

Title 12. Law Enforcement, Emergency Management, and Military Affairs

Chapter X. Department of Corrections, Board of Corrections

Subchapter A. Generally

Part 60. Department of Corrections Rules

Subpart 1. Generally

12 CAR § 60-101. Classification of offenders.

(a) **Purpose.** To establish policy to provide for a method of classifying offenders in the custody of the Division of Correction/Division of Community Correction, to comply with Arkansas Code § 12-29-202, and to ensure a uniform method of awarding meritorious good time pursuant to the provisions of the Arkansas Code.

(b) **Applicability.** To offenders and Department of Corrections staff.

(c) **Definition.** As used in this section, "offenders" means persons sentenced to the Division of Correction or persons sentenced to the Division of Correction for judicial transfer to the Division of Community Correction and persons confined within a center as a condition of probation, suspended imposition of sentence or post-prison transfer, or under the supervision of the Division of Community Correction.

(d) **Policy.**

(1)(A) As defined by this section, a classification committee shall be established for each unit/center.

(B) Members of the committee will be selected by wardens or supervisors of the various units/centers.

(C) The classification committees shall be composed of, but not limited to:

(i) Unit warden/center supervisor or assistant warden/assistant center supervisor (acting as chair);

(ii) Unit classification officer or person acting in this capacity as designated by the warden/supervisor;

(iii) Security representative; and

(iv) Treatment representative.

(2)(A) The unit classification committee shall meet as often as necessary to classify offenders in accordance with guidelines established in the Classification Manual and/or administrative directive.

(B) Exceptions to these policies must be approved by the Secretary of the Department of Corrections.

Authority. Arkansas Code §§ 12-27-105, 16-93-1203.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

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DCP 7.2

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DCP 7.2 Emerg. 1/19/94

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Effective Date: 3/10/94"

"I. AUTHORITY:

The authority of the Board of Correction and Community Punishment to promulgate this Administrative Rule is confirmed in Act 50 of 1968, First Extraordinary Session, as amended; and Act 309 of 1991, Regular Session; Acts 548 and 549 of 1993 (Ark. Code Ann. ss 16-93-1203 and 12-27-105 of 1993)."

"VI. REFERENCES:

ACA Standards 3-4284"

12 CAR § 60-102. Inmate records.

(a) **Policy.** The Division of Correction shall maintain a full and complete record of every inmate under its supervision and protect the integrity of such records in accordance with Arkansas Code § 12-27-113(e).

(b) **Explanation.**

(1) To protect the integrity of inmate records and to ensure their proper use.

(2) It is unlawful to permit inspection of or disclose information contained in the records or to copy or issue a copy of all or part of any record, except as authorized by administrative rule or court order.

(c) **Definition.**

(1) As used in this section, "inmate record", also known as "institutional file" and "inmate jacket", means a full and complete record in written or electronic form regarding each person committed to the Division of Correction, which shall include, but is not limited to:

(A) A photograph of the convicted person;

(B) The offense and sentence for any conviction for which the inmate is incarcerated;

(C) The inmate's criminal history, medical and mental health information and records; and

(D) All other records that identify and relate directly to that inmate.

(2) Electronic transmissions and recordings that chronicle the activities and conversations of inmates are part of the inmate record.

(d) **Procedures.**

(1) Disclosure or inspection of information contained in inmate records is prohibited unless authorized by this section or by court order.

(2) Except as authorized by Acts 2015, No. 1265 (Arkansas Code § 12-27-145), only the following information from an inmate record may be released to the general public:

(A) Offender's:

- (i) Name;
 - (ii) Aliases;
 - (iii) Division of Correction number;
 - (iv) Photograph;
 - (v) Physical description;
 - (vi) Date of birth;
 - (vii) Age;
 - (viii) Race; and
 - (ix) Gender;
- (B) Date of incarceration;
- (C) Facility or facilities of confinement, work assignments, and program participation (unless it involves drug and alcohol program participation);
- (D) The following information regarding current incarceration:
- (i) Offense or offenses;
 - (ii) Sentence or sentences;
 - (iii) Sentence date or dates;
 - (iv) County or counties of conviction;
 - (v) Case number or numbers;
 - (vi) Total time to serve;
 - (vii) Parole/transfer eligibility date;
 - (viii) Movements; and
 - (ix) Behavior;
- (E) The following information regarding prior incarcerations:
- (i) Offense or offenses;
 - (ii) Sentence or sentences;
 - (iii) Sentence date or dates;
 - (iv) County or counties of conviction;
 - (v) Case number or numbers;
 - (vi) Movements;
 - (vii) Behavior; and

(viii) Parole/clemency history, including date or dates of release and date or dates of return to the division; and

(F) Detainers.

(3) Information from an inmate's record in addition to that in subdivision (b)(2) of this section may be released to criminal justice agencies and to social service and other governmental authorities unless state or federal law prohibits such disclosure.

(4) Information contained in inmate records in addition to that in subdivision (b)(2) of this section may be released to appropriate personnel for research purposes.

(5) Information contained in inmate records in addition to that in subdivision (b)(2) of this section may be viewed by an employee of the Bureau of Legislative Research in accordance with and subject to the limitations of Arkansas Code § 12-27-113(e)(5).

(6)(A) Access to an inmate's own record may be granted, or information from the record may be released to the inmate and/or his or her attorney as needed to resolve legitimate questions about the accuracy of information in the record or as required by the rules of discovery in pending litigation.

(B) The names of confidential informants and other sensitive or confidential information the disclosure of which might cause harm to any person are exempt from disclosure except pursuant to court order.

(7) Upon the death of an inmate, access to that inmate's medical or mental health information or records may be granted to a person designated by the inmate to have access to such records in accordance with policies and procedures adopted by the division, or as required by state or federal law.

(8)(A) An inmate will not be permitted to peruse his or her file at will.

(B) An inmate's request for access to the file or information contained therein must:

- (i) Be made in writing to the warden or his or her designee;
- (ii) State with particularity the information or parts of the file to which access is requested; and
- (iii) Be supported by a showing of compelling need.

(C) The decision of the warden or his or her designee to grant or deny the inmate's request shall be final.

(9) An inmate will not be given access to another inmate's record or any information contained therein.

Authority. Arkansas Code § 12-27-105.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

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Ark. Code Ann. § 12-27-113(e) 5/21/2018"

"V. REFERENCE:

Ark. Code Ann. § 12-27-113(e)

VI. STANDARD:

American Correctional Association (ACA) Standards for Adult Correctional Institutions"

12 CAR § 60-103. Inmate DNA testing.

(a) **Applicability.** This section applies to employees and inmates of the Division of Correction.

(b) **Policy.** To comply with Acts 1997, No. 737, as amended by Acts 2001, No. 218, titled, "DNA Detection of Sexual and Violent Offenders Act" by establishing guidelines for obtaining DNA samples from certain felons in the custody of the division.

(c) **Guidelines.** An administrative directive will delineate:

- (1) Those sexual, violent, and other offenders affected;
- (2) Methodology for obtaining DNA samples from affected offenders;
- (3) Chain of custody for transmission of samples; and
- (4) Authorizations and indemnifications for division staff involved.

Authority. Arkansas Code § 12-27-105.

Codification Notes. "DNA" means deoxyribonucleic acid.

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

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891 1 of 1

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Reference: Effective Date:

11/16/2001"

"I. AUTHORITY:

The Board of Correction and Community Punishment is vested with the authority to promulgate the Administrative Rule by Ark. Code Ann. §§ 12-27-105."

"V. REFERENCES:

Act 737 of 1997 – "DNA Detection of Sexual and Violent Offenders Act"

Act 218 of 2001 – "An Act to Amend Arkansas Code 12-12-1109 to Add Residential and Commercial Burglary to those Offenses which Require a DNA Sample"

12 CAR § 60-104. Inmate commissaries.

(a) **Policy.** It shall be the policy of the Division of Correction to provide inmate commissaries from which inmates may purchase products.

(b) **Explanation.**

(1) Sale price of commissary products shall be as established and approved by the Board of Corrections.

(2) Profit from sale of products to inmates shall be held in the Inmate Welfare Fund to be administered and used by the Director of the Division of Correction for the general benefit of the inmates under rules as established by the board.

(3) The division will provide policy and procedures for the operation of the inmate commissaries.

Authority. Arkansas Code § 12-27-105.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

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103 1 of 1

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Effective Date: 10-23-2007"

"VII. REFERENCES:

ACA Standard"

12 CAR § 60-105. Funds of offenders.

(a) **Purpose.** To ensure that proper and accurate accounting records for funds of offenders are maintained at each facility.

(b) **Applicability.** To the warden/center supervisor/accounting staff of each facility responsible for the establishment and maintenance of book of account.

(c) **Definition.** As used in this section, "offenders" means persons sentenced to the Division of Correction or to the Division of Correction for judicial transfer to the Division of Community Correction or confined in a community correction center as a condition of:

- (1) Probation;
- (2) Suspended imposition of sentence; or
- (3) Post-prison transfer.

(d) **Policy.** The policy of the Board of Corrections is to ensure that proper and accurate accounting records for funds of offenders are maintained at each facility.

(e) **Procedure.**

(1)(A) Each facility warden/center supervisor ensures that appropriate staff work within the guidelines established by the Administrative Services Division of the Department of Corrections that clearly and accurately depict receipts and disbursement transactions and balances for each offender's account.

(B) The responsibility of the warden/center supervisor for maintenance of offenders' accounts includes, but is not limited to:

(i) Establishment, and notification to offenders, of procedures whereby moneys are deposited to offender accounts; and

(ii) Establishment, and notification to offenders, of procedures whereby the offender may disburse or otherwise use personal funds.

(2)(A) Personal funds of offenders will be given to the offender at the offender's release from custody.

(B) In the event of transfer to another facility of the Department of Corrections or a corrections institution outside the Division of Correction/Division of Community Correction, the funds will be sent to the receiving facility.

(C) In the event that an offender is no longer in the custody of the Department of Corrections, and personal funds of the offender remain on the books of account of the facility, the moneys in the account will be provided to the Administrative Services Division to be permanently held for subsequent claim by the offender.

(D) The Administrative Services Division may release such funds only to individuals that are properly authorized to make the claim, to include adherence to the appropriate policy or directive in the event of the death of the offender to whom the funds belong.

(3)(A) In no event will money be maintained for more than seven (7) years.

(B) At that time, funds would be deposited into the Offender Assistance or Welfare Fund.

Authority. Arkansas Code §§ 12-27-105, 16-93-1203.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

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AD 88:02 3/10/94"

"I. AUTHORITY:

The Board of Correction and Community Punishment is vested with the authority to promulgate Administrative Rules by Act 50 of 1968, Extraordinary Session, as amended;

Acts 548 and 549 of 1993, Regular Session (Ark. Code Ann. ss 16-93-1203 and 12-27-105 of 1993)."

"VIII. REFERENCES:

3-4045; 3-4047 (ACA Standards)"

12 CAR § 60-106. Use of telephones.

(a) **Purpose.** To establish policy and procedures concerning offender access to telephones.

(b) **Applicability.** To all offenders and all employees involved in authorizing the use of telephones by offenders.

(c) **Policy.**

(1) It shall be the policy to provide offenders with reasonable access to telephone usage.

(2) Unit wardens and center supervisors may provide offender access to coinless collect telephones at units/centers in accordance with appropriate administrative directives.

(3) The use of telephones by offenders at units/centers not authorized access to coinless collect telephones will be limited to only authorized telephone calls.

(d) **Procedures.**

(1) Offenders at units/centers with coinless collect telephones will only be allowed to make calls during approved times.

(2) Telephone contact with offenders' attorneys may be approved upon presentation of evidence the call is necessary.

(3) Policy and procedure for the use of telephones shall be covered by administrative directives and administrative memoranda from the appropriate deputy director.

Authority. Arkansas Code § 12-27-105.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

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867 9/30/85

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1/9/95"

"I. AUTHORITY:

The Board of Correction and Community Punishment is vested with the authority to promulgate this Administrative Rule by Act 50 of 1968, Extraordinary Session, as amended; Act 697 of 1993; Acts 548 and 549 of 1993, Regular Session; (A.C.A. ss 16-93-1203 and 12-27-105 supp. 1993)."

12 CAR § 60-107. Chaplaincy services.

(a) **Purpose.** To establish access to religious ministers and materials, and to ensure opportunities for the practice of religion within the Department of Corrections.

(b) **Applicability.** This section applies to:

(1) All staff and offenders of the department;

(2) All ministers and volunteers carrying out their ministry inside the department; and

(3) Any spiritual advisor or minister providing ongoing linkage between a religious group and an offender of the department.

(c) **Definitions.** As used in this section:

(1) "Minister" means an individual ordained or otherwise recognized, according to the precepts of the religion represented, as qualified to:

(A) Teach religious precepts;

- (B) Provide spiritual counsel; and
- (C) Conduct religious services;

(2) "Offenders" means persons sentenced to the Division of Correction or persons sentenced to the Division of Correction for judicial transfer to the Division of Community Correction or confined in a community correction center as a condition of:

- (A) Probation;
- (B) Suspended imposition of sentence; or
- (C) Post-prison transfer;

(3) "Religion" means a set of beliefs and corresponding practices based on sacred writings, and/or having historically established support, that play a central role in the everyday life of a recognizable and cohesive group in society;

(4) "Restrictions" means generally diminished rights consistent with incarceration and specific limitations on religious conduct deemed necessary to meet legitimate penological interests; and

(5) "Volunteer" means an individual having the approval of a religious group or authority, approved through the procedures of the department, and trained in applicable rules and expectations of conduct to be followed inside the department, who provides for, or assists in providing for, the religious needs of offenders.

(d) **Policy.** It is the policy of the department to allow offenders access to the opportunities and means to learn about religions and to practice a religion of choice, without undue restriction.

(e) **Procedures.**

(1) Chaplaincy services shall establish and review annually a policy and procedures manual guiding ministers and volunteers regarding religious practices within the department.

