

# LANCASTER COUNTY DEPARTMENT OF COMMUNITY CORRECTIONS

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## Lancaster County Diversion Services

*In Partnership with the Lancaster County Attorney's Office and Lincoln City Attorney's Office*

Diversion Eligibility by Charges

Felony

Misdemeanor

City Cases

Other Considerations

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Drug Court Counsel's Guide

Please see the Drug Court Counsel's Guide for further information on applying to Drug Court

Please see the Diversion Programming Guide for further information

Treatment Diversion  
Intensive Supervised Diversion  
General Diversion  
Veteran's Diversion  
Mental Health Diversion



**Felony**

Misdemeanor

City Cases

Other Considerations

**Program Eligibility by Charge (Felony)**

FEL	Charge	Vet Diversion	MH Diversion	ISD/ Tx. Div.	General Diversion	Notes
FEL	All Class I, IA, IB, IC Felonies	No	No	No	No	
FEL	Murder/Manslaughter/Motor Vehicle Homicide/Kidnapping/DUI/Refusals/Driving During Revocations/Interlock Violations/Child Pornography/Leaving Scene of Injury Accident/Escape	No	No	No	No	DUI Court (DUI Cases Only)
FEL	Sex Assault/Enticing/Incest	No	Case-by-case	No	No	
FEL	Class ID	Case-by-case	Case-by-case	No	No	
FEL	Assault on an Officer	Case-by-case	Case-by-case	No	No	
FEL	Domestic Violence/VPO's/Child Abuse	Case-by-case	Case-by-case	No	No	Future Program to be Developed
FEL	False Imprisonment	Case-by-case	Case-by-case	No	No	
FEL	First Degree Assault	Case-by-case	Case-by-case	No	No	
FEL	Flee to Avoid Arrest	Case-by-case	Case-by-case	No	No	
FEL	Firearm related charges	Case-by-case	Case-by-case	No	No	
FEL	Robbery	Case-by-case	Case-by-case	No	No	
FEL	Stalking	Case-by-case	Case-by-case	No	No	
FEL	Strangulation	Case-by-case	Case-by-case	No	No	
FEL	Aiding, abetting, conspiring to commit, attempting to commit, or being an accessory to an eligible offense.	Yes	Case-by-case	No	No	
FEL	Arson First and Second Degree	Yes	Yes	No	No	
FEL	Class II or IIA Felony - Non-Specified	Yes	Yes	Yes	Yes	
FEL	Sex Off. Registry	Case-by-case	Case-by-case	Case-by-case	Case-by-case	
FEL	Other Felony Crimes of Violence/Terroristic Threats/Arson Third Degree	Yes	Yes	Case-by-case	Case-by-case	
FEL	Resisting Arrest	Yes	Yes	Case-by-case	Case-by-case	
FEL	Acquire Substance by Fraud	Yes	Yes	Yes	Yes	
FEL	Burglary	Yes	Yes	Yes	Yes	
FEL	Criminal Mischief	Yes	Yes	Yes	Yes	
FEL	Explosives	Yes	Yes	Yes	Yes	
FEL	Forgery	Yes	Yes	Yes	Yes	
FEL	Fraud by use of Computer	Yes	Yes	Yes	Yes	
FEL	Insufficient Fund Checks	Yes	Yes	Yes	Yes	
FEL	Insurance Fraud	Yes	Yes	Yes	Yes	
FEL	Manufacturing Marijuana (Personal Use)	Yes	Yes	Yes	Yes	
FEL	Possess Money while violating 28-416	Yes	Yes	Yes	Yes	
FEL	Possession of a Forged instrument/device	Yes	Yes	Yes	Yes	
FEL	Possession/Delivery of a Controlled Substance	Yes	Yes	Yes	Yes	
FEL	Sales Tax Violation	Yes	Yes	Yes	Yes	
FEL	Theft	Yes	Yes	Yes	Yes	
FEL	Unlawful Use of Financial Device	Yes	Yes	Yes	Yes	



Felony

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Program Eligibility by Charge (Misdemeanor)

Misdemeanor charges are only accepted into Treatment Diversion and ISD if there is also an eligible felony charge/case.

