

## **How to Develop a Pre-Arrest Diversion (PAD) Program, Step by Step**

This step-by-step guide describes the process of developing and implementing a pre-arrest diversion program for juveniles and adults. The processes are similar, with additional procedures and resources for youth, such as engaging the family. With all the benefits that come with a pre-arrest program, it makes great sense to add this collaborative initiative to the front end of justice systems. The Civil Citation Network is a wealth of information on pre-arrest diversion and deflection and contains everything needed to develop and implement a pre-arrest or civil citation program. ([www.CivilCitation.com](http://www.CivilCitation.com))

### **Steps to a PAD Program**

1. Convene a workgroup to do research on deflection and pre-arrest diversion.
2. Find and engage community champions and partners.
3. Educate and engage the community.
4. Convene inclusive community stakeholder workgroup.
5. Determine program design.
6. Ensure diversity and equity is addressed throughout.
7. Determine eligibility criteria.
8. Prepare and sign memos of agreement/understanding with the state attorney/prosecutor and chief law enforcement officer and involved agencies.
9. Prepare policies, assessment tools and processes, and procedures.
10. Assign staff to the program.
11. Provide training to program staff, law enforcement and all stakeholders.
12. Set up data collection processes.
13. Set up quarterly meetings (consider advisory board) to ensure program success and ongoing communication.
14. Implement program.
15. Monitor program via data analyzation and ongoing communication.
16. Evaluate and enhance the program based on data.
17. Publish and share data reports and information with stakeholders and community.
18. Provide on-going training.
19. Update policies and procedures at least annually as the program develops.
20. Share program successes!

### **1. Convene a workgroup to do research on deflection and pre-arrest diversion.**

This is important because it saves time and energy by not reinventing the wheel. There is a lot of information and a lot of programs, both nationally and internationally, that can be drawn from in program development. Studying the data, benefits, solutions to potential barriers and components of a successful program will all aid in endeavors. Doing homework helps everyone better understand the concepts, best practices and evidence-based ways of doing pre-arrest diversion. Realizing that although there are several variations of the program across the world, keep community needs in mind by researching and addressing that, too, with your own localized program.

### **2. Find and engage community champions and partners.**

Having believers in the cause who understand the value is critical to the mission. As pre-arrest diversion is a collaborative process, the inclusivity of a wide range of community partners serves programs well. Bring leaders from different factions together to ensure a broad perspective is represented and who will represent the intent of the initiative as well.

Champions are those who can help make a difference, whether through high-level relationships, press access or resources. They are the ones people will listen to, who can advocate for pre-arrest diversion and help bridge connections.

Partners are those who can help make the program happen, through shared resources, staffing and funding opportunities. Reach out to community collaboratives, agencies and organizations with similar or related interests. Ensure many different perspectives are represented. Partners help provide an effective wraparound approach, cross-collaboration and necessary support.

### **3. Educate and engage the community.**

Not only community partners, but the community in general should be apprised of the benefits of pre-arrest diversion. There is quite a bit of data and information that demonstrates the effectiveness and efficiency of those programs that are properly developed and implemented. These resources are available online, through professional consultation, journals and training events.

The field is still relatively young in the history of criminal justice, and it is a much-needed prevention and early intervention approach. In particular, it integrates justice and behavioral health systems and community resources for more effective outcomes. When the community understands the positive results, they are more apt to get behind the initiative.

*<https://civilcitation.com/resources/benefits-of-deflection-pre-arrest-diversion-for-criminal-justice-and-communities>*

#### **4. Convene inclusive community stakeholder workgroup.**

Having a diverse working group of key decision-makers to monitor the program results, data and ensure ongoing communication is important. Modifications to the program may need to be made over time, to address something that could be done better or do more of something that is working well. It may be that a decision is made to add new eligible criteria or expand it to a different population (e.g., adult and juvenile.)

Ensuring all the right voices are at the table, and reviewing the outcomes and results together, increases the chances of a successful program. Realize that change takes time and is a process. When developing the program, meetings will be more frequent; once established, quarterly meetings will be more the norm. Consider implementing an advisory board of partners, key leaders and providers charged with governing direction of the program.

#### **5. Determine program design.**

As previously mentioned, there are many different program designs, allowing for community individuality. With pre-arrest diversion, whether juvenile or adult programs, law-enforcement initiates the opportunity to deflect instead of arrest. There are many program designs available for review to get started. The Civil Citation Network even offers forms and information on both juvenile and adult program models.

- Determine who will “own” the program/where it will be housed (law enforcement, state attorney, behavioral health organization, etc.)
- Develop forms and processes for providing a citation, follow up criteria for the citation, and how to handle those who fail the program or don’t show up.  
*<https://civilcitation.com/resources/documents-and-forms>*
- Determine best use of assessments and accountability measures such as community service, educational classes, treatment and restorative justice.
- Determine the number of times an individual can be part of the pre-arrest process.

Keeping the five main components at the forefront of the program design will aid in best outcomes. These include public safety, collaboration, access to services, justice equity and data driven evaluation. CCN describes these components in detail on their website.

