

	Houston Independent School District Police Department Directives	DIRECTIVE: 450-011
		EFFECTIVE DATE: October 18, 2018
	SUBJECT: Mental Health Diversion	REVISED DATE: January 14, 2023

PURPOSE

This directive aims to establish procedures of the HISD Police Department for situations that require mental health diversion.

POLICY

It is the policy of the Houston ISD Police Department to recognize and meet the criteria outlined in this policy. When circumstances arrive, officers should divert suspects in the target population to the Diversion Center.

DEFINITIONS

Active Aggression: A threat or overt act of an assault (through physical or verbal means) coupled with the present ability to carry out the threat or assault that reasonably indicates that an assault or injury to any person is imminent.

Developmental Disabilities: Severe and chronic disability attributable to a mental or physical impairment that begins before an individual reaches adulthood. These disabilities include intellectual disability, cerebral palsy, epilepsy, autism, and disabling conditions closely related to intellectual disability or requiring similar treatment.

Health Insurance Portability and Accountability Act (HIPAA): HIPAA was passed by Congress in 1996. Among other requirements, HIPAA requires protected and confidential handling of protected health information.

Houston Recovery Center (Sobering Center): Facility utilized by law enforcement personnel for the diversion of intoxicated individuals. Provides treatment and long-term recovery to people with substance use issues.

Judge Ed Emmett Mental Health Diversion Center: A pre-arrest/pre-charge alternative to incarceration for individuals with a mental illness, developmental disability, or neurocognitive disorder who committed non-violent, low-level offenses.

Neurocognitive Disorder: A general term that describes decreased mental function due to a medical disease other than a psychiatric illness. It replaces “dementia” in the Diagnostic and Statistical Manual of Mental Disorders (DSM-5).

Neuro-Psychiatric Center: A comprehensive psychiatric facility for individuals in a serious mental health crisis.

Serious Mental Illness: Schizophrenia, Schizoaffective Disorder, Bipolar Disorder, Major Depression, Brief Psychotic Disorder.

Triage/Diversion Desk: The desk located in the Intake area of the new Harris County Joint Processing Center (JPC).

- a) Staffed 24/7 by behavioral health jail diversion specialists from the Harris Center for Mental Health and IDD.
- b) It contains a law enforcement hotline for Officers/officers in the field who want to check on the mental health history of an individual in custody for committing an offense.
- c) The jail diversion specialists at the desk also check the mental health history of offenders brought to the JPC. The latter have committed low-level offenses and are flagged as having a mental illness, developmental disabilities, and neurocognitive disorders.

TARGET POPULATION: The target population is suspects who have committed low-level offenses and have a mental illness, developmental disabilities, and neurocognitive disorders that are believed to be contributing factors to the offense. Examples include the following:

- a) Trespassing because they are homeless, mentally ill, and need a place to sleep.
- b) They are trespassing because they have a mental health condition and are fixated on a location.
- c) Shoplifting because they have a neurocognitive disorder (dementia) and are unaware of their criminal behavior.
- d) Disturbance because they are autistic, have verbal outbursts, and display aggressive behavior due to sensory dysfunction.

THE DIVERSION CENTER

The Diversion Center is located at 1215 Dennis Street, Houston, TX 77004. When transporting individuals to The Diversion Center, officers shall handcuff, search, and transport them in the same manner as prisoners.

If the individual is found to possess illegal weapons, narcotics, or contraband, officers shall contact the District Attorney's Office and seek appropriate charges. According to department policy, officers shall tag all firearms, illegal weapons, narcotics, and contraband and complete an incident report.

The Diversion Center personnel shall be responsible for the inventory, safekeeping, and return of all property to individuals processed through the Diversion Center.

MEDICAL SCREENING

All individuals transported to the Diversion Center will undergo a brief medical evaluation. If medical issues are present beyond the scope of the center's services, The Diversion Center personnel will assume custody of the individual and arrange for medical transportation. Officers will not be required to wait while medical transportation is arranged. If the person goes into a mental health crisis, the Diversion Center personnel will assume custody of the individual and arrange transportation.

