

A National Overview of Jail Diversion Program Trends, Impact, & Issues

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TAPA Center for Jail Diversion

- **T**echnical **A**ssistance and **P**olicy **A**nalysis Center for Jail Diversion: A Branch of the National GAINS Center
- Funded since 2002 by DHHS/Substance Abuse Mental Health & Services Administration (SAMHSA)/ Center for Mental Health Services (CMHS)
- National resource center communities developing jail diversion programs
- Works to inform policy
- Coordinate with Bureau of Justice Assistance TA provider for Mental Health Courts-Council of State Governments

Coordinating Center for CMHS Targeted Capacity Expansion (TCE) Initiative

2002 CMHS TCE Programs

- **Birmingham, AL**
- **Hartford, CT**
- **Hawaii County, HI**
- **Dubuque County, IA**
- **New York, NY**
- **Cumberland County (Portland), ME**
- **St. Louis, MO**
- **Tulsa County, OK**
- **Richland County (Columbia), SC**
- **Chesterfield County, VA**

2003 CMHS TCE Programs

- **Anchorage, AK**
- **Jackson County (Kansas City), MO**
- **Lancaster County (Lincoln), NE**
- **Shelby County (Memphis), TN**
- **Miami-Dade, FL**
- **New Britain/Bristol, CT**
- **Bexar County (San Antonio), TX**

2004 CMHS TCE Programs

- **Baton Rouge, LA**
- **Yakima County, WA**
- **Orange County (Orlando), FL**

Coordinating Center

Multi-site Evaluation

- **Baseline, 6- and 12-month follow-up interviews for diverted participants**
 - **GPRAs, mental health symptomology, perceived coercion, trauma**
- **Official records arrest data and service use data**
- **Basic information about all activities (screening, assessment, court decision) to determine eligibility for diversion**

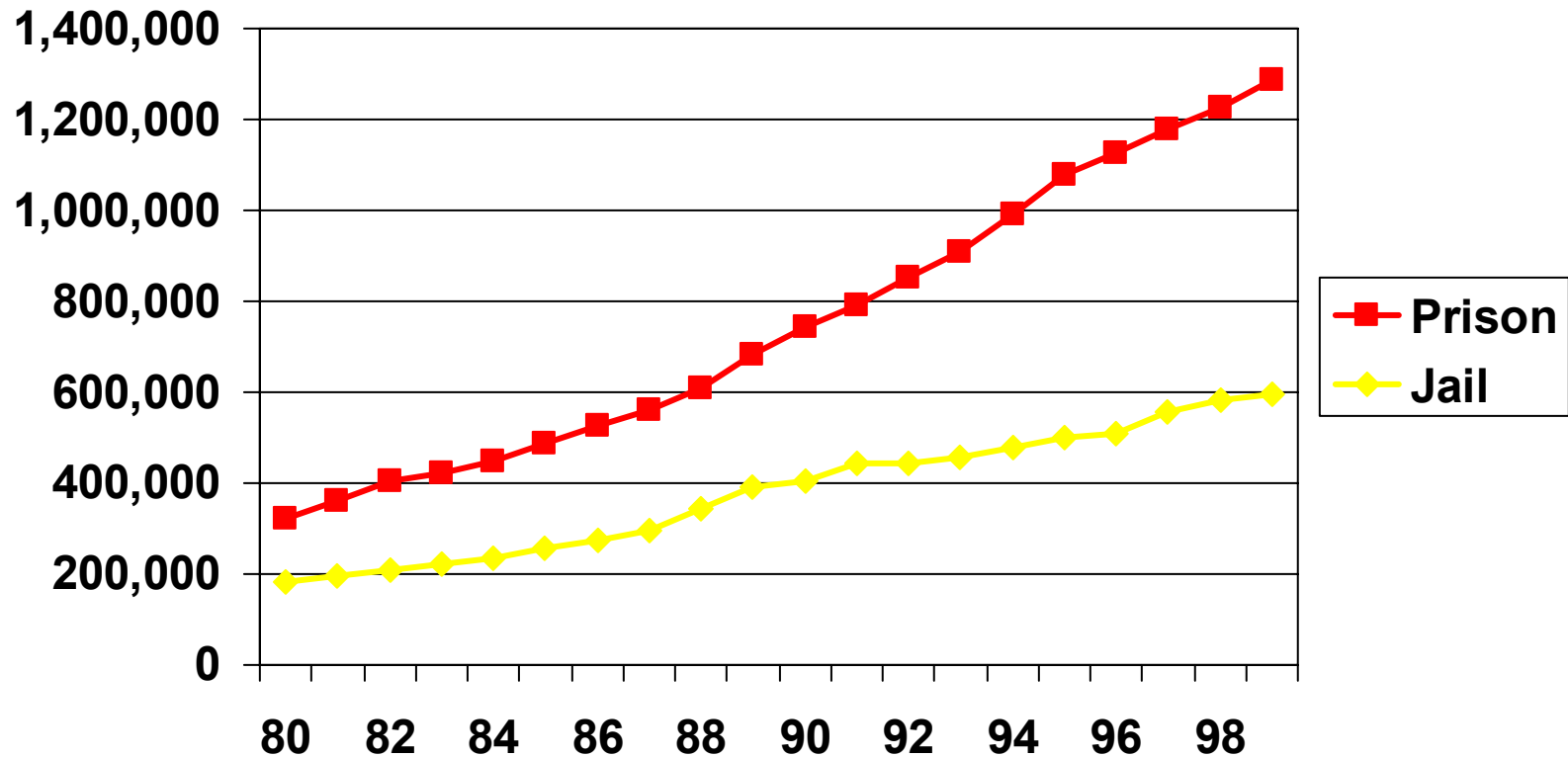
Technical Assistance (TA)

