

Barriers, Challenges, Solutions and Outcomes to Implementation of Pre-Arrest Diversion

There are often a number of barriers that exist in shifting practices from traditional approaches to alternatives to arrest. A needs and readiness assessment can help guide the planning and implementation process. The following is a list of potential barriers that are likely to be encountered, as well as possible solutions and expected outcomes.

Barrier: Organizational readiness and resistance to change can hinder the adoption of different programs. This barrier can be an issue for any agency, and PAD, with new and non-traditional concepts, may be met with apprehension.

Challenges: Training, lack of resources and time, adjustments to new procedures and processes. Changing current practices, policies and procedures requires commitment.

Solutions: Provide informational materials, listening sessions, and town hall events to promote participation in the planning process. Early buy-in from top administrators and positions serving as initial points of contact will facilitate program adoption. These conversations should include all interested stakeholders. Primary concerns should be identified and addressed in a collaborative, solution-oriented way. This process will facilitate a deeper understanding of what can be gained at the individual, agency, and community-levels, through the adoption of a PAD program. Advice from other programs, subject matter experts (SMEs), and partnerships can enhance work toward the common goals.

Outcomes: Maximizing readiness will improve program operation, stronger community collaboration, and communication to support service delivery within the PAD organizations.

Barrier: Current laws or policies prohibit PAD.

Challenges: Legislation and current organizational policies changes may be in conflict with PAD programs.

Solutions: Access the model law guide and existing research to demonstrate the benefits of PAD, including public safety and cost savings.¹

Outcomes: Laws and policies that support the implementation of PAD programs.

Barrier: Restricted access to formal arrest records is currently achieved through expungement.

Challenges: The process is very costly, usually requires an attorney, and community members are often unaware of how to obtain expungement. The arrest record remains in the law enforcement records management system.

Solutions: Implementing PAD eliminates the need to navigate the costly and time-consuming expungement process (currently \$124 in FL and up to 9 months to complete.)

Outcomes: Avoiding an arrest record is the most streamlined approach to maintaining employability, educational opportunities, access to licensures, military enlistment, and remaining a productive member of the community.

¹ Legislative Analysis and Public Policy Association. (2021, Sept), *Model law enforcement and other first responder deflection act*. legislativeanalysis.org. <http://legislativeanalysis.org/wp-content/uploads/2022/03/Model-Law-Enforcement-and-Other-First-Responder-Deflection-Act-FINAL.pdf>

Barrier: Several diversion programs are already in place, so there is no perceived need for PAD.

Challenges: Other diversion programs include an arrest record, strict program eligibility criteria, and do not address factors associated with the reason for law enforcement contact.

Solutions: PAD provides an alternative to arrest and connection to appropriate services at the initial point of criminal justice contact.

Outcomes: PAD is a compliment to existing programs. This option provides an appropriate response to specific types of offenses and prevents further processing into the justice system.

Barrier: Law enforcement and State Attorneys do not have the capacity to adopt new programs.

Challenges: Officer workloads and lengthy court dockets prevent the implementation of PAD.

Solutions: PAD provides officers with another tool in their discretionary toolbox, which has minimal impact on current practices.² Adult PAD programs can model those in the juvenile justice system, which have been fully operational for many years and can be readily expanded.

Outcomes: PAD has the potential to improve officer efficiency through reduced transport and booking times with a minimal impact on workload and staffing issues for multiple parts of the system. Law enforcement is able to address more serious offenses by using PAD for lower-level offenses. Diversion of these lower-level offenses also relieves overcrowded dockets by not requiring participants to appear in court.

Barrier: Loss of funding for agencies via fees, forfeitures, fines that might be collected from other diversion programs.

Challenges: Developing funding structures to maintain existing organization operations.

Solutions: PAD is widely supported through state and local grant funding, resources can be reallocated within agencies, and the program can become self-sustaining.

Outcomes: The budgetary needs of PAD programs can be met through a variety of methods.^{3,4}

Barrier: Proprietary program supervision.

