



## *How States Can Achieve More Effective Public Safety Policies*

*Arkansas Legislative Criminal Justice Oversight Task Force  
and Behavioral Health Treatment Access Task Force*

*July 13, 2015*

**Council of State Governments Justice Center**

**Marc Pelka, Deputy Director of State Initiatives  
Ben Shelor, Policy Analyst**

# Council of State Governments Justice Center

- National non-profit, non-partisan membership association of state government officials
- Engages members of all three branches of state government
- Justice Center provides practical, nonpartisan advice informed by the best available evidence



Justice Reinvestment is one of several criminal justice initiatives the CSG Justice Center is involved in

# Justice Reinvestment

*a data-driven approach to reduce corrections spending and reinvest savings in strategies that can decrease recidivism and increase public safety.*

[csgjusticecenter.org](http://csgjusticecenter.org)

THE  
**STEPPING UP**  
INITIATIVE

*a national initiative to reduce the number of people with mental illnesses in jails*

**Justice Reinvestment in Nebraska**  
Analysis and Policy Framework

Overview

Nebraska's prisons are overcrowded—state corrections officials report that these facilities are at 155 percent of their capacity.<sup>1</sup> Many people sentenced to prison are double-bunked or sleeping on cots in common areas, and others are being housed in county jails.

From FY2004 to FY2013, the prison population increased 19 percent.<sup>2</sup> Corrections spending increased 20 percent during this period, from \$131 million in FY2004 to \$157 million in FY2013.<sup>3</sup>

Even though reported crime and arrests declined between 2004 and 2013, prison admissions increased and are now outpacing releases.<sup>4</sup> If this growth continues unchecked, prisons will become even more crowded, swelling from 155 percent of capacity (5,220 people) as of December 31, 2014 to a projected 176 percent of capacity (5,581 people) by FY2020.<sup>5</sup>

In October 2014, the Nebraska Department of Correctional Services (NDCS) released a Master Plan proposal to add 1,100 prison beds at an estimated cost of \$262 million, which would bring the prison population down to 128 percent of capacity by FY2019.<sup>6</sup> But with construction neither scheduled nor funded, state leaders are seeking first to understand the root causes of Nebraska's growing prison population and then evaluate whether simply building prisons will provide the best means on the state's public safety investment.

In 2014, Governor Dave Iversen, Chief Justice Michael Heavican, Speaker Greg Adams, and other state policymakers from both parties asked the Council of State Governments (CSG) Justice Center to use a data-driven "justice reinvestment" approach to help the state slow prison population growth, reduce corrections spending, and reinvest a portion of savings in strategies that can reduce recidivism and increase public safety.

**Projected 5-Year Outcomes of Justice Reinvestment Policy Framework**

- Reduce prison overcrowding: 10% Decrease in Prison Population
- Avert prison construction and operations costs: \$306.4 Million
- Invest in recidivism-reduction strategies: \$32.8 Million
- Support victims of crime: Potential for \$2.8 Million in Reimbursement for Victims
- Reduce the number of people released from prison without supervision: 70% Faster Unsupervised Release

JUSTICE CENTER  
The Council of State Governments

**Closer to Home**  
An Analysis of the State and Local Impact of the Texas Juvenile Justice Reforms

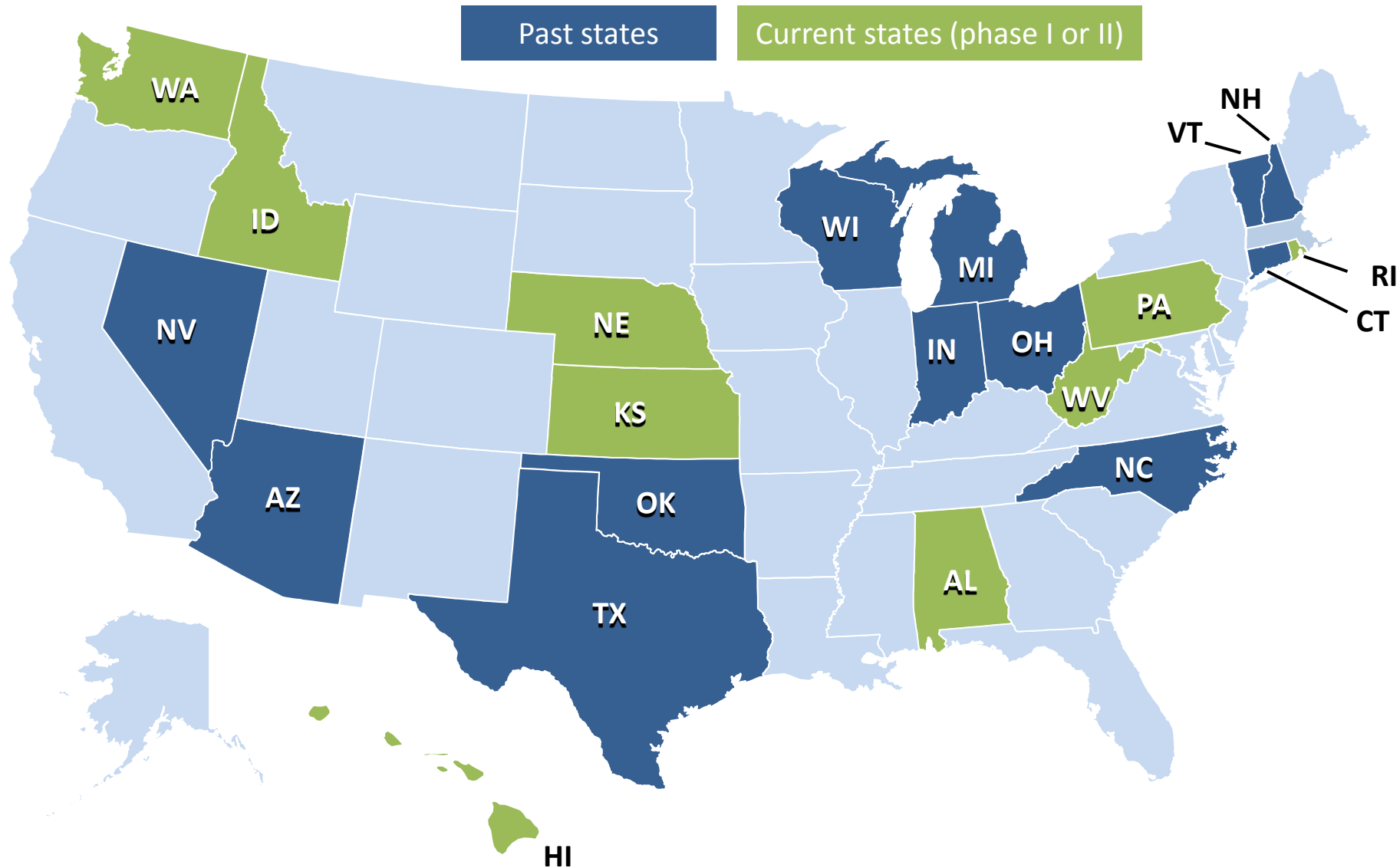
JUSTICE CENTER  
The Council of State Governments

PPRI  
Public Policy Research Institute


**THE SCHOOL DISCIPLINE CONSENSUS REPORT:**  
Strategies from the Field to Keep Students Engaged in School and Out of the Juvenile Justice System

JUSTICE CENTER  
The Council of State Governments

Since 2006, CSG worked intensively in 21 states to use the data-driven justice reinvestment approach



# Lessons learned: constructive approaches to criminal justice reform



JUSTICE CENTER  
THE COUNCIL OF STATE GOVERNMENTS

April 2013

## Lessons from the States: *Reducing Recidivism and Curbing Corrections Costs Through Justice Reinvestment*

Over the past 20 years, state spending on corrections has skyrocketed—from \$12 billion in 1988 to more than \$52 billion in 2011.<sup>1</sup> Declining state revenues and other fiscal factors are putting a serious strain on many states' criminal justice systems, often putting concerns about the bottom line in competition with public safety. Strategies tested in numerous states and local jurisdictions, however, show that there are effective ways to address the challenge of containing rising corrections costs while also increasing public safety.

### Six Lessons

Many states under tight fiscal constraints face the challenge of growing corrections costs and increasing inmate populations. A number of these states have responded with "justice reinvestment" strategies to reduce corrections costs, revise sentencing policies, and increase public safety. Justice reinvestment is a data-driven approach that ensures that policymaking is based on a comprehensive analysis of criminal justice data and the latest research about what works to reduce crime, and is tailored to the distinct public safety needs of the jurisdiction. In the first phase, experts analyze a variety of state-specific data to develop practical, consensus-based policies that reduce spending on corrections and generate savings that can be reinvested in strategies to improve public safety. In the second phase, jurisdictions translate the new policies into practice and monitor data to ensure that related programs and system investments achieve their projected outcomes.

Since 2007, with support from the U.S. Department of Justice's Bureau of Justice Assistance and The Pew Charitable Trusts, 17 states have worked with the Council of State Governments Justice Center to develop justice reinvestment strategies. Of these states, four have recently adopted policies that are projected to generate more than \$1 billion in savings over five years. Justice reinvestment efforts in Texas alone resulted in \$1.5 billion in construction savings and \$340 million in annual averted operations costs. Six lessons have emerged from these experiences that inform the work of other states tackling rising corrections costs and public safety challenges.

