

**COMMISSION ON ACCREDITATION FOR CORRECTIONS**  
**STANDARDS COMPLIANCE REACCREDITATION AUDIT**

Arkansas Parole Board  
Arkansas Board of Parole  
Little Rock, Arkansas

May 28 - 29, 2014

**VISITING COMMITTEE MEMBERS**

Susan Lindsey, Chairperson  
Correctional Consultant  
34020 Laurent Road  
Slidell, Louisiana. 70460  
(985) 640-6570  
[dslglfpt@aol.com](mailto:dslglfpt@aol.com)

John Baron  
Correctional Consultant  
10230 Ryan's Way  
Blue Ash, Ohio 45421  
(513) 563-7183  
[oysterking@fuse.net](mailto:oysterking@fuse.net)

**A. Introduction**

The ACA audit of the Arkansas Board of Parole was conducted on May 28-29, 2014 by the following ACA team: Susan Lindsey, Chairperson and John Baron, ACA Auditor.

**B. Facility Demographics**

The Arkansas Board of Parole does not supervise or house any inmates. Offender demographics therefore do not apply.

Full time appropriated staff: 23

Current full time staff: 22

Administrative: 14 Support Staff: 8 Vacancy: 1 Administrative Specialist

**C. Facility Description**

The Arkansas Parole Board is housed in a leased State building, Two Union National Plaza Building, located in downtown Little Rock, Arkansas at 105 W. Capitol Street, Little Rock, Arkansas. Although the Parole Board occupies the entire fifth floor, the building also leases space to other State departments/offices including: Finance and Administration, Office of Information Services, and the Arkansas Department of Community Correction.

The Arkansas Parole 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 agency Director and as a voting member of the Board of Correction. They 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 or more conditions of their release, and review all pardon and commutation applications before issuing non-binding recommendations to the Governor. It is noteworthy that the long term Chairman of the Board of Parole, Leroy Brownlee, retired shortly after the 2011 audit and John Felts was named as the new Chairman of the Board.

There are seven members of the Arkansas Parole who serve staggered seven year terms. Board members do not grant parole but can delay release for special conditions to be met. Upon receiving notice of eligible offenders through the Arkansas Department of Correction, they conduct hearings and have the authority to make decisions on the conditional release of offenders from prison and community correction centers and the terms of the release. 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 by the offender's potential to reoffend and the rehabilitation and reintegration of the offender back into the community. If the 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.

Offenders must sign an agreement with all rules and requirements which are explained and enforced by Parole Officers under the Arkansas Department of Community Corrections. Regardless of the decision, the inmate under consideration is advised of the decision in writing.

Release eligibility is determined by statute for any offenders sentenced on or after January 1, 1994. Depending on the date the offense was committed, the Board has the discretion to deny parole for all homicides, sexual offenses, and other serious offenses. The Board reviews the release of offenders convicted of non-discretionary offenses and can only delay their release to the community until the inmate has completed specific programs. Inmates who are sentenced to death or life without parole are ineligible for parole consideration. Those sentenced to life are ineligible until their sentences are commuted to a term of years.

Hearings require one or more members of the Board taking testimony and/or documentation from offenders, possible victims, and other interested individuals. Prior to the hearing, Board members conduct screenings, which are file reviews of eligible inmates. Information is made available to them from Institutional Release Services/ Arkansas Department of Correction, including the offender's prior history, current situation, and events in the case since any previous hearing, information about the offender's future plans, and relevant conditions in the community, among other factors. The Board then determines release stipulations, for example, deferred release for completion of a program or the imposition of mental health/and or substance abuse counseling or community service.

Public notification of scheduled parole release hearings is required by Parole Board policy. Hearings are open to the public with consent of the inmate. 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 and are notified of the release decision once that vote has been ratified by the Board. Unless Victims receive notifications from the Arkansas Department of Correction and the Arkansas Crime Information Center via the VINE (Victim Information Notification Everyday) automated system. Victims and/or their families are given separate hearings to voice their opposition to parole releases, but these hearings are not open to the public. These hearings are conducted every other Wednesday from 9:30 a.m. to 12:30 p.m. On these dates, twelve to fifteen inmates will be discussed and each victim is allowed ten minutes to present their opinion regarding parole. The Victim Coordinator at the Parole Board receives phone calls daily from victims and ensures they are quickly scheduled to meet with the Board. She expressed concern regarding the submission of written statements from the victim which, by policy, are available to the inmate. Victim comments made during these hearings, however, are kept confidential. The Parole Board annual statistical report reflects 336 scheduled hearings of which 107 were no shows and 229 actual hearings. Although victim hearings decreased from every week to every other week since the last ACA audit, the Parole Board clearly recognizes victim rights and makes every effort to include their input.

