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CRIME REDUCTION IN HELENA, ARKANSAS: ANALYSIS AND RECOMMENDATIONS

Harvard Law School Mississippi Delta Project

Economic Development Team

September 2014

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I. Introduction¹

This report was created at the request of Southern Bancorp Community Partners (“SBCP”) in order to examine policies for improving the economic circumstances in Helena-West Helena, Arkansas (referred to as both “HWH” or “Helena” in this report²) through strategies for crime reduction. HWH has an extraordinarily high crime rate, which not only affects the citizens who are direct victims of these offenses, but also the city’s economic fortunes by deterring potential customers, investors and other sources of tax revenue. SBCP is a nonprofit with a mission to transform rural southern Communities. SBCP works in a partnership with Southern Bancorp (“Southern”), one of the nation’s largest rural economic development banks. SBCP’s geographic focus is on the Mississippi Delta region and southern Arkansas. This report will detail a variety of policy options available to community leaders in Helena-West Helena to lower crime and increase the efficacy of criminal justice policies. While these general policies have been enacted in demographically similar cities, our recommendations have been customized to Helena’s particular geography and community settings.

II. Background

a. Demographics and Economic Situation in Helena-West Helena

Helena, Arkansas, which sits on the west bank of the Mississippi River, is the county seat of Phillips County, Arkansas.³ Phillips County has a population of 20,399, of whom approximately 12,000 reside in Helena.⁴ Helena’s proximity to the Mississippi is one of its primary economic attributes, as it is ideally placed as a transport hub for river-borne agricultural goods.⁵ Helena was prosperous in the mid-20th century, but the twin forces of globalization and mechanized agriculture have taken their toll. The increasing mechanization of agriculture has steadily eroded the need for large amounts of skilled and semi-skilled farm laborers, reducing employment opportunities.⁶ Furthermore, the loss of local manufacturing facilities—and the wages that accompanied them—

¹ This report was prepared by Tara Norris and Jacob White (team leaders), under the supervision of Ona Balkus and Desta Reff. The following students from the Harvard Mississippi Delta Project were involved in the research and drafting of this report: Joe Milner, Kate Monks, Grace Signorelli-Cassady, Linda Liu, Elisa Dun, Michael Shammass, and Isaac Freilich Jones. Special thanks to Emily Broad Leib, Associate Director of the Harvard Center for Health Law and Policy Innovation.

² Josh Troy, *Twin Cities to Become One*, SOUTHERN BANCORP, <https://banksouthern.com/news/twin-cities-to-become-one/> (last visited June 3, 2014).

³ *Helena-West Helena*, ARKANSAS.GOV, <http://phillipscounty.arkansas.gov/cities/detail/helena-west-helena> (last visited June 3, 2014).

⁴ *Phillips County*, US CENSUS BUREAU, (July 8, 2014) <http://quickfacts.census.gov/qfd/states/05/05107.html>.

⁵ *Phillips County History*, ARKANSAS.GOV, <http://phillipscounty.arkansas.gov/> (last visited June 3, 2014).

⁶ See Luke Jones, *Quest for Helena Port Tenants Took 20 Years*, ARKANSAS BUSINESS (April 29, 2013, 12:00 AM), <http://www.arkansasbusiness.com/article/92185/quest-for-helena-port-tenants-took-20-years?page=all>

eliminated a vital source of economic opportunity for citizens in Helena. Unfortunately, this economic vacuum has not been filled by other industries.⁷

As Helena's economic foundations withered, small businesses suffered from a concomitant lack of demand.⁸ The shrinking tax base⁹ has resulted in a decaying municipal infrastructure, including a failing public school district and a crumbling jail.¹⁰ Furthermore, the lack of economic activity and the failing education system have contributed to widespread poverty and unemployment. Nearly 25% of Helena's population does not have a high school degree, and only 16% have at least a bachelor's degree.¹¹ More than one third of the population (39.3%) lives below the poverty line.¹² The median household income is \$22,940, far below the state median income, which is \$40,531.¹³ The official unemployment rate in Phillips County is currently 9.9%, however this does not include the numerous citizens who are no longer seeking employment.¹⁴ Further, though some employment opportunities exist, much of the workforce is untrained and therefore unable to take advantage of these available options.¹⁵

b. Crime

The Mississippi Delta Project was recruited to offer solutions to elevated crime rates within Helena-West Helena. Unfortunately, interviews with local residents and the available data make it clear that crime is indeed a serious concern within the area. According to the crime statistics released by the FBI in late 2013, nationally, the average crime rate for violent crimes is 386 crimes per 100,000 inhabitants.¹⁶ However, Helena's violent crime rate averages at an alarming 1357 violent crimes per 100,000 inhabitants.¹⁷ Similarly, the nation's average property crime rate is 2,859 crimes per

⁷ *Id.*

⁸ See UNIVERSITY OF ARKANSAS DIVISION OF AGRICULTURE, RURAL PROFILE OF ARKANSAS 43 (2013), available at <http://www.uaex.edu/publications/PDF/MP511.pdf>.

⁹ *Id.*

¹⁰ See *State Control for Pulaski and Helena-West Helena School Districts Continues*, UALR PUBLIC RADIO (Mar. 28, 2014) <http://ualrpublicradio.org/post/state-control-pulaski-and-helena-west-helena-school-districts-continues>; Interview with Judge Rusty Porter, Interview 03/27/14, notes on file with Harvard Law School Mississippi Delta Project Economic Development Team.

¹¹ *Helena-West Helena, Arkansas*, US CENSUS BUREAU, (Sept. 10, 2014)

<http://quickfacts.census.gov/qfd/states/05/05107.html>.

¹² *Id.*

¹³ *Id.* Both Helena and Arkansas fall far short of the median national income of \$53,046. US CENSUS BUREAU, <http://quickfacts.census.gov/qfd/states/00000.html> (last visited Sept. 27, 2014).

¹⁴ *Phillips County Profile*, DEPARTMENT OF WORKFORCE SERVICES, <http://www.discoverarkansas.net/cgi/databrowsing/localAreaProfileQSResults.asp?selectedarea=Phillips+County&selectedindex=54&menuChoice=localAreaPro&state=true&geogArea=0504000107&countyName=&submit1=View+Local+Area+Profile> (last visited Sept. 27, 2014).

¹⁵ DELTA BRIDGE PROJECT, 2010-2020 STRATEGIC COMMUNITY PLAN 14 (2010), available at <https://banksouthern.com/downloads/2010-2020-Phillips-County-Strategic-Community-Plan.pdf>.

¹⁶ *FBI Releases 2012 Crime Statistics*, FBI NATIONAL PRESS OFFICE, available at <http://www.fbi.gov/news/pressrel/press-releases/fbi-releases-2012-crime-statistics>

¹⁷ *Helena, Arkansas*, CITY-DATA, <http://www.city-data.com/city/Helena-Arkansas.html> (last visited Sept. 27, 2014).

100,000 inhabitants;¹⁸ Helena’s property crime rate is a shocking 8060 crimes per 100,000 inhabitants.¹⁹ These crime rates even exceed nearby Pine Bluff, Arkansas, a town whose crime rate is only exceeded by Detroit, and recently cited as “the most dangerous little town in America.”²⁰ Interviews in Helena uniformly support this data, with crime consistently cited as a major impediment to economic growth.

c. Crime’s Effect on the Economy

There can be no doubt that the declining economic fortunes of the region have negatively impacted the crime rate in Helena. Similar trends exist in other regions of the United States, such as the Rust Belt, where globalization and mechanization have undercut traditional economic foundations.²¹ Criminologists have repeatedly found a correlation between unemployment and petty (or “disorder”) crimes.²² Many studies show that elevated crime rates impose a significant growth cost on local economies.²³ Cities and towns facing deindustrialization and increasing crime rates find themselves in a catch-22: business investment and economic development avoid areas with high crime rates, but economic development is required to combat elevated crime rates. There is no easy solution to this problem, but the policy solutions outlined below offer Helena’s leaders tools in their ongoing fight against crime, which may in turn create a more welcoming atmosphere for business investment.

III. Problems and Crime Reduction Strategies and Solutions

A. Combating Ineffective Policing

“[Police officers] felt like they could do whatever they wanted to do.” —Ronnie Scott, assistant police chief, Helena-West Helena Police Department

The elevated crime rate is Helena’s most immediate problem. To address crime, however, the local police department must be an effective crime-fighting force. However, in HWH, the perception is, indeed, the opposite. Interviewees for this report focused their criticisms on the Helena Police Department, citing incompetence, corruption, and low pay as reasons that the Police Department is not an effective force.

¹⁸ FBI NATIONAL PRESS OFFICE, *supra*, note 16.

¹⁹ CITY-DATA, *supra*, note 17.

