




## David Hudson

Sebastian County Judge  
County Court House  
35 South 6th Street, Room 106  
Fort Smith, Arkansas 72901  
(479) 783-6139  
FAX (479) 784-1550

September 20, 2019

## MEMO

To: City and House Committee on City County and Local Affairs

From: David Hudson, County Judge 

Subject: Reimbursement Rates for State Inmates Being Housed in County Jails / Overcrowding and Regional Jails

The Sebastian County Jail has been running over its rated inmate population capacity for the past seven and a half years requiring the County Sheriff, County Judge, and Quorum Court to evaluate jail operations as a part of the overall Justice System.

One topic that has come up continually in Quorum Court meetings is the number of inmates held in the County Jail that are sentenced to prison and waiting for a vacant prison bed.

The Quorum Court passed Resolution 2019-1, March 19, 2019 which was presented by letter to Governor Asa Hutchinson March 20, 2019 and members of our local legislative delegation and other State and County officials.

Governor Hutchinson responded to the letter and Resolution by correspondence dated April 8, 2019 stating that "he expected it is time to review the reimbursement rate again and address an increase as provided by statute".

A copy of these letters and the Resolution are attached, [see enclosures].

For Sebastian County as well as many jails in the State of Arkansas, a gap exists in the daily cost to operate the County Jail and the daily cost reimbursed by the State. Sebastian County's daily cost is \$54 a day with a \$30 reimbursement from the State, or a difference of \$24 per day.

It is acknowledged that there is a partnership between the State Prison System and Community Corrections Parole System with the County Jails as an

on-going partnership in the operation of the Justice System. A primary point in this proposal and the proposal to review the reimbursement rate is to create a more equitable cost reimbursement which also may assist in addressing the overcrowded condition of many County Jails in the State of Arkansas.

Sebastian County is in the process of evaluating its Criminal Justice System in 2019/2020 to identify opportunities to reduce the daily jail population in view of the alternative to build a larger jail requiring a tax increase. This Justice System evaluation process will be reported within the first six months of 2020 and will consider options of best practices to divert the non-dangerous and non-violent from being held in jail to short term treatment. These options include treatment of the mentally ill in Crisis Stabilization Units, with Sebastian County being one of the four currently in operation in the State of Arkansas, partnering with the Governor's office and the State of Arkansas for operating Stabilization Units.

In an effort to provide flexibility to the Sheriff's office in transporting State sentenced inmates to other County Jails, pending available prison beds, the anticipated revenues Sebastian County receives from holding Arkansas Department of Correction inmates has been reduced by over \$200,000 in the 2020 budget, allowing a reduction in the average number being held in the jail of about 20 inmates a day, that could be housed either in the prison or other County Jails that have available bed space.

In addressing this matter it is requested that the Governor and the Arkansas Legislators along with the directors of the Department of Corrections and Arkansas Community Corrections consider funding more equitable reimbursement to County Jails to hold Arkansas Department of Correction inmates waiting for vacant prison beds and consider the number of jail beds needed to provide administrative support for State parole violators.

#### Overcrowding and Regional Jails

If the reimbursement rate for holding ADC inmates in County Jails is increased to be sufficient to support the daily inmate cost for operating a regional jail then many County Jails in the State of Arkansas would most likely be interested in contracting a set number of ADC inmates for holding in the regional jail, provided that the State reimbursement funds pay the cost without a General Fund expense.

This is another justification for close review of the reimbursement rate in consideration of regional jails to help relieve the crowded prison issue with private construction funds for regional jails, subject to appropriate operating agreements supported by the State of Arkansas and respective County Jails.

Enclosures: Letter from David Hudson to Governor Hutchinson  
Letter from Governor Hutchinson to David Hudson  
Resolution 2019-1



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Sebastian County Judge  
County Court House  
35 South 6th Street, Room 106  
Fort Smith, Arkansas 72901  
(479) 783-6139  
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March 20, 2019

Governor Asa Hutchinson  
500 Woodlane St.  
Little Rock, AR 72201

Re: County Resolution 2019-1 Concerning Sebastian County Jail Inmate Population, Arkansas Department of Corrections Inmates, Arkansas Community Corrections Parolees, Jail Crowding, and the Sebastian County 2019 Review of the Criminal Justice System and Jail Needs Assessment Project

Dear Governor Hutchinson:

Thank you for your leadership in working with County Government to establish Crisis Stabilization Units to divert the mentally ill from booking into County Jails. Sebastian County has embraced this initiative and hopes it can be expanded statewide. In recognition and appreciation of the mental health initiative Sebastian County requests continued review of the Criminal Justice System partnership between the State and the Counties.

Sebastian County entered into a contract for Professional Services to review the Sebastian County Criminal Justice System from the point of arrest through adjudication, use of drug court, veterans court, consideration of alternative sentencing, diversion programs, electronic monitoring, criminal justice coordinating committee activities, inmate risk assessment and related focused attention to address the crowded Sebastian County Jail. For the past year and a half Quorum Court members have expressed concern in regard to the jail population, the source of the inmates in the jail including Arkansas Department of Corrections held inmates waiting for a vacant prison bed, the \$30 reimbursement rate for holding these inmates pending transfer to prison and the holding of state parolees in a jail that is running at or over capacity.

The attached Resolution addresses these matters and requests consideration of the establishment of an interim study committee to review the partnership and relationship of the Arkansas prison system and community corrections with County Jails in the State of Arkansas.

