


## Support Comes from Unexpected Places: Prosecutor-Led Behavioral Health Diversion

20<sup>TH</sup> JUDICIAL DISTRICT ATTORNEY'S OFFICE

**Jenny Dusseau & Ayla Perez**  
 Center for Prevention and Restorative Justice  
 20th Judicial District Attorney's Office, Boulder, Colorado




---

---

---

---



---

---

---

---


1

## BOULDER DA DIVERSION: A PUBLIC SAFETY PROGRAM

Diversion is a pre-conviction alternative to traditional prosecution that reduces the damaging collateral consequences of a criminal conviction while holding participants **ACCOUNTABLE** for the offense and supporting them to **REPAIR HARM** to victims and others affected.

Criminogenic risk and underlying needs are addressed with community services and interventions to **DRIVE DOWN RISK OF RE-OFFENSE**.




---

---

---

---

---

---


---

---

2

## Accountability Requirements

- Defendant must take **responsibility** for basic facts underlying charges
- No victim-blaming
- Must be **willing to engage** in diversion (meet with staff, access services, address areas of risk, work towards stability, etc.)
- Must be willing to hear/**discuss impact** and take steps to **repair harm** (as appropriate)
- Must agree to & have ability to pay restitution, when applicable
- \*NOTE:** Accountability threshold may differ for DORS (more on this later...)




---

---

---

---

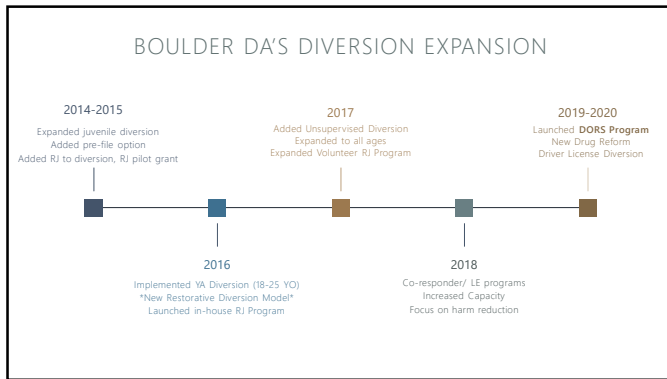
---

---

---

---

3



4

---

---

---

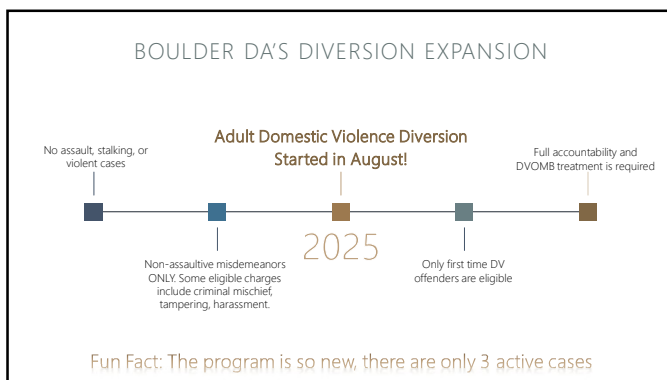
---

---

---

---

---



5

---

---

---

---

---



---

---

---

### BOULDER COUNTY DA'S DIVERSION PROGRAM OUTCOMES

- **Diverted 5000+ cases** since 2016, including major expansion of services to adult diversion in 2016 and behavioral health diversion (DORS) in 2019
- **>50%** juvenile cases diverted each year
- **92% of participants successfully complete** diversion to have their case dismissed
- **Low 9% recidivism** across all programs
- **99% victim and community satisfaction** with restorative justice (and 98% defendant satisfaction)
- **Focus on repair of harm:** 1500+ RJ processes conducted; \$385,000+ restitution, 10,200+ hours volunteerism, and 1200+ voluntary apologies to victims, schools, law enforcement, and other community members

6

---

---

---

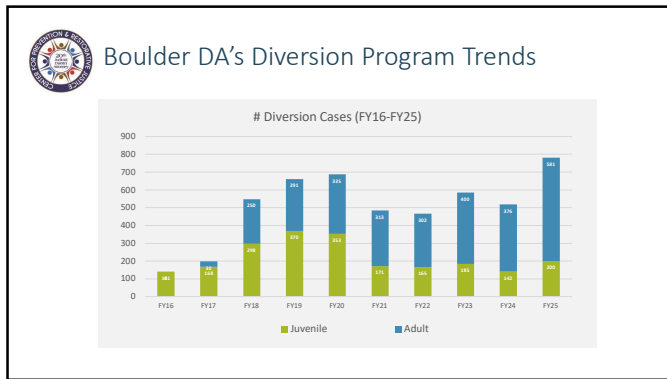
---

---

---

---

---



7

---

---

---

---

---

---

---

---

**BRAIN BREAK #1!**

- How old was Boulder Diversion's youngest participant?
- How old was Boulder Diversion's oldest participant?

