

Washington County Deflection Program

Behavioral Health Services Provider FAQ



What is House Bill 4002 (Oregon Drug Intervention Plan)?

Beginning September 1, 2024, House Bill (HB) 4002 repeals the Class E violation that previously applied to possession of small amounts of a controlled substance and replaces it with a new misdemeanor crime of unlawful possession of a controlled substance.

What are Washington County's HB 4002 pathways?

1. Deflection (pre-court diversion)
2. Court diversion ("conditional discharge")
3. Court-required formal supervision
4. Revocation of probation with early release to treatment

What is Deflection?

Deflection is a new statewide program intended to redirect people who use substances away from the criminal justice system and into treatment. Deflection is an alternative to criminal charges for possession of small amounts of substances.

Who runs the Deflection Program?

The Deflection Operations Team (DOT) is responsible for the day-to-day operations of the program. The DOT works with Behavioral Health Resource Network (BHRN) providers and other agencies to ensure that participants receive peer support, substance use disorder assessments, and appropriate treatment and services.

A senior program coordinator in the Behavioral Health's Addictions Program leads the DOT. Other members include representatives from the District Attorney's Office, Sheriff's Office, Community Corrections and BHRN providers. The team meets at least weekly to review cases, individual participants' progress, and overall program status.

How does a person cited for a PCS-U enter the Deflection Program?

1. When a public safety officer issues a criminal citation for the sole crime of PCS-U, they will provide a written and verbal description of the program. They also schedule the initial court date within 7 days.
2. The person needs to contact the Washington County Deflection Operations Team (DOT) before the court date. The DOT will also try to contact the person.
3. If contact is not made before the court date, a DOT member will be present in court to connect with the person before they see the judge. The goal is to determine if the person is interested in and eligible for the Deflection Program.
4. If the participant agrees to deflection and completes an intake, the arraignment date is pushed back and will continue to be reset if they continue to engage in the program. They will get a notice of each 30-day reset. They only need to go to the arraignment if they lose contact with the DOT or no longer want to participate in deflection.

In select areas and subject to the limitations of deflection funding and resources, WCDP peer support specialists will meet with the person being cited to provide a deflection intake and support.

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Who is eligible (and not eligible) for the program?

People who face only PCS-U charges are generally eligible. A person is not eligible if they:

- Have other charges pending anywhere. However, other PCS charges do not automatically disqualify a person.
- Are on formal supervision of any kind, such as court probation, diversion, conditional discharge, specialty or treatment court, or post-prison supervision.
- Have a prior conviction for a violent felony, domestic violence, child abuse or sex crime.

What is required for participants to be in the Deflection Program?

- Complete a deflection intake survey, participant agreement and ROIs.
- Complete an ASAM assessment.
- Engage in treatment/recovery services.
- Submit UAs when indicated by treatment provider.
- Stay in contact with the DOT.
- No new criminal charges (new drug possession charges may be allowable).

How are data protected?

All county departments and deflection partners have signed a MOU, and DOT members have signed confidentiality statements to acknowledge their understanding of 42 CFR, HIPAA, PHI, and CJIS information.

Participant information will be stored in a protected data system where only the DOT have access for the purpose of the deflection program.

What does Washington County need from behavioral health service providers?

All service provider organizations are required to sign a Memorandum of Understanding (MOU) to become a Deflection Program partner.

Participants must sign a ROI to the DOT and have treatment providers share 30-day reports that include:

- Completion date and recommendations from an ASAM assessment
- Treatment session attendance dates
- Results and dates of submitted UAs
- Current engagement level in services

Questions?



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