

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

Chapter XI. Division of Correction, Department of Corrections

Subchapter A. Generally

Part 70. Division of Correction Rules

Subpart 1. Generally

12 CAR § 70-101. Inmate correspondence.

(a) **Policy.** To establish guidelines for correspondence between inmates and certain persons and organizations for the purpose of:

- (1) Retaining community ties;
- (2) Stimulating intellectual pursuits;
- (3) Assisting in attainment of vocational or educational goals;
- (4) Resolving grievances and problems; and
- (5) Facilitating the flow of information in areas of legal concern.

(b) **Explanation.**

(1)(A) Correspondence, at a wholesome and constructive level, with family members, close friends, associates, and organizations is essential to the morale of all confined persons.

(B) It may form a positive basis for both present and future adjustment in the unit/center and in the community.

(2)(A) There are generally three (3) classes of correspondence:

- (i) Privileged;
- (ii) General; and
- (iii) Interstate/inter-unit.

(B) **Privileged correspondence.**

(i) Incoming and outgoing correspondence with the persons or organizations specified below shall be considered privileged correspondence as long as the designated individuals are acting in their official capacities:

- (a) Officers of federal, state, and local courts;
- (b) Any federal or state official or agency;

- (c) Any administrator of the Division of Correction;
- (d) The Post-Prison Transfer Board or any member thereof;
- (e) Board of Corrections;
- (f) Inmate's attorney; and
- (g) Any member of the media, including:
 - (1) Print;
 - (2) Radio; and
 - (3) Television.

(ii)(a) Mail from the above will be opened only in the presence of the inmate concerned for inspect of contraband.

(b) Mail opened and inspected under these circumstances will not be read or censored, but may be rejected in its entirety if it is found to contain contraband.

(iii) There will be no records kept of incoming or outgoing privileged correspondence.

(iv) Outgoing privileged correspondence shall have the words "Privileged Correspondence" or "Legal Mail" marked on the envelope or it will be considered general correspondence.

(v) All incoming mail should be:

- (a) In official letterhead envelopes; and
- (b) Clearly identified as "Privileged Correspondence".

(vi) Media mail should be clearly marked "Media Mail".

(C) General correspondence.

(i)(a) Correspondence, other than privileged or interstate/inter-unit correspondence, shall be considered general correspondence.

(b) Inmates do not need to submit a list of the people with whom they wish to correspond, nor will any approval be needed from the administration prior to corresponding.

(c) There will be no limitation placed on the number of letters mailed or received.

(d) All general correspondence, both incoming and outgoing, may be opened, inspected, and read, and records may be kept of all incoming and outgoing general correspondence to see that the family contact is maintained.

(e) Such contact is essential for rehabilitation and arrangements may be made, in the absence of family contact, for correspondence with a volunteer.

(ii) The full name under which the inmate was committed and the Division of Correction number of the inmate shall be shown in the upper left-hand corner of the envelope on the outgoing mail.

(iii) Any violation of the rules that also constitutes a violation of federal postal laws shall be reported to the United States Postal Service authorities or appropriate personnel responsible for the processing and inspection of such mail.

(iv)(a) Inmates in punitive segregation will be allowed to send and receive letters on the same basis as inmates in the general population.

(b) This will include both general and privileged correspondence.

(D) Interstate/inter-unit correspondence between incarcerated individuals.

(i) Interstate and inter-unit correspondence is that mail between all individuals who are incarcerated either within the division or another facility.

(ii) Interstate and inter-unit correspondence of two (2) incarcerated individuals will be restricted to members of the immediate family.

(iii) It will be subjected to the usual rules under general correspondence.

(iv) Inter-unit correspondence must have the approval of both the sending and receiving unit/center warden/center supervisor.

(v) In the case of interstate correspondence where the out-of-state facility does not take a position, only the Arkansas warden/center supervisor must approve.

(vi) For the purposes of this provision, "immediate family" is defined as the inmate's:

(a) Father;

- (b) Mother;
- (c) Sister;
- (d) Brother;
- (e) Spouse;
- (f) Children;
- (g) Grandparents;
- (h) Grandchildren;
- (i) Stepfamily members;
- (j) Half-siblings;
- (k) Verified foster child;
- (l) Son-in-law;
- (m) Daughter-in-law;
- (n) Niece; or
- (o) Nephew.

(3) Packages.

(A) Inmates who are authorized hobby craft cards may order and receive items previously approved by the warden/center supervisor or his or her designee.

(B) No other packages will be allowed except with the approval of the warden/center supervisor and the appropriate assistant/deputy director.

(C) Items needed may be purchased through the commissary.

(4) Definitions. As used in this section:

(A) "Contraband" means any item that is not permitted under the usual rules of the unit/center;

(B) "Inspections". Mail or hobby craft packages can be opened in order to:

(i) Determine if any contraband items are contained therein; and

(ii) Remove any such contraband items; and

(C) "Rejection". Subject to review and rejection of such material that the officials sincerely believe presents a clear and present danger to institutional security.

(5) The administrator reserves the right to inspect, read, or stop any mail or hobby craft packages where there is reason to believe a clear and present danger to the security of the unit/center exists.

(6) The division will not accept postage due mail or hobby craft packages.

(7) All letters will be written in the English language unless there is approval by the warden/center supervisor to do otherwise.

(8) Violators of correspondence rules will be subject to 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: 860

Page Number: 1 of 3

Board Approval Date: 08/12/10

Supersedes: AR 860

Dated: 03/24/01

Reference:

Effective Date: 08/22/10"

12 CAR § 70-102. Inmate name changes for religious purposes.

(a) **Purpose.** To ensure a uniform method of record keeping that allows inmates to receive services and information under a new name when legally changed by the appropriate courts.

(b) **Applicability.** To all employees and inmates.

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

(1) "AKA" means a person's name that has been legally changed by the appropriate courts for religious purposes after incarceration;

(2) "Commitment name" means the name:

- (A) Recorded by the sentencing jurisdiction as the subject's name; and
- (B) Indicated on the Judgment and Commitment Order; and

(3) "Records" means any written account of events or facts on a particular subject collected and preserved.

(d) Policy.

(1) The Division of Correction shall allow persons who have legally changed their names for religious purposes to receive services and information by utilizing their AKAs.

(2)(A) Inmates must respond to his or her legally changed name or his or her commitment name if instructed to do so.

(B) Failure to comply may result in disciplinary action and/or the withdrawal of the AKA alternative upon approval of the appropriate assistant director.

(e) Procedures.

(1)(A) The records of the division and the clothing of inmates shall reflect both the commitment name and changed names of those inmates who have legally changed their names for religious purposes after incarceration.

(B) The records and the inmate clothing shall be identified by using the AKA alternative.

(C) The changed name shall be added as an AKA following the commitment name in the prison records and on the inmate's clothing.

(2) **Notification.** Upon an inmate legally changing his or her name, the warden/center supervisor shall be responsible for advising the appropriate supervisors.

(3) Records.

(A) In all records maintained, the commitment name will remain as the primary name.

(B) The AKA shall be placed secondary on the appropriate documentation/records.

(C) Records maintained by the division shall reflect the commitment name and AKA in conjunction with the inmate's division number.

(4) Clothing.

- (A) When an approved AKA is being added to an inmate's clothing:
- (i) The surname of the commitment name shall appear first; and
 - (ii) The last name within the new AKA shall be added below the

commitment name.

(B) Staff shall first use the legally changed name when addressing an inmate.

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: 825

Page Number: 1 of 2

Board Approval Date: 07/17/91

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Dated:

Reference:

Effective Date: 07/18/91"

"I. AUTHORITY:

The authority of the Board of Correction to promulgate this administrative rule is vested in Act 50 of 1968, First Extraordinary Session, as amended; Act 52 of 1989, Regular Session."

12 CAR § 70-103. Inmate property control.

(a) **Purpose.** To describe the procedures that will be used to process inmate property control.

(b) **Applicability.** To all employees and especially those involved in the control of inmate property, and all inmates.

(c) **Policy.** It shall be the policy of the Division of Correction to permit only those inmate property items that:

- (1) Are necessary for institutional life; and
- (2) Do not endanger the security or the safety of staff or other inmates.

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

(1)(A)(i) "Contraband" means any article not authorized nor issued to any inmate as personal or state property, nor purchased by the inmate through the commissary.

(ii) Also included is nuisance contraband.

(B)(i) "Nuisance contraband" means any item or article that may be or may have been authorized for possession but that is now prohibited because excessive quantities present health or fire hazards or have become a housekeeping problem.

(ii) Specific examples include but are not limited to:

(a) Excessive numbers of:

- (1) Newspapers;
- (2) Letters; or
- (3) Magazines;

(b) Food items that have spoiled; and

(c) Items accumulated for the purpose of barter or trade.

(C) Articles in excess of established unit/center limits, articles used for unauthorized purposes, and/or articles in an inmate's possession in an unauthorized area are also considered contraband;

(2) "Personal property" means items that are purchased by or for an inmate and/or given to an inmate that are authorized to be retained, within limits as posted in the unit/center of assignment, on an inmate's person or in living or storage area; and

(3)(A) "State-issued property" means items that are issued to an inmate for his or her personal use and that may be retained within a reasonable amount by the inmate on his or her person or in the living area.

(B) State-issued property other than that of a rapidly expendable nature (i.e., toilet paper, soap, toothbrush, etc.) is to be clearly identified as state property.

(e) Procedures.

(1) A system must exist to provide for inmate property control.

(2) This system shall include provisions for:

(A) Receipt of inmate's funds and personal property at the time of initial commitment to the state system and upon subsequent commitment to other units/centers;

(B) Recording, accounting, and safekeeping of inmate funds and property that are not allowed to be in the inmate's possession (i.e., contraband);

(C) Determination of items that can remain in possession of an inmate while inside the unit/center;

(D) Options available to the inmate and warden/center supervisor to dispose of excess personal property;

(E) Responsibility for coordination of transportation of inmate's personal effects upon transfer;

(F) Disposition of personal property in the event of an inmate's death;

(G) Verification and return of funds and personal property of inmates upon final release;

(H) Audits of records and physical verification of items associated with the inmate property control system; and

(I) Selection of qualified personnel to serve as Unit Property Control Officers.

(3) These provisions shall be specifically addressed in an appropriate administrative directive.

(4) The appropriate administrative directive shall also include but not be limited to the following:

(A) Procedures for property inventory to include appropriate forms to be utilized;

(B) Receipts for personal property; and

(C) A listing of state-issued property and authorized personal property.

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: 841

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Board Approval Date: 6/24/93

Supersedes: AR 841

Dated: 5/19/88

Reference:

Effective Date: 6/23/93"

"I. AUTHORITY:

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

"VII. A.C.A. REFERENCES:

3-4279, 3-4280, 3-4281"

12 CAR § 70-104. Protective custody.

(a) Policy.

(1)(A) The Division of Correction shall provide protective custody housing at certain units/centers within the division.

(B) This housing space must restrict unauthorized and unsupervised contact with the general population.

(2) Inmates may request to be placed in protective custody if they believe that their safety is being threatened in the general population.

(3)(A) The unit/center administration may elect to place an inmate in protective custody if they believe he or she is in danger.

(B) Inmates whom the unit/center administration believes may cause (or be in) security risks to the good order and safety of the institution may be assigned temporarily to protective custody status.

(C) Inmates assigned to temporary protective custody status remain in that status until a determination is made by the unit's classification committee that they should:

- (i) Return to the general population;
- (ii) Remain in protective custody; or
- (iii) Transfer to another unit.

(b) Explanation.

(1)(A) Often an inmate assigned to protective custody may have a conflict with other inmates assigned to protective custody.

(B) Care should be taken by the Chief of Security or his or her designee as to cell assignment, job assignment, recreation, etc., in an effort to maximize each inmate's safety.

(C) Programmatic accommodations should be comparable to those provided for the general population commensurate with good correctional security practice.

(2) An inmate may be placed in protective custody on a temporary basis upon the approval of the warden/assistant warden/Chief of Security or designee.

(c) Procedures.

(1)(A) An inmate temporarily assigned to protective custody will have his or her status reviewed by the classification committee after seven (7) days.

(B) If the temporary stay in protective custody is more than seven (7) days, his or her status will be reviewed in accordance with American Accreditation Standards.

(C) The inmate may appear before the classification committee unless a less restrictive classification is being made or security or other concerns warrant nonappearance of the inmate.

(2)(A) The classification committee shall determine if protective custody placement or continued protected custody placement for the inmate is justified, or recommend that the inmate be released to the general population or transferred to another unit.

(B) Any of the following may be considered by the classification committee in making its decision:

(i) The inmate requests protective custody and/or his or her physical size, stature, or demeanor indicates that he or she is likely to be preyed upon by more aggressive inmates in the general population;

(ii) The inmate can present verifiable information identifying a specific individual or individuals who present a threat of physical harm;

(iii) Information contained in the inmate's institutional/electronic file or other areas of the criminal justice system may indicate a need for protective custody; or

(iv) Other justifiable grounds exist that in the classification committee's judgment makes continued placement of the inmate in protective custody necessary for the good order and safety of the institution.

(3) In making a recommendation that an inmate be removed from protective custody or transferred to another unit, the classification committee may consider at least the following:

(A) A written report from a member of the treatment staff and/or security staff who is familiar with the inmate and his or her situation; and

(B) A written report from other inmates, the administrator, the chaplain, teachers, assignment supervisors, medical technicians, and other appropriate individuals who may have information that may aid in the classification of an inmate.

(4) The classification committee may:

(A) Assign an inmate to a housing and program assignment in the general population; or

(B) Recommend transfer to another unit.

