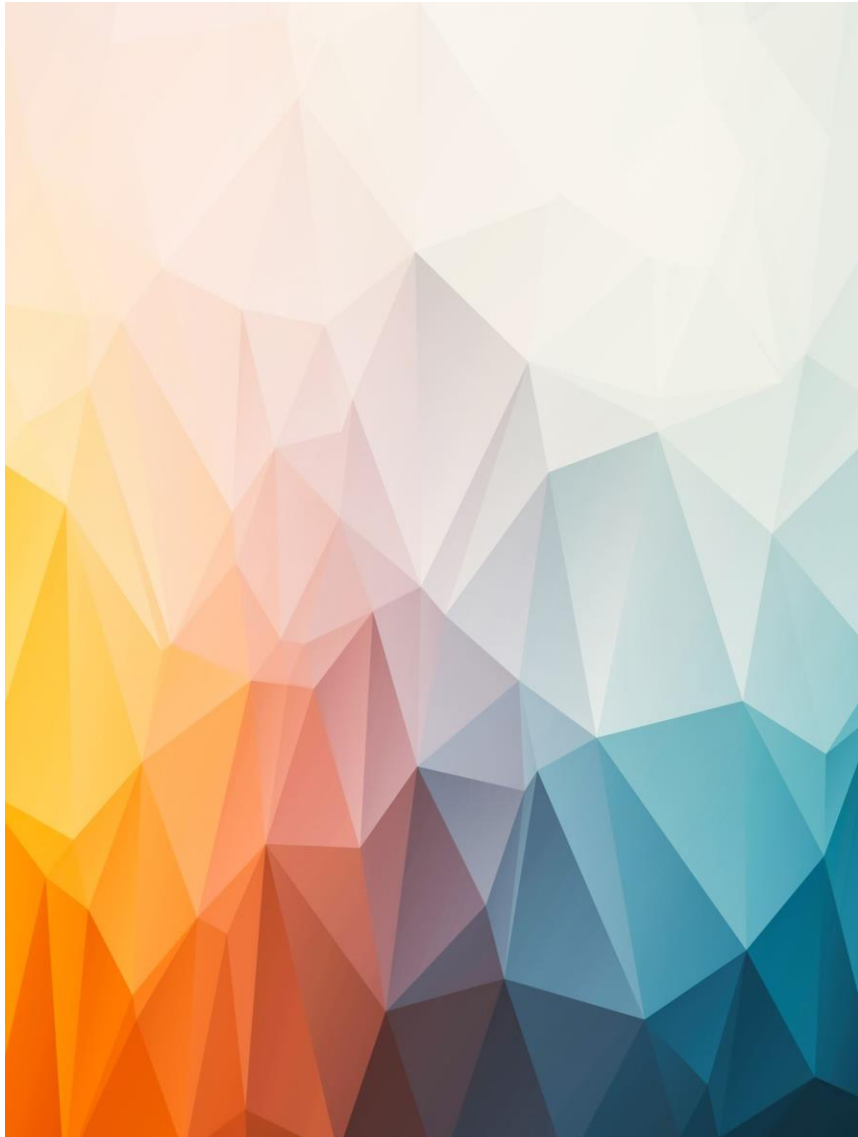

MENTAL ILLNESS IN THE ARKANSAS CRIMINAL JUSTICE SYSTEM

Prof. Matt Bender
University of Arkansas School of Law

Crystal Smith
University of Arkansas School of Law, 3L

September 23, 2022





OVERVIEW

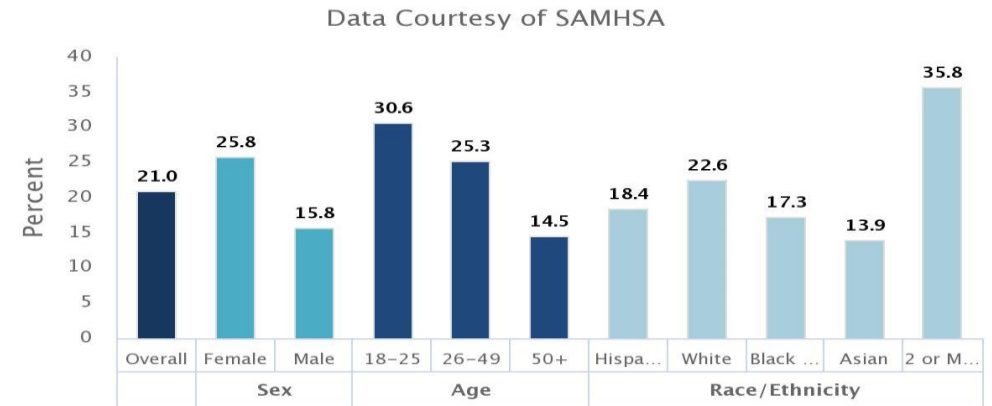
- SECTION 1: OVERVIEW
 - SECTION 2: SOLUTIONS
 - SECTION 3: IMPLEMENTATION & BENEFITS
 - SECTION 4: COST-BENEFIT ANALYSIS
-

CHALLENGES

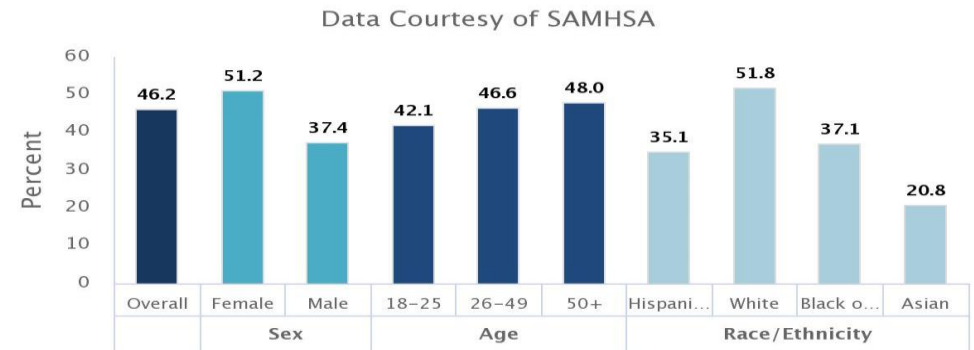
THE PREVALENCE OF MENTAL ILLNESS ACROSS THE NATION IS IN A STATE OF CRISIS

- Nearly one in five U.S. adults live with a mental illness (52.9 million in 2020).
 - Young adults aged 18-25 years have the highest prevalence of AMI compared to other age categories.
 - Out of the 52.9 million adults, less than half (46.2%) received mental health services in the past year.
-

