

**Title 12. Law Enforcement, Emergency Management, and Military Affairs**  
**Chapter VIII. Office of Criminal Detention Facilities Review Coordinator,**  
**Arkansas Commission on Law Enforcement Standards and Training,**  
**Department of Public Safety**  
**Subchapter A. Generally**  
**Part 50. Minimum Standards for Adult Criminal Detention Facilities**

**Codification Notes.** Acts 2023, No. 306, § 1 provided:

"Cabinet-level department transfer of criminal detention facility review committees and Office of Criminal Detention Facilities Review Coordinator from Department of Corrections to Department of Public Safety.

(a) The criminal detention facility review committees and the Office of Criminal Detention Facilities Review Coordinator are transferred by a cabinet-level department transfer under § 25-43-101 et. seq. from the Department of Corrections to the Department of Public Safety.

(b) The administrative functions of the criminal detention facility review committees and the Office of Criminal Detention Facilities Review Coordinator are transferred by a cabinet-level department transfer under § 25-43-1402 from the Department of Corrections to the Department of Public Safety.

(c) The statutory authority, powers, duties, functions, records, personnel, property, contracts, and unexpended balances of appropriations, allocations, or other funds, including the functions of budgeting or purchasing of the criminal detention facility review committees and the Office of Criminal Detention Facilities Review Coordinator, are transferred to the Department of Public Safety.

(d)(1) The transfer of the criminal detention facility review committees and the Office of Criminal Detention Facilities Review Coordinator does not affect the orders, rules, regulations, directives, or standards made or promulgated by the criminal detention facility review committees and the Office of Criminal Detention Facilities Review Coordinator before the effective date of this act.

(2) The orders, rules, regulations, directives, or standards under subdivision (d)(1) of this section shall continue with full force and effect until amended or repealed under authority given by law.

(e) The members of the criminal detention facility review committees, and their successors, shall continue to be selected in the manner and serve for the terms provided by the statutes applicable to the criminal detention facility review committees.

(f) The Department of Corrections shall grant access to and provide all information requested by the Department of Public Safety to accomplish transfer of the criminal detention facility review committees and the Office of Criminal Detention Facilities Review Coordinator and the mission criminal detention facility review committees and the Office of Criminal Detention Facilities Review Coordinator."

This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"Chapter 1

Statutory Authority

The standards contained in this document are authorized pursuant to Arkansas Code Annotated Title 12, Chapter 26 (A.C.A. §§ 12-26-101 et seq.). The Office of Criminal Detention Facilities Review Coordinator and the Criminal Detention Facilities Review Committees shall operate as directed by Arkansas law and the Secretary of the Arkansas Department of Corrections. The Office and Review Committees shall adhere to all applicable laws and rules regarding record keeping, public meetings, the Arkansas Freedom of Information Act, and other state agency guidelines."

### **Subpart 1. Generally**

#### **12 CAR § 50-101. Definitions.**

(a) Throughout this part set forth herein, the following definitions shall apply:

(1)(A) "Book-in facility" means a facility used to hold detainees for a maximum

of four (4) hours for processing purposes only.

(B) "Book-in facilities" are subject to the exceptions provided in 12 CAR § 50-1702 but shall otherwise abide by this part;

(2) "Chief executive" means the elected or appointed person in whom rests the ultimate authority and responsibility for the administration and operation of this part, the care and confinement of detainees held therein, all facility personnel, and for determining the method of adherence to this part discussed herein unless specifically addressed otherwise;

(3) "Criminal detention facility" means any institution operated by a political subdivision or a combination of political subdivisions for the care, keeping, or rehabilitative needs of adult criminal offenders, including:

- (A) Regional jails;
- (B) County jails;
- (C) Municipal jails; and
- (D) Temporary holding units;

(4) "Detainee" means any person confined for any length of time within a criminal detention facility including, but not limited to, those persons charged with criminal violations who are awaiting trial and those persons being confined after conviction;

(5) "Full-service facility" means a criminal detention facility in which detainees may be held for more than twenty-four (24) hours;

(6) "Governing body" means the:

- (A) City council, board of directors, or comparable body for a city;
- (B) Town council, board of directors, or comparable body for a town;
- (C) Quorum court for a county; or
- (D) The governing state agency, i.e., Department of Corrections,

Department of Human Services;

(7)(A) "Health authority" means a licensed physician or other licensed healthcare professional.

(B) When this authority is other than a licensed physician, final medical

judgment rests with a single responsible physician who is licensed in Arkansas and who has been so designated by the chief executive;

(8)(A) "Holding cell" means a facility used only for the temporary confinement of persons who are awaiting appearance in judicial proceedings or who are awaiting transfer to another criminal detention facility.

(B) Holding cells are subject only to the requirements set forth within 12 CAR § 50-1703;

(9) "Licensed dietician" means a person licensed by the Arkansas Dietetics Licensing Board;

(10)(A) "Personnel" means any person or persons with the primary responsibility for supervision, keeping, and custody of detainees.

(B) For the purpose of this part, "personnel" does not include administrative staff who do not supervise detainees; and

(11)(A) "Twenty-four-hour/overnight facility" means any facility operated by a political subdivision or a combination of political subdivisions in which detainees may be incarcerated from time of intake up to twenty-four (24) hours.

(B) "Twenty-four-hour/overnight facilities" are subject to the exceptions provided in 12 CAR § 50-1701 but shall otherwise abide by this part.

(b) Use of the terms "he" and "him" within this part shall also mean "she" and "her".

(c) Use of the word "shall" within this part connotes a mandatory standard.

(d) Use of the word "should" within this part connotes a recommended standard.

**Authority.** Arkansas Code § 12-26-103.

## **Subpart 2. Administration**

### **12 CAR § 50-201. Administrator.**

(a)(1) The chief executive of each criminal detention facility shall designate an administrator to oversee the operation of the facility or shall assume that position

himself or herself.

(2) A person so designated shall be vested with the authority to control the operation of the facility and over all personnel employed by the facility.

(b) The administrator shall report directly to the chief executive regarding their duties overseeing the facility.

(c) The administrator may take any action necessary to implement this part included herein if authorized to do so by the chief executive.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-202. Involvement of chief executive.**

The chief executive shall be fully informed on all aspects of the criminal detention facility at all times and shall be knowledgeable of staff management procedures and detainee safety, security, and welfare.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-203. Written policies.**

(a) The chief executive shall prepare a written policy for all areas required by the applicable standards in this part.

(b) These policies shall be made available to all staff.

(c) Provisions should be made for two-way communication between all members of the staff, detainees, and members of the public to the extent deemed advisable by the chief executive, taking into consideration the necessity of preserving discipline among the detainees.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-204. Fiscal management.**

(a) The chief executive, or his or her designated administrator, shall be responsible

for total fiscal management of the funds so provided by the governing body.

(b) This responsibility includes budgeting for needed equipment, supplies, personnel, and related expenses necessary for complete jail management that conforms in every respect with this part, as well as applicable local, state, and federal law.

(c) The chief executive shall be responsible for submission of an all-encompassing budget to the appropriate governing body.

(d) The chief executive shall not be held responsible for failure of that approving authority to provide for sufficient personnel, equipment, supplies, and other necessary operating expenses.

**Authority.** Arkansas Code § 12-26-103.

### **Subpart 3. Personnel Standards**

#### **12 CAR § 50-301. Applicability.**

This subpart is applicable to all personnel employed in a criminal detention facility.

**Authority.** Arkansas Code § 12-26-103.

#### **12 CAR § 50-302. Minimum standards for personnel.**

(a)(1) When personnel are being hired, special inquiry shall be completed, giving special attention to the:

- (A) Details provided in the application;
- (B) Background investigation; and
- (C) Verbal responses to questioning of the applicant.

(2) The background investigation form required by the Arkansas Commission on Law Enforcement Standards and Training or its equivalent shall be used and kept on file in the facility.

(3) A high school education or equivalent shall be required of all new employees.

(4) The attributes of physical fitness, experience, demonstrated aptitude, and previous training should be the prevailing factors in the hiring process.

(5) Personnel shall be free of a felony conviction at the time of hire.

(6) Any record that has been sealed, expunged, or pardoned shall not be considered.

(b) Criminal detention facility personnel shall be at least eighteen (18) years of age on the date of hiring.

(c)(1) All new criminal detention facility personnel whose duties bring them into contact with detainees shall be required to meet any medical and psychological standards required by the commission.

