



Arkansas Parole Board

"Parole Works"

ANNUAL REPORT

For Fiscal Year 2010-2011

An ACA Accredited Agency



Arkansas Parole Board

John Felts, Chairman

September 15, 2011

The Honorable Mike Beebe
Governor of Arkansas
Governor's Office, State Capitol
Little Rock, Arkansas 72201



Dear Governor Beebe:

I respectfully submit the following report on behalf of the Arkansas Parole Board for fiscal year 2010-2011. Enclosed you will find summary information regarding the Parole, Revocation, and Fiscal activities of the Board.

Thanks again for the continued support from your administration as we fulfill our mission to promote public safety through the return of offenders into the community through supervised conditional release.

Sincerely,

A handwritten signature in black ink that reads "John Felts".

John Felts
Chairman

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Arkansas Parole Board Members and Staff



Seated from left are: Secretary Richard Mays Jr., Chairman John Felts and Commissioner Carolyn Robinson
Standing in back from left are: Commissioner Jimmy Wallace, Commissioner Richard Brown Jr.,
Vice-Chairman Abraham Carpenter Jr., and Commissioner Joseph Peacock.

Administrative Staff

Hearing Examiners

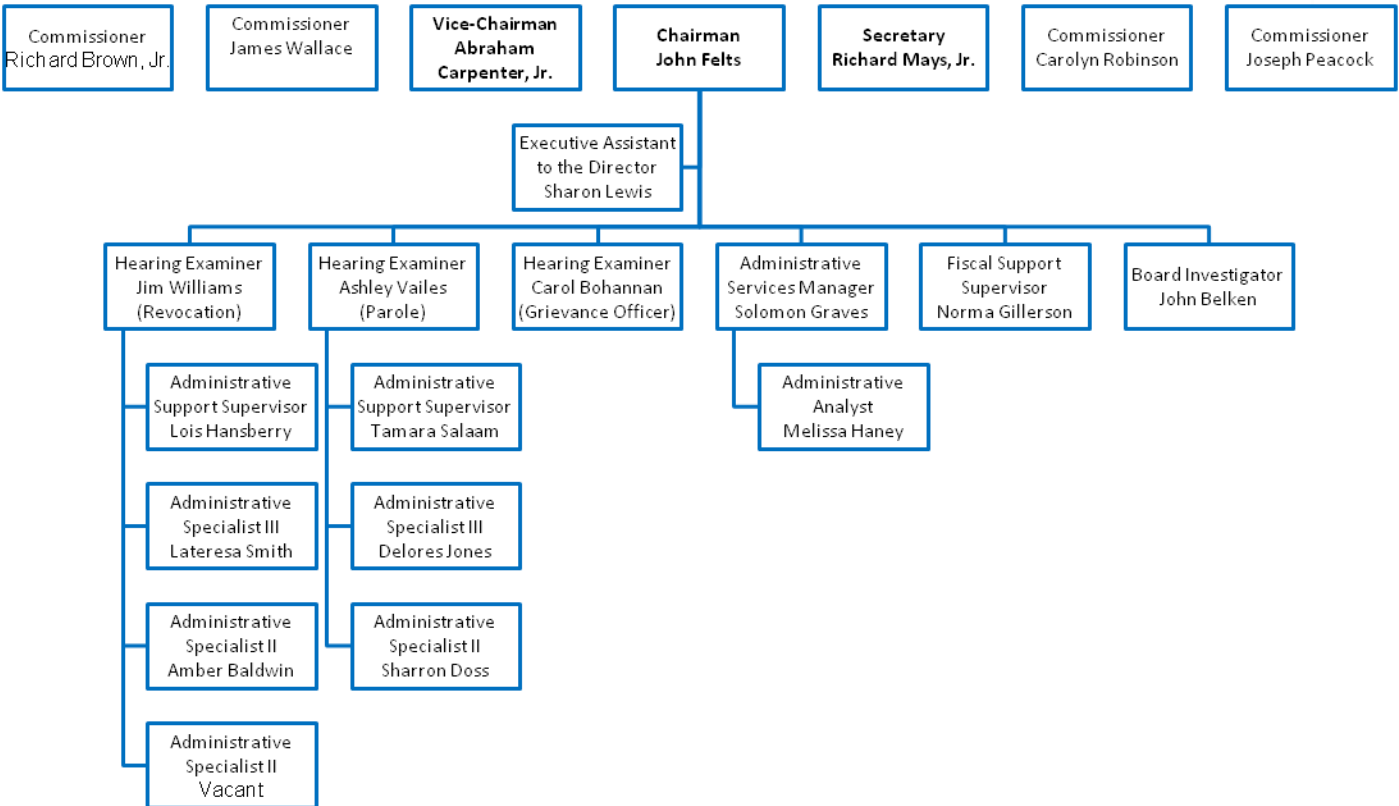
Carol V. Bohannon
James L. Williams, II
Ashley Vailes

Solomon Graves*, Administrative Services Manager
Norma Gillerson, Fiscal Support Supervisor
Sharon H. Lewis, Executive Assistant to the Chairman
John Belken, Investigator
Melissa Haney**, Administrative Analyst
Lois Jean Hansberry, Administrative Support Supervisor
Tamara Salaam, Administrative Support Supervisor
Lateresa Smith, Administrative Specialist III
Delores Jones, Administrative Specialist III
Amber Baldwin, Administrative Specialist II
Sharron Doss, Administrative Specialist II

* Accreditation Coordinator

** Victim Input Coordinator

Organizational Chart



Mission

The Arkansas Parole Board (APB) is an important part of the criminal justice system. The Board is dedicated to the process of promoting public safety by the return of offenders into the community through supervised conditional release. It is our desire that there will be a successful transition from confinement to responsible conduct within the community.

