



ADULT DIVERSION PROGRAM

FY 2025
Annual Legislative Report

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1 EXECUTIVE SUMMARY

In Colorado, prosecutor-led pretrial adult diversion programs provide a path out of the conventional criminal court processes. Adult diversion interventions, such as substance use disorder treatment or domestic violence treatment, often target needs or problems that led to involvement in the criminal legal system. Many programs also utilize restorative practices to help individuals take responsibility for repairing harm.

In Fiscal Year 2025 (FY25), adult diversion programs in Colorado spent \$1,295,844 of the allocated state and federal funds. This financial assistance supported adult diversion staffing costs, participant treatment needs, staff training, and the annual State Diversion Conference.

FY25 Outcomes:

- 1,881 individuals participated in the 12 adult diversion programs receiving state funds.
- Of the participants who completed or were terminated from an adult diversion program, approximately 86% successfully completed.
- Approximately 99% of the individuals that successfully completed a state-funded diversion program in the first six months of FY25 had no new deferred agreements, adjudications, or convictions for a felony or misdemeanor offense in the six months following program completion.
- State-funded adult diversion programs screened nearly 81% of participants for behavioral health needs.

Each successful diversion participant took responsibility for their actions while avoiding the collateral consequences of a criminal conviction, including disrupted access to education, employment, and housing.

In the current fiscal environment, adult diversion programming in Colorado is at risk despite the many benefits that diversion programming offers. From FY25 to FY26, state funding to adult diversion dropped 84%, from \$1,630,927 to \$269,000. In the context of the closure of American Rescue Plan Act (ARPA) funding, changes to the federal grant-making and Medicaid environment, and budget shortfalls across the state, adult diversion programs face a challenging road to maintaining their programming.

In the absence of consistent financial backing for adult diversion, Colorado risks sending thousands of individuals back to courtrooms, jails, and probation, while missing a critical opportunity for early connection to behavioral health treatment.

2 OVERVIEW

In Colorado, prosecutor-led pretrial adult diversion programs provide a path out of the conventional criminal court processes of plea, trial, conviction, and sentencing. Across the state, adult diversion programs hold people accountable for their actions and for repairing harm to victims of crime, address underlying substance use and/or behavioral health issues, and ultimately reduce future criminal behavior.

“I’ve learned to make better decisions in the future and focus on positive things for me and my family.”

-Adult Diversion Participant

Although some adult diversion programs predated this legislation, House Bill 13-1156, enacted in August 2013, created a formal mechanism for diverting individuals accused of statutorily eligible offenses away from conventional criminal justice system involvement. The legislation defined the parameters of pretrial adult diversion and established funding for program operations in §18- 1.3-101, C.R.S.

House Bill 13-1156 also established the Adult Diversion Funding Committee (Funding Committee). The composition and duties of the Funding Committee, such as the development of a funding application process, are outlined in §13-3-115, C.R.S. The Funding Committee reviews funding requests annually and meets regularly to discuss program progress, review participant data, and manage the administration of program funds.

Since October 2013, the State Court Administrator’s Office (SCAO) has coordinated the Funding Committee’s work, assisted with application materials, funding guidelines, and reporting obligations, and maintained program information, including past annual legislative reports (see: <https://cjpu.colorado.gov/diversion>).

SCAO’s approach to supporting adult diversion reflects the Judicial Branch’s commitment to effective alternatives that reduce future harm, repair past harm to victims, and focus court resources where they are needed the most.

Program Mission: To support Colorado communities in offering diversion programs tailored to their local needs.

Program Vision: A Colorado where courts, prosecutors, and communities work together to divert eligible individuals from standard prosecution into equitable, community-based programs that promote accountability, improve behavioral health outcomes, and strengthen public safety.

3 ADULT DIVERSION PROGRAMMING IN COLORADO

3.1 WHAT IS ADULT DIVERSION?

In Colorado, District Attorney's Offices develop and operate adult diversion programs, either independently or in cooperation with local county or community organizations. Although adult diversion is not statutorily required, District Attorney's Offices in 21 out of 23 Colorado Judicial Districts offered adult diversion programs in FY25. Each adult diversion program operates differently, based on the resources, needs, and priorities of the local community.

