



# Arkansas Justice Reinvestment Initiative

August 28, 2023

Legislative Recidivism Reduction Task Force Meeting



**Justice  
Reinvestment  
Initiative**  
Arkansas

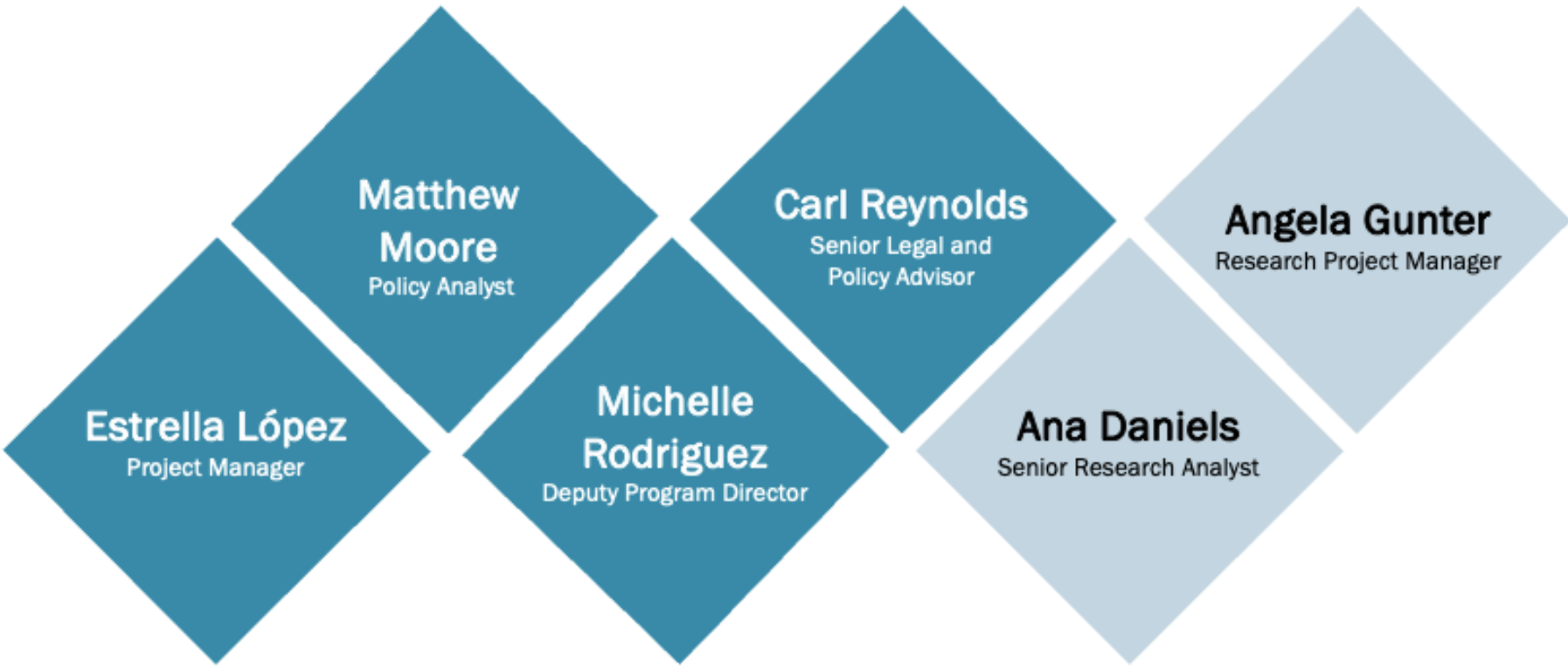
## Overview

- 1 Introduction**
- 2 Legislative Recidivism  
Reduction Task Force**
- 3 Criminal Justice Trends**
- 4 Justice Reinvestment  
Initiative in Arkansas and  
Next Steps**

# Introduction

1

# The CSG Justice Center's Core Justice Reinvestment Team in Arkansas



# The Council of State Governments Justice Center



**Justice  
Center**

We are a national nonprofit, nonpartisan organization that combines the power of a membership association, representing state officials in all three branches of government, with policy and research expertise to develop strategies that increase public safety and strengthen communities.



# Justice Reinvestment Initiative

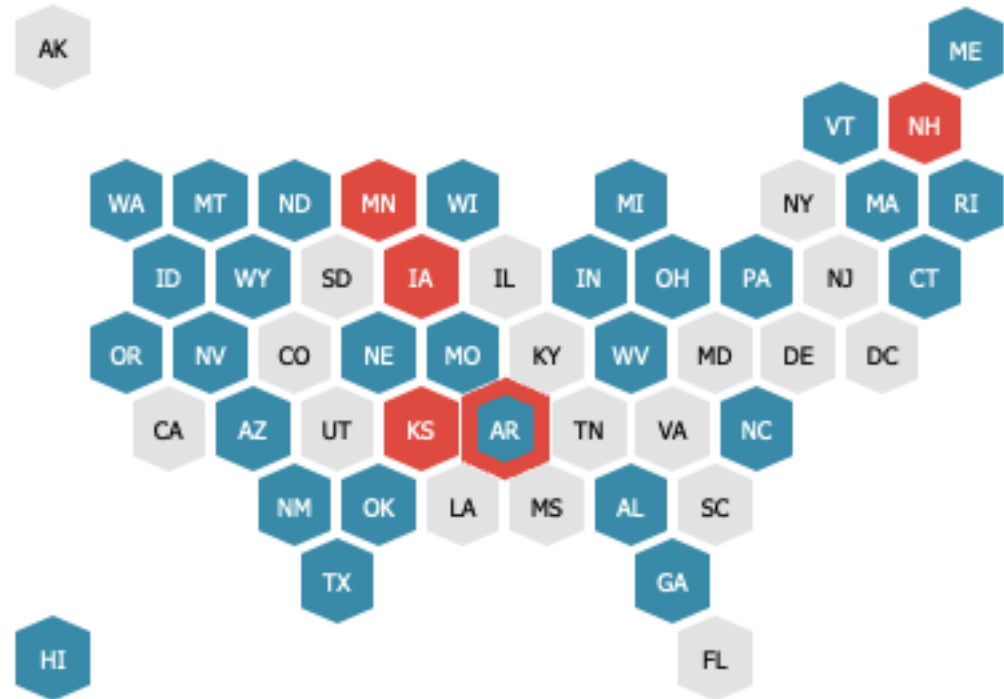
A data-driven approach to improve public safety, reduce corrections and related criminal justice spending, and reinvest savings in strategies that can decrease crime and reduce recidivism

The Justice Reinvestment Initiative is supported and funded by the U.S. Department of Justice's Office of Justice Programs' Bureau of Justice Assistance (BJA) and nonprofit funders.

