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R STREET POLICY STUDY NO. 252

March 2022

## CONSERVATIVE JURISDICTIONS CHAMPION DIVERSION EFFORTS

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### EXECUTIVE SUMMARY

**L**aw enforcement agencies across the country, regardless of state or jurisdiction population size, are facing challenges on a daily basis, including exhaustion and frustration from dealing with “frequent flyers” and “repeat callers;” continued stress and pressure caused by agency staffing shortages and negative public sentiment; and increased rates of community mental health and substance abuse issues leading to potentially dangerous outcomes. In response, some conservative areas have found a way to better support their local law enforcement and the communities they serve through pre-arrest diversion programs.

Pre-arrest diversion models—such as Law Enforcement Assisted Diversion (LEAD), co-responder and community responder—have become some of the most successful trends in criminal justice. These programs already exist across the nation and have proven efficient and effective in diverting low-level offenders from the criminal justice system. By looking at the execution of LEAD in Laramie County, Wyo., Behavioral Health Connect (BHCON) in El Paso County, Colo. and Community Assistance and Life Liaison (CALL) in St. Petersburg, Fla., other jurisdictions can understand how

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### Key Points:

1. Conservative jurisdictions are turning to novel pre-arrest diversion models to help with staffing shortages, court backlogs and “frequent flyers” who are often suffering from mental health or addiction issues.
2. Pre-arrest diversion models—such as LEAD, co-responder or community responder—prioritizes police time, court resources and jail space for serious offenses and violent crimes while also repairing law enforcement’s relationship with the community, connecting individuals with services and reducing recidivism.
3. Communities can better support their local law enforcement and overcome concerns of logistics, safety and funding when implementing their own diversion programs.

pre-arrest diversion reduces calls for service, saves police officers’ time and decreases jail populations. Furthermore, these districts serve as an example that allows us to explore how to successfully implement a diversion program and navigate potential challenges.

### INTRODUCTION

Law enforcement agencies across the country have become frustrated with staffing shortages, negative public sentiment, higher levels of mental health calls for service and a revolving door of individuals going in, out and then right back in, to the criminal justice system. To combat these frustrations, some conservative jurisdictions have implemented more effective and efficient initiatives through diversion

programs, which are financially modest and require limited government intrusion.

Criminal justice reform is a prominent and controversial issue today because of the clash between ideas of individual rights and public safety that involve questions of life and freedom. While the term ‘criminal justice reform’ seems to have become somewhat divisive, law enforcement—regardless of their political affiliation—often find criminal justice reform transcends political ideology and simply makes good sense. Because traditional methods no longer seem to be working, law enforcement agencies are ready to break the cycle and try something new.

While diversion is not new, in recent years several diversion models have emerged that prioritize criminal justice resources and better address behavioral health issues. Indeed, law enforcement-backed diversion programs are proving successful across the country. This paper explores examples of these initiatives started in conservative jurisdictions, and in so doing, reveals how traditionally-conservative values of public safety, fiscal responsibility and limited government interference are at the core of such programs. This paper also explores challenges around starting such diversion programs. Ultimately, these pre-arrest diversion programs can and should be implemented in other communities to increase public safety, protect personal rights and save taxpayer dollars.

## IMPACTS OF OUR CURRENT RESPONSE AND CRIMINAL JUSTICE SYSTEM

Calls for service and conducting arrests are time consuming and costly. When dispatch receives a call for service from a citizen through a 911 phone call, dispatch will alert the local law enforcement agency and request that an officer respond. Research from select cities has shown approximately a third of calls for service are noncriminal in nature.<sup>1</sup> If a crime has been alleged, a police officer interviews witnesses, collects evidence and attempts to question the individual(s) accused of the crime. Officers spend approximately 185 minutes on a call for service.<sup>2</sup> If an officer believes there is probable cause that a crime has been committed, the officer either issues a citation for the accused to appear in court or arrests the accused and brings them to jail. Whether an accused is cited or arrested is based on the alleged offense as well as the jurisdiction in which the alleged offense occurred. Police officers use force against an individual in around 2 percent of

encounters.<sup>3</sup> Conversely, officers encounter an average of 188 critical incidents of serious bodily injury and/or near-death experience over the course of their career.<sup>4</sup>

On average, it takes an officer 85.8 minutes to book an individual into jail.<sup>5</sup> Eventually, the arrestee will appear before a judge, where the judge will set bail for the individual’s potential release. Depending on the crime and the state in which the offense occurred, this process may be complete within a few hours, but could take up to 72 hours. There are over 10.6 million admissions into jail each year and approximately half a million unconvicted arrested individuals are unable to be released on bail (90 percent of those because they cannot afford the bail amount).<sup>6</sup>

A judge will then arraign the accused and advise the individual on charges as well as constitutional rights, such as the right to an attorney. Accused individuals may hire a private attorney or can be appointed a public defender if they cannot afford one.<sup>7</sup> Legal fees vary based on the state, the complexity of a case and the length of required representation, but generally a private defense attorney can cost \$3,000 to tens of thousands of dollars more per case.<sup>8</sup> However, approximately 80 percent of people accused of crimes cannot afford a private defense attorney and are instead represented by understaffed and under-resourced public defenders.<sup>9</sup> The nationwide expense for public defenders in 2012 was \$2.3 billion, which is likely a low estimate today considering inflation and population increases.<sup>10</sup>

The accused then attends court for a series of hearings until there is a disposition in the case or the case is brought to trial. While some cases may settle quite quickly, the court systems generally result in delayed accountability, with individuals

1. Jeff Asher and Ben Horwitz, “How Do the Police Actually Spend Their Time?,” *The New York Times*, June 19, 2020. <https://www.nytimes.com/2020/06/19/upshot/unrest-police-time-violent-crime.html>.

2. “Assessing the Impact of Co-Responder Team Programs: A Review and Research,” IACP / UC Center for Police Research and Policy, March 2021, p. 10. <https://www.theiacp.org/sites/default/files/IDD/Review%20of%20Co-Responder%20Team%20Evaluations.pdf>.

3. Bureau of Justice Statistics, “Contacts Between Police and the Public, 2018 - Statistical Tables,” U.S. Department of Justice, December 2020, p. 5. <https://bjs.ojp.gov/content/pub/pdf/cbpp18st.pdf>.

4. Ashley Abrahamson, “Building Mental Health into Emergency Responses,” *Monitor on Psychology* 52:5 (July 1, 2021). <https://www.apa.org/monitor/2021/07/emergency-responses>.

5. “Arrest Alternatives, Lessons from Research,” International Association of Chiefs of Police and The University of Cincinnati Center for Police Research and Policy, last accessed March 3, 2022, p. 1. [https://www.theiacp.org/sites/default/files/Research%20Center/Arrest%20Alternatives%20\(infographic\).pdf](https://www.theiacp.org/sites/default/files/Research%20Center/Arrest%20Alternatives%20(infographic).pdf).

6. Wendy Sawyer and Peter Wagner, “Mass Incarceration: The Whole Pie 2020,” Prison Policy Initiative, March 24, 2020. <https://www.prisonpolicy.org/reports/pie2020.html>.

7. *Gideon v. Wainwright*, 372 U.S. 335 (1963). [https://scholar.google.com/scholar\\_case?case=694784363938594707&hl=en&as\\_sdt=6&as\\_vis=1&oi=scholar](https://scholar.google.com/scholar_case?case=694784363938594707&hl=en&as_sdt=6&as_vis=1&oi=scholar).

8. Jackson Wilson, “How Much Does a Criminal Lawyer Cost? A Simple Guide,” *Attorney at Law*, May 8, 2020. <https://attorneyatlawmagazine.com/how-much-does-a-criminal-lawyer-cost-a-simple-guide>.

9. Bureau of Justice Statistics, “Defense Counsel in Criminal Cases,” U.S. Department of Justice, November 2000, p. 1. <https://bjs.ojp.gov/content/pub/pdf/dccc.pdf>.

