Justice Reinvestment in Arkansas

1st Presentation to the Legislative Criminal Justice Oversight Task Force

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The Council of State Governments Justice Center

- National nonprofit, nonpartisan membership association of state government officials
- Engages members of all three branches of state government
- Justice Center provides practical, nonpartisan advice informed by the best available evidence
Presentation overview

Justice Reinvestment

Arkansas “At A Glance”

Moving Forward
A data-driven approach to reduce corrections spending and reinvest savings in strategies that can decrease recidivism and increase public safety

The Justice Reinvestment Initiative is supported by funding from the U.S. Department of Justice’s Bureau of Justice Assistance (BJA) and The Pew Charitable Trusts
State leadership requested assistance to address Arkansas’s criminal justice challenges

...Arkansas is interested in analyzing...and developing policy options around...

- Reported crime and arrests
- Sentencing practices, including the role of sentencing guidelines
- Underutilization of probation
- Parole and probation supervision policies and practices
- Alternatives to incarceration, including pretrial diversion and specialty courts
- Jail population trends
- Analysis of prison growth
- Prison admissions and length of stay
- Transition to community from prison
- Behavioral health treatment
- Offender program cost and effectiveness
- Recidivism rates
According to projections, Arkansas’s prison population could climb an additional 35 percent by the end of FY2025.

*Baseline scenario assumes a 1.2% increase per year in admissions.*

Arkansas will be the 23rd state CSG has worked in using the justice reinvestment approach.
Key characteristics about justice reinvestment process

**Intensive approach**
- Law enforcement, probation/parole officers
- Judges, prosecutors, and defense bar
- Corrections
- County & local officials
- Legislators
- Advocates (victims, faith-based, reform)

**Broad scope of policy options**
- Pretrial and Sentencing
- Supervision performance targets
- Focusing prison on most dangerous
- Reentry planning

**Focus on improving public safety**
- Use of risk and needs assessments
- Staff education and skills training
- Swift/sure sanctioning
- Delivery of treatment

**Criminal Justice Policy**

- Reinvest savings to improve public safety

**Recidivism**

- Intensive approach bringing many stakeholders to the table
- Focus on improving public safety by targeting resources and holding offenders accountable
- Law enforcement, probation/parole officers
- Judges, prosecutors, and defense bar
- Corrections
- County & local officials
- Legislators
- Advocates (victims, faith-based, reform)

- Pretrial and Sentencing
- Supervision performance targets
- Focusing prison on most dangerous
- Reentry planning

- Use of risk and needs assessments
- Staff education and skills training
- Swift/sure sanctioning
- Delivery of treatment
States using justice reinvestment have achieved gains across multiple criminal justice indicators

<table>
<thead>
<tr>
<th>Key Criminal Justice Indicators</th>
<th>Texas (JR in 2007)</th>
<th>North Carolina (JR in 2011)</th>
<th>Arkansas</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crime Rate</td>
<td>↓</td>
<td>↓</td>
<td>↓</td>
</tr>
<tr>
<td>Recidivism Rate</td>
<td>↓</td>
<td>↓</td>
<td>↑</td>
</tr>
<tr>
<td>Prison Population</td>
<td>↓</td>
<td>↓</td>
<td>↑</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Key Indicator</th>
<th>TX</th>
<th>NC</th>
<th>AR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crime Rate</td>
<td>4,632</td>
<td>3,425</td>
<td>4,235</td>
</tr>
<tr>
<td>Incarceration Rate</td>
<td>669</td>
<td>584</td>
<td>544</td>
</tr>
<tr>
<td></td>
<td>3,877</td>
<td>3,203</td>
<td></td>
</tr>
<tr>
<td></td>
<td>362</td>
<td>358</td>
<td></td>
</tr>
</tbody>
</table>
Presentation overview

Justice Reinvestment

Arkansas “At A Glance”

Moving Forward
Arkansas’s prison population is up 41 percent since 2004


Source: Emails from ADC Staff, July and November 2015
Arkansas’s prison population is the fastest growing in the country

Percent Change in Sentenced Prison Populations, 2012–2014

Arkansas: 22% increase between 2012 and 2014

U.S. Average: 0.2% increase between 2012 and 2014

Source: BJS Prisoners in the United States
Arkansas’s incarceration rate is higher than all but two of its neighboring states, and its rate of growth is the fastest.
Despite Arkansas’s rising incarceration rate, its crime rate has not dropped as fast as its neighbors.