Over the past 15 years, the CSG Justice Center worked with 33 states to control corrections spending and reinvest in strategies to increase public safety.

States that Have Used a Justice Reinvestment Approach with Assistance from The Council of State Governments Justice Center

29 PAST STATES  
5 CURRENT STATES

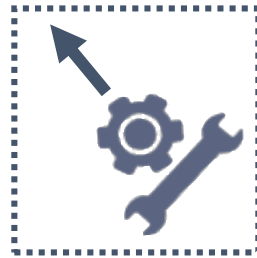


# The Justice Reinvestment Initiative is tailored to the specific needs of the state.

## Examples of Different Ways States Use the Justice Reinvestment Initiative



Tackle state and local public safety and health challenges, from recent crime trends to people who have behavioral health needs.



Scale up recidivism-reduction efforts, such as increasing the use of risk and needs assessments; the quality of supervision; and access to effective, research-based programs and services.



Enhance data collection, develop analytical capacity, and create a shared understanding of criminal justice issues.



Manage costs associated with state prison and local jail population trends to ensure resources are being used effectively.



# Previous Justice Reinvestment in Arkansas

Justice Reinvestment is an opportunity for Arkansas to examine its criminal justice system. This would mark the second time Arkansas has initiated the process with the CSG Justice Center. A few of the outcomes from 2017 include the following:

- Provided for custodial sanctions in Community Corrections Centers as a response to technical violations and for violations for nonviolent, non-sexual misdemeanors
- Required training for law enforcement officers in how to respond to people experiencing a mental health crisis
- Created local crisis stabilization units that enable law enforcement officers to divert people with mental illnesses who commit low-level offenses away from county jails to receive mental health treatment in the community

**Arkansas's Justice Reinvestment Approach:**  
Enhancing Local Mental Health Services  
for People in the Criminal Justice System

MAY 2017

**Overview**

Arkansas's criminal justice system faces serious challenges. As a result of a 21-percent growth in the state's prison population between 2012 and 2015—the highest increase in the nation during that period—Arkansas's prisons are now at capacity, and county resources are strained due to a backlog of people who are held in jail while awaiting transfer to prison after sentencing.<sup>1</sup> Without action, the state's prison population is projected to increase by nearly 20 percent by 2023.<sup>2</sup> [See Figure 1]

To address these issues, in March 2017, Arkansas policymakers passed Act 423, which contains policies designed to make better use of state and local resources in three key ways. First, it limits the period of incarceration for people sanctioned for low-level violations of the terms of their supervision. Second, it requires training for law enforcement officers in how to respond to people experiencing a mental health crisis. Third, it creates local crisis stabilization units that enable law enforcement officers to divert people with mental illnesses who commit low-level offenses away from county jails to receive mental health treatment in the community. By implementing these policies, the state estimates it will avert hundreds of millions of dollars in prison construction and operating costs and will be able to reinvest savings in areas critical to improving outcomes for people on supervision and increasing public safety. Act 423 is expected to reduce the projected growth in the prison population by nearly 10 percent. This figure represents more than 1,650 fewer people in prison by FY2023, resulting in projected averted costs of more than \$288 million.

# **Legislative Recidivism Reduction Task Force**

**2**

# Act 659—The Protect Arkansas Act

## Time Served Changes

For offenses committed on or after January 1, 2025:

- Most people convicted of violent offenses will serve 100 percent of the sentence, and people convicted of other serious offenses must serve at least 85 percent of the sentence.
- For other offenses, the Sentencing Commission will propose which offenses are eligible for 75 percent or 50 percent earned release credit.
- New rules will determine how credits are earned including participating in programming and treatment, good behavior, and work duties.

# Act 659—The Protect Arkansas Act

## Other Provisions

- Improves conditions for incarcerated pregnant women
- Suspends the payment of fines and costs until 120 days after release
- Eases the process for minor children to visit their incarcerated parents
- Expands the offenses eligible for community corrections beds
- Allows greater flexibility of staffing for specialty courts
- Tasks the Division of Community Correction to establish evidence-based post-release policies and procedures with a focus on moderate- and high-risk individuals

Act 659, 94<sup>th</sup> Gen. Assemb., Reg Sess. (Ark. 2023).