MSD	Charge	Vet Diversion	MH Diversion	ISD/ Tx. Div.	General Diversion	Notes
MSD	DUI/Refusals/Pornography	No	No	No	No	DUI Court (DUI Cases Only)
MSD	Enticing a child into a vehicle/Debauching a minor	No	No	No	No	
MSD	Firearms Offense	Case-by-case	Case-by-case	No	No	
MSD	Other Misdemeanors - Not Specified	Case-by-case	Case-by-case	No	No	
MSD	Solicit Prostitution	Case-by-case	Case-by-case	No	No	
MSD	Prostitution/Public Indecency/Gambling/Procuring alcohol	Yes	Yes	Yes	No	
MSD	Sexual Assault	Case-by-case	Case-by-case	Case-by-case	Case-by-case	
MSD	Assault	Yes	Yes	Case-by-case	Case-by-case	
MSD	Child Abuse & Neglect	Yes	Yes	Case-by-case	Case-by-case	
MSD	Contribute Delinquency of Minor	Yes	Yes	Case-by-case	Case-by-case	
MSD	Domestic Assault/VPO	Yes	Yes	Case-by-case	Case-by-case	Future Program to Develop
MSD	False Information	Yes	Yes	Case-by-case	Case-by-case	
MSD	Intimidation by Phone	Yes	Yes	Case-by-case	Case-by-case	
MSD	Arson Third Degree	Yes	Yes	Yes	Case-by-case	
MSD	Carry Concealed Weapon	Yes	Yes	Yes	Case-by-case	
MSD	Indecent Exposure	Yes	Yes	Yes	Case-by-case	
MSD	Resisting Arrest	Yes	Yes	Yes	Case-by-case	

Misdemeanor  
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MSD	Charge	Vet Diversion	MH Diversion	ISD/ Tx. Div.	General Diversion	Notes
MSD	Alter Price Tag	Yes	Yes	Yes	Yes	
MSD	Altered Identification	Yes	Yes	Yes	Yes	
MSD	Conceal Merchandise	Yes	Yes	Yes	Yes	
MSD	Criminal Mischief	Yes	Yes	Yes	Yes	
MSD	Disturbing the Peace	Yes	Yes	Yes	Yes	
MSD	False Statement/Unemployment Benefits	Yes	Yes	Yes	Yes	
MSD	Forgery	Yes	Yes	Yes	Yes	
MSD	Fraud	Yes	Yes	Yes	Yes	
MSD	Fraud by use of Computer	Yes	Yes	Yes	Yes	
MSD	Insufficient Fund Check	Yes	Yes	Yes	Yes	
MSD	Insurance Fraud	Yes	Yes	Yes	Yes	
MSD	Minor in Possession Alcohol	Yes	Yes	Yes	Yes	
MSD	Obstruct Government Operations	Yes	Yes	Yes	Yes	
MSD	Possession Stolen Property	Yes	Yes	Yes	Yes	
MSD	Sell Alcohol Without License	Yes	Yes	Yes	Yes	
MSD	Sell Tobacco to Minor	Yes	Yes	Yes	Yes	
MSD	Steal Goods Theft Trespass	Yes	Yes	Yes	Yes	
MSD	Unauthorized Use of Financial Transaction Device	Yes	Yes	Yes	Yes	
MSD	Unauthorized Use of Motor Vehicle	Yes	Yes	Yes	Yes	
MSD	Violation of Lottery	Yes	Yes	Yes	Yes	



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Program Eligibility by Charge (City Cases)

City filed charges are only accepted into Treatment Diversion and ISD if there is also an eligible felony charge/case.

MSD	Charge	Vet Diversion	MH Diversion	ISD/ Tx. Div.	General Diversion	Notes
CTY	All Misdemeanor Offenses of Title 10 <b>Title 10 Defined</b>	No	No	No	No	
CTY	Cruelty to an Animal	No	No	No	No	
CTY	Injuring a Police Dog	No	No	No	No	
CTY	Poisoning of Dogs	No	No	No	No	
CTY	Sexual Predatory Residency Violation	No	No	No	No	
CTY	Vicious Animal Prohibited	No	No	No	No	
CTY	Impersonating a Police Officer	No	Case-by-case	No	No	
CTY	Spitting on Another Person	Yes	Yes	Yes	No	
CTY	Assault	Yes	Yes	Case-by-case	Case-by-case	
CTY	Animal Neglect	Yes	Yes	Yes	Case-by-case	
CTY	Animal Bites - Unlawful	Yes	Yes	Yes	Case-by-case	
CTY	Discharge of a Firearm - Unlawful	Yes	Yes	Yes	Case-by-case	
CTY	Hinder Arrest	Yes	Yes	Yes	Case-by-case	
CTY	Indecent Exposure	Yes	Yes	Yes	Case-by-case	
CTY	Interfering with Officers Making Arrest	Yes	Yes	Yes	Case-by-case	
CTY	Making a False Statement	Yes	Yes	Yes	Case-by-case	
CTY	Public Nudity	Yes	Yes	Yes	Case-by-case	
CTY	Unlawful Possession of a Firearm	Yes	Yes	Yes	Case-by-case	
CTY	All Other Misdemeanor Offenses	Yes	Yes	Yes	Yes	



