

A Plan For A Safer Arkansas

By Tim Griffin

The issue of crime has been in the news a lot lately and weighs heavily on the minds of Arkansans for good reason. A study this year named Little Rock the most violent state capital in America. But this is far from just a Little Rock problem – it's plaguing communities in every corner of our state. Last year, Arkansas's violent crime rate hit its highest mark in more than three decades, and we exceeded the national average in violent crime for the 16th year in a row. One study recently found that Arkansas has the 4th highest violent crime rate in the country.

This reality is unacceptable. The first and highest responsibility of government is to protect its citizens. If we're not safe, we aren't free. Government can do a lot of things to promote quality of life, but building a bike trail doesn't do much good if you get robbed or murdered while going for a jog or a ride. This is one of the primary reasons we form governments: to provide order and protect us from chaos.

I have spoken with Arkansans across the state, including prosecutors, sheriffs, police officers, county judges, parole officers, and virtually everyone else whose job touches the criminal justice system. As a result, I can say unequivocally that there is widespread agreement on some of the key factors fueling our current crime wave.

Our Deceptive and Dangerous Parole Problem

First, we have a Parole Problem. In Arkansas, we spend millions of dollars on a parole system that makes us less safe. Many of our violent criminals go free after serving only a fraction of their sentence, making our parole system both deceptive and dangerous. Here's why it's deceptive: When a criminal is convicted in a court of law, and the judge hands down the sentence, the news frequently reports the length of the sentence given. We have all seen headlines like these: "Man gets 40 years for stabbing woman" or "Hot Springs man gets 8 years for role in '20 shooting death." But the headlines and related articles usually don't provide the sentence the criminal will actually serve before being back on the street, which routinely ends up being 15%, 20%, or 25% of the sentence actually given. The bottom line is this; In the Arkansas criminal justice system, the sentence served is far less than the sentence given. There's no truth in our sentencing.

Much worse than being deceptive is the fact that our Parole Problem is incredibly dangerous. Most violent crime is committed by habitual offenders who can be characterized as repeat violent offenders. These repeat violent offenders represent a relatively low percentage of all criminal offenders, but they commit an overwhelming majority of violent crime. When a repeat violent offender is released on parole, they're coming to a neighborhood near you, and there's a high likelihood they're going to reoffend and commit more violent crime.

For example, a parolee who was charged in 2015 of raping a 13-year-old girl was allowed to plead to sexual assault and was sentenced to 10 years in prison (120 months). Despite this sentence, he was paroled after just 33 months, serving less than 30% of his sentence. Before too long, he was back to his old ways. He was arrested for internet stalking of another 13-year-old girl, sending her explicit photos and texts. Thankfully, law enforcement arrested him before he could rape or assault anyone else.

Unfortunately, the example above is far from rare. Another parolee was given a 12-year sentence for possession of illegal firearms along with several serious drug charges. He also had a violent history, having previously been convicted of aggravated assault. Yet he only served 24 months out of a 144-month sentence before he was paroled. And inexplicably, he was paroled even though he had a long record of disciplinary violations while in prison. After he was paroled, this criminal traveled to Hot Springs, where he murdered a 70-year old man. Tragically, this sort of story has become routine in Arkansas. I have come across literally hundreds of cases just like the ones described above.

This all sounds bad, but it's even worse than you think. Out of Arkansas's approximately 25,000 parolees, did you know that nearly 5,000 have absconded? And the number is 11,000 if you include those on probation. That means the state has no idea where they are or what they're doing. Can you imagine the chaos and havoc that these 5,000 criminals are causing in communities across our state?

Criminals know Arkansas's parole system is ineffective, but there's one system they truly fear, and that is the federal system. Under the federal system, there's no such thing as parole. Federal prisoners can earn up to 15% of "good time" if they behave while in prison, but they must serve a minimum of 85% of their sentence.

I recently had the opportunity to meet with former U.S. Attorney General Bill Barr and ask him about his recommendations for fighting crime. He has seen first-hand the contrast between the federal and state

systems, and in his recent book he describes how criminals—those who know the systems better than anyone—view them:

"It struck me that so many state criminal justice systems had become so dysfunctional that they evoked derisive laughter from criminals, even during arrests. But there was one system that made criminals cry: the federal system. If all fifty states made their systems as strong as the federal system, we would not have a violent crime problem in our country."

A police chief in eastern Arkansas recently recounted a similar story. He said that when a suspect is arrested, the first question they ask is: "Am I going federal or state?" The career criminals truly fear the federal system, because they know it's not a revolving door of justice like our state system. Let's stop the revolving door and end the plague of repeat violent offenders returning to their communities where they commit more crime and encourage the next generation to join them in their criminal enterprise. The bottom line is we must incapacitate through incarceration repeat violent offenders, and the current parole system does the complete opposite. Thankfully, Arkansans agree: A recent poll shows that 79% support eliminating parole for violent offenders.

The solution is to eliminate parole for our violent and select non-violent offenders with the opportunity to earn no or minimal "good time," like the federal system. Regarding non-violent offenders generally, give them the opportunity to earn a significant percentage of their sentence in good time by receiving counseling for addiction, or by pursuing training and educational opportunities such as welding, plumbing, truck driving or a degree program.

Our State Prison Capacity Problem

The second problem I've identified as plaguing our criminal justice system is a lack of prison capacity. Our state prisons are so overcrowded that we routinely must release hundreds of violent offenders before they are even eligible for parole due to insufficient prison space. Just this year alone, prisoners released under the Emergency Powers Act include murderers, rapists, and career criminals with habitual convictions of robbery and aggravated assault. We should never release a violent criminal prematurely simply because we are out of space. Again, we must incapacitate, not release, repeat violent offenders.

