



WORKING TOWARD SAFETY AND JUSTICE THROUGH POLICE AND PROSECUTOR PARTNERSHIPS

 **SAFETY + JUSTICE
CHALLENGE**

Supported by the John D. and Catherine T. MacArthur Foundation

 **IACP**
International Association of
Chiefs of Police



**ASSOCIATION OF
PROSECUTING
ATTORNEYS**

This report was created with support from the John D. and Catherine T. MacArthur Foundation as part of the Safety and Justice Challenge, which seeks to reduce over-incarceration by changing the way America thinks about and uses jails. Core to the Challenge is a competition designed to support efforts to improve local criminal justice systems across the country that are working to safely reduce over-reliance on jails, with a particular focus on addressing disproportionate impact on low-income individuals and communities of color.

More information is available at www.SafetyandJusticeChallenge.org.



Supported by the John D. and Catherine T. MacArthur Foundation



CONTENTS

4 Introduction

5 Recommendations

- 5 1. Regardless of new approaches, violent crime and public safety must remain a priority
- 6 2. Multiagency collaboration is a force multiplier when it comes to meaningful justice improvement
- 7 3. Emphasize co-location of programs and services
- 7 4. Engage community and seek external buy-in
- 8 5. Bridge cultures because relationships matter
- 8 6. External and internal messaging is key
- 9 7. Track, evaluate, and share data
- 9 8. Considerations for risk assessment
- 10 9. Adopt the justice reinvestment model
- 11 10. Don't reinvent the wheel
- 11 11. Use organizations to assist in developing long-term strategies

12 Roundtable Participants

13 International Association of Chiefs of Police

13 Association of Prosecuting Attorneys



The photos in this document are from Pennington County, South Dakota, one of the 52 Safety and Justice Challenge sites, and the host of the IACP and APA roundtable.

WORKING TOWARD SAFETY AND JUSTICE THROUGH POLICE AND PROSECUTOR PARTNERSHIPS

INTRODUCTION

Law enforcement and prosecutors are on the front lines of the criminal justice system. Each day, they respond to crimes that span the spectrum from violent incidents to property and drug-related crimes to crimes of nuisance. Daily, they witness difficult and traumatic cases and have repeated and frequent contact with individuals in need of services and treatment. To best address the greatest threats to public safety and prioritize time and resources, justice system stakeholders can employ front-end diversion as a response to nonviolent, low-level crimes.

As part of the MacArthur Safety and Justice Challenge, the International Association of Chiefs of Police (IACP) and the Association of Prosecuting Attorneys (APA) cohosted a roundtable discussion comprising police chiefs and prosecutors from four

jurisdictions. APA and IACP summarized the themes, lessons learned, and successes discussed at the roundtable as law enforcement and prosecutors' offices throughout the United States may benefit from them. This report offers recommendations for establishing or enhancing relationships that facilitate collaborative justice system reform. The examples of initiatives, programs, and lessons learned provided under each recommendation are drawn from the experiences of law enforcement and prosecutorial leaders from Harris County, Texas; Milwaukee County, Wisconsin; Orleans Parish, Louisiana; and Pennington County, South Dakota.

The primary goals of prosecutors, law enforcement, and other justice system stakeholders are to ensure public safety and reduce victimization. Achieving these goals through practices that are efficient, effective, and fair to all is paramount to the integrity and reliability of the entire system. Recently, much attention has been paid to the need to improve the justice system through a variety of innovative approaches, including the use of alternatives to arrest and front-end diversion. These types of programs allow justice system stakeholders to work with colleagues from other community-based systems to facilitate connections to treatment and services for individuals with unmet needs (behavioral health, substance use, and other services) and provide mechanisms for addressing disparities in their justice systems. These alternatives seek to simultaneously uphold appropriate accountability and improve long-term outcomes for those who would have been arrested and follow the traditional justice system trajectory.

The onus for implementing these programs often falls squarely on the shoulders of law enforcement and prosecutors, given their central roles at the front end of the justice system. However, in practice, implementing these front-end diversion programs takes a collaborative effort from stakeholders within the entire justice system, as well as the public, behavioral health systems, and other service providers.

