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Overview

Tips for Using the Parole/Probation Services Division Policy Guidance

The Parole/Probation Services Division policy guidance includes chapter 4, "Institutional Releases & Transfers" and chapter 5 "Parole/Probation Services." Chapter 4 pertains mainly to DCC employees who report to the Institutional Release Services Parole/Probation Manager; however, the information may be useful to others who work with inmates and residents as part of the release process. Chapter 5 pertains mainly to DCC employees working in area/field Parole/Probation offices.

Note: Institutional Release Services staff must follow applicable guidance in Chapter 5, especially in the sections "Professionalism & Work Relations," and "Administrative Issues."

Tip. When viewing this document you may also use the Adobe bookmarks panel to quickly navigate to another section. The basic and advanced search tools will also help you find information.

Note – Important, In addition to Chapters 4 and 5, other portions of agency policy apply to Parole/Probation Services Division staff.

Forms, Reference Documents & Examples Overview

Forms, reference documents and examples related to this policy are available on the Department of Community Correction (DCC) "Intranet" which is named "EagleNet." EagleNet has policies, forms, supplements, reference documents and examples as well as other information. The EagleNet is being developed by the DCC Information Technology staff for employee use, whereas the DCC public website is focused on public access. Also, many forms and input screens are found in the electronic Offender Management Information System (eOMIS).

Help with Policy or Forms

If you have a question about interpreting or applying this policy consult your supervisor. Guidance for recommending substantive revisions to these documents or policy is addressed in the DCC "Policy and Procedure Development" policy.

If you cannot find a form, supplement, reference document or example or you have problems with the electronic forms; contact the DCC Policy Section at 501-682-9572.

Page 8 Section 5-1

5-1 Forward - Scope of Parole/Probation Supervision Section & Objectives

5-1 Forward - Scope of Parole/Probation Supervision Section and Objectives

5-1-1

Introduction

This "Parole/Probation Supervision" chapter is intended to give guidance to Parole/Probation Services personnel for the most common and practical day-to-day issues and duties. Although it's obvious emphasis is on case management and the work performed by Parole/Probation Officers, the information is designed to be helpful to all Parole/Probation Services employees.

The guidance adds commentary, clarification, and direction to appropriate agency Administrative Regulations (ARs), Administrative Directives (ADs) and Administrative Memoranda. It should not be construed as being in conflict with any of the above documents. Conflicts and questions should be reported to the Area Manager for clarification.

None of the provisions in this chapter create a contract between an individual and the Department of Community Correction (DCC) for either employment or the provision of benefits. As an at-will employer, the DCC does not guarantee continued employment for any specific period of time and employment can be terminated with or without cause, and with or without notice, at any time, at the option of either DCC or the employee. Provisions in this section are procedural or are guidelines and the agency has the right to change any provision at any time without notice.

Nothing in this section is to be construed as creating any rights for offenders that do not already exist. In all places that allow time frames for the accomplishment of certain tasks, managers have the authority to set stricter time frames. The time frames in this section are to be considered as the maximum time allowed for these tasks.

5-1-2 Mission Statement of the Arkansas Department of Community Correction

"To enhance public safety by encouraging a crime-free lifestyle and providing cost-effective, evidence-based programs in the supervision and treatment of adult offenders."

5/2/11

Page 9 Section 5-1

5-1 Forward – Scope of Parole/Probation Supervision Section & Objectives

5-1-3

Parole/Probation Services Division

Division Mission

The mission of the Parole/Probation Services Division of the DCC is "to provide community supervision that promotes public safety, provides restitution to victims, and rehabilitates the offender into a productive member of the community."

Overview of Division Responsibilities

The Parole/Probation Services Division furnishes services as provided for in state law, Board of Corrections Administrative Regulations (ARs) and departmental guidance. Parole/Probation Officers, also referred to as Supervision (or Supervising) Officers or Officers, provide supervision services through their work with offenders, judges, court representatives, the Parole Board, coworkers, management, Interstate Compact, rehabilitation agency representatives, local and state police and others. Career Planning and Placement Specialists work directly with offenders and nonprofit community organizations to provide offenders with community service jobs for the purpose of developing good work habits and as restitution. 3-3152 [P] Support staff handles a variety of administrative tasks including preparing reports, entering information in computers, and conducting research.

5-1-4

Parole/Probation Services Division Objectives

Objective:

Promote public safety through active community supervision of offenders by beginning supervision of new cases within five (5) working days of sentencing or release; by assessing the risks and needs of offenders and making progress toward meeting those needs within 30 days of sentencing or release; and by supervising active cases according to the appropriate established level of supervision through evaluation of risks and needs.

Objective:

Promote public safety and rehabilitate the offender through substance abuse intervention by establishing drug testing compatible with special conditions, local needs, and resources. Minimize drug use among the offender population by using a referral network for inpatient and outpatient substance abuse treatment services.

Objective:

Rehabilitate the offender by addressing educational and vocational needs. When appropriate, require offenders to continue education and skill development within 90 days of sentencing. Require an ongoing, good faith effort toward developing a productive life by providing appropriate job and educational counseling to encourage offenders to reach their full potential. Require unemployed offenders to actively pursue job and educational opportunities. 3-3652 [P]

Arkansas Dept. of Community Correction Policy Manual PAROLE/PROBATION SERVICES

5/2/11

Page 10 Section 5-1

5-1 Forward – Scope of Parole/Probation Supervision Section & Objectives

Objective:

Serve the courts and Parole Board by maintaining an effective flow of information by providing Pre-Sentence Investigation/Pre-Parole Information upon request; by providing Release Plan Verification activities; by submitting violation reports, petitions, or requests for warrants when violations require formal action; and by recommending changes of conditions or supervision status as warranted by the particular needs of the offender or the public.

Objective:

Provide restitution to the victim and the community by enforcing the payment of victim restitution, supervision fees, and requiring the offender to perform community service work as appropriate.

5-2 Pre-Sentence & Pre-Release/Pre-Parole

5-2 Pre-Sentence & Pre-Release/Pre-Parole

5-2-1 Overview 3-3213

The Pre-Sentence/Pre-Parole process entails compiling timely, relevant and accurate information about a client for use by the court or Arkansas Parole Board in determining the most appropriate sentencing alternative/release and special conditions of community supervision. The information will be used in the assessment process to determine the program needs to be included in the case plan. 3-3211 All Parole/Probation Services Programs will be equally available to male and female clients. 3-3147

Appropriate staff resources will be assigned to ensure investigative reports are provided within the required time-frames. **3-3208**

5-2-2 Pre-Sentence Investigation Report 3-3212, 3-3213

Pre-sentence investigations will not be conducted nor will reports be submitted until the defendant has been adjudicated guilty of an offense, unless the defendant, on advice of counsel, has consented to allow the investigation to proceed before adjudication. If it does become necessary to conduct a pre-adjudication investigation, it is essential that the defendant's informed consent be given and that premature disclosure of the report be avoided. **3-3216**

The pre-sentence investigation should be conducted by a parole/probation officer or other person designated by the Parole/Probation Area Manager. Staff other than Parole/Probation Officers may assist pre-sentence investigations by collecting information for officers. **3-3217** (Ark. Code Ann. § 5-4-102)

Each month, Assistant Directors of Parole/Probation Services will review a sampling of presentence reports from each office to ensure staff adherence to policies and procedures and consistency of recommendations. 3-3207 Problems and inconsistencies that cannot be remedied by the Assistant Directors of Parole/Probation Services will be brought to the attention of the Deputy Director of Parole/Probation Services. 3-3215

5-2 Pre-Sentence & Pre-Release/Pre-Parole

Arkansas Code Annotated § 5-4-102 (b)(1) indicates that the Pre-Sentence/Intake Report should include an analysis of the circumstances surrounding the commission of the offense, the defendant's history of delinquency or criminality, physical and mental condition, family situation and background, economic status, education, occupation, personal habits and other matters deemed relevant or that the court directs to be included.

Officers are to use Form 534, "Pre-Sentence/Intake Report," unless otherwise directed by the court, to meet the specific needs of the court. **3-3221** When appropriate and possible, victims will be interviewed and the information obtained included in the report. (Victim interviews in the State of Arkansas are actually conducted by the Victim Coordinators in each prosecutor's office. These interviews can then be accessed by DCC pre-sentence investigation staff.) **3-3214**

If probation is one of the sentencing alternatives in the case, the Parole/Probation Officer will identify the need for any special conditions for probation and include them in the recommendations portion of the report. **3-3222** Additionally, when probation is not prohibited by law, a potential case plan will be developed and included as part of the report. **3-3218** In cases where confinement is not clearly needed for reasons of immediate public safety, or the client is a minor or first offender, and the court with primary jurisdiction allows the submission of a presentence report, the Parole/Probation Officer will consider recommending an innovative sentencing alternative. **3-3219**, **3-3220**

Special conditions should be few in number, realistic, and phrased in positive rather than negative terms. When appropriate or directed by the court, and using the financial information recorded on the pre-sentence investigation (including financial obligations in the "Family Data" portion of the report and the wage/salary data in the "Employment History" section), and in light of information gathered from the victim relative to the value of the loss, the Supervising Officer should include recommendations for fines, restitution, and family support, and their amount(s) to the court. 3-3209 Pre-Sentence Reports will be reviewed by Area Manager/Assistant Managers prior to being submitted to the court for review and evaluation. 3-3225 Reports will be submitted a minimum two working days in advance of sentencing. 3-3224 Throughout the investigation and report process, confidentiality of reports and case files will be respected from receipt of the case for investigation through final destruction of documents.

Information about cases should not be discussed openly, and files and records should not be left unattended or given to persons who do not have a proper and legitimate interest in the case. This principle is not to interfere with sharing of the report with the defendant and his or her counsel whenever "disclosure" is recognized in law or court policy. **3-3226** When confinement is ordered, supervision officers will ensure that a copy of the pre-sentence report is provided to the institution through the Institutional Release Officer (IRO) within seven (7) working days of receiving notice of the sentence. **3-3227**

5-2-3 Pre-Parole Field Report

1. Determining Notification Requirements

5-2 Pre-Sentence & Pre-Release/Pre-Parole

The Pre-parole Field Report will be prepared in eOMIS. When preparing a Pre-parole Field Report in eOMIS, check with the victim or prosecuting attorney for information on the next-of-kin or other persons of contact.

2. Pre-parole Field Report for an Executive Clemency Request

If there are people to be notified, send them notification of the clemency application with a deadline to reply using "Parole Board Notice to Victim of Inmate Application for Executive Clemency" form letter provided by the Institutional Release Services office. When the deadline for comments has passed, the Executive Clemency Coordinator will assemble a file and send it to the Parole Board for consideration.

3. Pre-parole Report When an Inmate is Being Considered for Release

- a. Prepare a pre-parole Field Report in eOMIS and forward it to the DCC Institutional Release Manager prior to the inmate being considered for release by the Parole Board. In the report, include the specific offense(s) for which the client is sentenced, a complete but concise summary of the offense(s) and any revocation information. Conduct a records check and include all previous arrests and convictions in the report.
- b. Forward the eOMIS "Parole Board Notice to Victim of Inmate Conditional Release," to the registered victims and the Parole Board. Forward the eOMIS Victim Notification with the Field Report to the Parole Board. 3-3195
- c. Following appropriate investigation, the Investigating Officer may recommend to the Parole Board earlier release in cases of hardship or exceptional merit. Hardship cases may include serious or terminal illness, imminent death, or death of a member of the inmate's immediate family (refer to the administrative regulation on "Offenders with an Incurable Illness or Permanently Incapacitated)." Cases of exceptional merit may include an outstanding prison adjustment beyond that normally expected, performance of a meritorious deed by the inmate, or existence of an unusual employment opportunity for which the inmate is especially qualified and which would not be available at the time of the normal parole date. 3-3198

5-2-4 Parole Plan Verification (PPV)

Parole Plan Verification involves confirmation of data in a report sent by an IRO to the appropriate Area Office or designated Supervising Officer ninety (90) days prior to the planned parole date. **3-3194** No release will be authorized until the Supervising Officer has verified the plan. **3-3193**

5-2 Pre-Sentence & Pre-Release/Pre-Parole

Processing Details

For sex offenders, follow parole plan verification guidance in the "Sex Offender Supervision" section; for all others the following guidance applies:

The Supervision Officer will complete the parole plan verification investigation and submit the results within 14 days; sooner if possible when the release date has passed.

Supervision Officer may conduct field visits to the prospective parolee's place of residence, family and/or friends, with whom he or she will live, verify employment etc.

At a minimum, the parole plan must meet the conditions levied by the court, the Parole Board, and the law.

The Supervision Officer, working with the IRO, will make every effort to locate and/or arrange a suitable parole plan for all assigned cases.

The Supervision Officer must submit rejected parole plans for review by a manager.

Managers will review/comment approve/disapprove then return plans to the Supervision Officer

The Officer will complete the investigation and submit the parole plan to the IRO no later than fourteen days after receipt.

Supervision Officers must prepare for PPV field visits to ensure aspects germane to the particular client are addressed.

Clients may not leave the county or State of Arkansas without first obtaining approval and a travel pass from their supervising officer.

When a Supervision Officer rejects a parole plan, the plan must be reviewed by a Manager/ Asst. Manager. The Supervising Officer, working with the Institutional Release Officer, will make every effort to locate and/or arrange a suitable parole plan for all assigned cases.

If the parole date has passed, conduct the verification as soon as possible. The DCC is not liable for financial obligations for treatment programs required by parole plans. Prior to release, the IRO will instruct the inmate to report to his or her Parole/Probation Officer for intake within the time lines specified. Should a reason for delay become known by the Officer during the conduct of the Parole Plan Verification, the Officer will evaluate the merits of the delay and indicate his or her recommendation to the IRO. Valid reasons for delay might include a family visit, recovery of clothing or tools, or to take care of a legal matter at a location other than the parole location. **3-3199**

5-3 Initial Supervision Period

5-3 Initi	al Supervis	ion Period
3-3132	P]	

5-3-1
Preparation for Intake
Intake meetings include the following actions:
Complete or confirm client identification and validate all client demographics including nationality, citizenship, social security number, educational level, high school diploma status and date of birth
Complete the Ohio Risk Assessment Tool (ORAS) in eOMIS and determine the supervision level (also see details in the "Case Management" section)
Establish any program referrals for medium to high risk areas identified as potential problems by the ORAS
Establish the supervisor relationship
Explain the drug testing process and obtain a signature on the form
Explain the grievance procedure and obtain a signature on the form
Conduct a drug test, if appropriate
Take a digital photo
Discuss problems the client may have and resource programs available
Ensure intake forms are completed
Schedule the next meeting
Review information and discuss with the client's possible program needs for inclusion in the
Case Plan, if appropriate
☐ If a sex offender, also accomplish the sex offender intake tasks in the Sex Offender
Supervision section.
Collect a DNA sample when required
Explain the supervision conditions and applicable requirements, obtain the client's
signature, and provide a written copy to the client
Explain the possible benefit of early discharge or release from supervision for compliance
and consequences of non-compliance which include being sent to jail or prison; or
Explain Act 570 of 2011 Earned Discharge Credit, providing criteria if the client is eligible.

5-3 Initial Supervision Period

5-3-2

Additional Intake Requirements for Sex Offenders

Refer to the Sex Offender Supervision section for additional requirements during intake.

5-3-3

Special Requirements for Early Release to a Transitional Housing Facility

When an inmate is transferred early (up to one year before his/her parole/transfer eligibility date) to a transitional housing facility, the assigned supervision officer must visit the inmate at the facility and perform appropriate aspects of the intake process to include reviewing the Parole Board's "Act 679 Conditions of Release," obtaining the client's signature indicating their understanding and provide a copy to the client. Also, in eOMIS set the Supervision History to "Non-Reporting" so that supervision fees do not accumulate and the client does not get counted as incarcerated.

5-3-4

Intake Meeting

The intake process differs from one supervision area to another due to differences in local court practices. Each Area Manager is responsible for implementing an intake process which ensures that the conditions of supervision are provided to, read, and signed by the client, and that required forms are completed and instructions are given to the client about reporting requirements. 3-3210

Have the client complete an ORAS self-assessment for community supervision for use by the officer when completing the ORAS Community Supervision Tool. The officer must make program referrals in e-OMIS for those services identified by ORAS as medium to high risk areas if those services are available. In addition, the officer must make any program referrals established by the court or the Arkansas Parole Board. During the intake process, the officer must develop the case plan with the client; explain the program referrals being made and their significance.

Written conditions of Parole/Probation should be translated into those languages spoken by significant numbers of clients. When a problem prevents a client from understanding Parole/Probation conditions, supervision officers will assist, or provide for someone to assist the client in understanding them. The client must acknowledge in writing that he or she has received and understands the conditions or there must be certification to that effect. 3-3134

The intake portion of Form DCC 734, "Pre-Sentence Intake Report," must be completed if a presentence investigation is required, but the entire client synopsis from eOMIS may be substituted in all other cases. Before or during each initial intake meeting, the supervision officer must check to determine whether the client is a sex offender. The section on "Sex Offender Supervision" explains how and provides additional guidance. If a parolee or probationer is a sex offender, follow the applicable guidance in the section on "Sex Offender Supervision."

5-3 Initial Supervision Period

5-3-5

After the Intake Meeting

- 1. Complete Form DCC 533, "Act 33 Form," promptly after intake as applicable.
- 2. Accurately make all appropriate entries in the eOMIS using all necessary and/or available information including at a minimum client demographics, supervision history, court commitments and sentence components.
- 3. Finalize the intake process for clients within five (5) working days of release or sentencing unless otherwise specified. **3-3201** Area Managers may implement stricter deadlines based on their consideration of local logistics, procedures and court preferences.

5-3-6

Dual Cases, Parole and Probation

During intake of a parolee, the supervision officer must determine whether the parolee is also serving a probation sentence. If so, the supervision officer must make an entry in the eOMIS supervision history type screen to indicate dual parole and probation status. The supervision officer must ask the Area/Assistant Area Manager to change the client to Class Four status so that the client does not earn parole meritorious good time.

5-4 Case Management

5-4-1

General Principles

Officers shall investigate all cases referred to them. It is essential that Parole/Probation Officers (supervision officers) plan, organize and effectively use their time. Caseload management is focused on working with clients, law enforcement, courts, Arkansas Parole Board (APB) and the community. Thorough documentation of supervision activities is important. Supervision officers must use good judgment in assigning priorities in the face of peak or unexpected workloads and be flexible enough to accommodate emergencies. Officers shall use practical and suitable supervision techniques such as Motivational Interviewing (MI) that are consistent with evidence-based practices to aid and encourage clients to improve their conduct and reduce the risk of recidivism.

A supervision officer is responsible for gathering information, assessing client risk and needs, referring clients to appropriate services, and ensuring that needs are appropriately addressed in a timely fashion by enforcing the conditions of supervision, arranging or providing for counseling, referral, or using the violation process should that action become necessary. Programs are equally available to male and female clients. During a client's supervision, officers must take reasonable steps and actions to stay informed of the client's conduct and condition through visitation, required reporting or other methods, and report to the sentencing court or APB on information as requested or required.

While under supervision, officers must ensure that clients complete ORAS risk assessments at intake, when officers become aware of changes in the client's lifestyle that could impact their risk assessment level, or when a regularly scheduled ORAS is required. ORAS assessments shall be used to assist in making decisions that are consistent with evidence-based practices on the type of supervision and referrals for services. The ORAS assessment is used to develop an individual case plan for clients identified as potential re-offenders in the moderate or high-risk groups.

Parole and Probation are community-oriented and community-centered. The DCC supports efforts to develop community resources, which can provide services for clients. The Parole/Probation Services staff is encouraged to actively support community efforts on behalf of clients. **3-3148**

5-4-2 electronic Offender Management Information System (eOMIS) in General

The computer system used to track clients is the electronic Offender Management Information System (eOMIS). The intake officer or designee is primarily responsible for the entry of initial intake information. The supervising Parole/Probation Officer is responsible for entry of other information, ensuring records are complete (all data entered) and maintenance of the record in eOMIS.

Information in eOMIS should be accurate and consistent with court and Parole Board actions. eOMIS information must be reliable. Prior to entering data in eOMIS, reasonable effort must be made to verify the accuracy and reliability of the data. 3-3111[P], 4-APP-3D-37[P]

Recommendations for changes to the eOMIS database program may be made by following guidance in the Data System Projects policy.

5-4-3 Case Plan

Within 30 days of intake the officer must work with the client to develop a Case Plan. When subsequent CST assessments are conducted, the Case Plan must be reviewed with the client and revised if appropriate in accordance with the client's performance in the community. 3-3131(2, 4, 5), 3-3132, 3-3136, 3-3138 The plan may be reviewed or revised at other times if appropriate. The case plan must be created and revised in eOMIS and a copy provided to the client, to include communicating review results and revisions to the client to facilitate understanding and compliance. 3-3131(6) The supervision officer must submit requests to the court or Parole Board to add, remove, or modify the special conditions, including early termination of supervision (with the Area Manager's approval), where indicated 3-3133, 3-3145 When reviewing client progress to include written client reports, the supervision officer must ensure information received is aligned with the case plan objectives. 3-3140

The following are used when developing or reviewing the Case Plan:

The case plan must

- be based on the risk and needs assessment, target the criminal risk factors identified in the assessment, and be responsive to individual client characteristics.
- match the client's level of risk, *criminal risk factors* and individual characteristics (such as gender, culture, motivational stage, developmental stage, and learning style).
- list objectives which at a minimum include safeguarding the community and meeting the client's program goals. 3-3131(1)
- establish a timetable for achieving specific behavioral goals to include, when applicable, a schedule for paying victim restitution, child support, and other financial obligations.
- as appropriate, include referral for assessment to DCC Treatment Services or referral to local community resources (for example, GED/literacy/education, transitional living, AA programs).
- specify positive and negative consequences that will be taken in response to the client's behaviors.

5-4-4

Case Management Cycle 3-3132 [P]

Supervision officers involved in case management engage in the following activities:

- Evaluating client risk (by using the ORAS) and making referrals to address needs identified by ORAS, to reduce the potential for recidivism.
- Developing and updating case plans
- Adjusting supervision levels
- Questioning and counseling clients using motivational interviewing techniques
- Coordinating supervision actions, counseling and treatment with others (court, drug court, treatment staff, Aftercare staff, managers and others)
- Reviewing release/supervision conditions, ensuring clients have a copy and understand them and obtaining client's written confirmation of having received and understood the conditions placed on them. (3-3134);
- Explain Earned Discharge Credits (if applicable) and the Accountability Intervention Matrix (AIM). Be sure clients realize that non-compliance may result in incarceration in jail or prison.
- Monitoring client compliance with supervision conditions and Case Plan progress to include:
 - Monitor participation in treatment/counseling programs (as an exception, when a client is on the DCC Treatment Services caseload and is subsequently referred out for additional treatment, the DCC Treatment Staff will monitor the outside treatment progress and keep the officer apprised of progress and problems).
 - o participation in educational/training programs
 - substance abuse testing
 - o maintaining employment
 - o complying with electronic monitoring rules/schedule
 - o conducting home/field visits
 - o monitoring timeliness of fee payments, restitution and other court ordered costs
 - o investigating apparent absconders
 - o initiating warrants for absconders
- Arresting clients when appropriate
- Processing violation reports
- Transferring and transporting technical violators to the Technical Violator Center
- Updating eOMIS

5-4-5

Categories of Cases - Overview

There are three categories of cases: unsupervised, indirect administration, and direct. Each is described in more detail below. Direct cases are further sub-divided by supervision levels of maximum, medium, minimum, and annual reporting.

5-4-6 **Unsupervised Cases**

A probationer can be placed in unsupervised status either through an order or other written direction. When a probationer is placed in unsupervised status by the court, appropriate eOMIS entries are made and the client is no longer supervised by the agency unless directed otherwise by the court having jurisdiction over the case.

A parolee or releasee who is not also in probation status can be placed in unsupervised status when he or she reaches his or her "minimum supervision end date (min SED)" and all court ordered fines, fees and restitution have been paid. When these conditions have been met the supervision officer should review the case to include ORAS results and if unsupervised status seems to be appropriate the officer may take the following actions to place the parolee or releasee in unsupervised status:

- Meet with the client. 1.
- Have the client read and sign Form DCC 504 Unsupervised Parole Agreement
- Explain the unsupervised parole agreement with emphasis on the following: 3.
 - Unsupervised parole is a privilege, not a right. All of the conditions of the release agreement are still in effect. Failure to continue to abide by them could result in revocation.
 - Client is exempt from paying a monthly supervision fee while on unsupervised parole. If placed back on direct supervision, payment of supervision fees resumes
 - The client must have prior approval of the supervising officer to change place of residence and to travel out of the state of Arkansas.
 - The client must obey all federal and state laws, local ordinances and court orders. d.
 - Conditions of release (parole rules) must be followed
 - Report any arrest, citation, or summons to the supervising officer within 48 hours. f.
 - Report to the supervising officer if requested.
- Give the client a copy of the signed Unsupervised Parole Agreement with a copy of the Order of Conditional Release attached.
- File a copy of the signed Unsupervised Parole Agreement in the supervision record. 5.
- Make appropriate entries in eOMIS.

5-4-7

Indirect Administration Cases

An indirect administration case is one which is monitored through administrative action to maintain current information about the client. Examples may include clients placed in long-term residential treatment, clients incarcerated without having their sentence revoked, a client placed in abscond status, etc. Intra-state cases (transfer within the state) are not to be designated as indirect administration cases in eOMIS until the receiving officer has provided written notification that supervision has been accepted. The receiving officer will make the eOMIS

Administrative staff may be assigned to manage indirect cases.

5-4-8

Direct Supervision Cases

Direct supervision cases are those where the supervision officer supervises a parolee or probationer through direct contact and interaction at a supervision level of Maximum, Medium, Minimum, or Annual Reporting.

All clients under direct supervision will be placed in one of the four levels of supervision and supervised according to the criteria for that supervision level.

5-4-9

Risk Assessment (3-3130, 3-3131)

Intake Risk and Needs Assessments

At intake, the supervision officer must conduct an Ohio Risk Assessment System (ORAS) Community Supervision Tool (CST) assessment for all probationers and parolees 3-3131(2)

Recurring Risk and Needs Assessments

After intake, the supervision officer must conduct an ORAS CST assessment every six months for parolees and probationers under direct supervision and may conduct an assessment sooner if the officer is aware of changes in the client's circumstances which warrant earlier assessment such as job loss, housing changes, divorce, separation, or a death in the family. 3-3130, 3-3131(3, 7), 3-3139

Establishing the Supervision Level

Officers must place a client in an appropriate supervision category within 45 days of the initial interview. **3-3130** Each time ORAS is used it determines a risk level of intensive, maximum, moderate, or minimum. eOMIS uses the ORAS risk level to set the supervision level unless an exception is approved. Therefore, after running ORAS, the supervision officer must make adjustments if the supervision level changes in order to schedule and conduct supervision activities as required for the supervision level. **3-3131(6)** Refer to guidance on supervision levels for details.

Changing the Supervision Level

The most recent ORAS calculation will set the supervision level at "minimum," "medium," or "maximum" and the supervising officer must supervise the case according to that level unless it is changed pursuant to policy.

Minimum Supervision Level

When the ORAS risk level results in a supervision level of "minimum" the officer may submit an email request with justification to the Area or Assistant Area Manager requesting a higher supervision level.

When the "minimum supervision" level is set in eOMIS the officer will supervise as described next for the "minimum supervision" level. The officer can change from "low," to "annual reporting" or "unsupervised," when the requirements for these are met (see "Annual Reporting" below this and "Unsupervised" above).

