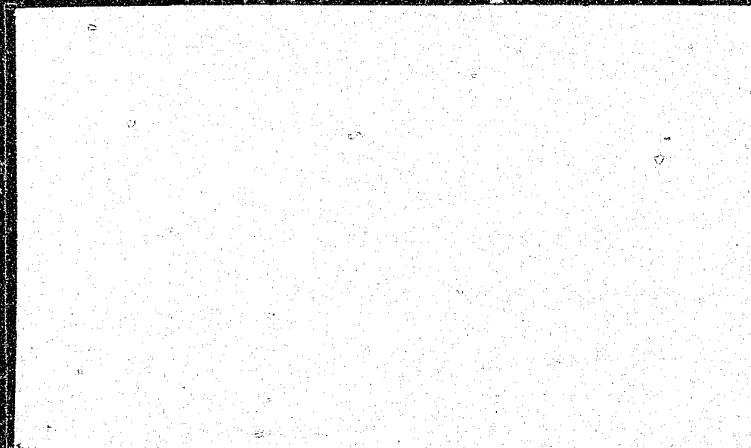
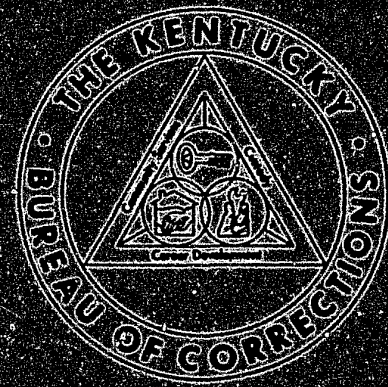


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Commonwealth of Kentucky
Department of Justice
Bureau of Corrections



Office of Administrative and Fiscal Affairs
Division of Management Information Systems
Research and Evaluation Unit



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A PRELIMINARY ANALYSIS OF THE
BOWLING GREEN/WARREN COUNTY
PRE-TRIAL DIVERSION PROGRAM

March, 1981

Prepared By:

James C. Warmbrodt
Pat Ray Reese

NCJRS

JUN 18 1981

ACQ

ABSTRACT

The Bowling Green/Warren County District Pre-Trial Diversion Program was instituted in September of 1978 in response to the backlog of court cases awaiting trial. The purpose of the program is to expedite the flow of offenders through the criminal justice system by bypassing the trial process and placing offenders directly on community supervision. To be eligible for the program, an offender must meet the following criteria:

1. no prior felony convictions;
2. is not a known narcotics user or trafficker;
3. is not charged with a crime of violence;
4. must not have a propensity for violence;
5. must not have an extensive juvenile record;
6. has not been convicted of more than five misdemeanors;
7. has had no prior participation in diversion.

Eligible offenders who are recommended for the program must voluntarily sign a consent form authorizing the Bureau of Corrections to conduct an early pre-sentence investigation into their background. Upon successful completion of their period of supervision, charges against the person are dismissed.

Through December of 1980, 128 clients have participated in the Pre-Trial Diversion Program. In assessing the eligibility of the clients, it was found that 65.3% had been charged with property offenses, 15.3% with violent offenses, and 19.4% with various other offenses, primarily drug offenses and non-support. In addition, eleven participants had used a weapon in the commission of the offense.

Concerning the participants' criminal history, 97.5% had no previous felony convictions, while 93.4% had no prior felony arrests. However, more than a third of the participants had a prior misdemeanor conviction, and almost half had been arrested for a misdemeanor. Overall, 55.4% of the participants had previous arrests.

Demographic information provided in the pre-sentence investigation reports indicated that 73% of the participants were employed at arrest, and that 55% were single. Family problems were noted in 9% of the cases, while 7% were reported to have had substance abuse problems.

A comparison of diverted and probated clients showed no significant differences in age or race between the two groups. However, it was found that males were more likely to be probated, while females were more likely to be diverted, a difference which was found to be statistically significant.

Although the addition of diversion clients to the probation and parole caseload has the potential to increase the workload of officers, the number released on probation to Warren County has decreased in the past three years, while the number paroled has remained constant, resulting in only a slight increase in overall caseload.