Law enforcement officers have vital roles in the justice system. They are available around the clock, responding to incidents that run the gamut from violent crimes and traffic accidents to concerns from community members about loitering or neighborhood burglaries. As the gatekeepers of the justice system, they often decide who gets arrested, cited, or merely warned. But police can also serve as a bridge to community-based resources and therefore are a natural early intervention point, connecting both those who have been victimized and individuals with unmet needs to community-based services and treatment.

Prosecutors also have powerful voices within the justice system. In many jurisdictions, they determine which individuals should be charged or diverted and which cases should be dropped. As ministers of justice, prosecutors are motivated by and focused on community safety and reduced victimization. Therefore, they are natural advocates for justice in the face of societal ills and have the authority to change the way justice is administered.

The parallels between the values and the missions of both system stakeholders are evident. Thus, establishing or enhancing a collaborative partnership is both practical and mutually beneficial. The process of system-wide change can oftentimes feel daunting and move slowly, but bringing powerful voices together is a force multiplier and can create robust and sustainable programs. By collaborating on justice system response and reform, law enforcement and prosecutors are uniquely situated to unite disparate partners to discuss system-wide issues including alternatives to arrest and jail-reduction. Law enforcement leaders and prosecutors can help to break down silos that prevent coordination among agencies as well as encourage the sharing of information and resources, making the system more effective and efficient. By using their power as conveners, these system leaders can motivate both justice system stakeholders and players from the public health and social service systems to come to the table and create strategies for building substance use and mental health treatment capacity.



RECOMMENDATIONS

- 1. Regardless of new approaches, violent crime and public safety must remain a priority.** There cannot be an effective climate for improving the front-end of the justice system unless violent crime is addressed. By diverting low-level, nonviolent cases that don't pose a threat to public safety, police and prosecutors can reduce the expenditure of justice system resources. Caseloads and processing times are reduced, and police and prosecutors are able to use their time and resources to focus on violent crimes creating buy-in from the community. Beyond promoting safety, reducing victimization, and saving resources, successfully addressing violent crime can help to develop an environment of trust between the community, political leaders, and justice system leaders. This creates some freedom and flexibility for leaders to implement innovative alternatives to arrest or front-end diversion programs.

Example from roundtable participants: New Orleans, Louisiana has historically struggled with violent crime and fractured relationships among justice system stakeholders. While both the District Attorney's Office and Police Department faced limited capacity, they sought to commit additional resources to address the violence that was plaguing their community. A structural reform moved all misdemeanor cases to municipal court, which significantly reduced processing times and freed up both agencies to focus on serious violent crime over order maintenance and administrative work. To safeguard this time-saving practice, these agencies worked with the city council to change five state law violations to municipal violations.

This success opened the door to further cooperation. With additional time to address violent crime, prosecutors assigned to handle the most serious violent crimes were no longer in court every day and could more actively work with law enforcement for the duration of cases. Prosecutors could now be on scene in the aftermath of a homicide. While trust between the agencies was being rebuilt, it needed some structure to thrive. Noting this, the New Orleans Police Chief issued a mandate that officers were to report to the prosecutor on the scene and brief them. The Chief also established a protocol that a briefing to the assigned prosecutor must be made within ten days of an arrest. The establishment of a Multi-Agency Gang Task Force to address homicides as serial events with multiple offenders usually in limited geographic areas was critical to the collaborative homicide reduction strategies. These changes had a large impact on collaborative efforts between the police and prosecution—homicide acceptance rates rose to over 90%, homicide conviction rates rose to 95% and homicide rates in the City of New Orleans fell by 25%.¹

For other violent crimes the prosecutors and police officers now meet weekly to discuss cases, investigative issues and procedural changes to improve the quality of cases made

by the police and presented to the prosecutor. In terms of qualitative results, these changes opened previously closed communication channels and established a basis for mutual respect. This foundation is vital to carrying over this collaboration to future reduction of violent crime and to diversion efforts for non-violent offenses.

The growing partnership has also led the agencies to create an on-the-job learning environment for officers so that they can be effective in court. If the DA's office decides they cannot bring a case to trial, a communication to the NOPD explaining why the case cannot be accepted for prosecution is submitted. This explanation creates a vital feedback loop that is used as a training tool, which enables law enforcement to cultivate their professional expertise and facilitate communication between the police and prosecutor's office.

