



Arkansas Department of Correction

PO Box 8707
Pine Bluff, AR 71611-8707
Phone: 870-267-6999
Fax: 870-267-624458
www.state.ar.us/doc

ADMINISTRATIVE DIRECTIVE

SUBJECT: Anti-Fraud/Code of Ethics Policy

NUMBER: 13-0219-XX

SUPERSEDES: 05-4413-02

APPLICABILITY: All employees

REFERENCE: AR 225 – Employee Conduct Standards PAGE 1 of 10

APPROVED: ~~Original signed by Ray Hobbs~~ Original Signed by Wendy Kelley

EFFECTIVE DATE: 01/18/2013

I. POLICY:

To promote a culture of honesty and ethical behavior within the Arkansas Department of Correction.

II. PURPOSE:

The purpose of this policy is to implement systems and procedures that aid in the prevention of fraud and support Arkansas Department of Correction's (ADC's) pledge to provide honesty and integrity in public service. This policy is consistent with ADC policies governing employee conduct and discipline and all Arkansas laws and guidelines.

III. DEFINITION:

Fraud, as used in this policy as supporting documents, refers to the deliberate misuse or misapplication of state resources or assets for personal gain.

IV. PROCEDURES:

A. Code of Ethics

1. Existing Employees - All existing ADC employees will receive a copy of the ADC Code of Ethics. Supervisors will explicitly discuss ADC's requirement that employees report conduct or transactions that are fraudulent or violate ethical provisions of state law, and the options of how to communicate these matters. To signify that employees have received a copy of the Code of Ethics, employees must sign, date and return the last page to their supervisor. The original signed page from the Code of Ethics shall be maintained in each employee's personnel file at Central Human Resources. Employees shall be provided a copy for their records.
2. New Employees - Human Resources training for new employees shall include the explicit discussion of the ADC Code of Ethics to include employee's requirement to report conduct or transactions that are fraudulent or violate ethical provisions, and the options of how to communicate these matters. To signify that the employee has received a copy of the Code of Ethics, the employee must sign, date and return the last page to the authority providing orientation. As required, the original signed page from the Code of Ethics shall be maintained in the employee's personnel file in Central Human Resources. If the employee did not attend an initial training process, it shall be the supervisor's responsibility to discuss the Code of Ethics with the employee, obtain employee's signature on the last page and submit to Human Resources to be maintained in employee's personnel file. Employees shall be provided a copy for their records.
3. Annual Acknowledgement Statement - All employees must reaffirm annually that they have been made aware of the ADC Code of Ethics by signing a Code of Ethics Annual Acknowledgement Statement as a part of their annual performance evaluation. Receiving mandatory annual training.

The Arkansas Department of Correction Code of Ethics is included as part of this policy as *Attachment A*.

B. Background Checks

Prior to extending job offers to applicants, a criminal history background check shall be obtained as provided in the ADC Administrative Directive on Employment and on Hiring Applicants with a Felony Record.

C. Reporting and Investigations of Fraud

1. ADC employees have a responsibility to report occurrence of ethical violations, fraud, waste or abuse. Allegations may be reported to the employee's supervisor, the ADC Internal Affairs Division at 870-267-6223, the ADC Internal Auditor at 870-267-6259 or to any member of the ADC Management Team. Reports may also be made to the Arkansas State Employees' Fraud, Waste, and Abuse Report Center (1-800-952-8248) or to the Office of Accounting - Internal Audit Section by telephone (501-682-0370). An employee may also choose to report ethical violations, fraud, waste or abuse by completing a Complaint Form, included as **Attachment B** to this policy. Complaint forms can be mailed directly to the Internal Audit Section at the following address:

Department of Finance and Administration
Office of Accounting/Internal Audit Section
1515 West 7th Street, Room 215
Little Rock, AR 72201

2. ADC is committed to a thorough investigation of occurrences of alleged ethical violations, fraud, waste and abuse. The ADC Internal Affairs Division, in accordance with internal Administrative Regulations and Guidelines, will conduct investigations of alleged violations. If investigations indicate that a loss of state funds has occurred, the amount of loss shall be reported to the Chief Fiscal Officer of the State of Arkansas and Division of Legislative Audit in accordance with State law and regulation. In addition, because the DFA Office of Accounting's Internal Audit Section is responsible for coordinating all investigations in accordance with the Arkansas Financial Management Guide and Governor's Executive Order, all investigations of alleged fraud, waste and abuse conducted by the ADC Internal Affairs Division shall be reported to the DFA Office of Accounting's Internal Audit Section at the onset of the investigation.
3. ADC employees shall be protected against any form of retaliation, including discharge, for reporting in good faith occurrences of ethical violations, fraud, waste and abuse of government resources as stated in ADC Administrative Directive regarding the Arkansas Whistleblower Act.

D. Evaluation of Anti-Fraud Processes and Controls

1. In accordance with state regulation on Internal Control and Ethics Requirements, ADC will reduce fraud opportunities by (1) identifying

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fraud risks, (2) mitigating fraud risks, and (3) implementing preventive and detective internal controls. The identification of fraud risks will be conducted through an agency-wide fraud risk assessment conducted every two years as required by state policy. ADC Administration will implement appropriate internal controls and change business processes when feasible to reduce fraud risks.

2. DF&A Office of Accounting's Internal Audit Section shall review ADC's internal controls and changes made to business processes to determine if the control activities identified in the risk assessment are properly designed to mitigate the risk of fraud, waste and abuse of resources. This shall specifically include the internal control activities that are designed to prevent or detect fraud.

E. Performance of Risk Assessment

The Department of Finance and Administration, Office of Accounting's Internal Audit Section will provide details on the risk assessment process and the Risk Assessment and Control Activities Worksheet that ADC will use to document ADC's risk assessment process. In coordination with the DFA Office of Accounting's Internal Audit Section, ADC's Office of Accounting Control shall coordinate the process with all ADC units and program areas and establish deadlines as needed to ascertain that the risk assessment is completed. ADC's Risk Assessment Process shall be in accordance with state requirements and will be included in the Administrative Services Division Business Manual.

V. REFERENCES:

AD on Employee Conduct Standards
AD on Employment
AD on Hiring Applicants with a Felony Record
ADC Employee Handbook

VI. ATTACHMENTS:

ADC Code of Ethics
Complaint Form

ATTACHMENT A

Arkansas Department of Correction

Code of Ethics

The Arkansas Department of Correction (ADC) Code of Ethics (Code) is the written document that supports the culture of honor and integrity in public service provided by this department. The Code of Ethics describes the behavior expected of employees that perform these services.

ADC - Code of Ethics

ADC employees must comply with all applicable state and federal laws, Administrative Regulations and Directives. ADC will not condone employee conduct that either violates or has the appearance of violating the law or policy including activities of employees who achieve results through unethical business relationships. This includes receiving payments for illegal acts, indirect contributions, rebates, or bribery.

An employee should ask their immediate supervisor for guidance if they are uncertain about the application or interpretation of any legal or procedural requirement.

General Employee Conduct

ADC expects employees to conduct themselves in a professional manner and in accordance with established Administrative Regulations and Directives. All employees are expected to read, be knowledgeable of and abide by these policies. Disciplinary procedures for non-adherence to these requirements are explained in Administrative Regulation 225 and the applicable Administrative Directive on Employee Conduct Standards as well as the ADC Employee Handbook.

Conflicts of Interest

ADC expects employees to perform their duties in an ethical manner defined as the accepted principles of right and wrong that govern the conduct of a profession and in accordance with the best interests of the agency and the state. Employees must not use their position or knowledge gained from their position for private or personal advantage. Arkansas law lists activities that are prohibited activities for public officials and state employees. If an employee becomes involved in a situation that could be considered a prohibited activity, the employee should immediately communicate all the facts to their immediate supervisor.

Outside Activities, Employment, and Directorships

ADC employees have a professional responsibility for the ADC's good public relations and therefore shall avoid acquiring any business interest, engaging in outside employment or participating in any activity outside ADC that would conflict with their official duties. Employees should refer to ADC Administrative Regulation 209 and the applicable Administrative Directive for rules and procedures governing part-time employment.

Relationships with Clients and Suppliers

Employees must adhere to Arkansas Law in their relationships with ADC clients and suppliers to avoid any conflict of interest. In addition, any employee who has or obtains any benefit from a state contract with a business in which the employee has a financial interest shall make a disclosure to the Director of the Department of Finance and Administration in accordance with Arkansas Law and applicable Governor's Executive Order.

Gifts, Entertainment, and Favors

Employees must not accept entertainment, gifts, personal favors or preferential treatment that could influence their business decisions and performing their job functions as defined by state law and regulations.

Kickbacks and Prohibited Commissions

ADC employees shall not receive kickbacks, prohibited commissions or other prohibited payments from third parties. Violations of this rule will result in imposition of the penalties provided by law and by ADC regulation and directive governing employee conduct standards.

Organization Funds and Other Assets

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Employees who have access to ADC funds in any form must follow the prescribed procedures for recording, handling, and protecting money as detailed in agency procedures, administrative regulations/directives and the Department of Finance and Administration's Financial Management Guide. If an employee has knowledge of fraud or waste of public assets, employee should advise their immediate supervisor.

Personal use of ADC funds or assets is strictly forbidden.

Organization Records and Communications

Accurate and reliable records of various types are necessary to meet ADC's legal and financial obligations. ADC's books and records must reflect accurate and timely recording of all business transactions. Employees responsible for ADC's financial reporting must provide full disclosure of assets, liabilities, receipts and disbursements and exercise diligence in enforcing and achieving these requirements.

Employees shall not make or engage in any false record or communication whether internal or external, including but not limited to;

- False expense, attendance, production, financial, or similar reports and statements
- False advertising, deceptive marketing practices, or other misleading representations

Dealing With Outside People and Organizations

Employees must separate their personal roles from their ADC positions when communicating on matters not involving ADC business. Employees must not use organization identification, stationery, supplies, and equipment for personal or political matters.

When communicating on matters that involve ADC business, an employee shall not speak for ADC on any topic, unless the employee is certain that the views expressed are those of ADC management, and that it is ADC's management's desire that such views be expressed.

When dealing with any other individual, including public officials, employees must take care not to compromise the integrity or damage the reputation of ADC.

Prompt Communications

In all matters relevant to customers, suppliers, government authorities, the public and others in the ADC, all employees must make every effort to achieve complete, accurate, and timely communications, responding promptly and courteously to all proper requests for information as well as to complaints.

Privacy and Confidentiality

When handling financial and personal information about customers or others with whom ADC has dealings, employees shall observe the following principles:

1. Collect, use, and retain only the personal information necessary for ADC business. Whenever possible, obtain any relevant information directly from the person concerned. Use only reputable and reliable sources to supplement this information.
2. Retain information only for as long as necessary or as required by law or ADC policy. Protect the physical security of the information.
3. Limit internal access to personal information to those with a legitimate business reason to have the information. Use personal information only for the legitimate business purpose for which obtained. The release of any information to persons not involved with the stated business purpose should only be made by management in response to a Freedom of Information Act request. Any tax information that is confidential shall not be disclosed, except as allowed by law.

Reporting Suspected Fraud

ADC employees have a responsibility to report occurrences of ethical violations, fraud, waste or abuse of ADC resources that can be verified through investigation. Allegations may be reported to the employee's supervisor, the ADC Internal Affairs Division at 870-267-6223, the ADC Internal Auditor at 870-267-6259 or any member of the ADC Management Team. ADC employees shall be protected against any form of retaliation, including discharge, for reporting in good faith any occurrences of ethical violations, fraud, waste or abuse of ADC resources as stated in ADC Administrative Directive regarding the Arkansas Whistleblower Act. Investigations to substantiate reported allegations will be conducted in a confidential manner.

Allegations of ethical violations or fraud may also be reported to the Arkansas State Employees' Fraud, Waste, and Abuse Report Center (1-800-952-8248) or to the Office of Accounting - Internal Audit Section (501-682-0370).

—All allegations will be investigated by the ADC Office of Internal Affairs. —A complainant may also choose to report fraud, waste or abuse by completing a Complaint Form obtained at the DFA web site [http://www.arkansas.gov/dfa/accounting/acc ia fraud reporting.html](http://www.arkansas.gov/dfa/accounting/acc%20ia%20fraud%20reporting.html)

Complaint forms can be mailed directly to the DFA Office of Accounting - Internal Audit Section at the following address:

Field Code Changed

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Department of Finance and Administration
Office of Accounting - Internal Audit Section
1515 West 7th Street, Room 215
Little Rock, AR 72201

Resource Information:

All references to Arkansas Law, Administrative Directives and Regulations, and Governor's Directives, will be provided as a part of this document available on the Official ADC Website. Employees may also request to review copies of this information that will be maintained at all ADC Human Resources offices.

Code of Ethics Policy Affirmation:

My signature below indicates that I have read and fully understand this policy.

Print Name

Unit/Location

Signature

Date

For IA use only

RECEIVED:

DATE

TIME

COMPLAINANT: (Optional)

NAME

ADDRESS

DETAILS OF SUBJECT:

HOME TELEPHONE #

EMPLOYMENT

WORK TELEPHONE #

DETAILS OF COMPLAINT:

RECEIVED BY:

ACTION TAKEN:

For IA use

For IA use only



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SUBJECT: Anti-Fraud/Code of Ethics Policy

NUMBER: 19-17

SUPERSEDES: 13-02

APPLICABILITY: All employees

REFERENCE: AR 225 – Employee Conduct Standards

PAGE 1 of 10

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EFFECTIVE DATE: 4/11/19

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2. Retain information only for as long as necessary or as required by law or ADC policy. Protect the physical security of the information.
3. Limit internal access to personal information to those with a legitimate business reason to have the information. Use personal information only for the legitimate business purpose for which obtained. The release of any information to persons not involved with the stated business purpose should only be made by management in response to a Freedom of Information Act request. Any tax information that is confidential shall not be disclosed, except as allowed by law.

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Office of Accounting - Internal Audit Section
1515 West 7th Street, Room 215
Little Rock, AR 72201

Resource Information:

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Code of Ethics Policy Affirmation:

My signature below indicates that I have read and fully understand this policy.

Print Name

Unit/Location

Signature

Date

COMPLAINT FORM
DFA-OFFICE OF ACCOUNTING
Internal Audit Section (IA)

For IA use only

RECEIVED:

DATE

TIME

COMPLAINANT: (Optional)

NAME

ADDRESS

HOME TELEPHONE #

EMPLOYMENT

WORK TELEPHONE #

DETAILS OF SUBJECT:

DETAILS OF COMPLAINT:

RECEIVED BY:

ACTION TAKEN:

For IA use only

For IA use only



PO Box 8707
Pine Bluff, AR 71611-8707
Phone: 870-267-6299
Fax: 870-267-6244
www.adc.arkansas.gov

ADMINISTRATIVE DIRECTIVE

SUBJECT: Employee and Applicant Drug Testing

NUMBER: 19-13

SUPERSEDES: -13-18

APPLICABILITY: Employees, applicants, agents and volunteers of the Arkansas Department of Correction.

REFERENCE: AR 202: Drug-Free Workplace

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APPROVED: Original signed by ~~Wendy Kelley~~
DATE: 4/11/19

_____ **EFFECTIVE**

I. POLICY:

It is the policy of the Arkansas Department of Correction to provide a drug-free workplace and to ensure, to the maximum degree possible, that no employees are impaired in the performance of their public duties by intoxicating substances.

II. EXPLANATION:

All staff, including support staff, working in a correctional environment are responsible for the good order and safety of facilities and must be fully alert, capable of good judgment, and physically able to respond as required. No staff member, on or off duty, will have any involvement with illegal drugs.

III. DEFINITIONS

- A. Adulteration Check: A field or laboratory test to indicate whether the specimen submitted matches certain parameters of human urine. Adulteration will be considered to have occurred if the creatinine level is below 20 milligrams per deciliter on laboratory analysis.

- B. Alcohol Test: Any standardized field or breathalyzer test accepted by the Arkansas Department of Correction and as specified in A.C.A. §§ 5-65-204, et seq.
- C. Applicant: An individual who is seeking employment with the Arkansas Department of Correction.
- D. Confirmation: A retest of the sample using current scientifically accepted confirmation technology conducted on a positive specimen, or when the results of the first test are inconclusive, or when adulteration is suspected, or to test for drugs not covered in the screening test.
- E. Critical Incident: An incident involving on-duty staff and causing, or having the potential to cause, substantial property damage, physical injury or death.
- F. Direct Observation: Visualization of the urine stream leaving the body and entering the test cup. Indirect Observation: Presence in the immediate area balancing the need for privacy with prudent measures for prevention of adulteration or substitution of samples.
- G. Documented Drug or Alcohol Abuse History: Any reported history of drug abuse or alcohol abuse for which the individual must maintain recovery as a condition of employment.
- H. Drug Test: Any of a number of standardized and generally accepted tests for the presence of mind altering drugs or substances meeting or exceeding DOT Standards. Drug Tests may include urine, sweat, saliva or hair samples. Drug Tests may be conducted on-site and sent for confirmation.
- I. Drug Testing Coordinator: An individual at each unit appointed by the Warden to be responsible for coordination and administration of drug testing.
- J. His, Him, and He: Refers to both genders.
- K. Policy Testing: Tests required by unit or department policy.
- L. Positive test result for marijuana: a result that is at or above the concentration level established by the United States Department of Transportation or Arkansas laws regarding being under the influence, whichever is lower.

