Leading the Movement Toward Diversion as First Response
Tapping the Potential of Pre-Arrest Diversion to Treatment

A recent criminal justice trend is gaining traction. It has potential not only to help curb the devastation that the opioid epidemic is causing in urban, suburban, and rural communities across the nation, but also to bring law enforcement, treatment providers, and communities together to solve common challenges that substance use and mental health disorders pose.

It’s known as pre-arrest diversion. Other terms include front-end diversion, deflection, and pre-booking diversion.

Regardless of terminology, the goal is the same: to divert eligible individuals with substance use and mental health disorders to treatment before logging an arrest.

Understanding Different Types of Diversion and How They Work

Broadly speaking, criminal justice diversion can refer to any initiative that moves people away from incarceration or from advancing further into the justice system. Often, these programs divert people who have underlying substance use or mental health problems to treatment and other community-based services. These strategies have been implemented for many years at the pretrial, prosecution, and adjudication phases of the criminal process.
“May you live in interesting times” is often a euphemism for “hang onto your hats, here comes the change and uncertainty.” This is familiar territory for TASC. Still, there are some recent contradictions in today’s environment that are particularly worthy of our attention: a national opioid epidemic, threats to Medicaid funding for substance use and mental health services, and the amping up of punitive criminal justice responses at the federal level.

In the wake of major advances in ensuring insurance parity for substance use and mental health conditions and access to healthcare for all, we are assessing what the latest and emerging federal priorities will mean for our most vulnerable citizens and at-risk communities.

As state and federal policymakers stake positions regarding what to dismantle versus what to maintain or improve, it is important to remember what works and what doesn’t.

We know incarceration is costly and has been widely over-used as a response to substance use and mental health conditions. We know it is counterproductive to reduce or eliminate access to local, affordable treatment in the community. We know that harsh drug laws and policies, whether intentionally or not, have been applied disproportionately to the poor and communities of color.

History, and years of evidence, have demonstrated what works and what does not.

What works are scientifically sound, field-tested efforts in prevention and intervention, diversion and alternatives to incarceration, community reentry, and personal accountability. What works are programs that assess for clinical and criminogenic risk and need, match individuals to the right services, and ensure access to evidence-based treatment in the community for substance use mental health conditions. These smart-on-crime solutions are far more effective than incarceration in reducing recidivism and relieving overburdened courts and corrections systems. They cost less, restore lives, and heal families. They make communities safer and free up jails, prisons, and community police to focus on individuals who pose greater risks to public safety.

Over TASC’s 40 years of collaboration with local, state, and federal partners, we have seen some of the greatest success and innovation forged from disagreement and debate. TASC will continue to be in the thick of these discussions, bringing forth the lessons of history, science, and sound clinical practice.

These are indeed interesting times, and we have opportunities to shape solutions based on lessons from the past. We are committed to not only what is effective, but also what is fair and just.

In this edition of TASC News & Views, we focus on some of the exciting developments in the area of pre-arrest and prosecutorial diversion, including our work with communities and partners to help advance health and justice in Illinois and nationally.
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Leading the Movement Toward Diversion as First Response... (continued from page 1)

justice continuum. They have been shown to reduce the costs and burdens—to the justice system, the community, and the individual—of repeated arrests, convictions, and incarcerations.

The Advantages of Diversion Before Arrest

As vital as these interventions are, they nonetheless involve entry into the justice system, and usually leave even those who successfully complete such diversion programs with the long-term, collateral consequences of an arrest record.

“When people do not pose a danger to society, no entry is the goal,” said TASC President Pam Rodriguez. “We know from decades of research and experience that formal connections to treatment can improve access and outcomes. Lessons learned from prosecutorial diversion programs, court intervention programs, and reentry programs can, and should, be applied even earlier in the justice system.”

The first point of entry into the justice system—and thus the earliest opportunity for justice diversion—is law enforcement.

“For most people who are manifesting substance use and mental health disorders, there are better alternatives than arrest,” said Rodriguez. “Through our work with partners across the country, we hope to make it easier for law enforcement officers to connect people to treatment.”

TASC and its Center for Health and Justice are working to help propel this sea change.

Building Police-Treatment-Community Partnerships

According to the Centers for Disease Control and Prevention, from 2000 to 2014, nearly half a million people died from a drug overdose, and since then, mortality rates have climbed precipitously, with a record 64,000 people having lost their lives to overdose in 2016 alone.¹

Often at the front line of these tragedies, local law enforcement agencies are seeking new ways to better serve and protect communities confronting the consequences of substance use disorders, especially as police frequently interact with individuals affected by addiction and/or overdose. Prebooking or pre-arrest diversion strategies can help reduce drug use, promote public safety, and save lives.

In March, the Center for Health and Justice at TASC partnered with the Civil Citation Network to convene the first-ever national summit focused on pre-arrest diversion. Criminal justice, behavioral health, and public policy experts from across the country gathered at the headquarters of the International Association of Chiefs of Police (IACP) in Alexandria, Virginia, for two days of information sharing and planning.

