



## Arkansas Community Correction

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**Administrative Directive: 17-40 Supervision Sanction Program**

**TO: Arkansas Community Correction Employees**

**FROM: Sheila Sharp, Director**

**SUPERSEDES: AD 17-36**

**APPROVED: \_\_\_\_\_ Signature on File \_\_\_\_\_**

**EFFECTIVE: November 17, 2017**

- I. APPLICABILITY.** This policy applies to Arkansas Community Correction (ACC) employees, parolees, and probationers.
- II. POLICY.** The ACC will operate a sanction program for male and female parole and probation technical violators. The bed capacity of each program location will be established by the Board of Corrections.
- III. DESCRIPTION.** The Supervision Sanction Program (SSP) is a residential program followed by aftercare under community supervision.

**Program Length.** SSP confinement will be for 90 days for a technical conditions violation and 180 days for a serious conditions violation. The period of confinement may be reduced for good behavior and successful program completion. It cannot be reduced by more than fifty percent of the total time of incarceration ordered to be served. Any period of confinement prior to being received at the SSP will not count toward the SSP sanction time ordered.

**IV. SUPERVISION SANCTION PROGRAM EXCLUSIONS.** If an offender is excluded from participation in the SSP, other sanctions and submission of a violation report will be considered. The following exclude an offender from being sanctioned to the SSP:

- An arrest for a felony or a violent misdemeanor or sexual misdemeanor offense.
- An arrest for a misdemeanor offense for which a conviction would require the person to register as a sex offender.
- An arrest for a misdemeanor offense of harassment or stalking or one that contains a threat of violence to a victim or a threat of violence to a family member of the victim of the offense for which the defendant was placed on probation or parole.
- An arrest for a misdemeanor offense of driving or boating while intoxicated when the probationer or parolee is currently being supervised for a felony offense of driving or boating while intoxicated, manslaughter, or negligent homicide and the felony offense was alcohol- or drug-related.
- Except for an offense under the Uniform Controlled Substances Act, an arrest for a misdemeanor offense that is a lesser included offense or falls within the same chapter of the Arkansas Criminal Code of the offense for which the defendant was placed on probation or parole.
- Has been sanctioned to the SSP two times within the current supervision period.
- Has been sanctioned six times to any combination of SSP and Act 570 jail days within the current supervision period.
- Has been designated as a PREA predator within the past five years.
- Has a battery and/or physical assault on a law enforcement officer in criminal history.
- Has a battery and/or physical assault on a correctional officer in disciplinary or criminal history.
- Has a battery with a weapon on an inmate in disciplinary or criminal history within the past five years.
- Has seven or fewer days left on supervision.
- Has a Suspended Imposition of Sentence as the only sentence (with no active probation or parole supervision).

## V. SANCTION HEARINGS

### A. Parole

1. A parolee may waive the sanction hearing.
2. Sanction hearings for parolees will be conducted by an ACC employee.
3. Sanction hearings may be held by electronic means.

### B. Probation

1. ACC will conduct sanction hearings for Interstate Compact probationers; sanction hearings for other probationers will be conducted by the sentencing court.
2. Sanction hearings may be held by electronic means.
3. The probationer may waive the sanction hearing.

## VI. PREPARATION, SCHEDULING AND TRANSPORTATION.

- A. The Parole/Probation Officer (PPO) must conduct ACIC/NCIC criminal background checks to determine whether the offender is eligible for the program.
- B. PPOs must process requests for SSP beds by sending the requests to the Referral Office with the required paperwork following guidance in the Parole/Probation Supervision Manual.
- C. The Referral Office staff must ensure proper and expeditious scheduling of offenders for intake.
- D. With approval of a Parole/Probation manager, an offender may self-report to the SSP. If ACC is arranging transportation, an authorized ACC officer or another law enforcement officer must transport the offender to the SSP.

## VII. INTAKE.

- A. **Personal Property.** The Intake Officer will ensure intake processing pursuant to existing policies and procedures concerning the offender's personal property.
- B. The SSP counselor will interview the offender to obtain the suitability of the release plan entered in eOMIS. If the release plan is not appropriate, the counselor will work with the offender in collaboration with the IRO to obtain a release plan to best fit the needs of the offender.
- C. **Privileges.** During intake and orientation, offenders are not allowed commissary privileges except as outlined in the Resident Handbook. Telephone privileges are allowed only in emergencies and must be approved by the Center Supervisor or Assistant Center Supervisor.

**D. Intake at a Community Correction Center (CCC).** A Community Correction Center may conduct intake of and transport sanctioned offenders regardless of whether it has an SSP. When conducting intake relevant aspects of this policy must be applied to include separation and secure movements.

## VIII. GENERAL OPERATIONS.

**A. Classification.** Upon intake into the SSP, intake staff will classify the offender as “inmate” class II.

**B. Separation.** Parole Sanctioned Offenders and Probationer Sanctioned Offenders should when possible remain separated from each other and from the general population for housing and all intake, programming and activities.

**C. SSP Counselor and PPO Interaction.** As needed, the SSP counselor and PPO should communicate about progress and aftercare needs prior to release to help ensure a smooth transition back into the community. The SSP counselor must scan a copy of the Discharge Summary and Aftercare Plan into eOMIS upon offender discharge for review by the PPO and treatment staff for case plan and aftercare program needs.

**D. Offender No Longer Meets SSP Eligibility Criteria.** If it is determined that an offender in a SSP no longer meets eligibility requirements, the Records Supervisor must inform the supervising PPO and the officer must write a violation report.

**E. Residence Plan and Release.** The Institutional Release Officer must check the SSP Sanction Packet or eOMIS soon after an offender arrives to determine whether a residence plan has been prepared and approved. If not, the IRO must work with the offender to prepare a plan and enter it in eOMIS for the supervising PPO to investigate.

If an offender does not have a viable residence plan and the maximum release date is approaching, the IRO must work with the Transitional Housing Coordinator or Transitional Housing Manager at the Central Office to secure placement in a transitional facility.

The offender must be released no later than the maximum length of the sanction.

**F. Furloughs.** Only emergency furloughs are allowed, and they must be processed in accordance with the ACC Furlough Program policy.

**G. 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 five persons per resident; and
2. Personal visitation may occur only after orientation has been completed and only as approved by the Center Supervisor.

## **IX. RELEASES.**

### **A. General.**

1. The aspects of release are addressed in this and other policies such as the “Resident Conduct” and “Transfer Eligibility to Community Correction” policies.
2. If an offender is released from the SSP for any reason other than a routine release, the Parole Board for parolees or the sentencing prosecutor for probationers must be notified.

### **B. Transportation Upon Release.**

SSP offenders are responsible for arranging their release transportation.

The preferred method of transportation is for the resident to arrange for an authorized family member or friend, who must be on the resident’s approved visitation list, to provide transportation from the Center to the supervision plan location.

If resident is unable to secure transportation with an authorized family member or friend, either public non-departmental transportation will be arranged or ACC officers will be designated to provide transportation to the residence plan location or the local Parole/Probation office.

- C. Discharge Summary and After Care Plan.** The Discharge Summary developed by the SSP counselor outlines the offender’s progress. The After-Care Plan Summary details the activities and services needed after SSP 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.

## **X. 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 SSP. House Rules are specific to the SSP and are listed in the SSP Resident Handbook.

Disciplinary violations can result in the revocation of parole or probation.

- B. Negative Report.** SSP 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 explained in the Clinical File Manual.

- XI. eOMIS DATA.** All employees involved with the SSP must ensure correct and timely eOMIS entries.