

COMMISSION ON ACCREDITATION FOR CORRECTIONS
STANDARDS COMPLIANCE REACCREDITATION AUDIT

Arkansas Parole Board
Arkansas Board of Parole
Little Rock, Arkansas

June 15 - 16, 2020

VISITING COMMITTEE MEMBERS

Kenneth Valentine, Chairperson
ACA Auditor

Theresa Grenier, CCS
ACA Auditor

A. Introduction

The audit of the Arkansas Parole Board, Little Rock, Arkansas was conducted on June 15-16, 2020, by the following team: Ken Valentine, Chairperson; and Theresa Grenier, Member.

B. Facility Demographics

The Arkansas Parole Board does not supervise or house any inmates, therefore only the following demographics apply:

Full-Time appropriated Staff:	27
Current full-time staff:	19
Commissioners:	7
Administrative:	5
Revocation Hearing Judges:	3
Support:	5

C. Facility Description

The Arkansas Parole Board is located at 105 W. Capitol, Suite 500, Little Rock, Arkansas, occupying the fifth floor of leased state building, and is currently about seven miles from the Clinton National Airport. However, they will be moving to North Little Rock in the very near future into a building owned by the Timex Corporation, along with several other state agencies.

The Board is an independent body with members 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. In addition, he is also a voting member of the Board of Correction. The duties of the Parole Board 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.
3. Reviewing all pardon and commutation applications and issuing non-binding recommendations to the Governor.

D. Pre-Audit Meeting

The team met on June 14th in Little Rock, to discuss the information provided by the Association staff and the officials from the Arkansas Parole Board

The chairperson divided standards into the following groups:

Standards # APA 2-1001 to 2-1069 Ken Valentine, Chairperson

E. The Audit Process

1. Transportation

The team was escorted to the facility by Christie Goldman, Business Operations Manager.

2. Entrance Interview

The audit team met with Parole Board Chairman, John Felts, and Staff in the agency conference room. The team expressed the appreciation of the Association for the opportunity to be involved in their reaccreditation process.

It was explained that the goal of the visiting team was to be as helpful and non-intrusive as possible during the conduct of the audit. The chairperson emphasized the goals of accreditation toward the efficiency and effectiveness of correctional systems throughout the United States. The audit schedule was also discussed at this time.

The following persons were in attendance:

Ken Valentine	ACA Audit Chairperson
Theresa Grenier	ACA Team Member
John Felts	Board Chairman
Lona McCastlain	Vice Chairperson
Wendy Ryals	Commissioner/Secretary
Jessie Jackson	Administrative Specialist
Tamara Salaam	Administrative Support Supervisor
Lisa Wilkins	Revocation Hearing Judge
Scott Howard	Investigator
Lakeshia Swanigan	Administrative Specialist
Christie Goldman	Business Operations Manager
Brooke Cummings	Executive Administrator
William Bowman	Systems Coordinator Analyst
Solomon Graves	Chief of Staff
Carol Bohannon	Revocation Hearing Judge
Felicia Bentley	Administrative Specialist
Hollie Wellborn	Executive Assistant to the Chairman

3. Facility Tour

The team toured the administrative offices of the Parole Board from 8:30 a.m. to 9:30 a.m. The following persons accompanied the team on the tour and responded to the team's questions concerning facility operations:

Brooke Cummings
Christie Goldman

Executive Administrator
Business Operations Manager

Notices were prominently posted at the entrance of the Parole Board office and at the entrance of the main conference room.

4. Conditions of Confinement/Quality of Life

The majority of the portions of the audit report dealing with quality of life do not apply as these are administrative offices only, with a small staff who have little to no direct contact with offenders.

Security:

There are four digital interior cameras that are monitored in the administrative area of the office.

There are two entrances to the building where the Parole Board is housed. Staff enters with pass cards.

Entrance to the office is by permission only with doors controlled by electronic locks.

Environmental Conditions:

The audit team found the Board's environmental conditions to be appropriate with artificial and natural lighting, noise levels, heating and air conditioning.

The facility was found to be well organized with all areas designed for confidentiality as well as security.