Challenges: Certain organizations or agencies strive for sole responsibility of PAD programs.

Solutions: Adopt an advisory board or executive committee.

Outcomes: Shared directorship can foster program receptivity with law enforcement, court personnel, and community interest groups.

² Frost, G. (2016, June 17). *Pre-arrest diversion-an effective model ready for widespread adoption*. International Association of Chiefs of Police. theiacp.org. <https://www.theiacp.org/news/blog-post/pre-arrest-diversion-an-effective-model-ready-for-widespread-adoption>

³ Southern Poverty Law Center and Florida Tax Watch. (2010, December). Fiscal responsibility: the key to a safer, smarter, and stronger juvenile justice system. splcenter.org. <https://www.splcenter.org/20101221/fiscal-responsibility-key-safer-smarter-and-stronger-juvenile-justice-system>

⁴ Center for Smart Justice. (2011, April). *Expansion of civil citation programs statewide would save taxpayers millions of dollars and improve public safety*. floridataxwatch.org. <https://floridataxwatch.org/Research/Full-Library/ArtMID/34407/ArticleID/15930/Expansion-of-Civil-Citation-Programs-Statewide-Would-Save-Money-and-Improve-Public-Safety>; Drug Policy Alliance. (2018, October 11). New data shows promise for Santa Fe's (NM) Law Enforcement Assisted Diversion (LEAD) program. drugpolicy.org. <https://drugpolicy.org/press-release/2018/10/new-data-shows-promise-santa-fes-innovative-law-enforcement-assisted>

Barrier: Lack of understanding about PAD.

Challenges: There is a limited amount of information and research available given the recent development and expansion of PAD programs.

Solution: Program-specific training sessions based on successful initiatives can provide examples of PAD. Connections with stakeholders and researchers from other programs can guide the development of community-based PAD in other areas.

Outcomes: Increased awareness of the prospective benefits and challenges associated with PAD implementation can foster a more successful planning process.

Barrier: Perception of PAD as too lenient in the effort to control crime.

Challenges: Community members and victims may resist PAD with the view that participants are not held accountable for the offense.

Solution: PAD programs can require victim consent for participation. PAD programs can also involve community supervision and behavioral health interventions, which requires a higher level of participant engagement relative to many other diversion programs which do not involve similar programmatic options.

Outcomes: Participant accountability can be monitored in many ways (e.g., successful program completion, restitution, written apologies, etc.) This information can be shared with victims, stakeholders, and community groups to inform perceptions of the program.

Barriers: Lack of resources for program initiation.

Challenges: Agencies can be apprehensive about starting new programs with limited staff. There are also many concerns regarding program access in rural areas.

Solutions: PAD is widely supported through state and federal funding sources. Effective programs can become financially sustainable in the same ways as other publicly funded models.

Outcomes: PAD provides an opportunity to build a financially sustainable alternative to current arrest practices.⁵

Barrier: Diversity and equity in program access.

Challenges: Traditional criminal justice practices have been applied disproportionately to certain populations based on race, ethnicity, gender, and socioeconomic background.

Solutions: Adopt protocols explicitly built on equitable access to PAD. Monitor practices to ensure the program engages a representative population.

Outcomes: Equal access, increased program engagement, and culturally relevant practices.

⁵ Substance Abuse and Mental Health Services Administration (SAMHSA). (2019, June). *Tailoring crisis response and pre-arrest diversion models for rural communities*. store.samhsa.gov. <https://store.samhsa.gov/product/Tailoring-Crisis-Response-and-Pre-Arrest-Diversion-Models-for-Rural-Communities/PEP19-CRISIS-RURAL>; and National Council for Mental Well-Being. (2021, October). *Deflection and pre-arrest diversion: supporting rural communities*. thenationalcouncil.org. <https://www.thenationalcouncil.org/resources/deflection-and-pre-arrest-diversion-supporting-rural-communities/>

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