Change in Crime Rates and Incarceration Rates, 2004–2014

Violent and property crime rates are higher than surrounding states and have not fallen nearly as fast in the past decade.

### Violent and Property Crime Rates, 2014

**Surrounding States**  
- Violent: 429  
- Property: 3,013

**Arkansas**  
- Violent: 480  
- Property: 3,338

Source: FBI Uniform Crime Report

### Change in Violent and Property Crime Rate, 2004–2014

<table>
<thead>
<tr>
<th>State</th>
<th>Violent</th>
<th>Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arkansas</td>
<td>-14%</td>
<td>-27%</td>
</tr>
<tr>
<td>Kansas</td>
<td>-17%</td>
<td>-30%</td>
</tr>
<tr>
<td>Louisiana</td>
<td>-4%</td>
<td>-20%</td>
</tr>
<tr>
<td>Mississippi</td>
<td>0%</td>
<td>-10%</td>
</tr>
</tbody>
</table>

### 2014 Crime Rates for Arkansas and Surrounding States

<table>
<thead>
<tr>
<th>State</th>
<th>Violent</th>
<th>Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arkansas</td>
<td>480</td>
<td>3,338</td>
</tr>
<tr>
<td>Kansas</td>
<td>349</td>
<td>2,735</td>
</tr>
<tr>
<td>Louisiana</td>
<td>515</td>
<td>3,459</td>
</tr>
<tr>
<td>Mississippi</td>
<td>279</td>
<td>2,921</td>
</tr>
<tr>
<td>Missouri</td>
<td>443</td>
<td>2,907</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>406</td>
<td>2,991</td>
</tr>
<tr>
<td>Tennessee</td>
<td>608</td>
<td>3,061</td>
</tr>
<tr>
<td>Texas</td>
<td>406</td>
<td>3,019</td>
</tr>
</tbody>
</table>

Source: FBI Uniform Crime Report
Admissions to Arkansas’s prisons increased 25 percent in just one year from FY2013 to FY2014.

Parole violators to prison (revocations & waivers) increased 228 percent from FY2010 to FY2014.

- 21% of FY10 prison admissions
- 63% of FY14 prison admissions

Parole violators sent to technical violator programs declined 79 percent from FY2010 to FY2014.

**Parole Violators to TVP and CCCs, FY 2010–2014**

<table>
<thead>
<tr>
<th>Year</th>
<th>CCC</th>
<th>TVP</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY2010</td>
<td>1,651</td>
<td>1,651</td>
</tr>
<tr>
<td>FY2011</td>
<td>1,615</td>
<td>1,615</td>
</tr>
<tr>
<td>FY2012</td>
<td>346</td>
<td>346</td>
</tr>
<tr>
<td>FY2013</td>
<td>306</td>
<td>306</td>
</tr>
<tr>
<td>FY2014</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

What factors help explain the significant decline in use of TVPs beginning in FY2014?

Source: Parole Board Annual Report
Arkansas’s parole population has grown 59 percent since 2004, while the probation population has declined.


<table>
<thead>
<tr>
<th>Year</th>
<th>2004</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004</td>
<td>13,928</td>
<td></td>
</tr>
<tr>
<td>2014</td>
<td>22,161</td>
<td></td>
</tr>
</tbody>
</table>

-8%


<table>
<thead>
<tr>
<th>Year</th>
<th>2004</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004</td>
<td>30,031</td>
<td></td>
</tr>
<tr>
<td>2014</td>
<td>27,756</td>
<td></td>
</tr>
</tbody>
</table>

-8%

Recidivism rates have increased by 11 percentage points over the last 5 years.

