

**Care First...Jail Last: Funding Jail Diversion Programs To Prevent Behavioral Health and  
Substance Abusers From Reoffending.**

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## Abstract

The Lend a Hand League has developed a comprehensive policy action plan and guidelines for a campaign to tackle the social problem of incarcerated individuals not receiving adequate or even any rehabilitation for substance abuse or mental health problems. Currently, the state of Tennessee does not have any legislation in place that provides funding for all county and state corrections to provide jail diversion programs. Research has shown that jail diversion programs benefit the state financially but cutting costs in its corrections budget. Jail diversion programs also benefit the community by reintroducing rehabilitated offenders into society that will contribute to the community, and it will help reduce crime and reoffending. Most importantly, Jail Diversion programs can help rehabilitate the offender. The Lend A Hand League has identified HB2841/SB2500, sponsored by Tennessee State Representative Karen D. Camper and Tennessee State Senator Raumesh Akbari, to be a solution to solving the social problem since it diverts funding into grant programs that will fund jail diversion programs. “Care first...Jail Last” is the brand of the campaign and it is also a coalition with various people from Tennessee to help advocate for the policy change. The strategy is to use various media methods to reach for and gain supporters of the bill, host public events to educate those that attend, and reach out to the community on an individual basis to persuade support for the policy change.

*Keywords:* Jail diversion programs, rehabilitation, substance abuse users, mental illness, recidivism

**Care First...Jail Last: Funding Jail Diversion Programs To Prevent Behavioral Health and Substance Abusers From Reoffending.**

**Topic of Focus**

**The Policy Issue**

***Social Problem***

Currently, the state of Tennessee lacks many options for rehabilitation for individuals arrested due to mental illness or substance abuse. While the state did provide limited grant funding to operate seven jail diversion programs in 2018, those programs are no longer in running due to the expiration of the funding in 2020 despite having positive financial outcomes for the state (The Tennessee Department of Mental Health and Substance Abuse, n.d.). The Care First...Jail Last Campaign will focus on policy to benefit individuals arrested for substance abuse or mental illness in order to improve outcomes and prevent recidivism.

***Goal***

The goal of this HB284/SB2500 is to create the following two grant programs: A Behavioral Health Jail Diversion Grant Program and a Community Crisis Response Grant Program. Both of these grant programs will instruct local governments while also providing funding to develop behavioral health jail diversion programs. These programs will help individuals with mental health, substance use, or co-occurring disorders be diverted from the justice system and through a rehabilitation program. Our group will be advocating specifically for individuals who have mental health needs and substance abuse disorders involved in the criminal justice system. There is no existing state policy regarding jail diversion programs. Governor Lee had budgeted \$1.5 million that was approved by the General Assembly to expand jail diversion programs through its Pre-Arrest Diversion Infrastructure Program. The budget

lasted for the fiscal year of 2020 and has not been funded by any grant since then (Department of Mental Health & Substance Abuse Services, n.d.).

### ***Policy Provisions***

This type of program would reroute individuals with a behavioral health disorder away from the traditional criminal justice system so they can receive help with their mental health.

### ***Beneficiaries***

The intended beneficiaries are individuals with a behavioral health disorder. This type of program would reroute individuals with a behavioral health disorder away from the traditional criminal justice system so they can receive help with their mental health.

### ***Support and Opposition***

This bill has recently been taken off notice. The Care First...Jail Last campaign will advocate for this bill to be re-sponsored and scheduled for the next Tennessee Legislature meeting in January of 2023. If the bill is put back on the calendar, the group will continue to campaign for it to be voted into law. Representative Karen D. Camper is the state representative in support of this bill as well as State Senator Raumesh Akbari. Even though the bill was taken off notice, no specific legislator has publicly opposed this bill. The bill has a fiscal increase of \$18 million and would have incited opposition by fiscal conservatives. The bill never made it to any votes, and therefore no record exists of any legislators that opposed it.

### ***Policy Change***

The objective of this campaign is to advocate for the reintroduction and passage of Tennessee HB2841/SB2500 with amendments to it addressing criteria and implementation of jail diversion programs. As written, this bill [1] currently lacks guidelines as to how those arrested would qualify for a jail diversion program. We advocate that guidelines be implemented with the

goal of providing equal opportunities of accessibility for those that would benefit from jail diversion. Our suggested guidelines are 1) The proposed criteria would require eligibility for anyone arrested that is diagnosed with a behavioral health disorder. 2) The individual arrested must have committed a non-violent crime and must not be a safety risk if released from jail. 3) The individual must be assessed by a qualified mental health clinician from the Community Crisis Response program to determine an appropriate treatment plan that could be presented in court. 4) The individual arrested must be willing to receive treatment.

### ***Policy Support***

The Care First...Jail Last campaign supports this policy's goal of the implementation of more funds to support jail diversion programs across the state. A jail diversion program may help reduce recidivism and improve access to mental health for users in the community. In addition, this policy can have a greater impact on community resources by allowing counties to have the ability for funding a community crisis response program. One example can be the development of a 911 crisis team that includes a mental health clinician accompanying law enforcement when responding to certain 911 calls. The policy we support can give way for many possibilities for counties to develop programs that help support the mental health and substance abuse needs.

### ***Importance of Addressing This Issue***

The Care First...Jail Last campaign is in favor of offenders of substance abuse or with mental illness having an option to choose between rehabilitation or jail sentencing. We feel it is irresponsible for the justice system to not provide rehabilitation options for those arrested.

Towards the end of 2020, Tennessee ranked 9th nationwide in adults with substance use disorders (Department of Mental Health and Substance Abuse Services, 2020). The Tennessee's Bureau of Investigations website states that 80 percent of crimes are drug related (Tennessee



Bureau of Investigation, n.d.). There are two out of five people in state and federal prison that have a history of mental illness and do not receive any form of rehabilitation (Bronson & Berzofsky, 2017). There are a lot of people in Tennessee's jail system that need some kind of substance or mental health assistance. Only 15% of those currently incarcerated were receiving substance abuse back in 2005. (Betapudi & Walton, 2021). Currently there is a research and service gap for the current number of inmates that are receiving mental or substance abuse help. Incarcerated individuals are not seen kindly by the community, and they still have a stigma once they are released. (Betapudi & Walton, 2021). They are at risk of reoffending and being sent back through the justice system. It is not justice if a recently freed individual is not given an opportunity to reenter society without being properly rehabilitated in jail/prison. It would also be responsible to release an individual with the tools to reintegrate into society.

### **Theoretical Framework**

The theoretical framework that can be applied to policy reform for this social issue is Huttman's Policy Analysis Model, a rational framework. This theoretical framework is a comprehensive approach to analyze an existing policy in order to understand its intent, by considering eight key factors (O'Conner and Netting, 2011). The first factor to consider is what unmet need the policy is addressing. From there, this analysis model asks what are the goals and outcomes of this study. The third step is very practical, looking into the policy implementation strategies. For the purposes of this policy campaign, the intended strategy is to increase grant funding to open more jail diversion programs across the state of Tennessee. The fourth and fifth steps require one to examine the scientific basis of the policy and the values embodied in the policy. Care First...Jail plans to investigate the researched benefits and outcomes of other jail diversion programs. Additionally, the values of this policy will be considered, as well as the

values of stakeholders and the community that may impact the implementation of HB2841/SB2500. The last three factors to consider are what are the power bases that will support or oppose this policy, what are the available resources to support this policy, and what are the costs and benefits related to this policy. The Care First...Jail Last campaign will develop a stakeholder matrix, build a coalition, and identify the resources available, costs and benefits of this policy.

### **Researching the Issue and Literature Review**

In the state of Tennessee, there is no current state legislation that funds or requires every county to provide a jail diversion program. Between 2018-2020, jail diversion programs were referred to as Pre-Arrest Diversion Infrastructure Program when former Governor Haslam was funding them (Department of Mental Health & Substance Abuse Services, n.d.). The program offers an alternative route for the offender where, if they were to choose this program, it would reroute them through a rehabilitation program instead of going through the justice system (United States Probation and Pretrial Services, n.d.). These programs can offer counseling for substances and mental health, employment services, rehoming services, and other rehabilitation type services. Some counties have the financial ability to afford jail diversion programs, but many rural counties do not. This creates an issue of over filling in the counties' jail system. Arrestees in need of substance or mental health rehabilitation are being routed through the justice system with the general population if the county does not have a jail diversion program. Recidivism rates are high for arrestees if they do not receive services for their substance abuse or mental illness. (Tartaro, 2015).

