



FY2018 RECOMMENDATION/FY18-MH01 Develop Pre-File Mental Health Diversion Pilot Programs

Status: Implementation Complete

Actions/Updates

2018 ACTION TO DATE

The Commission planned to establish pilot programs in selected judicial districts to determine the viability of the pre-file mental health diversion program. However, during the FY 2018 legislative session, a closely corresponding bill was introduced that addressed the same issues.

This recommendation became the basis for a major revision of Senate Bill 2018-249 (Sponsors: Sens. Gardner / Lambert & Reps. Lee & Young) entitled, Establishing Alternative Programs in the Criminal Justice System to Divert Individuals with a Mental Health Condition to Community Treatment.

With the passage and signing of this bill, this recommendation is considered complete.

Description

This recommendation proposes the development of pilot programs for pre-file mental health diversion in judicial districts where the option or resources for the option may be lacking. The pilot will:

- Develop post-arrest, pre-file diversion programs specifically for individuals experiencing mental health disorders and who meet specific criteria and are determined able to benefit from diversion to treatment rather than being processed through the criminal justice system.
- Create pre-file mental health diversion programs that utilize a stakeholder-created, reviewed, and approved model [A proposed model may be found in Appendix A at the "Recommendation Text" link to the full recommendation.].

In addition, local officials should promote the utilization of Adult Pretrial Diversion Programs and funding as created by §18-1.3-101, C.R.S.

Agencies Responsible

General Assembly, the CO State Court Administrators Office, the CO District Attorney's Office, and the relevant DA Office where pilot programs are located.

Discussion

Despite mounting efforts to increase pre-arrest diversion for individuals with mental health disorders, some will continue to be charged and booked before their mental health concerns are

clearly identified. Although mental health courts are operating across our state, they are a costly process and require defendants to enter a plea, creating long term difficulties in finding housing, employment, and rejoining their communities upon release.

Colorado has experience with pre-trial diversion programs through collaboration with community mental health providers, with examples both historically and currently in Denver's municipal court, and across the state.

To promote public safety, good outcomes for all citizens, and efficiency in our government and judicial system, promising models must be pursued to divert individuals into treatment at the earliest possible discretionary point. The Judicial Department currently oversees and administers programs within District Attorney's office, funded by §18-1.3.101, C.R.S to create diversion programs. The Department will benefit from pursuing partners for and promoting the utilization of the model proposed in this recommendation.

Proposed Statutory Language

No legislative action is necessary to implement these programs, although the Colorado Judicial Branch may benefit from a supplemental budget request to add staff to oversee, track, and evaluate this program.