

Arkansas Parole Board

Public Service with Fairness and Integrity



**Annual Report
for Fiscal Year 2016-2017
as required by A.C.A. § 16-93-202**



Chairman
John Felts



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 2017. Enclosed you will find statistical information pertaining to the Parole, Revocation, Executive Clemency, and Fiscal functions of the Arkansas Parole Board.

One of our proudest achievements in FY was becoming reaccredited with the American Correctional Association making the Arkansas Parole Board one of only seven accredited Adult Paroling Authorities in the nation. Throughout the year, the Board collaborated with a number of agencies in furtherance of the justice reinvestment initiative being undertaken by the State. The Board is working diligently on finalizing parole board guidelines pursuant to a policy recommendation received as a result of the Council of State Governments work in the State of Arkansas. Although the Board has always considered a number of pertinent factors in its decision-making, we are very excited about the prospect of a tool created specifically for the Arkansas Parole Board that will enhance its ability to make informed, data-driven parole decisions.

We will continue to work diligently while keeping a steadfast focus on serving the citizens of the State of Arkansas.

Sincerely,

A handwritten signature in black ink, appearing to read "John Felts".
John Felts
Chairman

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Arkansas Parole Board Commissioners



John Belken
Vice-Chairman



John Felts
Chairman



Andy Shock
Secretary



Abraham Carpenter, Jr.
Commissioner



Dawne Vandiver
Commissioner



Jerry Riley
Commissioner



Lona McCastlain
Commissioner

The Arkansas Parole Board is composed of seven (7) members appointed from the State at large by the Governor and confirmed by the Senate. Each member is appointed for a term of seven years, except that the terms shall be staggered by the Governor so that the term of one (1) member expires each year. Each member is a full-time official of the State. The Chair of the Board is designated by the Governor and serves as the agency's director. The Board annually elects a Vice-Chair and a Secretary to serve as its remaining officers for the year.