(2) Evidence of each employee's ability to meet such standards shall be kept on file in the facility, subject to any applicable restrictions under state or federal law.

(d) Health examinations which meet the requirements of the Department of Health and local policy shall be required of all criminal detention facility personnel at the time of hiring.

(e)(1) All criminal detention facility personnel whose duties include the care and control of detainees shall successfully complete training equivalent to the basic jail course which is offered or approved by the Arkansas Law Enforcement Training Academy or the Division of Correction (for counties or cities participating in the Act 309 Program) within nine (9) months of being hired.

(2) The chief executive shall document in writing the attempts made to complete training if training cannot be completed within nine (9) months from the date of hire.

(3) Personnel may be granted extensions by the chief executive of no more than three (3) months at a time in order to complete the training.

(4)(A) Grounds for extensions shall be documented in the employee's training record.

(B) In no case shall training be deferred beyond two (2) years.

(5) Certified law enforcement officers and correctional officers within the Department of Corrections are exempt from the training requirement as long as the

chief executive certifies that the officer is knowledgeable of this part.

(6) The chief executive shall establish a written policy that provides that each employee shall work on a probationary status for a minimum of one (1) year from the date of hire.

(f)(1) The chief executive shall require all employees to complete sixteen (16) hours of continuing education per year.

(2) This continuing education may include annual training in the following:

(A) Suicide prevention;

(B) Sexual abuse/assault (Prison Rape Elimination Act of 2003);

(C) CPR/AED/first aid (in accordance with detention facility policy);

(D) Use of force and duty to intervene (in accordance with applicable law);

(E) General personnel policies; and

(F) Any training approved by the commission.

(3) A personnel file shall be maintained for each employee by the chief executive or the administrator of each criminal detention facility and the file shall include all data regarding the training and job qualifications of each person.

(4) The chief executive shall be responsible for budgeting for sufficient personnel.

(5) The governing body shall be held responsible for sufficient funding to carry all of the requirements contained in 12 CAR § 50-801(b) – (d).

(6) A lack of funds shall not be considered in mitigation because the safety and security of the facility and personnel therein rests to a great degree on this part.

(g)(1) The chief executive or administrator shall request, in writing, the assistance from the governing body of the county or municipality in order to address budgetary issues which prevent compliance with the personnel standards contained herein.

(2) If the request is denied, the chief executive or administrator shall promptly notify, in writing, the criminal detention facility review committee.

**Authority.** Arkansas Code § 12-26-103.

**Codification Notes.** The Prison Rape Elimination Act of 2003 is codified at 34 U.S.C. § 30301 et seq.

"CPR" means cardiopulmonary resuscitation.

"AED" means automated external defibrillator.

#### **Subpart 4. Rules of Conduct for Personnel**

##### **12 CAR § 50-401. Personnel orientation.**

(a) The chief executive or the administrator shall be responsible for ensuring that any employee charged with custody of a detainee is briefed on the care, treatment, custody, and control of detainees.

(b) Prior to assuming duties that require care and control of detainees, the employee shall be familiarized with the facility's written rules of conduct as published in the manual provided to all employees.

(c) Personnel shall acknowledge receipt of the manual.

**Authority.** Arkansas Code § 12-26-103.

##### **12 CAR § 50-402. Rules of conduct.**

(a) Basic rules of employee conduct and discipline shall be in writing and provided to each employee.

(b) The chief executive is responsible for the content of the rules of conduct, but at a minimum those rules shall cover the topics listed below:

(1) Each employee shall be responsible for knowing and complying with all rules of conduct;

(2)(A) There shall be clear grooming and attire standards for facility personnel.

(B) These standards shall:

(i) Ensure that employees present a neat, clean, professional appearance while on duty;

(ii) Establish procedures for the issuance and maintenance of uniforms as applicable; and

(iii) Promote safety for personnel and detainees;

(3)(A) All personnel must perform their duties in a professional manner.

(B) Personnel should not use profane or abusive language, nor abuse a detainee in any manner;

(4) All personnel who are qualified to use emergency equipment shall know the location of all such equipment and shall be fully trained and certified on the procedures for its use;

(5) If an emergency response team has been established within the facility by the chief executive, all personnel assigned to that squad will be fully trained for the prescribed duties within that squad and shall be expected to be fully familiar with all aspects of the operation;

(6) Personnel shall be constantly mindful of unusual conduct or incidents among detainees, visitors, contractors, or other personnel such as attempts to escape or smuggle contraband or other prohibited items into the facility;

(7)(A) For security purposes, personnel shall not discuss management and operations of the facility with anyone except co-workers and superiors.

(B) Such discussions shall be conducted in a discrete manner and outside of the presence of detainees and other unauthorized individuals;

(8)(A) Personnel shall not buy, sell, barter, or trade in any manner with detainees, family or friends of a detainee, or a representative of any of these persons.

(B) Personnel shall not accept gifts of any kind, regardless of value, from a detainee, family or friends of a detainee, or a representative of any of these persons.

(C) The chief executive may allow an exception for Act 309 Inmates in accordance with 12 CAR § 60-312;

(9)(A) Personnel shall remain neutral and not recommend a specific bondsman, attorney, or other services of this nature.

(B) Personnel shall have approved material from which a detainee may seek services and that material shall be made available to detainees or their attorneys on request;

(10)(A) Personnel shall use physical force against a detainee only as authorized by written agency policy.

(B) Personnel may use physical force against a detainee only to the extent that it is necessary:

(i) In self-defense, to prevent injury or death to himself or herself or another person;

(ii) To quell an inmate who might grievously harm or injure himself or herself;

(iii) To end a disturbance or to prevent:

(a) A riot;

(b) An escape; or

(c) Unauthorized entry;

(iv) To prevent destruction of public property; and

(v) To enforce a lawful command to which an inmate is reacting with physical resistance.

(C) Employees shall use a reasonable amount of force necessary to control the situation.

(D) Force shall never be used as a means of punishment; and

(11) Pursuant to the criminal detention facility's written policy, following an incident involving the use of force, all involved personnel shall provide a written report of all details to their direct supervisor who will disseminate and retain the report in accordance with the criminal detention facility's written policies and any applicable state law.

**Authority.** Arkansas Code § 12-26-103.

## **Subpart 5. Records, Commitments, and Receiving Procedures**

**12 CAR § 50-501. Receiving of detainee.**

The chief executive shall establish a written procedure for the acceptance of detainees into the criminal detention facility.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-502. Verification of detainment.**

The chief executive shall establish written procedures to ensure that all warrants, court orders of commitment, arrest reports, or other legal bases for confinement are checked for completeness to include an authorized signature and to identify the detainee as the subject in question as fully as circumstances permit.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-503. Jail log.**

(a) A jail log or other detention record that provides accurate facility intake and population records shall be kept and shall include all pertinent information on every detainee.

(b) This log should contain:

- (1) Relevant characteristic and demographic data on the detainee;
- (2) Time and date of arrest;
- (3) Time and date of confinement;
- (4) Time and date of release;
- (5) Reason for confinement;
- (6) Classification of offense (felony or misdemeanor);
- (7) Arresting or confining officers;
- (8) Warrant or commitment data; and
- (9) All other data common to such action.

(c) These records shall be retained by the facility for a period of time in accordance

with state law.

(d) Fingerprints, DNA samples, and photographs shall be taken and forwarded as required by applicable state and federal law including, without limitation, Arkansas Code § 12-12-104.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-504. Detainee information.**

(a) At intake, the following information shall be obtained and maintained within the facility.

(b) However, this information need not be obtained by the same facility more than once in any thirty-day period:

- (1) Previous criminal record;
- (2) Known domicile or domiciles, residence or residences, and other frequented locations;
- (3) Names and other identifying data of person or persons to be contacted in the event of an emergency;
- (4) Known or stated illnesses and allergies, including lists of prescribed medications or dietary restrictions, as applicable;
- (5) Names and identifying data of person or persons expected to visit or correspond with the detainee, including attorney or attorneys, clergy, or other professionals if the detainee freely provides that data or such data is otherwise available;
- (6) Social Security or driver's license numbers and vehicle license number, if available; and
- (7) Detailed descriptions of any identifying characteristics, such as:
  - (A) Scars;
  - (B) Marks; or
  - (C) Tattoos.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-505. Personal property of detainee.**

(a) All personal property belonging to a detainee shall be properly accounted for on a written receipt and placed in an envelope or other container which clearly identifies by appropriate markings that the detainee is the owner of that particular property.