- 1 Conduct a Comprehensive Data Analysis
- 2 Engage Diverse Constituencies
- 3 Focus on the People Most Likely to Reoffend
- 4 Reinvest in High-Performing Programs
- 5 Strengthen Community Supervision
- 6 Incentivize Performance

**Successful justice reinvestment efforts have included:**

Strong leadership

Comprehensive data analysis

Broad stakeholder engagement

Key focus on evidence-based practices

Incentivizing positive outcomes

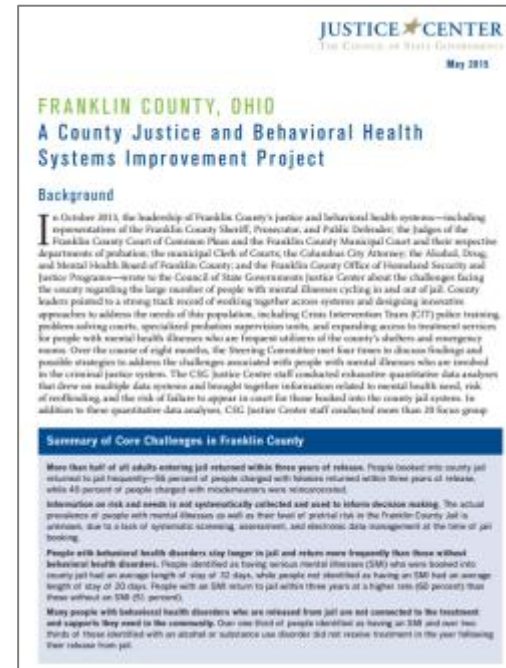
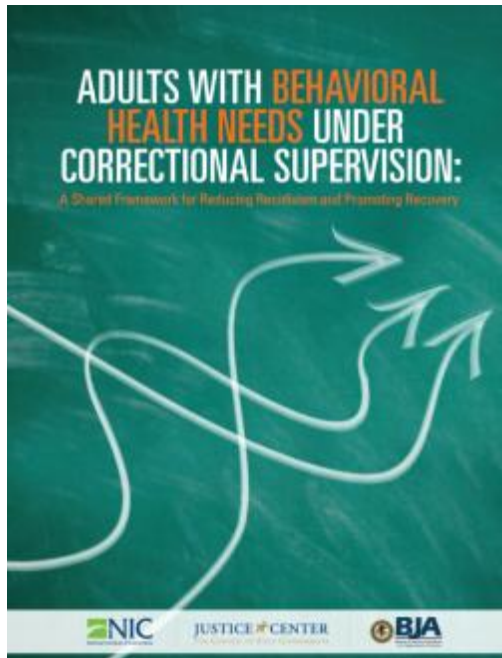
# State policymakers are using justice reinvestment approach to tackle a growing range of strategies and policies

<b>2012 to 2015</b>	Improve restitution collection
	Craft win-wins for state and counties
	Improve pre-trial assessment & supervision
	Redesign programs and training strategies
	Assess and validate risk assessment practices
	Support data-driven law enforcement strategies
	Integrate evidence-based practices in treatment programs
<b>2010 to 2012</b>	Improve supervision quality
	Realign sentencing and parole policies
	Better targeting for treatment programs
	Structure supervision sanctions based on risk
<b>2006 to 2010</b>	Fund more treatment programs
	Reduce revocations to prison and jail
	Focus on statewide recidivism reduction



# Improving behavioral health assessment and access to services is an emerging focus in criminal justice reform

Report released by CSG in 2012 introducing an evidence-based framework for improving outcomes for adults with behavioral health disorders involved in the criminal justice system.



Work in Franklin County, Ohio led to key policy recommendations for reducing the number of people with behavioral health disorders cycling in and out of jail.



Investments in community-based treatment for people on supervision with substance use needs was a key strategy to the justice reinvestment policy framework in West Virginia.

# States have employed justice reinvestment twice under different administrations to address new system challenges



Kansas

	Administration	Challenges	Policy framework
2007	Gov. Sebelius (D)	Substantial prison population costs projected	Performance-based community corrections grants, and earned credits for program completion
2013	Gov. Brownback (R)	Probation violators driving jail and prison populations	Swift, certain sanctions for probation violators and reinvestment in substance use treatment



Pennsylvania

	Administration	Challenges	Policy framework
2008	Gov. Rendell (D)	Prison population had increased by one-third	Expand sentencing options for people with treatment needs
2012	Gov. Corbett (R)	Technical parole violators increasing cost and recidivism	Overhaul community corrections and provide meaningful responses to parole violators



# Presentation Overview



## **State Efforts to Reduce Corrections Costs and Improve Public Safety**

Arkansas Criminal Justice System Trends

Next Steps

# Through Justice Reinvestment, states have found their challenges go beyond the “costs of building more prisons”



## **Lack of EBP in supervision**

- continued offending and violations of supervision

High recidivism

## **Sentencing laws and guidelines**

- causing lack of supervision after release from prison

Harm to public safety

## **Declining paroles**

- longer prison stays and less supervision upon release

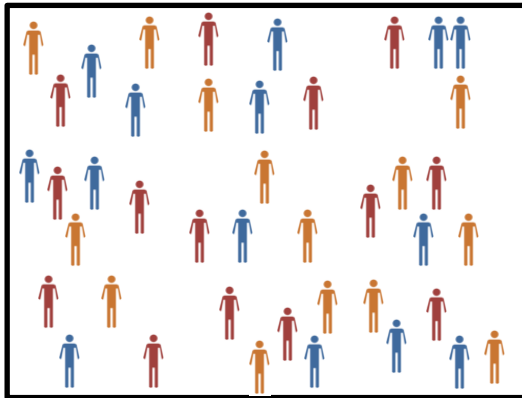
Harm to public safety

# North Carolina's probation system had high rates of failure and post-release supervision was almost non-existent



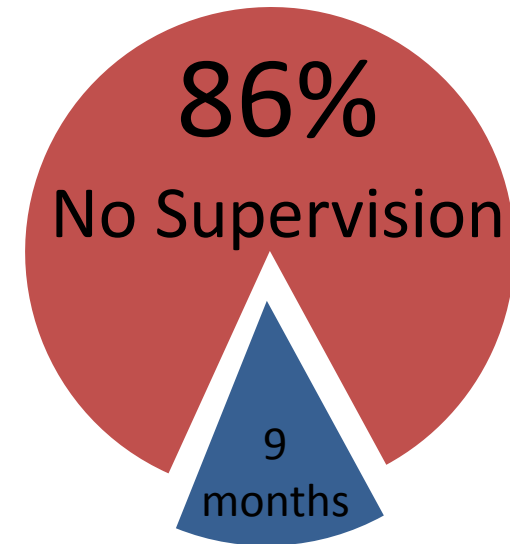
## Findings

### "One size fits all" approach



**\$120 million**  
spent monitoring  
**100,000+ probationers**

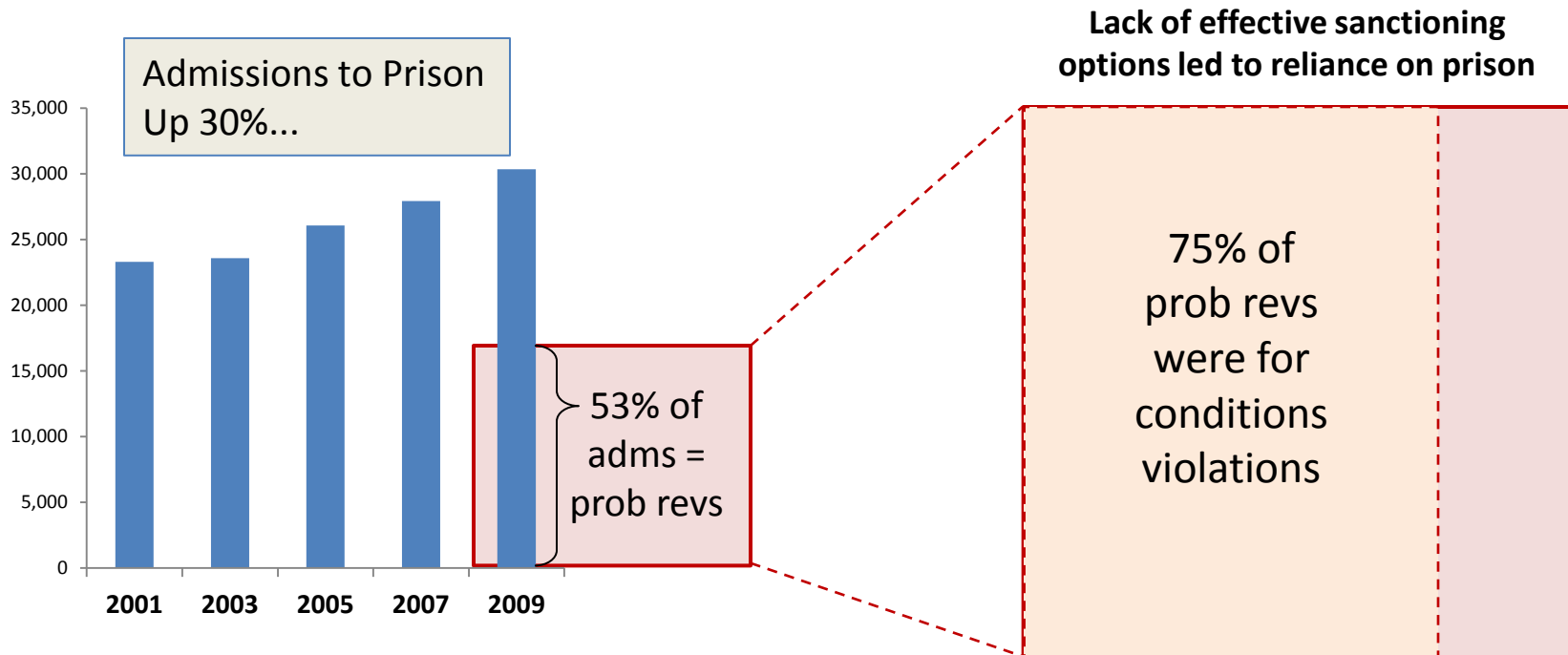
### Most prison releases unsupervised



# Pressures on North Carolina's prison system were directly impacted by the failures in probation



## Problem



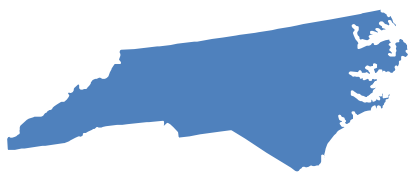
# North Carolina's JR process identified ways for strengthening probation and safely reducing prison pressures