*<https://civilcitation.com/pre-arrest-diversion>*

#### **6. Ensure diversity and equity is addressed throughout.**

Throughout the program, ensure that equitable program access is addressed in training, policies, program development, implementation and monitoring. Monitor data to prevent and

address issues such as certain populations not getting the same access to the program or services as others, and what could be driving that. Another area to monitor in this regard is differences in program success rates and recidivism and what could be driving those.

#### **7. Determine eligibility criteria.**

Most pre-arrest programs maintain a list of specific misdemeanors eligible for program participation, while a few include low level felonies. Some communities choose to focus solely on specific issues such as loitering/criminal trespass related to homelessness or prostitution, while others maintain a broad list omitting certain offenses such as animal abuse, domestic violence and violent crimes.

Research will demonstrate the effectiveness of the use of pre-arrest diversion while the working/advisory group can communicate community trends and needs. Compiling and periodically reviewing this list should take place as results are established.

#### **8. Prepare and sign memos of agreement/understanding with the state attorney/ prosecutor and chief law enforcement officer and other agencies.**

Most law enforcement and state attorney's offices require a memo of understanding between involved parties regarding the process and procedures and may also include program design and eligibility criteria. The completed signings usually signal the program is beginning. Examples can be found online including on the CCN site.

*<https://civilcitation.com/uploads/resources/Model-Civil-Citation-MOU.pdf>*

#### **9. Prepare policies, assessment tools and processes, and procedures.**

Each program should have written guidelines, an evidenced-based assessment tool should it be decided to implement assessments, and clear operating policies. These provide consistency, guidance and should be updated as necessary. These should be completed in advance of the start of the program and provided to all stakeholders. Note for juvenile programs, be sure to include parental rights, communications and processes.

#### **10. Assign staff to the program.**

While the program would apply to all law enforcement officers under the memo of agreement/understanding, those running the actual program itself should have solution-oriented staff who are invested and engaged in the program. Program leaders should collectively ensure proper staffing through program design and agreements. These staff should

be able to work well with different types of agencies, individuals in the program and the community in general, as well as have a strong understanding of pre-arrest diversion.

**11. Provide training to staff, law enforcement and all stakeholders.**

Training outlining the goals of the program, and established policies and procedures, should be provided to all who are part of the program, with make-up classes scheduled for those who miss the training or who are new. Provide refresher training as well as policy updates and new information.

**12. Set up data collection processes.**

Collecting the right data, being mindful, but not fearful of, HIPAA and CFR42 requirements, can advise where the program is successful and where improvements can be made. Being able to show good outcomes by data driven evaluations can be helpful when requesting funding and technical assistance.

Each community can decide what data is important to tell their story; however, certain elements should be foundational to any data collection process. Demographics, along with offense type, and rates of successful completion and recidivism are all important. Additionally, drilling down farther into data can include items such as zip codes, pre-arrest participation per officer and which resources are most effective.

**13. Set up quarterly meetings (consider advisory board) to ensure program success and ongoing communication.**

Follow up with regular, ongoing communication to work out program modifications and solve challenges as soon as identified to prevent them from growing into bigger issues. Share stories of program completion/graduations, new research and new or different ways that other PAD programs are doing that could be applicable. Draft content for possible funding opportunities to apply for grants and technical assistance as well as save the mad scramble when funding is advertised.

**14. Implement the program.**

With all of the foundational pieces in place, the program is now ready to be implemented. This can be done with fanfare, such as with media releases, or it can be put in place more quietly as another program, or a pilot that grows into a solid program.

Thorough documentation and follow-through, and being flexible and helpful are important, as this is a new process for everyone. Refer to policies and procedures and as necessary, note areas that may need to be discussed or modified with partners and stakeholders.

**15. Monitor program via data analyzation and sharing, and ongoing communication.**

Data that shows the outcomes is best reviewed together by the team, such as at the quarterly meetings. Look for trends that could be discussed collectively. Data is important to have at the ready to share with funders, elected officials and others who may require data.

**16. Evaluate and enhance the program based on data.**

Objectively evaluating the program and its data allows the group to make changes to enhance the program, and address areas where the program could do better. Data may prove to be so successful that it could be expanded, such as with number of times a person can use the PAD program, or additional offenses once ruled out.

**17. Publish and share data reports and information.**

Consider publishing quarterly and annual data reports for the team, partners and the community. This transparency allows all to see the outcomes and benefits of such a cost-effective successful program. It also provides information for others who may want to start a PAD program.

**18. Provide on-going training.**

Ongoing training is important, both on policies and procedures, and the concept of pre-arrest diversion itself. Staff need to understand the data, outcomes and the reasoning for program mission and design. Education provides that, whether in-house training, regional conferences or national training summits. Motivate staff to be PAD champions, too!

**19. Update policies and procedures at least annually as the program develops.**

As time goes on and changes get made (or not), review policies at least annually so that they match processes, procedures and changes or updates. Staff need the most current policies to operate by and to reduce any program or stakeholder liability.

## **20. Share program successes!**

Developing and implementing a collaborative program is a success in itself. There are many positive outcomes such as individuals not having an arrest record while still being held accountable for their actions, assisted with their risk factors and being able to have much greater chances at employment, education and housing.

PAD is less costly than traditional arrest processing, builds community trust and relationships and leverages resources. Let the staff and community know, share with regional and state partners and consider sharing successes on a greater scale such as presenting PAD to others including the media, community and others interested in this successful initiative!