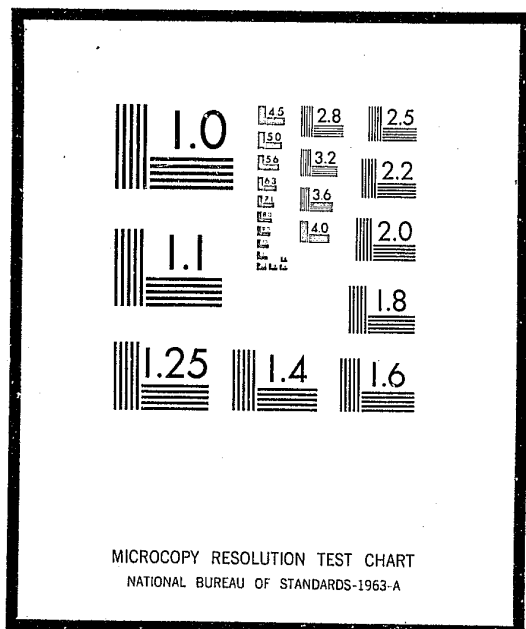


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Date filmed 9/2/75

014319

Phase I Report

Arkansas Plan for Local and State Corrections



**Phase I
Report**

**Arkansas Plan for
Local and State
Corrections**

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Arkansas Department of Correction

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Preface

This document presents the findings of Phase 1 of the Arkansas Plan for Local and State Corrections, a study presently underway to investigate all adult correctional facilities and operations in Arkansas. The purpose of this interim report is to provide a concise summary of the facts and analyses from which the study's recommendations are based. Hopefully a knowledgeable discussion of the issues presented herein will lead to positive legislative action in support of an improved corrections system for all levels of government in Arkansas.

The Department of Correction is vitally interested in encouraging the response of interested parties concerning any aspect of the study. Inquiries should be made prior to April 15, 1973 and directed to James B. Conner, Project Director, c/o CPS inc, 11th and Battery Streets, Little Rock, Arkansas 72202, or to Terrell Don Hutto, Commissioner, Arkansas Department of Correction, State Capitol, Little Rock, Arkansas 72201.

Recommendations

The following recommendations are made in support of a plan for effective correctional programs of adult detention and treatment at both the local and State level.

Where sufficient support for the recommendations of the study is forthcoming, specific legislation will be proposed and hopefully enacted.

1

• Those responsible for corrections at the local and State level would be greatly aided in their efforts to serve the citizens of Arkansas by the formulation of a uniform policy for all correctional programs in Arkansas. It is recommended that the goals of such a policy be (a) to protect persons and property against violators of criminal laws, and (b) to deal with violators of criminal laws with methods aimed at preparing and inducing them to become useful citizens of the state and community, foster their human dignity, and preserve the community's human resources.

2

• In order to promote the most efficient utilization of the limited funds available to corrections, it is recommended that the State Government take the initiative in encouraging:

- multi-jurisdictional cooperation among municipalities, counties, and the ADAC in development of improved correctional programs and facilities;

- maximum reliance on existing community resources to expand the range of correctional alternatives available for dealing with offenders; and

- local coordination of all components of the criminal justice system to comprehensively attack the basic conditions which promote crime and recurring criminal behavior in individuals.

3

• It is recommended that jail standards and inspection procedures be developed to insure that all correctional facilities provide, at least on a minimum level, for the health and safety of offenders as well as society.

4

• It is recommended that a system of regional correctional centers be developed to provide for the detention and treatment of persons (other than the exceptionally short-term) awaiting court disposition or transfer to other authorities, serving sentences for misdemeanor offenses, and serving sentences for felony offenses while posing no security risk to the community.

5

• It is recommended that a program of upgrading municipal and county jails be initiated which will aim at providing adequate lock-up facilities for the short-term detention of persons pending release on bond, awaiting court disposition, serving sentences for misdemeanor offenses, and awaiting transfer to a regional correctional center.

6

• It is recommended that measures be developed to minimize the reliance on money bail as the primary means of effecting the release of accused persons pending their appearance in court.

7

• It is recommended that criminal sanctions against intoxicated persons be removed under conditions where normal manifestations of intoxication would be the only basis for arrest and that civil provisions be developed for the treatment of intoxicated persons and chronic alcoholics.

8

• It is recommended that the administrative responsibility for implementing minimum jail standards and multi-jurisdictional cooperation in the development of regional correctional centers be vested in a division of community correctional services under the Arkansas Department of Correction.

1 Background

In September, 1972, the Department of Correction was asked by the Arkansas Commission on Crime and Law Enforcement to undertake an evaluation of all adult correctional facilities and operations within the State and to propose a coordinated program of jail improvement and correctional treatment. It was decided that every effort should be made to develop initial recommendations for submission to the 1973 Arkansas General Assembly.

The Arkansas Department of Correction applied for and received a Federal grant from LEAA to develop an Arkansas Plan for Local and State Corrections. The Little Rock consulting firm of CPS inc was employed to organize and direct the necessary technical studies for the Plan with support from the Department of Correction personnel and community volunteers.

The following surveys were conducted during Phase 1 of the study:

- A complete survey was made of all local jail facilities in the State. This survey was performed by personnel of the Division of Pardons and Paroles over a two-week period. They visited 180 facilities and evaluated each in terms of physical condition, inmate population, security and discipline, food services, sanitation and general operations.
- A survey of the characteristics of persons detained in local facilities was conducted using interviews of all persons awaiting trial or serving sentences in twelve of the State's largest city and county jails.
- A survey of data on annual admissions and length of stay for a one-year period was conducted using eleven facilities representative of county populations and geographic location. This sample was used to estimate State-wide admissions to local facilities and average daily populations.
- A survey of municipal court dispositions for a one-year period was conducted using the same twelve cities as above. This information will be used to project future levels of incarceration in city and county facilities.
- A survey of literature from states which have, or are developing, comprehensive plans for corrections was conducted for comparative evaluation with the Arkansas situation.

Regional Resource Teams

Prior to initiating the data collection effort, eight meetings were held in various locations throughout the State to inform persons involved in corrections and related fields at the local level of the study's objectives and to solicit their support as members of Regional Resource Teams. The primary role of the Regional Resource Teams will be to evaluate the initial recommendations of the study as they relate to specific geographical areas and to provide more detailed input on local conditions during the second phase of the project.

Over 900 persons were invited to participate as members of the eight Regional Resource Teams. Contact with these persons was arranged by the area planners for the State's five Criminal Justice Planning Councils, which serve as the local arm of the Arkansas Commission on Crime and Law Enforcement. The composition of the resource teams includes a variety of disciplines and is indicative of the broad community resource base which can be focused on correctional needs.

State Advisory Committee

In addition to the creation of Regional Resource Teams, a State Advisory Committee was established to provide an additional mechanism for insuring diversified, locally supported inputs to the planning process. This committee met on a monthly basis during Phase 1 of the study and will continue to offer direction and advice during the final stages of the project. The membership of the committee was intended to provide both geographic and functional representation.

The following is a list of those persons invited by Governor Bumpers to participate as members of the State Advisory Committee in support of an Arkansas Plan for State and Local Corrections.

Law Enforcement

Hollis Spencer
Chief of Police
Fayetteville

W. D. Gober
Franklin County Sheriff
Ozark

Ed Hall
Woodruff County Sheriff
Augusta

Robert Moore
Desha County Sheriff
Arkansas City

Prosecution

Ray Thornton
Jim Guy Tucker
Office of the
Attorney General

David Hodges
Prosecuting Attorney
3rd District

Gene Raff
Prosecuting Attorney
1st District

Judicial

Joe Villines
Circuit Judge
14th District

Paul Wolfe
Circuit Judge
12th District

John T. Lavey
Attorney
Little Rock

Ray Guzman
Professor of Law
University of Arkansas
Fayetteville

Corrections

Ray Biggerstaff
Director
Arkansas Commission on Crime
and Law Enforcement

George Stancil
Correctional Programs Specialist
Arkansas Commission on Crime
and Law Enforcement

Terrell Don Hutto
Commissioner
Department of Correction

Jim Chudleigh
Administrator of Research
and Planning
Department of Correction

Mort Karp
Professor of Architecture
University of Arkansas
Fayetteville

Local Government

A. A. "Shug" Banks
County Judge
Mississippi County

Randall Mathis
County Judge
Clark County

Jessee Porter
Mayor
West Helena

Neil Stallings
Mayor
Jonesboro

Joe Starr
Mayor
Fayetteville

State Government

Harry Carter
State Representative
Little Rock

Cal Ledbetter
State Representative
Little Rock

Jodie Mahoney
State Representative
El Dorado

Charles Moore
State Representative
Luxora

John F. Gibson
State Senator
Dermott

Olen Hendrix
State Senator
Prescott

State Services

Dale Cline
Commissioner
Department of Labor

Arch Ford
Director
Department of Education

E. R. Baxter
Director
Social Services Division
Department of Social and
Rehabilitation Services

Dr. Roger Bost
Director
Department of Social and
Rehabilitation Services

Charles Crow
Director
State Planning Department

Special Groups

Elijah Coleman
Executive Director
Arkansas Council for
Human Relations

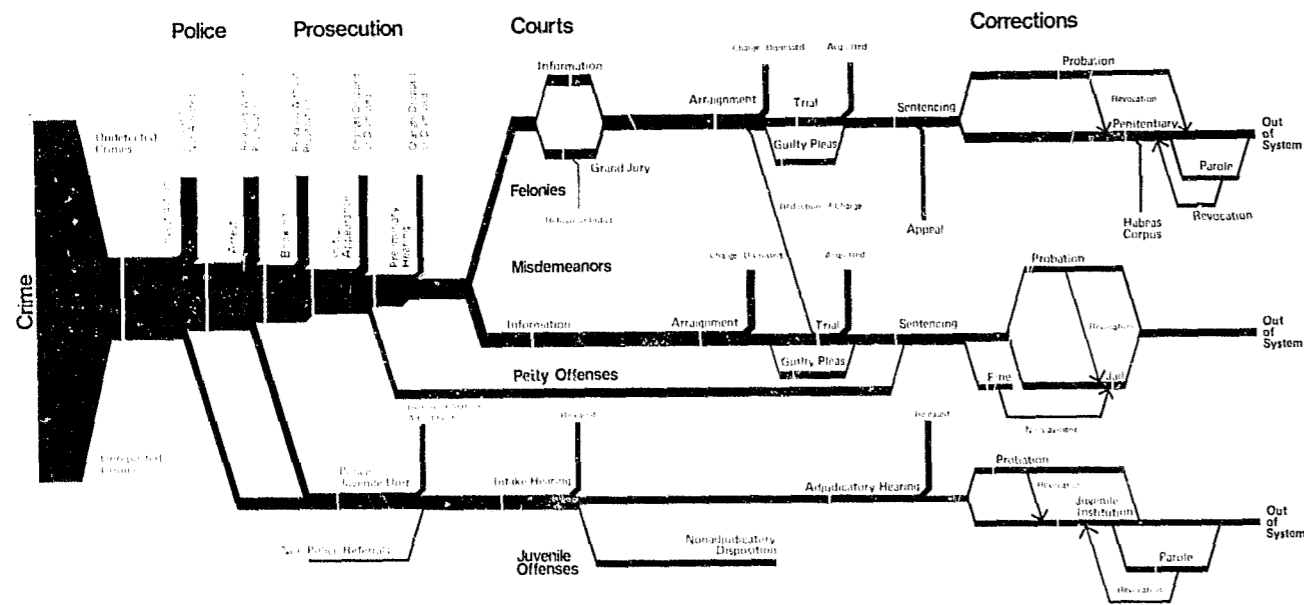
Otto Zinke
Arkansas Chapter Representative
American Civil
Liberties Union

2 The Arkansas Criminal Justice System

The criminal justice system in Arkansas can be defined as four distinct elements: law enforcement, prosecution, courts and corrections. Although each component can and oftentimes must be dealt with as a separate entity, it is of the utmost importance to see the relationships and interdependencies between one element of the system and another. The accompanying diagram of the criminal justice system should make many of the interdependencies apparent. The routes a person might follow in passing through the system are many, each lined with numerous decision points as to when the person will be released from the system or how he or she will continue through the maze.

Because the corrections component of the criminal justice system is at the "end of the line," it is more than any other component of the system at the mercy of conditions dictated by other components of the system. The number and type of arrests, plea bargaining, and sentencing procedures are all processes of the criminal justice system which establish correctional populations. Recognition of the interrelatedness of the corrections component to the remainder of the system is necessary to develop new and more effective approaches for dealing with offenders.

The corrections component is a complex system in itself, comprised of a multitude of agencies, jurisdictions, and responsibilities. Basically, it is organized along State and local lines with the Arkansas Department of Correction being responsible for those convicted of major offenses (felonies) and city and county governments being responsible for minor offenses (misdemeanors). As full discussion of the various parts of the corrections system in Arkansas is presented later.



1 Criminal Justice System

Crime Statistics

Crime is a complex phenomena that cannot easily be separated from the total social environment, nor can it be blamed mostly on one segment of society or reduced only through the efforts of a few "criminal justice experts." Crime does not begin in the criminal justice system; it begins in society. The long-range answer to crime reduction is not just apprehending, incarcerating, or even rehabilitating criminals. It is the prevention of crime by reduction in the casual factors of crime. Malnutrition, addiction, alcoholism and mental illness—these are just a few of the basic causes of crime.

Although the report focuses on corrections and deals with such factors as crime rates, recidivism and detention of offenders, the need for basic crime prevention is paramount. Such prevention is the task of the total community. The criminal justice system can always benefit from the expertise and views of those outside as well as those within the system.

The following is the opening statement to the publication, "The Challenge of Crime in a Free Society".

"There is much crime in America, more than ever is reported, far more than ever is solved, far too much for the health of the nation."

No one can really argue with that statement or with the fact that it applies as well to the State of Arkansas. However, there is a real problem in determining accurately how much crime we do have, how the rates differ for various types of criminal offenses, and how those rates are changing over time. It should be emphasized that measures of crime, as commonly used, must be interpreted very carefully. Such measures are always less than perfect and many times misleading.

The following is a partial list of factors which can distort the accuracy of crime rates as reported by the FBI and other agencies.

- Many crimes are not reported. This is due to circumstances such as failure to realize a crime has been committed, unwillingness of the victim to report a crime, and victimless crimes (littering, drunkenness).
- Many reported crimes do not get recorded. Police ignore many offenses either reported or observed because of lack of manpower to follow up, belief that the offense is too minor to dictate booking or because they feel that booking might hurt public relations. Many localities still do not report crimes to the FBI.
- Counting can be done in various ways. Judicial statistics usually count offenses, but are often interpreted as a count of offenders. If a bomb is placed on an airplane by one individual but ten people are killed, which is the most appropriate statistical evaluation, one crime or ten? If a number of different crimes are committed in one incidence, usually only the most serious is counted, so that a number of only slightly less serious offenses can go unrecorded.
- Changes occur which make it difficult to make comparison of crime rates for different offenses or one crime rate over a period of time. Crimes get reclassified as felony or misdemeanor or as an index crime (key crimes, identified by the FBI Uniform Crime Reports as indicators of total crime activity). It is misleading to quote an increase in the crime rate without explaining how much of the increase is due, not to a greater increase in the tendency of people to turn to crime, but to direct correlates such as increases in urbanism and population.

Even using questionable data, two conclusions about crime in Arkansas seem clear:

First, The total number of offenses is increasing and at a rate considerably greater than that of general population growth. From January, 1968, to January, 1972, the State's population increase averaged 0.6% annually. FBI index crimes showed an average annual increase of 5.6% for the same period. Thus, index crimes were increasing at a rate nine times that of population growth; and

Second, Crimes against property are increasing at a much greater rate than crimes against persons. For the same four-year period as above, FBI index crimes, crimes against property (auto theft, larceny, burglary) had an average annual increase of 6.5% as compared to a 1.8% average annual increase for crimes against persons (rape, homicide, robbery, aggravated assault). In fact, there was a decrease in the crime rate for the latter offenses from 1970 to 1971.

