

Title 16. Practice, Procedure, and Courts

Chapter IV. Division of Community Correction, Department of Corrections

Subchapter A. Generally

Part 30. Division of Community Correction Rules

Subpart 1. Generally

16 CAR § 30-101. Community correction center criteria and standards.

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

(1) Residents of and offenders being considered for transfer to Division of Community Correction community correction centers (CCCs) other than technical violator centers; and

(2) Staff.

(b) **Policy.** It is Division of Community Correction policy to operate residential facilities that adhere to established criteria and standards for the effective provision of restoration opportunities for offenders referred to CCCs, and to continuously review resident progress and recommend early release to the Post-Prison Transfer Board when program completion criteria is met, with primary concern for the safety and welfare of people of the state of Arkansas.

(c) **CCC admission criteria.** An offender eligible for admission to a CCC is a felon:

(1) Who is eligible by law for such sentence;

(2) Whose crime or crimes fall within the targeted population as set forth in Arkansas Code § 16-93-1202;

(3) Whose period to be confined in a CCC does not exceed:

(A) One (1) year for a defendant placed on probation or for whom the court suspended the imposition of sentence, accompanied by assignment to a CCC;

(B) One (1) year for referrals by the Post-Prison Transfer Board; or

(C) Two (2) years for a commitment to the Division of Correction for judicial transfer to the Division of Community Correction;

(4) Who has not been previously convicted of a violent and/or sex related felony, disciplined in a jail/correctional institution for violent and/or sexual misconduct,

and has no known record of mental disorders that would indicate a propensity for violence;

(5) Who has no pending felony detainers for a nontarget offense filed against him or her; and

(6) Who does not otherwise pose an undue public risk to the safety and security of the community.

(d) **Standards.**

(1) **Admission.**

(A) Eligibility must be verified upon admission.

(B) To be admitted, an offender must have an appropriate commitment document.

(C) Intake medical examinations will be completed within three (3) working days of admission except for Post-Prison Transfer Board transfers directly from the Division of Correction who have been examined at the Division of Correction within the last six (6) months.

(D) Treatment staff will assess the offender and develop and implement an appropriate treatment plan.

(2) **Credit for time spent in custody.** Credit for time spent in either presentencing or post-sentencing custody will be granted unless such credit has been waived pursuant to an agreement between the offender and the sentencing court.

(3) **Good time.** Offenders committed to the Division of Correction with judicial transfer to the Division of Community Correction may earn good time in accordance with rules and state statute.

(4) **Community work crew projects.** When work projects are conducted, center staff shall adhere to the following:

(A)(i) Work crews will be organized and operated in accordance with agency guidance.

(ii) Only supervised community work crews are authorized to work outside the CCC unless alternative supervision has been arranged through a work agreement approved by the Deputy Director of Residential Services;

(B) Projects are limited to the following unless otherwise approved by the Director of the Division of Community Correction:

(i) Beautification of highways, roads, ditches, and/or designated community areas;

(ii) Landscaping;

(iii) General maintenance/cleanup;

(iv) Building renovation; and

(v) Rebuilding and demolition projects;

(C) Community work crew projects are authorized only for the following entities, in priority order:

(i) State government;

(ii) County government;

(iii) City government;

(iv) Private nonprofit organizations/agencies;

(v) Federal government; and

(vi) Private property when engaged by the state, county, or city government;

(D) Director and Board of Corrections approval is required for any community work crew projects for pay; and

(E) Staff may not engage community work projects where there is foreseeable danger (health and safety) to the:

(i) Public;

(ii) Work site staff; and/or

(iii) Residents.

(5) Assignment/program participation agreement.

(A) Residents will:

(i) Receive orientation;

(ii) Agree to abide by CCC rules;

(iii) Participate in self-improvement programs; and

(iv) Perform work program assignments.

(B) Programs, job assignments, and activities will be designed to:

- (i) Promote public safety; and
- (ii) Assess and address resident needs and abilities without

discrimination.

(6) Failure to meet criteria/violation of terms.

(A) Confinement in a CCC is conditioned upon:

- (i) Meeting the criteria specified in subsection (c) of this section; and
- (ii) The resident's continued compliance with all applicable rules

established by Board of Corrections policy and agency guidance.

(B) A resident who violates such rules is subject to disciplinary action up to and including submission of a violation report with a revocation recommendation to the Post-Prison Transfer Board or the court as follows:

(i)(a) A resident who violates the terms and/or conditions of transfer is entitled to a hearing by the Post-Prison Transfer Board to determine noncompliance that warrants transfer to the Division of Correction.

(b) The resident may waive the right to a hearing;

(ii)(a) A transferred resident who no longer satisfies CCC criteria and standards will be recommended for administrative transfer to the Division of Correction and transferred upon Post-Prison Transfer Board approval.

(b) The resident will be provided a written notice of ineligibility and supporting reasons for the transfer.

(c) Only after the administrative transfer and only to contest the factual basis of the determination of ineligibility may the resident be entitled to a Post-Prison Transfer Board hearing;

(iii) Post-Prison Transfer Board decisions are final and provided in writing to the:

(a) Division of Correction;

(b) Division of Community Correction; and

(c) Resident; and

(iv) A resident who violates the terms or conditions under which the imposition of his or her sentence was suspended or fails to meet the center criteria/standards will be:

(a) Reported to his or her court of jurisdiction; and

(b) Treated in accordance with its determination.

(7) Completion and release criteria.

(A)(i) Upon completion of the period of confinement, residents will sign a condition of release contract or terms or conditions of probation/SIS, where appropriate, and will be transferred to the supervision (at varying levels of intensity) of a parole/probation officer in the community, except as otherwise ordered by the court.

(ii) Prior to release, the residents will agree to an approved release plan.

(B) An offender judicially transferred to a Division of Community Correction CCC is eligible for release by the Post-Prison Transfer Board when he or she meets the following criteria for completion of the program:

(i) Completion of at least two hundred seventy (270) days in a CCC, excluding jail time credit;

(ii) Obtained no cardinal rule violations within the past ninety (90) days that resulted in loss of class and/or good time or disciplinary detention or the center supervisor has considered such violations and made a recommendation for early release;

(iii) Demonstrated consistent use of modified therapeutic community concepts to include booking tickets and confrontations as determined by the treatment coordinator;

(iv) Made reasonable progression through status levels through review of input by counselor and staff on duty;

(v) Is current with master treatment plan objectives;

(vi) Actively participated in the twelve-step program and satisfactorily demonstrated knowledge of steps one (1) through four (4); and

(vii) Completion of phase 3.

(C) The center supervisor is responsible to ensure timely and appropriate reviews and recommendations to the Post-Prison Transfer Board through the Deputy Director of Residential Services.

(D) Division of Community Correction staff must ensure transitional living facilities receiving offenders from the Division of Community Correction and the Division of Correction are licensed in accordance with Board of Corrections rules.

(E)(i) Recommendations should include the center supervisor's certification of completion of the program, in accordance with the definition established in this section.

(ii) The Deputy Director of Residential Services shall ensure a consistent design and content of the certificate of completion and uniform Recommendation for Early Release form, approved by the management team, to establish and maintain consistency.

(iii) The original certificate should be provided to the resident with a copy maintained in the resident file.

(F)(i) If a cardinal rule violation occurs after the Post-Prison Transfer Board action to release a resident due to completion of the program, the Post-Prison Transfer Board should be notified immediately and requested to reconsider the release decision.

(ii) If the Post-Prison Transfer Board rescinds the previously approved release, the resident must wait until he or she meets the eligibility criteria again.

(G) Approved release documents will be provided to the Institutional Release Officer, who will:

(i) Ensure appropriate staff is advised of the Post-Prison Transfer Board decision; and

(ii) Process approved residents for release.

(e) **Operational procedures.** Procedures for operating CCCs will be outlined in agency guidance.

Authority. Arkansas Code § 16-93-1203.

