



Arkansas Parole Board

Annual Report for Fiscal Year 2015-2016 as required by A.C.A. § 16-93-202

An ACA Accredited Agency



Arkansas Parole Board Chairman John Felts

January 25, 2017

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



Dear Governor Hutchinson &
Members of the General Assembly,

I respectfully submit the following report on behalf of the Arkansas Parole Board for Fiscal Year 2016. Enclosed you will find statistical information pertaining to the Parole, Revocation, Executive Clemency, and Fiscal activities of the Board.

Our commitment to public safety and professionalism has never been greater. We continue to streamline our decision-making processes through innovative policies, programs, and technologies as we strive to effectively and efficiently serve the citizens of Arkansas.

Thank you again for your continued support. We stand ready to provide any explanation of the information contained in this report.

Sincerely,

A handwritten signature in black ink that reads "John Felts". The signature is written in a cursive, flowing style.

John Felts
Chairman

Table of Contents

Subject	Pg. #
Arkansas Parole Board	1
Organizational Chart and Employee Demographics	2
History and Highlights	3
Authority and Responsibility	4
Victim Input	6
Parole Process	7
Parole Population	8
Hearings and Screenings	10
Executive Clemency	12
Revocation of Parole	13
Revenue and Expenditures	15

Arkansas Parole Board Members and Staff



Dawne Vandiver
Vice-Chairman



John Felts
Chairman



Andy Shock
Secretary



Abraham Carpenter, Jr.
Commissioner



Jimmy Wallace
Commissioner



John Belken
Commissioner



Jerry Riley
Commissioner

*Revocation Hearing Judges

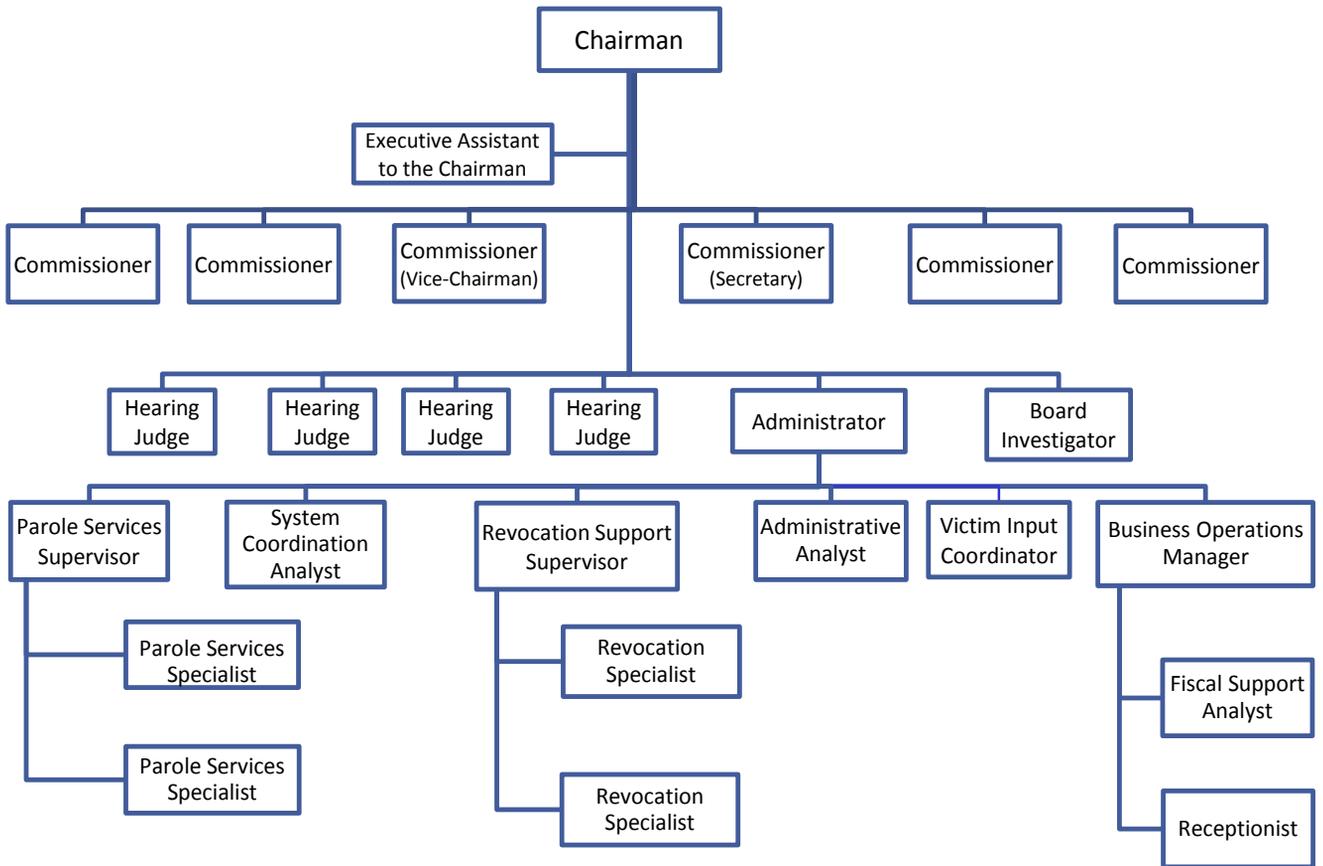
Carol V. Bohannan
James L. Williams, II
Ashley Vailes
Cara Boyd-Connors

