This microfiche was produced from documents received for inclusion in the NCJRS database. Since NCJRS cannot exercise control over the physical condition of the documents submitted, the individual frame quality may vary. The resolution chart on this frame may be used to evaluate the document quality.

Microfilming procedures used to create this fiche comply with the standards set forth in 41CFR 101-11.504.

Points of view or opinions stated in this document are those of the author(s) and do not represent the official position or policies of the U.S. Department of Justice.

National Institute of Justice
United States Department of Justice
Washington, D.C. 20531

5-12-82
Police Referral to Drug Treatment: Risks and Benefits
PUBLIC DOMAIN NOTICE

All material appearing in this volume is in the public domain and may be reproduced or copied without permission from the Institute or the authors. Citation of the source is appreciated.

This report was written by John P. Belassa, Mary Ann Maloney, and Ford T. Johnson, Jr., KODA Associates, Inc., under Contract No. 271-78-4625 from the National Institute on Drug Abuse. Carl Hampton served as Project Officer.

The material herein does not necessarily reflect the opinions, official policy, or position of the National Institute on Drug Abuse of the Alcohol, Drug Abuse, and Mental Health Administration, Public Health Service, U.S. Department of Health and Human Services.

Contents

FOREWORD v
PREFACE vii
1. INTRODUCTION: PURPOSES AND APPROACH 1
   Background for This Study 1

2. TOWARD A STATE-OF-THE-ART REVIEW: PROGRAM TYPOLOGIES AND SALIENT ISSUES 17
   Program Typologies 17
   Salient Issues 19

3. DESCRIPTION AND ANALYSIS OF PRE-CHARGE PROGRAM OPERATIONS IN SIX SITES 23
   An Overview of Contrasting Models 23
   Outstanding Features 25
   Advantages and Impacts 28
   Program Descriptions 28
   Criminal Justice Service Center, Delaware 28
   Drug and Alcohol Deferral Service, Vanderburgh County, Indiana 36
   Drug Diversion Authority, Genesee County, Michigan 41
   Treatment Alternatives to Street Crime, Marin County, California 43
   "602 Youth Diversion in Marin County, California: Novato and San Anselmo 46
   Social Action Workshop, Philadelphia 49
   Community Arbitration Program, Baltimore County, Maryland 51
The role of police in contemporary American society remains a subject of heated and intense debate. Generally, the traditional school of thought confines police to their original, fundamental purpose: the detection of crime and the apprehension of criminals. However, in more recent years as other American social and governmental institutions such as education and the family undergo rapid change, there is increasing support for a much broader view of the police role, one that places more emphasis on socially oriented activities such as the prevention of crime by intervention in family and domestic quarrels, gambling, etc. That view seems especially suited for uniformed police dealing with delinquent and youthful offenders.

Both schools have strong advocates and present convincing evidence to support their position. While controversy swirls around that issue, drug abuse becomes more prevalent, causing an inordinate drain on police resources, overcrowded court dockets, and prosecutors swamped with cases, all struggling with new approaches to stem the tide. There is much discussion about these problems and not enough attention to solutions.

In a new spirit of cooperation—seeking alternatives satisfactory to both the drug treatment community and the criminal justice system—the National Institute on Drug Abuse commissioned this feasibility study to explore new working relationships with police.

As the report indicates, there is growing evidence that large numbers of drug abusers are frequently questioned, arrested, or detained by police, and then, for a variety of reasons, are subsequently released and not prosecuted. The personal crisis created by this experience affords an excellent opportunity for therapeutic intervention.

This study examines 8 programs—with 10 distinct police-referral components—in 6 sites, all of which enjoy broad police and community support. The reader’s reaction regarding this concept would be welcome.

Carl Hampton
Criminal Justice Coordinator
Division of Community Assistance
National Institute on Drug Abuse
Preface

The Drug Abuse Office and Treatment Act of 1972 established the National Institute on Drug Abuse (NIDA) and set forth its broad-ranging mandate. Section 410(a) of the act specifically directs that the Institute make grants and enter into contracts with others in the public and private sectors in order to "establish, conduct, and evaluate drug abuse prevention, treatment, and rehabilitation programs within State and local criminal justice systems." In order to meet its mandate in this area, NIDA has encouraged "linkages" between the criminal justice system and the drug abuse treatment community. Building such cooperative relationships between the two systems has proceeded on two premises. First, the criminal justice system has been viewed as an excellent casefinding mechanism to identify drug abusers involved in dysfunctional and illegal activities to support their habits. Second, rather than duplicate treatment resources, the rehabilitation of drug-abusing criminal defendants should in most instances proceed by referring them out of the criminal justice system, at a variety of possible points in the processing of their cases, to preexisting service providers in the broader community.

In order to foster such linkages consistent with its mandate, NIDA has sponsored a series of reports and monographs that describe workable strategies to effectuate referral to drug treatment at various points of intervention in the criminal justice process. This publication addresses an area of the criminal justice/drug abuse treatment interface that has received comparatively little attention to date in the literature—the "pre-charge" phase. This stage in the adult criminal justice and juvenile justice systems, dominated by the police, is that critical period in the processing of a drug-abusing offender that extends from the initial encounter with a police officer to the point at which the prosecutor decides to file formal charges against the accused with the court.

Before going further, a brief explanation is in order concerning the title of this work. Because pre-charge diversion, by definition, occurs prior to the point at which formal charges are filed with the court, most drug abuser identification and referral activity at this stage of the criminal justice process is by those actors who have the earliest contact with an offender. This is seldom the prosecutor. It is uniformed patrolmen and other law enforcement personnel (youth officers and detectives, for example) who are primarily involved here. This does not mean, however, that all pre-charge diversion is totally a matter of police discretion or that police, acting alone, administer most referral programs. To the contrary, most pre-charge diversion programs for drug abusers encountered during the course of the study that led to this publication displayed relatively sophisticated intake and referral mechanisms that required the procedural interaction of many parties—social workers, pre-trial service interviewers, drug treatment personnel, and others—in addition to police. In all instances, however, police played a significant role and generally were the parties who initiated the drug abuser identification process, in some instances through the exercise of broad discretion, in others pursuant to predetermined guidelines.

There are four primary reasons for directing particular attention to pre-charge referral of drug abusers to treatment. First, intervention techniques at the pre-charge stage have received little studied attention despite the fact that police and other criminal justice personnel have been active at the local level in developing effective linkages with drug treatment personnel. Program development in this area has proceeded independently, with little visibility beyond the immediate community. Second, a growing body of evidence suggests that a large number of drug abusers are dropping out of the criminal justice system at the pre-charge stage without being identified and without being afforded the opportunity for treatment. Third, there exists a real potential for abuse of defendants’ rights and for "widening the net" of social control by the justice system from the implementation of pre-charge diversion programs that have not been carefully and progressively designed, after a thorough review of the issues and probable tradeoffs. And last, there exists much ambivalence in the law enforcement community about whether drug abuser identification and referral activities are appropriate police functions. Surfacing these attitudes and attempting to suggest constructive avenues for law enforcement/drug treatment interface, so as
to work together to eliminate the twin problems of drug abuse and crime, is another major goal for NIDA and one this monograph seeks to advance.

A Project Advisory Panel of experts assembled from the criminal justice and drug abuse treatment communities reviewed and deliberated on the project plan and participated in the identification of key issues and in the final review of this monograph. The following were members of the advisory panel:

- Dan Beardsley
  National League of Cities and
  U.S. Conference of Mayors
  Washington, D.C.

- Lt. Col. Tyrone Droomfield
  Deputy Director for Operations
  Dayton, Ohio, Police Department

- Hon. Irwin Brownstein, Associate Justice
  New York State Supreme Court
  New York, New York

- Milton Cloud
  National Association of State Alcohol
  and Drug Abuse Directors
  Washington, D.C.

- Frederico Costales, Inspector General
  Human Resources Administration
  New York, New York

- Madalaine Crohn, Director
  Pretrial Services Resource Center
  Washington, D.C.

- Bruce Ezrine, Assistant States Attorney
  Baltimore, Maryland

- Dawaine Gedney, Jr., Director
  Pretrial Services Division
  Philadelphia, Pennsylvania

- Dewaine Broomfield
  Deputy Director for Operations
  Dayton, Ohio, Police Department

- Frederick Costales, Inspector General
  Human Resources Administration
  New York, New York

- John Kramer, Assistant Commissioner
  Pretrial Services
  Philadelphia, Pennsylvania

- Dewaine Broomfield
  Deputy Director for Operations
  Dayton, Ohio, Police Department

- Bruce Ezrine, Assistant States Attorney
  Baltimore, Maryland

- Dawaine Gedney, Jr., Director
  Pretrial Services Division
  Philadelphia, Pennsylvania

- Barry Glick
  The Police Foundation
  Washington, D.C.

- Bill Hudson, Sheriff
  Cobb County, Georgia

- Dan Beardsley
  National League of Cities and
  U.S. Conference of Mayors
  Washington, D.C.

- Lt. Col. Tyrone Droomfield
  Deputy Director for Operations
  Dayton, Ohio, Police Department

- Hon. Irwin Brownstein, Associate Justice
  New York State Supreme Court
  New York, New York

- Milton Cloud
  National Association of State Alcohol
  and Drug Abuse Directors
  Washington, D.C.

- Frederico Costales, Inspector General
  Human Resources Administration
  New York, New York

- Madalaine Crohn, Director
  Pretrial Services Resource Center
  Washington, D.C.

- Bruce Ezrine, Assistant States Attorney
  Baltimore, Maryland

- Dawaine Gedney, Jr., Director
  Pretrial Services Division
  Philadelphia, Pennsylvania

- Dewaine Broomfield
  Deputy Director for Operations
  Dayton, Ohio, Police Department

- James Parsons, Superintendent of Police
  New Orleans, Louisiana

- Richard Russo, Assistant Commissioner
  Pretrial Services
  New York, New York

- James Parsons, Superintendent of Police
  New Orleans, Louisiana

- Richard Russo, Assistant Commissioner
  Pretrial Services
  New York, New York

- Dewaine Broomfield
  Deputy Director for Operations
  Dayton, Ohio, Police Department

- Bruce Ezrine, Assistant States Attorney
  Baltimore, Maryland

- Dawaine Gedney, Jr., Director
  Pretrial Services Division
  Philadelphia, Pennsylvania

- Barry Glick
  The Police Foundation
  Washington, D.C.

- Bill Hudson, Sheriff
  Cobb County, Georgia

- Dan Beardsley
  National League of Cities and
  U.S. Conference of Mayors
  Washington, D.C.

- Lt. Col. Tyrone Droomfield
  Deputy Director for Operations
  Dayton, Ohio, Police Department

- Hon. Irwin Brownstein, Associate Justice
  New York State Supreme Court
  New York, New York

- Milton Cloud
  National Association of State Alcohol
  and Drug Abuse Directors
  Washington, D.C.

- Frederico Costales, Inspector General
  Human Resources Administration
  New York, New York

- Madalaine Crohn, Director
  Pretrial Services Resource Center
  Washington, D.C.

- Bruce Ezrine, Assistant States Attorney
  Baltimore, Maryland

- Dawaine Gedney, Jr., Director
  Pretrial Services Division
  Philadelphia, Pennsylvania

- Dewaine Broomfield
  Deputy Director for Operations
  Dayton, Ohio, Police Department

- James Parsons, Superintendent of Police
  New Orleans, Louisiana

- Richard Russo, Assistant Commissioner
  Pretrial Services
  New York, New York

- Dewaine Broomfield
  Deputy Director for Operations
  Dayton, Ohio, Police Department

- Bruce Ezrine, Assistant States Attorney
  Baltimore, Maryland

- Dawaine Gedney, Jr., Director
  Pretrial Services Division
  Philadelphia, Pennsylvania

- Barry Glick
  The Police Foundation
  Washington, D.C.

Many State and local criminal justice and drug treatment policymakers and practitioners in the six sites visited also assisted the project team. Without their willingness to provide detailed information about the pre-charge programs operating in their respective jurisdictions, this monograph would not have been possible.

Since 1962, developing effective cooperation between the drug abuse treatment community and the criminal justice system has been an important goal of Federal and State drug abuse strategies. The United States Supreme Court in that year, in the landmark case of Robinson v. California, established as a matter of law that drug addiction itself is an illness rather than a crime, and that a person therefore cannot be punished for the mere status of being drug dependent. Yet Robinson laid the groundwork for a national drug abuse strategy strategy, and the intervening years not so much through this general statement of principle as through what it did and did not say about the criminal justice system's permissible response to the problem of the drug-abusing criminal defendant.

Neither Robinson nor any Federal or State Supreme Court ruling since that time has accepted the view that a criminal offender lacks the capacity to form the criminal intent (mens rea) to commit a crime because he or she, at the time of committing the illegal act, is under the influence of drugs. Hence, while the status of being drug dependent is not itself a crime, the sale of or knowing possession of illegal drugs by the drug-dependent person, or the commission of drug-related crimes such as larceny to finance drug habits, continue to be punishable as crimes. The Federal Government, subsequent to Robinson, with many of the States following suit, reorganized its drug laws in 1976 into a uniform Controlled Substances Act, with both the range and duration of possible penalties for possession of illicit drugs increased.

Further, through holding that the States could not only require an addict to submit to treatment through a noncriminal avenue, but could impose subsequent criminal penalties for failure to comply with a legal requirement to undergo drug abuse treatment, Robinson gave rise to much activity on the part of the drug treatment community and the criminal justice system to devise procedures for channeling drug-dependent criminal defendants into treatment. This monograph will look closely at a variety of programs and procedures that do just this at one particular phase of the criminal justice process—the period from initial contact with a police officer after the commission of a crime up to the point at which the prosecutor formally files criminal charges against the accused with the court. This is the "pre-charge" phase. What follows in this chapter will explain—

- The background to the situation that led the National Institute on Drug Abuse (NIDA) to commission a study on drug abuse treatment/criminal justice system linkages at the pre-charge phase of criminal processing;

- The intended purposes this monograph on pre-charge referral practices will serve; and

- The approach taken to gather information about and describe representative examples of pre-charge referral strategies for drug-abusing criminal defendants.

BACKGROUND FOR THIS STUDY

In order to clearly present the timeliness and utility of a monograph describing the pre-charge referral to treatment of drug abusers in various locales, the phenomenon of early diversion must be put in the context of evolving Federal and State drug abuse strategies. These programs are not only outgrowths of, but in many ways are reactions to, earlier linkage strategies that, over time, have proved less effective, more costly, and more cumbersome than was originally anticipated. For a decade, a policy of building linkages between the criminal justice system and the drug abuse treatment community has been a more or less explicit feature of the overall Federal effort to combat illicit drug taking and distribution at the "street" level. Major milestones in the development of the overall Federal strategy (for example, the creation of the national Treatment Alternatives to
Street Crime (TASC) program in 1972, the issuance of the two-volume report of the National Commission onMarijuana and Drug Abuse (1972), the promulgation of the Federal Commission on Drug Abuse in 1974) have all rested on three pillars with regard to drugs and crime:

1. There exists a corelating link between psychoactive drug abuse and criminal activity on the part of many drug abusers;
2. Participation by drug abusers in programs of early, i.e., pre-trial intervention, especially when coupled with the threat of sanction by the criminal justice system for failure to cooperate with treatment, is effective in reducing drug abuse and thereby in reducing criminal recidivism; and
3. The criminal justice system is a very effective casefinding mechanism for identifying drug abusers and channeling them to treatment.

Federal Response to the Drug—Abusing Criminal Defendant

This section will review the evolution of the Federal Government's programmatic response to the problem of drug-related street crime. Beginning with the traditional discretion of the local police and prosecutor to divert selected defendants from the criminal justice system for early, i.e., pre-trial intervention, this is a function of the traditional discretion of the police officer to apprehend or not.4 Likewise, the prosecutor who holds in abeyance an otherwise prosecutable case on condition that the defendant perform certain acts for a stated period practices "traditional" diversion. In general, this is a function of the traditional discretion of the prosecutor in Anglo-American law to charge and/or prosecute.5 These fundamental forms of diversion—"diversion programs" as opposed to diversion "programs"—have been operative under Anglo-American law for centuries.6 Both "police diversion" and prosecutor-controlled pre-charge diversion of these elemental types fall within the parameters of this inquiry. Particularly important examples of each as applied to drug abusers were not only uncovered during the study that led to this report but also were included among the 10 program components visited at 8 sites and described in detail in chapter 3.

Beginning in the 1960s, diversion "programs" appeared on the horizon. For criminal defendants generally, these were prompted by the publication of the Report of the President's Commission on Law Enforcement and Administration of Justice.7 For drug abusers in particular, specialized programs were prompted by the Supreme Court's decision in Robinson v. California. Such diversion to programs of services and supervision are characterized by some writers as the "new" diversion, to distinguish it from the time-honored traditional diversion described above, to which it is akin functionally but from which it can be distinguished by important ways. What follows briefly describes the development of the several diversion "programs" for drug abusers and others.

Civil commitment statutes

The first major national effort to form a linkage between the drug abuse treatment and criminal justice systems to process drug-abusing defendants was the passage by the Federal Government and several State legislatures of civil commitment statutes.8 These worked to channel specific classes of drug dependents, almost invariably heroin addicts, out of the criminal justice system just before or just after trial to so-called "civil commitment" facilities.9 Such "civil commitment" was generally for extended periods, often 2 years or more. These statutory programs for the civil commitment of drug abusers sprang up in the late 1960s and early 1970s following Robinson.10 Most of these statutes—the Federal Narcotic Addicts Rehabilitation Act (1965), the New York civil commitment statute, and the California civil addict statute, to cite the primary examples—provided both for involuntary civil commitment as a condition of post-trial sentencing and for a voluntary civil commitment route, to be activated at the request of the defendant, at the pre-trial stage.11 These civil commitment statutes were by their very nature "diversionary" (in the broad sense of the term). However, in addition, their voluntary pre-trial civil commitment provisions constituted the earliest examples of strictly pre-trial diversion programs for drug abusers, within the technical definition of "pre-trial diversion" generally accepted today.12

Typically, such commitment statutes, whether activated at the pre-trial or post-conviction stage, were characterized by:

1. Complex court hearings and medical examinations to determine the presence of drug addiction and an amenability to rehabilitation;
2. Comparatively long periods of inpatient treatment in institutionalized settings, possibly followed by parole-like periods of outpatient aftercare; and
3. Restrictive eligibility criteria, limiting the option to first offenders, non-violent offenders on non-violent charges (and excluding felons, because the length of the commitment is so extended as to exceed the maximum possible term of incarceration on a misdemeanor conviction).13

These procedures proved to be at least as costly as full criminal prosecution, trial, and imprisonment. Further, numerous followup studies were unable to demonstrate a "diversion" resulting from this approach, but revealed much higher rates of reincarceration and recidivism rates. A broad consensus of expert opinion is that the civil commitment statutes have proved to be of very limited utility.14 (A recent NIDA monograph taking a second evaluative look at California's Civil Addict Program, however, as a result of a followup study found that there were significant differences in treatment outcomes due to urine testing and close supervision. Parole supervision, when it was involved in the testing, resulted in much lower rates of daily narcotic use, drug dealing, and inpatient stay than did supervision without testing, and no supervision.)

Conditional discharge statutory diversion

Beginning in 1970 with the passage of the conditional discharge section (§404(b)) of the Federal Controlled Substances Act, national attention and experimentation began once more to turn to linkages between the criminal justice system and drug abuse treatment programs, the courts—and community-based drug and crime programs—and drug abusers who were primarily outpatient.15 That Federal statutory provision, which was later transferred almost intact to drug possession offenses, has been the basis for post-guilty plea diversion of first offenders on drug possession charges (misdemeanors and felonies) to programs of treatment and supervision in the community.16 Successful completion of a fixed term in treatment—again, usually in excess of a year—resulted in conditional discharge, i.e., removal of the previously entered guilty plea from the record, and, upon petition of the defendant, an expungement of the record of conviction.17

Like the civil commitment statutes before them, these conditional discharge statutes typically relied on the State Department of Mental Health or on the probation office to make treatment referrals and to provide monitoring and supervision on behalf of the criminal justice system.18 Also like the civil commitment statutes, because diversion occurred in the processing of the criminal case, the court (usually the trial judge) was the primary diversion initiator. The probation department or other agency had the role of "broker" or coordinator of local treatment services by placing referrals in particular programs. In this respect, these conditional discharge statutes mandated a form of interaction between the ordinary criminal justice system—characterized by a true "linkage"—a coordinating unit responsible for treatment placement, follow-up, and client monitoring.

While these statutes were in part enacted to avoid many of the problems associated with the civil commitment approach, they typically embodied serious limitations of their own, which caused them to fail. These limitations, which lessened their otherwise highly potential attractiveness to justice officials, included the fact that such options were by statute available only to narrow classes of drug-abusers, typically first or second offenders on drug possession charges only. The statutes required comparatively long periods of participation in programs of treatment (often up to 2 years), thus making their utility for and popularity with drug abusers other than heroin addicts very limited. Further, like the civil commitment statutes, conditional discharge statutes diverted drug abusers for only a relatively late in the processing of the criminal case—often after trial and conviction or entry of a plea of guilty.
Justice system, which is infrequency of their use by justice communities that would intervene in the processing of a drug abuse treatment and refer defendants to programs in such "officially" nondrug programs. These were typically defendants arrested for nondrug offenses who were incidentally drug abusers and for whom, once diverted, drug counseling and other services naturally evolved. While many such programs continued officially to bar drug abusers, usually for political reasons or out of fear of adverse impact on success rates, they continued to identify drug-abusing defendants, especially marijuana and polydrug abusers, who were diverted.

The success, even with drug abusers, of the nonstatutory prosecutor-based diversion model that intervened post-booking, led after 1972 to the passage of legislation and court rules permitting a pre-arrest diversion for minors.

Justice systems--the public sector and local levels that identify and divert drug abusers for treatment placement, pursuant to a "brokering" arrangement, began to proliferate--usually on an experimental basis.40 Almost invariably, such programs were an "official" component, which offered counseling and referrals; others were diverted annually at the post-charge phase, pursuant to a statutorily mandated set of eligibility determinations made by prosecutor and court. For example, a drug abuse treatment community.29

Yet, unlike TASC programs over time, the incentive of dismissal of charges upon successful completion, has been an ongoing phenomenon of Anglo-American justice. In the absence of the diversion, there was a process by which drug abusers were diverted, often at the request of the police and the court, pursuant to a "brokering" arrangement, making it, in effect, a classic "classical" model of pre-trial diversion, in the processing of the criminal case.

