



Justice Reinvestment in Arkansas

Ist 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



JUSTICE REINVESTMENT

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



STATE OF ARKANSAS
ASA HUTCHINSON
GOVERNOR

July 16, 2015

Ms. Juliene James
Senior Policy Advisor
Bureau of Justice Assistance
810 Seventh Street NW
Washington, DC 20531

Mr. Adam Gelb
Project Director
Pew Center on the States
901 E Street, NW, 10th Floor
Washington, DC 20004-1409

Dear Ms. James and Mr. C

Act 895, the Criminal Justice Reform Act, passed by the Arkansas Legislature on March 26 and signed by Governor Asa Hutchinson, will implement wide-ranging reforms to improve public safety, address prison overcrowding, reduce behavioral health costs, and create a Criminal Justice Institute. The Institute will be a judicial branch representative body that will recommend measures the state needs to take to address the challenges created by the criminal justice system. The Institute will also create a Behavioral Health Institute that persons in the criminal justice system will have access to services.

Because the Council on Criminal Justice is a process by providing no strategies to help achieve a reinvestment technical ass

Sincerely,

Asa Hutchinson
Governor of Arkansas

President Pro Tempore Jonathan Dismang
Arkansas Senate

Senator Jeremy Hutchinson
Arkansas Senate

Chief Justice Jim Hannah
Arkansas Supreme Court

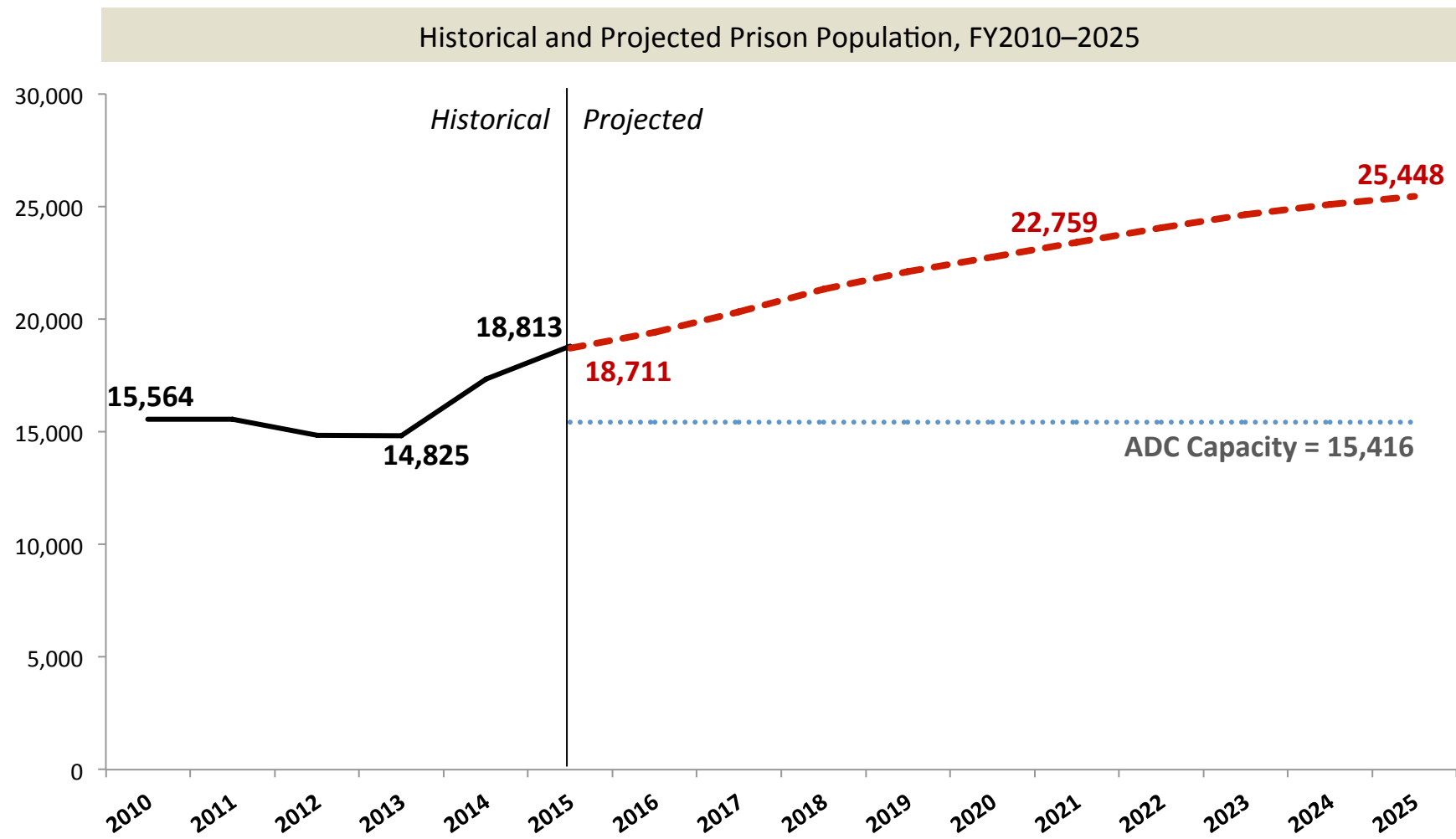
Speaker Jeremy Gillam
Arkansas House of Representatives

Representative Matthew J. Shepherd
Arkansas House of Representatives

...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

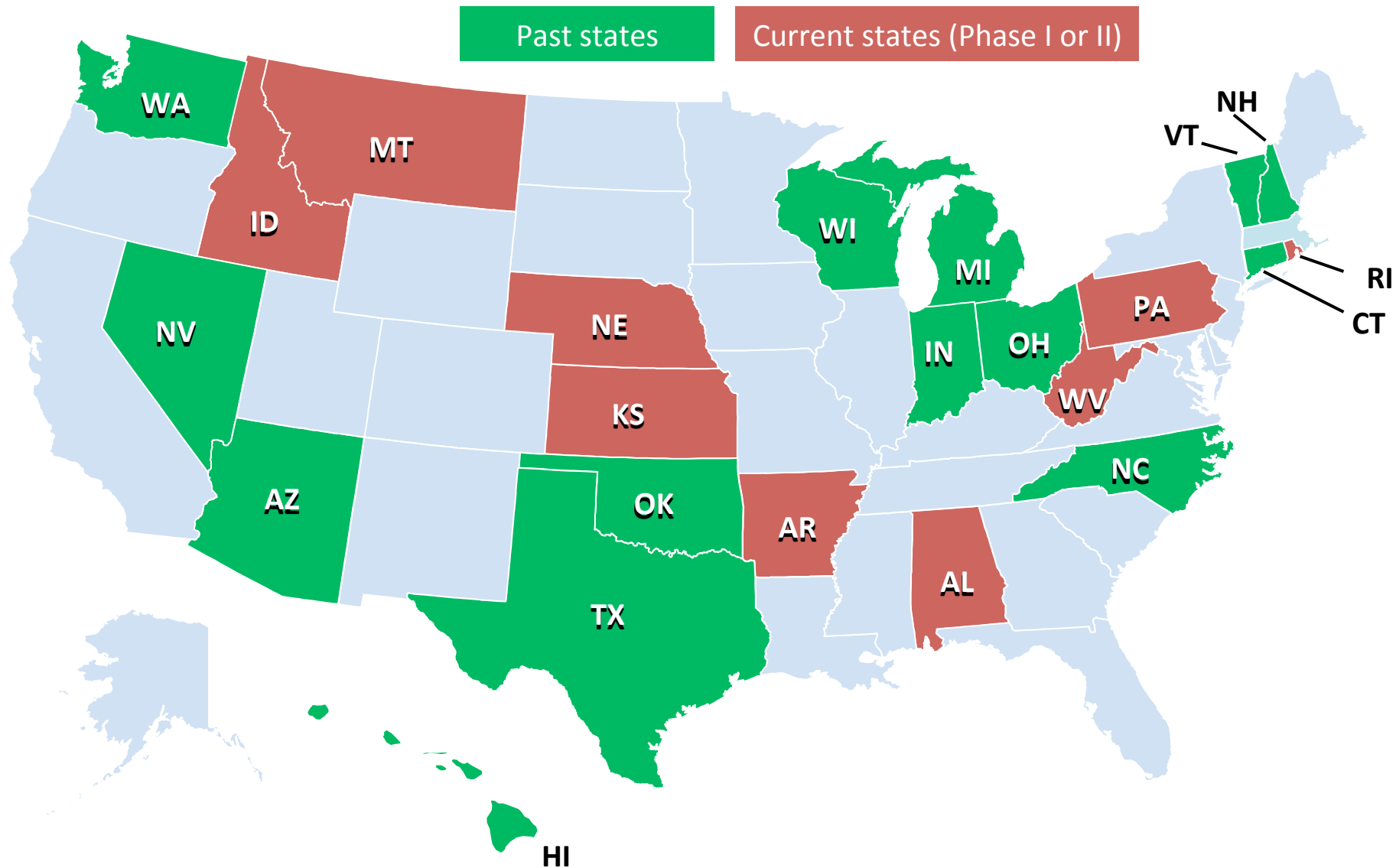
According to projections, Arkansas's prison population could climb an additional 35 percent by the end of FY2025



