



ARKANSAS
BOARD OF CORRECTIONS
COMPLIANCE DIVISION
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TO: Arkansas Board of Corrections
FROM: Mark A. Colbert, Compliance Administrator/Attorney
RE: Investigation of the Department of Community Correction's
Parole/Probation Services
DATE: September 18, 2013

Area 7, Little Rock and North Little Rock

As a part of our investigation into the Department of Community Correction's (DCC) Parole/Probation Services, we interviewed forty (40) Parole/Probation Officers (PPO) from Area 7. Our interviews were conducted on June 24th and 25th at the area's parole office in North Little Rock. Eighteen of the PPO's have more than two years of experience with DCC/PPO, and twenty-two have less than two years of experience. The average caseload per officer is 156 probationer/parolees per officer (exclusive of re-entry and abscond officers).

Our interview methodology consisted of asking PPO's pre-determined questions regarding their job duties, education, experience, the usefulness of tools used to evaluate parolees, and any problems they may have encountered during their supervision of the parolees.

The information below is a summary of PPO responses obtained prior to the implementation of Board of Corrections mandated changes.

Most PPO's believe there are other cases like Darrell Dennis. Most felt they did not have enough discretion over their offenders. Most said "no" when asked if the sanctions matrix works well. However, a majority stated that their offenders report as required. When asked if the parole revocation process works, the responses were mixed.

Probationers and parolees are combined under a single caseload, and assigned to each PPO. Most PPO's believe their supervision would be more effective if they were assigned only parolees or only probationers.

Most PPO's contend that the evaluation system they use for parolees is time consuming, and does little in helping them determine if a parolee should be supervised based on a minimum, medium, or maximum standard. The evaluation system they use is the "Ohio Risk Assessment System", commonly referred to as ORAS. According to the officers, the system is basically an honor system that relies on the parolee's statements; there is only limited corroboration of the information.

Also, some PPO's disagree with the system's policy of changing an offender's abscond record to zero, when a sanction of "Jail Time" or the "Technical Violators Program" is completed. There may be other sanctions that also apply, but those two are the ones mentioned during our conversations.

Statewide PPO Interviews

From July 30th through August 13th, we interviewed one hundred thirty nine (139) PPO's across the state. PPO's were interviewed in all areas excluding Area 7. All PPO's interviewed had at least one year of experience as field officers. The average caseloads for these officers were considerably lower on average than for Area 7.

Our interview methodology again consisted of asking PPO's pre-determined questions regarding their duties, education, experience, the usefulness of tools used to evaluate parolees, and any problems they may have encountered during their supervision of the parolees.

The information below is a summary of PPO responses.

Similar to the responses received from Area 7, a majority of PPO's stated that they did not have enough discretion over their offenders, and most were dissatisfied with the results from using the sanctions matrix. Some added that the matrix worked better for lower risk offenders than for higher risk or serious offenders.

Likewise, ORAS was not considered an effective tool. Officers felt that ORAS and the sanctions matrix had been applied too rigidly, and too strictly enforced at the Assistant Director level, where they had little input. Most PPO's outside Area 7 however did not blame their Area Managers for these problems

A frequently heard comment was "Buy-in or Buy-out", attributed to the response given by upper management to PPO's concerns over their perceived loss of discretion over the management of their cases. It must be noted however that morale at these offices was generally quite high, compared with Area 7. Even those individuals who complained loudly about the sanctions matrix, ORAS, and loss of input over their cases, in general joined the

majority of PPO's in voicing the attitude that things were beginning to change for the better and the belief that their voices were finally being heard.

Combined probation-parole caseloads were not a major issue outside of Area 7.

Uniformly, most officers believed too much emphasis was placed on fee collections.

Area Managers

Area managers were interviewed separately on June 26th and June 27th at DCC Administrative offices in Little Rock, using the methodology of pre-determined questions.

With regard to the use of the sanctions matrix, most area managers remarked that it was a useful tool and provided needed consistency throughout the state. Most had the experience of an officer advising them of a case that seemed to that officer to require a different sanction (for example, revocation rather than local jail sanction), than that indicated by the matrix. Some said that for the most part, we make the matrix work. One comment was that we need to watch approximately five percent of our offenders very closely; the majority fit the matrix fairly well. Others commented that having available bed space at the county level made the use of sanctions much more effective.

