

**SWMBH Operating Policy 12.12**

|  |  |  |  |                      |                     |
|--|--|--|--|----------------------|---------------------|
| <b>Subject:</b><br>Jail Diversion  |  | <b>Accountability:</b><br>Clinical, QAPI   | <b>Effective Date:</b><br>9/4/14             | Pages:<br>3          |                     |
| <b>REQUIRED BY:</b><br><b>BBA Section</b> _____<br><b>PIHP Contract Section</b> <u>6.8.4.1,</u><br><b>NCQA/URAC Standard</b> _____<br><b>SA SARF</b> _____<br><b>Other</b> <u>MHC, Senate Bill 558, Healthy Michigan Plan service package</u>  |  |  | Last Reviewed Date:                          | Past Reviewed Dates: |                     |
| <b>LINE OF BUSINESS:</b><br><input checked="" type="checkbox"/> Specialty Waiver (B/C)<br><input checked="" type="checkbox"/> I Waiver<br><input checked="" type="checkbox"/> Healthy Michigan<br><input type="checkbox"/> SUD Medicaid<br><input type="checkbox"/> SUD CA Block Grant<br><input checked="" type="checkbox"/> MME<br><input type="checkbox"/> OTHER: _____ |  | <b>APPLICATION:</b><br><input checked="" type="checkbox"/> SWMBH Staff and Ops<br><input checked="" type="checkbox"/> Participant CMHSPs<br><input type="checkbox"/> SUD Providers<br><input checked="" type="checkbox"/> MH / DD providers<br><input checked="" type="checkbox"/> DD providers<br><input type="checkbox"/> Other: _____ |  | Last Revised Date:   | Past Revised Dates: |
| Approved : _____<br><br>Date: _____  |  |  | Required Reviewer:<br>Chief Clinical Officer |                      |                     |

**I. Purpose**

To establish the standards that define, guide and detail how SWMBH and its provider network comply with the federal laws and MDCH Contract requirements pertaining to the jail diversion practices including the Jail Diversion Policy and Practice Guideline.

**II. Policy**

It shall be the policy of SWMBH to ensure the availability of jail diversion services across Southwest Michigan to all individuals with intellectual/developmental disabilities, substance use disorder and/or co-occurring or mental illness and to monitor the effectiveness of the Community Mental Health Service Providers in fulfilling Section 207 of the Michigan Mental Health Code (MMHC). Each community mental health service program shall provide services designed to divert persons with with intellectual/developmental disabilities, substance use disorder and/or co-occurring or mental illness for possible jail incarceration when appropriate. These services shall be consistent with policy established by the department. The MDCH Contract Attachment P.6.8.4.1 is adopted as the model for the CMHSPs to incorporate into local practice.

## SWMBH Operating Policy 12.12

### III. Standards and Guidelines

- A. 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 CMHSP 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 CMHSP will offer a jail diversion screening within 24 to 48 hours of law enforcement or jail personnel referral or conduct an emergency assessment if the situation warrants.
  
- B. 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 CMHSP staff will be conducted. Then 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.
  1. SWMBH Responsibilities: SWMBH has a regional committee composed of the CMHSP staff who meet regularly to review regional jail data and to develop/collaborate on regional and local jail diversion training opportunities. SWMBH is responsible for the monitoring of CMHSP activities to fulfill their responsibilities in these areas.
  2. CMHSP responsibilities for Jail Diversion in a written collaborative agreement with law enforcement shall address the following:
    - a. Identification of liaison personnel to coordinate key interactions and maintain current agreements with local law enforcement agencies.
    - b. Liaison staff or designee will participate in a regional workgroup to assure consistency across the region.
    - c. Participation 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.
    - d. Maintaining open communication regarding procedures and agreements while preserving standards of confidentiality.
    - e. Actively promoting and offering cross-training activities necessary to assure that 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.

## **SWMBH Operating Policy 12.12**

- f. Addressing criteria and/or processes related to screening, assessment and specialty services such as targeted case management and supports coordination.
- g. Providing diversion activity and outcomes to relevant stakeholders including the general public
- h. Maintaining a database that tracks key demographic information and diversion efforts throughout the region including:
  - 1. Unique consumer ID assigned by the CMHSP.
  - 2. Date of Diversion
  - 3. Nature of alleged offense
  - 4. Diagnosis
  - 5. Service/Treatment Person Divereted to

Reports generated through the electronic medical record are audited quarterly for accuracy and completeness. The CMHSPs and SWMBH will work together on an annual submission to MDCH.

### **IV. Definitions**

None

### **V. References**

Michigan Mental Health Code (Act 258 of the Public Acts of 1974 as amended)  
Section 207.

Medicaid Managed Specialty Supports and Services 1915 (b)/(c) Waiver  
Program, Adult Jail Diversion Policy Practice Guideline, Contract Attachment  
P.6.8.4.1

The Technical Assistance and Policy Analysis Center for Jail Diversion (TAPA)  
<http://gainscenter.samhsa.gov/html/tapa/>

### **VI. Attachments**

None