There are high rates of mental health and substance abuse disorders among the population of those incarcerated. The Tennessee Department of Correction states that in 2020,

1,535 of incarcerated individuals qualified for having substance abuse disorders (Tennessee Department of Corrections, 2020). However, this number is expected to be higher since 67% of the country's prison population has a substance abuse disorder (Betapudi & Walton, 2021). The same can also be said about those arrested having a mental illness since they make up 44% of the population nationwide for local jails (Bronson & Berzofsky, 2017). Many of these incarcerated individuals are non-violent criminals and are at risk to reoffend and be reincarcerated for committing more crimes if they do not receive help (Cahil, et al., 2021).

High incarceration numbers and recidivism can lead to issues with overcrowding in prisons and more taxpayer money going towards funding correction operations instead of state funds going to other state programs. In a three-year period, 1 out of 4 released from incarceration are likely to reoffend (Cahill, et al., 2021). This current population in corrections and its recidivism rate is costing Tennessee taxpayers over \$1 billion in operating cost for corrections (Tennessee Department of Corrections, 2020). State funds that do not go to help fund jail diversion programs can also result in hurting Tennessee residents financially. Every \$1 that is not invested into rehabilitation can lead to costing \$7 in crime and damages (Cahill, et al., 2021).

Tennessee's HB2841/SB2500 is a bill our group is advocating for it to be voted on and approved in the general assembly. The bill was introduced on February 2, 2022, by representative Karen Camper of District 87. The bill was taken off notice on March 8, 2022, by Ms. Camper herself. The reason for it being taken off notice is because it had a financial impact of \$18 million on increased state expenditures. Ms. Camper's office has stated through a phone conversation that there are no plans to put the bill back on the calendar any time soon

### **Contextual Factors**

There are a variety of contextual factors that have prompted the development of HB2841/SB250. Over the past decade, criminal justice reform has been a hot topic in the United States. Some factors that have led to the conversation of criminal justice reform include economic impacts, social justice issues, and data involving mental health outcomes. One of the most talked about reforms is the diversion program. The Tennessee Justice system has historically had high incarceration rates, long sentencing, and high recidivism rates (The Criminal Justice Investment Taskforce, 2019). Additionally, there has been an increase in the mental health needs of those arrested. The diversion program gained recognition in Tennessee after parts of Tennessee implemented successful diversion programs in 2017. According to the Department of Mental Health and Substance Abuse (n.d.), data collected from 2017-2019 showed that the pre-arrest diversion programs that were active in parts of Tennessee diverted more than 13,000 people from jail to treatment. This resulted in an estimated cost savings of \$9,845,920 to the local criminal justice system in these areas. Approximately 4,591 law enforcement officers were trained in mental health topics, and 750 behavioral health professionals were trained on topics involving the criminal justice system. However, there is not currently any statewide diversion program in place. Tennessee attempted to introduce HB2841/SB250 for statewide diversion programs, but ultimately, the bill was taken off the agenda due to the costs of carrying out a large-scale diversion program.

### **Historical Movement**

Diversion programs were first utilized in the juvenile justice system. The Center for Health and Justice at the Treatment Alternative for Safe Communities (TASC) is an organization that has been a precursor to diversion programs. In 1947, the Judicial Conference of the U.S. conceptualized pretrial diversions by placing juveniles under the supervision of probation

officers; this was an alternative to prosecuting some youth and preventing them from being incarcerated (The Center for Health and Justice, 2013). Using a diversion program with juvenile offenders was based on the theory that introducing some youth to the juvenile justice system could potentially do more harm than good (Office of Justice Programs, n.d.). The youth-targeted were often presenting with substance abuse and mental health issues, which were predicted to be an underlying factor in their delinquency. The diversion program was implemented as an alternative intervention to address these first-time offenders by using resources and services as a preventive method. Because of the success rates found in juvenile diversion programs as well as diversion programs implemented in other countries; such as the United Kingdom, diversion programs began to be offered to adults in certain parts of the United States.

### **Decriminalization**

In 2020, the United States had 39,746 arrests pertaining to drug possession, which made it the highest category of arrest (Federal Bureau of Investigation, n.d.). Natapoff (2015) states the decriminalization of misdemeanor offenses is a historical moment as the majority of offenders incarcerated are due to misdemeanor violations. Research by Kopak & Frost (2017) also supports this finding, stating the vast majority of individuals in the criminal justice system were due to low level offenses. Natapoff (2015) further asserts the decriminalization of these offenses is a “win-win” scenario as it reduces incarceration and arrest rates, eases some of the burden that a criminal conviction can impose, and is a way to decrease the criminal branding for many young men of color who tend to get swept up for petty crimes, like marijuana possession. Kimpel (2022) reports a finding of 20 million Americans with a criminal record. This impact lives drastically as the U.S. increasingly depends on records and background checks when obtaining employment. The report also showed racial disparities as black Americans were more negatively

affected than white Americans. In 2016, Oklahoma passed house bill (HB) 3294. The bill changed minor drug charges and low-level poverty crimes to misdemeanors instead of felonies and took away prison sentences. According to Ross (2022), the change from fewer incarcerated people allowed for enough funds to be saved and allocated toward mental health and substance abuse programs creating the County Community Safety Investment fund.

### **Adult Diversion Programs in the U.S.**

The availability of diversion programs for adults in the United States varies and depends on jurisdiction and the state. Diversion programs have been implemented in some parts of the states, and the programs have shown promising results. In Seattle, Washington a diversion program known as the Law Enforcement Assisted Diversion (LEAD) has been implemented. Research compiled by Collins et al. (2019) reported participants in the LEAD program had 1.4 fewer yearly bookings and spent around 41 fewer days in jail. LEAD participants also had an 88% chance of lesser prison incarceration and lower legal cost. The research further demonstrated a decrease of criminal justice and legal system use and related cost. Chicago, Illinois also offers a variation of a diversion program known as the Crisis Intervention Team (CIT). A study completed by Canada et al. (2010) looked at the implementation of the CIT program and found promising results. Since the application of the CIT program, there has been an increase in mental health services, and areas, where the program was active, had lower arrest rates. Diversion and reentry programs seen in Los Angeles have been instrumental in transitioning 4,500 people from jail and off the streets to services (Westervelt, 2022). This program has aided with overcrowded jails and assisted many with mental health needs and homelessness.

## **Current Policy Impact**

The state of Tennessee has recognized that there are problems within the criminal justice system. This is evidenced by Governor Bill Lee's initiative entitled "Executive Order 6". The order was created to address the issue of increased rates of incarceration in Tennessee. The Executive Order reports that incarceration rates in Tennessee are high when compared to national rates. Specifically, since 2000, the incarcerated population has grown by 34% (Exec. Order 6, 2019). Through this order, Governor Lee was able to establish a task force dedicated to research the social problem and use the results to make changes to policy. This executive order resulted in the development of the Criminal Justice Investment Task Force, which conducted research to further identify current problems of the criminal justice system in the state.

This task force has since published an interim report entitled, "Criminal Justice Investment Task Force". This report highlights several issues within the current criminal justice system. The findings reveal that sentencing time has increased, recidivism is high, an increasing number of mental health caseloads, and a lack of recidivism prevention and community re-entry programs. The CJTF report attributes these problems to current policies regarding sentencing and budgetary cuts that prevent effective recidivism prevention programs. Arrests associated with drug abuse make up the largest category of arrest in Tennessee (FBI, 2019). There are currently a few jail diversion programs in certain counties across the state of Tennessee. However, they are not consistent throughout the state.

For those who have a criminal record, the impact is significant. Integrating into society after release presents many challenges (Jones, 2019). Some of these include finding housing and employment. As Amy F Kimple (2022) writes, "93% of employers screen job applicants for criminal records."(p.439). This creates significant barriers for those attempting to enter the

workforce. Additionally, a study found that after incarceration, individuals faced stigma and discrimination when seeking housing (Keene, 2018). This impacts those arrested and charged over nonviolent crimes involving mental health and substance abuse.

It is important to include the racial disparities involved in this policy problem. African Americans are more often arrested for drug offenses, and are more likely to be repeatedly arrested in the United States of America (Kakade, 2012). This same trend can be seen when looking at data on accessibility to mental illness and substance abuse treatment. Even when diversion options are available, African Americans are less likely to receive the treatments (Ghallager, 2020).

Impacts of the current policy not only affect individuals' lives, but produce a large financial burden on the State. According to the 2020 annual report for the Tennessee Department of Corrections, \$23,468 was spent on each state inmate that year. This comes to over a billion dollars spent on state prisons. This impacts every citizen of Tennessee, as tax money is used for this funding. Additionally, A study on a similar policy that was implemented in Washington State showed encouraging information about the positive impact of jail diversion programs. Results of the study concluded that those enrolled in Washington State's jail diversion programs were 20% less likely to be arrested again compared to those in the state that did not receive jail diversion services (Mayfield, 2009). In the state of Oklahoma jail diversion programs were successful in decreasing the amount of people incarcerated and saved the state money overall. (Ross, 2022).