Sanitation:

The audit team found the facility to be exceptionally clean. Attention to detail was given for preventing the spread of COVID 19 with ample disinfecting supplies available and all staff wearing masks.

F. Examination of Records

Following the facility tour, the team proceeded to the conference room to review the accreditation files and evaluate compliance levels of the policies and procedures. The facility has no notices of non-compliance with local, state, or federal laws or regulations.

1. Litigation

The Arkansas Parole Board has nine open lawsuits pending and are as follows:

Michael Lenz v. APB 60CV-18-8703
Ryan McDonald v. State of Arkansas, et al. 60CV-7802
Xavier Cravenwolfe v. APB 60CV-18-4419
Michael D. Goldsmith v. John Felts, APB 60CV-19-827
Terrance Proctor v. APB 60CV-19-3396
Eddie Lee Arnold v. Wendy Kelley, et al 60CV-19-5591
Frederick Pennington v. State of Arkansas, et al 60CV-19-908
Allen Yancy v. John Felts 60CV-19-6527
Josue Hernandez v. APB, et al 60CV-20-2944

2. Significant Incidents/Outcome Measures

There are no significant incidents or outcome measures applicable to the Parole Board audit.

3. Departmental Visits

The audit team met with Parole Board Commissioners, administrative staff and Revocation Hearing Judges.

4. Shifts

This audit consisted of an administrative office review which operates on a nine to five schedule.

5. Status of Previously Non-compliant Standards/Plans of Action

According to the previous visiting committee report, there were no “non-compliant” standards.

G. Interviews

During the course of the audit, team members met with both staff and offenders to verify observations and/or to clarify questions concerning facility operations.

1. Offender Interviews

There were no offenders to interview.

2. Staff Interviews

It was explained that the Commissioners individually hold a hearing with inmates that are being considered for parole. The Commissioner makes a recommendation to the entire Board who then makes the final decision as to whether or not the offender should be paroled.

The warrant process for parole violators was explained by one of the Hearing Judges. It was further explained that Parole Revocation Hearings for Parole violators, held by Hearing Judges, are Board certified attorneys. Parole violators are given the opportunity to have a hearing or to waive it. If they chose to have a hearing, the hearing is held within 14 days of a detention warrant being served. If a hearing is held, the Hearing Judges swear in all witnesses to tell the truth. The Hearing Judge makes sure that the parolee has been afforded his/her “due process rights.” The Hearing Judge hears all testimony and then renders a decision as to whether to continue the parolee on supervision, add additional conditions of supervision, or to revoke the parole. The parolee is verbally notified the same day as to the decision and receives a copy of the written disposition within 21 days from the hearing. On this day, eight out of ten parole violators wanted hearings.

A conversation with the IT specialist working with the Parole Board advised that prior to the pandemic, they were transitioning to the use of video conferencing to hold hearings with offenders. Currently, hearings are being held by video conference where available, or audio conference in light of COVID 19. The team was allowed to observe both a Parole Release hearing and a Revocation Hearing.

A staff member dealing with victims was also interviewed. She advised that she schedules and notifies victims requesting meetings with the Parole Board.

All staff advised that they enjoyed their work and that the conditions and supervisors were easy to work with.

H. Exit Discussion

The exit interview was held at 12:10 p.m. in the conference room with the Parole Board Chairman, John Felts, and 14 staff in attendance.

Arkansas Department of Corrections Secretary, Wendy Kelley, had planned to be present for the exit meeting, but was called away at the last minute due to an outbreak of COVID 19 at one of her institutions.

The chairperson explained the procedures that would follow the audit. The team discussed the compliance levels of the non-mandatory standards and reviewed their individual findings with the group.

The chairperson expressed appreciation for the cooperation of everyone concerned and congratulated the facility team for the progress made and encouraged them to continue to strive toward even further professionalism within the correctional field.