10. Bureau of Justice Statistics, “State Government Indigent Defense Expenditures, FY 2008-2012-Updated,” U.S. Department of Justice, July 2014, p. 1. <https://bjs.ojp.gov/content/pub/pdf/suide0812.pdf>.

not reaching a resolution until months, sometimes years, down the road. In fact, the average length of time it takes to reach disposition for a felony case—either by a plea deal, dismissal, ruling on the merits or a verdict—is 256 days, and 193 days in a misdemeanor case.<sup>11</sup>

A judge may sentence an individual convicted of a misdemeanor to jail or probation; felony convictions can result in prison or probation, with the potential for jail. The average daily cost of keeping someone in jail is \$93.15.<sup>12</sup> Nationwide, approximately one in five incarcerated people are detained for a drug offense.<sup>13</sup> Similarly, at least one in five incarcerated individuals have a severe mental health illness.<sup>14</sup> After a person has been convicted of a crime, approximately 82 percent are rearrested within 10 years.<sup>15</sup> With the rate of recidivism in mind, the cost of police time and of arrests is unnecessary.

## BASICS OF DIVERSION

Diversion is commonly defined as “any of a variety of programs that implement strategies seeking to avoid the formal processing of an offender by the criminal justice system.”<sup>16</sup> Strategically, diversion is a tactic that diverts low-level offenders from the criminal justice system to preserve police time, court resources, and jail and prison beds for those who pose a more significant public safety threat. Diversion programs have also been found to reduce recidivism by getting individuals access to much needed resources and by avoiding many unintended consequences of arrest. Further, research shows one of the most effective deterrents for crime is swift action as opposed to severe punishment. Swift action can be accomplished through diversion.<sup>17</sup>

Diversion can take many different forms ranging from sober centers to crisis intervention teams to specialized courts.

Different agencies, such as police, prosecution or judges can initiate diversion, and diversion can range in scope based on the type of offense or the offenders that qualify. Regardless of the program or method chosen, diversion is known for saving time and money for law enforcement and the courts. Some of the most effective forms of diversion prioritize intervention and prevention so as to divert or deflect an individual from the criminal justice system entirely. This reduces the chance of contact with the criminal justice system in the future by addressing underlying contributing factors to criminality, and by avoiding collateral or unintended consequences. This paper explores specific programs within conservative jurisdictions including the Law Enforcement Assisted Diversion (LEAD) program in Laramie County, Wyo.; Behavioral Health Connect (BHCON) in El Paso County, Colo.; and Community Assistance and Life Liaison (CALL) in St Petersburg, Fla.

## DIVERSION PROGRAMS IN CONSERVATIVE AREAS

### Law Enforcement Assisted Diversion (LEAD)—Cheyenne, Wyo.

Police-initiated diversion gives police the opportunity to refer someone to intensive case management outside the criminal justice system rather than cite or arrest them for a crime. Participants are often struggling with addiction, homelessness and/or mental health issues that are driving their criminal behavior. The most common police-initiated diversion program in the country is LEAD, which is currently operating in 52 jurisdictions with several other jurisdictions exploring implementation.<sup>18</sup> LEAD works with individuals in an ongoing and slowly-paced manner, addressing their most pressing, self-identified needs to create a higher likelihood of long-term success.<sup>19</sup> LEAD has also helped to rebuild the trust between police and their community (something the International Association of Chiefs of Police (IACP) identified as a priority).<sup>20</sup>

Laramie County, Wyo., (the county seat of which is Cheyenne, the state capital) has been particularly successful in implementing LEAD in their community. Laramie County explored implementing LEAD after finding that prosecuting and jailing individuals with behavioral health needs had lim-

11. Brian J. Ostrom et al., “Timely Justice in Criminal Cases: What the Data Tells Us,” National Center for State Courts, August 2020, p. 6. [https://www.ncsc.org/\\_data/assets/pdf\\_file/0019/53218/Timely-Justice-in-Criminal-Cases-What-the-Data-Tells-Us.pdf](https://www.ncsc.org/_data/assets/pdf_file/0019/53218/Timely-Justice-in-Criminal-Cases-What-the-Data-Tells-Us.pdf).

12. “Local Spending on Jails Tops \$25 Billion in Latest Nationwide Data,” Pew Charitable Trust, Jan. 29, 2021. [https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2021/01/local-spending-on-jails-tops-\\$25-billion-in-latest-nationwide-data](https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2021/01/local-spending-on-jails-tops-$25-billion-in-latest-nationwide-data).

13. Sawyer and Wagner. <https://www.prisonpolicy.org/reports/pie2020.html>.

14. Doris A. Fuller et al., “Overlooked in the Undercounted: The Role of Mental Illness in Fatal Law Enforcement Encounters,” Office of Research & Public Affairs, December 2015, p. 12. <https://www.treatmentadvocacycenter.org/overlooked-in-the-undercounted>.

15. Bureau of Justice Statistics, “Recidivism of Prisoners Released in 24 States in 2008: A 10-Year Follow-Up Period (2008-2018)” U.S. Department of Justice, September 2021. [https://bjs.ojp.gov/BJS\\_PUB/rpr24s0810yup0818/Web%20content/508%20compliant%20PDFs](https://bjs.ojp.gov/BJS_PUB/rpr24s0810yup0818/Web%20content/508%20compliant%20PDFs).

16. Carrie A. Weise-Pengelly and Harry R. Dammer, “Diversion,” Encyclopedia Britannica, April 8, 2014. <https://www.britannica.com/topic/diversion>.

17. Travis C. Pratt and Jillian J. Turanovic, “Celerity and Deterrence,” in *Deterrence, Choice, and Crime*, (Transaction, July 2016), p. 2. [https://www.researchgate.net/publication/305222869\\_Celerity\\_and\\_Deterrence](https://www.researchgate.net/publication/305222869_Celerity_and_Deterrence); Beau Kilmer and Greg Midgette, *Using Certainty and Celerity to Deter Crime*, (RAND, July 2019). [https://www.researchgate.net/publication/334531440\\_Using\\_Certainty\\_and\\_Celerity\\_to\\_Deter\\_Crime](https://www.researchgate.net/publication/334531440_Using_Certainty_and_Celerity_to_Deter_Crime).

18. “LEAD: Advancing Criminal Justice Reform In 2021,” LEAD National Support Bureau, last accessed March 8, 2022. <https://www.leadbureau.org>.

19. Lisel Petis interview with Brendan Cox, Director of Policing Strategies for Law Enforcement Assisted Diversion (LEAD) National Support Bureau (Virtual), Nov. 23, 2021.

20. Chief Dwight E. Henninger, “President’s Message: Join the IACP’s Trust Building Campaign,” *The Police Chief*, 2021. <https://www.policechiefmagazine.org/president-s-message-join-the-iacps-trust-building-campaign/?ref=7ec6b2fb803d7f291fef59ed61818ce0>; Interview with Brendan Cox.

ited effectiveness in improving public safety.<sup>21</sup> Rather, officials and professionals saw a “revolving door” of the same individuals.<sup>22</sup> Further, from 2010 to 2020, Cheyenne experienced a 61 percent increase in mental health calls as well as a steady increase in violent crimes.<sup>23</sup> From 2019 to 2020, Cheyenne also saw a 50 percent increase in overdose related death investigations.<sup>24</sup>

It was the Cheyenne Regional Medical Center that championed the efforts to bring community leaders together to discuss a pre-arrest diversion program in their community. Brendan Cox, Director of Policing Strategies for LEAD National Support Bureau and an ex-law enforcement officer, assisted in the discussion and exploration of bringing LEAD to Laramie County and ultimately, generated enough buy-in from law enforcement to start looking for funding.

