

Deflection and Pre-Arrest Diversion:

Reframing the Relationship Between Law Enforcement, Treatment, and Community

Adult Redeploy Illinois (ARI) Conference
Bloomington
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TASC's Center for Health & Justice

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Leadership Agenda

- Learning about the field
- PTACC – National Voice of the Field



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Deflection and Pre-Arrest Diversion: *Learning About the Field*



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Deflection: “Rapidly Emerging Field”

- **2019** – US National Drug Control Strategy includes use of “deflection” and “pre-arrest diversion”; First-ever NIJ RFP for “Police Deflection”
- **2018** – National Association of Counties passes resolution supporting Deflection as part of its Justice and Public Safety 2018-2019 platform; Inaugural PTACC Deflection and Pre-Arrest Diversion Conference
- **2017** – DOJ BJA incorporates “PTACC 5 Deflection Pathways” in CARA COAP solicitation; The Police, Treatment, and Community Collaborative (PTACC) established
- **2014 - 2016** – Civil Citation, DART, Angel, Arlington, STEER, and QRT launched
- **2012** – TASC Convening: Law Enforcement and Treatment possibilities
- **2011** – Law Enforcement Assisted Diversion launches in Seattle



Variety of Terms for Deflection

- Deflection
- Pre-arrest diversion (PAD)
- Pre-booking
- Co-responder
- Pre-entry
- Crisis Intervention Teams
- Police diversion
- Crisis/Triage centers
- Police assisted diversion
- Law enforcement encounter
- Law enforcement assisted diversion

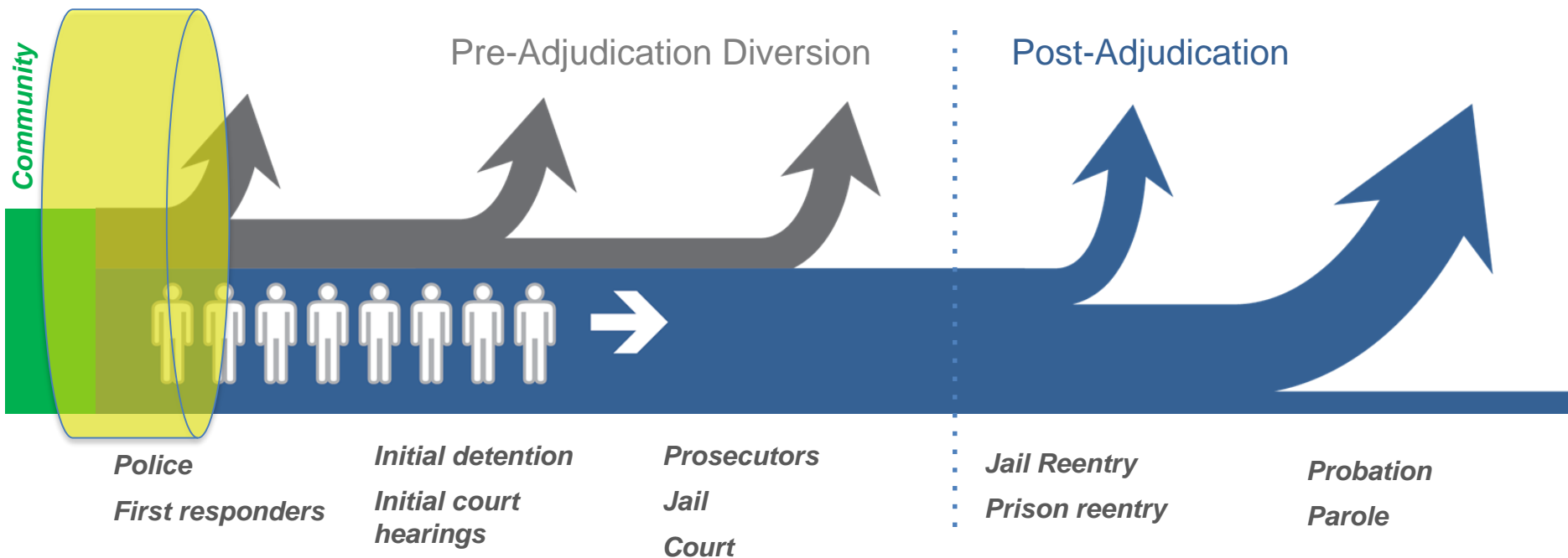
Whatever It's Called: Third Way for Police
1) Arrest or 2) Release 3) Deflect



Deflection Is the “Handle” on the Front Door of the US Justice System

Community-based services, housing, and recovery support

***NEW! People who are nonviolent can be deflected
in the community instead of entering the justice system***



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How Pre-Arrest Diversion (PAD) Differs from Other Types of Justice Diversion

Pre-Arrest Diversion (PAD)

- Moving *away* from justice system *without having entered it*
- **Behavioral health guided** with criminal justice partnerships
- *Public health* solution to better public safety – crime reduction!

Other Criminal Justice Diversion

- Moving *out* of justice system *after having entered it*
- **Criminal justice guided** with behavioral health partnerships
- A *wide variety* of approaches for a variety of reasons



THE NEED FOR DEFLECTION: Practices in Modern Policing Policing in Vulnerable Populations (IACP Publication)

Embrace Alternatives to Arrest (Page 20)

