

ARKANSAS REGISTER

Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State

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For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency Arkansas Department of Corrections

Department Division of Community Correction

Contact Russ Carter E-mail Russ.Carter@Arkansas.gov Phone 501-682-9572

Statutory Authority for Promulgating Rules Arkansas Code sections 12-27-105, 16-93-1203 and 16-93-1205

Rule Title: Community Correction Center Criteria and Standards

Intended Effective Date

(Check One)

Date

☐ Emergency (ACA 25-15-204)

Legal Notice Published _____

☐ 10 Days After Filing (ACA 25-15-204)

Final Date for Public Comment _____

☒ Other 8/15/05
(Must be more than 10 days after filing date.)

Reviewed by Legislative Council _____

Adopted by State Agency _____

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Russ Carter

Russ.Carter@Arkansas.gov

12/31/2019

Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

Signature

870.643.1922

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Phone Number

E-mail Address

Chief of Staff

Title

Date

	ADMINISTRATIVE RULE	Section Number: AR 1.4	Page Number: 1
	STATE OF ARKANSAS	Board Approval Date: 7/22/05	
	BOARD OF CORRECTIONS	Supersedes: AR 1.4	Dated: 6/20/03
		Reference:	Effective Date: 8/15/05
		Secretary of State Code 159.00	
		SUBJECT: COMMUNITY CORRECTION CENTER CRITERIA AND STANDARDS	


I. AUTHORITY. The Board of Corrections (Board) is vested with the authority to promulgate this administrative rule by Ark. Code Ann. " 12-27-105, 16-93-1203, and 16-93-1205.

II. APPLICABILITY. This policy applies to residents of and offenders being considered for transfer to Department of Community Correction (DCC) community correction centers (CCCs) other than technical violator centers, and staff.

III. POLICY. It is DCC policy to operate residential facilities which adhere to established criteria and standards for the effective provision of restoration opportunities for offenders referred to CCCs, and to continuously review resident progress and recommend early release to the Parole Board when program completion criteria is met, with primary concern for the safety and welfare of people of the state of Arkansas.

IV. CCC ADMISSION CRITERIA. An offender eligible for admission to a CCC is a felon


- A. who is eligible by law for such sentence, and
- B. whose crime(s) fall(s) within the targeted population as set forth in Ark. Code Ann. ' 16-93-1202, and
- C. whose period to be confined in a CCC does not exceed
 - 1. 1 year for a defendant placed on probation or for whom the court suspended the imposition of sentence, accompanied by assignment to a CCC, or
 - 2. 1 year for referrals by the Parole Board, or
 - 3. 2 years for a commitment to the Arkansas Department of Correction (ADC) for judicial transfer to the DCC, and
- D. who has not been previously convicted of a violent and/or sex related felony, disciplined in a jail/correctional institution for violent and/or sexual misconduct and has no known record of mental disorder(s) that would indicate a propensity for violence, and
- E. who has no pending felony detainer(s) for a non-target offense filed against him or her, and

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- F.** who does not otherwise pose an undue public risk to the safety and security of the community.

V. STANDARDS.

- A. Admission.** Eligibility must be verified upon admission. To be admitted, an offender must have an appropriate commitment document. Intake medical examinations will be completed within three (3) working days of admission except for Parole Board transfers directly from ADC who have been examined at the ADC within the last six (6) months. Treatment staff will assess the offender and develop and implement an appropriate treatment plan.
- B. Credit for Time Spent in Custody.** Credit for time spent in either pre- ~~or post~~ sentencing custody will be granted unless such credit has been waived pursuant to an agreement between the offender and the sentencing court.
- C. Good Time.** Offenders committed to the ADC with judicial transfer to the DCC may earn good time in accordance with regulations and state statute.
- D. Community Work Crew Projects.** When work projects are conducted, center staff shall adhere to the following:
1. Work crews will be organized and operated in accordance with agency guidance. Only supervised community work crews are authorized to work outside the CCC unless alternative supervision has been arranged through a work agreement approved by the Deputy Director of Residential Services.
 2. Projects are limited to the following unless otherwise approved by the Director:
 - a. beautification of highways, roads, ditches, and/or designated community areas
 - b. landscaping
 - c. general maintenance/cleanup
 - d. building renovation
 - e. rebuilding and demolition projects.