The officer must include the following in the supervision plan:

- Each month, submit a written Supervision Report (DCC Form 525)
- Comply with the condition(s) of supervision
- Maintain a stable home environment and be employed or actively seeking employment (unless physically or mentally unable, or enrolled in education programs)
- Report in person once every three months for completion of a Supervision Report (DCC Form 525)
- Be current on supervision fees and other monetary obligations.

Note, the supervision officer is not required to conduct home or community visits for clients on minimum supervision.

Medium Supervision Level

When the ORAS risk level results in a supervision level of "medium" the officer may submit an email request with justification to the Area or Assistant Area Manager requesting a higher supervision level. The supervision level cannot be lowered by the officer or management. It will only go down if a subsequent ORAS tool indicates a lower risk and therefore a lower supervision level.

The officer must include the following in the supervision plan:

- Report in person to his or her supervision officer once a month
- Completion of the DCC Form 525, "Supervision Report Parole/Probation" is required when the client reports in person. Retention of paper form is optional
- Comply with the condition(s) of supervision
- Maintain a stable home environment and be employed or actively seeking employment (unless physically or mentally unable or enrolled in education programs)
- Be current on supervision fees and other monetary obligations

Note, the supervision officer is not required to conduct home or community visits for clients on medium supervision.

Maximum Supervision Level

In addition to other supervision work, the expectations for the supervision officer and client are as follows:

• The officer must work with the client to develop, implement, monitor and update a case plan.

The officer must include the following in the case plan:

- The client must report as directed (a minimum of once a month), maintain a stable residence, have no law violations or arrests, and comply with all general and special conditions.
- The client will report at a minimum one additional office visit following the initial office visit during the first 30-day period.
- A home visit is required monthly and within the first 30 calendar days (face to face contact with client preferred, collateral will be acceptable).

Annual Reporting

Annual reporting may be ordered by the Parole Board or, for clients with an ORAS risk rating of "low" (clients on minimum supervision). To be eligible for annual reporting, a client must have completed six months of minimum supervision. If circumstances merit, the supervision officer may discuss with and receive approval from the Area Manager for an override of the six-month requirement. While on annual reporting, the client will be subject to the following:

- comply with all laws
- comply with the condition(s) of the supervision
- maintain a stable home environment and be employed or actively seeking employment (unless physically or mentally unable or enrolled in education programs)
- report to the supervising officer annually
- annual ACIC check.

Work Level Adjustments for All Supervision Levels

The reporting schedule and number of required contacts may be increased or reduced by the Area Manager due to unique situations which may include increased or decreased caseloads, staffing problems, urban or rural areas, etc. If such changes are made, written notification of the changes made will be immediately provided to the Deputy Director of Parole/Probation Services.

5-4-10 **Meritorious Good Time**

1. General Information

Up to 30 days per month of "parole" meritorious good time is awarded to eligible parolees for each month they spend under community supervision. This parole meritorious good time does not reduce the length of a sentence but reduces the amount of time an eligible client is required to be under active supervision in the community. When a parolee reaches his/her minimum supervision end date, the supervising officer may place the parolee in the "unsupervised" status by following the procedure for "unsupervised cases." Out-of-state offenders and Arkansas offenders in other states are not eligible to earn meritorious good time while in compact status. Parolees must not be awarded parole meritorious good time when they are also in probation status. Eligible Arkansas offenders who are compacted to another state may begin earning good time upon return to Arkansas supervision.

2. Stopping and Starting Parole Meritorious Good Time Accrual

Managers have no authority to restore good time; therefore they shall not enter dates in eOMIS for class changes that would result in the restoration of good time.

The Area Manager/Assistant Manager may manually re-start the earning of good time by entering a Class I-P transaction with the current or future date only as the effective date.

The supervision officer must put in a request to the manager to start the good time when an eligible parolee returns from another state.

Upon release from the TVP, institutional staff will place the client in class 1P status and "parole" meritorious good time will begin to accrue.

5-4-11

Earned Discharge Credit Against Sentence

Effective July 27, 2011, and pursuant to the Public Safety Improvement Act 570 of 2011, an eligible offender shall earn a monthly credit of 30 days for each complete month he/she serves under DCC community supervision toward discharge and completion of his/her sentence. The eligibility criteria are as follows:

- 1. The client's sentence was entered on or after July 27, 2011, for a Class A felony controlled substance offense §5-64-401 et seq., Class D, C, or B felony offense except for the following:
 - a. one for which sex offender registration is required under the Sex Offender Registration Act of 1997 §12-12-901 et seq, or
 - b. one involving violence under §5-4-501(d)(2), or
 - c. kidnapping §5-11-102, or
 - d. manslaughter §5-10-104, or
 - e. driving while intoxicated §5-65-103, or
 - f. Class Y, or
 - g. sentence entered before July 27, 2011.
- 2. The client is current on financial obligations (fees, fines, court costs, restitution, child support, etc),
- 3. The client met the goals of his/her supervision plan (e.g. attended programs, meetings, services as directed) for the month,
- 4. The client had no positive drug test for the month,
- 5. The client reported as required for the month,
- 6. The client had no new arrests or charges for the month, and
- 7. The client was not found in violation of any other supervision conditions for the month.
- 8. The client is not on Pre-trial, pre-adjudication, boot camp, or drug court without probation.

When a client eligible to earn credits does not comply with the conditions of supervision for reasons other than subsequent conviction of a felony, he/she shall not earn credits for the specific month of noncompliance. Area Managers shall ensure supervision officers make the appropriate eOMIS entries to suspend the earning of discharge credits while the client is in a noncompliance status.

NOTE, Earned credits will be forfeited if the client is subsequently convicted of a felony for which he/she is incarcerated.

5-4-12 Scheduling Appointments

Officers are strongly encouraged to schedule appointments for specific dates and times. Schedules are to be constructed to allow the officer sufficient time to deal with unanticipated problems such as arrests, positive drug tests, referrals or extended counseling sessions. "Reporting periods" (a blanket instruction to all clients to report between designated times, such as the 1st to the 10th of each month) are not to be used. "Reporting days" (regular meeting days in satellite locations) are permissible.

5-4-13 Office Visits

Office visits are to be planned. Specific objectives should be set including but not limited to the following:

- > verification of important data (e.g., phone number and address)
- > questioning the client about such things as work, educational efforts, family/friend relationships, financial problems, alcohol/drug problems
- > conducting an ORAS CST when required and when situations warrant
- > review input on DCC Form 525, "Supervision Report for Parole/Probation"
- compliance with conditions of supervision
- > progress toward the goals of the case plan
- assessment of client attitude, needs assessments (in eOMIS)
- > resources available for assistance.

Supervision officers must thoroughly document the visit with appropriate entries in the eOMIS Chronological Record. **3-3102**

5-4-14 Field Visits

Field visits are to be conducted as required by supervision level guidelines, and with additional visits according to the supervision needs of the specific client. Visits should be designed to achieve defined supervision objectives, such as to verify residence on compact investigations and parole release plans, to investigate reasonable suspicions or other reports of illegal activity, to locate absconders, to confirm compliance with supervision conditions, and for other appropriate situations.

For reasons of safety and to provide verification of activity that occurred during the visit, field visits should be conducted by a team of two officers when possible and an itinerary of addresses to be visited will be left with designated staff in office. Officers will check in with designated staff at least every two hours to confirm current location. Field visits should be brief and any major problems or discussions should wait until the client reports to the office. Officers should remember that clients may respond to supervision pressure differently in the field than they do in the office setting. Refer to the DCC Administrative Directive on safety and security for additional safety guidance.

Employment visits should be the contact of last resort, unless the client has assured the officer that the contact will not jeopardize the employment relationship.

5-4-15 Community Programs

Cooperative relationships will be maintained with colleges and trade schools to develop suitable programs of learning for clients. Vocational rehabilitation agencies should also be solicited for assistance. DCC staff should encourage qualified, interested clients and assist them in enrolling and participating in academic education and/or vocational training programs. Where possible, programs should provide for subsistence for the client while he/she is enrolled and participating in training. 3-3154 Area offices will maintain, and field staff will have access to, a current inventory of functioning community agencies/programs. 3-3151, 3-3153 The effectiveness of available resources will be evaluated annually. 3-3150

Supervision officers should inform supervised clients of the availability of leisure time activities and community programs, as available. Constructive and acceptable leisure time activities can contribute to a satisfactory community adjustment. Officers should become familiar with community leisure time activities and, encourage and guide clients to participate in these community activities. 3-3155

5-4-16 Travel Permits

Supervision officers must issue an eOMIS-generated travel permit when authorizing in-state or out-of state travel, following guidance in this section. The process is the same for Arkansas and Interstate Compact clients with exceptions and/or supplemental guidance being made for the following:

- > Additional administrative requirements and/or restrictions are placed on Boot Camp Releases (see "Boot Camp Releasees" section).
- > For sex offenders see supplemental guidance in the "Sex Offender Supervision" section.
- > Interstate Compact clients traveling during the time period when a transfer application is being processed (follow applicable ICAOS Rules)
- ➤ Interstate Compact clients designated by the sending state (on the "Transfer Request" form) as being associated with a "victim-sensitive" matter such as a sex offense. (follow applicable ICAOS Rules)
- > The sex-offender case that is designated as "victim sensitive" must not be authorized to travel outside the state for more than 31 days. (ICAOS Rule 3.108(b))
- > No offender is eligible to travel to a receiving state when a transfer request is pending an investigation in such state. (ICAOS Rules 2.110 and 3.102)
- ➤ Parolees released under Ark. Code Ann §16-93-211 (Act 679 of 2005), early release to a transitional living facility, must not be given a travel permit due to restrictions in their conditions of release.

Most supervision conditions require clients to obtain written permission prior to leaving the geographical jurisdiction of the court or the county of residence.

Restrictions on client travel must be made on the basis of assisting the client's rehabilitation and to protect the public. Generally, clients enjoy the same right to travel as non-clients.

Restrictions on the right to travel should be decided on a case-by-case basis and be reasonably related to supervision concerns. For example, it would be reasonable to deny permission for an offender to travel to the location where a victim has moved. Or, if a client has committed a new offense and has a pending court date, permission to travel may be withheld until the new charges are disposed of, unless the officer is satisfied that the client poses no risk of absconding.

An officer would also be justified in denying travel permission to a client who is delinquent in paying supervision fees or restitution, or one who has been dishonest about his or her address or whose whereabouts or activities are questionable, until those issues are resolved. However, officers cannot withhold permission to travel merely for punitive reasons if the request is reasonable and there is no valid supervision concern justifying denial.

Do not issue a travel permit for more than 45 days unless approval is granted by a Manager. Interstate travel permits must never exceed 45 days. Clients traveling longer than 45 days are required to submit written monthly reports during their absence from the state.

5-4-17 Case Files 3-3131

A Case File will be initiated on each client placed under supervision as part of the intake process. Files serve as written records of case plan decisions and events regarding clients and will include reasons for client's entry into the system, actions taken by the client and officer, and rationales for significant decisions from entry until termination of supervision. **3-3102** e-OMIS is the case file for all offenders and contains data or scanned documents pertaining to the offender in proper and easily identified sections (e.g., program referrals, sentence components, and supervision contacts, etc.) **3-3103** The forms listing and instructions at the back of this section may assist Officers in using the Parole/Probation Services forms. Officers must ensure they address any documentation issues individual circuit court judges may have. e-OMIS data is used by supervising officers to appropriately manage client compliance with supervision conditions.

e-OMIS documentation provides the Officer with information necessary to make supervision and management decisions and appropriate recommendations to the courts or release authority. Throughout the supervision process, confidentiality of case file information will be respected from receipt of the case for investigation through final destruction of documents. 3-3141 [P] Additionally, the privacy rights of supervised clients will be respected. 3-3101

5-4-18

Availability of Files

All client files are to be accessible to managers and other designated employees at all times. When file cabinets, desks or offices are locked, a key is to be accessible to the Area Manager or designated contact person in the event that access is needed. **3-3101**

All files should be secured under lock at the close of each work day. All employees, regardless of position, are expected to maintain files on a confidential basis and should secure working materials within their office. 3-3101

5-4-19

Emergency Supervision Services

Supervision services must be available to clients twenty-four hours a day. Each Area Manager will put in place a system for making such services available on an emergency basis and will make the process known to clients. 3-3135

Clients will be notified that emergency supervision services are available as follows: If you have an extreme emergency that cannot be handled in the normal operating hours of the Parole/Probation Services Office (8:00 a.m. to 4: 30 p.m. Monday through Friday), you may call 501-686-9800 and leave a telephone number at which the on-call officer can reach you. **3-3135**

5-4-20

Grievance Procedures

At intake, officers will inform clients about the grievance process that provides them the means to file a complaint in the event that they believe that a law or regulation with regard to their treatment, administrative action or the provision of services has been violated. Upon the provision of this information, officers must inform clients of the office mailing address of the Area Manager and the minimum content of any grievance. 3-3179 The provision of a Form DCC 521, "Grievance Procedure Notice" will be used for this purpose. To timely initiate the grievance process, clients must file a completed grievance form within five work days of the occurrence of the incident about which they are complaining. At a minimum, the grievance must include the following information:

- 1. The name and number of the client
- 2. The officer or employee involved in the incident
- 2. A clear statement of the complaint, including the date and time that the incident occurred
- 3. How the incident affected the grievant
- 4. The specific remedy that is being requested, and
- 5. The signature of the client.

Upon receipt of a grievance, the Area Manager will number, investigate and respond to it within 30 calendar days. The Area Manager's response must include how to file an appeal and timeframes. Within five work days of receipt of the Area Manager's decision, the client may file an appeal with the Assistant Director Parole/Probation Services by forwarding the complete package along with a statement by the client explaining why the decision of the Area Manager is unacceptable.

12/31/12

5-4 Case Management

Upon receipt of the appeal, the Assistant Director will have ten work days to respond to the appeal. The Assistant Director's response must include how to file an appeal and timeframes. Within five work days of receipt of the Assistant Director's decision, the client may file an appeal with the Deputy Director Parole/Probation Services by forwarding the complete package along with a statement by the client explaining why the decision of the Assistant Director is unacceptable. Upon receipt of the appeal, the Deputy Director will have ten work days to respond the appeal. The decision of the Deputy Director is final. Each established time period for response can be extended by the responsible Manager or Director if additional time for investigation is needed. Absent an extension of time, if at any step clients do not receive a response within the established time frame, they may proceed to the next step. The grievance process will be monitored by designated personnel.

Area Managers must post notices of this policy in conspicuous places. The notices must provide at a minimum how, to whom and where grievances and appeals may be filed.

5-4-21 Officer Action-Due Report

Supervision officers must review the eOMIS "Officer Action-Due" report at least monthly. Initial or sign and date a copy and keep copies for at least the previous three months. Area Managers will conduct spot checks to ensure monthly reviews are being done.

5-5 Sex Offenders

5-5 Sex Offenders

5-5-1

Sex Offenders General

5-5-1-1

Sex Offender Parole Plan Verification

Reporting Sex Offender Parole Plans

Upon receipt of any Sex Offender Parole Plan Verification (PPV), the Supervision Officer will notify the respective Sex Offender Aftercare Coordinator in their area to work toward the goal of establishing an acceptable plan prior to denial or acceptance.

Investigating Sex Offender Parole Plans

Before investigating a parole plan on a sex offender, the Supervision Officer will need to determine the offender's Sex Offender Risk / Assessment Level. Level 3 and 4 sex offenders who are required by law to register shall be restricted from residing with 2,000 feet of:

- a. any property on which a public or private elementary or secondary school is located
- b. any property on which a daycare facility is located
- c. any property on which a youth center is located
- d. any property on which a public park is located
- e. any property on which one of his or her victims lives, unless an exception applies.

Note: if the sex offender has not been assessed the 2,000 foot rule does not apply. Upon completion of assessment and if they are assessed as a level 3 or 4 then the rule becomes effective.

To determine if the offender's proposed residence is within the 2,000 foot circumference, the officer shall use the authorized satellite mapping (such as "Google™ Earth") software, enter the proposed address and establish the distance between the offender's proposed residence and the aforementioned property in the area.

When the proposed residence is within 2,000 feet, the Supervision Officer must use the following to determine whether a legal exception is applicable:

- 1. When property is within 2,000 feet of:
- any property on which a public or private elementary or secondary school is located, or
- any property on which a daycare facility is located,

the Supervision Officer must determine whether the level 3 or 4 sex offender owned the property prior to July 16, 2003. If the offender did own the property prior to July 16, 2003, the offender can reside on the property.

5-5 Sex Offenders

- 2. When the property is within 2,000 feet of:
- any property on which a youth center is located, or
- any property on which a public park is located,

the Supervision Officer must determine whether the level 3 or 4 sex offender owned the property prior to July 31, 2007. If the offender did own the property prior to July 31, 2007, the offender can reside on the property.

- 3. When the property is within 2,000 feet of:
- any property on which one of his or her victims lives,

the Supervision Officer must determine whether the level 3 or 4 sex offender owned the property prior to March 21, 2007. If the offender did own the property prior to March 21, 2007, the offender can reside on the property.

If the offender did not own the property prior to the aforementioned dates, they cannot be allowed to reside on the property unless they owned the property before the restricted property/facility was established.

If an offender owned the property and was allowed to reside on the property under the ownership exemption, and, if the offender re-offends and has pled guilty, nolo contendere to or been found guilty of another sex offense of another sex crime after July 16, 2003, the offender may not reside on the property.

Parole Plan Verification (PPV) Processing Details for Sex Offenders

Supervision Officers use the following guidance when processing a Parole Plan Verification for a sex offender.

- complete the parole plan verification investigation and submit the results within 14 days; sooner if possible when the release date has passed.
- conduct a field visit to the prospective parolee's place of residence, and meet with the head of household. The Officer may conduct visits with family and/or friends with whom the offender will live, and verify employment etc.
- At a minimum, the parole plan must meet the conditions levied by the court, the Parole Board, and the law.
- work with the Aftercare Coordinator on every plan with the goal of establishing a suitable plan. For example, if the offender's planned residence cannot be designated as acceptable; family/friends may be contacted in an attempt to find a suitable residence (it is not necessary to obtain the offender's concurrence before contacting family/friends). Also, the IRO can be asked to have the inmate suggest alternative residences without formally rejecting and returning the plan.
- Check eOMIS to determine the sex offender level (1, 2, 3 or 4). If a level has not yet been determined by SORSA, process the offender as "level 1" until a level is determined. (See Note 1)

5-5 Sex Offenders

- For level 3 and 4 sex offenders, refer to supplemental guidance in this "Sex Offender Supervision" chapter for restrictions on where they can live.
- must submit all sex offender parole plans, whether rejected or approved, for review by a manager.

- send the plan review to your Manager who will review/comment approve/disapprove then return the plan to the Supervision Officer
- The Officer will complete the investigation and submit the parole plan to the IRO no later than fourteen days after receipt.

Note 1, when a sex offender has not yet been assessed by SORSA, the officer may advise the offender that if they choose a residence within 2,000 feet of a restricted site, they will be required to move if assessed as risk level three or four, or face return to prison.

Note 2, a PPV can be "approved but do not release until the Supervision Officer confirms that a telephone line suitable for electronic monitoring equipment has been installed," if electronic monitoring is ordered as a special condition of supervision.

For sex offender PPV field visits some topics that may be appropriate are as follows:

- > Sex offender stipulations and laws such as sex offenders who offended against a minor are prohibited from residing with minors, unless the Parole Board makes a specific finding that the offender poses no danger to the minors residing in the residence.
- > Sex offenders cannot leave the county or State of Arkansas without first obtaining approval and a travel permit from their Supervision Officer.
- Sex offenders must register with the Arkansas Crime Information Center (ACIC). In general registration requirements include notifying ACIC before changing residence and verifying registration information at established intervals. Sex offenders receive detailed information about their registration requirements.
- > Supervision Officers will electronically monitor sex offenders (including Interstate Compact) a minimum of 30 calendar days following intake if it is ordered by a parole board or court. If the offender is also participating in the Sex Offender Aftercare Program, he/she will be electronically monitored for 90 days from the date of the order, unless otherwise specified.
- Explain the cost of Electronic Monitoring to the head-of-household. Will the head-of-household be able to provide assistance in the cost of the monitoring if needed?
- > General parole supervision fees.
- > Sex Offenders must obtain prior approval from their supervising officer to change their place or residence, stay away from their approved residence overnight, or leave their assigned county.

5-5 Sex Offenders

- > Sex offenders have additional requirements for registering a change in residence, place of work, and place of education, as described in material provided by the Parole Board and/or Supervision Officer and pursuant to State law.
- > Special conditions may require that the offender report to the parole office or other treatment centers once or twice a week. Is the head-of-household or another person willing and able to provide transportation if needed?
- > Issues related to weapons
- Ensure the head-of-household is aware that their residence may be subject to public notification by local law enforcement.
- > Sex offenders may be restricted from using the Internet. (Is there Internet access in the home?)
- ➤ (All parolees) must submit themselves, their place of residence, and their motor vehicles to search and seizure at any time, day or night, with or without a search warrant, by any Department of Community Correction officer.
- > Question the stability of the relationship between the residence provider and the offender.
- If the residence offer is not acceptable or if the residence provider is not willing to adhere to the stipulations that the sex offender will have to follow once released, offer to investigate an alternative residence. It is acceptable to investigate other residences in advance, allowing the offender to submit another address for a subsequent PPV.

Call the head of household in advance to schedule the home visit.

Investigating Residence Offer

After an offender's proposed residence has been found to be acceptable according to the 2,000 foot law (if applicable), the officer will need to investigate the proposed residence. PPV's shall not be approved over the telephone in place of visiting the proposed residence. A telephone line must be present prior to approving the PPV. While investigating a proposed residence, be sure that the person providing the residence is aware of sex offender requirements as follows:

- > The cost of Electronic Monitoring. Determine if they are able to assist with the cost of the monitor.
- ➤ Prohibition. sex offenders who offended against a minor are prohibited from residing with minors, unless the Parole Board makes a specific finding that the offender poses no danger to the minors residing in the residence.
- > Sex offenders must not leave the county or state of Arkansas without first obtaining approval and a travel permit from their Supervision Officer.

> The offender must pay the monthly parole supervision fee.

- > Special conditions may require that the offender report to the parole office or other treatment centers once or twice a week. Is the residence offer willing to provide transportation if needed?
- > Issues related to search and seizure
- > Issues related to weapons
- Make certain the residence offer is aware that their residence may be subject to public notification by local law enforcement.
- Note if there is Internet access in the home.

While investigating the residence offer, the officer should also question the stability of the relationship between the residence provider and the offender.

If the residence offer is not acceptable or if the residence provider is not willing to adhere to the stipulations that the sex offender will have to follow once released, offer to investigate an alternative residence. It is acceptable to investigate other residences in advance, allowing the offender to submit another address for a subsequent PPV.

5-5-1-2 Intake

At intake the Supervision Officer must determine if the sex offender has registered or needs to register, has provided a DNA sample, has a SID number assigned and has been assessed by SOSRA. The Supervision Officer must review with the offender DCC Form 503, "Sex Offender Obligations and Acknowledgement of Duty to Register." The offender is to both read and sign the form. A copy of the form must be provided to the offender and the original placed in the case file. It is also during the intake procedure the officer is to review all special conditions and required DCC paperwork pertaining to intake with the offender. After completion of the above, documentation is to be made in eOMIS stating the above was completed.

Identifying Sex Offenders

The Parole/Probation Officer (Supervision Officer) must determine during intake processing whether an offender is required to register as a sex offender.

5-5 Sex Offenders

Use this decision tree to determine whether an offender is a sex offender.

DECISION TREE FOR SEX OFFENDER REGISTRATION DETERMINATION	ION
DECISION TREE FOR SEA OFFERDER REGISTRATION DETERMINATION	ION
Does the Judgment and Commitment order require registration? Note, if the order requires registration the offender must register, regardless of whether or not the crime is listed as a sex offense in the law. No Yes →	Registration is required, See Notes
After completing the "Routine Supervision Process" > "Intake Parolee" > "Work Flow" to ensure all Arkansas offenses have been entered into eOMIS; Look at the eOMIS "Court Commitments" screen in the "Sex Off. Register" column. If the offender has Arkansas sex offenses eOMIS will have automatically generated a "Yes" in the corresponding row for the offense. Is there is any "Yes" entry in the column? No \(\psi \) Yes \(\rightarrow \)	Registration is required, See Notes
Optional: Check ACIC Cyberlinx. Is the offender listed as a sex offender in ACIC Cyberlinx database? Skip this step or No ↓ Yes →	Registration is required, See Notes
Is this an Interstate Compact offender who has committed a crime that requires registration in the sending state? No ↓ Yes →	Registration is required, See Notes
Is this an Interstate Compact offender who has committed a crime that is comparable to crimes that require registration in Arkansas (as listed in Supplement 5-4)? Note, if in doubt, consult with the DCC attorney. No ↓ Yes →	Registration is required, See Notes
Was the offender adjudicated guilty on or after August 1, 1997 for a sex offense, aggravated sex offense, or sexually violent offense, as listed on Supplement 5-4? No ↓ Yes →	Registration is required, See Notes
Was the offender acquitted on or after August 1, 1997, on the grounds of mental disease or defect for a sex offense, aggravated sex offense, or sexually violent offense, as listed on Supplement 5-4? No ↓ Yes →	Registration is required, See Notes
Are the answers to all of the above questions "No"? No ↓ Yes →	Registration is NOT required
Registration is required, See Notes	
Notes: Note 1, Note, if the crime is not one listed in Arkansas law as requiring sex offender registration, eOMIS would not recognize it as such. In these situations the Supervision Officer must make a manual entry in the eOMIS "Offender Demographics" > "Demographic/Physical Profiles" screen to designate the appropriate "Sex Offender Registration Status." Anytime an offender is required to register as a sex offender, this fact should be part of the most recent "Demographic/Physical Profile."	
	<u> </u>

5-5 Sex Offenders

Note 2, If there is a legal order terminating the obligation to register, the sex offender does not need to register. A copy of the order must be maintained in the case record.	
Note 3. For Interstate Compact sex offenders do not enter the comparable	
Arkansas sex offense crime in eOMIS unless the Interstate Compact offender has	
been found guilty of the offense in an Arkansas court.	

Supervision Level

Sex offenders will be at maximum supervision for a minimum of 90 calendar days following intake.

Determining Registration Requirements

Use the following decision tree to determine whether sex offender registration is required:

DECISION TREE FOR SEX OFFENDER REGISTRATION DETERMINATION		
Does the Judgment and Commitment order require registration? Note, if the order requires registration the offender must register, regardless of whether or not the crime is listed in Ark. Code Ann. § 12-12-903(12).	Yes →	Registration is required *
Was the offender adjudicated guilty on or after August 1, 1997 for a sex offense, aggravated sex offense, or sexually violent offense, or still under supervision at that time for a sex offense?	Yes →	Registration is required *
Was the offender acquitted on or after August 1, 1997, on the grounds of mental disease or defect for a sex offense, aggravated sex offense, or sexually violent offense?	Yes →	Registration is required *
For an Interstate Compact offender, have they committed a crime that requires registration in the sending state?	Yes →	Registration is required *
For an Interstate Compact offender, have they committed a crime that is comparable to crimes that require registration in Arkansas? Note, if in doubt, consult with the DCC attorney.	Yes →	Registration is required *
*Note, an offender who has been adjudicated guilty of a sex offense whose record will be expunged is not relieved of the duty to register or verify registration.		
*Note, if there is a legal order terminating the obligation to register, the sex offender does not need to register. A copy of the order must be maintained in case records.		

11/30/10

5-5 Sex Offenders

If during the intake process the sex offender states they are already registered, obtain a copy of the completed registration form from the offender and check to see that the form has some indication that it was received by the court or local law enforcement agency. If in doubt, verify the form was submitted by contacting the court, local law enforcement agency, or by checking the ACIC database.