2-3

Court case loads can also be used as an indicator of the increased activity in the criminal justice system. For seven years the Arkansas Supreme Court has been annually collecting and disseminating statistics on court activities. The 1971 report identifies the number of cases filed in that year, according to type of offense and type of court. A comparison of past reports indicates that criminal cases appearing before local courts have increased at an average rate of 12% per year.

These conclusions imply that there will be increasing demands made on all components of the criminal justice system in the immediate future. It need not follow that incarceration rates increase at a similar pace. However, this will be the case unless major changes take place in the State's approach to local and state corrections.

Regardless of the measure used there is every indication that the criminal justice system and especially the corrections component is being forced to handle more and more people with facilities and staffs which are already inadequate. In the face of such conditions effective corrections becomes an increasingly difficult objective to achieve.

Measuring Success

In order to evaluate the success or failure of criminal justice system procedures, it is necessary to have some form of measurement. However, measuring success is difficult in the criminal justice system when taken comprehensively. For instance, one measure of court success may be the number of cases terminated, which gives no indication of the consequences of the disposition of those cases. Arrest rates, or the number of arrests made compared to the number of offenses reported, are often used to measure successful law enforcement, however, such a measure does not indicate the number of convictions resulting from the arrests.

Similar problems of measurement exist in the corrections system. However, this should not be accepted as an excuse for failing to establish evaluation mechanisms for correctional programs. The success of corrections can be narrowly viewed in terms of its two basic functions:

1 to detain persons; and

2 to promote the offender's rehabilitation so that he does not revert to crime upon his return to society. Of the two functions, detention and rehabilitation, corrections is far more successful with the former.

Measurement of the detention function is relatively easy, and in almost all jails, detention has a very good record. However, rehabilitation or the treatment of an individual to reduce the chances that he will return to crime is more difficult to determine.

Recidivism is a commonly used measurement for evaluating the effectiveness of the rehabilitation function of corrections.

Recidivism

Recidivism is a measure of the number of offenders who return to the criminal justice/correctional system. The rate of recidivism is expressed in terms of the number of repeaters to the total number of convicted offenders. There are three constraints that bear on the usefulness of the measure:

1 Since recidivism is usually applied to those persons under the supervision of the corrections component of the criminal justice system, there is a tendency to assign all blame for a high recidivism rate to the corrections authorities. However, successful rehabilitation is the responsibility of the community, also. If opportunities do not exist for the former offender to find work, establish new patterns of association, and in general avoid the negative socioeconomic factors which promote crime, then no amount of rehabilitative treatment during incarceration will be adequate to insure that the individual does not revert to criminal behavior.

2 Measurement of recidivism is open to many statistical weaknesses. People today are highly mobile with many offenders having convictions in a number of states. However, the collection of interstate statistics is often incomplete so that measurement of recidivism other than within the confines of a single state is extremely difficult. In addition, a large number of offenses are never discovered so the problem of incompleteness can often be great. The reverse of that problem is that some persons are reconvicted, but because of recording problems never get counted as recidivists. Another problem is that we have no measure of those persons who, after being released the first time, would not return to crime regardless of any treatment or behavior change accomplished while under correctional supervision. Without this measure, we can never be sure if a reduced rate of recidivism is due to correctional effectiveness or some outside factor.

Because of limitations such as these, recidivism rates for the State of Arkansas are difficult to determine with any consistency or reliability. It is commonly accepted by most people in the field that many offenders do continue to repeat offenses and enter the system time after time. It is further assumed that repeaters tend to graduate to increasingly severe crimes. However, detailed facts to support these assumptions are simply not available.

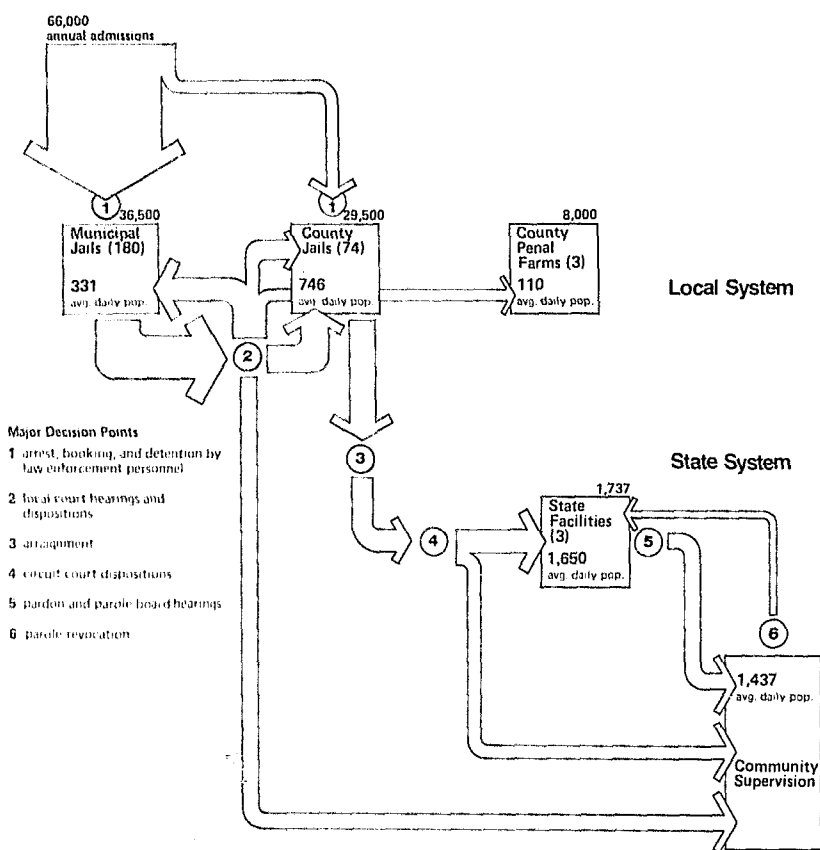
Recidivism does provide a useful measure as long as the limitations of the measurements are acknowledged. In order to get an indication of number of felons who have repeated offenses, this study took a sample of all those persons awaiting trial for felony offenses in the six largest jails in Arkansas and found that 65% had histories of previous felony convictions. Although similar data was not collected on misdemeanants, one would expect an even higher rate due to the great number of "revolving door" alcoholics in the misdemeanor category.

2-4

3 Corrections in Arkansas

Corrections in Arkansas is a sizable operation. Correctional facilities are operated by 72 counties, 103 municipalities, and the Arkansas Department of Correction. Combined admissions to local and State facilities totaled approximately 69,000 in 1972. While the vast majority of the persons represented by that figure were involved only briefly in the corrections system, there were still thousands of persons whose lives were drastically altered by their contact with the system. It is amazing that so little is known

about the State's corrections system in light of its extensiveness, volume of persons handled and human resource potential. One of the primary objectives of this study was to develop reliable information on correctional conditions in the State. The following analysis summarizes a portion of the information on adult corrections in Arkansas which has been developed during the course of this study.



2 Arkansas Corrections System

Correctional Populations

As illustrated by the accompanying diagram, the administration of correction is divided between local and State governments. At the local level, municipal and county jails operate in much the same way and detain essentially the same types of offenders or accused persons. By far the largest number of persons are held in local jails with municipal and county admissions totaling approximately 66,000 per year (see Table 1). The average length of stay of persons in local jails is short, i.e., less than six days. Because of the frequent turnover of the jail population at the local level, the number of persons incarcerated on a given day is relatively low in comparison to the large number of admissions. It is estimated that the total average daily population of the State's local facilities is 1,077 persons. This number could be increased or decreased drastically by slight modifications in the average length of stay.

Admissions to State facilities during the past year totaled 1,737. With a rate of discharges almost equal to that of admissions, the average daily population remained fairly constant at approximately 1,650 persons. The number of persons under the supervision of the Department of Correction's Parole and Probation Division has been steadily increasing, and presently totals approximately 1,400.

These figures indicate that on a given day slightly over 4,000 persons fall within the corrections system with 65% of that number being incarcerated and the remaining 35% under supervision within the community.

A selected sample of municipal and county jails produced the following profile of persons incarcerated locally on a given day.

Legal Status

Approximately 55% of the persons incarcerated on the day of the survey were awaiting court disposition. The remaining 45% were serving sentences for misdemeanor offenses.

Type Offense

Of the persons surveyed, 56% were incarcerated for alcohol-related offenses.

Previous Offenses

Of those persons incarcerated for alcohol-related offenses, 80% had histories of multiple arrests for the same offense with 40% having over ten previous arrests.

Of those persons awaiting court disposition on felony charges, 65% had histories of previous felony convictions.

Race

Distribution by race showed 54% white, 46% black. There were twice as many black juveniles incarcerated as white.

Sex

Females represented 7% of all persons interviewed. Of the incarcerated females, 15% were juveniles.

Education

The average number of years of school completed by those surveyed was stated to be 10.2 years with 32% having attended less than 8 years.

Employment

The average period of employment during the past twelve months of those interviewed was 6.2 months with 20% having no employment during the year. 40% stated that they were fully employed for the previous year.

Location

The distribution of local correctional populations reflects the higher incidence of crime and incarceration in cities and counties with large urban populations. The five counties which make up the State's Standard Metropolitan Statistical Areas account for 45% of the average daily incarcerated population. The 16 non-SMSA counties with resident populations in excess of 25,000 persons account for 32% of the correctional population. The remaining 23% of the incarcerated population comes from the 54 counties which are not included in the SMSA's and have less than 25,000 residents.

The percentage distribution by home county of persons incarcerated in State prisons was essentially the same as that for the local correctional populations; i.e., 47% for SMSA's, 29% for counties over 25,000 population and 24% for counties under 25,000 population.

Refer to Table 1 for a summary of correctional populations at the local level, including annual admissions, average length of stay, and average daily populations.

Table 1
Summary of Adults Held in Local Facilities

	Admitted Yearly	Average Length of Stay	Average Daily Population
Persons awaiting trial in municipal jails over 14 days	365	18	18
Persons awaiting trial in municipal jails 14 days or less	29,018	2.0	159
Persons sentenced over 7 days in municipal jails	1,741	13	62
Persons sentenced 7 days or less in municipal jails	5,597	6	92
Totals for Municipal Jails	36,721	3.29	331
Persons awaiting trial in county jails over 14 days	1,764	42	203
Persons awaiting trial in county jails 14 days or less	18,493	6	304
Persons serving sentence in county jails over 7 days	2,656	18	131
Persons serving sentence in county jails 7 days or less	6,570	6	108
Totals for County Jails	29,483	9.2	746
Totals for All Facilities	66,204	5.9	1,077

Correctional Facilities and Operations

While considerable attention has been given over the past five years to the condition and operation of the State prison system, almost nothing has been done to evaluate the situation at the local level. Therefore, a major task of this study has been to focus on the 180 local jails within the State. This represents 74 county jails (two counties have two county jails while three counties have no county jail), 3 county penal farms, 81 municipal jails and 22 temporary holding facilities.

The results of the survey of local facilities indicate that 102 were inadequate and would require major costs for renovation. Approximately two-thirds of all admissions were made to inadequate jails during the past year. On a given day, 57% of the State's local correctional population is housed in unsound, poorly secured, and otherwise inadequate facilities. 40% of the counties have no jail facilities, either county or municipal, which can be deemed adequate.

General observations indicate that secure custody is often impossible due to structural or hardware defects that allow inmates to escape through windows, roofs or walls. Many of the safety devices intended to permit handling of individuals apart from the other inmates are broken or inoperable. In numerous cases, keys to cell doors have been lost and can no longer be replaced.

The ventilation, heat and lighting are poor in older facilities and are of questionable adequacy in many newer jails. The presence of a fan or heater gives no indication of the comfort provided. Toilet and bathing facilities are often inadequate either by their condition or the limitations on their use.

Space assignments vary greatly, but for the most part, individual cells are used to provide a maximum number of bed spaces with no concern for minimum space standards, i.e., 35-50 square feet per inmate. Estimates of capacity are also made under "standing room only" conditions. The design of the facility often precludes the segregation of inmates by age, physical condition, or legal status. Although female inmates are confined in separate cells, they do not necessarily have privacy.

A determination of the adequacy-inadequacy of all correctional facilities in the State and their costs for renovation was made on the basis of:

- *structural soundness;
- *mechanical equipment;
- *sanitation;
- *security;
- *provision for inmate classification; and
- *availability of medical services.

Additional information on staff, food services, and general operations was utilized when available. Four distinctions in condition were made:

- 1 inadequate with questionable feasibility for renovation;
- 2 inadequate with major costs for renovation;
- 3 adequate, but requiring moderate costs for renovation; and
- 4 adequate for use as temporary holding facility.

Table 2 summarizes these conditions for local facilities as either inadequate with major costs for renovation or adequate for use as temporary holding facility. Figure 3 provides a locational analysis of the same information.

In general, county facilities are older, larger, and more likely to be inadequate than municipal facilities. Inadequacies in both facility types are more frequently related to operations than to structure. The most common inadequacy in all facilities is the lack of medical examinations and related procedures, followed by insufficient separation of inmates by age, legal status, and type offense. Many jails were found to be structurally and mechanically sound, but would require major costs for renovation if ordered to meet standards for area per inmate, natural light, inmate classification, security, etc.

By far the largest number of facilities is located in the Eastern and Southern portions of the State. These are primarily small municipal jails in the numerous towns scattered throughout the agricultural areas. The North Central and West Central portions of the State have relatively small populations and consequently few jail facilities. While these areas have the highest percentage of inadequate facilities, they represent a very small percentage of State's correctional population.