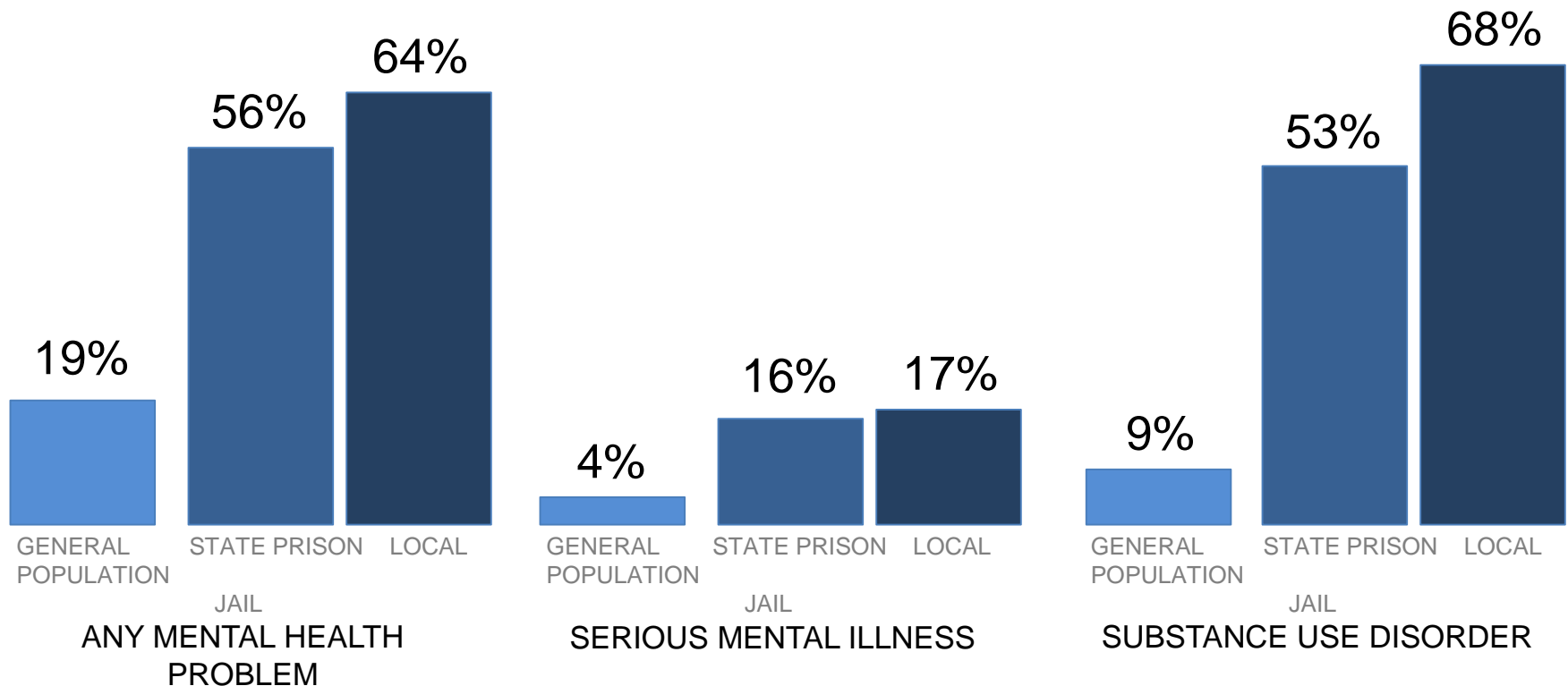
“Criminal arrest and prosecution are appropriate remedies for criminal acts.

Law enforcement agencies should empower police officers and deputies in circumstances [for those with minor offenses and non-criminal behavior] to use alternative remedies such as drug and alcohol treatment, hospitalization, and other diversionary programs, when appropriate, as these outlets can simultaneously help citizens, save money, and reduce recidivism.”



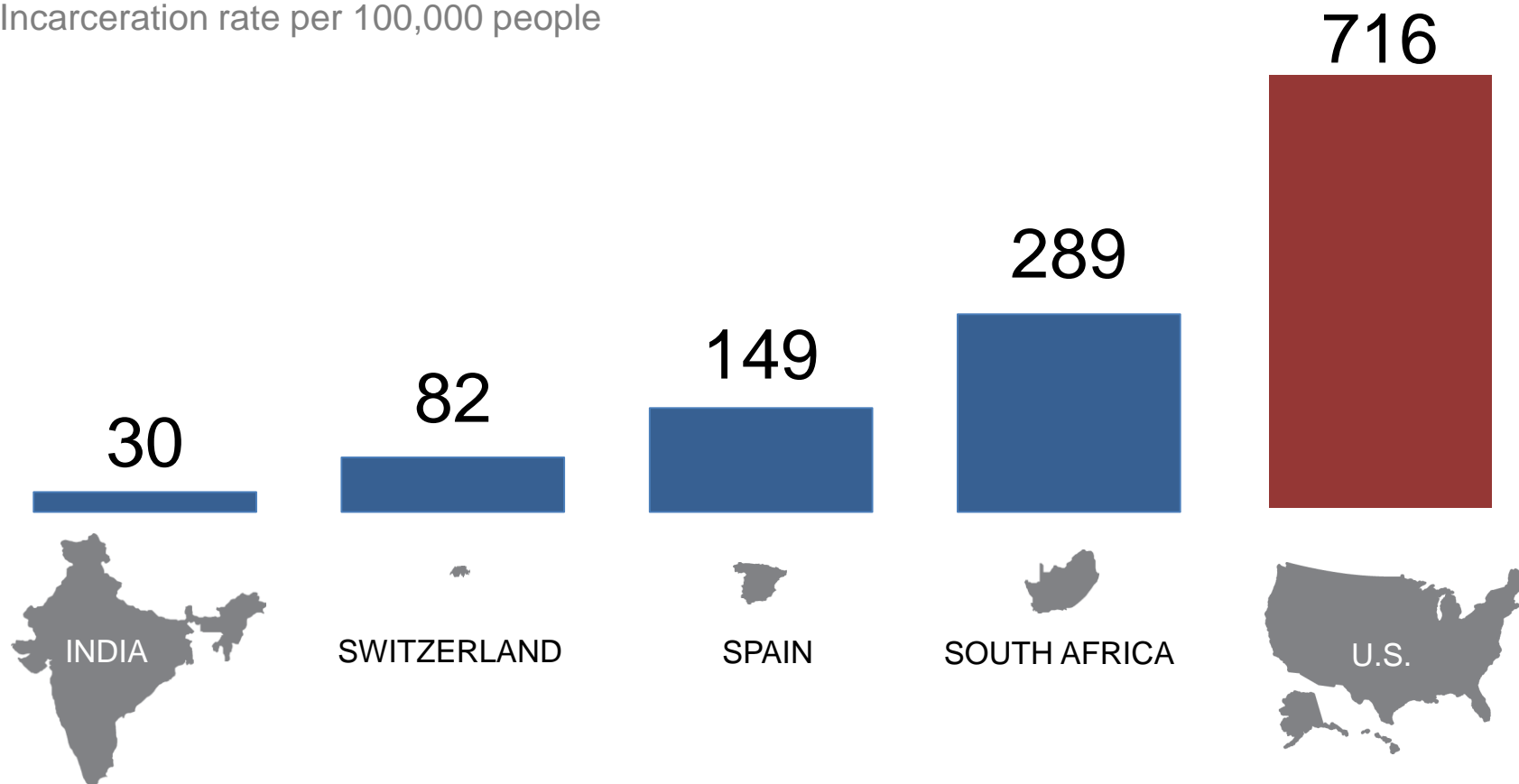
THE NEED FOR DEFLECTION:

Substance use and mental illness are driving factors in justice involvement.



