CREATING AN EFFICIENT JUSTICE SYSTEM THROUGH YOUR COUNTY’S COURTS
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Workshop Evaluations

• A link to workshop evaluations will be emailed you daily.

• Evaluation forms can also be accessed online at www.naco.org/CLC.

• We look forward to receiving your feedback!
Agenda

• Hon. Gregg Moore - Moderator
  • County Supervisor, Eau Claire County, Wis.

• Mr. Franklin Cruz
  • Senior Program Manager, Justice Management Institute

• Judge Brent Carr
  • Tarrant County, Texas, Criminal Court Nine

• Question and Answer period
CREATING AN EFFICIENT JUSTICE SYSTEM THROUGH YOUR COUNTY’S COURTS
Overview

• Setting the stage
• Overview of Evidence-Based Practices
• Additional Lessons from Research & Practice
Setting the Stage

• Evidence-based practice is widespread
  • Right On Crime cites 27 states
  • The Pew Center on the States cites many of the same plus another 6 states
• Doesn’t capture the rich work in counties
Setting the Stage: Georgia

- HB 1176 (2012) and HB 242 (2013) make sweeping reforms in adult criminal and juvenile justice systems
- Broad system reform involving collaboration across systems and across branches of government
- Focus resources on high risk offenders, deinstitutionalizing low risk offenders, providing broader support for specialty courts
- Early indications of success
Setting the Stage: Texas (Adult)

- 2003: all low-level drug possession offenders sentenced to probation instead of incarcerated.
- 2005: probation funded to implement evidence-based practices to reduce unnecessary revocations.
- 2009: justice reinvestment initiative continued and expanded. 64 reentry coordinators added to reduce post-prison recidivism.
• 2007: Misdemeanants could not be sent to state juvenile institutions. Funds reinvested into counties to handle these youths.

• 2009: Two state institutions closed. Funds reinvested into juvenile probation, providing for evidence-based, diversion programs.
• Rates of serious property, violent, and sex crimes declined 12.8 percent since 2003.

• Recidivism among parolees declined 7.6 percent in 2007-8.

• Texas and Massachusetts had sharpest drop in incarceration rates from 2007-8 (Texas’ rate fell 4.5 percent).
Setting the Stage: Texas

• Similarly, juvenile crime has markedly declined while Texas reduced youths in state institutions by 52.9 percent.

• Over $2 billion in avoided taxpayer costs.
1. Use risk assessment tools to identify risk to reoffend and criminogenic needs.

2. Direct programming and interventions to medium and higher risk individuals; shift resources away from low risk individuals.

3. Focus interventions for medium/high risk individuals on their individual criminogenic needs.

4. Respond to misconduct swiftly, certainly, and proportionally.

5. Use more positive reinforcement than negative reinforcement.

6. Deliver community-based services where possible.

7. Pair sanctions with interventions that address criminogenic needs.
Overview of Evidence Based Practices

Risk

Need

Responsivity
1. Use risk assessment tools to identify risk to reoffend and criminogenic needs.

• Structured assessment tools predict pretrial misconduct and risk of reoffense more effectively than professional judgment alone

• Brief screening tools provide a quick assessment of risk

• Comprehensive tools provide information on risk to reoffend and effective targets of intervention to reduce future crime.

• Law enforcement uses assessments to inform cite/arrest decisions; prosecutors and judges use them to inform plea bargains and sentencing; and community corrections uses them to determine intensity of supervision.
2. Direct programming and interventions to medium and higher risk offenders.

- Recidivism reduced by 30% when medium/high risk offenders receive appropriate behavior changing programming.

- Low risk offenders may become more likely to recidivate when they are overly supervised or programmed.

- For low risk offenders, prosecutors use diversionary programs, prosecutors and judges avoid excessive conditions, defense counsel advocate for low intensity interventions, community corrections uses minimal supervision.

- For higher risk offenders, judges, prosecutors, and defense counsel target programming designed to positively influence behavior (cognitive behavioral approaches).
3. Focus interventions for medium/high risk offenders on individual criminogenic needs.

- Cognitive behavioral programs are generally most effective programming interventions for higher risk offenders.

- Interventions that influence traits associated with future crime (criminogenic needs) yield stronger reductions in recidivism (up to an average of 30% reduction).

- Judges align sentencing conditions with specific criminogenic needs; community corrections and treatment use assessments to identify criminogenic traits; avoid “one size fits all” programs.
4. Respond to misconduct swiftly, certainly, and proportionally.

- Graduated sanctions (i.e., sanctions that increase in severity based on the number and nature of acts of misconduct) increase compliance with supervision and treatment.

- Swift, certain, and proportional actions that reflect disapproval of behavioral misconduct are more effective in reducing recidivism than actions that are disproportionate, delayed, or inconsistent.