(b) The detainee shall be given a copy of the receipt and the property will be held in a locked and secured location.

(c)(1) If property of an evidentiary nature is seized at the receiving/booking station, or at any point while detained, it should not be listed with the property that will be returned to the detainee when he or she is released on bond or otherwise.

(2) Such evidentiary property should be handled under the procedure established for evidence handling and, in such cases, the evidence seized shall be documented and the detainee shall be given a copy of the evidence receipt.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-506. Search during receiving of detainee.**

(a) At the time a detainee is being searched, he or she should be checked for lice or other pests, cuts, bruises, needle marks, or any other bodily injuries, and all findings shall be entered in the detainee's personal record.

(b) Any claims of illness or injury shall be entered into the record and checked by professional medical personnel for accuracy, if warranted.

(c) If a detainee appears to be ill, under the influence of drugs or alcohol, or unconscious, a qualified medical professional shall determine the condition of confinement.

(d) A lice-infested detainee shall be deloused by methods which have been recommended by the Department of Health.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-507. Strip searches.**

(a) Strip searches shall be conducted in private by a person of the same biological sex as the detainee being searched except when circumstances make the presence of additional personnel necessary.

(b) The chief executive shall have a written strip search policy which provides for strip searches to be conducted, at a minimum, during intake.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-508. Opportunity to arrange bond.**

After the booking procedure is completed, the detainee shall be allowed to call, without expense, an Arkansas licensed bonding company or an individual of their choosing for the purpose of arranging bond payment.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-509. Detainee orientation to facility rules.**

In full-service facilities, the chief executive shall establish a written policy requiring the provision of facility rules to detainees during or immediately following the booking procedure.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-510. Assignment to quarters.**

(a) At the conclusion of the booking procedure, the detainee shall be assigned suitable quarters, clean and adequate bedding, and other items necessary for sanitation and proper hygiene.

(b) Pursuant to Arkansas Code § 12-32-103, every detention facility shall establish a written policy for providing the following items:

- (1) Necessary prenatal vitamins and nutrition for pregnant detainees;
- (2) A necessary number of hygiene products for female detainees;
- (3) A necessary number of undergarments for female detainees;
- (4) A lower bunk for pregnant detainees; and
- (5) Unless otherwise provided for by the detention facility, access for a pregnant detainee to nonprofit educational programming, such as prenatal care, pregnancy-specific hygiene, and parenting classes.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-511. Disciplinary actions.**

(a) Disciplinary actions taken against a detainee for any cause shall be documented in writing.

(b) The chief executive shall have a written policy requiring that a full and complete record of the disciplinary process be maintained in the detainee's record.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-512. Critical or significant occurrences documented in writing.**

(a) A full and complete record of any critical or significant occurrence shall be documented in writing in the file of the detainee or detainees concerned.

(b) Critical or significant occurrences include without limitation:

- (1) Incidents of violence;
- (2) Force used against a detainee;
- (3) Injury to self or another person by the detainee;
- (4) Medical or dental treatment (including the result of such treatment);
- (5) Disciplinary action; and
- (6) Any other critical incident or occurrence not specified herein, as determined by facility policy.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-513. Records retention policy.**

(a) Each facility shall establish a records retention policy which conforms in all respects to applicable local, state, and federal laws.

(b) This policy shall include, without limitation, those standards and procedures set forth by Arkansas Code § 13-4-401 et seq.

(c) When training or inspection is required by this part or applicable law, detention facilities shall document and retain records of such training or inspection as outlined by the applicable section of this part or by applicable law.

**Authority.** Arkansas Code § 12-26-103.

**Subpart 6. Detainee Rights and Disciplinary Procedures**

**12 CAR § 50-601. Written disciplinary policy.**

(a)(1) The chief executive shall publish detainee rights and rules of conduct specifying disciplinary action or actions and penalties which may result from infractions.

(2) This shall be made available to all detainees.

(b) Provisions shall be made for those detainees who cannot read or have limited ability to understand English.

(c) Reasonable efforts should be made to provide detainees with a clear understanding of the rights and rules.

(d) The receipt of this information shall be noted in writing by the detainee, or if refused, by the officer providing the information.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-602. Written detainee rights.**

Published detainee rights shall include, without limitation, the following provisions:

(1)(A) All detainees of a criminal detention facility shall have reasonable access to the courts through self-representation or through an attorney, whether appointed or retained.

(B) If an attorney has not been retained or appointed, the detainee should have reasonable access to current law library materials;

(2)(A) All detainees have a right to have confidential access to their attorney.

(B) Legal consultation or consultations shall:

(i) Be permitted in private;

(ii) Be unmonitored; and

(iii) Occur on a reasonable basis;

(3) Detainees shall not be segregated solely because of federally protected classes;

(4) Detainees shall be permitted to worship or meditate at a reasonable time, and consistent with the established security protocols of the facility, as prescribed by their faith, to have access to clergy of their faith, if available, and to adhere to the dietary laws of their faith where possible;

(5)(A) All detainees have a right to housing which provides for:

(i) Nutritious food;

(ii) Access to medical and dental care when indicated;

(iii) Clean living quarters; and

(iv) A healthy, safe, and secure environment.

(B) Under no circumstances shall denial of medical care or regular meal services be used as a disciplinary measure;

(6) Detainees have a right to be secure from self-incrimination and shall not be subjected to unlawful attempts to obtain statements or confessions while they are incarcerated; and

(7) Detainees shall be afforded the opportunity to make phone calls at the detainee's expense in accordance with a written telephone usage policy.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-603. Written disciplinary procedures.**

The chief executive shall establish a written policy regarding detainee disciplinary procedures that shall include, at a minimum, the following:

(1) A definition of minor detainee infractions and the appropriate disciplinary action;

(2) A definition of major detainee infractions and the appropriate disciplinary action;

(3) A procedure for written documentation of all disciplinary actions taken including the filing of criminal charges where appropriate; and

(4) A procedure for the handling of disciplinary actions which may include a hearing to be held within a reasonable time before a person designated by the chief executive.

**Authority.** Arkansas Code § 12-26-103.

**Subpart 7. Detainee Classification**

**12 CAR § 50-701. Classification system required.**

(a)(1) The chief executive shall establish a policy providing for a classification system to be used to separate detainees into groups to enhance safety of detainees and personnel and reduce the probability of disruptive behavior.

(2) The classification process, at a minimum, shall identify the appropriate level of custody and the appropriate housing assignment for each detainee.

(3) Detainees shall be classified, at a minimum, considering the following characteristics:

(A) Age;

(B) Sex;

(C) Current offense or conviction;

- (D) Custody needs;
- (E) Special problems and needs; and
- (F) Behavior.

(b) Facility classification policies shall comply with the following rules:

(1) Classification shall consider federally protected classes absent a compelling security interest;

(2) Custody levels and special housing needs shall be assessed to include differing custody levels and the placement and release of detainees to and from special units including protective custody, administrative segregation, disciplinary separation, and mental and medical health housing including detainees known to be pregnant;

(3) Female detainees shall be housed separately by sight and sound from male detainees to the greatest extent possible;

(4) An assessment instrument may be used to assess the needs and qualifications of detainees for participation in vocational, educational, mental health, substance abuse, and other treatment or work programs;

(5) Restrictive housing of a female detainee who is pregnant, breastfeeding, has delivered a child within the previous thirty (30) days and is not currently breastfeeding, or is under a physician's care for postpartum depression or other medically verifiable postpartum condition shall be applied in conformity with Arkansas Code § 12-32-104, when applicable; and

(6) The plan shall provide that all staff whose duties include classification shall undergo training on the principles, procedures, and instruments for:

- (A) Classification assessments;
- (B) Housing assignments;
- (C) Reassessments; and
- (D) Inmate needs.

**Authority.** Arkansas Code § 12-26-103.

## **12 CAR § 50-702. Work release and trustee detainees.**

(a) Work release and trustee detainees shall be separated from other detainees to the greatest extent possible.

(b) Act 309 detainees shall be housed according to the cooperative agreement executed between the political subdivision and the Division of Correction, as well as any applicable state law or laws.

**Authority.** Arkansas Code § 12-26-103.

### **12 CAR § 50-703. Juvenile detainees.**

(a) Juveniles shall only be housed in adult detention facilities under certain circumstances established by applicable state and federal laws.

