


<b>POLICY TITLE: SUPERVISED COMMUNITY CONFINEMENT</b>		<b>PAGE <u>1</u> of <u>19</u></b>
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<b>CHAPTER 27: RELEASE PREPARATION</b>		
	<b>STATE of MAINE</b> <b>DEPARTMENT of CORRECTIONS</b> <b>Approved by Commissioner:</b> _____	
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## I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Section 3036-A.

## II. APPLICABILITY

All Adult Correctional Facilities and Adult Community Corrections

## III. POLICY

The purpose of the Supervised Community Confinement Program (SCCP) is to provide a means of successful reentry of adult facility residents into the community. Residents transferred to supervised community confinement are still considered to be in the legal custody of the Department while in the program. The place of confinement is in the community, rather than in a Department facility. Participation in this program is a privilege which may be afforded to eligible residents who meet the criteria.

Utilizing evidence-based approaches to recovery, rehabilitation, and reentry, this program, along with other programs and services, guides and encourages residents from intake to release to assume graduated levels of personal responsibility by participating in programs and engaging with services designed to reduce their likelihood of reoffending once back in the community.

## IV. DEFINITIONS

1. Core Programs – programs identified by a resident's Unit Team as necessary to address high risk areas specific to the resident, e.g., substance use disorder treatment, domestic violence intervention program, cognitive behavioral therapy, problem sexual behavior treatment, etc.
2. Supervised Community Confinement Program (SCCP) - a structured community program to which eligible adult facility residents may be transferred in order to facilitate their reentry into Maine communities.

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## VII. PROCEDURES

### **Procedure A: Supervised Community Confinement Program, General**

1. The Commissioner, or designee, shall be responsible for the overall administration of the Department's Supervised Community Confinement Program (SCCP).
2. The Chief Administrative Officer, or designee, of each adult receiving facility shall be responsible to ensure there is made available to all residents upon intake to the facility written information about SCCP, including eligibility requirements, the criteria and review and approval process, and the mandatory conditions.

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3. It shall be the responsibility of each adult facility resident and their case manager to work collaboratively on an individualized case plan to include programs and services throughout the time of imprisonment toward the goal of transferring the resident to supervised community confinement when eligible.
4. The Regional Correctional Administrator, or designee, of each adult community corrections region shall be responsible for the day-to-day management of SCCP and probation officers shall be responsible for the supervision of clients while on supervised community confinement.
5. All decisions relating to whether an eligible resident is recommended for approval or is approved for transfer to SCCP shall have as the primary determining factor the likelihood that the resident will successfully complete the program if transferred, considering, but not limited to, the following criteria:
  - a. the fulfillment of:
    1. expectations as to conduct;
    2. expectations as to work, education, and rehabilitation programs assigned in the resident's individualized case plan;
    3. other rehabilitative efforts, including the resident's demonstration of positive change; and
    4. other accomplishments (e.g., volunteering, mentoring other residents, etc.);
  - b. arrangements for suitable housing in the community, taking into consideration the proximity of housing to any victim, including a victim's housing, place of employment, or educational institution being attended, if applicable; and
  - c. the existence of support systems and resources in the community.
6. An eligible resident shall not be denied approval for SCCP solely because of the type of crime they committed or solely because of objections received from the community. However, the circumstances of the crime or objections from the community may be the basis of modifications to the resident's SCCP Plan or of additional conditions in order to enhance the likelihood of their successfully completing the program if transferred.
7. Supervised community confinement allows eligible adult facility residents to be transferred to suitable housing in the community for reentry purposes. Suitable housing in the community may consist of:
  - a. a home;
  - b. a full-time treatment facility, such as a residential substance use disorder treatment facility or mental health facility;
  - c. transitional housing that provides support services for targeted groups, e.g., veterans, domestic violence victims, persons with mental illness, persons with substance use disorder problems, etc.;
  - d. temporary housing associated with education or vocational training or employment;

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- e. a hospital or other appropriate care facility, such as a nursing facility, residential care facility or a facility that is a licensed hospice program pursuant to Title 22, Section 8622; or
- f. any other approved housing in the community.

