

Conversation with Grant Tennille about criminal justice reform, January 17, 2014

Participants

- Grant Tennille – Executive Director of the Arkansas Economic Development Commission, former Deputy Chief of Staff to Arkansas Governor Mike Beebe
- Howie Lempel – Research Analyst, GiveWell

Note: This set of notes was compiled by GiveWell and gives an overview of the major points made by Mr. Tennille. It is not intended to provide a complete picture of the Arkansas criminal justice reform initiative or Pew's role in the effort.

Summary

GiveWell spoke with Grant Tennille about criminal justice reform in Arkansas and the role that the Pew Public Safety Performance Project played in these efforts. Mr. Tennille gave an overview of the legislative process, including how Pew provided technical assistance and helped inform stakeholders. The conversation also covered the opposition raised against the reform legislation and challenges faced in implementing it. Mr. Tennille was a Deputy Chief of Staff to Governor Beebe during the process of passing criminal justice reform.

Mr. Tennille's role in criminal justice reform efforts

Mr. Tennille was one of two Deputy Chiefs of Staff to Arkansas Governor Mike Beebe during the efforts that resulted in the passage of SB 750, Arkansas' criminal justice reform bill. The majority of Mr. Tennille's involvement came after the bill was introduced. Mr. Tennille helped write the State of the State speech in which Governor Beebe introduced criminal justice reform as a legislative priority. After this speech, a prosecuting attorney and acquaintance of Mr. Tennille's called him to say that there was unrest among prosecutors about the Governor's mention of criminal justice reform. Mr. Tennille had built relationships with many prosecuting attorneys in Arkansas at a prior job as a reporter for a statewide newspaper, so he became the point person within the Governor's office to reach out to prosecutors and gain their support.

Pew's Public Safety Performance Project retained Cranford Johnson Robinson Woods (CJRW) to support the state's criminal justice reform effort through government and public relations work. Mr. Tennille's wife served as CJRW's lead staff person.

Attitudes towards the criminal justice system in Arkansas

In Arkansas, as in many other southern states, it is fairly common for people to have an attitude towards the criminal justice system of “lock ‘em up and throw away the key.” This was the prevailing attitude in Arkansas among all but the most liberal legislators. There isn’t much discussion of how incarceration affects broader communities or future crime rates.

Governor Beebe had similar views, but saw reform as necessary from a financial perspective. In 2010 and 2011, Arkansas was having a budgetary crisis and needed to cut costs, especially given the Governor’s commitment to effectively eliminate the sales tax on groceries. Arkansas’ prisons and county jails were full, and the state needed funds to compensate counties for keeping state prisoners. Governor Beebe’s main talking point emphasized the importance of using the prison system for the right people: “we’ve got to stop incarcerating people that we’re mad at, and keep incarcerating the people that we’re afraid of.”

Reform process and Pew’s role

Once Governor Beebe had identified reducing incarceration as a priority issue for addressing the budget crisis, he asked Amy Grimes, his Legal Counsel for Clemency and Corrections, to gather information on best practices for criminal justice reform. Ms. Grimes reached out to Pew’s Public Safety Performance Project.

In March 2010, a Working Group on Sentencing and Corrections was created. The Working Group included legislators, law enforcement, and executive and judicial branch officials including the Chief Justice of the Arkansas Supreme Court. With Pew’s support, the working group issued a consensus report, which was the foundation for SB 750, which passed in March 2011.

Designing reforms based on data

Pew’s main role was providing technical assistance. Pew staff analyzed data to understand what crimes most Arkansas prisoners had been charged with and how prison populations would be affected by modifying sentences for various offenses. This enabled Pew to help the working group prioritize reforms. Once reforms were prioritized, Pew staff wrote an outline of a bill that would implement the desired reforms.

It was vital to have an outside party to work through the data and study existing legislation, because the capacity for this within the state government is limited. Because of Arkansas’ term limits, the legislature has a high turnover rate - about one third of the

135 member legislature is new every session. This means that many members do not have time to build deep expertise in existing legislation. The Chief Legal Counsel and Deputy Legal Counsel in the Governor's office play a role in drafting legislation, but their capacity is limited by the range of issues they work on.

