

CUMBERLAND COUNTY VETERANS DIVERSION PROGRAM

Pursuant to N.J.S.A. 2C:43-23 et al. the Cumberland County Prosecutor's Office has established a Veterans Diversion Program that will become effective on December 1, 2017. The goal of the Veterans diversion Program is to reduce the Veteran contacts with Law Enforcement and to reduce the number of incarcerated Veterans.

The purpose of this Veterans Program Policy is to provide a collaborative partnership between the Cumberland County Prosecutor's Office, local law enforcement agencies, Veterans Administrators, State and County Agencies, volunteers, community-based organizations and medical treatment facilities to assist Veterans in the criminal justice system. The goals are to protect the public; reduce Veteran contacts with the criminal justice system; reduce the number of incarcerated Veterans; reduce costs to the public; and provide services and support for Veterans.

The program is open to any "service member", defined as any veteran or active duty military person who suffers from mental illness. The Program is limited to "eligible offenses" as listed in the statute, which are non-violent, petty disorderly persons, disorderly person offenses or crimes of the third or fourth degree.

Cumberland County Law Enforcement Agencies will receive training to ensure compliance with the statute. This will include identifying service members upon initial contact and inquiring if the service member suffers from a qualifying mental illness. Where appropriate the responding law enforcement officer may divert an eligible service member to appropriate services in lieu of filing a criminal complaint. Where charges are filed the complaint will be marked to indicate the accused is a service member in order to ensure future efforts to divert eligible service members from prosecution and into appropriate diversionary programs.

Once a complaint is received by the Cumberland County Prosecutor's Office, we will review the criminal charges, make charging decisions, and work with the service members to resolve the criminal case. All screening decisions are at the sole discretion of the Prosecutor's Office. A service member, or their attorney may apply at any time to be considered for participation in the program. Service members who are found to be appropriate candidates will initially be given the opportunity to participate in the Pre Trial Intervention ("PTI") program where eligible. Should they be ineligible for PTI, but otherwise accepted into the program, there will be referrals made for services. Service members may be permitted to participate more than once in the program at the sole discretion of the Prosecutor's Office.

Once a service member is accepted into a diversionary program the Prosecutor's Office will move before the Court to have the proceedings postponed while services are in process. The matter will be reviewed in Court every six months, not to exceed two years. At any point after the first six months the Prosecutor's Office may move to have the charges dismissed and the service member's participation successfully ended. Alternatively, where the service member is not successfully participating in the program requirements the Prosecutor's Office will give notice to the Court that we are prepared to move forward with the prosecution of the offenses.

Additionally, upon successful completion of the program any records of arrest, charge, or participation in the program may be expunged upon application of the Prosecutor or participant. The goals of the program are to protect the public; reduce Veteran contacts with the criminal justice system; reduce the number of incarcerated Veterans; reduce costs to the public; and provide services and support for Veterans. There will be no charge and participation in the program shall not act as a bar to future expungements.