- 2. Multiagency collaboration is a force multiplier when it comes to meaningful justice improvement.** In the eyes of the community, each justice system stakeholder often represents the entire system. As such, there is strength in numbers and unity of message. **Leaders should avoid casting blame when something goes wrong and work together to tackle complex challenges.** As the justice system shifts and evolves during a period of reform, stakeholders should be thoughtful about including other voices, such as public and behavioral health; treatment providers; other justice system stakeholders (e.g., public defenders and the judiciary); people with lived experience with the justice system, including victims; and community-based organizations.

It is important to engage with all stakeholders during the development and planning of any front-end diversion initiative, as well as during implementation. Engaging all levels within an organization, from frontline practitioners to decision makers will ensure that programs are practical and gain buy-in. Diversion programs, especially, are at their strongest when they are planned and implemented in collaboration with, and endorsed by, multiple agencies. Justice system successes and shortcomings will be shared across sectors as the community does not always differentiate between the roles and responsibilities of system stakeholders. Therefore, all stakeholders should share in the risk and responsibility of implementing reforms.

Justice system officials can help to support efforts with additional resources and diversion opportunities. In particular, judges, as decision makers of court directives, should be engaged in the development of these programs. Like law enforcement officers and prosecutors, they are exposed to the reality of the complex justice system, often have great discretion over individual cases, and have influence over systemic reform.

Treatment and service providers are strategic partners that can weave in public health approaches to justice system responses. When considering the question "Divert to where?" leaders from local behavioral health, community treatment, and health and human service agencies are vital to providing the answer. They have their fingers on the pulse of existing services and can assist in addressing service gaps and building capacity. Additionally, they can help to foster buy-in by re-connecting successful participants of these programs to those working on the front lines, like law enforcement officers, to help counter compassion fatigue and show that the program is making a difference.

Treatment and service providers are strategic partners that can weave in public health approaches to justice system responses. When considering the question "Divert to where?" leaders from local behavioral health, community treatment, and health and human service agencies are vital to providing the answer.

Example from roundtable participants: Milwaukee County, Wisconsin's Housing First initiative began in 2015 with the goal of connecting chronically homeless individuals to "low-barrier housing," meaning housing that is provided to those most in need without requiring pre-conditions. This initiative is administered by the County's Housing Division in partnership with dozens of organizations and provides both short- and long-term solutions to some of the County's most vulnerable individuals. In the short term, individuals are connected to safe housing, limiting their exposure to the elements and potential violence. In the long term, once the individual is stabilized through housing, they are connected to services as needed, allowing for treatment programs to be individualized to meet people where they are. The result has been a dramatic reduction in the chronic homeless population in Milwaukee, as well as a significant cost savings to the justice and emergency health care systems.

- 3. Emphasize co-location of programs and services.** The co-location of offices and services of different agencies can reduce duplicative roles and administrative and processing time and builds multidisciplinary relationships. This applies to both justice system stakeholders and service providers. Centralizing or co-locating services enables behavioral health intake specialists to facilitate quick connections to specialized treatment and services. When it is not possible to co-locate, removing barriers to access can help mitigate obstacles and save time and resources, such as providing security badges to system partners who need regular access to buildings.

Example from roundtable participants: Pennington County, South Dakota, has built an all-in-one social services complex with a single point of entry that houses the detox treatment, Safe Solutions program, Crisis Care Center, Quality of Life Unit, and Pennington County Health and Human Services under one roof. By the end of 2019, the complex will house residential alcohol and drug treatment services as well. This centralized, co-located campus streamlines services and allows individuals to immediately get the help they need. Before the Care Campus was built, individuals were moving in and out of various systems with varying levels of communication between providers and support for individuals in need. Often, people were connected to services only when they were in their most vulnerable state, and, on the system-level, a small percentage of the population was using a huge amount of resources.

With the development of the Care Campus, law enforcement can pick up someone whom they see going through a mental health crisis or is in need of social services and can connect the person to the necessary intervention. The immediate public safety goal is met; instead of going to jail, which used to be the only option, that individual is connected to an intake specialist and can access services. This facility reduces the burden on the justice system and doesn't saddle people who need help with a criminal record.