As noted earlier, pre-trial diversion programs for drug abusers grew out of the broader national experimentation with the concept of community-based pre-trial diversion, recommended by the Report of the President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society.41 This report recommended pilot programs in four cities, with the impetus provided by the report of the National Commission on Marihuana and Drug Abuse and the rise in 1973 to the national program, Treatment Alternatives to Street Crime (TASC) is a federally funded series of more than 50 local criminal justice/drug abuse treatment linkages mechanisms that identify and divert drug abusers for treatment placement at multiple post-booking points in the processing of the criminal case.

These programs, which displayed a wide variation in participant eligibility criteria and operating procedures, can best be characterized as coordinating units authorized by court rule, interagency agreement, or inherent prosecutorial discretion. As a result, they differed on the one hand with the traditional agencies of the criminal justice system, and on the other, with private sector community-based treatment programs. Most also brokered services for clients, in addition to or instead of providing services directly themselves. Most also offered, as did other pre-trial diversion programs, the incentive of dismissal of charges upon successful completion. (TASC programs over time, have demonstrated this feature, and the success, even with drug abusers, of the nonstatutory prosecutor-based diversion model that intervened post-booking, led after 1972 to the passage of legislation and court rules permitting a pre-arrest diversion for minors.

The success even with drug abusers, of the nonstatutory prosecutor-based diversion model that intervened post-booking, led after 1972 to the passage of legislation and court rules permitting a pre-arrest diversion for minors.

Quite apart from the presence of these features, which provided comparative flexibility, such pre-trial intervention typically occurred only after the filing of formal charges by the prosecutor or after initial court appearance.

This led in time to a recurring controversy, nationwide, over whether such diversion was proper or improper, to which of them had primary responsibility for the arrest, whether the deal was often made in the police station to which drug abusers for treatment placement, pursuant to a "brokering" arrangement, making it, in effect, a classic "classical" model of pre-trial diversion, in the processing of the criminal case.

As noted earlier, there have been many other pre-trial diversion programs, the incentive of dismissal of charges upon successful completion, has been an ongoing phenomenon of Anglo-American justice. In the absence of the diversion, there was a process by which drug abusers were diverted, often at the request of the police and the court, pursuant to a "brokering" arrangement, making it, in effect, a classic "classical" model of pre-trial diversion, in the processing of the criminal case.
As noted in the 1973 report of the National Advisory Commission on Criminal Justice Standards and Goals (NAC), such pre-charge programs were usually administered directly by police or probation officers and were intended to divert, and serve at the earliest possible stage in the case of the defendant, those such as youthful offenders, publicly intoxicated persons and chronic or habitual drunkards, persons with mental illness, those with a history of violence and white collar fraud cases.41

In some instances, diversion occurred in lieu of arraignment of others, after arrest but before booking; in yet others, after looking at the precinct.42 It was only after the advent of widespread illicit psychoactive drug use in the 1960s that such programs began to open up to and be designed to serve drug abusers on a regular basis. As was the case with the de facto entry of incidental drug abusers into pre-trial diversion programs on nondrug charges, many drug abusers diverted pre-charge were neither officially identified as drug abusers nor handled differently until diversion had already occurred.43

Just as the post-charge "adversarial" phase of the criminal process was dominated by the prosecutor, so was the earlier pre-charge, "investigative" phase dominated by the police. As a result, most pre-charge diversion was police advised, but a significant number of programs were police controlled. The Citizen's Probation Authority (CPA) in Flint, Michigan, which early on diverted both drug users and other types of offenders and which gave rise to a separate prosecutor-dominated pre-charge drug abuser program, had been in operation since 1965.44

In the juvenile justice system, not only had police discretion always been broader and more diverse, but awareness of police diversion had been established earlier and more visibly. In many urban areas in the private sector and various specialized counseling units had existed as adjuncts of juvenile justice agencies themselves since the early 1960s or before, with specific mandates to divert at the initial stage (prior to booking) or later at the pre-petitioning stage (i.e., prior to formal filing of charges).45 Large numbers of juvenile offenders for whom all adversarial processing was considered inappropriate (because to do so labeled the juvenile as a criminal and because initiation of penetration into the criminal-legal juvenile justice system was considered an important goal) were thus diverted pre-charge.46 As the amount of juvenile crime has grown and as the proportion of all street crime committed by juveniles has increased, overcrowded juvenile courts and probation-administered intake centers have increased the scope of pre-charge diversion for juveniles, both by increasing the range of eligible offenses and types of cases, and by extending the population to arrestee population that is diverted.

Unlike the situation with regard to statutory civil commitment and nonstatutory post-filing diversion, most such pre-charge programs have maintained a low visibility, and there is little descriptive information, let alone program evaluations. Not only is comparatively little known about the nature and extent of such pre-filing, i.e., pre-charge, diversion nationally, but its appropriateness and effectiveness compared to later diversion options has yet to receive much scrutiny. As is the same for this monograph, then, is to stimulate consideration of and discussion of drug abuse pre-trial diversion programs and their potential for replicability. How this aim is integrated within the overall purposes of this monograph will be described below.

Purposes

Within the context of the development of the Federal strategy to build more and better drug abuse treatment/criminal justice linkages, NIDA's primary purpose in commissioning this effort has been to generate a state-of-the-art treatment/criminal justice initiative. The Citizen's Probation Authority (CPA) in Flint, Michigan, which early on diverted both drug users and other types of offenders and which gave rise to a separate prosecutor-dominated pre-charge drug abuser program, had been in operation since 1965.47

In the juvenile justice system, not only had police discretion always been broader and more diverse, but awareness of police diversion had been established earlier and more visibly. In many urban areas in the private sector and various specialized counseling units had existed as adjuncts of juvenile justice agencies themselves since the early 1960s or before, with specific mandates to divert at the initial stage (prior to booking) or later at the pre-petitioning stage (i.e., prior to formal filing of charges).45 Large numbers of juvenile offenders for whom all adversarial processing was considered inappropriate (because to do so labeled the juvenile as a criminal and because initiation of penetration into the criminal-legal juvenile justice system was considered an important goal) were thus diverted pre-charge.46 As the amount of juvenile crime has grown and as the proportion of all street crime committed by juveniles has increased, overcrowded juvenile courts and probation-administered intake centers have increased the scope of pre-charge diversion for juveniles, both by increasing the range of eligible offenses and types of cases, and by extending the population to arrestee population that is diverted.

Unlike the situation with regard to statutory civil commitment and nonstatutory post-filing diversion, most such pre-charge programs have maintained a low visibility, and there is little descriptive information, let alone program evaluations. Not only is comparatively little known about the nature and extent of such pre-filing, i.e., pre-charge, diversion nationally, but its appropriateness and effectiveness compared to later diversion options has yet to receive much scrutiny. As is the same for this monograph, then, is to stimulate consideration of and discussion of drug abuse pre-trial diversion programs and their potential for replicability. How this aim is integrated within the overall purposes of this monograph will be described below.

Role and purposes of NIDA's criminal justice initiative

Building effective communications, fostering information exchange, and providing technical assistance to various organizations involved in the drug abuse treatment/criminal justice interface are a major focus of NIDA's current criminal justice initiative. The role and purposes of the initiative have been characterized by Institute publications to follow:

- To assure treatment and rehabilitation services for the drug-abusing criminal defendant and drug-abusing criminal offender in both the criminal justice system and the drug abuse treatment system;
- To increase awareness of the need for improved systems and processes to facilitate accurate identification, diagnosis, referral to treatment, and followup;
- To mobilize Federal and State efforts; and
- To provide a catalyst for new program development that combines the best services of the participating agencies.

The Institute derives its authority to address justice-system-related aspects of drug abuse from section 410 of its enabling legislation, NIDA has concentrated its efforts in this area on the criminal justice system— the first and last point of contact of the drug-abusing criminal defendant—and it itself conducts no research. The Institute's legislative mandate has been written and its purpose is to ensure that the unmet treatment needs of a significant number of drug abusers can be satisfied. Along with the Law Enforcement Assistance Administration (LEAA), NIDA over the years has given planning and funding support to various diversion and referral strategies, for example, through pilot-program funding. Joint planning and fundraising of TASC by NIDA and LEAA is perhaps the outstanding example of this support.

Over time, the activities of NIDA in this area have fallen into three phases, as follows:

Phase 1 (1972-1974) characterized by efforts to pass enabling legislation (e.g., amendments to the Safe Streets Act requiring LEAA to issue guidelines for drug treatment for defendants, and SA/DDAP confidentiality regulations);

Phase 2 (1975) characterized by joint policy formulation with LEAA for program development and initiatives directed at the drug-abusing criminal defendant, to benefit both the criminal justice system and the drug abuse treatment system, e.g., letters of agreement for joint planning by LEAA State planning agencies (SPAs) and NIDA Single State Agencies for drug abuse prevention (SSAs); and

Phase 3 (1976 to present) characterized by individual initiatives, e.g., national and regional seminars on diversionary referral strategies for both the criminal justice and drug treatment systems; and various efforts to facilitate direct linkages between the drug abuse treatment system and the criminal justice system.

This monograph, together with other recent publications by NIDA addressing the drug abuse treatment/criminal justice interface, represents an additional aspect of this phase 3 effort.

NIDA's interest in pre-charge diversion strategies

In recent years, support activities of NIDA, paralleling areas of State and local emphasis, have focused on policies in the processing of drug-carrying criminal defendants that occur after the prosecutor makes a determination whether police action should be taken, i.e., once the underlying criminal case has formally been entered into the adversarial
system of justice. For reasons explained below, NIDA is now directing more attention to that earlier stage in the criminal justice process—the pre-charge stage, dominated by the police—in order at that stage to build linkages, promote information exchange, and promote training for law enforcement compo-
ents.

After more than a decade of experimentation with strategies to divert the drug-abusing criminal defendant out of the ordinary course of processing, a variety of program models have received attention in the literature and have been institutionalized locally after success as "pilot efforts. TASC, now operational in more than 50 cities and counties across the country, is the outstanding example of a "pilot" court, created by statute or court rule and operational in vari-
ous states, which have also received considerable attention.

Rationale for this study

The predominant models for drug diversion intervene to identify drug abusers and refer them for treatment comparatively late in the processing of a criminal case—only at the point where the prosecutor is faced with the decision whether to seek a formal conviction or to pursue the possibility of avoiding the initial court appearance. There exist compelling reasons, however, for bringing drug abusers into the judicial system earlier in the process, for drug diversion intervention no earlier than this stage in a criminal case. There also exists, however, a growing concern by NIDA officials and others that many drug abusers in need of treatment pass through the criminal justice system before the prosecutor decides to make a formal charge. In these instances, the criminal justice system, therefore, has an opportunity to identify and refer for service a defendant who, if treated, would not reoffend, and who, if untreated, is comparatively more likely to recidivate. Likewise, the criminal justice system has the oppor-
tunity to take advantage of treatment services offered to others whose cases progress further through the system.

Several recent studies, when read together, make a circumstantial case for the fact that a very high proportion of drug abusers-SNF "slipping through the cracks" after arrest, i.e., their cases are dropping out of the criminal justice system before drug treatment referral or diversion is offered to them. The recent Final Report of the Joint Committee on New York Drug Law Evaluation noted that only 39 percent of federal drug abusers are identified during the period 1972-1973 had resulted in indictments.4 What was more, after passage of the new "get tough" statute in 1973, com-

__

The 1976 LEAA Survey of Inmates of Local Jails across the United States reported that while 28 percent of inmates had used illegal drugs at some time prior to arrest, with 41 percent of all users characterizing their usage as "often," only 4 percent were enrolled in drug treat-
ment at the time of their entry to jail, and 52 percent had never been enrolled in treat-
ment. In contrast, 14 percent of the total population surveyed admitted to illegal drug use in the month prior to being jailed on the current offense.5

In addition to the foregoing data from the 1976 jail survey, key findings from the LEAA's 1976 publication, Diversion to Drug Treatment, illustrate the extent to which drug abusers go undetected, and thus untreated, in the initial stage of involvement in the justice system. The 1976 jail study, relying on data collected during an in-depth sample survey in 1972 of 84 jails of varying sizes nationwide, noted that almost half the jails surveyed held most of their inmates for less than 30 days. (For "short stay" jails, a mean of 56 percent of inmates were held for less than 3 days and 30 percent for 3 to 30 days. For "medium stay" jails, 8 percent less than 3 days and 42 percent for 3 to 30 days.) Further, one-third of these jail inmates had no drug abuse screening or identification proce-
dures, and only minimal screening proce-
dures were in place at another one-quarter of the jails sampled. What was more, when they did exist, drug abuse screening procedures were often selectively applied and sometimes bypassed or ignored altogether.

Last, a 1976 joint study by the D.C. Pretrial Services Agency and the Drug Abuse Information Center of the D.C. Office of Criminal Justice Planning and Analysis, titled The Pretrial Offender in the District of Colum-
bia, advanced several significant findings with regard to the case experience of drug abusers in the D.C. pre-charge diversion programs, including the following:

That the population served, both in terms of socioeconomic makeup and drug abuse patterns displayed, was a secondary con-
ideration after attention to operating pro-
cedures and other programmatic features.

Methodology

All State-level criminal justice and drug treat-
ment planning offices (the State Planning Agencies of LEAA funds and the Single State Agencies [SSAs] for ADAMHA funding) were contacted by letter and telephone to determine if they had identified any such referral mechanisms operating in their respective States. In many instances, it was suggested that the administrations of the States, at the suggestion of State officials, further contacts be made with local city and county crimini-

a program development and replication, as well as training for local law enforce-
ment personnel, and for local justice plan-
ners, and others concerning the utility of pre-charge diversion efforts.

Scope and Focus

This study commissioned by NIDA was man-
dated to inquire into the entire period from initial contact with a suspect by the police up to, but not including, the point at which the prosecutor filed formal charges against the accused. The Supreme Court, in the case of Kirby v. Illinois, defined the latter point as arrest, which, for the purposes of this study, shall be viewed as occurring after the police have been notified of a crime, and have enough evidence to believe that the suspect committed it, which was more, after passage of the new "get tough" statute in 1973, com-

plate with mandatory sentencing and a ban on plea bargaining and the duty to return all drug abusers arrested as far into the sys-
tem as to result in indictment.6

The 1978 LEAA Survey of Inmates of Local Jails across the United States reported that while 28 percent of inmates had used illegal drugs at some time prior to arrest, with 41 percent of all users characterizing their usage as "often," only 4 percent were enrolled in drug treat-
ment at the time of their entry to jail, and 52 percent had never been enrolled in treat-
ment. In contrast, 14 percent of the total population surveyed admitted to illegal drug use in the month prior to being jailed on the current offense.5

In addition to the foregoing data from the 1976 jail survey, key findings from the LEAA's 1976 publication, Diversion to Drug Treatment, illustrate the extent to which drug abusers go undetected, and thus untreated, in the initial stage of involvement in the justice system. The 1976 jail study, relying on data collected during an in-depth sample survey in 1972 of 84 jails of varying sizes nationwide, noted that almost half the jails surveyed held most of their inmates for less than 30 days. (For "short stay" jails, a mean of 56 percent of inmates were held for less than 3 days and 30 percent for 3 to 30 days. For "medium stay" jails, 8 percent less than 3 days and 42 percent for 3 to 30 days.) Further, one-third of these jail inmates had no drug abuse screening or identification proce-
dures, and only minimal screening proce-
dures were in place at another one-quarter of the jails sampled. What was more, when they did exist, drug abuse screening procedures were often selectively applied and sometimes bypassed or ignored altogether.

Last, a 1976 joint study by the D.C. Pretrial Services Agency and the Drug Abuse Information Center of the D.C. Office of Criminal Justice Planning and Analysis, titled The Pretrial Offender in the District of Colum-
bia, advanced several significant findings with regard to the case experience of drug abusers in the D.C. pre-charge diversion programs, including the following:

That the population served, both in terms of socioeconomic makeup and drug abuse patterns displayed, was a secondary con-
ideration after attention to operating pro-
cedures and other programmatic features.

Methodology

All State-level criminal justice and drug treat-
ment planning offices (the State Planning Agencies of LEAA funds and the Single State Agencies [SSAs] for ADAMHA funding) were contacted by letter and telephone to determine if they had identified any such referral mechanisms operating in their respective States. In many instances, it was suggested that the administrations of the States, at the suggestion of State officials, further contacts be made with local city and county crimini-

a program development and replication, as well as training for local law enforce-
ment personnel, and for local justice plan-
ners, and others concerning the utility of pre-charge diversion efforts.

Scope and Focus

This study commissioned by NIDA was man-
dated to inquire into the entire period from initial contact with a suspect by the police up to, but not including, the point at which the prosecutor filed formal charges against the accused. The Supreme Court, in the case of Kirby v. Illinois, defined the latter point as arrest, which, for the purposes of this study, shall be viewed as occurring after the police have been notified of a crime, and have enough evidence to believe that the suspect committed it, which was more, after passage of the new "get tough" statute in 1973, com-
diversion programs known to them anywhere in the country. These groups included—

• The Office of Narcotic and Drug Abuse Programs in the Corrections Division at LEAA, which coordinates all federally funded TASC programs;
• The National Association of State Alcohol and Drug Abuse Directors (NASAAD);
• The LEAA-sponsored Pretrial Services Resource Center (PSRC) and the National Association of Pretrial Services Agencies (NAPSA);
• The American Bar Association's Pretrial Intervention Service Center's library of publications; and
• Various police and prosecutor professional associations.

Moreover, a full review of all existing literature on pre-trial diversion generally and drug diversion in particular occurred. Programs thus identified were cataloged for further contact.

The result of the literature search and State and local planning agency telephone inquiries resulted in an extensive list of diversion programs that were apparently pre-charge and that served drug abusers either exclusively or as a significant subgroup in the areas. Followup contact with each individual program thus identified ensued again by telephone and letter. Some failed to respond to the initial contact or to contact for further operating procedures, and others, once contacted, proved unwilling to be bound by the boundaries of the study. Still others, though they fit the definition served so few cases as to not have a significant impact on the criminal justice process or to fall outside the boundaries of the study.

A series of related reports on building linkages between the criminal justice and treatment systems (1977); A series of Best Strategy reports (in press); and A monograph on State Parole Policies and Procedures Regarding Drug Abuse Treatment (1977).

These and other sources queried yielded a large number of leads to pre-charge diversion programs from drug abusers. As was expected, this list proved to overlap substantially with program leads developed via mail and telephone queries from State and regional justice and drug abuse planning personnel.

Nationalwide telephone contacts

As indicated above, all SPAs and SSAEs were contacted initially by letter and advised to expect telephone inquiries on the subject of this study during specified periods. Letter telephone contact was generally opened-ended questions about pre-charge diversion and other drug diversion strategies operating in their respective States. A high level of interest in our study and cooperation demonstrated by administrators and local officials in advance of final site selection. Program components at two sites were operationally administered directly by police departments. Those at other sites featured local involvement but were operated by large social service agencies of State or local government, by prosecutors, or by the local government directly. Two sites visited delivered various forms of drug treatment that were coordinated by central police entry points and referral units.

Of the 53 programs, 36 were eliminated from further consideration because they were not characterized by pre-charge diversion as a significant police involvement but were operated by large social service agencies of State or local government, by prosecutors, or by the local government directly. Two sites visited delivered various forms of drug treatment that were coordinated by central police entry points and referral units.

Sites selected

• of the 17 prime candidates pre-charge referral strategies, those in 6 locales were selected for site visits and detailed description, based on a mix of the following considerations:
  • Procedural variation in program design;
  • Juvenile as well as adult programs represented in the final group;
  • Geographic distribution;
  • Emphasis on programs operating in proximity to major drug entry/distribution points/routes;
  • A cross-section of drug abuse patterns displayed by local populations being served;
  • A significant role for police in diversion process;
  • A high level of interest in our study and cooperation demonstrated by administrators and local officials in advance of final site selection.

Program components at two sites were operationally administered directly by police departments. Those at other sites featured local involvement but were operated by large social service agencies of State or local government, by prosecutors, or by the local government directly. Two sites visited delivered various forms of drug treatment, while the others typically used various systems of referring dependents to treatment services coordinated by central police entry points and referral units.

Out of a total of 16 components observed at these 6 sites, 1 component was the remaining 6 worked with adults. One site visited was located in the last, in the Midwest, and the remaining three in the East. California, Connecticut, and Minnesota, a MAP-Granting State, are among the sites visited; the former is the home of the 17 sites visited; the latter is the site of the 17 prime candidates pre-charge referral strategies, those in 6 locales were selected for site visits and detailed description, based on a mix of the following considerations:
The Marin County Treatment Alternatives to Street Crime (TASC) program performs diagnostic and treatment referrals and placement functions for a variety of agencies in the criminal justice system. Pre-arrrest police referrals on felony and misdemeanor charges are made to TASC.

In addition, two of the county's municipalities, Novato and San Anselmo, have regularized pre-charge diversion programs for youths, many of whom display serious substance abuse problems. All three diversion programs lead to the dropping of charges upon successful compliance.

Philadelphia Social Action Workshop. In lieu of making an arrest, plainclothes police detectives, at their discretion, refer drug abusers to this counseling and work-study program. Successful completion results in dismissal of charges.

Baltimore County, Maryland, Community Arbitration Program. Police, through the issuance of a citation, divert pre-charge many drug-abusing and other juvenile defendants into this program. Features include a hearing on the offense, counseling, and volunteer work service. Successful completion results in dropping of pending charges.

All programs displayed significant differences in approaches in which the police role and function was the predominant one in the diversion process.

Most programs visited served predominately polydrug abusers, though most of the juvenile programs worked mainly with marijuana users, and one of the adult programs, the Genesee County Drug Diversion Authority, served large numbers of ople users.

FOOTNOTES
3. See Public Law 91-513, the Federal Controlled Substance Act of 1970. More than 40 States have to date enacted the Uniform Controlled Substance Act, drafted by the National Conference of Commissioners on Uniform State Laws. The model legislation parallels the regulatory provisions of the Federal Statute. (It also provides for treatment in lieu of conviction, as does 404(b) of the Federal Act. See notes 16-23, infra, and accompanying text.)
11. See note 8, supra. Also see Bellasal and Segal, supra note 9, pp. 676-710.
For a general discussion of types of linkages, see Developing strategies for linking the criminal justice and drug treatment systems. For Drug Abuse Treatment and the Criminal Justice System: Three Reports (Rockville, Md.: NIDA, 1997).

For a general discussion of the value of early diversion options in minimizing the crimino-genic effects of traditional criminal justice and juvenile justice proceedings, see NAC Courts Report, supra note 4, pp. 28, 35.

The Federal conditional discharge provision, it must be noted, however, was never envisioned as an operational diversion option for Federal courts, since most minor drug offenders are tried in State and local courts.

