

DEFENDANT:	CASE NUMBER:
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I declare under penalty of perjury under the laws of the State of California that I have read and understand each of the foregoing eight statements, and by initialing each statement I agree to their contents.

(Date)

(Type or Print Name)

(Signature of Defendant)

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MILITARY DIVERSION DEFINED

Military Diversion was established by California Penal Code Section 1001.80. This Section authorizes the Court, with consent of the participant and a waiver of his or her right to a speedy trial, to postpone criminal proceedings and place the veteran in a pretrial diversion program for the purpose of providing treatment. This Standard outlines best practices for the implementation of Military Diversion and does not represent strict rules or guidance.

IDENTIFICATION AND SCREENING

Pursuant to California Penal Code Section 1001.90(a), potential candidates for Military Diversion must be charged with a misdemeanor offense and must meet the following requirements, as determined by the Court.

1. Be a current or former member of the United States Military.
2. May be suffering from Military Sexual Trauma (MST), Traumatic Brain Injury (TBI), Post-Traumatic Stress Disorder (PTSD), Substance Abuse or Mental Health problems as a result of his or her military services.

The Defendant initiates the process by completing this Form, Request for Military Diversion. Once completed, the Court will schedule a hearing within four weeks for determination of whether the Defendant shall be placed on Diversion. The burden shall be on the veteran to prove he or she meets the criteria of Penal Code Section 1001.80. The Defendant may submit matters documenting the existence of a service connected disability, military service or any other materials in support of a grant of Military Diversion. The Court may request an assessment by the San Bernardino County Department of Mental Health to aid in the determination of whether a defendant suffers from a MST, TBI, PTSD, Substance Abuse or Mental Health problems as a result of his or her military services. The Defendant is required to provide proof to the Court of current or former military service.

EXCLUSIONARY CRITERIA

Individuals with a prior conviction for the same or similar conduct are better served by a post-conviction referral to Veteran's Treatment Court as opposed to a grant of military diversion and generally should not be placed on Military Diversion.

Military Diversion should only be granted on a one-time basis. If the Defendant has previously been admitted to any Military Diversion or Veteran's Court treatment program in California, he or she should not be placed on military diversion.

ACCEPTANCE AND PROGRAM LENGTH

If the Court admits the Defendant into Military Diversion, he or she shall waive the right to a speedy trial for two years for the purpose of completing a pretrial diversion program. The veteran shall participate and complete a Military Diversion Program for at least one year. Pursuant to California Code Section 1001.80(h), said diversion program shall be no longer than 2 years.

TREATMENT

Upon granting Military Diversion, the Court shall refer the veteran to treatment using established community and federal resources. Pursuant to California Penal Code Section 1001.80(e), preference shall be given to programs with a demonstrated history of specializing in treatment of TBI, MST, PTSD, Substance Abuse and other related Mental Health issues.

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MONITORING AND PROGRESS REPORTS

For those Veterans eligible to receive services from the Veterans Health Administration, monitoring of the veteran's participation in treatment shall be the responsibility of the assigned Veterans Justice Outreach (VJO). Written Progress Reports shall be submitted to the Court every three months.

TERMINATION FOR NON-SATISFACTORY PERFORMANCE

Pursuant to California Penal Code Section 1001.80(c), should the veteran's performance be deemed unsatisfactory or evident that he or she is not benefitting from treatment, the Court shall, with proper notification to the participant, hold a hearing to determine if criminal proceedings should be reinstated. The hearing's outcome may result in the reinstatement of Military Diversion, returning the matter back to its original department for continued criminal proceedings or a referral for acceptance into the Veterans Court Treatment Program.

SUCCESSFUL COMPLETION

Pursuant to California Penal Code Section 1001.80(c), if the veteran has successfully completed Military Diversion, the Court shall dismiss the participant's charges.