(b) If juveniles are committed to an adult detention facility, the chief executive shall establish a policy to provide for the following:

(1) Supervision, programming, and services necessary to ensure the safety, security, treatment, and educational needs of the juvenile;

(2) Classification and housing plans to include, without limitation, a requirement that juveniles be separated by sight and sound from adults;

(3) Dedicated staff appropriately trained to manage juveniles; and

(4) Compliance with Juvenile Detention Facility Standards, 12 CAR pt. 51, as it relates to housing of a juvenile detainee in an adult detention facility.

**Authority.** Arkansas Code § 12-26-103.

## **Subpart 8. Security**

### **12 CAR § 50-801. Security requirements and guidelines.**

(a) Every criminal detention facility shall have sufficient personnel to ensure that the facility is never left unattended while a person is confined therein.

(b)(1) There must be personnel on duty twenty-four (24) hours per day who are awake, alert, and responsive to all situations that might arise.

(2) Staffing patterns must be approved annually by the criminal detention facility review committee to ensure that an adequate number of personnel are on duty at all times.

(3) Unless exigent circumstances have been documented, if both male and female detainees are confined, both male and female jail personnel shall be on duty.

(c)(1) Personnel must be able to hear all detainees, either in person or by means of electronic monitoring devices, at all times.

(2) At no more than sixty-minute intervals and on an irregular basis, personnel shall visually check all security features of the cell area and account for all detainees.

(3) Personnel shall watch for any unusual factors or circumstances and the results of this check shall be logged in writing by the person making the check.

(d) For those detainees who are under the age of eighteen (18), suicidal, or have demonstrated behavioral problems, detention personnel shall check at no more than thirty-minute intervals and the check shall be documented in writing by the person making the check.

(e)(1) No detainee shall:

(A) Exercise any authority over any other detainee;

(B) Be given access to records of other detainees; or

(C) Be permitted to have access to or use of keys that control facility security.

(2) However, this section does not preclude the use of peer counselors or mentors in rehabilitative programs.

**Authority.** Arkansas Code § 12-26-103.

### **12 CAR § 50-802. Written policies required.**

The chief executive shall establish, in writing, the following policies regarding facility security:

(1)(A) A procedure for the cross-gender supervision of female detainees by male staff and the supervision of male detainees by female staff.

(B) This procedure shall take into consideration the privacy and needs of all detainees.

(C) All reports of inappropriate sexual conduct by staff shall be investigated in accordance with applicable law, and a copy of the investigation must be provided to the county prosecutor upon completion;

(2)(A) A policy including guidance for all detention personnel in emergency situations.

(B) The plan shall establish a procedure to be followed in the event of:

(i) Escapes;

(ii) Riots;

(iii) Fire or smoke situations;

(iv) Detainee disturbances;

(v) Assaults against officers or detainees;

(vi) Medical emergencies;

(vii) Outbreaks of communicable disease; and

(viii) Any other circumstances deemed to be of a threatening or

critical nature.

(C) All personnel shall familiarize themselves with the emergency plan and have a clear understanding of their responsibilities for and contributions to successfully implementing the plan;

(3)(A) A policy to govern the control and use of:

(i) Firearms;

(ii) Ammunition;

(iii) Chemical agents; and

(iv) Any other security devices.

(B) No person shall be permitted to enter the secure area of the criminal detention facility while possessing a firearm except in the event of an emergency;

(4)(A) A search procedure policy for the control of contraband.

(B) The responsibility for the proper execution of that search procedure policy shall rest upon the administrator or the most senior officer present during the

search;

(5) A policy to govern key control in the criminal detention facility; and

(6) A policy addressing security measures for work release and work detail detainees.

**Authority.** Arkansas Code § 12-26-103.

## **Subpart 9. Medical, Dental, and Mental Healthcare Services**

### **12 CAR § 50-901. Written plan required.**

(a) The chief executive shall establish a written policy for making all medical, dental, and mental healthcare services available for detainees.

(b) The policy shall include the designation of a health authority.

**Authority.** Arkansas Code § 12-26-103.

### **12 CAR § 50-902. Healthcare delivery requirements.**

(a) For health care delivered in the facility, adequate space, equipment, supplies, and materials shall be provided as designated by the health authority.

(b) A private examination room shall be provided, except for in book-in and twenty-four-hour facilities.

**Authority.** Arkansas Code § 12-26-103.

### **12 CAR § 50-903. Emergency and sick call procedures required.**

(a) The chief executive shall establish a sick call procedure which extends medical, dental, and mental healthcare services to all detainees.

(b) The chief executive shall establish an emergency healthcare procedure which provides that mental healthcare services necessary to prevent self-injurious behavior and emergency medical services are available.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-904. Records required.**

(a) A written or electronic record shall be made and retained in the criminal detention facility's file of all detainee medical and dental complaints and the prescribed medication or treatment.

(b) Place, date, time, and nature of the healthcare services provided shall be documented.

(c) No detainee shall have access to the medical record of any other detainee.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-905. Administration of medication.**

(a) All medication prescribed for a detainee shall be administered in accordance with the instructions of the designated health authority.

(b) A complete record shall be retained in the detainee's file of all medication prescribed.

(c) A complete record of all medications administered to detainees shall be kept and, where possible, the detainee shall acknowledge the receipt of medication by signature or initial.

(d) All medication shall be kept in a locked storage area.

(e) The administration of medication will be the responsibility of the chief executive or his or her designee.

(f) No detainee shall be allowed to administer medications to another detainee.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-906. Emergency notification policy.**

A written policy established by the chief executive shall specify the process by

which those individual or individuals so designated by the detainee are notified in case of serious illness or injury.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-907. Transfer of detainee records to other facilities.**

In accordance with state and federal law, copies of the medical record maintained by the criminal detention facility shall be routinely sent to any facility to which a detainee may be transferred.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-908. Psychiatric evaluation.**

(a) Detainees who exhibit signs or symptoms of an altered mental state that is not of a self-injurious nature shall be referred for mental health evaluation by a licensed provider as soon as possible.

(b) Behavior which is self-injurious shall be managed according to 12 CAR § 50-903.

(c) Records of these referrals should be retained in accordance with state and federal law.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-909. Emergency and lifesaving techniques and equipment required.**

(a) A first-aid kit and an automatic external defibrillator (AED) shall be available in a secure, but easily accessible, location within the criminal detention facility.

(b)(1) A medical training program shall be established for criminal detention facility personnel.

(2) At a minimum, the program shall include training in first aid, CPR/AED, and

any other available courses that will aid personnel in developing the skills necessary for the recognition and response to medical emergencies.

(c) All custody personnel shall maintain certification for lifesaving techniques and devices.

(d) Emergency equipment shall be kept on hand and designated personnel shall be trained in the use of such equipment with such training noted in their personnel file before being permitted to access or use those items.

**Authority.** Arkansas Code § 12-26-103.

**Codification Notes.** "CPR" means cardiopulmonary resuscitation.

**12 CAR § 50-910. Detainee testing prohibited.**

(a) The chief executive shall establish a written policy that prohibits the use of detainees for medical, pharmaceutical, or cosmetic experiments.

(b) The policy should not preclude individualized treatment of a detainee based on his or her needs for a specific medical procedure which is not generally available, nor should it prohibit testing of detainees for communicable or contagious disease or illness.

(c) This policy should not prohibit the administration of treatments or drugs with a federal emergency use authorization.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-911. Requirements for use of restraints in medical or psychiatric situations.**

(a) The chief executive shall establish a written policy providing for the appropriate use of restraints upon detainees who demonstrate the need for restraints because of medical or psychiatric conditions.

(b)(1) The policy should, at a minimum, require written documentation of the use of restraints for such detainees.

(2) The documentation shall be retained in the detainee's record.

(c) The chief executive shall establish a written policy regarding the use of restraints on pregnant detainees which conforms in all respects with applicable state and federal laws including, without limitation, Arkansas Code § 12-32-102.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-912. Detoxification procedures.**

(a) Criminal detention facility personnel shall not engage in a detoxification process of a detainee except to the extent authorized in writing by the designated health authority.

(b) The chief executive shall establish, with the advice of the designated health authority, a detoxification plan.

(c) This section does not prohibit the administration of treatments or drugs to reverse a suspected opioid overdose, such as the use of naloxone nasal spray.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-913. Written delousing procedures required.**

(a) The chief executive shall establish a written procedure for the delousing of detainees and the facility, as appropriate.