- 4. Engage community and seek external buy-in.** The role of genuine community engagement in instilling mutual respect and trust between system stakeholders and the people they serve cannot be overstated. There are many communities throughout the United States that have deep-rooted historical concerns that have resulted in a lack of trust in government entities. Additionally, the term community does not represent a monolithic group—the opinions and priorities of those who encompass “community stakeholders” can vary widely. These varying views are not necessarily contradictory, rather they represent the nuance that goes into ensuring the public's safety. In particular, communities affected by crime, people who have been impacted by or involved with the justice system, and individuals in recovery from substance use disorders have unique perspectives that can enhance these efforts.

By creating opportunities for community input and action, authentic relationships can be established and strengthened. When engaging with communities, it is important for justice system leaders to enter into these discussions with open minds—so people feel as though they have been heard and understood. When communities are approached in a meaningful manner, this creates a space for mutual learning and respect. With a stronger foundation, relationships and partnerships can develop and thrive, so that communities are more willing to work with law enforcement and prosecutors, which ultimately enhances public safety while empowering the community.

Engage the private sector to enhance community safety. The business and tourism industries have a vested interest in a safe and thriving community, leading them to be allies in creating long-term, effective solutions to quality of life crimes. Many in the business community depend upon a sober, stable, and present workforce that is spending time at jobs and not in jails. Moreover, trends in quality of life crimes can have a significant impact on businesses' patronage and economic outlook. By engaging in partnerships, creating avenues for funding, and providing resources to lift neighborhoods out of cycles of poverty and violence, the business community can proactively participate in reducing crime.

There cannot be an effective climate for improving the front-end of the justice system unless violent crime is addressed. By diverting low-level, nonviolent cases that don't pose a threat to public safety, police and prosecutors can reduce the expenditure of justice system resources.

Example from roundtable participants: Milwaukee uses community prosecution to center the actions of government agencies on the concerns and priorities of the community. A seasoned prosecutor who understands the innerworkings of the system works with the police and guides their efforts on the ground. Community prosecution is a means of addressing crime in neighborhoods through data-driven intelligence and proactive problem-solving. Community prosecutors partner with law enforcement, community groups, and other governmental agencies to address pressing public safety concerns and other issues by using creative tools such as community advisory councils, diversion, and other alternative programs.

Rather than dictating to the public how to handle crime and safety issues, this process invites community members to express their safety concerns, identify neighborhood problems, brainstorm appropriate responses, and help establish priorities. These efforts can be used to pool information, share and integrate data systems, define community priorities, and adapt practical solutions to evolving crime trends. It helps prosecutors and other justice system stakeholders to understand the challenges facing the communities they serve and the community's risk tolerance. This allows system stakeholders to explore solutions outside their traditional framework.

- 5. Bridge cultures because relationships matter.** Government officials, agency leaders, and community members, representing multiple sectors, need to work together and build relationships to address challenges and barriers, as well as find long-term, sustainable solutions. As part of this collaboration, historical context of the systems, the community, and the relationships between parties must be acknowledged and discussed so that conflict can be addressed, and relationships can heal and flourish. This will help all parties to step out of their comfort zones together and learn from each other. History matters because relationships matter, and relationships are key to building and guiding justice system reform efforts.

Example from roundtable participants: Pennington County recognized that there is a need for active outreach into their Native American community, with whom they share a long and often tragic history. In addition, they recognized a need for culturally competent programs that can provide long-term resources and stabilization for individuals in need. The newly created Quality of Life Unit, comprising police officers and case workers, provides social services to the homeless and vulnerable populations of Pennington County, many of whom are Native American. This strategy recognizes the need for tailored approaches to different communities and that there is no one-size-fits-all solution.

The forthcoming One Heart Campus, which plans to open its doors by the end of 2020, will support individuals who are living above the poverty line, but below what they need to survive. This program will be "person-centered" and focus on struggling families and children who are aging out of foster care. The on-site services will include medical care, childcare, on-site housing, and more. With a breadth of services, the campus will allow for individuals to participate in choosing what they need without burdening them with high-barrier requirements. The One Heart Campus will also incorporate tribal components, such as sweat lodges and peace circles, into the available services, recognizing the power that cultural institutions can have on an individual's path to healing and stability.

- 6. External and internal messaging is key.** The launch of new initiatives or changes in existing programs are frequently accompanied by concerns from stakeholders and community members regarding how these changes will affect their neighborhoods or businesses. Concerns can be addressed, and myths dispelled by articulating clear and consistent messaging from leadership that resonates with the audience and gives feedback to the community about individuals who have been successfully diverted and received treatment or services or both. This information should be consistently reiterated and embedded deeply into the missions and values of system stakeholders.

