



# Arkansas Justice Reinvestment Initiative

Legislative Recidivism Reduction Task Force



**Justice  
Reinvestment  
Initiative**  
Arkansas

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# Qualitative Assessments

1

**As part of our qualitative assessment work, our team has had 127 meetings with 169 people from the following stakeholder communities.**

- Governor's office
  - DOC
  - AOC
  - ACIC
  - BOC
  - Counties
- Prosecuting attorneys
  - Public defenders
  - Attorney general's office
  - Nonprofit groups
  - Sheriffs
  - Judiciary
- Department of Public Safety
  - State legislators
  - Probation and parole officers
  - Corrections staff
  - Individuals on supervision
  - Behavioral health leadership






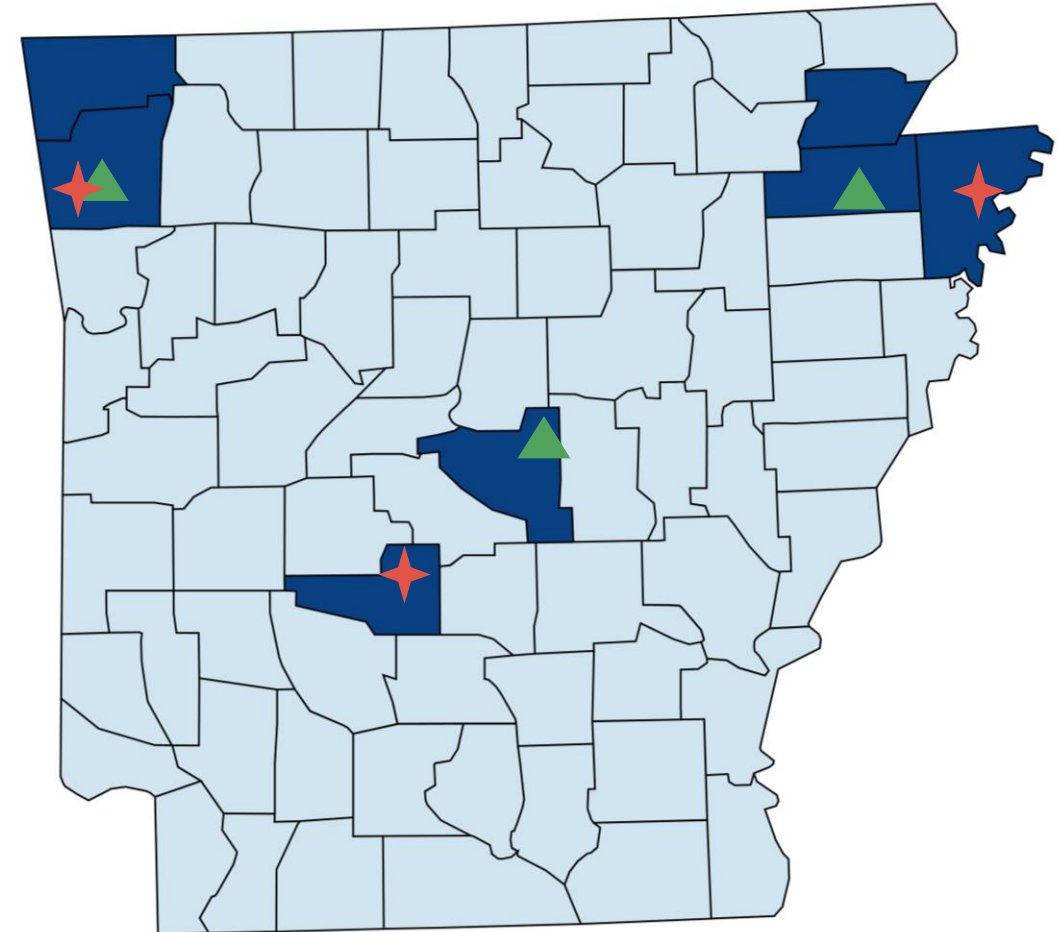
# These conversations have taken place virtually and during site visits across the state.

Since launching the project in August 2023, 8 members of the CSG Justice Center have visited Arkansas on 14 separate occasions.

Staff visited 5 community supervision offices in 3 supervision areas and 3 community corrections centers.

These conversations and visits informed our qualitative findings.

-  Community Supervision Office Visited
-  Community Correction Center Visited
-  Regional Site Visit



# 1

## Funding and Resources

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

### STRENGTHS

- There is some in-house substance use treatment programming/counseling and medication-assisted treatment available.

### AREAS OF IMPROVEMENT

- More officers are needed for supervision to be effective. Current caseload sizes are too large and prohibit meaningful intervention.
- Supervision officers' pay must be increased to prevent the disruptive impact of high turnover.
- More resources, including inpatient services, are needed to address mental health concerns and substance use disorders.
- Officers need access to more interventions to provide services, including cognitive behavioral programming.

## 2

# Adherence to Evidence-Based Practices

**Many officers are aware of best practices and want to implement them but lack the time and resources to do so.**

## STRENGTHS

- Community supervision officers are committed to using evidence-based best practices (EBPs).
- The Protect Act requires adherence to EBPs, including provisions for service providers receiving state funds and annual trainings on EBPs for officers.

## AREAS OF IMPROVEMENT

- Officers are spread too thin to be able to implement EBPs.
- Ongoing coaching and quality assurance (QA) practices must be adopted.
- Officers' annual evaluations and professional progression should be tied to their knowledge and mastery of EBPs.

# 3

## EBP: Risk-Needs- Responsivity

**Successful implementation of the ORAS will require increased resources for officers. Without additional support, the use of the ORAS cannot create the desired change.**

### STRENGTHS

- AR has adopted the Ohio Risk Assessment System (ORAS) universally across the state.
- Officers are committed to using EBPs.

### AREAS OF IMPROVEMENT

- Caseloads are too large to provide the kind of supervision and necessary interventions identified by the assessment.
- Officers are wary of the return of the ORAS and will need effective training, coaching, and ongoing QA.
- Too many low-risk people are being supervised.
- Assessment results do not sufficiently inform supervision and programming.
- More system actors, including judges, need education on the assessment instrument.



# 4

## EBP: Programming

**At a highly-regarded reentry facility, residents report that very little time is devoted to cognitive, substance use, or mental health services and perceive that failure to participate in religious programming might impact their freedom.**

### STRENGTHS

- Officers use the results of the assessment to determine program needs and make internal and community referrals for the client.
- Some areas have good substance use disorder programming available.

### AREAS OF IMPROVEMENT

- All programming internally or available through external partners must adhere to the same EBP standards.
- There is a need for evidence-based and inclusive programming to accommodate diverse resident needs and preferences adequately.
- The internal programming delivered by state employees is minimal and should be expanded.

# 5

## Collaboration, Partnership, and Communication

**Incarcerated people often secure good post-release job offers through reentry/work release programs, but frequently cannot maintain them due to structural barriers in the post-release process.**

### STRENGTHS

- There are a high number of community volunteers.
- Most offices have excellent ties to local employers.
- DOC leadership works closely with providers to get them to adopt evidence-based interventions.
- Officers can facilitate access to restricted driver's licenses.

### AREAS OF IMPROVEMENT

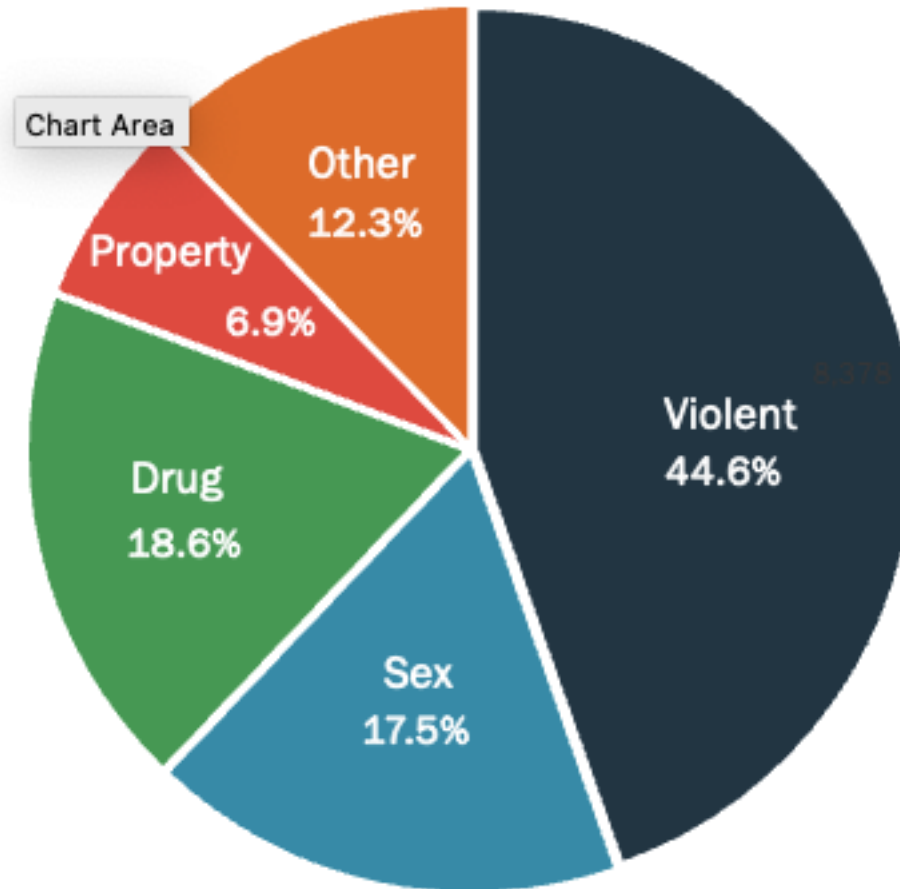
- There is a need for more licensed mental health providers to treat mental health and substance use disorders.
- Despite existing policies to address this, in practice, many people exit prison without vital documents.
- Individuals on work-release with offers of employment should be supported to keep those jobs.

# Trends in Incarcerated Populations

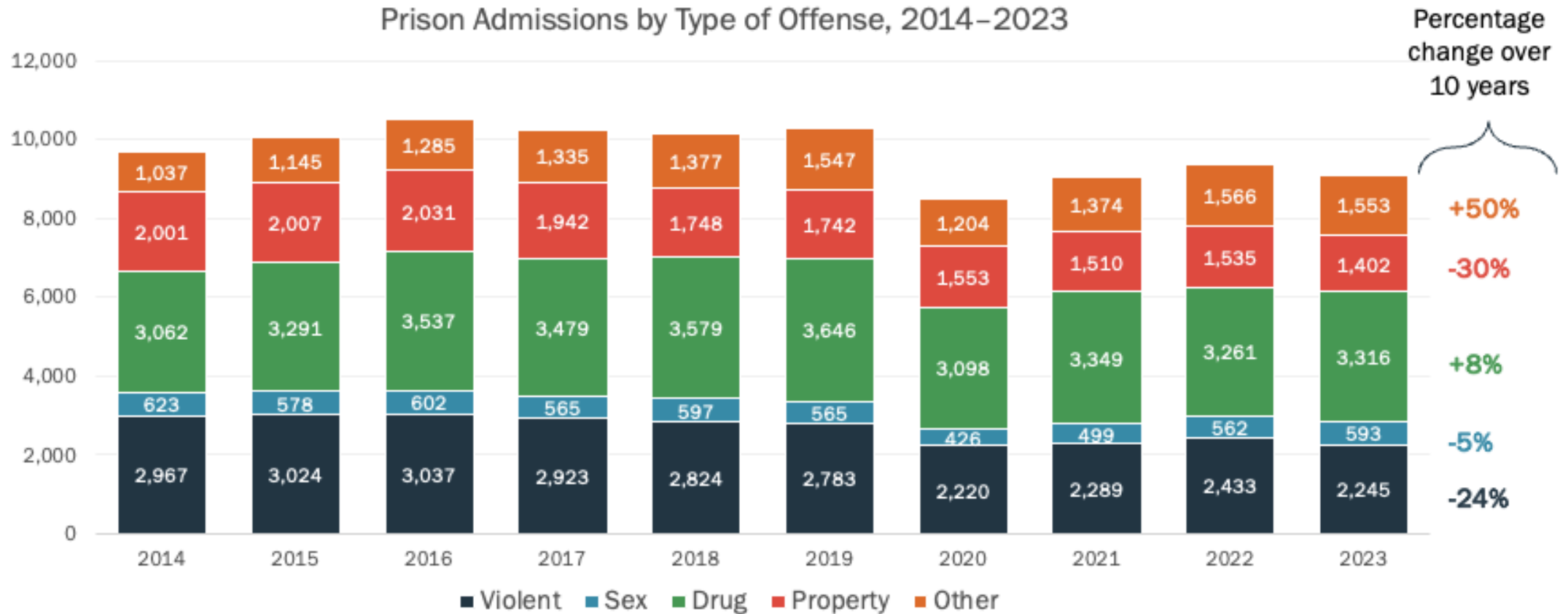
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**As of December 2023, 62 percent of the standing prison population was serving sentences for violent and sex offenses.**

**Snapshot Prison Population: December 2023**



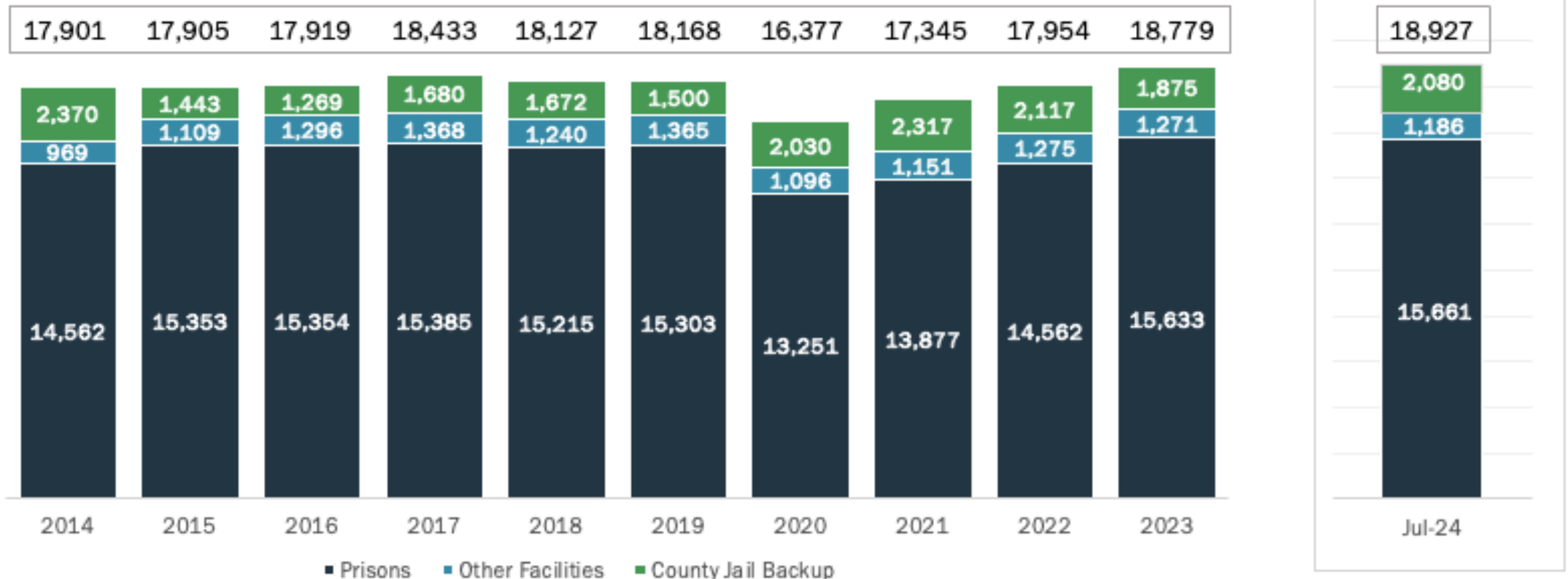
Since 2014, admissions for violent crimes in Arkansas have been decreasing, while those for drug offenses have been increasing.





