

DIVERSION PROGRAMS
FOR POSSIBLE CONSIDERATION BY HARRIS COUNTY, TEXAS

Compiled by the Texas Criminal Justice Coalition

Prostitute Diversion Initiative (PDI)

- **WHERE PROGRAM IS IMPLEMENTED:** Dallas, Texas
- **WHEN PROGRAM BEGAN IMPLEMENTATION:** April 2007
- **GENERAL PROGRAM DESCRIPTION:** A law enforcement-led, location-specific truck stop prostitution program, which gives women and men effective options to leave the business on a 100% voluntary basis, with wrap-around services as necessary to sustain their recovery.
- **POINT OF PROGRAM'S INVOLVEMENT IN CRIMINAL JUSTICE SYSTEM:** At point of arrest and through arrest, but prior to booking into jail
- **HOW PROGRAM WORKS:** Men and women ages 17 and older are eligible for participation in this program.¹

On the first Wednesday of each month, the Dallas Police Department conducts an operation targeting prostitution in areas designated by the Vice Unit as hot spots for prostitution arrests. A staging area for the operation is established within the target area with medical personnel, social services, and courts convening on-site. The PDI maintains its mobility to localize to different areas of Dallas and also has an indoor location to conduct operations during inclement weather. Once the operation begins, the DPD initiates a two prong enforcement effort:

Prong 1: Uniformed patrol officers arrest prostitutes engaging in minor violations such as manifesting for the purpose of prostitution, pedestrian in the roadway, etc. **The arrestee is brought to the staging area for identification and access to services, including appearing before the on-site court to enter a plea to the charge resulting from the observed violation. Those arrested for class C violations are immediately eligible for diversion based on the recommendation of social service, the prosecutor, and by order of the judge.** If the individual refuses the opportunity to enter into the program, they will either be transported to jail and charged with the observed offense or issued a citation and returned back to the point of contact. This approach is designed to protect the prostitute, who may fear retaliation by their pimp should they opt for treatment. Those transported to jail are given a second opportunity during pretrial release to enter into the New Life [residential inpatient] treatment program.

Prong 2: Vice undercover detectives conduct enforcement throughout the city arresting individuals engaged in prostitution. These arrests result in charges of

Misdemeanor B, Misdemeanor A, and State Jail Felony based on the number of convictions the individual has for prior prostitution cases. At this time, prostitutes arrested for these violations are not eligible for immediate diversion. Those arrested are brought to the staging area for identification, access to services, and are then transported to jail. They are given a second opportunity to enter into the New Life program as a condition of pretrial release based on the recommendation of social services and approval of misdemeanor or felony court judges.

Entry onto the staging area is by arrest or by voluntary walk-on for prostitutes who wish to avail themselves of on-site care and services. Food and clothing are provided to participants on-site. Also, **advocates who were former prostitutes are assigned to each participant to assist them through the multi-step process.** As this is a police operation, **all participants are searched, checked for outstanding warrants, and debriefed by the Vice Unit.** Police use this opportunity to gain real-time intelligence on all criminal activity in the area, including juvenile prostitution. For those individuals that choose to stay within prostitution, the goal is to develop informants that will contact the DPD when they observe suspicious individuals or activity in their environment.

The participant moves onto triage where a brief assessment is conducted to determine their most immediate needs. Information regarding demographics, medical history, physical health status, mental health status, and drug use are collected by licensed social service workers and medical personnel. Diagnostic assessments are made on the basis of the American Psychological Association DSM criteria to determine recommendations for treatment as well as eligibility for publically funded mental health and substance abuse treatment.

The Dallas County Health Department mobile unit is on-site for STD and HIV screening, treatment, and education. Rapid testing allows the participants to know results before leaving the staging area. Participants are provided with an identification card with their true name to help avail themselves of services that require identification. **The final step is Community Court where the on-site judge accepts a plea from the defendant and, if the defendant pleads no contest or guilty, evaluates the social services recommendations and issues a court order that requires the defendant abide by the social services' recommendations.** For those choosing treatment, Transicare provides immediate transportation to services.

