Prosecutorial Diversion Program

Overview

People with behavioral health issues are overrepresented in the criminal court system. High arrest and recidivism rates act as barriers to the recovery of these people. This is costly and time consuming for law enforcement, jails and courts and impacts the perception of public safety.

The Prosecutorial Diversion Program creates a pathway to divert people, particularly those charged with misdemeanor and low-level felony offenses, from court involvement and incarceration by instead connecting them to intensive services within their community.

DSHS contracts for PDP services that serve Spokane, King, and Benton/Franklin counties. The program engages prosecutors, defense attorneys and behavioral health providers to jointly review and consider a case for the program.

For a case to be accepted into the program, each of the parties and the client must sign a program participation agreement. These agreements specify a set of services in which the client will participate.

The behavioral health provider team agrees to coordinate those services and provide intensive case management for the client. In exchange, the prosecutor agrees to either not file charges or dismiss charges without prejudice at the time of signing the agreement and agrees to dismiss those charges with prejudice if the client successfully completes the program (typically six to 12 months).

Without prejudice means that the charges can still be pursued if the client does not meet their obligations under the release conditions and program participation requirements. With prejudice means that the charges cannot be pursued any longer.

Eligibility Requirements

The PDP serves people with identified behavioral health needs who have been arrested and for whom the question of competence to stand trial has been raised.

Authority

Chapter 10.77 Revised Code of Washington outlines the requirements for competency services and provides authority for prosecutors to dismiss charges either pre or post-filing of charges.

Budget

The state 2023-25 biennial budget included an investment of $2.8 million in funding to support prosecutorial diversion ($1.39 million general fund-state for each fiscal year).

Numbers Served

Collectively, these programs can serve approximately 200 people per year.

Partners

Law enforcement, prosecutors, defense counsel, courts and community providers.

Oversight

DSHS/Office of Forensic Mental Health Services

For more information

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