ATTORNE	EY OR PARTY WITHOUT ATTO	address): (FOR COURT USE ONLY)			
	TELEPHONE NO.:	FAX NO.(Optional):			
EMAIL AD	DRESS (Optional):	- (-1 )			
	NEY FOR (Name):				
	, ,	, COUNTY OF SAN BERNARDINO			
☐ Joshi ☐ Rand ☐ San I	ua Tree – 6527 White Feather R tho Cucamonga – 8303 Haven Bernardino Justice Center – 247 rville – 14455 Civic Drive, Victor	2415			
PLAINTIFF					
	E OF THE STATE OF C	ALIFORNIA			
DEFEND	ANT:		SUPERIOR COURT CASE NUMBER:		
HEARING DATE:		TIME:	DEPARTMENT:		
	REQUEST	FOR MILITARY DIVERSION; AD	VISAL AND WAIVER OF RIGHTS		
Defendan	t: Initial each statement be	low.			
1		in the above-captioned case, which ch I am requesting Military Diversio	n charges the following misdemeanor n (Pen. Code § 1001.80):		
2	I have been advised of, and understand, and waive my right to a speedy trial in this case.				
3	I understand that to be granted Military Diversion, I am required to provide an assessment or other evidence confirming I am a current or former member of the military and may be suffering from sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or a mental health problem, as a result of my military service. I understand I am also required to provide a recommended treatment plan for my sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health problem.				
4	I understand that the Military Diversion program, if granted, will be no longer than two years and will include a court-ordered treatment program.				
5	I understand that if accepted into the Military Diversion program, failure to comply with the terms of the diversion program may result in reinstatement of criminal proceedings.				
6	I understand that if I am arrested or charged with a new criminal offense while participating in the Military Diversion program, criminal proceedings in this case may be reinstated and I may be found no longer eligible for Military Diversion.				
7	I understand that if I perform satisfactorily during the period of Military Diversion, the court will dismiss the criminal charges. I understand that, upon successful completion of the Military Diversion program, the arrest upon which the diversion was based shall be deemed to have never occurred, except as stated in statement 8, below.				
8	I have been advised and understand that, regardless of my successful completion of Military  Diversion, the arrest upon which the diversion was based may be disclosed by the Department of Justice in response to a peace officer application request, and that I am still obligated to disclose the arrest in response to a direct question contained in a questionnaire or application for a position as a peace officer, as defined in Penal Code § 830.				

DEFENDANT:	CASE NUMBER:
I declare under penalty of perjury under the laws of the State foregoing eight statements, and by initialing each statement I	
(Date)	
(Type or Print Name)	(Signature of Defendant)

DEFENDANT:	CASE NUMBER:

## 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.

DEFENDANT:	CASE NUMBER:

## 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.