

New Jersey Psychiatric Association

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A District Branch of the American Psychiatric Association

Position Statement on Mental Health Diversion Programs

Board of Trustees Approved on September 14, 2022

Mental Health Diversion is for eligible persons accused of crimes for whom mental health treatment is a reasonable alternative to confinement or other criminal sanctions. Effective mental health diversion will provide superior results at a lower cost. It will also enhance public safety by making jail and prison space available for violent offenders. Recidivism rates go down when mental illness is properly addressed

Mental illness among incarcerated individuals is a significant issue in our state. Department of Justice (DOJ) statistics indicate that there are 10 times the number of individuals with serious mental illness (SMI) in prisons/jails than there are in hospitals. This amounts to 14 - 25% of all inmates. The most common diagnosis is a substance use disorder, with the second most common being major depressive disorder. The same DOJ survey showed that over a third of all inmates have a prior history of mental illness before entering a prison or jail setting. Suicide is the leading cause of death in jails and the second leading cause of death in prisons nationwide. Racial and ethnic minorities are disproportionately represented in the justice system and have less access to mental health services. Their first encounter with mental health care is often only once incarcerated.

New Jersey Psychiatric Association recommendations:

1. The NJPA recommends the approval of a specialized program to divert those pre-trial detainees with SMI away from incarceration and punishment to specialized hearings where focus is on treatment, rehabilitation, and measures to decrease recidivism.
2. The NJPA recognizes the need for mental health professionals to work with the legal system in setting guidelines and criteria for diversion. The Association recommends the inclusion of Psychiatrists to assist the individuals in the justice system in the selection and evaluation of candidates for diversion. These assessments will identify and recommend:
 - Current diagnostic criteria for psychiatric illness;
 - Mental status examination with focus on acute symptoms, insight and judgment;
 - Opinion on likelihood of compliance with a treatment plan;
 - Detailed treatment plan with specific recommendations for therapies, levels of care, prognosis and reevaluation as appropriate;
 - Coordination with third party payors for available court ordered treatment with Psychiatrists.