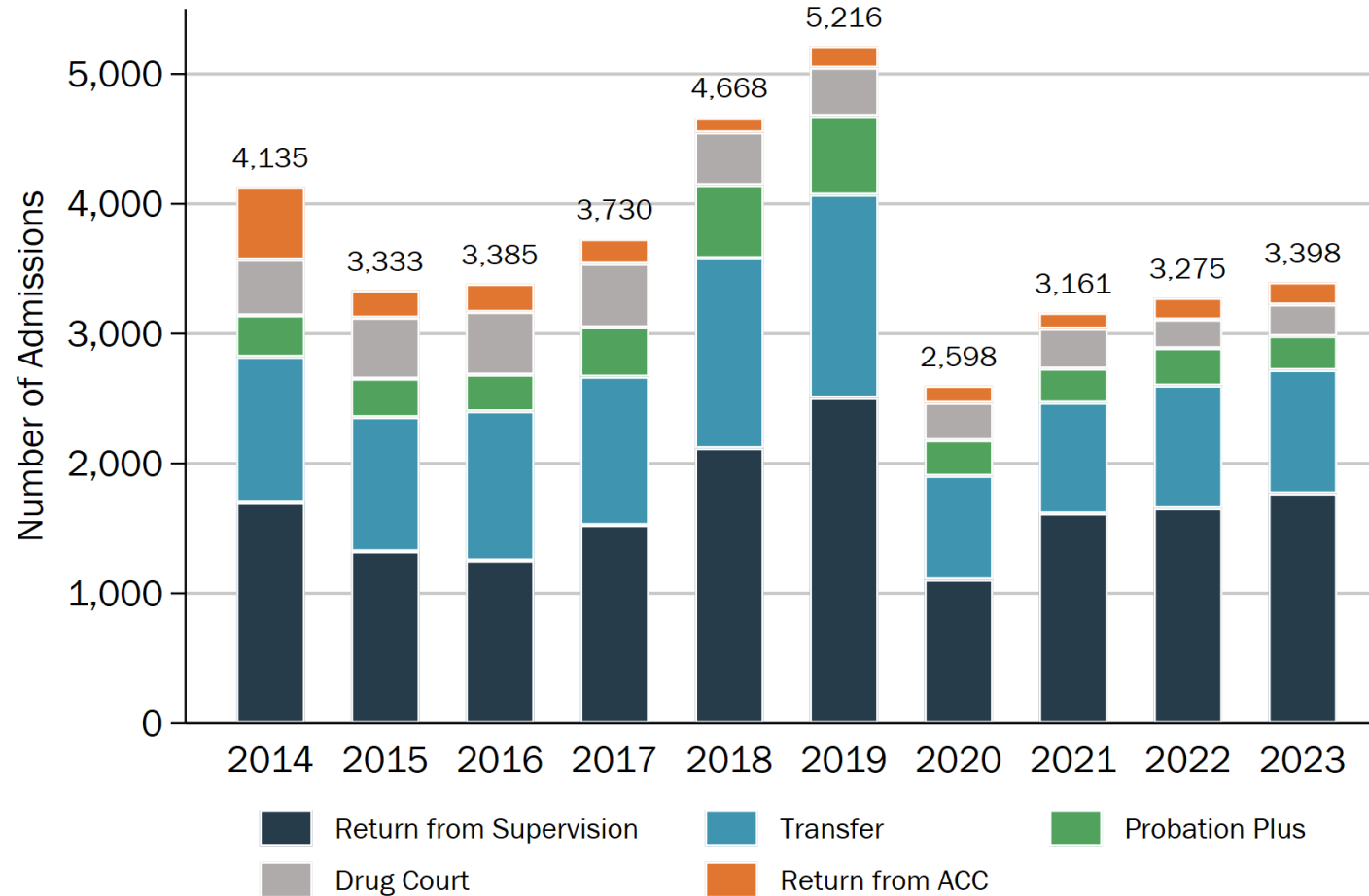
As of July 2024, the Arkansas prison population was higher than it had been in 10 years despite significant decreases during the pandemic.

Prison Population at Year End by Type of Facility, 2014–2024



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

## Reasons for Admission to CCCs, 2014–2023



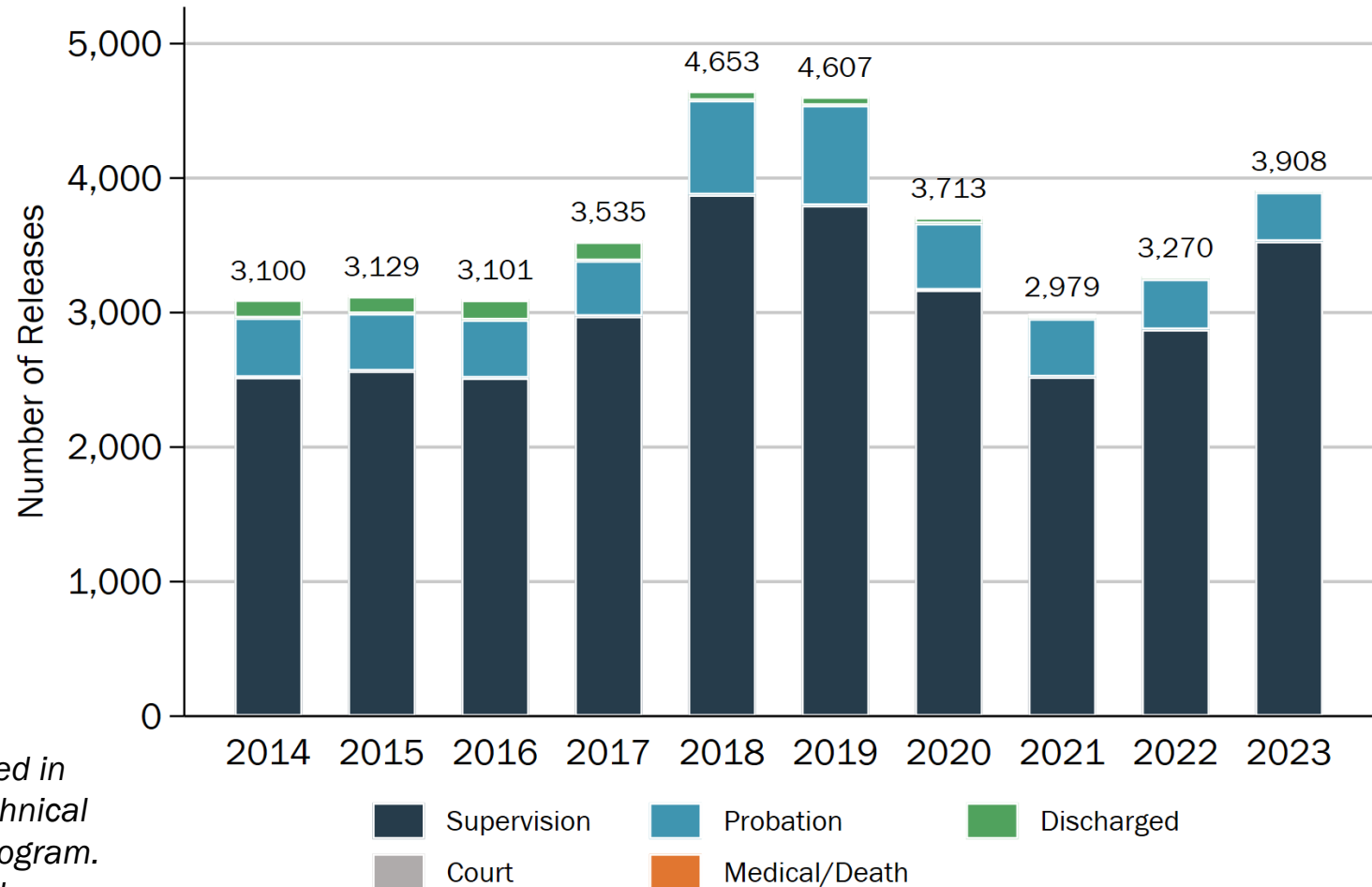
Over the 10-year period from 2014 to 2023, an average of 45 percent of people were admitted for supervision sanctions, which grew to just over 51 percent in the past 3 years.

# Most people released from CCCs are released to probation or parole supervision.

Over the 10-year period from 2014 to 2023, over 95 percent of people released from community correction centers were placed back on parole or probation supervision.

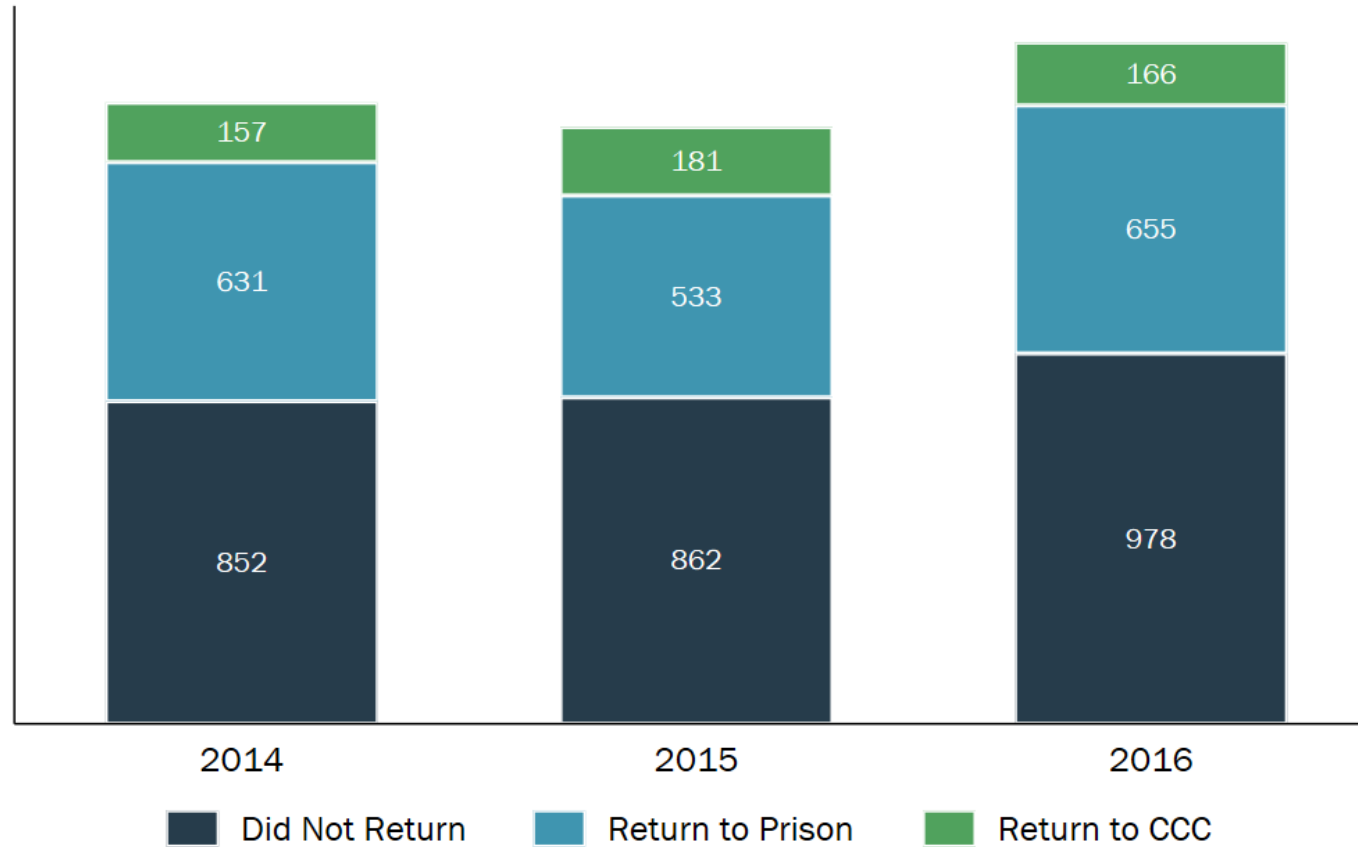
*People released to "supervision" were incarcerated in CCCs due to judicial/administrative transfers, technical violator sanctions, or participation in a reentry program. People released to "probation" mainly belong to the probation plus and specialty court groups.*

Releases from CCCs by Release Type, 2014–2023



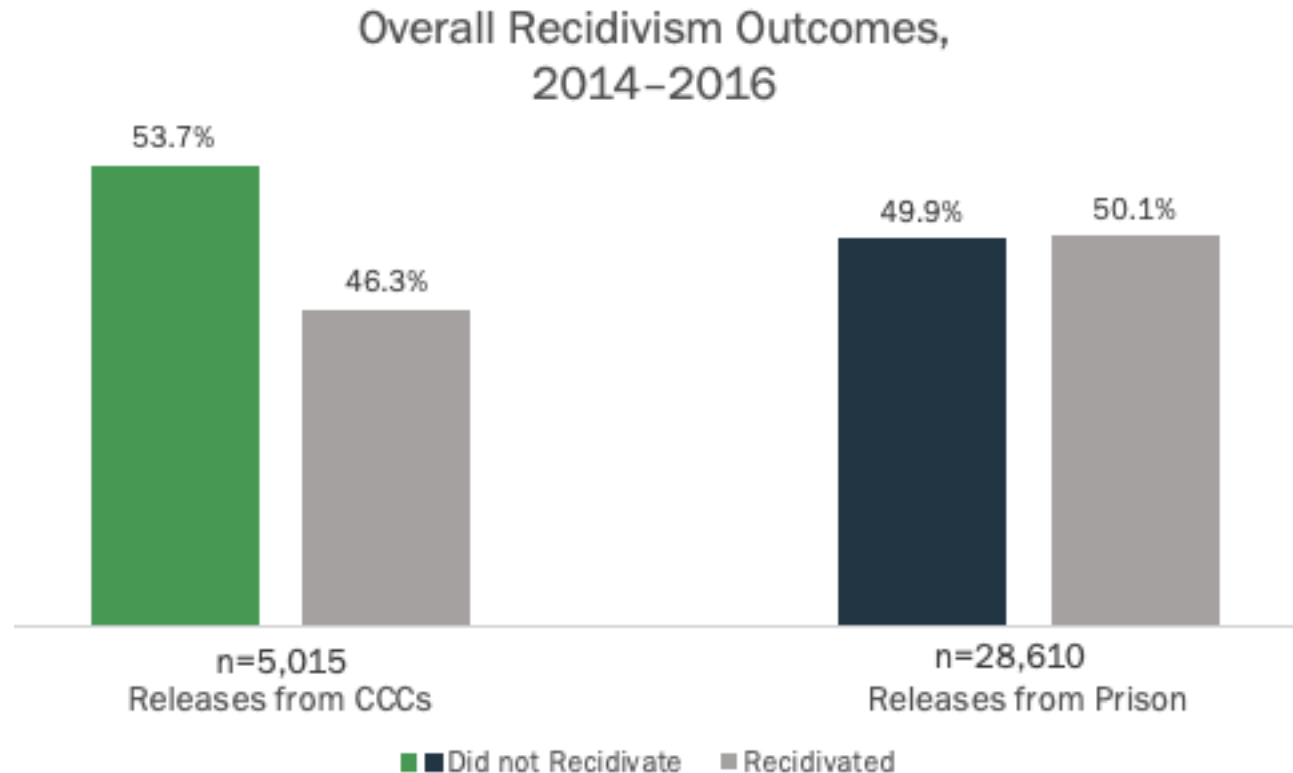
# Approximately 36 percent of people released from a CCC were admitted into prison within 3 years of their release.

3-Year Returns to CCCs & Prison after CCC Release, 2014-2016\*



\*excludes SSP releases & admissions

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



*Recidivism here was defined as a return to custody within three years of release from incarceration.*

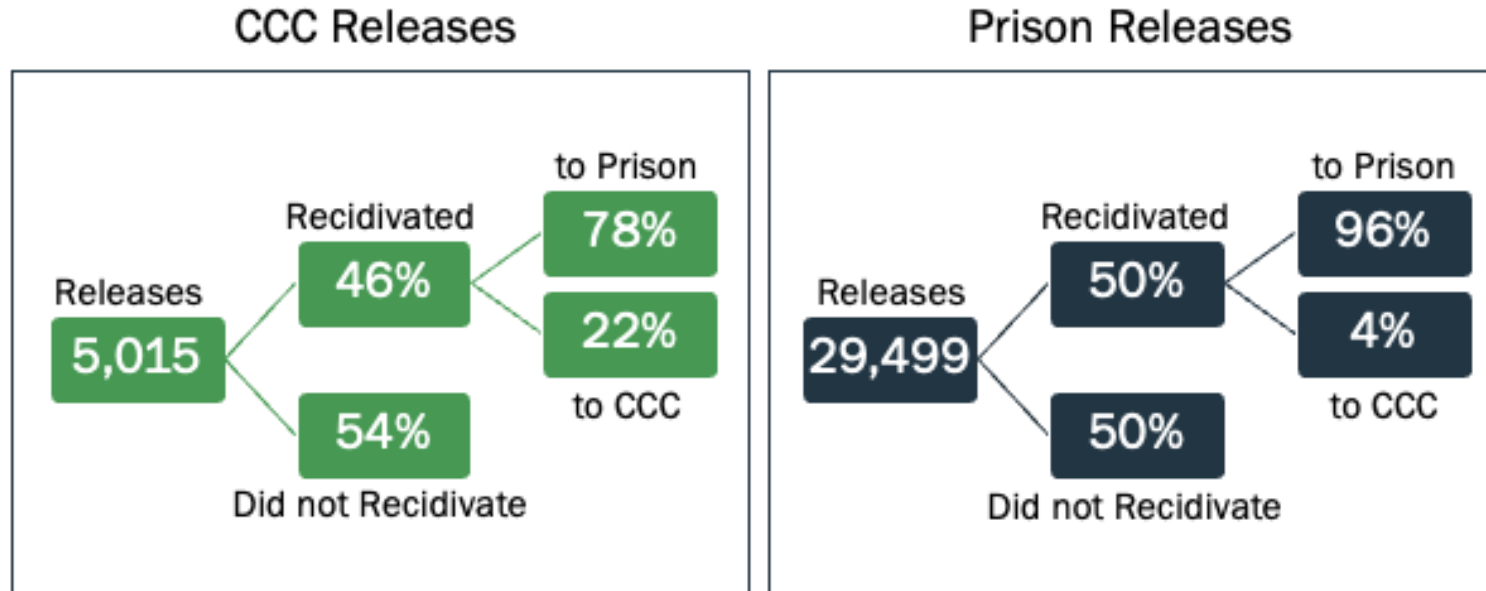
*These estimates represent the raw outcomes for people who were returned to prison or to a CCC after release from an institution.*