²⁰ *Pine Bluff, Arkansas*, CITY-DATA, <http://www.city-data.com/crime/crime-Pine-Bluff-Arkansas.html> (last visited Sept. 30, 2014); Tara Brady, *Pine Bluff: America’s most crime-ridden little town*, DAILYMAIL (Feb. 18, 2013, 5:34 PM), <http://www.dailymail.co.uk/news/article-2280606/Pine-Bluff-Americas-crime-ridden-little-town.html>.

²¹ JOHN RUSSO & SHERRY LINKON, *THE SOCIAL COSTS OF DEINDUSTRIALIZATION* (Richard McCormack, July 2009), available at <http://cwcs.yzu.edu/resources/cwcs-publications/social-costs-of-deindustrialization>.

²² JOHN RUSSO & SHERRY LEE, *STEELTOWN USA: WORK AND MEMORY IN YOUNGSTOWN 196* (University of Kansas Press, 2002).

²³ See SAM BRAND & RICHARD PRICE, *THE ECONOMIC AND SOCIAL COSTS OF CRIME 5* (2005), available at http://www.sadas.org.uk/uploads/The_economic_and_social_costs_of_crime.pdf.

This community distrust of law enforcement was substantiated by the 2011 “Delta Blues” federal operation led to the indictment of five HWH police officers on corruption and drug trafficking charges.²⁴ Furthermore, Helena-West Helena and Phillips County law enforcement officers have consistently struggled with paperwork responsibilities, impeding law enforcement and data collection efforts. According to Assistant Police Chief Ronnie Scott, before a federal investigation led to the indictment of five police officers, the officers of the Helena-West Helena Police Department often took up to forty days to complete accident reports following accidents and had struggled to provide case files to the prosecutor within 60 days of an indictment.²⁵ While Scott insists that the period of time between incidents and completion of paperwork has decreased during the last two years, delays of any sort contribute to law enforcement accountability issues.²⁶ With this discretion, officers could choose whether to enforce the law,²⁷ contributing not only to rising crime rates from repeat offenders but also to an overall environment in which criminals learn that their actions may go unpunished. The overall effect has been a loss of deterrence that likely contributes to higher crime rates. The public’s faith in Helena’s Police Department has been shaken both by the soaring crime rates and a perception that the police do not enforce the law. These problems are not specific to the Police Department—they have hindered accountability in the Sheriff’s Office as well.

This report proposes two general policies to address the dual problems of paperwork inefficiency and decreased trust in law enforcement. First, this report suggests an increased emphasis on computerized filing by police officers, particularly within the field. This form of filing is more efficient, and will therefore free up officer time for other tasks. Furthermore, electronic filing will enable the mapping of “hot spots,” which will allow law enforcement to focus on geographic areas where the majority of crimes occur. Second, in order to capitalize on the additional officer time gained by the implementation of the above policies, this report suggests that the Helena Police Department and the Phillips County Sheriff’s Office pivot to a “community policing” model. Community policing focuses upon establishing closer relationships with community members and orienting officers towards solving community problems, rather than simply responding to incidents. This proactive strategy—proven to improve community relations with police agencies—will allow Helena’s law enforcement agencies to reestablish much needed trust with the community.

i. Electronic Recordkeeping

²⁴ *Seventy Defendants In Helena-West Helena and Marianna Indicted in Operation Delta Blues*, UNITED STATES DEPARTMENT OF JUSTICE (Oct. 11, 2011), http://www.justice.gov/usao/are/news/2011/October/HWH_OpDeltaBlues_indict_101111.html.

²⁵ Interview with Assistant Chief of Helena-West Helena Police Ronald Scott, Interview 03/27/14, notes on file with Harvard Law School Mississippi Delta Project Economic Development Team.

²⁶ *Id.*

²⁷ *Id.*

Maintaining accurate and up-to-date records helps police keep track of outstanding warrants and residents' arrest and criminal histories. Police officers should fill out paperwork about an incident immediately following its occurrence. As the amount of time between incident and paperwork generation increases, the likelihood also increases that officers will be unable to remember the precise details of the incident. The ability to search remote databases will enable law enforcement agencies to facilitate communication between different public safety agencies. Furthermore, the ability to remotely search a police database allows mobile officers to access otherwise unavailable information. For example, if a police officer in one town issues a warrant for the arrest of a particular individual, officers in an adjacent town would know to arrest that person only if the warrant was entered into the computerized system. Not having up-to-date communication means that arrest warrants may not be executed, and that officers may not know that they are interacting with fugitives.

While the police and sheriff departments must address the issue of accountability from multiple angles, making computer-based data accessible in patrol cars could make incident reporting faster and more convenient for officers. This could be done by installing terminals in the patrol cars, or by including mobile devices or laptop computers in patrol cars.²⁸ By installing computers in patrol cars, the law enforcement departments would provide their officers with the means to complete all paperwork at the scene of the incident, rather than having to wait to return to the office. Furthermore, a study of Wisconsin's digital citation and reporting system found that on-site computerized citations were up to ninety-eight percent accurate.²⁹

If the law enforcement departments couple the installation of computers with clear guidelines for their use and enforcement of expected timelines for paperwork completion, the computers will help to enhance the departments' effectiveness in documenting crime and creating a reliable record for prosecutors. Additionally, police forces in urban areas have begun using smartphones that are equipped to tap into state arrest databases and allow officers to add incident reports.³⁰ Because of Arkansas law, using smartphones would require local law enforcement to seek approval from the Arkansas Crime Information Center first.³¹ It may also require additional investment in IT support.³²

Most importantly, collecting data on the location and time of crimes will make it easier to identify "hot spots." The National Institute of Justice has found that crime does not

²⁸ *Id.*

²⁹ ARUP DUTTA ET AL., A SYSTEM FOR DIGITIZING WISCONSIN CRASH LOCATION INFORMATION 15 (2007), available at <http://www.topslab.wisc.edu/publications/2007/Arup%20-%20crash%20location.pdf>.

³⁰ See Peter Herman, *These Officers Like the New Smartphones*, THE BALTIMORE SUN (Sept. 4, 2009), http://articles.baltimoresun.com/2009-09-04/news/0909030063_1_patrol-officers-western-district-officer-and-suspect.

³¹ ARKANSAS ADMINISTRATIVE CODE, 183.001 § 9(b) (West 2014).

³² *Id.*

occur evenly; rather, it is clustered in small areas and during particular times of day.³³ For example, in Minneapolis, three percent of the city's addresses accounted for 50 percent of calls for service to the police.³⁴ More recently, this theory has been applied to rural areas, with policing experts using mapping to find where crime is geographically concentrated in a rural environment.³⁵ Focusing police resources on "hot spots" can decrease crime without rising in other areas.³⁶ Additionally, similarities between "hot spots" can help law enforcement identify the environmental variables more likely to correlate with crime, such as certain building characteristics.³⁷ Once these variables are identified, they can be addressed. Furthermore, over time, computerized data will make it easier for policymakers to measure the impact of policy decisions.

Forward-thinking police departments across the country have recognized the value of computerized incident reporting.³⁸ Such reporting has been found to increase the quality of the data available to policy-makers, and therefore enables objective decision-making and more meaningful analyses of crime.³⁹ The "Data Driven Approaches to Crime and Traffic Safety" ("DDACTS") model—which includes on-site incident reporting, mapping, and weekly police meetings—has been implemented in several jurisdictions across the country.⁴⁰ In a case study of LaFourche Parish, the DDACTS model was credited with a fourteen percent decrease in automobile accidents.⁴¹ Similarly, in the rural community of St. Albans, Vermont, the 19-man local police department turned to the DDACTS model to counter a significant uptick in crime. Local authorities focused on three objectives: 1) use data to identify locations of disproportionate crime; 2) develop operational tactics to address those crime areas; and 3) work with non-law enforcement organizations to create publicity and increase the deterrence effect of the program.⁴² The result was a significant decline in vandalism, fraud, assaults, and burglaries in St.

³³ *Hot Spot Policing Can Reduce Crime*, NATIONAL INSTITUTE OF JUSTICE (Oct. 14, 2009), <http://www.nij.gov/topics/law-enforcement/strategies/hot-spot-policing/Pages/welcome.aspx#note5>

³⁴ *Id.*

³⁵ See, e.g., Rob I. Mawby, *Crime, place and examining rural hotspots*, 1 INTERNATIONAL J. OF RURAL CRIME 21 (2007); Shane D. Johnson, Steven P. Lab & Katie J. Bowers, *Stable and Fluid Hotspots of Crime: Differentiation and Identification*, 34 BUILT ENVIRONMENT 35 (2008); Richard McCleary, *Rural Hotspots: The Case of Adult Businesses*, 19 CRIMINAL JUSTICE POLICY REVIEW 153 (2008).