(2)(A) Any restrictions to be placed on the practice of religion will be approved by an ad hoc committee comprised of the:

- (i) Staff of the Secretary of the Department of Corrections; and
- (ii) Administrator of Chaplaincy Services.

(B) A representative of the affected religion will be afforded the opportunity to present the case against the restriction.

(C) The committee will make a recommendation for the approval of the secretary.

(3) Wherever restrictions are necessary, the least severe acceptable restriction will be used, and a substantive equivalent, if available and not imposing an undue burden on department officials, will be provided for the restricted activity.

(4) Any religious activity that involves inflammatory statements about the characteristics, beliefs, or practices of another group, threats against the order and safety of the facility, or instigation of conflict among the group members that compromises the safety of the group or the safety of others may be curtailed immediately with the approval of the senior security officer on duty.

(5)(A) Restrictions of religious practice may be placed on clearly defined groups of offenders, based on their security status and the breach of security that allowing those practices would entail.

(B) Such restrictions shall apply evenly to all offenders of the same security status.

(C) Where consistent with good security, alternative opportunities for the practice of religion shall be afforded.

(6)(A) The department shall show no favoritism toward, nor selectively impose restrictions against, a particular religion.

(B) However, the burden for demonstrating that an unusual, illogical, or unorthodox set of practices does have scriptural, historical, and consensual validity as a religion, is placed upon the offender.

(7)(A) Participation in religious activities shall be voluntary.

(B) Participation in some activities may be restricted, where canon law or the tenets of the religion demand such restriction.

(C) Any restrictions imposed must be registered with the Administrator of Chaplaincy Services or appropriate staff and have prior approval.

(8)(A) Fasts or dietetic restrictions are permitted.

(B) Additional or substitute food items require prior approval through the Administrator of Chaplaincy Services or appropriate staff.

(C) Food or beverage items that would otherwise be contraband must have prior approval of the secretary.

(D) Blanket approval may be given and rules set by the Administrator of Chaplaincy Services or appropriate staff.

(9)(A) The department shall not furnish religious materials.

(B) Access to purchased or donated religious materials may be arranged through the Administrator of Chaplaincy Services or appropriate staff, in consultation with the appropriate deputy or assistant director.

(10)(A) Application for approval of visits by spiritual advisors should follow normal visitation procedures.

(B) Special visits should be channeled through the senior chaplain of the facility, who will make a recommendation to the warden/center supervisor.

(11) Notification to offenders of family emergencies and notification to families of offender mishaps shall involve the chaplaincy services.

Authority. Arkansas Code § 12-27-105.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

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"I. AUTHORITY:

The Board of Correction and Community Punishment is vested with the authority to promulgate Administrative Rules by Act 50 of 1968, Extraordinary Session, as amended; Acts 548 and 549 of 1993, Regular session (Ark. Code Ann. ss 16-93-1203 and 12-27-105 of 1993)."

"VII. REFERENCES:

ACA Standard 3-4459; 3-4460; 3-4461; 3-4300.

Act 8 of 1988.

Act 23 of 1988."

12 CAR § 60-108. Grievance procedures for offenders.

(a) **Applicability.** This section applies to employees and offenders of the Division of Correction and Division of Community Correction staff, inmates, and residents of community correction centers.

(b) **Policy.** It is the policy of the Board of Corrections that offenders are provided an opportunity to submit grievances regarding policy, conditions, incidents, or actions related to incarceration/confinement which directly impact them.

(c) **Guidelines.**

(1) Administrative directives establishing procedures will be set forth by each division.

(2) Procedures shall, at minimum provide for the following:

(A) Offender notice of the grievance process;

(B) Timely, effective, and impartial processing of grievances;

(C) An appeals process;

(D) Appropriate documentation of grievance activity; and

(E) Speedy disposition of emergency situations, with security and safety the paramount concern.

(3)(A) Use of the grievance procedure shall occur without:

- (i) Restraint;
- (ii) Coercion;
- (iii) Discrimination;
- (iv) Interference; or
- (v) Reprisal.

(B) Violation of subdivision (c)(3) of this section shall result in prompt and decisive action.

(4) The grievance procedure shall exclude complaints regarding release, transfer, disciplinary, or other matters excluded by administrative directives.

Authority. Arkansas Code §§ 12-27-105, 16-93-1203.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

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DOC 835 2/17/94

DCP 7.14 Emerg. 2/17/94

Reference: Effective Date:

12/1/96 DOC"

"I. AUTHORITY:

The Board of Correction and Community Punishment (BCCP) is vested with the authority to promulgate this administrative rule by Ark. Code Ann. §§ 12-27-105, 16-93-1203 and 16-93-1205 (Michie Supp. 1995)."

"V. STANDARDS:

American Correctional Association Standards for Adult Community Residential Services, 3d edition, standard 3-ACRS-3D-07 and Standards for Adult Correctional Institutions, 3d edition, standard 3-4271."

12 CAR § 60-109. Discrimination and racial issues.

(a) **Policy.** To prohibit discrimination with regard to inmate disciplinary action, transfers, institutional program assignments, and other such matters on the basis of race, creed, color, or national origin.

(b) **Explanation.**

(1)(A) All preservice training, in-service training, and staff development shall include extensive programs in human relations.

(B) All employees shall be informed of their obligation to treat all inmates with equal dignity and courtesy.

(C) As a significant number of inmates in our institutions and facilities have cultural or linguistic behavioral patterns differing from those of many of the staff, all personnel should be familiar with these patterns.

(D) As any inability to communicate between staff and inmates may lead to institutional tension or friction, training shall be aimed at removing communication barriers.

(2)(A) There shall be fair and objective classification of all inmates with respect to all aspects of institutional life.

(B) So far as possible, institutional programs shall reflect the ethnic distribution of the inmate population.

(3)(A) Where security requirements permit, efforts shall be made to involve citizen groups from all communities with inmate groups, including minority self-help groups and other administration-sponsored activities.

(B) Whenever feasible, minority employees shall be encouraged to work with such groups as advisors and counselors.

- (C) As with all inmate group activities, staff supervision is essential.
- (4) All administrators and supervisors shall be:
 - (A) Open to complaints from any inmate concerning discrimination; and
 - (B) Active in investigating any such complaint and in taking remedial action.

Authority. Arkansas Code § 12-27-105.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

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832 1 of 1

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2/1/80"

12 CAR § 60-110. Transfer eligibility to the Division of Community

Correction.

(a) **Purpose.** To establish criteria for inmate transfer eligibility from the Division of Correction to the Division of Community Correction in accordance with conditions established by the Post-Prison Transfer Board.

(b) **Applicability.** To:

(1) Employees of the Division of Correction and the Division of Community Correction, especially those involved in the transfer of inmates from the Division of Correction to the Division of Community Correction and may include but not be limited to:

- (A) Wardens/center supervisors;

- (B) Records staff; and
- (C) Institutional parole officers; and

(2) Inmates.

(c) **Definitions.** As used in this section, “inmates” means persons sentenced to the:

(1) Division of Correction; or

(2) Division of Correction but judicially transferred to the Division of Community Correction.

(d) **Policy.** It shall be the policy of the Board of Corrections to transfer inmates upon their parole or transfer eligibility date from the Division of Correction to the Division of Community Correction subject to approval and conditions set by the Post-Prison Transfer Board.

(e) **Procedures.**

(1) **Transfer provisions.**

(A) Persons who commit felonies prior to January 1, 1994, and who were convicted and incarcerated for those felonies, shall be eligible for release on parole in accordance with the parole eligibility law in effect at the time the crime was committed.

(B) Persons who commit felonies on or after January 1, 1994, and who are convicted and incarcerated for those felonies, shall be eligible for transfer to the Division of Community Correction as follows:

(i) Inmates under sentence of death or life imprisonment without parole shall not be eligible for transfer but may be pardoned or have their sentence commuted to a term of years; and

(ii)(a) Inmates convicted of a target offense under the Community Punishment Act, Acts 1993, Nos. 531 and 548, may be committed to the Division of Correction and judicially transferred to the Division of Community Correction as stated on the court commitment.

(b) A copy of the commitment shall be forwarded to the Division of Correction.

(c) The Division of Community Correction shall take over supervision of the inmate in accordance with the court order.

(C) All other inmates who are incarcerated shall be eligible for transfer to the Division of Community Correction after having served:

(i) One-third or one-half, with credit for good time, of their sentence depending on the seriousness determination made by the Arkansas Sentencing Commission; or

(ii) One-half with credit for meritorious good time, of the time to which their sentence is commuted by executive clemency.

(D) Specific guidelines used in computing an inmate's parole or transfer eligibility date shall be included in the appropriate administrative directive or directives and or records manual.

(2) Transfer procedures.

(A) The Division of Correction or the Division of Community Correction shall provide designated representatives of the Post-Prison Transfer Board:

(i) Information regarding an inmate's transfer eligibility date and disciplinary record; and

(ii) When appropriate, notice from the victim or next-of-kin requesting input on transfer conditions.

(B) Every inmate while on transfer status shall remain:

(i) In the legal custody of the Division of Correction, under the supervision of the Division of Community Correction; and

(ii) Subject to the orders of the Post-Prison Transfer Board.

(C) The appropriate administrative directive or directives and/or operating manuals shall include specific eligibility criteria for transfer review.

(3) Revocation of transfer. In the event an inmate violates terms or conditions of the transfer, revocation procedures shall follow all legal requirements applicable to parole and shall be subject to any additional policies and rules set by the Post-Prison Transfer Board.

Authority. Arkansas Code §§ 12-27-105, 16-93-1203.

Codification Notes. The Community Punishment Act is codified at Arkansas Code § 16-93-1201 et seq.

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

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DCP 8.1

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12/01/02"

"I. AUTHORITY:

The authority to promulgate this rule is vested in Act 549 of 1993, Regular Session, and Act 534/555 of 1993, Regular Session; and A.C.A. 16-93-1301 -- 1304."

"VII. A.C.A. REFERENCES:"

12 CAR § 60-111. Sentence computation and tracking.

(a) **Purpose.** To describe the procedures staff shall use to compute and track offender sentences during confinement.

(b) **Applicability.** To Division of Correction and Division of Community Correction staff, especially records personnel, and offenders committed to the Division of

Correction to include those judicially transferred to the supervision of the Division of Community Correction.

(c) **Policy.** It is the policy of the Board of Corrections to incarcerate offenders only for that portion of their term of confinement that is legally required and to promptly release offenders when their sentences are complete.

(d) **Definitions.** As used in this section:

(1) "Judgment and commitment orders" means a document signed by the sentencing judge or duly authorized officer of the court ordering or authorizing imprisonment of the offender for a specified term;

(2)(A) "Parole eligibility date" means the computed release date of an offender that reflects the required minimum time to serve on a sentence with credit for any good time earned.

(B) Applies to offenders who committed offenses prior to January 1, 1994;

(3) "Projected release date" means the date the offender shall be released if all sentence-related factors and credits remain unchanged;

(4)(A) "Release date" means the date of offender's release from custody and/or supervision upon completion of legally required sentence.

(B) This does not include releases:

(i) On furlough;

(ii) To community programs; or

(iii) To similar activities considered an extension of confinement; and

(5)(A) "Transfer eligibility date" means an administrative condition permitting transfer of eligible offenders that reflects the earliest possible date on which an offender is eligible for transfer from a Division of Correction or Division of Community Correction facility to a Division of Community Correction program and/or supervision.

(B) Such date may be extended based on disciplinary behavior while under commitment to the Division of Correction.

(C) Applies to inmates who committed offenses on or after January 1, 1994.

(e) **Procedures.**

(1)(A) Upon receipt of all necessary information, the records office will compute the parole or transfer eligibility and release date within the parameters established by applicable state and case law.

(B) The records staff will provide each offender with a computation of the total sentence to be served and release eligibility in compliance with applicable state codes and rules.

(C) A time card shall be provided to the offender indicating at least the following:

- (i) Sentence length;
- (ii) Offense;
- (iii) Minimum required time to serve before parole/transfer eligibility;
- (iv) Jail time;
- (v) Class status; and
- (vi) Release dates.

(2) Computation information.

(A)(i) When computing an offender's sentence or sentences, all possible variables relating to the sentence shall be considered.

(ii) This includes at least the sentence and parole or transfer eligibility acts, applicable case law and rulings, and administrative decisions.

(B) In computing the sentence, the responsible staff member shall consider at least the following:

- (i) Date of confinement;
- (ii) Date offender received;
- (iii) Offense;
- (iv) Sentence term;
- (v) Felony class;
- (vi) Date offense committed;
- (vii) Type of sentence imposed by the court and applicable sentencing procedure, including any special orders by the court relating to the sentence;

- (viii) Whether there are any concurrent, consecutive, or dual sentencing procedures in effect;
- (ix) Date sentence imposed;
- (x) Sentence modifications (if any);
- (xi) Prior probation or incarcerations affecting sentence;
- (xii) Jail time credit or credit for time previously served;
- (xiii) Inoperative time (dead time) for escape, bond, or abscond status; and
- (xiv) Any applicable good time applied.

(C) Further clarification of specific variables to be considered will be addressed in the appropriate administrative directive and/or records manual.

(3) Computation summary.

(A) A summary of information and computations shall be prepared and maintained in accordance with the appropriate administrative directive.

(B) The summary shall include at least the:

- (i) Total number of sentences;
- (ii) Total term or terms;
- (iii) Parole or transfer eligibility and/or release date;
- (iv) Date sentence begins; and
- (v) Date total sentence expires.

(4) Revisions.

(A) Revisions to sentence computation documents shall be made as conditions warrant.

(B) No modification of a sentence shall be initiated without obtaining verification of that change.

(C) Changes will be recorded in a timely manner and revised computation records distributed as needed.

