

# CITY OF WICHITA CRIMINAL DIVERSION PROGRAMS (NON-DOMESTIC VIOLENCE)

## Diversion Programs:

Petit Theft/Financial Crimes Diversion  
Furnish Alcohol to Minor Diversion  
Drug Diversion

Possession of Marijuana/THC Diversion  
Minor in Possession/Transport Open Container Diversion  
General Criminal Diversion

The City of Wichita offers diversions for first-time offenders on a case-by-case basis. You may be eligible for consideration for diversion if:

You have **not** been convicted of such a crime, or a similar crime in this, or any jurisdiction within the 5 years of offense.

You have **not** participated in a diversion or deferred judgment program for a similar offense within 5 years of offense.

You must apply for diversion **within 30 days** from your initial appearance for such a crime and **pay the \$25 non-refundable application fee**. Late applications will not be accepted.

If your application for the diversion is accepted, the City will postpone criminal proceedings on the charge(s) against you for the diversion term.

In return, you must do the following:

1. Pay all costs, fees, and fines (See fee/cost schedule on page 3). You will be responsible for all additional court costs incurred during the course of your case.
2. Agree to waive your constitutional rights to a formal arraignment, speedy trial and a jury trial on the charges against you.
3. Successfully complete all terms and conditions set out by the diversion contract. Treatment or programs ordered may include, but are not limited to the following: ADSAP, anger management, drug and alcohol counseling program, community service, theft education class, or parenting class.
4. Make full restitution to the victim in your case, if applicable.
5. Violate no local, state or federal laws.
6. Agree to and abide by any additional conditions that the prosecutor deems necessary.
7. Agree to stipulate to the facts set forth in the diversion contract.

At the time you file your application, you will be given a diversion hearing date to appear in court. Failure to appear at this court date will result in possible denial of your application and a bench warrant for your arrest.

While considering whether a defendant should be placed on diversion, the prosecutor shall consider the following factors:

1. The nature of the crime charged and the surrounding circumstances.
2. Any special characteristics or circumstances of the defendant.
3. Whether the defendant is a first-time offender or if the defendant has previously participated in diversion or deferred judgment program in any other jurisdiction.
4. Whether there is a probability that the defendant will cooperate with, and benefit from, the diversion.
5. Whether the diversion is appropriate to the needs of the defendant.
6. The impact of granting diversion to the defendant will have upon the community.
7. Recommendations, if any, of the involved law enforcement agency.
8. Recommendations, if any, of the victim.
9. Provisions for restitution.
10. Any mitigating circumstances.
11. Prior psychological, psychiatric, and chemical treatments or counseling programs.
12. The interest of justice.

If you fail to complete the requirements of diversion or violate any of the terms therein, the Prosecutor's Office will ask the court to reinstate the criminal proceedings against you. The Prosecutor's Office will mail a Motion to Terminate Diversion to the address on file with the Prosecutor's Office. The matter will then be set for a trial using only the information stipulated to in the diversion contract.

#### **Diversion Fine and Costs Schedule**

***First payment of \$200.00 is due at the time of signing the diversion contract, excluding Drug Diversion. All remaining fines and court costs are due as outlined in the contract.***

Fine	200.00
Diversion Fee	193.50
Application Fee	25.00
Court costs	<u>81.50</u>
<b>Diversion total:</b>	<b>\$500.00</b>

Community Service may be approved for **fines only**. If you wish to utilize Community Service, contact the prosecutor on your next scheduled court date. They will review your eligibility.

APPLICATION WILL NOT BE ACCEPTED WITHOUT PAYMENT OF APPLICATION FEE AT THE TIME OF FILING

WPD CASE NO: \_\_\_\_\_ COURT DATE: \_\_\_\_\_

DOCKET NO: \_\_\_\_\_ DATE ASSIGNED: \_\_\_\_\_

DIVERSION TYPE (circle one): PT DRUG THC MIP FAM TOC GENERAL CRIMINAL

I REQUEST CORRESPONDENCE REGARDING MY DIVERSION SENT BY: (Please choose only one) \_\_\_\_\_ email  
\_\_\_\_\_ postal mail. If by email, my email address: \_\_\_\_\_

**APPLICATION FOR CITY OF WICHITA DIVERSION PROGRAMS  
ALL ANSWERS MUST BE COMPLETE. TYPE OR PRINT CLEARLY.**

FULL NAME: \_\_\_\_\_ TELEPHONE: \_\_\_\_\_

AGE: \_\_\_\_\_ DATE OF BIRTH: \_\_\_\_\_ SEX: \_\_\_\_\_ RACE: \_\_\_\_\_

Maiden name or other name(s) used: \_\_\_\_\_

SOCIAL SECURITY NUMBER: \_\_\_\_\_

ADDRESS:

\_\_\_\_\_  
(Street #/Street Name) (Apt/Lot) (City) (State) (Zip)

HOW LONG HAVE YOU LIVED AT THIS ADDRESS: \_\_\_\_\_

CITY AND STATE WHERE YOU WERE BORN \_\_\_\_\_

In what other cities and states have you lived?