8

---

---

---

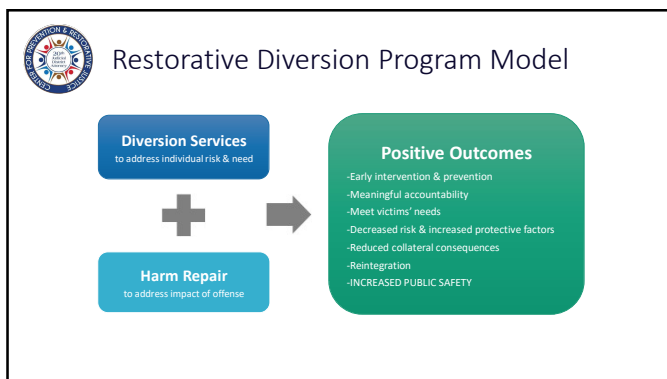
---

---

---

---

---



9

---

---

---


---

---

---

---

---



## DA DIVERSION TRACKS

Unsupervised Diversion (~4 months)	Supervised Diversion (~6 months)	DORS (6 months)
<ul style="list-style-type: none"><li>• Youth or Adult; low risk</li><li>• Lower-level charges</li><li>• Requirements: Community-based interventions based on charge/impact<ul style="list-style-type: none"><li>✓ Class/education tailored to offense</li><li>✓ Substance use screenings (SBIRT)</li><li>✓ Repair of Harm: Restitution, restorative conversation, RJ, or other repair</li></ul></li></ul>	<ul style="list-style-type: none"><li>• Youth or Adult; low or mod risk</li><li>• Higher-level charges</li><li>• Requirements: Individualized case plan based on validated risk assessment<ul style="list-style-type: none"><li>✓ Meetings with Diversion Coordinator</li><li>✓ Substance use screenings (SBIRT)</li><li>✓ Referrals to services</li><li>✓ Skill building, decision making, harm reduction, education, school/work, peers, and pro-socials</li><li>✓ Repair of Harm: Restitution, restorative conversation, RJ, or other repair</li></ul></li></ul>	<ul style="list-style-type: none"><li>• Adults with mental/behavioral health, substance use, and/or stabilization needs; low, mod, or higher risk (discretionary)</li><li>• Range of offenses</li><li>• Requirements: Work with Behavioral Health Navigator to increase stabilization and address MH/BH needs<ul style="list-style-type: none"><li>✓ Intensive, community-based case management (housing, basic needs, treatment, benefits, docs, etc.)</li><li>✓ Repair of Harm: Restitution, restorative conversation or RJ when possible</li></ul></li></ul>

10

---

---

---

---

---

---

---



---

## DORS Program

Diversion Opportunity for Resources & Stabilization

DORS targets adults involved with the criminal justice system who have mental/behavioral health and stabilization needs, either at onset of symptoms or who have been part of "revolving door" and new approach is needed.

DORS clients receive 6 months of intensive, targeted case management linking them to community-based services and treatment. Upon completion, case is dismissed.



**DORS Highlights:**

- Colorado's first pre-file MH diversion program
- Open to adults of all ages
- Wide range of offenses eligible
- Prior criminal history is considered, but not a bar to acceptance
- Welcomes caseworker coordination and attendance to meetings
- While medication compliance is encouraged, it is not required

**Program Requirements:**

- ✓ Criminogenic and behavioral health assessments
- ✓ Individualized case plans prioritizing basic needs (housing, treatment, benefits, documentation, etc.)
- ✓ Harm reduction lens; "meet people where they're at"
- ✓ Repair of harm when possible: Restitution and restorative justice practices
- ✓ Typically meets every 2-3 weeks, but can be increased

11

---

---

---

---


---

---


---

---


## ASSESSMENTS USED IN DORS SCREENINGS, BUT NOT REGULAR ADULT DIVERSION




**MODIFIED MINI SCREEN**  
(Assesses mental health symptoms)



**TCU DRUG SCREEN**  
(Assesses substance use w/in the last 12 months)



**HELPS TBI SCREEN**  
(While created as a domestic violence tool, this screens for TBI indicators and hits to the head)



**CARE PLAN INTAKE ASSESSMENT**  
(Created by the first Navigator to run the program, this assesses a client's stability and where DORS might be helpful)

