

**SB3023**



**100TH GENERAL ASSEMBLY**

**State of Illinois**

**2017 and 2018**

**SB3023**

Introduced 2/15/2018, by Sen. Melinda Bush

**SYNOPSIS AS INTRODUCED:**

New Act

Creates the Community-Law Enforcement Partnership for Deflection and Addiction Treatment Act. Allows a law enforcement agency to establish a program to facilitate contact between a person and a licensed substance abuse treatment provider for assessment and coordination of treatment. Requires the Illinois Criminal Justice Information Authority, in conjunction with a Police Chief's Association and Department of Human Services to develop the type of data to collect and measure performance of program. Provides for civil liability immunity and eligibility for funding.

LRB100 18060 MRW 33251 b

FISCAL NOTE ACT  
MAY APPLY

**A BILL FOR**

1 AN ACT concerning substance use disorder treatment.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the  
5 Community-Law Enforcement Partnership for Deflection and  
6 Addiction Treatment Act.

7 Section 5. Purposes. The General Assembly hereby  
8 acknowledges that opioid use disorders, overdoses, and deaths  
9 in Illinois are persistent and growing concerns for Illinois  
10 communities. These concerns compound existing challenges to  
11 adequately address and manage substance use and mental health  
12 disorders. Law enforcement officers have a unique opportunity  
13 to facilitate connections to community-based behavioral health  
14 interventions that provide substance use treatment and can help  
15 save and restore lives; help reduce drug use, overdose  
16 incidence, criminal offending, and recidivism; and help  
17 prevent arrest and conviction records that destabilize health,  
18 families, and opportunities for community citizenship and  
19 self-sufficiency. These efforts are bolstered when pursued in  
20 partnership with licensed behavioral health treatment  
21 providers and community members or organizations. It is the  
22 intent of the General Assembly to authorize law enforcement to  
23 develop and implement collaborative deflection programs in

1 Illinois that offer immediate pathways to substance use  
2 treatment and other services as an alternative to traditional  
3 case processing and involvement in the criminal justice system.

4 Section 10. Definitions. In this Act:

5 "Case management" means those services which will assist  
6 persons in gaining access to needed social, educational,  
7 medical, substance use and mental health treatment, and other  
8 services.

9 "Community member or organization" means an individual  
10 volunteer, resident, public office, or a not-for-profit  
11 organization, religious institution, charitable organization,  
12 or other public body committed to the improvement of individual  
13 and family mental and physical well-being and the overall  
14 social welfare of the community, and may include persons with  
15 lived experience in recovery from substance use disorder,  
16 either themselves or as family members.

17 "Deflection program" means a program in which a peace  
18 officer or member of a law enforcement agency facilitates  
19 contact between an individual and a licensed substance use  
20 treatment provider or clinician for assessment and  
21 coordination of treatment planning. This facilitation includes  
22 defined criteria for eligibility and communication protocols  
23 agreed to by the law enforcement agency and the licensed  
24 treatment provider for the purpose of providing substance use  
25 treatment to those persons in lieu of arrest or further justice

1 system involvement. Deflection programs may include, but are  
2 not limited to, the following types of responses:

3 (1) a post-overdose deflection response initiated by a  
4 peace officer or law enforcement agency subsequent to  
5 emergency administration of medication to reverse an  
6 overdose, or in cases of severe substance use disorder with  
7 acute risk for overdose;

8 (2) a self-referral deflection response initiated by  
9 an individual by contacting a peace officer or law  
10 enforcement agency in the acknowledgement of their  
11 substance use or disorder;

12 (3) an active outreach deflection response initiated  
13 by a peace officer or law enforcement agency as a result of  
14 proactive identification of persons thought likely to have  
15 a substance use disorder;

16 (4) an officer prevention deflection response  
17 initiated by a peace officer or law enforcement agency in  
18 response to a community call when no criminal charges are  
19 present; and

20 (5) an officer intervention deflection response when  
21 criminal charges are present but held in abeyance pending  
22 engagement with treatment.

23 "Law enforcement agency" means a municipal police  
24 department or county sheriff's office of this State, the  
25 Department of State Police, or other law enforcement agency  
26 whose officers, by statute, are granted and authorized to

1 exercise powers similar to those conferred upon any peace  
2 officer employed by a law enforcement agency of this State.

3 "Licensed treatment provider" means an organization  
4 licensed by the Department of Human Services to perform an  
5 activity or service, or a coordinated range of those activities  
6 or services, as the Department of Human Services may establish  
7 by rule, such as the broad range of emergency, outpatient,  
8 intermediate, and residential services and care, including  
9 assessment, diagnosis, case management, medical, psychiatric,  
10 psychological and social services, medication-assisted  
11 treatment, care and counseling, and aftercare, which may be  
12 extended to persons to assess or treat substance use disorder  
13 or to families of those persons.

14 "Peace officer" means any peace officer or member of any  
15 duly organized State, county, or municipal peace officer unit,  
16 any police force of another State, or any police force whose  
17 members, by statute, are granted and authorized to exercise  
18 powers similar to those conferred upon any peace officer  
19 employed by a law enforcement agency of this State.

20 "Substance use disorder" means a pattern of use of alcohol  
21 or other drugs leading to clinical or functional impairment, in  
22 accordance with the definition in the Diagnostic and  
23 Statistical Manual of Mental Disorders (DSM-5), or in any  
24 subsequent editions.