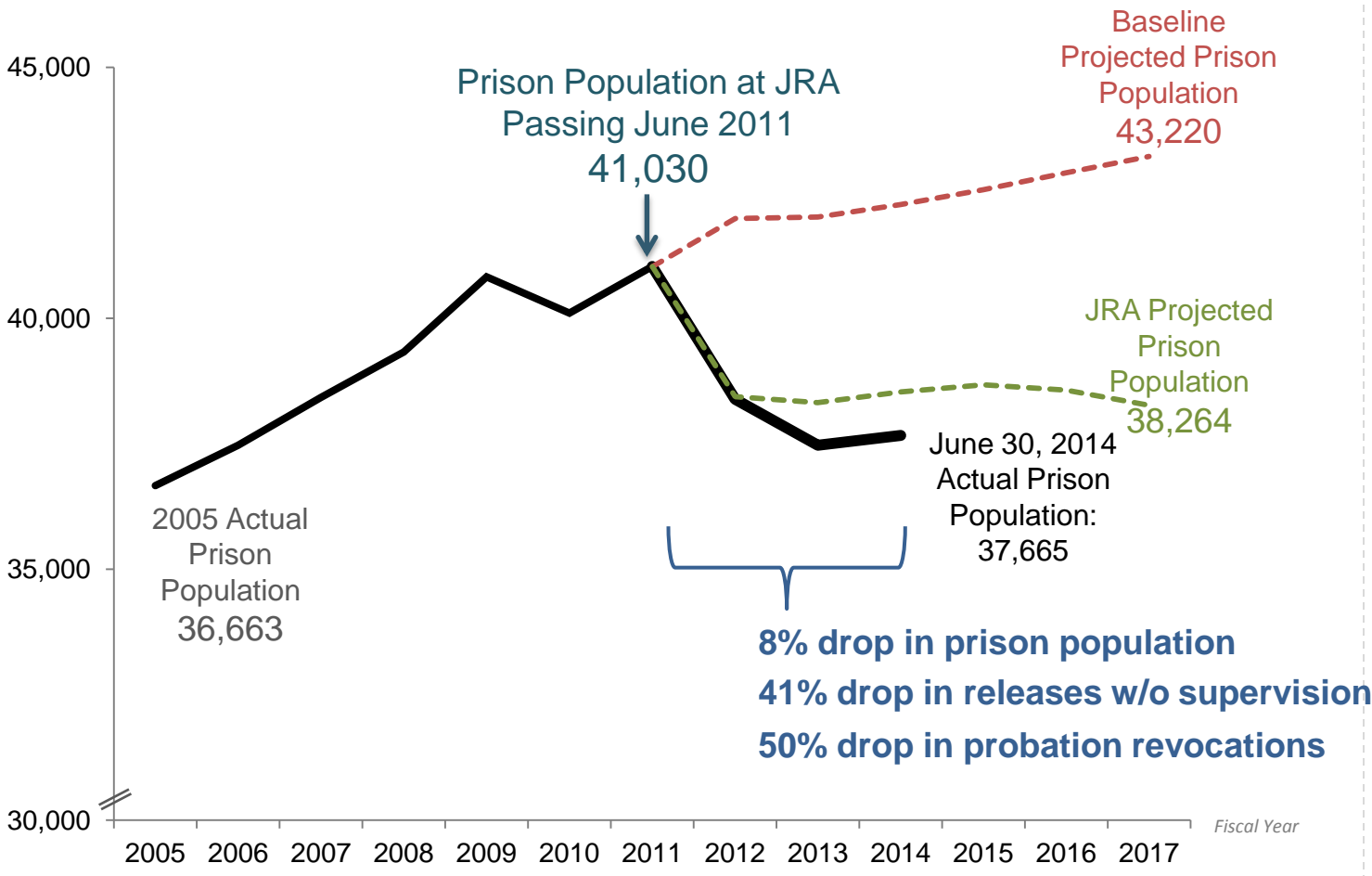
## Policy Options

- ❖ Require use of risk assessment to guide supervision
- ❖ Establish intermediate sanctions for technical violations
- ❖ Reinvest \$8M into community-based treatment
- ❖ Require supervision upon release from prison for all
- ❖ Cap length of prison sanctions for technical violators

# Impacts of North Carolina's Justice Reinvestment policies have exceeded projections



## Outcomes



**\$560m**  
averted costs and savings by FY2017

**10**  
prisons closed since 2011

**175**  
new probation officers in FY2014 & FY2015

**11%**  
drop in crime between 2011-2013



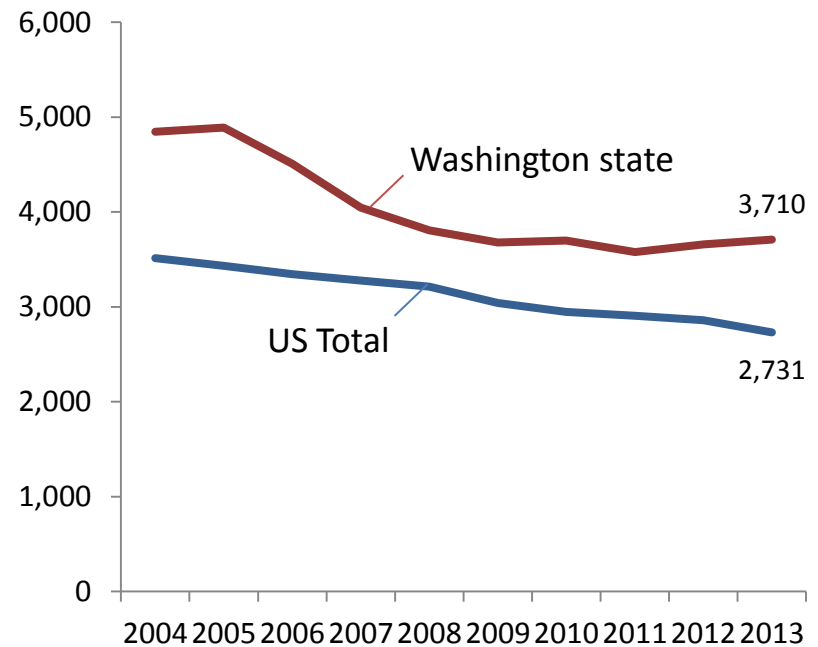
# Washington's property crime problem was a major contributor to a growing prison population



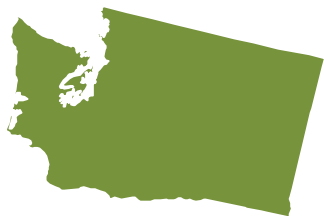
## Findings

**Washington's property crime rate ranked highest in the nation in 2013.**

Washington has consistently had a high property crime rate.



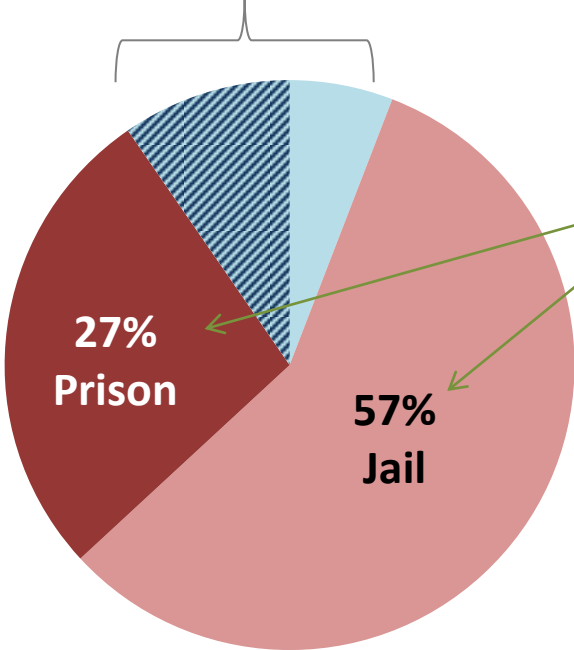
# Sentencing policies resulted in a lack of supervision for property offenders



## Problem

2013 Sentences for Felony Property Offenses

Receive suspended sentence with supervision or following prison release



84% of felony property offenders sentenced to jail or prison with no supervision following release

Statute limited supervision following a prison term to violent, sex, and drug offenders

# Washington's JR process identified ways to enhance community supervision and law enforcement practices



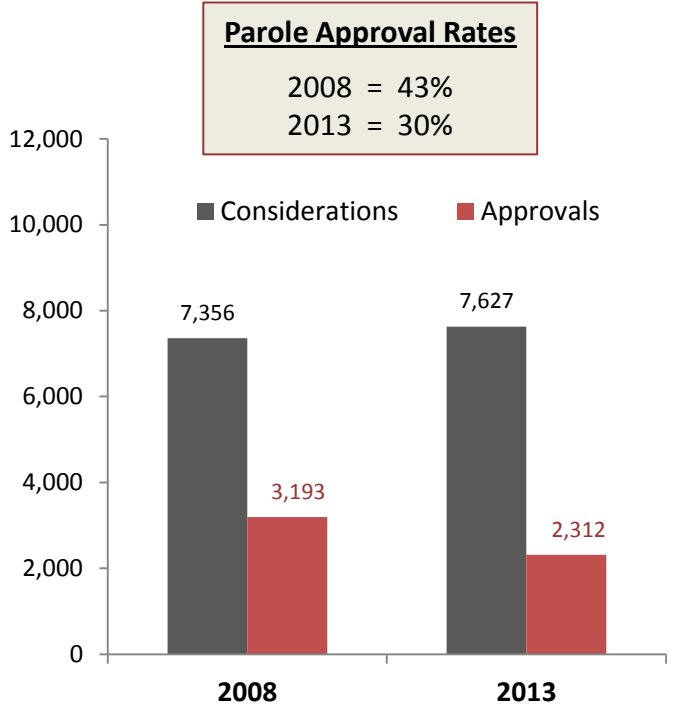
## Policy Options

- ❖ Require supervision for low-level repeat property offenders upon release from jail or prison
- ❖ Reinvest \$8M per biennium into law enforcement practices that can reduce crime
- ❖ Reinvest \$23M per biennium into supervision and community-based programming and treatment

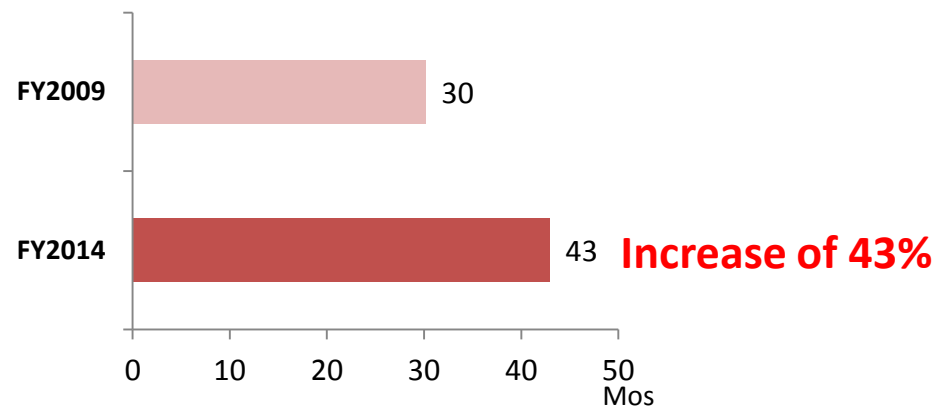
# While facing crushing overcrowding, Alabama's parole rates were dropping and driving up time served in prison



## Findings



Length of stay in prison for those released to parole grew by 13 months from FY2009 to FY2014.



