

Arkansas Justice Reinvestment Initiative

December 16, 2024

Legislative Recidivism Reduction Task Force Meeting



**Justice
Reinvestment
Initiative**
Arkansas

Overview

- 1** **Key Takeaways from DOC
Data Analyses**
- 2** **Key Challenges**
- 3** **Policy Recommendations**
- 4** **Next Steps**

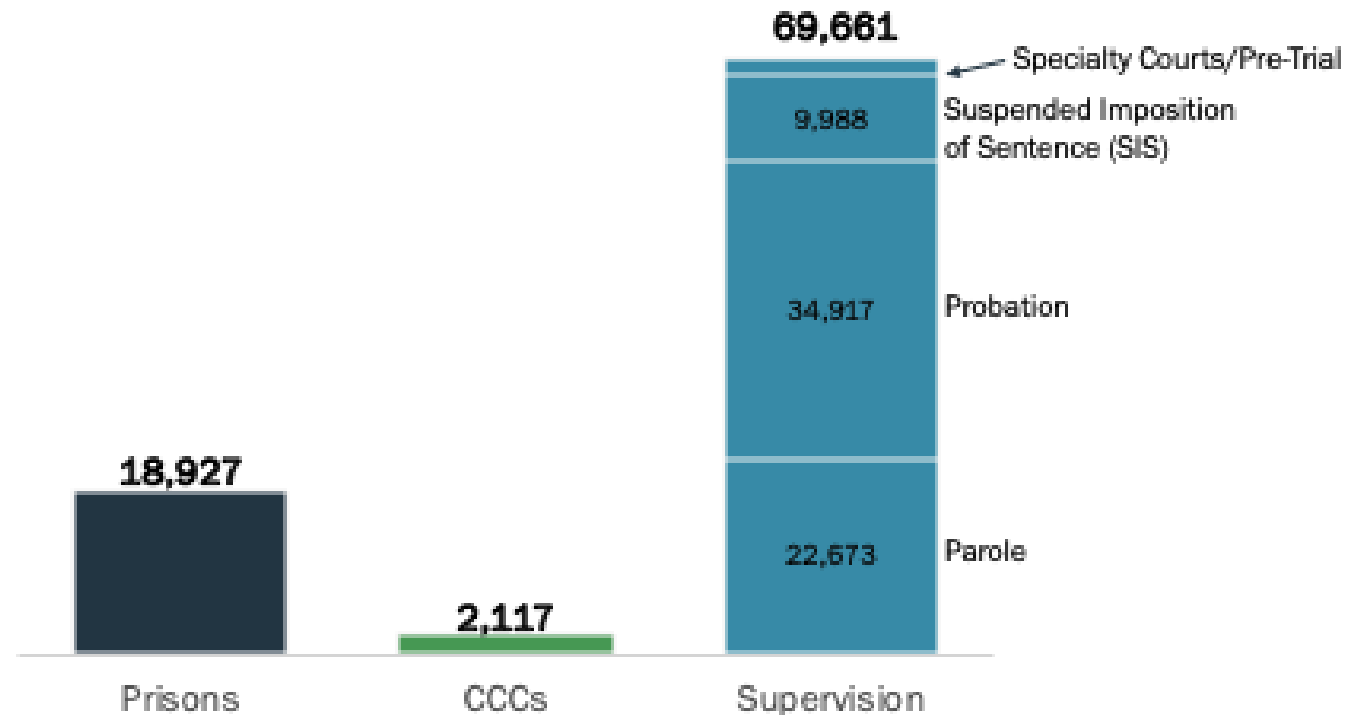
As of July 2024, approximately 90,700 people were under DOC's correctional control, with over 75 percent in the community.

Total DOC Population: July 2024

The *actively* supervised population is almost twice as large as the incarcerated population.

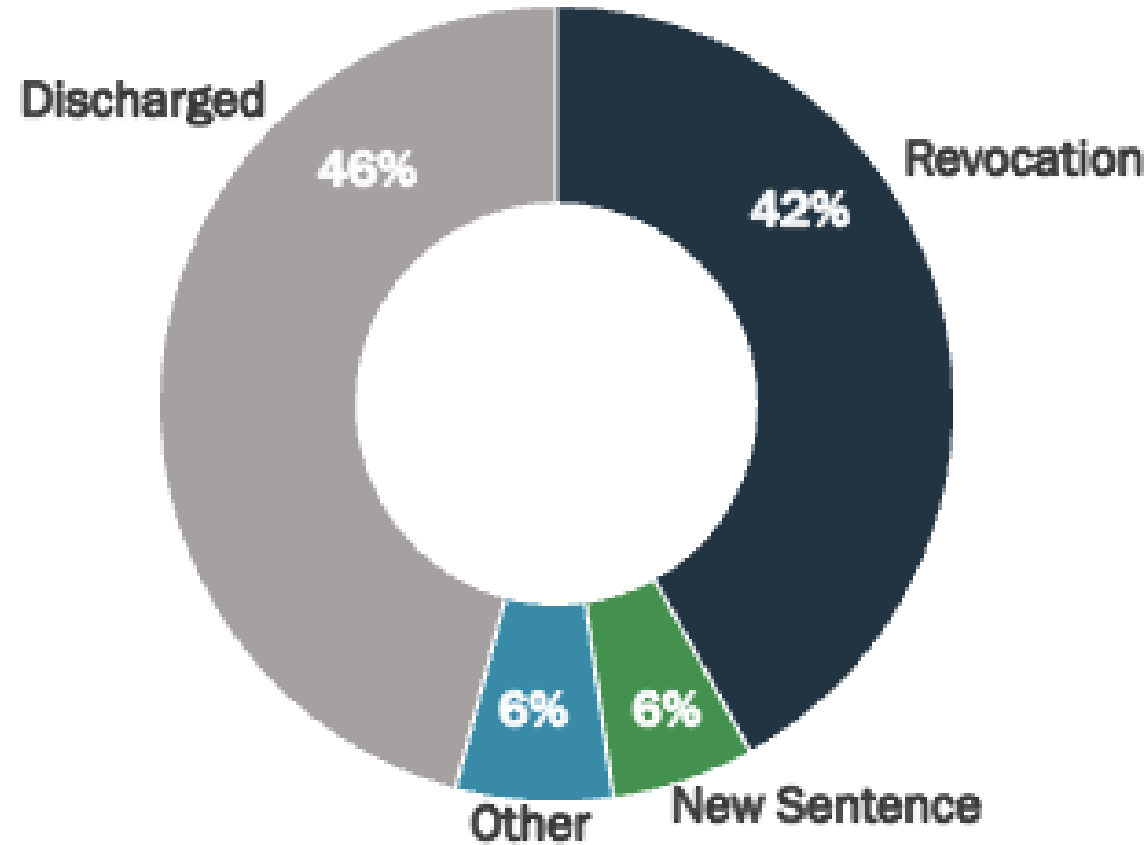
People in CCCs represent 10 percent of the incarcerated population but account for about 34 percent of admissions to DOC custody.

