

Justice Reinvestment in Arkansas

Discussion of Policy Options and Reinvestments

*Presentation at the Arkansas Association of Counties
Statewide Summit on Justice Reinvestment and Mental Health*

October 4, 2016

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Council of State Governments Justice Center

Corrections



Justice Reinvestment



Mental Health



Reentry



Substance Abuse



Youth



Courts



Law Enforcement



National non-profit, non-partisan membership association of state government officials that engage members of **all three branches** of state government.

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THE COUNCIL OF STATE GOVERNMENTS

Justice Center provides **practical, nonpartisan advice** informed by the best available evidence.

What is Justice Reinvestment?



JUSTICE REINVESTMENT

A data-driven approach to reduce corrections spending and reinvest savings in strategies that can decrease recidivism and increase public safety

The Justice Reinvestment Initiative is supported by funding from the U.S. Department of Justice's **Bureau of Justice Assistance (BJA)** and **The Pew Charitable Trusts**.

The policy options presented today are the result of intensive data analysis and stakeholder engagement

Data Analysis

More than 3 million individual records have been collected and analyzed from the following agencies:

- Arkansas Department of Correction (ADC)
- Arkansas Community Correction (ACC)
- Arkansas Parole Board (APB)
- Arkansas Sentencing Commission (ASC)
- Arkansas Crime Information Center (ACIC)
- Administrative Office of the Courts (AOC)
- Pulaski, Washington, Union, and Sebastian Counties

Stakeholder Engagement

More than 100 meetings and calls have been conducted with Arkansas stakeholders, including:

- Legislative Criminal Justice Oversight Task Force and Behavioral Health Treatment Access Task Force
- Membership and staff of the Arkansas General Assembly
- Corrections and field staff and administrators from ADC, ACC, and APB
- Arkansas Judicial Council and Administrative Office of the Courts
- Arkansas Prosecuting Attorneys Association
- Association of Arkansas Counties and Arkansas Sheriffs' Association
- Behavioral health practitioners, funders, and administrators

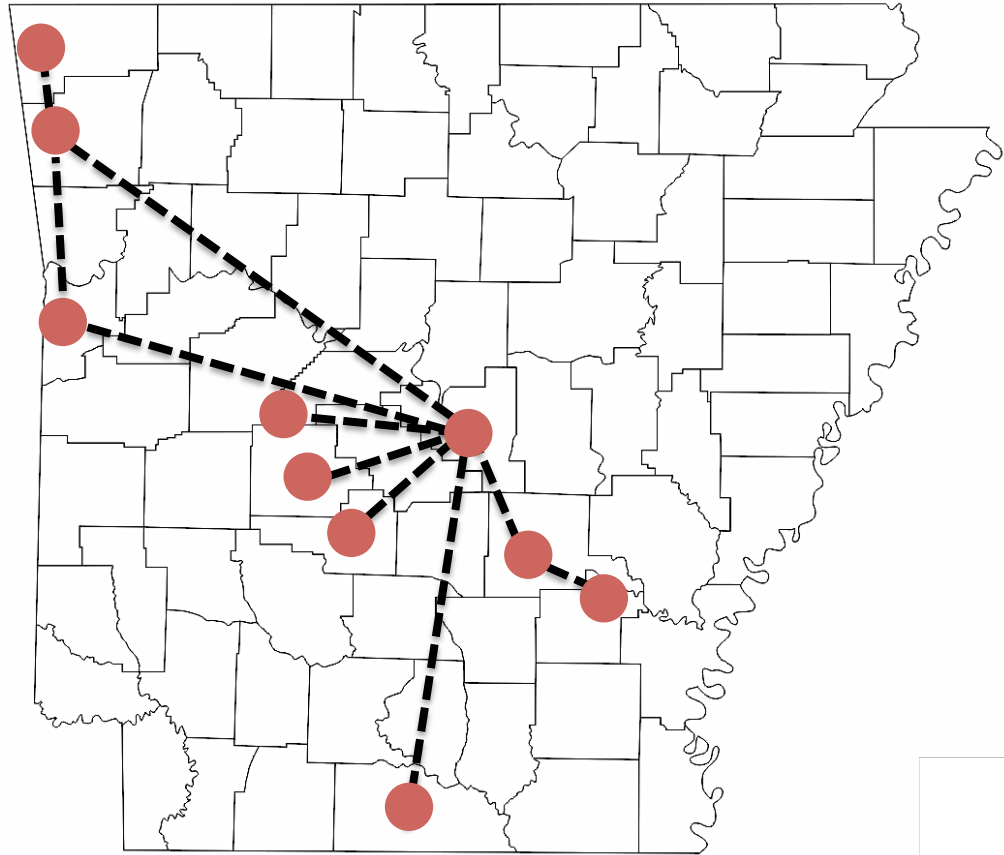
CSG Justice Center staff are pursuing regional perspectives in stakeholder engagement, reflecting the state's size and diversity

100+
CALLS & MEETINGS

18
SITE VISITS

2,400+
MILES DRIVEN

SINCE FALL 2015



Policy Option Discussions

Since early August, CSG Justice Center staff has conducted more than 30 meetings and/or calls with Arkansas stakeholders to discuss the proposed policy options. These discussions yielded helpful feedback that resulted in significant changes to the policy options presented today.

