

# ***LAWRENCE CITY PROSECUTOR'S OFFICE DIVERSION PROGRAM***

The following guidelines have been adopted by the Lawrence City Prosecutor's Office for the diversion program in Lawrence Municipal Court. These guidelines supersede prior policies or guidelines and become effective July 16, 2025.

**Diversion is a privilege and not a right.** No presumption in favor of diversion exists in any case, and the burden of persuasion rests with the applicant to establish that a diversion agreement will best serve the ends of justice and the interests of the community, public safety, and the rights of the victims.

## **Eligibility; Factors Considered**

In determining whether or not diversion is appropriate, the City Prosecutor's Office will consider a number of factors, including, but not limited to the following:

1. The nature of the crime and the circumstances surrounding it.
2. Any special characteristics and circumstances of the defendant.
3. Whether the defendant is a first-time offender.
4. Whether the diversion program is appropriate to the needs of the defendant.
5. The impact of diversion on the community.
6. Recommendations of the involved law enforcement community.
7. Recommendations of the victim.
8. The amount of restitution, if applicable, owed by the defendant.
9. Any mitigating or aggravating circumstances surrounding the crime.
10. Whether there is a probability, the defendant committed the crime as a result of an injury, including major depressive disorder, polytrauma, post-traumatic stress disorder or traumatic brain injury connected to service in a combat zone while in the U.S. Armed Forces; and, if so, whether there is a probability the defendant will cooperate with and benefit from inpatient or outpatient treatment in a facility operated by the U.S. Dept. of Defense, the U.S. Dept. of Veterans Affairs or the Kansas National Guard, with the defendant's consent.

## **Exclusions**

1. A defendant who has a **commercial driver's license** (CDL) is **NOT** eligible for diversion of any traffic offense.
2. A defendant charged with operating under the influence of alcohol or drugs will not be eligible for diversion if:
  - (a) the defendant has a previous conviction or diversion for operating under the influence of alcohol or drugs, or
  - (b) the defendant was, at the time of the alleged operating under the influence, involved in a motor vehicle accident resulting in injury or death of another person, or
  - (c) the defendant has, or at the time of the offense, had a commercial driver's license.
3. A defendant who has an **outstanding balance owed to Lawrence Municipal Court** is not eligible for diversion until the balance owed to Lawrence Municipal Court is zero.

## **Procedures**

**You may turn this application in to the Lawrence Municipal Court Clerk accompanied with the required documentation applicable to the offense(s) charged. *See pages 2-4 for the list of requirements and approved providers.*** The application review process may take up to 4-6 weeks. A formal diversion conference may be required. The City Prosecutor's Office will notify you or your attorney in writing whether your diversion application has been approved or denied. If the City Prosecutor approves you for diversion, the terms and conditions will be reduced to writing for approval and signature by both parties.

**ALL COURT APPEARANCES MUST BE ATTENDED DURING THE APPLICATION PROCESS. FAILURE TO APPEAR IN COURT BEFORE SUBMISSION OF AN ORIGINAL SIGNED AND INITIALED DIVERSION AGREEMENT WILL RESULT IN A BENCH WARRANT.**

**Required Documentation**

- A. The diversion application **must** be completed on the form provided. You may attach additional pages. The diversion application **must** be signed and dated by the defendant.
- B. A diversion application will not be accepted for a charge of **Operating Under the Influence of Alcohol and/or Drugs (OUI)** without an accompanying **alcohol/substance abuse evaluation**.
- C. A diversion application will not be accepted for a charge of **Possession/Purchase/Consumption of an Alcoholic Beverage by Underage Persons (MIP)** without **proof of completion of an approved alcohol and drug information school**.
- D. A diversion application will not be accepted for a charge of **Possession of Marijuana** without **proof of completion of an approved Marijuana and THC course**.
- E. A diversion application will not be accepted for a charge of **No Insurance** without **proof of current liability insurance** that lists the defendant as a covered driver. *If you do not own a vehicle, you may submit **proof of current NON-OWNER'S liability insurance**.*
- F. A diversion application will not be accepted for a charge of **Theft** without **proof of completion of an approved theft prevention program**.
- G. A diversion application will not be accepted for a charge of **No Ignition Interlock** without **proof of current ignition interlock**.

**The Diversion Agreement**

The standard diversion agreement length is twelve months and **may** include the following terms:

- 1. Do not violate the law.
- 2. Complete the treatment recommendations of a substance abuse/drug/alcohol evaluation.
- 3. Attend alcohol/drug information school.
- 4. Attend a presentation of the DUI Victim Panel.
- 5. Complete a theft prevention program.
- 6. Complete anger management.
- 7. Complete hours of community service work.
- 8. Pay restitution.
- 9. Pay diversion fees, along with court costs and other administrative fees.
- 10. Complete the treatment recommendations of a domestic violence assessment.
- 11. Complete the treatment recommendations of a mental health intake.
- 11. Any other term deemed appropriate for your circumstances.