#### **Procedure B: Eligibility Requirements**

1. If the term of imprisonment or, in the case of a split sentence, the unsuspended portion is more than 5 years, a resident may be transferred to supervised community confinement if the resident has served at least 2/3 of the term of imprisonment imposed or, in the case of a split sentence, at least 2/3 of the unsuspended portion, after consideration of any deductions that the resident has received and retained under Title 17-A, Sections 2302(1), 2305, and 2307-2311.
2. If the term of imprisonment or, in the case of a split sentence, the unsuspended portion is 5 years or less, a resident may be transferred to supervised community confinement if the resident has served at least 1/2 of the term of imprisonment imposed or, in the case of a split sentence, at least 1/2 of the unsuspended portion, after consideration of any deductions that the resident has received and retained under Title 17-A, Sections 2302(1), 2305, and 2307-2311.
3. A resident who is serving concurrent sentences is eligible if the resident has served 2/3 or 1/2, as applicable, of the term of imprisonment imposed or, in the case of a split sentence, of the unsuspended portion, on the controlling sentence, after consideration of any deductions that the resident has received and retained under Title 17-A, Sections 2302(1), 2305, and 2307-2311.
4. A resident who is serving consecutive sentences is eligible if the resident has served 2/3 or 1/2, as applicable, of the imprisonment time to be served on the combined sentences, after consideration of any deductions that the resident has received and retained under Title 17-A, Sections 2302(1), 2305, and 2307-2311. Depending on the length of the sentences and the deductions received and retained, a resident may become eligible for transfer to supervised community confinement during any of the sentences.
5. Additionally to be eligible for transfer to supervised community confinement:
  - a. the resident must have no more than two (2) years remaining on the term of imprisonment or, in the case of a split sentence, on the unsuspended portion, after consideration of any deductions that the resident has received and retained under Title 17-A, Sections 2302(1), 2305, and 2307-2311 (i.e., the transfer must be no more than two (2) years prior to the resident's current release date); or
  - b. if the Commissioner, or designee, determines that the average statewide case load is no more than ninety (90) adult community corrections clients to one probation officer, then a resident may be transferred to supervised community confinement if that resident has no more than thirty (30) months remaining on the term of imprisonment or, in the case of a split sentence, on the unsuspended portion, after consideration of any deductions that the resident has received and retained under Title 17-A, Sections 2302(1), 2305, and 2307-2311 (i.e., the

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transfer must be no more than thirty (30) months prior to the resident's current release date).

6. In addition to the above, the resident:
  - a. must be classified minimum or community custody;
  - b. must have no detainers, warrants, or other pending holds preventing participation in a community program as set out in Department Policy (AF) 23.1, Classification System; and
  - c. must have completed assigned core programs and be currently case plan compliant.
7. Finally, the resident must not have been found guilty of a Class A or B disciplinary violation within ninety (90) days of submitting the plan to be transferred to supervised community confinement or anytime thereafter prior to the scheduled transfer and must not have a Class A or B disciplinary report pending at the time of submitting the plan or scheduled transfer, unless an exception has been made by the Commissioner, or designee.
8. On a quarterly basis, the Director of Adult Community Corrections shall review the number of adult community corrections clients on the case loads of probation officers in order to determine the average statewide case load and shall notify the Regional Correctional Administrators and the Department's Director of Classification, or their designees, whether it is no more than ninety (90) clients to one probation officer. The Department's Director of Classification, or designee, shall then notify the Chief Administrative Officers, or their designees, and the Central Office Manager of Evidence Based Practices (for the adult facilities) and the Central Office Manager of Evidence Based Practices (for adult community corrections). The Central Office Managers of Evidence Based Practices shall notify the facility Community Programs Coordinators, or other designated staff, and facility case managers.

#### **Procedure C: Planning Meeting**

1. Each adult facility Community Programs Coordinator, or other designated staff, shall on a monthly basis identify all residents who will become eligible for the Supervised Community Confinement Program (SCCP) within the next ninety (90) days and inform the appropriate case managers.
2. For each identified resident, their case manager shall coordinate a supervised community confinement planning meeting with the Institutional Probation Officer (IPO) and the resident.
3. At the meeting, the case manager and the IPO shall discuss with the resident the criteria and review and approval process, the mandatory conditions, and the possibility of additional conditions. They shall also discuss the resident's obligation to inform other persons who might be living with them while they are on supervised community confinement of the obligations that those other persons will have to fulfill.

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4. As soon as practicable after the meeting, the case manager shall forward the following SCCP packet to the resident's Unit Team for review:
  - a. Supervised Community Confinement Program Plan (SCCP Plan) (Attachment A);
  - b. Authorization for the Disclosure of Information for the Purpose of Community Review (Attachment B);
  - c. Agreement for Warrantless Searches, if applicable (Attachment C); and
  - d. Waiver of Extradition (Attachment D).
5. A resident may decline to have an SCCP packet submitted after the planning meeting.
6. The resident's case manager shall continue to meet with the resident, as necessary, to assist with any modifications to the SCCP Plan that the resident chooses to submit later in the review process.
7. A resident may withdraw an already submitted SCCP Plan at any time.

