

(was MCCMH Policy 7-02-060)

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Chapter: **CLINICAL PRACTICE**  
Title: **JAIL DIVERSION SERVICES**

Prior Approval Date: N/A  
Current Approval Date: 1/3/08

Approved by: Donald J. Halverson 1/3/08  
Executive Director Date

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**I. Abstract**

This policy establishes standards and procedures for the Macomb County Community Mental Health (MCCMH) Board in regard to jail diversion services, where appropriate, for persons with serious mental illness, serious emotional disturbance, co-occurring substance disorders, or developmental disabilities.

**II. Application**

This policy shall apply to all directly-operated providers of the MCCMH Board. This policy does not apply to contract provider agencies unless such application is stipulated in the contract service agency's agreement with the Board.

**III. Policy**

It is the policy of the MCCMH Board to provide jail diversion services, where appropriate, for persons with serious mental illness, serious emotional disturbance, co-occurring substance disorders, or developmental disabilities who may be charged with misdemeanors or non-violent felonies and who may be subject to jail incarceration.

**IV. Definitions**

- A. Arraignment -- the stage in the court process where the person is formally charged and enters a plea of guilty or not guilty.
- B. Booking -- the stage in the law enforcement custody process following arrest and when the individual is clerically processed for formal admission to jail.
- C. Co-Occurring Disorder -- a dual diagnosis of a mental health disorder and a substance disorder.

- D. Jail Diversion -- the utilization of a community's resources to divert persons with serious mental illness, serious emotional disturbance, (and often co-occurring substance disorders) and developmental disabilities who have committed misdemeanors or non-violent felonies to community-based treatment and support services as an alternative to being charged and incarcerated in a County jail or municipal detention facility.
- E. Screening -- evaluating a person involved with the criminal justice system to determine whether the person has a serious mental health condition, is seriously emotionally disturbed, has a co-occurring substance disorder, or has a developmental disability and would benefit from mental health services and supports in accordance with established standards and the local jail diversion agreements.

## V. Standards

- A. MCCMH shall provide jail diversion services to adults and minors assessed by MCCMH as having conditions of serious mental illness, serious emotional disturbance, co-occurring substance disorders, or developmental disabilities in cooperation with the judicial system and other County departments and service providers under a multi-party memorandum of agreement.
- B. MCCMH shall have a cooperative agreement for jail diversion collaboration with representative staff of local law enforcement agencies, including the Macomb County prosecutor's office, sheriff's department, the jail, municipal police agencies and detention facilities, and County and local courts.
- C. MCCMH shall provide jail diversion services to eligible adults and minors with serious mental illness, serious emotional disturbance, co-occurring substance disorders, and developmental disabilities at any time during the judicial process including, before they are taken into custody, after they have been taken into custody or arrested, before they are booked, before their arraignment or after their arraignment, before they are convicted, or as a condition of probation.

## VI. Procedures

- A. MCCMH staff shall participate in regular meetings with local law enforcement agencies and make cross system training opportunities available to the agencies to help them better understand and recognize the needs of adults and minors with severe mental health disorders, co-occurring substance disorders, and developmental disabilities and the purpose, functions, and operation of the Jail Diversion Program.

- B. The MCCMH Jail Diversion Program (adult and juvenile) shall, within the first 24-48 hours of detention, perform a preliminary assessment and determine whether a person identified by the County Sheriff's Office or the Juvenile Division has a serious mental health condition, is seriously emotionally disturbed, has a co-occurring substance disorder, or has a developmental disability and would benefit from mental health or substance disorder services and supports.
- C. MCCMH shall conduct a full intake assessment for those adults and minors who have been found via screening to be potentially eligible for the Jail Diversion Program to determine an appropriate plan of community-based mental health or substance disorder services for them.
- D. MCCMH staff shall confirm the eligibility for services of those identified adults and minors agree upon a treatment plan, and negotiate with prosecutors, defense attorneys, community-based service providers and the courts to produce a mental health disposition as a condition of the individual's release or as a condition of the reduction of their charges.
- E. MCCMH shall collect jail diversion service data and maintain a data base as agreed to and as stipulated by its master contract with Michigan Department of Community Health (MDCH) - MCCMH master contract.
- F. MCCMH shall monitor and evaluate the Jail Diversion Program and its effectiveness in accomplishing diversion of adults and minors from incarceration and recidivism.

## **VII. References / Legal Authority**

- A. MCL 330.1207; MSA 14.800(207)
- B. MCL 330.1208; MSA 14.800(208)
- C. MCL 330.1426; MSA 14.800(426)
- D. MCL 330.1427; MSA 14.800(427)
- E. MCL 330.1429; MSA 14.800(429)
- F. MDCH Adult Jail Diversion Policy Practice Guideline, Attachment P 6.8.4.1 (February 2005)

## **VIII. Exhibits**

- A. None.