

ARKANSAS REGISTER



Transmittal Sheet

W.J. "Bill" McCuen

Secretary of State

State Capitol

Little Rock, Arkansas 72201-1094

For Office
Use Only:

Effective Date 5-12-91 Code Number 004.00.91--008

Name of Agency Arkansas Department of Correction

Department of Correction

Contact Person Al L. Lockhart, Director Telephone 501-247-1800 ext.200

Statutory Authority for Promulgating Rules Act 50, Sixty-Sixth

General Assembly, First Extraordinary Session, 1968, Approved February 20, 1968.

Intended
Effective Date

Administrative Regulation 1211 - Work/Study Release for
Inmates Housed Outside ADC Facilities

Date

Legal Notice Published

3/30 - 4/5/91

☐ Emergency

Final Date for Public Comment 04/17/91

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☒ Other

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as the effective date

Adopted by State Agency

04/19/91

CERTIFICATION OF AUTHORIZED OFFICER

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



SIGNATURE

Director

TITLE

April 19, 1991

DATE

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FILED

004.00.91--008



ADMINISTRATIVE REGULATIONS
STATE OF ARKANSAS
DEPARTMENT OF CORRECTION

Section Number 1211	Page Number 1 of 11
Board of Correction Approval Date: 4/19/91	
Supersedes: AR 1211	Dated: 1/22/91
Attorney General Review Date: 4/19/91	Date Filed Secy. of State: 4/22/91

SUBJECT: Work/Study Release For Inmates Housed Outside ADC Facilities

I. AUTHORITY:

The authority of the Board of Correction to promulgate this Administrative Regulation is confirmed in Act 50 of 1968, First Extraordinary Session, and Act 814 of 1983, Regular Session.

II. PURPOSE:

This Administrative Regulation establishes the policy by which the Arkansas Department of Correction releases inmates pursuant to a Work/Study Release Program and to be housed in facilities other than the Department of Correction.

III. APPLICABILITY:

This Administrative Regulation applies to the Board of Correction; all departmental employees, especially those involved in the process of Act 814 applications; and all inmates.

IV. POLICY:

It shall be the policy of the Department of Correction to allow the ordered reintegration of selected inmates from a prison environment back into communities through participation in a Work/Study Release Program outside the Department of Correction facilities.

V. PROCEDURES:

The Department has been authorized to establish Work/Study Release Programs pursuant to Arkansas Codes 12-30-401, 403, 405-407 and Act 814 of 1983 to allow Work/Study Release inmates to be housed in facilities other than the Department of Correction. An approved plan must exist before any inmate can be transferred. The following procedures have been established for the selection of eligible inmates to be assigned to the Program.

A. Non-eligibility for Work/Study Release Program:

91 APR 23 PM 1:09
FILED
AR. REGISTER DIV.



ADMINISTRATIVE REGULATIONS
STATE OF ARKANSAS
DEPARTMENT OF CORRECTION

Section Number
1211

Page Number
2 of 11

Board of Correction Approval Date:

4/19/91

Supersedes:

AR 1211

Attorney General
Review Date:

4/19/91

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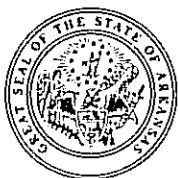
4/22/91

SUBJECT: Work/Study Release For Inmates Housed Outside ADC Facilities

1. No person convicted of a capital offense, murder in the first degree, rape, kidnapping, or a person convicted for the second or subsequent time of aggravated robbery shall be allowed to participate in any Work/Study Release Program conducted by or for the Department of Correction (Ark. Code Ann. 12-30-404).
2. Inmates having an undisposed felony detainer filed against him/her will be ineligible to participate in a Work/Study Release Program.
3. Inmates convicted of any sex offenses will not be eligible for a Work/Study Release Program.