# Task Force's Scope of Work as Defined in Act 659

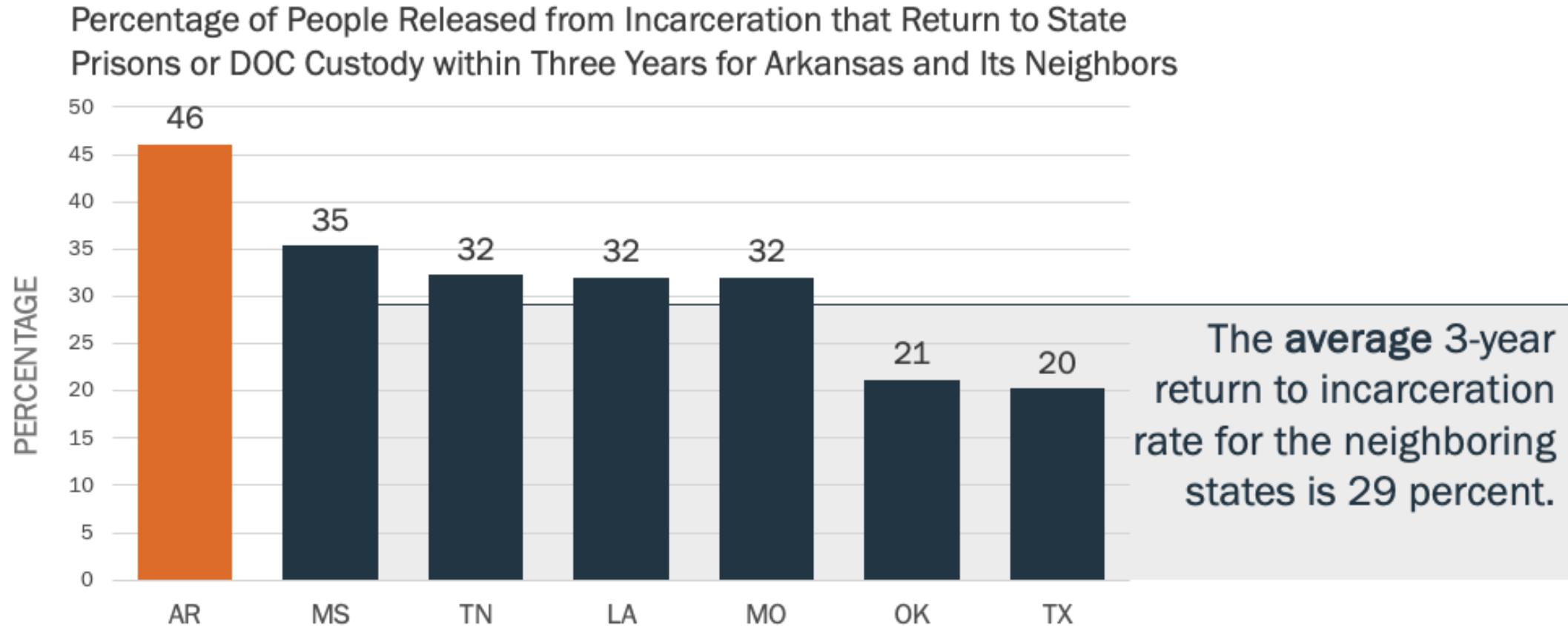
The CSG Justice Center is here to work with the task force to accomplish the following:

- Conduct a comprehensive data analysis to identify the drivers of Arkansas's high recidivism rates.
- Examine the effectiveness of current supervision practices and responses to technical violations of supervision.
- Identify unnecessary barriers to successful reentry into society.
- Determine gaps in behavioral health treatment, workforce training, and other services for people on supervision and reentering society from incarceration.
- Use data to identify how recidivism contributes to overall crime and incarceration rates.
- Develop data-driven recommendations for reducing recidivism and improving outcomes for people on supervision and reentering society from incarceration.

# Criminal Justice Trends

3

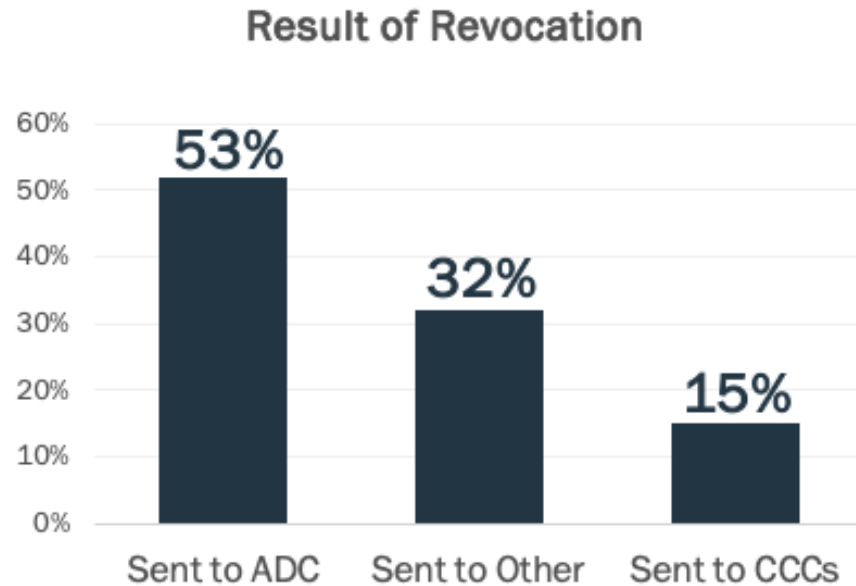
# Arkansas's 3-year return-to-incarceration rate is higher than all its neighbors and 1.6 times higher than the neighbors' average.



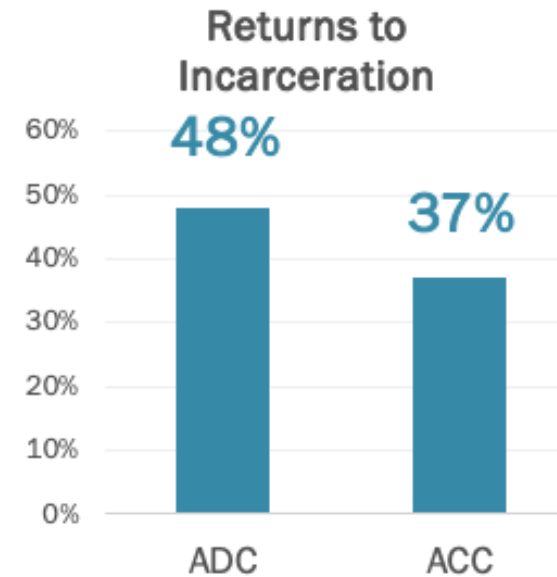
Analysis based on the latest data on three-year return to incarceration in state prisons or custody in departments of correction by each state—only Missouri and Tennessee specify that this excludes jails. There might be other differences in measurements, such as some states not reporting individuals held in lower security settings as being DOC custody. Sources on slide 33.

