



# Arkansas Parole Board

## The Annual Report for Fiscal Year 2012-2013 as required by A.C.A. 16-93-202

An ACA Accredited Agency



## Arkansas Parole Board John Felts, Chairman

January 16, 2014

The Honorable Mike Beebe, Governor of Arkansas  
& Members of the General Assembly  
State Capitol  
Little Rock, Arkansas 72201



To Whom It May Concern,

I respectfully submit the following report on behalf of the Arkansas Parole Board for Fiscal Year 2012-2013. Enclosed you will find statistical information pertaining to the Parole, Revocation, Executive Clemency, and Fiscal activities of the Board.

Thank you again for your continued support as we fulfill our mission to promote public safety through the return of offenders into the community through supervised conditional release.

Sincerely,

A handwritten signature in cursive script that reads "John Felts".

John Felts  
Chairman

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# Arkansas Parole Board Members and Staff



**Seated from left:** Commissioner Dawne Vandiver, Vice-Chairman Jimmy Wallace , Chairman John Felts & Secretary Richard Mays Jr.

**Standing in back from left:** Commissioner Richard Brown Jr., Commissioner Joe Peacock, & Commissioner Abraham Carpenter Jr.

## **Hearing Judges**

Carol V. Bohannon  
James L. Williams, II  
Ashley Vailes  
Cara Boyd-Connors

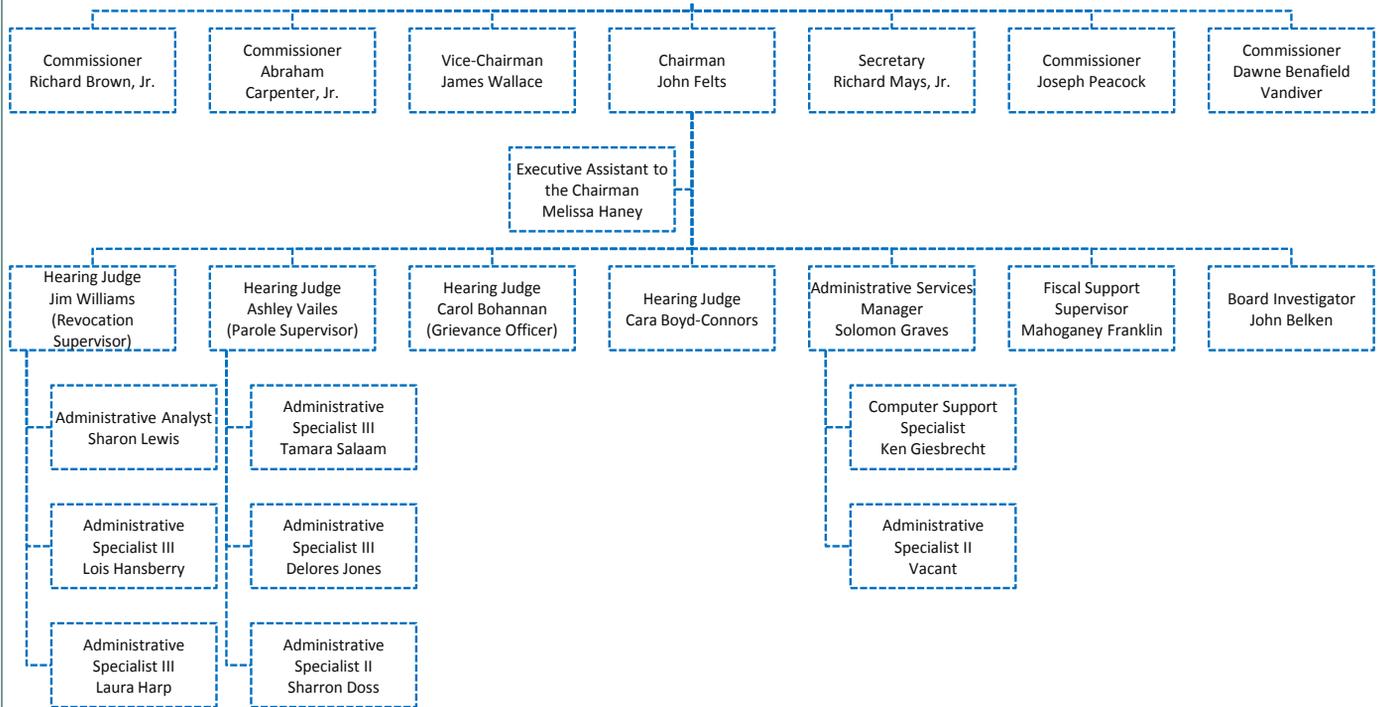
## **Administrative Staff**

Solomon Graves\*, Administrative Services Manager  
Mahogany Franklin, Fiscal Support Supervisor  
Melissa Haney\*\*, Executive Assistant to the Chairman  
John Belken, Board Investigator  
Ken Giesbrecht, Computer Support Specialist  
Sharon H. Lewis, Administrative Analyst  
Lois Jean Hansberry, Administrative Specialist III  
Tamara Salaam, Administrative Specialist III  
Delores Jones, Administrative Specialist III  
Laura Harp, Administrative Specialist III  
Sharron Doss, Administrative Specialist II (Receptionist)

