



# Arkansas Community Correction

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## ADMINISTRATIVE DIRECTIVE: 14-14 TECHNICAL VIOLATOR PROGRAM

**TO: ARKANSAS COMMUNITY CORRECTION EMPLOYEES**

**FROM: SHEILA SHARP, DIRECTOR**

**SUPERSEDES: AD 13-11**

**APPROVED: Signature on File EFFECTIVE: April 28, 2014**

- I. APPLICABILITY.** This policy applies to Arkansas Community Correction (ACC) employees and parolees released from an ADC or ACC facility.
- II. POLICY.** The ACC will operate an alternative sanction program for male and female parole technical violators. The bed capacity of each program location will be as established by the Board of Corrections.
- III. DEFINITION.**

**Technical Violator.** A parolee who has violated the terms and conditions of supervision for reasons other than being charged with a new felony or a violent or sexual misdemeanor.
- IV. DESCRIPTION.** The Technical Violator Program (TVP) is a residential program followed by aftercare under community supervision. An offender completes the program by progressing through the following phases:
  - A. Intake.** Intake is the initial three-day in-processing period.
  - B. Orientation.** One-day period for receiving institutional clothing; receiving information on the TVP purpose, structure, expected behavior and responsibilities; assessing and identifying factors contributing to violations; and developing strategies for compliance.
  - C. Work.** The period following orientation of 30 days for an offender's first TVP confinement or 60 days for the second confinement when the offender is assigned to work details. Until the work period is completed, offenders will not have telephone privileges except in emergency situations, as approved by the Center Supervisor.
  - D. Program Length.** Admissions will be for 90 days for the first TVP confinement and 120 days for a second.

**E. Re-entry.** A portion of the programming focusing on successful transition to the community including job readiness, employment and relapse prevention.

**V. TECHNICAL VIOLATOR PROGRAM ELIGIBILITY CRITERIA.** A parolee is eligible for the TVP as follows:

- A.** Committed a technical violation of the terms or conditions of release or supervision; and
- B.** Has not previously been in a TVP two or more times; and
- C.** Waived a sanction or revocation hearing and agreed to participate in the TVP or was referred by a Parole Board Parole Revocation Judge; and
- D.** Has at least 30 days left on his/her sentence; and
- E.** Has NOT been identified as a PREA sex offender while incarcerated at an Arkansas Department of Correction facility, and
- F.** If the parolee was released from ADC Boot Camp or from prison early pursuant to Arkansas law section 16-93-211 (Act 679 of 2005) into a transitional housing facility he/she has transferred from “early release” status to “parole or transfer status” or is past his/her parole/transfer date.

#### **VI. SANCTION HEARINGS**

- A.** ACC sanction hearings will be conducted by a Parole Board Parole Revocation Judge.
- B.** Sanction hearings may be held by electronic means.
- C.** An offender may waive the sanction hearing.
- D.** The Parole Revocation Judge may decide a parole revocation hearing is appropriate for a particular offender. If so, the revocation judge will notify the offender’s parole officer who will submit a new violation report. The Parole Revocation Judge will set a revocation hearing no sooner than 72 hours from the end of the sanction hearing. The offender will be held in jail or placed on GPS monitoring at least until the revocation hearing is held. The offender may waive the revocation hearing.

#### **VII. PREPARATION, SCHEDULING AND TRANSPORTATION.**

- A.** The supervising Parole/Probation Officer must work with the offender to develop a parole plan. The officer will investigate the plan and enter approvals in eOMIS.
- B.** Whenever possible, the parole plan should be prepared, investigated and approved before the parolee is transported to the TVP. However, lack of a parole plan or approval must not delay placing the parolee on the TVP waiting list.
- C.** PPOs must process requests for TVP beds through their Parole/Probation Managers or Assistant Managers following guidance in the Parole/Probation Supervision Manual.

- D. Prior to transport, the PPO must conduct an Arkansas Crime Information Center (ACIC) background check to determine whether the offender is eligible for the program.
- E. A PPO, ICO or another law enforcement officer must transport offenders to the TVP and must ensure the following documents accompany the offender:
  - 1. Copy of Violation Report
  - 2. Copy of the Notice of Parole Violation Action
  - 3. Copy of the Arkansas Parole Board warrant, if any
  - 4. Disposition of Parole Revocation or Sanction Hearing or waiver of the hearing

**VIII. INTAKE.** The TVP Intake Officer must ensure proper and expeditious intake of offenders, coordinating with parole/probation or CCC staff for transportation to the TVP.

**A. High risk offenders have priority and will be fast tracked for admission to the TVP.** Parole/Probation staff must designate high risk and jailed parolees on the TVP admissions list. TVP staff must organize the waiting list to ensure admissions comply with the priority sequence.

**B. Personal Property.** The Intake Officer will ensure intake processing pursuant to existing policies and procedures concerning the offender's personal property.

**C. Exams/Assessments at Intake.**

- 1. Medical Records from prior incarceration will be retrieved and updated as necessary by medical staff.
- 2. The medical contractor will conduct medical exams according to established policy.
- 3. The TVP counselor will conduct a psychological/social assessment and obtain information from eOMIS to initially assess the offender.

