



# LAW ENFORCEMENT LEADERS

## To Reduce Crime & Incarceration

### Alternatives to Arrest & Incarceration: Mental Health and Drug Treatment

#### *Issue Background*

- Approximately 79 percent of those who are incarcerated suffer from either drug addiction or mental illness, and 40 percent suffer from both.<sup>1</sup>
- More than half of substance-involved inmates are repeat offenders.<sup>2</sup>
- Nearly one quarter of mentally ill state inmates have been incarcerated three or more times.<sup>3</sup>
- No more than one-third of those with a mental illness, and approximately 11 percent of those suffering from addiction, receive treatment while incarcerated.<sup>4</sup>
- Prisons and jails are often ill-equipped to respond to mental health and substance abuse disorders and may not be able to offer treatment, resulting in people who are ill returning to their communities even worse than prior to incarceration.<sup>5</sup>

#### *Alternative Solutions*

- Rerouting individuals away from the standard arrest-detention cycle to alternatives such as drug and mental health treatment, or social services, can be more effective in promoting public safety than incarcerating people who need treatment.
- Diversion programs provide individuals with needed services instead of incapacitation.
- Alternatives to incarceration for people suffering from mental health and substance addiction enhance public safety by reducing recidivism and save taxpayer dollars.<sup>6</sup>
- Encouraging law enforcement officers to direct low-level nonviolent offenders to treatment when needed and appropriate promotes safer and healthier communities.
- Implementation of alternatives to arrest and incarceration may help equip law enforcement officers to respond more effectively to situations of crisis, increasing safety for officers.

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<sup>1</sup> JAMES AUSTIN & LAUREN-BROOKE EISEN, BRENNAN CENTER FOR JUSTICE, HOW MANY AMERICANS ARE UNNECESSARILY INCARCERATED? 8 (2016), [https://www.brennancenter.org/sites/default/files/2019-08/Report\\_Unnecessarily\\_Incarcerated\\_0.pdf](https://www.brennancenter.org/sites/default/files/2019-08/Report_Unnecessarily_Incarcerated_0.pdf); *see also* JENNIFER BRONSON & MARCUS BERZOFKY, BUREAU OF JUSTICE STATISTICS, INDICATORS OF MENTAL HEALTH PROBLEMS REPORTED BY PRISONERS AND JAIL INMATES, 2011–12 (2017), <https://www.bjs.gov/content/pub/pdf/imhprpji1112.pdf>.

<sup>2</sup> THE NAT'L CTR. FOR ADDICTION & SUBSTANCE ABUSE AT COLUMBIA UNIV., BEHIND BARS II: SUBSTANCE ABUSE AND AMERICA'S PRISON POPULATION 5 (2010), <https://www.centeronaddiction.org/addiction-research/reports/behind-bars-ii-substance-abuse-and-america-s-prison-population>.

<sup>3</sup> DORIS J. JAMES & LAUREN E. GLAZE, BUREAU OF JUSTICE STATISTICS, MENTAL HEALTH PROBLEMS OF PRISON AND JAIL INMATES 1 (2006), <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=789>.

<sup>4</sup> *See id.* at 9 & Tables 14, 15 (estimating that 34% of state, 24% of federal, and 17% of jail inmates with mental illness had received treatment after being incarcerated); BEHIND BARS, *supra* note 2, at 4 (estimating that only 11.2% of those with substance abuse disorder had received any sort of treatment following admission into prison or jail).

<sup>5</sup> *See, e.g.*, DAVID CLOUD, VERA INSTITUTE OF JUSTICE, ON LIFE SUPPORT: PUBLIC HEALTH IN THE AGE OF MASS INCARCERATION 10 (2014), <http://vera.org/pubs/public-health-mass-incarceration>.

<sup>6</sup> BEHIND BARS, *supra* note 2, at ii (estimating that the investment in substance abuse treatment could pay for itself in just one year if “just over 10 percent of those receiving such services remained substance and crime free and employed” and an “economic benefit of \$90,953 per inmate in reduced crime, lower arrest, prosecution, incarceration and health care costs, and economic benefits from employment” for each succeeding year if the individual remained substance and crime free and employed).