(5) All actions taken by the classification committee require a majority vote.

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: 837

Page Number: 1 of 2

Board Approval Date: 06-17-09

Supersedes: 837

Dated: 1-26-90

Reference:

Effective Date: 06-26-09"

12 CAR § 70-105. Publications.

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

(b) **Definitions.** As used in this section, "publications" means:

- (1) Books;
- (2) Magazines;
- (3) Catalogs;
- (4) Advertising brochures;
- (5) Religious tracts;
- (6) Newspapers; or
- (7) The like.

(c) **Policy.**

(1) The division shall have an administrative directive that will establish the process by which it determines whether or not a publication may be received by the inmate population.

(2) Inmates may receive publications from recognized commercial, religious, or charitable outlets.

(3) All publications are subject to inspection and may be rejected if it:

(A) Is found to be detrimental to the security, discipline, or good order of the institution;

(B) Is harmful to the goal of rehabilitation; or

(C) Proposes, condones, or provides information likely to facilitate criminal activity.

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: 864

Page Number: 1 of 1

Board Approval Date: 1-18-07

Supersedes: 864

Dated: 7-20-90

Reference:

Effective Date: 3-19-07"

"I. AUTHORITY:

The Board of Corrections is vested with the authority to promulgate this Administrative Rule pursuant to Arkansas Code Annotated Section 12-27-105."

12 CAR § 70-106. Punitive segregation.

(a) **Purpose.** To describe conditions under which inmates may be held in punitive segregation as a result of violations of Division of Correction rules.

(b) **Applicability.** To all employees and especially those involved in the operation of punitive segregation, and all inmates.

(c) **Policy.** It shall be the policy of the division to provide safe, secure housing for inmates who require a higher degree of physical control because they have been found guilty of committing serious rule violations in the unit/centers.

(d) **Definitions.** As used in this section, "punitive segregation" means a status of confinement that entails separation from the general population for inmates found guilty of committing serious rule violations.

(e) **Procedures.**

(1) **Periods of confinement.**

(A) Inmates may be placed in punitive segregation after an impartial due process hearing.

(B) An inmate may be released from punitive segregation after completion of the imposed sentence or when he or she no longer poses a threat to themselves, others, or to institutional security and a determination is made that punitive is no longer necessary to regulate the inmate's behavior within acceptable limits.

(2) **Restrictions and/or conditions of confinement.**

(A) Inmates in punitive segregation may be subject to more stringent living conditions and may be restricted of privileges.

(B) Specific procedures to be followed for the operation of punitive segregation shall be listed in the appropriate administrative directive or directives.

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: 839

Page Number: 1 of 2

Board Approval Date: 6/24/93

Supersedes: AR 839

Dated: 3/29/84

Reference:

Effective Date: 6/28/93"

"I. AUTHORITY:

The authority of the Board of Correction to promulgate this administrative rule is vested in Act 50 of 1968, First Extraordinary Session."

12 CAR § 70-107. Temporary release/meritorious and emergency furloughs.

(a) **Policy.** It shall be the policy of the Division of Correction (division) to grant furloughs to inmates pursuant to established requirements and conditions.

(b) **Purpose.** To provide a mechanism for the temporary release of qualifying inmates for meritorious or emergency furloughs and eligible inmates assigned to work release centers/programs.

(c) **Applicability.** Inmates and all employees involved in the approval/processing of furloughs.

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

(1) "Critical illness" means any illness from which the relative may not survive under normal circumstances and/or from which death is imminent;

(2) "Emergency furlough" means the temporary release of an inmate due to the critical illness and/or death of an inmate's family member;

(3) "Immediate family" means:

(A) The inmate's:

(i) Father;

(ii) Mother;

(iii) Sisters;

(iv) Brothers;

(v) Spouse;

- (vi) Children;
- (vii) Grandparents;
- (viii) Grandchildren;
- (ix) Aunts;
- (x) Uncles;
- (xi) Mother-in-law; and
- (xii) Father-in-law; and

(B) Any other person whose relationship with the inmate has been verified as that of a parent/guardian;

(4) "Meritorious furlough" means the approved, temporary release of an inmate for a period not to exceed five (5) calendar days;

(5) "Sponsor" means approved persons with whom the inmate resides while on meritorious furlough; and

(6) "Work-release furlough" means the approved, temporary release of an inmate assigned to a work-release program.

(e) Procedures.

(1) Meritorious furlough requirements.

(A) A meritorious furlough may be granted for exemplary conduct by an inmate.

(B) An inmate who is serving a life sentence or a sentence of a term of years, has achieved Class I-A or I-B, and has continuously maintained that status for not less than one (1) year may be eligible for meritorious furloughs if he or she meets all of the following requirements:

(i) Has not been convicted of one (1) or more of the offenses listed in Arkansas Code § 12-29-102;

(ii) Has been an inmate in the custody of the division continuously for one (1) year;

(iii) Has not been convicted of a major disciplinary violation for a period of not less than six (6) months immediately prior to applying for meritorious furlough;

(iv) Has not received a meritorious furlough during the preceding six (6) months;

(v) Does not have any pending felony detainers;

(vi) Has an approved sponsor willing to accept and transport him or her;

(vii) Has been approved by his or her immediate work supervisor; and

(viii) An inmate serving a life sentence must have his or her application approved by the:

(a) Appropriate deputy/assistant director;

(b) Director of the Division of Correction; and

(c) Board of Corrections.

(C) An inmate who has been sentenced to death or is serving a sentence of life without parole will not be eligible for meritorious furloughs.

(D)(i) To qualify for a meritorious furlough, an inmate must be approved by the Meritorious Furlough Review Committee at his or her unit.

(ii) Before approving a furlough, the committee must find that the:

(a) Inmate does not presently have an abnormal propensity for violence;

(b) Inmate does not constitute a security risk;

(c) Inmate is capable of abiding by the terms and conditions of a furlough;

(d) Inmate and the public will not be endangered by the furlough; and

(e) Inmate, in all other respects, is a suitable candidate for furlough.

(E) Upon request of an inmate's victim, the division shall inform the victim at least thirty (30) days before release of the inmate on furlough, except emergency furloughs unless the law requires it.

(F)(i) The sheriff of the county and the chief of police of the city or town, if applicable, shall be notified if an inmate will be present within their jurisdiction while on furlough.

(ii) Approval of the furlough by the sheriff and/or chief of police is not required.

(2) Special rules regarding work-release inmates.

(A) A work-release inmate may be eligible for one (1) furlough per month.

(B) Furloughs are to be taken on weekends and are not to exceed forty-eight (48) hours, except that a furlough granted during a three-day holiday weekend is not to exceed seventy-two (72) hours.

(C) A work-release inmate must have been in the program for ninety (90) days before becoming eligible for a furlough.

(D)(i) A work-release inmate shall not be eligible for a furlough for a minimum of one hundred twenty (120) days after his or her conviction of a major disciplinary infraction.

(ii) A work-release inmate is not required to report to a monitor while on furlough.

(3) Emergency furloughs.

(A) The division may permit the emergency furlough of inmates in cases of critical illness and/or death of a member of the inmate's immediate family.

(B)(i) In the discretion of the warden/center supervisor, up to two (2) emergency furloughs may be granted due to a critical illness.

(ii) If emergency furloughs are granted due to a critical illness and the family member subsequently dies, another furlough may be granted for the inmate to attend the funeral.

(iii) Cases of critical illness must be confirmed to the warden/center supervisor or his or her designee by the ill relative's attending physician.

(C) Inmates under sentence of death, life without parole, or life.

(i) An inmate who is serving a sentence of death, life without parole, or life may be permitted an emergency furlough only in the event of the critical illness and/or death of a member of his or her immediate family.

(ii) In such cases, the inmate may be permitted a four-hour furlough to visit with the critically ill patient and/or to attend the funeral of the deceased family member.

(iii) All inmates serving a sentence of death, life without parole, or life must have the approval of the director.

(D) Inmates in Class I-A and I-B status.

(i) Inmates in Class I-A and I-B may be released on emergency furloughs for such occasions as the critical illness and/or death of a member of the inmate's immediate family.

(ii) Such emergency furloughs:

(a) Shall not exceed three (3) days in duration; and

(b) May be granted by the unit warden/center supervisor.

(E) Inmates in other class status.

(i) All other inmates except those having achieved Class I-A and I-B may be released on an emergency furlough for such occasions as the critical illness and/or death of a member of the inmate's immediate family.

(ii) The emergency furlough:

(a) Shall not exceed forty-eight (48) hours in duration; and

(b) May be granted by the unit warden/center supervisor.

(F) Procedural requirements.

(i) In all cases, the unit warden/center supervisor or his or her designee shall be satisfied that the inmate to whom an emergency furlough is granted:

(a) Does not presently have an abnormal, uncontrollable propensity for violence;

(b) Does not constitute a security risk;

(c) Is capable of abiding by the terms and conditions of a furlough; and

(d) Will not be endangered or endanger another person by such a release.

(ii)(a) Inmates other than Class I-A or I-B may be granted emergency furloughs and will be released only to the custody of an Arkansas certified law enforcement officer, who will be responsible for the signing out, transportation, supervision, custody, and arrangements for housing in the jail, if necessary, and delivery of the inmate back to the division.

(b) **Note.** Any fee charged by the law enforcement officer for escorting the inmate on emergency furlough will be paid by the inmate or his or her family or other supporters.

(iii) Class I-A or I-B inmates may be released to a family member, friend, or other approved individual who will be responsible for the inmate while on emergency furlough.

(iv) The unit warden/center supervisor or his or her designee shall notify the sheriff of the county and the chief of police of the city or town, if applicable, that the inmate will be present in his or her jurisdiction while on emergency furlough.

(v) Upon request of the inmate's victim, the unit warden/center supervisor or his or her designee shall notify the victim of the inmate's emergency furlough.

(4) **Rules of conduct.** The division will establish by administrative directive rules of conduct to be followed by inmates while on furlough.

(5) **General.** Specific guidelines for implementing this section, including, but not limited to, sponsorship, departure and arrival times, medical screening, and contacts, shall be included in an appropriate 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:

"Section Number: 812
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Dated: 8/3/97; 12/17/92, 8/19/92
Reference:
Effective Date: 11/16/2001"

"VII. REFERENCES:
ACA 12-29-102, ACA 16-90-1109, Act 1371 of 2001.
AR812(010814)"

"I. AUTHORITY:
The authority of the Board of Corrections to promulgate this Administrative Rule is vested in Arkansas Code Annotated § 12-27-105 and Act 1371 of 2001."

12 CAR § 70-108. Visitation.

(a) **Purpose.** To describe the offender visiting program that will be used in the Division of Correction and Division of Community Correction.

(b) **Applicability.** All employees and especially those involved in the visitation process, offenders, and visitors.

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

(1) "Immediate family member":

(A) Consists of the offender's:

- (i) Father;
- (ii) Mother;
- (iii) Sisters;
- (iv) Brothers;
- (v) Spouse;
- (vi) Children;

- (vii) Grandparents; and
- (viii) Grandchildren; and

(B) May include other relatives whose relationship with the offender has been verified as that of a parent or guardian;

(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 punishment center as a condition of:

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

(3) "Special visit" means:

- (A) Visits that occur on days other than regular visitation days;
- (B) Visits granted to an offender who normally may not receive a visit;

and/or

- (C) An extended visitation period.

(d) **Policy.** It shall be the policy of the Division of Correction and Division of Community Correction to permit offenders to have visits with family friends, attorneys, and spiritual advisors under conditions that are consistent with the security and good order of division operations.

(e) **Procedures.**

(1)(A) Visits shall be scheduled regularly at times that will assure reasonable access to offenders and in accordance with the appropriate administrative directive and facility standard operating procedures.

(B) Each facility shall maintain a list of visitors approved for visitation of individual offenders.

(C) Rules pertaining to visitation shall be readily available for visitors and offenders.

(2) **Approval.**

(A) Persons under the age of eighteen (18) may visit only with the permission of a parent or guardian.

(B)(i) Prospective visitors shall be subject to an approval inquiry.

(ii) There will be no approval inquiry required for attorneys and ministers of record.

(C) Persons with a prior criminal conviction or convictions may be considered for a visit only with an immediate family member.

(D) Upon good cause or substantial evidence, persons believed to have a detrimental effect on the offender or who constitute a threat to the security and good order of the facility may be removed from an approved visitation list upon authorization of the warden/center supervisor.

(3) Searches.

(A) Visitors shall be made aware they shall be subject to a search prior to visiting with an offender.

(B) All searches shall be conducted in accordance with the appropriate administrative rule and directives concerning searches for and control of contraband.

(4) Visiting conditions.

(A) Visits shall be supervised by staff at all times during the allocated time.

(B)(i) Consistent with the security needs of the facility, contact visits may be restricted.

(ii) Where contact visitation is allowed, the offenders and visitors may briefly embrace upon arrival and departure and may sit side-by-side.

(iii) Small children may sit on the offender's lap.

(C)(i) An attorney visiting area shall be provided to ensure privileged communications between offenders and their attorneys.

(ii) However, the area used for these visits is subject to general staff supervision.

(5) Visitation restrictions.

(A) Limitations may be imposed on the number of visitors an offender may have at one time.

(B) Items carried into the visitation area by the visitor and offender shall be restricted.

(C) Any behavior on the part of the offender or visitor that is or may be disruptive to the security and good order of the facility or is in violation of division policy/procedure will result in denial or termination of the visit.

(D)(i) Inmates in punitive segregation have opportunities for visitation unless there are substantial reasons for withholding such privileges.