Arkansas Parole Board Staff

*As of June 30, 2017

REVOCATION HEARING JUDGES

Carol V. Bohannan

Lisa Mills Wilkins

Evelyn D. Gomez

ADMINISTRATIVE SERVICES

Brooke D. Cummings, Executive Administrator

Kelly Knuckles, Executive Assistant to the Chairman

Scott Howard, Board Investigator

William Bowman, Computer Support Analyst

FISCAL/HUMAN RESOURCES

Janice Horton, Business Operations Manager

Sharron Doss, Administrative Support Specialist III

Rachel Butler, Fiscal Support Specialist

PAROLE SERVICES

Tamara Salaam, Administrative Support Supervisor

Hollie Wellborn, Administrative Support Specialist III

Evan Jackson, Administrative Support Specialist III

Kenya Woods, Victim Input Coordinator

REVOCATION DIVISION

Christie Little, Administrative Support Supervisor

Sharon Lewis, Administrative Analyst

Maya Heard, Administrative Support Specialist III

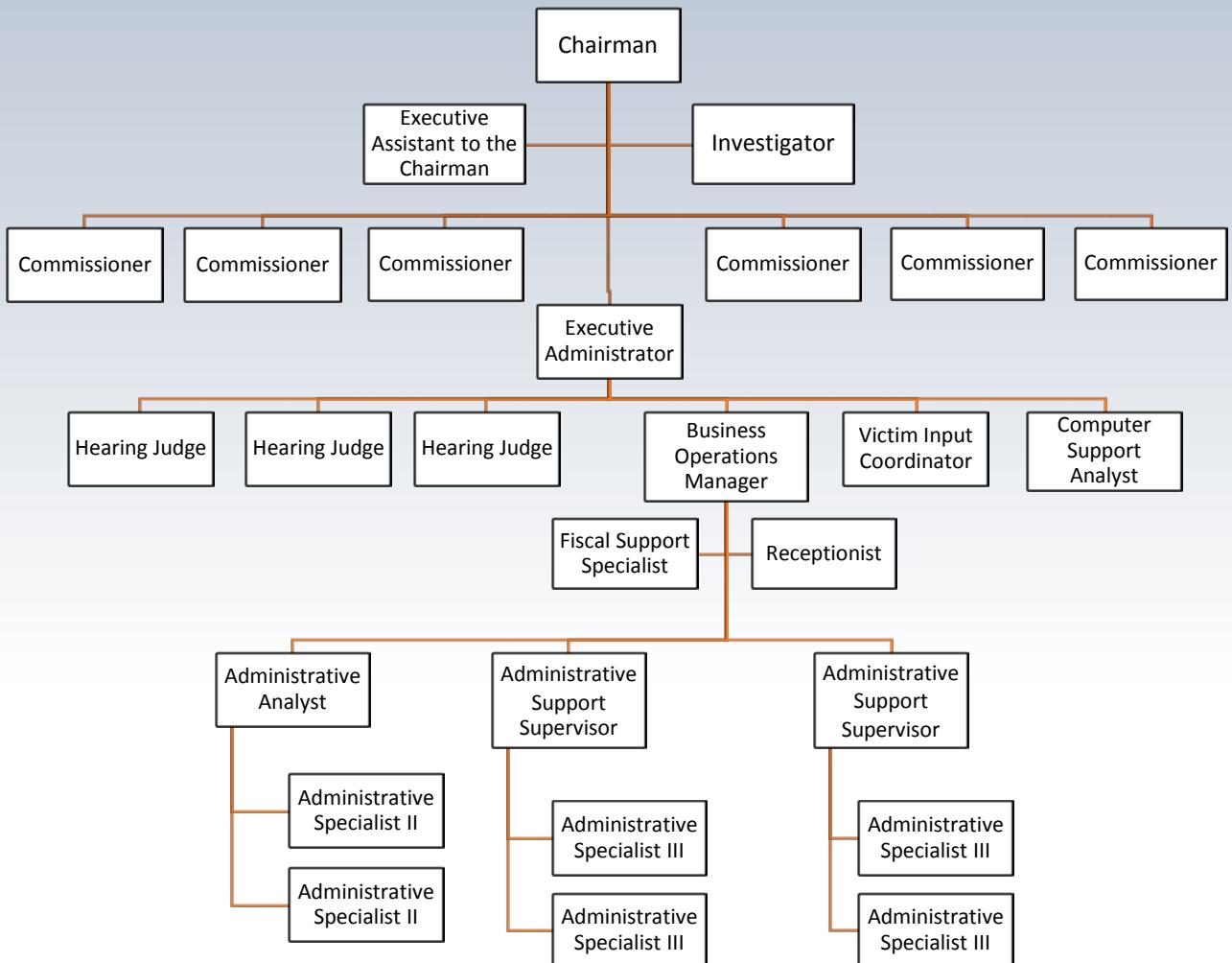
Monica Adams, Administrative Support Specialist III

Britni Pugh, Administrative Support Specialist II

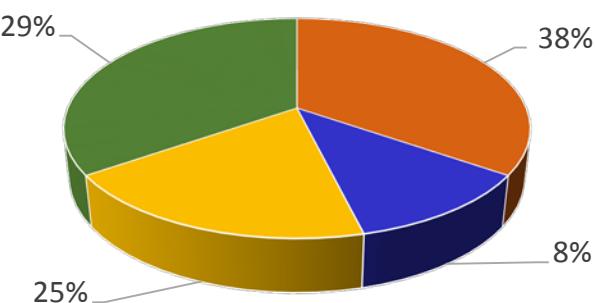
VACANT, Administrative Support Specialist II

