



# **JAIL DIVERSION (ADULTS)**

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# PER MDCH CONTRACT

## STATEMENT OF PURPOSE

- There is a general consensus with the principle that the needs of the community & society at large are better served if persons with serious mental illness, serious emotional disturbance or developmental disability who commit crimes are provided effective & humane treatment in the mental health system rather than be incarcerated by the criminal justice system.

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.”

## PRACTICE GUIDELINE

- Jail diversion programs are used 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 who voluntarily agree to participate in the diversion program.
- While in-jail services are an important part of the comprehensive service, they are not considered to constitute a jail diversion program.

# KEY FACTORS

- Recognize the complex and different needs of the population
- Integrate all the services individuals need at the community level, including corrections, the courts, mental health care, substance abuse treatment, and social services (such as housing and entitlements), with a high level of cooperation among all parties.
- Incorporate regular meetings among the key players to encourage coordination services and sharing of information.
- Utilize liaisons to bridge the barriers between the mental health and criminal justice systems and to manage the interactions between corrections, mental health, and judicial staff.

## KEY FACTORS, CONT'D

- Have a strong leader with good communication skills and an understanding of the systems involved and the informal networks needed to put the necessary pieces in place.
- Provide for early identification of individuals with mental health treatment needs who meet the diversion program's criteria.
- Utilize case managers who have experience in both the mental health and justice systems and who are culturally and racially similar to the clients they serve.

## PRE-BOOKING

- Occurs at the point of the individual's contact with law enforcement officers before formal charges are brought and relies heavily on effective interactions between law enforcement officers and community mental health and substance abuse services.

# ESSENTIAL ELEMENTS

## ○ Pre-Booking

- Restrict eligibility to individuals who have or are suspected of having a serious mental illness, including those with co-occurring substance disorder, or a developmental disability who have committed a minor or serious offense that would likely lead to arrest, or have been removed from a situation that could potentially lead to arrest.
- Have a diversion mechanism or process that clearly describes the means by which an individual is identified at some point in the arrest process and diverted into mental health services.
- Assign specific staff to the pre-booking program to serve as liaisons to bridge the gap between mental health, substance abuse, and criminal justice systems, and to manage interactions between these systems.

## ESSENTIAL ELEMENTS (CONT'D)

### ○ Pre-Booking

- Provide cross training for, and actively promote attendance of, law enforcement and mental health personnel on the pre-booking jail diversion program.
- Maintain a management information system that:
  - Is HIPAA compliant
  - Includes a unique consumer ID
  - Is prepared to share jail diversion data with the department upon request

## ESSENTIAL ELEMENTS, CONT'D

- Outline the program and process in a written inter-agency agreement, or document efforts to establish an inter-agency agreement, with every law enforcement entity in the service area.
  - Identification of the target population
  - Identification of staff and their responsibilities
  - Continuous cross-training of mental health and criminal justice staff
  - Data collection and reporting requirements
  - Process for regular communications including regularly scheduled meetings

## POST-BOOKING

- Occurs after the individual has been booked and is in jail, out on bond, or in court for arraignment. Often located in local jails or arraignment courts, post-booking jail diversion program staff work with stakeholders such as prosecutors, attorneys, community corrections, parole and probation officers, community-based mental health and substance abuse providers and the courts to develop and implement a plan that will produce a disposition outside the jail.

## ESSENTIAL ELEMENTS, CONT'D

### ○ Post-Booking

- Restrict eligibility to individuals who have or are suspected of having a serious mental illness, including those with a co-occurring substance disorder, or a developmental disability who have been arrested for the commission of a crime.
- Have a clearly described mechanism or process for screening jail detainees for the presence of a serious mental illness, co-occurring substance disorder, or developmental disability within the first 24 to 48 hours of detention.
  - Process includes: evaluating eligibility for the program, obtaining necessary approval to divert, linking eligible jail detainees to the array of community-based mental health and substance abuse services.
- Assign specific staff to program including liaisons to bridge the barriers between mental health, substance abuse and criminal justice systems, and to manage interactions between these systems.

## ESSENTIAL ELEMENTS (CONT'D)

### ○ Post-Booking

- Establish regular meetings among the key players, including police/sheriffs, court personnel, prosecuting attorneys, judges, and CMHSP representatives to encourage coordination of services and the sharing of information.
- Include case managers and other clinical staff who have experience in both the mental health and criminal justice systems whenever possible.
- Provide cross training for, and actively promote attendance of, law enforcement and mental health personnel on the post-booking jail diversion program.
- Maintain a management information system that is HIPAA compliant.
- Outline the program and process in a written inter-agency agreement, or document efforts to establish an inter-agency agreement, with every law enforcement entity in the service area.