Past Year Prevalence of Any Mental Illness Among U.S. Adults (2020)



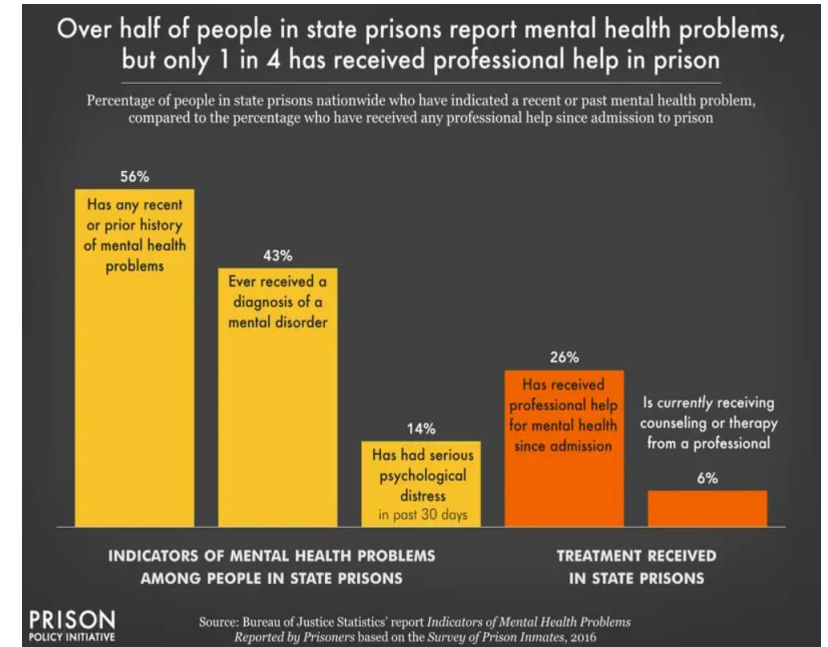
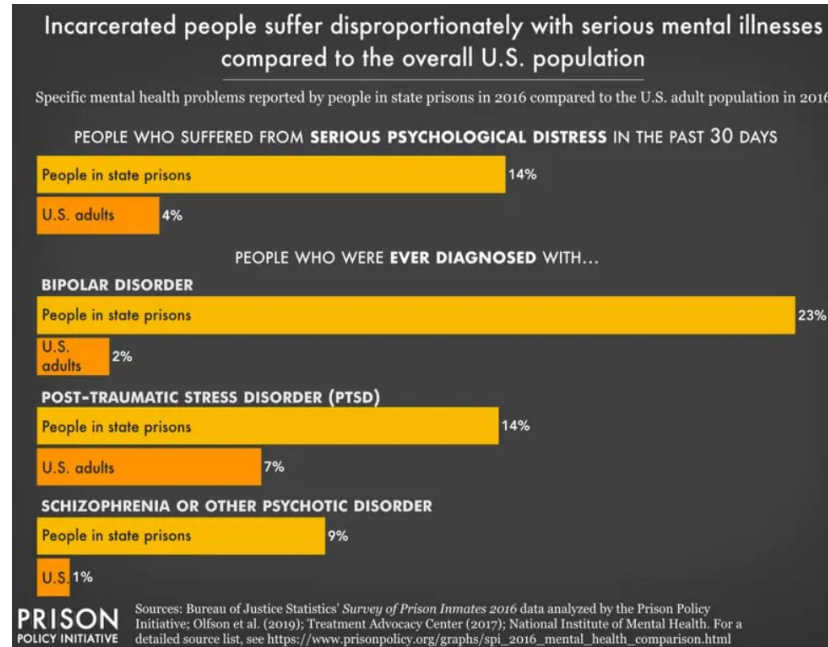
Mental Health Services Received in Past Year Among U.S. Adults with Any Mental Illness (2020)



ARKANSANS ARE EXPERIENCING HIGHER RATES OF MENTAL ILLNESS THAN THE TYPICAL AMERICAN.

- 20.8% of American adults report any mental illness in the past year, and the number for Arkansas is 22.6%.
 - 5.4% of American adults report serious mental illness in the past year, and the number for Arkansas is 7.3%.
 - Additionally, 8.1% of Americans reported having a major depressive episode in the last year, while 11% of Arkansans reported the same.
 - The CDC's Behavioral Risk Factor Surveillance System has ranked Arkansas 45th in the nation regarding rates of depression.
 - Arkansas is ranked 50th in the nation when evaluated for frequent mental distress.
 - Arkansas is ranked 34th in the nation for suicide.
-

