

# Arkansas Justice Reinvestment Initiative

October 24, 2024

Legislative Recidivism Reduction Task Force Meeting



**Justice  
Reinvestment  
Initiative**  
Arkansas

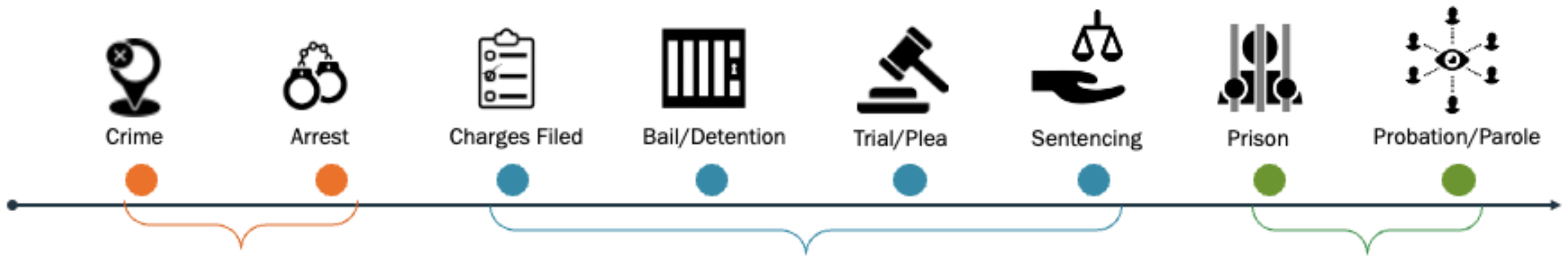
## Overview

- 1**      **Recap and Overview**
- 2**      **Sentencing Trends**
- 3**      **Sentences to CCCs and  
Probation**
- 4**      **Revocations and  
Reconvictions**
- 5**      **Conclusion**
- 6**      **Appendix**

# Recap and Overview

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# We are conducting a review of the criminal justice system, examining it from end to end.

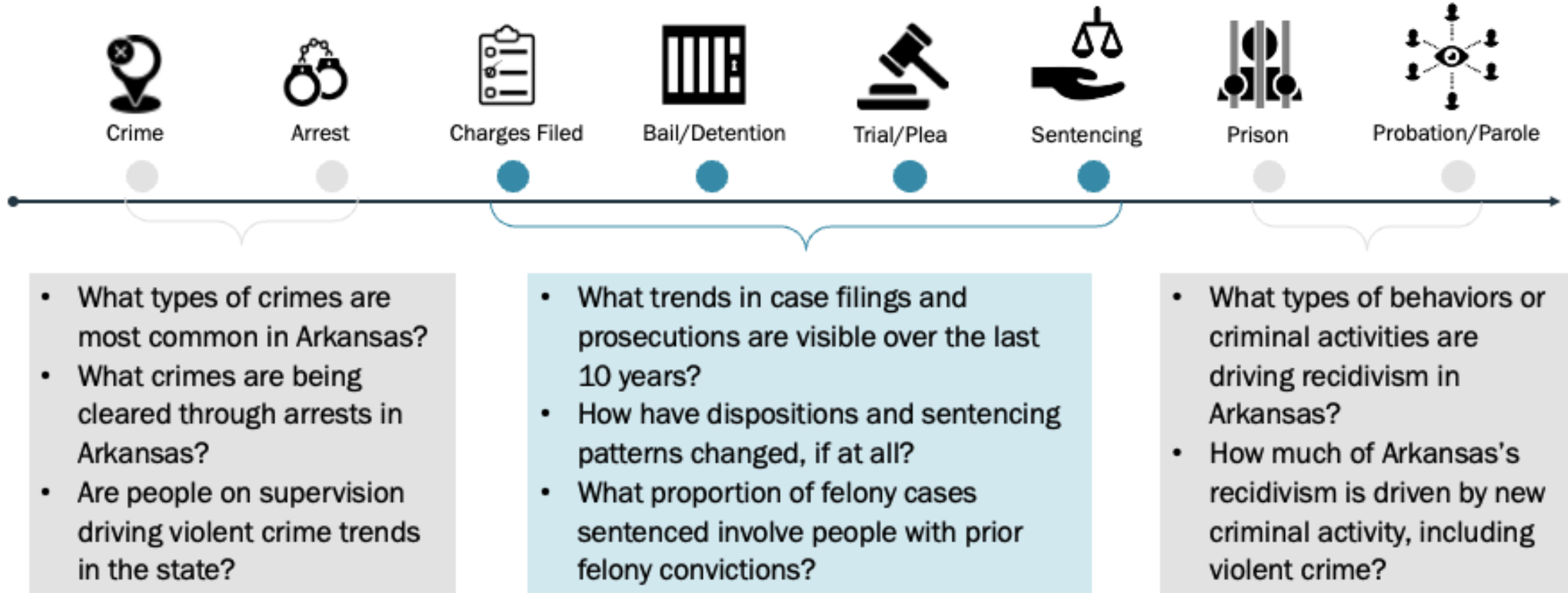


- What types of crimes are most common in Arkansas?
- What crimes are being cleared through arrests in Arkansas?
- Are people on supervision driving violent crime trends in the state?

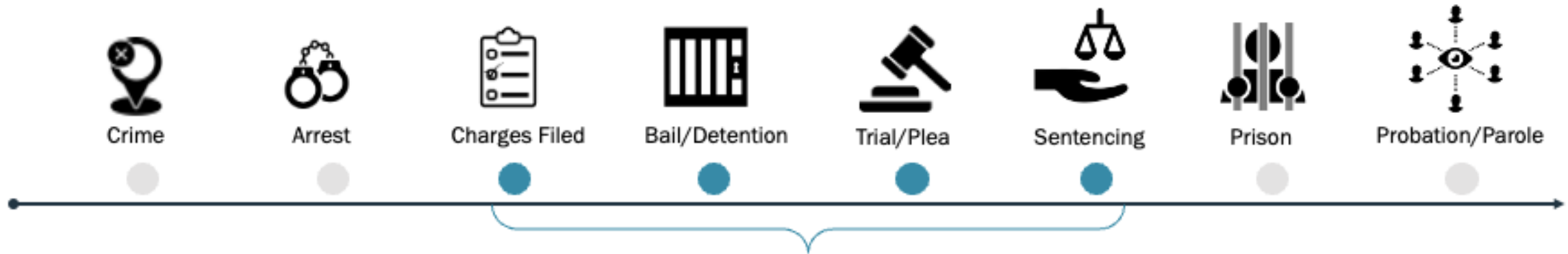
- What trends in case filings and prosecutions are visible over the last 10 years?
- How have dispositions and sentencing patterns changed, if at all?
- What proportion of felony cases sentenced involve people with prior felony convictions?

- What types of behaviors or criminal activities are driving recidivism in Arkansas?
- How much of Arkansas's recidivism is driven by new criminal activity, including violent crime?

# Today's presentation will focus on sentencing trends.



# Drug offenses drive felony sentencing in Arkansas.



- What trends in case filings and prosecutions are visible over the last 10 years?
- How have dispositions and sentencing patterns changed, if at all?
- What proportion of felony cases sentenced involve people with prior felony convictions?

- Drug offenses make up 40 percent of all felony prosecutions.
- Dispositions to prison and community correction centers increased from 2014–2019 and are increasing again.
- Approximately 33 percent of people convicted of a felony had a prior felony conviction in the preceding 5 years.

# Sentencing Trends

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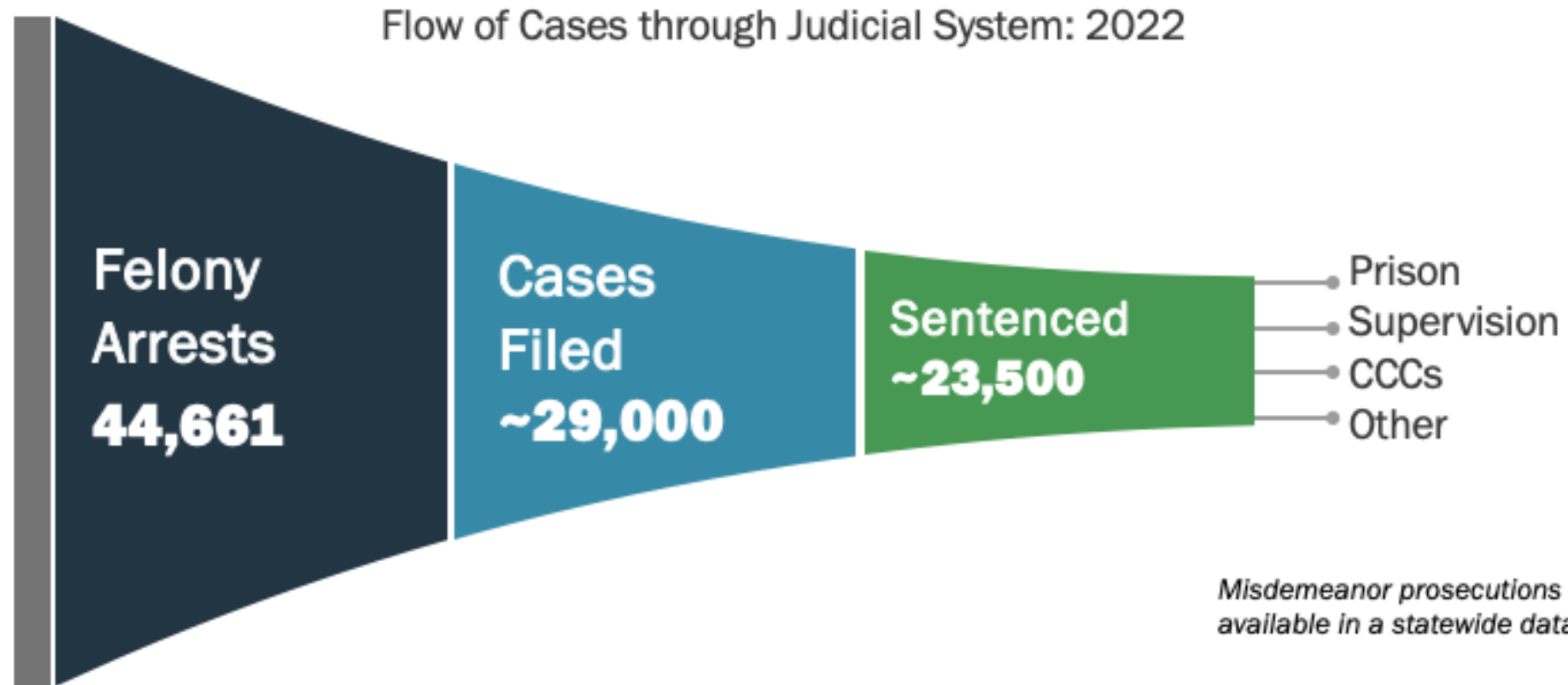
**The data in this presentation came primarily from the Arkansas Administrative Office of the Courts.**

**Arkansas Administrative Office  
of the Courts (AOC)  
10 years of data**

**AOC provided 10 years of  
felony case filings, charges  
associated with each case,  
and sentencing outcomes for  
felony convictions.**



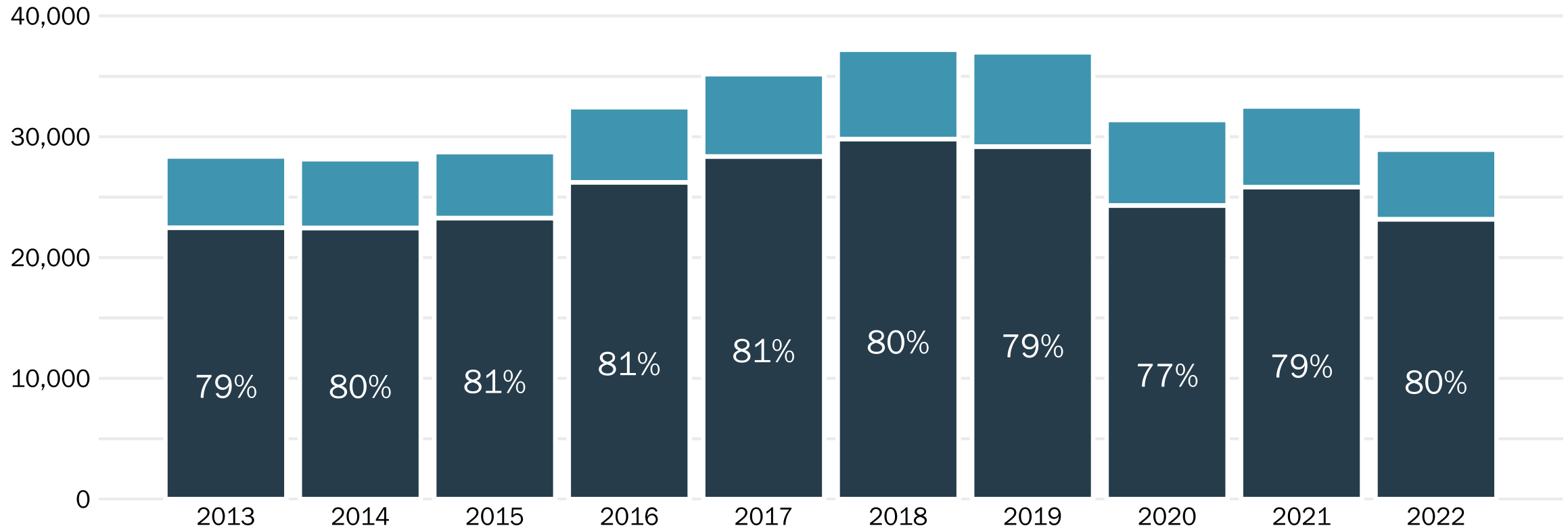
Approximately **17** percent of all reported crimes are prosecuted in circuit courts.