Authority. Arkansas Code § 12-27-105.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"Section Number: Page Number:

DOC 803

DCP 7.3 1 of 3

Board Approval Date:

12/30/93

Supersedes: Dated:

DOC 803 7/8/92

Reference: Effective Date:

1/1/94"

"I. AUTHORITY:

The authority of the Board of Correction and Community Punishment to promulgate this rule is confirmed in Act 50 of 1968, First Extraordinary Session, as amended; Act 438 of 1973, Regular Session; Act 1161 of 1975, Regular Session; Act 93 of 1977, Regular Session; Act 620 of 1981, Regular Session; Act 583 of 1981, Regular Session; Act 772 of 1983, Regular Session; Act 825 of 1983, Regular Session; and Act 534 of 1993, Regular Session."

12 CAR § 60-112. Electronic monitoring after 120 days served.

(a) **Policy.** The Division of Correction will have an appropriate process and/or procedures for identifying and certifying to the Post-Prison Transfer Board eligible Division of Correction inmates to be considered for release to electronic monitoring after serving one hundred twenty (120) days of a sentence.

(b) **Applicability.** This section applies to Division of Correction and Division of Community Correction employees and Division of Correction inmates.

(c) **Guidelines.**

(1) **Eligibility criteria.**

(A) Community correction center residents are not eligible for EM-120 release.

(B) An inmate serving a sentence in the Division of Correction may be approved for EM-120 release if the:

(i) Offense for which the offender is incarcerated was committed on or after March 2, 2015;

(ii) Sentence was not the result of a jury or bench verdict;

(iii) Inmate has served one hundred twenty (120) days of his or her sentence;

(iv) Inmate has an approved parole plan;

(v) Inmate does not have a prior felony conviction for a sex offense or for a felony offense that involved the use or threat of violence or bodily harm;

(vi) Inmate was sentenced from a cell in the sentencing guidelines with:

(a) An incarceration range of thirty-six (36) months or less; or

(b) A presumptive sentence of probation;

(vii) Conviction is for a Class C or D felony;

(viii) Conviction is not for a crime of violence, regardless of felony level;

(ix) Conviction is not for a sex offense, including failure to register as a sex offender under Arkansas Code § 12-12-906, regardless of felony level;

(x) Conviction is not for manufacturing methamphetamine, Arkansas Code § 5-64-423(a) or the former Arkansas Code § 5-64-401 [repealed];

(xi) Conviction is not for possession of drug paraphernalia with the purpose to manufacture methamphetamine, Arkansas Code § 5-64-443, if the conviction is a Class C felony or higher;

(xii) Conviction is not for a crime involving the use or threat of violence or bodily harm;

(xiii) Conviction is not for a crime that resulted in a death;

(xiv) Inmate has not previously failed a drug court program;

(xv) Inmate has not been transferred from the Division of Community Correction to the Division of Correction as a result of disciplinary action; and

(xvi) Inmate does not have an active detainer.

(2) **Notice.** The Director of the Division of Correction will provide notice to the Post-Prison Transfer Board of inmates eligible for EM-120 release and subsequent notice to the Institutional Release Office if approved for such release.

(3) **Supervision.**

(A) Offenders approved for EM-120 release will be supervised by the Division of Community Correction through electronic monitoring (home detention) until the offender's transfer eligibility date or for at least ninety (90) days of full compliance by the offender, whichever is sooner.

(B) Home detention will be tailored and defined by the parole/probation supervision officer for each program participant (for example, curfew, authorized for school/work, practice religion).

(C) The term of electronic monitoring must not exceed the maximum number of years of imprisonment or supervision to which the offender could be sentenced.

(4) **Funding for services.** Eligible offenders must pay the cost of their electronic monitoring service and associated equipment.

(5) **Types of GPS devices.** The Division of Correction is authorized to use all types of electronic monitoring devices for monitoring the presence of an offender in his or her home in a manner consistent with the law.

(6) **Discharge credit.** An eligible offender approved for EM-120 release may earn discharge credits against his or her sentence.

Authority. Arkansas Code §§ 12-27-105, 16-93-1203.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

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ACC 7.12

ADC 1317

Page Number:

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Board Approval Date:

8/21/2015

Supersedes:

ACC 7.12

ADC 1317

Dated:

1/31/2013

Reference:

Sec. of State 159.

Effective Date:

9/15/2015"

"I. AUTHORITY. The Board of Corrections is vested with the authority to promulgate this administrative rule by Ark. Code Ann. §§ 12-27-105, 16-93-1203 and 16-93-1205."

12 CAR § 60-113. Meritorious good time.

(a) **Purpose.** To ensure a uniform method of awarding meritorious good time in accordance with Arkansas Code.

(b) **Applicability.** Directors of the Division of Correction and Division of Community Correction, respective staff of the Division of Correction and Division of Community Correction responsible for administering meritorious good time, and inmates.

(c) **Policy.** It shall be the policy of the Board of Corrections to award inmates meritorious good time as a result of good discipline, behavior, work practices, job

responsibilities, and involvement in rehabilitative activities while in the custody or supervision of the Division of Correction or Division of Community Correction.

(d) **Definitions.** As used in this section:

(1) "Inmate" means a person sentenced by court order to:

(A) The Division of Correction;

(B) The Division of Correction but judicially transferred to the Division of Community Correction; or

(C) A Division of Community Correction facility; and

(2) "Meritorious good time" means a reduction in an inmate's parole or transfer eligibility date up to thirty (30) days for each month incarcerated after imposition of sentence.

(e) **Procedures.**

(1) An inmate may be entitled to meritorious good time reducing their parole or transfer eligibility date up to thirty (30) days for each month incarcerated after imposition of sentence in one (1) of the units, facilities, or centers maintained by the Division of Correction or the Division of Community Correction.

(2) **Release eligibility.**

(A) Meritorious good time will not be applied to reduce an inmate's length of sentence.

(B)(i) Meritorious good time shall apply to an inmate's parole or transfer eligibility date from the Division of Correction or the Division of Community Correction.

(ii) Meritorious good time shall under no circumstances reduce an inmate's time served by more than one-half (1/2) of the percentage required by law for transfer eligibility.

(iii) Meritorious good time shall under no circumstances reduce an inmate's confinement in a community punishment facility by more than one-half (1/2).

(C) The Division of Correction or the Division of Community Correction shall determine a date at which the inmate who has acquired the maximum amount of meritorious good time necessary is to be administratively transferred to a less restrictive placement or supervision level within the Division of Community Correction.

(3) **Class status.**

(A) Inmates may be reclassified as often as necessary in accordance with applicable rules and/or policies in order to carry out the purposes of the law and to maintain good discipline, order, and efficiency at the units, facilities, and centers.

(B) Inmates who are reduced to the lowest class as a result of disciplinary action shall not be entitled to earn meritorious good time.

(C) Inmates serving a punitive disciplinary sentence shall not earn meritorious good time.

(4) **Reduction in class status.** Reduction in class status may occur as:

(A) A result of disciplinary action; or

(B) An administrative reassignment or demotion after a hearing conducted by a designated committee.

(5) **Forfeiture and restoration of meritorious good time.**

(A) Earned meritorious good time may be forfeited in accordance with the appropriate departmental policies upon conviction of a violation of departmental rules.

(B) The director of either the Division of Correction or the Division of Community Correction may restore lost good time in accordance with applicable procedures.

(6) **Good time earned pending transfer to Division of Correction or Division of Community Correction.** Any person who is sentenced by a circuit court to the Division of Correction or Division of Community Correction and is awaiting transfer may earn meritorious good time.

(7) **Statutory good time.** Inmates sentenced to the Division of Correction prior to April 2, 1971, shall be entitled to statutory good time as provided in Acts 1968, No. 50, provided no inmate shall ever receive a reduction of more than thirty (30) days for each month served.

(8) **Effective date.**

(A) Inmates whose offense date is prior to January 1, 1994, shall earn good time (including good time applied to the length of sentence) in accordance with the good time law in effect on the date of the offense.

(B) Inmates whose offense date is on or after January 1, 1994, shall earn good time in accordance with Acts 1993, Nos. 536 and 549.

Authority. Arkansas Code §§ 12-27-105, 16-93-1203.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

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DCP 7.9 1 of 3

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Supersedes: Dated:

AR 826 7/17/91

Reference: Effective Date:

1/1/94"

"I. AUTHORITY:

The authority to promulgate this administrative rule is vested in Act 549 of 1993, Regular Session, and Act 536 of 1993, Regular Session; A.C.A. 12-29-201--205."

"VII. A.C.A. REFERENCE:"

12 CAR § 60-114. Inmate emergency work assignments during disasters.

(a) **Policy of Division of Correction.** To establish uniform procedures and ensure the safety and security of all inmates, staff, and community when assisting the Division of Emergency Management and/or Arkansas National Guard in times of disaster in the State of Arkansas, as requested by the chief executive officer of the state.

(b) **Explanation.**

(1)(A) All requests for disaster assistance must be referred to Director of the Division of Correction (deputy directors in the absence of the director), who has the authority to:

- (i) Gather information;
- (ii) Determine priorities; and
- (iii) Approve or deny those requests.

(B) In death threatening situations or extreme emergencies where immediate responses are called for, authorization may be given by the warden/center supervisor of the unit/center closest to the disaster site, while notifying the director.

(C) The uniform procedures are:

(i) When requests for assistance are denied, the director or designee will explain the denial to the requesting agency;

(ii) The director or his or her designee, upon approval, will determine:

(a) Which unit or units/center or centers will participate (based on the location of the disaster);

(b) The security classification of inmates; and

(c) The number needed to perform the work; and

(iii) The appropriate warden/center supervisor or his or her designee will be notified by the director or his or her designee and will initiate the process of forming an inmate emergency work crew in accordance with unit/center standard operating procedures (SOP).

(2)(A) The Division of Correction is subject to twenty-four-hour call for disaster related assistance with institutional security and staff/inmate safety being given top priority.

(B) After the director's or his or her designee's approval, every effort will be made by the Division of Correction to have the inmate emergency work crew en route to the designated work site within three (3) hours maximum.

(3)(A)(i) Inmates will work only in areas where the requesting official has responsibility and authority.

(ii) The requesting official must have primary authority in the specific disaster area, e.g., the county judge within a county, the mayor within the city limits, or a state department head on his or her departmental grounds.

(iii) The director or his or her designee will ascertain the contact person and inform the appropriate warden/center supervisor accordingly.

(B)(i) The scope of work includes clearing only rights-of-way or other public facilities.

(ii) A "right-of-way" is defined as a corridor purchased for public use, to construct or build and maintain a road facility for public use, to construct or build and maintain a road facility for public use, e.g., highways, roads, streets, driveways, and walkways.

(iii) Division of Correction inmate emergency work crews will not work on private property under any circumstances.

(C) Working hours will be determined considering good security and inmate safety.

(D) In assisting during a disaster, the Division of Correction will furnish the following:

(i) Inmate emergency work crew or crews;

(ii) Supervisory and security staff during work;

(iii) Transportation of inmates and staff to and from work sites; and

(iv) Appropriate hand tools (axe, shovel, hoes).

(E)(i) Meals and lodging for inmates and staff, if needed, must be provided by the requesting agency.

(ii) The requesting agency will be required to provide transportation for inmates and staff to and from work sites and appropriate hand tools, if these cannot be furnished by the Division of Correction.

(4)(A) The warden/center supervisor for each unit/center is responsible for developing standard operating procedures to ensure smooth implementation of this section.

(B) The warden/center supervisor will provide the director and deputy directors with copies of the SOP.

(5) The Division of Correction will work with the requesting agency on details and handling the reimbursement of Division of Correction expenses.

Authority. Arkansas Code § 12-27-105.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"Section Number: Page Number:

876 1 of 2

Board Approval Date:

02/04/83

Supersedes: Dated:

Reference: Effective Date:

5/24/83"

12 CAR § 60-115. Earned Release Credits Committee.

(a) **Purpose.** To establish the Earned Release Credits Committee in accordance with Arkansas law.

(b) **Applicability.** The Department of Corrections.

(c) **Policy.** It shall be the policy of the Board of Corrections to establish an Earned Release Credits Committee.

(d) **Definitions.** As used in this section:

(1) "Earned release credits (ERC)" means credits accrued by an inmate that can be used to reduce the period of confinement, but not the length of sentence, if awarded by the Post-Prison Transfer Board; and

(2) "Earned Release Credits Committee" means a committee established by the Board of Corrections to develop guidelines by which inmates may accrue earned release credits as defined by Arkansas Code § 12-29-703.

(e) Procedures for Earned Release Credits Committee.

(1) The committee shall meet as directed by the Board of Corrections, but no less than quarterly, to:

(A) Determine the rate at which credits may be accrued for work practices, job responsibilities, good behavior, and involvement in rehabilitative activities; or

(B) Whenever a new program becomes active, to determine the amount of ERC to be accrued for program completion.

(2)(A) The committee shall consist of seven (7) members who shall select a chairperson at the first meeting and annually thereafter.

(B) One (1) representative shall be selected by the Secretary of the Department of Corrections, upon recommendation of wardens and supervisors of various units, facilities, or centers of the divisions of the department, to represent the interests of the Post-Prison Transfer Board.

(C) One (1) representative shall be selected by the Compliance Administrator, upon recommendation of wardens and supervisors of various units, facilities, or centers of the divisions of the department, to represent the interests of the Board of Corrections.

(D) One (1) representative shall be selected by the secretary, upon recommendation of wardens and supervisors of various units, facilities, or centers of the divisions of the department, to represent the legal section of the department.

(E) One (1) representative shall be selected by the secretary, upon recommendation of wardens and supervisors of various units, facilities, or centers of the divisions of the department, to represent the quality improvement section of the department.

(F) One (1) representative shall be selected by the Director of the Division of Community Correction, upon recommendation of wardens and supervisors of various

units, facilities, or centers of the divisions of the department, to represent the interests of the Division of Community Correction.

(G) Two (2) representatives shall be selected by the Director of the Division of Correction, upon recommendation of wardens and supervisors of various units, facilities, or centers of the divisions of the department, to represent the interests of the Division of Correction.

Authority. Arkansas Code § 12-27-105.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"Section Number: ACC AR 9.4 ADC AR 811 Page Number: Board Approval Date:
Supersedes: New Dated: Reference: Effective Date:"

"I. AUTHORITY:

The authority to promulgate this administrative rule is vested in A.C.A. § 12-27-105."