The program is a collaboration between the Cheyenne Regional Medical Center, Cheyenne Police Department and the Laramie County Sheriff’s Office (as well as Health Works and Peak Wellness), covering both the city and county jurisdictions.<sup>25</sup> The Cheyenne Regional Medical Center obtained a grant from the U.S. Department of Justice in 2019 to fund the LEAD program for the first two years.<sup>26</sup> LEAD was officially launched in Cheyenne and Laramie County in September of 2020.<sup>27</sup>

After securing funding, key stakeholders for the program developed operating protocols and eligibility criteria for diversion based on the type of offense, residency, current criminal justice involvement/supervision, ability to give voluntary consent, demeanor and willingness of the victim to decline prosecution.<sup>28</sup> Stakeholders were firm in making sure violent individuals, those distributing drugs or exploiting minors and those not amenable to diversion (i.e. violent upon initial contact, threat to themselves or others, psychotic, etc.) would be excluded from program eligibility.<sup>29</sup>

With the implementation of LEAD, Cheyenne Police Department officers and Laramie County Sheriff deputies can refer individuals immediately to the LEAD case manager after responding to a call for service. Law enforcement can also refer someone to LEAD after the individual has been booked into jail.<sup>30</sup> To ensure the program did not “widen the net” (involve more individuals in the criminal justice system than necessary), Laramie County’s LEAD program requires two key factors among their other eligibility criteria: (1) there must be probable cause of a crime (police should not refer someone to diversion just because there is a lack of evidence of a crime) and (2) the individual must give their own voluntary consent to participate.<sup>31</sup> These requirements help ensure resources, that are already limited, are not being wasted on those who are not truly in need of services or those who are not amenable.

Once an officer refers an individual to LEAD, the LEAD case manager meets with the individual to address any acute and immediate needs, and works with the individual to design an “Individual Intervention Plan.”<sup>32</sup> This plan can include a wide range of assistance from housing to treatment to job training to childcare, but the ultimate goal for the individual is to achieve self-sufficiency and stay out of the criminal justice system.<sup>33</sup>

Data collection and sharing has been key to the success of LEAD in Laramie County. By using the same system city- and county-wide, law enforcement officers from both agencies can quickly screen an individual to see if they qualify for LEAD.<sup>34</sup> If an individual consents to taking part in LEAD, that information is also documented, so if police officers contact that same individual again, officers are immediately aware the individual is a LEAD participant and the officer can notify the LEAD case manager.<sup>35</sup> Data is also collected on individuals’ success within the program.<sup>36</sup>

When the program first began, some officers were hesitant to refer individuals to LEAD. In fact, one Lieutenant at the Cheyenne Police Department feared LEAD, “wasn’t holding people accountable and just allow[ed] people to screw

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21. Lisel Petis, interview with Hailey Hayden, LEAD Project Case Manager, Cheyenne Police Department (Virtual), Nov. 18, 2021.

22. Ibid.

23. “2020 Annual Report,” Cheyenne Police Department, 2020, p. 13. <https://www.cheyennepd.org/Education/Annual-Reports>; “2019 Annual Report,” Cheyenne Police Department, 2019, p. 13. <https://www.cheyennepd.org/files/sharedassets/police/2019-annual-report.pdf>.

24. “2020 Annual Report,” p. 25. <https://www.cheyennepd.org/Education/Annual-Reports>.

25. “Home,” Health Works, last accessed March 8, 2022. <https://www.wyhealthworks.org>; “Home,” Volunteers of America (previously Peak Wellness), last accessed March 8, 2022. <https://www.voanr.org/pwc/>; “Cheyenne receives law enforcement assisted diversion grant,” Cheyenne Regional Medical Center, Nov. 22, 2019. <https://www.wyomingnewsnow.tv/content/news/Cheyenne-receives-law-enforcement-assisted-diversion-grant-565353091.html>.

26. Ibid.

27. Interview with Hailey Hayden.

28. “Law Enforcement Assisted Diversion (LEAD) Program - STANDARD OPERATING PROTOCOL,” Cheyenne Police Department, 2022.

29. Ibid.

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30. Ibid.

31. David Levinson, ed., “Net Widening,” in *Encyclopedia of Crime and Punishment*, ed. Vol. 1 (SAGE Publications, Inc., 2002). <https://sk.sagepub.com/reference/crime-punishment/n286.xml#:~:text=%E2%80%99CNet%20widening%E2%80%9D%20or%20%E2%80%99Cwidening,a%20greater%20number%20of%20individuals%20>“Law Enforcement Assisted Diversion (LEAD) Program - STANDARD OPERATING PROTOCOL.”

32. Ibid.

33. Interview with Hailey Hayden.

34. Ibid.

35. Ibid.

36. Ibid.



up with no consequence.”<sup>37</sup> But many officers gradually saw the positive results of “frequent flyers” being able to get out of the system.<sup>38</sup> The Lieutenant that initially was a skeptic, eventually “became all in.”<sup>39</sup> Officers realized that even if individuals were being arrested, upon release they were going right back out on the streets with no support or services in place to help them change behaviors, with many returning to drug use or other destructive activities.<sup>40</sup> LEAD has been a positive step of intervention for these individuals. In fact, officers tracked how many contacts they were having with “frequent flyers” and found after a LEAD referral, officers had not talked to many of these individuals in months.<sup>41</sup>

Officers in Laramie County also appreciate that LEAD frees up their time to deal with more serious cases. Indeed, research indicates that LEAD referrals reduce an officer’s time spent on a call for service in addition to reducing responses to repeat offenders.<sup>42</sup> In Cheyenne, arrest rates decreased significantly, saving officers the 85.8 minutes that it takes to book an individual into jail.<sup>43</sup> By diverting an individual from the criminal justice system, officers also save time on not having to appear in court to testify.

Likewise, programs like LEAD relieve some of the pressure on overcrowded jails that have long been struggling with staffing shortages.<sup>44</sup> This helps alleviate dangerous situations in detention centers as well as reduces taxpayers’ cost of holding someone in jail. Ultimately, LEAD has been found to be a better use of public funds and allows resources to be used for the more violent and high-risk offenders who are threatening public safety.

LEAD can also save time and expenses for prosecuting and defense attorneys. At a time when prosecutor offices across the nation are understaffed and struggling with a heavy backlog of cases, the time saved is not just helpful but necessary to properly prosecute more complex and serious cases. Likewise, LEAD participants save time avoiding court hearings entirely, and save money avoiding the need for a defense attorney (and subsequently avoid the need for public

defender services paid for by taxpayers). By freeing up the individual’s time and money, LEAD helps individuals remain employed, remain in housing and remain in the community to support their family.

The most inspiring data to come from LEAD is that the program has shown to reduce recidivism by 58 percent.<sup>45</sup> In just a year, Cheyenne has already seen positive results from their LEAD program. Pat Crank, a former U.S. Attorney, State Assistant District Attorney and Attorney General of Wyoming, with a tough-on-crime reputation became a true believer in LEAD after a family member struggling with alcoholism that resulted in criminal allegations participated in the program.<sup>46</sup> Crank credits LEAD for saving his family member’s life as well as saving taxpayers money by no longer draining the same resources (such as the hospital and the jail) time and time again due to his family member’s addiction.<sup>47</sup> Considering that many jurisdictions begin diversion programs with concerns about diverting individuals from the criminal system, research showing a reduction in LEAD participant recidivism rates is key for support.

LEAD is a collaborative partnership and can only be successfully implemented if all key community groups are at the table. That is, although it is “law enforcement assisted,” LEAD is not owned by one agency and will not work without larger support from health systems and community players. The evidence is clear that in many jurisdictions without pre-arrest diversion programs (like LEAD), offenders are getting arrested and return to their communities with limited-to-no services. Arrest alone does not provide solutions to behavioral health (or other social) issues. LEAD fills a gap that currently exists in most communities. With its proven track record of freeing up time for officers, reducing recidivism and repairing officers’ relationships with their community, other jurisdictions should explore the implementation of LEAD programs.

Table 1 below shows the eligibility criteria for someone to participate in the LEAD program in Larimer County, Wyo.