B. Eligibility for Work/Study Release Program:

1. The inmate must be eligible for minimum security status of Class I-A.
2. Inmates who have been found guilty or entered a plea of guilty for second degree murder must be incarcerated 1/5 of their sentence in the Department before being eligible for work/study release.
3. An inmate should have no more than thirty months until release or parole eligibility.
4. An inmate should have had no major disciplinary infractions for a period of not less than three months immediately prior to application. The Unit Wardens, however, may approve an inmate for selection and possible transfer to the Work/Study Release Program where he/she deems it particularly appropriate. In such a case, the ninety days minimum requirement may be waived and written approval of the appropriate Assistant Director must be obtained before an inmate can be transferred to a Work/Study Release Program.
5. Inmates denied release by the Board of Parole and Community Rehabilitation and/or any inmate convicted of a



ADMINISTRATIVE REGULATIONS
STATE OF ARKANSAS
DEPARTMENT OF CORRECTION

Section Number

1211

Page Number

3 of 11

Board of Correction Approval Date:

4/19/91

Supersedes:

AR 1211

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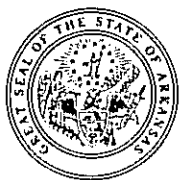
4/22/91

SUBJECT: Work/Study Release For Inmates Housed Outside ADC Facilities

violent crime will be reviewed by the full Board of Correction for possible release.

C. Application Process:

1. Eligible inmates are to submit a "Work/Study Release Application" form (F-1211-1) to the Unit Warden.
2. No application from eligible inmates for Work/Study Release will be favorably recommended by the Unit Warden unless the Unit Warden is satisfied that the inmate meets all requirements of eligibility and that the inmate:
 - a. Does not have an abnormal or uncontrollable propensity for violence;
 - b. Does not constitute a security risk;
 - c. Is capable of abiding by the terms and conditions of the Program, and;
 - d. The sheriff and/or the chief of police of the area in which the inmate is to reside shall approve of such transfer in writing. (Notification forms to be handled at each unit. See G.1.a. and b.)
3. Each inmate favorably recommended for transfer to a Work/Study Release Program may be referred for examination by the unit medical staff and/or the Mental Health Administrator.
4. If the applicant meets the criteria for eligibility, the Unit Warden will consider the application and all supporting documentation. If the Unit Warden finds the application acceptable and in order, he/she will determine if a Notice of Application is required.
 - a. A Notice of Application will be issued to the circuit judge, prosecuting attorney and sheriff of



ADMINISTRATIVE REGULATIONS
STATE OF ARKANSAS
DEPARTMENT OF CORRECTION

Section Number
1211

Page Number
4 of 11

Board of Correction Approval Date:
4/19/91

Supersedes:
AR 1211

Dated:
1/22/91

Attorney General
Review Date:

Date Filed
Secy. of State:

4/19/91

4/22/91

SUBJECT: Work/Study Release For Inmates Housed Outside ADC Facilities

the county(ies) from which the inmate was sentenced.

- b. A Notice of Application is required to be issued to victims and/or next of kin, if the inmate's conviction was the result of a crime involving physical injury to the person of another, and when their whereabouts can be determined.
- c. A Field Report, containing details of the crime, shall be requested from the proper staff and shall be included with the application documents.
5. The Unit Warden will forward his/her recommendation with the documentation to the appropriate Assistant Director for review and consideration.
6. The appropriate Assistant Director will forward his/her recommendation with the documentation to the Director for approval/disapproval. Those that are disapproved by the Director will be returned to the Warden for notification to the inmate. A list of those that are disapproved will be provided to the Board of Correction. Any inmate who is serving time for 2nd degree murder; is serving a current sentence or sentences of ten years or more, except those convicted of a class C or D felony; has been incarcerated two or more times in a state or federal adult institution; whose conviction was the result of a crime involving physical injury (F-1211-2) to the person of another, application shall be reviewed by the Board of Correction for final approval/disapproval.
7. Applicants who do not meet the eligibility criteria will be informed in writing by the Unit Warden, and a copy of all documentation will be placed in the inmate's institutional file.
8. Applicants that were denied 814 status by the ADC shall be notified in writing of the reason for the denial and when the Board of Correction would be willing to



ADMINISTRATIVE REGULATIONS
STATE OF ARKANSAS
DEPARTMENT OF CORRECTION

Section Number
1211

Page Number
5 of 11

Board of Correction Approval Date:
4/19/91

Supersedes:
AR 1211

Dated:
1/22/91

Attorney General
Review Date:

Date Filed
Secy. of State:

4/19/91

4/22/91

SUBJECT: Work/Study Release For Inmates Housed Outside ADC Facilities

reconsider their application. In such cases, increments of days or months is to be interpreted as to the time periods between regularly scheduled Board meetings, as opposed to actual calendar days or months.

