



DATA-DRIVEN JUSTICE: DISRUPTING THE CYCLE OF INCARCERATION

Monthly Webinar
February 20, 2019

THE WEBINAR WILL BEGIN SHORTLY

TODAY'S AGENDA

Painting the Bigger Picture: Deflection Legislation and Policies Supporting Alternatives to Arrest and Jail

July 2018 Resolution to the NACo American County Platform

- **Supporting Deflection Initiatives**

Urge Congress to increase financial support for measures that maximize the ability of counties to develop and support programs that **deflect** non-violent individuals experiencing behavioral health crisis into treatment driven by a complete, integrated and accessible continuum of care.

August 2018 DDJ Webinar

- **Law Enforcement's Role in Connecting People to Treatment**

- "A Way Out" in Lake County, Ill.
- Local police work with the county's health department and a provider network to fast track people into treatment who want it.

2019 NACo Legislative Conference Panel Discussion

- Reimagining County Behavioral Health Crisis Response Systems and Policies



TODAY'S SPEAKERS

Jac Charlier, Executive Director, Center for Health and Justice at Treatment Alternatives for Safe Communities (TASC)

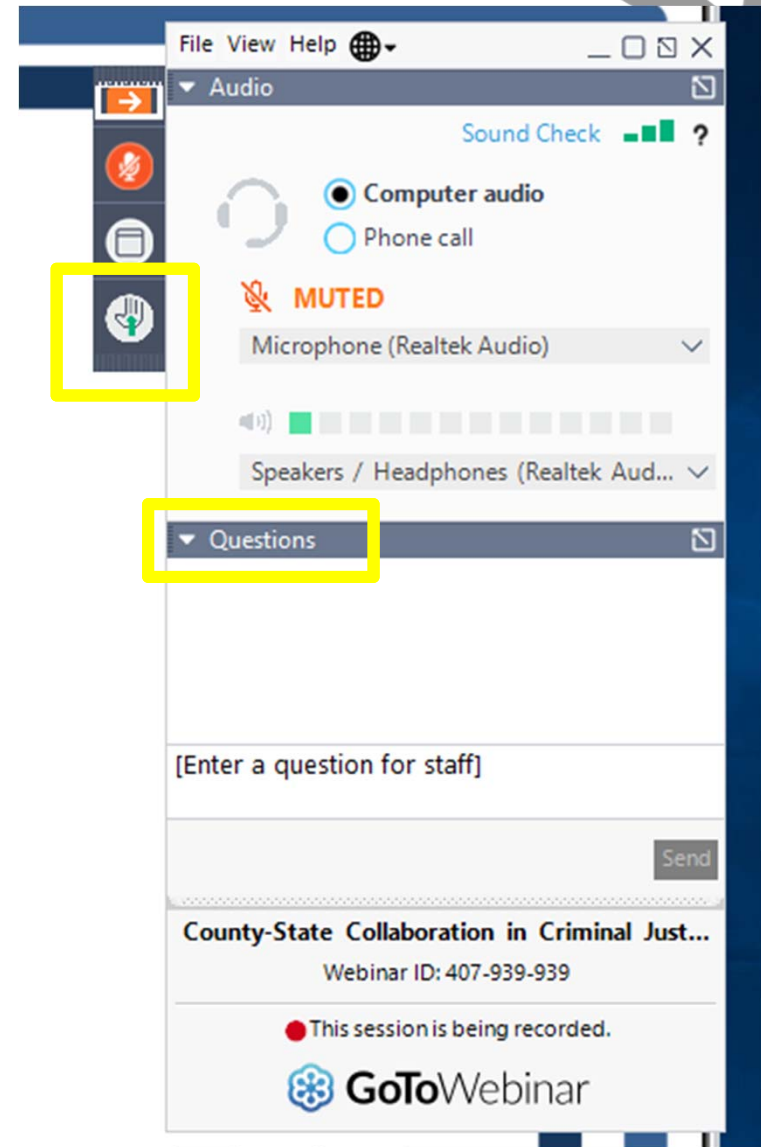
Lars Trautman, Senior Fellow, Criminal Justice & Civil Liberties, R Street Institute

Michele Worobiec, Chief Counsel, TASC

Gary Tennis, President, National Alliance for Model State Drug Laws

ASKING QUESTIONS

- The questions box and buttons are on the right side of the webinar window.
- This box can collapse so that you can better view the presentation. To unhide the box, click the arrows on the top left corner of the panel.
- If you are having technical difficulties, please send us a message via the questions box. Lindsey or myself will reply to you privately and help resolve the issue.