History

Parole has been a component of corrections in Arkansas for almost 70 years. The State Penitentiary Board was originally established through Act 1 of 1943. Act 50 of 1968 reorganized the State Penitentiary as the Arkansas Department of Correction and created two major boards: the Board of Correction and the Board of Pardons and Paroles. Act 937 of 1989 abolished the Board of Pardons and Paroles and the Board of Community Rehabilitation to create the Board of Parole and Community Rehabilitation.

Prior to reorganization, the Board of Pardons and Paroles consisted of five members, appointed by the Governor to staggered five-year terms. The Board initially met three days each month at various units within the Department of Correction. The Board interviewed inmates to determine who should be placed on parole and set the prescribed conditions of parole. Additionally, they made recommendations to the Governor on applications for pardons and commutations.

The Commission on Community Rehabilitation consisted of six members. This body was appointed by the Governor to staggered four-year terms. The Commission met at least once a month and was primarily responsible for reviewing and certifying alternative service programs, screening files of qualified offenders and recommending expungement of records for eligible offenders who successfully completed a prescribed program.

In 1993, legislation revamped the Board of Parole and Community Rehabilitation that had been created in 1989. The Board was renamed the Arkansas Post-Prison Transfer Board with three full-time members. Subsequent legislation in 1995 and 1997 expanded the number of full-time positions.

In 2005, Senate Bill 383 renamed the Post-Prison Transfer Board to the Arkansas Parole Board. The move was designed to alleviate confusion on the part of the public about the duties of the Board.

In 2005, The Board also became accredited by the American Correctional Association. The Board was reaccredited in 2008 and 2011.

In 2007, legislation made all seven Board members full-time employees of the state.



Authority and Responsibility

The APB is an independent, quasi-judicial body whose members are appointed by the Governor and confirmed by the Senate. The Chairman of the Board reports directly to the Governor, and serves as a voting member of the Board of Correction. The APB's mandates are to conduct parole hearings throughout the state of Arkansas, make decisions on the conditional release of inmates from correctional facilities, and review all pardon and commutation applications before issuing non-binding recommendations to the Governor.

A major responsibility of the APB is to grant, deny, suspend, and revoke parole in accordance with legislated criteria. APB members have the authority to make decisions on the conditional release of offenders from prison and community correction centers. The Board's public accountability requires that the risk of public harm be constantly evaluated when considering the potential freedom and reintegration of offenders into the community. In making a decision, the Board is guided by two criteria set out in legislation: the risk posed to the community by the offender's potential to re-offend and the rehabilitation and reintegration of the offender back into the community. If a decision is made to grant parole, a conditional release is authorized. A conditional release establishes explicit rules and requirements that an offender must follow once they are released into the community. These rules are explained to the offender, who must sign the agreement prior to release. Each release decision requires a quorum of four members. Board members exercise independent judgment in cases of parole violations and have the authority to temporarily suspend parole and authorize a warrant for the arrest of a parolee. Revocation Hearings are conducted on the Board's behalf by its Hearing Examiners. The Board reviews all pardon and commutation applications and makes non-binding recommendations to the Governor.

For offenders sentenced under current law, mandatory release eligibility is determined by statute. The Board reviews the release of offenders convicted of specific violent or drug-related offenses and can delay release until the inmate has completed specific programs. Inmates who are sentenced to death or life without parole are not eligible for parole release consideration. Those sentenced to life are not eligible unless their sentences are commuted to a term of years.

Public notification of scheduled parole release hearings is required by Board policy. These hearings are open to the public with the consent of the inmate.

Victims and/or the families are given separate hearings to voice their opposition to parole releases. These hearings are not open to the public.

Victim Input

Crime victims may provide information to the Board via a written and/or oral statement regarding the potential release of an offender. The Board notifies victims of crime of scheduled inmate parole hearings if the victim has asked to be notified or has registered with the VINE (Victims Information Notification Everyday) system. Victims are notified of the release decision once that vote has been ratified by the Board. In most cases, victim input to parole decisions is confidential and cannot be obtained by an inmate.

Month	Hearings Scheduled	No Shows	Hearings Conducted
July 2010	21	2	19
August 2010	24	6	18
September 2010	31	6	25
October 2010	15	6	9
November 2010	22	5	17
December 2010	25	7	18
January 2011	28	7	21
February 2011	21	4	17
March 2011	25	5	20
April 2011	35	11	24
May 2011	28	9	19
June 2011*	31	6	25
Total	306	74	232

*Denotes that the Board conducted a clemency hearing for an inmate sentenced to death.