The executed diversion agreement will be filed with the Lawrence Municipal Court and criminal proceedings will be suspended as long as the defendant fulfills all the terms and conditions of the diversion agreement. If at any time during the diversionary period the City Prosecutor finds that the defendant is not fulfilling the terms and conditions of the diversion agreement, the City Prosecutor may file a Motion to Revoke the diversion agreement and move to resume criminal proceedings which may result in additional fees.

Upon successful completion of the terms and conditions of the diversion agreement, the charge(s) will be dismissed with prejudice.

/s/ Elizabeth Hafoka  
Supervising City Prosecutor

**NO DIVERSION APPLICATION WILL BE ACCEPTED FOR:**

**OUI - Without an alcohol/substance abuse evaluation**

**MIP - Without verification of alcohol and drug information school completion**

**Poss. of Marijuana – Without verification of marijuana/THC course completion**

**No Insurance - Without proof of current insurance in the defendant's name**

**Theft - Without proof of theft prevention program completion**

**No Ignition Interlock - Without proof of current ignition interlock**

***Approved Alcohol/Substance Abuse Evaluation Providers***

Assessments, LLC	2601 Iowa St, Suite C, Lawrence, KS 66046 <a href="mailto:assessmentsllc@outlook.com">assessmentsllc@outlook.com</a> www.assessmentsllc.org	(785) 312-3333
A Connecting Pointe	302 S. Clairborne Road, Olathe, KS 66062	(913) 397-0300
DCCCA	1739 E. 23 <sup>rd</sup> St., Lawrence, KS 66046	(785) 830-8238
Heartland Clinical	5040 SW 28 <sup>th</sup> , Suite F, Topeka, KS 66614	(785) 272-2266
Mirror Inc.	3205 Clinton Pkwy Ct., Lawrence, KS 66047 1401 SW Topeka Blvd, Topeka, KS 66612	(785) 843-5483 (785) 232-8623
Sims-Kemper Counseling	1707 SW Medford Ave, Topeka, KS 66604	(785) 233-0666

***Approved Alcohol and Drug Information School Providers***

Assessments, LLC	2706 Iowa St, Suite S, Lawrence, KS 66046 <a href="mailto:assessmentsllc@outlook.com">assessmentsllc@outlook.com</a> www.assessmentsllc.org	(785) 312-3333
A Connecting Pointe	1715 E. Cedar, Suite 104, Olathe, KS 66062	(913) 397-0300
DCCCA	1739 E. 23 <sup>rd</sup> St., Lawrence, KS 66046	(785) 830-8238
Heartland Clinical	5040 SW 28 <sup>th</sup> , Suite F, Topeka, KS 66614	(785) 272-2266
Mirror Inc.	3205 Clinton Pkwy Ct., Lawrence, KS 66047 1401 SW Topeka Blvd, Topeka, KS 66612	(785) 843-5483 (785) 232-8623

***Theft Prevention Program***

Advent E-Learning  
[www.advent-elearning.net](http://www.advent-elearning.net)  
Program code: 315

A Connecting Pointe  
302 S. Clairborne Road  
Olathe, KS 66062  
(913) 397-0300  
[www.aconnectingpointe.com](http://www.aconnectingpointe.com)

***Anger Management***

Advent E-Learning  
[www.advent-elearning.net](http://www.advent-elearning.net)  
Program code: 315

Associates at Hope Harbor  
[www.hopeharborkc.com](http://www.hopeharborkc.com)  
7227 Metcalf Avenue, Suite 250  
Overland Park, KS 66204  
(913) 710-5744  
[kaye@hopeharborkc.com](mailto:kaye@hopeharborkc.com)

A Connecting Pointe  
302 S Clairborne Rd,  
Olathe, KS 66062  
(913)-397-0300  
[www.aconnectingpointe.com](http://www.aconnectingpointe.com)

***DUI Victim Panel***

MADD  
[www.maddvip.org](http://www.maddvip.org)  
1-800-228-6233 option # 3

DUI Victims Center of Kansas  
[www.duivictimscenterofkansas.com](http://www.duivictimscenterofkansas.com)  
316-768-2096

## ***Marijuana/THC Course***

Advent E-Learning  
[www.advent-elearning.net](http://www.advent-elearning.net)  
Program code: 315

## ***Domestic Violence Assessment and Batter's Intervention Providers***

KVC  
2701 W. 6th St.  
Lawrence, KS 66049  
(913) 278-9802  
[kbundy@kvc.org](mailto:kbundy@kvc.org)