(b) This procedure shall be established in accordance with recommendations from the Department of Health.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-914. Records compliance required.**

All medical, dental, and mental health records shall be maintained in accordance with state and federal laws.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-915. Consultation with public health officials.**

(a) The chief executive shall establish a policy providing for consultation with public health officials during a declared public health emergency.

(b) Criminal detention facilities are encouraged to follow applicable guidance when doing so will not compromise facility operations.

(c) Consistent with applicable laws, facilities will follow directives or orders from public health officials.

**Authority.** Arkansas Code § 12-26-103.

**Subpart 10. Mail, Communication, and Visitation**

**12 CAR § 50-1001. Visitor's log.**

(a) A visitor's log shall be maintained at all times.

(b) The chief executive shall determine what information should be gathered about visitors and may deny visitation if said data is not provided.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1002. Visitation privilege.**

(a) Visitation privileges may be revoked by the chief executive when it is believed to be in the best interest of the security and safety of the criminal detention facility.

(b) Visitation may be in person or via electronic means.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1003. Rules required for searches in visitation areas.**

The chief executive shall formulate rules for searching visitors, detainees, and

visitation areas.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1004. Written policy required for incoming and outgoing correspondence.**

(a) The chief executive shall establish a written policy governing correspondence by detainees.

(b) Indigent detainees should be provided a minimum of two (2) envelopes and first-class stamps per week, in addition to paper and a writing utensil.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1005. Written policy required for privileged detainee correspondence.**

(a) The chief executive shall establish a written policy to provide for detainees to send and receive sealed letters to and from:

- (1) Courts;
- (2) Officials of the confining authority;
- (3) Attorneys;
- (4) Government officials; and
- (5) Parole or probation authorities.

(b) Letters to and from such persons or agencies are privileged and may be opened for contraband inspection only.

(c) Privileged letters shall not be read or censored.

(d) Any inspection for contraband must occur in the presence of the detainee to whom the letter is addressed.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1006. Written policy required for inspection of mail.**

(a) The chief executive shall establish a written policy for the inspection of incoming and outgoing mail and packages in order to intercept contraband and other prohibited items.

(b) Nonprivileged mail may be inspected by facility staff provided that prior notice has been made available to the detainee.

(c) If a letter or package is rejected for delivery, the detainee should be so notified in writing unless notification would undermine the security of the facility or interfere with a law enforcement investigation.

(d) Items seized shall be properly documented and a copy shall be furnished to the detainee.

(e) The policy shall include a provision stating that approved mail will be delivered within twenty-four (24) hours, excluding holidays and weekends.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1007. Communication device usage policy required.**

(a) The chief executive shall establish a policy for communication device usage.

(b) Any fees charged for detainee use of a communication device must be in accordance with the maximum rates established under state or federal law.

(c)(1) Detainee communication may be subject to monitoring and recording.

(2) Detainees shall be notified that the communication may be monitored or recorded.

(d) The chief executive shall establish a written policy providing for confidential communication between a detainee and his or her attorney.

**Authority.** Arkansas Code § 12-26-103.

**Subpart 11. Food Service**

**12 CAR § 50-1101. General guidelines.**

(a) The chief executive shall ensure that the facility's dietary allowances are reviewed at least annually by a licensed dietician in conjunction with the health authority to ensure that they meet the nationally recommended dietary allowances for basic nutrition for appropriate age groups.

(b)(1) Detainees shall be offered three (3) meals daily.

(2) Meals should be served at specific planned times with a designated person responsible for service.

(c)(1) Food should be served promptly after it is prepared to ensure that hot food is served hot and cold food is served cold.

(2) Water, coffee, tea, milk, or a suitable substitute will be served with each meal.

(d) Food shall not be used for disciplinary purposes, except that an alternative meal may be provided to detainees housed in disciplinary segregation area.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1102. Food service records.**

Records of the food actually served in the criminal detention facility shall be maintained for at least twelve (12) months and shall be checked by a licensed dietician at least annually to ensure that the food actually served meets the basic health and nutrition needs of detainees.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1103. Conformance to Department of Health rules.**

(a) Food service operations, whether contractual or on-site, shall conform to the Department of Health rules pertaining to food service establishments.

(b) Food handlers must meet current requirements of the department.

(c) The two (2) most recent department inspection reports shall be retained for

review by the criminal detention facility review committee.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1104. Food service policy.**

(a) The chief executive shall establish a written policy regarding the procedures to be followed for the provision of special, therapeutic, and religious diets.

(b) The policy shall include guidance related to delays due to:

- (1) Transportation;
- (2) Court hearings; or
- (3) Other unusual circumstances.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1105. Dining areas.**

(a) Food may be served to detainees in:

- (1) Their cells;
- (2) A day room; or
- (3) A dining room.

(b) Areas in which food is served shall be cleaned as soon as practicable and all trash shall be removed to an outside dumpster or garbage collection area.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1106. Twenty-four-hour/overnight and book-in facilities.**

(a) As noted in 12 CAR § 50-1601 et seq., twenty-four-hour/overnight and book-in facilities are exempt from 12 CAR §§ 50-901 – 50-903.

(b) However, such facilities shall provide three (3) meals per day at regular intervals and maintain records of the foods actually served for at least twelve (12) months.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1107. Outside food.**

(a) The chief executive shall not permit any food to be brought into the facility for consumption by detainees except that which is furnished by the facility or purchased through the commissary.

(b) Only the chief executive may make an exception to this section and, in doing so, shall exercise rigid controls to ensure that the facility remains secure and does not become infested, unsanitary, or otherwise unsafe.

**Authority.** Arkansas Code § 12-26-103.

**Subpart 12. Detainee Work Rules**

**12 CAR § 50-1201. Pretrial detainees.**

(a) Pretrial detainees may volunteer for work assignments within a facility but shall not be required to work except to the extent necessary to maintain their living quarters in a safe and sanitary condition.

(b) If such detainees volunteer to perform other tasks, it must be documented in writing that they shall be supervised closely and utilized only for tasks commensurate with the trust that the chief executive deems appropriate to the individual concerned.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1202. Sentenced detainees.**

Sentenced detainees may be assigned to work programs that the chief executive deems appropriate.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1203. Work-release programs.**

(a) Under Arkansas Code § 12-42-116, the chief executive is given discretion with respect to the operation of work-release programs.

(b) These work-release programs shall have written rules which conform to current law.

(c) These rules shall be made available to detainees, the Criminal Detention Facilities Review Coordinator, and the criminal detention facility review committees.

**Authority.** Arkansas Code § 12-26-103.

**Subpart 13. Safety**

**12 CAR § 50-1301. General provisions.**

(a) While this subpart deals with specific fire and safety measures, this subpart is not intended to be all-inclusive with regard to the safety and welfare of the individual detainee.

(b) Because potential hazards are too numerous to detail, it is the responsibility of the chief executive to establish policies and inspection procedures for the facility in accordance with the Arkansas Fire Prevention Code, 12 CAR pt. 15, to ensure the health, safety, and well-being of all detainees to the greatest degree possible.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1302. Annual inspection required.**

(a) Pursuant to the Arkansas Fire Prevention Code, 12 CAR pt. 15, the chief executive shall have the criminal detention facility inspected at least annually by the state or local fire marshal for fire prevention and safety measures.

(b) A record of the two (2) most recent inspections shall be kept on file within the facility.

- (c) The fire sprinkler system and fire safety equipment shall be inspected annually.
- (d) Vent hoods shall be inspected every six (6) months.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1303. Written fire plan required.**

(a) A written fire safety plan concerning fire prevention and response shall be established to ensure the safety of:

- (1) Detainees;
- (2) Staff; and
- (3) Visitors.

(b) The plan shall detail staff responsibilities and cover all evacuation procedures.

(c) The fire plan shall visually depict, through a posted map or drawing, the locations of exits, breathing apparatuses, fire hoses, extinguishers, evacuation routes, and any other features pertinent to fire safety.

(d) Designated personnel will be briefed as to the location and use of emergency keys.

(e) The written fire plan shall require that fire drills and inspections be conducted in accordance with applicable fire code.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1304. Written emergency plan required.**

(a) A written emergency plan that covers emergencies other than fire shall be established and all personnel shall be trained and knowledgeable of their duties in the event of an emergency.

(b) This training shall be acknowledged by personnel and documented in writing.

(c) The written emergency plan shall include at minimum provisions regarding:

- (1) Detailed evacuation procedures;
- (2) Duties assigned to each post; and

(3) The locations of keys to emergency exits and instructions for their usage.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1305. Exit signs.**

(a) Facility exits must be clearly and permanently marked.

