

# ARKANSAS REGISTER

## TRANSMITTAL SHEET

Secretary of State  
State Capitol, Rm. 026  
Little Rock, Arkansas 72201-1094

For Office  
Use Only: Effective Date \_\_\_\_\_ Code Number \_\_\_\_\_

Name of Agency Board of Corrections

Department Department of Correction

Contact Person Tiffanye Compton (870-267-6335)

Statutory Authority for Promulgating Rules §12-27-105

Intended Effective Date **AR 894 Third Party Agreements to House ADC Inmates**  
Date... **12-02-2015**

☐ Emergency Legal Notice Published..... **08-04-2015**

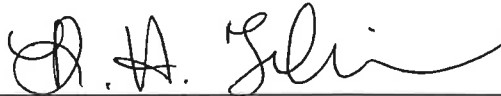
☐ 10 Days After Filing Final Date for Public Comment..... **09-03-2015**

☐ Other Reviewed by Legislative Council..... **10-12-2015**

\_\_\_\_\_ Adopted by State Agency..... **11-23-2015**

### CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted  
In Compliance with Act 434 of 1967 As Amended.



Signature

870-267-6345

Phone Number

Agency Policy Coordinator

Title

12/02/2015

Date



# ARKANSAS STATE LIBRARY



## Agency Certification Form For Depositing Final Rules and Regulations At the Arkansas State Library

Documents Services • Arkansas State Library  
One Capitol Mall • Little Rock, AR 72201-1094  
501-682-2326 phone; 501-682-1532 FAX

For Office Use Only

Effective Date: Classification Number:

Name of Agency: Board of Corrections – Department of Correction

Contact Person: Tiffanye Compton Telephone: 870-267-6335

Statutory Authority for Promulgating Rules: A.C.A. § 12-27-105

Title of Rule: AR 894 Third Party Agreements to House ADC Inmates

Rule Status	Effective Date Status	Effective Date
New Rule/Regulation	<input type="checkbox"/> Emergency	
(X) Amended Rule/Regulation	(X) 10 Days after filing	12/03/2015
<input type="checkbox"/> Repealed Rule/Regulation	<input type="checkbox"/> Other	
<input type="checkbox"/> Order	(X) Revised	11/23/2015
<input type="checkbox"/> Emergency Rule/Regulation	Adopted by State Agency	11/23/2015

☐ Rule above is proposed and will be replaced by final version

(X) Financial and/or Fiscal Impact Statement Attached

### Certification of Authorized Officer

I hereby certify that the attached rules were adopted in compliance with Act 434 of 1967 as amended.

Signature: B. A. Gilin Date: 12/2/2015

Title: Agency Policy Coordinator



## FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT: Department of Correction  
DIVISION: Research and Planning  
PERSON COMPLETING THIS STATEMENT: Kimberly H. Withers  
TELEPHONE NO.: 870-267-6345 FAX NO.: 870-267-6373 EMAIL: kimberly.withers@arkansas.gov

## FINANCIAL IMPACT STATEMENT

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

### SHORT TITLE OF THIS RULE: **AR 894 Third Party Agreements**

1. Does this proposed, amended, or repealed rule have a financial impact?

Yes ☐ No ☒

2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibitive, please explain.
3. If the purpose of this rule is to implement a federal rule, please give the incremental cost for implementing the rule. Please indicate if the cost provided is the cost of the program.

#### Current Fiscal Year

General Revenue	<u>N/A</u>
Federal Funds	<u></u>
Cash Funds	<u></u>
Special Revenue	<u></u>
Other (Identify)	<u></u>
Total	<u></u>

#### Next Fiscal Year

General Revenue	<u>N/A</u>
Federal Funds	<u></u>
Cash Funds	<u></u>
Special Revenue	<u></u>
Other (Identify)	<u></u>
Total	<u></u>

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule? Identify the party subject to the proposed rule, and explain how they are affected.

#### Current Fiscal Year

\$N/A  
\$   
\$   
\$

#### Next Fiscal Year

\$N/A  
\$   
\$   
\$

5. What is the total estimated cost by fiscal year to the agency to implement this rule?


#### Current Fiscal Year

\$N/A  
\$

#### Next Fiscal Year

\$N/A  
\$



 <p style="text-align: center;"><b>ADMINISTRATIVE REGULATIONS</b></p> <p style="text-align: center;"><b>STATE OF ARKANSAS</b></p> <p style="text-align: center;"><b>BOARD OF CORRECTIONS</b></p>	<b>Section Number:</b> 894	<b>Page Number:</b> 1 of 2
	<b>Board Approval Date:</b> 11-23-2015	
	<b>Supersedes:</b> N/A	<b>Dated:</b> 11-23-2015
	<b>Reference:</b> Ark. Code Ann. §12-27-103 and Ark. Code Ann. § 12-50-101-111	<b>Effective Date:</b> 12-03-2015
<b>SUBJECT: Third Party Agreements to House ADC Inmates</b>		

**I. AUTHORITY:**

The Board of Correction is vested with the authority to promulgate this Administrative Regulation by Ark. Code Ann. § 12-27-105. The Board of Correction has the authority to cooperate and contract with third parties to provide and improve correctional operations and to house Department of Correction inmates. Ark. Code Ann. § 12-27-103(b)(14).

**II. PURPOSE:**

This Administrative Regulation establishes the policy by which the Arkansas Department of Correction may recommend to the Board of Corrections an agreement to cooperate with and contract with a third party for the provision of correctional operations, including inmate housing.

**III. APPLICABILITY:**

This Administrative Regulation applies to the administration of the Department of Correction.

**IV. POLICY:**

In order to address prison overcrowding in Arkansas, it is the policy of the Board of Corrections to investigate and consider every permissible housing alternative until prison population becomes manageable.

**IV. PROCEDURES:**

1. The Department of Correction shall explore, as needed, permissible alternatives for housing Department of Correction inmates with the federal government, governmental agencies of Arkansas and other states, political subdivisions of Arkansas and other states, counties, regional correctional facilities, and private contractors. The following shall be considered:
  - (a) Licensed medical staff and access to prescribed medications must be available on-site, and access to emergency medical treatment (including off-site) must be available 24/7.
  - (b) Ability to follow Department of Correction policies including Administrative Directives concerning inmate grievances, inmate classification, inmate disciplinary manual,





religious services manual, healthcare policies, and to provide hygiene and other necessary items.

- (c) Access to law library items specified by the Board's compliance attorney, access to Arkansas courts, meals approved by a licensed dietician, and specified Department of Correction personnel and members of the Board of Corrections' right to inspect and visit without prior notice shall be required in any agreement.
  - (d) Agreement that any inmate shall be returned to the custody of the Arkansas Department of Correction upon request.
2. The Department of Correction shall not enter into any agreement with any third party to house Department of Correction inmates without the prior review and approval of both the Board of Corrections and the Governor of Arkansas.
  3. Any facility owned or leased by any third party for the purpose of housing Department of Correction inmates shall comply with all constitutional standards of the United States and the State of Arkansas.
  4. The Department of Correction shall not enter into any agreement with any third party to house Department of Correction inmates unless the agreement provides for full compliance with any applicable requirements of the Corrections Cooperative Endeavors and Private Management Act, Ark. Code Ann. § § 12-50-101 through 111.

**VI. REFERENCE:**

Ark. Code Ann. §12-27-103.

Ark. Code Ann. § 12-50-101-111.

