

# ARKANSAS REGISTER

## FILED Transmittal Sheet

DEC 18 1992



W. J. "BILL" McCUEN

SECRETARY OF STATE

W. J. "Bill" McCuen

Secretary of State

State Capitol Rm. 010

Little Rock, Arkansas 72201-1094

For Office

Use Only:

Effective Date 1/8/93 Code Number 004. 00. 92 -- 012

Name of Agency Arkansas Department of Correction

Department of Correction

Contact Person Roger V. Endell, Director

Statutory Authority for Promulgating Rules Act 50 of 1968, First Extraordinary Session,  
as amended

Intended Effective Date	Administrative Reg. 813-Temporary Release Emergency Furlough	Date
<input type="checkbox"/> Emergency	Legal Notice Published . . . . .	<u>10/31-Nov.6th</u>
<input type="checkbox"/> 20 Days After Filing	Final Date for Public Comment . . . . .	<u>11-18-92</u>
<input checked="" type="checkbox"/> Other	Filed With Legislative Council . . . . .	<u>10-28-92</u>
Please date received 12-18-92 & effective date 1-8-92	Reviewed by Legislative Council . . . . .	<u>12-10-92</u>
	Adopted by State Agency . . . . .	<u>12-17-92</u>

### CERTIFICATION OF AUTHORIZED OFFICER

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

Roger Endell  
Signature

Director  
Title

December 17, 1992  
Date



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

Section Number

813

Page Number

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Board of Correction Approval Date:

12/17/92

Supersedes:

AR 813

Dated:

1/21/92

Attorney General  
Review Date:

12/17/92

Date Filed  
Secy. of State:

12/18/92

SUBJECT: Temporary Release - Emergency Furlough

**FILED**

DEC 18 1992

I. AUTHORITY:

W. J. "BILL" McCUEN

SECRETARY OF STATE

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, 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.
- 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 and/or death of a member of the inmate's immediate family.



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The warden/center supervisor may determine it appropriate that up to two emergency furloughs 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.

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 four 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 an active 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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