

Justice Reinvestment in Arkansas

Overview



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Background

In 2011, Arkansas received intensive technical assistance from The Pew Charitable Trusts (Pew) in partnership with the U.S. Department of Justice’s Bureau of Justice Assistance (BJA) to use a “justice reinvestment” approach to address some of the state’s criminal justice challenges. This effort resulted in the passage of the Public Safety Improvement Act (Act 570), which strengthened community supervision, enhanced data collection and performance measurement, and prioritized prison space for people convicted of violent or multiple offenses.¹ With implementation assistance made possible by BJA and delivered by the Vera Institute of Justice, this legislation contributed to a decline in the correctional population in the period directly following enactment.

Arkansas’s criminal justice system continues to face a host of challenges, however. Sudden and significant growth in the prison population prompted the state to increase corrections spending by 55 percent between 2004 and 2014.² In the wake of a number of serious crimes committed by parolees that received extensive public attention, parole revocations increased dramatically and contributed to a 22-percent rise in the prison population between 2012 and 2014, placing a tremendous strain on the state.³ Local governments are also feeling pressure; prison overcrowding has created a growing number of people who have received sentences to prison, but remain in county jail awaiting a prison bed.⁴ If this growth is left unchecked, the state faces the prospect of spending hundreds of millions of dollars to accommodate the 47-percent increase in the prison population that is projected to occur by 2025.⁵

In July 2015, Arkansas Governor Asa Hutchinson, then Chief Justice Jim Hannah, Senate President Pro Tempore Jonathan Dismang, and House Speaker Jeremy Gillam requested

support from BJA and Pew to explore a justice reinvestment approach for a second time to address these challenges. As public-private partners in the federal Justice Reinvestment Initiative (JRI), BJA and Pew approved Arkansas’s request and asked The Council of State Governments (CSG) Justice Center to provide intensive technical assistance through JRI to help collect and analyze data and develop appropriate policy options to reduce the corrections population, contain spending, and reinvest in strategies that can reduce recidivism and increase public safety.

The Arkansas legislature had enacted Act 895 in April 2015 to establish the bipartisan Legislative Criminal Justice Oversight Task Force comprising designees from all three branches of government and state and local criminal justice system stakeholders. Under the direction of the task force, CSG Justice Center staff will conduct a comprehensive analysis of data collected from various state agencies and departments within all three branches of government. To build a broad picture of statewide criminal justice trends, data on jail and community corrections will be sought from local governments and analyzed where possible. CSG Justice Center staff will also convene focus groups and lead interviews with people working on the front lines of Arkansas’s criminal justice system. Based on the findings from these exhaustive quantitative and qualitative analyses, the task force will develop options for the legislature’s consideration that are designed to both increase public safety and contain the cost of corrections.

This overview highlights some recent criminal justice trends in Arkansas. The task force will explore these issues, and many others, in greater depth in the coming months.

Criminal Justice System Trends in Arkansas

Arkansas's index crime rate has declined in the last decade, but it is still among the highest in the country.⁶

- Between 2004 and 2014, Arkansas's index crime rate decreased 15 percent, from 4,512 to 3,818 reported crimes per 100,000 residents.⁷
- In 2014, Arkansas's total index crime rate was the sixth highest in the nation, far higher than the U.S. total index crime rate of 2,962 reported crimes per 100,000 residents.⁸

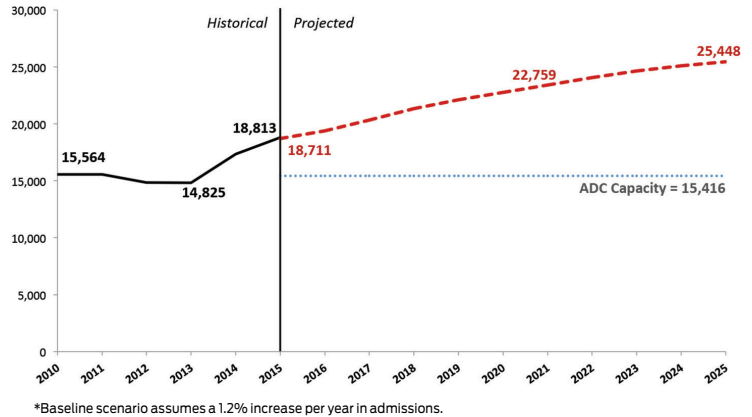
The state's incarceration rate has increased substantially and is well above the national average.