Source: 2011 Arkansas Recidivism Study
Greatest opportunity for increasing public safety is by improving supervision systems

Felony Criminal Justice Correctional Populations, FY2004 and FY2014

<table>
<thead>
<tr>
<th></th>
<th>FY2004</th>
<th>FY2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prison</td>
<td>13,389</td>
<td>17,340</td>
</tr>
<tr>
<td>Parole</td>
<td>13,928</td>
<td>22,161</td>
</tr>
<tr>
<td>Probation</td>
<td>30,031</td>
<td>27,756</td>
</tr>
<tr>
<td>Other*</td>
<td>892</td>
<td>2,831</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>58,240</strong></td>
<td><strong>70,088</strong></td>
</tr>
</tbody>
</table>

75% of those involved in felony-level criminal justice system are being supervised in the community.

* Other includes drug court, boot camps, and pretrial/SIS.

Source: Emails from ADC Staff, July and November 2015; 2012-2014 ACC Annual Reports.
Arkansas now spends more than half a billion dollars on corrections, a 68 percent increase since 2004

Source: Arkansas State Budget 2004, 2015
Maintaining the status quo will cost Arkansas a minimum of $680 million in additional spending over the next decade.

Ten-year cost of relying on contracted capacity to accommodate projected prison growth ($30/day):

- FY15 jail backlog average ~ 2,500 carried forward: $274 M
- Additional population growth through 2025: $406 M

Total Estimated Contracting Cost = $680 M

Cost of building additional capacity (assuming a conservative construction cost of $60K per prison bed):

- Projected 2025 population: 25,448
- Current ADC capacity: 15,416
- Capacity shortfall: 10,032

10,032 beds x $60K each = $602 M

On top of the $680 M for contracting.

Observations based on preliminary review of criminal justice system trends in Arkansas

Crime rates in Arkansas are down, but not as much as in surrounding states.

Arkansas’s prison population is at a historic high, largely driven by a sharp increase in parole revocations in the last two years.

Recidivism has been increasing over the past decade.

State is spending millions to house people in county and out-of-state detention facilities.
Presentation overview

- Justice Reinvestment
- Arkansas “At A Glance”
- Moving Forward
Justice reinvestment provides two phases of technical assistance: helping states develop and then implement policies.

**Phase I**

1. Analyze data
2. Engage system stakeholders
3. Develop policy options & estimate impacts

**Phase II**

4. Implement New Policies
5. Target Reinvestment Strategies & Monitor Key Measures
JR process focuses on improving core correctional elements and involves intensive stakeholder engagement

### Justice Reinvestment Process

<table>
<thead>
<tr>
<th>PHASE I</th>
<th>PHASE II</th>
</tr>
</thead>
<tbody>
<tr>
<td>✓ Working group formation / presentations</td>
<td></td>
</tr>
<tr>
<td>✓ Data analysis</td>
<td></td>
</tr>
<tr>
<td>✓ Stakeholder engagement</td>
<td></td>
</tr>
<tr>
<td>✓ Sentencing policy analysis</td>
<td></td>
</tr>
<tr>
<td>✓ Policy development</td>
<td></td>
</tr>
<tr>
<td>✓ Modeling of policy impact</td>
<td></td>
</tr>
<tr>
<td>✓ Implementation oversight structure &amp; planning</td>
<td></td>
</tr>
<tr>
<td>✓ Translating projections into metrics</td>
<td></td>
</tr>
<tr>
<td>✓ Training strategies</td>
<td></td>
</tr>
<tr>
<td>✓ Communication plan</td>
<td></td>
</tr>
<tr>
<td>✓ Sub-award plan development and tracking</td>
<td></td>
</tr>
<tr>
<td>✓ State monitoring of key metrics</td>
<td></td>
</tr>
</tbody>
</table>

### Analysis & Improvement of Core Correctional Elements

1. **RISK ASSESSMENT**
   - ✓ System-wide assessment & analysis
   - ✓ On-site observation of current practice