Improvements in supervision outcomes could reduce the number of revocations to prisons and Community Correction Centers (CCCs).

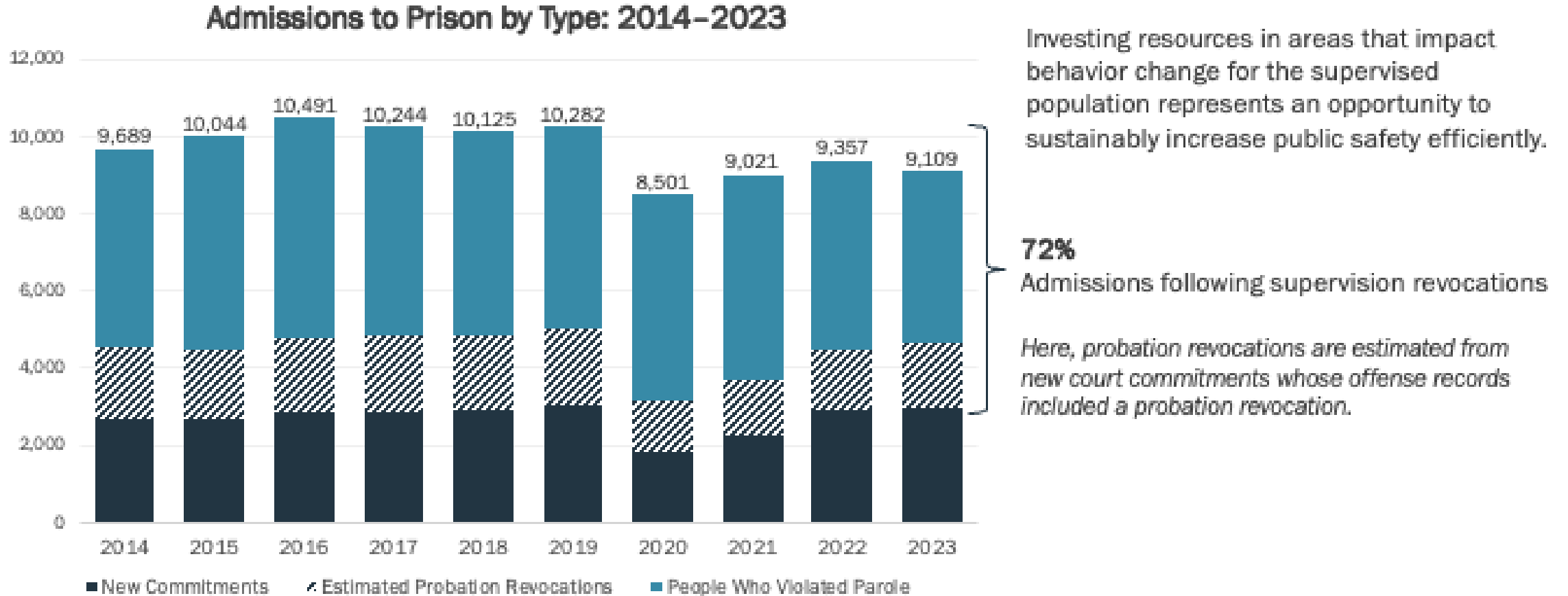


From 2014 to 2023, about 48 percent of supervision closures involved revocations or new sentences.

Supervision Closures by Type: 2014–2023

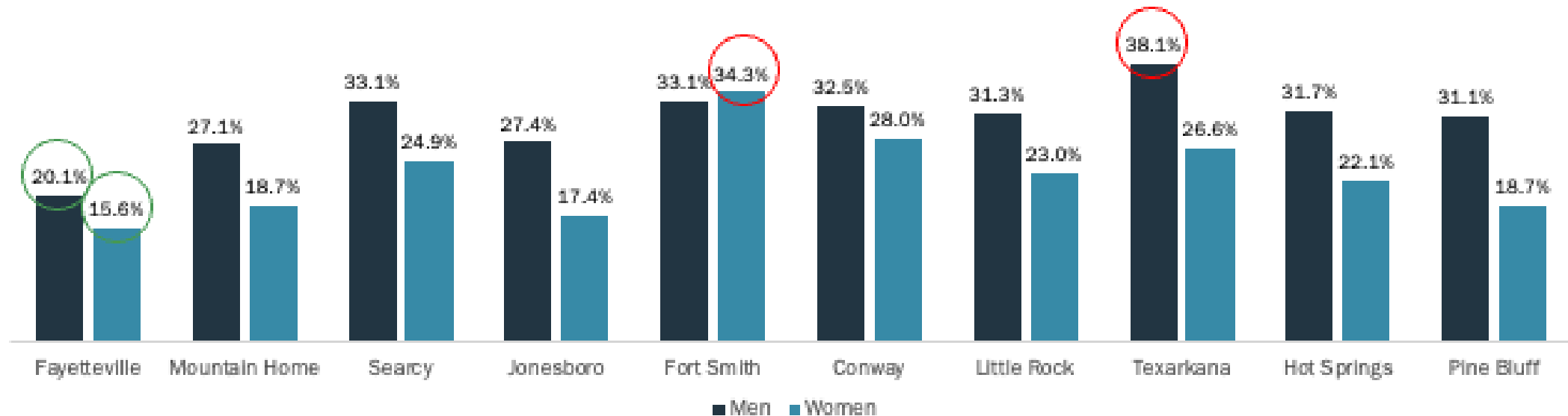


An estimated 72 percent of prison admissions over the past 10 years involved people who were revoked from supervision.



Success on supervision is also correlated with supervision area.

