

LEGISLATIVE UPDATE



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New Law Opens Deflection Programs to Fire Protection Districts

The Illinois Legislative Black Caucus' social justice agenda was the centerpiece of the lame-duck session of the just concluded 101st General Assembly. Built on four pillars representing education, economic, health care and criminal justice reforms, the agenda was developed to address systemic racism in response to months of social unrest in 2020. Within House Bill 3653, the Criminal Justice Reform package, was language that allows fire protection districts to participate in what are referred to as deflection programs through partnerships with local law enforcement and substance use treatment and mental health service providers.

Deflection is a systems approach to reframing the relationship between first responders, treatment providers and the community. Important to the approach is the co-responder model. In many cases, law enforcement and other first responders such as EMS, firefighters and social workers will be co-responders, arriving or travelling together in response to a call for service with social workers, drug treatment or mental health staff or peers. The goal of this approach is to deflect individuals with a substance use disorder, that have overdosed or that need mental health services away from the criminal justice system and instead quickly connect them with an appropriate treatment provider.

This differs from the more common model where a person is discharged from custody or released from the hospital without being connected with substance

use or behavioral health treatment. The co-responder form of deflection ensures the individual needing help is connected in person with a treatment provider, known as a "warm hand-off," rather than simply providing written information regarding available services. There are several benefits to the deflection model, including costs savings achieved by keeping people who suffer from addiction or mental disorders out of jails and hospitals. Deflection by law enforcement also reduces the collateral damage to individuals from having an arrest record because deflection does not involve arrest or charging, such as problems obtaining future employment and housing.

Legislation to create the Community-Law Enforcement Partnership for Deflection and Substance Use Disorder Treatment Act was introduced in 2018. The enacting legislation had bipartisan sponsorship and passed both chambers by large majorities, demonstrating strong legislative support for the concept. The Act provides a framework for the development and implementation of what would constitute best practices for a deflection program and authorizes the Illinois Criminal Justice Authority to provide funding for establishing programs and providing related training through a grant program. The law also requires programs to have defined criteria for who would be an appropriate candidate for a deflection response, as well as communication protocols between first responders and treatment providers when making a deflection response.

House Bill 3653 takes the current law a step further by clarifying that deflection programs include "other first responders," defined in the bill as EMS providers that are public units of government, fire departments and fire protection districts and first responders employed by those units of government. As we know, firefighters are just as likely to encounter a person experiencing a drug-related medical or mental health emergency as law enforcement. Fire departments and EMS providers are currently participating in deflection programs and HB 3653 clarifies that they are an integral part of these initiatives including co-responder deflection approaches.

TASC (Treatment Alternatives for Safe Communities), Inc. is the lead agency supporting deflection programs in the state of Illinois. According to TASC Center for Health and Justice Executive Director Jac Charlier, there are approximately 42 deflection programs operating in Illinois currently. One program, the Lake County Opioid Initiative's 'A Way Out' program serves as a national mentor program connecting fifteen police departments, the Lake County Sheriff's office and hospitals and social service agencies to provide deflection responses to Lake County residents. Fire protection districts that want to learn more about deflection programs can contact TASC by emailing Jac Charlier at jcharlier@tasc.org. For more information about ICJIA administered grant programs, please call the Authority, 312-793-8550 or email cja.grantsunit@illinois.gov. ■