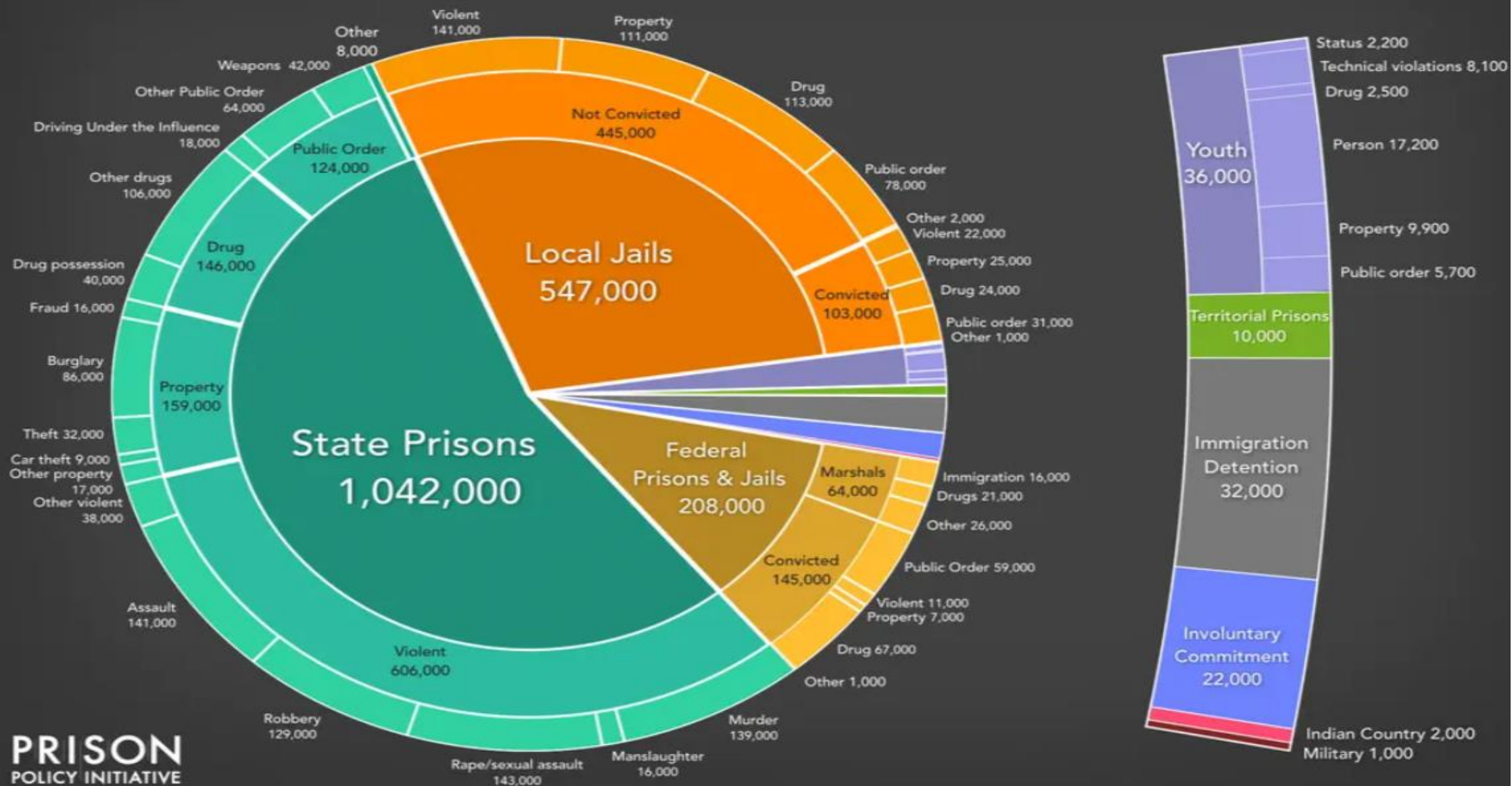
INCARCERATION RATHER THAN MENTAL HEALTH TREATMENT IS STILL THE MOST UTILIZED MODEL OF “CARE” FOR PEOPLE IN THE CRIMINAL JUSTICE SYSTEM WITH MODERATE TO SEVERE MENTAL ILLNESS.



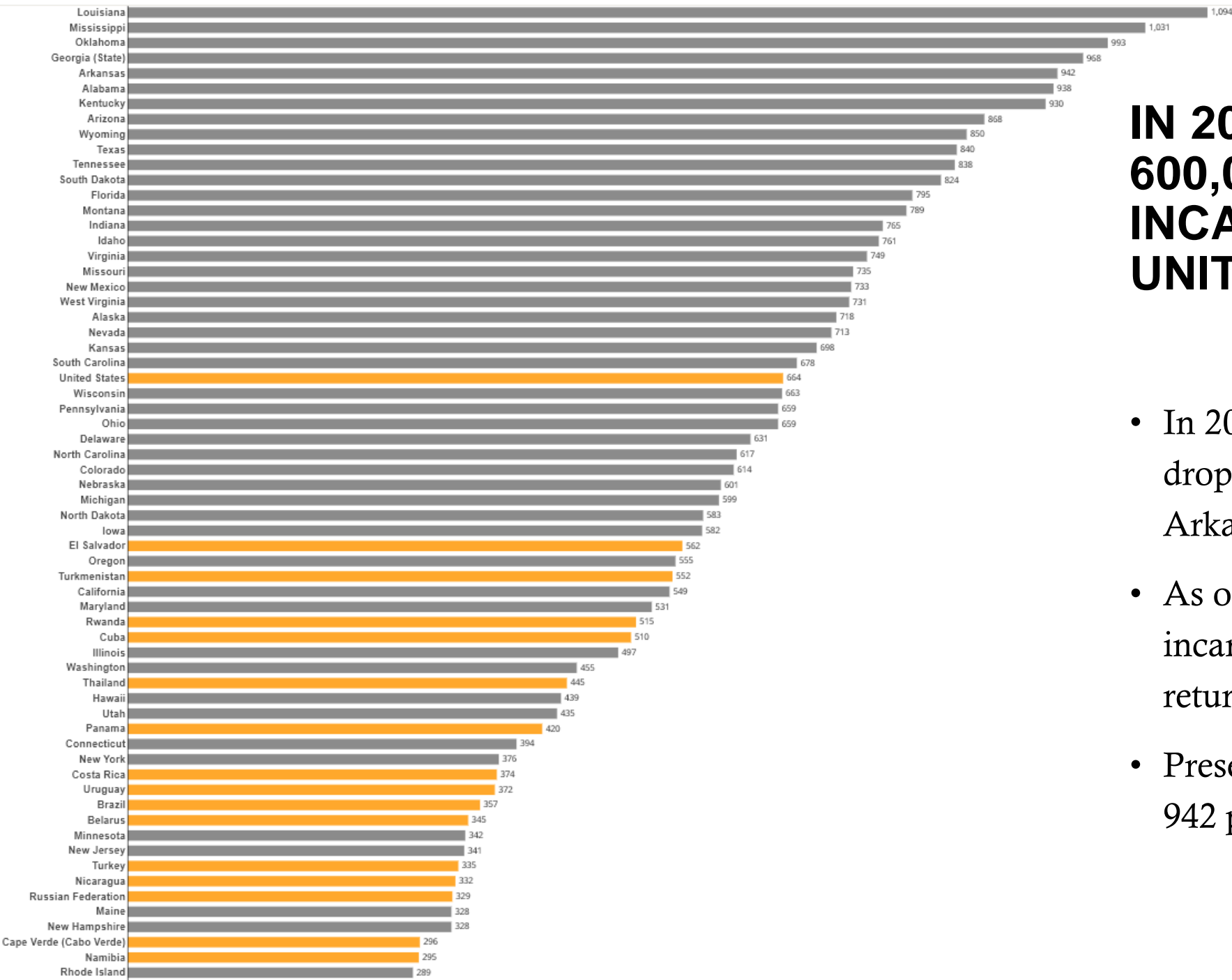
- Jail inmates have the highest rate of symptoms of mental health disorder at 60%
- Followed by state prison inmates at 49% . .
- . . . and Federal prisoners at 40%.