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



# From 2014 to 2016, the majority of people revoked from CCCs and parole were sent to prison.

## 2014–2016 Totals



# Trends in Supervised Populations

3

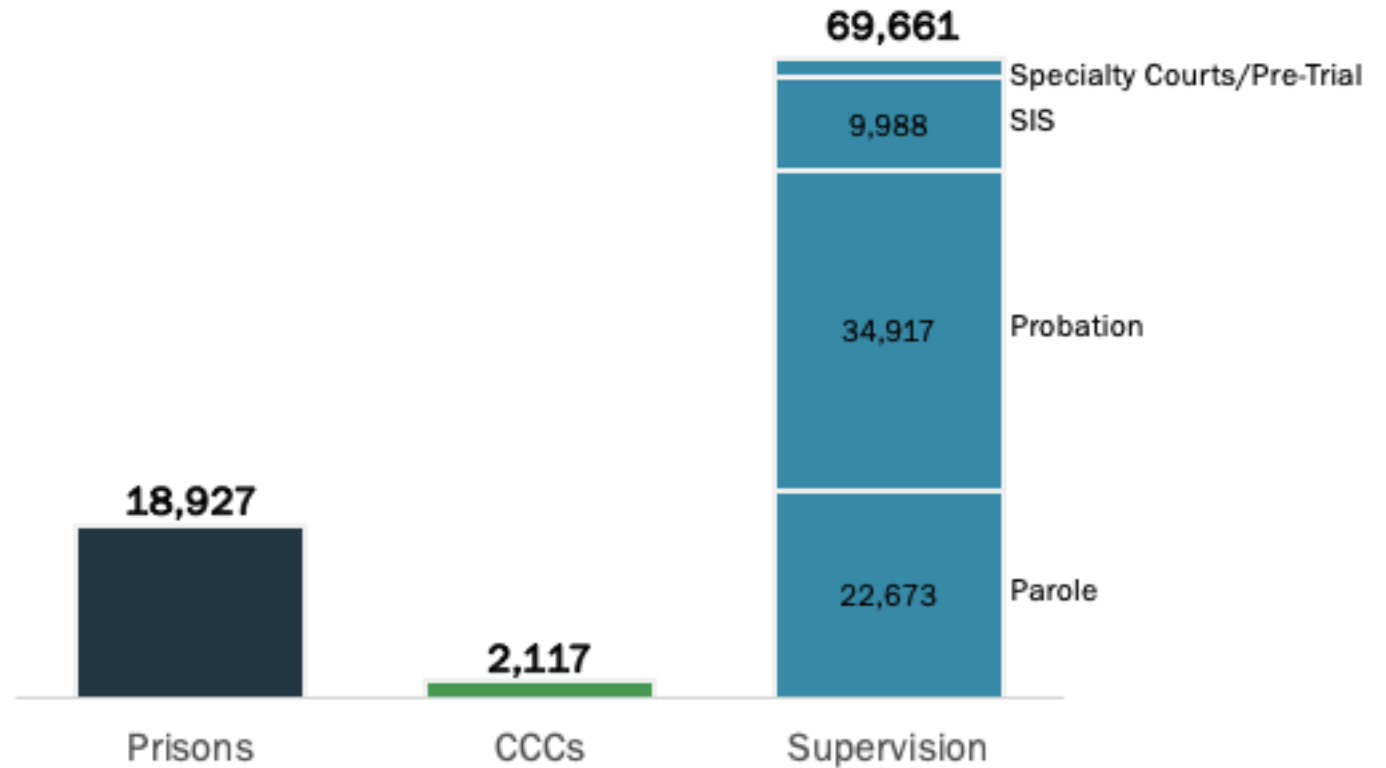
# As of July 2024, approximately 90,700 people were under DOC's correctional control, with over 75 percent in the community.

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.

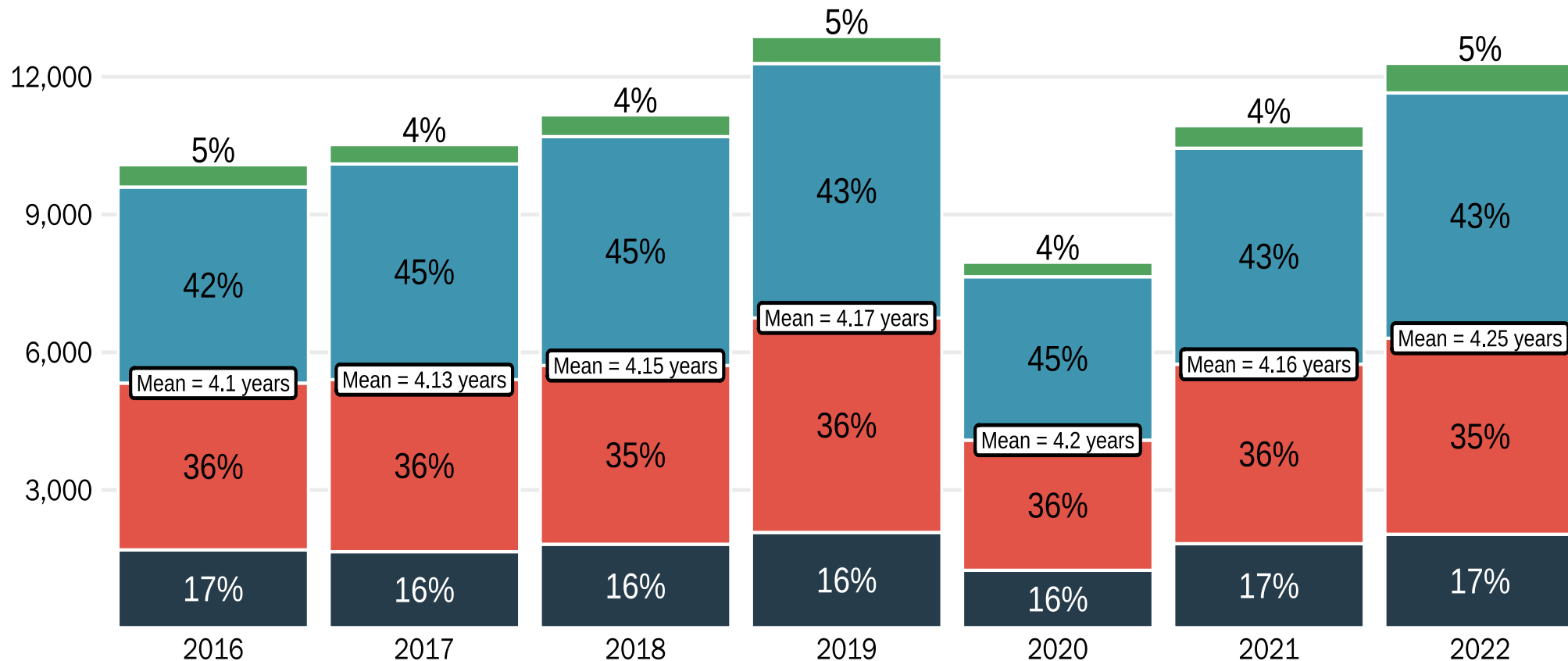
Improvements in supervision outcomes could reduce the number of revocations to prisons and CCCs.



# Almost half of probation sentences are longer than 4 years.

## Probation Sentence Lengths, 2016-2022

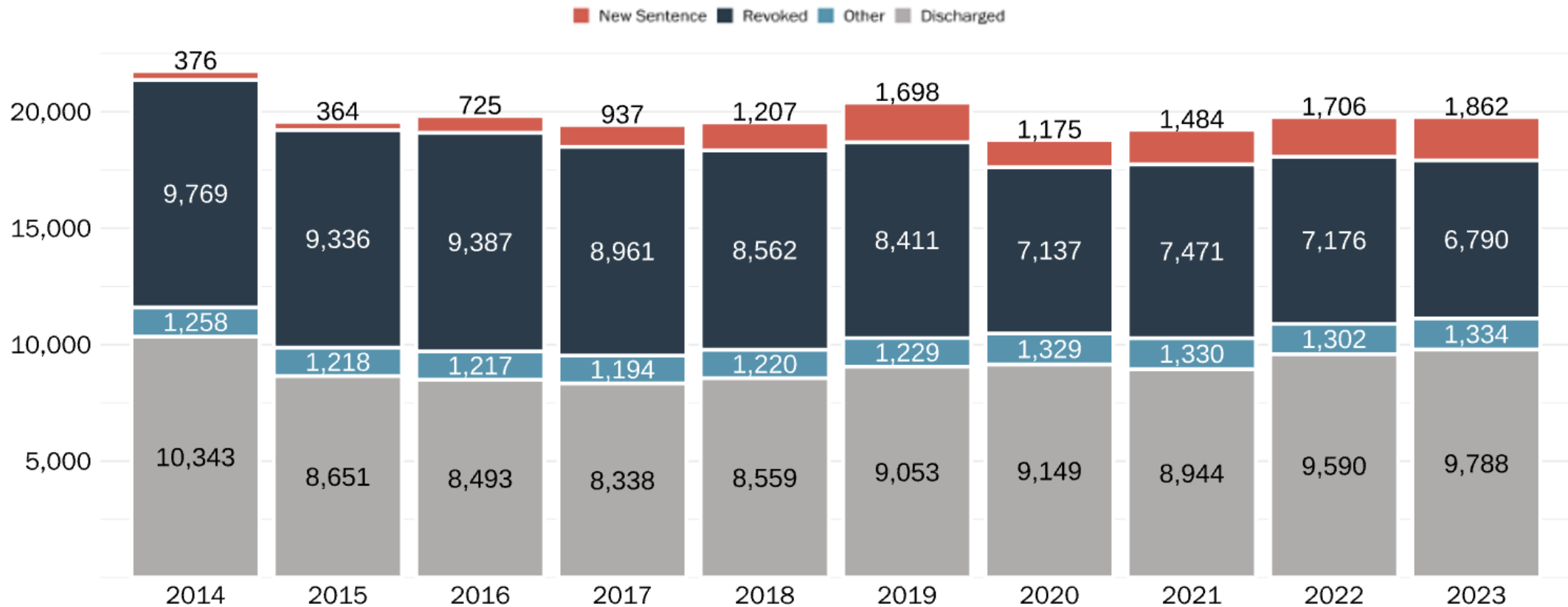
0-2 years 2.1-4 years 4.1-6 years More than 6 years



From 2016 to 2022, nearly **39,000** people received new probation sentences of over 5 years.

Over the past 10 years, nearly half of individuals completing supervision experienced an unsuccessful closure, but fewer than 6 percent of these closures were due to new sentences.

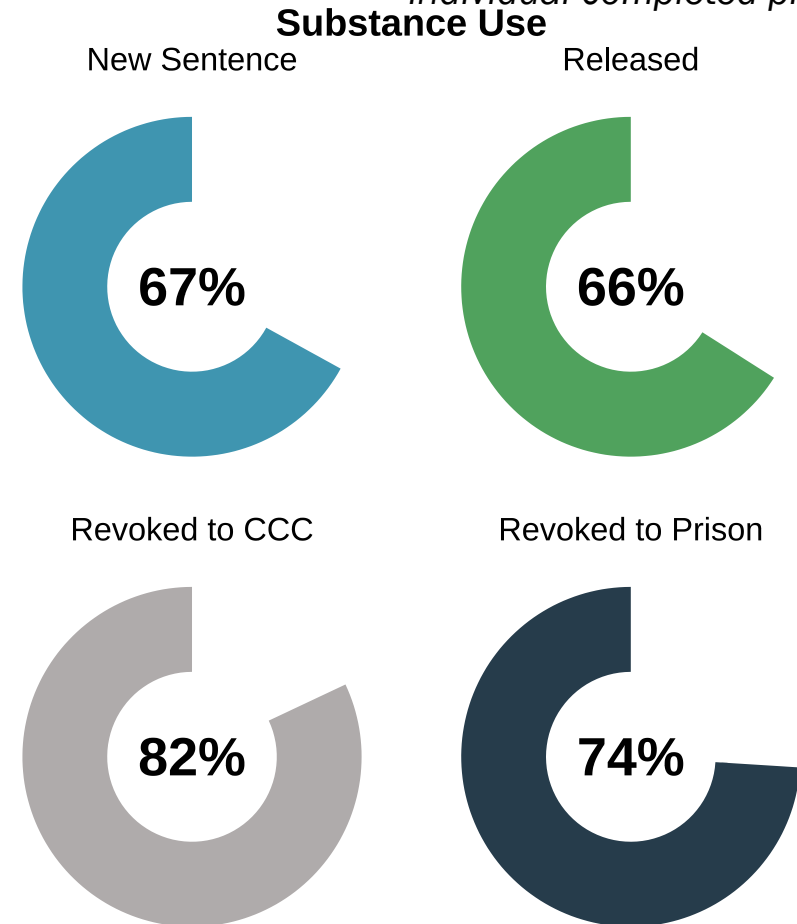
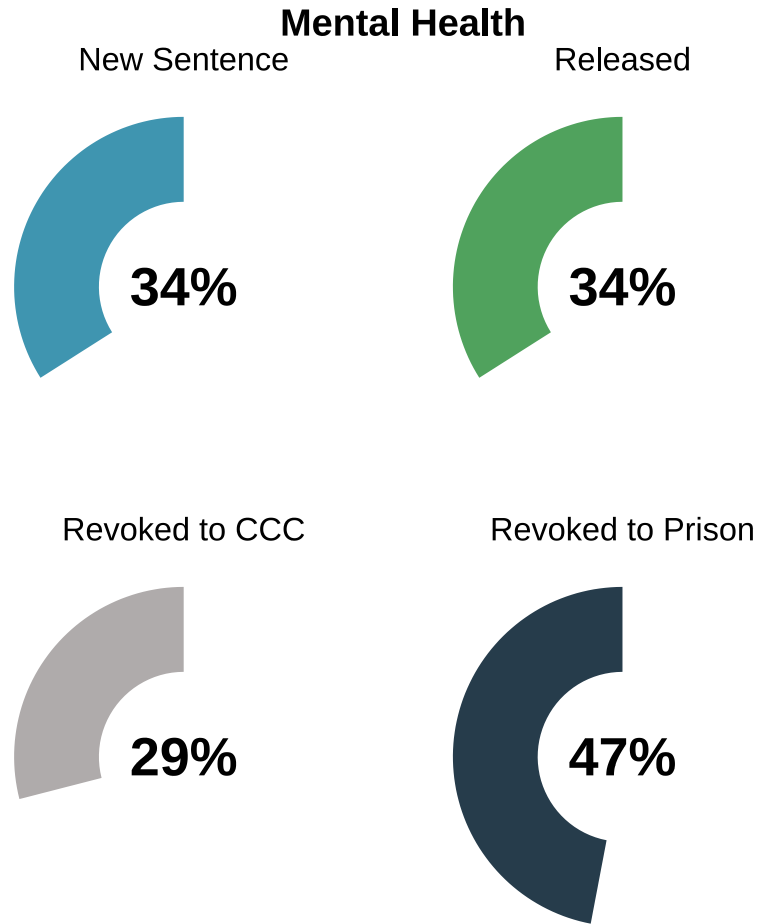
Supervision Closures by Type, 2014–2023





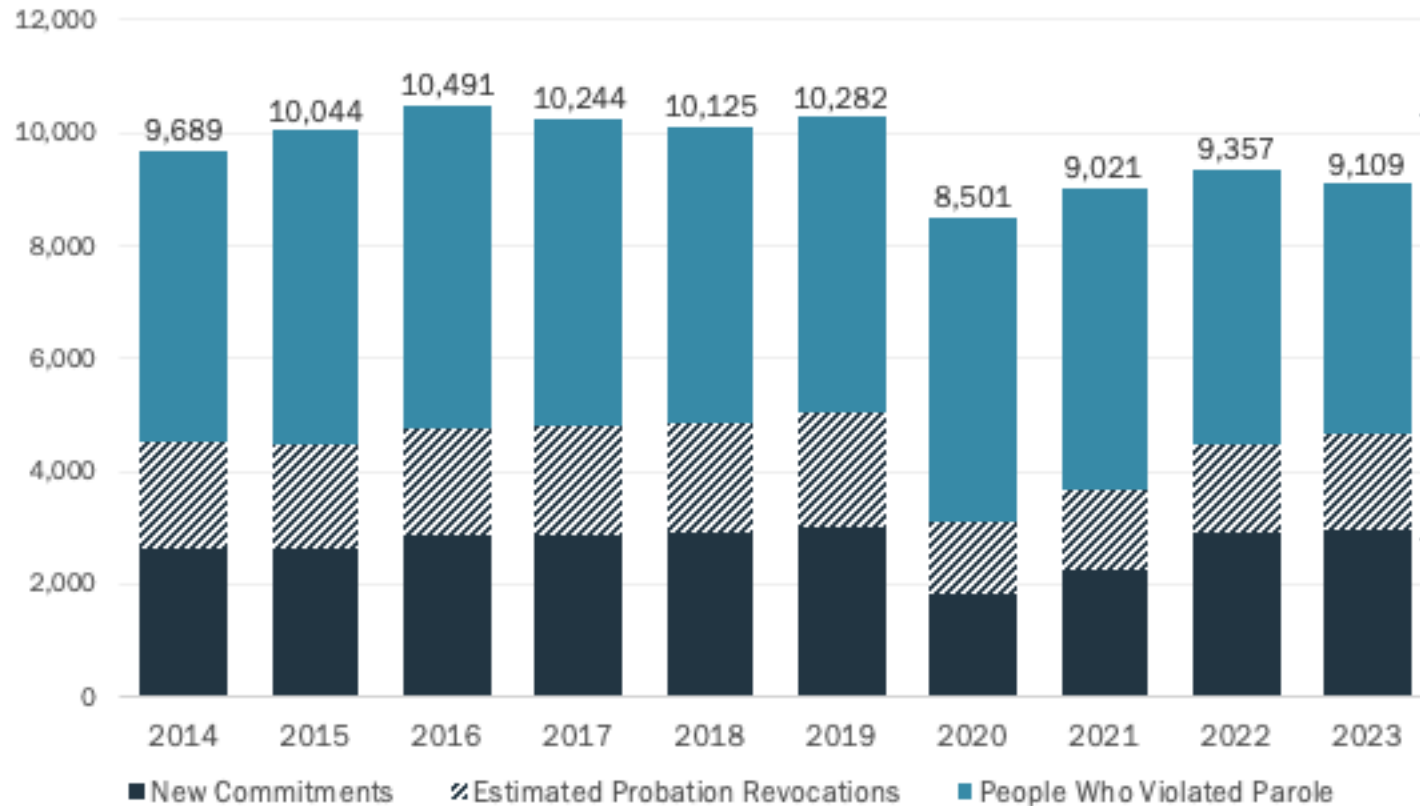
# Individuals successfully released from supervision were less likely to have received substance use or mental health referrals than those who received a revocation or a new sentence.