In regard to supervision of diverted clients, the average length of time on supervision had increased since 1978 from 1.5 to 2.1 years. Probation and Parole Officers' records indicate that they have had an average of .8 contacts per month with diverted clients, compared to 1.3 contacts per month with probation clients. In addition, 40% of the diverted clients have been required to make restitution to the victim as a condition of supervision.

Addressing the issue of "wasted" pre-sentence investigation reports, or reports which were prepared early and never utilized, there have been 81

such reports completed, resulting in approximately 608 man-hours wasted in preparing them.

Since its implementation in September of 1978, 42 diversion clients have been removed from the active caseload. Of the 42 cases, 26 had completed their supervision period, 7 had been released early, 17 had either moved out-of-state or out of the county, and one client was deceased. Only one client had been revoked.

As a result of this study, several issues concerning pre-trial diversion, in general, and the Bowling Green program, in particular, have been identified. These issues are discussed in a summary section.

The Bowling Green/Warren County District has one of the highest crime rates in Kentucky. The Warren County crime rate reported in the 1979 Uniform Crime Reports was 5,588 per 100,000 population. Only Boone and Fayette Counties had higher rates. Because so many cases in the Bowling Green/Warren County area are tried by jury, approximately 63%, the high volume of indictments has caused a backlog in the court. In May of 1978, the judges of the Warren Circuit Court and the Commonwealth's Attorney, Morris Lowe, approached the Kentucky Department of Justice and the Bureau of Corrections in regard to alleviating some of these burdens and expediting the criminal justice process. To accomplish this, they requested that pre-sentence investigations be prepared in advance of convictions so that selected individuals might be diverted from the system.

In response to the request, the Bureau of Corrections instituted a Pre-Trial Diversion Program in the Bowling Green/Warren County District, beginning in September of 1978. This program is designed to offer an alternative to prosecuting first-time felony offenders. Non-violent felony offenders and misdemeanants are the focus of the program, and the emphasis is placed on rehabilitative counseling rather than prosecution. The specific eligibility requirements of the program prescribe that the client:

1. is not a known narcotics user or trafficker;
2. is not charged with a crime of violence;
3. must not have a propensity for violence;
4. must not have an extensive juvenile record;
5. has not been convicted of more than five misdemeanors;
6. has had no prior participation in diversion.

Clients are recommended for consideration by the Prosecuting Attorney or by the defense attorney with the consent of the judge.

An eligible client who volunteers to participate consents to an investigation by a Probation and Parole Officer and an "early PSI" (Appendix A). The same report is prepared for a diversion client as is prepared for a client awaiting sentencing. In the case of diversion clients, however, it might be more appropriate to call the report a "pre-disposition" investigation since, at the time the report is completed, the client has neither entered a guilty plea nor been convicted of a crime. If the judge places the client in the diversion program, and the client agrees to participate, the client is supervised by a Probation and Parole Officer for a period of time specified by the court (Appendix B).

Persons who successfully complete their period of supervision must have their charges dismissed. A violation of the conditions of diversion can result in the prosecution of the case.

In addition to those required in the diversion program, pre-sentence investigations are prepared in advance of conviction for clients for whom PSI's are requested by the Commonwealth's Attorney or the Circuit Court Judge using the same consent form as a client being considered for diversion (Appendix A). Pre-conviction PSI's reduce the amount of time the offender has to await sentencing but also increase the possibility of a "wasted" PSI; that is, the preparation of a PSI for an offender who is never convicted. Since both programs were initiated at the same time and seem to interrelate, both programs will be addressed in this report. Because there appears to be some question as to how the programs operate, their impact on the probation and parole workload, as well as on the client, the Research and Evaluation

Unit was asked to become familiar with the programs. Although this report cannot provide a complete evaluation or assessment of the programs, it should serve as a description of how the programs are operating and address some of the issues which have been raised.