NOTE: Officers will not be required to wait while transportation is arranged.

DOCUMENTATION

Officers utilizing the Diversion Center shall complete the center's one-page Jail Diversion Form. Officers shall make an incident report on all individuals taken to The Diversion Center and ensure to document the name of the person at The Diversion Center who took custody of the person being diverted.

PERSON NOT ELIGIBLE FOR THE DIVERSION CENTER

The following persons are not eligible to be transported to The Diversion Center:

- a) Individuals less than 18 years of age.
- b) Unconscious individuals, bleeding from a head injury or experiencing a serious medical condition.
- c) Individuals are displaying active aggression.
- d) Individuals meet the criteria for emergency detention. These individuals shall be transported to the NeuroPsychiatric Center of the hospital emergency department.
- e) Individuals who cannot be identified.
- f) Officers should use the department's computer system, mobile computing devices, etc., to confirm the validity of the personal information provided by the person in custody.
- g) Individuals without satisfactory identification but know the officers may be transported to The Diversion Center based on the officers' familiarity with the individual.
- h) Individuals suspected of driving under the influence of alcohol or other drugs.
- i) Individuals arrested for public intoxication with no apparent mental health issues will be transported to the Sobering Center.
- j) Individuals with an Immigration and Customs Enforcement detainer.

PROCEDURES FOR DIVERSION FROM THE FIELD FOR PERSONS IN CUSTODY AND CHARGED

The suspect has been arrested for a low-level offense, but no psychosocial issues are apparent to the officer, the officer will;

- a) Transport the suspect to the JPC.
- b) The suspect's mental health status will be checked during intake.
- c) If the suspect has a mental health/psychosocial history and meets the criteria for possible diversion, the officer will be directed to take his suspect to the Triage/Diversion Desk. The jail diversion specialist will conduct a brief review of the suspect's history and may conduct a brief assessment. The suspect is:
 1. Not a Candidate for Diversion: Proceed to book into the JPC.
 2. A Candidate for Diversion: Advise complainant (if available) the suspect has a mental health history and is a candidate for diversion.
 3. Discuss charging options to include the transportation of the suspect to The Diversion Center to receive services.
 4. Call DA Intake and inform the ADA of the totality of the circumstances, including mental health status and history (from the desk), investigation, etc.
 5. The goal is to give the ADA as much information as possible to make an appropriate charging decision.
 6. If charges are denied, transport to the Diversion Center.

PROCEDURES FOR DIVERSION FROM THE FIELD FOR PERSONS IN CRISIS AND HAS PENDING CHARGES

If the officer detains the suspect for a low-level offense, and the suspect is not in crisis and does not meet the criteria for emergency detention but appears in need of psychosocial services, and the offense appears to be a result of a possible mental illness, developmental disability, or neurocognitive disorder, the officer will;

- a) Call the Triage/Diversion Desk at 346-286-1299 to determine if the suspect in custody has a mental health history and is a candidate for diversion.
- b) The officer will determine If the suspect fits the following criteria;

NO MENTAL HEALTH HISTORY

Advise the complainant the suspect does not have a mental health history but appears to require psychosocial services (food, clothing, hygiene, mental health treatment, etc.). Discuss charging options, including transporting the suspect to The Diversion Center to receive services.

MENTAL HEALTH HISTORY

Advise the complainant the suspect has a mental health history (do not provide specifics). Discuss charging options to include the transportation of the suspect to the Diversion Center to receive services.

Call DA Intake and inform the ADA of the totality of the circumstances, including mental health status and history (from the desk), investigation, etc. The goal is to give the ADA as much information as possible to make an appropriate charging decision.

If charges are accepted, transport to JPC for processing. If charges are denied, transport to the Diversion Center.

SECURITY

On-duty deputies from the Harris County Sheriff's Office (HCSO) will provide security for the facility 24/7. All incidents occurring on the premises of the Diversion Center requiring an incident report will be completed by the on-duty Officers assigned to the center.

Approved By


Pedro Lopez Jr., Chief of Police