THE NEED FOR DEFLECTION: The U.S. has the highest incarceration rate in the world.

Incarceration rate per 100,000 people



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THE NEED FOR DEFLECTION:

- **Addressing racial disparity** – Not using the justice system in the first place
- **Bail/Bond reform** – Will create a “back pressure” on law enforcement as it increases the number of people in the community awaiting trial but still have a need for treatment, housing, and services
- **Reduce overuse of misdemeanor arrests** – the use of misdemeanors in lieu of felonies was once considered a reform but its lasting impact on people’s lives due to its overuse is still profound and long lasting
- **Jail population reduction**
- **Other?**



THE NEED FOR DEFLECTION: Turning Encounters Into Opportunities

56 MM Encounters (DOJ, 2015)

12 MM Move In/Out Jails (DOJ, 2016)

44 MM Encounters Creating Opportunities to Assist People

“flipping the script” on police and community interactions



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Two Types of Pre-Arrest Diversion: Done Together for Biggest Impact

Prevention PAD

- **No charges** / Not relevant to criminal activity during this encounter
- **Identified behavioral health issue** (well-being) that places the person in a health risk or exposure risk to the justice system
- **Divert to treatment** for clinical assessment to address needs and/or to social services
- **Prevents future criminal justice entry by connecting to treatment today**

Intervention PAD

- **Charges** exist but are held in abeyance or issuance of non-criminal citation
- **Identified behavioral health issue** (well-being) that places the person in a health risk or exposure risk to the justice system AND
- **Identified low-moderate risk** (to re-offend)
- **Divert to treatment** for clinical assessment to address needs and/or to social services with justice follow-up
- **Prevents current criminal justice entry by connecting to treatment today**



PRE-ARREST DIVERSION: PATHWAYS TO COMMUNITY

POLICE, TREATMENT AND COMMUNITY COLLABORATIVE



The Five PAD Pathways to Treatment

- **Self-Referral:** Individual initiates contact with law enforcement for a treatment referral (without fear of arrest); preferably a warm handoff to treatment
- **Active Outreach:** Law enforcement intentionally IDs or seeks individuals; a warm handoff is made to treatment, which engages individuals in treatment
- **Naloxone Plus:** Engagement with treatment as part of an overdose response or DSM-V severe for opiates; tight integration with treatment, naloxone (individual too)
- **Officer Prevention Referral:** Law enforcement initiates treatment engagement from a call for service or “on view”; no charges are filed
- **Officer Intervention Referral:** Law enforcement initiates treatment engagement from a call for service or “on view”; charges are held in abeyance or citations issued, with requirement for completion of treatment



Self-Referral Pathway

- **Definition:** Individual initiates contact with law enforcement for a treatment referral (without fear of arrest); preferably a warm handoff to treatment
- **Brand Name:**
 - “Angel” – Police version (450 sites for Angel)
Began Gloucester, MA
 - Safe Stations” Fire version (Delaware)
 - PAARI – Police Assisted Addiction and Recovery Initiative
www.paarius.org
- **Best Use:**
 - Low resource deflection initiative
 - Easy to start and sustain
 - Can also be done with Fire e.g. “Safe Stations”



Active Outreach Pathway

- **Definition:** Law enforcement intentionally IDs or seeks individuals; a warm handoff is made to treatment, which engages individuals in treatment
- **Brand Name:**
 - “Arlington”
 - Began Arlington, MA
 - PAARI – Police Assisted Addiction and Recovery Initiative
 - www.paariususa.org
- **Best Use:**
 - Addressing high utilizers if able to be pre-identified
 - Proactive approach for connecting people to treatment and services



Naloxone Plus Pathway

- **Definition:** *Engagement with treatment as part of an overdose response* or DSM-V severe for opiates; tight integration with treatment, naloxone (individual too)
- **Brand Name:**
 - “Quick Response Teams” – QRT (50+ sites); DART; STEER
 - Began Cincinnati Metro Region (OH, KY and IN)
 - QRT National
 - www.qrtnational.org
- **Best Use:**
 - Saving lives. “Plus” refers to the connection to treatment following OD reversal
 - Responding to communities with high and/or trending up overdose and overdose death
 - National standard for law enforcement response to opioids



Officer Prevention Pathway

- **Definition:** Law enforcement initiates treatment engagement from a call for service or “on view”; no charges are filed
- **Brand Name:**
 - “Law Enforcement Assisted Diversion” – LEAD (25 + sites)
 - Began Seattle, WA
 - www.leadkingcounty.org
- **Best Use:**
 - Providing a tool for officers on patrol to respond to addiction and mental health when no charges are present



