

Diversiónary Programs



What are Diversiónary Programs?

Diversiónary programs are programs for first-time offenders and/or minor or nonviolent offenses that steer an individual away from the traditional criminal justice process to rehabilitative programs in the community. Eligibility for diversionary programs vary by jurisdiction. Diversiónary programs are an alternative to the standard court process of a plea and sentence or a trial in the case of a non-guilty plea. For various crimes and offender characteristics, counseling or some type of therapeutic intervention may be the best choice for both the offender and the community. This approach is seen as both effective and less costly than the standard court process.

What is the goal of a Diversiónary Program?

The goal of diversionary programs is to prevent an individual from becoming a repeat offender and becoming entangled in the justice system. This can be accomplished by helping them avoid incarceration and from developing a criminal record. Features of diversionary programs vary by jurisdiction. Under some diversionary programs, the defendant does not have to enter a guilty or no-contest plea to receive diversion. Other diversionary programs require that the defendant formally admit guilt but suspend punishment until the defendant has had the opportunity to complete the assigned program. Often the plea is not formally entered into the court system so it can be erased upon successful completion of the program.

Examples of Diversiónary Programs

Accelerated Rehabilitative Disposition (ARD)

- ARD is a pre-trial intervention program that all Pennsylvania counties are required to have in place for individuals with no criminal record (or very limited criminal record) who have been charged with a minor, non-violent offense.
- According to the Pennsylvania Rules of Criminal Procedure, the aim of the program is to encourage offenders to make a fresh start after participating in a rehabilitative program.
- To participate in an ARD Program, defendants need to submit a written application to the District Attorney's Office within 30 days of the preliminary hearing. If an individual is accepted into an ARD program, their case is placed on "hold" for a set period while completing the court-imposed requirements. If these requirements are completed by the end of the ARD period, the court will then notify the offender that their case is eligible to be dismissed and erased from their criminal record.
- See how ARD works in Montgomery County [here](#).

Mental Health Courts

- Traditional court processes are often unsuccessful in preventing defendants with mental health diagnoses from future run-ins with the justice system. To combat this trend, approximately 25 counties in Pennsylvania have established mental health courts. Find which counties in PA offer Mental Health Courts [here](#).
- To be admitted to a mental health court, an individual must have a verifiable mental health diagnosis and have a referral application completed by police officers, Magisterial District judges, attorneys, probation officers, case managers, prison staff, judges, family members, and other agencies or individuals. The referral application is reviewed by a Mental Health Court Coordinator to determine eligibility.
- Mental health courts bring together key players in Pennsylvania's justice system and professionals in the mental health system to divert offenders with severe mental illness into a judicially supervised program, which can include community-based

- treatment. They include a team of court staff and mental health professionals who work together to screen and assess defendants, develop treatment plans, and supervise offenders.
- Mental health courts offer defendants the opportunity to avoid incarceration by complying with community supervision, mandated treatment, and if necessary, medication management.
- An example of how Mental Health Courts are working in Lancaster County as well as eligibility requirements and additional documents can be found [here](#).

Youth Aid Panels

- Youth Aid Panels (YAPs) are an innovative diversionary program to effectively meet the needs of juvenile offenders employing a restorative justice approach.
- Juveniles who admit their involvement in an eligible offense, pass a screening process, and receive approval from a participating police department may participate in YAP.
- Restorative Justice is structured and run by local entities and can vary from place to place. Restorative Justice typically features repairing the harm caused by criminal behavior by facilitating a meeting between victims, offenders, and member(s) of the community.
- YAPs include trained volunteer community members who act as a voice for their community. The panels assist in providing a way to increase the accountability and responsibility of youths for their actions, while attempting to meet the needs of the victim.
- The process has two important goals: 1) to prevent the youth from becoming more deeply rooted in the juvenile justice systems; 2) to hold the juvenile responsible to both the victim and the community through the completion panel-imposed obligations. If the panel obligations are completed the juvenile avoids being adjudicated delinquent.
- Information on Bucks County Youth Aid Panels, as well as applications to volunteer as a Youth Aid Panel Member, can be found [here](#).