"VIII. REFERENCES:

A.C.A. § 12-29-703."

12 CAR § 60-116. Accrual of Earned Release Credits.

(a) **Purpose.** The purpose of this part is to ensure a uniform method by which inmates may accrue earned release credits in accordance with Arkansas law.

(b) **Applicability.** This part is applicable to eligible inmates in the custody of the Division of Correction.

(c) **Policy.** It shall be the policy of the Board of Corrections to authorize accrual of earned release credits to eligible inmates for participation in work practices, job responsibilities, good behavior, and involvement in rehabilitative activities while in the custody of the Division of Correction.

(d) **Definitions.** As used in this section:

(1) "Accrued earned release credits" means days earned as administered by the Director of the Division of Correction through participation in work practices, job responsibilities, good behavior, and involvement in rehabilitative activities towards consideration for transfer to post-release supervision by the Post-Prison Transfer Board;

(2) "Awarded earned release credits" means days of accrued earned release credits which have been awarded by the Post-Prison Transfer Board, thereby reducing the time an inmate is required to spend in confinement;

(3) "Earned release credits" means days for which an inmate may accrue time towards transfer to post-release supervision upon award by the Post-Prison Transfer Board;

(4) "Eligible offense" means an offense committed on or after January 1, 2025, for which an inmate is sentenced by the court to a period of incarceration in the division and which is not designated as ineligible for earned release credits pursuant to Arkansas Code § 16-93-1801et seq.; and

(5)(A) "Release eligibility date" or "R.E.D." means the date on which an inmate is projected to be eligible for transfer to post-release supervision if awarded all accrued earned release credits by the Post-Prison Transfer Board.

(B) This date is:

(i) Intended to demonstrate an inmate's progress towards completion of his or her case plan and good behavior; and

(ii) Subject to change based on classification, completion of assigned programs, and forfeited earned release credits.

(e) **Procedures.**

(1) An inmate may accrue earned release credits on an eligible offense for participation in work practices, good behavior, and involvement in rehabilitative activities while in the custody of the division.

(2) Earned release credits shall not reduce an offender's period of confinement for more than the maximum amount authorized under Arkansas Code §§ 16-93-1803 and 16-93-1804.

(3)(A) Earned release credits may be accrued based on classification and completion of assigned programs.

(B) Maximum rate of potential accrual.

(i) For offenses eligible to earn up to fifteen percent (15%) of the period of confinement in earned release credits, an offender may earn earned release credits totaling:

(a) Seven and one-half percent (7.5%) of the period of confinement for that offense based on classification; and

(b) Seven and one-half percent (7.5%) of the period of confinement for that offense based on completion of assigned programs.

(ii) For offenses eligible to earn up to fifty percent (50%) of the period of confinement in earned release credits, an offender may earn earned release credits totaling:

(a) Twenty-five percent (25%) of the period of confinement for that offense based on classification; and

(b) Twenty-five percent (25%) of the period of confinement for that offense based on completion of assigned programs.

(iii) For offenses eligible to earn up to seventy-five percent (75%) of the period of confinement in earned release credits, an offender may earn earned release credits totaling:

(a) Twenty-five percent (25%) of the period of confinement for that offense based on classification; and

(b) Fifty percent (50%) of the period of confinement for that offense based on completion of assigned programs.

(C) Accrual for classification.

(i) Rate of accrual.

(a) A Class One (I) inmate accrues one (1) day of earned release credit for every day that he or she is classified as a Class One (I) inmate.

(b) A Class Two (II) inmate accrues one (1) day of earned release credit for every three (3) days that he or she is classified as a Class Two (II) inmate.

(c) A Class Three (III) inmate accrues one (1) day of earned release credit for every seven (7) days that he or she is classified as a Class Three (III) inmate.

(d) A Class Four (IV) inmate does not accrue any days of earned release credit for good behavior while he or she is classified as Class Four (IV) inmate.

(e) Regardless of class, an inmate who is housed in restrictive housing does not accrue any days of earned release credit for good behavior unless the Director of the Division of Correction, or his or her designee, certifies that the inmate is held in restrictive housing for his or her protection or due to medical concerns and is not eligible for placement in general population.

(ii) **Guidelines.**

(a) **Maximum days to be accrued.** At no point shall an inmate accrue more days of earned release credit for good behavior and work practices than authorized by subdivision (e)(3)(B) of this section.

(b) **Forfeiture.** Earned release credits for good behavior and work practices may be forfeited for disciplinary reasons as set out in division policy.

(c) **Restoration of Forfeited Credits.** Division directors may restore forfeited earned release credits in accordance with division policy.

(D) **Accrual for completion of assigned programs.**

(i) **Rate of accrual.**

(a) Upon intake to a facility operated by the Department of Corrections, an inmate will be assessed to determine his or her criminogenic needs and a case plan comprised of programs targeted at addressing those needs.

(b)(1) Only those programs authorized by the earned release credits committee are eligible for accrual of earned release credits.

(2) In determining whether a program is authorized to accrue earned release credits, the earned release credit committee shall consider the

recommendation of the Director of the Division of Correction and the likelihood that participation in the program will reduce the severity of at least one criminogenic risk factor.

(3) In analyzing the likelihood that participation in the program will reduce the severity of at least one criminogenic risk factor, the committee should consider reviews performed by the Quality Improvement and Program Evaluation Administrator, if available.

(c) Each program authorized for accrual of earned release credits will be assigned a number of program units.

(d)(1) The units for each assigned program in an inmate's case plan will be added together to determine a total number of programming units.

(2) The number of units for each program will be divided by the total number of units assigned to determine the ratio at which each program is eligible to accrue earned release credits.

(e) Upon successful completion of a program assigned as part of an inmate's case plan, he or she will accrue earned release credit days as set out in this section.

(ii) **Guidelines.**

(a) **Maximum days to be accrued.** At no point shall an inmate accrue more days of earned release credit for completion of assigned programs than authorized by subdivision (e)(3)(B) of this section.

(b) Earned release credits accrued for completion of assigned programs may not be forfeited for disciplinary reasons.

(c)(1) As part of their review process, the Post-Prison Transfer Board may recommend additional programs for an inmate.

(2) Earned release credits may be accrued for these programs at a ratio based on the units of programming authorized in an inmate's initial case plan as determined at intake.

(3) However, the total number of days of earned release credit for programs assigned at intake and programs recommended by the Post-Prison

Transfer Board shall not exceed the total number of days authorized by subdivision (e)(3)(B) of this section.

(4) Earned release credits may reduce the length of time an offender spends in confinement, if awarded by the Post-Prison Transfer Board, but shall not reduce the length of sentence.

(5) Earned release credits do not reduce the length of any period of incarceration until awarded by the Post-Prison Transfer Board, but once accrued will reduce an inmate's release eligibility date.

(6) When the number of days of incarceration plus the number of days of earned release credits awarded by the Post-Prison Transfer Board equal or exceed the length of the period of incarceration imposed by the sentencing court, the inmate shall be transferred to post release supervision for the remainder of his or her sentence, unless revoked pursuant to rules promulgated by the Post-Prison Transfer Board.

(7) The Secretary of the Department of Corrections, or his or her designee, shall produce a manual which provides examples of the application of this rule as well as a list of offenses and the maximum amount of earned release credit that may be accrued for that offense.

(8) Upon completion of an assessment of an inmate's criminogenic needs and determination of the inmate's case plan, he or she will be provided a one-page document clearly setting forth how to accrue maximum earned release credits against his or her sentence.

Authority. Arkansas Code § 12-29-702.

History. Ark. R. 2025-5 (eff. July 6, 2025)

Subpart 2. Inmate Health

12 CAR § 60-201. Personal cleanliness and grooming for offenders.

(a) **Applicability.** All offenders under the care and custody of the Division of Correction and Division of Community Correction (divisions).

(b) **Policy.** To provide for the health and hygiene of offenders confined or incarcerated in the divisions' facilities, and to maintain a standard appearance throughout the period of incarceration or confinement, minimizing opportunities for disguise and for transport of contraband and weapons.

(c) **Guidelines.**

(1) Offenders shall be provided necessary items and services to maintain personal hygiene and grooming.

(2) Grooming regulations to maintain a standard appearance shall be stated in an administrative directive.

Authority. Arkansas Code § 12-27-105.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

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Supersedes: Dated:

DOC 840 11/30/79

DCP 7.17 04/29/94

Reference: Effective Date:

4/20/98"

"I. AUTHORITY:

The Board of Correction and Community Punishment is vested with the authority to promulgate Administrative Rules by Ark. Code Ann. §§ 12-27-105, 16-93-1203 and 16-93-1205

(Michie Supp. 1995)."

"V. STANDARDS:

American Correctional Association; Standards For Adult Correctional Institutions, Third Edition, 3-4324, and Standards for Adult Community Residential Services 3-ACRS-4D-10."

12 CAR § 60-202. Health services.

(a) **Purpose.** This section establishes the mission, components, adherence to appropriate standards, and review mechanisms for the provision of healthcare services in the Division of Correction.

(b) **Applicability.**

(1) This section applies to all providers of health care to inmates.

(2) It also applies to administrators and staff making referrals and affected by recommendations of healthcare providers.

(c) **Definitions.** As used in this section:

(1) "Accessible" has a range of meanings depending on the acuteness and seriousness of the health disorder, but generally means that an inmate will be placed in contact with healthcare staff qualified to evaluate and/or treat the presenting complaint without undue delay or difficulty;

(2) "Health care" refers to the variety of goods, services, personnel, and procedures involved in providing the full range of prevention, evaluation, and treatment of dental, medical, and mental disorders;

(3) "Provider" refers to any healthcare organization, administrator, professional, paraprofessional, or member of support staff, whether employed by the division, under contract to the division, or paid on a fee-for-service basis, providing healthcare services to inmates; and

(4) "Reasonable and necessary" means that any treatable problem that significantly impairs the functioning of the individual, and/or presents a risk of contagion to others, and/or that is likely to worsen or cause unnecessary suffering

without treatment, will be evaluated and treated according to the current community and professional standards and practices of health care.

(d) **Policy.** It shall be the policy of the division to provide healthcare services accessible to all inmates that, at a minimum, meet reasonable and necessary healthcare needs.

(e) **Procedures.**

(1) Each service shall be administered from within the division in such a way as to ensure:

- (A) Proper care of inmates;
- (B) Effective working relations with other divisions and staff; and
- (C) Program consistency with the mission and methods of the division.

(2) Each administratively separate healthcare service shall establish policy and procedures consistent with applicable standards regulating the professional practices of that service.

(3) Each service shall establish a staffing pattern, whether based on funded positions, contract, or fee-for-service, that ensures an adequate number of staff to make services readily available, and proper credentialing to ensure quality of care.

(4) Each service shall ensure that all inmates entering the division are screened, their health status documented, and that referrals for treatment are made promptly when serious needs exist.

(5)(A) Each service shall establish procedures for inmate access to necessary services that are not provided within the confines of the division.

(B) When transfer to another facility is required, procedure must address any impact on liberty interests and/or stigmatization.

(6) Each service shall have policy and supporting documentation addressing:

- (A) Issues of informed consent about procedures;
- (B) The principle of least restrictive or intrusive treatment; and
- (C) The right to refuse treatment.

(7)(A) Each service shall keep proper records of health needs and service delivery.

(B) Procedures will be written for safeguarding confidentiality and for informed consent for release of information.

(8) Each service shall have a mechanism for handling requests and grievances in such a manner as to ensure prompt attention to needs and rapid resolution of problems.

(9)(A) Each service shall have formal lines of communication with the warden/center supervisor to ensure proper notification concerning health needs, healthcare recommendations, and incidents relating to healthcare services.

(B) This line of communication shall also provide for regular meetings to resolve problems and conflicts.

(10) Medical Services shall have procedures for dealing with special needs inmates, such as the aged, chronically ill, and those having severely limited perceptual or motor abilities.

(11) Mental Health Services shall have procedures for dealing with mentally disordered, developmentally disabled, brain damaged, and suicidal inmates, including provisions for special needs inmates requiring intensive and/or long-term care.

(12) Each service shall establish some mechanism of quality review and/or certification to ensure that the service is adequately providing for the needs of the inmate population.

(13) Each service shall provide for training of staff and inmates in:

- (A) Disease prophylaxis;
- (B) Recognition of problems;
- (C) Response to emergency health problems; and
- (D) Healthcare programs.

Authority. Arkansas Code § 12-27-105.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"Section Number: Page Number:

833 1 of 3

Board Approval Date:

3/30/90

Supersedes: Dated:

809; 824; 842; 9/30/82; 2/24/88

855 10/18/88; 4/18/80

Reference: Effective Date:

4/2/90"

"I. AUTHORITY:

The Board of Correction is vested with the authority to promulgate this Administrative Rule by Act 50 of 1968 as amended."

"VII. REFERENCES:

Standards for Health Services in Prisons, National Commission on Correctional Health Care, 1987.

Certification Standards for Health Care Programs, American Correctional Association, 1989.

Act 507 of 1981, 12-29-405."

12 CAR § 60-203. Prenatal care/pregnant inmates/residents.

(a) **Applicability.** Division of Correction and Division of Community Correction inmates/residents and employees.

(b) **Policy.**

(1) To ensure that pregnant inmates/residents of the Division of Correction and the Division of Community Correction are provided comprehensive healthcare services necessary to reach term or to interrupt pregnancy in accordance with applicable:

(A) Statutes;

(B) Standards; and

(C) Rules.

(2) It is the policy of the Board of Corrections to ensure that pregnant inmates/residents who enter the Division of Correction and the Division of Community Correction are provided appropriate and timely counseling in planning for the custody of their unborn children and to ensure, to the extent possible, through cooperation with the Department of Human Services and other agencies, that procedures for placement of the children are in the best interest of the child.

(c) **Explanation.**

(1) Comprehensive counseling and assistance shall be provided to pregnant inmates/residents in keeping with their expressed desire in planning for their unborn children.

