

When the Brown County State's Attorney's Office receives either a report from Law Enforcement or a Child in Need of Supervision packet, it is given to a prosecutor to make a charging decision.

If you are receiving this information, the prosecutor has identified that the youth could benefit from and be successful with a more informal option.

The purpose of diversion is to help offenders understand that their actions have consequences, yet allow them to continue on with their adolescent lives, while providing education and tools to equip them for making better decisions down the road.

The benefit of successfully completing the outlined diversion program is that the alleged charge(s) would be dismissed against the juvenile. Therefore, the juvenile has hopefully learned appropriate skills to avoid future incidents without it affecting their juvenile record.

Diversion is an alternative to juvenile court. With that being said, if you decide diversion is not to your liking or opt out of diversion, our office must proceed with formal prosecution in a court setting.

Prior to making your decision to participate in the diversion program, state law requires that you be notified of your rights, as follows:

- You have the right to an attorney, if you cannot afford one, the Court may appoint one for you. If appointed, the attorney would be paid for by Brown County, but you would be expected to pay the county back.
- You have the right deny the allegations and ask for a trial. If this occurs, the State would petition the offense in juvenile Court; the State would then be required to prove the allegations beyond a reasonable doubt. Your child could not be required to testify and the judge could not use that against him or her.

Please contact us if you have any further questions at (605) 626-7130.

Diversion Coordinator: Kelsi Vinger

Address: 22 Court Street Suite 2
Aberdeen, SD 57401

Our hours of operation are 8:00 a.m. – 5:00 p.m. Monday through Friday (excluding Holidays)

Juvenile Diversion



Brown County State's Attorney's Office

I received a letter offering diversion, now what?

The Juvenile Diversion program is voluntary and the juvenile and their guardians must consent to the program. If you want to take advantage of the diversion opportunity, call the State's Attorney's Office at (605) 626-7130 within the designated time frame to set up an intake meeting with the Diversion Coordinator.

If you do not respond within the allotted time frame, the juvenile prosecutor will proceed with prosecution in a formal court setting.

What should I expect at the intake meeting?

The Diversion Coordinator will provide an overview of the program. Each contract is created specifically for the juvenile so until the intake is completed, the Diversion Coordinator will not be able to give an accurate guess of what the conditions of the diversion contract will be. The Diversion Coordinator will complete an initial assessment with the offender and his/her family to determine needs and/or risk areas. Together, a Diversion Contract will be created.

Some of the services or conditions considered are:

- Community Service
- Drug/Alcohol Evaluation
- Referral to individual counseling
- Education Course
- Apology Letter
- Other writing assignment
- Engaging in structured activities to occupy further free time.

Participants and their families will be responsible for all program costs. Scholarships or sliding fee scales may be available for families needing financial assistance.

How long is the diversion program?

The diversion program cannot exceed four months. The length of time of each specific Diversion Contract will be discussed at intake.

What happens if the diversion participant were to violate the contract or pick up additional criminal charges?

There is not one answer to this question. To put it simply, this would imply that the current conditions are not working. Depending on the severity of the new alleged offense(s) and the juvenile's

attitude and behaviors towards the existing diversion contract, the Diversion Coordinator will either recommend that a new contract is created or that the juvenile needs a higher level of supervision.

What can I expect while on the program?

This will also be decided on a case by case basis. This is intended to be an informal program; therefore contact will be fairly infrequent. The Diversion Coordinator will reach out after the first couple of weeks in the program to ensure that everything is off to a good start. Contact will then be dependent on the schedule and needs of the offender. The Diversion Coordinator will stay in touch with parents/guardians, service providers, school (if necessary) to ensure adequate progress.

The Diversion Coordinator is simply a resource to assist in monitoring of the contract, ensuring program requirements are being met, and suggesting any changes or additional services if the needs were to arise. The primary responsibility for a successful diversion participant relies on the youth and their family/supports.

If you successfully complete your diversion program, the state would not oppose a motion to expunge.