- From 2004 to 2014, Arkansas's incarceration rate increased 21 percent, compared to a 3-percent decline in the national incarceration rate during the same period.⁹
- In 2014, Arkansas's incarceration rate of 599 people per 100,000 residents was the fourth highest rate in the nation.¹⁰

Arkansas's prison population has grown significantly in recent years and is projected to continue to rise.

- The state's prison population increased by 30 percent between 2004 and 2014, from 13,389 to 17,340 people.¹¹ This rate of growth ranked third in the nation over that time period.¹²
- Arkansas's prison population actually decreased 5 percent between 2010 and 2012, from 15,564 to 14,832 people, but grew 17 percent in the following two years, reaching 17,340 people by 2014.¹³
- Although the state's prisons were designed to house 13,794 people, at the end of 2014 the total jurisdictional population was 17,340 people.¹⁴
- From 2004 to 2014, the number of state-sentenced individuals being held in county jails due to lack of space at state-operated prisons increased by more than 400 percent, from 506 to 2,164 people.¹⁵
- From 2014 to 2025, the prison population is projected to increase by 47 percent, from 17,340 to 25,448 people. [See Figure 1]¹⁶

Figure 1: Historical and Projected Prison Population, FY2010-2025¹⁷



Even as the prison population has grown significantly, there has actually been a slight decrease in the number of people on probation.

- Between 2004 and 2014, Arkansas's probation population decreased 3 percent, from 29,128 to 28,192 people.¹⁸
- In 2014, Arkansas's rate of adults on probation (1,244 probationers per 100,000 residents) was below the national rate of 1,560 probationers per 100,000 residents.¹⁹

The number of parolees in Arkansas has increased significantly, and in 2014 the state's rate of adults on parole supervision was the second highest in the nation.

- Between 2004 and 2014, Arkansas's parole population increased 51 percent, from 14,770 to 22,336 people.²⁰
- In 2014, Arkansas had the second highest parole supervision rate in the nation, with 959 people on parole per 100,000 adult residents, compared to the national parole supervision rate of 303 people on parole per 100,000 residents. This means that 1 in every 105 adults in Arkansas was on parole supervision that year.²¹

Parole revocations have increased dramatically since 2012, and made up almost half of prison admissions in 2014.

- Between 2012 and 2014, the number of people admitted to prison in Arkansas grew 57 percent, from 6,163 to 9,659 people.²²

- Over the same period, parole revocations increased 584 percent, from 747 to 5,109.²³
- The percentage of prison admissions that were due to parole revocations increased by nearly two-thirds between 2012 and 2014, from 28 percent to 46 percent.²⁴

State spending on corrections has increased dramatically over the last decade and is projected to increase by an additional \$1.3 billion over the next 10 years.

- Between 2004 and 2014, state spending on corrections increased 55 percent, from \$258 million to \$401 million.²⁵
- Building new prisons to accommodate both the current population of state-sentenced individuals who are incarcerated in local jails and the projected population increase would take several years and require continued reliance on contract beds during the period of

construction. In addition to \$698 million that the state would need to spend on contract beds during construction and eventual operating costs, the new prisons would cost \$602 million to construct, resulting in a total of \$1.3 billion in new spending by 2025.²⁶

Arkansas's recidivism rate has not improved in recent years, in large part because of the recent increase in parole revocations.

- For people released from prison between 2006 and 2011, the 3-year recidivism rate climbed 11 percentage points to reach 48 percent.²⁷
- The increase in recidivism was especially acute between 2010 and 2011, when it climbed 5 percentage points, from 43 percent to 48 percent, due in large part to the spike in parole revocations between 2012 and 2014 noted above.²⁸

The Justice Reinvestment Approach

Step 1: Analyze data and develop policy options

Under the direction of the Legislative Criminal Justice Oversight Task Force, CSG Justice Center staff will conduct a comprehensive analysis of crime, arrest, conviction, sentencing, probation, incarceration, behavioral health, parole, and recidivism data, using hundreds of thousands of individual data records. Examples of analyses that will be conducted include: probation, parole, and incarcerated population trends; length of time served in incarceration and on supervision; statutory and administrative policies; and availability of treatment and programs designed to reduce recidivism. To the extent data are available, CSG Justice Center staff will also assess how felony sentencing trends impact probation, parole, and incarcerated populations, and explore recidivism trends. The analyses will result in findings related to the sources of correctional population growth, correctional bed capacity, and effectiveness of agency policies and procedures.