37. Lisel Petis, interview with Lieutenant Joel Hickerson Cheyenne Police Department (Phone), Jan. 25, 2021.

38. Interview with Hailey Hayden.

39. Interview with Lieutenant Joel Hickerson;

40. Interview with Brendan Cox.

41. Interview with Lieutenant Joel Hickerson;

42. “Arrest Alternatives, Lessons from Research,” IACP / UC Center for Police Research and Policy, p. 1. [https://www.theiacp.org/sites/default/files/Research%20Center/Arrest%20Alternatives%20\(infographic\).pdf](https://www.theiacp.org/sites/default/files/Research%20Center/Arrest%20Alternatives%20(infographic).pdf).

43. Interview with Lieutenant Joel Hickerson; “Arrest Alternatives, Lessons from Research,” p. 1. [https://www.theiacp.org/sites/default/files/Research%20Center/Arrest%20Alternatives%20\(infographic\).pdf](https://www.theiacp.org/sites/default/files/Research%20Center/Arrest%20Alternatives%20(infographic).pdf).

44. “America’s prisons and jails: overcrowded and understaffed,” *NEWSNATION*, Aug. 10, 2021. <https://www.newsnationnow.com/us-news/americas-prisons-and-jails-overcrowded-and-understaffed>.

45. “As the Nation’s Courthouses Reopen, they Face Massive Backlogs in Criminal Cases,” NPR, July 14, 2021. <https://www.npr.org/2021/07/13/1015526430/the-nations-courthouses-confront-massive-backlogs-in-criminal-cases>; Nelson O. Bunn, Jr., “Overworked and Understaffed: The Shifting Landscape in Local Prosecutor Caseloads,” National District Attorneys Association, Feb. 24, 2020. <https://ndaajustice.medium.com/overworked-and-understaffed-the-shifting-landscape-in-local-prosecutor-caseloads-122f7ef5e4f1>; Susan E. Collins et al., “Seattle’s Law Enforcement Assisted Diversion (LEAD): Program effects on recidivism outcomes,” Evaluation and Program Planning, 2017. [https://www.leadbureau.org/\\_files/ugd/6f124f\\_f4eed992e-aff402f88ddb4a649a9f5e6.pdf](https://www.leadbureau.org/_files/ugd/6f124f_f4eed992e-aff402f88ddb4a649a9f5e6.pdf).

46. Lisel Petis, interview with Pat Crank, former Wyoming Attorney General (Phone), Jan. 18, 2022.

47. Ibid.

**TABLE 1: PARTICIPANT ELIGIBILITY FOR LEAD**

1. The individual has resided in Laramie County for the 12 months preceeding LEAD referral.
2. Possession of or under the influence of any controlled substance or other prohibited substance.
3. The individual has committed a non-violent misdemeanor(s); for example: <ul style="list-style-type: none"> <li>a. Shoplifting (no restitution)</li> <li>b. Trespassing</li> <li>c. Chronic public intoxication</li> </ul>
4. An individual working as a commercial sex worker.
5. Individuals cannot pose a safety risk at the time of diversion.
6. In cases where a victim exists, the victim must be willing to decline prosecution in order to allow the individual access to LEAD.

**Source:** “Law Enforcement Assisted Diversion (LEAD) Program – ELIGIBILITY AND DIVERTED CHARGES,” Cheyenne Police Department, 2022.

### Co-responder - El Paso County, Colo.

There has been a growing overreliance on police to respond to mental health calls and homelessness issues. Yet, law enforcement generally does not have the expert training or resources to adequately handle such calls. In an effort for law enforcement to better assist in these situations, many communities have implemented co-responder programs. In a co-responder model, a behavioral health clinician (and in some models, emergency medical personnel) accompany law enforcement on patrol.<sup>48</sup> The law enforcement officer also receives specific “Crisis Intervention Training.”<sup>49</sup> Bringing behavioral health experts to assist police officers on calls for service allows immediate, on-scene support to an individual in need, which often diverts individuals from the criminal justice system. This differs from police-led diversion (like LEAD) which usually provides support after police contact. Even with the increased services provided by a co-responder team at the time of contact, research shows co-responder programs reduce the overall time spent on a call from 185 minutes to 136 minutes.<sup>50</sup>

Co-responder programs have also been found to increase safety for both the individual encountered by police as well as the officer themselves. One study found that a minimum of one in four police shootings involve an individual with a serious mental illness.<sup>51</sup> Further, the risk of being killed by a police officer is 16 times higher for someone with an untreated, serious mental illness than someone without such an illness.<sup>52</sup>

48. Bureau of Justice Assistance, “Types of PMHC Programs,” Department of Justice. <https://bja.ojp.gov/program/pmhc/learning#types-of-pmhc-programs>.

49. “What is CIT?,” CIT International, last accessed March 10, 2022. <https://www.citinternational.org/What-is-CIT>.

50. “Assessing the Impact of Co-Responder Team Programs: A Review and Research,” IACP / UC Center for Police Research and Policy, March 2021, p. 10. <https://www.theiacp.org/sites/default/files/IDD/Review%20of%20Co-Responder%20Team%20Evaluations.pdf>.

51. Fuller et al., p. 12. <https://www.treatmentadvocacycenter.org/overlooked-in-the-undercounted>.

52. Ibid., p. 12.

Co-responder programs also reduce use of force by an officer from 12.1 percent of cases to 4.2 percent.<sup>53</sup> Likewise, Crisis Intervention Training has resulted in a significant reduction of officer injuries during mental health crisis calls.<sup>54</sup>

Approximately five years ago in El Paso County, Colo. (the county seat of which is Colorado Springs), the El Paso County jail was out of bed space. The El Paso County Sheriff was faced with either finding a way to reduce the average daily jail population, or asking voters to fund a larger jail facility.<sup>55</sup> The Sheriff put together a team to look at every possible solution to safely lower the jail population.<sup>56</sup> He did not want to go to taxpayers until he did everything he could first.<sup>57</sup> It was during this exploration of options, that the group identified that a growing number of incarcerated individuals were suffering from a mental health illness.<sup>58</sup> Further, these individuals were often released, into the community without treatment, treatment plans or ongoing monitoring, which resulted in subsequent arrests.<sup>59</sup> The Sheriff ultimately concluded that they needed to “find a way to interrupt that cycle of recidivism by keeping individuals from going to jail in the first place.”<sup>60</sup>

In response to these concerns, the Sheriff’s Office formed a strategic partnership with El Paso County Public Health to form their own co-responder program, named Behavioral Health Connect Unit (BHCON), in 2017 with a five year grant from the Colorado Department of Human Services.<sup>61</sup> The BHCON team consists of a mental health clinician who rides along with a sheriff’s deputy during patrol.<sup>62</sup> The team responds to mental health crisis calls as well as low-level crimes in which it is clear the individual’s mental health crisis—rather than criminal intent—was the cause for the criminal act (for instance someone trespassing on property because they do not know where they are).<sup>63</sup>

53. “Assessing the Impact of Co-Responder Team Programs,” p. 16. <https://www.theiacp.org/sites/default/files/IDD/Review%20of%20Co-Responder%20Team%20Evaluations.pdf>.

54. “Crisis Intervention Team (CIT) Programs,” National Alliance on Mental Illness, last accessed March 10, 2022. [https://www.nami.org/Advocacy/Crisis-Intervention/Crisis-Intervention-Team-\(CIT\)-Programs](https://www.nami.org/Advocacy/Crisis-Intervention/Crisis-Intervention-Team-(CIT)-Programs).

55. Lisel Petis, interview with Sheriff Bill Elder, El Paso County Sheriff’s Office (Phone), Jan. 25, 2022.

56. Ibid.

57. Ibid.

58. Ibid.

59. Ibid.

60. Ibid.

61. “BHCON Unit,” El Paso County Sheriff’s Office, last accessed March 10, 2022. <https://www.epcsheriffsoffice.com/sections-law-enforcement-bureau/patrol-division/bhcon-unit>.