³⁶ ANTHONY A. BRAGA, *THE EFFECTS OF HOT SPOTS POLICING ON CRIME* 4 (2007).

³⁷ OFFICE OF COMMUNITY ORIENTED POLICING SERVICES, *EXCELLENCE IN PROBLEM-ORIENTED POLICING* 27 (2001), available at [https://meetings.policeforum.org/upload/01Goldstein\[1\]_715866088_12302005112938.pdf](https://meetings.policeforum.org/upload/01Goldstein[1]_715866088_12302005112938.pdf).

³⁸ David Roberts & Paul Wormeli, *Why Participating in NIBRS Is a Good Choice for Law Enforcement*, POLICECHIEF.COM, http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=display&issue_id=92014&category_ID=4 (last visited Sept. 23, 2014).

³⁹ *Id.*

⁴⁰ JACK STUSTER ET AL., *DATA-DRIVEN APPROACHES TO CRIME AND TRAFFIC SAFETY* 3 (2010), available at http://www.nhtsa.gov/staticfiles/nti/ddacts/DDACTS_Case_Study-Introduction.pdf.

⁴¹ ANACAPA SCIENCE, INC., *CASE STUDY OF THE LAFORCHE PARISH, LOUISIANA, SHERIFF'S OFFICE* 7 (2010), available at http://www.nhtsa.gov/staticfiles/nti/ddacts/DDACTS_Case_Study-LafourcheParish.pdf.

⁴² ANACAPA SCIENCES, INC., *CASE STUDY OF THE VERMONT STATE POLICE/ST. ALBANS CITY POLICE DEPARTMENT* 3 (2009), available at http://www.nhtsa.gov/staticfiles/nti/ddacts/DDACTS_Case_Study-StAlbansVT.pdf.

Albens.⁴³ St. Albens is the smallest jurisdiction to successfully implement DDACTS, but several larger jurisdictions, including Nashville, Tennessee, Reno, Nevada, Rochester, New York, and LaFourche Parish, Louisiana have all had successes integrating computerized citations and mapping into their policing strategies.⁴⁴ DDACTS was implemented differently in each of these jurisdictions, but the model certainly offers potential for Helena. Grant funding may be available for the purchase of remote citation devices (such as computers or smartphones), making this initiative inexpensive or even revenue-neutral for Helena-West Helena and Phillips County.⁴⁵

ii. Community Policing

“Community policing” methods will both enhance the effectiveness of Helena’s law enforcement agencies, and rebuild trust within the community. The purpose of community policing is threefold: (1) to make police accountable to the community as well as to the formal police hierarchy, (2) make the police more integrated with their community, and (3) orient police to solving general community problems, rather than merely responding to incidents.⁴⁶ Community policing also emphasizes “geographic ownership,” where officers “own” their patrol area, and the citizens within that area “own” that officer.⁴⁷ Polls of communities where community policing has been implemented demonstrate that community policing has the greatest effect upon “outcomes related to community relations and trust in police, such as fear of crime, legitimacy, and satisfaction with policing.”⁴⁸ At the same time, however, the data does not show that community policing universally decreases crime.⁴⁹ Even if a community policing strategy does not reduce crime in Helena, it would be a first step towards repairing relations between law enforcement and the community.

The shift from reactive to proactive policing requires a change of tactics. Other jurisdictions have had success with pilot community policing programs that focus on “hot spots.” Also, it is important to make sure that participating officers have “bought into” community policing; therefore, volunteers should be solicited from the police department.⁵⁰ Community policing requires that assigned officers become accountable for crimes within certain geographic

⁴³ *Id.* at 11.

⁴⁴ STUSTER, *supra* note 37, at 3.

⁴⁵ The Bureau of Justice Assistance offers grants through the Byrne Criminal Justice Innovation Program and the Smart Policing Initiative to encourage jurisdictions to design and implement “hot spot” policing strategies.

⁴⁶ *Does Community Policing Work?* POLICEMAG.COM, <http://www.policemag.com/channel/patrol/articles/2005/12/does-community-policing-work.aspx>.

⁴⁷ *Id.*

⁴⁸ Charlotte Gill et al., *Community-oriented policing: a systematic review*, J. OF EXPERIMENTAL CRIMINOLOGY 2 (forthcoming), available at http://download.springer.com/static/pdf/627/art%253A10.1007%252Fs11292-014-9210-y.pdf?auth66=1410647077_073366a2713645d16d2995a856884702&ext=.pdf.

⁴⁹ *Id.* at 21.

⁵⁰ Nadine Connell et al., *Can a Community Policing Initiative Reduce Serious Crime?* 11 POLICE QUARTERLY 127, 133 (2008).

areas.⁵¹ Furthermore, the police should regularly meet with leaders within their assigned areas, including pastors, business owners, and school officials, to develop stronger community bonds.⁵² Decentralization is also encouraged—the officer in charge of a particular area should have the flexibility to choose how to prevent crime in their assigned area.⁵³ Finally, officers should be encouraged to engage in “problem-solving,” or identifying and addressing the root causes of crime in a particular area.⁵⁴ To accomplish these ends, community policing typically includes some of the following: 1) permanent beats for officers so that they become acquainted with residents; 2) foot and bike patrols; 3) working with community organizations to clean up dilapidated areas; 4) creating and assisting neighborhood watches; 5) code enforcement; and 6) nuisance abatement.⁵⁵

Police departments in small municipalities or rural areas—much like Helena—already have more informal relationships with community members than would generally be found in a larger city. But stratagems can be implemented to supplement those relationships. Many municipalities utilize social media or “online police reporting” systems for citizens to report non-emergency criminal behavior.⁵⁶ Another novel idea is to create an online “rating” system where citizens may rate their experiences with individual officers. Responses to these systems could be made public through local government websites. Citizen understanding of police legitimacy and effectiveness may be an “important antecedent[] to crime control,” so transparent community programs can ultimately help reduce the crime rate.⁵⁷

Community policing in Helena faces one very difficult obstacle: divisive race relations. Significantly different perceptions about police between White and African-American citizens in Helena could impede the creation of better community relations, especially if either group feels that contacting the police will not result in a positive outcome. Community policing relies upon the perception of police as good-faith community partners: suspicions rooted in past discrimination or corruption must be addressed before community policing can be successful. A case study of Thomasville, a small town in southern Georgia with a population that is 53% African American, analyzed resident perceptions of community policing.⁵⁸ This study, as well as many others, found that African Americans trusted the police less and were less likely to report a crime.⁵⁹ To address this, Helena leaders should consider creating a program to increase trust between the police and different demographic groups. For example, small monthly meetings

⁵¹ *Id.* at 134.

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ Allison Chappell, *The Philosophical Versus Actual Adoption of Community Policing: A Case Study*, 34 CRIMINAL JUSTICE REVIEW 5, 7 (2009).

⁵⁶ See Indrajit Basu, *Social Media Elevates Community Policing*, DIGITAL COMMUNITIES, <http://www.digitalcommunities.com/articles/Social-Media-Elevates-Community-Policing.html> (last visited Sept. 23, 2014).

⁵⁷ Gill, *supra* note 48, at 6.

⁵⁸ Rudy Prine et al., *Perceptions of Community Policing in a Small Town*, 25 AM. J. OF CRIMINAL JUSTICE 211, 217 (2001).

⁵⁹ *Id.*

hosted by local churches, schools, or civic groups and attended by police officers and citizens could encourage open conversations regarding policing in Helena.⁶⁰ Several jurisdictions have instituted programs that review police interactions to ensure that minorities are not disproportionately targeted.⁶¹ Regardless of the exact programs enacted, studies show police must increase the perception of their own legitimacy before community trust is restored.⁶² After legitimacy is restored, the police can more effectively work with community members to reduce crime.

B. Diversion and Banking Programs

The lack of local jail facilities has both limited Phillips County's ability to hold offenders and also substantially increased costs by forcing the county to house inmates in other counties. Meanwhile, the criminal justice system has continued to accumulate cases faster than it can resolve them. Without resolving cases visibly, either through successful prosecutions or alternative programs, deterrence is undermined.⁶³ Below, this report discusses deferred prosecution and banking programs (collectively, "diversion") as possible solutions for the backlog of cases in Helena. In Helena, the advantages of altering their current prosecution system are twofold: first, these programs may reduce crime in the community, improving community and law enforcement morale⁶⁴; second, the outstanding caseload may be reduced, so prosecutors may be able to focus on cases with deterrence value. These alterations acknowledge the real budgetary constraints facing Helena, yet accomplish the goal of deterring future criminal behavior.

i. Deferred Prosecution

Deferred prosecution programs enable first time offenders charged with certain offenses to avoid a criminal conviction as long as they admit to the crime and demonstrate good behavior for a probationary period.⁶⁵ Although a case will be filed, it will be automatically dismissed after the designated period.⁶⁶ If the offender does not meet the terms of his or her deferral agreement, the prosecutor will pursue the criminal

⁶⁰ See NATIONAL CRIME PREVENTION COUNCIL, FAITH COMMUNITY AND CRIMINAL JUSTICE COLLABORATION 66 (2005), available at

https://www.nationalservicerresources.gov/files/legacy/filemanager/download/faith_justice/ch6.pdf.