Associates at Hope Harbor  
[www.hopeharborkc.com](http://www.hopeharborkc.com)  
7227 Metcalf Avenue, Suite 250  
Overland Park, KS 66204  
(913) 710-5744

A Connecting Pointe  
302 S Clairborne Rd,  
Olathe, KS 66062  
(913)-397-0300  
[www.aconnectingpointe.com](http://www.aconnectingpointe.com)

## ***Mental Health Evaluation/Intake Providers***

Bert Nash  
[www.bertnash.org](http://www.bertnash.org)  
200 Maine St, Ste A,  
Lawrence, KS 66044  
785-843-9192

Heartland Clinical  
5040 SW 28<sup>th</sup> St, Ste F, Topeka, KS  
66614  
785-272-2266  
[www.heartlandclinical.com](http://www.heartlandclinical.com)

A Connecting Pointe  
302 S Clairborne Rd,  
Olathe, KS 66062  
(913)-397-0300  
[www.aconnectingpointe.com](http://www.aconnectingpointe.com)

## ***Corrective Thinking Course***

Advent E-Learning  
[www.advent-elearning.net](http://www.advent-elearning.net)  
Program code: 315

## ***Animal Care Course***

Advent E-Learning  
[www.advent-elearning.net](http://www.advent-elearning.net)  
Program code: 315

## ***Driving/Traffic Safety School***

Midwest Driving School, LLC  
811 E 23<sup>rd</sup> Suite H  
Lawrence, KS 66044  
(785) 841-7749  
[www.midwestdrivingschool.com](http://www.midwestdrivingschool.com)

Buckle Up School, LLC  
2920 Haskell Ave #100  
Lawrence, KS 66046  
785-727-9990  
[www.buckleupschool.com](http://www.buckleupschool.com)

Young Traffic Offenders Program  
Research Medical Center  
2316 E Meyer Blvd, Entrance A  
Kansas City, MO 64132  
816-276-4900  
[www.theresearchfoundationkc.org](http://www.theresearchfoundationkc.org)

Alive at 25  
[www.aliveat25.com](http://www.aliveat25.com)

## ***Ignition Interlock***

Intoxalock  
(Action Automotive Services)  
1120 E. 23<sup>rd</sup> St  
Lawrence, KS 66046  
785-551-5599  
[www.intoxalock.com](http://www.intoxalock.com)

Ace Ignition Interlock  
2400 Franklin Rd  
Lawrence, KS 66046  
(785) 840-9696, 1- 877-223-7999  
[www.aceinterlock.net](http://www.aceinterlock.net)

Smart Start  
(University Audio)  
Lawrence, KS 66044  
1-866-747-8278  
[www.kansasignitioninterlock.com](http://www.kansasignitioninterlock.com)

Intoxalock  
(Auto Accents Collision Repair)  
2460 Fairfield St  
Lawrence, KS 66046  
785-246-7919  
[www.intoxalock.com](http://www.intoxalock.com)

Budget IID Ignition Interlock  
1042 E. 23<sup>rd</sup> Street  
Lawrence, KS 66044  
877-380-8252  
[www.budgetiid.com](http://www.budgetiid.com)

Clear2Drive  
(The Selection)  
1045 New Jersey St  
Lawrence, KS 66044  
913-359-9694  
[www.clear2drive.com](http://www.clear2drive.com)

**CITY OF LAWRENCE**  
City Prosecutor's Office  
6 East 6<sup>th</sup> Street  
Lawrence, KS 66044  
(785) 832-6195  
prosecutorinfo@lawrenceks.org

**For Court Use Only:**

Outstanding balance owed: \_\_\_\_\_  
Docket #: \_\_\_\_\_  
Date Rec'd: \_\_\_\_\_  
Def Atty: \_\_\_\_\_  
Paid: \_\_\_\_\_ CK # \_\_\_\_\_  
Receipt# \_\_\_\_\_  
Evaluation: \_\_\_\_\_  
ADIS certificate: \_\_\_\_\_  
Insurance or Interlock: \_\_\_\_\_  
Marijuana/THC certificate: \_\_\_\_\_  
Theft certificate: \_\_\_\_\_

**DIVERSION APPLICATION**

Every section in this application must be filled in.

PLEASE WRITE CLEARLY. IF WE CANNOT READ YOUR APPLICATION, YOUR APPLICATION WILL BE DENIED.

PLEASE SIGN AND DATE THE BOTTOM OF PAGE TWO, OR YOUR APPLICATION WILL BE DENIED.

