

Critical Elements for Implementing the Officer Intervention Pathway of Pre-Arrest Diversion

January 27, 2022





About the IACP

Shaping the Future of the Policing Profession

- The International Association of Chiefs of Police is the largest and most influential professional association for law enforcement in the world. With more than 30,000 members in 165 countries, the IACP is a recognized leader in global policing, committed to advancing safe communities through thoughtful, progressive police leadership.
- Since 1893, the association has been serving communities worldwide by speaking out on behalf of law enforcement and advancing leadership and professionalism in policing worldwide.



TASC's Center for Health and Justice

COSSAP TTA Provider for First Responder Led Diversion Initiatives



CENTER FOR
HEALTH & JUSTICE
AT TASC

Website: <http://www.centerforhealthandjustice.org/>



Polling Questions 1 & 2

Learning Objectives

- Learn the difference between *first responder deflection* (FRD) and *pre-arrest diversion* (PAD).
- Understand the *Officer Intervention* pathway and advantages to starting this type of pre-arrest diversion program.
- Become familiar with critical elements of creating and implementing *Officer Intervention* programs.
- Learn about COSSAP's Law Enforcement/First Responder Diversion and Referral Mentoring Initiative.

Presenters

Orange County-Pre-Arrest Diversion (OC-PAD) Program

Caitlin Fenhagen, Criminal Justice Resource Director, Orange County, NC

Celisa Lehew, Asst Police Chief, Chapel Hill Police Department, Chapel Hill, NC

Yellow Line Project

Julie Stevermer, Community Based Services Supervisor, Blue Earth County, MN

Matthew DuRose, Deputy Director-Mankato Public Safety, Mankato, MN

COSSAP TTA Provider Partner for First Responder Diversion Initiatives

Karen Maline, Project Manager, International Association of Chiefs of Police

Agenda

1. Brief overview of the **Five Pathways of First Responder Deflection (FRD) and Pre-Arrest Diversion (PAD)**
 - What's the difference between *deflection* and *diversion*?
2. Focus on the *Officer Intervention* Pathway
3. Introduction to the **10 Critical Elements** of Officer Intervention Programs
4. Presentations about OC-PAD and The Yellow Line Project
5. Discussion: Why are these elements so important and how do the featured programs incorporate them into program implementation?
6. Description of COSSAP's TTA and Mentoring Program for FRD and PAD
7. Question and Answer

The Five Pathways

Angel or Safe Station programs (PAARI)

Arlington (MA) Outreach Initiative; mobile or neighborhood-based programs; HOT (PAARI)

Quick Response Teams (QRT) or Drug Abuse Response Teams (DART)

Law Enforcement Assisted Diversion/*Let Everyone Advance with Dignity* (LEAD) (harm reduction focus)

Law Enforcement Assisted Diversion (LEAD), YLP, OC-PAD

Pathway	Target Population
❖ Self-Referral: 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 law enforcement agency, the individual makes the contact without fear of arrest.	Individuals with substance use disorder (SUD)
❖ Active Outreach: A first responder intentionally identifies or seeks out individuals with SUDs to refer the individuals to or engage them in treatment; outreach is often done by a team consisting of a clinician and/or peer with lived experience.	Individuals in crisis or with non-crisis mental health disorders and/or SUD, or in situations involving homelessness
❖ Naloxone Plus: A first responder and program partner (often a clinician or peer with lived experience) conducts outreach <i>specifically</i> to individuals who have experienced a recent overdose to engage them in and provide linkages to treatment.	Individuals with opioid use disorder
❖ Officer/First Responder Prevention: During routine activities such as patrol or response to a service call, a first responder engages and provides a referral to treatment or to a case manager. <i>(Note: if law enforcement is the first responder, no charges are filed, or arrests made.)</i>	Individuals in crisis or with non-crisis mental health disorders and/or SUD, or in situations involving homelessness, need, or prostitution
❖ Officer Intervention: <u>(Only applicable for law enforcement)</u> During routine activities such as patrol or response to a service call, law enforcement engages and provides a referral to treatment or to a case manager, or issues a (non-criminal) citations to report to a program. Charges are held in abeyance until treatment and/or a social service plan is successfully completed.	Individuals in crisis or with non-crisis mental health disorders and/or SUD, or in situations involving homelessness, need, or prostitution

The Five Pathways

Deflection

Pre-Arrest
Diversion

Pathway	Target Population
❖ Self-Referral: 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 law enforcement agency, the individual makes the contact without fear of arrest.	Individuals with substance use disorder (SUD)
❖ Active Outreach: A first responder intentionally identifies or seeks out individuals with SUDs to refer the individuals to or engage them in treatment; outreach is often done by a team consisting of a clinician and/or peer with lived experience.	Individuals in crisis or with non-crisis mental health disorders and/or SUD, or in situations involving homelessness
❖ Naloxone Plus: A first responder and program partner (often a clinician or peer with lived experience) conducts outreach <i>specifically</i> to individuals who have experienced a recent overdose to engage them in and provide linkages to treatment.	Individuals with opioid use disorder
❖ Officer/First Responder Prevention: During routine activities such as patrol or response to a service call, a first responder engages and provides a referral to treatment or to a case manager. (<i>Note: if law enforcement is the first responder, no charges are filed, or arrests made.</i>)	Individuals in crisis or with non-crisis mental health disorders and/or SUD, or in situations involving homelessness, need, or prostitution
❖ Officer Intervention: (Only applicable for law enforcement) During routine activities such as patrol or response to a service call, law enforcement engages and provides a referral to treatment or to a case manager, or issues a (non-criminal) citations to report to a program. Charges are held in abeyance until treatment and/or a social service plan is successfully completed.	Individuals in crisis or with non-crisis mental health disorders and/or SUD, or in situations involving homelessness, need, or prostitution

Officer Intervention

- The only true “pre-arrest diversion” pathway
- Can only be implemented with participation and support of law enforcement agencies
- Connect eligible individuals to treatment and services to address the underlying reason for their offenses while holding them accountable

How it works

- Officers identify eligible participants during a call for service or other routine activity
 - Issue referral or make a warm hand-off to a case manager
- Individuals undergo assessments and agree to abide by prescribed treatment program
 - In most programs, charges are held in abeyance during treatment
 - If individuals comply w/treatment, charges are not processed
 - If individuals **do not** comply, or are rearrested, charges may be filed

Goals of Officer Intervention

- Enhancing public safety
- Providing law enforcement officers with alternatives to arrest for nonviolent and (usually) misdemeanor offenses (eligibility criteria vary by program)
- Keeping individuals who pose “no real threat to public safety” out of the justice system, thus avoiding the collateral consequences of justice system involvement
- Using justice system resources more effectively to supervise and treat people charged or convicted of serious and violent offenses
- Reducing recidivism rates and improving outcomes by linking individuals to treatment and services they would likely not have been able to access on their own

10 Critical Elements of an Officer Intervention Program

1. Identify the problem faced by the community and look for associated causes.
2. Create a multidisciplinary planning group.
3. Hire a dedicated program coordinator.
4. Engage the larger community.
5. Train officers about addiction, trauma, and recovery.
6. Have a means for providing case management services.
7. Hold regular partner meetings.
8. Collect data and evaluate the program.
9. Create a feedback loop for officers and treatment providers.
10. Conduct ongoing messaging through the media.