If registration cannot be confirmed, the Supervision Officer must require that the sex offender promptly register by reporting to the local law enforcement agency having jurisdiction over the offender's address. The officer must require the sex offender to return a copy of the registration form with some indication on it that it was received by the local law enforcement agency. If in doubt about the authenticity, verify the form was submitted by contacting the court or sheriff or checking the ACIC database. The Officer may provide the sex offender with a copy of the ACIC forms that must be turned in to local law enforcement, the forms are "Sex Offender Acknowledgement Form" (ACIC), "Sex Offender Registration Form" (ACIC), and "Sex Offender Change of Address Form" (ACIC).

Upon receipt of a copy of the registration form showing evidence that the original was received by the court or local law enforcement, enter the registration date in the eOMIS caution category titled "sex offender."

5-5-1-3 Violation of Sex Offender Registration Law and Requirement to Arrest

Whenever an officer becomes aware that a sex offender is not in compliance with registration requirements, or refuses to provide any necessary information to update his / her registration, the officer must report this infraction of as soon as administratively feasible to the local law enforcement agency having jurisdiction. A violation of the Sex Offender Registration law on the part of the sex offender is a Class C felony.

When the Parole/Probation Officer is notified by the ACIC that a sex offender has refused or failed to submit to assessment or respond to a verification letter or update requirements, the officer must conduct an investigation within three (3) days of receiving notice from the ACIC and file a violation report in accordance with the Parole/Probation Supervision guidance for responding to felony violations. Additionally, the offender's supervision level must be immediately increased to the maximum if he or she is being supervised at a medium or minimum level. Once a sex offender becomes delinquent in responding to the Verification of Residence (VOR), no subsequent VOR letter will be generated unless one is requested. If the Supervision Officer locates a delinquent sex offender, he or she may request that ACIC send a VOR to the offender. The VOR letter is valid only for the offender to whom it is addressed.

Parole/Probation Officers are required to arrest an offender when a warrant has been issued for their arrest or the officer has reasonable grounds for believing the offender is not registered or has not reported a change of address in violation of the Sex Offender Registration Act of 1997 unless the case has been assigned to an Abscond Recovery Team, who will effect the arrest. If an officer becomes aware of a failure to register and the offender cannot be arrested, the officer must report the failure to register to local law enforcement. Note, when ACIC notifies DCC of a

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failure to complete a Verification of Residency form, they also notify local law enforcement in order to avoid duplication.

If a Parole/Probation Officer suspects a sex offender has absconded supervision, the officer will immediately initiate an investigation. If, within three (3) days, the officer has not re-engaged the offender, a warrant and violation report will be processed and entered into ACIC / eOMIS. The ACIC and eOMIS databases must be updated as soon as it is determined that a sex offender has absconded. Also see guidance in the "Violations by Offenders" section.

5-5-1-4 Laws Pertaining to Sex Offenders

It is unlawful for a sex offender who is required to register who has been assessed as a Level 3 or 4 to engage in an occupation or participate in a volunteer position that requires the sex offender to work or interact primarily and directly with a child less than sixteen (16) years of age.

Sex offenders are prohibited from entering upon a school campus unless:

- > they are a minor and a student
- > enters upon the campus on for the purpose of attending a school-sponsored event for which an admission fee is charged or tickets are sold or distributed, a graduation ceremony, or a baccalaureate ceremony
- > enters the campus on a day that is not designated a student contact day by the school district's calendar or on a day in which no school-sponsored event is taking place upon the campus
- > are the parent or guardian of a student enrolled in a public school district and enters upon the campus where the student is enrolled for the purpose of:
 - delivering to the student medicine, food, or personal items, provided that the items are delivered directly to the school office
 - attending a scheduled parent-teach conference, provided the sex offender is escorted to and from the conference by a designated school official or employee.
 - a sex offender who is the parent or guardian of a child enrolled in a public school district and wishes to enter upon the campus in which the student is enrolled for any other purpose must give reasonable notice to the school principal or his or her designee
 - if a designated school official or employee is not available at the time the parent sex offender wisher to enter upon campus, the parent sex offender shall not enter upon the campus until he or she is notified that a designated school official or employee is available

Employee Liability

A DCC employee who knowingly violates the Sex Offender Registration Act may be found guilty of a Class B misdemeanor.

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5-5-1-5 Sex Offender Screening and Risk Assessment

The officer is to also make certain that the offender has been assessed with the Sex Offender Screening and Risk Assessment (SOSRA) team at the Arkansas Department of Correction.

Each registered sex offender in the State of Arkansas must be assessed. Officers will be able to ascertain an offender's SOSRA assessment level by contacting their area's sex offender aftercare coordinator. Officers are urged to not call SOSRA for this information unless there is no other option and it is of immediate importance.

If an offender is found to have NOT been assessed, contact the area sex offender Aftercare Coordinator with a copy of the offender's registration and any information concerning the offense. The Aftercare Coordinator will then contact SOSRA with this information, and SOSRA will place the offender on the list to be assessed.

Interstate Compact offenders must register ten (10) days prior to establishing residency in the State of Arkansas. Once an Interstate Compact offender is registered, they must be assessed by SOSRA. They are also required to give a DNA sample unless one is available at the State's crime lab. The Administrative Services manual provides guidance about required fees when DCC staff collect a DNA sample.

5-5-1-6 Electronic Monitoring

Supervision Officers will electronically monitor sex offenders (including Interstate Compact) a minimum of 30 calendar days following intake if it is ordered by a parole board or court. If the offender is also participating in the Sex Offender Aftercare Program, he/she will be electronically monitored for 90 days from the date of the order, unless otherwise specified. When electronic monitoring is used, refer to the "Forms" on EagleNet for use of DCC Form 719, "Electronic Monitoring Homeowner / Head-of-Household," and DCC Form 720 "Electronic Monitoring Rules and Agreement."

DCC presently uses G4S Securicor for its electronic monitoring services. Each officer who uses electronic monitoring must have an account set up with Securicor. Securicor can be contacted at 1-800-589-6003.

The offender must have a phone line that is free of any special services, such as call waiting, caller ID, 3-way calling, call forwarding, etc.

There are detailed instructions within the packaging, when the units are received in the offices, for connecting the transmitter (watch) and receiver (HMU). The place of the HMU is very important when installing the monitor in an offender's home. It needs to be placed on a non-metal surface, at least three feet off of the floor and away from the walls. Additionally, do not place it near television sets, stereos, DVD / VCR players, microwaves, windows, mirrors, etc. (these items can interfere with the communication between the HMU and the watch). Remind

5-5 Sex Offenders

the offender to avoid using the telephone for 10 minutes after the offender leaves and returns to the house since the HMU will attempt to contact the monitoring center. Also, advise the offender to not answer the telephone upon the first few rings of an incoming call.

The monitor has an effective range of approximately 150 feet.

Document all proper entries into eOMIS: A supervision contact stating that the monitor was installed and the serial numbers of the watch and HMU. A Supervision History entry changing the status of the offender to "Electronic Monitoring Started" will automatically set up a second offender payee account for Electronic Monitoring Fees, as well as change the offender's supervision status to Electronic Monitoring Direct.

Electronic Monitoring fees are \$60.00 per month or \$2.00 per day. Payments must be separate from the Monthly \$25.00 Parole Supervision Fees. They can however, be mailed in the same envelope. Each money order must be clearly marked "For Electronic Monitoring", as well as the coupon being used for payment.

Travel Permits

Important Note: when preparing travel permits for a sex offender, the Supervision Officer is encouraged to review the detailed requirements for traveling, changing place of residence/school/work, and related requirements for registering as a sex offender, as described on DCC Form 503, "Offender Obligations and Acknowledgement of Duty to Register." The Officer may want to remind the sex offender of their obligations to follow these requirements.

5-5-1-7 Supervising a Sex Offender after Sex Offense Term has Expired

When supervising a sex offender whose sex offense term has expired, but other offenses keep them in supervision status, the requirement to register as a sex offender continues, unless official documentation drops the registration requirement. In such cases, the Supervision Officer will supervise the offender using supervision practices applicable to the crime(s) committed and not use supplemental sex-offender supervision guidelines.

5-5-2 Sex Offender Aftercare Program

5-5-2-1 Program Goals

The DCC has adopted the containment theory in the management of sex offenders in the Aftercare Program. The program's mission is to protect the public from further sexual assaults/exploitation of children and adults by those sex offenders released to the community. The containment theory imposes a triangle of treatment and supervisory type individuals surrounding the offender. These providers act as a team in order to assess the offender's risk to the community and to reduce any risk by assisting the offender to seek help in cognitive restructuring.

5-5 Sex Offenders

5-5-2-2

Criteria for the Sex Offender Aftercare Program

Not all sex offenders will be placed into the Sex Offender Aftercare Program. Rather, the Parole Board will stipulate whether an offender is to be part of the program and it will be indicated on the PPV or Order of Conditional Release. In addition, if a Supervision Officer has a Level 3 or Level 4 sex offender on parole who has not been stipulated by the Parole Board into the program and feel they should be, they can contact the Aftercare Coordinator in their area concerning the issue. The Aftercare Coordinator will then determine if the sex offender in question is eligible for inclusion into the sex offender program.

In order to eliminate any confusion of which offenders are required to participate in the program, the Supervision Officer will send each sex offender parole plan to the aftercare coordinator in their region. The Aftercare Coordinator will treat those PPVs that require the program as a referral and contact the offender once he/she is released.

In addition, the aftercare coordinator in your area is to be notified of any new/additional sex offenders added to your caseload due to release from incarceration, return from absconder or intrastate compact.

Interstate Compact cases are eligible for the Sex Offender Aftercare Program. Supervision Officers will need to forward all Interstate Compact sex offender applications on to the Aftercare Coordinator for review. The Aftercare Coordinator will then review and request conditions as needed.

The Aftercare Coordinator must also be notified of ALL Level 4 Sexually Violent Predators on supervision.

5-5-2-3

Intake into the Sex Offender Aftercare Program

Once it has been determined that a sex offender is ordered by the Parole Board, or ISC sex offender, the Sex Offender Aftercare Coordinator will request additional sex offender specific special conditions from the Parole Board.

Sex Offender Specific Conditions can be but are not limited to:

- ➤ You shall participate in treatment with a therapist AND / OR Sex Offender Aftercare Coordinator group sessions with the Department of Community Correction.
- > You shall submit yourself to periodic polygraph / computer voice stress analysis examination.
- You shall not have ANY contact with children under the age of 18.
- > You shall not have ANY UNSUPERVISED contact with children under the age of 18.
- > You shall maintain a driving log (mileage; time of departure, arrival and return; routes traveled and with whom, etc.)
- You shall not drive a motor vehicle alone
- > You shall not date women with minor children.

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You shall not possess any pornographic, sexually oriented, or sexually stimulating visual, auditory, telephonic, or electronic media, including computer program and services.

- You shall not enter or remain in the vicinity of any establishment that derives its primary source of income through the sale of sexually oriented or sexually stimulating products or services, such as adult book stores, and gentleman's or strip clubs.
- ➤ You shall abide by a curfew imposed by the Supervision Officer, and comply with electronic monitoring if so ordered. If electronic monitoring is established, you shall not be away from your designated location without written permission from your Supervision Officer.
- > You shall not have contact, direct or indirect, via correspondence, telephone, computer, or communication through a third party with your victim.
- > You shall abstain from alcoholic beverages. You shall not enter or remain in the vicinity of bars, taverns, clubs and liquor stores. You must not use, sell or deliver controlled substances. You shall not possess or use controlled substances except as prescribed by a physician. You will submit yourself to random testing for the use of intoxicants and / or controlled substances.
- > You shall not frequent places where children congregate, such as school-yards, parks, playgrounds, and arcades.
- You shall not use or have in your possession computers or access to the internet.
- You shall not have a P.O. Box.

5-5-2-4

Requirements of Offenders in Sex Offender Aftercare Program and General Supervision

Meetings with Aftercare Coordinator: Group Sessions

All sex offenders that have been ordered to the Sex Offender Aftercare Program must attend biweekly group sessions with the Aftercare Coordinator, or individual sessions as needed with the Aftercare Coordinator. Offenders are required to attend group sessions for a minimum of one year.

In addition to mandatory group sessions with the DCC Aftercare Coordinator, offenders may also be required to attend counseling with an outside agency, such as Mount Hope Counseling or Counseling Associates. All outside counseling will be paid for by the offender. All offenders will have a signed waiver allowing DCC access to the offender's counseling records.

Unexcused absences from counseling or group sessions will be addressed by the Supervision Officer and Aftercare Coordinator and sanctions are to be imposed.

Polygraph / Computer Voice Stress Analysis Examinations

All sex offenders that have been ordered to the Sex Offender Aftercare Program must submit themselves to polygraph or CVSA examination every six months or as determined necessary with the exception of Level 4 offenders, who must submit themselves to testing every three months.

An offender's refusal to submit to testing shall be met with sanctioning.

Drug Screening

All sex offenders that have been ordered to the Sex Offender Aftercare Program must be randomly drug screened once each month. Supervision Officers should collect this sample and record the test in eOMIS. If the sex offender has completed the group phase of the Sex Offender Aftercare Program a drug test can be done on a quarterly basis.

Home Visits

All sex offenders in the Aftercare Program must have one home visit each month while they are in the group phase. After completing the group phase, when the offender continues to be in the Aftercare Program, quarterly home visits are required. In ideal circumstances, contact should be made with the offender during this home visit and document the visit in eOMIS.

While performing home visits, Supervision Officers may want to keep an eye out for the following high-risk indicators:

- > Pornography in the form of books, magazines, DVDs or VHS tapes.
- ➤ If the offender has a home computer with access to the internet, the Supervision Officer will want to check the last web pages visited and / or check for computer pornography. Sex Offenders under supervision are not allowed to have MySpace, Facebook or Yahoo personal accounts or accounts with similar purposes (social networking).
- > Temporary Internet Folder
- > Internet History
- Cookie Folder
- > You can also check other files or files with .JPG and .GIF (image files). Go to the "Find" option on the computer and choose to "Search all files". Specify .JPG and .GIF files.
- > If in doubt, there are other options available when searching a computer hard drive, you may want to contact the area Aftercare Coordinator for assistance.
- > If anything is found on the hard drive, the Supervision Officer may want to seize the computer hard drive for the local police or contact local law enforcement to assist during the home visit.
- > Items that may be of interest to children, such as toys, outdoor play equipment, video game consoles.
- > Indications of drug or alcohol abuse.
- > Indications of another person not known to you residing at the residence.

Office Visits

Initially, sex offenders will be on maximum supervision for a period not less than three months. This allows the Supervision Officer an opportunity to get to know the offender well and see how they react to instruction. Those offenders that fight or fail to report to this standard are letting the Supervision Officer know right away their unwillingness to cooperate and abide by conditions.

A Sex Offender Risk / Needs assessment will need to be completed during each office visit.

5-5 Sex Offenders

Speak to the offenders in a very direct fashion. Do not avoid the term "sex offender". Do not hesitate to let them know that you are aware of what they did, how they did it, and whom they did it to. Keeping their offense out in the open- between the offender and the Supervision Officer - helps to keep the meeting honest and focused on the offender. This is important because most offenders will want to avoid their issues and minimize their offense. This is a manipulation tactic. Incorporating their offense, status, assessment level (SOSRA), and the public view of them into every meeting and every request keeps them focused on who and what they are.

Supervision Officers are to address each parole and sex offender special condition with the offenders at each office visit.

Supervision Officers need to be aware that once the offender starts Aftercare Group sessions that a conflict with work and reporting dates may occur. If at all possible, try to be flexible in assisting the offender to attend group while keeping their job. This may include scheduling office visits on dates that Aftercare Group sessions are held.

Supervision Officers will need to check the offender's registration status during office visits. Make note of any address changes noted on the monthly report form. Be aware that sex offenders MUST seek approval 10 days in advance of changing their address, as well as they must register any change of address 10 days prior to making the change with local law enforcement. Supervision Officers may also keep in mind an offender's duty to register, and failure to register would result in a new felony.

Use caution when issuing travel passes to sex offenders. Limit overnight stays and remind offenders who are traveling overnight that registration may be necessary in the area they are traveling in / to. Upon issuing a travel pass, an entry is to be made in eOMIS stating the details of the pass. Keep in mind that child sex offenders cannot frequent places that children congregate. If an offender is not in compliance with one area of his parole, the Supervision Officer may want to deny the offender's request for travel until that area of parole is in compliance.

5-5-2-5 Sex Offender Aftercare Program Sanctioning

Upon entry into the DCC Sex Offender Aftercare Program, the Supervision Officer and the Aftercare Coordinator will review with the offender the DCC Sex Offender Aftercare Program Sanctioning Agreement. The offender is to acknowledge his reviewing and agreement of the sanctions by signing the agreement. The form will act as a behavior contract between the offender, Supervision Officer and the Aftercare Coordinator.

The sanctioning agreement is a graduated sanction / Strike System. The offender can move through each Strike period, or he or she can remain at zero. Once an offender is at any strike, he / she will remain at that strike for a year unless the offender continues to violate the conditions of their parole, thus moving them up the strike system.

5-5 Sex Offenders

The process is simple enough for the offender to clearly understand that if he / she violate any condition or special condition of his parole, then he should expect a quick and firm sanction.

At this time, sex offenders can be violated and sent to the Omega Technical Violation Center (TVC) at Malvern. However, the offender may only be sent to the TVC three (3) times. After an offender's third revocation to the TVC, that offender must go before a revocation hearing if he / she continue to violate his conditions.

5-5-2-6 Supervision of Sex Offenders in the Sex offender Aftercare Program at a Glance

- > It is the Supervision Officer's responsibility to enforce release conditions.
- Supervision Officers will electronically monitor sex offenders (including Interstate Compact) a minimum of 30 calendar days following intake if it is ordered by a parole board or court and will be placed on maximum supervision for the first 90 days. If the offender is also participating in the Sex Offender Aftercare Program, he/she will be electronically monitored for 90 days from the date of the order, unless otherwise specified.
- > The Supervision Officer must address each special condition during every office visit with the offender. A documentation stating such should be entered in eOMIS.
- > The Supervision Officer must contact the aftercare coordinator of any changes or problems with a sex offender in the sex offender Aftercare Program.
- A home visit must be performed each month on sex offenders in the sex offender Aftercare Program. If the sex offender has completed the group phase of the program, home visits can then be conducted on a quarterly basis.
- ➤ A drug test must be performed each month on sex offenders in the sex offender Aftercare Program. If the sex offender has completed the group phase of the program, drug tests can then be conducted on a quarterly basis.
- > The Supervision Officer is to review and enforce the sex offender Aftercare Program's sanctions acknowledgements with the sex offender. It is to be documented in eOMIS when a sex offender obtains a strike 1 or above. Documentation also needs to reflect why the strike was obtained and what action was taken. The Aftercare Coordinator is to be notified when a sex offender obtains a strike.
- ➤ The Supervision Officer shall make certain that all sex offenders on their caseload, regardless of in Aftercare Program or not, are current and remain current on their verification of residency requirements. Sex offenders should be required to bring in proof of their having done so. The Supervision Officer should also have sex offender submit proof of having changed their address with local law enforcement when moving or relocating.

➤ If it is determined that a sex offender in the sex offender Aftercare Program has health or mental problems, the Supervision Officer is to inform the Aftercare Coordinator of these conditions.

- > The Supervision Officer is to address each violation with the sex offender that is a result of their polygraph/CVSA exam. Documentation is to be added to eOMIS stating it was done and what action if any is needed.
- The Supervision Officer is to complete a sex offender needs/risk assessment at each office visit.

5-5-2-7

Sex Offender Aftercare Coordinator Duties

As stated above, the Sex Offender Aftercare Coordinator must receive any sex offender parole plan BEFORE it is approved or denied.

Once a sex offender parole plan is approved, the Aftercare Coordinator will determine if the offender is to be admitted into the Sex Offender Aftercare Program. If an offender is stipulated on the conditions for the DCC Sex Offender Program, the Aftercare Coordinator will request additional sex offender specific special conditions (see above), and advise the offender of their duty to report for the program.

The Sex Offender Aftercare Coordinator will provide at a minimum two group sessions per month to each offender. During the group sessions, the Aftercare Coordinator will facilitate discussions concerning relapse prevention, high risk situations and monitoring behavior and thought process.

Information gathered in group sessions should be shared with the Supervision Officer and the polygraph or CVSA examiner through the containment approach. The Aftercare Coordinator may also determine that additional supervision or sex offender specific counseling is needed and make referrals to outside agencies.

The Aftercare Coordinator will be responsible for gathering information from SOSRA and other agencies working with sex offenders and disseminating that information through the proper channels.

The Aftercare Coordinator will submit a referral form to the examiner in their area for the first initial polygraph/CVSA exam to be conducted on the offender.

5-5-2-8

Polygraph

Standard of Operating Procedures for Arkansas Department of Community Correction Polygraph Examiners

The purpose of these procedures is to set out guidelines for employees of the DCC who are conducting Post Conviction Sex Offender truth verification testing for the purpose of monitoring the offender in the community.

Examiner Qualifications

Examiners must acquire and maintain a licensure as required by the Arkansas Board of Private Security Agencies and as required under the Arkansas Polygraph Examiners Act (A.C.A. 17-39-101 – A.C.A. 17-39-308). Examiners must also follow the rules and regulations of the Board concerning conducting truth verification testing.

A minimum of 40 hours of Post Conviction Sex Offender testing training, beyond the basic examiners course requirements, shall be requisite to those who practice post conviction truth verification testing.

Examiners must obtain a minimum of 30 hours of continuing education in a two year time period with 16 of the 30 hours consisting of specialized sex offender polygraph training.

Examiners should complete a minimum of 25 examinations prior to undertaking Post Conviction Sex Offender testing. Examiners who have conducted fewer than 25 such exams should conduct these types exam under the supervision of an experienced examiner in post conviction sex offender testing.

It shall be considered unethical for Examiner to serve as both Polygraph / CVSA examiner and Supervision Officer to the offender.

Referrals

The sex offender Aftercare Team will staff cases and make the determination to conduct an exam. When the determination is made that an exam is to be conducted, the DCC Polygraph and CVSA referral form must be completed. Upon receipt of the referral form, the Examiner will determine the date, time and type of exam to be conducted.

Examinations

Instant Offense: Used in the course of treatment to break the denial of the offender.

Sexual History: Used in the course of treatment to identify the extent of the problem and for risk assessment.

Maintenance: Covers non-illegal sex act(s), parole issues or treatment issues during supervision. Exams will be conducted every six (6) months.

Monitoring - Covers any illegal sex act(s) during supervision.

5-5 Sex Offenders

Testing

All testing will be conducted to the rules and regulations of the Arkansas Polygraph / CVSA Examiners Act.

No person other than the examiner and the offender will be allowed inside the examination room during any phase of the procedure unless deemed appropriate and necessary by the examiner.

Examiners will use a validated testing machine. Techniques to be used for the purpose of Post Conviction Sex Offender testing are MGQT, Zone and UPHASE.

Examiners will conduct exams that consist of a Pre-test, In-test and Post-test phase. The examination will last a minimum of 90 minutes.

Examiners will ask no more than four relevant questions in a single exam. The questions must be single issue, specific in scope and at the time intervals of not less than twenty (20) seconds.

Examiners will conduct exams in conditions that are free from any distractions that would interfere with the ability of the examinee to appropriately focus on the issues being addressed.

Examiners shall conduct all examinations in their entirety by that of both audio and video recordings.

Examiners shall collect a sufficient number of charts as to acquire sufficient data for proper evaluations in conformance with a validated testing technique.

Examiners shall employ quantitative or numerical scoring for all examinations.

Examiners shall submit a written report of each examination to proper personnel within thirty (30) days of the exam.

Examiners shall conduct no more than four (4) exams per day.

Examiners should not conduct more than four (4) examinations of an offender per year. This restriction does not include a retest due to a lack of resolution during an initial examination. Examiners shall make reasonable efforts to determine that the examinee is not fit for testing.

Examiners shall make basic inquiries into the medical and psychological condition of the examinee as well as any recent drug use. When possible all subjects under supervision should submit to a drug test before being administered an exam. No test should be conducted where valid results could not be reasonably foreseen. If an Examiner has a reasonable doubt concerning the ability of an examinee to safely undergo an examination, a release from the examinee and his / her physician should be obtained.

Examiners shall have the examinee sign a consent / release form and Miranda Warning if applicable.

Examiners will inform the examinee of the results of the examination upon completion.

Quality Control

Examiners will submit the following parts of an examination to another Examiner within the agency twice per year for review. Results of the review will be presented in writing to the submitting Examiner:

- > Type of technique used
- > Copies of questions asked
- Copies of charts
- > Copies of chart scoring
- > Audio / Video Recordings
- > All other appropriate documentation

All charts, questions sheets, consent / releases / rights forms, written reports, audio / video recordings, opinions of the examiner from chart analysis and any other pertinent documentation shall be kept on file for a minimum of two years from the date of the examination.

Equipment

Examiners must maintain their truth verification equipment and insure its functioning ability according to manufacturing recommendations.

5-5-2-9

Computer Voice Stress Analysis

Policy

The Department of Community Correction has established guidelines for administering Computer Voice Stress Analyzer (CVSA) examinations in conjunction with Polygraph examinations for the purpose of the monitoring sex offenders in the community.

Procedure

Use of CVSA examination for monitoring testing

The Aftercare Team will staff cases and make a determination to conduct monitoring testing. Monitoring testing is to determine whether the offender has actually re-offended while in the community.

Use of CVSA examination for maintenance testing

Maintenance testing will be conducted on the offender every six (6) months to determine continued compliance with conditions of release.

Responsibilities of the CVSA Examiner

The CVSA examiner will review the available information pertaining to the case in question prior to administering an examination.

Any structured interview using the CVSA must be authorized by the Department of Community Correction or designee.

Examiners shall conduct all examinations in their entirety by that of both audio and video recordings.

Testing will be conducted in an area free from distractions.

All CVSA examiners will maintain a record of all examinations they have conducted.

The CVSA examiner will refrain from examination that may compromise his integrity. Any test of friends, relatives, or persons the examiner has had a relationship with which represents a conflict of interest must be conducted by a neutral examiner.

CVSA Records

CVSA records are not admissible in criminal proceedings.

CVSA records may include a waiver of rights, voluntary submission forms, subject information sheet, CVSA graph, and / or statement of results.

CVSA records will be maintained for at least a two-year period and / or until any litigation is concluded in the case or issue.

The Department of Community Correction or designee is responsible for the storage of the CVSA records. Said records will be maintained in a secure area.

5-6 Transfer Case Management

5-6 Transfer Case Management

5-6-1

In-State Transfers: Criteria

Decisions on transfers of offenders between areas within the State of Arkansas are to be made by weighing the following factors:

- 1. Ability of the offender to report to the supervision office;
- 2. Ability of the offender to successfully comply with all terms and conditions; and
- 3. Ability of the supervising officer to successfully monitor and enforce all terms and conditions of supervision.

Although cases should normally be transferred to the jurisdiction where they reside, officers are not required to automatically transfer a case simply because an offender lives in another jurisdiction. In many cases, an offender may live in one judicial district and work in another. Or, an offender may live and work in another district, but in considering the above three factors, it may be desirable to retain supervision of the case in the sentencing district, particularly when the offender resides in a neighboring county.

For example, a probationer may live and work in north Madison County (4th District) while being placed on probation in Berryville (19th District). The probationer would be 15 minutes from Berryville, but an hour from Fayetteville. Thus, the Parole/Probation Officer in Berryville may choose to retain supervision of the case. However, if the same probationer works in Fayetteville, it may become more practical to transfer the case.