From this meeting emerged the Police, Treatment and Community Collaborative (“PTAC Collaborative”), the first national effort to build a multi-disciplinary approach that ensures law enforcement, treatment professionals, and community members collaborate as equal partners to widen community behavioral health and social service options available through law enforcement diversion.

A National Collaborative to Harness the Best in Science and Practice

Working through the PTAC Collaborative, IACP and TASC have come together to promote alternative-to-arrest diversion programs for state, county, and local law enforcement agencies across the United States. This collaboration seeks to greatly improve the means, ease, and speed with which law enforcement can partner with substance use and mental health treatment providers so that police can help people access treatment.

While diversion to treatment is not a new concept, this initiative adds a critical element that has been missing: a dynamic and sustainable partnership that brings together TASC’s expertise in evidence-based responses to substance use and mental health disorders, along with IACP’s expansive and knowledgeable law enforcement network.

“At this critical time for our communities, law enforcement efforts to connect people with drug treatment could not have greater urgency,” said IACP President Donald De Lucca, chief of the Doral, Florida, Police Department. “Law enforcement officers, working side-by-side with treatment providers and community, will together help form the solution.”

Pre-Arrest Diversion Frameworks

Within the last several years, pre-arrest diversion programs have emerged in local jurisdictions from Seattle, Washington (Law Enforcement Assisted Diversion), to Montgomery County, Maryland (STEER), and in numerous sites between. Lessons learned from these strategies offer the groundwork for more initiatives across the country that seek to save lives and connect people to help, while also decreasing jail populations, reducing recidivism, and saving costs.

Pre-arrest diversion can become a game-changer in how local law enforcement responds to individuals with drug or mental health problems, according to Jac Charlier, national director for justice initiatives at the Center for Health and Justice at TASC.

Based on an examination of existing and emergent law enforcement diversion programs across the country, TASC’s Center for Health and Justice has developed “frameworks” to help conceptually organize and describe different approaches to pre-arrest diversion based on their key features. These frameworks are intended to help guide local police and communities in designing approaches that best meet their needs and match their available resources.

The appropriate framework for any given community will depend on its goals, partnerships, and available resources in the community.

Pre-arrest diversion frameworks include:

- **Self-Referral:** Individuals initiate engagement with law enforcement without fear of arrest, and an immediate treatment referral is made.
- **Active Outreach:** Participants are identified by law enforcement, and are then engaged primarily by a treatment expert who actively contacts and motivates them to participate in treatment.
- **Naloxone Plus:** Engagement with treatment occurs following an overdose response, and crisis-level treatment is readily available.
- **Officer Prevention Referral:** Law enforcement initiates treatment engagement, and no charges are filed.
- **Officer Intervention Referral:** Law enforcement initiates treatment engagement, and charges are held in abeyance or citations issued.

“No one framework is advised over another,” said Charlier. “What’s best is for communities to use as many of these approaches as they can.”

For further information on these pre-arrest approaches, visit www.centerforhealthandjustice.org and search “Frameworks.”

Free Self-Study Courses for Criminal Justice Practitioners: Responding to Addiction

In the face of a national opioid crisis, and recognizing that most people entering the justice system have recently used illicit drugs and/or have a substance use disorder, the Center for Health and Justice at TASC and the National Judicial College (NJC) have co-developed three self-study courses to support justice leaders in implementing evidence-based responses to help stop cycles of drug use and crime.

These free, online courses provide timely information and practical solutions offered by top national researchers in addiction and criminal justice. Free and available with registration through the NJC website, the courses include:

- **The Neuroscience of Addiction,** presented by Timothy P. Condon, PhD
- **Evidence-Based Sentencing for Drug Offenders,** presented by Roger H. Peters, PhD
- **Medication-Assisted Treatment,** presented by Joshua D. Lee, MD

The courses were created as a result of TASC’s and NJC’s collaborative work in leading the Justice Leaders Systems Change Initiative (JLSCI), which supports jurisdictions across the country in leveraging local resources and partnerships to create and implement collaborative responses to substance use and addiction.

For more information, and to access the videos, visit www.centerforhealthandjustice.org and search “self-study courses.”
Earlier this year, the Center for Health and Justice at TASC released the findings of a survey of Illinois state’s attorneys, illustrating the scope and variety of prosecutorial diversion initiatives operating in jurisdictions across the state.

Such programs can redirect individuals away from the criminal justice system and into community-based services, thereby preventing unnecessary costs and harmful consequences—to the justice system, to communities, and to individuals and families—of repeated arrests, convictions, and incarcerations.

“In an effort to achieve an efficient and effective model, we must embrace initiatives that not only hold offenders accountable, but also appropriately impact their lives,” said Joseph Bruscato, Winnebago County state’s attorney and chairman of the Board of Governors for the Illinois State’s Attorneys Appellate Prosecutor’s Office. “Alternative justice programs can substantially reduce the likelihood that an individual will repeat their criminal behavior, and gives them the opportunity to be restored to useful citizenship.”

