



Section Number: AR 7.8  
Page Number: 1

**ADMINISTRATIVE REGULATION**  
**STATE OF ARKANSAS**  
**BOARD OF CORRECTIONS**

<b>Board Approval Date:</b>	
<b>Supersedes:</b> <b>None</b>	<b>Dated:</b> <b>7/22/05</b>
<b>Reference:</b>	<b>Effective Date:</b> <b>8/15/05</b>

**SUBJECT: TRANSITIONAL LIVING PROGRAM LICENSURE**

- I. AUTHORITY.** The Board of Corrections (BOC) is vested with the authority to promulgate this administrative regulation by Ark. Code Ann. ' ' 12-27-105, 16-93-1203, and 16-93-1205.
- II. APPLICABILITY.** This policy applies to Department of Community Correction (DCC) employees.
- II. POLICY.** It is Board of Corrections (BOC) and DCC policy to review, license, utilize and monitor transitional living (TL) programs to ensure a structured, positive, and safe environment for offenders remanded for transitional services and for the safety of the community.
- III. DEFINITIONS.**

**Transitional Living Program.** A community-based residential program housing facility or component of a program which temporarily provides for one or more offenders under DCC community supervision for transition services, to aid in their successful and gradual reintegration into the community.

**IV. GUIDELINES**

**A. General**

- 1. Only BOC licensed TL facilities or programs will be approved by staff for offenders to reside while receiving transition services.
- 2. DCC Staff shall develop and implement the necessary applications, forms, and onsite observation, monitoring tools and processes for obtaining sufficient information to make sound recommendation consistent with the requirements established by this regulation.
- 3. The application and required supporting documentation shall be deemed a part of the official application. An application is not complete without



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- the documents required in this policy.
4. Applications, forms, and other licensing materials shall be maintained in the local offices to provide to applicants upon request.
  5. Entities must fully complete and submit applications for licensing and ~~include~~ all ~~items~~ requested documentation to the appropriate Area Manager for processing through the supervisory chain.
  6. The Deputy Director of Parole/Probation (P/P) Services must ensure the establishment of TL Review Teams (TLRTs) for each area which shall conduct reviews of licensing applications and documents, perform onsite visits or inspections (initial and periodic, announced and unannounced), and make objective recommendations. Each TLRT must consist of an Assistant Director of P/P Services, Assistant Director of P/P Treatment Services, 2 local P/P officers and 1 Substance Abuse Program Leader. TLRT recommendations shall be based upon the entity meeting requirements of this policy and review of investigation reports of any known critical incidents concerning DCC offenders. Only favorable recommendations by the TLRTs will be reviewed by the BOC.
  7. Applicants receiving unfavorable recommendations for licensing ~~should~~ must be notified in writing of the requirements that were not met. Entities may appeal TLRT recommendations to the BOC, whose decision is binding.
  8. The licensing fee will be as established by the BOC. DCC shall provide notice to TL licensing applicants and current licensees when fees change. All fees are nonrefundable regardless of the BOC decision. Licensing (including renewals) shall be for 12 months following BOC review and approval.
  9. Applicants with Bureau of Alcohol and Drug Abuse Program (BADAP) licensed treatment program will automatically be recommended to the BOC for approval of licensing as long as the BADAP licensing requirements meet or exceed the DCC requirements.



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SUBJECT: TRANSITIONAL LIVING PROGRAM LICENSURE

- 10. Area Managers ensure the assignment of a local P/P officer...
11. DCC shall conduct all drug testing activities for offenders in TL facilities/programs.

B. Licensure Requirements. The authority to operate transitional living services for DCC offenders is subsequent to favorable BOC action and provision of documentation of 100% satisfaction of the following requirements:

- 1. The entity has submitted the TL Licensure Application and required fee.
2. Proof of satisfactory inspection (by authorized officials) concerning compliance with building, health, food service...
3. Verification statement from the appropriate municipal entity...
4. Proof of business license or documentation that the named facility or program has non-profit 501C(3) status.
5. Proof of adequate liability and premises insurance.
6. A complete itemized list of each fee amount (one time and monthly) that will be assessed each offender...
7. A complete itemized list of each possible violation, fine and other charges, in dollar amounts, assessed each individual offender.
8. If applicable, a price list of items/products (toiletries and other necessities)



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STATE OF ARKANSAS
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SUBJECT: TRANSITIONAL LIVING PROGRAM LICENSURE