OCPAD

ORANGE COUNTY PRE-ARREST DIVERSION PROGRAM



The UNC Police Department addresses public safety needs with professionalism and integrity, while "Protecting North Carolina's Future."

ORANGE COUNTY PRE-ARREST DIVERSION PROGRAM

PRESENTATION BY:

CELISA LEHEW, ASSISTANT CHIEF OF POLICE, CHAPEL HILL, NC POLICE
DEPARTMENT

CAITLIN FENHAGEN, DIRECTOR, CRIMINAL JUSTICE RESOURCE DEPARTMENT,
ORANGE COUNTY, NC

Brief Overview of Program

The Orange County Pre-Arrest Diversion program (OCPAD) is an alternative for individuals who commit first-time misdemeanor offenses. Rather than issuing a citation or making an arrest, where probable cause exists, law enforcement officers in Orange County, North Carolina have the discretion to offer an alleged first-time misdemeanor offender an alternative to the criminal justice system.

The purpose of the program is to increase community safety and public well-being by offering prompt and direct access to interventions that educate and reduce the likelihood of repeat behaviors (recidivism). In addition, participants avoid the significant collateral consequences of a criminal charge and possible conviction.

The program was implemented in February of 2019 and has served over 500 people, with a 97% successful compliance rate.

According to research performed by the Annie E. Casey Foundation in 2020, when utilized consistently and correctly, court diversion programs are just as, if not more effective, than conventional criminal justice proceedings and interventions in reducing recidivism and illicit/harmful behaviors.

OC-PAD Program Eligibility

- The referred individual must be 18 years of age or older
- No prior criminal citation, arrests or criminal conviction (prior juvenile petition or Department of Juvenile Justice involvement is permissible)
- Must have had no prior OC-PAD or Misdemeanor Diversion Program involvement
- Must have been alleged to have committed an eligible misdemeanor offense (see following slide for the list of eligible offenses)
- Admission of guilt, fault or responsibility is not required of the participant to be diverted to OC-PAD

OC-PAD

List of Eligible Offenses

- Disorderly Conduct (14-288.4)
- Fraudulent Identification (18B-302)
- Executive Directive/Order Violation
- Intoxicated and Disruptive (14-444)
- Local Ordinance Offenses (Loitering, Panhandling, Public Urination, Sleeping on Park Bench, Noise Ordinance Violations)
- Open Alcohol Container Violation
- Possession or Consumption of Alcoholic Beverage in State Park (07 NCAC 13B.1003 (a) [G.S. 143B-135.6])

OC-PAD

List of Eligible Offenses (continued from previous slide)

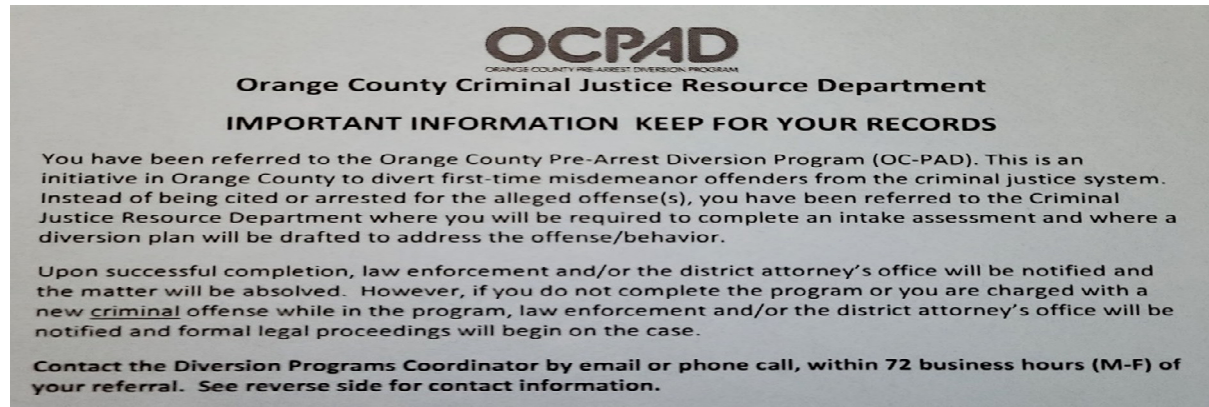
- Possession or Consumption of Alcoholic Beverage in State Park (07 NCAC 13B.1003 (a) [G.S. 143B-135.6])
- Possession of Drug Paraphernalia (90-113.21)
- Resist/Delay/Obstruct (14-223)
- Second Degree Trespass (14-159.13)
- Shoplifting (14-33(a)); Larceny
- Simple Assault/Affray (14-33(a))
- Simple Possession of a Controlled Substance (90-95(a)(3))
- Underage Consumption and/or Possession of Alcohol (18B-300)

OC-PAD

Referral Process

LEO determines if there is probable cause to arrest or issue citation for the alleged offense (listed on previous slide)

LEO gives the offender and OC-PAD contact card, the diversion coordinator must be contacted via email or phone within 72 hours of the incident



LEO completes the OC-PAD referral form, incident report and submits both to their respective OC-PAD liaison

OC-PAD Intake Process

- The Diversion Coordinator receives the referral form and incident report from the law enforcement liaison
- Within 7 days of the referral, an intake appointment is scheduled with the referred individual. Intake appointments are held both in person and remotely
- At intake, the Coordinator completes a risk/needs assessment with the participant and an individualized Diversion Plan is drafted
- The “collateral consequences” of arrest and/or a criminal conviction and the harmful impacts of a public record are discussed in-depth with each participant
- The Diversion Plan is expected to be completed within 3 to 4 months after it has been assigned

Department Liaisons and Their Role

- Each law enforcement agency in the county has designated an officer or employee as their department's OC-PAD liaison. This role is not overly intensive or a time consuming one, however this position is imperative for the functionality of the program.
- The liaison offers general support of the program. Their primary role is to monitor and make program referrals as well as encourage their officers' participation and overall support of the program.

