

DIVERSION 101: ADDITIONAL DIVERSION RESOURCES

In this series, we have examined what diversion is and what it is not, the four primary purposes of diversion, whether diversion contributes to public safety, how the “what works” research can be used to determine who should be considered for diversion, the key justice system decision points at which diversion can take place, the eight principles that should guide diversionary efforts, the research pertinent to diversion, the role of victims and victim service providers in establishing diversion options, the importance of engaging community in diversion programs, performance measurement criteria for evidence-based diversionary programs, and how to establish diversionary practices that are driven by research-informed policy. This article is the last in the series and provides diversion resources that accompany the topics discussed in the previous articles.

This final article, rather than duplicating references provided in the previous articles, identifies new sources of information that may be of practical assistance to those interested in learning more about the diversion framework described in this article series. As such, the following is intended to supplement the information shared in this series as opposed to serving as a comprehensive directory of resources.



This icon represents website resources.



This icon represents literature resources.

Diversion Strategies at the Pre-Arrest Stage

Strategies for diverting individuals, particularly those who suffer from serious mental illness, to appropriate treatment services and away from the criminal justice system were discussed in the first article in this series, *What Is Diversion?*; in the fifth article in this series, *Diversion Opportunities at Key Justice System Decision Points*; and in the seventh article in this series, *A Synopsis of Pertinent Research*. The following resources offer opportunities to learn more about these strategies, including tools that can be used to plan, implement, and sustain such programs.



The Police-Mental Health Collaboration website (<https://pmhctoolkit.bja.gov/home>)—hosted by the Bureau of Justice Assistance—provides a toolkit of resources that helps law enforcement agencies partner with mental health providers to effectively respond to and improve outcomes for people with mental illness. Resources for further learning, planning and implementation, training, program management, performance measurement, and funding opportunities are included.



The Police, Treatment, and Community Collaborative (PTACC) website (<https://ptaccollaborative.org/>) provides information, resources, guides, and tools on six key strategy areas for the collaborative advancement of pre-arrest diversion practices. The six areas are 1) leadership, 2) treatment, housing, and recovery, 3) public safety, 4) community, diversity, and equity, 5) research, and 6) policy and legislation.



The Safety + Justice Challenge website (<http://www.safetyandjusticechallenge.org/>)—supported by the John D. and Catherine T. MacArthur Foundation—makes available different types of resources, such as primers, case studies, webinars, and publications, on alternatives to jail, including front-end diversionary options.



The Substance Abuse and Mental Health Services Administration (SAMHSA) hosts a webpage that provides information about law enforcement and behavioral health partnerships for the Early Diversion grant program (<https://www.samhsa.gov/gains-center/grants-grantees/early-diversion>). The webpage includes grantee profiles and project descriptions, and is useful for those who are interested in learning about pre-arrest diversion programs that have been funded across the country.



Hartford, K., Carey, R., & Mendonca, J. (2006). Pre-arrest diversion of people with mental illness: Literature review and international survey. *Behavioral Sciences and the Law*, 24, 845–856. <https://doi.org/10.1002/bsl.738>

This research study reviews the extant literature and international survey results on pre-arrest diversion programs, and discusses factors that make these programs successful.



International Association of Chiefs of Police. (2018). *Partnerships in pretrial justice: A law enforcement leader's guide to understanding and engaging in meaningful front-end justice system change*. Retrieved from https://www.theiacp.org/sites/default/files/2018-08/IACP_ParnersinPretrialJustice_Final.pdf

This guide provides a brief roadmap, along with resources, to assist law enforcement with getting involved in pretrial justice issues, such as alternatives to arrest.



Kennedy, J., Kinnard, E., & Dembner, A. (2016). *Financing and sustainability options for pre-arrest diversion programs*. Retrieved from Community Catalyst website: <https://www.communitycatalyst.org/resources/publications/document/Pre-Arrest-Diversion-Report-SUD-Final.pdf?1477316423>

This report provides a brief review of a broad range of funding sources for pre-arrest diversion programs, including Medicaid and adapted Medicaid models, federal funding opportunities, state and local funding, health institutions, and private and philanthropic funding.