Table 2

Summary of Condition
Local Detention Facilities

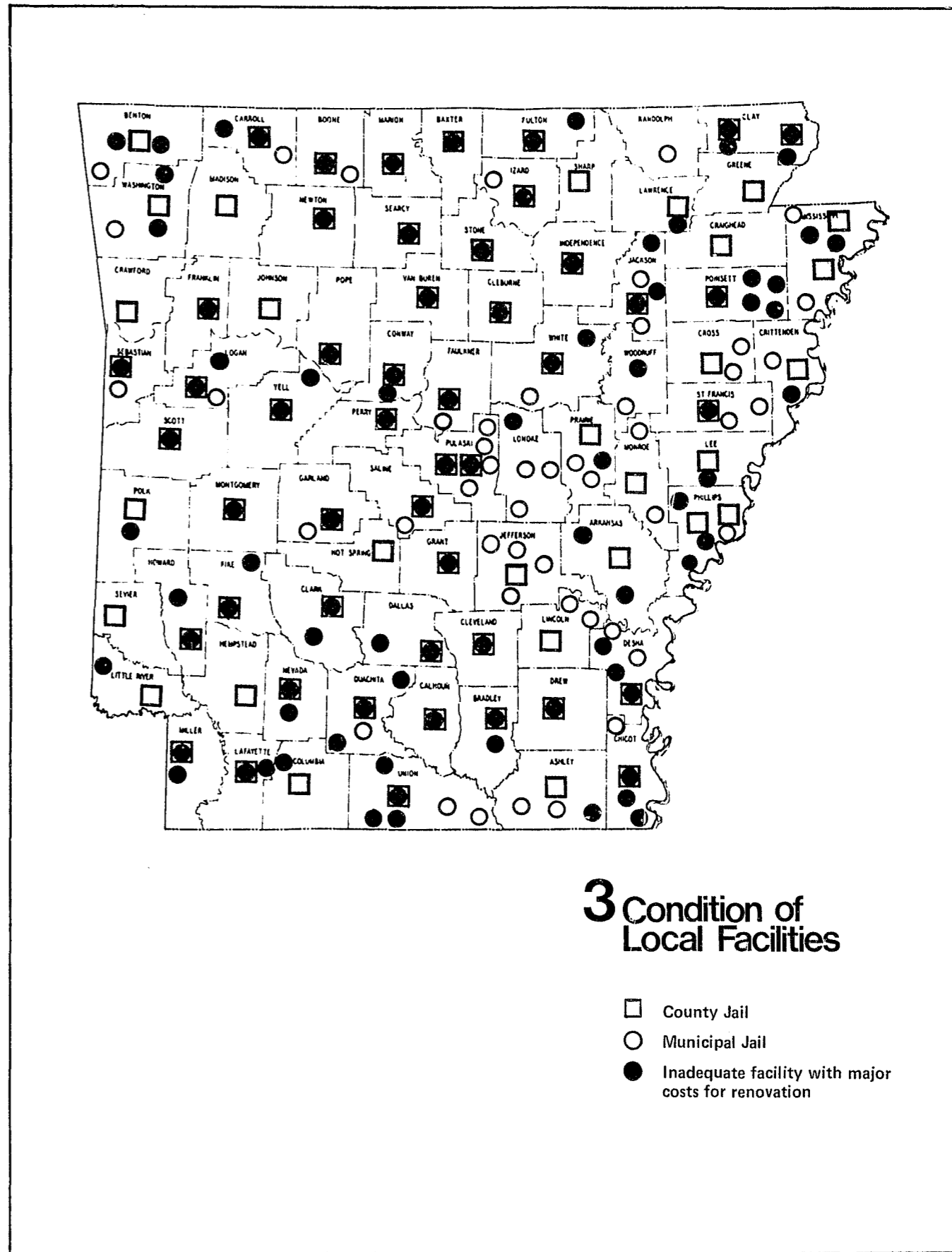
County Jails and County Penal Farms

Inadequate with Major Costs for Renovation		Adequate for Short Term Holding with Moderate Costs for Renovation	
1. Baxter	26. Logan	1. Arkansas	18. Madison
2. Boone	27. Marion	2. Ashley	19. Mississippi (Blytheville)
3. Bradley	28. Miller	3. Benton	20. Mississippi (Osceola)
4. Calhoun	29. Mississippi (Penal Farm)	4. Columbia	21. Monroe
5. Carroll	30. Montgomery	5. Craighead	22. Phillips (Helena)
6. Chicot	31. Nevada	6. Crawford	23. Phillips (Poplar Grove)
7. Clark	32. Newton	7. Crittendon	24. Polk
8. Clay (Corning)	33. Ouachita	8. Cross	25. Prairie
9. Clay (Piggott)	34. Perry	9. Greene	26. Sevier
10. Cleybourne	35. Pike	10. Hempstead	27. Sharp
11. Cleveland	36. Poinsett	11. Hot Springs	28. Washington
12. Conway	37. Pope	12. Jefferson	
13. Dallas	38. Pulaski	13. Johnson	
14. Desha	39. Pulaski (Penal Farm)	14. Lawrence	
15. Drew	40. St. Francis	15. Lee	
16. Faulkner	41. Saline	16. Lincoln	
17. Franklin	42. Scott	17. Little River	
18. Fulton	43. Searcy		
19. Garland	44. Sebastian		
20. Grant	45. Stone		
21. Howard	46. Union		
22. Independence	47. Van Buren		
23. IZard	48. White		
24. Jackson	49. Yell		
25. LaFayette			

3-5

Municipal Jails and Temporary Holding Facilities

Inadequate with Major Costs for Renovation		Adequate for Short Term Holding with Moderate Costs for Renovation	
1. Bearden	28. Marvelle	1. Altheimer	26. Hot Springs
2. Bentonville	29. McCrory	2. Bald Knob	27. Hughes
3. Blytheville	30. McGehee	3. Beebe	28. Huttig
4. Bradford	31. Mena	4. Benton	29. Jacksonville
5. Cabot	32. Monticello	5. Booneville	30. Joiner
6. Corning	33. Morrilton	6. Brinkley	31. Leechville
7. Dardanelle	34. Paris	7. Calico Rock	32. Lincoln
8. Devalls Bluff	35. Prescott	8. Camden	33. Little Rock
9. Dierks	36. Rogers	9. Carlisle	34. Lonoke
10. Dumas	37. Rector	10. Conway	35. Madison
11. Elaine	38. Smackover	11. Cotton Plan.	36. Mitchellville
12. El Dorado	39. Sparkman	12. Crossett	37. Newport
13. Eudora	40. Springdale	13. Dermott	38. North Little Rock
14. Eureka Springs	41. Stamps	14. Earle	39. Parkin
15. Fayetteville	42. Stephens	15. England	40. Pine Bluff
16. Foreman	43. Stuttgart	16. Fort Smith	41. Pocahontas
17. Gillett	44. Swifton	17. Fredonia	42. Redfield
18. Glenwood	45. Texarkana	18. Gould	43. Sherrill
19. Grubbs	46. Trumann	19. Grady	44. Sherwood
20. Gurdon	47. Tyrone	20. Green	45. Siloam Springs
21. Junction City	48. Waldo	21. Forrest	46. Stron
22. Lake Village	49. Walnut Ridge	22. Hamburg	47. Tuckerman
23. Lepanto	50. Warren	23. Harrison	48. Watson
24. Mammoth Springs	51. W. Helena	24. Hazen	49. Wynne
25. Manila	52. W. Memphis	25. Helena	
26. Marianna	53. Wilmot	25. Holly Grove	
27. Marked Tree			



3-6

3 Condition of Local Facilities

- County Jail
- Municipal Jail
- Inadequate facility with major costs for renovation

4 Alternatives for Corrections

The degree of inadequacy of local jails which has been shown to exist by this study should be a major concern of the State's citizenry. It should be apparent that the present state of the corrections system in Arkansas is such that it is impossible for those responsible to provide the correctional services to which the public is entitled. This study has investigated three alternative approaches to improving corrections at both the local and State levels. The first two alternatives appear to be impractical, either politically or economically; the third alternative appears to incorporate many of the advantages of the other two within a more realistic framework. This section touches briefly on each of the three alternatives.

Alternative One Improving the Present System

One approach to solving the State's correctional problems would be to simply improve the present system. This would entail:

- Renovating or replacing the 102 local facilities which have been determined to be inadequate;
- Instituting extensive programs at the local level to satisfy basic inmate needs, i.e., medical, legal, counseling, etc.;
- Continuing the administration of corrections along established municipal, county, and State lines; and
- Attempting to develop alternatives to incarceration to reduce the pressures on existing facilities and personnel from current as well as projected correctional populations.

Both the cost and the timetable for implementing this approach appear to be too great. With new jail construction and renovation averaging approximately \$10,000 per bed space, the cost of upgrading or replacing existing facilities at the local level alone would approach \$20,000,000. Improvements to State facilities and program would require another \$15 - \$20,000,000. There is no indication that funding of this magnitude will be available from local, State, or Federal sources, even if combined and spread over a ten-year period. A continuation of the present system in light of projected resources will insure that correctional improvements will be restricted to a very few cities and/or counties, that numerous facilities will be condemned as unconstitutional and closed by Federal Court action, and that the objectives of the criminal justice system as well as corrections will continue to go unachieved.

Alternative Two Consolidating the Corrections Systems

Several states have undertaken to consolidate all correctional operations within the state under a single agency. In Vermont, for instance, a State corrections authority recently assumed responsibility for all city, county, and State detention facilities and rehabilitation programs. All persons incarcerated in that State are handled under a unified system having one set of operational procedures, one set of minimum facility and personnel standards, and a common correctional policy. The potential of achieving significant monetary savings, and consequently improved correctional programs, under a single state authority would appear to be great. However, there would also exist the possibility that the state corrections authority would be understaffed, inadequately funded, and otherwise restricted to the point that correctional improvements would not occur, but would be further limited by the removal of local initiative.

The administrative and political ramifications of consolidating all correctional responsibilities under one state agency such as the Arkansas Department of Correction would be immense. Not only would there be tremendous opposition from local citizens and officials, but the Department of Correction would likely oppose such a change until such time that the Department was assured of greatly increased appropriations along with a thoroughly detailed plan of action.

The potential of a consolidated approach appears great. However, the fact that it would require a total reorganization of the State's corrections system at one point in time makes it highly inflexible to compromise and consequently unlikely to generate the broad support necessary for implementation.

Alternative Three Encouraging Multi-Jurisdictional Cooperation

This approach is an attempt to combine the more desirable characteristics of the preceding alternatives within an implementation program which is economically feasible, politically acceptable, and correctionally desirable.

The basis of this approach would be:

- Cooperation among local governments to share correctional facilities and programs in order to provide improved services through combining resources, eliminating duplication, and concentrating local efforts in a single area;
- Cooperation between local governments and the Arkansas Department of Correction to pass on to localities the economies of scale inherent in the State system while expanding the treatment options available to felony offenders;
- Development of minimum jail standards for all detention facilities in the State to insure the maintenance of safe, secure, and sanitary conditions for all incarcerated persons;
- Development of alternatives to incarceration to reduce the pressures on existing facilities and personnel from current as well as projected correctional populations; and
- Maximum reliance of free-world, community-based resources for providing essential programs of classification, rehabilitation, counseling, and referral.

The benefits of this composite alternative are primarily three-fold:

- First, multi-jurisdictional cooperation would be totally voluntary and would follow within the limits of economic feasibility the desires of the participating jurisdictions. There would be no reason to assume that all such cooperative agreements would be similar in their scope, level of services, manner of operation, or financing. At this point, any working arrangement would be supported which allowed cities and counties to pool their resources, eliminated excess detention capacity, and improved their correctional services through more efficient operations. In this manner a large degree of local control would be retained and the extent of cooperation would be limited to that deemed desirable by the participants themselves.
- Second, by promoting cooperation of local and state correctional efforts, a degree of understanding and consensus on the objectives and policies of the total corrections system would be fostered. It is of the utmost importance that local and State corrections do not work at odds but reinforce each other in a coordinated approach to reducing crime.
- Third, the economic advantages of multi-jurisdictional cooperation are numerous. Full-time personnel can be reduced, resulting in either higher wages for correctional officers or salary savings to be applied elsewhere or both.

Construction costs can be reduced by eliminating excess capacity.

Correctional programs can draw from a larger resource base than would be available to an individual jurisdiction, hopefully reducing the services which would need to be purchased or provided in-house.

The funding base of an area can be increased, making more funds available for correctional programs or reducing the amount required of each jurisdiction.

Some form of city, county, and state cooperation in the development and operation of correctional programs appears to offer the potential for significant improvement at both the local and state level with the fewest demands for legislative and administrative change. For this reason, various approaches to multi-jurisdictional cooperation were investigated, and the most promising of those was developed in detail as a concrete example to which a dollars and cents evaluation could ultimately be applied. A full economic analysis could not be completed in time for inclusion in this interim report but will be available for publication in the final report.

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5 Program for Regionalization

For lack of a better word, "Regionalization" is the term used in this study to denote a particular set of related programs wherein multi-jurisdictional cooperation is the primary mechanism for promoting improvement of the total corrections system. It is important to emphasize that the specifics of regionalization as presented here are not intended to be exempt from change or further discussion. In fact, the purpose of this interim report is to stimulate the fullest appraisal of the study by all persons concerned in order that the final recommendations of the study will benefit from an intensive review and modification of these initial suggestions.

As stated previously the objectives of the corrections system should be twofold:

- 1 To protect society from violators of criminal laws, and
- 2 To modify the criminal behavior of offenders through rehabilitative programs so that the offender upon his release will not revert to criminal activities which endanger society, increase the expense which society must bear for his return to the corrections system and reduce the likelihood that he will become a useful citizen of the state and community.

This proposal for regionalization accepts the proposition that individualized treatment of offenders in a non-threatening environment, within reasonable distance of his community, offers the most promise for achieving the basic objectives of security and rehabilitation.

Regionalization as a program for correctional improvement would require:

- The creation of a system of regional correctional centers to provide for the detention and treatment of persons awaiting court disposition over fourteen days, persons serving misdemeanor sentences over seven days, and selected low risk felons;
- The selective upgrading of local facilities for the detention of short-term persons who would not be available for regionalization;
- The development and implementation of minimum jail standards and inspection procedures to aid localities in upgrading their facilities and to remove the possibility that unconstitutional or otherwise substandard conditions will be allowed to exist in any local or State facilities;
- The institution of various procedures to reduce the number of persons incarcerated who pose little threat to society, to reduce the length of stay of persons awaiting court disposition, and to reduce the length of stay of convicted persons whose continued incarceration would not benefit society or contribute to the success of rehabilitation programs;
- The development of financial resources and procedures to support adequate correctional staff, program and facilities for each type of operation, i.e., state facilities, regional centers, and local holding units.

The first two items listed above are really different sides of the same coin. Regional correctional centers would be designed to augment a system of upgraded local facilities. The essential difference between the two types of facilities hinges on the length of incarceration to be allowed. Longer periods of incarceration necessitate more comprehensive programs, larger, better trained staffs, and more specialized, more expensive spaces for larger daily populations. Conversely, short periods of incarceration, i.e., from seven to fourteen days, will minimize daily populations as well as the programs and resources required to serve them. Thus, the coordinated development of regional centers and local holding units will provide correctional programs otherwise unavailable within a region while significantly reducing the cost of maintaining an adequate local lock-up.

Regional Correctional Center Program

The services to be provided by a given regional center would be dependent upon the type and number of offenders encountered within the various multi-county regions. Each regional center would need to develop a correctional program tailored to the special needs of its area. Basic program elements would include:

- continuing diagnosis and classification;
- on-going treatment which involves the inmate in the services he needs; and
- follow-up services which aid the inmate in accepting the responsibility of continuing the plan developed with him during incarceration.

The treatment program would emphasize:

- an individualized approach to each inmate;
- full participation of the inmate; and
- full involvement of community service resources.

Standards for operating staff to be maintained would be one staff member for every three inmates and one correctional officer for every 6,000 days of care or 16.5 inmates. Also a transportation unit would be provided by the regional center to handle all transportation to and from the center.

Specific program components would depend on the imagination of individual center staffs, but could be expected to include but not be limited to a combination of the following:

Work Programs

Inmates would be involved in work assignments at the center as well as in appropriate employment in the community;

Basic Education

Inmates would be directed to resources which would provide them with basic reading, writing, and math skills;

Alcohol and Drug Abuse Intervention

Information, education, and treatment referral would be available to all inmates;

Therapeutic Recreation

Programs for active and passive utilization of leisure time including competitive sports and table games as well as basic programs to improve the physical well-being of inmates would be provided both as voluntary and scheduled activities;

Crafts

Programs for utilizing leisure time through the development of productive skills would provide inmates with broadened and potentially marketable interests;

Group Counseling

Regular meetings with qualified leaders would provide assistance to inmates who have problems maintaining personal relationships;

Security

The degree of security would be individualized as far as possible in response to the inmate's ability to handle increased freedom and responsibility;

Volunteer Services

The use of volunteers from the community would be encouraged in all program areas to promote community involvement with the center and maintain the inmate's status as a member of the community at large.

The absence of any meaningful jail program or constructive activity results in the idleness prevalent in local jails. The days or months spent in a jail are generally not put to any constructive use in promoting responsible behavior. Too often the fact is ignored that those in jail will shortly return to the community. Correctional facilities and correctional programs must focus on this process of returning the offender to society better equipped to avoid the criminalizing factors which initially caused his incarceration. Regional centers providing community-oriented treatment and referral programs of 15, 30 or 60 days duration have great potential for meeting this need. It is the responsibility of the corrections system to protect the public from dangerous offenders. If the corrections system returns an offender to society having made no effort to modify his criminal behavior, the cost in dollars and human suffering that is likely to result from yet another criminal career will be many times greater than the cost of early rehabilitative programs.