LAST NAME \_\_\_\_\_ FIRST NAME \_\_\_\_\_ MIDDLE NAME \_\_\_\_\_

LIST ANY ALIAS/MAIDEN NAMES \_\_\_\_\_

DATE OF BIRTH \_\_\_\_/\_\_\_\_/\_\_\_\_ \*RACE \_\_\_\_\_ \*SEX \_\_\_\_\_ \*SOCIAL SECURITY # \_\_\_\_\_

ADDRESS \_\_\_\_\_ APT# \_\_\_\_\_ CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

Is your mailing address the same? YES NO (circle one)

If no, list mailing address: \_\_\_\_\_ APT# \_\_\_\_\_ CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

TELEPHONE NUMBER CELL (\_\_\_\_) \_\_\_\_\_ ALTERNATE (\_\_\_\_) \_\_\_\_\_

EMAIL ADDRESS (please write clearly) \_\_\_\_\_

DRIVER'S LICENSE NUMBER \_\_\_\_\_ \*DRIVER'S LICENSE STATE \_\_\_\_\_

HAVE YOU EVER BEEN ISSUED A COMMERCIAL DRIVERS LICENSE (CDL)? YES NO (circle one)

ARE YOU A U.S. VETERAN? YES NO (circle one)

DO YOU SUFFER FROM MAJOR DEPRESSIVE DISORDER, POLYTRAUMA, POST-TRAUMATIC STRESS DISORDER OR  
TRAUMATIC BRAIN INJURY CONNECTED TO U.S. MILITARY SERVICE IN A COMBAT ZONE? Yes No (circle one)

\*\*HOW DO YOU PREFER WE SEND YOU NOTICE OF DIVERSION APPROVAL/DENIAL? EMAIL U.S. MAIL (circle one)

**TREATMENT**

Are you currently or have you ever participated in substance abuse treatment/services? Yes No (circle one) If yes, explain: \_\_\_\_\_

Are you currently or have you ever participated in mental health treatment/services? Yes No (circle one) If yes, explain: \_\_\_\_\_

**EDUCATION**

\*ARE YOU CURRENTLY A STUDENT? Yes No (circle one)

\*HIGHEST LEVEL OF EDUCATION COMPLETED \_\_\_\_\_

\*IF CURRENTLY A STUDENT, NAME OF SCHOOL: \_\_\_\_\_

**EMPLOYMENT**

\*ARE YOU CURRENTLY EMPLOYED? Yes No (circle one)

IF YES, CURRENT EMPLOYER: \_\_\_\_\_ HOW LONG? \_\_\_\_\_ JOB TITLE \_\_\_\_\_

EMPLOYER'S/BUSINESS ADDRESS \_\_\_\_\_

## CRIMINAL HISTORY

(ATTACH ADDITIONAL PAGES IF NECESSARY)

List ALL prior or pending offenses: including criminal, traffic and juvenile.

Include ALL arrests and convictions, even if subsequently expunged.

Also, list any other diversion programs you have previously participated in.

Date	Offense	Location	Resolution

**\*\*\*FAILURE TO MAKE A FULL DISCLOSURE OF ALL ARRESTS, DIVERSIONS, CONVICTIONS, AMENDMENTS, AND EXPUNGEMENTS WILL RESULT IN AUTOMATIC DENIAL OF YOUR APPLICATION.\*\*\***

\*Have you ever been charged with DUI, OUI, DWI, OWI, or Driving with Excess BAC? Yes No (circle one)

If yes, please explain: \_\_\_\_\_

\*Have you had a conviction or diversion for a felony or misdemeanor in the past 5 years? Yes No (circle one)

If yes, please explain: \_\_\_\_\_

\*ARE YOU CURRENTLY ON DIVERSION OR PROBATION IN ANY COURT? Yes No (circle one)

If yes, please explain: Diversion Probation (circle one) LOCATION \_\_\_\_\_

LIST CHARGE(S) \_\_\_\_\_

## ADDITIONAL QUESTIONS

\*PLEASE STATE IN DETAIL THE FACTS WHICH CAUSED THE CURRENT CHARGES AGAINST YOU TO BE FILED:

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\*EXPLAIN WHY YOU FEEL YOU SHOULD BE GRANTED DIVERSION:

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I have read the foregoing application. All of the information is true and correct. I understand that if any of the foregoing information is not true and correct, this may be a basis for denial of the diversion or a revocation of my diversion. I request a continuance of the court date for my case to allow the city time to review my application and obtain the information necessary to determine whether or not a diversion can be granted. I understand that I have a right to a speedy trial and I knowingly and voluntarily waive the right to speedy trial. I understand that if I am arrested, cited, or charged with a crime after the date of this application; I must disclose the arrest, citation, or charge to the City Prosecutor's Office. I understand that failure to do so may result in my diversion being revoked.

Defendant's Signature

Date