

Promising Practices

How States Use Byrne JAG Funding to Support Diversion Programs

In recent decades, jurisdictions nationwide have recognized the need to reduce their reliance on incarceration and to address the underlying drivers of criminal conduct. To do so they have implemented programs that divert people from incarceration and deeper justice system involvement to treatment and services.

These programs cover a broad range of interventions, most of which fit into one of the eight Byrne Justice Assistance Grant (Byrne JAG) purpose areas. Research and experience have shown that connecting people with treatment for behavioral health or substance use conditions and to services that address needs such as housing, employment and food security, reduces recidivism and improves outcomes. Conversely, it has been shown that justice systems, particularly the use of detention and incarceration, are not well-suited for addressing these issues.

Below we will highlight examples from two types of diversion programs: specialty court programs that target specific populations and law enforcement or prosecutor-led diversion programs. Many of these interventions are, or have been, supported with Byrne JAG funds.

Byrne JAG Support for Specialty Courts

The nation's first drug court, launched in Miami, Florida in 1989, was supported with Byrne JAG funding. Today, there are more than 3,000 drug courts across the United States, and the model of court dockets designed to address specific populations—now commonly known as specialty courts or problem-solving courts—is a common part of the criminal justice landscape. Specialty courts are designed to address cases involving behavioral health or substance use disorders, veterans, justice-involved youth, domestic violence and more.

There is no one standard for how specialty courts operate, but in general they offer participants reduced or dropped criminal charges or sentencing to people who agree to undergo treatment. If a participant completes treatment successfully, they exit the program, often without a formal conviction. If they fail, the court will proceed with prosecution

or sentencing, although many programs give participants multiple chances to complete treatment with the understanding that relapse is a normal part of the recovery process.

Byrne JAG funding continues to support the specialty court approach in jurisdictions across the country.



In Ohio, Byrne JAG funding supports five specialty courts, focused on treatment for veterans, drug-related charges, people suffering from mental health conditions, justice-involved youth and domestic violence cases. Ohio's robust specialty court system is managed by the Ohio Supreme Court which certifies each specialized docket and ensures it conforms to established best practices. Other specialty courts include family dependency treatment, operating a vehicle under the influence (OVI), human trafficking and reentry dockets. As of 2020 there were 256 specialty courts

certified or undergoing the certification process across the state's 88 counties.



The Rhode Island Attorney General's Office uses Byrne JAG funding to support a prosecutor from the Narcotics and Organized Crime Unit for new and existing clients who are accepted into the [Superior Court's Adult Drug Court \(ADC\)](#). The goal of the ADC is to integrate substance use disorder treatment within the criminal justice system and divert nonviolent felony defendants facing drug or drug-related charges. In 2019, the program admitted 84 new defendants and graduated 78, including some admitted in prior years, leaving 137 active participants at the end of that year. Since 2006, the ADC has had an average graduation rate of 73 percent and re-arrest recidivism rates of 12 percent after one year and 16 percent after three years.



North Carolina operates five Veterans' Treatment Courts (VTC) in Harnett, Cumberland, Buncombe, Forsyth and Catawba counties, with support from Byrne JAG funds. The Harnett County VTC was the state's first, launched in 2013. These specialized dockets offer individualized and comprehensive treatment to veterans charged with misdemeanors or nonviolent felonies in an effort to lower the recidivism rate for

veterans. Court personnel collaborate with the VA medical center, local providers, peer mentors, educational providers and other community agencies to provide treatment and guidance.



Oregon operates a network of 68 specialty courts across the state. Byrne JAG funds support 14 of those, including one Family Court, one Veterans Court and 12 Adult and Juvenile Drug Courts. It is the state's largest single Byrne JAG investment. Byrne JAG funds also support the Oregon Specialty Court Case Management System (SCMS), a records management system for all of Oregon's drug, family, DUI, veteran and other specialty courts. The SCMS project is overseen by the Oregon Judicial Department. As of 2019, all participating specialty courts began collecting data on court participants and integrating that data with the Judicial Department's other records management systems. In a joint effort, the state's Judicial Department and Criminal Justice Commission are partnering on several research projects, including monitoring specialty court participation following the decriminalization of most types of drug possession in Oregon in 2020 and assessing recidivism rates for court participants.




NADCP
**National Association of
Drug Court Professionals**

[NADCP](#) is the membership organization for the treatment court model, which now includes over 4,000 programs found in every state, four territories, and over 20 countries.

Byrne JAG Support for Law Enforcement-led or Prosecutor-led Diversion

Some diversion programs intervene prior to ever reaching a courtroom. These programs are led by law enforcement agencies as part of the booking decision point or by local prosecutors as part of the charging decision point. Both have the benefit of limiting further justice system exposure by people accused of crimes. Law enforcement-led [diversion programs](#) have the added benefit of more immediate connection to treatment and services, reduced officer time per call and reduced use of detention. Officers or prosecutors identify eligible people in need of treatment—typically for substance use disorders or for behavioral or mental health conditions—and offer to connect them with service providers to address those needs. Participants agree to accept treatment in exchange for dropped or reduced criminal charges. States have used Byrne JAG funds to support treatment-focused diversion programs in a variety of ways.

 Massachusetts operates a Buyer Diversion Treatment Alternative (BDTA) program in four counties, supported in part by Byrne JAG funding. This support helps establish partnerships between county district attorneys and local police departments to fund treatment beds for eligible participants. Once admitted to the program, participants work with a licensed clinician who provides clinical assessments, personal treatment plans and coordinates wrap-around services. In 2018 the Massachusetts Secretary of Public Safety and Security reiterated the state's support for the program, [stating](#), "This

program is unique because it gives the police a mechanism to redirect drug buyers toward treatment so that they can break the cycle of addiction."



In Illinois, Byrne JAG funds have been invested to support at least two local police departments in the development of drug diversion programs. Individuals suffering from substance use disorders either voluntarily contact or are put into contact with the police departments. They are then offered substance use disorder treatment without fear of arrest. Law enforcement officials provide participants with referrals and transportation to treatment facilities.



Byrne JAG funds helped to establish a Sobering Center in Santa Cruz, California, in collaboration with the County Health Services Agency, local hospitals and the four municipal law enforcement agencies. [The Sobering Center](#) operates as an alternative to jail incarceration for individuals detained for public intoxication. The center provides a safe environment for people who are intoxicated or under the influence of drugs to reduce the costs associated with the use of jails and to provide qualified individuals with diversionary services. Local law enforcement can divert these individuals to the Sobering Center instead of jail, saving officers time and saving the community money. Officers have reported a reduction in the average booking time from one-hour to 5-10 minutes for admission at the Sobering Center.



In 2016, the State of Maryland invested some of its Byrne JAG award in supporting a [Law Enforcement Assisted Diversion \(LEAD\)](#) pilot program in Baltimore County. LEAD is a model used nationwide and was started in 2011 in Seattle. It involves training for law enforcement to use their discretionary authority to divert low-level, nonviolent offenses at the point of arrest. Instead of booking, eligible people are connected with trauma-informed case management staff who address their existing needs and criminal justice involvement. Public health workers, local prosecutors, public defenders and human services staff then work together to divert the individual from further justice involvement. Nationally, evaluations of LEAD have found that participants are 58 percent less likely to be arrested after enrollment. The Baltimore pilot project has reported a rearrest recidivism rate of less than 3 percent.

The Law Enforcement Assisted Diversion (LEAD) Program emphasizes partnerships between clients, providers and other system stakeholders.



Do you have a Promising Practice from your jurisdiction you want to share?

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