Sustainability of County Jail Diversion Programs (through Collaboration & Data Collection)
What is Sustainability?

- **Sustainability** is the capacity to endure through time. It can be defined in biological terms as the ability of an ecosystem to maintain ecological processes, functions, biodiversity and productivity into the future.

- The word 'sustainability' has become a wide-ranging term that can be applied to many facets of life.
What is Sustainability?

Sustainability may be expressed as statements of fact, intent, or value with sustainability treated as either a "journey" or "destination."

Where are we now…
Where do we need to be going…
How are we to get there…

- These questions are all open to interpretation and will depend on the particular context under consideration.
Where Are We Now?

- 13 million bookings into jail in 2007
  - 17% men had serious mental illness
  - 34% female had serious mental illness
  - This includes PTSD
- Nearly three quarters of these meet criteria for co-occurring substance use disorders.
- Jail diversion programs are a viable and humane solution to the criminalization and inappropriate criminal detention of individuals with mental disorders.
Ultimately,

The sustainability of any jail diversion initiative depends on the extent to which it responds to the complex needs of justice-involved persons with mental health and co-occurring substance use disorders while promoting public safety.
Substance Abuse and Mental Health Services Administration (SAMHSA)
Center for Mental Health Services (CMHS),
Targeted Capacity Expansion (TCE)
Jail Diversion Program Study (2002-2004)

- 20 sites funded across U.S. to implement various types of jail diversion programs.
- 80% were SUSTAINED through other sources of funding AFTER Federal funds ended.
Primary Considerations from Planning to Sustainability

- Meet stakeholders at the point of resistance

- Perceive challenges as opportunities, not obstacles

- Adopt a “no wrong door approach” to sustainability

- Develop a stakeholder meeting process for goal attainment in program development, implementation, and oversight
Developing Jail Diversion Programs

- Build community consensus and collaboration

- Develop clearly defined goals, benchmarks, guidelines and outcomes for the design, implementation and evaluation of the jail diversion program

- Integrate the services and systems that improve the lives of the program consumers

- Maintain public safety
Developing Jail Diversion Programs

- Stakeholders must MEET on a regular basis!
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...a MUST!!
Stakeholder Meetings MUST...

- Be structured to facilitate communication
- Include cross-training for and among stakeholders
- Cultivate an understanding of the professional language and orientation respective to each
- Work to identify and resolve barriers to effective communication and collaboration
TCE Jail Diversion Program

- Developed a MATRIX of key stakeholders required to effectively plan and implement jail diversion programs
- Potential challenges posed by each developed and reviewed
- The grid identified:
  - Essential stakeholders
  - Challenges to implementation
  - Motivations for supporting diversion
  - Potential solutions or strategies for promoting stakeholder buy-in & sustaining the program
Stakeholder: Local Government

CHALLENGES:

- Public, political and system sensitivity and tolerance of offenders with mental illness and their needs had been transitory from a historical perspective.
- Public resolved to stop chronic misdemeanant offenders
- Little to no information related to evidence-based practices and clinical and program competencies
Stakeholder: Local Government

SOLUTIONS:

- Held regular stakeholder meetings to review and refine program operations as well as to inform sustainability planning efforts.

- Program information and outcome data was routinely generated and disseminated as part of a rigorous outreach campaign.
Stakeholder: Judges

CHALLENGES:

- An overwhelming volume of misdemeanor cases requiring speedy disposition
- Increased difficulty in identifying and addressing mental health and substance abuse issues among defendants
- Perception of being too soft on crime
Stakeholder: Judges

SOLUTIONS:

- Involved judges and other court “players” in program planning and design to promote buy-in
- Established a visible daily presence in the court by the jail diversion program team to effectively embed itself into the system
- Regularly disseminated program outcome data to judges and prosecutors
Stakeholder: County Prosecuting Attorney’s Office

CHALLENGES:

- Elected county attorney indicated opposition to diversion recommendations unless for petty, nuisance, nonviolent misdemeanor-level offenses.
- Stance reflected personal beliefs reinforced by a previous experience with a high-profile case involving a person with a mental illness who became violent.
SOLUTIONS:

- Jail diversion program strictly adhered to eligibility criteria set forth by the County Prosecuting Attorney’s Office for the first year of operation.
- Program’s consistently successful diversion efforts prompted the County Attorney’s Office to terminate the eligibility restrictions it formerly had imposed in favor of a case-by-case review.
Stakeholder: Public Defender’s Office

CHALLENGES:

