



ARKANSAS STATE POLICE

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Criminal Investigation Division Case Form

Date: October 17, 2013
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SUMMARY OF INVESTIGATION

On June 19, 2013, Arkansas State Police (ASP) Criminal Investigation Division Major Henry La Mar and Captain Steve Coppinger met with ASP Director, Colonel Stan Witt. During the meeting, Colonel Witt advised that the ASP had been tasked by Governor Mike Beebe to conduct an administrative investigation into the Arkansas Department of Community Correction (DCC), specifically the Office of Adult Probation and Parole within DCC, of the offices supervision and handling of parolee Darrell Dennis. Specifically, why Dennis was not incarcerated on May 10, 2013, when the death of Forrest Abrams occurred, in which Dennis has been charged.

On June 21, 2013, I received an email from Captain Coppinger related to this case. Captain Coppinger provided a report in which he detailed the documents he had received in reference to this case. The report has been made a part of this file.

On June 25, 2013, I spoke with Captain Coppinger about this case. He advised me that we should investigate the Dennis situation with the following three things in mind: Was there any criminal activity involved? Were there any policy violations involved? Are there any recommendations for policy changes we can make to avoid situations like this occurring in the future?

HISTORY:

Darrell Dennis was convicted of Aggravated Robbery and Escape in Pulaski County in February of 1986. Dennis was released on parole in November of 2008. The parole board listed a special condition of his parole as being "total abstinence". Barbara Douglas, a DCC Area 7 Parole Officer, was assigned as his parole supervisor in 2008 and remained in that capacity until she left the employment of DCC on an unknown date. Dennis was unassigned for a time and then assigned to Area 7 Parole Officer Debra James in January of 2012. During the time Dennis was unassigned, Area 7 Parole Officer Arzo Johnston had some contact with him.

Area Manager Kristie Baker, Assistant Area Manager Violet Renee, Assistant Area Manager Shawanna Willis, former Assistant Area Manager Kristen Trigg, Parole Officer Barbara Douglas and Assistant Director Damian McNeal were also involved in Dennis' supervision in some capacity between 2008 and 2013.

The following is a brief summary of Dennis' supervision history based on information obtained during interviews:

May 15, 2009 – Dennis was incarcerated for the following charges: Obstruction of Government Operations, Possession of a Counterfeit Substance with Intent to Deliver, Maintaining a Drug Premise near a Drug Free Zone, Possession of Drug Paraphernalia, Possession of a Firearm by Certain Persons, Defacing a Firearm, and Simultaneous Possession of Drugs and Firearms. (Dennis was released via speed letter and failed to report upon release. Area 7 parole officers conducted a home visit and issued an abscond warrant on May 28, 2009)

September 22, 2009 – Dennis was arrested as a result of the outstanding abscond warrant and transported to the parole office by the Abscond Recovery Team. An office visit was conducted and he was advised to report back in the office on September 29, 2009. (Dennis failed to report and a second abscond warrant was issued on November 3, 2009)

March 8, 2010 – Dennis was incarcerated for his second abscond warrant. A parole hold was placed on Dennis. The Pulaski County Detention Center requested that it be released and the request was granted on March 16, 2010. (He reported to the parole office on this same date and was placed on twice per week reporting.)

April 8, 2010 – Dennis was incarcerated for Possession of Cocaine with Intent to Deliver, Possession of a Controlled Substance, Possession of Hydrocodone, and Maintaining a Drug Premise. (He was released with a court date, provided required parole reports and attended an office visit on May 18, 2010.)

April 19, 2010 – Dennis' case was submitted to the Parole Board for a revocation hearing by parole officers. (Was not granted a hearing)

April 25, 2010 – Dennis' case was submitted to the Parole Board for a revocation hearing by parole officers. (Was not granted a hearing)

June 10, 2010 – Dennis' case was submitted to the Parole Board for a revocation hearing by parole officers. (Was not granted a hearing)

June 30, 2010 – A revocation hearing for Dennis was scheduled on this date. (Postponed at the request of Dennis' Attorney)

July 21, 2010 – A parole hearing for Dennis was scheduled on this date. (Postponed until August 11, 2010 due to Dennis changing attorneys)

August 11, 2010 – Dennis failed to report to a scheduled revocation hearing. (A home visit was completed and a third abscond warrant was issued)

November 10, 2010 – Dennis reported for an office visit. He told parole officers he did not attend his scheduled parole revocation hearing at the direction of his attorney because a postponement had been requested. (Dennis was released to a family member.)

November 19, 2010 – Dennis was incarcerated for Battery 3rd and Public Intoxication. (Details of release unknown, Dennis' case was resubmitted for a revocation hearing on November 23, 2010)

November 24, 2010 – Home visit attempted with no contact.