- On-site/telephone TA
- Workshop and training events
- Presentations at conferences
- Site visits
- Senior consultants and knowledgeable staff
- Visit www.tapacenter.org
- Call 866-518-8272 (TAPA)

Incarceration Rates

- **Over 2 million people incarcerated**
- **Nearly 4 million people on parole or probation**
- **11.4 million admissions to jail per year**
- **Nearly 3% of our population under some form of correctional supervision**

Persons in Jail and Prison 1980-1999 (BJS)

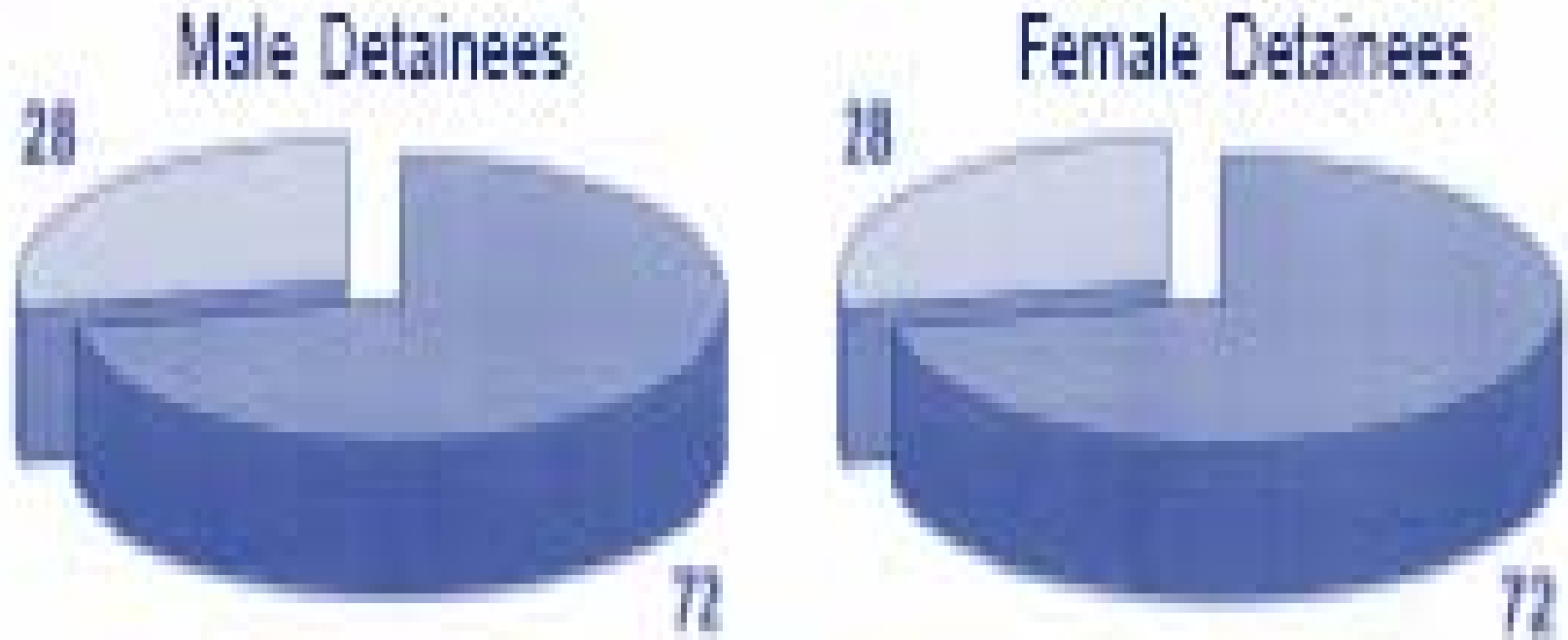



Two-Week Prevalence of Severe Mental Disorder Among the General Population and Jail Detainees

(Teplin et al.)

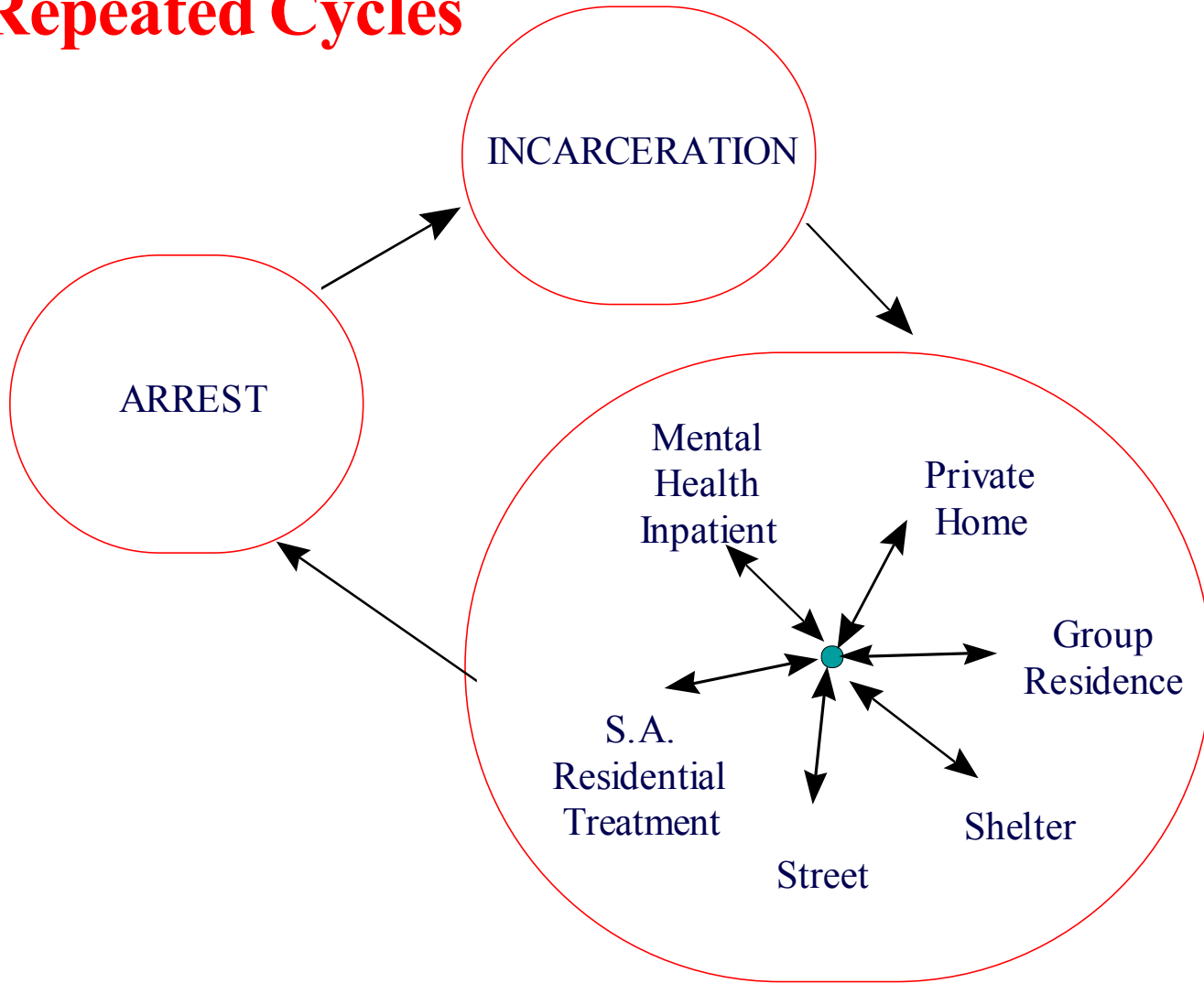
	Major Depression	Schizophrenia	Mania	Any Serious Mental Illness
U.S. General Population	1.0%	0.9%	0.1%	1.8%
Male Jail Detainees	3.9%	2.7%	1.4%	6.4%
Female Jail Detainees	10.5%	2.0%	1.4%	12.2%