Diversion Clients

Since its implementation in September of 1978, 128 clients have participated in the diversion program. Since clients who are diverted are also those who, if convicted, would be considered for probation, comparisons were made between diverted clients and probated clients. The data presented on probationers is based on a 50% random sample of clients placed on probation between September, 1978 and December, 1980. Table 1 displays the demographic characteristics of the two types of clients. Although slightly more whites are diverted than are probated, the difference was not statistically significant. In contrast, males were more likely to be probated, while females were more likely to be diverted, a difference which was statistically significant. Little difference was seen in ages of clients diverted or probated.

Screening of Applicants

To assure that diverted clients met the criteria for the program, information was obtained from the individual's PSI on type of crime, use of a weapon, prior record, employment, and family background. As Table 2 shows, most of the diverted clients had been charged with property-related offenses, although 19 had been charged with robbery, assault, or wanton endangerment. Most were first offenders, with only 3 clients indicating prior felony convictions and 8 having had a prior felony arrest. More than a third, however, had had prior misdemeanor convictions and almost half had previously been arrested for a

TABLE 1

	<u>Diverted Clients</u>		<u>Probated Clients</u>		
<u>Race</u>					
Black	a) 17	13.3%	b) 33	20.7%	49
White	c) <u>111</u>	<u>86.7%</u>	d) <u>119</u>	<u>78.3%</u>	<u>221</u>
Total	128	100.0%	152	99.0%	270
<u>Sex*</u>					
Male	a) 92	72.4%	b) 128	83.7%	220
Female	c) <u>35</u>	<u>27.6%</u>	d) <u>25</u>	<u>16.3%</u>	<u>60</u>
Total	127	100.0%	153	100.0%	280
<u>Age</u>					
Less Than 21	a) 31	25.2%	b) 40	26.3%	69
21 - 25	c) 43	35.0%	d) 46	30.3%	88
26 - 30	e) 14	11.4%	f) 20	13.2%	33
31 - 40	g) 25	20.3%	h) 30	19.7%	50
40+	i) <u>10</u>	<u>8.1%</u>	j) <u>16</u>	<u>10.5%</u>	<u>26</u>
Total	123	100.0%	152	100.0%	266

*significant difference using chi square statistic at .05 level

Table 1 continued

Employment at Arrest (Or in School)

	<u>N</u>	<u>%</u>
Yes	93	72.6
No	23	18.0
Unknown	<u>12</u>	9.4
	128	

Marital Status

	<u>N</u>	<u>%</u>
Married	46	35.9
Single	70	54.7
Unknown	<u>12</u>	9.4
	128	

Family Problems Noted

	<u>N</u>	<u>%</u>
Yes	12	9.4
No	104	81.2
Unknown	<u>12</u>	9.4
	128	

Substance Abuse Noted

	<u>N</u>	<u>%</u>
Yes	9	7.0
No	107	83.6
Unknown	<u>12</u>	9.4
	128	

TABLE 2
SELECTION CRITERIA OF DIVERTED CLIENTS

Type of Crime	N	%	Weapon Used
<u>Violent</u>			
Homicide	0	0.0	
Robbery	1	.8	
Assault	6	4.8	4
Wanton Endangerment	12	9.7	6
<u>Property</u>			
Burglary	3	2.4	1
Theft/Cold Checks/ Forgery	67	54.0	
KRSP or RSP	9	7.3	
Arson	2	1.6	
<u>Other</u>			
Drug-Related	10	8.1	
Non-Support	8	6.5	
Criminal Mischief	2	1.6	
Unknown	4	3.2	
Total	124	100.0	11 8.9%

Table 2 continued

Prior Criminal History

Prior Felony Convictions

	N	%
0	118	97.5
1	2	1.7
2+	1	.8
	121	

Prior Felony Arrests

	N	%
0	113	93.4
1	6	5.0
2+	2	1.7
	121	

Prior Misdemeanant Convictions

	N	%
0	76	62.8
1	22	18.2
2	9	7.4
3	7	5.9
4	1	.8
5+	6	5.0
	121	

Prior Misdemeanant Arrests

	N	%
0	69	57.0
1	21	17.4
2	13	10.7
3	6	5.0
4	6	5.0
5+	6	5.0
	121	

Prior Arrest Record

	N	%
No	54	44.6
Yes	67	55.4

misdemeanor. Most (75%) were either employed or in school at the time of arrest, and roughly half were single. A small number of clients had notations of family problems or substance abuse.