# Community Corrections Centers (CCCs) are an important feature of the Arkansas system.

**CCCs receive about 15 percent of people revoked from probation and parole**



**CCCs have a recidivism rate 11 percentage points lower than ADC**





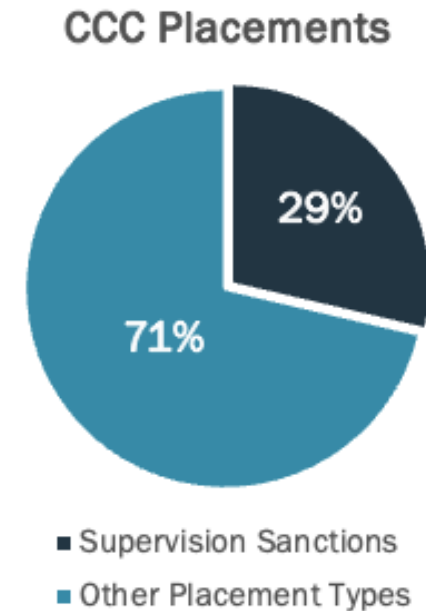
# Current Capacity and Usage of Community Corrections Centers (CCCs)

## CCC Capacity and Population as of 4/30/2023

CCC	Capacity	Population
Central AR CCC	150	153
East Central AR CCC	350	382
NE AR CCC	240	248
NW AR	114	117
Omega	300	307
SW AR CCC	475	485
<b>TOTALS</b>	<b>1,629</b>	<b>1,692</b>

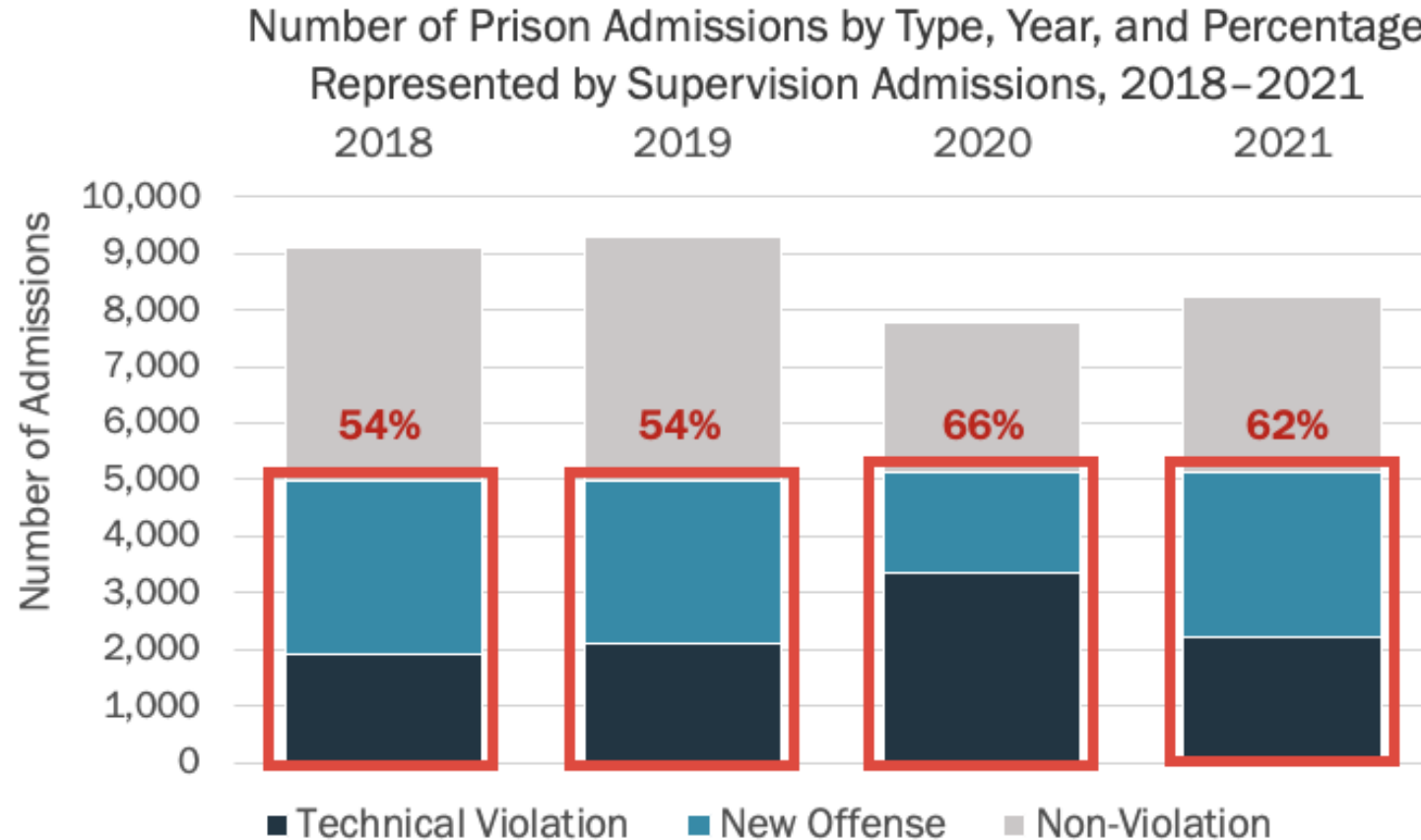
**104%  
Capacity**

**29 percent of CCC capacity is used for supervision sanctions**



The Division of Community Correction Arkansas Department of Corrections, ACC Director's Reports (North Little Rock, AR: Arkansas Department of Corrections, 2023), [https://doc.arkansas.gov/wp-content/uploads/Division-of-Community-Correction-Directors-Board-Report\\_-\\_May-2023.pdf](https://doc.arkansas.gov/wp-content/uploads/Division-of-Community-Correction-Directors-Board-Report_-_May-2023.pdf).

Between 2018 and 2022, prison admissions from supervision represented 59 percent of admissions on average.