To incorporate perspectives and recommendations from across the state, the CSG Justice Center will collect input from criminal justice system stakeholders, including the Office of the Attorney General, judges, prosecuting attorneys, public defenders, sheriffs, police chiefs, probation and parole officers, behavioral health treatment providers, victims and their advocates, advocates for people involved with the criminal justice system, local officials, and others.

In collaboration with CSG Justice Center staff, the Legislative Criminal Justice Oversight Task Force will review the analyses and develop data-driven policy options focused on reducing spending on corrections and increasing public safety. Policy options will be available for consideration in the 2017 legislative session.

Step 2: Adopt new policies and put reinvestment strategies into place

If the policy options are enacted as legislation, the CSG Justice Center will work with Arkansas policymakers for a period of up to 24 months to translate the new policies into practice. This assistance will help ensure that related programs and system investments achieve projected outcomes and are implemented using the latest research-based, data-driven strategies. CSG Justice Center staff will develop implementation plans with state and local officials, provide policymakers with frequent progress reports, and deliver testimony to relevant legislative committees. Arkansas will also have the opportunity to apply for federal grant funding to meet important one-time implementation needs, such as information technology upgrades and measures to ensure fidelity to evidence-based practices.

Step 3: Measure performance

Finally, the CSG Justice Center will continue to assist Arkansas officials to identify metrics to assess the impact of enacted policies on pretrial, probation, parole, and incarcerated populations, including recidivism rates for these populations, and to develop strategies to monitor these outcomes. Typically, this includes a spreadsheet of multiple indicators that make it easy for policymakers to track the changes occurring in various components of the state's criminal justice system.