Source: Council of State Governments Justice Center, *Justice Reinvestment in Alabama: Analysis and Policy Framework*, March 2015

# Alabama's prison system was discharging more people from custody unsupervised and compromising public safety



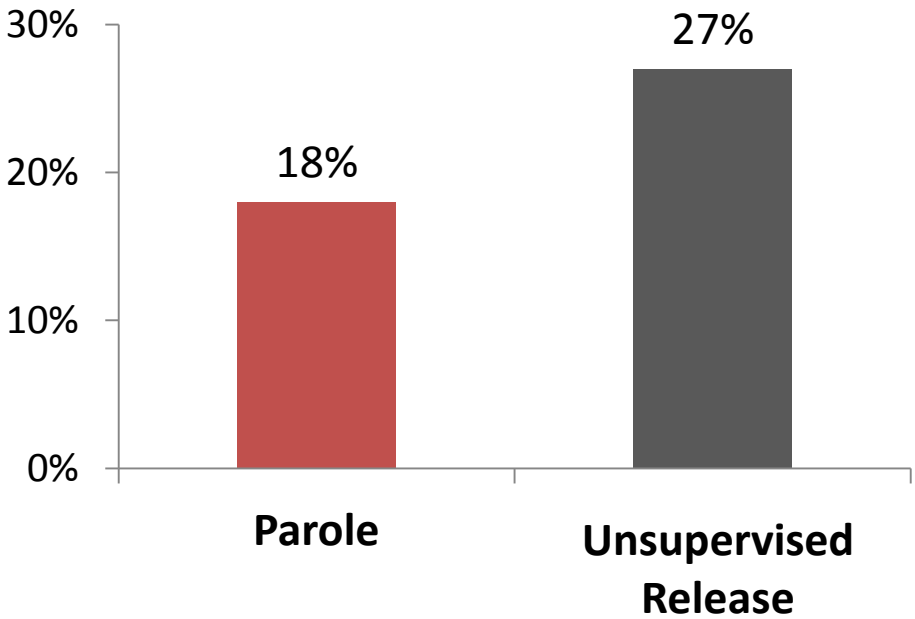
## Problem

**2,852**  
**FY2013**  
**releases from**  
**prison to no**  
**supervision**

More than 90 percent were not previously paroled

18 percent were imprisoned for violent person and/or sex-related crimes

Three Year Recidivism Rates for Parole and End of Sentence Releases



Source: Council of State Governments Justice Center, *Justice Reinvestment in Alabama: Analysis and Policy Framework*, March 2015

Alabama's JR process yielded policies to establish parole guidelines and increase supervision for those leaving prison



## Policy Options

- ❖ Require parole board to implement decision-making guidelines based primarily on factors associated with recidivism
- ❖ Change sentencing laws so that all prison sentences have a guaranteed minimum term of post-release supervision



# Presentation Overview

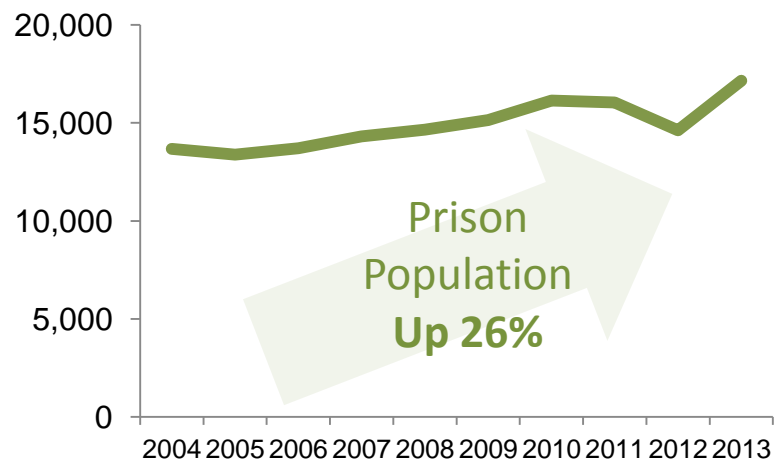
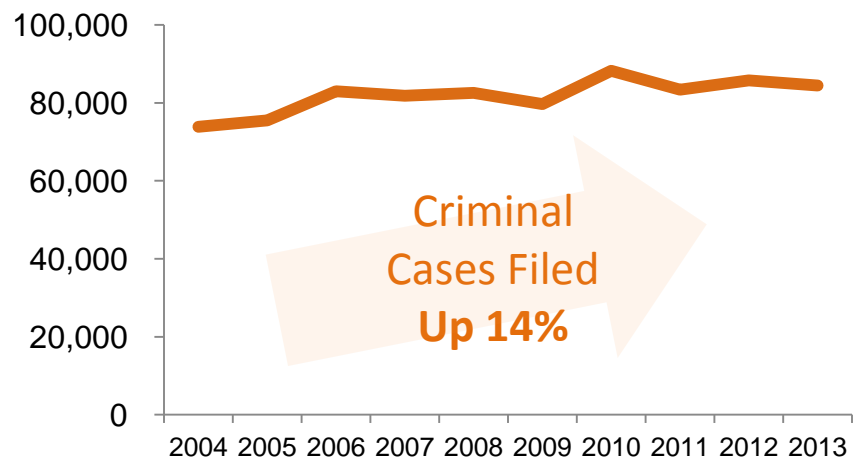
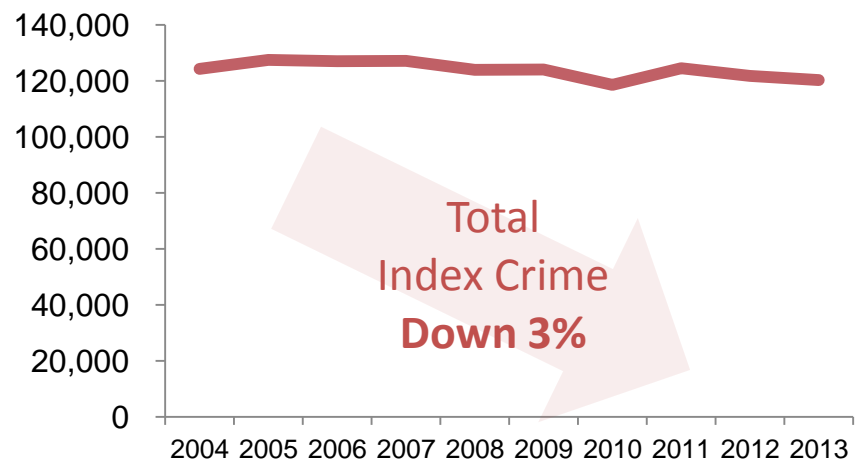
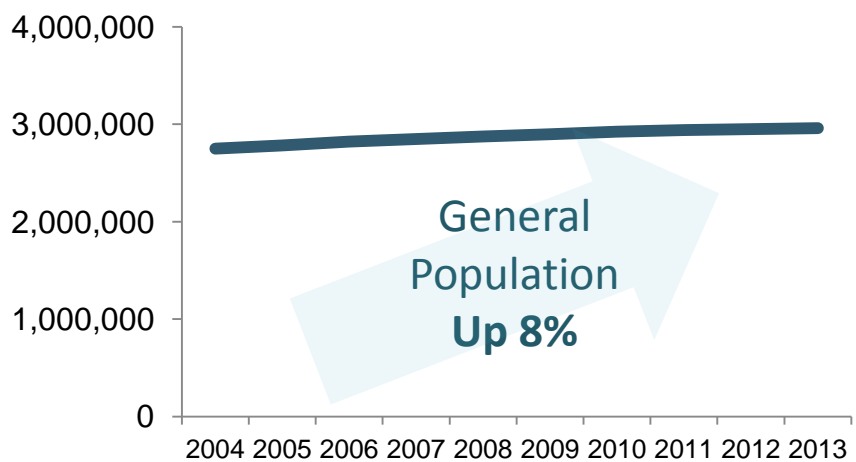
State Efforts to Reduce Corrections Costs  
and Improve Public Safety