No area manager indicated that they had a case which kept them "awake at night", because they knew the offender to be an imminent threat to public safety, and they could not get them revoked or properly sanctioned. Although everyone indicated that early in the process of implementing the sanctions matrix, there were times where the administrative office made too many changes or the matrix was too complex, or lacked flexibility, they uniformly stated that if one of their requests for a sanction (revocation for example) was made outside of the matrix, and properly documented, it was always approved at the Assistant Director level. It must also be noted, however, that an area manager and many PPO's stated to us that until recently, unless an offender was charged with a violent crime or sexual assault, they generally did not ask.

Many area managers felt that in the past revocation numbers had been too high throughout the state and that after passage of Act 570, the numbers dropped too precipitously. Several stated the opinion that we still need to find that "happy medium". At the time of interview, a majority of area managers expressed the belief that the changes announced by the Board of Corrections were policy changes that would improve the system.

Problems mentioned by most area managers include "time management" issues. Even with lower case loads than their counterparts in Area 7, these managers felt that the PPO's in their areas seemed to be faced with the steady growth of additional tasks associated with every case.

Transport duties were often mentioned as a problem. Some managers believe the policy dealing with absconders has been too lenient in the past.

Statewide Audit of Case Files

As part of our study of the parole and probation system, we reviewed 2,253 parolee files. Our sample consisted of all parolees with at least one abscond during the four-year period ended July 1, 2013. Our sample data was received from DCC on July 18, 2013 and we completed our review on September 12, 2013 (exhibit 1).

The purpose of our review was to convey certain findings about any potential parolee threats to public safety. Our findings are summarized below.

- Approximately eighty-nine (89%) of the 14,088 parolees are reporting as required. Our numbers seem to confirm statements by Parole/Probation Officers that “most parolees report as required.”
- There were 710 parolees on abscond/non-reporting status out of the 2253 we reviewed. We believe these individuals pose a greater than normal threat to public safety. In most cases, they are only located when incarcerated because of additional charges.
- Only twenty-nine percent (29%) of the parolees in our sample were reporting as required. The other seventy-one percent (71%) were either incarcerated or in abscond/non-reporting status. Based on the information in our review, we believe that once a parolee absconds, the percentage is high that he or she will abscond again or commit additional crimes. As we mentioned above, the percentage is low when considering all 14,088 parolees but, the 710 absconder/non-reporter number is significant when considering public safety.
- Our numbers indicate that most areas of the state fair no better than the Little Rock/North Little Rock area, when considering abscond/non-reporting and incarceration data. The LR/NLR area does have a greater number of problem parolees, which causes a greater risk to public safety, but their percentages are comparable to most other areas.

Although we did not review the agency’s probationers as thoroughly as their parolees, we should note that approximately eighteen percent (18%) of probationers have at least one abscond/non-reporting notation on their file. Generally, the court system determines if a probationer can be removed from the probationer caseload.

The information contained in exhibit (1) is based on our analysis of parolee files for a specific time period, and should be used only as a measure of problems related to parolee adherence to the requirements of their parole. Furthermore, there is an inherent risk associated with the supervision of any parolee, and our findings with regard to certain data, should not suggest that the incarceration or parole revocation of all absconders/non-reporters, would effectively eliminate all threats to public safety by parolees.

Recent Changes Directed at the Parole/Probation System in Arkansas

By the Board of Corrections, et al

The following policy changes were issued as a press release following its regular meeting on June 18, 2013. They became part of the official minutes approved on August 2, 2013.

In light of recent incidents which have occurred in the Little Rock area, the Arkansas Board of Corrections has initiated an extensive investigation into The Probation and Parole Division of the Department of Community Correction (DCC). The Board has general supervisory authority over the DCC, which is responsible for probation and parole in Arkansas.

In addition, the Board makes the following policy changes effective immediately:

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

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.

In addition to the Corrections Board action, the Arkansas Board of Parole issued its memorandum dated August 21, 2013, regarding the discharge of absconded offenders. See Exhibit 2.

Act 1029 of 2013 passed by the 89th General Assembly became effective on August 15, 2013 requiring the Parole Board to issue a warrant for the arrest of a parolee who has committed a violent or sexual felony while on parole. See Exhibit 3.