Deflection and Pre-Arrest Diversion:

*Reframing the Relationship
Between Law Enforcement,
Treatment and Community*

NACo Deflection Legislative Webinar

Jac Charlier - PTACC

Lars Trautman – R Street

Michele Worobiec - TASC

Gary Tennis – NAMSDL

February 20, 2019

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Presentation Agenda

- Learning about deflection
- National Scan: Deflection Legislation
- Illinois Deflection Act (SB 3023)
- Model Deflection Legislation
- The PTACC Collaborative
- Q&A



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Deflection and Pre-Arrest Diversion: *An Rapidly Emerging Field in the U.S.*

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Variety of Terms for Pre-Arrest Diversion

- 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 - 800,000 LEOs



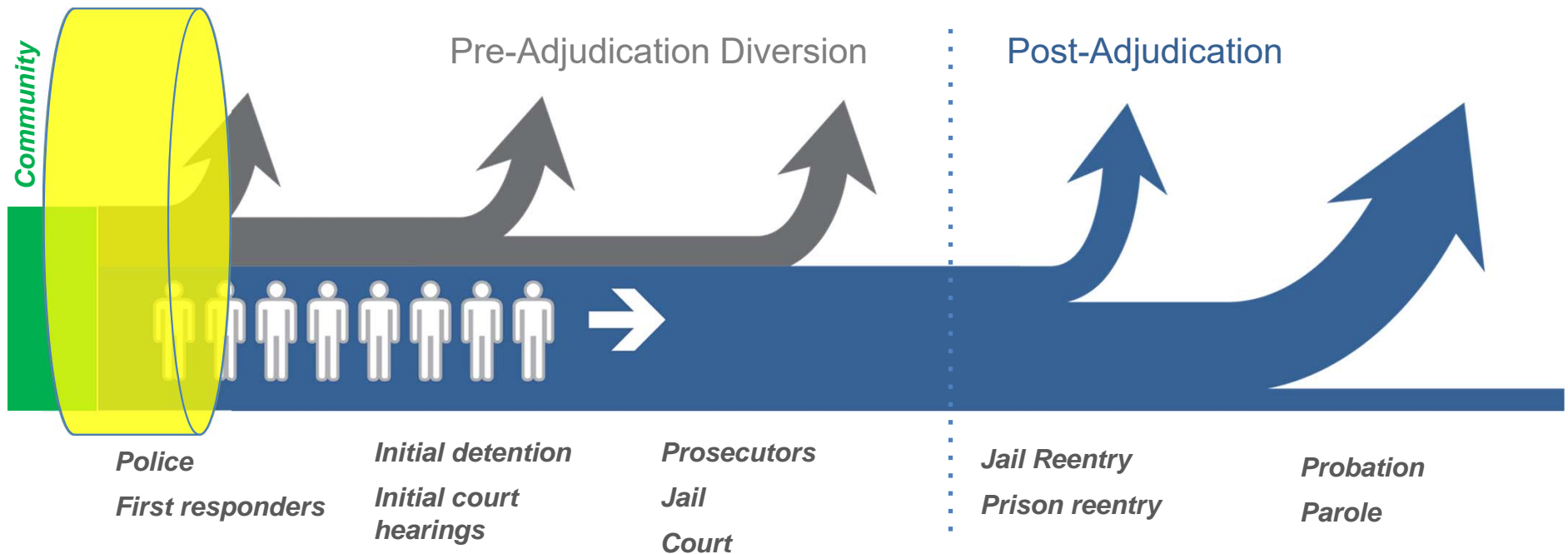
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Pre-Arrest Diversion Is the “Handle” on the Front Door of the US Justice System