Rather, Congress included §404(b) in the Federal Controlled Substance Act to serve as an example to the States of what was viewed as a preferred mode of processing minor and first time drug law violators. See 110 Congressional Record R9163-64 (daily ed., Sept. 24, 1970) (remarks of Congressmen Robinson and Springer).

Bellassai, supra note 11, p. 1921. For discussion of the New Jersey Supreme Court Rule authorizing diversion of drug and nondrug cases, which is the outstanding example among the States, see generally NAPSA Diversion Standards, supra note 6; and Source Book in Pretrial Crime Intervention Techniques and Action Programs (Washington: American Bar Association Pretrial Intervention Service Center, 1974).


Bellassai, supra note 11, p. 19.

Ibid., pp. 19-21.

For a general discussion of P.C. §1000 diversion, see Legal Opinions on Pretrial Diversion Alternatives, Information Bulletin No. 1, August 1975 (ABA PTI Service Center) p. 2. Many P.C. §1000 cases are diverted and supervised by various of the California TASC programs. Marin County TASC, which is one of the programs visited during the course of this study, derived the bulk of its client intake from post-charge/pre-trial P.C. §1000 diversion cases.


For an operational description of the New York City Addiction Services Agency's Court Referral Program, see Drug Abuse and the Criminal Justice System: A Survey of New Approaches in Treatment and Rehabilitation (Washington: Drug Enforcement Administration, 1975) pp. 74-81.

Much descriptive and evaluative material has been published on TASC by the former Special Action Office for Drug Abuse Prevention (SAODAP), located from 1972-74 in the Executive Office of the President; by its successor, the Alcohol, Drug Abuse and Mental Health Administration (ADAMHA); by the Law Enforcement Assistance Administration (LEAA), which together with SAODAP and later, NIDA, funded TASC; and by States and localities which have operated TASC programs. Several key pieces of the TASC literature include LEAA, 1978) and LEAA, National Evaluation Program: Phase I Report: Treatment Alternatives to Street Crime (TASC). By Toborg, M.; Levin, D.; Milkman, R.; and Center, L. (Washington: LEAA, 1976).


See generally ABA PTI Directory, supra note 28.

For an overview discussion of the court versus prosecutor controversy in the post-charge/pre-trial diversion area, see NAPSA Diversion Standards, supra note 6, pp. 59-70; and Bellassai, supra note 11, pp. 21-25.

For a review of the so-called "over-judicialization" of post-filing/pre-trial diversion, see generally Bellassai, supra note 11.

Ibid., p. 27.

See NAPSA Diversion Standards, supra note 6, pp. 16-25 (cautious to overreliance on diversion as panacea); and Kirby, M., Findings, 2: Recent Research Findings in Pretrial Diversion (Washington: Pretrial Services Resource Center, 1978) pp. 16-18.


NAPSA Diversion Standards, supra note 6, pp. 1-4; Bellassai and Segal, supra note 9, pp. 672-676; Bellassai, supra note 11, pp. 15-16, and note 4.

See NAC Courts Report, supra note 4, pp. 24-29, 32-38.

Ibid., pp. 24-25, 33-35.

Ibid., pp. 28-38.

Ibid.

Bellassai, supra note 11, p. 19.

The CPA, which later gave rise to a separate but procedurally similar drug diversion program, the Drug Diversion Authority (DDA), is discussed in chapter 3 of this monograph, along with DDA diversion cases.

See note 6, supra. See also NAC Police Report and NAC Courts Report, supra note 4; and Najelski, P., "Diversion: The promise and the danger," Crime and Delinquency, 1976, 22 (44), p. 393.


2. Toward a State-of-the-Art Review: Program Typologies and Salient Issues

PROGRAM TYPOLOGIES

During the initial phase of this study, considerable information was gathered concerning the operation and administration of particular pre-charge diversion efforts. These diversion strategies, though varying greatly in procedural detail, locus of administrative control, eligibility criteria, and populations served, clustered into several general types. Details of this emerging typology of pre-charge diversion strategies follow.

An Emerging Typology of Pre-Charge Diversion for Drug Abusers

The literature review and nationwide telephone contact with state-level SSAs and SPAs, followed by telephone contact with particular pre-charge diversion programs, has allowed the construction of typologies in this area. Programs will be looked at from five vantage points:

- Point of referral;
- Primary actor(s) controlling the operations;
- Locus of administrative control (i.e., agency sponsorship, if any);
- Programmatic configuration of the service provider(s) to whom cases are referred; and
- Nature of the services provided to divertees.

Point of referral

Thirty-five truly pre-charge diversion programs for adults and juveniles were analyzed and compared procedurally. The following types, in terms of the point at which referral or diversion occurred, were discovered:

- Pre-arrest diversion by police, either at the scene of an apprehension or from the stationhouse;
- Post-arrest/pre-booking (or pre-intake) diversion from the stationhouse or via citation release procedures at the scene of the apprehension;
- Diversion at or after booking (intake), in lieu of pre-trial detention; and
- Post-booking/pre-filing diversion, after the pre-trial release decision has been made and once initial steps in case review by the prosecutor have commenced.

Primary actor(s)

Of the operational examples of pre-charge diversion encountered, variety and clustering were also discerned on the basis of which actor(s) in the criminal justice process controlled the decision to divert or refer cases or which actor(s), if that decision was a shared one, dominated the process. The following types emerged:

- Diversion at the discretion of police, either on the street or from the stationhouse;
- Diversion by a prosecutor or juvenile intake officer from the stationhouse, pre- or post-booking, after a recommendation from the arresting officer;
- Diversion by a specialized, independent social service affiliated worker (an arbitrator, youth counselor, etc.), after arrest but before booking, with the advice of (but not dependent upon) the recommendation of the arresting officer;
- Diversion by the prosecutor with input from (but not dependent upon) police, after booking (or juvenile intake) and after pre-trial detention or release, at the point where review of the case for purposes of the filing of charges occurs; and
- Diversion by court-affiliated administrative personnel (e.g., court clerks), pre-filing, of certain fixed categories of traffic-related cases, where arrest and release upon police citation has already occurred.

20
A variety of different agency affiliations for administrative control were discovered. In many ways these paralleled the types of administrative control encountered among post-charge diversion programs, which types have been described in previous publications. Full institutionalization—where the diversion program is a regular subunit of a larger, preexisting frontline agency, as opposed to a pilot program—was encountered with surprising frequency in programs with an administrative nexus with State, county, or local governments.

The following types of administrative control over, or affiliation of, pre-charge diversion programs were encountered:

- Free-standing diversion programs, wherein preexisting entity is the sole administrative agency.
- Programs operating as regular administrative subunits of larger, preexisting State or county criminal justice agencies, notably community mental health departments, and administrative agencies.
- Programs operating as regular administrative subunits of larger, preexisting State or county drug treatment agencies, notably community mental health departments, and administrative agencies.
- Programs administratively affiliated with large criminal justice or drug treatment bureaucracies but operating semi-autonomously, as pilot programs on grant status.

Programmatic configuration of the service provider(s)

Police referral and other pre-charge diversion programs cluster into distinct but distinguishable types based on the programmatic configuration of service providers to which referrals for treatment services were made. These primary patterns for service delivery to pre-charge divertees were encountered. These were as follows:

- Diversion to a single, freestanding treatment program, located outside the criminal justice system, and featuring one or more modalities.
- Diversion to a variety of different treatment programs and other service providers outside the criminal justice system and not administratively linked with each other.
- Diversion to a variety of services within a single, large helping service bureaucracy, e.g., community health department (usually occurring when the diversion program itself was a unit of such a large agency).
- Diversion to an interface "broker" (such as a TASC program) that offers little or no direct service delivery itself but that matches the treatment needs of individual divertees to the capabilities of available private sector agencies, and that then makes re-referrals and monitors treatment progress.
- Service delivery to the divertee directly by the diverting or referring criminal justice or juvenile justice agency itself (e.g., by a youth service bureau administered by a local police department).

Nature of services provided

A variety of different service delivery capabilities were discovered on the part of the pre-charge diversion strategies identified. These ranged from very limited single modality, short-term services of a very limited sort (e.g., outpatient drug awareness classes) to a very broad, sophisticated mix of multimodality treatment services, fully geared to differing client needs, like day care, job placement, etc. By and large, the nature and extent of services provided to divertees, like the required term of diversion enrollment, were a function of both the gravity of the sorts of charges diverted and the relative seriousness of the drug treatment problems typically displayed by divertees. A clustering was observed in this area, as follows:

- Diversion: fixed, short-term courses or classes on drug education and prevention, with little or no variation in delivery geared to diversion to the needs of individual divertees;
- Diversion to short-term counseling, primarily of the drug abuse prevention sort, though tailored to the delivery to the needs of individual divertees;
- Diversion to single modality outpatient treatment services (e.g., drug-free therapy tailored to differing client needs, often coupled with auxiliary services; and
- Diversion to a service provider offering the full range of multimodality drug treatment and educational services, either outpatient or outpatient/ Inpatient, with a treatment plan geared to individual client needs.

In the following chapter, detailed operational descriptions for the programs observed in six sites visited will be presented. How programs visited exemplified the various typologies described above will be addressed.
apprehension by police, the available, enforceable sanctions seem to have little or no effect.

What effective response does the police officer have when there is a drug-related arrest. Should the offender be diverted from the justice system? Problems of cases diversion to the point of nonexistence. What effective response does the police officer have when there is a drug-related arrest. Should the offender be diverted from the justice system? Problems of cases diversion to the point of nonexistence.

The phase of criminal case processing is not clear. Numerous subsidiary issues arise from this uncertainty, however, as follows:

- Is access to counsel for adults mandated when faced with the decision of whether to choose diversion? Though not determined as a matter of law and accordance with the Kirby decision, many commentators argue that the pre-charge decisionmaking point requires access to adults under the guidelines established in Kirby and subsequent cases. They argue that, given the pre-Charge decisionmaking point, this issue was raised in the Kirby test of "commencement" of the adverse phase of the case has occurred. This issue requires access to counsel according to this line of reasoning. Without counsel, a knowing and voluntary choice of diversion would be impossible, and the right to counsel would be fundamentally protected.

- What about the pre-booking situation, however? In which stage of the case has the Kirby test of "commencement" of the adverse phase of the case has occurred? This issue requires access to counsel according to this line of reasoning. Without counsel, a knowing and voluntary choice of diversion would be impossible, and the right to counsel would be fundamentally protected.

- Whether and to what extent these requirements extend forward to the pre-charge phase? Whether and to what extent these requirements extend forward to the pre-charge phase? Whether and to what extent these requirements extend forward to the pre-charge phase?
the treatment responses desired will often suggest the choice. Cost, flexibility, and case volume considerations aside, in the opinion of some actors, namely defense attorneys, failure to provide a variety of treatment modalities could well impact on program credibility and open the way for equal access to treatment. 

In the opinion of some actors, mainly defense attorneys, failure to provide a variety of treatment modalities could well impact on program credibility and open the way for equal access to treatment. 

Eventually the choice.

The choice.

It could well impact on program credibility and open the way for equal access to treatment.

...in the opinion of some actors, mainly defense attorneys, failure to provide a variety of treatment modalities could well impact on program credibility and open the way for equal access to treatment.

The choice.

Eventually the choice.

It could well impact on program credibility and open the way for equal access to treatment.
Conceptual Basis for Drug Abuse Treatment Systems

With few exceptions, the pre-charge drug abuser referral strategies to be described in detail below were designed to achieve the same purpose without the need for precarization and the administration of justice. Programmatic configurations vary greatly, it is true, depending on local needs, focus of administrative control, and nature and extent of local drug abuse. Moreover, the criminal justice procedural aspects of these diversion practices likewise vary, depending upon point of diversion and identity of the diversion decision-maker. The conceptual premises on which these practices operate remain constant, albeit assigned different priorities from program to program. The conceptual bases relied upon to legitimize the practice of pre-charge diversion are:

- The reach of the criminal law in many areas is overbroad, drawing defendants into the adversary process who are not truly involved in criminal lifestyles but who are caught up in situational encounters with the law, often prompted by drug use. Making options available at the earliest point to divert such defendants out of the adversary system avoids stigma, trauma, case processing costs, and case backlogs.

- While the primary responsibility of police and prosecutors is law enforcement, crime prevention is an important facet of their work. Thus, given the high rate of recidivism among juvenile and adult drug abusers, police and prosecutors are very sensitive to diversion options that may reduce the cycle of drug-related crime.

Program Operations Perspective

As indicated above, 10 program components that refer defendants to drug treatment were observed in detail in 6 sites. These include several common design features, unique design features, and a summary of program outcomes will be addressed in this section. These features are illustrated in exhibit 1.

Primary Actors

For all of the 10 program components observed in the 6 sites visited, police played a key role in drug abuser identification and referral. For the truly pre-arrest examples visited—Wilmette and Philadelphia—the apprehending officer was also the key actor, making the decision to divert without review or modification by other parties. This situation was paralleled with regard to pre-arrest examples in Reno and Minneapolis—Decentralized Diversion to Marin County TASC. The arresting officer here completely controlled the process of diversion decisionmaking.

For the California "602" youth diversion programs visited, a plainclothes detective reviewed the arresting officer's report and made the key decision to divert or to book. Again, this level of police discretion is not reviewed, or reviewed by other parties.

For the juvenile Community Arbitration Program in Maryland and the similar program of the Colorado Division of Motor Vehicles, administrative personnel of the court are involved. The initial decision as to diversion or to book.

Generic Models From a Program Operations Perspective

Two sites visited featured large coordinating units that serve as a diagnostic, diagnosis, and referral and that provide treatment program information back to the source of the referral benefit to systems and increase mutual understanding and information exchange.

The adult criminal justice and juvenile justice systems are themselves criminogenic. While the diversion of selected, nonserious defendants at the earliest possible point performs a crime prevention function.

- The trauma of arrest serves as a useful catalyst to rehabilitating the criminal justice system in a crime prevention capacity, the criminal justice system also serves as an excellent casefinder for the drug abuse industry. Most recently, the nature of arrest or the hold, or threatened sanction, that the criminal justice system can bring to bear on defendants will serve the treatment process. Treatment in lieu of arrest or prosecution facilitates rehabilitation.

- The "actor-judicialization" of post-filing diversion options has deprived the concept of much of its original flexibility and discretion. Most recently, the development of diversion programs prior to filing of charges restores many of these advantages.

A coordinating unit for identifying drug-abusing criminal defendants and referring them to preexisting, outside treatment programs, pursuant to their treatment, is more cost effective and provides for a wider range of treatment options than does the provision of simply in-house counseling and treatment by the diversion program.

While in a certain percentage of diverted cases, defendants will fail to complete satisfactorily the diversion program, and while an additional percentage will recidivate and relapse after successful completion, there exists a comparatively small advantage to risking diversion in lieu of arrest or in lieu of proceeding to trial. The effect of the justice system and the failure of the police to deter drug abusers, including short- or long-term incarceration, to break the cycle of drug-related crime.

For the two California "602" youth diversion programs visited, a plainclothes detective reviewed the arresting officer's report and made the key decision to divert or to book. Again, this level of police discretion is not reviewed, or reviewed by other parties.

For the juvenile Community Arbitration Program in Maryland and the similar program of the Colorado Division of Motor Vehicles, administrative personnel of the court are involved. The initial decision as to diversion or to book.

Programs in two other sites serving adult defendants likewise broker for services to outside treatment programs, but also provide in-house counseling by their own staff. Both also accept referrals from a single, or predominant, source—in one instance, a county court prosecutor in the other, a county court clerk's office—and are committed programmatically to obtaining the dropping of the charges. All participants who successfully complete treatment programs described are the Genesee County, Michigan, Drug Diversion Authority (DDA) and the Van Wert County, Indiana, Drug and Alcohol Deferred Service (DADS).

Three more programs, each of which serves juvenile defendants, provide both in-house counseling and, to varying degrees, referrals for outside treatment services. Each implements the normal processing of a juvenile case at a point prior to juvenile intake (the equivalent of looking in the adult system), obtains its cases via a program, and it is not reviewed, or reviewable, by other parties. All maintain holds on juvenile divertees for relatively fixed periods of time in order to effectuate the dropping of charges for participants who successfully complete the program. Examples here are the Baltimore County, Maryland, Community Arbitration Program and the similar program of the "602 Youth Diversion" under a California statute—the Novato Youth Services Bureau and the San Anselmo Departmental Probation Program, which were visited, along with the TASC program in Marin County.

The remaining diversion "process," as distinct from "program," represents an instance of comprehensive pre-arrest diversion by local juvenile officers to a particular community-based drug treatment program in which these officers have confidence and with which they have worked successfully at some time in the past. The decision in the program will not result in no record of arrest being filed. Compan
euts involved for the one such operational example are the Narcotics Unit of the Mortal Justice, City of Philadelphia Police Department, and the Social Action House. A less common community-based drug-free treatment/counseling program for juveniles, most of whom do charge as referrals from the criminal justice system.

OUTSTANDING FEATURES

Primary actors, common programmatic themes and design features, unique design features, and a summary of program outcomes will be addressed in this section. These features are illustrated in exhibit 1.
Delaware Common Pleas Court program in contrast features a self-reflexing decision to divert, by a judge or juvenile hearing magistrate, the defendant, whom charge and status as a first offender drug-or alcohol-abusing driver usually allows diversion unless steps are taken to the contrary.

Only two examples (DDA in Flint, Michigan, and the diversionary treatment referral to CJSC by the Delaware Attorney General's Faney Screening Unit) display key rules for the prosecutor in the drug abuser identification and treatment referral process. With regard to DDA, which is truly a diversion "program," discretion to divert rests with the prosecutor, though input from the arresting officer is invariably sought and received. Likewise in Delaware, though the treatment referral to CJSC does not--and cannot by current design—result in the dropping of charges or suspension of prosecution, the decision to encourage the defendant to report for treatment at the pre-indictment stage is the prosecutor's to make—again, after input from the arresting officer.

In none of these instances does a judicial officer—judge or juvenile hearing magistrate—play a role. Moreover, the traditional adult and juvenile correctional agencies (e.g., probation) have no programmatic involvement with the diversion processes, either procedurally or through service delivery to divertees.

Common Themes

Despite the wide variation in program design, populations served, and locus of diversion authority and control, all the early diversion strategies, and their programs, have several common design features that can be distinguished. With regard to Delaware and the Delaware CJSC, it must be noted that several of these features are displayed by the linkage mechanism working in conjunction with the police, rather than by the diversion-initiating actors themselves. Common design features include:

- Initiation of case referral and preliminary drug abuse treatment by police;
- Input from the arresting officer to a trained interviewer, who makes further inquiries and decisions about the nature and extent of drug abuse;
- A review (in all but three instances) of the apprehending officer's case by an additional, neutral party (police youth officer, diversion program administrator) before a decision to divert occurs;
- A decision to divert prior to the generation of prosecutor or court paperwork on the case (except for the Delaware Falony Screening and Diversion Unit);
- A referral for treatment or education services to preexisting private-sector treatment resources outside the criminal justice system, in all instances through a "brokering" linkage agency—TASC, CJSC, DDA, DADS, etc.—that provides no direct services, except for in-house counseling;
- Regular reporting back to the juvenile justice system referrals against cases that benefit more from treatment than from pre-trial detention and prosecution;
- The dropping of charges against a defendant who successfully participates in drug abuse treatment for a stated period is a legitimate incentive and reward.

Early diversion is cost effective in that it avoids prosecutor trial preparation time, prosecutor and court paperwork, and prosecutor and court case backlogs.

Early diversion of drug abuser allows for maximum flexibility in tailoring dispositions short of full adversary processing, and avoids the over-specialization of post-filing diversion options.

Unique Design Features

Four unique design features stand out from the early diversion strategies observed. Each could, if deemed desirable, be added—possibly with some modifications—to existing pre-charge programs and could be incorporated into new programs at the design stage. These are as follows:

- The use of lawyer/arbitrators, on a part-time basis, to make case referrals, as in the Baltimore County Community Arbitration Program.
- The use of a Substance Evaluation Team (SET) of interdisciplinary medical, criminal justice, and treatment delivery personnel, as in the Delaware CJSC, to review the cases of all criminal justice referrals and make treatment placement decisions.
- The assessment of fees for service, as by the DADS and Delaware Common Pleas Court programs, from the divertees who participate.
- The community work service required of selected participants, as by the Community Arbitration Program and the Philadelphia Social Action Workshop.

Program Outcomes

Each of the programs visited made an impact on both law enforcement in terms of diversion, and diverted and serviced, though some were much more highly diversified in this respect than others. The review of summary from available others, and of the program information, client outcomes for the programs included:

- Of the 9 months from June 1978 to March 1979, 900 defendants were accepted for diversion programs, from the divertees who participated. Of this group, most successful (i.e., in lieu of arrest) were police referrals to the Marin County Treatment Alternatives to Street Crime (TASC) program. During 1977 and 1978, TASC accepted 900 referrals from all police, 70.5 percent of these referrals, of whom 396 (89 percent) were from police. Reportedly 90 percent of all referrals successfully completed the program, and the San Anselmo Police referred 90 percent of its participants to police. In addition, the San Anselmo Police referred 90 percent of its participants to police. The San Anselmo Police referred 90 percent of its participants to police

- Police referrals to the Marin County Treatment Alternatives to Street Crime (TASC) program. During 1977, the VSA accepted 900 referrals, of whom 396 (89 percent) were from police. Reportedly 90 percent of all referrals successfully completed the program. Again, police referrals were not available on the number of those who successfully completed, though this was reportedly in excess of 50 percent.

- Police pre-arrest referrals to the Philadelphia Social Action Workshop. The Social Action Workshop is a small treatment program that serves fewer than 40 juveniles and young adults at any given time. Reportedly, more than 50 percent of its participants are police pre-arrest referrals. Though precise statistics were not available, the police referrals over the past 12 months have amounted to approximately 50 youths.
• The Baltimore County Community Arbitration Program. During its first 2 years of operation (January 1976-December 1978), 3,408 cases were referred by police for arbitration and 1,815 (53 percent) were referred to this number, approximately 90 percent successfully completed the program.

ADVANTAGES AND IMPACTS

The following discussion is a summary of the perceived advantages and resulting impacts from the practice of pre-charge diversion observed in six sites. These are divided for discussion between advantages to and impacts on the criminal justice system, the drug abuse treatment community, and the referred defendant.