12

---

---

---

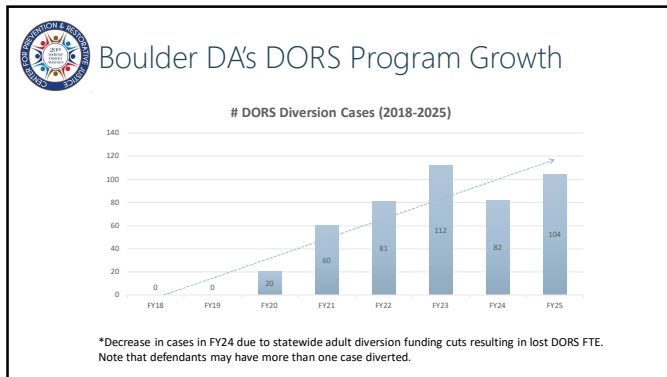
---

---

---

---

---



13

---

---

---

---

---

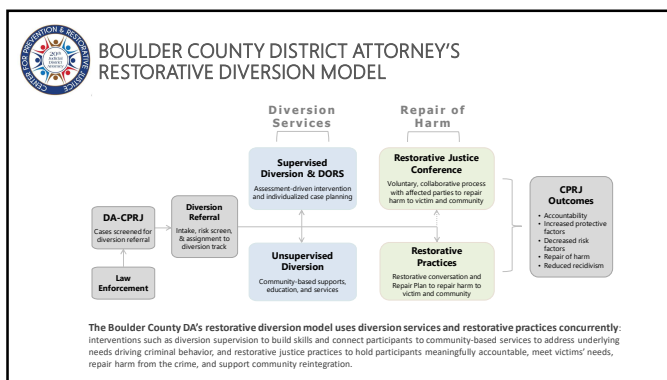
---

---

---

---

---



14

---

---

---

---

---

---

---

---

---

---

**BRAIN BREAK #2!**

What was the shortest amount of time a client spent on Boulder Diversion?

What was the longest amount of time a client spent on Boulder Diversion?

\*Cases are typically only extended for longer periods of time for purposes of paying off restitution

15

---

---

---

---

---

---

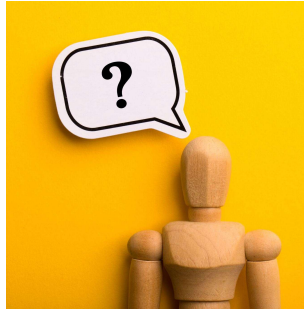
---

---

---

---

## HOW DO WE USE HARM REDUCTION IN DIVERSION?



16

---

---

---


---

---

---

---

## Harm Reduction in Policies

<ul style="list-style-type: none"> <li>• Prior criminal history is considered but is not a bar to acceptance (can't be on probation or in warrant status; some out of state warrants okay if non-extraditable)</li> <li>• No ineligible drugs (but generally no drug distribution charges)</li> <li>• Cases not necessarily revoked for new substance use charge</li> </ul> <p><b>Eligibility</b></p> 	<ul style="list-style-type: none"> <li>• Abstinence not required</li> <li>• No mandatory drug testing</li> <li>• Based heavily on self-report</li> </ul> <p><b>Requirements</b></p> 	<ul style="list-style-type: none"> <li>• Use details are kept confidential</li> <li>• Case notes kept in separate database (not discoverable by attorneys or court personnel)</li> <li>• Not shared without written consent</li> <li>• Mandatory reporting still applies</li> </ul> <p><b>Confidentiality</b></p> 
---	---	---

17

---

---

---

---

---

---

---

## Harm Reduction in Case Planning



- SBIRT – Screening, Brief Intervention, & Referral to Treatment (free, in-house & community-based)
- Moderation support
- Referrals to substance use treatment and additional services if indicated
- Focus on matching connections with community supports outside of justice systems (diversion is a short-term program)
- Naloxone & referrals out for harm reduction supplies

18

---

---

---

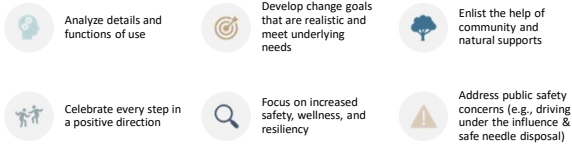
---

---

---

---

## Person-Centered Goals that Meet People Where They're At



19

---

---

---

---

---

---

---

---

## Restorative Justice & Harm Repair

20

---

---

---

---

---

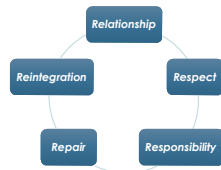
---

---

---

## Restorative Justice Values

- Person who created harm must be accepting **RESPONSIBILITY**
- Focus is on who was harmed, what their needs are, and what can be done to **REPAIR HARM** from the offense (victim-centered)
- Participation is **VOLUNTARY** for all parties



A restorative justice conference brings together the people involved in and affected by a harmful incident to decide what needs to happen to make things as right as possible.