**Procedure D: Facility Review**

1. If the resident remains eligible for transfer, the Unit Team shall review the packet and any other relevant information at its next scheduled meeting. As part of its review, the Unit Team may suggest modifications to the Supervised Community Confinement Program Plan (SCCP Plan), suggest programs or services that the resident should participate in or complete prior to proceeding with the SCCP Plan, and/or make recommendations for additional conditions in order to enhance the resident's likelihood of successfully completing the program if transferred.
2. The Unit Team shall document its review in CORIS, including any suggestions or recommendations and the reasons for those suggestions or recommendations, shall provide the resident with an explanation in writing for any suggested modifications to the SCCP Plan and any suggestions as to programs or services that the resident should participate in or complete prior to proceeding with the plan, and shall provide a copy of the explanation to the Community Programs Coordinator, or other designated staff, as well as the resident's case manager.
3. If there are no suggestions for modifications to the SCCP Plan and no suggestions as to programs or services, the packet with the plan as originally forwarded to the Unit Team shall be further forwarded as set out below.
4. If there are suggestions as to programs or services, the resident may choose to withdraw the SCCP Plan and resubmit it after participating in or completing the programs or services as suggested or may choose to have the packet further forwarded as set out below.
5. If there are suggestions for modifications to the SCCP Plan, and the plan is resubmitted to the Unit Team with modifications, it shall be further reviewed by the Team, after which the packet with the modified plan shall be forwarded as set out below.

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6. If there are suggestions for modifications to the SCCP Plan, and the plan is not resubmitted to the Unit Team within fifteen (15) days, the packet with the plan as originally forwarded to the Team shall be further forwarded as set out below.
7. Once the packet is ready to be forwarded, the Unit Team shall forward the packet, along with the written explanation sent to the resident, if applicable, to the facility Chief Administrative Officer, or designee.
8. If the resident remains eligible for transfer, the Chief Administrative Officer, or designee, shall review all of the forwarded documents and any other relevant information and make a recommendation as to whether the resident should be approved for transfer to SCCP based upon the primary factor and criteria set out in Procedure A.
9. If the resident is recommended for transfer to SCCP, the Chief Administrative Officer, or designee, shall document the recommendation in CORIS, including any additional conditions recommended, and the reasons for the recommendations and ensure the Unit Team forwards the SCCP packet and other documents as set out below.
10. If the resident is not recommended for transfer to SCCP, the Chief Administrative Officer, or designee, shall document the recommendation and the reasons for the recommendation in CORIS, shall provide an explanation to the resident in writing, to include any suggested modifications to the SCCP Plan and any suggestions as to programs or services that the resident should participate in or complete prior to resubmitting the plan, and shall provide a copy of the explanation to the Unit Team, the Community Programs Coordinator, or other designated staff, as well as the resident's case manager.
11. If there are suggestions as to programs or services, the resident may choose to withdraw the SCCP Plan and resubmit it after they have participated in or completed the programs or services as suggested or may choose to have the packet further forwarded as set out below.
12. If there are suggestions for modifications to the SCCP Plan, and the plan is resubmitted to the Unit Team with modifications, it shall be further reviewed by the Team and the Chief Administrative Officer, or designee, and a further recommendation shall be made by the Chief Administrative Officer, or designee, after which the packet with the modified plan shall be forwarded as set out below.
13. If there are suggestions for modifications to the SCCP Plan, and the plan is not resubmitted within fifteen (15) days, the packet with the plan as originally forwarded to the Chief Administrative Officer, or designee, and other documents shall be further forwarded as set out below.
14. Once the Facility Review is completed, the Unit Team shall:
  - a. forward the following to the appropriate Regional Correctional Administrator, or designee:
    1. SCCP packet;
    2. Supervised Community Confinement Program Review form (SCCP Review form) (Attachment E); and
    3. Written explanation sent to the resident, if applicable; and

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- b. notify the Community Programs Coordinator, or other designated staff, that the Facility Review is complete. The Community Programs Coordinator, or other designated staff, shall then notify the Department's Director of Classification and Director of Victim Services, or their designees.