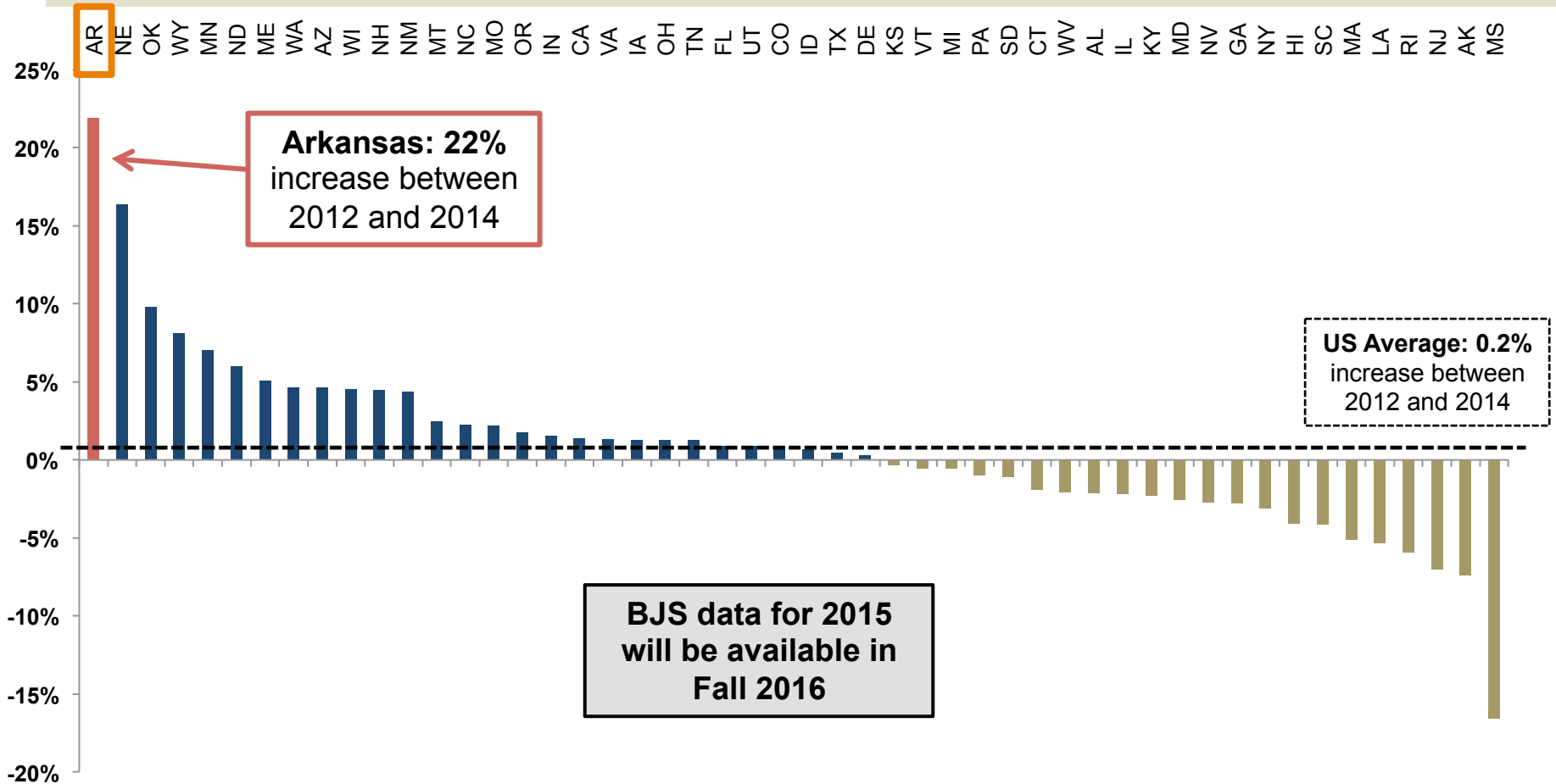
Overview



- 1 Recap of key findings through Justice Reinvestment
- 2 Discussion of policy options

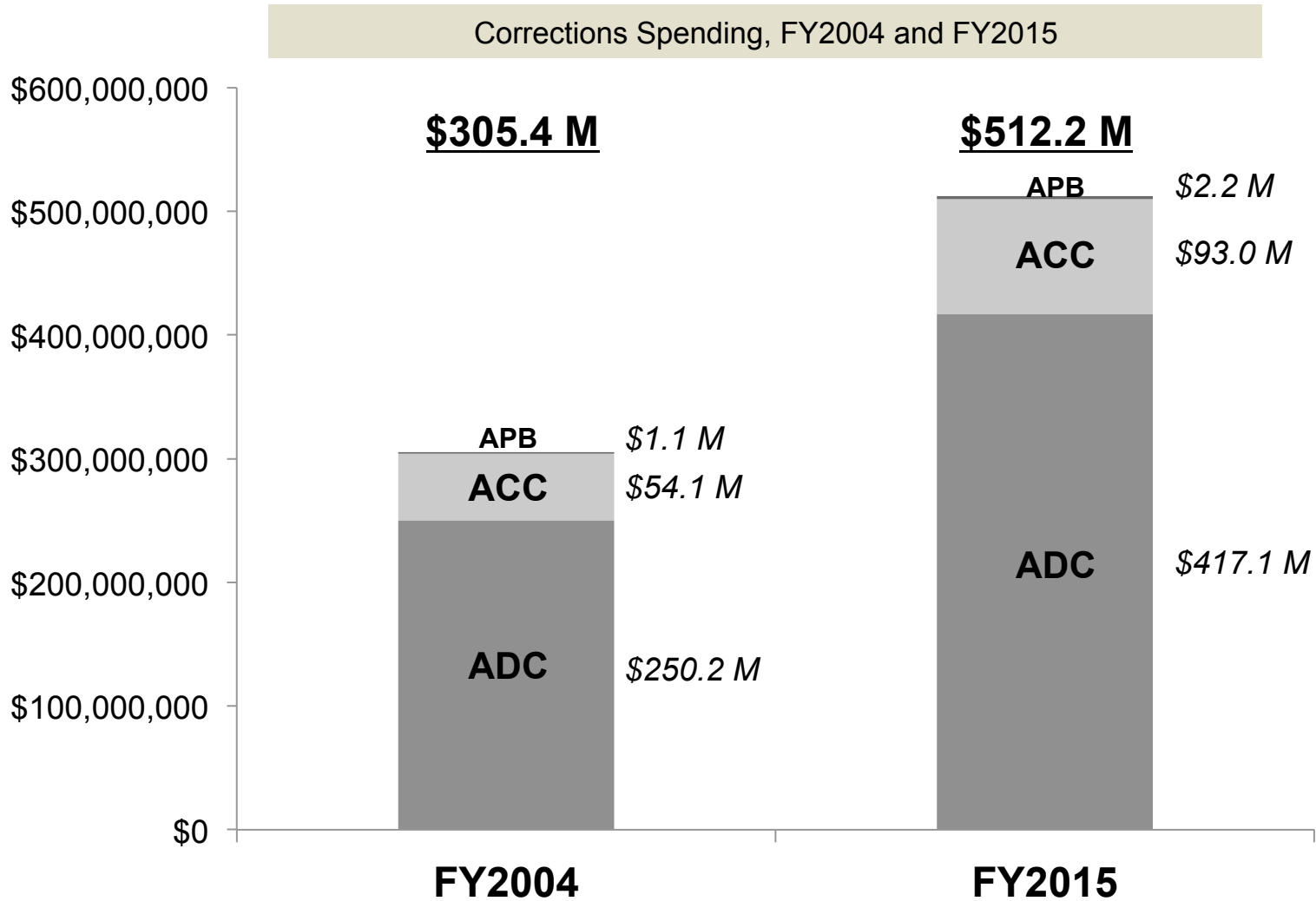
Arkansas's prison population is among the fastest growing in the country