PUBLIC SERVICE WITH FAIRNESS AND INTEGRITY

Organizational Chart & Employee Demographics



Employee Demographic Summary



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

History and Highlights

- 1943 The State Penitentiary Board is created.
- 1968 The State Penitentiary Board becomes the Board of Correction, and the Department of Correction and the State Board of Pardons and Paroles are created.
- 1989 Board of Pardons and Paroles is abolished, and the State Board of Parole and Community Rehabilitation is created.
- 1993 Board of Parole and Community Rehabilitation is renamed the Arkansas Post-Prison Transfer Board.
- 2005 Post-Prison Transfer Board is renamed the Arkansas Parole Board, and the Board becomes accredited by the American Correctional Association.
- 2007 All seven members of the Arkansas Parole Board become full-time employees of the State.
- 2008 The Board is reaccredited with the American Correctional Association.
- 2011 Act 570 requires the Board to adopt several evidence-based practices into its decision-making process, including the development and implementation of a validated risk assessment tool and a structured evidence-based training curriculum for the Board. The Board is reaccredited with the American Correctional Association.
- 2013 Acts 136 and 485 give the Board discretion over all sex offenses and additional violent and serious felonies.
- 2014 The Board is reaccredited with the American Correctional Association.
- 2015 Act 895 expands the Board's discretion relating to certain offenses and places the day-to-day operations of the Board under the Chairman. Additional legislation expands the Board's role in inmate reentry programming and strengthens the protections afforded to victim impact statements provided to the Board.
- 2017 Act 539 further extends the discretion of the Board specifically relating to certain individuals who were minors at the time of crime commission. However, Act 423 somewhat limits the Board's ability to revoke parolees who are considered technical violators. The Board is reaccredited with the American Correctional Association.

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. Every decision requires five (5) affirmative votes from among the members of the Board.

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 considers the input of victims, law enforcement, prosecutors, judges, and other interested parties. 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. 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. 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.

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" (program). Most inmates who are sentenced to death or life without parole are not eligible for parole release consideration. However, inmates convicted of Capital Murder or Treason sentenced to death or life without parole for Capital Murder or Treason and who were minors at the time the crime was committed will be eligible for parole consideration after being incarcerated a minimum of thirty (30) years. Generally, those sentenced to life are not eligible unless their sentences are commuted to a term of years. Although individuals sentenced to life for committing Murder in the first degree before attaining eighteen years of age become eligible for parole consideration after twenty-five (25) years' imprisonment.

Revocation hearings are conducted on the Board's behalf by Revocation Hearing Judges who exercise independent judgment in cases of alleged parole violations. The Revocation 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 Revocation Hearing Judge.

Authority and Responsibility

Current Discretionary Offenses

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

Offenses COMMITTED by individuals who were under the age of 18 at the time of commission of the offense of:

- Capital Murder and/or Treason and have served a minimum of 30 years
- Murder 1st Degree and sentenced to life imprisonment and have served minimum of 25 years
- Any crime in which the death of another did not occur after no later than after 20 years incarceration

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 Hearings

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 appear before the Board in person must contact the Victim Input Coordinator 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 may receive additional notifications from the ADC and the Arkansas Crime Information Center via the VINE (Victim Information Notification Everyday) system.

For FY 2017, the Board scheduled 222 Victim Input Hearings and conducted 175.

Month	Hearings Scheduled	No Shows	Hearings Conducted	Number Approved	% Approved	Number Denied	% Denied	Number Deferred	% Deferred
Jul-16	17	5	12	2	17%	8	6%	2	17%
Aug-16	17	4	13	3	23%	9	69%	1	8%
Sept-16	13	3	10	2	20%	8	80%	0	0
Oct-16	22	8	14	5	36%	9	64%	0	0
Nov-16	42	6	36	11	31%	23	64%	2	5%
Dec-16	0	0	0	0	0%	0	0%	0	0%
Jan-17	20	4	16	5	31%	8	50%	3	19%
Feb-17	22	5	17	2	12%	13	76%	2	12%
Mar-17	20	4	16	3	19%	12	75%	1	6%
Apr-17	16	4	12	4	33%	7	58%	1	8%
May-17	20	2	18	2	11%	14	78%	2	11%
Jun-17	13	2	11	1	9%	7	63%	3	27%
FY17 Total	222	47	175	40	23%	118	67%	17	10%

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 list, although not exhaustive, are factors taken into consideration by the Board when considering whether or not to release an offender to community supervision:

- 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, 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

Based on policy recommendations received from the Council of State Governments by the Arkansas Parole Board during FY17, the Board is currently working on the implementation of a parole guidelines tool and anticipates the tool will be implemented during 2018.

