



WASHINGTON COUNTY DEFLECTION PROGRAM

Mission and Purpose

The Washington County Deflection Program (WCDP) provides an opportunity for persons cited or arrested for Possession of a Controlled Substance as an unclassified misdemeanor (PCS-U) to avoid prosecution through successful engagement in treatment.

The WCDP is a collaborative program involving Washington County Sheriff's Office and other local law enforcement agencies, the District Attorney's Office, Washington County Behavioral Health, Community Corrections, and treatment and recovery providers from the Washington County Behavioral Health Resource Network (BHRN).

The purposes of the WCDP include:

- Assisting individuals who may have a substance use disorder (SUD)
- Creating community-based pathways to treatment and recovery support services (and when resources allow, to housing, case management, or other services)
- Ensuring individuals engage in recommended SUD treatment with appropriate accountability and structure
- Reducing individual and community harm caused by SUD
- Proceeding in a fair, just, and equitable manner that avoids and reduces demographic disparities

The WCDP is an aspect of Washington County's implementation of the Oregon Drug Intervention Plan (ODIP), pursuant to HB 4002 and 5204 (2024). The ODIP provides a comprehensive framework to prioritize treatment and accountability by addressing individual and community harm caused by drug use.

The ODIP offers four pathways for persons facing PCS-U charges to engage in treatment: (1) optional county deflection, (2) conditional discharge supervision, (3) formal probation supervision, and (4) probation revocation with early release to treatment opportunity.

Deflection Operations Team

The Deflection Operations Team (DOT) is responsible for running the day-to-day operations of the WCDP and for ensuring the overall goals of the WCDP are met. The DOT works with WCDP collaborating agencies and BHRN providers to ensure WCDP services including peer support, addiction evaluation and treatment, and other appropriate services are provided. The guidelines set forth in this document provide structure and guidance, but the DOT may depart from these guidelines when justified by exceptional circumstances and supported by unanimous vote.

The DOT meets at least weekly to staff cases and review individual participant and overall program status and has access to all necessary and relevant information for participants, including drug treatment evaluations and treatment records.

The DOT operates on a unanimous consent basis and consists of the following representatives:

- Deflection Program Coordinator
- DA's Office representative
- Sheriff's Office representative
- Community Corrections representative
- County Health and Human Services representative
- BHRN service provider representative(s)

The DOT is led by the Deflection Program Coordinator, which is housed in the County's Department of Health and Human Services.

Deflection Entrance Process

Initial Contact

When Washington County law enforcement issues a criminal citation for the sole crime of PCS-U, they will schedule the initial court date within 7 days and provide the cited person with a written and oral description of the WCDP. The person will be instructed to contact WCDP representatives prior to the court date. WCDP representatives will also attempt to contact the person prior to the court date. Additionally, if contact is not made prior to the court date, WCDP representatives will be present at the court date. The purpose of the contact is to conduct a deflection eligibility assessment and, if eligible, to divert the person into the WCDP. The WCDP representatives may include WCDP peer support specialists or other trained professionals.

In select areas of Washington County and subject to the limitations of deflection funding and resources, WCDP peer support specialists will be available to come to the scene at the time of the citation to meet with the cited person to provide appropriate support and begin the WCDP entrance process.

In circumstances where a law enforcement officer arrests a person for the sole crime of PCS-U, if the person is released from custody prior to the court date, the arresting officer or the release officer will schedule a court date within 7 days of release and provide the person with written and oral information regarding the WCDP. The same process outlined above regarding contact during the ensuing 7 days will occur prior to the initial court appearance.

Eligibility

Persons facing only PCS-U charges are presumptively eligible for WCDP. The following factors are a basis for exclusion:

- Person has other charges pending in any jurisdiction (except other PCS charges are not an automatic disqualifier)

- Person is on formal supervision of any kind (formal court probation, diversion, conditional discharge, specialty or treatment court, post-prison supervision, etc.)
- Person previously participated in a deflection program in the last year
- Person has a prior conviction for a crime constituting a “violent felony” pursuant to ORS 135.240(4)(a), domestic violence, child abuse, or a sex crime
- Any other exceptional circumstance(s) identified by any member of the DOT (DOT members have veto power over WCDP entry)

Deflection Eligibility Assessment

During the deflection eligibility assessment process, the DOT will assemble all relevant information regarding the person and the criminal case.