\* Accreditation Coordinator

\*\* Victim Input Coordinator

# Organizational Chart



# History

Parole has been a component of corrections in Arkansas for almost 70 years. The State Penitentiary Board was originally established through Act 1 of 1943. Act 50 of 1968 reorganized the State Penitentiary as the Arkansas Department of Correction (ADC) and created two major boards: the Board of Correction and the Board of Pardons and Paroles. Act 937 of 1989 abolished the Board of Pardons and Paroles and the Board of Community Rehabilitation to create the Board of Parole and Community Rehabilitation.

Prior to reorganization, the Board of Pardons and Paroles consisted of five members who were appointed by the Governor to staggered five-year terms. The Board initially met three days each month at various units within the ADC. The Board interviewed inmates to determine who should be placed on parole and set the prescribed conditions of parole. Additionally, they made recommendations to the Governor on applications for pardons and commutations.

The Board of Community Rehabilitation consisted of six members. This body was appointed by the Governor to staggered four-year terms. The Commission met at least once a month and was primarily responsible for reviewing and certifying alternative service programs, screening files of qualified offenders and recommending expungement of records for eligible offenders who successfully completed a prescribed program.

In 1993, legislation revamped the Board of Parole and Community Rehabilitation. The Board was renamed the Arkansas Post-Prison Transfer Board with three full-time members. Subsequent legislation in 1995 and 1997 expanded the number of full-time positions.

In 2005, Senate Bill 383 renamed the Post-Prison Transfer Board to the Arkansas Parole Board. The move was designed to alleviate confusion on the part of the public about the duties of the Board.

In 2005, the Board also became accredited by the American Correctional Association. The Board was reaccredited in 2008 and 2011.

In 2007, legislation made all seven Board members full-time employees of the state.

In 2011, Act 570 required the Board to adopt several evidenced-based practices into its decisions-making. Among them, was the development of a validated risk assessment.

In 2013, legislation was passed giving the Board discretion over all sex offenses and additional violent and serious felonies.

# Authority and Responsibility

The APB is an independent, quasi-judicial body whose members are appointed by the Governor and confirmed by the Senate. The Chairman of the Board reports directly to the Governor, and serves as the agency director and as a voting member of the Board of Correction. The APB's mandates are to conduct parole hearings throughout the state of Arkansas, make decisions on the conditional release of inmates from correctional facilities, revoke the parole of offenders who have violated one (1) or more conditions of their release, and review all pardon and commutation applications before issuing non-binding recommendations to the Governor.

APB members have the authority to make decisions on the conditional release of offenders from prison and community correction centers. The Board's public accountability requires that the risk of public harm be constantly evaluated when considering the potential freedom and reintegration of offenders into the community. In making a decision, the Board is guided by two criteria: the risk posed to the community by the offender's potential to re-offend and the rehabilitation and reintegration of the offender back into the community. If a decision is made to grant parole, a conditional release is authorized. A conditional release establishes explicit rules and requirements that an offender must follow once they are released into the community. These rules are explained to the offender, who must sign the agreement prior to release. Each release decision requires a quorum of four members.

For offenders sentenced on or after January 1, 1994, release eligibility is determined by statute. Depending on the date the offense was committed, the Board has the discretion to deny parole for all homicides, all sexual offenses, and certain other serious offenses. The Board reviews the release of offenders convicted of non-discretionary offenses and can only delay release to community supervision until the inmate has completed specific programs. Inmates who are sentenced to death or life without parole are not eligible for parole release consideration. Those sentenced to life are not eligible unless their sentences are commuted to a term of years.

Public notification of scheduled parole release hearings is required by Board policy. These hearings are open to the public with the consent of the inmate. Victims and/or their families are given separate hearings to voice their opposition to parole releases. These hearings are not open to the public.

Revocation hearings are conducted on the Board's behalf by its Hearing Judges. They exercise independent judgment in cases of parole violations and have the authority, pending a hearing, to determine whether the parolee should be returned to incarceration.