(ii) Visits will be:

(a) Conducted for two (2) hours, once a month (calendar); and

(b) Scheduled at least twenty-four (24) hours in advance.

(iii) The warden or designee must approve all such visits.

(iv) Approval will be contingent upon but not limited to:

(a) Nature of rule violation;

(b) No further rule violations while housed in punitive; and

(c) Satisfactory cell inspection report.

(v)(a) A legal visit may be approved in advance by the warden/unit supervisor.

(b) This is to be done only when the attorney can justify the urgency of the legal matter to be taken prior to the release from punitive status, then only with the consistent need for good security.

(E) Other restrictions may apply as indicated in the appropriate administrative directive or directives and/or standard operating procedure or procedures.

(6) Records.

(A) Staff assigned visitation duties shall maintain a record of approved visitors.

(B) All visits shall be documented as to:

(i) Date;

(ii) Person visiting;

(iii) Time visited; and

(iv) Any unusual incidents.

(7) **Special visits.**

(A) Upon approval of the warden/center supervisor, special visits may be allowed for:

(i) Attorneys;

(ii) Spiritual advisors;

(iii) Offenders in special housing/assignment/status; and

(iv) Persons residing outside a set radius from the facility.

(B) Special visits shall be scheduled in accordance with guidelines established in the appropriate administrative directive or directives and facility procedure or procedures.

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: 865

Page Number: 1 of 4

Board Approval Date: 11-16-00

Supersedes: DCP 7.24 EMERG

DOC 865

Dated: 2/17/94

2/17/94

Reference: AD 93;09

Effective Date: 3/24/01"

"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. A.C.A. REFERENCE:

3-4440, 3-4441, 3-4442, 3-4445, 3-4446, 3-4255."

12 CAR § 70-109. Boot camp program.

(a) **Purpose.** To establish policy concerning the operation of a boot camp program.

(b) **Applicability.** To eligible inmates and Division of Correction staff.

(c) **Policy.**

(1) It shall be the policy of the Division of Correction to allow selected inmates to voluntarily participate in a program of intensive behavior modification in an arduous, physically demanding, military-like environment, otherwise known as a "boot camp".

(2) The boot camp program is an intensified correctional program to deter repetition of criminal behavior and illegal drug use, reducing the need for long-term incarceration.

(3) Upon successful completion of the program, as described in the Boot Camp Program Manual, the inmate will be administratively transferred to Division of Community Correction supervision.

(d) **Procedures.**

(1)(A) The risk assessment profile used for boot camp excludes inmates that have been convicted of crimes that by their nature or definition involve:

(i) Violence;

(ii) Threat of violence;

(iii) Potential threat of violence; or

(iv) Disregard for the safety of others.

(B) Specifics regarding eligibility, duration, and characteristics of the program shall be in the boot camp eligibility administrative directive.

(2) **Eligibility.** The inmate must:

- (A) Not have previously participated in any adult boot camp program;
- (B) Be serving a sentence of fifteen (15) years or less;
- (C) Be eligible for minimum-security status; and
- (D) Volunteer for the boot camp program and agree to abide by all rules

established by the Division of Correction.

(3) **Noneligibility.** An inmate is not eligible to participate in the boot camp program if:

- (A) He or she represents an unacceptable threat to the public;
- (B) He or she has an active felony detainer filed against them;
- (C) He or she has committed an offense:
 - (i) That requires by statute or a court to register as a sex offender; or
 - (ii) Involving violence, weapons, or injury;
- (D) He or she cannot be reasonably accommodated due to an unmanageable medical or mental health issue; or
- (E) He or she has been identified by the screening process as disruptive.

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: 888

Page Number: 1 of 2

Board Approval Date: 12/04/2014

Supersedes: AR 888

Dated: 06/24/2014

Reference:

Effective Date: 12/15/2014"

"I. AUTHORITY:

The authority of the Board of Correction to promulgate this Administrative Rule is confirmed in Act 50 of 1968 as amended and Act 492 of 1989."

12 CAR § 70-110. Educational services.

(a) **Purpose.** This section establishes the policy of the Division of Correction with respect to education and the interactions between educational services and the administration of the division.

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

- (1) The Board of Corrections and administration of the division;
- (2) The administrators, instructors, and support staff of all educational programs operating within the division;
- (3) All volunteer organizations and individuals supporting the educational process within the division; and
- (4) All inmates participating in educational programs.

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

(1)(A) "Access" refers to the general availability of educational services to all inmates, with exceptions made only when necessary for the good order and security of the institutions.

(B) Access may also be limited by the screening mechanisms of educational services on the basis of need and appropriateness of placement;

(2) "Educational services" refers to:

- (A) All programs in the Arkansas Correctional School District;
- (B) Riverside Vocational and Technical School;
- (C) College courses taught on-site by any regionally accredited college or university; and

(D) Volunteer organizations and individuals who provide financial aid, tutor training, or direct instruction in coordination with an established program;

(3) "Instructional space" refers to classrooms, laboratories, workshops, office spaces, and furnishings, other than instructional aids and materials; and

(4) "School Board" refers to the Board of Corrections formally sitting as the School Board and having authority to approve budgets, contracts, and programs for operation of the school district.

(d) **Policy.** It shall be the policy of the division to:

(1) Provide instructional space for the operation of approved educational programs in selected units of the division; and

(2) Allow those inmates in need of these programs access to them.

(e) **Procedures.**

(1) Each educational service will have written policies and procedures that include:

(A) Admission, operational, and dismissal policies; and

(B) Maintenance of records.

(2)(A) Each educational service shall conform to all state and federal standards and requirements applicable in a correctional setting.

(B) Staff should be appropriately certified.

(3) Staff of educational services shall be trained on relevant administrative rules and administrative directives of the division and are expected to comply with them and to support the good order and smooth operations of the institution.

(4) Staff of educational services have the authority to take disciplinary action.

(5) Each educational service should make its admission criteria and rules for operation available to inmates.

(6)(A) All inmates entering the division are tested and/or interviewed as to their education level and job-related skills.

(B) This information is documented and available to:

(i) Educators; and

(ii) Classification committees.

(7) Inmates having academic scores or skills below a certain level set by the School Board may be required to participate in educational programs.

(8)(A) Beyond minimum requirements, inmates may request participation in educational programs.

(B) Acceptance or refusal may be predicated on custody level, as defined by administrative directive, and need of and/or appropriateness for the program in accordance with defined standards set or approved by the Department of Education or School Board-approved practice.

(9)(A) An inmate's class may be considered in the decision of the classification committee to assign an inmate to a particular program.

(B) Loss of class should not be considered an automatic barrier to educational services.

(C) However, disciplinary programs, if disruptive of classes or resulting in absence due to punitive isolation or restrictions, may be considered cause for suspension or termination of educational services.

(10)(A) Programs will be evaluated at least every three (3) years to determine whether objectives are being met.

(B) Part of this evaluation should relate to the Department of Education's review and certification process.

(C) Another part should relate to penological operations and goals.

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: 500

Page Number: 1 of 3

Board Approval Date: 3/30/90

Supersedes: 501

Dated: 9/30/82

Reference:

Effective Date: 4/2/90"

"I. AUTHORITY:

The authority of the Board of Correction to promulgate this Administrative Rule is confirmed in Act 50 of 1968 as amended; Act 279 of 1973, created the Arkansas Department of Correction School District; and Act 288 of 1985, created Riverside Vo-Tech within the Arkansas Department of Correction."

"VII. REFERENCES:

Act 279 of 1983.

Act 288 of 1985.

Act 445 of 1983, 6-15-201 thru 212.

Act 751 of 1985, 12-29-304.

ACA Standards 2-4334, 2-4423, and 2-4436."

12 CAR § 70-111. Prison Overcrowding Emergency Powers Act.

(a) **Purpose.**

(1) To establish the policy by which the Board of Corrections may, when the prison population exceeds ninety-eight percent (98%) of the rated capacity, release inmates from the Division of Correction prior to their normal release date.

(2) This policy also allows for the ninety-eight percent (98%) factor to be applied separately to the male and female prison population.

(b) **Applicability.** To:

(1) The board;

(2) All division employees, especially those involved in release processing; and

(3) All inmates.

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

(1) "Discharge" means the unconditional release of an inmate or person on release supervision upon the expiration of a sentenced term of years pursuant to Arkansas codes; and

(2) "Rated capacity" means the cumulative total of inmates that may be housed by the Division of Correction as determined by court order or the Board of Corrections.

(d) **Policy.** It shall be the policy of the division and the board to review the inmate population of the division and, at the board's discretion, invoke the Prison Overcrowding Emergency Powers Act, Arkansas Code § 12-28-601 et seq., for the male segment of the population, the female segment of the population, or both, depending upon the segment or segments of the population exceeding ninety-eight percent (98%) of the rated capacity.

(e) **Procedures.**

(1) At such time the male population, the female population, or the combined total population of the division reaches or exceeds ninety-eight percent (98%) of rated capacity, the Director of the Division of Correction will cause a list of those inmates eligible for release within a period of time, not to exceed ninety (90) days, to be presented to the board for its consideration.

(2) The board may invoke the Prison Overcrowding Emergency Powers Act to affect those inmates of:

- (A) The male population;
- (B) The female population; or
- (C) Both.

(3) The board may also specify the number of days affected by the Prison Overcrowding Emergency Powers Act (not to exceed ninety (90) days) and whether inmates eligible for parole or inmates eligible for discharge are affected.

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: 1315

Page Number: 1 of 2

Board Approval Date: 9/24/91

Supersedes:

Dated:

Reference:

Effective Date: 9/26/91"

"I. AUTHORITY:

The authority of the Board of Correction to promulgate this Administrative Rule is vested in Act 50 of 1968, First Extraordinary Session, as amended; Act 418 of 1987, Regular Session; Act 684 of 1991, Regular Session; and A.C.A. 12-28-601 - 12-28-606."

12 CAR § 70-112. Prison Overcrowding Emergency Powers Act — County Jail Backlog.

(a) **Purpose.** To establish the policy by which the Board of Corrections may, when the county jail backlog exceeds five hundred (500) inmates, release eligible inmates from the Division of Correction prior to their normal release date.

(b) **Applicability.** The board, all division employees, especially those involved in release processing, and all inmates.

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

(1) "County backlog" means inmates sentenced to the Division of Correction that are being housed in the county jails until space is available in the prison;

(2) "Discharge" means the unconditional release of an inmate or person on release supervision upon the expiration of a sentenced term of years pursuant to Arkansas codes; and

(3) "Eligible inmate" means Class I or Class II inmates, convicted of nonviolent offenses, who are eligible for parole, transfer, or discharge and not serving a legislatively mandated seventy percent (70%) or more sentence, who have been incarcerated in a Division of Correction facility for a minimum of six (6) months.

(d) **Policy.** It shall be the policy of the division and the board to review the inmate population of the division and, at the board's discretion, invoke the Prison Overcrowding Emergency Powers Act, Arkansas Code § 12-28-601 et seq., based on a county backlog exceeding five hundred (500).

(e) **Procedures — Overcrowding based on county jail backlog.**

(1) When the board declares a prison overcrowding state of emergency due to the county jail backlog exceeding five hundred (500) inmates and notifies the Director of the Division of Correction of the emergency as authorized, the director shall:

(A) Certify to the board a list of those eligible inmates who are in Class I or Class II status who have been incarcerated in a division facility for a minimum of six (6) months and are serving a sentence for a nonviolent offense as established by the board; and

(B) Indicate which eligible inmates he or she recommends.

(2) The listed inmates shall be those who, if authorized, would have their parole eligibility, transfer eligibility, or discharge dates moved up to a point where they would immediately be eligible for:

(A) Parole;

(B) Transfer; or

(C) Discharge.

(3) Upon the receipt of the list of eligible inmates certified by the director, the board is authorized to move up the projected parole eligibility, transfer eligibility, or discharge dates of any or all eligible inmates on the list by up to one (1) year.

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: 1316

Page Number: 1 of 2

Board Approval Date: 7/11/2003

Supersedes:

Dated:

Reference:

Effective Date: 7/25/03"

"I. AUTHORITY:

The authority of the Board of Corrections to promulgate this Administrative Rule is vested in Act 50 of 1968, First Extraordinary Session, as amended; Act 418 of 1987, Regular Session; Act 684 of 1991, Regular Session; Act 1721 of 2003, Regular Session, and A.C.A. 12-28-601 - 12-28-606."

12 CAR § 70-113. Volunteer services.

(a) **Purpose.** This section establishes the process for recruiting, screening, approval, training, coordinating, and documenting the activities of volunteers within the Division of Correction.

(b) **Applicability.** The Coordinator of Volunteer Services, unit wardens, center supervisors, and their designees for dealing with volunteers, staff who use volunteers in their operations, and volunteers.

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

(1) "Group". A group may consist of regular service volunteers, occasional service volunteers, interns, or any combination thereof, provided that each member of the group meets the applicable qualifications outlined in the administrative directive on volunteer services;

(2)(A) "Interns" means an individual who offers services to the Division of Correction as part of an academic or training program on a time-limited basis as defined in an internship agreement.

(B) For purposes of this section, an intern shall be considered a volunteer;

(3) "Occasional service volunteer" means an individual or group who offers support to Division of Correction programs on a single event or episodic basis, having

been screened and trained only to the extent necessary to carry out a narrowly defined role or task; and

(4) "Regular services volunteer" means an individual who offers services to the Division of Correction, without charge and on a repeated or ongoing basis, after having met the Division of Correction's screening and training requirements.