*Administrative Staff

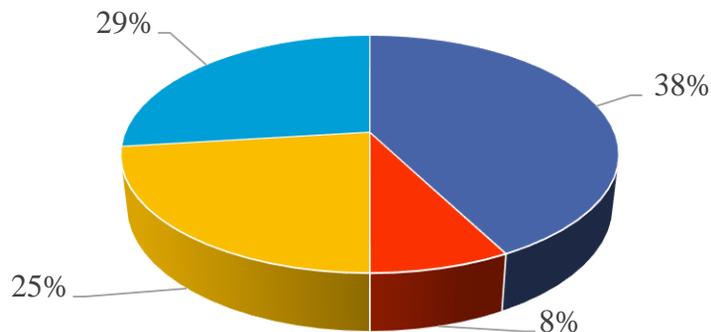
Brooke D. Cummings, Board Program Administrator
Mahogany Franklin, Business Operations Manager
Kelly Knuckles, Executive Assistant to the Chairman
Scott Howard, Board Investigator
Vacant, Systems Coordination Analyst
Kenya Woods, Victim Input Coordinator
Sharon H. Lewis, Administrative Analyst
Lois Jean Hansberry, Administrative Support Supervisor
Tamara Salaam, Administrative Support Supervisor
Christie Little, Administrative Support Specialist III
Maya Heard, Administrative Support Specialist III
Delores Jones, Administrative Support Specialist III
Hollie Cook, Administrative Support Specialist III
Sharron Doss, Administrative Support Specialist III
Toshya Washington, Fiscal Support Specialist

*As of June 30, 2016

Organizational Chart & Employee Demographics



Employee Demographic Summary



- Black Females
- Black Males
- White Males
- White Females

History and Highlights

Parole has long been a component of corrections in Arkansas. The State Penitentiary Board was originally established through Act 1 of 1943. Act 50 of 1968 reorganized the State Penitentiary system into 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 Commission of Community-Based Rehabilitation and created 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 Parole and 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 that same year, the Board became accredited by the American Correctional Association. The Board was reaccredited in 2008, 2011, and 2014 and will be seeking re-accreditation in 2017. Currently, there are less than ten (10) accredited Parole Boards in the nation.