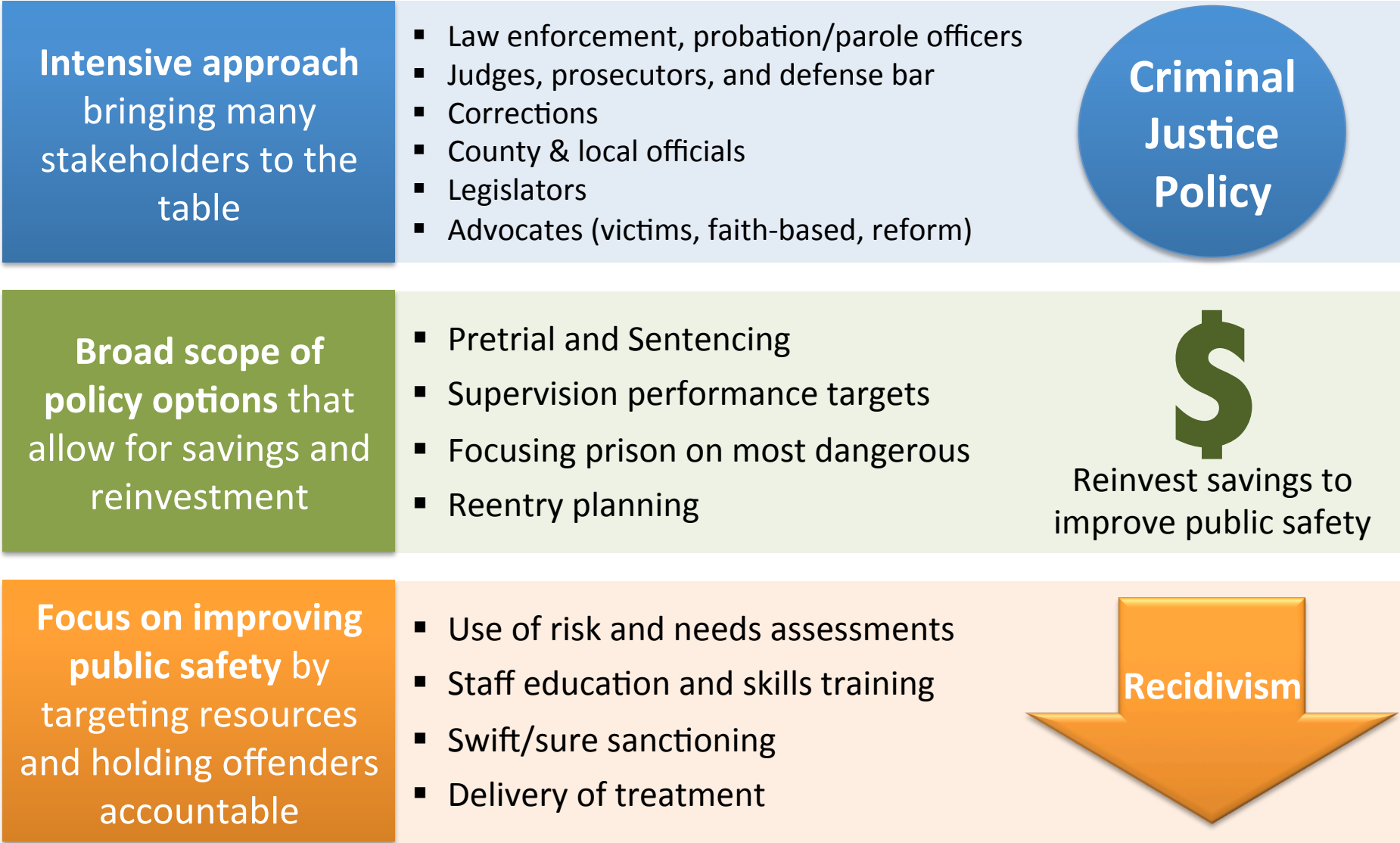
*Baseline scenario assumes a 1.2% increase per year in admissions.

Source: ADC email, JFA Associates, 2015 Arkansas Prison Projections and Historical Corrections Trends, June 2015

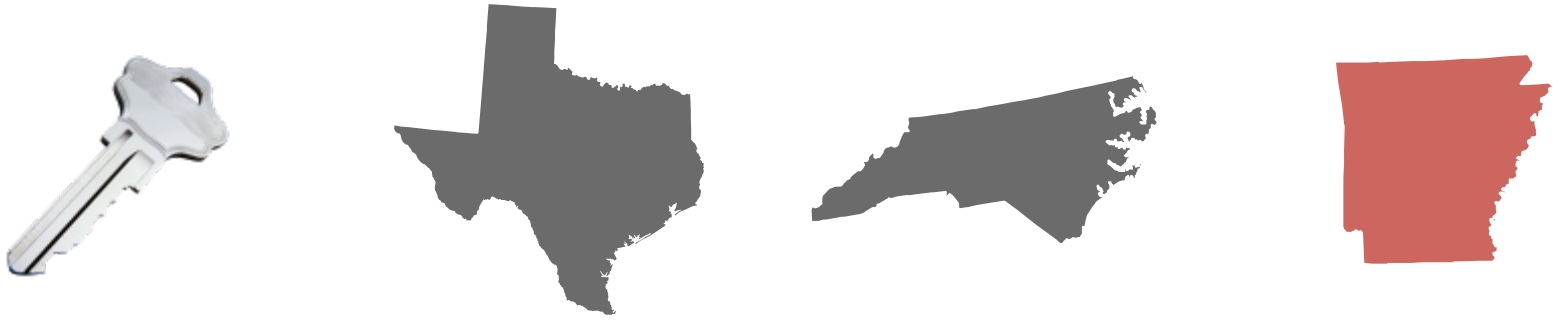
Arkansas will be the 23rd state CSG has worked in using the justice reinvestment approach



Key characteristics about justice reinvestment process



States using justice reinvestment have achieved gains across multiple criminal justice indicators



Key Criminal Justice Indicators	Texas (JR in 2007)	North Carolina (JR in 2011)	Arkansas
Crime Rate	↓	↓	↓
Recidivism Rate	↓	↓	↑
Prison Population	↓	↓	↑

Key Indicator	TX		NC		AR	
	2007	2014	2011	2014	2011	2014
Crime Rate	4,632	3,425	3,877	3,203	4,235	3,818
Incarceration Rate	669	584	362	358	544	599

Presentation overview

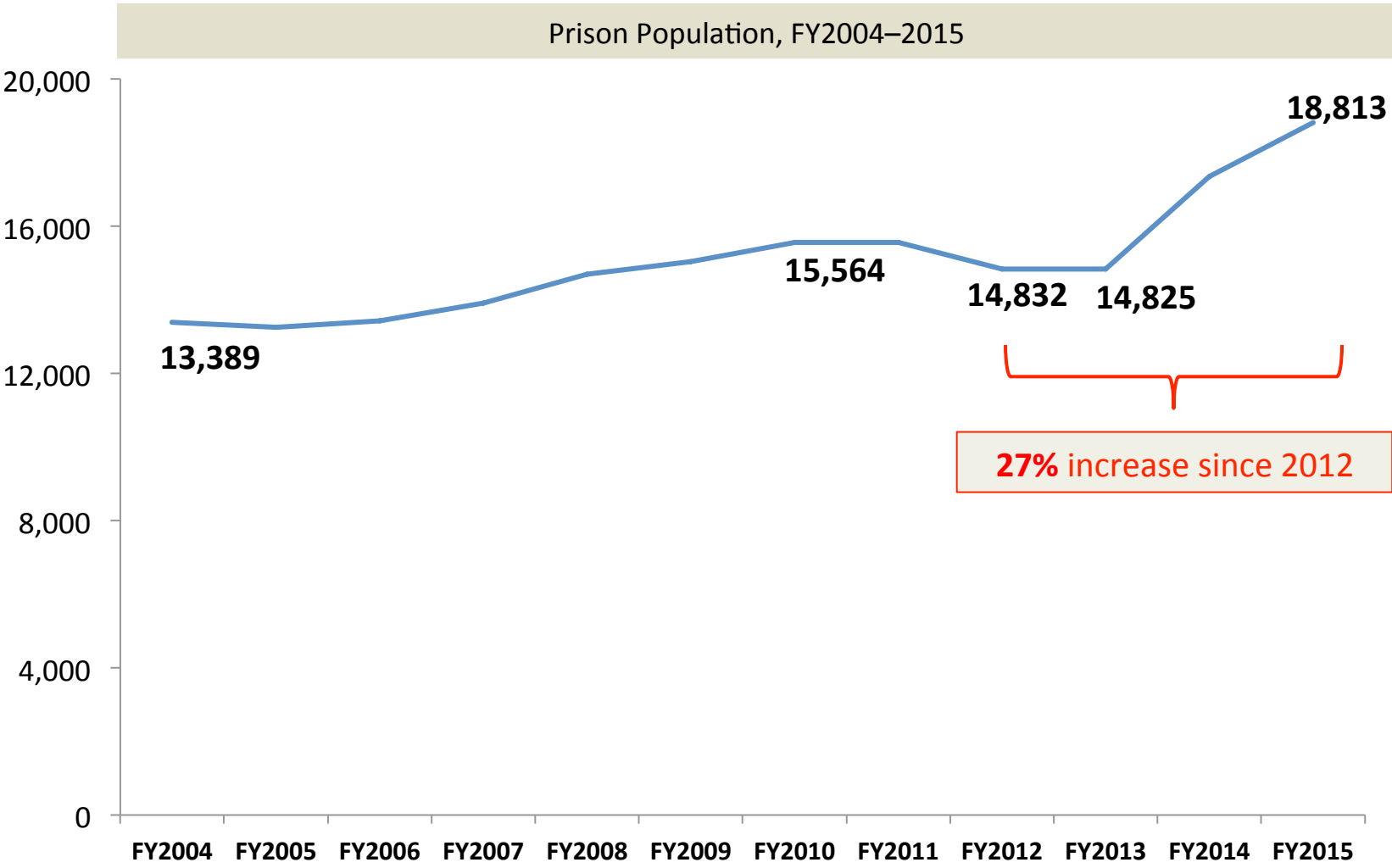
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Arkansas “At A Glance”