2022 Department Liaison

Lt. Paul Bell – Chapel Hill Police Department (since 2021)

Lt. Will Quick – Carrboro Police Department (since 2019)

Lt. David Berry – Orange County Sheriff's Office (since 2019)

Tracy Perry – UNC-CH Dept. of Public Safety (since 2019)

Lt. Davis Trimmer – Hillsborough Police Department (since 2019)

2022 OC-PAD Advisory Committee Members

- Lt. Paul Bell – Chapel Hill Police Department
- Sheriff Charles Blackwood – Orange County Sheriff's Office
- Capt. David Berry – Orange County Sheriff's Office
- Dean Blackburn – UNC-CH Associate Dean of Students
- Caitlin Fenhagen – CJRD
- Desmond Frierson – CJRD
- Asst. Chief of Police Celisa Lehew – Chapel Hill Police Department
- Fran Muse – Carolina Student Legal Services
- Tony Oakley, Chief Magistrate – Orange County
- Tracy Perry – UNC-CH Department of Public Safety
- Aisha Pridgen – UNC-CH Director of Student Conduct
- Lt. William Quick – Carrboro Police Department
- Kimberly Radewicz, Park Superintendent III – Eno River State Park
- Lt. Davis Trimmer – Hillsborough Police Department
- Jim Woodall – District Attorney, Chatham and Orange Counties

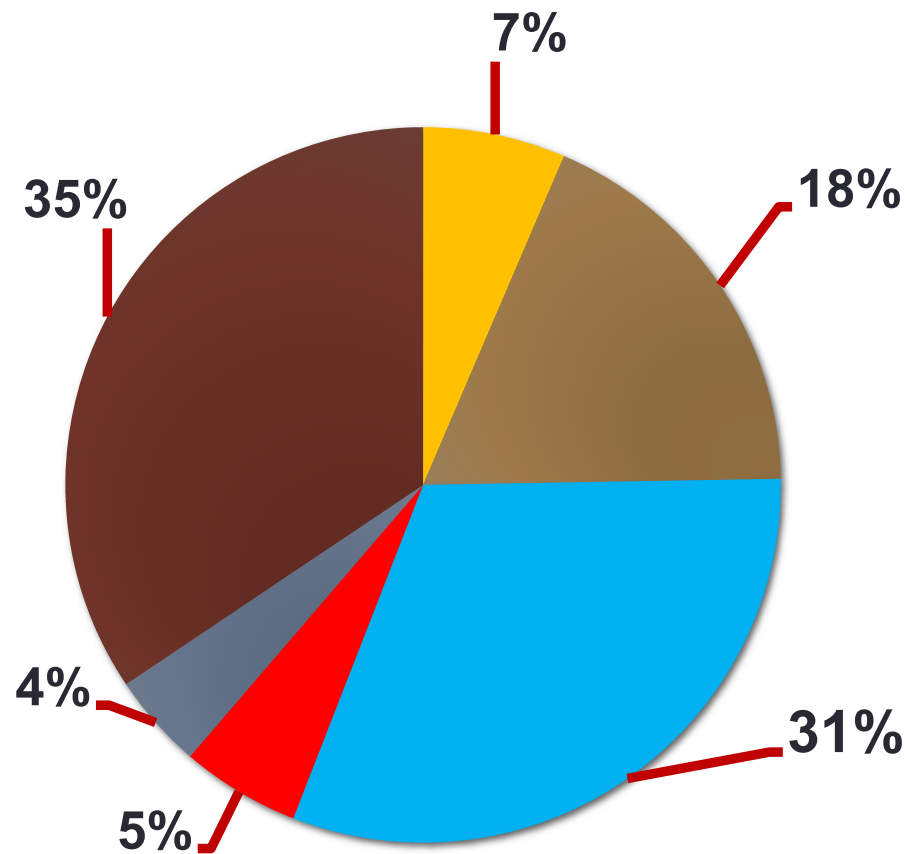
The advisory committee works in collaboration to help identify innovative and effective ways to enrich the program and also to ensure equitable diversion opportunities for all first-time offenders in Orange County, North Carolina.

Data Collection, Review and Management

- OC-PAD program data is reviewed monthly, quarterly and annually
- The program utilizes software created by a local analytic software developer (Quantworks) that helps to manage cases. There is a portal that is accessible to law enforcement and other key OC-PAD stakeholders (district attorney's office, public defender's office, magistrate, etc.)
- An MS Excel Spreadsheet is used to chart data and generate program reports

Referrals Made by Agency

(Example of Recorded Data)



■ OCSO 6 (7%)

■ HPD 17 (18%)

■ CHPD 29 (32%)

■ CPD 5 (5%)

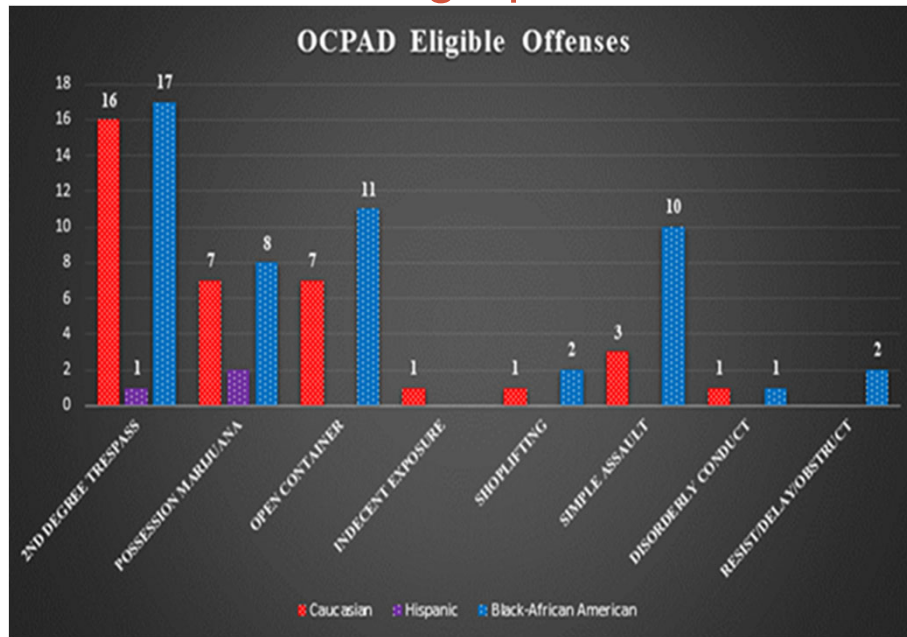
■ UNC-CH DPS (4%)