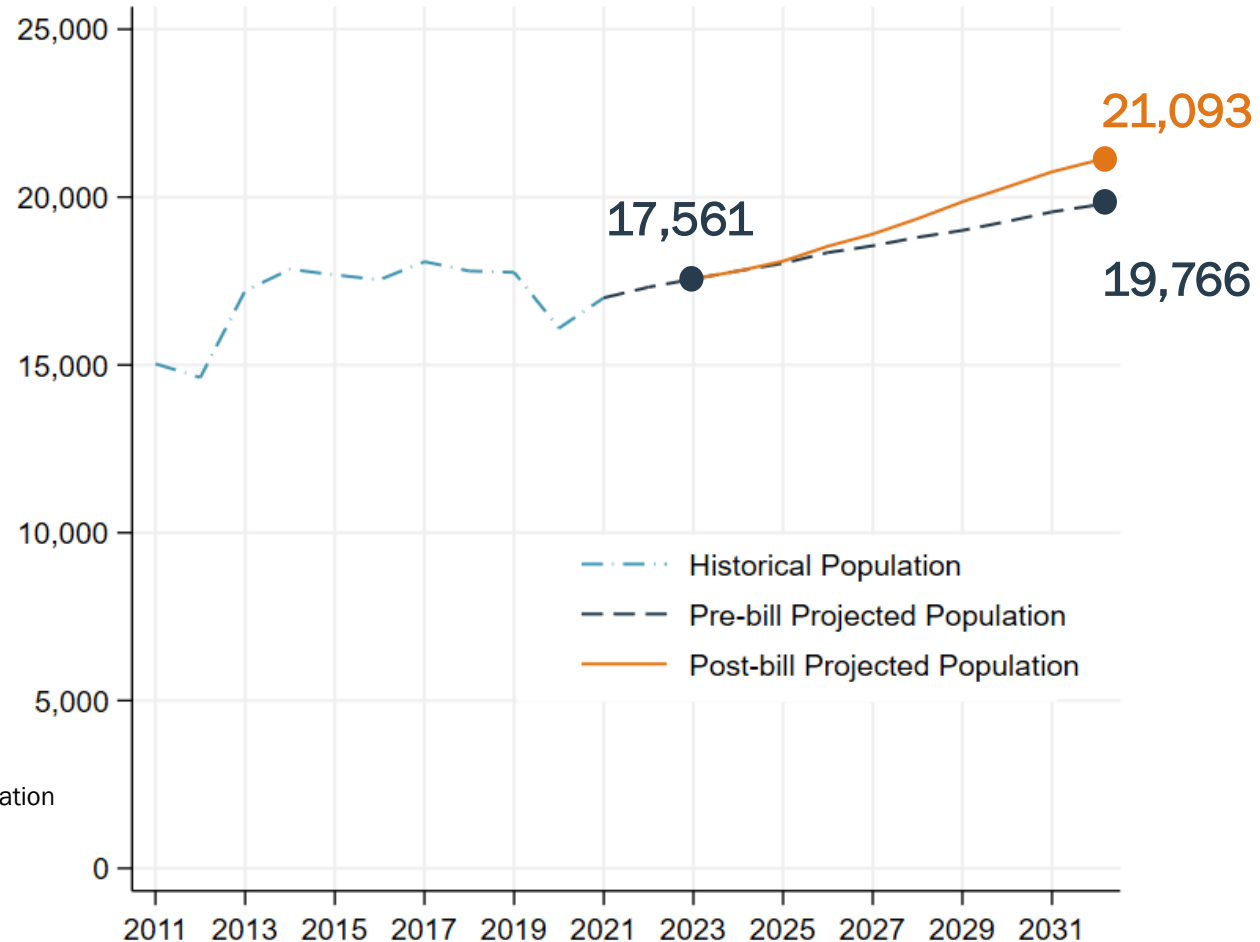


Supervision violations make up **59%** of prison admissions on average

# The Arkansas prison population is projected to increase by more than 3,500 people over the next 9 years.

Historical and Projected ADC Population, 2011–2032

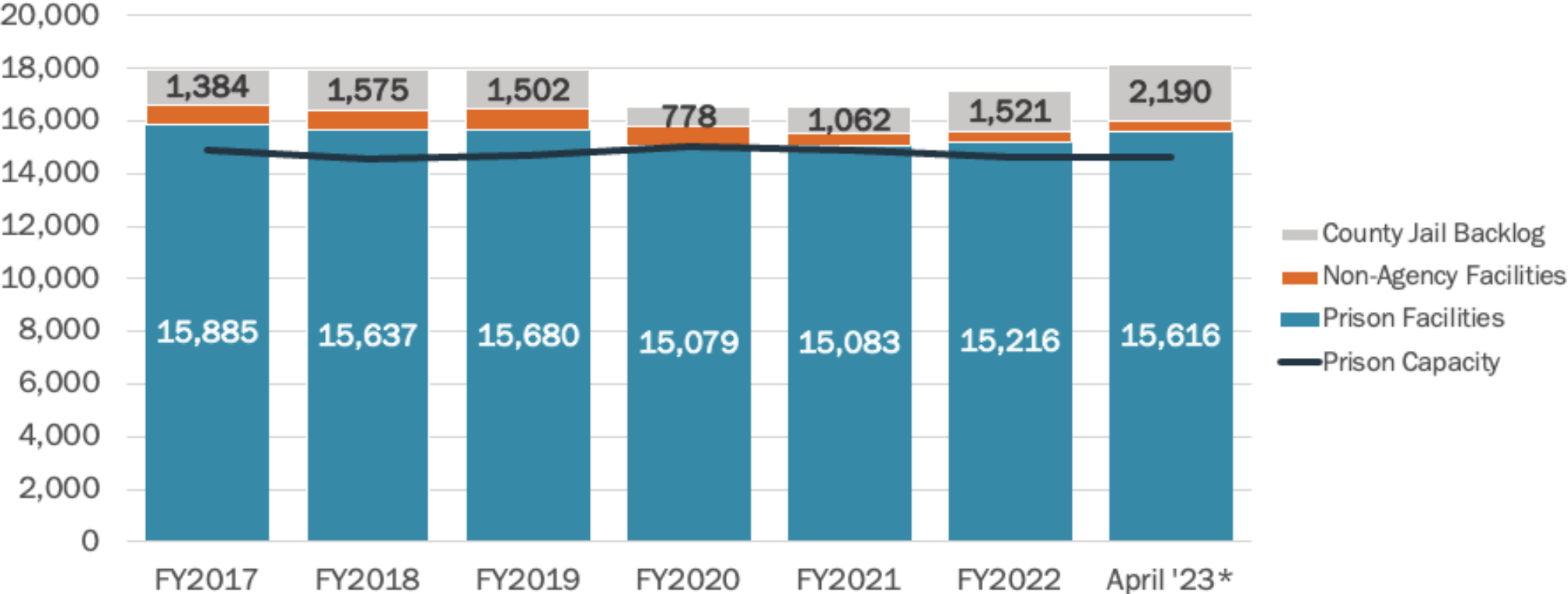
Note: Act 659 projected population does not adjust estimates for people eligible for 50 percent and 75 percent earned time.