Revocation hearings are conducted on the behalf of the Parole Board by four hearing judges. If a parolee is believed to violate their release conditions, the supervising parole officer submits a violation report to the Board which outlines the alleged violations. Based on this report, 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. At the hearing, the hearing judge may impose additional conditions, specify whether the violator should be sent to a Technical Violation Program, if eligible, or be returned to prison. The hearing judge considers evidence supporting and countering the violation charges, as well as mitigating and aggravating circumstances. Hearing judges exercise independent judgment in cases of parole violations and have the authority to determine whether the parolee should be returned to incarceration. Any appeal of such decisions is heard by the Parole Board Chairman for a final decision. A total of 500 hearings were held during 2013, compared to 533 in 2012. 73% were revoked to Arkansas Department of Corrections, 14% were revoked to the Technical Violator Program and 13% were not revoked or deferred.

Legislative changes during the last few years have greatly increased the parole population as well as the number of hearings conducted by the Board. In 2010, there were 22,179 inmate releases; in 2011, 23, 377, in 2012, 24,001 and in 2013, 24, 523. Statistics show parole increased by more than 10%. Since 2003, the parole caseload increased by 72% with steady increases each year. There are thirteen parole areas with the largest percentage of parolees residing in North Little Rock (5,293) or 21.5%. The Department of Community Corrections office supervising these parolees operates from the only specialized parole office in the State. All other offices have dual supervision: probation and parole. This 2013 change accommodates the growing numbers and complexity of supervision in this area. In 2013, 9,043 hearings and screenings were conducted by the Board, of which 6,949 were approved for release. 77% were approved releases without stipulated pre-release programs and 23% were releases stipulated on completion of pre-release programs. Roughly 52% of the 9,043 cases were hearings (4,709) and 48% were screenings or (48%).

The Governor of Arkansas is authorized by the Arkansas Constitution to grant executive clemency including reprieves, commutation of sentence, pardons after conviction, and requests to forgive fines and forfeitures. Inmates submit requests through an Institutional Release Officer. Persons who are not incarcerated submit applications directly to the Institutional Release Services Office for background information to be obtained and made accessible to the Board. Screenings are also held for clemency applications to determine if a full Board hearing is warranted. A report is sent to the Governor's Office detailing the Board's recommendation, which is nonbinding. In the three year audit period, the following executive hearings and screenings were conducted: 2011: 624, 2012:784, 2013: 795. Since 2005, the yearly statistics ranged from 525 in 2009 to 979 in 2007.

#### **D. Pre-Audit Meeting**

On May 27, 2014, Chairperson Susan Lindsey and ACA Member John Baron met to plan the audit agenda. Solomon Graves, ACA Coordinator sent a suggested schedule in advance which they generally followed. The standards were divided as follows: APA 2-1001 through APA 2-1079 to Susan Lindsey and APA 2-1080 through APA 2-1130 to John Baron.

The ACA team met briefly upon arrival at the Parole Board Office on May 28, 2014 with John Felts, Chairman of the Parole Board. He noted the large increase in workload and the essential addition of a computer support specialist to help fully automate their records. This position was crucial given the significant increase in hearings and screenings since the last audit. Chairperson Lindsey thanked the Chairman and staff for the information provided for the auditors to prepare in advance. She noted the excellent website available through the internet which provides basic information on all services and how to access them.

#### **E. The Audit Process**

##### **1. Transportation**

Solomon Graves, Accreditation Manager met both team members and provided transportation to and from the airport and the Parole Board office. He was professional, highly knowledgeable, dependable, and accommodated all audit needs throughout the duration of the audit.

##### **2. Entrance Interview**

Following the brief meeting with Chairman Felts, the ACA team was accompanied into the large conference room to meet with most of their staff as follows. Chairman Felts mentioned that they may remember Susan Lindsey who participated as a team member in their last ACA audit. The audit team members discussed their background and reviewed the agenda for the next two days. They stressed that they would try to be as non-intrusive as possible so the important work of the Parole Board could be conducted. Chairman Felts stated they were pleased to have a Chairperson who was familiar with their operation and history. The audit team expressed appreciation on behalf of the American Correctional Association for the opportunity to be involved in their accreditation. Ms. Lindsey stated that it was impressive that they were one of only six accredited Parole Boards in the Country, and this was their fourth accreditation. Solomon Graves, ACA Accreditation Manager, provided an excellent power-point presentation on the Arkansas Parole Board that included an overview and their responsibilities, including statistical analysis of all aspects of their operation and the changes that had occurred during the last ACA audit in May 2011.