(d) **Policy.**

(1) It shall be the policy of the division to encourage citizen volunteer participation in various programs for the purpose of enhancing and expanding services to inmates.

(2) Volunteers will assist, but may not supplant paid staff.

(e) **Procedures.**

(1) General procedures for implementation of this section shall be specified in an appropriate administrative directive.

(2) Specific criteria for the use of regular service volunteers, occasional service volunteers, and interns in those programs regularly using regular service volunteers, occasional service volunteers, and/or interns are to be stated in the policy and procedure manual of each program area.

(3) Copies of the administrative directive on volunteer services and such program policy and procedure applicable to the volunteer shall be provided for each regular service volunteer or intern and should be discussed with occasional service volunteers.

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: 881

Page Number: 1 of 2

Board Approval Date: 04/26/93

Supersedes: 881

Dated: 10/18/88

Reference:

Effective Date: 4/28/93"

"I. AUTHORITY:

The Board of Correction is vested with the authority to promulgate Administrative Rules by Act 50 of 1968 as amended, and by the Administrative Procedures Act (Act 434 of 1967); Act 42 of 1981, Regular Session."

"VII. A.C.A. REFERENCES:

3-4115, 3-4117, 3-4118"

Subpart 2. Work Programs

12 CAR § 70-201. Arkansas Correctional Industries.

(a) **Purpose.** To establish policy and procedures concerning the manufacture, sales, and distribution of Arkansas Correctional Industries-made goods.

(b) **Applicability.**

(1) To all ACI employees, to all offices, departments, institutions, and agencies of the state that may purchase ACI-made products, and to those political subdivisions, nonprofit organizations, and other states that may purchase ACI-made goods.

(2) Pursuant to Arkansas Code § 12-30-205:

“(a) A nonprofit organization may purchase goods produced by the Division of Correction's Industry Division as provided for by this subchapter upon the condition that the goods may not be resold for profit.

(b)(1) Goods produced by the division as provided for by this subchapter, excluding furniture and seating, may also be purchased

by:

(A) Current employees and retirees of the Division of Correction;

(B)(i) All employees of the offices, departments, institutions, school districts, and public agencies in this state.

(ii) Subdivision (b)(1)(B)(i) of this section shall not include members of the General Assembly; and

(C) Current and former members of the Board of Corrections.

(2) Goods purchased by an individual under subdivision

(b)(1) of this section shall be for personal use only and not for resale.”

(c) **Policy.** It shall be the policy of the Board of Corrections to establish an ongoing correctional industry program to further provide more adequate, regular, and suitable training and/or employment for the inmates of the state and to provide quality products and services to be purchased by all offices, departments, institutions, and agencies of the state, all political subdivisions and nonprofit organizations, and other states or others as provided in the acts of the State of Arkansas.

(d) **Procedures.**

(1) The Arkansas Correctional Industries program will purchase equipment, raw materials, and supplies in the manner provided by laws of the State of Arkansas.

(2) The board will fix and determine the price range at which all articles or products manufactured or produced shall be furnished.

(3) Administrative directives will be developed to provide guidance concerning the procedures to be used by ACI in the process of selecting market representatives and its mission to enter into contractual agreements with dealers, retailers, distributors, and manufacturing representatives for the marketing of products and services produced by ACI.

(4) Arkansas Correctional Industries will prepare, at such times as it may determine needed, catalogues containing the description of all articles and products manufactured or produced in the program.

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: 114

Page Number: 1 of 2

Board Approval Date: 12/15/2010

Supersedes: AR 114 Emerg.

Dated: 4/2/90

Reference:

Effective Date: 12/25/2010"

"I. AUTHORITY:

The Board of Correction is vested with the authority to promulgate this Administrative Rules by Act 50 of 1968 as amended, Act 473 of 1967, Act 108 of 1981, Act 825 of 1985, and Act 48 of 1989."

12 CAR § 70-202. Industry program procedures, sales, or acquisitions between public procurement units.

(a) **Policy.** It shall be the policy of the Division of Correction to extend authorization to the Purchasing Division of the Division of Correction and the Industry Division of the Division of Correction for the buying and selling of materials produced by or for use in the Industry Division, in accordance with the terms and conditions established by the Board of Corrections.

(b) **Explanation.**

(1) Acts 1981, No. 108, authorizes the Board of Corrections to enter into contracts, compacts, or agreements with the appropriate governing officials of agencies in other states or of the federal government for the buying and selling of raw materials, goods, and products produced by and belonging to their respective institutions in accordance with such terms and conditions as the Board of Corrections and the governing officials of correctional institutions of other states or the federal government may deem advantageous and appropriate for their respective institutions and programs.

(2) The intent of the act is to allow the Industry Division to expand its:

(A) Product lines by purchasing raw materials, goods, and products from other state or federal institutions and programs; and

(B) Distribution of products where the Arkansas market is not large enough to support the program.

(c) Contents of agreement, filing, and records.

(1) Copies of all such agreements, compacts, or contracts entered into with respect to Acts 1981, No. 108, will be filed with the Chief Fiscal Officer of the Department of Corrections.

(2) A comprehensive set of records will be kept with respect to all transactions concerning the foregoing agreements, compacts, or contracts, and copies thereof will be filed monthly with the Chief Fiscal Officer and must be available for public inspection during normal business hours.

(d) Procedures.

(1) Standard Division of Correction procedures will be followed to notify the Purchasing Division of the intent to obtain or sell raw materials, goods, or products by the Industry Division.

(2) The Purchasing Division may sell to, or acquire from, agencies of other states or the federal government independent of requirements of the State Purchasing Law for source selection and contract information.

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: 102-A

Page Number: 1 of 2

Board Approval Date: 10/18/88

Supersedes: 102-A

Dated: 8/12/85

Reference:

Effective Date: 11/04/88"

12 CAR § 70-203. Private industry employment of inmates within correctional facilities.

(a) Explanation.

(1)(A) The Board of Corrections is authorized by Arkansas Code § 12-30-501 to contract with any private individual or private company to employ inmates.

(B) The contracts must comply with 18 U.S.C. § 1761.

(2) The purpose of this section is to authorize the Director of the Division of Correction to operate the program.

(b) **Applicability.** This section applies to the Division of Correction, its inmates, and any private individual, corporation, partnership, or association contracting with or attempting to contract with the Division of Correction to utilize inmate labor as authorized and/or limited by Arkansas Code § 12-30-501.

(c) Policy.

(1) It shall be the policy of the Division of Correction to expand the Industry Division's work program by allowing inmates to work for private companies within secure perimeters of correctional facilities.

(2) This work program shall operate as a private industry enhancement certification program (PIECP) of the Bureau of Justice Assistance of the United States Department of Justice.

(d) **Procedures.**

(1) The board will be the PIECP certificate holder.

(2) The program has nine (9) mandatory requirements, which are:

(A) **Eligibility.** There shall be on file written proof of certification from the Bureau of Justice Assistance permitting PIECP in the State of Arkansas prior to any cost accounting center startup;

(B) **Inmate wages.** Wages shall be paid to inmate workers at a rate not less than that paid for work of a similar nature in the locality in which the work is performed;

(C) **Noninmate worker displacement.** Written assurances from the Division of Workforce Services that PIECP will not:

(i) Result in the displacement of employed workers;

(ii) Be applied in skills, crafts, or trades in which there is a surplus of available labor in the locality; or

(iii) Sufficiently impair existing contracts;

(D) **Benefits.** Inmate workers will be provided benefits comparable with those made available by the federal or state government to similarly situated private sector employees, including workers' compensation and, in some circumstances, Social Security;

(E) **Deductions.**

(i) Deductions shall be taken for:

(a) All applicable taxes;

(b) Room and board/operational fee;

(c) Family support; and

(d) Victim's compensation.

(ii) Total deductions can be no more than eighty percent (80%) of the inmate worker's gross wages;

(F) **Voluntary participation.** Inmate workers must volunteer to participate in the PIECP program;

(G) **Consultation with organized labor.** There shall be written proof of consultation with organized labor prior to PIECP startup;

(H) **Consultation with local private industry.** There shall be written proof of consultation with local private industry prior to PIECP startup; and

(I) **National Environmental Policy Act.** There shall be written proof of compliance with National Environmental Policy Act, 42 U.S.C. § 4321 et seq., requirements prior to PIECP startup.

(3) The director shall develop administrative directives for operation of the program in accordance with all federal and state laws regarding the interstate transportation of prison-made goods.

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: 115

Page Number: 1 of 3

Board Approval Date: 10-22-04

Supersedes: N/A

Dated:

Reference:

Effective Date: 01-01-05"

"I. AUTHORITY:

The authority of the Board of Corrections to promulgate this Administrative Rules is found in Ark. Code Ann. § 12-27-105 and § 12-30-501."

"VI. REFERENCES:

Ark. Code Ann. § 12-30-501 (Act 106 of 1995)

VII. ACA STANDARDS:"

12 CAR § 70-204. Work/study-release program.

(a) **Purpose.** This section establishes the policy by which the Division of Correction (the division) institutes the work/study-release program (the program).

(b) **Applicability.** This section applies to all employees and inmates within the division.

(c) **Policy.**

(1) To allow the orderly reintegration of selected inmates from a prison environment back into communities through participation in a community or unit/center work/study-release program.

(2) Only inmates who meet the eligibility criteria for work/study release may be considered for placement in a work/study-release program.

(3) The Director of the Division of Correction is authorized to establish further policies necessary for the operation of a work/study-release program.

(d) **Procedures.**

(1) Pursuant to statutory authority, the following procedures are established for the selection of eligible inmates to be assigned to the program.

(2) Noneligibility for work/study-release program:

(A) An inmate convicted of a capital offense, first degree murder, rape, kidnapping, or who has been convicted for a second or subsequent offense of aggravated robbery, or who is serving a life sentence, or who is under sentence to be executed, is not eligible to participate in this program;

(B) An inmate having an undisposed felony detainer filed against him or her, except a notification only detainer, is not eligible to participate in this program;

(C) An inmate convicted of any sex offense is not eligible for work/study release; and

(D) An inmate convicted of a felony escape is not eligible for work/study release.

(3) Eligibility for work/study-release program:

(A) The inmate must be eligible for minimum security status;

(B) The inmate must have a parole eligibility release date within forty-eight (48) months of the date in which program eligibility is determined;

(C)(i) An inmate should have had no major disciplinary infractions for a period of not less than ninety (90) days immediately prior to application.

(ii) The warden/center supervisor, however, may waive this requirement and approve an inmate with disciplinary infractions within this window for selection and possible transfer to the work/study-release program.

(iii) The director or designee must approve the waiver in writing prior to the inmate being transferred to the work/study-release program;

(D)(i) The inmate must exhibit a current medical classification commensurate with the expected work assignment.

(ii) This classification will be reviewed by the transferring unit/center medical authority prior to final approval for work/study-release eligibility.

(iii) The warden/center supervisor shall ensure that the medical authority is made knowledgeable of the type of work program the inmate is allowed to participate in for any applicable medical-related considerations.

(iv) No inmate will be allowed to participate in a work/study-release program if such participation requires physical capabilities beyond that which could have been routinely assigned at a unit/center;

(E) If the inmate applies for a study-release program, that inmate must have sufficient time remaining on his or her sentence to complete one (1) semester of study; and

(F) Priority for placement will be given to inmates returning to the geographical region served by a work/study-release unit/center.

(4) Application process.

(A)(i) Eligible inmates are to submit a Work/Study Release Application form developed by the division to the classification officer and/or work-release warden/center supervisor.

(ii) If the applicant meets the criteria for eligibility, the classification committee will consider the application and forward its recommendation to the warden/center supervisor.

(iii) The decision of the classification committee must be unanimous before a favorable recommendation is forwarded to the warden/center supervisor.

(B) Applicants who do not meet the eligibility criteria will be informed in writing by the classification officer or work-release or work/study-release warden/center supervisor, and a copy will be placed in the inmate's institutional file.

(C) No application for a work/study-release program will be favorably recommended by the classification committee unless the classification committee is satisfied that the inmate meets all requirements of eligibility and that the inmate:

(i) Does not have a history of violence that would pose a risk to the community;

(ii) Does not constitute a security risk; and

(iii) Is capable of abiding by the terms and conditions of the program.

(D) Each inmate favorably recommended for transfer to a work/study-release program will receive a work supervisor's evaluation that will be forwarded to the unit's classification committee for consideration prior to final approval.

(E) Work/study-release wardens/supervisors will have final approval of all work/study-release program applicants.

(5) Rules of the work/study-release program:

(A) Inmates participating in the work/study-release program shall not:

(i) Leave the State of Arkansas for any purpose or under any circumstances;

(ii) Leave the county to which he or she was assigned without the written consent of the warden/center supervisor of the facility where the inmate is assigned;

(iii) Possess or consume alcoholic beverages or illegal drugs;

(iv) Visit any place of business where alcoholic beverages or marijuana are the major item sold or consumed;

(v) Violate any federal, state, county, or municipal laws; or

(vi)(a) Operate any motor vehicle without written consent of the warden/center supervisor of the facility to which the inmate is assigned.

(b) In such a case, the inmate must be properly licensed and liability insurance documented before consideration and approval is given;

(B) Transportation to and from work will be provided by the division or by the employer upon written approval of the work-release/center supervisor;

(C) Inmates selected to participate in work/study release will agree to participate in self-improvement programs at the work release center, basic education, GED, etc.;

(D) The inmates must obey all division policies; and

(E) Inmates participating in the work/study-release program will be required to sign an Agreement to Return Form developed by the division.