Parole Process

The parole process allows an offender the opportunity to serve a portion of his or her sentence under administrative supervision of the Department of Community Correction (DCC). Regardless of the length of sentence, most offenders have an expected release date. Parole provides a way to reintegrate the offender from the absolute control of incarceration into the community before being fully released from supervision. A hearing is scheduled when an offender is deemed eligible for parole consideration by the Arkansas Department of Correction (ADC) or DCC. Legal notice of a scheduled hearing is published and testimony in support of, or opposition to, is heard at that time.

The following factors are considered:

- ▶ Institutional adjustment in general, including the nature of any disciplinary actions.
- ▶ When deemed necessary, an examination and opinion by a psychiatrist or psychologist.
- ▶ The record of previous criminal offenses (misdemeanors and felonies), the frequency of such offenses, and the nature thereof.
- ▶ Conduct in any previous release program, such as probation, parole, work release, boot camp or alternative service.
- ▶ Recommendations made by the Judge, Prosecuting Attorney, and Sherriff of the county from which a person was sentenced, and other interested persons.
- ▶ The nature of the release plan, including the type of community surroundings in the persons plans to live and work.
- ▶ The results of a validated risk/needs assessment.
- ▶ The inmate's employment record.
- ▶ The inmate's susceptibility to drugs or alcohol.
- ▶ The inmate's basic good physical and mental health.
- ▶ The inmate's participation in institutional activities, such as, educational programs, rehabilitation programs, work programs and leisure time activities.
- ▶ The failure of an inmate incarcerated at the Varner Unit Super Max to attain Level 5.
- ▶ The presence of a detainer from another jurisdiction.

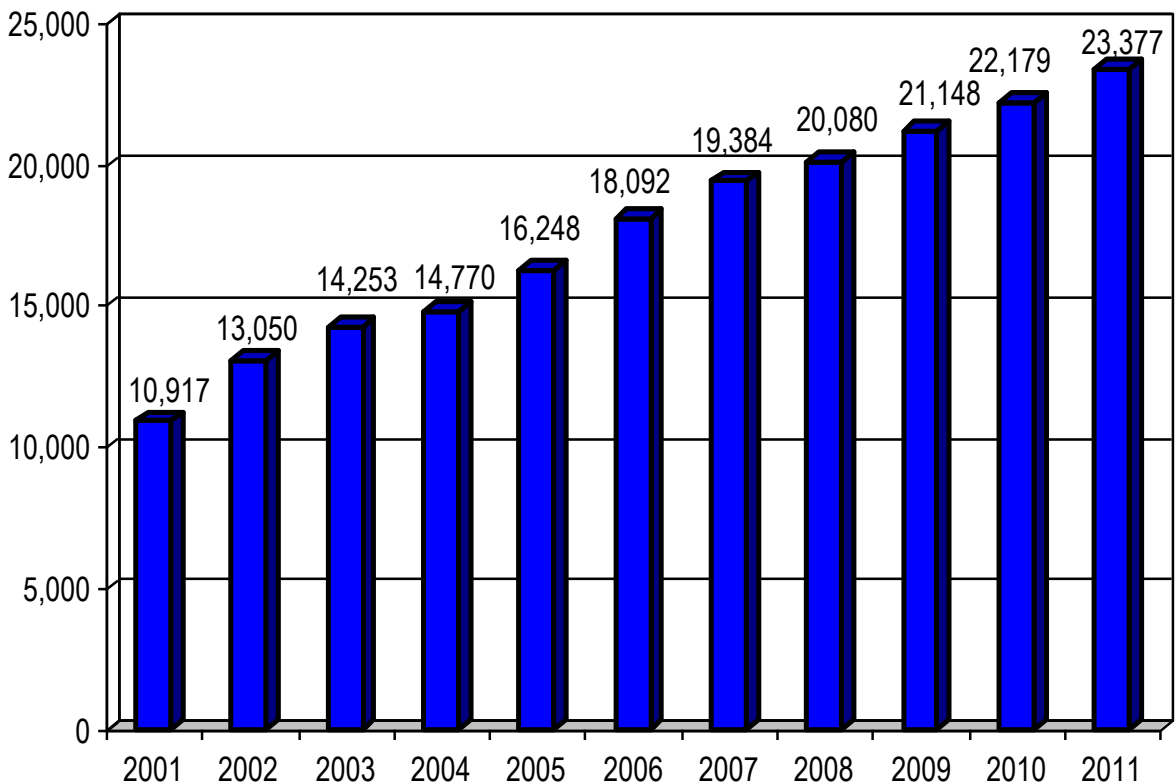
Parole Population

Fiscal Years 2001 through 2011

Release or discretionary transfer may be granted to an eligible person by the Board when, in its opinion, there is a reasonable probability that the person can be released without detriment to the community or the offender.