The following staff attended:

John Felts, Chairman, Richard Brown, Jr., Board member, Dawn Vandiver, Board member, Abraham Carpenter, Board Member, Jimmy Wallace, Vice-Chairman/Board member, Richard Mays, Jr., Board member, Dennis Young, Board member, Jim Williams, Hearing Judge, Solomon Graves, Administrative Services Manager, Mahogany Franklin, Fiscal Support Supervisor, John Belken, Board Investigator, Melissa Haney, Executive Assistant to the Chairman/ Victim Input Coordinator, Kenneth Giesbrecht, Computer Support Specialist, Sharon Lewis, Administrative Analyst, Lois Hansberry, Administrative Specialist 3, Laura Harp, Administrative Specialist 3, Tamara Salaam, Administrative Specialist 3, Delores Jones, Administrative Specialist 3, Hollie Cook, clerk and Sharon Doss, Administrative Specialist 2. The only staff not in attendance was Carol Bohannon and Ashley Vailes, Hearing Judges who were on leave, and Cara Boyd-Connors, Hearing Judge who was excused to prepare for hearings.

### 3. Facility Tour

The ACA team toured the Parole Board's offices from roughly 9:20 a.m. until 10:30 a.m. and was accompanied by Solomon Graves throughout the duration. The entire fifth floor which they singularly occupy was modern, and well appointed to provide a professional workspace as well as security and privacy consistent with the Board's mission. The entire facility was very well organized and spotless. Staff offices were spacious; most of the administrative offices had windows providing natural light. Staff typically had personal items and decoration. The agency is equipped with video and audio equipment to allow for revocation hearings which in five out of twenty-three facilities must be by teleconferencing. This is necessary because the correctional facilities cannot provide for public attendance at the hearing. Board members visit all of the other eighteen facilities for face to face hearings in Arkansas correctional facilities throughout the State.

Security is provided by a private company that is responsible for all space outside of the actual parole board footage. The building is open to the public from 6:00 a.m. to 6:00 p.m. from Monday to Friday. Each tenant has access codes to allow them private entrance during and after hours through coded access identification cards, which we observed upon entering the building. Additional access is allowed to the Parole Board members and administrative staff 24 hours per day, seven days per week, 365 days per year, to allow for special projects and/or additional work required by increased workloads.

4. Conditions of Confinement/ Quality of Life

As the Board of Parole does not supervise or house offenders, this section is not applicable.

**E. Examination of Records**

1. Litigation

There have been no consent decrees, judgments against the agency or class actions law-suits during the last three years.

2. Significant Incidents/ Outcome Measures

There are no significant incidents or outcome measures applicable to this audit. During the audit period, there was negative press regarding a crime occurring on May 22, 2013 that resulted in investigative inquiries in the activities of the Department of Community Correction and the Arkansas Board of Parole. According to the press release by the Department of Community Corrections spokesperson on June 21, 2013 (KTHV, Little Rock and ABC) an investigation was launched into the Department of Community Corrections and the Board of Parole due to the alleged abduction and murder of an 18 year old by a 47 year old parolee with a long criminal history and serious violations of his conditions of parole who was allowed back in the community.

The Board provided copies of communications from the Department of Community Correction spokesperson which are attached. A second press release on June 22, 2013, states that “The Arkansas Board of Corrections announced new policies on June 21, 2013, to improve the monitoring and disciplining of parolees accused of new crimes or parole violations. The six mandates come after the aftermath of the agency’s handling of an eight-time absconder recently charged with capitol murder, and range from better documentation of requests or denials for revocation hearings to requiring automatic revocation hearings for parolees who accrue new felony charges. “ It states that the Board of Corrections was investigating the case of the parolee, who, despite 14 arrests and multiple felony charges and parole violations, never saw a revocation hearing until after his May 22, 2013 arrest in the kidnapping, robbery and murder of the victim which occurred in Little Rock. More specifically, in the second communication, the parolee had at least ten felonies between two separate Little Rock drug raids in 2009 and 2010, and despite being scheduled for a revocation hearing at one point, never had one.

The Governor’s review was stated to be ongoing and continuing to evaluate possible failures at both the personnel and policy levels with the State’s parole agency.