(6) Employment and earnings of inmates.

(A)(i) If a work/study-release inmate is terminated from his or her employment through no fault of his or her own, officials of the work/study-release center will immediately assign the inmate to an institutional job.

(ii) During this period of reassignment, which shall be no longer than fifteen (15) consecutive days (excluding holidays and weekends), every effort will be made by the division and the inmate to regain employment.

(iii) If, at the end of the reassignment period, employment has not been found, the supervisor of the work/study-release program may administratively transfer this individual to an existing job assignment at the unit/center or transfer him or her back to the parent unit/center.

(B) If an inmate is terminated for just cause, he or she will be dropped from the program and transferred back to his or her parent unit/center.

(C) If an inmate wishes to terminate his or her employment, he or she may do so after obtaining approval of the work/study-release warden/center supervisor who will ensure the employer is notified.

(D) The inmate may be awarded a program change when the supervisor feels it is in the best interest of:

- (i) The inmate;
- (ii) The division; or
- (iii) His or her employer.

(E) Earnings by the inmate shall be paid by check or electronic transfer directly to the division in the name of the inmate.

(F) The division shall retain an amount to be established by the director, upon review and approval of the Secretary of the Department of Corrections and the Board of Corrections, which will be used to compensate the division for the cost of maintaining work/study-release programs.

(G)(i) If the inmate has persons dependent upon him or her for support, the inmate shall be required to remit to such persons a minimum of one-third (1/3) of his or her net income or that amount which may be required by court order.

(ii) Net income is defined as income after taxes and compensation to the division.

(iii) If the inmate does not have any dependents, the one-third (1/3) shall be deposited into a savings account maintained for the benefit of the inmate upon release.

(H) The inmate will normally be allowed to spend up to an amount equal to the approved weekly commissary draw.

(I)(i) The remaining balance of his or her earnings will be deposited to the inmate's trust account.

(ii) Any disbursements from this account must be approved by the warden/center supervisor.

(J) All fund balances of an inmate's account will be released to the inmate upon parole or discharge of sentence.

(K) The inmate may request to draw from the inmate's trust account amounts necessary to provide his or her own clothing and items needed for work.

(7) Medical service.

(A) The division will not be liable for medical services for those work/study-release inmates on furlough status (AR 1200-A).

(B) Medical service charges not covered by Workers' Compensation or other forms of insurance will be handled by the division through its medical services program.

(C)(i) In the event medical treatment is required at work, the warden/center supervisor and/or work supervisor is to be notified immediately by the inmate, or the employer if the inmate is unable to provide notice.

(ii) Appropriate medical response measures will be initiated following notification.

(D)(i) An inmate who procures medical treatment while engaged in a working capacity without consulting or advising division staff will be responsible for such incurred costs.

(ii) Disciplinary action may follow, to include program expulsion.

(8) Legal services.

(A) An inmate in need of legal services while assigned to a work/study-release program may:

(i) Contact the inmate attorney assigned to the Compliance Division of the Board of Corrections; or

(ii) Obtain legal services through a request to draw from those monies earned on work/study release.

(B) The inmate may be transferred to a unit/center where a complete law library is available.

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: 1200

Page Number: 1 of 5

Board Approval Date: TBD

Supersedes:1200

Dated: 08/22/2010

Reference: ACA 12-30-401 et seq.

Effective Date: TBD"

"I. AUTHORITY:

The Board of Correction (the Board) is vested with the authority to promulgate this rule by A.CA. 12-30-403, subject to the continuing review of the Governor who shall have the authority to rescind this rule. "

12 CAR § 70-205. Farming and livestock activities.

(a) **Policy.** It shall be the policy of the Division of Correction to extend authorization to the Director of the Division of Correction for the operations and management as required by guidelines and practices in the farming and livestock operations of the division.

(b) **Explanation.** Acts 1968, No. 50, authorizes the director, with the approval of the Board of Corrections, to promulgate necessary rules for:

- (1) The operation of the farming and livestock activities of the various institutions of the division;
- (2) The employment of personnel;
- (3) The assignment of inmate labor; and
- (4) Other purposes.

(c) **Procedures.**

(1) The division shall make maximum utilization of the farm lands of the various institutions of the division through the use of modern agricultural machinery, equipment, and technology in producing crops and livestock for the use in feeding prisoners, and for sale on the market to produce income for the maintenance and operation of the institutions of the division.

(2) The director will employ and/or have employed personnel adequately trained to carry out all functioning of the farming and livestock operations.

(3) The farming and livestock operations will use inmates as classified by the classification committees to carry out the labor needs of these operations.

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: 112

Page Number: 1 of 1

Board Approval Date: 7/26/89

Supersedes:

Dated:

Reference:

Effective Date: 8/03/89"

12 CAR § 70-206. Inmate labor by contractual agreement and volunteer services.

(a) **Policy.** Acts 1983, No. 814, to permit the Division of Correction to make contractual arrangements for use of inmate labor by the following prioritized list:

- (1) Other state departments and agencies;
- (2) Counties, cities, and school districts; and
- (3)(A) Civic organizations, other nonprofit organizations, and private citizens, including, but not limited to, those responsible for the preservation of natural resources or other public works.

(B) The Division of Correction may provide volunteer services for community service organizations, i.e., Lions Club, Rotary Club, Jaycees, Jaycettes, etc.

(b) **Explanation.**

(1) Activities such as this will be performed in a manner so as to create goodwill between the Division of Correction and the public and be of rehabilitative value to the inmates.

(2) Contractual inmate labor.

(A)(i) It is not intended to result in the displacement of currently employed citizens or to create a condition that would preclude the establishment or continuation of full-time free work jobs.

(ii) Inmate work crews will not be utilized to displace contract labor or laborers, subcontractors, bids, or estimated projects or any similar related type construction and/or maintenance projects.

(B)(i) All requests for contractual inmate labor shall be referred to the appropriate assistant director.

(ii) The warden/center supervisor making the referral shall provide the assistant director with all necessary information on the appropriate form F-1201-1.

(iii) The assistant director will make a recommendation and forward all documentation to the Director of the Division of Correction for approval/disapproval.

(C)(i) The Division of Correction may, upon approval by the director, enter into a contractual arrangement for inmate labor with the requesting party.

(ii) Acceptable parties are enumerated under this section.

(3) Inmate volunteer services.

(A) The Division of Correction may enter into an agreement with community service organizations for inmates.

(B) The formula for the use of work-release inmates on volunteer projects in the county in which the work-release unit/center is located will be as follows: two (2) hours times the unit/center work-release inmate population equals the total number of hours of volunteer work allowed a month per unit/center.

(C)(i) When a request for inmate volunteer services is received, the warden/center supervisor will be responsible for completing the Inmate Volunteer Services Request/Authorization Form F-102-2 and forwarding it to the appropriate assistant director for approval/disapproval.

(ii) The assistant director will make a recommendation and forward all documentation to the director for approval/disapproval.

(D)(i) The warden/center supervisor may contact the appropriate assistant director for telephone approval/disapproval concerning inmate volunteer service requests when time does not allow for written requests to be made.

(ii) The assistant director is responsible for notifying the director of all requests and action taken.

(iii) The warden/center supervisor is responsible for providing the assistant director with written documentation following the telephone approval/disapproval.

(iv) The assistant director will complete the appropriate section of the form and forward all documentation to the director, F-1201-2.

(c) Procedures to be followed upon approval of requests.

(1) Contractual inmate labor.

(A)(i) Contractual inmate labor will be authorized only after the Division of Correction and the requesting party enter into a contractual agreement.

(ii) Items to be considered are expenses for providing:

(a) Inmates;

(b) Staff;

(c) Vehicles;

(d) Equipment;

(e) Meals; and

(f) Other related expenses.

(iii) To offset costs incurred by the Division of Correction, a minimum rate will be charged per hour per inmate, as established by the Board of Corrections, with one-half (1/2) of the hourly rate being deposited in the inmate's account, with the other half being received by the Division of Correction.

(iv) The director has the authority to negotiate fees and services, depending upon the circumstances of each request.

(v) The financial agreement and/or subsequent amendments will be filed at the next board meeting.

(B)(i) Contractual inmate labor will be provided only within the scope of the specific project authorized by the director.

(ii) Prior approval must be obtained from the director before:

(a) The initial project can be expanded; or

(b) Additional projects can be started.

(C)(i) Working hours will be determined by the warden/center supervisor with consideration being given to security and inmate safety.

(ii) Work hours should be scheduled on weekdays.

(D)(i) The project should in no way conflict with an inmate's regular job if employed for pay by a private employer.

(ii) All inmates utilized in this program will have signed a statement (Form F-1201-3) that they volunteered for the program.

(E) The requesting party shall provide necessary tools, materials, equipment, transportation, and meals in instances where deemed appropriate by the director.

(F)(i) The supervision of work assignments will be provided by the requesting party.

(ii) Security of inmates will be the responsibility of the Division of Correction.

(iii) Work assignments requiring a minimum of six (6) inmates are preferred.

(G) All financial agreements will be coordinated with the Business Division.

(2) Inmate volunteer services.

(A)(i) Inmate volunteer services will be provided only within the scope of the project authorized.

(ii) Prior approval must be obtained from the director before:

(a) The initial project can be expanded; or

(b) Additional projects can be started.

(B) Working hours will be determined by the warden/center supervisor with consideration being given to:

- (i) Security;
- (ii) Inmate safety; and
- (iii) Weekend activities.

(C) It is the responsibility of the warden/center supervisor to ensure that:

(i) Inmates involved in these projects are volunteers and a signed statement is on file; and

(ii) Volunteer work does not conflict with the inmates' free world employment or institutional assignments.

(D) The requesting party may provide necessary tools, materials, equipment, transportation, and meals as approved by the warden/center supervisor.

(E) Security and supervision of inmates will be the responsibility of the requesting party unless other arrangements are approved by the warden/center supervisor.

(F) Wardens/center supervisors are responsible for maintaining accurate records on the number of hours of volunteer work each inmate performs and that volunteer work at work release centers is done according to the prescribed formula.

(G) Wardens/center supervisors shall be responsible for submitting a monthly report on inmate volunteer service projects and number of hours worked to the public information officer and is to be included in the monthly report to the board.

(d) Implementation.

(1)(A) Each warden/center supervisor is responsible for developing a standard operating procedure (SOP) to ensure implementation of this section.

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

(2) None of the above state programs/projects are in any way to be used to replace all free world labor, sublet, nor to work through/for a second party.

(3) If a project receives or is receiving media attraction, then the unit warden/center supervisor is to notify the public information officer.

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: 1201

Page Number: 1 of 9

Board Approval Date: 8/18/87

Supersedes: 1201

Dated: 1/16/84

Reference:

Effective Date: 9/18/87"

12 CAR § 70-207. Medical copay.

(a) **Purpose.**

(1) The purpose of this section is to encourage responsible use of medical services by inmates to improve the quality of the services rendered.

(2) A broader purpose of providing an opportunity for inmates to learn increased responsibility for their own choices and actions is also intended.

(b) **Applicability.** This section is applicable to all inmates in the physical custody of the Division of Correction.

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

(1) "Copay" means an amount, not to exceed five dollars (\$5.00), set by the Board of Corrections for a period of time corresponding to the biennial budgeting of the State of Arkansas that shall be charged against an inmate's account; and

(2)(A) "Inmate-initiated services" are those services requested by the inmate, typically through a Sick Call Request.

(B) The definition specifically does not include:

(i) Emergency services;

- (ii) Chronic care clinics necessary to track and treat diagnosed medical disorders;
- (iii) Physical and dental examinations scheduled at intake and regular intervals thereafter;
- (iv) Clinician-scheduled follow-up for treatment of a medical or dental disorder;
- (v) Mental health contacts; or
- (vi) Visits related to disease prevention, such as tuberculosis testing and prevention.

(d) **Policy.**

(1) Inmates seeking inmate-initiated services shall be assessed, at the point of service, a preset amount of copay.

(2) Inmates will be provided the services regardless of whether they have the means in their inmate accounts to satisfy the assessment.

(3) The amount of the assessment may not reduce the inmate's account below five dollars (\$5.00).

(4) Any unpaid balance would remain as a lien on the account until it could be satisfied without reducing the balance below five dollars (\$5.00).

(e) **Procedures.**

(1)(A) A list of inmate-initiated medical and dental procedures subject to copay shall be recommended to the board for approval.

(B) The approved list shall be posted in housing areas and at the front of medical and dental examination and treatment areas.

(C) This list may be changed by approval of the board at any time, with thirty-day prior notice being posted.

(2)(A) An amount of copay shall be set by the board and similarly posted.

(B) This amount must be reviewed biannually by the board, but may be changed any time the board believes that it is in the best interest of the inmate population to do so.

(3) The Director of the Division of Correction shall establish and review annually an administrative directive that implements this policy and provides the mechanisms for assessing and collecting copay.

(4) An oversight committee shall be appointed by the director to:

(A) See to the collection of data regarding the impact of this section; and

(B) Ensure that this policy does not create a barrier to needed medical services for any inmate.

(5)(A) All monies collected shall be earmarked for expenditure for third-party (independent quality assurance) review of the quality of medical services.

(B) This review is intended to ensure that the:

(i) Quality of services delivered is comparable to those available in the community; and

(ii) Effect of this section on the delivery of health care services is positive.

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: 893

Page Number: 1 of 2

Board Approval Date: 09-24-04

Supersedes: None

Dated:

Reference:

Effective Date: 01-15-05"

"I. AUTHORITY:

The authority of the Board of Corrections to promulgate this Administrative Rule is vested in Act 50 of 1968, First Extraordinary Session, as amended; Act 549 of 1993, Regular Session, as amended; and Act 323 of 2001, Regular Session."