## Victim Input

Crime victims may provide information to the Board via a written and/or oral statement regarding the potential release of an offender. Victims who wish to address the Board in person must contact the Board and request a hearing. Victims are notified of the release decision once that vote has been ratified by the Board. Unless written, victim input to parole decisions is confidential and cannot be obtained by an inmate.

Victims receive additional notifications from the ADC and the Arkansas Crime Information Center via the VINE (Victim Information Notification Everyday) system.

Month	Hearings Scheduled	No Shows	Hearings Conducted
July 2012	17	8	9
August 2012	30	9	21
September 2012	23	6	17
October 2012	35	12	23
November 2012	26	9	17
December 2012	26	14	12
January 2013	26	4	22
February 2013	25	6	19
March 2013	35	15	20
April 2013	28	7	21
May 2013	31	6	25
June 2013	34	11	23
<b>FY 2013 Total</b>	<b>336</b>	<b>107</b>	<b>229</b>

# Parole Process

The parole process allows an offender the opportunity to serve a portion of their sentence under administrative supervision of the Department of Community Correction (ACC). Parole provides a way to reintegrate the offender from the absolute control of incarceration into the community before being fully released from custody. A review is scheduled when an offender is deemed eligible for parole consideration by the ADC or ACC. Notice of a scheduled hearing is published on the Board's website and testimony in support of, or opposition to, is considered at that time. The following factors are considered:

- ❑ Institutional adjustment in general, including the nature of any disciplinary actions.
- ❑ When considered necessary, an examination and opinion by a psychiatrist or psychologist can be requested and considered.
- ❑ The record of previous criminal offenses (misdemeanors and felonies), the frequency of such offenses, and the nature thereof.
- ❑ Conduct in any previous release program, such as probation, parole, work release, boot camp, or alternative service.
- ❑ Recommendations made by the Judge, Prosecuting Attorney, and Sheriff of the county from which a person was sentenced, or other interested persons.
- ❑ The nature of the release plan, including the type of community surroundings in the area the person plans to live and work.
- ❑ The results of a validated risk assessment.
- ❑ The inmate's employment record.
- ❑ The inmate's susceptibility to drugs or alcohol.
- ❑ The inmate's basic good physical and mental health.
- ❑ The inmate's participation in institutional activities, such as, educational programs, rehabilitation programs, work programs, and leisure time activities.
- ❑ The presence of a detainer from another law enforcement agency. (A detainer is not considered an automatic reason for denying parole.)

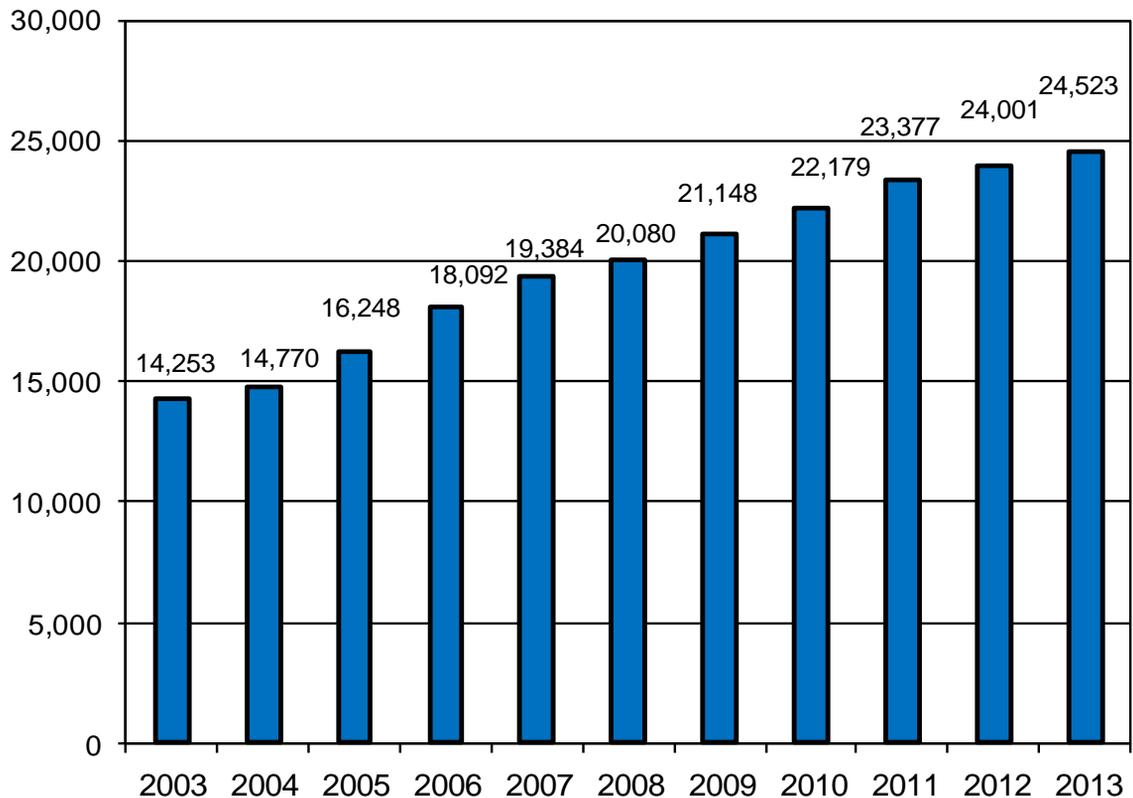
# Parole Population Fiscal Years 2002 through 2013