62. Lisel Petis, Interview with Carey Boelter, Behavioral Health Programs Manager, BHCON Co-Responder Program (Virtual), Dec. 2, 2021.

63. Ibid.

This immediate response to someone in crisis has shown a reduction of expensive arrests and jail admissions as well as a reduction in mandatory psychiatric holds (often referred to as a “72-hour hold”) that are often done in hospitals.<sup>64</sup> In 2021, BHCON responded to 1,154 calls for service. From those calls, BHCON diverted 99 percent from jail and 85 percent from the emergency department.<sup>65</sup> At a time when hospitals are having to divert patients (due largely to COVID-19), saving hospital space is essential. BHCON has also relieved law enforcement of having to rely on the jail as a de facto mental health facility when an individual does not meet the threshold for a mandatory psychiatric hold.<sup>66</sup>

Co-responder programs have also been effective at deescalating intense, crisis situations as well as reducing repeat calls for service for the same individual.<sup>67</sup> In El Paso County, law enforcement immediately found BHCON freed up their time to do the things their community expected them to do, like proactively patrol areas to reduce crime and intervene and investigate serious crimes that have taken place.<sup>68</sup> In fact, in 2021, BHCON was able to release 794 law enforcement “cover cars” back into service, which are non-co-responding law enforcement patrol officers who have responded to a scene.<sup>69</sup> Law enforcement officers have already shown support for BHCON because they never expected their job to be treating mental health illnesses and are fearful of having to use force in such situations.<sup>70</sup>

BHCON attributes their success largely to the groundwork they laid before they started the program. First, the team gathered key information such as current calls for service and detailed which of those calls were noncriminal, were mental health crises, resulted in jail, or resulted in hospitalization alongside information such as the number of individuals in jail suffering from mental health issues. They then provided this information to elected officials and the community.<sup>71</sup> Disseminating the information allowed BHCON

to ensure people understood the issues and to address any concerns head on.

For example, when BHCON first explored the program, there were concerns from the community about whether it was safe for a civilian responder to respond to the scene of an alleged criminal call for service.<sup>72</sup> However, civilian responders (often social workers and clinicians) pointed out that they were often going into the homes of people without an officer nearby prior to this program so the safety consideration had not really shifted.<sup>73</sup> If anything, BHCON civilian responders have stated they may even feel safer because an officer was with them on scene, and BHCON’s flawless track record for safety of the civilian responders supports this notion.<sup>74</sup> To ensure safety, BHCON civilian responders take several safety precautions: they wear ballistic vests, they let law enforcement clear a scene before they approach and they listen to police commands to leave for safety when instructed.<sup>75</sup> The BHCON team also arrives in an unmarked car so as not to escalate a situation upon arrival.<sup>76</sup>

BHCON currently only has two co-responder teams that serve the 2,130 square miles of El Paso County.<sup>77</sup> This limited number of co-responder teams is not due to a lack of need, but rather a lack of funding.<sup>78</sup> Thankfully, BHCON has been able to work collaboratively with many of the municipalities within the county to help provide coverage and eliminate redundancy.<sup>79</sup> This includes the City of Colorado Springs who funds and operates their own co-responder program for their municipality within El Paso County of approximately 450,000 people.<sup>80</sup> However, when coverage does fall short, the BHCON team provides assistance via phone.<sup>81</sup>

With the rise in mental health crises across the country, the co-responder model has become a key tool in many law enforcement agencies.<sup>82</sup> Indeed, an increasing number of communities across the nation have supported similar co-responder programs. To reduce pressure on police, jails and hospitals alike, while also increasing safety for police and

64. Leslie C. Hedman et al., “State Laws on Emergency Holds for Mental Health Stabilization,” *Psychiatry Online*, Feb., 29, 2016. <https://ps.psychiatryonline.org/doi/10.1176/appi.ps.201500205>; Ashley Krider et al., “Responding to Individuals in Behavioral Health Crisis via Co-Responder Models: The Roles of Cities, Counties, Law Enforcement, and Providers,” Policy Research, Inc. and National League of Cities, January 2020, p. 3. <https://www.theiacp.org/sites/default/files/SJCResponding%20to%20Individuals.pdf>.

65. “2020 Report,” El Paso County Sheriff’s Office BHCON Co-Responder Team, 2020. <https://www.epcsheriffsoffice.com/sites/default/files/resources/resources/BHCON-CY2020Report.pdf>.

66. Interview with Sheriff Bill Elder.

67. Krider et al., p. 3. <https://www.theiacp.org/sites/default/files/SJCResponding%20to%20Individuals.pdf>.

68. Interview with Carey Boelter.

69. “2020 Report.” <https://www.epcsheriffsoffice.com/sites/default/files/resources/resources/BHCONCY2020Report.pdf>.

70. Interview with Carey Boelter.

71. Ibid.

72. Ibid.

73. Ibid.

74. Ibid.

75. Ibid.

76. Ibid.

77. Ibid.

78. Ibid.

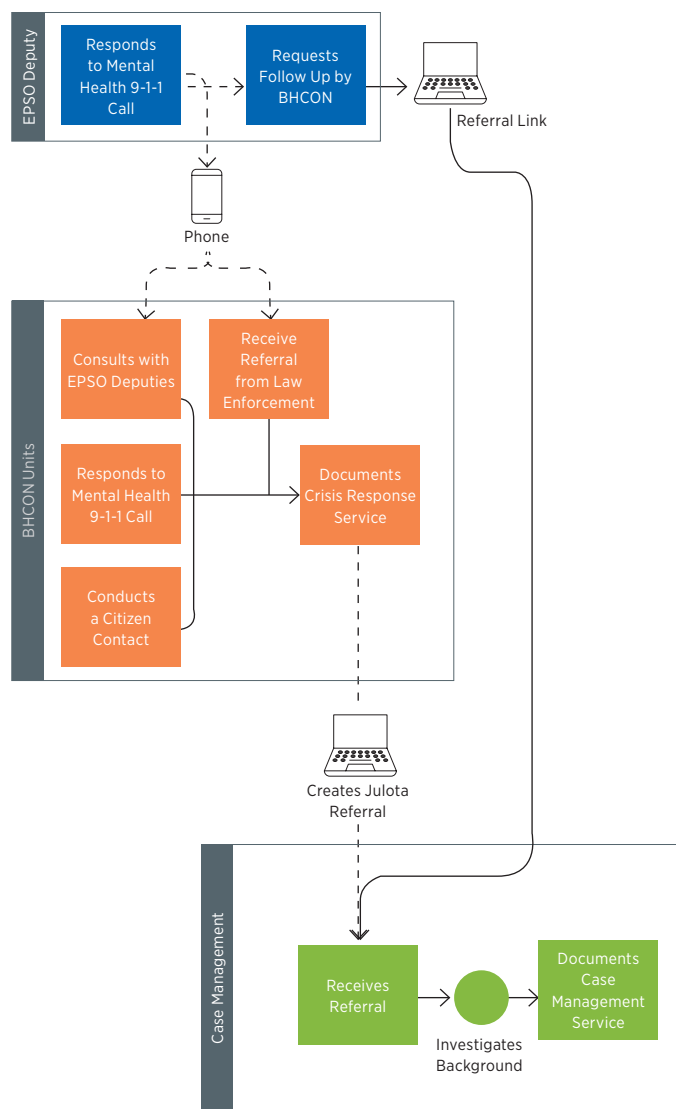
79. Ibid.

80. “Community and Public Health (CARES),” City of Colorado Springs, last accessed March 10, 2022. <https://coloradosprings.gov/fire-department/page/community-and-public-health-cares>.

81. Interview with Carey Boelter.

82. “The State of Mental Health in America,” Mental Health America, 2022. <https://www.mhanational.org/issues/state-mental-health-america>.

**FIGURE 1: BEHAVIORAL HEALTH CONNECT CALL FLOW**



**Source:** Emma Skelton, “BHCON Complete Work Flow,” BHCON, May 19, 2021.

those they are encountering, other jurisdictions should look at establishing a co-responder program in their community.