Examples: 30-day rewrite or deferral means to the next Board meeting;
6 month rewrite or deferral will be six Board meetings from the date of deferral;
Denied means one year from the date of denial.

D. Rules of the Work/Study Release Program:

1. No inmate participating in the Work/Study Release Program shall:
 - a. Change employment and/or residence without prior approval of the Assistant Director and/or the Director;

If the inmate's change of employment and/or residence places him or her into the same county of residence as the victim or next of kin, the victim or next of kin will be notified;

If the inmate is employed or resides in the same county as the victim or next of kin and a change of residence or employment places the inmate demographically closer, the victim or next of kin will be notified;
 - b. Leave the county to which he/she was assigned without the written consent of the inmate's ADC supervisor;
 - c. Possess or consume alcoholic beverages or drugs not specifically prescribed for him/her by a licensed physician;



ADMINISTRATIVE REGULATIONS
STATE OF ARKANSAS
DEPARTMENT OF CORRECTION

Section Number

1211

Page Number

6 of 11

Board of Correction Approval Date:

4/19/91

Supersedes:

AR 1211

Dated:

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SUBJECT: Work/Study Release For Inmates Housed Outside ADC Facilities

- d. Visit any place of business where alcoholic beverage is the major item sold or consumed;
- e. Violate any Federal, State, County or Municipal laws, and;
- f. Operate any motor vehicle without written consent of the inmate's ADC supervisor. In such a case, the inmate must be properly licensed and liability insurance documented before consideration and approval is given.

- 2. The inmate shall obey all Department of Correction rules and regulations, and where applicable, all rules and regulations of the facility where the inmate is housed.

E. Credit for Good Time:

Inmates housed in a Work/Study Release Program outside the Department of Correction shall be entitled to credit on their sentences under the meritorious classification system of the Department of Correction.

F. Plan/Employment and Earnings of Inmates:

A suitable plan for work/school/means of support for the inmate must receive approval from the Department of Correction. Employment and earnings of inmates are to be arranged by written agreement between the Department of Correction and the contracting party. Provisions for health care, personal maintenance, and subsistence shall be provided through the written agreement between the Department and the contracting party (F-1211-3). A supervision fee will be established by the Board of Correction.

G. Monitoring and Reporting:

- 1. The appropriate Assistant Director will develop Standard Operating Procedures (SOP) to include:



ADMINISTRATIVE REGULATIONS
STATE OF ARKANSAS
DEPARTMENT OF CORRECTION

Section Number

1211

Page Number

7 of 11

Board of Correction Approval Date:

4/19/91

Supersedes:

AR 1211

Attorney General
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- a. Notification forms to the circuit judge, prosecuting attorney, sheriff and/or the chief of police and victim;
 - b. Procedures for using notification forms;
 - c. Supervision responsibilities;
 - d. Monitoring of those inmates transferred to a Work/Study Program;
 - e. Procedures for handling of fees, and;
 - f. Development of a monthly reporting system.
2. Reports will be submitted as follows:
- a. Information sheets on inmates applying for Work/Study Release Program and subject to paragraph "B" Section "5" and paragraph "C" Section "6" of AR-1211 will be mailed to the Board of Correction at least ten days prior to the individual being released.
 - b. Information sheets on inmates applying for Work/Study Release Program and not requiring Board approval under paragraph "C" Section "6" of AR-1211 will be mailed to the Board of Correction at least five days prior to the individual being released. If one member expresses concerns or objections to the Director about an application, it must have Board of Correction approval prior to the applicant being released.
 - c. Information regarding activities of the Work/Study Release Program will be provided to the Board of Correction through the publication of the Monthly Report to the Board of Correction.

AR1211