

Justice Speakers Institute

The Ones We Fear - The Ones We're Mad At

A Policing Perspective on How We Treat Arrestees

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Professional Experience:

- **Over 25 years in Criminal justice**
- **Certified Compliance Officer**
- **Years as a Problem Solving Court Team Member**
- **Experienced in Program Management**

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Two Very Different Groups



In law enforcement, we encounter two distinct categories of offenders. There are those we genuinely fear — violent, predatory individuals who pose real threats to public safety. Then there are those we're simply mad at — nonviolent offenders struggling with addiction, poverty, or mental illness.

Too often treat both groups with the same punitive approach, driven more by emotion than evidence. This fundamental misalignment wastes resources, undermines community trust, and fails to make us safer.

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The Emotional Drivers of Justice

Fear-Based Response

Reactions to violent offenders who threaten community safety

- Predatory criminals
- Armed robberies
- Violent assaults
- Sex offenses

Anger-Based Response

Reactions to repetitive, frustrating nonviolent behaviors

- Public intoxication
- Low-level drug possession
- Trespassing and nuisance crimes
- Quality of life offenses

Understanding this distinction is the first step toward building smarter, more effective criminal justice policies that actually enhance public safety.

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When Emotion Drives Policy

The Problem

Fear and anger are powerful motivators in criminal justice. They drive headlines, fuel political campaigns, and shape legislation. But when emotion overrides evidence, we create policies that sound tough but fail to deliver real safety.

These reactive approaches often result in overcrowded jails filled with nonviolent offenders, strained police resources, and communities that feel both over-policed and under-protected.

The Cost

Emotional policymaking carries steep consequences.

- Wasted law enforcement hours on low-level arrests
- Jail bed shortages for truly dangerous offenders
- Millions spent on incarceration without addressing root causes
- Broken community-police relationships
- Recidivism rates that prove the system isn't working

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The Revolving Door

Low-level incarceration creates a costly revolving door. We arrest individuals for nonviolent offenses, hold them briefly, release them without addressing underlying issues, and then arrest them again weeks or months later. This cycle accomplishes nothing except consuming resources and perpetuating harm.

The same individuals appear repeatedly in our systems — not because they're dangerous, but because they're struggling. Meanwhile, truly violent offenders may receive less attention because our resources are stretched managing the volume of minor cases.



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By the Numbers: The Reality of Our Response

65%	80%	$35B
Nonviolent Offenders	Mental Health or Substance Issues	Annual Jail Costs
Percentage of individuals in local jails charged with property, drug, or public order offenses	Estimated portion of jail inmates with behavioral health needs	What U.S. communities spend yearly on local incarceration

These numbers reveal a profound misallocation of resources. We're using expensive jail beds and precious police time on populations that need treatment and support, not punishment.

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Why "Tough on Crime" Misses the Mark

"Tough on crime" sounds appealing, but it often translates to being equally tough on everyone — regardless of threat level or circumstances. This approach fails to distinguish between predatory violence and survival crimes driven by addiction or mental illness.

True toughness means being strategic. It means focusing intensive resources on those who genuinely threaten public safety while finding smarter, more effective responses for those whose offenses stem from treatable conditions. Being tough should mean being effective, not just punitive.



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Rethinking Resource Allocation

Current Approach

Equal enforcement intensity across all offense types, consuming resources on high-volume, low-threat cases

Evidence-Based Approach

Targeted enforcement on violent crime, diversion and treatment for nonviolent cases

Public Safety Outcome

More resources available for prevention and investigation of serious crime, reduced recidivism overall

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Evidence-Based Alternatives That Work

Decades of research and practice demonstrate that alternatives to incarceration for nonviolent offenders are both more humane and more effective at preventing future crime. These approaches address root causes rather than simply punishing symptoms.

Treatment Courts

Drug courts, mental health courts, and veterans courts provide intensive supervision combined with treatment services. Participants receive regular court monitoring, access to evidence-based treatment.

Crisis Intervention

Co-responder models pair police officers with mental health professionals to respond to behavioral health crises. These teams can de-escalate situations, connect individuals to services, and reduce unnecessary arrests and ER visits.

Pre-Booking Diversion

Programs that divert individuals before jail booking save money and improve outcomes. Officers can issue citations with connections to services rather than making custodial arrests for low-level offenses.

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The Crisis Intervention Model

Crisis Intervention Teams (CIT) represent one of policing's most successful innovations. Officers receive 40 hours of specialized training in mental health, de-escalation, and community resources. When they encounter someone in crisis, they have tools beyond arrest.

The results speak for themselves: fewer injuries to officers and subjects, reduced use of force, lower arrest rates for mental health calls, and stronger connections between law enforcement and behavioral health systems. CIT transforms police from warriors fighting symptoms into problem-solvers addressing causes.



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Building Community Partnerships

Law Enforcement

Officers trained in crisis intervention, with authority to divert appropriate cases

Behavioral Health

Treatment providers, crisis stabilization centers, peer support specialists

Community Services

Housing assistance, job training, peer recovery support, faith-based organizations

Courts

Judges, prosecutors, and defenders committed to problem-solving approaches

No single agency can solve complex social problems alone. Effective reform requires breaking down silos and building collaborative systems where each partner contributes unique expertise.

