



## ARKANSAS

**Members:** Representative Steve Harrelson

### Sentencing Policies and Options

- The **Arkansas Sentencing Commission** established sentencing standards and monitors and assesses the impact of practices, policies, and existing laws on the state's correctional resources.
  - Sentencing Guidelines were adopted in 1993.
- Components of Criminal Sentencing:
  - *Guidelines*: Sentencing standards are voluntary; judges can depart in non-typical cases and must write departures for negotiated pleas but not bench trials.
  - *"Truth-in-Sentencing"*: A conviction for a second or subsequent violent felony offense or felony sexual offense after August 13, 2001 is subject to serving 100% of the sentence incarcerated and is not eligible for parole. Certain offenses will serve 70% of the incarceration term without credit for good time.
  - *"Three-Strikes"*: Habitual offenders receive enhanced sentences after the second and fourth felony conviction, length is based on the class of felony. Habitual offenders convicted of two or more violent crimes serve a mandatory sentence or life.
- Problem-Solving Courts:
  - Drug courts can be pre-adjudication, post-adjudication, or both. The treatment program averages about 18 months and upon successful completion, the court may dismiss the charges, reduce the sentence or set it aside. The Administrative Office of the Courts provides state-level coordination and support; the Department of Community Correction provides personnel; and the Department of Human Services, Office of Alcohol and Drug Abuse Prevention disburse funding for the courts. Procedures for establishing individual drug courts was codified in 2007 (Act 1022).

### Community Supervision Options

- **Probation** and **parole** supervision is provided by the Department of Community Corrections (DCC). DCC is also responsible for identifying inmates eligible for parole consideration, scheduling the hearing, and releasing inmates approved by the Board.
  - *Risk / Needs Assessments*: Are used to determine counseling, treatment, to make referrals for services, and in the violation process.
  - *Specialized Programming*:
    - Community corrections centers are residential programs that provide supervision, treatment, educational programming, and community work transition.
    - Day reporting centers are an *intermediate sanction* that provides supervision and services in a non-residential setting.
  - *Violators*: The court has jurisdiction over probation violations and revocations. The Parole Board has jurisdiction over parole violations and revocations.
    - The Technical Violator Program is an *alternative to incarceration* for parole violators that includes 60 days of residential confinement followed by 12 months of programming in a community setting.
    - Day reporting centers are used as a sanction for violations of community supervision.

## Release and Reentry Policies and Programs

- Release:
  - *Sentence Credits*: Inmates can earn good time for abiding by prison rules and participating in assigned work and rehabilitation programming. Inmates can also earn one-time credits for completion of educational, vocational and substance abuse programs.
  - *Release Authority*: The Parole Board makes release and revocation decisions for inmates who are not subject to serving 100% of the term incarcerated.
    - In 2009, the Legislature instructed the Board to consider inmate's recommended work, education, rehabilitation, and treatment programs and whether the inmate took advantage of those opportunities, when making release decisions (HB 1894).
  - *Medical Parole*: The Parole Board considers release for inmates with an incurable disease (death within 12 months) or inmates that are permanently physically or mentally incapacitated (care provided in prison is inadequate).
  
- Reentry: The DCC supervises reentry programming.
  - *Pre-Release*: InnerChange Initiative Program is a faith-based program that begins 18-24 months prior to release with an additional 12 months of reintegration assistance upon release.
  - *Transition*:
    - Inmates within one year of their transfer date may be granted release by the Parole Board to a transitional housing facility. Transitional Facilities must have a license to operate (2009 HB 1030).
    - Boot Camps are a 90 - 120 day program at the end of incarceration, upon successful completion inmates are placed in appropriate community-based programming.
  - *Access to Services*: Upon release, inmates are provided with proof of completion of the terms of incarceration and information on how to reinstate voting rights upon discharge of sentence. (2009 HB 1894).