2. **PROGRAMS**
   - ✓ Administrative policy review
   - ✓ Charting of current vs. ideal practice
   - ✓ Rollout of options for improvement connected to policy framework
   - ✓ Administrative policy redesign
   - ✓ Retraining, revalidation, QA processes
   - ✓ Troubleshooting the change process
   - ✓ Supporting leaders and oversight of the process

3. **SUPERVISION**
   - ✓ System-wide assessment & analysis
   - ✓ On-site observation of current practice

### Enhanced Focus Areas

- Prosecutor engagement
- Victim advocates & service providers
- Parole board members
- Law enforcement
- Sentencing policies & case law
- Behavioral health state officials and providers
Detailed, case-level data sought from many sources

<table>
<thead>
<tr>
<th>Data Type</th>
<th>Source</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>– Crime and Arrests</td>
<td>Arkansas Crime Information Center</td>
<td>In process</td>
</tr>
<tr>
<td>– Sentencing</td>
<td>Arkansas Sentencing Commission</td>
<td>Received, analyzing</td>
</tr>
<tr>
<td>– Prison (Admissions, Releases, and Population snapshots)</td>
<td>Arkansas Department of Correction</td>
<td>Received, analyzing</td>
</tr>
<tr>
<td>– Probation Supervision</td>
<td>Arkansas Community Corrections</td>
<td>Received, analyzing</td>
</tr>
<tr>
<td>– Parole Supervision</td>
<td>Arkansas Community Corrections</td>
<td>Received, analyzing</td>
</tr>
<tr>
<td>– Risk Assessment</td>
<td>Arkansas Community Corrections</td>
<td>Received, analyzing</td>
</tr>
<tr>
<td>– Parole Decision-Making</td>
<td>Arkansas Parole Board</td>
<td>Received, analyzing</td>
</tr>
<tr>
<td>– Jail</td>
<td>Counties</td>
<td>Still scoping</td>
</tr>
<tr>
<td>– Behavioral Health Data</td>
<td>Department of Mental Health</td>
<td>Still scoping</td>
</tr>
</tbody>
</table>

Roadblocks that sometimes arise

- Shortage of “data staff”
- Delays in delivery due to “data cleaning”
- Unavailable data that must instead be collected through samples and surveys
- Agencies unaccustomed to sharing data with outside groups
Emerging questions and possible areas of analysis

### How does sentencing affect distribution of offenders across the system?
- How are pretrial, probation violator, and sentenced offender populations affecting county jail populations?
- What factors impact sentencing of offenders along various sentencing options?
- Do certain sentencing patterns drive prison pressures?

### Is prison prioritized for those who pose the greatest danger to the community?
- What is affecting inmate length of stay?
- Are prison and parole processes operationalized to prevent system delays?
- Are programs unnecessarily oriented behind prison wall instead of being delivered in the community where they can have greater impact?

### Does community supervision focus on people who pose the greatest risk of reoffense?
- Are admission criteria in place to ensure that programs focus on higher-risk offenders?
- How are supervision lengths determined and how do they affect officer resources?
- What quality-assurance assessments and outcome evaluations are used to determine recidivism impact?
Keys to a thorough, productive justice reinvestment process

**Analysis**
A thorough analysis of available data enables stakeholders to understand system trends and make educated, impactful changes.

**Engagement**
Engaging various system stakeholders is critical to ensuring that all viewpoints are expressed and integrated into policy solutions.

**Dedication**
Stakeholders and policymakers devote sufficient time to deconstructing issues and identifying potential solutions.

Creation and implementation of well-conceived, comprehensive criminal justice policy.
Proposed project timeline

Data Analysis:
- Initial Analysis
- Detailed Data Analysis
- Impact Analysis

Policymaker and Stakeholder Engagement:
- Stakeholder Engagement and Policymaker Briefings
- Policy Option Development

Task Force Meetings:
1. Task Force Meeting 1
2. Task Force Meeting 2
3. Task Force Meeting 3
4. Task Force Meeting 4
5. Task Force Meeting 5: Policy options
Thank You

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