By DCC Parole/Probation Services

Current DCC management is systematically addressing the areas of concern raised by our investigation. A detailed listing of operational issues undergoing review and change is attached as Exhibit 4. Major areas of concern related to the sanctions matrix, ORAS, and officer discretion are being addressed. Furthermore, this list gives evidence of a current proactive approach which is oriented toward greater public safety and more openness in its internal operations.

| SAMPLING ANALYSIS OF PAROLEES WITH AT LEAST ONE ABSCOND AS OF JULY 18, 2013 | | | | | | |
|---|-----------------------------|------------------------------------|--|-----------------|-------------------|--|
| | Absconders Non-Reporters | Incarcerated Jail, ADC/DCC, Fed | Normal Supervision (incl. closed cases) | Total Sample | Total Caseload | |
| Area 1 | | | | | | |
| Fayetteville | 38 | 59 | 6 | 103 | 1455 | |
| % to sample (%s) | 36.90% | 57.30% | 5.90% | | | |
| % to caseload (%c) | 2.60% | 4.06% | 0.42% | | | |
| Area 2 | | | | | | |
| Harrison | 17 | 15 | 21 | 53 | 525 | |
| %s | 32.10% | 28.30% | 39.60% | | | |
| %c | 3.24% | 2.86% | 4% | | | |
| Area 3 | | | | | | |
| Searcy | 39 | 63 | 47 | 149 | 969 | |
| %s | 26.20% | 42.30% | 31.60% | | | |
| %c | 4.03% | 6.51% | 4.86% | | | |
| Area 4 | | | | | | |
| Jonesboro | 39 | 43 | 34 | 116 | 852 | |
| %s | 33.60% | 37.10% | 29.30% | | | |
| %c | 4.58% | 5.05% | 4% | | | |
| Area 5 | | | | | | |
| Fort Smith | 44 | 44 | 38 | 126 | 1438 | |
| %s | 34.90% | 34.90% | 30.20% | | | |
| %c | 3.06% | 3.06% | 2.65% | | | |
| Area 6 | | | | | | |
| Conway | 40 | 50 | 42 | 132 | 858 | |
| %s | 30.30% | 37.90% | 31.80% | | | |
| %c | 4.67% | 5.83% | 4.90% | | | |
| Area 8 | | | | | | |
| LR/NLR | 230 | 330 | 234 | 794 | 3127 | |
| %s | 29% | 41.60% | 29.40% | | | |
| %c | 7.36% | 10.56% | 7.49% | | | |
| Area 9 | | | | | | |
| West Memphis | 48 | 54 | 77 | 179 | 958 | |
| %s | 26.80% | 30.20% | 43% | | | |
| %c | 5.02% | 5.64% | 8.04% | | | |
| Area 10 | | | | | | |
| Hot Springs | 59 | 65 | 39 | 163 | 1016 | |
| %s | 36.20% | 39.90% | 24.00% | | | |
| %c | 5.81% | 6.40% | 3.84% | | | |

Analysis Continued

| | | | | | | | | |
|----------------|-----|--------|-----|--------|-----|--------|------|-------|
| Area 11 | | | | | | | | |
| Pine Bluff | 68 | | 56 | | 43 | | 167 | 1043 |
| %s | | 40.70% | | 33.50% | | 25.80% | | |
| %c | | 6.52% | | 5.37% | | 4.13% | | |
| Area 12 | | | | | | | | |
| Texarkana | 56 | | 66 | | 39 | | 161 | 1099 |
| %s | | 34.80% | | 41.00% | | 24.20% | | |
| %c | | 5.10% | | 6.01% | | 3.55% | | |
| Area 13 | | | | | | | | |
| El Dorado | 32 | | 38 | | 40 | | 110 | 748 |
| %s | | 29.10% | | 34.60% | | 36.30% | | |
| %c | | 4.28% | | 5.09% | | 5.35% | | |
| Totals | | | | | | | | |
| | 710 | | 883 | | 660 | | 2253 | 14088 |
| Total %s | | 31.52% | | 39.20% | | 29.30% | | |
| Total %c | | 5.04% | | 6.27% | | 4.69% | | |

*Note: Although the receipt date of our sample was July 18, 2013, our analysis of the parole information was conducted during the two week period ended September 12, 2013.

ARKANSAS BOARD OF PAROLE



MIKE BEEBE
Governor

JOHN FELTS
Chairman

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MEMORANDUM

To: Sheila Sharp, Director
Department of Community Correction

From: John Felts, Chairman
On behalf of the AR Parole Board

Date: August 21, 2013

Re: Discharging Absconded Offenders

The following is provided as supplemental guidance to the Parole Board's July 25, 2013 action to halt the discharge of absconded offenders.

If an offender is not located and returned to active supervision prior to their original discharge date, their supervision must be extended for the amount of time they were on abscond status until their original discharge date. All cases closed prior to this memo, should remain closed. The following is an example of how this process should be implemented.