# The proportion of cases prosecuted out of all felony case filings has remained consistent at an average of 80 percent.

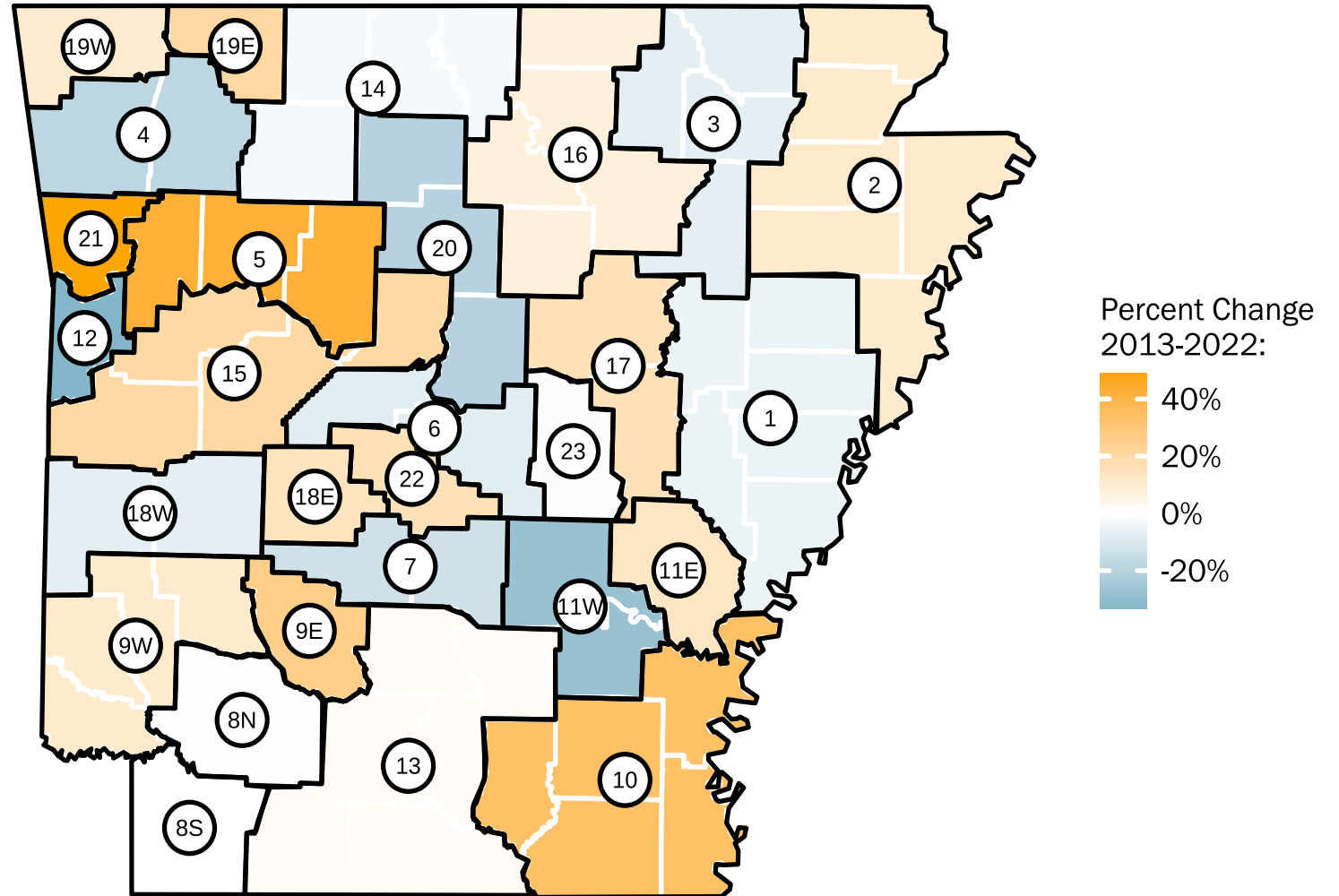
Felony Case Filings and Dispositions: 2013–2022

■ Dismissed ■ Prosecuted



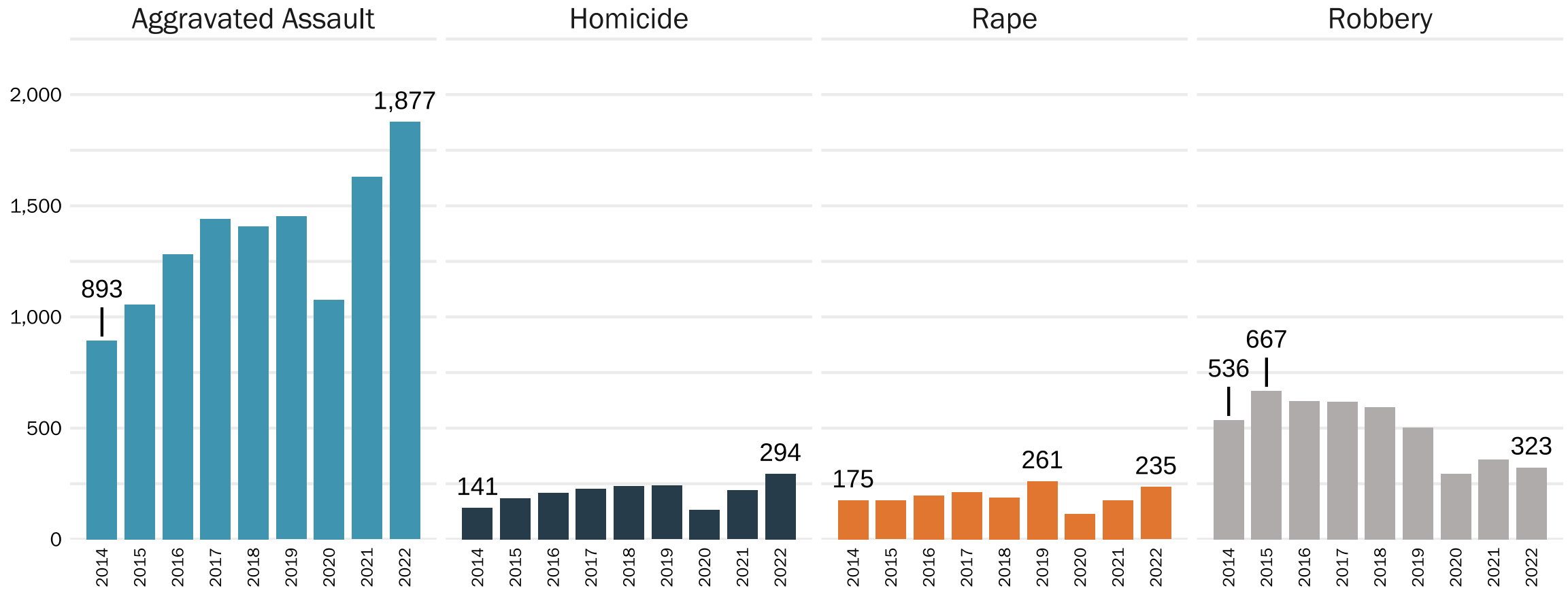
# The change in case filings per capita between 2013 and 2022 varies by judicial circuit.

Judicial Circuit	Filings per 10,000 (2013)	Filings per 10,000 (2022)	Percent Change
21st	99	147	+49%
5th	91	130	+43%
10th	73	97	+34%
9th East	68	86	+26%
19th East	75	91	+21%
7th	85	74	-13%
4th	93	76	-18%
20th	97	77	-20%
11th West	95	68	-28%
12th	153	102	-33%



# Prosecutions for all serious violent index crimes increased except for robbery.

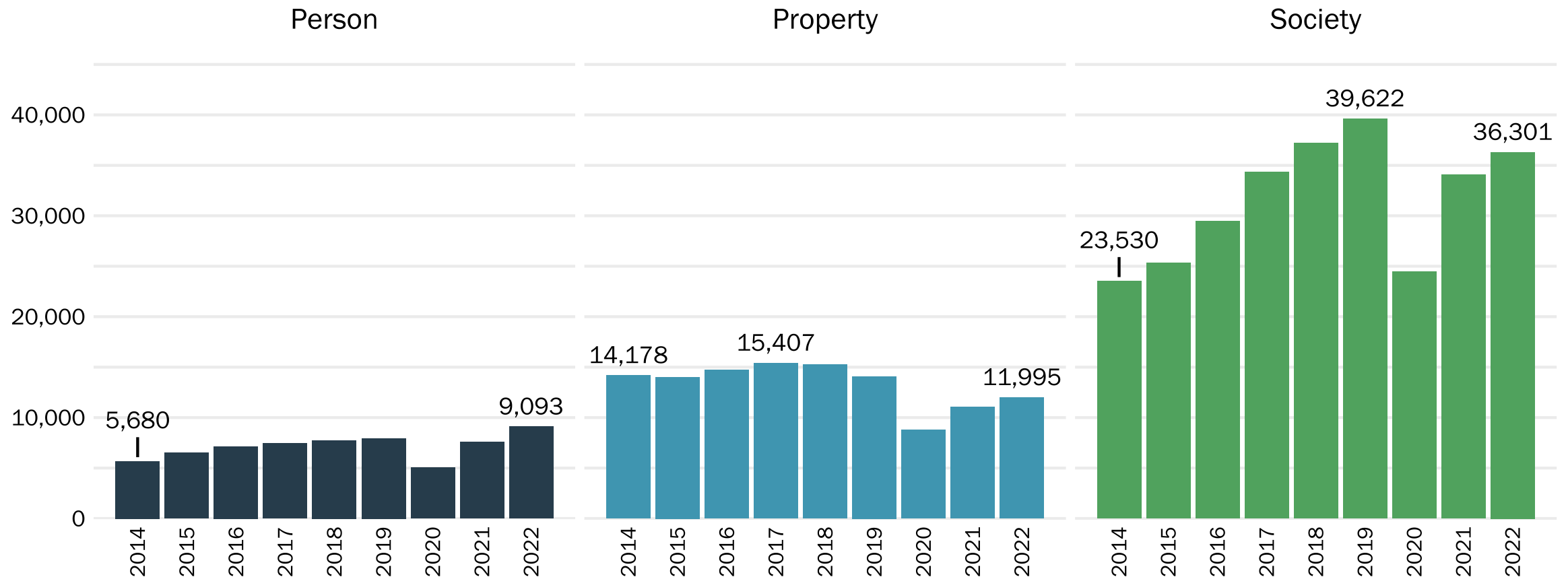
Prosecuted Serious Violent Crimes: 2014–2022



CSG Justice Center analysis of case level sentencing data provided by the Arkansas Administrative Office of the Courts. See Appendix B for more information.

