

## Strengthen Community Responses and Minimize Criminal Justice Involvement

### ESSENTIAL ELEMENT 2: Deflection

#### POLICY

Court leaders should be knowledgeable about opportunities for deflection from law enforcement engagement and deflection from the criminal justice system to help shape effective court and community responses for people with behavioral health needs. Keeping people who should not be in the justice system out, and redirecting them to treatment, leads to better outcomes and cost savings for those with behavioral health needs and for the justice system.

#### EVIDENCE-BASED PRACTICES

People with mental illnesses who are referred to behavioral health treatment by law enforcement officers experience fewer subsequent contacts with the criminal justice system than those who were not referred to treatment. Law enforcement and behavioral health agencies across the country are increasing partnerships to develop Police-Mental Health Collaboration (PMHC) programs as part of a comprehensive approach to improve outcomes for this population, but also to help communities prioritize resources to have the greatest impact on public safety.

Accomplishing this early deflection includes development of institutionalized mechanisms and programs of diversion, and often also involves training of law enforcement officers so that they are better able to identify behavioral health symptoms and needs, and to effectively engage with

persons in crisis who also have behavioral health needs.

#### GETTING STARTED

The Police, Treatment, and Community Collaborative (PTACC) and the Council for State Governments developed a [self-assessment tool](#) to help law enforcement agencies and their behavioral health partners assess their progress toward implementing high quality partnership-based interventions. The tool is designed to provide resources to help improve responses to calls for service for people with mental illnesses and/or substance use conditions. Assessment tool responses will generate a unique action plan that directs jurisdictions to resources designed to help strengthen pre-arrest diversion initiatives.

#### ROLES AND RESPONSIBILITIES

Deflection or early diversion requires collaboration between law enforcement, behavioral health providers, and downstream criminal justice partners – prosecutors, defense counsel, and courts. Information sharing is an essential element of successful diversion responses, and courts and judges are in a unique position to convene these partners and facilitate collaboration, including information sharing protocols. Judicial leadership can be the difference between successful and unsuccessful programs.

## NEXT GENERATION

### Innovation, Technology, New Practice

Approved by Congress in 2020 and set to go live nationwide by July 2022, 988 will serve as America's first [three-digit number dedicated to mental health](#), an alternative to 911 for mental health-related crises. Crisis response that does not involve dialing 911 or involving law enforcement is one aspect of deflection and can be an important mechanism for conserving law enforcement resources, leading people to treatment instead of the criminal justice system, and increasing public safety through appropriate treatment.

### Institutionalization, Sustainability, Funding

The 988 authorization is a key to institutionalizing effective crisis responses from jurisdiction to jurisdiction, state to state, and providing a reliable source of sustainable funding. The law authorizes local jurisdictions to add a user fee to cellular telephone and other lines, and to dedicate those funds to building the crisis response infrastructure, including law enforcement training, technology solutions, and diversion resources. It is in the interest of all justice and behavioral health stakeholders to seize this new opportunity, and to fundamentally reform our system of early responses for people in behavioral health crisis.

## RESOURCES

The Police, Treatment, and Community Collaborative (PTACC) is the national voice of the deflection and pre-arrest diversion field, and they have numerous resources for law enforcement entities and their communities. [Their website](#) has links to articles, webinars, and research related to many aspects of pre-arrest diversion and deflection.

[Building Healthier Communities through Pre-Arrest Diversion](#) is a publication by the International Association of Chiefs of Police that sets out the business case for diversion and provides options for different program designs.

For law enforcement training, the predominant model is the Crisis Intervention Team (CIT) initiative. [Crisis Intervention Team \(CIT\) Programs: A Best Practice Guide for Transforming Community Responses to Mental Health Crises](#) is their comprehensive guide for communities to best practices for starting and sustaining CIT programs.

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