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3. Community work crew projects are authorized only for the following entities, in priority order:
 - a. State government
 - b. county government
 - c. city government
 - d. private non-profit organizations/agencies
 - e. federal government
 - f. private property when engaged by the State, county or city government.
4. Director and Board approval is required for any community work crew projects for pay.
5. Staff may not engage community work projects where there is foreseeable danger (health and safety) to the public, work site staff, and/or residents.

E. Assignment/Program Participation Agreement. Residents will receive orientation, agree to abide by CCC rules, participate in self-improvement programs and perform work program assignments. Programs, job assignments, and activities will be designed to promote public safety, and assess and address resident needs and abilities without discrimination.

F. Failure to Meet Criteria/Violation of Terms. Confinement in a CCC is conditioned upon meeting the criteria specified in Section IV above and the resident=s continued compliance with all applicable rules and regulations established by Board policy and agency guidance. A resident who violates such rules and regulations is subject to disciplinary action up to and including submission of a violation report with a revocation recommendation to the Parole Board or the court as follows:

1. A resident who violates the terms and/or conditions of transfer is entitled to a hearing by the Parole Board to determine non-compliance that warrants transfer to the ADC. The resident may waive the right to a hearing.
2. A transferred resident who no longer satisfies CCC Criteria and Standards will be recommended for administrative transfer to the ADC and transferred upon Parole Board approval. The resident will be provided a written notice of ineligibility and supporting reasons for the transfer. Only after the administrative



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transfer and only to contest the factual basis of the determination of ineligibility may the resident be entitled to a Parole Board hearing.

3. Parole Board decisions are final and provided in writing to the ADC, DCC, and resident.
4. A resident who violates the terms or conditions under which the imposition of his/her sentence was suspended or fails to meet the center criteria/standards will be reported to his/her court of jurisdiction and treated in accordance with its determination.

G. Completion and Release Criteria.

1. Upon completion of the period of confinement, residents will sign a condition of release contract or terms or conditions of probation/SIS, where appropriate, and will be transferred to the supervision (at varying levels of intensity) of a Parole/Probation Officer in the community, except as otherwise ordered by the court. Prior to release, the residents will agree to an approved release plan.
2. An offender judicially transferred to a DCC CCC is eligible for release by the Parole Board when he/she meets the following criteria for completion of the program:
 - a. completion of at least 270 days in a CCC, excluding jail time credit
 - b. obtained no cardinal rule violations within the past 90 days which resulted in loss of class and/or good time or disciplinary detention or the Center Supervisor has considered such violations and made a recommendation for early release
 - c. demonstrated consistent use of modified therapeutic community concepts to include booking tickets and confrontations as determined by the treatment coordinator



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- d. made reasonable progression through status levels through review of input by counselor and Staff on Duty
 - e. is current with master treatment plan objectives
 - f. actively participated in the twelve-step program and satisfactorily demonstrated knowledge of steps one through four, and
 - g. completion of phase 3.
3. The Center Supervisor is responsible to ensure timely and appropriate reviews and recommendations to the Parole Board through the Deputy Director of Residential Services.
4. DCC staff must ensure transitional living facilities receiving offenders from DCC and the Department of Correction are licensed in accordance with Board of Corrections rules and regulations.
5. Recommendations should include the Center Supervisor's certification of completion of the program, in accordance with the definition established in this policy. The Deputy Director of Residential Services shall ensure a consistent design and content of the certificate of completion and uniform Recommendation for Early Release form (approved by the management team) to establish and maintain consistency. The original certificate should be provided to the resident with a copy maintained in the resident file.
6. If a cardinal rule violation occurs after the Parole Board action to release a resident due to completion of the program, the Parole Board should be notified immediately, and requested to reconsider the release decision. If the Parole Board rescinds the previously approved release, the resident must wait until he/she meets the eligibility criteria again.
7. Approved release documents will be provided to the Institutional Release Officer who will ensure appropriate staff is advised of the Parole Board decision and will process approved residents for release.



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- VI. OPERATIONAL PROCEDURES.** Procedures for operating CCCs will be outlined in agency guidance.
- VII. REFERENCES.** Ark. Code Ann. "5-4-304, 5-10-101 et seq. through 5-14-101 et seq., 12-27-127, 12-29-205, 16-93-1201 et seq., and 16-93-1301 et seq.
- VIII. ACA REFERENCES.** American Correctional Association Performance Based Standards for Adult Community Residential Services, Fourth Edition, 4-ACRS-2A-07; 4-ACRS-6A-10 through -6A-11.