# Prosecuted charges for crimes against society are nearly 4 times higher than for crimes against persons.

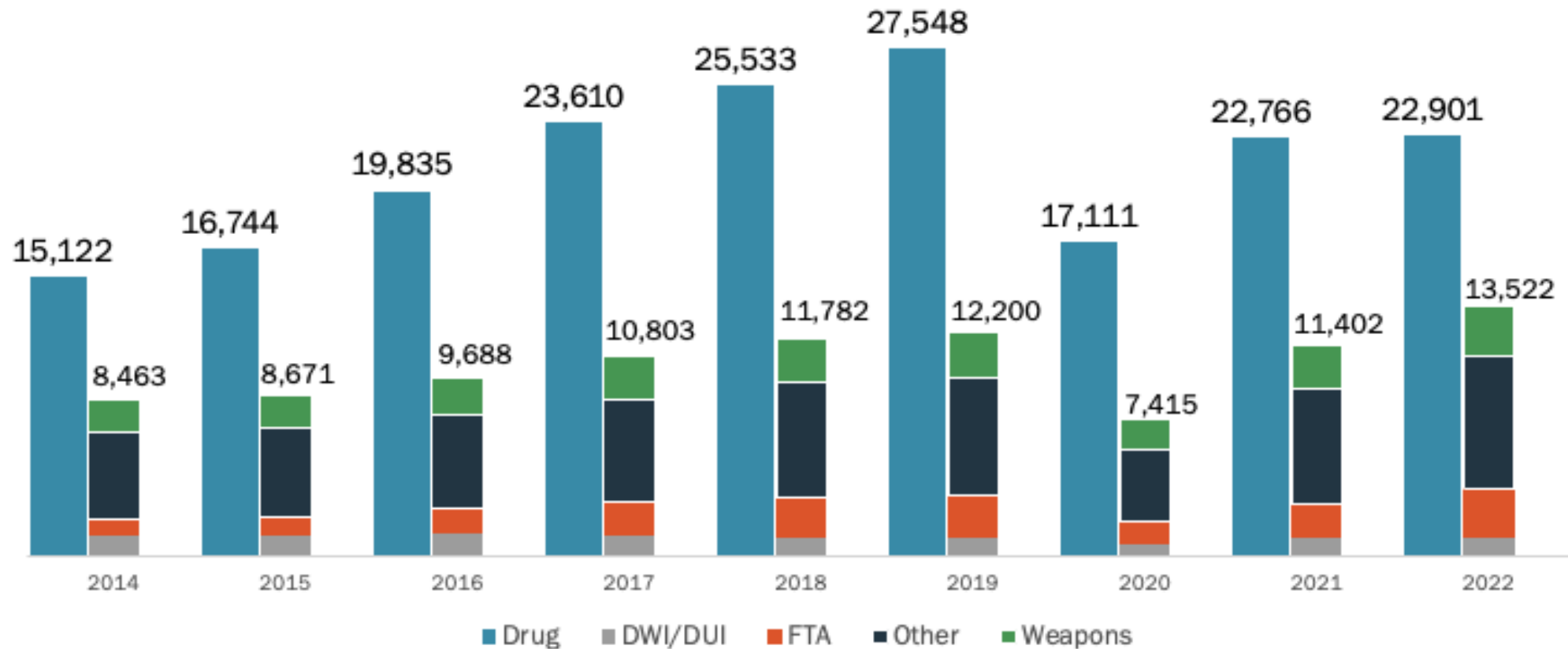
Offenses Prosecuted by Offense Type: 2014–2022



CSG Justice Center analysis of case level sentencing data provided by the Arkansas Administrative Office of the Courts. See Appendix C for more information.

# Felony drug offenses exceed all other types of society offenses.

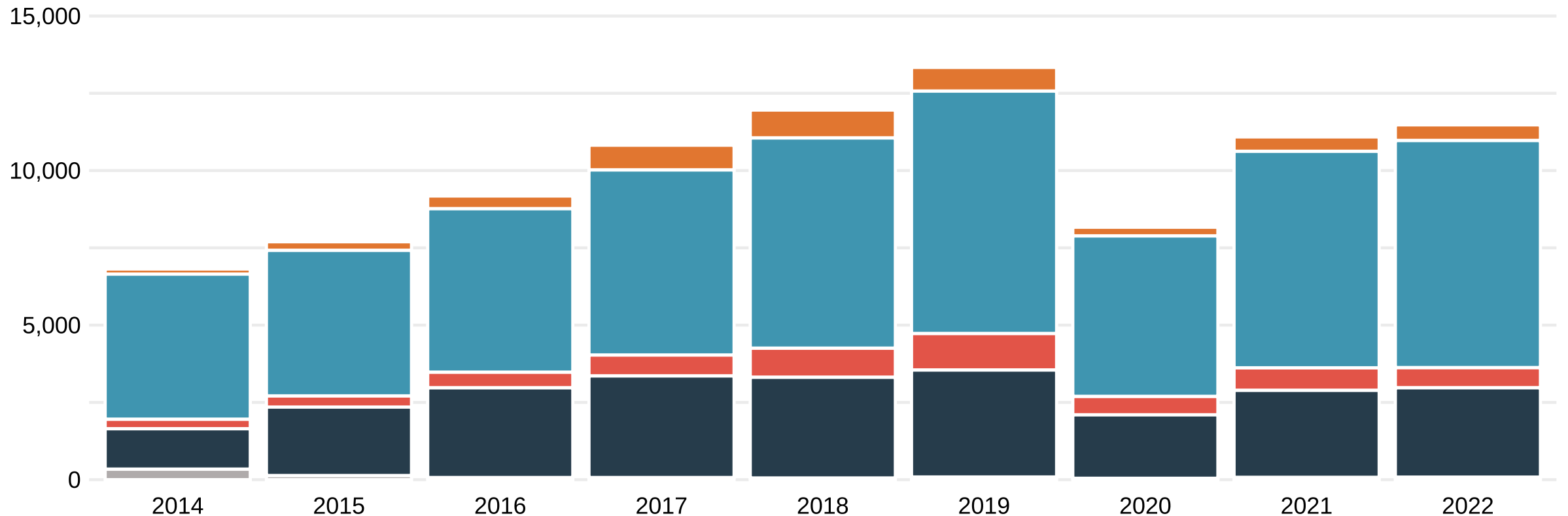
Breakdown of Prosecuted Society Offenses: 2014–2022



# Probation is the most common sentencing outcome for dispositions where a **drug violation** is the most serious offense.

Type of Dispositions for Initial Sentencing Events: 2014–2022

Jail Probation CCC Prison Other



# Arkansas has a variety of sentencing options for people convicted of felony offenses.

## Alternative Sanctions (AS)

### Fines, Community Service, Specialty Courts

### Suspended Imposition of Sentence (SIS)

- *Indirect* supervision by the Division of Community Correction
- May include period of confinement as condition of sentence

### Probation

- *Direct* supervision by the Division of Community Correction
- May include period of confinement as condition of sentence

## Incarceration

### Community Corrections Center (CCC)

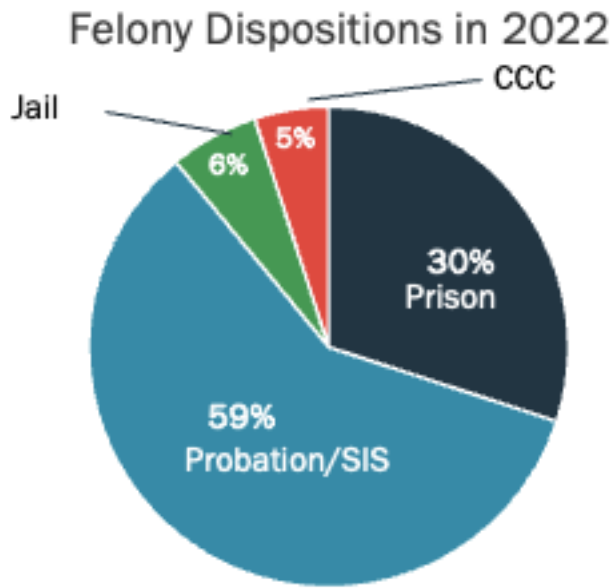
- Modified therapeutic community model
- Up to 12 months
- Offer treatment and programming
- Release to probation, SIS, or parole

### Prison (ADC)

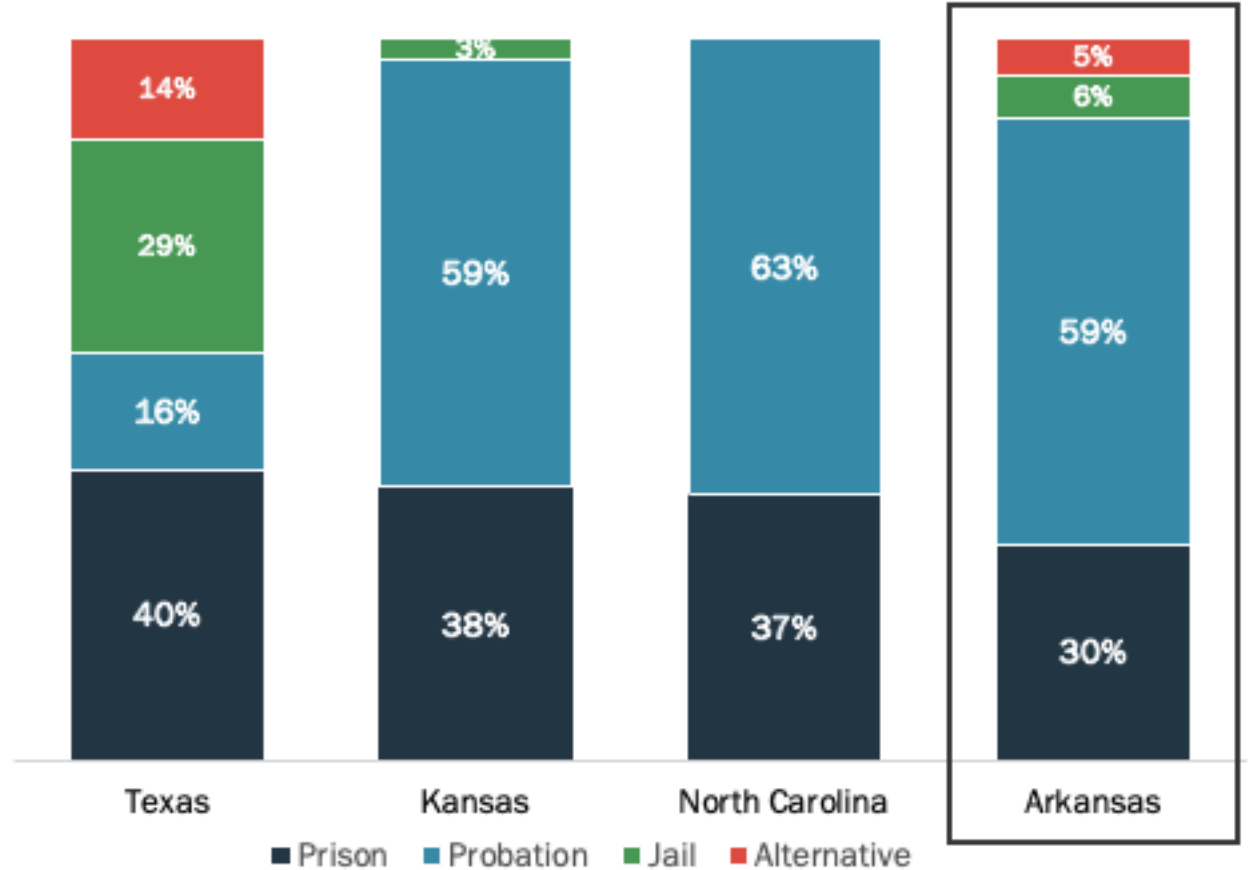
- Some offenses eligible for earned release credits
- Release is controlled by Post-Prison Transfer Board
- Release to parole, SIS or no supervision