⁶¹ SAMUEL WALKER, THE NEW WORLD OF POLICE ACCOUNTABILITY 2 (2005).

⁶² See generally Tom Tyler, *Enhancing Police Legitimacy*, 593 ANNALS OF THE AM. ACAD. POL. & SOC. SCI. 84 (2004).

⁶³ See generally Daniel S. Nagin, *Deterrence in the Twenty-First Century*, 42 CRIME AND JUSTICE 199 (2013).

⁶⁴ See Hazen Croall, *Community safety and economic crime*, 9 Criminology and Criminal Justice 165, 179 (2009).

⁶⁵ Michael D. Parker, *North Carolina District Attorney, 20th Prosecutorial District Attorney's Office Deferred Prosecution Program*, <http://www.ncdistrictattorney.org/michaelparker/deferredprosecution.pdf> (last visited Sept. 27, 2014).

⁶⁶ Holly Wilson & Robert Hoge, *The Effect of Youth Diversion Programs on Recidivism*, 40 CRIMINAL JUSTICE AND BEHAVIOR 497, 498 (2013).

case.⁶⁷ This allows courts to reduce the number of cases on their dockets and enables first time offenders to avoid having a criminal conviction on their record, while still providing the victims with some restitution. Furthermore, each deferment agreement may be tailored to the individual defendant, which allows prosecutors to retain their traditional discretion over the decision to charge. Deferred prosecution programs offer a strong incentive for defendants to fulfill their diversion conditions: if they fulfill their conditions, their previous criminal acts cannot be held against them.

Deferred prosecution programs are typically targeted towards juveniles. Diversion through deferred prosecution has been implemented across the nation, with inconsistent results.⁶⁸ Some research indicates that the primary benefit of diversion is sparing juveniles from the “criminogenic” effect of correctional facilities which holds that the simple act of being incarcerated makes a juvenile more likely to reoffend.⁶⁹ For offenders of every age, research indicates that the effectiveness of deferred prosecution programs depends upon the individual offender and the intensity of the therapeutic process that accompanies the diversion.⁷⁰ The most effective programs attempt to discover the sources of criminal activity. Once the source (for example, a parent, or an undiagnosed health issue) is identified, the intervention should be appropriately modified.⁷¹ Furthermore, caution programs (e.g., jail tours) were found to effectively reduce recidivism for low-risk youth, while more pointed interventions are necessary for medium- and high-risk youth.⁷²

ii. Banking Programs

Prosecutors can also focus deterrence by implementing “banking” programs. In banking programs, the prosecutor designates the case as “pending” and promises not to initiate it so long as the individual remains compliant with the law from that point forward.⁷³ At no point are charges dropped.⁷⁴ Thus, the threat of the initial charge serves as a deterrent from committing any future offenses, incentivizing compliance throughout the duration of the statute of limitations for the first crime.⁷⁵ Like deferral programs, banking programs can help relieve prosecutorial caseloads while simultaneously reducing crime.

⁶⁷ *Id.*

⁶⁸ *Id.* at 504-05.

⁶⁹ *Id.* at 499.

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² *Id.* at 509.

⁷³ DAVID KENNEDY & SUE-LIN WONG, THE HIGH POINT DRUG MARKET INTERVENTION STRATEGY 22 (2012), *available at* <http://cops.usdoj.gov/files/RIC/Publications/e08097226-HighPoint.pdf>.

⁷⁴ *Id.*

⁷⁵ *Id.*

Banking has its genesis in the High Point Intervention Program. This program began in High Point, North Carolina, where it is credited with a 64% reduction in violent crime.⁷⁶ High Point is a medium-sized city in North Carolina, with a population of approximately 107,000.⁷⁷ The High Point program increased deterrence by using the promise of sure and swift prosecution of “banked” drug cases, as well as offering social services to offenders and their families.⁷⁸ Furthermore, the High Point program relies upon police outreach to minority communities. Establishing a cooperative relationship with the local community is considered key to the success of the program.⁷⁹ The High Point intervention program also builds upon a large body of research that indicates that diversion programs are most successful when they are intensely focused upon a small group of repeat offenders.⁸⁰ The High Point banking model utilizes this insight by aggressively focusing prosecution upon the small number of individuals who are at the epicenter of crime in order to make an example of them.⁸¹ Under this banking model, individuals identified as likely offenders or recidivists are interviewed by police officers and community members (such as church leaders) in order to drive home the message that future criminality will not be tolerated. This focused strategy not only increases community-police cooperation, it focuses deterrence upon the individuals most likely to offend.⁸² Although this approach requires extensive coordination between law enforcement and community leaders, it has yielded considerable dividends in many other jurisdictions, including Newburgh and Hempstead, New York; Winston-Salem, Greensboro, and Raleigh, North Carolina; Providence, Rhode Island; Rockford, Illinois; Nashville, Tennessee; and Milwaukee, Wisconsin, among others.⁸³

iii. Comparisons and Application

Although both programs have shown some successes, banking programs have shown a more consistent reduction in recidivism than deferred prosecutions.⁸⁴ Research indicates that outcomes of banking programs are generally positive: in one study, nine out of the ten randomly selected cities reported statistically significant, medium-sized reductions in crime.⁸⁵ Furthermore, the High Point intervention strategy has been

⁷⁶ *High Point, NC Police Fight Crime Family Intervention Style*, NPR (Jan. 22, 2014, 1:46 AM), <http://www.npr.org/2014/01/22/264873728/high-point-nc-police-fight-crime-family-intervention-style>.

⁷⁷ High Point, North Carolina, US CENSUS BUREAU (Jul. 8, 2014), <http://quickfacts.census.gov/qfd/states/37/3731400.html>.

⁷⁸ KENNEDY, *supra* note **Error! Bookmark not defined.**, at 3.

⁷⁹ *Id.*

⁸⁰ NATIONAL RESEARCH COUNCIL, FIREARMS AND VIOLENCE: A CRITICAL REVIEW 222 (2005).

⁸¹ McDEVITT, J., DECKER, ET AL., PROJECT SAFE NEIGHBORHOODS STRATEGIC INTERVENTIONS OFFENDER NOTIFICATION: MEETINGS CASE STUDY 2 (2006).

⁸² Gill, *supra* note 48, at 6.

⁸³ *Id.* at 5.

⁸⁴ Compare KENNEDY, *supra* note 73, at 30 (recidivism is 50% of state average), with Wilson & Hoge, *supra* note 66, at 504 (diversionary programs associated with 31% recidivism).

⁸⁵ Anthony Braga & David Weisburd, *The Effects of “Pulling Levers” Focused Deterrence Strategies on Crime*, 8 CRIME AND JUSTICE (2012), available at <http://campbellcollaboration.org/lib/project/96/>; see also

associated with dramatic decreases in crime: in High Point, targeted neighborhoods saw a fifty-seven percent decrease in crime, while untargeted neighborhoods saw a twenty percent decrease.⁸⁶ Deferred prosecution programs have also been successful, but the results have been inconsistent across jurisdictions. The National Association of Pretrial Services Agencies has found some evidence that deferred prosecution programs are a success, with median recidivism rates one to five years after completion of the program ranging from 5% (for new felonies) to 12% (for new misdemeanors).⁸⁷ The recidivism rate for domestic violence specific interventions falls within this range, with approximately 7.7% of first time offenders reoffending compared to a significantly higher national average (24% to 60%) of reoffenders without a deferred prosecution intervention.⁸⁸ On the other hand, the High Point Intervention strategy has been associated with a 50% reduction in recidivism among targeted drug dealers.⁸⁹

The choice between deferred prosecutions and banking programs is not mutually exclusive. The High Point strategy involves significant community involvement and intensive police-community collaboration. Opting for a deferred prosecution strategy may be more feasible initially as it would allow prosecutors to immediately relieve their current caseloads. Furthermore, diversionary interventions should be tailored to the risk level of the offender to reduce recidivism. Once the caseload reaches a sustainable level, prosecutors could shift towards a banking program like the High Point strategy. Helena law enforcement could utilize the police resources that are no longer needed for the case backlog to begin building ties with the community and prepare for the intervention. The enactment of a deferred prosecution program, followed by a High Point banking intervention, would send a strong signal to criminals that they will be held accountable for their actions. Sure and swift punishment on current criminals deters future criminal action. If results in Helena follow the High Point model's prior success rate, we should expect a dramatic reduction in crime in targeted areas.

