

SMART JUSTICE IN MARICOPA COUNTY



**ASU
State of our State Conference**

November 20, 2015

WHAT IS SMART JUSTICE?

The aim of Smart Justice in Maricopa County is to promote the application of evidence-based principles and practices to improve public safety outcomes. Under the guidance of MCJustice, the County's Criminal Justice Coordinating Council, and its sub-committee, the Smart Justice Council,¹ criminal justice partners are individually and collaboratively promoting evidence-based practices targeting recidivism reduction. The objectives are fairly straightforward. Based upon the Risk-Need-Responsivity (RNR) model, individuals in the justice system who are moderate- to-high risk to commit new offenses are targeted for treatment and interventions that are effective in reducing recidivism.² Alternately, individuals who are low risk to reoffend are managed in a manner that minimizes contact with the justice system and preserves pro-social factors (e.g., employment, school, family, etc.).³

2014 Jail Population

WHAT ARE THE COSTS?

Over half of the County's two billion dollar budget is committed to the public safety and judicial needs of its residents.

As of July 1, 2015, the per diem cost for each inmate per day is \$85.49. The cost to book an offender into jail is \$285.94. These costs are borne by the individual municipalities when offenders are held on city charges. Otherwise, with few exceptions, the costs are covered by Maricopa County.



SMART JUSTICE ACTIVITIES AND INITIATIVES

The foundations for Smart Justice, using evidence-based strategies and providing needs based programming, are not new for Maricopa County. The Adult Probation Department (APD) has led such efforts for well over a decade and is nationally recognized for its work as a result. The Maricopa County Sheriff's Office (MCSO), County Attorney's Office (MCAO), Correctional Health Services (CHS), Maricopa County Public Defender's Office (MCPD), and the Courts have a long history of developing and implementing innovative programming aimed at reducing recidivism, including: diversion programs, specialty courts, crime prevention efforts, etc.

Beginning in August 2011, rather than working independently, these individual systems engaged in a concerted effort to improve long term public safety and control costs. Shared goals, a common language, increased communication, collaboration, and accountability, along with an enhanced focus on evidence based decision making at each entry point into the system became the collective focus. Although still relatively new, the results are promising.

¹ The following agencies are representative of MCJustice and Smart Justice Council membership: Adult Probation, Arizona Department of Health Services, County Attorney's Office, County Manager's Office, Correctional Health Services, Indigent Defense, Integrated Criminal Justice Information System, Human Services, Justice Courts, Justice System Planning & Information, Juvenile Probation, Maricopa County Education Services Agency, Regional Behavioral Health Authority (RBHA), Sheriff's Office, Superior Court.

² See Bonta, J. (2007). Offender assessment: General issues and considerations. In L. L. Motiuk and R. C. Serin (Eds.), *Compendium 2000 on effective correctional programming*. Ottawa, ON: Correctional Service Canada. Retrieved from <http://www.csc-cc.gc.ca/text/rsrch/compendium/2000/index-eng.shtml>

³ Ibid.

The approach used by the Smart Justice Council to frame the collaborative effort is found in the Transition from Jail to the Community (TJC) Implementation Toolkit.⁴ The TJC initiative is a public safety model using a systems approach to manage offenders as well as a ‘business’ model that focuses on long term public safety, effective use of resources, and improves outcomes for individuals released from jail back into the community. The TJC initiative recognized the pivotal role jails can play in system relationships, “offering a framework that reinforces, regularizes, and rationalizes the notion of people working together for the good of society”.⁵

Key components of the TJC model include leadership, joint ownership, data-driven decision making, screening and assessment, targeted intervention strategies, transition plan development and implementation, and evaluation.

Risk-Needs-Responsivity Model

Embracing a Smart Justice approach requires Maricopa County to understand the Risk-Needs- Responsivity (RNR) model. The principle of *risk* answers the “who”, *need* addresses the “what”, and *responsivity* is the “how” portion of the equation.

Risk to Recidivate Score or ‘Proxy’ and Risk Based Intervention Strategies

To assess the risk levels of the offenders held in the County jail, MCSO introduced a risk-to- recidivate tool in December 2011. Referred to as the “proxy” or “RRS score”, this tool is easily administered and completed by MCSO Jail Classification Specialists once it is determined an individual is staying in jail after their initial court appearance.

The proxy is used to predict an individual’s likelihood of committing a new offense. Its ease of use allows the system to quickly differentiate risk levels for the jail population to guide appropriate responses to minimize risk.