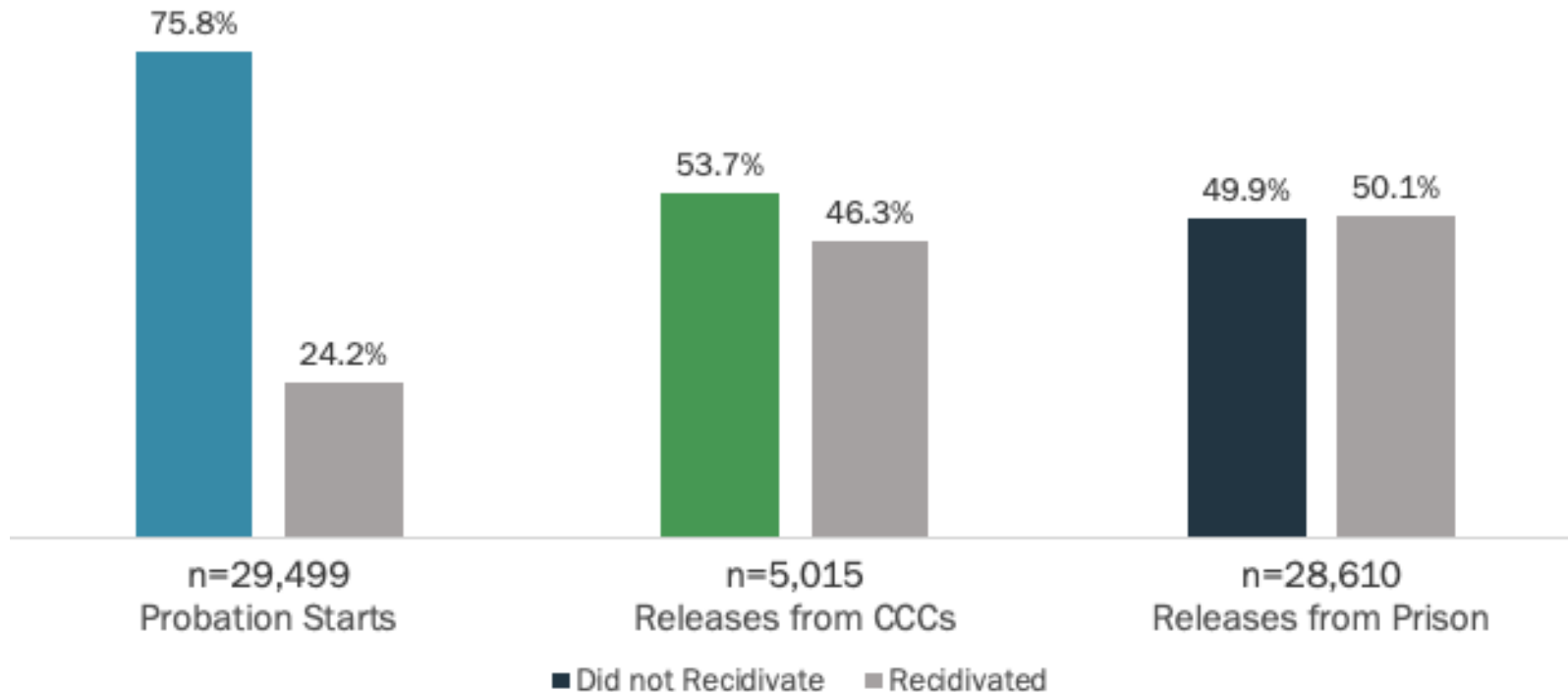
Probability of People on Probation Recidivating within Three Years, by Supervision Area



- Women supervised in Fort Smith are twice as likely to recidivate as women supervised in Fayetteville.
- Men supervised in Texarkana are almost twice as likely to recidivate as men supervised in Fayetteville.
- Women supervised in Fort Smith have a higher probability of recidivating than men supervised in Fort Smith.
- The Pine Bluff supervision area has the largest difference between men and women in their probability of recidivating.

Compared to people released from prisons and CCCs, people on probation have the lowest rate of recidivism at 24 percent.

Overall Recidivism Outcomes
2014–2016



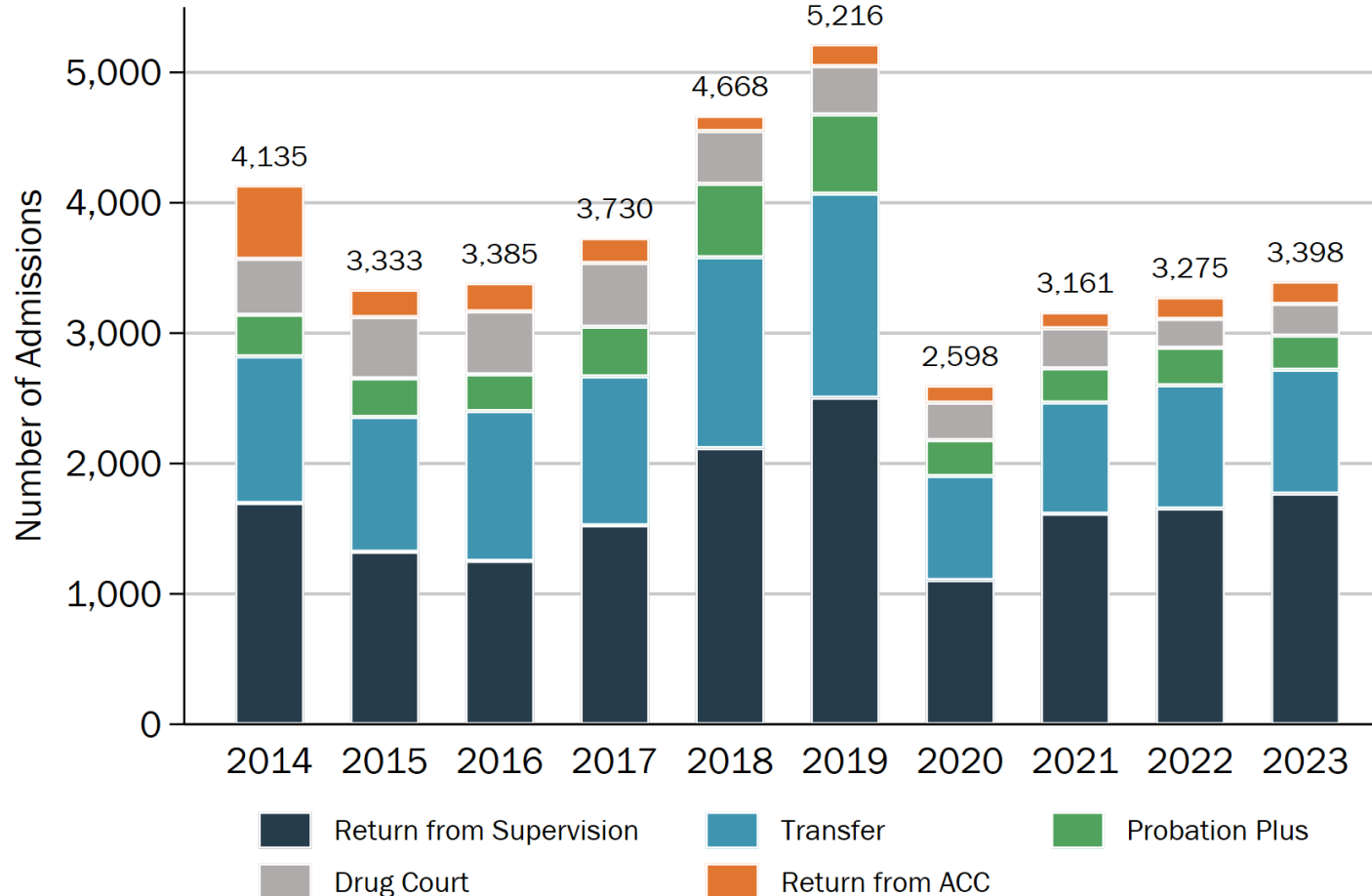
Recidivism here is defined as returns to custody within three years of release from incarceration or from the start of a probation sentence.

These estimates represent the raw outcomes for people who were returned to prison or CCCs after release from an institution or placement on probation.

These outcomes do not account for any differences among people in the cohorts, including risk level, number of prior convictions, or behavioral health challenges.

Almost half of people admitted to CCCs are being incarcerated for a supervision sanction.