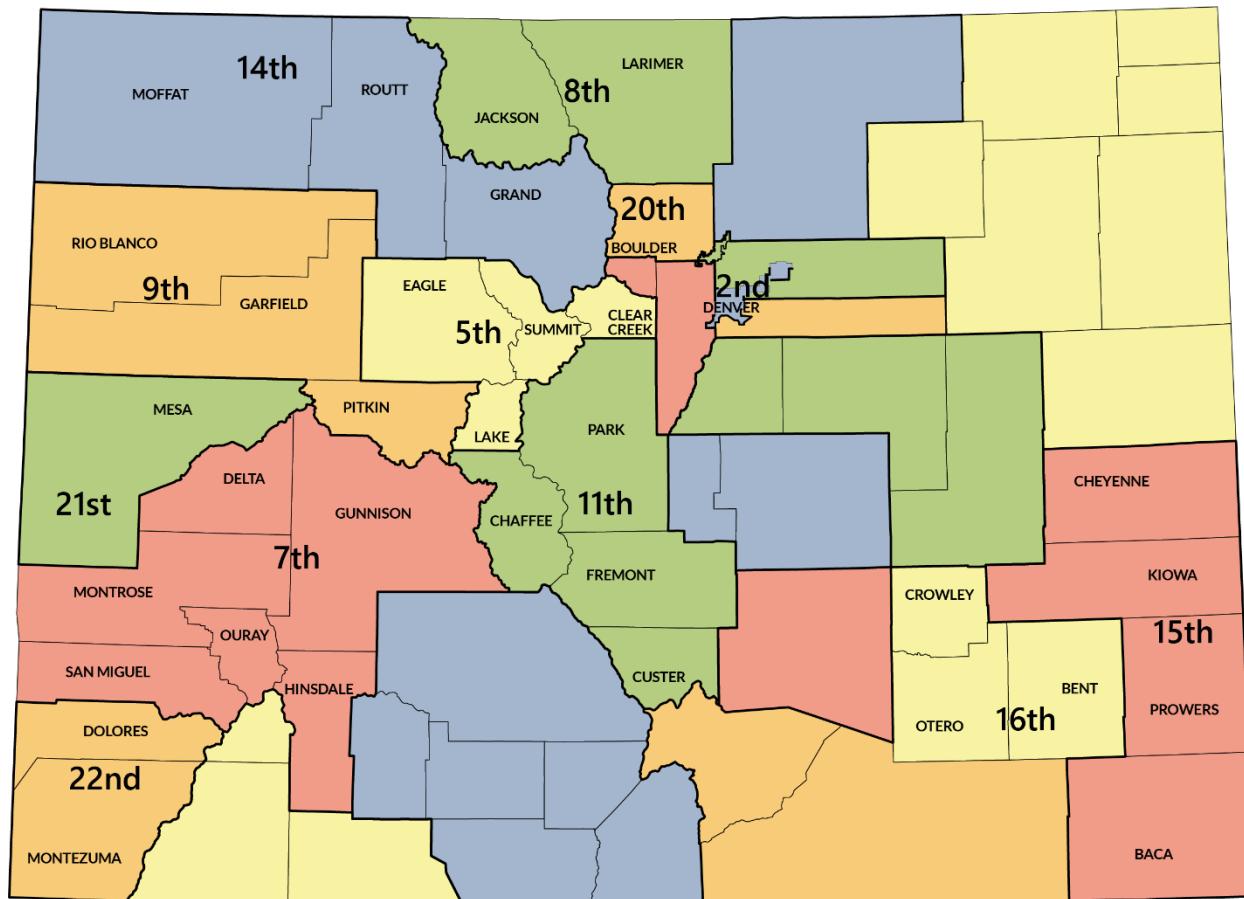


Adult diversion may require participation in substance use disorder treatment, recovery support, mental health treatment, anger management or domestic violence offender treatment, or restorative justice practices. These interventions often target needs or problems that led to involvement in the criminal legal system. For those who comply with their diversion agreements, charges are dismissed. Otherwise, prosecutors may pursue the charges against them.

Adult diversion programs can change the lives of participants. When justice involvement is driven by behavioral health challenges, diversion programs can redirect individuals to public health resources before sinking deeper into the justice system. Diversion holds participants accountable while offering the opportunity to avoid the collateral consequences of a criminal conviction, including limited access to education, employment, and housing. For many, diversion is a pathway to becoming a contributing member of their community.

3.2 STATE FUNDING FOR ADULT DIVERSION PROGRAMS IN FY25

In FY25, the Funding Committee awarded state funds to the following adult diversion programs: 2nd Judicial District Attorney's Office, 5th Judicial District Attorney's Office, 7th Judicial District Attorney's Office, 8th Judicial District Attorney's Office, 9th Judicial District Attorney's Office, 11th Judicial District Attorney's Office, 14th Judicial District Attorney's Office, 15th Judicial District Attorney's Office, 16th Judicial District Attorney's Office, 20th Judicial District Attorney's Office, 21st Judicial District Attorney's Office, and 22nd Judicial District Attorney's Office.



Three state-administered funding sources were available to support adult diversion programs: American Rescue Plan Act (ARPA) funds, Correctional Treatment Funds (CTF), and General Funds. The ARPA funds and CTF were awarded directly to District Attorney's Offices, while FY25 General Funds supported specific adult diversion costs on a reimbursement basis. An accounting of funds available, expended, and unexpended is shown below:

FY25 Adult Diversion Spending				
	Available	Expended	Unexpended	% Expended
ARPA	\$ 1,111,926.72	\$ 1,015,030.07	\$ 96,896.65	91%
CTF	\$ 169,000.00	\$ 88,640.50	\$ 80,359.50	52%
General Fund	\$ 350,000.00	\$ 192,173.86	\$ 157,826.14	55%
Total	\$ 1,630,926.72	\$ 1,295,844.43	\$ 335,082.29	79%

3.3 UTILIZATION PATTERNS IN FY25

The allocation of ARPA funds to adult diversion programs in FY23, FY24, and FY25 facilitated significant program expansion, including specialized services like restorative justice, mental health-focused interventions, programming for higher-need participants, the incorporation of harm reduction strategies, and services for participants with domestic violence charges. These funds also supported staff hiring, enabling programs to increase capacity, enhance engagement, and better address participant needs.

