

ARKANSAS REGISTER

Transmittal Sheet



W. J. "Bill" McCuen
Secretary of State
State Capitol Rm. 010
Little Rock, Arkansas 72201-1094

For Office
Use Only: Effective Date 6/27/91 Code Number 004.00.91--011

Name of Agency Arkansas Department of Correction

Department of Correction

Contact Person A. L. Lockhart, Director

Statutory Authority for Promulgating Rules Act 50 of 1968, First Extraordinary Session,
as amended
(Amended) AR 1212 - Inmates Housed in County Jails (Act 309)

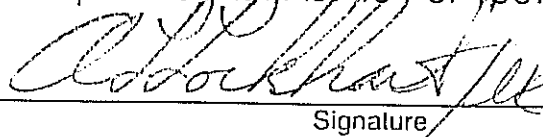
Intended Effective Date

Date

<input checked="" type="checkbox"/> Emergency (please use 6/27/91)	Legal Notice Published	6/23 - 29/91
<input type="checkbox"/> New State Law	Final Date for Public Comment	7/11/91
<input type="checkbox"/> 20 Days After Filing	Mailed Legislative Questionnaire	6/27/91
<input type="checkbox"/> Other	Filed With Legislative Council	6/28/91
	Reviewed by Legislative Council	
	Adopted by State Agency	6/27/91

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

RECEIVED

JUN 28 1991

W. J. "BILL" MCCUEN
SECRETARY OF STATE

By 

June 27, 1991
Date

**ADMINISTRATIVE REGULATIONS****STATE OF ARKANSAS****DEPARTMENT OF CORRECTION****RECEIVED**

JUN 28 1991

W. J. "BILL" McCUEN
SECRETARY OF STATE004.00.91--01/
Section Number

Emergency 1212

Page Number

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Board of Correction Approval Date:

6/27/91

Supersedes:

1212

Dated:

3/30/90

Attorney General

Review Date:

6/27/91

Date Filed
Secy. of State:

6/28/91

By _____
SUBJECT: Inmates Housed in County Jails (Act 309)**I. AUTHORITY:**

The authority of the Board of Correction to promulgate this Administrative Regulation is confirmed in Act 50 of 1968, First Extraordinary Session, as amended; Act 309 of 1983, Regular Session, as amended; and Act 1112 of 1991, Regular Session.

II. PURPOSE:

To establish regulations pursuant to Act 309 of 1983, and Act 1112 of 1991; and to delineate the cooperative agreement to be executed.

III. APPLICABILITY:

To Departmental staff, inmates meeting criteria and county officials (sheriffs).

IV. POLICY:

It shall be the policy of the Department to allow the Director to sign cooperative agreements between county 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 county jails and/or placement of State inmates under the supervision of the county sheriff.

V. DEFINITIONS:

- A. Regular Transfer: Those inmates who are pre-release (minimum and medium security) and/or inmates who are incarcerated within the Arkansas Department of Correction and have been accepted/requested by the county. The inmate must have completed the 60 days initial job assignment within the Arkansas Department of Correction and be Class I or II. These inmates must remain in the county jail facility and the county will be reimbursed for housing these inmates.



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- B. Conditional Transfer: A conditional transfer is an inmate released to the jurisdiction of the sheriff who may use his discretion in releasing the inmate into the community. Conditional transfers must meet the following criteria:
1. The inmate must have completed the 60 day initial job assignment with the Arkansas Department of Correction and be in Class I or II status.
 2. An inmate who is serving a sentence for a non-violent crime as identified by Act 230 of 1983, may be released after being authorized by the Director.
 3. The sheriff must request the specific inmate in writing.
 4. Violent offenders who are ineligible for release under Act 814 and/or Act 230 may be released under this Act if they are first offenders, there are mitigating circumstances, and they are approved by the Board of Correction.

After an inmate is transferred from the department to the jurisdiction of a county sheriff, and the inmate is subsequently transferred/released to another sheriff's jurisdiction, the sheriff relinquishing custody/supervision shall notify the receiving sheriff and the Department of Correction prior to the inmate's transfer/release.

The county will not be reimbursed for those inmates transferred under conditional transfer.

VI. PROCEDURES:

- A. Inmates transferred to a county jail under this program will be classified either regular transfer or conditional transfer.



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- B. The Assistant Director of Field Services shall be responsible for conducting the program including ascertaining and promoting the sheriff's interest in the program and to ensure that an appropriate contract is provided to all interested sheriffs.
- C. A cooperative agreement will be executed between the county and the Arkansas Department of Correction pursuant to Act 309 of 1983 and Act 1112 of 1991.
- D. Should questions arise concerning a regular transfer's medical or mental health condition or case, the Medical Services Administrator should be contacted. He/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. ADC will not be responsible for medical care of conditional transfers.
- E. An Administrative Directive will be formulated to outline the procedures to be followed pertaining to Act 309 of 1983, as amended.

Those inmates participating in the Act 309 program of 1983, as of June 27, 1991, are approved by the Board of Correction for conditional release upon approval of the appropriate county sheriff and the Director.

AR1212