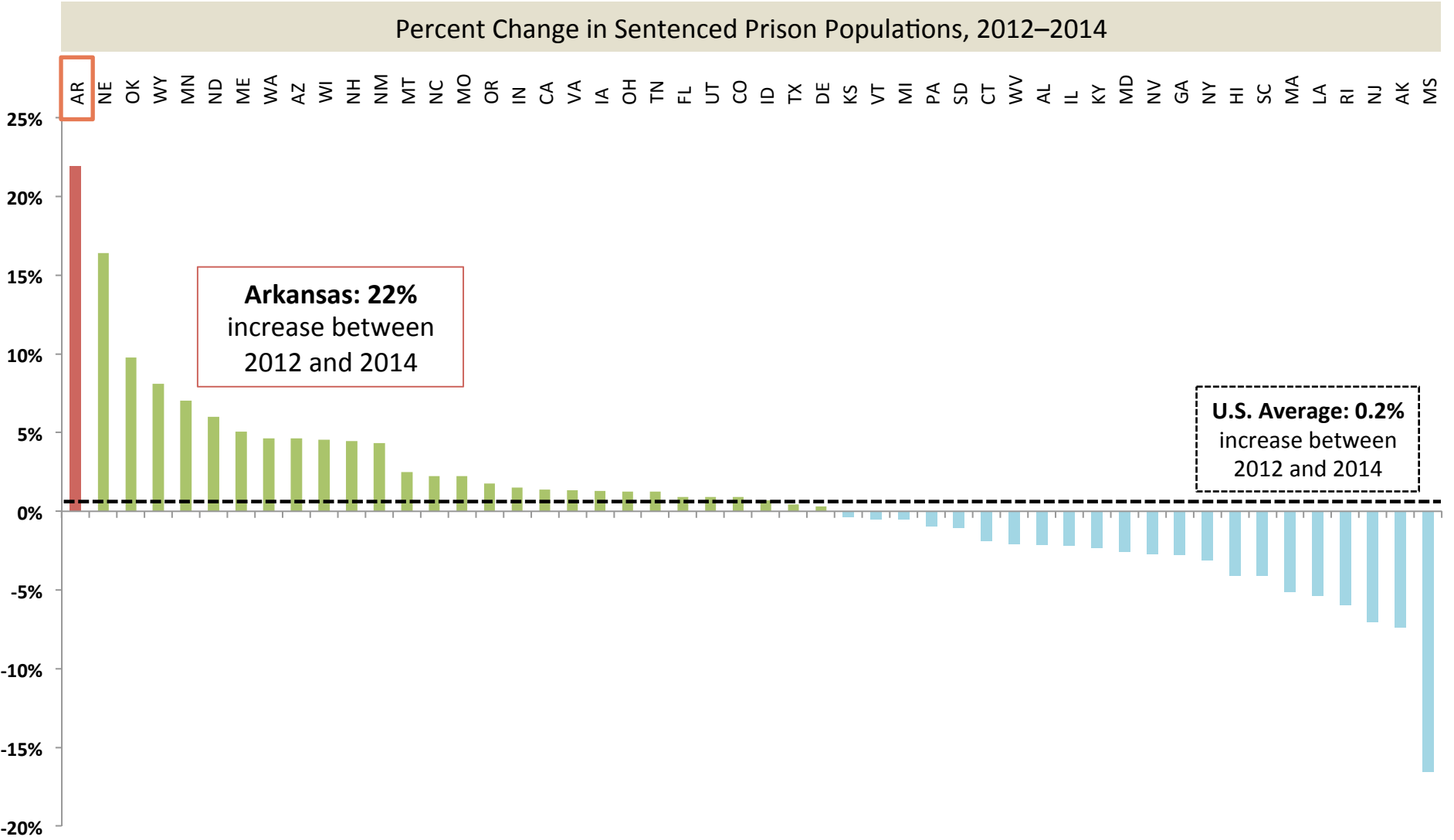
Moving Forward

Arkansas's prison population is up 41 percent since 2004



Source: Emails from ADC Staff, July and November 2015

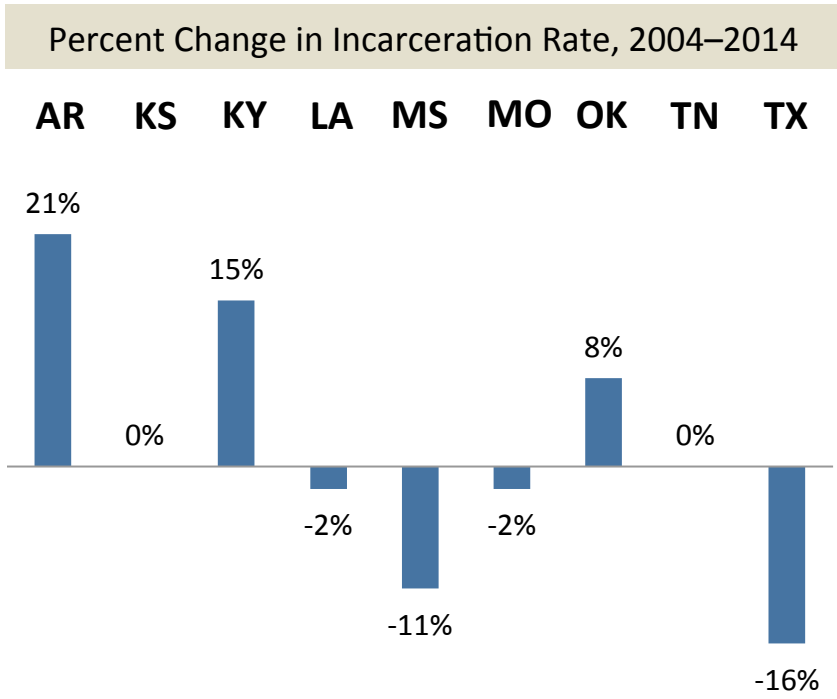
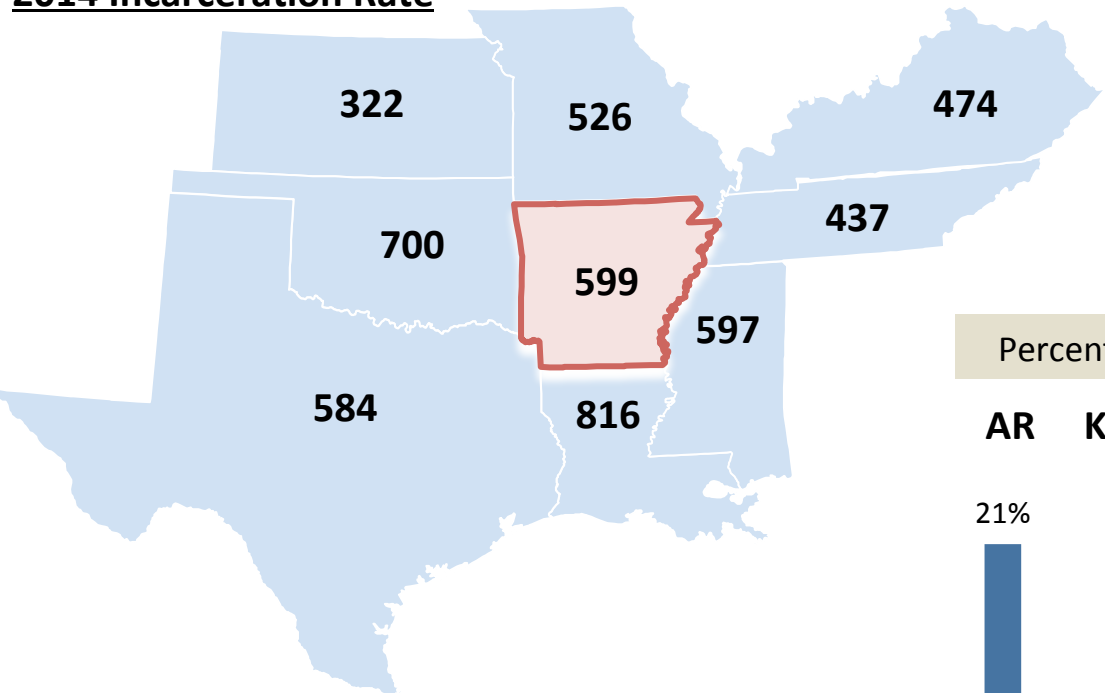
Arkansas's prison population is the fastest growing in the country