- M. Random Testing: Unannounced testing of the staff, or of a representative sample of the staff of a facility or division, in which each of those to be sampled has an equal chance of being selected.
- N. Reasonable Suspicion: This may include, but is not limited to, a pattern of one or more of the following: observed decrease in the level of work performance, misconduct, excessive absenteeism and tardiness, history of complaints from supervisors or colleagues about poor work performance, excessive use of sick leave, negligent accidents, poor traffic safety record, reports of drug involvement from reliable sources, or other documented acts of omission or commission often associated with drug or alcohol abuse.
- O. Safety Sensitive Position: any position involving a safety sensitive function, which shall include any position which requires any of the following activities: (a) carrying a firearm, (b) performing life-threatening procedures, (c) working with confidential information or documents pertaining to criminal investigations, (d) working with hazardous or flammable materials, controlled substances, food, or medicine, or (e) a position in which a lapse of attention could result in injury, illness, or death, including without limitation a position that includes the operating, repairing, maintaining, or monitoring of heavy equipment, machinery, aircraft, motorized watercraft, or motor vehicles as part of job duties.
- P. Staff/Employee: Any individual employed full or part-time by the Arkansas Department of Correction or agent thereof, including supervisory and support staff.
- Q. Suspicion Testing: Testing based on a previous positive or adulterated test, testing based on reasonable suspicion documented on official forms, such as 005 Incident Report, or a memorandum to the Warden.
- R. Testing Employee: Any employee authorized by the Warden and trained by the Central Drug Testing Coordinator, or by the Unit Drug Testing Coordinator, who is registered with the Central Drug Testing Coordinator to conduct on-site and laboratory-based testing.
- S. Under the Influence: Any amount of illegal drug above threshold for a positive Drug Test. Any prescription or over-the-counter (OTC) medication demonstrably impairing alertness, judgment or behavior to the degree that proper and efficient job performance is jeopardized. Blood Alcohol Content (BAC) of 0.02% or higher.
- T. Unit: Any facility operated by the Arkansas Department of Correction to include programs, farm and industry, construction, central office, jails,

work release centers, pre-release centers, and private prisons operated on behalf of the Arkansas Department of Correction.

- U. Volunteer: Any individual who is provided an identification badge and is regularly admitted into secured areas of the Arkansas Department of Correction or any facility operated under contract for the Arkansas Department of Correction.
- V. Warden: Chief operating officer of a "unit" to include center supervisors and administrators of programs.

IV. **APPLICABILITY:**

- A. All staff and applicants through all levels of the chain of command, including staff and applicants of private prisons operated for the Arkansas Department of Correction are subject to conditions of testing specified in this Administrative Directive.
- B. Volunteers who are provided identification badges and afforded unescorted movement within institutions of the Department of Correction.
- C. Contract staff whose regular duties are within facilities of the Department of Correction.
- D. Staff of the Arkansas Correctional School District and Riverside Vo-Tech employees.
- E. All staff positions and other positions in Subsections A, B, C, and D of this Section are designated as Safety Sensitive Positions as defined in Section III herein and as defined in Amendment 98 of the Arkansas Constitution.

V. **GUIDELINES:**

- A. General:
 - 1. This Administrative Directive is to be the guiding document for drug testing. It may be supplemented by drug test instructions from the manufacturer, and annual periodic training. Any lapses in implementation should be called to the attention of the Central Drug Testing Coordinator who will consult appropriate authorities to determine whether the lapse is sufficient to invalidate the test.
 - 2. Every unit shall designate a Unit Drug Testing Coordinator to coordinate and administer drug and alcohol tests.

3. All applicants shall be tested. Refusal to submit to a test will result in any offer of employment being withdrawn. Any positive test results will be documented by Human Resources. Unit Human Resources Manager may check with Central Human Resources for the previous test results of any applicant. Previous positive test results may preclude processing of an application. A positive test result for marijuana will result in any offer of employment being withdrawn for any Safety Sensitive Position.
4. All current employees and every new employee shall be advised of the existence of this Administrative Directive.
 - a. Each employee shall be asked to sign an acknowledgement (Attachment #1) indicating that he has been made aware of the provisions of this Administrative Directive, and that he agrees to support a drug-free workplace.
 - b. This shall include signing a release of information for any physician conducting drug or alcohol testing following a critical incident.
 - c. All employees may review this Administrative Directive on Spotlight or from Unit Human Resources Managers, Drug Testing Coordinators, or the Central Human Resources Office.
5. Random testing may be conducted as authorized by the Warden. The Director, Chief Deputy Director, any Deputy Director, or Assistant Director may authorize testing of his staff.
6. Any supervisor suspecting that a member of staff is impaired by drugs or alcohol is to contact the Warden or senior staff authorized by the Warden to arrange drug or alcohol testing.
7. The supervisor shall document any referral for drug or alcohol testing. The rights and privacy of employees will be safeguarded to the maximum extent possible. Revealing the results of alcohol or drug tests to those not having a need to know will be considered cause for disciplinary action according to the provisions of the policies governing employee conduct.
8. Any employee may refuse testing. If this occurs, the employee is to be relieved of duty and placed on unpaid administrative leave pending disciplinary action. Appropriate notifications will be made to the Unit Human Resources Manager, the Deputy or Assistant Director in that employee's chain of command, and any other

individual designated by the Warden. For purposes of employee discipline, refusal of testing will be considered equivalent to a positive test and subject to disciplinary actions pursuant to the Employee Conduct Standards policy.

9. The processing of an application will be stopped for any applicant who refuses testing. The Volunteer Agreement will be voided for any volunteer who refuses to be tested. In either case, the applicant or volunteer will not be eligible to reapply for one year.
10. A testing employee of the same gender as the person being tested will accompany that person to a restroom for collection of a urine specimen for drug testing. A pat search may be conducted and/or the individual may be asked to secure bags, brief cases, coats and the like outside.
11. Direct observation of collection of a urine specimen shall only occur if reasonable suspicion exists that the person providing the specimen is likely to attempt to substitute or adulterate it.
12. Once a specimen is provided, chain of custody procedures must be followed until the on-site test is read and/or the specimen is sent to the lab.
13. The employee/volunteer is entitled to see the readings or visual change of any test conducted on-site. The employee is entitled to receive written results of any laboratory or confirmation test performed. Notification of results should be done as soon as possible.
14. On-site tests may be used on all applicants and staff. All positive on-site alcohol or drug test results will be confirmed by the laboratory. Lab drug screens may be done upon request, but will be limited due to cost. Positive and confirmed on-site alcohol and drug tests will result in discipline as provided in the Employee Conduct Standards Administrative Directive. A positive and confirmed test for marijuana for any employee in a Safety Sensitive Position will result in discipline as provided in the Employee Conduct Standards Administrative Directive.
15. The employee has the right to request independent confirmation by a lab other than that used by the Department of Correction. The right of independent confirmation must be exercised within 24 hours upon notification of the laboratory results. The employee must choose a College of American Psychologists (CAP) or Substance Abuse Mental Health Services Administration

(SAMHSA) approved laboratory, and will be responsible for the cost plus shipping and handling.

16. Adulteration checks may be run on specimens. If adulteration or substitution of any sample is indicated by a creatinine level of less than 20 milligrams per deciliter, a hair sample may be taken, and the employee may be placed on suspicion testing.
17. Any employee taking a prescribed or an over-the-counter medication that affects alertness, judgment or behavior in ways that are likely to impair job performance **MUST** notify his supervisor of that fact **PRIOR** to assuming his post. Failure to do so may result in disciplinary action up to and including suspension.
18. Any employee may come forward and admit an alcohol or other drug problem to his supervisor and request referral to the Employee Assistance Program (EAP). This must be done at least 24 hours prior to any random or suspicion testing.
 - a. This action will not keep drug testing from occurring, nor will admitting an alcohol or other drug problem mitigate the seriousness of a rule infraction.
 - b. An employee freely admitting a problem will be tested immediately.
 - c. If the employee currently registers drug/alcohol-free, he may continue work but will be tested regularly at his own expense as part of the EAP.
 - d. If the drug test is positive, the employee will be immediately relieved of duty.
 - e. At the discretion of the supervisor, the employee may be allowed to take accrued vacation, holidays or compensatory time until he is cleared by the Employee Assistance Program to come back to work.
 - f. Staff enrolled in a treatment program certified by the Bureau of Alcohol and Drug Abuse Prevention may request sick leave.
 - g. If these options are not available or contraindicated by other rule violations, the employee may be allowed the choice of being placed on leave without pay, or resigning.

If the employee resigns, the termination report must show drug/alcohol abuse as the reason.

19. Services directly provided by the Employee Assistance Program, other than drug testing, are free. However, referrals to other programs may be made, and the employee will be responsible for payment required by outside programs.
20. Employees found to be in violation of this AD will be disciplined according to procedures outlined in the AD on Employee Conduct Standards.
21. Employees terminated or resigning for being under the influence while on duty or for use of illegal drugs may apply for rehire no sooner than twelve (12) months after termination. Rehire is not a right, regardless of any treatment received in the interim. The recommendations of the Employee Assistance Program or other provider certified through the Arkansas Department of Health must be provided, and may be considered, but do not guarantee rehire.
22. The person, vehicle and belongings of any employee on state property are subject to search, ion scanning and examination by drug sniffing dogs. Employees found to be in possession of illegal drugs will be detained and turned over to the proper authorities.

B. Conditions of Testing:

1. Pre-employment testing:
 - a. All applicants will be advised of the requirements for drug testing by the Human Resources Manager or other appropriate official.
 - b. Refusal or a positive test will result in the offer of employment being withdrawn.
2. Random testing:
 - a. Any Warden may conduct unannounced drug testing of a sample of, or the entire population of any section of employees supervised. Sampling will be conducted by acceptable statistical means such that every member of the employee group has an equal chance of being tested.
 - b. At a minimum, 5% of employees will be tested quarterly.

- c. Employees on initial hire probation, or those for whom such tests have been made a condition of continued employment, may be tested as often as requested by the Warden/Drug Coordinator.
- 3. Employees returning from any absence from duty of six months duration or more may be required to submit to a drug or alcohol test.
- 4. Employees who have been previously disciplined and/or referred to the Employee Assistance Program for drug problems may be subject to unannounced testing as a condition of continued employment.
- 5. All employees are subject to suspicion testing provided there are behavioral observations and/or reliable information that would lead a reasonable person to believe that the employee had been using illegal drugs or alcohol. Additionally, any previous positive test result is considered grounds for suspicion testing. A written report of the incident shall be prepared with all suspicion testing.
- 6. Critical Incident Testing
 - a. Employees involved in a critical incident will be referred for alcohol or drug testing.
 - b. Testing shall be performed as soon as possible by trained agency staff or hospital personnel.
- 7. Policy Testing
 - a. All testing employees are to be tested at least quarterly. This is in addition to random testing.
 - b. All employees involved in substance abuse treatment or a program of recovery are to be tested at least quarterly.
 - c. Any member of staff whose job duties require him/her to hold a Commercial Driver's License (CDL) must be tested by a the Department of Transportation (DOT) testing contractor for CDL drug testing. This DOT testing is in addition to drug testing procedures described in this policy.
 - d. Any employee in a critical position may be tested at the frequency prescribed by the Warden in unit policy.

VI. TESTING PROCEDURES:**A. Preparation for Testing**

1. The Unit Drug Testing Coordinator or the testing employee should check the number and expiration dates of any on-site drug tests to be used. If the plastic envelope in which the drug test is packaged has been compromised, the drug test should not be used. If this appears to be a manufacturing defect, the drug test should be returned to the Central Drug Testing Coordinator.
2. If a breath alcohol test is to be run, the machine should be checked according to the manufacturer's instructions and the date next due calibration noted.
3. If the sample is to be sent to the laboratory a new cup, chain of custody documentation and sealed plastic bag must be obtained for shipment.
4. The Unit Drug Testing Coordinator or the testing employee must have the chain of custody form, prior to testing.
5. The testing employee should carefully check the identification badge of the employee to ensure that it matches the data on the form.
6. Upon reaching the testing site, the employee should be asked to empty his pockets. Personal property should be placed where it can be examined by the testing employee, but remains in clear view of staff being tested. Personal property should be handled by the testing employee as little as possible. The escorting employee or the testing employee should then pat search staff. Most personal property should then be retrieved by the employee being tested. Exceptions are drugs, prescribed or over-the-counter, nose or eye-drops, and any other chemical substance subject to being used to adulterate a specimen. These items may be secured, preferably in a clear plastic sealable bag, and held by the testing employee until the specimen has been collected and sealed.
7. Employees selected for testing should be asked to immediately remove anything from their mouth and instructed to keep their hands away from their mouth and out of their pockets.

B. Specimen Collection and Testing: Alcohol

1. The testing employee must observe the person being tested for 20 minutes before administering any breath or saliva test.
2. The testing employee should remove the mouthpiece from its protective covering, in the presence of the employee and a witness, and insert it into the breath alcohol analyzer. The employee is then instructed to blow into the mouthpiece until the equipment indicates that an adequate sample has been obtained.
3. The reading from the machine is shown to the employee who is asked to state what he sees. The reading is shown to the witness who also reads the number aloud. The reading from the machine is then documented on a Drug Request Form.
4. If the test is positive, the employee should be given, in the presence of a witness, the document *Notification of a Positive Test* (attachment 3).
 - a. If the employee accepts the test results, he signs the *Notification of a Positive Test* so indicating.
 - b. If the employee wishes confirmation of the results, he is asked to provide a urine sample. The urine sample will be confirmed with a field test kit in the presence of the employee, or sealed with evidence tape and sent to the laboratory.
5. No staff person legally under the influence of alcohol should be allowed to operate a motor vehicle. The Warden may arrange for the staff person to be driven home. If the staff person insists on driving, law enforcement is to be notified, with a description of the car and license plate.

C. Specimen Collection and Testing: Illegal Drugs

1. Any staff selected for testing should be under continuous observation by the testing employee or another member of staff at all times. The testing employee must be of the same gender as the staff being tested.
2. The testing employee should check the location where collection of the specimen is to occur. Cleansers or any other foreign material that could be used to contaminate the sample should be removed or secured.

3. The testing employee should obtain a collection cup; and should use an on-site test; and show the employee the expiration date and that the plastic envelope is intact. The envelope should not be opened until it is time to obtain the specimen.
4. The employee should be asked to remove any bulky outer clothing. If a foreign substance is noted under his fingernails during shakedown, he should then be asked to thoroughly wash his hands in clear water only, with particular attention to his fingernails. Hands should be thoroughly dried and any paper towel material discarded.
5. The testing employee should enter the restroom with the employee to be tested. If the restroom is too small to accommodate two persons, the testing employee may stand outside with the door slightly open to provide a view of the washbasin if possible. Direct observation is not required unless there is reasonable suspicion that the staff person may attempt to contaminate the sample. Male staff should be asked to stand away from toilets or urinals containing liquid.
6. The envelope containing the on-site drug test is then opened. If a temperature strip is available and not already affixed to the collection cup, it should be placed on the cup. The testing employee then hands the on-site test or collection cup to the employee. In handing the collection cup to the employee, the testing employee instructs him to fill the cup to a depth of about two fingers to half-full.
7. Should the employee be unable to produce a specimen, he is asked to be seated in an office or other place where he can be observed. If the package containing the on-site drug test has been opened, the drug test and collection cup should remain in his sight, but out of his reach until he is ready to provide a specimen. He may be given up to two glasses of water or a soft drink or cup of coffee. He is asked to remain until he can produce a specimen, or for at least two hours. If he does not produce a specimen within two hours, he may be considered to have refused the test. At the discretion of the Warden, he may be offered hair analysis. Longer time may be allowed at the discretion of the testing employee if the employee can give a plausible explanation for his inability to provide a sample. If there is a medical reason for difficulty in producing a urine sample, a hair sample may be taken instead.

8. When the sample has been collected, the employee is asked to hand the cup to the testing employee who secures the lid. The testing employee then returns the collection cup to the employee who, under the supervision of the testing employee, carries the cup to the location where the on-site test is to be read, or the laboratory test is to be secured for shipping.
9. The testing employee shows the staff person a label with their name and AASIS/social security number on it, and places it on the collection cup. The temperature strip, if available, is then read. The on-site drug test is conducted according to the instructions of the manufacturer. The collection cup and the drug test are to be left in the sight of the employee until all test procedures have been concluded or the sample is packaged for sending to the laboratory. The cup should be sealed with evidence tape or the computer-generated label in the presence of the employee, and then sealed in the plastic shipping bag.
10. If the on-site drug test fails to validate, it should be reactivated and checked to make sure that the manufacturer's instructions have been followed. If the drug test still does not validate, the sample cup should be sealed with evidence tape, and forwarded to the laboratory for independent analysis.
11. If any test window of an on-site test reads positive, a witness is called and asked to also read the test. In the presence of the witness, the applicant, volunteer or employee should be asked to list any and all medications recently taken that might account for the positive result.
12. If the person being tested is an employee, he is called in by the Unit Drug Testing Coordinator or the Warden when the laboratory results are received. A *Notification of a Positive Test* (attachment 3) will be completed and the employee will be given a copy of the laboratory results.
13. The employee may, at his own expense, choose to use an approved reference laboratory other than that regularly used by the Department of Correction. If he chooses this option, he must pay the lab charges plus shipping and handling within 24 hours of notification.
14. When on-site drug test results on staff are awaiting confirmation, the Warden/Administrator should be advised that preliminary results are positive. The Warden or Administrator shall place the

employee on Administrative Leave pending confirmation and immediately notify the Human Resources Administrator.

D. Action upon a Positive Test

1. The identity of any employee-testing positive on an on-site test should not be revealed except to the Warden or Duty Warden of the employee and those directly involved in drug testing of that person. Staff are not considered guilty of any wrong doing until or unless they accept the test results, admit the drug use, or admit to being under the influence of alcohol while on duty, or the test is confirmed.
2. Some tests are positive because of prescribed drugs. Any employee who is able to produce a prescription for such drugs within 24 hours of notification will not be penalized, unless it appears the drugs are at a level that impairs work performance and the individual has failed to notify his supervisor that he/she is working in an impaired state.
3. Any employee-testing positive on-site will be escorted to the Warden/Administrator or senior staff person on duty. The testing employee is to notify the Central Drug Testing Coordinator.
 - a. The Warden/Administrator is to notify the Deputy or Assistant Director in the employee's chain of command and the Human Resources Administrator.
 - b. The employee shall be placed on Administrative Leave immediately pending disciplinary action if illegal drugs are involved or if a reasonable suspicion exists that chronic or episodic alcohol use is likely to continue impairing the employee's ability to perform job requirements.
 - c. If the employee wishes to be paid, he may take annual leave or other forms of leave as allowed in the personnel policy. If the confirmation comes back negative, the leave taken will be restored to the employee's account, or the employee will be reimbursed for any Leave without Pay (LWOP).
 - d. Pending laboratory results and/or termination of employment with the Department of Correction, the employee may request or agree to referral to the Employee Assistance Program. The employee is to be advised that accepting referral to the EAP does not minimize the

seriousness of the conduct violation, nor does it stand in the place of disciplinary action. It may or may not have a bearing on future eligibility for rehire.