Reasons for Admission to CCCs, 2014-2023

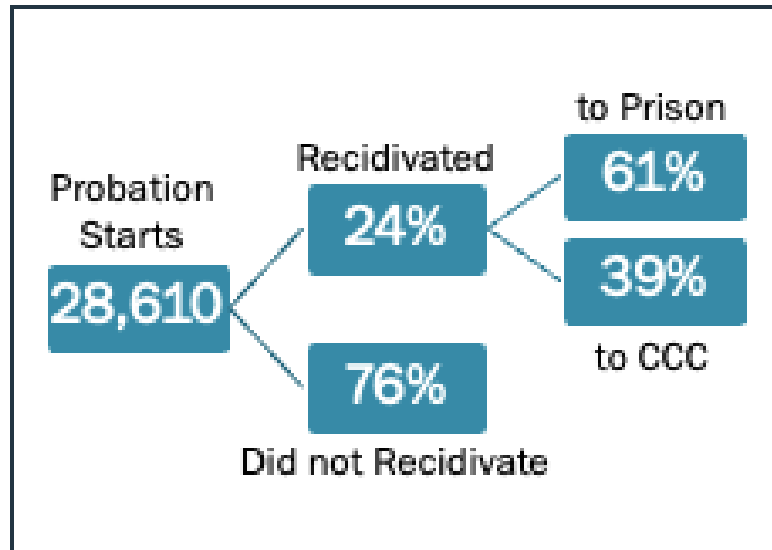


Over the 10-year period from 2014 to 2023, an average of 45 percent of people were admitted for supervision sanctions, which grew to just over 51 percent in the past 3 years.

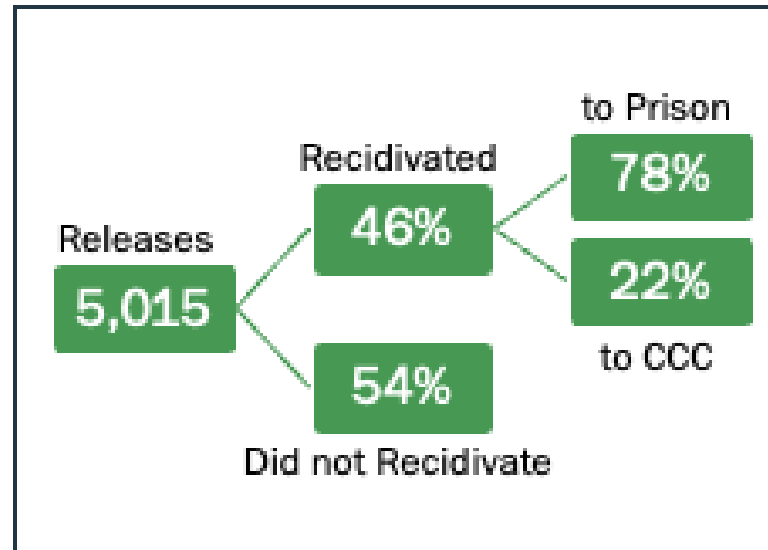
The recidivism rate for people on probation is about half that of people released from CCCs and prison.

2014–2016 Totals

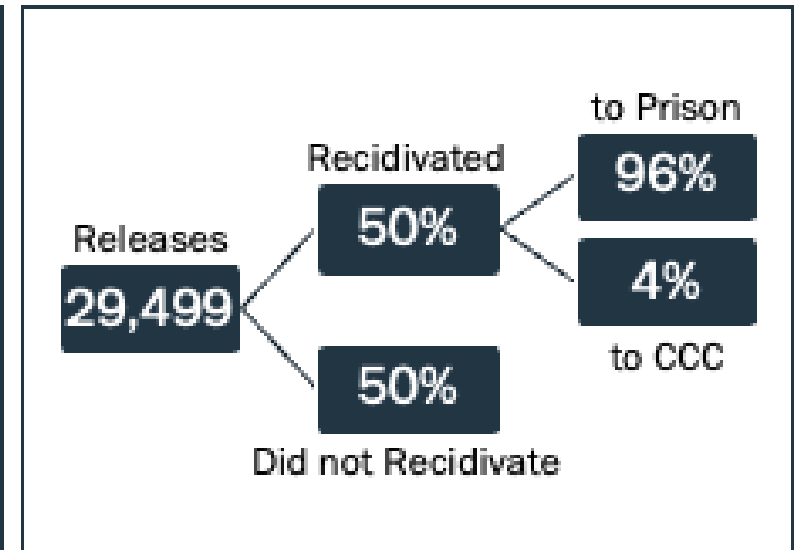
Probation Starts



CCC Releases



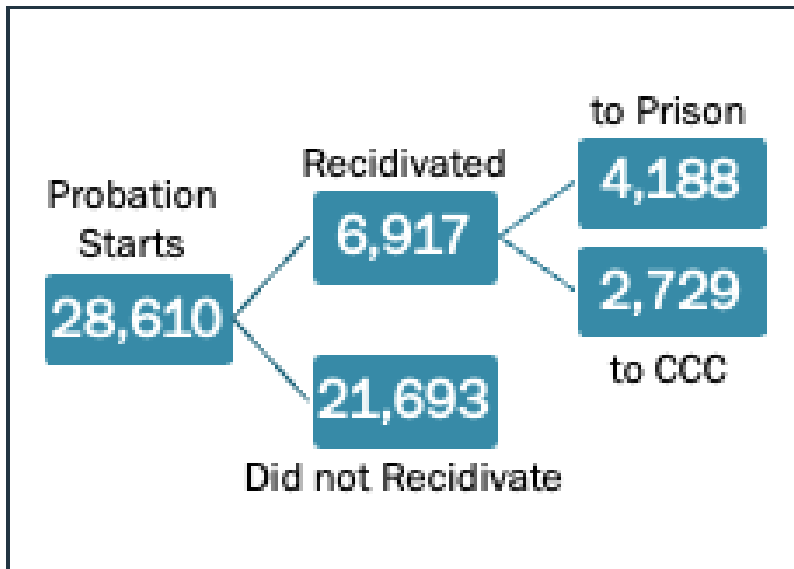
Prison Releases



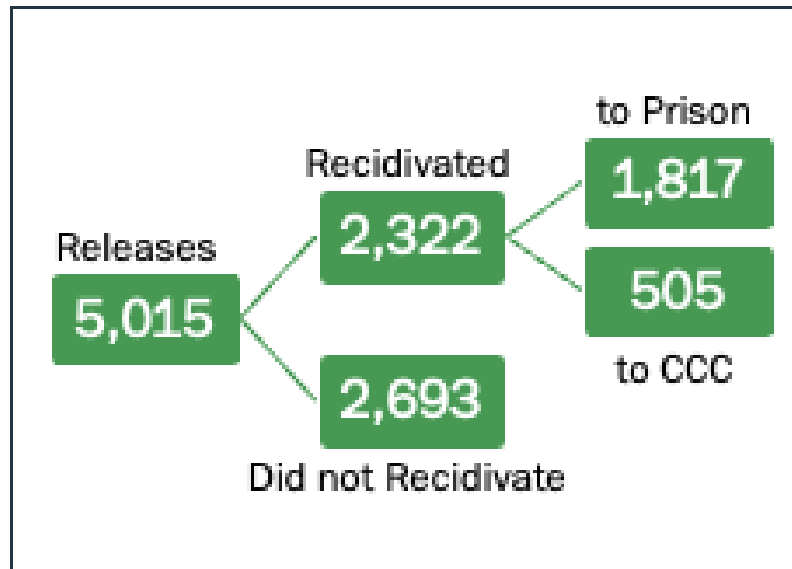
By the Numbers: 3,877 people were revoked to CCCs, and 20,137 people were revoked to prisons from 2014 to 2016.

