



## Overview of the Smarter Sentencing Program in Union County

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On January 1, 2011, the Thirteenth Judicial District of Arkansas initiated the Smarter Sentencing Program (SSP) in felony courts division 1 in Ouachita

County, division 4 in Union County, and division 5 in Columbia County. This program is based upon a new paradigm in justice sentencing that prioritizes public health and safety above retribution and punishment. The SSP incorporates consensus based best practices from the South Dakota 24/7 Sobriety Program, Hawaii’s Opportunity Probation with Enforcement (HOPE), the National Drug Court Model, and Delaware’s Decide Your Time Program. South Arkansas Substance Abuse (SASA) developed the program under a Byrne Grant provided by the United States Department of Justice’s Office of Justice Programs, with the assistance of the National Partnership on Alcohol Misuse and Crime (NPAMC), state and local officials. NPAMC and the Justice Management Institute (JMI) provide

technical assistance and support. This paper provides a brief overview of the program and some preliminary results.

While the participating judges have different backgrounds, experiences and perspectives, each recognizes that the traditional approach to criminal justice is not working for many offenders and that change is needed. Instead of sentencing offenders based largely on their criminal histories as judges traditionally do, these judges sentence offenders based upon their needs and risk for recidivism as determined by an objective scientific instrument, the Ohio Risk Assessment System (ORAS). Offenders may be required to participate in a variety of programs to address their needs, including individual or group therapy, inpatient or outpatient treatment, educational and/or vocational classes. They may be monitored through random or twice daily breath alcohol testing, continuous alcohol monitoring (CAM), and regular or random saliva or urine drug testing. Violations result in swift and certain responses.

While the judges generally follow agreed upon rules of practice and procedure, they continue to exercise significant discretion, as expected. Judges in divisions 1 and 4 allow offenders scoring as low risk tier 1a and 1b special needs to enter the program without entering a plea of guilty. They require those who score in moderate to high risk tiers 2 and 3 to enter the program with a plea of guilty and take the plea under advisement while the individual participates in supervisory treatment. Upon completion, the judges can either dismiss the charges or place the individual on unsupervised probation. The judge in division 5 takes a different approach. That judge allows offenders who score as low risk to enter the program prior to the charges being filed and offenders who score as moderate risk to enter the program before entering a plea. However, as in divisions 1 and 4, the judge requires those identified as high risk to plead guilty prior to entering the program.

In Union and Columbia Counties, 268 offenders have been evaluated since the program began, including 180 from divisions 1 and 4 and 85 from division 5. Of these, 153 individuals were determined to be eligible to participate in the SSP. Of the remainder, 38 were diverted to the Drug Court Program, 43 were placed on probation, 18 were sent to the community corrections center, and 16 were sent to the Arkansas Department of Corrections. Many of the offenders placed in

Drug Court or on probation are monitored using SSP methods. Eleven people have graduated from the SSP program.

Data is collected on all program participants and stored electronically. The largest SSP program is located in Union County. On August 1, 2011, we evaluated Union County's data to determine how well the program was working and identify opportunities for improvement. Ninety-four people have entered in the SSP since it began. Program retention is high. Seven of the 94 participants (7.4%) were discharged from the program; two upon their request, three for failing to abide by program rules and two for a new felony arrest. Ninety-seven percent (97%) tested positive for drugs at intake. Only 79.9% tested positive at three months. At intake, twenty-eight of the participants lacked a high school diploma or General Educational Development (GED) certificate; two dropped out of school at 6<sup>th</sup> grade, four at 8<sup>th</sup> grade, 13 at 10<sup>th</sup> grade and 9 at 11<sup>th</sup> grade or higher. Two of them have already obtained their GEDs in the program; the remainder is actively attending GED classes.

We are very encouraged by these statistics, especially because all participants are felony offenders. Nonetheless, we need to conduct a thorough process evaluation and longer term recidivism studies. We plan to begin these processes during the next few months. For further information, please feel free to contact me at (870) 881-9301.