An officer desiring to retain supervision of cases under this section is to submit a memo to the Parole/Probation Area Manager, with a copy to the Area Manager where the offender resides; giving the facts of the situation and the reasons that retention of supervision is desirable. Managers must approve in writing or direct the officer to transfer the case. Any disagreements between the two Area Managers will be resolved by the Parole/Probation Assistant Director. As the distance from the offender's home county increases, the reasons for retaining supervision are to be increasingly compelling or the supervisor must require the case to be transferred.

5-6-2

In-State Transfers: Process

Once an officer or manager determines that a transfer should be made send the eOMIS Transfer Request form through the sending Area Manager/Assistant Area Manager to the receiving Area Manager/Assistant Area Manager who will designate a receiving (Supervising) officer.

The receiving officer is to investigate the transfer request, complete the offender transfer request in eOMIS, and inform the sending officer via email. Transfer requests are to be approved/disapproved by the receiving area within 30 days of receipt of the request. On acceptance of the case, the receiving supervising officer will review the conditions of supervision with the offender and note the review in the chronological record. The receiving officer will be responsible for the transfer of supervision in eOMIS.

5-6 Transfer Case Management

5-6-3

Interstate Compact Transfers

Parole/Probation Officers must process Interstate transfers of offenders pursuant to the Interstate Commission for Adult Offender Supervision (ICAOS) Rules (commonly referred to as "Compact Rules") as stated on their website and in compliance with the supplemental guidance in this policy. Interstate transfers must be processed using the Interstate Compact Offender Tracking System (ICOTS). Officers must also make appropriate entries in eOMIS.

5-6-4

Interstate Compact Intakes

Transfer requests through Interstate Compact are to be completed by the Area Manager determining acceptance or rejection within 45 days of receipt of the request and returning the decision to the DCC Interstate Compact Office (ISC). If the case is accepted for supervision, it is to be entered into the appropriate system by the ISC office within 10 days of notifying the sending state of acceptance. To ensure that public safety and other goals and objectives of supervision, both client-based and societal, are realized through supervision, equal standards of supervision and services available for Arkansas offenders will be available to accepted compact cases. **3-3186**

At the time of an offenders arrival in the state, or if the offender fails to report as instructed, the PPO must notify the sending from which the offender departed through the electronic information system of the offenders arrival or failure to arrive. 3-3189

Compact offenders are to be fingerprinted for entry into the ACIC system by the supervising officer as follows:

1. Each compact probationer and parolee will be fingerprinted on an FBI card containing the office ORI number. Two sets of prints are to be taken.

5-6 Transfer Case Management

- 2. Follow the directions on the fingerprint card with the following exceptions:
 - a. in the "charge" space, indicate "on probation or parolee to AR from (sending state)."
 - b. in the "final disposition" space, indicate the offense by title.
 - c. if the state identification number (SID) from the other state is known, list it on the back of the card in the "MNU" space.
- 3. Include any additional information necessary on the back of the card under the "additional information" section.
- 4. Send the card to: Arkansas Crime Information Center, One Capitol Mall, Little Rock, AR 72201. Mark the envelope "Confidential." This will ensure that ACIC processes compact cards separately from other fingerprint cards.

5-6-5

Interstate Compact: Travel Permits

The offenders should be given a copy of the eOMIS Travel Permit, and a copy is to be forwarded through the Compact Administrator unless otherwise stated in the following sections.

5-6-6 Content of Interstate Compact Forms

All compact forms must be signed by the supervising officer, unless he or she is unavailable to sign in a timely fashion. In that event, another Officer or the Area Manager may sign for the supervising officer. Officers must sign using the name under which they are employed. When signing, Officers may not use nicknames (e.g. not Jimmy but James), and they should place their signatures above their typed, printed, or stamped name. While Intake Officers or other employees may prepare compact forms, they are not authorized to sign as "Officer."

Area Managers are responsible for reviewing compact paperwork submitted by officers to ensure compliance with all requirements.

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5-7 Enforcing Conditions of Supervision

5-7 Enforcing Conditions of Supervision

5-7-1 Initial Procedures

Clients shall be given a written statement explicitly setting forth the supervision conditions. This is to be accomplished under the intake procedures. Parole conditions are set by the Arkansas Parole Board, and will be reviewed with a DCC Institutional Release Officer (IRO) and signed by the client prior to release, reviewed and signed again at intake. Clients should be given a copy of the original Order of Conditional Release or probation/SIS at the first report date. Notify the Area Manager if it is not received by the supervising officer in a timely manner. The Area Manager should report unresolved problems to the Parole/Probation Assistant Director. If transferred to another area for supervision, the receiving supervising officer will again review the conditions of supervision with the client and note the review in the eOMIS supervision contacts section.

5-7-2 General Conditions

Parole/Probation Officers have a duty to enforce conditions of supervision established by the sentencing or releasing authority. Officers must balance that duty with the prudent exercise of discretion in day-to-day operations. Supervision officers will not allow the DCC to be placed in the position of a collection agency for the community. Officers will not enforce the collection of civil obligations by threats of violation. Court-ordered debts such as fines, restitution, and child support, should be paid and documentation of such payments included in the case plan. Supervision must be tailored to the specific conditions of each case. 3-3142

Courts and hearing examiners may differ in their treatment of technical violations. For instance, some judges have a no-tolerance policy for failed drug tests, while others will not revoke probation based on drug test results alone. With regard to enforcement decisions, officers should act in a manner consistent with the parameters established by the court or release authority. Officers must make appropriate use of intermediate sanctions described on the Accountability Intervention Matrix. Managers are responsible for communicating with judges and hearing examiners and defining appropriate actions for the officers under their supervision in enforcing the conditions of supervision.

Parole/Probation Officers may not impose conditions on clients; however they may impose sanctions within the scope of the Accountability Intervention Matrix. Officers may, and are expected to, recommend modifications that are necessary and appropriate to a particular case. Officers may also provide the details of conditions when the supervision conditions allow it. For example, a requirement to "report as directed" or "submit to drug testing at the direction of the Parole/Probation Officer" requires the officer to determine the frequency of such requirements, following relevant policy guidance and subject to any special conditions that are more specific. These determinations are to be made on a consistent and reasonable basis.

5-7 Enforcing Conditions of Supervision

5-7-3

Employment or Educational Efforts

Persons under DCC supervision for a felony offense or Class A misdemeanor are required by law to make a "good faith effort" toward completion of a high school diploma or a general education development certificate unless the person has already achieved a high school diploma or a general education development certificate.

- 1. After the appropriate school or adult education program has received notice from the court at least ten (10) working days prior to the person's making application to enroll so as to allow a school or adult education program official to review the person's educational records; and
- 2. Upon the acceptance of the person by the administrative head of the school or adult education program.

Note: If no appropriate school or adult education program can be found, the additional requirement of this section is of no effect.

3. As an alternative, the court may approve a client to pursue a prescribed course of study or vocational training designed to equip him or her for suitable employment.

"A good faith effort" means the person has been enrolled in a program of instruction leading to a high school degree or a general education development certificate and is

- Attending school or adult education courses, or
- Registered for employment and enrolled and participating in an employment-training program with the purpose of obtaining gainful employment.

If a client is not making a "good faith effort," the supervision officer must refer to options on the Accountability Intervention Matrix and make any adjustments to the Earned Discharge Credit (if applicable).

Clients must obtain permission from their supervising officer before quitting employment or an education program. If a client loses his/her job or is terminated from an education program, he/she must notify the supervising officer within 48 hours."

The Parole/Probation Officer must ensure that unemployed clients report to the local workforce center for intake, skills assessment, and registration for employment.

Upon obtaining employment, the client must inform the supervision officer.

5-7 Enforcing Conditions of Supervision

5-7-4

Client Cooperation

Another standard supervision condition is "Cooperation". Clients must, at all times, cooperate with the Supervising Officer, the court, the releasing authority, and any rehabilitative, medical, or counseling program staff and others as appropriate.

When officers identify program, assessment or treatment needs that are not sufficiently addressed by the conditions, they should seek modification of the conditions by reporting those needs to the sentencing authority.

When court – APB orders to facilities or services are not available, the officer shall provide written notice to the authority and ask for guidance. 3-3137

Although the law allows court jurisdiction over probationers who owe restitution or supervision fees after the probation period has expired, officers should not allow the term to expire before initiating a request to extend the period of supervision until fees are collected. Officers have a duty to avoid letting cases expire before necessary actions are taken.

Referrals for assessment or alcohol or drug abuse treatment can be made only pursuant to a condition or lawful order imposed by a court or the Parole Board. DCC Form 558, "Assessment Referral Form," must be used for these referrals.

5-7-5

Special Conditions

Special conditions are sometimes imposed by the Arkansas Parole Board or the Court to address a client's special needs, such as counseling, GED or other educational requirements, periodic drug tests, or special obligations such as victim restitution or community service work. Unlike general conditions, officers have much less discretion when enforcing special conditions. Officers are expected to recommend modification of special conditions when appropriate. If modifications are desired, or if the officer is unable to enforce a special condition, the officer is to notify the Area manager/Assistant Area Manager, who must review and approve the officer's recommendation before forwarding to the Deputy Director of Parole/Probation Services on parole cases, or the court on probation cases. 3-3143

5-7-6

Accountability Intervention Matrix for Enforcing Compliance with Conditions

Supervision officers shall use the current Accountability Intervention Matrix of intermediate sanctions in enforcing supervision conditions. Supervisors shall ensure that officers are trained of the use of the matrix. The current matrix is located on the DCC EagleNet website and a copy is attached.

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5-7 Enforcing Conditions of Supervision

5-7-7

Interstate Compact Clients

Interstate Compact rules permit Arkansas Parole/Probation Officers to determine the degree of supervision and enforce the rules of the local jurisdiction on the compact client. In these cases, the Arkansas officer may impose any additional rules the client would have been ordered to follow had the case been subject to the local jurisdiction. The client is to sign the condition form and copies are to be provided to the client and the sending state. 3-3187

Compact rules also allow officers to disregard rules of the sending state on the grounds of impossibility. For example, a client that is ordered to complete a particular type of treatment transfers to an Arkansas location where the required treatment is not available. In that case, the supervising officer must notify the sending state in writing that the condition cannot be enforced.

5-7-8

Client Participation in Law Enforcement Investigations

Officers are not authorized to request or approve client participation in undercover investigations. Authorization may be granted only by the sentencing court for probationers or the Deputy Director of Parole/Probation Services for parolees.

Pursuant to Arkansas Parole Board and departmental policy, clients are required at intake to sign Form DCC 515, "Prohibition Against Working with Law Enforcement." To obtain approval for an exception, the requesting investigative agency must submit a completed Form DCC 516, "Request Consideration for Offender to Work with Law Enforcement Agency" to the supervising Parole/Probation Officer who will submit the form to the court for probationers or the Deputy Director of Parole/Probation Services for parolees.

Once acted upon, the form will be returned to the supervising officer who will notify the requesting agency. If the participation will be for more than thirty days the supervising officer must request written status reports every thirty (30) days from the investigating agency and provide it to the court or Deputy Director of Parole/Probation Services as appropriate. Clients permitted to participate in such investigations shall use only their legal name (no alias), shall not violate any law, shall not possess or use any unauthorized or illegal drugs or weapons or violate any other supervision condition.

5-8 Closing Supervision

5-8 Closing Supervision

5-8-1 In General

Within the last 30 days of supervision, the Supervision Officer will obtain the Parole/Probation Area Manager/Assistant Manager's signature on an order of discharge. On or after the discharge date, provide a copy to the client. The records of clients being removed from supervision should be closed in the appropriate computer system within 30 days after their supervision ending date.

Due to the complexity of the legal issues surrounding expunging, firearms rights restoration and other pardon issues, officers should not provide advice concerning expunging, pardons, etc. Clients should be referred to their attorneys to address these questions.

For clients who are revoked, the case file should contain documentation of the revocation, such as an order revoking probation, Hearing Examiner's report, or a judgment and commitment order. For all cases closed for reasons other than successful completion or revocation, such as death or a transfer returning to the sending jurisdiction, documentation should be placed in the file showing the reason for the closure, such as a copy of the death certificate, compact closure report, etc.

The supervision officer must check ACIC to determine whether there is an outstanding warrant before closing a case. Absconder cases are closed only if no warrant is in effect at the time the supervision period ends. If a warrant is in effect, it must be recalled before closing the case.

5-8-2 Earned Discharge (Act 570 of 2011)

Thirty days prior to the discharge of clients who have earned discharge credits, eOMIS will email a notice to the prosecuting attorney, the Arkansas Parole Board, and the client's supervision officer announcing the intent to discharge the client from supervision with earned credits.

If a petition is filed with the court, the supervising officer must immediately suspend the discharge of the sentence and, if the court determines the client should not have earned credit as claimed in the petition, make the adjustments in the client's eOMIS record, as ordered by the court.

If an objection to early discharge is made, the supervising officer must immediately suspend the discharge of the sentence and wait for the decision.

If the court does not find sufficient evidence to warrant the forfeiture of earned discharge credits, the officer must make the appropriate e-OMIS entries reflecting the client's proper status. If the discharge date has passed, the client shall be discharged immediately. If the date has not passed, the client is to remain under supervision until the discharge date is reached. The supervision officer must make the adjustments in the clients eOMIS record accordingly.

5-8-3

Requests for Extension of Probation

If a probationer's term is due to expire and all the conditions of the probation have not been satisfied (see section 5-6), the officer or client, as appropriate, must either make a written request to the court for an extension of the probation or use the violation process.

Requests for extensions or violation reports should be submitted at least 30 days before the end of the probation term unless the Area Manager imposes a different deadline in accordance with local court practice.

5-8-4

Proof of Discharge from Parole/Probation

An "order of discharge" provides proof that the term of a sentence was completed, however, this is not sufficient for restoring voting rights or petitioning the court for an order of discharge and dismissal. The supervision officer may provide Form DCC 502, "Proof of Discharge from Parole/Probation," after an client has completed his/her term of parole or probation and criteria described on the form has been met.

When criteria in Part B of the form are met, and restitution is still owed by a probationer, the Supervision Officer must contact the judge and ask whether he/she will consider granting an order of discharge and dismissal. If the judge says no, do not provide the form and tell the client to make required restitution payments. If the judge indicates a willingness to consider the request, provide the restitution payment information on the form and provide it to the client.

When Part B of the proof of discharge form is completed, also provide the client with the forms, "Order of Discharge and Dismissal" and "Defendant's Petition for Discharge and Dismissal."

5-8-5

Closing Summary

The supervising officer will enter a closing summary report in the chronological record on all discharged clients. The report shall list all special conditions, summarize the client's performance during the entire period of supervision and include unusual occurrences, use and availability of community resources that may have affected the outcome of supervision, and the Officer's assessment of reasons for success or failure of supervision. 3-3144

5-9 Violations by Clients

5-9-1

Technical Violations - General

A technical violation is a failure (other than the commission of a new felony offense) to abide by the conditions of supervision.

For supplemental guidance pertaining to sex offender violations see the sections on "Sex Offender Supervision General Requirements" and "Sex Offender Aftercare Program."

All client violations of supervision will be investigated as soon as practical after occurrence. The Supervision Officer must determine whether the violation is minor in nature and can be handled locally or whether further action should be requested from the court, Arkansas Parole Board, or Parole/Probation Area Manager. All violations are to be addressed at an appropriate stage and response level. Officers should use the Accountability Intervention Matrix when applicable and consult with the Area Manager or Assistant Area Manager when in doubt as to what action is appropriate. 3-3157

The action should be tailored to the specific client and the circumstances of the violation. To the extent permitted by the Parole Board, alternative sanctions to consider for minor violations (such as misdemeanor arrest, moving without permission, or failure to obtain employment) include, but are not limited to increased level of supervision; referral to a counseling program or service, referral to an appropriate resource agency or program, the loss of meritorious good time accrual status, a letter of reprimand, verbal warnings, or curfews. When a technical violation is listed on the Accountability Intervention Matrix, use the matrix to determine the appropriate sanction. **3-3156**

Most technical violations require the prudent exercise of Officer discretion. In general, Officers should strive to effectively resolve minor technical violations without the need to resort to the formal violation process. **3-3167[P]** However, if public safety concerns dictate formal action, the TVP is an appropriate intervention. When serious or repeated minor violations occur, Officers should recommend eligible parolees be placed in the TVP. An available sanction, referral or treatment recommendation may be made when appropriate for improving behavior. **3-3168**

5-9-2

Technical Violation Revocation Process

Revocation hearings are not conducted in Arkansas for Interstate Compact clients; however, probable cause hearings may be conducted. For Interstate Compact clients follow Interstate Compact rules to process significant violations. This sub-paragraph addresses violation actions for all other parolees to include those in Boot Camp release status. For Boot Camp Releasees there are different forms and the violation reports for Boot Camp Releasees are routed through the DCC Institutional Release Services office to the ADC, and ADC conducts the revocation hearing.

When a Supervision Officer determines that a violation report is warranted for a technical parole violation, the following steps will be taken:

- 1. Determine TVP eligibility using the criteria in the Technical Violator Program policy. Clients who have been released early to a transitional housing facility by the APB under Act 679 of 2005 are not eligible for the TVP.
- 2. Complete the Violation Report and attach it to a "Revocation Memo to Parole Board" form then obtain supervisory approval.
- 3. Present the Notice of Parole Violation Action Form DCC 506 or, for Boot Camp releasees, Form DCC 505 and Violation Report, to the client.
- 4. Read and explain Form DCC 507, "Waiver of Parole Revocation Hearing TVP Alternative," to TVP eligible clients, unless there is good reason to recommend an alternative sanction or referral for assessment. Due process requires that any waiver of rights by a parolee be done knowingly and voluntarily. Any form of coercion used to persuade an client to sign a hearing waiver is grounds for disciplinary action. Supervision Officers must ensure the client understands the nature and consequences of the hearing before waiving it. Under special circumstances, with approval of the Area Manager, a waiver can be signed for transfer to the Arkansas Department of Correction. When a waiver is signed for transfer to ADC, a penpack must be submitted to the Parole Board within 24 hours of the scheduled hearing date. If a hearing has not been scheduled, a pen-pack is still required.
- 5. When the client chooses to have a hearing, allow him/her to go home with the understanding that he/she will be notified of the scheduled hearing date, or detain the client when criteria are met. Refer to Section 5-12 for criteria, arrest, and detaining guidance. The Supervision Officer must promptly email the Area Manager or Assistant Manager to notify them that a waiver has not been signed. The Manager will add the client to the weekly report of parolees who require a revocation hearing. The Parole Board will then schedule a revocation hearing.
- 6. The Area Manager/ Assistant Area Manager will send a list of parolees awaiting revocation hearings to the Parole Board weekly on Monday morning. The list will be in priority sequence with first priority given to parolees who require a hearing because they are incarcerated. When a client is detained with a white warrant or Parole Board warrant, include the date that the Supervision Officer first served a warrant (date incarcerated). Before sending the list of parolees awaiting revocation hearings, check to determine the following:
 - a. whether there is an active warrant. The Parole Board will not schedule a hearing on an inactive warrant.
 - b. Whether the client will discharge from parole/probation supervision within 30 days
 - c. Whether the client is in jail. If so, do not submit his/her name, he/she will complete their time in jail.
 - d. Whether the client voluntarily waived the hearing process. If so, do not put the client on the request to schedule form.
 - e. A pen-pack is submitted within 24 hours of a scheduled hearing when the client waives to ADC.

5-9 Violations by Clients

Scheduling requests must include the following:

- a. the name of the officer conducting the hearing
- b. actual city or hearing and not the county
- c. ADC#, not PID#
- d. correct spelling of the client's name
- e. supervision type (Regular, Transfer, Boot Camp, Interstate Compact)
- f. name and phone number of attorney, if any
 If there is an attorney, ask him/her to contact the Parole Board hearing scheduler to
 coordinate a date and time for the hearing.
 If a client has been continued due to an attorney's scheduling conflict, the Parole Board
 scheduler will reschedule.
- 7. A hearing is required within 14 calendar days (excluding holidays) from the date a Parole Board warrant was served, unless one of the following conditions applies:
 - a. The parolee voluntarily and knowingly waives his/her right to a hearing after being informed of rights pertaining to the hearing and consequences of waiving the hearing.
 - b. The violation report is substantiated by a court conviction or a court finding of probable cause on new criminal charges.
 - c. The Hearing Examiner determined there is good cause for delay or postponement; for example, the parolee or his/her attorney may request postponement.
 - d. A revocation hearing was held. When a hearing is required for an Arkansas parolee, the Hearing Examiners will usually schedule and conduct a revocation hearing within the allowable 14-day time period.
- 8. Changes to a hearing date must be made 3 business days in advance unless there is an emergency situation. Send schedule change requests to the designated Parole Board person.
- 9. After the hearing the signed disposition, warrant, notices of violation action and notice of hearing must be returned within 24 hours to the Parole Board hearing scheduler.
- 10. When a Waiver is signed or the Hearing Examiner requires TVP participation, proceed as follows:
 - a. The Supervision Officer must promptly make a TVP reservation on EagleNet and attach to the reservation the following:
 - (1) Violation Report
 - (2) Notice of Parole Violation Action
 - (3) Either the 'Disposition of Parole Revocation Hearing," or the "Waiver of Parole Revocation Hearing TVP Alternative" (Form DCC 507)
 - (4) Served Parole Board warrant.

If an officer has *not* provided electronic copies of the documents via the EagleNet site, then printed copies must be provided to the transportation officer on or before the transportation date.

5-9 Violations by Clients

b. The Supervision Officer will transport accordingly or facilitate transportation of the client

to the TVP. Clients must not arrange their own transportation going to the TVP.

- c. When a waiver to the TVP has been signed or when a TVP incarceration sanction has been imposed, the Supervision Officer must promptly notify the Area Manager or Assistant Area Manager via email to request a TVP bed space reservation using the EagleNet Technical Violation Center reservation website. The Area Manager or Assistant Area Manager will contact the TVP Records Supervisor and advise the Supervision Officer of space availability. On the day of transport, the Manager/Assistant Area Manager will forward the completed documents to the Parole Board staff member responsible for processing violation reports/warrants. The Parole Board will then process an administrative revocation.
- 11. If bed space is not available, or the client cannot be transported the same day, the supervision officer will either detain the client (when criteria are met for detaining following arrest procedures in Section 5-12) or allow the client to go home until notified of the transportation date. Officers may want to require the parolee to call in daily, or report in person to see whether a report date has been set.
- 12. The Supervision Officer must enter an eOMIS Supervision Event according to the coding instructions provided to officers and available on EagleNet. All dates in e-OMIS must be the date of the action.
- 13. The Parole/Probation Officer is expected to make contact with the client a minimum of one time during his/her stay, either through a personal visit or by telephone or video conference. The purpose of this contact is to demonstrate an interest in the client's progress, discuss aspects of his/her parole plan such as whether their planned residence will be available and what employment, educational, and/or aftercare program they plan to pursue, and to encourage continued efforts toward positive life changes. When appropriate, Parole/Probation Officers should contact the technical violator counselor to discuss aftercare needs so that aftercare can begin soon after discharge. Note: clients may be allowed to arrange their own transportation from the technical violator program prior to discharge from the TVP.
- 14. Supervision fees due when the client goes to the TVP will be cancelled out and no fees will accrue during the TVP stay.
- 15. When a parolee is admitted to a TVP, the officer must make whatever actions are necessary in e-OMIS to discontinue the awarding of Earned Discharge to the parolee's time.
- 16. When the TVP staff process a "Return to Community Supervision" transaction in the eOMIS, the parolee will begin to accrue "parole" meritorious good time.

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5-9 Violations by Clients

17. Upon receiving a parolee from the TVP, the Parole/Probation Officer must:

- a. Enter a "Special Condition" of "Aftercare" in eOMIS. The Parole/Probation Officer must ensure the parolee promptly begins his/her aftercare plan, re-establish any necessary program referrals according to the aftercare plan and the ORAS assessment, and must follow up to ensure progress.
- b. Send an email to notify either the eOMIS Help Desk or Administrative Services Collections Section of the client's TVP release so they will restart the supervision fees. When fees are manually restarted, the fees will begin accruing again at the first day of the month after discharge.
- c. Initiate actions in e-OMIS to restart the client's earn discharge credit

5-9-3

Arkansas Parole Board (APB) Documentation Details

Memos to the APB must be submitted on the DCC Form 565, "Revocation Memo to Parole Board Form" available on EagleNet. All memos and Violation Reports must be received by the APB within 72 hours of their issue date.

5-9-4

Documenting and Responding to Electronic Monitoring Technical Violations

Documentation of all electronic monitoring violations is essential no matter how minor the violation may seem. If a violation occurs during non-work hours, make a note of the response, and log it in the file as soon as possible. If the client is legitimately late returning from an approved activity such as a job search, treatments, AA meeting, etc. have him/her produce written documentation to show when he/she arrived and left the activity.

After considering the nature and circumstances of a violation, the Supervision Officer shall respond appropriately. Alternatives include, but are not limited to, extension of time on electronic monitoring, increased contacts, increased drug screens, mandatory attendance of special programs/services, more strict curfew, increased community service hours, or submission of a violation report. Officers must refer to the Accountability Intervention Matrix for appropriate actions pertaining to violations of client under electronic monitoring.

5-9-5 Felony Offenses

The commission of a new felony offense is a serious violation of the terms and conditions of parole. In determining whether to submit a violation report, the supervision officer and Assistant Area Manager or Area Manager should consider such factors as the nature of the new and past offenses, client's history of violence and mental health, probability of absconding, etc. If the client's conviction is sufficient to establish probable cause that the client has violated the terms of supervision, a violation report is required within seven (7) working days. 3-3203 Officers need to take appropriate actions as determined by the Accountability Intervention Matrix regarding commissions of new crimes.

If more time is needed for a parole case, an extension must be requested by the Supervising Officer from the Parole Board. For probation cases, an extension must be requested by the Supervising Officer from the Area Manager. When a client is arrested, the Supervising Officer must immediately investigate the arrest and may complete and submit Form DCC 518, "Arrest Data Sheet," prior to the jail-log being completed. 3-3159 Upon disposition of an arrested client, the Parole/Probation Officer must complete and submit the eOMIS standard form, "Arrest Disposition," prior to the jail-log being completed.

If a resident who has a Registered Victim Notification List escapes from custody, the IRO will notify the appropriate Area Manager who will make the victim notification. Follow-up notification will be made in the same manner upon return of the escapee to custody. 3-3195

5-9-6 Revocation Hearings - General

When a probable cause hearing is required under the Interstate Compact, submit a request through the Area Manager to the Parole Board to request a hearing.

A parole revocation hearing is an informal legal proceeding. The client may represent him/herself at the hearing, and the Hearing Examiner will give the client a fair opportunity to present his or her side of the case. The client does, however, have the right to hire an attorney if he or she so chooses. If the client cannot afford to hire an attorney, but believes that one is needed, he or she may request that the Hearing Examiner appoint one by submitting Form DCC 532, "Request for Legal Counsel," to the supervising officer. The appointment of an attorney is not required in every case, and the Hearing Examiner may grant or deny a request depending on the circumstances presented in the request submitted to the Supervising Officer. When necessary, Supervising Officers should assist clients in completing the form. 3-3165

If a parolee is held in custody pursuant to a Parole Board detainer warrant, or if a detainer warrant is used as a back-up to bail in conjunction with pending criminal charges, a hearing must be held (unless an exception applies) within fourteen (14) calendar days (excluding holidays) after serving the warrant. **3-3160** The Hearing Examiner may postpone the hearing for good cause using Parole Board guidelines. **3-3162** The Parole/Probation Officer must give the parolee a minimum of 72 hours written notice of a hearing using Form DCC 511, "Notice of Parole Revocation Hearing;" or for Boot Camp releasees, Form DCC 523, "Boot Camp Notice of Revocation Hearing." **3-3165**

At the conclusion of the hearing, the Hearing Examiner will notify the Parole/Probation Manager or his/her representative of the result and provide copies of the disposition form to the Supervising Officer. The Supervising Officer must promptly inform the parolee and provide a copy. The Officer will file a copy in the client record and provide a copy to the receiving facility. When the Hearing Examiner sends the client to the TVP, follow the TVP guidance. When the Hearing Examiner chooses to return the client to the ADC, the Supervision Officer will ensure the client is placed on the waiting list for re-incarceration with the ADC.