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### *Successful Alternative to Arrest & Incarceration Programs*

- Seattle first instituted the Law Enforcement Assisted Diversion (LEAD) program in 2011; LEAD-style programs now exist in many other jurisdictions.<sup>7</sup>
- With LEAD, officers direct people suspected of low-level nonviolent offenses to community-based treatment or social services rather arresting or jailing them. Studies by the University of Washington showed that Seattle LEAD program participants had a significantly lower risk of recidivism and resulted in substantial cost savings:
  - Compared to a control group, LEAD participants were 60% less likely to be arrested during six months following their evaluation; and were 58% less likely to be arrested and 39% less likely to be charged with a felony over the long term.<sup>8</sup>
  - Although there are treatment costs, LEAD participants cost the criminal justice and legal systems less than participants in a control group over a one-year time span; LEAD participants cost, on average, \$2,100 less, with the control group participants costing \$5,961 more.<sup>9</sup>
- In some jurisdictions, specially trained police teams respond to individuals in mental health or drug crises like the Crisis Intervention Team (CIT)<sup>10</sup> in Memphis and the Psychiatric Emergency Response Team (PERT)<sup>11</sup> in San Diego. After de-escalating the situation, the officers decide whether to refer the individual for evaluation and services.
- Pre-trial diversionary programs, which often direct those in need to specialized treatment based on their needs, are in use across the United States.<sup>12</sup>

“Police officers are not mental health or addiction professionals. Yet, we are often the first responders to people in crisis, and most police officers have no alternatives other than making an arrest. And after the arrest, these offenders are often incarcerated, rather than treated. Stopping this cycle is key to restoring police legitimacy and keeping our communities safe.” **–Ronald Serpas, Former Police Superintendent, New Orleans, Louisiana & Executive Director, Law Enforcement Leaders**

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Law Enforcement Leaders unites nearly 200 current and former police chiefs, sheriffs, federal and state prosecutors, and attorneys general from all 50 states and across the political spectrum, who are committed to identifying and implementing solutions to simultaneously reduce crime and incarceration. With the goal of building a smarter, stronger, and fairer criminal justice system, the coalition joined together in 2015 to develop smart solutions on crime and to change laws and practices in order to reduce recidivism and continue keeping our communities safe.

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<sup>7</sup> See LEAD National Support Bureau, <https://www.leadbureau.org/>.

<sup>8</sup> SUSAN E. COLLINS, HEATHER S. LONCZAK & SEEMA L. CLIFASEFI, SEATTLE’S LAW ENFORCEMENT ASSISTED DIVERSION (LEAD): PROGRAM EFFECTS ON RECIDIVISM OUTCOMES (2017), [https://56ec6537-6189-4c37-a275-02c6ee23efe0.filesusr.com/ugd/6f124f\\_f4eed992eaff402f88ddb4a649a9f5e6.pdf](https://56ec6537-6189-4c37-a275-02c6ee23efe0.filesusr.com/ugd/6f124f_f4eed992eaff402f88ddb4a649a9f5e6.pdf).

<sup>9</sup> SUSAN E. COLLINS, HEATHER S. LONCZAK & SEEMA L. CLIFASEFI, LEAD Program Evaluation: Criminal Justice and Legal System Utilization and Associated Costs 2 (2015), [https://56ec6537-6189-4c37-a275-02c6ee23efe0.filesusr.com/ugd/6f124f\\_2f66ef4935c04d37a11b04d1998f61e2.pdf](https://56ec6537-6189-4c37-a275-02c6ee23efe0.filesusr.com/ugd/6f124f_2f66ef4935c04d37a11b04d1998f61e2.pdf).

<sup>10</sup> University of Memphis CIT Center, Memphis Model, <http://www.cit.memphis.edu/overview.php?page=2>.

<sup>11</sup> Community Research Foundation, Psychiatric Emergency Response Team, <http://www.comresearch.org/PERT.php>.

<sup>12</sup> National Conference of State Legislatures, Pretrial Diversions (2019), <http://www.ncsl.org/research/civil-and-criminal-justice/pretrial-diversion.aspx>.