

SUBJECT:
Diversion – Penal Code Section 1000

Policy Number: 3.19
Date: January 1, 2010

I. DIVERSION

In every case to which the provisions of Penal Code Section 1000 may be applicable, the attorney filing complaints should make an initial preliminary determination of eligibility.

If a determination can be made at the time the complaint is issued, a notation to that effect should be placed on the file.

If potential eligibility for diversion applies at the time of filing, but a determination cannot be made due to insufficient information, a notation to that effect should also be placed on the file.

If a determination is made that a defendant is ineligible for diversion proceedings, the attorney should state in the file the ground(s) upon which that determination is based and reference any evidence in support thereof.

The arraignment attorney will rely on these file notations.