



Contact: Diversion Strategies Group, 602-372-7300

### **Opioid Use – Felony Diversion Program (OU-FDP) Pilot Overview:**

Set to begin in November 2022, the Maricopa County Attorney’s Office (MCAO) will introduce the Opioid Use-Felony Diversion Program (OU-FDP) Pilot. As a carve out of the existing Felony Diversion Program, this is a multi-agency, extensive treatment program that provides a diversion alternative to eligible post-file felony offenders, as the parent/guardian, who is charged with child abuse, neglect, endangerment, or related offense AND the circumstances of the offense are related to substance use, particularly opioids. The offender will not only have their substance use addressed through comprehensive treatment requirements, but the Pilot will also provide wraparound services to the offender’s family to ensure their needs can be met with a focus on improving child safety in the home. Along with other prescribed eligibility criteria, the defendant must have a minimal criminal history and is at low risk to reoffend. Diverting these offenders reduces their contact with the criminal justice system, increases connections to appropriate community-based systems of care, and holds the individual accountable for criminal conduct through their participation in an evidenced-based, cognitive-behavioral program.

### **How OU-FDP Pilot Works:**

- The Pilot will begin November 21, 2022 and end on November 21, 2025. It is estimated that offenders can complete their diversion requirements within 18 months. Referrals to the Pilot may only come from Deputy County Attorneys (DCAs) assigned to the MCAO Family Violence Bureau. It is estimated that the Pilot will enroll approximately 50 offenders during the pilot period;
- Eligibility: Determination to be made by DCAs on a case-by-case basis for specific eligible offenses. Post-file cases only. If eligible, the DCA suspends prosecution for two (2) years for completion of diversion;
- If applicable to the case, the collection of restitution is mandatory:
  - Restitution due to the victim may not exceed \$2000.00 and must be paid in full in order to receive a successful completion.
- Service delivery will be administered by SAGE Counseling, Inc. (SAGE), a behavioral health organization;
- Referred offenders will be <sup>1</sup>assessed and placed into one of two treatment tracks depending upon their overall risk to reoffend and the severity of substance use. Both tracks provide a unique evidence-based <sup>2</sup>curriculum, with consideration for the appropriate intensity and duration based upon risk level and specific requirements for successful completion. Both tracks will provide clinical services, together with a cognitive-behavioral intervention and skill development. An Individual Service Plan (ISP) will be developed to address specific needs and create goals while in diversion;
- Case Management, Case Coordination, and referrals to higher levels of care (e.g. stabilization or inpatient) are available;
- Referred offenders will be required to participate in family counseling and parent education; services may occur in the home (preferable), in the SAGE office, or combination. A component of the counseling is for the clinician to observe and document the family environment for child safety;

<sup>1</sup>SAGE staff are trained and certified to utilize the ORAS (Ohio Risk Assessment System) Assessment Tool; specifically, the CST to identify criminogenic needs and the American Society of Addiction Medicine (ASAM) Continuum to diagnosis and determine specific substance abuse treatment guidelines. <sup>2</sup>SAGE staff are trained and certified to deliver the selected track treatment curricula. <sup>3</sup>LaFrontera-EMPACT is a community based agency with expertise in children’s behavioral health services.

- Children’s services: affected children may have their own treatment needs. SAGE will offer to refer (if age appropriate) the children to <sup>3</sup>LaFrontera-EMPACT for wraparound services;
- All offenders will be required to submit to random drug testing;
- For pregnant women, referrals will be made to the Maricopa County SHIFT (Safe, Healthy Infants and Families Thrive) Program.
- If applicable, SAGE will refer the offender to a third-party Medication-Assisted Treatment (MAT) assessment to determine if MAT services and medication would be beneficial in the offender’s treatment and journey towards sobriety. If recommended, MAT services are encouraged, but not a requirement of diversion;
- This is an individualized treatment program; therefore, program length will vary;
- For offenders who successfully complete the Felony Diversion Program, the DCA will file a motion to dismiss the charges with prejudice; and
- If the offender fails to successfully complete these requirements, the DCA will file a motion to reinstate prosecution.

***Treatment costs:***

- Treatment services should be covered for AHCCCS verified members, except drug testing;
- SAGE will also assist in AHCCCS enrollment for those who may qualify, but not currently enrolled;
- A discount in fees (Sliding Scale) may be available to those who qualify through a financial assessment process who do not qualify for AHCCCS;
- Drug testing fees for all participants will be paid 100% using public funding; and
- Assessment fees will be paid 100% for non-AHCCCS offenders using public funding.

***Treatment Tracks:***

***TRACK THREE: for MODERATE risk offenders with a moderate to high substance abuse criminogenic need***

- Drug Treatment – Standard Outpatient Program (SOP)
  - Program Length: completion of 20-34 sessions, 2x per week (2-hour group counseling)
  - Required: completion of the 12 Core Sessions with supplemental supportive sessions based upon individual needs
  - Required: 1 post-group Case Management session
  - Curriculum: Hazelden’s *Living in Balance*

***TRACK FOUR: for HIGH to VERY HIGH risk offenders with a moderate to high substance abuse criminogenic need***

- Drug Treatment – Intensive Outpatient Program (IOP)
  - Program Length: completion of all 50 sessions (3-hour group sessions)
    - Phase I = 3x per week, then stepdown
    - Phase II = 2x per week, then stepdown
    - Phase III = 1x per week
  - Required: 3-12 individual counseling sessions
  - Curriculum: *Criminal Conduct and Substance Abuse: Strategies for Self-Improvement and Change, Pathways*

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