



"Service with Excellence
& Integrity"

Arkansas Department of Community Correction

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July 30, 2013

Honorable Senator Jane English, Co-Chair
Honorable Representative Terry Rice, Co-Chair
Legislative Joint Performance Review Committee
State Capitol
Little Rock, AR 72201

Dear Senator English and Representative Rice:

This packet of correspondence is provided to the Joint Performance Review Committee with the objective of providing responses to various requests for information from Legislative members of this and other committees over the past few weeks. The questions were numerous and overlapped to a great extent but, we have made a faithful effort to provide information requested. The exception is a request from the Judiciary Committee for an overall accounting of all commitments since Act 570 went into effect to include crimes, sentence lengths compared to similar crimes for the previous five years, numbers of parolees released to date and revocations or violations to date. We anticipate this report and the revocation study as required by Act 1030 of 2013 for all DCC populations to be complete by October 1.

The responses are provided in narrative format beginning on the next page of this document and/or by attachment with the applicable page number noted. If you or members of the Committee have questions, need clarification, or further information, please contact me at 501-682-9566.

Sincerely,


Sheila Sharp, Interim Director

Attachment

1. The Public Safety Improvement Act - Act 570 of 2011- What has been accomplished? See attached report dated December 12, 2012 - Exhibit 1. The report covers implementation activity by various provisions of the act. The act required the use of Evidence-Based Practices (EBP). As defined by the National Institute of Corrections for the field, Evidence-Based Practice is the scope of research and knowledge around processes and tools which can improve correctional outcomes, such as reduced recidivism. Tools and best practices are provided with a focus on both decision making and implementation. EBP included the adoption and use of a validated risk/needs assessment tool. Additional Act 570 requirements included earned early discharge, administrative sanctions and incentives (Matrix); increase in probation and parole supervision fees to support a Best Practices Fund, a restitution study, expansion of medical parole, electronic monitoring after 120 days served (which has not been adopted); Hope/Swift Court Pilots, Performance Incentive Funding, and Caseplans. Much has been accomplished, but much more needs to be done. 40 pgs. - on CD
2. Request was received to research the experiences of other states that implemented similar nonviolent offender laws to see what they are doing (successes, failures, etc.). The Pew Charitable Trusts organization is an independent nonprofit research and policy organization that helped provide the groundwork in Arkansas for Act 570. Pew's Public Safety Performance Project (PPSP) works with states to develop policies and procedures for criminal justice systems. Exhibit 2 is an article dated March 8, 2013 regarding the continued drop in prison populations across the country. Additional information on the PPSP and experiences in other states can be obtained at the following webpage: <http://www.pewstates.org/projects/public-safety-performance-project-328068> 4 pgs.
3. Request for Current and Historical Population Projections and Information. The Arkansas Sentencing Commission, ADC and DCC contract with JFA and Associates based in Washington, DC. Exhibit 3 is the May 2012 report for the Arkansas Department of Community Corrections - Facility, Parole and Probation Populations. This annual report includes Historical Probation Admissions and Releases since 2004, Historical Parole Admissions/Releases for the same time period, and Historical DCC Center average Admissions and Releases. The June 2013 Report is drafted and expected to be complete within the next few weeks. Senator Stephanie Flowers has requested and DCC has arranged for Ms. Wendy Naro to present the 2013 report at the Legislative Charitable, Penal and Correctional Institutional Subcommittee Meeting on September 26. As of June 30, there were 14,715 active parole cases and 20,519 active probation cases. 35 pgs. - on CD
 - a. Exhibit 4 provides a summary of caseloads for the various types of supervision, a breakdown of both probation and parole caseloads by those on annual reporting and minimum, medium and maximum status. It further provides the number of Matrix

Interventions by the applicable level. As a note, Chairman Eddie Joe Williams has requested this report be submitted monthly to the State Agencies Committee. 1 pg.

