


## MARKUP

	<b>ADMINISTRATIVE REGULATION</b>  <b>STATE OF ARKANSAS</b>  <b>BOARD OF CORRECTIONS</b>	<b>Section Number:</b> <b>AR 1.1</b>	<b>Page Number:</b> <b>1</b>
		<b>Board Approval Date:</b> <b>5/18/95 ??/??/????</b>	
		<b>Supersedes:</b> <b>N/AAR 1.1</b>	<b>Dated:</b> <b>6/30/95</b>
		<b>Reference:</b> <b>159</b>	<b>Effective Date:</b> <b>6/30/95</b>
<b>SUBJECT: POLICY AND PROCEDURE DEVELOPMENT</b>			

DRAFT as of 5/15/2015 Printed: 6/19/2015

1 **I. AUTHORITY.** The Board of Corrections is vested with the authority to promulgate this  
2 Administrative Regulation by Acts 548 and 549 of 1993 (Ark. Code Ann. §§ Arkansas law  
3 sections 12-27-105 and, 16-93-1203 (Michie Supp. 1993) and 16-93-1205.

4  
5 **II. APPLICABILITY.** This policy applies to employees of the Department of Arkansas  
6 Community Correction (DCC) ACC employees and agents. Agents are volunteers,  
7 interns, contractors, and vendors. .

8  
9 **III. POLICY.** A manual of policies ACC will produce and maintain sufficient policy and  
10 procedure to guide staff, agents, offenders and where appropriate, visitors.

#### 11 IV. GUIDANCE.

12  
13  
14 Written policy and procedures shall be developed and maintained. The DCC shall  
15 recommend are essential to the operations, management and review of Arkansas  
16 Community Correction. All ACC policy must meet state and federal laws, Board of  
17 Corrections Corrections' guidance and legislative requirements.


18  
19 **A. Administrative Regulations** necessary to guide the operations of the DCC within the  
20 constraints of applicable laws, mandates and other guidelines. DCC directives and  
21 memoranda required for lawful, safe, orderly and responsible operations and  
22 consistent with policy expressed in Board of Corrections.

23  
24 Administrative Regulations shall be developed and distributed to express DCC  
25 philosophy, goals and operational procedures.

#### 26 IV. DEFINITIONS.

27  
28  
29 **A. Policy.** Principles that guide daily activities toward meeting the Department of  
30 Community Correction's mission.

31  
32 **B. Procedures.** Detailed and sequential actions to implement policy. They are a  
33 method of performing an operation or a manner of proceeding on a course of action.  
34 Procedures differ from policy in that they direct action to perform a specific task  
35 within the guidelines of policy.

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~~C. Administrative Regulation (ARs).~~ are official statements of general ~~policy~~ which applicability that guide the ~~DCC.~~ ~~ARs~~ agency. Administrative Regulations are reviewed the agency's rules and must be promulgated according to the Arkansas Administrative Procedures Act.

~~Administrative Regulations must be~~ approved by the Board of Corrections, ~~the~~ Governor's Office pursuant to Executive Order 15-02, and ~~filed in accordance with~~ Ark. Code Ann. § 10-3-309 and Ark. Code Ann. §§ 25-15-201 through 25-15-214 ~~the~~ Arkansas Legislative Council prior to implementation.

~~D.~~ **B. Administrative Directives (ADs).**

~~Administrative Directives are~~ official statements ~~by the Director which provide DCC~~ philosophy, goals and operational procedures and are based on for internal agency management that explain Administrative Regulations, laws and other departmental guidance policies and set specific procedures for their implementation. Administrative Directives must be approved by the ACC Director.


~~E.~~

**C. Administrative Memoranda (AMs).**

~~Administrative Memoranda are~~ official statements ~~of a Deputy or Assistant Director~~ providing specifying procedures for applying an Administrative Regulation or Directive, a law or policy to a particular area of ~~the DCC.~~ ~~AMs are consistent with ARs and ADs~~ operation. An Administrative Memorandum may also be issued to establish day-to-day operational procedures not specifically covered by Administrative Regulations, law or policy. The Director, Chief Deputy Director, Deputy Director or Assistant Director responsible for operation of that area must approve or author the Administrative Memorandum.


~~F. Training.~~ Organized, planned and evaluated activity designed to achieve mastery of skills and tasks. Training is a means of teaching the intent of policies and procedures as they apply to various situations and circumstances.

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- ~~V. EXPLANATION. A thoughtful, comprehensive and well written DCC policy manual will serve as a management tool to promote professionalism, efficiency and consistency. It will serve as a source for development of staff training programs, introduce new ideas and practices and may be a basis for measurement of staff performance. Administrative Regulations will follow the format shown on page 4.~~
- ~~A. Recommended ARs shall be presented to the Board of Corrections for approval.~~
- ~~B. Administrative Regulations, Directives and Memoranda shall be reviewed annually for continued compliance with laws, guidelines, directives and efficient operations of the DCC.~~
- ~~C. Administrative Regulations, Directives and Memoranda shall be distributed appropriately within the DCC and persons on the distribution list shall maintain a current manual available to employees.~~
- ~~D. Review and Publication~~
- ~~1. Administrative Regulations and Administrative Directives applicable to residents shall must be reviewed annually.~~
- ~~2. Current Administrative Regulations and Administrative Directives must be published on the agency's internal and external websites.~~
- ~~3. The agency must submit a quarterly report to the Board of Corrections containing all new and revised Administrative Directives and Administrative Memoranda issued during the previous quarter. The report will be identified by an appropriate index and maintained in residential center Libraries forwarded to the Arkansas Legislative Council for review.~~
- ~~E. Approved policies will be filed by DCC as required by guidance in paragraph IV.C above.~~
- ~~F. Appropriate pre-service and in-service training to facilitate employee understanding of policy and procedures shall be conducted.~~

