

Report on Boards & Commissions

Department: Department of Corrections

Secretary: Wendy Kelley

The purpose of this report is 1) prompt an analysis of the Boards & Commissions in your Department and to identify efficiency (cost savings) and effectiveness (better results) opportunities and 2) to propose and develop to deliver efficiency and effectiveness improvements.

1.1. List all boards, commissions, etc. within your department.

(a) Board of Corrections – Created by Amendment 33 to the Arkansas Constitution. Substantive legislation: ACA §12-27-104, ACA §12-27-105, ACA §25-43-401

(b) Parole Board – Created by ACA § 16-93-201

(c) Interstate Commission for Adult Offender Supervision – ACA § 12-51-101 – 901. The Interstate Compact for Adult Offender Supervision (ICAOS) rules can be found at <https://www.interstatecompact.org/sites/interstatecompact.org/files/pdf/legal/ICAOS-2018-Rules-ENG.pdf>. The ICAOS rules are federal regulations and have the force and effect of federal law. All 50 states and 3 territories are members of the Compact.

(d) Criminal Detention Facility Review Committee: Created by ACA § 12-26-105

(e) Sentencing Commission: Created by ACA § 16-90-802

1.2. What state resources support each board, commission, etc.? What is the total cost associated with each board, commission, etc. broken down by general revenue and by all other sources?

(a) Board of Corrections – The Board of Corrections is supported by positions assigned to their Compliance Division from the Division of Correction. Expenses totaled \$1,422,824 in FY19 and were paid from the Division of Correction’s general revenue budget.

(b) Parole Board – Members of the Parole Board are full-time employees of the State of Arkansas. The Chairman of the Board serves as its Director. The Board is currently supported by a staff of 16. Expenses totaled \$2,172,339 in FY19 and were paid from the Board’s own budget.

(c) Interstate Commission for Adult Offender Supervision – The commission does not have any associated expenditures. Its work is supported by employees of the Division of Community Correction as a part of their normal duties.

(d) Criminal Detention Facility Review Committees – The Committees are supported by a staff of two. Operational expenses totaled \$149,377 in FY19 and came from budgeted funds within the Department of Finance and Administration.

* - Reported expenditures for the Criminal Detention Facility Review Committees do not include the use of a DF&A pool vehicle by the Criminal Detention Facility Review Coordinator.

(e) Sentencing Commission – The work of Commission is supported by a staff of two. Operational expenses totaled \$390,187 in FY19 and came from the Commission’s own budget.

1.3. What are the key results, outcomes, performance indicators and/or success measures for each board, commission, etc.?

(a) Board of Corrections – The Board serves as oversight for the Divisions of Correction and Community Correction as well as the school board for the Arkansas Correctional School and Riverside Technical School. The board members provide guidance and must approve budgets, Directors/Chief Administrative Officers for the divisions they serve. This Board also operates the Compliance Division under the management of the Compliance Attorney selected by the Board. The Compliance Attorney was originally established in response to federal court action challenging the constitutionality of the state penitentiaries in the 1970s. The Compliance Division employs Attorney’s to represent inmates, investigators, an auditor, and two administrative staff charged with ensuring the divisions are following federal and state laws and operating in a constitutionally required manner. Success is ensuring the constitutional rights of inmates and offenders are maintained as well as educational opportunities, reentry, treatment programs, and other programs are provided while correctional operations and security is maintained.

(b) Parole Board – Success is achieved when the Board makes data-driven parole decisions, stipulates parole conditions in a manner that enhances offender reentry, responds to parole violations appropriately and effectively using evidenced-based approaches, provides victims of crime with timely information about the decision-making process, collaborates in a transparent manner with stakeholders, and enhances the decision-making process through innovation.

(c) Interstate Commission for Adult Offender Supervision – Success is achieved by the Commission acting on related issues with a goal of ensuring public safety and protecting the rights of victims through the control and regulation of the interstate movement of offenders between states, providing for the effective tracking and supervision of those offenders, and equitably distributing costs, benefits, and obligations of supervision between Arkansas and other jurisdictions.

(d) Criminal Detention Facility Review Committee – Success is achieved by all criminal detention facilities and juvenile detention facilities within Arkansas counties and cities conforming to minimum standards of construction, maintenance, and operation.

(e) Sentencing Commission – Success is achieved through the effective evaluation of sentencing laws, policies, and practices on the criminal justice system, the implementation of appropriate and necessary revisions to the sentencing standards/grid, and through accurate recommendations to the General Assembly on proposed changes of sentencing laws, policies, and practices. The Sentencing Commission is to monitor the prison populations and make recommendations regarding state correctional resources.