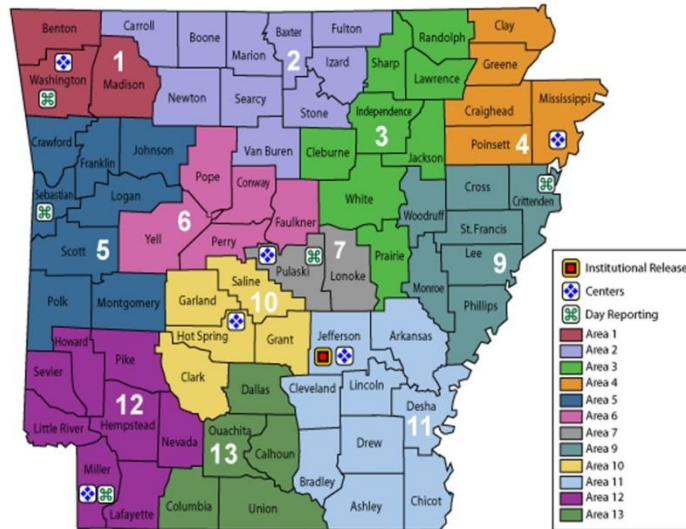
Parole is the conditional release of an inmate from incarceration to structured supervision within the community for the balance of the court-ordered sentence.

Since 2001, the parole caseload has grown 114%. Arkansas' parole system is challenged by the continued increase in the number of offenders released under parole supervision. During the past five years (since FY '07), the number of supervised parolees has increased by 21% (from 19,384 to 23,377).



*Figures include Boot Camp Releases

Parole Population by DCC Area Office as of June 30, 2011



Area	Parole	Boot Camp	Total
1	2,071	70	2,141
2	744	15	759
3	1,378	47	1,425
4	1,479	15	1,494
5	1,898	46	1,944
6	1,116	27	1,143
7	4,803	120	4,923
9	1,395	61	1,456
10	1,740	32	1,772
11	1,891	37	1,928
12	1,581	73	1,654
13	1,119	39	1,158
ISC*	1,569	11	1,580
Total	22,784	593	23,377

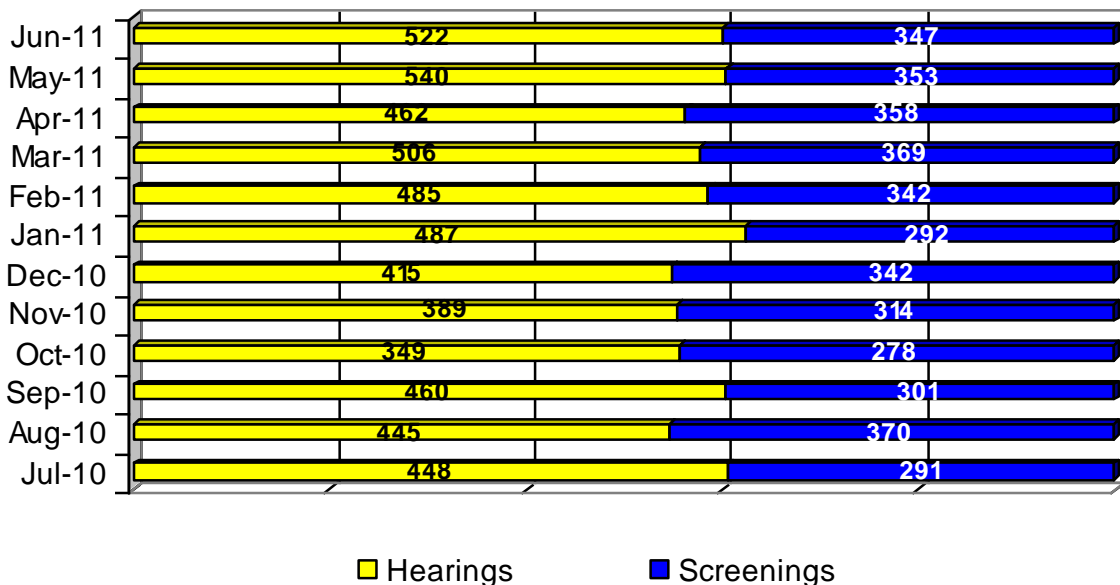
* ISC refers to parolees who are serving their paroles via Inter-State Compact in other states.