## DEFINITIONS

**Arrest:** The apprehending or detaining of a person in order to answer for an alleged or suspected crime.

**Arraignment:** The stage in the court process where the person is formally charged and enters a plea of guilty or not guilty.

**Booking:** The stage in the law enforcement custody process following arrest, when the individual is processed for formal admission to jail.

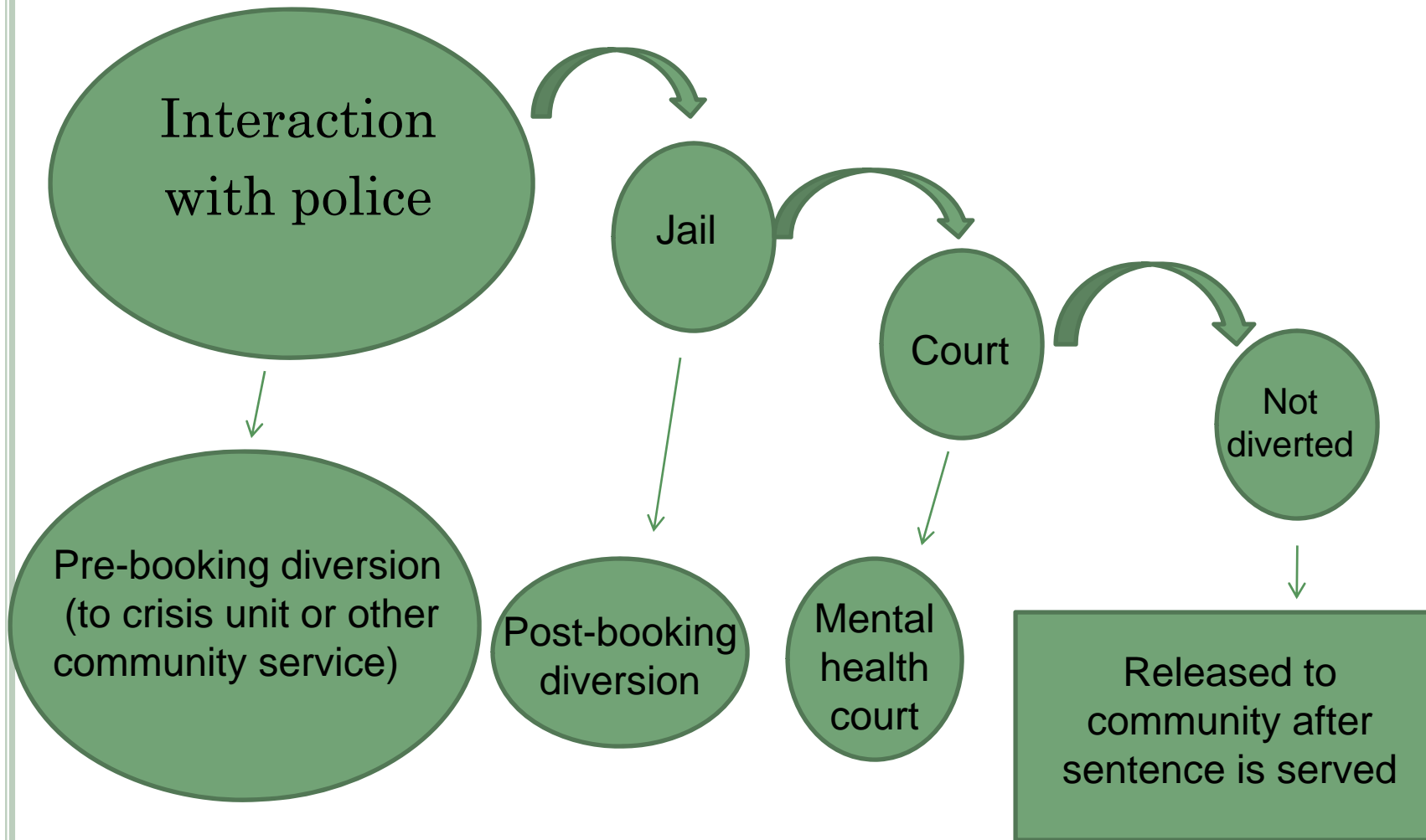
**Bond:** An obligation, expressed in writing, to pay a fixed and liquidated sum on the happening or non occurrence of a specified condition.

