



# Building Healthier Communities through Pre-Arrest Diversion

As the gatekeepers of the justice system, police play an important role in connecting vulnerable individuals, including those with mental health disorders and substance use disorders, to services and resources. Linkage to these services and resources can address the underlying issues that, without intervention, can lead to patterns of engagement with the justice system. This factsheet outlines collaborative pre-arrest diversion<sup>1</sup> strategies that offer connections to treatment and recovery for individuals in need, while enhancing community safety and engagement.

## Pre-Arrest Diversion

While diversion programs exist across the continuum of the justice system, pre-arrest diversion occurs at the earliest point in the system, allowing individuals to avoid the direct costs and collateral consequences that could result from arrest and an introduction to the justice system.

A single arrest, even if the individual is never charged or found guilty, can entangle an individual—especially a vulnerable one—into a cycle of costly justice system involvement. Other harmful collateral consequences to affected individuals and their families can include housing instability, unemployment/underemployment, educational deficiencies, health challenges, loss of driving privileges, and reduced economic mobility. When those who are arrested are poor, the impact of the arrest is multiplied.

Pre-arrest diversion is part of a “systems” approach that encourages collaboration among police, fire/EMS, community-based treatment and service providers, local officials, and community members.<sup>2</sup> Pre-arrest diversion programs provide guided and rapid access to supportive, community-based services through a “warm-handoff” or other linkage to treatment from law enforcement. Beyond meeting an individual’s crisis intervention, treatment, and behavioral health needs, these strategies may be used to provide connections to housing, training, education, and other supports and services. The goal is recovery and wellbeing for individuals, families, and communities by reducing and preventing future encounters with both the justice and crisis systems resulting from a person’s behavioral health challenges.

## Pathways to Treatment

There are five models of pre-arrest diversion identified by the Police, Treatment, and Community Collaborative (PTACC).<sup>3</sup> Each address specific public safety challenges faced by police departments in their communities.

## Choosing a Pathway

Communities exploring pre-arrest diversion initiatives often begin with a single pathway and then add additional pathways as their initiatives evolve.

- When deciding which pathway(s) to implement, communities should consider the specific problems to be addressed (e.g., substance-misuse, mental health, housing instability) and how resources can be aligned to meet the needs of the target population to be served (e.g., treatment, recovery, stakeholder support).
- What works in one jurisdiction may not work in another. Become familiar with the pathways and what they were created to address to help communities determine which diversion program(s) are appropriate for their individual community concerns.
- Each pathway is associated with different levels of investment needed to plan, implement, and operationalize the effort. Elements of a pathway may need to be adapted to suit the individual needs of a jurisdiction.

<sup>1</sup> In this factsheet, we use the term “pre-arrest diversion” to mean any program, including deflection, pre-booking diversion, or pre-charge diversion, that links individuals to community-based treatment following law enforcement contact.

<sup>2</sup> “Community” here can be defined and described in several contexts (i.e., neighborhoods, business community, recovery community, impacted communities, faith communities, etc.).

<sup>3</sup> [https://ptaccollaborative.org/wp-content/uploads/2018/07/PTACC\\_visual.pdf](https://ptaccollaborative.org/wp-content/uploads/2018/07/PTACC_visual.pdf)



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Pathway	Description	Target Population
<b>Self-Referral</b>	An individual voluntarily initiates contact with a first responder agency (law enforcement, fire services, or EMS) for a treatment referral. If the contact is initiated with a police agency, the individual makes the contact without fear of arrest.	Individuals with Substance Use Disorders
<b>Active Outreach</b>	A first responder intentionally seeks out an individual(s) to refer to or engage in treatment, and outreach is often done by a team consisting of a clinician and/or peer with lived experience.	Individuals with Substance Use Disorders
<b>Naloxone Plus</b>	A co-responder team conducts outreach specifically to individuals who have experienced a recent overdose to engage and provide a linkage to crisis-level treatment.	Individuals with Opioid Use Disorder
<b>Officer Prevention</b>	During routine activities like patrol, police initiate the treatment engagement, but no charges are filed.	Persons in crisis or with mental health disorders, experiencing homelessness, sex workers, etc.
<b>Officer Intervention</b>	At point of contact, police initiate the treatment engagement. Citations are issued or charges are held in abeyance until treatment and/or social service plan is successfully completed.	Individuals charged with nonviolent crimes and assessed to be low- to moderate-risk of reoffending

## Implementation Considerations

### Pre-Arrest Diversion Partnerships

Effective collaboration with policymakers, justice system stakeholders, fire/EMS, behavioral health and treatment providers, researchers, and community members builds a strong foundation for pre-arrest diversion programs.