Figure 1 above shows the BHCON call flow for when a mental health call for service comes in through 9-1-1.

The grant for BHCON from the Colorado Department of Human Services expires in the summer of 2022, but the team is committed to finding funding from other areas if the grant does not get renewed.<sup>83</sup>

### Community Responders - St Petersburg, Fla.

Too often, law enforcement is responding to noncriminal calls for service when their presence is not necessary. Community Responders (or Civilian Response) takes the

co-responder model and removes the police officer entirely from responding. That is, community responders divert individuals from the criminal justice system by having trained, non-law enforcement professionals respond to certain calls for service that do not require a gun and a badge. This model is the most effective at reserving police resources for the most dangerous crimes while also lowering the potential of escalating a situation by removing the mere presence of law enforcement.<sup>84</sup> Instead, dispatch requests community responders, who have backgrounds and specific training to help in situations where behavioral health and/or social concerns are the prominent issue, to respond to these calls.

While co-responder programs have become fairly common, community responder programs are rarer. However, as police departments struggle with staffing shortages exacerbated by COVID-19 and negative public sentiment toward police, law enforcement agencies are exploring more effective ways to address mental health calls that preserve police resources. The community responder model is one such strategy.<sup>85</sup> Indeed, law enforcement officers are being stretched thin by dispatch calls where neither a crime nor violent individual is present. Studies have found approximately 20 percent of calls for service are for behavioral issues, and police officers spend approximately 32-37 percent of time on “noncriminal” calls.<sup>86</sup> Oftentimes, these calls come in the form of welfare checks, homeless complaints and intoxication in public. These types of calls have impeded officers’ ability to respond to more serious crimes as well as reduced their ability to proactively build relationships with their community.

St. Petersburg, Fla., is one such jurisdiction that decided to move forward with a community responder model. In 2019, their police department partnered with a local nonprofit to form Community Assistance and Life Liaison “CALL”.<sup>87</sup> Under the CALL model, clinical staff and community navigators respond to calls such as panhandling, truancy, welfare checks, mental health holds and disputes between

84. “Responding to Persons Experiencing a Mental Health Crisis,” IACP Law Enforcement Policy Center, August 2018, p. 2. <https://www.theiacp.org/sites/default/files/2018-08/MentalIllnessBinder2018.pdf>.

85. Meghan Roos, “America’s Most Dangerous Cities Grapple with Police Shortfall in Recruitment, Retention,” *Newsweek*, Dec. 17, 2021. <https://www.newsweek.com/top-us-crime-cities-grapple-police-shortfall-recruitment-retention-1660779>; Ahtra Elnashar, “Police Officer Shortage Part of 8-year Nationwide Trend,” ABC 7 News, April 30, 2021. <https://wfla.com/news/nation-world/police-officer-shortage-part-of-8-year-nationwide-trend>.

86. Amy C. Watson et al., “Improving Police Response to Persons with Mental Illness: A Multi-level Conceptualization of CIT,” *International Journal of Law and Psychology* 31:4 (2008), pp. 359-368. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2655327>; Asher and Horwitz. <https://www.nytimes.com/2020/06/19/upshot/unrest-police-time-violent-crime.html>.

87. “About the Gulf Coast JFCS,” Gulf Coast Jewish Family and Community Services, 2022. <https://gulfcoastjewishfamilyandcommunityservices.org/about>; St Petersburg Police Department, “Significant Change in Police Response,” Press Release, July 9, 2020. <https://police.stpete.org/2020/july/09/significantChangeInPoliceResponse.html>.

83. Ibid.



neighbors.<sup>88</sup> When initiating the program, the St. Petersburg Police Department believed such a program could respond to approximately 12,700 calls for service, diverting such individuals from the criminal justice system.<sup>89</sup> By diverting these calls, the Police Department also estimated they would no longer need the 25 new police officers the City of St Petersburg had previously committed to, saving the city approximately \$3.8 million.<sup>90</sup>

St. Petersburg Police Chief, Anthony Holloway, championed the effort to start the CALL program. Chief Holloway's motivation to launch the program stemmed from several recurring questions: why are police responding to mental health calls and who could handle these calls better than police?<sup>91</sup> Chief Holloway understood individuals with specialized training in behavioral health could greatly assist law enforcement by taking these calls for service.<sup>92</sup> CALL officially launched in January 2021 as a nine-month pilot and has already shown incredible success.<sup>93</sup>

Within the first 100 days, the CALL team made more than 1,000 contacts and a total of 3,000 contacts after six months.<sup>94</sup> In 93 percent of CALL responses, CALL did not need law enforcement.<sup>95</sup> Law enforcement has already saved considerable time with CALL responding to these calls for service because officers no longer need to take repeat calls from someone suffering from mental health instability or sit with someone for hours in a hospital during a psychiatric evaluation and/or mandatory hold.<sup>96</sup> In fact, CALL provided services to one "frequent caller" who made 110 calls for service to dispatch in one week and is no longer using emergency services to meet her needs after working with CALL.<sup>97</sup> CALL has also been able to take calls for service such as a "caller says her neighbor is posting untrue things about her on the Nextdoor app" or a "caller says their 14 y[ear] old daughter keeps entering parents' bedroom and doesn't respect privacy," to which law enforcement would have previously needed to respond.<sup>98</sup>

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88. Lisel Petis, interview with Tianna Audet, CALL Program Director (Virtual), Nov. 24, 2021.

89. St Petersburg Police Department. <https://police.stpete.org/2020/july/09/significantChangeInPoliceResponse.html>.

90. Ibid.

91. Lisel Petis, interview with Chief Anthony Holloway, St Petersburg Police Department (Phone), Dec. 1, 2021.

92. Ibid.

93. "Community Assistance Life Liaison (CALL)," City of St. Petersburg Police Department, last accessed March 9, 2022. <https://police.stpete.org/call/index.html>.

94. Kate Oberdorfer, "One Hundred Days in, CALL Program is a Success," *Catalyst*, May 13, 2021. <https://stpetecatalyst.com/one-hundred-days-in-call-program-is-a-success>; "Community Assistance & Life Liaison (CALL) Program" (PowerPoint), St Petersburg Police and Gulf Coast JFCS, 2021.

95. "Community Assistance and Life Liaison Pilot Evaluation Report."

96. Interview with Tianna Audet.

97. Ibid.

98. "Community Assistance & Life Liaison (CALL) Program."

While CALL prioritizes on scene de-escalation and immediately linking individuals to services, the CALL team believes a lot of their success is due to the follow-up services provided to individuals they served.<sup>99</sup> Approximately 60 percent of individuals encountered by CALL attend a follow-up visit or access coordinated service.<sup>100</sup> Officers also refer individuals to CALL for follow-up services (in cases that community responders were not called to the scene).<sup>101</sup>

Similar to El Paso County's BHCON, CALL faced concerns of safety for the responders. Due to these concerns, the CALL team started off responding to calls for service with officers from the Police Assisting The Homeless (PATH) unit.<sup>102</sup> Once CALL and law enforcement believed a police officer was not necessary on site for safety, CALL started responding only when there was an officer in the vicinity (or requested to respond on scene).<sup>103</sup> But after a couple months, the team was responding to calls on their own, without any safety concerns or issues.<sup>104</sup>

CALL civilian responders are highly trained in not only their trade, but also in how to identify dangerous situations. CALL responders will never remain on scene if there is a weapon, and law enforcement has encouraged the CALL team to follow their gut if a situation does not feel right.<sup>105</sup> CALL can also decline responding to a call if they have a safety concern.<sup>106</sup> But as the CALL team explains, these circumstances are not any more dangerous than the work they were already doing when they would go into people's homes (without police) to provide services.<sup>107</sup> Now, CALL civilian responders can quickly call officers for back-up if needed. The civilian responders also trust and respect there are certain situations in which law enforcement is necessary to keep a situation safe.