Percent Change in Sentenced Prison Populations, 2012-2014



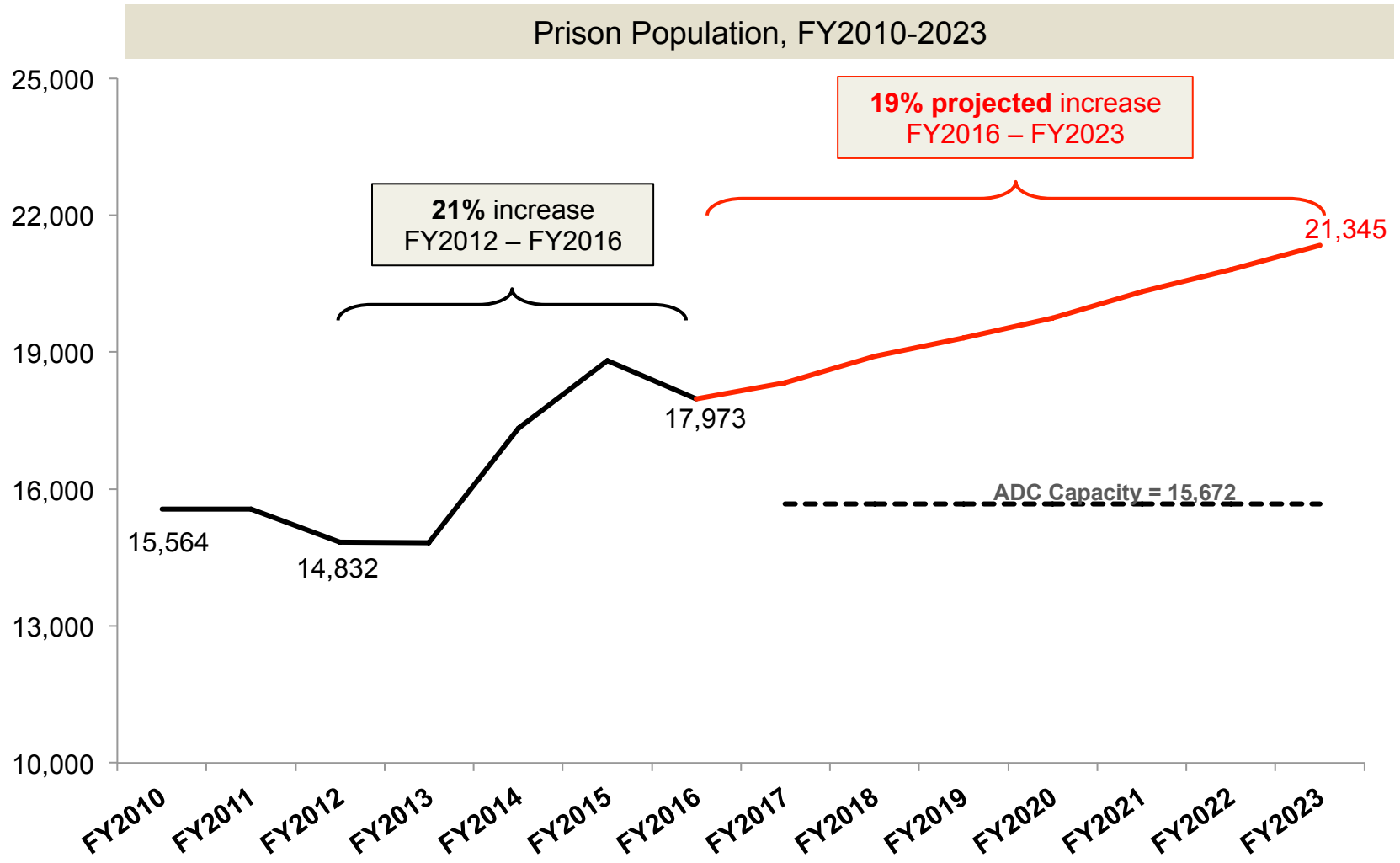
Source: Bureau of Justice Statistics (BJS), Prisoners in the United States

Arkansas now spends more than half a billion dollars on corrections, a 68 percent increase since 2004




Source: Arkansas State Budget 2004, 2015

Arkansas's prison population is projected to increase 19 percent by the end of FY2023



Source: ADC Population Data; JFA Associates, 2016 Arkansas Prison Projections and Historical Corrections Trends, June 2016

Maintaining status quo will cost Arkansas more than \$650 million in additional spending from FY2018 through FY2023

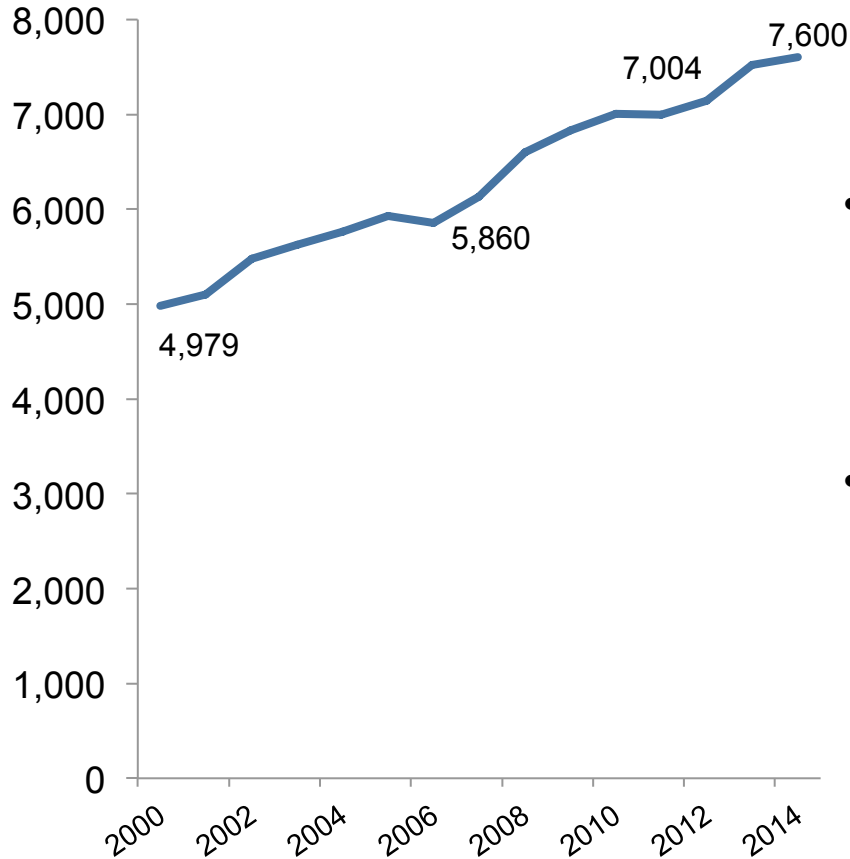
FY	ADC Population Above Capacity	Allowable CJ Backlog	CJ Backlog Cost (\$30/day)	Adjusted Capacity Shortfall	Operational Cost (\$63/day)	Cost of Constructing 4,200 Prison Beds	Total Cost of Maintaining Status Quo
FY2018	3,244	1,500	\$16,425,000	1,744	\$40,103,280	Assumed construction cost of \$60,000 per bed (conservative)	
FY2019	3,633	1,500	\$16,425,000	2,133	\$49,048,335		
FY2020	4,080	1,500	\$16,425,000	2,580	\$59,327,100		
FY2021	4,657	1,500	\$16,425,000	3,157	\$72,595,215		
FY2022	5,137	1,500	\$16,425,000	3,637	\$83,632,815		
FY2023	5,673	1,500	\$16,425,000	4,173	\$95,958,135		
Totals	---	---	\$98,550,000	---	\$400,664,880	\$252,000,000	\$751,214,880

Arkansas is already paying for the county jail backlog, so these are not considered new monies for this purpose.