Source: BJS Prisoners in the United States

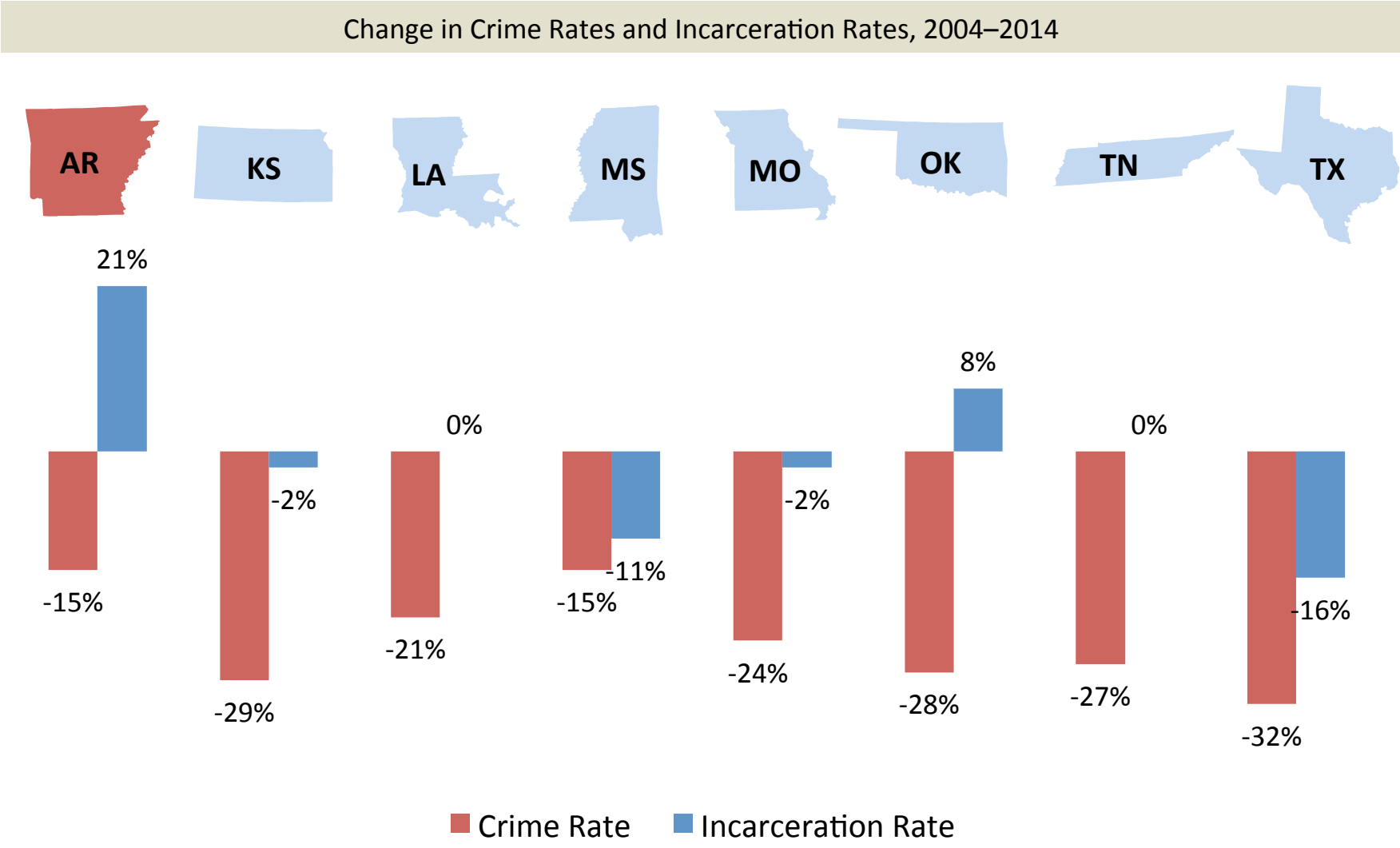
Arkansas's incarceration rate is higher than all but two of its neighboring states, and its rate of growth is the fastest

2014 Incarceration Rate



Source: BJS, Prisoners reports <http://www.bjs.gov/index.cfm?ty=pbse&sid=40>

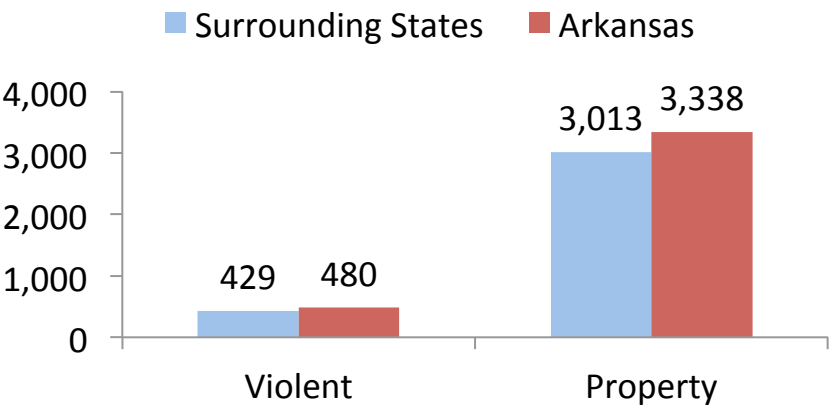
Despite Arkansas's rising incarceration rate, its crime rate has not dropped as fast as its neighbors



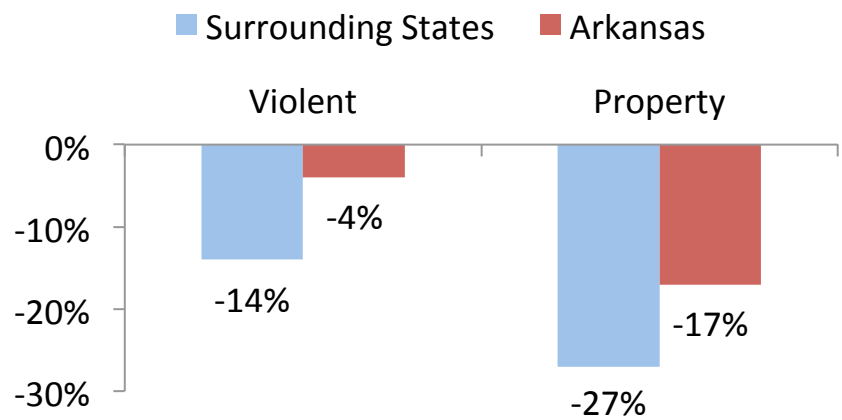
Source: FBI Uniform Crime Report, BJS, Prisoners reports <http://www.bjs.gov/index.cfm?ty=pbse&sid=40>