Local Lock-up Program

In contrast to the variety of programs provided in a regional center, upgraded local facilities would concentrate on maintaining safe, secure and sanitary conditions for the short term incarceration of accused persons and offenders.

The local lock-up or temporary holding facility would hold persons awaiting court disposition for fourteen days or less, persons serving sentences for misdemeanor offenses for seven days or less, and persons awaiting transferral to a regional center or other facility. Because of the limited time any person would be incarcerated in a local facility, programs for work, education, counseling, recreation, and crafts would not be provided in most cases. However, this would depend on the correctional program of the regional center in the area. In instances where maintenance of a fully staffed regional center would be marginal, selected local facilities would need to provide some of the services normally available only through regional centers.

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In support of a fully staffed regional center, local facilities would be expected to provide programs such as the following:

Security

Maximum and medium security provisions would be available to protect society from dangerous individuals as well as to protect weaker inmates from more aggressive ones;

Classification

There would be the ability to provide physical separation of inmates by age, sex, type offense, and previous criminal experience;

Medical

Examinations would need to be provided all inmates within twenty-four hours of admission with staff personnel trained to recognized potential health problems prior to examination;

Visiting

Adequate space would be provided for the private consultation of the inmate with his attorney as well as visits with his family. Visiting programs would be of primary importance during the inmates initial period of incarceration prior to his transfer to a regional facility;

Records

Special attention needs to be given to establishing complete and accurate record keeping procedures in all local facilities.

All local facilities would be required to have twenty-four hour supervision, and this would need to be provided by someone other than the police radio operator.

Under a regional program there would be significant savings to a locality in terms of construction as well as operating costs. By transferring inmates requiring special or extended treatment to a regional center, the locality significantly reduces the average length of stay of its inmates and consequently the average daily population. A smaller number of bed spaces would be required to handle the reduced populations so that capacity requirements are less. Reductions in the capacity needs of local facilities operating in conjunction with regional centers have been on the order of 30% - 50% in states having regional programs. Renovation costs would be reduced proportionately. The economics of jail construction are such that the current cost of providing a single bed space meeting the requirements of either a full-use jail or temporary holding facility is approximately \$10,000. Preliminary estimates of the difference in costs of upgrading the State's local facilities as short-term lockups, as opposed to full-use jails, are on the order of \$10,000,000.

Locational Criteria

An analysis of the regional detention and treatment needs in Arkansas suggests the development of eight regions able to economically operate within a State-wide regionalization program. Figure 4 indicates the regions as presently delineated and the recommended location of the eight regional correctional centers. The number of regions as well as the location of the correctional centers within each region were derived from criteria which aimed at minimizing the State-wide cost of regionalization. However, the criteria used in this study's regional delineation process are by no means the only factors affecting the ultimate pattern of regionalization. Therefore, it is fully anticipated that as additional factors are considered there will be modifications to the regional pattern as proposed in this report and that the additional costs of those modifications will be apparent.

The basic criteria used in arriving at the proposed pattern of regions and center locations were:

- The acceptable cost range in dollars per inmate per day for the operation of a regional correctional center is \$8 to \$12.
- 15,000 annual days of care are required to maintain an acceptable inmate cost per day (annual days of care = average daily population x 365 days).
- An average daily population of 35 persons is the minimum number required if the cost per inmate per day is to remain within an \$8 - \$12 range.
- Distances to a regional center from participating counties should not exceed 50 miles and it is desirable that they be considerably less for the majority of persons transported to the center.

Any substantive decisions concerning the actual delineation of regions will depend upon:

- the receptiveness of the local governments in joining with each other and the Department of Correction in implementing a regional program and;
- legislative approval of the concept of regionalization.

Regional delineation at this point is based on estimates of the number of persons by county who would be eligible for regionalization (see Figure 6). These county estimates were aggregated under various regional configurations and evaluated as to the viability of the resulting populations in terms of annual days of care and average daily population. Alternate locations for the correctional center within each region were then tested to determine the location requiring minimum costs for transporting offenders between local lockups and regional centers (See Figure 10). Additional criteria as to the availability of community resources and correlation to other regional patterns such as those established for Criminal Justice Planning Councils, Economic Development Districts, Rehabilitation Services, etc., are still being developed.

Table 3
Composition
of Regions

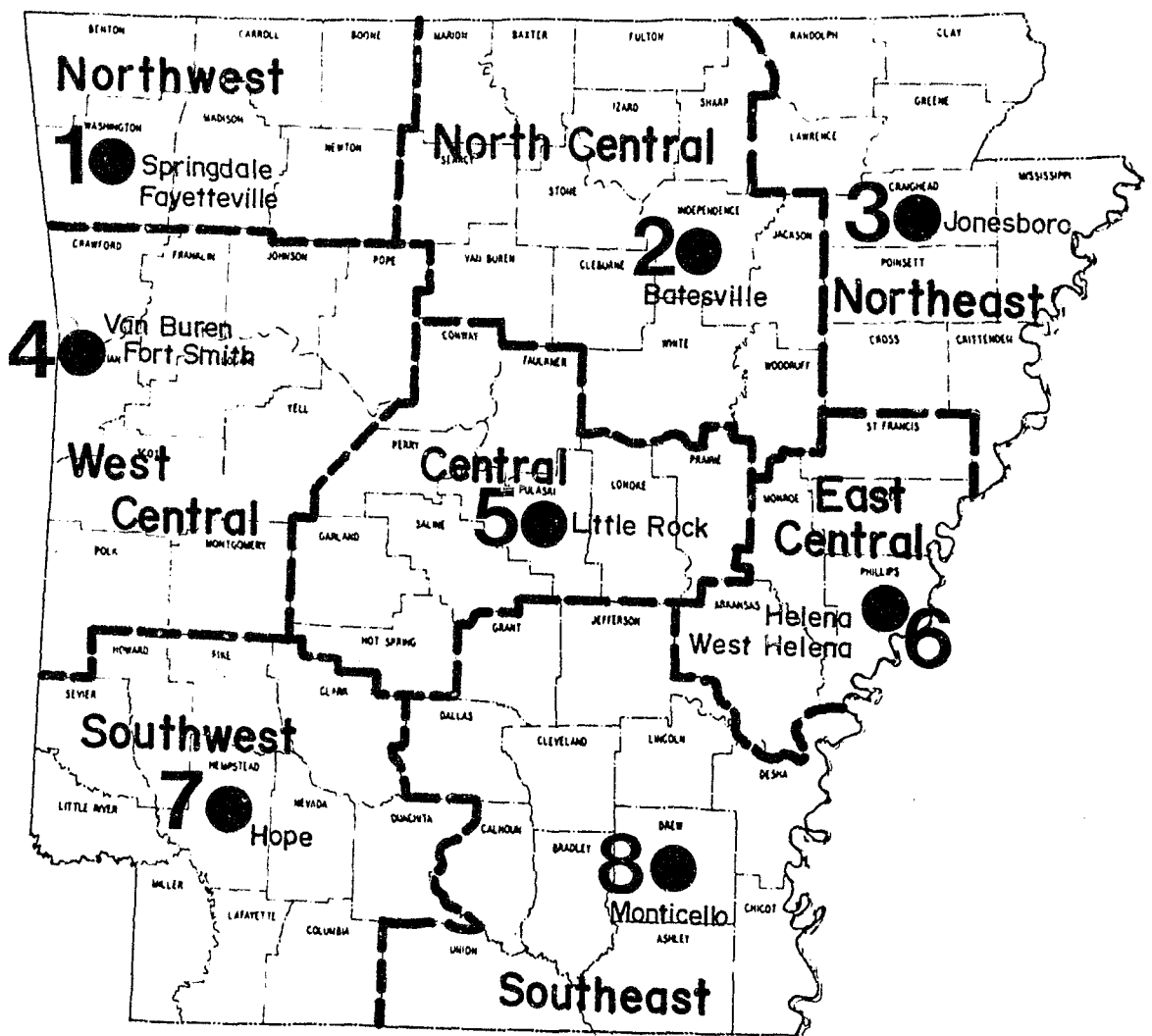
Region 1 Northwest	Region 3 Northeast	Region 5 Central	Region 7 Southwest
Benton County Boone County Carroll County Madison County Newton County Washington County	Clay County Craighead County Crittenden County Cross County Greene County Lawrence County Mississippi County Poinsett County Randolph County	Conway County Faulkner County Garland County Hot Spring County Lonoke County Perry County Prairie County Pulaski County Saline County	Clark County Columbia County Hempstead County Howard County Lafayette County Little River County Miller County Nevada County Ouachita County Pike County Sevier County
Region 2 North Central	Region 4 West Central	Region 6 East Central	Region 8 Southeast
Baxter County Cleburne County Fulton County Independence County Izard County Jackson County Marion County Searcy County Sharp County Stone County Van Buren County White County Woodruff County	Crawford County Franklin County Johnson County Logan County Montgomery County Polk County Pope County Scott County Sebastian County Yell County	Arkansas County Lee County Monroe County Phillips County St. Francis County	Ashley County Bradley County Calhoun County Chicot County Cleveland County Dallas County Desha County Draw County Jefferson County Grant County Lincoln County Union County

As a point of departure, the State's eight Planning and Development Districts were evaluated in terms of the above listed criteria under the assumption that there are definite advantages for having the boundaries of correctional service areas coterminous with those of related planning and service activities. However, in comparison with the regional pattern which is proposed in this study, the PDD pattern would have:

- three regions without sufficient daily population or annual days of care to maintain acceptable daily costs per inmate;
- approximately 50% greater transportation cost as measured by man-miles per year;
- 81% of the annual correctional population within 50 miles of PDD centers as compared to 93% for proposed centers; and
- 71% of the State's counties falling within 50 miles of PDD centers as compared to 80% for proposed centers.

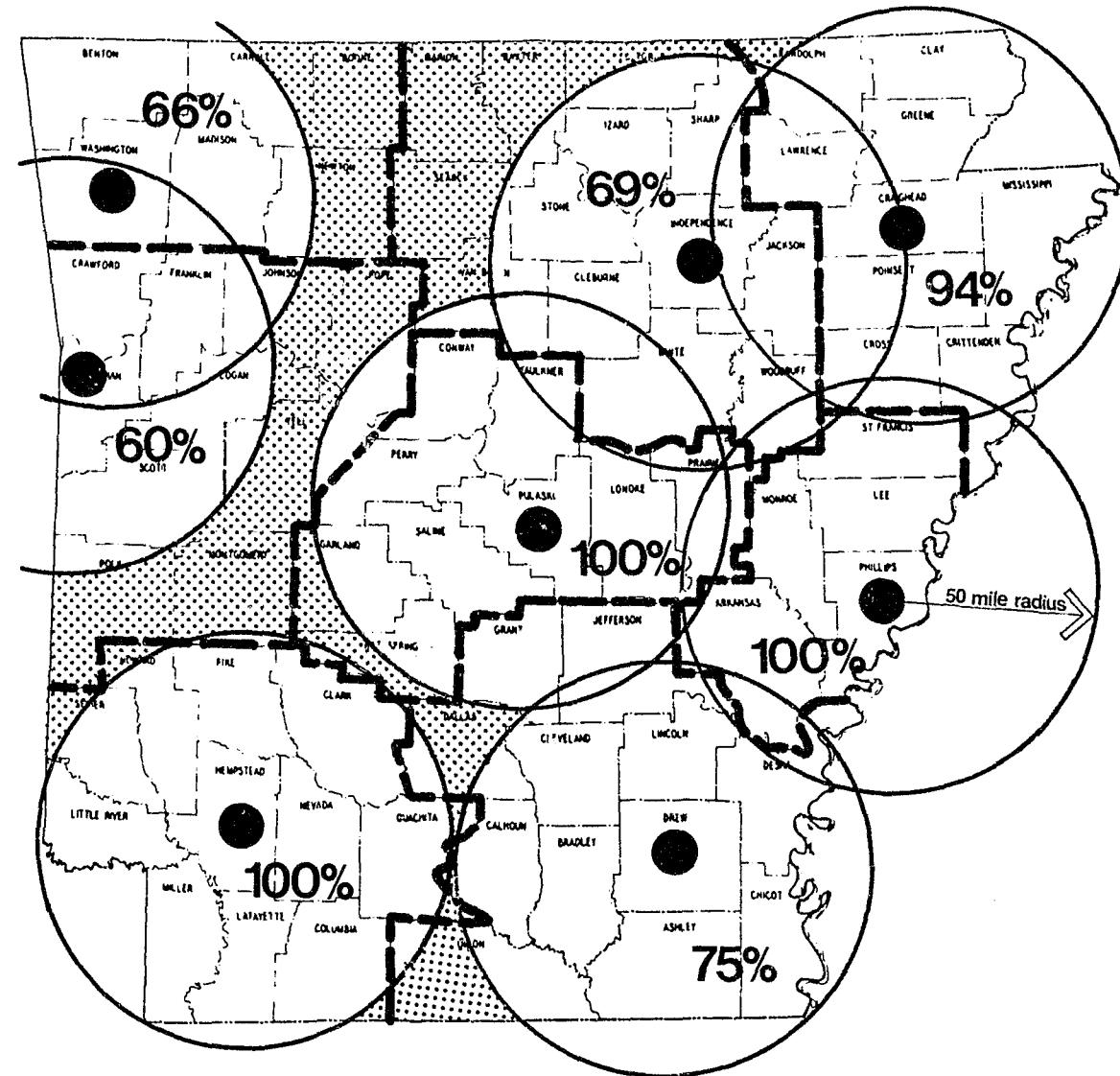
This analysis illustrates the additional costs which would have to be borne by the correctional system in order to have regional correctional centers coincide with the State's regions as defined by PDD boundaries. Figures 4 through 10 illustrate basic locational criteria as applied to the proposed pattern of regionalization.