The Governor's spokesman stated that "what you see here is an attempt to address some gaps at a systemic level, or some actions they think will help at a systemic level. If there were some procedures that the Board feels needs to be double-over lined or both--they stepped up and took their own action." The release named several legislators who indicated interest in this and similar cases and a rare investigation into the agency was begun by Arkansas State Police. The correspondence states, "The DCC will follow the will of the Board and will immediately put into place the new policies. These policies strengthen DCC procedures and will result in better supervision of offenders. One Senator stated that "this is the first acknowledgement of the Board of Corrections that things haven't been working as they should." Also, a Committee co-chairman and two senators stated the case indicated obvious shortcomings in the State's parole system. It was stated that what could be needed was better legislation, better communication or both. They stated that the Department of Community Corrections would have to accept responsibility for their actions. Also according to the correspondence, the Pulaski County jail was partially to blame for the parolee's May 8, 2013 release as they asked the Parole Officer to release the detainee to hold him. The Pulaski County Sheriff stated they are but one component of the complex system.

According to the DCC spokesperson, non-violent felonies were in a gray area that gives parole officers and their supervisors about whether to seek a revocation hearing or try alternative sanctions to correct a parolee's behavior. In this case, after a seventh absconder warrant, the parolee was told he would be sent to a revocation center and to report back after his May 8, 2013 release and never made it to his parole officer or to the revocation center as of the May 22, 2013 incident. Parole was revoked on June 5, 2013.

The legislature quickly enacted a package of bills to strengthen laws governing parole violations and to make it tougher for repeat offenders to avoid incarceration. Act 1029 of 2013 requires the Parole Board to issue an arrest warrant for any parolee charged with a violent crime or a sex crime. The Department of Community Corrections shall keep the Board informed of when these charges are filed. Act 485 repealed the eligibility of sex offenders and serious offenders to qualify for parole automatically. Even if they accumulate good time, they could only be released after the Parole Board reviews their record and approves release.

The June 21, 2013 news release from the DCC Spokesperson announced the following policy changes from the Arkansas Board of Corrections (KHTV/Channel 11/Little Rock):



- The DCC will not release parole holds on individuals awaiting a revocation hearing pursuant to requests from jail personnel
- Parolees charged with felonies, violent or sex related misdemeanors will be jailed and a revocation hearing will be sought
- Parolees who have absconded two or more times will be jailed and a revocation hearing will be sought
- DCC will fast prioritize and fast track the admission of higher risk offenders into the Technical Violator Program
- DCC will attempt to find open jail space in other jurisdiction within the state when the holding jail must release an offender who has an existing parole hold
- All requests for revocations and denials thereof will be fully documented in the offender's case file.

The conclusion of the press release is noteworthy: "The Board believes that the public deserves to have confidence in its parole system and we intend to address any deficiencies that come to light in our ongoing efforts to improve this system." The response of the Parole Board was immediate. The Chairman of the Parole Board, five of the six members, Solomon Graves, the Administrative Assistant, Investigator, Board Staff and two hearing examiners all attended a strategic planning session in Russellville, Arkansas on June 12, 2013. They agreed to action items to include:

1. Review of their language and agreement to draft a mission statement within the next 180 days.
2. They would, secondly, create a subgroup composed of the Chairman of the Board, some parole board staff, administrative law judges, Arkansas Department of Corrections staff and Department of Community Corrections staff to work on and examine the possible elements of a guideline tool within the next 60 days. The elements of offender risk, nature and seriousness of the offense, institutional conduct, to include program participation and preparation for release, planned employment, family support and housing.
3. The Board retreat or similar type of interaction away from the office would occur at least twice a year and include collaboration key criminal justice partners. Some topics would include the use of the "Matrix", policy changes made by ADC and DCC without notice to the Board, stipulations and the impact on ADC and DCC and moving short term inmate within ADC.
4. S meeting should be set up that would include participation from the Chairman, Vice-Chairman, a hearing examiner, the Chair of the Board of Corrections, the Director of the Arkansas Department of Corrections and the Director of Community Corrections. The meeting would be scheduled within 90 days.

5. The development of a strategy for communicating information to the media, civic groups, law enforcement organizations and legislators.
6. The Parole Board administrator and administrative assistant would work on this project and report progress to the Board in 120 days, to include review of training utilized by other Parole Boards for best use of face-to-face time.
7. The seventh and final action item was that the four hearing examiners should work on these issues and provide information regarding progress within 90 days.

Reviews of Parole Board meeting minutes reflected that there is ongoing progress, to include work with VERA, and a pilot risk instrument developed with a recidivism expert who has created similar tools in other states.

