

# MENTAL HEALTH DIVERSION

LOS ANGELES



Supported by the John D. and Catherine T. MacArthur Foundation

# Pen. Code 1001.35-36

Allows a court to order a defendant into mental health treatment (with other conditions of release) *before* conviction if:

1. Qualified expert finds that Defendant suffers from a DSM listed disorder (including SUD).
2. There is a link between the disorder and the alleged offense
3. There is a place to treat the defendant AND
4. Defendant agrees (or is incompetent)

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- If defendant successfully completes treatment program and there is a plan in place for long term care, case is dismissed and record of arrest is sealed.
- Defendant's record DOES contain a note (accessible to law enforcement) indicating prior mental health diversion
- If Defendant fails diversion, criminal proceedings are reinstated



# What We Did With It



[SafetyAndJusticeChallenge.org](https://SafetyAndJusticeChallenge.org)

# Misdemeanor Mental Health Diversion

- Collaboration between the Bench, City Attorney, DMH, Non-Profit Treatment Provider (Project 180), Sheriff, Probation, and Defense.
- Agreement is that if a diversion candidate makes it through a screening process, prosecutor and bench will support diversion.

# What's the Screening Process?

- DMH LCSW evaluator and Project 180 LCSW are embedded in the court.
- Public Defender screens *every\** incoming arraignment (roughly 60 per day) by police report and record.
  - At prosecutor's request, we did not include "classic" DV cases in this pilot
- If a report or record indicates possible DSM diagnosis, PD then individually interviews the candidate.
- If candidate appears to qualify for diversion and expresses willingness to accept services, candidate is referred to DMH evaluator.

# What's the Process?

- DMH Evaluator evaluates candidate and, assuming candidate passes, refers candidate to Project 180 services navigator who locates suitable treatment program for candidate based on needs identified by DMH evaluator.
  - This often involves calling around to different pre-vetted programs to find an empty bed.
- Prosecutor can suggest additional conditions of diversion (such as a stay away order)
- Candidate is then referred to bench with joint recommendation for diversion
- THIS ENTIRE PROCESS IS COMPLETED IN ROUGHLY TWO HOURS.
- Candidate is ordered conditionally released to a Project 180 case manager who picks up candidate from the jail, drives candidate directly to the program, and serves as liaison between court team and candidate in the future.
  - When candidate has stable housing (RARE) we will consider outpatient treatment.



# Results?

- For the pilot, our goal was to divert two people per *week*.
- In the first three months of operation, we have diverted two people per *day*.
- All of those people started in jail, all of them were ordered released, and *all* of them were connected to services.

# Going forward...

- We are expanding to out-of-custody defendants, and working on expanding to out of custody felonies. To do so, we will need:
- Funding (hint, hint Macarthur!) for dedicated treatment beds to cut down on wait times and improve quality of care
- We will also need: embedded LCSWs for evaluation and placement and case managers to work with clients upon release.

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