\$653 million in new spending that would be required to maintain the status quo.

Arkansas's jail population is also increasing – up 53 percent between 2000 and 2014

Arkansas Jail Population,
2000-2014



- Arkansas had the **third highest** increase in jail populations from 2011-2013, behind only California (which underwent realignment during this time) and Texas
- Arkansas saw the **second largest percentage growth** in jail populations from 2006-2013

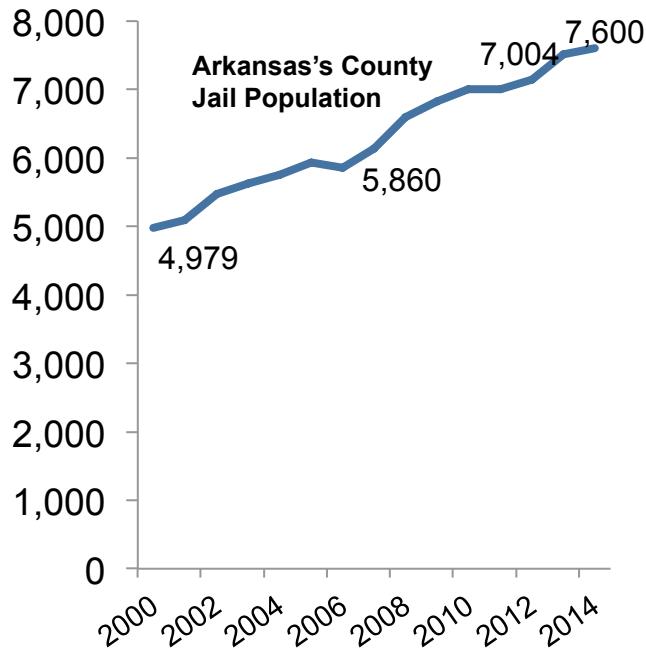
Source: Vera Institute, <http://trends.vera.org/#/incarceration-rates?geography=states>, Bureau of Justice Statistics (BJS); Census of Jails: Population Changes 1999-2013

Overview

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- 2 Discussion of policy options



Arkansas's jails are booking thousands of individuals with mental illness and substance abuse disorders



BH Disorder	General Public	State Prisons	Jails	Probation and Parole
Serious Mental Illness (SMI)	5.4%	16%	17%	7-9%
Substance Use Disorders (Alcohol and Drugs)	16%	53%	68%	35-40%

Arkansas has an estimated:

- 1,292 jail inmates with Serious Mental Illness
- 5,168 jail inmates with Substance Use Disorder

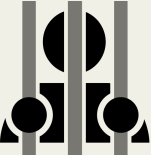
Most jails are not equipped to provide treatment and programming directed at behavioral health disorders beyond that required by law.

Source: Vera Institute, <http://trends.vera.org/#/incarceration-rates?geography=states>, Bureau of Justice Statistics (BJS); Census of Jails: Population Changes 1999-2013; James, Doris J. and Lauren E. Glaze. "Mental Health Problems of Prison and Jail Inmates." Bureau of Justice Statistics Special Report. United States Department of Justice. September 2006.

Arkansas should consider providing crisis stabilization beds for diverting people with mental illness away from jails

Challenge: Numerous individuals booked into county jails due to lack of better alternative for those with serious mental illness and relatively minor offenses

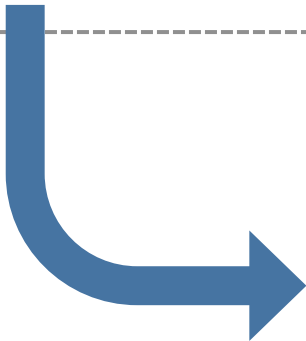
Individual in state of mental health crisis commits low-level crime and is engaged by local law enforcement

Status Quo 

Booked into county jail

Jails not equipped to provide treatment and interventions necessary for reducing the “revolving door” meaning many of these individuals cycle in and out of the jails repeatedly

- Upon release from jail, these individuals typically not connected to any community-based supports



Alternative



Residential capacity designed to address mental health crises in a clinical setting with trained staff, and connect individuals to services in the community upon discharge

- Much of the cost associated with these stabilization centers can be offset with Medicaid

Crisis stabilization units (CSU) can be designed according to Arkansas's needs

16 Beds



Medically monitored residential services

- 24 hour nursing coverage
- Staffing complement designed to accept complex admissions
- Linkages to continuum of care

Advantages over smaller configurations

- Broader clinical capacity for complex cases
- Leverages maximum reimbursable bed capacity through Medicaid
- Economy of scale

Estimated annual operational cost per 16-bed unit is between \$2 – \$3 million

- ✓ Opportunities to offset costs to Arkansas by leveraging Medicaid

4 Beds



High intensity community-based services

- 24 hour access to medical consultation
- 24 hour staffing
- Linkages to continuum of care

Advantages over larger configurations

- Less expensive
- Viable option in smaller communities
- Adds placement capacity options to existing infrastructure

Estimated annual operational cost per 4-bed unit is between \$400 – \$600 thousand

- ✓ Opportunities to offset costs to Arkansas by leveraging Medicaid

Additional areas of consideration in planning for a CSU



Referrals: Be clear and purposeful about who can refer to a CSU and parameters for triggering referrals. In addition to law enforcement (the primary target here), other potential referral sources include hospitals, social service agencies, mental health agencies, and families or self-referral.