#### **Procedure E: Community Corrections Review**

1. If the resident remains eligible for transfer, upon receipt of the SCCP packet and the SCCP Review form, the Regional Correctional Administrator, or designee, shall ensure a probation officer completes within thirty (30) days the Supervised Community Confinement Program Community Report (SCCP Community Report) (Attachment F), including a determination of whether the resident has made arrangements for suitable housing in the community, taking into consideration the proximity of this housing to the victim, and the victim's place of employment, or educational institution being attended, if applicable.
2. The Department's Director of Victim Services, or designee, shall ensure that the victim, if any, of the crime(s) for which the resident was, is, or will be serving a sentence during the current time in custody is notified of the proposal that the resident be transferred to SCCP. The victim shall be given the opportunity to submit a victim impact statement, including any objections to the resident being placed on supervised community confinement. Information received from the victim shall be forwarded to the Regional Correctional Administrator, or designee, who shall forward it to the probation officer for inclusion in the SCCP Community Report.
3. The facility Community Programs Coordinator, or other designated staff, shall ensure that the Notification of Proposed Resident Transfer to Supervised Community Confinement (Attachment G) is provided to the following criminal justice agencies: the prosecuting attorney; the district attorney for the district of the proposed housing; the sheriff for the county of the proposed housing; the police chief of the municipality, if any, of the proposed housing; and the Department of Public Safety. The written notification shall request that any feedback, including any objections to the resident being placed on supervised community confinement, be made to the appropriate Regional Correctional Administrator, or designee, who shall forward it to the probation officer for inclusion in the SCCP Community Report.
4. The probation officer may include in the report suggested modifications to the SCCP Plan and/or recommendations for additional conditions in order to enhance the resident's likelihood of successfully completing the program if transferred.
5. Once the SCCP Community Report is completed, the probation officer shall ensure the information is entered into CORIS.
6. The Regional Correctional Administrator, or designee, shall review the SCCP packet, the report, and any other relevant information and make a recommendation as to whether the resident should be approved for transfer to SCCP based upon the primary factor and criteria set out in Procedure A.
7. If the resident is recommended for transfer to SCCP, the Regional Correctional Administrator, or designee, shall document the recommendation in CORIS, including

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any additional conditions recommended, and the reasons for the recommendations and forward the SCCP packet and other documents as set out below.

8. If the resident is not recommended for transfer to SCCP, the Regional Correctional Administrator, or designee, shall document the recommendation and the reasons for the recommendation in CORIS, shall provide an explanation to the resident in writing, to include any suggested modifications to the SCCP Plan, and shall provide a copy of the explanation to the probation officer, the Community Programs Coordinator, or other designated staff, as well as the resident's case manager.
9. If the SCCP Plan is resubmitted to the Regional Correctional Administrator, or designee, with modifications, it shall, if necessary, be forwarded to the probation officer for the completion of a new SCCP Community Report. The plan, and any new report, shall be further reviewed by the Regional Correctional Administrator, or designee, and a further recommendation shall be made by the Regional Correctional Administrator, or designee, after which the packet with the modified plan and other documents shall be forwarded as set out below.
10. If the plan is not resubmitted within fifteen (15) days, the packet with the plan as originally forwarded to the Regional Correctional Administrator, or designee, and other documents shall be further forwarded as set out below.
11. Once the Community Corrections Review is completed, the Regional Correctional Administrator, or designee, shall:
  - a. forward the following to the appropriate Chief Administrative Officer, or designee:
    1. SCCP packet;
    2. SCCP Community Report;
    3. SCCP Review form; and
    4. Written explanation sent to the resident, if applicable; and
  - b. notify the Community Programs Coordinator, or other designated staff, that the Community Corrections Review is complete. The Community Programs Coordinator, or other designated staff, shall then notify the Department's Director of Classification and Director of Victim Services, or their designees.

#### **Procedure F: Chief Administrative Officer Review**

1. If the resident remains eligible for transfer, the Chief Administrative Officer, or designee, shall review all of the forwarded documents and any other relevant information and make a recommendation as to whether the resident should be approved for transfer to SCCP based upon the primary factor and criteria set out in Procedure A.
2. If the resident is recommended for transfer to SCCP, the Chief Administrative Officer, or designee, shall document the recommendation in CORIS, including any additional conditions recommended, and the reasons for the recommendations and forward the SCCP packet and other documents as set out below.

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3. If the resident is not recommended for transfer to SCCP, the Chief Administrative Officer, or designee, shall document the recommendation and the reasons for the recommendation in CORIS, shall provide an explanation to the resident in writing, to include any suggested modifications to the SCCP Plan and any suggestions as to programs or services that the resident should participate in or complete prior to resubmitting the plan, and shall provide a copy of the explanation to the Community Programs Coordinator, or other designated staff, as well as the resident's case manager.
4. If there are suggestions as to programs or services, the resident may choose to withdraw the SCCP Plan and resubmit it after they have participated in or completed the program or service as suggested or may choose to have the packet further forwarded as set out below.
5. If there are suggestions for modifications to the SCCP Plan, and the plan is resubmitted to the Unit Team with modifications, it shall be further reviewed by the Team and the Chief Administrative Officer, or designee, and a further recommendation shall be made by the Chief Administrative Officer, or designee, after which the packet with the modified plan and other documents shall be forwarded as set out below.
6. If there are suggestions for modifications to the SCCP Plan, and the plan is not resubmitted within fifteen (15) days, the packet with the plan as originally forwarded to the Chief Administrative Officer, or designee, and other documents shall be further forwarded as set out below.
7. Once the Chief Administrative Officer Review is completed, the Chief Administrative Officer, or designee, shall:
  - a. forward the following to the Department's Director of Classification, or designee:
    1. SCCP packet;
    2. SCCP Community Report;
    3. SCCP Review form; and
    4. Written explanation sent to the resident, if applicable; and
  - b. notify the Community Programs Coordinator, or other designated staff, that the Chief Administrative Officer Review is complete. The Community Programs Coordinator, or other designated staff, shall then notify the Department's Director of Victim Services, or their designees.