A criminal case must be chargeable for deflection to proceed. Accordingly, the DOT DDA will determine whether the criminal case meets charging requirements. If a case is not chargeable, the case will be deemed ineligible for deflection. The DOT DDA will document the charging decision and communicate it to the DOT and court. The WCDP will nevertheless endeavor to provide the person with peer support and treatment information as available resources allow.

If the DOT determines the person is eligible for the WCDP, a WCDP representative will inform the cited person of eligibility and obtain a signed WCDP agreement and appropriate releases.

For persons who enter the WCDP, their initial court date will be set-over in 30 day increments throughout the duration of the program. Persons who do not enter WCDP (either by choice or ineligibility) and persons determined by the DOT to be failing deflection must appear at their next scheduled court appearance for the court process to initiate.

WCDP Structure

The length of the WCDP program is 6 months. During that time, every WCDP participant is required to undergo a substance use assessment (ASAM) by an Oregon Health Authority approved substance use treatment provider and, if recommended, treatment by an approved treatment provider. The substance use assessment should occur as soon as practicable upon entry into WCDP. Any recommended treatment should initiate without delay.

WCDP participants are required to sign a WCDP agreement form and Authorization for Disclosure, Sharing and Use of Individual Information form(s).

Deflection Success

Successful completion of WCDP occurs when:

- (1) The DOT concludes the person has demonstrated successful engagement in recommended substance use treatment (measured by factors including treatment records, feedback from treatment provider, UA results, etc.) and,

- (2) The DOT concludes that more likely than not the person will continue to engage successfully in recommended substance use treatment following the completion of deflection.

If the DOT is unable to reach both conclusions by the end of the 6-month deflection period, successful completion has not occurred and the person will be referred to the court process.

Deflection Failure

Failure of the deflection program occurs when any of the following is present:

- The person obtains new criminal charges (other than PCS-U)
- Person fails to appear without sufficient justification to any court date, except as outlined in FTA policy below
- Person is not sufficiently engaging in deflection, as determined by the DOT (examples of insufficient engagement may include failure to attend treatment, insufficient engagement with WCDP representatives, an unacceptable number of positive UAs, etc.)

If a person fails to appear to any required court appearance, the court will issue a bench warrant. WCDP Sheriff's Office representative will work with Washington County law enforcement agencies to develop and maintain coordinated, routine, and funded efforts to locate and arrest persons in bench warrant status following a failure to appear.

Failure to Appear (FTA) Policy

Generally, an FTA for court without sufficient justification constitutes a deflection failure or ineligibility.

However, if a person FTAs for the initial court appearance and within 7 days either provides sufficient justification for the FTA (medical emergency, car accident, unavoidable circumstances, etc.) or expresses remorse and a desire to enter the program, the DOT may make an exception and allow the person to enroll. In these circumstances, the DA will agree not to file FTA criminal charges.

Data and Reporting

The WCDP Program Coordinator will ensure all appropriate data regarding individual participants and program performance is collected and reported, as required by HB 4002.

In addition to any state reporting required by law, the WCDP Program Coordinator will report regularly to the Local Public Safety Coordinating Council (LPSCC) and to the Washington County Board of Commissioners. An annual report summarizing WCDP performance will be publicly available.

Acknowledgments

This document is intended to provide an overview of the WCDP. As the program progresses and data and experience are accumulated, it is anticipated the WCDP and this document will evolve.

The WCDP is a collaborative program involving many governmental and non-profit partners. Special recognition for assistance developing the WCDP is extended to Washington County BHRN members Lifeworks NW, Mental Health & Addiction Association of Oregon, and 4D Recovery.