

# 01 Differentiating **DEFLECTION** from **DIVERSION**

The United States is the world's leader in incarceration, holding over **half million people in jails**. Research shows individuals with **SUD** and **SMHD** confined in jails:

Some calculations estimate that the jail population includes about...



Often enter jail destabilized or symptomatic and jail stays can worsen symptoms



Are vulnerable to longer and more frequent jail stays



Receive lower quality treatment services in jail compared to services offered in the community



Are more expensive to confine because of in-custody medication and treatment costs

There is a **critical need** in the practicing and research communities to **define these terms as separate types of programs** and use the terms as unique terms. Below we suggest definitions and defining characteristics for both types of programs.

## **REDUCING JAIL POPULATIONS**

requires jurisdictions to critically examine the practice of bringing **individuals with SMHD and SUD** through the criminal legal system's front door.

Both **DIVERSION** and **DEFLECTION** programs aim to reduce jail populations and remove collateral consequences of the criminal legal system. Unfortunately, practitioners and researchers often use these terms **interchangeably** creating confusion in reform spaces about the types of programs available to individuals.



## **DEFLECTION**

Programs typically **led by police** and where there is **no criminal legal system involvement** beyond the interaction with the police officer in the field.

*At the point of contact in the community, police can offer an individual, who they might otherwise arrest, the opportunity to engage with a local treatment provider. Once the person agrees to go to a community provider, there is no threat of arrest or criminal charges to compel or force the person to engage or complete any treatment program. Previous deflections do not make a person ineligible for future opportunities for deflection.*



## **DIVERSION**

Programs typically **led by prosecutors** and where there is both an **arrest** and a requirement to **engage and complete treatment in exchange for dismissal of charges**.

*In these programs, a person's participation is necessary and the prosecutor files charges if the person does not follow through with the treatment referral. If the person successfully completes the program, the prosecutor dismisses charges. However, in the individual's record, there is still a history of arrest. In some sites, prior participation in a diversion program can make the person ineligible for future diversion opportunities. Additionally, some types of prior offenses (e.g., violent) can make individuals ineligible for diversion programs.*

# 01. Differentiating deflection from diversion

## CORE COMPONENTS



### DEFLECTION

- **No threat** of criminal charges
- **No arrest** or jail booking
- **Police** make ultimate decisions about who to deflect
- **Previous deflections do not make you ineligible** for future deflections.



### DIVERSION

- **Threat** of criminal charges
- **Arrest** and potential jail booking
- **Prosecutors** make ultimate decision about who receives diversion
- **Previous participation** in a diversion program can **make you ineligible** for future opportunities
- Some programs have **strict eligibility requirements** for access

Table 1 | Differentiating DEFLECTION from DIVERSION

## PROGRAM COMPONENTS



| PROGRAM COMPONENTS  | DEFLECTION | DIVERSION |
|---|------------|-----------|
| Avoids a formal jail booking  | YES        | SOMETIMES |
| May include a formal arrest citation  | NO         | YES       |
| Arrest on individual's criminal legal record  | NO         | YES       |
| Pending charges during treatment process  | NO         | YES       |
| Includes warm hand off to a community provider                                      | YES        | SOMETIMES |
| Requires completion of court ordered programing to drop charges                     | NO         | YES       |
| Legal consequences for program non-participation or completion                      | NO         | YES       |
| Prior arrest history makes you ineligible for future opportunities with the program | NO         | SOMETIMES |

## LEARN MORE

about the impacts of police-led deflection strategies on jail reduction efforts

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