(Population data provided by the Department of Community Correction)

Depending on the date of a crime or sentence, some inmates are transfer eligible (TE) and others are parole eligible (PE). Parole/transfer is the conditional release of an inmate from incarceration to structured supervision within the community for the balance of the court-ordered sentence.

Parole/transfer may be granted to an eligible person by the Board when, in its opinion, there is a reasonable probability that the person can be released without detriment to the community or the offender or when mandated by law.

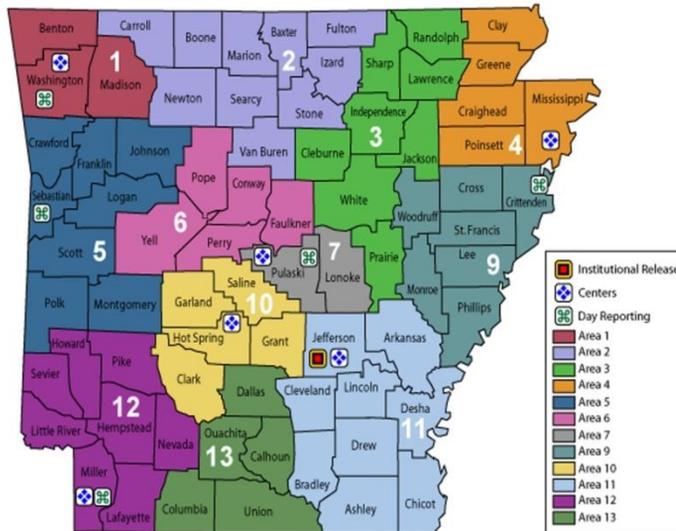
Since 2003, the parole caseload has grown 72%. During the past five years (since FY '09), the number of supervised parolees has increased by 16% (from 21,148 to 24,523).



Data includes Boot Camp Releases

# Parole Population by DCC Area Office as of June 30, 2013

(Population data provided by the Department of Community Correction)



Area	Parole	Boot Camp	Total
1	2,363	61	2,424
2	784	9	793
3	1,419	25	1,444
4	1,402	8	1,410
5	2,173	33	2,206
6	1,196	22	1,218
8*	5,214	79	5,293
9	1,404	43	1,447
10	1,780	27	1,807
11	1,749	29	1,778
12	1,778	33	1,811
13	1,136	36	1,172
ISC**	1,703	17	1,720
<b>FY 2013 Total</b>	<b>23,282</b>	<b>422</b>	<b>24,523</b>

•In 2013 the Dept. of Community Correction split Area 7 in to two (2) Area Offices. Area 7 is Probation and Area 8 is Parole. They operate out of the same office in North Little Rock.

•ISC refers to parolees who are supervised via the Inter-State Compact ([www.interstatecompact.org](http://www.interstatecompact.org)).

