

**ARIZONA DEPARTMENT OF CORRECTIONS  
DIRECTOR'S OFFICE**

**MEMORANDUM**

**TO:** DISTRIBUTION

**FROM:** CHARLES L. RYAN

**DATE:** June 2, 2016

**SUBJECT:** Director's Instruction #219, Non-Violent Offenders – Transition Program Release – **REVISED**

This Director's Instruction is effective August 6, 2016 and supersedes DI 219, dated February 2, 2016. This Director's Instruction will remain in effect until incorporated into Department Order #1001, Inmate Release System and Department Order #1002, Inmate Release Eligibility System. This Director's Instruction supersedes Attachment A, Ineligible Offenses and Major Disciplinary Rule Violations in Department Order #1001, Inmate Release System.

**PURPOSE**

This Director's Instruction provides criteria and procedures for the release of inmates eligible for transition services, in accordance with **Arizona Revised Statute (A.R.S.) § 31-281**.

**CRITERIA**

- 1.1 For consideration for Non-Violent Offenders-Transition Program Release, inmates shall:
  - 1.1.1 Have no current or prior convictions for any of the following offenses, as outlined in Attachment A Section A:
    - 1.1.1.1 Sex Offense, per Title 13, Chapter 14 or equivalent offense if committed in another jurisdiction.
    - 1.1.1.2 Arson Offense, per Title 13, Chapter 17 or equivalent offense if committed in another jurisdiction.
    - 1.1.1.3 Any offense involving death or physical injury or the use of a deadly weapon or dangerous instrument, as defined in A.R.S. § 13-901.03.
    - 1.1.1.4 Domestic Violence, per Title 13, Chapter 36 or equivalent offense if committed in another jurisdiction.
  - 1.1.2 Have no felony detainers.
  - 1.1.3 Agree to participate in the program and to provide specific requested information after release.
  - 1.1.4 Meet literacy standards, as required by A.R.S. § 31-229.02.
  - 1.1.5 Be a low community risk and have non-violent risk levels, as indicated by their Community Risk Assessment Level.

- 1.1.5.1 The Community Risk **Violence** Assessment Level shall be a 3 or lower. There are no restrictions for the **Community Risk General Assessment level**.
- 1.1.6 Have made satisfactory progress on their individualized corrections plan.
- 1.1.7 Have no Refusals or Removals for poor behavior from major or self-improvement programs within eighteen months of their Community Service Begin Date (CSBD)/TR.
  - 1.1.7.1 This criterion is negated if inmates subsequently enroll in or complete any programs they previously refused or were removed from.
- 1.1.8 Have no unsatisfactory work or program ratings/evaluations within three months of their CSBD/TR.
- 1.1.9 Maintain civil behavior during the current incarceration, as evidenced by their disciplinary history.
  - 1.1.9.1 Inmates shall be deemed ineligible if found guilty of:
    - 1.1.9.1.1 Any major violations as outlined in Attachment A, Section B during their current incarceration.
    - 1.1.9.1.2 Any major violation within **six** months of their CSBD/TR.
- 1.1.10 Be housed in a Medium Custody level unit or below.
- 1.1.11 Have placement within the State of Arizona approved by Community Corrections prior to release.
  - 1.1.11.1 Participation in the Transition Program does not prohibit participation in Interstate Compact. However, the inmate must first release to and remain in Arizona in an approved placement for the first 90 days of their early release. Upon release, offender may apply for Interstate Compact.
- 1.1.12 Be current on restitution payments, pursuant to A.R.S. § 31-254.
- 1.1.13 Be a United States citizen or legal resident.
- 1.1.14 Have a need and ability to benefit from the program.
- 1.2 Inmates receiving write-ups for disciplinary rule violations shall have their release postponed until final adjudication of the rule violations.
- 1.3 Inmates may participate in the program more than once. A period of no fewer than twenty-four months must elapse since the inmate's last Community Supervision End Date (CSED) and the inmate being released again under the Transition Program.
- 1.4 Inmates participating in other release-based programs may not be eligible for this program.
- 1.5 Victims' notification and ability to be heard
  - 1.5.1 Inmates may be released only if their victims do not object to their early release.
  - 1.5.2 Victims of current offenses providing current addresses or other contact information shall receive notices from the Department.

