



Arkansas Community Correction

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ADMINISTRATIVE DIRECTIVE: 18-02 Self-Governed Housing

TO: Arkansas Community Correction (ACC) Employees

FROM: Sheila Sharp, Director

SUPERSEDED: None

APPROVED: _____ Signature on File

EFFECTIVE: February 28, 2018

- I. **APPLICABILITY.** This policy applies to Arkansas Community Correction (ACC) employees and the owners, operators, staff members and residents of a Self-Governed Housing Facility.
- II. **POLICY.** Self-Governed Housing Facilities must meet or exceed the minimum standards and requirements established in this policy to ensure a structured, positive, and safe environment for residents reduce recidivism, encourage employment and treatment, promote public safety, transition offenders back to the community to be productive citizens, and maintain the principles of evidence based practices.
- III. **DEFINITIONS.**
 - A. **Applicant.** Any individual, group, business, or organization that operates a Self-Governed Housing Facility.
 - B. **Self-Governed Housing Facility.** A facility providing housing and programming for one or more residents placed on ACC community supervision. A resident's home or the home of a resident's family member will not be considered a Self-Governed Housing Facility for purposes of this directive. To operate a facility in the state of Arkansas, a person/group must notify the ACC Housing Manager and submit a completed application for licensure.
 - C. **ACC Housing Manager.** The individual assigned to monitor/inspect housing facilities and to serve as a liaison between the facility and ACC for policy compliance.
 - D. **License.** Approval to operate a Self-Governed Housing Facility will be issued by the ACC Housing Manager only upon approval of the application.

IV. PROCEDURES.

A. Application. Applicants must submit the application to the Housing Manager. Applications and documents submitted for review will not be returned. To operate a facility in the state of Arkansas, a person/group must notify the ACC Housing Manager of the proposed location, expected operation start date, and proposed number of residents.

For initial licensure or a proposed new location, the applicant must comply with the public hearing requirements of Arkansas law, section 12-25-101:

1. No community-based residential facility housing juveniles or adults adjudicated or convicted of any sexual or violent offense or any other criminal offense that would constitute a Class C felony or higher can be located or constructed within any municipality or county of this state until a public hearing is conducted in the municipality or county of the proposed location of the facility at least thirty (30) days prior to the contracting for the acquisition of any property on which to locate the proposed facility or any existing structure in which to locate the proposed facility by the owner, operator, or care provider of the proposed facility.
2. All residents within one thousand (1,000) feet of the proposed location of the facility must be notified by mail at least ten (10) days prior to the day of the hearing.

To ensure compliance with Arkansas law, applicants must provide the following items:

1. Copy of the notification letter mailed to residents informing them of the date and time of the hearing and the proposed purpose of the facility. The letter must include a return address.
2. Notify ACC Housing Manager of date, time, and location of the hearing
3. ACC staff must be present at the public hearing
4. List of all residents who were mailed the notification letter.
5. Copy of the sign-in sheet for those in attendance at the public hearing.

The ACC Housing Manager will review the application packet for completion and conduct background checks on individuals submitted by the owner/operator as being staff and volunteers of the facility. Individuals currently on supervision with ACC cannot be employed in positions of authority over another offender on supervision.

V. LICENSURE.

- A. Initial License.** Licenses will be issued only for the premises and persons specified in the application and are not be transferable. Separate licenses are required for Self-Governed Housing Facilities maintained on separate premises, even though they are operated under the same management. The facility cannot admit any ACC residents until the license to operate a Self-Governed Housing Facility has been issued.

The ACC Housing Manager, for due cause, may recommend to the ACC Assistant Director of Reentry that a facility license be suspended or revoked. The ACC Assistant Director of Reentry may assign ACC staff or any other local, state, or federal agency to assist in a facility investigation. In the event of a recommendation for denial of an application or the suspension or revocation of a license, the applicant may appeal the denial to the Chief Deputy Director of ACC within 30 days of the written recommendation for denial/suspension/revocation.

All areas of the licensed facility and all records related to the care and protection of residents, including resident and employee records, must be open for inspection by ACC for the purpose of enforcing policy and regulations

- B. Renewal License.** All facilities must submit a renewal application within 60 days of license expiration. The ACC Housing Manager will conduct an Annual Renewal Inspection prior to renewing any license.

VI. RESIDENT EMPLOYMENT.

When a resident obtains full time employment, the facility must complete employment checks to verify the legitimacy and nature of the employment. The facility must review the resident's pay stubs to ensure the resident is making at least minimum wage and is having income taxes withheld.

The vendor may not require or allow the resident to work at any employment that pays less than Arkansas minimum wage, regardless of whether that employment is outside the facility or for the facility; however, program and assigned duties are excluded. Residents may not "volunteer" to work without pay or perform work to reduce their bill from the vendor. The residents will be paid in full and will in turn make payments to the vendor if owed. Employment and payment records for residents must be made available upon the request of ACC.