“It [participating in Restorative Justice] has been a great way to be able to hear back from the community and to hear the impacts of my actions. I appreciate how easy it was to speak to everyone and how it has allowed me to feel better about the steps I have been making to change for the better.”

-Adult Diversion Participant

However, the temporary nature of ARPA funding created hesitation among some programs, discouraging the hiring of additional staff or the acceptance of higher participant volumes due to concerns about future budgetary constraints.

While large judicial districts were able to spend their allocations, several smaller districts underspent Correctional Treatment Funds. This was not due to lack of need, but to barriers in administering the funds. Many of these programs were over-awarded relative to their administrative capacity, and staff turnover or competing funding streams (such as ARPA) further complicated spending. In some cases, new coordinators were unaware of available funds until late in the year.

When provided with clearer guidance, districts increased their spending patterns. The fourth quarter of FY25 was the highest spending quarter of the year, demonstrating that demand exists and that programs will use the funds when supported appropriately.

Given the pressing need for funding the treatment and recovery support needs of adult diversion participants, in FY26 the Funding Committee has adjusted its approach to better utilize CTF dollars, with the goal of empowering districts to spend the full allocation. For example, a new “claw-back” policy adopted in FY26 allows for the mid-year reallocation of unspent funds to programs demonstrating need and capacity, promoting equitable and consistent spending across the state and ensuring all available funds get used.

However, the underlying challenge is that Correctional Treatment Funds cannot be used for personnel. ARPA temporarily filled this gap by supporting staff, but adult diversion ARPA funding concluded on June 30, 2025. Without the ability to fund personnel support, some smaller districts lack the infrastructure to effectively spend and scale program dollars.

In addition to ARPA and CTF, adult diversion received a General Fund allocation of \$100,000 in FY25, which was supplemented by a one-time congressional appropriation of \$250,000 through HB24-1045, “Treatment for Substance Use Disorders.” The Funding Committee focused General Funds on reimbursing adult diversion programs for costs including direct client support, treatment costs not covered by Medicaid or CTF, and professional development and training for diversion coordinators. The Funding Committee also allocated General Funds to the 2025 Diversion Conference in Alamosa, hosted by the 12th Judicial District Attorney’s Office. General Funds supported travel costs for 78 participants, including diversion coordinators from rural and under-resourced Districts who otherwise would not have been able to attend.

In alignment with HB25-1045, much of the financial support provided through the FY25 General Fund focused on substance use and behavioral health. The 2025 Diversion Conference in Alamosa included sessions on drug trends, fentanyl, and the neurobiology of trauma. Direct client support costs reimbursed with General Funds included treatment books, Certified Addiction Counselor training for diversion staff, and mental health first aid.

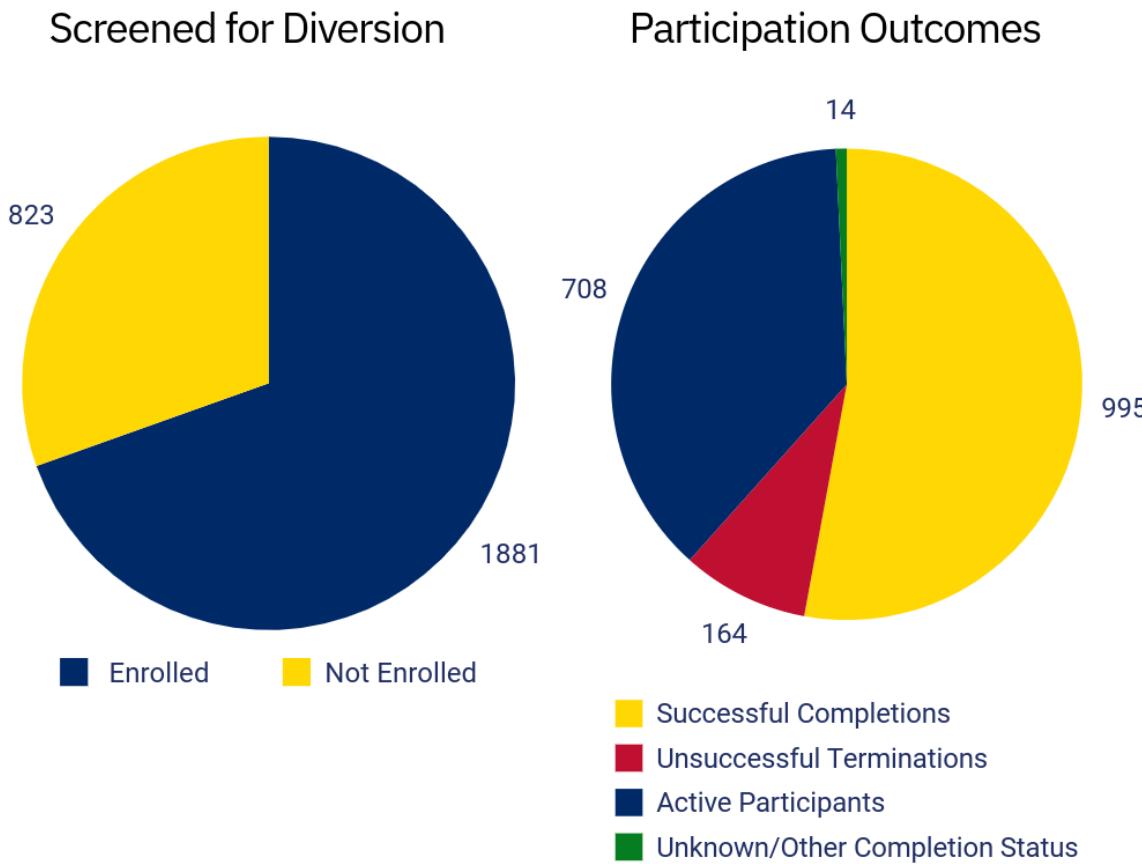
Despite program need, a significant portion of the FY25 General Funds were unexpended. One driver of the underspending was the overlap of the additional allocation and the last year of ARPA funds. With the close of ARPA, General Funds will become critically important to supporting adult diversion program costs outside of CTF.