"VII. REFERENCES:

ACA 4-4345

NCCHC Position Statement, 31 March 1996"

12 CAR § 70-208. Continuity of care.

(a) **Purpose.** To provide for continuity of care for releasees with serious physical or mental disorders or disabilities.

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

(1) Employees, especially those involved in the treatment and/or release of inmates with physical or mental disorders or disabilities; and

(2) Inmates.

(c) **Policy.** It shall be the policy of the Division of Correction to request emergency medical stays for inmates being released with serious physical or mental disorders or disabilities until transfer to an appropriate treatment setting can be accomplished.

(d) **Definitions.** As used in this section, "emergency medical stay" means the retention of a releasee with a serious physical or mental disorder or disability not to exceed seventy-two (72) hours in duration for provision of an appropriate treatment setting upon release.

(e) **Procedures.**

(1) Any person incarcerated by the division may be permitted to remain within a treatment facility operated or used by the division if serious physical or mental disorders or disabilities exist, until release to an appropriate treatment setting outside of the division can be accomplished.

(2) **Request for emergency medical stay.**

(A)(i) A request for emergency medical stay may only be made by a physician or psychologist licensed to practice in Arkansas.

(ii) The request will be promulgated to the:

(a) Deputy Director of Treatment Services;

(b) Administrator of Medical/Dental Services; or

(c) Administrator of Mental Health Services.

(iii) The physician or psychologist must certify the request to be on behalf of a physically or mentally disordered or disabled person who would otherwise be released without an appropriate patient care system, and such a release would risk the well-being of the person or others.

(B) The request for emergency medical stay must be approved by the Director of the Division of Correction, or in the absence of the director, the acting director.

(3) Imposition of emergency medical stay.

(A) An emergency medical stay may not be imposed contrary to the will of a mentally competent individual.

(B)(i) An emergency medical stay may be imposed contrary to the will of an individual certified by a psychiatrist or psychologist to be incompetent, if no close relative of the individual can be contacted to state the will of the family and involuntary commitment of the individual is being actively pursued in chancery court, or with the consent of a close relative.

(ii) In all cases, the emergency medical stay shall be dissolved as quickly as possible, and in no case extended beyond seventy-two (72) hours.

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: 851

Page Number: 1 of 2

Board Approval Date: 9-30-93

Supersedes:

Dated:

Reference:

Effective Date: 10-1-93"

"I. AUTHORITY:

The Board of Correction and Community Punishment is vested with the authority to promulgate this administrative rule by Act 549 of 1993, Regular Session; Act 50 of 1968, First Extraordinary Session, as amended; and Act 1281 of 1993, Regular Session."

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

12 CAR § 70-209. Procedure for handling disciplinary infractions of mentally disordered inmates.

(a) Purpose.

(1) To ensure that policies and procedures for management of inmate behavior adequately take into account serious mental illness.

(2) Also to ensure that appropriate treatment interventions are considered and made accessible to reduce the likelihood of future misbehavior.

(3) And these treatment interventions are consistent with treatment goals so as not to cause regression or deterioration of the inmate's mental condition.

(b) Applicability. To all:

(1) Inmates identified as having a history of serious mental illness, or suspected at any point to be developing serious mental illness; and

(2) Staff involved in the disciplinary process, supervising inmates in segregated areas, or involved in health and correctional programs.

(c) Definitions. As used in this section:

(1) "Evaluation" means a mental health evaluation performed under the supervision of a licensed practitioner and that includes, at a minimum, direct contact with the inmate;

(2) "Recommendations" means statements made and signed by a licensed clinician may include, but are not limited to, the following:

(A) A strategy for preventing future repetitions of the misbehavior while maintaining the mental health of the inmate;

(B) Suggestions for placement of the inmate; and

(C) Treatment plan considerations for the inmate; and

(3) "Serious mental illness" is defined as symptoms of a diagnosable mental disorder that impairs an individual's functioning and disrupts the capacity to cope with the ordinary demands of life.

(d) Policy.

(1) It is the policy of the Division of Correction and a goal of the correctional process to teach self-control and personal responsibility for behavior to all inmates in its custody.

(2) It is recognized that inmate behavior may be influenced by serious mental illness, and that such influences must be taken into account in pursuing the goals set out in this section.

(e) Procedures.

(1) At intake an evaluation will be done on all inmates entering the division, and a mental health classification will be:

(A) Assigned as recommended by licensed mental health staff; and

(B) Documented in the appropriate records.

(2) This classification will be reviewed and updated during the inmate's incarceration.

(3)(A) Inmates who are identified as seriously mentally ill shall, at the time disciplinary charges are filed, be referred for an evaluation.

(B) At any point during the disciplinary process, an inmate suspected of being mentally ill can be referred for an evaluation.

Authority. Arkansas Code § 12-27-105.

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

"ADMINISTRATIVE RULES STATE OF ARKANSAS

BOARD OF CORRECTIONS

Section Number: 834

Page Number: 1 of 2

Board Approval Date: 5/11/2018

Supersedes: AR-834

Dated: 5-11-2018

Reference: N/A

Effective Date: 5-21-2018"

"I. AUTHORITY:

The authority of the Board of Corrections to promulgate this Administrative Rule is A.C.A. 12-27-105."

12 CAR § 70-210. Investigation and transportation of deceased inmates.

(a) Policy.

(1) To ensure proper notification of all inmate deaths in accordance with Arkansas law and in order to conduct relevant investigations into the manner and cause of death.

(2) To provide guidelines for the transfer of deceased inmates to the State Crime Laboratory's Medical Examiner's office.

(b) Explanation.

(1)(A) It is the procedure that the county coroner and the State Medical Examiner shall be notified of all deaths that occur within a correctional facility.

(B) Arkansas Code § 12-12-315(b).

(2) If the Division of Correction determines that the death falls in to one (1) or more of the categories below, the deceased shall be transferred to the State Crime Laboratory for examination:

(A) Death due to violence;

(B) Known or suspected non-natural death;

(C) Unexpected or unexplained death;

(D) Death occurring under an unusual or suspicious circumstance;

(E) Death known or suspected to be caused by disease constituting a threat to public health;

(F) Death of a person not under the care of a physician; or

(G) Forensic medical examination requested by the Director of the Division of Correction or his or her designee if the person was in the care, custody, or control of the division at the time of death.

(3) In the case of the death of a person under the care of a physician for the thirty-six (36) hours preceding death, the deceased will not be transferred to the State Crime Laboratory if the inmate's emergency contact or next of kin has signed a waiver for examination, unless the division makes a specific request under subdivision (b)(2)(G) of this section.

(4)(A) The responsibility of affording this transportation in all cases will be handled by the State Crime Laboratory.

(B) The investigating agency shall obtain certain information and evidence at the scene to assist in making a diagnosis as to the cause of death.

(5)(A) For all deaths that occur within a correctional facility the following items will be sent with the deceased inmate's body:

(i) Investigation report of incident (clinical notes or findings);

(ii) Copy of the initial investigation at the scene with formal findings forwarded as soon as available; and

(iii) Either a descriptive report of materials found at the scene or, if available, samples of any or all toxic substances.

(B)(i) Records must be kept indicating what material was sent.

(ii) The original records will be kept at the unit.

(6)(A) The State Crime Laboratory may provide for an on-site inspection and investigation of the death.

(B) All arrangements and requests for additional information will be coordinated through the office of the Medical Services Administrator of the Division of Correction.

(7)(A)(i) A death from natural causes includes any death that was expected due to age or previously diagnosed illnesses/injuries.

(ii) In such cases, transfer to the Arkansas State Crime Laboratory's Medical Examiner's office is not required, but may be requested by the director or his or her designee on a case-by-case basis.

(B)(i) If an inmate dies due to age or a previously diagnosed illness/injury or injuries, it will typically be appropriate to consult with one of the medical examiners (ME), rather than transferring the remains to the State Crime Laboratory's Medical Examiner's office.

(ii) A medical examiner consultation is appropriate when:

(a) The cause and manner of death are reasonably known;

(b) The death does not fall into any of the categories described

above; and

(c) A forensic medical examination is unlikely to yield any additional significant information regarding the death.

(C)(i) The consulting medical examiner will prepare a report including:

(a) The date;

(b) The reporting party;

(c) The name, age, and sex of the deceased;

(d) A short summary of the history; and

(e) A recommendation for cause and manner of death.

(ii) It is signed by the consulting ME and sent by fax or mailed to the reporting party at the division.

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: 855

Page Number: 1 of 2

Board Approval Date: 5/11/2018

Supersedes: AR 855

Dated: 5/11/2018

Reference: N/A

Effective Date: 5/21/2018"

12 CAR § 70-211. Research and experimentation.

(a) Policy.

(1) It is the policy of the Division of Correction to:

(A) Prohibit inmates from participating in medical and/or pharmaceutical testing for experimental or research purposes; and

(B) Allow research in criminal behavior.

(2) Research related to criminal behavior may be allowed to the extent that it is consistent with the mission and vision of the Division of Correction.

(b) Explanation.

(1) There will be no medical or pharmaceutical experimentation or testing involving inmates of the Division of Correction.

(2) This section does not preclude the use of any pharmaceutical or medical procedure that is classified by public health authorities or the United States Food and Drug Administration as in the experimental stage when it can be instrumental in the treatment of any disease or condition as indicated by proper medical procedure.

(3)(A) All requests for voluntary inmate participation in nonmedical, nonpharmaceutical, and noncosmetic research programs will be referred to the management team.

(B) The team will review the proposal for content and methodology.

(C) The results of the review along with other pertinent information will be submitted to the Director of the Division of Correction for approval or disapproval.

(D) The Information Systems Section of the Department of Corrections will retain information on all research programs approved.

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: 854

Page Number: 1 of 1

Board Approval Date: 10/21/96

Supersedes: 854

Dated: 4/18/80

Reference:

Effective Date: 11/1/96"

"I. AUTHORITY:

The Board of Correction and Community Punishment is vested with the authority to promulgate this administrative rule by Arkansas Code Annotated §§ 12-27-105."

Subpart 3. Employees

12 CAR § 70-301. Security.

(a) **Purpose.** To provide security procedures for the Division of Correction.

(b) **Applicability.** Security is the responsibility of every employee regardless of his or her job classification.

(c) **Policy.** To ensure that all:

- (1) Correctional facilities provide appropriate security measures; and
- (2) Staff members are apprised of such measures.

(d) **Procedures.**

(1)(A) The warden/center supervisor of each facility will establish in writing detailed security rules and procedures for all areas of his or her facility.

(B) Such rules and procedures will be formulated to ensure maximum protection to the citizens of the State of Arkansas and to the employees and offenders of the facility.

(C) These rules will be available to all employees of the facility.

(2) It is essential that detailed emergency procedures are issued in the same manner as general security rules so that employees will know exactly what to do in case of:

- (A) Fire;
- (B) Escape;
- (C) Natural disaster; or
- (D) Serious disturbance.

(3)(A) All employees entering and leaving the facility shall show proper identification, and each employee shall be subject to a physical search and/or electronic scanning in accordance with rules established by the warden/center supervisor in accordance with division rules.

(B) Persons and vehicles (including the contents of the same) entering or leaving the enclosure of any security facility or grounds shall be subject to being thoroughly searched to ensure that:

(i) No unauthorized persons or items or contraband enter or leave the facility; and

(ii) No state property is misappropriated and removed from the facility.

(4) In the event of a general emergency, appropriate weapons shall be issued in accordance with facility emergency plans.

(5)(A) Poisons, combustibles, explosives, and inflammables must be used with extreme care and only under the close supervision of an employee.

(B) When not in use, such items must be stored and locked in a place and manner that will make them inaccessible to offenders.

(6)(A) Tools, knives, and implements used in an area of the facility must be inventoried and employees must be able to account for such items at all times.

(B) When not in use, such items are also to be locked in a place and manner that will make them inaccessible to offenders.

(C) Loss or theft of any such item must be reported immediately to the warden/center supervisor and/or to any other individual or individuals he or she designates.

(7) Employees who are off duty and who live on institutional grounds:

(A) Are subject to call on a twenty-four-hour-a-day basis; and

(B) May be assigned to security duties in an emergency situation.

(8) All employees will be responsible for reporting their current home addresses and telephone numbers to the warden/center supervisor.

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: DOC 400

Page Number: 1 of 2

Board Approval Date: 12/04/2014

Supersedes: DOC 400

Dated: 09/24/12

Reference:

Effective Date: 12/15/2014"

"I. AUTHORITY:

The Board of Corrections 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. REFERENCES:

ACA Standards:"

12 CAR § 70-302. Disciplinary rules.

(a) **Policy.** To ensure the orderly functioning of institutions and the safety of inmates and staff through the establishment and enforcement of rules governing inmate conduct.

(b) **Guidelines.**

(1) Rules are established and approved by the Director of the Division of Correction subject to review by the Board of Corrections.

(2)(A) Rules and procedures are published to all staff and inmates through an Inmate Discipline Manual located in the law library, or otherwise available, in each facility.

(B) Rules are also made available to each inmate and staff member through the Inmate Handbook.

(3) Every member of staff, employees of the Arkansas Correctional School District and Riverside Vocational and Technical School, and authorized agents of the division, such as staff of the medical services contractor and contract mental health and substance abuse staff, are vested with the authority and responsibility to see that the rules are followed.