5-9 Violations by Clients

5-9-7

Revocation Hearing - Rescheduling

DCC staff, the client or the client's attorney may submit a request to the Parole Board to reschedule a hearing. Changes to a hearing date must be made 3 business days in advance unless there is an emergency situation. Send schedule change requests to the designated Parole Board person.

5-9-8

Re-Incarceration

Whenever a parolee is returned to the ADC on a new conviction, the supervising officer will send a DCC Form 565, "Revocation Memo to Parole Board Form" and a copy of the new judgment and commitment order through the Area Manager/ Assistant Area Manager to the Parole Board and request administrative revocation of parole.

5-9-9

Violations Affecting Parole Meritorious Good Time

The following events entered into eOMIS automatically stop accrual of meritorious good time and result in a reduction to Class IV on the new Supervision Credits/Debits screen:

- Absconding
- Revocation of supervision
- Placement in the TVP (eOMIS also removes all accrued parole meritorious good time)
- Change to Class IV status

When a parolee earning good time commits technical violations, the Supervising Officer may make a request to stop accrual of good time by making an eOMIS chronological entry justifying the action and emailing the request and justification to the Area Manager or Assistant Manager. If approved, the Manager will change the client class to Class IV in eOMIS on the new Supervision Credits/Debits screen with the current date as the effective date. This will stop the accrual of good time.

The Manager/Assistant Area Manager will then email the Supervising Officer with the action taken.

5-9-10

Accountability Intervention Matrix

Violations shown on the Accountability Intervention Matrix will result in the corresponding sanction. Refer to the matrix guidance in the "Enforcing Conditions of Supervision" section.

Arkansas Dept. of Community Correction Policy Manual 7/27/11 PAROLE/PROBATION SERVICES 5-9 Violations by Clients

5-9-11

Violations Affecting Earned Discharge Credit to Reduce Sentence

When an eligible client violates the "earned discharge" criteria during a particular month, he/she will not earn the 30-day discharge credit. Officers must make the proper e-OMIS entries to stop the awarding of any Earned Discharge Credit when a client is in violation of their conditions of supervision and restart as appropriate.

Arkansas Cases

The form, style, and timing of probation violation reports may differ from one circuit to another. Violation reports must be neat, include all necessary information in a clear, concise and accurate manner, and be timely filed. Area Managers, acting within the confines of local court requirements, have the authority to set and enforce standards for violation reports in each jurisdiction.

The Parole Board has the authority to revoke parole status and return the client to the institution. Parole violation reports must also be clear, concise, and accurate. Violation reports must include the supervising officer's recommendation and justification as to the resolution of the situation. **3-3158**

5-9-12

Interstate Compact Cases

Interstate Compact violation reports are to meet the standards of the Interstate Compact Manual and must meet the approval of the Area Manager and the Compact Administrator. For Interstate Compact cases, use the HTML format forms on the Interstate Compact website.

5-9-13

In-State Parole/Probation Transfer Cases

For in-state parole/probation transfer cases, the Supervising Officer is responsible for providing timely and complete information concerning violations and for making timely responses to requests for information. For probation cases, the Supervising Officer will provide a violation report through receiving and sending Area Manager/Assistant Area Managers to the sending Officer who will submit the report to the local authority. The Supervising Officer will retain supervision of the case until action is taken which makes the return transfer appropriate. For parole violations, the violation report will be submitted to the Parole Board once approved by Area Manager/Assistant Area Manager. Use the eOMIS form "Violation Report (Arkansas Case)" for in-state parole/probation transfer cases. The following information should be included in the report:

- 1. A specific statement of facts.
- 2. Offense report or judgment order, if applicable.
- 3. Summary of the interview with the client regarding the violation.
- 4. The supervising officer's recommendation and justification as to final action or resolution. 3-3158

5-9-14 Absconders

Absconder Description

An absconder is an client who a warrant has been issued against for failure to comply with reporting schedule or leaving the normal area of supervision without authority and with the intent of avoiding supervision.

Investigation Guidelines 3-3171

When the officer has reason to believe that a client may be absconding from supervision, a comprehensive investigation to locate and/or establish contact with the client must be immediately initiated. The investigation must be completed within 30 days of the occurrence/incident which prompted the investigation unless manager approval is given for an extension. Officers should actively attempt to re-engage the client in the supervision process. Investigative processes conducted by officers must conform to the safest methods and techniques possible, and with full knowledge and approval of the Area Manager.

Re-Establishing Supervision 3-3170

The circumstances of each case should indicate the most appropriate methods to re-engage an client. The supervising officer's efforts should be carried out in a timely and comprehensive manner with appropriate consideration for safety. Such activities may include the following:

- Letter instructing the client to report;
- Attempt telephone contact (if the client is accessible by phone);
- Field contacts at home, employment, programs, etc.;
- Contacts with significant others in person or by phone;
- Other collateral contacts with friends, associates, neighbors, employers;
- Cooperative efforts with local law enforcement agencies or other authorities; and
- Contacts by an officer specially assigned by the Area Manager/Assistant Area Manager.

Note: The appropriate Area Manager/Assistant Area Manager is responsible to review each violation report and verify that steps were taken in the investigation to support the absconder declaration.

Warrants and Violation Reports

a. Parole Case 3-3172, 3-3174

When the initial investigation fails to re-engage the parolee and there is a clear concern for public or individual safety, a warrant may be requested. Otherwise, a warrant is not needed until the investigation is completed. Investigations must be completed within 30 days unless

manager approval is given for an extension. At the conclusion of the abscond investigation if reporting has not been re-established the supervising officer must request a warrant. When a warrant is requested, the Supervision Officer may submit a request to the Area or Assistant Manager to have the case placed on the Abscond Recovery Team (ART) caseload when available.

If the absconder is within 6 months of their flat date, submit a Violation Report and Form DCC 535, "Delinquent Warrant for Retaking Prisoner," through the Area Manager or Assistant Manager to the Parole Board. If the parolee has more than six months remaining on their full sentence, submit Form DCC 508 Warrant for Retaking Prisoner (Absconder – Confirm Entry in ACIC/NCIC), through the manager to the Parole Board. Supervision officers must enter warrants in eOMIS using the date the warrant was issued. eOMIS stops parole meritorious good time credit accruals when an abscond warrant is issued. eOMIS also stops accruals of supervision credit, thereby causing the client's sentence end date to be extended day for day until the abscond warrant is cancelled.

b. Probation Case 3-3172

The officer will prepare a Violation Report in eOMIS recommending appropriate action or follow local court rules/procedure. If the prosecutor declines to file for a revocation based on the violation report, a copy of the report should be forwarded to the sentencing court and the client is to be entered into the eOMIS as an absconder.

c. Processing an ACIC/NCIC "Hit" on a Warrant.

When ACIC gets a hit on a warrant the Central Arkansas Community Correction center is notified and the center staff notifies the supervision officer that a hold was placed on the client.

eOMIS Transaction

When an "absconder" violation report is sent to the Parole Board, enter a chronological entry and, if desired, change eOMIS status to "Absconder, no warrant issued" until such time as the warrant is issued. Change absconders to ABS (absconder) status in the eOMIS once a warrant is issued. This status makes the case an "indirect administration" case. If no warrant can be obtained, the change of status should be made within 10 days after forwarding a copy of the violation report to the Parole Board or prosecutor.

See Section 5-15 for Boot Camp absconders.

Continued Absconder Investigation

The agency's responsibility for supervision of the client does not end with the absconder declaration and issuance of a warrant. The officer's investigation process should continue by using the activities and methods described above and some or all of the following:

- a. An absconder information sheet, Form DCC 531, "Wanted for Parole Violation," including photograph, identifiers, address, etc, should be provided to local law enforcement to assist in the apprehension process. Use the format provided in the forms section for this purpose.
- b. Follow-up contacts should be made with family members, significant others, and other collateral contacts in an ongoing effort to locate absconders.
- c. Semi-annually follow-up contacts should be made with ACIC/NCIC, Employment Security, last known employer, Social Security, Family Services, utility companies, etc., in an ongoing effort to locate absconders.

Absconder Who Returns to Supervision Status

When an absconder is located by a law enforcement agency and that agency notifies the DCC by processing a "hit" (notification) through the ACIC computer system, the warrant is automatically canceled. If, however, an absconder begins reporting to the supervision officer once again without being apprehended by law enforcement agency, the supervision officer must recall the warrant.

Managing Detainer Cases

The responsibility for monitoring detainer cases (see definition) is with the supervision area/county of conviction or the area that approved the release plan (transfer cases).

Inmates released to detainer fall into the following categories:

- a. Clients released on parole to a detainer both in- and out-of-state with an approved parole plan and assigned to an individual Officer.
- b. Clients serving time in another institution being monitored by the Area Office.
- c. Clients released to a detainer in another state. If they make bond or adjudicate the charge, the Area Office will be contacted for reporting instructions.

5-9-15

Abscond Recovery Team (ART)

An ART is established to locate and safely apprehend absconders for the primary purpose of reengaging them in the community supervision process.

ART Duties/Responsibilities and "Application/Hiring" Process

Area Managers must have the Human Resources Section post internal advertisements for a minimum of one week for all ART openings. Managers must take steps to select applicants who meet the requirements shown below.

The ART Parole/Probation Officer II position has specialized duties and responsibilities as described in this section.

Interested applicants must complete a transfer request and forward it to the Area Manager who is advertising the position.

Applicants must meet the following:

- Be a Parole/Probation Officer II (PPO II) or higher in good standing
- Has not been disciplined for a violation of the Codes of Ethics and Rules of Conduct in the past two years.
- Does not have a current performance rating of less than satisfactory
- Is able to perform the essential functions of the job (use DCC Form 556, "Abscond Recovery Team Member Essential Job Functions")
- Be able to work other than normal working hours (nights and evenings) as needed.
- Be able to perform the duties and responsibilities of a ART Member
- Be able to work cooperatively and communicate effectively (verbally, electronically and in writing) with others.

Abscond Recovery Team Training & Curriculum

Specialized ART training for members of the ART is mandatory. Managers must facilitate refresher training semi annually.

The ART curriculum will include the following: initial and refresher defensive tactics, crime scene training, first responder (including trauma, stabbing and gunshot wounds), decision making scenarios, familiarization with and qualification on other weapons, physical tactics, firearms handling and retention and handling characteristics of armed clients, intermediate weapon control, handcuffing, leg iron application (for small, large and normal hands and legs), arrests in office, foot pursuit, empty hand control, physical control, constitutional limits of defensive tactics, investigative interviewing techniques, legal issues review, home entry, 3rd party control, search and seizure review (what to do at arrest). Additionally, staff must understand the necessity of controlling prisoner movements, required stops, routes used, and the importance of controlling conversations during transport.

Abscond Recovery Team Operations

To successfully carry out the mission of the ART Program, staff must establish and maintain good rapport and frequent collaboration with local law enforcement concerning wanted persons. Supervisors must perform close review, selection and assignment of absconder cases to an ART. Information sharing with other agencies enables DCC to locate, apprehend, and return clients to custody or supervision.

Arkansas Dept. of Community Correction Policy Manual 7/27/11 PAROLE/PROBATION SERVICES 5-9 Violations by Clients

An ART should include at least 2 Supervision Officers when available. More or less may be appropriate depending on the availability of resources.

Supervision Officers may make requests to the Area Manager for placement of a case onto the ART caseload. The request must include a certified copy of the warrant, a copy of the supervision terms and conditions, client photo and rap sheet. Recovered absconders who surrender or have not committed new crimes and are not viewed as undue risks to the public, may be continued on community supervision. Upon notification of the absconder's arrest, all law enforcement agencies previously notified will be notified of the arrest, while complying with DCC procedures concerning removal or cancellation of served warrants.

Staff must follow existing policy concerning custody, transportation, restraints, searches and seizures, client management and other related policy in the apprehension of clients assigned to the ART.

Vehicles

The ART will generally use unmarked vehicles (except red tags) in their pursuit of absconders, unless otherwise authorized by the director or Deputy Director of Parole/Probation Services. Refer to the section concerning arrest procedures.

Holding Location

The Deputy Director of Parole/Probation Services will ensure that each Area Manager designates and communicates to the ART and other staff where clients apprehended in the office will be temporarily held. In designating a place, managers should consider places that would reduce the likelihood of injury.

Weapons

Follow the policy on weapons.

High Speed Vehicle and Foot Pursuits

High speed vehicle pursuits are prohibited. Pursuits on foot are authorized if they can be performed safely.

Deaths

In the event of the death of an client or other 3rd party, the ART member shall follow the procedures outlined in DCC policy concerning reporting and investigating incidents and hazards, use of force and other related policy.

Home Entry

DCC staff does not have the liberty to make a forced home entry simply because they have the authority to apprehend an absconder who lives or is located there. Staff may respond to situations in which the officer perceives serious bodily harm or death to an individual. Whenever possible, staff should include the local law enforcement when they suspect an apprehension event may become dangerous or violent.

Equipment

ART equipment is authorized as described in the Weapons and Security policy and continuum in the Use of Force policy.

5-10 Community Service Program

5-10 Community Service Program

The Parole Board may determine that upon release from prison some clients must participate in clean-up programs along Arkansas highways. The specifics of such programs will be outlined in Memorandums of Understanding with other state agencies.

5-10-1

Program Description and Goals

Clients perform a specified number of hours of uncompensated work or service for nonprofit community organizations and/or government entities as a condition of community supervision. A Career Planning and Placement Specialist or other designated employee administers the Community Service Program.

The primary goals of the Community Service Program (CSP) are to enhance alternative sentencing, reduce criminal detention costs, assist clients in developing good work habits through on-the-job training, provide tangible means for the client to repay the community for their illegal acts, increase the involvement of and mutual benefit to the community, and promote client accountability.

Secondary goals of the CSP are to inform supervision officers about the client's employment skills and general on-the-job attitudes increase clients' self-esteem; provide incentives for clients to seek further vocational or educational training; and assist clients in securing employment.

5-10 Community Service Program

5-10-2 Access

The community service program is accessed when criminal courts and/or the Arkansas Parole Board require clients to perform community service work as a condition of community supervision, when imposed pursuant to the Accountability Intervention Matrix or when community service is authorized in lieu of supervision fees or fines/court costs.

5-10-3

Participation Requirements

No client will be placed into community service work without being referred by a court, approved by the Parole Board or its designee, or pursuant to the Accountability Intervention Matrix, and signing the community service agreement.

5-10-4

Client Screening

The Career Planning and Placement Specialist or designee and the supervising officer, must screen clients prior to referral to a worksite. Screening shall include, but not be limited to, review of current offenses, prior offenses, documented criminal history, and evaluation of the client's attitude and health, including drug/alcohol abuse. Clients shall not be placed at worksites where there is any reasonably foreseeable danger to the client or others.

5-10-5 Establish/Maintain Case File

The Career Planning and Placement Specialist or designee must establish a separate case file for each client, including but not limited to the following:

- > "Community Service Intake" form
- "Community Service Offender Agreement"
- > chronological case notes detailing their community service contacts (except those entered into eOMIS) and,
- > copies of correspondence, progress notes, significant actions, final reports and time sheets.

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5-10 Community Service Program

5-10-6 Referral Parameters

Referrals to worksites must not interfere with the client's paid employment; be compatible with the needs of worksites; not be made to agency/organization which employs the client; and, be reasonably accessible by transportation.

5-10-7 Program Length

The table below will be used as a guide to determine time allowed to complete community service work (unless circumstances exist that necessitate a different time frame).

Level 1 applies to clients who work or attend school full-time, or work part-time and are in school part-time, or have documented substantial family obligations and responsibilities.

Level 2 applies to clients who are unemployed and are not attending school. Level 2 also applies to clients who attend school part-time or are employed part-time but they have no substantial family obligations/responsibilities.

Number of hours	Level 1 Level 2 (Number of months for completion)		
0 - 20	2	1	
21 - 48	3	1.5	
49 - 95	4	3	
96 - 120	6	4	
121 - 199	8	5	
200 +	10	6	

5-10-8 Determining the Number of Hours to Be Worked

If an officer is given discretion in ordering a certain number of community service hours (such as when the supervision conditions require clients to work "up to" a certain number), the officer may order hours consistent with the established criteria approved by the Area Manager. For instance, unemployed clients may be required to work the full number of allowable hours, part-time employees or students may be required to work 50%, full-time employees 20%, etc. Officers are never to require hours to be worked in an arbitrary or capricious manner.

5-10 Community Service Program

5-10-9

Agency/Organization Worksite Management

DCC staff should consult with the Area Manager before making initial contact with a potential worksite. The initial worksite visit shall include the following:

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presentation of an overview of the DCC and the community service program

discussion of worksite needs and limitations

review of worksite and safety hazards posed by work assignments

explanation and execution of the worksite contract, and

discussion of methods for recording/reporting client's hours.

5-10-10

Worksite Agreements

DCC Form 548, "Community Service Worksite Agreement" serves as a non-financial agreement between the DCC and the agency/organization accepting and monitoring community service referrals, and shall be retained on file by the Career Planning and Placement Specialist/designated person.

The Career Planning and Placement Specialist must maintain contact information for all agreements with agencies/organizations.

5-10-11

Program/Client Monitoring & Management

The Career Planning and Placement Specialist or other designated DCC staff member must:

- Refer to the "Economic Sanctions" chapter for guidance about converting monetary obligations into community service hours
- Ensure DCC Form 549, "Worksite Time Sheet" is provided to the worksite contact prior to each client's initial visit and completed time sheets are picked up by the DCC designated staff or promptly mailed by the worksite contact upon the client's completion or termination, as appropriate.
- Monitor client compliance. Record results of monitoring efforts in case files; and document problems, conferences with the supervising officer, and efforts made on the client's behalf.
- Visit or contact the worksite contact person when appropriate for such reasons as inquiring about client performance, obtaining client timesheets, and maintaining rapport.

5-10 Community Service Program

 When an client performs community service work to satisfy monetary obligations, notify the Supervising Officer in writing of the number of hours worked and the dollar equivalent of the work performed, and provide a copy to the Administrative Services division so that the appropriate credit can be made.

- Ensure clients are performing required community service. In situations where work is not being performed, the Career Planning and Placement Specialist or other staff must inform the supervision officer for appropriate action.
- Promptly address concerns identified by a worksite supervisor or client.
- Assign and supervise clients on work crews. With the consent of the Area Manager and to the extent it does not interfere with regular caseload duties, officers may provide_work crew supervision. Designated supervisors from the agency for whom the service is being performed may also be used. The work crew supervisor will ensure equipment is properly inspected before use, maintained after use and safely operated.
- The Career Planning and Placement Specialist or designee will record in eOMIS all community service hours worked

5-10-12

Closing Actions when Client has completed required Work Hours

When an client leaves the community service program, the Career Planning and Placement Specialist must provide the supervising officer a copy of the time sheet and any comments. The file shall be placed in inactive status and made accessible to the supervising officer, if needed.

5-11 Economic Sanctions

5-11-1 General

When economic sanctions are imposed by the court or established by the Board of Corrections (Board), the DCC collects all supervision fees, program fees for DCC programs, and, with some exceptions, restitution fees. The DCC does not collect other fees such as court fees, fines, and attorney fees. Fee collection procedures are governed by Section 1 of the Administrative Services Manual (ASM) and this manual. In general, upon intake supervision officers must inform offenders of required payments and that payments must be made by cashier check or money order payable to the Arkansas Department of Community Correction. Payments are to be mailed by the offender to the Department of Community Correction (DCC) Centralized Collections Section (CCS).

Offenders should be advised to keep the original proof of purchase of the money order or cashier's check (stub or copy) and any records provided by DCC as evidence of payment. The supervision officer will monitor payments in eOMIS and when payments are overdue take appropriate actions. Officers must keep eOMIS and the CCS updated with relevant information such as correct beginning and ending supervision dates, extended sentences, early discharges, transfers, waiver or conversion of fees, and bankruptcy actions to facilitate timely and accurate record keeping. Parole/Probation Services employees are not authorized to collect economic sanctions.

The Board established a range of \$25. to \$100. for probation supervision fees. Judges specify the exact amount and may also waive the fee or approve conversion of the fees to community service hours. The payment amount is to be reflected in a court order, judgment and disposition order, or on a condition of probation form bearing the judge's signature, or on Form DCC 524, "Request to Waive or Convert Supervision Fees." The Board has also established fees for Drug Court participants, electronic monitoring, and parole supervision. These amounts are found on court orders or in eOMIS.

The supervision officer must obtain appropriate documentation of periods of incarceration and enter this information in eOMIS. eOMIS will compute supervision fees owed. Fees are not assessed when the parolee/probationer is incarcerated.

5-11-2 Delinquent Fee Collection Requirements

Officers are required take action when supervision fees become delinquent. For probationers the judge has the ability to extend supervision for the purpose of collecting economic sanctions. The following enforcement actions are appropriate for persuading offenders to pay delinquent fees:

Available Action	Number of Days Payments are Delinquent X = Recommended			
	30 Days	60 Days	90 Days	120 Days
Verbal warning	X	X		
Alternate collection plan approved by the Area or Assistant Area Manager	X	X		
Notice of Failure to Meet Supervision Conditions (eOMIS Form)		X	X	
Area or Assistant Area Manager issues a warning letter and/or counsels with the offender		X	X	
Request to Waive or Convert Supervision Fee (Form DCC 524)		X	X	
Violation Report - for Arkansas case see Section 5-8 - for Interstate Compact case see Sections 5-5 & 5-8				Required unless action is pending on Form DCC 524

5-11-3 Sanction Fee Waivers and Conversions to Community Service

A sanction fee waiver or conversion to community service hours must be authorized by some direct written provision from the appropriate authority. For instance, the judge may make such authorization through an amended court order, by approving a request from the Supervising Officer (Form DCC 524), or by placing a written condition within the rules of probation that the fees may be converted to community service work if the probationer is unable to pay.

1. Waiver

The following are appropriate circumstances for waiver requests:

- ✓ The supervising officer must submit a request to waive fees for the days an offender is an in-patient in a drug or alcohol treatment program.
- If hospitalized, the officer must consider whether the offender has the means to pay. To determine whether a waiver or conversion request is appropriate, consider factors such as the length of stay and whether the offender has insurance.
- Full-time employed offenders whose total income is at or below the insufficient income criteria (see table below) may be considered for a waiver if community service work would jeopardize the offender's employment status; likewise, if the offender's income is insufficient, but a disability prevents him or her from performing the work typically available through the Community Work Program, a waiver may be requested.

2. Conversion to Community Service

Other than in the above exceptional circumstances, insufficient income may be an appropriate reason to request that sanction fees be converted to community service hours. An offender's income is considered insufficient if it is less per month than the amount shown in the chart below. Include all sources of income, support, and revenue *except* food stamps, child support, and welfare payments. The actual verified amount of court-ordered support paid for person(s) not living with the offender will be deducted from the amount of income considered. If an offender's circumstances are in question, the supervising officer may require corroboration such as check stubs, a statement from an employer, landlord, or other individual who has direct knowledge of the offender's circumstances, or a recent tax return.

Insufficient Income Cutoff Levels Table				
Offender Plus Dependents*	Annual Income	Monthly Income		
Living in the Household				
1	\$8,860.	\$738.		
2	11,940.	995.		
3	15,020.	1,251.		
4	18,100.	1,508.		
5	22,630.	1,886.		
6	24,260.	2,022.		
7	34,180.	2,848.		
For each additional dependent add:	3,850.	257.		

Note: For 40-hour per week jobs, an hourly wage may be multiplied by 168 to compute the approximate monthly income. *Dependents are defined as people who rely on the offender for over one-half of their total support. (Figures are based on the Federal year 2002 poverty guidelines.)

3. Approved Waiver Request

5-11 Economic Sanctions

The original approved Request to Waive or Convert Sanction Fee(s) Form will be forwarded to the CCS and a copy will be returned through the Area Manager to the requesting officer. The CCS staff will record the period for which the waiver was granted in eOMIS.

4. Denied Waiver Request

If a waiver request is denied, it will be returned through the Area Manager to the requesting officer. This documentation will be retained in the offender's supervision file and noted in the supervising officer's chronological records.

5. Cancel or Modify a Waiver Request

To cancel or modify a waiver request, the supervising officer shall submit a Request to Waive or Convert Sanction Fee(s) Form with the "Cancel Waiver Effective Date" entered and a brief explanation. When an offender's supervision status changes from active to inactive and a waiver exists, the supervising officer must cancel the waiver. Should the offender return from an inactive status, it will be necessary to submit another request if a waiver is still appropriate.

6. Follow-up

If a Request to Waive or Convert Sanction Fee(s) Form is not returned within 45 days, a follow-up with the Probation/Parole Administrator should be initiated by the supervising officer. Waivers must be reviewed by the supervising officer with his or her immediate supervisor every ninety (90) days.

7. Extension of Waiver or Conversion Request

Recommendations for extension of waivers or conversion requests must be submitted for approval thirty (30) days in advance of the scheduled expiration date of the current waiver. Open-ended waivers will not be accepted. Fee collection will resume immediately following the expiration date of the waiver.

5-11-4 **Interstate Compact Cases**

Waiver of supervision fees for cases transferring to other states is governed by Section 5-14(b) of this manual. However, guidance in this section (Section 10) must be followed for managing the economic sanctions process. Offenders transferring to Arkansas will pay the supervision fee paid by the offenders in the receiving jurisdiction.

Officers must not collect money on behalf of other states. The offender is directly responsible for sending money to the appropriate entity. The Supervising Officer may request a photocopy of the money order for supervision purposes.

Supervision fees may not be collected on interstate compact cases beyond the expiration date of the case.

5-11-5 In-State Probation Transfer Cases

When a probation case is transferred from one jurisdiction in Arkansas to another, the original court ordered probation fee will be honored. Waiver or conversion of probation fees may only be made by the original court of jurisdiction. When multiple probation cases result in multiple ordered supervision fees, the court order directing the highest supervision fee takes precedence. When the term of probation specified in that order expires, the next highest unexpired court ordered fee applies.

Example: Probationer Smith is placed on probation in January for a three-year term in county A and is ordered to pay a \$25 supervision fee. That same month, Smith is placed on five years probation in county B and ordered to pay a \$20 supervision fee. Regardless of which county supervises the case, the supervising office will collect the \$25 monthly fee ordered by county A for the first three years, and then impose the \$20 fee for the remaining two year term of the county B probation.

5-11-6 Bankruptcy Actions

A Probation/Parole Officer who receives bankruptcy documentation on an offender under his/her supervision must provide a copy to the CCS. If the CCS receives the initial notification, it must provide a copy to the Probation/Parole Officer. When a Bankruptcy Court issues documentation indicating that an offender has filed for bankruptcy, and the offender has listed the DCC as a creditor, efforts to collect any overdue supervision fees must cease pursuant to the automatic stay provision of the bankruptcy code. The automatic stay prevents DCC from making demands for payment of overdue supervision fees either verbally or through overdue "notices/warnings," and from converting the overdue amount to community service hours. However, the automatic stay does not prevent an offender from voluntarily making a payment of overdue supervision fees. In the event that an offender makes such a payment, the Officer should obtain a document, signed by the offender, indicating that the offender understands that the payment is not required (due to bankruptcy proceedings) and is being made voluntarily and under no compulsion from any member of the DCC staff.