- Would not recommend diversion to its clients when, in fact, the likely sanction for their offense would be a jail sentence of a few days.
- A short jail stay was the preferable option, from a legal standpoint, to the six or more months that the diversion program would require.
Stakeholder: Public Defender’s Office

SOLUTIONS:

- Program analyzed the number of times the Public Defender’s Office repeatedly defended consumers who would be eligible for jail diversion
- This data helped engage the Public Defender’s Office in a dialogue about diversion as a pathway to improved quality of life & reduced CJ contact
- This fostered a paradigm shift of stakeholder’s view of what constituted the best interest of clients with mental illness
Stakeholder: Mental Health Providers

CHALLENGES:

- Jail diversion program’s mental health provider partner incurred a complete staff turnover within the first six months of the program
- New staff had minimal experience with forensic clients
- Resulted in reduced client recruitment activity for more than three months
- Made it difficult to restart the program
Stakeholder: Mental Health Provider

SOLUTIONS:

- Jail diversion program team worked closely with the mental health service provider to help recruit and hire a more experienced team.

- The new team was able to provide better services due to depth of experience and leadership.
Stakeholder: Consumers

CHALLENGES:

- Difficult to engage the consumers in recovery and their family members in participating at steering committee meetings
- Consumers often left conflicted and ambivalent about their role in these meetings
- Lack of transportation to meetings, information about meeting times, and lack of monetary incentives
Solutions:

- A two-day technical assistance training on consumer integration in policy and program development was conducted involving:
  - Consumers
  - Providers
  - Criminal justice professionals
  - Other key stakeholders

- Stipends were also offered to encourage consumer participation in meetings
Stakeholder: Defense Bar

CHALLENGES:

- Defense Bar concerned that sentencing of treatment with conditions would create standardized justice system involvement of adults with mental illness.
- Defense stakeholders displayed a lack of trust in quality of community mental health treatment.
  - Was concern that treatment mandates would be extended to approximate the potential jail sentence.
  - Given failure of treatment system and of many clients in treatment, fear was that misdemeanor offenders would be under court supervision longer with diversion.
SOLUTIONS:

- Initial implementation restricted the target population to felony offenders facing two or more years in prison through a deferred sentencing model that included court oversight and community-based case treatment for 18 to 24 months.
SOLUTIONS (continued):

- Selected multidisciplinary case management approach model that provided a means to re-link clients to services who were inappropriately matched or whose service needs changed as treatment progressed.

- Provided emergency psychiatric and psychological consultation to providers to aide in quality of care for those diverted (which treatment providers also liked).
Stakeholder: Community Treatment Providers

CHALLENGES

- Concern about treating criminal justice offenders, believing them as more disruptive and less responsive than others
- Concern about reimbursement for treatment services given that the majority of diverted offenders did not have insurance or their Medicaid was discontinued while incarcerated
- Concern about potential restrictions of individual rights due to criminal justice system monitoring and need to report on client whereabouts to the courts
Stakeholder: Community Treatment Providers

SOLUTIONS:

- Included extensive training opportunities for integrated treatment for both primary decision-makers and line staff.
- Intensive training developed for criminal justice stakeholders on mental health and substance abuse diagnosis, medication, treatments, and diversion models.
- Videoconferencing for community providers to facilitate rapid diversion from detainment to community treatment and housing.
Stakeholder: Community Treatment Providers

SOLUTIONS (continued):

- Helped to successfully advocate for statewide temporary suspension, rather than termination of Medicaid benefits during jail incarceration
Data are collected and analyzed to demonstrate the impact of the county jail diversion program.

Its performance is assessed periodically (and procedures are modified accordingly)... *FLUID*

Program processes are institutionalized.

Support for the program in the community is cultivated and expanded.
Information Resources

- [http://www.pretrial.org/SpecialTopics/Pages/MentalHealth.aspx/](http://www.pretrial.org/SpecialTopics/Pages/MentalHealth.aspx/)
- [http://www.pretrial.org/DiversionPrograms/Pages/default.aspx/](http://www.pretrial.org/DiversionPrograms/Pages/default.aspx/)
- [http://consensusproject.org/](http://consensusproject.org/)
- [www.napsa.org/](http://www.napsa.org/)
  - (History of Diversion, Diversion Standards, Diversion Survey of Programs, Program Checklist)
Funding Options

- Bureau of Justice Assistance (BJA)
  - [http://www.ojp.usdoj.gov/BJA/grant/mentalhealth.html](http://www.ojp.usdoj.gov/BJA/grant/mentalhealth.html)
  
  *Increase resources for pretrial services to do short-form screening and referral to formal assessment by using BJA’s Justice Assistance Grants funds*

- Substance Abuse and Mental Health Services Administration