Codification Notes. "SIS" means suspended imposition of sentence.

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

"Section Number: AR 1.4

Page Number: 1

Board Approval Date: 7/22/05

Supersedes: AR 1.4 Dated: 6/20/03

Reference: Secretary of State Code 159.00

Effective Date: 8/15/05"

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

"VII. REFERENCES. Ark. Code Ann. " 5-4-304, 5-10-101 et seq. through 5-14-101 et seq., 12-27-127, 12-29-205, 16-93-1201 et seq., and 16-93-1301 et seq.

VIII. ACA REFERENCES. American Correctional Association Performance Based Standards for Adult Community Residential Services, Fourth Edition, 4-ACRS-2A-07; 4-ACRS-6A-10 through -6A-11."

16 CAR § 30-102. Community service program.

(a) **Policy.** It is the policy of the Division of Community Correction to operate community service programs that administer sanctions appropriate to the seriousness of offenses/violations, hold offenders accountable for violations of release conditions, increase offenders' employment skills through community service work, and provide for community involvement in the corrections process, thus increasing the community resource availability to assist in interrupting the crime cycle.

(b) **Applicability.** Offenders under the jurisdiction of the division, and employees.

(c) **Definition.**

(1) As used in this section, "community service program" means a program where offenders perform a specified number of hours of work or service as a basic, special, or enhanced condition of supervision.

(2) Programs include worksite agreements with:

(A) Nonprofit agencies or organizations; and

(B) Governmental entities.

(3) Offenders are placed at worksite assignments where there is no foreseeable danger to:

(A) The offender;

(B) Worksite staff or clients; or

(C) Members of the public.

(d) **Access to the program.** Gained by:

(1) Court order; or

(2) Order of the Post-Prison Transfer Board.

(e) **Community service work hours.** Each hour of community service work performed shall be equivalent to minimum wage per hour.

(f) **Procedures.** Operational procedures shall be established in an administrative directive.

Authority. Arkansas Code § 16-93-1203.

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

"Section Number: AR 8.8

Page Number: 1

Board Approval Date: 5/30/02

Supersedes: AR 8.8 Dated: 1/8/95

Reference: Effective Date: 9/15/02"

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

16 CAR § 30-103. Furlough program.

(a) **Policy.** The Board of Corrections supports the implementation of furlough programs to authorize temporary release of a resident from a community correction center.

(b) **Guidance.**

(1)(A) The Division of Community Correction must establish and maintain procedures and criteria that provide for the furlough of a resident when a:

- (i) Critical illness/injury and/or death occurs to a member of the resident's immediate family; or
- (ii) Resident has been approved for community transition activities away from the community correction center.

(B) Procedures must include rules/conditions of resident release on furlough and requirements for sponsors, to include:

- (i) Supervision;
- (ii) Transportation; and
- (iii) Timely return of the furloughed resident.

(2) Furlough criteria must be made accessible to residents and explained during orientation.

Authority. Arkansas Code § 16-93-1203.

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

"Section Number: ACC AR 7.30

Page Number: 1

Board Approval Date: 1/14/16

Supersedes: AR 7.30 Dated: 6/19/06

Reference: Secretary of State Rule Code: 159.

Effective Date: 10/1/2016"

"I. AUTHORITY. The Board of Corrections is vested with the authority to promulgate this rule by Arkansas law sections 12-27-105, 16-93-1203 and 16-93-1205."

16 CAR § 30-104. Reentry facility program.

(a) Applicability.

(1) This section applies to:

- (A) Division of Community Correction employees and agents;
- (B) Division of Correction employees and agents;
- (C) Inmates;
- (D) Applicants for and recipients of a reentry facility license; and
- (E) Owners, operators, volunteers, and staff members of licensed reentry

housing facilities.

(2) Agents include:

- (A) Volunteers;
- (B) Interns;
- (C) Contractors; and
- (D) Vendors.

(b) **Policy.** It is Division of Community Correction policy that reentry facilities and programs meet or exceed licensing requirements to ensure a structured, positive, affordable, and safe environment for reentry inmates.

(c) Reentry facility programs.

(1)(A) A reentry facility program provides housing and programming for one (1) or more inmates who have been transferred from the Division of Correction to the Division of Community Correction for the purpose of reentry programming.

(B) An inmate's home or the residence of an inmate's family member must not be considered a reentry facility for purposes of this section.

(2)(A) A company or individual may contract with the Division of Community Correction to provide reentry services by processing a Request for Qualifications, which is supplied by the Office of State Procurement.

(B) This contract allows a licensed reentry facility to bill the state for limited reimbursement for housing and programming provided for assigned inmates at the facility.

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

(A) Provide public safety;

(B) Reduce recidivism;

(C) Encourage employment;

(D) Provide treatment;

(E) Transition inmates into permanent housing; and

(F) Maintain the principles of evidence-based practices.

(4)(A) A Division of Community Correction reentry officer will be assigned as a liaison between a licensed reentry facility and the Division of Community Correction.

(B) This officer's duties include, but are not limited to:

(i) An indirect caseload;

(ii) Reentry site visits; and

(iii) Security issues.

(5) The Division of Community Correction Reentry Housing Coordinator will:

(A) Monitor reentry facilities for compliance of:

(i) Policy;

(ii) Procedure;

(iii) Practice; and

- (iv) Contract stipulations;
- (B) Monitor inmate placement in facilities;
- (C) Lead the license review teams;
- (D) Report concerns and violations to the proper authority; and
- (E) Serve as the liaison between the facility and the Division of

Community Correction for compliance issues.

(d) Licensing — Licensing authority.

(1) The Division of Community Correction is the authority for licensing reentry programs and/or facilities.

(2) The Division of Community Correction must ensure the development and implementation of the necessary applications, forms, procedures, and processes for obtaining sufficient information to make licensure, programming, and renewal decisions consistent with the requirements established by this section.

(e) **Sanctions.** Procedures will be developed to respond to any issues of facility noncompliance.

(f) **Financial requirements.** Financial remuneration amounts are contracted and based on program phases.

(g) **Transfer of inmates from the Division of Correction.** The criteria for the selection of inmates and the process for their transfer from the Division of Correction to the Division of Community Correction for reentry programming must be outlined in an administrative directive.

Authority. Arkansas Code § 16-93-1203.

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

"Section Number: AR 7.10 Page Number: 1

Board Approval Date: 8/21/2015

Supersedes: None Dated: n/a

Reference: Secretary of State Rule Code 159.00

Effective Date: 9/15/2015"

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

16 CAR § 30-105. Transitional housing program.

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

- (1) Division of Community Correction employees;
- (2) Offenders;
- (3) Applicants for and recipients of a transitional housing facility license; and
- (4) Owners, operators, and staff members of licensed transitional housing facilities.

(b) **Policy.** It is Board of Corrections policy that facilities and programs that provide transitional housing services to Division of Community Correction offenders meet or exceed licensing requirements to:

- (1) Ensure a structured, positive, affordable, and safe environment for remanded offenders;
- (2) Reduce recidivism;
- (3) Encourage employment and treatment;
- (4) Provide public safety; and
- (5) Maintain the principles of evidence-based practices.

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

(1) "Request for Qualifications" means the contract supplied by the Office of State Procurement that allows a licensed transitional housing facility to bill the state for limited reimbursement for housing remanded offenders at their facility;

(2)(A) "Transitional housing" means a program that provides housing for one (1) or more offenders who have either been:

(i) Transferred or paroled from the Division of Correction by the Post-Prison Transfer Board; or

(ii) Placed on probation by a circuit or district court.

(B) An offender's home or the residence of an offender's family member shall not be considered a transitional housing facility for purposes of this section; and

(3) "Transitional housing coordinator" means the individual assigned to:

(A) Monitor transitional housing facilities;

(B) Lead the enforcement of policy, procedure, practice, and contract stipulations;

(C) Monitor offender placement in facilities;

(D) Lead the license review teams;

(E) Report concerns and violations to the proper authority; and

(F) Serve as the liaison between the facility and the Division of Community Correction.