AMERICAN CORRECTIONAL ASSOCIATION
AND THE
COMMISSION ON ACCREDITATION FOR CORRECTIONS

COMPLIANCE TALLY

Manual Type	Adult Parole Authority, 2 nd Edition	
Supplement	2016 Standards Supplement	
Facility/Program	Arkansas Board of Parole	
Audit Dates	June 15 – 16, 2020	
Auditor(s)	Ken Valentine, Chairperson Theresa Grenier, Member	
	MANDATORY	NON-MANDATORY
Number of Standards in Manual	0	131
Number Not Applicable	0	8
Number Applicable	0	123
Number Non-Compliance	0	2
Number in Compliance	0	121
Percentage (%) of Compliance	100%	98.4%
<ul style="list-style-type: none"> ● Number of Standards <i>minus</i> Number of Not Applicable <i>equals</i> Number Applicable ● Number Applicable <i>minus</i> Number Non-Compliance <i>equals</i> Number Compliance ● Number Compliance <i>divided by</i> Number Applicable <i>equals</i> Percentage of Compliance 		

COMMISSION ON ACCREDITATION FOR CORRECTIONS

Arkansas Parole Board
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June 15 - 16, 2020

Visiting Committee Findings

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 JURISDICTION OVER FELONY CASES.

FINDINGS:

Circuit Judges reportedly make \$168,096 annually. 80% of that salary is \$134,476.80. By statute the Chairman is paid at the “SE01” pay grade (\$108,110 - \$147,200). Parole Board Commissioners are paid at the “GS13” pay grade (\$77,862 - \$112,900). Only the Chairman could reach the 80% salary level of Judges, Therefore, by statute Arkansas is unable to comply with this standard.

AGENCY RESPONSE:

Waiver Request

While we understand ACA’s intent in expecting the Adult Paroling Authorities members make within 20% of trial court judges, it is not feasible for the Arkansas parole Board to meet this standard. We agree that our members work that is similar in scope to that of a trial court judge and should receive “adequate” compensation and that this is essential to helping to attract persons with required skills and experience to serve on parole boards. The Arkansas General Assembly appropriates the budgets of all agencies on an annual basis. The members of the Arkansas Parole Board are classified in a pay grade with a compensation level of \$77,862–\$112,900 depending on length of service. Our Chairman is in a pay grade with a compensation level of \$108,110–\$147,200. In FY19, a Labor Market Rate pay was implemented for the Chairman and Parole Board members. This resulted in a salary increase and raised the starting salary of a Commissioner from \$83,078 to \$95,381 (an increase of \$12,303 annually) and the salary of the Chairman was increased from \$108,110 to \$118,922 (an increase of \$10,811 annually).

Circuit Court Judges in Arkansas having trial jurisdiction over felony cases have an annual salary of \$168,096 (80% would be \$134,476.80). Based on May 2019 data from the U.S. Bureau of Labor Statistics, \$42,690 is the annual mean wage for the State of Arkansas with Probation Officers and Correctional Treatment Specialists having an annual mean wage of \$39,780. Based on the recent pay increases received by the Board and due to major budget cuts as a result of COVID-19 and its impact on our State, the current environment is not conducive to seeking additional pay for the Board at this time.

AUDITORS' RESPONSE:

It is the opinion of this writer that the Arkansas Parole Board is unable to meet this standard due to the pay scales for Board members being set in state statute. While efforts to increase the salaries of the Board members have been successful, they have not been raised to the level specified by this standard.

Therefore, I agree with the Waiver Request.

Standard #2-APA-1085

THE OFFENDER IS NOTIFIED PERSONALLY AND ORALLY BY THE PAROLE AUTHORITY MEMBERS OR HEARING EXAMINERS WHO HAVE HEARD THE CASE AS TO THE RECOMMENDATION OR DECISION IMMEDIATELY AFTER THE HEARING.

FINDINGS:

After parole hearings, Commissioners do not immediately notify offenders of the release decision. After the one-on-one hearing is conducted by a Commissioner, a recommendation is made to the entire Parole Board who reviews the hearing report from the Commissioner and make a final decision. The offender is then notified in writing. While offenders are notified orally the same day after a revocation hearing, offenders are not notified orally after a Parole (release) hearing as stipulated in the standard.

