
PRINCIPLES OF JAIL DIVERSION FOR LAW ENFORCEMENT

- NorthCare Network Training FY21

SCOPE OF THE PROBLEM

- 2 million people with mental illness are booked into jails each year.
- Nearly 15% of men and 30% of women booked into jails have a serious mental health condition.
- At least 83% of jail inmates with a mental illness did not have access to needed treatment.
- Many individuals, especially without access to mental health services and supports, wind up homeless, in emergency rooms and often re-arrested.

SCOPE OF PROBLEM CONTINUED

- 19.1% of U.S. adults experienced mental illness in 2018 (47.6 million people). This represents 1 in 5 adults.
- 4.6% of U.S. adults experienced serious mental illness in 2018 (11.4 million people). This represents 1 in 25 adults.
- 3.7% of U.S. adults experienced a co-occurring substance use disorder and mental illness in 2018 (9.2 million people).

GOALS OF JAIL DIVERSION

- Preventing the inappropriate incarceration of persons with mental disorders and co-occurring substance use disorders.
- Reducing jail time for people with mental disorders who may decompensate during lengthy jail confinement.
- Linking detainees to appropriate mental health and community services following their release from jail.

BENEFITS OF JAIL DIVERSION

- **Reduces recidivism rates.**
- 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.

LAW ENFORCEMENT REQUEST FOR JAIL DIVERSION SCREENING

Law enforcement agencies may obtain a jail diversion screening for an individual pre-booking or post-booking within 48 hours or on an emergent basis by contacting the local community mental health center (CMH).

PRE-BOOKING: OFFICER INTERVENTION

- **Pre-booking** may occur at a CMHSP site during working hours; at the emergency room of the local hospital or at the jail before booking.
- **Pre-booking** diversion candidates become voluntary consumers of mental health services, and no follow-up is required between CMHSP and law enforcement.

POST-BOOKING JAIL DIVERSION SCREENING FOLLOWS THE PROCESS BELOW:

- If the individual is currently an open consumer, the screening will be coordinated by the clinician working with the individual. During business hours, the clinician will meet with the inmate.
- A jail diversion contact note with the CMH recommendation is submitted to the law enforcement personnel who requested the screening within three (3) days excluding Sundays and legal holidays.
- If the individual is not currently a consumer of CMH: A jail diversion screening will be conducted face to face by CMH staff within 48 hours of law enforcement request.

POST-BOOKING JAIL DIVERSION CONTINUED

- NorthCare Access will review the screening for eligibility for mental health services. This process has been streamlined in the electronic medical record system and a response from CMH will be available within 48 hours after the NorthCare Access review.
- A Universal Consent from the inmate with voluntary consent to release the information from the screening and ongoing documentation related to the screening is required to allow information to be exchanged by CMHSP and the law enforcement agency.

LAW ENFORCEMENT RESPONSE TO CMH RECOMMENDATIONS

- Law enforcement personnel and CMH staff and the individual will consult as needed during this process.
- Law enforcement notifies CMH as to whether the individual has or has not been diverted. The contact note may be returned to CMH with additional court documents or any other form of correspondence that has the date of the decision, the decision whether to divert and any conditions of diversion.
- If the individual is an open consumer, the clinician and individual will set an appointment at the earliest time available.
- If diversion is granted by the court and the individual being diverted is a new consumer to CMH, CMH staff and NorthCare Access will set an appointment for an assessment within 14 days of being released.