(2) Counseling and social services shall be available from Division of Correction/Division of Community Correction staff and/or through community-based agencies as facilitated by Division of Correction/Division of Community Correction staff.

(d) **Procedure.** The Division of Correction and Division of Community Correction shall establish procedures for implementing these rules by appropriate administrative directives.

Authority. Arkansas Code §§ 12-27-105, 16-93-1203.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"Section Number: Page Number:

829 1 of 2

Board Approval Date: 7/11/00

Supersedes: Dated:

Reference: Effective Date:

8/01/00"

"I. AUTHORITY:

The Board of Correction and Community Punishment (BCCP) is vested with the authority to promulgate administrative rules by Ark. Code Ann. §§ 12-27-105, 16-93-1203 and 16-93-1205."

"VII. REFERENCES:

AR (J) DOC AR 835 / DCP AR 7.14 – Grievance Procedures for Offenders
DOC AR 833 – Health Services"

"VI. STANDARDS:

American Correctional Association (ACA) Standards for Adult Correctional Facilities, 3rd Edition, 3-4387;

National Commission on Correctional Health Care (NCCHC) Prison Standard #51, #55 and #58;

ACA Standards for Adult Community Residential Services, 3rd Edition, 3-ACRS-4E-23."

12 CAR § 60-204. Terminal illness or permanently incapacitated.

(a) **Applicability.** This section applies to medical staff, consulting physicians, members of the public, and to administrative staff of the Division of Correction and Division of Community Correction and to inmates/residents identified by a physician as terminally ill or permanently incapacitated.

(b) **Policy.** The medical service provider, Division of Correction, and Division of Community Correction must establish a process to identify and bring to the attention of the Post-Prison Transfer Board for transfer to community supervision terminally ill and permanently incapacitated inmates/residents who meet criteria in this section.

(c) **Definitions.** As used in this section:

(1) "Permanent incapacitation" means a medical condition that is not necessarily terminal but renders an offender permanently and irreversibly incapacitated and requires immediate and long-term care, in the opinion of two (2) licensed physicians pursuant to law; and

(2) "Terminal illness" means an incurable condition that will likely result in death within two (2) years due to illness or disease, in the opinion of two (2) licensed physicians.

(d) **Eligibility criteria for early medical release.** Individuals sentenced to the Division of Correction or Division of Community Correction may be eligible for early release to community supervision pursuant to Arkansas Code § 12-29-404 et seq., with approval of the Post-Prison Transfer Board when two (2) licensed physicians agree the individual meets the definition of permanently incapacitated and/or terminally ill with exception of the following:

- (1) Under sentence of death;
- (2) Sentenced to life imprisonment without parole eligibility;
- (3) Sentenced to life imprisonment (sentence not commuted to a term of years by executive clemency pursuant to Arkansas Code § 16-93-601 et seq.);
- (4) Assessed as a Level 3 or higher sex offender; or
- (5) Required to register as a sex offender and his or her victim of one (1) or more sex offenses was fourteen (14) years of age or younger.

(e) **Procedure.**

(1) Each division director shall provide procedures to be followed within their division to bring individuals within their custody to the attention of the Post-Prison Transfer Board upon recognition that an offender is terminally ill or permanently incapacitated.

(2) Staff from the division having custody of the individual, including medical and mental health staff, will provide any assistance requested by the Post-Prison Transfer Board/court in generating a release plan that appropriately addresses the medical/mental health needs of the inmate/resident.

Authority. Arkansas Code §§ 12-27-105, 16-93-1203.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"Section Number:

ADC 850

AR 7.19

Page Number: 1

Board Approval Date:

08/02/2013

Supersedes:

DOC 850

DCC 7.19

Dated:

09/20/95

Reference:

Effective Date:

09/13/2013"

"I. AUTHORITY

The Board of Corrections is vested with the authority to promulgate administrative rules by Ark. Code Ann. §§ 12-27-105, 16-93-1203, and 16-93-1205."

"VI. REFERENCES

Ark. Code Ann. §12-29-404 §12-12-901, §5-4-607, and §16-93-601 et. seq.."

Subpart 3. Internal Procedures

12 CAR § 60-301. Safety and sanitation.

(a) **Purpose.** To provide the Department of Corrections with a procedure for safety and sanitation.

(b) **Applicability.** To all employees and offenders responsible for maintaining safety and sanitation procedures at the facility.

(c) **Policy.** To ensure that safety and sanitation programs are well planned, aggressively pursued, and continually supervised.

(d) **Procedures.**

(1) Promoting facility safety and sanitation is the responsibility of every offender and employee.

(2)(A) The assistant warden/assistant center supervisor or equivalent assigned designee in charge of operations at each facility will be designated as the safety and sanitation officer.

(B) He or she is responsible for the planning, implementing, and supervising specific safety and sanitation policies and procedures.

(C) The safety and sanitation officer will:

(i)(a) Develop specific safety and sanitation plans for each area of the facility.

(b) Specific procedures will be developed for each area of the facility, with recommendations made by supervisors and department heads of the work areas within the facility;

(ii) Ensure that post orders and job descriptions for area and line supervisors include their responsibility for compliance with safety and sanitation policies developed for their duty area;

(iii) Develop formal inspection reports for area and line supervisors to submit to the safety and sanitation officer on their area's compliance with safety and sanitation policies and procedures;

(iv)(a) Inspect all areas of the facility, on a nonscheduled, rotating basis at least monthly.

(b) Written reports on his or her findings, including suggestions for safety and sanitation policy changes or equipment requirements, will be submitted to the unit warden/center supervisor;

(v) Provide training and guidance to area supervisors and individuals in:

(a) Implementation of safety and sanitation policies and procedures;

(b) Inspections; and

(c) Use of safety equipment;

(vi) Ensure that adequate heat and ventilation suitable to the season are provided; and

(vii) Provide a program using departmental and/or outside sources for pest and rodent control.

(3)(A) Administrative staff will inspect the sanitation of living quarters, segregation units, isolation, and food service areas weekly.

(B) Administrative staff will submit a report of his or her findings to the safety and sanitation officer.

(4) An area supervisor's failure to ensure that safety and sanitation policies and procedures are implemented and enforced in his or her area of responsibility is grounds for disciplinary action.

Authority. Arkansas Code § 12-27-105.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"Section Number: Page Number:

DOC 407

DCP 4.8 1 of 2

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5/19/88

Supersedes: Dated:

DOC 407 6/21/88

DCP 4.8 Emerg. 1/19/94

Reference: Effective Date:

3/10/94"

"I. AUTHORITY:

The Board of Correction and Community Punishment is vested with the authority to promulgate Administrative Rules by Act 50 of 1968, Extraordinary Session, as amended; Acts 548 and 549 of 1993, Regular Session (Ark. Code Ann. Ss 16-93-1203 and 12-27-105 of 1993)."

"VI. A.C.A. STANDARDS:

3-4310; 3-4313; 3-4314"

12 CAR § 60-302. Food service.

(a) **Purpose.** To ensure inmates are provided tasteful and nutritious meals while observing recommended dietary allowances and the basic safety and sanitation requirements for food service programs.

(b) **Applicability.** To all employees:

- (1) In food service;
- (2) Involved in the direction and supervision of the food service program; and
- (3) Involved and associated with those departments involved in the procurement, storage, preparation, and utilization of food service supplies and service of food.

(c) **Policy.** It shall be the policy of the Division of Correction to:

- (1) Establish food standards for food services provided to the inmate population; and
- (2) Observe acceptable standards of food preparation, storage, sanitation, safety, and physical hygiene.

(d) **Procedures.**

(1) **Menu planning.**

(A) Food service staff and the dietician shall:

- (i) Plan menus in advance; and
- (ii) Substantially follow the plan.

(B) Planning and preparation of all meals shall take into consideration food flavor, texture, appearance, palatability, and required dietary allowances.

(C) Master menus shall be developed and/or reviewed by a dietician.

(2) **Food service management.** Food service operations are supervised by a full-time staff member who is experienced in food service management.

(3) **Dietary allowances.** Documentation that a qualified dietician has reviewed dietary allowances at least on an annual basis to ensure meals meet the nationally recommended allowances for basic nutrition.

(4) **Food preparation, storage, and sanitation.** Food services facilities and equipment shall meet established standards and requirements of all federal and state codes.

(5) **Standard operating procedures.** Other issues will be covered by appropriate administrative directives/memoranda issued by the Director of the Division of Correction, Deputy Director of Operations, and/or Administrator of Food Services.

Authority. Arkansas Code § 12-27-105.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"Section Number: Page Number:

600 1 of 2

Board Approval Date:

6/16/92

Supersedes: Dated:

AR 600 5/31/80

Reference: Effective Date:

6/18/92"

"I. AUTHORITY:

The authority to promulgate this Administrative Rule is vested in Act 50 of 1968, First Extraordinary Session, as amended."

12 CAR § 60-303. Transporting/escorting offenders.

(a) **Purpose.** To describe policies and procedures used by the Division of Correction/Division of Community Correction when supervising offenders who require escorted transportation outside the units/centers.

(b) **Applicability.** Wardens/center supervisors, security personnel, any employees required to restrain, escort, and/or transport offenders in the performance of their duties, and offenders.

(c) **Definitions.** As used in this section:

(1) "Employees" means persons:

(A) Hired by the Division of Correction/Division of Community Correction;

or

(B) Contracted for services;

(2) "Offenders" means persons sentenced to the Division of Correction or persons sentenced to the Division of Correction for judicial transfer to the Division of Community Correction and persons confined within a community correction center as a condition of probation, suspended imposition of sentence, or post-prison transfer, or, if appropriate, under the supervision of the Division of Community Correction; and

(3) "Restraints" means security equipment used to:

(A) Prevent escape, assault, or the commission of some other offense by violent or disruptive offenders; and

(B) Protect employees, offenders, and other individuals.

(d) **Policy.** It shall be the policy of the Division of Correction/Division of Community Correction to ensure secure procedures and safety precautions while escorting and/or transporting offenders at all times.

(e) **Procedures.**

(1) **Situations.** Department of Corrections employees will use proper security procedures and safety precautions when escorting and/or transporting offenders at all times, including, but not limited to, the following:

(A) While being escorted and/or transported on the unit/center;

(B) Transfer from one (1) unit/center to another;

(C) While being accompanied on out-to-court status;

(D) While on off-the-unit/center activities;

(E) For offenders being returned to a unit/center following:

(i) Escape;

(ii) Parole violations; or

(iii) Other apprehension return situations; and/or

(F) For any reason offenders must be escorted, transported, or held for the good order and safety of the Division of Correction/Division of Community Correction.

(2) **Use of restraints.**

(A)(i) All offenders being transported from one (1) unit/center to another or being taken from and returned to a unit/center must be handcuffed.

(ii) A security belt and/or leg irons may also be used to provide additional security.

(iii) They may also be used while escorting offenders if used for the good order and security of the department.

(iv) Exceptions to subdivision (e)(2) of this section may include:

(a) Offenders in the least restrictive class to include I-A and I-B;

(b) Inmates being transported to a work-release unit/center;

(c) Inmates being transported to and from an industry or construction job assignment;

(d) Inmates participating in the regional maintenance program or community work program;

(e) Inmates participating in the plasma program;

(f) Inmates being transported to and from band or choir engagements; and

(g) Inmates being transported to and from offender panel engagements.

(B) Handcuffs and/or other security restraint devices employed are not to be removed until the offender is delivered to the receiving authority as specified by the unit warden/center supervisor.

(3) Number of escorts and weapons while transporting offenders.

(A)(i) Normally, two (2) employees shall be assigned to escort offenders in transfer, with at least one (1) employee being armed.

(ii) Exceptions may be made by the unit warden/center supervisor to increase this security escort policy.

(iii) Employees accompanying offenders must be extremely alert, especially in crowds, to guard against escape and/or the acquisition or use of any type weapon by the offender.

(B) At least one (1) escorting employee must be female when transporting a female offender.

(4) Escort instructions.

(A)(i) Escorting employees shall be provided with a copy of the first page of the admission summary and a gate pass or transfer.

(ii) **Exceptions.** Emergency medical transfers will be handled with gate passes only.

(B) When accompanying offenders to court, employees are to contact the sheriff or bailiff, chief of police, or United States Marshal as soon as they arrive and receive orders for subsequent proceedings.

(C)(i) Should the judge order the offender remanded to a jail to await further action, escorting employees are to obtain a copy of the court order, if possible.

(ii) Before turning an offender over to officials, one (1) of the escorting employees will make either telephone or radio contact with the unit warden/center supervisor for instructions.

(iii) Employees will secure a receipt from the sheriff, chief of police, or United States Marshal when the offender is turned over to them.

(D)(i) If overnight travel is necessary, it is permissible for the escorting employees to spend the night in a city or town where the offender may be confined to a secure jail.

(ii) Upon release from such temporary confinement, the offender shall be thoroughly searched for contraband by department employees.

(iii) Offenders being accompanied on off-the-unit/center trips are not permitted visits, except for attorney/client consultations on order of the court or as approved by the warden/center supervisor.

Authority. Arkansas Code §§ 12-27-105, 16-93-1203.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"Section Number: Page Number:

DOC 404

DCP 4.5 1 of 3

Board Approval Date:

2/17/94

Supersedes: Dated:

DOC 404 2/27/92

DCP 4.5 Emerg. 1/19/94

Reference: Effective Date:

3/10/94"

"I. AUTHORITY:

The authority of the Board of Correction and Community Punishment to promulgate this Administrative Regulation is confirmed in Act 50 of 1968, First Extraordinary

Session, as amended; Act 548 and 549 of 1993 (Ark. Code Ann. ss 16-93-1203 and 12-27-105 of 1993)."

"VII. REFERENCES:

ACA Standards 3-4182; 3-4183"

12 CAR § 60-304. Administrative transfer.

(a) **Purpose.** To establish criteria for the administrative transfer of individuals from the Division of Correction to a community correction center operated by the Division of Community Correction.

(b) **Applicability.** Employees of the Division of Correction and Division of Community Correction.