(d) Licensing.

(1) Licensing authority.

(A)(i) The Director of the Division of Community Correction is the authority for licensing transitional programs and/or facilities.

(ii) Geographical limitations shall not be the sole factor of consideration in the licensing decision.

(iii) The director shall ensure the development and implementation of the necessary applications, forms, procedures, and processes for obtaining sufficient information to make licensure and renewal decisions consistent with the requirements established by this section.

(iv) Documentation supporting applications shall be deemed a part of the official application.

(v) The application fee will be as established by the Board of Corrections.

(vi) The Division of Community Correction will make fee amounts and changes available to transitional housing licensing applicants and current licensees.

(vii) All fees are nonrefundable regardless of the licensure decision.

(B)(i) An Arkansas Transitional Housing Facility License shall not be issued for a facility under the management, supervision, oversight, or ownership of a person:

(a) Currently under a sentence or probation supervision for a felony offense; or

(b) Who has current, pending felony charges.

(ii) Ex-offenders must provide proof of discharge of the felony sentence.

(C) Licensing and renewals shall be for twelve (12) months following issuance with provisions for renewal as specified in the Request for Qualifications.

(D) Only Division of Community Correction-licensed facilities or programs will be used to house offenders while receiving transition services.

(E) Licenses will be issued only for the premises and persons specified in the application and are not transferable.

(F) All licensed facilities must have:

(i) Twenty-four-hour access by assigned offenders; and

(ii) A staff member/housing manager present at all times.

(G) Licenses issued pursuant to this section shall become effective immediately upon issuance and shall remain in effect for twelve (12) months, except when an unresolved noncompliance is cited by the Division of Community Correction resulting in revocation or suspension of the license.

(H) Applicants for licensing will be notified in writing of the licensing decision and specific requirements, if any, that were not met.

(I) The Division of Community Correction does not guarantee placement of offenders at a transitional housing facility regardless of the granting of a license or a contract.

(2) Transitional housing licensure requirements.

(A) Compliance with any local health and safety codes, including housing codes, fire codes, plumbing codes, and electrical codes, set by the jurisdiction or jurisdictions in which the transitional housing facility is located.

(B) Compliance with any state and federal health and safety codes.

(C) Compliance with any local zoning ordinances.

(D) Compliance with allowable ratio of transitional housing facility square footage to residents.

(E) Compliance with any law regarding transitional housing.

(F) Compliance with allowable ratio of bathing facilities and restroom facilities to residents.

(G) Maintain separate sleeping and bathing rooms for males and females.

(H) Meet the procedural guidelines and requirements established by the Division of Community Correction in an administrative directive for transitional housing licensing.

(I) Meet the Division of Community Correction minimum standards for licensure or renewal.

(e) **Guidelines.**

(1) **Early releases to transitional housing.**

(A) Pursuant to Acts 2005, No. 679, Division of Correction inmates who are within one (1) year of their transfer eligibility dates may be transferred early, by the Post-Prison Transfer Board, to a licensed transitional housing facility (THF).

(B) Offenders released under this act shall remain in the THF until released to parole or community supervision or revocation by the Post-Prison Transfer Board.

(C) Any failure to report to the THF by the time scheduled (predefined at intake) will be deemed an escape and treated accordingly.

(D) An offender released under this act may be allowed in the community only for the purpose of work and education or as otherwise established by written policy.

(E) Compliance with Arkansas Code § 16-93-211 of 2014, early release to transitional housing facilities, must be maintained.

(2) **Supervision.**

(A) The Deputy Director of Parole/Probation Services must ensure supervision officers are assigned for the period of residency at THFs.

(B) Procedures must be developed for the processing of inmates eligible for this program.

(f) **Sanctions.**

(1) **Nonlicensed facility penalty.**

(A) If a facility is housing offenders without a license, the Division of Community Correction will impose civil penalties not to exceed five hundred dollars (\$500) per day for each day the violation continues.

(B) In addition, alternative sanctions may be imposed pursuant to law, Arkansas Code §§ 16-93-1603 and 25-15-217.

(2) **Noncompliance.**

(A) The Transitional Housing Coordinator, for due cause, may recommend to the Director of the Division of Community Correction that a facility should be sanctioned for noncompliance.

(B) The director or their designee may impose specific penalties to a facility that remains noncompliant with policy, procedures, and protocols after sufficient instruction and/or deadlines for compliance have gone unresolved.

(C) These penalties may include, but are not limited to:

(i) Suspension of the admission of any further offenders until the issues are resolved;

(ii) Suspension of transitional housing funds due to the facility until the issues are resolved; and

(iii) Revocation of the transitional housing facility license after due process.

(3) **Denial of application.**

(A) The Transitional Housing Coordinator, for due cause, may recommend to the director that an application for licensure should be denied.

(B) The Transitional Housing Coordinator may hold the application in abeyance until the issues are resolved.

(C) Applicants whose licenses are denied may avail themselves of the procedures outlined in subdivision (f)(4) of this section.

(4) Hearing process.

(A)(i) The facility whose license has been denied or has received notice of sanction shall be entitled to a hearing before the director or their designee.

(ii) A time and place for the hearing shall be fixed by the Board of Corrections and held in the State of Arkansas.

(B)(i) A copy of the reason for sanction or denial, together with the notice of the time and place of hearing, shall be considered as legally served by the board when sent to the last known address of the licensee or applicant by certified mail at least ten (10) days before the date fixed for the hearing.

(ii) In the event that such service cannot be effected ten (10) days before the hearing, then the date of hearing and determination shall be postponed as may be necessary to permit the carrying out of this condition.

(C) At the hearing the licensee or applicant shall have the right to:

- (i) Appear personally and by counsel;
- (ii) Cross-examine witnesses; and
- (iii) Submit evidence in the contractor's behalf and defense.

(D)(i) If after the hearing the director or designee finds the facts as alleged and of such character as to sanction the facility or deny the application, then the agency shall deny the application or sanction the facility as provided for in this section.

(ii) In that event no refund shall be made of the application fee.

(E) Within its discretion and upon proper application or hearing, the agency may reissue a license to any contractor whose license has been revoked.

(g) Financial requirements.

(1) The facility may not charge the offender any costs or fees above those allowed in the Administrative Directive on Transitional Housing Facility License and the Request for Qualifications from the Office of State Procurement.

(2) The initial application fee is two hundred fifty dollars (\$250).

(3) The renewal application fee is one hundred dollars (\$100).

Authority. Arkansas Code §§ 16-93-1203, 16-93-1604.

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

"Section Number: ACC AR 7.8 Page Number: 1

Board Approval Date: 5/13/2015

Supersedes: AR 7.8 Dated: 12/12/2006

Reference: Sec. of State 159.

Effective Date: 10/23/2015"

"I. AUTHORITY. The Board of Corrections (BOC) is vested with the authority to promulgate this administrative rule by Arkansas law sections 12-27-105, 16-93-211, 16-93-1203, 16-93- 1205, 16-93-1601 through 16-93-1605 and 25-15-217."

16 CAR § 30-106. Volunteer program.

(a) **Applicability.** This section applies to citizens and Division of Community Correction employees.

(b) **Policy.**

(1) It shall be the policy of the division to administer a volunteer program that:

(A) Encourages, supports, and recognizes the value of citizen involvement in government operations;

(B) Exerts a positive influence on offenders; and

(C) Assists staff with routine and specialized duties.

(2) This program supplements employee efforts to accomplish the agency mission while providing citizens the opportunity to gain experience and serve the community.

(3) Citizens will be given an opportunity to participate in volunteer programs without discrimination based on race, color, sex, religion, age, national origin, pregnancy, or disability in compliance with state and federal law.

(4) The division shall establish rules that facilitate volunteer input and involvement at the highest level of efficiency and security.