Parole Population

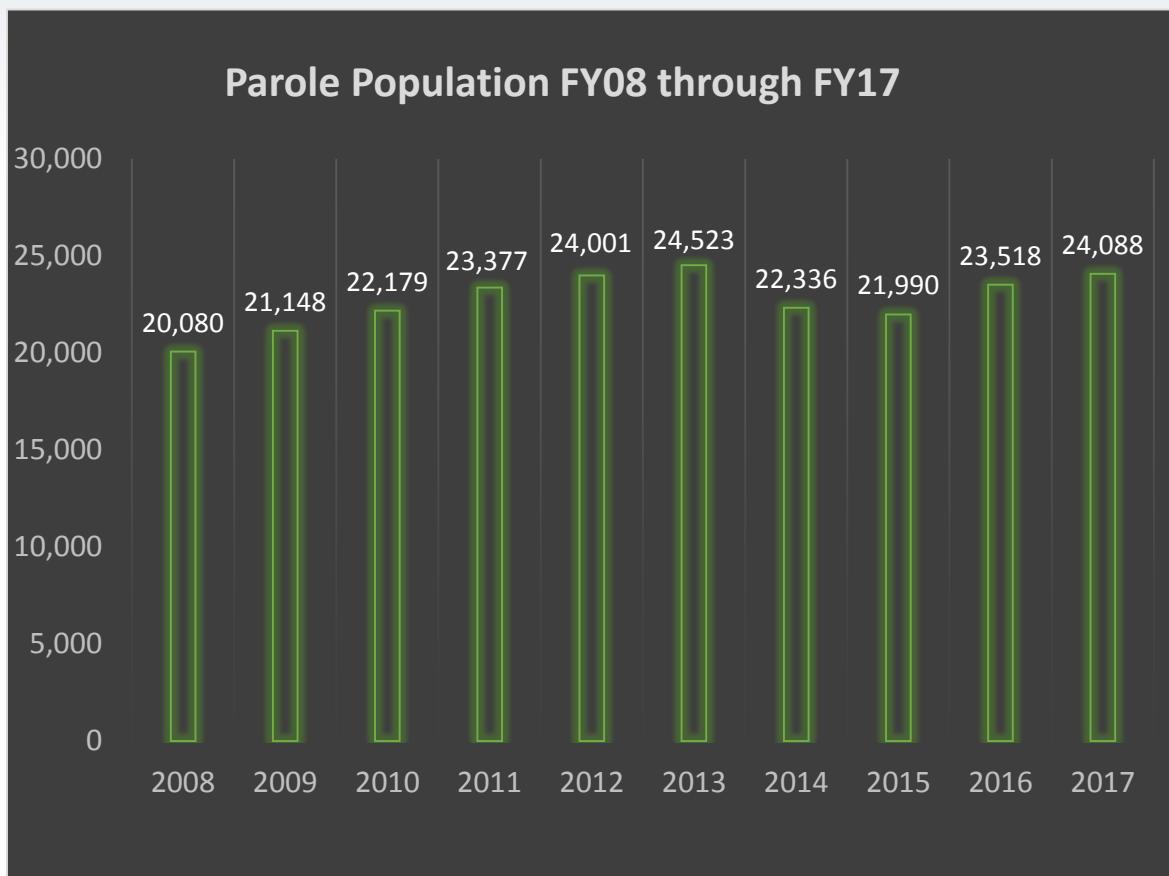
Fiscal Years 2008 through 2017

(Population Data Provided by Arkansas Community Correction)

Depending on the date of commission of the crime and/or date of 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.