(b) All corridors and walkways leading to or from an exit shall be kept free of refuse, litter, and obstacles of any kind which might cause problems with evacuation under emergency conditions.

(c) Emergency exits signs shall be illuminated at all times either internally or externally.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1306. Requirements for storage of flammable and toxic materials.**

(a) Storage of flammable, toxic, and caustic materials must conform to local, state, and federal laws, rules, and regulations.

(b) Cleaning supplies shall be kept in a secure and uncluttered closet, locker, or room provided for those materials and shall not be permitted in housing areas or hallways except when being used.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1307. Detainee use of tools.**

When a detainee is permitted to use any tool, all safety rules must be observed and any recommended safety equipment such as goggles, guards for machines, etc., shall be used.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1308. Firefighting equipment.**

- (a) Basic firefighting equipment, to include at least chemical and dry type fire extinguishers and emergency compressed air breathing apparatus or comparable device shall be maintained in a secure but readily accessible storage area.
- (b) All personnel shall be trained on the proper use of all equipment.
- (c) This training shall be acknowledged and documented in writing.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1309. Records of personnel safety training.**

- (a) Personnel safety training shall be documented in writing in accordance with this subpart.
- (b) Written records shall be kept regarding training on the following topics:
  - (1) Written fire plan;
  - (2) Written emergency plan; and
  - (3) Firefighting equipment.

**Authority.** Arkansas Code § 12-26-103.

**Subpart 14. Detainee Services and Programs**

**12 CAR § 50-1401. Applicability.**

This subpart applies only to full-service facilities.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1402. Written policy required.**

The chief executive shall establish a written policy to provide, to the extent possible, the following services and programs:

- (1) Recreation and leisure time activities;
- (2) Library services;
- (3) Educational programming;
- (4) Counseling and rehabilitative services, e.g., substance abuse classes; and
- (5) Religious services.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1403. Detainee participation optional.**

The policy shall provide an option for detainees to decline to participate in services and programs without prejudicial results or disciplinary action.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1404. Detainee exercise.**

(a) Exercise shall be made available to all detainees daily for one (1) hour.

(b) This standard is subject to the discretion of the chief executive and may be limited in situations where security may be jeopardized, in inclement or extreme weather, or when sufficient staffing is unavailable.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1405. Commissary.**

If a commissary is provided, the chief executive shall establish a written policy for its operation including, without limitation, the use of standard accounting procedures.

**Authority.** Arkansas Code § 12-26-103.

**Subpart 15. Existing Facilities**

**12 CAR § 50-1501. Definition.**

For the purposes of this subpart, “existing facility” means a facility which was in operation or a facility which had its design plans approved by a criminal detention facility review committee prior to November 28, 2022.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1502. Inspections.**

(a) Onsite inspections of detention facilities shall be the duty of the criminal detention facility review committee or the Criminal Detention Facilities Review Coordinator.

(b) The criminal detention facility review committee or coordinator shall use this part along with the official forms provided by the coordinator’s office to inspect criminal detention facilities.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1503. Documentation.**

(a) Copies of all reports and documents pertaining to detention facilities shall be sent to the Criminal Detention Facilities Review Coordinator.

(b) A master file of inspection reports on each facility shall be provided by the criminal detention facility review committee to the county clerk’s office in the county in which the facility is located within thirty (30) days following an inspection.

(c) A written report of each inspection shall be sent to the chief circuit judge for the judicial district in which the facility is located.

(d) A copy of the report shall also be sent to the chief executive, county judge, and the governing body of the political subdivision whose facility is the subject of the report.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1504. Environmental systems generally.**

(a) Lighting levels shall be suitable for the activities conducted within the area in question.

(b)(1) Air circulation, ventilation, and heating shall be provided, and the temperature shall be maintained between sixty-five degrees Fahrenheit and eighty-five degrees Fahrenheit (65° F – 85° F).

(2) Exceptions may be made in extreme conditions and emergencies.

(c) All mechanical, plumbing, electrical, life safety, and security control equipment and systems shall be secure from unsupervised detainee access.

(d) An automatic cut-in generator shall be provided with the capacity to operate electrical equipment and provide necessary illumination inside and around the facility.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1505. Fire detection.**

(a) Equipment for the detection of fire, smoke, and other combustion byproducts shall be provided in accordance with the current Arkansas Fire Prevention Code, 12 CAR pt. 15.

(b) Said equipment shall be battery-powered or part of the emergency power system.

(c) All battery-powered equipment shall be checked at least once per month.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1506. Disabled detainees.**

(a) There shall be housing and service areas in each detention facility available in which to house and care for disabled detainees in compliance with state and federal law.

(b) Readily available alternative facilities may be used to meet this requirement.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1507. Exits.**

(a) Emergency exits shall be provided as required by the Arkansas Fire Prevention Code, 12 CAR pt. 15, and any other applicable local, state, or federal laws, rules, or regulations.

(b) Emergency exits shall be clearly marked and continuously illuminated.

(c) Required exits should lead directly to a hazard-free area where adequate supervision and security can be maintained.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1508. Intake, booking, and release areas.**

(a) The intake, booking, and release area should be located inside the security perimeter and have the following components:

- (1) Booking area;
- (2) Access to drinking water;
- (3) Access to shower facilities;
- (4) Secure storage for detainees' personal property;
- (5) Temporary holding area with seating; and
- (6) Operable toilets and wash basins.

(b) Provisions shall be made to ensure the safety of detainees and personnel and security of the facility.

(c) The intake area may also be used to process detainees for release.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1509. Alcohol unit.**

(a) Alcohol units shall be designed for detention of intoxicated persons during the sobering process only.

(b) These detainees shall be moved to cells or other areas as soon as they can properly care for themselves.

(c) Alcohol units shall be equipped with the following:

- (1) Seating;
- (2) A detention facility type toilet; and
- (3) A wash basin.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1510. General housing requirements.**

(a) This section shall apply to all housing areas within a facility.

(b) All housing areas shall have, at a minimum, access to the following facilities:

- (1) A toilet above floor level, a wash basin, and drinking water, available without staff assistance;
- (2) Shower facilities;
- (3) Hot and cold running water;
- (4) A bed above floor level; and
- (5) Lighting sufficient for reading and writing.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1511. Single cell housing areas.**

In addition to the requirements outlined by 12 CAR § 50-1510, single cells shall comply with the following standards:

- (1) The minimum square foot area of single cells will be fifty square feet (50 ft<sup>2</sup>) per detainee;
- (2) If cell confinement exceeds sixteen (16) hours per day, seventy square feet (70 ft<sup>2</sup>) per cell will be provided;
- (3) Cell space is measured from interior wall to interior wall, less the space occupied by plumbing chases and columns; and

- (4) Cell space includes the space occupied by:
- (A) Beds;
  - (B) Plumbing fixtures;
  - (C) Entrances; and
  - (D) Exits.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1512. Multiple occupancy housing areas.**

In addition to the requirements outlined by 12 CAR § 50-1510, when used, multiple occupancy housing areas shall comply with the following standards:

- (1) The ability for observation by staff shall exist;
- (2) A minimum floor area of thirty-five square feet (35 ft<sup>2</sup>) per detainee shall be provided in a sleeping area; and
- (3) There must be beds above floor level.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1513. Special housing areas.**

(a) There shall be at least one (1) cell or room for detainees who are ill, exhibiting an altered mental state, injured, nonambulatory, or assigned to administrative segregation which provides for appropriate staff observation.

(b) Special housing rooms shall comply with the requirements outlined by 12 CAR § 50-1510.

(c) Readily available alternative facilities may be used to meet this requirement.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1514. Activity rooms.**

(a) If activity rooms exist, the room or rooms must have sufficient air circulation,

temperature, and lighting for the activities being performed therein.

(b) Access to toilets and wash basins within the proximate area shall be provided.

(c) These areas may include multipurpose rooms or program areas for detainees and/or work areas for staff.

(d) Where practical, activity rooms should have natural light provided by skylight or windows.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1515. Linen storage.**

(a) Space shall be provided to issue and store facility clothing and bedding and to provide for the exchange of personal and facility clothing on a scheduled basis determined by the facility and when detainees are to appear in court or be released.

(b) Storage space for clean bedding and facility clothing shall be convenient to detainee housing areas.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1516. Exercise spaces.**

(a) Detainees held in full-service facilities shall have access to exercise areas.