### **Future Directions**

If voted into law, HB2841/SB2500 would provide an alternative way for the state to address crimes involving mental health and substance abuse. However, this is a policy that could



be built upon to the social issue in other ways. One approach would be to implement a state-wide training curriculum for police officers on topics of mental health and deescalation under the Department of Mental Health and Substance Abuse. Police officers are often the only ones called out to assist those in acute psychological distress, and studies have shown that Crisis Intervention Training effectively reduces the use of force. (Marcus, 2022).

If this bill were to be voted into action, grant funding would be provided to develop a jail diversion program, as well as a crisis response program. Once these programs are established, the next policy step could be an adjustment to the state budget that would allow for these programs to be funded by the State, and utilized in all state prisons in Tennessee. In order to have more funds to accomplish this, policies could be changed to lower some non violent felonies to misdemeanors. This approach can lower the inmate population and save money on the running cost of prisons (Ross, 2022). Lastly, future amendments could be added to the bill to allow for those currently serving time, who would meet criteria for a jail diversion program, to be released early and diverted into jail diversion programs.

### **Presentation of the Brand and Support Mapping**

The title for this campaign is “Care First...Jail Last”. The title is a short and memorable way to share the idea that incarceration does not always need to be the first response, and that there can be other means of addressing crime. The campaign's subtitle is “Funding Jail Diversion Programs To Prevent Those With Mental and Substance Abuse Disorders From Reoffending”. This gives the reader a clear picture of the social problem and the proposed solution. The logo for this campaign is the balance scale. This represents the group's intention of addressing the current imbalance in the incarceration rates of those with mental illness versus the rates of those diverted to rehabilitation programs in Tennessee.

## **Convincing Arguments**

The aim of this bill is to provide an option for treatment, instead of incarceration, for those who have committed nonviolent crimes and are diagnosed with a mental illness. According to the Federal Bureau of Investigation (FBI), drug abuse violations have accounted for the highest percentage of arrests in the state of Tennessee since 2003 (2021). In the year 2021, there were 41, 570 arrests for drug possession alone (FBI, 2021). Substance Abuse Disorder is a diagnosable mental illness that can be treated with clinical and medical interventions (Colon-Rivera & Balasanova, 2020), and therefore, diversion programs can better meet the needs of these individuals as opposed to jail. Supporting the care of the individual before defaulting to incarceration can help individuals get the treatment they need for their mental illness.

In the year 2018, Tennessee established jail diversion programs in seven counties across the state. These programs ran on grants through government funding that lasted for three years. During this time, these programs served about 13,000 people who were diverted from traditional sentencing and received care and treatment to address mental health and substance abuse needs (The Tennessee Department of Mental Health and Substance Abuse, n.d.). The Helen Ross McNabb Center was one of the organizations that operated an outpatient clinic for rehabilitation services offered to those diverted in Hamblen County. Jerry Vagnier, CEO of The Helen Ross McNabb Center, stated in the preliminary report approximately 70% of individuals involved in the program remained out of jail and had stable employment (Howington, 2018). Increasing the number of jail diversion programs across the state would allow for more individuals to receive treatment.

There are benefits to jail diversion programs, one is that they have been shown to decrease fiscal costs (Collins, 2017). In the year 2020, the Tennessee Department of Corrections

spent 1.1 billion on operating costs alone (Tennessee Department of Corrections, 2020).

Diverting those who meet the criteria for jail diversion programs should help to lower this cost.

Providing treatment to those with mental illness and addictions through jail diversion programs has been shown to help prevent recidivism (Collins, 2017). Recidivism is when a person that has been released from incarceration breaks the law and is arrested again. Tennessee has high rates of recidivism compared to other states (Tennessee State Government, 2019). In Tennessee, repeat offenders are sentenced for longer periods of time, which uses more state resources and does not seem to prevent crime (Tennessee State Government, 2019).

Part of HB2841/SB2500 would provide funding for a crisis response team to assist law enforcement in responding to 911 calls involving mental illness or crisis. Part of this team would be made up of police officers that receive special training along with a clinician for support. Several cities across the United States have developed similar crisis response programs to better address 911 calls involving mental health emergencies (Ramasamy, 2022). A program titled “Crisis Assistance Helping Out On the Streets” in Eugene Oregon has been able to divert 5-8 percent of police calls to receive mental health care from their crisis team instead of police intervention (Ramasamy, 2022). Establishing this type of program in Tennessee could yield similar benefits.

### **Notes on the Opposition**

Fiscal conservatives will likely not vote in favor of HB2841/SB2500 and amendments because of the high cost of providing mental health and substance use rehabilitation through the state. Through our campaigning, it is possible to convince fiscal conservative opponents of how cost-effective rehabilitation is for the taxpayer and the correction department in operating funds.

This group of oppositions will not side with the proponent unless convinced of our bill and proposed amendments will not raise the state's budget.

Victims of violent crime may swing into opposition when hearing HB2841/SB2500 and proposed amendments. There is a possibility that they may hear from opposition groups stating that violent criminals will receive the option to get out of serving their time. Though this is not our group's stance, we must be clear that this bill and proposed amendments are for nonviolent mentally ill and substance users. We must also mention that the goal of this bill is to reduce recidivism and to give offenders the tools to be able to contribute to society.

### **Potential Coalition Members**

#### **Logical Partners**

There are many organizations in Tennessee involved in providing treatment options to those with mental illness and substance abuse disorders that would be beneficial logical partners. The Tennessee Department of Mental Health and Substance Abuse Services (TDMHSAS). TDMHSAS has been an active voice for grant recommendations for jail diversion programs in Tennessee. Having their support would be essential to the passing of this bill. The TDMHSAS's role in our campaign is to provide consulting over our policy push and proposed amendments.

The McNabb Center is the region's leading nonprofit provider of mental health, substance use, social and victim services. They have an outreach of 12 counties throughout the state. They currently participate in a few jail diversion programs in East Tennessee by providing mental health services to those who have been diverted from jail. The McNabb Center's role in our campaign is to attain support for the diversion program by providing successful testimonials.

The Tennessee Justice Center is a large organization with a mission to protect and improve the laws, policies and programs that secure dignity and opportunity for all Tennesseans.

This organization advocates for policy change for many groups and has an influential voice in State Government. Having the support of the Tennessee Justice Center would be beneficial to the coalition. The role of this organization would be to spread awareness about HB2841/SB25001 to their stakeholders and partnering organizations and to the public through their website

The Treatment Advocacy Center of Tennessee is a National Organization with a presence in each state. Their goal is to advocate for individuals suffering from mental illness to get the treatment they need. They assist individuals by providing resources to help them navigate systems to access mental health services. Additionally, they make policy recommendations. In Tennessee, this group specifically mentions jail diversion programs and crisis intervention teams as a means of getting those with mental illness better help. This organization's role would be to use their expertise and knowledge of the mental illness, intervention, and treatment to have input on the Crisis Response team training content and criteria for grant recipients.

### **Odd Bedfellows**

Governor Bill Lee does not have a history of budgeting funds for jail diversion programs, unlike his predecessor. Since he took office in 2019, he has funded \$1.7 million to the Recovery Court System, which will accommodate 500 more Tennesseans a year. However, he has proposed a fiscally conservative Fiscal Plan for 2022 that focuses on economic stimulus, smarter investments, and preparing for the future. Jail diversion programs are not the governor's priority for his state. That is why he would be considered an odd fellow for our coalition if he were to support our cause. A potential reason why Governor Lee would support jail diversion programs is that those programs would help his fiscal conservative fiscal plan for 2022. Jail diversion programs saved Tennessee over 9 million in three years. (The Department of Mental Health and Substance Abuse, n.d.). The Governor's role would be to pressure the legislators in the General

Assembly to develop and pass a bill, in particular HB2841/SB2500, that will support funding jail diversion programs into Tennessee law while still showing his administration is fiscally conversative.

The Tennessee Sheriffs Association operates as a non-profit organization dedicated to improving law enforcement through education and training to officers across the state. Law enforcement is not always thought of as a group that would invest in jail diversion programs. However, it would be beneficial to gain their support, especially when it comes to education and training surrounding mental illness and crisis intervention. A reason The Tennessee Sheriffs Association would consider supporting HB2841/SB2500 is that their jails are overcrowded and are in poor condition (Elliot, 2019). The Care First...Jail Last's campaign focus will lower the jail population as a byproduct, and the Sheriff will have lower inmate populations and expenses. The savings in expenses can be used to update their facilities. The role of this organization would be to gain the support of local law enforcement agencies for the passage of this bill. Additionally, they would have the role of lobbying in the Tennessee General Assembly.

## **Media Campaign**

### **Goals from the Audience**

#### ***General Public***

The Care First...Jail Last campaign would want to gain support from the general public to assist with contacting, visiting, and writing legislators and the governor. The goal is to gain support for our cause and increase voter turnout.