**Arkansas Criminal Justice  
System Trends**

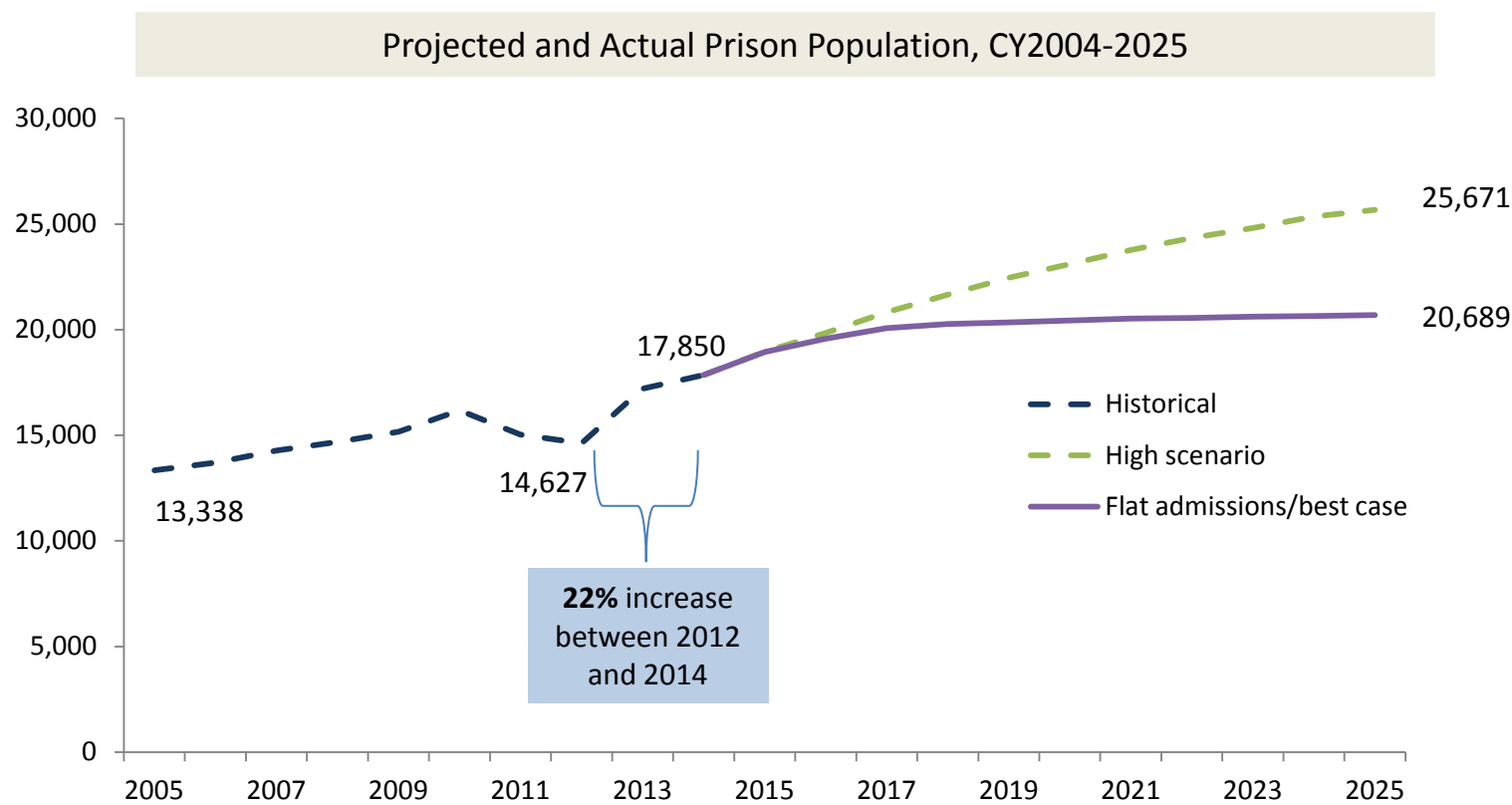
Next Steps

# Despite a dip in reported crime, Arkansas' criminal case filings are up and the prison population climbed sharply



Source: FBI UCR Online Data Tool, BJS Corrections Statistical Analysis Tool; U.S. Census; Arkansas Administrative Office of the Courts, Annual Reports.

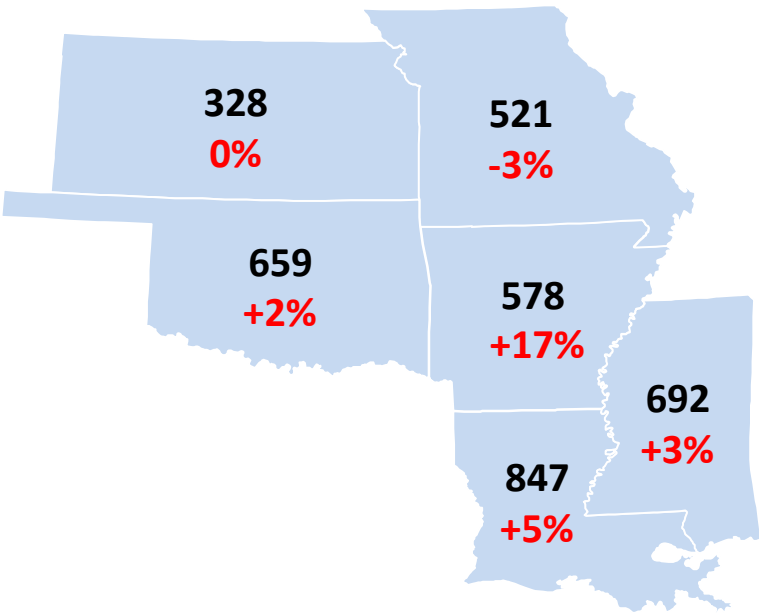
# Arkansas' prison population increased 34 percent in ten years and could climb an additional 44 percent by 2025



*\*High scenario assumes a 1.2% increase per year in admissions while the base scenario assumes admissions remain flat at current levels.*

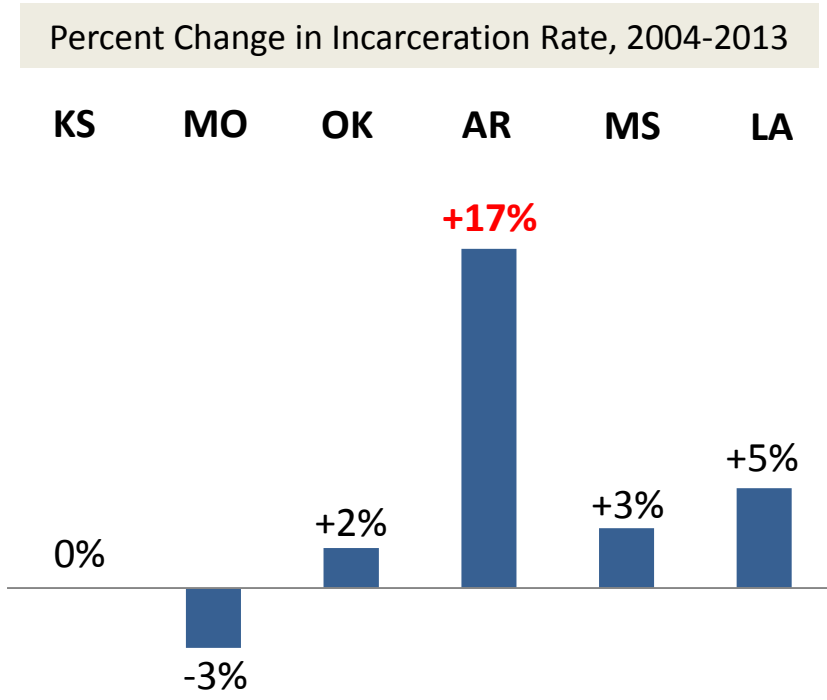
Source: JFA Associates, 2015 Arkansas Prison Projections and Historical Corrections Trends, June 2015

# While Arkansas' incarceration rate is lower than some surrounding states, it has grown at a much higher rate



KEY:

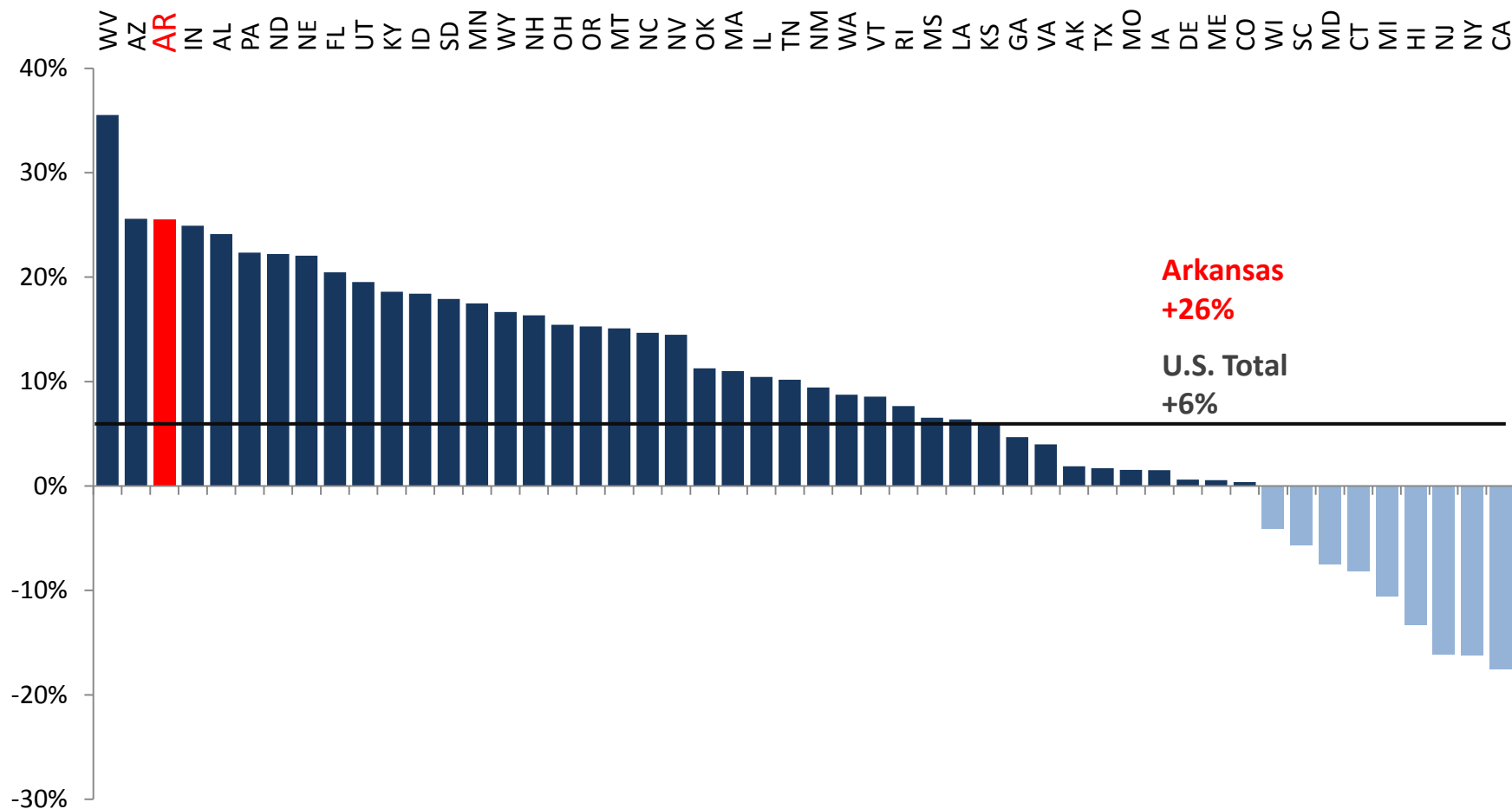
**2013 Incarceration Rate**  
**Percent Change in Incarceration Rate 2004-2013**