Kopak, A. M., & Frost, G. A. (2017). Correlates of program success and recidivism among participants in an adult pre-arrest diversion program. *American Journal of Criminal Justice*, 42, 727–745. <https://doi.org/10.1007/s12103-017-9390-x>

This research article provides an assessment of factors related to increased likelihood of unsuccessful program completion and recidivism for adults participating in a pre-arrest diversion program.



Reuland, M. (2004). *A guide to implementing police-based diversion programs for people with mental illness*. Retrieved from <http://www.pacenterofexcellence.pitt.edu/documents/A%20Guide%20to%20Implementing%20Police-Based%20Diversion%20Programs.pdf>

This monograph reviews the core components of specialized police-based models, provides considerations and steps for program implementation, and discusses challenges faced and lessons learned by law enforcement agencies that have put police-based diversion programs into practice.

Diversion Strategies at the Pre-Charge, Post-Charge, and Pre-Conviction Stages

Strategies for diverting individuals away from traditional case processing after arrest were discussed in the first article in this series, *What Is Diversion?*, and in the fifth article in this series, *Diversion Opportunities at Key Justice System Decision Points*. The following resources offer opportunities to learn more about these strategies, including tools that can be used to plan, implement, and sustain such diversion programs.



The Prosecutor-Led Diversion Toolkit website (<https://www.diversiontoolkit.org>)—hosted by the Bureau of Justice Assistance and Association of Prosecuting Attorneys—provides practical resources that assist stakeholders in understanding the nature and scope of diversion programs where prosecutors are responsible for deciding eligibility criteria, conditions, and completion requirements, as well as planning, implementing, and evaluating such programs.



Agnihotri, S., & Veach, C. (2017). Reclaiming restorative justice: An alternate paradigm for justice. *City University of New York Law Review*, 20, 323–350.

This article reviews the “current landscape” of restorative justice practices, including comparisons of court-based, quasi-court-based, and community-based restorative justice programs. The purpose of this article is to discuss these programs’ philosophical foundations and argue how restorative justice ought to operate as part of the criminal justice system.



Bazemore, G., & Umbreit, M. (2001). *A comparison of four restorative conference models* (NCJ 184738). Retrieved from National Criminal Justice Reference Service website: <https://www.ncjrs.gov/pdffiles1/ojdp/184738.pdf>

This U.S. Department of Justice bulletin explains, compares and contrasts, and discusses lessons learned regarding restorative justice methods.



Clark, J. (2007). *The role of traditional pretrial diversion in the age of specialty treatment courts: Expanding the range of problem-solving options at the pretrial stage*. Retrieved from University of Pretrial website: <https://university.pretrial.org/HigherLogic/System/DownloadDocumentFile.ashx?DocumentFileKey=2f933f4c-2a4c-f6c8-a054-f67caea8ddd4&forceDialog=1>

This monograph explores the similarities and differences between, and therefore seeks to clarify the roles of, traditional pretrial diversion and specialty treatment courts that do not require a guilty plea as part of their eligibility criteria.



Fulton Hora, P., & Stalcup, T. (2008). Drug treatment courts in the twenty-first century: The evolution of the revolution in problem-solving courts. *Georgia Law Review*, 42, 717–811. Retrieved from the National Drug Court Institute website: <https://www.ndci.org/wp-content/uploads/Hora-Stalcup.pdf>

This article addresses the criticisms of and makes recommendations for the improvement of drug treatment courts. Pre-plea and post-plea drug court comparisons are made throughout.



Harrington, C. T. (2013). Breaking the cycle and stepping out of the “revolving door”: Why the pre-adjudication model is the way forward for Illinois mental health courts. *University of Illinois Law Review*, 319–362. Retrieved from <https://illinoislawreview.org/print/volume-2013-issue-1/breaking-the-cycle-and-stepping-out-of-the-revolving-door-why-the-pre-adjudication-model-is-the-way-forward-for-illinois-mental-health-courts/>

This article examines the pre-adjudication, post-adjudication, and combined models of mental health courts and the extent to which they uphold the founding principles of therapeutic jurisprudence, restorative justice, and preventive law.



