

## COMMUNITY CORRECTIONS PROGRAM MANUAL

### I. GENERAL

This Alabama Department of Corrections (ADOC) Administrative Regulation (AR) establishes responsibilities, policies, and procedures for the operation of a Community Corrections Program (CCP) as established by the Community Punishment and Corrections Act.

### II. POLICY

It is the policy of the ADOC to provide oversight and administration of the CCP. ADOC will use the CCP to target available resources to a community that has effectively and efficiently developed a plan to identify those offenders who can be diverted from the ADOC and be safely monitored in the local community under an appropriate level of supervision.

### III DEFINITION(S) AND ACRONYM(S)

A. **ADOC Diversion Candidate List:** A computer generated list of inmates that are currently incarcerated within ADOC that may be eligible for placement within a local CCP.

B. **Annual Report:** A compilation of documents submitted to the Prison Oversight Committee and the Alabama Sentencing Commission demonstrating the effectiveness of diverting offenders from state and local correctional institutions.

C. **Community Corrections Program (CCP):** The 1991 Community Punishment and Corrections Act, Alabama Code, 1975, §15-18-170 et al., as amended in 2003 (hereafter known as the Act), provides for the creation of county approved, community based, corrections programs for eligible offenders.

D. **Diversion Checklist:** ADOC Form 490-A, *Diversion Checklist*, is an instrument utilized by the ADOC that is designed to measure whether those offenders with imposed sentences would have otherwise been incarcerated in and ADOC institution.

E. **End of Sentence (EOS):** The date of successful completion of an offender's sentence.

F. **Escape:** For the purpose of this regulation, the willful failure of an offender to remain within the extended limits of his / her confinement or to return to the place of confinement within the time prescribed.

G. **Form C-80, State of Alabama Department of Corrections Receipt of Release Convict:** A document which establishes and records the type of offenders' released from the ADOC.

H. **Front-End Diversion:** An offender that is placed into an ADOC approved CCP at the time of sentence as an alternative to prison by the sentencing judge.

I. **Institutional Diversion:** An inmate that is transferred from an ADOC institution to an ADOC approved CCP through an amended transcript or judge's order stamped by the county circuit clerk and issued by the sentencing judge.

**J. Local Community Corrections Program Director (Local CCP Director):** A person who administers the local CCP.

**K. Special Diversions:** An inmate that is eligible for Community Corrections placement under state law and sentenced to a state felony sentence prior to September 15, 2005, and in an ADOC institution or awaiting transfer to the ADOC.

**L. Violent Behavior:** For the purpose of this regulation, the court may consider prior convictions and other acts not resulting in conviction or criminal charges and the offender's behavior while in state or county confinement.

**M. Voluntary Sentencing Standards Prison In/Out Worksheet:** A worksheet developed by the Alabama Sentencing Commission and approved in Act 2006-312 by the Legislature, which is used to predict a recommendation of prison or non-prison for a felony offender convicted of a worksheet offense.

#### **IV. RESPONSIBILITIES**

A. The ADOC CCP Division Director is responsible for:

1. Developing minimum standards, policies, and administrative rules for statewide implementation.
2. Developing and implementing an application process and procedure.
3. Monitoring the CCP within the goals and mandates established by the *Act*.
4. Conducting an audit and an annual evaluation of any CCP that receives contracts and / or grants to ensure program accountability.

B. The Central Records Division Director / designee is responsible for:

1. Maintaining and updating applicable records system on CCP offenders.
2. Receiving, processing, and transmitting applicable reports and documents pertaining to potential and current CCP participants.

C. The Local CCP Director is responsible for:

1. Ensuring that the CCP meets the requirements of the *Act*, this AR and any other ADOC policies.
2. Ensuring that the ADOC approved Community Corrections Plan is followed.
3. Maintaining and updating an annual Community Corrections Plan.
4. Ensuring that a uniform accounting system is used that conforms to generally accepted accounting practices as directed by the Alabama State Chief Examiner of Public Accounts.
5. Ensuring that offenders assigned to the CCP are supervised according to clearly established written policies and procedures outlined in the annual CCP plan.