Funding: Multiple streams are best to (a) leverage federal funds where possible and (b) reduce financial barriers/complications to crisis admissions (so ideally no one in crisis is excluded for services for funding reasons). Common sources:

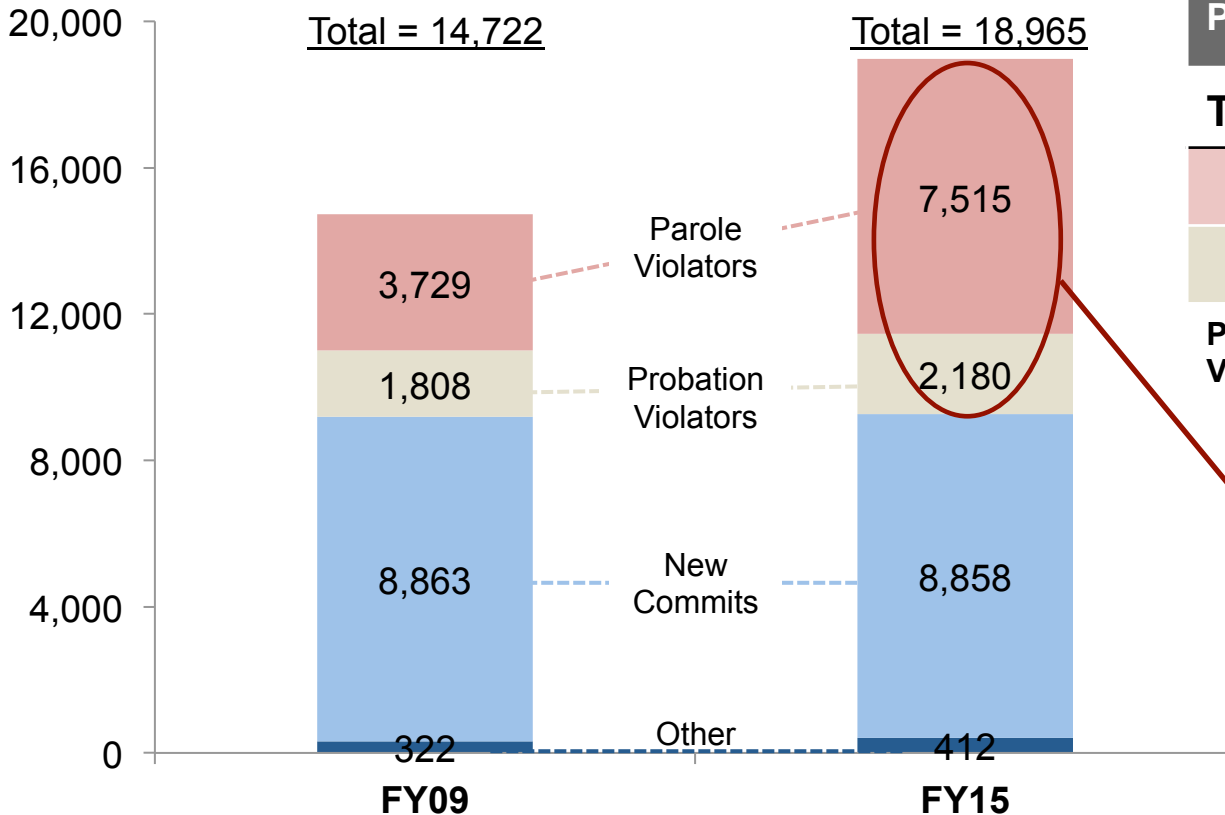
- Medicaid
 - Rehabilitation Option
 - Clinic Option
 - Waivers [1115; 1915(b)]
- Mental Health and Substance Abuse Block Grants
- Private Insurance
- Local Government Funds
- Self Pay
- State General Funds
- Other grant funding

Policy Option: Develop and fund strategies to reduce pressures on county jails, including specialized law enforcement training, screening and assessment, and diversion for people with mental illnesses.

- A. Create a fund to reimburse Arkansas's local law enforcement agencies for expenses associated with training officers/deputies in specialized responses for people with mental illnesses.
- B. Fund the creation of crisis stabilization units as well as necessary programming and treatment so that people with mental illnesses can be diverted from jails and successfully reintegrated into the community.
- C. Assist the Association of Arkansas Counties (AAC) and the Arkansas Sheriffs' Association (ASA) in the development and implementation of screening and assessment tools for use by local jails.
- D. Create a secure statewide database to allow for the collection of information on jail intake screenings/assessments so that this information is readily accessible to county and state agencies.

Virtually all of the growth in Arkansas's prison population stems from sanctioning of supervision violators

Year-End Prison Population by Type of Admission, FY2009 and 2015



ADC Population Growth FY2009-2015

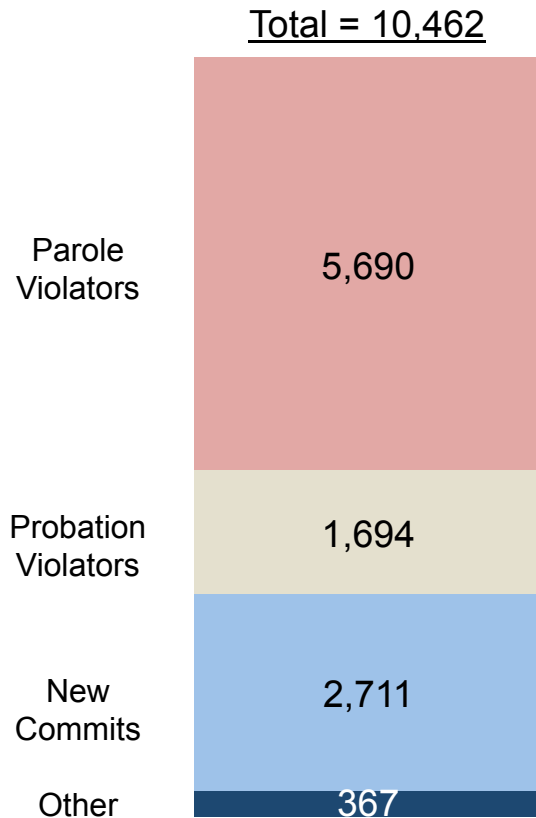
Population	Raw Growth
Total Prison	+ 4,243
<i>Parole Violators</i>	+ 3,786
<i>Probation Violators</i>	+ 372
Probation + Parole Violators Combined	+ 4,158

51% of prison population consists of supervision violators
 – 48% as of 4/30/16

Source: ADC Population Snapshot Data, 2009 – April 2016

More than a quarter of violators revoked to prison did not have an arrest while on supervision prior to revocation

FY2015 Prison Admissions



Violators with Arrest During Supervision?

	Felony Arrest	Misdemeanor Arrest	No Arrest
Parole Violators	53%	19%	28%
Probation Violators	65%	14%	21%

AVG # of Violations

Fewer than three

Almost 75% comprised of:

- *Failure to comply w/ conditions*
- *Failed drug test*
- *Failure to report*
- *Failure to pay*

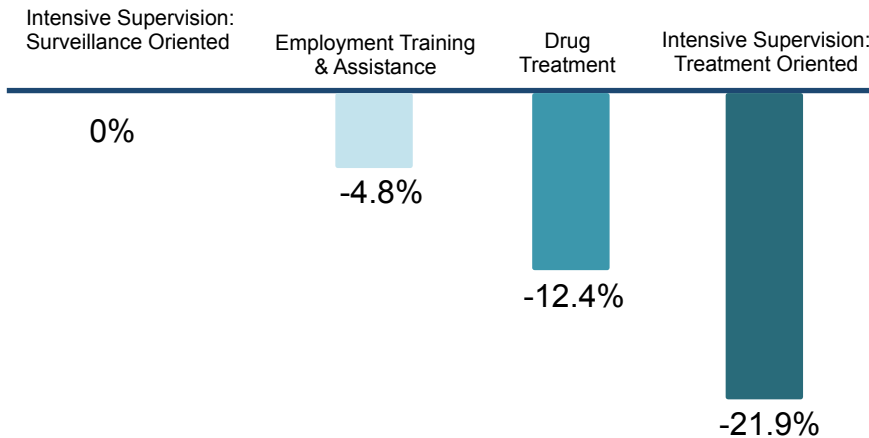
1,912 probationers and parolees revoked to prison despite not having an arrest while on supervision

