

## NORTHCARE NETWORK

<b>POLICY TITLE:</b> Jail Diversion	<b>CATEGORY:</b> Clinical Practices	
<b>EFFECTIVE DATE:</b> 6/26/02	<b>BOARD APPROVAL DATE:</b> 11/12/14	
<b>REVIEWED DATE:</b> 2/20/23	<b>REVISION(S) TO POLICY STATEMENT:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>OTHER REVISION(S):</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>RESPONSIBLE PARTY:</b> Clinical Practice Coordinator	<b>CEO APPROVAL DATE:</b> 3/7/23 Megan Rooney, Interim CEO	

### **APPLIES TO**

NorthCare Network Personnel  
Member CMHSPs

### **POLICY**

NorthCare Network Prepaid Inpatient Health Plan will assist the Community Mental Health Service Programs (CMHSPs) in fulfilling Section 207 of the Michigan Mental Health Code (MMHC) including amendments 207a & 207b by providing administrative support as necessary. Each CMHSP 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. Further, the CMHSPs are responsible to co-create interagency agreements with local partners according to Section 330.1207a including a member of the County Board of Commissioners.

Excerpt from Mental Health Code:

*Each county shall have a written interagency agreement in place for a collaborative program to provide mental health treatment and assistance, if permitted by law and considered appropriate, to persons with serious mental illness who are considered at risk for 1 or more of the following:*

*207a (1)(a) Entering the criminal justice system*

*207a (1)(b) Not receiving needed mental health treatment services during a period of incarceration in a county jail.*

*207a (1)(c) Not receiving needed mental health treatment services upon release or discharge from incarceration in a county jail.*

*207a (1)(d) Being committed to the jurisdiction of the department of corrections.*

### **PURPOSE**

NorthCare Network supports the availability of jail diversion across the Upper Peninsula according to the Michigan Mental Health Code. The current MDHHS/CMHSP Contract Attachment Adult Jail Diversion Policy and Practice Guideline is adopted as the model for the Member CMHSPs to incorporate into local practice. NorthCare will encourage use of standardized written interagency agreements outlined in Section 207a in the MMHC to assure local protocols are in place in each county to assist in the delivery of respectful and trauma informed services to individuals who are experiencing serious mental illness or developmental disabilities who are under the jurisdiction of the law enforcement authorities.

## **DEFINITIONS**

- 1. Jail Diversion Process:** Involves identification of Community Mental Health treatment needs among the individuals alleged to have committed misdemeanors or certain, usually non-violent, felonies and who voluntarily agree to participate in the recommended CMH services as an alternative to incarceration. Depending on the point of contact with the justice system, diversion may occur pre-booking or post-booking into jail custody. Each Member CMHSP will offer a jail diversion screening within 48 hours of law enforcement or jail personnel referral or conduct an emergency assessment if the situation warrants.
- 2. Jail Diversion Screening:** When requested by law enforcement or the individual or person acting on behalf of the individual, a voluntary face to face screening by local Member CMHSP staff will be conducted. The screening will be referred to NorthCare Network Access for an eligibility determination for services at the CMH. Consultation with NorthCare Network Access is not required in those circumstances where the individual is already open for CMH services. Then, Member CMHSP staff will report their findings to law enforcement and the courts will make the decision as to whether or not diversion will be offered to the individual.
- 3. Written Interagency Agreement:** Current agreements that define the regional jail diversion process may be updated to include the local collaboration required in section 1207a. However, regional process defined for jail diversion documentation and reporting must be maintained. A second, separate agreement is also an acceptable solution.

## **REFERENCES**

- Michigan Mental Health Code (Act 258 of the Public Acts of 1974 as amended) Section 330.1207
- MDHHS/CMHSP Contract Attachment Adult Jail Diversion Policy and Practice Guideline
- MDHHS/PIHP Contract

## **HISTORY**

REVISION DATE: 6/2/10, 1/30/13, 11/5/14, 5/31/17, 1/4/19, 11/1/19, 7/19/21, 4/19/22  
REVIEW: 1/3/11, 1/4/12, 1/30/13, 11/27/13, 11/5/14, 9/17/15, 7/7/16, 5/31/17; 3/13/18;  
1/4/19, 11/1/19, 9/15/20, 7/19/21, 4/19/22, 2/20/23  
CEO APPROVAL: 1/30/13, 11/27/13, 11/5/14, 10/6/15, 8/2/16, 6/6/17, 3/27/18, 2/7/19,  
12/3/19, 10/6/20, 8/3/21, 5/3/22, 3/7/23  
BOARD APPROVAL: 10/9/04, 11/2/05, 6/2/10, 2/6/13, 11/12/14

## **PROCEDURES**

- A. NorthCare Network Responsibilities:
  1. NorthCare Network facilitates a regional committee composed of the Member CMHSP Jail Liaisons who meet as needed to review regional jail data and to develop regional jail diversion training opportunities.
  2. NorthCare Network provides support to the Member CMHSPs in extending the local county interagency collaborations to provide clinical expertise and

assistance in developing services for individuals with mental illness who are under legal jurisdiction such as in jail or on probation.

B. Member CMHSP responsibilities for a written collaborative Jail Diversion agreement with law enforcement:

1. Identify liaison personnel to coordinate key interactions and maintain current agreements with local law enforcement agencies.
2. Liaison staff will participate in a regional committee to assure consistency across the region.
3. Participate in local community corrections board meetings and/or maintain regular contact with representatives of the criminal justice system to review jail diversion procedures and local concerns.
4. Maintain open communication regarding procedures and agreements while preserving standards of confidentiality.
5. Actively promote and offer cross-training activities necessary to assure that Member CMHSP staff and representatives of local criminal justice agencies have a common understanding of jail diversion procedures and how individuals who may be appropriate for jail diversion in lieu of incarceration are identified and diverted to services.
6. Maintain a database that tracks key demographic information and diversion efforts throughout the region including:
  - a. Unique consumer ID assigned by the Member CMHSP.
  - b. Date of Diversion
    - i. If pre-booking – the date of police contact
    - ii. If post-booking – the date of court diversion
  - c. Nature of alleged offense
  - d. Diagnosis

The Member CMHSPs will work with NorthCare Network on annual data compilation for regional analysis.

C. Member CMHSPs responsibilities to partner with local law enforcement entities as consultants and/or providers of mental health services to individuals under the authority of the legal system:

1. Each Member CMHSP is responsible for developing local interagency agreements signed by all the partners outlined in Section 330.1207a(2) and all the components in the agreement required in Section 330.1207(3)
2. Each Member CMHSP will develop the county agreements with the key local partners in each county. Funding arrangements must be in accordance with applicable law and as appropriate for the mandates outlined for CMHSP services in the Michigan Mental Health Code and the MDHHS Contract with Region 1.