(b) Facilities that provide outdoor exercise areas shall have an inclement weather policy in place.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1517. Security storage.**

(a) The chief executive shall designate a secured and controlled storage area for items that are accessible to authorized personnel only.

(b) Items to be stored in the secured and controlled storage area include, but are not limited to:

- (1) Chemical agents;
- (2) Restraining devices; and
- (3) Security equipment.

(c) Separate and secure space will be provided for the storage of evidence and contraband.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1518. Administrative space.**

Space will be provided for general administrative and staff functions.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1519. Food preparation area.**

Space and equipment shall be provided for food preparation and/or handling in accordance with Department of Health guidelines.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1520. Visitation and consultation area.**

(a) Any area designated for in-person visitation by the public shall be outside the security perimeter, while the visiting area for the detainee shall be inside the security perimeter.

(b) The visiting area shall be acoustically treated to reduce noise and allow for audible communication between visitors and detainees.

(c) Reasonable accommodations shall be made for disabled visitors and detainees.

(d) These areas may also be used as private consultation rooms for law enforcement officers, attorneys, clergy, etc.

(e) No-contact or electronic visitation spaces may be provided.

**Authority.** Arkansas Code § 12-26-103.

## **Subpart 16. New Construction**

### **12 CAR § 50-1601. Definitions.**

For the purposes of this subpart:

(1) "New construction" means:

(A) Any new facility built, or which had its design plans approved by a criminal detention facility review committee, after November 28, 2022;

(B) Any area of construction added beyond the outside walls and/or roof of an existing facility;

(C) Any area of construction within an existing facility affecting more than fifty percent (50%) of the existing facility's floor area; and

(D) Any instance of remodeling within an existing facility; and

(2)(A) "Remodeling" means construction within the existing facility's structure affecting fifty percent (50%) or less of the existing facility's floor area.

(B) It is the intent of this subpart to ensure that all new areas of construction or remodeling, either inside or outside, of an existing facility meet the specific applicable section or sections outlined herein.

(C) For example, if plans are made to add a visitation or consultation area to an existing facility, the construction must be performed in compliance with 12 CAR § 50-1627.

(D) Likewise, if plans are made to convert existing spaces into a cell area, the new cell construction must meet the requirements of this subpart applicable to requisite cell space.

**Authority.** Arkansas Code § 12-26-103.

### **12 CAR § 50-1602. Plan review.**

(a) All design plans shall be reviewed for compliance with applicable standards

according to this subpart.

(b) Design plans shall be presented in person to the Criminal Detention Facilities Review Coordinator by the facility's architect or the architect's representative.

(c) The design plans shall be accompanied by a written narrative explaining detailed compliance with this part.

(d) The coordinator shall provide technical assistance to the requesting facility during the review process and may offer suggestions, advice, and guidance, but does not have official approval authority.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1603. Plan approval.**

(a) The criminal detention facility review committee of the district in which the facility is located shall have final approval authority of all design plans.

(b) Once it is found by the criminal detention facility review committee that the design plans comply with all applicable standards, the criminal detention facility review committee shall issue a letter notifying the facility of final approval.

(c) This finding of compliance shall be based upon the satisfactory incorporation of all changes requested by the Criminal Detention Facilities Review Coordinator and/or the criminal detention facility review committee.

(d) The criminal detention facility review committee office shall retain documents regarding the approval process.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1604. Documentation.**

(a)(1) Copies of all reports and documents pertaining to detention facilities shall be sent to and maintained by the office of the Criminal Detention Facilities Review Coordinator.

(2) A master file of inspection reports on each facility shall be provided by the

criminal detention facility review committee to the county clerk's office in the county in which the facility is located.

(3) Within thirty (30) days following an inspection, a written report of each inspection shall be sent to the chief circuit judge for the judicial district in which the facility is located, the chief executive, county judge, and the governing body of the political subdivision whose criminal detention facility or juvenile detention facility is the subject of the written report.

(4) All reporting requirements shall be as set forth by applicable state law, including without limitation Arkansas Code § 12-26-101 et seq.

(b)(1) Copies of all reports and documents pertaining to detention facilities shall be sent to the coordinator.

(2) A master file of inspection reports on each facility shall be provided by the criminal detention facility review committee to the county clerk's office in the county in which the facility is located.

**Authority.** Arkansas Code § 12-26-103.

#### **12 CAR § 50-1605. Building codes.**

(a) All new construction, in addition to this part, will be designed and constructed in accordance with the codes and standards adopted by the State Fire Marshal, Department of Health, Building Authority Division, and others as required by law or rule, as well as the latest edition of the Life Safety Code.

(b) If an addition increases the existing square footage by more than fifty percent (50%), the entire facility shall be made to conform to the entire code.

**Authority.** Arkansas Code § 12-26-103.

#### **12 CAR § 50-1606. Environmental systems generally.**

(a) Lighting levels shall be suitable for the activities conducted within the area in question.

(b)(1) Air circulation shall be provided, and the temperature shall be maintained between sixty-five degrees Fahrenheit and eighty-five degrees Fahrenheit (65° F – 85° F).

(2) Exceptions may be made in extreme conditions and emergencies.

(c) All mechanical, plumbing, electrical, life safety, and security control equipment and systems shall be secured from unsupervised detainee access.

(d) Automatic cut-in generators shall be provided of adequate capacity to operate electrical equipment and to provide minimum illumination within and around the facility.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1607. Fire detection.**

(a) Equipment for the detection of fire, smoke, and other combustion byproducts shall be provided in accordance with the latest version of the Arkansas Fire Prevention Code, 12 CAR pt. 15.

(b) Said equipment will be battery-powered or part of the emergency power system.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1608. Disabled accessibility.**

(a) There shall be housing and service areas in each detention facility available in which to house and care for disabled detainees in compliance with state and federal law.

(b) All areas of the facility shall be accessible to and usable by disabled persons.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1609. Exits.**

(a) Emergency exits shall be provided as required by the Arkansas Fire Prevention

Code, 12 CAR pt. 15, and any other applicable local, state, or federal laws, rules, or regulations.

(b) Emergency exits shall be clearly marked and continuously illuminated.

(c) Required exits should lead directly to a hazard-free area where adequate supervision and security can be maintained.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1610. Floor drains.**

(a) Floor drains shall be designed in accordance with the latest Arkansas Plumbing Code, 17 CAR pt. 65, to serve all housing and other areas where necessary to facilitate cleaning and prevent detainee flooding of the facility.

(b) Floor drains shall be located outside the cell space to reduce the incident of tampering and flooding.

(c) Floor drain systems cannot drain into any sanitary sewer line within any area in which detainees are housed or detained.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1611. Natural light.**

(a) Natural light shall be provided to all cell areas either directly or from an adjacent location.

(b) If possible, natural light should be provided to activity rooms and day rooms via skylight or windows.

(c) All apertures allowing for the passage of natural light shall be designed to minimize introduction of contraband and the risk of escape.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1612. Controlled access.**

(a) All pedestrian and vehicular entrances and exits to the facility shall be via sally port.

(b) Automatic doors, if used, shall be monitored physically or electronically and be operated from the control center.

(c) The vehicular sally ports should be located adjacent to the intake area for transportation of detainees in and out of the facility.

(d) Interior sally ports should be located at points between detainee housing and public areas.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1613. Intake, booking, and release areas.**

(a) Intake, booking, and release areas shall be located inside the security perimeter and have the following components:

- (1) Booking area;
- (2) Sally port;
- (3) Access to drinking water;
- (4) Access to shower facilities;
- (5) Secure storage for detainee's personal property;
- (6) Telephone facilities;
- (7) Private interview space or spaces;
- (8) Temporary holding area with seating; and
- (9) Operable toilets and wash basins.

(b) Intake, booking, and release areas shall be designed so that newly admitted detainees may be processed in a thorough, humane, and orderly manner.

(c) Provisions should be made to ensure the safety of detainees, personnel, and visitors as well as the security of the facility.

(d) These areas may also be used to process detainees for release.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1614. Alcohol units.**

(a) Alcohol units shall be designed for detention of intoxicated persons during the sobering process only and these detainees shall be moved to cells or other appropriate areas as soon as they can properly care for themselves.

(b) Alcohol units shall be equipped with the following:

(1) Seating;

(2) A detention facility type toilet;

(3) A wash basin;

(4) A flush action floor drain; and

(5) A minimum of fifteen square feet (15 ft<sup>2</sup>) of floor space shall be provided for each detainee.