Koetzle Shaffer, D. (2011). Looking inside the black box of drug courts: A meta-analytic review. *Justice Quarterly*, 28, 493–521. <https://doi.org/10.1080/07418825.2010.525222>

This research article explores the factors that moderate the effectiveness of drug courts. Findings related to target populations, program leverage (including pre-adjudication versus post-adjudication models) and intensity, and staff characteristics are discussed.



Umbreit, M. S., & Coates, R. B. (1992). *Victim offender mediation: An analysis of programs in four states of the U.S.* Retrieved from the National Criminal Justice Reference Service website: <https://www.ncjrs.gov/pdffiles1/Photocopy/140289NCJRS.pdf>

This analysis of quantitative and qualitative data collected from interviews with crime victims and juvenile offenders includes findings regarding mediation processes and outcomes, levels of satisfaction, perceptions of fairness, cost implications, restitution completion, and recidivism. Also discussed are implications for justice policy and mediation program operations.

Role of Victims

Inclusion of victims and victim service providers in diversion processes was discussed in the eighth article in this series, *The Role of Victims and Victim Service Providers in Establishing Diversion Options*. The following resources provide useful information on the role of victims in the justice system. Where content is not specific to diversion *per se*, the information can be related to and appreciated within the context of best diversion policies and practices.



The Centre for Justice & Reconciliation hosts a clearinghouse website for information on restorative justice (<http://restorativejustice.org>). Resources on the role of restorative justice inside the criminal justice system, with emphasis on supporting and treating victims with respect, are included.



The National Resource Center for Reaching Victims—a U.S. Department of Justice Vision 21 project, led by the Vera Institute of Justice—website (<http://reachingvictims.org/>) offers service providers, criminal justice professionals, and policymakers information and guidance on identifying, reaching, and serving victims.



The Office for Victims of Crime—a component of the Office of Justice Programs, U.S. Department of Justice—website (<https://www.ovc.gov>) provides a wealth of information, tools, and resources related to raising awareness of victims' issues, victims' rights laws, and victim assistance.



Clark, J. (2008). *Pretrial diversion and the law: A sampling of four decades of appellate court rulings*. Retrieved from http://biblioteca.cejamerica.org/bitstream/handle/2015/3091/PJI_Diversion_Case_Law.pdf?sequence=1&isAllowed=y

This monograph summarizes approximately 80 state and federal appellate court rulings throughout the pretrial diversion process, and includes rulings regarding malicious intent claims against victims by those who participated in pretrial diversion.



Curtis-Fawley, S., & Daly, K. (2005). Gendered violence and restorative justice: The views of victim advocates. *Violence Against Women, 11*, 603–638. <https://doi.org/10.1177/1077801205274488>

This qualitative analysis examines interviews with victim advocacy organizations regarding the advantages and disadvantages of using restorative justice for cases of male violence against adult women and male and female children.



Glassberg, H., & Dodd, E. (2008). *A guide to the role of crime victims in mental health courts*. Retrieved from The Council of State Governments Justice Center website: <https://csgjusticecenter.org/wp-content/uploads/2012/12/guidetocvnmhc.pdf>

This handbook highlights the potential role of crime victims in the planning and operation of mental health courts, addresses challenges when trying to involve victims, and offers concrete steps that can be taken to ensure court policies and practices account for the interests of victims. Pretrial diversion programs are discussed throughout.



Ibarra, P. R., & Erez, E. (2005). Victim-centric diversion? The electronic monitoring of domestic violence cases. *Behavioral Sciences and the Law, 23*, 259–276. <https://doi.org/10.1002/bsl.639>

This article discusses the use of electronic monitoring as a diversionary method to strengthen protective orders and protect domestic violence victims.



Sadusky, J. (2003). *Prosecution diversion in domestic violence: Issues and context*. Retrieved from Battered Women's Justice Project website: https://www.bwjp.org/assets/documents/pdfs/prosecution_diversion_domestic_violence_cases.pdf

This monograph discusses issues, concerns, and case studies surrounding domestic violence diversion programs and their impact on domestic violence victims. Recommendations for setting program standards that protect victims' rights and that maximize safety and accountability are presented.