# Probation is the most frequent sentence imposed in Arkansas.

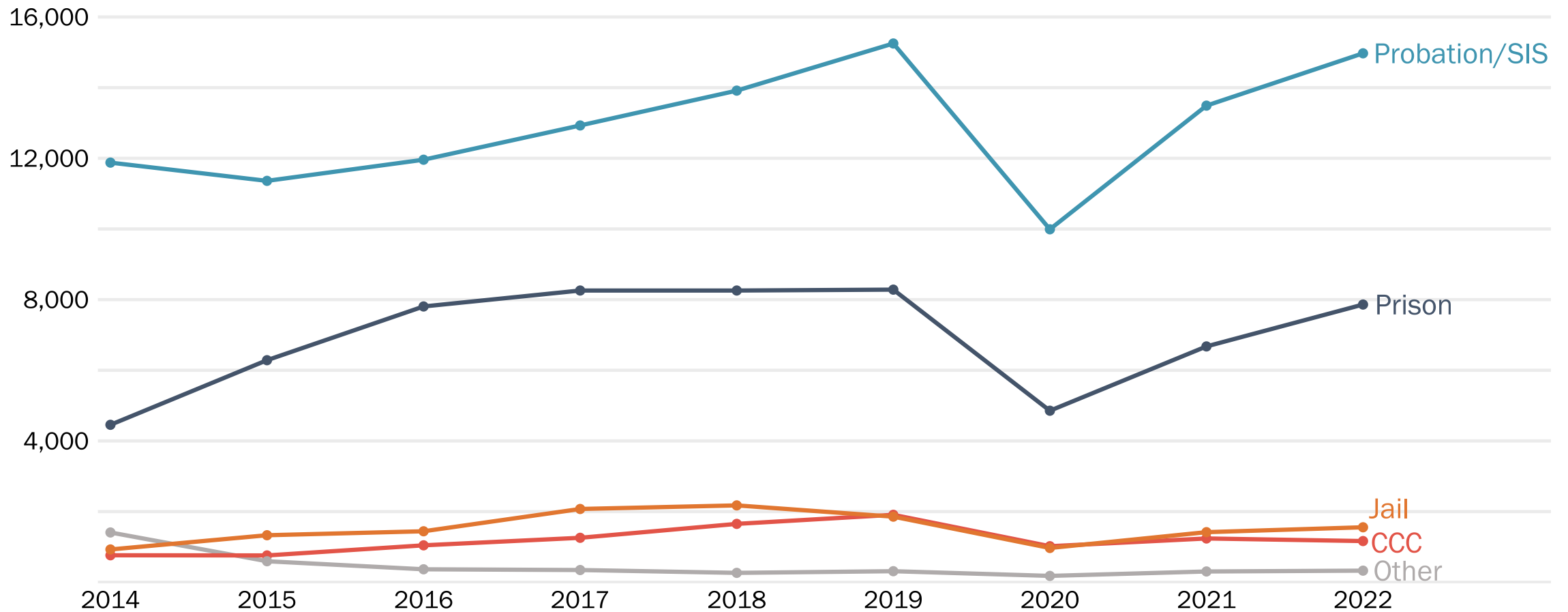


Arkansas Dispositions Compared to Other States

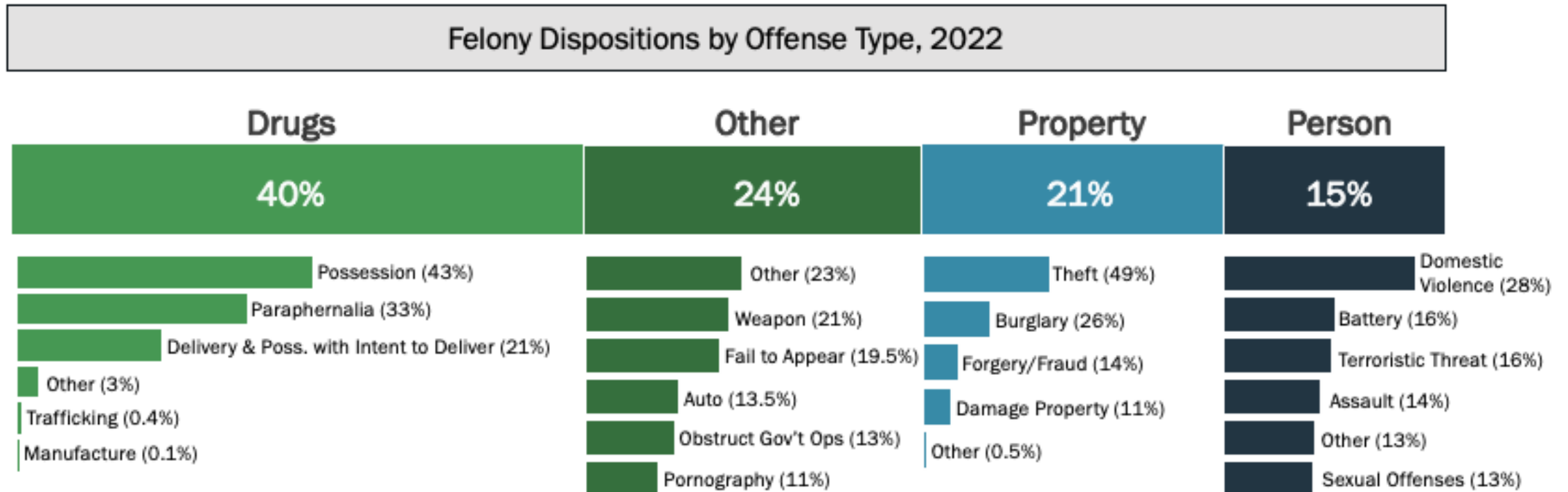


CSG Justice Center analysis of case-level sentencing data provided by the Arkansas Administrative Office of the Courts; Texas Office of Court Administration, Court Activity Reporting and Directory System, ad hoc report for district court activity for FY2022; North Carolina Sentencing and Policy Advisory Commission, FY2022 Structured Sentencing Statistical Report; Conversation with Kansas Sentencing Commission director, October 2024.

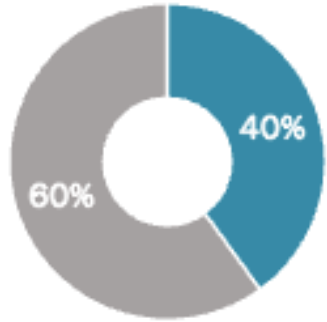
# Dispositions to prison and community correction centers fell in 2020 due to the pandemic but have returned to pre-COVID levels.



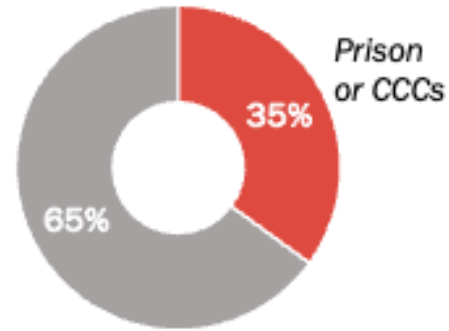
In 2022, 40 percent of dispositions were for drug offenses, 43 percent of which were for possession.



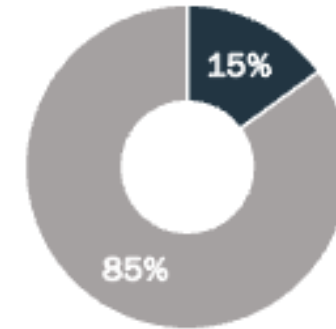
# Summary from Dispositions and Sentencing Outcomes



Drug offenses  
make up  
**40%**  
of all felony  
prosecutions.



Sentences to  
incarceration have  
occurred for  
**35%**  
of new cases since  
2015.



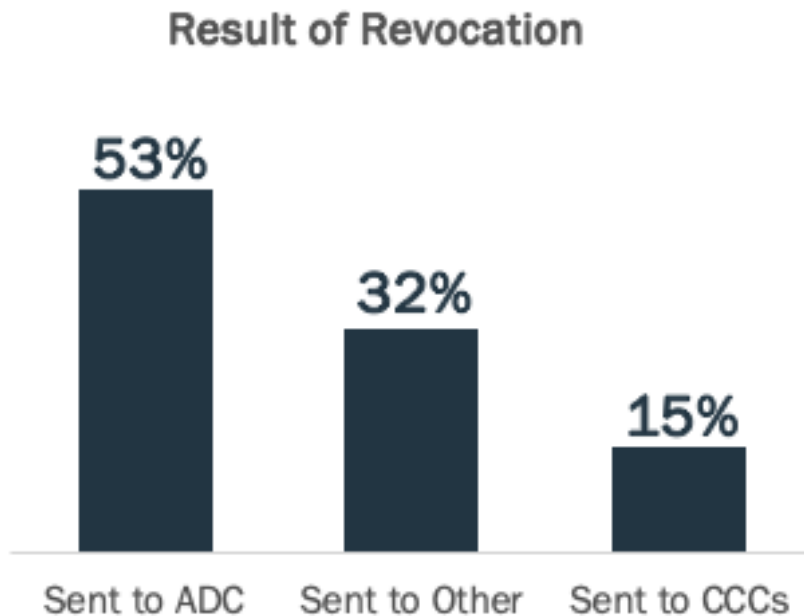
Person offenses  
make up  
**15%**  
of prosecutions.

# Sentences to CCCs and Probation

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

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

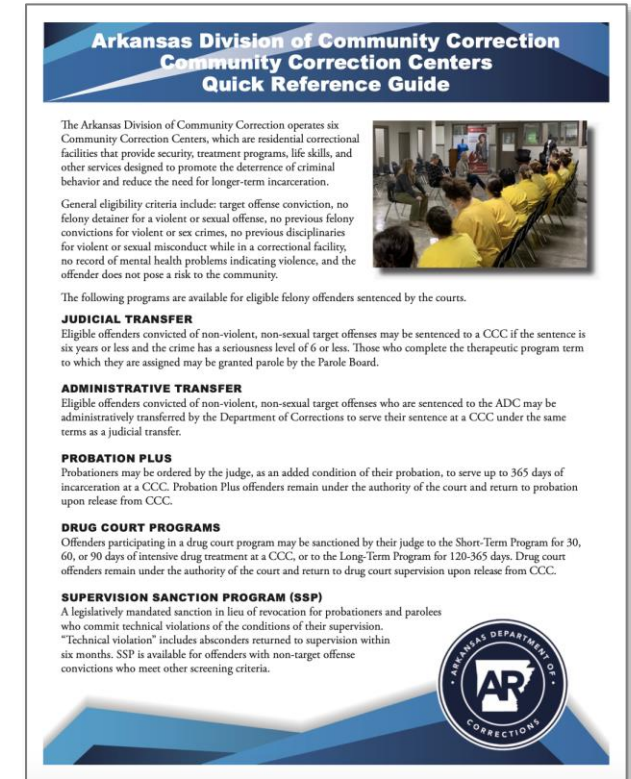


People leaving CCCs have a recidivism rate 11 percentage points lower than those leaving ADC.



# A Quick Guide to Community Correction Centers

- In 1993, the legislature passed Act 531 -- The Community Punishment Act, which created the Arkansas Department of Community Correction. Within that Act, was a provision for the creation of Regional Punishment Facilities, predecessors to today's Community Correction Centers (CCCs).
- In 1997, Community Punishment Centers were implemented using the modified therapeutic community model. This was guided by research aimed at reducing the cost of corrections in Arkansas by directly impacting recidivism.
- The Arkansas Division of Community Correction operates six CCCs, which are residential correctional facilities that provide security, treatment programs, life skills, and other services designed to promote the avoidance of criminal behavior and reduce the need for longer-term incarceration.



# Eligibility for CCCs is determined by statute but general eligibility criteria include the following.

- ✓ Target offense conviction
  - ✓ No felony detainer for a violent or sexual offense
  - ✓ No previous felony convictions for violent or sex crimes
  - ✓ No previous disciplinarys for violent or sexual misconduct while in a correctional facility
  - ✓ No record of mental health problems indicating violence
  - ✓ Does not pose a risk to the community
- Except for people assigned to a technical violator program, only those falling within the target group population may access community correction facilities whether by judicial transfer, administrative transfer, drug court sanction, or probation sanction.



# Target Offenses

## Property

- Theft/theft by receiving
- Fraudulent use of a credit/debit card
- Violation of the Arkansas Hot Check Law
- Criminal mischief in the first or second degree
- Commercial burglary
- Breaking or entering

- Endangering the welfare of a minor in the first degree
- Failure to appear
- Drug paraphernalia
- Driving or boating while intoxicated, fourth or subsequent offense
- Leaving the scene of an accident resulting in death or injury
- A controlled substance felony, other than trafficking a controlled substance
- An unclassified felony for which the prescribed limitations on

## Society

- the sentence do not exceed the prescribed limitations for a Class B felony and that is not violent or sexual
- A Class B felony, Class C felony, or Class D felony that is not violent or sexual and that meets the eligibility criteria determined by the General Assembly to have significant impact on the use of correctional resources
  - Solicitation, attempt, or conspiracy to commit an offense listed in this subdivision

There are currently six CCCs in the state one of which is closing soon.

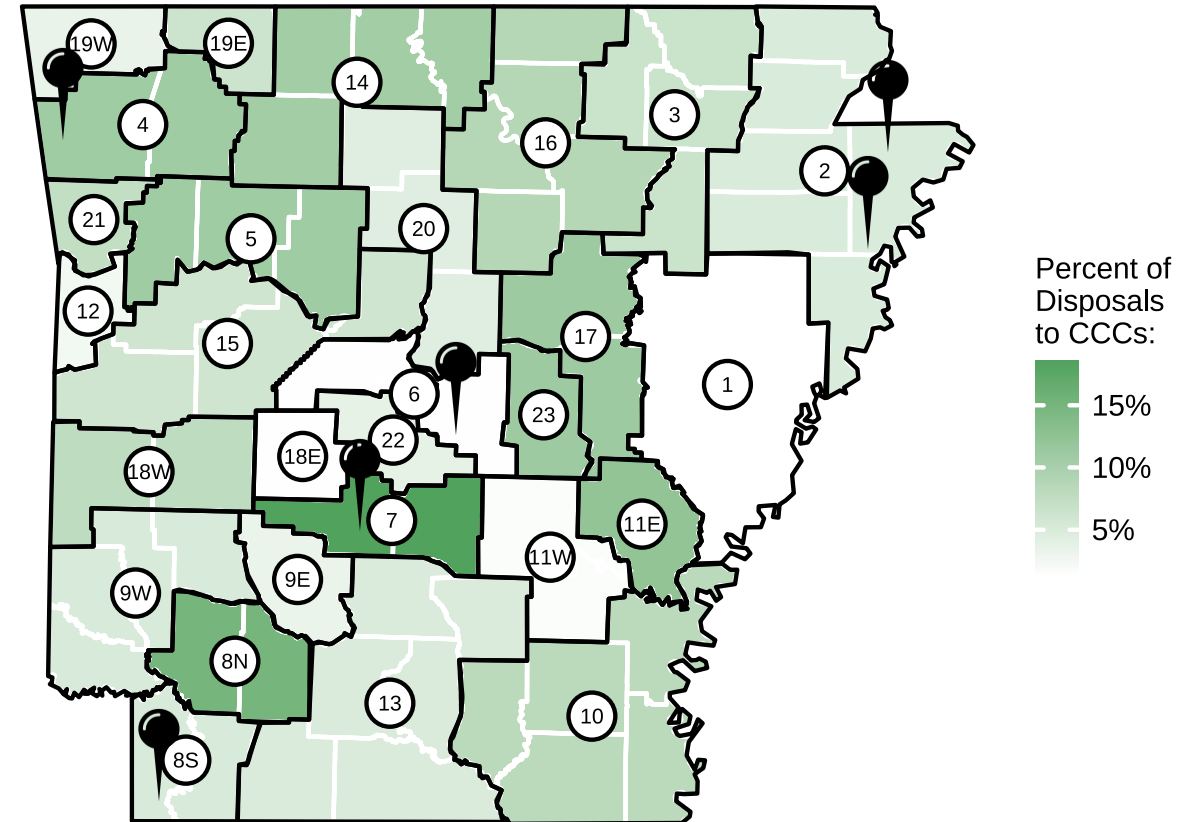
CSG Justice Center staff have visited three of the six CCCs across to state to meet with staff and residents.