(4)(A) Procedures are established in the Inmate Discipline Manual for:

(i) Notification of an alleged infraction; and

(ii) Fair and impartial determination as to fact and responsibility in a venue in which the charged inmate has the opportunity to present evidence, including witness statements.

(B) Should there be a demonstrable need, a counsel substitute and/or interpreter may be provided to ensure that the inmate fully understands the procedures.

(5) All steps in the procedures are to be carried out in a timely fashion as specified in the Inmate Discipline Manual.

(6)(A) Ranges of penalties associated with findings of guilt, and interventions such as referral for treatment, are stated in association with each rule in the Inmate Discipline Manual.

(B) Generally, the severity of the penalty is correlated with the seriousness of the conduct and the frequency of repetition of rule infractions.

(7)(A) All steps in the disciplinary process are to be properly documented.

(B) Hearings will be audio-recorded or video-recorded, and records of disciplinary actions will be maintained in accordance with the division's records retention schedule.

(8) An appeal process, as specified in the Inmate Discipline Manual, will allow the inmate to seek to correct errors in procedure or in findings of fact.

(9) The Administrator of Disciplinary Hearings is charged with the responsibility of:

(A) Training disciplinary hearing officers; and

(B) Monitoring adherence to procedure.

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: 831

Page Number: 1 of 2

Board Approval Date: 09/24/2012

Supersedes: 831

Dated: 5/17/90

Reference:

Effective Date: 10/04/2012"

"III. STANDARDS:

American Correctional Association; Standards for Adult Correctional Institutions, Fourth Edition"

12 CAR § 70-303. Division of Correction jail facilities.

(a) **Purpose.** This section establishes the policy of the Division of Correction with respect to providing correctional services for jail facilities under the division's management.

(b) **Applicability.** This section applies to all division staff involved in the providing of correctional services for jail facilities under the division's management.

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

(1) "Correctional services" means the following functions, services, and activities, when provided within a jail facility under Division of Correction management:

(A) Operation of facilities to include:

(i) Management;

(ii) Custody of inmates; and

(iii) Providing security;

(B) Food services, commissary, medical services, transportation, sanitation, or other ancillary services;

(C) Development and implementation assistance for classification, management information systems, or other information system or services;

(D) Education, training, and jobs program; and

(E) Counseling, special treatment programs, or other programs for special needs; and

(2) "Jail facility" means any detention facility under the management of the Division of Correction that houses prisoners who have not been received as commitments to the Division of Correction.

(d) **Policy.** It shall be the policy of the division to provide and/or coordinate correctional services, as contracted with other law enforcement agencies, to jail facilities in a manner consistent with the jail standards established by the Office of Criminal Detention Facilities Review Coordinator.

(e) **Procedures.** Each jail facility will have written policies and procedures for the provision of correctional services consistent with minimum jail standards as established by the 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: 890

Page Number: 1 of 2

Board Approval Date: 02/26/91

Supersedes:

Dated:

Reference:

Effective Date: 2/27/91"

"I. AUTHORITY:

The authority of the Board of Correction to promulgate this Administrative Rule is confirmed in Act 50 of 1968, First Extraordinary Session, as amended, and Act 427 of 1987, Regular Session."

12 CAR § 70-304. Use of force.

(a) **Purpose.** To provide personnel with guidance regarding the use of force.

(b) **Applicability.** Division of Correction employees and inmates.

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

(1) "Deadly force" means any force that under the circumstances is readily capable of causing death or serious physical injury;

(2) "Force" means a directed movement or overt action with or without weapons or devices, with the intention of restraining, regaining, or maintaining control of an inmate or inmates;

(3) "Inmate" means any individual in the custody of the Division of Correction; and

(4) "Nondeadly force" means force that, under normal circumstances, will not result in death or serious bodily injury.

(d) **Policy.**

(1) The Board of Corrections authorizes the use of force only to the extent necessary to:

(A) Maintain order and discipline; and

(B) Ensure the safety of persons and the security of operations.

(2)(A) Force may be used to restrain, regain, or maintain control of an inmate or inmates.

(B) Employees shall use the minimum amount of force necessary to control the situation.

(3) Force may also be used to prevent unauthorized entry into an institution, property, or work area by any person.

(4) Force shall never be used as a means of punishment.

(e) **Procedures.**

(1) **Authorized levels of force.**

(A) Force may be used only when necessary to restrain, maintain, or regain control of an inmate or inmates with a minimum of injury to:

- (i) Staff;
- (ii) Inmates; and
- (iii) Others.

(B)(i) The employee must respond with a level of force necessary to control the situation.

(ii) As an inmate's or inmates' resistance or force increases or decreases, the amount of force used by the employee should also increase or decrease to a point where control is obtained.

(C) The levels of force may include, but are not limited to, the following:

- (i) An officer's presence;
- (ii) Use of chemical agents, irritants, or control devices;
- (iii) Nondeadly physical force;
- (iv) Deadly force; or
- (v) Force otherwise authorized by the Director of the Division of

Correction or his or her designee.

(2) Authorized use of force.

(A)(i) Use of approved chemical agents, irritants, and other approved control devices are authorized if the use of nondeadly force is necessary.

(ii) Only employees who have received training approved by the Division of Correction Willis H. Sargent Training Academy shall be permitted to use chemical agents or other control devices.

(B) Nondeadly force may be used in, but not limited to, the following situations:

- (i) Preventing escape;
- (ii) Preventing injury, including self-injury, to any person;
- (iii) Preventing damage to property;
- (iv) Preventing the commission of a felony; or
- (v) Maintaining order, discipline, and compliance with orders.

(3) Deadly force may be used in the following situations:

(A) To prevent the escape of an inmate unless the correctional officer knows or reasonably should know that the prisoner is charged with or has been convicted of only a misdemeanor, in which case only nondeadly physical force may be used; and

(B) To protect any person from death or serious physical injury.

(4) **Reporting procedures/requirements.** Specific reports of the use of force are required by administrative rules, administrative directives, and unit standard operating procedures.

(5) **Training.** Training in the use of force is mandatory for all correctional officers and those employees designated by administrative directives and standard operating procedures.

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: 409

Page Number: 1 of 3

Board Approval Date: 9/24/96

Supersedes: AR 409

Dated: 2/23/80

Reference:

Effective Date: 10/7/96"

"I. AUTHORITY:

The Board of Correction and Community Punishment (BCCP) is vested with the authority to promulgate this administrative rule by Ark. Code Ann. ss 12-27-105.

(Michie Supp. 1995)"

"VII. REFERENCES:

Ark. Code Ann. ss 5-2-613.

VIII. STANDARDS:

American Correctional Association Standards 2-2173 through 2-2176, 2-3158 and 2-3159."

12 CAR § 70-305. Corporal punishment.

(a) **Policy of Division of Correction.** The use of corporal punishment is contrary to humane standards of care and professional correctional practices and as such is absolutely prohibited by an employee of the Division of Correction.

(b) **Explanation.**

(1) "Corporal punishment" is defined as:

(A) The striking, pushing, or shoving of an individual for the purpose of causing pain or discomfort;

(B) The improper use of chemicals in any form;

(C) Violence of any nature;

(D) The use of profane or abusive language or racial slurs directed toward the inmate; or

(E) Any measure which may be injurious to an individual.

(2) This section in no way prohibits a staff member from using that force necessary to:

(A) Carry out lawful orders;

(B) Protect himself or herself from injury;

(C) Prevent injury to other employees or inmates; or

(D) Prevent property damage or escape.

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: 830

Page Number: 1 of 1

Board Approval Date: 07/21/2008

Supersedes: 830

Dated: 11/30/79

Reference:

Effective Date: 08/01/2008"

12 CAR § 70-306. Searches for and control of contraband.

(a) **Purpose.** To provide the Division of Correction staff with information and guidelines regarding approved procedures for the suppression of contraband and to specify approved search methods.

(b) **Applicability.** To all employees and especially those employees involved in searches for the suppression of contraband.

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

(1) "Contraband" means any article not authorized nor issued to an offender as personal or state property, nor purchased through the facility commissary, specifically defined as contraband, including any excessive authorized personal property, whether seized during a residential, vehicle, or body search;

(2) "Individuals" may include, but not be limited to:

- (A) Offenders;
- (B) Employees;
- (C) Contracted staff;
- (D) Visitors;
- (E) Volunteers; and
- (F) Any persons entering or leaving a facility;

(3) "Offenders" means persons in the custody of the division or confined in a division facility;

(4) "Personal property" means items that are purchased by an offender, within limits as posted in the facility of assignment;

(5)(A) "Reasonable suspicion" means facts and rational inferences that division officials are entitled to draw from in light of the person's experience.

(B) The following are among the factors to be considered in determining reasonable suspicion:

(i) The demeanor of the suspect;
(ii) The gait and manner of the suspect;
(iii) Prior background or character;
(iv) Whether the suspect is carrying anything and what they may be carrying;

(v) Their manner of dress;
(vi) The time of day or night the suspect is observed;
(vii) Any overheard conversation;
(viii) Information received from a third person;
(ix) Whether the suspect is consorting with others whose conduct is reasonably suspect;

(x) A visible effort to conceal an article; and

(xi) An effort to avoid identification or confrontation by officials; and

(6) "State-issued property" means items issued to an offender for personal use and clearly identified as state property of the offender unless of a rapidly expendable nature.

(d) **Policy.** It shall be the policy of the division to have procedures in place that detect and deter the introduction, manufacture, possession, and/or conveyance of contraband.

(e) **Procedure.**

(1)(A) All contraband discovered during a search or otherwise is to be:

(i) Confiscated;

(ii) Recorded pursuant to the appropriate administrative directive;

and

(iii) Reported to a supervisory officer.

(B) The supervisory officer should investigate to determine exactly:

(i) Where the contraband came from; and

(ii) How it was introduced.

(2) **General searches.** Searches shall include, but not be limited to, the following elements:

(A) Searches of individuals entering the facility, including searches of:

(i) Persons;

(ii) Packages; and

(iii) Other items;

(B) Searches of all vehicles entering and leaving the facility;

(C) Inspection of packages and other nonvehicular items entering and leaving the facility to include inspection by electronic means; and

(D) Use of hand-held and walk-through metal detectors or other detection technology to detect and deter the movement of contraband.

(3) **Offender searches.**

(A) Procedures for offender searches shall include the following:

(i) Use of pat and strip searches;

(ii) Use of intrusive body cavity searches in accordance with established procedures;

(iii) Shakedowns in facilities shall be carried out in accordance with established procedures; and

(iv) Shakedowns in other common areas, including, but not limited to:

(a) Offender and program work areas such as the kitchen, visitation room, and school;

(b) Halls;

(c) Day rooms;

(d) Activity areas; and

(e) Outside recreation areas.

(B) **Pat searches of offenders.**

(i) Pat searches may be:

(a) Conducted by an employee of either gender; and

(b) Performed in any area of the facility and during movements.

(ii) Pat searches ordinarily do not require an offender to remove clothing other than hats and gloves.

(C) Strip search of offenders.

(i) Strip searches shall be conducted in a professional manner by staff the same gender as the offender.

(ii) In cases of emergency (i.e., escape, riot, etc.), this provision may be waived.

(D) Facility contraband searches.

(i) Unannounced and irregular searches of facilities shall be performed on a continual basis.

(ii)(a) Each facility will have standard operating procedures (SOPs) established for searches.

(b) Copies of the SOPs are to be a part of all post orders.

(4) Contraband searches associated with facility lockdown.

(A) The warden/center supervisor may determine that a facility lockdown or partial lockdown is necessary to facilitate a search for contraband.

(B) A facility lockdown shall be premised on the presence of contraband, e.g., recent surfacing of contraband of a serious nature, potentially dangerous weapons, or a large quantity of drugs or cash that, in the estimation of the warden/center supervisor constitutes a significant threat to the security of the facility and safety of offenders and staff.

(5) Search of staff.

(A) Pat search of staff.

(i) The pat search is conducted while the employee is wearing clothes.

(ii) All staff is subject to pat searches.

(iii) Pat searches may be conducted at random.

(iv) Pat searches may be conducted by an employee of either gender.

(B) Strip search of staff.

(i) All staff is subject to strip searches.

(ii) All strip searches may be conducted in an area separate and private from offenders and other staff if possible and in such a way as to ensure:

(a) Tact;

(b) Privacy; and

(c) A minimum of embarrassment.

(iii) Strip searches will be conducted by staff of the same gender as the person being searched.

(iv) The warden/center supervisor must have a reasonable suspicion that contraband may be introduced into the facility.

(6) Search of visitors.

(A) Pat search of visitors.

(i) The pat search is conducted while the visitor is wearing clothes.

(ii) The person conducting the search must be of the same gender as the person being searched.

(iii) All visitors shall be notified by a plainly visible sign that pat searches may be conducted.

(iv) The search of a visitor shall only occur prior to or during the visitor's meeting with the offender.

(v) Entry to the facility will be denied if an individual is not willing to submit to a search.

(B) Strip search of visitors.

(i) Strip searches will be conducted only if reasonable suspicion exists.

(ii) Strip searches will be conducted by staff of the same gender as the person being searched.

(iii) Strip searches of visitors will not be conducted indiscriminately and must be authorized by the warden/center supervisor or, in his or her absence, the deputy/assistant warden or assistant center supervisor.

(iv) Any visitor refusing a search (pat or strip) shall be:

(a) Escorted from division property; and

(b) Indefinitely suspended from visitation privileges.

(7) Personal property.

(A)(i) Although it is essential that all searches are thorough and systematic, it is equally important that no damage, loss, or abuse occur to any personal property.