3.4 FY25 DIVERSION OUTCOMES

In FY25, 1,881 individuals participated in the 12 adult diversion programs receiving state funds. Of the participants who completed or were terminated from an adult diversion program, approximately 86% successfully completed.

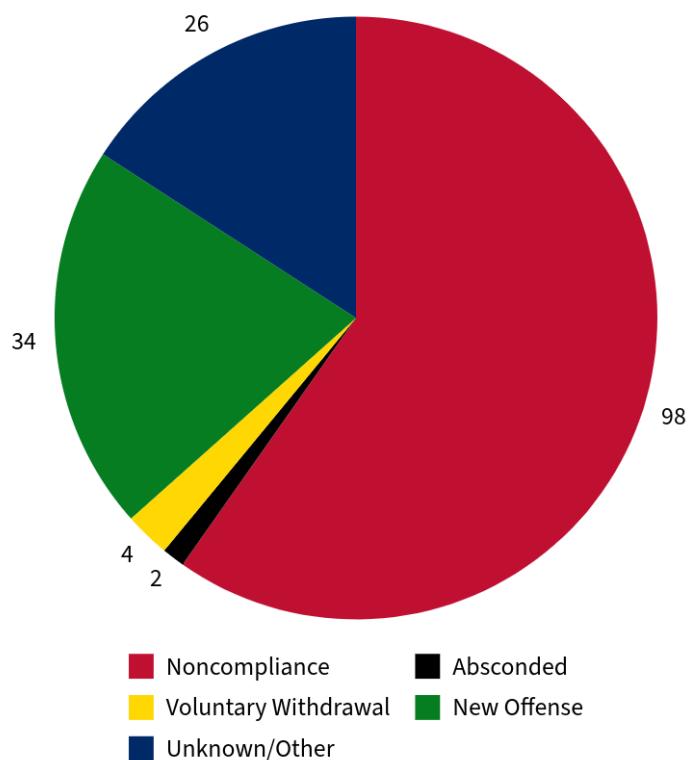
Although outcomes are pending for 38% of participants, this low rate of unsuccessful termination demonstrates the ability of adult diversion to retain individuals in programming and exit them from the criminal justice system.

Diversion Outcomes



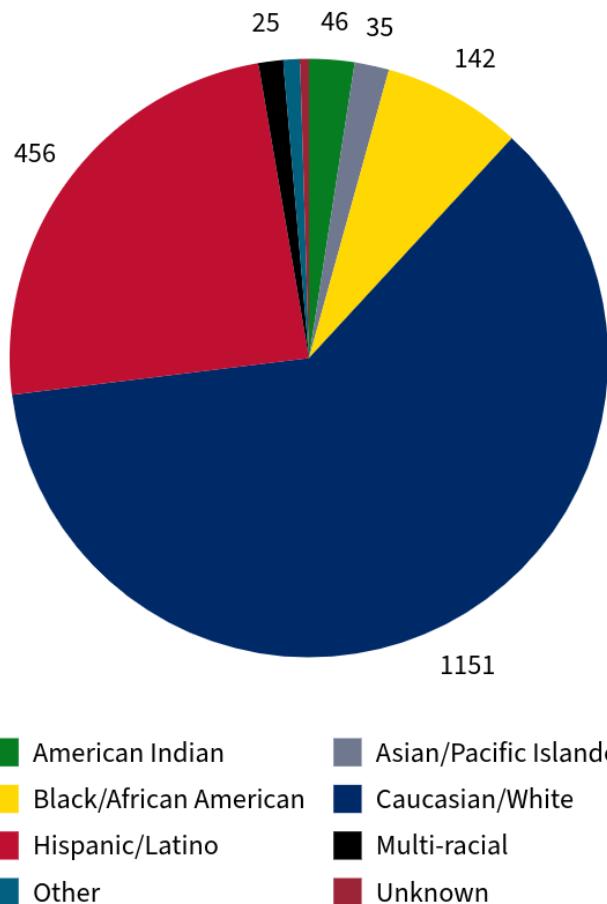
Diversion Outcomes

Reasons for Termination



Consistent with §13-3-115, C.R.S., all adult diversion programs receiving state funding collect demographic data on the race/ethnicity, age, and gender of individuals who enroll in their programs. SCAO combined and analyzed the FY25 data provided by each district, as detailed in the charts below.

