



# Model Deflection Law a Milestone in the Growth of a Winning Strategy Against Substance Use

Catching Up With COSSAP, April 2022

Deflection—the proposition that the best way to support individuals with substance use and co-occurring disorders is to deflect them *away* from traditional law enforcement involvement and *toward* treatment and recovery services—received a game-changing endorsement from the White House in March when its [Office of National Drug Control Policy \(ONDCP\)](#) released a [state model law](#) that encourages the adoption of deflection programs across the country.

Leveraging the force-multiplying reach of ONDCP’s Model Acts Program, the expertise of the [Legislative Analysis and Public Policy Association \(LAPPA\)](#) and the [Police, Treatment, and Community Collaborative \(PTACC\)](#) and input from four [Comprehensive Opioid, Stimulant, and Substance Abuse Program \(COSSAP\)](#)-supported deflection sites, the model law provides states with an actionable template to institutionalize deflection in their substance use strategies—and thereby possibly pave their best path to success.

If enacted widely, the model law stands to help save potentially thousands of lives that might otherwise be lost to addiction and overdose. Such is the potential of deflection to transform communities’ substance use strategies by virtue of its unique ability to synthesize the resources of law enforcement and public health agencies into a collaborative, community-based approach.

“Deflection programs are supported by law enforcement and health care providers because they are cost-effective and save lives,” said ONDCP Director Dr. Rahul Gupta. “Ensuring police have the skills they need to identify early signs of substance use disorder [SUD] so they can connect more people to care is an important tool in our efforts to address the overdose epidemic. This model law provides states with a framework to expand access to these programs, support data collection to track performance, and better address the needs of communities.”

## White House Announces State Model Law to Expand Programs that Deflect People with Addiction to Care

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*Research in new report also released today shows how deflection programs reduce stigma and are supported by public safety officials*

Jac Charlier, founder and executive director of PTACC, which is the national voice of the field of deflection, said, “By being realistic to the experience of communities, deflection proceeds from the idea, ‘How do we as a community want to better respond within our own context?’” he said. “It enables communities to stop operating in crisis mode and focus solely on crisis encounters. This is a really big deal.”

Kevin Hall, assistant chief of the Tucson, Arizona, Police Department, one of the COSSAP grantees involved in the model’s drafting, added, “The fact that deflection has been recognized by the White House and ONDCP—I can’t tell you how excited I was.”

“It’s extraordinarily important to legitimize deflection programs, for both the community and police,” Assistant Chief Hall said. “They’ve been something nebulous to law enforcement officers so far. This [model law] gives some concrete authority to the idea that they have discretion to use deflection. It will have a huge impact for police leadership and line officers.”

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The senior legislative attorney at LAPPA who was the primary drafter of the model, Jon Woodruff, said, “Hopefully, this will have a cascading effect. Any time that a state is considering introducing language, this puts in writing that deflection programs are useful and helpful and should be encouraged.”

Among the many potential beneficiaries of deflection, Charlier and Hall zeroed in on two: families of individuals with SUDs and municipal government budgets.

“Families and children are an incredibly important part of deflection,” Charlier said. “By avoiding arrest situations, by preventing overdoses and what comes next, and by early upstream prevention strategies that leverage law enforcement and EMS to get us better outcomes, people don’t have to leave home, children stay with their parents, and families get better.”

As for the savings deflection can produce, Assistant Chief Hall said Tucson police recently conducted an internal cost-benefit analysis, which determined that it could save the department up to \$1 million annually, including between \$700,000 and \$750,000 in jail board for individuals detained on drug charges. Time savings were also substantial: whereas booking a suspect takes 70 minutes on average; deflection took only 47. “That’s far more effective and efficient and can enable officers to get back into the field,” Assistant Chief Hall said.

## The Model Law: What It Says and Does

The model law, found [here](#), is a model of conciseness; only 32 pages long, it is divided into 12 sections offering sample texts that, taken in sequence, serve as the outline of a comprehensive deflection law for states to consider adopting, in whole or in part. The sections address the law’s purpose, definitions of terms common in deflection work, authority to establish a deflection program, memoranda of understanding (MOUs) among deflection partners, and data reporting and performance management, among other topics. Each section is followed by commentary that frames the principles behind each text and affords states flexibility to customize the law to their needs.

In its first commentary, the model law frames the challenge posed to states by the traditional response to the substance use epidemic:

“There are too many individuals in the United States with [SUD, mental health disorder, and co-occurring disorders] who are entangled in the justice system—either through incarceration or open criminal cases, community supervision, debt obligations, etc.—that should instead be linked to treatment, recovery support services, housing assistance, and other needed services. The purpose of this Act is to encourage the development and use of deflection programs throughout a state to unite law enforcement, substance use disorder and mental health providers, and other community providers in the shared goal of deflecting individuals away from traditional criminal justice processing, thereby providing the opportunity to better address the needs of individuals.”