(c) **Definitions.** As used in this section:

(1) "Community correction center" means a minimum or medium security alcohol and drug treatment facility operated by the Division of Community Correction;

(2) "eOMIS" means the electronic Offender Management Information System, or its successor;

(3) "Inmate" means a person sentenced to a term of incarceration in the Division of Correction; and

(4) "Target offense" means an offense that falls into the target group, as defined by Arkansas Code § 16-93-1202(10).

(d) **Policy.** It shall be the policy of the Board of Corrections to transfer eligible inmates from the Division of Correction to a community correction center (CCC) operated by the Division of Community Correction.

(e) **Procedures.**

(1) **Authorization for administrative transfer.** Pursuant to Arkansas Code § 12-27-127, the Division of Correction is authorized to administratively transfer a statutorily eligible inmate to a community correction center if the inmate is eligible for placement, unless the court indicates on the sentencing order that the inmate is not authorized for administrative transfer.

(2) Eligibility for administrative transfer.

(A) An inmate is eligible for administrative transfer to a CCC if the:

- (i) Inmate is sentenced to a term within the statutory parameters;
- (ii) Inmate's current convictions are comprised of target offenses;
- (iii) Inmate does not have a history of violent or sexual offenses;
- (iv) Inmate does not have a disciplinary history that disqualifies him

or her from placement in a CCC; and

(v) Sentencing order does not prohibit administrative transfer.

(B) The Division of Community Correction shall maintain a list of criminal offenses and designate each as either:

- (i) A target offense;
- (ii) Not a target offense; or
- (iii) A potential target offense.

(C) However, the Director of the Division of Community Correction retains discretion over admittance of an inmate into a community correction center and may exclude an inmate who is otherwise eligible for reasons including, but not limited to:

- (i) Facts of the current case;
- (ii) Disciplinary status while incarcerated; or
- (iii) Behavior while on a current or previous term of supervision.

(3) Screening procedures.

(A) All sentencing orders assigning the defendant to the Division of Correction will be reviewed for CCC eligibility by Division of Correction Central Records.

(B)(i) If the sentencing order does not authorize administrative transfer, the inmate will not be administratively transferred.

(ii) The inmate will be designated as not authorized in eOMIS and the Division of Correction intake process will begin.

(C) If the sentencing order does authorize administrative transfer, Division of Correction Central Records will make a preliminary eligibility determination based on the following:

(i) First, if the total time to serve on all offenses is outside the statutory guidelines for programming and a judicial transfer sentence, the inmate is determined to be ineligible for administrative transfer to a CCC; and

(ii) Second, if any of the offenses on the current sentencing order are designated as not a target offense by the Division of Community Correction, the inmate is determined to be ineligible for administrative transfer to a CCC.

(D) For inmates determined to be ineligible during the preliminary eligibility determination, Division of Correction Central Records will notate the reason that the inmate is ineligible for administrative transfer in eOMIS and begin the Division of Correction intake process.

(E) Division of Correction Central Records will forward sentencing orders for inmates who are determined to be preliminarily eligible for administrative transfer to Division of Community Correction Central Records for eligibility screening.

(F)(i) Division of Community Correction Central Records will screen the inmate and make a final determination on eligibility for placement in a community correction center.

(ii) The screening conducted by Division of Community Correction Central Records will cover, at a minimum, the inmate's:

(a) Current offenses;

(b) Criminal history;

(c) History of discipline while incarcerated; and

(d) Violation history while under supervision.

(iii) After conducting the screening, Division of Community Correction Central Records will designate the inmate as either eligible for placement or ineligible for placement in eOMIS.

(iv) If the inmate is determined to be ineligible for placement, Division of Community Correction Central Records will notate why the inmate is ineligible in eOMIS and remit the record back to Division of Correction Central Records.

(v) If the inmate is determined to be eligible for placement, Division of Community Correction Central Records will determine if the inmate is appropriate for placement in a CCC.

(G)(i) When analyzing whether an inmate is suitable for placement in a CCC, Division of Community Correction Central Records will consider the criminogenic, mental health, and substance abuse treatment needs of the inmate.

(ii) If the inmate is determined to be not suitable for placement, Division of Community Correction Central Records will notate why the inmate is not suitable for placement in eOMIS and remit the record back to Division of Correction Central Records.

(iii) If the inmate is determined to be suitable for placement, Division of Community Correction Central Records will begin the Division of Community Correction intake process for the inmate.

(f) Implementation.

(1) The Secretary of the Department of Corrections or appropriate division director may issue directives to implement the guidance contained within this section.

(2) Implementation of this section may be delayed until any necessary directives are issued and any required programming changes to eOMIS have been completed.

Authority. Arkansas Code §§ 12-27-105, 16-93-1203.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"Section Number:

ADC 805 / ACC 9.0

Page Number: 1 of 3

Board Approval Date:

2/24/2022

Supersedes: New

Dated: 2/24/2022

Reference:

A.C.A. § 12-27-127

Effective Date: 3/7/2022"

"I. AUTHORITY:

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

"VIII. A.C.A. REFERENCES:

A.C.A. § 12-27-127

A.C.A. § 16-93-1202"

12 CAR § 60-305. Reporting of incidents.

(a) Policy.

(1) It is the policy of the Board of Corrections to ensure that all serious incidents occurring within a facility or center housing inmates or offenders, or while an offender is under the supervision of the Department of Corrections, are completely documented by those present, and that the Board of Corrections and all appropriate department personnel are informed of the incident in a timely manner.

(2) As used in this section, the term "offender" applies to inmates, residents, parolees, and probationers, in addition to residents in a community correction center or reentry center.

(b) Purpose.

(1)(A) The Secretary of the Department of Corrections shall issue a directive containing procedures ensuring that all serious incidents are reported consistent with this section.

(B) The issuance or revision of any policy governing the reporting of incidents within the department that narrows reporting requirements shall be reported to the board.

(2) Incident reporting procedures shall provide for the immediate notification of all serious incidents to the following individuals:

(A) The Chair of the Board of Corrections;

(B) The assistant to the Board of Corrections who shall notify the remaining members;

(C) The Secretary of the Department of Corrections;

(D) The division director; and

(E) The department's liaison in the Governor's office.

(3)(A) All employees shall complete the department's Incident Report Form as soon as practical following an incident.

(B) This report shall be promptly:

(i) Entered in the electronic Offender Management Information System or its successor;

(ii) Forwarded to the:

(a) Unit warden;

(b) Center supervisor;

(c) Area manager; or

(d) Administrator; and

(iii) Distributed via the appropriate incident notification list.

Authority. Arkansas Code § 12-27-105.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"Section Number: ADC- 005

ACC- 4.2 Page Number:

1 of 1

Board Approval Date:

8/24/2021

Supersedes:

005

Dated:

2/9/2020

Reference:

Effective Date: 9/10/2021"

"I. AUTHORITY:

The authority of the Board of Corrections to promulgate this Administrative Rule is found in Ark. Code Ann. § 25-43-401."

12 CAR § 60-306. Physical attacks on state employees.

(a) Policy of the Department of Corrections.

(1) To treat as criminal acts all physical assaults by inmates on:

(A) State employees;

(B) Volunteers; or

(C) Visitors.

(2) Such acts are subject to prosecution by the prosecuting attorney of the county where the institution or facility is located.

(b) Explanation.

(1)(A) It shall be the responsibility of each employee to make a written report to his or her supervisor concerning incidents of the above nature.

(B) Furthermore, other employees who witness such assaults will be expected to document such information to the warden/administrator.

(2) It is the right and duty of an employee to protect self and others in the event of an attack.

(3) The warden/administrator will report such incidents to the appropriate deputy/assistant director and internal affairs administrator, who in turn will coordinate prosecution with the prosecuting attorney's office.

Authority. Arkansas Code § 12-27-105.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"Section Number: Page Number:

211 1 of 1

Board Approval Date:

12/04/2014

Supersedes:

Dated: 11/30/79

Reference:

Effective Date: 12/15/2014

Reference:"

12 CAR § 60-307. Use of audio-visual equipment.

(a) Policy.

(1) It shall be the policy of Division of Correction units to make use of audio-visual equipment, when possible, to ensure that only necessary use of force is employed to control/manage inmates while in custody of the Division of Correction.

(2) The equipment will be used to ensure documentation of events is accurately recorded.

(b) Explanation.

(1) The use of force by employees against inmates of the Division of Correction is authorized by Arkansas Code § 12-29-103 and in accordance with 16 CAR § 30-302.

(2) Whenever the situation permits, this equipment will be used by trained personnel to record all instances where there is a planned action where it is probable that force will be necessary.

(3) In instances of spontaneous use of force, if at all possible such equipment should be activated if the incident persists.

(4) The warden of each unit will maintain the portable audio-video recorders and will ensure that:

(A) Personnel are trained to operate the equipment; and

(B) Trained personnel are available twenty-four (24) hours a day for taping incidents.

(5) The warden of each unit is responsible for the establishment of procedures for the use of this equipment.

(6) Cassettes with video-recorded use of force incidents will be tagged for identification purposes and forwarded by the warden to the Deputy Director of Institutions, along with the corresponding use of force report and other documentation as described in 12 CAR § 60-305 and 16 CAR § 30-302.

(7)(A) After the deputy director has reviewed each case to include videotape recordings, all materials will be forwarded to the Internal Affairs Division for review.

(B) The Compliance Administrator, after making contact with the Director of the Division of Correction, may review the recordings.

(C) The Internal Affairs Division will follow its review with an investigation if the need for such a procedure is determined by the warden, deputy director, or director.

(8) The specific filing procedure and maintaining of these video recordings will be the responsibility of the Internal Affairs Division.

(9) The erasure of or any viewing other than those identified previously of any filed videotapes containing use of force incidents shall be performed only under the written authorization of the director.

Authority. Arkansas Code § 12-27-105.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"Section Number: Page Number:

411 1 of 2

Board Approval Date:

12/15/2010

Supersedes:

Dated:

AR 411

11/04/88

Reference:

Effective Date:

12/25/2010"

12 CAR § 60-308. Use of chemical agents and other nonlethal weapons.

(a) Policy.

(1) It shall be the policy of the Division of Correction to ensure that the use of chemical agents and other nonlethal weapons against an inmate be undertaken with a minimum amount of force.

(2) Only when the inmate threatens bodily harm to himself or herself, other inmates, or individuals, will not produce an item or items, or will not relocate, may chemical agents or other nonlethal weapons issued by the division be employed.

(b) Explanation.

(1) **Definitions.** As used in this section:

(A) "Chemical agents" will include different types of tear gas, pepper fogger, smoke screen mace, and other chemicals approved for use by the Director of the Division of Correction; and

(B) "Other nonlethal weapons" will include batons, stun type devices, and other nonlethal weapons approved for use by the director.

(2) Prior to the use of any chemical agent/other nonlethal weapon (stun type devices), the inmate shall be informed that such will be used unless he or she complies with an order or orders.

(3) The use of any chemical agent or agents/other nonlethal weapons may be authorized only by a unit warden/center supervisor or his or her designee.

(4)(A)(i) Precautionary measures shall be taken to limit side effects or physical damage due to the use of chemical agents or other nonlethal weapons consistent with the guidelines of 16 CAR § 30-302.

(ii) In addition, the following procedures shall be followed whenever any chemical agent or agents/other nonlethal weapon is used.

(B) Chemical agents.

(i)(a) If circumstances allow, ventilation devices, such as windows and fans, shall be readied prior to the use of any chemical agent or agents.

(b) In any event, these devices shall be employed immediately after any chemical agent or agents are used.

(c) The purpose of this procedure is to minimize the effect of any chemical agent or agents upon other inmates and employees located in the immediate vicinity.

(ii) Gas masks shall be available for use by staff personnel at the time the chemical agent is used.

(iii) Correctional officers shall enter the area as soon as practical to remove an inmate when a chemical agent or agents have been used.

(iv)(a) The inmate shall be instructed by staff personnel to flush his or her eyes and any skin exposed to the chemical agent with water.

(b) If the inmate appears incapable of doing so, a member of the medical staff may be called upon to perform this task.

(c) If no member of the medical staff is available, a staff personnel may undertake this procedure.

(C) Other nonlethal weapons.

(i) If circumstances allow, personnel using other nonlethal weapons will try to ensure that an inmate will not be injured.

(ii)(a) Correctional officers shall enter the area immediately after the inmate has been immobilized.

(b) At that time the inmate is to be handcuffed and is to be seen by medical staff.

(c) If no member of the medical staff is immediately available, other trained staff will ensure that the inmate has no medical emergency.

(iii) A departmental SOP will be developed for nonlethal weapons to be used, and necessary training will be concluded before any type of nonlethal weapon is issued for use.

(5)(A) An incident report shall be prepared by all staff personnel involved immediately after the use of a chemical agent or other nonlethal weapons.

(B) The report or reports should be detailed, noting the amount of chemical agent utilized or type and charge of stun device.

(6)(A) The unit warden/center supervisor shall examine these incident reports to ensure that:

(i) Proper procedures were employed; and

(ii) No discrepancy exists regarding the handling of the situation depicted.

(B) Failure to follow proper procedures may result in disciplinary action.

(C) Refer to 12 CAR § 60-305.

(7) Only chemical agents or nonlethal weapons authorized and issued by the Division of Correction will be used by any employee against an inmate during a confrontation described by this section.

Authority. Arkansas Code § 12-27-105.

Codification Notes. "SOP" means standard operating procedures.

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

"Section Number: Page Number:

410 1 of 2

Board Approval Date:

8/23/89

Supersedes: Dated:

AR 410 11/30/79

Reference: Effective Date:
 8/25/89"

12 CAR § 60-309. Use of restraints.

(a) **Purpose.** To provide Department of Corrections personnel or contracted staff guidance regarding the use of restraints.

(b) **Applicability.** Wardens/center supervisors, chief administrative officers, security personnel, any staff required to restrain offenders in the performance of their duties, and offenders.