#### ***Legislators***

The Care First...Jail Last campaign aims to have legislators support our campaign and sponsor/co-sponsor our bill. They can help with getting our bill pushed through committees so

that it makes it to the floor of the general assembly. We would want them to advocate for our bill and help persuade other members to vote in favor of the bill.

**Raumesh Akbari.** Raumesh is a Tennessee State Senator for District 29 and a cosponsor of HB2841/SB2500. She has the ability to put the bill back on notice for the Senate to vote on. She is able to make the amendments that would allow substance abuse users, as well as offenders with mental illness to qualify for jail diversion programs. She can also include the amendment on her bill that will allow funding for a statewide crisis response team. Her actions can help the campaign accomplish its goals.

**Karen D. Camper.** Ms. Camper is a Tennessee state representative for District 87 and a cosponsor of HB2841/SB2500. She has the ability to put the bill back on notice for the Senate to vote on. Additionally, she possesses the ability to make any necessary changes before the bill gets taken off notice. Her capabilities are influential in the campaign reintroducing HB2841/SB2500.

### ***Community Action Program***

Community action programs hold fundraising events with their stakeholders to raise funds for their cause and to provide an update on their programming. We want their support for the Care First...Jail Last campaign and would encourage them to become one of the agencies that partner with our campaign. We hope they will include our campaign cause in their community events/fundraisers so that their stakeholders become aware of what we are doing and give their support.

### ***Local New Agencies***

Local news agencies have a long reach for spreading information. The Care First...Jail Last campaign hopes that our campaign will be featured in one of their segments to help spread

awareness of our campaign cause. Local news agencies can also save us a lot of money for campaigning if they feature us.

### ***NASW Tennessee Chapter***

The Care First...Jail Last campaign would like to utilize Social Work Day on the Hill or one of the other events hosted by the chapter to focus on our campaign. The hope is several social work schools will be in attendance and support our campaign, adding to our numbers. The NASW can recruit students to volunteer for the campaign. The students can write letters, make phone calls, and verbally promote the focus and goal of the campaign. The NASW can make the theme of one of their events be directly related to the campaign to bring awareness to the campaign's goal.

### **Avenues of Media**

Newspapers and television will play a big role in pushing the campaign forward. Using newspapers and television as a platform will allow the group to advocate for change in the criminal justice system. This will promote justice system reform for offenders who need treatment instead of incarceration. A press release will be sent out to the major papers in the Memphis area due to the sponsors, cosponsors, and other major players residing in the Memphis area. The 3 major papers the press release will be sent to include the following: The Commercial Appeal, The Daily News, and the Memphis Post which will introduce the group's coalition and to advocate and inform the public about the policy and how to be a part of this organized crusade.

Television ads will be taken out on the three major stations in Memphis. The three stations are ABC affiliate WATN channel 24, NBC affiliate WMC channel 5, and Fox affiliate WHBQ channel 13.



Social media will also be a major contributor to getting our message out. Facebook, Instagram, and Twitter accounts will be created and utilized to reach out to our audience and communicate our goals. Facebook and Instagram have hundreds of millions of daily active users and are the most effective platform for engaging audiences. This high engagement rate will make them ideal to share, create and spread information about the Care First...Jail Last campaign.

### **Media Message**

A press release will be submitted to multiple newspapers in the Memphis area to raise awareness about the Care First... Jail Last campaign, promote HB2841/SB2500 and gain coalition members. Additionally separate ads will be taken out in these same newspapers periodically to advertise community events, such as the upcoming Community Chili Cook-offs coming to Memphis in November (see Appendix E). In addition to a press release (see Appendix D), a policy brief (see Appendix C) and fact sheet (see Appendix B) will be distributed to Tennessee Legislators, coalition members, and local advocacy groups. Fact sheets will also be distributed to Tennessee citizens at the Chili Cook Off Events. Television will also be incorporated to promote the Care First...Jail Last campaign. The press release will be displayed and read during an ad segment on local news channels during the morning and evening news.

Social media will be heavily utilized to share information with Facebook and Instagram accounts, titled @JailDiversionTN, being used as the primary tool for community engagement and campaign updates. The Facebook biography (see Appendix F) will display the mission and goals of Jail First...Care Last as well as how to get involved. It will also include a link to the Care First...Jail Last campaign's website as well as a link to track HB2841/SB2500 updates. Social media posts will be made regularly and will cover statistical information about mass incarceration, mental health statistics, and jail diversion program success. An Instagram page

will be developed and will comprise the same information and posts that are on the Facebook page. The hashtags #CarefirstJailLastTN, #MentalHealth, and #JailDiversionTN will be used as a part of the social media campaign. These will be promoted on the campaign's Twitter page in posts like, "Contact your local representative to get HB2841/SB2500 reintroduced at the January 2023 Tennessee General Assembly Meeting #JaildiversionTN." and, "Incarceration is not the only option. Jail diversion programs help non-violent offenders with a diagnosed mental illness get the care they need. #CarefirstJailLastTN."

A website will be developed and entitled [carefirstjaillast.org](http://carefirstjaillast.org) with the purpose of being a resource to those wanting to learn more about the campaign and a place for supporters to get involved. The website will be simple and easy to use with the main page summarizing the goals of the Care First...Jail Last campaign purpose of HB2841/SB2500. There will be several tabs, each with a designated purpose. The first tab will include information about the history of the bill, and its relationship to current problems in the Tennessee criminal justice system as well as how jail diversion programs could be a part of the solution. The second tab will lead to a page titled Take Action. This will allow Tennessee citizens to identify their legislator's information by zip code. This page will also include instructions on how to get involved and how to contact legislators. These instructions will include a phone script (see Appendix G) an email script (see Appendix H), and a letter script (see Appendix I). The tab will be dedicated to additional resources such as the policy brief, fact sheet, and talking points (see Appendix J) for those that might be interested in meeting in person with a legislator.

## **Implementation Steps**

The first step of the campaign will be to gather and create educational materials, which includes a policy brief and fact sheet. The Care First...Jail Last campaign will have all of our educational materials completed by November 4, 2022.

The second step of the campaign will be to launch our campaign website. The website will be launched by November 7, 2022. Our group will utilize the website builder, Wix, to create and design the page. Jami Williams and Kaitlyn Orquia will be responsible for ensuring the website is ready to go on the 7th.

The third step of the campaign will be to launch our group's social media accounts (Twitter, Instagram, and Facebook). The social media accounts will be created by Jami Williams and Kaitlyn Orquia by November 14, 2022. Jami and Kaitlyn will be posting regularly on the Care First...Jail Last campaign's social media page.

The next step for our campaign will be for our group to reach out to the Community Action Program. Kaitlyn Orquia will reach out to the Community Action Program by November 16, 2022 to request a space to be able to present information at one of the community outreach events.

On November 18, 2022, our group will host a "Chili Cook Off" to raise awareness for the bill. The "Chili Cook Off" will be held at NAMI Memphis, (National Alliance on Mental Illness).

By November 21, 2022, our group will have created our press release statement in support of the bill. By November 25, 2022, the press release will be released on local news stations by Jami Williams (see Appendix D).

The final step in the campaign will be to organize government officials in support of the bill. The Care First...Jail Last campaign will have drafted letters and emails to send to senators and state representatives by December 2, 2022 (see Appendix I & Appendix H). The team will review and finalize the drafts by December 7, 2022. The letters and emails will be sent out by Abraham Navarro by December 9, 2022.

### **Advocacy Plan**

The legal system the group's campaign is focused on is the Tennessee General Assembly. The sponsors of the bill the campaign is supporting, HB2841/SB2500, are state representative Karen Camper and state senator Raumes Akbari. Each legislator is capable of introducing the bills back into the committees with the amendments the campaign is proposing. The intended beneficiaries of the bill and its amendments will be the Tennessee population, the sheriffs, county mental health agencies, and most specifically offenders with substance abuse behaviors and mental health behaviors.

### **Advocacy Strategies**

Currently, there is limited research on effective policy advocacy strategies for implementing jail diversion programs. However, there are several evidence-based advocacy strategies on the topic of mental health and criminal justice reform policy that apply to this campaign. Community Coalition Action Theory is a theory that supports a collaborative approach to advocacy, involving diverse groups and organizations to come together for a cause (Flood, 2015). This theoretical framework has been shown to be effective when advocating for policy changes related to health and wellness (Flood, 2015). When developing a diverse coalition in support of mental health policy, it is important to actively network with key stakeholders (Hann, 2015). The Washington State Coalition Against Domestic Violence identifies several key

steps in developing a coalition and gaining public and legislative support. This includes using phone and letter campaigns, providing community education, and developing simple action steps to allow supporters to get involved (Amidei, 2008).