Substance Use Disorders Among Jail Detainees with Severe Mental Illness



-  % With Co-Occurring Substance Use Disorders
-  % Without Co-Occurring Substance Use Disorders

Repeated Cycles



Diversion Program

Community-Based Services

- Police
- Court
- Jail

Linkage
Case Management

- Mental Health
 - Outpatient
 - Residential
- Co-Occurring Disorders
 - Outpatient
 - Residential
- Consumer-operated Services
- Housing
- Health
- Employment
- Entitlements

What is Jail Diversion?

- **Specific program/dedicated staff for diversion**
- **Identify specified target group at point of police contact or in court or jail**
- **Provide linkage to community-based services**
- **Results in:**
 - **Avoidance of arrest and jail on a current offense (pre-booking), OR**
 - **Radically reduced jail time on a current offense (post-booking), OR**
 - **Avoidance of jail or reduced jail time for a potential or actual probation violation from a previous offense**

Eligibility Criteria

- **Criminal justice criteria**
 - Charge level & type
 - Violence
 - Previous offenses
- **Psychiatric criteria**
 - Diagnosis
 - History of hospitalization
 - DMH criteria for reimbursement purposes
 - Known to system
- **Other**
 - Catchment area, demographics, etc.

What is Jail Diversion?

- **Criminal Charges**

- **Not filed**

- **Dropped**

- **Condition of bail/bond (pretrial release)**

- **Deferred prosecution**

- **Condition of probation**

- **Deferred sentencing**

What Jail Diversion is NOT?

- Usual emergency mental health crisis response
- An effort to prevent future offenses only
- Discharge planning
- Placement for NGRI or competency restoration

Mental Health Diversion Options

- **Pre-booking (N=89)**
 - **Police-based**
- **Post-booking (N=220)**
 - **Mental Health Courts (N=99)**
 - **Other court- or jail-based (N=121)**
- **Approximately 7% of U.S. counties have one or more jail diversion programs (229 of 3,142)**

Understanding Jail Diversion Now

- **Rapidly growing field**
 - **Especially: Mental Health Courts & Crisis Intervention Teams**
 - **Upcoming: pretrial release programs and diversion for probation violators**
- **Wide variety of diversion initiatives**
 - **Divert at many points**
 - **Different eligibility criteria**
 - **Efforts led by a variety of stakeholders**
 - **Spread across the country**

President's New Freedom Commission Report (2003)

- **Goal #1: Americans Understand that Mental Health is Essential to Overall Health**
- **Goal #2: Mental Health Care is Consumer and Family Driven**
- **Goal #3: Disparities in Mental Health Services Are Eliminated**
- **Goal #4: Early Screening, Assessment and Referral to Services Are Common Practice**
- **Goal #5: Excellent Mental Health Care is Delivered and Research Is Accelerated**

President's New Freedom Commission Report (2003)

“The Commission recommends widely adopting adult criminal justice and juvenile justice diversion and re-entry strategies to avoid the unnecessary criminalization and extended incarceration of non-violent adult and juvenile offenders with mental illnesses.”