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



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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**



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PRE-ARREST DIVERSION: PATHWAYS TO COMMUNITY

POLICE, TREATMENT AND COMMUNITY COLLABORATIVE



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”



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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



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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



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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



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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



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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



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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



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Deflection Legislative Review

PRESENTATION BY LARS TRAUTMAN

SENIOR FELLOW, THE R STREET INSTITUTE



Legislative Trends for Diversion and Deflection

State of Diversion Legislation: Over the last five years, almost 400 bills, including 234 that became law, related to diversion in some form.

Deflection Legislation: Only 16 bills, including 8 that became law across 6 states, had strong ties to deflection.

Types of Deflection Legislation:

- ❖ Explicitly endorses deflection programs
- ❖ Funds deflection programs
- ❖ Indirectly supports deflection programs, primarily through measures that increase law enforcement discretion

Laws Explicitly Authorizing Deflection Programs

Legislative intent: Remove any ambiguity regarding the legality of deflection, provide legislative guidance for deflection programs, and formalize state support for these efforts and encourage their adoption.

Examples

Florida: Communities and educational institutions are authorized to adopt a deflection program. State law provides a model program but does not specify a particular type of deflection.

Illinois: Authorizes law enforcement to establish deflection programs, which may include: post-overdose, self-referral, active outreach, officer prevention, or officer intervention deflection. Further requires the state to collect data on deflection programs.

New Jersey: Authorizes law enforcement to establish law enforcement assisted addiction and recovery self-referral programs, which will be supported and guided by the state Department of Human Services.

Laws Related to Funding Deflection Programs

Legislative intent: To directly support deflection programs, while using the power of the purse to indirectly guide these efforts.

Examples

Colorado: State law mandates that some of the tax revenue from marijuana sales be used to support drug and mental health treatment programs, jail alternatives, and other diversion efforts.

- ❖ The law did not describe how this money must be allocated to particular programs; instead, grants must be established through the regular budget process.

Maine: A state Substance Abuse Program provides grants to municipalities and counties for projects designed to reduce substance abuse, substance abuse-related crimes and recidivism.

- ❖ This includes grants to municipal and county governments, or regional jails for diverting alleged low-level offenders into community-based treatment and support services.

Indirect Support of Deflection Programs

Legislative Intent: To indirectly support and increase the use of deflection by reducing legal barriers to these efforts.

Examples

Florida: Law enforcement is authorized to issue civil citations or utilize similar deflection programs for misdemeanors.

New Jersey: Law enforcement is authorized to divert veterans who appear to have a mental illness in lieu of filing a criminal complaint for certain low level criminal offenses.

West Virginia: An individual who was the subject of emergency medical assistance for an overdose can receive Good Samaritan protections against criminal prosecution if they complete a court approved substance abuse treatment or recovery program.

Other Legislation Helpful to Deflection

Substance Abuse Good Samaritan Laws

- ❖ **Purpose:** To encourage individuals to call for emergency services in the event of a suspected overdose and allow law enforcement to engage in a noncriminal response.
- ❖ **Resource:** SAMHSA report “Preventing the Consequences of Opioid Overdose: Understanding 911 Good Samaritan Laws”
<https://www.samhsa.gov/capt/sites/default/files/resources/good-samaritan-law-tool.pdf>

Authority to Issue a Citation in Lieu of Arrest

- ❖ **Purpose:** To provide options that de-escalate the law enforcement response and allow for noncriminal responses.
- ❖ **Resource:** National Conference of State Legislatures chart on citation in lieu of arrest: <http://www.ncsl.org/research/civil-and-criminal-justice/citation-in-lieu-of-arrest.aspx#fiftyState>

Legislative Efforts in Support of Deflection are Ongoing

This legislative review only provides a snapshot in time at the end of the 2018 legislative session. Often, these bills only pass after multiple attempts spread across a handful of years.