Prostitutes can enter the PDI outside the night of the initiative in either of the two following ways: 1) prostitutes arrested and sent to jail on the night of the initiative may be referred by the court the next or subsequent days to enter the New Life treatment program or 2) police officers may arrest a prostitute during the course of normal duties outside the night of the initiative and contact Homeward Bound or Nexus [treatment programs] for inclusion into the New Life treatment program.²

- **PROGRAM BENEFITS:**

- » ***Effective Treatment Can Lower Recidivism:*** Over the past several years, the Dallas Police Department and Dallas County Sheriff's Department have identified more than 1,100 prostitutes

working in particular areas of the city,³ with more than 2,100 prostitution-related offenses in 2010 alone.⁴ **The PDI is a proactive approach that matches law enforcement with more than 60 social service and faith-based organizations to assist these men and women in addressing various needs**, such as substance abuse, mental health issues, and physical health problems (including sexually transmitted diseases and injuries due to violence), as well as clothing, food, and photo identification needs.⁵

Between 2007 and 2011, the PDI contacted a total of 728 adult prostitutes, 56% of which were eligible for immediate diversion from the streets into mental health and/or substance abuse treatment. Nearly 50% of those men and women entered the New Life intensive inpatient treatment program, which offers, as needed, (1) case management for help through the public service system, (2) assistance in specific areas including anger management, parenting, and budgeting, and (3) therapy to address issues like trauma, sexual and physical victimization, and domestic violence. Participants who complete this initial inpatient treatment program are eligible for transitional housing, job training, outpatient mental health and substance abuse services, and mentorship to assist in recovery.⁶

- » ***Innovative Approach Protects Participants from Further Harm:*** Unlike similar initiatives nationally, the PDI provides women access to services *prior* to booking in the local jail, to prevent any further endangering of women and men in vulnerable positions: “The advantage of bringing resources directly into the population is the immediate evaluation of the individual and recommendation to the court for diversion. By diverting from the field, **the offender avoids a trip to jail, which reinforces the mindset that they are being treated as victims.**”⁷
- » ***Cost Savings:*** The Dallas Office of Budget and Evaluation determined that the city spends \$57.41 per jail inmate per day.⁸ From October 2010 through September 2011, 112 individuals were diverted to treatment services, with an **immediate savings** of approximately \$62,000, given average length of stay. These savings do not include costs that would otherwise have been incurred from related court expenses or other indirect costs (e.g., manpower).⁹
- » ***Incentives for Program Completion – A More Successful Future:*** Following a participant’s successful program completion, the Dallas City Attorney’s Office and Community Courts have the **option to dismiss all pending eligible city cases** against him or her.¹⁰ This reduces the likelihood of a criminal record and, with it, the associated lack of access to employment opportunities and housing.
- » ***Crime Reduction:*** The PDI’s population targeting helps law enforcement **reduce prostitution offenses and associated crime**, often including violence or drug-related offenses, while improving quality of life in particular neighborhoods.
- ***PROGRAM SUCCESSES:*** According to a presentation in 2010 by PDI leadership, participants are 65% more likely to remain abstinent and in supportive services with no subsequent re-arrests in Dallas County. The program has also been successful in diagnosing and preventing health issues such as sexually transmitted infections and HIV.¹¹

In 2011, during which the New Life inpatient treatment program experienced changes in infrastructure, 48% of individuals who completed such treatment were not later re-arrested for prostitution or prostitution-related crimes.¹²

PDI's ongoing success has received the recognition and support of the Dallas City Council and the Dallas County Commissioner's Office.¹³

- **LONG-TERM NEEDS FOR PROGRAM SUSTAINABILITY:** Continuation of law enforcement as lead program administrators; inter-agency communication improvements; funding for treatment beds; sustained long-term resources; and improved follow-through with program participants.¹⁴

Law Enforcement Assisted Diversion (LEAD)