Unified messaging between both the law enforcement agency and prosecutor's office is important in order to promote a supportive relationship that avoids public contradiction and conflict. This is not to say that there will be no differences of opinion. In fact, robust deliberation is essential to ensuring that system reform is feasible and functional. What is important is that the leadership of both agencies commit to addressing public criticism to enhance the productive discourse between agencies.

The reality is that system stakeholders share in the risk and the reward of any program. When there are successes to celebrate, it is a collaborative effort that is lauded, and where there are missteps or gaps, there needs to be a collective response and ownership of them that does not shift risk or blame to one another.

Obtain internal buy-in. Early and consistent commitment from law enforcement executives and prosecutors is necessary to obtain internal buy-in from line officers, deputies, and mid-level leaders. Policy and program changes should be rolled out with thoughtful training and incorporated into the onboarding of new hires. Leadership and supervisors should also have regular meetings with line deputies and officers on new initiatives to address questions and concerns to continue to advance initiatives.

Example from roundtable participants: In response to a survey of taxpayers in Harris County, Texas, which found that they place a premium on the efficient use of taxpayer money, the Harris County District Attorney's Office implemented the Misdemeanor Marijuana Diversion Program (MMDP). This program, created in 2017, diverts individuals pre-charge for possession of misdemeanor amounts of marijuana (up to four ounces). The police do not arrest or ticket these individuals, but rather they obtain a signed agreement that the person will attend a decision-making course within 90 days. This program has a dual goal: (1) to expend government resources in a prudent manner to reduce wasteful spending and (2) to reduce racial and ethnic disparities in the justice system.

Both the Houston police chief and Harris County district attorney kept open communication around the proper implementation and day-to-day functioning of the program, while tailoring their messaging to the priorities of their community: the economics of prosecution demand a new approach enabling both agencies to focus more resources on addressing violent crime and reducing wasteful spending. This created a united front and consistent messaging on the publicity of the program. The agencies also relied on data to back up their decision.

The District Attorney's office reviewed 10 years of data, which showed that 10,000 people were arrested annually for low-level marijuana possession, leading to an exorbitant amount of resources being spent on enforcement of marijuana laws and processing these cases. Annually, approximately \$26,663,800 in Harris County tax revenue was spent on the arrest and prosecution of misdemeanor marijuana offenders, impacting the budgets of Harris County's 88+ law enforcement agencies, three crime labs, and the Harris County jail. On any given day, misdemeanor marijuana cases comprised over 10% of the misdemeanor court docket. Additionally, marijuana enforcement had a disproportionate impact on the local African American community: 49% of those charged with possession of under four ounces of marijuana were African American.

The result of MMDP has been a significant decrease in marijuana prosecution cases, with almost 9,000 individuals diverted since its inception and a reduction of arrests of African American individuals.

- 7. Track, evaluate, and share data.** Data collection and analysis are central to every aspect of justice system reform and strategic planning. Data should be used to understand the need for a new program or policy, for developing and implementing the program or policy as intended, and for recognizing if there is a need for a mid-course correction during the implementation stage. Outcome data will demonstrate if the new program or policy had the intended result. Throughout the process, these data should be shared with stakeholder partners, the community, and funders for the sake of transparency, to establish benchmarks for success, and to create strategies for sustainability. For a systems-level evaluation, agencies should develop data-sharing agreements with appropriate treatment and service providers to track and share aggregate data. The measurement of success will vary highly based upon the goals and mission of the program, and, therefore, justice system data cannot always tell the whole picture of a multiagency program.

Data collection is crucial, but for those agencies that collect only limited data, this can be an arduous task. Furthermore, the reality is that many agencies within the same jurisdiction have siloed databases that will not seamlessly interface with each other. The cost of restructuring these databases does not

always outweigh the benefit, so agencies should be strategic and specific about what data they are collecting, how, and for what purpose.

Last, in considering the myriad factors that have led to the disproportional impact of the justice system on communities of color, it is important for agencies to track the self-reported race and ethnicity data of individuals with whom they come into contact. These data will help provide agencies with an accurate understanding of whether there is a disproportionate impact on specific communities, and if this impact can be addressed through revisions in policy or practice, or if it is a result of larger societal drivers of inequality. It can also give agencies a more competitive edge when applying for some private sector grant funding, which may require significant data collection.

