

# Criminal justice liaison and diversion: an international video conference

“It’s the marvels of deinstitutionalization that has bought us all here today.”  
(Canada)

On 17 December 2007, the Sainsbury Centre hosted the first international video conference addressing current issues in criminal justice liaison and diversion (CJLD) for individuals with mental health needs. World renowned experts representing seven countries (England, Scotland, Northern Ireland, USA, Canada, Australia and New Zealand) gathered together to exchange current thinking, identify gaps in research and debate the way forward towards creating comprehensive and effective services.

In the UK, CJLD has been the subject of renewed political interest. Prison overcrowding in particular has created the impetus to focus closely on ‘mentally disordered offenders’ within the criminal justice system and ask the question of whether their needs, and the public’s, can be best served away from custodial and criminal justice settings. From a UK perspective therefore, the conference was a timely opportunity to find out what is already known and open up dialogue internationally about how best to take things forward.

This short summary of the conference sets out the key issues that were raised by participants. Our research into CJLD will continue during 2008 and culminate in a fuller report.

## Getting support for diversion

Political and community support for criminal justice liaison and diversion schemes will ultimately be linked to their ability to demonstrate that they bring both financial savings to agencies such as the police and prison services and improved public safety, mental health and public health.

One of the key barriers to generating support for diversion is the fear that by sanctioning alternatives to imprisonment for mentally disordered offenders, the risk to public safety is put in jeopardy. Research however suggests that

*“There is no added public safety risk from diversion” (USA).*

Whereas criminal justice departments are typically supportive of CJLD, health departments around the world can often be reluctant partners.

*“If you can make inroads at the higher echelons of government before you embark upon this exercise on the health side you’ll [UK] be one step ahead of all of us: that somehow you can convince them to reverse the trend which has led to ultimately this criminalisation of this targeted special needs group in society” (Canada).*

## Cost-benefits

Demonstrating cost-benefits is key to the long-term support and investment in CJLD.

Research is beginning to show that cost savings are a reality over time but, in the first year, “schemes should expect to spend more money than they save” (USA).

Cost savings only really kick in years two and three onwards, where benefits from navigating people away from the revolving criminal justice system door pays dividends.

*“The most expensive place to deal with this population is in the criminal justice system. Once you get them out of there and truly diverted and reintegrated back into the civil mental health care system the costs are going to go down” (Canada).*

## Local initiative

Internationally, there was consensus that most schemes initially develop in response to local need and will. As the number of schemes increases and the profile is raised, political interest tends to follow. This bottom-up implementation is the result of grass-root initiatives, making use of existing legislation, often with no additional finding or resource:

*“...we started out with no budget but a number of willing partners. To this day this [Mental Health] court does not have an independent budget” (Canada).*

In Scotland for example, legislation supporting diversion is vast but largely inefficient at addressing the practical issues that surround setting up effective diversion schemes.

*“With mentally disordered offenders we already have a huge raft of legislation that allows us to treat them in many different settings...so I don’t know if [new/additional] primary legislation is required” (Scotland).*

## Multi-agency working

*“When you get agencies together round the table they realise that they share the same client. Once that realisation occurs then people say maybe we can do this with the same resources, not additional resources” (Canada).*

Diversion will only work if a range of different agencies work well together to support the individuals with whom they work. This can be achieved partly through creating protocols and service level agreements, but it is also essential to ensure service users are equipped to take advantage of treatment and service packages multi-agency working makes possible.

Intensive case-management is necessary to carve out and instil some order to otherwise chaotic lives. Case managers can expedite progress through and/or away from the criminal justice system, negotiate treatment packages, broker services and monitor progress. Without intensive case-management, many individuals are at risk of slipping through the net and into the revolving door.

Single point referral schemes that bring agencies together to process referrals collaboratively can provide a useful forum to pay more than lip service to multi-agency working.

## Diversion to what?

'Diversion to what?' is the stumbling block of CJLD across the world and access to alternatives, more so than legislation or political momentum, is the single most important factor dictating the success or failure of a scheme.

*"It really isn't very difficult to divert people from the CJS, it's diverting them to comprehensive and appropriate community based services that is difficult- developing the liaison, developing the array of services in the community. That will get you the mental health, public health and public safety results that you need" (USA).*

Investment is undoubtedly needed to create viable alternatives and prevent the criminal justice system becoming the resting place for those who have been forgotten elsewhere.

## Gaps in research

Internationally, we need to move forward in our understanding of CJLD schemes beyond descriptive and anecdotal accounts of best practice, towards empirical, longitudinal evaluations of the mechanisms of effective liaison and diversion.

*"The question isn't 'does diversion work', the question is 'what works, for whom, under what circumstances', and we don't have any literature on that" (USA).*

As well as improving our understanding of the efficacy of schemes, we need to understand more about the people who drop out of diversion schemes as well as those graduating, about the transferability of interventions across different sites and about the robustness and validity of the evaluations being conducted.

Failure to fill the research gaps that have been identified risks the development of CJLD becoming stagnant.

## Next steps

The Sainsbury Centre sees this video conference as the first of a series of events that will continue to bring together international expertise to push forward the liaison and diversion debate and close the gaps in evidence that threaten the otherwise compelling argument for diversion.