4. Confirmation of an on-site drug test or results of a laboratory test are returned to the Unit Drug Testing Coordinator electronically. A copy of the report should be sent registered mail or handed to the employee. The Warden/Administrator is to be provided a copy of the results and will take appropriate action, if this has not already been done.

VII. **DOCUMENTATION AND CHAIN OF CUSTODY:**

A. Sample for random testing

1. A random testing sample should be drawn at unpredictable intervals at each unit, no less frequently than twice weekly. The Unit Drug Testing Coordinator, in consultation with the Warden/Administrator of the unit, will determine the number of staff to be tested, but not less than 5% quarterly.

B. Notification of a Positive Test

1. The *Notification of a Positive Test* is to be completed by the Testing Employee at the time the on-site test is read or the results are received from laboratory analysis.
2. Confirmation processes are explained to the employee by the testing employee, and all appropriate spaces are signed or initialed.
3. The *Notification of a Positive Test* is taken to the Warden/Administrator.

C. Monthly Report

1. The Unit Drug Testing Coordinator is responsible to report to the Central Drug testing coordinator the number and results of applicant and employee tests conducted each month, by the fifth day of each succeeding month.
2. These quarterly reports are summarized quarterly by the Central Drug Testing Coordinator and reported to the Director.

VIII. PROGRAM MANAGEMENT AND TRAINING:

- A. It is the responsibility of the Warden/Administrator to ensure that the Unit Drug Testing Coordinator under his supervision is alcohol and drug tested at unannounced intervals, at least quarterly. Such testing should be documented in the monthly report.
- B. It is the responsibility of the Unit Drug Testing Coordinator to maintain a current list of all individuals on the unit trained and approved as testing employees. A copy of this list should accompany the monthly report to the Central Drug Testing Coordinator.
- C. It is the responsibility of the Unit Drug Testing Coordinator to observe the work of each testing employee at least quarterly, and to document this supervision in a unit training file.
- D. It is the responsibility of the Central Drug Testing Coordinator to schedule annual system-wide ~~training~~ training ~~at least twice a year~~, and to provide unit training as requested by the Warden/Administrator or the Unit Drug Testing Coordinator. All training conducted should be documented in a training file, as well as to the personnel file of the employee.
- E. Questions that arise about procedures, policy or the law are to be referred to the Central Drug Testing Coordinator, the Chief Deputy Director or to the appropriate Deputy/Assistant Director.

EMPLOYEE DRUG TESTING ADVISORY RECEIPT

I have received the document titled "Employee Drug Testing Advisory." I recognize that this is not a complete description of the drug-testing program, and that I am entitled to review the AD, Employee Drug Testing, which is available to me through the Unit Human Resources Manager, Central Human Resources Administrator, or the Central Drug Testing Coordinator.

I understand that as an employee of the Arkansas Department of Correction, I am expected to support the concept of a Drug Free Workplace. I agree to submit to testing as required in the AD, Employee Drug Testing.

Should I be in a critical incident as described in the Administrative Directive, Employee Drug Testing, my signature below authorizes medical staff treating me to test for the presence of alcohol and other drugs, and to release the results of such tests to the Arkansas Department of Correction.

PRINT YOUR NAME

POSITION

UNIT OR SERVICE

SIGNATURE

DATE

SOCIAL SECURITY NUMBER

COPY: CENTRAL PERSONNEL FILE
UNIT OR SUPERVISOR'S FILE
EMPLOYEE (if requested)

EMPLOYEE DRUG TESTING ADVISORY

This Administrative Directive, Employee Drug Testing, supersedes all previous Employee Drug testing Administrative Directives. The following is an advisory of some of the highlights of this Directive that supports AR 202, Drug Free Workplace. A complete copy of the AD, Employee Drug Testing, is available through the Unit Human Resources Manager, Central Human Resources Administrator, or the Central Drug Testing Coordinator's office. Questions should be directed to the Chief Deputy Director or the Central Drug Testing Coordinator.

- All applicants for employment, and volunteers issued ADC identification, are subject to testing at the time of initial processing.
- All staff who works inside secure facilities is subject to random testing. Groups, up to the whole staff of a unit, may be tested at the Warden's request.
- Any employee is subject to testing if there is reasonable suspicion of involvement with illegal drugs, or a level of alcohol use that may impair work performance.
- Staff involved in incidents or accidents posing danger to persons or property are subject to drug/alcohol testing.
- Staff in certain positions (e.g., holding a Commercial Driver's License, providing substance abuse treatment to inmates) are subject to testing by policy.
- Drug testing is usually done by urinalysis, but may be done by hair or sweat analysis.
- Urine samples are provided under indirect observation allowing some privacy while preserving the integrity of the test, unless there is reason to suspect adulteration or substitution. Adulteration tests may be conducted.
- Confirmation of positive drug screening tests is done routinely. Confirmation is done through gas chromatography/mass spectrometry.
- Any employee may request confirmation through a laboratory outside ADC. An independent lab may be used provided the lab is a CAP or SAMHSA approved, and the expenses are paid by the employee.
- Involvement with illegal drugs is considered a termination offense. Staff terminated for association with illegal drugs may not apply for rehire for one year. Documentation of treatment in an Arkansas Health Department approved program will be requested.

- Staff must notify supervisors of any legal drugs being taken that may impair their ability to carry out job functions prior to assuming their posts.
- Blood alcohol testing is usually done with a machine that detects alcohol on the breath. Confirmation may be done with a second machine or through urinalysis.
- Blood alcohol of 0.02% or higher while on duty will be considered to be “under the influence” and subject the employee to suspension or termination.
- Outcome of drug/alcohol tests is kept as confidential as possible, consistent with the needs of the agency.
- The person and property of any employee on state property is subject to search, examination by drug sniffing dogs, or ion scanning for the presence of illegal drugs. Any person bringing illegal drugs onto ADC property will be subject to arrest and prosecution.
- Testing is conducted by trained staff using reliable methods. Procedures for conducting tests are spelled out in the AD, Employee Drug Testing.
- Staff who have an alcohol or drug problem may seek help through their supervisor or Unit Human Resources Manager. Disciplinary action will not be taken on admission of an alcohol or drug problem, provided the admission is made more than a day before a scheduled drug screening.

NOTIFICATION OF A POSITIVE TEST

(EMPLOYEE'S NAME, PRINTED OR TYPED) ____/____/____
(DATE OF TEST) _____
UNIT

You are hereby advised of a positive result on your drug/alcohol test.

If the test is an alcohol test, you have the right to accept the result shown to you, **or** to request confirmation by urinalysis **or** to request confirmation by use of a second breath analyzer, if one is available.

If the test is a drug test, you have the right to accept the result shown to you. If the test is an on-site test, the results will be confirmed by an independent laboratory at the expense of the Department of Correction. If the test was conducted by a laboratory, it has been confirmed.

I accept the result shown to me _____ (initial)

You have the right to request confirmation of the results of an alcohol or drug test at a SAMSHA or CAP approved laboratory, other than the one used by ADC, provided you are willing to pay the cost of confirmation plus shipping and handling. These costs must be paid by check or money order payable to the Arkansas Department of Correction within 24 hours.

I request independent confirmation by

_____ (initial)
(Name of approved laboratory)

I have also been advised that, if my position has grievance rights, I may grieve any disciplinary action that may follow a positive test by contacting the EEOC Grievance Coordinator at 267-6370 within 5 working days.

(EMPLOYEE'S SIGNATURE)

(WITNESSED BY)

Note: Your signature indicates only that you have been notified. Not that you are admitting an alcohol or drug use, unless you initial that you accept the results shown.

COPIES: HUMAN RESOURCES MANAGER
CENTRAL DRUG TESTING COORDINATOR
EMPLOYEE

DRUG TESTING REQUEST FORM

NAME	CODE	UNIT	IDENTIFIER ADC OR SS# NUMBER
REASON FOR TEST	<input type="checkbox"/> 01 RANDOM <input type="checkbox"/> 06 FURLOUGH <input type="checkbox"/> 12 APPLICANT	<input type="checkbox"/> 02 SUSPICION <input type="checkbox"/> 07 VIOLENCE <input type="checkbox"/> 13 CONTRABAND	<input type="checkbox"/> 04 RETEST <input type="checkbox"/> 08 ACCIDENT <input type="checkbox"/> 10 OTHER <input type="checkbox"/> 05 WORK RELEASE <input type="checkbox"/> 09 PRE-REL. <input type="checkbox"/> 11 POLICY

LIST ALL CURRENT MEDICATIONS _____

VERIFIED? ☐ NO ☐ YES, BY _____

COLLECTED BY	PRINTED NAME	ID	SIGNATURE	DATE / TIME
TEST RUN BY:				
WITNESSED BY:				
RECEIVED BY:				
RECEIVED BY:				

DRUGS TESTED FOR	TEST RESULTS OR READINGS			TO BE CONFIRMED
	<input type="checkbox"/> NEGATIVE	<input type="checkbox"/> POSITIVE	<input type="checkbox"/> INCONCLUSIVE	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/> AMPHETAMINE/Meth	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> COCAINE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> MARIJUANA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> OPIATES/Mop	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> ALCOHOL	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> BENZODIAZEPINES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Oxy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> K-2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

I HEREBY ACKNOWLEDGE THAT THE SPECIMEN WAS KEPT WHERE I COULD SEE IT FROM THE TIME I PROVIDED IT UNTIL THE RESULTS OF THE TEST WERE SHOWN TO ME. ☐ DO ☐ DO NOT ACCEPT THE RESULTS OF THE TEST.
 (COMMENTS MAY BE WRITTEN IN THE COMMENT SPACE BELOW)

 SIGNATURE OF PERSON TESTED

 WITNESS TO SIGNATURE OR REFUSAL

 DATE

 TIME

REACTION OF PERSON TESTED	<input type="checkbox"/> 01 COOPERATIVE <input type="checkbox"/> 04 REFUSED TEST	<input type="checkbox"/> 02 DELAYED OR SLOW <input type="checkbox"/> 05 ADULTERATED	<input type="checkbox"/> 03 ARGUMENTATIVE <input type="checkbox"/> 06 UNABLE TO COMPLY
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ACTION TAKEN ON RESULTS OF TEST	<input type="checkbox"/> 01 DISCIPLINARY WRITTEN <input type="checkbox"/> 05 REFERRED TO CLASS. <input type="checkbox"/> 07 FURTHER ANALYSIS REQUESTED <input type="checkbox"/> 10 NO ACTION REQUIRED	<input type="checkbox"/> 03 PLACED ON SUSPICION TESTING <input type="checkbox"/> 06 SUSPEND FROM TREATMENT PROG. <input type="checkbox"/> 08 ACTION PENDING <input type="checkbox"/> 09 REMOVE FROM WORK RELEASE
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COMMENTS _____



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ADMINISTRATIVE DIRECTIVE

SUBJECT: Employee and Applicant Drug Testing

NUMBER: 19-13

SUPERSEDES: 13-18

APPLICABILITY: Employees, applicants, agents and volunteers of the Arkansas Department of Correction.

REFERENCE: AR 202: Drug-Free Workplace

Page 1 of 22

APPROVED: Original signed by Wendy Kelley

EFFECTIVE DATE: 5/9/2019

I. POLICY:

It is the policy of the Arkansas Department of Correction to provide a drug-free workplace and to ensure, to the maximum degree possible, that no employees are impaired in the performance of their public duties by intoxicating substances.

II. EXPLANATION:

All staff, including support staff, working in a correctional environment are responsible for the good order and safety of facilities and must be fully alert, capable of good judgment, and physically able to respond as required. No staff member, on or off duty, will have any involvement with illegal drugs.

III. DEFINITIONS

- A. Adulteration Check: A field or laboratory test to indicate whether the specimen submitted matches certain parameters of human urine. Adulteration will be considered to have occurred if the creatinine level is below 20 milligrams per deciliter on laboratory analysis.

- B. Alcohol Test: Any standardized field or breathalyzer test accepted by the Arkansas Department of Correction and as specified in A.C.A. §§ 5-65-204, et seq.
- C. Applicant: An individual who is seeking employment with the Arkansas Department of Correction.
- D. Confirmation: A retest of the sample using current scientifically accepted confirmation technology conducted on a positive specimen, or when the results of the first test are inconclusive, or when adulteration is suspected, or to test for drugs not covered in the screening test.
- E. Critical Incident: An incident involving on-duty staff and causing, or having the potential to cause, substantial property damage, physical injury or death.
- F. Direct Observation: Visualization of the urine stream leaving the body and entering the test cup. Indirect Observation: Presence in the immediate area balancing the need for privacy with prudent measures for prevention of adulteration or substitution of samples.
- G. Documented Drug or Alcohol Abuse History: Any reported history of drug abuse or alcohol abuse for which the individual must maintain recovery as a condition of employment.
- H. Drug Test: Any of a number of standardized and generally accepted tests for the presence of mind altering drugs or substances meeting or exceeding DOT Standards. Drug Tests may include urine, sweat, saliva or hair samples. Drug Tests may be conducted on-site and sent for confirmation.
- I. Drug Testing Coordinator: An individual at each unit appointed by the Warden to be responsible for coordination and administration of drug testing.
- J. His, Him, and He: Refers to both genders.
- K. Policy Testing: Tests required by unit or department policy.
- L. Positive test result for marijuana: a result that is at or above the concentration level established by the United States Department of Transportation or Arkansas laws regarding being under the influence, whichever is lower.

- M. Random Testing: Unannounced testing of the staff, or of a representative sample of the staff of a facility or division, in which each of those to be sampled has an equal chance of being selected.
- N Reasonable Suspicion: This may include, but is not limited to, a pattern of one or more of the following: observed decrease in the level of work performance, misconduct, excessive absenteeism and tardiness, history of complaints from supervisors or colleagues about poor work performance, excessive use of sick leave, negligent accidents, poor traffic safety record, reports of drug involvement from reliable sources, or other documented acts of omission or commission often associated with drug or alcohol abuse.
- O. Safety Sensitive Position: any position involving a safety sensitive function, which shall include any position which requires any of the following activities: (a) carrying a firearm, (b) performing life-threatening procedures, (c) working with confidential information or documents pertaining to criminal investigations, (d) working with hazardous or flammable materials, controlled substances, food, or medicine, or (e) a position in which a lapse of attention could result in injury, illness, or death, including without limitation a position that includes the operating, repairing, maintaining, or monitoring of heavy equipment, machinery, aircraft, motorized watercraft, or motor vehicles as part of job duties.
- P. Staff/Employee: Any individual employed full or part-time by the Arkansas Department of Correction or agent thereof, including supervisory and support staff.
- Q. Suspicion Testing: Testing based on a previous positive or adulterated test, testing based on reasonable suspicion documented on official forms, such as 005 Incident Report, or a memorandum to the Warden.
- R. Testing Employee: Any employee authorized by the Warden and trained by the Central Drug Testing Coordinator, or by the Unit Drug Testing Coordinator, who is registered with the Central Drug Testing Coordinator to conduct on-site and laboratory-based testing.
- S. Under the Influence: Any amount of illegal drug above threshold for a positive Drug Test. Any prescription or over-the-counter (OTC) medication demonstrably impairing alertness, judgment or behavior to the degree that proper and efficient job performance is jeopardized. Blood Alcohol Content (BAC) of 0.02% or higher.
- T. Unit: Any facility operated by the Arkansas Department of Correction to include programs, farm and industry, construction, central office, jails,

work release centers, pre-release centers, and private prisons operated on behalf of the Arkansas Department of Correction.

- U. Volunteer: Any individual who is provided an identification badge and is regularly admitted into secured areas of the Arkansas Department of Correction or any facility operated under contract for the Arkansas Department of Correction.
- V. Warden: Chief operating officer of a "unit" to include center supervisors and administrators of programs.

IV. **APPLICABILITY:**

- A. All staff and applicants through all levels of the chain of command, including staff and applicants of private prisons operated for the Arkansas Department of Correction are subject to conditions of testing specified in this Administrative Directive.
- B. Volunteers who are provided identification badges and afforded unescorted movement within institutions of the Department of Correction.
- C. Contract staff whose regular duties are within facilities of the Department of Correction.
- D. Staff of the Arkansas Correctional School District and Riverside Vo-Tech employees.
- E. All staff positions and other positions in Subsections A, B, C, and D of this Section are designated as Safety Sensitive Positions as defined in Section III herein and as defined in Amendment 98 of the Arkansas Constitution.

V. **GUIDELINES:**

- A. General:
 - 1. This Administrative Directive is to be the guiding document for drug testing. It may be supplemented by drug test instructions from the manufacturer, and annual training. Any lapses in implementation should be called to the attention of the Central Drug Testing Coordinator who will consult appropriate authorities to determine whether the lapse is sufficient to invalidate the test.
 - 2. Every unit shall designate a Unit Drug Testing Coordinator to coordinate and administer drug and alcohol tests.