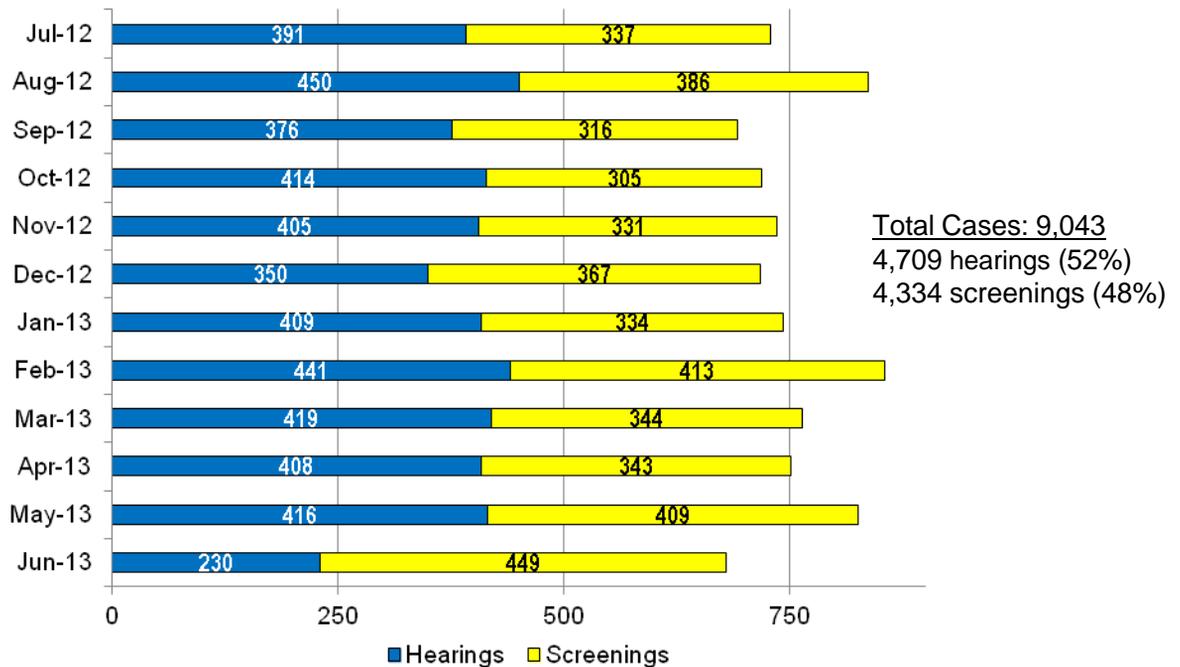
# Hearing and Screening Fiscal Year 2013

Reviews are held on all parole/transfer eligible cases. Hearings involve one or more members of the Board taking testimony and/or documentation from offenders, possible victims, and other interested individuals. Screenings are file reviews of eligible inmates. A screening allows the Board to determine release stipulations, i.e., deferred release for completion of a program or the imposition of mental health and/or substance abuse counseling, or community service. Screenings are also held for clemency applications to determine if a full Board hearing is warranted.

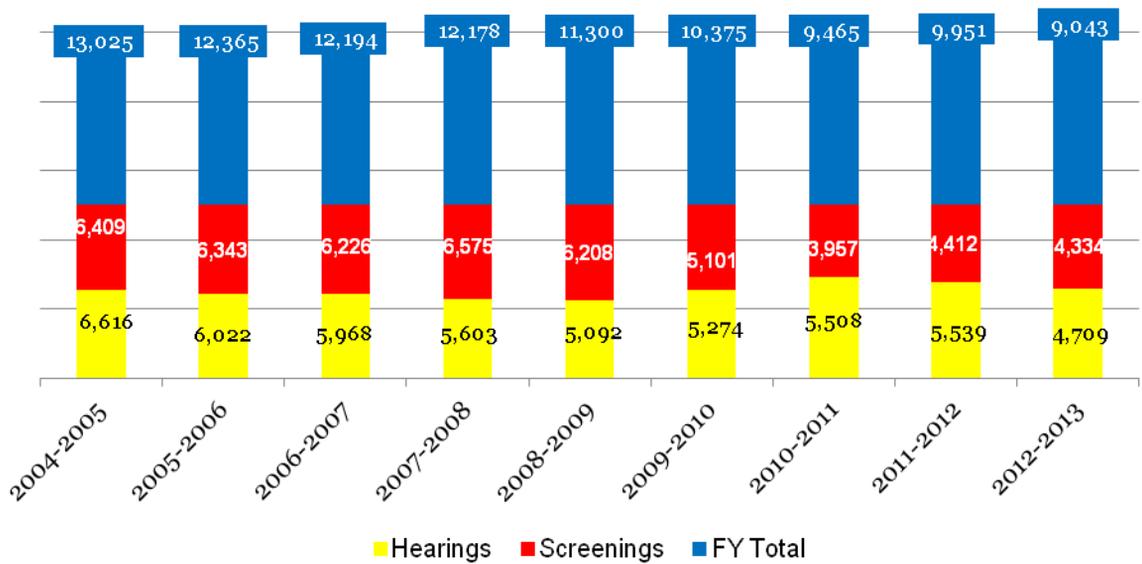
In FY 2013, 9,043 hearings and screenings were conducted by the Board. Of that number, 6,949 were approved for release. Of those approved for release, 77% were approved releases with no stipulated pre-release programs and 23% were approved releases contingent upon completion of stipulated pre-release programs.