In addition to building a coalition, gaining public support is essential for policy reform (Herman, 2018). Herman describes that this is especially important to consider when it comes to policy reform involving stigmatized groups (2018). There are different approaches to combating negative stigmas involving those with mental illness and substance addictions. Community education is an effective way of reducing negative stigmas (Livingston et al., 2012). Specifically leaflets with positive depictions of individuals with a substance abuse disorder were shown to decrease negative perceptions of this population group. An article by Emma McGinty explores several evidence-based strategies to communicate about those with mental illness and substance abuse disorders. In this study, it was found that incorporating sympathetic narratives about those struggling with mental illness can reduce stigma and be a strategy to gain support for policy change involving this population (McGinty et al., 2017).

According to Harper (2007) communication was the most cited skill mentioned throughout the interviews for engaging with participants of a different cultural background. A study by Clark (2014) also supports this claim stating disengaged black voters became significantly more likely to vote if they were contacted. To involve minorities in the advocacy process, our group will build relationships by going into these communities and promoting how this bill directly affects them and how they can help support the bill. Our group will make a conscious effort to engage with these communities in a culturally competent manner. Hepworth et al (2016) reports social workers must take into account different cultural backgrounds and not discredit behavior they do not understand.

One effective strategy the Care First...Jail Last campaign will utilize to gain outside public support is social media. Stowe (2022) reports email advocacy campaigns can be a great way to create awareness for the issue, gain followers, and mobilize supporters. Guo & Saxton (2014) report similar findings in that they used social media in their advocacy campaign to reach people, keep the momentum going, and call people to action. By using social media, our group will be able to reach a larger audience and bring awareness to the bill. Saxton et al (2015) reports “hashtags” used on Twitter can be a premium way to gain support because the “hashtags” classify messages, improves searchability, and allows the organization to link messages to existing action communities. Our group will use Twitter to develop the “hashtag” #TNcarefirstjaillast to bring awareness to the bill and gain public support.

### **Advocacy Efforts**

The Care First...Jail Last campaign will involve the beneficiaries and the public by using a cross promotion strategy. Our coalition will partner with other agencies and businesses to promote our advocacy plan through advertising on both our social media page as well as the home pages of the Sheriff Departments in Shelby and Davidson Counties. We will also partner with System of Care Across Tennessee to get our message of jail diversion programs and crisis response programs to the public. This cross promotion on social media will promote HB 2481/SB 2500 by making the public aware of the legislators involved and encourage the public to phone, write, or email those lawmakers their support of our campaign.

### **Ramifications**

#### ***Positive Ramifications of Coalition Members***

There are positive ramifications involving consumers and beneficiaries with advocacy activities. The Tennessee population is a mass group of people and having them involved can put

a lot of pressure on legislators. The Tennessee population can also recruit their neighbors and friends into supporting our campaign. The people of Tennessee are the best way of sharing information - people follow the masses. County sheriffs generally have the population's support. Their status can make our campaign popular amongst the people. Involving county mental health agencies can bring credibility to the campaign since the campaign is advocating for mental health services for offenders. Rehabilitated offenders can share convincing personal stories that rehabilitation programs are successful. Their success stories can have the general population show empathy and support for the campaign.

### ***Negative Ramifications of Coalition Members***

There is the potential of there being negative ramifications when involving consumers or beneficiaries with the advocacy activities. The Tennessee population is a large group of people and there are a lot of differences. Having a large group of the population involved in our advocacy activities can lead to inconsistent campaigning. With a large group, some members of the population may add their own twist to the campaign's message to push their agenda, or they may not fully understand the campaign's message. Nowadays, there is a lot of distrust with the government due to covid and everything subject matter being politicized. If the counties' mental health agencies are involved in our campaign, it may cause some people to oppose our campaign for that reason. Individuals with a history of substance abuse or mental illness struggle with stigma, even more if they were convicted of a crime. Despite the offenders overcoming their issues, stigma will follow them, and it can portray a terrible image to the campaign.

### **Opposition Approach**

This proposed bill has already faced opposition based on the amount of financial support it would require. HB2841/SB2500 was taken off the schedule to be presented to the legislators

due to its high cost. This bill would require the Department of Mental Health and Substance Abuse to distribute state grant funding to establish jail diversion programs state-wide as well as community crisis teams. It is likely that if this bill were to be re-introduced, it would face opposition related to cost. The campaign's approach to addressing this concern would be to distribute research that shows jail diversion programs end up saving states money in the long run. Oklahoma's jail diversion programs have saved the state around an estimated 10 million dollars since their establishment in 2017 (Ross, 2022). Additionally, jail diversion programs have had similar success in the state of Tennessee. According to the Department of Mental Health and Substance Abuse, their Pre-arrest Diversion Infrastructure saved the state an estimated \$9,845,920 during its operation from 2017-2020 (Tennessee Department of Mental health and Substance Abuse Services, n.d.).

Another anticipated opposition to this bill is that negative stigma towards those with substance abuse disorders and mental illness, would negatively impact support for HB2841/SB2500. Americans have been shown to hold a stigma against those with substance abuse disorders which lessens the likelihood that policies aimed to help this group would be supported (Barry, 2014). With this in mind, jail diversion programs may not be viewed as a needed service. An approach that could be used to address this type of opposition would be to emphasize the reasons that this program would not only benefit those being diverted, but also the general public. Jail diversion programs can have a positive impact on decreasing recidivism rates (Callister, 2016). The hope is Tennessee jail diversion programs would have this success as well, leading to less recidivism and safer communities.



## **Elected Officials**

Our grassroots coalition will reach out to the legislators that sponsored HB2841/SB2500 earlier this year in February, Representative Karen D. Camper (D.-Memphis) and Senator Raumesh Akbari (D.-Memphis). We will schedule a meeting with Rep. Camper by contacting her executive assistant Tiffany Mason, as well as contacting Claire Patton, the executive assistant for Sen. Akbari's office, to meet in their home district of Memphis. Next, we will contact Representative Bryan Terry (R.-Murfreesboro) who is the Chairman of the House Standing Subcommittee on Health along with the Chairman of the Senate Standing Committee on Health and Welfare, Senator Rusty Crowe (R.-Johnson City). These meetings will be held at the state capitol building in Nashville to discuss how the jail diversion programs in place in other counties in eastern Tennessee, can and will benefit the whole state. In addition, all the committee members of the House Standing Subcommittee on Health and Senate Standing Committee on Health and Welfare will be written to in order to show the cohesiveness of the Care First...Jail Last campaign and explain the benefits that such a resolution would have for all Tennesseans.

Our media campaign will be in full swing on both printed paper as well as online. Facebook, Instagram, and Twitter accounts are being used to reach out to our audience and communicate our goals. The Twitter & Instagram handle will be @JailDiversionTN. Our profile will help us connect with opportunities by showcasing our unique approach to programs that will help offenders receive the treatment they need. Information will be provided online that has the names, addresses, and phone numbers of all state legislators in the respective voting districts. This will help us drive awareness, encourage consideration and even convert those in the middle to our cause.

## Talking Points

The Care First...Jail Last campaign has prepared five talking points to engage legislators in the campaign. The talking points are as follows: (1) introducing mental health issues amongst inmates, (2) recidivism rates, (3) the financial impact, (4) success stories from other states, and (5) the goal of the bill.

The first talking point will discuss the mental health impact on inmates in Tennessee. The Care First...Jail Last campaign will inform legislators that drug violations accounted for the highest percentage of arrests in Tennessee since 2003 (Federal Bureau of Investigation, n.d.). The group will educate officials on how substance abuse is a diagnosable mental health disorder that is successfully treated through clinical and medical interventions (Colon-Rivera & Balasanova, 2020). Additionally, our group will demonstrate the jail diversion's potential by pointing to the seven counties in Tennessee that successfully diverted 13,000 people from traditional sentencing to treatment using the grant-funded jail diversion program The Department of Mental Health and Substance Abuse, n.d.).

The second talking will be about recidivism rates. According to the Tennessee Criminal Justice Taskforce (2019), one of the issues with the Tennessee Justice System is the high recidivism rates. Compared to other states, Tennessee has one of the highest recidivism rates (Tennessee State Government, 2019). In Tennessee, the three-year recidivism rate is 47.1% (World Population Review, n.d.). Providing an alternative, like the jail diversion program, has been shown to aid in reducing recidivism rates (Collins, 2017).

The third talking point will include the financial impact. Kimpel (2022) found that around 20 million Americans have a criminal record, and further explains around 93% of employers perform background checks. This negatively impacts the economy and a person's ability to gain

stability free from government aid. Furthermore, Tennessee spent over \$1 billion annually in increased incarceration rates (Cahill, et al. 2021). According to Cahil (2021) the increase is due to substance misuse and that alone costs the state \$2 billion each year. Because of this increase, the workforce is shrinking resulting in a loss of \$1 billion in income (Cahill, et al. 2021). The group will inform the officials about the successful outcomes of the seven counties in Tennessee. The seven counties with a diversion program were able to save the local criminal justice system around \$9,845,920 (The Department of Mental Health and Substance Abuse, n.d.).