6. Promoting Community Corrections and establishing good working relationships with the local CCPs, the ADOC, law enforcement agencies, judicial agencies, local attorneys, local government leaders, and the community.

7. Assessing offender needs and ensuring access to various programming, such as substance abuse treatment, vocational training and educational classes.

## **V. PROCEDURES**

### **A. Offender Guidelines:**

#### **1. Front-End Diversions – Eligible offenders include:**

(1) Persons who, without this option, would be incarcerated in an ADOC institution.

(2) Revoked probation violators who do not have pending felony charges.

#### **a. Offenders with the following felony offenses are excluded:**

(1) Murder;

(2) Kidnapping in the first degree;

(3) Rape in the first degree;

(4) Sodomy in the first degree;

(5) Arson in the first degree;

(6) Selling or trafficking in controlled substances;

(7) Robbery in the first degree;

(8) Sexual abuse in the first degree;

(9) Lewd and lascivious acts upon a child;

(10) Forcible sex crimes;

(11) Assault in the first degree, if said assault leaves the victim permanently disfigured or disabled.

(12) A person who demonstrates a pattern of violent behavior.

b. ADOC Form 490-A, *Diversion Checklist*, shall be used to determine reimbursement for a qualified offender, who must score **ten (10)** or more points to be eligible for supervision reimbursement.

#### **2. Institutional Diversions:**

a. Offenders with the following felony or misdemeanor offenses are excluded by ADOC policy:

(1) Felony Offenders who are excluded in paragraph V. A. 1. a.

(2) Inmates who have current or prior convictions involving:

(a) Death of a victim;

(b) Kidnapping;

(c) Sex Offenses;

(d) Drug Trafficking or Manufacturing;

(e) Illegal Sales of Controlled Substances;

(f) Child Abuse / Molestation;

(g) Child Pornography / Obscenity.

3 Inmates who are serving on an Escape conviction or who have escaped during the current incarceration.

4 Inmates assigned to Supervised Intensive Restitution (SIR) Program, Pre-Discretionary Leave (PDL) Program or Supervised Re-Entry Program (SRP), while actively participating in said program

5 Inmates who have nine (9) or more major disciplinarys within the last two (2) years.

6 Inmates who are set to be released (EOS, probation) within sixty (60) days.

a. A state incarcerated inmate may be approved by the ADOC for participation in a CCP, if the sentencing judge specifically orders placement in that CCP.

b. The offender may transfer to another CCP if a presiding judge in the other county and the sentencing judge agree to the assignment. This arrangement is contingent on the receiving county's CCP plan accepting inmates originally sentenced in another county.

c. The sentencing judge authorizes the inmate's participation in a local CCP by issuing an amended transcript or judge's order stamped by the circuit clerk to the ADOC Central Records Division.

## **B. Program Guidance:**

1. Participating CCPs under contract with the ADOC shall carry general liability insurance. The insurance coverage shall be in an amount sufficient to insure against loss resulting from bodily injury, death, or property damage. This coverage shall be subject to the limitations on recovery of damages contained in the *Act*, and any other immunity from civil liability, or defenses established under the Constitution of Alabama or any other section of the code or common law, to which said entities might be entitled.

2. In the event a “state inmate”, as defined in the *Act*, develops a medical condition which, in the opinion of a physician licensed to practice medicine in Alabama, would require treatment, the cost of which would exceed two thousand dollars (\$2,000.00), then the Local CCP Director shall contact the ADOC CCP Director / designee to arrange the offender’s transfer to the ADOC is custody within three (3) days. The Local CCP Director shall forward an amended transcript or judge’s order stamped by the circuit clerk transferring the offender to the ADOC in order that medical treatment can be obtained.

3. When an offender assigned to a CCP dies, the Local CCP Director shall notify the ADOC CCP Director / designee immediately. A death certificate shall be forwarded to the ADOC CCP Director within four (4) weeks of the death.

4. Counties are required to submit an updated CCP plan and an updated certificate of insurance. CCPs insured through the county shall provide verification of insurance coverage. The updated plan and certificate of insurance shall be submitted by September 1st of each fiscal year if there are changes to the previously approved plan. If there are no changes, the Local CCP Director shall indicate in writing and submit this information to the ADOC CCP Director.