Parole Population by ACC Area Office as of June 30, 2017

(Population data provided by Arkansas Community Correction)

AREA	1	2	3	4	5	6	7/8	9	10	11	12	13
PAROLE POPULATION	2,384	899	1,515	1,344	2,296	1,517	4,965	1,281	1,966	1,789	1,130	1,121

There are an additional 1,881 parolees on supervision under Interstate Compact.

Total Parole Population: 24,808



Hearings and Screenings

Fiscal Year 2017

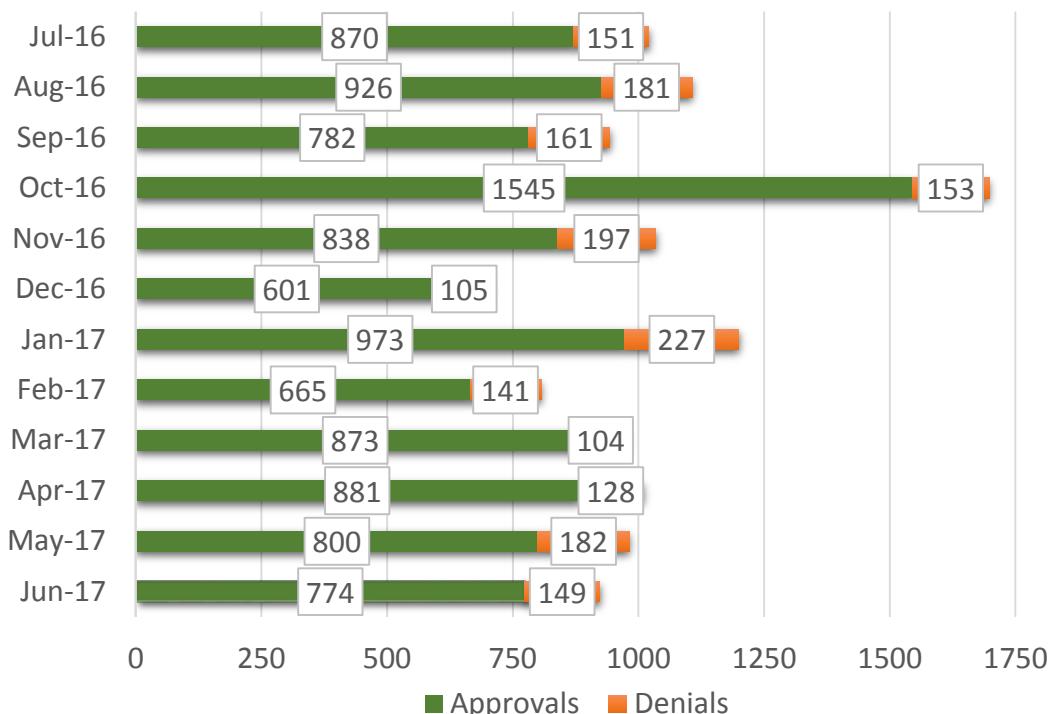
Reviews are held on all parole/transfer eligible cases. Hearings may involve one or more members of the Board taking testimony and reviewing available documentation from offenders, possible victims, and/or other interested parties. Screenings are file reviews of eligible inmates. A screening allows the 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 13 of this report.

In FY 2017, 17,512 hearings and screenings were conducted by the Board. Of that number, 10,528 were approved for release. All offenders released by the Board are subject to standard, and often special, conditions of release. The Board conducted 1,879 hearings which resulted in a denial of the inmate's release. The remaining actions consist of reconsiderations, rescinds, appeals, executive clemency actions, and all other actions of the Board.

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 on page 8 of this report.