*\*The Omega Center provides an alternative 90-day minimum treatment program for male offenders who commit technical violations while on parole/post-release supervision.*

There is notable regional variation in the percentage of cases disposed to CCCs between 2018 and 2022 by judicial circuit.

Judicial Circuit	Number of Disposals	Percent of Disposals
7th	310	18.6%
8th North	273	15.1%
11th East	148	12.3%
23rd	314	11.2%
17th	331	11.1%
12th	168	2.6%
11th West	42	1.7%
18th East	44	1.5%
6th	235	1.5%
1st	47	1.3%



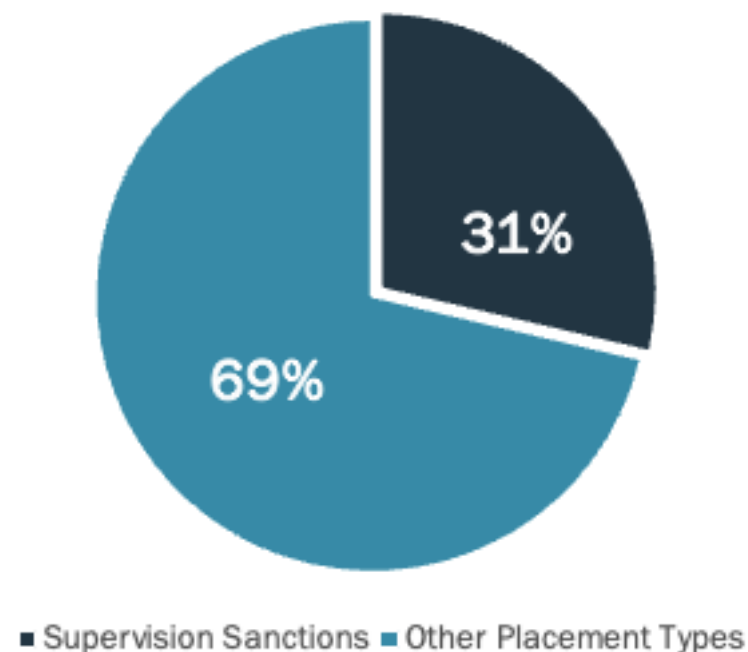
# REMINDER: Community Corrections Centers (CCCs) are operating at capacity, with nearly a third of placements going to supervision sanctions.

CCC Capacity and Population as of 7/31/2024

CCC	Capacity	Population
Central AR CCC	150	165
East Central AR CCC	450	438
NE AR CCC	240	253
NW AR*	114	53
Omega	300	364
SW AR CCC	540	533
<b>TOTALS</b>	<b>1,794</b>	<b>1,806</b>

CCCs are operating at **100.7%** of total capacity

CCC Placements



\* The Northwest CCC is slated to close and has been in the process of relocating residents. Before that began, in April of 2024, the CCC had been operating at 100% capacity; 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\\_-August-2024.pdf](https://doc.arkansas.gov/wp-content/uploads/Division-of-Community-Correction-Directors-Board-Report_-August-2024.pdf).

# Here is some of what we've heard about CCCs from staff, residents, and others.

"CCCs are what work best in our system."  
—Elected Prosecutor

"It takes a special kind of person to do this job. You have to want to make a difference."  
—CCC staff

"The goal is to have individualized treatment plans. We're not there yet because of resources."  
—CCC staff

"COs here are pretty good, they treat us like people, most of them do care, they want to keep you out of trouble. Also in terms of safety they're doing their jobs abundantly."  
—CCC resident

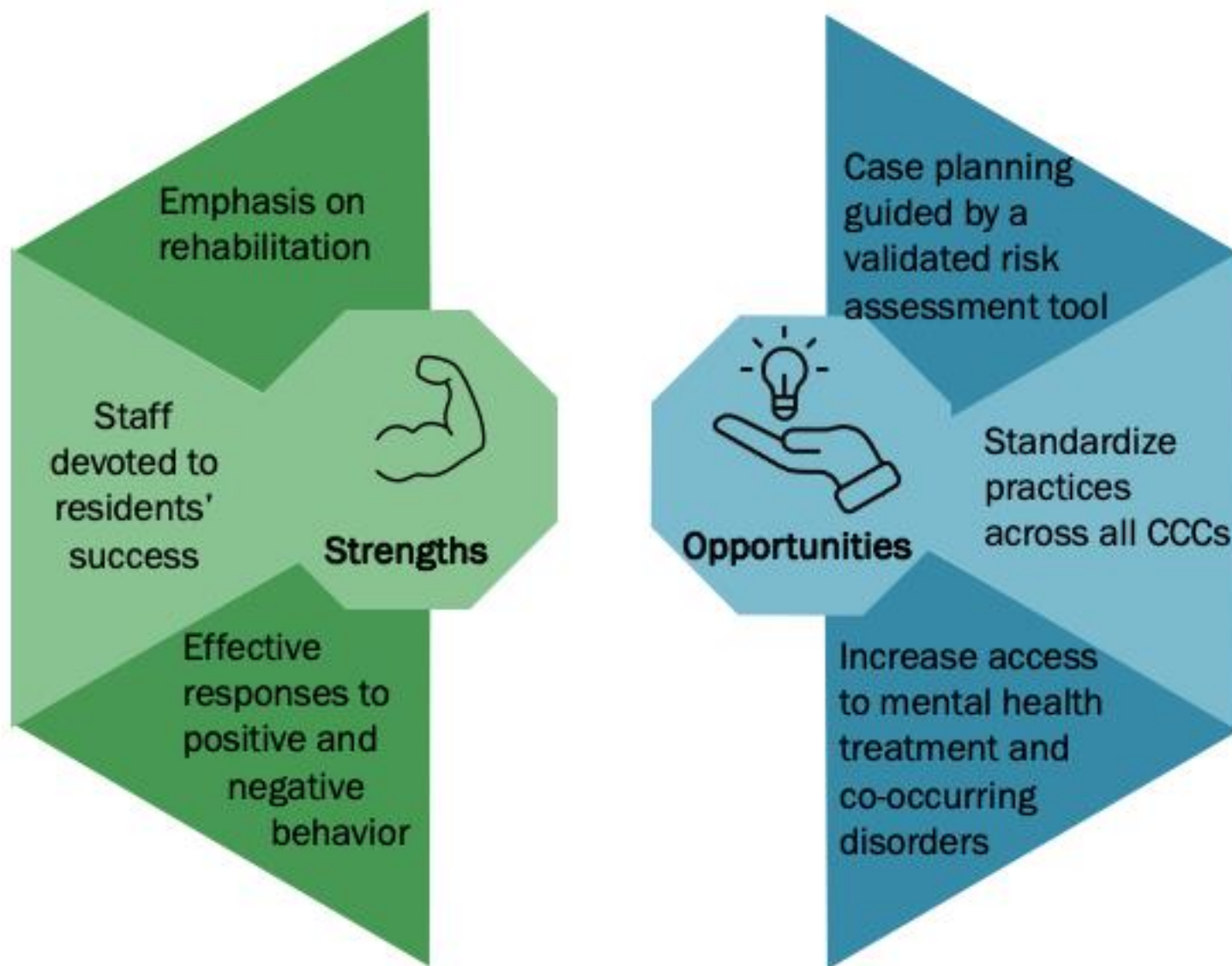
"This is harder than prison. In prison I could lay in my rack all day. The environment is much better than prison, the expectations much higher."  
—CCC resident

"Mental health issues seem like they're to the side. If they're going to be helping us, actually help us, don't halfway-help us."  
—CCC resident

"This here is a mental thing. it builds you up to be the person you have to be. You learn personal accountability, self-worth, responsibility."  
—CCC resident

"The staff here really care. They're firm, fair, and consistent."  
—CCC resident

# CCCs have many strengths, with opportunities for further improvement.



# Nine Principles of Effective Intervention

- 1** Assess risk, needs, and responsivity.
- 2** Enhance intrinsic motivation.
- 3** Target interventions based on assessments and appropriate dosage.
- 4** Time and order interventions strategically to have the maximum impact.
- 5** Ensure adequate investment in and access to proven programs.
- 6** Use assessment-driven case planning to facilitate behavior change.
- 7** Respond effectively to negative behavior and increase positive reinforcement.
- 8** Engage with supports in the community.
- 9** Measure outcomes and provide feedback.

Adapted from Brad Bogue, *Implementing Evidence-Based Practice in Community Corrections: The Principles of Effective Intervention* (National Institute of Corrections and Crime and Justice Institute, 2004), <https://nicic.gov/implementing-evidence-based-practice-community-corrections-principles-effective-intervention>.

# Here's what we've seen on how CCCs implement evidence-based practices.

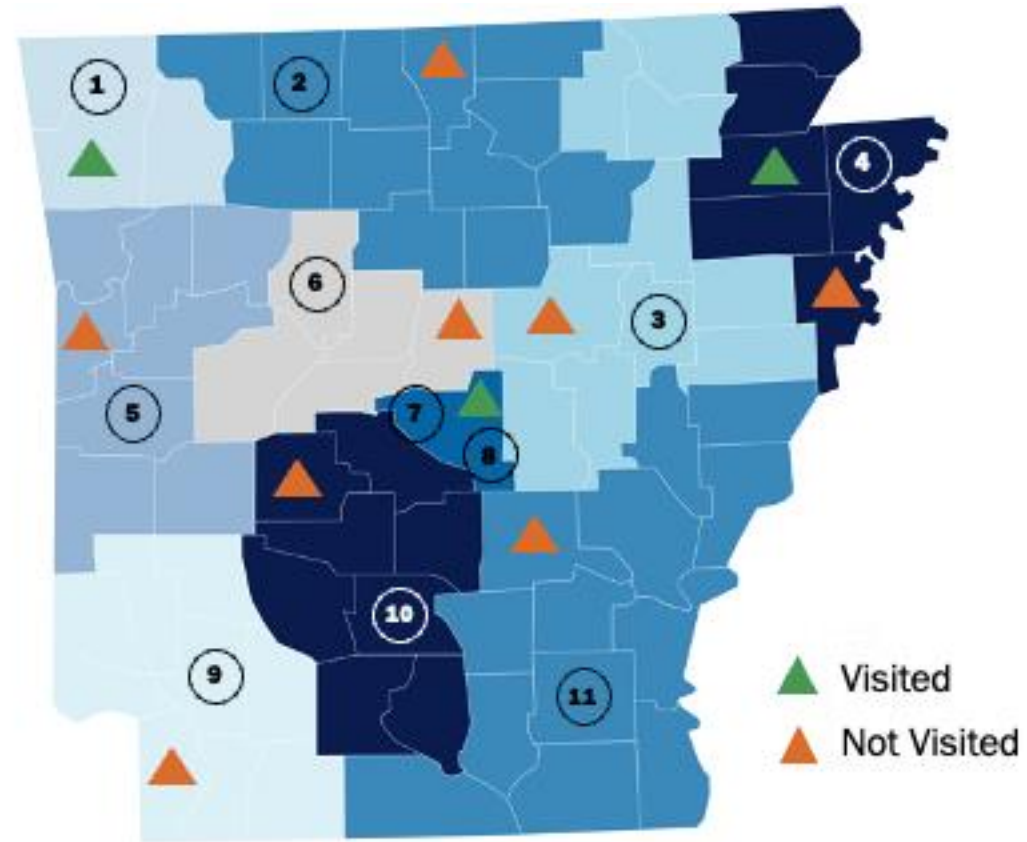
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- Strength**   **In Progress**   **Relative Weakness**  
**Varies by Region**

Adapted from Brad Bogue, *Implementing Evidence-Based Practice in Community Corrections: The Principles of Effective Intervention* (National Institute of Corrections and Crime and Justice Institute, 2004), <https://nicic.gov/implementing-evidence-based-practice-community-corrections-principles-effective-intervention>.



There are **11** Community Supervision Areas in the state; we have visited five CSOs across three different areas.