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



Change in Violent and Property Crime Rates, 2004–2014

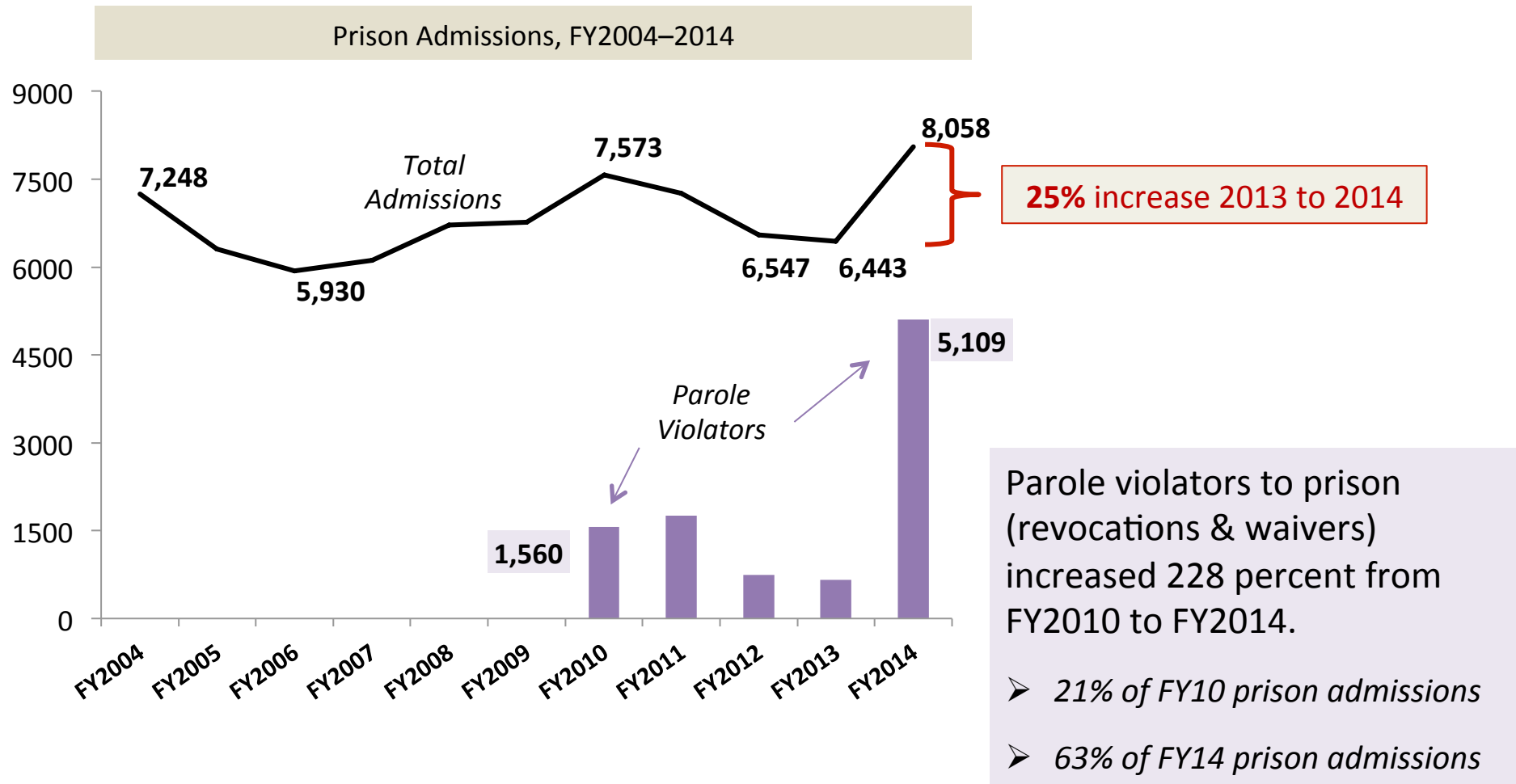


2014 Crime Rates for Arkansas and Surrounding States

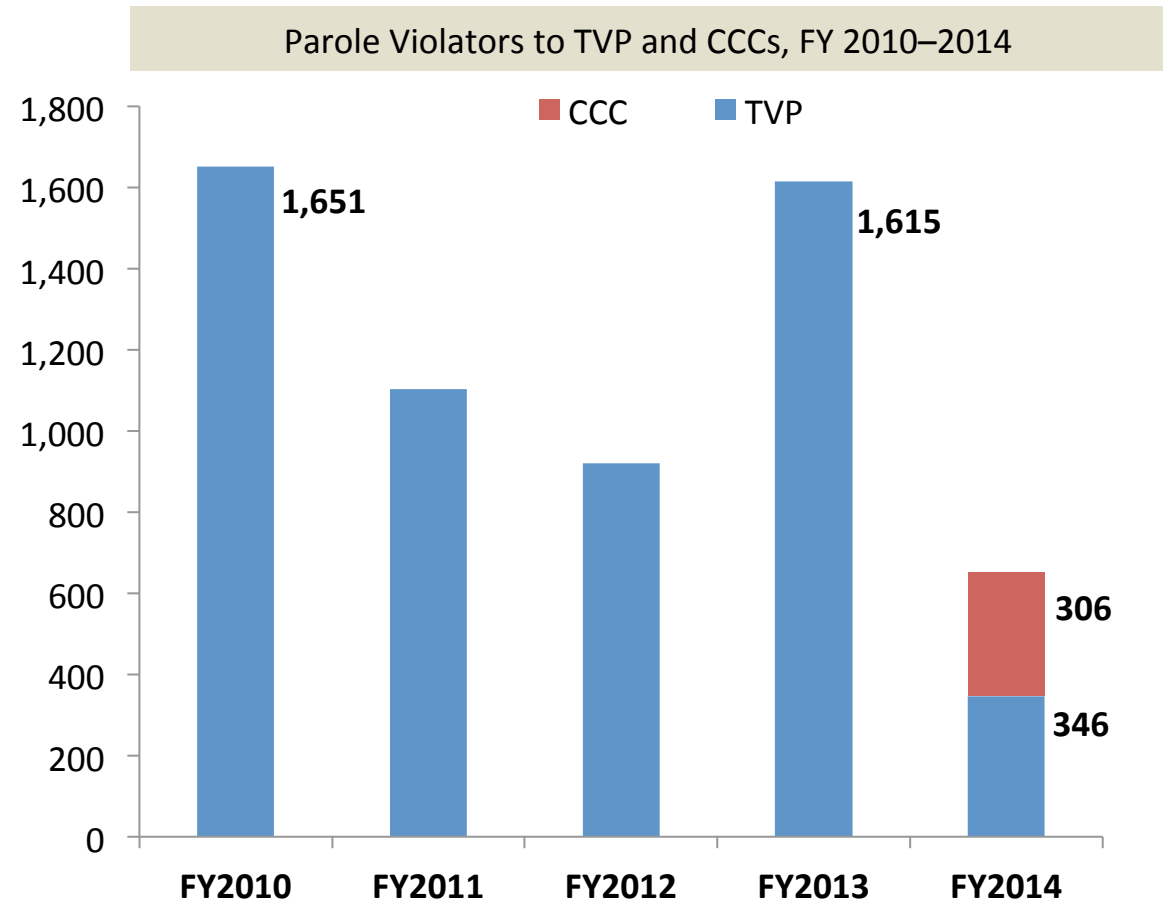
State	Violent	Property
Arkansas	480	3,338
Kansas	349	2,735
Louisiana	515	3,459
Mississippi	279	2,921
Missouri	443	2,907
Oklahoma	406	2,991
Tennessee	608	3,061
Texas	406	3,019

Source: FBI Uniform Crime Report

Admissions to Arkansas's prisons increased 25 percent in just one year from FY2013 to FY2014



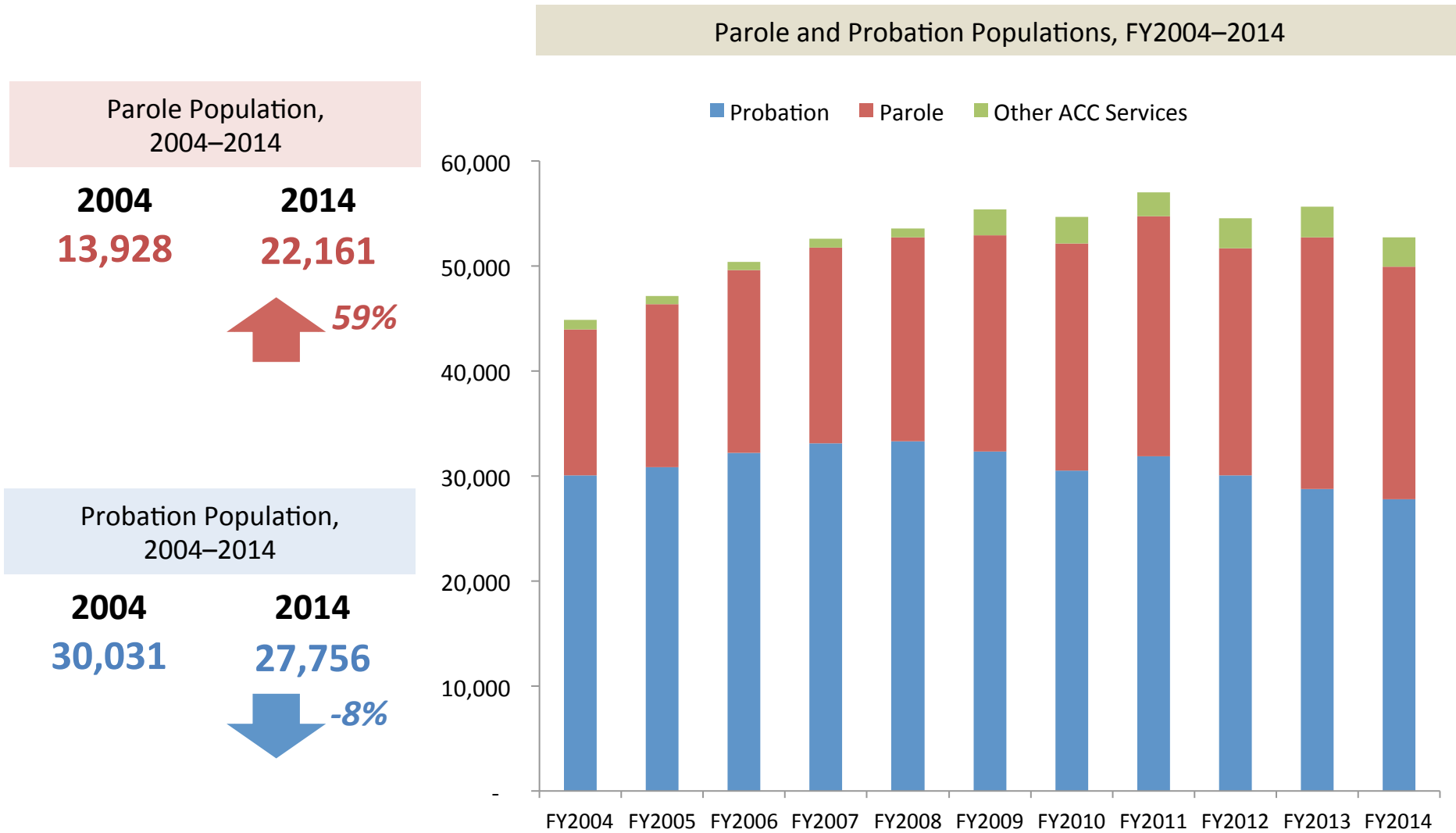
Parole violators sent to technical violator programs declined 79 percent from FY2010 to FY2014