- **WHERE PROGRAM IS IMPLEMENTED:** The Belltown neighborhood of Seattle, Washington, and the Skyway neighborhood of King County (whose county seat is Seattle)
- **WHEN PROGRAM BEGAN IMPLEMENTATION:** October 2011
- **GENERAL PROGRAM DESCRIPTION:** A pre-booking jail diversion program that stresses direct access to services *and* participant accountability, with the target being low-level drug users and prostitutes for whom probable cause exists for an arrest.
- **POINT OF PROGRAM'S INVOLVEMENT IN CRIMINAL JUSTICE SYSTEM:** Pre-arrest
- **HOW PROGRAM WORKS:** The LEAD program was created in cooperation with community members to address the open-air drug markets in Seattle and King County; it is based on successful "arrest referral schemes" that have been operating in the United Kingdom for several years.¹⁵ According to the Brennan Center, "LEAD relies on two central elements: 1) complete buy-in and extensive training of participating police officers, and 2) immediate access to needed services for program participants."¹⁶ More specifically, officers receive training to recognize the needs of individuals with substance abuse or related issues, and protocols allow the diversion of such individuals into community-based treatment with access to support services (housing, vocational and educational assistance, etc.).¹⁷

LEAD is governed by a Policy Coordinating Group made up of broad group of the program's original collaborators, including representatives from Mayor's Office, County Executive Office, City Council, County Council, City Attorney's Office, County Prosecuting Attorney's Office, Police Department, Sheriff's Office, State Department of Corrections; local LEAD Community Advisory Boards, The Defender Association, and the ACLU of Washington.¹⁸

Program Logistics:

Immediate Services: When participants are first diverted to LEAD, they begin working immediately with case managers to access services. The case manager will identify any urgent needs and will attempt to meet those needs by providing immediate access to any of the following service:

- Food
- Clothing

- Hygiene services
- Medical referrals
- A place to stay for the night

Long-Term Services: After the initial diversion, the case manager will work together with the participant to identify the factors that led that individual to being arrested for a drug or prostitution offense. The case manager will develop an Individual Intervention Plan (IIP) designed to meet that participant’s specific needs. The IIP may include providing linkages or access to any of the following services:

- Substance abuse treatment
- Mental health counseling
- Housing
- Transportation
- Health Care
- Benefits
- Obtaining ID
- Vocational training
- Education/Employment
- Legal Services

Peer Mentoring: In order to sustain behavioral change that may be accomplished through LEAD participation, each LEAD participant who receives funding or services in some way will be required to participate in regular peer mentoring sessions. Experienced participants will assist in leading those sessions after receiving training. The role of peer mentoring is to create a support system for behavioral change that can continue after the individual no longer needs other direct services, and to create a pool of peers who can credibly engage others involved in problematic drug activity and report positively about LEAD.¹⁹

- **PROGRAM BENEFITS:**

- » ***Effective Treatment Can Lower Recidivism and Increase Future Success:*** During LEAD’s first several months of operation, more than 30 individuals have been referred to the program, and participants have gained access to a variety of services: methadone, inpatient and outpatient chemical dependency treatment, mental health and medical referrals, legal services, temporary housing, Section 8 housing vouchers, public transportation vouchers, state and federal benefits, and educational funding.²⁰

LEAD’s **emphasis on harm reduction** is especially important. Evergreen Treatment Services (ETS), which has provided addiction treatment services in Washington State for over 30 years, is contracted to deliver services to LEAD participants, according to harm reduction principles;²¹ this keeps the focus on “individual and community wellness,” rather than exclusively on sobriety, by addressing the root causes of criminal behavior.²²

NOTE: The Texas Criminal Justice Coalition especially endorses the peer coaching aspect of the LEAD program, which we feel is critical – and most conducive to – an individual’s success in recovery.

Furthermore, **pre-booking jail diversion frees participants from the life-long burdens associated with criminal records**, including a lack of access to employment opportunities and housing.

- » **Cost Savings and Smarter Resource Allocation:** Diverting individuals from jail to effective treatment programming and other supportive services **saves immediate costs** associated with typically high incarceration expenses, as well as trial and defense expenses. Additionally, valuable law enforcement and corrections resources can instead be **concentrated on higher-risk offenses** and legitimate threats to public safety.
 - » **Crime Reduction:** Through efforts to address the **root causes of criminal behavior** (e.g., harm reduction strategies), LEAD will reduce crime in both the short and long term, increasing public safety in program areas and improving the quality of life in participants' neighborhoods.
 - » **Reductions in Disproportionate Minority Incarcerations:** Seattle has historically faced problems with high African-American arrest rates for drug sale offenses. According to The Defender Association, "**Pre-booking diversion interrupts the cycle which currently perpetuates racial inequality**, allowing officers instead to help individuals access meaningful interventions that will interrupt their problematic behavior."²³
- **PROGRAM SUCCESSES:** Given that LEAD is still in its first year of operations, program results are not yet available. According to The Seattle Foundation, "After two years of operations, the program will be evaluated rigorously. The evaluation will consider, among other factors, whether LEAD has resulted in reductions in drug use and recidivism, whether LEAD is more cost-effective than traditional criminal justice processing, and whether LEAD has had a positive impact on a community's quality of life."