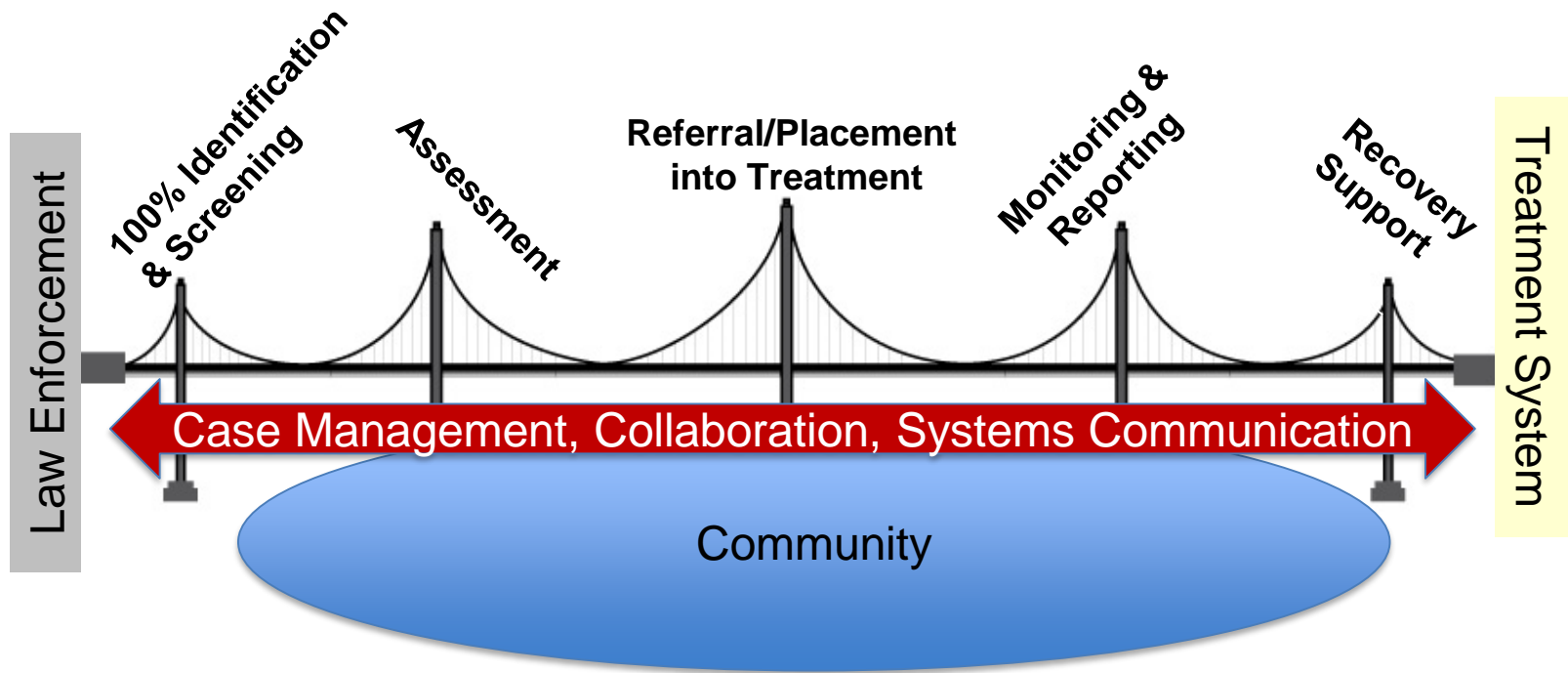
Officer Intervention Pathway

- **Definition:** Law enforcement initiates treatment engagement from a call for service or “on view”; charges are held in abeyance or citations issued, with requirement for completion of treatment
 - **Brand Name:**
 - “Civil Citation Network” – CCN (multiple sites, adult and juvenile)
 - Began Tallahassee, FL
 - www.civilcitationnetwork.com
 - **Best Use:**
 - Providing a tool for officers on patrol to respond to addiction and mental health when charges are present
 - “First-time” arrestees who have an addiction issue but limited to no other justice involvement
- **This pathway requires involvement of the District Attorney or State’s Attorney



The Pathways to Treatment

The TASC Model



A Way of Connecting Different Systems

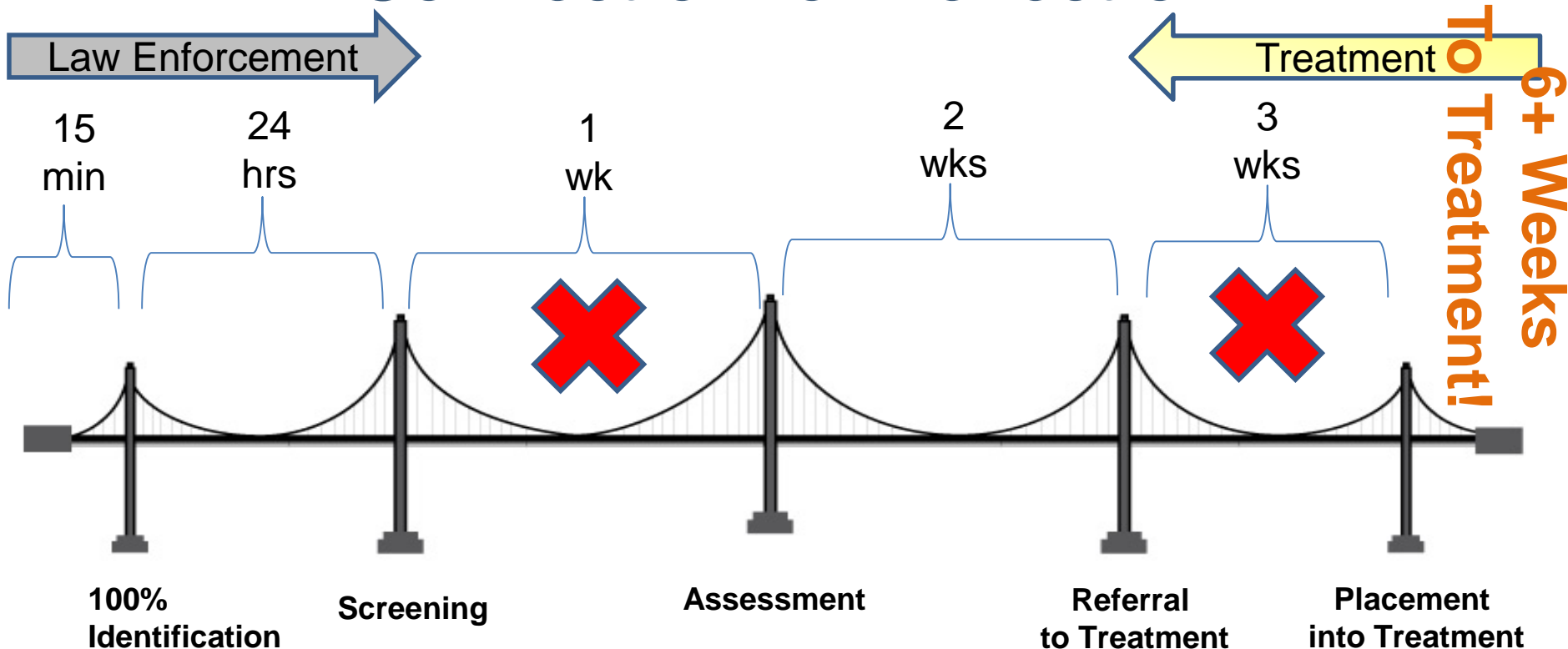


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A “Warm Handoff”

