



# The JUDICIARY NORTHERN MARIANA ISLANDS



## Office of Adult Probation Supervision

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## Diversion Program

The Office of Adult Probation Supervision runs the Diversion Program in partnership with the Attorney General's Office and the Office of the Public Defender.

The Diversion Program provides an alternative to prosecution, sentencing, and incarceration. A first-time offender who qualifies for the program may be eligible to access services such as employment assistance, educational opportunities, and even military service. Additionally, upon successful completion, a first-time offender may be eligible to have the pending offense dismissed.

### A. Program Goals

The fundamental purpose of this program is to advance justice and to improve our community. There are several ways in which this program accomplishes these goals, for example:

- To remove from the trial court process individuals who do not contest the charges against them and who are appropriate candidates for community-based rehabilitation. Admission requires an acknowledgment of guilt.
- To help individuals recognize and address personal and interpersonal issues while accepting responsibility for their actions.
- To give victims a voice in the process and assist them in recovering losses caused by the offender either through restitution and or a stay-away order.
- To prevent less serious cases from burdening the traditional criminal justice system, and thus to allow the court to focus on more serious offenses.
- To allow individuals to avoid a criminal conviction through demonstrated commitment to rehabilitation, improving their employment prospects and overall well-being.

## **B. Eligibility**

Participation in the Adult Diversion Program is a privilege, not a right. Acceptance is at the sole discretion of the Office of the Attorney General (Criminal Division) and the Office of Adult Probation Supervision.

An individual may be eligible if they meet all of the following criteria:

- 18 years of age or older, a CNMI resident, and formally charged in Superior Court.
- Not accused of a felony involving the possession, use, attempted use, or threatened use of a deadly weapon or dangerous instrument.
- May have unintentionally or unknowingly caused serious physical injury.
- Has not previously completed a deferred prosecution or diversion program.
- Not charged with any of the following offenses:

Murder	Incest
Kidnapping	Perjury or Subornation of Perjury
Arson	Introduction of Drugs into an Institution
Threatening Life	Preventing Witness Attendance
Forcible Sex Crimes	Drug offenses (except simple marijuana possession and prescription fraud)
Robbery	Land Fraud
Sexual Crimes against a Child	Racketeering and Organized Crime
Violation of Public Official's Duty	Unsuccessful probation (within the last 5 years)
Escape	Burglary under 6 CMC § 1801(b)(2)(A) or (B)

## **D. Court Process**

A prerequisite for the program is that the case must be prosecutable (*i.e.*, capable of proceeding to trial if the defendant violates program conditions). If that is satisfied, then the following process applies:

*Step 1.* The defendant must be formally charged in Superior Court—no cases outside this context will be considered.

*Step 2.* Defense counsel must request diversion approval from OAG. Only the OAG Criminal Division may refer cases to OAPS for diversion.

*Step 3.* If OAG approves the referral, it will submit a written request to OAPS.

*Step 4.* The defendant and their counsel must report to OAPS within three (3) days and acknowledge the obligations of probation before completing the application form.

*Step 5.* If accepted, the defendant signs an agreement (similar to a plea agreement), which is filed with the court.

*Step 6.* Charges are suspended while the defendant is under program supervision and must meet specified conditions.

*Step 7.* Upon successful completion, the program coordinator will notify OAG, who will file a motion to dismiss the charges.

\*If terminated from the program, the case is returned to OAG for prosecution.

## **E. Program Components**

The program may include the following components:

- Individual supervision (Not to exceed two years)
- Possible defendant/victim meetings
- Victim restitution
- Community service
- Referral/exposure to community
- Payment on program supervision fees
- Drug testing
- Counseling services
- Crime Prevention Course

*For more information, please contact the Office of Adult Probation Supervision at the Superior Court at (670) 236-9870 or [Gwen.Iguel@NMIJudiciary.gov](mailto:Gwen.Iguel@NMIJudiciary.gov).*