



Building bridges to prevent incarceration

CCJBH Diversion and Reentry Workgroup Meeting

Friday, November 19, 2021

1:00 PM - 3:00 PM

Zoom Meeting

Workgroup Purpose: Discuss the importance of Deflection with CCJBH Councilmember and Retired Chief Probation Officer of San Diego, Mack Jenkins.

Councilmember Advisors:

Mack Jenkins, *Chief Probation Officer, Retired, San Diego County*

Stephen Manley, *Santa Clara County Superior Court Judge*

Tony Hobson, *PhD, Behavioral Health Director, Plumas County*

CCJBH Staff:

Brenda Grealish, *Executive Officer, Council on Criminal Justice and Behavioral Health (CCJBH)*, Elizabeth Vice, Emily Grichuhin, Jessica Camacho Duran, Monica Campos, Paige Hoffman, Catherine Hickinbotham, and Daria Quintero.

Welcome & Introductions:

Brenda Grealish welcomed participants to the meeting and gave an overview of the agenda.

I. Deflection Presentation:

Chief Mack Jenkins stated that, in an effort to support diversion, CCJBH plans to focus on law enforcement deflection. Deflection is separate from diversion because deflection precedes diversion. With diversion, there is arrest, but with deflection, criminal behavior may be subject to arrest, but the effort is to deflect individuals to other behavioral health services. Deflection includes collaborative intervention, such as connecting individuals to public safety and public health systems to create community-based pathways to treatment in order to avoid the justice system. Public safety, public health systems and behavioral health providers must come together to steer individuals at risk of entering the criminal justice system toward treatment. Individuals that would benefit from deflection include those who have mental health or substance use disorders (SUD). They can benefit from recovery efforts, housing and other social services. Deflection is an alternative to traditional arrest.

Deflection is part of the evolution of the criminal justice system, not reform of the current system. Law enforcement officers should be on the front of being part of the solution. The Center for Health and Justice states that deflection is a collaborative partnership between law enforcement agencies, fire, Emergency Medical Services, treatment providers, and the recovery community working together to deflect individuals with SUD to treatment and recovery and away from more traditional avenues, such as emergency departments or jails. Currently, there are no counties in California that are practicing

deflection. CCJBH is focused on deflection to gain more information about its efficacy and to explore the possibility of incorporating it in California. Deflection aims to promote the wellbeing of the behavioral health and justice-involved (BH/JI) population, including individuals who have SUD, and/or serious mental health illness, and those who are at risk of entering the criminal justice system. Deflection also aims to minimize disparities that are prevalent in arrest rates. There are disparities on multiple levels within the criminal justice system, such as incarceration rates and the level of behavioral health services that individuals receive. Law enforcement leadership that serves the BH/JI population should be interested in engaging in practices and policies around the area of law enforcement deflection.

Deflection has five different pathways for law enforcement:

- The first is a self-referral, where an individual voluntarily initiates contact with a first responder seeking access to treatment, without fear of arrest and receives a referral to a treatment provider. Law enforcement is used as a resource for a referral where there is a connection between the individual and a treatment provider.
- The second is active outreach, where a first responder seeks out an individual in need of services, and a referral is made to a behavioral health provider that engages them in treatment. In this situation, a law enforcement officer is making the contact instead of an arrest being made because a first responder has recognized that behavioral health treatment is needed.
- The third pathway is Naloxone-Plus. It is common for first responders to encounter an individual who is overdosing. Using Naloxone to intervene will reverse the effects and can lead to an opportunity for a deflection pathway. A law enforcement officer can now make a referral and connection to a substance use treatment program.
- The fourth pathway is officer prevention, where law enforcement officers initiate the treatment engagement. No criminal charges exist, but one can be filed, in response to a call for service.
- The fifth pathway is officer intervention, where law enforcement officers initiate treatment engagement and either charges are filed and held in abeyance, or a citation with treatment requirements is issued.

Deflection is a difficult concept to implement because it has many challenges. The first challenge is resources and funding. A deflection program requires resources and funding. Furthermore, a second challenge is the current police culture. It often emphasizes the maintenance of order with reliance on arrest. Overcoming this challenge depends on law enforcement leadership and accepting that this is part of their purpose to serve the community. Another challenge is lack of transportation to treatment and other resources, which can be related to resource and funding. Racial inequalities and societal stigma attached to drug use are also challenges of law enforcement deflection. Currently, there are no California agencies that are practicing

deflection, but there is positive feedback on deflection programs from other areas of the United States. There is growing literature and research around what is happening with law enforcement deflection.

Police officers have a lot of discretion when they come across individuals who are under the influence, and there are many times that police officers connect individuals to treatment and services instead of taking them to jail, which can be seen as deflection. For the purpose of this presentation, deflection refers to a more formal level where there is a specific effort to fully incorporate deflection into agencies. Details of successful programs can be found in the Diversion/Reentry Workgroup PowerPoint posted on the [CCJBH website](#) (e.g., Lee County, Illinois; Leon County, Florida; King County Seattle; and Albany, New York).

