

August 4, 2026

Dear Chairman Mendelson, Chairwoman Pinto, and Council Members,

We are a group of community-based organizations that care deeply about the fairness and effectiveness of the criminal legal system in the District and have been closely monitoring the important work done by the Prearrest Diversion Task Force. As you all likely recall, that Task Force was established with the enactment of the *Secure DC Omnibus Amendment Act* in 2024. The Task Force, comprised primarily of government representatives, held monthly meetings from June 2025 through July 2026 and voted on a slate of recommendations that were shared with you last week.

By way of this letter, we would like both to applaud the thoughtful and comprehensive work that is reflected in the Task Force's recent recommendations and also highlight recommended changes to their proposal that we believe would meaningfully improve future diversion efforts in the District. It is clear from the Task Force's report to the D.C. Council that they have a clear understanding of the purposes and benefits of Prearrest Diversion (PAD) programs and have studied the D.C. landscape and relevant literature in detail. Many aspects of the proposal that emerged from their work do reflect best practices. Unfortunately, however, some of their recommendations would significantly hinder the effectiveness and inclusiveness of any future PAD program. Our two primary concerns, which are detailed below, are that a) the Task Force's recommended framework for a PAD pilot is overly restrictive and will hinder early evaluations of its long-term efficacy, and b) the process used so far has failed to sufficiently collect or consider important community feedback. This letter will detail our initial concerns, as well as reflect the many things that the Task Force got right.

As community-based organizations committed to promoting what is best for Washingtonians, ensuring public safety, and limiting the use of incarceration, we are wholeheartedly in support of the creation of a PAD program. As expanded upon in the Task Force's report to the D.C. Council, prearrest diversion is good for individuals experiencing mental health crises and who have behavioral health problems. It is also less expensive than incarceration, with better positive outcomes in the long term. We were, therefore, heartened to see the District commit to this effort towards developing a prearrest diversion program. The District had a prearrest diversion pilot program once before in 2018, but it was very limited, with only 82 enrolled participants. The original pilot also had issues including delays in scaling and staffing, insufficient coordination between stakeholders, and lack of programmatic guidelines. It is clear that the Task Force sought to improve upon the prior pilot program and put thought and consideration into building these recommendations from best practices and other cities' models, particularly in integrating a public health approach to diversion, as well as focusing on how they can build upon the last pilot program to be more successful.

Our organizations – and many others in the District – have been supportive of Prearrest Diversion for many years. As one example, in 2020, the Office of the District of Columbia

Auditor released a report written by the Council for Court Excellence entitled [*Everything is Scattered: The Intersection of Substance Use Disorders and Justice Involvement in the District.*](#)

That report included five recommendations specific to PAD, which remain relevant today:

1. The District should continue to offer prearrest diversion (PAD), building on the successes of the PAD pilot.
2. DBH and other PAD administrators should ensure that external stakeholders directly advise the program, consistent with best practices. The program should be transparent, creating a process for providing and responding to external feedback.
3. DBH, MPD, and other PAD administrators should work to increase police officer participation in and support of PAD by providing ongoing opportunities for feedback; updating policies based on officer feedback; and implementing prearrest referrals so that officers can divert someone from arrest without handcuffing them or bringing them to a police station.
4. PAD administrators should collaborate with community stakeholders to establish and publish a clear set of programmatic goals for PAD. Those goals should include measures of success for both improved health outcomes and reduced justice involvement.
5. PAD administrators should implement procedures to correct the PAD pilot's data collection and reporting shortcomings, including publishing information to help evaluate program efficacy and implementing data sharing procedures, consistent with best practices.

Additionally, Georgetown Law's Center for Innovations in Community Safety (CICS) is one of the nation's leading homes of expertise on pre-arrest diversion. CICS hosts the annual national convening on community crisis response and partners with jurisdictions across the nation to improve their community safety ecosystems. Just this spring, Georgetown Law's Center for Innovations in Community Safety released a publication outlining a plan for expanded, more effective pre-arrest diversion in the District in the form of a more comprehensive approach to crisis response. DC Justice Lab has also consistently supported increasing diversion to reduce the harmful impact of justice system involvement on D.C. residents and increase individuals' connection to treatment. This commitment is reflected in DC Justice Lab's work in support of the [*District Task Force on Jails & Justice*](#), which also made [*recommendations encouraging D.C.'s investment in PAD.*](#)

We appreciate the Task Force's acknowledgement of the prevalence of behavioral health conditions in D.C.'s incarcerated population and its members' commitment to confronting this issue. We are glad that their recommendations also focus on collecting and tracking data to be able to measure the success of the pilot program. The current recommendations also focus upon providing individuals with as many resources as possible in a singular location. Having one place

where someone can access behavioral health assessment, service linkage, process navigation, peer support, and many other services will monumentally help support those eligible people. It will minimize individuals having to go to different offices or figure out the complicated systems on their own. The commitment to a facility focused on support in a readily available area makes the system significantly easier to navigate, allowing services to be received in a thoughtful and efficient manner.