Supervision of Diverted Clients

As Table 3 indicates, the length of time under supervision specified by the court for probation clients has decreased since 1978, whereas the time on diversion supervision has increased from an average of 1.5 to 2.1 years. As one might expect, the supervision of diversion clients involves fewer contacts with the client than those with a probation client (Table 4). A review of the daily activity forms maintained on diverted clients indicates an average of .8 contacts per month for diversion clients. This compares to an average of 1.3 contacts per month for probation clients. In addition to being placed on diversion supervision, some of the diverted clients (33.9%) were required to make restitution to the victim; at the time of this study, restitution had been made by 8 clients and was underway by 13 clients, with information on restitution unavailable for 22 clients. No effort was made to compare restitution for probation clients.

Follow-Up of Clients

Since its implementation in September of 1978, 42 diversion clients have been removed from the active caseload (Table 5). Of the 42 cases, 26 had completed their supervision period, 7 had been released early, 17 had either moved out of state or out of the county, and one client was deceased. Only one client had been revoked.

TABLE 3
AVERAGE TIME ON SUPERVISION
FOR PROBATION AND DIVERSION CLIENTS

	<u>1978</u>	<u>1979</u>	<u>1980</u>
Probation ¹	4.2 years	3.3 years	3.4 years
Diversion ²	1.5 years	2.1 years	2.1 years

¹Based on a 50% sample of clients placed on probation.

²Information unavailable on one client between September, 1978 and December, 1980.

TABLE 4
CLIENT CONTACTS¹

	Number of Clients	Type of Contacts			
		Office		Telephone	
		Average Per Month	N	Average Per Month	
<u>November, 1980</u>					
Probation	196	200	1.02	63	.32
Diversion	81	48	.59	9	.11
<u>October, 1980</u>					
Probation	204	217	1.06	45	.22
Diversion	78	43	.55	15	.19
<u>September, 1980</u>					
Probation	203	221	1.09	66	.33
Diversion	72	46	.64	24	.33
<u>Total</u>					
Probation	603	638	1.05	174	.29
Diversion	231	137	.59	48	.21

¹Information was obtained from daily activity reports completed for all clients by each officer.

TABLE 5
FOLLOW-UP OF DIVERSION CLIENTS

Remaining Under Active Supervision	76
Completed Time to Serve	26
Released Before Time Served	7
Moved Out of State	6
Moved Out of County	11
Deceased	1
Revoked	1
	<u>128</u>

Management Impact

Because District 3, in which Warren County is located, was created in January of 1980, much of the historical data useful in determining the program's impact is unavailable without extensive effort. However, as Table 6 indicates, the number of parolees released to District 3 has remained fairly constant, although reduced slightly. Probation caseloads have declined from a total caseload in 1977-78 of 139 to 115 in 1979-80.

Caseloads, however, do not provide an accurate measure of workload. With the "early PSI" program in addition to the "early PSI's" required for the diversion program, the workload necessary to generate PSI's should be monitored closely. Table 7 displays the number of PSI's submitted by officers in Warren County, and the number of PSI's which were never utilized. Since estimates of time required to complete PSI's range from 6 to 15 hours, if we calculate man-hours based on a conservative 7.5 hours needed to complete a PSI, 607.5 man-hours were essentially wasted because of the failure of the courts to utilize the information.

TABLE 6
CLIENTS RELEASED TO SUPERVISION
IN DISTRICT 3

	<u>1977-78</u>	<u>1978-79</u>	<u>1979-80</u>
Parole	69	56	62
Probation	139	132	115
Diversion	--	50*	69

*implemented September, 1978

TABLE 7
PRE-SENTENCE INVESTIGATIONS

Date	Regular PSI's ¹	Early PSI's ²	Total	Number Not Used
1978-79	162	236	398	24
1979-80	56	319	375	50
July, 1980 - November, 1980	63	131	194	7*

¹PSI's completed after conviction.

²PSI's completed prior to conviction.

*This figure is expected to increase as more of the cases are resolved.