(c) The unit shall be constructed with view panels to allow unhampered visual supervision and should be located near the intake area.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1615. Detainee separation.**

(a) The facility shall be designed and constructed so that detainees can be separated according to existing laws, rules, and regulations, as well as to the facility's classification plan.

(b) The facility shall have a sufficient number of cell blocks or clusters of detention rooms in an appropriate configuration so that the various categories of detainees can be housed separately.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1616. General housing requirements.**

(a) This section shall apply to all housing areas within a facility.

(b) All housing areas shall have, at a minimum, access to the following facilities:

(1) A toilet above floor level, a wash basin, and drinking water, available without staff assistance;

(2) Shower facilities;

(3) Hot and cold running water;

(4) A bed above floor level; and

(5) Lighting sufficient for reading and writing.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1617. Single cell housing areas.**

(a)(1) All single cells shall have a minimum sixty square feet (60 ft<sup>2</sup>) of floor space provided detainees spend no more than sixteen (16) hours per day locked in cells.

(2) If cell confinement exceeds sixteen (16) hours per day, seventy square feet (70 ft<sup>2</sup>) per cell will be provided.

(b)(1) Cell space is measured from interior wall to interior wall, less the space occupied by plumbing chases and columns.

(2) Cell space does include the space occupied by bed, desk, plumbing fixtures, and entrances and exits.

(3) A minimal horizontal room dimension of six feet eight inches (6' 8") and a clear ceiling height of eight feet (8' 0") is required.

(4) In addition to the foregoing requirements, single cells shall also adhere to all requirements contained in 12 CAR § 50-1616.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1618. Multiple occupancy housing areas.**

(a) Where used, multiple occupancy sleeping rooms will provide:

(1) The ability for observation by staff;

(2) A minimum floor area of thirty-five square feet (35 ft<sup>2</sup>) per detainee in the sleeping area;

(3) Minimum clear floor-to-ceiling height of eight feet (8' 0") where room contains ten (10) or fewer detainees and nine feet (9' 0") where room contains eleven (11) or more detainees; and

(4) Beds above floor level.

(b) In addition to the foregoing requirements, multiple occupancy housing areas shall also adhere to all requirements contained in 12 CAR § 50-1616.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1619. Special housing areas.**

(a) There shall be at least one (1) cell or room for detainees who are ill, exhibiting an altered mental state, injured, nonambulatory, or assigned administrative segregation which provides for appropriate staff observation.

(b) Special housing areas shall comply with all requirements contained in 12 CAR § 50-1616.

(c) Deviations in use of cells or rooms may be approved in writing by the chief executive for detainees on suicide watch or other treatment precautions.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1620. Dayrooms.**

(a) There shall be a dayroom for each cell block or dormitory style housing area.

(b) The room shall have a minimum of thirty-five square feet (35 ft<sup>2</sup>) of unencumbered floor space per detainee independent from the separate and distinct adjacent sleeping area.

(c) In housing areas utilizing cells housing two (2) detainees each, dayroom areas may be sized at seventeen and one-half square feet (17.5 ft<sup>2</sup>) per detainee provided that scheduling of dayroom use ensures that actual occupancy does not exceed thirty-five square feet (35 ft<sup>2</sup>) per detainee.

(d) Square footage is to be calculated exclusive of a three-foot-wide circulation

space directly in front of the cell doors.

(e) Detainees held in full-service facilities shall have access to the dayroom.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1621. Activity rooms.**

(a) Activity rooms in the facility must have sufficient air circulation, temperature, and lighting for the activities being performed therein and access to toilets and wash basins within the proximate area.

(b) These areas include:

- (1) Multipurpose rooms;
- (2) Recreation areas;
- (3) Program areas for detainees; and
- (4) Work areas for staff.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1622. Linen storage and laundry services.**

(a) Space shall be provided to store and issue facility clothing and bedding and to provide for the exchange of personal and facility clothing on a scheduled basis and when detainees are to appear in court or be released.

(b) Unless outside laundry services are utilized, space and equipment will be provided for scheduled laundry services.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1623. Exercise spaces.**

(a) Detainees shall have access to exercise areas.

(b) Should facilities have outdoor exercise areas, they shall have an inclement weather policy with respect to outdoor exercise areas.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1624. Secure storage.**

(a) The chief executive shall designate a secured and controlled storage area for items that are accessible to authorized personnel only.

(b) Items to be stored in the secured storage area include, but are not limited to:

- (1) Chemical agents;
- (2) Restraining devices; and
- (3) Security equipment.

(c) Separate and secure space will be provided for the storage of evidence and contraband.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1625. Administrative space.**

Space will be provided for general administrative and staff functions.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1626. Food service space.**

Space and equipment will be provided for food preparation and handling in accordance with Department of Health guidelines.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1627. Visitation and consultation area.**

(a) The area for in-person visitation by the public shall be outside the security perimeter, while the visiting area for the detainee shall be inside the security perimeter.

(b) The visiting area shall be acoustically treated to reduce noise.

(c) Reasonable accommodations shall be made for disabled visitors and detainees.

(d) These areas may also be used as private consultation rooms for law enforcement officers, attorneys, clergy, etc.

(e) No-contact or electronic visitation spaces may be provided.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1628. Health room.**

New facilities must contain a health room that can be used as a private examination room for the provision of healthcare services as described in 12 CAR § 50-902.

**Authority.** Arkansas Code § 12-26-103.

**Subpart 17. Temporary Holding Units**

**12 CAR § 50-1701. Twenty-four-hour or overnight facility.**

(a) Twenty-four-hour or overnight facilities are not required to conform to the following standards.

(b) All standards not specifically listed within this section shall apply to twenty-four-hour or overnight facilities:

- (1) General guidelines, 12 CAR § 50-1101;
- (2) Food service records, 12 CAR § 50-1102;
- (3) Conformance to Department of Health rules, 12 CAR § 50-1103;
- (4) Intake, booking, and release areas, access to shower facilities, 12 CAR § 50-1508(a)(3);
- (5) General housing requirements, shower facilities, 12 CAR § 50-1510(b)(2);
- (6) Single cell housing areas, 12 CAR § 50-1511;
- (7) Activity rooms, 12 CAR § 50-1514;
- (8) Linen storage, 12 CAR § 50-1515;

- (9) Natural light, 12 CAR § 50-1611;
- (10) Intake, booking, and release areas, access to shower facilities, 12 CAR § 50-1613(a)(4);
- (11) General housing requirements, 12 CAR § 50-1616;
- (12) Dayrooms, 12 CAR § 50-1620;
- (13) Activity rooms, 12 CAR § 50-1621;
- (14) Linen storage and laundry services, 12 CAR § 50-1622;
- (15) Exercise spaces, 12 CAR § 50-1623; and
- (16) Food service space, 12 CAR § 50-1626.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1702. Book-in facilities.**

(a) Book-in facilities as defined herein are not required to conform to the following standards.

(b) All standards not specifically listed within this section shall apply to book-in facilities:

- (1) General guidelines, 12 CAR § 50-1101;
- (2) Food service records, 12 CAR § 50-1102;
- (3) Conformance to Department of Health rules, 12 CAR § 50-1103;
- (4) Intake, booking, and release areas, access to shower facilities, 12 CAR § 50-1508(a)(3);
- (5) General housing requirements, shower facilities, 12 CAR § 50-1510(b)(2);
- (6) Single cell housing areas, 12 CAR § 50-1511;
- (7) Activity rooms, 12 CAR § 50-1514;
- (8) Linen storage, 12 CAR § 50-1515;
- (9) Natural light, 12 CAR § 50-1611;
- (10) Intake, booking, and release areas, access to shower facilities, 12 CAR § 50-1613(a)(4);
- (11) General housing requirements, 12 CAR § 50-1616;

- (12) Dayrooms, 12 CAR § 50-1620;
- (13) Activity rooms, 12 CAR § 50-1621;
- (14) Linen storage and laundry services, 12 CAR § 50-1622;
- (15) Exercise spaces, 12 CAR § 50-1623; and
- (16) Food service space, 12 CAR § 50-1626.

**Authority.** Arkansas Code § 12-26-103.

**12 CAR § 50-1703. Holding cells.**

Holding cells as defined herein are not required to conform to the standards set forth within this part, except that a holding cell shall be required to have:

- (1) Reasonable access to toilet facilities;
- (2) The ability for observation by staff; and
- (3) Access to food and water if a detainee is held for more than four (4) hours.

**Authority.** Arkansas Code § 12-26-103.