Behavioral Health Justice Reinvestment

Presentation to the New Hampshire Governor’s Commission on Mental Illness and the Corrections System

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The Council of State Governments (CSG) Justice Center is a national nonprofit, nonpartisan organization that combines the power of a membership association, representing state officials in all three branches of government, with policy and research expertise to develop strategies that increase public safety and strengthen communities. For more information about the CSG Justice Center, visit www.csgjusticecenter.org.
A data-driven approach to reduce corrections spending and reinvest savings in strategies that can decrease recidivism and increase public safety.

Supported by funding from the U.S. Department of Justice’s Bureau of Justice Assistance (BJA) and The Pew Charitable Trusts.
Justice Reinvestment includes a two-part process spanning analysis, policy development, and implementation.

**Phase I - Pre-Enactment**

*States apply by submitting a letter to funders for Phase I approval and funding.*

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<th>Bipartisan, Interbranch Working Group</th>
<th>Assemble practitioners and leaders; receive and consider information, reports, and policies.</th>
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<td>2</td>
<td>Data Analysis</td>
<td>Analyze data sources from across the criminal justice system for comprehensive perspective.</td>
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<td>3</td>
<td>Stakeholder Engagement</td>
<td>Complement data analysis with input from stakeholder groups and interested parties.</td>
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<td>4</td>
<td>Policy Option Development</td>
<td>Present a policy framework to reduce corrections costs, increase public safety, and project the impacts.</td>
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**Phase II - Post-Enactment**

*States that enact Justice Reinvestment legislation apply by submitting a letter to funders for Phase II approval and funding.*

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<th>Policy Implementation</th>
<th>Identify needs for implementation and deliver technical assistance for reinvestment strategies.</th>
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<td>6</td>
<td>Monitor Key Measures</td>
<td>Monitor the impact of enacted policies and programs; adjust implementation plan as needed.</td>
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Increasingly, states have used the Justice Reinvestment process to understand and, where possible, change how people with behavioral health needs interact with and move through criminal justice systems.

Through data & policy analysis, and stakeholder engagement, states can identify safe and effective opportunities for better outcomes.
In 2020 states are experiencing significant changes within their criminal justice and public health systems, which present new challenges and opportunities.

- Altered or slowed court case processing
- Decreases in jail populations
- Changes to the prison and supervision populations
- Increased housing instability and risk of homelessness
- Increased need for collaborative comprehensive case management across systems
- Growing numbers of overdose deaths, mental health crises, and suicides
- Expansion of telehealth and billing opportunities
People with complex needs require a broad range of supports and services to overcome barriers and address criminogenic and behavioral health needs.

**Common Access Challenges:**

- Funding limitations
- Practical barriers to recovery support (transportation, housing, etc.)
- Workforce and capacity shortages
- Waiting lists
- Provider reluctance
- Reimbursement rates
- Rural access
- Racial/ethnic disparities in treatment access
Thirty states have launched Justice Reinvestment projects, with tailored focuses on unique challenges and needs within each state.

Oregon faced significant challenges within its behavioral health system, which, in turn, impacted the state’s criminal justice system.

Missouri struggled with high recidivism of people on probation and parole and insufficient treatment options for people with behavioral health needs in the criminal justice system.
In Oregon, Justice Reinvestment matched county jail and community corrections data to reveal distinctive substance use needs among people with Frequent Criminal Justice Involvement (FCJI).*

104,776 Booking Events in 2017

Bookings NOT Involving FCJI
74,724
17,414
(23% of non-FCJI bookings)

33%

Bookings Involving FCJI
30,052
9,935
(33% of FCJI bookings)

On supervision at time of booking

% High Risk

62%

This represents 6,145 booking events involving FCJI people who were on active community corrections caseloads and known as high risk.

81% of these bookings involved people assessed as having high or very high needs (LSCMI).

68% involved people assessed as having high or very high alcohol/drug problem area (LSCMI).

*Frequent Criminal Justice Involvement (FCJI) is defined as 4 or more jail bookings within a calendar year.

Source: CSG analysis of calendar year 2017 jail bookings data from Clackamas, Deschutes, Gilliam, Hood River, Jackson, Marion, Morrow, Multnomah, Sherman, Umatilla, Wasco, and Washington counties. Hood River, Gilliam, Sherman and Wasco counties are represented by NORCOR jail; CSG analysis of calendar years 2013-17 Community Corrections data from ODOC.
Under a grant program developed through the JR process, counties and local jurisdictions will be able to submit proposals for state funding to strengthen services for people who frequently cycle through jails, courts, and hospitals.

Effective interventions for people in the criminal justice system who have behavioral health challenges address both criminogenic and health needs.

Oregon’s Improving People’s Access to Community-based Treatment, Supports and Services (IMPACTS) grant will:
• Serve approximately 400 people in locations across the state
• Expand statewide based on the results achieved with this initial group

Addressed together, these categories of care improve behavioral health and reduce criminal behavior.

In Missouri, the vast majority of prison admissions were the result of supervision revocations and the need for substance addiction treatment.

Total Admissions = 18,872

- Treatment: 6,550 (35% of total)
- Revocation: 9,551 (51% of total)
- New Prison: 2,771

Justice Reinvestment policy changes aimed to strengthen supervision, enhance community-based treatment, and support local-level public safety efforts.

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<th><strong>Elements of the Missouri Justice Reinvestment Legislation</strong></th>
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<td><strong>Strengthen supervision</strong></td>
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<td>• Adopt a validated risk and needs assessment tool and integrate into various components of supervision</td>
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<td>• Staff training on using risk assessment tools</td>
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<td>• Measure staff performance against best practices</td>
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<td>• Repurpose community supervision centers to serve as violation centers to address behavior change</td>
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<td><strong>Enhance community-based treatment</strong></td>
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<td>• Justice Reinvestment Initiative Treatment Program (JRITP) pilot program utilizing $5 million in funds across three sites to provide comprehensive community-based services and treatment to people under supervision who have serious substance abuse addictions using a “pay-for-performance” model</td>
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<td><strong>Support efforts at the local level to increase public safety</strong></td>
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<td>• State-run grant program to support local law enforcement in areas such as specialized training, data analysis, and community policing efforts</td>
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<td>• Open up jail reimbursement funds for counties to use for diversion programs and other practices shown to increase public safety</td>
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Launching Justice Reinvestment requires bipartisan, tri-branch commitments and access to data and information to develop the scope of work and problem statements.

**Next steps in pursuing Justice Reinvestment:**

1. Establish consensus across all three branches of government to embark on Justice Reinvestment.

2. Work with stakeholders and state leaders to craft a problem statement and identify a project timeline.

3. Request technical assistance to launch a Justice Reinvestment project in New Hampshire.

*CSG Justice Center staff will work extensively with New Hampshire leadership to advance these efforts if there is interest and commitment to moving forward.*
How has the work and focus of this Commission shifted over the past year, and where might a process like Justice Reinvestment prove useful to New Hampshire?

1. Which of the Commission’s priorities identified in its November 2019 report remain immediate priorities in 2020?

2. Would any of these benefit from a data-intensive, stakeholder engagement-focused process like Justice Reinvestment?

3. Where would administrative or legislative policy changes have immediate and long-term impacts in helping New Hampshire meet the goals of this Commission?

4. What challenges would you anticipate in accessing and analyzing relevant data or engaging with stakeholders across the public safety and public health systems?

5. What are the most effective county-level collaborative efforts to improve outcomes for people in the criminal justice system who have behavioral health needs that might be replicable across the state?

Thank You!

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