December 29, 2010 – Dennis was incarcerated for Attempt to Influence a Public Servant, Tampering with Physical Evidence, Refusal to Submit, Disorderly Conduct, Public Intoxication and Harassment. (Details of release unknown)

January 6, 2011 – Dennis reported for an office visit. (He was arrested and transported to the Pulaski County Detention Center. A parole hearing was scheduled for January 12, 2011. This hearing was continued due to a pending Act 3 evaluation.)

May, 2011 – DCC implemented Intervention Matrix to streamline parole supervision.

June 25, 2011 – Dennis was released with reporting instructions. Parole officers were told Dennis would be entering the Gyst House. Dennis failed to report as instructed. (Abscond warrant four was issued.)

January 26, 2012 – Dennis was assigned to Parole Officer Debra James.

January 30, 2012 – Dennis was incarcerated in the Franklin County Detention Center. Dennis was transported to the Pulaski County Detention Center where a no bond hold was placed on him through Pulaski County 1st Division Court.

February 13 and March 14, 2012 – Dennis appeared for Act 3 hearings in Pulaski County 1st Division Court.

May 3, 2012 – Dennis was transported to the parole office by the Abscond Team. (Placed on weekly reporting and instructed to complete forty hours of community service. Dennis failed to report back to the parole office.)

May 25, 2012 – A phone call and home visit were conducted by parole officers in an attempt to re-engage Dennis. (Results were negative)

May 31, 2012 – A violation report was completed.

June 4, 2012 – Abscond warrant five was issued.

August 14, 2012 – Dennis attended Act 3 hearing in Pulaski County 1st Division Court.

August 25, 2012 – The Abscond Team was notified that Dennis was incarcerated in the Pulaski County Detention Center.

September 4, 2012 – An Assistant Area Manager conference was conducted by Violet Renee. Dennis was informed that he would be waived to the Technical Violator Center (TVC) if his Act 3 request was denied. (Dennis was released)

September 14, 2012 – A home visit was conducted in an attempt to re-engage Dennis.

September 26, 2012 – Abscond warrant six was issued.

December 5, 2012 – Dennis' request for Act 3 was withdrawn and his pending cases in Pulaski County Court were set for trial.

April 3, 2013 – Dennis was incarcerated for Obstruction of Government Operations and Possessing an Instrument of Crime.

April 22, 2013 – Dennis' family requested he be released to attend his mother's funeral. The request was granted by DCC. Violet Renee instructed Debra James to release the hold on him. James disobeyed the order and did not release him in time for the funeral. However, she did release him shortly after the funeral. (He was instructed to report on April 24, 2013)

April 24, 2013 – Abscond warrant seven was issued.

May 1, 2013 – Dennis was incarcerated on abscond warrant.

May 2, 2013 – Debra James has a conversation with Damian McNeal about the Dennis case. She then sends an email to Jim Cheek, who is not her supervisor, requesting a revocation hearing be scheduled.

May 8, 2013 – Assistant Area Managers Violet Renee and Shawanna Willis travel to the Pulaski County Detention Center to conduct multiple interviews. Renee conducted an interview with Dennis. She was instructed by Damian McNeal to send him to TVC. She and Shawanna Willis provided a speed letter to the Pulaski County Detention Center which released the hold on Dennis. Dennis was released at approximately 10:30 p.m. on this date.

May 10, 2013- Forrest Abrams murdered in Little Rock.

May 22, 2013 – Abscond warrant eight was issued.

May 23, 2013 – Dennis was incarcerated for Capital Murder, Kidnapping, Theft of Property and Aggravated Robbery. Little Rock Police Detectives contacted DCC to obtain information related to Dennis' supervision history.

CONTRIBUTING FACTORS:

Intervention Matrix – The matrix was implemented in May of 2011 and was intended as tool to guide parole officers in determining sanctions to use when supervising offenders. It was developed to assist with implementing Act 570 but allows for flexibility at the discretion or approval of the Area Manager upon approval of the Central Office. The offender starts over on the matrix after they complete the TVP.

In implementing the Intervention Matrix the DCC Director's Office and the Parole/Probation Central Office that offenses occurring prior to implementation would not be attributed to the offender. This caused parole officers to start over with each offender, including Dennis, when determining where the offender falls on the matrix.

The matrix as a whole seemed to operate as intended in this situation. However, the decision to not include offenses occurring before the implementation of the matrix and the rigidity in which it was interpreted by Area 7 supervisors was a major factor contributing to Dennis not being incarcerated on May 10, 2013. It appears this decision and interpretive rigidity provides for fewer parole revocation hearings therefore lower recidivism numbers.

DCC should consider better training for Area Managers related to the flexibility of the matrix. The rigid interpretation provided for lower requests for hearings and recidivism numbers but did not provide for public safety.

DCC should consider changing the matrix so an offender does not automatically start over when the offender completes TVP. The success or lack thereof should be determined on a case by case basis.