JFA Associates, LLC, Department of Corrections Ten Year Adult Secure Population Projection (Denver: JFA Associates, LLC, 2022), [https://doc.arkansas.gov/wp-content/uploads/2022/12/Akr\\_prison-projections\\_2022-2032\\_12.1.2022.pdf](https://doc.arkansas.gov/wp-content/uploads/2022/12/Akr_prison-projections_2022-2032_12.1.2022.pdf); Arkansas Sentencing Commission, Impact Assessment for SB 495 (North Little Rock, AR: Arkansas Sentencing Commission, 2023), <https://www.arkleg.state.ar.us/Home/FTPDocument?path=%2FAssembly%2F2023%2F2023R%2FFiscal+Impacts%2FSB495-Other1.pdf>.

# Arkansas prisons have long been at capacity with a population backlogged in county jails.

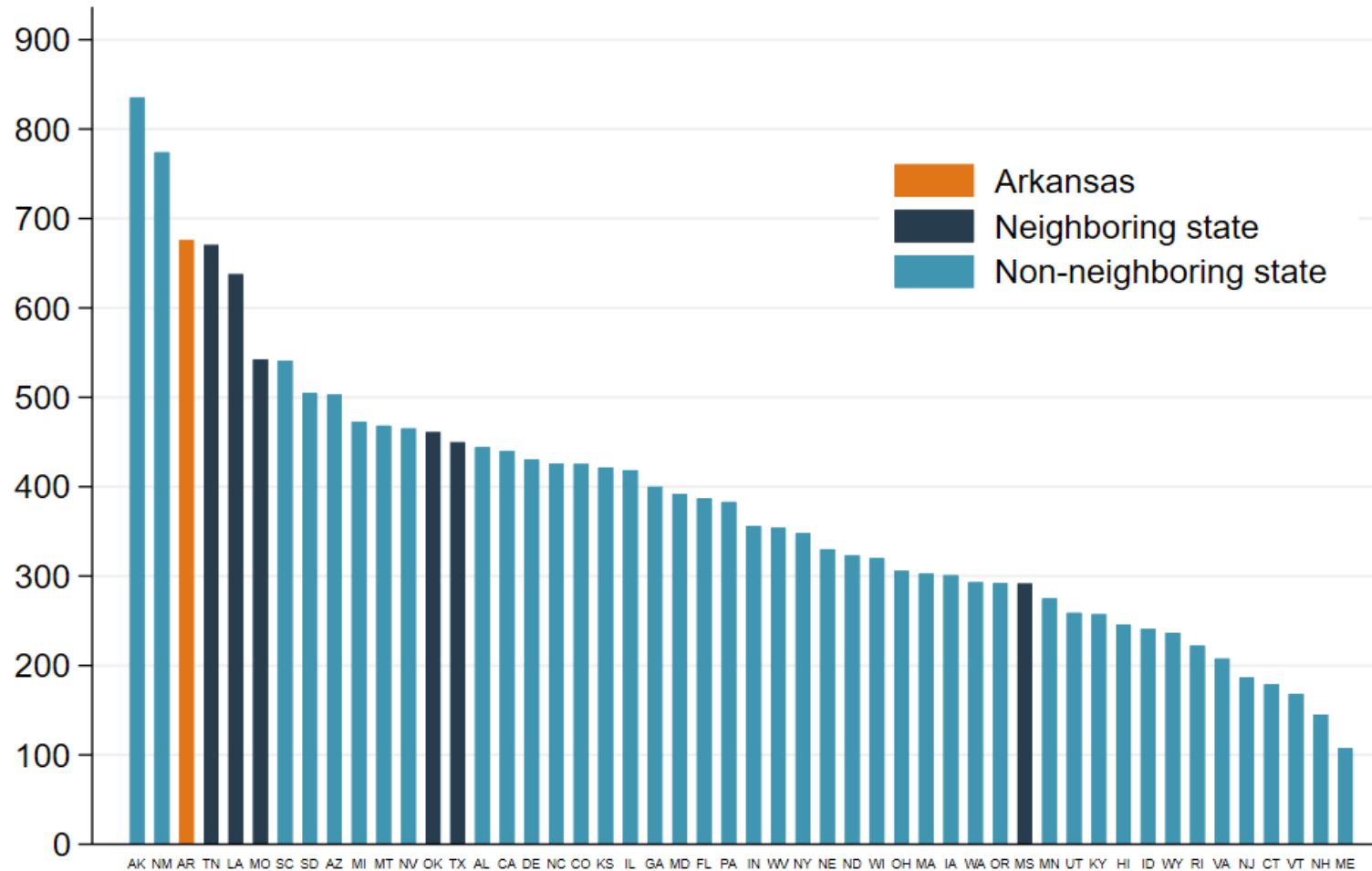
Arkansas Department of Corrections Population, 2017-2022



