

...indicated you may be interested in hearing from the Bazelon Center regarding ... efforts to divert people with mental illness from jail.

Our general take is that many people with mental illness are incarcerated as a result of the failings of the mental health system. They need but do not receive effective community mental health services, especially mobile crisis services, intensive case management, peer support, Assertive Community Treatment, supported housing, and supported employment. These are the services that the United States Department of Justice and disability advocates seek in "Olmstead" cases because they have proven effectiveness in preventing needless institutionalization. They are also effective preventing the arrest and incarceration of people with mental illness. In addition, they are in relatively short supply in In fact, may not have any Assertive Community Treatment that meets national fidelity standards

We are excited by your strong commitment to reducing the number of people with mental illness in jail. Below are some steps you may want to take to help refine your plan of attack.

1. Identify the target population, specifically the characteristics that make people appropriate for diversion. The most important may be: they can be successfully served in the community mental health system. Arguably the most important factors are: they have a mental illness, arrangements can be made for needed treatment and other services, their diversion will not jeopardize public safety (including because they can be successfully served in the community mental health system). Once the characteristics of the population to be diverted are identified, there are issues about the sources of information that will be used to determine whether individuals fall within the target population. I am skeptical that criminal justice risk assessments, or traditional mental health assessments, ask the right questions when it comes to determining whether an individual is appropriate for diversion. To be useful, I think, they need to be based on an informed vision of what can be accomplished through effective community services. And, of course, those services need to be available. Mental health assessments in particular are notorious for serving the function of sorting individuals among sub-optimal available alternatives, instead of identifying what individuals would need to be successful in the community.
2. Recognize that diversion from incarceration may be accomplished at a variety of points in the law enforcement process. Instead of arresting an individual, the police may refer the individual for services, or ask the mental health crisis system to respond, for example, by dispatching a mobile crisis worker or team. After arrest, an individual may be placed in the care of their family or referred for services, instead of being confined in jail. Once confined in jail, an individual's stay can be cut short by releasing the individual to the care of their family or referring the individual to community services. I suggest you consider the factors and sources of information that should drive decision-making at each stage of the process.
3. Do a quick and dirty study of a sample of people with mental illness in ... jails. Maybe 10-20 people. You may want to stratify the study, focusing on individuals with the most jail admissions or greatest number of days spent in jail, or individuals with particular charges. I think a study of a sample might provide very rich information about the people with mental illness are who are incarcerated and what

services they would need to be successful in the community. The study would try to provide a picture of the day to day lives of those who are incarcerated, what services they have received in the past from the mental health or other systems (such as shelters or emergency rooms), and what helped them and what did not. And, most importantly, a picture of the services and supports they would need to be effectively served in the community system. Such a study, I think, would help ... avoid relying on services that in the past have failed the population that ends up in jails. I think you would learn a lot from such a study, especially if the study were done by individuals with a record of success is serving the people who are most challenging for public mental health systems, someone like Sam Tsemberis, who developed Pathways to Housing (pathwaystohousing.org), or Elizabeth Jones, who has helped “turn around” several mental health systems and is the impartial expert monitoring implementation in the U.S. v. Georgia “Olmstead” case. Sam has recently met with providers to discuss related topics and also participated in a study of , where he did some on-site evaluations of ... in

4. After identifying the target population and the services they would need to be successful in the community, identify the specific mechanisms or processes by which diversion will be accomplished. This sometimes trips up systems. They have a sense of who they want to divert, but they have not identified the steps that will be taken to accomplish diversion or built the needed infrastructure to support the needed steps being taken.

5. Avoid too much dependence on supportive housing projects. Supportive housing projects can be a valuable resource but they are limited in availability, have drawbacks (for example, limiting housing choice and tying service availability to a particular location), and take time to develop. A better approach, we think, is New York’s model of “supported housing,” which relies on rental subsidies that allow people with mental illness to access mainstream housing and also receive the individualized services they need to be successful tenants and community members. We, the U.S. Department of Justice, and Pathways to Housing have a fair amount of information about the success of this approach for individuals like those in ... jails. The Nathaniel Project (www.cases.org/programs/abh/act.php) successfully uses such housing to transition people with mental illness from incarceration to the community.

I would be happy to discuss the above with you. Hope it is helpful.

P.S. I have attached FYI a rough version of a short "model law/policy," which we have been discussing with other organizations, that sets a specific goal and timeline for reducing the number of people with mental illness in jail (a reduction of 25% by 2020).

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