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

Source: Parole Board Annual Report

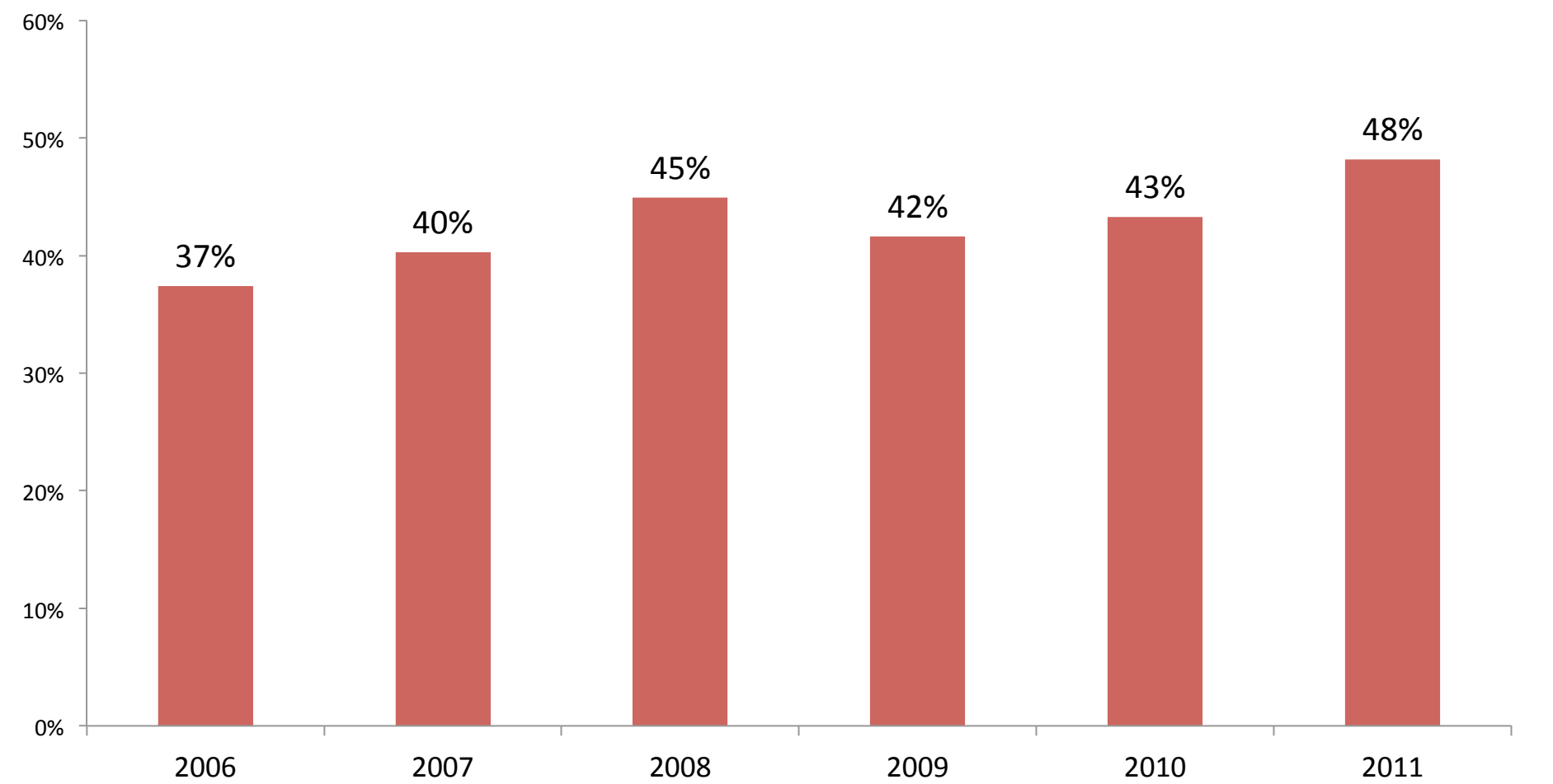
Arkansas's parole population has grown 59 percent since 2004, while the probation population has declined



Source: Bureau of Justice Statistics, *Probation and Parole in the United States*, 2013; 2012–2014 ACC Annual Reports.

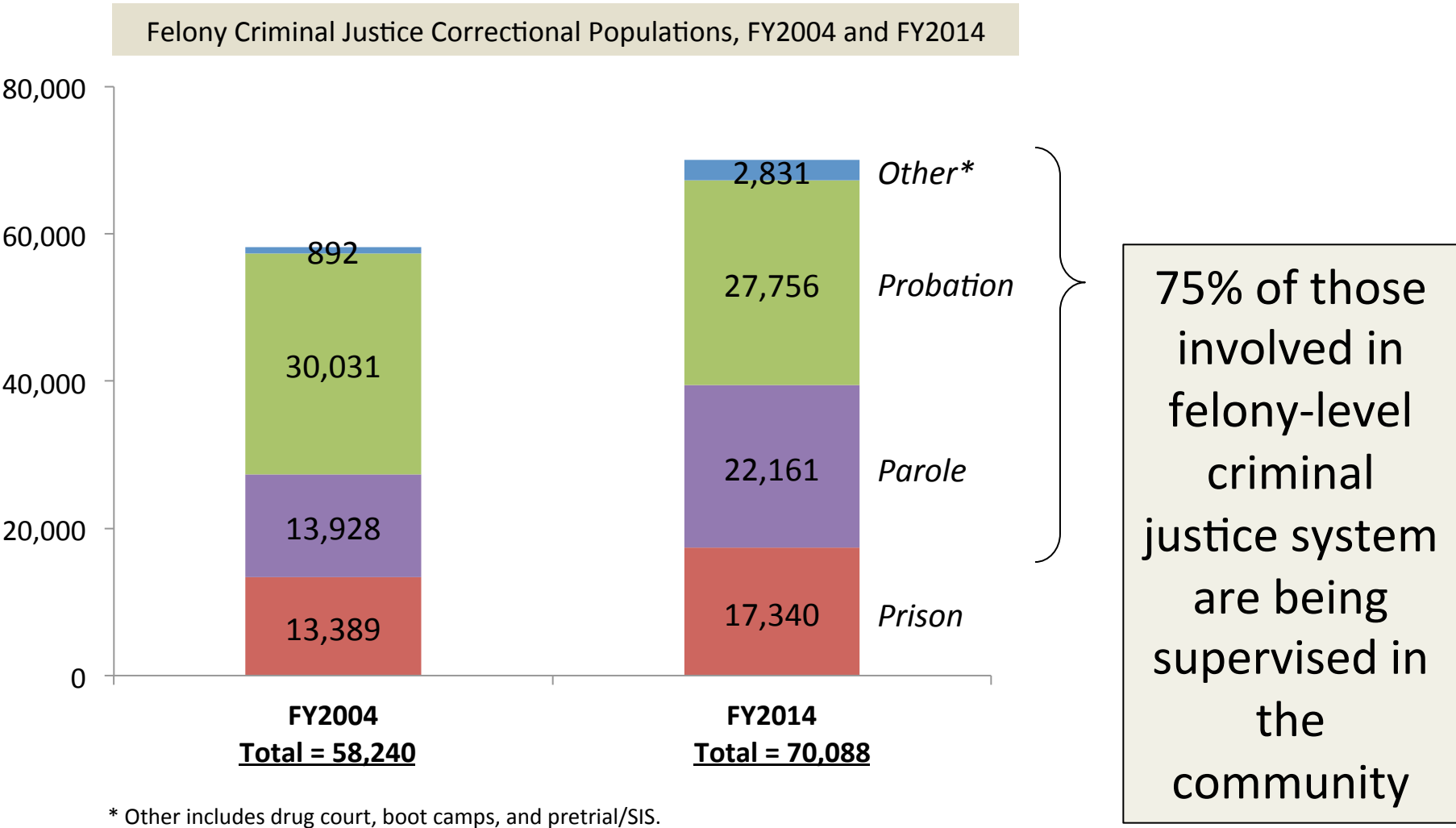
Recidivism rates have increased by 11 percentage points over the last 5 years

