

HEALTHWEST

Policy and Procedure

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Prepared by:

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Approved by:

Subject: HealthWest Adult Jail
Diversion Practice

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I. POLICY

HealthWest will assure compliance with all applicable Federal, State and local laws, rules and regulations for jail diversion programs that it provides.

II. PURPOSE

To establish and maintain procedures for the offer and execution of a Jail Diversion Program in Muskegon County.

III. APPLICATION

This policy applies to all persons who are potentially eligible for jail diversion services. It also applies to all employees and contracted providers of HealthWest.

IV. DEFINITIONS

Developmental Disability: Severe, chronic condition that is attributable to a mental and/or physical impairment that is manifested before age 22, that is likely to continue indefinitely, that results in substantial functional limitations in three or more areas of major life activity, and that reflects the individual's need for services that are of lifelong or extended duration.

Serious Mental Illness: A diagnosable mental, behavioral, or emotional disorder affecting an adult that exists or has existed the past year for a period of time sufficient to meet diagnostic criteria specified in the most recent Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association, and that has resulted in functional impairment that substantially interferes with or limits one or more major life activities.

Jail Diversion: A program that diverts individuals with serious mental illness, and often co-occurring substance abuse disorder or developmental disability in contact with the justice system from custody and/or jail and provides linkages to community based mental health treatment and support services.

The individual avoids or spends a significantly reduced time in jail and/or a lockup on the current charge. Depending on the point of intercept with the justice system at which the diversion occurs, the program may be implemented either a pre-booking or post-booking intercept. 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.

Pre-Arrest Diversion: This occurs when individuals who encounter law enforcement within the community have committed a chargeable offense, and the officer utilizes discretion per their police agency policy and/or in agreement through local collaborative such as with the Law Enforcement Diversion Program (LEAD) elect to engage the individual with services instead of charges. If the individual does not agree to sign an agreement to participate in the LEAD model programming the officer may elect to pursue charges. NOTE: Once the LEAD agreement is signed and initial engagement with the LEAD program model occurs charges do not occur.

Pre-Booking Diversion: This occurs when individuals who may have committed misdemeanors or non-violent felonies are diverted from being incarcerated in the county jail and are linked to appropriate services within the community mental health system. Charges may still be pursued with the possibility of having these dropped.

Post-Booking Diversion: Diversion occurs after the individual has been booked and is in jail, out on bond or in court for arraignment. These diversion efforts emphasize post-booking activity and focus upon intervention at the point of pre-arraignment, arraignment or following the arraignment. Mental health professionals evaluate consumers for jail diversion eligibility and with signed permission report to the legal system the identified needs and options or mental health, substance abuse treatment or other behavioral health services that best meet the needs in lieu of jail. The court may choose to issue the treatment planning as a condition of bond, in lieu of prosecution or as a condition of the reduction in charges.

V. PROCEDURE

A. Pre-Arrest Diversion

1. Law Enforcement may utilize the 231 722-HELP (4357) to request immediate on-site support to connect the individual to the LEAD program and obtained the signed LEAD program model agreement.
 - i. Once the LEAD agreement is signed the pre-arrest diversion is also reported to the Prosecutor's Office.
 - ii. Support is provided directly by the LEAD program of HealthWest.
2. Law Enforcement may complete the CIT referral submitted through automat submission to HealthWest indicating LEAD Pre-Arrest Diversion referral and identify charges that were diverted.
 - i. The referral is forwarded to the LEAD team.
 - ii. The LEAD team Clinical Supervisor will assign the responsibility for outreach according to the program's process.

B. Pre-Booking Diversion:

1. Eligibility for pre-booking jail diversion is restricted 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. These individuals are alleged to have committed a misdemeanor or a felony that would likely lead to arrest or have been removed from a situation that could potentially lead to arrest.
2. Individuals considered for pre-booking jail diversion will be provided services via community mental health and/or other community services systems.
3. Individuals eligible for pre-booking diversion are generally presenting for pre-admission screening which results in an alternative placement to jail such as an inpatient psychiatric unit or crisis residential. All others are required to voluntarily agree to comply with jail diversion requirements including cooperative communication with the legal system on treatment follow through.
4. Pre-booking jail diversion mental health evaluations shall be conducted at the designated emergency room or mutually agreed upon alternative.
5. HealthWest will cooperate with the legal system communicating on the individuals follow through with treatment and jail diversion supports for individuals. In the pre-booking status however, individuals will be considered as voluntary consumers of mental health services and may withdraw releases to exchange information at any time. The legal system may pursue the individual for further charges or placing in custody without treatment specific communication.