3. All applicants shall be tested. Refusal to submit to a test will result in any offer of employment being withdrawn. Any positive test results will be documented by Human Resources. Unit Human Resources Manager may check with Central Human Resources for the previous test results of any applicant. Previous positive test results may preclude processing of an application. A positive test result for marijuana will result in any offer of employment being withdrawn for any Safety Sensitive Position.
4. All current employees and every new employee shall be advised of the existence of this Administrative Directive.
 - a. Each employee shall be asked to sign an acknowledgement (Attachment #1) indicating that he has been made aware of the provisions of this Administrative Directive, and that he agrees to support a drug-free workplace.
 - b. This shall include signing a release of information for any physician conducting drug or alcohol testing following a critical incident.
 - c. All employees may review this Administrative Directive on Spotlight or from Unit Human Resources Managers, Drug Testing Coordinators, or the Central Human Resources Office.
5. Random testing may be conducted as authorized by the Warden. The Director, Chief Deputy Director, any Deputy Director, or Assistant Director may authorize testing of his staff.
6. Any supervisor suspecting that a member of staff is impaired by drugs or alcohol is to contact the Warden or senior staff authorized by the Warden to arrange drug or alcohol testing.
7. The supervisor shall document any referral for drug or alcohol testing. The rights and privacy of employees will be safeguarded to the maximum extent possible. Revealing the results of alcohol or drug tests to those not having a need to know will be considered cause for disciplinary action according to the provisions of the policies governing employee conduct.
8. Any employee may refuse testing. If this occurs, the employee is to be relieved of duty and placed on unpaid administrative leave pending disciplinary action. Appropriate notifications will be made to the Unit Human Resources Manager, the Deputy or Assistant Director in that employee's chain of command, and any other

individual designated by the Warden. For purposes of employee discipline, refusal of testing will be considered equivalent to a positive test and subject to disciplinary actions pursuant to the Employee Conduct Standards policy.

9. The processing of an application will be stopped for any applicant who refuses testing. The Volunteer Agreement will be voided for any volunteer who refuses to be tested. In either case, the applicant or volunteer will not be eligible to reapply for one year.
10. A testing employee of the same gender as the person being tested will accompany that person to a restroom for collection of a urine specimen for drug testing. A pat search may be conducted and/or the individual may be asked to secure bags, brief cases, coats and the like outside.
11. Direct observation of collection of a urine specimen shall only occur if reasonable suspicion exists that the person providing the specimen is likely to attempt to substitute or adulterate it.
12. Once a specimen is provided, chain of custody procedures must be followed until the on-site test is read and/or the specimen is sent to the lab.
13. The employee/volunteer is entitled to see the readings or visual change of any test conducted on-site. The employee is entitled to receive written results of any laboratory or confirmation test performed. Notification of results should be done as soon as possible.
14. On-site tests may be used on all applicants and staff. All positive on-site alcohol or drug test results will be confirmed by the laboratory. Lab drug screens may be done upon request, but will be limited due to cost. Positive and confirmed on-site alcohol and drug tests will result in discipline as provided in the Employee Conduct Standards Administrative Directive. A positive and confirmed test for marijuana for any employee in a Safety Sensitive Position will result in discipline as provided in the Employee Conduct Standards Administrative Directive.
15. The employee has the right to request independent confirmation by a lab other than that used by the Department of Correction. The right of independent confirmation must be exercised within 24 hours upon notification of the laboratory results. The employee must choose a College of American Psychologists (CAP) or Substance Abuse Mental Health Services Administration

(SAMHSA) approved laboratory, and will be responsible for the cost plus shipping and handling.

16. Adulteration checks may be run on specimens. If adulteration or substitution of any sample is indicated by a creatinine level of less than 20 milligrams per deciliter, a hair sample may be taken, and the employee may be placed on suspicion testing.
17. Any employee taking a prescribed or an over-the-counter medication that affects alertness, judgment or behavior in ways that are likely to impair job performance **MUST** notify his supervisor of that fact **PRIOR** to assuming his post. Failure to do so may result in disciplinary action up to and including suspension.
18. Any employee may come forward and admit an alcohol or other drug problem to his supervisor and request referral to the Employee Assistance Program (EAP). This must be done at least 24 hours prior to any random or suspicion testing.
 - a. This action will not keep drug testing from occurring, nor will admitting an alcohol or other drug problem mitigate the seriousness of a rule infraction.
 - b. An employee freely admitting a problem will be tested immediately.
 - c. If the employee currently registers drug/alcohol-free, he may continue work but will be tested regularly at his own expense as part of the EAP.
 - d. If the drug test is positive, the employee will be immediately relieved of duty.
 - e. At the discretion of the supervisor, the employee may be allowed to take accrued vacation, holidays or compensatory time until he is cleared by the Employee Assistance Program to come back to work.
 - f. Staff enrolled in a treatment program certified by the Bureau of Alcohol and Drug Abuse Prevention may request sick leave.
 - g. If these options are not available or contraindicated by other rule violations, the employee may be allowed the choice of being placed on leave without pay, or resigning.

If the employee resigns, the termination report must show drug/alcohol abuse as the reason.

19. Services directly provided by the Employee Assistance Program, other than drug testing, are free. However, referrals to other programs may be made, and the employee will be responsible for payment required by outside programs.
20. Employees found to be in violation of this AD will be disciplined according to procedures outlined in the AD on Employee Conduct Standards.
21. Employees terminated or resigning for being under the influence while on duty or for use of illegal drugs may apply for rehire no sooner than twelve (12) months after termination. Rehire is not a right, regardless of any treatment received in the interim. The recommendations of the Employee Assistance Program or other provider certified through the Arkansas Department of Health must be provided, and may be considered, but do not guarantee rehire.
22. The person, vehicle and belongings of any employee on state property are subject to search, ion scanning and examination by drug sniffing dogs. Employees found to be in possession of illegal drugs will be detained and turned over to the proper authorities.

B. Conditions of Testing:

1. Pre-employment testing:
 - a. All applicants will be advised of the requirements for drug testing by the Human Resources Manager or other appropriate official.
 - b. Refusal or a positive test will result in the offer of employment being withdrawn.
2. Random testing:
 - a. Any Warden may conduct unannounced drug testing of a sample of, or the entire population of any section of employees supervised. Sampling will be conducted by acceptable statistical means such that every member of the employee group has an equal chance of being tested.
 - b. At a minimum, 5% of employees will be tested quarterly.

- c. Employees on initial hire probation, or those for whom such tests have been made a condition of continued employment, may be tested as often as requested by the Warden/Drug Coordinator.
- 3. Employees returning from any absence from duty of six months duration or more may be required to submit to a drug or alcohol test.
- 4. Employees who have been previously disciplined and/or referred to the Employee Assistance Program for drug problems may be subject to unannounced testing as a condition of continued employment.
- 5. All employees are subject to suspicion testing provided there are behavioral observations and/or reliable information that would lead a reasonable person to believe that the employee had been using illegal drugs or alcohol. Additionally, any previous positive test result is considered grounds for suspicion testing. A written report of the incident shall be prepared with all suspicion testing.
- 6. Critical Incident Testing
 - a. Employees involved in a critical incident will be referred for alcohol or drug testing.
 - b. Testing shall be performed as soon as possible by trained agency staff or hospital personnel.
- 7. Policy Testing
 - a. All testing employees are to be tested at least quarterly. This is in addition to random testing.
 - b. All employees involved in substance abuse treatment or a program of recovery are to be tested at least quarterly.
 - c. Any member of staff whose job duties require him/her to hold a Commercial Driver's License (CDL) must be tested by a the Department of Transportation (DOT) testing contractor for CDL drug testing. This DOT testing is in addition to drug testing procedures described in this policy.
 - d. Any employee in a critical position may be tested at the frequency prescribed by the Warden in unit policy.

VI. TESTING PROCEDURES:**A. Preparation for Testing**

1. The Unit Drug Testing Coordinator or the testing employee should check the number and expiration dates of any on-site drug tests to be used. If the plastic envelope in which the drug test is packaged has been compromised, the drug test should not be used. If this appears to be a manufacturing defect, the drug test should be returned to the Central Drug Testing Coordinator.
2. If a breath alcohol test is to be run, the machine should be checked according to the manufacturer's instructions and the date next due calibration noted.
3. If the sample is to be sent to the laboratory a new cup, chain of custody documentation and sealed plastic bag must be obtained for shipment.
4. The Unit Drug Testing Coordinator or the testing employee must have the chain of custody form, prior to testing.
5. The testing employee should carefully check the identification badge of the employee to ensure that it matches the data on the form.
6. Upon reaching the testing site, the employee should be asked to empty his pockets. Personal property should be placed where it can be examined by the testing employee, but remains in clear view of staff being tested. Personal property should be handled by the testing employee as little as possible. The escorting employee or the testing employee should then pat search staff. Most personal property should then be retrieved by the employee being tested. Exceptions are drugs, prescribed or over-the-counter, nose or eye-drops, and any other chemical substance subject to being used to adulterate a specimen. These items may be secured, preferably in a clear plastic sealable bag, and held by the testing employee until the specimen has been collected and sealed.
7. Employees selected for testing should be asked to immediately remove anything from their mouth and instructed to keep their hands away from their mouth and out of their pockets.

B. Specimen Collection and Testing: Alcohol

1. The testing employee must observe the person being tested for 20 minutes before administering any breath or saliva test.
2. The testing employee should remove the mouthpiece from its protective covering, in the presence of the employee and a witness, and insert it into the breath alcohol analyzer. The employee is then instructed to blow into the mouthpiece until the equipment indicates that an adequate sample has been obtained.
3. The reading from the machine is shown to the employee who is asked to state what he sees. The reading is shown to the witness who also reads the number aloud. The reading from the machine is then documented on a Drug Request Form.
4. If the test is positive, the employee should be given, in the presence of a witness, the document *Notification of a Positive Test* (attachment 3).
 - a. If the employee accepts the test results, he signs the *Notification of a Positive Test* so indicating.
 - b. If the employee wishes confirmation of the results, he is asked to provide a urine sample. The urine sample will be confirmed with a field test kit in the presence of the employee, or sealed with evidence tape and sent to the laboratory.
5. No staff person legally under the influence of alcohol should be allowed to operate a motor vehicle. The Warden may arrange for the staff person to be driven home. If the staff person insists on driving, law enforcement is to be notified, with a description of the car and license plate.

C. Specimen Collection and Testing: Illegal Drugs

1. Any staff selected for testing should be under continuous observation by the testing employee or another member of staff at all times. The testing employee must be of the same gender as the staff being tested.
2. The testing employee should check the location where collection of the specimen is to occur. Cleansers or any other foreign material that could be used to contaminate the sample should be removed or secured.

3. The testing employee should obtain a collection cup; and should use an on-site test; and show the employee the expiration date and that the plastic envelope is intact. The envelope should not be opened until it is time to obtain the specimen.
4. The employee should be asked to remove any bulky outer clothing. If a foreign substance is noted under his fingernails during shakedown, he should then be asked to thoroughly wash his hands in clear water only, with particular attention to his fingernails. Hands should be thoroughly dried and any paper towel material discarded.
5. The testing employee should enter the restroom with the employee to be tested. If the restroom is too small to accommodate two persons, the testing employee may stand outside with the door slightly open to provide a view of the washbasin if possible. Direct observation is not required unless there is reasonable suspicion that the staff person may attempt to contaminate the sample. Male staff should be asked to stand away from toilets or urinals containing liquid.
6. The envelope containing the on-site drug test is then opened. If a temperature strip is available and not already affixed to the collection cup, it should be placed on the cup. The testing employee then hands the on-site test or collection cup to the employee. In handing the collection cup to the employee, the testing employee instructs him to fill the cup to a depth of about two fingers to half-full.
7. Should the employee be unable to produce a specimen, he is asked to be seated in an office or other place where he can be observed. If the package containing the on-site drug test has been opened, the drug test and collection cup should remain in his sight, but out of his reach until he is ready to provide a specimen. He may be given up to two glasses of water or a soft drink or cup of coffee. He is asked to remain until he can produce a specimen, or for at least two hours. If he does not produce a specimen within two hours, he may be considered to have refused the test. At the discretion of the Warden, he may be offered hair analysis. Longer time may be allowed at the discretion of the testing employee if the employee can give a plausible explanation for his inability to provide a sample. If there is a medical reason for difficulty in producing a urine sample, a hair sample may be taken instead.

8. When the sample has been collected, the employee is asked to hand the cup to the testing employee who secures the lid. The testing employee then returns the collection cup to the employee who, under the supervision of the testing employee, carries the cup to the location where the on-site test is to be read, or the laboratory test is to be secured for shipping.
9. The testing employee shows the staff person a label with their name and AASIS/social security number on it, and places it on the collection cup. The temperature strip, if available, is then read. The on-site drug test is conducted according to the instructions of the manufacturer. The collection cup and the drug test are to be left in the sight of the employee until all test procedures have been concluded or the sample is packaged for sending to the laboratory. The cup should be sealed with evidence tape or the computer-generated label in the presence of the employee, and then sealed in the plastic shipping bag.
10. If the on-site drug test fails to validate, it should be reactivated and checked to make sure that the manufacturer's instructions have been followed. If the drug test still does not validate, the sample cup should be sealed with evidence tape, and forwarded to the laboratory for independent analysis.
11. If any test window of an on-site test reads positive, a witness is called and asked to also read the test. In the presence of the witness, the applicant, volunteer or employee should be asked to list any and all medications recently taken that might account for the positive result.
12. If the person being tested is an employee, he is called in by the Unit Drug Testing Coordinator or the Warden when the laboratory results are received. A *Notification of a Positive Test* (attachment 3) will be completed and the employee will be given a copy of the laboratory results.
13. The employee may, at his own expense, choose to use an approved reference laboratory other than that regularly used by the Department of Correction. If he chooses this option, he must pay the lab charges plus shipping and handling within 24 hours of notification.
14. When on-site drug test results on staff are awaiting confirmation, the Warden/Administrator should be advised that preliminary results are positive. The Warden or Administrator shall place the

employee on Administrative Leave pending confirmation and immediately notify the Human Resources Administrator.

D. Action upon a Positive Test

1. The identity of any employee-testing positive on an on-site test should not be revealed except to the Warden or Duty Warden of the employee and those directly involved in drug testing of that person. Staff are not considered guilty of any wrong doing until or unless they accept the test results, admit the drug use, or admit to being under the influence of alcohol while on duty, or the test is confirmed.
2. Some tests are positive because of prescribed drugs. Any employee who is able to produce a prescription for such drugs within 24 hours of notification will not be penalized, unless it appears the drugs are at a level that impairs work performance and the individual has failed to notify his supervisor that he/she is working in an impaired state.
3. Any employee-testing positive on-site will be escorted to the Warden/Administrator or senior staff person on duty. The testing employee is to notify the Central Drug Testing Coordinator.
 - a. The Warden/Administrator is to notify the Deputy or Assistant Director in the employee's chain of command and the Human Resources Administrator.
 - b. The employee shall be placed on Administrative Leave immediately pending disciplinary action if illegal drugs are involved or if a reasonable suspicion exists that chronic or episodic alcohol use is likely to continue impairing the employee's ability to perform job requirements.
 - c. If the employee wishes to be paid, he may take annual leave or other forms of leave as allowed in the personnel policy. If the confirmation comes back negative, the leave taken will be restored to the employee's account, or the employee will be reimbursed for any Leave without Pay (LWOP).
 - d. Pending laboratory results and/or termination of employment with the Department of Correction, the employee may request or agree to referral to the Employee Assistance Program. The employee is to be advised that accepting referral to the EAP does not minimize the

seriousness of the conduct violation, nor does it stand in the place of disciplinary action. It may or may not have a bearing on future eligibility for rehire.

4. Confirmation of an on-site drug test or results of a laboratory test are returned to the Unit Drug Testing Coordinator electronically. A copy of the report should be sent registered mail or handed to the employee. The Warden/Administrator is to be provided a copy of the results and will take appropriate action, if this has not already been done.

VII. DOCUMENTATION AND CHAIN OF CUSTODY:

A. Sample for random testing

1. A random testing sample should be drawn at unpredictable intervals at each unit, no less frequently than twice weekly. The Unit Drug Testing Coordinator, in consultation with the Warden/Administrator of the unit, will determine the number of staff to be tested, but not less than 5% quarterly.

B. Notification of a Positive Test

1. The *Notification of a Positive Test* is to be completed by the Testing Employee at the time the on-site test is read or the results are received from laboratory analysis.
2. Confirmation processes are explained to the employee by the testing employee, and all appropriate spaces are signed or initialed.
3. The *Notification of a Positive Test* is taken to the Warden/Administrator.

C. Monthly Report

1. The Unit Drug Testing Coordinator is responsible to report to the Central Drug testing coordinator the number and results of applicant and employee tests conducted each month, by the fifth day of each succeeding month.
2. These quarterly reports are summarized quarterly by the Central Drug Testing Coordinator and reported to the Director.

VIII. PROGRAM MANAGEMENT AND TRAINING:

- A. It is the responsibility of the Warden/Administrator to ensure that the Unit Drug Testing Coordinator under his supervision is alcohol and drug tested at unannounced intervals, at least quarterly. Such testing should be documented in the monthly report.
- B. It is the responsibility of the Unit Drug Testing Coordinator to maintain a current list of all individuals on the unit trained and approved as testing employees. A copy of this list should accompany the monthly report to the Central Drug Testing Coordinator.
- C. It is the responsibility of the Unit Drug Testing Coordinator to observe the work of each testing employee at least quarterly, and to document this supervision in a unit training file.
- D. It is the responsibility of the Central Drug Testing Coordinator to schedule annual system-wide training, and to provide unit training as requested by the Warden/Administrator or the Unit Drug Testing Coordinator. All training conducted should be documented in a training file, as well as to the personnel file of the employee.
- E. Questions that arise about procedures, policy or the law are to be referred to the Central Drug Testing Coordinator, the Chief Deputy Director or to the appropriate Deputy/Assistant Director.

EMPLOYEE DRUG TESTING ADVISORY RECEIPT

I have received the document titled "Employee Drug Testing Advisory." I recognize that this is not a complete description of the drug-testing program, and that I am entitled to review the AD, Employee Drug Testing, which is available to me through the Unit Human Resources Manager, Central Human Resources Administrator, or the Central Drug Testing Coordinator.

I understand that as an employee of the Arkansas Department of Correction, I am expected to support the concept of a Drug Free Workplace. I agree to submit to testing as required in the AD, Employee Drug Testing.

Should I be in a critical incident as described in the Administrative Directive, Employee Drug Testing, my signature below authorizes medical staff treating me to test for the presence of alcohol and other drugs, and to release the results of such tests to the Arkansas Department of Correction.