4. Request for most recent copy of the Arkansas Accountability Interventions Matrix (ARAims) – See Exhibit 5. *3 pgs.*
5. Explanation of the differences in demographics (male/female) of transitional housing service provider list (capacity and number at facility) – See Exhibit 6. *Provided is a listing of all the contractors with DCC that house offenders – the vast majority of which are parolees. There may always be a difference in the capacity noted on this report and the numbers of DCC offenders housed as these contractors provided services to non-DCC offenders as well. 4 pgs.*
6. What community efforts will be taken to reach out to the communities, comply with city and local ordinances, etc.? *Approximately one year ago, DCC designated an individual full time to coordinate/enhance community relations, educated providers about DCC operations, develop resources, and coordinate the DCC volunteer program. This individual will also assist DCC in meeting the requirements of Act 1190 of 2013 which directed the Department of Community Correction to convene joint sessions with the Department of Correction, Arkansas Economic Development Commission, Department of Education, Department of Higher Education, Department of Career Education, Department of Workforce Services, Department of Human Services, Department of Finance and Administration, the Parole Board, the Arkansas Prosecuting Attorneys Association, the Arkansas Public Defender Commission, as well as criminal defense attorneys and any other state, county, or local agency as appropriate to create a holistic and seamless approach for reentry into society for persons in the custody of the Department of Correction. Written findings for the creation of a Restorative Justice Reentry System are to be presented to the Interim House and Senate Committees on Judiciary by October 15, 2014.*
7. Explain practices of the transitional living and other programs to include rent/costs and the varying responsibilities of each. Does DCC have separate contracts with each? Explanation of the rates charged by the various programs. What are the different individual caseloads, differences in demographics (variation of different programs provided, e.g. group/individual therapy)? *DCC released RFP's (Exhibit 7), for various services to include transitional housing, chemical free living, inpatient and out-patient counseling, and residential treatment for mental health and substance abuse. Contractors responded according to the services they provide. For example, if they are a licensed treatment facility for mental health, then that is the only service they are eligible to provide. The providers offer one or more services depending upon the license they hold for the services they provide. If it is a service listed in the RFP, and they hold the proper credentials, they may provide services to DCC pursuant to contract requirement and requested services. Some facilities provide services to females,*

some to males and some to both. DCC Parole and Probation Officers monitor offenders assigned to their caseload. 7a (9 pgs.), 7b (10 pgs.), 7c (7 pgs.), 7d (12 pgs.)
7e (8 pgs.), 7f (11 pgs.), — on CD

8. Request for a copy of the Parole/Probation Supervision Manual for Review. See Exhibit 8. 129 pgs. - on CD
9. What is the Cost Per Day for the various DCC Programs with all overhead considered? See Exhibit 9. *General and Special Revenue expenditures in FY13 totaled \$82,408,175. General Revenue Expenditures only totaled 73,795,909. A methodology for calculating Cost Per Day (CPD) for various correctional programs varies widely across the country and is generally used by each agency as a measure of efficiency from year to year. DCC CPD for FY13 is inclusive of expenditures from special revenues generated by probation and parole fees, an allocation of the administrative costs based on program/facility expenditures less capitalized equipment plus depreciation expenses. The FY13 Cost Per Day for Residential Programs is \$67.07 and includes Community Correction Centers at Central Arkansas (Little Rock), SE Arkansas (Pine Bluff), SW Arkansas (Texarkana), NE Arkansas (Osceola), NW Arkansas (Fayetteville) and is calculated based on the total capacity (number of beds). The Cost Per day for the Omega Technical Violator Program is \$51.44 per day and is based on total capacity (number of beds). The Cost Per Day for Probation and Parole Supervision is \$1.75 based on the average number of offenders under supervision. The Cost Per Day for Drug Court is \$13.25 and is based on average number of offenders assigned to all programs (however, probation and parole officers assigned to the Drug Courts may have other caseload responsibilities which may offset the Cost Per Day for Probation and Parole Supervision as these costs were not differentiated).* 7 pgs.
10. Request for Recent Recidivism results for various DCC offenders. *Provided includes:*
 - a. The 2009 Arkansas Recidivism Study Update (including the past three years of data) completed by the Arkansas Department of Correction — Exhibit 10. This report reflects return rates of inmates released from custody for a full three-year post release period. Overall, from the previous update, recidivism dropped 3% - from 44.9% in CY2008 to 41.6% in CY2009. Parole violators with new sentences accounted for 61% of the recidivists and parole violators with technical violations accounted for 33% while discharges with new sentences only accounted for 6% of those that return. ADC's calculation includes parolees that "discharge" their sentence (thus not on parole) and return within the reporting period. 12 pgs.
 - b. Probation Recidivism — 2011 Report — Exhibit 11. This DCC study covered offenders who had an intake for Probation or Probation Plus between July 1, 2005 and June 30, 2008. The overall recidivism rate for the adult probation population was 20.8% - or 5,660 out of 27,185 offenders returned to incarceration in an ADC, DCC other

than a technical violator facility within the three-year period. Note: DCC has contracted with JFA Associates to conduct a Recidivism Study for this population. 10 pgs.