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Treatment Courts: Accountability Plus Support

How They Work

Treatment courts create a therapeutic jurisprudence model where accountability and support work together.

The judge becomes a team leader working with prosecutors, defenders, treatment providers, and law enforcement. Regular court appearances — sometimes weekly — keep participants engaged. Random drug testing, home visits, and GPS monitoring ensure compliance.

Success Metrics

- 35-80% reduction in re-arrest rates
- Improved family outcomes
- Higher employment rates
- Cost savings of $2-$27 per $1 invested
- Reduced jail overcrowding

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Distinguishing Threat from Frustration

Law enforcement leaders must develop clear frameworks for distinguishing genuine threats from frustrating but non-dangerous behaviors. This requires honest assessment of each case's actual risk to public safety, not just its visibility or political pressure.

Ask critical questions: Does this person pose a risk of violence? Will arrest make the community safer or just move the problem elsewhere? Are there better tools available? What outcomes do we actually want to achieve? These questions shift focus from reactive enforcement to strategic problem-solving.

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Practical Strategies for Police Leaders

Assess Current Practices

Analyze arrest data by offense type, examine booking patterns, identify high-frequency arrestees, and calculate true costs of current approaches

Build Internal Buy-In

Educate officers on alternatives, share research and success stories, address officer safety concerns, and recognize those who successfully divert cases

Develop Partnerships

Connect with behavioral health providers, establish formal protocols, create referral pathways, and participate in cross-agency planning

Implement Pilot Programs

Start small with willing officers, document outcomes carefully, adjust based on lessons learned, and expand what works

Measure and Communicate

Track key metrics, share successes with stakeholders, be transparent about challenges, and use data to drive continuous improvement

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Balancing Accountability and Rehabilitation

Accountability Means

- Acknowledging harm caused by criminal behavior
- Following through on court-ordered requirements
- Making amends to victims and communities
- Demonstrating changed behavior over time
- Facing consequences for continued violations

Rehabilitation Means

- Addressing addiction through evidence-based treatment
- Connecting to mental health services
- Building life skills and employment readiness
- Repairing family and community relationships
- Creating pathways to stable housing and income

These aren't opposing concepts — they're complementary. True accountability includes taking responsibility for change. Effective rehabilitation requires accountability for progress. The most successful programs integrate both elements seamlessly.

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Addressing Officer Concerns

Line officers often resist diversion programs, fearing they'll see the same individuals repeatedly or that alternatives signal that their work doesn't matter. These concerns deserve serious attention.

Leaders must clearly communicate that alternatives don't mean accepting crime, but choosing more effective responses. Officers need to see that diversion reduces their future workload by breaking cycles, that treatment programs hold people accountable in meaningful ways, and that everyone benefits when the right person gets the right intervention at the right time.

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The Financial Case for Reform

Daily Jail Cost 85%

Percent of communities spending $75-150 per inmate daily for local detention

Recidivism Reduction 60%

Average decrease in re-arrest for treatment court graduates versus traditional processing

Treatment Cost Ratio 40%

What outpatient treatment typically costs compared to a jail bed

Even setting aside moral arguments, the financial case for diversion and treatment is overwhelming. Every dollar invested in appropriate alternatives saves multiple dollars in avoided incarceration, reduced emergency services, and prevented future crime. Fiscal responsibility and compassion align perfectly.

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What True Public Safety Looks Like

True public safety isn't measured solely by arrest statistics or incarceration rates. It's measured by whether people feel safe in their communities, whether children can play outside, whether businesses thrive, and whether vulnerable individuals receive help rather than punishment.

It means violent offenders face swift, certain consequences. It means nonviolent offenders receive interventions that address their underlying needs. It means communities trust their police because they see officers solving problems, not just enforcing laws.

This vision requires courage from leaders willing to move beyond reactive enforcement toward strategic problem-solving rooted in both strength and empathy.



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Your Action Plan

1. Start With Data

Within the next 30 days, analyze your arrest patterns. Who fills your jail? For what offenses? How many are repeat customers? What's the true cost?

2. Build One Partnership

Identify one behavioral health provider, treatment court, or community organization. Schedule a meeting. Start building trust and exploring possibilities.

3. Train Your Team

Invest in Crisis Intervention Team training or similar programs. Equip officers with alternatives to arrest for appropriate situations.

4. Pilot One Alternative

Choose one diversion pathway for low-level offenses. Track outcomes rigorously. Share results transparently.

5. Lead the Conversation

Talk openly about fear versus anger, threat versus frustration. Help your community, your elected officials, and your officers understand smarter approaches to public safety.

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Leadership Rooted in Strength and Empathy

The criminal justice system stands at a crossroads. We can continue responding to all offenders with the same punitive approach, driven by emotion rather than evidence. Or we can embrace leadership that distinguishes between those we genuinely fear and those we're simply frustrated with — and responds accordingly.

This isn't soft on crime. It's smart on crime. It's about using our limited resources where they matter most: preventing and investigating violent offenses while connecting nonviolent offenders to interventions that actually work.

The communities we serve deserve better than a revolving door that solves nothing. They deserve safety built on evidence, equity, and effectiveness. That's the leadership challenge before us — and the opportunity to transform not just our profession, but the lives of everyone we're sworn to protect and serve.

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