Examples of legislation that was introduced but did not pass:

- ❖ **Hawaii (2018):** Bill would have established a deflection pilot project
- ❖ **Indiana (2018):** Bill would have established a right to pretrial diversion for individuals revived from an overdose; citation must also issue in lieu of arrest in these instances
- ❖ **Kentucky (2017/2018):** Resolution urging local police departments to establish deflection programs for nonviolent drug offenders
- ❖ **New Jersey (2018):** Bill would have created a Mental Illness Diversion Program. Another bill would have created a veterans diversion program.

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

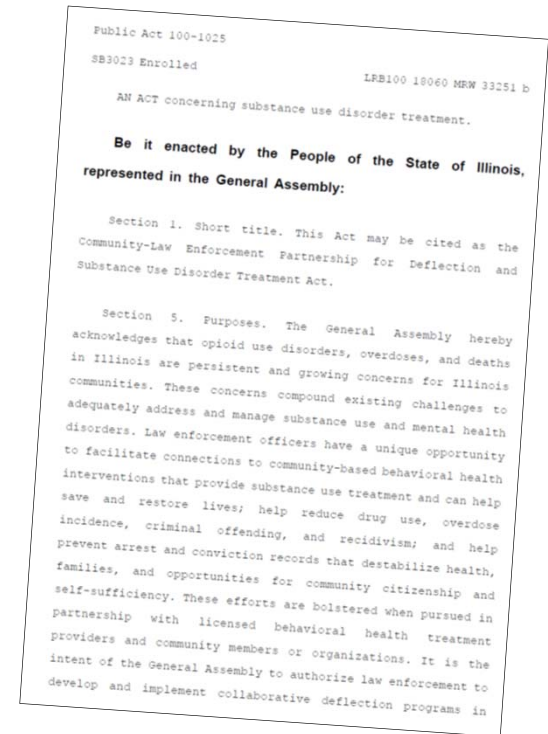


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SB 3023: Key Provisions

- 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



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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