THE Critical Time and Place Connection for Deflection



The TASC Model In Deflection



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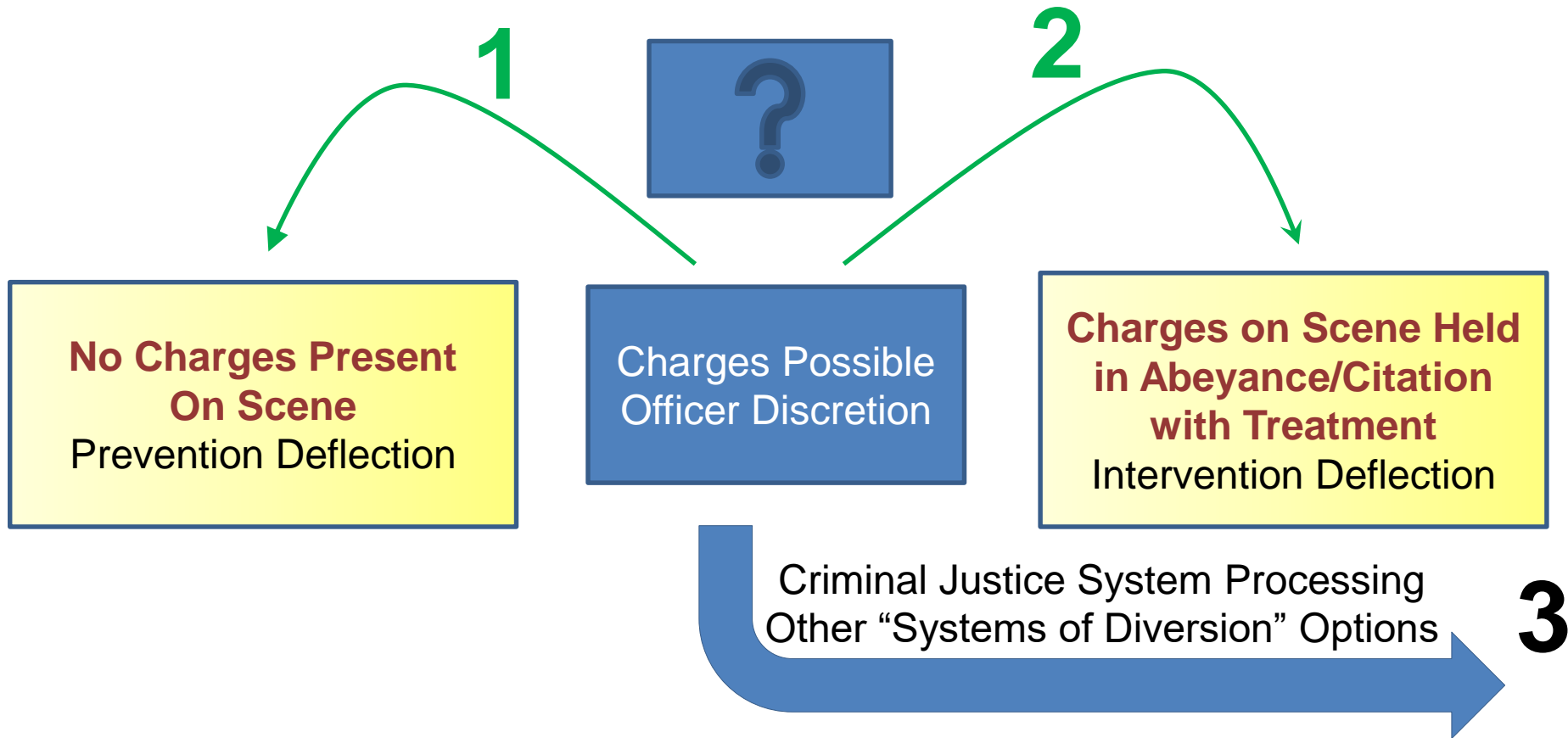
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Deflection v. Diversion and a Warm Handoff

- **Deflection deals with people “in the moment”** – actively using drugs, in the middle of a mental health episode, facing real challenges
- **Diversion deals with people that are generally stabilized**



Deflection Decision Making Options Officer “Discretionary Middle”