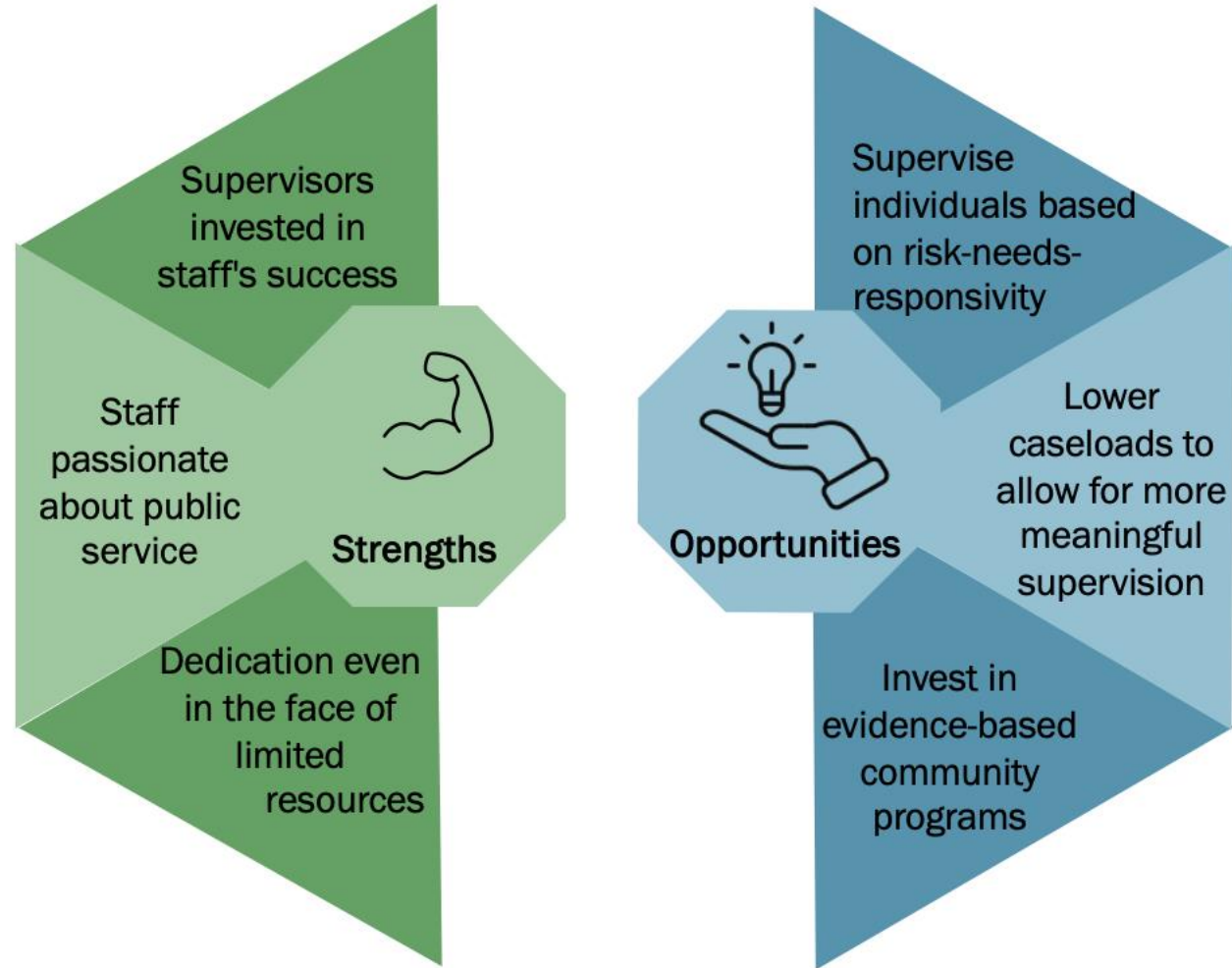
CSG Justice Center staff have visited five CSOs across three different areas to meet with staff and clients.



# Here is some of what we've heard about community supervision from staff.



# Despite passionate staff, community supervision officers are limited by high caseloads and insufficient resources.



# Here's what we've seen on how Community Supervision is implementing evidence-based practices.

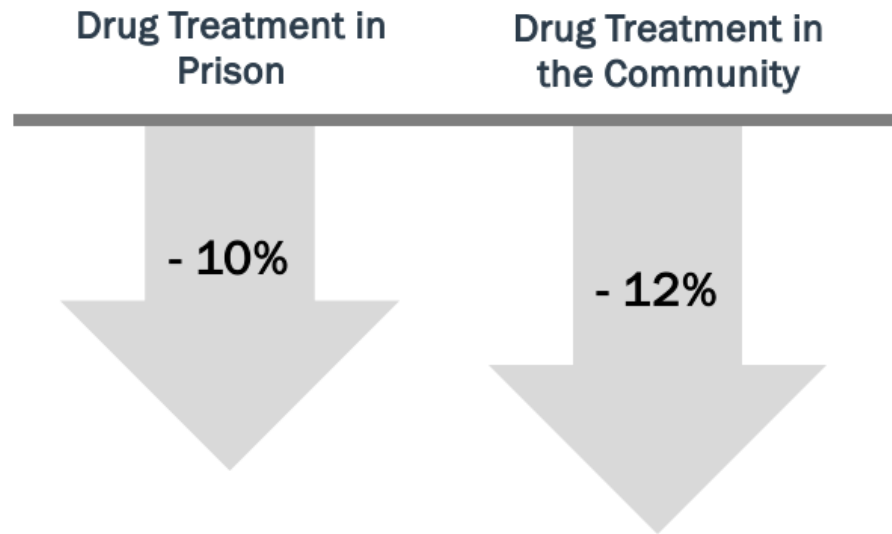
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■ Strength ■ In Progress ■ Relative Weakness

Adapted from Brad Bogue, *Implementing Evidence-Based Practice in Community Corrections: The Principles of Effective Intervention* (National Institute of Corrections and Crime and Justice Institute, 2004), <https://nicic.gov/implementing-evidence-based-practice-community-corrections-principles-effective-intervention>.

# Programming delivered in the community can be more effective and less expensive than programming in prison.

## Impact on Recidivism Rates



“Benefit-Cost Results,” Washington State Institute for Public Policy, accessed February 19, 2021, <https://www.wsipp.wa.gov/BenefitCost?topicId=2>; “Incarceration Costs Significantly More than Supervision,” United States Courts, accessed February 19, 2021, <https://www.uscourts.gov/news/2017/08/17/incarceration-costs-significantly-more-supervision>.

# Summary of CCCs and Probation

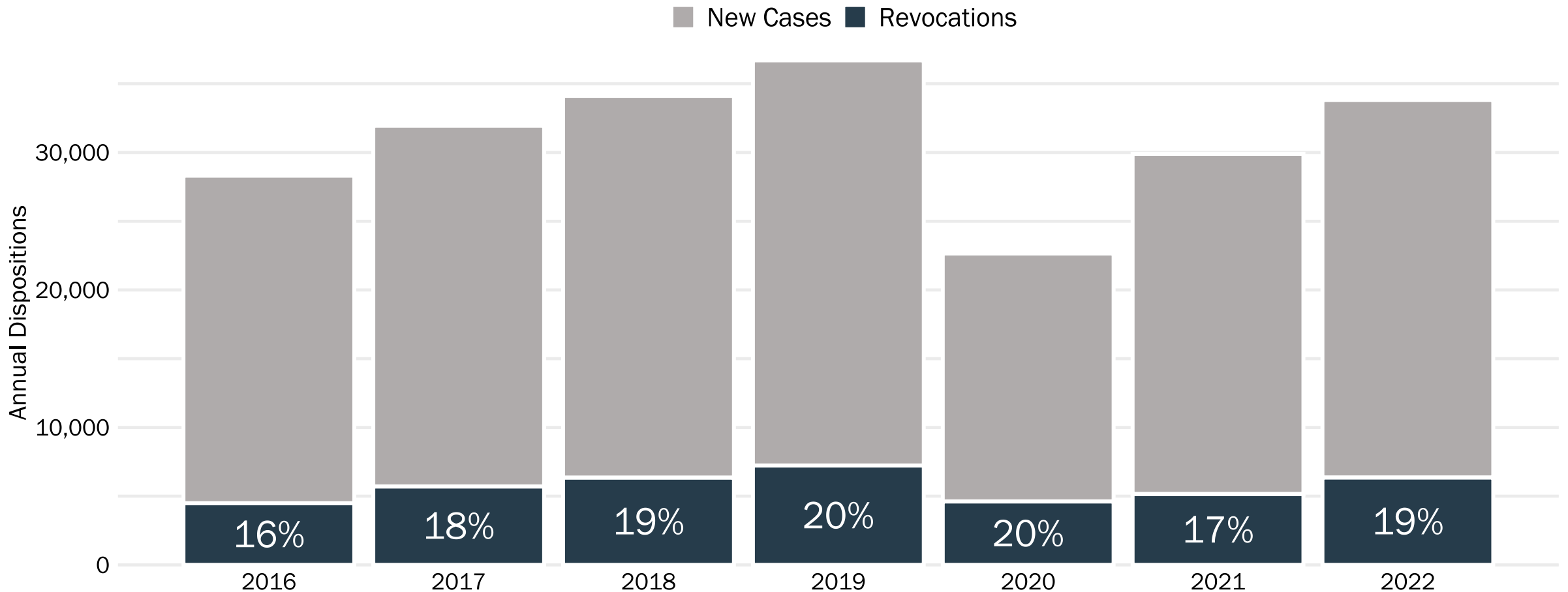
- Community Corrections Officers are dedicated and hardworking but are facing significant systemic hurdles preventing them from having the greatest amount of impact in their work.
- Both qualitative and quantitative assessments indicate that CCCs have a profound impact—both on the individuals who pass through them and on the overall outcomes for the entire population they serve.
- Increased investment in CCCs/the CCC model has the potential to yield impressive results.
- Well-resourced, evidence-based community-based behavioral health treatment can address root-cause problems more successfully and in a far more cost-effective manner, ultimately avoiding costly prison stays.

# Revocations and Reconvictions

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# Probation revocations comprise approximately 18 percent of cases decided by judges annually.