C. Electronic Monitoring

Another way to increase the effectiveness of Helena's criminal justice system would be to increase reliance on electronic monitoring as an alternative to incarceration for low-

Anthony A. Braga & David L. Weisburd, PowerPoint Presentation, Pulling Levers Focused Deterrence Strategies to Prevent Crime (2012), available at <http://cops.usdoj.gov/Publications/e041218460-508.pdf>.

⁸⁶ *Drug Market Intervention Strategy*, NATIONAL NETWORK FOR SAFE COMMUNITIES http://www.nnscommunities.org/pages/dmi_overview.php (last visited Sept. 27, 2014); KENNEDY, *supra* note 73, at 4.

⁸⁷ *PROMISING PRACTICES IN PRETRIAL DIVERSION*, NATIONAL ASSOCIATION OF PRETRIAL SERVICES 16 (2012), available at <http://www.nationaltasc.org/wp-content/uploads/2012/11/Promising-Practices-in-Pretrial-Diversion> - Published-by-the-National-Association-of-Pretrial-Service-Agencies-with-support-from-the-Bureau-of-Justice-Assistance.pdf.

⁸⁸ John H. Tucker, *Can Police Prevent Domestic Violence Simply by Telling Offenders to Stop?*, INDYWEEK (Nov. 13, 2013), <http://www.indyweek.com/indyweek/can-police-prevent-domestic-violence-simply-by-telling-offenders-to-stop/Content?oid=3765521>.

⁸⁹ KENNEDY, *supra* note 73, at 30.

and moderate-risk offenders. Incarcerating lower-level offenders may not be necessary to prevent them from reoffending; electronic monitoring allows a community to deter recidivism without investing the resources that incarceration requires by monitoring the offenders' activities. When an offender's behavior is monitored within the offender's community itself, rather than in a prison, it is called "community supervision."⁹⁰ Increasing incarceration levels would probably be impractical in Helena because resource constraints limit the number of offenders that can reasonably be sent to other counties. Community supervision programs, in contrast, require fewer resources and can be effective in preventing crime. Electronic monitoring, in particular, provides an alternative way of allocating criminal justice resources that would allow Helena to punish offenders more reliably. Further, unlike many other criminal justice responses, electronic monitoring would add additional strain to Helena's limited jail space.

"Electronic Monitoring," sometimes referred to by the broader term "electronic supervision," refers to a family of technologies and systems that allow law enforcement officers to monitor the location of specific individuals, usually through a device fixed to their person. This device is often an ankle bracelet that cannot be removed, uses the Global Positioning System (GPS) to either actively or passively track the supervisee's location.⁹¹ The tracking device may upload data in real time to determine that the individual is either within the permitted area or at approved locations, such as work or home, at predetermined times.⁹² "Inclusion zones" may be established outside of which the supervisee is not allowed to go, and curfews may require supervisees to be present in certain areas at specific times.⁹³ Other programs allow some offenders a certain amount of discretionary time during which they are not required to be at any one particular location, which can be increased when the offender behaves well.⁹⁴ Law enforcement officers may actively monitor supervisees through the electronic monitoring system, or may program it to alert them if a supervisee breaks certain rules (e.g., a curfew).⁹⁵

Use of electronic monitoring appears to be associated with both lower recidivism rates and cost reduction.⁹⁶ A 2010 Department of Justice study measured the effectiveness of electronic monitoring of offenders who had committed a variety of crimes. The study found that electronic monitoring reduces the likelihood that offenders who are under community supervision, such as those awaiting trial, will recidivate by about 31% and,

⁹⁰ *Terms & Definitions: Corrections*, BUREAU OF JUSTICE STATISTICS (Sept. 15, 2014), <http://www.bjs.gov/index.cfm?ty=tdtp&tid=1>.

⁹¹ William Bales et al., *A Quantitative and Qualitative Assessment of Electronic Monitoring*, FLORIDA STATE UNIVERSITY COLLEGE OF CRIMINOLOGY AND CRIMINAL JUSTICE & CENTER FOR CRIMINOLOGY AND PUBLIC POLICY RESEARCH 21–22 (2010), available at <https://www.ncjrs.gov/pdffiles1/nij/grants/230530.pdf>.

⁹² *Id.* at 19–22.

⁹³ *Id.* at 22.

⁹⁴ BUREAU OF JUSTICE ASSISTANCE, *OFFENDER SUPERVISION WITH ELECTRONIC TECHNOLOGY – COMMUNITY CORRECTIONS RESOURCE 154* (2009), available at http://www.appa-net.org/eweb/docs/appa/pubs/oset_2.pdf.

⁹⁵ Bales et al. *supra* note 91, at 21–22.

⁹⁶ *Id.* at 58, 64.

further, it costs less than one-sixth the price of incarceration.⁹⁷ Other researchers have found that electronic monitoring is an effective tool for reducing recidivism by shortening jail times and reintegrating offenders into society.⁹⁸ As they noted, “[e]lectronic monitoring following jail incarceration punishes offenders but also provides them with the opportunity to become a part of the community rather than social outcasts.”⁹⁹ Additionally, as a probationary tool, a 2006 study found that offenders who were electronically monitored are 94.7% less likely to reoffend than offenders who were not.¹⁰⁰

Thus, electronic monitoring can be an effective, and cost effective, method of administering community supervision programs. Because it costs less than incarceration, the State of Arkansas has begun programs to facilitate local law enforcement’s use of electronic monitoring.¹⁰¹ Under this infrastructure, local law enforcement agencies can have access to a range of products at pre-determined price.¹⁰²

However, there are some detractors who claim that Electronic Monitoring would not be the best solution for offenders. First, they claim that the technology that would be available through the state of Arkansas’ contract with a private electronic monitoring company is unreliable.¹⁰³ Second, some offenders have reported that electronic monitoring triggers feeling of shame and stigma.¹⁰⁴ Some offenders have also blamed electronic monitoring for their difficulty in finding employment because it limits their flexibility and serves as an obvious indicator that the offender is under legal supervision.¹⁰⁵

⁹⁷ *Id.* at 58.

⁹⁸ Randy R. Gainey, Brian K. Payne & Mike O’ Toole, *The relationships between time in jail, time on electronic monitoring, and recidivism: An event history analysis of a jail-based program*, 17 JUSTICE QUARTERLY 733, 748–49 (2006).

⁹⁹ *Id.* at 747–48.

¹⁰⁰ Padgett, K.G., Bales W.D. & Blomberg, T.G., *Under Surveillance: An empirical test of the effectiveness and consequences of electronic monitoring*, 5 CRIMINOLOGY AND PUBLIC POLICY 61, 79 (2006).

¹⁰¹ Rob Moritz, *More Electronic Monitoring Could Relieve Prison Overcrowding, prison officials say*, ARKANSAS NEWS (Sept. 2, 2013, 2:00 AM), <http://arkansasnews.com/sections/news/arkansas/more-electronic-monitoring-could-relieve-prison-overcrowding-prison-officials>; *Term Contract, State of Arkansas* (June 12, 2013), <http://www.dfa.arkansas.gov/offices/procurement/contracts/Documents/4600029653.pdf>.

¹⁰² The rates for the Radio Frequency Continuous Signaling Electronic Monitoring Service (which includes an ankle bracelet and receiver) vary from \$1.45 per unit per day, to \$2.50 per unit per day, depending on the quantity ordered. The replacement cost of an ankle bracelet is \$175, while the replacement cost for a Home Unit with a landline connection is \$425, and the replacement cost of a Home Unit with cellular communication is \$689. Appendix E: Price Sheets, Contract 00212 with 3M Electronic Monitoring, Inc. <http://www.dfa.arkansas.gov/offices/procurement/contracts/Documents/4600029653pricing.pdf>.

¹⁰³ Paige St. John, *Test found major flaws in parolee GPS monitoring devices*, LOS ANGELES TIMES (Mar. 30, 2013), <http://articles.latimes.com/2013/mar/30/local/la-me-ff-gps-monitors-20130331>.

¹⁰⁴ Bales et al., *supra* note 91, at 95, 100.

¹⁰⁵ *Id.* at 95.

Despite these criticisms, it seems clear that the use of electronic monitoring technology would be a beneficial crime reduction strategy in Phillips County. However, although electronic monitoring may result in better rehabilitation outcomes for a select subgroup of those in custody, increasing the use of Electronic Monitoring can only be part of a much larger effort to reform law enforcement in Helena-West Helena and Phillips County. Of the approximately sixty inmates Phillips County¹⁰⁶ houses in other facilities at any given moment, not all will be eligible for such a program. Also, increased reliance on electronic monitoring may not increase prosecutions enough to have an observable deterrent effect. However, prosecutors could still benefit from being able to suggest that offenders serve electronic monitoring time in lieu of being incarcerated. By diverting less dangerous offenders through an electronic monitoring program, Helena could gain additional capacity to focus upon more dangerous offenders.