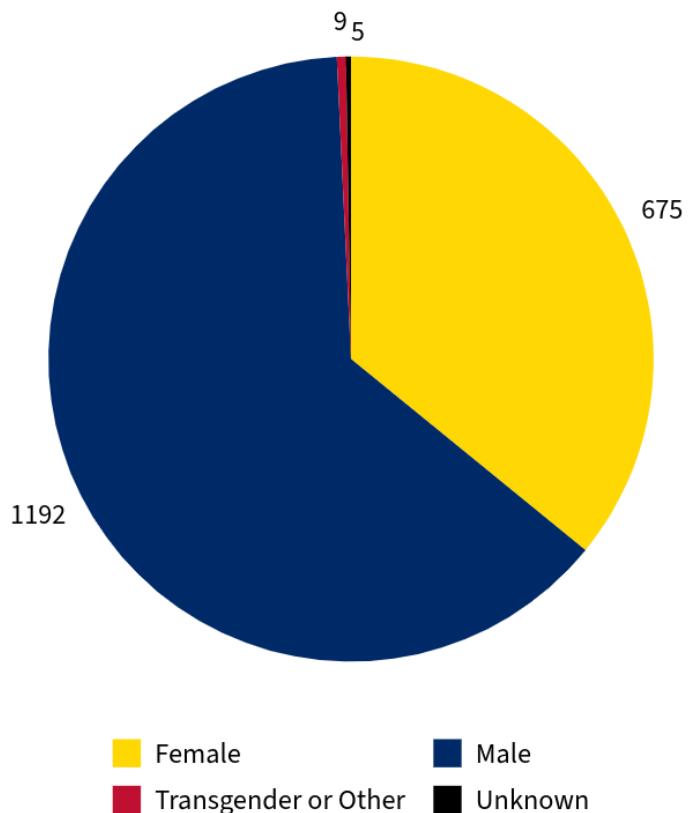
Adult Diversion Race/Ethnicity



In FY25, adult diversion programs across 12 funded judicial districts served participants whose race and ethnicity roughly reflected Colorado's general population.¹ However, general population data is not the most meaningful comparison group, since diversion participants represent a subset of individuals involved in the criminal justice system. The most useful comparison would be between individuals offered diversion and those who were not, but statewide data of that type is not yet available. For now, this information is shared to provide transparency about who is served in adult diversion programs, with the understanding that district-level referral patterns strongly influence statewide totals.

¹ <https://demography.dola.colorado.gov/>

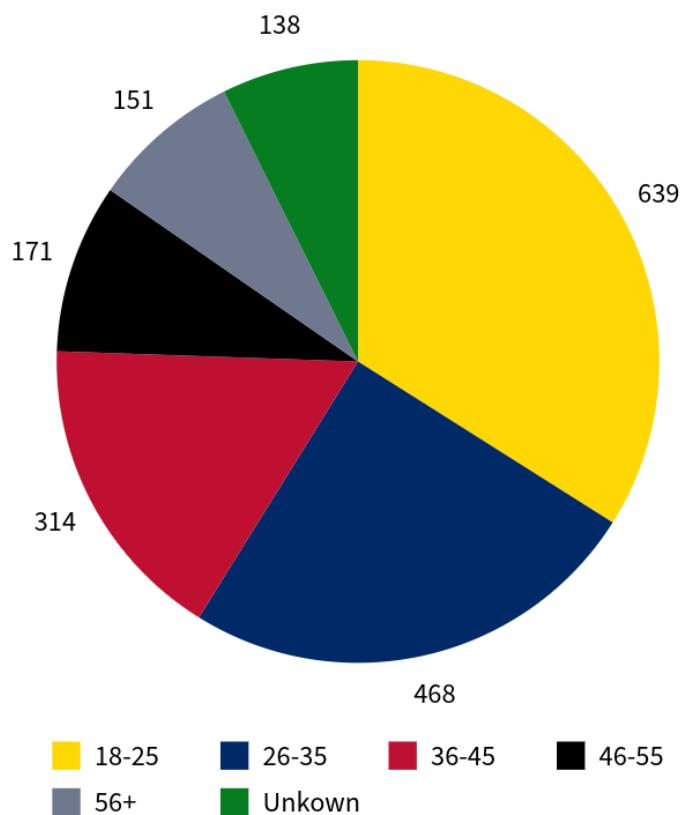
Adult Diversion Gender



This gender breakdown is consistent with adult diversion data from FY24 and generally tracks with the gender data available for summons and arrests in Colorado.² In the context of nationwide increases in the criminal justice involvement of women, SCAO will continue to closely monitor gender representation in adult diversion programs to support equitable access.