PRINT YOUR NAME

POSITION

UNIT OR SERVICE

SIGNATURE

DATE

SOCIAL SECURITY NUMBER

COPY: CENTRAL PERSONNEL FILE
UNIT OR SUPERVISOR'S FILE
EMPLOYEE (if requested)

EMPLOYEE DRUG TESTING ADVISORY

This Administrative Directive, Employee Drug Testing, supersedes all previous Employee Drug testing Administrative Directives. The following is an advisory of some of the highlights of this Directive that supports AR 202, Drug Free Workplace. A complete copy of the AD, Employee Drug Testing, is available through the Unit Human Resources Manager, Central Human Resources Administrator, or the Central Drug Testing Coordinator's office. Questions should be directed to the Chief Deputy Director or the Central Drug Testing Coordinator.

- All applicants for employment, and volunteers issued ADC identification, are subject to testing at the time of initial processing.
- All staff who works inside secure facilities is subject to random testing. Groups, up to the whole staff of a unit, may be tested at the Warden's request.
- Any employee is subject to testing if there is reasonable suspicion of involvement with illegal drugs, or a level of alcohol use that may impair work performance.
- Staff involved in incidents or accidents posing danger to persons or property are subject to drug/alcohol testing.
- Staff in certain positions (e.g., holding a Commercial Driver's License, providing substance abuse treatment to inmates) are subject to testing by policy.
- Drug testing is usually done by urinalysis, but may be done by hair or sweat analysis.
- Urine samples are provided under indirect observation allowing some privacy while preserving the integrity of the test, unless there is reason to suspect adulteration or substitution. Adulteration tests may be conducted.
- Confirmation of positive drug screening tests is done routinely. Confirmation is done through gas chromatography/mass spectrometry.
- Any employee may request confirmation through a laboratory outside ADC. An independent lab may be used provided the lab is a CAP or SAMHSA approved, and the expenses are paid by the employee.
- Involvement with illegal drugs is considered a termination offense. Staff terminated for association with illegal drugs may not apply for rehire for one year. Documentation of treatment in an Arkansas Health Department approved program will be requested.

- Staff must notify supervisors of any legal drugs being taken that may impair their ability to carry out job functions prior to assuming their posts.
- Blood alcohol testing is usually done with a machine that detects alcohol on the breath. Confirmation may be done with a second machine or through urinalysis.
- Blood alcohol of 0.02% or higher while on duty will be considered to be “under the influence” and subject the employee to suspension or termination.
- Outcome of drug/alcohol tests is kept as confidential as possible, consistent with the needs of the agency.
- The person and property of any employee on state property is subject to search, examination by drug sniffing dogs, or ion scanning for the presence of illegal drugs. Any person bringing illegal drugs onto ADC property will be subject to arrest and prosecution.
- Testing is conducted by trained staff using reliable methods. Procedures for conducting tests are spelled out in the AD, Employee Drug Testing.
- Staff who have an alcohol or drug problem may seek help through their supervisor or Unit Human Resources Manager. Disciplinary action will not be taken on admission of an alcohol or drug problem, provided the admission is made more than a day before a scheduled drug screening.

NOTIFICATION OF A POSITIVE TEST

(EMPLOYEE'S NAME, PRINTED OR TYPED) ____/____/____
(DATE OF TEST) _____
UNIT

You are hereby advised of a positive result on your drug/alcohol test.

If the test is an alcohol test, you have the right to accept the result shown to you, **or** to request confirmation by urinalysis **or** to request confirmation by use of a second breath analyzer, if one is available.

If the test is a drug test, you have the right to accept the result shown to you. If the test is an on-site test, the results will be confirmed by an independent laboratory at the expense of the Department of Correction.

If the test was conducted by a laboratory, it has been confirmed.

I accept the result shown to me _____ (initial)

You have the right to request confirmation of the results of an alcohol or drug test at a SAMSHA or CAP approved laboratory, other than the one used by ADC, provided you are willing to pay the cost of confirmation plus shipping and handling. These costs must be paid by check or money order payable to the Arkansas Department of Correction within 24 hours.

I request independent confirmation by

_____ (initial)
(Name of approved laboratory)

I have also been advised that, if my position has grievance rights, I may grieve any disciplinary action that may follow a positive test by contacting the EEOC Grievance Coordinator at 267-6370 within 5 working days.

(EMPLOYEE'S SIGNATURE)

(WITNESSED BY)

Note: Your signature indicates only that you have been notified. Not that you are admitting an alcohol or drug use, unless you initial that you accept the results shown.

COPIES: HUMAN RESOURCES MANAGER
CENTRAL DRUG TESTING COORDINATOR
EMPLOYEE

DRUG TESTING REQUEST FORM

NAME	CODE	UNIT	IDENTIFIER ADC OR SS# NUMBER
REASON FOR TEST	<input type="checkbox"/> 01 RANDOM <input type="checkbox"/> 06 FURLOUGH <input type="checkbox"/> 12 APPLICANT	<input type="checkbox"/> 02 SUSPICION <input type="checkbox"/> 07 VIOLENCE <input type="checkbox"/> 13 CONTRABAND	<input type="checkbox"/> 04 RETEST <input type="checkbox"/> 08 ACCIDENT <input type="checkbox"/> 10 OTHER
			<input type="checkbox"/> 05 WORK RELEASE <input type="checkbox"/> 09 PRE-REL. <input type="checkbox"/> 11 POLICY

LIST ALL CURRENT MEDICATIONS _____

VERIFIED? ☐ NO ☐ YES, BY _____

COLLECTED BY	PRINTED NAME	ID	SIGNATURE	DATE / TIME
TEST RUN BY:				
WITNESSED BY:				
RECEIVED BY:				
RECEIVED BY:				

DRUGS TESTED FOR	TEST RESULTS OR READINGS			TO BE CONFIRMED
<input type="checkbox"/> AMPHETAMINE/Meth	<input type="checkbox"/> NEGATIVE	<input type="checkbox"/> POSITIVE	<input type="checkbox"/> INCONCLUSIVE	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/> COCAINE	<input type="checkbox"/> NEGATIVE	<input type="checkbox"/> POSITIVE	<input type="checkbox"/> INCONCLUSIVE	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/> MARIJUANA	<input type="checkbox"/> NEGATIVE	<input type="checkbox"/> POSITIVE	<input type="checkbox"/> INCONCLUSIVE	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/> OPIATES/Mop	<input type="checkbox"/> NEGATIVE	<input type="checkbox"/> POSITIVE	<input type="checkbox"/> INCONCLUSIVE	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/> ALCOHOL	<input type="checkbox"/> NEGATIVE	<input type="checkbox"/> POSITIVE	<input type="checkbox"/> INCONCLUSIVE	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/> BENZODIAZEPINES	<input type="checkbox"/> NEGATIVE	<input type="checkbox"/> POSITIVE	<input type="checkbox"/> INCONCLUSIVE	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/> Oxy	<input type="checkbox"/> NEGATIVE	<input type="checkbox"/> POSITIVE	<input type="checkbox"/> INCONCLUSIVE	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/> K-2	<input type="checkbox"/> NEGATIVE	<input type="checkbox"/> POSITIVE	<input type="checkbox"/> INCONCLUSIVE	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/>	<input type="checkbox"/> NEGATIVE	<input type="checkbox"/> POSITIVE	<input type="checkbox"/> INCONCLUSIVE	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/>	<input type="checkbox"/> NEGATIVE	<input type="checkbox"/> POSITIVE	<input type="checkbox"/> INCONCLUSIVE	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/>	<input type="checkbox"/> NEGATIVE	<input type="checkbox"/> POSITIVE	<input type="checkbox"/> INCONCLUSIVE	<input type="checkbox"/> YES <input type="checkbox"/> NO

I HEREBY ACKNOWLEDGE THAT THE SPECIMEN WAS KEPT WHERE I COULD SEE IT FROM THE TIME I PROVIDED IT UNTIL THE RESULTS OF THE TEST WERE SHOWN TO ME. ☐ DO ☐ DO NOT ACCEPT THE RESULTS OF THE TEST.
 (COMMENTS MAY BE WRITTEN IN THE COMMENT SPACE BELOW)

 SIGNATURE OF PERSON TESTED WITNESS TO SIGNATURE OR REFUSAL DATE TIME

REACTION OF PERSON TESTED ☐ 01 COOPERATIVE ☐ 02 DELAYED OR SLOW ☐ 03 ARGUMENTATIVE

☐ 04 REFUSED TEST ☐ 05 ADULTERATED ☐ 06 UNABLE TO COMPLY

ACTION TAKEN ON RESULTS OF TEST ☐ 01 DISCIPLINARY WRITTEN ☐ 03 PLACED ON SUSPICION TESTING

☐ 05 REFERRED TO CLASS. ☐ 06 SUSPEND FROM TREATMENT PROG.

(INITIAL ALL THAT APPLY) ☐ 07 FURTHER ANALYSIS REQUESTED ☐ 08 ACTION PENDING ☐ 09 REMOVE FROM WORK RELEASE

OTHER ☐ 10 NO ACTION REQUIRED

COMMENTS _____



PO Box 8707
Pine Bluff, AR 71611-8707
Phone: 870-267-6999/200
Fax: 870-267-6244
www.adc.arkansas.gov

ADMINISTRATIVE DIRECTIVE

SUBJECT: Inmate Withdrawal Requests

NUMBER: 19-2-18

SUPERSEDE: ~~12-1811-55~~ Formatted: Font: Bold

APPLICABILITY: All ADC Inmates

REFERENCE: AR 109 – Funds of Offenders
ACA Standards

PAGE 1 of 7

APPROVED: Original signed by- Ray Hobbs

EFFECTIVE DATE: 06/14/2012

I. POLICY:

It shall be the policy of the Arkansas Department of Correction to provide for the control and accountability of inmates' personal funds, and a mechanism to ensure inmate requests for withdrawal of personal funds are monitored to prevent fraud, money laundering and criminal activity while incarcerated.

II. PROCEDURES:

A. Unit Responsibility

1. Inmates must complete a *Personal Withdrawal Request Form* (attached) to disburse funds from their account. Inmates must provide, with the form, documentation verifying the authenticity of the withdrawal.

Examples of disbursements to be requested by use of this form are as follows:

- a. Personal request from an inmate (pay bills, hobby craft materials, tools, etc) - Make Request payable to appropriate recipient/vendor.
- b. ID Card Replacement – Make request payable to Inmate Welfare Fund.
- c. Inmate Council Donations/Purchases – Make request payable to ADC (Name of Unit) Inmate Council.
- d. Chapel Donations – Make request payable to ADC (Name of Unit) Chaplain or ADC (Name of Unit) Chapel Construction Fund.
- e. Restitution – Make request payable to ADC.
- f. Child Support - Make payable to Arkansas Child Support Division or as required by court order.
- g. Other Dependent Support – Must be on inmate's eOMIS relatives and associates list.

Examples of documentation to be provided with the Personal *Withdrawal Request Form* are as follows:

- a. Actual bill - Entergy, hobby craft order, etc.
 - b. ID Card Replacement - Approval of Classification Officer.
 - c. Restitution - Copy of Disciplinary and Court Results.
 - d. Child Support - Court Case number.
2. Inmate must complete an *Inmate Transfer Request Form* (attached) to disburse funds to an incarcerated family member within the ADC. Relationship must be verified by eOMIS relatives and associates list.
 3. All inmate withdrawal requests must be approved by the Warden or Deputy/ Assistant Warden.
 4. Wardens, Deputy/Assistant Warden, or Business Managers shall investigate large, and/or suspicious requests before submission to Inmate Banking for processing. eOMIS can be used to verify relatives and associates, addresses, previous inmate banking

activity, etc. All suspicious requests shall be reported immediately to the Internal Affairs Division or Internal Audit for approval.

5. Unit Business Managers shall maintain a signature list of unit personnel authorized to witness inmate's signature, and shall verify such signature on the form as well as Warden's signature.
6. Unit Business Manager shall submit forms to Inmate Banking via U.S. Mail, along with any necessary self-addressed stamped envelope and documentation that is to be mailed to requested payee.
7. Unit Business Manager shall request mailroom clerk to print individual receipts for distribution to inmates. Receipts will include inmate name and ADC#, unit of assignment, barracks and bed location to enhance distribution to the inmates.
8. If an inmate was terminated from a work release unit and returned to a parent unit he or she can only transfer \$50 every 60 days from their saving account to their ADC account and must be a class I or class II inmate, who is not assigned to restrictive housing. If the transfer is needed in order to send money home, documentation must be provided and all transfers must be approved by the Warden/Center Supervisor.

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7.

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B. Inmate Banking Responsibility

1. Inmate Banking shall maintain a signature list of authorized Wardens, Deputy/Assistant Wardens and Business Managers and shall verify such signature on the form.
2. If inmate's account balance is insufficient, or forms are not signed by the Unit Warden or Deputy/Assistant Warden and Business Manager forms will be returned to unit via U.S. Mail for return to the inmate.
3. Inmate Banking shall process the withdrawal request and mail checks as defined on the request. Checks returned to Inmate Banking due to incorrect mailing address will be voided and credited to the inmate's account. Any documentation that was submitted to payee will be returned to the Unit Business Manager for return to the inmate.

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C. Freezing of Inmate Funds

1. An inmate's account is subject to being frozen upon reasonable suspicion of illegal or fraudulent activity or violation of department policy involving inmate funds. Upon the freezing of an inmate's account, the inmate may no longer withdraw or spend the funds held in the account. Any liens, filing fees, work release upkeep, legal postage, court or department mandated child support, etc., will continue to be withdrawn from the account unless otherwise noted.
2. Reasonable suspicion means the funds in the inmate's account are more likely than not the product of illegal or fraudulent activity or acquired in violation of department policy. An inmate may invoke the inmate grievance procedure to challenge the freezing of his/her account.
3. The Director or Chief Deputy Director, or designee, shall determine if an inmate's account should be frozen based upon a finding of reasonable suspicion. An "Approval to Freeze Inmate Bank Account" form shall be completed and signed by the Director, Chief Deputy Director, or designee. The signed form shall then be forwarded to Inmate Banking authorizing the account to be frozen. Inmate Banking shall immediately freeze the account as directed and notify the appropriate unit Business Manager. The unit Business Manager shall immediately notify the inmate of this action.
4. Upon completion of the investigation pertaining to the frozen inmate account, Inmate Banking and the inmate involved shall be notified by the Director, Chief Deputy Director, or designee, with instructions as to the disposition or release of the funds.

III. **REFERENCES:**

AR 109 - Funds of Offenders
ACA Standards

INMATE PERSONAL WITHDRAWAL REQUEST FORM**ADC Unit**

Inmate Name _____

ADC Number _____

Barracks Number _____

PLEASE PRINT REQUESTED INFORMATION

Date of Request _____ Amount of Request \$ _____

Dollars

Check is to be Payable To: _____

Check is to be Mailed To: _____ Name

Street or P.O.Box

City, State, Zip

Purpose of Withdrawal Request _____

Inmate Signature _____

ADC Witnessed Signature _____

Approved: Circle One

YES

NO

Reason for Denial _____

Warden or Deputy/Assistant
Warden -Print NameWarden or Deputy/Assistant
Warden Signature

Business Manager – Print Name

Business Manager Signature

Inmate Banking: Inmate Funds Available – Circle One Yes No

INMATE TRANSFER OF FUNDS REQUEST**ADC Unit**

Inmate Name _____

ADC Number _____

Barracks Number _____

PLEASE PRINT REQUESTED INFORMATION

Date of Request _____ Amount of Request \$ _____

Dollars

Transfer To:

Inmate Name _____ ADC# _____

Purpose of Transfer Request _____

Inmate Signature _____

ADC Witnessed Signature _____

Approved: Circle One

YES

NO

Reason for Denial _____

Warden or Deputy/Assistant
Warden -Print Name _____Warden or Deputy/Assistant
Warden Signature _____

Business Manager – Print Name _____

Business Manager Signature _____

Inmate Banking: Inmate Funds Available – Circle One Yes No

APPROVAL TO FREEZE INMATE BANKING ACCOUNTInmate NameADC NumberUnitDate

As per the Department's policy on Inmate Withdrawal Requests, the above inmate's funds shall be suspended, as of the above date, pending investigation of suspected illegal or fraudulent activity in violation of department policy involving inmate funds.

SignatureTitle



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www.adc.arkansas.gov

ADMINISTRATIVE DIRECTIVE

SUBJECT: Inmate Withdrawal Requests

NUMBER: 19-18

SUPERSEDE: 12-18

APPLICABILITY: All ADC Inmates

REFERENCE: AR 109 – Funds of Offenders
ACA Standards

PAGE 1 of 7

APPROVED: Original signed by Wendy Kelley

EFFECTIVE DATE: 5/9/2019

I. POLICY:

It shall be the policy of the Arkansas Department of Correction to provide for the control and accountability of inmates' personal funds, and a mechanism to ensure inmate requests for withdrawal of personal funds are monitored to prevent fraud, money laundering and criminal activity while incarcerated.

II. PROCEDURES:

A. Unit Responsibility

1. Inmates must complete a *Personal Withdrawal Request Form* (attached) to disburse funds from their account. Inmates must provide, with the form, documentation verifying the authenticity of the withdrawal.

Examples of disbursements to be requested by use of this form are as follows:

- a. Personal request from an inmate (pay bills, hobby craft materials, tools, etc) - Make Request payable to appropriate recipient/vendor.
- b. ID Card Replacement – Make request payable to Inmate Welfare Fund.
- c. Inmate Council Donations/Purchases – Make request payable to ADC (Name of Unit) Inmate Council.
- d. Chapel Donations – Make request payable to ADC (Name of Unit) Chaplain or ADC (Name of Unit) Chapel Construction Fund.
- e. Restitution – Make request payable to ADC.
- f. Child Support - Make payable to Arkansas Child Support Division or as required by court order.
- g. Other Dependent Support – Must be on inmate's eOMIS relatives and associates list.

