



Illinois State Association of Counties

ISSUE BRIEF

February 23, 2024

Criminal Justice Diversion Programs: How They Work

Criminal justice diversion programs are designed to provide an alternative to traditional criminal prosecution for certain individuals, usually non-violent offenders, with the goal of addressing underlying issues that may contribute to criminal behavior. The specific details of these programs can vary depending on jurisdiction, but here is a general overview of how they typically work:

Identification of Eligible Participants

- Law enforcement, prosecutors, or court officials identify individuals who may be suitable for diversion programs based on criteria such as the nature of the offense, the individual's criminal history and other factors.
- Eligibility criteria often target first-time offenders, low-level offenses and individuals with issues such as substance abuse or mental health problems.

Screening and Assessment

- Participants are often required to undergo a comprehensive assessment to determine the underlying issues contributing to their criminal behavior. This may include assessments related to substance abuse, mental health and other social factors.

Program Assignment

- Based on the assessment, participants may be assigned to specific diversion programs tailored to address their individual needs.
- Programs can include drug or alcohol treatment programs, mental health counseling, educational programs, community service or other rehabilitative services.

Supervision and Monitoring

- Participants are typically required to comply with the terms of the diversion program and may be under supervision, such as regular check-ins with a probation officer or case manager.
- Random drug tests, attendance at counseling sessions, or other monitoring mechanisms may be implemented to ensure compliance.

Completion of Program Requirements

- Participants must successfully complete all the requirements of the diversion program, which may include attending counseling sessions, completing community service hours or participating in educational programs.

Case Review

- Upon successful completion of the diversion program, the criminal charges may be dismissed, reduced or not pursued further.
- If the participant fails to comply with the program requirements, the criminal case may proceed through traditional prosecution.

Record Expungement

- In some cases, successful completion of a diversion program may lead to the possibility of having the individual's criminal record expunged or sealed, reducing the long-term impact on their future opportunities.

The overarching goal of criminal justice diversion programs is to address the root causes of criminal behavior and provide individuals with an opportunity to rehabilitate themselves, reducing the likelihood of reoffending. These programs aim to balance accountability with a focus on rehabilitation rather than solely relying on punitive measures. Keep in mind that the specifics can vary significantly based on jurisdiction and the type of diversion program implemented.