In 2007, an Act of the Legislature 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 decision-making process. Among them was the development and implementation of a validated risk assessment tool, expanded reporting, and a structured evidenced-based training curriculum for the Board.

In 2013, Acts 136 and 485 gave the Board discretion over all sex offenses and additional violent and serious felonies.

In 2015, Act 895 further expanded the Board's discretion relating to certain offenses and it placed the day-to-day operations of the Board under the Chairman. Additional legislation expanded the Board's role in inmate reentry programming and strengthened the protections afforded to victim impact statements provided to the Board.

Authority and Responsibility

The Board 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 director of the agency, as well as being a voting member of the Board of Correction (which supervises ADC, ACC, and Correctional School System). The Board's mandates include: (1) conducting parole screenings and hearings in order to make decisions on the conditional release of eligible inmates from correctional facilities; (2) revoking the parole of offenders who have violated one or more conditions of their release; and (3) reviewing all pardon and commutation applications and issuing non-binding recommendations to the Governor.

Board 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 against the need for reintegration into the community when considering the potential release of offenders. The Board also considers the input of victims, law enforcement, prosecutors, judges, and other interested parties. 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 he/she is released into the community. These rules and requirements (conditions) are explained to the offender, who must sign the agreement, prior to release. Every decision requires five (5) affirmative votes from among the members of the Board.

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 violent/serious offenses. Beginning April 2, 2015, the Board may deny the parole of any offender who it determines to be a detriment to the community. Finally, the Board may deny the release of a parole violator who is returned to incarceration. For offenders convicted of non-discretionary offenses, the Board can only delay release to community supervision until the offender has completed "a specific course of action" (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.

The public notification of scheduled parole release hearings is required by both State law and Board policy. Parole hearings are only open to the public with consent of the inmate. Victims and/or his/her next-of-kin are given separate hearings to voice their opposition to parole release. These hearings are not open to the public.

Revocation hearings are conducted on the Board's behalf by its Hearing Judges who function as Administrative Law Judges and exercise independent judgment in cases of alleged parole violations. The Hearing Judges have the authority to determine whether the parolee should be returned to incarceration or reinstated on active supervision. The Board generally serves as the appellate body for revocation decisions. However, the Board may exercise any authority delegated to a Hearing Judge.

Authority and Responsibility

Current Discretionary Offenses

Since January 1, 1994, the Board has had the limited discretion to deny parole only for certain felony offenses. As of the 90th Regular Session of the General Assembly, the Board may only deny the parole of an offender convicted of the following:

Offenses COMMITTED on or after 1/1/1994

- Murder in the 1st Degree
- Kidnapping
- Rape
- Aggravated Robbery
- Causing a Catastrophe
- Engaging in a continuing Criminal Enterprise

Offenses COMMITTED on or after 7/30/1999

- Capital Murder
- Murder in the 2nd Degree
- Manslaughter
- Negligent Homicide
- Simultaneous Possession of Drugs and Firearms
- Battery in the 1st Degree
- Domestic Battering in the 1st Degree
- Sexual Assault in the 1st Degree
- Sexual Assault in the 2nd Degree

Offenses COMMITTED on or after 2/20/2013

Any offense for which an inmate is required, upon release, to register as a sex offender under the Sex Offender Registration Act of 1997 other than Rape, Sexual Assault in the 1st Degree, and Sexual Assault in the 2nd Degree (see previous sections).

Offenses COMMITTED on or after 08/16/2013

- Attempted Capital Murder
- Attempted Murder in the 1st Degree
- Attempted Aggravated Robbery
- Terroristic Act
- Arson
- Aggravated Residential Burglary
- Unlawful Discharge of a Firearm from a Vehicle
- Offenses Related to Acts of Terrorism

Offenses COMMITTED on or after 04/02/2015

- Battery in the 2nd Degree
- Aggravated Assault
- Terroristic Threatening
- Domestic Battering in the 2nd degree
- Residential Burglary

The Board may deny the parole of any offender convicted of an offense committed prior to January 1, 1994, any offender determined to be a detriment to the community, or any offender that has been returned to incarceration for a parole violation.