² https://cdpsdocs.state.co.us/ors/docs/reports/2022_SB15-185-Rpt.pdf

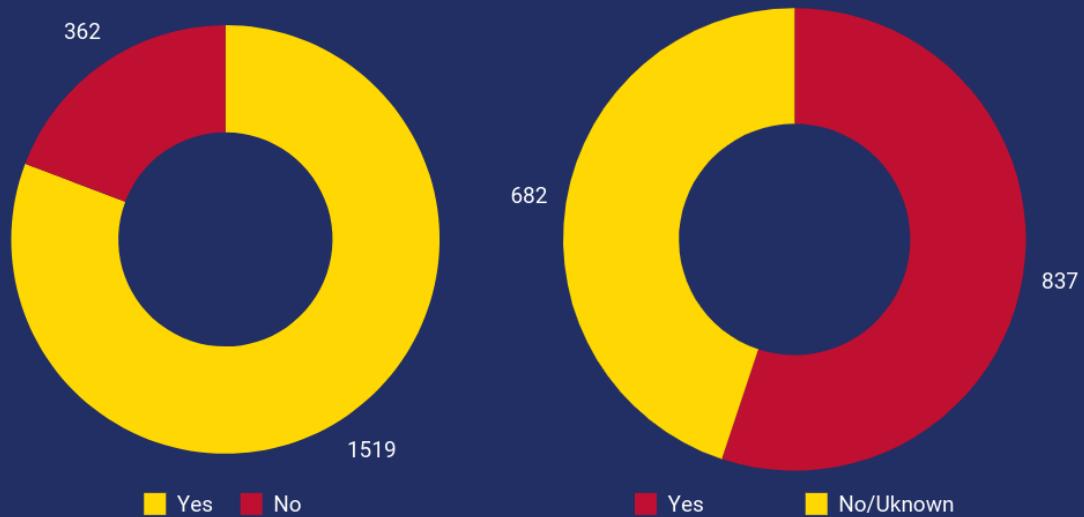
Adult Diversion Age



Like previous years, in FY25 the most represented age group was 18-25 years old. This reflects two key factors: that many adult diversion programs target younger individuals who are encountering the criminal justice system for the first time, and that individuals in the 18-25 age range are statistically more likely to encounter the criminal justice system compared to other age groups.

Adult Diversion

Behavioral Health



Screened for Behavioral Health Treatment

Referred to Behavioral Health Treatment

In FY25, adult diversion programs screened nearly 81% of participants for behavioral health needs, a major accomplishment driven by programs across the state supporting each other to adopt and utilize validated assessment tools. Of those screened for behavioral health, 55% were referred to behavioral health treatment. Behavioral health screens are a critical

component of diverting individuals from the justice system to systems of care that can help individuals address underlying causes of criminal behavior.

DIVERSION SUCCESS STORY

When Anna* entered adult diversion on a harassment charge, she was in remission from alcohol misuse and had a history of CPS involvement with her two children. Anna had also been the victim of domestic violence and acknowledged unhealthy relationship patterns.

In diversion, Anna engaged in behavioral health treatment and demonstrated positive changes in all areas of her life. She has achieved her long-term goal of living independently. Not only is she living on her own for the first time in her life, but she has also built a brand-new tiny home for her and her children. Although she hopes to pursue healthy relationships, first she would like to strengthen her relationship with her children and focus on maintaining her sobriety and mental health. When Anna shares her successes, you can see her confidence and light radiate. Anna has taken accountability for her past actions and has grown from those experiences into a contributing member of her community and stable parent for her children.

**This individual's name has been changed to protect confidentiality.*

3.5 FY25 RECIDIVISM

In 2024, Colorado Senate Bill 24-030 established a Recidivism Definition Working Group to develop a standardized, statewide definition of recidivism. In October 2024, the Working Group published its final report.

As the new recidivism guidance was issued during FY25, this report is the first where SCAO calculated recidivism using the Working Group's definition. From FY25 forward, the adult diversion recidivism calculation will:

- Track from the point an individual completes an adult diversion program.
- Be reviewed at six months, 12 months, and 36 months following program completion.
- Include only new deferred agreements, adjudications, or convictions for a felony or misdemeanor offense.

As SCAO did not track recidivism in this way in previous fiscal years, this FY25 recidivism calculation is limited to a small group: 6-month recidivism for individuals who completed a state-funded adult diversion program between July 1- December 31, 2024.

“I sincerely regret my actions and the impact they have had. This experience has been a wakeup call for me, and I am committed to making positive changes in my life. I appreciate the opportunity to reflect on my actions and demonstrate my growth.”

-Adult Diversion Participant

In FY25, of the 424 individuals who successfully completed their diversion program on or before December 31, only two committed a new offense within the six months following program completion. Although this statistic indicates a very high short-term success rate for adult diversion participants, the narrow scope of this data is a limiting factor. Moving forward, each year SCAO will be able to provide a more complete recidivism calculation in line with the Working Group’s definition.

This recidivism analysis is also dependent on the completeness of the participant data provided by state-funded programs.

3.6 SYSTEM IMPACT

In FY25, the 12 state-funded adult diversion programs held 1,881 individuals accountable for their actions outside of the conventional criminal justice process, thereby alleviating stress on a multitude of other systems.

