

ARKANSAS REGISTER

Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



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For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency _____

Department _____

Contact _____ E-mail _____ Phone _____

Statutory Authority for Promulgating Rules _____

Rule Title: _____

Intended Effective Date

(Check One)

Date

☐

Emergency (ACA 25-15-204)

Legal Notice Published _____

☐

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

Final Date for Public Comment _____

☐

Other _____

(Must be more than 10 days after filing date.)

Reviewed by Legislative Council _____

Adopted by State Agency _____

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

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.)

 by LW
Signature

Phone Number

E-mail Address

Title

Date



ADMINISTRATIVE RULE
STATE OF ARKANSAS
BOARD OF CORRECTIONS

Section Number:
ADC 806/ACC 9.1

Page Number:
1 of 2

Board Approval Date:
7/22/2022

Supersedes:
n/a

Dated:
7/22/2022

Reference:
A.C.A. § 9-28-217(a)

Effective Date:
8/1/2022

SUBJECT:

Extended Juvenile Jurisdiction Transfers and Confidential Juvenile Records

I. AUTHORITY:

The authority to promulgate this rule is vested in Act 187 of 2021, Regular Session [A.C.A. § 9-28-217(a)].

II. PURPOSE:

To establish criteria for the Department of Corrections (DOC) to access confidential records for the purpose of creating risk assessments, treatment plans, classification plans, or supervision plans for each juvenile who has been sentenced pursuant to Extended Juvenile Jurisdiction (EJJ) and comes under the supervision or enters the custody of the Department of Corrections as an adult from the Division of Youth Services.

III. APPLICABILITY:

Employees of the Divisions of Correction and Community Correction.

IV. DEFINITIONS:

- A. Custody: immediate charge and physical control of an individual committed by an order of a circuit or juvenile court of the State of Arkansas to the Department of Corrections.
- B. Extended Juvenile Jurisdiction (EJJ) Offender: a juvenile designated to be subject to juvenile disposition and an adult sentence imposed by the court pursuant to A.C.A. § 9-27-303.
- C. Juvenile Records: reports, correspondence, memoranda, case histories, or other material that personally identifies a juvenile, including protected health information, compiled, or received by a juvenile detention facility, a community-based provider for the Division of Youth Services, or the Division of Youth Services (DYS). Records include, but are not limited to, the following:
 - 1. psychological evaluations,
 - 2. psychiatric evaluations,
 - 3. education records,
 - 4. medication records,
 - 5. program treatment notes,
 - 6. disciplinary records,
 - 7. Prison Rape Elimination Act (PREA) related records, and
 - 8. conviction records for sexual or violent crimes committed as a juvenile.

V. POLICY:

- A. It shall be the policy of the Board of Corrections to safeguard any Juvenile Records from disclosure to unauthorized individuals while developing appropriate risk assessment, treatment, classification, and supervision plans for an offender.
- B. Upon notification by DYS that a juvenile offender who has been sentenced pursuant to EJJ will be transferred into the custody of or come under the supervision of the DOC as an adult, the Department is authorized to utilize Juvenile Records to establish appropriate risk level, or treatment, custody and supervision plans for the offender.

VI. PROCEDURES:

- A. DYS shall notify the DOC in writing of the impending transfer of any EJJ Offender being transferred into the custody of or under the supervision of the Department as an adult.
- B. The DOC Chief Counsel shall serve as the Secretary of Corrections' designated contact for notification by DYS.
- C. Upon receipt of written notification of impending transfer, the DOC Chief Counsel will coordinate with DYS to facilitate a transfer of Juvenile Records pertaining to the offender.
- D. The DOC Chief Counsel shall notify the Secretary of Corrections and appropriate Division Director of the impending transfer of an EJJ Offender.
- E. The DOC Chief Counsel or designee shall serve as the custodian of any Juvenile Records received pursuant to this Rule and is responsible for ensuring that Juvenile Records are accessed only by those who require access in order to develop appropriate risk assessment, treatment, classification, or supervision plans for offenders.

VII. IMPLEMENTATION:

- A. The Secretary of Corrections may issue directives to implement the guidance contained within this Rule. Directives issued pursuant to this rule must be reviewed by the Board of Corrections prior to issuance.
- B. Implementation of this rule may be delayed by the Secretary of Corrections until any necessary directives are issued and any required programming changes to the electronic Offender Management Information System (eOMIS) have been completed.