Community Engagement

Involving community in the development and management of diversion programs was discussed in the ninth article in this series, *The Importance of Community Engagement to Diversionary Programs*. The following resources provide useful information and strategies for the meaningful inclusion of citizens in diversion processes. Where content is not specific to diversion *per se*, the information can be related to and appreciated within the context of best diversion policies and practices.



A Diversion Toolkit for Communities website (<https://rjdt toolkit.impactjustice.org>)—hosted by the Restorative Justice Project at Impact Justice—provides practical resources that assist communities in partnering with their local juvenile legal system to jointly plan for and implement a pre-charge restorative justice diversion program.



Everyday Democracy hosts a website (<https://www.everyday-democracy.org/>) specializing in helping changemakers engage communities in social change efforts, such as racial equity, community-police relations, and mental health. Resources that cover the stages of organization, facilitation, dialogue, action, evaluation, and sustaining progress are included.



The National Initiative for Building Community Trust & Justice website (<https://trustandjustice.org/>) provides information and resources, such as tools and guides, for improving relationships and trust between minority communities and the criminal justice system. Among the topics of focus are implicit bias, procedural justice, and reconciliation.



De La Rosa, A. M. (n.d.). *Meaningful consumer engagement in pre-arrest diversion programs*. Retrieved from Community Catalyst website: <https://www.communitycatalyst.org/resources/publications/meaningful-consumer-engagement-in-pre-arrest-diversion-programs>

This article briefly reviews strategies for planning and implementing pre-arrest diversion programs from the standpoint of recruiting and engaging potential program participants as well as partnering with the community groups that advocate on their behalf.



Dhami, M. K., & Joy, P. (2007). Challenges to establishing volunteer-run, community-based restorative justice programs. *Contemporary Justice Review*, 10, 9–22. <https://doi.org/10.1080/10282580601157455>

This case study examines challenges and lessons learned in developing restorative justice programs facilitated by community volunteers. Suggestions for ways to overcome these challenges are presented, with a focus on defining and educating the community, establishing partnerships, recruiting and training volunteers, and obtaining monetary support.



Gouvis Roman, C., Moore, G. E., Jenkins, S., & Small, K. M. (2002). *Understanding community justice partnerships: Assessing the capacity to partner* (OJP Document No. 196552). Retrieved from National Criminal Justice Reference Service website: <https://www.ncjrs.gov/pdffiles1/nij/grants/196552.pdf>

This report provides a comprehensive literature review on the factors that impact the ability of communities to serve as active partners with criminal justice agencies, and it offers a conceptual framework that assists agencies in bringing together stakeholders to exchange ideas and mutually plan for policies and practices that both increase safety and strengthen community.



McGarry, P., & Ney, B. (2006). *Getting it right: Collaborative problem solving for criminal justice* (NIC Accession No. 019834). Retrieved from National Institute of Corrections website: <https://nicic.gov/getting-it-right-collaborative-problem-solving-criminal-justice>

This guide focuses on the cross-collaboration of criminal justice entities and provides information, along with a series of methods, tools, and activities, for the development of effective policies and practices that deliver greater public safety and justice. Chapter 18 offers strategies, practical tips and tools, and examples for connecting with the community.

Policy Development and Performance Measurement

The development of policies and performance measures that maximize the potential of diversionary programs and services was discussed in the tenth article in this series, *Defining Performance Measurement Criteria for Diversionary Programs*, and in the eleventh article in this series, *A Step-by-Step Guide to Policy-Driven, Research-Informed Diversionary Options*. The following resources offer opportunities to further learn about the development and implementation of policies and performance measures. Where content is not specific to diversion *per se*, the information can be related to and appreciated within the context of best diversion policies and practices.



The National Implementation Research Network (NIRN) website (<https://nirn.fpg.unc.edu/>)—hosted by the University of North Carolina’s Frank Porter Graham Child Development Institute—provides a variety of resources (e.g., publications, briefs, books, online learning hubs, skills and competencies profiles) on the science and practice of implementation.