21

---

---

---

---

---

---

---

---

## HOW WE USE RESTORATIVE PRACTICES



- Restorative conversations are incorporated into all diversion tracks
- Diversion cases are screened for referral to full RJ process such as a Victim Offender Dialogue or Community Group Conference
- Harm reduction lens in RJ process
- Treatment recommendations do not come out of RJ process
- If a client elects to forgo a RJ process, they will complete a "repair plan." Here, they reach individual "repair hours" via things like community service, LOAs, pro-social engagement, and/or giving back to others

22

---

---

---

---

---

---

---

---

## BRAIN BREAK #3!

- What is the highest number of cases ever referred to Boulder Diversion for the same client at one time?

- What is the highest number of people to attend a RJ Process facilitated by Boulder Diversion?

23

---

---

---

---

---

---

---

---

## Services + Restorative Practices =



Decreased risk & increased protective factors reduce re-offense



Higher levels of participant satisfaction



Victim voice, choice, & empowerment



Decreased feelings of fear & anger for victims



Increased accountability, understanding, & empathy for defendants



Builds connections (Defendant with community & community with DA's Office)



Increased sense of procedural fairness (for all parties)



Meaningful repair & higher levels of restitution collection



Greater cost savings to system (up to 14x more cost effective)

24

---

---

---

---

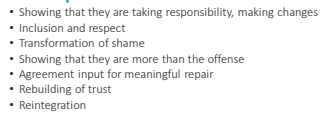
---

---

---

---



[illegible]

- Empowers community to resolve problems
- Builds community competency and conflict resolution skills
- Increases investment in relationships and responsibility for community members
- Establishes and upholds community norms
- Strengthens community bonds
- Reduces crime, improves safety and trust

[illegible]

Sample  
Repair  
Items

---

---

---

---

---

---

## Sample Repair Items



28

---

---

---

---

---

---

---

---

## Sample Repair Items

I wanted to write you all a letter apologizing for what I did on [redacted]. I am incredibly sorry for all of the fear and harm I caused when I trespassed in your house and refused to leave. I put you all through a terrible experience that no one should have to go through. People deserve to feel safe in their home and I realize I made you all feel very unsafe that night and harmed your peace of mind, for which, again I am incredibly sorry. I feel great remorse for the horrible things I did that night and truly wish I could change what I did. Before, and up to the night of the incident, I had a drinking problem. I was drinking to try to avoid the problems in my life.

Dear officers affected,

My name is [redacted] and I want to extend an apology to you for my actions that were taken on [redacted]. On that day, I was arrested for assaulting my mom and dad and violating a protection order. When the police arrived, I was disrespectful and belligerent, belittling you professionally and personally. I also made the situation dangerous by threatening you and putting myself in situations that threatened my own safety.

I would like to take full responsibility for these actions and apologize for the impact that they had. I am not proud of my past behavior and regret the impact that my actions had on myself, family, friends, law enforcement, and my community. I am truly sorry for how I treated you that day.

I would also like to thank you. Because of the response from law enforcement, I have turned my life around and am heading towards a better place. I have since repaired my relationship with my family, become sober, and am planning on going back to college to finish my degree. I wanted to thank you for presenting this opportunity for me to turn my life around. My encounter with law enforcement gave me an important perspective on the trajectory of my life, and was a wake-up call that I needed to change. Your work truly does make a difference in people's lives, and I hope you can look to me as an example for the importance and impact of your work.

29

---

---

---

---

---

---

---

---



## Sample Repair Items

30

---

---

---

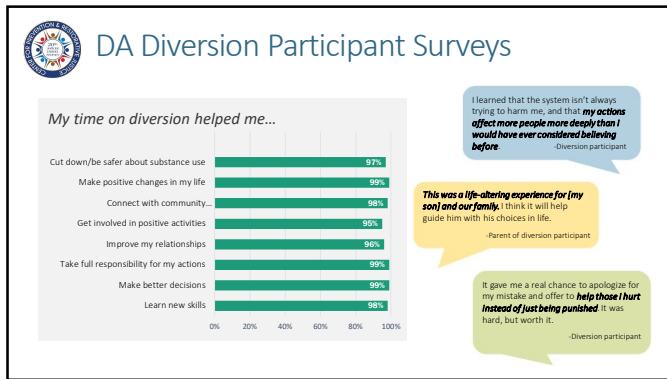
---

---

---

---

---



31

---

---

---

---

---

---

---

---

---

---

## CASE EXAMPLE 1

**Case Facts:** A defendant was charged with Felony Menacing (F5) and Criminal Mischief (M2) after taking a baseball bat to his mother's and stepfather's home, demanding his mother stop "poisoning" him. After a verbal altercation ensued, the victims became scared and shut their door out of fear they would be harmed. The defendant became more enraged and broke a window with his baseball bat. They had no prior criminal history.