Hearings and Screenings

Fiscal Year 2010-2011

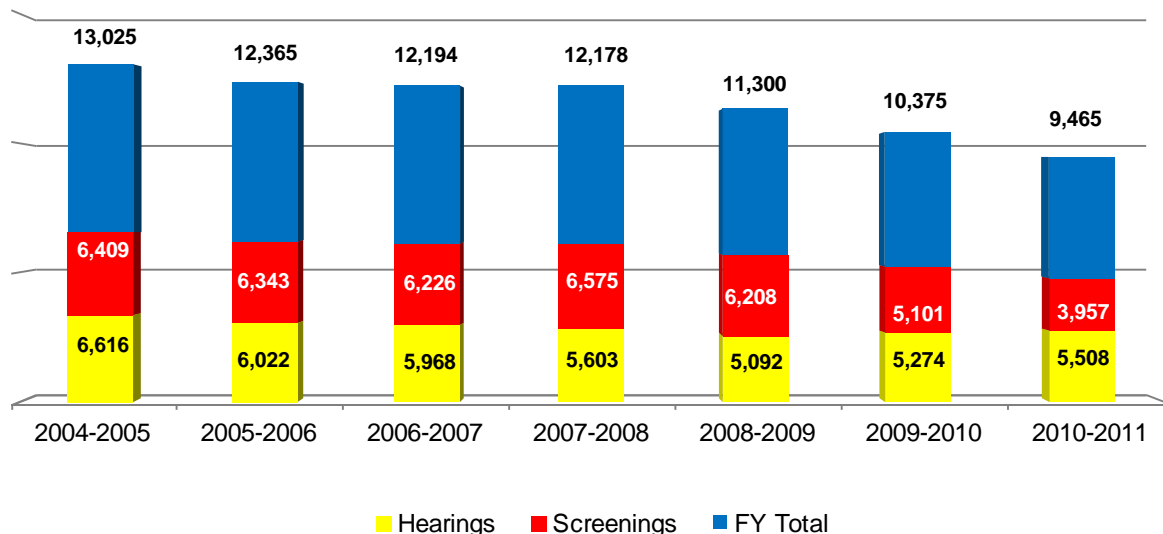
Hearings are held on all parole/transfer eligible cases. These hearings involve one or more members of the Board taking testimony and/or documentation from offenders, possible victims, and their supporters. In FY 2010-2011, 9,465 hearings and screenings were conducted by the Board. Of that number, 7,420 were approved for release. Of those approved for release, 75% were approved releases with no programs and 25% were approved releases contingent upon additional programs.

DCC's Institutional Release staff prepare case records for use by Board members in conducting inmate case reviews and hearings to determine parole, as required by Arkansas Code Annotated § 16-93-203. Depending on the date of a crime or sentence, some inmates are transfer eligible (TE) and others are parole eligible (PE). Some inmates are not eligible for parole, but they can be considered for release under executive clemency powers.

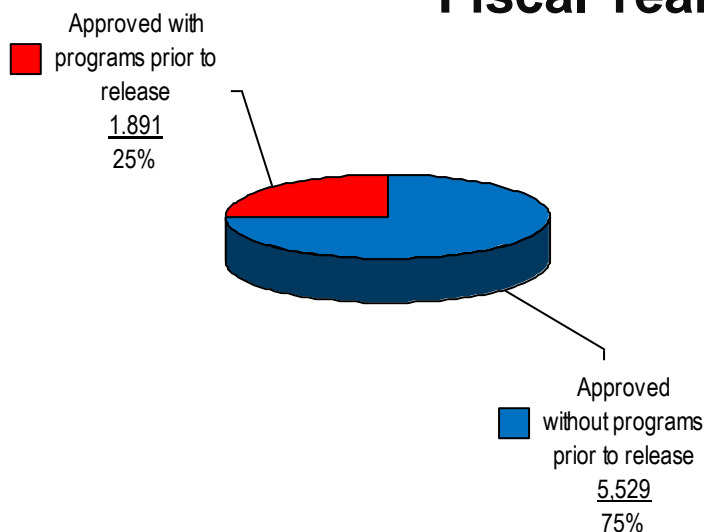


Total Cases: 9,465 (5,508 hearings and 3,957 screenings)

Hearings and Screenings Fiscal Year 2005 through Fiscal Year 2011



Summary of Approved Releases Fiscal Year 2011



Information regarding an individual case is kept confidential. Prior to the hearing, Board members review available information regarding the offender's prior history, current situation, events in the case since any previous hearing, information about the offender's future plans and relevant conditions in the community. A person considered by the Board for release is advised of the decision in writing.

Summary of Approved Releases

Fiscal Year 2010-2011

Month	Hearings Approved	Screenings Approved
July 2010	59%	89%
August 2010	62%	92%
September 2010	71%	92%
October 2010	71%	92%
November 2010	70%	93%
December 2010	74%	94%
January 2011	71%	91%
February 2011	70%	87%
March 2011	70%	90%
April 2011	68%	93%
May 2011	71%	95%
June 2011	64%	95%
Average Total	68%	92%