■ Eno River State Park
32 (34%)

An example of a data set that is recorded - sample data recorded from 7/1/2019 - 6/30/2020-

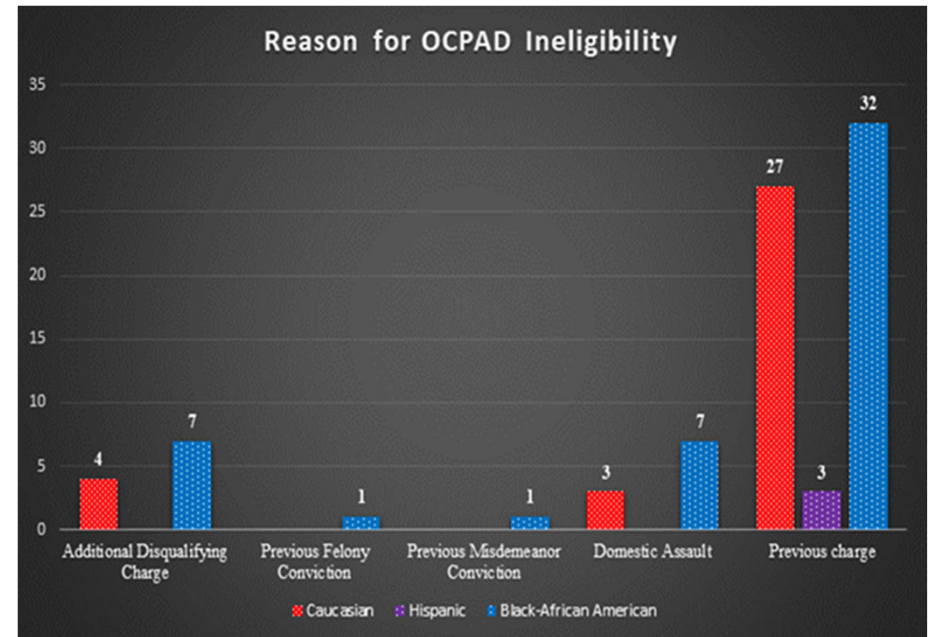
OCPAD Eligible Offenses- LEO Quarterly Report

OCPAD Eligible Offenses by Demographics



Offenses (by charge type) that are eligible for OCPAD by demographics (May 2020-2021).

Reason for OCPAD Ineligibility



Reason why persons involved were not eligible for OCPAD (by reason type) listed by demographics.

Program Contact

Desmond Frierson

Diversion Coordinator

Criminal Justice Resource Department

Orange County Courthouse

106 East Margaret Lane Hillsborough, NC 27278

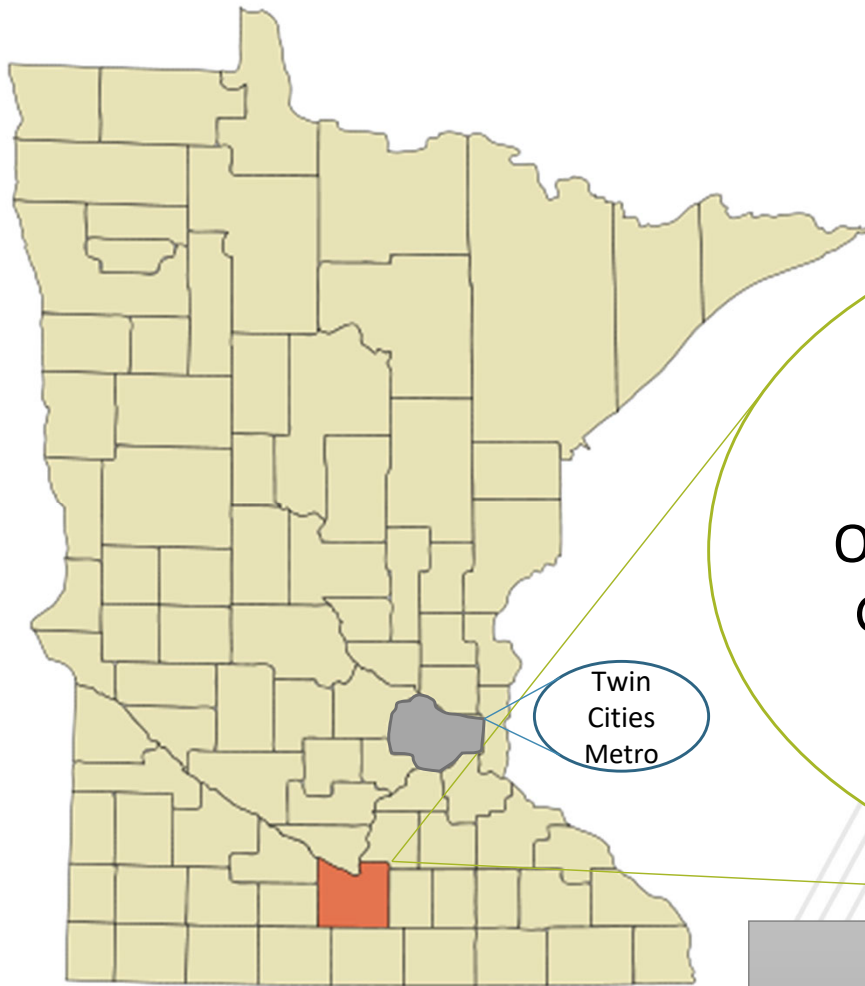
dfrierson@orangecountync.gov

(919) 245-2312



COSSAP Webinar
January 27, 2022

YELLOW LINE
PROJECT



Blue Earth County

Population 69,112

766 Square miles

One major city, but mostly rural

Geographic population center

University / college

Poverty

Growing diversity

Primary Substances of Abuse

Methamphetamines

Alcohol

Marijuana

Opiates/Synthetics/Heroin

Crack/Cocaine

Crime Stats

PRESENTING PROBLEMS IN 2015

- Jail-related issues
 - Untreated/undertreated mental illness and chemical dependency
 - Use of incarceration in place of treatment
 - Overcrowding
- Skyrocketing use of competency evaluations in defense
- Difficulty in accessing hospital and residential resources
- Overuse of detoxification services
- Insufficient bridges built between law enforcement, social services and crisis providers.



