

# Eligibility Requirements

A defendant is not eligible for the Pre-Trial Diversion program if any of the following conditions apply:

- He or she has a prior conviction or adult felony arrest.
- He or she is currently on probation/ supervision/conditional discharge for a misdemeanor or a felony offense (juvenile or adult).
- He or she is an active gang member.
- He or she is charged with a violent, domestic or sex offense, or crime against a child or an elderly person.
- He or she is charged with a non-probationable offense.
- He or she is charged with drug or alcohol related offenses; including DUI and UPCS.
- He or she is charged with using a weapon.
- He or she committed the offense while out on bond.
- He or she is charged with identity theft.
- He or she is charged with a traffic offense.
- He or she is in the United States illegally.
- He or she has previously participated in the Diversion Program.

## DuPage County State's Attorney's Office

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A Message From

## Bob Berlin

DuPage County  
State's Attorney

Designed for first time, non-violent offenders, the Pre-Trial Diversion Program provides participants with an opportunity to keep a felony conviction from being permanently entered on their record. In addition to the obvious benefit of avoiding jail time that may come with a felony conviction, a clean record also provides the participant with a second chance and hope for the future.

To be considered for the Pre-Trial Diversion Program, participants must undergo a thorough qualification process. If successful, participation in the Program is approved by the State's Attorney. Once approved, participants are required to plead guilty to the alleged offense. Upon successful completion of the Program, my office will agree to vacate the guilty plea and dismiss the pending charge(s) against the defendant. If however, a participant fails to successfully complete the Program, the defendant will be terminated from the Program and the case will be returned to court for a sentencing hearing on the charge(s).

In this brochure, you will find further information about the program including costs, qualifying requirements and what is expected of participants once approved for participation.

The DuPage County State's  
Attorney's Office

# Pre-Trial Diversion Program



DuPage County  
State's Attorney  
Robert B. Berlin

**"This program offers eligible first time offenders an opportunity to keep their records clean."**

**- DuPage County State's Attorney Robert B. Berlin**

## What is the Pre-Trial Diversion Program

The DuPage County State's Attorney's Office has designed its Pre-Trial Diversion Program for first time, non-violent felony offenders who, in exchange for accepting responsibility for their criminal conduct, have the opportunity to keep a conviction from being permanently entered on their record.

The defendant agrees to satisfy various Program requirements which may include completing community service hours, S.W.A.P., obtaining a high school diploma or G.E.D., obtaining counseling and/or treatment, writing a letter of apology to the victim, paying full restitution to the victim and paying fees to the Pre-Trial Diversion Program. All applicants must complete an intake interview with the State's Attorney's Program Coordinator and meet with, and be screened by, a panel of citizens from the community before the State's Attorney will consider admitting them into the Program.

Upon successful completion of the Pre-Trial Diversion Program, the State's Attorney will dismiss the charges he has brought against the defendant. If a defendant fails to successfully complete the Pre-Trial Diversion Program, the defendant is terminated from the Program and the case is returned to court for sentencing on the original charges.

Applicants shall proceed to the Circuit Court Clerk's Office to pay the \$50.00 non-refundable application fee and bring the receipt to the Pre-Trial Diversion Program Coordinator at the State's Attorney's Office to schedule an interview.

## Pre-Trial Diversion Program Process

### ***Application***

The State's Attorney's Pre-Trial Diversion Program coordinator will accept referrals into the Diversion Program within ninety days of the defendant's arrest.

### ***Intake & Fee***

The Program Coordinator will explain the Program and conduct an intake interview with the prospective defendant. **An applicant must pay a non-refundable application fee of \$50.00 to the DuPage County Circuit Court Clerk prior to scheduling an initial interview. He or she should bring a copy of the receipt from the Clerk to the initial interview.**

At the conclusion of the intake interview, if the defendant meets all the requirements for acceptance into the Program and the Coordinator does not reject the defendant from the Program, the Coordinator will schedule a date for the defendant to appear before the Pre-Trial Diversion Citizens Panel.

### ***Presentation to Citizens Panel***

The defendant will be required to explain the charged offense to a panel of citizens from the community and accept responsibility for the offense. The panel members may ask questions of the defendant. The defendant will be excused and the panel members will deliberate regarding the defendant's acceptance into the program. Following deliberations, the panel will make a recommendation to the State's Attorney to accept or reject the defendant for participation in the Program.

### ***Presentation to the State's Attorney***

After the Panel makes a recommendation, the file will be presented to the State's Attorney. The State's Attorney will either accept or reject the defendant's application. If the State's Attorney agrees to accept the defendant into the Program, the defendant will sign a Program Agreement on the next court date and plead guilty to the charges pending against him or her in open court. The Court will not sentence the defendant on any of the charges, but will continue the case to a subsequent court date to permit the defendant to complete the Diversion Program. If the State's Attorney rejects the defendant's application, the Program Coordinator will notify the defendant's attorney and the State's Attorney will resume prosecution of the criminal case.

### ***Completing the Program***

Upon successful completion of all the requirements of the Pre-Trial Diversion Program, the State's Attorney will dismiss the criminal charges against the defendant. However, if a defendant fails to comply with the conditions of the Program Agreement or commits a new criminal offense, the defendant will be terminated from the Program and the case will be returned to court for a sentencing hearing on the original charges.

### **For further information contact:**

**Jennifer McCarron**

**Pre-Trial Diversion Program Coordinator**

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