

JOINT PERFORMANCE REVIEW COMMITTEE

**AUGUST 1, 2013
MINUTES**

The Joint Performance Review Committee met Thursday, August 1 at 9:30 a.m. in Room A, MAC Building, Little Rock, Arkansas.

Committee members present were Senator Jane English, Senate Co-Chair, Representative Terry Rice, House Co-Chair; Senators Jimmy Hickey, David Sanders, Larry Teague, Jon Woods, and David Wyatt; also Representatives Randy Alexander, Bob Ballinger, Harold Copenhaver, Jon Eubanks, Justin Harris, Debra Hobbs, Douglas House, Mark Lowery, Josh Miller, James Ratliff, Warwick Sabin, Brent Talley, Wes Wagner, Richard Womack, and Tommy Wren.

Other members present were Senators Linda Chesterfield, Missy Irvin, and Eddie Joe Williams; also Representatives Nate Bell, Andy Davis, Jim Dotson, Charlotte Douglas, Dan Douglas, Charlene Fite, Bill Gossage, Sheila Lampkin, Homer Lenderman, Mark McElroy, David Meeks, Micah Neal, Betty Overbey, Hank Wilkins, Butch Wilkins, and Marshall Wright.

APPROVAL OF MINUTES – July 11, 2013 [Exhibit B]

A motion to approve the minutes of the July 11, 2013 committee meeting was made by Senator Sanders and seconded by Representative House. The minutes were adopted unanimously.

Opening Comments by Representative Rice and Senator English, JPR Co-Chairs

Representative Rice welcomed legislators to the meeting. Senator English said this meeting is to help the committee's understanding of the supervisory processes used by the Department of Community Correction (DCC).

Discussion of Status of Petition to Obtain Arkansas Department of Community Correction (DCC) Records Concerning Darrell Dennis by Court Order

Representative Rice recognized Matthew Miller, Assistant Director, Bureau of Legislative Research. Mr. Miller explained that a joint petition for a Protective Order for the release of records in the Darrell Dennis matter was filed by the Joint Performance Review (JPR) Committee and DCC on July 22, 2013 in the Pulaski County Circuit Court. He gave a detailed description of potential procedural issues regarding the joint petition. Following discussion by legislators, a motion was made by Senator English to authorize JPR Co-Chairs to sign the appropriate documents related to the protective order. This includes waiving the right to an appeal if the order is signed in the same form approved by the Committee, and preserves the Committee's right to appeal, following a decision. The motion

was seconded by Representative Hobbs. In separate votes, Senate committee members adopted the motion unanimously, and House committee members adopted the motion unanimously. The Committee suggested considering legislation that allows combining its vote in future meetings.

Arkansas Board of Corrections Chairman Benny Magness was asked if the Board is considering policy changes affecting release of parolee records? Mr. Magness outlined a number of new policies, including the release of records, that are being considered.

Review with Discussion of Files Obtained from DCC Relating to the Darrell Dennis Matter [Handout-Part 1-2]

Representative Rice recognized DCC Interim Director Sheila Sharp for comments. Ms. Sharp introduced DCC staff in attendance. Ms. Sharp was asked to discuss meetings she has conducted with DCC personnel in the Little Rock offices. Ms. Sharp told legislators she held separate meetings with area managers, assistant area managers, and parole officers. During the meetings, Ms. Sharp said she learned that the Little Rock office is understaffed and has a high turnover rate in probation and parole officer positions. Half of the sixty probation and parole officer positions are filled with new personnel and eleven additional positions are currently vacant. Ms. Sharp also said the Little Rock office has undergone a reorganization. In the reorganization, ten probation and parole officer positions have been created. Duties and responsibilities for probationers and parolees are now separate. Ms. Sharp said the division of duties will allow for more specialized case loads and provide additional resources for the parole caseload. She believes supervision of probationers can be managed with fewer officers. A kiosk system for probationer reporting is scheduled for installation in the next few months. The kiosk system is designed to alleviate the probation workload. Prior to the reorganization, only one area manager had oversight of both probation and parole. An additional area manager position has been created, which will allow for separate management of the probation and parolee cases.