Officers can and should request payment of supervision fees that accrue after an offender has filed for bankruptcy, because they are not affected by the automatic stay. If an offender is delinquent in paying such supervision fees, an officer may issue notices or warnings and may convert the delinquent amount to community service hours. Upon an offender's filing for

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bankruptcy, an officer should inform the offender that continued payment of supervision fees, accruing after such filing, will be required.

Because collection of court ordered restitution (not supervision or other fees) is a "continuation or a criminal matter," it is unaffected by the automatic stay provision. Moreover, court ordered restitution is a non-dischargeable debt under the bankruptcy code. Therefore, officers must continue to make efforts to collect restitution during the bankruptcy process.

5-12 Specialized Law Enforcement Duties

5-12-1

Specialized Status of Officers

As authorized by Ark. Code Ann. §§ 12-9-104, Parole/Probation Officers are required to complete certification requirements as Specialized Law Enforcement officers within one year of hire, pursuant to the State of Arkansas Executive Commission on Law Enforcement Standards and Training rules and regulations manual. Application for certification may be submitted by the Parole/Probation Manager within thirty (30) days prior to the end of the twelve (12) month probationary period.

Pursuant to Ark. Code Ann. §§ 16-93-103, Parole/Probation Officers are specialized law enforcement officers, i.e., certified for a specialized purpose. Parole/Probation Officers assigned to special duties (e.g. abscond team, sex offender caseload) are required to complete additional training and meet essential functions prescribed specifically for the special assignment. The Department of Community Correction authorizes Parole/Probation Officers to exercise law enforcement powers only as authorized by agency policy. In general, law enforcement authority is to be exercised in either of two situations.

First, officers may exercise their law enforcement powers while acting in the scope of employment as Parole/Probation Officers. Officers have authority to arrest, to use necessary force consistent with agency policy, to conduct searches, swear out warrants, and perform other law enforcement activities as they pertain to the offenders under parole and probation supervision. **3-3094**

Second, Parole/Probation Officers may exercise general law enforcement powers outside the Parole/Probation scope only when necessary to protect their lives or the lives of others; or to prevent the loss of property or the commission of a felony when such action is likely to pose a threat of physical injury to themselves or to others. **3-3095**

Pursuant to the Administrative Directive titled Weapons and Security Equipment, Parole/Probation Officers may only carry their state-issued weapons while commuting to and from work and while pursuing their job duties. When not being carried, weapons may also be securely stored in the trunk of a privately owned vehicle when an officer anticipates that he or she may be required to respond to agency duties. Officers who choose to store weapons in the trunk of a privately owned vehicle are responsible to ensure weapons are appropriately secured to prevent access to children or other unauthorized persons. Pursuant to the Administrative Directive titled Employee Work Schedules and Compensation; officers may only pursue their DCC job duties that are non-emergency outside the established work day with prior approval from their Parole/Probation Manager. 3-3088 P

Officer Responsibility to Report Physical or Pharmacological Conditions

Officers shall notify their immediate supervisor of any physical or pharmacological conditions causing physical or emotional impairment that could affect their ability to perform the essential functions of their duties or carry a firearm or other weapon safely. **3-3091** Impairment is considered to be a condition that can affect judgment, reaction time, or motor skills, as it may affect the ability to act or handle a firearm or other weapon safely and proficiently or to operate a motor vehicle safely. In those instances where an officer believes and/or medical personnel indicate that a medication may affect judgment and/or reaction time, authorization to carry a firearm and/or operate a motor vehicle will be suspended. **3-3090** Authorization will be reinstated upon the cessation of the medication and its effects, or with the physician's ruling that the medication's potential effects would not interfere with handling a firearm, driving a motor vehicle safely and proficiently, or performing other essential functions safely.

5-12-3 Use of Force

The agency's use of force policy is found in the Administrative Regulation and Administrative Directive titled Use of Force. It is essential that all officers become familiar with this policy as it reflects well-established case law and statutory law and must be strictly followed.

Officers are also to be familiar with the Administrative Regulation and Administrative Directive titled Weapons and Security Equipment and the Administrative Directive titled Reporting and Investigating Incidents and Hazards.

Officers must not force entry into residences or other property. When suspicious situations arise, such as an odor of illegal drugs, contact local law enforcement.

5-12-4 Prevention Techniques

All employees are expected to avoid unnecessarily placing themselves in situations where use of force may become necessary. For example, officers should plan home visits for early morning hours, or pass by if it appears the situation may become volatile or unsafe. If a home visit a search, and/or an arrest is (are) absolutely necessary in spite of some reservations, officers should obtain backup assistance from law enforcement officers or request the supervisor to assign the arrest to the abscond team.

In addition, all officers are expected to be familiar with and use verbal de-escalation tactics. In following these directions, officers will greatly reduce the likelihood that use of force will become necessary, thus assuring that incidents involving force occur only when use of such force is unavoidable. Officers are encouraged to review the Administrative Directive titled Safety and Security for other officer and office safety considerations.

5-12-5 Warrants, Arrest, and Detention of Offenders

1. General Information

Arkansas Code Annotated § 16-93-103, gives Parole/Probation Officers the authority to arrest an offender if the officer has reason to believe the offender has violated their conditions of supervision. This power is not to be misused. An officer must exercise discretion in deciding whether and when to take an offender into custody. Officers will be trained on arrest practices before being allowed to make them. 3-3093 Placing a parolee in custody can be justified only when an alleged parole violation occurs and when either the seriousness of the violation or the danger of absconding is a factor. The circumstance under which a Parole/Probation officer places a parolee in a local detention facility should be limited, and time spent in custody kept to a minimum. 3-3202 Warrants for arrest and detention of offenders should only be issued upon adequate evidence which indicates a probable serious or repeated pattern of violation of conditions and a compelling need for detention pending the revoking authority's initial revocation decision. Detention may be required to prevent injury to an individual or the public, to interrupt a serious continuing violation of conditions, or to assure the presence of the offender at a hearing when it is determined that he or she would not voluntarily attend. 3-3173

Local law enforcement officers should be used for assistance with arrests and searches when possible. Detainer warrants may be used to hold offenders after arrest, pending disposition of alleged violations of parole conditions, provided that the violation process is begun within 7 working days and a revocation hearing is held as soon as possible.

2. Types of Warrants

The Arkansas Parole Board (APB) staff enters all warrants into the ACIC/NCIC. Parole-Probation office staff is responsible for updating appropriate areas of eOMIS.

There are four types of warrants available:

- a. Absconder warrants (Form DCC 508). See also Section 5-8. An absconder warrant stops supervision credits, thereby extending the maximum release date day for day until the parolee is apprehended. The maximum release date is updated in eOMIS when sentence data is recalculated.
- b. Delinquent warrants (Form DCC 535). A delinquent warrant is only used for absconders within 6 months of their parole supervision end date. Supervision time continues to run until the parole supervision end date is reached.
- c. Technical warrants (Form DCC 528). A technical warrant is used for technical violations other than absconding.
- d. Detainer (White Warrant for Detaining) (Form DCC 530).

3. Arrest Criteria and Detainer Warrant

Placing a parolee in custody can be justified only when an alleged parole violation occurs and when there is a clear concern for public or individual safety or a significant probability of absconding. **3-3202** When a Parole/Probation officer issues a parole Detainer (White Warrant for Detaining), they must notify the Area or Assistant Area Manager for review and approval by the next business day.

4. Obtaining an Arkansas Parole Board Warrant

To obtain an Arkansas Parole Board warrant, the supervision officer must complete the eOMIS Violation Report. When a Violation Report is approved by an Area Manager/ Assistant Area Manager, the Parole Board will consider the warrant using the violation report as a basis for their decision. Issued warrants are sent to the Arkansas Parole Board for entry into ACIC/NCIC and a copy goes to the supervision officer. Whenever possible, a Parole Board warrant must be obtained before placing an offender in custody. When a Parole Board warrant cannot be obtained in a timely manner, a "Warrant for Detainer – White Warrant (Form DCC 530, 'White Warrant for Detaining')," approved by the Parole/Probation Manager, may be used as a temporary measure. When the Detainer (White Warrant for Detaining) is used, a Parole Board warrant must be requested within seven work days, and an entry made in the eOMIS supervision history screen. When a warrant is obtained, make an entry in the eOMIS supervision history screen.

5. Requesting Removal of a Warrant

The supervising officer will retain a copy of the documentation of the request to remove the warrant and acknowledgment of its receipt.

- a. Requesting Removal of an Absconder Warrant. When an absconder warrant is served, the supervision officer must promptly notify the Parole Board and the ACIC Control Center Coordinator at the Central Arkansas Community Correction Center. When the Control Center notifies a supervision officer that warrant has been served by someone else, the supervision officer must notify the Parole Board. Notification is by email and must include the offender's name, number, date the warrant was served, and county of incarceration. When a warrant is removed, make an entry in the eOMIS supervision history screen.
- b. Removal of a Technical Warrant. After serving a technical warrant, the Area Manager or designee will ensure that all necessary documents are sent to the Board to recall the warrant. The Officer will submit the served warrant to the Parole Board and have it removed from the active warrants list.
- c. Removal of a Detainer (White Warrant for Detaining). When a Detainer (White Warrant for Detaining) is served or recalled, appropriate entry is made in eOMIS.

6. Planning an Arrest

For planned arrests, a pre-arrest briefing will be held with all officers and other law enforcement agencies participating in the action. A determination must be made of necessary staffing/assistance, intelligence gathering/briefing, location, cautions, and home occupants. Whenever possible staff should include local law enforcement if they suspect an apprehension event may become dangerous or violent. A valid warrant should be used at the scene and at the time of arrest. All elements of the subject's description, background, location, and tactics (e.g., who will secure the building, who is to cover the back door, who will do the handcuffing, etc.) shall be discussed and agreed upon. A team leader must be designated. Form DCC 522, "Pre-Arrest Briefing" will be used to record briefing information. 3-3096 Also see sub-section on Abscond Recovery Team.

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5-12 Specialized Law Enforcement Duties

5-12-6

Arrest, Detention, and Transport of Others

The authority to arrest and detain persons who are not under agency supervision does extend to a limited number of situations, as discussed previously. The most frequent situation will be where an officer, while conducting a home visit and search, must detain other members of the residence to ensure the safety of the officer and others.

In such situations, if an arrest becomes necessary due to an outstanding warrant or if a crime is committed in the Parole/Probation Officer's presence, local law enforcement should be relied on to transport the person to jail. However, Parole/Probation Officers may transport persons not under supervision when necessary due to overriding safety concerns, such as the discovery of a drug lab where other parties are present and law enforcement assistance is not immediately forthcoming. The officer is not expected to place him or herself in danger while waiting an inordinate amount of time for law enforcement assistance to arrive.

When a Parole/Probation Officer makes an arrest of a person who is not a supervised offender, that person is to be turned over to the custody of local law enforcement officials as soon as possible. In situations where the DCC Abscond Recovery Team (ART) member(s) is (are) with a local or state law enforcement officer during a felony stop of a 3rd party, and an incident occurs in the process of attempted apprehension, staff may assist the law enforcement but may not take the lead unless the local law enforcement personnel present are incapacitated.

The Abscond Recovery Team must conduct and document a debriefing after every arrest.

5-12-7 Search and Seizure

The DCC Administrative Directive titled "Searches for, Control and Disposition of Contraband and Evidence" should also be referred to for guidance pertaining to searches. DCC Parole/Probation Officers may conduct warrantless searches of offenders' persons, places of residence, or motor vehicles, if they are authorized by the conditions of supervision, and if they have reasonable grounds to believe that offenders have violated conditions of supervision (often referred to as reasonable suspicion). If officers are not authorized by the conditions of supervision to perform warrantless searches, they may still perform such searches if they obtain consent of offenders and if they have reasonable grounds to believe that offenders have violated a condition of supervision. When circumstances permit, the Parole/Probation Manager or Assistant Manager should be informed of and review in advance the decision to search. Reasons for the search will be appropriately documented in the case record. 3-3177

Reasonable suspicion is a degree of certainty based on facts and reasonable inferences drawn there from that cause one to believe that a person has violated the law or conditions of supervision. Anything that causes the officer to reasonably believe a condition of supervision has been violated creates a reasonable suspicion. It is not established based on the offender's reputation, a casual rumor, or a hunch. However, reasonable suspicion can be established through information from law enforcement personnel, relatives, neighbors or other sufficiently

trustworthy sources, including anonymous tips. To justify actions based on "reasonable suspicion," officers must point to specific objective facts and reasonable inferences and explain how they drew their conclusions from those facts in light of their experience. Unspecified suspicions or mere hunches fall short of providing reasonable grounds for actions which are permitted only on a basis of "reasonable suspicion." Following are a few criteria which may be considered when determining reasonable suspicion:

- demeanor of individual
- prior background or character
- what the person is carrying or appears to be carrying
- the time of day or night the suspect is observed
- apparent effort to avoid identification or confrontation by officials
- gait and manner
- manner of dress
- overheard conversations
- information received from a third party
- whether the suspect is with others whose conduct is reasonably suspect
- · apparent efforts to conceal an article or activity

The warrantless search must be conducted by a DCC officer in the course of supervision, unless a court order or supervision conditions allow other law enforcement officers to conduct a warrantless search. Without such court order or supervision conditions, a DCC officer may enlist the aid of a law enforcement officer, who may act at the direction of the DCC officer without overreaching the scope of the search. Parole/Probation Officers may not use their special authority on behalf of law enforcement officers in order to bypass the normal search warrant requirement.

If the DCC officer discovers evidence of a crime in the course of a search, law enforcement officials should be notified. The search is not unlawful just because it is also beneficial to the police or because evidence incriminating the offender is used in criminal prosecution. The DCC officer may use such evidence as the basis of a violation report regardless of whether criminal charges are filed.

If the offender is not the head of the household in which he or she resides, only the offender's private living quarters or any other area under his or her control may be searched. However, if the offender shares the residence with another person, the areas of common usage (bathrooms, living room, kitchen, out-buildings, garage, etc.) may also be searched. If possible, the permission of the offender or the head of the household should be obtained prior to any search. A search of a residence shared by the offender with others should not be conducted without the presence of a member of the household. If possible, a search should be conducted in the presence of the offender. The scope and duration of the search must be reasonable in light of the information upon which the Parole/Probation Officer acted in conducting the search.

Upon completion of the search, officers will contact the Parole/Probation Manager/Assistant Manager for a post-search review to ensure that the search was properly conducted and documented. The Parole/Probation Officer should rely on local law enforcement officials if

seizure of contraband or evidence is necessary. Where assistance is unavailable, the officer is to make and deliver to the offender; a receipt fairly describing the things seized noting that the evidence will be turned over to local law enforcement pending legal proceedings. Parole/Probation Manager or Assistant Manager will be immediately informed of any contraband or evidence seized. The Evidence or Confiscated Property/Contraband form in the Searches for and Control of Contraband and Evidence policy may be used for this purpose. A copy of the form will be given to the offender, the original placed in the case file and a copy provided through the manager. Once legal proceedings are completed, all lawful items are to be returned to the rightful owner and a written receipt obtained evidencing the return of these items. All illegal items are to be retained by local law enforcement officials for proper disposal. Any property disposed of by officers will be recorded using the form "Evidence of Confiscated Property/Contraband," that is associated with policy guidance about "Searches for, Control and Disposition of Contraband and Evidence." 3-3177

Case law guidance for parole/probation searches and seizures is provided by the United States Supreme Court in Griffin v. Wisconsin, 483 U.S. 868 (1987) and by the Arkansas Supreme Court in Cherry v. State, 302 Ark. 462 (1990) and Williams v. State, 321 Ark 344 (1995).

5-12-8

Transportation of Offenders

Parole/Probation Officers may transport offenders. It is the Parole/Probation Officers' responsibility to transport offenders to the technical violator program. However, in most situations the police or sheriff's office provides transportation, such as to prison or to a community correction center.

Officers who transport offenders are to follow the procedures in the Administrative Directive titled Use of Restraints and the following additional guidelines. Prior to transporting, Officers will be properly trained in transporting procedures. Proper restraining equipment will be used. When possible, two officers should accompany a transported offender. Vehicles will be searched for contraband, debris, and refuse at the beginning and end of the usage of a vehicle. All offenders, regardless if under custody or general transport, should be searched prior to every vehicle entry or reentry. Subjects under custody should be handcuffed (not to any part of the vehicle) with seat belt restraints properly fastened. **3-3097** Offenders not in custody should only be transported under special circumstances, and then only with the approval of the Parole/Probation Manager or Assistant Manager. Examples of special circumstances are as follows:

- 1. An offender in need of transport to a nearby drug rehabilitation facility when personal transportation is unavailable.
- 2. Offenders working community service directed to meet at a designated point to be transported to a special cleanup project (Note: offenders are never under any circumstances to be transported in the back of an agency truck).
- 3. An offender transported to the probation office from court at the request of the circuit judge, in order to take care of probation business, such as completion of a drug test or payment of fees.

4. An offender has voiced their intention or desire to commit suicide, or has made a suicide gesture that does not require emergency medical transport, and immediate transportation to a facility is warranted as a precautionary measure. In any vocalized suicide idealization or intent, two Parole/Probation Officers must accompany the offender to appropriate medical facility.

5-12-9 Protective Vests

Parole/Probation Managers, Assistant Managers, and Parole/Probation Officers shall wear protective vests in the following situations:

- 1. When making home visits.
- 2. When serving warrants
- 3. When transporting offenders.
- 4. When firing weapons on the range.
- 5. When accompanying law enforcement on investigations or operations.
- 6. When working escapes in support of the Arkansas Department of Correction or Arkansas Department of Community Correction.
- 7. When called out after normal duty hours.

5-13 Client Substance Abuse

5-13 Client Substance Abuse

5-13-1

Authority to Test

Drug screening is administrated solely for the purpose of determining compliance with lawful orders or conditions imposed by the courts or the Parole Board and not for the purpose of providing information for the diagnosis, prevention or treatment of any disease or impairment of, or the assessment of the health of the client. Drug testing is to be performed on clients by authority of either a specific provision contained in a court or release order or signed Interstate Compact (ISC) conditions of supervision or in accordance with the conditions specified in the Administrative Directive titled Offender Substance Abuse. Because Probation/Parole Officers do not have the legal authority, they are prohibited from testing anyone not under agency supervision, except as directed by the circuit court for adult defendants tested as part of pre-trial or bond conditions, or for pre-sentence investigation purposes. Officers are prohibited from testing county 309 inmates, other county prisoners, or other persons at the request of juvenile, municipal, or chancery courts.

5-13-2

Testing Procedure

Testing officers are to be familiar with and follow the procedures of Administrative Directive titled Offender Substance Abuse.

5-13-3

Frequency of Testing

When frequency of testing is specified by court or release order or signed ISC conditions of supervision, test at least as often as specified. Clients with the special condition of periodic testing will be tested at least quarterly for the first year; and at least semiannually thereafter. All other clients are subject to testing at the officers discretion. Clients with positive tests must be retested between 30 and 45 days after testing positive. Although testing can be done within the 30 day period immediately following a positive test, some drugs may remain in the client's system for 30 days and, consequently, the test may not evidence continued use. Officers must use discretion in determining when to conduct additional tests. Factors which may influence additional testing include: supervision conditions, treatment/education program requirements and the particular aspects of the case. Frequent testing at unpredictable times will help deter substance abuse and will promptly detect users.

5-13-4

Positive Test Results

Anytime there is a positive test result, the officer must take action pursuant to guidance in the Accountability Intervention Matrix.

5-13-5

Recording Substance Abuse Test Results

All drug tests must be entered into the eOMIS system.

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5-13 Client Substance Abuse

5-13-6

Assessment Referral

Assessment referral can be made only pursuant to the reasons outlined in DCC Form 558, "Assessment Referral Form."

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5-14 Release of Information

5-14 Release of Information

5-14-1

Public Disclosure

The Administrative Regulation and Directive titled Offender Records state that the Department of Community Correction shall maintain a full and complete record of every offender under its supervision and protect the integrity of such records in accordance with Ark. Code Ann. §12-27-125(b)(20).

Disclosure or inspection of information contained in DCC offender records is prohibited unless authorized by agency policy or court order. The above Offender Records policy authorizes release of information under certain circumstances. 3-3141

5-14-2

Release to Offender's Employer

If an officer reasonably foresees a prospect of harm to a specific third party based upon an offender's criminal background and past conduct, the officer should convey that information to the Parole/Probation Area Manager who will determine whether release of certain information to an employer is appropriate.

5-14-3

Release to Law Enforcement Agencies

The two primary missions of parole and probation are to promote public protection and to rehabilitate the offender. All employees are expected to cooperate with law enforcement agencies by responding to all reasonable requests for information from law enforcement agencies, whether general or specific in nature. However, in providing information to these agencies, officers must keep the proper balance of functions in mind. On one extreme, it would be improper to target offenders by disclosing all drug test results to local law enforcement. On the other extreme, it would be improper to refuse to share information concerning an offender whom the police department is investigating for the commission of a new crime. **3-3169**

Generally, Probation/Parole Services employees should only initiate disclosure of information of a general nature, such as providing a police department notification of whom in that department's jurisdiction is under agency supervision. Disclosure of specific information would be appropriate in certain instances, such as complaints of domestic abuse or similar complaints of illegal activity. DCC Administrative Regulation titled Offender Records states "Information from offender records may be released to criminal justice agencies on a need to know basis, unless such disclosure is prohibited by State or federal law."

5-14 Release of Information

5-14-4

Information to Courts and Parole Board

Since Probation/Parole Officers are agents of the court and the Parole Board, they must respond as soon as is reasonably possible to requests by those entities for information or action. In both Violation Reports and testimony, officers must fully disclose all pertinent facts, in an objective manner, thereby allowing the hearing authority to make an informed decision. The Parole Board expects Parole Officers to make recommendations on case disposition. With regard to probation, the court will determine whether a recommendation from a Probation Officer is acceptable.

5-14-5

Disclosure of AIDS Information

Pursuant to Arkansas Code Annotated § 16-93-1402, the Arkansas Department of Correction must report the AIDS status of parolees to the Department of Community Correction. This information should be used as an aid in rehabilitating the offender and in assisting with appropriate program placement and referrals.

AIDS information must not be disclosed through interstate compact without a signed release of information from the offender or a court order. The ISC "Authorization for Release of Medical Information" form will be used for this purpose in ISC cases. See also section 5-5 for other guidance concerning release of AIDS information.

5-14-6

Legal Documents

Legal documents received by employees are to be managed according to the Administrative Directive titled Legal Documents.

5-15 Parole/Probation Services Supervision Audits

5-15 Parole/Probation Services Supervision Audits

5-15-1

Requirement for Annual Audit

Parole/Probation Area Managers must conduct random audits throughout the year of active case records maintained by their staff. A minimum of 10% of each Officer's direct caseload will be audited annually. 3-3023

5-15-2

Audit Objectives

The primary objectives of supervision audits are to gain insight into the quality, effectiveness and adequacy of offender supervision as evidenced by the completeness and quality of case records, and to ensure supervision is in compliance with written policy and procedures. 3-3023

5-15-3

Formal Audit Procedures and Reporting

When a case record is audited, the auditor will only enter case file audit in the chronological record and initial the entry. Within five (5) days of completing the audit the Officer will be provided a copy of the completed audit form (use the Compliance Audit Section form), for each record audited and the Area Managers will retain copies in the supervisor's record of the employee audited. The number of case files audited will be included in the monthly report by the Area Manager to the Assistant Director of Parole/Probation Services. 3-3023

5-15-4

Corrective Action

Within two weeks of receiving the audit report, the officer must submit a memorandum of corrective action to the Area Manager listing all findings requiring correction, the action taken or planned and anticipated completion date. Subsequent reports must be submitted monthly until all findings are resolved. Area Managers should provide technical assistance to Officers when needed. 3-3023

5-15-5

Follow-up to Findings

Area Managers will review corrective action reports and ensure corrective actions are timely and adequate. **3-3023**

5-15-6

Periodic Review

Field audits are subject to periodic review. 3-3023

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5-16 Boot Camp Releases

5-16 Boot Camp Releases

Act 492 of 1989 authorizes the Department of Correction to administratively release inmates completing a 105-day early-release Boot Camp (BC) program; see Administrative Transfer Agreement, PPSM Example Form 3. To be eligible for early release an inmate must have an instate residence plan approved by a Parole/Probation Officer. Releases are not eligible for Interstate Compact Transfer of supervision and are not eligible for travel outside the State without approval by the DCC Deputy or Assistant Directors.

5-16-1 General

A request for change to the Boot Camp plan or to allow out-of-state travel is accomplished by sending an email through the supervisory chain to the approval authority.

5-16-2

Change to Parole Status

To be considered for parole status, a release must have no violations pending, must be within 30 calendar days of his/her transfer eligibility date, and must submit a request to the supervision officer. The supervision officer should send the approved request to the Arkansas Parole Board for consideration. If approved, the supervision officer must make the appropriate entry in eOMIS effective on or after the transfer eligibility date. Subsequently, the parolee will begin earning "parole" meritorious good time.

5-16-3

Violation of Boot Camp Agreement

When a Boot Camp release fails to meet supervision conditions, the supervising officer has four options. For a minor violation a verbal reprimand or eOMIS form "Notice of Failure to meet Supervision Conditions may be used. For more significant violations or repeated violations the officer may ask the Institutional Release Services office to issue a Boot Camp Letter of Reprimand, or a violation report may be written.

5-16-4

Technical Violators Program (TVP)

BC releases may be placed in the Technical Violators Program (TVP) by a violation hearing decision or as a result of waiving a hearing, following the same process used for other parolees (see Section 5-8). Upon successful completion of the TVP program, the BC Release will be reinstated to BC release status.

5-16 Boot Camp Releases

5-16-5

Return of Absconders from Other States

When a release is apprehended in another state, the Parole/Probation Officer will provide to Institutional Release Services office all pertinent information about the arrest (i.e., name and address of detaining facility, contact person, telephone and fax numbers, whether a detainer has been filed and what documents have been provided to the agency). The officer must also provide Institutional Release Services office with a copy of the Administrative Release Agreement and Conditions of Release for placement of a detainer if not previously accomplished. The Institutional Release Services office will arrange for return or extradition of the offender. Upon return to Arkansas, the Parole/Probation Officer will arrange for jail space to house the release and request a revocation hearing from a Hearing Examiner of the Parole Board. The release may sign a hearing waiver in lieu of a revocation hearing.

5-16-6

Appeal of Boot Camp Revocation

Release revocation appeals should be filed within 30 days of revocation and addressed to the Parole Board.

5-16-7

Re-Commitment to the ADC

Whenever a BC release is returned to prison as a result of a new conviction, the officer will submit a memorandum with a copy of the new judgment and commitment order to the Institutional Release Services Manager and ADC Centralized Records Section.

5-16-8

Boot Camp Release Discharge

When a Boot Camp release reaches his/her discharge date, the supervision officer processes the discharge in the same manner used for any parolee.

5-17 Mental Health Crisis - Parole/Probation Services

5-17-1

Overview

When an offender presents staff with a behavioral issue that is beyond the scope of existing services and expertise, it will be necessary to seek the services of outside resources.

5-17-2

Physical Risks

When an offender exhibits a behavior that places him/herself or others in physical danger staff shall call the local emergency service. If the client's behavior is violent, or the client threatens violence, DCC Parole/Probation Officers shall restrain the offender in accordance with applicable restraint procedures. Examples of behavior considered dangerous are as follows: Any sort of assaultive behavior

Threatened assaultive behavior

Actual suicidal action observed or reported (e.g., over consumption of medications, slashed wrists).

Any other action deemed violent or as placing anyone at risk of harm (e.g., leaving children unattended).