- Court administrators develop policies to expedite cases through the court system; judges, prosecutors, and community corrections establish violation decision-making guidelines that account for the risk of the offender and severity of violation; all violations are responded to in some way.
5. Use more carrots than sticks.

- The use of incentives and positive reinforcement are effective in promoting behavioral change.
- Positive reinforcement should be provided at 4:1 rate relative to sanctions.
- Defense requests review hearings when clients reach significant milestones; community corrections acknowledges progress through posting of awards, writing letters of affirmation, reducing reporting requirements, etc.
6. Deliver services in natural environments where possible.

• Treatment services provided in structured (e.g., residential, institutional) settings are demonstrated to be effective.

• Yet, services delivered in environments that most closely resemble prosocial, supportive environments improve offenders’ bonding to the prosocial community and aid in reducing recidivism.

• Law enforcement refers to community-based crisis services for offenders with mental health conditions; judges and prosecutors use community-based rather than residential or institutionally based programs when possible; county executives/managers provide support for funding and zoning community-based programming options.
7. Pair sanctions with interventions that address criminogenic needs.

- Sanctions without programming (e.g., boot camps without a treatment component, electronic monitoring, intensive supervision, incarceration) do not contribute to reductions in recidivism.

- Prosecutors and judges employ a combination of sanctions and behavior changing programming; county executives/managers fund a balance of behavior changing programming and accountability measures; community corrections agencies address offender misbehavior with balanced, cognitive behavioral approaches.
What does practice tell us?
Other Important Lessons

• Every interaction within the criminal justice system offers an opportunity to contribute to harm reduction.
Other Important Lessons

• Using evidence-based practices does not mean we stop experimenting.
To learn more...

- www.nicic.org
- www.evidencebasedpractices.org
- www.cepp.com
- www.wsipp.wa.gov
- www.jmijustice.org

- Franklin Cruz: franklinc@jmijustice.org
Smart Justice

Judge Brent A. Carr
Tarrant County Criminal Court
Nine
Who is this Guy?

- Son of Mary and Ed
- Marine Corps Veteran
- Assistant District Attorney, 8 years
  - General Prosecution, all offense levels
  - Chief Prosecutor, Drug Task Force, 3 years
- Criminal Court Judge, 22 years
  - Mental Health Court, 10 years
  - Veterans Court, 3 years
  - High Risk Women (RISE), 2 years
What is He Talking About?

- How did we get in this mess?
- What groups are we interested in?
- How do we start?
- How much does it cost?
- Other benefits?
- Some Examples.
How Did We Get In This Mess?

- First Penitentiaries, 1790’s
  - Walnut St. Jail & Newgate Prison
  - Separate (PA) vs. Auburn System (NY)

- Addiction to incarceration

- Evolution of Social Science
  (As it turns out lawyers and judges do not know everything)
How Did We Get In This Mess?

Current estimate: one in 100 adults are confined in the United States

In 1971 President Richard Nixon declared a “War On Drugs”

Sources: Justice Policy Institute Report: The Punishing Decade, & U.S. Bureau of Justice Statistics

1984: Sentencing Reform Act (SRA)
What Groups Are We Interested In?

Preliminary Concepts

- Community safety is job one.
- Confinement will always be a punishment option, and it should be.
- In most cases the therapeutic program is more demanding than regular probation or a short jail or prison sentence.
- A well run program has incredibly good outcomes.
What Groups Are We Interested In?

• What is the goal of the program?
  ◦ Domestic violence, drug addiction, mental health, veterans, reentry, sex offenders, etc.

• Where do you get the biggest bang for the buck?

• Nat’s Assoc Drug Court Professionals emphasis on high-need / high-risk
What Groups Are We Interested In?

- Nationwide, law enforcement made an estimated 12,408,899 arrests in 2011.

- The highest number of arrests were for drug abuse violations (estimated at 1,531,251 arrests),

- Larceny-theft (estimated at 1,264,986),

- Driving under the influence (estimated at 1,215,077).

How Do We Start?

- Free lunch
- Bring in someone conversant on the program you are interested in
- A Champion
- Collaboration:
  - develop vision and battle plan,
  - groups that have concerns
How Do We Start?

- **Initial Funding:**
  - In house (where there is a will, there is a way)
  - Often match or step-down

- **Sustainability:**
  - Always on the prowl
  - Regular self-evaluation
  - Outcome measurements
  - Certification by outside evaluation
How Do We Start?

**Resources:**
- National Center for State Courts,
- National Association of Drug Court Professionals
- American Probation and Parole Association,
- Bureau of Justice Assistance,
- Center for Court Innovation, etc.
How Much Does It Cost?