5-4



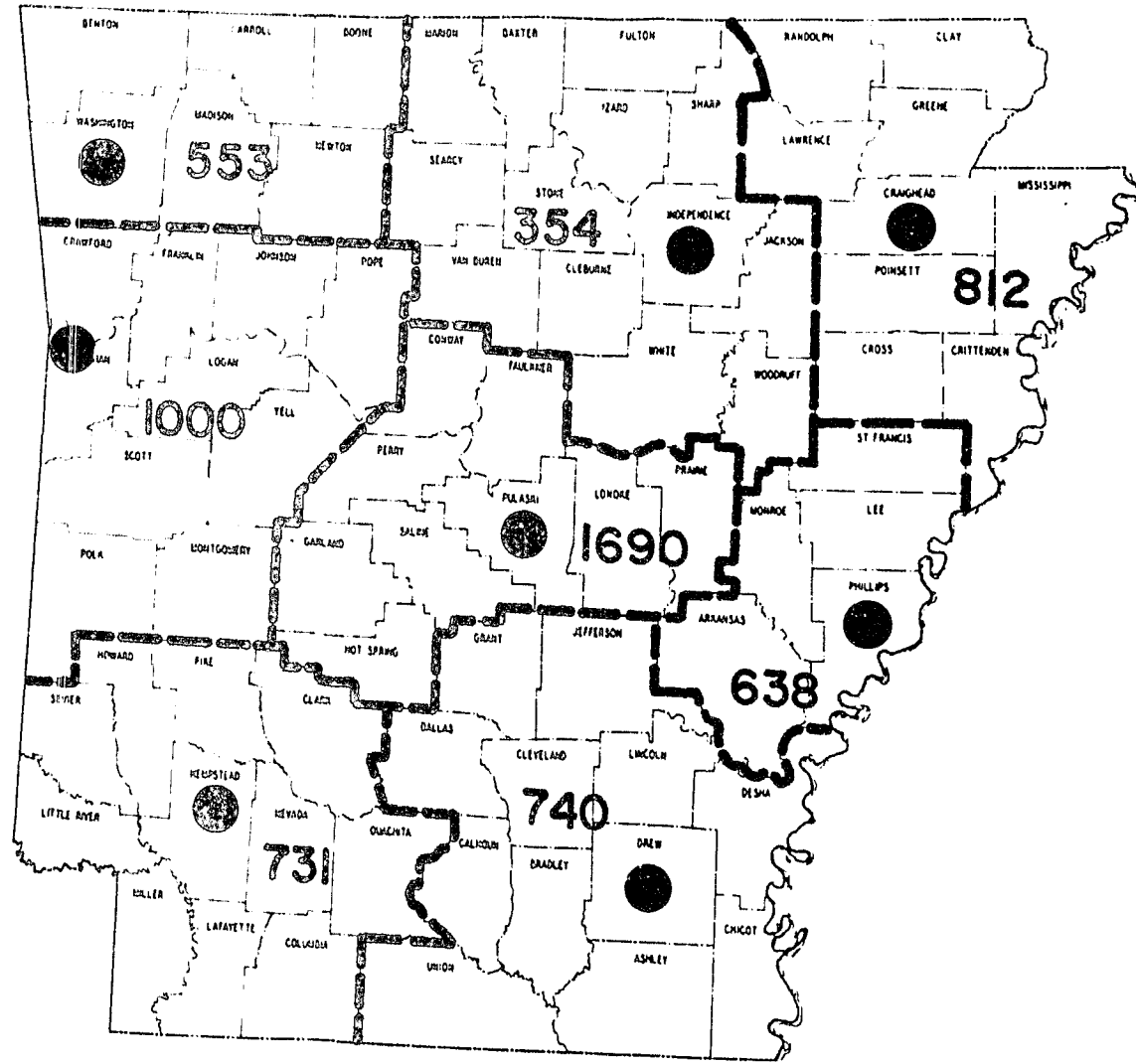
4 Proposed Pattern for Regionalization

● Regional Correctional Center



5 Geographic Coverage


● Regional Correctional Center
 ▨ Areas outside 50 miles service radius
 80% State total of land area within 50 miles of regional centers

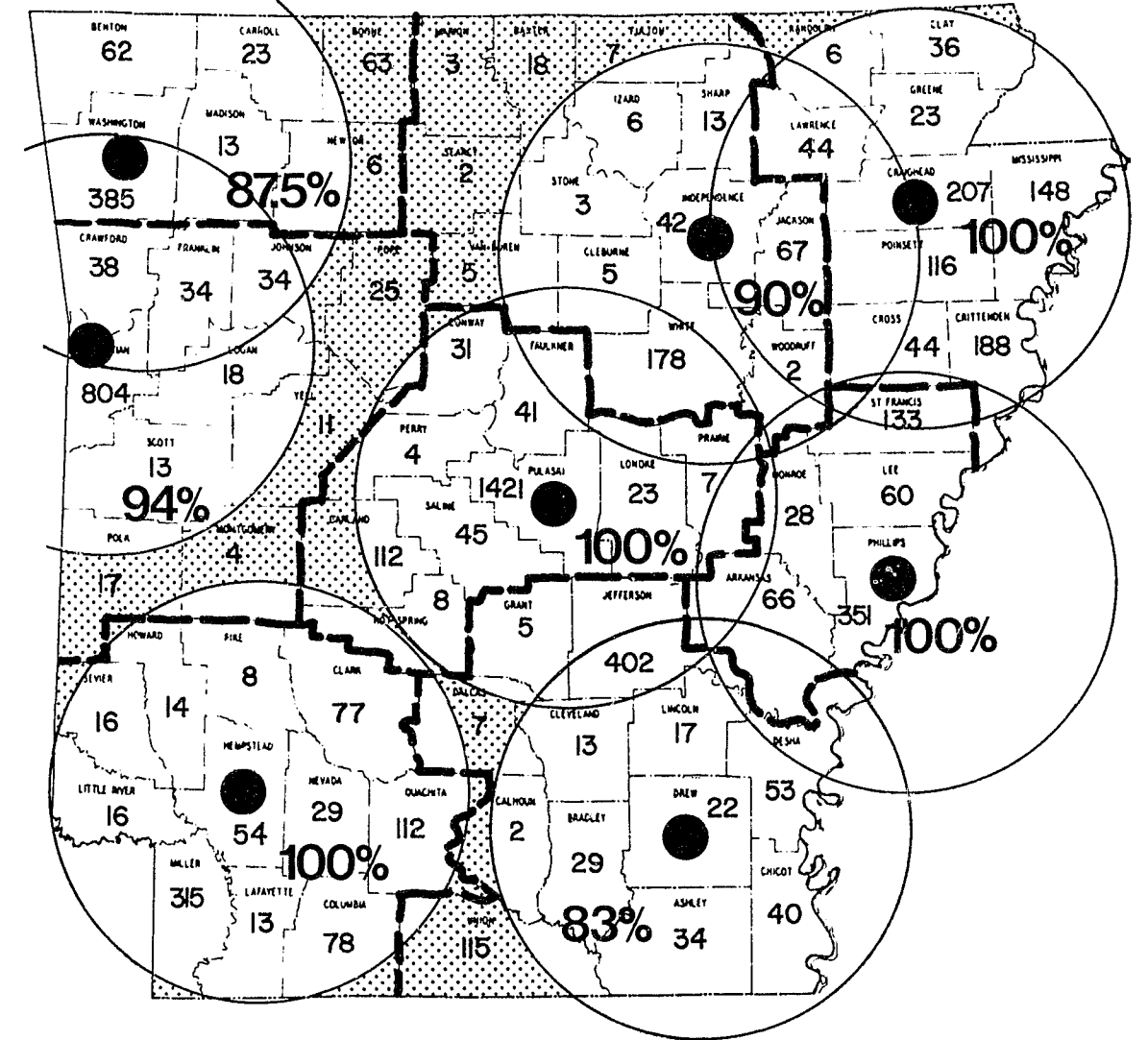


6 Annual Admissions to Regional Center

● Regional Correctional Center
 6518 State total of annual admissions to local facilities available for transfer to regional centers

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 Title Arkansas Plan for Local and State Corrections
 Date February, 1973

 CPS inc.
 11th & Battery
 Little Rock, Arkansas



7 Correctional Population Coverage

● Regional Correctional Center
 96% State total of annual admissions available for regionalization within 50 miles of regional centers

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 Title Arkansas Plan for Local and State Corrections
 Date February, 1973

 CPS inc.
 11th & Battery
 Little Rock, Arkansas

Economics of Regionalization

During 1972, it is estimated that approximately 2,129 persons were held in local jails in excess of fourteen days awaiting court disposition and 4,397 persons held under sentence over seven days. There were approximately 350 persons under supervision of the Department of Correction, either released on parole or otherwise offering minimum risk to society, who were incarcerated under excessive security conditions at considerable expense for lack of alternative facilities and programs.

Of an estimated total of 66,204 admissions to local facilities in 1972, 6,518 (9.86%) meet the criteria for a regionalization program. The remaining 59,686 (90.14%) admissions would be handled by local lockups and other local dispositions, such as release on own recognizance, release on bond, release to other authorities, payment of fine, suspended sentence, and probation. The combined local and state total of persons available for regionalization during 1972 would be 6,876.

5-9

Assuming an average length of stay of 22 days for all persons available for regionalization, the average daily population of 410 persons would be incarcerated in regional facilities. This population would result in approximately 150,000 annual days of care for the State as a whole. At an average cost of \$10 per inmate per day of care, an annual expenditure on the order of \$1,500,000 would be required to operate the system of eight regional centers.

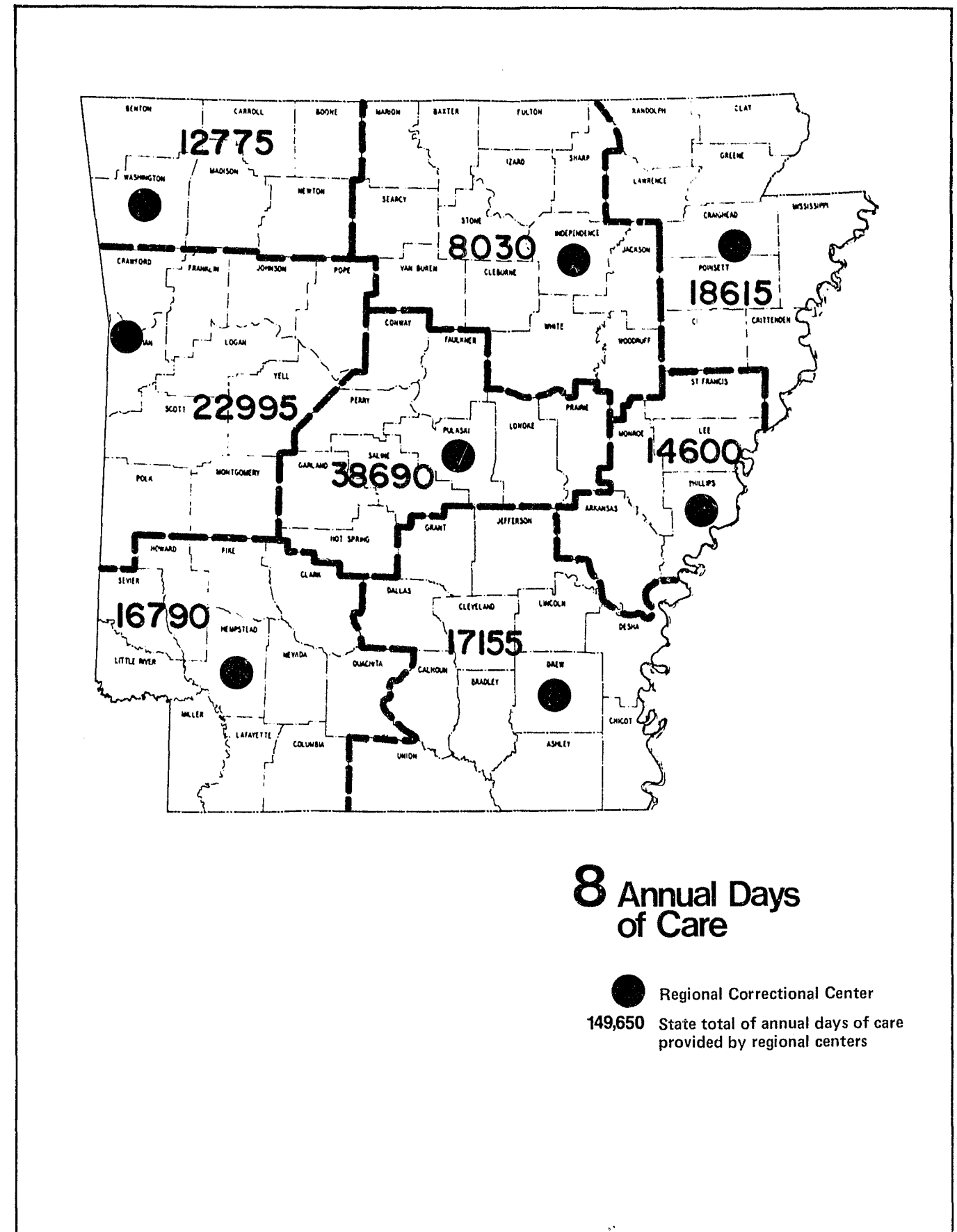
This figure does not include expenditures for local lockups. However, as stated previously, there would be significant reductions in local expenditures when compared to the costs of operating an adequate full-use jail.

With respect to a program for upgrading local facilities to serve as lockups, additional economies would result from reducing the number of facilities where possibilities for joint use exist. An example of this situation would be the 27 cities which contain both a municipal and a county jail.

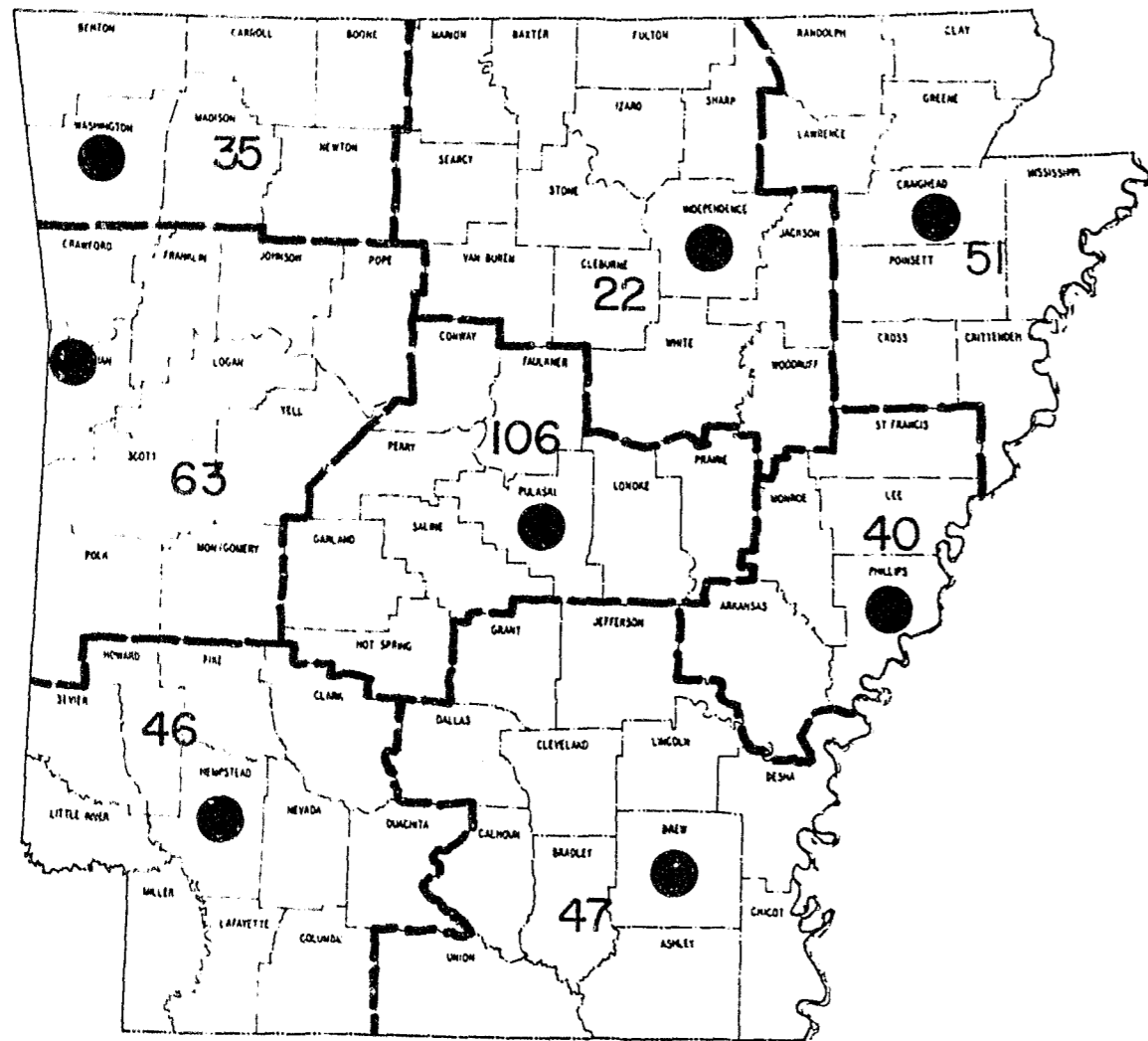
Under the proposed pattern of regionalization only one area, the North Central Region, falls significantly short of the minimum correctional populations necessary to operate at an acceptable daily cost per inmate. Expansion of the region to increase the available population could not be accomplished without exceeding distance criteria as well as adversely affecting the programs of the adjoining regions. In this instance regionalization would require either higher operation costs or program reductions and more emphasis on upgrading local facilities and programs.