- 1.5.2.1 Notices shall inform victims of their opportunity to be heard on the early release.
  - 1.5.2.2 Objections to inmates' early release must be made within 20 days of the Department's mailing of Notices.
- 1.6 Inmates who are eligible for a direct release to probation as mandated by A.R.S. §31-233; § 13-901; § 13-902 and § 13-603 subsection K, may be eligible to participate in the Transition Program as mandated by A.R.S. § 31-281 and defined in DI 219.
  - 1.6.1 Inmates who are deemed eligible for the Transition Program must have no less than sixty (60) days of community supervision remaining until their CSBD/TR to participate in both programs.
    - 1.6.1.1 Inmates in custody with less than sixty (60) days remaining until their CSBD/TR will not be eligible for the Transition Program and will remain in custody until their direct release to probation as mandated by A.R.S. § 31-233; § 13-901/13-902 and §13-603 subsection K.
    - 1.6.1.2 Upon release to community supervision, the supervising office shall maintain supervision of the offender in both programs and will transfer the supervision of the offender directly to probation upon the offender reaching their CSBD/TR per DI288 Section 3.4.

## **PROCEDURES**

- 1.1 CO IIIs shall utilize the DI95 AIMS screen to determine those inmates needing review.
- 1.2 CO IIIs shall screen inmates utilizing Transition Program Screening, Form 1001-10 in accordance with the following instructions.
  - 1.2.1 If inmates meet all criteria in Transition Program Screening form, but there are unknown dispositions for exclusionary charges listed in 1.1, COIIIs shall attempt to determine the dispositions and make appropriate entries on the DI97 screen before forwarding the screening form.
    - 1.2.1.1 If dispositions cannot be determined, COIIIs shall note attempts to resolve on applications.
  - 1.2.2 CO IIIs shall scan or fax copies of completed screening forms to the Community Corrections Transition Program Coordinator within 30 calendar days of the automated AIMS DI95 appointment.
  - 1.2.3 COIIIs shall ensure inmates understand the conditions for participation in the program and sign the Transition Program Application and Agreement, Form 1001-11.
  - 1.2.4 COIIIs shall scan or fax signed Program Agreements to the Community Corrections Transition Program Coordinator.
- 1.3 The Transition Program Coordinator shall track the application's process on AIMS.
  - 1.3.1 Upon receiving Program Application and Program Agreements, the Transition Program Coordinator will update the DI21 screen and inform Community Corrections Release Unit inmates are Transition program Eligible.

- 1.3.1.1 The Community Corrections Release Unit shall make notations on the DT07 screen.
- 1.4 Following completion of investigations by Parole Officers and the Parole Supervisor, the Transition Program Coordinator shall make final entries on the DI21 screen and forward completed Program Application and Program Agreements to the Community Corrections Release Unit.
  - 1.4.1 The Community Corrections Release Unit shall follow established release policy procedures from this point forward.
  - 1.4.2 The Transition Program Coordinator shall check the daily report for inmates disqualified for the program and make appropriate AIMS notations.
- 1.5 A monthly list of anticipated Transition Program releases shall be available to Community Corrections Liaisons, Community Corrections Officers and Medical/Mental Health Release Planners.
- 1.6 The Complex OIU shall request release confirmations in accordance with existing policy, and advise Community Corrections of confirmed Transition Program releases.
  - 1.6.1 Designated staff shall update AIMS with inmates' eligibility, approval and action taken in 1.6 and 1.7 or inmates' ineligibility and the reasons.

## **GENERAL INFORMATION**

- 1.1 All inmates, with the exception of those convicted of a violation of Title 28, Chapter 4, shall have their accounts deducted by 5 percent.
- 1.2 Transition services may include, but are not limited to:
  - 1.2.1 In-prison pre-release case management.
  - 1.2.2 Community-based transition classes.
  - 1.2.3 Community-based case management.
  - 1.2.4 Community-based substance abuse treatment.
  - 1.2.5 Mentoring, if available, in prison and/or in the community.
  - 1.2.6 Community-based psycho-educational classes.
- 1.3 For the purpose of earned release credit accrual, released inmates are on inmate status until their CSBD.
- 1.4 Released inmates shall be supervised by a Community Corrections Officer (CCO).
  - 1.4.1 During the first meeting with the released offenders, CCOs shall schedule them for transition class attendance and treatment/ psycho-educational need assessment.
    - 1.4.1.1 Offenders must attend and complete initial transition class within two weeks of release.
    - 1.4.1.2 The contracted provider shall schedule released offenders for their first treatment group, after their assessment is complete.

