

Diversion Eligibility Criteria Study Group

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Drug Offense Task Force

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Key areas of agreement:

- Substance abuse, mental health, and co-occurring disorders are bringing people into the criminal justice system
 - Many people with drug-related offenses have low criminogenic risk and may otherwise not be facing criminal charges
- There is a need for new diversion models and programs to address this population, including low-risk, high-need high system utilizers or people frequently in the criminal justice system and presenting with behavioral health challenges
- Present and prior approaches within the criminal justice system are not successful in addressing SUD and we need to be innovative in our approach
 - Other state attempts at diversion have not specifically targeted this population (not specific to Opioid Use Disorder)

Key areas of agreement:

- Goal is to offer alternative to criminal justice case AND meet needs of individuals so they do not come into the system
 - Diversion will be pre-filing and will use a community-based model in partnership with DA
 - Goal to incentivize diversion prior to system involvement, but will not limit ability to refer post-filing if a case is missed
 - Preferred model is dismissal with prejudice at time of diversion, and/or a two-tier model based on criminogenic risk
 - Goal is community engagement, match participants with community programming, and outside of criminal justice system (alternative to criminal justice system)
 - Treatment and other fees must be assessed on ability to pay and participants may not be prevented to for inability to pay
 - Diversion programs should adopt harm-reduction models to address basic needs, criminogenic risk factors, and behavioral health and substance needs
 - Collaboration in each community will be key to success so that services and ongoing supports are received outside of the criminal justice system and should include how model will be responsive and inclusive to community and victims
 - Should have partnerships with community resources (housing, mentorship, community connection) so that case managers can best assist

Recommendation:

- Diversion Pilot Programs designed based on specific community assets and needs
 - Communities vary greatly in terms of resources available, risk tolerance, community readiness and buy-in to this approach so local control and flexibility in implementation is required
 - Pilot sites will require funding to implement innovative diversion models
 - Diverting higher level offenses or high need individuals will be incentivized to fill gap as many existing diversion programs do not serve this population or have low utilization
 - Required partnership and collaboration for community planning on criteria, and model, including DA, PD, Comm MH Prov, etc.