Low risk offenders are reviewed for alternatives to incarceration to help them remain low risk. For low-risk offenders, reducing criminal justice involvement, enhancing diversion and increasing releases into natural environments where support networks exist (e.g., family and employment) will assist in reducing recidivism and enhancing public safety. These practice and process improvements promote better long-term public safety, free up vital resources (e.g., intensive beds/services for higher risk offenders) and increase cost effectiveness for a system with limited resources.⁶

Moderate-to-high risk offenders are considered for further evaluation and placement into programs or services designed to mitigate their risk by effectively addressing the factors that lead to criminal behavior that can be changed (i.e., dynamic criminogenic risk factors).

When Proxy data are looked at in the aggregate, the measures also help the system broadly understand the entire jail population, guide allocation of resources, and provide a means to measure the effectiveness of various programs and interventions.

For example, analysis of the aggregate proxy data has helped Maricopa County control its criminal justice costs by minimizing the number of pretrial and sentenced low risk offenders in jail. In contrast with many other counties, moderate and high risk offenders comprise the majority of Maricopa County’s jail population.

⁴ Transition from Jail to Community Implementation Toolkit available online at <http://www.urban.org/projects/tjc/Toolkit/>.

⁵ Transition from Jail to Community, Online Learning Toolkit. Pg. 2. <http://www.urban.org/projects/tjc/Toolkit/>.

⁶ The Maricopa County Attorney’s Office reviews each case individually in the best interests of justice as required by the rule of law. Maricopa County uses assessment tools at various stages of an offender’s involvement in the criminal justice system in order to determine risk, criminogenic and/or social needs. Two risk assessment instruments currently used during the booking process include the Public Safety Assessment completed prior to the initial appearance and the Risk Recidivism (Proxy) Score completed at Classification.

Specifically, while NACo reports 40% of national jail populations are moderate-to-high risk, 68% of the Maricopa County jail population is identified as moderate-to-high risk.⁷ In Maricopa County, the low risk inmate population held for any substantial period of incarceration primarily consists of offenders charged with serious crimes, such as sexual exploitation of a minor and aggravated assault with a dangerous weapon or instrument. Not only is this practice fiscally responsible, it is also socially responsible because research suggests that minimizing the number of low risk offenders in jail should reduce their risk of recidivism. At the same time, Maricopa County is offering appropriate treatment to moderate and high risk offenders in jail to reduce their risk of recidivism.

Over the last decade, Maricopa County's consistent approach to criminal justice has reduced overall, violent, and property crime rates to historic lows, and kept them low over time. Incarcerating the right offenders, violent and repeat offenders, in both jail and prison has been a consistent and critical component of Maricopa County's criminal justice success story.

Needs Based Intervention Strategies

Programs offered by Maricopa County's Human Services Department, APD, and MCSO were assessed to determine which criminogenic needs were addressed and whether these services are delivered with fidelity to evidence-based practice. Examples of criminogenic factors addressed include: antisocial personality pattern, procriminal attitudes, substance abuse and low education/employment performance.⁸

Intervention Strategies and the Responsivity Principle

The Smart Justice Council compiled a service matrix identifying which resources are currently available.⁹ This matrix is the basis for a larger System Services Database currently being developed. An area of concentration for the Smart Justice Council has been continuity of care. Jails, Probation, Human Services and Mercy Maricopa Integrated Care, have prioritized a flow of information between agencies to enhance the continuity of services from jail to the community.

As an example of this continuity of care, the system introduced Thinking For A Change (T4C), a National Institute of Corrections (NIC) developed program based on Cognitive Behavioral Therapy with a curriculum comprised of three areas: social skills development, cognitive self-change and problem solving. The Adult Probation Department has offered the program to probationers since 2009. Maricopa County Sheriff's Office has implemented the program in the jails to allow inmates access to programming prior to their release. The two agencies have coordinated to allow inmates receiving T4C in the jail to transition to the community with minimal interruption to their treatment program. This is especially beneficial as the program takes 12 weeks to complete, a significant amount of time in an institution with often rapid turnover. Additionally, probationers completing T4C are offered credit toward community service hours, whether in jail or in the community.

The importance of communication between agencies for successful reentry is particularly high with the Seriously Mentally Ill (SMI) population. Identifying individuals who are SMI in the jail is a huge undertaking, and a partnership between Mercy Maricopa Integrated Care and CHS is an example of such communication. Once individuals who are SMI are identified, CHS is able to ensure appropriate case management and services are provided. For those identified to be high risk for recidivism with high behavioral health needs, both CHS and

⁷ See: County Jails at a Crossroads (<http://www.naco.org/resources/county-jails-crossroads>)

⁸ See Bonta and Andrews (2007) Risk-Need-Responsivity Model for Offender Assessment and Rehabilitation. Accessed at: <http://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/rsk-nd-rspnsvty/rsk-nd-rspnsvty-eng.pdf>.