- Local policymakers can help increase treatment capacity, become allies in working with various sectors of your community, and create access to funding.
- Justice system stakeholders share many concerns around public safety and can use their roles to help reduce barriers to diversion (e.g., clearing warrants, lifting restrictions on travel to treatment facilities that would violate probation or parole, coordinating

the time of release from local jail to participate in treatment, etc.).

- Local behavioral health, community treatment, and health and human service agency leaders are important partners when considering the question “Divert to where?” They know the status of existing services and can assist in addressing service gaps and building capacity. This is crucial since diversion efforts can overwhelm local treatment resources, capacity, and availability, which can create barriers to access.
- Engaging community members, particularly from communities affected by crime, people who have been impacted by or involved with the justice system, and individuals in recovery from substance use disorders, can bring diverse perspectives to enhance and sustain diversion efforts.



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## Training and Organizational Strategies

Providing high-level organizational support, consistent messaging, and contextual training about pre-arrest diversion can build a strong base for internal and external culture change, while supporting the successful implementation and sustained support of this work.

- **Provide training on the neuroscience of addiction.** Helps police understand what is happening in the brain of individuals with substance use disorders, why that translates into specific kinds of behaviors including criminal activity, and what happens emotionally with addicted individuals based on chemical changes occurring in the brain.
- **Offer training on Adverse Childhood Experiences (ACEs) and trauma.** Ensures police understand the impact of early trauma on development and an individual's potential to become involved in antisocial or criminal behavior. This training can help officers recognize the role of trauma in individual decision making and better assist vulnerable individuals in crisis.
- **Promote the idea that relapse is NOT "failure."** Officers need to understand that addiction is a chronic disease involving biological processes in the brain, and 40-60% of people who have gone through treatment will experience some kind of relapse.<sup>4</sup> Understanding that relapse is a normal part of recovery for many people builds tolerance among officers who may have to divert a single individual multiple times.
- **Provide testimonials and success stories.** Have people with lived experience with substance abuse and mental health treatment tell their own story, especially individuals who have benefitted from diversion programs.
- **Make the process for diverting easier than the process for arresting.** Make the connection that diversion in lieu of arrest increases officer productivity and performance.

## Research and Data Collection

Research and data collection are important in validating and improving pre-arrest diversion strategies. Entering into police-researcher partnerships can benefit law enforcement agencies by helping to make the best use of scarce resources and ensure that diversion is being implemented equitably within the community. Collecting data and evaluating pre-arrest diversion programs can also help agencies promote their efforts to the media and community, apply for additional funding to sustain the program, and add to the police and diversion program knowledge base.

## IACP Resources

- IACP [Community-Police Engagement Page](#)
- IACP Model Policy: [Arrests and Investigatory Stops](#)
- IACP [Policy Framework for Improved Community-Police Engagement](#)
- IACP [Law Enforcement Policy Resource Center](#)

## Pre-Arrest Diversion Resources

The following organizations provide information, training, and technical assistance on implementing or enhancing pre-arrest diversion programs:

U.S. Bureau of Justice Assistance, The Bureau of Justice Assistance's Comprehensive Opioid, Stimulant and Substance Abuse (COSSAP) Program—<https://cossapresources.org/Program/TTA>

Law Enforcement Assisted Diversion (LEAD) National Support Bureau—<https://www.leadbureau.org/>

The Police Assisted Addiction Recovery Initiative (PAARI)—<https://paarius.org/>

The Police, Treatment, and Community Collaborative (PTACC)—<https://ptaccollaborative.org/>