*\* A referral does not mean that an individual completed programming.*



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

Admissions to Prison by Type, 2014–2023

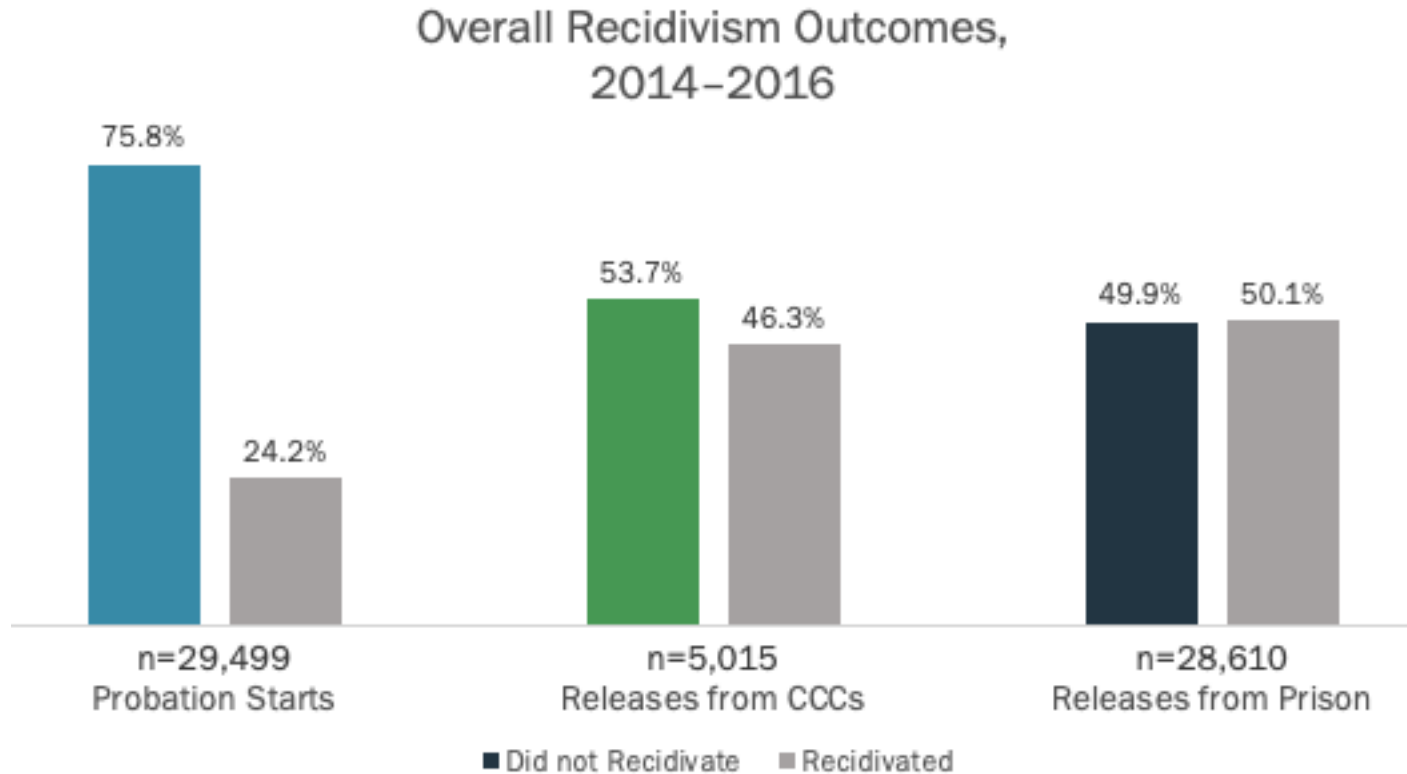


Investing resources in areas that impact behavior change for the supervised population represents an opportunity to sustainably increase public safety efficiently.

**72%**  
Admissions following supervision revocations

*Here, probation revocations are estimated from new court commitments whose offense records included a probation revocation.*

# Compared to prisons and CCCs, probation has the lowest rate of recidivism at 24 percent.



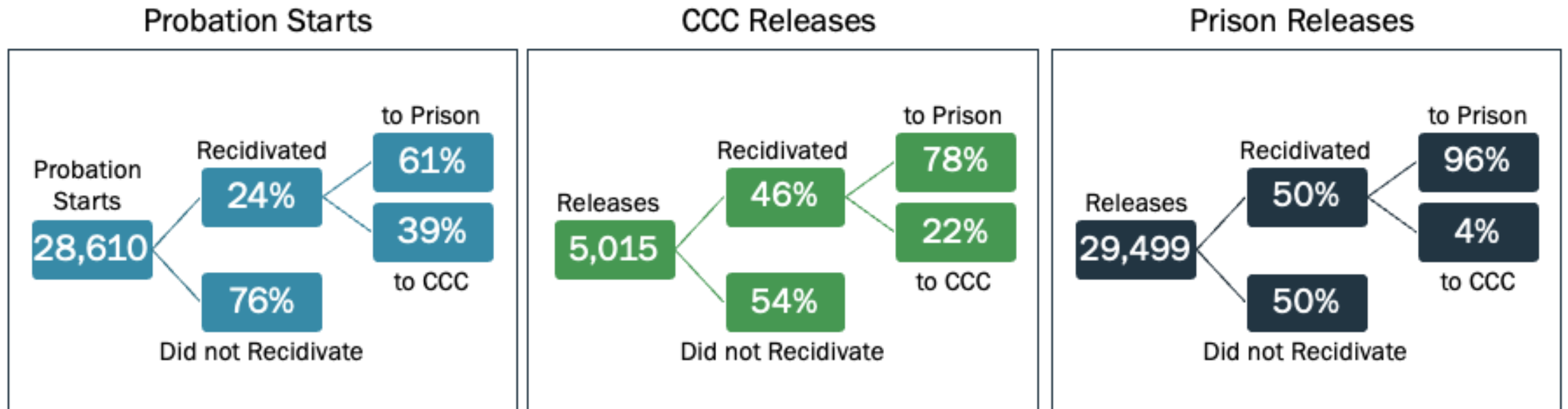
*Recidivism here is defined as returns to custody within three years of release from incarceration or from the start of a probation sentence.*

*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.*

# Probation's recidivism rate is about half of that of CCCs and prison.

## 2014-2016 Totals



# Regression Analysis of Recidivism

4

# To understand recidivism trends with greater specificity, CSG Justice Center staff used regression analysis to examine factors that are correlated with recidivism.

- Regression is a statistical method for examining the relationship of one variable to another and for assessing group differences.
- Regression analysis helps determine which factors do or do not play a role in any observed differences among groups.
- By using regression, we can account for key observable differences—such as type of offense and sex of individual—to make an “apples to apples” comparison between people who recidivated and people who did not.
- The Data and Methods appendix contains detailed information on how the regression analysis was completed.




Recidivism for this study was defined as returns to custody within three years of (1) release from prison or (2) from the start of a probation supervision sentence.



# It is crucial to consider race and gender when applying the responsivity principle of the RNR framework to improve supervision outcomes and public safety.

*The findings from our regression analysis have important implications for case planning and programming offerings and underscore the importance of validating the risk instrument in Arkansas and on different populations.*



-  Specific responsivity refers to choosing and providing cognitive interventions that account for an individual's strengths, learning style, personality, motivation, and other demographic characteristics, **including gender, race, ethnicity, and culture.**
-  We also know that women have different pathways into crime than men, and they have different pathways out, thus require programs that are responsive to their specific needs.
-  Ignoring the responsivity principle of the RNR model diminishes desired rehabilitation outcomes. Appropriate programs and delivery styles are required.

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

## Key Takeaways

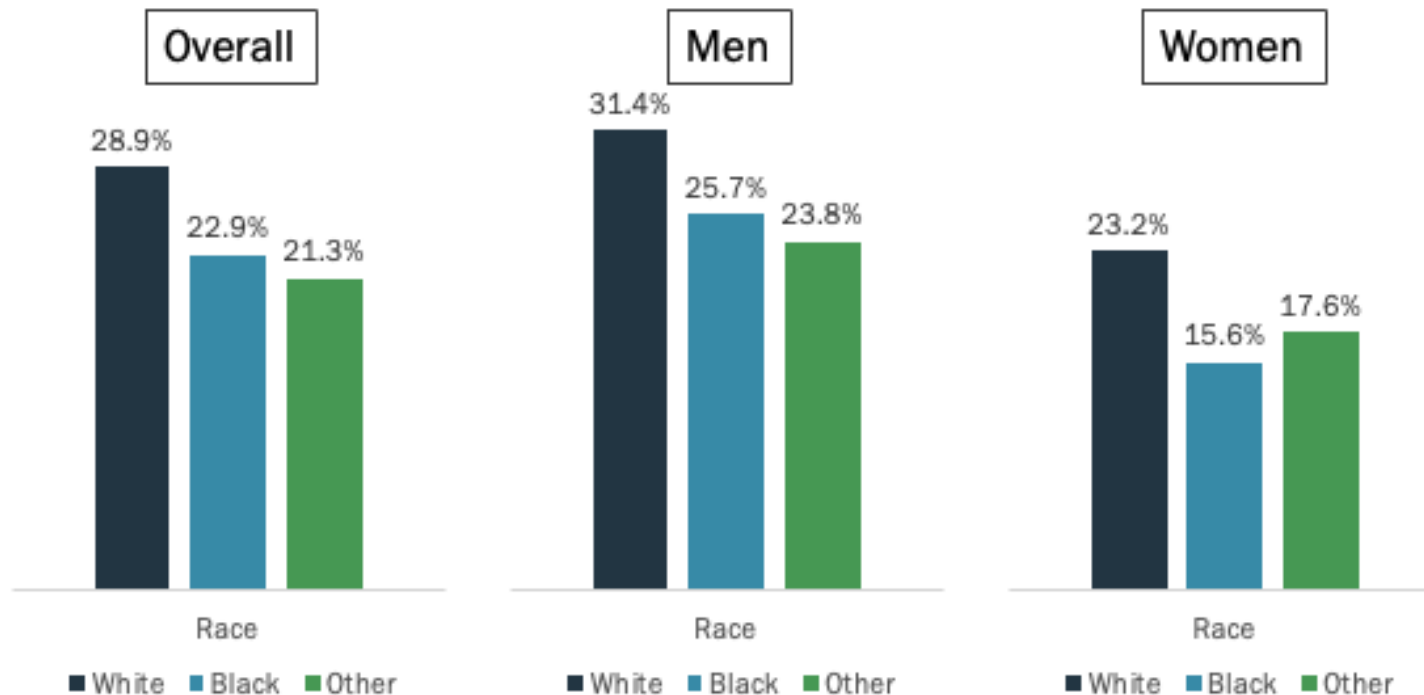
- 1.5x** Men were 1.5 times more likely to recidivate while on probation supervision than women.
- 1.8x** People with a history of a mental health referral were 1.8 times more likely to recidivate than people with no history of referral.
- 2.2x** People with a history of a substance use referral were 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.

One of the main findings in the regression analysis was that many of the factors correlated with recidivism are different for women than for men, which has important implications for reentry and case planning. In addition to an overall regression model, separate models for men and women were developed to highlight the influence of the covariates on recidivism for each.



# The probability of recidivism varies by sex and race.

Probability of People Starting Probation Recidivating within Three Years (2016 Cohort)

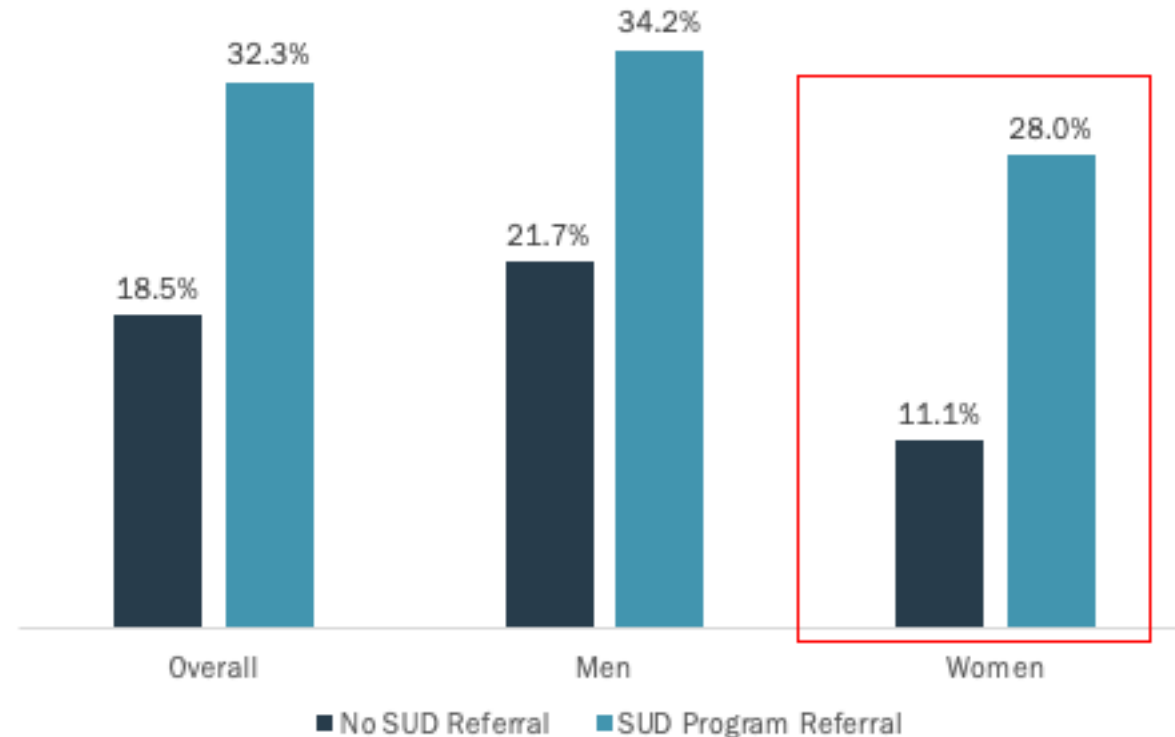


- Overall, **men** have a **higher** likelihood of recidivating than women.
- **Black women** had the **lowest** probability of recidivating in the 2016 cohort.
- **White men** had the **highest** probability of recidivating.

# Referrals to substance use programming are strong predictors of recidivism for people on probation, particularly women.

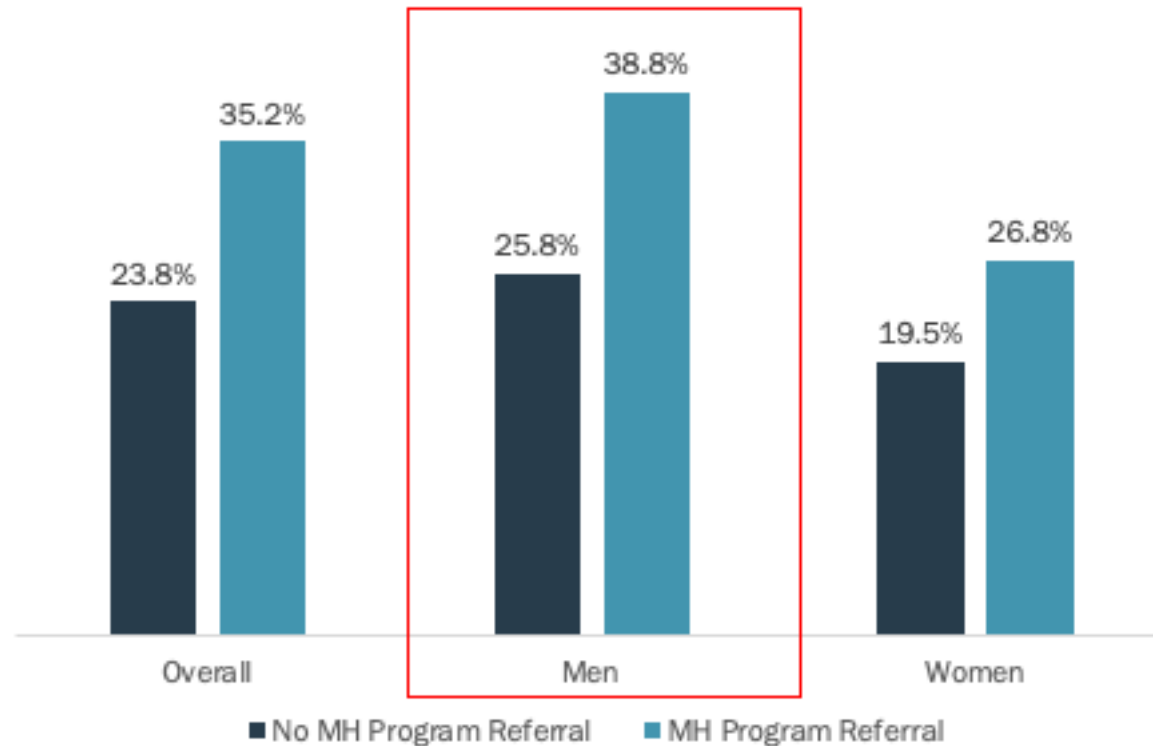
- People who have been referred to **substance use programming** are **13.8 percentage points more likely to recidivate** compared to people not referred to programming.
- For **women**, this probability is **16.9 percentage points higher** than women not referred.
- For those **without** a history of substance use referrals, **women** have only an **11.1 percent** probability of recidivating as compared to a **21.7 percent** probability for men.