Examples of documentation to be provided with the Personal *Withdrawal Request Form* are as follows:

- a. Actual bill - Entergy, hobby craft order, etc.
 - b. ID Card Replacement - Approval of Classification Officer.
 - c. Restitution - Copy of Disciplinary and Court Results.
 - d. Child Support - Court Case number.
2. Inmate must complete an *Inmate Transfer Request Form* (attached) to disburse funds to an incarcerated family member within the ADC. Relationship must be verified by eOMIS relatives and associates list.
 3. All inmate withdrawal requests must be approved by the Warden or Deputy/ Assistant Warden.
 4. Wardens, Deputy/Assistant Warden, or Business Managers shall investigate large, and/or suspicious requests before submission to Inmate Banking for processing. eOMIS can be used to verify relatives and associates, addresses, previous inmate banking

activity, etc. All suspicious requests shall be reported immediately to the Internal Affairs Division or Internal Audit for approval.

5. Unit Business Managers shall maintain a signature list of unit personnel authorized to witness inmate's signature, and shall verify such signature on the form as well as Warden's signature.
6. Unit Business Manager shall submit forms to Inmate Banking via U.S. Mail, along with any necessary self-addressed stamped envelope and documentation that is to be mailed to requested payee.
7. Unit Business Manager shall request mailroom clerk to print individual receipts for distribution to inmates. Receipts will include inmate name and ADC#, unit of assignment, barracks and bed location to enhance distribution to the inmates.
8. If an inmate was terminated from a work release unit and returned to a parent unit he or she can only transfer \$50 every 60 days from their saving account to their ADC account and must be a class I or class II inmate, who is not assigned to restrictive housing. If the transfer is needed in order to send money home, documentation must be provided and all transfers must be approved by the Warden/Center Supervisor.

B. Inmate Banking Responsibility

1. Inmate Banking shall maintain a signature list of authorized Wardens, Deputy/Assistant Wardens and Business Managers and shall verify such signature on the form.
2. If inmate's account balance is insufficient, or forms are not signed by the Unit Warden or Deputy/Assistant Warden and Business Manager forms will be returned to unit via U.S. Mail for return to the inmate.
3. Inmate Banking shall process the withdrawal request and mail checks as defined on the request. Checks returned to Inmate Banking due to incorrect mailing address will be voided and credited to the inmate's account. Any documentation that was submitted to payee will be returned to the Unit Business Manager for return to the inmate.

C. Freezing of Inmate Funds

1. An inmate's account is subject to being frozen upon reasonable suspicion of illegal or fraudulent activity or violation of department policy involving inmate funds. Upon the freezing of an inmate's account, the inmate may no longer withdraw or spend the funds held in the account. Any liens, filing fees, work release upkeep, legal postage, court or department mandated child support, etc., will continue to be withdrawn from the account unless otherwise noted.
2. Reasonable suspicion means the funds in the inmate's account are more likely than not the product of illegal or fraudulent activity or acquired in violation of department policy. An inmate may invoke the inmate grievance procedure to challenge the freezing of his/her account.
3. The Director or Chief Deputy Director, or designee, shall determine if an inmate's account should be frozen based upon a finding of reasonable suspicion. An "Approval to Freeze Inmate Bank Account" form shall be completed and signed by the Director, Chief Deputy Director, or designee. The signed form shall then be forwarded to Inmate Banking authorizing the account to be frozen. Inmate Banking shall immediately freeze the account as directed and notify the appropriate unit Business Manager. The unit Business Manager shall immediately notify the inmate of this action.
4. Upon completion of the investigation pertaining to the frozen inmate account, Inmate Banking and the inmate involved shall be notified by the Director, Chief Deputy Director, or designee, with instructions as to the disposition or release of the funds.

III. REFERENCES:

AR 109 - Funds of Offenders
ACA Standards

INMATE PERSONAL WITHDRAWAL REQUEST FORM**ADC Unit**

Inmate Name _____

ADC Number _____

Barracks Number _____

PLEASE PRINT REQUESTED INFORMATIONDate of Request _____ Amount of Request \$ _____
_____ Dollars

Check is to be Payable To: _____

Check is to be Mailed To: _____ Name
_____ Street or P.O. Box
_____ City, State, ZipPurpose of Withdrawal Request _____

Inmate Signature _____

ADC Witnessed Signature _____

Approved: Circle One

YES

NO _____

Reason for Denial _____

Warden or Deputy/Assistant
Warden -Print Name _____Warden or Deputy/Assistant
Warden Signature _____

Business Manager – Print Name _____

Business Manager Signature _____

Inmate Banking: Inmate Funds Available – Circle One Yes No

INMATE TRANSFER OF FUNDS REQUEST**ADC Unit**

Inmate Name _____

ADC Number _____

Barracks Number _____

PLEASE PRINT REQUESTED INFORMATIONDate of Request _____ Amount of Request \$ _____
_____ Dollars

Transfer To:

Inmate Name _____ ADC# _____

Purpose of Transfer Request _____

Inmate Signature _____

ADC Witnessed Signature _____

Approved: Circle One

YES

NO _____

Reason for Denial _____

Warden or Deputy/Assistant
Warden -Print Name _____Warden or Deputy/Assistant
Warden Signature _____

Business Manager – Print Name _____

Business Manager Signature _____

Inmate Banking: Inmate Funds Available – Circle One Yes No

APPROVAL TO FREEZE INMATE BANKING ACCOUNT

Inmate Name

ADC Number

Unit

Date

As per the Department's policy on Inmate Withdrawal Requests, the above inmate's funds shall be suspended, as of the above date, pending investigation of suspected illegal or fraudulent activity in violation of department policy involving inmate funds.

Signature

Title



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www.adc.arkansas.gov

ADMINISTRATIVE DIRECTIVE

SUBJECT: Work/Study Release Program

NUMBER: 12-8-14

SUPERSEDES: 18-14NEW

APPLICABILITY: All Employees and Inmates

PAGE: 1 of 9

REFERENCE: AR 1200 Work/Study Release Program;
Arkansas Code Ann. §§ 12-30-401, 402, 403, 404, and 406

APPROVED: Original signed by Wendy Kelley

EFFECTIVE DATE: 4/4/18

I. POLICY:

Pursuant to Arkansas statutes and as authorized by Administrative Regulation 1200 of the Arkansas Board of Corrections, it shall be the policy of the Arkansas Department of Correction to allow for the orderly reintegration of eligible inmates from a prison environment into communities through participation in a Community or Unit/Center Work/Study Release Program (the Program).

II. PURPOSE:

This Administrative Directive governs the existing Work/Study Release Program as established by the General Assembly and authorized by the Board of Corrections.

III. PROCEDURES:

The following procedures are in place for applicants and participants in a work release or study release program.

A. Eligibility for Work/Study Release Program:

1. The inmate must be eligible for minimum custody status, 1A or 1B.
2. The inmate must have a parole or transfer eligibility release date within forty-two months before being assigned a work release job in the community.
3. The inmate must have had no major disciplinary infractions for a period of three months immediately prior to application or selection, unless waived by the Assistant/Deputy Director for that program.
4. The inmate must exhibit a current medical classification commensurate with the anticipated work assignment. This classification will be reviewed by the transferring unit/center medical authority prior to final approval for Program eligibility. The receiving Warden/Center Supervisor shall ensure that the medical authority is advised of the type of work program the inmate is to participate in if transferred to Work Release. No inmate will be allowed to participate in the Program if such participation requires physical capabilities beyond the health restrictions used for job assignments within ADC.
5. If the inmate applies for a Study Release Program, that inmate must have sufficient time remaining prior to his/her transfer eligibility or parole eligibility date to complete the requirements of the school offering the program or at least one semester of study.
6. Priority will be given to an inmate being transferred to a Work/Study Release Unit/Center which serves a geographical region which includes the county where the inmate intends to reside upon release.
7. Inmates within forty-eight (48) months of their transfer eligibility date, but otherwise eligible for a Work/Study Release Program, may be assigned to the Benton Unit for completion of a drug treatment program. Inmates approved

for a 309 program assignment that are eligible for minimum custody status, 1A or 1B, and within forty-eight (48) months of their transfer eligibility date, may also be assigned to the Benton Unit for a drug treatment program prior to assignment to a County 309 Program.

Note: Inmates currently assigned to a Work/Study Release Program on the effective date of this policy will remain eligible while assigned to the Work/Study Release Program.

B. Ineligibility for Work/Study Release Program:

1. Any inmate convicted of a capital offense, first degree murder, rape, kidnapping, any sex offense, or who has been convicted for a second or subsequent offense of aggravated robbery, or who is serving a life sentence is not eligible.
2. Any inmate having a filed but undisposed felony detainer, except a notification only detainer, is not eligible.
3. An inmate under the age of 21 at the time of transfer is not eligible, except upon the approval of the Director.
4. An inmate who has not completed their initial sixty (60) day assignment ~~served less than three (3) months~~ in the Department at the time of transfer is not eligible and an inmate who has served less than six (6) months is not eligible for assignment to a community job.
5. An inmate convicted of a felony escape or a disciplinary for escape is not eligible. An inmate convicted of felony fleeing is not eligible, unless the date of conviction was ten (10) or more years from the date of application and upon the approval of the Director.

C. Application/Selection Process:

1. a. An inmate may submit a "Work/Study Release Application" form to the inmate's current unit Classification Officer and/or the requested Work Release Warden/Center Supervisor (see Attachment I). If the applicant meets the criteria for eligibility, the inmate's current Unit Classification Committee will consider the application and forward its recommendation to the requested Warden/Center Supervisor. The decision of the Classification

Committee must be unanimous before a favorable recommendation is forwarded to the requested Warden/Center Supervisor.

- b. Alternatively, the Work Release Warden/Center Supervisor may conduct screenings of potential work release participants. Any eligible inmate selected for participation in a program through these screenings may do so without review by the inmate's current unit.
2. An applicant who does not meet the eligibility criteria, or who is otherwise not approved by the Classification Committee, will be informed in writing by the Unit Classification Officer or Work Release Warden/Center Supervisor, and a copy will be placed in the inmate's institutional file.
3. No application for a Program will be favorably recommended by ~~the Unit~~ the Unit Classification Committee unless the Committee is satisfied that the inmate meets all requirements of eligibility and that the inmate:
 - a. Does not have an abnormal or uncontrollable propensity for violence;
 - b. Does not constitute a unreasonable security risk; and
 - c. Is capable of abiding by the terms and conditions of the program.

Note: In making their recommendation, the Unit Classification Committee shall consider factors related to the inmate's criminal history, prior release history, and institutional adjustment.

4. In addition to the required review by the inmate's current unit/center medical authority, each inmate recommended for transfer to a Program will receive a mental health, and work supervisor's evaluation that will be forwarded to the unit classification committee or Work Release Warden/Center Supervisor for consideration prior to final approval.

5. Additionally, victim or victim's family notification shall be done by mail to the last known address supplied to the Department of Correction in accordance with department policies and prior to the inmate's transfer to the Work/Study Release Program.
6. If an applicant is recommended for transfer, the receiving Work Release Warden/Center Supervisor will have final approval of the transfer.

D. Rules of the Work/Study Release Program:

1. Inmates participating in the Work/Study Release Program shall not:
 - a. Leave the State of Arkansas under any circumstances.
 - b. Leave the county to which he/she is assigned without the written consent of the Warden/Center Supervisor of the facility where the inmate is assigned.
 - c. Possess or consume alcoholic beverages or drugs not specifically prescribed for him/her by a licensed medical provider.
 - d. Visit any place of business where alcoholic beverages are the primary items sold or consumed.
 - e. Violate any Federal, State, County or Municipal law.
 - f. Operate any motor vehicle without written consent of the Warden/Center Supervisor of the facility to which the inmate is assigned. In such a case, the inmate must be properly licensed and liability insurance documented before approval is given.
2. Transportation to and from work will be provided by the Department of Correction or by the employer upon written approval of the Work Release Program/Center Supervisor.
3. An inmate selected to participate in Work/Study Release must agree to participate in self-improvement programs at

the Work Release Center as assigned by the Work Release Warden/Center Supervisor.

4. Work/Study Release inmates must obey all Department of Correction policies applicable to inmate conduct.
5. An inmate participating in the Program will be required to sign an Agreement to Return Form.

E. Employment and Earnings of Inmates:

1. If a Work/Study Release inmate is terminated from his employment through no fault of his/her own, officials of the Work/Study Release Program will immediately assign the inmate to an institutional job or administratively transfer this individual to an existing job assignment at the unit/center or transfer him/her back to the parent unit/center.
2. If an inmate is terminated from his/her employment for cause, he/she will be dismissed from the program and transferred back to his/her parent unit/center.
3. If an inmate wishes to terminate his/her employment, he/she may do so after obtaining approval of the Warden/Center Supervisor who will ensure that the employer is notified.
4. The inmate may be awarded a program change when the supervisor determines it is in the best interest of the inmate, the Department of Correction, and his/her employer.
5. Earnings of the inmate shall be paid by check or by electronic transfer, directly to the Department in the name of the inmate.
6. The Department shall retain an amount to be established by the Director which will be used to compensate the Department for the cost of feeding, housing, and supervising the inmate.
7. If the inmate has individuals depending ~~upon~~ upon him/her for support, the inmate shall be required to notify the Department and the Department will remit to such persons a portion of the earnings which the Director deems reasonable. If the inmate does not have any dependents,

~~one~~, one-third, at minimum, shall be deposited into a savings account maintained for the benefit of the inmate.

8. Whenever the Department is provided a court order that includes restitution and payment instructions, the Department will remit a portion of the inmate's earnings in an amount deemed reasonable by the Director. However in no case shall this amount be in excess of 25% of the inmate's net earnings after the deductions for payment to the Department and for dependent care.
9. The inmate will be allowed to spend up to an amount equal to the approved weekly commissary draw.
10. The remaining balance of the inmate's earnings will be deposited to the inmate's ADC account. No disbursement out of this account will be allowed without the approval of the Warden/Center Supervisor.
11. The inmate may request to draw from the inmate's ADC account amounts necessary to provide his/her own clothing and items needed for work.
12. All fund balances of an inmate's ADC account and savings account will be released to the inmate upon parole or discharge of sentence.

Note: The ADC will withhold any monies owed to it, subject to the provisions of this directive and of the directive on Inmate Liens, prior to the release of any fund balances. The ADC may also withhold an amount sufficient to ensure remaining obligations are met, such as rent, uniforms, etc., following the deposit of any outstanding payroll owed to the inmate.

F. Medical Services:

1. The Department of Correction will not be liable for medical services for those Work/Study Release inmates on Furlough Status (AR 1200).
2. Medical service charges not covered by Workman's Compensation or other forms of insurance will be handled by the Department through its medical services program.

3. In the event medical treatment is required at work, the Warden/Center Supervisor and/or work supervisor is/are to be notified immediately by the inmate. Appropriate medical response measures will be initiated following notification.
4. An inmate who procures medical treatment without consulting or advising Department staff will be responsible for such incurred costs. Disciplinary action will follow and may result in program expulsion.

G. Legal Services:

Inmates in need of legal services may contact the Inmate Attorney in the Compliance Office assigned to the unit/center or may obtain legal services through a request to draw from those monies earned on Work/Study Release. The request will be granted solely at the discretion of the Warden/Center Supervisor. Alternatively, the inmate may be transferred to a unit/center where a complete law library is available.

ARKANSAS DEPARTMENT OF CORRECTION
APPLICATION FOR WORK/STUDY RELEASE PROGRAMNAME: _____ ADC#_DATE: _____
Last First Middle

AGE: _____ DATE OF BIRTH: _____ DATE CONFINED-ADC: _____

PRESENT JOB ASSIGNMENT: _____ CLASS: _____
OF DEPENDENTS: _____ SSN: _____ P.E./T.E. DATE: _____

CITY/TOWN CRIME COMMITTED: _____ COUNTY: _____

COUNTY & STATE OF LAST RESIDENCE: _____ HOW LONG? _____

COMMUNITY WORK EXPERIENCE:

Company: 1. _____ 2. _____ 3. _____

Position: _____

How Long: _____

To what location do you plan to parole? _____

Spouse's Address: _____ Work Address: _____

Parent's Address: _____

Signature of Applicant

DO NOT WRITE BELOW THIS LINE

Reconsider 30 – 90 days: _____

Medical Classification: _____

Unit Treatment Coordinator Signature

RECOMMENDATION FROM:

WORK SUPERVISOR YES ____ NO ____ REMARKS: _____

ARKANSAS DEPARTMENT OF CORRECTION
APPLICATION FOR WORK/STUDY RELEASE PROGRAM CON'T

MENTAL HEALTH YES ____ NO ____ REMARKS: _____

SCHOOL SUPERVISOR YES ____ NO ____ REMARKS: _____

CLASSIFICATION YES ____ NO ____ REMARKS: _____

MEDICAL SUPERVISOR YES ____ NO ____ REMARKS: _____

Warden/Supervisor,
Sending Unit/Center

Date

____ Approval
____ Disapproval

Reasons: _____

Warden/Supervisor
Receiving Unit/Center

Date

____ Approval
____ Disapproval

Reasons: _____



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ADMINISTRATIVE DIRECTIVE

SUBJECT: Work/Study Release Program

NUMBER: 19-19

SUPERSEDES: 18-14

APPLICABILITY: All Employees and Inmates

PAGE: 1 of 10

REFERENCE: AR 1200 Work/Study Release Program;
Arkansas Code Ann. §§ 12-30-401, 402, 403, 404, and 406

APPROVED: Original signed by Wendy Kelley

EFFECTIVE DATE: 5/9/2019

I. POLICY:

Pursuant to Arkansas statutes and as authorized by Administrative Regulation 1200 of the Arkansas Board of Corrections, it shall be the policy of the Arkansas Department of Correction to allow for the orderly reintegration of eligible inmates from a prison environment into communities through participation in a Community or Unit/Center Work/Study Release Program (the Program).

II. PURPOSE:

This Administrative Directive governs the existing Work/Study Release Program as established by the General Assembly and authorized by the Board of Corrections.

III. PROCEDURES:

The following procedures are in place for applicants and participants in a work release or study release program.