The fourth talking point will be the success of diversion programs in other states. In Seattle, Washington their diversion program known as the Law Enforcement Assisted Diversion (LEAD) has resulted in 1.4 fewer yearly bookings and participants in the program spent around 41 fewer days in jail compared to counterparts not engaged in LEAD (Collins et al., 2019). The participants in LEAD also had an 88% chance of lessor prison incarceration and legal cost. In Chicago, Illinois their diversion program is known as the Crisis Intervention team (CIT). Since implementing CIT, there has been increase in services rendered for mental health and the areas where this is utilized had lower arrest rates (Canada et al., 2010). In Los Angeles, CA the diversion and reentry program has been instrumental in transitioning 4, 500 people from jail and off the streets into services (Westervelt, 2022). This program in CA has aided with the overcrowded jails and assisted many people with mental health needs and homelessness.

The fifth talking point will discuss the goal of HB2841/SB2500. The goal is to create two grants: Behavioral Health Jail Diversion Grant Program and Community Crisis Response Grant Program. The Department of Mental Health and Substance Abuse Services will assist in awarding grant funding, and they will instruct local governments while also providing funding to develop behavioral health jail diversion programs. These programs will help individuals

struggling with mental health, substance use, or have co-occurring disorders. Those individuals will be diverted from the justice system and rerouted through a rehabilitation program. Our group will be advocating specifically for individuals who have mental health needs and substance abuse disorders involved in the criminal justice system. Implementing a diversion program statewide in Tennessee could potentially help with employment, homelessness, mental health needs, and the criminal justice costs.

### **Plan for Monitoring Program**

The group will monitor the progress on the policy issue through the Care First..Jail Last campaign's website. The website will provide up to date states related to the policy issue. The website will also have a section that provides the current status of HB2841/SB2500 as it passes through the subcommittees, committees, and Tennessee's General Assembly. As HB2841/SB2500 progresses, a section on the website will have a list identifying the legislators that support the bill and the legislators that voted in opposition of the bill. Currently, the bill is off notice, and the website will indicate as such. The website will also announce any amendments that are added to the HB2841/SB2500.

A member of the campaign will keep open communication with the legislators' office. The group member will contact the legislative aid of both Ms. Camper and Ms. Akbari's office weekly to receive the most up-to-date information regarding the bill. The group member will also monitor implementation of the bill when it passes. The member will contact the legislators' office to learn of the plan for implementation. The group member will also contact other involved parties to see if implementation is done as it should.

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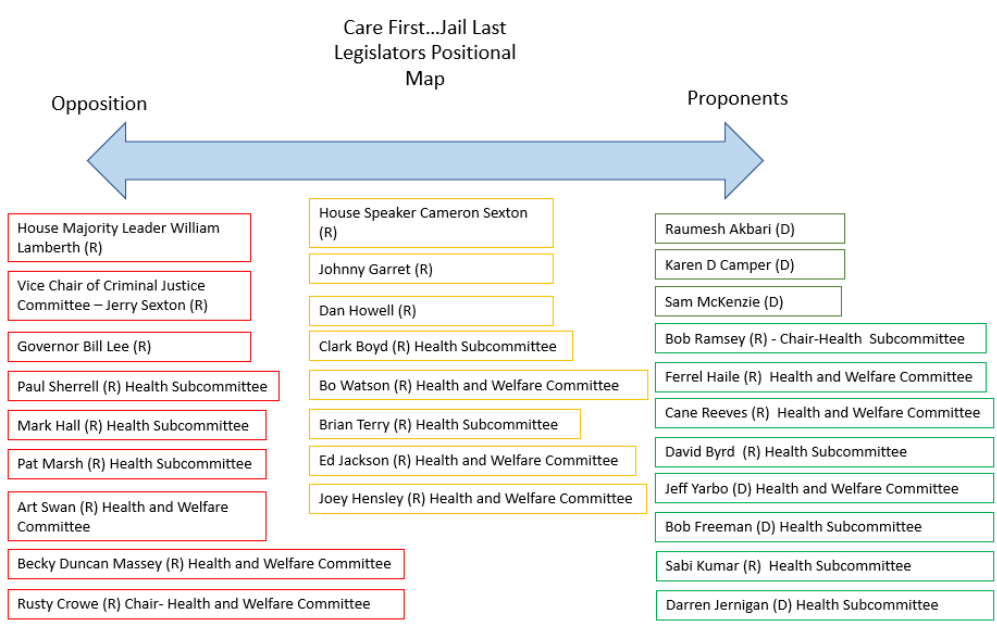
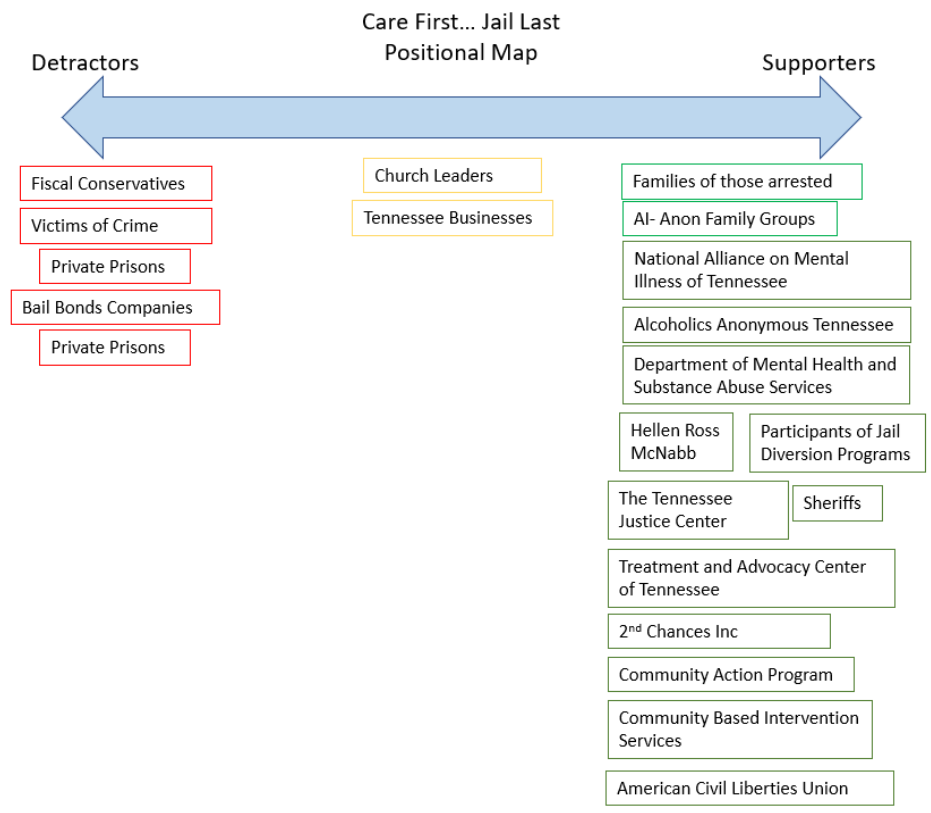
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### Appendix A

### Care First...Jail Last Positional Maps



Appendix B

Fact Sheet

# CARE FIRST...JAIL LAST

REDUCING MASS INCARCERATION WITH REHABILITATION THROUGH JAIL DIVERSION PROGRAMS

SB2500/HB2481 - JAIL DIVERSION FUND



<p style="text-align: center;"><b>BREIF STATEMENT:</b></p> <p>Tennessee currently has an incarceration rate 10% above the national average<sup>6</sup>. 67% of the prison population qualify for or have a substance abuse disorder.<sup>2</sup></p> <p>Many of these incarcerations are non-violent and offenders are at risk of re-offending if they do not receive help.<sup>5</sup></p> <p>Prisons are overcrowded and cost significant taxpayer dollars.<sup>3</sup> This is money that could be used on other community projects.</p>	<div style="display: flex; flex-direction: column; gap: 10px;"> <div style="display: flex; align-items: center;">  <p><b>Drug Abuse Violations have been the #1 cause for arrest since 2003</b><sup>9</sup></p> </div> <div style="display: flex; align-items: center;">  <p><b>Mental Health symptoms worsen because of incarceration</b><sup>11</sup></p> </div> <div style="display: flex; align-items: center;">  <p><b>Prisons are being used as menal hospitals</b><sup>12</sup></p> </div> </div> <div style="text-align: center; margin-top: 20px;"> <p><b>-41,570-</b> Arrests in 2021 for drug possession in Tennessee<sup>4</sup></p> <p><b>-1 in 4-</b> Offenders will be reincarcerated within 3 years<sup>10</sup></p> </div>
<p style="text-align: center;"><b>What is a jail diversion program?</b></p> <p>The purpose of jail diversion programs (JDP) are to reroute offenders away from the justice system and offer arrestees with the option to receive rehabilitation services for mental health, substance abuse, housing, employment, and/or developmental needs.</p>	<p style="text-align: center;"><b>Effectiveness of Jail Diversion Programs</b></p> <p>Seven Tennessee counties implemented JDPs between 2018 through 2020 that benefitted more than 13,000 people who were successfully diverted from a jail sentencing to receiving rehabilitation services.<sup>5</sup></p>
<p style="text-align: center;"><b>Proposed Solution</b></p> <p>Reinstate TN SB2500/HS2841 into the next general assembly session in January of 2023. SB2500/HS2841 would require the Department of Mental Health and Substance Abuse Services to oversee the distribution of grant funding to operate state funded, jail diversion programs across the state of Tennessee.</p>	<div style="background-color: #002060; color: white; padding: 10px; border-radius: 10px;"> <p><b>\$1</b> not invested in rehabilitation costs <b>\$7</b> in related crime cost.<sup>3</sup></p> <p>Current recidivism rate costs taxpayers over <b>1 billion</b> in operating corrections costs.<sup>7</sup></p> </div>