Issues for Further Consideration

Due to the time constraints involved in this study and the scarcity of essential court-related information, few definite conclusions can be made regarding the effectiveness of the Bowling Green Pre-Trial Diversion Program. However, the findings of this study have caused us to raise serious questions about this program and pre-trial diversion in general. It seems imperative that these issues be addressed before considering the statewide adoption of a pre-trial diversion program.

Ideally, participation in pre-trial diversion benefits the offender by reducing the amount of time he would ordinarily spend in jail awaiting both trial and sentencing, eliminating the necessity of a trial, requiring fewer contacts with the Probation Officer, and a shorter time on supervision. Another important benefit is the requirement that the offender's charges be dismissed upon successful completion of supervision.

From the perspective of the criminal justice system, preparing early pre-sentence investigations and placing offenders in a pre-trial diversion program would appear to expedite the flow of offenders through the system at reduced cost. By reducing jail time, costs to incarcerate are reduced, and jails become less crowded. Eliminating trials for program participants reduces court backlog, reduces court costs, and also requires fewer court appearances for police and witnesses. By allowing for a reduced level of supervision, pre-trial diversion reduces the workload of Probation and Parole Officers. Some theories have suggested that by diverting offenders from the criminal justice system and providing them with assistance in obtaining treatment and employment, recidivism can be significantly reduced.

In actuality, there is little evidence to indicate that the program in Bowling Green is accomplishing many of the aims which have been set for pre-trial diversion. The selection criteria for the program and the way in which the program is administered also prompt us to express concern.

The primary concern about the Pre-Trial Diversion Program is that it may be having a "net-widening" effect rather than being an alternative to probation. That is, offenders being placed in the Pre-Trial Diversion Program may otherwise have had their charges dismissed, or if convicted, would not have required supervision. Support for this theory comes from analysis of background information about the offenders who have participated in Pre-Trial Diversion. Over 90% of the participants had never been arrested or convicted on a felony charge. More than 50% had never been arrested or convicted on a misdemeanor charge. In addition, 62% of the participants were charged with theft, passing cold checks, forgery, non-support, or criminal mischief. Information provided in the pre-sentence investigations also indicates that approximately 73% of the participants were either employed or enrolled in school, and that only 7% had a substance abuse problem. This information seems to suggest that many of these participants may have been diverted unnecessarily. While these statistics indicate that participants in the Bowling Green program meet the specified selection criteria, the criteria may be inappropriate.

A second major concern is that the Pre-Trial Diversion Program does not seem to be making a significant impact on the court backlog in Warren County, nor is it causing a significant reduction in workload for Probation and Parole Officers. Only 128 offenders had participated in the Pre-Trial Diversion

Program after 30 months, resulting in an average of approximately four offenders diverted per month. This does not seem to represent a substantial reduction in either court backlog or court costs, even assuming that all of the participants would have gone to trial. Concurrently, even if it is assumed that all diversion clients would otherwise have been probated, the manpower savings for Probation and Parole Officers resulting from fewer contacts and shorter length of supervision would have been offset by the 607.5 man-hours which have been spent in preparing wasted pre-sentence investigations.

Two potential legal problems have come to our attention in regard to the manner in which the Pre-Trial Diversion Program is administered. The first is the requirement that participants make restitution to the victim whenever applicable. This requirement, which would imply guilt on the part of the offender, seems in conflict with the clause in the waiver which states, "By this consent, I do not admit any guilt or waive any rights." This clause also presents a legal problem for diversion participants who are revoked and are returned to court. Since diverted clients do not waive their rights, their return to court after a period of supervision may constitute a violation of the offender's right to a speedy trial. Most states with diversion programs have a waiver of this right included in their program's consent form.

Claims that pre-trial diversion reduces recidivism are weakened when the background of the client is considered. Participants in the Bowling Green Pre-Trial Diversion Program generally meet the program criteria requiring that they have had little or no contact with the criminal justice system, that their offense was not a violent offense, and that their offense was isolated and did not represent a pattern of criminal activity. In addition, special consideration

has been given to those employed or enrolled in school, and to those with strong family or community ties. The pre-trial diversion clients are, then, by definition, low risk clients who are likely to succeed on supervision. Therefore, it is not surprising that only one of the 128 diversion clients have had their supervision revoked. This low recidivism rate has little significance unless compared to the recidivism rates of similar low risk offenders who were not diverted. In addition, not enough time has passed since some of the offenders were placed in the diversion program to give a valid indication of whether or not they will become involved in future criminal activity.