Source: ADC Admission Data, ACC Termination Data

Arkansas needs more community-based supports for connecting those on supervision to needed substance abuse treatment

Challenge: For higher-risk probationers and parolees with substance abuse disorders, they can typically access treatment only if they have adequate insurance or can cover costs out-of-pocket

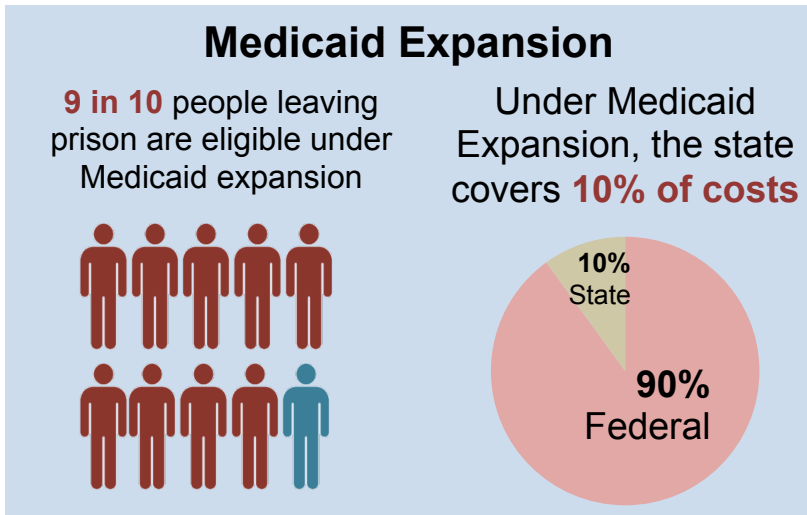
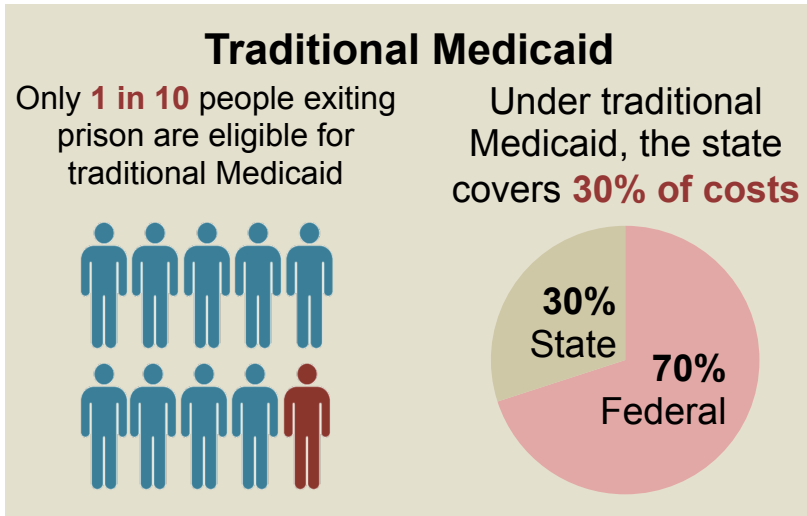
Changes in Recidivism Rates for Adult Offenders



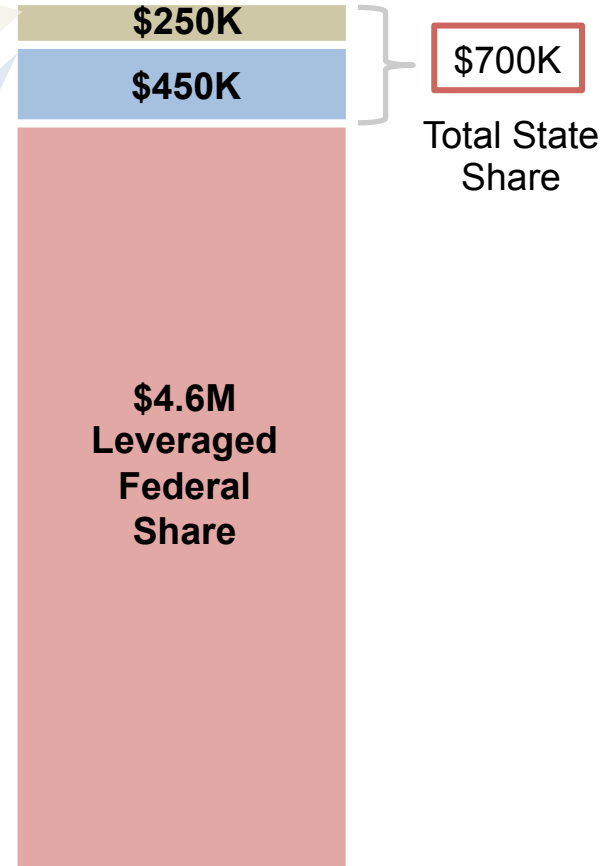
Lack of access to treatment in the community hinders efforts to reduce recidivism

Source: Steve Aos, Marna Miller, and Elizabeth Drake (2006). *Evidence-Based Adult Corrections Programs: What Works and What Does Not*. Olympia: Washington State Institute for Public Policy

Medicaid Expansion enhances coverage for more people and can leverage 9 federal dollars for every 1 dollar spent by the state



EXAMPLE \$5.3 MILLION EXPENDITURE



Arkansas's status as a Medicaid Expansion state presents opportunities to leverage funding for addressing unmet substance abuse needs

14,000 higher-risk probation/parole starts annually

- 5,936 estimated to have Substance Use Disorder (serious addiction)
 - 36% of 14K with SUD
 - 6.4% of 14K with SUD and SMI (co-occurring)
- Total cost of treatment = \$32,054,400
 - *Per person estimated cost of \$5,400*

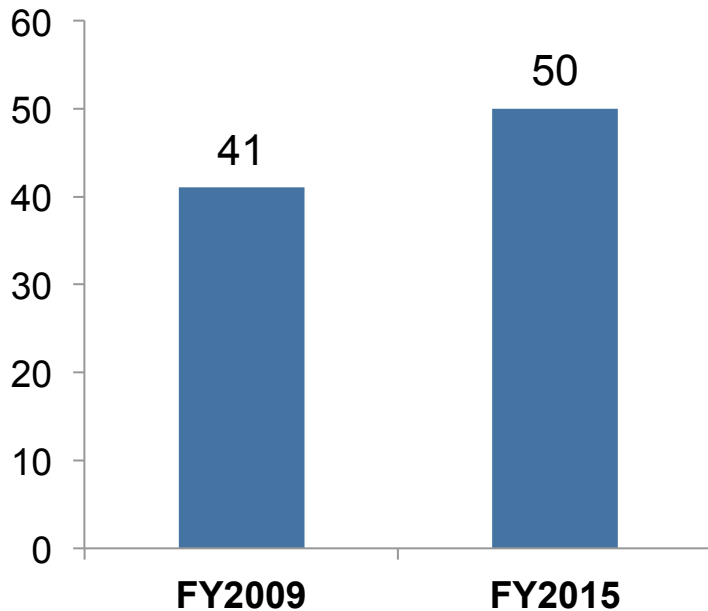
Medicaid expansion states that have put forward new resources to address treatment gaps among criminal justice-involved populations are able to leverage up to 85% of the costs of care through federal match.