Proportion of Cases Involving Probation Revocations: 2016–2022

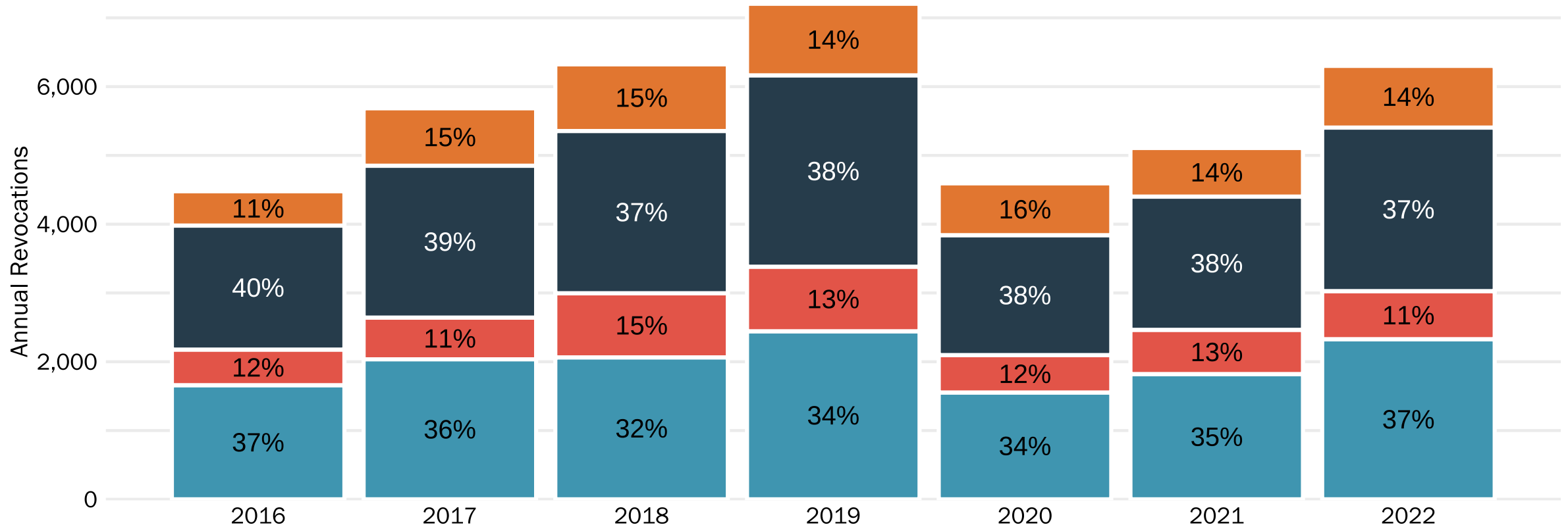




# Approximately one-third of people who are revoked from probation are sent to prison.

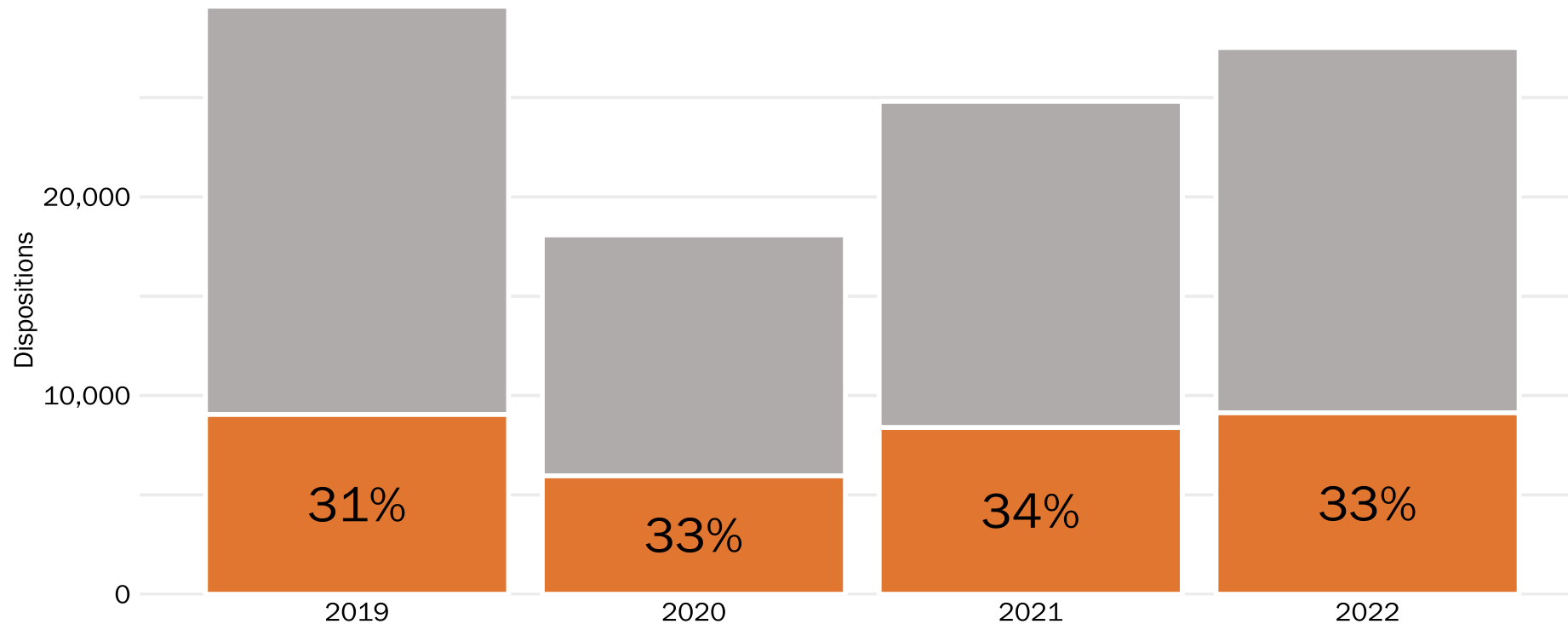
Dispositions of Probation Revocations: 2016–2022

■ Probation/SIS ■ CCC ■ Prison ■ Jail



# Approximately one-third of people convicted of a felony had been convicted of a felony in the preceding 5 years.

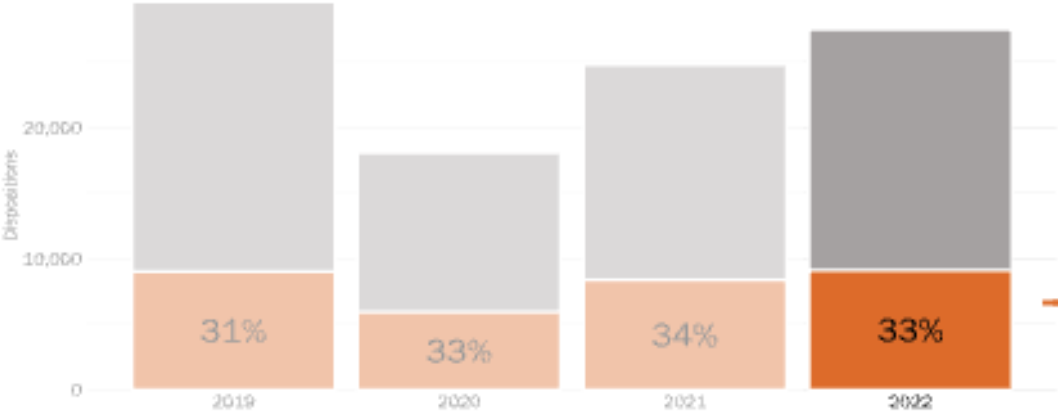
Percent of Cases with Prior Felony Convictions: 2019–2022



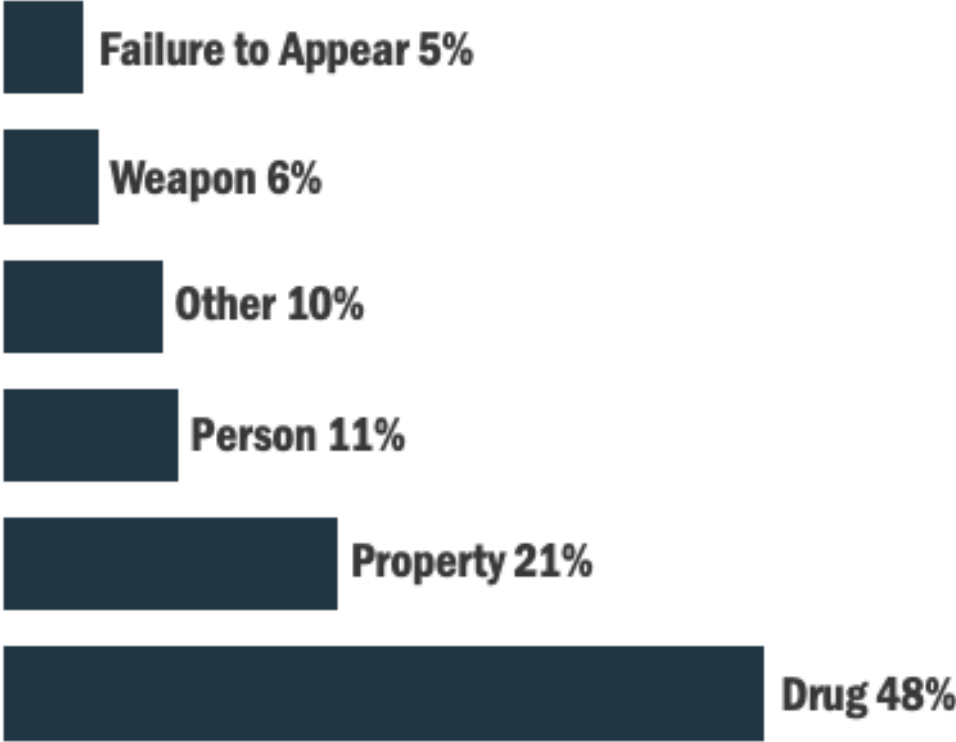
Felony reconvictions measure continued engagement in criminal activity.

33 percent of people convicted in 2022 had been convicted of a felony offense within the preceding five years, averaging 7,500 people per year.

**Drug offenses were the most common charge in felony reconviction cases.**

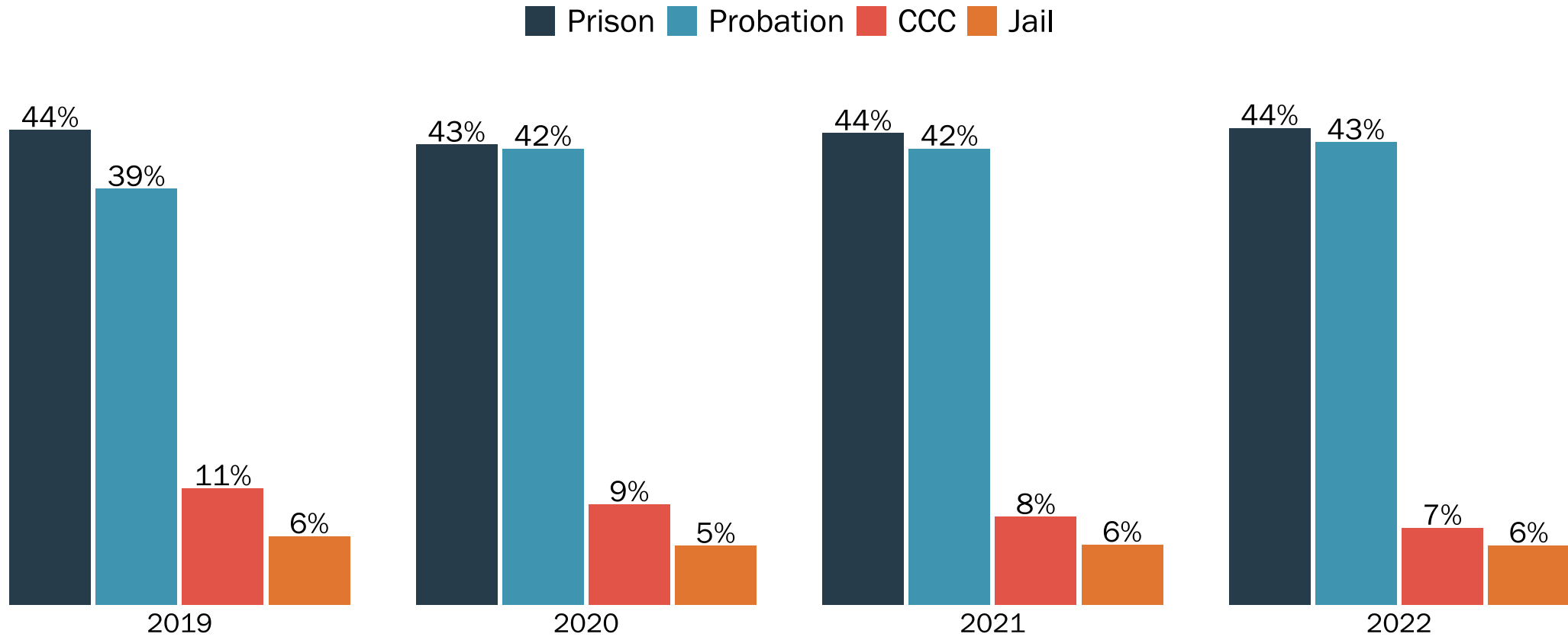


Breakdown of 2022 Reconviction Offenses

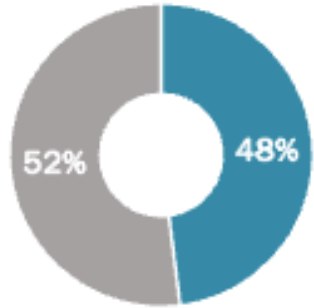


# Reconviction cases most frequently result in sentences to prison or probation.

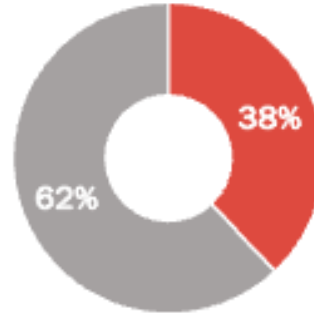
Dispositions for Reconviction Cases: 2019–2022



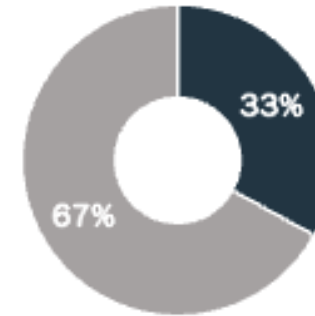
# Summary of Revocations and Reconvictions



Drug offenses  
make up  
**48%**  
of all felony  
reconvictions.



Sentences to prison  
occur for  
**38%**  
of probation  
revocations.



Prior felony convictions  
have been  
identified in  
**33%**  
of cases within  
preceding 5 years.

**Conclusion**

**5**

# Key Takeaways from Today's Presentation

**Dispositions:** Dispositions to prison and community correction centers have increased from 2014 to 2019 and are increasing again.

**Outcomes:** Felony drug offenses exceed all other types of society offenses.

**Revocations:** Approximately one-third of people who are revoked from probation are sent to prison.

**Reconvictions:** Drug offenses were the most frequently prosecuted type of crime in reconviction cases.

**CCCs:** Community Correction Centers offer a model for successful intervention that can be strengthened and expanded.

**Probation:** Enhanced systemic support for probation officers' work may yield better outcomes.

# Key Data Takeaways on Crime and Arrests

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## Crimes Against Persons:

Assaults make up 94 percent of person crimes.

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Arrests happen in only 31 percent of person crimes.

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In 2022, people arrested for person crimes while on supervision comprised 6 percent of all reported incidents for that year.

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## Crimes Against Property:

Theft/Larceny make up 49 percent of property crimes.

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A 22 percent decline in property crimes over the last decade drove a 11 percent decrease in overall crime incidents.

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## Crimes Against Society:

The highest rate of arrest (81 percent) is for crimes against society.

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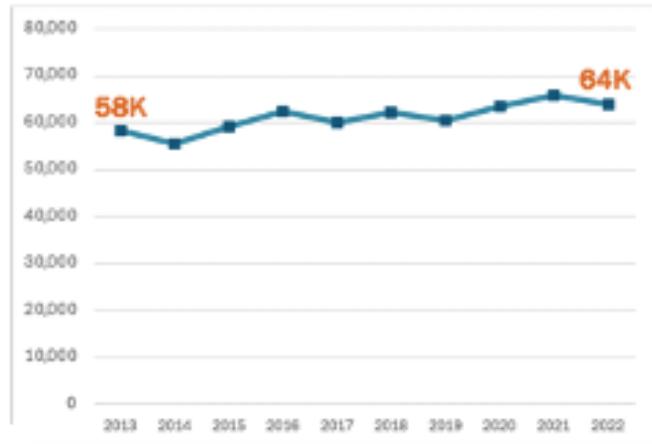
Drug offenses make up 90 percent of society crimes.

