



**Wright County  
Attorney**

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December 29, 2023

Minnesota State Court Administrator  
Attn: Jeff Shorba  
135 Minnesota Judicial Center  
25 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155

Legislative Reference Library  
Attn: Chris Steller  
645 State Office Bldg.  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155

RE: 2022-2023 Biennial Report on Wright County Adult Diversion Program

Dear Mr. Shorba and Mr. Steller:

Attached please find the biennial report on the Wright County Diversion Program which was started in 2011. The guidelines and procedures of the diversion program is attached for your review, which was revised in 2019. We operate the program with assistance from Wright County Court Services. This report is for the calendar years of 2022 and 2023 and is offered in compliance with M.S. §299C.46, Subd. 5, and M.S. §401.065, Subd. 4.

For the year 2022 the following information is submitted:

For the period beginning 1/1/2022 through 12/31/2022, of the eligible offenses screened 35 met the criteria to be referred to diversion.

Of those 35, 28 successfully completed the diversion program in 2022. Of those 35, 7 were closed as unsuccessful and returned to the County Attorney's Office for prosecution. The types of cases diverted is broken down as follows:

- 8 Disorderly Conduct - Brawling/Fighting/Offensive/Abusive/  
Boisterous/Noisy/ Obscene
- 2 Drivers Licenses-Display/Possess Fictitious or Fraudulently Altered  
DL or MN ID
- 1 Give Peace Officer False Name/Birthdate/ID Card
- 5 Liquor-Persons Under 21-Misrepresent Age/Underage Consumption
- 2 Loud/Unnecessary Noises
- 16 Theft-Take/Use/Transfer Movable Prop-No Consent
- 1 Trespass-Occupy/Enter Dwelling/Locked/Posted Build

For the year 2023 (through 12/27/2023) the following information is submitted:

Of the eligible offenses screened 48 met the criteria to be referred to diversion.



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Of those 48, 25 successfully completed the program prior to 12/27/2023. Of those 48, 6 were closed as unsuccessful and returned to the County Attorney's Office for prosecution.

Of those 48, there are currently 17 referrals who are currently in the diversion program but have not yet completed it.

The types of cases diverted is broken down as follows:

- 40 Theft-Take/Use/Transfer Movable Prop-No Consent
- 4 Disorderly Conduct - Brawling/Fighting/Offensive/Abusive/  
Boisterous/Noisy/ Obscene
- 1 Drivers Licenses-Display/Possess Fictitious or Fraudulently Altered  
DL or MN ID
- 1 Liquor-Persons Under 21-Misrepresent Age/Underage Consumption
- 1 Damage to Property-3<sup>rd</sup> Degree-Reduce Value \$501-\$1000
- 1 Trespass-Entered Locked or Posted Aggregate Mining Site

My opinion on the program's effects on the criminal justice system in Wright County is that diversion program provides individuals who encounter the criminal justice system for the first time with low level cases an opportunity to mitigate the collateral consequences of a conviction and provides quick services from Court Services to aid the individuals to not re-offend.

Sincerely,

Brian A. Lutes  
Wright County Attorney

BAL/law  
Enclosures

**Wright County Attorney's Office Adult Diversion Program –**  
**Guidelines and Procedures**

- I. Purpose of program – to offer first time, low level offenders an opportunity for education and programming which holds them accountable for their criminal behavior and reduces the likelihood of future criminal behavior. Charges will not be filed where an offender successfully completes diversion, providing a significant benefit to the offender as a result of their efforts in diversion.
- II. Agencies
  - a. Law Enforcement
    - i. Wright County Sheriff's Office
    - ii. Annandale Police Department
    - iii. Buffalo Police Department
    - iv. Howard Lake Police Department
    - v. Minnesota State Patrol
  - b. Prosecuting Authorities
    - i. Wright County Attorney's Office (primarily misdemeanor division)
    - ii. Tory Langemo, prosecutor for the cities of Buffalo, Annandale and Howard Lake
  - c. Wright County Court Services
    - i. Supervisor of Adult Diversion Program – Margaret Munson
  - d. Wright County Court Administration
- III. Eligible offenses
  - a. Property Crimes (up to \$500 threshold)
    - i. Theft – 609.52
    - ii. Criminal Damage to Property – 609.595, Subd. 3
    - iii. Receiving/Possession Stolen Property – 609.53 Subd. 1
    - iv. Other cases as assigned based on circumstances of case
  - b. Alcohol/Tobacco/Controlled Substance crimes
    - i. Minor Consumption – 340A.503, Subd. 1(a)(2)
    - ii. Minor in Possession of Alcohol – 340A.503, Subd. 3
    - iii. Open Bottle – 169A.35, Subd. 2-4
    - iv. Unlawful Use or Possession of Tobacco/E-cigarettes
    - v. Controlled Substance 152.025 Subd, 2(1)
    - vi. Other cases as assigned based on circumstances of case
  - c. Miscellaneous crimes
    - i. Disorderly Conduct – 609.72, Subd. 1
    - ii. Trespass – 609.605
    - iii. Other cases as assigned based on circumstances of case