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

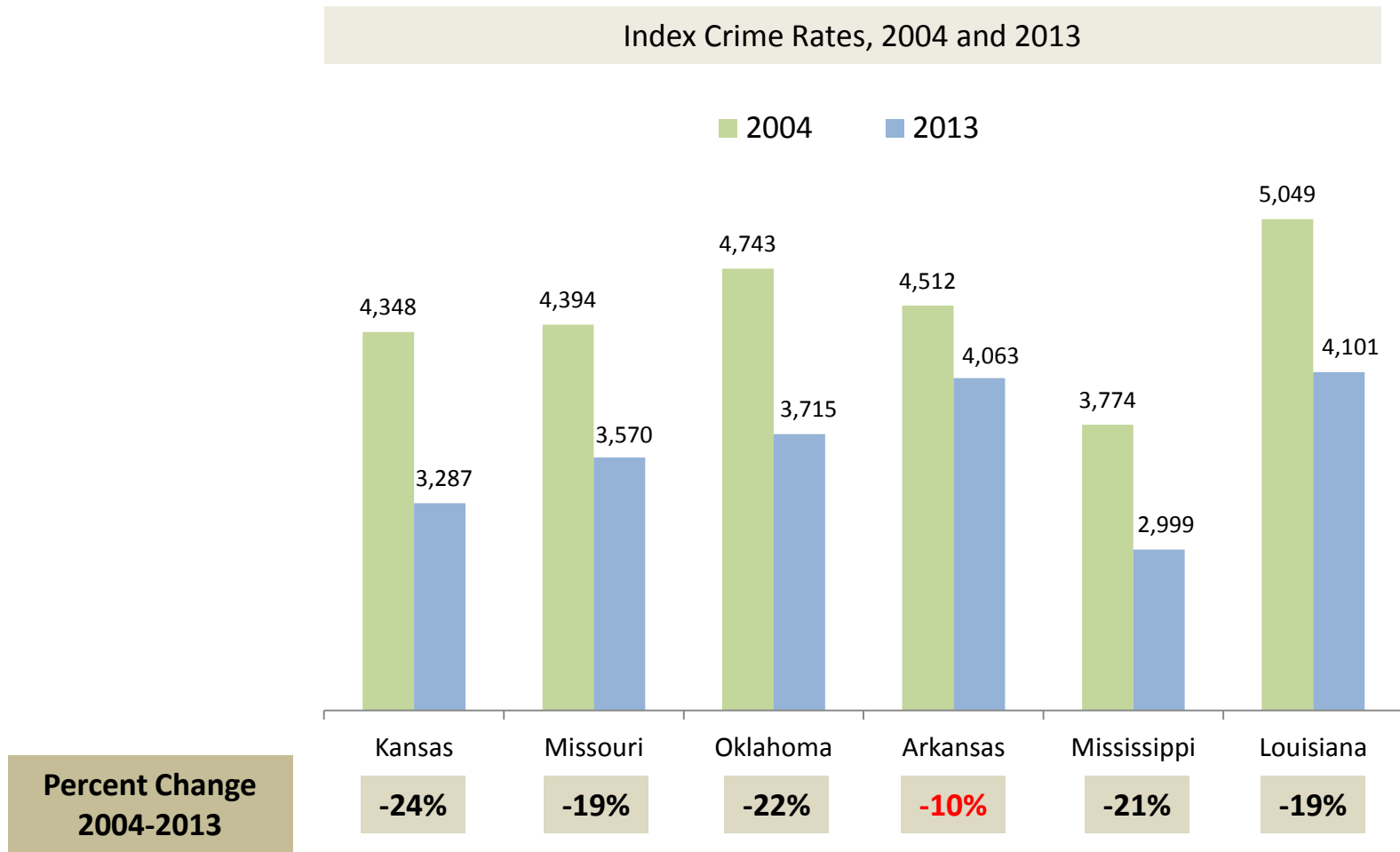
# Only two states had larger prison population growth than Arkansas

Prison Population Percentage Change, 2004-2013



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

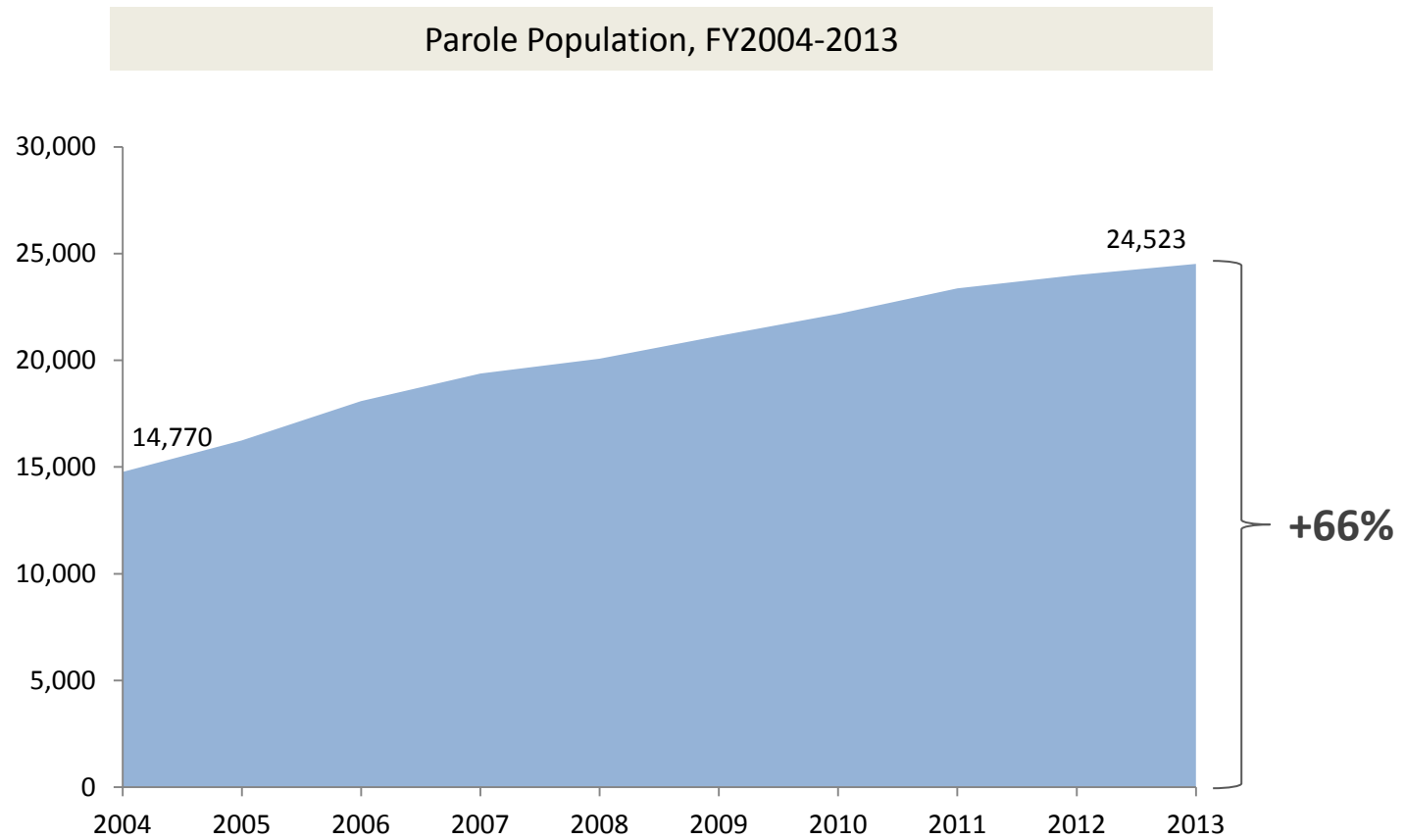
# Over the same time period, neighboring states had bigger crime rate drops than Arkansas