How many people are locked up in the United States?

The U.S. locks up more people per capita than any other nation, at the staggering rate of 573 per 100,000 residents. But to end mass incarceration, we must first consider *where* and *why* 1.9 million people are confined nationwide.



World Incarceration Rates If Every U.S. State Were A Country

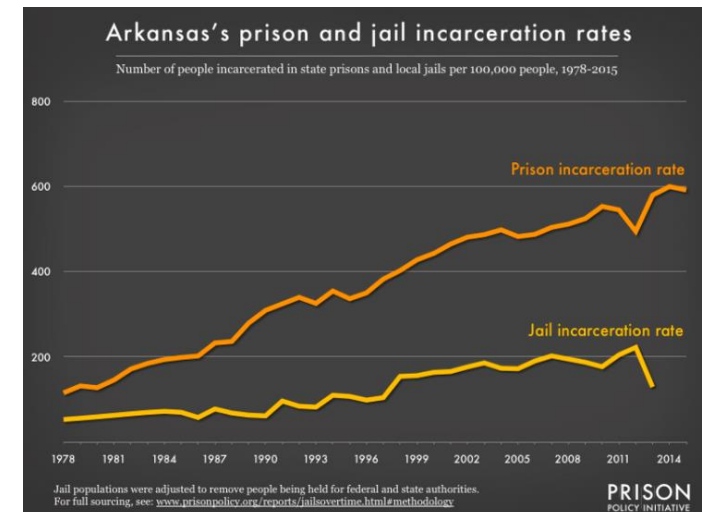
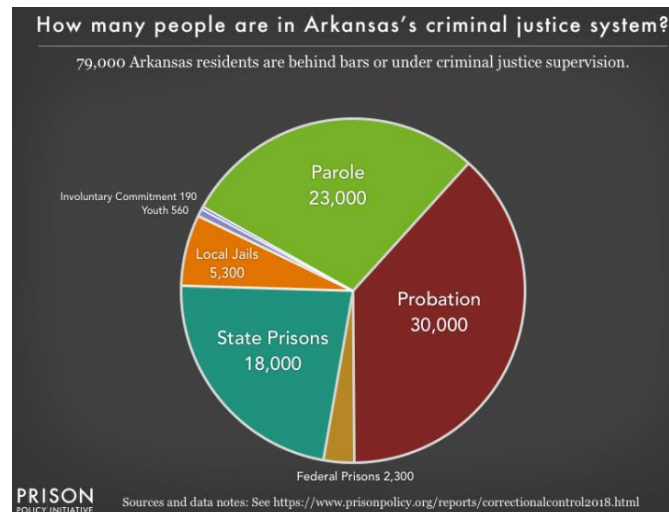
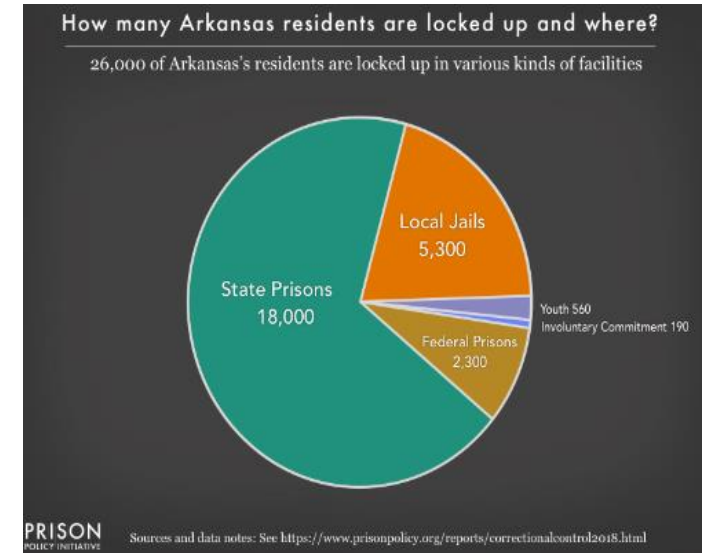
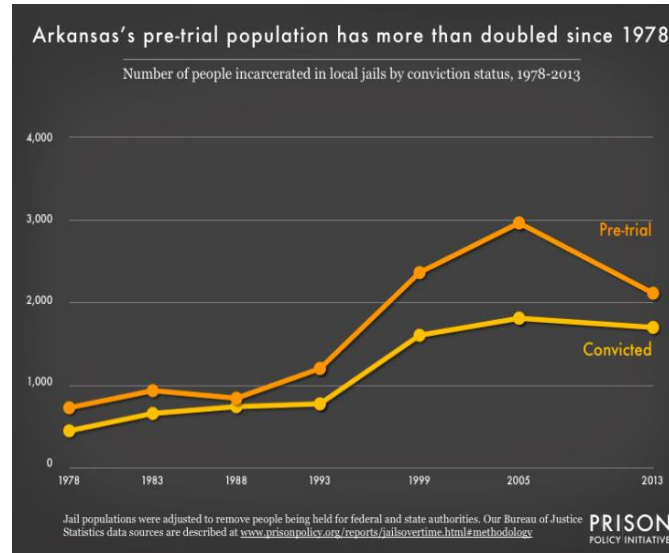