Probability of People Starting Probation Recidivating within Three Years Who Have Substance Use Referrals



# Referrals to mental health services are strongly correlated with probation recidivism, particularly for men.

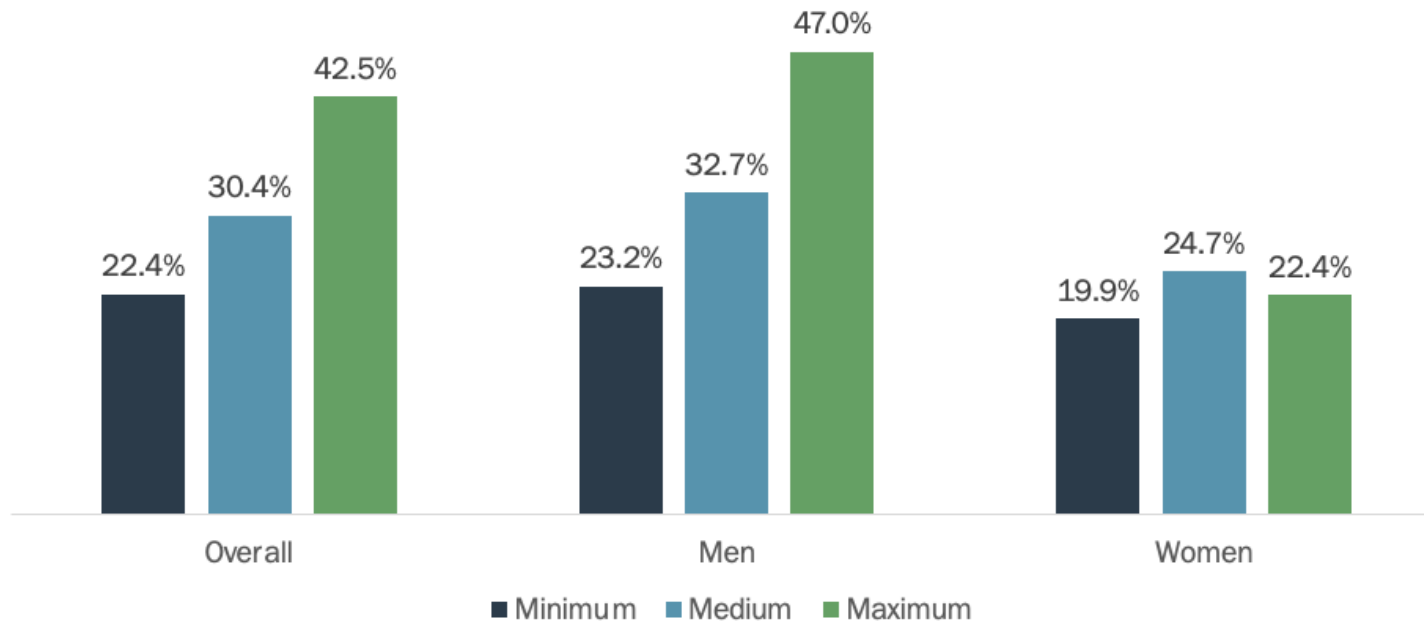
Probability of People Starting Probation Recidivating within Three Years Who Have Mental Health Program Referrals



- Men with a history of a mental health program referral have a **13 percentage point higher probability of recidivating** than men without referrals.
- This difference is almost **twice as high as the difference for women.**
- A history of a mental health referral gives women a **7.3 percentage point higher probability** of recidivating than women without such a history.

# Men placed on maximum supervision have a 47 percent probability of recidivating within 3 years.

Probability of People Starting Probation Recidivating within Three Years by Supervision Level



- The current risk instrument effectively differentiates risk for men but is less effective for women.
- Risk and need assessment instruments must be validated on gender, race, and ethnicity to ensure predictive accuracy across groups.
- The findings of this analysis show how a failure to do this validation can limit the instrument's utility.
- The current instrument is being replaced, and **the new instrument should be validated on Arkansas's population.**

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

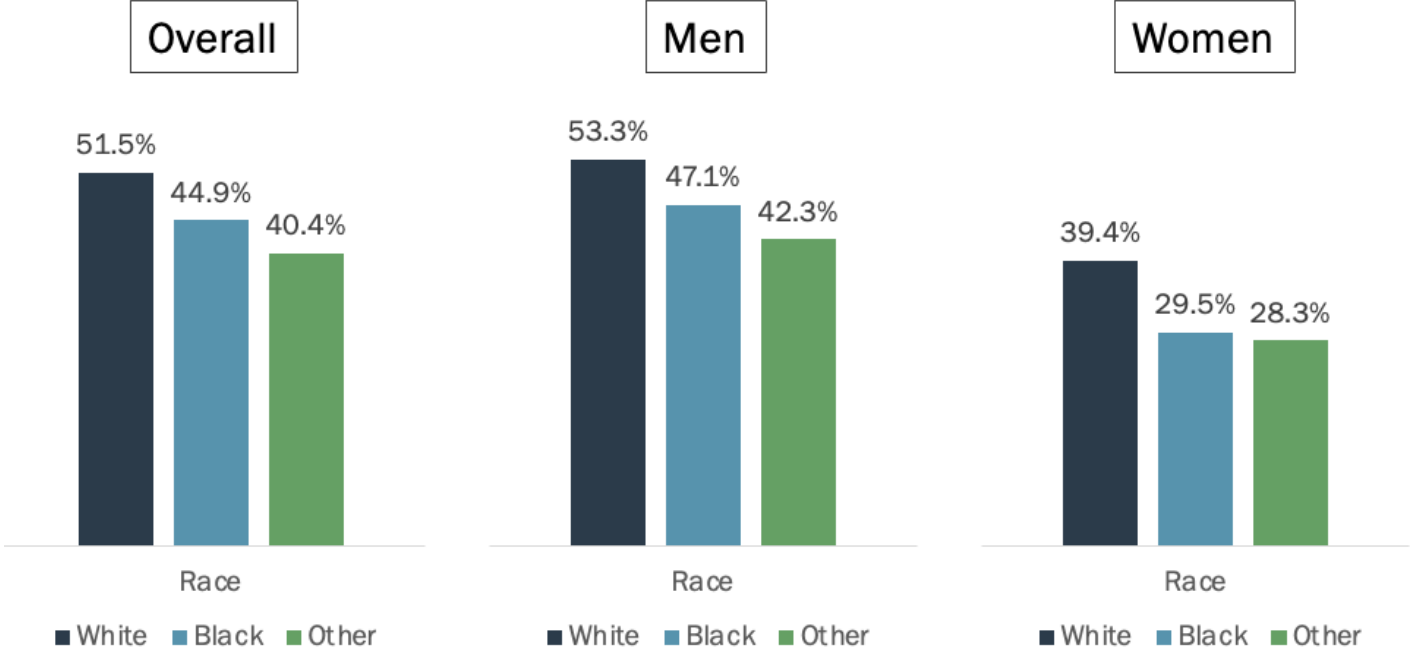
## Key Takeaways

- 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.

One of the main findings in the regression analysis was that many of the factors correlated with recidivism are different for women than for men, which has important implications for reentry and case planning. In addition to an overall regression model, separate models for men and women were developed to highlight the influence of the covariates on recidivism for each.

# Overall, men have a 13 percentage point higher probability of recidivating than women.

### Probability of People Released from Prison Recidivating within Three Years (2016 Cohort)



- **White men** released from prison in 2016 had the **highest likelihood of recidivating.**
- **Black men** had a **17.6 percentage point higher probability of recidivating than Black women.**
- **White women** had a **10 percentage point higher probability of recidivating than other female groups.**

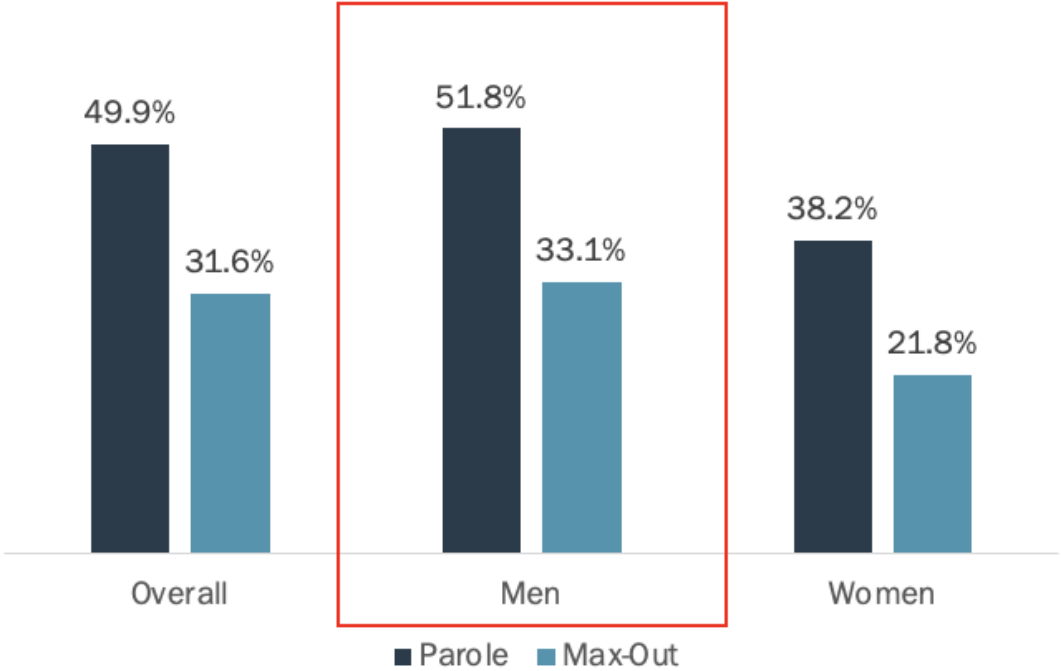
CSG Justice Center analysis of case-level data provided by the Arkansas Department of Corrections.

# People released on parole have an 18.3 percentage point higher recidivism rate than those who served their full sentence in custody.

- The probability of men recidivating who max out of their sentences is similar to the reconviction trends presented in the last Task Force meeting (approximately 33 percent).
- Of the people who maxed out of their sentence in the cohort, 88 percent had been released to parole and reincarcerated prior to the max-out.

*Note: A return to incarceration for an individual who maxed out would **only** be triggered by a new conviction, whereas either a new conviction or a technical violation of parole conditions could result in reincarceration for someone on parole.*

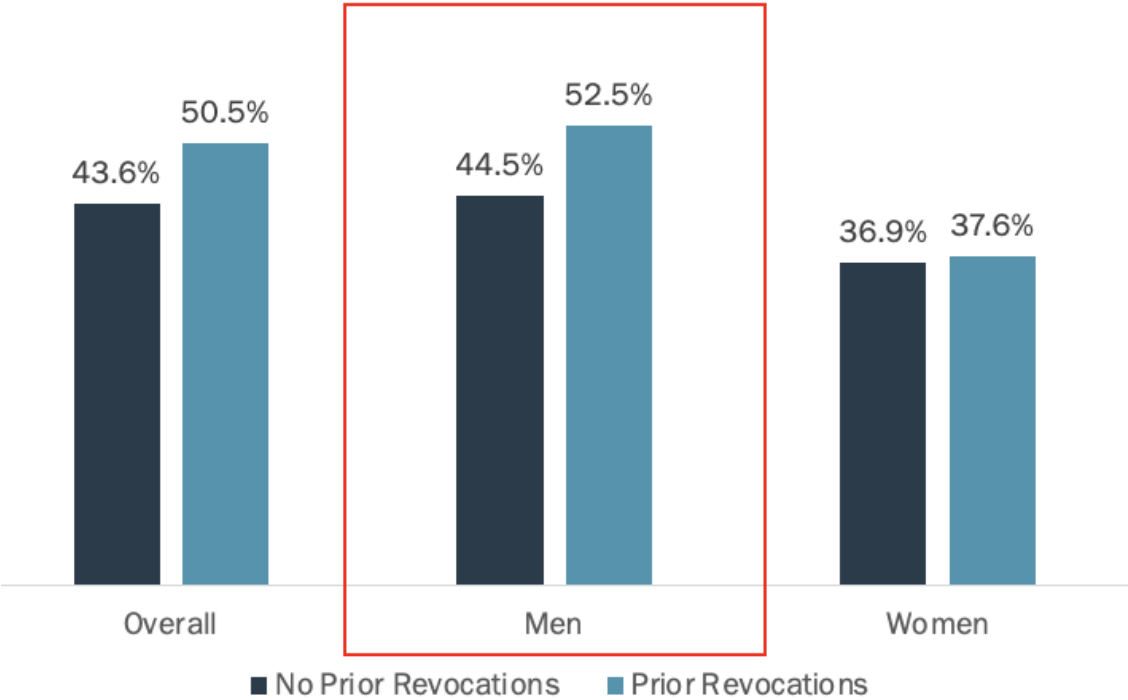
Probability of People Released from Prison Recidivating within Three Years, by Type of Release



CSG Justice Center analysis of case-level data provided by the Arkansas Department of Corrections.

# Men who have already been revoked have an 8 percentage point higher probability of recidivating.

Probability of People Released from Prison Recidivating within Three Years, with and without Prior Revocations

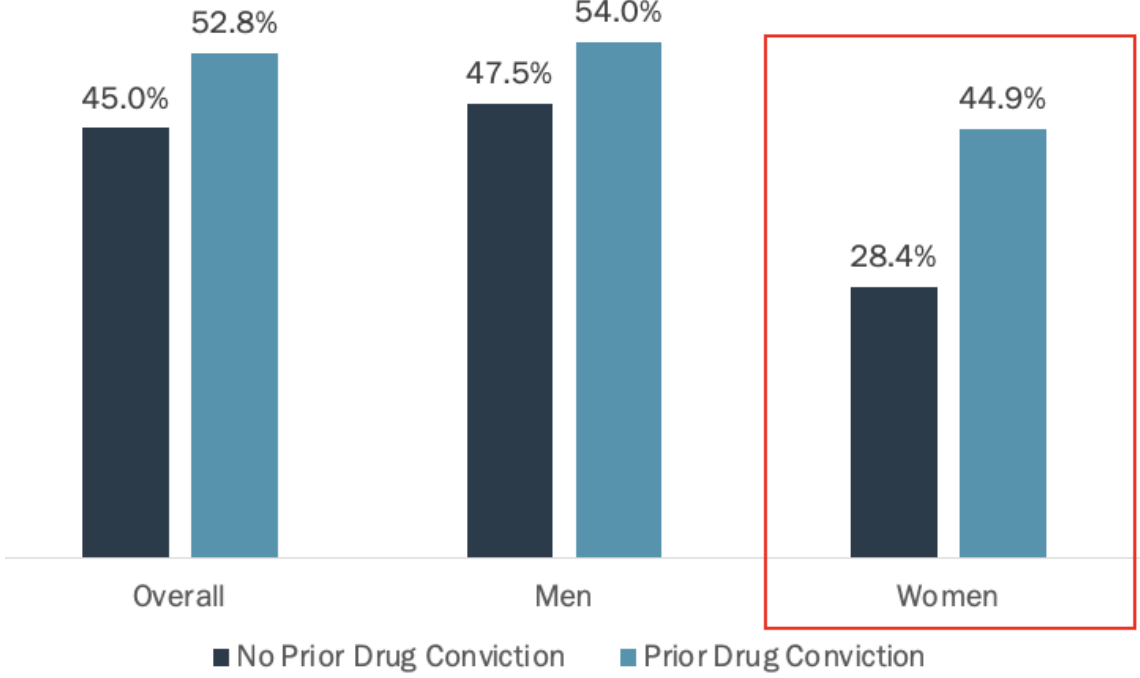


- Men with a history of prior revocations have a higher probability of recidivating (again) than men without a history of prior revocations.
- A history of prior revocations **is not** correlated with women’s probability of recidivating.



# Women with a history of drug convictions have a 16.5 percentage point higher probability of recidivating than women without drug convictions.