Authority. Arkansas Code § 16-93-1203.

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

"Section Number: AR 7.27 Page Number: 1

Board Approval Date: 9/6/06

Supersedes: AR 7.27 Dated: 6/20/03

Secretary of State Rule Code: 159.00

Effective Date: 12/12/06"

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

16 CAR § 30-107. Research and program evaluation.

(a) **Applicability.** This section applies to all Division of Community Correction employees and people outside the agency who request and conduct research.

(b) **Policy.**

(1) The division supports programs of research, evaluation, statistics, audit, and planning, including:

(A) Studies and evaluation of the performance of various functions and activities of the division; and

(B) Studies addressing treatment of offenders and programs.

(2) Researchers must protect the privacy of individual employees, offenders, and other involved parties and their records.

(3) Researchers must comply with agency policy guidance and all legally acceptable practices concerning research activities.

(c) Guidelines.

(1) The division's management will:

(A) Encourage research and evaluation activities; and

(B) Cooperate with qualified outside groups, such as:

(i) Colleges;

(ii) Universities;

(iii) Public groups; and

(iv) Qualified individuals.

(2) All employees will:

(A) Cooperate with approved research efforts; and

(B) Bring to the attention of management any research activity that may adversely affect offenders.

(3) **Research plan requirement.** A research plan is required unless one (1) of the following exceptions applies:

(A) **Employees conducting research.** Research proposals are not required when employees perform research activities within the normal scope of their job duties; or

(B) **Employees conducting program evaluation.** When employees collect data for division-approved reports (such as the Residential Jurisdiction Population report) or approved business systems (such as eOMIS or AASIS), a research plan is not required.

(4) **Research plan development/implementation.**

(A)(i) Researchers must work with the division official designated by agency policy as responsible for research activities and other designated staff to decide:

(a) What questions should be addressed;

(b) The data to be gathered; and

(c) How the data will be presented.

(ii) Researchers must submit proposed research plans for review and approval/disapproval of the division using forms required by the agency.

(iii) Research plans must meet or exceed the review criteria outlined in agency policy.

(iv)(a) Changes to an approved research plan must be preapproved by the division.

(b) This includes any:

(1) Research design modifications; or

(2) Changes in scope, data collected, or the tools to be used in the collection of data.

(v) Researchers must follow approved plans.

(vi) The division will request review and approval by the appropriate deputy director.

(vii) The division will:

(a) Consider comments/approvals;

(b) Negotiate appropriate revisions; and

(c) Be the final approval authority for the plan.

(B) The division is responsible for establishing requirements for evaluation.

(5) Protection of offenders involved in research projects.

(A) Participation.

(i) Offender participation in research will be voluntary.

(ii) Prior to participation in any research activity, researchers must obtain a completed Inform and Consent to Participate in Research form provided by the division and signed by each offender involved in the project.

(iii) This form is not required when research is limited to review of offender records or general observations are made of offender activities where no record is made of a specific offender's activity.

(B) Restrictions.

(i) The division will not conduct nor allow others to conduct medical, pharmacological, or cosmetic experiments involving offenders, excluding individual treatment of an offender (based on need) by means of a specific medical procedure not generally available.

(ii) If an offender's physician determines there is a need to treat the offender with a new medical procedure, it will be through an agreement between the offender and the physician with a full explanation of the positive and negative aspects of the treatment.

(iii) Offenders may participate in other research activities only when the research does not place the participant at undue risk.

(6) Review, approval, and dissemination of research results.

(A) **Researchers.** Prior to publication or dissemination, researchers must submit a draft of internal/external research results to the division and obtain the Director of the Division of Community Correction's approval.

(B) The division will:

(i) Ensure that all research project results are reviewed by the appropriate deputy director and others; and

(ii) Forward reviewed results to the director with a recommendation to:

(a) Approve;

(b) Disapprove; or

(c) Approve with specific revisions.

(C) Researchers are responsible for the dissemination of their findings to the public and shall provide copies of their reports upon request to any person or entity requesting a copy.

(D) Researchers shall provide at least four (4) copies of any publication derived from the research to the division for retention and internal distribution.

Authority. Arkansas Code § 16-93-1203.

Codification Notes. "eOMIS" means electronic Offender Management Information System.

"AASIS" means Arkansas Administrative Statewide Information System.

This section as promulgated prior to codification into the Code of Arkansas Rules contained the following at the end of subdivision (b)(3) of this section: "(4-ACRS-7D-12; 3-3110, 3-3113, 3- 3116)"

This section contained the following at the end of subdivision (c)(5)(B) of this section: "4-ACRS-4C-20."

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

"Section Number: AR 1.9 Page Number: 1
Board Approval Date: 5/18/06
Supersedes: AR 1.9 Dated: 6/20/03
Reference: Secretary of State Rule Code 159.00
Effective Date: 6/19/06"

Subpart 2. Residential Centers

16 CAR § 30-201. Safety, security, and sanitation at residential centers.

(a) **Applicability.** This section applies to Division of Community Correction employees and offenders.

(b) **Policy.** The Division of Community Correction will:

(1) Promote the safety and security of:

(A) The public;

(B) Employees; and

- (C) Supervised offenders;
- (2) Provide guidance designed to reduce the occurrence of:
 - (A) Accidents;
 - (B) Victimization;
 - (C) Injury;
 - (D) Illness; or
 - (E) Loss of life; and

(3) Deter or minimize loss or damage to public property.

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

(1) "Qualified inspector" means an individual who meets the following criteria as it pertains to the type of inspection or inspections to be conducted:

(A) Is certified by the appropriate state and/or federal authority, if required, for the determined inspection;

(B) Is familiar with applicable federal, state, and municipal:

(i) Codes;

(ii) Rules and regulations; and

(iii) Requirements;

(C) Is able to use appropriate instruments for measuring and documenting code compliance;

(D) Is able to complete checklists and prepare necessary reports; and

(E) Has authority to make corrections when deficiencies are found, or responsibility to report deficiencies to the appropriate authority;

(2) "Safety" means measures taken to promote the:

(A) Physical and mental well-being of:

(i) The public;

(ii) Employees; or

(iii) Offenders; and

(B) Protection of property; and

(3) "Security" means measures intended to:

(A) Prevent:

- (i) Sabotage;
- (ii) Attack;
- (iii) Escape;
- (iv) Theft of property; and
- (v) Other crimes; or

(B) Deter unauthorized access to or disclosure of protected agency information.

(d) **Guidelines.**

(1) **Safety and security program objectives.** The Division of Community Correction will have a safety and security program to meet the following objectives:

- (A) Promote public safety;
- (B) Ensure employee and offender safety;
- (C) Ensure appropriate security procedures are in place;
- (D) Comply with American Correctional Association standards and federal and state law;
- (E) Ensure residential facilities operated by the Division of Community Correction comply with Prison Rape Elimination Act standards;
- (F) Ensure residential centers operated by the Division of Community Correction comply with Division of Aging, Adult, and Behavioral Health Services standards for licensure;
- (G) Comply with applicable national and local fire codes;
- (H) Comply with applicable building and environmental codes and zoning ordinances;
- (I) Deter escape;
- (J) Detect contraband;
- (K) Secure evidence or ensure it is secured by local or state police; and
- (L) Hold offenders accountable for violations of law.

