

# ARKANSAS REGISTER

## Transmittal Sheet

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For Office

Use Only:

Effective Date \_\_\_\_\_ Code Number \_\_\_\_\_

Name of Agency Arkansas Department of Corrections

Department Secretary's Office

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Statutory Authority for Promulgating Rules A.C.A. 12-27-127

Rule Title: Administrative Transfer

### Intended Effective Date

(Check One)

☐ Emergency (ACA 25-15-204)

☒ 10 Days After Filing (ACA 25-15-204)

☐ Other \_\_\_\_\_  
(Must be more than 10 days after filing date.)

Legal Notice Published .....

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Adopted by State Agency .....

Date

12/31/2021

02/04/2022

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02/24/2022

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Lindsay Wallace

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02/22/2022

Contact Person

E-mail Address

Date

### CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted  
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

Signature

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Secretary of Corrections

Title

02/24/2022

Date

 <div style="text-align: center;"> <b>ADMINISTRATIVE RULE</b>  <b>STATE OF ARKANSAS</b>  <b>BOARD OF CORRECTIONS</b> </div>	<b>Section Number:</b> ADC 805 / ACC 9.0	<b>Page Number:</b> 1 of 3
	<b>Board Approval Date:</b> 2/24/2022	
	<b>Supersedes:</b> New	<b>Dated:</b> 2/24/2022
	<b>Reference:</b> A.C.A. § 12-27-127	<b>Effective Date:</b> 3/7/2022
<b>SUBJECT:</b> Administrative Transfer		

**I. AUTHORITY:**

The authority to promulgate this rule is vested in Act 423 of 2017, Regular Session, and Act 55 of 2021, Regular Session [A.C.A. § 12-27-127].

**II. PURPOSE:**

To establish criteria for the administrative transfer of individuals from the Division of Correction to a Community Correction Center operated by the Division of Community Correction.

**III. APPLICABILITY:**

Employees of the Divisions of Correction and Community Correction.

**IV. DEFINITIONS:**

- A. Community Correction Center: a minimum or medium security, alcohol and drug treatment facility operated by the Division of Community Correction.
- B. eOMIS: the electronic Offender Management Information System, or its successor.
- C. Inmate: a person sentenced to a term of incarceration in the Division of Correction.
- D. Target Offense: an offense that falls into the “Target Group” as defined by A.C.A. § 16-93-1202 (10).

**V. POLICY:**

It shall be the policy of the Board of Corrections to transfer eligible Inmates from the Division of Correction (ADC) to a Community Correction Center (CCC) operated by the Division of Community Correction (ACC).

**VI. PROCEDURES:****A. Authorization for Administrative Transfer.**

Pursuant to A.C.A. § 12-27-127, the Division of Correction is authorized to administratively transfer a statutorily eligible Inmate to a Community Correction Center if the Inmate is eligible for placement, unless the court indicates on the Sentencing Order that the Inmate is not authorized for administrative transfer.

**B. Eligibility for Administrative Transfer.**

1. An Inmate is eligible for administrative transfer to a CCC if:
  - a. The Inmate is sentenced to a term within the statutory parameters;
  - b. The Inmate's current convictions are comprised of Target Offenses;
  - c. The Inmate does not have a history of violent or sexual offenses;
  - d. The Inmate does not have a disciplinary history that disqualifies him or her from placement in a CCC; and
  - e. The Sentencing Order does not prohibit administrative transfer.
2. ACC shall maintain a list of criminal offenses and designate each as either: (1) a Target Offense, (2) not a Target Offense, or (3) a Potential Target Offense.
3. However, the ACC Director retains discretion over admittance of an Inmate into a Community Corrections Center and may exclude an Inmate who is otherwise eligible for reasons including, but not limited to:
  - a. facts of the current case,
  - b. disciplinary status while incarcerated, or
  - c. behavior while on a current or previous term of supervision.

**C. Screening Procedures.**

1. All Sentencing Orders assigning the defendant to the ADC will be reviewed for CCC eligibility by ADC Central Records.
2. If the Sentencing Order does not authorize administrative transfer, the Inmate will not be administratively transferred. The Inmate will be designated as not authorized in eOMIS and the ADC intake process will begin.
3. If the Sentencing Order does authorize administrative transfer, ADC Central Records will make a preliminary eligibility determination based on the following:
  - a. First, if the total time to serve on all offenses is outside the statutory guidelines for programming and a judicial transfer sentence, the Inmate is determined to be ineligible for administrative transfer to a CCC.
  - b. Second, if any of the offenses on the current Sentencing Order are designated as not a target offense by the Division of Community Correction, the Inmate is determined to be ineligible for administrative transfer to a CCC.
4. For Inmates determined to be ineligible during the preliminary eligibility determination, ADC Central Records will notate the reason that the Inmate is ineligible for administrative transfer in eOMIS and begin the ADC intake process.

5. ADC Central Records will forward Sentencing Orders for Inmates who are determined to be preliminarily eligible for administrative transfer to ACC Central Records for eligibility screening.
6. ACC Central Records will screen the Inmate and make a final determination on eligibility for placement in a Community Corrections Center.
  - a. The screening conducted by ACC Central Records will cover, at a minimum:
    - i. Inmate's current offenses
    - ii. Inmate's criminal history
    - iii. Inmate's history of discipline while incarcerated
    - iv. Inmate's violation history while under supervision
  - b. After conducting the screening, ACC Central Records will designate the Inmate as either (1) Eligible for Placement or (2) Ineligible for Placement in eOMIS.
  - c. If the Inmate is determined to be ineligible for placement, ACC Central Records will notate why the Inmate is ineligible in eOMIS and remit the record back to ADC Central Records.
  - d. If the Inmate is determined to be eligible for placement, ACC Central Records will determine if the Inmate is appropriate for placement in a CCC.
7. When analyzing whether an Inmate is suitable for placement in a CCC, ACC Central Records will consider the criminogenic, mental health, and substance abuse treatment needs of the Inmate.
  - a. If the Inmate is determined to be not suitable for placement, ACC Central Records will notate why the Inmate is not suitable for placement in eOMIS and remit the record back to ADC Central Records.
  - b. If the Inmate is determined to be suitable for placement, ACC Central Records will begin the ACC intake process for the Inmate.

## **VII. IMPLEMENTATION:**

- A. The Secretary or appropriate Division Director may issue directives to implement the guidance contained within this Rule.
- B. Implementation of this rule may be delayed until any necessary directives are issued and any required programming changes to eOMIS have been completed.

## **VIII. A.C.A. REFERENCES:**

A.C.A. § 12-27-127

A.C.A. § 16-93-1202