While these recommendations reflect care and consideration by the Task Force, there are other aspects of their recommendations that we believe must be changed in order to set D.C. up for success in launching and maintaining a new PAD program. These include 1) broadening the eligibility criteria for the program, 2) expanding the use of non-law enforcement engagement such as the Community Response Team, 3) implementing additional training for the law enforcement that is involved, and 4) incorporating more community feedback.

First, the Task Force proposal unnecessarily excludes too many potential participants, contrary to best practices. Currently, anyone with any past felony conviction would be ineligible for the diversion program. While we can understand the decision to limit PAD to misdemeanors at a pilot stage, categorically excluding people who have made mistakes for which they have been held accountable and returned to the community is bad public policy. If our primary shared goals for PAD are to “improve access to treatment, reduce unnecessary involvement in the criminal justice system, and...connect individuals with appropriate resources,” the logic of excluding people who clearly would benefit from access to treatment and resources – perhaps for the first time – is lacking. If PAD is successful in making those connections and decreasing continued justice-involvement, we know those individuals will have better chances of improving their lives and following the law by having access to PAD. It will also ultimately save District tax dollars – as the costs of prosecution, incarceration, and supervision are all consistently more expensive than the costs of basic social services.

Additionally, over-exclusion of potential participants is contrary to what was mentioned in the community roundtable, where individuals specifically recommended that the program be prepared to handle the “hardest” types of cases – which surely includes individuals with past felonies. Many of the other Prearrest Diversion Programs visited by the Task Force do not have this exclusionary criterion. By not including individuals with past felony convictions, we would be missing a large portion of individuals who would be eligible based on their current offense and who need services. We also would end up with a markedly smaller initial data set for the pilot, meaning the District would not be able to compare or assess as many actual and potential impacts of our PAD efforts – including things like recidivism and maintenance of services – as thoroughly as we could if we were more inclusive from the start.

The Task Force also recommends excluding misdemeanor offenses that may include elements of domestic violence or hate crimes. While we understand the initial reasoning for this recommendation, it misses important nuances. People suffering from substance use disorders or

who have serious mental illness sometimes have histories of disputes that could be initially categorized as a spousal conflict or a hate crime that would nevertheless be better addressed by a quick connection to services rather than a jail cell. The Task Force states that they have not expanded the program to include more charges for reasons related to “preserving public confidence” and “public safety concerns,” yet some offenses that have no victim or are non-violent, such as unlawful entry, are still not included. While we understand the need to limit eligibility to only misdemeanor cases and desire to be responsive to victim rights advocates, we strongly believe that the list of eligible offenses could be broader to more meaningfully address diversion opportunities. As noted above, with a narrow initial eligibility pool of misdemeanor cases, we fear that there will be limitations on data analysis when it comes to seeing what type of offenses D.C.’s PAD pilot is most effective in helping divert.

Second, the proposed PAD approach is primarily law enforcement focused. It is unclear why the recommendations focus exclusively on law enforcement responses and do not mention the deployment of the Department of Behavioral Health (DBH), including its Community Response Teams (CRT). There is a missed opportunity to recommend the reengagement of non-law enforcement response as a form of diversion, particularly since CRT is an already-funded and established part of D.C.’s behavioral health continuum. Currently, the Task Force recommendations state that prearrest diversion can only take place with law enforcement participation, but this is incorrect, and there are many jurisdictions that do not use any law enforcement participation or limit it. Strengthening and reengaging resources like CRT aligns with programs across the country, such as Seattle CARE Department, Durham Community Safety Department, and Atlanta PAD, that focus on sending trained, unarmed mental and behavioral health professionals to low-acuity 911 calls.

We would urge the Council to consider recommendations that explicitly build on and expand CRT’s capacity, rather than treating PAD as a law enforcement-only initiative. A law enforcement focus poses unique challenges when taken together with data sharing requirements proposed in the Task Force’s report. The Task Force recommends broad data sharing between agencies involved in diversion, citing HIPAA and other data privacy laws as barriers to effective diversion. However, allowing broad data sharing between behavioral health service providers and MPD or other law enforcement bodies without specific, well-structured guardrails may pose a threat to diversion. The point of diversion is to connect people with behavioral health needs to treatment, but data shows that this population is also at increased risk of police violence. Requiring someone who may experience behavioral health crises to have contact with police to access treatment may actually discourage people who need help from asking for or accepting it, and may, at times, lead to unnecessarily dangerous situations.