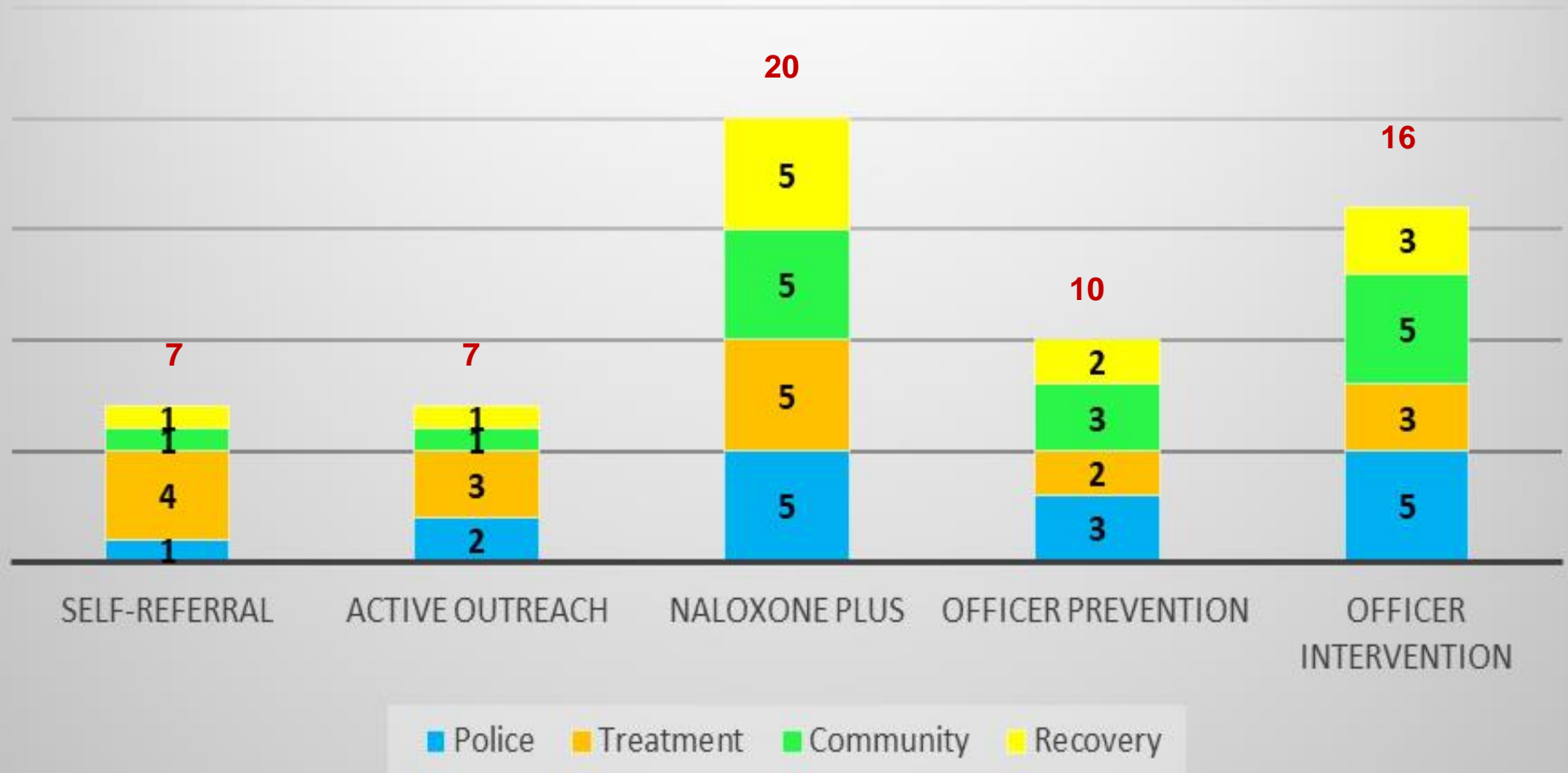


Deflection Risk-Need Decision Matrix (Officer Intervention Pathway Only)

	High Risk	Low Risk
High SA Needs (moderate – severe)	Option #3 Justice Processing	Option #2 Intervention Deflection
Low SA Needs (mild)	Option #3 Justice Processing	Option #1 Prevention Deflection



Required Deflection Collaboration Scores by System and Pathway



Pre-Arrest Diversion: Part of the Solution

- Reduced crime
- Improved public safety (real and perceived)
- Reduced drug use
- Better outcomes during crisis encounters
- Building police-community relations
- Lives saved, lives restored
- Reduced burden on criminal justice to solve public health and social challenges – reduction in the “social burden”
- Building (more) police-public health/behavioral health relations
- Correct movement of citizens into/away from the justice system
- Cost savings
- “Net-narrowing”
- Keeping families intact
- Addressing racial disparity



Why Pre-Arrest Diversion Growth Now?

1. **Law enforcement encounters with the mentally ill**
 1. CIT – 1988 – “Memphis Model”
2. **Police and community relations**
 1. Brown - Ferguson, MO; McDonald – Chicago, IL
 2. President's 21st Century Task Force – 2015
3. **Opioid epidemic**
 1. “Angel” program - 2015
4. **Ever increasing “social burden” on police and the justice system**
 1. War on Crime – Johnson – 1965
 2. War on Drugs – Nixon – 1971
 3. Violent Crime Control Act – Clinton – 1994
 4. Rapid growth in incarceration (2x growth/10 years) 1980 +/-