Policy Option: Increase the availability of effective community-based substance use treatment and services.

- A. Expand community-based substance use programming and treatment for medium- and high-risk populations on supervision.
- B. Leverage Medicaid to cover the cost of substance use treatment and services for medium- and high-risk people on supervision.

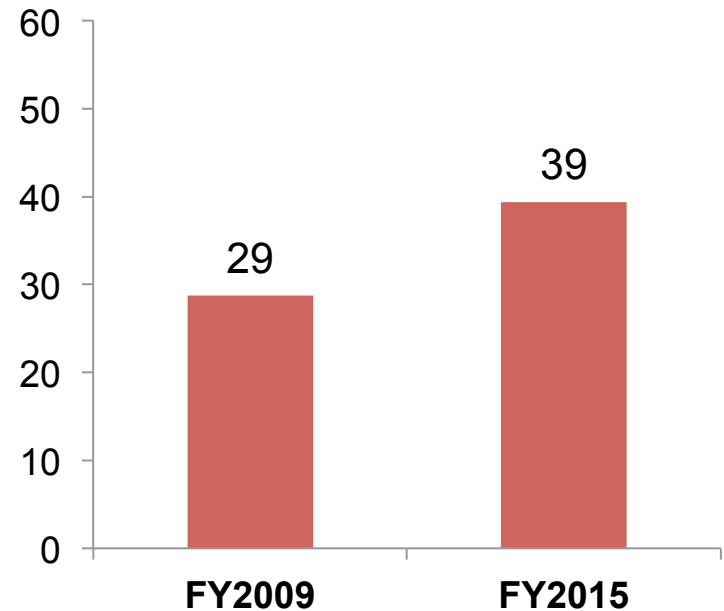
Probationers and parolees are staying on supervision longer and longer

Average Length of Supervision (Months) for Successful Probation Terminations



- Average months on supervision for felony probationers terminating successfully **increased 22%** from FY2009 to FY2015

Average Length of Supervision (Months) for Successful Parole Terminations

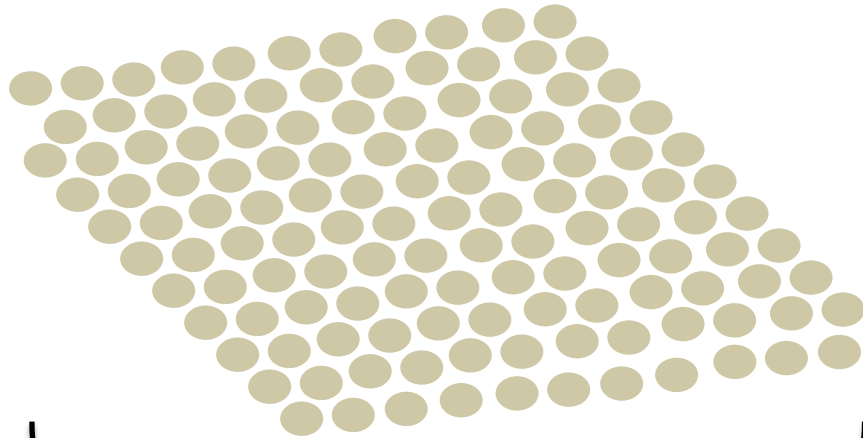


- Average months on supervision for felony probationers terminating successfully **increased 34%** from FY2009 to FY2015

Source: ACC Termination Data

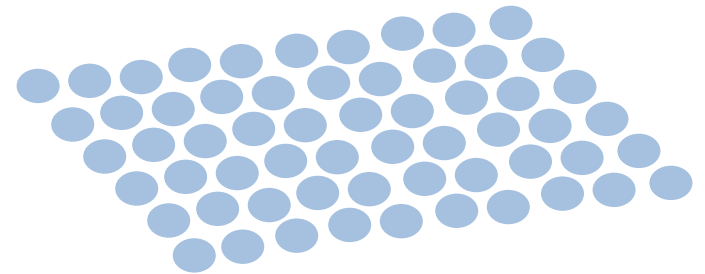
Arkansas's probation and parole officers have in excess of 120 cases per officer requiring some level of supervision

Arkansas



129 cases per caseworker

North Carolina



60 cases per caseworker

Source: ACC Annual Report FY2015; North Carolina DPS, Legislative Report on Probation and Parole Caseloads, March 2015

Policy Option: Focus supervision resources on people who are most likely to reoffend.

- A. Provide the most intensive supervision at the beginning of a person's supervision term, when rearrest rates are highest.
- B. Hire additional supervision officers to reduce the number of cases per officer, and improve training in effective recidivism-reduction strategies to increase the quality of supervision.

Policy Option: Improve the quality and consistency of the parole decision-making process, preparation for release, and information sharing between Arkansas's correctional agencies as it relates to parole.

- A. The Arkansas Parole Board (APB) should establish parole guidelines to aid the board in making fair and consistent release decisions.
- B. Fully implement risk and needs assessment tool(s) for use across Arkansas's correctional agencies (ACC, ADC, and APB) and develop validation protocols.
- C. Improve coordination between ADC and the parole board to expedite the communication of programming requirements to prevent delays in release to parole.

Policy Option: Reconfigure aspects of ACC's residential facilities to ensure the effectiveness and efficiency of services that are intended to reduce recidivism.

- A. This policy option requires changes to relevant community corrections policies to refine current programming and treatment in these facilities to maximize effectiveness and efficiency.

Policy Option: Improve the collection of information related to restitution and access to compensation for victims of crime.

- A. Assist the Administrative Office of the Courts (AOC) and the Association of Arkansas Counties (AAC) in collecting information on court-imposed financial obligations to improve the monitoring and collection of these obligations.
- B. Expand eligibility and increase funding for the Arkansas Crime Victims Reparation Program to better serve victims of crime.
 - Consider revising eligibility requirements for the Arkansas Crime Victims Reparation Program that currently disqualify people with criminal histories.
 - Increase the time limit for claims to be filed with the Arkansas Crime Victims Reparations Program from one year from the date of the crime to two years.