**Procedure G: Director of Classification Review**

1. If the resident remains eligible for transfer, the Department's Director of Classification, or designee, after consultation with the Department's Director of Adult Community Corrections and Director of Victim Services, or their designees, shall review all of the forwarded documents and make the decision as to whether the resident is approved for transfer to the Supervised Community Confinement Program (SCCP) based upon the primary factor and criteria set out in Procedure A and what, if any, modifications to

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the SCCP Plan and/or additional conditions are required. The Department's Director of Classification, or designee, shall document the decision in CORIS.

2. If approval is granted, the Department's Director of Classification, or designee, shall notify the Regional Correctional Administrator, or designee, the Chief Administrative Officer, or designee, and the Community Programs Coordinator, or other designated staff, as well as the resident's case manager of that decision.
3. If the resident remains eligible for transfer, the Community Programs Coordinator, or other designated staff, shall meet with the resident to review the Supervised Community Confinement Agreement and Conditions (Attachment H), including any additional conditions, obtain the resident's signature, and provide to the resident a copy of the signed Supervised Community Confinement Agreement and Conditions. The resident shall attest to the receipt of the copy of the agreement and conditions by acknowledging the receipt in writing.
4. Approval for transfer to supervised community confinement may be withdrawn at any time for any reason at the complete discretion of the Commissioner, or designee.
5. If approval is denied, the Director of Classification, or designee, shall provide an explanation to the resident in writing. The explanation shall be marked as "legal mail" and processed as such at the facility where the resident is housed.
6. The Director of Classification, or designee, shall also provide a copy of the explanation to the Regional Correctional Administrator, or designee, the Chief Administrative Officer, or designee, the Community Programs Coordinator, or other designated staff, as well as the resident's case manager.
7. The resident may choose to appeal a denial as provided below or may resubmit a plan with material modifications or after participating in or completing suggested programs or services.

**Procedure H: Notification and Record Keeping Upon Approval for the Supervised Community Confinement Program**

1. As soon as a resident is approved for transfer to the Supervised Community Confinement Program (SCCP), the Community Programs Coordinator, or other designated staff, shall set the date for transfer and complete the Notification of Resident Transfer to Supervised Community Confinement (Attachment I) and forward a copy of the notification to the resident's Unit Manager, Central Control, facility classification staff, facility health care staff, the Department's Director of Classification, or designee, the Department's Director of Victim Services, or designee, the Regional Correctional Administrator, or designee, and the same criminal justice agencies that were notified of the proposed transfer pursuant to Procedure E.
2. The date for transfer to supervised community confinement shall be set for as early a date as practicable, provided the resident remains eligible for transfer, and considering the time needed by facility staff to complete the necessary paperwork, to arrange for the provision of medication upon transfer, etc. If applicable, the transfer date shall be set so that if there is a victim of the crime(s) for which the resident was, is, or will be

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serving a sentence during the current time in custody, there are at least fourteen (14) days allowed for possible victim notification, except as set out below.

3. If a resident is being transferred to a full-time treatment facility or transitional housing and the transfer must occur sooner to prevent the bed space from being lost, the Community Programs Coordinator, or designee, may, if necessary, request a waiver of the fourteen (14) day requirement from the Department's Director of Classification, or designee. If the Director of Classification, or designee, after consultation with the Department's Director of Victim Services, or designee, and the Regional Correctional Administrator, or designee, approves a waiver, the Community Programs Coordinator, or other designated staff, shall complete and forward the Notification of Resident Transfer to Supervised Community Confinement as soon as possible.
4. This notification shall include, but not be limited to, the name of the resident, the address of the housing in the community, and any SCCP conditions additional to the mandatory conditions.
5. Prior to the resident's transfer to SCCP, the Community Programs Coordinator, or other designated staff, shall issue to the resident an official Supervised Community Confinement Identification card, which the resident shall sign. A copy of the signed card shall be maintained in the resident's case management record and a copy shall also be forwarded to the Regional Correctional Administrator, or designee.
6. If approval for the transfer to SCCP is withdrawn or the transfer is delayed, the Community Programs Coordinator, or other designated staff, shall notify the staff who received the notification of transfer and the appropriate criminal justice agencies of the withdrawal or delay as soon as possible.
7. When the resident departs the facility for transfer to SCCP, designated facility staff shall make an entry in CORIS to include the date and time of the departure.
8. Once the resident is transferred to SCCP, appropriate classification staff shall remain responsible for performing sentence calculations pursuant to Department Policy (AF) 11.5, Calculation of Adult Resident Sentences and Release Date as if the resident were still at the facility.
9. All recommendations and decisions made with respect to an SCCP Plan, including a decision not to review a plan resubmitted without material modifications after approval for transfer to SCCP has been denied, and all meetings with the resident required under this policy shall be documented in CORIS.
10. The SCCP Plan and all other documents related to the plan shall be maintained in the resident's case management record.