A. Eligibility for Work/Study Release Program:

1. The inmate must be eligible for minimum custody status, 1A or 1B.
2. The inmate must have a parole or transfer eligibility release date within forty-two months before being assigned a work release job in the community.
3. The inmate must have had no major disciplinary infractions for a period of three months immediately prior to application or selection, unless waived by the Assistant/Deputy Director for that program.
4. The inmate must exhibit a current medical classification commensurate with the anticipated work assignment. This classification will be reviewed by the transferring unit/center medical authority prior to final approval for Program eligibility. The receiving Warden/Center Supervisor shall ensure that the medical authority is advised of the type of work program the inmate is to participate in if transferred to Work Release. No inmate will be allowed to participate in the Program if such participation requires physical capabilities beyond the health restrictions used for job assignments within ADC.
5. If the inmate applies for a Study Release Program, that inmate must have sufficient time remaining prior to his/her transfer eligibility or parole eligibility date to complete the requirements of the school offering the program or at least one semester of study.
6. Priority will be given to an inmate being transferred to a Work/Study Release Unit/Center which serves a geographical region which includes the county where the inmate intends to reside upon release.
7. Inmates within forty-eight (48) months of their transfer eligibility date, but otherwise eligible for a Work/Study Release Program, may be assigned to the Benton Unit for completion of a drug treatment program. Inmates approved

for a 309 program assignment that are eligible for minimum custody status, 1A or 1B, and within forty-eight (48) months of their transfer eligibility date, may also be assigned to the Benton Unit for a drug treatment program prior to assignment to a County 309 Program.

Note: Inmates currently assigned to a Work/Study Release Program on the effective date of this policy will remain eligible while assigned to the Work/Study Release Program.

B. Ineligibility for Work/Study Release Program:

1. Any inmate convicted of a capital offense, first degree murder, rape, kidnapping, any sex offense, or who has been convicted for a second or subsequent offense of aggravated robbery, or who is serving a life sentence is not eligible.
2. Any inmate having a filed but undisposed felony detainer, except a notification only detainer, is not eligible.
3. An inmate under the age of 21 at the time of transfer is not eligible, except upon the approval of the Director.
4. An inmate who has not completed their initial sixty (60) day assignment in the Department at the time of transfer is not eligible and an inmate who has served less than six (6) months is not eligible for assignment to a community job.
5. An inmate convicted of a felony escape or a disciplinary for escape is not eligible. An inmate convicted of felony fleeing is not eligible, unless the date of conviction was ten (10) or more years from the date of application and upon the approval of the Director.

C. Application/Selection Process:

1. a. An inmate may submit a "Work/Study Release Application" form to the inmate's current unit Classification Officer and/or the requested Work Release Warden/Center Supervisor (see Attachment I). If the applicant meets the criteria for eligibility, the inmate's current Unit Classification Committee will consider the application and forward its recommendation to the requested Warden/Center Supervisor. The decision of the Classification Committee must be unanimous before a favorable

recommendation is forwarded to the requested Warden/Center Supervisor.

- b. Alternatively, the Work Release Warden/Center Supervisor may conduct screenings of potential work release participants. Any eligible inmate selected for participation in a program through these screenings may do so without review by the inmate's current unit.
2. An applicant who does not meet the eligibility criteria, or who is otherwise not approved by the Classification Committee, will be informed in writing by the Unit Classification Officer or Work Release Warden/Center Supervisor, and a copy will be placed in the inmate's institutional file.
3. No application for a Program will be favorably recommended by the Unit Classification Committee unless the Committee is satisfied that the inmate meets all requirements of eligibility and that the inmate:
 - a. Does not have an abnormal or uncontrollable propensity for violence;
 - b. Does not constitute a unreasonable security risk; and
 - c. Is capable of abiding by the terms and conditions of the program.

Note: In making their recommendation, the Unit Classification Committee shall consider factors related to the inmate's criminal history, prior release history, and institutional adjustment.
4. In addition to the required review by the inmate's current unit/center medical authority, each inmate recommended for transfer to a Program will receive a mental health, and work supervisor's evaluation that will be forwarded to the unit classification committee or Work Release Warden/Center Supervisor for consideration prior to final approval.
5. Additionally, victim or victim's family notification shall be done by mail to the last known address supplied to the

Department of Correction in accordance with department policies and prior to the inmate's transfer to the Work/Study Release Program.

6. If an applicant is recommended for transfer, the receiving Work Release Warden/Center Supervisor will have final approval of the transfer.

D. Rules of the Work/Study Release Program:

1. Inmates participating in the Work/Study Release Program shall not:
 - a. Leave the State of Arkansas under any circumstances.
 - b. Leave the county to which he/she is assigned without the written consent of the Warden/Center Supervisor of the facility where the inmate is assigned.
 - c. Possess or consume alcoholic beverages or drugs not specifically prescribed for him/her by a licensed medical provider.
 - d. Visit any place of business where alcoholic beverages are the primary items sold or consumed.
 - e. Violate any Federal, State, County or Municipal law.
 - f. Operate any motor vehicle without written consent of the Warden/Center Supervisor of the facility to which the inmate is assigned. In such a case, the inmate must be properly licensed and liability insurance documented before approval is given.
2. Transportation to and from work will be provided by the Department of Correction or by the employer upon written approval of the Work Release Program/Center Supervisor.
3. An inmate selected to participate in Work/Study Release must agree to participate in self-improvement programs at the Work Release Center as assigned by the Work Release Warden/Center Supervisor.

4. Work/Study Release inmates must obey all Department of Correction policies applicable to inmate conduct.
5. An inmate participating in the Program will be required to sign an Agreement to Return Form.

E. Employment and Earnings of Inmates:

1. If a Work/Study Release inmate is terminated from his employment through no fault of his/her own, officials of the Work/Study Release Program will immediately assign the inmate to an institutional job or administratively transfer this individual to an existing job assignment at the unit/center or transfer him/her back to the parent unit/center.
2. If an inmate is terminated from his/her employment for cause, he/she will be dismissed from the program and transferred back to his/her parent unit/center.
3. If an inmate wishes to terminate his/her employment, he/she may do so after obtaining approval of the Warden/Center Supervisor who will ensure that the employer is notified.
4. The inmate may be awarded a program change when the supervisor determines it is in the best interest of the inmate, the Department of Correction, and his/her employer.
5. Earnings of the inmate shall be paid by check or by electronic transfer, directly to the Department in the name of the inmate.
6. The Department shall retain an amount to be established by the Director which will be used to compensate the Department for the cost of feeding, housing, and supervising the inmate.
7. If the inmate has individuals depending on him/her for support, the inmate shall be required to notify the Department and the Department will remit to such persons a portion of the earnings which the Director deems reasonable. If the inmate does not have any dependents, one-third, at minimum, shall be deposited into a savings account maintained for the benefit of the inmate.

8. Whenever the Department is provided a court order that includes restitution and payment instructions, the Department will remit a portion of the inmate's earnings in an amount deemed reasonable by the Director. However in no case shall this amount be in excess of 25% of the inmate's net earnings after the deductions for payment to the Department and for dependent care.
9. The inmate will be allowed to spend up to an amount equal to the approved weekly commissary draw.
10. The remaining balance of the inmate's earnings will be deposited to the inmate's ADC account. No disbursement out of this account will be allowed without the approval of the Warden/Center Supervisor.
11. The inmate may request to draw from the inmate's ADC account amounts necessary to provide his/her own clothing and items needed for work.
12. All fund balances of an inmate's ADC account and savings account will be released to the inmate upon parole or discharge of sentence.

Note: The ADC will withhold any monies owed to it, subject to the provisions of this directive and of the directive on Inmate Liens, prior to the release of any fund balances. The ADC may also withhold an amount sufficient to ensure remaining obligations are met, such as rent, uniforms, etc., following the deposit of any outstanding payroll owed to the inmate.

F. Medical Services:

1. The Department of Correction will not be liable for medical services for those Work/Study Release inmates on Furlough Status (AR 1200).
2. Medical service charges not covered by Workman's Compensation or other forms of insurance will be handled by the Department through its medical services program.
3. In the event medical treatment is required at work, the Warden/Center Supervisor and/or work supervisor is/are to be notified immediately by the inmate. Appropriate medical response measures will be initiated following notification.

4. An inmate who procures medical treatment without consulting or advising Department staff will be responsible for such incurred costs. Disciplinary action will follow and may result in program expulsion.

G. Legal Services:

Inmates in need of legal services may contact the Inmate Attorney in the Compliance Office assigned to the unit/center or may obtain legal services through a request to draw from those monies earned on Work/Study Release. The request will be granted solely at the discretion of the Warden/Center Supervisor. Alternatively, the inmate may be transferred to a unit/center where a complete law library is available.

ARKANSAS DEPARTMENT OF CORRECTION
APPLICATION FOR WORK/STUDY RELEASE PROGRAMNAME: _____ ADC# _____ DATE: _____
Last First Middle

AGE: _____ DATE OF BIRTH: _____ DATE CONFINED-ADC: _____

PRESENT JOB ASSIGNMENT: _____ CLASS: _____
OF DEPENDENTS: _____ SSN: _____ P.E./T.E. DATE: _____

CITY/TOWN CRIME COMMITTED: _____ COUNTY: _____

COUNTY & STATE OF LAST RESIDENCE: _____ HOW LONG? _____

COMMUNITY WORK EXPERIENCE:

Company: 1. _____ 2. _____ 3. _____

Position: _____

How Long: _____

To what location do you plan to parole? _____

Spouse's Address: _____ Work Address: _____

Parent's Address: _____

Signature of Applicant

DO NOT WRITE BELOW THIS LINE

Reconsider 30 – 90 days: _____

Medical Classification: _____

Unit Treatment Coordinator Signature

RECOMMENDATION FROM:

WORK SUPERVISOR YES ____ NO ____ REMARKS: _____

ARKANSAS DEPARTMENT OF CORRECTION
APPLICATION FOR WORK/STUDY RELEASE PROGRAM CON'T

MENTAL HEALTH YES ____ NO ____ REMARKS: _____

SCHOOL SUPERVISOR YES ____ NO ____ REMARKS: _____

CLASSIFICATION YES ____ NO ____ REMARKS: _____

MEDICAL SUPERVISOR YES ____ NO ____ REMARKS: _____

Warden/Supervisor,
Sending Unit/Center

Date

____ Approval
____ DisapprovalReasons: _____

Warden/Supervisor
Receiving Unit/Center

Date

____ Approval
____ DisapprovalReasons: _____



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ADMINISTRATIVE DIRECTIVE

SUBJECT: Boot Camp Administrative Transfer

NUMBER: 13-128

SUPERSEDES: 08-27

APPLICABILITY: All employees and Inmates

REFERENCE: AR 888

PAGE 1 of 6

APPROVED: Original signed by Ray Hobbs

EFFECTIVE DATE: 11/22/2013

I. POLICY:

To establish procedures for processing release plans for inmates assigned to the Boot Camp program and for determining the custody and supervision of inmates transferred to this program and for modifying the agreement.

II. EXPLANATION:

- A. An inmate must meet the Boot Camp criteria as described in the Board of Corrections Policy & Procedures, AR 888, to be eligible for the Boot Camp program.
- B. In anticipation of completion of the program, a release plan will be prepared for each inmate while assigned to the Boot Camp. The plan is to be completed prior to the inmate's projected completion date so that the inmate may be transferred to community supervision immediately upon completion.
- C. The Boot Camp Correctional Counselor (BCCC) will coordinate the processing of the plans and provide technical assistance in completing forms, obtaining information and interviewing inmates. Blank forms used in this directive can be obtained from the BCCC.

- D. The BCCC will interview each inmate to obtain the inmate's Administrative Transfer Plan (ATP). Each inmate is responsible for developing an ATP within the state of Arkansas and providing this information to the BCCC. Sufficient information is required so the supervising District Parole Officer assigned to the case can verify the ATP.
- E. ATP's will be recorded by each inmate on an Administrative Transfer Plan Worksheet. Inmates who do not have sufficient information to complete the worksheet will be required to obtain the information in order to be transferred. Assistance will be provided to inmates having difficulty completing the worksheet. The BCCC will carefully examine the worksheet for legibility and completeness. Inmates not having an Administrative Transfer sponsor or a verifiable address will not be transferred from custody until such information is furnished by the inmate and the ATP verified. In such cases, the inmate will be transferred to the Wrightsville Unit or to the Hawkins Center to await the completion of an approved plan. Information required for obtaining a residence ATP is as follows:
1. Proposed sponsor's name
 2. Relationship of inmate to sponsor. Normally, the plan would be to a member of the inmate's family (i.e., mother, father, spouse, aunt, uncle, brother, sister, cousin, or grandparent). With the approval of the supervising parole officer, the inmate may administratively transfer to a friend that is familiar with the inmate or a halfway house or treatment center. Advanced correspondence with a halfway house or treatment center will be necessary to have a bed reserved for this type of plan. This type of plan is difficult to approve and the inmate must also have a back-up ATP that must be verified before being administratively transferred.
 3. Complete home address of the sponsor. If only a post office box number is used as an address, the inmate will be required to obtain the street address of the residence. If the residence is unnumbered or is in a rural area of the county, the inmate must furnish complete directions for locating the residence.
 4. A phone number where the sponsor can be contacted during regular working hours (Monday through Friday, 8:00 a.m. to 5:00 p.m.). If the sponsor works during regular hours, a business telephone number can be substituted, or a message telephone number if the sponsor does not have a telephone.

- F. While employment or attending school is not a mandatory requirement to be administratively transferred, each inmate will be required to obtain employment or return to school after he is transferred. If the inmate has a job waiting for him upon transfer or is eligible to be rehired by a former employer, the information will be obtained with the residence plan. The following information is required to verify employment:
1. Name of company hiring inmate.
 2. Name of person in the company who will hire the inmate.
 3. The position of the employer within the company (i.e., personnel officer, owner, manager, logging contractor, farmer, etc.).
 4. Complete address of the company or private individual offering employment.
 5. Telephone number where the proposed sponsor can be contacted.
 6. Name of school.
 7. Registrar's letter of approval to enroll in school.
 8. Complete address of the school.
 9. Telephone number of the school registrar.
- G. The ATP information obtained by the BCCC will be entered into eOMIS as the Administrative Transfer Plan Verification form. The form will be completed using information obtained from the inmate's institutional file. When ATP's have been prepared, they will be mailed to the appropriate Area Parole Office responsible for the county in which the inmate will reside.
- H. Upon approval of the plan, the Area Parole Supervisor will notify the BCCC for preparation of a Boot Camp Administrative Transfer Agreement. If the administrative transfer plan is rejected by the assigned District Parole Officer, the plan, along with the reason why it was rejected, will be returned to the BCCC. The BCCC will re-interview the inmate concerned and obtain a new ATP. The BCCC may submit the ATP to the appropriate Area Parole Office by telephone.
- I. Special Conditions of release such as a mental health plan, counseling, substance abuse treatment, etc., will be determined by the Boot Camp Committee and will be included in the release agreement.

- J. Procedures for transferring inmates successfully completing the Boot Camp program are as follows:
1. Approximately six (6) weeks before the inmate is to graduate from the Boot Camp program, the Boot Camp staff will enter the Boot Camp Administrative Transfer Agreement into eOMIS and mail to the appropriate parole area supervisor for approval. Once approved, the parole area supervisor will notify Boot Camp via email.
 2. The BCCC or other Boot Camp staff members will read through the Administrative Transfer Agreement with the inmate making sure the inmate fully and completely understands the contract and its conditions. The inmate will sign the contract and the Boot Camp staff member will sign as witness.
 3. The inmate may make written advance travel arrangements for transfer with his family or sponsor. If no prior arrangements have been made, the inmate may make a collect telephone call prior to graduation for pick-up.
 4. The inmate will be administratively transferred as a Class I-A inmate. The inmate will be processed out in a manner similar to parole and will be entitled to exit money in the amount approved by the Board of Corrections for parolees. The completed Administrative Transfer Agreement will be filed in the inmate's institutional file.
 5. Distribution of copies of the completed and signed Administrative Transfer Agreement will be as follows:
 - a. The original copy will be provided to the inmate.
 - b. A copy will be filed in the Parole Section of the inmate's state file.
 - c. A copy will be kept by the BCCC.
 - d. A copy will be mailed to the Area Parole Office for the county to which the inmate is transferred.
 6. The inmate will be instructed to report immediately to his supervising officer (same day transferred or the morning of the next work day). Transportation will be provided to the Little Rock bus station if required.
- K. Upon release of the inmate, the institutional file will be updated and

transferred to Centralized Records where it will be maintained until the inmate discharges or returns to a facility of the Department of Correction.

- L. Revisions of time or status initiated by the inmate's supervising officer will be forwarded through Parole Services. The Centralized Records office will compute and/or record all changes to the inmate's time and/or status. Time cards and other records revision notices will be returned through the Parole Services office.
- M. When a released inmate becomes eligible for regular parole, he/she may petition the Parole Board.
- N. Discharge and/or parole orders will be sent to the parole officer for the county where the inmate is assigned. The parole officer will serve the discharge and/or parole order and notify the Parole Services office when the inmate is released from custody/supervision. Supervision of releasees will be in accordance with procedures established by the Parole Board.