There would appear to be several obstacles to implementing the Pre-Trial Diversion Program on a statewide basis. The greatest of these obstacles would be the preparation of early pre-sentence investigations. Because of the way in which the program is currently administered, early pre-sentence investigations would be prepared on all persons who are charged with felonies in order to identify those who are eligible for diversion. In Bowling Green currently, clients are diverted at a rate of approximately 4 per month, while approximately 3 additional pre-sentence investigations are prepared which are wasted. A similar ratio of diverted clients to wasted PSI's, applied statewide over a long period of time, suggests that an alarming number of man-hours would be wasted by Probation and Parole Officers preparing the early PSI's.

When considering the implementation of diversion statewide, a question arises as to the degree of cooperation which can be expected from the state's prosecutors. At a time when community attitudes favor a law and order approach to crime, it seems unlikely that prosecutors will be willing to dismiss charges

against persons who would otherwise be convicted. And if prosecutors were to divert only those cases where there is insufficient evidence to convict the offender, or where the charges would, most likely, be dismissed, we are again faced with the dilemma of diversion "widening the net of social control".

Before expanding the Pre-Trial Diversion Program, ways to eliminate these potential problems should be explored. There are a number of methods which can be employed to realize the goals of pre-trial diversion, while eliminating some of its less desirable aspects. Several of these alternatives are discussed in the following paragraphs.

Reducing the length of pre-trial and pre-sentence detention could easily be accomplished by releasing the person on his own recognizance under a pre-trial release process. The decision should be based solely on the seriousness of the charge and whether or not the offender resides in the community.

The need to reduce court backlogs and court costs is overshadowed by the right to a speedy trial, and the need for limited intervention by the criminal justice system. Convicted offenders who meet criteria similar to that of the Pre-Trial Diversion Program could be given a suspended sentence and probation on a reduced level of supervision. Upon successful completion of supervision, the conviction would be changed to a dismissal. Offenders whose supervision is revoked would have their convictions upheld, and would return to court for sentencing. Having the conviction on record prior to releasing the offender on community supervision eliminates the risk of violating the offender's right to a speedy trial. It also provides an assurance that offenders placed under supervision would not otherwise have had their charges dismissed. In

addition, it would provide a legal safeguard for requiring restitution as a condition of supervision. Finally, the reduced level of supervision would effectively reduce the workload of Probation and Parole Officers because they would not be wasting hours preparing pre-sentence investigations which are not used.

It should be noted again that the observations and recommendations presented in this report are not intended to be conclusive. They are based on a preliminary analysis of the Bowling Green Pre-Trial Diversion Program and are designed to provide information on the program and point out areas for further research. Although the preceding discussion has pointed out a number of reservations about the Pre-Trial Diversion Program, it should not be surmised that the Research and Evaluation Unit advocates the elimination of any existing or proposed diversion programs. Rather, careful consideration should be given to the merits of any program which may benefit the Bureau of Corrections. Hopefully, this report has presented the issues surrounding pre-trial diversion, and will be useful in deliberations on the future of the program.

APPENDIX A

INDICTMENT NO. _____

WARREN CIRCUIT COURT, DIV. _____

COMMONWEALTH OF KENTUCKY

PLAINTIFF

VS.

WAIVER AND AUTHORIZATION FOR PRESENTENCE INVESTIGATION

DEFENDANT

I, _____, hereby consent to a presentence investigation by the Probation Officers of the Bureau of Corrections. The investigation is for the purpose of obtaining information useful in determining eligibility for pretrial intervention and for the purpose of obtaining information useful to the Court in the event I should hereafter plead guilty or be found guilty.

By this consent, I do not admit any guilt or waive any rights. I understand that any reports prepared will not be shown to the Court or anyone else unless and until I have been found guilty or entered a plea of guilty. I understand, however, that I may hereafter agree in writing to disclosure of such reports to the Court before I have been found guilty or entered a plea of guilty.