Sebastian County Government is working to proactively address the Criminal Justice System working with the County Criminal Justice Coordinating Committee, fully supporting and encouraging active utilization of

the Crisis Stabilization Unit serving our mental health catchment area and addressing other options as a part of the criminal justice system and the relationship of these policies and procedures impact on the operation and population of the Sebastian County Jail.

I am happy to discuss this correspondence and Resolution in more detail with you and staff to review the Sebastian County approach to our crowded jail in 2019 and the issues addressed in the attached Resolution.

We appreciate our excellent working relationship and look forward to continuing to have discussion and review of the partnership between the State Government Prison and Parolee System with the operation of the Sebastian County Jail.

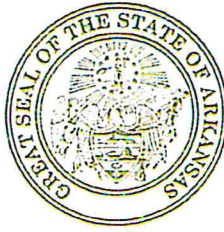
Sincerely,

A handwritten signature in black ink that reads "David Hudson". The signature is written in a cursive, flowing style.

David Hudson  
County Judge

Attachment: Resolution

Copy: Director Arkansas Community Correction Kevin Murphy  
Director Arkansas Department of Corrections Wendy Kelley  
Senator Mat Pitsch  
Senator Terry Rice  
Representative Justin Boyd  
Representative Cindy Crawford  
Representative Jay Richardson  
Representative Marcus Richmond  
Representative Jon Eubanks  
Chris Villines, Arkansas Association of Counties  
Quorum Court Members  
Sebastian County Circuit Judges, District Judges, Prosecuting Attorney,  
Public Defender, Sheriff



STATE OF ARKANSAS  
ASA HUTCHINSON  
GOVERNOR

April 8, 2019

The Honorable David Hudson  
Sebastian County Judge  
County Court House  
35 South 6<sup>th</sup> Street, Room 106  
Fort Smith, AR 72901

Dear Judge Hudson:

Thank you for your letter regarding the Sebastian County Criminal Justice System. Please be assured that I appreciate your concerns.

When I first came into office, we increased the per diem rate for state prisoners to \$30.00, and we improved the timeliness of payments. I do expect it is time to review that reimbursement rate again and address an increase as provided by statute.

In terms of the number of state prisoners in county jails, my administration monitors this every day. When I became Governor, there was a backlog in excess of 2,400, and now it stands at 1823. Please be assured we will continue to work with the counties to make any necessary corrections or adjustments.

I appreciate all you do for the citizens of Sebastian County, and thank you for contacting my office on this issue.

Sincerely  
  
Asa Hutchinson

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SEBASTIAN COUNTY  
JUDGE

**RESOLUTION NO. 2019 - 1**

**"BE IT RESOLVED BY THE QUORUM COURT OF THE COUNTY OF SEBASTIAN, STATE OF ARKANSAS:"**

**A RESOLUTION TO GOVERNOR ASA HUTCHINSON, THE DIRECTORS OF THE ARKANSAS DEPARTMENT OF CORRECTIONS, AND ARKANSAS COMMUNITY CORRECTIONS, AND AREA MEMBERS OF THE GENERAL ASSEMBLY REQUESTING STATE ACTION FOR EQUITABLE REIMBURSEMENT FROM THE STATE TO COUNTY JAILS FOR HOLDING ARKANSAS DEPARTMENT OF CORRECTION INMATES, AND ARKANSAS PRISON PAROLEES; AND REQUESTING A STUDY OF THE ARKANSAS PRISON AND PAROLEE SYSTEM AND ITS IMPACT ON COUNTY JAIL INMATE POPULATIONS AND JAIL OVERCROWDING.**

**WHEREAS, the State of Arkansas Prison and Community Corrections Systems are partners with the County Jails; and**

**WHEREAS, County Jail beds are occupied by Sentenced Felons waiting for vacant beds and Arkansas Prison Parolees that violate terms of probation and are held in County Jails pending disposition; and**

**WHEREAS, 25% to 35% or more of the Sebastian County Jail Beds are typically occupied by sentenced State Prison inmates or State Community Correction parolees that have violated parole; and,**

**WHEREAS, the average daily cost to hold Sebastian County inmates is \$54 a day and State reimbursement to hold Arkansas Department of Corrections inmates and parole violators is \$30 a day; and**

**WHEREAS, the Arkansas Association of Counties and Arkansas Legislature audit prepares an annual report of a sample of 15 County Jails average daily jail costs each year; and**

**WHEREAS, a gap exists in the Sebastian County daily cost to hold an inmate of \$54 and the daily cost reimbursed by the State \$30 a day; and**

**WHEREAS, a more equitable cost reimbursement is considered appropriate to support County General Fund operations of County Jails; and**

**WHEREAS, the 25% to 35% of jail beds occupied by Arkansas Prison sentenced and State parolee violators helps contribute to the overcrowded condition of the Sebastian County Jail; and**

**WHEREAS, Sebastian County is evaluating its Criminal Justice System in 2019 to identify opportunities to reduce the daily jail population in view of the alternative to build a larger jail.**

NOW, THEREFORE, BE IT RESOLVED by the Sebastian County Quorum Court that the Governor and Arkansas Legislators are requested to consider and fund a more equitable reimbursement to County Jails to hold Arkansas Department of Correction inmates waiting for a vacant prison bed and State Parole Violators who are awaiting disposition.

BE IT FURTHER RESOLVED that the Governor and Arkansas Legislators are requested to establish a long term plan to address the County Jail crowding and State Prison and Parole incarceration and reimbursement issue, including establishing an interim study committee to recommend action.

DATED: 3/19/2019

APPROVED: \_\_\_\_\_

  
County Judge

ATTEST: Sharon Brooks  
County Clerk