



DSH Diversion Pilot Program
FACT SHEET
May 2023

HISTORY

Over the last decade, California has experienced significant growth in the number of individuals charged with felony offenses who are found Incompetent to Stand Trial (IST) and committed to the Department of State Hospitals (DSH) for competency restoration services. In response, California has invested in developing a number of programs to increase DSH's capacity to serve individuals with serious mental illness. Nevertheless, the growth in referrals of felony IST patients has exceeded DSH's capacity and outpaced other efforts made in response to this growth, resulting in an increasing waitlist and wait times to admission.

Upon the passage of Assembly Bill (AB) 1810 and Senate Bill (SB) 215 (2018), Penal Code (PC) Sections 1001.35-1001.36 were added to create a pathway for courts to authorize pre-trial diversion for individuals with serious mental disorders who committed certain felony or misdemeanor crimes. Additionally, AB 1810 established Welfare and Institutions Code (WIC) 4361 which allows DSH to contract with counties to support a specific target population of individuals with serious mental illness who have the potential to be or are deemed IST on felony charges. The program outlined in WIC 4361 is known as the DSH Diversion Program.

PROGRAM OVERVIEW

The DSH Diversion Program, per [PC 1001.36](#) and [WIC 4361](#), was funded as a pilot program in 2018. The original pilot program allows felony IST defendants and felony defendants the courts deem likely to be found IST on their current charges to participate in intensive community-based mental health treatment in lieu of inpatient DSH competency restoration treatment. The Diversion Pilot Program was amended in 2021 to provide additional funding to county programs to focus DSH diversion opportunities for only Felony IST defendants. Through the pilot program DSH has been able to contract with 29 counties. The goal of the program is to break the cycle of criminalization by offering intensive community-based treatment and appropriate ongoing support to reduce the likelihood of recidivism. The program does this by providing funds, resources, technical assistance and oversight to the contracted counties. To be considered for the program a county must have a contract in place with DSH and the defendants must meet eligibility requirements pursuant to PC §1001.36, PC §1370, and WIC §4361. A referral to a county-run diversion program may be made by the defense

attorney, the District Attorney, the court, or the county diversion provider but only a judge can order a person into a DSH Diversion program. If a person is successful in the program, the current offense that the defendant is charged with and that led to his/her arrest is dismissed and dropped from their record.

The DSH Diversion Pilot Program will conclude on June 30, 2025 and will be replaced by a permanent Diversion and Community-Based Restoration Program. The permanent program will be open to all counties in California and continue to serve the Felony IST population.

ELIGIBILITY

Participants ordered into a pre-trial DSH pilot Diversion Program must meet specific eligibility criteria outlined in statute and department policy. The criteria varies based on the contract and funding received by county. Participants ordered into a pre-trial DSH Pilot Diversion Program must:

- Be facing a current felony charge and be found IST or potentially be found IST on that charge and ordered into the program by a judge¹.
- For the pilot program, the person must have a primary diagnosis of schizophrenia, schizoaffective disorder, or bipolar I disorder².
- Have a significant relationship between the serious mental illness symptoms or conditions of homelessness with the charged offense.
- Not pose an unreasonable risk to public safety if treated in the community. [PC 1001.36](#) excludes individuals charged with specific crimes from participating in any diversion program.

Additional specifics on participant eligibility can be found by visiting the DSH Diversion web page online. The policy on eligibility can be found here: https://www.dsh.ca.gov/Treatment/DSH_Diversion_Program.html.

DIVERSION HIGHLIGHTS

DSH Diversion Pilot Program Highlights as of June 30, 2022	
Number of Eligible Participants in the program	1,061
Average Time Participants spend in the program	645.5 Days
Number of Participants that have successfully completed the program	240
Current Number of participating Counties	28

¹ The DSH Diversion Pilot Expansion in 2021 changed this eligibility requirement to only allow for felony IST defendants (WIC 4361(j)(1)(A-B)) for counties that accepted FY 2021 funding.

² The DSH Diversion Pilot Expansion in 2021 changed this eligibility requirement to allow for any primary diagnosis in the DSM-V, except for antisocial personality disorder, borderline personality disorder, and pedophilia (PC 1001.36 (B)(1)(A)) for counties that accepted FY 2021 funding.

DIVERSION HIGHLIGHTS, CONTINUED

- \$100 million dollars available for the three-year Pilot Diversion Program, of which \$99.5 million was awarded to counties. DSH later received \$47.6 million to provide opportunities for additional counties to participate and to support the cost of appropriate housing to facilitate increased placements of felony IST clients³.
- Provides intensive mental health treatment services to felony ISTs in their communities.
- Connects individuals to long-term community treatment after diversion to reverse the cycle of criminalization.
- Offers medication consultations, clinical supports and technical assistance to support the treatment goals and needs for counties and providers.

Diversion Pilot Program Counties		
Alameda	Sacramento	Solano
Contra Costa	San Bernardino	Sonoma
Del Norte	San Diego	Ventura
Fresno	San Francisco	Yolo
Humboldt	San Luis Obispo	Madera
Kern	San Mateo	Nevada
Los Angeles	Santa Barbara	San Joaquin
Marin	Santa Clara	Tulare
Placer	Santa Cruz ⁴	Tuolumne
Riverside	Siskiyou	

FUTURE DEVELOPMENTS

DSH actively strives to reduce the IST waitlist through the continued utilization and expansion of innovative, high quality forensic mental health programs, community treatment programs, and diversion. DSH is in the process of transitioning from the pilot program to a permanent Mental Health Diversion program and is investing \$468.8 million to create up to 5,000 new beds statewide that will further increase the capacity to serve the felony IST population in the community.

³ DSH received additional funding in July 2021 for the Diversion Pilot Expansion program. All pilot programs had the opportunity to amend their contracts under this new funding.

⁴ Santa Cruz County Diversion Pilot Program ended October 2022.

CONTACT:

For additional information about the Diversion programs, please email:
DSHDiversion@dsh.ca.gov or

visit the DSH Diversion Program Site:

https://www.dsh.ca.gov/Treatment/DSH_Diversion_Program.html