

**Olmsted County Attorney's Office**  
Juvenile Diversion Program for Juvenile Petty Offenders  
Adopted effective April 15, 2007  
Updated February 23, 2026

Minnesota Statute § 388.24 requires every county attorney in Minnesota to establish a pretrial diversion program. Pursuant to this statute, the Olmsted County Attorney's Office reviews all juvenile petty offense<sup>1</sup> citations written within Olmsted County to determine if the case is eligible for the Juvenile Diversion Program. The purpose of the Juvenile Diversion Program is:

- (1) to provide eligible juveniles with an alternative to adjudication that emphasizes restorative justice;
- (2) to reduce the costs and caseload burdens on juvenile courts and the juvenile justice system;
- (3) to minimize recidivism among diverted offenders;
- (4) to promote the collection of restitution to the victim of the offender's crime;
- (5) to develop responsible alternatives to the juvenile justice system for eligible offenders; and
- (6) to develop collaborative use of demonstrated successful culturally specific programming, where appropriate.<sup>2</sup>

Juvenile petty offenses are eligible for diversion subject to the limitations in the chart below.

Nothing in this policy shall limit the prosecutor's discretion to use stays of adjudication, continuances for dismissal, or declinations of charges where such decisions are in the interest of children and public safety.

Eligibility Criteria for Underage Consumption of Alcohol

Underage drinking is generally appropriate for diversion. However, different levels of impairment raise different concerns for a child's chemical health. For that reason, prosecutors will consider breath tests results, as recorded in police reports. Juveniles whose breath alcohol is measured at or below .039 are eligible for diversion. Those at .04 or greater shall have their citations filed with the court.

The use of alcohol combined with the use of a car presents a very different problem for public safety and for the child's future. Therefore, citations for underage drinking and driving shall be filed with the court, even if the child's breath alcohol falls below the .04 threshold.

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<sup>1</sup> See Minn. Stat. § 260B.007, subdiv. 16 (defining "juvenile petty offense").

<sup>2</sup> Minn. Stat. § 388.24.

Finally, repeat chemical use raises the possibility—although not the certainty—that a child may be suffering from alcohol dependence. Therefore, juveniles will only have one opportunity to participate in diversion for alcohol use. The prosecutor will file any subsequent alcohol citations with the Court.

The Effect of Failure to Complete Diversion

Juvenile petty offenders eligible for the Juvenile Diversion Program will meet with a Diversion Panel or individually with the Diversion Officer, depending on the nature of the offense and the discretion of community corrections. If an individual continues to receive juvenile petty offense citations, the Olmsted County Attorney’s Office will file the citations with the court. If the individual was previously referred to the Juvenile Diversion Program and re- offends prior to participating in the program or prior to completing the required conditions, the Olmsted County Attorney’s Office will retrieve the previous citation(s) from the Juvenile Diversion Officer and file them with the court.

<b>CASE TYPE</b>	<b>INDIVIDUAL/PANEL<sup>3</sup></b>	<b>OPPORTUNITIES AT DIVERSION</b>
Curfew	Individual	Unlimited
Tobacco	Individual	Unlimited
Trespass	First offense = Individual Second offense= Panel	Unlimited <sup>4</sup>
Alcohol Possession (BAC .049 or less)	Panel	One
Theft, Possession of Stolen Property	First offense = Individual Second offense= Panel	Two
Criminal Damage to Property	First offense = Individual Second offense= Panel	Two
DOC, Obstructing Legal Process, Fleeing on Foot	Panel	Two
Misc. (i.e. False Name, MV Tampering)	At discretion of Juvenile Diversion Officer	Two

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<sup>3</sup> The decision whether to use individual diversion or panel diversion ultimately rests with the discretion and the expertise of community corrections. The recommendations in this chart related to individual versus panel diversion are general guidelines, but the probation officer is not bound by them.

<sup>4</sup> There is no limit to the use of diversion for trespass if the trespasses are unrelated and apply to different victim-properties. But if a juvenile commits repeat trespasses against the same victim, the prosecutor shall have discretion to send the citation to court.