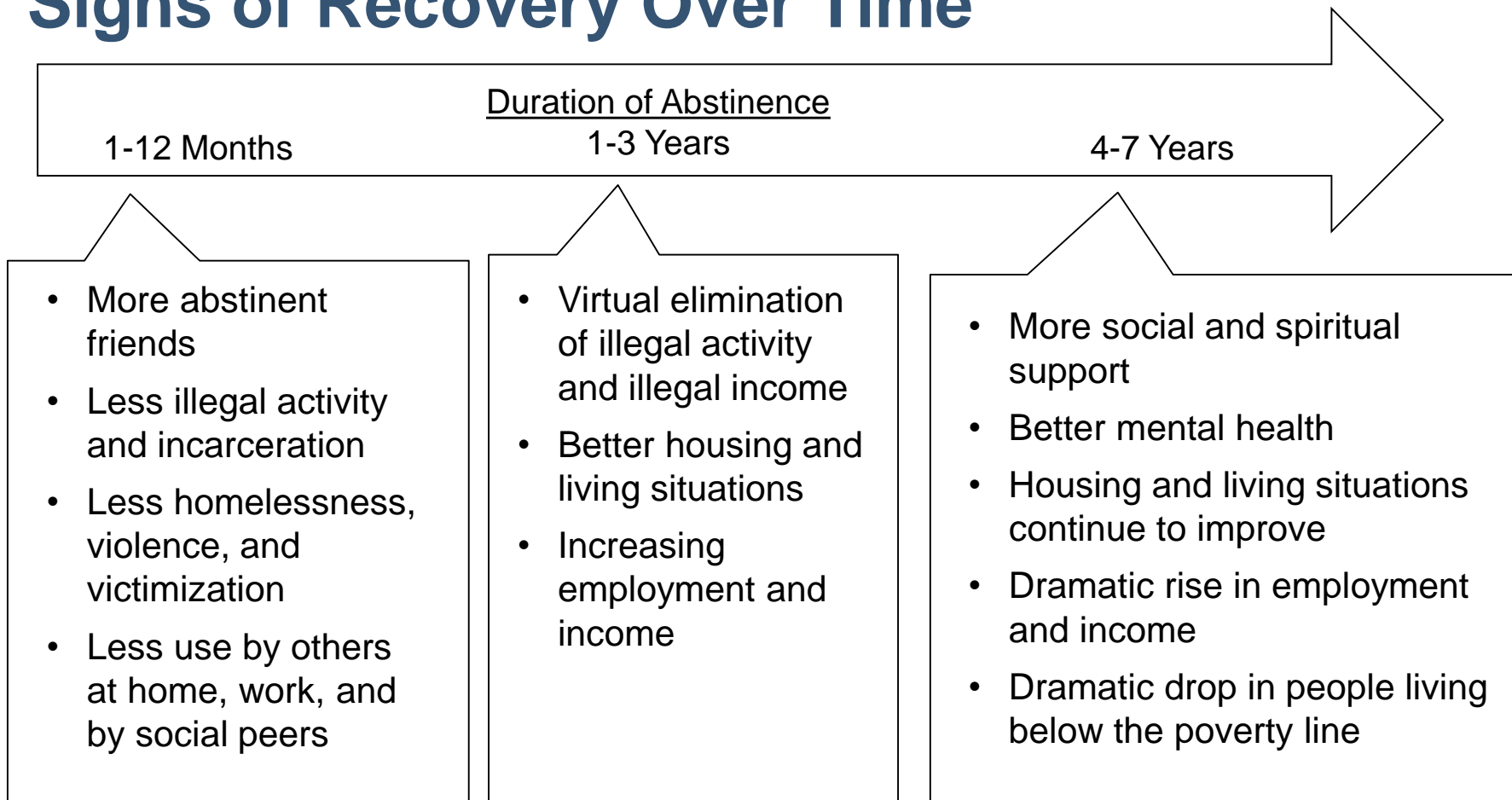


Pre-Arrest Diversion: Observations

- Newly emerging field and profession
 - **Formalized: Policy, Practice and Training**
 - Systems approach: Police + Treatment + Community + Research
 - Research is promising
 - **Early efforts underway to a legislative framework**
- **Mental health is not illegal**
 - Drugs are (mostly) illegal
 - **Mental health tends to think of crisis situations**
 - SUD does not rely on a crisis situation
 - **Being driven in large part by the opioid epidemic**
 - Social services, housing, recovery
 - Family, children, veterans



Signs of Recovery Over Time



Source: Dennis, Foos & Scott, 2007



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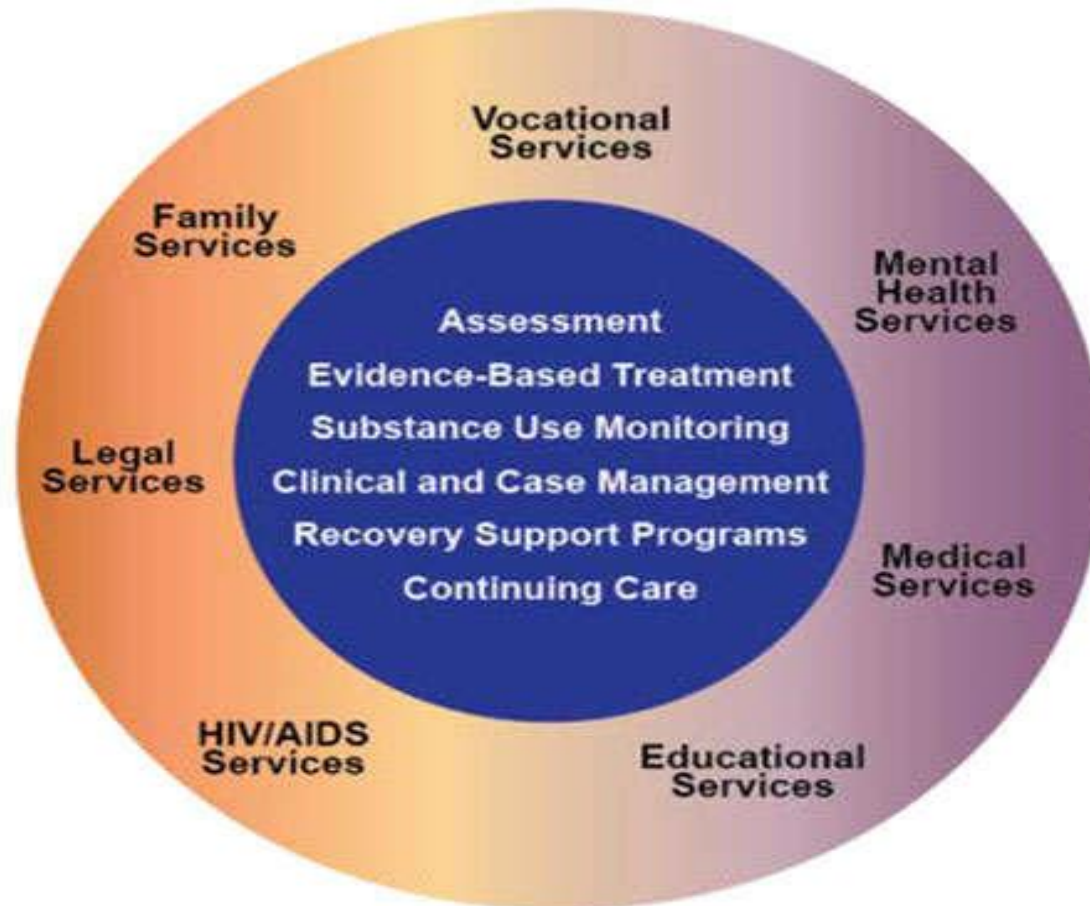
Why Case Management:

Most individuals entering the justice system have multiple & complex service needs



Source: Community Catalyst, 2016

Components of Comprehensive Drug Addiction Treatment



The best treatment programs provide a combination of therapies and other services to meet the needs of the individual patient.