5-17-3

Non-Violent Immediate Physical Risk

If a client is in a mental crisis, and there is immediate physical risk, without violent behavior, then DCC staff must contact the community mental health center that provides service coverage for the area and request an emergency mental health assessment. When requesting the service, staff must provide objective information concerning the offender's behavior. Examples: Active hallucination (visual, aural, tactile, etc.) without accompanying violent behavior, seizure or medical episode.

Psychological disconnect from current environment (client cannot show orientation to time, person or place).

Suicidal ideation, particularly if the suicide method has been considered. All suicide threats shall be treated as bonafide even if the client is considered to be "seeking attention."

Other conditions that may present extreme distress. If the distress is suspected to be related to the use of, or withdrawal from alcohol or other drugs, the client must be referred to the detoxification facility providing service coverage for the area. The client's family members or local ambulance services should provide transportation.

5-17-4

Other

If the client is not in extreme distress, then referral information and assistance shall be provided in keeping with existing policy. When applicable, process any required incident reports. Supervisory notification policies must also be observed.

5-18 Professionalism & Work Relations

5-18-1 General

Whether dealing with the public, the courts, coworkers or offenders, all Probation/Parole Services employees are to adhere to Governor's Policy Directive #5 (January 1997), which states "all state employees shall perform their duties with courtesy, competence, and the highest standards of honesty and integrity." Employee conduct is further governed by DCC policy titled Code of Ethics and Rules of Conduct.

5-18-2 Public Relations

Positive public relations are of the utmost importance. Employees must project a positive image in dealing with members of the public. Given the fact that many contacts with the public are of a controversial nature (victims, complainants, etc.), employees are to remain courteous, regardless of the demeanor of those with whom they are dealing. Complaints or other potential problems that cannot be resolved by the officer or other employee are to be promptly referred to the Area Manager.

All citizen complaints about Probation/Parole Services will be forwarded to the Area/Assistant Manager who will review the complaints and assign specific staff and/or refer the matter to the appropriate administrator for investigation. The appropriate administrator will promptly notify the Public Relations Officer (PRO) and appropriate others (see AD titled Public Information Program). Necessary corrective action, if warranted, will be determined and implemented. Within 14 days of the complaint, if possible, the complainant will be advised of the outcome of the investigation and action planned or taken. The PRO will assist in preparing the response, as needed. 3-3030

5-18-3 Relationships with Official Personnel

Working as extensions of the court and the Parole Board, Parole/Probation employees have a special duty to maintain positive relations with all court personnel including judges, court employees, prosecutors, defense attorneys, etc.; and with Parole Board members, hearing examiners, and with employees of all State offices. Potential or actual problems in working relations are to be reported to the Area Manager immediately.

5-18-4 Relationships with Coworkers

Employees are expected to cooperate with other department employees. Professional conduct between coworkers is essential to a team approach and a productive work environment. All coworkers are expected to contribute in situations where offices are shorthanded or other employees need assistance. Each employee is to "perform other duties as assigned" by the Area Manager. Managers are expected to enforce this concept and to discipline employees who fail to cooperate or who attempt to take advantage of those employees who do cooperate.

When problems arise between coworkers, the Area Manager should bring the parties together and attempt to resolve the problem unless circumstances dictate otherwise (such as for harassment claims). Most office problems should be resolved at this point. In taking this approach, appropriate disciplinary action may still be necessary. For additional guidelines concerning employee complaints or difficulties see the DCC Administrative Directive titled Employee Grievance and Mediation Procedures.

5-18-5 Relationships with Offenders and Ex-Offenders

Employees are required to show professionalism and respect in dealing with offenders. Use appropriate verbal techniques as described in Use of Force training concerning verbal force. Employees are expected to be objective and fair in all dealings with offenders and to de-escalate volatile situations, allowing the offender the time and space to calm down before proceeding with business.

A system of two-way communication between all levels of staff and offenders is an important and valuable communications link for measurement of programmatic impact, a general concern for offender morale, needs assessment, and associated planning and budgeting. 3-3022 Offender suggestions or other correspondence will be elevated to the appropriate level in the managerial chain to allow proper evaluation. Employees are prohibited from dealing with offenders in a manner that is demeaning, abusive or humiliating. Any use of force is to be consistent with agency use of force policy.

Relations with offenders and ex-offenders are further governed by the Administrative Regulation and Administrative Directive titled Code of Ethics and Rules of Conduct. All employees should familiarize themselves with these policies. Violation of the regulation will result in disciplinary action up to and including termination.

5-19 Administrative Issues

5-19 Administrative Issues

5-19-1

Policy and Procedure Guidance and Information

The Department of Community Correction (DCC) has a several forms of policy documents. These include Administrative Regulations (ARs - Board of Corrections Policy Documents) and Administrative Directives (ADs - DCC Policy and Procedures Documents) and Administrative Memoranda (issued by one of the following divisions of the department: Probation/Parole Services, Residential Services, Planning and Management Services, Administrative Services, and the Director's Office. There are also Governor's Policy Directives that pertain to employees; these are available on the Governor's web page. This policy guidance must be available in each Parole/Probation Services office for all employees volunteers and, when appropriate, offenders. When electronic versions are available, paper copies are not required. If paper copies are kept, the Parole/Probation Area Manager must designate a person to maintain the paper copy.

Additionally, DCC has published an informational Employee Handbook. A copy of the handbook is available to each employee when hired.

5-19-2

Planning and Reporting Parole/Probation Philosophy and Goals

The Probation and Parole Assistant Director will, in accordance with DCC policy on Agency Organization, Mission, Planning, and Management, direct a process annually to review and update the Division's philosophy (as expressed in its mission) two-year goals, objectives, and plans. Area Managers, Regional Administrators, and the Assistant Director will closely track each goal and objective and continually follow through to ensure they receive the attention needed to reach desired outcomes. **3-3008**

Every Probation and Parole area office and organizational unit will compile narrative and statistical data at least every two years that covers the objectives, programs, parole/probation authorities, and offenders. Included shall be specific program accomplishments and data information that conveys the purpose and achievements of probation and parole services. This material shall be published as a public document of the Probation and Parole Division and/or submitted to the Central Office for inclusion into the annual report. 3-3024

5-19-3

Re-examination of Physical Condition

Initial assignment to Specialized Law Enforcement duties requires completion of a physical examination. Any employee assigned to Specialized Law Enforcement duties whose physical condition changes may be required to complete a physical re-examination to determine their ability to perform those duties. A management decision to continue or remove the employee will be made based on the results of the re-examination. Job applicants and employees will be notified of these requirements in accordance with agency policy on recruiting and hiring. 3-3059

5-19 Administrative Issues

5-19-4 Continuing Educational Development 3-3099

The Probation and Parole Services Division strongly encourages the continuation of all employee's education and training programs. To accomplish this goal, the following minimum standard shall apply:

- 1. All in-service education and training programs shall be planned and implemented by the division in cooperation, if possible, with appropriate cities, state and federal agencies, colleges and universities, and community organizations and in accordance with DCC policy on employee training.
- 2. The division shall provide administrative leave for employees, in accordance with the personnel and employee training policies of the department, to attend professional meetings, seminars, and similar work related activities.
- 3. The division encourages staff participation in criminal justice and allied professional associations and activities on a local, state, and national level.

5-19-5 Volunteer Recruitment 3-3120

To provide the best possible services for their clients, all field staff are encouraged to solicit volunteers in accordance with the agency's Volunteer Program policy.

Arkansas Dept. of Community Correction Policy Manual 3/31/10 PAROLE/PROBATION SERVICES

5-19 Administrative Issues

5-19-6

Allocation of Work and Span of Control

The division's workload study will provide the basis for allocating work to Probation and Parole staff. The workload study and analysis takes into consideration legal requirements, goals, character, and needs of offenders to be supervised; geographic areas, administrative tasks, and types of personnel. Through the workload study, supervision tasks are identified, measured against a time requirement, and then translated into specific total time and staff requirements. 3-3126

The Area Manager's span of control shall not exceed ten (10) parole/probation officers. Team leaders may be designated to monitor up to ten (10) parole/probation officers each. The Area Manager shall be responsible for monitoring the team leaders and their respective teams. **3-3127**

5-19-7

Chain of Supervision

- 1. Authority of Area Manager and Assistant Area Manager
 All field personnel work under the direct supervision of the Area Manager. The Area
 Manager has ultimate responsibility for personnel and disciplinary matters. All employees
 are expected to work together in a spirit of cooperation.
- 2. Contact with the Central Office and other Agencies In making contact with central office personnel, employees are expected to observe the chain of supervision except as otherwise directed by the Area Manager or in accordance with the open-door policy. Also, employees may contact the Human Resources Office (HRS) concerning personal matters.

5-19-8

Travel Authorization and Reimbursement 3-3065

Governor's Policy Directive #6 states that "all requests for travel reimbursement shall be reasonable, true, and accurate. Managers shall be responsible for review and initial approval of proposed work and travel plans of all subordinates as well as final approval of their travel reimbursement vouchers. Any violation of this policy statement shall be cause for dismissal."

Travel authorization is to be made by the Area Manager. While managers will likely give blanket permission for routine business travel within the circuit court jurisdiction, permission is to be obtained in advance before official travel is made outside the supervision area. Permission for out-of-state travel must be obtained through the Probation/Parole Services Administrator upon recommendation of the Area Manager.

Request for travel reimbursement is to be made on a properly prepared, coded and signed TR-1 form. Falsification of this form is ground for termination, as specified in the Governor's directive.

5-19 Administrative Issues

5-19-9

Travel for Conferences and Training

Reimbursement for mileage to and from conferences and training may be made when state transportation is unavailable, but this mileage must be approved by the Area Manager before the travel. When mileage reimbursement is approved, employees will be expected to car pool, when appropriate, for the sake of efficiency. Managers are responsible for ensuring the most efficient use of the state vehicles in their area. 3-3065

5-19-10

Purchase and Property Control Procedures

Purchase procedures are established by the Administrative Services Division of the central office. Purchase requests are to be reasonable and made in a timely manner. Each manager is responsible for establishing an inventory control and purchase tracking system to safeguard state property, minimize the need for emergency orders and eliminate excessive or unnecessary orders.

5-19-11

Use of State Equipment

Office equipment items are state property and may be used for official business only. Video games or other non-work-related software is prohibited on office computers. Employees should limit use of pool computers to as brief a time as possible to allow access for all employees.

Office telephones are for official use. When it becomes necessary to make personal calls, these calls are to be kept short so as not to impede the conduct of official business. Long distance personal calls are governed by Administrative Directive titled Personal Telephone Call Reimbursement. Governor's Policy Directive 5 restricts the use of state-owned equipment and supplies to official use only and specifies that unauthorized or personal use of equipment or supplies may be grounds for dismissal.

5-19-12

Use of State Vehicles

Use of state vehicles is governed by Governor's Policy Directive #3 (January 1997). This directive is available on the Governor's Website. Pay particular attention to paragraphs 4, 7, and 8 of the directive. State vehicles are to be used pursuant to the Governor's Policy Directive.

Managers are responsible for assigning state vehicles in such a way as to ensure the most efficient use of the state vehicles in their area. Through proper planning and sharing, personal mileage reimbursement can be kept to a minimum. Officers who have vehicles assigned to them are to understand that the vehicle is provided for the benefit of the agency, not the employee, and must therefore be shared when it is necessary to do so.

5-19 Administrative Issues

5-19-13 Staff Meetings

Area Managers will conduct monthly meetings with staff assigned to all area offices. Meetings will be appropriately documented with minutes and other documentation if appropriate. **3-3021**

5-19-14 Open-Door Policy

The goal of the open-door policy is to foster good working relationships between employees and managers, to avoid miscommunication, to maintain a positive work environment for all employees, and to resolve problems without the need for employees to resort to the grievance process.

Although contact with the central office is governed in a preceding section, there may be occasions when employees are unable to resolve problems through the managerial chain. In such cases, employees may contact the Probation/Parole Services Assistant Director. Problems brought to the Parole/Probation Assistant Director's attention may have to be discussed with the Area Manager in order to be resolved.

5-20 Parole/Probation Officer Promotion Process

5-20-1

Promotion Requirements

Promotion from PPO I to PPO II

Only a DCC PPO I may become eligible to be promoted to a PPO II. This promotion will be processed following Human Resources (HR) receipt of a copy of the signed F7 (Application for Award of Law Enforcement Officer Certificate) submitted to the Commission on Law Enforcement Standards and Training (CLEST) by the Internal Affairs Administrator, the Parole/Probation Promotion Summary (Promotion Summary) with the PPO I to PPO II pass or fail information and authorized signature indicating that the PPO I completed a one year probationary period, firearms qualification and DCC basic PPO training, obtained at least a "satisfactory" in the most current performance evaluation rating, and is free from disciplinary action greater than a verbal warning. Promotion will result in an increase of one salary grade. The documentation provided to HR will be placed in the employee's personnel file.

Promotion from PPO II to an Agent

- Only DCC employees in PPO II positions (including those assigned to institutions) may voluntarily apply for promotion to a Parole/Probation Agent (Agent). The PPO II must accomplish the following for the promotion:
- Served in a PPO II position for two consecutive years immediately prior to application for Agent.
- Passed firearms requalification accuracy requirements as demonstrated within the last 6 months prior to his/her scheduled PB interview;
- Satisfactorily performed on the job (as indicated on performance appraisals) the past 2 years as a PPO II, with no disciplinary action (excluding verbal warnings) during the same period;
- Completed the DCC defensive tactics refresher course within the 6 months prior to his/her scheduled PB interview;
- Completed First Aid/CPR and have current certification in both;
- Passed the PPA written examination;
- Obtained passing overall Motivational Interviewing (MI) rating; and
- Received a favorable promotion recommendation by the PB.

5-20-2 Testing and Qualification

In the process of becoming eligible to become an Agent, all candidates must take and pass all tests and evaluation exercises as follows:

File Review of Training, Performance Appraisals, Disciplinary and Other Records
The supervisor will conduct a file review to determine whether the employee scored satisfactory
or greater on their last two annual performance evaluations and has not been disciplined
(excluding verbal warning) for inappropriate behavior or violation of policy in the last 2 years.

Motivational Interviewing (MI) Rating

Candidates will be observed and rated by three MI trainers on 25 MI skills in three separate client sessions. The skills categories are Autonomy, Collaboration, and Evocation. Staff must score a minimum of 75 out of a possible 100 points, with at least 12 points earned in each category, to make a qualifying score. An additional overall assessment will be conducted (on a scale of 1-10). The observers will provide test results to the Assistant Director Parole/Probation Treatment Services who will provide an overall summary rating to the Area Manager. Staff rating instruments will be approved by the Assistant Director Parole/Probation Treatment Services and the Chief Deputy Director. The Motivational Interviewing rating instrument can be located by clicking the "forms" button on the EagleNet menu.

Written Policy-Related Examination

Test proctors are the Assistant Directors for Parole/Probation Services (including Parole/Probation Treatment Services), Deputy Director for Parole Probation Services and others as designated by the Director. A proctor will be scheduled by the Deputy Director of Parole/Probation Services for each written exam. Each candidate must take and pass a written test of at least 50 questions covering various aspects of DCC policies, procedures, processes and/or practices. A passing score is 85% or above.

First Aid, Refresher CPR, Defensive Tactics, Firearms Requalification

Three test events must be accomplished within 6 months prior to the projected date for the PB interview. The Central Training Section (CTS) will design and administer a battery of tests for students to demonstrate their ability to perform the essential functions of the job relative to physical ability (defensive tactics - take downs, handcuffing, restraints, effecting arrests, pursuing and subduing, detaining and restraining, etc.) Additionally, CTS or a local certified instructor will evaluate the candidates' ability to correctly apply first aid and perform CPR. Area Managers will facilitate firearms requalification in the field, including the IRO staff. The results will be provided on the Parole/Probation Promotion Summary (Promotion Summary) to the appropriate Area Manager upon completion for placement in the candidate's promotion file.

Promotion Board Interview

A supervisor can schedule a candidate for the Promotion Board (PB) interview only following satisfaction of all other requirements. Candidates will be asked a series of questions relative to the duties of an Agent and their abilities to perform them. Each candidate must receive a favorable recommendation to be promoted.

Arkansas Dept. of Community Correction Policy Manual PAROLE/PROBATION SERVICES

5-20 Parole/Probation Officer Promotion Process

5-20-3 Test Results

Candidates who fail a test may retest in the area that was unsatisfactory at the next scheduled opportunity. If not successful following the retest, the candidate may repeat the application process, with exception of the MI and PPA written exam, 12 months after the retest date.

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The promotion candidate is responsible to obtain test results recorded on a Promotion Summary and appropriately signed at each point of testing. Results of all testing areas will be forwarded to the Area Manager who will ensure that the completed Promotion Summary is forwarded to the Human Resources Administrator for promotion processing and placement in the employee's personnel file.

Agent candidates successful in each of the required areas of testing/evaluation will be scheduled through the Area Manager by the Assistant Director for Parole/Probation Services for the Promotion Board interview.

5-20-4 Procedures for Requesting Promotion to Agent

A PPO may begin the qualification process for promotion to Agent at any time after obtaining the PPO II level. There is no set order in which the PPO II must accomplish promotion requirements, except that the firearms requalification and defensive tactics tests and CPR must be taken within 6 months of the projected interview date

A PPO II may request promotion to Agent by initiating the Promotion Summary and forwarding it through an Assistant Area Manager to the Area Manager. The Area Manager will establish a "promotion file" for maintaining promotion documents and activity. For consistency, the promotion file folder will be a standard layout with six sides, as follows: Side 1 - Application/Summary Sheet; Side 2 - Two Consecutive Performance Evaluations (Satisfactory or above) and any other requested personnel information; Side 3 - Motivational Interviewing Evaluation Results; Side 4 - Written Examination Results; Side 5 - CPR/First Aid/Defensive Tactics Evaluations; Side 6 - Firearms Training; CPR/First Aid Certification, Supervisor Management Training.

The Area Manager or Assistant Area Manager will review the employee's last two (2) performance appraisals, training and supervisory (or personnel if appropriate) records. If they reflect satisfaction of requirements concerning the same, the Manager will sign and record the results (pass or fail) on the Promotion Summary and facilitate scheduling the employee (through the Assistant Director Parole/Probation Treatment Services) for testing as designated (below) by the employee.

• The three MI observations will be scheduled by the Area Manager through the Assistant Director Parole/Probation Treatment Services. Once completed, the three observation scores will be tallied, averaged and forwarded to the Area Manager for placement in the promotion file.

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- First Aid, refresher CPR, and defensive tactics are scheduled through the CTS Administrator, who will ensure that testing results for each topical area are recorded on the Promotion Summary and forwarded to the Area Manager. The Area Manager will ensure scheduling of firearms requalification and record results on the Promotion Summary. These tests may not be taken earlier than 6 months prior to the scheduled PB interview.
- The Assistant Director for Parole/Probation Services will maintain and provide a current exam schedule to the Deputy Director for Parole/Probation Services. They will also proctor the written examination and maintain security (through a variety of versions) of testing instruments, including numbered test booklets, answer sheets and versions for maximum control. The Parole/Probation Agent Written Exam will be scheduled by the Area Manager by contacting an Assistant Director for Parole/Probation.
- The PB interviews will be scheduled to meet as necessary and, as impaneled and scheduled by the Deputy Director of Parole/Probation Services. A panel constitutes three PB members for each promotion interview. The Deputy Director (P/P Services) will appoint an Assistant Director (P/P Services) to chair or chair the PB him/herself. The Deputy will notify staff of and post interview dates on EagleNet. Updates will be made as necessary. The candidate will dress in business attire for the interview and hand carry their Promotion Files to the PB the day of the interview. Promotion documents should not be altered in any way. The file should reflect satisfaction of all promotion requirements as described above. If the file does not reflect all requirements, it will be returned to the Area Manager. An interview will be conducted using standard questions posed to each candidate. The PB Chair will notify the appropriate Area Manager of the interview results within one business day of the decision. The PB chair must ensure the PB members sign and date the Promotion Summary, approving promotion to Agent. The PB will be the final decision on agent promotions.
- Candidates recommended by the PB will be promoted to Agent effective the first day of the next pay period. A promotion ceremony will be held to confer honors to those approved by the PB and promoted to Agent.
- Parole/Probation Agents are required to successfully complete the DCC Supervisor Management Training Course within 6 months of assignment as an Agent, if not already completed.

5-20-5 Preparation

To facilitate demonstration of best efforts, promotion applicants may want to initiate early physical fitness activities and mental preparation prior to requesting consideration for promotion examinations, evaluations, and performance testing. Some helpful preparation resources could include job-related areas of agency policy and procedures, training materials, administrative regulations and directives, including but not limited to the following:

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- The Parole/Probation Services Manual (approximately 50 questions)
- Interstate Compact Rules and Training Manuals
- Motivational Interviewing materials MI ACE Rating Guide; demonstration of proficient application of MI skills concerning autonomy, collaboration, and evocation categories (3 observations scored by designated MI trainers);
- Use of Force, Safety and Security and other job related agency policies;
- Practice on the firing range;
- Defensive tactics training materials, and practice application
- Review of first aid and CPR training materials, and practice application
- Agency Human Resources Manual/Handbook

S-5-1 Glossary of Parole/Probation Services Terms

Absconder

An offender who fails to report for parole, probation, or aftercare supervision, and whose whereabouts cannot be determined after appropriate investigation.

Adjudication

The legal process of resolving a dispute. The formal giving or pronouncing a judgment or decree in a court proceeding; also the judgment or decision given. The entry of a decree by a court with respect to the parties in a case.

Administrative Releasee

A person released from the Arkansas Department of Correction (ADC), Benton Unit, Technical Violator's Program by administrative action/authority of the ADC, rather than release authority by authority of the Arkansas Parole Board.

Arkansas Parole Board

The decision-making body that has the responsibility to grant, deny, and revoke parole.

Burnout

A state of emotional exhaustion and cynicism that frequently occurs among individuals who are involved in "people work." This is particularly true for those who work closely with others under conditions of chronic tension and stress. It frequently is characterized by emotional exhaustion, depersonalization, decreased competence, and detachment from the job caused by stress.

Career Criminal

A person with a past record of multiple arrests or convictions for serious crimes, or an unusually large number of arrests or convictions for crimes of varying degrees of seriousness.

Caseload

The number of offenders assigned to the officer or agency on a given date or during a specified time period.

Case Management

The systematic process by which identified needs and strengths of offenders are matched with selected services and resources in corrections. Case management helps ensure adequate structure and supervision while pursuing the least-restrictive solutions to offender problems.

Case Record

A folder containing certain required and supplemental information relevant to a DCC offender.

Case Record Management

The systematic control over the establishment, accessibility, use, content, security, privacy, preservation, and timely destruction of case records.

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S-5-1 Glossary of Parole/Probation Services Terms

Casework

The function of a social worker or other professional who provides coordination of social services, such as counseling, credit counseling, and job search help to individuals in custody and on parole or probation.

Classification

The identification of supervision cases in terms of particular characteristics and for designated types of Parole/Probation Services in keeping with established criteria.

Cognitive Skills Training

Training which seeks to teach offenders techniques in problem solving, critical reasoning, values, creative thinking, social empathy, communication, and abstract reasoning. This training attempts to increase offenders' self-esteem and decrease criminal behavior, including violence.

Commitment

A judicial action placing an individual in a particular type of confinement as authorized by law.

Community Resources

Human services agencies, service clubs, citizen interest groups, self-help groups, and individual citizen volunteers that offer services, facilities, or other functions that can meet the needs of the facility or have the potential to assist residents. These various resources, which may be public or private and national or local, may assist with material and financial support, guidance, counseling and supportive services.

Computer Voice Stress Analyzer (CVSA)

CVSA detects, measure and charts the stress in a person's voice following a pre-formatted questionnaire.

Conditions of Probation

Requirements prescribed by the court as part of the sentence to assist the probationer to lead a law-abiding life. Failure to observe may lead to revocation of probation and incarceration.

Conditions of Parole

Requirements prescribed by the release authority as part of the sentence to assist the parolee to lead a law-abiding life. Failure to observe may lead to revocation of parole and incarceration.

Counseling

An exchange of ideas, opinions, advice or guidance for the purpose of bringing about positive change in an offender's behavior and/or attitude and conducted in group setting or one on one.

Detainer

A warrant placed against a person incarcerated in a correctional facility, notifying the holding authority of the intention of another jurisdiction to take custody of that individual when he or she is released. Under Inter-State Agreement on Detainers, a detainer is a notification filed with an institution in which a prisoner is serving a sentence, advising that he is wanted to face pending criminal charges in another jurisdiction.

Direct Cases

Cases where the offender is supervised by the Parole/Probation Officer by direct contact and interaction.

Ex-offender

An individual who is no longer under required supervision by the DCC.

Expunge

To seal or purge records of arrests, criminal, or juvenile record information.

Extradition

The surrender by one jurisdiction to another of a person accused or convicted of an offense committed within the jurisdiction demanding the individual's return.

Gag Order

A court ruling limiting the information that can be revealed about a case.

Home Visit

Personal contact with a client and/or his or her family in the client's residence.

Indirect Cases

Cases where the offender is administratively monitored by the Parole/Probation Officer through administrative action intended to monitor or regain managerial control over the offender.

Injunction

A writ requiring a person to refrain from doing a particular thing.

Interstate Compact

An agreement between two or more states to transfer prisoners, parolees, or probationers from the physical or managerial custody of one state to the physical or managerial custody of another, where the correctional agency that first acquired jurisdiction over the person usually retains the legal authority to confine or release the prisoner.

Interstate Transfer

Transferring of the supervision of a probationer or a parolee from one state to another.

Judgment

1. Any decision or determination of a court. 2. The statement of the decision of a court that the defendant is acquitted or convicted of the offense or offenses charged.

Life Skills Programs

Programs that provide inmates with practical knowledge on employability/job search skills, consumer skills, the use of community resources, health and safety skills, parenting and family skills and civic skills. This type of training is also referred to as independent living skills, survival skills, and life adjustment skills.

Local Law Enforcement Agency with Jurisdiction

In the context of the Sex Offender Registration Act of 1997, the local law enforcement agency having jurisdiction over the address listed on the sex offenders registration file.

MAP (My Action Plan)

A MAP is an individualized written outline of programs and activities considered to be the best available means for an offender (incarcerated in a DCC Community Correction Center) to overcome his or her weaknesses and/or develop needed skills (behavioral, educational, social, financial, work, etc.). The MAP is most useful as a time management tool to insure that sufficient time is allocated for mandated and necessary therapeutic education, training and community activities.

MAPP (Multi-Dimensional Addiction Personality Profile)

A questionnaire completed by offenders and evaluated by treatment staff or Parole/Probation Services Officers to identify substance abuse, mental health and life skills needs and determine a course of treatment.

Modified Therapeutic Community (MTC)

A therapeutic approach to behavior modification through assignment of roles and holding residents accountable for following prescribed rules, values and norms.

Moral Reconation Therapy (MRT®TM)

A systematic, step-by-step treatment strategy designed to enhance self-image, promote growth of a positive, productive identity and facilitate the development of higher stages of moral reasoning, life purpose and other positive personality variables.

Nolle Prosequi (often pronounced 'Noll Pross')

A formal entry upon the record by the prosecuting attorney in a criminal action, by which he or she declares he or she "will no further prosecute" the case, either as to some of the defendants, or altogether. The voluntary withdrawal by the prosecuting attorney of present proceedings on a criminal charge.

Overt Interview

A live interview by a CVSA examiner with an offender. These interviews are conducted with prior knowledge and permission that certain questions will be recorded live and captured by the CVSA for analysis. All portions of the interview may be recorded on audio and / or video tape.

