



Office of the County Prosecutor

County of Camden

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CAMDEN COUNTY VETERANS DIVERSION PROGRAM ELIGIBILITY

N.J.S.A. 2C:43-23 to 28

SERVICEMEMBER + MENTAL ILLNESS + OFFENSE

(MUST HAVE ALL THREE)

Servicemember:

Any veteran or enlisted person or officer of the United States Armed Forces, or a reserve component thereof, or the organized militia of the State of New Jersey. (Must mark one YES):

1. Currently serving in the military? (verify through VSO)
2. Veteran¹? (verify through VSO and/or VA)

Does the person: (must be NO)

1. Have a dishonorable discharge?

Has the person provided a: (Must be YES)

1. DD214?

Mental Illness:

Mental disorder classified within the DSM²

Must have one of the following:

1. Diagnosis of mental illness?
2. Reasonable belief that the person has a mental illness based on behaviors and symptoms exhibited during the commission of the offense or while in custody
3. Based on information provided by family members or associates during the investigation of the offense

¹ Veteran is defined as any enlisted person or officer who was discharged or otherwise released from active service in the U.S. Armed Forces, or any reserve component thereof, or the organized militia of New Jersey under conditions other than dishonorable, or if otherwise qualified for federal Veterans Affairs benefits as determined by the U.S. Department of Veterans Affairs. For characterizations of "other than honorable", the county prosecutors' offices should follow the VA determination for eligibility of VA benefits.

² "DSM" stands for "Diagnostic Statistical Manual of Mental Disorders" published by the American Psychiatric Association. For the purposes of the Statewide Veterans Diversion Program, an eligible Servicemember can be referred for evaluation and potential eligibility into the program if he/she has a 1) prior diagnosis of mental illness; or 2) a LEO or prosecutor has a reasonable belief that the person has a mental illness based on behaviors and symptoms exhibited during the commission of the offense or while in custody; or 3) based on information provided by family members or associates during the investigation of the offense.

Eligible Offenses

Non-violent PDP or DP
3rd or 4th Degree Crimes

Presumptively Ineligible

1. Domestic Violence, N.J.S.A. 2C:25-19a(3)
2. If offense is committed while subject to a TRO or FRO N.J.S.A. 2C:25-17

The presumption may be overcome subject to the discretion of the Prosecutor after consulting with any victim. 2C:42-26b(2).

Ineligible

1. Crime or offense involves violence or threat of violence [N.J.S.A. 2C:43-24(2)a defines this crime or offense if the victim sustains a bodily injury as defined in N.J.S.A. 2C:11-1a or the actor is armed with and uses a deadly weapon or threatens by word or gesture to use a deadly weapon as defined in N.J.S.A. 2C:11-1c, or threatens to inflict a bodily injury].
 2. Offense involves Restitution for Damages (**Applicable only to a law enforcement officer who wishes to divert in lieu of filing a criminal complaint. 2C:43-25b)
 3. Victim objects to Diversion (**Applicable only to a law enforcement officer who wishes to divert in lieu of filing a criminal complaint. 2C:43-25b)
 4. **Pending criminal charges** of the following render the SERVICEMEMBER **INELIGIBLE**:
2nd Degree Crime or Higher
 5. If one has a **prior conviction** of a violent crime per N.J.S.A. 2C:43-7.2d, it renders the SERVICEMEMBER **INELIGIBLE**. Those are the following:
 1. Murder [N.J.S.A. 2C:11-3](#)
 2. Aggravated Manslaughter or Manslaughter [N.J.S.A. 2C:11-4](#)
 3. Vehicular Homicide [N.J.S.A. 2c:11-5](#)
 4. Aggravated Assault [N.J.S.A. 2c:12-1b](#)
 5. Disarming a Police Officer [N.J.S.A. 2C:12-11\(1\)\(B\)](#)
 6. Kidnapping [N.J.S.A. 2C:13-1](#)
 7. Robbery [N.J.S.A. 2c:15-1](#)
 8. Aggravated Sexual Assault [N.J.S.A. 2c:14-2](#)
 9. Carjacking [N.J.S.A. C.2C:15-2](#)
 10. Aggravated Arson [N.J.S.A. 2C:17-1a\(1\)](#)
 11. Burglary [N.J.S.A. 2C:18-2](#)
 12. Sexual Assault [N.J.S.A. 2C:14-2b](#) And [-2c\(1\)](#)
 13. Terrorism [N.J.S.A. 2C:38-2a](#)
 14. Extortion [N.J.S.2C:20-5a](#)
 15. Booby traps in manufacturing or distribution facilities [N.J.S.A. 2C:35-4.1b](#)
 16. Strict liability for drug induced deaths [N.J.S.A. 2C:35-9](#)
 17. Causing or permitting a child to engage in a prohibited sexual act, knowing that the act may be reproduced or reconstructed in any manner, or be part of an exhibition or performance [N.J.S.A. 2C:24-4b\(3\)](#)
 18. Producing or possessing chemical weapons, biological agents or nuclear or radiological devices [N.J.S.A. 2C:38-3](#)
 19. Racketeering, when it is a crime of the 1st degree [N.J.S.2C:41-2](#)
- Firearms Trafficking [N.J.S.A. 2C:39-9i](#)