Act 3 – Dennis' request(s) for a mental competency evaluation is well within the law in the state of Arkansas. However, it appears Dennis may have known that it would delay revocation of his parole and used this to remain on the streets. However, Dennis can still be supervised while in Act 3 status. The Parole Board's policy was to not schedule offenders for a revocation hearing while they were in Act 3 status. However, this does not mean the offender should not be supervised during this time. It appears this rule was also interpreted very rigidly by Area 7 supervisors and parole supervision was more lax during this period of Dennis' supervision. Again, the rule and rigid interpretation provided for lower requests for hearings and recidivism numbers but it did not provide for public safety.

DCC should consider better training for Area Managers related to supervision of offenders who are in Act 3 status. DCC should also consider incarcerating offenders who are in Act 3 status until their revocation hearing can be heard.

Overcrowding at the Pulaski County Detention Center – Due to overcrowding, jail administrators pressured DCC Assistant Area Managers to make decisions on parole holds which is well within their right. With less offenders being revoked and sent back to prison one would assume more are being incarcerated in the county jails. This swayed DCC to evaluate offenders using the Intervention Matrix.

Releasing parole holds should be approved in writing at a higher level than the Assistant Area Manager. DCC Administration should put in place written policies addressing this issue and they should be enforced.

Speed Letter – This is an *unofficial unauthorized form* created by Assistant Area Manager Shawanna Willis before she was promoted to Area Manager. Willis prepared this letter for Dennis without actually interviewing him. This letter was provided to the Pulaski County Detention Center on May 8, 2013. This letter released the parole hold on Dennis, authorizing the detention center to release him. He was released at approximately 10:30 p.m. on May 8, 2013.

These letters were apparently being used often and according to Willis she was not the only officer in the Little Rock using them. According to Deputy Director Dan Roberts and Assistant Director Steve Arnold, they were not aware Area 7 was using speed letters to release offenders.

Again, this practice provides for fewer requests for hearings and lower recidivism numbers but did not provide for public safety.

DCC should suspend this practice immediately and replace it with an official department approved method for releasing parole holds.

Technical Violator Program (TVP) – In theory the TVP did not contribute to this situation. However, it seems the program was being used to release offenders from jail, prevent them from going to a hearing but still to keep them off the street. In some instances TVP was used as rehabilitative tool but in others it was used to avoid revocation. The latter is the case in this instance. In an email dated May 3, 2013, Damian McNeal and Kristie Baker both recommended TVP instead of a revocation hearing after reviewing Dennis' supervision history and being urged by Debra James to request a hearing. Baker stated "Charges aren't violent anyway and this client will need a conference. Officers don't submit hearing requests; the supervisors that complete the conference will do that..." She also stated TVC will suffice. McNeal stated "I reviewed it and I agree try TVC, I didn't see that he was ever in TVC. Also, this guy needs to be looked at for some of the mental health and substance use funding upon release. He is clearly a treatment case."

Most people I have interviewed who have reviewed the supervision history listed above do not think Dennis was a treatment case and think he should have been sent for a revocation hearing.

Again, this practice provides for fewer requests for hearings and lower recidivism numbers but it does not provide for public safety.

DCC should establish and use behavioral criteria to evaluate appropriateness of TVP for individual offenders. Area Supervisors should be well trained in using the criteria. TVP would probably be more successful for those who fit the criteria than those who do not.

Deputy Director Dan Roberts – Roberts was not aware of the Dennis case until he reviewed the incident report related to Dennis' arrest for Capital Murder. His actions as a result of this situation seem appropriate. He has worked to change policies and practices which led to this situation.

It should be noted I did not find any documentation or evidence contradicting Robert's statements.

Assistant Director Steve Arnold – Arnold retired as a result of this situation. He felt and was told a legislator was after him so he chose to retire rather than take a chance on being punished for something he did not feel he was involved in. He was not aware of the Dennis case until Dennis was arrested for Capital Murder. Arnold was on vacation in May when the decisions were made related to the Dennis case. Damian McNeal was filling in for Arnold when McNeal made the decision to send Dennis to TVC. Arnold felt Dennis should have been sent to a revocation hearing but also felt that McNeal was within policy by recommending TVC. Arnold felt that the matrix was a guideline and should be flexible. Arnold welcomed requests for deviation from the matrix and felt they should be evaluated on an individual basis.

It should be noted I did not find any documentation or evidence contradicting Arnold's statements.

Assistant Director Damian McNeal – McNeal declined to be interviewed for this investigation but his direct involvement has been mentioned above. I have been told McNeal was terminated from DCC but not as a result of his handling of the Dennis case. His decision to recommend TVC for Dennis on May 3, 2013 was a factor in this case. While it was a viable option, according to the matrix, it provided for lower requests for parole hearings and recidivism numbers but did it not provide for public safety.