II. Q&A with Councilmember Advisors

- Q:** Judge Stephen Manley stated that he is involved in implementing deflection in Santa Clara County. They have an alternate site for police officers to take someone who is under the influence to a detox center and move them into treatment in order to be triaged by behavioral health providers. However, there are challenges. A concern for deflection is that from the perspective of law enforcement officers, deflection is misleading. It implies that police officers have an alternative to arrest, but that does not exist. There is not enough housing or treatment at the higher levels where it is needed. Dropping individuals off at treatment centers does not solve the problem. Police officers are frustrated because there is nothing that can be done for this public health issue. There needs to be a viable alternative in terms of housing and treatment that is going to keep people out of the criminal justice system because there are currently no resources to meet the needs of individuals. Rather than having police chiefs from out of state address the council, Judge Manley suggested it would be beneficial to have California Police Chiefs explain their side of the issue and what they believe the challenges are before CCJBH moves forward with any recommendations. Deflection has worked and has reduced the jail population by 50 percent, but those same individuals are the ones that go back into jail again. Law enforcement must be given an option than works or trust will be lost. It may be beneficial to deflect individuals coming from jail straight into hotel rooms and use Enhanced Care Management to get them into treatment, but the case management, hotel room, and subsequent treatment options are not readily available. There are no hotel rooms available. There needs to be a statewide initiative to make law enforcement deflection work. It might work to take someone directly to treatment and housing rather than give them a referral or drop them off to a treatment program that does not have a good outcome. Individuals who are resistant to housing and treatment are also a challenge. We must engage them into treatment and housing.
- A:** Chief Jenkins stated that macro-level deflection was discussed. Whenever law enforcement attempts to engage a person who suffers from SUD or mental health problems, there must be an appropriate level of service that meets the clinically assessed needs of the individual. A person must be at the level of treatment that

they need to receive, may it be housing or SUD treatment. When that does not happen, an individual does not get served how they should be. Law enforcement officers in the community are frustrated because they see deflection as a revolving door.

- Q:** Ms. Grealish stated this is just the beginning of a discussion that can potentially become recommendations for the 2022 CCJBH Annual Legislative Report. Discussions in the Diversion/Reentry Workgroup align with CCJBH's goal number one, which aims to reduce the prevalence of individuals with behavioral health needs in jails and prisons. Alternative systems must be in place so that law enforcement can adopt deflection. Hopefully, counties are working together to think comprehensively across these systems to put this infrastructure in place.
- Q:** Judge Manley stated that California Advancing and Innovating Medi-Cal (CalAIM) could be used as a part of a deflection strategy. Unfortunately, there is so much focusing on going into jail instead of preventing incarceration. If there was a solid deflection strategy in place, there could be more intervention. A lot more can be done if law enforcement is tied into CalAIM.
- A:** Chief Jenkins stated there must be capacity for resources to be built to meet the need.
- Q:** Judge Manley stated he would like to see commitment to building out the system before trying to implement law enforcement deflection.
- Q:** Dr. Tony Hobson stated that housing must be in place before deflection because individuals need to have a place to be deflected to. Mobile crisis has the opportunity to have a positive impact for deflection because they have social workers, therapists and crisis responders in the community dealing with issues that are not a threat to public safety. It will be frustrating to law enforcement if deflection practices are implemented but there is no place to house individuals.
- Q:** Judge Manley stated he would like to know what systems are in place for counties that are practicing deflection and if they are successful. It is important to know how many people are being served and how many are being deflected each year. The input of police chiefs on the matter of deflection would also be beneficial.
- A:** Ms. Grealish stated that WellSpace is working with law enforcement to implement a program where individuals are referred to a wellness center instead of being arrested. Law enforcement has transported individuals who they think are under the influence, but are actually in psychosis (and vice-versa). Behavioral health is not an area of law enforcement expertise and, as such, they should not be expected to diagnose someone, so being able to take them to a professional who can help is beneficial to the community.
- A:** Judge Manley stated there is a respite center in Santa Clara County across from jail that provides similar services, but the problem is that there are no beds or housing available for individuals.



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***** PUBLIC COMMENT *****

Q: A participant from the Office of Diversion and Reentry in Los Angeles County stated housing availability in Los Angeles County is a huge barrier for the justice involved population. Employment is also a barrier, but until stable housing is addressed, individuals will not be able to be deflected. Less than 30 percent of people that re-enter back into society have housing. Deflection will be difficult without housing.

Q: A participant with a child with lived experience in the criminal justice and behavioral health system stated that she advocates that individuals with behavioral health needs deserve treatment and not incarceration. She stated it is difficult that mental health treatment is generally always safety first, but when an individual is incarcerated, safety does not matter anymore. She stated her son is being mistreated in Folsom State Prison. The participant is looking for direction on how to get her son transferred into a safer prison and get his mental health restored.

A: Ms. Grealish stated CCJBH staff will look into what resources are available to provide assistance, and clarified that initiating a transfer to a different prison is out of CCJBH's scope.

III. Announcements/Next Steps

Ms. Grealish stated that the Homeless Coordinating and Financing Council's [Action Plan](#) for the justice involved population involves a targeted workgroup to address the specific housing needs of the justice-involved population, that will begin next year. CCJBH has been working with the Council on State Governments Justice Center on a formal launch of the report, [Reducing Homelessness for People with Behavioral Health Needs Leaving Prison and Jails](#), which includes ten specific recommendations to address the needs of the BH/JI population in accessing housing. The webinar series, [Building Blocks for Coming Home: How California Communities Can Create Housing Opportunities for People with Complex Needs Leaving the Justice System](#), was recently announced and will take place between December 2021 and April 2022. The next [Full Council Meeting](#) will take place on December 10, 2021, and will feature CCJBH's Lived Experience Contractors.

IV. Adjourn