Notes

1. Issue Brief: Arkansas's 2011 Public Safety Reform. Pew Center for the States. July 2011.
2. Arkansas Department of Finance and Administration, Funded Budget by Fund Source, <http://www.dfa.arkansas.gov/offices/budget/Pages/fundedBudgets.aspx>. Dates represent fiscal years. While some data is available for state metrics in FY2015, FY2014 is used in this report for compatibility with statistics from across the nation.
3. JFA Associates, 2015 Arkansas Prison Projections and Historical Corrections Trends, June 2015. All dates in this report are calendar years, unless otherwise noted.
4. JFA Associates, 2015 Arkansas Prison Projections and Historical Corrections Trends, June 2015, <http://adc.arkansas.gov/resources/Documents/AR-prison-projections-report-2015-6-16-15.pdf>; Arkansas Department of Corrections, 2014 Statistical Guide, <http://adc.arkansas.gov/resources/Documents/Statistical-Information-Brochure-FY2014.pdf>.
5. JFA Associates, 2015 Arkansas Prison Projections and Historical Corrections Trends, June 2015; Arkansas Department of Corrections "Fact Sheet, 2014," <http://adc.arkansas.gov/resources/Documents/2014-Facts-Brochure.pdf>. Date represents fiscal year.
6. The most recent data available for crime rates across the nation is from 2014.
7. U.S. Department of Justice, Federal Bureau of Investigation, Unified Crime Report Data Online, https://www2.fbi.gov/ucr/cius_04/offenses_reported/offense_tabulations/table_04.html; <https://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2014/crime-in-the-u.s.-2014/tables/table-5>; <https://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2014/crime-in-the-u.s.-2014/tables/table-1>.
8. U.S. Department of Justice, Federal Bureau of Investigation, Unified Crime Report Data Online, <https://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2014/crime-in-the-u.s.-2014/tables/table-5>; <https://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2014/crime-in-the-u.s.-2014/tables/table-1>.
9. Page M. Harrison and Allen J. Beck, "Prisoners in 2004" Bureau of Justice Statistics, <http://www.bjs.gov/content/pub/pdf/p04.pdf>; E. Ann Carson, "Prisoners in 2014," Bureau of Justice Statistics, <http://www.bjs.gov/content/pub/pdf/p14.pdf>.
10. E. Ann Carson, "Prisoners in 2014," Bureau of Justice Statistics, <http://www.bjs.gov/content/pub/pdf/p14.pdf>.
11. ADC Report – Arkansas Times June 25 2015 Update. Dates represent fiscal years.
12. Page M. Harrison and Allen J. Beck, "Prisoners in 2004" Bureau of Justice Statistics, <http://www.bjs.gov/content/pub/pdf/p04.pdf>; E. Ann Carson, "Prisoners in 2014," Bureau of Justice Statistics, <http://www.bjs.gov/content/pub/pdf/p14.pdf>. BJS data is used here in order to compare Arkansas's prison population growth to that of the nation.
13. ADC Report – Arkansas Times June 25 2015 Update. Dates represent fiscal years.
14. ADC Report – Arkansas Times June 25 2015 Update; Arkansas Department of Corrections, 2014 Statistical Guide, <http://adc.arkansas.gov/resources/Documents/Statistical-Information-Brochure-FY2014.pdf>. The total jurisdictional population consists of people in state prisons, county jails, and out-of-state facilities. Date represents fiscal year.
15. Arkansas Department of Corrections, Annual Reports, 2004 and 2014, http://adc.arkansas.gov/resources/Documents/2004_annual_report.pdf; <http://adc.arkansas.gov/resources/Documents/2014annualReport.pdf>.
16. JFA Associates, 2015 Arkansas Prison Projections and Historical Corrections Trends, June 2015, <http://adc.arkansas.gov/resources/Documents/AR-prison-projections-report-2015-6-16-15.pdf>. Dates represent fiscal years.
17. Arkansas Department of Corrections email correspondence; JFA Associates, 2015 Arkansas Prison Projections and Historical Corrections Trends, June 2015, <http://adc.arkansas.gov/resources/Documents/AR-prison-projections-report-2015-6-16-15.pdf>. Dates represent fiscal years.
18. Lauren E. Glaze and Seri Palla, "Probation and Parole in the United States, 2004," <http://www.bjs.gov/content/pub/pdf/ppus04.pdf>; Danielle Kaeble, Laura Maruschak, and Thomas P. Bonczar, "Probation and Parole in the United States, 2014," <http://www.bjs.gov/content/pub/pdf/ppus14.pdf>.
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20. Arkansas Parole Board, The Annual Report for Fiscal Year 2013-2014, <http://paroleboard.arkansas.gov/Resources/Documents/Publications/2014ParoleBoardAnnualReport.pdf>. Dates represent fiscal years.
21. Danielle Kaeble, Laura Maruschak, and Thomas P. Bonczar, "Probation and Parole in the United States, 2014," <http://www.bjs.gov/content/pub/pdf/ppus14.pdf>.
22. JFA Associates, 2015 Arkansas Prison Projections and Historical Corrections Trends, June 2015, <http://adc.arkansas.gov/resources/Documents/AR-prison-projections-report-2015-6-16-15.pdf>.
23. Arkansas Parole Board, "The Annual Report for Fiscal Year 2013-2014," <http://paroleboard.arkansas.gov/Resources/Documents/Publications/2014ParoleBoardAnnualReport.pdf>.
24. JFA Associates, 2015 Arkansas Prison Projections and Historical Corrections Trends, June 2015, <http://adc.arkansas.gov/resources/Documents/AR-prison-projections-report-2015-6-16-15.pdf>. While some people may be revoked to the Arkansas Department of Corrections, others can be sent to an Arkansas Community Corrections Center or the state's Technical Violator Program.
25. Arkansas Department of Finance and Administration, Funded Budget by Fund Source, <http://www.dfa.arkansas.gov/offices/budget/Pages/fundedBudgets.aspx>. Dates represent fiscal years.
26. Estimates use an approximated construction cost per bed of \$60,000, which is then extrapolated to accommodate the current jail backlog and the projected prison population growth between 2014 and 2025. Both contracted and operational costs are estimated using an assumption of \$30 per inmate per day. The prison population projection is included in the previously cited JFA Associates report. Date represents fiscal year.
27. *Ibid.*
28. *Ibid.*



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The Council of State Governments (CSG) Justice Center is a national nonprofit organization that serves policymakers at the local, state, and federal levels from all branches of government. The CSG Justice Center's work in justice reinvestment is done in partnership with The Pew Charitable Trusts and the U.S. Department of Justice's Bureau of Justice Assistance. These efforts have provided data-driven analyses and policy options to policymakers in 22 states. For additional information about Justice Reinvestment, please visit csjjusticecenter.org/jtr/.



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