The major advantages to and impacts from such programs, in the view of criminal justice officials interviewed, were as follows:

• Substantial official advantages, in the view of drug abuse officials interviewed, were as follows: The major advantages to and impacts from the practice of pre-charge diversion were generally consistent among the programs visited. These included the following:

  1. The opportunity to avoid the stigma and later economic consequences of conviction records, and (in two examples) of arrest records, through the dropping of charges.
  2. The opportunity to be offered and to opt for treatment and other assistance for drug abuse that prevented the case from being screened out or prosecuted fully.
  3. The chance to avoid the crimogenic and often alienating process of full criminal prosecution, pretrial detention pending bail, and court hearings.
  4. The incentive to participate in and comply with treatment because of the threat of renewed prosecution (though for pre-arrest diversion, little real threat exists) of those cases that the police deemed worth screening out.

Additional advantages, in the view of drug abuse treatment practitioners, accrued from such pre-charg programs that impacted on the drug abuse treatment community. These included the following:

• The ability to link the drug abuse treatment community (which has a particularly important segment of the criminal justice community not previously involved in making treatment referrals) with the police.

Advantages to and impacts on drug-abusing participants in such programs of early diversion were likewise generally consistent among the programs visited. These included the following:

• The ability to link the drug abuse treatment community (which has a particularly important segment of the criminal justice community not previously involved in making treatment referrals) with the police.

provide treatment and rehabilitative services, under contract to BSA, to drug and alcohol abusers whose cases are referred for treatment through a centralized BSA intake process.

Notwithstanding the failure of the Wilmington TASC experiment in 1973-1975 and the deteri­oration between law enforcement and treatment that resulted, BSA launched efforts to build an interface between the two systems. As a first concrete step, BSA in 1976 launched its Probation and Parole Project, a successful effort to establish a referral mechanism for channeling probation­ers and parolees to treatment that built upon and was integrated into existing criminal jus­tice practices, and that was thus acceptable to State authorities. As a result of this effort, NIDA extended to BSA its 1976 FACESETTER Grant. For developing and implementing an innovative system to coordinate drug abuse treatment services with the State criminal justice system, the success of the Probation and Parole Project underscored the importance of establishing such linkages with all agencies of the criminal jus­tice system.

In June of 1978, the need for a coordinating unit in the BSA for criminal justice activities was recognized in the Criminal Justice Service Center (CJSC). In June, the pol­ icy of BSA and its CJSC, for both philos­ophical and practical political reasons, to establish linkages with county criminal justice agen­cies that are interested in and supportive of the concept of referring substance-abusing defendants to treatment. This was, in the view of BSA officials, a very basic lesson learned from the experiment.

Drug abuse patterns

Drug abuse patterns in Delaware mirror the broader national polydrug abuse picture. Alcohol abuse, however, is significantly higher than the national average, with Delaware ranking among the states in alcohol mortality. The mixing of alcohol and other substances—remnants, depressants, etc.—by drug abusers whose cases are referred to Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.

Drug abuse patterns

Bureau of Substance Abuse facilities and services is characterized as the most critical and common drug problem encountered.
Notwithstanding, the hardcore heroin addicts who once comprised the bulk of drug-abusing criminal defendants coming through the Delaware criminal justice system have been augmented in recent years by an increasing number of drug abusers coming through the criminal justice system who are much younger and who abuse various types of drugs that were previously not encountered in significant numbers by law enforcement agencies. In particular, homesteaders, military personnel and their dependents, juveniles from affluent families, and elderly persons—many of whom abuse prescription drugs, often in combination with alcohol.

At the same time, the average age of drug abusers selected among the general population of adults arrested by Wilmington's police force has been declining. The bulk of these persons now cluster in the 27- to 30-year-old age group, whereas a decade ago, most drug-abusing criminal defendants were in the 18- to 23-year-old group.

In summary, drug abuse in Delaware, though it presents a changing picture, is still a significant social phenomenon. The number of drug abusers coming through the criminal justice system and the volume of violent and acquisitive crime continue to pose challenges for the Delaware justice system. Most drug abusers were in the 18- to 23-year-old group. It was the experience of officials that drug abuse among adult criminal defendants has been widespread, and that officials indicate are drug related continue to pose challenges for the law enforcement and treatment communities in the State.

Interface with criminal justice system actors

In order to clarify the operations of the CJSC and avoid pitfalls, the procedure for pre-charge diversion for substance abusers in Delaware is presented. It is important to understand and identify the primary criminal justice agencies that interact during the pre-trial stage.

Police jurisdiction is a complex of overlapping and interacting responsibilities. The Delaware State Police not only perform a high-speed patrol function statewide but also have regular local law enforcement responsibilities in much of rural "downstate" Delaware. Police agencies, specifically, perform the police function and maintain that function in incorporated areas, including the City of Wilmington, through their own Police apprehension and general law enforcement jurisdiction. In theory, this extends into unincorporated areas, including Delaware County. Police jurisdiction, as well as the police function, is vested in the Municpial Court, which has parallel jurisdiction. In the Delaware Court of Common Pleas, the Court of Common Pleas will not provide a warrant, whereas a decade ago, most drug-abusing criminal defendants were in the 18- to 23-year-old group.

The Delaware Court of Common Pleas has jurisdiction over traffic and criminal misdemeanor cases, and over civil complaints under $5,000 statewide, except in the City of Wilmington, where those functions are vested in the Municipal Court, which has parallel jurisdiction. The Delaware Court of Common Pleas and the Wilmington Municipal Court likewise are responsible for preliminary hearings in all felony cases, though trial jurisdiction for such cases, as well as for civil complaints over $5,000, is vested in Delaware Superior Court.

In addition, each of the three counties has its own family court, which hears delinquency cases against juveniles under age 18 and family violence, child abuse, and child support complaints. Appellate jurisdiction and judgments of the family, municipal, and Common Pleas courts lead to new trials in Superior Court. Appeals from Superior Court go directly to the Delaware Supreme Court.

Exhibit 1 represents criminal caseflow and illustrates the overlapping and interfacing jurisdiction of Delaware's various courts and other criminal justice agencies. Both pre-charge and otherwise, are also illustrated.

Goals and objectives of the CJSC

The CJSC was set up to insure successful coordination between agencies of the criminal justice system and to coordinate the caseflow so that defendants referred for treatment for drug or alcohol abuse problems could be referred for high quality services and, so that the criminal justice system would be properly apprised of their caseflow and treatment. Prior to creation of the CJSC, coordination between the BSA and individual treatment programs, on the one hand, and the numerous criminal justice agencies, on the other, was poor. Referrals for treatment were made according to pre-existing predication of drug or alcohol abuse or in the absence of any referrals for treatment.

Confidence by criminal justice authorities and the volume of violent and acquisitive crime continues to pose challenges for the Delaware justice system. Most drug abusers were in the 18- to 23-year-old group. It was the experience of officials that drug abuse among adult criminal defendants has been widespread, and that officials indicate are drug related continue to pose challenges for the law enforcement and treatment communities in the State.

The CJSC was established by the Bureau of Substance Abuse, Development, and Treatment, and makes a recommendation regarding treatment. Stated in the simplest terms, its mandate was as follows:

- To establish linkages between all interested Delaware crime justice agencies and existing drug and alcohol treatment resources.

- To improve communications between the criminal justice and substance abuse treatment communities in the State, both by performing a liaison and coordination function for individual referrals and by providing information, training, and technical assistance on a broader scale.

- To screen, diagnose, and evaluate substance abuse and criminal justice agencies, and assist in the furnishing of appropriate services and facilities.

- To make a recommendation regarding treatment is made upon the basis of periodic attendance and performance reports from the treatment program back to the referring criminal justice agency.

- To place in appropriate treatment programs criminal defendants thus evaluated, on behalf of the referring agency.

- To monitor and report back on treatment progress to the referring agency.

- The primary function of the CJSC is to perform an initial intake of all clients referred by cooperating criminal justice agencies, provides information about services, and on behalf of the referring agency.

- To monitor and report back on treatment progress to the referring agency.

The CJSC was established by the Bureau of Substance Abuse, Development, and Treatment, and makes a recommendation regarding treatment. Stated in the simplest terms, its mandate was as follows:

- To establish linkages between all interested Delaware crime justice agencies and existing drug and alcohol treatment resources.

- To improve communications between the criminal justice and substance abuse treatment communities in the State, both by performing a liaison and coordination function for individual referrals and by providing information, training, and technical assistance on a broader scale.

- To screen, diagnose, and evaluate substance abuse and criminal justice agencies, and assist in the furnishing of appropriate services and facilities.

- To make a recommendation regarding treatment is made upon the basis of periodic attendance and performance reports from the treatment program back to the referring criminal justice agency.

- To place in appropriate treatment programs criminal defendants thus evaluated, on behalf of the referring agency.

- To monitor and report back on treatment progress to the referring agency.

The primary function of the CJSC is to perform an initial intake of all clients referred by cooperating criminal justice agencies, provides information about services, courts, probation, and parole. Such diagnostic interviews are intended to gather detailed information about a client's past life, including sociological, medical, and legal data. The CJSC counselor is especially interested in information about the client's past and present drug and alcohol abuse patterns. The information from the interview is given to the Substance Evaluation Team (SET) and a recommendation regarding treatment is made by the counselor. The SET then reviews the recommendation and makes a final treatment recommendation, which is forwarded to the referring criminal justice agency and to the selected treatment provider.

The CJSC is a primary responsibility of the CJSC and, once assigned, the CJSC maintains personal contacts with the client through the referring criminal justice agency. The CJSC is contacted and intervenes to resolve the treatment planning problem with the local treatment program. The CJSC coordinates the forwarding of periodic progress reports from the client to the referring criminal justice agency. The CJSC works with both organizations to establish the necessary guidelines and forms. In this regard, the CJSC's task is to preserve the privacy of the treatment process from unnecessary intrusion while at the same time providing the referral source with basic information sufficient to verify compliance, all within the constraints of Federal confidentiality regulations.

Avenues of pre-charge referral to the CJSC

Three avenues of pre-charge diversion (one of which is the pre-charge diversion set up in Delaware State Police by the CJSC) do exist for drug and alcohol abusers at present. As follows:

1. Pre-arrest diversion of selected defendants, including drug and alcohol abusers, by the BSA's Criminal Justice Specialist, who is a former Wilmington police officer. The CJSC now exists as a primary responsibility of the CJSC and, once assigned, the CJSC maintains personal contacts with the client through the referring criminal justice agency. The CJSC is contacted and intervenes to resolve the treatment planning problem with the local treatment program. The CJSC coordinates the forwarding of periodic progress reports from the client to the referring criminal justice agency. The CJSC works with both organizations to establish the necessary guidelines and forms. In this regard, the CJSC's task is to preserve the privacy of the treatment process from unnecessary intrusion while at the same time providing the referral source with basic information sufficient to verify compliance, all within the constraints of Federal confidentiality regulations.

- The CJSC is a primary responsibility of the CJSC and, once assigned, the CJSC maintains personal contacts with the client through the referring criminal justice agency. The CJSC is contacted and intervenes to resolve the treatment planning problem with the local treatment program. The CJSC coordinates the forwarding of periodic progress reports from the client to the referring criminal justice agency. The CJSC works with both organizations to establish the necessary guidelines and forms. In this regard, the CJSC's task is to preserve the privacy of the treatment process from unnecessary intrusion while at the same time providing the referral source with basic information sufficient to verify compliance, all within the constraints of Federal confidentiality regulations.

- The CJSC is a primary responsibility of the CJSC and, once assigned, the CJSC maintains personal contacts with the client through the referring criminal justice agency. The CJSC is contacted and intervenes to resolve the treatment planning problem with the local treatment program. The CJSC coordinates the forwarding of periodic progress reports from the client to the referring criminal justice agency. The CJSC works with both organizations to establish the necessary guidelines and forms. In this regard, the CJSC's task is to preserve the privacy of the treatment process from unnecessary intrusion while at the same time providing the referral source with basic information sufficient to verify compliance, all within the constraints of Federal confidentiality regulations.

- The CJSC is a primary responsibility of the CJSC and, once assigned, the CJSC maintains personal contacts with the client through the referring criminal justice agency. The CJSC is contacted and intervenes to resolve the treatment planning problem with the local treatment program. The CJSC coordinates the forwarding of periodic progress reports from the client to the referring criminal justice agency. The CJSC works with both organizations to establish the necessary guidelines and forms. In this regard, the CJSC's task is to preserve the privacy of the treatment process from unnecessary intrusion while at the same time providing the referral source with basic information sufficient to verify compliance, all within the constraints of Federal confidentiality regulations.

- The CJSC is a primary responsibility of the CJSC and, once assigned, the CJSC maintains personal contacts with the client through the referring criminal justice agency. The CJSC is contacted and intervenes to resolve the treatment planning problem with the local treatment program. The CJSC coordinates the forwarding of periodic progress reports from the client to the referring criminal justice agency. The CJSC works with both organizations to establish the necessary guidelines and forms. In this regard, the CJSC's task is to preserve the privacy of the treatment process from unnecessary intrusion while at the same time providing the referral source with basic information sufficient to verify compliance, all within the constraints of Federal confidentiality regulations.

- The CJSC is a primary responsibility of the CJSC and, once assigned, the CJSC maintains personal contacts with the client through the referring criminal justice agency. The CJSC is contacted and intervenes to resolve the treatment planning problem with the local treatment program. The CJSC coordinates the forwarding of periodic progress reports from the client to the referring criminal justice agency. The CJSC works with both organizations to establish the necessary guidelines and forms. In this regard, the CJSC's task is to preserve the privacy of the treatment process from unnecessary intrusion while at the same time providing the referral source with basic information sufficient to verify compliance, all within the constraints of Federal confidentiality regulations.

- The CJSC is a primary responsibility of the CJSC and, once assigned, the CJSC maintains personal contacts with the client through the referring criminal justice agency. The CJSC is contacted and intervenes to resolve the treatment planning problem with the local treatment program. The CJSC coordinates the forwarding of periodic progress reports from the client to the referring criminal justice agency. The CJSC works with both organizations to establish the necessary guidelines and forms. In this regard, the CJSC's task is to preserve the privacy of the treatment process from unnecessary intrusion while at the same time providing the referral source with basic information sufficient to verify compliance, all within the constraints of Federal confidentiality regulations.
the defendant must at the end of 4

through it will remain an informal function

and

and

the positive response to the concept by most of the younger officers--those who police officers would not yet have sufficient innovations such as ice. Moreover, many of the older uniformed police officers to be law enforcement moral authority, is a relying on the officer's discretion and

the city and its division into closely-knit according to the

wever,

they refer.

of treatment progress by

To the

Chief,

arrest situations,

not lend themselves to reapprehension and arrest divertees (since most potential absence in most instances of a "sword of Damocles" to hold encourages such followup. Despite the

referred to the

•

make an arrest. According to the chief of the Felony

Chief,

of treatment progress by

the earlier slippage due to poor case prepa

and prior to initial court appearance)

and the newly esta IS

screening Units. As indicated above, all

whether the officer conSiders these indicators to be present, and why.

Second, when interviewing the accused, in the case of drug abuse at the Felony

conduct an evaluation and treatment refer

A recent innovation designed to make this process more effective has been the assignm

whether the officer considers the indications to be present, and why.

Though the Felony Screening Unit does not have the authority to offer formalized diversion to the felony accused, nor will it allow a defendent to enter treatment while the defendant and his or her attorney (within 2 weeks after

drug or alcohol abuse indicators in a case have already been flagged for followup attention.

Though the Felony Screening Unit does not have the authority to offer formalized diversion to the felony accused, nor will it allow a defendant to enter treatment while the defendant and his or her attorney (within 2 weeks after arrest and prior to initial court appearance), drug or alcohol abuse indicators in a case have already been flagged for followup attention.

The Office of the Attorney General is supposed to be a matter of policy to pre-trial diversion, in the ratio of provision for leniency to the arrest of an offense

for an evaluation and treatment refer

the arresting officer's input, case, a

at most of the younger officers--those who have had drug and alcohol education courses in recent years and especially those who served in Vietnam and were exposed to widespread drug abuse by their peers over time increase the frequency of pre-arrest drug diversions. According to the chief of the Felony Screening Unit, at least 60 percent of all

Chief,

support. However, the Chief believes that the positive response to the concept by most of the younger officers--those who have had drug and alcohol education courses in recent years and especially those who served in Vietnam and were exposed to widespread drug abuse by their peers over time increase the frequency of pre-arrest drug diversions. According to the chief of the Felony Screening Unit, at least 60 percent of all felony arrests that come into the unit, about 15 percent of all felony indictment

Chief,

there is an informal function that will remain an informal function of officer discretion, the Chief views pre-arrest diversion of drug- and alcohol-related cases to the CJSC as a growing phenomenon.

Drug abuser identification and treatment referred by the attorney general's Felony

Screening Units. All indications in Delaware are prosecuted by the Law Enforcement Division of the Office of the Attorney General. An innovation in recent years is instituted to review cases at the pre-indictment stage for sufficiency of evidence and to strengthen communications with police to present the grand jury. This team of five experienced deputy prosecutors, each of whom has had more than a year of trial experience under the supervision of a chief, Prior to the institutionalization of the Felony

of the facts and circumstances of the case, and/or the arresting officer's input, raise the likelihood of drug abuse as a fact. Therefore, if the defendant admits drug use, or if it is still suspected, the prosecutor will encourage the defendant and his or her attorney to contact the CJSC for an evaluation and treatment referral.

A recent innovation designed to make this process more effective has been the assignment of a "liaison" legal officer whose time and salary is shared by the attorney general's office and BSA. The staff screens all arrests within 2 days of their occurrence and alerts both the prosecutor and the CJSC of likely candidates for drug and/or alcohol abuse evaluation. Thus, by the time of the initial interviews by the supervisor with the arresting officer and with the defendant and his or her attorney (within 2 weeks of arrest and prior to initial court appearance), drug or alcohol abuse indicators in a case have already been flagged for followup attention.

In

(C.I.C.) are one of the three pre-charge diversionary processes available in the Felony Court. In a notification to return to court for arraignment and trial. Only at this point does the defendant know what case and does initial court appearance occur.

According to the Administrator of the

Driving Under the Influence Program of the Court of Common Pleas, a "very substantial" number of traffic cases are drug and alcohol related, and the number of cases involving Driving Under the Influence, Program, authorized by statute, can result in hundreds of pre-charge diversion cases per
Referrals to the Criminal Justice Service Center are made via a phone call from the referring agency, followed by written materials, if appropriate. Incoming and outgoing phone calls are entered in a log so that the time of referrals can be verified. An appointment is made at the time of the referral call for the interview with a counselor at CJSC.

Upon arrival, the client signs in and completes consent forms, allowing information obtained during the interview to be forwarded to the referral source and the Substance Evaluation Team (SET). The client is then interviewed by a counselor experienced in working with substance abusers. The interview lasts about 2 hours. During this interview, the counselor is responsible for obtaining all information asked for on the SET form. This includes current sociological data, family history, medical history, current legal status, and a history of past charges. The form includes behavior evaluation rating scales that are to be completed by the counselor after the interview. If the client's predominant problem is one of alcohol, the Mortimer-Filkins test is also administered.

After the interview, the counselor completes the SET form, scores the behavior evaluation rating scales, and enters a recommendation for treatment. The SET form is then scored by the Mortimer-Filkins test, if this was administered, and entered into the SET program (which gives an indication of the severity of the alcoholic problem) on the SET form.

Near the end of each day, counselors meet to discuss the cases they have seen and to consult with each other about their recommendations for treatment. This discussion may result in altered recommendations for some clients.

For most types of criminal justice referrals, e.g., divertees from the Driving Under the Influence Program or probationers and parolees referred to treatment as conditions of their sentences. Information for each client interviewed is entered in a ledger. The completed forms are to discuss the clients they have seen and to determine the best treatment alternative suited to and available for that individual. The team is composed of:

- A psychologist (who is the chairperson),
- A physician,
- A criminal justice specialist,
- A mental health officer,
- A program development specialist, and
- A treatment coordinator.

In instances in which intake and referral are from the criminal justice system, the SET receives the information obtained by the CJSC counselor during the interview with the defendant and may agree with the counselor's recommendation, or may recommend a different treatment plan. Through this review process, the SET is able to get a good level of expertise and a knowledge of treatment resources available statewide that might not be available at the center.

The SET receives referrals from BSA clinics other than the CJSC. All referrals from the criminal justice system for evaluation or treatment must go to the SET first. Then the CJSC for the initial interview and treatment recommendation is asked to seek treatment in the旌the program, e.g., number of appointments kept or missed and whether or not rearrested, in both instances the underlying philosophy is that treatment participation cannot be forced or guaranteed, and that any degree of compliance by the defendant is a comparative benefit that, when weighed against it, is worth the risk of noncompliance.

Again, under both of these practices, individual police officers and deputy prosecutors may, and occasionally do, require defendants to grant regular releases of information, though their leverage to do so is comparatively limited.

The situation in the Driving Under the Influence Program is entirely different. There, treatment requirements are fixed, uniform, and published. Satisfactory compliance, evidenced by written reports, is a precondition of eventual dismissal from the program. Formal releases of information are employed, and standardized criteria for failure or success in the program, e.g., number of appointments kept or missed and whether or not rearrested, are reported uniformly for all clients and result in standardized responses.

Staffing and budget
Staff of the Criminal Justice Service Center are employees of the Bureau of Substance
Abuse and, therefore, are State employees. Staffing at present at CJSC consists of a full-time director, a counseling supervisor, three counselors, and a part-time case screener shared with the prosecutor's office.

In fiscal year 1980, DSA has received State appropriations in the amount of $1,723,400, of which $1,059,800 is for personnel. In addition, DSA has received Federal grants in the amount of $1,423,100, of which $832,100 is for personnel expenditures.

State appropriations in the amount of $90,000 have been allocated for the CJSC budget. Of this amount, $70,200 is earmarked for personnel. Of the remaining $29,400 is divided among all other costs.

Drug and Alcohol Deferral Service, Vanderburgh County, Indiana

The Drug and Alcohol Deferral Services (DADS) of Vanderburgh County is a pre-charging diversion program for persons over 16 years of age who have been arrested for alcohol- or drug-related offenses. The program's overall goal is to intervene in the early stages of alcohol and drug abuse and to divert drug offenders who are eligible for diversion by misdemeanor defendants. Those accepted by the program are to come into compliance with the Indiana Supreme Court's decision in Marshall v. Brown (which ruled that pre-trial diversion could not be undertaking in Indiana in the absence of statute or administration by a judicial officer), the Deferred Prosecution Program was placed under the auspices of the Superior Court Misdemeanor and Traffic Division and was renamed the Drug and Alcohol Deferral Service (DADS). However, diversion still occurred prior to formal filing of charges.