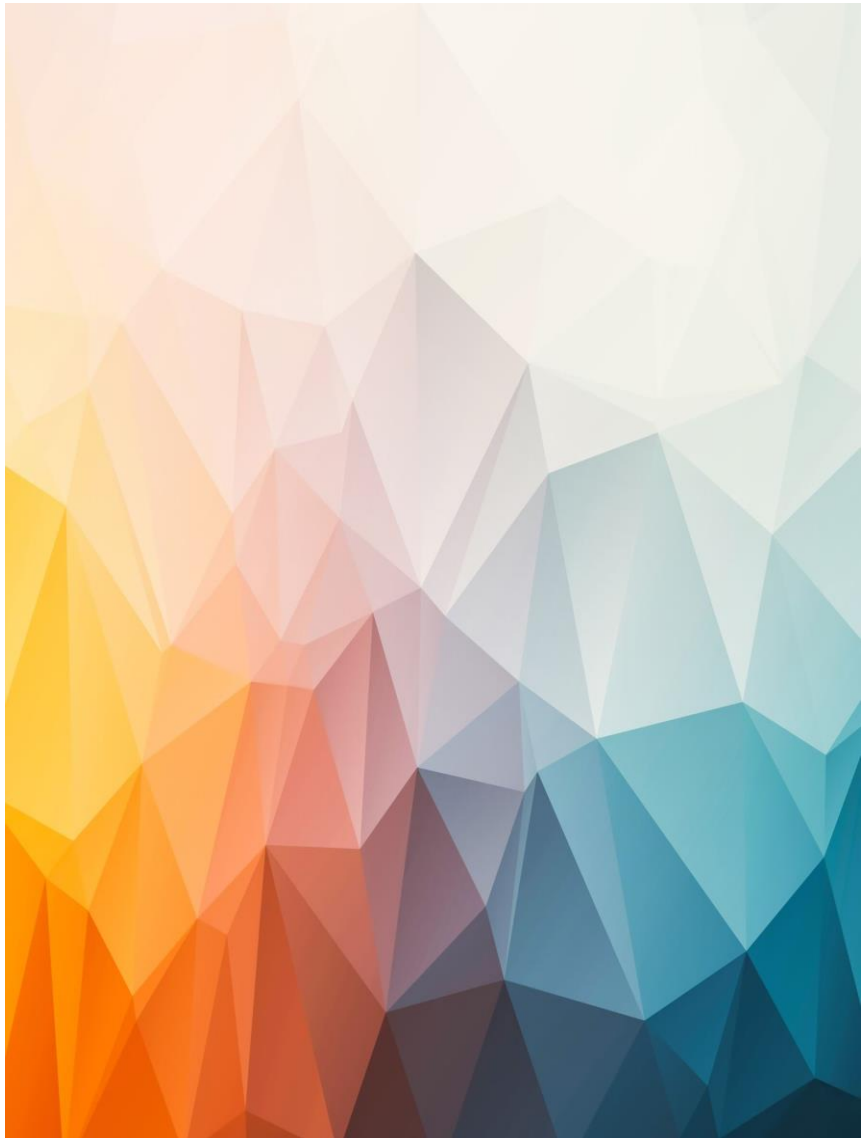
IN 2020 ALMOST 600,000 PEOPLE WERE INCARCERATED IN THE UNITED STATES

- In 2019, incarceration rates dropped during covid in Arkansas by 7%.
- As of December 2021, incarceration rates have almost returned to pre-covid numbers.
- Presently, Arkansas incarcerates 942 people per 100,000 residents.

INCARCERATION DATA IN ARKANSAS

- In 2018, Arkansas had 26,000 incarcerated in facilities across the state.
- Though accurate data is unavailable at this time, reporters suspect this number has dramatically increased since Covid.
- Jail incarceration rates have surpassed imprisonment rates since Covid.
- Over 79,000 people are behind bars or under criminal justice supervision





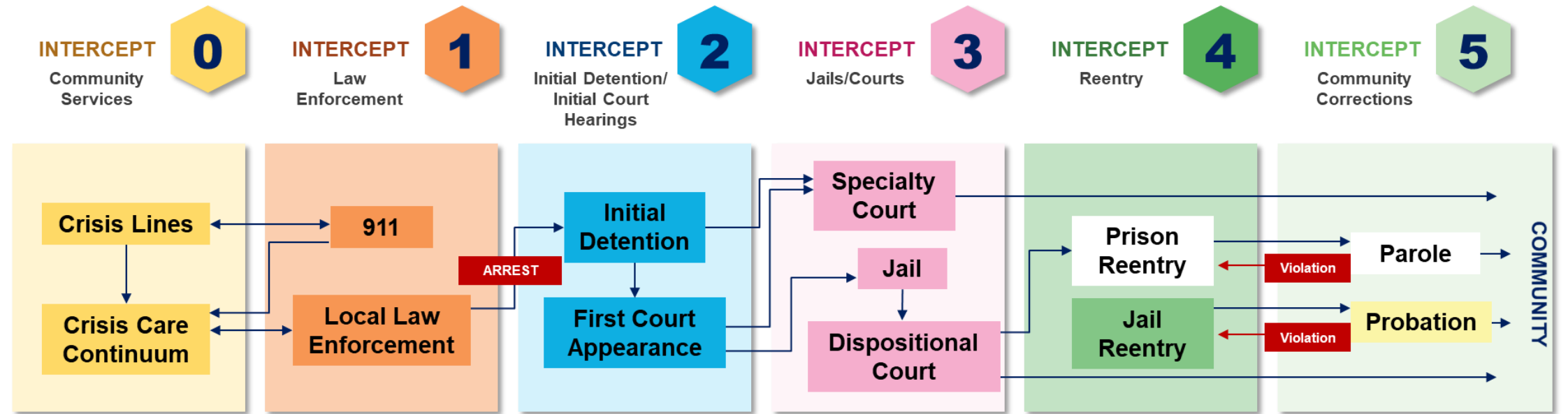
SOLUTIONS

- RESEARCH
 - SCREENING & ASSESSMENT
 - CRISIS STABILIZATION UNITS
 - MENTAL HEALTH COURTS
 - ASSISTED OUTPATIENT TREATMENT
-

RESEARCH

THERE IS A SIGNIFICANT LACK OF DATA TRACKING MENTAL HEALTH STATISTICS AMONG INMATES IN ARKANSAS

- There are no reports which analyze and collate data from inmate surveys concerning the mental health treatment system within the Arkansas criminal justice system.
- New research and statistical surveys should focus on the progress of criminal defendants as they make their way through the justice system.