“Diversion programs receive widespread support in Kane County’s criminal courtrooms—from our office, from judges, and from defense attorneys—because they effectively address issues with people who need an alternative approach,” said Joseph McMahon, Kane County state’s attorney and member of the same Board of Governors. “I support and advocate for diversion programs and alternative courts because they hold people accountable yet provide an opportunity to move forward, they benefit the community, and they reduce long-term costs. They are the right thing to do.”

The report, No Entry: A Survey of Prosecutorial Diversion in Illinois, describes 54 programs operating in 37 Illinois counties, based on information submitted by prosecutors on diversion programs and options offered in their jurisdictions. Most programs responding to the survey limited participation to first-time offenses, and most also featured connections to clinical services, such as substance use and mental health interventions.

In addition to highlighting programs, several recommendations emerged from the survey’s observations and analysis, including the importance of:

- incorporating research findings and evidence-based practices into diversion programs;
- applying resources to individuals and programs with potential to achieve the greatest impact;
- engaging community-based substance use and mental health treatment and social services in diversion programs as appropriate;
- adopting standardized program goals, outcome and performance measures, and terminology; and
- adopting standardized data collection and analysis models and mechanisms.

To access the survey findings, observations, and recommendations, visit www.centerforhealthandjustice.org and search “prosecutorial diversion.”

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**TASC Releases Illinois Prosecutorial Diversion Survey**

**T ogether We Change More Lives**
—excerpted from Prairie Center’s web feature “Tales of Our Team”

What’s a case manager for TASC, or Treatment Alternatives for Safe Communities, doing hanging around Prairie Center?

Prairie Center and TASC have formed an innovative partnership to increase face-time for her with clients, strengthen treatment relationships, and ultimately increase success rates. About 85% of the clients she sees receive services from Prairie Center, so having Clay around here creates a stronger and more unified team fighting addiction, and creates efficiencies in service deliveries which is badly needed now more than ever.

[Clay] juggles about 45 cases at a time spread across Champaign, Vermilion, Ford, and Iroquois counties—to connect with housing, travel, and employment resources, other health care needs, and vital documents like state identification cards...Over the course of a year she estimates she’ll work with Prairie Center staff to help about 200 parolees successfully reenter society, get jobs, reconnect with family, and build new lives.

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**Partnering more closely with Prairie Center means we CHANGE MORE LIVES.**

CLAY SAILLANT
CASE MANAGER AND TASC
A proud addiction fighting partner with Prairie Center

www.prairie-center.org

Prairie Center
On July 26, in collaboration with the University of Chicago Health Lab, the Cook County Sheriff’s Office, and Heartland Health Outreach, TASC announced the launch of the Supportive Release Center (SRC), an innovative new program that provides short-term, critical services to people with high needs as they are released from the Cook County Jail.

The SRC offers a brief overnight stay and linkage to community-based services for individuals who are struggling with mental illness, substance use disorders, or homelessness.

The facility, owned and administered by TASC, is located just blocks away from the Cook County Jail. It offers a “softer landing” for vulnerable persons who are being released from the jail, with the goal of reducing re-arrests, future incarceration, adverse health outcomes, and future incidents of homelessness.

“We know that people released from jail often don’t have a safe place to go, especially if they are facing addiction, mental illness, or homelessness,” said TASC President Pam Rodriguez. “The SRC represents a collective effort of partners in the nonprofit sector, academia, government—and supported by private donors—to create a better path to health and safety.”

The Chicago Tribune interviewed TASC President and CEO Pam Rodriguez at the Cook County Supportive Release Center launch on July 26.

The Supportive Release Center creates a comfortable atmosphere where clients can safely rest or relax and receive light food, clothing, and access to showers and laundry facilities as they work with care coordinators and an advanced practice nurse to plan for services or next steps.
2017 TASC Leadership Awards Luncheon: December 14

Join TASC in presenting our annual leadership awards.

2017 TASC Justice Leadership Award Honoree
Howard A. Peters III

During his more than 40 years in public service, Howard Peters led the Illinois Department of Corrections and the Illinois Department of Human Services, offering a strong and respected voice for people who have been disempowered and disenfranchised. Under the Illinois Health and Human Services Transformation initiative, he currently serves as vice chair of the Medicaid Advisory Committee, advocating fair access to quality healthcare.

2017 TASC Public Voice Leadership Award Honoree
Jessica Hulsey Nickel

Inspired by a deep personal commitment to families affected by addiction, for more than 25 years, Jessica Nickel has been instrumental in shaping and advancing federal legislation to improve justice and support recovery. As founder and president of the Addiction Policy Forum, she has created a diverse national partnership of people and entities committed to ensuring comprehensive responses to addiction and its consequences.

ONLINE REGISTRATION AVAILABLE: Visit www.tasc.org and click on the Leadership Awards Luncheon button.

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