Judicial systems are major beneficiaries of adult diversion programming. Each individual who enters a diversion program takes at least one case—often multiple cases—off of courtroom dockets, thereby decreasing the workload on judges, clerks, bailiffs, and other courtroom staff. Smaller dockets allow courts to focus resources on more serious cases and on shortening case processing times. Diverted individuals also impact attorney workload, reducing both district attorney’s and public defender’s caseloads. Ultimately these benefits translate to improved access to and quality of justice for the communities of Colorado.

Adult diversion programs also relieve pressure on county jails. As an alternative to holding individuals in jails as their court processes progress, adult diversion creates a mechanism to preserve community safety by supervising and supporting individuals in the community, while they take steps to repair harm and address drivers of criminal behavior.

Several District Attorney’s Offices across the state have shared that, in the absence of adult diversion programming, the alternative for many diverted individuals would be a sentence to probation. Adult diversion programs reduce probation caseloads by diverting those with

limited criminal history and lower risk levels who can be safely supervised in the community by Diversion Officers.

Finally, in some communities, adult diversion programs also play an important role in efficiently connecting individuals to services. One district reported that individuals in custody for less than 20 days do not typically receive connections to behavioral health professionals, but entering diversion means a quicker connection to services.

4 FISCAL YEAR 2026: OPPORTUNITIES AND CHALLENGES

4.1 FUNDING

Across the state, local communities have invested significant human and financial resources into creating and operating adult diversion programs. Some communities have launched and maintained these programs with no state funds, some have supplemented local investments with relatively small state contributions, and District Attorney's Offices in smaller districts have stretched their administrative capacities to utilize state funds towards adult diversion. This high level of local commitment, in the context of no state mandate and limited state funding, is a key strength of adult diversion in Colorado.

However, moving into Fiscal Year 2026, local communities face serious financial challenges to continuing adult diversion programs. From FY25 to FY26, the total amount of state-administered funding (including both state and federal funds) to adult diversion dropped 84%, from \$1,630,927 to \$269,000. Although the amount of state funding available for adult diversion has fluctuated since 2013, this year's funding cut is particularly significant-- one program shut its doors at the end of Fiscal Year 2025, while many struggle to continue covering their operating expenses. This funding challenge may be exacerbated by anticipated federal Medicaid reductions, which could further restrict access to behavioral health and treatment services in FY26 and FY27—a time of growing demand and compounding pressures from the ongoing mental health and opioid crises.

Another challenge facing diversion programs is the inability to cover certain costs. For example, in FY25, no state funds are available to support staffing costs, a critical area of need for many diversion programs. Also, very little state money is available to support domestic violence treatment and evaluation.

In FY26, SCAO will support adult diversion programs across the state to position themselves for a more consistent level of state funding and to identify grant funding opportunities.

4.2 DATA

Across the state, diversion programs are working to collect, analyze, and learn from data. Districts have contracted with, and in some cases built, case management software to support program operations and track outcomes. For juvenile diversion programs, District Attorney's Offices have worked closely with the Division of Criminal Justice and the Colorado District Attorneys' Council to build a standardized data tracking tool.

However, despite these efforts, data collection in adult diversion remains fragmented with no centralized tracking and no way to compile statewide data on all adult diversion programs. To fulfill state reporting requirements, funded adult diversion programs have used Excel participant tracking spreadsheets. Although this system of Excel sheets provides the necessary program metrics, it is administratively burdensome for programs to enter their data into these spreadsheets and labor-intensive for SCAO to combine and analyze the data. Additionally, the current system of Excel sheets does not produce consistent or complete data, nor does it provide enough information for further analysis beyond the statutorily required metrics.

In FY26, SCAO will explore options to build or develop a database system to bring adult diversion data up to the standards of other Colorado adult criminal justice programs. More complete and standardized data would allow for better analysis of diversion program impact, the identification of emerging best practices, and a more thorough analysis of equitable access.

An improved database system could also support program operations and reduce the administrative burden on funded adult diversion programs. As most District Attorney's Offices have the same staff running both adult and juvenile diversion programs, there may be an opportunity to adapt and build off the juvenile diversion data tracking tool. SCAO will also explore opportunities to provide technical assistance around data collection and analysis and utilizing data to improve program outcomes.

4.3 COLLABORATION

In FY25, adult diversion programs continued their long history of collaboration and mutual support. Across the state, diversion directors shared training opportunities, resources, and best practices with each other. In June 2025, the 12th Judicial District Attorney's Office hosted the annual State Diversion Conference in Alamosa, where diversion directors and staff from across the state gathered to listen to expert presenters, discuss challenges, and share lessons learned. Through this collaboration, larger and more established programs supported smaller and newer programs, as districts coordinated to maximize the impact of limited training funds.

Looking forward to FY26, SCAO will continue seeking opportunities to support the ongoing collaboration between adult diversion programs. The Funding Committee has dedicated a portion of the FY26 General Fund Allocation to the 2026 State Diversion Conference. Additionally, SCAO will work closely with diversion directors to expand technical assistance offerings from the State, on subject areas including behavioral health access, the integration of restorative justice practices, and communications and outreach.