Example from roundtable participants: Project 180 is a partnership between the Harris County District Attorney's Office, the Houston Area Center for Women, and the Texas Governor's Office. This program focuses on (1) holding buyers of commercial sex accountable and (2) connecting sex workers under the age of 25 to services and resources. The program comprises a multidisciplinary team that provides a holistic approach to human trafficking cases. Instead of arresting those being trafficked, this initiative diverts them to the appropriate services. This provides a bridge from the justice system to community resources, reducing the exploitation of sex workers and redirecting limited prosecution and law enforcement resources to apprehending and prosecuting traffickers. Leaders noted the historical disproportionate impact that the traditional justice system response had on the women of color involved in the sale of sex. From 2013 to 2018, 44% of women charged with prostitution were African American. Since this diversion program began, 50% of those being diverted have been African American and 15% have been Hispanic. There has also been an overall reduction in recidivism. Based on data collected which showed this progress, the district attorney began expanding the program to sex workers over the age of 25.

- 8. Considerations for risk assessment.** As an emerging practice, use of risk assessment tools throughout the justice system has garnered both support and criticism. Presently, risk assessments show great potential to serve as guidelines that assist system stakeholders in reviewing an increasing amount of information within existing time constraints. The use of risk assessment lends important context that mitigates the influence of confounding factors and allows decisions to be made to minimize potential threats to public safety.

Without the guidance of risk assessments, factors such as the financial capacity of defendants could have undue influence on the outcome of arrests, bail determinations, and other decision points at the discretion of law enforcement, prosecutors, and judges.

However, risk assessment tools should never supersede professional judgement. Stakeholders must acknowledge the limitations of risk assessments. To ensure the highest degree of accuracy possible, assessment tools should be calibrated for the local population and for unique factors that contribute to trends in crime and risks to the public's safety in every jurisdiction.

While risk tools can be racially neutral, they rely on historical data and can inherit bias from the inequities of the past leading to concerns that outcomes incorporating risk assessments might exacerbate the disproportionate impact of the justice system on communities of color. Regularly monitoring—and evaluating—risk assessments is essential to identify disproportionate impacts before they contribute to substantial inequities and harm.

Special attention should be given to how documented histories of violence are considered when evaluating risk. In particular, domestic violence and intimate partner violence are not reliably documented through criminal charges or convictions. For any given victim of domestic violence, there is often incomplete, or no recorded history of past incidents with the perpetrator, and perpetrators may have committed prior abuses with multiple victims that are not reflected in their criminal record.

Therefore, law enforcement and prosecutor leaders should consider incorporating other indicators that more accurately reflect the risks posed by these crimes. Alternative risk assessment tools specific to domestic violence, such as the Arizona Intimate Partner Risk Assessment Instrument System (APRAIS), the Ontario Domestic Assault Risk Assessment (ODARA), or the Maryland Model Lethality Assessment Program, take into consideration domestic violence history, optimally allocate interventions, and mitigate the risk of future homicide.

Example from roundtable participants: Milwaukee County utilizes an evidence-based approach to decision-making for pretrial release and detention through their Universal Risk Assessment Screening. This tool classifies risk of failure to appear and new criminal activity and is used for all pretrial defendants with the exception of domestic violence. This risk tool examines common predictors of pretrial outcomes, such as employment, residence, and if the defendant had previously been arrested while out on bond. By using Praxis (a tool that uses six predictors of pretrial outcomes to guide bail and release condition decisions), Milwaukee County determines what supervision levels are appropriate. Milwaukee County continuously evaluates its risk assessment tools to determine if modifications are necessary.

In response to domestic violence cases, Milwaukee County has implemented a Lethality Assessment Program to help prevent domestic violence homicides and serious

bodily injury. This program allows law enforcement and community professionals to identify victims who are at the highest risk for serious injury. When a police officer is dispatched to a domestic violence call, the officer engages the victim by using the Lethality Assessment for First Responders. This assessment asks 11 questions meant to gather information on access to weapons, past threats, stalking behaviors, and the victim's assessment of his or her own safety.