The audit team discussed the concerns with Board members and the ACA Coordinator. They stated that unless the parole officer submits the violation report, they cannot issue a warrant, and given past discretion, parole officers under the Department of Community Corrections were able to independently elect to utilize alternative sanctions to include release. Although a warrant could be requested, however, we were advised that unless the warrant was executed as a detainer, it was considered a “white warrant” which did not require the Board to act and was the responsibility of the Department of Community Corrections. The team observed an example of this concern during a hearing that was scheduled but had to be delayed due to the failed appearance of the arresting officer.

Both auditors consider the lack of jail space a major contributing factor. Pulaski County Sheriff’s Office, the largest county in the State, was stated to no longer accept parole violators. Procedure requires that parole officers, who have very large caseloads (70 if supervising high risk cases, and 250, if low risk cases), in addition to supervising a large caseload, must quickly find a bed in one of the other areas of the State to detain parole violators. As sheriffs do not receive per diem payments for violators who have not yet been revoked to the Arkansas Department of Corrections, the officer must either find space or consider an allowable alternative. During the hearing the team observed, another consideration is time spent awaiting the hearing, which is limited by ACA standards, which is also a factor in deciding whether or not to lift the detainer.

The ACA team felt that this case and any others like it would be the responsibility of both the Department of Community Corrections and the Arkansas Parole Board, who must be kept, informed of serious violations timely and ensure that warrants are requested for offenders to be arrested and to conduct timely hearings. Department of Community Corrections officers must arrest and detain serious violators without delay to address public safety concerns. Releases or alternative sanctions must be appropriate to protect the public.

The policy on Revocation—Procedures and hearings generally under 16-93-705 was reviewed and a copy is attached. It did not appear to require any reporting to the Parole Board of violations unless a warrant is requested after the parolee is arrested and detained. The new mandates imposed in 2013 reduce discretion by the parole officer. However, there seems to be a need for greater involvement required by the Board by policy. In some other states, Parole Boards are typically informed of all serious violations and approve the recommended action or release by the Parole Officer which better ensures consistency and appropriate sanctioning. Statistical reports or other spreadsheets could also be utilized to improve oversight as an alternative if communication was effective with the Department of Community Corrections to ensure releases and sanctions are appropriate.

The availability of jail space is also essential to a solution. In some states, legislatures have authorized per diem payment by Department of Corrections to sheriffs after a preliminary hearing is held. These hearings are later followed by a parole board revocation hearing or if the parolee waives his right and he is then automatically revoked. Other options such as creation/expansion of technical revocation centers could provide immediate space for such violators. Some of the costs could be at the offender's expense if transitional work were included. These and other possible alternatives would likely require legislative involvement as well as cooperation between all of the involved criminal justice agencies.

### 3. Departmental Visits

The ACA team interviewed or met with all except employees who were absent. The staff was cohesive and eager to talk with us. Several support staff employees were dedicated to accomplishing the full automation of their records through Eomis, which required additional work but was essential to the increased caseload required by recent changes to address policy changes noted above. The number of hearings and screenings greatly increased and all documents, schedules, computer entry relative to each case multiplied their responsibilities. They typically stated they enjoyed their work and were happy to be employed by the Parole Board. One individual loved her job, but felt there was no advancement possible due to the small size of the staff. Another support staff member was happy with the hours and work, but felt underpaid for the work performed. All of the interviews reflected respect for the Board; that they were valued and treated as professionals and part of the team, as well as part of the "Parole Board Family". There was mutual respect between all levels of staff observed. One of the parole board members complained that the overreaction to the incident has created an excessive workload for the agencies involved. The members of the Board, the hearing judges, administrative staff and support staff worked well together.

4. Shifts

All agency staff works Monday through Friday from 8:00 a.m. until 5:00 p.m.

5. Status of Previously Non-Compliant Standards/Plan of Action

APA Standard 2-1042 was non compliant during the last audit. They submitted a waiver for discretionary compliance which was granted on May 20, 2014 with which auditors agreed. The argument then, and still, is that Arkansas salaries are typically lower. Although the Parole Board members salaries do not fall within 80% of felony trial court judges, the present salaries were and are still highly competitive in Arkansas and considered acceptable compensation for the work performed by parole board members..

**F. Interviews**

1. Offender Interviews

The audit team did not interview any offenders or visiting victims/family members as there were none present during the two day audit. Victims are interviewed twice a month, but the audit did not occur during one of these weeks.