Why are we out of prison space? Because Arkansas hasn't added significant state prison capacity in nearly 20 years. During that time, our population has grown by well over 300,000 residents, and our state prisons filled up long ago. When our state prisons are full, a couple of things happen, both of which makes Arkansans less safe:

The first thing that happens is state prisoners get sent to county jails. Today, almost one out of every ten state prisoners are being housed in a county jail. Because of this, virtually all our county jails are also overflowing. When our county jails are full of violent state inmates, we have no room for misdemeanor offenders, the reason county jails were created. Misdemeanor offenders mostly walk free. When there's no punishment for misdemeanor offenses like shoplifting or driving while intoxicated, it reduces the quality of life in our communities. And if not corrected by the justice system, many misdemeanor offenders graduate to more serious felony crimes.

The overcrowding problem also makes our county jails more dangerous because they're not equipped to deal with violent state inmates like rapists and murderers. In Washington County, for example, workers comp claims have increased 75 percent over the past year. That's almost exclusively due to inmate violence against jail staff.

The overflow of state prisoners into county jails is so bad that counties have collectively had to build an additional 2,400 jail beds over the past seven years, in many cases, raising taxes on citizens to pay for it. Further, state prisoners can't be utilized on work duty the way misdemeanor prisoners in county jail can, so that publicly beneficial, productive and rehabilitative avenue is impossible due to the nature of felons, especially violent ones. If you truly want prisoners to rehabilitate and better themselves, we must have more state prison capacity: county jails cannot provide state prisoners the help they need such as addiction counseling, mental health care, workforce training, education and other forms of assistance that are available—often exclusively—in state prison.

The parole and prison problems are obvious to anyone who has taken the time to explore them. Yet some opponents of reform defend the status quo using a series of specious arguments that are based on myths, misconceptions, or outright lies. For examples, opponents of expanding prison capacity don't admit that we have already expanded prison capacity year after year, increasing the population of state prisons in the county jails. Prison expansion should be done with public discussion through an open process. Instead, using county jails as an overflow for state prisons has allowed the state to expand prison capacity without a robust public debate about the shortcomings of our current system. The good news is 62% of Arkansans support building a new maximum security prison.

The most common refrain is that if we only stopped locking up people for writing a hot check or smoking marijuana that we would have room for the truly dangerous offenders. The only problem: this argument is based on a fantasy. At any given time, fewer than a dozen state inmates out of more than 16,000 are in prison for simple marijuana possession. This may be the most repeated canard in reform opponents' playbook. It simply isn't true.

Incapacitate and Rehabilitate

Others say that instead of incapacitating repeat violent offenders, we should focus all our efforts on rehabilitating them. This is a false choice. We should both incapacitate repeat violent offenders and work to rehabilitate those who want to change direction. I believe in rehabilitation and am committed to it. We all should be for 4 key reasons:

1. We are all created and loved by God, and there but for the grace of God goes I.
2. Prisoners upon release are coming to a neighborhood near you and me. We should want them to get the help they need, so they can thrive—not just survive—as our neighbors in peace and as law abiding citizens.
3. We are already short of workers to fill the many jobs currently vacant. If we can help prisoners get their lives on track, they can help row the economic boat in the same direction as the rest of us.
4. It's cheaper and helps all Arkansans. When former prisoners get a job and pay taxes and build a life, we spend less taxpayer dollars pursuing criminals and locking them up, especially recidivists we lock up again and again.

We must review and reform our prison rehabilitative programs to ensure they pass an outcome-based analysis and are producing the desired results. If not, let's fix them or eliminate them, and let's find what works. Let's double down on workforce training and education in prison. And we must expand access to mental health, so that both physical and mental health are accessible.

For several years, I served on the Board of Pathway to Freedom, a Christ-based non-profit operating in the Wrightsville prison. The program helps change lives by teaching prisoners work skills, anger management, and how to be a husband and a father. But most importantly, because it is centered around faith, many prisoners find redemption by embracing the love and healing offered through Jesus Christ. Programs like Pathway to Freedom, for example, work to help prisoners get their lives on track and address our recidivism problem: While our statewide prison population has a recidivism rate of over 50%, the inmates who participated in Pathway to Freedom reoffended at a rate of less than half that of the prison population. While Pathway to Freedom is a non-profit, not a government program, we can nonetheless learn much from its experience and results. We can't afford not to.

Lastly, some politicians turn a blind eye to crime and say this would all go away if we focused more on issues like healthcare and education that lead people into a life of crime. But what they fail to admit is two things can be true at the same time: Of course, we should be concerned about societal problems, but a new community center tomorrow does nothing to make our streets safer today just as teaching kids to eat healthier in 5th grade does nothing to address the immediate need for more diabetes treatment in a health care system. We must continue to address the root causes of crime, especially the breakdown of the family. But to be safer today, we must incapacitate those who would do us harm.

Opponents of reform argue that we can't afford to reform our criminal justice system and expand prison capacity. The truth is we can't afford not to: If we want to attract the workers and jobs to grow our economy, we must address crime, one of the key measures of quality of life. The cost will be significant, but necessary. Thanks to our robust economy and the leadership of our Governor and legislature, we have the fiscal resources to make it happen.

This issue is personal to me. I've lived on the same street in Little Rock for twenty-one years. Until recently, I had never felt unsafe in the city I love and call home. But in the last few years, there have been two shootings within a couple of hundred yards of my front door. As a candidate for Attorney General, I believe I have a duty to work toward solving this problem. And as the father of three young children, I believe I have a moral responsibility to try to make their city and their state as safe as it can possibly be.

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