

## CHAPTER 2

### **Section 2.10.1. Jail Diversion Overview**

The MDCH technical requirement opens with the following paragraphs that outline the work to be done to assure jail diversion is a clear option for those who are eligible for this alternative to incarceration:

*There is a general consensus with the principle that the needs of the community and society at large are better served if persons with serious mental illness, serious emotional disturbance or developmental disability who commit crimes are provided effective and humane treatment in the mental health system rather than be incarcerated by the criminal justice system. It is recognized that many people with serious mental illness have a co-occurring substance disorder. This practice guideline reflects a commitment to this principle and conveys Michigan Department of Community Health (MDCH) jail diversion policy and resources for Community Mental Health Services Programs (CMHSPs).*

*The guideline is provided as required under the authority of the Michigan Mental Health Code, PA 258 of 1974, Sec. 330.1207 - Diversion from jail incarceration (Add. 1995, Act 290, Effective March 28, 1996). Section 207 of the Code states:*

*“Each community mental health service program shall provide services designed to divert persons with serious mental illness, serious emotional disturbance, or developmental disability from possible jail incarceration when appropriate. These services shall be consistent with policy established by the department.”*

*The guideline outlines CMHSP responsibilities for providing jail diversion programs to prevent incarceration of individuals with serious mental illness or developmental disability who come into contact with the criminal justice system. Jail diversion programs are intended for individuals alleged to have committed misdemeanors or certain, usually non-violent, felonies and who voluntarily agree to participate in the diversion program.*

The documents listed below are provided to allow a community member, law enforcement agency or clinician to understand the responsibilities of the CMHSP and the various agencies that participate in providing a process for a jail diversion determination.