Offender John Doe is scheduled to discharge his sentence on June 15, 2014. He is placed on abscond status on December 15, 2013. Offender Doe is not returned to active supervision until August 15, 2014. He will remain under active supervision until February 15, 2015.

Please let me know if you have any questions.

JF/sg

Handwritten signature of John Felts in cursive.

Cc: APB Revocation Hearing Judges
File

Concurred by Arkansas Parole Board on August 21, 2013

Handwritten signature of Moore B. Sanderson in cursive.
Commissioner

Handwritten signature of Abraham Carpenter in cursive.
Commissioner

Handwritten signature of James Walker in cursive.
Commissioner

Handwritten signature of an unnamed commissioner in cursive.
Commissioner

Handwritten signature of Richard Brown in cursive.
Commissioner

Handwritten signature of an unnamed commissioner in cursive.
Commissioner

Exhibit

2013 Arkansas Laws Act 1029 (S.B. 258)

ARKANSAS 2013 SESSION LAWS

89th GENERAL ASSEMBLY, GENERAL SESSION, 2013

Additions are indicated by Text; deletions by
Text .

Vetoed are indicated by ~~Text~~ ;
stricken material by Text .

ACT 1029

S.B. 258

PAROLE—ARREST WARRANT ISSUANCE—COMMISSION
OF VIOLENT OR SEXUAL FELONY BY PAROLEE

AN ACT REQUIRING THE PAROLE BOARD TO ISSUE A WARRANT FOR THE ARREST OF A PAROLEE WHO
HAS COMMITTED A VIOLENT OR SEXUAL FELONY WHILE ON PAROLE; AND FOR OTHER PURPOSES.

Subtitle

REQUIRING THE PAROLE BOARD TO ISSUE A WARRANT FOR THE ARREST OF A
PAROLEE WHO HAS COMMITTED A VIOLENT OR SEXUAL FELONY WHILE ON PAROLE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 16–93–705(a)(1), concerning a parole revocation hearing procedure, is amended to read as follows:

<< AR ST § 16–93–705 >>

(a)(1)(A)(i) At any time during a parolee's release on parole, the Parole Board may issue a warrant for the arrest of the parolee for violation of any conditions of parole or may issue a notice to appear to answer a charge of a violation.

(ii) The Department of Community Correction shall provide the information necessary for the Parole Board to issue a warrant under subdivision (a)(1)(A) of this section.

(B)(i) The Parole Board shall issue a warrant for the arrest of a parolee if the board determines that the parolee has been charged with a felony involving violence, as defined under § 5–4–501(d)(2), or a felony requiring registration under the Sex Offender Registration Act of 1997, § 12–12–901 et seq.

(ii) The Department of Community Correction shall provide the information necessary for the Parole Board to issue a warrant under subdivision (a)(1)(B) of this section.

(iii) A parolee arrested on a warrant issued under subdivision (a)(1)(B)(i) of this section shall be detained pending a mandatory parole revocation hearing.

/s/ D. Sanders

APPROVED: 4/10/2013

Exhibit

3

1. Little Rock Parole/Probation Office. Issues included lack of adequate supervision and management, turnover creating high caseloads, and inadequate training. Solutions include(d)”
 - a. Splitting the office into two areas one Probation & one Parole; Added new a Area Manager
 - b. added 11 new officers; added 2 new assistant area managers
 - c. demoted existing Area Manager
 - d. added two correctional officers to LR to help transport – give PO’s more time to handle caseloads
 - e. Submitted a Tier Plan – Little Rock will be highest level Tiers – Officer Threshold will be \$46,730 – mid range (C118 after making agent). No additional funds needed. Pending DFA approval.
 - f. Training Academy – Practice was to hold two PPO academies per year – was not sufficient. Two additional classes were scheduled to get new LR officers trained. Have had discussions with Aleta on taking over part of our academy.
 - g. Collections – Practice was to apply progressive discipline (oral, written warning, suspension, termination) if officers did not meet their 80% quota on fee collections. Stopped the practice as this should be just one measure on annual performance evaluation.
2. Realignment of Staff; Org Chart – Deputy Director and Two new Assistant Directors will have area assignments. Hired new Deputy Director to replace Rick Hart who is retiring. Will have monthly Area Manager Meetings – agenda to deal with issues. Human Resources Administrator will report to Director. HR is assuming background & drug testing which will free Internal Affairs to conduct investigations. Expanded Management Team to include HR Administrator and Project Administrator.
3. Communications – opened lines of communications from all levels of the organizations – even gave employees my home email to ensure their confidentiality.
4. Implementing Critical Incident Review Teams to provide recommendations as may be needed.
5. Area Managers – Have decentralized decision making and putting more responsibility on Area Managers. They are currently bringing issues to the table – consensus on policy changes where possible
6. Committees have been established to address issues and will include staffing from all areas – parole officers, treatment, etc.
 - a. Technology just reviewed electronic monitoring – 3M selected from three vendors on approved WSCA Contracts.