2. Staff Interviews

The audit team conducted interviews with most staff which included the following individuals: John Felts, Chairman, Solomon Graves, Administrative Services Manager, Mahogany Franklin, Fiscal Support Supervisor, Mellissa Haney, Executive Assistant to the Chairman, Ken Giesbrecht, Computer Support Specialist, Sharon Lewis, Administrative Analyst, Tamara Salaam, Administrative Specialist 3, Delores Jones, Administrative Specialist 3, Sharon Doss, Administrative Specialist 2/Receptionist, Abraham Carpenter, Board member, Richard Brown, Jr., Board Member, Jimmy Wallace, Vice-Chairman, and Cara Boyd-Connors, Hearing Officer. Board members indicated that they have a very busy schedule of visiting the various Arkansas prisons to conduct parole hearings. They meet bi-weekly for a paper vote as to whether all criteria are met for parole release. The Board's training coordinator, Solomon Graves, provided impressive documentation in individual training files, spread sheets, and completed courses for all staff examined by the team. Mr. Graves is also an adjunct professor who has completed advanced training courses including the university requirements for instruction and design for public administrators. Interviews with the human services director and training coordinator reflected excellent training and management of staff at all levels.

## **H. Exit Discussion**

The ACA team met in the large staff conference room of the Administration Building at approximately 1:30 p.m. on May 29, 2014. Chairman Felts stated that this was a very comprehensive ACA audit. Ms. Lindsey first recognized the special guests and staff involved in the process: Jerry Bradshaw, ACC, Deputy Director, Residential Services/Community Corrections Centers and the Board of Parole audit team, led by Solomon Graves, ACA Coordinator. Both auditors praised Mr. Graves for his knowledge of every aspect of operation. He provided a great presentation on the Parole Board and provided access to all data and documentation needed. ACA Auditor John Baron discussed the standards he reviewed. He noted the great organization of the ACA files which made them easy to audit. Another area that he applauded was the victim program and the impressive work of the victim coordinator. He observed a highly professional staff and a team atmosphere was evident throughout the audit. Chairperson Lindsey stated that the standards she reviewed pertained to human resources, training, administration, research and statistics, and budget/fiscal administration. She was impressed by the competent, team like staff with mutual respect, good leadership, camaraderie, and excellent training. The Board of Parole operated well especially given the large increase in dockets and the violation process impacting both support and administrative staff. She recognized the strides made by the Parole Board to better communicate with essential partners. An example is the semi-annual meetings/retreats and the action plan underway to include work with VERA and the development of a risk instrument with the assistance they sought from a known recidivism expert. Both auditors thanked the staff and particularly Solomon Graves for their great hospitality.

Their findings were stated to be: 0 mandatory standards, 130 non-mandatory standards, of which 120 were applicable and 119 were compliant. The overall compliance was determined to be 99.2%. These findings and the audit team's report would be sent to the American Correctional Association Commission on Accreditation for their review and determination of reaccreditation. Their findings and reaccreditation would be presented at the Salt Lake City conference in August, 2014. Chairperson Lindsey congratulated the staff on these impressive findings and urged them to continue to strive for excellence.

The following employees were in attendance:

John Felts, Chairman, Richard Brown, Jr., Parole Board member, Dawne Vandiver, Parole Board Member, Abraham Carpenter, Parole Board member, Jimmy Wallace, Vice Chairman of the Parole Board, Richard Mays, Jr., Parole Board member, Dennis Young, Jim Williams, Parole Board Member, Ashley Vailes, Hearing Judge, Mahogany Franklin, Fiscal Support Supervisor, John Belken, Board Investigator, Melissa Haney, Executive Assistant to the Chairman, Kenneth Giesbrecht, Computer Support Specialist, Sharon Lewis, Administrative Analyst, Lois Hansberry, Administrative Specialist 3, Laura Harp, Administrative Specialist 3, Tamara Salaam, Administrative Specialist 3, Delores Jones, Administrative Specialist 3, Hollie Cook, clerk and Sharon Doss, Administrative Specialist 2/Receptionist. Special guests were Jerry Bradshaw, Deputy Director ACC and Robin Radford, guest.

