

# FUTURE OF MENTAL HEALTH DIVERSION

The loss of funding early into MHDP implementation, soon after the onset of the pandemic, disrupted testing of the MHDP model. Having recently launched their pilot programs, the pilot sites were still refining identification of participants, eligibility criteria, and operational processes. As a result, the MHDP model was minimally tested and did not undergo a formal program evaluation, due to lack of funding and due to an insufficient test experience, in duration and in the number of participants. Despite these limitations, the pilot sites learned from their experiences and apply this knowledge to better serve individuals with behavioral health challenges who encounter the criminal legal system.

Emerging from the pilot site experience is the consensus that mental health impairments and substance use contribute to criminal legal system involvement in a significant share of criminal cases. Pilot sites share the consensus that mental health and substance use disorder interventions are critical to disrupting criminal legal system involvement, and that funding for these interventions is a top priority. Finally, pilot sites agree that supportive case management and short-term funding for participant basic needs that are necessary to participant stability are vital to participant and program success.

With lessons learned from the MHDP model, the pilot sites agree that funding of these interventions within the umbrella of the pretrial adult diversion program, pursuant to §18-1.3-101, C.R.S., would increase operational and funding efficiencies by combining application, reporting, oversight, and program operation functions. Funding behavioral health interventions under the adult diversion program would also provide access to Correctional Treatment Funding and would leverage the existing structure and experience of the Adult Diversion Funding Committee. Consolidating mental health treatment funding under the adult diversion program would foster a more integrated approach for case triage to match program candidates with programs. The overall structure of the adult diversion program is likewise a good fit for incorporation of mental health interventions. The adult diversion statute provides greater flexibility regarding eligible offenses and regarding the potential period of diversion. The adult diversion statute emphasizes rehabilitation and reintegration, and elevates reparation of harm to victims within the program's legislative intent. Incorporating supportive case management and behavioral health interventions, tailored to the needs of the diversion participant, is wholly compatible with the pretrial adult diversion statute, as written, such that the statute would require no modification. Furthermore, between ten and twelve of Colorado's 22 judicial districts have participated in the adult diversion program in the past two years. These programs recognize the need to divert individuals with mental health treatment needs but have lacked the funding to do so. With the impending statutory termination of the MHDP on June 30, 2022, FY23 presents an opportunity to meaningfully and efficiently integrate mental health interventions into adult diversion programming.