ACC's Institutional Release Services' staff prepare the case files for use by Board members in conducting hearings and screenings.

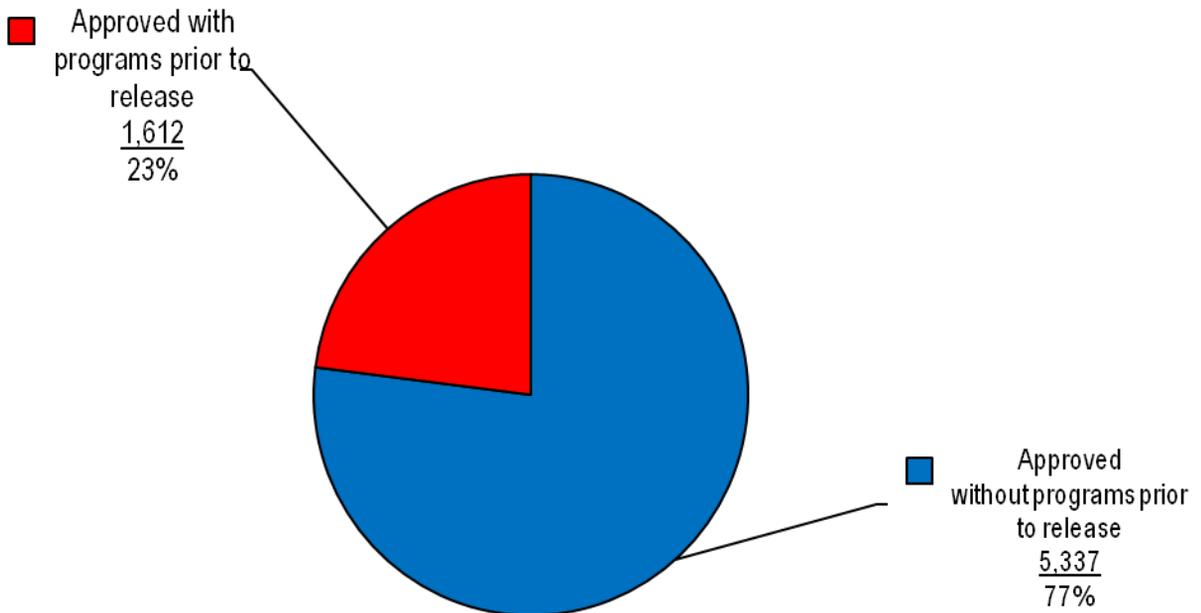
Information regarding an individual case is kept confidential. Prior to the hearing, Board members review available information regarding the offender's prior history, current situation, events in the case since any previous hearing, information about the offender's future plans and relevant conditions in the community, among other factors. A person considered by the Board for release is advised of the decision in writing.



## Hearings and Screenings Fiscal Year 2005 through Fiscal Year 2013



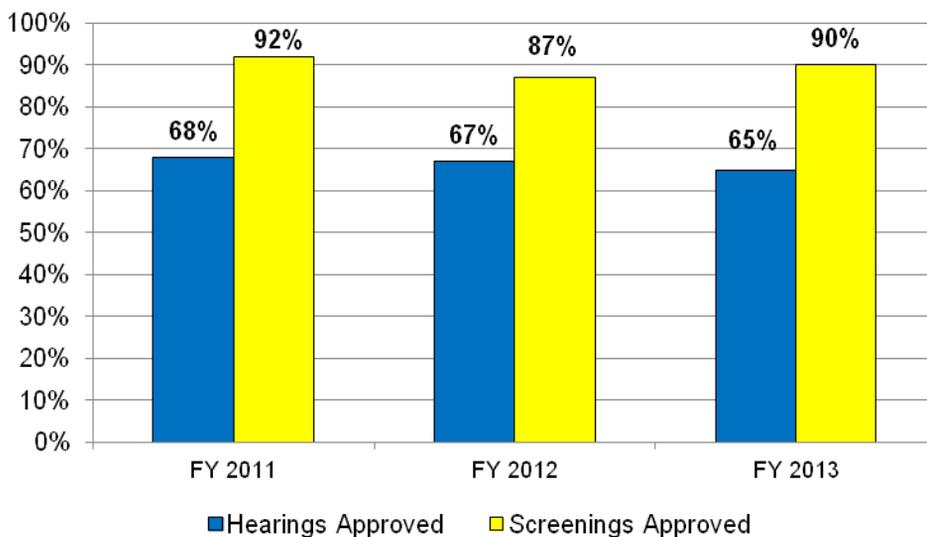
## Summary of Approved Releases Fiscal Year 2013