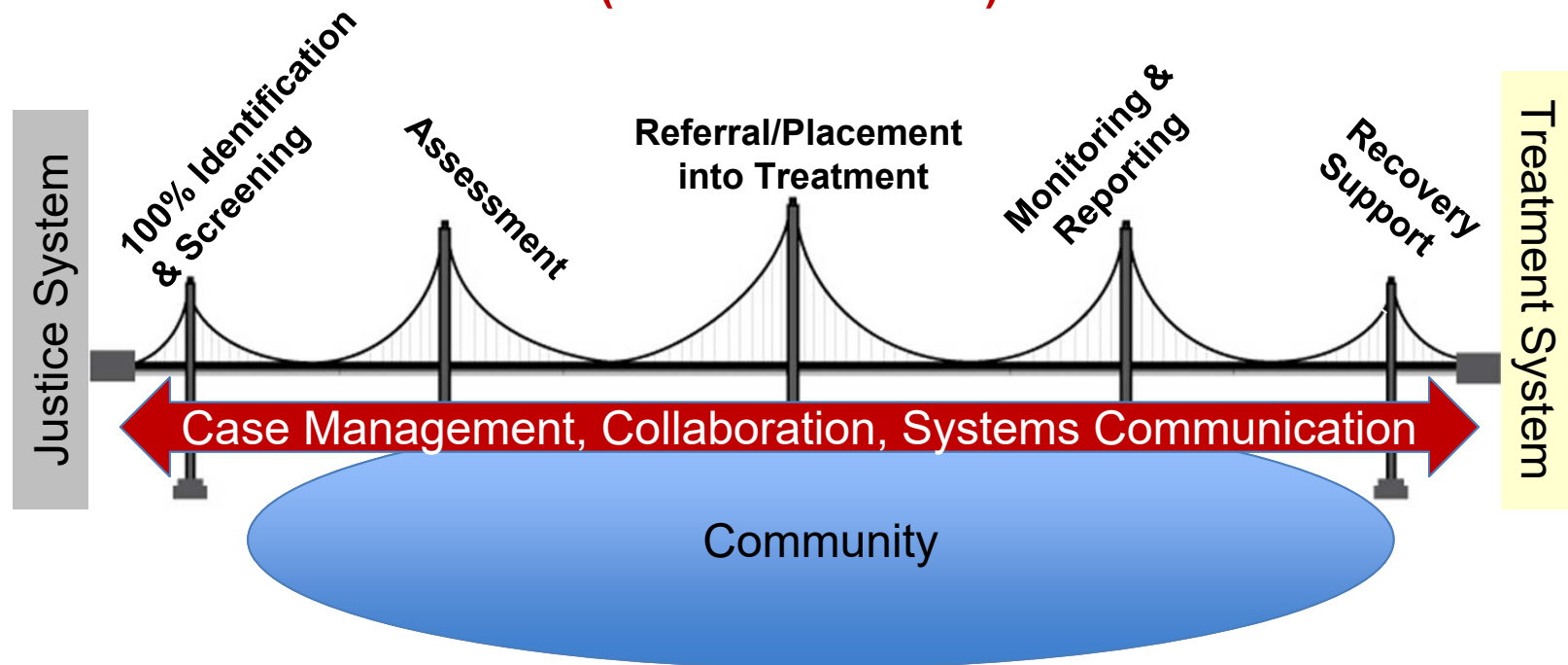


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The Pathways to Treatment Connecting Two Systems

(The TASC Model)



18,000 Law Enforcement Agencies



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The Model Law Process

NACo PTACC

February 20, 2019

Gary Tennis, President

National Alliance for Model State Drug Laws

www.namsdl.org

Personal Introduction

- 26 years as a prosecutor
 - 20 years doing Policy & Legislation for the Pennsylvania District Attorneys' Association
- 2 years as Executive Director of the President's Commission on Model State Drug Laws
- 5 years as Pennsylvania's first Secretary of the PA Department of Drug & Alcohol Programs
- President of NAMSDL since July, 2017



National Alliance for Model State Drug Laws (NAMSDL)

- History
- Funded by Congress
- Mission
- Model Law Development
- Technical Assistance
- Resource Groups



What is NAMSDL?

- National Alliance for Model State Drug Laws
- We aim to:
 - **Dedicate** research and drafting efforts to a *comprehensive* approach to substance use disorders
 - **Support** the collaboration between law enforcement, prevention, intervention, treatment, recovery supports, and overdose abatement
 - **Embody** policies and practices in model state drug laws
 - **Provide** technical assistance
 - State and local officials
 - Stakeholders who share our mission
 - **Help** our nation free itself from substance use disorders and the far-reaching problems associated with these disorders



Model Law Development

1. Drafting and Revising
 - Identify priorities
 - Research
 - Draft
 - Circulate
2. Reviewing and Formally Adopting
 - Update and drafting committee
 - Thorough review
 - Vote
 - Approve or start over
 - The Board ratifies



Model Law Development

3. Dissemination and Publicizing of Model Laws

- Ask partnering stakeholders to disseminate to members
 - Educate legislatures



Current and Future Model Law Developments

Current Model Law Developments	Future Model Law Developments
<ol style="list-style-type: none">1. Warm Hand-off of Overdose Survivors to Treatment2. Model Scheduling New/Novel Psychoactive Substances Act3. Model Expedited Scheduling of Controlled Substances Act4. Model Controlled Substance Analogue Act5. Model Universal Access to Naloxone	<ol style="list-style-type: none">1. Collegiate Recovery2. Recovery High School3. Criminal Justice Treatment4. Obstacles to Meaningful Employment5. Family Preservation

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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.



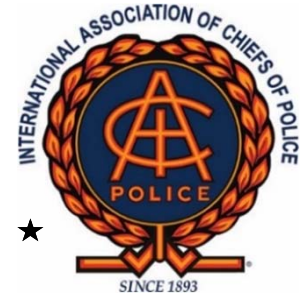
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PTACC National Partners



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



★ Indicates PTACC National Founding Partner



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PTACC National Partners



★ Indicates PTACC National Founding Partner



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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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QUESTIONS





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WED., APRIL 3RD 3-4 PM EST

We will send a follow-up email and post the
recording of today's webinar

