

PATASKALA DIVERSION PROGRAM

Benefits of diversion program

- Diversion programs allow people the opportunity to keep a conviction and arrest record from interfering with their future employment, education, disqualification from military service, suspending academic scholarships, and suspending their driver's license.
- Defendants who go through diversion are less likely to re-offend: "Offenders who participate in pretrial diversion programs demonstrate positive outcomes when compared with eligible offenders who go through the traditional criminal justice system." (Source: U.S. dept. of Justice, Bureau of Justice Assistance.)

How Diversion Works in Pataskala Mayor's Court

Two types of diversion: criminal diversion and traffic diversion:

- Criminal – Used for first offenses for crimes such as shoplifting (theft), possession of marijuana, possession of drug paraphernalia (marijuana) and underage consumption. Defendant must complete a class relevant to their offense such as an anti-theft or drug/alcohol class. They are also on one year of monitored probation. If Defendant successfully completes the terms of probation, their case is dismissed **and** sealed.
- Traffic – Used sparingly for minor misdemeanor traffic offenses when it is a first offense or if a person has had a long time between offenses e.g. 10 years. Defendant must complete an online defensive driving class. Their case is dismissed upon successful completion of the driving class and show proof of valid insurance.

Reasons for the \$200 Fee

- To cover prosecution and court costs. It is still a filed case that has to be processed and adjudicated.
- To cover probation costs. Unlike LCMC, which has a probation department to administer their diversion program, Tonia (our clerk) must keep track of the diversion cases and ensure that the offenders are doing what is required of them. This takes time and effort.

- Cost of sealing the offender's record (statutorily set at \$50) is included in the cost. Unlike most courts, if an offender completes criminal diversion in our court we seal (expunge) the case without making the offender complete another application and pay another fee.
- Minimum financial sanction on the offender for their conduct. The offender is receiving a great benefit by being in the diversion program. It would not be fair to other defendants who are not eligible for the program that the defendant has no financial sanction at all.

Past History of Paying Fee

- To my, Tonia, and Andy's knowledge, nobody has been denied diversion because he/she could not pay the cost.
- To my, Tonia, and Andy's knowledge, no defendant has ever complained about the cost.
- We have allowed people to pay in installments.
- Cost is consistent with that charged by other courts in central Ohio. LCMC charges more than we do: \$150 fee + \$83 in court cost for a total of \$233.