

Behavioral Health Administration

Fact Sheet

Prosecutorial Diversion Programs

Updated: September 2021

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| <p>Overview</p> | <p>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; are costly and time consuming for law enforcement, jails and courts; and impact 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.</p> <p>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 aforementioned 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 <i>with</i> prejudice if the client successfully completes the program (typically 6-12 months).</p> |
| <p>Eligibility Requirements</p> | <p>The PDP serves persons with identified behavioral health needs who have been arrested and for whom the question of competence to stand trial has been raised.</p> |
| <p>Authority</p> | <p>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.</p> |
| <p>Budget</p> | <p>The state 2017-19 biennial budget included an investment of \$4.8 million in funding to support prosecutorial diversion (1.39 mil GF-state each fiscal year and \$1.01 GF-federal each fiscal year).</p> |
| <p>Numbers Served</p> | <p>Collectively, these programs can serve more than 260 people per year.</p> |
| <p>Partners</p> | <p>Law enforcement, prosecutors, defense counsel, courts and community providers.</p> |
| <p>Oversight</p> | <p>DSHS/Office of Forensic Mental Health Services</p> |
| <p>For more information</p> | <p>Jason Karpen, OFMHS Liaison and Diversion Specialist, 360-529-6116 jason.karpen@dshs.wa.gov Website: www.dshs.wa.gov/bha/office-forensic-mental-health-services</p> |