WWW.CAREFIRSTJAILLAST.ORG

## Appendix C

### Policy Brief



## Care First...Jail Last

Funding Jail Diversion Programs To Prevent Behavioral Health and Substance Abusers From Reoffending.

SB2500/HB2841

Jail Diversion Fund

#### Brief Statement:

There are high rates of mental and substance disorders among the population of those incarcerated. The Tennessee Department of Correction (TDOC) states that in 2020, 7.7% of incarcerated individuals qualified for having substance abuse disorders (SUD).<sup>1</sup> However, it is expected to be higher since 67% of the country's prison population has a SUD.<sup>2</sup> It can also be said the same about those with mental illness since they make up 44% of the population nationwide for local jails.<sup>3</sup> Many of these incarcerations are non-violent and these individuals are at risk of being reincarcerated for committing more crimes if they don't receive any rehabilitation.<sup>4</sup> Jails are a detriment to the mental health of a person already struggling with mental health and SUDs. Jails and even prisons are not an adequate setting for treatment.

#### Tennessee Incarceration Facts:

- \$1 not invested in rehabilitation causes \$7 in related crime cost<sup>4</sup>
- More than 1 in 4 offenders will be reincarcerated within three years.<sup>10</sup>
- Current recidivism rate costs taxpayers over \$1 billion in operating corrections<sup>8</sup>
- Drug abuse violations is the second leading cause of incarceration with 41,570 arrest.
- Mental health symptoms worsen because of incarceration<sup>13</sup>
- Prisons are being used for mental hospitals<sup>14</sup>

#### Current Policy Situation and Gaps:

##### Jail Diversion Programs

The purpose of jail diversion programs (JDP) are to reroute arrestee's away from the justice system and into partnership programs. JDPs are an alternative that prevents arrestees from being incarcerated and receiving a criminal record and instead receive some kind of rehabilitation service. JDPs offer arrestees with qualifying charges the option to receive rehabilitation services for mental health, substance abuse, housing, employment, and/or developmental needs.

##### Effectiveness of Jail Diversion Programs

Seven Tennessee counties have implemented JDPs between 2018 through 2020. Those counties used state government funds to create partnerships with local agencies. This partnership benefitted more than 13,000 people who were successfully diverted from a jail sentencing to receiving rehabilitation services.<sup>5</sup> Rehabilitation services through JDPs have been shown to decrease correctional operating cost and help prevent recidivism.<sup>6</sup> A byproduct of successful JDP is a decrease in chances of overpopulation of the justice system.

##### Shortcomings of Current Policy and Implementation

Current Tennessee policy relies heavily on incarceration as a means to address crime, including crime related to a mental illness and substance abuse.<sup>7</sup> There is no statewide policy to implement JDPs for nonviolent substance abuse offenders and individual mental health problems. Previous JDPs have been possible only through government funding. There has not been legislation that has allowed JDPs to be included in the states budgeting or to be self-sustaining in funding.<sup>9</sup> The prison populations continues to increase, and crime has not decreased.<sup>7</sup> Recidivism rates are high, and a growing part of the prison population includes those with mental illnesses.<sup>7</sup> Incarceration is an expense to taxpayers, with the Tennessee Department of Correction spending about 1.2 billion in 2020 on operations.<sup>9</sup> More funding is needed to implement more programs across the state.

#### Proposed Solution

The solution is to advocate for TN SB2500/HS2841 to be reinstated into the next session of the general assembly with the following amendments: Include substance abuse users with mentally ill individuals that qualify for JDPs and rehabilitation programs. TN SB2500/HS2841 allows for grants to be developed and dispersed throughout the counties to provide funding for JDPs. Other proposed legislation is lowering nonviolent felonies to misdemeanors to assist with lowering the population in correctional facilities throughout the state. The savings from running lower populated correctional facilities can be used in funding JDPs

**Supporting Arguments:**

There are benefits to jail diversion programs, one is that they have been shown to decrease fiscal costs<sup>6</sup> Diverting those who meet criteria for jail diversion programs should help to lower this cost. Providing treatment to those with mental illness and addictions through jail diversion programs has been shown to help prevent recidivism.<sup>6</sup> Tennessee has high rates of recidivism compared to other states.<sup>11</sup> In Tennessee, repeat offenders are sentenced for longer periods of time, which uses more state resources and does not seem to prevent crime.<sup>11</sup> Part of this bill would provide funding for a crisis response team to assist law enforcement in responding to 911 calls involving mental illness or crisis. Part of this team would be made up of police officers that receive special training along with a clinician for support. In a review of research on effectiveness of crisis training for Police officers results report that they felt this training useful and noted more success in de-escalation efforts.<sup>12</sup>

**Conclusion:**

Tennessee's Department of Corrections has a large inmate population and many of them that are incarcerated have substance abuse history and/or mental illness. There is no state-wide policy that funds for all counties to have a jail diversion program that offers rehabilitation instead of incarceration in their justice systems. County jails and state prisons are not adequately equipped to help offenders with SUDs and mental illness, nor are they the ideal location to provide rehabilitation to the offenders. The proposed solution is for JDPs to be offered throughout the state to help reduce recidivism and to offer an opportunity for the offenders to choose rehabilitation or incarceration. The way this can happen is with TN SB2500/HS2841 being re-introduced to the Tennessee General Assembly and passed so that each county have has funds dispersed to them so they can afford to fund JDP in their justice systems.

**Media Consultant Contact:**

Abraham Navarro | 573-933-5097 | anavarro@southern.edu

**Campaign Address:**

425 Rep. John Lewis Way N. Suite 664 Cordell Hull Bldg., Nashville, TN 37243  
P: (615) 741-1898 | F: (615) 253-0211 | Website: <https://www.capitol.tn.gov/house/members/h87.html>

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## Appendix D

### Press Release

#### **Press Release: Used for Newspaper and TV**

#### **PRESS RELEASE**

Contact: Abraham Navarro,

Coalition President

Cell: (573) 933-5097

Email: [carefirstjaillast@gmail.com](mailto:carefirstjaillast@gmail.com)

#### **For Immediate Release**

#### **Grassroots Movement to push for Jail Diversion programs in the state of Tennessee**

There are high rates of mental and substance disorders among the population of those incarcerated. The Tennessee Department of Correction (TDOC) states that in 2020, 1,535 incarcerated individuals qualified for having substance abuse disorders(SUD). However, it is expected to be higher since 67% of the country's prison population has a SUD. It can also be said the same about those with mental illness since they make up 44% of the population nationwide for local jails. Many of these incarcerations are non-violent and these individuals are at risk of being reincarcerated for committing more crimes if they don't receive help. This will result in overcrowding prisons and more taxpayer money going towards funding the corrections department instead of other community projects.

Here are the facts:

- Jail diversion programs are:
- Cost Effective
- Effective on reducing recidivism
- Effective in preventing jail overcrowding
- There is currently no statewide Community Crisis Team Program or legislation that allows jail diversions statewide.

For more information contact Abraham Navarro at (573) 933-5097 or by email at:[carefirstjaillast@gmail.com](mailto:carefirstjaillast@gmail.com).