(2) **Safety and security guidance.** Written policy, procedure, and/or practice will provide for the following:

- (A) Control of residential center access/egress to prevent:

- (i) Contraband;
 - (ii) Theft; and
 - (iii) Escape;
- (B) Designation of employees subject to recall to duty for emergency response;
- (C) Threat analysis;
- (D) Plans for significant and likely threats based on threat analysis;
- (E) Annual review of plans;
- (F) Training and drills;
- (G) Conducting contraband searches of centers;
- (H) Regular safety/security inspections of centers by qualified inspectors;
- (I) A system to control:
- (i) Keys;
 - (ii) Tools;
 - (iii) Chemicals; and
 - (iv) Equipment;
- (J) Appropriate safety/security training for employees and offenders;
- (K) Assignment of responsibility for supervisory oversight of safety/security programs and activities;
- (L) Inclusion of appropriate safety and security responsibilities in:
- (i) Job descriptions;
 - (ii) Post orders; or
 - (iii) Performance standards;
- (M) Establishing a means for review of inspection reports and incident/accident reports and assigning responsibility for resolving potential or actual safety/security hazards and/or problems;
- (N) Procedures and guidelines for conducting searches of offenders, employees, interns, volunteers, visitors, and contractors at centers;
- (O) Complying with employee chemical right to know requirements;

(P) A process for ensuring compliance with applicable national codes and local fire codes;

(Q) A process for ensuring compliance with applicable building and environmental codes and zoning ordinances;

(R) A process to inform all newly hired employees that as a condition of employment they must agree to be subject to a personal search and to have their personal property searched while on state property; and

(S) Establishing a system for preservation, control, and disposition of physical evidence.

(3) Searches in general of property on Division of Community Correction owned or leased property. Any personal or state property, including vehicles, is subject to search when on Division of Community Correction owned or leased residential center property.

(4) Searches of persons.

(A) Any person on residential center owned or leased property is subject to search.

(B) Pat searches by employees.

(i) When authorized employees conduct pat searches they may include a visual inspection of the mouth, nose, or ears and may ask people to remove outer garments such as coats, jackets, and shoes before conducting the pat search.

(ii) Such outer garments, toolboxes, briefcases, or other containers may also be searched.

(C) Searching visitors, contractors, and volunteers. The Division of Community Correction may establish rules for pat searching:

(i) Visitors;

(ii) Contractors; and

(iii) Volunteers.

(D) Strip searches of residents.

(i) Residents may be strip searched:

(a) When there is suspicion; or

(b) Upon entering or prior to departure from a secure area of a center.

(ii) Strip search of an offender must be done by an employee of the same gender and should be observed by another staff member of the same gender when such person is readily available.

(iii) Strip searches must not be conducted by or observed by a person of the opposite gender except when:

(a) Performed/observed by medical practitioners; or

(b)(1) The same-gender requirement is waived during an exigent situation.

(2) An exigent situation is an urgent situation requiring immediate action.

(iv) The search should be conducted in a location and manner that protects the resident's privacy and, to the extent possible, keeps the search and results confidential.

(v) These restrictions may be waived during an emergency such as an escape or riot.

(vi) All cross-gender strip searches of residents must be documented.

(E) Body cavity search of residents.

(i) Residents may be required to undergo a body cavity search conducted by a nurse, nurse practitioner, physician assistant, or physician when there is reasonable suspicion and with the approval of the center supervisor or higher authority.

(ii) The mouth, ears, and nose should also be examined as part of the body cavity search.

(iii) A Division of Community Correction employee of the same gender must be present to:

(a) Witness the search; and

(b) Collect any contraband or evidence.

(iv) The search must be conducted in a location and manner that protects the offender's resident's privacy and, to the extent possible, keeps the search and results confidential.

(F) **Pat searches of employees.** The Division of Community Correction must develop procedures for pat searches of employees.

(G) **Strip searches of employees at a residential center.**

(i) Employees at a residential center may be strip searched with the approval of the Deputy Director of Residential Services or higher authority when there is reasonable suspicion.

(ii) Strip search of an employee must be:

(a) Done by an employee of the same gender; and

(b) Observed by a second employee of the same gender.

(iii) The search should be conducted in a location and manner that protects the employee's privacy and, to the extent possible, keeps the search and results confidential.

(H) **Sanitation and food service safety.**

(i) A means will be established for ensuring sanitation and food service safety at centers.

(ii) The sanitation and food service safety program must ensure compliance with Department of Health and American Correctional Association standards.

Authority. Arkansas Code § 16-93-1203.

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

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

"ADMINISTRATIVE RULE STATE OF ARKANSAS BOARD OF CORRECTIONS

Section Number: ACC 4.1 Page Number: 1

Board Approval Date: 9/22/2017

Supersedes: DCC AR 4.1 Dated: 12/15/00

Reference: Sec. of State 159

Effective Date: 12/15/2017"

"I. AUTHORITY. The Board of Corrections is vested with the authority to promulgate administration rules by Arkansas law sections 12-27-105, 16-93-1203 and 16-93-1205."

"VI. REFERENCE. The Public Employees' Chemical Right to Know Act, (Arkansas law beginning at section 8-7-1001)."

16 CAR § 30-202. Resident correspondence.

(a) **Applicability.** To residents, people who correspond with residents, and center staff.

(b) **Policy.**

(1) It shall be the policy of the Division of Community Correction to encourage and promote wholesome communication between residents and other persons and organizations.

(2) Correspondence with family members, close friends, associates, and organizations is essential to the morale of all confined persons.

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

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

(1) "Contraband" means any item that is not permitted under the usual rules of the center; and

(2) "Rejection" means material reviewed and denied because officials have a reasonable belief that it presents a danger to center security.

(d) **Guidelines.**

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

- (a)* Privileged;
- (b)* General; and
- (c)* Inter-center.

(ii) When there are legitimate facility interests of order and security, any mail item may be read or rejected.

(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 and correspondence is properly marked as such:

- (a)* Offices of federal, state, and local courts;
- (b)* Any federal or state official;
- (c)* Any administrator of the division;
- (d)* Any member of the Post-Prison Transfer Board;
- (e)* Any member of the Board of Corrections;
- (f)* Resident's attorney;
- (g)* Any member of the media, including print, radio, and

television; and

- (h)* Compliance attorney.

(ii)(a) Privileged mail will be opened for inspection only in the presence of the resident concerned to inspect for contraband and will not be read or censored, but may be rejected in its entirety if it is found to contain contraband.

(b) However, outgoing mail claimed to be privileged may be read following a verified complaint from the person or persons receiving the mail.

(c) Also, outgoing and incoming mail claimed to be privileged may be read if there is reason to believe that the designation is being used by the resident to circumvent the correspondence rules of the center.

(iii) Procedures will provide for notification of a resident when his or her incoming mail has been returned or withheld.

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

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

(vi) All incoming mail should be in official letterhead envelopes and clearly identified as "Privileged Correspondence".

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

(C) General correspondence.

(i) Correspondence, other than privileged or inter-center correspondence, shall be considered general correspondence.

(ii) Residents are not required to submit a list of the people with whom they wish to correspond, nor is approval required from the division prior to corresponding.

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

(iv) All general correspondence, both incoming and outgoing, may be opened and inspected for contraband.

(v)(a) Records may be kept of all incoming and outgoing general correspondence to see that family contact is maintained.

(b) Such contact is essential for rehabilitation.

(c) Arrangements may be made, in the absence of family contact, for correspondence with a volunteer.

(vi) The full name under which the resident was committed and the offender number of the resident shall be shown in the upper left-hand corner of the envelope on the outgoing mail.

(vii) Any violation of the rules and regulations 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.

(viii) Residents in isolation (segregation) for any reasons may send and receive mail as other residents in the general population.

(D) Inter-center correspondence.

(i) Inter-center correspondence is that mail between division residents.

(ii) Inter-center correspondence will be restricted to members of the resident's immediate family.

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

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

(2) Packages.

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

(B) No other packages will be allowed except with the approval of the center supervisor and the Deputy Director of Residential Services.

(C) Employees responsible for screening mail will be appropriately trained to recognize mail bombs.

(3) The division reserves the right to inspect, read, open, or stop any mail or hobby craft packages where there is reason to believe a danger to the security of the center exists.

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

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

(6)(A) After a resident's release, only his or her first class letters and packages will be forwarded to the address he or she specified.

(B) If no forwarding address was provided, it will be returned to the sender.

Authority. Arkansas Code § 16-93-1203.