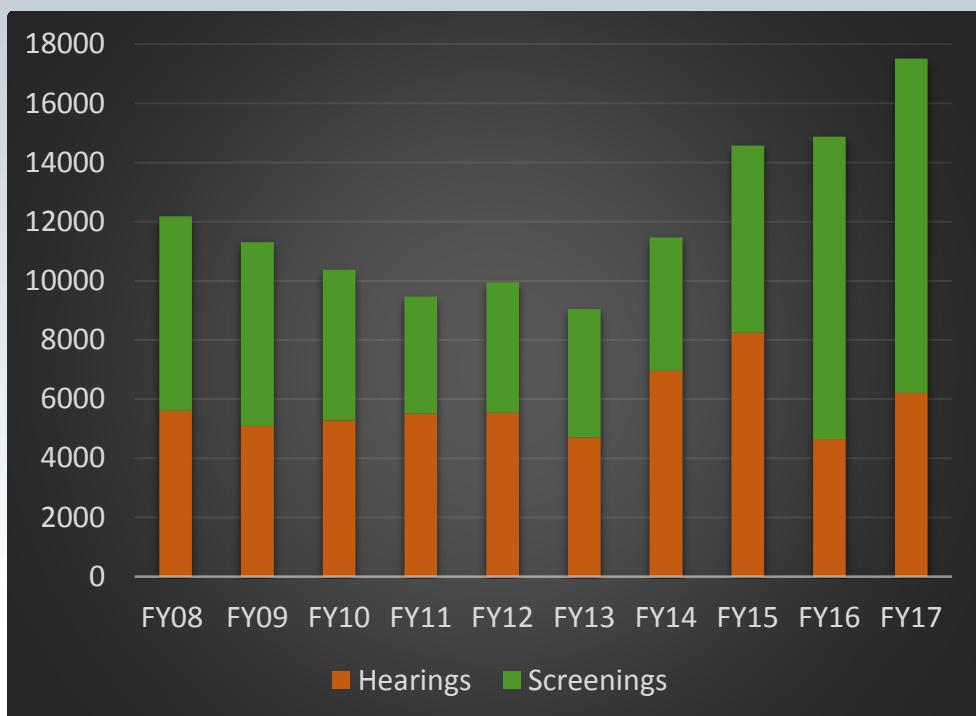
Information regarding an individual case is kept confidential. Prior to the hearing, Board members review available information regarding the offender's prior criminal history, current situation, developments related to the case since any prior consideration, information about the offender's future plans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