One Lieutenant of the St. Petersburg Police Department also pointed out that law enforcement "also needed to look at the citizen's safety" and that the presence of a uniformed officer could easily escalate a situation.<sup>108</sup> The CALL's team expertise in deescalating a situation and to do qualitative and quantitative assessments of an individual on scene can help ensure

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99. Interview with Tianna Audet.

100. "Community Assistance and Life Liaison Pilot Evaluation Report."

101. Lisel Petis, interview with Lieutenant Charles Coeyman and Megan McGee, Police Special Projects Manager, St Petersburg Police Department (Phone), Jan. 26, 2022.

102. Interview with Tianna Audet.

103. "Community Assistance & Life Liaison (CALL) Program."

104. Ibid; Interview with Tianna Audet.

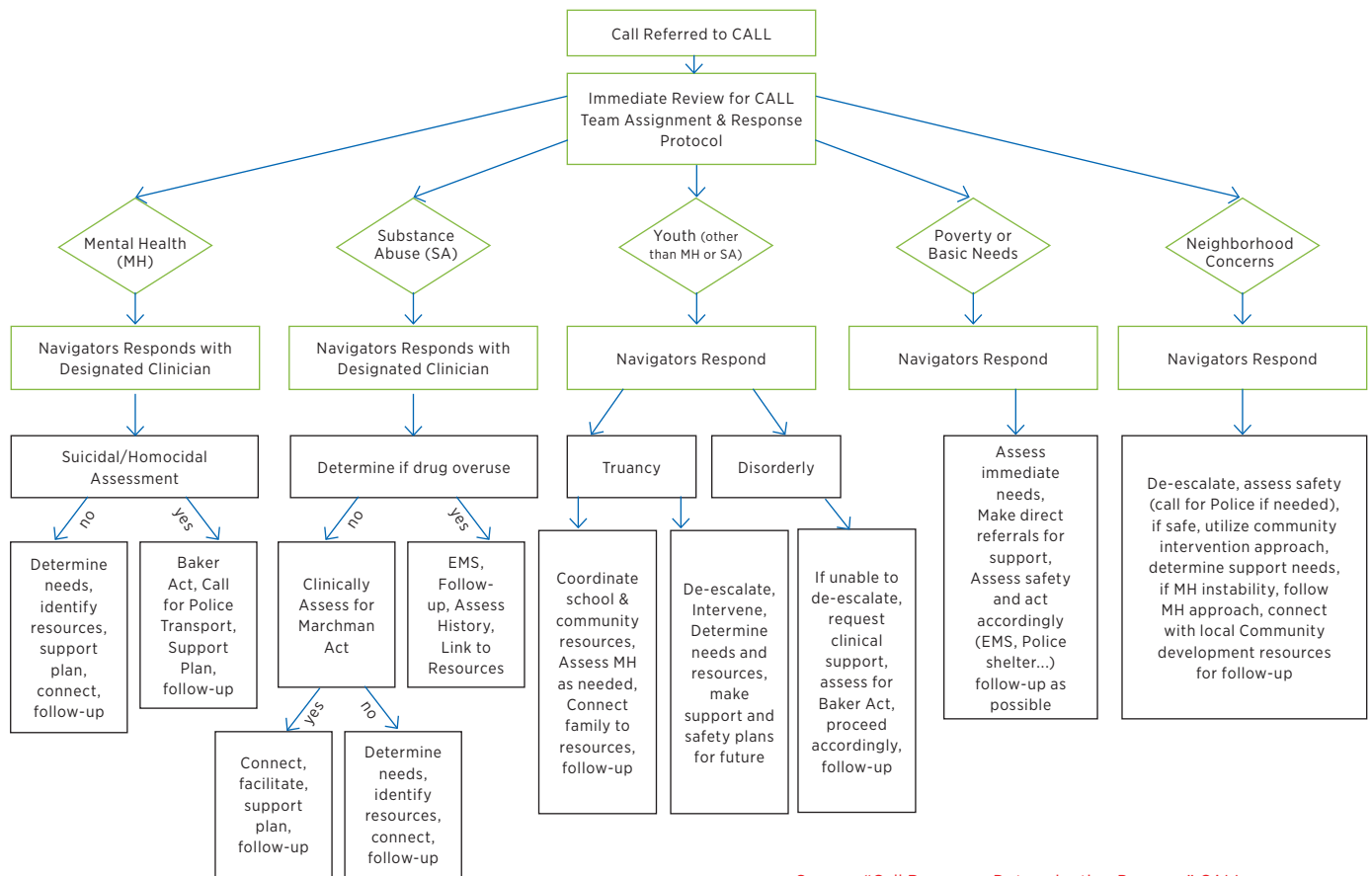
105. Interview with Tianna Audet.

106. Interview with Lieutenant Charles Coeyman and Megan McGee.

107. Interview with Tianna Audet.

108. Interview with Lieutenant Charles Coeyman and Megan McGee.

**FIGURE 2: COMMUNITY ASSISTANCE & LIFE LIAISON CALL FLOW**



Source: "Call Response Determination Process," CALL.

the safety of the individual and the CALL team members.<sup>109</sup>

That trust and respect seem to flow both ways, as police officers have also requested CALL to respond on scene in cases where dispatch requested law enforcement respond first.<sup>110</sup> In fact, outside of calls directly from dispatch to CALL, 63 percent of officers reported using the CALL program in some capacity during the nine-month pilot.<sup>111</sup> Overall, St. Petersburg has found law enforcement buy-in has exceeded expectations.<sup>112</sup>

With no safety concerns materializing and data-backed success, the St. Petersburg City Council unanimously voted to extend the CALL program for an additional two years.<sup>113</sup> Other police agencies and municipalities across the country have also contacted the CALL team wanting to replicate

their model.<sup>114</sup> CALL has been able to share their successes, areas to improve and how other communities can initiate their own program.<sup>115</sup>

While community responder programs are not common, an increase in violent crime, law enforcement staffing shortages and overcrowded jails and hospitals makes this diversion model more useful now than ever. The ability to prioritize law enforcement time for more serious calls, better deescalate crisis situations and increase access to services for those suffering from mental health illnesses is a compelling reason to evaluate bringing a co-responder program to a community.

Figure 2 above shows the Community Assistance & Life Liaison call flow for when a mental health call is referred to the CALL team.

## OVERCOMING CHALLENGES TO DIVERSION

While many law enforcement agencies and local elected officials seem to be open to the idea of diversion tactics, many jurisdictions face hurdles when it comes to implementa-

109. Ibid.

110. Interview with Tianna Audet.

111. "Community Assistance and Life Liaison Pilot Evaluation Report."

112. Ibid.

113. "Regular Session of the City Council Held at City Hall," City of St. Petersburg, Aug. 19, 2021, p. 212. <https://onlinedocs-councilminutes.stpete.org/File.ashx?id=10313747&v=1&x=pdf>.

114. "Community Assistance and Life Liaison Pilot Evaluation Report."

115. Ibid.

tion. Even with proven success, available funding and law enforcement buy-in, concerns of logistics, safety and funding can create hurdles when implementing such programs.