Horizon Homes, Inc.



Yellow Line Project Partners

CREATION

Minnesota Department of Human Services one-time grant directive:

New Model

Replicable & Scalable

Financially Sustainable

Share Learnings

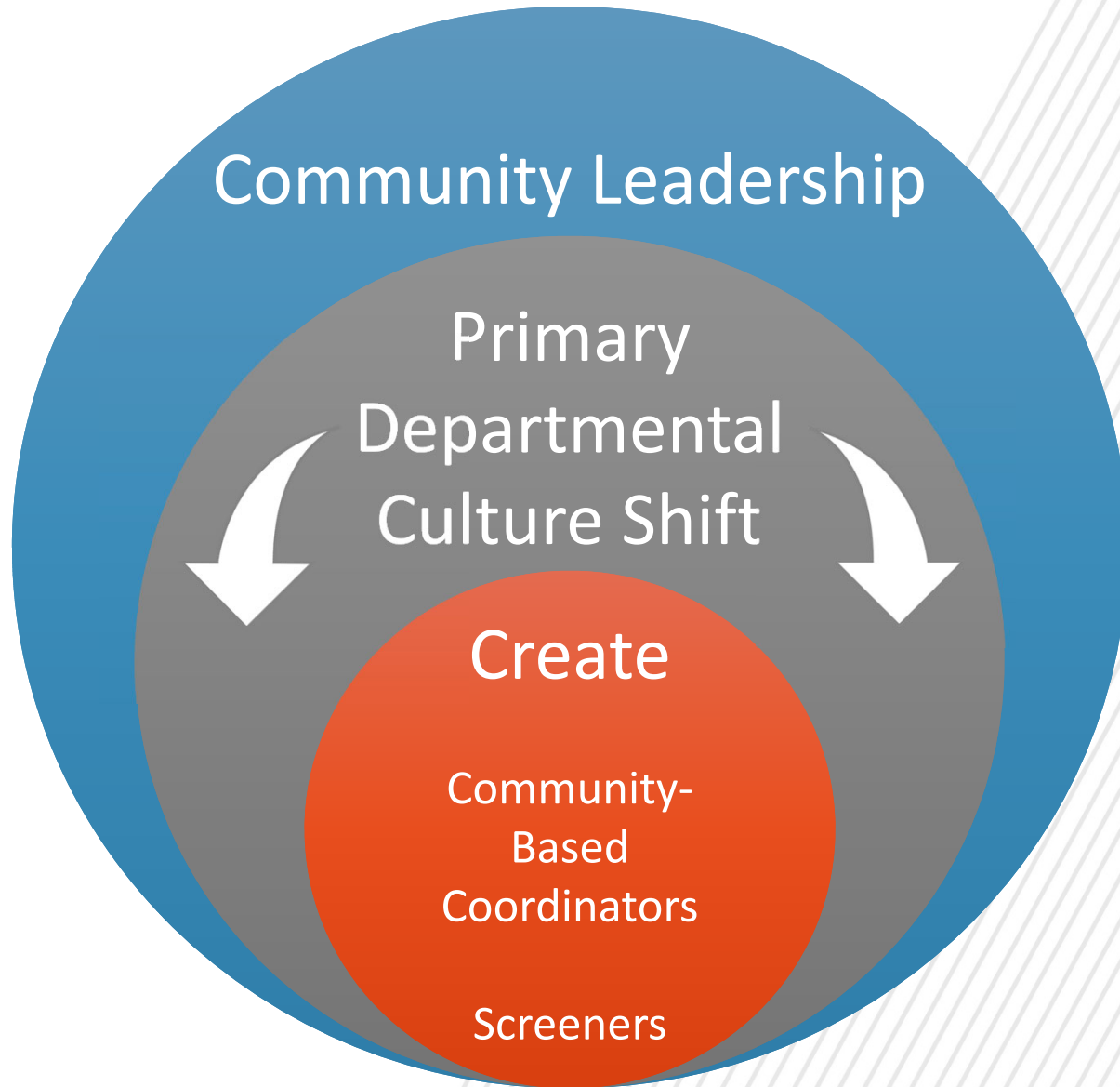
PRIMARY FOCUS OF YELLOW LINE PROJECT

1. Improve Access to Services.
2. Increase Engagement for Timely Services.
3. Reduce Jail Bed Days for Individuals with Mental Illness and/or Chemical Dependency Needs that are Divertible.

