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Developmental Disabilities – Felony Diversion Program (DD-FDP) Overview:

Beginning November 2021, the Maricopa County Attorney’s Office (MCAO) will launch the Developmental Disabilities – Felony Diversion Program (DD-FDP). This is a program that provides a diversion alternative to those eligible post-file felony offenders with a qualifying diagnosis for a Developmental Disability (DD). Along with other prescribed eligibility criteria, offenders must have a minimal criminal history and are 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 using evidenced-based, cognitive-behavioral techniques. If applicable to their case, restitution must be paid in full to earn a successful completion; thus, providing timely financial restoration to the victim. Overall, the DD-FDP will address the behavioral health and criminogenic needs of the offender.

How DD-FDP Works:

- Eligibility: For defendants with lower level felonies with a qualifying DD diagnosis as defined by the Arizona Department of Economic Security (DES) that is identified in an evaluation or medical record, completed by a licensed physician or psychologist. Examples of qualifying diagnoses include but not limited to: Intellectual Disability, Autism, Cerebral Palsy, and Epilepsy. It is the responsibility of defense counsel to provide documentation of eligible diagnosis to the Deputy County Attorney (DCA) if interested in this diversion program;
- If applicable to the case, the collection of restitution is mandatory:
 - Restitution is capped at \$2000.00 and must be paid in full in order to receive a successful completion.
- The DCA is solely responsible for referring offenders to the DD-FDP. If eligible, the DCA suspends prosecution for two (2) years for completion of diversion;
- Referred offenders will be ¹assessed and receive clinical services, together with a cognitive-behavioral intervention. The assessment will include an evaluation of the defendant’s strengths and deficits in the areas of communication, behavioral skills, social skills, and daily living skills, which will be correlated with the identified criminogenic needs and diversion requirements;
- If the offender successfully completes the requirements, demonstrates improvement in targeted behaviors, and maintains ongoing engagement with their clinical team, and if applicable, fully pays restitution to the victim, the DCA will file a motion to dismiss the case with prejudice. If the offender fails to successfully complete these requirements, the DCA will file a motion to reinstate prosecution;
- Service delivery will be administered by Southwest Behavioral and Health Services (SBH), a community based, behavioral health organization;
- Treatment services may be covered for AHCCCS verified members. SBH will also assist in AHCCCS enrollment for those who may qualify, but not currently enrolled. A discount in fees may be available to those who qualify through a financial assessment process.

¹SBH staff are trained and certified to utilize the ORAS (Ohio Risk Assessment System) Assessment Tool; specifically, the CST to identify criminogenic needs. SBH staff who specialize in working with the DD population will also administer a Behavioral Health Assessment to assess defendant’s ability to understand their environment and diversion requirements, and cause and effect.

The Treatment:

- SBH will provide an open entry, comprehensive and evidence-based therapeutic approach, rooted in Behavioral Modification where target behaviors are shaped through repeated reinforcement and the reward of desired behaviors over undesirable behaviors. Repetitive lessons will help to reshape behavior and make connections regarding criminal behavior and consequences.
- Individual therapy-based services will be combined with Applied Behavioral Analysis (ABA) principles to increase language and communication skills, improve attention and focus, and decrease problem behaviors.
- If applicable, defendants will have access to services through SBH's Southwest Autism Center of Excellence (SACE), a specialized program serving clients with Autism and Intellectual Disabilities.
- If applicable, SACE may coordinate services with the Division of Developmental Disabilities (DDD) providers and other stakeholders to meet the defendant's individual needs which may include:
 - Physical and mental health care
 - Reconnection to defendant's Arizona Health Care Cost Containment System (AHCCCS) Clinical Team
 - Secure emergency shelter/housing assistance and/or obtain clothing/food
 - Vocational or independent skills
 - Understanding/navigating through court processes
- Treatment will be individualized with consideration for the defendant's diagnosis and abilities. Therefore, program length will vary. Average length for successful completion is estimated to be one (1) year.