Source: FBI UCR Online Data Tool

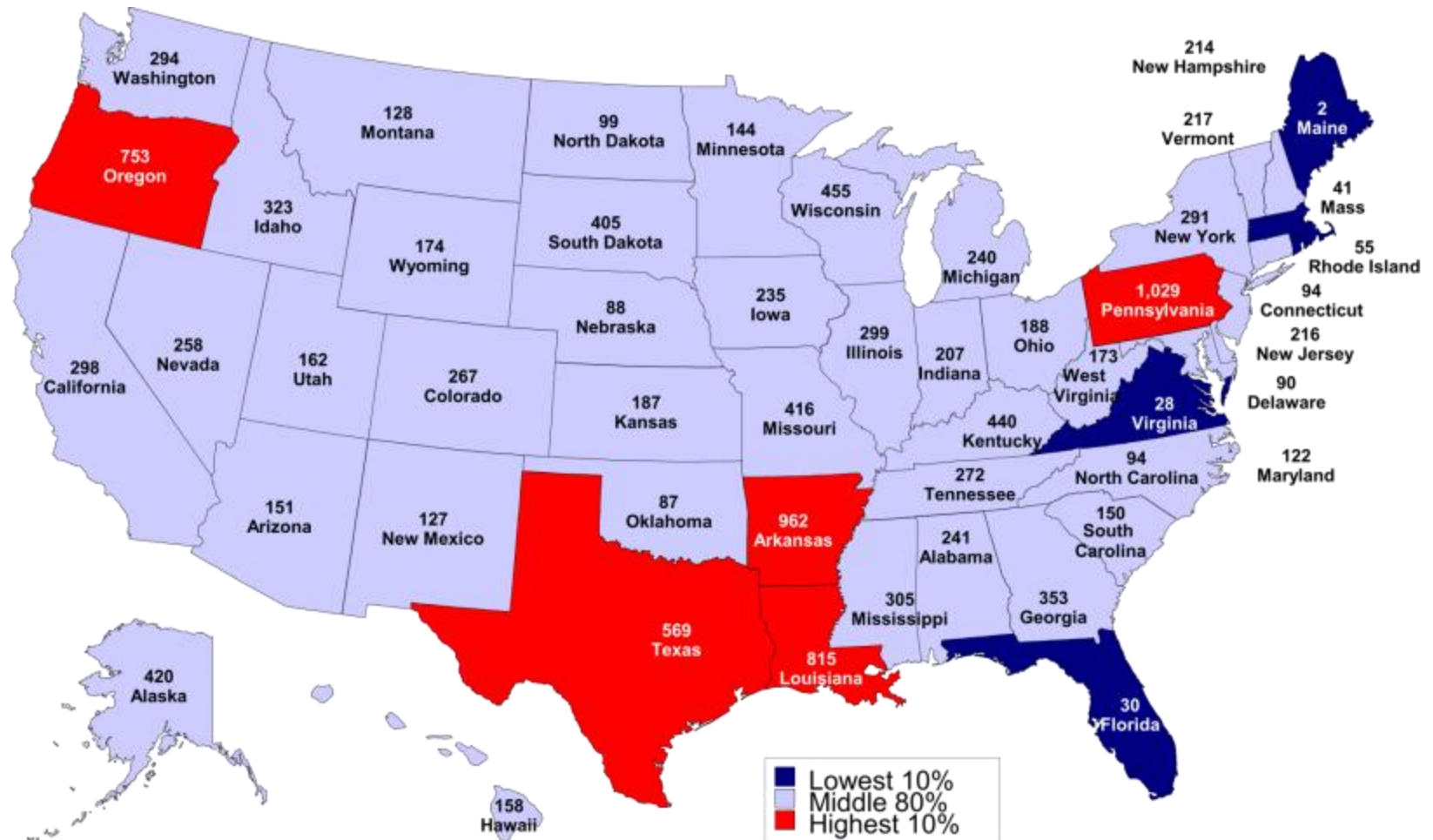


# Between 2004 and 2013, the parole population increased by two-thirds



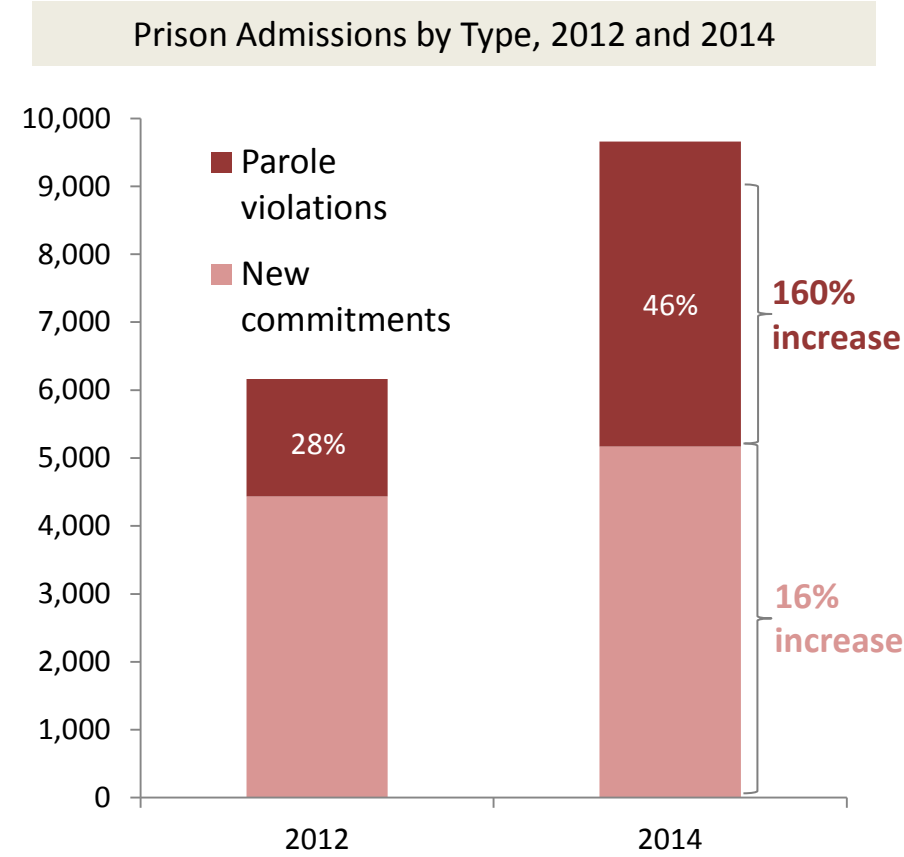
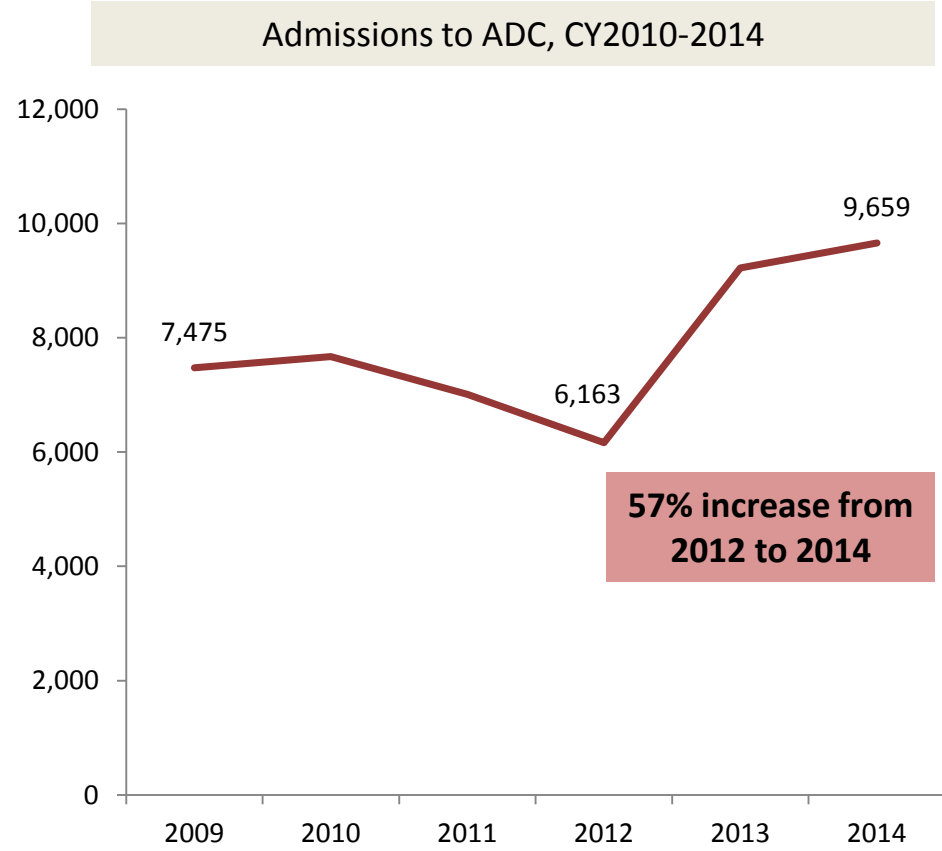
Source: Arkansas Parole Board, The Annual Report for Fiscal Year 2013-2014.

Arkansas ranks 2<sup>nd</sup> in the nation in the number of individuals on parole per 100,000 residents.



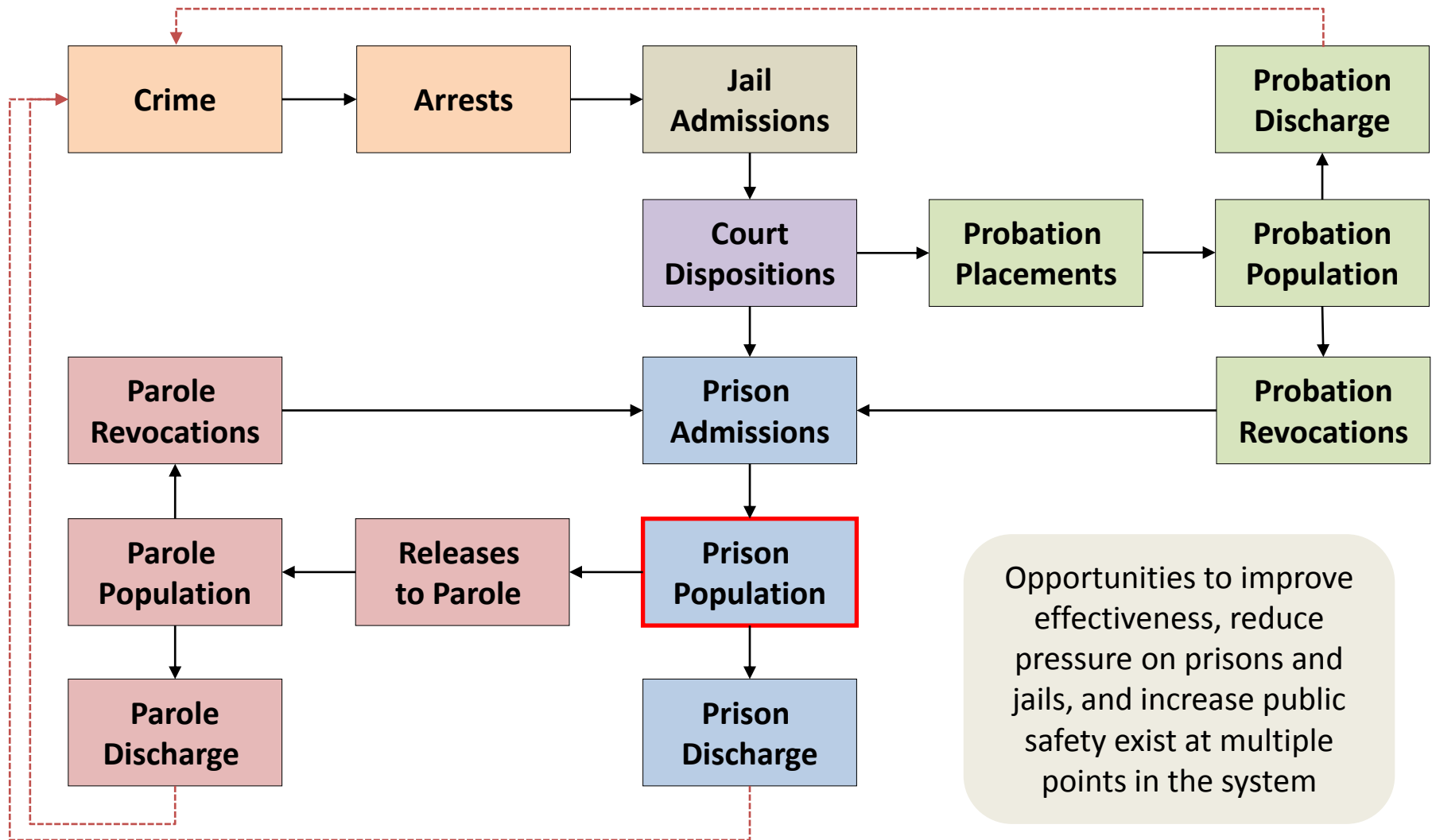
Source: Bureau of Justice Statistics, *Probation and Parole in the United States*, 2013.

