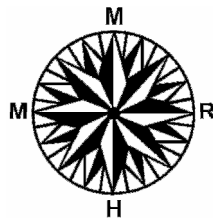


**MENTAL HEALTH MENTAL RETARDATION
SERVICES OF TEXOMA**

LOCAL PLAN 2006-2007



**JAIL AND DETENTION DIVERSION PLAN
AMENDMENT**

**AMENDED DIVERSION ACTION PLAN
AND PLANNING STRATEGIES**

MHMR SERVICES OF TEXOMA AMENDED JAIL AND DETENTION DIVERSION PLAN

Background Information

Mental Health Mental Retardation Services of Texoma (MHMRST) developed and submitted a Jail Detention and Diversion Plan to the state by February 1, 2005, in compliance with legislative requirements and the center's FY05 Performance Contract. The plan reflected a wide variety of stakeholder input from Cooke, Fannin, and Grayson counties via a Jail Diversion Action Committee. Meetings were held in each county, and stakeholders included representatives from many groups: advocates, hospital staff, law enforcement, judicial, probation, and TCOG officials.

Essentially, the plan called for continued planning to develop and implement jail diversion initiatives for the three-county service area through focused efforts of four sub-committees called task groups: Resource Development and Allocation, Existing Model Review, Systems Interface, and Legislative Action. It was intended that through the efforts of the task groups and subsequent consensus of the larger action committee, partnerships and responsibilities would lead to a tri-county Memorandum of Understanding (MOU) to develop components of an effective Jail Detention Diversion Model.

Jail Diversion Challenges

Although the state acknowledged that the submitted plan met all of the required components and planning strategies, MHMRST was concerned about significant challenges in implementing the plan.

- 1. How to Fund Jail Diversion:** The requirement that community centers devise and implement jail diversion strategies is an unfunded mandate. Law enforcement and criminal justice systems desire jail diversion. They understand the need and benefit for jail diversion of individuals with mental impairments who do not commit felonious acts. But, unlike MHMR community centers, these systems have no corresponding state mandate requiring the implementation of diversion activities or consequential sanctions. MHMR Services of Texoma has neither the dollars nor manpower to go it alone. With increased shifting of funding responsibility from the state to the local level and unfunded mandates imposed on counties, cities, and MHMR centers, the financial burden on communities has increased. These communities, like the Texoma region, are also experiencing diminished tax bases and increased populations. As a result, adequate jail diversion initiatives cannot be implemented without sharing resources and identifying new sources of revenue.
- 2. How to Maintain Continuity:** During several months of meetings as a tri-county Jail Diversion Action Committee, numerous problems became apparent. The difficulty in

coordinating schedules of so many busy officials and stakeholder groups adversely affected continuity of the process because not all groups attended each meeting and the attending representatives varied from meeting to meeting. Consequently, the smooth transition between meetings necessary to achieving tangible outcomes in a time-efficient manner was seriously lacking.

- 3. How to Create Group Consensus:** The committee was large and diverse which increased difficulty in maintaining meaningful discussion on outcomes for the plan. Differing perspectives competed regarding what should be accomplished. (i.e., county vs. county; budget reality concerns for some vs. ideal outcomes for others). Because there are many complicated junctures in the jail diversion process, the expressed differences and perceptions about who should do what relative to the responsibilities and day-to-day realities of law enforcement, courts, hospital, jail, probation, and MHMR were troublesome. Leadership struggles and differing opinions on how the planning process should be handled became distractions.
- 4. How to Involve Key Officials with Decision-Making and Budgetary Authority:** Although judicial, law enforcement, probation, and hospital groups sent representatives to meetings, those attendees were not always individuals with key decision making authority or power over budgetary issues. The center realized that unless individuals/groups with the authority to commit resources and make budgetary decisions relative to jail diversion were present and involved in the process, outcomes could not be achieved.

Request to Narrow Focus MHMRST Jail Detention Diversion Plan

As center staff struggled with these challenges, the written Jail Detention and Diversion Plan seemed more and more destined to remain just a required document and less like a viable roadmap for actual jail diversion. At the invitation of Grayson County Judge Tim McGraw, center leadership staff joined other Grayson County officials and visited Lubbock, Texas in June 2005 to review the city's jail diversion program. The visit reinforced the necessity of joint ownership of jail diversion activities between the criminal justice system and a community MHMR center in actually developing a jail diversion model. During subsequent discussions with MHMRST leadership during early July 2005, Judge McGraw emphasized the urgency of jail diversion needs in Grayson County and asked that *MHMRST narrow its current jail diversion efforts to Grayson County with the genuine intent to develop a workable jail diversion model that could be extended at some future time to Cooke and Fannin counties.*

Rationale for Narrowing the Focus/Amending the Plan

Following discussions with center staff involved in jail diversion efforts and an overview discussion with the center's Planning and Network Advisory Committee (PNAC) at the PNAC's July 18, 2005 meeting, several defining points were identified as rationale for narrowing the current jail diversion focus to Grayson County.