## Logistics

Creating a new program when law enforcement and mental health agencies are already facing staffing shortages and other stressors can seem overwhelming. Communities may have questions around where to start, who to engage and how to ensure community buy-in. These questions are appropriate as collaboration and community buy-in are key components to the success of these diversion programs. However, most programs followed the same action steps to get up and running:

1. **Identify a champion:** There needs to be an individual in the community who helps champion the efforts of exploring diversion options. Often this is a police chief or sheriff, but other jurisdictions have had a medical professional, district attorney or city council member push these ideas forward. The champion should have both the energy and the connections to bring key stakeholders together to explore diversion options.
2. **Collect data:** There should be a strong understanding of the need for such a diversion program. Data to be gathered includes average calls for service in a year, the percentage of those calls that are behavioral health calls or noncriminal calls; percentage of calls that result in jail or hospitalization; current jail population and any overcrowding issues; number of cases charged per year and percentage of those cases dismissed and the average length of time of a case to go from arrest to disposition. Information should also be collected about service area, potential community partners, agency capacity and community will.
3. **Talk to other jurisdictions:** Jurisdictions across the country have implemented the diversion models discussed herein. Most of these jurisdictions are willing to share how they decided on what model was best for their community, how they implemented that model and what successes and challenges they have experienced.
4. **Gather key partners:** Collaboration is critical for any of these models to succeed. The champion of the effort must gather all key community partners which generally include law enforcement, prosecutors, community mental health or other human services agencies, local hospitals and elected officials. Law enforcement are a significant part of the discussion, and their voices deserve respect as those providing services to their communities. This group should

discuss the data and information collected and vet which diversion model would be best for the community.

5. **Find funding:** Funding will be necessary to start any of these diversion models. While some communities have support from their local officials, many others will need to look to state or federal resources.
6. **Pilot the program:** Most diversion programs start as a pilot for a limited time so they can show successes to then secure additional, ongoing funding. The key partners will need to make an effective presentation to local officials to back a diversion initiative both politically and financially.
7. **Evaluation:** The diversion team as well as community partners and other stakeholders should look at both quantitative as well as qualitative data to determine which parts of the program are working well and which parts the diversion team need to improve. Evaluation should be done multiple times throughout the pilot of the program.

There are also several toolkits and support to further assist in starting a diversion program.<sup>116</sup>

## Safety

Safety concerns are often brought up when trying to explore and implement diversion programs. Generally, there are concerns about both the safety of the civilian responders responding to a call for service as well as community safety if law enforcement releases someone instead of arresting them. However, these concerns have proven to be exaggerated.

In programs like BHCON and CALL, the response team takes precautions to make sure aggravating factors (which can be as simple as a patrol vehicle responding) are lessened or removed. Civilian responders for these programs also have substantial training in deescalating situations as well as determining whether a situation is “safe” (such as looking for weapons). Some civilian responders even wear bullet-proof vests for additional protection. Further, the diversion programs have a close partnership with law enforcement, and the civilian responders understand when police officers would be best to take over a situation. But ultimately, civilian responders have expressed they do not feel their job is any riskier than other social work in which a social worker or clinician would go into the home of someone in a mental

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116. Bureau of Justice Assistance, “Police-Mental Health Collaboration (PMHC) Toolkit,” U.S. Department of Justice, last accessed March 3, 2022. <https://bia.ojp.gov/program/pmhc/learning>; Justice Center, “Expanding First Response: A Toolkit for Community Responder Programs,” The Council of State Governments, last accessed March 3, 2022. [https://csjusticecenter.org/publications/expanding-first-response/?mc\\_cid=45398f77ca&mc\\_eid=ddc7d74e43](https://csjusticecenter.org/publications/expanding-first-response/?mc_cid=45398f77ca&mc_eid=ddc7d74e43); “National Support Bureau,” Law Enforcement Assisted Diversion, last accessed March 3, 2022. [www.leadbureau.org](http://www.leadbureau.org).

health crisis where no law enforcement is on scene or may not even be in close proximity.

Both the CALL and BHCON teams have said there have not been any situations in which a civilian responder's safety had been compromised. Similar programs have repeated these safety findings, such as Denver's Support Team Assisted Response Program and Crisis Intervention and Response Unit.<sup>117</sup> So while safety of civilian responders should be considered and routinely evaluated, it should not stop a jurisdiction from using a civilian responder model.

Safety concerns regarding police officers releasing individuals with services rather than arresting them, have also been unfounded. Each program has shown individual successes in either reducing recidivism or reducing the need for repeat calls. Since many times individuals are arrested and then released from jail without any supportive services, it is not surprising to see diversion programs appear to increase public safety.

## Funding

When determining how to start a diversion program, community leaders are often worried about where the funding will come from. While many of the programs have found some cost savings by placing less reliance on criminal justice resources, the reality is these diversion models are meant to supplement law enforcement, not replace them, which costs money. Community leaders need to be prepared to invest in public safety when bringing on a diversion program.

Luckily, there has been an influx of funding from federal and state governments for jurisdictions trying to implement their own diversion programs.<sup>118</sup> For example, departments such as the Substance Abuse and Mental Health Services Administration (SAMHSA) and the U.S. Department of Justice (DOJ) have previously supported diversion efforts. Some communities have also found how to use CARES Act funding, opioid settlement funds and/or a "Medicaid carve out" to help fund diversion services. Some law enforcement agencies, like in St. Petersburg, Fla., have been able to reevaluate their own budgets to allocate resources for diversion pro-

grams.<sup>119</sup> There is no one solution for funding, but there are numerous ways for a community to access funding if they work together.

## CONCLUSION

We must prioritize public safety while upholding individual rights within our criminal justice system, but balancing these two values can be difficult. Not only can smart criminal justice reform efforts and research-backed diversion programs—such as LEAD, co-responder and community responder—balance individual rights and public safety, but they also do a better job than our current system in upholding each.

These pre-arrest diversion programs are proven to save law enforcement time, unclog courts, lower jail populations and reduce recidivism and repeat callers. Conservative jurisdictions have been able to implement these diversion models successfully, while effectively using taxpayer dollars to better support their communities. There is ample access to information, technical support and funding for other jurisdictions to do the same. It is time for other conservative communities (and communities of any political leaning) to support law enforcement in shutting down the inefficient revolving door of the criminal justice system, by implementing one of the many successful pre-arrest diversion programs that are successful throughout the country.

## ABOUT THE AUTHOR

**Lisel Petis** is a senior fellow on the Criminal Justice and Civil Liberties team. She analyzes and presents objective policy solutions through publications on criminal justice issues, including policing reform, public safety, alternatives to arrest and prosecutorial reform. Prior to R Street, Petis worked as the executive director of a non-profit dedicated to diminishing the incidence and impact of violence. She also previously served on her local city council and spent several years serving as a prosecutor.

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117. "Home," Denver Support Team Assisted Response Program, last accessed March 9, 2022. <https://www.denvergov.org/Government/Agencies-Departments-Offices/Agencies-Departments-Offices-Directory/Public-Health-Environment/Community-Behavioral-Health/Behavioral-Health-Strategies/Support-Team-Assisted-Response-STAR-Program>; "Home," Denver Crisis Intervention and Response Unit, last accessed March 9, 2022. <https://mhcd.org/co-responder>.

118. See, e.g., 42 U.S.C. § 290bb-38 (2022). <https://www.law.cornell.edu/uscode/text/42/290bb-38>; "Law Enforcement and Behavioral Health Partnerships for Early Diversion," U.S. Department of Health & Human Services, last accessed March 3, 2022. <https://www.samhsa.gov/criminal-juvenile-justice/grants-grantees/early-diversion>. Bureau of Justice Assistance; "Diversion Programs," U.S. Department of Justice, last accessed March 9, 2022. <https://bja.ojp.gov/taxonomy/term/70741>.

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119. See, e.g., Ed Lazere, "Using Federal Relief Funds to Invest in Non-Police Approaches to Public Safety," Center on Budget and Policy Priorities, Nov. 18, 2021. <https://www.cbpp.org/research/state-budget-and-tax/using-federal-relief-funds-to-invest-in-non-police-approaches-to>; Colorado Department of Law, "Opioid Crisis Response Plan," Colorado Attorney General, April 2021. <https://coag.gov/app/uploads/2021/10/Colorado-Department-of-Law-Opioid-Crisis-Response-Plan.pdf>; Betsy Pearl, "EXPLAINER: How Medicaid and the American Rescue Plan Can Support Community Responder Programs," The Council of State Governments, Oct. 7, 2021. <https://csgjusticecenter.org/2021/10/07/explainer-how-medicaid-and-the-american-rescue-plan-can-support-community-responder-programs>.