It is possible that similar situations could develop in at least four of the other regions in the event that effective programs of bail reform and detoxification are implemented in the near future. Bail reform would have considerable effect on the number of persons awaiting court disposition for periods over 14 days. Since those persons represent 33% of the estimated total admissions available for regionalization and 53% of the average daily population, a reduction in their number could drop the annual days of care for the smaller regions below minimum levels. Detoxification programs would reduce somewhat the number of persons serving sentences over 7 days. However, those reductions would have less effect on regional populations due to the fact that a large percentage of those serving sentence for alcohol-related offenses are released within 7 days and would not be considered for regionalization. The major impact of effective detoxification programs would be felt in local lockups with significant reductions in the number of yearly admissions to those facilities.

Such possibilities lend additional support to the conclusion that low-risk felony offenders should be included in any program of regionalization. The felon would have a longer average length of stay than those persons transferred from local facilities so that a relatively small number of felons would result in a disproportionately larger average daily population. It is estimated that an average daily population of 80 low-risk felons would be available for treatment in regional centers. While these persons would be distributed in much the same manner as the local correctional population (i. e., more offenders are likely to have Little Rock as the correctional center for their home region than Batesville or Monticello) the addition of only a small number would offset the economic problems resulting from the reduction of local correctional populations.



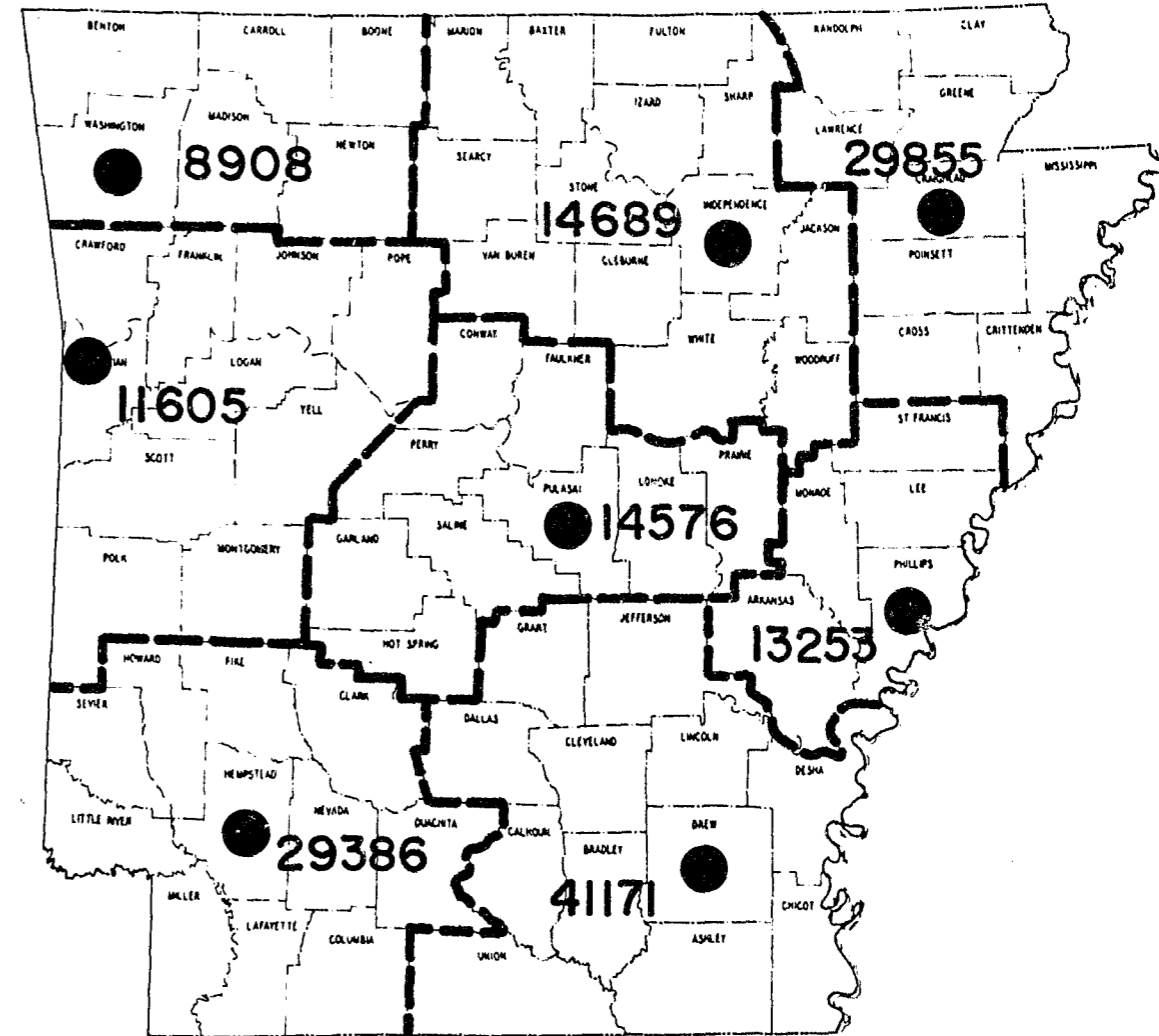
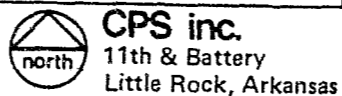
5-10



9 Average Daily Population

- Regional Correctional Center
- 410 State total of average daily population for regional centers

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10 Annual Man-Miles

- Regional Correctional Center
- 163,443 State total of man-miles required to support regional centers

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Reduction of Correctional Populations

Three fundamental observations could have been made with regard to Figure 1 and its discussion of the criminal justice system which have immense implications for the direction in which corrections should be moving.

- First, the further an offender progresses into the criminal justice system, the less likely are his chances for avoiding contact with the system after his release.
- Second, the faster the offender is returned to society under appropriate supervision, the greater will be his chances for successful rehabilitation.
- Third, the greater the contact of the offender with his community during his incarceration, the easier will be his reintegration into society.

These observations indicate the importance of early correctional treatment of offenders. They would suggest that the highest correctional priority be given to programs which divert the offender from the correctional systems at the earliest possible time consistent with public safety.

There is much evidence to suggest that many offenders should not be exposed to the full criminal justice system or institutionalized correctional treatment. A person who has committed a minor or first offense and subsequently labeled as a criminal, removed from his family and community, and exposed to the influences of hardened criminals, may return to society more likely to continue with crime than if he had been diverted from the conditions just listed. Alternatives to the traditional forms of incarceration in selected cases would not only provide better treatment for the offender and better protection for society by reducing the likelihood that the offender will commit additional crimes, they would reduce the economic and physical pressures being placed on correctional facilities by the full-incarceration of persons who could be better served elsewhere.

Phase I of this study dealt briefly with the three basic means by which contact with the corrections system can be minimized and correctional populations reduced:

- 1 diversion of selected offender types out of the criminal justice system;
- 2 improvement of criminal justice system procedures; and
- 3 development of alternatives to incarceration.

First, there are several types of offenses which seem to be social or medical problems rather than criminal ones. A case in point is the wife who files charges against her husband for a blow received in a family quarrel, but later declines to prosecute because their differences have been temporarily reconciled. Another example is the public drunk whose offense is without a victim other than himself. Diversion of cases such as these to agencies better equipped to provide counseling and treatment would seem desirable.

Labeling Crime

A special category related to diverting persons from the criminal justice system is that of labeling crime or defining what behavior is to be considered criminal. This project has not investigated the process by which behavior is labeled criminal or non-criminal. However, the redefinition of criminal behavior has become a major topic in the discussion of criminal justice reform. Some argue that certain behavior should be ignored, e.g., victimless crimes and the use of certain chemical substances. Others take a more guarded approach and suggest that certain behavior should not be ignored but treated by a more appropriate system, as suggested above. Corrections officials and others should be made aware of how much change in the number of persons incarcerated would occur from revisions in the definition of criminal behavior.

Detoxification

In terms of the diversion of local correctional populations, it would appear that the treatment of drunkenness as a socio-medical problem rather than as a criminal offense offers the greatest potential for reducing the large volume of admissions to local facilities. Detoxification and treatment programs operating outside the corrections system would have to be developed as well as procedures for referring criminal cases which are the result of drinking problems.

Second, considerable reductions in correctional populations would result from reducing the amount of time offenders remain within the system. This can be accomplished by improved procedures in each area of the criminal justice system.

Bail Bond Reform

The area requiring the most immediate improvement and offering the greatest potential for reduced populations is that of Bail Bond Reform. The original intent of bail was to help secure a defendant's appearance in court without having to resort to incarceration. Lawmakers have identified the offenses for which bail should be allowed. The judge is authorized to set the amount of bail with incarceration required only when the defendant cannot raise the amount set. The end result is that persons are incarcerated or released prior to trial according to their financial means or the availability of a bondsman, rather than on an evaluation of the probability of their appearance in court at the time required.

To rectify the situation, a strong argument has been made for de-emphasizing the reliance on money bail and using other alternatives to secure appearance. Some of the suggested alternatives are use of release on one's own recognizance, release into someone else's custody, restrictions on travel or residential location, release on an unsecured bond, and when conditions warrant, use of the standard money bail or outright refusal of bail. Most suggested plans also include setting a reasonably stiff penalty for non-appearance to replace the deterrent effect of money bail.

Before an intelligent evaluation can be made of which alternative to money bail is most appropriate for a particular case, accurate information on the defendant's personal and criminal background, as well as details of the present charge must be made available. An effective information gathering procedure would need to be established to provide the bail setting official with such information.

To help relieve the bail bond problem, some communities have established bail assistance programs to provide bail for those most in need of financial aid. Such projects either charge no fee, or else one that is much less than the 10 to 20 percent normally charged by a bondsman. In one particular bail program operated for more than a year in New York City, the percentage of persons released on money bail who failed to appear as required was greater than that of persons released on their own recognizance or other bail alternatives.

Police Summons

A police summons is used in lieu of actual arrests. The most common usage is for traffic offenses. Instead of taking a man who has just violated a law into custody, an officer could issue a notice to appear in court to answer the charge. Describing the reasoning that led planners in the Vera Institute of Justice (New York) to suggest the expanded use of the police summons for many offenses, a recent Vera report declared:

"If an accused person could be safely released in arraignment court on his own assurances that he would appear for trial later on, why couldn't he be released earlier, before he arrived for arraignment? Why not release him, in fact, at the earliest possible point after his apprehension, either on the street or in the precinct stationhouse?"

Besides the obvious advantages of the use of a summons for the accused, it also benefits the community by returning the arresting officer promptly to his law enforcement duties, reducing the load on the criminal justice system, reducing the costs of handling and detention, and perhaps, improving relations between police and the community.

Speedy Trial

The length of time spent by the accused between arrest and trial disposition has a tremendous effect upon the daily jail population in the state. Moreover, long pre-trial periods reduce the effectiveness of the entire criminal justice system: preservation of evidence is hampered; the defendant, if not released on bail, loses income and strains family and social relationships; and a chief deterrent of the system is lost when the connection between the crime and the consequences of conviction become blurred over time.

Arkansas has less of a problem than most states in trial delays. The situation has been improved by the recent creation of more courts, equalization of some court districts, and adoption of rules that give trial precedence to felons and those incarcerated prior to trial. However, the number of cases filed in Arkansas municipal and circuit courts continues to rise, and so the task of keeping the pretrial period as short as possible is one requiring constant attention.

Third, there are a number of important alternatives to incarceration that apply to convicted offenders and could offer immediate relief to correctional facilities if available. The correctional and economic soundness of the alternatives discussed here is being established daily in the vast majority of our nation's states and communities. While each of these alternatives exists in Arkansas today, they are not being developed to their full potential.

A common alternative to incarceration for most misdemeanor offenses is the use of fines. Although this study does not suggest that fines be used for a greater number of offenses, it should be noted that many persons cannot avail themselves of the alternative, even when the law and the presiding judge would prefer that such an alternative be used. Statistics are not available for Arkansas cities, but it is assumed that many misdemeanants are imprisoned when the law or the court suggests a fine, but the offender is unable to raise the amount of the fine immediately. It is certainly unfair, many suggest even unconstitutional, to have the severity of a punishment determined, not by the offense, but by the financial means of the offender. Imprisonment by default, being inherently discriminatory, should be avoided. It would not be desirable to remove all penalties just because an offender can not raise the fine money on the spot. Instead, a mechanism should be established which would provide alternative payment procedures such as longer periods to raise the total amount, installment payments, or civil collection of unpaid fines. Perhaps an offender could work off the fine, without incarceration, on some community or other public project at a fair salary.

Probation

Many organizations and individuals associated with the criminal justice system support the need for greater emphasis on the use of probation. Both the American Law Institute and the American Bar Association take the position that the starting point for sentencing should be probation or some other sentence not involving formal incarceration. Although the above position is not without its opponents, the fact cannot be disputed that probation is much cheaper than incarcerations. Studies in a number of states show probation costs to be one-sixth that of institutionalized care.

Probation is utilized in Arkansas for felony offenses and has been used increasingly in recent years. The present level of use cannot be expanded without additional probation officers or increased case loads per officer. The State present average case load of 50 probationers per officer is not excessive, but should be lowered to the recommended standard of 35. Arkansas does not have probation for misdemeanants, but legislation to provide for misdemeanor probation has been suggested for the State. Nationwide support for misdemeanor probation services has been given by a number of groups including the National Sheriff's Association and the President's Commission on Law Enforcement and the Administration of Justice.

Pre-Release Programs

Work release, and related programs such as training and study release, have as their direct objective the maintenance or improvement of employability. Pre-release programs are obvious mechanisms for easing the shock of total freedom which the offender often experiences. They provide officials with a good test of an offender's ability to function in real world situations prior to full release. Work release allows the inmate to meet many of his own financial obligations, as well as offset the costs of his incarceration. In addition, it offers the offender an alternative to the idleness which is prevalent in all detention facilities.

Work release participants normally spend their days at regular jobs in the community and their non-working hours in community based correctional facilities of less than maximum security. To be of lasting value, the work programs should be carefully devised so that they have worth, stimulation and relevance to the free world.

The Federal government has been very successful with such programs. Thousands of offenders have participated in such programs of which only 5% have failed to meet the conditions of their release. The Department of Correction has utilized work release programs on a limited basis since January, 1972. The program now has seven participants with an anticipated increase to thirty persons in the immediate future. The number of persons who can be brought into the program is presently constrained by the transportation and facility problems which require that all participants return daily to one of the State's three facilities. As a result of the rural location of these facilities, the number and diversity of jobs within reasonable commuting distances are limited. Offenders on work release earn from \$50-80 per week. They pay \$28 per week to the State, keep a maximum of \$15, and send all income in excess of \$43 to dependents. Work release should be the economic backbone of regional correctional programs. To achieve this facility, locations must provide ready access to large job markets.

Special Programs

Many approaches are being studied for dealing with specific offender types outside the criminal justice system. These have primarily taken the form of "first offender" programs wherein participation is offered in lieu of a jail sentence. Basically a form of probationary treatment, such programs have indicated considerable potential in dealing with youthful offenders, DWI offenders, and drug offenders.

Of the measures discussed above for reducing inmate populations, those of Detoxification and Bail Reform have been presented in legislative form to the General Assembly. A summary of various aspects related to that legislation is presented in the Appendix.