- 9. Sleeping rooms have at least 50 usable sq. ft per person for single occupancy, 48 usable sq. ft. per person for multiple occupancy, and individual storage available for clothes and personal items. And telephone lines are adequate to allow for electronic monitoring of offenders.
10. Copy of certifications by the Red Cross or American Heart Association of First Aid and CPR for staff present at the TL facility.
11. Evidence of appropriate curfews and house rules and the enforcement of the same. All house rules and curfews shall be posted in conspicuous places.
13. Daily activities are structured to facilitate a safe and positive environment and facilitate positive change. To remain in the facility, all offenders are required to attend weekly support group meetings to decrease the risk of substance abuse relapse or violation of release conditions.
14. There is visible evidence (noticeable signs posted at entrances) that weapons (including authorized concealed handguns) are prohibited, excluding law enforcement officers or official pursuing their lawful duties.
15. Facilities and vehicles used to transport offenders are adequately equipped with first aid kits and fire suppression equipment, with the legally required amount and type of insurance coverage for each vehicle.
16. If the facility is a private residence, it has a separate entrance to an exclusive service area for DCC residents.
17. The facility is clean and presentable. Bedrooms and bathrooms for males and females are separate with adequate barriers between them. Toilets, sinks, and showers are clean and operable. There is at least one toilet, one sink, and one shower or tub for every eight residents.
18. Adequate laundry facilities are on the premises or within a reasonable distance.
19. The facility has adequate onsite storage (locked/secured rooms and/or file cabinets) for processing, handling and maintaining offender records. All



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**SUBJECT: TRANSITIONAL LIVING PROGRAM LICENSURE**

- files and documents shall be easily accessible to persons authorized by DCC policy.
20. Copy of the Disaster plan including evacuation procedures, documented drills, contingency plan for continued treatment or programming in the event of a disaster.
  21. General information is provided for the proposed TL facility, including the facility and administrator's or director's name, telephone number, email (if applicable) and physical address.
  22. Any information required by DCC to conduct criminal background investigation on staff.
  23. Written TL policies and procedures safeguarding confidential offender information (especially concerning substance abuse, mental and personal health) from unauthorized access and/or disclosure.
  24. Offender records are uniform in format and content, and are bound to prevent accidental loss. All entries are chronologically listed, dated, and signed or initialed.
  25. TL policy requires that when disclosing offender information pursuant to a written consent to disclose (release of information), written notice of prohibition of re-disclosure is also provided. Policy also requires all such releases of information to become a permanent part of the offender's record.
  26. TL policy allows the release of pertinent medical information to medical personnel providing care in life-threatening situations and the offender's condition or situation precludes the possibility of obtaining the offender's or administrator's written authorization if obtaining such authorization would cause excessive delay in delivering medical attention. In such cases, policy requires the person releasing the information to document the details of what, when, to whom and why the information was release and inform the offender of the release.
  27. TL policy requires staff to respond to such requests as subpoenas, court



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- orders, search and arrest warrants.
- 280. TL policy prohibits TL staff from authorizing weekend and other travel or special passes. And that TL staff recognize DCC travel passes and immediately report violations in travel restrictions to DCC.
- 29. TL policy requires TL staff to report at least monthly offender progress (positive and negative) to the assigned supervision officer, unless the offender exhibits violent and threatening behavior, endangering others, in which case, immediate notification is appropriate.
- 30. TL Policy requires immediate DCC notification (upon awareness) of any offender who has escaped or absconded from the facility. Also policy requires prior notice (when possible) of any intentions to dismiss an offender from the program facility.
- 31. TL policy requires DCC, Court or Parole Board authorization prior to accepting DCC offenders into the TL facility/program.
- 32. TL policy requires the assigned DCC officer to be contacted before dismissing an offender from the TL facility. Policy also requires all incidents and/or rule infractions to be documented in the offender's progress notes prior to any discharge action, unless the incident is a life threatening or violent situation. Such violent situations warrant local law enforcement and supervising officer contact.
- 33. TL resident rules allow immediate dismissal for acts of violence (verbal/physical and destruction of property), sexual assault and substance abuse.
- 34. TL policy prohibits early release.

V. PROCEDURES. DCC staff shall develop implementation procedures to communicate the placement and supervision process to staff and service providers. Procedures shall be consistent with the requirements in this regulation.