- 9. Adopt the justice reinvestment model.** Diverting individuals to treatment programs and various support services to address an underlying behavioral health condition or substance use disorder can reduce their likelihood of recidivism and in turn, the jail population. This practice enhances the safety of communities and the safety of law enforcement officers. If proven successful, resources that would otherwise have been spent on investigating, prosecuting, and incarcerating these individuals should be dedicated to continued funding of these programs and provide for program expansions.

Both law enforcement and prosecutors have had success with gaining buy-in when communication around diversion includes confronting funding and capacity realities, as well as the responsibility to dedicate resources to areas with the most potential for positive impact. Overall, decreases in repeat calls for service and court appearances for low-level offenses that have been resolved through diversion amount to resource and monetary savings, which can vary based upon the method of calculation. Regardless of the calculated amount, the need for reinvesting these savings into the administration of diversion programs should be relayed to decision makers and elected officials so these programs can be sustained.

Example from roundtable participants: Milwaukee County's system stakeholders developed early intervention programs to support those involved in the justice system, while minimizing potential negative collateral consequences.

Milwaukee's investment in these programs is strategic as their leaders believe that it is the best use of justice system dollars and resources, allowing system stakeholders to reduce the costs of processing cases for individuals at lower risk to reoffend, and investing those saved resources in individuals who pose the greatest risk to the community.

System stakeholders in Milwaukee County have monthly meetings to continuously evaluate and improve their efforts. Through this collaboration, stakeholders were able to implement universal screening—so every individual who is arrested is given a risk and needs assessment. Pretrial Services then ranks the assessments, and individuals are evaluated for a spectrum of alternatives, from job training to drug treatment court.

10. Don't reinvent the wheel. There are programs across the United States and around the world that have had great success and are backed by data, evidence, and evaluations. The practitioners who developed these programs are eager and willing to share information about their interventions, as well as their insights and what they learned along the way. Attending trainings and conferences, engaging in peer-to-peer exchanges, and connecting with organizations can help those in the field sort through and digest the ever-increasing amount of information on emerging strategies, promising practices, and data-driven initiatives.

On the international level, countries like Germany and the Netherlands have low incarceration rates, which are matched by low recidivism rates. While differences in legal systems, definitions of crimes, and measurements of recidivism mean that drawing direct comparison between countries is difficult, great value can still be found in studying their justice systems.

Example from roundtable participants: Diversion for individuals in need of services or treatment for their mental health has had substantial success in a variety of forms in jurisdictions across the United States. Harris County recognized the potential benefits of implementing a model similar to those being used in other communities. In September 2018, the Houston Police Department and Harris County Sheriff's Office began referring individuals identified with mental health needs who had committed low-level misdemeanor offenses to a diversion center. This strategy quickly connects these individuals to services and prevents further justice system involvement, which would likely keep them from being able to access necessary services and contribute to an increased risk of their continued involvement in the justice system. This program seeks to couple short-term mental health triage with long-term case manager support. This 24/7 facility provides a bridge to long-term services and support, such as housing, mental health and substance abuse treatment, and legal assistance. The collaboration between system stakeholders in this initiative, particularly law enforcement and prosecution, has opened a line of communication so that system stakeholders can readily discuss the issues of individual cases and evaluate the needs of the community.

11. Use organizations to assist in developing long-term strategies. National (United States-based) and international organizations can offer collective experiences and rich networks to aid jurisdictions in making informed decisions around implementing and developing front-end diversion programs. These organizations highlight model protocols, disseminate program results and promising practices, and facilitate peer-to-peer exchanges. Exposure to successful programs from other sites can inspire law enforcement and prosecutor leaders to work together toward more holistic solutions that have broad support for reducing high jail populations.

Some of these organizations have specific missions around implementing front-end diversion, addressing violence in communities, and provide training and technical assistance across the United States and around the world. These organizations have valuable global and objective perspectives that can help agencies factor in considerations gleaned from years or even decades of experience.