National Institute of Drug Abuse



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PTACC

POLICE, TREATMENT, AND COMMUNITY



COLLABORATIVE

*The NATIONAL Voice of the
Pre-Arrest Diversion Field*



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PTACC Collaborative:

Our Mission, Purpose, and Cornerstone

- **Mission** – To strategically enhance the quantity and quality of community behavioral health and social service options through engagement in pre-arrest diversion
- **Purpose** – To provide NATIONAL vision, leadership, advocacy, and education to facilitate the practice of pre-arrest diversion across the US
- **Cornerstone** – PTACC is open-source, open to any and all. PTACC is “non-denominational” as to which model/brand of pre-arrest diversion is appropriate for a jurisdiction; each community must determine which approach(es) solves its problem, fits the local situation, and can be addressed through current behavioral health capacity.



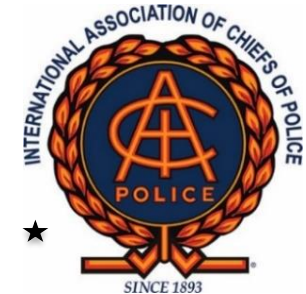
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PTACC National Partners



★ C4 RECOVERY FOUNDATION
IMPROVING TREATMENT ACCESS, QUALITY, & INTEGRITY



★ Indicates PTACC National Founding Partner

PTACC National Partners



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PTACC “Open-Source” Resources:

- **PTACC Visual 5 Pathways to Treatment** – The first visual depiction of all known deflection and pre-arrest diversion pathways
- **PTACC Core Measures of Pre-Arrest Diversion** – Recommended metrics for sites to use covering police, treatment, community, and race.
- **PTACC 11 Guiding Principles for Behavioral Health Pre-Arrest Diversion** – Currently being aligned with CARF accreditation standards.
- **PTACC Pre-Arrest Diversion Presentations** – PAD Basics, PAD Policy, Naloxone Plus



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Illinois Senate Bill 3023

*The Community-Law Enforcement
Partnership for Deflection and Substance
Use Disorder Treatment Act*



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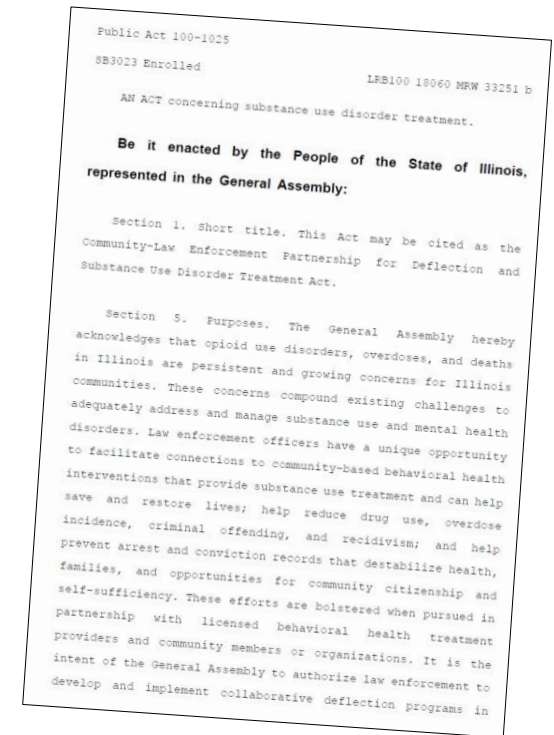
2018 Illinois Deflection Legislation: Senate Bill 3023

- *The Community-Law Enforcement Partnership for Deflection and Substance Use Disorder Treatment Act*
- Authorizes and encourages local law enforcement leaders to create collaborative local programs that “deflect” individuals with substance use problems away from the criminal justice system into addiction treatment services
- Provides a roadmap for partnerships between law enforcement, substance use treatment providers, and community members to guide the development of deflection programs



SB 3023: Key Provisions

- Lays out deflection program types and their key features offering guidance and a range of options to municipalities
- Ensures that program impact is measured by requiring development of minimum data to be collected and a performance measurement system
- Provides immunity from civil liabilities to law enforcement partners for program-related activities provided in good faith
- Authorizes (but does NOT require) appropriations for deflection program activities
- Does not *require* law enforcement to create deflection programs



Senate Bill 3023: Successful Passage

- Passed state legislature with strong bi-partisan support 5/31/18
- Signed into law 8/22/18 → Public Act 100-1025
- \$500,000 appropriated for FY19 grants in the State budget
- Notice of funding opportunity announced 9/4/18
 - Applications due 10/25/18



Senate Bill 3023: Successful Passage

- Supportive materials
 - Clear, brief, [available](#), shared
- Broad, diverse base of support
 - > 140 proponents – including law enforcement; criminal justice, healthcare, behavioral healthcare, peer, and faith-based advocates; substance use and mental health providers; public defender, etc.
- Key champions
 - Bipartisan legislative champions
 - Law enforcement as primary spokespeople
 - > 85 police departments or law enforcement association proponents
- Permissive rather than mandatory



Mundelein Police Chief Eric Guenther (R), and Dixon City Manager (former Police Chief) Danny Langloss (L), backed SB 3023 at a Senate hearing in Springfield. -Photo by D. Ormsby



Starting Deflection:

Your Next Steps



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Starting Means Answering Questions...

- Why do deflection?
- What's the problem to solve/challenge to address?



Purpose (Why?) and Problem (What?)....

- Reduced crime
- Improved public safety (real and perceived)
- Reduced drug use
- Better outcomes during crisis encounters
- Building police-community relations
- Lives saved, lives restored
- Reduced burden on criminal justice to solve public health and social challenges – reduction in the “social burden”
- Building (more) police-public health/behavioral health relations
- Correct movement of citizens into/away from the justice system
- Cost savings
- “Net-narrowing”
- Keeping families intact
- Addressing racial disparity



Specifically...

- **Legislation** – SB 3023 IL – First 5 Pathway Comprehensive Deflection Legislation
- **Policy** – Counties, PDs and BH agencies
- **Funding** – Pilot sites – CO, CA, MD, NC
- **Capacity** - MN – Case management Medicaid waiver
- **Evaluation/Data** – FL, OH
- **Pilots** – Growing! ****Do the pathways, not a brand****



PRE-ARREST DIVERSION: PATHWAYS TO COMMUNITY

POLICE, TREATMENT AND COMMUNITY COLLABORATIVE

****Do not
“buy” a
brand
i.e.
LEAD
PAARI
etc...**



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