- IV. Guidelines for diversion eligibility
  - a. Prosecutorial discretion – the following criteria are intended as guidelines, not strict rules. Therefore, attorneys may exercise their discretion in deciding whether or not to refer a defendant to diversion, keeping these guidelines in mind.
  - b. Guidelines
    - i. Property crimes
      - 1. No prior property crime convictions, stays of adjudication, or continuances for dismissal as an adult
      - 2. No prior diversion for property crimes as an adult
      - 3. Maximum of \$500 loss/amount
    - ii. Alcohol/Tobacco/Controlled Substance crimes
      - 1. No prior alcohol related offenses resulting in a conviction, stay of adjudication or continuance for dismissal as an adult
      - 2. No prior controlled substance or marijuana related offenses resulting in a conviction, stay of adjudication or continuance for dismissal as an adult
      - 3. No prior diversions for alcohol, controlled substance, or marijuana related offenses as an adult
    - iii. Miscellaneous crimes
      - 1. No prior convictions, stays of adjudication, or continuances for dismissal as an adult
      - 2. No prior diversion for similar offenses as an adult
  - c. If Court Services is unable to contact a defendant, the prosecutor may offer diversion after a case has been charged. In those cases, the matter should be dismissed once defendant has signed up for diversion. If defendant fails, the diversion program the prosecutor will recharge the case.
- V. Diversion procedure
  - a. Law Enforcement
    - i. Deputies, Troopers, and Police Officers will not determine diversion eligibility, nor will they offer diversion. Rather, they will handle cases pursuant to their current practices and procedures.
    - ii. Assign court date or call in for date depending on jurisdiction.
    - iii. Buffalo, Annandale, and Howard Lake Police Departments
      - 1. Cases with diversion eligible charges will be referred to prosecutor for review before any charges are filed with Court Administration
    - iv. Wright County Sheriff's Office
      - 1. Continue referring any misdemeanors (including payable misdemeanors) to Wright County Attorney's Office before any charges are filed with Court Administration

- b. Prosecuting Authorities and Wright County Court Services
- i. Prosecutors will review cases to determine if a defendant is eligible for diversion. Cases with diversion eligible charges must be reviewed by a prosecuting authority.
  - ii. If a defendant is not eligible for diversion, the prosecutor will proceed as usual, either sending a case to Court Administration by citation only (which may make the case entirely payable depending on the charge or charges) or charging by complaint.
  - iii. If the facts of a case demonstrate that the case is diversion eligible, a prosecutor or staff member for the prosecutor's office will perform a review of defendant's history (using MNCIS, other state records, and/or internal records) before referring the case to Court Services.
  - iv. If a defendant appears eligible for diversion, a copy of the case will be sent to Wright County Court Services. The case should not be filed with Court Administration.
  - v. Court Services will review the defendant's history to ensure the case is diversion eligible. If Court Services determines a case is not diversion eligible, Court Services will return the matter to the prosecuting authority for further action. If the case is diversion eligible, Court Services will give defendant an opportunity to enroll in and complete diversion.
    1. If a defendant successfully completes diversion, Court Services will notify the prosecuting authority of defendant's successful completion.
    2. If a defendant fails to complete diversion, Court Services will notify the prosecuting authority.
  - vi. When a defendant fails to enroll in or complete diversion, the prosecutor will proceed to file charges with Court Administration. In such instances where the offense is payable, the prosecutor will charge the matter by complaint unless circumstances warrant otherwise.

<b>WRIGHT COUNTY COURT SERVICES – PROBATION</b>	Page: 1 of 1	POLICY #  <b>P-010</b>
	Effective Date: 8/1/2011	
Section: Program Unit	Revision Date:	References:
Subject: Adult Diversion		

**PURPOSE:** To offer first time adult low level offenders an opportunity for education and programming which holds them accountable for their behavior and reduces the likelihood of future behavior by participating in the adult diversion.

**APPLICABILITY:** Program Agents / Case Aide

**POLICY:** The Agent will work with the County Attorney's Office and City Attorney's to determine a screening process for first time adult offenders. The offenders file will be given to Court Services to make contact and process.

**PROCEDURES:** The prosecuting authorities: Wright County Attorney's Office Misdemeanor Division, prosecutor for Cities of Buffalo, Annandale, and Howard Lake, will review all files for criminal history and level of offense to determine if individual is appropriate to be diverted from the Courts. General criteria for eligible cases will be property crimes, theft, receiving stolen property, alcohol offenses, minor consumption, minor possession, open bottle, disorderly conduct, trespass, and other cases as assigned based on circumstances of case. Person offenses will not be eligible for the program. If the case is eligible for diversion the information will be sent to Wright County Court Services. Court Services will review the criminal history. If eligible, a letter will be sent to the person explaining the program and an appointment date will be given. The person will then meet individually with a Program Agent / Case Aide to discuss the offense and any issues around the person's situation. The offender must admit their behavior and be willing to participate in any conditions imposed for the offense. The offender will then sign a contract to complete any range of conditions from an educational class, community service, restitution, letter of apology. The offender will be given 90 days to complete the conditions. If the offender participates in the diversion program and completes all conditions given and does not have any new offenses, the file will be closed successfully.

If the offender is not eligible for the program or they do not agree to participate in the diversion program the file will be returned to the prosecuting authority for further action with the Court.

The Adult Diversion Program is an opportunity for adults to keep a low level, non person offense off a criminal record. It also has great benefit to the Courts in reducing the amount of cases that will be filed.