- b. ORAS – Was a manual process that took up to 45 minutes to complete but currently is automated – Committee has been addressing issues and will make recommendations for a more appropriate tool. Wendy Naro has been attending meetings via conference call for input and will begin process to validate it. Looking at using ADC's social history to populate some of it and putting kiosks in ADC Intake for inmates to do PIT portion of it.
 - c. Matrix – Committee to review and come back with recommendations for adjustments
 - d. Minimum Reporting Kiosks – Kiosks have been delivered – teams working to get them up and running.
 - e. Smarter Sentencing – looking at implementing smarter sentencing as the standard for Arkansas Probation Services. Will include a MOU with each Judge that wants to participate.
7. Contracted with Wendy Naro to complete the recidivism study according to Act 1030.
 8. Wendy Naro will attend the Sept. board meeting at Calico to present population projections (Sept. 24-25); next morning at Charitable Penal (Sept. 26)
 9. Asked all PPO's to check weekly on Act 3 hearing offenders so when the court concludes the hearing, we can help get the parole hearing set up.
 10. Working to establish/improve relationship with Law Enforcement Community - Prosecutors/Sheriffs/Judges
 11. Provided Prosecutors with eOMIS access for LLE's.
 12. Release of Offender Records – Working on policy changes policy change
 13. Establishing a position for handle communications, media and legislative affairs. Going to revamp our image, re-direct our mission to public safety, and develop a long range plan for serving justice through community corrections – much more to come.
 14. Withdrew PATH Program.
 15. Legislative Committees – addressed numerous issues; continuing work to do
 16. Act 1190 Reentry Committee Meeting – will be working with committee and internally to establish a Reentry program including a 211 Information Network System.

17. Board Policy on Parole Holds/Warrants – The DCC ACIC/NCIC Terminal will be monitored 24/7 at the CACPC. The Terminal Operator will notify officers/managers as booking notices come in. Officers will electronically return documentation to place a hold on all parolees arrested.
18. Wade Hodge recently began conducting disciplinary transfer hearings in lieu of the Parole Board to save them some time.
19. Incident Reports – will begin using automated incident report system as soon as possible.
20. Automating Count Sheets – still have staff preparing manual count sheets.....
21. Upgrade flip phones to iPhones – implement mobile eOMIS app.
22. Update webpage – will include an abscond wanted list. Adding deposit services for offender banking.
23. Re-implement Employee Newsletter – open communications and share information with employees
24. Implement a Community Newsletter – a means of sharing “good news” about community and re-entry programs statewide.
25. Redefining existing definition of abscond to differentiate between failure to report to an office, evading supervision and absconding- Need legislation
26. Implemented eOMIS changes to track transitional housing offenders and measure performance indicators

Employee Complaints/Issues that were received and have been addressed to a great extent include (in no priority order):

1. No voice – want to have input
2. High Pressure to collect fees
3. High Pressure to not revoke anyone
4. Low Morale
5. Uniforms
6. Micromanagement – Numerous from LR Officers
7. Management Diatribe – my way or the highway
8. High Caseloads – no time to do home visits
9. High rate of Disciplinary actions for Caseload Management
10. Weapons – policy to keep covered (no backup weapon)
11. ORAS – time consuming

12. Matrix – gives offenders too many chances; allow officers more discretion
13. Collaborative Casework – no time
14. Understaffed
15. Some staff have too few caseloads (drug courts)
16. Written policy, e-mail policy, phone policy, and most conflict with each other.
17. Need Consistent Policies within areas
18. Substandard/Insufficient training
19. Motivational Interviewing
20. No radio contact in the field – home visits
21. Not enough Counselors
22. Each Area needs a Training Officer – similar to what ADC has
23. Dual Caseloads – might need legislation
24. No time to audit cases
25. Other areas denying transferring cases
26. Use GPS more
27. Allow use of weapons off duty