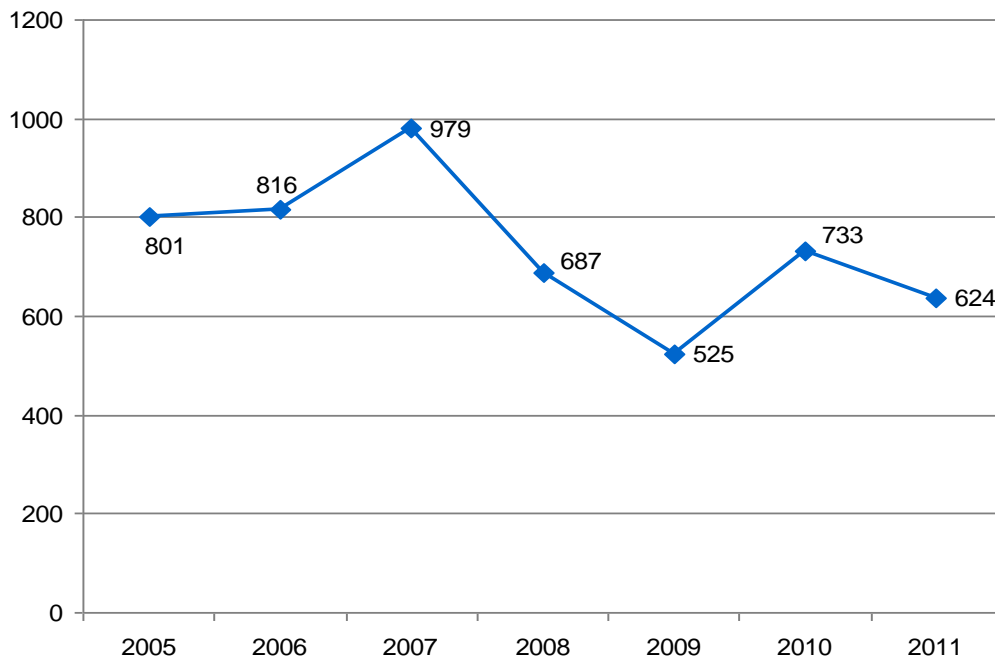
Screenings are file reviews of inmates eligible for early release from incarceration. A screening allows the Board to determine release stipulations, i.e., deferred release for completion of a program or the imposition of mental health and/or substance abuse counseling, or community service. Screenings are also held for clemency applications to determine if a full Board hearing is warranted.

Executive Clemency

The Board can recommend or deny granting a commutation (reduction of criminal penalty) or a pardon (total forgiveness) of a sentence for a criminal conviction following application. In either case, the offender can receive a recommendation of with or without merit from the Board. The recommendation from the Board to the Governor is non binding.

The Arkansas Constitution, Article 6, Section 18, gives the Governor the power to grant Executive Clemency. This is the process through which the Governor considers requests for granting reprieves, commutations of sentence, pardons after conviction and requests to forgive fines and forfeitures. A reprieve is a temporary relief from, or postponement, of execution or criminal punishment of a sentence. Commutation means a permanent reduction of sentence or punishment, such as changing a death sentence to a life sentence without parole. A pardon request asks that a criminal record be expunged, or removed, from the public record. Inmates submit requests through an Institutional Release Officer. Persons who are not incarcerated submit applications directly to the DCC's Institutional Release Services Office where background information is gathered. The requests are forwarded to the Board for investigation. The Board can conduct Pardon, Commutation, and Victim Input hearings. A recommendation report is compiled and sent to the Governor on each application.

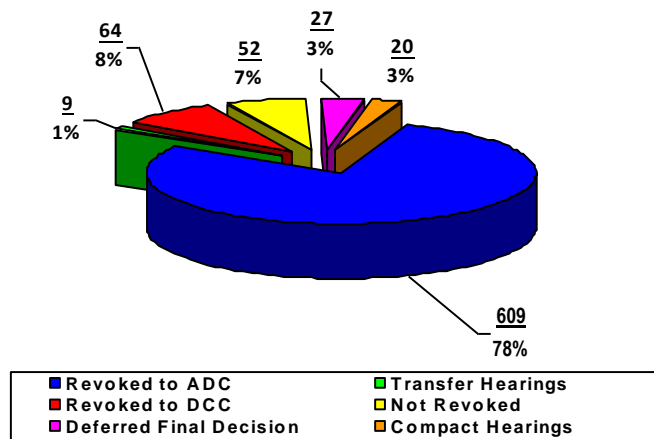
Executive Clemency Hearings and Screenings: Fiscal Years 2005-2011



Revocations

If a parolee violates any of the release conditions, a Hearing Examiner may impose additional conditions, specify whether the violator should be sent to the Technical Violator Program (TVP) if eligible, or return the offender to prison. At a revocation hearing, the Hearing Examiner will seek and consider evidence that supports or counters the violation charges, as well as any extenuating or mitigating circumstances that suggest the violations do or do not warrant revocation.

A total of 781 hearings were held by Hearing Examiners during FY11. Of that number, 78% were revoked to ADC, 8% were revoked to DCC's TVP, 7% were not revoked, 3% had a deferred final decision, 3% were Interstate Compact cases, and 1% were transfer hearings.



A parolee may waive his or her right to an official hearing and be sent to the ADC or a TVP. In this instance, a Hearing Examiner would not meet with the parolee for a hearing. During FY11 there were 1,038 waivers to TVP and 1,151 waivers to ADC.



Seated from left: Ashley Vailes, James L. Williams II, Carol Bohannon

Budget

Fiscal Year 2010-2011

For Fiscal Year 2011, the Board received \$1.818 million in appropriation from General Revenue. \$1.778 million was expended of that appropriation. The Board also received \$4,974 as in-kind support from ADC and DCC.