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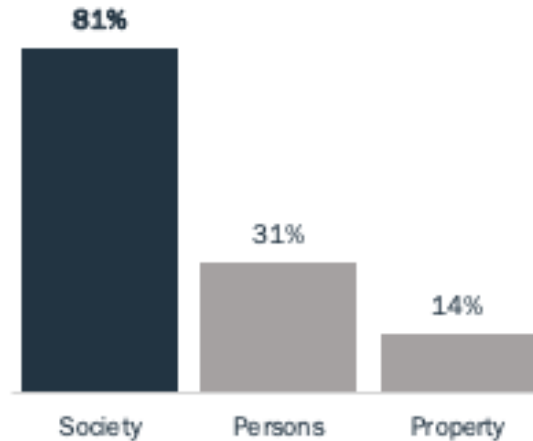


# Summary of Crime and Arrest Data

Crimes against persons rose **9%** between 2013 and 2022



Crimes against society have the highest rate of arrest, at **81%**

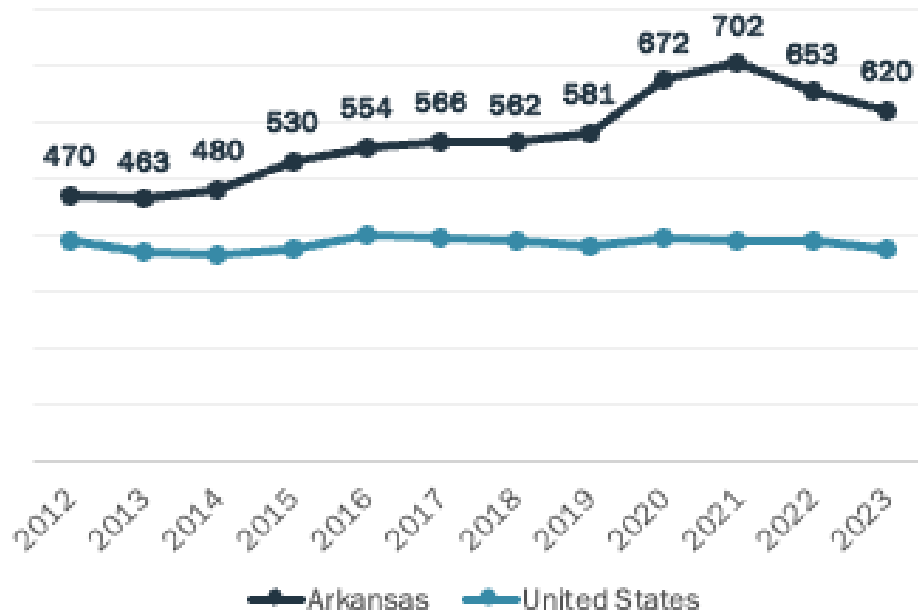


People *not* on supervision made up **75%** of arrests in 2022



# **New:** National crime estimates were released in September for 2023 crime rates.

**Violent Crime Rate,  
2012-2023**



Arkansas's index violent crime rate declined again in 2023 but remains higher than in 2019.

The Index Violent Crime Rate is composed of four serious violent offenses:

- Murder/Non-negligent Homicide
- Rape
- Aggravated Assault
- Robbery

# Key Concerns Across the Criminal Justice System

**Behavioral Health:** There is insufficient highly-quality, evidence-based programming available to meet the needs of individuals in the criminal justice system in the community or within facilities.

**Staffing:** Low pay for community supervision and correctional officers results in challenges with recruiting and retaining staff, exacerbating other challenges.

**Coordination:** Incomplete information-sharing inhibits smooth cooperation and results in inefficiencies.

**Resource Allocation:** Current systems and practices make it difficult for individuals to receive targeted, individualized interventions that correspond to their specific needs.

## Discussion Questions



Today we've highlighted some strengths in your system. What can meaningfully deepen the impact of those or other existing strengths?



What are the biggest obstacles that stand between where you are now and where you'd like your system to be?



What are changes that can have an immediate impact and some that are more long-term investments?

Our research team continues to analyze state data to provide insights into what is happening across the state.

Justice Reinvestment Data Requests		
Data	Source	Status
Arrest and Disposition Information for Felonies and Misdemeanors	Arkansas Crime Information Center (ACIC)	Analysis complete
Court Case Dispositions	Administrative Office of the Courts (AOC)	Analysis complete
DOC/CCC Admissions and Releases; Probation, SIS, and Parole Supervision	Arkansas Department of Corrections (ADC)	Analysis underway

# The CSG Justice Center team still plans to do the following.



Complete analysis of DOC data.



Help the task force draft final recommendations.



Present DOC data in November.



Make legislative recommendations.

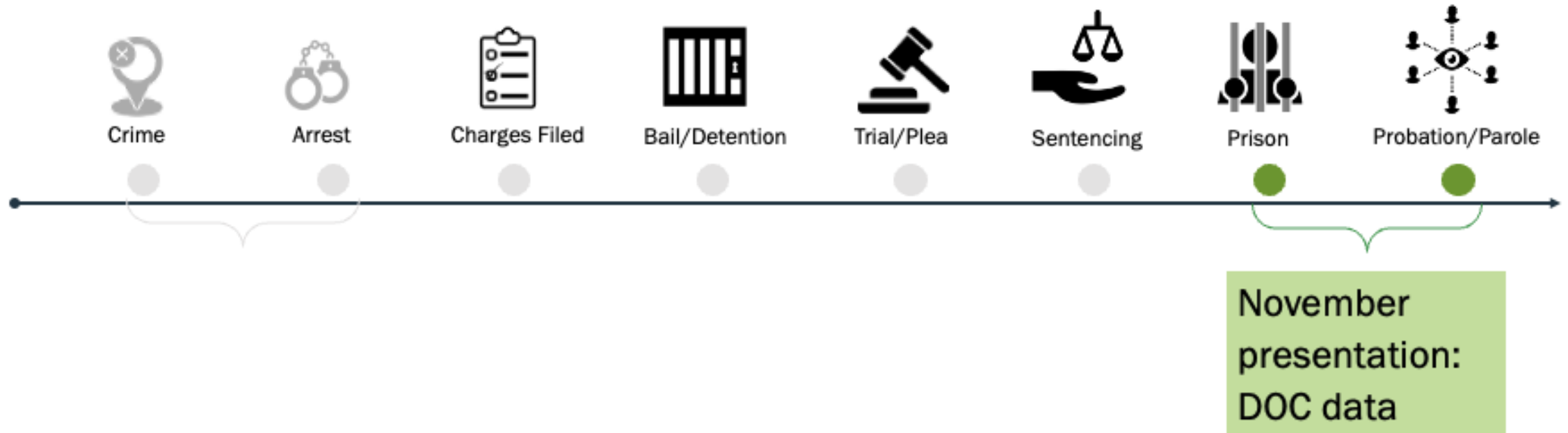


Speak with a cross-section of public defenders.



Offer technical assistance and data monitoring to ensure the policy recommendations are successfully implemented.

Today we talked about charges and sentencing patterns. In November, we will cover prisons and probation/parole.



# 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).



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# Appendix

# 6

# Appendix A:

## Judicial Case Filings Per Capita 2013-2022

Judicial Circuit	Filings per 10,000 (2013)	Filings per 10,000 (2022)	Percent Change
21st	99	147	+49%
5th	91	130	+43%
10th	73	97	+34%
9th East	68	86	+26%
19th East	75	91	+21%
15th	99	119	+20%
17th	68	79	+16%
22nd	65	75	+16%
18th East	65	74	+15%
11th East	120	136	+13%
2nd	149	166	+11%
9th West	88	98	+11%
19th West	56	62	+10%
16th	78	84	+8%
13th	102	104	+2%
8th North	123	124	+1%

Judicial Circuit	Filings per 10,000 (2013)	Filings per 10,000 (2022)	Percent Change
8th South	124	124	0%
23rd	84	83	-1%
14th	73	71	-3%
1st	137	130	-5%
18th West	72	66	-7%
3rd	116	107	-8%
6th	96	88	-8%
7th	85	74	-13%
4th	93	76	-18%
20th	97	77	-20%
11th West	95	68	-28%
12th	153	102	-33%

# Appendix B: Prosecuted Serious Violent Crimes: 2014–2022

## Aggravated Assault

year	number
2014	893
2015	1,057
2016	1,281
2017	1,442
2018	1,407
2019	1,452
2020	1,077
2021	1,629
2022	1,877

## Homicide

year	number
2014	141
2015	185
2016	209
2017	228
2018	239
2019	241
2020	133
2021	220
2022	294

## Rape

year	number
2014	175
2015	174
2016	197
2017	212
2018	187
2019	261
2020	114
2021	175
2022	235

## Robbery

year	number
2014	536
2015	667
2016	622
2017	618
2018	595
2019	503
2020	295
2021	360
2022	323

# Appendix C: Offenses Prosecuted by Offense Type: 2014–2022

## Person

year	number
2014	5,680
2015	6,528
2016	7,143
2017	7,437
2018	7,744
2019	7,942
2020	5,029
2021	7,555
2022	9,093

## Property

year	number
2014	14,178
2015	14,018
2016	14,698
2017	15,407
2018	15,249
2019	14,090
2020	8,769
2021	11,065
2022	11,995

## Society

year	number
2014	23,530
2015	25,347
2016	29,476
2017	34,333
2018	37,206
2019	39,622
2020	24,438
2021	34,086
2022	36,301

# Appendix D: Prosecuted Society Offenses by type: 2014–2022

Year	Drug	DWI/DUI	FTA	Other	Weapons
2014	15,122	1,157	822	4,686	1,798
2015	16,744	1,140	990	4,811	1,730
2016	19,835	1,210	1,365	5,134	1,979
2017	23,610	1,076	1,846	5,554	2,327
2018	25,533	1,027	2,146	6,234	2,375
2019	27,548	1,039	2,218	6,456	2,487
2020	17,111	685	1,178	3,901	1,651
2021	22,766	958	1,823	6,247	2,374
2022	22,901	1,011	2,658	7,153	2,730

# Appendix E: Type of Dispositions for Initial Sentencing Events: 2014–2022

2014		
disposition	number	percentage
CCC	312	5%
Jail	167	2%
Other	343	5%
Prison	1,304	19%
Probation	4,690	69%

2015		
disposition	number	percentage
CCC	362	5%
Jail	280	4%
Other	135	2%
Prison	2,214	29%
Probation	4,706	61%

2016		
disposition	number	percentage
CCC	509	6%
Jail	413	4%
Other	70	1%
Prison	2,901	32%
Probation	5,285	58%

2017		
disposition	number	percentage
CCC	680	6%
Jail	802	7%
Other	70	1%
Prison	3,285	30%
Probation	5,984	55%

2018		
disposition	number	percentage
CCC	945	8%
Jail	903	8%
Other	56	0%
Prison	3,256	27%
Probation	6,797	57%

2019		
disposition	number	percentage
CCC	1,185	9%
Jail	767	6%
Other	87	1%
Prison	3,459	26%
Probation	7,839	59%

2020		
disposition	number	percentage
CCC	599	7%
Jail	283	3%
Other	46	1%
Prison	2,051	25%
Probation	5,188	64%

2021		
disposition	number	percentage
CCC	730	7%
Jail	467	4%
Other	77	1%
Prison	2,812	25%
Probation	7,003	63%

2022		
disposition	number	percentage
CCC	655	6%
Jail	508	4%
Other	83	1%
Prison	2,889	25%
Probation	7,344	64%

2023		
disposition	number	percentage
CCC	484	7%
Jail	237	3%
Other	38	1%
Prison	1,894	28%
Probation	4,184	61%

# Appendix F: Cases disposed to CCCs by judicial circuit (2018–2022)

Judicial Circuit	Number of Disposals	Percent of Disposals
7th	310	18.6%
8th North	273	15.1%
11th East	148	12.3%
23rd	314	11.2%
17th	331	11.1%
4th	713	10.9%
5th	714	10.9%
14th	449	10.7%
16th	313	8.8%

Judicial Circuit	Number of Disposals	Percent of Disposals
10th	247	8.2%
18th West	86	7.9%
21st	341	7.5%
3rd	245	6.6%
19th East	71	6.4%
15th	198	6.1%
8th South	134	5.2%
9th West	117	5.2%
2nd	749	5.1%

Judicial Circuit	Number of Disposals	Percent of Disposals
13th	161	5.0%
20th	276	4.5%
22nd	155	3.7%
19th West	264	3.5%
9th East	24	3.3%
12th	168	2.6%
11th West	42	1.7%
18th East	44	1.5%
6th	235	1.5%
1st	47	1.3%