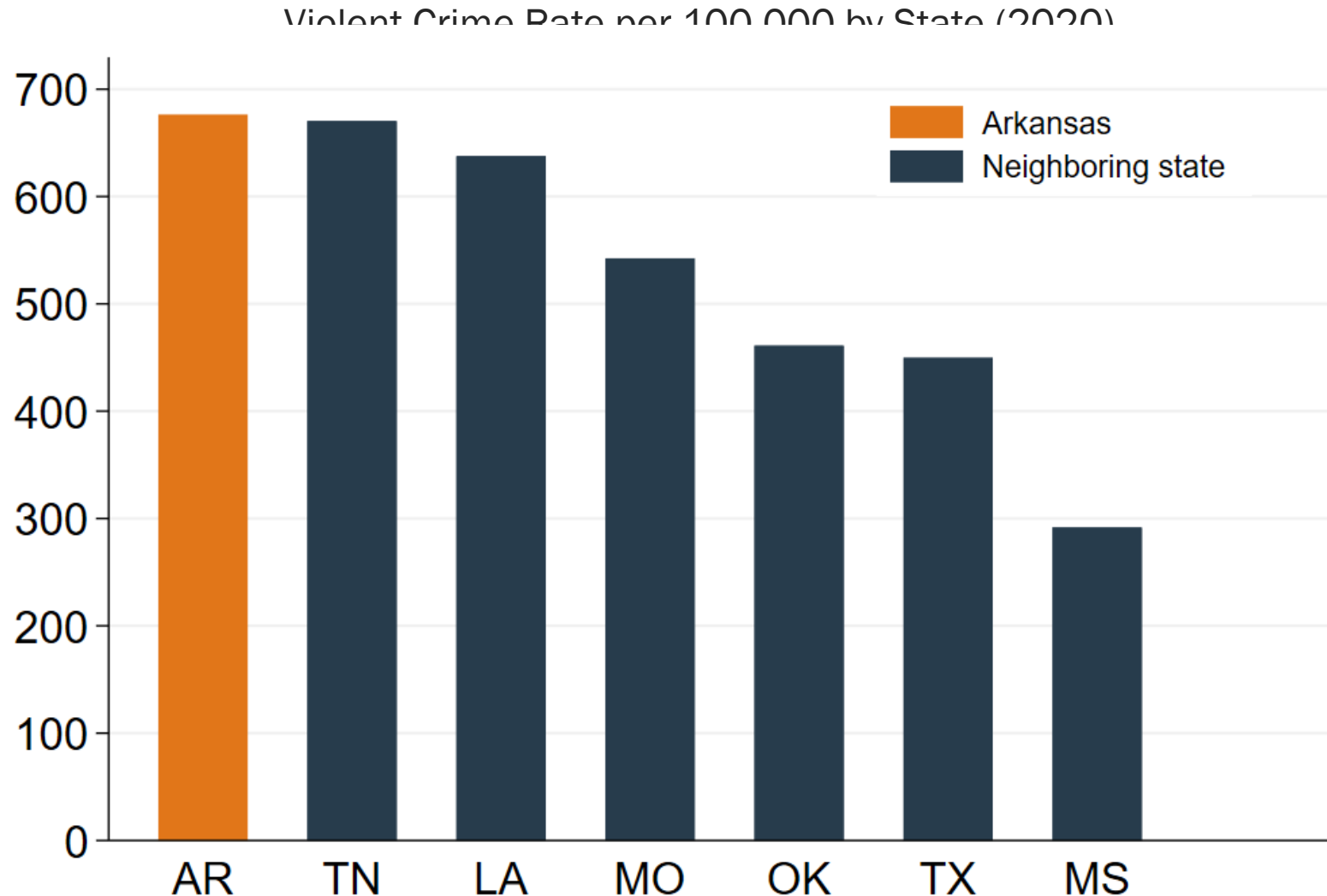
\*Non-Agency Facilities include ALETA, County 309, Bowie Co (Texas), and Interstate Compact cases.

FY2023 data is not yet publicly available.

# Arkansas has the third-highest violent crime rate in the country behind only Alaska and New Mexico.



# Arkansas has a higher violent crime rate than its neighbors.



# Deeper analysis of crime trends will provide critical information about these issues.



## Violent Crime

Nationally, Arkansas had the third-highest violent crime rate in 2020 and had the highest violent crime rate among its neighboring states.

## Questions

- What can the data show about the nature of violent crime, including changes by offense type and by location?
- What is the relationship between crime and supervision populations?
- How effectively do violent crimes result in an arrest that leads to a charge, and how do those clearance rates differ over time, by location, by offense type, and by race of the crime victim?

# Further analysis of crime and recidivism data will give Arkansas more options to address incarcerated populations.



## Prison Population

The jail backlog over the last six years has averaged 1,500 individuals and the prison population is projected to grow by over 3,500 in the next 9 years.

### Questions

- Can Arkansas safely avoid any of this projected growth by reducing recidivism?
- What are the recidivism outcomes for people held in jails vs. community corrections centers or other secure facilities?
- What are the implications for other local systems and agencies, including the courts and law enforcement, of this large jail backlog?
- What are the costs, to the state and counties, of this jail backlog?



# Deeper analysis of recidivism trends will provide critical information about these issues.



## Recidivism

At 46 percent, Arkansas’s average 3-year return-to-incarceration rate is 1.6 times higher than that of neighboring states, which is 29 percent.

Between 2018 and 2022, admissions from supervision represented 59 percent of total admissions on average.