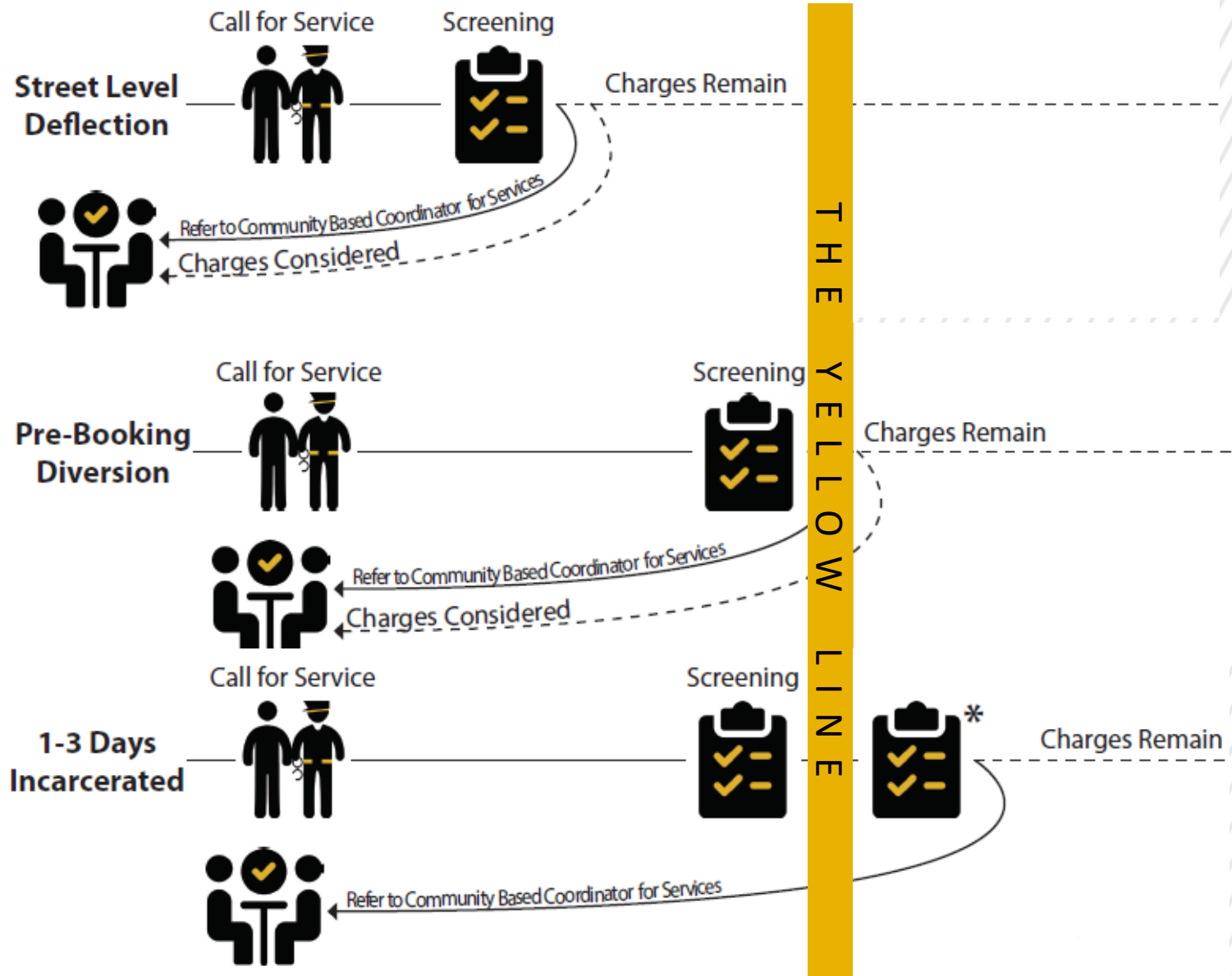
CORE TENETS of YELLOW LINE PROJECT

- 100% Screening (offered to individuals having LE contact)
- 24/7 Access
- Community Based Coordinator
- Law Enforcement / Mobile Crisis Workflows
- Right Service at the Right Time Philosophy – Charges do not matter
- Monthly Operations (Debrief) Meetings
- Collaborative Outreach Team (COT) Meetings

CHANGE DYNAMIC



YELLOW LINE PROJECT PATHWAYS



STREET LEVEL PATHWAY

STREET LEVEL AND COLLABORATIVE OUTREACH

REFERRAL

FOR THE

YELLOW LINE PROJECT

Call for Service

Officer Decision

1. Release 2. Cite/LOT & Release 3. Arrest/Detain & Transport 4. Cite/LOT, Refer for Screening & Release 5. COT Referral

If #4 or #5, officer suspects a referral for help with mental illness or chemical dependency is needed, officer asks person: "Are you willing to do a screening by phone?"

if yes

if no

Call (507) 508-4291

*Phone is answered by Community Based Coordinator during business hours or by screener after hours.

Officer provides basic information to screener and remains with individual:

1. Individual's name
2. ICR
3. Charge status

Screener asks individual for verbal approval to release information to/between:

- Law Enforcement Agency
- Blue Earth County Human Services
- Horizon Homes (if after hours)

Due to inability to have a phone conversation: Mobile Crisis Team could respond in person (delay possible)
- Officer remains on-site. Call (507) 508-4291

Due to unsafe or problematic location: Voluntarily transport to pre-booking for screening

Due to not wanting screening services: Could be a refusal

Screening Begins

Complete 2-page screening document

*If at any time the screener cannot complete the screening by phone, an alternate plan with the officer should be discussed. (Consider on-site or pre-booking.)

Once screening is complete, use the information to complete the Results & Referral Form

- Screener completes section 1-4.
- Officer provides screener information for section 5.
- Officer and screener sign section 6 (or verbal approval is given), but do not fill it out; Community Based Coordinator will complete remainder of this section with participant at their first meeting.

If eligible for services, screener asks officer: "Are you requesting services for this individual?"

*Document response on Results & Referral Form (Officer signature line).

If eligible, officer requests/refers, and person is willing,

- Appointment time and location is given to meet with Community Based Coordinator or
- Notify person they need call the Community Based Coordinator within 24 hours to set up appointment by calling (507) 304-4856 or (507) 304-4857.

End Call

If screening was conducted by HH, all information collected by the screener must be scanned and emailed to:

