5-02/180.10 - Determining Eligibility and Suitability for Diversion

All juveniles are eligible for diversion unless, in accordance with section 625.3 WIC, they are 12 years of age or older and have been taken into custody by an officer for the personal use of a firearm in the commission or attempted commission of a felony or for any offense listed in section 707(b) WIC. Underlying circumstances that would be better addressed by school administration, family/caregivers, or other youth-serving systems should also be considered.

In some cases, juveniles may be eligible for diversion but not deemed suitable at the point of detention or citation due to extenuating circumstances. These cases may subsequently be deemed suitable for diversion by probation, the district attorney's office, or the court.

In alignment with county standards for youth diversion, opportunities for diversion should not be denied solely based on a juvenile's previous diversion referral, whether successfully or unsuccessfully completed.