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 the Board votes on the case. 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.

For FY 2016, the Board scheduled 280 Victim Input Hearings and conducted 221.

Month	Hearings Scheduled	No Shows	Hearings Conducted	No. Approved	Percent Approved	No. Denied	Percent Denied	No. Deferred	Percent Deferred
Jul-15	24	4	20	4	20%	9	45%	7	35%
Aug-15	22	9	13	3	23%	4	31%	6	46%
Sept-15	30	8	22	2	9%	11	50%	9	41%
Oct-15	26	4	22	1	4.5%	16	73%	5	22.5%
Nov-15	46	16	30	6	20%	22	73%	2	7%
Dec-15	0	0	0	0	0%	0	0%	0	0%
Jan-16	23	4	19	1	5%	15	79%	3	16%
Feb-16	17	6	11	2	18%	7	64%	2	18%
Mar-16	21	1	20	2	10%	12	60%	6	30%
Apr-16	25	9	16	0	0%	10	62.5%	6	37.5%
May-16	28	5	23	2	9%	12	52%	9	39%
Jun-16	28	3	25	4	16%	12	48%	9	36%
FY 2016 Total	280	69	221	27	12%	130	59%	64	29%

Parole Process

The parole process allows an offender the opportunity to serve a portion of his/her sentence under the active supervision of the Department of Community Correction (ACC). Parole provides a way to reintegrate the offender from incarceration into the community before being fully released from custody. A hearing or screening is scheduled when an offender is deemed eligible for parole consideration by the ADC or ACC. 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 mental health professional
- ❑ The record of previous criminal offenses (misdemeanors and felonies) and the frequency and nature thereof
- ❑ Conduct in any previous release program (i.e. probation, parole, work release, boot camp, or alternative service)
- ❑ Recommendations made by the Judge, Prosecuting Attorney, Sheriff of the county from which offender was sentenced, and/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 possibility that the offender poses a detriment to the community in which they will be residing
- ❑ The results of a validated risk assessment
- ❑ The offender's employment record
- ❑ The offender's susceptibility to drugs or alcohol
- ❑ The offender's basic good physical and mental health
- ❑ The presence of a warrant or detainer from another law enforcement agency

Parole Population

Fiscal Years 2007 through 2016

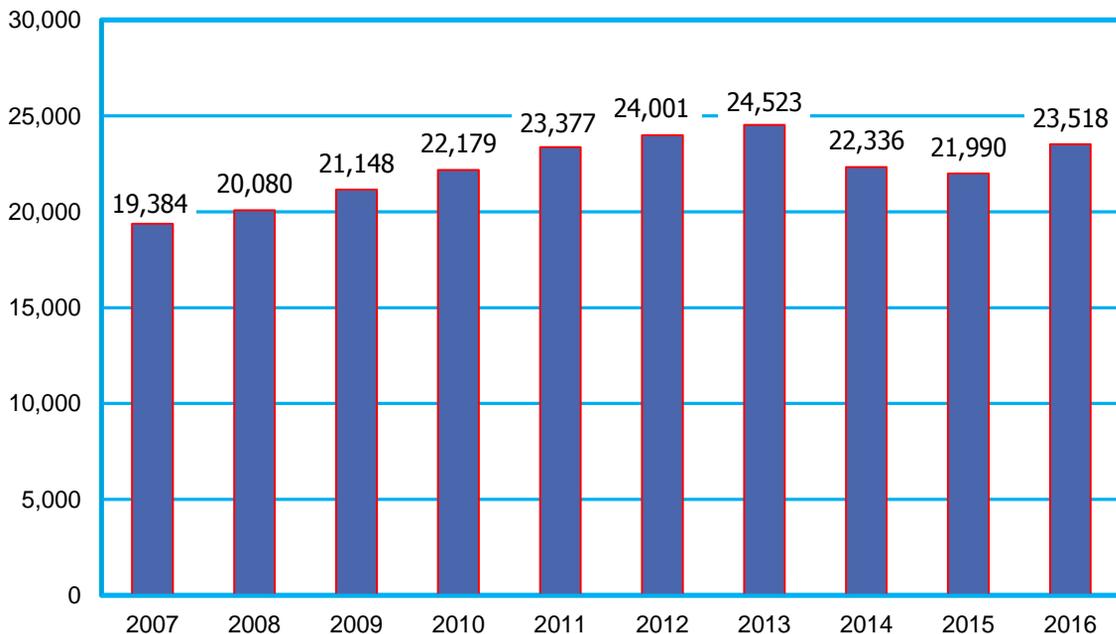
(Population Data Provided by Arkansas Community Correction)