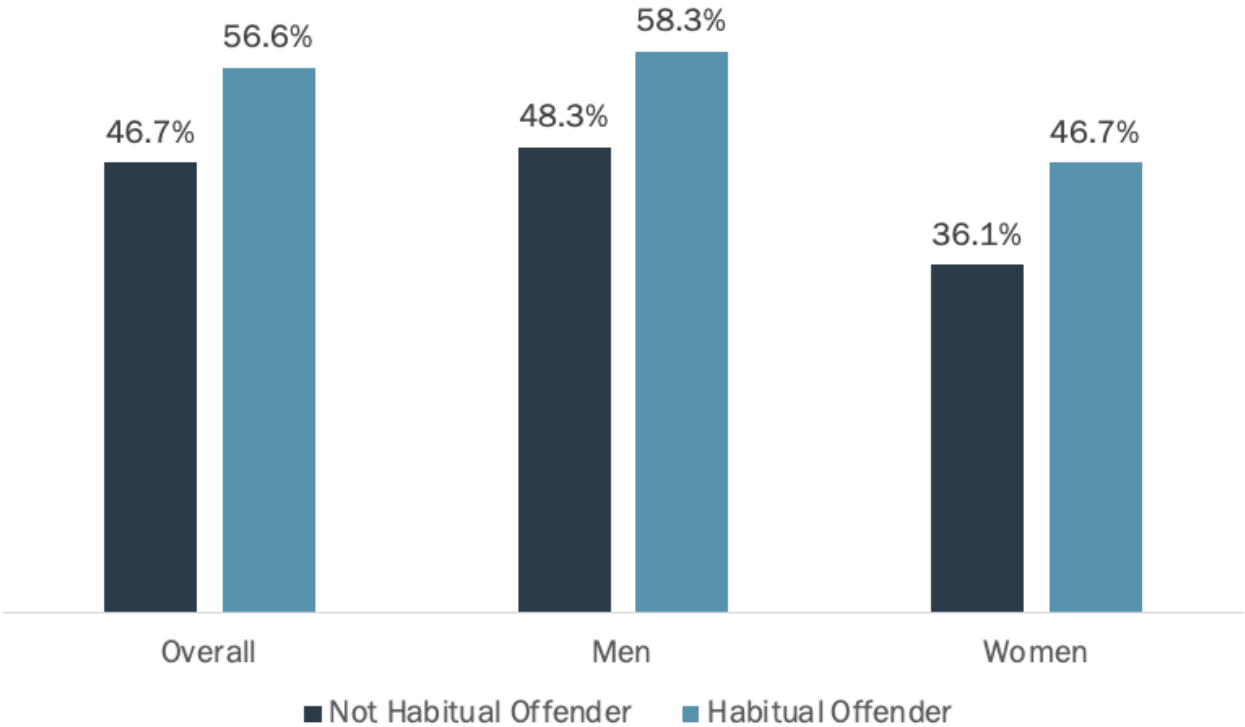
Probability of People Released from Prison Recidivating within Three Years, with and without Drug Convictions



- The analysis did not find a strong correlation between offense type and the probability of recidivating.
- Having any drug conviction history was found to be strongly predictive for women’s risk of recidivism, with a 16.5 percentage point increase in probability.
- This probability was only 6.5 percentage points higher for men.

# Men and women designated as “habitual offenders” face at least a 10 percent point higher risk of recidivism than those not designated as such.

Probability of People Released from Prison Recidivating within Three Years, by “Habitual Offender” Status

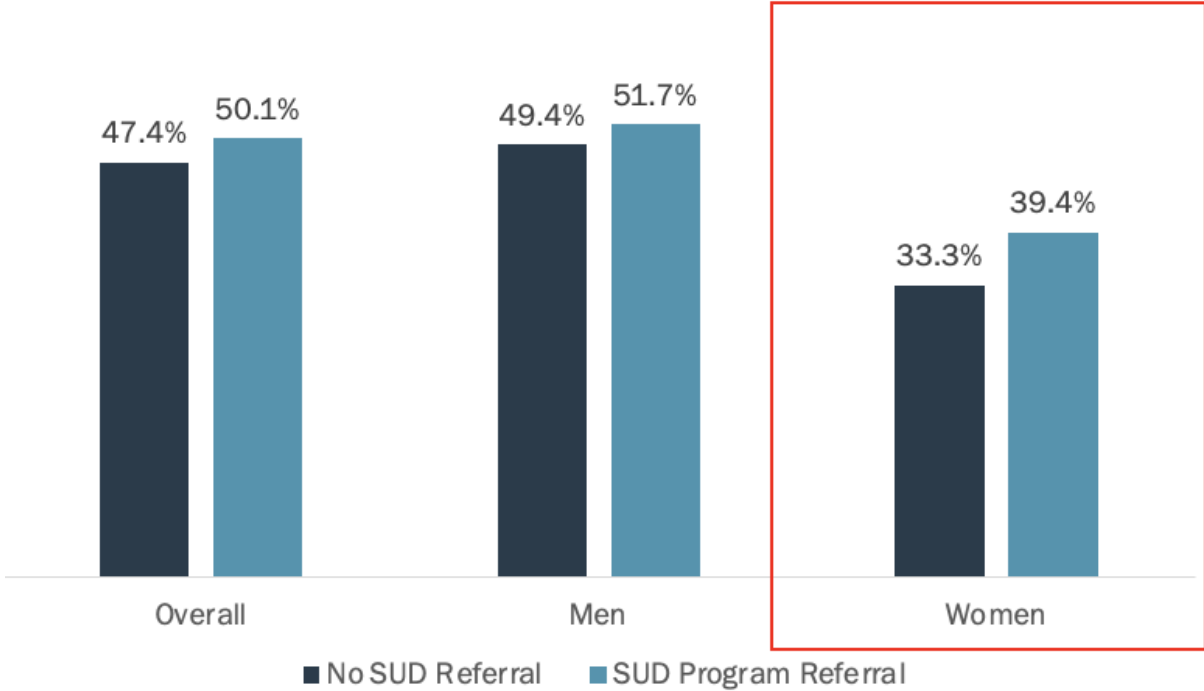


- Under the habitual offender statute, AR Code § 5-4-501, individuals with prior felony convictions may be subject to an extended statutory range of punishment.
- This is a discretionary enhancement that is determined at sentencing.

# Women with a history of referrals to prison-based substance use programs have a 6 percentage point higher probability of recidivating than women without these referrals.

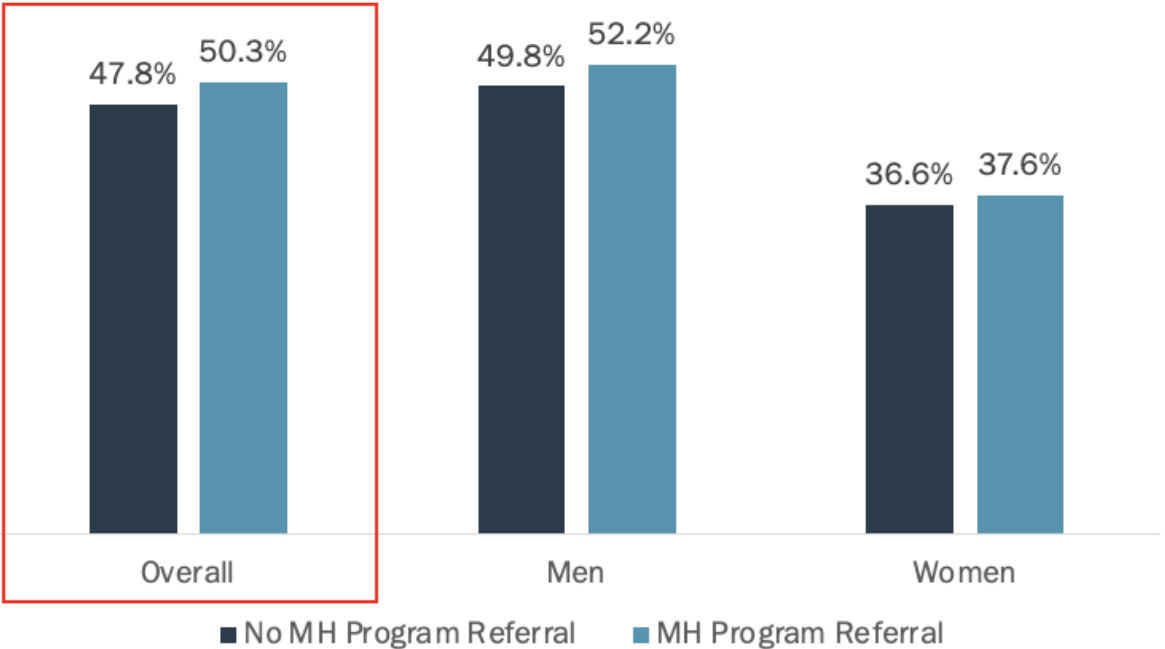
Probability of People Released from Prison Recidivating within Three Years, by Substance Use Referral Status

As the DOC adopts a stronger assessment tool and implements more evidence-based programming, DOC staff will be better able to identify and target individuals' specific needs. This will improve recidivism overall.



# People referred to a mental health program while incarcerated had only a slightly higher probability of recidivating than people without such referrals.

Probability of People Released from Prison Recidivating within Three Years, by Mental Health Referral Status



- Though research has found that incarcerated individuals with serious mental illness (SMI) have an increased likelihood of failing once released to supervision, a history of referrals to mental health programs was not strongly correlated with recidivism in the 2016 prison releases cohort.
- An institutional assessment conducted by a trained professional might provide a more reliable estimate of the impact of SMI on risk of recidivating.

CSG Justice Center analysis of case-level data provided by the Arkansas Department of Corrections; Baillargeon, J., Hoge, S.K. & Penn, J.V. Addressing the Challenge of Community Reentry Among Released Inmates with Serious Mental Illness. American Journal of Community Psychology 46, 361-375 (2010).

# Thank You!

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



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# Data and Methods

5

# The data in this presentation came primarily from the Arkansas Department of Corrections.

## Arkansas Department of Corrections (DOC)

### 10 years of data

The DOC provided 10 years of data related to prisons, community corrections centers, and supervision populations. Risk data, program participation, and other materials were included.

In total, the DOC provided 93 data files for this analysis:

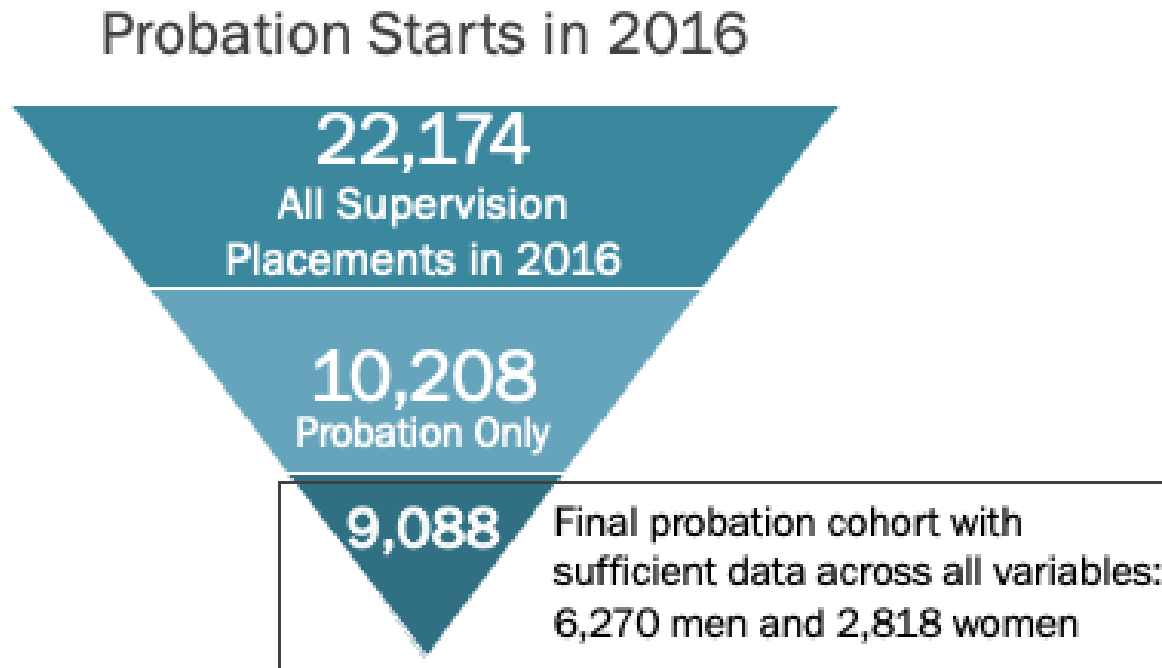
- 64 prison data files
- 21 supervision data files
- 6 community correction center data files
- 2 Post-Prison Transfer Board data files

# The recidivism analysis used both descriptive statistics and regression modeling to explore trends driving recidivism.

- Recidivism was defined as a return to DOC custody after leaving prison, leaving a community correction center, or starting probation.
  - The recidivism analysis for prison releases only included releases to parole and releases for people who maxed out of their sentence.
  - The recidivism analysis for CCC releases only included releases for people who had been serving a judicial transfer sentence, people leaving a reentry facility, and people who had completed a probation plus incarceration event.
  - The recidivism analysis for probation sentences only included new starts on probation supervision. Individuals supervised by DOC as part of a specialty court were not included in the probation cohort, and individuals who were placed in drug treatment at the CCCs were not included in the CCC cohort.
- Regression models were developed for people released from prisons in 2016 and people starting a probation sentence in 2016. The regression models were further divided into three subgroups composed of (1) men and women, (2) men only, and (3) women only to evaluate differences by sex at a more granular level. Complete regression estimates are available upon request.



# Regression analysis was limited to probation starts during 2016.\*



Controlling Variables
Sex
Race
Age
Supervision level
History of SUD referral
History of MH referral
Needs score
Type of supervision
Supervision area

\* Releases after 2016 were impacted by the COVID-19 pandemic, and releases prior to 2016 had more missing data for the controlling variables.

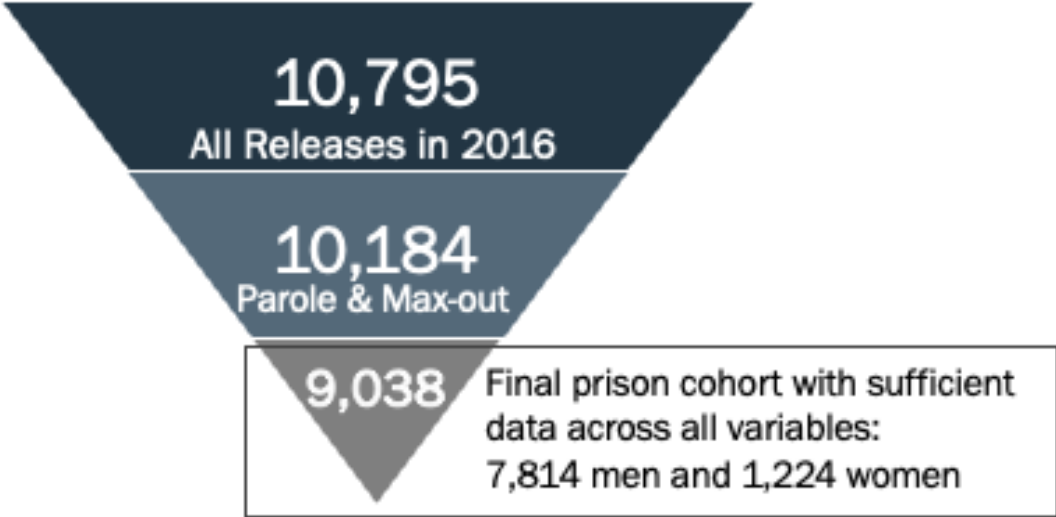
All the variables listed above were statistically significant at  $p < .001$ .

## Data Limitations for Probation Starts Cohort

- There was no offense information available in the DOC data to allow offense type or number of prior convictions to be included as control variables in the regression model. While offense type was not statistically significant in the prison model, people sentenced to probation have shorter criminal histories, and the variable might have been an important indicator in the probation model.
- The available probation data had a lot more referrals for mental health and substance use programs than the prison data, which resulted in a stronger correlation between behavioral health challenges and risk of recidivism. However, referrals were used as proxy variables for diagnosed disorders, similar to the proxies in the prison model.
- The only data available for identifying and quantifying technical violations was in cases where a revocation hearing had occurred or a warrant had been issued. Without any information on technical violations for people who had not been revoked, it was not possible to include these data points in the regression model without introducing bias into the results.

# Regression analysis was limited to prison releases during 2016.\*

## Prison Releases in 2016



Controlling Variables	
Sex	Type of release
Race	Length of stay
Age	Type of offense
Risk level	Crime seriousness level
History of SUD referral	Any prior revocation event
History of MH referral	Habitual offender
History of any drug conviction	Total number of prison disciplinarys

Most of the variables listed above were statistically significant at  $p < .001$ . History of MH referral and history of SUD referral were statistically significant at  $p < .05$ . However, neither type of offense nor crime seriousness level were found to be statistically significant in this model.

\* Releases after 2016 were impacted by the COVID-19 pandemic, and releases prior to 2016 had more missing data for the controlling variables.