2014–2016 Totals

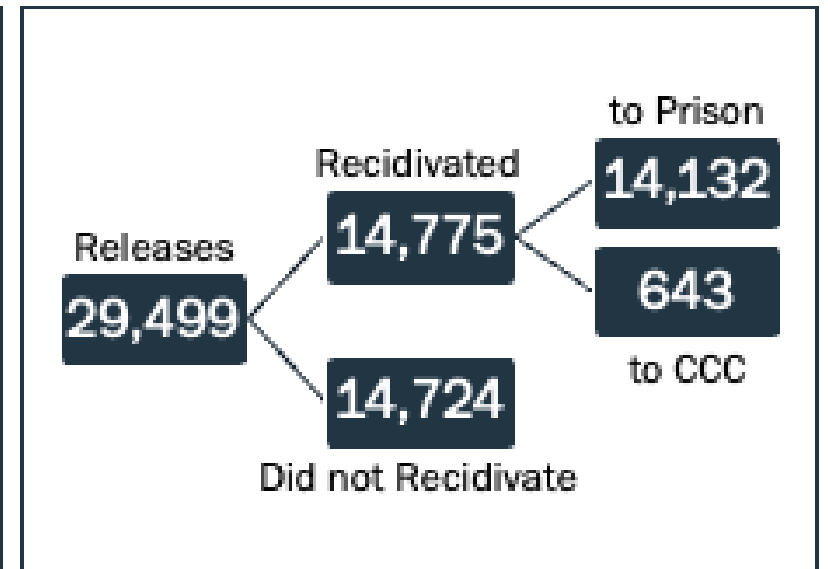
Probation Starts



CCC Releases



Prison Releases



The overall regression model for people placed on probation in 2016 found higher probability of recidivism for people with behavioral health referrals.

Key Takeaways

- 1.5x** Men were 1.5 times more likely to recidivate while on probation supervision than women.
- 1.8x** People with a history of a mental health referral were 1.8 times more likely to recidivate than people with no history of referral.
- 2.2x** People with a history of a substance use referral were 2.2 times more likely to recidivate than people with no history of referral.
- 1.3x** As a person's needs score increases, their odds of recidivating increase by 1.3 times.

The regression model for people released from prison in 2016 found that prior criminal history was correlated with recidivism.

Key Takeaways

- 1.8x** Men were 1.8 times more likely to recidivate after being released from prison than women.
- 1.4x** People with a history of a drug conviction were 1.4 times more likely to recidivate than people without drug convictions.
- 1.5x** Individuals labeled as “habitual offenders” were 1.5 times more likely to recidivate, regardless of the number of convictions on record, as compared to non-“habitual offenders.”
- 1.3x** As a person’s number of prison disciplinary events increases, their odds of recidivating increase by 1.3 times.

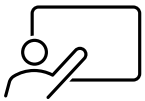
What's happening with community supervision in Arkansas?



Inadequate investment in community supervision makes it challenging for officers to have a meaningful impact.



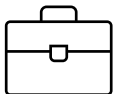
Many officers know best practices and wish to implement them but are hindered by short office visits and lack of cognitive tools.



Implementing the Ohio Risk Assessment System (ORAS) successfully requires more officer training and resources. Without support and ongoing Quality Assurance (QA), ORAS cannot achieve its intended impact.



There is inconsistent adherence to evidence-based practices for programming provided both in house and by community partners.



Incarcerated people often secure good post-release job offers through reentry/work release programs but frequently cannot maintain them due to structural barriers (e.g., being paroled to a different part of the state) in the post-release process.

Summary of Qualitative Assessment 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 than costly prison stays.



**Justice
Reinvestment
Initiative**
Arkansas

Overview

- 1** Key Takeaways from DOC Data Analyses
- 2** Key Challenges
- 3** Policy Recommendations
- 4** Next Steps

Arkansas is facing several key challenges.

- CCCs are already implementing many evidence-based practices and seeing good results, but the potential to have a greater impact is hindered by capacity limitations.
- People on supervision account for 72 percent of prison admissions, which means community supervision currently leads to costly prison stays.
- Community supervision is under-resourced:
 - Caseloads are too high.
 - Officers need access to more tools and trainings to be effective; however, caseloads must be lower for them to implement the tools and training.
 - The department must measure and track outcomes.
- Thoughtful policies have been enacted to address system issues, but they lack the resources needed to fulfill their intent and the accountability measures to track their impact.

CCCs have the highest potential to lead to behavior change for people who are incarcerated.

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

CCC	Capacity
Central	100
North	100
South	100
West	100
Total	400

28% of placements go to supervision sanctions.

CCCs are operating at capacity, with nearly a third of placements going to supervision sanctions.

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

Those familiar with CCCs believe in their promise to create behavior change.

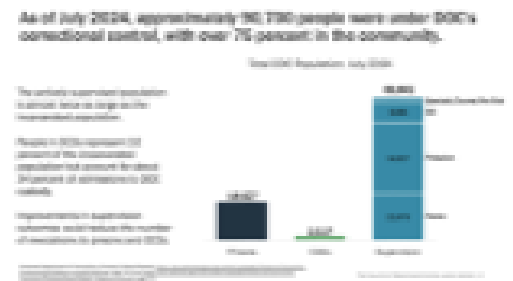
CCCs have a recidivism rate of 46 percent, which is better than prisons, where just over half of released people return.

Facility Type	Recidivism Rate
Prisons	52%
Community Corrections Centers (CCC)	46%

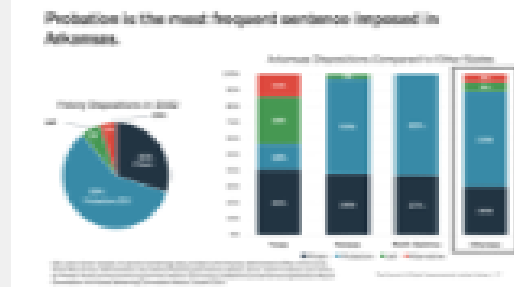
People in CCCs have a lower recidivism rate than those in prisons, with potential for even better outcomes with greater investment.

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; CSG Justice Center focus groups with prosecutors, CCC staff, and CCC residents conducted April–September 2024; CSG Justice Center analysis of case-level sentencing data provided by the Arkansas Department of Corrections.

