



1     **DIVERSION**

2     All AGO Prosecutors shall comply with the requirements of Utah Code § 77-2-5 when agreeing to a  
3     diversion

4             1) AGO Prosecutors may at any time prior to conviction, enter into a written diversion  
5     agreement with a defendant. All agreements shall be written and filed with the court.

6             2) AGO Prosecutors shall ensure that a defendant is informed of their right to counsel prior to  
7     entering the agreement, unless they have knowingly and intelligently waived said right.

8             3) AGO Prosecutors shall consider in every case, except where barred by Utah Code § 77-2-9,  
9     whether diversion is appropriate.

10            A) Considerations include, but are not limited to, history of the defendant, needs and  
11     desires of the victim, the impact of the offense on society, and the principles of restorative justice.

12            B) Prosecutors are not required to offer a diversion in every case, only those in which  
13     the prosecutor, in their discretion, feel it is appropriate.

14            4) In cases where dismissal is appropriate, prosecutors shall dismiss rather than enter into a  
15     diversion.