Parole

The process of releasing inmates from incarceration before the end of their sentence, on conditions of supervision by a parole officer and their maintenance of good behavior.

Parole/Probation Agent (Agent)

A senior level parole/probation services position with the responsibility of a field training officer, mentoring new recruits, leading activities, resolving staff conflicts, addressing performance issues (providing input), and others as assigned. (added 7/27/09)

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Presentence/Predisposition Investigation

An investigation undertaken by a designated authority at the request of a criminal or family court, into the past behavior, family circumstances, and personality of an adult or juvenile who has been convicted of a crime, in order to assist the court in determining the most appropriate sentence or disposition.

Pretrial Release

A procedure whereby an accused person who has been taken into custody is allowed to be free before and during his or her trial.

Pretrial Services

Services provided for the defendant in the period between arrest and formal trial proceedings.

Probation

A court-ordered disposition alternative through which a convicted adult offender or an adjudicated delinquent is placed under the control, supervision and care of a probation field staff member in lieu of imprisonment, subject to certain conditions and standards of conduct.

Probation Supervision

The monitoring of the probationer's compliance with the conditions of probation and providing of services to probationers to promote law-abiding behavior.

Promotion Board

At least three members of the Promotion Board (PB) selected by the Deputy Director for Parole/Probation Services from the PB member pool to interview and approve candidates for promotion to a Parole/Probation Agent. (added 7/27/09)

Promotion Board Member Pool

Area and assistant area managers and assistant directors for Parole/Probation Services, area and assistant area managers and assistant directors for Parole/Probation Treatment Services. (added 7/27/09)

Public Park

Any property owned or maintained by the State or a county, city, or town in the State for the recreational use of the public.

Qualified Examiner

A person who has completed a certification by a recognized instructor in truth verification and the use of the CVSA and licensed by the Arkansas Board of Private Security Agencies as required under the Arkansas Polygraph Examiners Act (A.C.A. 17-39-101 – 308). Recertification must be successfully completed every two years.

Relapse Prevention

A strategy that originated in the alcoholism field that has been adapted to other offender populations, such as sex offenders. It is essentially an "outpatient" model of service delivery that is applied after the offender has completed the formal phase of a treatment program, be it in a prison (before release) or a community residential center.

Residency

Means the place where a person lives notwithstanding that there may be an intent to move or return at some future date to another place; residency also includes place of employment, training, or education. (Ark. Code Ann. § 12-12-903 (10))

Risk Assessment

Analysis performed to identify the treatment needed and level of supervision appropriate for offenders under supervision.

Sex Offender Screening and Risk Assessment

An analysis performed by individuals or agencies qualified by the Sex Offender Assessment Committee to determine the level of risk sex offenders pose in the community.

Sexually Violent Predator

A person who has been adjudicated guilty or acquitted on the grounds of mental disease or defect of a sexually violent offense and who suffers from a mental abnormality or personality disorder that makes the person likely to engage in predatory sexually violent offenses. (Ark. Code Ann. § 12-12-903 (15))

Special Conditions

Actions required of probationers or parolees relating to conduct or rehabilitation which are unique to a particular offender's sentence, as opposed to standard conditions.

Supervision Cases

There are three types of supervision cases; direct, indirect administration, and unsupervised cases.

Test Proctor

Person designated to administer a written exam, maintain security and control of testing materials, and monitor onsite testing activity. (added 7/27/09)

Unsupervised Cases

Unsupervised cases are probationers placed on unsupervised status by the courts either through court order or other written direction of the court.

White Warrant (Detainer Warrant)

Temporary warrant issued by the officer pending the warrant from the Arkansas Parole Board.

Youth Center

Any building, structure, or facility owned or operated by a not-for-profit organization or by this State or a county, city, or town in the State for use by minors to promote the health, safety, or general welfare of the minors.

S-5-2 Forms Listing and Instructions

This listing does not include forms that are in eOMIS.

Form Title / Instructions	DCC Form #
Abscond Recovery Team Essential Job Functions	556
Act 33 Form Complete this form promptly after the Parolee's intake visit. Attach a copy of the Parole Plan Verification document.	533
Arrest Data Sheet When an offender is arrested the Supervising Officer may complete and submit the form prior to the completing of the jail log.	518
Arrest Disposition Report Probation/Parole Officers may complete this form upon the disposition of an arrested offender. Send the completed form to the Area Office. If the officer authorizes release from jail, an Incident Report must also be submitted.	517
Assessment Referral Form	558
Boot Camp Notice of Revocation Hearing Used to notify Boot Camp Releasees of a revocation hearing at least 72 hours in advance of the scheduled hearing.	523
Boot Camp Notice of Violation Action Used to provide notice of violation of conditions of release to Boot Camp Releasees.	505
Classification Supervision Plan	514
Client Risk Analysis Scale	512
Community Correction Center Offender Eligibility Instructions for this form are contained in the Regional Punishment Facility (RFP) manual.	527
Community Service Intake	546
Community Service Offender Agreement	547
Community Service Worksite Agreement	548
Community Service Worksite Timesheet	549
Consent to the Release of Information Use this form when an agency has information about an offender that is required by the court/Parole Board or Supervising Officer in determining an appropriate parole/probation or counseling/referral for treatment/treatment plan or other legitimate managerial activity, but the agency holding the information will not release the information without the approval of the offender.	544

Continuation of Form This continuation sheet may be used with any form. Put the number of the form being continued in the space at the bottom of the form.	unnumbered
DCC Field Operations (Parole/Probation Services) Monthly Report	unnumbered
Disposition of Parole Revocation Hearing	501
Electronic Monitoring Homeowner Consent When an offender to be electronically monitored lives in a home and is not the owner or head-of-household, this form is used to obtain agreement from the owner or head-of-household to allow the installation of necessary devices and to explain the monitoring rules. See also Section 5-5 for additional information pertaining to electronic monitoring.	519
Electronic Monitoring Rules In the "Authorized Periods" table on the front of the form, include all permissible times and places the offender may be out of their house. Allow for reasonable travel time. Consider authorizing time for: work, seeking work, all required programs/activities (such as Alcoholics Anonymous, Mental Health counseling, etc.) and reporting to the Parole/Probation Office.	520
Field Report for Probation Pardon/Executive Clemency Cases Only This form is only for Probation pardon/executive clemency cases. Use the Field Report form in eOMIS for other situations.	559
Grievance Procedure Notice See the instructions concerning use of this form in Section 5-4.	521
ISC Notice of Parole Violation etc	509
ISC Notice of Probable Cause Hearing	510
Monthly Supervision Report and Needs Assessment Completion is optional when the offender reports in person.	525
Notice of Parole Revocation Hearing This form must be served by the Supervising Officer on a parolee at least seventy- two (72) hours prior to the hearing unless the parolee has waived the hearing as described in Section 5-9.	511
Notice of Parole Violation Action Violation notices to parolees will be made using this form. See Section 5-9 for use, exceptions and use of a hearing waiver form.	506
Parole/Probation Promotion Summary See Section 5-20.	560
Pre-Arrest Briefing This form is completed before all planned arrests, see section 5-12.	522
Pre-Sentence – Intake Report See Sections 5-2 and 5-3.	534

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Prohibition Against Working with Law Enforcement See Section 5-7. This form is completed during intake.	515
Proof of Discharge from Parole/Probation	502
Request Consideration for Offender to Work with Law Enforcement This form is used when, as an exception to policy, a law enforcement agency chooses to request that the appropriate court or Arkansas Parole Board allow an offender to work with law enforcement on an investigation. Refer to policy guidance for further instructions concerning use of this form.	516
Request for Legal Counsel See the instructions concerning use of this form in Section 5-9. For Boot Camp Releasees see Section 5-16.	532
Request to Waive or Convert Sanction Fees Completed when converting supervision fees to community service or to waive payment (community service and fees) due to financial hardship and physical or mental inability to work. See Section 5-11.	524
Sex Offender Aftercare Program Sanctioning Agreement	550
Sex Offender Obligations & Acknowledgement of Duty to Register	503
Unsupervised Parole Agreement See section 5-4	504
Updated Supervision Plan	513
Waiver of Extradition for Probation & Parole	526
Waiver of Parole Revocation Hearing-TVP Alternative Parole/Probation Officers may offer parolees the opportunity to waive the Parole/Alternative Revocation Hearing after completing the Notice of Parole Violation Action Form, DCC Form 506 and informing the offender or his or her rights to the hearing and of the consequences of waiving the hearing. Any such waiver must be voluntary. See also Sections 5-9.	507
Wanted for Parole Violation Also known as an "Absconder Information Sheet," this form should be provided to local law enforcement as described in Section 5-8.	531
Warrant Delinquent Retaking Prisoner	535
Warrant for ACIC-NCIC	508
Warrant for Detainer This warrant may be issued as described in Section 5-12.	530
Warrant for Technical Violation	528

A-5-3 Examples Pertaining Primarily to Parole-Probation Officer Tasks

A-5-3 Examples Pertaining Primarily to Parole-Probation Officer Tasks

Example Title	DCC Example #
Outpatient Handbook DCC Post Adjudication Drug Court (Example)	DCC Example 5-1
Day Reporting Center, Client Handbook (Example)	DCC Example 5-2
Administrative Transfer Agreement	DCC Example 5-4
Warrant for Detainer – White Warrant	DCC Example 5-5
Letter of Reprimand	DCC Example 5-6
Parole Plan Verification	DCC Example 5-7

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PAROLE/PROBATION SERVICES	(a)	A-5-4
Sex Offenses	Munne-P (44-sissiling) (4	

A-5-4 Sex Offenses

"Sex offense" includes, but is not limited to the following offenses:

- a. Rape, Arkansas Code Annotated (A.C.A.) §5-14-103;
- b. Sexual indecency with a child, A.C.A. § 5-14-110;
- c. Sexual assault in the first degree, A.C.A. § 5-14-124;
- d. Sexual assault in the second degree, A.C.A. §5-14-125;
- e. Sexual assault in the third degree, A.C.A. §5-14-126;
- f. Sexual assault in the fourth degree, A.C.A. §5-14-127;
- g. Incest, A.C.A. §5-26-202;
- h. Engaging children in sexually explicit conduct for use in visual or print medium A.C.A. §5-27-303;
- i. Transportation of minors for prohibited sexual conduct A.C.A. §5-27-305;
- i. Employing or consenting to use of a child in a sexual performance A.C.A. §5-27-402;
- k. Pandering or possessing visual or print medium depicting sexually explicit conduct involving a child; A. C. A. §5-27-304
- 1. Producing, directing or promoting sexual performance by a child A.C.A. §5-27-403;
- m. Promoting prostitution in the first degree A.C.A. §5-70-104;
- n. Stalking when ordered by the sentencing court to register as a sex offender (A.C.A. §5-71-229);
- o. Indecent exposure, A.C.A. §5-12-112 if a felony level offense;
- p. Exposing another person to human immunodeficiency virus when ordered by the sentencing court to register as a sex offender A.C.A. §5-14-123;
- Kidnapping pursuant to ACA §5-11-102(a) when the victim is a minor and the offender is not the parent of the victim;
- r. False imprisonment in the first degree and false imprisonment in the second degree pursuant to ACA §§5-11-103 and 5-11-104, when the victim is a minor and the offender is not the parent of the victim;
- s. Permitting the abuse of a minor pursuant to ACA §5-27-221;
- t. Computer child pornography, A.C.A. §5-27-603;
- u. Computer exploitation of a child in the first degree, §5-27-605(a);
- v. Permanent detention or restraint when the offender is not the parent of the victim, §5-11-106;
- w. Distributing, possessing, or viewing of matter depicting sexually explicit conduct involving a child, §5-27-602;
- x. Internet stalking of a child, §5-27-306;
- v. Crime of video voyeurism, §5-16-101, if a felony level offense;
- z. Voyeurism, §5-16-102, if a felony level offense; and
- aa. Any felony-homicide offense under §5-10-101, §5-10-102, or §5-10-104 if the underlying felony is an offense listed in "a." through "w" above
- bb. An attempt, solicitation, or conspiracy to commit any of the above offenses;
- cc. An adjudication of guilt for an offense of the law of another state, for a federal offense, for a tribal court offense, or for a military offense:
 - > which is similar to any of the above offenses "a" through "aa" or
 - when that adjudication of guilt requires registration under another state's sex offender registration laws; or
 - > a violation of any former law of this state which is substantially equivalent to any of the offenses
- dd. The sentencing court has the authority to order the registration of any offender shown in court to have attempted to commit or to have committed a sex offense even though the offense is not enumerated above.

Source: Ark. Code Ann. §12-12-903

ARKANSAS ACCCOUNTABILITY INTERVENTIONS MATRIX (ArAIM) Revised 5/7/2013

Condition VIOLATION LOW LEVEL CONDITIONS Code INTERVENTIONS L1 Failure to participate in community service (not litter crew) - 1st offense Written Warning L2 Association - 1st offense SAPL Screening and Verbal Waming L3 Association - 1st offense STAPL Screening and Verbal Waming L5 Failure to pay supervision fees - 1st offense \$70 or Greater Written Warning and Increased Reporting L6 Change of Residence without peinrission - 1st offense Written warning, Interventions Review Committee, and 2 days in Written warning, Interventions Review Committee, and 3 days and 2 days in the relation Infout State - 1st offense L7 Traval violation Infout State - 1st offense Written warning, Interventions Review Committee, and 3 days in the relation of Iow level misdemeanor - 1st offense L8 Conviction of Iow level misdemeanor - 1st offense Written warning, Interventions Review Committee, and 3 days in the relation of Iow service Committee, and 3 days in the relation of Iow service Committee, and 3 days in the relation of Iow service Committee, and 3 days in the relation of Iow service Committee, and 3 days in the relation of Iow service Committee, and 3 days EM L8 Failure to pay court feesifines/costs/restitution-80 Days Delinquent Written warning and 1 days EM Written warning and 1 days EM Written warning and 1 days EM<					110	3010	
Failure to participate in community service (not litter crew) - 1st offense Positive UA - Drugs or Alcohol, 1st offense Association - 1st offense Failure to pay supervision fees - 1st offense-\$70 or Greater Failure to report - 1st offense Change of Residence without permission - 1st offense Change of Residence without permission - 1st offense Conviction of low level misdemeanor - 1st offense Failure to pay court fees/fines/costs/restitution-60 Days Delinquent	ondition of		LOW LEVEL CONDITIONS	EEVELS (See Instruction 1)	EVELS Instruction		, à
Failure to participate in community service (not litter crew) - 1st offense Positive UA - Drugs or Alcohol, 1st offense Association - 1st offense Failure to pay supervision fees - 1st offense-\$70 or Greater Failure to report - 1st offense Change of Residence without permission - 1st offense Conviction of Iow level misdemeanor - 1st offense Failure to pay court fees/fines/costs/restitution-60 Days Delinquent Failure to pay court fees/fines/costs/restitution-60 Days Delinquent	Code			1 st 2nd 3rd 4th	a Se	4	£
Positive UA - Drugs or Alcohol, 1st offense Association - 1st offense Failure to pay supervision fees - 1st offense-\$70 or Greater Failure to report - 1st offense Change of Residence without permission - 1st offense Travel violation In/Out State - 1st offense Conviction of Iow Ievel misdemeanor - 1st offense Failure to pay court fees/fines/costs/restitution-60 Days Delinquent	7	ew) - 1st offense	Written Warning	M		M11 H99	66
Association - 1st offense Failure to pay supervision fees - 1st offense-\$70 or Greater Failure to report - 1st offense Change of Residence without permission - 1st offense Travel violation In/Out State - 1st offense Conviction of low level misdemeanor - 1st offense Failure to pay court fees/fines/costs/restitution-60 Days Delinquent	12	Positive UA - Drugs or Alcohol, 1st offense	SAPL Screening and Verbal Warning	M2	H2		H99
Failure to pay supervision fees - 1st offense-\$70 or Greater Failure to report - 1st offense Change of Residence without permission - 1st offense Travel violation In/Out State - 1st offense Conviction of low level misdemeanor - 1st offense Failure to pay court fees/fines/costs/restitution-60 Days Delinquent	ខា	Association - 1st offense	Written Warning and Increased Reporting	M3	\neg	M13 H99	66
Change of Residence without permission - 1st offense Change of Residence without permission - 1st offense Conviction of low level misdemeanor - 1st offense Failure to pay court fees/fines/costs/restitution-60 Days Delinquent	47	Failure to pay supervision fees - 1st offense-\$70 or Greater	Written Warning and 7 days home confinement	M4		M14 H99	<u>66</u>
Change of Residence without permission – 1st offense Travel violation In/Out State - 1st offense Conviction of Iow level misdemeanor - 1st offense Failure to pay court fees/fines/costs/restitution-60 Days Delinquent	L5	Failure to report - 1st offense	Written warning, Interventions Review Committee, and 1 day in jail	M5	유		66H
Travel violation In/Out State - 1st offense Conviction of Iow level misdemeanor - 1st offense Failure to pay court fees/fines/costs/restitution-60 Days Delinquent	Fe Fe		Written warning, Interventions Review Committee, and 2 days in jail	M6		M16 H99	<u>66</u>
Conviction of low level misdemeanor - 1st offense Failure to pay court fees/fines/costs/restitution-60 Days Delinquent	7	Travel violation In/Out State - 1st offense	Written warning, Interventions Review Committee, and 3 days in jail	M7	_	M17 H	H99
Failure to pay court fees/fines/costs/restitution-60 Days Delinquent	R3	Conviction of low level misdemeanor - 1st offense	Written warning, Interventions Review Committee, and 4 days in jail	M8		M18 H	66H
Written warning, Interventions Review Committee, and 6 days Written warning and 7 days EM Written warning and 8 days EM Written warning and 9 days EM Written warning and 10 days EM Written warning and 11 days EM Written warning and 12 days EM Written warning and 13 days EM Written warning and 14 days EM Written warning and 14 days EM Written warning and 14 days EM Perform Community Service Intervention Review Committee	67	Failure to pay court fees/fines/costs/restitution-60 Days Delinquent	Written warning , Interventions Review Committee, and 5 days in jail	Ž	M15 H6		66 H
Written warning, Interventions Review Committee, and 7 days Written warning and 7 days EM Written warning and 9 days EM Written warning and 10 days EM Written warning and 11 days EM Written warning and 12 days EM Written warning and 13 days EM Written warning and 14 days EM Written warning and 14 days EM Perform Community Service Intervention Review Committee			Written warning, Interventions Review Committee, and 6 days in jail				
Written warning and 7 days EM Written warning and 8 days EM Written warning and 10 days EM Written warning and 11 days EM Written warning and 12 days EM Written warning and 12 days EM Written warning and 14 days EM Written warning and 14 days EM Perform Community Service Intervention Review Committee			Written warning, Interventions Review Committee, and 7 days in jail				
Written warning and 8 days EM Written warning and 10 days EM Written warning and 11 days EM Written warning and 12 days EM Written warning and 13 days EM Written warning and 14 days EM Perform Community Service Intervention Review Committee			Written warning and 7 days EM				Ī
Written warning and 9 days EM Written warning and 10 days EM Written warning and 12 days EM Written warning and 13 days EM Written warning and 14 days EM Perform Community Service Intervention Review Committee			Written warning and 8 days EM				
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Perform Community Service Intervention Review Committee			Written warning and 14 days EM		-	+	
Intervention Review Committee	!		Perform Community Service		-	\dashv	
			Intervention Review Committee			_	\neg

Condition	VIOLATION	MEDIUM LEVEL CONDITIONS	PROGRESSION LEVELS	GRESSIC LEVELS	ON
Code	•	INTERVENTIONS	tst 2nd 3rd 4th	370	4th
Ž	Failure to participate in community service - 2nd offense	nterventions Review Committee and Recommendation	Σ	M1 M11	년 왕
M2	· · · · · · · · · · · · · · · · · · ·	SAPL Consultation and Interventions Review Committee	M2	M2 H2	6 연 기
	Association - 2nd offense	interventions Review Committee and Recommendation	M3	Σ	M3 M13 H99
₩ 4	fees 2nd offense or \$105 or greater	Interventions Review Committee and Recommendation, Increased Reporting, UP TO 2 days in jail	₹	Σ	M4 M14 H99
M5	Failure to report - 2nd offense	nterventions Review Committee and Recommendation	MS	M5 H5	H39
MG	permission - 2nd offense	Interventions Review Committee and Recommendation, 30 days Electronic Monitoring (EM)	Me	M	M6 M16 H99

	Travel violations In/Out of State - 2nd offense	Interventions Review Committee and UP TO 2 days in jail		M7	M17 H99	66H
M8	Conviction of low level misdemeanor - 2nd offense	AAM Conference, 20 hours CS, and UP TO 4 days in jail		M8	M18	H99
6₽	Conviction of a high level misdemeanor - 1st offense	AAM Conference and UP TO 7 days in jail	6М	M19 M21 H99	M21	H99
M10	Absconding - 1st offense	AAM Conference, 40 hours CS, and UP TO 4 Days in jail	M10 H1		6H	H99
M11	Failure to participate in community service - 3rd offense	Interventions Review Committee and Recommendation and UP TO 2 days in jail		-	M11 H99	66H
M12	Failure to maintain employment	Interventions Review Committee, Daily Reporting 80 hours, and Employment Class	M12 H6		Н8	H39
M13	Association - 3rd offense	Interventions Review Committee and Recommendation and UP TO 2 days in jail		•	M13	66H
M14	Failure to pay supervision fees 3rd offense or \$105 delinquent or Greater	Intervention Review Committee, Financial Management Class, Increased Reporting, AAM Conference, and UP TO 2 days in jail			M14 H99	66H
M15	Failure to pay court ordered obligations: fines, court costs, restitution, or child support (90 days or more delinquent)	Intervention Review Committee, Written Warning, Financial Management Class, Increased Reporting, and UP TO 2 days in jail	M15 H6		Н8	H99
M16	Change of Residence without permission - 3rd offense.	Interventions Review Committee and Recommendation and UP TO 2 days in jail			M16 H99	H99
M17	Travel violations In/Out of State - 3rd offense	AAM Conference and UP TO 7 days in jail		-	M17 H99	198
M18	Conviction of low level misdemeanor - 3rd offense	AAM Conference, 80 hours CS, AAM Conference, and UP TO 4 days in jail			M18 H99	H99
M19	Conviction of a high level misdemeanor - 2nd offense	AAM Conference, 60 days EM and UP TO 7 days in jail		M19 M21 H99	M21	H99
M20	Failure to participate in treatment (dismissal)	AAM Conference and TVC (Petition to Revoke Probation)	M20	<u></u>	H8	66H
M21	Conviction of a high level misdemeanor - 3rd offense	AAM Conference, 90 days EM and UP TO 7 days in jail			M21	H36
COM	<u> Mangaga a jagilini sa Gaslung</u> sa wakati ili ilis sa anta sa		M99 H6	- 1	완	H99

Condition	VIOLATION	HIGH LEVEL CONDITIONS	A	PROGRESSION LEVEIS	is SI	S.
Code		INTERVENTIONS	Ist	Znd	3rd	1st 2nd 3nd 4th
Ξ	Absconding - 2nd Offense	AAM Conference and TVC (either by waiver or a hearing)		H1	9	H99
H2	Positive UA - Drugs or Alcohol, 3rd offense	SAPL Consultation and AAM Conference			H2	H99
꿈	Pending new felony charges - non-violent or non-sexual offense	AAM/AM Conference and Recommendation and increased reporting H3	НЗ	H99		
14	Pending new felony charges - violent or sexual offense	AAW/AM Conference and jalk and Revocation Hearing/Petition to Revoke (See Note 1)	H4	H39		
9	Failure to report - 3rd offense	AAM Conference, 80 hours CS, and UP TO 7 days in jail			£	H99
He	Editing is a finest by conditions and missed in the partition of the same of t			9Н	8Н	H99
Н	Possession of a weapon	AM Conference and revocation hearing / petition to revoke	H7	H99		
118 31	irailijinoo aisineatijasojimitionse enalitinsa Eooliigoinailise oliigise oliigise oli easta oliigise oliigise				Н8	H99
유	Absconding - 3rd Offense	Revocation Hearing /petition to revoke (See Note 2)			윤	66H
66H	4th Offense - any violation (or any combination of violations) Pending new felony charges - 2nd offense	AM Conference AM Conference and Revocation Hearing/Petition for Revocation				9 6 1
	Possession of a weapon - 2nd offense	AM Conference and Revocation Hearing/Petition for Revocation				

Instructions and Information

- For Condition Code "L" (Low-Level) Conditions Interventions:
- For Condition Code "L" violations you may choose any reasonable sanction from the "Low Level Conditions Interventions" list for the
- For low-risk clients with each subsequent low-level violation you must increase the intervention, choosing from the "Low Level Conditions Interventions" list.
- For medium and high-risk clients when there is another violation of a particular low-level violation use the "Progression Levels" table. However, for medium and high-risk clients if a different low-level violation occurs, choose another-increased intervention from the "Low Level Conditions Interventions" list.
- Once returned from TVC, client starts matrix over.
- You must get pre-approval from the Area Manager (or higher authority) before deviating from this ArAIM.
 - A Battery III misdemeanor is not considered to be violent
- Requests for Parole Revocation hearings must be approved by Assistant Director or higher authority
- A violation report may be written at any time.
- Screen popup for interventions regarding financial issues. 7.6.4.6.9.7.
- For condition code H4 you must send an email notification to Steve. Arnold@arkansas.gov and Damian. McNeal@arkansas.gov For Condition Code H99, the intervention must be implemented within 7 days. Note I.
- Programming note: Matrix should be updated by entry of positive drug screen. Message should appear when client's file is accessed that states "update matrix" and the only way out of the screen is to go to the matrix.

INCENTIVES MATRIX As of: 3/28/2013

	CIOTOTIC IN CIT		
Achievement	Template Insert	Incentive	Action
Reporting 90 Days with No Missed Office Visits (exclude annual and low supervision types)	"had no missed office visits for 90 days"	Agent/ Officer Recognition	Email Officer, cc AM
Reporting 6 Months with No Missed Office Visits (exclude annual supervision type)	"had no missed office visits for six months"	Incentives Committee Recognition	Emaii AAM
ed Office Visits	"had no missed office visits for an entire year. We recognize that this has required good time management and dedication on your part and we thank you."	Manager Recognition and Certificate	Email AAM
Completion of Judge or Parole Board Ordered Community Service in Alotted Timeframe	ithin the k you" u have	Letter from Supervision	Email AM
Supervision Fees Current for Twelve Months	"consistently paid your supervision fees for twelve months. We recognize this has required commitment as well as good financial management and we thank you."	Supervisor Recognition	Email AAM/AM
30, 60, 90 Days Sobriety (every 30 days)	<i>⊙</i>	Recognition Determined by Email to AM to get with Treatment Staff	Email to AM to get with Treatment Staff
Successful Completion of Treatment or Other Special Programs	"successfully completed your program of treatment. We recognize your commitment to the program may have required a lifestyle change, as well as a change in personal relationships, and we applaud your efforts."	Incentives Committee Recognition	Email to Ben Udochi and assistants
Maintain Employment for 6 months	"maintained continuous employment for six months. We Incentives C recognize your commitment to retain a job may require a Recognition lifestyle change, as well as a change in personal relationships, and we applaud your efforts.""	Incentives Committee Recognition	Email AAM to check employment records
Completion of all Special Conditions	"completed all required special conditions. These conditions have required commitment and dedication and we thank you for your efforts."	Supervisor Recognition	Email AM
Completion of GED	"successfully completed your GED program. We recognize your studies have required both commitment and dedication and we applaud your determination to improve your education."	Recognition Program	Email AM and Assistant Director
100% Compliance with Court Ordered Fines, Costs, or Restitution after One Year			Manual process
Special Achievement as Determined by Incentives Committee			Manual process