Resident Income. Regardless of the income source, a facility cannot withhold any portion of a resident's income including funds from Social Security, SSI, SNAP, or any other government or private income source. All resident income, by check or in any

other form, will be the property of the resident. The facility may bill the resident for any authorized costs, and the resident will pay the authorized costs from his/her funds. A receipt will be given to the resident for any and all payments.

Requirements. Residents cannot be denied the opportunity to seek and obtain meaningful, legal, and gainful employment. Following the program orientation period, the resident is allowed to seek full time employment of 40 hours per week, unless it conflicts with conditions of release

VII. FACILITY REQUIREMENTS.

A. Facility Programming. The Self-Governed Housing Facility is expected to provide a minimum of 15 hours of applicable programming per week per offender that addresses identified criminogenic and other needs for residents at the facility. Applicable programming must include, but is not limited to:

1. Drug and alcohol programming
2. Education services
3. Employment services
4. Stable housing assistance
5. Family reunification
6. Thinking patterns

Programming can be provided through referrals to local service providers and in-house classes.

B. Meals. Self-Governed Housing Facilities must provide three (3) meals per day with at least one (1) meal being hot. Total calories for the day must be a minimum of 2,500.

C. Drug Testing. Self-Governed Housing Facilities must drug screen all residents at least one (1) time per week.

D. Chem-Free Premises: All Self-Governed Housing Facilities must maintain chemical-free living facilities and premises. Facilities may enforce a tobacco policy; however, if allowed, designated smoking areas must be clearly identified.

E. Record Keeping: All Self-Governed Housing Facilities must maintain a record of all residents currently at the facility. The resident record must include, but is not limited to:

1. Resident demographics
2. Date of intake and intake documents
3. Programming documentation
4. Drug test results

Facilities must conduct bed and grounds checks at least twice daily. This must include head/bed counts that account for all residents. Any resident not present during a count must be documented with a verified explanation for the absence.

VIII. OPERATION OF AN UNLICENSED SELF-GOVERNED HOUSING FACILITY.

ACC staff aware of an unlicensed Self-Governed Housing Facility operating in Arkansas must bring this to the attention of the Housing Manager. Members of the public may bring unlicensed Self-Governed Housing Facilities to the attention of any ACC staff member who will, in turn, notify the ACC Housing Manager. The Housing Manager will report claims of an unlicensed facility to the Assistant Director of Reentry.

IX. PROHIBITED STAFF BEHAVIOR.

Self-Governed Housing Facility staff or volunteers cannot under any circumstance:

1. Exchange personal gifts or favors with residents, their family, or their friends
2. Accept any form of bribe or unlawful inducement
3. Discriminate against any resident on the basis of race, religion, creed, gender, national origin, disability, charge/offense, or other individual characteristics
4. Employ corporal punishment
5. Subject residents to any form of physical or mental abuse
6. Withhold information from ACC including threats to the security of the facility, its staff, visitors, or community

X. COLLABORATION.

The following are established to gain continuity and coordination in the management of Self-Governed Housing Facilities for ACC residents:

- A.** The Self-Governed Housing Facility must provide a current roster of offenders under supervision who are residing at the facility to ACC staff monthly and when requested.
- B.** ACC Parole/Probation Officers must report any serious violations of policy, procedure, or practice to the ACC Housing Manager. The ACC Housing Manager will work with the facility toward a resolution of the violation. ACC Parole/Probation Officers will forward any written complaint by a resident, staff member, or member of the public concerning a facility to the Housing Manager.

- C. Facility staff will immediately notify ACC Parole/Probation staff by phone and email of all positive drug/alcohol test results.
- D. Facility staff will not, except in the case of emergency or threat of injury or death, dismiss a resident from the facility until the supervision officer or the parole/probation office has been notified by phone and email. The facility should dismiss a resident only for substantial and documented reasons. Dismissal actions are appropriate for such infractions as violence, life threatening actions, property destruction, substantial verbal abuse or violation of the facility's fundamental rules (alcohol, drugs, etc.).
- E. Facility staff will notify the supervision officer (or his/her office) immediately of any resident's violent or threatening behavior, endangerment of others, and any resident who leaves the facility/program without approval.
- F. The ACC Housing Manager will arrange onsite visits and inspections; review reports of critical incidents involving or concerning ACC residents; and make objective recommendations.
- G. Arkansas Community Correction has the right to enter the facility's work and living areas at reasonable times to inspect; monitor; search; or otherwise evaluate the quality, appropriateness, and timeliness of work, services, or both that have been or are being performed.

XI. PERFORMANCE MEASURES.

Self-Governed Housing Facility performance measures will be reviewed on an annual basis and as needed. Facilities must meet or exceed the following performance measures:

- A. Employment.** Facilities will maintain at least a 90% employment rate for residents upon completion of the program.
- B. Program Completion.** Facilities will maintain at least a 75% program completion rate for all residents accepted into their program.
- C. Abscond Rate.** The abscond rate for all residents accepted into a facility's program must be less than 10%.