# An increase in parole revocations between 2012 and 2014 drove a 57% increase in prison admissions



Source: JFA Associates, Ten-Year Adult Secure Population Projection, 2015.

# Important to understanding broader system trends — prison data alone won't answer the essential questions



# Question that prompt areas for further analysis

How has the distribution of sentences changed over time?

What is contributing to the apparent decrease in the probation population?

What are trends in jail populations?

What is driving growth in the parole population?

What is time served in prison changing over time?

What are recidivism rates across Arkansas' criminal justice system?

# Presentation Overview

State Efforts to Reduce Corrections Costs  
and Improve Public Safety

Arkansas Criminal Justice System Trends

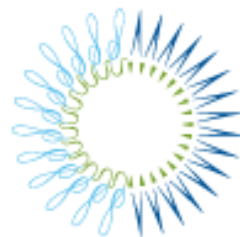
**Next Steps**





## Justice Reinvestment

*a data-driven approach to reduce corrections spending  
and reinvest savings in strategies that can  
decrease recidivism and increase public safety.*



Justice reinvestment project partners enable two phases of technical assistance to states.

## Phase I

1

Analyze data

2

Engage  
system  
stakeholders

3

Develop policy  
options &  
estimate impacts

## Phase II

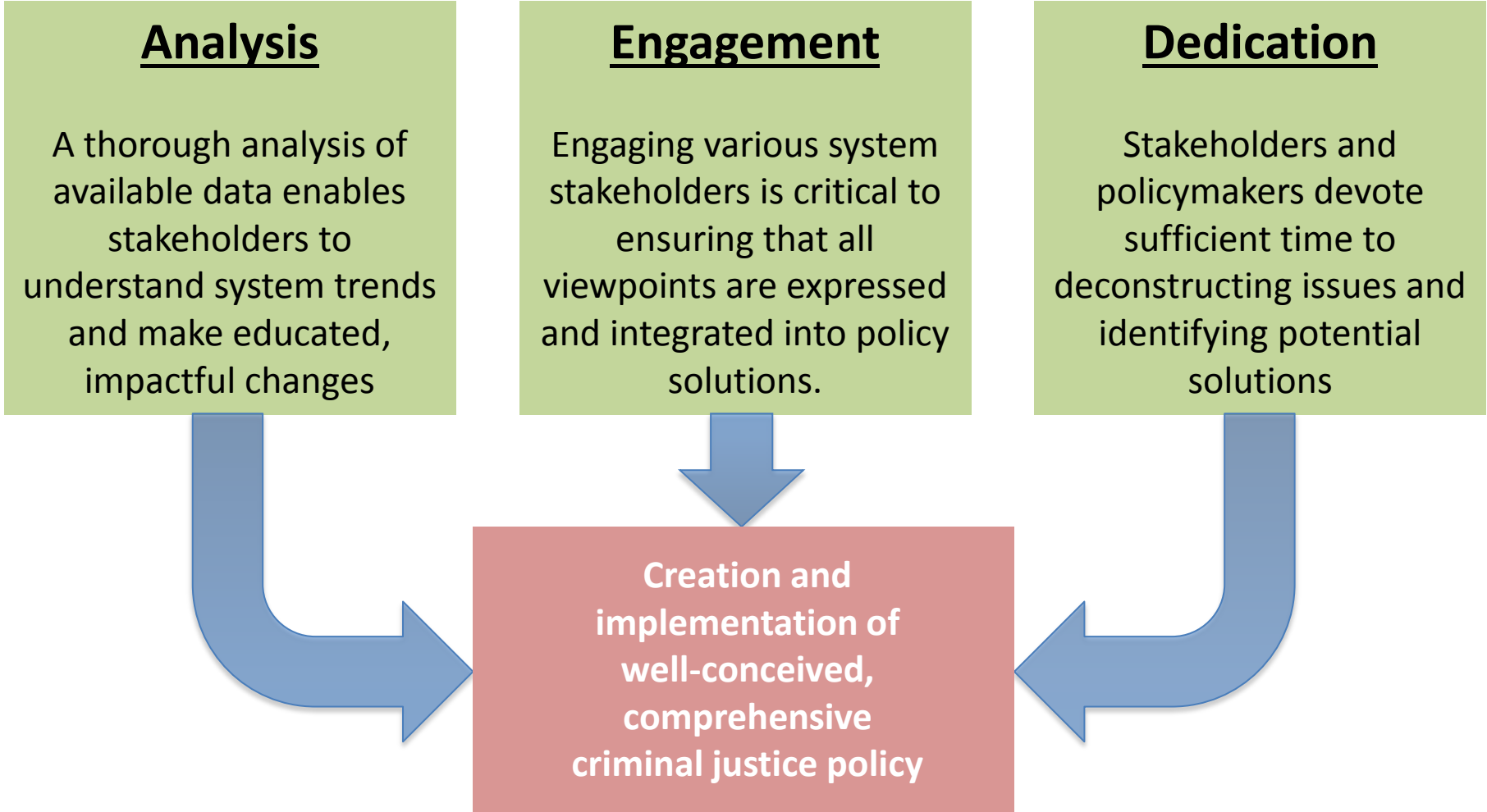
4

Implement New  
Policies

5

Target Reinvestment Strategies  
& Monitor Key Measures

# Keys to a thorough, productive Justice Reinvestment process



# Alabama's governor, chief justice, and legislative leaders played a central role during justice reinvestment

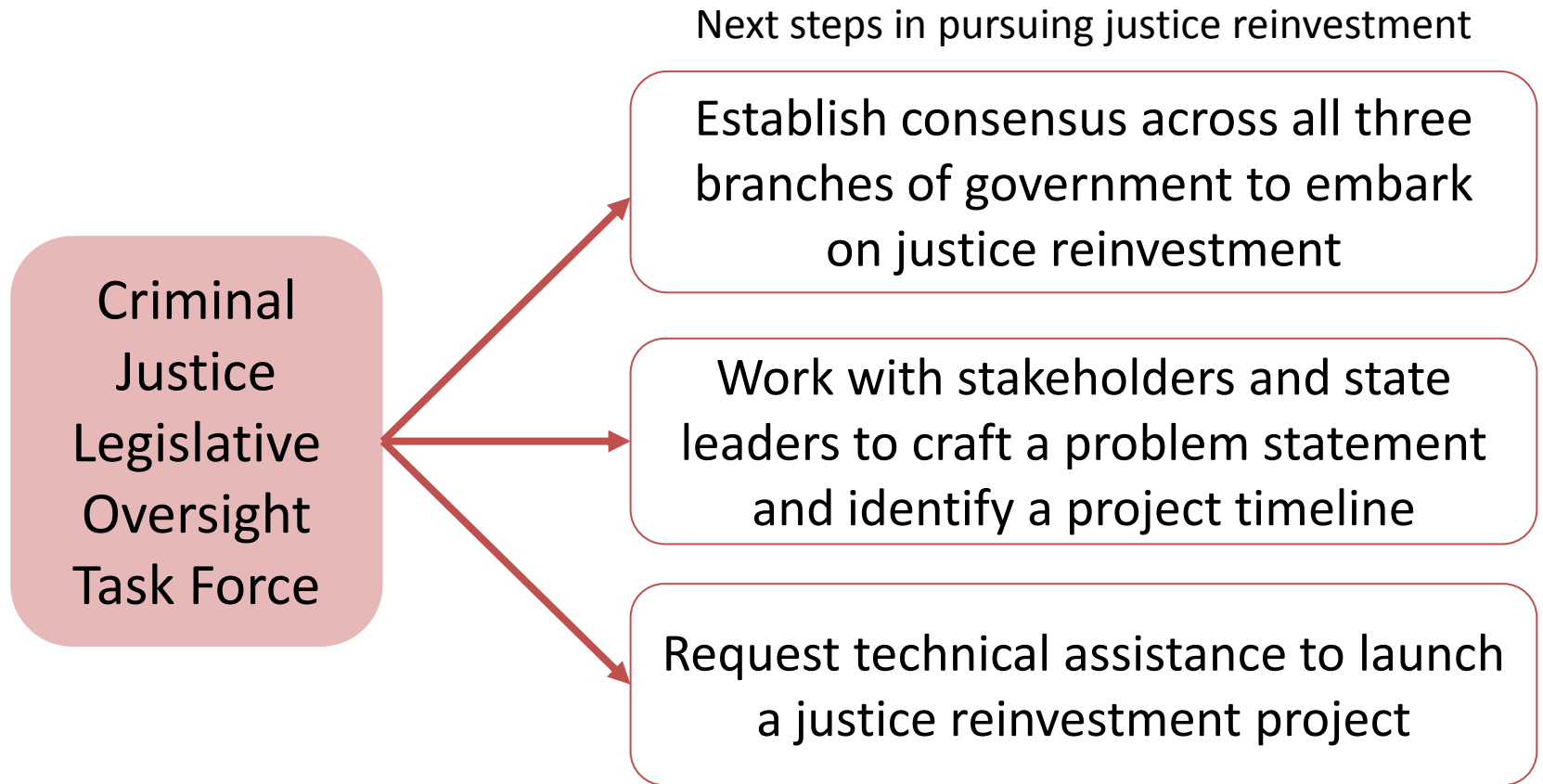
Project launch  Bill signing



“This legislation represents a unified effort by all three branches of government to make the criminal justice system more efficient. With my signature, we begin a new and sustainable course that will have a tremendous impact on the Alabama prison system.”

*Governor Bentley*

# Moving forward with justice reinvestment will require planning and consensus among key players



***What role can justice reinvestment technical assistance providers play in helping Arkansas move forward with these steps?***

# Thank You

**Ben Shelor, Policy Analyst**

**bshelor@csg.org**



**Marc Pelka, Deputy Director of State Initiatives**

**mpelka@csg.org**

**JUSTICE★CENTER**  
THE COUNCIL OF STATE GOVERNMENTS

**[CSGJUSTICECENTER.ORG/SUBSCRIBE](https://csgjusticecenter.org/subscribe)**

This material was prepared for the State of Arkansas. The presentation was developed by members of the Council of State Governments Justice Center staff. Because presentations are not subject to the same rigorous review process as other printed materials, the statements made reflect the views of the authors, and should not be considered the official position of the Justice Center, the members of the Council of State Governments, or the funding agency supporting the work.