The National Institute of Corrections (NIC) hosts a website for the Evidence-Based Decision Making in State and Local Criminal Justice Systems (EBDM) initiative, which provides a starter kit designed to help jurisdictions build their capacity to engage in decision making based on local data and empirical research. The starter kit includes tools, resources, and activities pertaining to “system mapping” (<http://starterkit.ebdmoneless.org/starter-kit/activity-3-understand-current-practice-within-each-agency-and-across-the-system/>), logic models (<http://starterkit.ebdmoneless.org/starter-kit/activity-5-develop-logic-models/>), and performance measurement (<http://starterkit.ebdmoneless.org/starter-kit/activity-6-establish-performance-measures-determine-outcomes-and-develop-a-system-scorecard/>).



The Washington State Institute for Public Policy website (<https://www.wsipp.wa.gov/BenefitCost>) offers cost–benefit analysis methodologies and results for programs in a variety of social areas, including juvenile justice, adult criminal justice, substance use disorders, and adult mental health, among many others.



Kennedy, S., & Klute, T. B. (2013). *Measuring for results: Outcome and performance measures for pretrial diversion field* (Accession No. 029722). Retrieved from National Institute of Corrections website: <https://nicic.gov/measuring-results-outcome-and-performance-measures-pretrial-diversion-field>

This publication offers defined and quantifiable examples of outcome and performance measures, as well as critical operational data, for pretrial diversion programs. The suggested measures observe established national pretrial diversion standards and aim to assist programs with assessing progress toward their mission and strategic goals.



Kranzler, J. H., & Levy, M. P. (2019). *Statistics for the terrified criminologist*. Lanham, MD: Rowman & Littlefield.

This book is a user-friendly introduction to elementary statistics in the field of criminal justice.



McGarry, P., & Ney, B. (2006). *Getting it right: Collaborative problem solving for criminal justice* (NIC Accession No. 019834). Retrieved from National Institute of Corrections website: <https://nicic.gov/getting-it-right-collaborative-problem-solving-criminal-justice>

This guide focuses on the cross-collaboration of criminal justice entities and provides information, along with a series of methods, tools, and activities, for the development of effective policies and practices that deliver greater public safety and justice. Section 4 provides tips and tools, task lists, and team exercises for building an understanding of your system, including system mapping, assessing current policies and practices, and available resources.



National Association of Pretrial Services Agencies. (2008). *Performance standards and goals for pretrial diversion/intervention*. Retrieved from <https://napsa.org/eweb/DynamicPage.aspx?Site=napsa&WebCode=standards>

This resource includes the current iteration of diversion program standards established by the pretrial release and diversion fields’ membership association. The standards include definitions and examples of evidence-based and best and promising practices in pretrial diversion, and serve as the basis for the performance measurement of diversion programs.



National Partnership for Reinventing Government. (1999). *Balancing measures: Best practices in performance management*. Retrieved from <http://govinfo.library.unt.edu/npr/library/papers/bkgrd/balmeasure.html>

This document provides foundational knowledge on the development and implementation of public agency performance measures. Discussion points include the creation of measures, need for accountability, use of data, linkage of all aspects of day-to-day operations, and role of leadership in the evolution of effective, sustainable organizational management practices.



Reichert, J., & Gatens, A. (2019). *Demystifying program evaluation in criminal justice: A guide for practitioners*. Retrieved from Illinois Criminal Justice Information Authority website: <http://www.icjia.state.il.us/articles/demystifying-program-evaluation-in-criminal-justice-a-guide-for-practitioners>

This introductory article provides practical advice for criminal justice practitioners involved in program evaluation and includes information regarding the steps of program evaluation and how to build evidence of program effectiveness.



Wiseman, S., Chinman, M., Ebener, P. A., Hunter, S., Imm, P., & Wandersman, A. (2007). *Getting To Outcomes™: 10 steps for achieving results-based accountability*. Retrieved from RAND Corporation website: https://www.rand.org/pubs/technical_reports/TR101z2.html

This is a brief 10-step guide for developing high-quality and outcome-based prevention programs. Each step includes an explanation of importance, how to complete the step, key points, and how the step links to other steps in the Getting To Outcomes (GTO) model.



Crimesolutions.gov (<https://www.crimesolutions.gov>)—hosted by the National Institute of Justice, Office of Justice Programs—is a clearinghouse of programs and practices that have been assessed for and categorized according to the strength of evidence supporting their outcomes. The searchable database yields “evidence ratings” about which programs and practices work, do not work, or are promising.