5 CONCLUSION

In the current fiscal environment, the positive system impacts of adult diversion are at risk. In the context of the closure of ARPA, changes to the federal grant-making environment, and budget shortfalls across the state, adult diversion programs face a challenging road to maintaining their programming. Without state support, smaller programs face the potential for closure, while larger programs may have to scale back their capacity and services. In the absence of consistent financial backing for adult diversion, Colorado risks sending thousands of individuals back to courtrooms, jails, and probation, while missing a critical opportunity for early connection to behavioral health treatment.

“Thank you for putting me in this program. I would have never guessed that I’d gain this newfound hope for my future out of that awful night with my sister. It’s sometimes hard to wrap my mind around it but I am very grateful.”

-Adult Diversion Participant

With more consistent funding, adult diversion programs could focus on expanding program resources, further aligning programming with community needs, improving evaluation, and ensuring equitable access. This investment would focus resources on cost-effective interventions, strengthen the justice system, and contribute to safer, healthier communities across Colorado.

6 APPENDIX: DATA TABLES AND NOTES

FY25 Adult Diversion Metrics—Program Status		
	Number	Percentage
Number of People Screened	2704	
Number of People Enrolled	1881	69.6%
Active Participants at end of FY25	708	37.6%
All Completed Participants	1159	
<i>Successful Completions</i>	995	85.8%
<i>Unsuccessful Terminations</i>	164	14.2%
Unknown/Other Completion Status	14	0.7%
Reason for Termination		
<i>Noncompliance</i>	98	59.8%
<i>Absconded</i>	2	1.2%
<i>Voluntary Withdrawal</i>	4	2.4%
<i>New Offense</i>	34	20.7%
<i>Unknown/Other</i>	26	15.9%

Data Notes:

- Number of People Screened: includes all individuals who were referred to or participated in the program in FY25.
- Number of People Enrolled: uses diversion start date to determine enrollment. When diversion start date left blank, uses collateral information to determine whether the individual enrolled.
- Completion Status: when termination status left blank, uses collateral information to determine termination status. If no collateral information confirms termination status, marked as “Unknown/Other Completion Status.” “Unknown/Other Completion Status” also includes individuals whose charges were dropped after program enrollment.
- Reason for Termination: many programs used their own categories for reason for termination; they are sorted into the categories above or marked as “Unknown/Other.” “Unknown/Other” also includes individuals whose charges were dropped after program enrollment.

FY25 Adult Diversion Metrics—Race/Ethnicity		
	Number	Percentage
<i>American Indian</i>	46	2.4%
<i>Asian/Pacific Islander</i>	35	1.9%
<i>Black/African American</i>	142	7.5%
<i>Caucasian/White</i>	1,151	61.2%
<i>Hispanic/Latino</i>	456	24.2%
<i>Multi-racial</i>	25	1.3%
<i>Other</i>	17	0.9%
<i>Unknown</i>	9	0.5%

Data Notes:

- Many programs reported on race and ethnicity separately. SCAO made the decision to combine these two fields to be more consistent with how race and ethnicity data in criminal justice is generally reported in Colorado. Also, neither the race nor ethnicity columns were consistent based on significant variation between programs regarding what information was under “Race” and what information was under “Ethnicity.” In FY26, SCAO will provide support to funded programs to improve the consistency of race/ethnicity reporting.

FY25 Adult Diversion Metrics--Gender		
	Number	Percentage
Gender		
<i>Female</i>	675	35.9%
<i>Male</i>	1,192	63.4%
<i>Transgender or Other</i>	9	0.5%
<i>Unknown</i>	5	0.3%

Data Notes:

- In FY26, SCAO will continue efforts to ensure reporting on gender identities is inclusive, capturing a broad spectrum of identities.

FY25 Adult Diversion Metrics--Age		
	Number	Percentage
18-25	639	34.0%
26-35	468	24.9%
36-45	314	16.7%
46-55	171	9.1%
56+	151	8.0%
<i>Unknown</i>	138	7.3%

Data Notes:

- If a termination date and date of birth (DOB) were available, age was calculated at the age at termination.
- If the participant did not have a termination date, age was calculated as of 7/1/25.

- For a small subset of participants, the data provided did not have a DOB but did have an age in years. Those reported ages are included in the data above.
- For fewer than ten individuals, the DOB data provided indicated an age younger than 18. As juveniles are not included in adult diversion programs, these DOB were treated as erroneous, and the individuals are included in the “Unknown” category.

FY25 Adult Diversion Metrics—Behavioral Health		
	Number	Percentage
Screened for Behavioral Health Treatment		
Yes	1,519	80.8%
No/Unknown	362	19.2%
Referred to Behavioral Health Treatment		
Yes	837	55.1%
No/Unknown	682	44.9%

Data Notes:

- Screened for Behavioral Health Treatment: This reported number is likely lower than the actual number of diversion participants screened for behavioral health, as some programs that do generally utilize screening tools were not tracking this information and therefore had all participants marked as “No/Unknown.” SCAO will support funded programs to more fully report this number in FY26.
- Referred to Behavioral Health Treatment: if an individual was already receiving behavioral treatment at the time of entry to a diversion program, they were counted as “No/Unknown.”