Jail or Help: How a Court Case Can End in Treatment Instead of a Cell

Updated October 28, 2026. Every phone number was checked against an official page.

When someone too sick or too addicted to choose help is arrested, the case can end one of two ways: the normal process, or a deal. Get treatment, hit milestones, stay with it, and the charges go away. Walk away, and the case picks up where it left off. That choice already exists in California and in Santa Monica. It is used far less than it could be.

This is the same second chance drug courts have offered for years: get clean instead of doing time. It is humane and it has teeth.

What is STEP Court in Santa Monica?

STEP Court, the Shelter, Treatment, and Empowerment Program, is Santa Monica's diversion program for people facing misdemeanor charges, run by the Santa Monica City Attorney's Office. It launched in January 2024. Instead of the traditional criminal process, each participant is matched with a case manager, and together they build a 90-day care plan for housing and any mental health or substance use treatment the court orders. Complete the plan, and the City Attorney dismisses the misdemeanor charges.

The program's partners are the Los Angeles County Superior Court, the LA County Public Defender's Office, the LA County Sheriff's Department and Exodus Recovery, whose resource navigators work with participants from the first hearing. It is held in Santa Monica, so participants do not have to travel to the Airport Courthouse about 12 miles away.

In its first two years, through July 2026, STEP Court had 29 graduates, and the City Attorney's Office dismissed 58 criminal cases.

How do drug courts and other treatment courts work?

Treatment courts, also called collaborative courts, put a person under a judge's supervision with monitored treatment and services instead of detention. A dedicated team of the court, the attorneys, probation, law enforcement and treatment providers works each case. Adult treatment courts focus on people with a serious substance use disorder or mental illness and adjust treatment to each person's needs, with incentives for progress and sanctions for slipping.

California has more than 400 adult and juvenile collaborative court programs. As of December 2025, the state counted 49 adult drug courts, 40 mental health courts, 37 veterans courts, 14 DUI courts and 13 reentry courts, and adult collaborative courts operate in every county except Alpine and Colusa.

What is mental health diversion under Penal Code 1001.36?

Mental health diversion lets a judge pause a criminal case so a person with a diagnosed mental disorder can get treatment instead. The disorder must have been a significant factor in the charged offense, and the court must find the person suitable. Diversion can last up to two years for a felony and up to one year for a misdemeanor.

If the person does well, the court dismisses the charges and the arrest is treated as if it never happened. If the person performs unsatisfactorily in the program, the court can hold a hearing on whether to reinstate the criminal case, change the treatment, or in some cases refer the person for conservatorship.

Is this soft on crime?

No. The case does not go away until the work is done. A person who walks away from treatment goes back to the normal process. What changes is the default: instead of a short stay in a cell and a release back to the same corner, the arrest becomes the moment someone finally gets into treatment with a judge watching. For people too sick to choose help on their own, that may be the only door that opens.

What does the plan ask for?

Every arrest of someone too sick or too addicted to choose help should end in a real choice: treatment with milestones, or the normal process. Our asks:

1. **Offer it every time.** Screen every eligible arrest of a person in crisis for STEP Court, mental health diversion or a County treatment court, and record whether the offer was made.
2. **A bed at the end.** Pair every diversion with a treatment or recovery bed the same week, so the choice is real. See Treatment, not tents.
3. **Milestones with teeth.** Sobriety checks, court check-ins and housing as the reward for progress. Slip, and you go back one step, not to the street. Walk away, and the case resumes.
4. **Publish the results.** Every month: how many offered, how many started, how many graduated, how many came back. Totals, never names. See Open books.

These are resident drafts. Nothing has been submitted to the City Council and nothing is on an agenda. Members plan to ask for a sponsor after the Nov. 3, 2026 election.

How is this different from a 5150 hold or CARE Court?

A 5150 hold, CARE Court and Laura's Law do not need an arrest at all. They are the civil paths for families, clinicians and courts when someone is too sick to accept help. Jail or help is for when the person has already been arrested. Both matter. The family guide explains the civil paths side by side.

Sources

1. City of Santa Monica: STEP Court
2. City of Santa Monica: STEP Court marks two years (Jul 27, 2026)
3. City of Santa Monica: Santa Monica launches diversion program for low level misdemeanors (Jan 11, 2024)
4. Judicial Council of California: Adult collaborative courts fact sheet (Mar 2026)
5. California Penal Code section 1001.36 (2025)

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