Preliminary program results may be released shortly after the program's first full year of operations (ending September 30, 2012).

NOTE: For purposes of replicating this model in other states or in Harris County, the Texas Criminal Justice Coalition acknowledges that program development, implementation, and success will be due largely to the personal philosophy of local administrators; policies handed down from state legislators seeking change are unlikely, and would require tremendous buy-in from local leaders.

- **LONG-TERM NEEDS FOR PROGRAM SUSTAINABILITY:** Identification of long-term housing placements and employment opportunities for LEAD participants who typically have a criminal history, a lack of recent rental history, and a lack of recent work history;²⁴ possibly: sustained funding for alternative interventions (ideally through justice reinvestment).²⁵

REFERENCES

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- ² *Ibid.*, pp. 8-9; emphasis added.
- ³ Dallas County Sheriff’s Department, Prostitution Diversion; available at http://www.dallas-sheriff.com/Prostitution_Diversion.html.
- ⁴ Felini et al., Prostitute Diversion Initiative, 2010-2011, p. 7.
- ⁵ *Ibid.*, pp. 3, 5. Also see: New Life, Prostitute Diversion Initiative; available at <http://www.pdinewlife.org>.
- ⁶ Felini et al., Prostitute Diversion Initiative, 2010-2011, pp. 1, 3, 10.
- ⁷ Martha Felini et al., “Prostitute Diversion Initiative, Annual Report: October 2008 – September 2009,” Dallas Police Department, p. 4; available at www.pdinewlife.org/wp-content/uploads/2012/01/PDI_Annual_Report-2008-2009.pdf.
- ⁸ Felini et al., Prostitute Diversion Initiative, 2010-2011, p. 19.
- ⁹ *Ibid.*, p. 20.
- ¹⁰ *Ibid.*, p. 10.
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- ¹² Felini et al., Prostitute Diversion Initiative, 2010-2011, p. 4.
- ¹³ New Life, Prostitute Diversion Initiative.
- ¹⁴ Felini et al., Prostitute Diversion Initiative, 2010-2011, p. 23.
- ¹⁵ “Local Leaders announce Law Enforcement Assisted Diversion” [News release from Office of Seattle Mayor], *Seattle Police Department (SPD) Blotter*, Oct. 13, 2011; available at <http://spdblotter.seattle.gov/2011/10/13/local-leaders-announce-law-enforcement-assisted-diversion>.
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- ¹⁷ The Defender Association (TDA) – Racial Disparity Project, “Law Enforcement Assisted Diversion (LEAD): A Pre-Booking Diversion Model for Low-Level Drug Offenses,” 2010, p. 3; available at www.law.seattleu.edu/Documents/cle/archive/2010/032610%20Restorative%20Justice/215pm%20LEAD%20concept%20paper.pdf.
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- ¹⁹ The Seattle Foundation, *Law Enforcement Assisted Diversion* [“Immediate Services”; “Long-Term Services”; “Peer Mentoring”].
- ²⁰ The Seattle Foundation, *Law Enforcement Assisted Diversion* [“Operations to Date”].
- ²¹ The Seattle Foundation, *Law Enforcement Assisted Diversion* [“Who will provide services to LEAD participants?”].
- ²² TDA, *Law Enforcement Assisted Diversion*, p. 3.
- ²³ *Ibid.*, p. 1.
- ²⁴ The Seattle Foundation, *Law Enforcement Assisted Diversion* [“Current Needs”].
- ²⁵ TDA, *Law Enforcement Assisted Diversion*, pp. 2, 3.