Ms. Sharp was asked to give a comparison of the number of parolees in Pulaski County compared to the statewide total. She gave a statewide total of 23,000 parolees compared to 7,000 in Pulaski County. She was then asked what is the total number of absconders statewide? Ms. Sharp said the 2013 fiscal year report lists 4,592 for the total number of absconders statewide. Of the total number of absconders reported, 2,495 are parolees with technical violations, and 257 are parolees who have had warrants issued.

Ms. Sharp was asked to give the number of personnel changes made subsequent to the JPR Committee meeting held July 11, 2013. She gave the following information for the Little Rock office:

- Area Manager Steve Arnold retired

- A vacancy exists for the Assistant Director of Probation and Parole Services
- An area manager in the Little Rock office was demoted
- Positions were created for one area manager and two assistant area managers

Ohio Risk Assessment System (ORAS) – Discussion of Occurrences of Removal, Erasures, Alterations of Critical Incidents Reports and Other Documents/Record Retention Schedule [Exhibit F]

Representative Rice recognized DCC Information Services Coordinator Nicholas Stewart. Mr. Stewart was asked to discuss access to electronic offender records by DCC personnel in the Electronic Offender Management Information System (eOMIS). Mr. Stewart said any DCC officer can access and delete records within a twenty-four hour timeframe of the creation of the record. After twenty-four hours, only DCC supervisors may make deletions. Mr. Stewart was asked what happens to the original records after deletion? He explained that deleted records are stored in a deleted record database and no DCC personnel has the ability to totally delete a record.

Ms. Sharp was asked to give an update on the issue of providing prosecutors access to the eOMIS database. Ms. Sharp said information was given at a recent meeting she had with prosecutors where the use of the offender database was discussed. She said the database information sought by prosecutors is already available to sheriffs and local law enforcement through a secure web connection. She stated she is willing to provide prosecutors this same access.

Representative Rice recognized Arkansas Crime Information Center (ACIC) Director Jay Winters. Mr. Winters described a four-phase project being developed by ACIC to provide access to prosecutors. Completion of the project will provide access to prosecutors statewide.

Discussion of Arkansas Parole Procedures and Policies

Representative Rice recognized Ronnie Baldwin, Executive Director, Arkansas Sheriffs' Association for comments. Mr. Baldwin told legislators communication between sheriffs and DCC personnel has been greatly enhanced following Sheila Sharp assuming the duties as DCC Interim Director. Sheriffs previously had concerns regarding lack of revocations for violent offenders. Mr. Baldwin said communication between law enforcement and DCC personnel has already improved.

Prosecuting Attorney Ken Casady was recognized for comments. He told legislators the policy changes by the Board of Corrections that requires a parolee arrested on new felony charges to be held pending a revocation hearing is good progress.

Boyce Hamlett, Arkansas State Council for Interstate Commission of Adult Offenders, was recognized. Mr. Hamlett described several cases involving parolees which occurred subsequent to the July 11, 2013 Joint Performance Review Committee meeting. Mr. Hamlett said the Board of Corrections' recent policy change to hold parolees who have committed a crime, pending a revocation hearing, is a step in the right direction.

Representative Rice recognized Belinda Harris-Ritter for comments. Ms. Harris-Ritter told legislators she is a crime victim advocate and gave the following information about her involvement:

- Former member of the National Board of Parents of Murdered Children
- Former Commissioner with the California Board of Parole Hearings Commission
- Current member of the National Organization for Victim Assistance
- Currently teaches a crime victims' rights class at the University of Arkansas at Little Rock (UALR)

Ms. Ritter believes Act 570, legislation passed during the 2011 legislative session, was detrimental to public safety in Arkansas. She believes crime victims' families should be allowed to witness the execution of a person convicted in the death of a loved one. Ms. Ritter told legislators crime victims are the first casualties when there is a failure in public safety.

Representative Rice passed over agenda items; Exhibits G, G-1, I, and J. He announced a JPR committee meeting scheduled for Thursday, September 19, 2013 at 9:30 a.m. in Room A, MAC Building, Little Rock, Arkansas.

There being no further business, the meeting adjourned at 12:45 p.m.