

Key Players in the Establishment of a Pre-Arrest Diversion Program

Pre-arrest diversion, also known as civil citation and the law enforcement intervention pathway of deflection, can be a valuable asset to the local justice system. This approach allows for discretion when dealing with low-level offenses by adults while at the same time assuring public safety. Pre-arrest diversion holds individuals accountable for their behavior by utilizing alternative sanctions such as restorative justice, community service, fines, or participation in required sessions such as anger management. This approach also can provide a pathway for a service referral if a mental health or substance use problem surfaces in the screening. This research validated approach results in taxpayer savings, allows law enforcement resources to be focused on more serious offenses, and assures equality of justice. For the offender, this approach offers an alternative to an arrest record that often has lifetime negative consequences.

There are key community players who play pivotal roles in establishing and operating a successful pre-arrest diversion program. Without the support and participation of these players, the success of the program will not be guaranteed. The key players and their respective roles are:

State Attorney/Prosecutor – this office is the gatekeeper to how justice is administered in each jurisdiction. While law enforcement makes arrests, it is the state attorney who decides if an individual will be formally charged. Thus, the state attorney's office becomes a valuable resource in promoting the use of pre-arrest diversion. A pre-arrest diversion program works best when it is sanctioned by the state attorney's office and the state attorney is involved in selecting eligible offenses for program participation. The state attorney also has a role if the individual fails to complete the pre-arrest diversion program requirements; it is the state attorney who decides whether the original offense will be prosecuted.

Law Enforcement – law enforcement officers make the referral to the program either by writing a citation or providing a notice to appear at the pre-arrest diversion program. Training is critical to ensure the officers on the street understand the purpose and value of the program and how it operates. Training for all levels of law enforcement is also essential to ensure the availability of the program and fair and equal implementation to all segments of the community. Law enforcement should be part of the team that selects which offenses are eligible for program participation. Communities that engage all branches of law enforcement – Sheriff's Office, local police department(s), and university police departments, have the best opportunity to guarantee equal justice across the community.

Designated Program Administrator – architects of the local community program should designate an agency as the operating entity. This should be a consensus agreement from the community leaders developing the program. Pre-arrest diversion program

administrators across the country have been a law enforcement agency, community service provider, substance use or mental health provider, a branch of government, or a new agency created to implement the program. No matter whom the community planning group designates as program administrator, it is essential that they have the authority and resources to effectively establish, operate, manage, and evaluate the program.

Mental Health/Substance Use Providers – it is well documented that many individuals who encounter the law have a mental health condition or a substance use problem. Early identification, through the use of a validated assessment tool, and intervention are valuable tools in addressing these challenges and offering needed help. For any pre-arrest diversion program to be fully successful, these valuable community services must be full partners in the program and readily available to provide care when the need is indicated.

Community Service Agencies – local community service agencies such as housing, education, employment, and support services are essential components of an effective program. If lack of housing is a contributing factor to the offense, then this issue must be successfully addressed to eliminate it as a causal factor and to alleviate the recurrence of the behavior.

Evaluator – this individual or team works with the program administrator to develop data points that will be collected on each program participant and each component of the program. Developing an evaluation component to the program is critical to long-term success. Data collection and evaluation provides many benefits including monitoring program success, allowing mid-course correction, and determining if the program is being implemented equally and without bias. Evaluation data also documents cost savings, benefits to the community, and benefits of program participation.