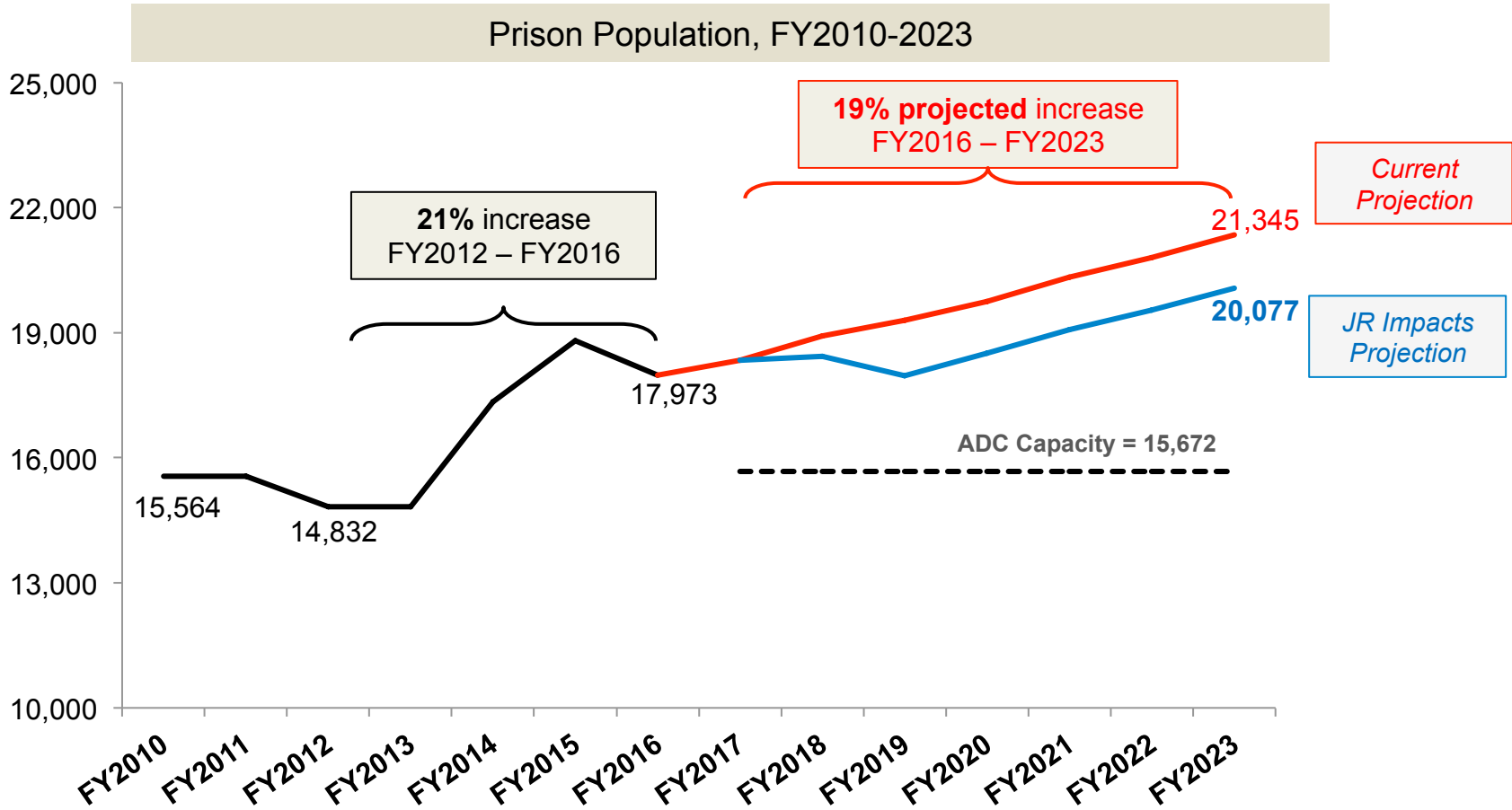
Policy Option: Limit the amount of time people who have violated the conditions of their supervision may spend in prison so that prison space is reserved for people who commit serious and violent offenses.

- A. Limit the length of time served in prison for probation or parole violators to no more than 45 days for technical violations and no more than 90 days for violations involving a new arrest for nonviolent, non-sex misdemeanor offenses or absconding.
- B. Those charged with a new felony offense or a violent or sex related misdemeanor would not be subject to this cap. After serving three (3) such capped sanctions, technical or applicable misdemeanant violators would be subject to full revocation for the remainder of their original sentence.

Policy Option: Revise the Arkansas Sentencing Standards to ensure that sentences to prison are reserved for people convicted of the most serious offenses or who have extensive criminal histories.

- A. Reduce the number of “all-options” cells in the Arkansas Sentencing Standards, thereby increasing the number of cells that provide explicit dispositional guidance.
- B. Revise the Arkansas Sentencing Standards to include recommended sentence length ranges rather than single value recommendations.
- C. Develop a legal framework to allow for appellate review of sentences that depart from the Arkansas Sentencing Standards, but prohibit appellate review of departure sentences that are imposed by juries or that result from negotiated pleas.

Justice Reinvestment policy options reduce demand for ADC beds by more than 1,200



Source: ADC Population Data; JFA Associates, 2016 Arkansas Prison Projections and Historical Corrections Trends, June 2016

Savings generated make resources available for more cost effective approaches

		FY2018	FY2019	FY2020	FY2021	FY2022	FY2023	Total
Averted Costs	New Construction Costs Averted	Cost of constructing 1,200 prison beds estimated at \$60,000 per bed = \$72,000,000						\$72 M
	Operational Costs Averted	0	\$27.6 M	\$27.6 M	\$27.6 M	\$27.6 M	\$27.6 M	\$138 M
	Total Averted Costs	\$12 M	\$39.6 M	\$39.6 M	\$39.6 M	\$39.6 M	\$39.6 M	\$210 M
Reinvestments	ACC caseworkers and support staff	\$10.6 M	\$6.1 M	\$6.1 M	\$6.1 M	\$6.1 M	\$6.1 M	\$41 M
	Community-based treatment	\$3.2 M	\$3.2 M	\$3.5 M	\$3.5 M	\$3.8 M	\$4.0 M	\$21 M
	Specialized police response training	\$500 K	\$500 K	\$500 K	\$500 K	\$500 K	\$500 K	\$3 M
	Victim compensation	\$100 K	\$100 K	\$100 K	\$100 K	\$100 K	\$100 K	\$600 K
	Total Reinvestment	\$14.4 M	\$9.9 M	\$10.2 M	\$10.2 M	\$10.5 M	\$10.7 M	\$65.9 M
Net Savings	(\$2.4 M)	\$29.7 M	\$29.4 M	\$29.4 M	\$29.1 M	\$28.9 M	\$144.1 M	

Thank You

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