All persons arrested for alcohol- or drug-related offenses in the county are screened as possible program participants by a bail bond that instructs those who are eligible and who are released to come into DADS the following day instead of reporting to the Vanderburgh County Prosecutor's Office. In addition, all persons arrested for drug-related offenses who were not warned about by their physicians, are arrested for behavior resulting from mixing drugs and alcohol, a problem which DADS staff member who is in court each morning (excluding Saturdays) to review the daily court dockets.

Persons referred to the DADS program undergo an intake interview and an evaluation before final acceptance. If accepted, individual treatment programs are tailored to meet the specific needs of the participant. The DADS program is successful in 8 percent of the cases

To protect the integrity of the DADS evaluation process for intake into the program from outside political pressure, it cannot be restructured so that neither the prosecutor nor the judge would have access to DADS confidential intake files. However, for accountability purposes the judge and prosecutor would be routinely notified about the status of referred cases regarding acceptance or rejection, performance in the program, and termination.

DADS also works closely with the police, since it is essentially their decision to cite a motorist or other defendant that is the source of referrals. Staff have frequently attended police roll call, explaining the purposes of the program and pointing out its success in assisting substance-abusing individuals. In addition, the program is fully supported by police in order to provide aid in the arrest of motor vehicle offenders, many of whom are substance abusers.

Substance abuse patterns

An epidemiological survey by the Division of Addiction Services projected use of illegal drugs in 1980, based on 6,972 drivers in the Evansville area. Data gathered for the Evansville area suggest that in 1980, for the population 18 years old and older (approximately 200,000 persons), about 7 percent will be users of marijuana, nearly 2 percent will be users of PCP, 0.7 percent will be users of inhalants, 1 percent will be users of psychedelic drugs, 0.3 percent users of cocaine, and 0.5 percent users of heroin. It was also estimated that 10,078 (5 percent of the total in the county) were involved in traffic fatalities in 1980. With regard to alcohol, it was estimated that in 1980, 69,572 drivers in the Evansville area will have had two or more drinks less than an hour before driving, and that 10,078 (5 percent of the total in the county) were involved in traffic fatalities.

Many of those interviewed during the 1980 survey had the impression that polydrug use is increasing in Vanderburgh County and that many substance abusers have been experiencing problems in combination with polydrug use, with patterns involving alcohol and various drugs in combination. Treatment personnel also noted an increasing number of elderly persons who are arrested for behavior resulting from mixing alcohol and drugs, a problem which they were not warned about by their physicians.

In other words, the department's efforts appear to be decreasing in the Evansville area; 3 years ago a methadone maintenance program in Evansville closed for lack of clients.

A Union spokesman observed there are mounting problems in local factories with acts of vandalism, theft, and assault as well as marijuana possession charges and illegal possession of alcohol by minors charges. Employees frequently take private traffic violations from traffic tickets. The Vanderburgh Police Department has primary law enforcement responsibility for the city limits. Not only do they initiate the majority of referrals to DADS, but they arrest for a greater number of offenses and thus are responsible for a wider variety of charges.

All criminal prosecutions for State or local law violations in the county are the responsibility of the Vanderburgh County Prosecutor's Office. There is no separate attorney for prosecution for the city of Evansville.

The Vanderburgh Superior Court is a unified trial court of general jurisdiction for the

...
The process of pre-charge diversion to DADS

The process by which an individual becomes involved in the DADS program begins at the time of arrest. At the time of arrest, the court or State police officer arrests a person for a traffic offense or a misdemeanor offense. The defendant is then booked at a central booking unit. Following that, there are three avenues the defendant might travel:

- Bail bond. A means by which people who qualify can be released on their own recognizance without having to post a cash bond. Such release is usually restricted to persons living in the immediate area who do not have a serious criminal record.
- Cash bond. Required for those persons with a more serious record, or for those who do not live in the immediate area.
- Court. If a defendant is required to pay a cash bond but is financially unable to do so, or if the arrest is made in the early morning and the defendant is too "high" on alcohol or drugs to be released, he or she is generally detained and brought to court. The defendant will also be held and brought to court if release was not approved by a bail bond commissioner.

There are mechanisms for referrals to DADS at each of the above avenues:

- Bail bond. The individual who is being released on his or her own recognizance by a bail bond commissioner and whose bond record and current charge are appropriate for referral to the DADS program. The defendant is then booked at a central booking unit. Following that, there are three avenues the defendant might travel:
  - Bail bond. A means by which people who qualify can be released on their own recognizance without having to post a cash bond. Such release is usually restricted to persons living in the immediate area who do not have a serious criminal record.
  - Cash bond. Required for those persons with a more serious record, or for those who do not live in the immediate area.
  - Court. If a defendant is required to pay a cash bond but is financially unable to do so, or if the arrest is made in the early morning and the defendant is too "high" on alcohol or drugs to be released, he or she is generally detained and brought to court. The defendant will also be held and brought to court if release was not approved by a bail bond commissioner.

Goals and objectives of DADS

The primary purpose of DADS is to intervene at the time immediately after arrest in the problems created by the abuse of drugs and alcohol. Other program objectives include-

- Identifying the size, motive, and extent of the abuse of drugs and alcohol in the community;
- Reaching those individuals arrested on drug or alcohol charges and making available reasonable and effective alternatives to the criminal justice process;
- Developing and maintaining a network of services designed to meet the individual needs of the client;
- Supporting local law enforcement agencies in their efforts to maintain the community's health, social, and economic stability; and
- Making the citizens of Vanderburgh County aware of the extent of drug and alcohol abuse through the use of the news media, pamphlets, brochures, and training programs.

The process of pre-charge diversion to DADS

providing the prosecutor approves the referral is then released and goes directly to the DADS office. Arrangement is reset for 3 weeks later, at which time the court is informed whether or not the defendant is cleared in the DADS program. DADS enrollment thus obviates the formal filing of charges with the court by the prosecutor at the initial appearance.

Persons arrested for the following complaints may be referred to DADS:

- Operating a motor vehicle while intoxicated.
- Violation of the Controlled Substance Act.
- Public intoxication.
- Violation of liquor law.
- Visiting or keeping a common nuisance.

Individuals arrested who are not considered eligible for DADS include-

- Those arrested for offenses against a police officer or for crimes against persons;
- Those who have previously been through the program;
- Those who have four or more previous alcohol arrests or one previous drug arrest within the last 3 years (with some exceptions);
- Those who are or have been in professional treatment or are being released from or living in a correctional facility; and
- Those who are or have been in treatment of a substance abuse disorder, and the substance abuse disorder is not one that can be successfully treated on an outpatient basis.

Intake

Clients referred report to the DADS office for an intake interview. The office is located in a building of professional offices near the court complex and contains a pleasant waiting area for private offices for individual counselors.

For purposes of standardization and continuity, intake interviews are generally conducted by the director. During the interview, the director explains the program and fee and determines if the individual is interested in referral to DADS, the client's office makes the referral to DADS at the time the bond is posted.

Court. A member of the DADS staff is in the courtroom each morning for 7 days a week. He or she reviews the cases to come before the court and talks with those individuals who are eligible for DADS, giving them written information about the program. If any defendant is interested in referral to DADS, the prosecutor is informed. The case is then set for trial and the judge informs the individual that he or she may be referred to DADS.

Assessment of fees

The size of the fee charged an individual participant is dependent on the nature of the offense and on income level. It is at parity with what it would cost the individual to go through the regular judicial process. Occasionally, individuals arrested on misdemeanor offenses relating to controlled substances are charged $500. Individuals arrested on felony offenses relating to controlled substances are charged $200.

DADS staff feel that the requirement to pay a fee assists a program participant to face the responsibility of acknowledging the problem and seeking help for recovery.
Evaluators are finding that many of the clients they are seeing, regardless of the complaint for which they are arrested, and regardless of whether the immediately apparent drug of abuse is alcohol, are polydrug users. The focus of the evaluation interview, therefore, is not to determine if the individual was arrested for which the person was arrested, as on the person's pattern of substance abuse.

If the individual is not considered suitable for the program, the program after the date of the intake interview; for those arrested for a felony 60 days after. If the client has successfully completed treatment, paid the fee, and not been rearrested, the "consent to no prosecution" form is signed by the prosecutor and a copy mailed to the client. The case file is then moved from the active to the inactive file.

If a client does not pay the fee or cooperate with treatment, the client is usually given a warning and counseled before the case is sent back to the prosecutor.

**Staffing and budget**

Staff for DADS currently consists of seven persons. These are a director, deputy director, research assistant, two evaluators, and two clerical/administrative staff.

The budget ceiling on the DADS program set by the county is currently $300,000. This is roughly the amount that it is anticipated will be collected in fees by the program, so DADS is essentially self-sufficient financially. In 1971, 40 percent of the budget went toward administrative costs; 40 percent, to 800 evaluations and 1,898 units of direct services; and 20 percent, to purchase of 600 units of direct services.

**Drug Dispassion Authority**

Geneseo County, Michigan

Developed in January 1972, under the direction of the Genesee County Prosecutor, the Drug Dispassion Authority (DDA) is a law enforcement/community-based treatment intervention program for ex-offenders and other adult drug abusing defendants. The program is designed as an alternative to prosecution for persons charged with certain offenses and those who use, abuse, or are addicted to illicit drugs. Rather than being treated as "criminals" and having arrest and conviction records, which would have had a negative impact on future employment, DDA participants are referred to counseling, therapy, or residential treatment. An effort is also made by the staff of the DDA, in conjunction with various community service agencies, to help the DDA divorce from street drugs for years, previously with heroin as the drug of choice. They also are finding a significant level of particular types of abuse among the young.
To divert the accused from the traditional criminal justice system to counseling, education, training, employment, and other positive life activities,
heads in corrections and in the treatment com-
community were broadened by his successors after 1976. Succeeding judges, through personal contacts and proven rehabilitative results in case referrals, with all judges of the Municipal Court, the newly elected sheriff and newly elected district attorney, as well as individual police chiefs, defense attorneys, and line probation and parole officers.

TASC operations in the context of Marin County's drug abuse problem

By all accounts Marin County has a serious drug abuse problem. The geographic position of the county, facilities illicit drug distribution and availability. Its proximity to the port and international shipping traffic as well as its own irreplaceable position at the mouths of bays and outlets, results in a number of major drug import and distribution routes running through the county.

Additional factors that have contributed to a high degree of drug abuse in Marin County are the extreme affluence of its population and the disproportionate number of juveniles and young adults among its residents. Recreation drug use in such age groups carries little or no social stigma, and, according to officials interviewed, is the rule rather than the exception. Even among older, more conservative county residents, substance abuse is commonly associated only in combination with marijuana, speed, or cocaine—as by far the most common drug abuse problem in the county and the state in general in all age and socioeconomic categories.

Second in frequency only to alcohol as a drug of choice in Marin County is cocaine. Officials interviewed indicated that 40 percent of drug using adolescents and young adults among its residents. Recreation drug use in such age groups carries little or no social stigma, and, according to officials interviewed, is the rule rather than the exception. Even among older, more conservative county residents, substance abuse is commonly associated only in combination with marijuana, speed, or cocaine—as by far the most common drug abuse problem in the county and the state in general in all age and socioeconomic categories.

Interface with primary criminal justice actors

There exist 14 separate law enforcement agencies in the county, 12 of which are independent police departments of various incorporated towns. Typically, each consists of 2 to 30 sworn, uniformed officers, as well as a juvenile officer and administrative personnel, and are responsible for enforcing State, county, and local laws. This drug-related jurisdiction of 12,000 to 30,000 persons.

In addition, State and national parks in the county come under the law enforcement responsibility of the State Park Service, respectively. Shared jurisdiction with the county sheriff's office occurs in these areas.

Finally, the Marin County sheriffs office has broad policing responsibilities. The office is responsible for control of the county jail, general law enforcement in all unincorporated areas. The office, under the leadership of its 150 employees, of which approximately 65 are patrol officers, with 35 others, 1 heads a crisis prevention unit, and the rest are administrative personnel.

Ocassionally, the various local police departments and the Marin County Sheriff's Office have not worked well together. Relations between the various police departments, which are loosely organized through the Marin Police Chiefs' Association, and the sheriffs office have reportedly improved.

All prosecutions for adult and juvenile substance abuse offenses are handled by the Marin County District Attorney's Office. With the recent appointment of a new district attorney who had previously been an assistant prosecutor in the office, a shift in drug policy, including more widespread use of diversion, has been observed.

Polyne trials are the responsibility of the Superior Court for Marin County, which consists of six judges. Misdemeanor trials, as well as all arrangements and preliminary hearings, are the responsibility of the Marin County Municipal Court. The latter consists of four judges plus a juvenile hearing magistrate.

The general goals and objectives of Marin County TASC are as follows:

- To provide screening, diagnostic assessment, advocacy, intervention counseling, referral and followup services for substance abusers, with special emphasis on those involved with the criminal justice system;
- To interface and coordinate the efforts of Marin County criminal justice agencies with those of alcohol—community based programs and thus provide an integrated, unified system for the rehabilitation of offenders;
- As an outgrowth of this intervention and coordination, to have an impact on the system to assist individual offenders to make changes, by means of alternative treatment, to reduce the influence of drugs.
- To further departmental crime prevention goals by early identification and referral to treatment of drug abusers, who are comparatively more likely to recidivate than other offenders in the absence of treatment;
- To use the opportunity of an arrest to "informal" pre-charge referrals, as described above.

Special goals and purposes of pre-charge police referral, as articulated by police officials interviewed, are as follows:

- To counter the overbroad reach of the criminal law between police and other law-abiding citizens, who may be affected by drug use as a result of being under the influence of drugs;
- To use the opportunity of an arrest to inform drug abusers of the various drug abuse services available in the community.
- To use the opportunity of an arrest to "informal" pre-charge referrals, as described above.

Pre-arrest and pre-charge police referrals would fall within the Informations and Consultation Service function, though referrals to TASC for services through this channel are not processed differently from those who enter through the other two avenues. The flexibility of a linkage mechanism such as TASC lies in its ability and willingness to accept referrals at any and all points in the criminal justice process and to diagnose, refer, and monitor them equally effectively through the source of intake. This is illustrated by the recent interest in early diversion demonstrated by various California police departments and the sheriffs office, to which TASC has responded by accepting "informal" pre-charge referrals, as described above.

Arrest and referral

Police and sheriffs office referrals to TASC are not part of the "core" TASC program, i.e., sentencing alternatives, section 1000 court diversion cases. Moreover, they are not formal referrals in that there is no paperwork sent to TASC initiating the referral nor is there an enforceable criminal justice hold on the client, nor a required term of treatment. Referrals are made by uniformed and plainclothes officers, in lieu of arrest (least common), in lieu of booking (utilizing
the mechanism of Penal Code section 849(b) "hold"—which permits drug arrests to be held for up to 36 hours for medical purposes—and/or post-taking but pre-filing. In each instance, the judge grants the police officer the same discretion to divert rather than to refer to Juvenile Hall (e.g., book) on a wide range of status offenses (861 diversion) as well as juvenile misdeemeanors and felonies (602 diversion). Given the volume of serious juvenile property crime (beer theft, burglary, and drug possession and sale, 602 pre-charge diversion is a significant dispositional option and one that is widely used, though differently applied in different communities. Both the Novato Youth Service Bureau (YSB) and the Departmental Probation Program of the San Anselmo Police Department are examples of 602 diversion in operation, in both instances diverting significant numbers of drug and alcohol abusing juveniles annually. Exhibit 5 illustrates this process.

A pre-placed interview that does result in a diagnostic assessment precedes referral in each instance of police pre-charge, as it does for other kinds of referrals. Such a pre-placement assessment can occur either at the jail, if the defendant is in custody, or at the central TASC office, if already released. Thereafter, referral, for treatment to the selected private sector treatment program occurs.

Review and termination

Given the nature of pre-charge police referrals to TASC, neither can fixed term in treatment be required nor can a real criminal justice hold on the diverted defendant be sustained. Indeed, for this reason, as well as because he feels that the practice of police diversion invades the domain of prosecutorial discretion, the county district attorney does not advocate the practice in adult criminal cases. Sheriff's deputies interviewed cited the practice of police diversion as a crime prevention technique in which the arrested drug abuser is known personally to the officer, and further, for treatment to the selected private sector treatment program occurs.

In terms of origin and development, the Novato program was established in 1973, partly in response to the perception of serious crime caused by juveniles and partly to act as a social-service-oriented "buffer" between the local police and the county juvenile service system. The program views itself as totally separate functionally from the law enforcement responsibilities of the uniformed force through the youth counselor (i.e., program director) who is a sworn officer. Strict confidentiality of information received from clients is maintained, and the YSB is separately housed and managed. In contrast, the San Anselmo Police Department's response to the section 602 mandate was to implement drug referrals into their program. Housed in police department offices, Departmental Probation is administered by an officer who is visible in operation, in both instances diverting drug abusers from Juvenile Hall for book- ing, and transporting them to Juvenile Hall for booking.

Primary criminal justice actors

As noted in the earlier discussion of police referrals to the Marin County TASC program, there exist 14 separate local police departments in the county, 1 for each incorporated area, plus the county sheriff's office, which has law enforcement responsibility for all unincorporated areas. Each derives juvenile pre-charge diversion authority from statutory sections 601 (statuses of offenses) and 602 (misdemeanor and felony offenses of the Welfare and Institutions Act) as noted earlier.

Within this broad mandate to divert selected offenders prior to juvenile intake (booking), each police department in the State has broad discretion with regard to implementation procedures, and service delivery for diverted youths. The two police departments selected, Novato and San Anselmo, were chosen in part because both have given serious attention to the development of pre-charge juvenile diversion programs. In addition, however, these two departments, unlike most others, have in place a mechanism by which the referral of youth to TASC may be terminated if the youth counselor (i.e., program director) feels that the practice of police diversion in operation, in both instances diverting drug abusers from Juvenile Hall for booking, and transporting them to Juvenile Hall for booking, is ineffective when coupled with regular followup.

In this regard, regular followup with TASC and, in case of non-compliance, by the apprehending officer is facilitated by requiring releases of treatment progress information to the arresting officer. Effectively, TASC's willingness to act as go-between for the police officer and the treatment program with regard to juveniles is facilitated by requiring releases of treatment progress information to the arresting officer. Effectively, TASC's willingness to act as go-between for the police officer and the treatment program with regard to juveniles is facilitated by requiring releases of treatment progress information to the arresting officer.

*602* Youth Diversion in Marin County, California: Novato and San Anselmo

Under the statutory authority of California Welfare and Institutions Code sections 601 and 602, local police departments have broad discretion to divert rather than to refer to shrimp-lifting, and vandalism make up the bulk of 602 offenses. Indeed, the equivalent of misdemeanors and felonies for adults. It has been estimated that 53 percent of all burglary are committed by juveniles, that 70 percent of all juvenile burglaries are drug related, and that 50 percent of all juvenile 602 offenses are drug related.

Goals and objectives of "602" police diversion

As laid out in its 1975-1978 report and as articulated by the Youth Service Bureau's Director, the goals of the Novato YSB are as follows:

- To establish a local, non-investigative youth-serving unit designed to accept police and community referrals for treatment operantly from the juvenile justice system.
- To establish a counseling program for youths and families to address:
  - delinquent and/or antisocial behavior on the part of a youth, and
  - underlying issues and conflict within a family that may be prompting the youth's behavior.
- To establish a program aimed at delinquency prevention and youth development, singularly and in cooperation with other public and private agencies.
- To promote public relations among the police, youth, and community and to serve as an informational source for youth-related issues.

In order to achieve these goals, the Novato YSB, now in its sixth year of operation, screens almost all juvenile cases for diversion, accepting roughly 40 percent. Specific FY 1978-1979 project objectives include:

- Maintenance of an initial Probation Department referral rate (i.e., diversion acceptance rate) at less than 20 percent of total juvenile arrests.
- Maintenance of an 82 percent perception of the program among surveyed juveniles and parents.
- Maintenance of client recidivism at 6 percent or less.
- Maintenance of referrals from other than police agencies (at least 20 percent of total juvenile recreation).

In contrast, the anticipated goals and purposes of the Departmental Probation Program of the San Anselmo Police Department are distinctly oriented more toward law enforcement and case management.

- The initiation and divert from the Juvenile Hall (i.e., booking) all but the most incorrigible repeat offenders.
- To utilize the mechanism of Departmental Probation to "hold a hammer" over the head of a diverted juvenile and thereby facilitate adherence to a program of counseling and monitoring by the youth officer.
- To provide counseling and social service referrals, as needed, to juvenile divertees.

Initiation of the diversion process

In Novato, a town of 40,000 persons with 52 uniformed officers, 3 procedural situations can result from the apprehension of a juvenile. These are as follows:

- The juvenile can be taken into custody and transported to Juvenile Hall for booking. Thereafter the case may be referred to probation, which decides whether to

47
seek petitioning by the prosecutor or to informally adjust.

- The juvenile, though technically arrested, can be simply reprimanded and released to parental custody. The case is then closed.
- The juvenile can be issued a citation to appear at the Youth Service Bureau (YSB), in the company of his or her parents.

Many first encounters result in the second course of action. As a rule, only chronic recidivists are cited to Juvenile Hall; many first encounters result in a reprimand and release. The bulk of juvenile arrests, however, go to YSB via citation. (Exhibit 6 illustrates this process.)

In San Anselmo, a town of 14,500 persons with 17 sworn officers, all juvenile arrests are referred automatically to the juvenile officer, except for first encounters, which, as in Novato, generally result in reprimand and release. The juvenile officer makes all decisions to refer to Juvenile Hall, generally on the same criteria as used in Novato. The referral to the juvenile officer can be custodial or citation release. During the 1979-1980 school year, the San Anselmo youth officer plans to provide a book of citations to the principal of the local high school, who will give them as an apprehending police officer.

Service delivery and counseling

Both the YSB and the Department Probation Program provide counseling and supervision by the youth officers. Referrals for services from YSB tend to be to education and to the San Anselmo program consists of a single student intern to assist the youth officer is hired. The Novato social work intern to assist the youth officer is hired.

As is the case with the Novato program, referrals for the San Anselmo Probation Treatment Program are referred to be specialized juvenile problem solving/counseling groups. However, because the incidence and prevalence of non-marijuana drug abuse in San Anselmo is higher than in Novato, more referrals for drug treatment are also commonly made.

Review and termination

Termination from the Novato YSB does not occur after a fixed term (e.g., 6-month), but after monthly--typically 6--and features mandatory monthly check in.

For both programs, satisfactory compliance for the stated term of participation results in dropping of charges and no record of the arrest being made outside the Department. Failure to satisfactorily complete diversion or a default can result in termination and a return of the case to juvenile intake for formal juvenile justice processing.