- 1.4.2 CCOs shall have access to web-based tracking system allowing real time tracking of offenders' treatment progress.
- 1.5 Offenders' failure to attend required classes, assessments and/or treatment groups shall result in sanctions up to and including return to custody.
- 1.6 Offenders, not reaching their CSBD/TR and returned to custody for technical violations while participating in this program, shall forfeit their CSBD/TR and remain in custody until their Earned Release Credit Date (ERCD).
  - 1.6.1 When warrants are issued for offenders, specific notations shall be made in the Release Violators Comments Section of AIMS indicating their participation in the Transition Program without reaching their CSBD/TR.
- 1.7 Offenders who have passed their CSBD/TR returned custody for technical violations while participating in this program shall appear before the Board of Executive Clemency to determine their release status.
  - 1.7.1 Inmates shall serve until their CSED unless reinstated by the Board.
  - 1.7.2 When warrants are issued for offenders, specific notations shall be made in the Release Violators Comments Section of AIMS indicating their participation in the Transition Program and they are past their CSBD/TR.

Attachment A - Ineligible Offenses and Major Disciplinary Rule Violations

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**Attachment A – Ineligible Offenses and Major Disciplinary Rule Violations  
DI 219, Non-Violent Offenders - Transition Program Release**

**SECTION A**

<p><b>Ineligible Offenses (include but are not limited to)</b> (Reference Section 1.1. Criteria, subsection 1.1.1)</p>	
<ul style="list-style-type: none"> <li>• Indecent exposure</li> <li>• Public sexual indecency; public sexual indecency to a minor</li> <li>• Sexual abuse</li> <li>• Sexual conduct with a minor</li> <li>• Sexual assault</li> <li>• Sexual assault of a spouse</li> <li>• Adultery</li> <li>• Molestation of a child</li> <li>• Continuous sexual abuse of a child</li> <li>• Sexual misconduct; behavioral health professionals</li> <li>• Unlawful sexual conduct; correctional employees; persons in custody</li> <li>• Sexual offense; evidence of similar crimes</li> <li>• Sexually oriented businesses; hours of operation</li> <li>• Violent sexual assault; natural life sentence</li> <li>• Reckless burning</li> <li>• Arson of a structure or property</li> <li>• Arson of an occupied structure</li> <li>• Arson of an occupied jail or prison facility</li> <li>• Burning of wild lands</li> <li>• Domestic Violence</li> </ul>	<p><b>Offense involving death or physical injury or the use of a deadly weapon or dangerous instruments:</b></p> <ul style="list-style-type: none"> <li>• Negligent homicide</li> <li>• Manslaughter</li> <li>• Second degree murder</li> <li>• First degree murder</li> <li>• Dangerous crimes against children</li> <li>• Assault</li> <li>• Aggravated assault</li> <li>• Dangerous or deadly assault by prisoner or juvenile</li> <li>• Drive by shooting</li> <li>• Discharging a firearm at a structure</li> <li>• Misconduct involving weapons or dangerous instrument</li> <li>• Kidnapping</li> <li>• Armed robbery</li> <li>• Robbery</li> <li>• Unlawful discharge of firearms</li> <li>• Child or vulnerable adult abuse; emotional abuse</li> <li>• Accidents involving death or personal injuries; failure to stop</li> </ul>

**SECTION B**

<p><b>Ineligible Major Disciplinary Rule Violations</b> (Reference Section 1.1 Criteria, Subsection 1.1.9.1.1)</p>	
<ul style="list-style-type: none"> <li>• Taking a Hostage</li> <li>• Intentionally Causing the Death or Great Bodily Injury of Another; Person</li> <li>• Sexual Assault</li> <li>• Assault or Battery with a Deadly Weapon or any Assault on Staff</li> <li>• Arson</li> <li>• Escape, Aiding Escape or Preventing the Discovery of an Escape</li> <li>• Negligence or Carelessness Causing Death or Great Bodily Injury</li> <li>• Assault, Battery or Striking any Person with any Weapon or Object, etc.</li> <li>• Possession or Manufacture of Dangerous Contraband</li> </ul>	<ul style="list-style-type: none"> <li>• Threatening any Person with Bodily Harm</li> <li>• Tampering with any Security or Safety Equipment</li> <li>• Violating or Attempting to Violate any of the Laws of Arizona or the U.S.A.</li> <li>• Throwing or Projecting an Item at Another Person</li> <li>• Inciting or Participating in a Riot, Disturbance, Demonstration or Work Stoppage</li> <li>• Extortion or Intimidation</li> <li>• Engaging in any Sexual Act, Including Indecent Exposure, etc.</li> <li>• Giving or Offering a Bribe or Anything of Value to any Staff Member, etc.</li> </ul>