



David Hudson

Sebastian County Judge
County Court House
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November 1, 2022

MEMO

To: Martin Mahan, Deputy Superintendent
Eric Shaffer, Executive Director Facilities Operations

From: County Judge *SH*

CC: Fort Smith Police Chief Danny Baker
Fort Smith District Judges Grimes, Sharum and Terry
Rusti Holwick, CEO Western Arkansas Counseling and Guidance Center
County Judge elect Steve Hotz

Subject: Request for approval by the Fort Smith School Board for
allocation of a surplus property school district movable
building for use by Sebastian County and the City of Fort Smith
to establish a Sobering Center

The Sebastian County Quorum Court and the Fort Smith Police Department authorized funding to establish a Sobering Center in 2023. The purpose of the sobering center is to divert nondangerous, nonviolent alcohol intoxicated individuals from arrest and booking into the Sebastian County Jail, to a short-term treatment facility. The sobering center will be contracted for operation by the Western Arkansas Counseling and Guidance Center.

Sebastian County and the State of Arkansas implemented a Crisis Stabilization Unit in 2018, for diversion of mentally ill from booking into the County Jail to short term treatment at a facility operated by contract by the Western Arkansas Counseling and Guidance Center. The Sobering Center will be operated in close proximity to the Crisis Stabilization Unit. This program will help address intoxicated individuals, who may also have other substance abuse issues, to short-term treatment with monitoring by Emergency Medical Staff and support by counselors at the Sobering Center.

This will be the first Sobering Center established in the State of Arkansas as an innovative approach, based upon best practices implemented in other states.

The Sebastian County Jail operates at or above its bed capacity and alternative sentencing and diversion programs are needed to help address jail crowding.

Attached is a memo dated August 30, 2022, to the Quorum Court that provides additional information concerning the sobering center. Included are talking points from Fort Smith Police Chief Danny Baker and the three Fort Smith District Court Judges Grimes, Sharum and Terry. (See enclosure)



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August 30, 2022

MEMO

To: Quorum Court
From: County Judge *DA*
Subject: Sobering Center

The City of Fort Smith Police Department pledged \$100,000 to help set up the Sobering Center in 2022. Chief Danny Baker provided the attached "talking points" for the Sobering Center and will attend the meeting for comments.

The Fort Smith District Judges will also attend for comments and provided the attached memo dated 9/8/22.

Meetings have been held to review the Sobering Center with the Fort Smith District Judges, Fort Smith Police Chief, Sheriff and Rusti Holwick of the Guidance and Counseling Center. Data concerning Sobering Center arrests was reviewed including bookings for related offenses and a review of the last five years of those individuals involved in the Justice System.

Reports focusing on 2018

A focus on more accurate numbers for consideration of how many individuals would be engaged that could be referred to a Sobering Center centered on 2018. For 2018:

Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
83	90	114	89	108	122	108	121	116	107	78	85	1221

In 2019 numbers begin to shift due to changes in policy concerning arrests and transfer of incarcerated individuals to the Crawford County jail, with numbers continuing to decrease in 2020 thru 2021 due to the impact of COVID on the Justice System. Numbers in 2022 are not reflecting full scope of these offenders and will continue to change based upon the termination of transport of alcohol related offenders to the Crawford County jail, in August 2022.

Enclosed is a copy of a report reflecting this data with a focus on the “Grand Totals” for 2018 as compared to the other four years as reviewed above.

Since Sobering Centers have not been implemented in the State of Arkansas the Sebastian County approach is an innovative step to address the Justice System and as such, the discussion was to reduce the front-end cost to initiate a sobering center in 2022 by utilizing a trailer to house operations with an operating budget for the program to be funded for one year of 2023.

The proposal is to implement the trailer in close proximity to the Crisis Stabilization Unit as a short-term facility to establish the program in 2022, operating the program for 2023 as a pilot program. The program would then be reviewed in 2023 to consider continued funding for 2024 from other revenue sources.