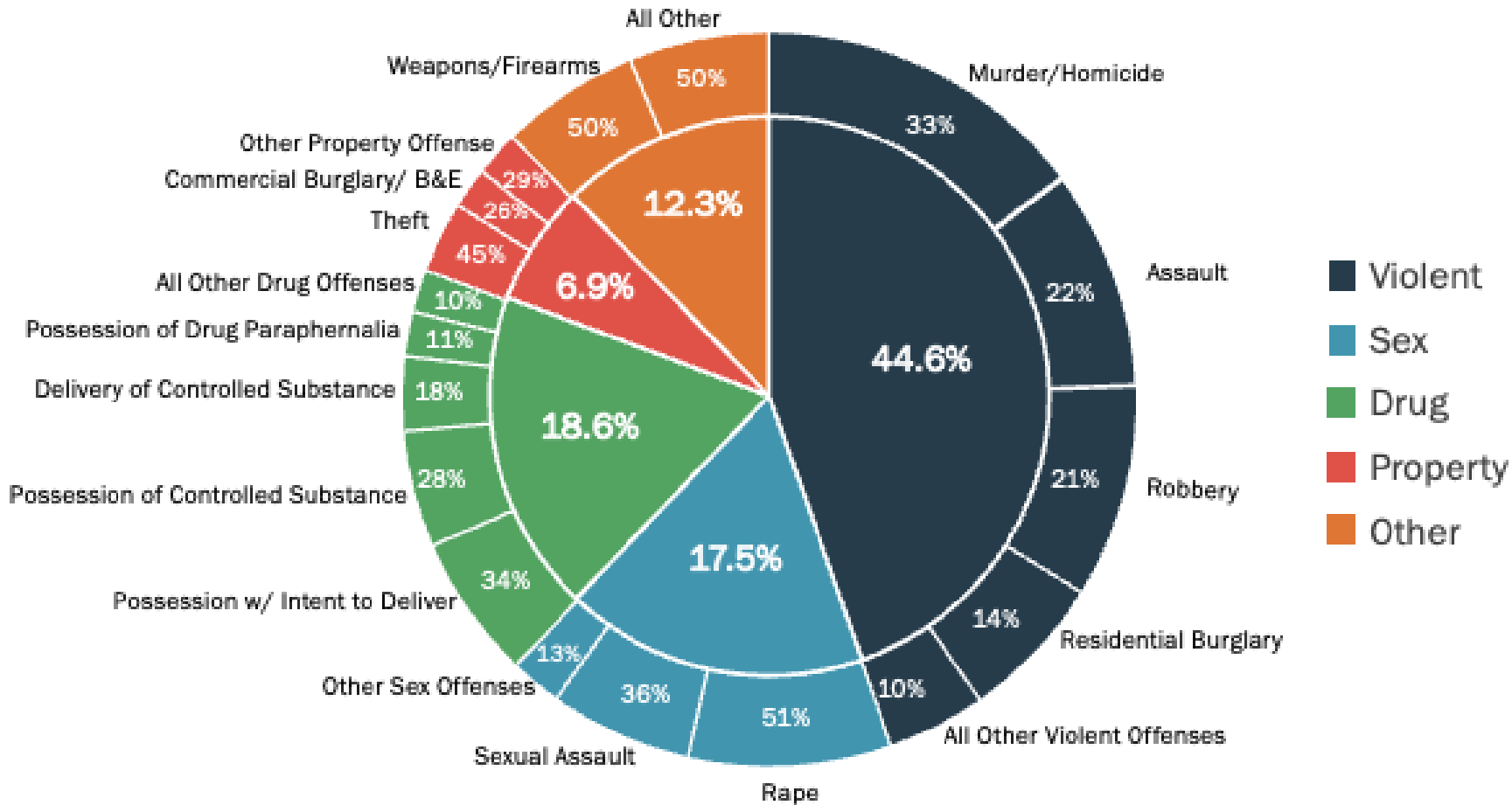
## Data Limitations for Prison Releases Cohort

- People incarcerated in Arkansas prisons often have multiple offenses and even multiple open sentences on record. This offense history affected the ability of the offense type variable to predict the likelihood of recidivism.
- The programming referral variables for mental health and substance use are used here as proxy variables for diagnosed disorders that interfere with an individual's ability to succeed. A stronger model would differentiate between individuals with a diagnosed condition as opposed to individuals referred to programs.
  - As a new risk instrument is being adopted and new programs are being offered, the DOC will be better equipped to assess behavioral health needs at intake, align programming with risk and needs, and improve the likelihood of success for individuals who are at higher risk of recidivating.

# Further Analyses

6

# Snapshot Prison Population: December 2023

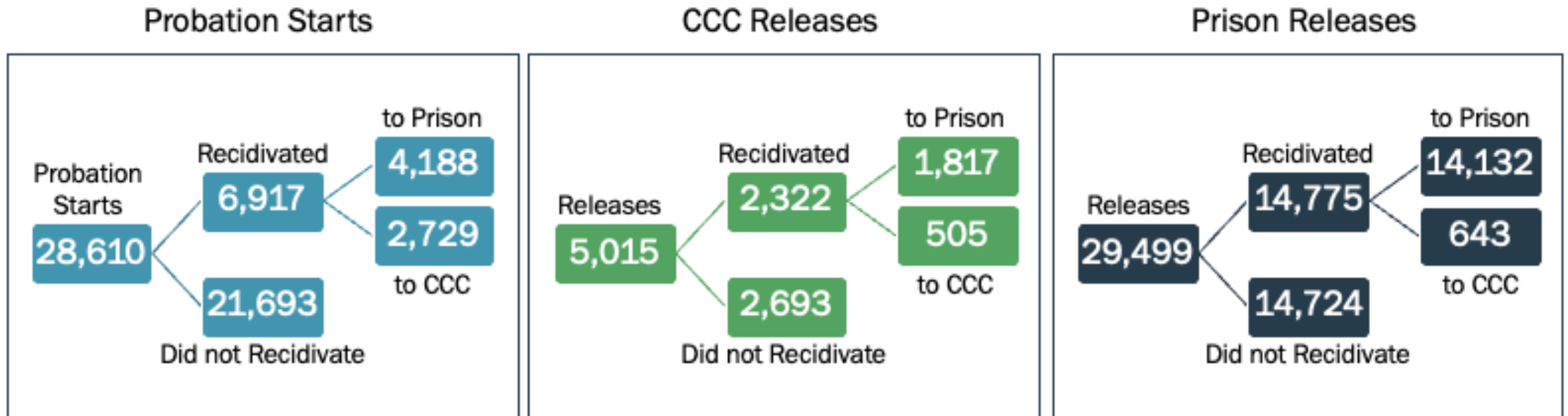


As of December 2023, **62 percent** of the standing prison population were serving sentences for violent and sex offenses.

While the offense of residential burglary is technically a property offense, it is treated as a violent felony offense when calculating release eligibility.

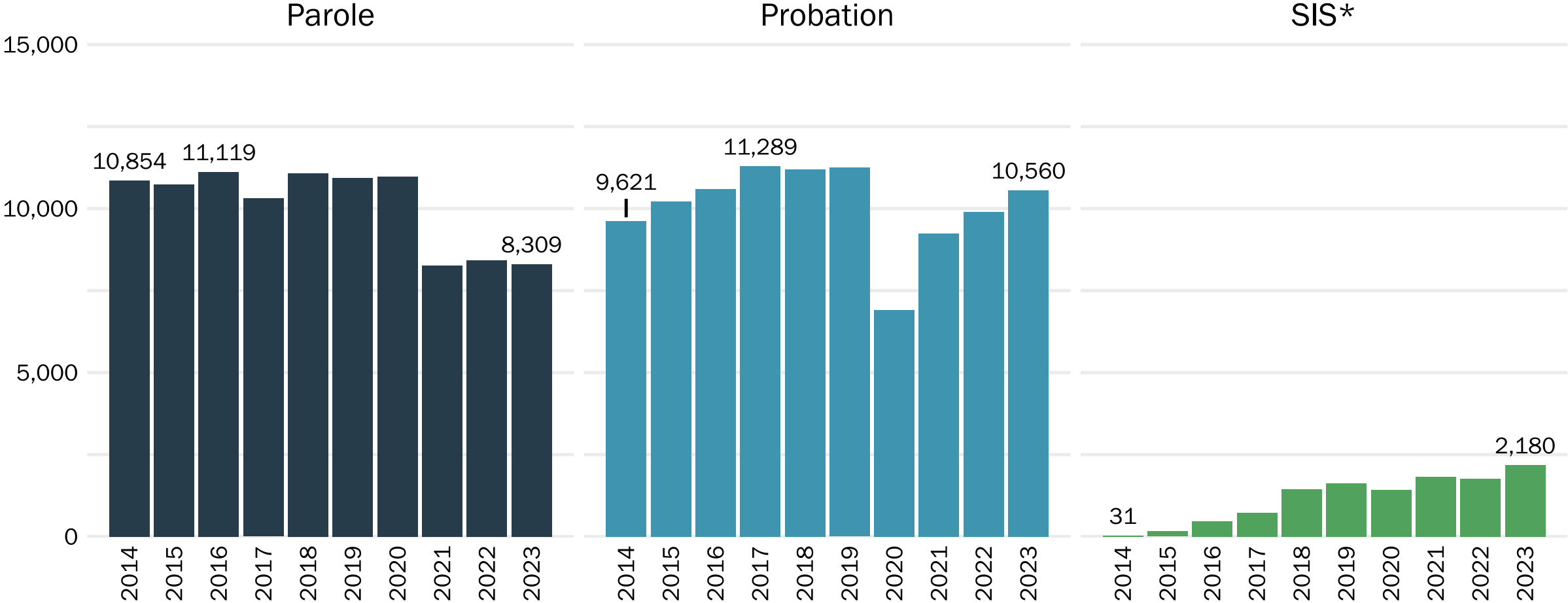
# By the Numbers: 3,877 people were revoked to CCCs, and 20,137 people were revoked to prisons from 2014 to 2016.

## 2014-2016 Totals



# Probation and parole placements have not returned to pre-pandemic levels, but SIS dispositions have increased considerably since 2017.

Supervision by Type 2014-2023

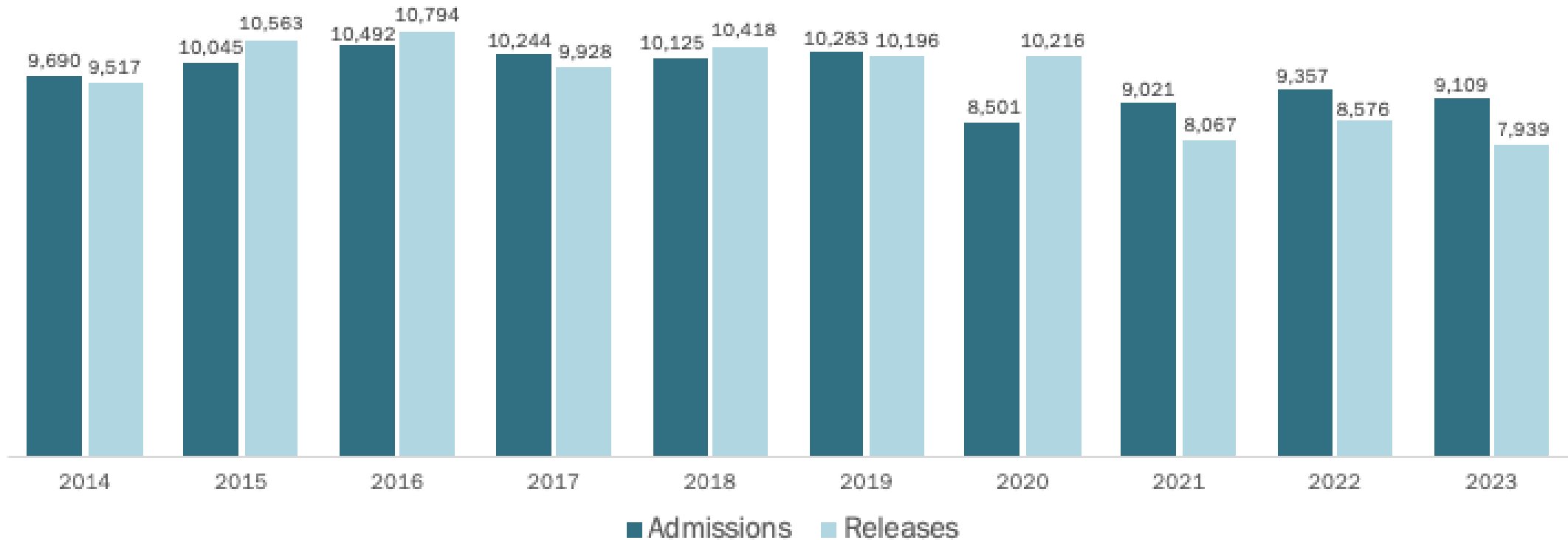


\* Suspended Imposition of Sentence.



# Admissions to prison have outpaced releases for the past three years, but both are lower than before the pandemic.

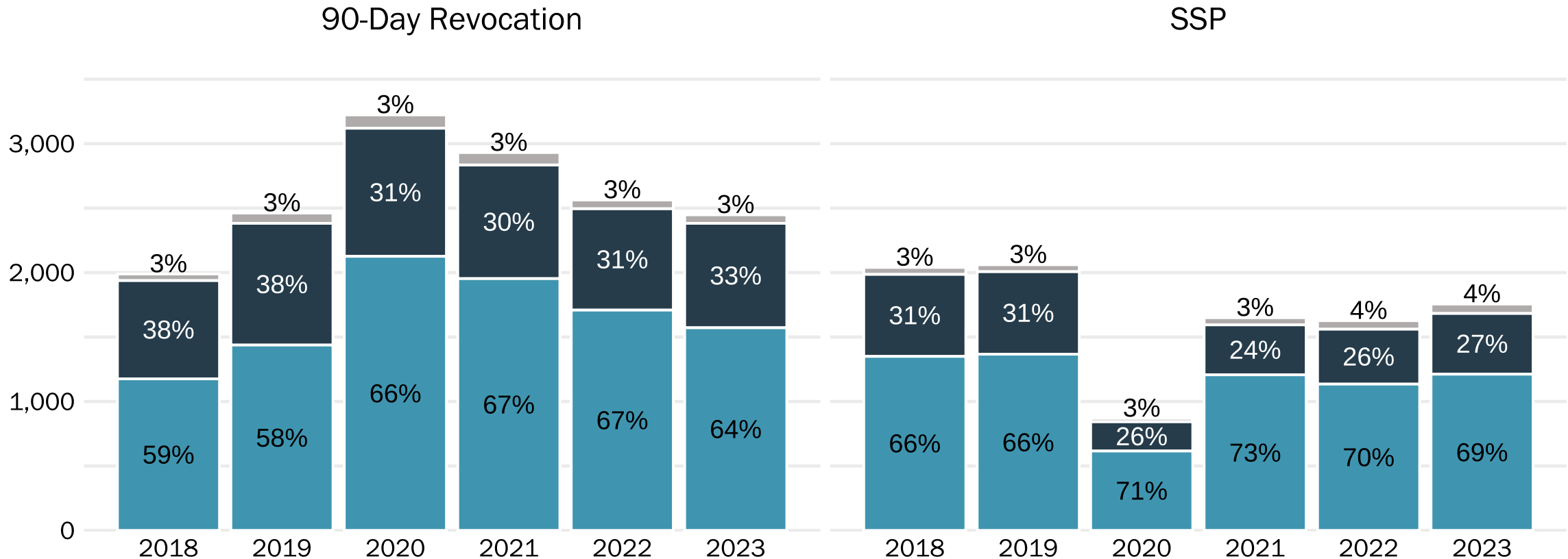
Prison Admissions and Releases, 2014-2023



# Black people are more likely than White people to receive a 90-day revocation instead of placement in a Supervision Sanction Program.