## Approval Rate for Hearings & Screenings Fiscal Year 2013

Month	Hearings Approved	Screenings Approved
July 2012	66%	92%
August 2012	65%	92%
September 2012	64%	91%
October 2012	55%	90%
November 2012	59%	92%
December 2012	68%	89%
January 2013	63%	91%
February 2013	62%	90%
March 2013	79%	89%
April 2013	68%	90%
May 2013	64%	88%
June 2013	67%	92%
<b>FY 2013 Average Total</b>	<b>65%</b>	<b>90%</b>

## Approval Rate for Hearings and Screenings Fiscal Year 2011 through Fiscal Year 2013



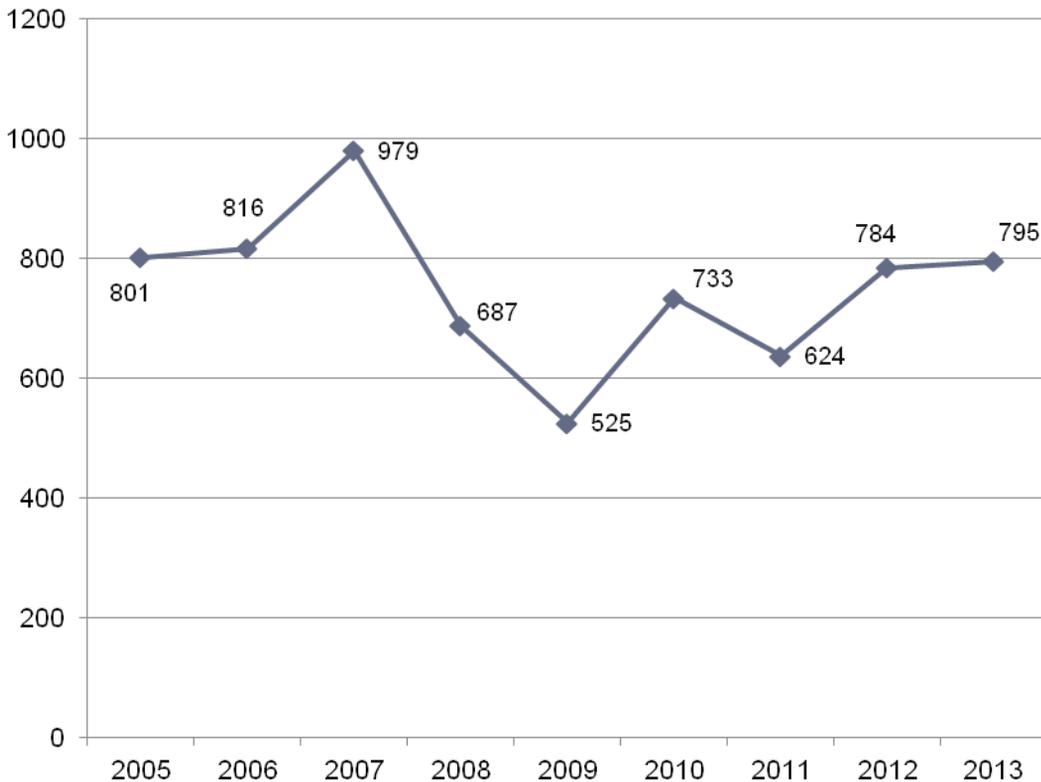
# Executive Clemency

The Arkansas Constitution, Article 6, Section 18, gives the Governor the power to grant Executive Clemency. This is the process through which the Governor considers requests for granting reprieves, commutations of sentence, pardons after conviction, and requests to forgive fines and forfeitures. A reprieve is a temporary relief from, or postponement, of execution or criminal punishment of a sentence. Commutation means a permanent reduction of sentence or punishment, such as changing a death sentence to a life sentence without parole. A pardon request asks that a criminal record be expunged, or removed, from the public record.

Inmates submit requests through an Institutional Release Officer. Persons who are not incarcerated submit applications directly to the ACC's Institutional Release Services Office where background information is gathered.

A report detailing the Board's recommendation is compiled and sent to the Governor's Office. The recommendation from the Board to the Governor is nonbinding.