COMMISSION ON ACCREDITATION FOR CORRECTIONS

AND THE

AMERICAN CORRECTIONAL ASSOCIATION

**COMPLIANCE TALLY**

<b>Manual Type</b>	Adult Probation and Parole Authorities, Second Edition	
<b>Supplement</b>	2012 Standards Supplement	
<b>Facility/Program</b>	Arkansas Parole Board Arkansas Parole Board	
<b>Audit Dates</b>	May 27-28, 2014	
<b>Auditor(s)</b>	Susan Lindsey, Chairperson John Baron, Member	
	<b>MANDATORY</b>	<b>NON-MANDATORY</b>
Number of Standards in Manual	0	130
Number Not Applicable	0	10
Number Applicable	0	120
Number Non-Compliance	0	1
Number in Compliance	0	119
Percentage (%) of Compliance	n/a	99. 2%
<ul style="list-style-type: none"> <li>• Number of Standards minus Number of Not Applicable equals Number Applicable</li> <li>• Number Applicable minus Number Non-Compliance equals Number Compliance</li> <li>• Number Compliance divided by Number Applicable equals Percentage of Compliance</li> </ul>		

COMMISSION ON ACCREDITATION FOR CORRECTIONS

Arkansas Parole Board  
Arkansas Board of Parole  
Little Rock, Arkansas

May 28 - 29, 2014

Visiting Committee Members

Non-Mandatory Standards

Non-Compliance

**Standard #2-APA-1042**

SALARIES OF PAROLE AUTHORITY MEMBERS ARE WITHIN TWENTY PERCENT OF THE SALARY PAID TO JUDGES OF COURTS HAVING TRIAL JURISDICTION OVER FELONY CASES. (ESSENTIAL)

FINDINGS:

Parole Board members' salaries do not fall within 80% of the salary of trial court judges. However, typical salaries in Arkansas are lower and comparably favorable for Parole Board members. Discretionary compliance was requested and granted on May 20, 2014.

AGENCY RESPONSE

Discretionary Compliance Request

1. An unwillingness to request funds from a parent agency or funding source.
2. An objection from a parent agency, higher level government official or funding source to the nature of the standard/expected practice.
3. A clear policy in place at a higher level that is contrary to the requirements of the standard/expected practice.

While we understand ACA's intent in expecting that Adult Parole Authority members make no less than 80% of the salary of trial court judges that have jurisdiction over felony cases (2-APA-1042), it is not feasible for the Arkansas Parole Board to meet this standard. The Arkansas General Assembly approves the compensation level for all State employees on an annual basis. The members of the Arkansas Parole Board are classified in a pay grade with an authorized compensation level of \$73,116 – \$91,395 depending on length of service. Our Chairman has been appropriated an annual salary of \$104,060 (Fiscal Year 2015). These salaries are some of the highest among members of Boards and Commissions in our state. In Arkansas, a trial [Circuit] court judge makes \$140,372.



During the most recent legislative session, all state salaries received a 1% cost of living increase, with another 1% cost of living increase being planned for Fiscal Year 2016. Budget instructions released by the Governor clearly indicate that position reclassifications and salary increases are not to be requested, except in extreme situations. This environment does not allow the Board to pursue a salary increase which would amount to a \$30,000 increase in pay to bring our lowest paid Board member into compliance (\$27,000 for the highest paid member and \$10,000 for the Chairman). In addition, current US Census Bureau figures show that the median family income in Arkansas is only \$50,300. Our members receive a salary that is more than reasonable and adequate in comparison and in no way does their compensation level affect the life, health, and safety of staff or inmates/residents/offenders or parolees or, to any degree, the constitutional operation of the Board.

#### AUDITOR'S RESPONSE

While we agree with the request for discretionary compliance with 2-APA-1042 salaries within 20 percent of trial judges, we have significant concerns with the violation process as noted in the report. We believe that there must be a shared responsibility or oversight by the Board of Parole Violators to ensure an effective parole process. This will require a higher authority since statutes do not currently require this; but there is a significant void as represented by recent concerns.

COMMISSION ON ACCREDITATION FOR CORRECTIONS

Arkansas Parole Board  
Arkansas Board of Parole  
Little Rock, Arkansas

May 28 - 29, 2014

Visiting Committee Members

Non-Mandatory Standards

Not Applicable

**Standard #2-APA-1001**

THE JURISDICTION HAS A SINGLE AUTHORITY PROVIDED BY STATUTE WHICH HAS PAROLE DECISION MAKING POWER WITH RESPECT TO ALL OFFENDERS CONVICTED OF A FELONY WHO ARE SENTENCED TO A TERM OF IMPRISONMENT AND ARE ELIGIBLE FOR DISCRETIONARY PAROLE. (IMPORTANT)

FINDINGS:

The Arkansas Parole Board does not determine eligibility for release/transfer of offenders, but determines conditions of release. They can delay release for up to two years to complete pre-requisite programming or other special conditions ordered by the Board.