<u>City</u>	<u>State</u>	<u>Dates lived there</u>
_____	_____	_____
_____	_____	_____

MARITAL STATUS: \_\_\_\_\_ SPOUSE'S NAME \_\_\_\_\_

NUMBER OF DEPENDENTS: \_\_\_\_\_

<u>NAME</u>	<u>AGE</u>	<u>NAME</u>	<u>AGE</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

EDUCATION:

SCHOOL

LOCATION

GRADE OR DEGREE COMPLETED

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MILITARY SERVICE: YES \_\_\_ NO \_\_\_ BRANCH \_\_\_\_\_

TYPE OF DISCHARGE: \_\_\_\_\_ DATE OF DISCHARGE \_\_\_\_\_

DEFENSE ATTORNEY:

NAME: \_\_\_\_\_ TELEPHONE \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PRESENT EMPLOYMENT:

EMPLOYER: \_\_\_\_\_ TELEPHONE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

DATE EMPLOYED: \_\_\_\_\_ OCCUPATION/TYPE OF WORK: \_\_\_\_\_

PRESENT SOURCE(S) OF INCOME

1. DEFENDANT'S EMPLOYMENT: \$ \_\_\_\_\_ PER MONTH
2. SPOUSE'S EMPLOYMENT: \$ \_\_\_\_\_ PER MONTH
3. UNEMPLOYMENT COMPENSATION: \$ \_\_\_\_\_ PER MONTH
4. PUBLIC ASSISTANCE: \$ \_\_\_\_\_ PER MONTH
5. OTHER: \$ \_\_\_\_\_ PER MONTH

If other, please indicate source: Parents \_\_\_\_\_ Relatives \_\_\_\_\_ Other: \_\_\_\_\_

**Prior Traffic Offense Record:** (List **all** juvenile and adult traffic incidents, DUI or DWI Arrest, Diversions, Deferred Prosecutions, Convictions and Expungements in Kansas or other states, including those not resulting in formal charges or convictions. Include date of arrest, citation or incident, arresting or ticketing agency, charge and disposition.) Use blank sheet of paper if needed.

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**Prior Criminal Offense Record:** (List **all** juvenile and Adult incidents, Arrest, Citations, Orders to Appear, Prosecutions, Convictions, Expungements or Deferred Prosecution Agreements in Kansas or other states, including those not resulting in formal charges or convictions. Include date of incident involved, agency, charge and disposition.) Use blank sheet of paper if needed.

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Have you ever received / attended counseling or treatment for an alcohol, drug, emotional or psychological problem or disorder? Yes\_\_\_\_\_ No\_\_\_\_\_

If yes, state when, where, and the reason for attendance. \_\_\_\_\_

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Are you currently taking any prescription medications? Yes\_\_\_\_\_ No\_\_\_\_\_

If yes, list all prescriptions and doses taken:

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Are you *now*, or have you *ever* participated in any other diversion or deferred judgment program? Yes\_\_\_\_\_ No\_\_\_\_\_

If yes, please state where, the effective date of the program and the charge(s) diverted.

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Do you have any other charges pending in this city or another city, state, county, or federal jurisdiction? Yes\_\_\_\_\_ No\_\_\_\_\_ Applying for Diversion: \_\_\_\_\_

If yes, please state where and what charges or charges.

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State in your own words why you were charged for this offense:

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State why you believe you would successfully complete the diversion program:

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I authorize the Prosecutor's Office to conduct an investigation to determine my suitability for this program. I understand that any information furnished by me or authorized by me to be furnished to the Prosecutor's Office in connection with this investigation will be kept confidential.

A false answer to any question in this application may be grounds for recommendation against placement into this program or removal after placement in the program, in which case the Prosecutor will request that the Municipal Court Judge to terminate my participation in the program.

I understand and agree that in the event it is learned I have falsified or omitted any part of the application for Diversion including but not limited to, my listing of prior or pending traffic and criminal offenses, it shall be considered a violation of my Diversion contract and I may be removed from the program. I agree that a criminal justice report, including but not limited to, a Department of Justice report, KBI report, Police Department or Sheriff Department report, and/or Department of Revenue report, may be admitted as evidence in any court, without foundation, to prove prior traffic or criminal offenses.

I understand and agree that I have an ongoing duty to update the Prosecutor's Office of any changes in the information regarding my application including information regarding any new or pending traffic and criminal offenses.

I understand that failure to respond to any question will render the application incomplete and the Prosecutor's Office will not consider the application.

I declare (or verify, certify, or state) under the penalty of perjury under the laws of the State of Kansas, that I have personally read or have had read to me the above application and response thereto and that all information contained in the foregoing application is true and correct.

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DATE

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APPLICANT