B. Pre-Arrest and/or Pre-Booking Contact Communication Procedures

1. Officers shall walk-in to the Mental Health Center during regular office hours (8:00 a.m. to 7:00 p.m.) Monday through Thursday; 8:00am – 5pm Friday. The HealthWest Warm-line 231 722-4357 is encouraged for officers to utilize 24/7/365 for support in engaging in an individual best served through pre-arrest / pre-booking diversion. At the contact point, the officer and the warmline Staff will exchange information and agree upon a plan for engagement including location for contact (e.g. hospital, HealthWest site, etc.)
2. The Hospital and/or HealthWest Staff will complete a face-to-face evaluation and make initial service recommendations.
3. When an individual is deemed appropriate for Pre-Arrest/Pre-Booking Diversion, they will be placed in the service suited to their treatment needs as determined by HealthWest. This can range from inpatient hospitalization to outpatient treatment to community benefit programming available.
4. The hospital and/or HealthWest Staff will make necessary arrangements for an individual to receive services (appointments, placement, etc.) including transportation if provided in an inpatient or crisis residential facility.
5. HealthWest will maintain data containing information on number of persons diverted; the services the individual is diverted to, and other pertinent information.

C. Post-Booking Diversion:

1. All individuals eligible for jail diversion services shall be determined to have an acute or serious mental illness or developmental disability or a co-occurring substance disorder including traumatic brain injury and/or post-traumatic stress disorder and shall allegedly have committed either a misdemeanor or non-violent felony. Some exceptions are made to this guideline if the charge is directly related to the individual's symptoms or functioning level.
2. Jail Diversion Staff will identify individuals requiring further mental health screening from a variety of sources including the booking/receiving department of the jail, jail medical department, Judges or court personnel, HealthWest Staff and the daily report of active/inactive booked cases. The web-based referral process in place for community partners and judicial partners is also utilized.
3. HealthWest Staff will be available to provide post-booking diversion assessment Monday through Friday 8:00 am to 5:00 pm. The assessment will include a determination that the individual is a person with an acute or serious mental illness, intellectual developmental disabilities, substance use disorder or co-occurring illness including traumatic brain injury and post-traumatic stress disorder, an evaluation of risk for violence, and recommendations regarding jail diversion services. Release of Information forms, as needed, will be signed at this time.
4. The Muskegon County Sheriff Department will provide necessary information related to the individual's incarceration/holding status via the jail management system to the HealthWest Jail Diversion Staff for use in screening and assessment.
5. All individuals recommended for post-booking jail diversion services will be responsible for participating in the mental health services defined as necessary to maintain their diversion status.
6. All individuals involved in post-booking diversion mental health services shall be subject to review and loss of this status should they fail to comply with their agreed upon Plan of Service.
7. All individuals who are involved in any further violations of the law may be immediately removed from jail diversion status.

C. Post-Booking Contact Communication Procedures:

1. Monday through Friday during regular office hours (8:00 a.m. – 5:00 p.m.) the HealthWest Jail Diversion Staff or designee will be available to complete a face-to-face assessment and advise jail staff of the findings and recommendations.
2. The Jail Diversion Staff will provide the presiding Judge in the eligible person's case with sharing information that supports the individual to be eligible for jail diversion.

3. Following judicial approval of a diversion, the HealthWest Jail Diversion Staff or designee will arrange for the least restrictive, best fit treatment.
4. and will link the diverted person as needed with appropriate community services.
5. The HealthWest Jail Diversion Staff will inform the authorizing Judge and all appropriate authorities of the individual's failure to follow through with the approved conditions of the jail diversion release. Likewise, the Jail Diversion Staff will notify the authorizing Judge and appropriate authorities when each person successfully completes their jail diversion plan.
6. The HealthWest Jail Diversion Staff will provide data on the number of persons diverted, services diverted to and any known system problems and recommendations for improvements.

VI. REFERENCES

MDCH Adult Jail Diversion Policy Practice Guidelines (February 2005)

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