

ARKANSAS REGISTER

Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State

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For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency _____

Department _____

Contact _____ E-mail _____ Phone _____

Statutory Authority for Promulgating Rules _____

Rule Title: _____

Intended Effective Date

(Check One)

Date

☐ Emergency (ACA 25-15-204) Legal Notice Published _____

☐ 10 Days After Filing (ACA 25-15-204) Final Date for Public Comment _____

☐ Other _____ Reviewed by Legislative Council _____
(Must be more than 10 days after filing date.)

Adopted by State Agency _____

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)


Signature

Phone Number

E-mail Address

Title

Date

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

I. AUTHORITY:

The Board of Correction is vested with the authority to promulgate this Administrative Rule 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 Rule 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 Rule 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.