



Delaware County Misdemeanor Diversion Program

The Delaware County Misdemeanor Diversion Program ["DCMD"] is a diversionary program that offers an alternative to traditional criminal prosecution in a way that is restorative, balanced and economical. Requiring participants to perform community service and pay court costs, DCMD suspends the prosecution of low-level misdemeanor offenses and reduces some of the costly aspects of criminal justice, such as trial court dates and police subpoenas. Upon successful completion of the program, criminal charges are dismissed, but failure to comply with the terms of DCMD will result in prosecution for the offense originally charged.

Program Eligibility: DCMD is typically offered to individuals who are accused of a non-violent misdemeanor,* and who have no more than two prior convictions, which are also non-violent misdemeanors. DCMD participants are selected at the discretion of the District Attorney's Office, after a careful review of the case and criminal history, and with the input of the police and victims.

Details and Length: All DCMD participants must be fingerprinted prior to entry into the program. DCMD participants must waive their preliminary hearing, and sign the DCMD participation form prior to leaving District Court. DCMD participants are required to pay court costs and to complete a specified number of community service hours; typically eight. Community service must be completed at an approved non-profit location. Additional requirements, such as anger management, might be required in certain circumstances.

Generally, participants are expected to have the requirements fulfilled within six weeks of accepting the terms, however the conditions may be finished sooner. Regardless of whether the conditions are satisfied early, the matter will not officially be disposed of until just before the arraignment date, and the participant will still be in the program until that time.

Program Completion and Disposition: No plea is entered. Following the waiver of the preliminary hearing, the case is maintained in a pre-formal arraignment status. Participants are expected to pay court costs and provide a completed community service form (as well as proof of completion of any additional requirements) to the District Attorney's representative one week prior to the listed formal arraignment hearing. When the terms of the program are completed, with proof submitted and approved, the Commonwealth will withdraw prosecution prior to the arraignment date and the participant will not be required to appear in court. Should a participant fail to comply with the terms of the program, or get arrested on new charges before DCMD is completed and prior to the DCMD charges being withdrawn, the participant will be terminated from DCMD and will be required to appear at the scheduled formal arraignment hearing, as the case will proceed to the Court of Common Pleas for trial level disposition.

*Simple assault charges will be considered on a case by case basis, and with the input of the victim. A prior DUI offense will not automatically disqualify a candidate, however open DUI charges are not eligible.