Minimum Standards for Detention and Correctional Facilities

The development of minimum standards and inspection procedures are important to the success of a regionalization program. The apparent cost of operating a sub-standard facility will always be less than that of facilities which employ qualified staffs, maintain building conditions, and provide adequate services to the inmate and the community. The economic advantages of regionalization of the corrections system exist only when there are minimum levels of care below which no facility will be allowed to operate.

Minimum jail standards should be incorporated in an on-going program of inspection and technical assistance aimed at identifying deficiencies and aiding the administrators of facilities in implementing improvement programs. While provisions must be made for closing facilities which fail to comply with minimum standards after a reasonable period of time, the purpose of such standards would be to promote the improvement of correctional programs and facilities. Condemnation proceedings would be a last resort of the agency charged with administering the minimum standards program.

Different standards would need to be developed for each type of correctional facility since program, staff, and space requirements will vary greatly between local lockups, regional correctional centers, and state facilities. Additional information on the mechanics of implementing minimum standards is included in the appendix.

6 Conclusions

It is hoped that the conclusions of this study will receive the close attention of the State Legislature, local governments, and the Department of Correction so that development of the Arkansas Plan for Local and State Corrections may proceed as quickly as possible. Every effort is being made to insure that the study's conclusions and recommendations are available for substantive review by all local and state groups involved in corrections and related fields.

A Uniform Correctional Policy

There is a definite need for a clear statement of policy reflecting the goals and objectives of the people of Arkansas in the field of corrections.

Such a policy should identify the direction to be taken in pursuing correctional objectives and the role of state government in initiating and promoting change in the corrections system.

In addition, policies should reflect the cumulative experience of modern corrections which recognizes that:

- *almost all criminal violators do return to society; and
- *traditional institutions for detaining offenders not only fail to reform or rehabilitate, but operate to increase the risk of continued criminal acts following release.

Correctional policies should acknowledge the dual nature of correctional goals:

- *correctional programs should protect persons and property against violators of criminal laws; and
- *should treat all persons coming under their control in such a way as to prepare and induce them to become useful citizens of the State and community, to foster their human dignity, and to preserve the community's human resources.

Correctional Goals

The goals of corrections can be expressed in terms of detentioners and sentenced offenders.

The primary goal with regard to detentioners is to assure that accused persons who have not been fully released will be available when the court requires them. The security and welfare of the detentioner is the first responsibility.

The secondary goal for detentioners is to minimize the harm that may be done to a detentioner and his family by the circumstances of his incarceration. This implies the provision of services that maintain or strengthen the economic stability of the detentioner's family and the physical health, mental well-being, and social relationships of the detentioner himself.

The primary goal for sentenced offenders is the reduction of the probability that a released offender will be returned to the corrections system. That is to say, rehabilitation is the primary goal and the measure of success is reduced recidivism.

The secondary goal for sentenced offenders is not to increase the probability that a released offender will be returned to the correctional system. This negatively expressed goal signifies that even if the corrections system should fail to rehabilitate an offender, it should not increase the probability of his return to criminal activities upon release. The corrections system must guard against brutalizing those committed to it.

Coordination of Criminal Justice Programs

Realization of the interrelated nature of law enforcement, prosecution, judiciary, and corrections at all levels of government has been slow to develop. Mechanisms for dealing with the problems caused by crime have been limited in their effectiveness by the fragmented nature of the system. Improvement in one area may be more than offset by deficiencies in another area totally outside the control of the first. This is true in corrections as it is for the entire Criminal Justice System. Fragmentation of authority among cities, counties, and state agencies has hindered the creation of effective means for dealing with problems which are essentially the same. Coordination of all components of the criminal justice system is needed to provide the setting for maximum correctional improvement.

Community Oriented Corrections

The most promising rationale for the effective treatment of offenders is that of a community oriented corrections. Through greater reliance on the free world resources available to a community or a group of communities, correctional programs can best utilize their limited dollars and promote the constructive involvement of the offender with his environment.

Multi-Jurisdictional Cooperation

Rehabilitation of a criminal offender requires that he come to terms with his social environment in ways that are lawful. This may require modification of the offender, but it may also involve modification of his social environment. Treatment carried out in the cloistered setting of a prison must of necessity often be limited to change in the individual. A program of treatment effected in or near his home community can include efforts to deal with the social relationships and the groups with which the individual is likely to involve himself after release from the correctional system.

Programs of community-oriented corrections are not economically feasible for the vast majority of the State's cities and counties under the present system. Multi-jurisdictional cooperation will be required to bring together sufficient resources and correctional populations to justify the cost of essential detention and treatment programs.

Regional Correctional Centers

Significant savings in tax dollars and vastly improved correctional services will result from state and local cooperation in the development of regional detention and treatment centers for handling minimum risk felons, sentenced misdemeanants, and persons awaiting trial over 14 days. An analysis of the correctional populations available for regionalization from both local and state facilities suggests the development of eight regional centers able to economically operate within a state-wide regionalization program.

Upgraded Local Facilities

A program of upgrading local jails to act as temporary holding facilities for short term detentioners and sentenced offenders should be developed in conjunction with the planning of regional correctional centers. Due to the considerable reduction in the length of stay of persons held in local facilities, smaller daily populations and consequently smaller capacity facilities will result. Such reductions would significantly reduce the construction, maintenance, and operational expenses of the individual community's facility.

Minimum Standards for Detention and Correctional Facilities

In order to determine if the safety and welfare of persons detained in Arkansas jails and prisons are being insured and if society is being protected from dangerous criminals, periodic inspections of all detention facilities should be made on a regular basis. Conditions within the facilities are to be measured against minimum standards and provisions should be provided to insure compliance with the standards. Where compliance is not forthcoming and justification for the failure to comply is insufficient, the facility should be closed.

Alternatives to Incarceration

Many felons are sentenced to state prisons for lack of an available alternative of credible impact, such as probation under close supervision.

Many felons are held in state prisons under maximum security conditions, who could be operating under controlled programs within the community, such as work release and study release.

Significant reductions in the number of persons passing through the corrections system and in the average length of time an individual offender remains within the system could be achieved through the full development of various alternatives to incarceration. Numerous studies have proven that when properly administered, alternatives to incarceration do not increase the risks to society and do substantially lower the costs to the public to insure court appearance and provide effective rehabilitation.

Detoxification Programs

Many persons are processed as criminals who show no criminal characteristics other than drunkenness. There is increasing acceptance of the need to treat alcoholism as a socio-medical problem rather than as a criminal one. The treatment of alcoholism as a criminal offense imposes undue hardships upon all parts of the Criminal Justice System with minimal benefits either to society or to the offender. Diversion of the alcoholic from the Criminal Justice System into socio-medical programs within the community is desirable. This would not only provide better treatment for the alcoholic, but would also permit the reallocation of a significant portion of the limited resources of the Criminal Justice System into more appropriate areas.

Bail Bond Reform

Significant changes in the State's correctional system would result from removal of money bond as the primary means of insuring the appearance of accused persons for trial. There should be initiation of measures to insure that persons, regardless of their financial status, shall not needlessly be incarcerated pending their appearance in court through increased use of release on own recognition, unsecured appearance bonds, and other alternatives to money bail.

Payment of Fines

Misdemeanant offenders are often incarcerated when they are unable to pay the fines assessed by the courts. In such instances, installment payments or other forms of deferred payment of fines should be provided.

Administration of Programs for Regionalization

Administrative responsibility for promoting a program for regionalization in Arkansas would best be placed under the Arkansas Department of Correction. This conclusion is supported by the following:

- The Department of Correction is the only agency currently empowered to operate correctional facilities on a state-wide basis. Under the current policy of consolidating related state-wide services under a single department, the Department of Correction would be the appropriate agency.
- The coordinated development and operation of regional centers is more likely to occur under a single authority than under eight separate regional councils.
- The Department of Correction has access to trained personnel and experience which are not available elsewhere in the State.
- Operational costs for services in State facilities are less than the cost of comparable services in non-state facilities due to food and materials production within State institutions. Such savings would be available to regional centers administered by the Department.
- Since the objective of a jail inspection program is to improve deficiencies in facilities, the expertise and technical assistance of the Department could be coordinated with the inspection process to help local facilities meet minimum standards.
- With the institution of alternatives to incarceration, it is possible that there would be an insufficient number of non-felony inmates to support state-wide regionalization. Low risk felony offenders transferred to regional centers in the immediate area of their home community would assure an economically justifiable population. Where felons and misdemeanants must both be detained, it would seem advisable that administration rest with the more security oriented agency, i.e., Department of Correction.

7 Appendix

Definitions of Terms

adequate capacity
the number of existing detention spaces which are located in adequate facilities and meet the requirement of 50 square feet per inmate.

alcoholic offender
one who habitually lacks self-control in the use of alcoholic beverages to the extent that his health is substantially impaired or his social or economic function is substantially disrupted, and he is arrested and charged under criminal laws relating to excessive use of alcohol, such as public drunkenness.

average daily population
the number of inmates that would theoretically be incarcerated on a given day and derived from an average of all days during a year's time.

The number is calculated using the following formula:

$$adp = \frac{yp \times als}{365} \text{ where:}$$

adp - is the average daily population;
yp - is the total of admissions for the year; and
als - is the average length of stay of inmates in days

average length of stay
the period of time in days that an inmate theoretically is incarcerated when averaged against all time served by all inmates under consideration.

Using the same formula as above, then:

$$als = \frac{adp \times 365}{yp}$$

bail
money or other acceptable assets given authorized authority to allow release of defendant or witness on condition that such persons appear as requested. The defendant or witness can pay the bail or have an intermediary, such as bail bondsman, guarantee that bond will be paid if appearance is not made as requested.

bail bond (bond)
a written acknowledgement of a debt to forfeit a specified sum of money on failure to appear as requested. The term is also used to refer to the amount that is required.

correctional detention facility
as used in this report, any facility operated by a State or local government for the detention of persons awaiting trial, serving sentence or otherwise held under security by a police, court or correctional official. The terms "correction facility" and "detention facility" are used in concert and often interchangeably.

corrections system
the totality of processes, activities and facilities in Arkansas involved in the detention and rehabilitation of persons charged or convicted of criminal offenses.

detention
the act or function of detaining persons under power granted by law. The term is usually used to distinguish from the treatment function where the prime purpose is not isolation of the individual from society, but modifying criminal behavior.

detoxification
the treatment and/or process by which an inebriated person is provided medical services to help him return to a sober condition. In more recent usage, detoxification includes a broad range of medical, social, psychological and other rehabilitative services to help one overcome both the immediate state of inebriation and the underlying problems leading to alcohol abuse.

felon
a person convicted in a circuit court of an offence deemed by law to be severe and deserving of major penalties when justified.

full-use jail
a facility operated by a local unit of government, or combination thereof, that provides adequately for both treatment and detention functions. Such a facility would normally handle presentenced persons not handled by the State penitentiary system or temporary holding units. At present, no Arkansas jail could be classified as a full-use jail due to the lack of significant treatment programs.

lockup (temporary holding unit)
a facility used only for detention purposes of short duration. Under present use, a lockup would hold only presentenced individuals, and for a period not to exceed 72 hours. Under regionalization, such a facility would be used for those not eligible for a regional facility treatment, i.e., persons serving sentences less than 8 days or awaiting court disposition less than 15 days.

local facility
lockups and jails, operated either by municipal or county governments.

man-miles
a measure of the estimated amount of transportation required in moving inmates from local to regional facilities over a one-year period. The number is determined by the following formula:

$$\text{man-miles} = adp_c \times d_c \text{ - where:}$$

adp_c = the average daily population from a given county available for transfer to a regional facility; and

d_c = average distance from the given county to the nearest regional center in miles.

minimum standards for detention facilities
measurable requirements below which a jail or other facility (correction or detention) would not be allowed to operate. The legally enforceable standards would cover all major aspects of facility construction, modification and operation such as spatial requirements, equipment, administrative procedures, programs and services.

misdemeanant
a person convicted of an offense not classified as a felony. Such a person may not be imprisoned in other than local facilities for a misdemeanor offense.

parole
a method for releasing an offender from a correctional institution prior to completion of his sentence, and subject to supervision and control by correctional authorities.

pre-release center
A facility usually located in the community and housing a small number of minimum risk inmates who can receive counseling, work and study opportunities, and often referred to as a half-way house.

probation
a disposition of the court whereby a convicted person is permitted to remain in the community subject to conditions specified by the court. In Arkansas, probation is available only for felony convictions.

regional facility
a correctional facility serving a multi-jurisdictional area for the purpose of providing treatment programs and detention services through shared resources.

state facility
in contrast to local jails, a State correctional facility is operated by the Department of Correction exclusively for convicted felons.

treatment
treatment includes services and programs whose main purpose is to rehabilitate or otherwise modify a person's behavior so that he can function in a law abiding manner upon release.

yearly population
the total number of admissions, made to a facility regardless of length of incarceration during a one-year period. It may be derived from the basic formula as follows:

$$yp = \frac{adp \times 365}{als}$$

Areas for Legislative Change

Legislation acts as a policy statement of the State's support of a concept or procedure. Ideas supported only by a particular agency or group of experts often do not find the acceptance necessary for effective implementation. In contrast, a concept passed as legislation has not only the power of law, but suggests a broad based support that helps give direction and momentum to a proposal.

Implementation of the recommendations of the study would necessitate new legislation in several areas. The items summarized here represent the most important legislative changes required to support the regionalization program outlined in this interim report. A number of the legislative proposals treated here are currently before the Arkansas General Assembly. Of those bills under consideration, only the bill dealing with Minimum Standards for Detention and Correctional Facilities is a direct outgrowth of the study. The remainder were developed independently by various groups.

1 Minimum Standards for Detention and Correctional Facilities

For various reasons, most jails and correctional facilities in the State are woefully inadequate as safe, effective or humane places to hold and treat criminal offenders. By incorporating into law a set of minimum standards for construction and operation of correctional facilities, a limit can be set below which no facility is allowed to operate. Use of standards would also bring about a greater uniformity in facility design and services. Uniformity is not only an advantage in general administration, record systems and evaluations of detention and corrections conditions, but also helps bring about equality so that the services provided an inmate in one geographical area are not at great variance with similar services in other areas of the State.

In order for standards to be implemented, there must be more than demands for improvement; there must also be assistance. Suggested legislative changes would provide technical assistance to localities for upgrading facilities in an effective and economical manner.

Experience of Other States

About 40% of the states have statutory provisions for detention facility standards. Within this group, variances related to the standards themselves or to the implementing mechanisms are great. Many states set standards only on construction and spatial aspects: e.g., minimum sleeping area per inmate, number of lavatories or type of heating systems. Other states include criteria on operations such as safety, discipline, or records keeping. A very few deal with personnel qualifications, rehabilitative programs, and related services.

The implementing mechanisms utilized by each state vary as much as the type of standards enforced. Some standards apply only to local facilities, but not the State penitentiary system. While some states give the power to close facilities to the Department of Correction, others rely entirely on the courts. In those states where closure of a facility not meeting standards can be made, the time given for compliance varies from 30 days to one year, or is not specified. The actual standards may or may not be incorporated into legislation.

Scope of Standards

In order to cover all detention facilities in the State, separate standards will need to be established for each of the four types of facilities, i.e., temporary holding units, full use local jails, state facilities, and the proposed regional centers.

Minimum standards should be developed with a view toward providing secure custody of prisoners and to protecting their health, comfort and welfare. Minimum standards should include, but not be limited to:

- *facility administration
- *staff qualifications
- *uniform record systems
- *receiving and release procedures
- *inmate classification
- *food services
- *maintenance
- *rehabilitation programs
- *legal rights of incarcerated persons
- *facility construction and design

Administration of Legislation

It is recommended that the Department of Correction be authorized to establish, provide information on, and enforce minimum standards for detention and correctional facilities. Furthermore, a division within the Department, the Division of Community Correctional Services, should be established to carry out the provisions of the legislative act.