⁹ The services matrix is a resource document outlining programs and services. This document provides a program description, the provider, locations of services, and eligibility criteria for programming offered by MCSO, MCAPD, CHS, and the RBHA. The matrix was created by Smart Justice Council members and is available to justice system stakeholders.

APD are able to make referrals directly to Forensic Assertive Community Treatment (FACT) Teams.

The Peer Navigator program was created in 2011 to connect justice-involved individuals with mental health diagnoses with a peer to assist them in their transition into the community (e.g., how to get medications, where to go for treatment, etc.). These 'warm transfers' into the community allow for more individualized assistance navigating the often complicated mental health community, as well as an opportunity to build a relationship with a pro-social peer who has knowledge and experience.

An existing 'home grown' program offered in the jails focuses on intensive intervention for inmates with substance abuse history. Selection criteria for participation in the long-standing MCSO ALPHA substance abuse program were reviewed and are now identified as consistent with evidence-based practices. The ALPHA program is currently offered to offenders with substance abuse histories and moderate-to-high risk proxy scores.

Nationally, there is a perception that military veterans are at high risk for justice system involvement. A 2013 study of the jail population by Arizona State University researchers suggests that this is not the case in Maricopa County.¹⁰ In fact, the study found that military veterans were underrepresented in the jail population (5.4%) and that, contrary to the national perception, a minority of veterans (29.6%) identified themselves as combat veterans of recent conflicts. Nevertheless, Maricopa County offers a variety of initiatives and programs for veterans due to their unique experience, needs, and eligibility for services. For example, court personnel, attorneys, Veterans Administration and peer mentors collaborated to establish a Veterans Court in Maricopa County.¹¹ The Veterans Court is a problem-solving court for veterans to address service-related issues and access services for which they are eligible while on supervised probation. Similarly, in recognition of the unique needs of veterans, the jails have created a separate dorm for their housing. The social worker assigned to the veterans provides services, resources, and support specific to their strengths and needs. Also, Maricopa County's Human Services Department Workforce Development provides job training, resume support and career guidance to help veterans find employment.

As previously noted, APD has implemented evidence-based practices for some time. In the past two years, the Intensive Probation Services (IPS) has developed the skills of probation officers through Effective Practices in Community Supervision (EPICS-II). Concentrated skills include evidence-based strategies such as therapeutic alliances, developing relapse prevention plans with probationers, and shaping behavior.¹²

Maricopa County was recognized in 2015 by the National Association of Counties (NACo) with 47 awards. The Integrated Healthcare Enrollment for the Criminal Justice Population (HCI) program received the 'Best in Category: Health' award for their program. HCI is a collaborative effort of over two dozen entities focusing on integrating healthcare with existing services individuals receive. Since its inception in 2013, the program has identified over 5,900 justice-involved individuals who were either uninsured or underinsured for healthcare and worked toward getting them connected.¹³ This work is paramount to the provision of services for the justice-involved population. Additionally, the National Commission on Correctional Health Care chose MCSO and CHS to receive the R. Scott Chavez "Facility of the Year Award" for 2015 for their work in providing over 126,000 inmates with health care services.

Program Evaluations

To ensure the evidence based interventions adopted by Maricopa County are effective, transitional programs are being evaluated. The goal is to strengthen responsivity and continuity. Core programs that have been formally evaluated include: Thinking for a Change and the Peer Navigator program.

¹⁰ See <http://cvpcs.asu.edu/products/aarin-maricopa-county-attorneys-office-report-veterans-arrestee-population>

¹¹ See www.maricopa.gov/Veterans for more information

¹² See <http://www.superiorcourt.maricopa.gov/adultprobation/docs/2015may-junchronicle.pdf> for more information.

¹³ NACo. Accessed at: <http://naco1.maps.arcgis.com/apps/MapSeries/index.html?appid=588cd910f71447dab0c9a1575b37dbf9>.

Thinking for a Change (T4C)

In 2014, Justice Systems Planning and Information (JSPI) conducted a preliminary evaluation of T4C. The primary focus of the evaluation was on implementing T4C within a jail setting in accordance with NIC guidelines. Maricopa County is the first county to implement, and evaluate, the T4C program with a jail population.

Findings indicated T4C could be implemented within a jail setting while adhering to NIC guidelines. Further, preliminary findings indicate T4C programming reduces recidivism. A number of issues associated with implementing T4C in a jail setting were identified, including: limited facilities, a large pretrial jail population and difficulties in coordinating continued T4C programming while transitioning into the community.

