

# ARKANSAS REGISTER

## Transmittal Sheet

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



Secretary of State  
**Mark Martin**

500 Woodlane, Suite 026  
Little Rock, Arkansas 72201-1094  
(501) 682-5070

[www.sos.arkansas.gov](http://www.sos.arkansas.gov)



**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)

Emergency (ACA 25-15-204)

10 Days After Filing (ACA 25-15-204)

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

Legal Notice Published ..... \_\_\_\_\_

Final Date for Public Comment ..... \_\_\_\_\_

Reviewed by Legislative Council ..... \_\_\_\_\_

Adopted by State Agency ..... \_\_\_\_\_

**Date**

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;"><b>ADMINISTRATIVE RULES</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>	<b>Page Number:</b>
	<b>812</b>	<b>1 of 5</b>
	<b>Board Approval Date:</b>	
	<b>9/20/2001</b>	
	<b>Supersedes:</b>	<b>Dated:</b>
	<b>812; 813 &amp; 1200-A</b>	<b>8/3/97; 12/17/92 8/19/92</b>
	<b>Reference:</b>	<b>Effective Date:</b>
		<b>11/16/2001</b>
<b>SUBJECT: Temporary Release/Meritorious and Emergency Furloughs</b>		

**I. AUTHORITY:**

The authority of the Board of Corrections to promulgate this Administrative Rule is vested in Arkansas Code Annotated § 12-27-105 and Act 1371 of 2001.

**II. POLICY:**

It shall be the policy of the Department of Correction (“Department”) to grant furloughs to inmates pursuant to established requirements and conditions.

**III. PURPOSE:**

To provide a mechanism for the temporary release of qualifying inmates for meritorious or emergency furloughs and eligible inmates assigned to Work Release Centers/Programs.

**IV. APPLICABILITY:**

Inmates and all employees involved in the approval/processing of furloughs

**V. DEFINITIONS:**

- A. Critical Illness - Any illness from which the relative may not survive under normal circumstances and/or from which death is imminent.
- B. Emergency Furlough - The temporary release of an inmate due to the critical illness and/or death of an inmate family member.
- C. Immediate Family - The inmate's father, mother, sisters, brothers, spouse, children, grandparents, grandchildren, aunts, uncles, mother-in-law, father-in-law, and any other person whose relationship with the inmate has been verified as that of a parent/guardian.

- D. Meritorious Furlough - The approved, temporary release of an inmate for a period not to exceed five calendar days.
- E. Sponsor - Approved persons with whom the inmate resides while on meritorious furlough.
- F. Work Release Furlough – The approved, temporary release of an inmate assigned to a work release program

## VI. **PROCEDURES:**

### A. Meritorious Furlough Requirements

A meritorious furlough may be granted for exemplary conduct by an inmate.

1. An inmate who is serving a life sentence or a sentence of a term of years, has achieved Class I-A or I-B, and has continuously maintained that status for not less than one year may be eligible for meritorious furloughs if he/she meets all of the following requirements:
  - a. Has not been convicted of one or more of the offenses listed in ACA 12-29-102.
  - b. Has been an inmate in the custody of the Department of Correction continuously for one year;
  - c. Has not been convicted of a major disciplinary violation for a period of not less than six months immediately prior to applying for meritorious furlough;
  - d. Has not received a meritorious furlough during the preceding six (6) months;
  - e. Does not have any pending felony detainers;
  - f. Has an approved sponsor willing to accept and transport him/her;
  - g. Has been approved by his/her immediate work supervisor;
  - h. An inmate serving a life sentence must have his or her application approved by the appropriate Deputy/Assistant Director, the Director, and the Board of Corrections.
2. An inmate who has been sentenced to death or is serving a sentence of life without parole will not be eligible for meritorious furloughs.

3. To qualify for a meritorious furlough, an inmate must be approved by the Meritorious Furlough Review Committee at his/her unit. Before approving a furlough, the Committee must find that:
  - a. The inmate does not presently have, an abnormal propensity for violence.
  - b. The inmate does not constitute a security risk
  - c. The inmate is capable of abiding by the terms and conditions of a furlough.
  - d. The inmate and the public will not be endangered by the furlough.
  - e. The inmate, in all other respects, is a suitable candidate for furlough.
4. Upon request of an inmate's victim, the Department shall inform the victim at least thirty (30) days before release of the inmate on furlough (except emergency furloughs unless the law requires it).
5. The sheriff of the county and the chief of police of the city or town, if applicable, shall be notified if an inmate will be present within their jurisdiction while on furlough. Approval of the furlough by the sheriff and/or chief of police is not required.