(c) **Definitions.** As used in this section:

(1) "Offenders" means persons sentenced to the Division of Correction or persons sentenced to the Division of Correction for judicial transfer to the Division of Community Correction and persons confined within a community correction center as a condition of probation, suspended imposition of sentence, or post-prison transfer, or, if appropriate, under the supervision of the Division of Community Correction; and

(2) "Restraints" means security equipment used to:

(A) Prevent escape, assault, or the commission of some other offense by violent or disruptive offenders; and

(B) Protect employees, offenders, and other individuals.

(d) **Policy.** It shall be departmental policy to use restraints only when circumstances require the protection of offenders, staff, or other individuals from potential harm or to deter the possibility of escape.

(e) **Procedures.**

(1) **Use of equipment.**

(A)(i) Upon the determination of the warden/center supervisor, chief administrative officer, or designee, handcuffs and/or leg irons may be utilized when escorting/moving offenders within or on a unit/center.

(ii) Leg irons may also be utilized to provide additional security.

(B) Handcuffs and/or security belts may be employed to restrain any offender in segregation when said offender is moved within the unit/center.

(C)(i) Restraint devices shall not be removed until the offender is placed in a secure area or upon the express approval of the warden/center supervisor, chief of security, or designee.

(ii) Restraints will not be used longer than is necessary.

(D)(i) Mechanical means of restraint will not be used as punishment.

(ii) No mechanical restraints will be placed about the neck of an offender, nor will restraint equipment be applied in any way so as to inflict physical pain or to restrict blood circulation or breathing.

(E) Use of restraints within the cell shall be determined by the warden/center supervisor and/or medical mental health authorities.

(2) Training.

(A) New employees will participate in one (1) hour of preservice training that will include the policy, use, and practice of applying restraint equipment.

(B)(i) In-service training classes in the policy, use, and practice of applying restraint equipment should be held at least twice a year.

(ii) Officers will participate in at least one (1) refresher course per year.

(C) All preservice and in-service training will be coordinated through the Division of Correction/Division of Community Correction training staff.

Authority. Arkansas Code § 12-27-105.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"Section Number: Page Number:

DOC 403

DCP 4.4 2 of 2

Board Approval Date:

2/17/94

Supersedes:

Dated:

DOC 403 2/27/92

DCP 4.4 Emerg. 1/19/94

Reference: Effective Date:

3/10/94"

"I. AUTHORITY:

The authority of the Board of Correction and Community Punishment to promulgate this Administrative Rule is vested in Act 50 of 1968, First Extraordinary Session, as amended; Acts 548 and 549 of 1993 (Ark. Code Ann. ss 16-93-1203 and 12-27-105 of 1993)."

"VII. REFERENCES:

ACA Standard 3-4183; 3-4322; 3-4183-1"

12 CAR § 60-310. Prison Rape Elimination Act.

(a) **Policy.** It is the policy of the Department of Corrections that zero tolerance exists regarding the rape, sexual abuse, or sexual harassment of inmates, whether by staff or other inmates.

(b) **Explanation.**

(1)(A) It has been a policy and goal of the department to provide a safe and secure environment to protect the State of Arkansas, our employees, and the inmates committed to our care and custody.

(B) The passage by the United States Congress in 2003 of the Prison Rape Elimination Act of 2003, Pub. L. No. 108-79, reinforces previous policies and goals of the department.

(2) Pursuant to Arkansas Code § 12-29-803, it is the policy of the department to limit inspections by male correctional officers in areas where a female inmate is likely to be in a state of undress.

(c) **Definitions.** As used in this section:

(1) "Exigent circumstances" means a set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of a facility;

(2) "Inmate" means a person confined to a prison or community correction center under the control of the department; and

(3) "Inspections" include searches but do not include routine cell checks.

(d) Procedures.

(1) Review of policies.

(A) The department will annually review policies associated with rape, sexual abuse, or sexual harassment of inmates.

(B) The department will revise or adopt, or both, new policies and procedures to address the elimination of sexual abuse and sexual harassment of inmates in its care and custody, as those needs are identified.

(C) Areas that will be addressed may include, but are not limited to:

(i) Prevention;

(ii) Staff training/education;

(iii) Inmate education;

(iv) Identification/classification/housing and tracking of sexually aggressive inmates;

(v) Victim support;

(vi) Investigation procedures/training;

(vii) Prosecution of perpetrators;

(viii) Sanctions;

(ix) Facility reviews and design;

(x) Data collection; and

(xi) Continuity of counseling/referral upon release.

(2) Staff training.

(A) Staff training shall be tailored to be gender specific to the facility.

(B) All employees shall receive training annually in Prison Rape Elimination Act of 2003 compliance.

(3) **Staff reporting.** Reports by male officers conducting inspections in an area where a female inmate was in a state of undress shall include:

- (A) The time and date of the inspection;
- (B) Availability or unavailability of female officers; and
- (C) An explanation of events necessitating the inspection.

(4) **General provisions.**

(A) Female inmates shall be permitted to shower, perform bodily functions, and change clothing without male officers viewing their breasts, buttocks, or genitalia except in exigent circumstances or when such viewing is incidental to routine cell checks.

(B) Male officers shall announce their presence when entering a female housing unit.

(C) **Unannounced rounds.**

(i) Each facility shall implement a practice of having intermediate-level or higher-level supervisors conduct and document unannounced rounds on all shifts.

(ii) Staff are prohibited from alerting other staff of unannounced rounds unless such announcement is related to legitimate operational functions.

(5) **Retaliation prohibited.** Retaliation by or against any staff, inmate, or witness involved in a complaint or report of unauthorized viewing of a female inmate by a male officer is strictly prohibited and may constitute grounds for disciplinary action, up to and including termination.

Authority. Arkansas Code § 12-27-105.

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

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

"Section Number:

Page Number:

1 of 2

Approval Date:

09/26/2024

Supersedes:

N/A

Dated:

N/A

Reference: Effective Date:

10/08/2024"

"V. REFERENCES:

Prison Rape Elimination Act

Arkansas Code Annotated § 12-29-803."

12 CAR § 60-311. Emergency preparedness.

(a) **Purpose.** To authorize the establishment of emergency preparedness plans for the Division of Correction.

(b) **Applicability.** To all division staff, contracted employees, and any and all other persons admitted to the grounds or facilities of the division.

(c) **Definitions.** As used in this section:

(1)(A) "Confidential". At no time will inmates have access to information designated as confidential.

(B) The information will be available for emergency use and for training but will be kept in secure areas only;

(2) "Emergency" means any incident or developing situation that disrupts or substantially impairs the capacity of a facility to conduct routine business, including natural and man-made disasters;

(3)(A) "Emergency coordinator" means a designated employee at both the central office and facility level who has the responsibility of coordinating and monitoring emergency preparedness activities at the respective levels.

(B) The division's central office emergency coordinator will be responsible to coordinate emergency preparedness throughout the division according to the administrative directive on emergency preparedness; and

(4) "Emergency preparedness" means a comprehensive system that requires a continuous division commitment to personnel and resources to ensure a systematic and standardized approach to emergencies that will include:

- (A) Planning;
- (B) Prevention;
- (C) Prediction;
- (D) Preparation; and
- (E) Practice.

(d) **Policy.** It is the policy of the division that the following risk priorities must be considered upon implementation of emergency plans in the functional units:

- (1) The safety of the general public;
- (2) Safety and welfare of hostages;
- (3) Prevention of death and/or serious injury to employees, volunteers, or visitors;
- (4) Inmate welfare;
- (5) Restoration of order;
- (6) Protection of property; and
- (7) Identification, arrest, and legal prosecution of participants.

(e) **Procedures.**

(1) The division will prepare confidential emergency preparedness plans for the central office and each unit/center that will:

(A) Meet the responsibilities for the coordination and planning of emergency preparedness for the division;

(B) Include planning, prevention, prediction, preparation, practice, and guarantee a continual and comprehensive approach to emergencies;

(C) Define the role of the division's central office during emergency situations;

(D) Define the emergency command structure and the support functions required during emergencies and define essential responsibilities; and

(E) Outline standard procedures to resolve specific emergencies.

(2)(A) An Emergency Planning Committee shall be formed to facilitate emergency preparedness planning.

(B) It will be chaired by the division's emergency coordinator/security manager and will include all facility emergency coordinators.

Authority. Arkansas Code § 12-27-105.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"Section Number: Page Number:

020 1 of 2

Board Approval Date:

6/16/95

Supersedes: Dated:

Reference: Effective Date:

7/13/95"

"I. AUTHORITY:

The Board of Correction and Community Punishment is vested with the authority to promulgate this Administrative Rules by Act 549 of 1993."

"VII. ACA STANDARDS:

3-4208"

12 CAR § 60-312. Inmates housed in county jails and city jails (Acts 1983, No. 309).

(a) **Purpose.** To establish rules pursuant to Acts 1983, No. 309, as amended, Acts 1991, No. 1112, as amended, Acts 1993, No. 532, as amended, and Acts 1997, Nos. 115 and 936, and to delineate the cooperative agreement to be executed.

(b) **Applicability.** To applicable staff of the Division of Correction to include, but not be limited to, Director of the Division of Correction, Deputy Director of Institutions, and staff involved in the approval process, to county officials (sheriffs), to city officials (mayor or chief of police), and to inmates.

(c) **Policy.**

(1) It shall be the policy of the Board of Corrections to allow the Director of the Division of Correction to sign cooperative agreements between county officials, city officials and the Division of Correction for the purpose of providing additional space for the care and custody of state inmates on a temporary basis in state-certified intermediate term adult detention facilities operated by counties and cities.

(2) It shall be the responsibility of the county and the city to ensure that assigned inmates are not used to provide personal services for private benefits, to act in a law enforcement capacity, nor supervise other inmates.

(3) Inmates released under Act 309 In-Jail and Act 309 Work will not be used to replace city, county, state, or federal employees.

(d) **Definitions.**

(1) Inmates transferred to a county jail or city jail under Acts 1983, No. 309, will be transferred under one (1) of the following programs:

(A) 309 In-Jail; or

(B) 309 Work.

(2)(A) "309 In-Jail" means inmates who are incarcerated within the division and have been accepted/requested by the county or city.

(B) These inmates must remain in the county jail or city facility, and the county or city will be reimbursed for housing these inmates.

(3)(A) "309 Work" means an inmate released to the jurisdiction of the sheriff or chief of police who may, upon approval of the director be utilized by the county or city to work in and around governmental property/projects while under supervision of the sheriff or chief of police or designee.

(B) These inmates will be housed in the county or city jail.

(C) The county or city will be reimbursed for these inmates.

(D) The county or city will be responsible for adequate medical care of these inmates as described in the cooperative agreement between the division and the county or city jail.

(e) **Procedures.**

(1) The Deputy Director of Institutions shall be responsible for administering the program, including:

(A) Ascertaining and promoting the interest of the sheriff or chief of police in the program; and

(B) Ensuring that an appropriate agreement is provided to all interested sheriffs or chiefs of police.

(2)(A) A cooperative agreement will be executed between the county or city and the division pursuant to:

(i) Acts 1983, No. 309, as amended;

(ii) Acts 1991, No. 1112;

(iii) Acts 1993, No. 532, as amended; and

(iv) Acts 1997, Nos. 115 and 936.

(B) Counties and cities requesting contracts for the first time or who do not currently have a contract must be approved by the Board of Corrections prior to entering into contract for participation in the Act 309 program.

(3)(A) Should questions arise concerning the medical or mental health condition or case of an inmate participating in the Act 309 program, the Medical Services Administrator should be contacted.

(B) He or she will evaluate the situation to determine the type of treatment or services to render to the inmate.

(C) Some cases may require transferring the inmate back to the division.

(4) An administrative directive will be formulated to outline the procedures to be followed pertaining to:

(A) Acts 1983, No. 309, as amended;

(B) Acts 1991, No. 1112;

(C) Acts 1993, No. 532, as amended; and

(D) Acts 1997, Nos. 115 and 936.

Authority. Arkansas Code § 12-27-105.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"Section Number: Page Number:

1212 1 of 2

Board Approval Date:

6/27/97

Supersedes: Dated:

AR 1212 12/30/93

Reference: Effective Date:

8/3/97"

"I. AUTHORITY:

The Board of Correction and Community Punishment is vested with the authority to promulgate this administrative rule by Ark. Code Ann. § § 12-27-105, Act 309 of 1983, Regular Session, as amended; Act 1112 of 1991, Regular Session, as amended; and 532 of 1993, Regular Session, as amended; Acts 115 and 936 of 1997, Regular Session."

12 CAR § 60-313. Internal affairs and investigations.

(a) **Policy.**

(1) It shall be the policy of the Department of Corrections to investigate incidents, events, or occurrences in a timely, efficient, and procedurally correct manner.

(2) The Secretary of the Department of Corrections shall issue any policies necessary for the implementation of this section.

(b) **Purpose.** The purpose of this section is to ensure the security of the department and its various divisions and the protection of the public, staff, and inmates will be enhanced by proper investigative procedures and investigations.

(c) **Procedures.**

(1) The Internal Affairs Division, or its successor, shall conduct investigations, inquiries, and reviews as requested by the secretary or a division director or those individuals they designate as having the authority to request such investigations.

(2)(A) The Internal Affairs Division, or its successor, shall utilize various investigative procedures and tools to conduct and assist in those investigations.

(B) Those tools may include, but are not limited to:

(i) Polygraph examinations; and

(ii) Computerized voice stress analysis.

(3)(A) Evidence will be properly collected, handled, and preserved.

(B) When appropriate, evidence will be provided to other agencies.

(4) Reports will be completed accurately and promptly.

(5) Criminal acts will be promptly referred to the appropriate law enforcement agency having jurisdiction.

(6) All staff shall cooperate with the investigative personnel.

(7) Upon completion of the information gathering process, an investigative report will be forwarded to the requesting official and to the secretary and the appropriate division director for final disposition.

(d) **Confidentiality and release of information.**

(1) All notes, reports, tape recordings, and any other materials generated during any Internal Affairs Division investigations are considered confidential.

(2) Dissemination of investigative information will be in accordance with all federal and state laws, including, but not limited to, the Freedom of Information Act of 1967, Arkansas Code § 25-19-101 et seq., and dissemination shall be coordinated by the secretary's office.