FY 2017 Approvals and Denials



Hearings and Screenings

Fiscal Year 2008 through Fiscal Year 2017



Frequency of Common Program Stipulations for Approved Releases FY2017

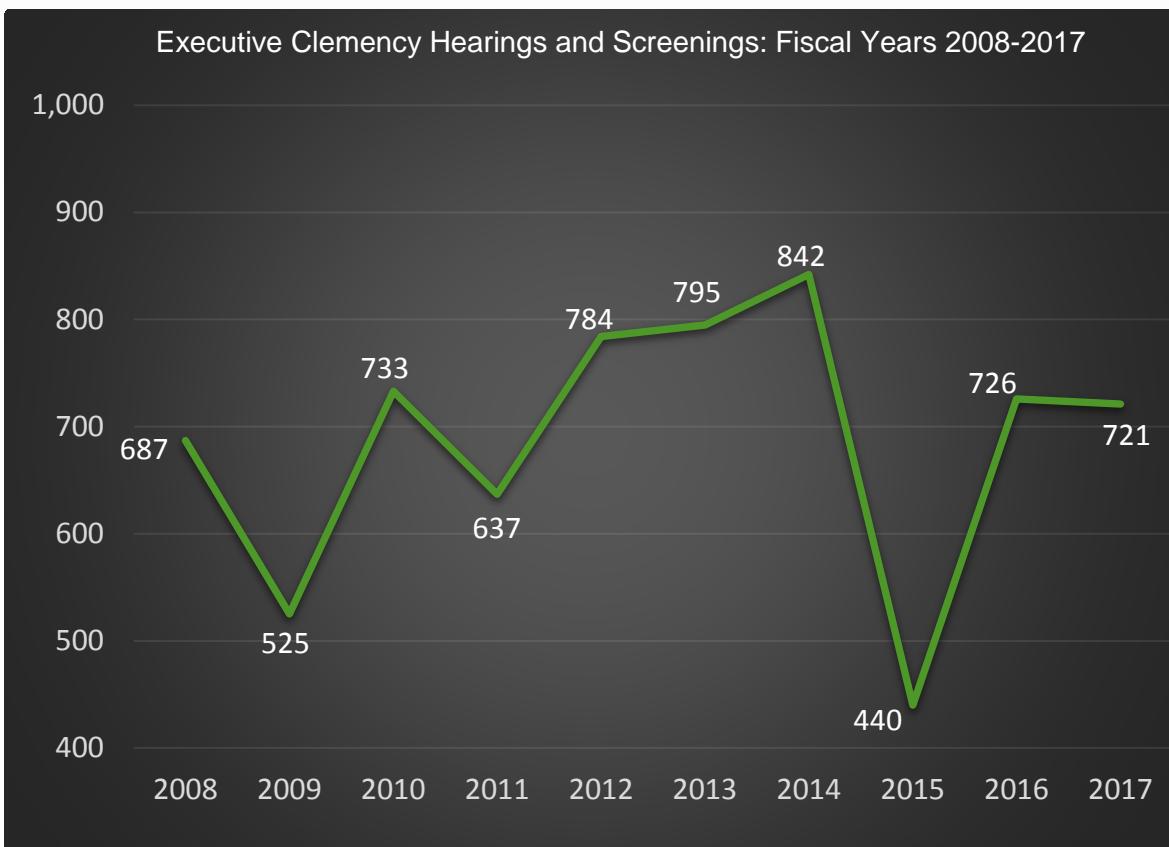
PROGRAM	COUNT
Substance Abuse Treatment Program	581
Preparing for Success	113
Therapeutic Community	209
Thinking Errors	168
Vo-Tech	148
Reduction of Sexual Victimization Program	86
Domestic Violence	78
Substance Abuse Education	75
Anger Management	40

Executive Clemency Hearings & Screenings For Fiscal Year 2008-2017

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, for example, 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.

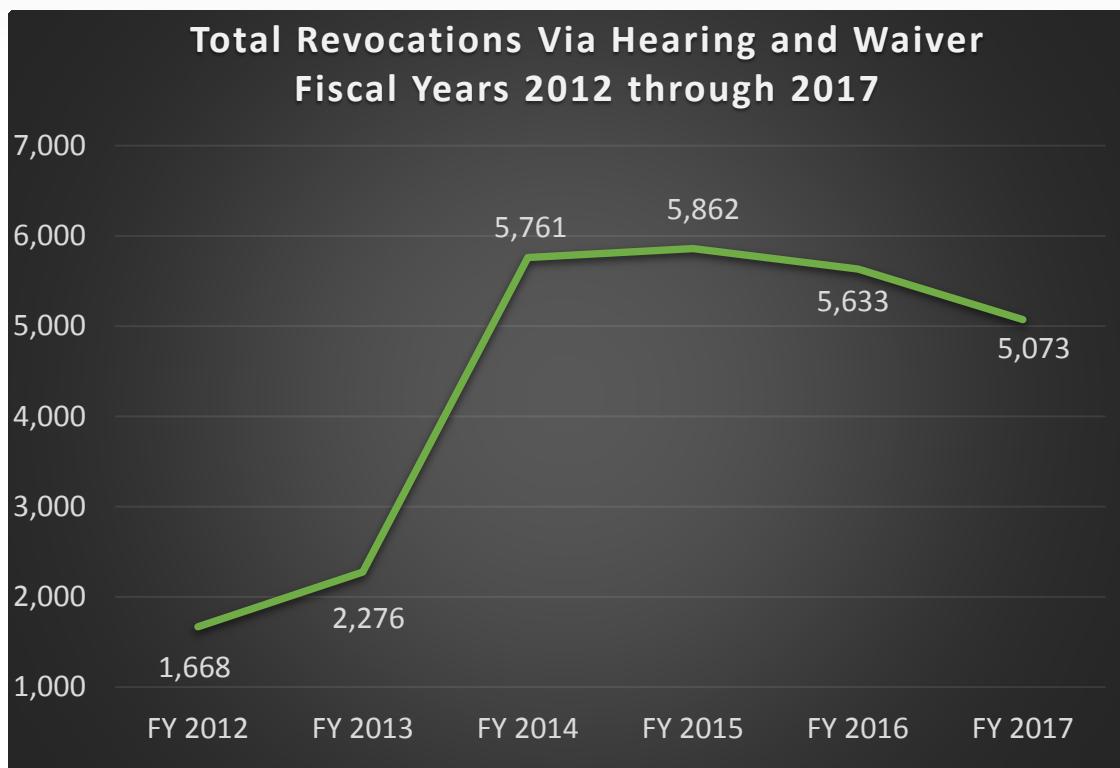
A report detailing the Board's non-binding recommendation is compiled and sent to the Governor's Office. The Board conducted 721 Executive Clemency Hearings and Screenings during Fiscal Year 2017.



