

	<b>ADMINISTRATIVE REGULATION</b>  <b>STATE OF ARKANSAS</b>  <b>BOARD OF CORRECTIONS</b>	Section Number: <b>AR</b>	Page Number: <b>1</b>
		Board Approval Date:	
		Supersedes: <b>None</b>	Dated: <b>n/a</b>
		Reference: Secretary of State Rule Code 159.00	Effective Date:
<b>SUBJECT: REENTRY FACILITY PROGRAM</b>			

**I. AUTHORITY.** The Board of Corrections is vested with the authority to promulgate this administrative regulation by Arkansas law sections 12-27-105, 16-93-1203, 16-93-1205, 12-27-127 and 12-29-112.

**II. APPLICABILITY.** This policy applies to Arkansas Community Correction (ACC) employees and agents, Arkansas Department of Correction (ADC) employees and agents, inmates, applicants for and recipients of a Reentry Facility license, owners, operators, volunteers, and staff members of licensed Reentry Housing Facilities. Agents include volunteers, interns, contractors, and vendors.

**III. POLICY.** It is ACC policy that reentry facilities and programs meet or exceed licensing requirements to ensure a structured, positive, affordable, and safe environment for reentry inmates.

**IV. REENTRY FACILITY PROGRAMS.**

A reentry facility program provides housing and programming for one or more inmates who have been transferred from ADC to ACC for the purpose of reentry programming. An inmate's home or the residence of an inmate's family member must not be considered a reentry facility for purposes of this regulation.

A company or individual may contract with ACC to provide reentry services by processing a "Request for Qualifications," which is supplied by the Arkansas Office of State Procurement. This contract allows a licensed Reentry Facility to bill the state for limited reimbursement for housing and programming provided for assigned inmates at the facility.

Reentry facility programs must be designed and operated to achieve these goals:

- provide public safety
- reduce recidivism
- encourage employment
- provide treatment
- transition inmates into permanent housing, and
- maintain the principles of evidence based practices.

An ACC Reentry Officer will be assigned as a liaison between a licensed Reentry Facility and ACC. This officer's duties include, but are not limited to, an indirect caseload, reentry site visits, and security issues.

The ACC Reentry Housing Coordinator will:

- monitor Reentry Facilities for compliance of policy, procedure, practice and contract stipulations
- monitor inmate placement in facilities
- lead the License Review Teams
- report concerns and violations to the proper authority, and
- serve as the liaison between the facility and ACC for compliance issues.

#### **V. LICENSING.**

Licensing Authority. ACC is the authority for licensing Reentry programs and/or facilities. ACC must ensure the development and implementation of the necessary applications, forms, procedures and processes for obtaining sufficient information to make licensure, programming, and renewal decisions consistent with the requirements established by this regulation.

#### **VI. SANCTIONS.**

Procedures will be developed to respond to any issues of facility non-compliance.

#### **VII. FINANCIAL REQUIREMENTS.**

Financial remuneration amounts are contracted and based on program phases.

#### **VIII. TRANSFER OF INMATES FROM ADC.**

The criteria for the selection of inmates and the process for their transfer from ADC to ACC for reentry programming must be outlined in an Administrative Directive.

**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? Reentry Facility Program AR
2. What is the subject of the proposed rule? Licensing and operation of reentry facilities for the purpose of helping released inmates successfully transition to a law-abiding lifestyle in the community.
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. This policy describes reentry facilities and programs to include licensing in an effort to ensure a structured, positive, affordable, and safe reentry environment for inmates who are transitioning from prison into a community.

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, 12-29-112.

7. What is the purpose of this proposed rule? Why is it necessary? This Board of Corrections rule exists to direct Arkansas Community Correction staff and agents to develop, license, and operate successful reentry facilities and programs. The rule is needed to focus efforts on elements of reentry considered appropriate for a succesful reentry of inmates into the community.

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. After adoption: 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** Reentry Facility Program 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;  
The offenders who occupy these beds will be transferred out of the Department of Correction. The reentry beds will cost less than half of the costs of ADC beds.
- (b) The reason for adoption of the more costly rule;  
This is a new program. Reentry beds were authorized by the 2015 General Assembly.
- (c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and;  
The beds are designed to lower recidivism, which will help slow prison growth.
- (d) Whether the reason is within the scope of the agency's statutory authority; and if so, please explain.  
Yes, reentry beds were authorized by Acts 1190 and 146 of 2015.

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**

\$ 0.00

**Next Fiscal Year**

\$ \$5.58 million

Businesses and organizations will contract with ACC for 500 reentry center beds. ACC will pay them a contracted amount per bed per day. The FY16 budget includes \$5.58 million from set-aside funds for reentry beds.

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**

\$ 0.00

**Next Fiscal Year**

\$ \$5.58 million

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.