimination of court fees and reduced time spent appearing for hearings, pretrial conferences and trials.

## **How is the Diversion Program different from Probation?**

A person placed on probation is one who has been found guilty by a judge following a plea, or by a jury in a trial. In these situations, a judge enters a Judgment of Conviction on the person's record and sentences the person to a term of probation. Probation involves formal supervision by the Department of Corrections following the entry of the criminal conviction.

A participant in the Diversion Program does not have a conviction entered on their record and is not sentenced. The court accepts a guilty or no contest plea and the participant enters into the Diversion Agreement Program. A participant enters the program voluntarily, not by a judge's order.

Supervision of the defendant is provided by the Diversion Agreement Coordinator on an informal basis. If the defendant completes the conditions of the agreement, the criminal charge(s) are dismissed in most cases.

### **For more information contact:**

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# *Trempealeau County*



## *Department of Human Services*

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