CRISIS STABILIZATION UNITS & ACT 423



mocrat-Gazette/DAVID GOTTSCHALK The Northwest Arkansas Crisis Stabilization Unit in Fayettevil

In 2017, the Arkansas Legislature passed Act 423 requiring Crisis Intervention Training for law enforcement officers and created a pilot program consisting of four Crisis Stabilization Units throughout the state.

The mission of the crisis stabilization units is to provide alternatives to inpatient psychiatric hospitalization and incarceration for persons in a mental health crisis. As part of the pilot program, only four (4) units were established in Pulaski, Sebastian, Craighead, and Washington Counties.

Due to funding cuts by the state, Washington County's CSU was closed in June 2021. However, it recently re-opened in August 2022 in partnership with UAMS. The new facility will serve Washington, Benton, Baxter, Boone, Marion, Newton, Carroll, and Madison counties, with only 16 beds available to provide services to people in need across 8 counties.

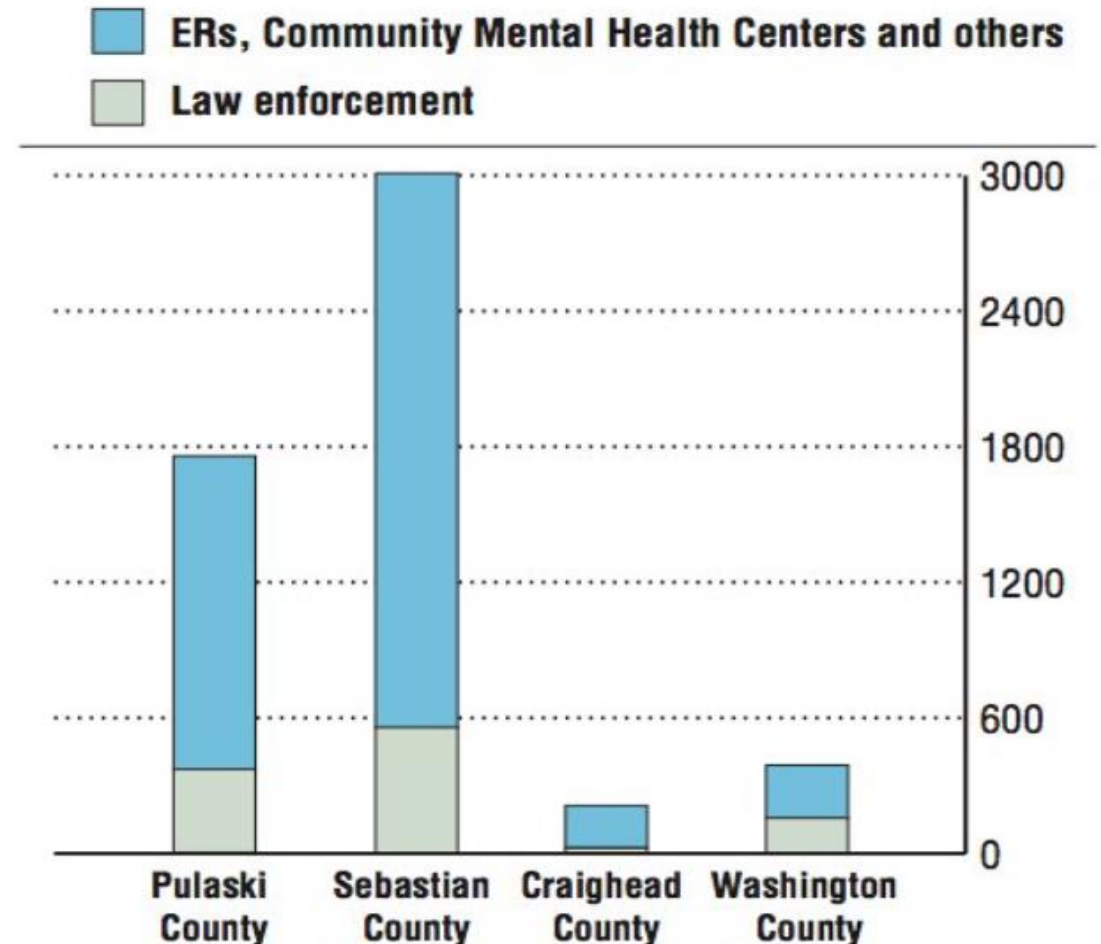
SCREENING & ASSESSMENT: CRISIS INTERVENTION TRAINING FOR ARKANSAS LAW ENFORCEMENT

ARKANSAS: Crisis Intervention Teams (CIT)

- Two years after the opening of Arkansas' first crisis stabilization unit, law enforcement agencies aren't making much use of the mental-health facilities, despite those sites' promotion as a police resource.
- In Sebastian County, 17% of referrals to the state's first crisis stabilization unit have come from law enforcement, Department of Human Services records show. After its first month, police referrals have never made up more than 26% of its calls.
- Other states using the crisis stabilization unit model described sustained efforts to enmesh those institutions in law-enforcement officers' practices fully.
- Arkansas is behind that, with about 600 officers having gone through the full course. Officers said the cost and time commitment to training has been tough for some smaller agencies to bear.

Paltry police use

Over time, emergency departments, community mental health centers and other sources are sending far more people to crisis stabilization units than law enforcement officers, according to Department of Human Services data from the four sites.