With regard to periodic reviews of progress, length of time in diversion, and general crime prevention orientation, the YSB's philosophy parallels that of police officers utilizing TASC. However, the YSB always has the option--albeit seldom exercised for philosophical and logistical reasons—to make diversion refer the case to juvenile probation for renewed prosecution.

The extent to which that has had an impact on diversion performance by clients over the years is not known, though the high release rate and success completion rates for the program strongly suggest this factor has a bearing. The case review and termination process for the San Anselmo program is more akin to that found in post-adjudgment adult diversion. Regular reporting requirements for a fixed term result in dropping of charges or renewed prosecution.

Staffing and budget

The Novato YSB maintains a staffing pattern consisting of a clothesline youth worker, who functions as the counseling director; a professional (licensed) counselor, with a master's degree in guidance and counseling; and three student interns working toward their master's degrees in the same field. The YSB is impacted by Proposition 13 and currently depends on 29% of State monies, plus CETA and agencies to offset Proposition 13's effects.

In contrast to the two models described above, the San Anselmo program consists of a single plainclothes youth officer. The youth officer is assigned out of department funds and works with his or her parents, and a stenographer. The police officer then helps the family work through the reality of the juvenile's involvement with the juvenile justice system.

The Social Action Workshop, Philadelphia

The Social Action Workshop was begun in 1975. In 1978, the Workshop's Teenagers in Action Workshop is referred by police. The program is based on a drug-free, nontherapeutic treatment plan, designed to deal with hardcore drug users. The Action Workshop's Teens in Action participants work cooperatively in individual cases to advance overall program goals.

The Social Action Workshop's treatment program is based on a drug-free, nontherapeutic framework, and adolescents changing a person's surrounding situation in order to improve their own involvement in seminars and work study programs and field trips to other cities, the Social Action Workshop's Teens in Action program is aimed at involving students exposed to experiences designed to widen their horizons, challenge them, and increase their competency in dealing with adolescent development tasks. The program is not designed to treat hardcore drug addicts. Therefore, participants referred by the police are often referred with prescription drugs or marijuana and have been picked up on first-time possession or sale complaints.

Juvenile drug abuse in Philadelphia

Social Action Workshop treatment personnel report that throughout the Philadelphia metropolitan area are using marijuana, PCP, pills, and alcohol. They and police have noted increasing usage in the schools and at local teenagers hangouts such as fast food restaurants in urban and suburban neighborhoods. Parents, especially the more affluent ones, often ignore their children's involvement with drugs, or if they are aware of a drug problem, are uncertain about how to deal with it. Their child's pending arrest and a confrontation with detectives of the Philadelphia Police Department's Narcotics Unit are typically traumatic for parents.

Police pre-arrest diversion to the Social Action Workshop

About half the clients in the Social Action Workshop are referred by police. Although this is a serious referral, it results in a steady flow of clients to the program.

A juvenile's entrance into the Philadelphia juvenile justice system for a drug complaint begins as police officer utilizes TASC as an alternative to arrest the youth, the paperwork is processed by the police officer; no arrest in the official sense results.

Increasing reliance on drugs. Many of the youths involved in the program have been referred by police as an alternative to arrest, though the high retention and successful completion rates for the program strongly suggest this factor has a bearing. The case review and termination process for the San Anselmo program is more akin to that found in post-adjudgment adult diversion. Regular reporting requirements for a fixed term result in dropping of charges or renewed prosecution.
If, on the other hand, the youth appears to be a good candidate for referral to the Social Action Workshop, rather than for processing through the court system, the police officer gives the parent information about the program and allows the juvenile home with a warning. If such a refusal is made, the police officer makes out a formal police contact report—(juvenile made of an arrest). He or she then notifies the Social Action Workshop about the case to see if it is appropriate to present the matter to the board. The workshop often means that the drug problem—such a referral is made, the juveniles in many cases. The seminar on a local Philadelphia radio show, helping these parents work through their reactions to the situation, educating them about the realities of drug abuse, and recommending possible courses of action. The police officer will then refer a case to the Social Action Workshop can also talk with the family about the referral. They might expect from the program.

Social Action Workshop Intake process

The diverting narcotics unit detective calls the Social Action Workshop and sets up the appointment of a juvenile. From each referral, the police officer's information about the program are required by police to call to make an appointment. The police must call to make an appointment to talk with a counselor about their child's participation in the program. When parents call for an appointment, the counselor talks with them by phone and makes an interview. The initial interview may or may not include the juvenile. After this intake interview, at which time limited releases of information for police are presented to and accepted by the parents as well as by the juvenile, participation in the program commences.

Service delivery process

Participation in the Social Action Workshop is based on the premise that if a juvenile has a drug problem, there is generally an environmental problem present. If the context of social interaction can be changed, the individual's antisocial or dysfunctional behavior, including drug usage, will also change. Treatment activities are designed to be non-stigmatizing and encouraging, in that they help youths develop skills that will assist in achieving social adulthood. Activities planned by the Social Action Workshop staff include day seminars in Washington, D.C., or New York City, summer workshops, and a volunteer work activity. These programs are meant to be stimulatory and attractive to a general youth population and to attract a variety of types of participants. In fact, why or how a juvenile became involved is a variable in the program—whether referred by the juvenile justice system or as a volunteer. The 4-day seminars each feature a topic of concern to contemporary society. Topics in the past have included affirmative action, human rights, world population, world hunger, world peace, etc. About a youth's problem with drugs and about the court system is so overburdened with cases that minor drug complaints are sometimes overlooked. The seminars and work/study program are open to all teens who do not have serious drug problems but who do have supportive community ties. The strategy of police officer referral appears to make efficient use of personal experience in detecting drug addiction. During interviews, an experienced juvenile narcotics officer can gain an impression about the severity of a youth's problems with drugs and about the stability of the youth's family, and can utilize his or her position to make an educated judgment about the advisability of channeling a youth into the criminal justice system or into the drug abuse treatment system. The officer can use the interview to counsel the parent in recognition of their responsibility in drug problems, helping those parents work through their reactions to the situation. It is possible to educate them about the realities of drug abuse, and recommend possible courses of action. The police officer will refer a case to the Social Action Workshop or with other programs, after participation in a seminar.

During the first 4 days in New York City or Washington, seminar participants tour the city. They are then assigned to teams, and each team is given a list of interviews previously arranged by Social Action Workshop staff. Each team is given experts on the seminar topics. For example, in Washington, teams often interview Senators and Representatives, and in New York they talk with diplomats at the United Nations. The team conducts interviews as a group and learns valuable skills in interviewing. Each team is scored on team cooperation and on the ability to use information gained about the situation. The winning team later discusses its experience with other seminar participants on a local Philadelphia radio show, where they are interviewed by a newspaper article, or receives some similar prize.

Minicourses are offered during the summer. These meet two or three times a week and for a maximum of 100 hours. In terms of teams and interviewing. However, all field experiences here are held in Philadelphia. For example, a course on energy might include field trips to a nuclear plant, oil refineries, or the like.

Since seminar participants are not charged tuition, they are expected to do 10 hours of volunteer work, either at the Social Action Workshop or with other programs, after participation in a seminar. The seminars and work/study program are open to all teens who do not have serious drug problems but who do have supportive community ties. The strategy of police officer referral appears to make efficient use of personal experience in detecting drug addiction. During interviews, an experienced juvenile narcotics officer can gain an impression about the severity of a youth's problems with drugs and about the stability of the youth's family, and can utilize his or her position to make an educated judgment about the advisability of channeling a youth into the criminal justice system or into the drug abuse treatment system. The officer can use the interview to counsel the parent in recognition of their responsibility in drug problems, helping those parents work through their reactions to the situation. It is possible to educate them about the realities of drug abuse, and recommend possible courses of action. The police officer will refer a case to the Social Action Workshop or with other programs, after participation in a seminar.

Community Arbitration Program, Baltimore, Maryland

Community Arbitration is an early discretionary case-processing technique whereby individuals charged with offenses and the victims or complainants in the case come before a hearing officer—the arbitrator—who is empowered by the United States to hear the facts, the evidence, and the arguments and recommend a resolution. Should the parties involved accept the arbitrator's proposed resolution, which is the outcome of the process observed, in this regard, the process is civil. In other words, if a criminal conviction results, issues a citation to appear at a stated date and time for an arbitration hearing before an arbitrator who is a member of the local bar. The arbitrator in Baltimore County is used for the Teens in Action program. If participation in the program as agreed to is not kept up, police have the option to file the arrest and refer the juvenile to the Youth Services Center---(juvenile intake, or booking) for formal juvenile justice proceedings. In fact this seldom happens, except in instances of serious re-arrest, due to the press of other juvenile cases.

Staffing and budget

Present staffing of the Social Action Workshop includes a part-time director, two full-time counselors, a full-time administrative assistant, and a part-time secretary.

The workshop is funded by the Managing Director's Office of the Department of Public Welfare for the City of Philadelphia. Out of the programs' 1978-1979 budget of $84,000, $4,600 is used for the Teens in Action program.

Review and termination

During these activities, Social Action Workshop counselors observe the individual participants' functioning and may consult with the parents about the youth's coping skills. Counselors often give parents helpful information about their children, and may work with parents to arrange for appropriate services in the home. So that youths will continue to develop skills necessary to the transition to adulthood, the workshop is seen as providing teens with a number of opportunities to experience and experiment with new ways of interacting that are conducive to achieving social adulthood. These include—

- Opportunities to be responsible and act in a mature fashion away from their parents;
- Being exposed to new kinds of careers they can pursue and gaining experiences that take part of their resume for application for college;
- Providing opportunities to make friends with others from many different backgrounds, enabling some teens to make the transition from the sheltered environment of the School District to university and the world of independent living;
- Providing the opportunity to make worthwhile contributions to their community.

In addition to the above general description of the community arbitration model, several additional features peculiar to the Baltimore County Program are integral features of the process observed. In this regard, the process is civil. In other words, if a criminal conviction results, issues a citation to appear at a stated date and time for an arbitration hearing before an arbitrator who is a member of the local bar. The arbitrator in Baltimore County is used for the Teens in Action program. If participation in the program as agreed to is not kept up, police have the option to file the arrest and refer the juvenile to the Youth Services Center---(juvenile intake, or booking) for formal juvenile justice proceedings. In fact this seldom happens, except in instances of serious re-arrest, due to the press of other juvenile cases.

During the first 4 days in New York City or Washington, seminar participants tour the city. They are then assigned to teams, and each team is given a list of interviews previously arranged by Social Action Workshop staff. Each team is given experts on the seminar topics. For example, in Washington, teams often interview Senators and Representatives, and in New York they talk with diplomats at the United Nations. The team conducts interviews as a group and learns valuable skills in interviewing. Each team is scored on team cooperation and on the ability to use information gained about the situation. The winning team later discusses its experience with other seminar participants on a local Philadelphia radio show, where they are interviewed by a newspaper article, or receives some similar prize.
In October 1977, the county school supervi­sion and the enforcement of any law that mandated suspension and arrest for all juveniles found in the possession of alcohol or illegal drugs on school grounds or at school functions. The policy requires school person­nel to call county police when such offenses occur. While police department policy dating from January 1978 referred to cases involving possession of alcohol, marijuana, or other substances of which possession is a misde­meanor, not be taken into custody, nevertheless the policy requires that an apprehension be made and a citation (similar to a traffic ticket) be issued. In the western portion of the county, where Community Arbitration functions, the result of this process is that all marijuana, amphetamine, and PCP pos­session cases originating on school premises are automatically referred by police to the Community Arbitration Program, with the initiation of such juvenile justice proceedings, except Washington City and Annapolis and other parts of the county, where designated pupil personnel officer are also scheduled in each instance. For the 1977-1978 school year, this resulted in 69 expulsions; for the 1978-1979 school year (through the month of February 1979), 49 such expulsions occurred.

Apart from the fact that possession of mari­juana and other controlled substances (e.g. criminal offenses: § Maryland, as is the pur­chase of alcohol by a minor, the Baltimore County school policy, and citations issued to a minor, have a direct and significant effect on increasing the scope of law enforcement (2,400 cases were referred for arbitration. Citations may be issued by Baltimore County Police, Maryland State Police, and campus police of local colleges. Only in the event that participants fail to comply satisfactorily with program require­ments or are re arrested while in the program, and the parent(s) arrive. The officers notes on the hearing from a central Community Arbitration Program. The fact that arbitration hearings could be scheduled in a fraction of the time it would take to schedule a hearing from the overburdened Central Juvenile Intake; 

That the arresting officer and the com­plainant or victim, as well as the juvenile and his or her parents would be invited to the hearing and to have input; 

That satisfactory resolution (arbitration) would require the consent of all parties; 

That the arbitration process instilled more of a sense of accountability and respon­sibility in the juvenile than the informal adjustment process at Central Juvenile Intake; and 

That the disposition decision would be made locally, not away from the scene of the incident, at JSA in Towson.

Interface with primary criminal justice agencies

The State of Maryland since 1970 has bene­fited from a unified, statewide Juvenile Serv­ices Administration (JSA), whose administrator is a legislative appointee with broad policymak­ing powers. JSA administers both Juvenile Intake and other coordinated services plus a variety of social service outreach programs and residential correctional programs of Court and Community Services, under which Juvenile Intake and other juvenile justice system functions fall, is divided for administra­tive purposes into regional and county offices. The Baltimore County office of JSA's Division of Court and Community Services is in most respects typical. It administers Juvenile Intake and extraneous programs, which interfaces on the one hand with the Maryland District Court for Baltimore County (the trial court of original jurisdiction for juveniles as well as other matters) and on the other with the State's Attorney's Office, a small office in each of the county's 24 subdivisions of the State that surrounds (but is not immediately adjacent to) the city of Baltimore. The Juvenile Intake program is a combination of a sense of accountability and responsibility in the juvenile than the informal adjustment process at Central Juvenile Intake.

Police citation process

Each Maryland State Trooper carries a book of citations and issues one whenever a juvenile or alcohol user puts in contact by the state police. The police station and the citation issued there (the police officer refers the case to Central Juvenile Intake, for full adversarial processing occurs. Exhibit 8 illustrates the diversification process of Community Arbitration.

Goals and objectives of the Community Arbitration Program

As stated in its formal grant applications, the primary goals and objectives of the Balti­more County Community Arbitration Program are:

To increase the speed of handling misde­meanor cases from 4 to 6 weeks after the offense to 7 working days.

To prescribe for those youths who have been referred for supervision an informal assignment or a combination of the following pos­sible assignments:

- voluntary work service, community service or counseling.
- To involve the community in direct action relative to the juvenile crime problem through volunteerism.

- To increase complainant participation in the handling of Juvenile Services Adminis­tration "informal" cases, which are:

- To provide an alternative means for the police department to handle juvenile offenders.

- To decrease the recidivism rate of those juveniles participating in the program.

Prime operating goals of arbitration were also the most effective selling points of the pro­gram to the citizens of Baltimore County. These included:

- The fact that arbitration hearings could be scheduled in a fraction of the time it would take to schedule a hearing from the overburdened Central Juvenile Intake;

- That the arresting officer and the com­plainant or victim, as well as the juvenile and his or her parents would be invited to the hearing and to have input;
If the charge is possession of drugs or drug paraphernalia, the substance or implement is sent to the lab for analysis. If the arrest is for a traffic offense, he or she is encouraged to call the Community Arbitration Program to inform Community Arbitration Program staff about key factors in the case, notably drug and alcohol abuse indicators.

Arbitration hearing and the decision to divert

Exhibit 8 illustrates all possible dispositional actions that are possible at this hearing. The arbitration hearings are held at a center that is located in a setting convenient to reach by public transportation. Special arrangements in the hearing room are purposefully geared so as not to have an effect on the juvenile. The arbitrator sits behind an imposing desk flanked by an American flag. The juvenile sits alone at a separate table facing the arbitrator. The arbitrator listens to all involved parties and carefully interprets the law in understandable language. The arbitrator also focuses on how the juvenile's offense has affected the victim/complainant, the community, and the juvenile and the juvenile's family. Emphasis is placed on making the juvenile aware of how the delinquent act has damaged his or her own integrity and the fabric of the community. The arbitrator then asks the complainant/victim to leave the room and inquire into the social adjustment of the juvenile. Questions are asked about school performance, behavior at home, possible drug problem, etc. When the offense is drug related, particular emphasis is placed on exploring drug use and drug involvement. According to Arbitration program staff, many juveniles are unaware of the potential of this opportunity to talk about their concerns for their children. In some cases, parents have told the arbitrator even when the offense has nothing to do with drug usage that they are concerned about their child's drug use.

At the close of the hearing, the arbitrator makes a decision based on the applicable law and the facts presented. Many factors affect this decision: sufficiency of evidence, admission or denial of the offense, seriousness of charge, equity toward the complainant/victim, prior arrests, and previous involvement of the juvenile with the Community Arbitration Program. Also having a bearing on the decision are family attitudes, school record, community attitudes, and the amenability of community resources. With this information, one of the following alternatives is chosen:

- The juvenile is placed on informal supervision under the Community Arbitration Program for a 90-day period;
- The case is closed with a strong warning;
- The case is closed for insufficient evidence;
- The case is forwarded to Juvenile Intake for more formal action.

If the arbitrator decides upon "informal" supervision (i.e., enrollment), this can take several forms. Typically these include:

- Voluntary community work service, with the number of hours depending on the nature of the offense and prior records;
- Restitution for personal or property damage (the amount being determined and agreed upon by all parties);
- Referral for one of a variety of forms of counseling (drug, family, individual, tutoring or any other method to be agreed upon by all parties);
- Any other assignments, such as visiting the Baltimore City Jail or the East Coast Juvenile Intake, letters of apology, book reports, etc.

Once the arbitrator has made a decision, the complainant/victim returns to the hearing room to hear it. If the decision is for supervision from the Community Arbitration Program, the plan for supervision is written up according to the standards that are used, which is then agreed upon by the youth and the parents. The hearing is now closed.

Immediately after the hearing, the youth is introduced to the work site supervisor (an Arbitration Program staff member), who interviews the juvenile and the family briefly. Whatever form the supervision will take, the youth must maintain telephone contact with the work site supervisor on a weekly or biweekly basis as indicated. A case file is prepared on each juvenile by the work site supervisor to whom the case is assigned.

The supervision and service delivery process

The responsibility for monitoring juveniles placed on informal supervision belongs to the Community Arbitration Program work site supervisors, who have vocational and educational training in counseling delinquents. They initially interview both the youth and the family, make referrals to other agencies in accordance with needs, monitor work sites, and supervise payment of restitution to the complainant/victim. If any payment is not made, the case is forwarded to Juvenile Intake instead of being heard by the arbitrator. The supervisor also explains that if any of the parties—the police, the victim/complainant or the juvenile and his or her family—are dissatisfied with the results of the arbitration hearing, the case can be appealed to the director of Juvenile Services within 15 days.

If the juvenile decides to have the case heard—and most do—the arbitrator then moves on to a discussion of the facts and circumstance of the case. The arbitrator explains to the juvenile, and asks for comment. According to Arbitration program staff, most juveniles admit their involvement in the offense. The arbitrator also asks the victim/complainant how the offense happened. The arbitrator listens to all involved parties and carefully interprets the law in understandable language. The arbitrator explains to the victim/complainant how the delinquent act has damaged his or her own integrity and the fabric of the community. The arbitrator listens to all involved parties and carefully interprets the law in understandable language. The arbitrator also explains to the victim/complainant how the delinquent act has damaged his or her own integrity and the fabric of the community.
contribution to the community—that just a 1 percent reimbursement from the parents is not sufficient. If the youth has a part-time job, he or she may be directly responsible for at least part of the restitution, and in such case probably would not be assigned a service.

- Counseling. The arbitrator and program staff determine whether and what sort of counseling is appropriate for the child and family. The victim/complainant is not involved in this phase of arbitration, and strict confidentiality is maintained. During the first 2 years of operation, 200 enrollees (12 percent) were referred by staff to other community agencies for counseling, where the charge is one of drug possession, or where the parents or the juvenile feel that substance abuse is a problem, the youth is referred invariably to outside counseling programs. They might have experience with this sort of problem. The parents sign a form, similar to the information form so that the Arbitration Program can verify that the juvenile follows through on all referral and continues to participate in counseling or treatment.

Review and termination

All cases enrolled in the Community Arbitration Program are reviewed after 30 days and again after 60 days by the work site supervisors and program coordinator. Over 90 percent of enrollees comply with required supervision. If the youth cooperates, the parents are contacted and urged to become more involved, and a followup hearing before the arbitrator may be scheduled. If the youth still does not comply, the case may be closed unsuccessfullly and forwarded to Juvenile Intake for more formal action. If the case is in the latter over prossecuted, information about participation in the Arbitration Program is withheld until the time of disposition.

Successful compliance over the standard period of enrollment (30 days) results in the case being closed, pending charges dropped, and the youthful participant being discharged. No juvenile record on the case beyond the police citation remains on file.

Staffing and budget

The Community Arbitration Program functions under a decentralized administration, out of three locations. Administrative and support staff are lodged together in one central location. Arbitrators divide their time between these two and other locations. Project staff are as follows:

- a full-time project director
- a full-time project coordinator
- two part-time arbitrators
- a part-time project evaluator
- two full-time work site supervisors
- a full-time research assistant
- and three full-time clerk typists.

Counseling. The arbitrator and program staff determine whether and what sort of counseling is appropriate for the child and family. The victim/complainant is not involved in this phase of arbitration, and strict confidentiality is maintained. During the first 2 years of operation, 200 enrollees (12 percent) were referred by staff to other community agencies for counseling, where the charge is one of drug possession, or where the parents or the juvenile feel that substance abuse is a problem, the youth is referred invariably to outside counseling programs. They might have experience with this sort of problem. The parents sign a form, similar to the information form so that the Arbitration Program can verify that the juvenile follows through on all referral and continues to participate in counseling or treatment.

Review and termination

All cases enrolled in the Community Arbitration Program are reviewed after 30 days and again after 60 days by the work site supervisors and program coordinator. Over 90 percent of enrollees comply with required supervision. If the youth cooperates, the parents are contacted and urged to become more involved, and a followup hearing before the arbitrator may be scheduled. If the youth still does not comply, the case may be closed unsuccessfullly and forwarded to Juvenile Intake for more formal action. If the case is in the latter over prossecuted, information about participation in the Arbitration Program is withheld until the time of disposition.

Successful compliance over the standard period of enrollment (30 days) results in the case being closed, pending charges dropped, and the youthful participant being discharged. No juvenile record on the case beyond the police citation remains on file.