Peer Navigator

Preliminary findings indicate positive results in reducing recidivism. Further evaluation will be conducted to allow for a more thorough outcome evaluation as the program matures.

New Initiatives:

Women Offender Initiatives

The Smart Justice Council has identified the need to focus on women offenders in the jail and their challenges in order to improve outcomes following their release into the community. This is particularly important in reference to multigenerational impacts where many women offenders are mothers and the primary caregivers for their children.

Breaking Gendered Assumptions

Breaking Gendered Assumptions was an exploratory qualitative study of justice-involved women and women with justice involved dependents. The study focused on determining how women become involved in the criminal justice system and the needs of justice-involved women.

The exploratory study concluded that female offenders in Maricopa County have similar pathways to offending when compared to female offenders nationally. One principal theme specifically related to the Maricopa County population was the role of health crises as a turning point (e.g., death of family member while in adolescence). Regarding the identified needs and opportunities to successfully leave the justice system, the role of community and its resources were identified as critical.

Jail Practices

Women offender management practices have evolved to allow for more evidence-based approaches, for example:

- Given the risk that male-based classification models may over classify women, MCSO is evaluating its processes and has engaged a consultant to review its classification system overall. CHS will be actively involved with MCSO during the classification status evaluation and will utilize the NIC published Gender Informed Discipline Guidelines.
- Evidence-Based Trauma Informed Care (Start Now), targeting women with high mental health needs and moderate-to-high risk of recidivism is being offered in the jails. Approximately 28 females rotate through the program every 6-7 weeks and are then re-integrate back into Estrella housing. Additionally, community provider groups will be incorporated in the future.

Seriously Mentally Ill (SMI) and Mental Health Services

In October 2014, a meeting was held with the Regional Behavioral Health Authority (RBHA) mental health service providers who provide gender informed services. The intent of the meeting was to reduce barriers to community staff involved in release planning for females into the community. This resulted in increased badging of peer navigator staff and easier access into the jail for meeting with women.

A workgroup has been created with the RBHA, APD, MCSO, and CHS to address increased communication and coordination of re-entry planning efforts. MCSO can soon utilize CHS' electronic health record, which facilitates CHS-MCSO communication, to better identify targeted women (e.g. high MH need/moderate-to-high risk for re-offense), effectively offer programs while in custody, and to develop coordinated release plans.

OFFENDER EMPLOYMENT

While research has shown that employment alone will not prevent reoffending, employment can play a critical role in reducing recidivism. Maricopa County Human Services Department (HSD) has established an offender focused Workforce Smart Justice Team. The specialized workgroup has expertise to address the special needs of the justice-involved workforce. HSD has partnered with the Sheriff's Office, Adult Probation Department and Public Defense Services to implement a workforce re-entry services model. A variety of services are offered, including orientation to employment and career development information seminars, employability skills training, intensive case management to obtain employment, and occupational skills training. The team is mobile and flexible; meeting clients within the Sheriff's jails, Adult Probation Department satellite offices, HSD offices and in the offender's community.

STEPPING UP PROCLAMATION (SMI)

Maricopa County Board of Supervisors signed the 'Stepping Up' Proclamation on May 4, 2015. 'Stepping Up' is a NACo initiative in which counties across the nation commit to reduce the number of individuals with SMI in the jails. The focus of the initiative is to build partnerships across various justice and community agencies to positively impact legislation, policies and practices in order to improve public safety, reduce recidivism and promote a stronger community. The proclamation demonstrates the commitment Maricopa County leadership has made to address these goals.

CONCLUSION

Overall, Smart Justice focuses on targeting limited resources toward the most important criminal justice priorities, such as long term public safety, reducing recidivism, preventing crime and victimization, and adherence to evidence based policies and practices. The achievement of this goal is accomplished through increased communication and collaboration. A critical role of the Smart Justice Council has been to foster collaboration and improve communication between the various justice system agencies and organizations.

Additionally, the focus on Smart Justice has led to the increased understanding of our jail population, offender services, and "what works" in Maricopa County. The data, programming, and collaborations have informed decision-making to result in successful implementation of targeted, focused interventions and programming consistent with the needs of those served. The next step is the continued expansion of the framework to enhance collaboration among justice system agencies and community-based partners.

Finally, Maricopa County recently approved aggressive Smart Justice goals for reducing recidivism over the next 5 years. Currently, there is not enough data to determine the success of the initiatives and programs over time, but consistent reporting and analysis of data will allow Maricopa County to assess the effectiveness of its initiatives, and if necessary, adjust them accordingly to achieve its goals.