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- ~~VI. References. Blacks Law Dictionary 1157 (6th ed. 1990), American Correctional Association, Guidelines for the Development of Policies and Procedures, Adult Probation and Parole Field Services and Adult Parole Authorities, June 1981.~~
- ~~VII. Standards. American Correctional Association standards 2-2009 through 2-2012, 2-2016, 2-3003, 2-3009, 2-3011, 2-3014 and 2-3015.~~

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### SAMPLE ADMINISTRATIVE REGULATION FORMAT

#### I. AUTHORITY.

#### II. APPLICABILITY.

#### III. POLICY.

#### ~~IV. PURPOSE. (Optional)~~

#### ~~V. DEFINITIONS. (When Needed)~~

#### ~~VI. EXPLANATION OR PROCEDURES. (When Needed)~~

#### VII. ~~(OTHER RELEVANT CATEGORIES WHEN APPROPRIATE. (When Needed)~~

#### VIII. REFERENCES. (When ~~appropriate~~ Needed)

#### IX. STANDARDS. (When ~~appropriate~~ Needed)

**QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS**  
**WITH THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE**

**DEPARTMENT/AGENCY** Arkansas Community Correction  
**DIVISION** Communications and Public Affairs  
**DIVISION DIRECTOR** Dina Tyler  
**CONTACT PERSON** Russ Carter  
**ADDRESS** 105 West Capitol Ave, 3<sup>rd</sup> Floor; Little Rock, AR 72201-5731  
**PHONE NO.** 501-682-9572 **FAX NO.** 501-682-9513 **E-MAIL** Russ.Carter@Arkansas.gov  
**NAME OF PRESENTER AT COMMITTEE MEETING** Dina Tyler  
**PRESENTER E-MAIL** Dina.Tyler@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:

**Donna K. Davis**  
**Administrative Rules Review Section**  
**Arkansas Legislative Council**  
**Bureau of Legislative Research**  
**One Capitol Mall, 5<sup>th</sup> Floor**  
**Little Rock, AR 72201**

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1. What is the short title of this rule? Policy and Procedure Development AR
2. What is the subject of the proposed rule? Policy and procedure for Arkansas Community Correction
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 regulation. \_\_\_\_\_

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 law sections 12-27-105, 16-93-211, 16-93-1203, 16-93-1205

7. What is the purpose of this proposed rule? Why is it necessary? This rule exists to inform agency staff of the nature of various policy formats; to establish requirements for policy review and publication; and to require staff to send a quarterly report to the Board of Corrections for forwarding to the Legislative Council. The rule is needed to facilitate staff understanding of agency policy and to facilitate staff compliance with law.

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). Prior to adoption: [www.sos.arkansas.gov/rulesRegs](http://www.sos.arkansas.gov/rulesRegs). After adoption: [www.dcc.arkansas.gov](http://www.dcc.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.)

July 15, 2015

11. What is the proposed effective date of this proposed rule? (Must provide a date.)

August 15, 2015

12. Do you expect this rule to be controversial? Yes ☐ No ☒

If yes, please  
explain.

\_\_\_\_\_

13. 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 known.

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## FINANCIAL IMPACT STATEMENT

### PLEASE ANSWER ALL QUESTIONS COMPLETELY

**DEPARTMENT**     Arkansas Community Correction  
**DIVISION**        Communications and Public Affairs  
**PERSON COMPLETING THIS STATEMENT**   Dina Tyler  
**TELEPHONE NO.**   870-550-5210   **FAX NO.**   501-682-9513   **EMAIL:**   Dina.Tyler@Arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

**SHORT TITLE OF THIS RULE**   Policy and Procedure Development AR

1. Does this proposed, amended, or repealed rule have a financial impact?     Yes ☒     No ☐
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?     Yes ☒     No ☐
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered?     Yes ☒     No ☐

If an agency is proposing a more costly rule, please state the following:

- (a) How the additional benefits of the more costly rule justify its additional cost;

\_\_\_\_\_

- (b) The reason for adoption of the more costly rule;

\_\_\_\_\_

- (c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and;

\_\_\_\_\_

- (d) Whether the reason is within the scope of the agency's statutory authority; and if so, please explain.

\_\_\_\_\_

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

- (a) What is the cost to implement the federal rule or regulation?

**Current Fiscal Year**

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

**Next Fiscal Year**

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

Total \_\_\_\_\_

Total \_\_\_\_\_

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

**Current Fiscal Year**

**Next Fiscal Year**

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_

Total \_\_\_\_\_

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**

\$ n/a

**Next Fiscal Year**

\$ n/a

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**

\$ \$2,750.

**Next Fiscal Year**

\$ \$3,800.

State employees spend time learning and implementing this policy to include time spent preparing and processing policies and reports pursuant to this policy.

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;
- (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;
- (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
- (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:
  - (a) the rule is achieving the statutory objectives;
  - (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.