

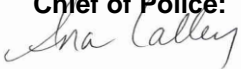


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|  | ELGIN POLICE DEPARTMENT 151 Douglas Avenue Elgin, Illinois 60120 |  |
| Effective Date: 09/22/2021 | STANDARD OPERATING PROCEDURE | Revised Date: 12/19/2023 |
| Chief of Police:  | Collaborative Diversion Initiative, 42.6 | |
| Cross Reference: 5 ILCS 820/21 | | Policy Sections: 42.6.1 Goals and Core Principles 42.6.2 Eligibility Criteria 42.6.3 Collaborative Diversion Procedures 42.6.4 Case Management, Intake & Assessment 42.6.5 Monthly Reporting 42.6.6 Failure to Successfully Complete Collaborative Diversion |

PURPOSE

The purpose of this policy is to establish the department's role in the law enforcement collaborative diversion initiative and to outline the management of this initiative.

POLICY STATEMENT

It is the policy of the department to work with the Kane County State's Attorney's Office and area community service providers to implement a collaborative diversion initiative. This program diverts individuals who meet certain established criteria out of the criminal justice system and into a community case management system. This initiative authorizes officers to make social contact referrals and utilize discretion to divert individuals arrested for eligible low-level criminal offenses whose unlawful or problematic behavior is suspected to be the consequence of unmanaged substance use, mental illness and/or being unhoused.

DEFINITIONS

Case Manager: Provides case management services to individuals referred by the department, hereafter referred to as "participants." For purposes of this policy, the case manager is an employee of Kane County and a designee of the Kane County State's Attorney's Office.

Collaborative Crisis Services Unit (CCSU): Unit responsible for conducting follow-up visits for individuals who may benefit from mental or behavioral health services and as available, provides an on-scene response. The unit utilizes community resources, including the department's Social Services Unit, to connect individuals with appropriate services. The three primary areas of focus for the unit include mental and behavioral health, substance use disorder services, and homelessness issues.

Collaborative Diversion: The process of diverting an individual who has allegedly committed an eligible criminal offense out of the criminal justice system and into community-based case management. Collaborative diversion is maintained by the police agency responsible for the diversion in conjunction with the case manager.

Collaborative Individual Service Plan: Plan developed by the case manager and the individual participating in the collaborative diversion initiative to address the specific needs of the individual to help improve their quality of life, reduce harms and future contact with the criminal justice system.

Harm Reduction: A range of public health policies designed to lessen the negative social and/or physical consequences associated with various human behaviors.

Low-Level Criminal Offenses: Non-violent criminal misdemeanors, non-violent criminal felonies related to drug possession or property crimes and non-violent general city ordinance violations.

Operational Workgroup: Coordinated by the CCSU Sergeant, the operational workgroup consists of operational level personnel from the department, state's attorney's office, public defender's office, case managers, and community service providers.

Outreach Specialist: CCSU personnel who collaborate with the case manager and the CCSU Sergeant to conduct outreach and engagement services to individuals participating in the collaborative diversion initiative.

Social Contact Referral: Based upon the observations of the officer, the individual has identifiable needs that would benefit from participation in the Collaborative Diversion Initiative.

PROCEDURES

42.6.1 GOALS AND CORE PRINCIPLES

- A. The CCSU Sergeant serves as the representative for the department and is responsible for the day-to-day operations of the initiative, facilitates operational workgroups meetings, coordinates training, inquiries, and public presentations.
- B. The department's collaborative diversion initiative is a collaborative community-based diversion approach with the goals of improving public safety, public order, and reducing unnecessary justice system's involvement pertaining to those who participate and who are eligible in the program.
- C. Through a collaboration with the operational workgroups, the core principles of the initiative are to:
 - 1. Enhance the department's response to safety, disorder, and health related problems.
 - 2. Improve public safety and public health through research based, health-oriented and harm reduction interventions, when appropriate.
 - 3. Reduce the number of people being admitted to the emergency department or entering the criminal justice system for low level criminal offenses related to substance abuse, mental health, and those who are unhoused.
 - 4. Strengthen the relationship between law enforcement and the community.

42.6.2 ELIGIBILITY CRITERIA

- A. Persons who have a known history of substance abuse, unhoused or mental health needs may be eligible for diversion into the initiative when probable cause exists that the individual committed any of the following eligible low-level criminal offense(s):
 - 1. Non-violent criminal misdemeanors(s).
 - 2. Non-violent criminal felonies related to drug possession or property crimes.
 - 3. Non-violent general city ordinance(s).
- B. To be considered, the individual must have committed the offense(s) as a result of substance abuse, being unhoused or due to mental health issues.
- C. In cases where a victim exists, the victim must be willing to decline prosecution in order to allow the individual access to the collaborative diversion initiative. If the victim pursues prosecution, the individual will not be a participant in the initiative.