c. Parole Recidivism – 2011 Report – Exhibit 12. The DCC study covered offenders released from an ADC or DCC Center who had an intake during FY 2006, 2007, or 2008. The reported recidivism rate for the adult parolee population was 25.2% or 5,076 out of 20,125 parolees returned to incarceration in an ADC, DCC or technical violator facility within the three-year period. However, it should be noted that when a parolee had “two or more” releases during the study period, only the earliest was chosen. DCC’s calculation does not include parolees that “discharge” their sentence (thus not on parole), but these are included in ADC’s report as noted in “a” above. Further research will be done to validate the difference. Note: DCC has contracted with JFA Associates to conduct a Recidivism Study which will include this program in accordance with Act 1030 of 2013. 10 pgs.

d. Community Correction Center Recidivism – 2011 Report – Exhibit 13. In this instance, Recidivism is defined as the return of an offender to an ADC prison or Community Correction Facility other than a technical violator program. The report included offenders that completed their term of confinement, met release criteria under an Early Release Act, or the offender was released for another reason, e.g., death, detainer, and/or discharged sentence. The recidivism rate was 22.5% or 1,128 of 5,018 offenders. Note: DCC has contracted with JFA Associates to conduct a Recidivism Study which will include this program in accordance with Act 1030 of 2013. 13 pgs.

e. Act 1030 of 2013 directs the DCC to prepare a recidivism report on persons under agency supervision over the previous five years. For purposes of this report, recidivism means a criminal act resulting in rearrest, reconviction, or return to incarceration within a three year period following release from custody. DCC is working with JFA Associates to complete this report by the October 1 deadline and will make this report available to the State Legislature.

11. Request for information on Earned Discharge Credit (EDC) – See Exhibit 14. From Act 570 enactment through June 30, 2013, 342 offenders discharged their supervision sentence after being awarded EDC – 42 in June. 19,979 eligible offenders received an average of 175 days of EDC. 1 pg.

12. Request for information reflecting the number of parole absconders for the past few years. Records within the system reflect there are 2,280 parolees on abscond status as of July 17, 2013. DCC includes abscond status as “failure to report” rather than an “abscond” as

defined in A.C.A. §5-51-131. To avoid future confusion, DCC will initiate a programming change to differentiate between offenders who abscond pursuant to state statute and those who fail to report.

13. Request for information on the number of parolees discharged while on abscond (failure to report) status that were released from supervision if they had passed their parole end date per Parole Board policy. See Exhibit 15. Since FY09, there have been a total of 1,129 Parolees discharged while on abscond status through a process of recalling the abscond warrant when the offender reached their discharge date. The Parole Board reversed this policy on July 25, 2013 and DCC policy has been changed so that when a person is listed as an absconder for failure to report, the time stops until they are reengaged. 1 pg.
14. Request for number of Abscond (failed to report) Delinquent Warrants issued Per Parole Offender for Area 7 (Pulaski County & Lonoke) and total statewide. See Exhibit 16. For the period July 1, 2009 through June 30, 2013, there were a total of 10,158 warrants issued statewide and 3,243 for Area 7 (Lonoke & Pulaski Co). Of the 10,158, 62.93% or 6,391 statewide had at least one failure to report; 23.25% or 2,362 had two; 9.16% or 930 had three; and 3.2% or 325 had four; and only 1.3% had four or greater. 1 pg.
15. Request for a list of examples of parolees who have had felony charges dropped or not-prossed following a parole revocation hearing that resulted in them being sent back to the ADC? See Exhibit 17. 9 pgs.
16. Request to provide the number of community service hours and applicable oversight? Exhibit 18 is a chart of the FY2013 community service hours recorded. Community services hours totaled 55,256 in FY2013. Offenders are either supervised by a DCC employee or supervisor from an agency to which the worker is assigned. 1 pg.
17. Request for the number of parolees who were convicted of murder in the last few years while on parole? The number of parolees convicted of murder while under supervision the two years prior to Act 570 was 47. The number decreased to 24 for the two years following the passage of Act 570.
18. Technical Violators Program – Information requested includes:
 - a. Definition of a Technical Violator Program (TVP): See Exhibit 19. This includes a review of the Omega (male) and SE Arkansas (female) TVPs. (More current and applicable information will be provided in the Recidivism report due October 1 as previously mentioned). A TVP is the confinement of offenders to a facility operated by DCC. Initial confinement is generally for a 60-day period. Those who return