However, some rural communities, like Helena, may struggle with electronic monitoring because of limited cellular communications capabilities. Electronic monitoring resources suggest that rural communities consult with potential vendors to determine whether the area has the cellular capability to support electronic monitoring.¹⁰⁷ Problems with a region's cellular capabilities can also be mitigated by choosing an alternative form of monitoring, such as requiring periodic check-ins at an offender's home rather than having 24-hour active reporting on the offender's whereabouts.¹⁰⁸

IV. Juvenile Programs

The problem of juvenile crime in Helena deserves special consideration. Some interviewees blamed teenagers for Helena's disproportionately high crime rates, and the crime reduction task force has raised the issue for further research.¹⁰⁹ Even if teenagers are not responsible for the high crime rates in Helena, however, focusing on preventing minors from participating in criminal activity is a necessary part of Helena's long-term strategy for lowering the crime rate. Removing juveniles from their homes and communities decreases the likelihood that they will finish high school and increases the likelihood that they will continue to offend as adults.¹¹⁰

Cities and municipalities have used a number of programs to prevent young people from

¹⁰⁶ Since the Jail was closed for failing to pass required inspections, inmates have been relocated to other jails or released, while newly booked inmates have been housed in other facilities from the beginning of their terms.

¹⁰⁷ BUREAU OF JUSTICE ASSISTANCE, *supra* note 94, at 36–37.

¹⁰⁸ *Id.* at 161–62.

¹⁰⁹ Helena Public Safety Taskforce Minutes (Dec. 16, 2013), on file with the Mississippi Delta Project.

¹¹⁰ See generally Anna Aizer & Joseph J. Doyle, Jr., *Juvenile Incarceration, Human Capital and Future Crime: Evidence from Randomly- Assigned Judges*, NATIONAL BUREAU OF ECONOMIC RESEARCH (NBER) (2013), available at <http://www.nber.org/papers/w19102>; Brad Plumer, *Throwing Children in Prison Turns Out to be a Really Bad Idea*, WASHINGTON POST WONKBLOG (June 15, 2013), <http://wapo.st/16hRVZx>.

participating in criminal activities.¹¹¹ These programs aim to rehabilitate juveniles who have already committed crimes. This section will evaluate two kinds of programs aimed at reducing juvenile crime: first, prevention programs to stop at-risk minors from becoming involved in criminal activity in the first place, and second, response programs to deal with juveniles who have committed crimes in a productive manner.¹¹²

A. Programs Aimed at At-Risk Juveniles

Ideally, the best crime reduction strategy would address the *ex ante* causes of crime, not the *ex post* response. Because entrance into the juvenile justice system is such a meaningful indicator of future offense, preventing a juvenile from entering that system is an important goal for reducing overall crime rates. One important way to keep juveniles from committing crimes is to ensure that they are attending school.¹¹³ Students who frequently miss school are significantly more likely to be involved in delinquent activity than students who attend school regularly.¹¹⁴ School keeps potential juvenile delinquents busy and gives them a noncriminal alternative to criminal enterprises. Children are less likely to be involved in criminal activity when they are attending school and involved in school-related activities, such as homework and afterschool activities.¹¹⁵

Preventing juvenile students from dropping out of school can be difficult in rural areas like Phillips County, which may explain why Phillips County's graduation rate (73.0%) is more than 10% lower than the statewide rate (83.3%).¹¹⁶ A National Dropout Prevention

¹¹¹ Denise C. Gottfredson, *School-Based Crime Prevention*, PREVENTING CRIME: WHAT WORKS, WHAT DOESN'T, WHAT'S PROMISING, <https://www.ncjrs.gov/works/chapter5.htm> (last visited September 30, 2014).

¹¹² This report focuses only on "individual-change strategies" – that is, programs that are aimed at individual juveniles. Another type of juvenile crime prevention program would be a school-based initiative for students. However, such an undertaking requires inquiry into the declining resources and quality of Helena public schools and would be beyond the scope of this report. However, the individual-change programs should still involve, to the extent possible, teachers and school board members as studies have shown that more citywide cooperation leads to more effective programs. See Heidi M. Hsia, *Allegheny County, PA: Mobilizing to Reduce Juvenile Crime*, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, DEPARTMENT OF JUSTICE 7 (June 1997), <https://www.ncjrs.gov/pdffiles/165693.pdf>.

¹¹³ Many schools struggle to keep accurate attendance records, making it difficult for police forces to even identify chronically truant students. For best practices for recording attendance, see SCHOOL ATTENDANCE TRACKING: CHALLENGING AND EFFECTIVE PRACTICES, NATIONAL CENTER FOR SCHOOL ENGAGEMENT 2–3 (2005), *available at*

<http://www.schoolengagement.org/TruancyPreventionRegistry/Admin/Resources/Resources/SchoolAttendanceTrackingChallengesandEffectivePractices.pdf>.

¹¹⁴ TRUANCY FACT SHEET, NATIONAL CENTER FOR SCHOOL ENGAGEMENT 2, *at* <http://www.schoolengagement.org/TruancyPreventionRegistry/Admin/Resources/Resources/TruancyFactSheet.pdf>; NATIONAL CENTER FOR SCHOOL ENGAGEMENT, PIECES OF THE TRUANCY JIGSAW: A LITERATURE REVIEW 11–13 (2007) *available at* <https://www.ncjrs.gov/pdffiles1/pr/217271.pdf> (describing the relationship between truancy and juvenile delinquency and adult crime).

¹¹⁵ U.S. OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, NATIONAL JUVENILE JUSTICE ACTION PLAN Fig. 11 (1996) *available at* <http://www.ojjdp.gov/action/sec4.htm#text4>.

¹¹⁶ *Phillips County*, US CENSUS BUREAU, *supra* note 4.

Network study on the dropout rate in rural areas, which focused on Monroe County, Mississippi, found that rural schools face critical challenges to keeping students in school:¹¹⁷

1. Funding Structures to Support Education – because rural schools draw from a smaller tax base, it is difficult for them to fund themselves.
2. Student Population – students in rural areas frequently have substance abuse issues and come from economically disadvantaged backgrounds, which can feed into issues at school.
3. Transportation-Related Issues – because the population served by rural schools is more dispersed, transportation for the students is generally more difficult.
4. Quality Professional Staff – rural areas often have difficulty attracting experienced and effective educational talent.
5. School Buildings and Support Facilities – rural school facilities are more likely to be out-of-date and in need of repairs.

Of course, several of these challenges – like transportation, professional staff, and facilities – are related to funding problems and would be difficult to resolve without institutional change that involves a substantial increase in school budgets. However, individual interventions are an important part of combating dropout.¹¹⁸ Thus, the National High School Center has developed an Early Warning Systems tool to help schools identify at-risk students and appropriate interventions, which rural school districts have been encouraged to implement as a way to combat dropout rates without the resources of large urban school districts.¹¹⁹ The Early Warning tool is available free to download online.¹²⁰

Low attendance is a key risk factor for students at risk of dropping out, which is why organizations focused on juvenile crime recommend reducing truancy as a way of reducing dropout rates¹²¹ – and, ultimately, reducing crime. Students who habitually

¹¹⁷ JAY SMINK & MARY REIMER, NATIONAL DROPOUT PREVENTION NETWORK, RURAL SCHOOL DROPOUT ISSUES 4–8 (2009), available at

http://www.dropoutprevention.org/sites/default/files/13_Rural_School_Dropout_Issues_Report.pdf.

¹¹⁸ See Louise Kennelly & Maggie Monrad, *Approaches to Dropout Prevention: Heeding Early Warning Signs with Appropriate Interventions*, NATIONAL HIGH SCHOOL CENTER AT THE AMERICAN INSTITUTES FOR RESEARCH 6–7 (Oct. 2007), available at

http://www.betterhighschools.org/docs/nhsc_approachestodropoutprevention.pdf.

¹¹⁹ See *Utilizing the Village: Using Early Warning Indicators and Interventions to Help Rural Students Succeed*, U.S. DEPARTMENT OF EDUCATION (Oct. 12, 2012), available at

<http://ruraldropoutprevention.weebly.com/agenda--resources.html>; *Prevent Dropout with an Early Warning System*, NATIONAL HIGH SCHOOL CENTER (Mar. 31, 2013),

<http://www.betterhighschools.org/ews.asp>.