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

"Section Number: AR 7.22 Page Number: 1

Board Approval Date: 5/30/02

Supersedes: AR 7.22 Dated: 4/29/94

Reference: Effective Date: 9/15/02"

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

"VI. STANDARDS. American Correctional Association, Performance-Based Standards for Adult Community Residential Services (ACRS), 4-ACRS-6A-06 and 4-ACRS-6A-07."

16 CAR § 30-203. Resident publications.

(a) **Applicability.** All Division of Community Correction staff and residents.

(b) **Policy.**

(1) It is Board of Corrections policy that residents may receive publications from recognized commercial or charitable outlets.

(2) All publications are subject to inspection and may be rejected if they:

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

(B) Propose, condone, or provide information likely to facilitate criminal activity.

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

(1) "Charitable outlet" means:

(A) An incorporated nonprofit organization established to promote literacy or to provide literature for indigent residents; or

(B) A religious group;

(2) "Commercial outlet" means organizations such as:

- (A) A publisher;
- (B) A bookstore; or
- (C) An educational or vocational institute; and

(3) "Publications" means printed or electronic media such as:

- (A) Books;
- (B) Magazines;
- (C) Catalogs;
- (D) Advertising brochures;
- (E) Religious tracts; or
- (F) Newspapers.

(d) **Guidelines.**

(1) The center supervisor shall designate staff to review incoming publications.

(2)(A) All publications are subject to inspection and may be rejected if they:

(i) Are found to be detrimental to the security, discipline, or good order of the center;

(ii) Propose, condone, or provide information likely to facilitate criminal activity; or

(iii) Are not from recognized commercial or charitable outlets.

(B) Examples of material that would cause publications to be rejected are materials that:

(i) Provide instructions for devising weapons or for combat techniques that would endanger center security or safety;

(ii) Encourage or describe methods of escape;

(iii) Provide instructions for production of alcohol or other drugs;

(iv) Promote illegal discrimination, violence, verbal or sexual abuse, or inflammatory attitudes toward any race, sex, age, handicap, or other individuals or groups; or

(v) Encourage or instruct in the commission of criminal activity or depict, in graphic and provocative fashion, illicit actions, including illegal sexual behavior.

(C)(i) Publications recommended for rejection will be referred to the assistant center supervisor, who will review and make a determination within ten (10) days.

(ii) The assistant center supervisor's decision can be appealed to the center supervisor.

(iii) Decisions must be made on the contents of an individual publication, not on the basis of a list of approved publications or previous issues.

(3)(A) The center supervisor must approve or reject the publication within ten (10) days of receipt.

(B) If the publication is rejected the resident must be notified, in writing, of:

(i) Any decision to reject; and

(ii) The basis for rejection of the publication.

(C) The resident is also notified of:

(i) Appeal procedure; and

(ii) Options for disposing of the publication.

(D)(i) The resident:

(a) Must sign that the notice of rejection has been received; and

(b) Has fifteen (15) days from notification to appeal the decision.

(ii) Should the resident refuse to sign, an employee will attest to the fact that the resident was duly notified.

(4)(A) The decision to reject a publication may be appealed further to the Deputy Director of Residential Services.

(B) This appeal must also be initiated within ten (10) days of receipt of the center supervisor's decision.

(5) Any rejected publication will be held safe by the center supervisor until the:

- (A) Appeal process has been completed; or
- (B) Fifteen-day period for filing an appeal has expired.
- (6) Options for disposing of a rejected publication are as follows:
 - (A) Destruction;
 - (B) Return of the publication to the sender at the expense of the resident unless return postage is guaranteed; or
 - (C) Mailing the publication to a third party at the expense of the resident.

Authority. Arkansas Code § 16-93-1203.

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

"Section Number: AR 7.23 Page Number: 1
Board Approval Date: 5/30/02
Supersedes: AR 7.23 Dated: 4/29/94
Reference: Effective Date: 9/15/02"

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

16 CAR § 30-204. Resident visitation.

(a) **Applicability.** This section applies to staff, residents, and persons who visit residents at residential centers administered or operated by the Division of Community Correction.

(b) **Policy.**

(1) Residents may have visits with their family, friends, attorneys, and ministers under conditions consistent with:

- (A) Applicable law;
- (B) Good order; and

(C) Division of Community Correction rules.

(2) Staff must show respect toward visitors without compromising safety and security.

(3) Individuals may:

(A) Apply to visit residents; and

(B) Submit to an approval process, which includes an investigation.

(4) Further, for the purpose of security and good order, searches of individuals and property may be conducted and contraband, evidence, or potential evidence of a crime seized.

(c) Guidelines.

(1) General information.

(A)(i) Approved visitors are welcome.

(ii) To support Division of Community Correction program objectives, residents will be allowed to receive visitors, following appropriate applicant screening to ensure safety and security of employees and residents.

(iii) The Division of Community Correction can limit visitation pursuant to applicable law and for such reasons as:

(a) Programming and scheduling requirements;

(b) Resident behavior; and

(c) Security concerns.

(B)(i) People who wish to visit residents must apply using Form 1, "Application to Visit a Resident".

(ii) For the safety of residents, staff, and visitors, certain precautions are necessary, including conducting a background check of people who apply to visit residents.

(iii) Applicants will be screened giving weight to the potential for therapeutic benefit of their visit.

(iv) Investigations will consist of:

(a) An ACIC/NCIC criminal history check;

(b) An assessment of information provided on the Application to Visit a Resident form; and

(c) Any information obtained from parole/probation officers or other reliable sources.

(v) Staff also use detection equipment and conduct pat searches when appropriate.

(vi) Violators of rules are subject to prosecution pursuant to Arkansas Code § 5-54-119.

(vii)(a) Visitors must follow rules to ensure safety and security and to set the example for residents who are learning to follow rules.

(b) Although precautions are taken to assure safety and security, visitors must understand there are risks.

(2) **Resident's responsibility.** The resident must provide the Application to Visit a Resident form to each person he or she wants to visit.

(3) **Searches.**

(A)(i) Visitors are subject to search and may be asked to wait in the area for permission to enter.

(ii) They are free to leave at any time, unless they are suspected of trying to introduce contraband or committing any other felony on Division of Community Correction grounds.

(iii) In these situations, they may be detained until law enforcement arrives to take them into custody.

(B) Any personal or state property is subject to reasonable search when on state property or in the possession of someone on state property.

(C)(i) Visitors may be pat searched by an authorized person of the same gender.

(ii) Visitors who refuse to be searched are subject to:

(a) Having their visitation ended;

(b) Being barred from entering or remaining on Division of Community Correction property; and

(c) Having visitation privileges revoked.

(D) Reasons for searches include the following:

(i) Routine visitor search;

(ii) A special security search of people entering, leaving, or currently on Division of Community Correction premises;

(iii) Before, during, or immediately following a visit with a resident;

(iv)(a) Reasonable suspicion.

(b) Reasonable suspicion is a degree of certainty based on facts and reasonable inferences that causes a person to believe a law, conditions of supervision, or policy has been violated; and

(v) If a crime/critical incident has occurred.

(4) Documentation.

(A) Visitor application information must be entered in eOMIS where it will be available for use by any Division of Community Correction or Division of Correction facility.

(B) Staff should also enter comments in eOMIS about any problems with a particular visitor.

(5) Visitation conditions and restrictions.

(A) Visitors must complete, sign, and have on file an approved Application to Visit a Resident form at the appropriate center prior to being allowed resident visitation.

(B)(i) All visitors age fifteen (15) and older must show valid photo identification.

(ii) Children under fifteen (15) may be required to show photo identification or a birth certificate.

(C) All visitors must follow staff instructions and comply with the visitation:

(i) Policy;

(ii) Procedures; and

(iii) Rules.

(D)(i) All visitors may be photographed by staff, and photos may be maintained for future identification.

(ii) Such photos should be uploaded to eOMIS and deleted from the camera.

(E) Visits will be continuously supervised by staff.