Attachments: Fort Smith Police Chief Talking Points
Fort Smith District Judge’s 9/8/22 Memo
Report on Alcohol Offenses with totals

**SUGGESTED TALKING POINTS
FOR
THE FUNDING OF SOBERING FACILITIES IN SEBASTIAN COUNTY**

1. Arrest numbers are a good place to start but they do not give the full picture regarding substance abuse issues in Fort Smith and Sebastian County. Numbers should also include drug overdoses, DWI calls AND arrests, Disorderly Conduct, and other crimes that are often the result of intoxicated persons.
2. Sobering Facilities are not the “silver bullet” to solving substance abuse/mental health issues. They are, however, a key component of the solution.
3. This isn’t just about reducing the population of the jail. It’s about investing in a long-term solution to reducing alcohol and drug addiction in our community and moving people to recovery outside of the criminal justice system (diversion).
4. Substance abuse and mental health issues are not unique to Fort Smith.
5. I would argue that the actual per arrest cost (actual and deferred) to the tax payer to incarcerate an intoxicated person is far more than the cost associated with diversion to a sobering facility.
6. Diversion from the Criminal Justice System opens the door for assistance by the community that isn’t possible through the jail:
 - a. Monetary and In-kind Donations (Facilities, Medical, Legal)
 - b. Volunteerism
 - c. Grants
7. The goal of sobering facilities should be to see a reduction in the need for them after a period of time.
8. I and the City Administrator are willing to commit funding to sobering facilities. A \$100,000 pledge to assist in the startup of a sobering facility in Fort Smith will be honored.
9. Arrest diversion works when it’s done properly. The FSPD has accomplished an over 40% reduction in incarceration over the last 4 years with no appreciable overall increase in crime. To be successful, diversion must go beyond just not arresting people. It must include appropriate follow-up, investment of time, and connection to resources. A sobering facility housed at or near the WAGCC is perfectly poised to do that.

Memo
9/8/2022

TO: Sebastian County Judge Hudson/Quorum Court

FROM: Fort Smith District Court Judges

RE: Sobering Centers

Judge:

Thank you for the opportunity to address the Sebastian County Quorum Court in person on 9/13 to addressing the sobering center issue.

Our intent will be to make brief comments about the smart use of tax/recovery act dollars to achieve a maximum amount of public safety. It is our belief that our community is always safer when we confront the reality of the situation with our mental health/substance abuse situation as it relates to our criminal justice system.

There is no magic bullet that will end or ease the issues we are facing. To quote Chief Baker we are hoping to achieve “diversion done right” that includes services along with accountability.

Criminal justice in the modern age is a puzzle and we must work with pieces of the puzzle to achieve a satisfactory goal.

We plan to address the group related to the following areas:

- Substance abuse and the effect on our dockets

- Ending the arrest to jail to court cycle

- Sobering centers for pre-adjudication defendants—alternative courts

Thank you for the opportunity to address the meeting on 9/13

Judges, Grimes Sharum and Terry.

Bookings for Sober Center 1/1/2018 - 7/31/2022 (1673 Days)

Excludes bookings with felony charges

Public Intox Only (5-71-213*)

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2018	58	73	88	55	78	83	89	94	83	74	53	61	889
2019	44	31	65	70	55	51	50	55	63	52	51	31	618
2020	28	18	45	4	2	5	10	6	7	4	4	3	136
2021	8	9	12	19	14	10	10	8	9	11	6	6	122
2022	6	5	6	6	6	5	6						40
Total	144	136	216	154	155	154	165	163	162	141	114	101	1,805

Public Intox (5-71-213*) With Disorderly Conduct (5-71-207*)

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2018	5	2	7	4	3	6	4	4	7	14	3	6	65
2019	5	5	8	7	5	8	2	3	5	8	5	2	63
2020	6	1	5	4	4	5	7	3	3	6	3	4	51
2021	3	9	7	2	7	6	1	3	6	3	6	4	57
2022	8	4	5	11	4	7	2						41
Total	27	21	32	28	23	32	16	13	21	31	17	16	277