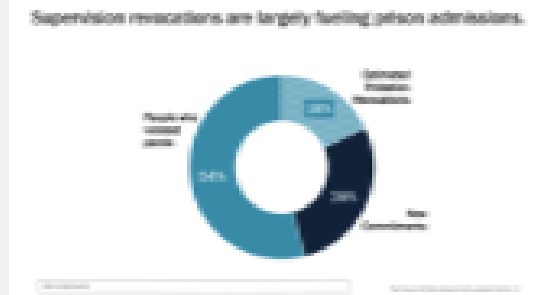
Arkansas's heavy reliance on community supervision is undermined by underinvestment in the system, raising concerns about its effectiveness in changing behavior and improving public safety.



Over 75 percent of the people under DOC's correctional control (nearly 70,000) are in the community.



59 percent of felonies resolve to probation, making it the most common sentence in Arkansas.



More than 70 percent of prison admissions are due to supervision failures.

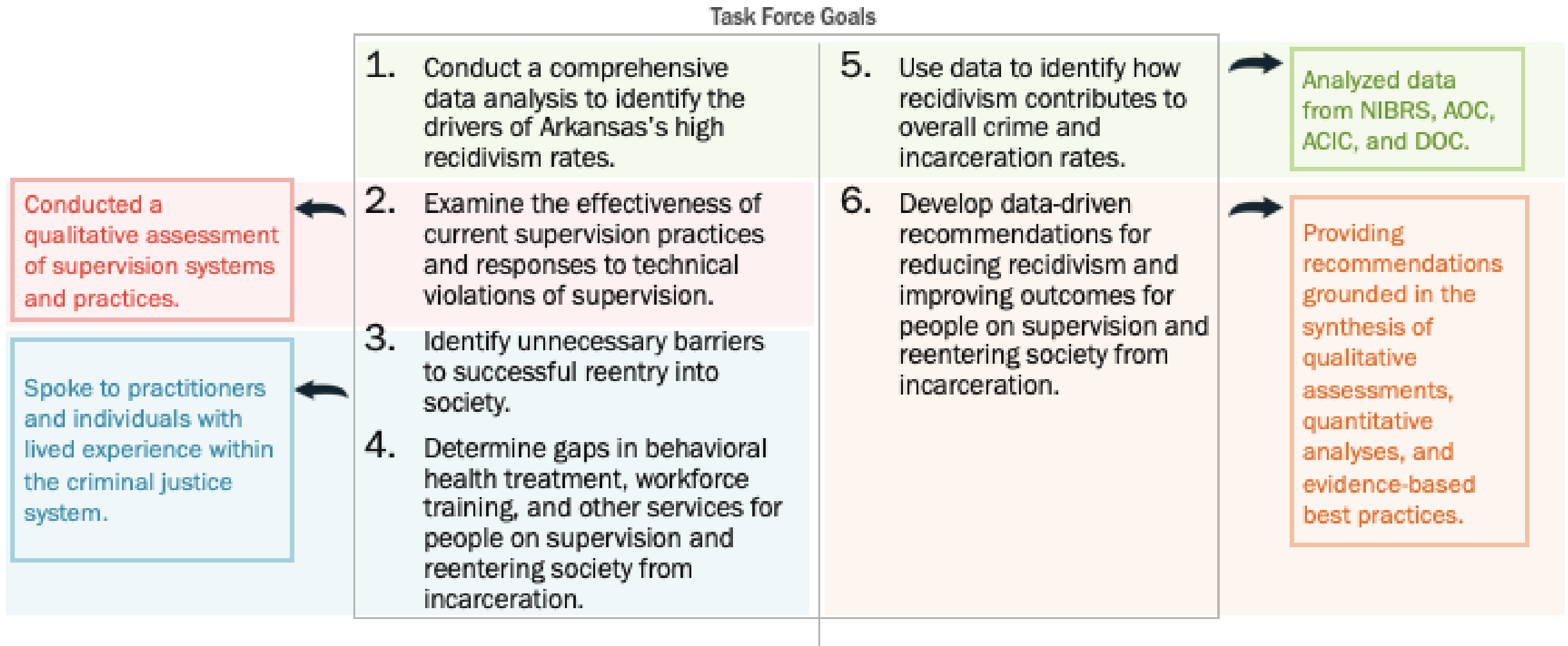


**Justice
Reinvestment
Initiative**
Arkansas

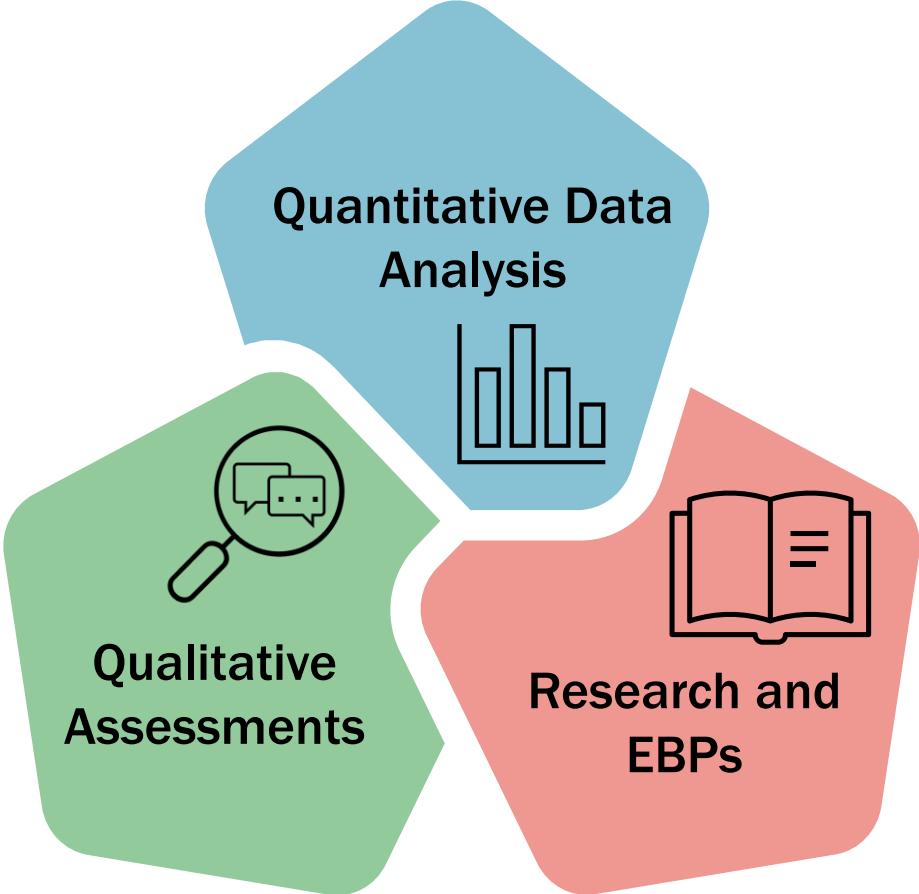
Overview

- 1 Key Takeaways from DOC Data Analyses
- 2 Key Challenges
- 3 **Policy Recommendations**
- 4 Next Steps

Here is how the CSG Justice Center has supported the work of this task force:



What we have identified are strategies that address front-end challenges while strengthening and building on what works in the existing system.