Third, if there is to be a meaningful law enforcement aspect to D.C.’s next PAD program, then D.C. must prioritize and increase officer buy-in, something that is a common barrier noted by other diversion programs. Prearrest Diversion Program best practices have emphasized the

importance of officer buy-in when it comes to programs such as PAD. [The International Association of Chiefs of Police](#) has many recommendations on how to increase law enforcement buy-in. These include encouraging command staff to participate in the program, using diversion as a performance metric, and additional training. The recommended training includes topics such as the science of addiction, adverse childhood experiences and how that impacts life course outcomes, and a unit on relapse and recovery. There must be a really meaningful investment in MPD and DBH staff engagement – at all levels – to ensure PAD’s success, including a focus on the types of training given to law enforcement, with a field training component and frequent refresher training. In the lived experiences round table hosted by CJCC, individuals spoke to how officers also need further training on how de-escalate situations involving individuals with SMI or SUD, as well as further racial bias training in order to garner trust with the community.

Recommendation 16 in the Task Force’s report touches on law enforcement training, but it focuses on the 2022 training developed by DBH, which is on a volunteer basis. While we understand the reasoning for making officer PAD participation and training voluntary or opt-in, the results will be inconsistent and fractional pilot program data about how or whether PAD will work and be impactful in D.C. In fact, the Task Force’s recommendations compound this problem by making officer participation voluntary and only rolling out the program to “hot spots,” or select areas that have high activity of eligible criminal activity conducted by likely eligible individuals. To have meaningful data from this effort, the District must pick one or the other – either 100% engagement and application of all eligible cases in select hot spots OR voluntary opt-in participation by officers working across the city. Otherwise, D.C. would not be able to make meaningful assessments of PAD at all. We would recommend that for comprehensive and valuable data collection, either all officers assigned to these hot zones must be required to utilize PAD principles in all eligible cases, that only officers who volunteer to participate in the PAD program are staffed in these hot spots during the pilot, or that PAD be allowed to be implemented and tested District-wide.

Fourth, we continue to encourage more community engagement as the District develops a PAD program going forward. This spring we encouraged the Task Force to do more community engagement in order to understand the perspectives of those with lived experience, who have impacted family members, and who work directly with the at-risk populations on how PAD could best serve their needs, decrease the footprint of the criminal legal system in minor cases, and improve community safety. One “roundtable” with only six individuals giving statements is simply insufficient to understand how this program can meet the goals of D.C. residents. Additionally, it is worth noting that several of the thoughtful recommendations and priorities raised by those individuals – including familial support, youth diversion, and a generally expansive program – were not endorsed in the Task Force’s report. Despite our organizations’ request this spring, the Task Force voted against extending the timeline to allow for more community engagement. Our organizations stand steadfast in our belief that further community

engagement and feedback are needed to ensure a truly effective program, with community buy-in, and the capability to succeed.

Community engagement has also been found to be very important best practice regarding PAD program development and on an ongoing basis in jurisdictions currently running prearrest diversion programs, especially programs implementing systems like [Law Enforcement Assisted Diversion \(LEAD\)](#). Community engagement helps build public trust in the program. In this light, we ask Council to hold an initial public roundtable, with ample notice, on this topic as it considers the Task Force's recommendations, before the consideration of legislation. A meaningful discussion with feedback opportunities will allow for increased community buy-in for the program, responses from other stakeholders, and input from potential peer mentors, giving the District's next Prearrest Diversion Program the chance to be a model program for other jurisdictions across the nation.

In conclusion, the groundwork and research done for this future Prearrest Diversion Program was clearly conducted with thought and care. Everyone wants to see a successful Prearrest Diversion Program in the District, and many pieces of one are there. However, having any overly narrow and inconsistently applied pilot program will not serve our shared end goals, nor set us up for a better understanding of what works and what does not after the initial phases of the pilot.

It is worth Council remembering that this program is being developed at the same time as the D.C. jail population continues to grow, which is a costly expansion of the District's criminal legal footprint. We believe that an expansive, inclusive diversion program will not only save the District money but will also help District residents in dire need of services. The Task Force describes their recommendations for the beginning of the pilot program as a "narrower approach" and states that it may be expanded on if the program showcases success; we encourage a more expansive view earlier so that we can learn from it sooner, rather than later, and then scale appropriately based on sound data, evidence, and practice. It is our hope that with more room for community feedback, together we can build a program that will help as many Washingtonians as possible and will ultimately save the District's limited resources and ensure that our criminal legal system is equitable and effective.

Sincerely,

Council for Court Excellence

DC Justice Lab

ACLU DC

Georgetown Law's Center for Innovations in Community Safety