Conditions of Release

Page 6 of 6

1. **Reports:** You must report to your supervising officer within 24 hours after your release. Thereafter, you must report as instructed by your supervising officer. All written and oral statements made by you to your supervising officer must be truthful.
2. **Employment/Education:** You must maintain approved employment or be enrolled in an approved education program unless otherwise directed. You must obtain permission from your supervising officer before quitting your employment or education program. If you lose your job or are terminated from your education program, you must notify your supervising officer within 48 hours.
3. **Residence and Travel:** You must obtain prior approval from your supervising officer to change your place of residence, stay away from your approved residence overnight, or leave your assigned county.
4. **Laws:** You must obey all Federal and State laws, local ordinances and court orders. You are required to pay all court-ordered fines, fees, and restitution. You must report any arrest, citation, or summons to your supervising officer within 48 hours.
5. **Weapons:** You must not own, possess, use, pawn, sell or have under your control any firearm (or imitation) or other dangerous weapon, or be in the company of any person possessing such weapons. You must not possess any ammunition.
6. **Alcohol/Controlled Substances:** You will avoid the excessive use of alcohol, or abstain completely if directed, and will stay out of bars, taverns, clubs, and liquor stores. You must not sell, deliver or possess, or use controlled substances except as prescribed by a physician. You will submit yourself to random testing for the use of intoxicants and/or controlled substances.
7. **Association:** You must not associate with convicted felons, persons who are engaged in criminal activity, or other persons with whom your supervising officer instructs you not to associate (Association with convicted felons at work, in counseling programs, in church, or in other locations and circumstances specifically approved by the Parole Board or your supervising officer is not prohibited.)
8. **Supervision Fees:** You must pay a monthly supervision fee unless granted an exemption. Community service work in lieu of supervision fees may be required.
9. **Cooperation:** You must, at all times, cooperate with your supervising officer and the Parole Board. You must submit yourself to any rehabilitative, medical, or counseling program that the Parole Board or your supervising officer deems appropriate.
9. **Search and Seizure:** You must submit your person, place of residence, and motor vehicles to search and seizure at any time, day or night, with or without a search warrant, whenever requested to do so by any Department of Community Correction officer.
10. **Waiver of Extradition:** Your acceptance of conditional release constitutes an agreement to waive extradition to the State of Arkansas from any jurisdiction in or outside the United States where you may be found, and you also agree that you will not contest any effort by any jurisdiction to return you to the State of Arkansas to answer a charge of violation of any of the conditions of your release.
11. **Special Conditions:** Boot Camp After Care Meetings.

Inmate: _____

Date: _____

Witness: _____



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ADMINISTRATIVE DIRECTIVE

SUBJECT: Boot Camp Eligibility

NUMBER: 15-20

SUPERSEDES: 15-05

APPLICABILITY: Department Staff and inmates

REFERENCE: AR 888 –Boot Camp Program

PAGE 1 of 7

APPROVED: Original Signed by Wendy Kelley

EFFECTIVE DATE: 07/24/2015

I. POLICY:

To identify the eligibility and non-eligibility criteria for admission to the Boot Camp Program of the Arkansas Department of Correction.

II. EXPLANATION:

The Arkansas Department of Correction Boot Camp Program is a 105-day program of intensive behavior modification in an arduous, physically demanding, military-like environment. The Boot Camp Program is an intensified correctional program to deter repetition of criminal behavior and illegal drug use. Upon completion of the program, the inmate will be transferred to supervision in the community. Only appropriate inmates shall be chosen for the program in accordance with the guidelines adopted by the Board of Corrections.

III. PROCEDURE:

Eligibility and non-eligibility of inmates to participate in the Boot Camp Program are as follows:

A. Eligibility

The inmate must be:

1. Serving his/her first incarceration in an adult correctional facility; or not have previously participated in any adult correctional Boot Camp Program;
2. Serving a sentence of fifteen (15) years or less;
3. Eligible for minimum-security status;
4. Volunteer for the Boot Camp Program and agree to abide by all rules and regulations established by the Department; and
5. Not convicted of crimes that involved violence, weapons or conduct that could have resulted in injury or potential injury to the victim or other persons.

B. Non-Eligibility

An inmate is not eligible to participate in the Boot Camp Program if:

1. s/he represent an unacceptable threat to the public;
2. s/he has an active felony detainer filed against them;
3. s/he has been convicted of a sex offense or is required by statute or a court to register as a sex offender;
4. s/he has committed an offense involving violence, weapons or injury;
5. s/he cannot be reasonably accommodated due to an unmanageable medical or mental health issue;
6. s/he has been identified by the screening process as disruptive; or
7. s/he has participated in and failed to complete a drug court program without a waiver from the Judge operating that drug court program.

- C. Upon successful completion of the Boot Camp Program, the inmate must have an in-state residence upon release or s/he will not be administratively transferred to Arkansas Community Correction supervision; instead, s/he will remain in the custody of ADC. The ADC Classification Administrator may recommend a parole violator for Boot Camp, and will request a pre-screening by the Parole Board prior to admission into the program.

Inmates who have been convicted of the crimes on the attached list are not eligible for the Boot Camp Program.

IV. REFERENCE:

Ark. Code Ann. §§ 12-28-702 to 12-28-704.

Inmates convicted of the following crimes are not eligible for the Boot Camp Program

Type	Class	Statute	Crime
F	D	5-28-103	ABUSE OF ADULTS
F	D	5-60-101	ABUSE OF CORPSE
F	C	5-60-101(b)	ABUSE OF CORPSE
F	D	5-13-211	AGG ASSAULT EMPLOYEE CORRECTIONAL FAC
F	D	5-26-306	AGG ASSAULT ON FAMILY OR HOUSEHOLD MEMB
F	D	5-13-204	AGGRAVATED ASSAULT
F	D	5-26-304	AGGRAVATED ASSAULT ON WIFE
F	Y	5-39-204	AGGRAVATED RESIDENTIAL BURGLARY
F	D	5-71-202	AGGRAVATED RIOT
F	Y	5-12-103	AGGRAVATED ROBBERY
F	B	5-11-105	AIRCRAFT PIRACY
F	B	5-71-204	ARMING RIOTER
F	A	5-38-301	ARSON \$20,001 - \$100,000 DAMAGE
F	Y	5-38-301	ARSON GT \$100,000 DAMAGE
F	B	5-38-301	ARSON LT \$20,000
F	Y	5-3-203	ATTEMPTED CAPITAL MURDER
F	B	5-13-201	BATTERY - 1ST DEGREE
F	D	5-13-202	BATTERY - 2ND DEGREE
F	D	5-13-203	BATTERY - 3RD DEGREE
F	Y	5-13-201	BATTERY 1ST
F	D	5-13-202(a)(3)(B)	BATTERY 2ND DEGREE SERIOUSNESS LEVEL 4
F	Y	5-10-101	CAPITAL MURDER
F	A	5-10-101	CAPITAL MURDER
F	B	5-14-104	CARNAL ABUSE - 1ST DEGREE
F	A	5-14-104	CARNAL ABUSE - 1ST DEGREE
F	D	5-14-105	CARNAL ABUSE - 2ND DEGREE
F	C	5-14-105	CARNAL ABUSE - 2ND DEGREE
F	Y	5-38-202	CAUSING A CATASTROPHE
F	D	5-71-210	COMMUNICATING FALSE ALARM
F	B	5-27-605	COMPUTER EXPLOITATION OF A CHILD
F	A	5-27-605	COMPUTER EXPLOITATION OF A CHILD
F	C	5-27-605	COMPUTER EXPLOITATION OF A CHILD
F	A	5-3-404	CONSPIRACY FOR CAPITAL MURDER
F	Y	5-64-405	CONTINUING CRIMINAL ENTERPRISE
F	B	5-73-108(a)(1)	CRIM. POSS. EXPLOSIVE MATERIAL/DEST. DEVICE

F	Y	5-3-201	CRIMINAL ATTEMPT
F	B	5-73-108	CRIMINAL POSSESSION OF EXPLOSIVES
F	B	5-73-104	CRIMINAL USE OF PROHIBITED WEAPON
F	D	5-73-104	CRIMINAL USE OF PROHIBITED WEAPON
F	D	5-14-101	DEATH THREAT - SCHOOL EMPLOYEE OR STUDENT
F	Y	5-64-406	DIST OF CONT SUBS TO MINOR
F	B	5-26-303(b)(1)	DOMESTIC BATTERING - 1ST DEGREE
F	C	5-26-304	DOMESTIC BATTERING - 2ND DEGREE
F	B	5-26-304(b)(2)	DOMESTIC BATTERING - 2ND DEGREE
F	C	5-26-304(b)(1)	DOMESTIC BATTERING - 2ND DEGREE
F	D	5-26-304(b)(1)	DOMESTIC BATTERING - 2ND DEGREE
F	D	5-26-305(b)(2)	DOMESTIC BATTERING - 3RD DEGREE
F	A	5-26-303(b)(2)	DOMESTIC BATTERING 1ST ARREST DATE 7-30-1999
F	B	5-27-402(c)(2)	EMPTY, AUTH CHILD LT18 SEX PERF
F	C	5-27-402(c)(1)	EMPTY, AUTH CHILD LT18 SEX PERF 1ST OFF
F	C	5-27-402	EMPTY/AUTH CHILD LT 17 SEX PERF-1ST OFF
F	B	5-27-402	EMPTY/AUTH CHILD LT 17 SEX PERF-SUBS OFF
F	D	5-27-201	ENDANGER WELFARE INCOMPETENT-1ST DEGREE
F	D	5-27-205	ENDANGERING WELFARE OF MINOR-1ST DEGREE
F	B	5-27-303	ENGAGE CHILD IN SEX EXPLCT-SUBSQ OFF
F	Y	5-74-104	ENGAGE IN CONT CRIME GANG
F	U	5-74-104 1ST	ENGAGE IN CONT CRIME GANG 1ST DEG
F	U	5-74-104 2ND	ENGAGE IN CONT CRIME GANG 2ND DEG
F	C	5-27-303	ENGAGING CHILD IN SEXUALLY EXPLICIT CONDUCT
F	A	5-27-303	ENGAGING CHILD IN SEXUALLY EXPLICIT CONDUCT
F	C	5-54-110	ESCAPE - 1ST DEGREE
F	D	5-54-111	ESCAPE - 2ND DEGREE
F	C	5-54-112	ESCAPE - 3RD DEGREE
F	C	5-27-230	EXP OF CHILD TO CHEM SUBST OR METH
F	B	5-27-230	EXP OF CHILD TO CHEM SUBST OR METH
F	Y	5-54-208	EXPO PUB TOXIC BIOLOG, CHEM,/RADIO SUBST
	D	27-51-101	FAILURE TO STOP AFTER ACCIDENT WITH INJURY/DEATH
F	C	5-11-103	FALSE IMPRISONMENT - 1ST DEGREE
F	C	5-54-125	FLEEING WITH SERIOUS INJURY
F	B	5-73-129	FURNISH HANDGUN OR PROHIBITED WEAPON TO FELON
F	B	5-73-109	FURNISHING DEADLY WEAPON TO MINOR
F	C	5-54-117	FURNISHING IMPLEMENT FOR ESCAPE
F	D	5-54-117	FURNISHING IMPLEMENT FOR ESCAPE
F	C	5-54-118	FURNISHING IMPLEMENT-UNAUTH DEPARTURE
F	D	27-101-205(f)(3)	HIT AND RUN WITH GRAVE PERSONAL INJURY OR DEATH
F	C	5-26-202	INCEST

F	A	5-26-202	INCEST PERPETRATOR OVER 21 VICTIM UND 16
F	D	5-71-203	INCITING RIOT
F	C	5-27-306	INTERNET STALKING OF A CHILD
F	A	5-27-306	INTERNET STALKING OF A CHILD
F	B	5-27-306	INTERNET STALKING OF A CHILD
F	Y	5-13-210	INTRO CONT SUB INTO ANOTHERS BODY I-II
F	Y	5-13-210(c)(1)	INTRODUCTION OF CONTROLLED SUBSTANCE INTO BODY OF ANOTHER - NARCOTIC - SCHED I OR II
F	B	5-11-102	KIDNAPPING
F	Y	5-11-102	KIDNAPPING
F	A	5-14-123	KNOWING/WILL EXPOSE ANOTHER TO HIV
F	Y	5-64-401(a)(1)(C)(i)	MANF ETC CONTR SUB SCH I,II GE 200 LT 400 GMS
F	Y	5-64-401(a)(1)(B)(i)	MANF ETC CONTR SUB SCH I,II GE 28 LT 200 GMS
F	Y	5-64-401(a)(1)(D)(i)	MANF ETC CONTR SUB SCH I,II GE 400 GMS
F	Y	5-64-401(a)(1)(A)(i)	MANF,DEL,POSS CONTR SUBS SCH I,II LT 28 GMS
F	C	5-10-104	MANSLAUGHTER
F	B	5-64-407	MANUF METH PRESENCE MINOR ENHANCEMENT
F	Y	5-10-102	MURDER - 1ST DEGREE
F	A	5-10-102	MURDER - 1ST DEGREE
F	B	5-10-103	MURDER - 2ND DEGREE
F	A	5-10-103	MURDER 2ND DEGREE
F	D	5-10-105	NEGLIGENT HOMICIDE
F	B	5-18-104(b)(1)	PATRONIZING A VICTIM OF HUMAN TRAFFICKING (SERIOUSNESS LEVEL 7)
F	A	5-18-104(b)(2)	PATRONIZING A VICTIM OF HUMAN TRAFFICKING IF THE VICTIM IS A MINOR (SERIOUSNESS LEVEL 8)
F	B	5-11-106	PERMANENT DETENTION
F	D	5-11-106	PERMANENT DETENTION
F	B	5-27-221	PERMITTING ABUSE OF A CHILD
F	D	5-27-221	PERMITTING ABUSE OF A CHILD
F	C	5-27-221	PERMITTING CHILD ABUSE
F	C	5-54-113	PERMITTING ESCAPE - 1ST DEGREE
F	A	5-73-211	PERPETRATING A CRIME W/MACHINE GUN
F	Y	5-64-422(b)(3)	POSS CONT SUB
F	Y	5-64-23(a)(2)(B)(i)	POSS CONT SUB
F	Y	5-64-423(a)(3)	POSS CONT SUB
F	Y	5-64-423(b)(2)(C)	POSS CONT SUB
F	Y	5-64-440(c)	POSS CONT SUB
F	D	5-73-131	POSS/USE WEAPON BY INCARCERATED PERSON
F	D	5-73-103	POSSESSION OF FIREARM BY CERTAIN PERSONS
F	B	5-73-103	POSSESSION OF FIREARMS BY CERTAIN PERSONS

	D	5-73-119	POSSESSION OF HANDGUN ON PUBLIC SCHOOL PROPERTY OR BUS
F	B	5-27-403	PROD/DIR SEXUAL PERFORMANCE CHILD LT 17
F	B	5-27-403(b)	PROD/DIR SEXUAL PERFORMANCE CHILD LT 18
		5-71-302	PROMOTING CIVIL DISORDER 1 ST DEGREE
F	D	5-70-104	PROMOTING PROSTITUTION - 1ST DEGREE
F	Y	5-14-103	RAPE
		5-38-311	SETTING A FIRE WITH INTENT TO LET ESCAPE
F	C	5-14-108	SEXUAL ABUSE - 1ST DEGREE
F	A	5-14-124	SEXUAL ASSAULT - 1ST DEGREE
F	B	5-14-125(b)(1)	SEXUAL ASSAULT - 2ND DEGREE
F	C	5-14-126	SEXUAL ASSAULT - 3RD DEGREE
F	D	5-14-125(b)(2)	SEXUAL ASSAULT 2ND DEG BY MINOR LT 15 NOT SPOUSE
F	D	5-27-307(c)(1)	SEXUAL GROOMING A CHILD
F	D	5-14-110	SEXUAL SOLICITATION OF A CHILD
F	Y	5-74-106	SIMULT POSS OF DRUGS AND FIREARMS
F	A	5-3-301	SOLICITING CAPITAL MURDER
F	Y	5-54-202	SOLICIT/PROVID MATERIAL SUPPORT FOR TERRORIST
F	C	5-74-203	SOLICITING MINOR TO JOIN GANG
F	B	5-74-203	SOLICITING MINOR TO JOIN GANG 2ND OFFENSE
F	B	5-71-229	STALKING 1ST DEGREE
F	C	5-71-229(a)(3)	STALKING 1ST DEGREE
F	C	5-71-229	STALKING 2ND DEGREE
F	D	5-71-229(b)(3)	STALKING 2ND DEGREE
F	Y	5-54-205	TERRORISM
F	B	5-13-310	TERRORISTIC ACT
F	Y	3-13-310	TERRORISTIC ACT
F	D	5-13-301(a)	TERRORISTIC THREATENING - 1ST DEGREE
F	B	5-73-108(f)	THEFT OF EXPLOSIVE MAT/TO HARM PERSON/PROP
F	D	5-71-211	THREATENING A FIRE OR BOMBING
F	D	5-38-202	THREATENING TO CAUSE A CATASTROPHE
F	A	5-11-108(b)(1)(A)	TRAFFICKING OF PERSONS
F	A	5-11-108(b)(1)(B)	TRAFFICKING OF PERSONS
F	A	5-11-108(b)(1)(C)	TRAFFICKING OF PERSONS
F	A	5-11-108(b)(1)(D)	TRAFFICKING OF PERSONS
F	A	5-11-108(b)(1)(E)	TRAFFICKING OF PERSONS
F	A	5-11-108(b)(1)(F)	TRAFFICKING OF PERSONS
F	A	5-11-108(b)(1)(G)	TRAFFICKING OF PERSONS
F	A	5-18-103(c)(1)	TRAFFICKING OF PERSONS (SERIOUSNESS LEVEL 8)
F	Y	5-18-103(c)(2)	TRAFFICKING OF PERSONS IF VICTIM IS A MINOR (SERIOUSNESS LEVEL 9)

F	C	5-27-305	TRANSPORT MINOR FOR PROHIBITED CONDUCT
F	C	5-27-304	TRANSPORTATION, RECEIPT, AND DISTRIBUTION FOR SALE OF OBSCENE MATERIAL DEPICTING CHILD FIRST OFFENSES
F	B	5-27-304	TRANSPORTATION, RECEIPT, AND DISTRIBUTION FOR SALE OF OBSCENE MATERIAL DEPICTING CHILD SUBSEQUENT OFFENSES
F	Y	5-74-107	UNLAW DISCHARGE FIREARM VEH 1ST DEG
F	B	5-74-107	UNLAW DISCHARGE FIREARM VEH 2ND DEG
F	C	5-11-105	VEHICULAR PIRACY
F	C	5-14-120	VIOLATION OF A MINOR - 1ST DEGREE
F	D	5-14-121	VIOLATION OF A MINOR - 2ND DEGREE
F	B	5-26-301	WIFE BATTERING - 1ST DEGREE
F	D	5-26-302	WIFE BATTERING - 2ND DEGREE