SOURCE: DHS records (data sets cover different periods for different sites)

Arkansas Democrat-Gazette

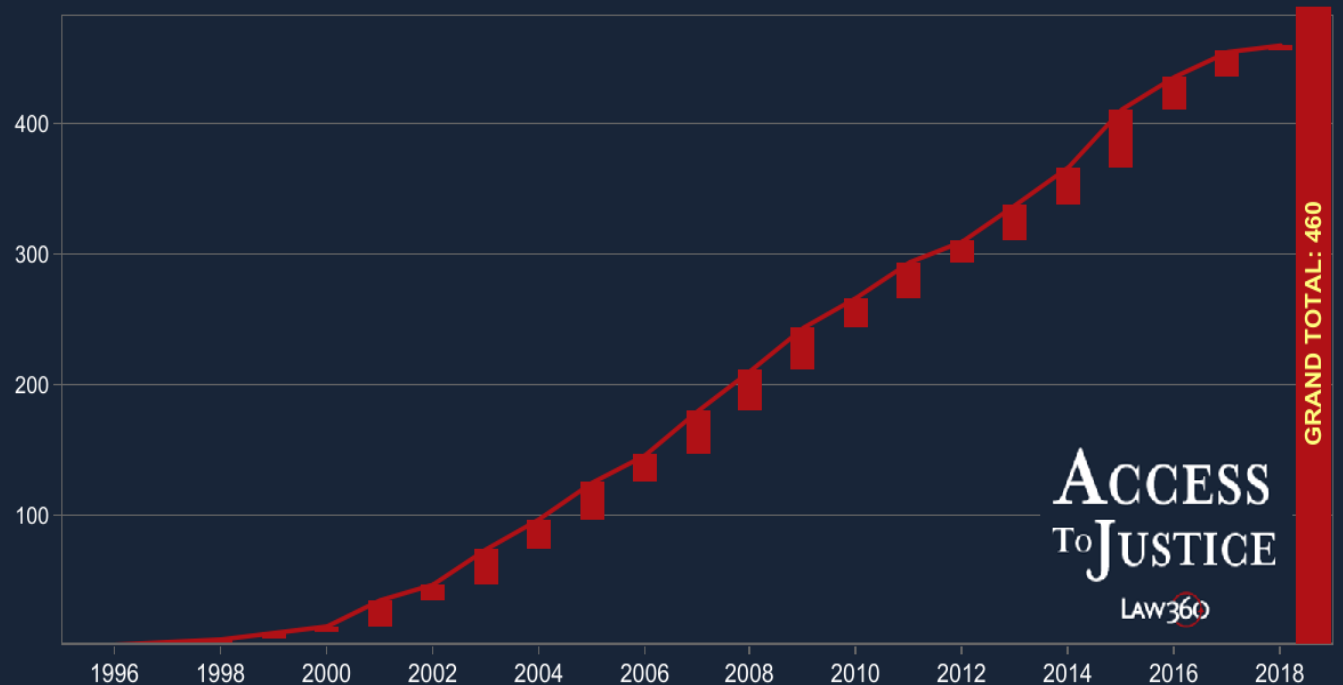
MENTAL HEALTH COURTS

Rise of Mental Health Courts

- In 1997, only four mental health courts were in operation.
- Today, over 300 mental health courts are in operation, with at least one program in nearly every state.
- Mental health court programs provide eligible offenders the opportunity to participate in a highly structured, court-supervised treatment program in lieu of incarceration.

The Rise of Adult Mental Health Courts in the U.S.

Over the last 20 years, state jurisdictions have been steadily establishing more adult mental courts to provide people with a mental illness access to treatment that society has not and stop them from cycling in and out of jails.



Source: Substance Abuse and Mental Health Services Administration's GAINS Center for Behavioral Health and Justice Transformation

MENTAL HEALTH COURTS IN ARKANSAS



Mental health courts in Arkansas are majorly underutilized, likely due to issues of funding. As of August 10, 2022, there were only 82 participants in the 5 mental health courts in our state. These courts currently operate in Sebastian, Pulaski, Craighead, Crittenden, and Mississippi counties. There is a significant need for the expansion of these programs across the state.

Goals

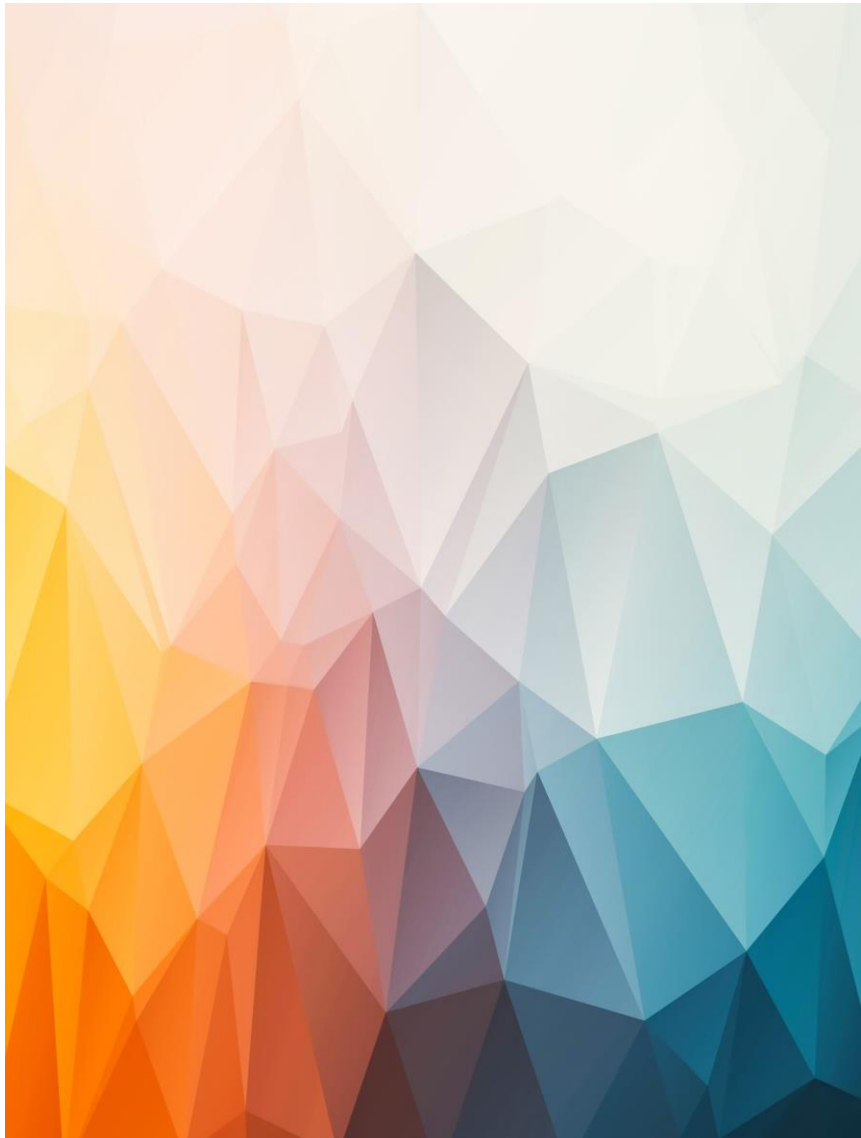
- a. Linking offenders with serious mental illnesses to local behavioral health service providers. Individual treatment plans will be developed that serve the offenders and the community.
- b. Intensive supervision by the courts.
- c. Expectations for adherence to all conditions and requirements.