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 remainder 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 2007, the parole caseload has grown by 4,134 offenders (or approximately 21%).

Parole Population Fiscal Years 2007 through 2016



Hearings and Screenings

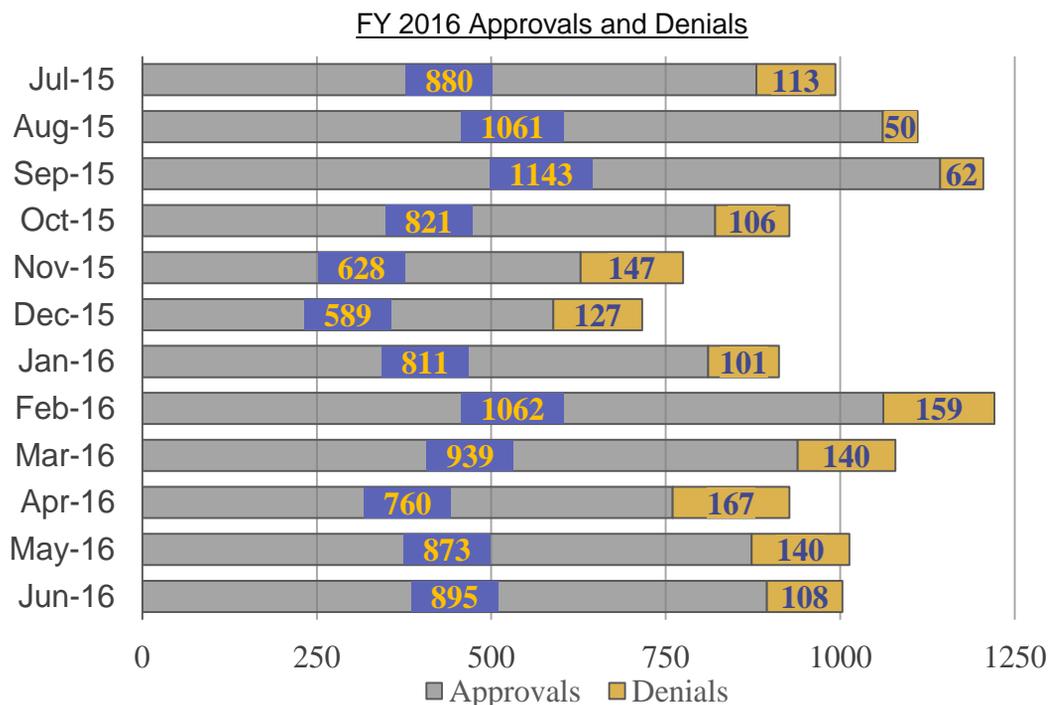
Fiscal Year 2016

Reviews are held on all parole/transfer eligible cases. Hearings may involve one or more members of the Board taking testimony and reviewing available documentation from offenders, possible victims, and/or other interested parties. 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. Clemency Screenings are reported on page 12 of this report.