Staffing and budget

The Community Arbitration Program functions under a decentralized administration, out of three locations. Administrative and support staff are lodged together in one central location. Arbitrators divide their time between these two and other locations. Project staff are as follows:

- a full-time project director
- a full-time project coordinator
- two part-time arbitrators
- a part-time project evaluator
- two full-time work site supervisors
- a full-time research assistant
- and three full-time clerk typists.

Counseling. The arbitrator and program staff determine whether and what sort of counseling is appropriate for the child and family. The victim/complainant is not involved in this phase of arbitration, and strict confidentiality is maintained. During the first 2 years of operation, 200 enrollees (12 percent) were referred by staff to other community agencies for counseling, where the charge is one of drug possession, or where the parents or the juvenile feel that substance abuse is a problem, the youth is referred invariably to outside counseling programs. They might have experience with this sort of problem. The parents sign a form, similar to the information form so that the Arbitration Program can verify that the juvenile follows through on all referral and continues to participate in counseling or treatment.

Review and termination

All cases enrolled in the Community Arbitration Program are reviewed after 30 days and again after 60 days by the work site supervisors and program coordinator. Over 90 percent of enrollees comply with required supervision. If the youth cooperates, the parents are contacted and urged to become more involved, and a followup hearing before the arbitrator may be scheduled. If the youth still does not comply, the case may be closed unsuccessfullly and forwarded to Juvenile Intake for more formal action. If the case is in the latter over prossecuted, information about participation in the Arbitration Program is withheld until the time of disposition.

Successful compliance over the standard period of enrollment (30 days) results in the case being closed, pending charges dropped, and the youthful participant being discharged. No juvenile record on the case beyond the police citation remains on file.

Staffing and budget

The Community Arbitration Program functions under a decentralized administration, out of three locations. Administrative and support staff are lodged together in one central location. Arbitrators divide their time between these two and other locations. Project staff are as follows:

- a full-time project director
- a full-time project coordinator
- two part-time arbitrators
- a part-time project evaluator
- two full-time work site supervisors
- a full-time research assistant
- and three full-time clerk typists.

Counseling. The arbitrator and program staff determine whether and what sort of counseling is appropriate for the child and family. The victim/complainant is not involved in this phase of arbitration, and strict confidentiality is maintained. During the first 2 years of operation, 200 enrollees (12 percent) were referred by staff to other community agencies for counseling, where the charge is one of drug possession, or where the parents or the juvenile feel that substance abuse is a problem, the youth is referred invariably to outside counseling programs. They might have experience with this sort of problem. The parents sign a form, similar to the information form so that the Arbitration Program can verify that the juvenile follows through on all referral and continues to participate in counseling or treatment.

Review and termination

All cases enrolled in the Community Arbitration Program are reviewed after 30 days and again after 60 days by the work site supervisors and program coordinator. Over 90 percent of enrollees comply with required supervision. If the youth cooperates, the parents are contacted and urged to become more involved, and a followup hearing before the arbitrator may be scheduled. If the youth still does not comply, the case may be closed unsuccessfullly and forwarded to Juvenile Intake for more formal action. If the case is in the latter over prossecuted, information about participation in the Arbitration Program is withheld until the time of disposition.

Successful compliance over the standard period of enrollment (30 days) results in the case being closed, pending charges dropped, and the youthful participant being discharged. No juvenile record on the case beyond the police citation remains on file.

Staffing and budget

The Community Arbitration Program functions under a decentralized administration, out of three locations. Administrative and support staff are lodged together in one central location. Arbitrators divide their time between these two and other locations. Project staff are as follows:

- a full-time project director
- a full-time project coordinator
- two part-time arbitrators
- a part-time project evaluator
- two full-time work site supervisors
- a full-time research assistant
- and three full-time clerk typists.

Counseling. The arbitrator and program staff determine whether and what sort of counseling is appropriate for the child and family. The victim/complainant is not involved in this phase of arbitration, and strict confidentiality is maintained. During the first 2 years of operation, 200 enrollees (12 percent) were referred by staff to other community agencies for counseling, where the charge is one of drug possession, or where the parents or the juvenile feel that substance abuse is a problem, the youth is referred invariably to outside counseling programs. They might have experience with this sort of problem. The parents sign a form, similar to the information form so that the Arbitration Program can verify that the juvenile follows through on all referral and continues to participate in counseling or treatment.

Review and termination

All cases enrolled in the Community Arbitration Program are reviewed after 30 days and again after 60 days by the work site supervisors and program coordinator. Over 90 percent of enrollees comply with required supervision. If the youth cooperates, the parents are contacted and urged to become more involved, and a followup hearing before the arbitrator may be scheduled. If the youth still does not comply, the case may be closed unsuccessfullly and forwarded to Juvenile Intake for more formal action. If the case is in the latter over prossecuted, information about participation in the Arbitration Program is withheld until the time of disposition.

Successful compliance over the standard period of enrollment (30 days) results in the case being closed, pending charges dropped, and the youthful participant being discharged. No juvenile record on the case beyond the police citation remains on file.

Staffing and budget

The Community Arbitration Program functions under a decentralized administration, out of three locations. Administrative and support

This chapter presents summary findings about the practice of pre-charge referral to drug abuse treatment that resulted from visits to 8 programs, with a total of 16 referral components, at 6 sites. Based on these site visit findings and on assessments by other commentators gathered during the state-of-the-art review, findings from the present and future use of pre-charge diversion are also presented. None of these recommendations results from an evaluative assessment of the appropriateness or effectiveness of the individual programs visited or observed. For a variety of reasons, these programs have proven useful in their respective local contexts and reportedly are meeting local needs and their stated objectives. However, as increased dialogue about the concept and about replication of these and other particular program models is a possible outgrowth of this report, it is necessary and appropriate that conclusions about continued and expanded use of such pre-charge referral strategies be included.

Both the findings and the recommendations are divided into separate categories for Federal and State policymakers and for State and local practitioners. Both the policymaker and practitioner findings and recommendations are further divided into those generally applicable to both criminal justice and drug abuse treatment audiences and others directed to criminal justice and drug abuse treatment personnel, separately.

CRIMINAL JUSTICE AND DRUG ABUSE TREATMENT POLICYMAKERS AT BOTH FEDERAL AND STATE LEVELS

Findings

For most of the referral strategies reviewed, intervention at one or more points in the pre-charge phase (as opposed to later) was an operational response to the vagaries and constraints of the local context in which the diversion program evolved. Points of intervention most often were viewed as merely incidental to the overall goal of identifying and referring drug abusers out of the regular criminal justice system and were selected—or dictated—opportunistically, not deliberately. A variety of reportedly real advantages were found to occur from pre-charge intervention and referral pre-charge, but these usually became plain only after the fact of program implementation. Generally, these could not be preplanned and in some instances had not even been anticipated.

Programs visited were reportedly meeting their stated goals and objectives. Though these varied somewhat, common goals predominated. Goals tended to reflect perceived gaps in preexisting local services and/or to address perceived alienation of the community from more traditional criminal justice processes, rather than to reflect a deliberate attempt to capture the particular advantages of pre-charge (as opposed to later) intervention and referral.

The potential for overreach (widening the net) was identified for all such programs; this danger was recognized to varying degrees by key actors. Little pre-implementation attention to these potential abuses was evident in retrospect, however.

Little hard research or evaluation has been performed to assess the effectiveness of pre-charge programs. More studies geared specifically to intervention efforts at these early stages should be undertaken.

Though it was assumed by all pre-charge programs visited (as by programs interven­ing at later points) that intervention and referral to treatment has an impact on criminal recidivism and drug abuse, this key hypothesis has yet to be firmly established by followup studies. This should be a focus for subsequent diversion research and evaluation efforts that look at both pre- and post-charge referral strategies.

With only two exceptions, the programs visited have not received sustained
attention from outside their locales. Though most had program evaluations of varying sophistication either completed or in process, these had not been widely dis-

- Little information exists in print about early drug diversion. What does exist is neither readily available nor widely distributed among practitioners.

- Most programs visited had been well publicized locally and enjoyed broad community support. Careful public relations and community education efforts were credited with both initial acceptance and sustained support from local officials and the general public.

- Pre-charge diversion was widely viewed as a form of specific resolution operating at the grassroots level and was, therefore, popular with community leaders, elected officials, and other policymakers interviewed.

- The support—or at least the neutrality—of other local sector criminal justice and helping services agencies, even those that do not process drug abusers until after conviction, was elicited and obtained by most of the pre-charge programs observed, in all instances this far reportedly facilitated general acceptance of the new programs, in particular, important implementation problems.

**Recommendations**

- Selected criminal justice and drug abuse treatment programs could serve to document the phenomenon of referral to drug treatment at the pre-charge stage. The further articulation of salient issues, the possible development of recom-

- Despite usually sizable numbers of cases diverted, all programs observed were highly selective. The presence of restrictiv-

- Several programs visited a significant impact on their criminal justice systems because of the volume of cases diverted. This factor was unlikely to be viewed as a reason for widespread acceptance and con-

- What literature does exist on early diver-

- Pre-charge diversion programs seem to be proliferating rapidly. Efforts to identify all such programs, cataloging their opera-

**Each pre-charge diversion strategy observed in some way attempted to over-

**Drug Treatment Policymakers**

- Findings

- Police referrals and other pre-charge diver-

**Criminal Justice Policymakers**

- Findings

- General implementing authorization, through statute, court rule, or ordinance, should be seriously considered at the State level to permit the pre-charge diversion of drug abusers by law and other agencies. Local level authorization by interagency memorandum of understanding or depart-

**Recommendations**

- Criminal justice planners and funding a-

| 58 |

| 59 |
prevailing community mores than to poten- 

tially for rehabilitation.

- Required terms in treatment, performance 
criteria for successful completion of 
drug abuse treatment programs already in 
place; and, evidently, to local level criminal justice 

In Findings

PRACTITIONERS AT THE 

- The advance of Implementation a clearly stated 
requirements for evidence against unwarranted 
control of its quality. Programs appeared to be 
managed and addressed in a manner consistent 
with this goal-oriented approach.

- All programs officially recognized the 
need to protect defendants' rights in 
the diversion process, though the extent 
and sophistication of due process safe-
guards encountered varied widely between 
programs. Point of diversion and design had an impact on the number and 
nature of such safeguards. However, the 
sensitivity of primary actors to the prob-
lems of over-control or lack of process, as 
well as the prevailing community's 
attitude on these subjects, appeared to be at least as 
determinative.

- All programs visited demonstrated an apprecia-
tion for the importance and utility of 
an outside evaluation. All programs 
observed had either evaluations com-
pleted or in progress. Copies of at least 
summary findings from these evaluations 
were available for review by interested 
outside parties.

- A variety of operational features not intrin-
sic to the concept of pre-charge diversion 
were essential or essential for program survival or basic 
effectiveness, such as community work 
and restitutive processes needed to 
input into the decision whether to divert, 
and a policy of charging a diversion ser-
vice fee, were sometimes specially added.

Recommendations

- Attention should be given to ways to allo-
cate drug abuse treatment slots already 
available for criminal justice use to those 
more likely to benefit from the initiative. 

- Existing drug abuse training programs 
should be appropriately modified or 
expanded to meet the needs of actors in 
the pre-charge diversion process, es-
pecially police.

- New training programs should be developed 
as needed and made available to actors 
at the State and local level.

- The impact of existing Federal confidentiality 
laws and regulations on pre-charge 
identification and referral of drug abusers 
should be analyzed specifically. A mecha-
nism for providing guidance and direction 
to planners, as well as practitioners who 
are considering implementing such programs 
or who currently operate such programs, 
should be established.

CRIMINAL JUSTICE AND DRUG ABUSE 
PRACTITIONERS AT THE LOCAL LEVEL

Findings

In addition to the foregoing findings, which 
were of direct relevance to Federal and State 
level policymakers, other findings surfaced 
that are of more direct concern to local criminal justice 
and drug abuse treatment practitioners.

- All programs visited had developed 
in advance of implementation a clearly stated 
set of program goals. These were widely 
publilized to staff, clients, criminal justice and 
drug abuse treatment officials with whom the programs interfaced, and, usu-
ally, to the general public. Operational 
experience over time caused program goals 
to be expanded and modified. However, 
initial goals remained generally valid and 
continued to serve as benchmarks against 
which all concerned monitored the progress of 
the program. Programs appeared to be 
managed and addressed in a manner consistent 
with this goal-oriented approach.

- All programs officially recognized the 
need to protect defendants' rights in 
the diversion process, though the extent 
and sophistication of due process safe-
guards encountered varied widely between 
programs. Point of diversion and design had an impact on the number and 
nature of such safeguards. However, the 
sensitivity of primary actors to the prob-
lems of over-control or lack of process, as 
well as the prevailing community's 
attitude on these subjects, appeared to be at least as 
determinative.

- All programs visited demonstrated an apprecia-
tion for the importance and utility of 
an outside evaluation. All programs 
observed had either evaluations com-
pleted or in progress. Copies of at least 
summary findings from these evaluations 
were available for review by interested 
outside parties.

- A variety of operational features not intrin-
sic to the concept of pre-charge diversion 
were essential or essential for program survival or basic 
effectiveness, such as community work 
and restitutive processes needed to 
input into the decision whether to divert, 
and a policy of charging a diversion ser-
vice fee, were sometimes specially added.

Recommendations

- Attention should be given to ways to allo-
cate drug abuse treatment slots already 
available for criminal justice use to those 
more likely to benefit from the initiative. 

- Existing drug abuse training programs 
should be appropriately modified or 
expanded to meet the needs of actors in 
the pre-charge diversion process, es-
pecially police.

- New training programs should be developed 
as needed and made available to actors 
at the State and local level.

- The impact of existing Federal confidentiality 
laws and regulations on pre-charge 
identification and referral of drug abusers 
should be analyzed specifically. A mecha-
nism for providing guidance and direction 
to planners, as well as practitioners who 
are considering implementing such programs 
or who currently operate such programs, 
should be established.

CRIMINAL JUSTICE AND DRUG ABUSE 
PRACTITIONERS AT THE LOCAL LEVEL

Findings

In addition to the foregoing findings, which 
were of direct relevance to Federal and State 
level policymakers, other findings surfaced 
that are of more direct concern to local criminal justice 
and drug abuse treatment practitioners.

- All programs visited had developed 
in advance of implementation a clearly stated 
set of program goals. These were widely 
publilized to staff, clients, criminal justice and 
drug abuse treatment officials with whom the programs interfaced, and, usu-
ally, to the general public. Operational 
experience over time caused program goals 
to be expanded and modified. However, 
initial goals remained generally valid and 
continued to serve as benchmarks against 
which all concerned monitored the progress of 
the program. Programs appeared to be 
managed and addressed in a manner consistent 
with this goal-oriented approach.

- All programs officially recognized the 
need to protect defendants' rights in 
the diversion process, though the extent 
and sophistication of due process safe-
guards encountered varied widely between 
programs. Point of diversion and design had an impact on the number and 
nature of such safeguards. However, the 
sensitivity of primary actors to the prob-
lems of over-control or lack of process, as 
well as the prevailing community's 
attitude on these subjects, appeared to be at least as 
determinative.

- All programs visited demonstrated an apprecia-
tion for the importance and utility of 
an outside evaluation. All programs 
observed had either evaluations com-
pleted or in progress. Copies of at least 
summary findings from these evaluations 
were available for review by interested 
outside parties.

- A variety of operational features not intrin-
sic to the concept of pre-charge diversion 
were essential or essential for program survival or basic 
effectiveness, such as community work 
and restitutive processes needed to 
input into the decision whether to divert, 
and a policy of charging a diversion ser-
vice fee, were sometimes specially added.

Recommendations

- Attention should be given to ways to allo-
cate drug abuse treatment slots already 
available for criminal justice use to those 
more likely to benefit from the initiative. 

- Existing drug abuse training programs 
should be appropriately modified or 
expanded to meet the needs of actors in 
the pre-charge diversion process, es-
pecially police.

- New training programs should be developed 
as needed and made available to actors 
at the State and local level.

- The impact of existing Federal confidentiality 
laws and regulations on pre-charge 
identification and referral of drug abusers 
should be analyzed specifically. A mecha-
nism for providing guidance and direction 
to planners, as well as practitioners who 
are considering implementing such programs 
or who currently operate such programs, 
should be established.

CRIMINAL JUSTICE AND DRUG ABUSE 
PRACTITIONERS AT THE LOCAL LEVEL

Findings

In addition to the foregoing findings, which 
were of direct relevance to Federal and State 
level policymakers, other findings surfaced 
that are of more direct concern to local criminal justice 
and drug abuse treatment practitioners.

- All programs visited had developed 
in advance of implementation a clearly stated 
set of program goals. These were widely 
publilized to staff, clients, criminal justice and 
drug abuse treatment officials with whom the programs interfaced, and, usu-
ally, to the general public. Operational 
experience over time caused program goals 
to be expanded and modified. However, 
initial goals remained generally valid and 
continued to serve as benchmarks against 
which all concerned monitored the progress of 
the program. Programs appeared to be 
managed and addressed in a manner consistent 
with this goal-oriented approach.

- All programs officially recognized the 
need to protect defendants' rights in 
the diversion process, though the extent 
and sophistication of due process safe-
guards encountered varied widely between 
programs. Point of diversion and design had an impact on the number and 
nature of such safeguards. However, the 
sensitivity of primary actors to the prob-
lems of over-control or lack of process, as 
well as the prevailing community's 
attitude on these subjects, appeared to be at least as 
determinative.

- All programs visited demonstrated an apprecia-
tion for the importance and utility of 
an outside evaluation. All programs 
observed had either evaluations com-
pleted or in progress. Copies of at least 
summary findings from these evaluations 
were available for review by interested 
outside parties.

- A variety of operational features not intrin-
sic to the concept of pre-charge diversion 
were essential or essential for program survival or basic 
effectiveness, such as community work 
and restitutive processes needed to 
input into the decision whether to divert, 
and a policy of charging a diversion ser-
vice fee, were sometimes specially added.

Recommendations

- Attention should be given to ways to allo-
cate drug abuse treatment slots already 
available for criminal justice use to those 
more likely to benefit from the initiative. 

- Existing drug abuse training programs 
should be appropriately modified or 
expanded to meet the needs of actors in 
the pre-charge diversion process, es-
pecially police.

- New training programs should be developed 
as needed and made available to actors 
at the State and local level.

- The impact of existing Federal confidentiality 
laws and regulations on pre-charge 
identification and referral of drug abusers 
should be analyzed specifically. A mecha-
nism for providing guidance and direction 
to planners, as well as practitioners who 
are considering implementing such programs 
or who currently operate such programs, 
should be established.
A detached and objective party other than the apprehending officer—a desk sergeant, youth officer, intake worker, drug abuse treatment worker, or deputy prosecutor—should review the pre-charge decision to divert in which any significant restraint on liberty—such as signing of waivers of legal rights or extended requirements for participation in treatment—is involved. This is recommended in order to insures fairness and consistency in the pre-charge diversion process from one case to the next.

The decision about whether and to what extent to rest diversion decision-making in the hands of the uniformed patrol officer versus other, specialized, police personnel can be expected to have an impact on the pre-charge diversion process, and should be made with informed police by many offenders, and citizens generally, can be negative and prove a barrier to information gathering and information exchange about drug abuse and other factors. This may not be faced by plainclothes detectives, youth officers, and other non-uniformed officers. On the other hand, the trauma of arrest by a uniformed officer can often serve as a catalyst to defendants to confront the behavior that led to their arrest, including drug abuse. Depending on local circumstances, both uniformed officers and various plainclothes detectives act as an effective or a less effective role to play in the diversion process.

Drug abuse awareness training should be a regular feature of pre-charge training, as well as of later continuing education on the job, for uniformed officers. The process of identifying drug abuse indicators at the time of arrest, whether or not a subsequent decision to divert is made, requires specialized knowledge and training. Likewise, an appreciation of the difficulties and challenges of drug abuse treatment programs can be a necessary component of any pre-charge program of police diversion of drug abusers.

Concerted efforts must be made by all actors to identify and minimize due process problems and other potential dangers to defendants' rights should not be left totally to the discretion of individual police officers, though retention of discretion in individual cases within general guidelines, may well be advisable and legitimate.

**Identification and referral of drug-abusing criminal defendants by police and others at the pre-charge stage provides a means for pre-charge and pre-charge diversion practices for drug abusers should be given serious consideration when implement- ing an array of alternatives to prosecution and incarceration that are graduated responses to the perceived seriousness of offenses charged.**

In order to identify drug abusers at the earliest possible stages so that they do not fall out of the criminal justice system without diagnosis and referral, a major role for police officers should be included in all pre-charge diversion strategies. Police input is to the presence of drug abuse indicators at the time of arrest and the advisability of release to treatment rather than referral to the criminal justice system is vital. Procedures for gathering and preserving this input, regardless of which system actors make the final decision to divert, should be a features of any pre-charge diversion strategy.

**Role conflict issues for police and other actors should be surfaced and addressed before implementation of drug abuse or other initiatives is attempted at the police level.**

**Departmental guidelines on the appropriate- ness and extent of diversion in lieu of arrest, on the part of police officers and others is challenged and accepted by police, the decision about whether and to what extent a defendant's right should be left to the discretion of individual police officers, though retention of discretion in individual cases within general guidelines, may well be advisable and legitimate.**

**Confidence of drug abuse client information was a major, ongoing source of daily stress, compounded by the chronic treatment situation, despite generally high, well as over a reliance on in-house counsel- ling.**

**The variety of services and modalities that tend to be offered to pre-charge divertees reflected the need those available in the local community.**

**Willingness on the part of local treatment programs to provide quick and accurate data back to the attendance and progress update data on drug abuse treatment practitioners reflects the amount of pre-charge diversion activity in the criminal justice system.**

**Diverting authority in the criminal justice system was a key factor in selection of treatment programs as linkage partners in pre-charge referral strategies.**

**Drug abuse awareness training should be a regular feature of pre-charge training, as well as of later continuing education on the job, for uniformed officers.**

**Concerted efforts must be made by all actors to identify and minimize due process problems and other potential dangers to defendants' rights should not be left totally to the discretion of individual police officers, though retention of discretion in individual cases within general guidelines, may well be advisable and legitimate.**

**Identification and referral of drug-abusing criminal defendants by police and others at the pre-charge stage provides a means for pre-charge and pre-charge diversion practices for drug abusers should be given serious consideration when implement- ing an array of alternatives to prosecution and incarceration that are graduated responses to the perceived seriousness of offenses charged.**

In order to identify drug abusers at the earliest possible stages so that they do not fall out of the criminal justice system without diagnosis and referral, a major role for police officers should be included in all pre-charge diversion strategies. Police input is to the presence of drug abuse indicators at the time of arrest and the advisability of release to treatment rather than referral to the criminal justice system is vital. Procedures for gathering and preserving this input, regardless of which system actors make the final decision to divert, should be a features of any pre-charge diversion strategy.

