

ARKANSAS REGISTER

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W.J. "BILL" McCuen
SECRETARY OF STATE
LITTLE ROCK, ARKANSAS



Transmittal Sheet

W.J. "BILL" McCuen

Secretary of State

State Capitol

Little Rock, Arkansas 72201-1094

For Office
Use Only:

Effective Date 6-7-91 Code Number 004.00.91--009

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 Administrative Regulation 813 - Temporary Release - Emergency Furloughs
Effective Date _____ Date _____

Legal Notice Published

4/12-18/91

☐ Emergency

Final Date for Public Comment

May 1, 1991

☐ 20 Days

Filed With Legislative Council

4/09/91

After Filing

Reviewed by Legislative Council

5/15/91

☒ Other

Adopted by State Agency

5/15/91

Please use June 7th
as the effective date.

CERTIFICATION OF AUTHORIZED OFFICER

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

A handwritten signature in cursive script, appearing to read "Al. L. Lockhart", is written over a horizontal line.

SIGNATURE

Director

TITLE

May 15, 1991

DATE



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Section Number 813	Page Number 1 of 5
Board of Correction Approval Date: 5/15/91	
Supersedes: AR 813	Dated: 10/18/88
W.J. "BILL" McNEEL Attorney General SECRETARY OF STATE LITTLE ROCK, ARKANSAS	Date Filed Secy. of State: 5/17/91
BY _____	5/15/91

SUBJECT: Temporary Release - Emergency Furlough

I. AUTHORITY:

The authority of the Department of Correction to promulgate this Administrative Regulation is vested in Act 50 of 1968, First Extraordinary Session, as amended.

II. PURPOSE:

The purpose of this regulation is to provide for the orderly, temporary release of inmates in cases of critical illness and/or death of an immediate family member and for other purposes as stated herein.

III. APPLICABILITY:

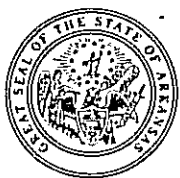
To all employees and inmates.

IV. DEFINITIONS:

- A. Emergency Furlough - The temporary release of an inmate due to the critical illness and/or death of an immediate family member.
- B. Immediate Family - Defined to consist of the inmate's father, mother, sisters, brothers, spouse, children, and may include other relatives (i.e., grandparents, aunts, uncles, mother-in-laws, father-in-laws) whose relationship with the inmate has been verified as that of a parent/guardian and has existed over an extended period of time.
- C. Critical Illness - Any illness from which the relative may not survive under normal circumstances and/or from which death is imminent within a matter of days.

V. POLICY:

The Department of Correction may permit the emergency furlough of inmates in such cases as the critical illness



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and/or death of a member of the inmate's immediate family. The warden/center supervisor may determine it appropriate that an emergency furlough be granted. If an emergency furlough is granted due to a critical illness and the family member subsequently dies, a second 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.

Class I-A and I-B inmates who cannot otherwise obtain employment may be temporarily released, for a pre-determined, fixed amount of time, to attend job interviews. This type release must be approved by the unit warden/center supervisor.

VI. PROCEDURES:

A. 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 two hour 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.

B. 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.



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C. 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.

D. Procedural Requirements

1. 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:
 - a. does not presently have an abnormal, uncontrollable propensity for violence;
 - b. does not constitute a security risk;
 - c. is capable of abiding by the terms and conditions of such a furlough; and
 - d. will not be endangered or endanger another person by such a release.
2. Inmates other than Class I-A or I-B may be granted emergency furloughs and will be released only to the custody of a certified Arkansas law enforcement official, who will be responsible for the signing out, transportation, supervision, custody and arrangements for housing in the jail, if necessary, and delivery.
3. Class I-A or I-B inmates may be released to a family member's friend or individual who will be responsible for the inmate while on emergency furlough.



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4. The unit warden/center supervisor or his or her designee shall notify the sheriff of the county, by telephone, as to the nature of the emergency and other pertinent facts. The county sheriff must approve the emergency furlough before it is granted.

E. Terms and Conditions

1. All such emergency furloughs are subject to the following terms and conditions:
 - a. the inmate shall not leave the State of Arkansas for any reason;
 - b. the inmate shall not consume or have in his or her possession alcoholic intoxicating beverages or illegal drugs;
 - c. the inmate shall not leave the county to which he or she has been released without the written consent of the unit warden/center supervisor;
 - d. the inmate shall not operate any motor vehicle of any kind;
 - e. the inmate shall not violate any federal, state, county or municipal laws;
 - f. the inmate shall abide by the rules of the Inmate Handbook and the policies and regulations of the Department of Correction;
 - g. the unit warden/center supervisor or designee shall notify the Administrator of Parole Services or designee and the administrator/designee shall make the necessary arrangements and instructions as deemed necessary;



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- h. any and all cost incurred by an inmate while on emergency furlough will be the responsibility of the inmate and/or family.
2. Any inmate who violates the terms and/or conditions of his or her emergency furlough shall be deemed guilty of a major infraction of departmental rules and regulations. Such a violation shall result in immediate termination of the furlough. The inmate shall be returned to the unit/center forthwith, and he or she shall not be eligible for another such furlough for any reason for a period of one year following his or her return to the unit/center.

Any inmate who absconds from an emergency furlough or who fails to return to the unit/center at the appointed time; shall be deemed to have escaped from the unit/center and shall be dealt with accordingly.

The Director may establish such procedures as may be necessary to provide for the implementation of this Administrative Regulation.

Department of Correction employees are not permitted to escort or transport inmates on emergency furlough.

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