#### **Procedure I: Mandatory Conditions**

1. Upon transfer to supervised community confinement, the resident becomes a client under supervision in the community but is still considered to be in the legal custody of the Department while in the Supervised Community Confinement Program (SCCP). The following are the conditions of supervised community confinement that are

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mandatory by statute or are mandated because the Commissioner has determined that they are necessary for every client transferred to SCCP in order to enhance the likelihood of their successfully completing the program.

2. The client shall report in person to their supervising probation officer within the first twenty-four (24) hours after departure from the facility or as otherwise scheduled, and thereafter as instructed.
3. The client shall be:
  - a. employed or involved in an educational or vocational training program that is approved by the probation officer together with any treatment program(s) the probation officer might require; or
  - b. actively involved in seeking employment or enrollment in an educational or vocational training program.

The probation officer may waive the above requirement for a client who is involved in an approved full-time treatment program.

4. The client shall live in housing approved by the probation officer and is subject to a curfew set by the probation officer during which time the client must be at the approved housing.
5. The client shall be subject to travel or movement restrictions set by the probation officer limiting the client's travel to times and places directly related to approved employment, education, vocational training, treatment, or such other specific purposes as are approved in advance by the probation officer. Specific purposes may include, but are not limited to, activities that are aimed at normalizing the client's ongoing reentry into the community.
6. The client shall be subject to searches of their person, housing, vehicles, papers, and effects at any time, without a warrant and without probable cause, for items prohibited by law or by the conditions of supervised community confinement or otherwise subject to seizure, including items constituting or containing evidence of violations of law or conditions, upon the request of the probation officer.
7. The probation officer shall prohibit the client from living with anyone who does not consent to a search of the housing to the extent necessary to search the client's person, housing, papers, and effects.
8. The client shall not possess or use illegal drugs or other substances that are illegal under federal or state law, shall not possess or use alcohol or marijuana, and shall not misuse any legal substance.
9. The client shall submit to urinalysis, breath testing, or other chemical tests without a warrant and without probable cause at the request of the probation officer.
10. The client shall not own, possess, or use any firearm or other dangerous weapons.

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11. The client shall notify any law enforcement officer, if stopped, of the client's status as an individual on supervised community confinement and notify the probation officer within eight (8) hours of any such contact with any law enforcement officer.
12. When required by the Regional Correctional Administrator, or designee, and to the extent the Regional Correctional Administrator, or designee, determines that the client has the financial resources, the client must pay part or all of the costs of the client's participation in SCCP.
13. The client shall be responsible for their own personal expenses, including health care costs. The client shall inform the probation officer of any major illness, injury, or medical condition and any changes in prescribed medications while participating in SCCP.
14. The client shall sign any forms for the release of information determined to be necessary by the probation officer.
15. The client shall not violate any state or federal law or any other law.
16. For a client who has been sentenced to a term of probation or a period of supervised release for sex offenders, the client shall comply with all court-ordered conditions of probation or supervised release while participating in SCCP, regardless of whether the term of probation or period of supervised release has commenced.
17. If restitution or fines have been ordered by a court, the client shall make payments as ordered by the court or as determined by the probation officer in accordance with Department Policy (ACC) 9.6, Restitution and Fees, whichever is applicable.
18. The client shall not have contact with any person they are prohibited from having contact with by a court order.
19. The client shall not have contact with any victim who they are prohibited from having contact with pursuant to Department Policy 6.3, Contact with Victims unless the client is eligible for and is granted a waiver for contact under that policy.

**Procedure J: Additional Conditions**

1. Additional conditions of the Supervised Community Confinement Program (SCCP) may be imposed at any time prior to or after the transfer to supervised community confinement, and may include, but are not necessarily limited to, the following:
  - a. any condition that may be imposed as a condition of probation pursuant to Title 17-A, Section 1807;
  - b. any condition that would be appropriate for the individual and the program; and
  - c. a condition that the client shall be subject to searches of electronic devices, such as desktops, laptops, tablets, wearable devices, external storage devices, and cell phones, at any time without a warrant and without probable cause, for items prohibited by law or by the conditions of supervised community confinement or otherwise subject to seizure, including items constituting or containing evidence

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of violations of law or conditions, upon the request of the probation officer. The client shall provide the probation officer with all usernames and passwords or passcodes required to access the devices.