Funding FY 2011	
FY 10 General Revenue (Funded)	\$1,818,168.00
In-Kind Support (ADC and DCC)	\$4,974.33
Marketing & Redistributing	\$770.48
Total	\$1,823,912.81

Expenses FY 2011		
	Budgeted Amount	Amount Expended
Regular Salaries (00)	\$1,192,019.00	\$1,166,507.23
Personal Services Matching (03)	\$353,093.00	\$341,020.77
Maintenance & Operation (02)	\$270,056.00	\$268,443.78
Conference & Travel (09)	\$2,500.00	\$2,650.49
Capitol Outlay (11)	\$500.00	\$0.00
Total	\$1,818,168.00	\$1,778,622.27

	Asian		Black			Caucasian			Cuban		Hispanic			Mexican			NA Indian			Other/Unknown		Total			Grand
Offense	App	Def	App	Def	Den	App	Def	Den	Def	Den	App	Def	Den	App	Def	Den	App	Def	Den	App	Def	App	Def	Den	Total
Abducting						1																1			1
Abuse Of A Corpse						1																1			1
Abuse Of Adults						2	1															2	1		3
Accomplice						1																1			1
Advertise Drug Paraphernalia	2	1	11	1	1	193	32				2											208	34	1	243
Agg. Aslt On Family/Household			4	2		13	3	1				1										17	6	1	24
Agg. Assault On Corr. Employee			1			2	1															3	1		4
Aggravated Assault	1	1	34	18	2	67	23	3			1	1					1	1				104	44	5	153
Aggravated Robbery			100	97	13	30	23	3				1					1	1				131	122	16	269
Alter/Change Engine or Oth Nbr						1																1			1
Arson			8	8		31	19	3														39	27	3	69
Battery 3rd Deg. (Enhanced)			1	2																		1	2		3
Battery-1st Degree			93	71	16	47	27	14														140	98	30	268
Battery-2nd Degree			69	45	3	88	59	3			10	6								1		168	110	6	284
Breaking And Entering	1		38	10	1	69	12													1		109	22	1	132
Burglary			5	9	1	7	5	1														12	14	2	28
Capital Murder				6			2																8		8
Carnal Abuse-1st Degree			1	1		2	1	1														3	2	1	6
Commercial Burglary	1		79	50	5	203	65	6			6	1										289	116	11	416
Computer Child Pornography						13	19															13	19		32
Criminal Attempt	1		25	34	4	186	86	10		1	3	2										215	122	15	352
Criminal Conspiracy	4		49	14	1	136	45	4			7	1		1								197	60	5	262
Criminal Impersonation						1																1			1
Criminal Mischief 2nd Degree			1			2																3			3
Criminal Mischief-1st Degree			15	4	1	30	5				1											46	9	1	56
Criminal Poss. Of Explosives			1	2		3	2															4	4		8
Criminal Solicitation						3	3															3	3		6
Criminal Use Prohibited Weapon			4	3		9	3															13	6		19
Cruelty to Animals			1																			1			1
Discharge Firearm From Vehicle			11	10	2	6	3															17	13	2	32
Dist Near Certain Facilities						1	3															1	3		4
Dist/Poss/View Sex Explicit			1	1		6	18															7	19		26
Domestic Battering-1st Degree			18	5	2	15	11	5			1											34	16	7	57

	Asian		Black		Caucasian			Cuban		Hispanic		Mexican		NA Indian		Other/Unknown		Total		Grand	
Domestic Battering-2nd Degree	1	1	23	10		37	22			3	1							64	34		98
Domestic Battering-3rd Degree	1		34	10		40	24	2		2	1			1	1	1		79	36	2	117
DWI Offenses			1			5	3			1								7	3		10
Emphy. Auth Child<17 Sex Perf							1												1		1
Endanger Welfare Minor-1st Dg			1			10	4											11	4		15
Engage Child In Sex Explot			2	1		2	3	2										4	4	2	10
Engage In Cont Gang Org/Ent 2d			2	1	1	1												3	1	1	5
Engage In Viol Crim Group Act			5			1												6			6
Escape-2nd Degree						1	4											1	4		5
Expose Child to Chem Substance						3												3			3
Exposing One To HIV			1			2	3											3	3		6
Fail To Register Child/Sex Off			23	23		76	66	4		1	2			1				101	91	4	196
Fail To Stop Acc. W/Inj/Death			2	2		6	4											8	6		14
Fail. To Keep Records Dist Drg						1	1											1	1		2
Failure To Appear	2		33	17	1	129	31	2		9	2			4	1			177	51	3	231
False Imprisonment-1st Degree			5	6		14	7							1				20	13		33
Filing A False Report						3	1											3	1		4
Financial Identity Fraud			4			7	3			2								13	3		16
Fleeing			5	1		17	5	1		2								24	6	1	31
Forgery			59	10		133	35			2				1	1			195	46		241
Fraudulent Use Of Credit Card			5	2		31	4											36	6		42
Furnish Deadly Weapon To Minor						1	1											1	1		2
Furnishing Prohib. Articles	1		14	7		32	10			1	1							48	18		66
Hindering Apprehension Or Proc			3	4		11	7			2								16	11		27
Hot Check Violation			23	6	1	73	16											96	22	1	119
Impair Oper. Of Vital Pub Facil			1	1		6	2											7	3		10
Incest			1	2		2	4	4			2							3	8	4	15
Indecent Exposure							1												1		1
Interference With Custody			1															1			1
Interfering With Law Enf. Off.						1												1			1
Internet Stalk - Child Fel. B			2	2	1	19	20			1	1			1				22	24	1	47
Intimidating A Witness						2	1											2	1		3
Intro Cont Subs Body/Another						1												1			1
Kidnapping			6	10	3	6	3	3										12	13	6	31