(F)(i) An attorney visitation area will be provided upon request to ensure privileged communication between the attorney and client.

(ii) However, the area is subject to general staff supervision.

(iii)(a) No background investigation is required for attorneys.

(b) However, an attorney may be asked to sign a statement indicating he or she is a licensed attorney and represents (attorney of record) or is in the process of determining whether to represent the resident.

(iv) Attorney visits must be scheduled at least twenty-four (24) hours in advance.

(G) The number of concurrent visitors for a resident may be limited.

(H) Visits may be terminated, restricted, or suspended if there is poor or disruptive behavior on the part of the resident or visitor or as part of a therapeutic measure imposed on a resident for rule violations.

(I) Visits will not be allowed for residents:

(i) In Disciplinary Detention;

(ii) In Reflection Chair status; or

(iii) Pending transfer to the Division of Correction.

(J) Residents may not have visitors while in Treatment Phase 1 (Orientation Phase) other than visits from an attorney or minister.

(K) Residents in the Supervision Sanction Program who earn visitation privileges may be allowed visitors as established by the program schedule and criteria.

(L)(i) Restrictions may be placed on articles taken into the visitation area.

(ii) Additional restrictions and conditions may be imposed considering the:

(a) Therapeutic benefits;

(b) Space limitations; and

(c) Risks to security and order.

(M) Special visits between regularly scheduled visitation times may be allowed in certain circumstances when approved by the center supervisor for situations such as:

(i) Complying with court orders;

(ii) Signing documents;

(iii) When requested by the Department of Human Services;

(iv) Accommodating a visitor who lives more than three hundred (300) miles from the center; and

(v)(a) Accommodating ministers, job interviewers, housing representatives, or other representatives assisting the resident with transition back into the community.

(b) A minister is a person who has been ordained, licensed, or authorized by a sitting pastor of a church of record to serve as a spiritual advisor.

(c) Documentation of such authorization may be required.

(N)(i) All visitors must sign in and out.

(ii) Those making special visits are also required to wear a visitor badge.

(6) Video visitation.

(A) To provide both the resident and their family a way to improve family reunification while minimizing security-related incidents or concerns, a video visitation system, which allows residents and visitors to communicate by way of video conferencing equipment, may be used at residential centers.

(B) The guidelines, restrictions, and directions for video visitation use must be further explained in an administrative directive.

Authority. Arkansas Code § 16-93-1203.

Codification Notes. "ACIC" means Arkansas Crime Information Center.

"NCIC" means National Crime Information Center.

"eOMIS" means electronic Offender Management Information System.

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

"Section Number: ACC AR 7.24 Page Number: 1
Board Approval Date: 9/6/2018
Supersedes: DCC AR 7.24 Dated: 10/24/05
Reference: Effective Date: 10/1/2018"

"I. AUTHORITY. The Board of Corrections is vested with the authority to promulgate Administrative Rules by Arkansas law sections 12-27-105, 16-93-1203 and 16-93-1205."

"V. ATTACHMENTS.

AR 7.24 Form 1 - Application to Visit a Resident
AR 7.24 Form 2 - Visitation Rules and Conditions"

Subpart 3. Internal Procedures

16 CAR § 30-301. Escapes, disturbances, or emergencies.

(a) **Applicability.** This section applies to all Division of Community Correction employees.

(b) **Policy.**

(1) Plans and procedures for managing escapes, disturbances, or emergencies must be readily available to appropriate persons.

(2) State and local law enforcement agencies will be relied on to assist with the apprehension of escapees, control of disturbances, or response to emergencies as necessary.

Authority. Arkansas Code § 16-93-1203.

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

"Section Number: AR 4.6 Page Number: 1

Board Approval Date: 7/24/95

Supersedes: AR 4.6 Dated: 4/27/95

Reference: Effective Date: 8/28/95"

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

16 CAR § 30-302. Use of force.

(a) **Applicability.** This section applies to Division of Community Correction employees.

(b) **Policy.** Based on the facts and circumstances perceived at the time, an employee may use the amount of force reasonable to effectively bring a situation under control and protect the lives of the employee and others.

(c) **Guidance.**

(1) **Application of force in general.**

(A) Based on the facts and circumstances perceived at the time, an employee may use the amount of force reasonable to effectively bring a situation under control and protect the lives of the employee and others.

(B) In no event is physical force justifiable as punishment.

(C)(i) A goal in every encounter is to minimize injury to everyone involved.

(ii) However, nothing in this section requires an employee to actually sustain injury before applying reasonable force.

(2) **Resistance control continuum.** The resistance control continuum, which is taught in use of force classes, is to be used as a guide along with:

(A) Judgment;

(B) Discretion; and

(C) The concept of "ability, opportunity, and jeopardy".

(3) **Ability, opportunity, and jeopardy.**

(A) Ability, opportunity, and jeopardy are factors to be considered when determining the amount of force necessary.

(B) **Ability.** This refers to the perceived ability of the aggressor to do harm.

(C) **Opportunity.**

(i) This is the distance relationship between the aggressor and the defender.

(ii) For opportunity to be present, the defender must be within usable range of the aggressor's ability.

(iii) Opportunity expands as the aggressor's ability increases.

(iv) The presence of weapons may extend the opportunity range.

(D) **Jeopardy.**

(i) This is the defender's perception of the aggressor's intent.

(ii) When the defender reasonably believes that the aggressor, by word or action, intends to use his or her ability, the defender is in jeopardy.

(4) **Physical force.** Physical force is:

(A) Any bodily impact, restraint, or physical confinement; or

(B) The threat thereof.

(5) **Nondeadly physical force.** Nondeadly physical force is physical force that, under the circumstances in which it is used, is not intended and not reasonably likely to cause death or serious physical injury.

(6) **Deadly physical force.** Deadly physical force is physical force that, under the circumstances in which it is used, is readily capable of causing death or serious physical injury.

(7) **Weapons and security equipment.** The Division of Community Correction must prepare appropriate staff to function effectively across the force continuum by providing training and an assortment of security equipment and firearms authorized by the Director of the Division of Community Correction.

(8) **Additional guidance.** The agency must provide appropriate details in an administrative directive to include documentation and review of use of force incidents.

Authority. Arkansas Code § 16-93-1203.

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

"Section Number: AR 4.9 Page Number: 1

Board Approval Date: 9/22/2017

Supersedes: Dated:

AR 4.9 4/27/95

AR 4.3 9/15/02

Reference: Sec. of State 159

Effective Date: 12/15/2017"

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

16 CAR § 30-303. Offender substance abuse.

(a) **Applicability.** This section applies to Division of Community Correction employees who conduct or assist in conducting substance abuse testing of offenders.

(b) **Policy.**

(1) The division's policy is to administer a program of testing offenders for substance abuse for the purpose of enforcing conditions or lawful orders set forth by courts and the Post-Prison Transfer Board.

(2) Appropriate confidentiality of information will be maintained.

Authority. Arkansas Code § 16-93-1203.

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

"Section Number: AR 8.9 Page Number: 1

Board Approval Date: 8/15/08

Supersedes: AR 8.9 Emerg.8/15/08

Reference: Effective Date: 10/31/08"

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

16 CAR § 30-304. Public release of offender information.

(a) **Applicability.** This section applies to Division of Community Correction employees and medical contractor staff.

(b) **Policy.** Offender information must be protected and must not be released to the public except as permitted in this section and state and federal laws.

(c) **Release of information.**

(1) Offender information must not be released or disclosed to the public, offenders, or their attorneys except as provided by policy and state and federal laws or by court order.

