

CHAPTER 12-67.1 DEFLECTION PROCESS

12-67.1-01. Definition.

As used in this chapter, "deflection process" means a procedure for facilitating an assessment, service, or treatment in lieu of incarceration, criminal charges, or unnecessary admissions to the emergency department if a peace officer or first responder is directed to intervene with an individual with a behavioral health condition, including a substance use disorder or mental health disorder, with or without the presence of criminal activity, unless the criminal activity involves bodily injury to another human or damage to personal property.

12-67.1-02. Individual with a behavioral health condition - Assistance - Medical care.

A peace officer, as defined under section 12-63-01, may transport or refer an individual to a local hospital, detoxification center, community behavioral health center, or other appropriate treatment facility. A tier 1b mental health professional, as defined under section 25-01-01, of a local hospital may hold that individual for treatment up to seventy-two hours.

12-67.1-03. Deflection process - Regional authority and planning.

1. A local government, law enforcement agency, or other first responder agency may establish a deflection process in partnership with one or more licensed providers of behavioral health services or substance use disorder treatment services, subject to the provisions of this section. A deflection process must include participation from a law enforcement agency and behavioral health service provider.
2. A deflection process must include procedures for:
 - a. The identification, screening, and assessment of its participants.
 - b. Case management and treatment facilitation.
 - c. Participant followups.
 - d. Law enforcement, first responder, and treatment provider training.
 - e. The collection and evaluation of data for:
 - (1) Demographics of program participants;
 - (2) The number of law enforcement interactions that result in a treatment referral; and
 - (3) The time between initial law enforcement interaction and treatment service.
3. A deflection process must include a performance management system with key performance indicators. Key performance indicators may include the:
 - a. Rate of treatment engagement within thirty days of initial contact;
 - b. Duration of treatment involvement; and
 - c. Number of subsequent law enforcement interactions for individuals referred to treatment.