Federal Funding for Mental Health Jail Diversion Programs

- **CMHS Community Action Grants**
- **CMHS/CSAT Jail Diversion Knowledge Development and Application (n=9)**
- **CMHS Targeted Capacity Expansion Grants (n=9)**
- **CMHS Targeted Capacity Expansion Jail Diversion Grants (n=20)**
- **BJA Mental Health Courts (n=37)**

Mentally Ill Offender Treatment and Crime Reduction Act of 2003

- **Passed by Senate and House. Sent to White House**
- **\$50,000,000 authorized (but not yet appropriated)**
- **State and local government agencies eligible**
- **Collaboration between a criminal justice agency and a mental health agency required**
- **May be used for jail diversion, training, service delivery and transitional services**

State Jail Diversion Legislation

- **Connecticut (2000):**
 - Legislature provided funding to Dept of Mental Health and Addiction Services to establish teams to serve all 22 lower-level courts in the state.
- **Florida (1999): House Bill 2003**
 - Directs the Dept. of Children and Family Services to develop cooperative agreements with local agencies for diverting from the criminal justice system to the civil mental health system persons with mental illness arrested for a misdemeanor

State Jail Diversion Legislation

- **Michigan: Section 207 of Michigan Mental Health Code**
 - All community mental health service providers required by Michigan Mental Health Code to provide services designed to divert persons with serious mental illness, serious emotional disturbance, or developmental disability from possible jail incarceration when appropriate.
- **Texas (2003): House Bill No. 2292**
 - The dept. shall require each local mental health authority to incorporate jail diversion strategies into the authority's disease management practices for managing adults with schizophrenia and bipolar disorder to reduce the involvement of those client populations with the criminal justice system.

Core Conceptual Model



Jail Diversion Outcomes

- **A handful of single-site studies examine one or more outcomes:**
 - **Arrest as an outcome in pre-booking programs**
 - **Jail days**
 - **Rearrest**
 - **Hospitalization**
 - **Other service utilization**
 - **Quality of life**
 - **Symptomology**
 - **Alcohol and drug use**

Jail Diversion Outcomes

- **SAMHSA Multi-site Jail Diversion KDA study**
 - Jail diversion reduces time spent in jail
 - Jail diversion does not increase public safety risk
 - Comparable arrest rates despite more days in community
 - Jail diversion programs link to community-based services, though it is not clear whether receive type, amount, mix of services they need

Jail Diversion Outcomes

- **No difference in outcomes between those diverted with violent charges and those diverted with non-violent charges**
(Naples & Steadman, 2003)
 - **Arrests**
 - **Arrests for violent offenses**
 - **Violent acts**
 - **Hospitalization**

Cost Studies

- **Jail diversion cost-effectiveness studies**
(Cowell et al, 2004)
 - **In the short-run:**
 - Lower criminal justice costs/fewer jail days
 - Higher treatment costs
- **HSRI Jail diversion simulation model to project effectiveness, costs and potential cost offsets of jail diversion**
 - Cost savings take time (18 months-2 years)
 - Outcomes depend on availability of necessary services
 - Cost savings depends on charge level

Issues

- **Consumer integration in program planning, oversight, implementation, operation and evaluation**
- **Access to services**
 - Availability of needed services
 - Reluctance to serve people in CJS
 - Concerns about queue jumping
 - Loss of Medicaid
- **Information sharing and confidentiality**
 - Who has/should have access to what information?
 - What information is shared to the court?
 - Technology to share data

Contact Information

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