¹²⁰ *Id.*

¹²¹ Kennelly & Monrad, *supra* note 118, at 6.

miss school in middle or even elementary school are considered “at risk.”¹²² National Center on Rural Justice and Crime Prevention (NCRJCP) emphasizes that early intervention with a student who begins missing school is key.¹²³ Intervention can take many forms, from phone calls home to mandatory therapy. Successful programs for addressing habitual truancy before it leads a student to drop out tend to focus on early intervention and providing support for the student. Early intervention at the elementary or middle school level is preferable to focusing on high school students.¹²⁴ Additionally, intervention programs try to uncover why a student is truant and refer the student and his or her family to additional social services if necessary (such as substance abuse counseling, daycare, or food stamps).¹²⁵

One such program is the Adolescent Transitions Program, which was studied in a four-year randomized trial in eight small communities in Oregon. This program focuses on high-risk middle school students and aims to lower drug use and antisocial teen behaviors.¹²⁶ The program involves the students’ parents and requires group leaders to run weekly group parenting meetings to encourage parents to develop skills like communication, time management, and problem solving.¹²⁷ By strengthening the students’ relationship to their family and community, the Adolescent Training Program helps make it more likely that students will stay in school and avoid antisocial behavior, including crime.¹²⁸ One four-year study of an Adolescent Transitions Program reported that at-risk youth lower problem behavior both in school and out of school, prompting the National Dropout Prevention Center to recommend it as an exemplary program for rural schools.¹²⁹

Rural schools, like those in Phillips County, face unique challenges when combating absenteeism. The Adolescent Transitions Program incorporates elements that are key to effectively preventing truancy in rural schools.¹³⁰

- “Early intervention with the child;
- Involvement of family;
- Ongoing case management;

¹²² *Id.*; FACT SHEET: TRUANCY PREVENTION, NATIONAL CENTER ON RURAL JUSTICE AND CRIME PREVENTION, FACT SHEET 1 (Aug. 1, 2001), *available at* http://www.maine.gov/cabinet/syv/WorkAndActionReports/truancy_prevention_fact_sheet.pdf.

¹²³ FACT SHEET: TRUANCY PREVENTION, *supra* note 122, at 2.

¹²⁴ *Id.*; SMINK & REIMER, *supra* note 117, at 18.

¹²⁵ NATIONAL CENTER ON RURAL JUSTICE AND CRIME PREVENTION, *supra* note 122, at 2; Kennelly & Monrad, *supra* note 118, at 15; SMINK & REIMER, *supra* note 117, at 18 (describing the “Adolescent Transitions Program” targeting at-risk middle school students in rural areas).

¹²⁶ Adolescent Transitions Program, DEPARTMENT OF HEALTH PROMOTION AND EDUCATION: STRENGTHENING AMERICA’S FAMILIES *available at* http://www.strengtheningfamilies.org/html/programs_1999/08_ATP.html.

¹²⁷ *Id.*

¹²⁸ *Id.*

¹²⁹ SMINK & REIMER, *supra* note 117, at 18.

¹³⁰ NATIONAL CENTER ON RURAL JUSTICE AND CRIME PREVENTION, *supra* note 122, at 1.

- Specific focus on improving the child’s development and self-esteem;
- Collaboration by multiple community agencies (including schools, Boys & Girls Club, and social services); and
- Monitoring after completion of the program.”

A program like the Adolescent Transitions Program could be particularly appropriate for the Phillips County schools, since it focuses on precisely those elements of absenteeism that are most important for rural schools.

Another highly recommended program with a strong record of success in decreasing dropout rates is the Boys and Girls Club. A recent large-scale study of ten Boys and Girls Clubs found that members had not only increased academic participation and fewer instances of skipping class, but also increased academic confidence.¹³¹ Participation in Boys and Girls Clubs is also correlated with lower levels of smoking cigarettes or marijuana, drinking alcohol, carrying a weapon, or being stopped by the police.¹³² The study found that the more frequently students visited a club, the better their results were for a variety of life indicators.¹³³ For example, students who visited a club 52 or more times over 30 months had a number of better outcomes, such as decreased marijuana use and more community service, but those who came 366 times or more over 30 months had improved outcomes in even more categories, including students that were less likely to start having sex at an earlier age, less likely to be stopped by police, and less likely to carry a weapon.¹³⁴ Although this study focused on urban Boys and Girls Clubs, Boys and Girls Clubs are considered a model program for rural youths as well.¹³⁵

Southern Bancorp is already focused on promoting the Phillips County Boys and Girls Club (BGC). This club has positively impacted the Phillips County community; for example, there is a 0% teen pregnancy rate among club members,¹³⁶ and the club itself has had significant fundraising success¹³⁷. However, there are still barriers to the BGC’s ability to serve the entire Phillips County student population. The club has encountered difficulty assisting student transportation to and from the club, in part because of Helena’s diffuse rural environment and lack of public transportation. Continuing its

¹³¹ Amy J.A. Arbreton et al., MAKING EVERY DAY COUNT: BOYS & GIRLS CLUBS’ ROLE IN PROMOTING POSITIVE OUTCOMES FOR TEENS 33 (2009), *available at* http://nationalassembly.org/uploads/publications/documents/ppv.org/295_publication.pdf.

¹³² *Id.*

¹³³ *Id.* at 34.

¹³⁴ *Id.*

¹³⁵ *See Model Program: Boys and Girls Club of America*, NATIONAL DROPOUT PREVENTION CENTER (2014), *available at* http://www.dropoutprevention.org/modelprograms/show_program.php?pid=43.

¹³⁶ Comprehensive Community Strategic Planning to Revitalize the Rural South – Southern Bancorp – Arkansas, COMMUNITY TOOLBOX (2013), *available at* <http://ctb.ku.edu/en/southern-bancorp-strategic-planning>.

¹³⁷ Interview with Jason Rolett, Executive Director, Phillips County Boys and Girls Club, Interview 03/27/14, notes on file with Harvard Law School Mississippi Delta Project Economic Development Team.

support of the Phillips County BCG, possibly by investing in transportation support, would be a worthwhile endeavor for Southern Bancorp. However, it must be stressed that providing assistance to the Phillips County BCG should only be a piece of larger, more comprehensive juvenile crime reduction strategy.

B. Programs Aimed at Juvenile Offenders

i. Diversion Programs

Diversion programs, described in Part III.B, can also be successfully implemented in the juvenile justice context. Diversion programs remove juvenile offenders from formal criminal processes and give them the option of engaging in an alternative rehabilitative or community service program. Rather than entering a juvenile into the criminal justice system, arresting his or her education and potentially exacerbating his or her tendencies to engage in criminal behavior, diversion programs allow juveniles to avoid trial and engage in a more productive activity (such as classes, vocational training, group therapy, or community service).¹³⁸ If the juvenile offender completes the program, the charges are dropped.

Diversionary programs focus on ways for the victim to reconnect with society, often requiring him or her to complete community service. For example, one Ohio county has set up an unofficial “juvenile court” in which community volunteers sit in an unofficial hearing and impose sanctions ranging from community service to essay-writing.¹³⁹ One study reported that the recidivism rate among juveniles one year after their juvenile court hearing was only 10.1%, compared to almost 50% after three years for incarcerated juvenile offenders in Ohio.¹⁴⁰

Many successful diversion programs involve not only the offender, but the offender’s family. Some programs incorporate parenting skills or family therapy as a mandatory sanction.¹⁴¹ Functional Family Therapy (FFT), for example, allows eligible juveniles between 11 and 18 to do 12-14 family therapy sessions over three to four months in lieu of going through the juvenile justice system.¹⁴² The states that have instituted FFT have reported exceptional successes, including cost savings as a result of decreased

¹³⁸ Stephen T. Russell, Susan Wood & Sara Domeier, *G98-1396 Establishing Juvenile Diversion in Your Community* 4–6, UNIVERSITY OF NEBRASKA-LINCOLN <http://www.unicef.org/tdad/usanebraskaestablishingdiversioncommunity98.pdf>.

¹³⁹ JUVENILE DIVERSION GUIDEBOOK, MODELS FOR CHANGE 27 (2011), available at <http://www.modelsforchange.net/publications/301>; see also *Hamilton County Juvenile Court* (2014), <http://www.hamilton-co.org/juvenilecourt/default.asp>.

¹⁴⁰ JUVENILE DIVERSION GUIDEBOOK, *supra* note 139, at 27; *Recidivism rate for Ohio juvenile prisons up*, COSHOCTONTRIBUNE.COM (Sept. 10, 2007), <http://www.coshocotribune.com/apps/pbcs.dll/article?AID=/20070910/NEWS01/709100312/1002>.