(2) Only the following information from an offender record for an offender housed at a Division of Community Correction facility may be released to the general public:

(A) Offender's:

- (i) Name;
- (ii) Aliases;
- (iii) Division of Community Correction number;
- (iv) Photograph;
- (v) Physical description;
- (vi) Date of birth;
- (vii) Date of death;
- (viii) Age;
- (ix) Race; and
- (x) Gender;

(B) Dates of confinement;

(C) Facility or facilities of confinement, work assignments, and program participation (unless it involves drug and alcohol or mental health program participation);

(D) Current:

- (i) Offense or offenses;
- (ii) Sentence or sentences;
- (iii) Sentence date or dates;
- (iv) County or counties of conviction;
- (v) Case number or numbers;
- (vi) Total time to serve;
- (vii) Parole/transfer eligibility date;
- (viii) Movements; and
- (ix) Behavior;

(E) Prior:

- (i) Confinement;

- (ii) Offense or offenses;
- (iii) Sentence or sentences;
- (iv) Sentence date or dates;
- (v) County or counties of conviction;
- (vi) Case number or numbers;
- (vii) Movements;
- (viii) Behavior; and
- (ix) Parole/clemency history, including:
 - (a) Date or dates of release; and
 - (b) Date or dates of return to the Division of Community

Correction or Division of Correction;

- (F) Detainers;
- (G) Furloughs; and
- (H) Escape history.

(3) Only the following information from an offender record for an offender on probation or parole with the Division of Community Correction may be released to the general public:

(A) Offender's:

- (i) Name;
- (ii) Aliases;
- (iii) Photograph;
- (iv) Physical description;
- (v) Date of birth;
- (vi) Date of death;
- (vii) Age;
- (viii) Race; and
- (ix) Gender;

(B) Dates of supervision;

(C) Office of supervision and program completion while under supervision, unless it involves drug and alcohol or mental health program participation;

(D) Current supervision:

- (i) Offense or offenses;
- (ii) Sentence or sentences;
- (iii) Sentence date or dates;
- (iv) County or counties of conviction;
- (v) Case number or numbers;
- (vi) Total time to serve on supervision;
- (vii) Revocation history;
- (viii) Transfers;
- (ix) Adherence to conditions of release; and
- (x) Behavior;

(E) Prior supervision:

- (i) Offense or offenses;
- (ii) Sentence or sentences;
- (iii) Sentence date or dates;
- (iv) County or counties of conviction;
- (v) Case number or numbers;
- (vi) Transfers;
- (vii) Adherence to conditions of release; and
- (viii) Clemency history, including:

(a) Date or dates of release; and

(b) Date or dates of return to the Division of Community

Correction or Division of Correction;

(F) Detainers;

(G) Furloughs; and

(H) Escape history.

(4)(A) In addition to the information outlined in subdivisions (b)(2) and (3) of this section, the Division of Community Correction is required by Arkansas law to post on its public website the following records of parolees and probationers who have absconded supervision or have an active warrant issued for evading supervision:

(i) Any suspended sentences and their terms, if known;
(ii) A complete summary of felony convictions and sentences to the extent known by the Division of Community Correction;
(iii) Risk assessments scores completed after April 1, 2015, including the:

(a) Name of the state agency conducting the assessment;
(b) Date conducted; and
(c) Level of the assessment;
(iv) Any known aliases of the offender;
(v) Most recent photograph;
(vi) Any in-state or out-of-state orders of protection or no-contact orders known to the Division of Community Correction;
(vii) All major disciplinary violations and the date of their disposition that occurred while the offender was incarcerated;
(viii) Any programs completed and their dates while under Division of Community Correction supervision;
(ix) A list of previous revocation offenses while on probation or parole and date of revocation; and
(x)(a) Any court-generated records posted will be electronic copies of the actual court documents.
(b) If included in the documents, victim information must be redacted prior to posting on the public website.

(B) The Director of the Division of Community Correction must develop a plan to establish a method for a victim of a crime committed by a probationer, parolee, or other person under Division of Community Correction supervision to easily obtain the above information.

(5) Information from an offender record in addition to subdivisions (c)(2), (3), and (4) of this section may be released to criminal justice agencies and other governmental authorities unless state or federal law prohibits such disclosure.

(6) Information contained in offender records in addition to subdivisions (c)(2), (3), and (4) of this section may be released to appropriate personnel for research and audit purposes.

(7) Information contained in offender records in addition to subdivisions (c)(2), (3), and (4) of this section may be released to appropriate personnel involved in the operation of a contracted or licensed correctional facility or program.

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

(B) The names of confidential informants and other sensitive or confidential information, the disclosure of which might cause harm to any person, must not be disclosed except pursuant to court order.

(9)(A) An offender must not be permitted to peruse his or her file at will.

(B) The request for access to the file or information contained therein must be made in writing to the center supervisor or area manager or his or her designee.

(C) The offender must state with particularity the information or parts of the file to which access is requested, and the offender's request must be supported by a showing of compelling need.

(D) The decision of the center supervisor or area manager or his or her designee to grant or deny the offender's request is final.

(10) An offender must not be given access to another offender's record or any information contained therein.

(11)(A) Staff trained in the supervision, management, and/or treatment of offenders may provide information pertaining to a particular offender to that offender as part of the offender's supervision, management, and/or treatment.

(B) For example, the offender's supervision conditions and supervision plan are information commonly provided to the offender.

Authority. Arkansas Code § 16-93-1203.

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

"Section Number: AR 7.4 Page Number: 57
Board Approval Date: 8/21/2015
Supersedes: AR 7.4 Dated: 1/31/2014
Reference: Secretary of State Rule Code 159.
Effective Date: 9/15/2015"

"I. AUTHORITY. The Board of Corrections is vested with the authority to promulgate this administrative rule by Arkansas law sections 12-27-105, 16-93-1203, 16-93-1205 and 12-27-125."

"VI. REFERENCE.
Arkansas Law section 12-27-125(b) and 12-27-144"

16 CAR § 30-305. Economic sanctions.

(a) **Applicability.** Circuit courts, Arkansas Post-Prison Transfer Board, offenders, and Division of Community Correction employees.

(b) **Policy.** It is Board of Corrections policy that Division of Community Correction offenders participate in economic sanctions programs as described in this section.

(c) **Definition.** As used in this section, "offenders" means individuals released to or assigned to community supervision and/or other programs/services under the Division of Community Correction.

(d) **Guidelines.**

(1)(A) Fees or fee ranges for division programs and services are established by the Board of Corrections.

(B) Assessment of economic sanctions will be as imposed by the courts and the Post-Prison Transfer Board.

(C) Exemptions and waivers will be as authorized by:

- (i) Division policy;
- (ii) The courts; and
- (iii) The Post-Prison Transfer Board.

(D) In no way does this section affect circuit court and Post-Prison Transfer Board authority to suspend or modify the amount to be assessed.

(E) Fees (other than restitution) collected by the division may be converted to community service hours as authorized in procedures established in agency guidance.

(2)(A) State laws, Department of Finance and Administration rules, division administrative rules, and general accounting procedures will govern the collection and disbursement of fees collected.

(B) Procedures for collection and disbursement shall be:

- (i) Established;
- (ii) Approved by the Director of the Division of Community Correction;

and

- (iii) Distributed to appropriate staff.

(C) They shall include the current fee rates for each program/service as established and approved by the Board of Corrections.

(D) The Assistant Director of Administrative Services shall maintain a historical record of the rates in force for each program/service for each fiscal year.

Authority. Arkansas Code §§ 16-93-1203, 16-93-1205.

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

"Section Number: DCC AR 2.9 Page Number: 1

Board Approval Date: 8/15/02
Supersedes: AR 2.9 Dated: 2/22/94
Reference: Effective Date: 9/15/02"

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

"VI. REFERENCE. Ark. Code Ann. §16-93-104."

Appendix A. Form 1 - Application to Visit a Resident

Link:

<https://CodeOfARRules.arkansas.gov/docs/CARCodeAppendices/Appendices/354/16CARpt.30Form1.pdf>

Appendix B. Form 2 - Visitation Rules and Conditions

Link:

<https://CodeOfARRules.arkansas.gov/docs/CARCodeAppendices/Appendices/355/16CARpt.30Form2.pdf>