**Diversion Assignment:** DORS (due to mental health presence and delusions around being poisoned; while taking accountability for his actions, he couldn't fully explain the violent urge that overcame him)

**Diversion Plan:** Connect to mental health treatment, encourage medications, repair (this client chose to repair harm via community service - 15 hours), payment of Diversion fee, and in-depth conversations about actions and impact. This client also completed anger management, preventing violence, and victim empathy curriculum.

**Outcomes:** Increased awareness of mental health symptoms, increased victim empathy, and all parties wanting to repair the relationship. Successful on-time completion.

32

---

---

---

---

---

---

---

---

---

---

## CASE EXAMPLE 2

**Case Facts:** A defendant was charged with Public Indecency (PO) and Criminal Mischief (PO) after taking psychedelic mushrooms, breaking a victim's flowerpot on their porch, and disrobing on their front lawn. Once approached by police, he was placed on a substance use emergency hold and later issued a summons. He had no prior criminal history.

**Diversion Assignment:** Unsupervised (low level charges, no criminal history, taking full accountability)

**Diversion Plan:** SBIRT, self-paced Substance Use curriculum, restorative conversation/repair of harm (5 hours), Diversion fee, and restitution (\$20)

**Outcomes:** Increased awareness of substance use and triggers, commitment to avoiding this amount of drug intake in the future, deterrence around taking these types of drugs unsupervised, and replacing broken property

33

---

---

---

---

---

---

---

---

---

---

## CASE EXAMPLE 3

**Case Facts:** A defendant was charged with Assault 2- Peace Officer (F4) and Obstructing a Peace Officer (M2) after police responded during a mental health crisis. During the interaction, the defendant accused officers of assaulting her and threw her phone at an officer's face. After being taken down to the ground, she kicked their legs and resisted arrest.

**Diversion Assignment:** Based on criminal history (multi-state offender, former Felony Assault, former Disorderly, and a Refusal to Vacate) and the experience of a mental health crisis at the time of the current offense, this defendant would be best served by DORS.

**BUT.....**

During the screening, the client expressed homicidal ideation, many concerning statements about their thoughts about the system, and issues with authority. She took no accountability for her actions and denied resisting. While accountability expectations are lower for DORS, this client was deemed too high risk/high need for Diversion.

**Outcomes:** The client was not accepted into the program.

34

---

---

---

---

---

---

---

---

---

---

## CASE EXAMPLE 4

**Case Facts:** A defendant was charged with felony trespass (F5) and criminal mischief after becoming intoxicated, convincing himself his friend was being held against their will, chasing preteens into their home, breaking down their door, and entering the home to look for his friend.

**Diversion Assignment:** Supervised. Due to this being a felony level crime with a high level of impact, he was put on supervised diversion.

**Diversion Plan:** The client completed an intensive 4-day therapy program, then worked weekly with both a trauma therapist and an addiction counselor. He focused on moderation of substances and experimented with local sober supports, like Phoenix Multisport and school cubs. He completed RJ with the victim and her daughter.

**Outcomes:** Increased understand of his relationship with substances, local sober supports, and connection to community mental health and addiction providers. Increased awareness of the ways in which his actions impact others. Purchased and installed a security camera for the victim. Wrote apology letters to the other children present.

35

---

---

---

---

---

---

---

---

---

---

*Questions?***Jenny Dusseau**

Lead Diversion Coordinator  
303.441.1407  
[jdusseau@bouldercounty.gov](mailto:jdusseau@bouldercounty.gov)

**Ayla Perez**

Behavioral Health Navigator  
303.678.6298  
[aperez2@bouldercounty.gov](mailto:aperez2@bouldercounty.gov)

**Center for Prevention & Restorative Justice**

20th Judicial District Attorney's Office  
1777 6th Street, Boulder, CO 80302  
[www.bouldercounty.gov/district-attorney/diversion](http://www.bouldercounty.gov/district-attorney/diversion)

36

---

---

---

---

---

---

---

---

---

---