

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



In the Matter of
Operational Practices Regarding the
Filing of Restitution Agreements in
Pretrial Diversion Matters

**STANDING
ORDER**

The U.S. Probation Office has been accepting referrals from the United States Attorney to conduct Pretrial Diversion investigations and supervision as authorized under 18 U.S.C. § 3154(10). If a victim has suffered a financial loss, it may be appropriate for the divertee to pay restitution if such payment is financially feasible. The Clerk of Court may accept restitution payments from a divertee and disburse the funds to the victims upon the judicial approval and filing of a Form PS 4 - Pretrial Diversion Agreement ("Agreement"). Due to the confidential nature of pretrial diversion matters, electronic access must be restricted; therefore,

If divertees are initially selected by the U.S. Attorney at the pre-charge stage, a Miscellaneous Criminal case will be opened automatically under seal and the "Agreement" will be filed accordingly. If divertees are selected *after* formal charges have been made under an existing Criminal or Magistrate case, the U.S. Attorney will file a Motion to Seal prior to the filing of the "Agreement."

SO ORDERED.

A handwritten signature in blue ink, appearing to be "F. Geraci, Jr.", written over a horizontal line.

FRANK P. GERACI, JR.
Chief Judge
United States District Court

Dated: February 7, 2018