1. Little tangible progress had been accomplished in a timely manner through the large tri-county Jail Diversion Action Committee which, thus far, had been characterized by differing perspectives and agendas.
2. Relationship development between key criminal justice and law enforcement officials and center staff is essential to implementing jail diversion activities. Center staff felt that relationship development could evolve more effectively through smaller groups who met more frequently and who emphasized specific action steps rather than repetitive discussion.
3. The jail diversion process is expensive and must be initiated with active involvement and commitment of officials that have significant influence over budgets and allocation of funds. Judge McGraw had indicated that Grayson officials were ready to move forward.
4. If an effective jail diversion model could be established in Grayson County, it could ultimately demonstrate that reallocation of existing resources could produce a program benefiting all stakeholder groups and serve as a future tenable model for jail diversion activities in Cooke and Fannin counties.

At the July 27, 2005 MHMRST Board of Trustees meeting, the board approved a request by leadership staff to primarily focus initial jail diversion work activities on officials in Grayson County with the intent to expand jail diversion activities in Cooke and Fannin counties as successes are achieved. This decision also left open the opportunity for the other counties to approach the center with interests in development of mutual jail diversion activities as the model with Grayson County was being developed.

MHMRST JAIL AND DETENTION DIVERSION AMENDED PLAN

The following components comprise the changes in the center's Jail and Detention Diversion Plan that was submitted to the state in compliance with the center's FY2005 Performance Contract. These points reflect the center's current ongoing efforts in the local planning process relative to jail diversion.

Purpose of the Plan: MHMRST will focus jail diversion efforts on diversion activities in Grayson County for the purpose of establishing an effective diversion model in Grayson County with the intent to expand jail diversion initiatives in Cooke and Fannin counties as successes are achieved and funds become available.

Process for Collaboration: Rather than working through the tri-county Jail and Detention Diversion Action Committee and four sub-committees that served as the vehicles for the original jail diversion plan, *MHMRST will initially work with Grayson County officials and stakeholders via frequent meeting (usually biweekly). In order to produce tangible diversion outcomes, this Jail Diversion Collaboration Committee will be comprised of individuals with authority over decision-making and budgetary issues.* As progress is made, the committee will be expanded to include other stakeholder groups.

Center leadership staff will also maintain contact with officials and stakeholders in Cooke and Fannin counties (individuals who comprised the original tri-county Jail and Detention Diversion Action Committee) regarding progress and status of diversion activities.

Oversight and Stakeholder Input: The center’s Board of Trustees and Planning and Network Advisory Committee will be informed at each of their regular meetings about jail diversion activities and will provide input, recommendations, and approval as appropriate.

Strategies/Elements of Current Jail Diversion Planning: Among the valuable insights that center staff have gained through recent planning activities, is the understanding that developing an effective jail diversion program requires focused attention from key decision-makers with budgetary controls. Jail diversion also requires long-term visionary thinking on the part of elected officials.

The current tax environment requires that local entities look to reallocation of existing resources and acquisition of limited grant sources. This reallocation is difficult because it places existing services and infrastructures at risk. Because county government officials are elected, each department operates independently. Therefore, significant changes cannot be made without a lot of collaboration and mutual benefit. For example, although a Commissioners’ Court maintains budgetary control, a County Judge cannot tell an elected Sheriff how to manage his/her operations and workforce deployment outside of budgetary allocations. Likewise, a County Judge cannot make budgetary and strategic decisions without concurrence from other elected Commissioners. These realities significantly influence the current elements of MHRST’s jail diversion planning.

1. **Memorandum of Understanding:** One of the strategic outcomes of recent planning is the development of a Memorandum of Understanding between MHRST and Grayson County officials that details mutual commitment to jail diversion activities.. This agreement will be submitted to the center’s board and the Commissioners’ Court for approval.
2. **Psychiatric Time:** Despite the center’s current mental health deficit, it has committed to adding psychiatrist time to treat individuals in the jail and after release. Grayson County has committed to allocating some of its funding to cover a portion of this cost.
3. **Current Jail Diversion Initiatives:** The current collaboration committee is focusing its jail diversion efforts in two areas:
 - Post-booking - Psychiatric and case management work in preparation for earlier release of people from jail.
 - Pre-booking – Efforts to keep non-violent offenders out of jail. This will entail alternate screening activities by officers, medical staff, and center staff.
4. **Future Jail Diversion Initiatives:** Pre-diversion through a more comprehensive crisis intervention approach is viewed as the most effective approach to meaningful

treatment and long-term cost savings, but it is also the most expensive component to develop. It requires funding for additional in-patient psychiatric stays, crisis intervention training for officers, a special mental health court and mental health officers, special equipment and communication systems, and additional mental health community support staff. These diversion elements will require the development of additional resources through reallocation of funds and the pursuance of grants.