In response, the model law, if fully implemented, would:

- Authorize law enforcement and other first responders to develop and implement collaborative deflection programs that provide proactive policing to assist individuals who are at risk for future calls for service as well as alternatives for eligible individuals to traditional case processing, involvement in the justice system, and unnecessary admission to emergency departments due to non-life-threatening drug use.
- Offer immediate pathways to treatment, recovery services, housing, medication for addiction treatment, whole family services, and other needed supports, via peer support and case management, for individuals at risk of future law enforcement contact and/or living with SUD, mental health disorder, or co-occurring disorders.
- Require deflection programs to have certain threshold elements to be eligible to receive grant funding from the state administering agency on criminal justice.
- Require agencies establishing deflection programs to develop comprehensive MOUs in conjunction with, and agreed to by, all deflection program partners.

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## Drafting the Model Law

LAPPA, the recipient of ONDCP's Model Acts Program grant, began drafting the model law started in early 2021 at ONDCP's request. Having known Charlier and his work for several years and with LAPPA being an active member of PTACC, LAPPA President Susan P. Weinstein reached out to Charlier to collaborate on the model.

While 25 states and the District of Columbia have laws on their books that include individual provisions about deflection, LAPPA had only one statewide law comprehensively dedicated to deflection to draw on—Illinois', which was passed in 2018. As executive director of [Treatment Alternatives for Safe Communities' \(TASC\) Center for Health and Justice](#), Charlier had helped shape that law and guided LAPPA as it adapted the Illinois statute to a model law that could be used nationwide.

"We tried to get people to look at this who knew more about deflection in the real world than we did," said Woodruff. "We began with Illinois law, which was a good starting point. But in fact, we had to because most states don't have anything of the sort."

"A model law has to fit in the context of state laws, and it needs to provide a floor level of infrastructure, for example, with language about MOUs and data collection efforts and funding," he said.

Over the following six months, the draft model began to take shape. Critically, Woodruff acknowledged a growing trend in deflection programs to rely on *non-law* enforcement first responders to deflect individuals, rather than police alone, and adapted language from the Illinois law accordingly:

"Initially, deflection encompassed only law enforcement-based programs—providing occasion for officers to turn some of the millions of police encounters with individuals each year not resulting in arrest into opportunities for linkage to treatment, recovery support services, housing, and other needed services," commentary in the model law states. "More recently, however, deflection programs involving first responders other than law enforcement, such as fire and emergency medical services (EMS), or no first responders at all, such as behavioral health providers teamed with others (termed "community responders"), are

more common. Considering this broadening of scope, the Model Act covers deflection programs that include members from law enforcement and/or other first responders, including co-responder programs."

For his part, Charlier drew attention to the model's pairing of SUDs with mental health and co-occurring disorders; this pairing, he said, was both intentional and critical to the success of deflection laws.

"Without both, the model would not have the correct framework for communities," he said. "Deflection is a very holistic early intervention type of prevention space, and we didn't want to be saying to different people, 'Only you or you get to be in that space.' The idea is to address the problem in an upstream way and to frame it as being responsive to mental health, as well."

Before the model law was finalized in September 2021, drafts were shared with subject-matter experts in the field for their input, including COSSAP grantees in Arizona, Massachusetts, Pennsylvania, and Assistant Chief Hall with the Tucson Police. From Charlier's perspective, this marked an evolution in COSSAP too.

"As the field of deflection emerges around the U.S., so has deflection become one of the largest categories in COSSAP's portfolio," Charlier said. "That in itself is reflective of the need for a model law. Deflection is something that has grown from the bottom up."

Tucson's experience with deflection is proof positive of Charlier's point.

Assistant Chief Hall said the city started to build its deflection program in 2016 after studying Seattle's success with its Law Enforcement Assisted Diversion (LEAD) program. After bringing evaluators on board in November 2016, the Tucson Police Department launched its own deflection initiative in July 2018. The early going was not easy, Assistant Chief Hall said.

"It's been an evolution," he said. "Initially, there was enormous resistance [among officers], not based on malice, but because it was different from traditional practices. There was some discomfort around it. It takes a lot of intentional time and effort to move the needle from the status quo."

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In response, Assistant Chief Hall and the Tucson Police leadership made sure to share success stories with line officers and to put in place a feedback loop for them, which encouraged helpful tweaks to the program. The results have been encouraging: Tucson recently completed a three-year impact evaluation of the deflection program, which indicates an increase in treatment uptake, zero impact on crime levels, and an increase in trust and positive perceptions of the police. The program has resulted in more than 2,200 deflections since July 2018.

"It all looks pretty positive," Assistant Chief Hall said.

*For an infographic detailing the growth of first responder deflection programs nationwide, click [here](#).*