

## Office Forensic Mental Health Services Diversion Navigator Process

**Under RCW 10.77.072 and HB 5440**, Diversion Navigators are tasked to identify currently incarcerated people, who may be eligible and willing to engage in services, for diversion programs pursuant to RCW 10.77. An incarcerated person may be eligible if they have had two or more cases dismissed in the preceding 24 months due to incompetency to stand trial findings, and are at risk of another incompetency finding for their current charge. **The goal is for diversion to occur prior to a 10.77 evaluation being signed and successfully divert people from the competency process and from receiving additional criminal charges by offering wraparound services. Diversion Navigators will assist these people for up to six months while they engage in services to help ensure a successful diversion in the community.**

- Eligibility Criteria:
  - A person must have had two or more cases dismissed due to a finding of incompetency to stand trial in the preceding 24 months and be at risk of a finding of incompetency for their current charge.
  - Clients charged with a misdemeanor and up to a class C felony excluding:
    - Assault in the third degree with criminal negligence causing bodily harm by means of a weapon or other instrument,
    - Assault in the third degree with criminal negligence causing bodily harm and substantial pain for an extended period causing considerable suffering,
    - Felony physical control of a vehicle,
    - Felony hit and run resulting in injury,
    - A hate crime offense,
    - A class C felony with a domestic violence designation,
    - A class C felony sex offense,
    - A class C felony with a sexual motivation allegation.

**Prior to 10.77 Order Being Signed: The Diversion Navigator attempts to complete these steps for all clients who are identified in custody.**

- **Meeting with, interviewing, and observing the person:** The Diversion Navigator will notify the prosecutor/defense that the DN will be interviewing the client in custody unless otherwise advised not to. The DN makes attempts to interview the client in custody, to determine the client's willingness to participate in a diversion plan, explore the need/availability of any community-based services and Trueblood Settlement programs, and assess the appropriateness for assisted outpatient treatment. The interview is **not** an assessment or an evaluation.  
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- **Recommended Diversion Plan:** The Diversion Navigator then completes and submits a Recommended Diversion Plan to the court and/or directly to attorneys at the first appearance or arraignment (depending on region) or as soon thereafter as is practicable. The goal is to offer wraparound services, with the hope that the client will become medication compliant, stably housed, attend counseling, and successfully complete services. The Recommended Diversion Plan includes:
  - **Determination of willingness to participate:** The client must be willing to participate in the diversion plan, including working with the DN to assist in accessing, community-based wrap-around services, as well as FPATH and/or FHARPS, depending on their eligibility. The Recommended Diversion Plan will include a brief description of the client's willingness to participate in services. The client's willingness to engage with services is based on their meeting(s) and interview with a DN, as well as any other observations made by the DN.

- *Community-Based Services*: A plan for continued services that the client is eligible for, referred to, and willing to work with. The plan will include when intake diversion services could occur, contact information for the diversion providers, and contact and housing information for the client. These services can include but are not limited to:
  - Community Outpatient Behavioral Health Services
  - DDA/ALTA/HCS
  - Food/Cash/Medical Benefits
  - Educational Services
  - Employment Assistance
  - Housing (Non-HARPS)
  - Substance Use Disorder Treatment



- **Case Closure/Warm Hand-off**: After the Recommended Diversion Plan is sent to the court, the Diversion Navigator’s work will only continue if the client’s charges are dismissed and they are ordered to participate in the diversion plan. If the client is not accepted into the diversion program, the Diversion Navigator will attempt to provide a warm hand-off to any available services that were put in place while the client is in custody before closing their case.



### **Diversion Work: The Diversion Navigator completes these steps for a client who has been diverted.**

- Diversion Navigators are assigned to assist clients who are referred to the diversion program for up to six months while they engage in services from the diversion plan. The Diversion Navigator will provide the following services:
  - **Compliance Monitoring**: The Diversion Navigator will act as liaison and continue to engage with the client to assist in success with the services outlined in the Recommended Diversion Plan and report back to the defense and prosecution on a regular basis as to the client’s progress.
  - **Coordination of Care**: The Diversion Navigator coordinates the client’s access to community case management and mental health services, which may include but are not limited to: AOT, FHARPS, FPATH, SUD, and/or behavioral health treatment services.
  - **Interim Case Manager and Community Liaison**: The Diversion Navigator completes case management duties as appropriate to ensure warm handoff to more established community support is successful. The Diversion Navigator also coordinates access to client needs related to transportation, housing, and/or treatment services in the community.
  - **Ongoing Engagement and Court Reporting**: The Diversion Navigator meets with the person on a regular basis, based on client needs for six months, and reports back to court at the end of the diversion period. If the client discontinues services or the Diversion Navigator loses contact with the client, the Diversion Navigator will promptly notify the court.



### **Coordinated Transition and Summary of Treatment**

- **Coordinated Transition**: Once the person begins participating in the diversion program, the Diversion Navigator immediately begins working on a coordinated transition. This includes assisting the client in connecting with traditional outpatient behavioral health, substance use disorder treatment, housing resources, and any other wraparound services, depending on the person’s needs. At the end of the six-month diversion period, the Diversion Navigator will send the court a Summary of Treatment, which will outline the services that the client has been engaged in, the progress they have made accessing resources in the community, as well as the successful completion of services.