Benefits

- a. The required treatment is designed to help defendants achieve and maintain the stability of their mental illness.
 - b. Successful participants will continue to utilize their treatment plans even after mental health court is completed, so there is a less likely chance of reoffending.
-

ASSISTED OUTPATIENT TREATMENT

- The mental health court model is conceptually similar to a civil law mechanism long championed by the Treatment Advocacy Center, known as “assisted outpatient treatment” (AOT).
 - AOT, mental health courts exert leverage over a mentally ill person to encourage compliance with prescribed treatment.
 - The key difference between mental health courts and AOT is that the leverage here is the court’s power to order the person prosecuted and (if convicted) sentenced to jail, rather than the power to have the person hospitalized.
 - Assisted outpatient treatment, has been shown to reduce the risk of reoffending among individuals with serious mental illness.
-

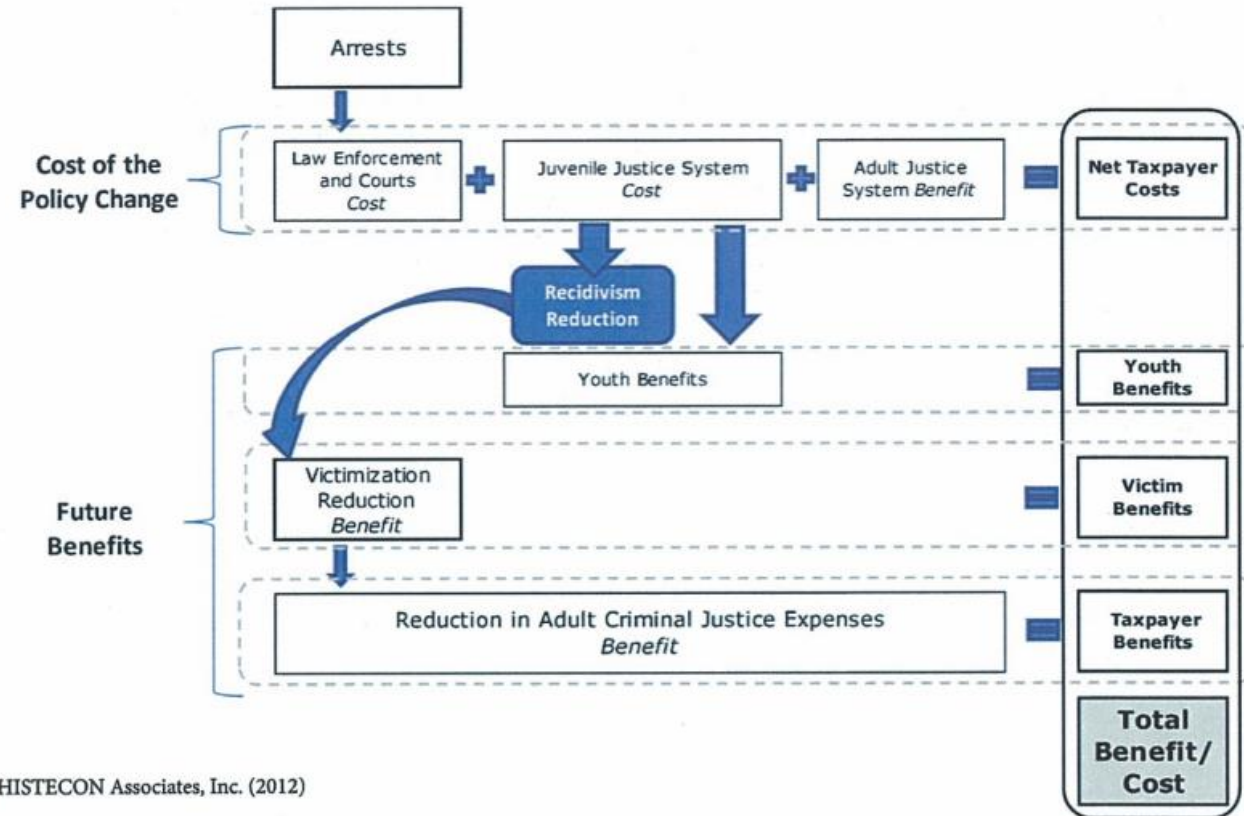


COST-BENEFIT ANALYSIS

INCARCERATION ON BUDGET

- IN 2014, THE ARKANSAS DEPARTMENT OF CORRECTIONS BUDGET WAS 324 MILLION
- It costs the state \$23,000.00 per year for each inmate in DOC.
- Another \$6,300.00 per defendant is added to adjudicate the defendant in the criminal justice system.
- The projected cost to house an inmate in DOC is \$80.00 a day.
- The projected cost to house an inmate in DOC that has a mental illness is \$130.00 per day.
- Projected costs of one year of services at a crisis center would be about \$10 million to service 5,000 persons annually.

Figure 1. Diagram of an Example of General Cost-Benefit Analysis Model For Juvenile Justice Reform



HISTECON Associates, Inc. (2012)

THANK YOU!

FOR MORE INFORMATION, PLEASE
CONTACT

Matthew Bender

University of Arkansas School of Law
Criminal Clinic Professor
mlbende@uark.edu