- D. When the following applies, the individual is not eligible:
1. The individual is unable to give consent.
 2. The amount of controlled substances or presentation of controlled substances indicates narcotic sales.
 3. There is probable cause to believe the individual committed one of the following offenses:
 - a. Violent offense.
 - b. DUI.
 - c. Violation of an order of protection.
 - d. Domestic battery.
 - e. Any crime involving abuse of children or the elderly.
 - f. Other criminal matters are present with other jurisdictions (warrants or wanted on probable cause by another agency).

42.6.3 COLLABORATIVE DIVERSION PROCEDURES

- A. Upon contact with an individual where probable cause exists that the individual committed a criminal offense, the decision to engage in the collaborative diversion initiative can occur prior to or after the individual has been placed in police custody.
- B. This determination will be based on the eligibility/exclusionary criteria set forth in this policy. If the individual does not meet the criteria, the individual will not be eligible, and the officer will implement the appropriate protocol based on the totality of the circumstances.
- C. After confirming eligibility, the officer may then offer the individual collaborative diversion. This should be done in a non-coercive fashion in which the officer explains the collaborative diversion, including that the individual will have 60 days to complete a full intake assessment in order for the referral arrest to be voided.
1. If the individual declines diversion, the officer will implement the appropriate protocol based on the totality of the circumstances.
 2. If the individual accepts the diversion, the officer shall contact the CCSU Sergeant and will provide a brief overview.
 - a. The CCSU Sergeant will ultimately approve the person's eligibility for the initiative.
 - b. In the event the CCSU Sergeant is not available, the officer shall seek approval through the on-duty supervisor.
 - c. Using a department issued cell phone, the officer shall scan the Collaborative Diversion QR Code which will direct the officer to the program application. The

shall officer assist the individual with completion of the program application at the scene. [View the Collaborative Diversion QR Code](#)

3. When the individual has been taken into police custody, normal booking procedures for taking a photograph of the individual will be adhered to prior to the release of the individual to confirm their identity. However, when the individual has not been taken into police custody, the officer shall take the individual's photograph with their department issued cell phone and upload the image(s) to evidence.com and attach the appropriate report number.
4. The officer shall complete a police report to document the incident and that the individual is participating in the collaborative diversion initiative. The case will be assigned to CCSU for follow-up and maintenance.

42.6.4 CASE MANAGEMENT, INTAKE AND ASSESSMENT

- A. The operational workgroup meets on a regular basis to review and discuss all open cases. Group members will collaborate to develop and amend referral and diversion protocols, as necessary, and provide operational support to case managers and outreach specialists.
- B. The case manager designated by the Kane County State's Attorney's Office conducts an initial screening to gather basic information about the individual, identify any acute medical needs, and determine if any immediate needs should be addressed prior to a full intake assessment. These needs include, but are not limited to shelter, clothing and food.
- C. The case manager obtains the individual's written consent to participate in the collaborative diversion initiative, along with a release of information so that relevant information about the participant may be shared with members of the operational workgroup. All agreements and releases of information are maintained by Kane County.
- D. At the conclusion of the initial screening, the case manager will begin the process for the individual to complete an in-depth psychosocial assessment. This will be completed within 48 hours after the individual is referred to the program but can take up to sixty days.
 1. The case manager and the individual will then develop a collaborative individual service plan to help improve the quality of life, reduce harm and future contact with the criminal justice system.
 2. The case manager and the individual will work together to address the needs and action steps identified in the collaborative individual service plan.
 3. If the individual is already receiving services such as counseling or transportation, the case manager will collaborate with the individual and the identified community service provider(s) to facilitate the connection of the individual to those services.
- E. The case manager will continually assess the progress of the identified action steps outlined in the collaborative individual service plan to determine when the individual will be released from the program.

42.6.5 MONTHLY REPORTING

The CCSU Sergeant will prepare a monthly report to be forwarded through the chain of command to the Chief of Police. The report will provide an update on the status of the initiative to include the number of:

1. New referrals.

2. New accepted referrals.
3. Participants who have completed the program.
4. Participants who have failed and the reasons they were not successful.

42.6.6 FAILURE TO SUCCESSFULLY COMPLETE COLLABORATIVE DIVERSION

When the individual fails to successfully complete the components of the collaborative diversion initiative, all charges against the individual will be reviewed and pursued by CCSU.

42.6.7 TRAINING

Agencies that receive funding for deflection programs are required to provide the below listed training, 5 ILCS 820/21. The department does not receive funding for the collaborative diversion initiative and therefore, the listed training is optional for employees assigned to the CCSU and responsible for conducting follow-up visits.

1. Neuroscience of Addiction for Law Enforcement.
2. Medication-Assisted Treatment.
3. Criminogenic Risk-Need for Health and Safety.
4. Why Drug Treatment Works.
5. Eliminating Stigma for People with Substance Use Disorders and Mental Health.
6. Avoiding Racial Bias in Deflection Program.
7. Promotion Racial and Gender Equity in Deflection.
8. Working with Community Partnerships.
9. Deflection in Rural Communities.