

Justice System Diversion Programs



Diversion programs work to make our communities safer and citizens healthier by providing alternatives to arrest or detention for offenses committed by individuals with mental health and/or substance use concerns. Pre-arrest diversion programs employ multiple strategies such as Police Deflection, Law Enforcement Assisted Diversion (LEAD) and Police Assisted Addiction & Recovery Initiative (PAARI). These strategies implement the practice of law enforcement connecting individuals to substance use disorder and/or mental health treatment as an alternative to arrest. There are several programs already operating in North Carolina with common goals but using different strategies. It is important to note that diversion strategies can be offered at different points of justice involvement. The goal of these diversion programs is the same though, to reduce the number of individuals from these high-risk populations from entering the justice system.

Pre-arrest diversion programs typically utilize law enforcement to divert or connect individuals to opportunities for treatment interventions as an alternative to a charge, arrest, or conviction. By providing alternatives to involvement in the justice system, these programs reduce the collateral consequences (e.g., interruption of prosocial community support). Immediate interventions lead to reduced rates of unintended overdoses by increasing connections to treatment and overdose prevention services at the earliest opportunity.

Some examples of evidence-based program models that jurisdictions implement include:

PRETRIAL SERVICES

When someone is arrested on a drug-related charge, they are frequently detained on a bond and may be held in jail as they await trial. Pretrial service programs to assess the individual's risk to public safety and ability to return to the community. Ultimately, a recommendation is made to the court that individuals who are eligible be released to the community to perform regular daily functions while awaiting trial. This is less burdensome and less costly for the jails and allows the individual to maintain their employment and housing and engage in treatment as they prepare for trial.

DRUG TREATMENT COURTS

Drug treatment courts, also called recovery courts, are alternative court settings that allow individuals with substance use disorders to be diverted from incarceration by participating in long-term treatment under supervision of the court. These courts are staffed by a multi-disciplinary team of invested court and treatment partners. The typical program includes case management, substance use treatment, and peer support services to provide wrap-around services to assist in the success of the person in the community. Increased time in the community as opposed to incarceration leads to more successful outcomes for the individuals and cost savings for the local justice system.

BEHAVIORAL HEALTH SERVICE PROGRAMS

Behavioral health service programs employ mental health and substance use professionals to assess and potentially treat individuals in custody for mental health and/or substance use concerns. These professionals can offer resources and connect individuals to treatment options, providing an opportunity for linkage to care prior to release. These programs use targeted strategies to increase community support and connections to care which leads to fewer incarceration days and more prosocial connections.

LOCAL REENTRY COUNCILS

While not technically a pre-arrest diversion program, local reentry councils reduce recidivism by providing services such as case management to individuals upon release. Local reentry councils vary according to the community and can provide support and resources for critical needs upon reentry including housing, employment, treatment, counseling, and other social determinants of health. Reentry support efforts should consist



of multiple collaborators throughout the local community. It is essential to identify key champions to advocate for systemic improvements to increase connections to care upon release. Increasing the person's potential for success upon release decreases the likelihood for future justice involvement which breaks the cyclical nature of the system.



NATIONAL SPOTLIGHT

LEAD: the Law Enforcement Assisted Diversion (LEAD) program of Seattle, Wash., was developed in 2011 as a partnership between police, community health providers, and legal personnel to disrupt the cycle of incarceration and recidivism particularly among individuals with substance use disorders. The mission statement for the LEAD program in Seattle outlines “LEAD’s aims are to reduce the harm individuals cause to themselves, as well as the harm that they may be causing the community. This public safety program has been shown to reduce recidivism rates for those diverted and to be less expensive than using the criminal justice system as normal, and thereby preserving expensive criminal justice system resources for more serious or violent offenders.”

LEAD program personnel work to coordinate legal proceedings, behavioral health care services, and case management to divert individuals from conviction and incarceration.

The Substance Abuse and Mental Health Services Administration (SAMHSA) has developed a national best practice – the Sequential Intercept Model (SIM) – that identifies points, or intercepts, where a person with mental and/or substance use disorders may be diverted away from the justice system. The model identifies points at the following levels for possible intervention, and ultimately, diversion: Community Service (Intercept 0), Law Enforcement (Intercept 1), Initial Court Hearings/Initial Detention (Intercept 2), Jails and Courts (Intercept 3), Reentry (Intercept 4), and Community Corrections (Intercept 5)



LOCAL SPOTLIGHT (ORANGE COUNTY, NC)

The Orange County Pre-arrest Diversion Program (OC-PAD) permits law enforcement officers to issue a referral in lieu of a formal charge or arrest to individuals who commit low-level misdemeanor offenses. These referrals allow for a warm hand-off to a social worker who completes an intake and creates a diversion plan unique to the individual. Diversion plans can include community service, mental health and substance use treatment, educational classes, restorative justice opportunities, and other programming. After 90 days, if the individual has completed the diversion plan, law enforcement is notified, and the matter is closed without any public record created.

To learn more about Justice System Diversion Programs, please email beinjuryfreenc@dhhs.nc.gov.

¹ <https://www.sog.unc.edu/resources/microsites/giving/collateral-consequences-assessment-tool-c-cat>

² <https://www.samhsa.gov/criminal-juvenile-justice/sim-overview>

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