The Implementation Guides (I-Guides) website (<https://www.ojdp.gov/mpg-guides/index.html>)—hosted by the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs—specializes in providing policymakers and practitioners with resources for the pre-implementation of evidence-based prevention, intervention, and reentry programs and practices. The Diversion Programs I-Guide (<https://www.ojdp.gov/mpg-guides/topics/diversion-programs/index.html>) offers information on topics such as establishing clear program goals, getting stakeholder buy-in, procuring funding, providing program training, and ensuring sustainability.



The National Association of Pretrial Services Agencies (NAPSA) website (<https://napsa.org/eweb/startpage.aspx>) includes information related to guiding and promoting evidence-informed decision-making and practices in pretrial justice and diversion at the national level, including performance standards, outcome measures, and promising practices.



The National Conference of State Legislatures (NCSL) website (<http://www.ncsl.org/research/civil-and-criminal-justice/pretrial-diversion.aspx>) provides information and interactive maps related to statutory diversion programs across the United States, including those that serve general and specific populations (e.g., individuals with substance abuse or mental health issues, veterans, etc.). The website also presents additional resources and databases related to pretrial laws by state and policy.



The Pretrial Justice Institute (PJI) website (<https://www.pretrial.org/>) offers a variety of educational and training resources for local and state-level pretrial reform efforts (e.g., reducing unnecessary arrests, restricting detention, raising equity, etc.) and professional development. Also included is a toolkit for communications and community engagement.

Comprehensive Diversion Resources

The following resources are devoted to the field of pretrial justice/diversion, each covering an array of topics as discussed in this article series.



The Center for Court Innovation website (<https://www.courtinnovation.org/>) provides information and resources on various justice topics such as diversion, problem-solving courts, engaging communities, aiding survivors of crime, improving decision-making, and advancing fairness.



Fair and Just Prosecution. (2017). *Issues at a glance: Promising practices in prosecutor-led diversion*. Retrieved from University of Pretrial website: <https://university.pretrial.org/viewdocument/issues-at-a-glance-promising-pract>

This brief lists a sampling of diversionary programs intended to assist prosecuting attorneys interested in increasing or improving their diversion options. It offers considerations to be made when creating diversion programs as well as detailed summaries of pre-arrest, pre-charge, post-charge, and pre-conviction programs relating to chemical dependency, mental health, general first time and low-level adult offenders, juveniles and young adults, and offenses related to prostitution.



National Association of Pretrial Services Agencies. (n.d.). *Diversion program checklist*. Retrieved from https://www.neomed.edu/wp-content/uploads/CJCCOE_diversionchecklist-napsa.pdf

This best practices checklist is designed to assist in the assessment of everyday diversion practices that impact participants' success. Questions pertaining to organizational character (e.g., staff, management, community issues), referral and screening, and service delivery are included.

About This Article Series

This is the final in a series of papers that examine pre-conviction diversion options, provide clarity around their purposes, propose guiding principles, and explore their public safety and other benefits. The articles, which build upon one another, honor the foundational work that has been done by others and continue to advance our thinking and work in this area.

The Bureau of Justice Assistance seeks to support criminal justice policymakers in the establishment of data- and policy-driven diversion options. This paper is one in a series designed to provide clarity around this important justice system issue.

This project was supported by Grant No. 2016-MU-BX-K047 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.

Previous Articles in This Series

What Is Diversion?

The Purposes of Diversion

Do Diversion Options Put Public Safety at Risk?

Using the "What Works" Research to Determine Who Should Be Considered for Diversion

Diversion Opportunities at Key Justice System Decision Points

The Guiding Principles of Diversion

A Synopsis of Pertinent Research

The Role of Victims and Victim Service Providers in Establishing Diversion Options

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Acknowledgments

Special thanks to the National Association of Pretrial Services Agencies (NAPSA) for their assistance in compiling the above resources and for their ongoing support in the development of this article series, and to Jennifer Mackey, Program Associate of the Center for Effective Public Policy, who assisted in the compilation of these resources and supported the development of this article series as a whole.

Author: Madeline M. Carter, Principal, Center for Effective Public Policy

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