

JAIL DIVERSION PRACTICE GUIDELINE

NOTE: Replicated from the MDCH Administrative Directive #01-C-1116(e)/AD-04, dated June 30, 1998.

Section 207 of the Mental Health Code (Act 258 of the Public Acts of 1974 as amended) requires all Community Mental Health Services Programs (CMHSPs) to provide services designed to divert persons with serious mental illness, serious emotional disturbance, or developmental disability from possible jail incarceration when appropriate. Such services are to be consistent with policy established by the Department.

This administrative directive serves to define the department's jail diversion procedures and sets forth conditions for establishing and implementing an integrated and coordinated jail diversion program.

The department's intention is that jail diversion services shall be made available, when appropriate, to persons who have a serious mental illness, serious emotional disturbance, or a developmental disability as an alternative to being charged with a misdemeanor or non-violent felony and incarcerated in a county jail or municipal detention facility. To that end, the public mental health system, through the local CMHSPs, shall provide jail diversion services.

Each CMHSP shall have jail diversion services consistent with Section 207 of the Mental Health Code and each CMHSP shall work toward establishing working relationships with representative staff of local law enforcement agencies. Such agencies include the county prosecutors office, county sheriffs offices, county jails, municipal police agencies, municipal detention facilities, and the courts. Written interagency agreements describing what services each participating agency is prepared to commit to the local jail diversion effort and the procedures to be used by local law enforcement agencies to access mental health jail diversion services are strongly encouraged.

Staff of CMHSPs shall participate in regular meetings and make cross system training opportunities available to staff of local law enforcement agencies to help them better understand and recognize the needs of persons with severe mental health disorders and developmental disabilities.

A CMHSP's jail diversion services may be afforded to individuals at any time as appropriate. This includes before they are taken into custody, after being taken into custody or arrested, before they are booked, after they have been booked, before their arraignment or after their arraignment, before they are convicted, or as a condition of probation.

Each CMHSP shall collect jail diversion service data and maintain a data base as agreed to and specified in MDCH/CMHSP master contract. This information will be used to monitor and evaluate the services.

Sheriff and police officers who utilize their local CMHSP screening units to evaluate persons they have taken into protective custody or arrested for misdemeanors and nonviolent felonies shall be given priority service.

DEFINITIONS

Booking: means the stage in the law enforcement custody process following arrest and when the individual is clerically processed for formal admission to jail.

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

Community Mental Health Services Program (CMHSP): means a program operated under Chapter 2 of the Mental Health Code as a county mental health agency, a community mental health organization or a community mental health authority.

Department: means the Michigan Department of Community Health (MDCH).

Jail Diversion: means a collaborative, integrated program utilizing a community's resources to divert persons with serious mental illness, serious emotional disturbance and developmental disabilities who have committed misdemeanors and non-violent felonies to mental health services as an alternative to being charged and incarcerated in a county jail or municipal detention facility.

Screening: for purposes of this directive, means evaluating a person involved with the criminal justice system to determine whether the persons has a serious mental health condition, is seriously emotionally disturbed, or is developmentally disabled and would benefit from mental health services and supports in accordance with established standards and local jail diversion agreements.

REFERENCES AND LEGAL AUTHORITY

Sections 116, 206, 207, 426, 427, and 429(c) of P.A. 258 of the Public Acts of 1974 as amended.