Texas Per Person (figures rounded)

<table>
<thead>
<tr>
<th>Agency</th>
<th>Daily</th>
<th>Yearly</th>
<th>year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prison</td>
<td>$59</td>
<td>$21,535</td>
<td>2011</td>
</tr>
<tr>
<td>County Jail</td>
<td>$65</td>
<td>$23,725</td>
<td>2013</td>
</tr>
<tr>
<td>Probation</td>
<td>$3</td>
<td>$1,095</td>
<td>2012</td>
</tr>
</tbody>
</table>


County Jail: Tarrant County Budget Office

Probation: Texas Legislative Budget Board
# How Much Does It Cost?

System Wide Confinement Costs Estimates

<table>
<thead>
<tr>
<th></th>
<th>Tarrant County</th>
<th>State of Texas</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Six Months</strong></td>
<td>$38 million</td>
<td>$1.65 billion</td>
</tr>
<tr>
<td><strong>One Year</strong></td>
<td>$76 million</td>
<td>$3.3 billion</td>
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</table>
### How Much Does It Cost?

Select Tarrant County Programs Per Person County Costs

<table>
<thead>
<tr>
<th>Program</th>
<th>Daily Cost</th>
<th>Yearly Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drug Court</td>
<td>$10.00</td>
<td>$3,650</td>
</tr>
<tr>
<td>Mental Health</td>
<td>$10.00</td>
<td>$3,650</td>
</tr>
<tr>
<td>Veterans</td>
<td>$12.70</td>
<td>$4,637*</td>
</tr>
<tr>
<td>Rise (Women)</td>
<td>$7.77</td>
<td>$2,628*</td>
</tr>
<tr>
<td>Drug Reentry</td>
<td>$4.00</td>
<td>$1,466*</td>
</tr>
<tr>
<td>Felony Alcohol</td>
<td>$5.11</td>
<td>$1,866*</td>
</tr>
</tbody>
</table>
# How Much Does It Cost?

Three Year Revoke / Reincarcerate Rate  
Texas

<table>
<thead>
<tr>
<th>Program</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Supervision</td>
<td>14.8%</td>
</tr>
<tr>
<td>Prison</td>
<td>22.4%</td>
</tr>
<tr>
<td>State Jail</td>
<td>30.6%</td>
</tr>
<tr>
<td>Substance Abuse Facility</td>
<td>38.9%</td>
</tr>
<tr>
<td>Sanction Facility</td>
<td>36/8%</td>
</tr>
</tbody>
</table>
Other Benefits

Success Rate Examples

- **Drug Court**
  - 62% completion rate (62 / 100)
  - 79% remain crime free (49 / 100)

- **Mental Health Court**
  - 79% completion rate (79 / 100)
  - 85% remain crime free (67 / 100)

- **Veterans Court**
  - 83% completion rate (83 / 100)
  - 96% remain crime free (78 / 100)
Other Benefits

- Social Worker with Arrest Power: Judge
- Better outcomes for community services due to criminal justice supervision
- Better coordination of resources
  - Treatment and criminal justice staff
  - Addressing groups of offenders with similar needs
- Saves $$$$$$$$$$$$$$$$$$$
Some Examples

Mental Health Diversion

- Began December 2003
- Diagnosed mental Illness
- Illness played role in offense
- Assessment for program appropriateness
- District Attorney agrees to admission
- Individualized treatment plan
- Phased / monitored progress
- Discharge plan
- Dismissal / Expunction
Some Examples

Veterans Diversion Court

- Began April 2010
- Applicants:
  - Active Duty / Veteran
  - Combat / Hazardous Duty
  - Developed Mental Illness / Brain Injury
  - Injury played role in offense
- Illness played role in offense
Some Examples

Veterans Diversion Court

- Assessment for program appropriateness
- District Attorney agrees to admission
- Individualized treatment plan
- Phased / monitored progress
- Discharge plan
- Dismissal / Expunction
Some Examples

Reaching Independence Through Self-Empowerment (RISE)

- Began February 2011
- Intervention
- High-risk women
- Prostitution, trauma, drug addiction, mental illness.
- All are multiple time convicted felons
- Assessment
Some Examples

RISE

- Residential drug treatment
- Supervised housing
- Group and individual counseling
- Substance use testing
- Employment / education
- Reassessment
- Goals: stable housing, income, relapse prevention
King For A Day

- Would refocus the justice system to problem solving for the majority of persons who enter the criminal justice system.

- A full time grant writer for specialty programs for a jurisdiction that has multiple programs

- A specialty court program administrator
Thank you

Judge Brent A. Carr
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Questions?

Please move to a microphone when asking a question
Thank you for attending this workshop and we look forward to your feedback.

Evaluation forms can be found online at www.naco.org/CLC