Pew staff provided the technical assistance needed to analyze massive data sets and reconcile them with hundreds of lines of criminal code. Without Pew, the government would not have had the human resources to complete this work within the same time frame. If Pew had not been involved at all, a criminal justice reform bill would probably have been proposed, but it would not have been data driven in any way; someone would have just gone through the existing legislation and made cuts fairly haphazardly, without regard for how it would actually affect prison populations.

Informing stakeholders

Over the months prior to the 2011 legislative session, Pew helped the working group set up multiple meetings to bring together stakeholders and familiarize them with criminal justice reform. Some stakeholders who supported reform during the working group stage began to question their support once they saw the bill in writing. Mr. Tennille worked to reach agreement among stakeholders, especially prosecutors, so that the bill would be passed.

As negotiations proceeded, Pew answered technical questions and advised the bill's supporters about the impact of various alternative proposals on the projected prison population. Two Pew staff members with policy expertise spent significant time in Arkansas, making themselves available to legislators who had questions about the bill. Pew also arranged for an attorney to be in Arkansas to assist legislators. Outside of these roles, Pew did not play a significant role in advocacy for the bill.

Continuing support

Pew has remained involved in Arkansas, especially in the wake of incidents that have caused people to consider rolling back reforms. Pew has helped to answer questions and to quell these concerns. Pew has a stake in Arkansas' criminal justice reform and wants to see it continue.

Pew's relationship with Arkansas officials

Mr. Tennille gave Pew very high marks on its ability to form a working relationship with policymakers in Arkansas. He also commended Pew for being pragmatic about the compromises needed to pass a bill and for designing a bill that remained strong even

after these compromises were made.

Advocates for a broader bill

Prior to Pew's involvement, the main advocates for criminal justice reform in Arkansas were the Black Caucus and their allies in the Democratic Party. Though these members were pro reform, many hesitated to support the proposed legislation because they felt it should do more to address certain issues, such as sentencing disparities and reentry. Reform advocates negotiated with the Black Caucus, arguing that no reform at all was likely to pass if they were to hold out for their ideal bill and that it was better to pass a more modest bill than nothing at all. The bill's supporters also emphasized that the proposed reforms would cause better data to be collected on imprisonment than had previously existed, and this would make future conversations about reform possible.

There was not a concrete proposal on the table prior to Pew's engagement and the Black Caucus did not have enough members to be able to move a bill forward on its own. Black Caucus members were not uniformly ambivalent about the bill; one of their most prominent members was Representative Darrin Williams, who co-sponsored SB 750 and helped gain the support of other Caucus members.

Opposition to reform

On the other side, there were legislators who were opposed to any kind of criminal justice reform. One of their main arguments was that it would decriminalize certain drugs, especially marijuana, though this was not true of the proposed legislation. What the bill aimed to do was keep habitual criminals in prison, but reduce sentences for young people convicted for the first time and for minor possession, especially when there was no indication that the offender intended to sell the drugs.

Implementation and challenges

There have been some challenges to implementing reforms. Most notably, the funding provided to the Department of Community Corrections for officers and training was lower than what would have been ideal. Additional training is necessary to help probation and parole officers make judgment calls rather than simply revoking anyone who commits any violation. Officers' default action tends to be to revoke, because if the offender later committed a crime while out on probation or parole, the officer would likely receive negative attention in the media. It takes time and money to re-train officers.

Arkansas still has a lot of work to do on reentry; the lack of support for those released from prison combined with a 7.5% unemployment rate in the state means that

recidivism is a major issue.

People for GiveWell to talk to

- Amy Grimes -- formerly the Governor's Legal Counsel for Clemency and Corrections, very involved with Pew throughout reform efforts
- State Senator Joyce Elliott -- member of the Black Caucus who advocated for a broader reform bill

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