

	ADMINISTRATIVE REGULATION STATE OF ARKANSAS BOARD OF CORRECTIONS	Section Number: AR 7.8	Page Number: 1
		Board Approval Date: 07/22/05	
		Supersedes: None AR 7.8	Dated: 7/22/05
		Reference: Act 678 & 679 of 2005 Secretary of State Rule Code 159.00	Effective Date: 8/15/05
SUBJECT: TRANSITIONAL HOUSING <u>PROGRAM</u> FACILITY LICENSE			

- 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, 16-93-1205 and Acts 678 and 679 of 2005.
- II. APPLICABILITY.** This policy applies to Department of Community Correction (DCC) employees, offenders, and applicants for transitional housing licenses.
- III. POLICY.** It is BOC policy that ~~transitional housing~~ facilities and programs that provide transitional housing services to DCC offenders meet the licensing standards requirements established in this policy to ensure a structured, positive, and safe environment for offenders remanded for various transitional housing services and for the safety of the community.
- IV. DEFINITIONS. Transitional Housing.** Transitional housing is a program that provides housing for one or more offenders who have either been transferred or paroled from the Department of Correction by the Parole Board or placed on probation by a circuit or district court. An offender's home or the residence of an offender's family member shall not be considered a transitional housing facility for purposes of this regulation.
- A. ~~License.~~** ~~Arkansas Transitional Housing Facility License~~
- B. ~~Applicant.~~** ~~Any individual, business, or organization that has applied to receive an Arkansas Transitional Housing Facility License.~~
- V. GUIDELINES**
- A. General**
- ~~1. Only DCC licensed transitional housing facilities or programs will be approved for offenders to reside while receiving transition services.~~
- 1.** The DCC Director is the authority for licensing Transitional Housing programs and/or facilities. Geographical limitations shall not be a sole

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factor of consideration in the licensing decision. The Director shall ensure the development ~~DCC Staff shall develop~~ and implementation of the necessary applications, forms, procedures onsite observation, monitoring tools and processes for obtaining sufficient information to make licensure and renewal decisions consistent with the requirements established by this regulation.

2. ~~The application and required~~ Documentation supporting ~~documentation applications~~ shall be deemed a part of the official application. ~~An application is not complete without the documents required in this policy.~~
3. **2.** Only DCC licensed ~~transitional housing~~ facilities or programs will be ~~approved for used to house~~ offenders ~~to reside~~ while receiving transition services.
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 all 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 Transitional Housing Review Teams (THRTs) 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 to the DCC Licensure Review Committee (LRC) established by the DCC Director. Each THRT must consist of an Assistant Director of P/P Services, Area Manager of P/P Treatment Services, 2 local P/P officers and 1 Substance Abuse Program Leader. THRT 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.~~
7. **3.** Applicants for licensing will be notified in writing of the ~~LRC's~~

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~~action taken~~ licensing decision and specific requirements, if any, that were not met.

4. ~~Entities~~ Applicants may appeal ~~LRC actions to the DCC Director's decision to the Board of Corrections~~ (BOC), whose decision is binding.
8. 5. The licensing fee will be as established by the BOC. DCC shall ~~provide notice~~ make fee amounts and changes available to transitional housing licensing applicants and current licensees ~~when fees change~~. All fees are nonrefundable regardless of the licensure decision.
9. ~~Applicants with an Alcohol and Drug Abuse Prevention (ADAP)~~ 6. A program that provides housing for one (1) or more offenders who either have been transferred or paroled from the ADC by the Parole Board or placed on probation by a circuit court or district court that is otherwise accredited or approved by an appropriate oversight body, as determined by the DCC Director, and is in compliance with the minimum requirements established in this policy shall automatically be issued a Transitional Housing License, with a waiver of the application fee. ~~or program will automatically be approved for licensing as long as the ADAP license requirements meet or exceed the DCC requirements contained in this policy.~~
10. ~~Area Managers will ensure the assignment of a local P/P officer (or more as needed) to manage cases assigned to the transitional housing program and coordinate with facility staff as necessary.~~
11. ~~DCC and transitional housing staff will notify each other of any positive drug/alcohol test result as soon as possible. DCC shall also develop and implement procedures for investigating complaints of transitional housing facilities being non-compliant with rules, policies, laws and regulations.~~
12. 7. An Arkansas Transitional Housing Facility License shall not be issued for a facility under the management, supervision, oversight or ownership of a person currently under a sentence or probation supervision for a felony offense. Ex-offenders must provide proof of discharge of the felony sentence.


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~~13.~~ **8.** Licensing and renewals shall be for twelve (12) months following issuance.


B. Transitional Housing Licensure Requirements. ~~The authority to provide transitional housing for DCC offenders is subsequent to favorable LRC action and provision of documentation of 100% satisfaction of the following requirements and~~

- ~~1. standards:~~ Compliance with any local health and safety codes, including housing codes, fire codes, plumbing codes, and electrical codes, set by the jurisdiction or jurisdictions in which the transitional housing facility is located;
2. Compliance with any state and federal health and safety codes; and
3. Compliance with any local zoning ordinances; and
4. Compliance with allowable ratio of transitional housing facility square footage to residents; and
5. Meet the allowable ratio of bathing facilities and restroom facilities to residents.
6. Maintain separate sleeping and bathing rooms for males and females.
7. Meet the procedural guidelines and requirements established by DCC in an administrative directive for Transitional Housing.

