

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 _____

(Must be more than 10 days after filing date.)

Reviewed by Legislative Council _____

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:	Page Number:
	1212	1 of 2
	Board Approval Date:	
	6/27/97	
	Supersedes: AR 1212	Dated: 12/30/93
	Reference:	Effective Date: 8/3/97
SUBJECT: Inmates Housed in County Jails and City Jails (Act 309)		

I. AUTHORITY:

The Board of Correction and Community Punishment is vested with the authority to promulgate this administrative rule by Ark. Code Ann. § § 12-27-105, Act 309 of 1983, Regular Session, as amended; Act 1112 of 1991, Regular Session, as amended; and 532 of 1993, Regular Session, as amended; Acts 115 and 936 of 1997, Regular Session.

II. PURPOSE:

To establish rules pursuant to Act 309 of 1983, as amended; Act 1112 of 1991, as amended; and Act 532 of 1993, Regular Session, as amended; Acts 115 and 936 of 1997, Regular Session; and to delineate the cooperative agreement to be executed.

III. APPLICABILITY:

To applicable staff of the Department of Correction to include but not be limited to Director, Deputy/Assistant Director of Institutions, staff involved in the approval process, county officials (sheriffs), city officials (mayor or chief of police), and inmates.

IV. POLICY:

It shall be the policy of the Board of Correction and Community Punishment to allow the Director of the Department of Correction to sign cooperative agreements between county officials, city officials and the Department of Correction for the purpose of providing additional space for the care and custody of State inmates on a temporary basis in State certified intermediate term adult detention facilities operated by counties and cities.

It shall be the responsibility of the county and the city to ensure that assigned inmate(s) are not used to provide personal services for private benefits, to act in a law enforcement capacity, nor supervise other inmate(s). Inmates released under Act 309 In-Jail and Act 309-Work will not be used to replace city, county, state or federal employees.

V. DEFINITIONS:

Inmate(s) transferred to a county jail or city jail under Act 309 will be transferred under one of the following programs: 309 In-Jail or 309 Work.

- A. 309 In-Jail: Inmates who are incarcerated within the Arkansas Department of Correction and have been accepted/requested by the county or city. These inmates must remain in the county jail or city facility, and the county or city will be reimbursed for housing these inmates.
- B. 309 Work: An inmate released to the jurisdiction of the sheriff or chief of police who may, upon approval of the Director be utilized by the county or city to work in and around governmental property/projects while under supervision of the sheriff or chief of police or designee. These inmates will be housed in the county or city jail. The county or city will be reimbursed for these inmates. The county or city will be responsible for adequate medical care of these inmates as described in the cooperative agreement between the Department of Correction and the county or city jail.

VI. PROCEDURES:

- A. The Deputy/Assistant Director of Institutions shall be responsible for administering the program including ascertaining and promoting the interest of the sheriff or chief of police in the program and to ensure that an appropriate agreement is provided to all interested sheriffs or chiefs of police.
- B. A cooperative agreement will be executed between the county or city and the Arkansas Department of Correction pursuant to Act 309 of 1983, as amended; Act 1112 of 1991; and Act 532 of 1993, as amended; Act 115 and 936 of 1997, regular session. Counties and cities requesting contracts for the first time or who do not currently have a contract must be approved by the Board of Correction and Community Punishment prior to entering into contract for participation in Act 309.
- C. Should questions arise concerning the medical or mental health condition or case of an inmate participating in the 309 program, the Medical Services Administrator should be contacted. He or she will evaluate the situation to determine the type of treatment or services to render to the inmate. Some cases may require transferring the inmate back to the department.
- D. An Administrative Directive will be formulated to outline the procedures to be followed pertaining to Act 309 of 1983, as amended; Act 1112 of 1991; and Act 532 of 1993, as amended; Act 115 and 936 of 1997, regular session.