



SOLUTIONS & ACTIONS TO

Eliminate the Criminalization of Public Health Matters

All communities should have adequate social services to meet the basic needs of community members and to promote general well-being. However, the criminal justice system has too often been used to deal with issues that deserve a public health response, threatening community health. Many individuals have been subject to harsh sentences, incarceration, and overly broad registration requirements when treatment and service provisions would be more effective at promoting community wellness. Instead, individuals with disabilities should be given effective and appropriate treatment in community health centers, not policed and incarcerated; people who have been convicted of offenses for sex-related conduct should not be placed in overly broad and ineffective registries; and drug policy should be focused on harm reduction and treatment for addiction, rather than as a source for mass incarceration.

1. Create a Culture of Respect

The Department of Justice (DOJ) should issue guidance for law enforcement agents to reduce bias in their interactions with individuals of differing abilities. Local governments and police departments should ensure that police officers are trained in interacting with people with physical and mental health concerns and disabilities, fostering a culture of respect for human dignity and encouraging respect for all community members.

2. Invest in Community Treatment

Legislatures should ensure that there are adequate resources and facilities for treating people with mental health and substance abuse issues in their communities, and create programs to educate the public about screenings and expanded services available through the Affordable Care Act.

3. Train in Appropriate Crisis Intervention

Properly trained medical responders should accompany police officers when they are called to respond to a crisis. Dispatchers and police officers should be trained to recognize conflicts involving mental health issues and deescalate mental health situations when they occur. Where arrest would otherwise be required, the police officers should be trained to divert individuals with apparent mental health issues to a treatment center or other diversion program, as needed. There should be at least one designated person within police departments, serving as the primary contact person and expert for responding to mental crises. This expert may respond to situations as needed, and other police officers should consult this expert for advice and guidance about responding to these situations.

4. Adopt a Public Health Harm-Reduction Model

Local and state legislators should adopt a harm reduction model for criminal justice policy, particularly in relation to drug-related conduct, one that focuses on treating underlying issues over criminalization.

5. Limit Sex-Related Registries

Congress and local and state legislatures should ensure registration for individuals convicted of sex-related offenses is, if not eliminated, limited to adults who pose a high risk of repeating their offenses, and should limit access to registries to law enforcement officials on a need-to-know basis.

6. Create Individual Treatment

Congress and local and state legislatures should ensure that there is substantial support for treatment programs for persons convicted of sex-related offenses, including treatment plans that are tailored to the individual's learning style and responsive to the individual's risk and needs.¹

7. Deprioritize Drug-Related Offenses

The DOJ should deprioritize the prosecution of drug-related offenses and entirely opt out of prosecutions related to marijuana.

8. Fund Syringe-Exchange Programs

The administration should work with Congress to restore and expand federal funding for syringe-exchange programs, to reduce the transmission of HIV as part of a comprehensive approach to HIV prevention.²

9. Expand Youth Programming

Congress, and state and local legislatures, should expand programming, job training, and apprenticeships for youth to prevent the disengagement and economic lockout that leads to drug use and involvement in the drug trade.

10. Divert Before Booking

Where appropriate and as reduces arrests and criminal records, local governments and police departments should incorporate comprehensive diversion programs, including diversion prior to booking, during detention, before adjudication, and upon release. The focus should be on non-arrest and pre-booking diversion for conduct that would otherwise result in a criminal record.

¹ R. Karl Hanson et al., *The Principles of Effective Correctional Treatment Also Apply to Sexual Offenders: A Meta-Analysis*, 36 *Criminal Justice & Behavior* 865, 2009.

² Catherine Hanssens et al., *A Roadmap for Change: Federal Policy Recommendations for Addressing the Criminalization of LGBT People and People Living with HIV*, 2014, https://web.law.columbia.edu/sites/default/files/microsites/gender-sexuality/files/roadmap_for_change_full_report.pdf.