

San Antonio Criminal Justice Action Coalition

To educate and engage the public on the issue of mass incarceration in an effort to bring about fundamental reform of our justice system

No ENTRY: An Alternative to Incarceration

Reentry versus No Entry

Since declaring the “War on Drugs” in the early 1970s and escalating it in the early 1980s, the U.S. has incarcerated millions of its own citizens, many with addiction and/or mental illness as their primary presenting problems. With almost 1.5 million currently incarcerated in state and federal prisons and 736,000 in jails (*L. Glaze, BJS, December 2012*), too many resources have been devoted to incarceration and the annual return of over 650,000 former prisoners to their communities. This poor use of limited resources, according to various studies is exacerbated by the fact that over 40% released from prison have returned within three years. These funds could be more efficiently used if reallocated to community solutions that addressed the underlying cause of many offenses before our citizens get locked up in the first place.

Low Hanging Fruit

More than 50% of state prison inmates have a substance use disorder (*C. Mumola, BJS, 2006*). The same is true of almost 70% of those in local jails (*J. Karburg, BJS, 2005*). Fifty-six percent of our country’s state prison inmates have mental health disorders (*D. James & L. Glaze, BJS, 2006*). Ditto for almost two-thirds of those found in our local jails. Given the enormous costs of incarceration, it makes sense that diverting those suffering from behavioral health disorders before they are locked up could result in reduced costs, recidivism and stigmatization. Such a community-based solution would require science-based intervention, appropriate treatment, proper level of supervision and residential support services where needed. By using an evidence-based recidivism risk assessment tool that focuses on “Risk-Need-Responsivity”, we would be assured that good decisions are more likely to be made as to who is most appropriate for selection for this community-based alternative, what are the individual service targets for intervention and the required dosage of cognitive-based intervention (*see J. Bonta & D. Andrews, Risk-Need-Responsivity Model, 2007*). This would be coupled with professionally-delivered addiction and/or mental health treatment.

Community Engagement and Collaboration

When community members and leaders understand what is to be gained by local involvement, justice ceases to be a process that is severed from the mainstream of society. With increased community engagement, we will no longer have to rely exclusively on corrections professionals outside of our own community to ensure the public is safe and our citizens needing treatment receive it. Public opinion has recently shifted in favor of supporting alternatives to incarceration for non-violent offenders. According to a survey by The Mellman Group (March 2012), 84% of all respondents agreed with the statement “Some of the money we are spending on locking up low-risk, nonviolent inmates should be shifted to strengthening community corrections programs like probation and parole.” By reframing our approach to address the public health problem and public safety issue

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that it actually is, we can enhance current levels of community engagement and stakeholder collaboration. We can integrate and optimize current service resources. We can enhance the use of evidence-based and restorative justice practices. We can accept greater responsibility for our own community members through a system that emphasizes public safety through restored citizenship and reduced recidivism. In the end, greater local involvement and investment will make our system of justice more efficient, effective and meaningful.

Bexar County Community Supervision and Corrections Department has been intentional about building the necessary community relationships to address the justice system issues stemming from unaddressed behavioral health problems. Bexar County Probation has enhanced their problem-solving approach by employing satellite offices to engage in more community reintegration activities. Satellite offices reduce the levels of authority through which probationers must navigate to achieve their goals. They also provide greater flexibility necessary for some decisions, while permitting more community involvement and community justice practices.

The Bexar County Picture

There are three primary junctures in the criminal justice system continuum where diversion prior to conviction can occur: upon initial contact with law enforcement, at the pretrial or prosecution phase and through the use of problem-solving courts. A comprehensive assessment of Bexar County's pretrial system and plan for behavioral health and criminal justice has already been completed (Council of State Governments, 2014). Here in Bexar County, they have a number of specialty courts: Veterans Court, Human Trafficking (Esperanza) Court, Drug Court, Family Drug Court, DUI Court and Mental Health Court. Many critical members of the justice system and our service provider network have signed on and the SAPD Crisis Intervention Team also plays a critical role in the functioning of our local diversion efforts.

The comprehensive assessment and plan point to a number of issues and gaps in the current system. One area of "low-hanging fruit" for effective and cost-efficient diversion are those nonviolent offenders who have substance use disorders and/or low severity mental health issues who are not released on bond largely because their unaddressed behavioral health issues make them unlikely to return to court. In the course of 12 months, over 2400 arrestees who fall into this category remain in jail unnecessarily. Diverting them to residential support services and outpatient treatment would let them get the help they need while ensuring a level of accountability commensurate with their risk of recidivism. By providing targeted community-based services instead of jail time, we would anticipate a substantial reduction in recidivism among this population, thereby making our community safer and ultimately reducing county expenditures.

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