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Other Eligibility Considerations	Vet Diversion	MH Diversion	ISD/ Tx. Div.	General Diversion	Notes
Altering/Withholding medication with potential of harm	Not Eligible	Not Eligible	Not Eligible	Not Eligible	
Currently on Parole	Not Eligible	Not Eligible	Not Eligible	Not Eligible	
Delivery to person under 18	Not Eligible	Not Eligible	Not Eligible	Not Eligible	
Juvenile Court Cases	Not Eligible	Not Eligible	Not Eligible	Not Eligible	
New charges while on diversion	Case-by-case	Case-by-case	Case-by-case	Not Eligible	
Transfer out of County/State	Case-by-case	Case-by-case	No	Yes	
Eligibility - prior sex assault	Eligible	Eligible	Not Eligible	Case-by-case	
Currently on <b>Adult</b> Probation or PRS	Eligible	Eligible	Eligible	Not Eligible	
Eligibility - prior felony conviction	Eligible	Eligible	Eligible	Not Eligible	
More than 2 prior <b>MSD 1, MSD 2, Willful Reckless Driving, Driving During Revocation, Class W</b> convictions. Applicants with city code violations will be considered on a case-by-case basis.	Eligible	Eligible	Eligible	Not Eligible	<ul style="list-style-type: none"> <li>Only court cases are counted, not charges.</li> <li>Other Title 10 city offenses and Failure to Appear do not count toward prior cases.</li> <li>Applicants with city code violations will be considered on a case-by-case basis.</li> </ul>
Other pending charges not eligible for Diversion Services	Case-by-case	Case-by-case	Case-by-case	Case-by-case	Applicants, if otherwise eligible, may start a Diversion Program unless a pending ineligible charge pending is likely to interfere with program participation.
Victim does not agree	Case-by-case	Case-by-case	Case-by-case	Case-by-case	Violent Cases Only
Violate Position of Trust	Case-by-case	Case-by-case	Case-by-case	Case-by-case	
Business vs. Consumer Fraud	N/A	N/A	N/A	Case-by-case	
Damage or Fraud over \$15,000	N/A	N/A	N/A	Case-by-case	
Juvenile Record	N/A	N/A	N/A	Case-by-case	
Number of victims	N/A	N/A	N/A	Case-by-case	
Ongoing investigation exists	N/A	N/A	N/A	Case-by-case	
Prior institutionalization	N/A	N/A	N/A	Case-by-case	
Seriousness of Offense	N/A	N/A	N/A	Case-by-case	
Potential or Actual Harm To Victims Even If Unintentional	N/A	N/A	N/A	Case-by-case	
130 Day Rule	Yes	Yes	Yes	Yes	<p>A referral or a documented contact with Diversion Services must be made within 130 days of the case being filed in County Court.</p> <p><b>Potential Exceptions:</b></p> <ol style="list-style-type: none"> <li>Arrest warrant issued prior to 1<sup>st</sup> scheduled appearance in court.</li> <li>Competency evaluation has been ordered.</li> <li>In limited circumstances, for MH Diversion cases.</li> </ol>
Multiple Cases	Eligible	Eligible	Eligible	Eligible	All cases included on a program agreement, must be eligible for the program.
Restitution Collected	Yes	Yes	Yes	Yes	
Sealed cases will be considered	Yes	Yes	Yes	Yes	

Other Considerations  
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### General Diversion

#### Applicants with Prior Diversion Participation

<u>Charge</u> (Prior General Diversion Charge)	<u>Eligibility</u> (2nd Time)	<u>Program Length</u>	<u>Eligibility</u> (3rd Time)	<u>Program Length</u>	<u>Eligibility</u> (4th Time)
<b>Prior Participation for a Felony Charge</b>	Not Eligible	N/A	Not Eligible	N/A	Not Eligible
<b>Prior Participation for a Misdemeanor 1, or 2</b>	Eligible after <b>1 Year</b> of Program Discharge Date	<b>12 Months</b> Enhanced Programming	Not Eligible	N/A	Not Eligible
<b>Prior Participation for a Misdemeanor 3, 4, 5, City Infractions, or City Minor in Possession</b> (All other city filed misdemeanors must wait 1 year from their program discharge date)	Eligible	<b>12 Months</b> Enhanced Programming	Eligible after <b>1 Year</b> of Program Discharge Date	<b>12 Months</b> Enhanced Programming	Not Eligible

*\*Applicants seeking participation in General Diversion a 2nd or 3rd time must remain Low/Risk/Low Need on the RANT.*