Our recommendations are based on what we know from research; what the numbers show; and what we learned from site visits, presentations to this group, and hundreds of conversations.

1. Create sustainable behavior change through increased use of CCCs.

- Increase CCC capacity for people sanctioned on supervision by acquiring existing facilities suitable to be converted to CCCs and by incorporating the CCC model into the expanded prison capacity.
- Increase use of CCCs by creating
 - A cap on how long a disqualifying conviction keeps someone out (a decay clause); and
 - A rebuttable presumption that eligible people serve their sentence in a CCC before being sentenced to prison.

QUANTITATIVE

- CCCs are operating at capacity, with nearly a third of placements going to supervision sanctions.

QUALITATIVE




- Residents of CCCs and reentry facilities report inadequate mental health treatment options.
- Many CCC residents had previously been in prison and felt CCCs were better at rehabilitation.
- While imperfect, CCCs had the highest potential for behavior change within incarceration.

RESEARCH

- EBP principles include ensuring adequate investment in and access to proven programs




2. To increase public safety, focus supervision resources on the people who need them most.

- Increase supervision of highest-risk clients by minimizing supervision of low-risk individuals.
 - Restructure the process for early release so officers can spend their time supervising high-risk people.
 - Revise sentencing guidelines to include probation lengths.
- Increase officers by increasing pay and filling vacancies.
 - Orient job description and recruitment efforts so that prospective candidates embrace the use of EBPs and a change-agent mentality.

 QUANTITATIVE	 QUALITATIVE	 RESEARCH
<ul style="list-style-type: none">• 48 percent of people on supervision fail.• Most prison admissions are for people who were on supervision at the time.	<ul style="list-style-type: none">• Officers report insufficient time to meet with people on supervision.• Meetings are too short to be meaningful.• High turnover prevents strong relationships between officers and people on supervision.	<ul style="list-style-type: none">• Reductions in caseload size are shown to produce lower arrest rates, lower probation violation rates, and fewer average days of incarceration.




3. Provide supervision officers with the needed resources to change behavior of people on supervision.

- Strengthen the existing incentives and sanctions grid by placing a greater emphasis on positive reinforcement, which is more effective at changing behavior.
- Invest in EBP tools:
 - Motivational interviewing to enhance intrinsic motivation
 - Cognitive skills—officers need access to tools such as the Carey Guides that will allow them to deliver cognitive interventions.

 QUANTITATIVE	 QUALITATIVE	 RESEARCH
<ul style="list-style-type: none">• 48 percent of people on supervision fail within 3 years.• Most prison admissions are for people who were on supervision at the time.	<ul style="list-style-type: none">• Officers are motivated to implement best practices but lack adequate resources.• Officers do not have the tools to make office visits impactful even if they had the time to do so.	<ul style="list-style-type: none">• Research tells us incentives should be used four times more often than sanctions to promote and sustain behavior change.• EBP principles include the following:<ul style="list-style-type: none">• Assessing risk, needs, and responsivity• Enhancing intrinsic motivation• Responding effectively to negative behavior and increasing positive reinforcement




4. Establish an EBP Unit within the DOC responsible for evaluating, recommending, and deploying evidence-based practices and programs across the state.

- **Quality assurance should focus on fidelity and proficiency in the application of EBP practices and programming.** Cognitive behavioral approaches and structured skills practice should be used when meeting with people under community supervision.
- **The EBP Unit should report to the assistant director of correctional programs and reentry.** Coordination should occur between the facility and community supervision divisions to ensure that programming for all facilities is aligned and aids in the successful reentry for people transitioning from facilities to community supervision.
- **The EBP Unit should develop a statewide training, coaching, and quality assurance (QA) system for all agents to include cultural and gender-responsive components as well as the impact of behavioral health and trauma issues on individuals in the criminal justice system.**

 QUANTITATIVE	 QUALITATIVE	 RESEARCH
<ul style="list-style-type: none">• The risk instrument currently in use does not accurately predict risk for women.	<ul style="list-style-type: none">• Site visits throughout the state revealed that there is inconsistent adherence to EBPs across different DOC facilities and community supervision offices.	<ul style="list-style-type: none">• EBP principles include the following:<ul style="list-style-type: none">• Data should be the driver for change at multiple levels of supervision delivery.• Program evaluations should be conducted regularly to ensure quality and effectiveness.

5. Revise the personnel evaluation system to reinforce agency-wide recidivism-reduction efforts through commitment to evidence-based practices.

- Officers should be evaluated on activities that are critical to reducing **recidivism** and managing people’s varying levels of risk and need, such as their ability to engage and motivate people to participate in supervision plans and change their behaviors, use of risk assessment tools, and quality of case plans.
- **Evaluations should measure the results of casework and supervision strategies** and be tailored to reflect the distinct responsibilities and related skills associated with different staff positions—e.g., supervision officers, managers, and counselors.




 QUANTITATIVE	 QUALITATIVE	 RESEARCH
<ul style="list-style-type: none">• 48 percent of people on supervision fail within 3 years.	<ul style="list-style-type: none">• Officers reflected a desire to engage in EBPs, but felt it was not agency priority and impossible to achieve with the resources available.	<ul style="list-style-type: none">• EBP principles involve knowledge and performance expectations being tied to job description and performance evaluations.

6. The DOC should report annually to the legislature on relevant progress and outcome metrics.

These metrics should include the following:




1. The implementation and delivery of evidence-based practices and individual interventions, including use of risk assessment tools and case plans
2. Recidivism, including for probation
3. Measures of success beyond recidivism to include items such as the following:
 - Program completion rates
 - Successful supervision completion rates
 - Early supervision discharge rates

Metrics should be measured and reported by gender and race to address trends that may indicate practices, interventions, and programming are not being applied uniformly across the state.

 QUANTITATIVE	 QUALITATIVE	 RESEARCH
<ul style="list-style-type: none">• While the DOC publishes extensive reports, probation recidivism rates are not published.	<ul style="list-style-type: none">• Officers report that new practices are often developed but not evaluated to assess whether they are being followed.	<ul style="list-style-type: none">• EBP principles include measuring outcomes and providing feedback.




7. Address factors related to recidivism by increasing availability of behavioral health resources.

- Increase access to licensed therapists by increasing use of telehealth and attracting more behavioral health practitioners through the creation of a loan repayment program.
- Strengthen the requirement that publicly funded treatment providers use evidence-based methods by mandating regular evaluations by the DOC's Quality Improvement and Program Evaluation Administrator, annual reporting to the legislature, and a clear policy disqualifying noncompliant providers from receiving public funds until they demonstrate the ability to meet these standards.