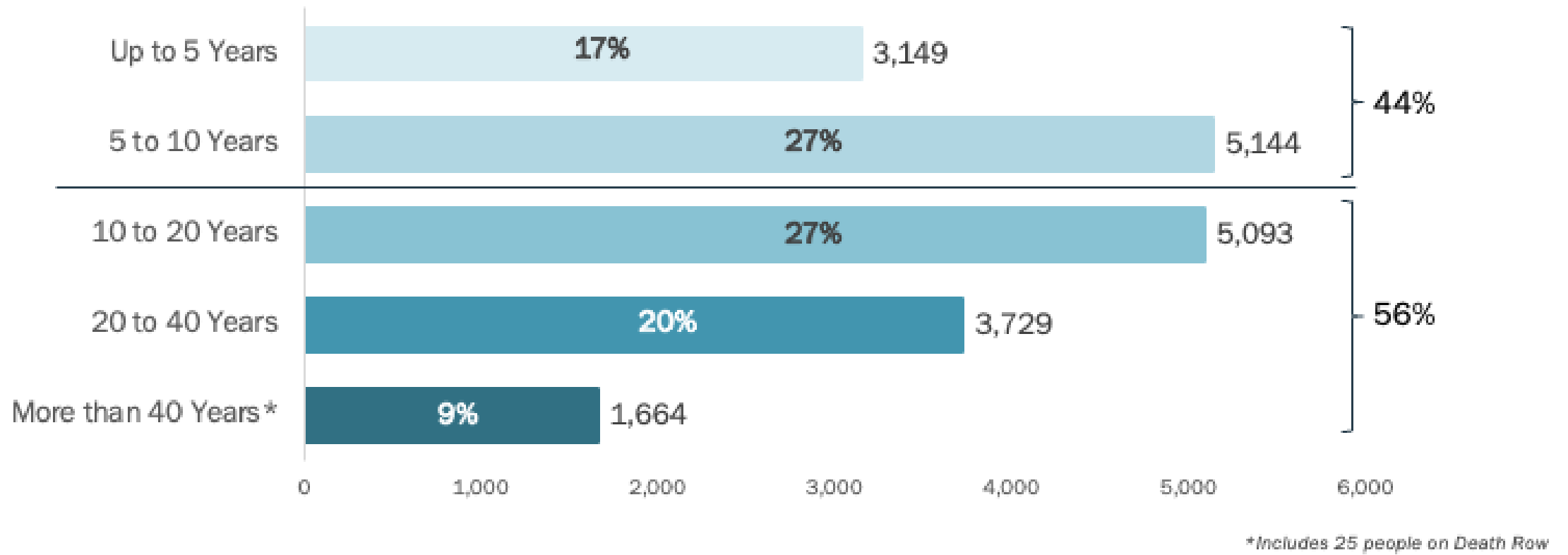
## SSP and 90-day Revocations by Race

White Black Other

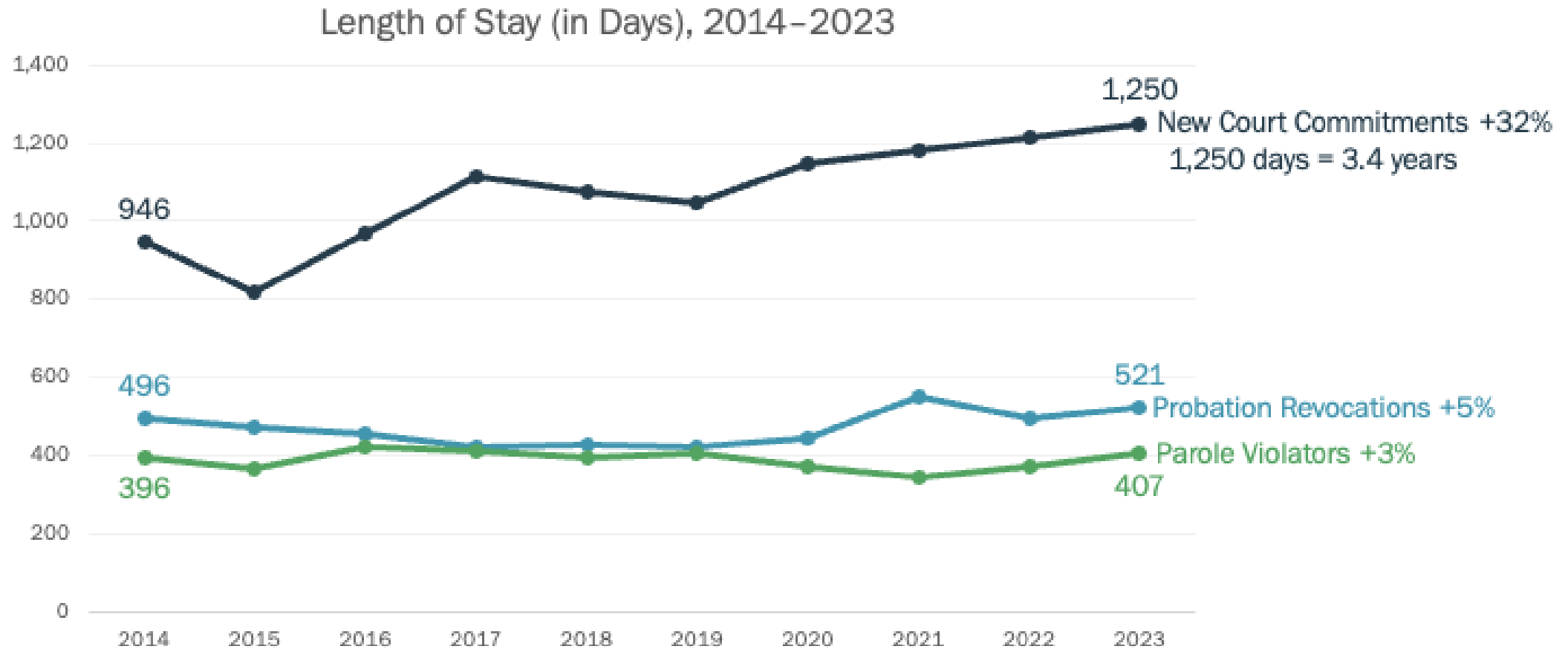


# Most people in prison have imposed sentence lengths of over 10 years.

Snapshot Population by Longest Sentence Length: December 2023

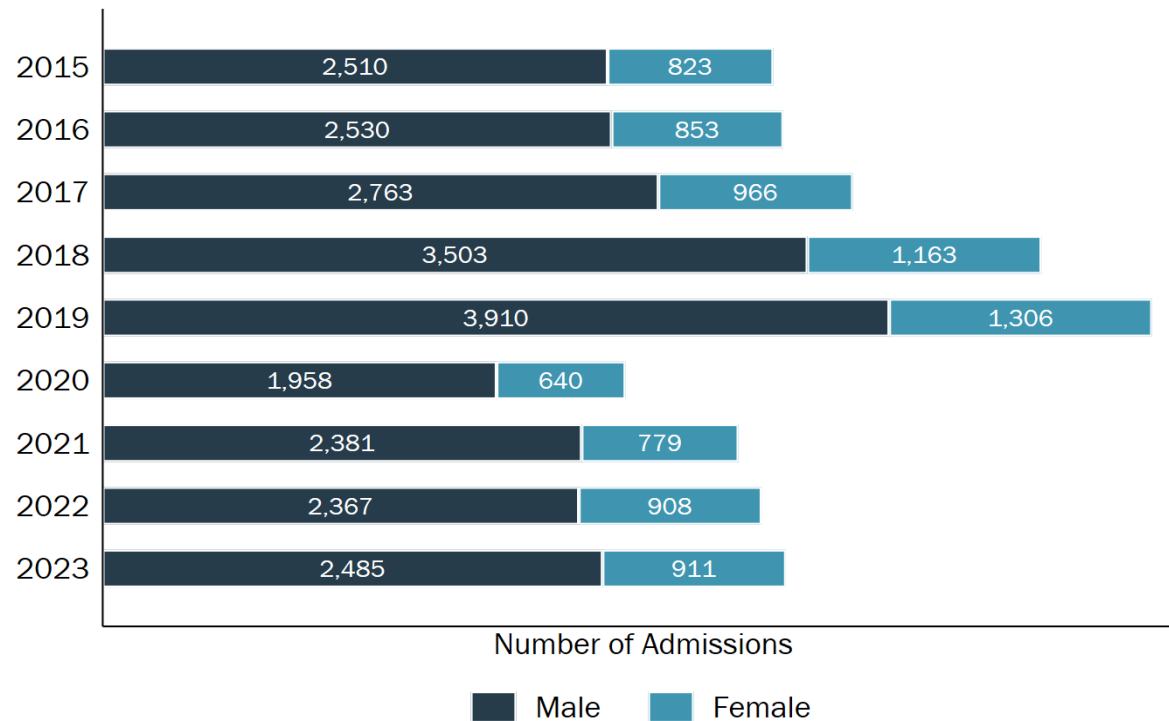


# Over the last decade, length of stay for people incarcerated in prison increased 32 percent for new court commitments.

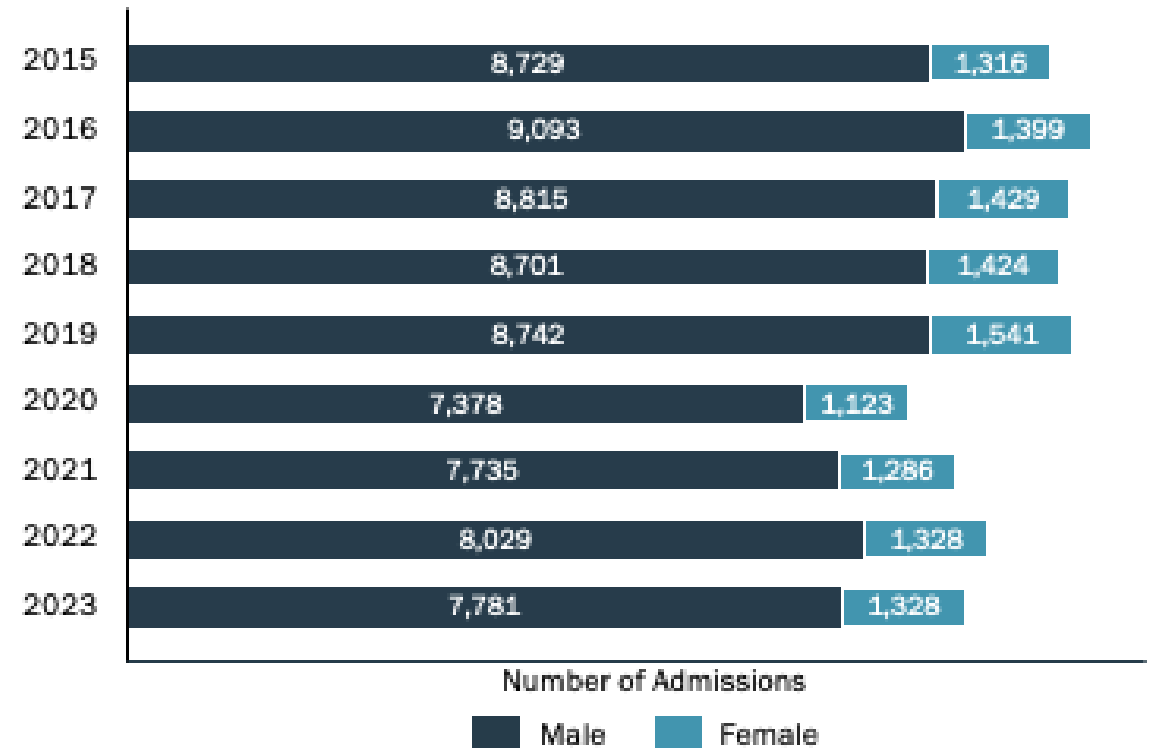


Women constitute **14** percent of admissions to prison and **25** percent of admissions to CCCs; overall they comprise **17** percent of all incarceration admissions.

Admissions to CCCs by Sex  
2015 - 2023

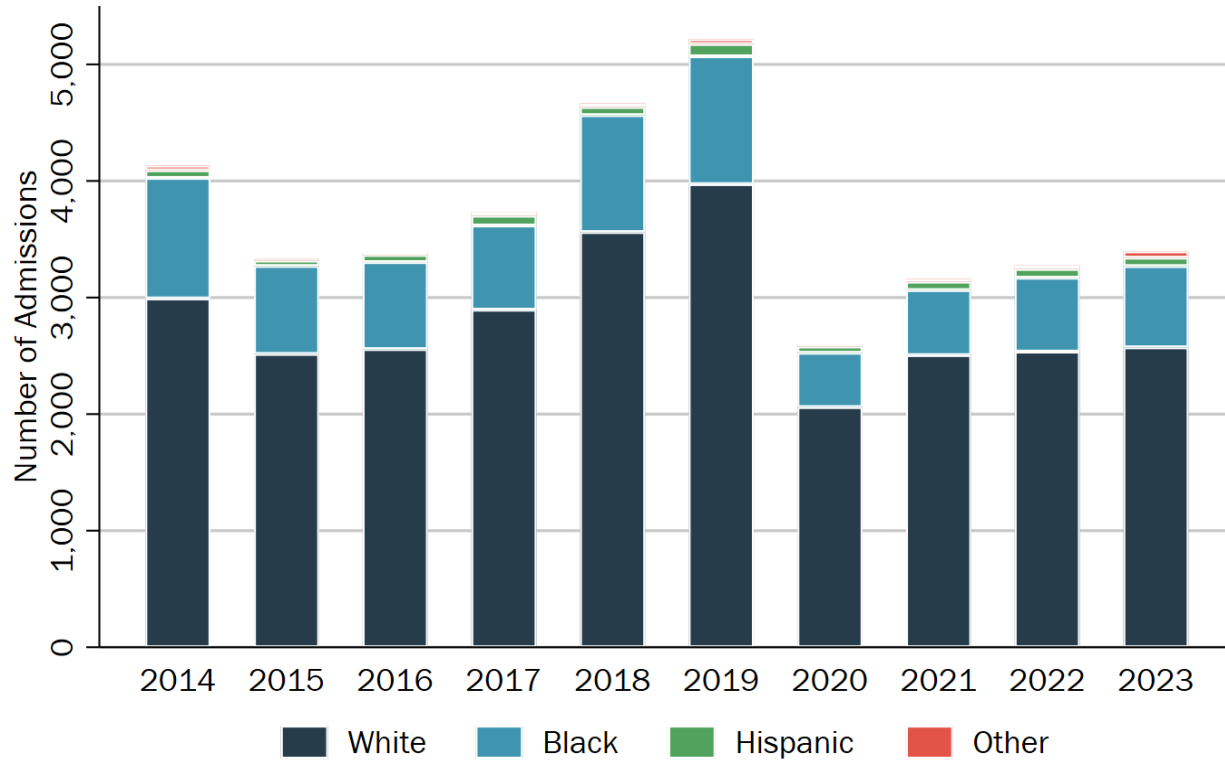


Admissions to Prison by Sex  
2015-2023

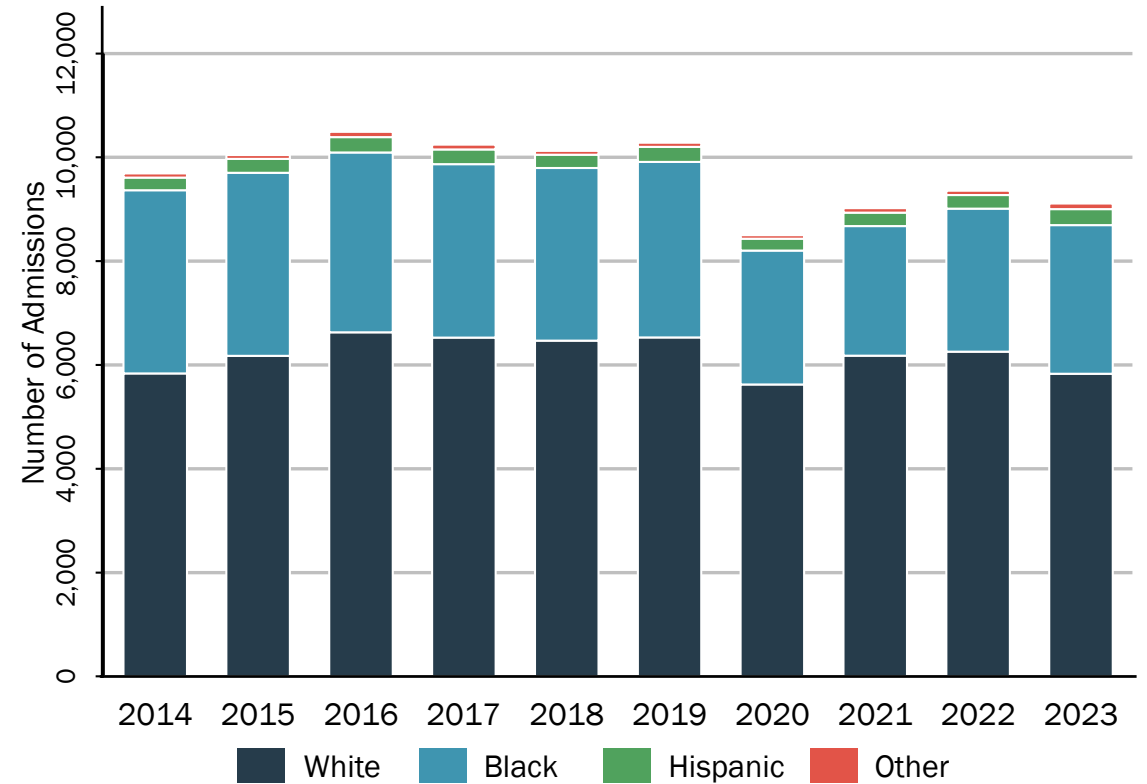


# A higher percentage of Black people are admitted to prisons than to CCCs, relative to White people.

Annual Admissions by Inmate Race  
2014-2023

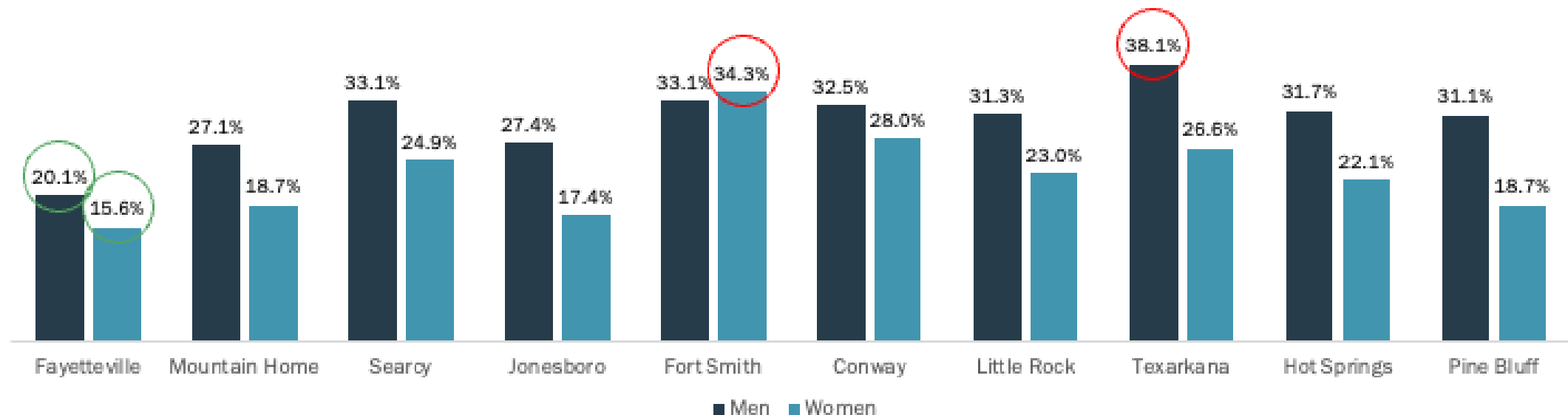


Admissions to Prison by Race  
2014-2023



# 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.