**Standard #2-APA-1002**

WHEN THE PAROLE AUTHORITY IS ADMINISTRATIVELY PART OF A FEDERAL, STATE OR LOCAL OVERALL CORRECTIONAL AGENCY, IT IS INDEPENDENT FROM THE CONTROL OF ANY OF THE UNITS IN THE AGENCY IN ITS DECISION-MAKING FUNCTIONS. (ESSENTIAL)

FINDINGS:

The Arkansas parole Board is the paroling authority for the State of Arkansas and is not part of any other agency. They report through the Chairman of the Board to the Governor of Arkansas.

**Standard #2-APA-1009**

WHILE THE EXISTENCE OF A STATUTORY LIMIT MAY PREVENT DISCHARGE PRIOR TO TWO YEARS OF PAROLE, THE PAROLE AUTHORITY HAS THE STATUTORY POWER TO DISCHARGE FROM PAROLE IN ALL CASES SUBSEQUENT TO THIS LIMITATION. (ESSENTIAL)

FINDINGS:

The Arkansas Board of Parole does not have authority to discharge an offender from parole. This is the responsibility of the Arkansas Board of Corrections.

**Standard #2-APA-1058**

ALL PART-TIME STAFF AND VOLUNTEERS WORKING LESS THAN 40 HOURS PER WEEK RECEIVE TRAINING APPROPRIATE TO THEIR ASSIGNMENTS; VOLUNTEERS WORKING THE SAME SCHEDULE AS FULL-TIME, PAID STAFF RECEIVE THE SAME TRAINING AS FULL-TIME STAFF. (ESSENTIAL)

FINDINGS:

The Arkansas Board of Parole does not employ part time employees or utilize volunteers.

**Standard #2- APA-1071**

OFFENDERS ARE NOTIFIED IN WRITING OF THEIR FIRST LEGAL ELIGIBILITY DATE FOR A PAROLE HEARING WITHIN 90 CALENDAR DAYS AFTER BEING RECEIVED IN A CORRECTIONAL INSTITUTION. (ESSENTIAL)

FINDINGS:

The Arkansas Board of Parole does not provide eligibility dates/notice to offenders as this is determined by the Board of Corrections.

**Standard #2- APA-1072**

OFFENDERS ARE SCHEDULED AUTOMATICALLY FOR HEARING AND REVIEW BY THE PAROLE AUTHORITY WITHIN ONE YEAR AFTER BEING RECEIVED IN A CORRECTIONAL INSTITUTION IF THERE IS NO MINIMUM ELIGIBILITY DATE. (ESSENTIAL)

FINDINGS:

The Arkansas Board of parole has no statutory authority to release and offender early or to discharge an offender from parole. Parole release eligibility including notice to the offender is the responsibility of the Arkansas Board of Corrections.

**Standard #2- APA-1073**

OFFENDERS MAY BE RELEASED EARLIER THAN INITIALLY ANTICIPATED, ACCORDING TO LAW AND IN CONFORMITY WITH THE AUTHORITY'S PREVIOUSLY ESTABLISHED AND WRITTEN CRITERIA. (ESSENTIAL)

FINDINGS:

The Arkansas Board of parole has no statutory authority to release and offender early or to discharge an offender from parole. Parole release eligibility is determined by the Arkansas Board of Corrections.

**Standard #2-APA-1121**

IN JURISDICTIONS WHERE THE PAROLE AUTHORITY HAS DISCRETION TO AWARD OR FORFEIT GOOD CONDUCT DEDUCTIONS FOR TIME SERVED ON PAROLE IN THE COMMUNITY, THERE ARE WRITTEN GUIDELINES FOR THE AWARD OR FORFEITURE OF SUCH DEDUCTIONS. (ESSENTIAL)

FINDINGS:

The Arkansas Board o Parole does not have discretion to award or forfeit good conduct deductions while on parole or in the community.

**Standard #2-APA-1124**

PAROLEES ARE NOT CONTINUED UNDER ACTIVE PAROLE SUPERVISION AFTER ONE YEAR UNLESS, CONSISTENT WITH THE PAROLE AUTHORITY'S WRITTEN POLICY, GOOD REASONS EXIST TO SHOW THAT SUCH CONTINUED SUPERVISION IS REQUIRED. (ESSENTIAL)

FINDINGS:

The Arkansas Board of parole does not have the authority to extend active parole after one year.

**Standard #2-APA-1125**

IF NOT DISCHARGED AFTER ONE YEAR OF RELEASE ON PAROLE OR THE STATUTORY MINIMUM PERIOD, THE PAROLEE MAY REQUEST A DISCHARGE REVIEW BY THE AUTHORITY. (ESSENTIAL)

**FINDINGS:**

The State of Arkansas statutes do not give the Arkansas Parole Board the authority to discharge parolees.