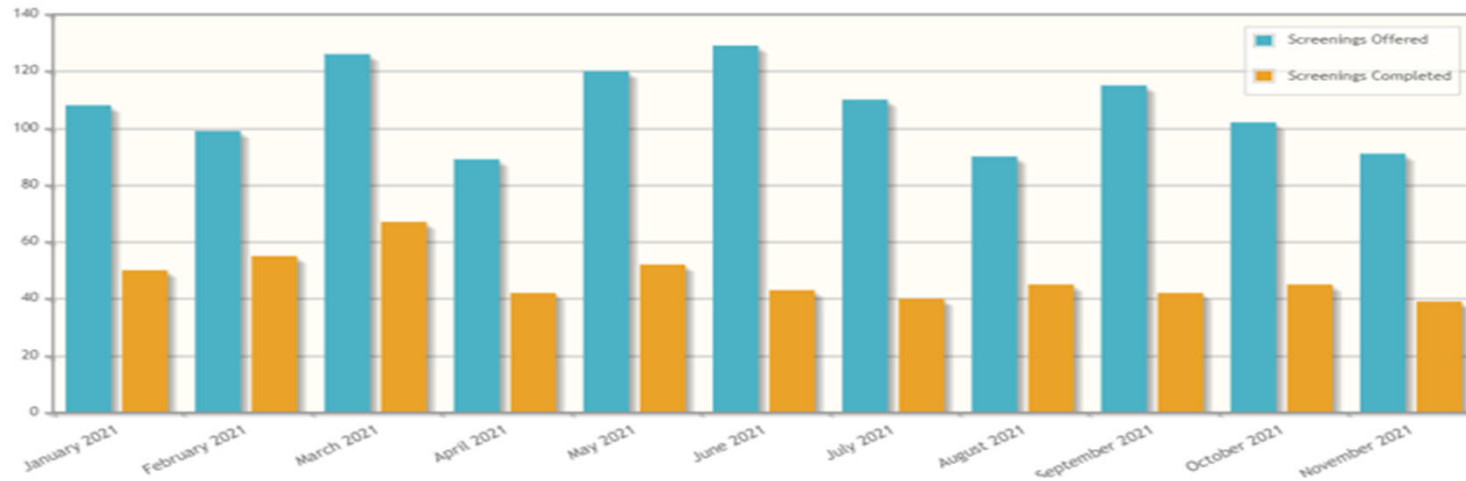
YLP@blueearthcountymn.gov

- Screening
- Results and Referral

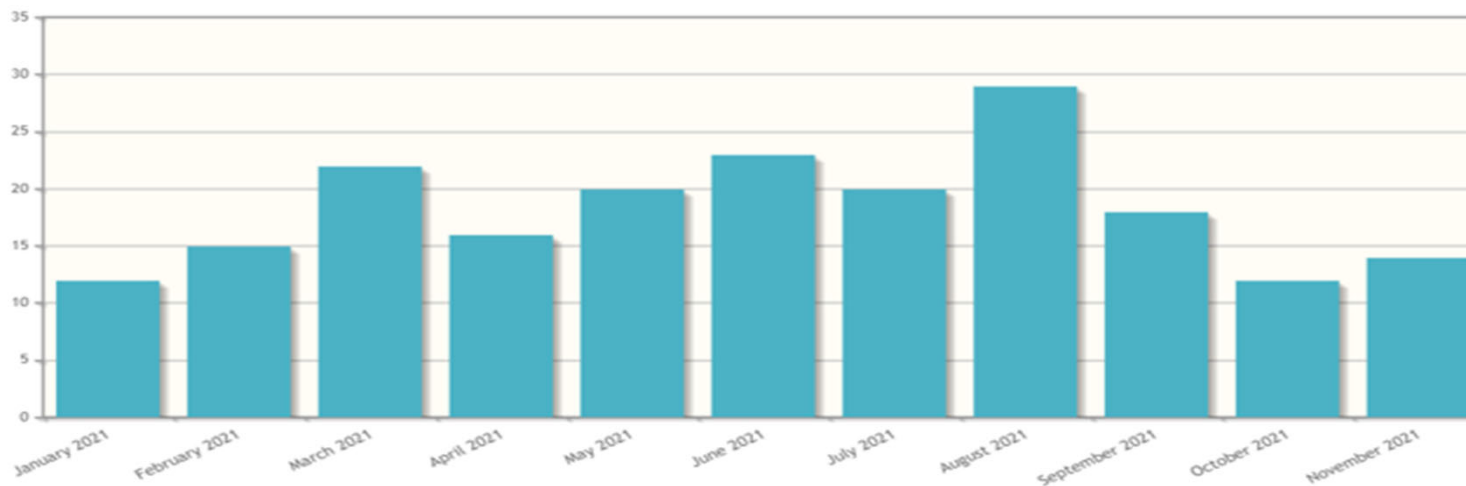
- Verbal Release of Information
- Narrative Documentation

Goal 1: Improve Access to Services

Measure 1A: Screenings Offered and Completed
January - November 2021

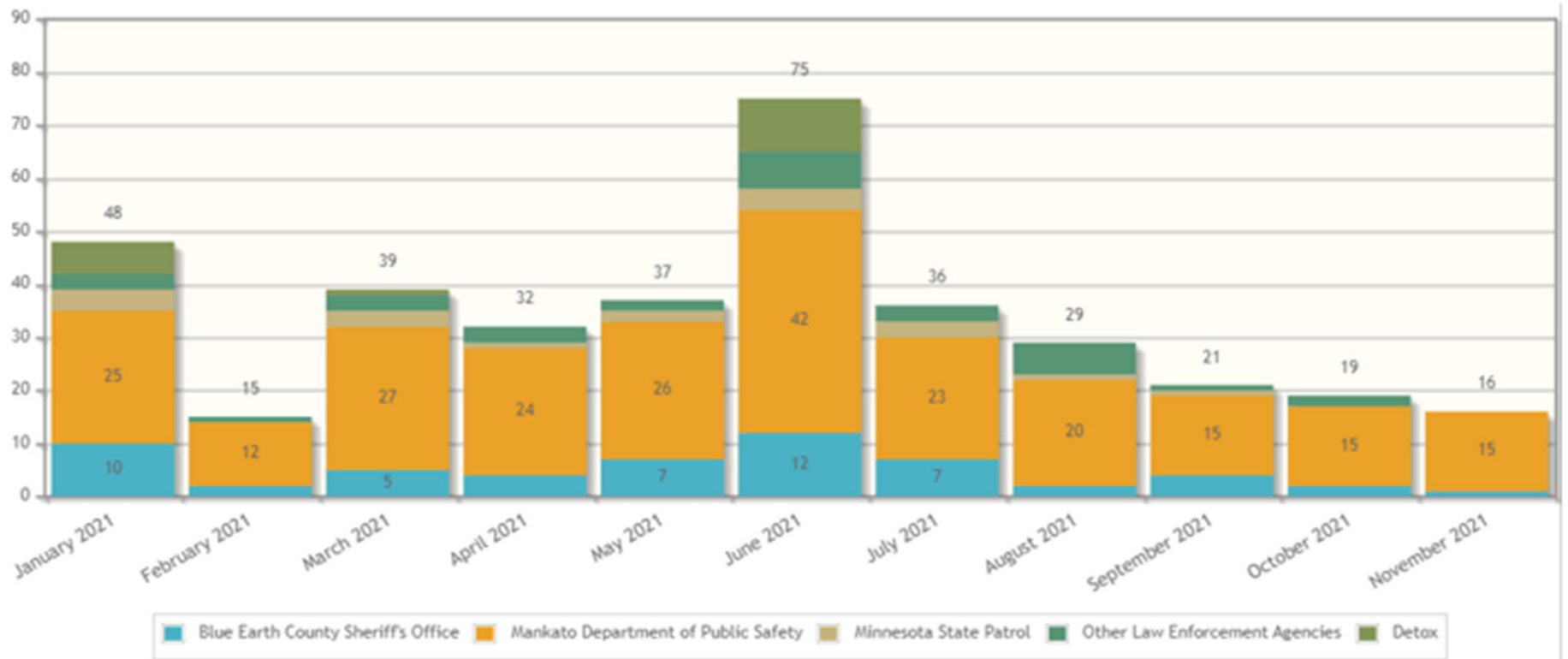


Measure 1B: Individuals Screened as Eligible & Referred to *The Yellow Line Project*
January - November 2021