Executive Clemency Hearings and Screenings: Fiscal Years 2005-2013



# Revocation

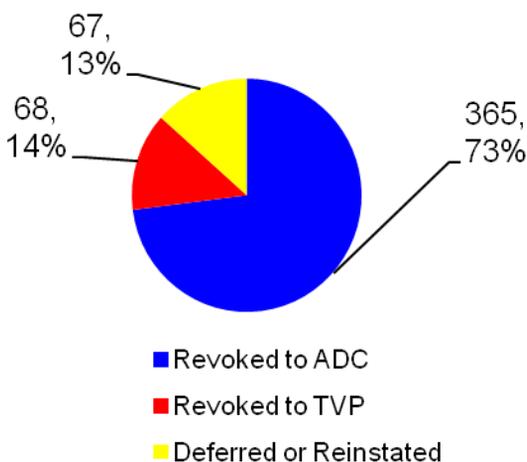
If a parolee is believed to have violated any of his/her release conditions, their supervising officer will submit a violation report to the Board. The violation report contains the information on the alleged violations. Based on the information provided, the Board will issue a warrant for the arrest of the parolee. Once the warrant has been served, the parolee will be brought before a Hearing Judge unless they waive their right to a hearing.

If a parolee waives their right to a hearing, they will be sent to the ADC or, if eligible, ACC's Technical Violator Program (TVP). In this instance, a Hearing Judge would not meet with the parolee for a hearing. During FY 2013 the Board's Revocation section processed 1,547 waivers to TVP and 296 waivers to ADC.

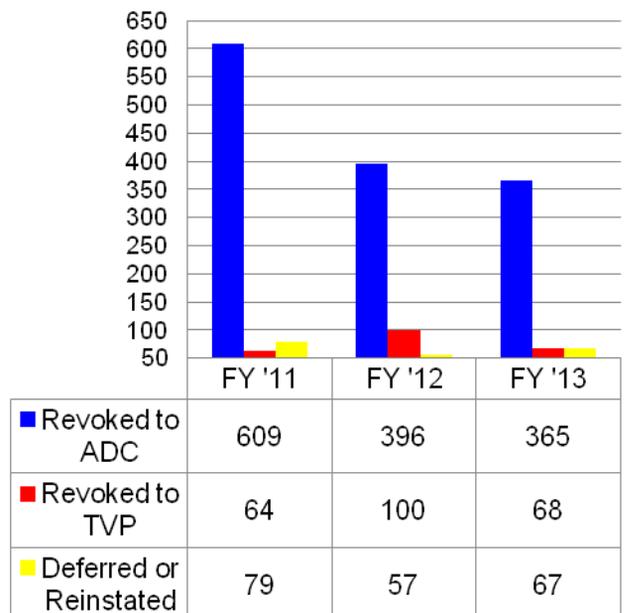
If a hearing is held, a Hearing Judge may impose additional conditions, specify whether the violator should be sent to TVP if eligible, or return the parolee to prison. At a revocation hearing, the Hearing Judge will seek and consider evidence that supports and counters the violation charges, as well as any aggravating or mitigating circumstances that suggest the violations do or do not warrant revocation.

A total of 500 hearings were held by Hearing Judges during FY 2013 (compared to 553 in FY 2012). Of that number, 365 (73%) resulted in a parolee being revoked to ADC. 68 (14%) resulted in a parolee being revoked to TVP. 67 (13%) were not revoked or had their final decision deferred.

FY 2013 Revocation Hearing Results



Comparison of Hearing Results Fiscal Years 2011 through 2013



# Fiscal Year 2013 Revenue and Expenditures

For Fiscal Year 2013, the Board received \$1.921 million in funding from General Revenue. \$1.919 million was expended of that funding. The Board also received \$631.86 as unreimbursed in-kind support and \$697.45 in revenue from Marketing & Redistribution.

FY 2013 Funding	
General Revenue (Funded)	1,921,633.11
In-Kind Support	631.86
Marketing & Redistributing	697.45
<b>FY 2013 Total</b>	<b>1,922,962.42</b>

FY 2013 Expenses from General Revenue			
Commitment Item	Amount Funded	Amount Expended	Remaining Balance
Regular Salaries (00)	1,269,734.40	1,269,734.40	0.00
Personal Services Matching (03)	382,629.46	382,629.46	0.00
Maintenance & Operation (02)	263,767.18	261,709.55	2,057.63
Conference & Travel (09)	4,145.57	4,080.57	65.00
Professional Fees (10)	1,356.00	1,356.00	0.00
<b>FY 2013 Total</b>	<b>1,921,633.11</b>	<b>1,919,510.48</b>	<b>2,122.63</b>

## **Arkansas Parole Board**

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