

BIO FOR JUDGE SARAH CAPP

Sarah Capp is the 7th Judicial State District Court Judge in Johnson and Franklin Counties and is serving her 2nd term. She received her B.S. from Murray State University where she graduated magna cum laude and a juris doctor from the William H. Bowen School of Law. Judge Capp spent 15 years practicing as a public defender and over a decade in juvenile court. She is also a former State Representative and served two terms in the Arkansas Legislature. She was elected in March 2026 to serve on the Arkansas Court of Appeals; her term begins in January.

Judge Capp was previously appointed by Governor Hutchinson as a Special Justice of the Arkansas Supreme Court. She served on the Board of Directors for the Arkansas Development Finance Authority Board of Directors and served on the Arkansas Access to Justice Foundation Board & Commission. She's a former President of the Big Brothers Big Sisters Organization for the River Valley Area, a former two-time nominee for small business of the year for the Ozark Area, a Lincoln Leadership Institute at Gettysburg Graduate, 2017 and 2019 Recipient of the Municipal League's Distinguished Legislator Award and Arkansas State Chamber Business Matters Leadership Award, & 2019 Arkansas Judicial Council 1st Branch Award winner. She recently finished a 3-year program with the National Center for State Courts and is now a Certified Court Manager.

Opening Statement on Prison Overcrowding

Judge Sarah E. Capp
Joint House and Senate Judiciary Committees
October 26, 2026

Co-Chairs and members of the committees, thank you for inviting me to speak today.

I am Sarah Capp, district court judge serving Johnson and Franklin Counties. Before taking the bench, I served in this legislature and practiced law for more than 16 years, including representing indigent defendants in district court, circuit court, and DHS proceedings.

I believe opportunities paired with accountability helps keep our communities safe and strong. District courts give us a place to put that belief into practice.

There are more people that walk through the doors of a district courtroom than any other court system. AOC reports more than 906,000 district court filings in 2025, compared with approximately 194,500 in circuit courts across all divisions. District courts account for roughly 82 percent of those combined filings.

If you look back at the data from the last three years in district courts in Arkansas, the ten most common charge categories involving incarceration time also show where intervention may help. Driving on a suspended license, failures to appear, DWI, and public intoxication account for approximately 76 percent of the entries listed.

Behind those filings are people. Many are indigent, with limited resources and little understanding of the legal system. They may leave court knowing what they have been ordered to do without understanding *how* to do it. Finding treatment, restoring a license, arranging transportation, or obtaining employment can feel out of reach. It's rare that an individual is struggling in just one area of life. Often the many areas are interlaced with each other causing what feels like an impossible storm to overcome.

We have an opportunity to help them understand their obligations and take concrete steps to meet them, including connecting them with appropriate drug and alcohol treatment.

In my experience, there is substantial overlap between the people appearing in district court and those appearing in circuit court. I have seen people return repeatedly on misdemeanor matters and later face felony charges. I cannot quantify that progression, but it is a pattern that I see every day, and I believe we can intercede with services to prevent criminal behavior from escalating. At a district court level, we are helping people avoid county jail time and I believe that translates into creating an opportunity for a Defendant to choose a different path and not walk down the one that could result in prison time with increased criminal behavior.

District court gives us an opportunity to intervene while a different outcome is still possible.

Meaningful probation involves regular contact, clear expectations, and follow-through. It can also help people build healthier routines and relationships and distance themselves from peers and environments that reinforce criminal behavior.

Through Smart Justice, a navigator works alongside probation and community partners to connect participants with treatment, housing, employment, and transportation. They help address the things I cannot fix with a court sentence alone. Participation is voluntary, and the court retains its authority.

Smart Justice reports serving 556 participants statewide since inception. It reports that full-time employment more than doubled, from 102 participants to 214, and that 51 participants moved from a suspended license to a valid one.

In the last year, Johnson and Franklin Counties Smart Justice served 54 people and saw a 95.45% Employment Retention Rate, a 114% increase in Financial Stability, and a 178% increase in Transportation.

A valid license can help someone get to work, attend treatment, and meet court obligations. Employment can provide income and a daily routine that supports a different way of life. These are encouraging signs of stability.

The Navigator helps stabilize key aspects of an individual's life focusing on 13 social determinants of health including physical health, food security, legal issues across the state, childcare, housing, education, and mental health needs to name a few.

I encourage you to support dependable probation and navigator staffing, access to services, and consistent evaluation of outcomes. Our goal is to interrupt repeated court involvement and prevent escalation to more serious offenses.

As you consider Arkansas's prison needs, please include the opportunity we have in district court to help people change direction earlier, with meaningful supervision and the support to succeed.

Thank you. I welcome your questions.