ADC “Return to Prison” Rates for Parole and Discharge Releases, CY2006–2011



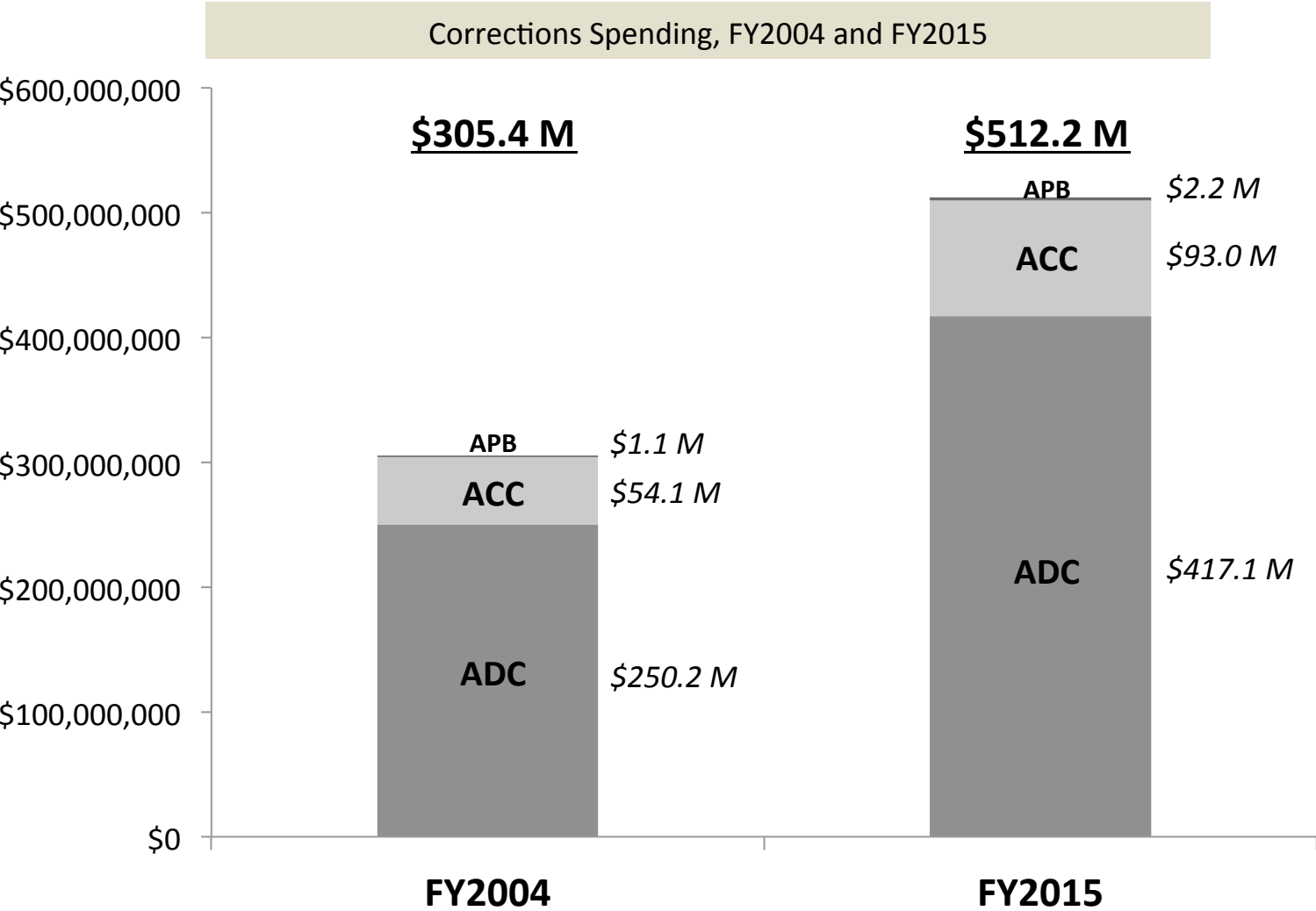
Source: 2011 Arkansas Recidivism Study

Greatest opportunity for increasing public safety is by improving supervision systems



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

+

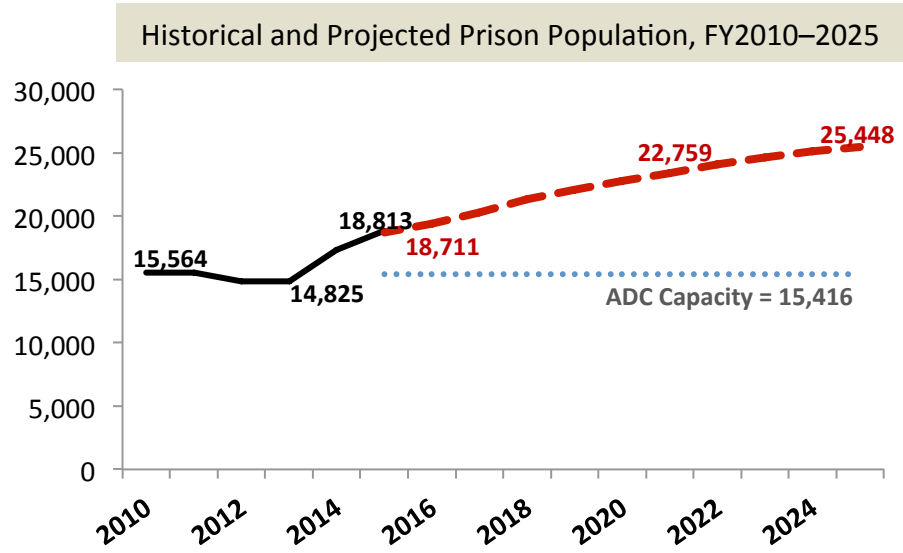
Additional population growth through 2025

\$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
<u>Current ADC capacity</u>	<u>15,416</u>
Capacity shortfall	10,032
10,032 beds x \$60K each =	\$602 M
On top of the \$680 M for contracting	

Source: ADC email, JFA Associates, 2015 Arkansas Prison Projections and Historical Corrections Trends, June 2015

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

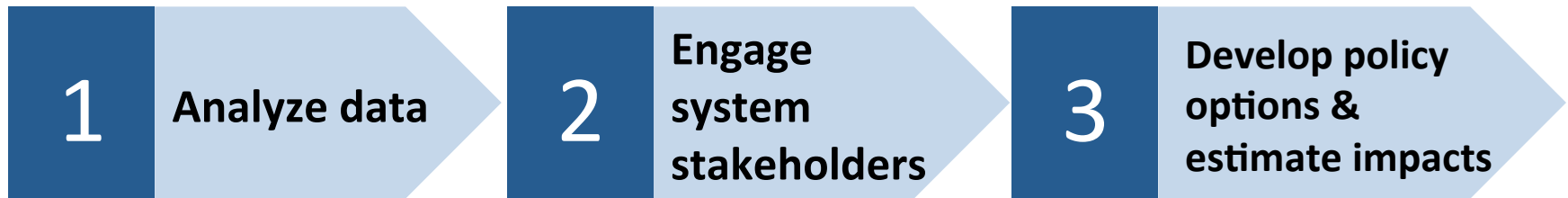
Arkansas “At A Glance”



Moving Forward

Justice reinvestment provides two phases of technical assistance:
helping states develop and then implement policies

Phase I



Phase II



JR process focuses on improving core correctional elements and involves intensive stakeholder engagement

Justice Reinvestment Process

PHASE I

- ✓ Working group formation / presentations
- ✓ Data analysis
- ✓ Stakeholder engagement
- ✓ Sentencing policy analysis
- ✓ Policy development
- ✓ Modeling of policy impact

PHASE II

- ✓ Implementation oversight structure & planning
- ✓ Translating projections into metrics
- ✓ Training strategies
- ✓ Communication plan
- ✓ Sub-award plan development and tracking
- ✓ State monitoring of key metrics

Analysis & Improvement of Core Correctional Elements

- | | | |
|--------------------------|---|---|
| ① RISK ASSESSMENT | <ul style="list-style-type: none">✓ System-wide assessment & analysis✓ On-site observation of current practice | <ul style="list-style-type: none">✓ Administrative policy redesign✓ Retraining, revalidation, QA processes |
| ② PROGRAMS | <ul style="list-style-type: none">✓ Administrative policy review✓ Charting of current vs. ideal practice | <ul style="list-style-type: none">✓ Troubleshooting the change process |
| ③ SUPERVISION | <ul style="list-style-type: none">✓ Rollout of options for improvement connected to policy framework | <ul style="list-style-type: none">✓ Supporting leaders and oversight of the process |

Enhanced Focus Areas

- | | |
|--|---|
| ○ Prosecutor engagement | ○ Law enforcement |
| ○ Victim advocates & service providers | ○ Sentencing policies & case law |
| ○ Parole board members | ○ Behavioral health state officials and providers |

Detailed, case-level data sought from many sources

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

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?