	Asian		Black			Caucasian			Cuban		Hispanic			Mexican			NA Indian			Other/Unknown		Total			Grand
Manslaughter			13	14	8	13	21	23			2		1		1	1		1	1			28	37	34	99
Manu/Deliv/Poss Control Subs.	10	1	987	284	12	#### #	331	16	1		90	25	1	1	2		5	1		1	1	#### #	646	29	3,083
Murder-1st Degree			16	47	17	8	38	10														24	85	27	136
Murder-2nd Degree			21	35	25	9	28	24														30	63	49	142
Negligent Homicide			2	3		17	15	15														19	18	15	52
Non-Support			11	1		34	6										1					46	7		53
Perjury						2	1															2	1		3
Permit Child Abuse						1	4															1	4		5
Poss Anhyd Ammonia Unlaw/cont						4	1															4	1		5
Poss W/I To Manufacture			1			13	2															14	2		16
Poss. Firearm Certain Person			97	56	4	78	28	2			4	4										179	88	8	273
Poss. Firearm Incar. Person						1																1			1
Possession Of Defaced Firearm						1																1			1
Possession Of Ephedrine						3																3			3
Rape			27	55	19	28	107	55	1				1									55	163	75	293
Reg Sex offend near cert fac			2	1		2	3	2														4	4	2	10
Registered Sex Offender Prohibited Entering School Campus						1	1															1	1		2
Residential Burglary			304	172	12	505	219	23			11	6	2	3			2					825	397	37	1,259
Retaliation Against Informant			2																			2			2
Revoke Probation								1																1	1
Robbery			269	142	12	108	64	3			4	1										381	207	15	603
Securities Fraud						1																1			1
Sexual Abuse-1st Degree			4	8	2	13	18	8														17	28	10	53
Sexual Assault	3		31	75	30	103	237	### #			21	8	3	1						1		160	320	### #	632
Sexual Indecency With A Child			1	1		12	29	2			3	3										16	33	2	51
Sexual Solicitation Of A Child				2		1	3	1														1	5	1	7
Simul. Poss Of Drugs/Firearm			49	28	2	58	19				5	1										112	48	2	162
Stalking			1	1	1	4	6	2														5	7	3	15
Tampering With Physical Evid.			4	5	1	6	1				2	2										12	8	1	21
Terroristic Act			22	19	3	9	3	1			2				2							33	24	4	61
Terroristic Threatening			9	8	1	23	14	1			3			1			1	1	1			37	23	3	63
Theft By Receiving	1		85	27	1	167	48	4			8											261	75	5	341
Theft Of Leased Property			4			3	4															7	4		11
Theft Of Property	2	1	170	70	2	448	127	6	2		14	4								1		635	204	8	847

FY2010-2011 Act 1031 Report (Final Approvals, Deferrals, or Denials)

	Asian	Black	Caucasian	Cuban	Hispanic	Mexican	NA Indian	Other/Unknown	Total	Grand
Theft Of Public Benefits		5	2	1					7	9
Theft Of Scrap Metal		1							1	1
Theft Of Services		1	2						3	3
Trans. Distr. Mat. Deplctg Chil			3	5					3	8
Unknown		10	27		1				11	50
Unlawful use/access w/computer			1						1	1
Use Of Another's Prop For Crime		2	4						6	6
Use Of Communication Facility		1							1	1
Video Voyeurism			2	1					3	3
Viol Of Crim DWI Act 4th Offens	1	22	99	39	5	2	1	1	131	185
Violation Of A Minor-1st Dg		1							1	1
Violation Of A Minor-2nd Dg			1						1	1
Violation of Protect Order			2						2	2
Witness Bribery		1							1	1
Unknown								1	1	1
	32	3,000	4,945	2,210	232	9	20	7	8,245	12,763

Act 1031 of 2003

Beginning July 31, 2003, and on July 31 of each year thereafter, the Parole Board shall submit an annual report to the Arkansas Legislative Council and the Commission on Disparity in Sentencing showing the number of persons who make application for parole, and those who are granted or denied parole during the fiscal year for each criminal offense classification.

The report shall include a breakdown by race of all persons sentenced in each criminal offense classification.

The Parole Board shall cooperate with, and on request, make presentations and provide various reports, to the extent the agency's budget will allow, to the Arkansas Legislative Council and the Commission on Disparity in Sentencing concerning board policy and criteria on discretionary offender programs and services.

Arkansas Parole Board

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