The additional conditions imposed may be as stringent or restrictive as, but not more stringent or restrictive than, those that may be constitutionally imposed if the individual were actually housed at a maximum security facility.

2. After a client is transferred to SCCP, the probation officer may provide to the client a written request for the addition, modification, or removal of a condition, other than a mandatory condition. If the client agrees to the change, they shall sign the Notice of Change in Conditions of Supervised Community Confinement (Attachment J).
3. If the client does not agree with the probation officer's request, the client may submit a written appeal to the Regional Correctional Administrator, or designee, within five (5) business days of being provided with the probation officer's request. If a timely appeal is not submitted or if the Regional Correctional Administrator, or designee, denies an appeal, the change in conditions shall be imposed and the client shall sign the notice.
4. The client may provide to the probation officer a written request for the clarification, modification, or removal of a condition, other than a mandatory condition. If the probation officer agrees to the change, the client shall sign the Notice of Change in Conditions of Supervised Community Confinement (Attachment J).
5. If the probation officer does not agree with the client's request, the client may submit a written appeal to the Regional Correctional Administrator, or designee, within five (5) business days of being notified of the probation officer's lack of agreement. If a timely appeal is not submitted or if the Regional Correctional Administrator, or designee, denies an appeal, there shall be no change in the conditions.
6. If conditions are changed, whether by agreement or after a decision on an appeal, a signed copy of the Notice of Change in Conditions of Supervised Community Confinement shall be provided to the client and the client shall attest to receipt of the copy by acknowledging the receipt in writing.

#### **Procedure K: Supervision of Clients on Supervised Community Confinement**

1. Upon transfer of an individual to the Supervised Community Confinement Program (SCCP), the probation officer shall have one (1) face-to-face contact within the first twenty-four (24) hours after departure from the facility or as otherwise scheduled.
2. The probation officer shall have no less than one (1) face-to-face contact with the client on a weekly basis, with at least one (1) face-to-face contact required at the client's housing within the first thirty (30) days of transfer to SCCP.
3. After the first thirty (30) days, based on risk assessment and compliance with the Supervised Community Confinement Agreement and Conditions (and, if applicable, case plan compliance), the probation officer shall supervise the client in accordance with Department Policy (ACC) 9.4, Assessment and Case Management. Any

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recommended overrides shall require the approval of the Regional Correctional Administrator, or designee.

4. The probation officer shall encourage the client to engage in prosocial and positive wellness activities.
5. If the probation officer observes, receives a report of, or otherwise discovers that the client may have violated any condition of SCCP, the probation officer, in consultation with the Regional Correctional Administrator, or designee, to the extent appropriate, shall use a graduated response which may include, but is not limited to, those listed in Department Policy (ACC) 9.16, Violation of Community Supervision Conditions. The violation and the graduated response shall be documented as set out in that policy and also in CORIS as an incident.
6. Upon a client's completion of SCCP, the probation officer shall prepare a report that summarizes the client's performance. The report shall include, at a minimum:
  - a. a summary of the client's SCCP activities;
  - b. any unusual circumstances;
  - c. community resources and supports that affected the outcome of supervision; and
  - d. an objective assessment of the client's SCCP participation.

Once the report is completed, the probation officer shall ensure the information is entered into CORIS.

#### **Procedure L: Removal from Supervised Community Confinement**

1. A client's failure to follow any condition of the Supervised Community Confinement Program (SCCP) may result in removal from the program. It may also result in disciplinary action at the Department facility to which the client is returned, revocation of probation or supervised release for sex offenders, and/or criminal prosecution.
2. If a probation officer observes, receives a report of, or otherwise discovers that the client may have violated any condition of SCCP, or has failed to adjust to the program such that there is little likelihood that the resident will successfully complete the program, and determines that removal from SCCP and return to a Department facility might be appropriate, they shall immediately notify the Regional Correctional Administrator, or designee. The probation officer shall also immediately notify the Regional Correctional Administrator, or designee, if it appears that the client may have escaped from supervised community confinement as set out in Title 17-A, Section 755(1-B).
3. The Regional Correctional Administrator, or designee, shall notify the Commissioner, or designee, to determine whether to remove the client from SCCP and have them returned to a Department facility or arrested and held in a jail pending return to a Department facility, have the facility from which the client was transferred issue an arrest warrant for escape, or take other appropriate action. If the probation officer believes it is necessary to arrest the client based on probable cause of a violation of a condition of SCCP prior to notifying the Regional Correctional Administrator, or designee, the probation officer may do so.