The powers and duties of the Division would include:

- *providing technical assistance to facility administrators;
- *visiting and inspecting facilities at regular intervals;
- *identifying deficiencies of facilities and operations as related to minimum standards and bringing these to the attention of the facility's administrative officer.
- *submitting written reports of all inspections to appropriate government officials;
- *reviewing and approving all plans for major renovation or new construction of facilities;
- *developing and updating minimum standards; and
- *performing such other duties as may be required to carry out the intent of the Act.

Inspection of Detention Facilities

Division personnel should inspect each facility at least annually for the purpose of evaluating the conditions of confinement and treatment of prisoners and determining whether such facilities meet the minimum standards published by the Department. A written report of each inspection should be made within thirty days after the inspection to the governing body of the jurisdiction responsible for the detention facility, or if a State facility, the Board of Correction. Where minimum standards are violated, the report should specify those areas in which the facility does not meet the requirements established by the minimum standards.

Enforcement of Minimum Standards

If an inspection discloses that the detention facility does not meet the minimum standards established by the Division, the Division should send notice, together with the inspection report, to the governing body responsible for the facility and to the duly constituted grand jury for the Judicial District in which the facility is located. A copy of the inspection report and recommendations should also be sent to the Circuit Judge or Judges of the county in which the facility is located. The appropriate governing body and/or the grand jury should promptly meet to consider the inspection report. The governing body and/or the grand jury can then initiate appropriate corrective action within six (6) months of the receipt of the inspection report, or may voluntarily close the detention facility or the objectionable portion thereof.

If the governing body or grand jury fails to initiate corrective action within six (6) months after receipt of the inspection report, or fails to correct the disclosed conditions, or fails to close the detention facility or the objectionable portion thereof, the State Correction Commissioner should be authorized to petition a Circuit Court within the Judicial District in which the facility is located to close such facility. The petition should include the inspection report regarding such facility. The local governing body shall then have thirty (30) days to respond to the petition. They should serve a copy of the response to the Commissioner by certified mail, return receipt requested. Thereafter, a hearing should be held on the petition before the Circuit Court, and an Order rendered by such Court which:

- *dismisses the petition of the Commissioner; or
- *directs that corrective action be initiated in some form by the local governing body or by the grand jury with respect to the detention facility in question; or
- *directs that the detention facility be closed.

An appeal from the decision of the Circuit Court may be made. A common appeal mechanism is suggested. Notice of the intention to appeal is given by registered mail to the Board of Correction, the Commissioner and to the resident or presiding judge within 20 days after receipt of the Board of Correction's order. The right of appeal is considered waived if notice is not given as provided.

The appeal is heard before the resident or presiding judge of the circuit, who gives reasonable notice of the date, time and place of the hearing to the Board of Correction and the Commissioner, and the governing body concerned. The hearing is conducted without a jury in accordance with the rules and procedures of the circuit court. The Board of Correction, the Commissioner, the governing body concerned, and other responsible officials have the right to be present at the hearing and present evidence that the Court deems appropriate to determine whether the detention facility met the required minimum standards on the date of the last inspection. The Court then affirms, reverses, or modifies the Board of Correction's order.

A regional correction facility as defined for this study is an institution built and operated by the Department of Correction as a regional center for the care, safe-keeping and rehabilitative needs of adult offenders committed to such a facility. Commitments could be made by either the State (Department of Correction) or by contract from local governments and usually, but not necessarily, from within a specific set of regional boundaries.

The term "adult offender" as used in the above definition would include all offenders (other than those classified as juveniles) that are either convicted felons who have been transferred by the Department to a regional facility; other persons normally handled through municipal or county detention facilities who are awaiting trial for more than fourteen days or serving sentence longer than seven days; or persons under probation or parole who might be given access to services on a temporary or "out-patient" basis.

A reasonable modification of the seven- and fourteen-day rule can be made during contract negotiations between the Department of Correction and the localities to be served by a particular regional facility. Such revisions of the time periods must be validated in the subject contract.

A number of states have some form of regional detention and/or correction facility network, e.g., Alaska, Connecticut, Minnesota, Missouri, New York, Pennsylvania, Rhode Island, Texas and Vermont. Various approaches utilized by the different states were examined to determine arrangements which might be adapted to fit the needs and specific circumstances found in Arkansas.

Enactment Schedule

The general implementation of the suggested legislation should not take place until a reasonable length of time has passed after all facility officials have been presented with a set of the standards. It is suggested, therefore, that inspections can begin after the standards have been developed and published, but no facility should be requested to close within one year of the date of publication of the minimum standards.

After one year of the date of publication of the minimum standards, a facility may be closed for any violation of the minimum standards; excepting those standards relating to the construction of the facility itself, its structure, its plumbing, heating or wiring systems, which cannot be implemented for a period of two years after the date of publication, unless such violations are of immediate danger to the safety of inmates or facility personnel. At the end of the two-year period, a detention facility can be ordered closed if it fails to correct any minimum standards violation within a reasonable time.

2 Development of Regional Correctional Centers

A program of multi-jurisdictional cooperation has numerous advantages over the present system of full use local jails and centralized state facilities. Economies in operations and construction can be achieved by maintaining recommended program costs to inmate ratios. Those are dependent upon minimum average daily populations of approximately 40 persons per facility, under the proposed system of eight regional correctional centers. If adequate correctional programs are to be provided and at acceptable costs, multi-jurisdictional cooperation will be required to generate minimum average daily populations. In contrast to the recommendations for regionalization, all temporary holding units, half the municipal jails, and a fourth of the county jails were empty at the time of the state-wide survey of local facilities.

Administration of Legislation

The regionalization process should be administered by the Department of Correction through a Division of Community Correctional Services. Regional facilities would be constructed and operated by the Department, since numerous benefits would accrue to the regionalization process if administered and operated by a State agency. For example, funding is more readily available in sufficient quantity at the State level than at the local level; the opportunity to integrate detention and treatment and the probability of uniform detention and correction practices are both greater than when attempted through multi-jurisdictional arrangements; and the Department of Correction can draw on manpower, expertise and other supportive services on a far greater scale than most localities.

It is also suggested that input from political jurisdictions within a region be formalized through a mechanism such as a regional corrections council. Such a council should not be excessively large, but should contain representatives from all counties and municipalities within the region. A council's functions would be primarily advisory and informational with operational policies to be determined by the facility's personnel.

The functions of the Division of Community Correctional Services in support of a regionalization program would include:

- establishment of guidelines for the development and operations of a state-wide system of regional correctional centers;
- initiation of discussions with local jurisdictions for the development of specific programs for regionalization;
- evaluation of proposals for multi-jurisdictional cooperation and presentation of recommendations to the Board of Correction; and
- provision of technical assistance to localities in the improvement of local facilities and operations whether or not related to a program of regional corrections.

Funding of Regionalization Programs

Areas requiring significant levels of funding in the program of regionalization outlined in this report would include the construction or renovation of local facilities in order to conform to minimum standards, the construction or renovation of facilities to serve as regional correctional centers, the development of adequate programs and staffs for regional centers, and the creation of the Division of Community Correctional Services within the Department of Correction.

Estimates of total expenditures by year to implement the proposed regionalization of corrections are being developed in Phase II of this study and will be a major part of the study's final report. Federal assistance through the various programs of LEAA, HEW, HUD, DOT, and others will need to be pursued. Revenue sharing, State subsidies, and local sources will need to be fully investigated. Determination and collection of local fees would be established at the time of contract negotiation between local jurisdictions and the Department of Correction.

3 Bail Bond Reform

The basic purpose of the bail mechanism is to promote pre-trial release by giving the court adequate assurances that the accused will appear before the court as requested. However, the present emphasis on money bail is an undue limitation of the bail system.

- First, the concept of money bail, regardless of how conscientiously it is administered, operates against the poor. Those having the financial means enjoy freedom, while others less fortunate remain incarcerated.
- Second, bail is usually set according to the type of crime, with little or no regard for the background, personal characteristics, or financial means of the offender. Such a procedure suggests that all persons accused of a particular crime are the same, at least in their probability of jumping bail.
- Third, the emphasis on money bail can lead to misuse of the bail concept by setting the bail so high as to remove the individual's ability to gain release.

The effect of the above on corrections is an increase in the total number of people held in jail, as well as an increase in their average length of stay. The results are overcrowded jails, higher cost burdens on the taxpayer, and a host of disadvantages to the offender, many of which may operate to increase the probability of further criminal offenses.

Alternative to Money Bail

Bail reform is needed to reduce the emphasis on use of money bail to secure a person's appearance in court. Judges and other judicial officers should have available a number of alternatives other than money bail. It is suggested that one of the following alternatives be utilized, unless it is determined that none of the alternatives would reasonably assure the appearance in court of a particular individual:

- release on own recognizance, or simply the accused person's promise to return;
- release on an unsecured bond;
- release of the accused person to the custody of persons in the community;
- release under conditions of restricted travel, house arrest, or similar limitations to the accused person's movements; and
- release upon executing of an appearance bond.

In order to effectively determine which of the above conditions, or other acceptable substitutes will reasonably assure appearance, the judicial officer needs a sound body of information on which to base his decision. Efforts should be made at the State, county and local levels to develop mechanisms for providing judicial officers with pertinent information on such factors as circumstances of the alleged offense, financial means of the accused, mental health, family ties, employment, previous convictions, and record of appearance at previous hearings.

Courts in a number of states have utilized community volunteers and standardized forms for gathering needed information in short periods of time. In addition to information gathering, support procedures can be established to reduce time spent awaiting trial in jail, speedy review and appeal of bail decisions, and early trial priority to those persons not being released on bail.

Penalties for Non-appearance

Any suggestion for reduction in emphasis on money bail as guarantee of appearance is predicated on an increase in the criminal penalties for failure to appear as ordered. If a person willfully fails to appear as ordered, then it is suggested that he be charged with an offense, depending on the original charge under which the subject failed to appear. If the original charge was a felony, or if the person was awaiting sentence, appeal or transfer to a higher court for any offense, then the offense of failure to appear as requested should be treated as a felony with a maximum penalty of five years in prison, \$5,000 fine, or both. If the original charge was a misdemeanor, the offense of failure to appear should be treated as a misdemeanor with a penalty not to exceed one year or the maximum fine for the offense for which the person was released, or both.

4 Treatment for Alcohol Abuse

The drunk or chronic inebriate is presently processed through the criminal justice system. Such a procedure does not resolve any of the underlying social or medical problems of the individual, and often does not meet the more immediate needs of decent shelter, food and emergency medical treatment.

The greatest percentage of total arrests are alcohol related one out of every three. And the majority of those arrested on such charges will be arrested over and over again indicating that prior arrests incarceration, and/or fines are ineffective in altering behavior. Besides the obvious failure of such a system to aid the offender and society, there are many disadvantages to the criminal justice and corrections systems. Such disadvantages are summarized well in the Vera Institute of Justice's Ten-Year Report, 1961-1971:

"It (the criminal justice system) suffers in dignity because its personnel and its institutions are put to the self-defeating and demeaning task of herding a continuous stream of social outcasts through the revolving door of arrest and short-term incarceration. It suffers in integrity because it is managing discriminatory programs where the poor and rootless are prosecuted under drunkenness statutes while the affluent are sent home, and where some are convicted of being drunk and disorderly when in fact they are merely sick and disheveled. It suffers in the waste of valuable time spent by police in handling approximately two million alcohol-related arrests nationally every year, when the time could be spent on other police functions.

It suffers in the amount of court time spent in adjudicating drunkenness cases. And it suffers in the extent to which short-term correctional facilities must be turned over to the detention of homeless derelicts."

In light of the failures listed above, many national groups have suggested the need for legislative change. Among the more prominent groups recommending legislative reform are the President's Commission on Law Enforcement and Administration of Justice, the American Bar Association, the National Conference of Commissioners on Uniform State Laws, the American Medical Association, and the National Sheriff's Association.

This study supports the views of others that alcoholism should be classified and treated as a medical, not a criminal problem. Many of the suggestions which follow are reflected in the Uniform Alcoholism and Intoxication Treatment Act, drafted by the National Conference of Commissioners on Uniform State Laws.

Definition of Alcoholic Offender

An alcoholic offender as referred to in this report is one who habitually lacks self-control in the use of alcoholic beverages to the extent that his health is substantially impaired or his social or economic function is substantially disrupted, and he is arrested and charged under laws relating to excessive use of alcohol, such as public drunkenness.

Modification of Criminal Sanctions

Drunkenness or other manifestations of intoxication, such as sleeping on a park bench, staggering, etc., are criminal only by criminal law definition and should be treated under civil provisions for detoxification as opposed to criminal law. All laws, ordinances or other conditions having the force of law that include drinking, drunkenness or intoxication as criminal offenses should be repealed and no new laws allowed to be adopted or enforced by any political subdivision of Arkansas, excluding laws relating to driving and laws regulating the sale, purchase, dispensing, processing or use of alcoholic beverages at stated times or places, or by those below a given age.

Administration of Legislation

The administration of treatment for alcohol abuse should be carried out by an agency that is both experienced and qualified in dealing with such problems. It is suggested that the Rehabilitative Service Agency of the Arkansas Department of Social and Rehabilitative Services is such an agency, wherein services are provided for Arkansas residents with physical or mental handicaps (including alcoholism). Within the Rehabilitative Services Agency, a separate division should be established and headed by a director qualified in the organization and administration of alcohol treatment services.

This division should be empowered to perform the following functions:

- *plan, develop and administer treatment programs as necessary to fulfill the purposes of an alcoholic offender treatment act;
- *prepare annually a Division plan for alcohol prevention and treatment and advise the Governor and others in the development of alcohol and intoxication treatment programs for inclusion in the State's comprehensive health plan;
- *keep records and engage in statistical data collection and research;
- *organize and promote training programs for all persons engaged in the treatment or handling of intoxicated persons;
- *prepare and publish educational material, research findings and other information dealing with the nature and treatment of alcoholism; and
- *establish health and treatment standards that must be met by either a public or private treatment facility to be approved for provision of services pursuant to the Act. Inspections of facilities should be held periodically and approvals revoked or withheld if standards are not met.
- *establish procedures whereby the cooperation of other public agencies involved with alcoholic offenders will be assured.

Alcoholic Offender Treatment Programs

The purpose of the proposed legislation should be to provide effective treatment, and therefore, medical, psychiatric, psychological and social services care. Mere custodial care should never be a goal of the Act or of any individual admittance. Basic types of treatment services which should be available include: emergency care; in-patient programs; intermediate programs; and outpatient and follow-up services.

- *emergency care: medical, diagnostic and social services available 24 hours a day for care that must be delivered for the immediate welfare of the patient.
- *Inpatient programs: full-time residential treatment not classified as emergency care, but needed before patients can be safely released into the community.
- *Intermediate programs: residential treatment, less than full time, often associated with "half-way houses" or day or night hospitals.
- *Outpatient and follow-up services: the same wide range of services as above but to patients who are not full or part-time residents of the treatment facility. Services might be inhouse or through other community facilities such as clinics, social centers or the patient's home.

All services should be available to both the voluntary and involuntary patient. Voluntary patients, whether or not they are intoxicated at the time, can be accepted for treatment at the discretion of the facility director. Involuntary admission can take place if a person appears to be incapacitated by alcohol at the time or when ordered by a court acting on a petition for commitment. Involuntary admissions should always be accepted by the Director.

Details of the administration of alcoholic treatment are not discussed here. The Uniform Alcoholism and Intoxication Treatment Act covers such details in depth, and beyond those issues addressed in this report, the other provisions of the Uniform Treatment Act are supported by this study.

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