In FY 2016, 14,873 hearings and screenings were conducted by the Board. Of that number, 10,462 were approved for release. All offenders released by the Board are subject to standard, and often special, conditions of release. The Board conducted 1,420 hearings which resulted in a denial of the inmate's release.

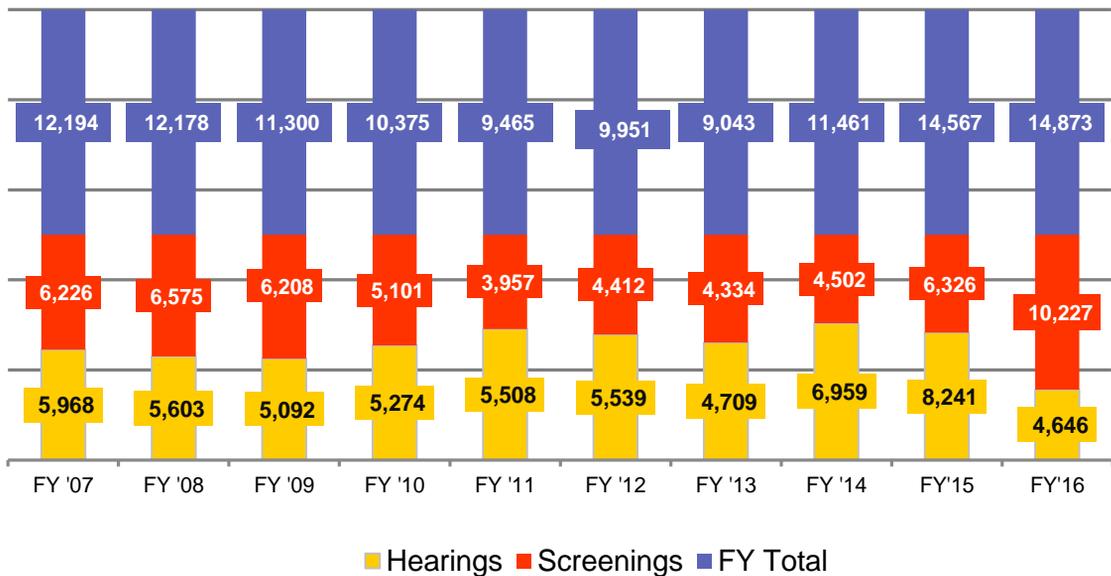
ACC's Institutional Release Services staff prepare case files for use by Board members in conducting hearings and screenings. Information contained in those files reflects the decision criteria listed earlier in this report.

Information regarding an individual case is kept confidential. Prior to the hearing, Board members review available information regarding the offender's prior criminal history, current situation, developments related to the case since any prior consideration, 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 2007 through Fiscal Year 2016



Frequency of Common Program Stipulations for Approved Releases Fiscal Year 2016

Program	Count
Substance Abuse Treatment Program	722
Thinking Errors	249
Vo-tech	209
Thinking Errors	249
Domestic Violence	168
Therapeutic Community	148
Pre-Release	86
Reduction of Sexual Victimization Program	78
Preparing for Success	75
Anger Management	40