Area Manager Kristie Baker – I was informed Baker was demoted to Parole Officer but not as a result of the Dennis case. Baker was the Area Manager when Dennis was released on May 8, 2013. Her rigidity in regards to the matrix and Act 3 may have been a factor in the Dennis case. The decisions of the Assistant Area Managers and Parole Officers had to be approved by her. Her decision on May 3, 2013 to recommend TVC for Dennis, to Damian McNeal, was a factor in this case. While it was a viable option, according to the matrix, it provided for lower requests for revocation hearings and lower recidivism numbers but did not provide for public safety.

Assistant Area Manager Shawanna Willis – Willis' speed letter was a major factor in the Dennis case. If the letter would not have been provided to the detention center Dennis may not have been released on May 8, 2013. If he had been released detention center administrators would have to justify his release instead of DCC. Willis did not conduct the interview with Dennis but wrote and signed the letter releasing him. Willis stated she had several of these letters with her. They were signed and all she had to do was fill in the blanks. Violet Renee was also conducting interviews at the detention center with Willis. Willis stated that she let Renee borrow one of her pre-signed letters. The letter signed by Willis provided for lower hearing requests and lower recidivism numbers but did not provide for public safety. It should be noted that Shawanna Willis has been promoted to Area Manager.

Assistant Area Manager Violet Renee – Renee conducted two Assistant Area Manager Conferences with Dennis during his supervision. One was while he was on Act 3 status and the other was on May 8, 2013. Renee also ordered Debra James to release Dennis so he could attend his mother's funeral. Renee informed Dennis he was being waived to TVC and she also was involved in submitting the letter giving detention center authorization to release him. She stated it was standard operating procedure not to hold an offender while waiting for TVC. She stated everything is by the matrix; deviation is not a possibility and may be cause for discipline. Renee recommended using a tracking device to monitor Dennis but failed to follow through with this recommendation before releasing him.

Other options available to Renee were to obtain permission to transport Dennis direct to TVC, contacting another holding facility to see if they could hold him for TVC or transporting him to the parole office until a decision could be made.

Renee's actions provided for lower hearing requests and lower recidivism numbers but did not provide for public safety.

Parole Officer Debra James – James urged others to send Dennis for a revocation hearing. She attempted to provide for public safety. She believed Steve Arnold was blocking her efforts but did not provide proof of this.

Parole Officer Arzo Johnson – Johnson urged others to send Dennis for a revocation hearing. He attempted to provide for public safety.

POLICY CHANGES:

Many of the contributing factors listed above have presently been addressed by DCC and the Board of Corrections. The following is a list of changes made:

- DCC will not release parole holds on individuals awaiting a revocation hearing pursuant to requests from jail personnel.
- All requests for release of holds made by sheriffs or jail personnel must be in writing.
- Parolees charged with felonies; violent or sex related misdemeanors will be incarcerated and a revocation hearing will be sought.
- Parolees who have absconded two or more times will be incarcerated and a revocation hearing will be sought.
- DCC will prioritize and fast track the admission of higher risk offenders into the TVP.
- DCC will attempt to find open jail space in other jurisdictions within the state when the holding jail must release and offender who has an existing parole hold.
- All requests for revocations and denials there thereof will be fully documented in the offender's case file.
- If a parolee in on an Act 3 hold their hold will not be released until their Act 3 hearing.

CONCLUSION

As stated earlier in this report, I was asked to determine the following: Was there any criminal activity involved? Were there any policy violations involved? Are there any recommendations for policy change we can make to avoid situations like this occurring in the future?

There was no evidence of any criminal activity by anyone involved with Darrell Dennis' parole supervision. Everyone I interviewed was asked specifically if they knew of any criminal activity involved and they all stated they did not know of any. I made myself available at the Joint Performance Review Committee meetings and spoke with many of the attendees. No one provided information that would lead me to conclude a state statute had been violated.

There was also no evidence that any DCC policies had been violated. However, I believe part of the reason for this is there were few policies in place regarding situations of this type. I have been told some policies are being developed at this time concerning speed letters, Act 3, parole hold releases, hearing requests, etc. If this situation occurred at this time there would be some violations of Board of Corrections directives listed above.

Most of the suggestions for policy additions or changes have already been made or are in the process of being developed. The only thing I could add to what I have been told is being done would be to develop some intelligence gathering and sharing programs, as well as more communication with law enforcement agencies at all levels. Specifically, intelligence reports that could be distributed to law enforcement agencies to advise them of the status and concerns the DCC has with certain offenders. Also, I would suggest that DCC staff at all levels host and attend law enforcement meetings in order to share information with other agencies. I believe this would help DCC with changing enforcement methods as well as opening the lines of communication with those who are dealing with the offenders on the street.