

ARKANSAS REGISTER

Proposed Rule Cover Sheet



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Name of Department _____

Agency or Division Name _____

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

Contact Person _____

Contact E-mail _____

Contact Phone _____

Name of Rule _____

Newspaper Name _____

Date of Publishing _____

Final Date for Public Comment _____

Location and Time of Public Meeting _____



ARKANSAS DEPARTMENT OF CORRECTIONS
Division of Correction – Director's Office

6814 Princeton Pike
Pine Bluff, Arkansas 71602
Phone: (870) 267-6200 | Fax: (870) 267-6244

EXECUTIVE SUMMARY

SUBJECT: AR 2.2 Best Practices Fund

NUMBER: DCC AR 2.2

EXPLANATION OF CHANGES:

Act 249 of 2019 repealed the Best Practices Fund referenced in Administrative Rule 2.2, therefore, the rule is no longer necessary. This repeal is without financial impact on the agency.



ADMINISTRATIVE REGULATION
STATE OF ARKANSAS
BOARD OF CORRECTIONS

Section Number:

~~DCC AR 2.2~~

Page Number:

1

Board Approval Date:

~~09/09/11~~

Supersedes:

~~None~~

Dated:

~~N/A~~

Reference:

Effective Date:

~~9/30/2011~~

~~SUBJECT: Best Practices Fund~~

~~I. AUTHORITY.~~ The Board of Corrections is vested with the authority to promulgate this administrative regulation by Ark. Code Ann. §§ 12-27-105, 16-93-1203 and 16-93-1205.

~~II. POLICY.~~ It shall be Department of Community Correction (DCC) policy to adhere to State laws, Department of Finance and Administration rules and regulations, and general accounting procedures that govern the collection and disbursement of the Best Practice Fund (BPF). The DCC Director shall ensure the proper recording and tracking of collections and disbursements.

~~III. APPLICABILITY.~~ This policy applies to DCC staff.

~~IV. DEFINITIONS.~~

~~A. Evidence-based Practices.~~ Policies, procedures and practices proven through research to reliably reduce recidivism.

~~B. Recidivism.~~ Return to incarceration in an Arkansas Department of Correction (ADC) or DCC correctional facility other than a DCC technical violator program within a three-year period.

~~V. GUIDELINES.~~

~~A. Community Supervision Fee.~~ An offender on probation, parole or transfer status under supervision of the DCC shall pay to the department a \$35 monthly community supervision fee, \$10 of which will be credited to the Best Practices Fund.

~~B. Best Practices Fund.~~ The Director shall ensure the expenditures from the Best Practices Fund are used to establish and maintain programs and services that implement practices proven to reduce the risk of repeat offense or recidivism, or improve or enhance services, including but not limited to programs that address offender treatment needs, operational enhancements designed to effectively and efficiently monitor and provide services, and IT projects to enhance and analyze offender data. Procedures concerning the BPF shall be established to ensure the following:

- ~~1. No less than seventy five percent (75%) of the funds are used by the DCC for direct Services to the offender population it supervises that have been proven, through research, to reduce recidivism among the offender population served.~~**



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2

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09/09/11

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None

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N/A

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SUBJECT: ~~Best Practices Fund~~

- ~~2. No more than 25% of the funds may be used at the discretion of the DCC Director to enhance existing and/or new programs and/or services meeting the principles and goals outlined in this policy, of which no more than 10% can be used to train staff managing the offender population in evidence-based practices. Prior to funding, a program or service must be reviewed and approved by the DCC Director. Funding is based upon evidence of reduced risk of repeat offenses or recidivism.~~
- ~~3. The direct services may be provided by the DCC, and community-based vendors meeting these criteria and serving offenders supervised by DCC.~~
- ~~4. Programs funded by the Best Practices Fund, whether provided by the DCC, another state agency or contracted private vendor, shall be evidence-based or services assessed as needs with the overall program direction meeting the following criteria:~~
 - ~~a. Principles. Commitment to use validated assessment tools where applicable and be characterized in the proposed provision of treatment and/or services by the following principles of evidence-based practices:~~
 - ~~1) Risk/need — assess actuarial risk;~~
 - ~~2) Enhance internal motivation;~~
 - ~~3) Target intervention;~~
 - ~~4) Skill training with directed practice;~~
 - ~~5) Increase positive reinforcement;~~
 - ~~6) Engage in on-going support in the community~~
 - ~~7) Measure relevant practices; and~~
 - ~~8) Provide measurement feedback.~~
 - ~~b. Goal. The primary program goal shall be to realize an overall effect of reduced recidivism. The program or service will address stabilization or survival needs (e.g., mental health issues, housing, employment, education, detoxification, medical/health issues, transportation, and identification), and/or one or more of the criminogenic risk factors (e.g., substance abuse, antisocial attitudes and values, peers and personalities, low self-control, dysfunctional family relationships).~~
- ~~C.A. Evaluation. Funded programs will be objectively evaluated to determine and/or prove reductions in recidivism.~~