Revocation of Parole

If a parolee is believed to have violated any of his/her release conditions, the 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 the parolee waives his/her right to a hearing.

A total of 2,023 hearings were held by Hearing Judges during FY 2017 (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 2017, 1,535 (76%) resulted in a parolee being revoked to ADC; 140 (7%) resulted in a parolee being revoked to the Technical Violator Program (TVP); and 348 (17%) were not revoked.



Revocation of Parole Hearings and Waivers

If a parolee waives his/her right to a hearing, he/she may be sent to the ADC or, if eligible, to an ACC Center, or ACC's Technical Violator Program (TVP). In instances where the parolee signs a waiver or is administratively revoked, a hearing will not be conducted by the Hearing Judge. If the Hearing Judge is not in agreement with the terms of the waiver as presented by the ACC Area Office, then a hearing may potentially be set to resolve any issues. During FY 2017, the Board's Revocation section processed 3,538 waivers. Of the 587 revocations based on laws violations, 403 were administratively revoked.

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 or an ADC facility, or utilize an appropriate alternative to incarceration. Should the hearing result in incarceration, the Hearing Disposition details when the offender will appear in front of the Board for consideration of release. 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. If an offender disagrees with the outcome of the revocation hearing, he/she may file an appeal, and the Board will review the case and make a determination regarding whether to affirm or reverse the decision of the Hearing Judge

FINAL ACTION	VIOLATION TYPES				TOTAL
	Laws and Technical	Laws Only	No Violations Noted	Technical Only	
Revoked	958	587	0	393	1938
Revoked Technical Violator Program	34	4	0	102	140
Waived	2286	239	0	1013	3538
Deferred	68	47	31	54	200
Reinstate	42	26	22	58	148
TOTAL	3388	903	53	1620	5964

Fiscal Year 2017

Revenue and Expenditures

For Fiscal Year 2017, the Board received \$2.22 million in funding from General Revenue. \$2.22 million was expended of that funding. The Board also received \$891.30 in revenue from Marketing & Redistribution.

FY 2017 Funding	
General Revenue (Funded)	\$2,226,521.00
Marketing & Redistribution	\$891.30
FY 2017 Total	\$2,227,412.30

FY 2017 Expenditures from General Revenue			
Commitment Item	Amount Funded (to include adjustments)	Amount Expended	Remaining Balance
Regular Salaries	\$1,441,043.00	\$1,435,390.34	\$5652.66
Personal Services Matching	\$448,167.00	\$447,896.22	\$270.78
Maintenance & Operation	\$252,811.00	\$241,456.01	\$11354.99
Conference & Travel	\$4,500.00	\$3,996.44	\$503.56
Professional Fees	\$80,000.00	\$65,880.00	\$14,120.00
Marketing & Redistribution	\$891.30	\$0	\$891.30
FY 2017 Total	\$2,227,412.30	\$2,194,619.01	\$32,793.29

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