Public Intox (5-71-213*) With Criminal Trespass (5-39-203*) or Loitering (5-71-213*)

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2018	6	1	1	3	3	6	1	5	2		2	3	33
2019	1	1	3	1	1	3	1		2	1	2		16
2020		1	1			3	4	6	2	2	4	4	27
2021	3	2	4	4	1	4	4	5	2	2		1	32
2022	5	1		1		3							10
Total	15	6	9	9	8	20	6	16	8	5	8	8	118

Bookings for Sober Center 1/1/2018 - 7/31/2022 (1673 Days)

Excludes bookings with felony charges

Criminal Trespass (5-39-203*) or Loitering (5-71-213*) Only

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2018	11	3	10	14	12	17	10	7	8	7	13	13	125
2019	6	13	19	9	14	12	15	13	15	24	25	20	185
2020	18	19	9	4	2	6	4	13	15	13	6	16	125
2021	22	10	13	11	23	12	17	8	17	9	12	10	164
2022	9	9	11	12	19	31	16						107
Total	66	54	62	50	70	78	62	41	55	53	56	59	706

Disorder Conduct Only (5-71-207*)

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2018	3	11	8	13	12	10	4	11	16	12	7	2	109
2019	4	4	6	6	8	12	6	8	6	7	6	8	81
2020	2	8	9	3	2	2	5	8	8	9	5	4	65
2021	4	4	10	11	13	9	6	2	10	15	3	3	90
2022	7	6	12	9	8	12	12						66
Total	20	33	45	42	43	45	33	29	40	43	21	17	411

GRAND TOTALS

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2018	83	90	114	89	108	122	108	121	116	107	78	85	1,221
2019	60	54	101	93	83	86	74	79	91	92	89	61	963
2020	54	47	69	15	13	22	26	36	35	34	22	31	404
2021	40	34	46	47	58	41	38	26	44	40	27	24	465
2022	35	25	34	39	37	58	36						264
Total	272	250	364	283	299	329	282	262	286	273	216	201	3,317

Average Per Day 2

All Bookings

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2018	1,273	1,004	1,149	1,008	1,314	1,253	1,135	1,199	1,122	1,049	985	943	13,434
2019	912	830	1,018	980	1,140	929	935	1,010	933	1,018	977	862	11,544
2020	915	803	637	248	418	700	562	686	699	723	557	576	7,524
2021	630	530	752	755	659	700	680	567	572	540	472	531	7,388
2022	475	384	565	585	613	530	506						3,658
Total	4,205	3,551	4,121	3,576	4,144	4,112	3,818	3,462	3,326	3,330	2,991	2,912	43,548

Average Per Day 26



Expense Budget Worksheet Sobering Center

	2022	2023	2024	2025	2026
2024 - Maintenance & Service Contracts	<u>Proposed</u>	<u>Proposed</u>	<u>Proposed</u>	<u>Proposed</u>	<u>Proposed</u>
Salaries & Benefits	460,710	460,710	460,710	460,710	460,710
General Supplies	5,130	5,130	5,130	5,130	5,130
Medical Supplies	5,000	5,000	5,000	5,000	5,000
Food/Kitchen Supplies	24,000	24,000	24,000	24,000	24,000
Linen Service	15,000	15,000	15,000	15,000	15,000
Janitorial Service	6,000	6,000	6,000	6,000	6,000
Admin Fees	57,280	57,280	57,280	57,280	57,280
Telephone	4,800	4,800	4,800	4,800	4,800
Training & Education	3,000	3,000	3,000	3,000	3,000
	<u>120,210</u>	<u>120,210</u>	<u>120,210</u>	<u>120,210</u>	<u>120,210</u>
	580,920	580,920	580,920	580,920	580,920
Less (9 Months) Salaries & Benefits	-435,690				
One-Time Purchases	49,150				
<i>Less City of Fort Smith Agreement:</i>	<u>-100,000</u>				
First Year (2022) Total	94,380				

Five Year Estimated Total is: 2,418,060