1.4. After a thorough analysis of boards, commissions, etc. within your department, identify key opportunities you would propose for more effective operations, improved services, and/or efficiencies.

(a) Board of Corrections – The Compliance Office could be merged with the Secretaries Office for efficiencies; however, there are different opinions as to how to make the Department more efficient. At a minimum, the Compliance Office for the Board should move into the Former Timex building when the Division of Community Correction, Parole Board, Sentencing Commission, and Criminal Detention Facilities consolidate in one location and using the various rental payments to make the bond payments on that project.

(b) Parole Board – The largest portion of Parole Board expenses are related to leasing office and parking. By moving their operations to the Timex Building those expenses will be eliminated. Existing funding will be used to offset the bond payments for the Timex Building. Shifting remaining fiscal operations to our Shared Services Division will allow staff assigned to the Board to focus on the Board’s core functions. Additional opportunities for improved services would come from revision of the state’s parole eligibility statutes. Current statutes were written in silos. They are confusing and contradictory in certain sections. The Parole Board would benefit by increasing its training of external stakeholders on the parole process as well as boosting its decision-making training required by law annually to enhance evidence-based decisions. (The Sentencing Commission is developing training that will benefit the Parole Board and the various divisions are working to share training resources.) Additionally, the change to require five (5) votes (seven member board) has made it possible for two members to control decisions in the event a board member is absent for any reason; and dictates that a majority (four members) cannot take action in individual cases. This was particularly evident during January when two board members were being replaced and vacancies existed (six members on the board and the five-vote requirement meant two members could block many decisions).

(c) Interstate Commission for Adult Offender Supervision – In the 2019 legislative session, legislation was passed to require that any fine levied against Arkansas by the national ICAOS office to be paid by the agency responsible for violating the rule that led to the sanction. There is a continued need to train local law enforcement and judges on the Compact rules and reduce their discretion to fully comply with the rules.

(d) Criminal Detention Facility Review Committee – 2017 legislation reducing the number of local Review Committees from 28 to 8, greatly enhanced operations. There is now a more consistent approach to planning, grant procurement, cost considerations, and the exchange of best practices. Additional opportunities include leveraging Department resources and external grants to provide training to local facilities. In 2019, the Coordinator’s Office was able to leverage a technical assistance award from the National Prison Rape Elimination Act (PREA) Resource Center, and Department staff, to provide the first statewide training for local facilities on the PREA standards applicable to their facilities. The Review Coordinator, and DOC reentry staff, have also been able to develop semi-annual Resource Days which bring local facilities together with reentry resources. The efforts since 2011 to implement a reentry system at the state level has not included local facilities as is being done following transformation! Several county detention facilities have implemented their own programs; however, we are now bringing state and local facilities together.

(e) Sentencing Commission – Opportunities for improved services largely stem from shifting resources to provide needed training related to the sentencing order and improving data-quality among key stakeholder groups. This includes expanding the training being offered to prosecutors and county clerks. There is also a need to train staff within the Division of Community Correction on the proper entry of sentencing orders during probation intakes. Currently the process used to enter orders varies between area offices within the Division. Finally, as the Department continues to work with the Administrative Office of the Court to finalize a project to build an interface between CONTEXTE and eOMIS, there is a clear need to train court staff on the proper entry of case information in their system in order to avoid further data-quality issues within eOMIS.

Since the Commission came under the Department, we have worked to reduce their data entry, which was performed by attorneys and duplicated throughout multiple criminal justice agencies. We have also worked to shift their fiscal and human resources functions to our Shared Services Division. This has created additional capacity for current staff to provide training. Additional personnel actions are under consideration.

1.5. Identify any obstacles to the implementation of these proposals.

Additional training is a consistent theme among the Department's Boards. However, the Boards within the Department have limited budgets and minimal staffs. Available staff have also been regularly tasked with responsibilities now being managed by Shared Services..

1.6. What would be key action steps for these proposals?

Shifting administrative functions to the Shared Services Division will provide additional capacity for current staff to provide training and other functions. As positions turn over through normal attrition, the functions of the vacating employee will be reviewed by either the Secretary or Chief of Staff prior to advertising the position. When appropriate, positions will be re-tasked or reclassified. Additionally, a department-wide training policy was issued. The specific needs of Boards and Commission were addressed. Ensuring those needs are met will be the responsibility of our Training Section, which is housed within our Shared Services Division. Joining training staff among the Department is a tremendous efficiency still being developed

Additional thoughts/comments:

None.