**D. Privileges.** During intake and orientation, offenders are not allowed commissary privileges. Telephone privileges are allowed only in emergencies and must be approved by the Center Supervisor or Senior Residential Supervisor.

**E. Housing, Contact, Movement During Intake at a Community Correction Center (CCC).** In addition to the TVP, a CCC may conduct intake of and transport technical violators. When this is the case, the following measures must be maintained:

- 1. **Secure Movements.** Technical violator housing areas must be staffed and secured at all times. Contact with CCC residents must be limited. All movement of violators beyond their designated living areas, whether inside or outside the building, must be supervised by staff. Violators will be in restraints, as deemed necessary, and as described in standard operating procedures.
- 2. **Programming.** Programming, orientation counselor screening, medical screening, classroom activities, etc. must be conducted separately from that of the CCCs.

## IX. GENERAL OPERATIONS.

- A. Classification.** Upon intake into the TVP, intake staff will classify the offender as “inmate” class II. No meritorious good time or earned discharge credit will be awarded while at TVP.
- B. TVP Counselor and PPO Interaction.** As needed, the TVP counselor and PPO should communicate about progress and aftercare needs prior to release to help ensure a smooth transition back into the community. The TVP counselor must forward a copy of the Discharge Summary and Aftercare Plan to the supervising PPO and the Substance Abuse Program Leader (SAPL) for the officer’s location.
- C. New Charges.** If a new felony or a violent or sexual misdemeanor charge is filed against an offender in TVP, the offender becomes ineligible to continue in the program. The Deputy Director of Residential Services must be notified so that he/she can begin the process of administratively transferring the offender to the ADC.
- D. Parole (Release) Plans and Release.** The Institutional Release Officer (or other person designated by the Center Supervisor) must check eOMIS soon after an offender arrives to determine whether a release plan has been prepared and approved. If not, this person must work with the parolee to prepare a plan and enter it in eOMIS for the supervising Parole/Probation officer to investigate. The supervising Parole/Probation Officer is primarily responsible for ensuring a plan is developed, investigated and approved before the scheduled release date. However, TVP staff should monitor eOMIS and if the plan is not approved in a timely manner or changes are needed, work to get this done.

The IRO (or other designated person) must check with the offender near the scheduled release date to determine whether there are any problems with the plan. If there are problems, promptly work with the parolee to come up with an alternative plan and notify the supervising Parole/Probation Officer. If a parolee does not have an approved plan within a few days of the release date, the Area Manager and/or Assistant Area Manager must be notified by TVP staff.

If an offender does not have an approved plan on the scheduled release date, the appropriate Assistant Director of Parole/Probation Services must be notified so he/she can attempt to place the offender in an approved transitional home. If the offender cannot be placed, the Deputy Director of Residential Services must be notified so that he/she can begin the process of administratively transferring the offender to the ADC. Until placed or transferred, the offender will remain at the TVP.

- E. Furloughs.** Only emergency furloughs are allowed, and they must be processed in accordance with the ACC Furlough Program policy.
- F. Visitation.** Visitation procedures are as indicated in the visitation policy with the following exceptions, which do not apply to the offender’s attorneys:
1. The approved visitation list is limited to 5 persons per resident; and
  2. Personal visitation may occur only in the last four weeks of the offender’s stay.

## **X. RELEASES.**

### **A. General.**

1. The aspects of release are addressed in this and other policies such as the Resident Conduct and Transfer Eligibility policy.
2. If an offender is released from the TVP for any reason other than a routine release, the Parole Board must be notified.
3. PPOs will transport released offenders as scheduled. The Institutional Release Officer, with the approval of the PPO, may allow family members and friends to pick up the offender when released.

**B. Requirements for Sex Offenders.** Before releasing or discharging a sex offender, the Records Supervisor must determine whether the home address in the offender's approved parole plan matches the address listed in the ACIC sex offender registry. If it does not, the sex offender will complete the "Sex Offender Change of Information" form, and the Records Supervisor will enter the changes in the Centralized Electronic Network of Sex Offender Registries (CENSOR) computer system.

**C. Discharge Summary and After Care Plan.** The Discharge Summary (developed by the TVP counselor), outlines the offender's progress. The After-Care Plan Summary details the activities and services needed after TVP completion. Planning for after-care should begin at intake, and the after-care plan must be compatible with any ongoing conditions of supervision and available resources.

## **XI. CONDUCT AND DISCIPLINE**

**A. Rules of Conduct.** The cardinal and major rules of conduct addressed in the Resident Conduct Administrative Directive apply to offenders in the TVP. House Rules are specific to the TVP and are listed in the TVP Resident Handbook.

Disciplinary violations can result in the offender being transferred to ADC.

**B. Negative Report.** TVP staff may respond to negative behavior by sending a report to the offender's Parole/Probation Manager with a copy to the PPO. Before such a report is sent, the case must be reviewed by a panel of the counselor and at least two senior treatment employees, usually the Treatment Supervisor and Treatment Coordinator. The form for this report is in the Clinical File Manual.

**XII. eOMIS DATA.** All employees involved with the TVP must ensure correct and timely eOMIS entries.