Authority. Arkansas Code § 12-27-105.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"Section Number:

ADC-014 ACC-1.3

Page Number:

1 of 2

Board Approval Date:

8/24/2021

Supersedes: 014

Dated:

Reference: Effective Date:"

"I. AUTHORITY:

The authority of the Board of Corrections to promulgate this Administrative Rule is found in Ark. Code Ann. § 25-43-401."

"VI. REFERENCES:

AR 005 - Reporting of Incidents"

12 CAR § 60-314. County jail reimbursement of medical expenses.

(a) **Purpose.** To establish rules by which counties may be reimbursed for emergency medical expenses of inmates required to be housed in county jails while

awaiting bedspace in a secured facility operated or contracted by a division of the Department of Corrections.

(b) **Definitions.** As used in this section:

(1) "Extraordinary medical need" means emergency medical care for an illness or injury that is directly related to the incarceration of a state inmate;

(2) "Medical Services Administrator" means the employee of the department designated by the Secretary of the Department of Corrections as the individual responsible for receiving notice of medical issues and providing recommendations to leadership;

(3)(A) "State inmate" means an individual for whom a division of the department has been granted legal authority to confine in a secured facility and who is awaiting bedspace at a facility operated or contracted by a division of the department.

(B) Unless he or she has been ordered returned to the custody of a division of the department, a state inmate does not include an individual who has been transferred to:

- (i) Parole;
- (ii) Community supervision; or
- (iii) Post-release supervision.

(C) A state inmate does not include an individual in a county jail to attend court unless the court attendance is due to a criminal offense committed while in the custody of a division of the department; and

(4) "True emergency situation" means an acute injury or illness that poses an immediate threat to life or limb.

(c) **Policy.** The department shall, upon establishment of legal responsibility, and contingent upon appropriation and availability of funds, reimburse approved expenses for extraordinary medical needs incurred on behalf of state inmates housed in county jails while awaiting bedspace in a secured facility operated or contracted by a division of the department.

(d) **Procedure.**

(1) **Identification of state inmates with extraordinary medical needs.**

(A) Upon discovery of a state inmate's extraordinary medical need, the county sheriff or his or her designee shall contact the Medical Services Administrator with information regarding the nature of the medical need.

(B) The Medical Services Administrator shall make a recommendation to the secretary or his or her designee.

(2) **Determination of department liability.** Upon considering the recommendation of the Medical Services Administrator, the secretary or his or her designee shall determine the following:

(A) Whether the department is responsible for providing the care requested by the county sheriff;

(B) Whether the inmate's receipt into a department facility should be expedited in order to ensure cost effectiveness and adequate care; and

(C) Whether the county should be reimbursed for any medical expenses incurred on the inmate.

(3) **Responsibility for reimbursement.** The department shall be responsible for reimbursing medical expenses for state inmates under the following conditions:

(A)(i) The department has received a complete and accurate order providing the legal responsibility for the state inmate.

(ii) In limited circumstances, reimbursements may accrue prior to receipt of a complete and accurate order providing the legal responsibility for the state inmate, but shall not be paid until after receipt of the complete and accurate order;

(B) The department has declined to expedite receipt of the state inmate into a state facility for reasons other than lack of appropriate documentation establishing legal responsibility for the state inmate;

(C) The extraordinary medical need is either:

(i) Related to the incarceration of the state inmate; or

(ii) Otherwise approved for reimbursement by the secretary or his or her designee after consultation with the Medical Services Administrator; and

(D) The expenses are not incurred due to routine care for preexisting conditions.

(4) **Exceptions.**

(A) **Medical emergency.** In a true emergency situation, as defined by this section, the county may be eligible for reimbursement without prior approval if:

(i) The county official contacts the Medical Services Administrator as soon as possible after discovering the true emergency situation; and

(ii) County officials coordinate with department staff to expedite submission of all necessary paperwork as soon as possible in order to mitigate financial exposure for the department.

(B) **Failure to timely establish legal responsibility.** Notwithstanding any obligation created by this section, the secretary may decline reimbursement if the county fails to provide adequate court orders establishing legal responsibility in a timeframe that allows the department to mitigate additional reimbursement costs.

(C) **Lack of appropriation or funding.** Notwithstanding any obligation created by this section, the department shall not be required to reimburse expenses without adequate appropriation or funding.

(e) **Implementation.** The secretary shall develop and publish policies and procedures necessary to implement this section.

Authority. Arkansas Code § 12-27-105.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"Section Number:

ADC 808/ACC 9.3

Page Number:

1 of 3

Board Approval Date:

TBD

Supersedes:

New / Supersedes ADC 810

Dated:

TBD

Reference:

A.C.A. § 12-27-105

§ 12-27-114

Effective Date:

TBD"

"I. Authority

The Board of Correction is authorized to promulgate this rule by A.C.A. § 12-27-105 and mandated to promulgate this rule by A.C.A. § 12-27-114."

Subpart 4. Employees

12 CAR § 60-401. Staff assignments and housing.

(a) Policy.

(1) It shall be the policy of the Department of Corrections to ensure that state-supplied housing, or space for employee-provided housing (mobile homes), are available to only those individuals in approved positions and that they be administered and documented in such a way that fiscal responsibility is guaranteed.

(2)(A) The use of state-supplied housing, or space for employee-provided housing (mobile homes), shall be reported to the Board of Corrections' Compliance Division as changes occur.

(B) The report shall be made by the Secretary of the Department of Corrections, or his or her designee.

(b) Procedures.

(1) State-supplied housing.

(A)(i)(a) Employees whose duties require long working hours and weekend duty and emergency attendance may be required by the secretary or his or her designee to live on the premises as a condition of employment.

(b) Such persons are in key positions with the responsibility for maintaining the safety and good order of correctional facilities.

(ii) In such cases, housing and utilities shall be furnished by the department.

(iii) Such persons shall consider themselves on twenty-four-hour call and constitute an emergency force available to the department.

(iv) They shall not be eligible for compensatory overtime except for ordinary:

(a) Holidays;

(b) Vacation; and

(c) Sick leave.

(B)(i) In determining who will be required to live on the premises, the secretary or his or her designee shall give paramount consideration to the safety and wellbeing of both inmates and employees.

(ii) Housing shall be reasonably prorated among the various functional divisions of the unit.

(C) The department may recoup the cost of repairs from the employee needed for damage beyond normal wear and tear.

(2) Employee-provided housing (mobile homes).

(A) If an employee's job requires living on the premises and state-supplied housing is not available, an employee may furnish a mobile home on premises and otherwise receive the same benefits as if he or she were living in state-supplied housing.

(B)(i) Employees not required to live on the premises may be authorized by the secretary or his or her designee to place their mobile home on the unit on a space available basis.

(ii) No charge shall be made for the space.

(C) Employees not required to live on unit premises and are not a part of the emergency force must make utilities reimbursement as specified in the relevant departmental or statewide fiscal procedures.

(3) The secretary or his or her designee may authorize the issuance of any necessary directive or memorandum to implement this section.

Authority. Arkansas Code § 12-27-105.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"Section Number: 217

Page Number:

1 of 3

Board Approval Date:

TBD

Supersedes:

AR 217

Dated:

5/12/89

Reference: Effective Date:

TBD"

EMPLOYEE ACKNOWLEDGMENT OF REVIEW OF AR 217 - STAFF ASSIGNMENTS AND HOUSING

I have received a copy of the Board of Correction Policy for Staff Housing and understand those rules by which I am expected to abide and the consequences for violation of such rules while an employee of the Department of Corrections. If I have any questions regarding this policy, I understand that I may contact my supervisor for assistance.

| | |
|------------------------------------|--------------------|
| _____ | _____ |
| Name of Employee | Name of Supervisor |
| _____ | _____ |
| Signature of Employee | Date |
| _____ | _____ |
| Social Security Number of Employee | Division/Unit |

Routing: Original to Human Resources
 Copy Retained by Supervisor
 Copy Retained by Employee

12 CAR § 60-402. Searches of employees and permission to search employees' living quarters on state property.

- (a) **Purpose.** To describe the search procedures.
- (b) **Applicability.** To all employees.
- (c) **Policy.** To ensure the security of a correctional facility, a search of any of its employees or living quarters on state property, if applicable, may be conducted at any time.
- (d) **Procedures.**

(1)(A) Employees must be advised in writing by the warden/center supervisor/administrator that searches of them or their living quarters on state property, if applicable, are a condition of coming onto or leaving the grounds of a facility to work.

(B) A complete report of such searches shall be made to the warden/center supervisor/administrator.

(2)(A) If an employee refuses to cooperate in such a search, the warden/center supervisor/administrator is to be notified immediately.

(B) He or she, in turn, will render a decision as to whether or not the employee refusing to be searched is to be relieved of duty pending disposition of the matter.

(3)(A) All facilities shall have the standard waiver and consent form, a copy of which is attached, signed by all employees as a condition of their employment.

(B) Completed forms will be retained in the employee's facility personnel folder.

Authority. Arkansas Code § 12-27-105.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"Section Number: Page Number:

AR 212 DOC

AR 3.9 DCP 1 of 3

Board Approval Date:

2/17/94

Supersedes: Dated:

DOC 212 11/29/79

DCP 3.9 Emerg. 1/19/94

Reference: Effective Date:

3/10/94"

"I. AUTHORITY:

The Board of Correction and Community Punishment is vested with the authority to promulgate Administrative Rules by Act 50 of 1968, Extraordinary Session, as amended; Acts 548 and 549 of 1993, Regular Session (Ark. Code Ann. § 16-93-1203 and 12-27-105 of 1993)."

WAIVER AND CONSENT TO SEARCH
EMPLOYEES WORKING OR LIVING
ON STATE PROPERTY

I, _____, having been informed that the rules of this facility, as approved by the Department of Correction/Community Punishment and the laws of the State of Arkansas, prohibit individuals from possessing certain materials, objects and items while on state property, if applicable, and having full knowledge that the mere possession of these certain items is contrary to law, do hereby and herewith consent to the search, under reasonable circumstances, of my living quarters and my person by the Chief Administrative Officer of the facility or his or her designee.

I do hereby grant permission to search my living quarters, if applicable, at any time. I further understand, however, that the said authorities will, whenever possible, search my living quarters in my presence, except in emergencies, or if the Director has reason to believe that there has taken place a serious breach of institutional rules or the laws of the State of Arkansas.

I further agree to a semi-annual maintenance inspection for the purpose of inspecting the general maintenance and housekeeping of my quarters, and for the purpose of fire prevention.

Being fully aware of my constitutional rights and of my rights and obligations as an employee, I do hereby waive any rights I may have, and voluntarily and of my own free

will, consent to a search of my clothes and person immediately prior to or subject to, or while I am on duty as such employee, or at any time that I shall be present on the property of the Department of Correction/Community Punishment.

I further agree that this consent for permission is a condition of my being allowed to live and/or work on state property.

Before signing, I have been informed that the purpose of these inspections and any searches are for the protection and the safety of all persons living on state property, if applicable.

I fully understand what I am signing and I do so freely and willingly.

SIGNATURE

DATE

12 CAR § 60-403. Payment of death benefit.

(a) **Purpose.** To establish criteria for the payment of a death benefit from special revenues held by the Department of Corrections or its various divisions to any department employee killed in the line of duty.

(b) **Applicability.** All employees of the department.

(c) **Definitions.** As used in this section:

(1)(A) "Beneficiary" means a designated recipient, other than the employee, including the employee's spouse or the surviving child of the employee if there is no surviving spouse.

(B) If there is more than one (1) surviving child of the employee, the death benefit will be split equally amongst all designated surviving children;

(2) "Board" means the Board of Corrections;

(3) "Department" means the Department of Corrections;

(4)(A) "Director" means the executive head of a division, board, commission, or section of the department.

(B) The Chief of Staff is designated as the executive head of Shared Services for purposes of this section, and the Compliance Administrator is designated as the executive head of the Compliance Division for purposes of this section;

(5) "Employee" means any person employed in a full-time or part-time capacity by the Department of Corrections, including any division, board, or commission of the Department of Corrections;

(6) "In the line of duty" refers to activities related to an employee's official job responsibilities; and

(7) "Secretary" means the Secretary of the Department of Corrections.

(d) **Policy.** It shall be the policy of the Board of Corrections to provide a death benefit not to exceed five thousand dollars (\$5,000) for any department employee killed in the line of duty in accordance with guidelines set out in this section.

(e) **Procedures.**

(1) **Director request.**

(A) A director may submit a request to the secretary for consideration of payment of a death benefit for any employee who loses his or her life in the line of duty.

(B) If the secretary determines that an employee is eligible to receive payment of a death benefit, the Chief Financial Officer of the Department of Corrections must certify availability of funds and determine the source of funding.

(C) The secretary will submit a request to the Board of Corrections outlining the circumstances surrounding the request for payment of a death benefit, including the possible funding source if the request is granted.

(D) The document submitted to the Board of Corrections should contain sufficient information to advise the Board of Corrections how the loss of life was related to performance of official job responsibilities.

(2) Payment of death benefit.

(A) Upon approval by the Board of Corrections, the Chief Financial Officer of the Department of Corrections shall cause to be issued a payment to the beneficiary of an employee who lost his or her life in the line of duty.

(B) The amount of payment shall be set by the Board of Corrections and shall not exceed five thousand dollars (\$5,000).

(f) **Implementation.** The secretary may issue directives to implement the guidance contained within this section.

Authority. Arkansas Code §§ 12-27-105, 12-27-150.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"Section Number:

ADC 807/ACC 9.2

Page Number: 1 of 2

Board Approval Date: TBD

Supersedes: New

Dated: TBD

Reference: A.C.A. § 12-27-150

Effective Date: TBD"

"I. AUTHORITY:

The authority to promulgate this rule is vested in Section 47 of Act 203 of 2022, Fiscal Session, found in special language, now codified at A.C.A. § 12-27-150."

"IIIX. A.C.A. REFERENCES:

AC.A.§ 12-27-150"