**Role conflict issues for police and other actors should be surfaced and addressed before implementation of drug abuse or other initiatives is attempted at the police level.**

**Departmental guidelines on the appropriate- ness and extent of diversion in lieu of arrest, on the part of police officers and others is challenged and accepted by police, the decision about whether and to what extent a defendant's right should be left to the discretion of individual police officers, though retention of discretion in individual cases within general guidelines, may well be advisable and legitimate.**

**Confidence of drug abuse client information was a major, ongoing source of daily stress, compounded by the chronic treatment situation, despite generally high, well as over a reliance on in-house counsel- ling.**

**The variety of services and modalities that tend to be offered to pre-charge divertees reflected the need those available in the local community.**

**Willingness on the part of local treatment programs to provide quick and accurate data back to the attendance and progress update data on drug abuse treatment practitioners reflects the amount of pre-charge diversion activity in the criminal justice system.**

**Diverting authority in the criminal justice system was a key factor in selection of treatment programs as linkage partners in pre-charge referral strategies.**

**Drug abuse awareness training should be a regular feature of pre-charge training, as well as of later continuing education on the job, for uniformed officers.**

**Concerted efforts must be made by all actors to identify and minimize due process problems and other potential dangers to defendants' rights should not be left totally to the discretion of individual police officers, though retention of discretion in individual cases within general guidelines, may well be advisable and legitimate.**

**Identification and referral of drug-abusing criminal defendants by police and others at the pre-charge stage provides a means for pre-charge and pre-charge diversion practices for drug abusers should be given serious consideration when implement- ing an array of alternatives to prosecution and incarceration that are graduated responses to the perceived seriousness of offenses charged.**

In order to identify drug abusers at the earliest possible stages so that they do not fall out of the criminal justice system without diagnosis and referral, a major role for police officers should be included in all pre-charge diversion strategies. Police input is to the presence of drug abuse indicators at the time of arrest and the advisability of release to treatment rather than referral to the criminal justice system is vital. Procedures for gathering and preserving this input, regardless of which system actors make the final decision to divert, should be a features of any pre-charge diversion strategy.

**Role conflict issues for police and other actors should be surfaced and addressed before implementation of drug abuse or other initiatives is attempted at the police level.**

**Departmental guidelines on the appropriate- ness and extent of diversion in lieu of arrest, on the part of police officers and others is challenged and accepted by police, the decision about whether and to what extent a defendant's right should be left to the discretion of individual police officers, though retention of discretion in individual cases within general guidelines, may well be advisable and legitimate.**

**Confidence of drug abuse client information was a major, ongoing source of daily stress, compounded by the chronic treatment situation, despite generally high, well as over a reliance on in-house counsel- ling.**

**The variety of services and modalities that tend to be offered to pre-charge divertees reflected the need those available in the local community.**

**Willingness on the part of local treatment programs to provide quick and accurate data back to the attendance and progress update data on drug abuse treatment practitioners reflects the amount of pre-charge diversion activity in the criminal justice system.**

**Diverting authority in the criminal justice system was a key factor in selection of treatment programs as linkage partners in pre-charge referral strategies.**

**Drug abuse awareness training should be a regular feature of pre-charge training, as well as of later continuing education on the job, for uniformed officers.**

**Concerted efforts must be made by all actors to identify and minimize due process problems and other potential dangers to defendants' rights should not be left totally to the discretion of individual police officers, though retention of discretion in individual cases within general guidelines, may well be advisable and legitimate.**
resources. Instead, these outside services should be tapped to serve diversion referrals, as needed, via a central coordinating or linkage mechanism.

- Providing pertinent treatment progress information back to criminal justice actors who divert defendants to treatment is essential. Information exchange within the boundaries of Federal confidentiality guidelines must be worked out by negotiation to meet competing local needs.

5. Considerations for Replicability

This chapter will address the general conditions that seem to foster replicability of drug abuse referral strategies operational at the pre-filing (or pre-charge) stage of the adult criminal and juvenile justice systems. However, it must first be stressed that just as the 10 pre-charge program components observed in the 6 sites visited are not monolithic, successful replication of the various models they exemplify will depend on varying combinations of factors.

In this regard, truly pre-arrest "street" diversion by uniformed officers is a highly discretionary ad hoc process, usually purposefully operating at low visibility in the law enforcement arena. In contrast, pre-booking police diversion for juveniles generally functions around "programs" of services and supervision and is administered by nonuniformed department personnel with specialized social service training. Police juvenile diversion, moreover, is often highly visible—three of the four programs for juveniles visited during the preparation of this report were—and function pursuant to statutory authorization, with eligibility criteria largely pre-determined. Still again, prosecutor controlled pre-filing programs such as the Genesee County DDA tend to display a yet higher degree of visibility and procedural formality, though operating on the basis of traditional prosecutorial discretion and often functioning in a political context. Specialized programs for alcohol- and drug-abusing motorists, as exemplified by the Vanderburgh County DADS Program and the similar operation of the Delaware Court of Common Pleas, typify even larger, more tightly structured and highly publicized efforts, whereby the treatment component interfaces as much, or more, with court system personnel as with police.

Satisfying the needs and predispositions of uniformed line police officers, specialized police service personnel, prosecutors, judges, and other actors, not to mention complying with differing community standards and mores from one jurisdiction to the next, will necessarily lead to variance in program design and will drastically affect the priorities for successful replication. With this caveat an effort will now be made to set out factors that, in the opinion of officials interviewed during the site visit phase, are generally conducive to pre-charge diversion efforts, regardless of local variables.

GENERAL PLANNING CONSIDERATIONS

A range of key factors repeatedly appear to have been critical for implementation of the programs visited. These can therefore be regarded as generally important for replicability everywhere. These factors, as deduced from site visits and as articulated by officials interviewed, were as follows:

- The legal basis for pre-charge diversion must be firm. A statute, court rule, and/or police department operating procedure or standing order, with only one or two exceptions, preceded implementation of the concept. A program like DDA, operating on the basis of absolute prosecutorial discretion, is open to possible legal challenges, as happened to the DADS program. General authorizations, like section 992 of the California Welfare and Institutions Code or the Vanderburgh County Superior Court's rule authorizing early diversion, can be a sufficient general mandate on which to erect a highly sophisticated program.

- Community standards and mores must be kept in mind when determining eligibility criteria. Factors such as prior record, present offenses charged, drug abuse patterns displayed, and age groups of participants will be critical variables regardless of procedural design. These will vary but must be conducive to community acceptance. Local attitudes about justice must be consistent with the program goals and purposes of any new effort designed.

- The support, or at least the neutrality, of all agencies within the criminal justice system must first be obtained before any new diversion effort is commenced. Even those agencies such as corrections with which the pre-charge program is not likely to interface directly, will be in a position to
help or hinder implementation. All agencies are "turf conscious." In addition to considerations of territoriality, interagency competition to advance criminal justice dollars will doubtless be an obstacle to overlap in prevention programs. For a pre-chargable program under the administrative aegis of a powerful, established institution of the criminal justice system or social service system, e.g., the police department itself, the prosecutor's office, the department of mental health, is one answer. Yet tradeoffs are invariably involved in such a decision. Another approach, not mutually exclusive, is to establish a large and complex channel to an already existing linkage unit such as TASC or CJSC that serves all criminal justice agencies equally by accepting referrals at all points in the process.

Piggybacking on preexisting, multipurpose controlling and screening mechanisms is an aid to establishing any new pre-charge drug abuser identification and referral program. Interface by the two Marin County R/T youth diversion programs, the Baltimore County Community Arbitration Program, Vandalia County DADS, and the Delaware Court of Common Pleas drivers' program with otherwise separate police citation programs are examples of such an approach. Making drug abuser identification and screening into an already functioning pretrial interview program at an already functioning police booking lockup, where screeners employed by a pretrial service agency, probation office, or drug treatment program establish a pattern, brings the benefits of such an organized approach. Thus, costs are kept at a minimum and drug abuser identification and diagnosis for pre-charge diversion purposes can be achieved at the same time the police are gathering information for other criminal justice purposes.

Reliance on a variety of preexisting community-based treatment resources to which pre-charge diversion participants will be selectively referred is more desirable than reliance on a single source or an increase in one-county. Treatment placements can be made to suit individual diversion needs. Quality control monitoring of service programs can proceed freely in light of the variety of available referral options. Costs of service delivery can be kept down by not duplicating existing resources.

Program intake should reach a large volume of criminal cases. A major advantage to the criminal justice system of any such program—whether pre-arrest or pre-booking is that it is not controlled by police, or pre-booking administered by the prosecutor. Its ability to cut substantially into case backlogs, processing time and costs is one of the more traditional criminal justice components. Utilizing a "brokered service" approach, short-term intervention per case, and relying on linkages with large coordinating entities like TASC that accept and place large numbers of referrals from multiple points of intervention, are some ways, among others, to divert large numbers of cases pre-charge without creating a large and costly case processing staff.

In addition to the above considerations, which were reported instrumental in implementing a precharge diversion program in virtually all programs visited, additional factors that were instrumental in a smaller, but significant, number of instances should also be noted. These include the following:

- The relative smallness of ajurisdiction—city, county, or State—seems conducive to grassroots early diversion, especially by police.
- The involvement of restitution, affirmative community work service, and victim input constitute major parts of virtually all pre-charge diversion programs to increase community acceptance of the program. Acceptance in a community can be increased by involving citizens in program development. Where the program is an established one, such as in Marin County TASC and the Delaware County DADS programs, the involvement of citizens in program planning can take advantage of a large and costly case processing staff.
- The assessment of nominal fees for services from diverse programs support the criminal justice sponsoring agency and the larger community whenever citizens are involved in a precharge diversion program. Such fees, however, are kept at a minimum and drug abuser identification and diagnosis for pre-charge diversion purposes can be achieved at the same time the police are gathering information for other criminal justice purposes.

Reliance on a variety of preexisting community-based treatment resources to which pre-charge diversion referrals are selectively sent is more desirable than reliance on a single source or an increase in one-county. Treatment placements can be made to suit individual diversion needs. Quality control monitoring of service programs can proceed freely in light of the variety of available referral options. Costs of service delivery can be kept down by not duplicating existing resources.

- Program intake should reach a large volume of criminal cases. A major advantage to the criminal justice system of any such program—whether pre-arrest or pre-booking is that it is not controlled by police, or pre-booking administered by the prosecutor. Its ability to cut substantially into case backlogs, processing time and costs is one of the more traditional criminal justice components. Utilizing a "brokered service" approach, short-term intervention per case, and relying on linkages with large coordinating entities like TASC that accept and place large numbers of referrals from multiple points of intervention, are some ways, among others, to divert large numbers of cases pre-charge without creating a large and costly case processing staff.

In addition to the above considerations, which were reported instrumental in implementing a precharge diversion program in virtually all programs visited, additional factors that were instrumental in a smaller, but significant, number of instances should also be noted. These include the following:

- The relative smallness of a jurisdiction—city, county, or State—seems conducive to grassroots early diversion, especially by police.
- The involvement of restitution, affirmative community work service, and victim input constitute major parts of virtually all pre-charge diversion programs to increase community acceptance of the program. Acceptance in a community can be increased by involving citizens in program development. Where the program is an established one, such as in Marin County TASC and the Delaware County DADS programs, the involvement of citizens in program planning can take advantage of a large and costly case processing staff.
- The assessment of nominal fees for services from diverse programs support the criminal justice sponsoring agency and the larger community whenever citizens are involved in a precharge diversion program. Such fees, however, are kept at a minimum and drug abuser identification and diagnosis for pre-charge diversion purposes can be achieved at the same time the police are gathering information for other criminal justice purposes.

Reliance on a variety of preexisting community-based treatment resources to which pre-charge diversion referrals are selectively sent is more desirable than reliance on a single source or an increase in one-county. Treatment placements can be made to suit individual diversion needs. Quality control monitoring of service programs can proceed freely in light of the variety of available referral options. Costs of service delivery can be kept down by not duplicating existing resources.

- Program intake should reach a large volume of criminal cases. A major advantage to the criminal justice system of any such program—whether pre-arrest or pre-booking is that it is not controlled by police, or pre-booking administered by the prosecutor. Its ability to cut substantially into case backlogs, processing time and costs is one of the more traditional criminal justice components. Utilizing a "brokered service" approach, short-term intervention per case, and relying on linkages with large coordinating entities like TASC that accept and place large numbers of referrals from multiple points of intervention, are some ways, among others, to divert large numbers of cases pre-charge without creating a large and costly case processing staff.

In addition to the above considerations, which were reported instrumental in implementing a precharge diversion program in virtually all programs visited, additional factors that were instrumental in a smaller, but significant, number of instances should also be noted. These include the following:

- The relative smallness of a jurisdiction—city, county, or State—seems conducive to grassroots early diversion, especially by police.
- The involvement of restitution, affirmative community work service, and victim input constitute major parts of virtually all pre-charge diversion programs to increase community acceptance of the program. Acceptance in a community can be increased by involving citizens in program development. Where the program is an established one, such as in Marin County TASC and the Delaware County DADS programs, the involvement of citizens in program planning can take advantage of a large and costly case processing staff.
- The assessment of nominal fees for services from diverse programs support the criminal justice sponsoring agency and the larger community whenever citizens are involved in a precharge diversion program. Such fees, however, are kept at a minimum and drug abuser identification and diagnosis for pre-charge diversion purposes can be achieved at the same time the police are gathering information for other criminal justice purposes.

Reliance on a variety of preexisting community-based treatment resources to which pre-charge diversion referrals are selectively sent is more desirable than reliance on a single source or an increase in one-county. Treatment placements can be made to suit individual diversion needs. Quality control monitoring of service programs can proceed freely in light of the variety of available referral options. Costs of service delivery can be kept down by not duplicating existing resources.

- Program intake should reach a large volume of criminal cases. A major advantage to the criminal justice system of any such program—whether pre-arrest or pre-booking is that it is not controlled by police, or pre-booking administered by the prosecutor. Its ability to cut substantially into case backlogs, processing time and costs is one of the more traditional criminal justice components. Utilizing a "brokered service" approach, short-term intervention per case, and relying on linkages with large coordinating entities like TASC that accept and place large numbers of referrals from multiple points of intervention, are some ways, among others, to divert large numbers of cases pre-charge without creating a large and costly case processing staff.

In addition to the above considerations, which were reported instrumental in implementing a precharge diversion program in virtually all programs visited, additional factors that were instrumental in a smaller, but significant, number of instances should also be noted. These include the following:

- The relative smallness of a jurisdiction—city, county, or State—seems conducive to grassroots early diversion, especially by police.
- The involvement of restitution, affirmative community work service, and victim input constitute major parts of virtually all pre-charge diversion programs to increase community acceptance of the program. Acceptance in a community can be increased by involving citizens in program development. Where the program is an established one, such as in Marin County TASC and the Delaware County DADS programs, the involvement of citizens in program planning can take advantage of a large and costly case processing staff.
- The assessment of nominal fees for services from diverse programs support the criminal justice sponsoring agency and the larger community whenever citizens are involved in a precharge diversion program. Such fees, however, are kept at a minimum and drug abuser identification and diagnosis for pre-charge diversion purposes can be achieved at the same time the police are gathering information for other criminal justice purposes.

Reliance on a variety of preexisting community-based treatment resources to which pre-charge diversion referrals are selectively sent is more desirable than reliance on a single source or an increase in one-county. Treatment placements can be made to suit individual diversion needs. Quality control monitoring of service programs can proceed freely in light of the variety of available referral options. Costs of service delivery can be kept down by not duplicating existing resources.

- Program intake should reach a large volume of criminal cases. A major advantage to the criminal justice system of any such program—whether pre-arrest or pre-booking is that it is not controlled by police, or pre-booking administered by the prosecutor. Its ability to cut substantially into case backlogs, processing time and costs is one of the more traditional criminal justice components. Utilizing a "brokered service" approach, short-term intervention per case, and relying on linkages with large coordinating entities like TASC that accept and place large numbers of referrals from multiple points of intervention, are some ways, among others, to divert large numbers of cases pre-charge without creating a large and costly case processing staff.

In addition to the above considerations, which were reported instrumental in implementing a precharge diversion program in virtually all programs visited, additional factors that were instrumental in a smaller, but significant, number of instances should also be noted. These include the following:

- The relative smallness of a jurisdiction—city, county, or State—seems conducive to grassroots early diversion, especially by police.
- The involvement of restitution, affirmative community work service, and victim input constitute major parts of virtually all pre-charge diversion programs to increase community acceptance of the program. Acceptance in a community can be increased by involving citizens in program development. Where the program is an established one, such as in Marin County TASC and the Delaware County DADS programs, the involvement of citizens in program planning can take advantage of a large and costly case processing staff.
- The assessment of nominal fees for services from diverse programs support the criminal justice sponsoring agency and the larger community whenever citizens are involved in a precharge diversion program. Such fees, however, are kept at a minimum and drug abuser identification and diagnosis for pre-charge diversion purposes can be achieved at the same time the police are gathering information for other criminal justice purposes.

Reliance on a variety of preexisting community-based treatment resources to which pre-charge diversion referrals are selectively sent is more desirable than reliance on a single source or an increase in one-county. Treatment placements can be made to suit individual diversion needs. Quality control monitoring of service programs can proceed freely in light of the variety of available referral options. Costs of service delivery can be kept down by not duplicating existing resources.
• Determine the population(s) to be diverted. As noted earlier, the age range, drug-taking behavior, preferred scope of pending criminal charges, prior criminal record, etc. will determine how much and what sorts of efforts must be undertaken to generate community support and whether community standards of fairness and justice will be mirrored by the diversion process. Projected caseload volume cannot safely be anticipated, either, without a carefully and early determined "fini" on the target population(s) to be diverted.

Program Evaluation

• Plan to conduct an outside evaluation. Most Federal and much State funding for new criminal justice and drug abuse treatment programs requires an outside evaluation. Sound program management and estute political strategizing equally dictate that an independent evaluation be planned for and conducted to insure program credibility.

• Select an evaluator early. Support from criminal justice and drug treatment planners and agency administrators can be gained only if a competent and respected outside evaluator is selected early. Having the outside evaluator in on the early stages of program development, evaluation design, and actual data collection can prove at least as effective as (e.g., brief presentations over time at police roll call or at prosecutor staff meetings concerning new developments in drug treatment or even particular example cases). Federal and State drug abuse treatment monies should be targeted for these purposes at the earliest possible point, preferably in advance of program implementation.

• Determine available funding sources and secure funding. While this may appear to be an obvious step, it by no means follows that selection of one particular funding source over another will be an easy or obvious decision. Federal funding, for example, while perhaps the most attractive because it is often readily available through SAA or SPA, is of relatively short duration and by no means guarantees State or local follow-up funding. Moreover, much freedom and discretion in program design may have to be sacrificed in order to secure Federal monies. State funds depending upon the likelihood of taxpayer revotes, such as California's Proposition 13 referendum, in given State may also be precarious. Immediate funding through a State or local level operating agency budget, rather than an initial pilot efforts funded through grant monies, may in the end prove the more secure. In any event, assessing fees for service from participants should be considered in order to offset possible fiscal uncertainties from sources.

Bibliography


**EXHIBIT 1.—Comparative programmatic features of pre-charge diversion programs**

<table>
<thead>
<tr>
<th>PRIMARY ACTORS</th>
<th>POPULATION SERVICED</th>
<th>SERVICE DELIVERY MECHANISMS</th>
<th>TYPE(S) OF SERVICES OFFERED</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ELIGIBILITY CRITERIA</th>
<th>POPULATION SERVICED</th>
<th>SERVICE DELIVERY MECHANISMS</th>
<th>TYPE(S) OF SERVICES OFFERED</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Legend for Primary Actor Designations:
- BB—Bail Bond Commissioner
- DA—District Attorney
- AR—Arresting Officer
- CP—Criminal Police Officer
- PC—Plainclothes Officer

<table>
<thead>
<tr>
<th>STREET DIVERSION TO DELAWARE CJSC</th>
<th>PRIMARY ACTORS</th>
<th>LOCUS OF DIVERSION PROGRAM</th>
<th>POINT OF DIVERSION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-Retention Referral</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pre-Filing</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Citation Referral to Delaware CJSC</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pre-Filing</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Citation Referral to Landoverburg</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pre-Filing</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pre-Booking</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Referral to Genesee, MI DVV</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pre-Booking</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Referral to Marl, CA TASC Program</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>902 Citation Diversion to</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jarvis, CA YSB</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>600 Citation Diversion to</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>San Angelus, CA Departmental Prob.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pre-Arrest Diversion to</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Philadelphia, PA Social Action</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Workshop</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Referral to Baltimore City,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MD Community Arbitration Program</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Legend for Primary Actor Designations:
- BB—Bail Bond Commissioner
- DA—District Attorney
- AR—Arresting Officer
- CP—Criminal Police Officer
- PC—Plainclothes Officer
EXHIBIT 2.—Criminal caseflow, Delaware criminal justice system, and points of diversion to the Criminal Justice Service Center (CJSC)
EXHIBIT 3.—Pre-charge diversion process, Drug and Alcohol

Deferral Services (DADS), Vanderburgh County, Indiana
**EXHIBIT 4. Pre-Charge Diversion Process, Drug**

**Diversion Authority (DDA), Genesee County, Michigan**
EXHIBIT 5.—Adult criminal caseflow, Marin County, California,
CONTINUED
1 OF 2
PRESENTATION TO GRAND JURY AND INDICTMENT ONLY IN FELONY CASES

Referred to TASC by Probation for Diversion Assessment.
Referred to TASC for Treatment Placement, Diversion Monitoring.

EXHIBIT 5.—Continued
EXHIBIT 6.—Pre-charge juvenile diversion, Marin County, California,
EXHIBIT 7.—Pre-charge juvenile diversion,
EXHIBIT 8.—Pre-charge Juvenile diversion, Baltimore County, Maryland, to the Community Arbitration Program.
Informal Adjustment

Case Closed

Passed to Attorney's Office

Pay Filing

Court Hearing

Disposal

Probation

Petitioning

Successful Petitioning

Case Closed

Terminated for Non-Compliance

Case Closed

Terminated for Non-Compliance

Case Closed

Terminated for Non-Compliance
NOTICE OF MAILING CHANGE

1. Please check if your address has changed and you wish to continue receiving this type of publication. If you are not sure or if you have any questions, please contact the following address:

    [Address]

2. If you have any concerns regarding the type of publication, please contact the following department:

    [Department Name]

Thank you for your attention and your continued support.