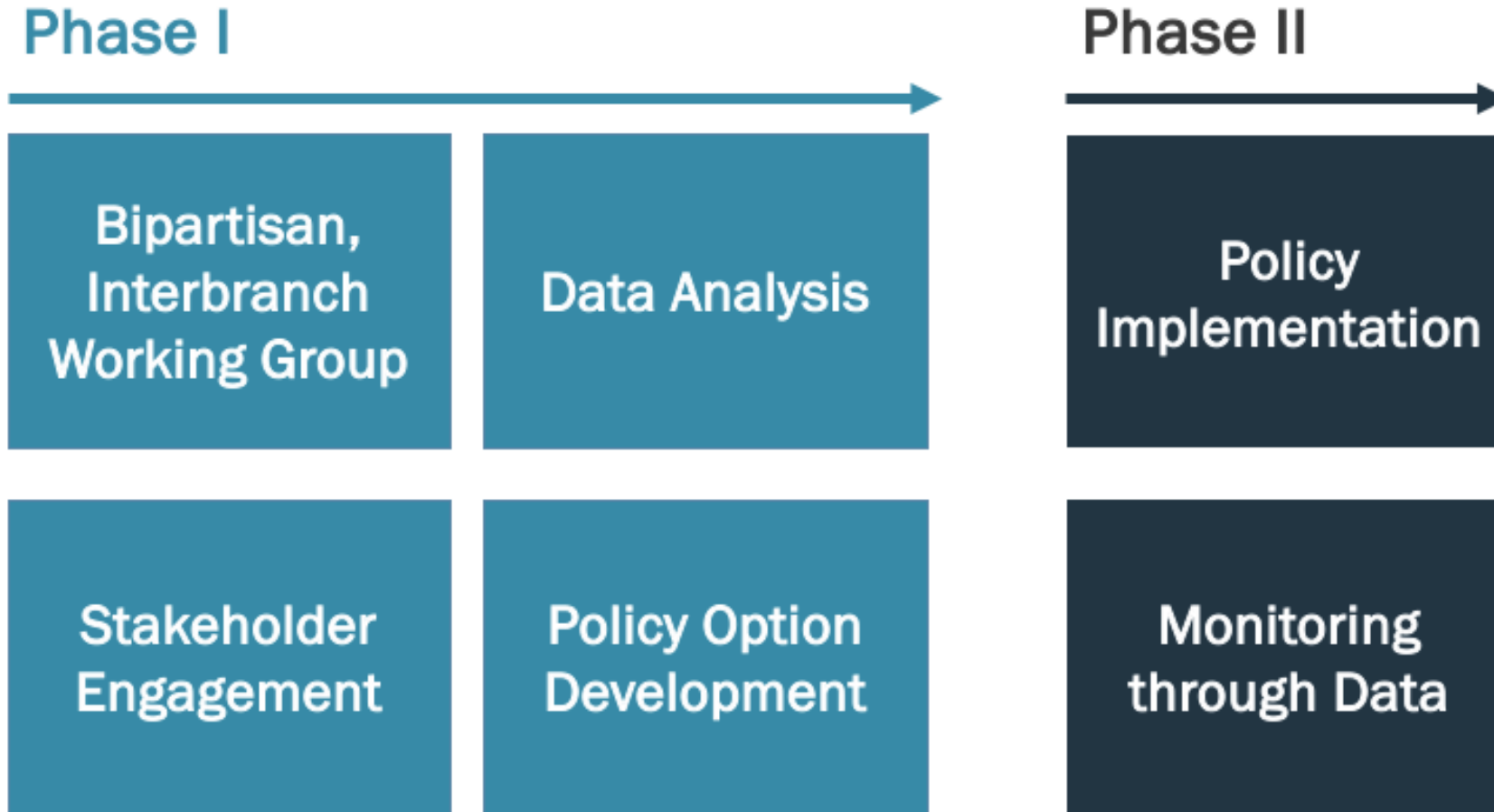
## Questions

- Why do people return to prison, and how have those factors changed—or not—over the last decade as Arkansas has worked to reduce recidivism?
- What are the major obstacles in reducing recidivism, and what are the budgetary and systemic implications of addressing those challenges?
- How do prosecutors, law enforcement, the judiciary, reform advocates, and victims of crime understand and experience recidivism, and what do they see as possible solutions to this persistent and critical issue?

# Justice Reinvestment Initiative in Arkansas and Next Steps

4

**Justice Reinvestment is a process that includes analysis, policy development, implementation, and sustainability.**



Having timely access to state data is critical to the success of this project.

Justice Reinvestment Data Requests		
Data to be requested	Source	Status
Court Case Dispositions	Administrative Office of the Courts (AOC)	Introduced Team and Project
Arrest and Disposition Information for Felonies and Misdemeanors	Arkansas Crime Information Center (ACIC)	Introduced Team and Project
Probation Supervision; ADC Admissions and Releases	Arkansas Department of Corrections (ADC)	Defining Terms of Data Use Agreement

# Next Steps (Pending Project Approval)

CSG Justice Center research staff will continue connecting with AOC, ACIC, and ADC to discuss available data.

**CSG Justice Center staff are planning to speak with the following stakeholder communities:**

- Governor's Office
- DOC
- AOC
- ACIC
- Counties
- Prosecuting attorneys
- Public defenders and defense attorneys
- Sheriffs and police chiefs
- Judges
- Crime victims and victim advocates
- Community leaders
- Probation and parole officers
- Corrections staff
- Formerly incarcerated individuals

# Arkansas's Justice Reinvestment Initiative would run through 2025.



# What kinds of questions can we answer together?

## Why is recidivism so persistently challenging despite prior efforts to address it?

- What can be analyzed further to understand Arkansas's 46 percent recidivism rate?
- How much of Arkansas's recidivism is driven by new criminal activity, including violent crime?
- What are the leading offenses and supervision violations that lead to returns to incarceration?
- What programming and treatments are available for people on community supervision, and how does access to programming impact recidivism?
- What is the cost of recidivism?

# Thank You!

Join our distribution list to receive updates and announcements:

<https://csgjusticecenter.org/resources/newsletters/>

For more information, please contact Estrella López at [elopez@csg.org](mailto:elopez@csg.org).



*This project was supported by Grant No. 15PBJA-21-GK-04348-JRIX awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice. To learn more about the Bureau of Justice Assistance, please visit [bja.gov](http://bja.gov).*

© 2023 The Council of State Governments Justice Center

Cover photo credit: W.scott McGill





# Sources for slide 15

Arkansas Department of Corrections, *Recidivism in Arkansas: A Roadmap to Reform* (North Little Rock, AR: Arkansas Department of Corrections, 2021), [https://doc.arkansas.gov/wp-content/uploads/2022/04/Recidivism-in-Arkansas-A-Roadmap-to-Reform-April29\\_2022-single\\_BOC\\_FINAL.pdf](https://doc.arkansas.gov/wp-content/uploads/2022/04/Recidivism-in-Arkansas-A-Roadmap-to-Reform-April29_2022-single_BOC_FINAL.pdf).

Louisiana Department of Public Safety and Corrections, “Recidivism, Admissions, Releases,” 2019, 38, <https://doc.louisiana.gov/wp-content/uploads/2019/08/3.recidivism.admissions.releases.pdf>.

Mississippi Department of Corrections, “Recidivism Report,” Mississippi Department of Corrections, 2021, 1, <http://web.archive.org/web/20220815030141/https://www.mdoc.ms.gov/Admin-Finance/Documents/Overall%20Recidivism%20-%20FY%202018%20Releases.pdf>.

Missouri Department of Corrections, “Profile of the Institutional and Supervised Offender Population” (Jefferson City, MO: Missouri Department of Corrections, 2021), 43–44, <https://ia802203.us.archive.org/26/items/2021MOOffenderProfile/2021MOOffenderProfile.pdf>.

Oklahoma Department of Corrections, “Facts about Oklahoma Prison Recidivism,” Oklahoma Department of Libraries, 2014, 1, <https://www.digitalprairie.ok.gov/digital/collection/stgovpub/id/402659>.

Tennessee Department of Correction, “2022 Statistical Abstracts” (Nashville, TN: Tennessee Department of Correction, 2022), 72–73, <https://www.tn.gov/content/dam/tn/correction/documents/StatisticalAbstract2022.pdf>.

Texas Department of Criminal Justice, *Biennial Reentry and Reintegration Services Report* (Austin, TX: Texas Department of Criminal Justice, 2022), [https://www.tdcj.texas.gov/documents/rid/RID\\_Reentry\\_Biennial\\_Report\\_09\\_2022.pdf](https://www.tdcj.texas.gov/documents/rid/RID_Reentry_Biennial_Report_09_2022.pdf).