Example from roundtable participants: New Orleans established a Law Enforcement Assisted Diversion (LEAD) program in its 8th district (the French Quarter) to divert people who have committed low-level, nonviolent offenses to services as an alternative to incarceration. Police officers exercise discretionary authority at point of contact to divert individuals to a harm reduction intervention that addresses unmet behavioral health needs. This program, which has been adopted in multiple jurisdictions throughout the United States, seeks to stop the "revolving door" of individuals moving in and out of the justice system as order maintenance and public nuisance violators. Many of the target individuals for this program have a substance use disorder or mental illness or both, are housing insecure, or are struggling with other social stressors. LEAD provides housing placement, mental health care, and substance use disorder treatment to help these individuals stabilize and flourish. With assistance from the LEAD® National Support Bureau, New Orleans successfully implemented LEAD as an emerging program. On the system-level, LEAD—coupled with a reduction in state misdemeanor charges, decriminalization of marijuana laws, and a robust and highly successful diversion program within the DA's office—has contributed to a substantial reduction in New Orleans' daily jail population, from 4,000 in 2009 to 1,200 in 2018.

ROUNDTABLE PARTICIPANTS

Chief Art Acevedo, Houston Police Department
Assistant Chief Michael Brunson, Milwaukee Police Department
Honorable John Chisholm, Milwaukee County District Attorney's Office
Charity Doyle, OneHeart
Liz Hassett, Pennington County Sheriff's Office
Chief Karl Jegeris, Rapid City Police Department
First Assistant Graymond Martin, Orleans Parish District Attorney's Office

Karen Mortimer, Mniluzahan Okolakiciyapi Ambassadors
Deputy Superintendent Paul Noel, New Orleans Police Department
Honorable Kim Ogg, Harris County District Attorney's Office
Judge Craig Pfeifle, Seventh Circuit Court, South Dakota
Cornelia Sigworth, Bureau of Justice Assistance
Sheriff Kevin Thom, Pennington County, South Dakota
Honorable Mark Vargo, Pennington County State's Attorney Office
Chief Deputy Willie Whelchel, Pennington County Sheriff's Office





INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE

The International Association of Chiefs of Police (IACP) is the world's largest and most influential professional association for police leaders. With more than 30,000 members in 150 countries, the IACP is a recognized leader in global policing. Since 1893, the association has been speaking out on behalf of law enforcement and advancing leadership and professionalism in policing worldwide.

The IACP is known for its commitment to shaping the future of the police profession. Through timely research, programming, and unparalleled training opportunities, the IACP is preparing current and emerging police leaders—and the agencies and communities they serve—to succeed in addressing the most pressing issues, threats, and challenges of the day.

The IACP is a not-for-profit 501c(3) organization headquartered in Alexandria, Virginia. The IACP is the publisher of *The Police Chief* magazine, the leading periodical for law enforcement executives, and the host of the IACP Annual Conference, the largest police educational and technology exposition in the world. IACP membership is open to law enforcement professionals of all ranks, as well as non-sworn leaders across the justice system. Learn more about the IACP at www.theIACP.org.



ASSOCIATION OF PROSECUTING ATTORNEYS

The Association of Prosecuting Attorneys (APA) is a not-for-profit 501c(3) organization headquartered in Washington, D.C. APA is a national organization of elected and appointed prosecutors, with a full-time staff of experienced prosecutors. APA was incorporated to provide national TTA to federal, state, local and tribal prosecutors as well as their criminal justice system partners. Currently, APA develops resources to help state and local prosecutors implement innovative, evidenced-based practices—all featured on www.apa-inc.org. APA staff has responded to over 10,000 TTA requests via listserv, phone or email; many of these inquiries are for assistance with prosecution or prevention strategies.

APA's core mission is to support and enhance the effectiveness of prosecutors in their efforts to create safer communities. APA membership is open to all prosecutors, including both appointed and elected prosecutors, as well as their deputies and assistants, whether they work as city attorneys, city prosecutors, district attorneys, state's attorneys, attorneys general, or US attorneys.


APA provides several services including training, technical assistance, webinars, publications, as well as regional and national conferences. APA encourages the implementation of evidence-based practices and data-driven prosecution. APA values the community, and as such recognizes that prosecutors can and should affect change not only in the courtroom but outside of it as well. To learn more about APA, visit www.APAinc.org.







Supported by the John D. and Catherine T. MacArthur Foundation

 This report was created with support from the John D. and Catherine T. MacArthur Foundation as part of the Safety and Justice Challenge, which seeks to reduce over-incarceration by changing the way America thinks about and uses jails.

www.SafetyAndJusticeChallenge.org