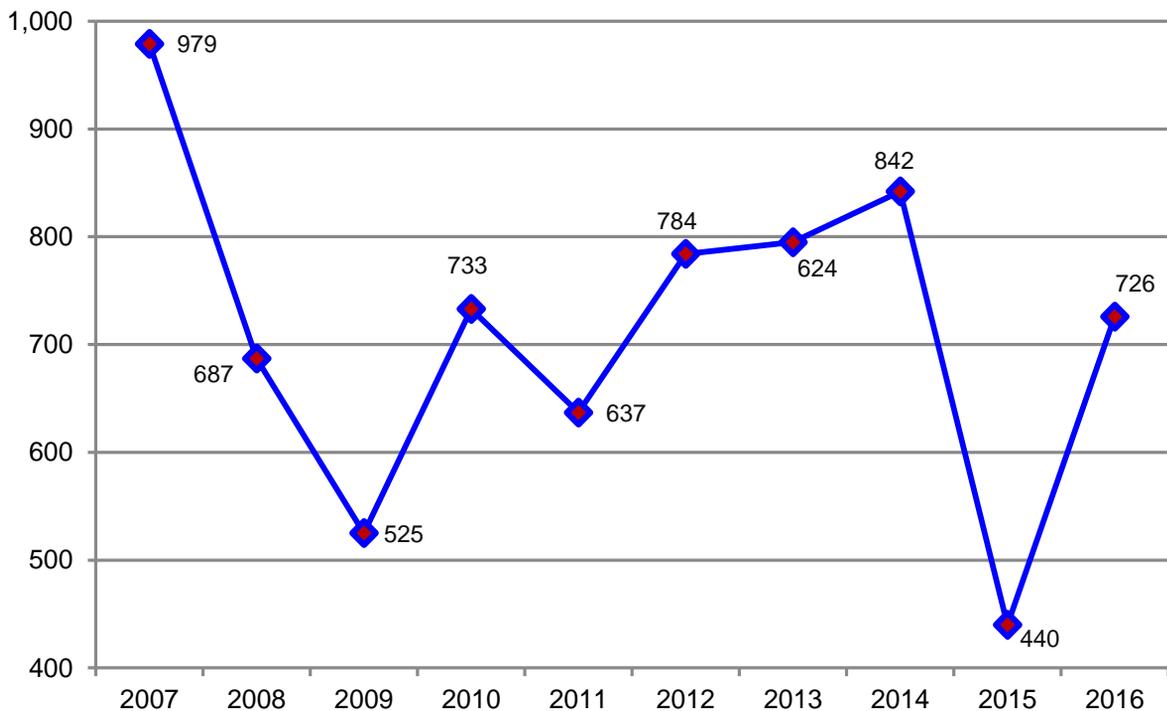
Executive Clemency Hearings & Screenings For Fiscal Year 2007-2016

The Arkansas Constitution, Article 6, Section 18, gives the Governor the power to grant Executive Clemency. This is the process by 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 non-binding. The Board conducted 726 Executive Clemency Hearings and Screenings during Fiscal Year 2016.