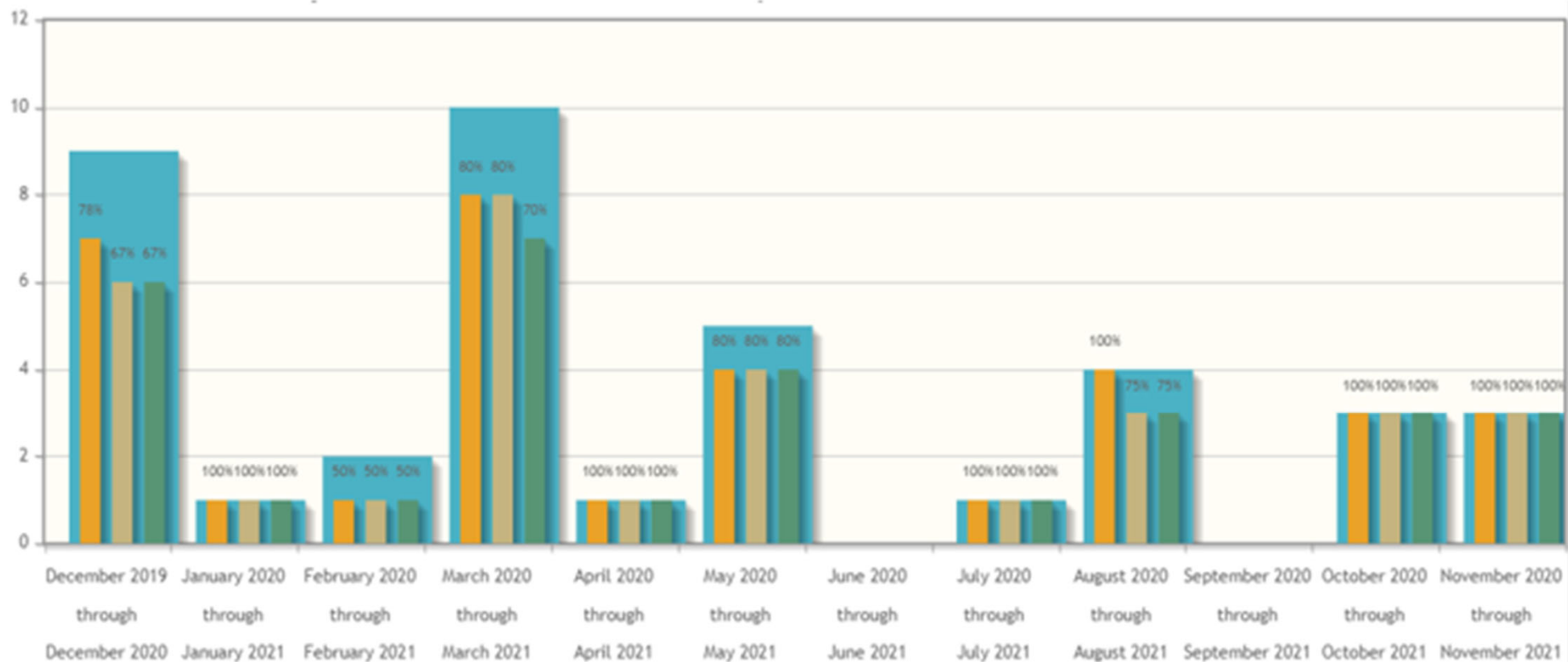
Goal 2: Increase Engagement for Timely Services

Measure 2A: Staff Engagement—Referrals to The Yellow Line Project



Goal 3: Reduce Jail Bed Days for Divertible Individuals with Mental Illness and/or Chemical Dependency Needs

Measure 3C: New Contact Measure—Individuals Who Successfully Completed a My Yellow Line Plan and Had No Newly Identified Contact with Law Enforcement



www.yellowlineproject.com

We can work together... We can evaluate and improve our current workflows... We can see real results...

Create a multidisciplinary planning group

- Start early with convening this team
- Ensure participation of and buy-in from prosecutor's office and law enforcement chiefs
- Seek a consensus on eligibility and process
 - can start small and expand as comfort level increases
- Include the voices of individuals with lived experience of justice involvement

Hire a dedicated program coordinator

- The coordinator (or dedicated program staff) should be hired solely to work on the program
 - requires attention to building relationships, obtaining buy-in, ensuring immediate response to referrals, conducting case management, coordinating meetings, collecting data, etc.
- The position should be independent from LE and DA
 - Reduces perception of and potential for conflict among partners
- A person with a social work, peer support or clinical background is ideal
 - Should be qualified to conduct assessments and create diversion plans
- Consider individuals who have lived experience

Hold regular partner meetings

- Some programs, including Law Enforcement Assisted Diversion (LEAD) programs have two-three working groups
 - Groups have different members and objectives
 - **For YLP:** Leadership Design, Operations, and Collaborative Outreach
 - **For many LEAD programs:** Policy Coordinating Group, Operational Workgroup, and Community Leadership Team
 - Information is shared across groups
- Leadership/advisory groups should regularly review data and make course corrections if necessary

Collect data and evaluate the program

- Invest in software and/or create an Excel spreadsheet for coordinator to track data
- Analyze the data to continuously improve program
- Share data with stakeholders and the community
 - # of referrals, type of referrals, demographics of referrals, outcomes in program, post-program recidivism
- Hold advisory committee meetings regularly to review the data and other issues to ensure continued improvement of the program

Create a feedback loop for officers

- Identify liaisons/champions/contacts within each law enforcement agency
- Coordinator should have regular communication with the liaison and chiefs
 - address issues as they arise (i.e., case that was eligible and not referred; disparities in referrals)
- Create a software portal or a confidential means of sharing participant diversion planning and compliance with law enforcement
 - OC-PAD—software portal officers can access
 - YLP—Community Based Coordinators share information with referring officers
- Encourage officers to provide input and feedback to the coordinator

Polling Question 3

COSSAP FRD Mentoring Initiative



- Provides the opportunity to learn from established and innovative programs
- Provides opportunities for peer-to-peer exchanges and for mentee sites to engage with program personnel.

www.cossapresources.org/Learning/PeertoPeer/Diversion

Questions and Answers

Contact Information



Karen Maline
Project Manager

International Association of Chiefs of Police

maline@theiacp.org

IACP's COSSAP webpage:

(resources specifically for law enforcement and other first responders)

<https://www.theiacp.org/projects/comprehensive-opioid-stimulant-and-substance-abuse-program-cossap-law-enforcement-first>





BJA's

Comprehensive

Opioid, Stimulant,
and Substance Abuse

Program