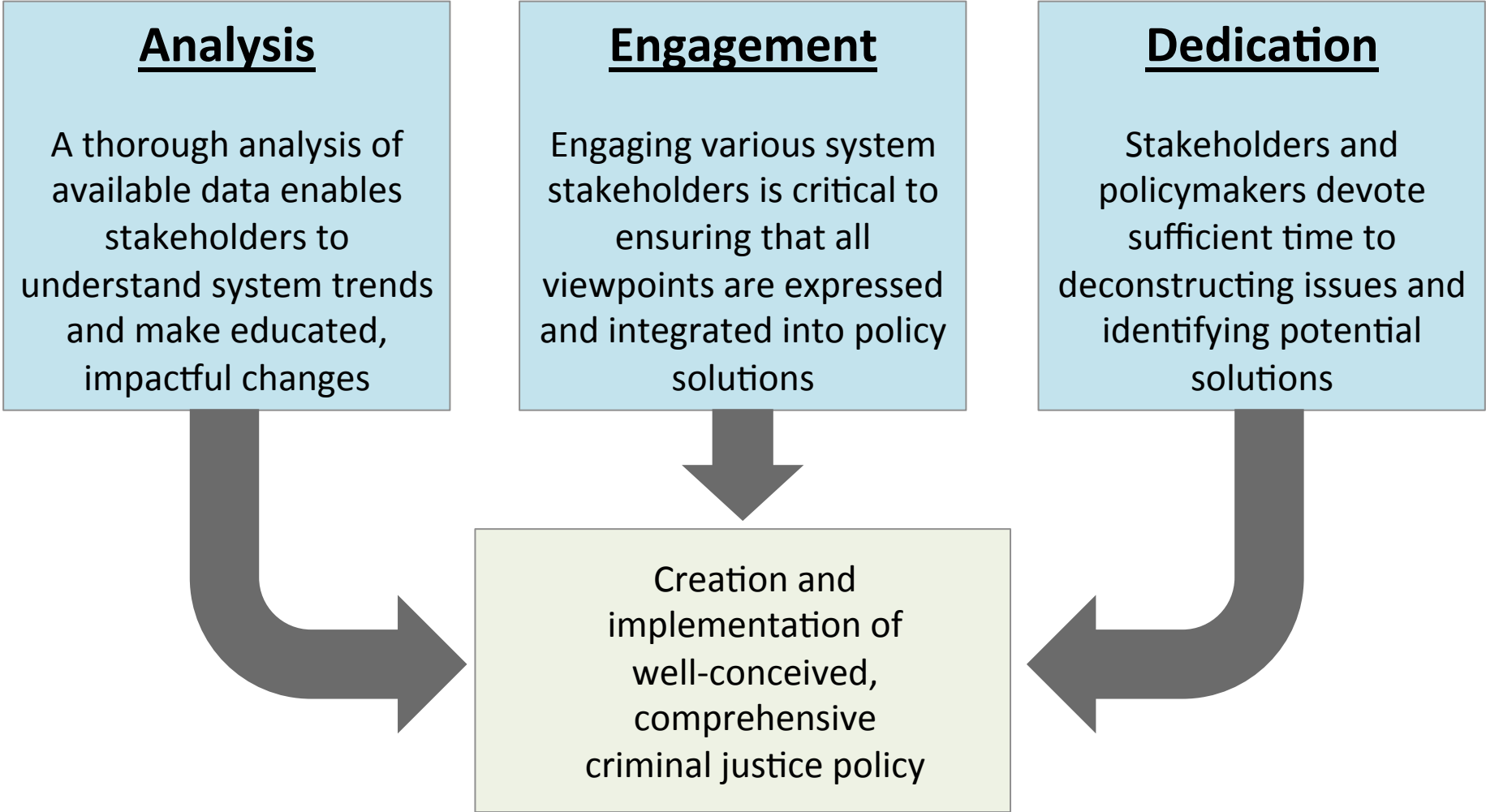
Is prison prioritized for those who pose the greatest danger to the community?

- ☐ 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?

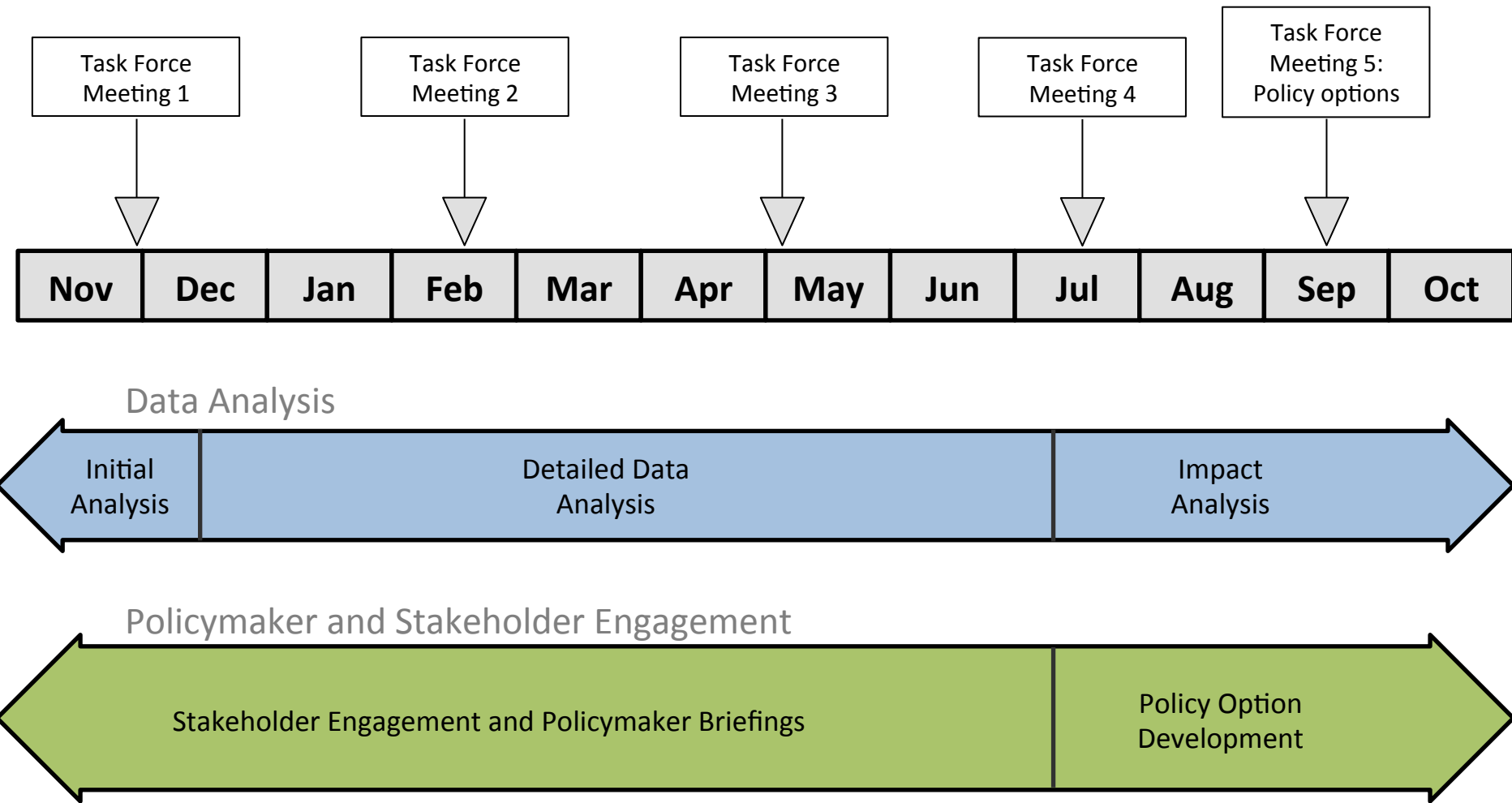
Does community supervision focus on people who pose the greatest risk of reoffense?

- ☐ 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



Proposed project timeline



Thank You



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