QUESTIONNAIRE FOR FILING PROPOSED RULES WITH THE
ARKANSAS LEGISLATIVE COUNCIL

DEPARTMENT/AGENCY Arkansas Department of Corrections
DIVISION Division of Community Correction
DIVISION DIRECTOR Jerry Bradshaw
CONTACT PERSON Carma Gardner
ADDRESS 1302 Pike Avenue; Suite B; North Little Rock, AR 72114
PHONE NO. 501-683-0496 **FAX NO.** 501-682-9513 **E-MAIL** Carma.Gardner@arkansas.gov
NAME OF PRESENTER AT COMMITTEE MEETING Lindsay Wallace
PRESENTER E-MAIL Lindsay.Wallace@Arkansas.gov

INSTRUCTIONS

- A. Please make copies of this form for future use.
B. Please answer each question **completely** using layman terms. You may use additional sheets, if necessary.
C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Jessica C. Sutton
Administrative Rules Review Section
Arkansas Legislative Council
Bureau of Legislative Research
One Capitol Mall, 5th Floor
Little Rock, AR 72201

1. What is the short title of this rule? Best Practices Fund

2. What is the subject of the proposed rule? Processing collection and dissemination of funds earmarked for criminal justice projects considered to be "best practices"

3. Is this rule required to comply with a federal statute, rule, or regulation? Yes ☐ No ☒
If yes, please provide the federal rule, regulation, and/or statute citation. _____

4. Was this rule filed under the emergency provisions of the Administrative Procedure Act? Yes ☐ No ☒
If yes, what is the effective date of the emergency rule? _____

When does the emergency rule expire? _____

Will this emergency rule be promulgated under the permanent provisions of the Administrative

Procedure Act? Yes ☐ No ☐

5. Is this a new rule? Yes ☐ No ☒
If yes, please provide a brief summary explaining the rule. _____

Does this repeal an existing rule? Yes ☒ No ☐

If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does. _____

Is this an amendment to an existing rule? Yes ☐ No ☒

If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. **Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."**

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation. The Board of Corrections is vested with the authority to promulgate rules by Arkansas Code sections 12-27-105, 16-93-1203, 16-93-1205.
7. What is the purpose of this proposed rule? Why is it necessary? Act 249 of 2019 repealed the Best Practices Fund referenced in the administrative rule, therefore the rule is no longer necessary.
8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b). DOC.Arkansas.gov
9. Will a public hearing be held on this proposed rule? Yes ☐ No ☒
If yes, please complete the following:
Date: _____
Time: _____
Place: _____
10. When does the public comment period expire for permanent promulgation? (Must provide a date.)
June 10, 2021
11. What is the proposed effective date of this proposed rule? (Must provide a date.)
TBD
12. **Please provide a copy of the notice** required under Ark. Code Ann. § 25-15-204(a), and proof of the publication of said notice. Attached
13. **Please provide proof of filing the rule with the Secretary of State** as required pursuant to Ark. Code Ann. § 25-15-204(e). Attached
14. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known. None

(b) What is the additional cost of the state rule?

Current Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

Current Fiscal Year

\$ None _____

Next Fiscal Year

\$ None _____

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

\$ None _____

Next Fiscal Year

\$ None _____

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes ☐ No ☒

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
(2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
(3) a description of the factual evidence that:
(a) justifies the agency's need for the proposed rule; and
(b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;

- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;

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- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
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- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
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- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
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- (a) the rule is achieving the statutory objectives;
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- (b) the benefits of the rule continue to justify its costs; and
-
- (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.
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