## DEFINITIONS, CONT'D

A bond is an obligation in writing to pay a certain amount of money upon the occurrence of a specified condition or event.

Releasing someone on personal recognizance means that the person has promised to show up for trial or other court proceedings, without posting a bond.

# CONTINUUM OF JAIL DIVERSION



## JAIL DIVERSION PROGRAMS MAY BENEFIT COUNTIES BY...

- Helping alleviate jail over-crowding
- Reducing costs of incarceration and unnecessary prosecution
- Helping consumers get access to appropriate services
- Providing support and incentives for staying in treatment
- Helping end the cycle of repeated incarcerations and crisis care

# JAIL SERVICES

- Review of jail diversion
- Jail services composition by county

## JAIL DIVERSION TRAINING

- Cross training of law enforcement, court, substance abuse and mental health personnel on the diversion system and how to recognize and treat individuals exhibiting behavior warranting jail diversion intervention.
- Collaboration between Mental Health and Justice Systems is complicated by their differences.

## JAIL DIVERSION TRAINING, CONT'D.

- “The most effective way to improve your relationship with the justice system is to increase your understanding of it.”
  - Learn the “language” of the justice system
  - Know how the justice system functions in your community
  - Understand the culture of your law enforcement officers and jails
  - Beware of the many challenges faced by those working in the justice system

## ESSENTIAL ELEMENTS – CROSS TRAINING

- Community Corrections Meetings
- Jail Services Meetings
- Individual Meetings
  - Prosecutors, Judges, Law Enforcement Administrators
- Law Enforcement Agency Staff Meetings
- Internal Agency Staff Meetings
- Participation in MICOLES Training

# JAIL DIVERSION TRACKING

CMHSPs	Jail Diversion Reporting 10/1/09-9/30/10					
	Number of times people diverted Pre-Booking			Number of times people diverted Post-Booking		
	Adults w/ M	Adults w/ DD	Total	Adults w/ M	Adults w/ DD	Total
Copper Country CMH	1	0	1	2	2	4
Gogebic CMH	0	0	0	4	0	4
Hiawatha BHS	0	0	0	0	0	0
Northpointe BHS	0	0	0	6	0	6
Pathways CMH	0	0	0	9	0	9

This information gets reported to the department once a year.

## GOALS OF JAIL DIVERSION PROGRAM

- Preventing the inappropriate incarceration of persons with mental illness and co-occurring disorders.
- Reducing jail time for people with mental illness who are inappropriately confined.
- Linking detainees to appropriate mental health and community services following their release from jail.

## THE BENEFITS OF WORKING TOGETHER

- Reduces jail days, reduces overcrowding, reduces overcrowded court dockets.
- Reduces jail service expenses.
- Reconnects people to services.
- Coordinates services – reduces waste.
- Gives people structure, allowing them to focus on recovery.

# STATE COMMUNITY CORRECTIONS BOARD PRIORITIES

- The following priorities have been established to strengthen the focus of state and local community corrections policy, practice, and programming on treatment effect and recidivism reduction:
  - Prison Admissions – Felony Target Populations
  - Jail Utilization
  - Target Populations for Community Corrections Programs
  - Interagency Policy and Program Development
  - Sentencing Recommendation and Probation Violation Processing
  - Administrative and/or Operational
  - Public Education
  - Monitoring and Evaluation

# STATE COMMUNITY CORRECTIONS BOARD PRIORITIES, CONT'D

- CCABs should actively participate with Community Mental Health, law enforcement, and other agencies in the development of local policy and programming options to reduce admission to jail and length of stay in jail of mentally ill offenders.

# QUIZ

1) Jail Diversion and Jail Services are one and the same

True **False**

2) Pre-booking occurs after the individual has been booked and is in jail, out on bond, or in court for arraignment.

True **False**

3) Post-booking occurs at the point of the individual's contact with law enforcement officers before formal charges are brought and relies heavily on effective interactions between law enforcement officers and community mental health and substance abuse services.

True **False**

4) Jail diversion programs may benefit counties by...

- a) Helping to alleviate jail over-crowding
- b) Reducing costs of incarceration and unnecessary prosecution
- c) Helping consumers get access to appropriate services
- d) Helping end the cycle of repeated incarcerations and crisis care
- e) ~~All of the above~~

## 5) The benefits of working together...

- a) Reduce jail days, reduces overcrowding, reduces overcrowded court dockets
- b) Reduces jail service expenses
- c) Reconnects people to services
- d) Coordinates services – reduces waste
- e) ~~All of the above~~