

## Domestic Violence Diversion Program



### Details of an Alternative Program Available to First-Time Offenders of Domestic Violence and Violence Against Others

*The Upper Arlington City Attorney's Office recognizes that domestic incidents between family and household members can be a traumatic experience and may have been brought about by unusual circumstances and may not be truly indicative of an on-going abusive domestic relationship.*

*We believe some of these cases are best resolved outside the criminal justice court system*

*where it is apparent that remedial steps can be taken to rectify the circumstances that gave rise to the incident.*

*In some cases, it is believed a better outcome can be reached for all parties by allowing an alleged offender to participate in a domestic diversion program, provided the case meets a strict set of criteria for admittance to the program.*

## Eligibility Criteria

- The charge is a first offense of either Domestic Violence or Violence Against Others, as defined in R.C. § 2901.01(A)(9)(a) within ten (10) years prior to the date of the new offense.
- No conviction of charges which were the result of a reduction from Domestic Violence charges within ten (10) years prior to the date of the new offense.
- No visible injury or injuries requiring medical treatment.
- No threats or intent to cause serious physical harm.
- No deadly weapon used, as defined by R.C. § 2923.11(A), or possessed in the commission of the incident leading to the alleged Domestic Violence offense.
- No prior Domestic Violence counseling undergone by the alleged offender within ten (10) years prior to the date of the offense now alleged.
- Defendant consents to participate in the Domestic Diversion Program.
- Victim consents to participate in the Domestic Diversion Program.
- No previous participation in this or any other Domestic Violence Diversion Program.
- Approval of the UA Police Division.

NOTE: This criterion does not guarantee acceptance into the program nor does failure to meet all criteria preclude the offender's participation in the program.

## Procedure

- Defendant enters a Not Guilty Plea at arraignment.
- Prosecutor refers the case to the Domestic Diversion staff to review the defendant's eligibility for the Domestic Diversion Program.
- The Domestic Diversion staff reviews the case, interviews the victim, obtains input from the police and independent witnesses, and reviews defendant's prior criminal history.
- The Domestic Diversion staff provides an assessment to the Prosecutor.
- Based upon the review and approval of the prosecutor and the judge, the defendant may be offered the option to enter the Program.
- Participation in the Program requires a signed consent by the parties and a waiver of speedy trial rights.
- If a Temporary Protection Order is in place, the order may need to be modified to allow the parties to participate in the Program.
- A Diversion hearing with the defendant and his counsel to set forth the conditions of diversion.
- Upon successful completion of Diversion, the case would be dismissed at its next scheduled hearing date.

## Length of Program

Involvement in the Domestic Diversion Program varies according to the specific needs of all the parties and is determined by the prosecutor and the judge. The City Attorney retains the right of remove any individual from the Program for any cause.

## Program Requirements

1. Obey all city, county, state and federal laws.
2. Be truthful and cooperative with the City Attorney, Program Coordinators and the Court.
3. No new incidents of violence while participating in the Program.
4. The Domestic Diversion Program Coordinators may order any or all of the following:
  - Community Service Work
  - Restitution
  - Counseling
  - Special Programs
  - Letters of Apology
  - Impact Panel

## Participation Fee

There is a mandatory \$100 assessed to the alleged offender. The fee is non-negotiable and is made payable to the City of Upper Arlington.