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4. If an individual is returned to a Department facility, the probation officer shall, as soon as possible, complete a written report stating the reason(s) for the return. The probation officer shall forward the report to the Regional Correctional Administrator, or designee, who shall forward it to the Chief Administrative Officer of the facility to which the individual was returned, the Department's Director of Classification, and the Department's Director of Victim Services, or their designees.
5. Regardless of whether a resident has failed to follow the conditions of SCCP, a resident may be removed from supervised community confinement at any time for any reason in the complete discretion of the Commissioner, or designee.
6. Upon removal of a client from SCCP, the probation officer shall prepare a report that summarizes the client's performance. The report shall include, at a minimum:
  - a. a summary of the client's SCCP activities;
  - b. any unusual circumstances;
  - c. community resources and supports that affected the outcome of supervision; and
  - d. an objective assessment of the resident's SCCP participation.

Once the report is completed, the probation officer shall ensure the information is entered into CORIS.

**Procedure M: Appeals of Denial of Transfer to or Removal from the Supervised Community Confinement Program**

1. A resident may appeal a decision to deny or withdraw approval for transfer to supervised community confinement by sending a letter to the Deputy Commissioner, or designee. An appeal letter must be received within fifteen (15) days of when the written explanation of the denial was received by the resident or the resident was notified of the withdrawal of approval, whichever is applicable.
2. A resident may appeal removal from supervised community confinement by sending a letter to the Deputy Commissioner, or designee. An appeal letter must be received within fifteen (15) days of the removal.
3. If an appeal is timely, after reviewing the case with the Department's Director of Classification, Director of Adult Community Corrections, and Director of Victim Services, or their designees, the Deputy Commissioner, or designee, shall make a decision on the appeal and send a written response to the resident within fifteen (15) days after receiving the appeal. The response to the appeal shall be marked as "legal mail" and processed as such at the facility where the resident is housed.
4. Upon review of the appeal, the Deputy Commissioner, or designee, may:
  - a. approve the decision;
  - b. reverse the decision;
  - c. modify the decision; or
  - d. remand the matter for review at an earlier point in the process.

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5. The Deputy Commissioner, or designee, shall provide a copy of the response to the Department's Director of Classification, Director of Adult Community Corrections, and Director of Victim Services, and the applicable Chief Administrative Officer and Regional Correctional Administrator, or their designees. The Department's Director of Classification, or designee, shall also document the final decision in CORIS.
6. The Deputy Commissioner, or designee, is the final authority on an appeal (i.e., there is no further administrative level of appeal).

**Procedure N: Supervised Community Confinement for a Terminally Ill or Severely Incapacitated Resident**

1. The Commissioner, or designee, with the consent of the resident, may transfer an adult facility resident serving a Department sentence to supervised community confinement without meeting the above eligibility requirements or criteria if the Department's Director of Medical Care has determined that the resident has a terminal or severely incapacitating medical condition and that care outside a correctional facility is medically appropriate.
  - a. The resident shall live in a hospital or other appropriate care facility, such as a nursing facility, residential care facility, or a facility that is a licensed hospice program pursuant to Title 22, Section 8622, approved by the Commissioner, or designee; or
  - b. As approved by the Commissioner, or designee, the resident may receive hospice services from an entity licensed pursuant to Title 22, Chapter 1681, Subchapter 1 or other care services provided by an entity approved by the Commissioner, or designee, and subject to approval by the Commissioner, or designee, may live at home while receiving these services.
2. The Commissioner, or designee, may approve a transfer pursuant to this procedure through any process that the Commissioner, or designee, determines appropriate and may exempt a resident transferred to supervised community confinement pursuant to this procedure from any mandatory conditions that the Commissioner, or designee, determines to be inapplicable. All decisions made pursuant to this procedure are at the complete discretion of the Commissioner, or designee, and these decisions may not be appealed.
3. The client shall provide any information pertaining to the client's medical condition or care that is requested by the Commissioner, or designee, at any time while the client is on supervised community confinement. If the Commissioner, or designee, determines that the client has failed to fully comply with a request or if at any time the Department's Director of Medical Care determines that the client does not have a terminal or severely incapacitating medical condition or that care outside a correctional facility is not medically appropriate, the Commissioner, or designee, shall revoke the transfer to supervised community confinement. In addition, a client transferred to supervised community confinement pursuant to this procedure may be removed from supervised community confinement at any time for any reason at the complete discretion of the Commissioner, or designee, and this decision may not be appealed.

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## **Procedure O: Data Tracking**

1. The Department's Director of Classification, or designee, shall ensure that the following data is tracked and collected on all residents who submit a Supervised Community Confinement Program Plan or who are transferred to supervised community confinement pursuant to Procedure N:
  - a. demographic data regarding race and ethnicity, gender, age, and convictions leading to the resident's current imprisonment;
  - b. decisions of approval or denial for transfer to supervised community confinement;
  - c. if approved, if the supervised community confinement was successfully completed or not; and
  - d. any other relevant information.
2. The Department's Director of Classification, or designee, shall provide a report on the data collected to the Commissioner, or designee, on at least an annual basis.

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