Instagram and Twitter: @JailDiversionTN

Facebook: Care First, Jail Last

[www.carefirstjaillast.org](http://www.carefirstjaillast.org)



Appendix E

Chili Cook Off Flyer



Care First...Jail Last

Chili  
COOK  
OFF

Please Join us to learn more about Jail Diversion Programs in Tennessee

SUNDAY,  
NOVEMBER, 20TH

12:00 PM AT NAMI MEMPHIS  
5830 MT. MORIAH RD. #6

The Chili Cook Off Competition will be held to bring awareness to the Care First...Jail last Voters Coalition and share information about HB2841/SB2500. Competitors are members of the Care First...Jail Last Coalition

FREE LUNCH, DOOR PRIZES, MUSIC, & PRIZE FOR BEST ALL-AROUND CHILI



For more information:  
[www.carefirstjaillast.org](http://www.carefirstjaillast.org)  
Visit us on Facebook:  
[www.facebook.com/carefirstjaillast](http://www.facebook.com/carefirstjaillast)

## Appendix F

### Sample Facebook Biography & Posts

#### Care first...Jail last

The goal of this policy is the implementation of more funds to support jail diversion programs across the state. A jail diversion program will help reduce recidivism and improve access to mental health for users in the community. In addition, this policy can have a greater impact on community resources by allowing counties to have the ability for funding a community crisis response program. One example can be the development of a 911 crisis team that includes a mental health clinician accompanying law enforcement when responding to certain 911 calls. This policy will make way for many possibilities for counties to develop programs to help support mental health and substance abuse needs.

The purpose of jail diversion programs (JDP) is to reroute arrestees away from the justice system and into partnership programs. JDPs are an alternative that prevents arrestees from being incarcerated and receiving a criminal record and instead receives some kind of rehabilitation service. JDPs offer arrestees with qualifying charges the option to receive rehabilitation services for mental health, substance abuse, housing, employment, and/or developmental needs.

Follow us on Facebook for updates and coming events.

[www.carefirstjaillast.org](http://www.carefirstjaillast.org)

**1 in 4**  
Offenders will be reincarcerated within 3 years after their release

Jail diversion programs have been shown to decrease recidivism by providing treatment for mental illness.

Support the passing of Tennessee bill HB2841/SB2500 to increase jail diversion programs across the state

Visit [carefirstjaillast.org](http://carefirstjaillast.org) for more information

Sources:  
Collins, S. E., Lincum, H. S., & Offner, S. L. (2018). Seattle's Law Enforcement Assisted Diversion (LEAD) program effects on criminal justice and legal system utilization and costs. *Journal of Experimental Criminology*, 20(2), 201-222. <https://doi.org/10.1007/s11292-018-9310-7>  
State Records of Tennessee. In U.S. Tennessee Vital Records. <http://www.tennessee.state.gov/vitalrecords>

**Care First...Jail Last**

Jail Diversion Programs provide an alternative option to incarceration by allowing those with a mental illness that commit nonviolent crimes to receive treatment instead of serving time.

**44%**  
Of the U.S. jail population has a mental illness

For more information visit [carefirstjaillast.org](http://carefirstjaillast.org).

Please Join us in support of bill SB2500/HB284 to provide more funding for jail diversion programs in Tennessee

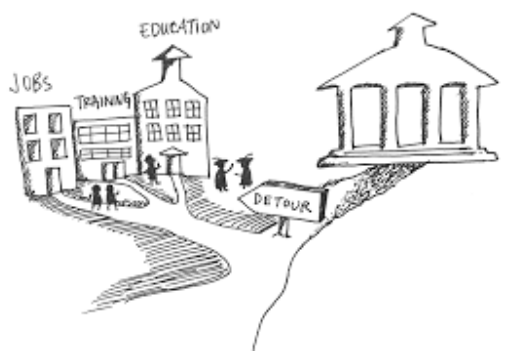
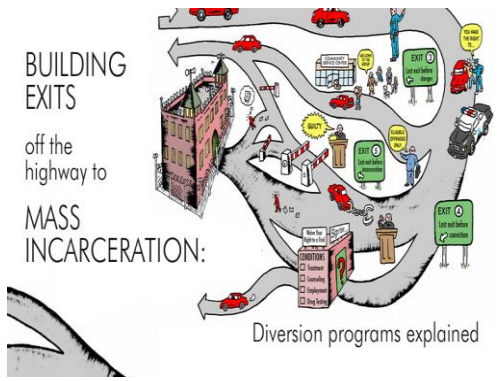
Source: Brennan, J., & Borzofsky, M. (2017). *Juvenile Indicators of mental health problems reported by prisoners and jail inmates*, 2011-13. Office of Justice Programs. <https://tjps.org/govcomrec/pubs/pdf/indjpp1112.pdf>

**DRUG POSSESSION HAS BEEN THE LEADING CAUSE FOR ARREST IN TENNESSEE SINCE 2003**

\$5 not invested in rehabilitation costs \$7 in crime cost

To learn more about how Jail Diversion Programs can help visit [carefirstjaillast.org](http://carefirstjaillast.org)

Source: Cahill, K., Sheng, W. D., Trautwein, J., Moore, K., Dorenfeldt, R., Hart, J., & Townhill, J. (2021, May 19). Substance misuse and incarceration in Tennessee. The University of Tennessee System. <https://smart.tn.tennessee.edu/smart-policy-network/policy-briefs/substance-misuse-incarceration/>



**Appendix G**  
**Sample Phone Script**

Hello [name],

My name is [name] from [city/town], I am calling to ask [State Official] for support of HB2841/SB2500 for the implementation of state-funded jail diversion programs as well as community crisis response teams across the state. This means that non-violent offenders with a diagnosed mental illness could be diverted from the traditional incarceration route to a treatment center for care. A similar jail diversion program was initiated in Oklahoma State. Their jail diversion programs were found to help prevent recidivism and decreased state costs. Currently, there aren't any state-funded jail diversion programs. If there are any, they are funded by the county. They have limited capacity to serve the needs of the entire state. This bill would allow for jail diversion programs to be implemented in all Tennessee Counties under the Department of Mental Health and Substance Abuse Services. We hope that you will support this bill being reintroduced at the January 2023 General Assembly Meeting.

Thank you,

[name]

**Appendix H**  
**Sample Email Script**

Dear [name of representative],

My name is [name] from [city/town], I am emailing to ask for support of HB2841/SB2500 for the implementation of state-funded jail diversion programs as well as community crisis response teams across the state. This means that non-violent offenders with a diagnosed mental illness could be diverted from the traditional incarceration route to a treatment center for care. A similar jail diversion program was initiated in Oklahoma State. Their jail diversion programs were found to help prevent recidivism and decreased state costs. Currently there aren't any state funded jail diversion programs. If there are any, they are funded by the county. They have limited capacity to serve the needs of the entire state. This bill would allow for jail diversion programs to be implemented in all Tennessee Counties under the Department of Mental Health and Substance Abuse Services.

Care First...Jail Last needs your support to vote for policies that would improve Tennessee's justice system to provide more options to address substance abuse and mental illness. We hope that you will support this bill being reintroduced at the January 2023 General Assembly Meeting.

Thank you for considering.

Sincerely,

[Name]

## Appendix I

### Sample Letter to Legislators

#### Sample Letter to Representative Karen D. Camper

Care First...Jail Last Voters Coalition  
4881 Taylor Circle  
Collegedale, TN 37315  
1-800-123-CARE  
carefirstjaillast@gmail.com

October 30, 2022

The Honorable Karen D. Camper  
425 Rep. John Lewis Way N.  
Suite 664 Cordell Hull Bldg.  
Nashville, TN 37243

Dear Representative Camper:

We have recently formed a coalition with members across the state of Tennessee entitled: Care First...Jail Last Voters Coalition, to push for HB2841/SB2500 to be reintroduced at the January 2023 meeting. Knowing that you were a sponsor for this bill in the past, we were hoping that you would consider reintroducing this bill to support the implementation of more jail diversion programs across the state of Tennessee.

Care First...Jail Last has issued a press release to be published in major newspapers in Memphis to bring awareness to the need for jail diversion programs and gain further support for HB2841/SB2500. Additionally, our coalition will be organizing a Chili Cook-off event in both Memphis to provide the public with more information on HB2841/SB2500 and how to get involved. We also have an active social media campaign and website to direct supporters to reach out to their local representatives about this bill in preparation for the January General Assembly meetings.

We ask that you please consider reintroducing HB2841/SB2500 alongside Representative Raumes Akbari, another former sponsor of the bill at the January 2023 General Assembly Meeting. With your help, and the support of the community, we hope to make a positive difference in the lives of Tennesseans.

Thank you for considering our request,

Abraham Navarro, Coalition President

## Appendix J

### Sample Talking Points

#### **TalkingPoints:**

Did you know that by not allowing \$1 to be invested in rehabilitation causes \$7 in related crime cost? Or the fact that more than 1 in 4 offenders will be reincarcerated within the next three years?

With the current recidivism rates in the state of Tennessee, this is costing taxpayers over \$1 billion dollars in operating costs with non-violent drug abuse violations being the second leading cause of incarceration rates whose numbers are close to 42,000.

Because this population is not receiving treatment, mental health symptoms are worsening because of incarceration. Our prison systems are just being used as holding centers for those suffering from mental health issues.