Executive Clemency Hearings and Screenings: Fiscal Years 2007-2016

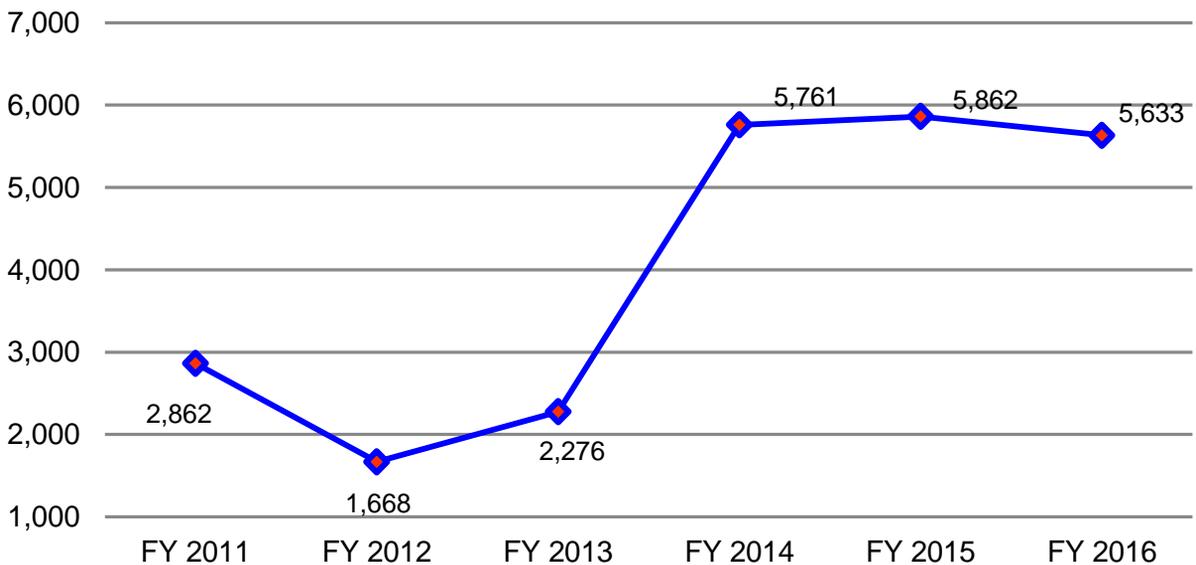


Revocation of Parole

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, or when required by law, 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.

A total of 2,232 hearings were held by Hearing Judges during FY 2016 (compared to 500 in FY 2013). The growth in hearings and waivers was due in part to changes in Board of Correction policy that mandated that ACC refer certain offenders to a Revocation Hearing. Of the total hearings held in FY 2016, 1,694 (76%) resulted in a parolee being revoked to ADC; 173 (8%) resulted in a parolee being revoked to TVP; and 365 (16%) were not revoked. The total number of hearings does not include those that were deferred, continued, or not held.

Total Revocations Via Hearing Judge Decision or Hearing Waiver
Fiscal Years 2011 through 2016



Revocation of Parole Hearings and Waivers

If a parolee waives his or her right to a hearing, he or she will be sent to the ADC or, if eligible, to an ACC Community Correction Center (beginning in December 2013) or ACC's Technical Violator Program (TVP). In this instance, a Hearing Judge would not meet with the parolee for a hearing; however, the Hearing Judge would review and approve the signed waiver. During FY 2016, the Board's Revocation section processed 3,766 waivers.

If a hearing is held, the Hearing Judge may return the offender to supervision with additional conditions, specify whether the violator should be sent to an ACC Center or TVP if eligible, or return the parolee to prison (ADC). 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.

Hearing Outcome	VIOLATION TYPES				TOTAL
	Laws and Tech.	Laws Only	No Violations Noted	Tech. Only	
Revoked	750	441	0	503	1694
Revoked Tech. Violator Program	43	1	0	129	173
Waived	2141	339	0	1286	3766
Deferred	122	41	35	125	323
Reinstate	4	9	9	20	42
Total by Violation Type	3060	831	44	2063	5998

Fiscal Year 2016 Revenue and Expenditures

For Fiscal Year 2016, the Board received \$2.22 million in funding from General Revenue. \$2.22 million was expended of that funding. The Board also received \$101.25 in revenue from Marketing & Redistribution.

FY 2016 Funding	
General Revenue (Funded)	\$2,221,169.00
Marketing & Redistribution	\$101.25
FY 2016 Total	\$2,221,270.25

FY 2016 Expenditures from General Revenue			
Commitment Item	Amount Funded (to include adjustments)	Amount Expended	Remaining Balance
Regular Salaries (00)	\$1,447,442.00	\$1,446,277.25	\$1,164.75
Personal Services Matching (03)	\$435,069.00	\$434,827.66	\$241.34
Maintenance & Operation (02)	\$287,310.00	\$286,881.71	\$428.29
Conference & Travel (09)	\$1,348.00	\$1,321.18	\$26.82
Professional Fees (10)	\$50,000.00	\$32,944.00	\$17,056.00
Marketing & Redistribution	\$101.25	\$0.00	\$101.25
FY 2016 Total	\$2,221,270.25	\$2,202,251.80	\$19,018.45

Arkansas Parole Board

Two Union National Plaza Building
105 West Capitol Avenue – Suite 500

Little Rock, Arkansas 72201

Telephone: (501) 682-3850

Fax: (501) 683-5381

<http://paroleboard.arkansas.gov>