 QUANTITATIVE	 QUALITATIVE	 RESEARCH
<ul style="list-style-type: none">• People on supervision often have significant behavioral health needs, especially the 43 percent who fail.• Individuals with a substance use referral are 2.2 times more likely to recidivate, all else equal.• In 2022, 40 percent of dispositions were for drug offenses, 43 percent of which were for possession.• Probation is the most common sentencing outcome for dispositions where a drug violation is the most serious offense.• In 2022, drug offenses were the most common charge in felony reconviction cases.	<ul style="list-style-type: none">• Residents of CCCs and reentry facilities report inadequate mental health treatment options.• CSOs indicate too few options for clients.	<ul style="list-style-type: none">• EBP principles include ensuring adequate investment in and access to proven programs.




8. Conserve resources by stopping the revolving door of people cycling through the justice system.

- Increase the use of pre-sentence reports with a risk assessment component that informs an individual's conditions of probation, so everyone does not get the same standard conditions irrespective of risk/needs. Judges should be trained on EBP concepts, including the ORAS tool, to ensure they understand how to incorporate it into their decision-making process.
- Address the high volume of Failure to Appear (FTA) warrants issued.
- Amend the statute so that individuals represented by public defenders automatically receive credit toward fines and fees for time spent incarcerated.

 QUANTITATIVE	 QUALITATIVE	 RESEARCH
<ul style="list-style-type: none">• In 2022, about 4.4 percent, or 1,173, of all felony charges were for failures to appear.	<ul style="list-style-type: none">• People who receive help in asking courts to credit their jail time against fines and fees say that eliminating this financial burden is crucial for their successful reentry.	<ul style="list-style-type: none">• Research shows that while missed court dates are not a public safety risk, the response to an absence might itself motivate criminalized behavior and waste law enforcement time and resources.

9. Reduce recidivism by supporting reentry success.

- Streamline the process by which individuals are paroled out of work release facilities so they can maintain their employment offers after release.
- Increase transitional and permanent housing options.
- Increase investment in peer recovery.
- Expand on the ADC Volunteer Program with Circles of Support and Accountability.

 QUANTITATIVE	 QUALITATIVE	 RESEARCH
<ul style="list-style-type: none">• 50 percent of people released from prison return to custody within 3 years.• 46 percent of people released from CCCs return to custody within 3 years.	<ul style="list-style-type: none">• Individuals on work release sometimes miss out on job opportunities due to bureaucratic hurdles.• DOC has a great network of volunteers; providing consistency and structure could improve results.	<ul style="list-style-type: none">• EBP principles include the following:<ul style="list-style-type: none">• Sharing identified needs and developing collaborative comprehensive case plans for reentry• Engaging with supports in the community

10. The DOC should look at supervision cases and develop a feedback system that routinely provides department leaders with process and aggregated outcome data.

This will enable DOC to capture data relevant to its evolving activities and to course correct if necessary. These data will help DOC answer the following questions:

- Does DOC assign people on supervision to specialized or nonspecialized caseloads consistent with new screening and assessment procedures?
- Are screening and assessment results used to shape or modify supervision plans?
- Are higher-risk people on supervision supervised more closely than lower-risk individuals?
- When people are reassessed, are appropriate changes made to their supervision levels or strategies?
- Are recidivism or revocation rates lower after implementation of a DOC initiative? If not, should supervision strategies be revised?
- Are there particular neighborhoods where a disproportionate number of people on probation live that might warrant a place-based caseload assignment?



**Justice
Reinvestment
Initiative**
Arkansas

Overview

- 1** Key Takeaways from DOC Data Analyses
- 2** Key Challenges
- 3** Policy Recommendations
- 4** Next Steps

Next Steps

- This task force will vote on the recommendations it wishes to adopt.
- Policy recommendations adopted by this task force will move forward through legislative or administrative channels.
- CSG Justice Center staff remain available to assist with continued analysis and partnership.
- If recommendations are adopted through the legislative process, the state would be eligible to apply for additional implementation technical assistance from the Bureau of Justice Assistance.

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.



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.

© 2024 The Council of State Governments Justice Center

Cover photo credit: W.scott McGill



Sources for Slides 22–25

Slide 22 - 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>; CSG Justice Center focus groups with prosecutors, CCC staff, and CCC residents conducted April–September 2024; 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>.

Slide 23 - CSG Justice Center analysis of case-level sentencing data provided by the Arkansas Department of Corrections; Chris Fix et al., “A Rapid Evidence Assessment of the Impact of Probation Caseloads on Reducing Recidivism and Other Probation Outcomes,” *Probation Journal* 69, no. 2 (2022): 138-158, <https://journals.sagepub.com/doi/10.1177/02645505211025595>.

Slide 24 - CSG Justice Center analysis of case-level data provided by the Arkansas Department of Corrections; CSG Justice Center focus groups with community supervision staff conducted April–September 2024; Eric J. Wodahl, “Utilizing Behavioral Interventions to Improve Supervision Outcomes in Community-Based Corrections,” *Criminal Justice and Behavior* 38, no. 4 (2011); Adapted from Bogue, *Implementing Evidence-Based Practice in Community Corrections: The Principles of Effective Intervention*.

Slide 25- CSG Justice Center analysis of case-level sentencing data provided by the Arkansas Department of Corrections; CSG Justice Center focus groups with community supervision staff conducted April–September 2024; Adapted from Bogue, *Implementing Evidence-Based Practice in Community Corrections: The Principles of Effective Intervention*.

Sources for Slides 26–30

Slide 26 - CSG Justice Center analysis of case-level sentencing data provided by the Arkansas Department of Corrections; CSG Justice Center focus groups with community supervision staff conducted April–September 2024; Adapted from Bogue, *Implementing Evidence-Based Practice in Community Corrections: The Principles of Effective Intervention*.

Slide 27- CSG Justice Center focus groups with community supervision staff conducted April–September 2024; Adapted from Bogue, *Implementing Evidence-Based Practice in Community Corrections: The Principles of Effective Intervention*.

Slide 28- CSG Justice Center analysis of case-level data provided by the Arkansas Department of Corrections and the Arkansas Administrative Office of the Courts; CSG Justice Center focus groups with community supervision staff conducted April–September 2024; Adapted from Bogue, *Implementing Evidence-Based Practice in Community Corrections: The Principles of Effective Intervention*.

Slide 29 -CSG Justice Center analysis of case-level data provided by the Arkansas Department of Corrections and the Arkansas Administrative Office of the Courts. ; CSG Justice Center focus groups with community supervision staff conducted April–September 2024; Brian Nam-Sonenstein, High stakes mistakes: “How courts respond to ‘failure to appear,’” *Prison Policy Initiative*, August 15, 2023, accessed December 9, 2024, <https://www.prisonpolicy.org/blog/2023/08/15/fta/>

Slide 30 - CSG Justice Center analysis of case-level data provided by the Arkansas Department of Corrections; CSG Justice Center focus groups with community supervision staff conducted April–September 2024; Adapted from Bogue, *Implementing Evidence-Based Practice in Community Corrections: The Principles of Effective Intervention*.