after their first admission may be held up to 90 days. The intent of the program is to teach, promote and encourage positive cognitive and behavioral change that will result in a crime-free lifestyle. Offenders are provided an opportunity to examine their lifestyles, identify and acknowledge problem areas, accept responsibility for negative actions, and practice positive behaviors. A technical violator is a parolee who failed to abide by the conditions of supervision other than the commission of a new felony charge. 19pgs. - on CD

- b. Request for the number of TVPs who repeated TVP in the last 5 years? See Exhibit 20. This report reflects the Number of Offenders Admitted to TVP from FY08-FY13. A total of 11,274 offenders went through TVP over the past 5 years. A total of 6,380 males and females (56.6%) went through the program one time; 3,226 (28.6%) went through twice; 1,308 (11.6%) went through three times; 304 (2.7%) went through four times, and 55 (.49%) went through 5 times or more. 1 pg.
- c. What is the number of TVP's who received new charges and ended up at ADC and what is the ADC recidivism for TVPs? According to the ADC Recidivism Study (Exhibit 10), Parole Violators with New Sentences within three-years post release, accounted for 61% of the recidivists and parole violators with technical violations accounted for 33% of those returning over a three year period. The DCC Recidivism study underway as previously mentioned will provide information on TVP's who receive a new charge and conviction.
- d. What is the average stay in a TVP? The average stay at a TVP is generally 60 days for all first and second time admissions, and 90 days for all third or more admissions.
- e. What is the number of offenders on the waiting list for TVP? The TVP waiting list as of 7/24/13 was 35 (27 in custody and 8 not in custody)
- f. What is the cost of operating TVP? The FY13 expenditures for the Omega Technical Violator Center were \$4,827,343 (300 beds) and the SE Community Correction Center was \$6,913,618 (Capacity is 350 including 75 TVP beds).
19. Request for information on HOPE and Swift Courts. How are they doing compared to other states? Currently, there is one Hope Court in Benton and five Swift Courts located in Batesville, Monticello, Hope, Ed Dorado, and Malvern. The Benton Hope Court is currently funded through a federal grant. While DCC officers handle the caseloads for these courts, they are operated by the Administrative Office of the Courts (AOC). The only report currently available is a recent evaluation of the HOPE Court program through June 30 that was prepared by Pepperdine University - see Exhibit 21. DCC will utilize this and other

results from these Courts as a comparison against traditional probation. Additional information on the other courts has been requested from the AOC. 5 pgs.

20. Request for copies of the last 10 exit interviews of employees who left DCC in the past year after having worked at least 3 years. DCC policy has not required exit interviews but the process is being initiated. At Exhibit 22 are copies of exit interviews obtained by our Treatment Services area as well as exit interviews we requested from employees that have recently left or were promoted. The new practice will be put into policy and information gathered in the future. 63 pgs. - on CD

21. Parole Board Specific Requests:

a. How many total revocation warrants were issued in FY13? According to the Parole Board, 7,344 warrants were issued in FY13 broken down as follows:

Type	Total	Active
Abscond	4592	2144
Technical	2495	599
Delinquent	257	99

b. How many warrants were not acted on by the Parole Board? How often does parole meet on referrals for warrants? How many times does the team clear the warrant and place them back on parole and they fall off? What % is revoked? The issuance of warrants and adjudication are a function of the Arkansas Parole Board. As a result, this request is being deferred to the Parole Board Chairman for response.