¹⁴¹ CLINICAL MODEL, FUNCTIONAL FAMILY THERAPY LLC, <http://www.fftllc.com/about-fft-training/clinical-model.html> (last visited Sept. 23, 2014),

¹⁴² *Id.*

recidivism by program participants.¹⁴³ For example, while the historical recidivism rate in Louisiana is approximately 50%, FFT participants complete the program at a rate of 84% and are have a re-arrest rate of only 6%.¹⁴⁴ FFT adapts to diverse communities, including white, African-American, and Hispanic youth and youth in urban and rural areas.¹⁴⁵ FFT is not the only option for administering a diversionary program that incorporates an offenders' family, but its success, like that of other similar diversionary programs, indicates that it may be an option that Helena should consider implementing. A 2012 meta-analysis of diversionary programs found that juvenile diversionary programs were more effective than traditional criminal justice.¹⁴⁶

ii. Restorative Justice

On particular form of juvenile diversionary program with which many cities have also experimented is a restorative justice program. Restorative justice programs deal with delinquent juveniles; however, unlike the criminal justice system, restorative justice promotes respect for the victim *and* offender rather than punishment.¹⁴⁷ The goal of restorative justice programs is to “bring together ‘those with a stake in the crime (or dispute) . . . to discuss it with the aim of repairing the harm.’”¹⁴⁸ Thus, victims and offenders are encouraged to have a face-to-face conversation to address the impact that the crime had on the victim and allow the offender to begin to make amends.¹⁴⁹

A fundamental aspect of restorative justice programs is the belief that victims and offenders can understand each other and this mutual understanding can facilitate growth on the part of both individuals. Rather than involving the criminal justice system, offenders serve an alternative sentence, such as community service or mandatory therapy, which would not be included on the offender's permanent record.¹⁵⁰

¹⁴³ PROJECT OUTCOMES, FUNCTIONAL FAMILY THERAPY LLC <http://www.fftllc.com/about-fft-training/project-outcomes.html> (last visited Sept. 23, 2014),.

¹⁴⁴ *FFT Evidence Studies Implementation*, FFT LLC 4, available at <http://www.fftllc.com/documents/FFT-CW-Model-Effectiveness.pdf> (citing Phillipi, S., Below, L. & Cuffie, D., *Evidence Based Practice for Juvenile Justice Reform in Louisiana*, LOUISIANA STATE UNIVERSITY SCHOOL OF PUBLIC HEALTH AND LOUISIANA MODELS FOR CHANGE IN JUVENILE JUSTICE 20 (2010)).

¹⁴⁵ FFT LLC, *supra* note 144, at 1–2.

¹⁴⁶ Wilson & Hoge, *supra* note 66.

¹⁴⁷ *What is Restorative Justice?*, COMMUNITIES FOR RESTORATIVE JUSTICE, <http://www.c4rj.com/whatwedo.whatisrestorativejustice.php> (last visited June 5, 2014).

¹⁴⁸ Anne Bartu & Kate Mizerski, *Young People's Opportunity Programs: Client Characteristics, Stakeholder Perspectives, and recommendations*, GOVERNMENT OF WESTERN AUSTRALIA DRUG AND ALCOHOL OFFICE 2 (2007), available at http://www.dao.health.wa.gov.au/DesktopModules/Bring2mind/DMX/Download.aspx?EntryId=241&Command=Core_Download&PortalId=0&TabId=211 (quoting K. DALY & H. HAYES, *RESTORATIVE JUSTICE AND CONFERENCING IN AUSTRALIA. TRENDS & ISSUES IN CRIME AND CRIMINAL JUSTICE* 2 (2001)); see also GORDON BRAZEMORE AND MARK UMBREIT, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, *Balanced and Restorative Justice for Juveniles* 18–19 (1997), available at <https://www.ncjrs.gov/pdffiles/fframework.pdf>.

¹⁴⁹ Bartu & Mizerski, *supra* note 148, at 2.

¹⁵⁰ William Bradshaw & David Roseborough, *Restorative Justice Dialogue: The Impact of Mediation and Conferencing on Juvenile Recidivism*, 69 FED. PROBATION 15, 15 (2005).

Restorative justice programs are typically comprised of three phases. At first, the victim and offender will sit down and discuss why the offender’s actions were wrong. Second, the victim will then decide whether he or she wants to press charges. Finally, assuming the victim decides not to press charges, he or she will propose an alternative punishment, such as community service, that the victim feels is appropriate. This process is sometimes also referred to as a “Victim-Offender Mediation,” or VOM.¹⁵¹ Some studies have found that both victims and offenders have reported feeling more satisfaction after engaging in VOM than after pursuing charges through the criminal justice system.¹⁵² Another piece of the restorative justice puzzle is “family group conferencing,” which involves bringing an offender’s family and supporters together to help him or her understand the impact of his or her offense and take responsibility.¹⁵³ Additionally, directly engaging with victims has been linked to lower rates of re-offense among juveniles. A 2005 meta-analysis of studies evaluating the effect of juvenile restorative justice programs found that VOM programs are associated with 34% lower rates of recidivism among juvenile offenders, and FGC programs are associated with 11% lower rates.¹⁵⁴

This kind of program has been implemented with success in rural communities. Barron County, Wisconsin has used a comprehensive restorative justice approach for many of its juvenile offenders since 1999.¹⁵⁵ Juvenile offenders were encouraged to take responsibility for their wrongdoing, and they interacted directly with their victims to make amends. The program also connected offenders to available social services, including social workers and in-school support systems.¹⁵⁶ Barron County eventually expanded its program to include a series of workshops for juvenile offenders about Teen-Parent Communication, underage drinking, and anger management to “deepen the learning (and thus responsibility) of offenders.”¹⁵⁷

Barron’s program included major stakeholders across the community.¹⁵⁸ The goal of the program is to encourage juveniles to realize the impact of their actions while preventing the proceeding from moving “up” and becoming more formalized.¹⁵⁹ Thus, those who interact with troubled youth – teachers, principals, police, or juvenile caseworkers – are encouraged to refer cases to the program rather than refer them to an authority that

¹⁵¹ *Id.* at 16.

¹⁵² *Id.* at 16.

¹⁵³ *Id.* at 16.

¹⁵⁴ *Id.* at 19.

¹⁵⁵ Ted Gordon Lewis, *Barron County Restorative Justice Programs: A Partnership Model for Balancing Community and Government Resources for Juvenile Justice Services*, 1 JOURNAL OF JUVENILE JUSTICE (2011), available at <http://www.journalofjuvjustice.org/jojj0101/article02.htm>.

¹⁵⁶ *Id.*

¹⁵⁷ *Id.*

¹⁵⁸ *Id.*

¹⁵⁹ *Id.*

might have to go through more formal proceedings.¹⁶⁰ During the first decade of the program, Barron County saw its juvenile arrest rate fall by 30.0%, compared to a drop of 19.2% over the same time frame in other Wisconsin counties.¹⁶¹

Barron County has also reported that having juvenile offenders go through the restorative justice program instead of traditional juvenile correctional programs saved money. The program cost only \$392 per offender, which was much lower than formal court proceedings and detention.¹⁶²

Although Barron County is demographically very different from Helena,¹⁶³ restorative justice programs have also shown success in racially diverse, low-income neighborhoods. The program's success in a rural county like Barron indicates that it could address some of the unique challenges that rural juvenile justice programs face.

V. Conclusion

The research provided in this report can help to frame and focus the discussion about crime in Phillips County. This report is, of course, limited in both scope and depth. The increased rate of crime in Phillips County is related to adverse economic conditions caused by global economic forces. While we do not presently offer a solution to those forces, we agree with SBCP's strategy of reducing crime in order to attract economic development.

Since the underlying causes of crime in Phillips County cannot be ameliorated by local (or even state) policies, the correct strategy is to efficiently apply limited resources in a way that maximizes policy outcomes. On-site computerized reporting, deferred prosecution, increased electronic monitoring and community engagement are effective policies for reducing crime and improving relationships in Helena. The adoption of any of these strategies will have the ancillary benefit of demonstrating that Helena's public servants are proactively addressing the problem of crime.

The public's disillusionment with Helena's leadership is a fundamental problem that must be addressed. Although adopting strategies to reduce crime will increase faith in local officials, the problem of public corruption must be addressed. The policies that we have suggested rely upon the uniform application of rules by unbiased officials. Recent history in Phillips County suggests that this may not be a foregone conclusion. While directly addressing public corruption is beyond the scope of the present project, the Economic Development team looks forward to working with SBCP to address the problems of public corruption in Phillips County.

¹⁶⁰ *Id.* ("At every rung in the ladder of interventions, [Barron County Restorative Justice Program] has a way of preventing higher-up casework.")

¹⁶¹ *Id.*

¹⁶² *Id.*

¹⁶³ *Phillips County*, US CENSUS BUREAU, *supra* note 4.; Barron County, U.S. CENSUS BUREAU, (Jul. 8, 2014) <http://quickfacts.census.gov/qfd/states/55/55005.html>.