### **C. Diversion Intake and Transfers:**

#### **1. Front-End Diversions require the following actions:**

a. The Local CCP Director / designee shall check the AOC database for other charges or convictions and provide this information to the court **prior** to a judge sentencing an offender to the local CCP.

b. The circuit clerk should forward **ALL** transcripts of felony offenders sentenced to a CCP to the ADOC Central Records Division. The Central Records Division shall input the transcript information into the ADOC inmate data system and the Alabama Criminal Justice Information Center (ACJIC) data system.

#### **2. Institutional Diversions require these transfer actions:**

a. The ADOC CCP Director / designee shall provide the Local CCP Directors with a monthly list of potential diversion candidates sentenced by county for their review.

b. The ADOC approved procedure for transferring an inmate from an ADOC institution to a local CCP is by an amended transcript or signed judge’s order stamped by the circuit clerk and received by the ADOC Central Records Division.

c. ADOC Central Records Division shall notify the ADOC CCP Director / designee when the amended transcript or judge’s order stamped by the circuit clerk’s office has been received.

d. The ADOC CCP Director / designee shall notify the Local CCP Director that the inmate may be transferred to the program.

#### **D. Escape and release reporting:**

1. If an offender escapes from a local CCP, the Local CCP Director shall immediately:

- a. Notify the local law enforcement authority.
- b. Verify that the escapee information has been entered in the NCIC database.
- c. Ensure that an escape warrant is issued.

2. Felony offenders assigned to the CCP are not allowed to go outside of the boundaries of the State of Alabama.

a. Start-up Funds. The criteria utilized for awarding startup funds and the awarded amounts shall include, but is not limited to, the following:

- (1) Availability of funds;
- (2) Population of the county, or circuit;
- (3) Number of commitments to the ADOC on an annual basis from that county, or circuit;
- (4) Number of commitments in the current ADOC inmate population from that county, or circuit, that are eligible for the CCP; (5) Availability of resources being appropriated at the county, or circuit level; (6) Support from the county, or circuit; and (7) Ability and willingness of the judicial system to divert offenders to the CCP.

b. Expansion Grant. The criteria utilized in awarding an expansion grant to an existing program shall include the following:

- (1) Compliance with all related ADOC regulations, policies, procedures and directives;
- (2) Development of treatment programs that address the rehabilitation needs of the offenders;
- (3) Demonstration of effectiveness in diverting eligible offenders from the ADOC (front-end and institutional diversions); and,
- (4) Number of offenders in their CCP that meet ADOC criteria for reimbursement in the past twelve (12) months.

c. If the offender is assigned to a CCP work release program, the employer of an offender shall send the offender's wages directly to the local CCP. Distribution of the offender's wages shall be made as follows:

- (1). Twenty-five percent (25%) of the offender's gross wages shall be applied to costs incident to the offender's confinement, if applicable;

(2). A minimum of an additional twenty percent (20%) shall be applied as detailed below:

(a) Ten percent (10%) to pay court costs, fines, court-ordered attorney fees, and other court fees or assessments.

(b) Ten percent (10%) to restitution.

(c). The remainder of the offender's gross wages shall be credited to the offender's established CCP account.

d. Payment Schedule: No reimbursements will exceed 24 months.

a. Front-End Diversions shall be reimbursed at the rate of:

(1) \$15.00 per day per offender for the first six (6) months.

(2) \$10.00 per day per offender for the next three (3) months.

(3) \$5.00 per day per offender for the next fifteen (15) months.

b. Institutional Diversions shall be reimbursed at the rate of:

(1) \$10.00 per day per offender for the first six (6) months.

(2) \$5.00 per day per offender for the next eighteen (18) months.

c. Special Diversions, which are offenders sentence dates prior to September 15, 2005, shall be reimbursed at the rate of:

(1) \$15.00 per day per offender for the first three (3) months,

(2) \$10.00 per day per offender for the following six (6) months,

(3) \$5.00 per day per offender for the next fifteen (15) months.