



OFFICE OF THE DISTRICT ATTORNEY
TWENTIETH JUDICIAL DISTRICT

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Press Release

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District Attorney Expands Successful Mental Health Diversion Program

In 2019, Boulder County launched the state's first pre-file Mental Health Diversion Program (MHDP) through the cooperative efforts of the District Attorney's Office, the Sheriff's Office, and Community Justice Services. MHDP, which began as a pilot program, diverts people with behavioral health needs and eligible charges out of jail or court and into treatment and services. While MHDP was just getting underway, the state cut the funding for all the pilot sites because of budget constraints related to the pandemic.

Of the four pilot sites in Colorado, Boulder County was the only jurisdiction that continued the program, by obtaining temporary emergency funding through a partnership with the county's human services department.

The DA's Office strongly supports effective diversionary programs like MHDP and is active in efforts to pass legislation to sustain these important efforts. This included recently supporting a bill that expanded the scope of existing pretrial adult diversion to include mental health diversion and allocated additional funding to support these programs. Beginning in July 2022, the DA's Office will be receiving additional funding to not only continue its existing Mental Health Diversion Program, but also to add a second Behavioral Health Navigator so that the program can serve additional participants.

MHDP targets individuals of all ages with moderate to acute mental health needs, often with co-occurring disorders, who are open to receiving help. The mission is to disentangle people with behavioral health needs from the criminal justice system, increase access to services to increase stability and reduce re-offense, and reduce jail overcrowding and incarceration as well as prosecution costs. This population is targeted because high numbers of people involved in the criminal justice system struggle with mental illness, that adults with serious mental illness are often arrested for low-level crimes that are motivated by their illness rather than an intent to harm, and that community-based mental health services lead to better treatment outcomes and are more cost-effective than incarceration and criminal justice system involvement.

Time in custody can further destabilize people experiencing a mental health crisis who do not present a public safety risk but who, without treatment, may continue to commit crimes. MHDP takes a different approach to disrupt people cycling through the system.

MHDP participants work with our two Behavioral Health Navigators to connect with community agencies and access resources for mental health and substance use treatment, medical and dental care, Medicaid, housing, food stamps, basic needs, and other supports to gain stability. Behavioral Health Navigators build a collaborative relationship with diversion participants to work on these stability areas, while also utilizing restorative justice practices to support personal accountability and to facilitate repair of the harm that was caused by their offense.

MHDP is seeing great results and receiving positive feedback from clients and the community. Since its creation, MHDP has served 121 people and, in 2021, 92% of clients successfully completed the program to have their charges dismissed. Clients themselves report feeling supported during the process and have someone to turn to while connecting with resources. Clients also say that MHDP has helped them make positive choices and has opened up opportunities they wouldn't have otherwise had. Many say they now have hope that they will be able to have a positive future. With the additional Behavioral Health Navigator, this successful program will serve additional participants.

District Attorney Michael Dougherty stated, "Our Mental Health Diversion Program helps individuals to stabilize, get on the right track, and not engage in criminal conduct. Colorado ranks poorly when compared to other states in access to mental health care. Our state's glaring lack of mental health care can result in increased contact with the justice system for some individuals. Expanding this successful, innovative program is the absolute right thing to do."

SUCCESS STORIES:

As an example, one individual accepted into MHDP in 2020 had had over 100 arrests in 2019, meaning he had spent, at a minimum, 100 days and nights in custody with no treatment for very minor offenses. After connecting with services through MHDP, he had only one arrest in all of 2020. This serves the public interest in many ways, reserving jail resources for individuals who pose an active public safety risk and decreasing this individual's risk level. Because of MHDP, he is no longer experiencing further decompensation due to incarceration. He has remained housed, has resources for food, is connected with services so that he no longer receives medical care only from the emergency room, and is close to being stable enough for employment.

A second individual was under 30 with a significant history of mental health, substance use disorder, and homelessness. This individual was the first felony referral to MHDP and the decision was supported by the DA's Office, Public Defender, jail, and law enforcement. The individual was able to goal set and reconnect with their family to have a safe place to stay, get connected to community mental health, and begin to work on gaining stability. This individual, and many individuals, will have ups and downs within working to gain stability but is a great example of how partners across Boulder County come together to support those who need the most support.