

Deflection: Memorandum of Understanding

Should a post-overdose response team have a memorandum of understanding (MOU) in place that details how information can and cannot be used by law enforcement?

Response

Although this question asks specifically about MOUs with law enforcement, all potential partners within a deflection initiative should be governed by an interagency, data sharing MOU. An MOU sets out the rights and responsibilities of each partner, as well as the specific ways in which information obtained by any partner can and cannot be used. MOUs also help set partner expectations and establish a foundation of trust, both between the initiative partners and the participants. The MOUs should be developed and signed during the formation of the deflection initiative.¹

These MOUs address the deflection initiative's procedures and information sharing protocols among partners generally. They do not, however, take the place of a deflection team obtaining individual authorization and/or consent from potential participants seeking services, when necessary, in order to further disclose the information that the participants provide the team.

Definitions

Deflection initiative—A collaborative intervention designed to (1) connect law enforcement agencies and/or other first responder entities with public health/behavioral health systems to create pathways to community-based treatment, recovery support services, housing, case management, or other services for individuals with substance use disorders, mental health disorders, or co-occurring disorders; and (2) keep these individuals out of the criminal justice system, when possible, by addressing their unmet health needs. Throughout the country, particular types of deflection initiatives are referred to by a host of names, including pre-arrest diversion, pre-booking diversion, law enforcement diversion, co-responder teams, crisis intervention teams, and mobile crisis teams.

Deflection team—A unit of individuals working together within a deflection initiative to provide deflection services to participants. Examples of deflection teams include an individual post-overdose response team, a crisis intervention team, or a co-responder team.

¹ Melissa Heinen and Mallory O'Brien, "Overdose Fatality Review: A Practitioner's Guide to Implementation," Bureau of Justice Assistance's Comprehensive Opioid, Stimulant, and Substance Abuse Program, July 2020, p. 29, available at https://www.cossapresources.org/Content/Documents/Articles/Overdose_Fatality_Review_Practitioners_Guide.pdf.