



Innovation: The Public Safety Improvement Act

Background: Over the past twenty years, the number of people held in Arkansas prisons has more than doubled, to over 16,000. In 2009, Arkansas's prison population grew by 3.1 percent – the eighth largest percentage increase in the country – pushing the state prison system to full capacity and corrections spending to an all-time high.¹ The cost of corrections in Arkansas has risen eight-fold from \$45 million 20 years ago to \$349 million per year currently.²

Arkansas's prison population has been growing in large part to state policies and practices that have resulted in more people convicted of nonviolent offenses going to prison, increasing sentence lengths, and delayed transfer to parole. In 2009, admissions to probation dropped 5 percent, while general prison admissions increased by 7 percent.³ This trend, which extends back for several years, has put Arkansas in its current situation as having one of the highest rates of prison population growth in the country with a probation supervision rate that is 23 percent lower than the national average.

In November 2009, Arkansas Governor Mike Beebe, Chief Justice Jim Hannah, and leaders from Arkansas's state legislature joined with the Pew Center on the States' Public Safety Performance Project to explore new ways to protect public safety, expand community corrections, and control the size and cost of Arkansas's prison system. The result was the Public Safety Improvement Act: legislation to strengthen community supervision, redefine and reclassify

some nonviolent offenses, and invest in community supervision practices and programs that have been proven to reduce recidivism. Ultimately, these reforms will cut costs and raise funds for community-based supervision, sanctions, and services.

How it works: The intent of The Public Safety Improvement Act is to implement comprehensive measures designed to reduce recidivism, hold people accountable, reduce prison overcrowding, and contain corrections costs.⁴ The Act specifically seeks to sanction people convicted of nonviolent offenses – especially first offenses – through drug courts, improved probation options, and other supervised release methods to reduce prison overcrowding.⁵

“We should not assume that incarceration is the only answer, nor should we assume that incarceration is the most effective way to improve public safety.”

Chief Justice Jim Hannah

Source: Sarah Wire, “State can avoid prison-cost zoom, study says” *Arkansas Democratic Gazette*, January 4 2011

Results: The reforms proposed by the Act are projected to reduce Arkansas's prison population growth by 3,200 people over the next 10 years and save taxpayers an estimated \$875 million in prison construction (\$230 million) and operation costs (\$645 million).⁶

Policy Implications: The Public Safety Improvement Act is an effort to curb Arkansas's growing state prison population, which officials estimate might otherwise cost an additional \$1.1 billion over the next decade.⁷ Providing more resources and authority to Arkansas's

Department of Community Corrections (DCC) will ensure that judges and prosecutors view probation as a viable alternative to prison, divert more people to community-based programs that reduce recidivism, and improve public safety.

Challenges: The legislation increases supervision fees on probation and parole from \$25 to \$35 a month.⁸ Any fee can be burdensome to people who are already involved in the criminal justice system and may be having trouble making ends meet, but increasing these fees may also make it more difficult for people—especially those with lower income—to pay, making them eligible for probation violations and possible sanctions. While they do provide waivers for people without jobs or those considered “indigent,” fees on anybody can be burdensome.

The legislation would also create a pilot program for counties and judicial districts to use random drug testing and sanctions – including short jail stints – to deter people on probation classified as “high risk” from using drugs and reoffending.⁹ While a similar program in Hawaii called Hawaii Opportunity Probation with Enforcement (HOPE) has shown success in reducing probation failures, it included significantly increased treatment resources; jail sanctions have been shown in a number of other places to be ineffective in curbing recidivism or generating compliance.¹⁰

For more information on the Public Safety Improvement Act, please visit:
http://www.pewcenteronthestates.org/uploadedFiles/2011_PSP_P Arkansas_brief.pdf.

² *Consensus Report of the Arkansas Working Group on Sentencing and Corrections*, January 2011).

³ *Consensus Report of the Arkansas Working Group on Sentencing and Corrections*, January 2011).

⁴ State of Arkansas 88th General Assembly, *The Public Safety Improvement Act*, Senate Bill 750, March 8, 2011. <http://staging.arkleg.state.ar.us/ftproot/bills/2011/public/SB750.pdf>

⁵ “The Public Safety Improvement Act,” *Carroll County News*, March 16, 2011.

www.carrollconews.com/blogs/1364/entry/40477/

⁶ *Consensus Report of the Arkansas Working Group on Sentencing and Corrections*, January 2011).

⁷ Andrew DeMillo, “Ark. Senate panel backs prison overhaul bill,” *Bloomberg Businessweek*, March 7, 2011.

www.businessweek.com/ap/financialnews/D9LQNM6G0.htm

⁸ Andrew DeMillo, March 7, 2011.

⁹ Andrew DeMillo, March 7, 2011.

¹⁰ John R. Hepburn and Angela N. Harvey, “The Effect of the Threat of Legal Sanction on Program Retention and Completion: Is That Why They Stay in Drug Court?” *Crime and Delinquency* 53 (2007): 255

¹ *Consensus Report of the Arkansas Working Group on Sentencing and Corrections* (Washington, DC: Pew Center on the States, January 2011). www.pewcenteronthestates.org/uploadedFiles/2011_PSP_P_Arkansas_brief.pdf