25 "Treatment" means the broad range of emergency,  
26 outpatient, intermediate, and residential services and care

1 (including assessment, diagnosis, case management, medical,  
2 psychiatric, psychological and social services,  
3 medication-assisted treatment, care and counseling, and  
4 aftercare) which may be extended to persons who have substance  
5 use disorders, persons with mental illness, or families of  
6 those persons.

7 Section 15. Authorization.

8 (a) Any law enforcement agency may establish a deflection  
9 program subject to the provisions of this Act in partnership  
10 with one or more licensed providers of substance use disorder  
11 treatment services and one or more community members or  
12 organizations.

13 (b) The deflection program may involve a post-overdose  
14 deflection response, a self-referral deflection response, an  
15 active outreach deflection response, an officer prevention  
16 deflection response, or an officer intervention deflection  
17 response, or any combination of those.

18 (c) Nothing shall preclude the General Assembly from adding  
19 other responses to a deflection program, or preclude a law  
20 enforcement agency from developing a deflection program  
21 response based on a model unique and responsive to local  
22 issues, substance use or mental health needs, and partnerships,  
23 using sound and promising or evidence-based practices.

24 (c-5) Whenever appropriate and available, case management  
25 should be provided by a licensed treatment provider, and may be

1 provided through peer recovery support approaches. Deflection  
2 program partners may identify other case management resources  
3 that meet the definition of case management if a licensed  
4 treatment provider or peer recovery support is not appropriate  
5 or available.

6 (d) To receive funding for activities as described in  
7 Section 35 of this Act, planning for the deflection program  
8 shall include:

9 (1) the involvement of one or more licensed treatment  
10 programs and one or more community member or organization;  
11 and

12 (2) an agreement with the Illinois Criminal Justice  
13 Information Authority to collect and evaluate relevant  
14 statistical data related to the program, as established by  
15 the Illinois Criminal Justice Information Authority in  
16 paragraph (2) of Section 25 of this Act.

17 Section 20. Procedure. The law enforcement agency,  
18 licensed treatment providers, and community members or  
19 organizations shall establish a local deflection program plan  
20 that includes protocols and procedures for participant  
21 identification, screening or assessment, treatment  
22 facilitation, reporting, and ongoing involvement of the law  
23 enforcement agency.

24 Section 25. Reporting and evaluation. The Illinois

1 Criminal Justice Information Authority, in conjunction with an  
2 association representing police chiefs and the Department of  
3 Human Services' Division of Alcoholism and Substance Abuse,  
4 shall develop within 6 months of the effective date of this  
5 Act:

6 (1) a set of minimum data to be collected from each  
7 deflection program and reported annually, beginning one  
8 year after the effective date of this Act, by the Illinois  
9 Criminal Justice Information Authority, including, but not  
10 limited to, demographic information on program  
11 participants, number of law enforcement encounters that  
12 result in a treatment referral, and time from law  
13 enforcement encounter to treatment engagement; and

14 (2) a performance measurement system, including key  
15 performance indicators for deflection programs including,  
16 but not limited to, rate of treatment engagement at 30 days  
17 from the point of initial contact. Each program that  
18 receives funding for services under Section 35 of this Act  
19 shall include the performance measurement system in its  
20 local plan and report data quarterly to the Illinois  
21 Criminal Justice Information Authority for the purpose of  
22 evaluation of deflection programs in aggregate.

23 Section 30. Exemption from civil liability. The law  
24 enforcement agency, peace officers, licensed treatment  
25 providers, and community members or organizations acting in



1 good faith shall not, as the result of acts or omissions in  
2 providing services within the context of a deflection program,  
3 be liable for civil damages, unless the acts or omissions  
4 constitute willful and wanton misconduct, subject to the  
5 following:

6 (1) the program shall utilize a deflection program  
7 established in accordance with Section 15 of this Act; and

8 (2) any treatment provider partner shall be licensed by  
9 the State agency authorized to oversee the services.

10 Section 35. Funding.

11 (a) The General Assembly may appropriate funds to the  
12 Illinois Criminal Justice Information Authority for the  
13 purpose of reimbursing law enforcement agencies for services  
14 provided by deflection program partners as part of deflection  
15 programs subject to subsection (d) of Section 15 of this Act.

16 (b) The Illinois Criminal Justice Information Authority  
17 may adopt guidelines and requirements to direct the  
18 distribution of funds for reimbursable expenses related to  
19 deflection programs. Activities eligible for reimbursement  
20 under this Act may include, but are not limited to, the  
21 following:

22 (1) activities related to program administration,  
23 coordination, or management, including, but not limited  
24 to, the development of collaborative partnerships with  
25 licensed treatment providers and community members or

1 organizations; collection of program data; or monitoring  
2 of compliance with a local deflection program plan;

3 (2) case management including case management provided  
4 prior to assessment, diagnosis, and engagement in  
5 treatment, as well as assistance navigating and gaining  
6 access to various treatment modalities and support  
7 services;

8 (3) peer recovery or recovery support services that  
9 include the perspectives of persons with the experience of  
10 recovering from a substance use disorder, either  
11 themselves or as family members;

12 (4) transportation to a licensed treatment provider or  
13 other program partner location; and

14 (5) program evaluation activities.