AGENCY RESPONSE:

Waiver Request

Offenders who attend revocation hearings are informed of the decision immediately after the hearing. A person considered by the Board for release will be advised in writing of the Board's decision within 21 days from the date of the hearing. The notification will include the Board's action and the most significant reason(s) for that action. The needs for safety and security within each unit prescribe that no information concerning the vote on the possible release of an inmate will be made until such date determined by the Board following the ratification of voting held at a regularly scheduled meeting of the Board. These open meetings, as required by law, are the forum in which the Board is to make public its findings for each eligible parole candidate.

In order for a recommendation to become a final action, Arkansas law mandates that five of seven Board members must be express agreement with the recommendation through voting and then that vote must then be ratified in a public meeting. Board meetings are held every other week on Thursdays. On Wednesdays prior to Board meetings, the Board holds deliberations. This meeting is closed to the public and is an opportunity for the Board to discuss parole consideration for all hearings held since the last Board meeting. All release hearing decisions across the State are made known to offenders on the following Monday. There are multiple reasons for this strategic release of decisions including, but not limited to, promoting security within our DOC facilities through a coordinated release of parole decisions and alleviating any confusion which could result from misinformation (i.e. new information could become available through our victim input process following the release hearing as victims do not attend parole hearings and are given the opportunity to provide input through a separate hearing). When considering an offender for discretionary release, Board members conducting hearings have two options. They may transfer the offender to parole supervision or they may deny transfer. However, each denial must be accompanied by a prescribed course of action to be undertaken by the inmate to rectify the Board's concerns. The prescribed course of action is reflected on the Record of Release Consideration distributed on the Monday following a Board meeting. Any pre-release conditions stipulated by the Board are also conveyed through this same document. When an offender enters the DOC, he/she receives a risk/needs assessment. The needs assessment generates referrals to core risk reducing programs within DOC facilities. The Board considers offender participation in the referred programs at the time of the release hearing. The offender is made aware early on in his/her incarceration period of the importance of completing the program. The Parole Board has adopted guidelines that program completion and any reduction in offender risk due to this completion into consideration. We appreciate the importance of making clear to every offender what steps are necessary to be granted parole; however, based on our current policies and procedures as outlined above, we are requesting a waiver of this standard.

AUDITORS' RESPONSE:

The Arkansas Parole Board does meet the portion of this standard requiring oral notification to offenders of the parole board's decision immediately regarding revocations. However, offenders are notified in writing within 21 days of the board's decision regarding release hearings and not orally immediately after the decision is made, that is required by this standard because of their own policy.

The Arkansas Parole Board release hearings are a two-step process in which one of the Parole Board Commissioners has a meeting with an incarcerated offender, then makes a recommendation to the entire Parole Board. Whether or not an offender is granted parole is decided on by the entire parole board requiring approval of five of the seven Commissioners. After the conclusion of the full hearing, written notification is prepared and forwarded to the facility where the offender is housed advising the offender of their release or denial and the reasons for their denial.

It is the opinion of this writer that a system for immediate personal and oral notification could be put in place for immediate notification after decisions are made by the full parole board. Therefore, I do not agree with the Waiver Request for this standard.

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Visiting Committee Findings

Non-Mandatory Standards

Not Applicable

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.

FINDINGS:

The Arkansas Parole Board does not have the authority to discharge offenders from parole.

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.

FINDINGS:

The Arkansas Parole Board does not employ part-time or volunteer staff.

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.

FINDINGS:

The Arkansas Parole Board does not determine parole eligibility dates, they are statutorily determined with notice provided by the institution,

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.

FINDINGS:

The Arkansas Parole Board does not determine initial parole eligibility dates. That is determined by statute.

Standard #2-APA-1073

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

FINDINGS:

The Arkansas Parole Board does not have the authority to advance a parole eligibility date.

Standard #2-APA-1121

IN JURISDICTIONS WHERE THE PAROLE AUTHORITY HAS THE 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.

FINDINGS:

The Arkansas Parole Board does not have the authority to grant or deduct "good time."

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.

FINDINGS:

The Arkansas Parole Board does not have the authority to extend active parole supervision 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.

FINDINGS:

The Arkansas Parole Board does not have authority to discharge a parolee.