(ii) Any such loss or damage that is determined to be through neglect may result in disciplinary action against the negligent employee or employees and officer or officers, and they will be liable for the cost of replacement of such items.

(B) Excessive authorized personal property.

(i) Authorized offender personal property in living quarters that constitutes a significant safety concern, seriously impairs reasonable visual observation or impedes reasonable search, or exceeds maximum number of allowed items by policy shall be considered contraband.

(ii) These confiscated items shall be disposed of in accordance with established procedures.

(C) Unauthorized personal property received at facilities.

Offenders who possess or receive in the mail unauthorized personal property shall have such property confiscated and disposed of in accordance with established procedures.

(D) Contraband personal property at time of interfacility transfer.

Upon transfer, an offender's personal property not allowed at the receiving facility shall be disposed of in accordance with established procedures.

(E) Copy of confiscated item form delivered to offender.

(i) Pursuant to administrative directive, a form will be completed by the officer conducting the shakedown of an offender's cell, property, or person and shall be completed at the time of the shakedown.

(ii) A copy of this form will be given to the offender within seventy-two (72) hours following the shakedown of his or her cell, property, or person only if items of contraband or personal property are confiscated.

(8) Disposition of contraband.

(A) All contraband shall be safeguarded under the supervision of the deputy/assistant warden/assistant center supervisor until termination of its utilization as evidence.

(B) Contraband shall then be disposed of in accordance with current policy.

Authority. Arkansas Code § 12-27-105.

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

"ADMINISTRATIVE RULES STATE OF ARKANSAS

BOARD OF CORRECTIONS

Section Number: DOC 401

Page Number: 1 of 6

Board Approval Date: 05/26/2015

Supersedes: DOC 401

Dated: 09/19/2011

Reference:

Effective Date: 06/19/2015"

"I. AUTHORITY:

The Board of Corrections 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)."

"VII. REFERENCES:
ACA Standards"

12 CAR § 70-307. Use of canine teams in aggression and protection roles.

(a) Policy.

(1) It shall be the policy of the Division of Correction to allow the utilization of canine teams (excluding tracking dogs) as an element of force applied to control situations where no alternative method would be as effective.

(2) This program will provide unit wardens/center supervisors with an effective supplemental security measure for use in specific situations within the confines of the division's authority/control.

(b) Explanation.

(1)(A) The division uses several types of specially trained dogs throughout the units.

(B) The aggression and protection dogs are trained to work with the handler to function as a team and may be used to either supplement regular security personnel and equipment or to provide an alternative to less effective methods.

(C) The term "dog handler" is identified as a trained employee of the division.

(2) Uses of canine teams in aggression and protection roles.

(A) There are several uses for dogs in aggression and protection roles.

(B) These fall into four (4) general areas:

- (i) Patrol or escort;
- (ii) On-leash passive aggression;
- (iii) On-leash active aggression; and
- (iv) Off-leash active aggression.

(C) The first two (2) areas are primarily used as defensive measures or to provide a show of force in certain situations, and the latter two (2) areas are those in which the dogs are used as applied force.

(3) Functions of canine teams in aggression and protection roles.

(A) Patrol or escort.

(i) The canine team may be used to supplement normal security escort for high security risk inmates or violent/aggressive inmates.

(ii) The team may also be used to patrol the interior, exterior, or perimeter of the unit.

(iii) The presence of the canine team in these situations:

(a) Provides supplemental protection for staff and inmates; and

(b) Offers an effective alternative to potentially more dangerous methods of force.

(B) On-leash passive aggression.

(i) The dog handler may use the dog as a show of force by allowing the dog to become agitated although not allowing any physical contact.

(ii) This is a particularly useful tool in breaking up combatants or crowds and allows security officers to regain control of a situation promptly.

(iii) This technique can also be applied to isolate an individual or as a defensive measure for correctional staff.

(C) On-leash active aggression.

(i) This represents the most common use of the dogs as actual applied force.

(ii) In this role, the dog is allowed to seize the target individual and hold him or her until security staff can apply restraints or the inmate is otherwise brought under control.

(iii) The dog handler must make the decision of when to commit the dog to a bite based upon the situation.

(iv) Normally this use of the dogs will be limited to situations where time or circumstances do not allow other means of force to be as effective.

(D) Off-leash active aggression.

(i) This activity is primarily used in situations where the handler's safety would be jeopardized or in cases where the dog's effectiveness would be hindered by a leash.

(ii) Typical examples of this would be armed inmates or inmates fleeing.

(iii) The use of canine team dogs can substantially reduce the danger to correctional officers in situations where inmates occupy an easily defensible location by providing effective response to the situation without exposing the officers unnecessarily.

(iv) Inmates attempting to escape or flee from an area can be easily captured by the dogs and held until security staff can restrain the inmate.

(4) Procedures for deployment of canine teams.

(A)(i) The unit warden/center supervisor, or in his or her absence the assistant warden/designee, is authorized to request canine teams either as a precautionary move or in response to an emergency situation.

(ii) In all cases, the following procedures will apply.

(B) Routine requests.

(i) Requests for canine teams to perform routine escort or patrol functions will be made by the unit warden/center supervisor, assistant warden, or his or her designee by contacting the appropriate assistant director during normal duty hours.

(ii) The requesting unit/center will be required to provide transportation for the dog team unless other arrangements are made with the assistant director.

(iii) Normally these requests will be made at least three (3) days in advance of the desired use of the canine team.

(C) Emergency requests.

(i)(a) The canine teams are available for prompt response in any emergency situation.

(b) The unit warden/center supervisor/assistant warden/designee will request use of the team from the appropriate assistant director or the Director of the Division of Correction.

(c) Transportation for the canine team will be arranged at the time of the request.

(ii)(a) Upon the arrival of the canine team the unit warden/center supervisor/assistant warden/designee, will meet with the handler and brief him or her on the current situation.

(b) This briefing should include showing the handler the area (when practicable) or providing detailed diagrams or description of the area.

(iii) After analyzing the situation, the dog handler will make recommendations to the unit warden/center supervisor/assistant warden/designee regarding the utilization of the dogs in the situation.

(iv) If the unit warden/center supervisor/designee determines that use of the dogs would be appropriate, he or she will authorize the dog handler to deploy the dog team.

(v) Once the decision to use the dogs is made and authorized by the unit warden/center supervisor/designee, the dogs will be brought into the area and deployed as directed.

(vi) No one will enter the area without authorization by the unit warden/center supervisor/designee once the dogs are deployed.

(vii) Throughout the time the dogs are being used, the dog handler and unit warden/center supervisor or designee will determine the most appropriate method of using the dogs and direct all activities surrounding the dogs.

(viii) Once the situation is under control, the dogs will be removed from the area and unit security will assume control.

(ix) All inmates coming in physical contact with the dogs will:

(a) Be examined by the division's medical staff; and

(b) Receive treatment for any injuries immediately after the incident.

(D) Requests from other law officials.

(i) Requests for canine teams to perform in routine and emergency situations for other law officials will be made through the appropriate assistant director and/or the director.

(ii) The same procedures used in cases where these requests were made by a unit warden/center supervisor/designee will be used by other law officials.

(E) Documentation of incident.

(i) All deployments of the canine team will be documented on the Form 005/409 by all employees involved.

(ii) The dog handler will furnish the unit warden/center supervisor/designee a Form 501/409 upon completion of the assignment.

(5) Training and maintenance requirements.

(A) Each appropriate unit warden will ensure the operational capability of the canine unit is maintained through thorough and continuous training of dogs and handlers.

(B) **Handler training.** All dog handlers will receive the following training in addition to the required training for correctional officers:

(i) **Initial training.** Prior to serving in an operational capacity, each handler must receive a minimum of:

(a) Twenty (20) hours of classroom and/or on-the-job training in dog handling techniques; and

(b) Twenty (20) hours of actual hands-on training with the dogs in various scenarios; and

(ii) **Continuing training.** Each handler will receive at least five (5) hours of supervised training with the dogs each week in order to maintain certification.

(C) No dog or handler will be used in operational situations unless certified as properly trained by the Canine Unit Supervisor.

(D) Dog training.

(i) All aggression and protection dogs must receive at least sixty (60) hours of training prior to becoming eligible for evaluation by the Canine Unit Supervisor for certification.

(ii) Dogs assigned to aggression and protection roles must receive at least five (5) hours of training per week in order to maintain certification by the Canine Unit Supervisor.

(E) Health precautions — Dog and handler.

(i) The potential of serious injury exists when canine aggression procedures are implemented, whether to an identified target or bystander.

(ii) To protect the state's interest and all parties involved, each dog assigned to a canine aggression/protection team will be required to have, minimally, an annual physical examination and receive appropriate vaccinations, i.e., rabies.

(iii) Records attesting to this will be:

(a) Kept on each dog throughout the duration of his or her service; and

(b) Microfilmed for permanent record at close of service.

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: 412

Page Number: 1 of 5

Board Approval Date: 11/22/88

Supersedes:

Dated:

Reference:

Effective Date: 1/6/89"

12 CAR § 70-308. Authority of unit wardens, center supervisors, administrators, or designees.

(a) **Policy.** The Director of the Division of Correction shall delegate authority to the unit wardens/center supervisors/administrators or appropriate administrative designees to:

(1) Act on all matters related to the unit/center operational areas; and

(2) Manage all programs, activities, inmates, personnel, and volunteers connected with the unit/center/operational areas.

(b) Explanation.

(1)(A) All units of the Division of Correction shall have:

(i) A unit warden who is in charge; and

(ii) An assistant warden to whom is delegated the authority in the absence of the unit warden.

(B) All centers/operations have a center supervisor/administrator who is in charge or, in his or her absence, a designee who has been approved for the delegated authority.

(C) One of these individuals must be on call at all times and in charge of the affairs of the unit/center/operations.

(2) During the absence of the unit warden from the unit's grounds, the assistant warden/designee shall be in complete charge of the unit.

(3) During the absence of the center supervisor/administrator from the center's/operation's grounds, a designee will be in complete charge of the center/operations.

(4)(A) The unit warden/center supervisor/administrator shall submit a list of staff members who may be designated as the duty warden/designee in his or her absence from the unit/center/operations to the director for review and approval.

(B) The list will:

(i) Consist of the employee's:

(a) Full name;

(b) Job title;

(c) Home address; and

(d) Telephone number; and

(ii) Be updated when changes occur.

(5) When the unit warden/center supervisor/administrator is absent from a unit/center/operation for an extended period of time, the appropriate assistant director and/or the director shall be notified.

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: 002

Page Number: 1 of 1

Board Approval Date: 8/22/88

Supersedes: AR 002

Dated: 11/30/79

Reference:

Effective Date: 2/23/89"

12 CAR § 70-309. Third-party agreements to house Division of Correction inmates.

(a) **Purpose.** This section establishes the policy by which the Division of Correction may recommend to the Board of Corrections an agreement to cooperate with and contract with a third party for the provision of correctional operations, including inmate housing.

(b) **Applicability.** This section applies to the administration of the division.

(c) **Policy.** In order to address prison overcrowding in Arkansas, it is the policy of the Board of Corrections to investigate and consider every permissible housing alternative until prison population becomes manageable.

(d) **Procedures.**

(1)(A) The division shall explore, as needed, permissible alternatives for housing division inmates with the federal government, governmental agencies of Arkansas and other states, political subdivisions of Arkansas and other states, counties, regional correctional facilities, and private contractors.

(B) The following shall be considered:

(i) Licensed medical staff and access to prescribed medications must be available on-site, and access to emergency medical treatment (including off-site) must be available twenty-four hours per day, seven days per week;

(ii) Ability to:

(a) Follow the division's policies, including administrative directives concerning:

(1) Inmate grievances;

(2) Inmate classification;

(3) Inmate disciplinary manual;

(4) Religious services manual; and

(5) Healthcare policies; and

(b) Provide hygiene and other necessary items;

(iii) Access to law library items specified by the board's compliance attorney, access to Arkansas courts, meals approved by a licensed dietician, and specified division personnel's and members of the board's right to inspect and visit without prior notice shall be required in any agreement; and

(iv) Agreement that any inmate shall be returned to the custody of the division upon request.

(2) The division shall not enter into any agreement with any third party to house division inmates without the prior review and approval of both board and the Governor.

(3) Any facility owned or leased by any third party for the purpose of housing division inmates shall comply with all constitutional standards of the United States and the State of Arkansas.

(4) The division shall not enter into any agreement with any third party to house division inmates unless the agreement provides for full compliance with any applicable requirements of the Corrections Cooperative Endeavors and Private Management Act, Arkansas Code §§ 12-50-101 – 12-50-111.

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: 894

Page Number: 1 of 2

Board Approval Date: 11-23-2015

Supersedes: N/A

Dated: 11-23-2015

Reference: Ark. Code Ann. §12-27-103 and Ark. Code Ann. § 12-50-101-111

Effective Date: 12-03-2015"

"I. AUTHORITY:

The Board of Correction is vested with the authority to promulgate this Administrative Rule by Ark. Code Ann. § 12-27-105. The Board of Correction has the authority to cooperate and contract with third parties to provide and improve correctional operations and to house Department of Correction inmates. Ark. Code Ann. § 12-27-103(b)(14)."

"VI. REFERENCE:

Ark. Code Ann. §12-27-103.

Ark. Code Ann. § 12-50-101-111."

Appendix A. Contractual Inmate Labor Agreement

Link:

<https://CodeOfARRules.arkansas.gov/docs/CARCodeAppendices/Appendices/360/12CARpt.70Appendix.Inmate Volunteer Services Requests/Authorization Form F-102-2.pdf>