I have read, or had read to me, the foregoing consent and fully understand it. No promise has been made to me as to what final disposition will be made of my case.

Date

Signature of Defendant

Date

Defendant's Attorney

Based upon the consent of the Defendant and his attorney and the recommendation of the Commonwealth's Attorney, the Probation Officer is authorized to conduct a presentence investigation in this case. The case is set for a hearing on

This _____ day of _____, 19 _____.

JUDGE, WARREN CIRCUIT COURT

WARREN CIRCUIT COURT

INDICTMENT NO. _____

COMMONWEALTH OF KENTUCKY

VS.

DIVISION II

PLAINTIFF

DEFENDANT

COMES THE COMMONWEALTH ATTORNEY and hereby moved the Court to enter an Order of Pretrial Diversion in the case of _____, the above-named Defendant, who has been charged in Indictment No. _____ with the offense of _____

IN SUPPORT OF THIS MOTION the Commonwealth Attorney advised the Court as follows:

- (1) The Defendant is _____ years of age.
- (2) The Defendant has no previous felony convictions, except: _____
- (3) The Defendant has no juvenile record except: _____

THE COMMONWEALTH ATTORNEY further advises the Court that the arresting officers and victims of the alleged crime have been consulted and generally concurred in disposition of this case through Pretrial Diversion.

THE COMMONWEALTH ATTORNEY also advises the Court that he has made the within motion for the following reasons: _____

Exhibit "B"

THE COMMONWEALTH ATTORNEY requests the Court to Order the following special conditions be contained in the Order of Pretrial Diversion: _____

THIS _____ day of _____, 19 _____

COMMONWEALTH ATTORNEY

APPENDIX B
BUREAU OF CORRECTIONS

DIVISION OF PROBATION AND PAROLE

INDICTMENT NO. _____

COMMONWEALTH OF KENTUCKY

VS.

ORDER OF PRETRIAL DIVERSION

WARREN CIRCUIT COURT

PLAINTIFF

DEFENDANT

The Defendant, _____, having been charged with the offense of _____ in indictment _____, and having moved the court to withhold prosecution of this charge and place him on pretrial diversion, and it further appearing that after an investigation of the offense and his background that the best interest of justice would be served by deferring the prosecution in this case, the defendant is hereby placed on pretrial diversion for a period of _____ months from this date, provided that he abides by the following conditions:

- (1) The defendant shall refrain from any violation of the law (Federal, State and Local).
- (2) The defendant shall associate with only law-abiding persons.
- (3) The defendant shall attend school or work regularly at a lawful occupation.
- (4) The defendant shall notify the probation officer of any change in his residence.
- (5) The defendant is to report to the probation officer as directed.
- (6) The defendant shall abide by the special conditions as follows:

- a. _____
- b. _____
- c. _____

DURING THE PERIOD OF PRETRIAL DIVERSION, The court may (1) revoke or modify any condition of the pretrial diversion, (2) change the period of supervision, (3) Discharge the defendant from supervision, (4) Reinstate the case for prosecution if the defendant violates these conditions.

Exhibit "C"

INDICTMENT NO. _____

COMMONWEALTH OF KENTUCKY

vs.

CIRCUIT COURT

PLAINTIFF

DEFENDANT

ORDER OF CERTIFICATION AND DISMISSAL

I, _____, being a _____
Name of Program Supervisor Title

with the _____, do hereby certify that I have
Name of Supervising Program

supervised the Pretrial Diversion Program of _____,
Name

under the Pretrial Diversion Program of the Commonwealth of Kentucky. I am aware of the conditions and terms of _____'s program as set
Name

forth in the Agreement for Pretrial Diversion attached hereto. The above-named individual has complied with said conditions and terms of his program, and the signer herein does so certify.

The conditions of Pretrial Diversion having been successfully completed, it is now ordered that the charges contained herein are finally dismissed.

Date

JUDGE, WARREN CIRCUIT COURT
DIVISION

Commonwealth Attorney

Probation & Parole Officer

END