**B. Special Rules Regarding Work-Release Inmates**

1. A work-release inmate may be eligible for one (1) furlough per month.
2. Furloughs are to be taken on weekends and are not to exceed 48 hours, except that a furlough granted during a three-day holiday weekend are not to exceed 72 hours.
3. A work-release inmate must have been in the program for 90 days before becoming eligible for a furlough.
4. A work-release inmate shall not be eligible for a furlough for a minimum of 120 days after his/her conviction of a major disciplinary infraction.
5. A work-release inmate is not required to report to a monitor while on furlough.

**C. EMERGENCY FURLOUGHS:**

The Department of Correction may permit the emergency furlough of inmates in cases of critical illness and/or death of a member of the inmate's immediate family.

In the discretion of the warden/center supervisor, up to two emergency furloughs may be granted due to a critical illness. If emergency furloughs are granted due to a critical illness and the family member subsequently dies, another furlough may be granted for the inmate to attend the funeral. Cases of critical illness must be confirmed to the warden/center supervisor or his or her designee by the ill relative's attending physician.

1. Inmates Under Sentence of Death, Life Without Parole, or Life

An inmate who is serving a sentence of Death, Life Without Parole or Life may be permitted an emergency furlough only in the event of the critical illness and/or death of a member of his or her immediate family. In such cases, the inmate may be permitted a four hour furlough to visit with the critically ill patient and/or to attend the funeral of the deceased family member. All inmates serving a sentence of Death, Life Without Parole, or Life must have the approval of the Director.

2. Inmates in Class I-A and I-B Status

Inmates in Class I-A and I-B may be released on emergency furloughs for such occasions as the critical illness and/or death of a member of the inmate's immediate family. Such emergency furloughs shall not exceed three days in duration and may be granted by the unit warden/center supervisor.

3. Inmates in Other Class Status

All other inmates except those having achieved Class I-A and I-B may be released on an emergency furlough for such occasions as the critical illness and/or death of a member of the inmate's immediate family. The emergency furlough shall not exceed forty-eight hours in duration and may be granted by the unit warden/center supervisor.

4. Procedural Requirements

a. In all cases, the unit warden/center supervisor or his or her designee shall be satisfied that the inmate to whom an emergency furlough is granted:

- (1) does not presently have an abnormal, uncontrollable propensity for violence;

- (2) does not constitute a security risk;
- (3) is capable of abiding by the terms and conditions of a furlough; and
- (4) not be endangered or endanger another person by such a release.

- b. Inmates other than Class I-A or I-B may be granted emergency furloughs and will be released only to the custody of an Arkansas certified law enforcement officer, who will be responsible for the signing out, transportation, supervision, custody and arrangements for housing in the jail, if necessary, and delivery of the inmate back to the Department of Correction.

**NOTE:** Any fee charged by the law enforcement officer for escorting the inmate on emergency furlough will be paid by the inmate or his family or other supporter(s).

- c. Class I-A or I-B inmates may be released to a family member, friend, or other approved individual who will be responsible for the inmate while on emergency furlough.
- d. The unit warden/center supervisor or his or her designee shall notify the sheriff of the county and the chief of police of the city or town, if applicable, that the inmate will be present in his jurisdiction while on emergency furlough.
- e. Upon request of the inmate's victim, the unit warden/center supervisor or his/her designee shall notify the victim of the inmate's emergency furlough.

D. Rules of Conduct

The Department will establish by Administrative Directive rules of conduct to be followed by inmates while on furlough.

E. General

Specific guidelines for implementing this rule including, but not be limited to sponsorship, departure and arrival times, medical screening, and contacts shall be included in an appropriate Administrative Directive.

**VII. REFERENCES:**

ACA 12-29-102, ACA 16-90-1109, Act 1371 of 2001.  
AR812(010814)