- ~~1. The entity has submitted a completed Arkansas Transitional Housing License Application and required fee.~~
- ~~2. Proof of satisfactory inspection (by authorized officials) concerning compliance with local, state and federal health and safety codes (such as building, health, food service (as appropriate), housing, fire, plumbing, electrical), and safety codes to operate in the specific local jurisdiction property for use as a transitional housing facility or program.~~
- ~~3. Verification statement from the appropriate municipal entity confirming that the applicant has the proper zoning for the proposed facility and type program. Conditional or "special use" permit for the property may be accepted for the validation period.~~


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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 residing in the transitional housing facility (e.g. assessment, any deposits, transportation, room and board, phone charges). At least 30 days notice is given to offenders of any intended fee increase.~~
7. ~~A complete itemized list of each possible violation, fine and other charges, in dollar amounts, assessed each individual offender. At least 30 days notice is given to offenders of any intended fee increase.~~
8. ~~If applicable, a price list of items/products (toiletries and other necessities) that will be sold to offenders residing in the transitional housing facility.~~
9. ~~Space in sleeping rooms is adequate for the number of occupants, and individual storage available for clothes and personal items.~~
10. ~~Telephone lines are adequate to allow for electronic monitoring of offenders.~~
11. ~~Copy of certifications by the Red Cross or American Heart Association of First Aid and CPR for staff present at the transitional housing facility.~~
12. ~~Evidence of appropriate curfews, house rules and enforcement of rules. 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 officials 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. And, there is~~


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~~proof of successful completion of appropriate training on the use; and
proof of annual safety inspections (by qualified individuals) in accordance
with state statutes for vehicles owned, leased or used in the operation of
the transitional housing program.~~

- ~~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. The number of toilets, sinks,
and showers is adequate for the number of occupants.~~
- ~~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
files and documents are 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 transitional housing
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 transitional housing 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. The transitional housing policy requires that when disclosing offender
information pursuant to a written consent to disclose (release of~~


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- 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. ~~Transitional housing 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 released and inform the offender of the release.~~
 27. ~~Transitional housing policy requires staff to respond to such requests as subpoenas, court orders, search, and arrest warrants.~~
 28. ~~Transitional housing policy prohibits staff from authorizing weekend and other travel or special passes to offenders; and that transitional housing staff honor DCC travel passes and immediately report violations in travel restrictions to DCC.~~
 29. ~~Transitional housing policy requires transitional housing staff to make written reports at least monthly of 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. ~~Transitional housing 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. ~~Transitional housing policy requires DCC, court or Parole Board authorization prior to accepting DCC offenders into the transitional housing facility/program.~~
 32. ~~Transitional housing policy requires the assigned DCC officer to be contacted before dismissing an offender from the transitional housing~~

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- 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. ~~Transitional housing resident rules allow immediate dismissal for acts of violence (verbal/physical and destruction of property), sexual assault and substance abuse.~~
- _____ 34. ~~Evidence that living quarters are accessible to offenders 24 hours a day and that there is staff present during structured activities.~~
- _____ 35. ~~Transitional housing facilities are free of alcohol and controlled substances as defined by law.~~

C. ~~Provisional License.~~ ~~Service providers with approval (at issuance of this regulation) to house DCC offenders will, upon submission of a completed Application for an Arkansas Transitional Housing Facility License, receive a provisional license that will be in effect until LRC review and licensing or July 1, 2006, whichever comes first. Any provisional license in effect at the time of issuance of a regular license will automatically expire on the date of issuance of the license. All provisional licensing will expire July, 2006. No other grandfather or provisional options will be available to businesses who do not meet the licensing requirements of this regulation.~~ **Early Releases to Transitional Housing.** Pursuant to Act 679 of 2005, Arkansas Department of Correction (ADC) inmates who are within one year of their transfer eligibility dates may be transferred early, by the Parole Board, to a licensed Transitional Housing facility (THF). Offenders released under this Act shall remain in the THF until released to parole or community supervision or revocation by the Parole Board. Any failure to report to the THF by the time scheduled (pre-defined at intake) will be deemed an escape and treated accordingly. An offender released under this Act may be allowed in the community only for the purpose of work and/or education or as otherwise established by written policy. The Deputy Director of Parole/Probation Services must ensure supervision officers are assigned for the period of residency at THFs. Procedures must be

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developed for the processing of inmates eligible for this program.

D. Regular License. Licenses ~~(other than provisional)~~ issued pursuant to this regulation shall become effective immediately upon issuance and by the LRC or immediately following expiration of an existing LRC issued license. Licenses shall remain in effect for twelve months, except when an unresolved non-compliance is cited by DCC ~~subsequent to a monitoring review and resulting in revocation or suspension of the license. revoked, rescinded or suspended by the LRC.~~

VI. PROCEDURES. The DCC Director staff shall ensure the development and develop implementation of the necessary application, forms, procedures and processes for obtaining sufficient information to make licensure and renewal decisions consistent with the requirements established by this regulation. Documentation supporting applications shall be deemed a part of the official application. procedures to communicate the placement and supervision process to staff and service providers. Procedures shall be consistent with the requirements in this regulation.