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January 16, 2018

Senator David Sanders, Co-Chair
 Arkansas Legislative Council
 Administrative Rules and Regulations Subcommittee
Via Email

Representative Kim Hammer, Co-Chair
 Arkansas Legislative Council
 Administrative Rules and Regulations Subcommittee
Via Email

Dear Co-Chairs,

Please consider this letter, and the accompanying attachments, as the Department of Correction's quarterly report on new and revised administrative regulations, directives, and memoranda issued in the quarter. Submitted along with this letter are the following administrative directives:

AD #	AD Title	Superseded AD #	Effective Date	Summary
AD 2017-19	Uniform Policy	AD14-36	10/14/2017	This policy was amended to revise the uniform issuance process and to eliminate the seasonal designation for uniform sleeve length. Additional changes were made to clarify existing language.
AD 2017-29	Employee Driver's License	AD11-43	10/17/2017	This policy was amended to reflect changes reflect in the Arkansas State Vehicle Safety Program related to drivers whose driver's license is either suspended or revoked; or that receive a citation for Driving While Intoxicated (DWI), Driving Under the Influence (DUI), or for driving without a license.

AD #	AD Title	Superseded AD #	Effective Date	Summary
AD 2017-32	Incident Notification Procedures	AD16-05	10/18/2017	This policy was amended to require that the Arkansas State Police be notified of all inmate deaths. Notifications to the Arkansas State Police will be made by the facility Superintendent, Warden, or Center Supervisor or designee. The Administrator of the Internal Affairs Division will confirm that the State Police has received notification of the death.
AD 2017-28	Inmate Disciplinary Manual	AD17-08	10/22/2017	This policy was amended to establish the appropriate assignment for an inmate refusing job or program assignments. When such refusals interfere with the safe and secure operation of the facility, the punishment for a Class B violation may include punitive isolation.
AD 2017-31	Restrictive Housing	AD17-02	11/6/2017	This policy was amended to establish the status assignment of Restrictive Recreation. Additionally, the privilege of possessing a MP4 player or tablet by an inmate in Restrictive Housing and their opportunity to groom their facial hair were also addressed.
AD 2017-35	Initial Unit of Assignment	AD12-15	12/29/2017	This policy was amended to designate the Wrightsville and Randall L. Williams Units as "parent units" for male inmates. Additional changes were made to clarify existing language.

There were no new or revised administrative regulations or memoranda issued during the previous quarter. Please do not hesitate to contact me with any questions or comments.

Sincerely,



Solomon Graves
Public Information Officer & Legislative Liaison
Arkansas Department of Correction

CC: Ms. Wendy Kelley, Director, Arkansas Department of Correction
Mr. Jim DePriest, Assistant Director/Chief Legal Counsel, Arkansas Department of Correction
Ms. Takelia McDaniel, Agency Policy Coordinator, Arkansas Department of Correction
Mr. Benny Magness, Chairman, Arkansas Board of Corrections
File



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ADMINISTRATIVE DIRECTIVE

SUBJECT: Uniform Policy

NUMBER: ~~44-36~~—17-19

SUPERSEDES: ~~14-12~~14-36

APPLICABILITY: Wardens, Center Supervisors,
Administrators and all Uniformed Personnel

REFERENCE: ~~AR-200 Series~~AR-201

PAGE: 1 of ~~9~~98

APPROVED: Original signed by ~~Ray Hobbs~~Wendy Kelley **EFFECTIVE**
DATE: ~~<TBD>~~07/25/2014

I. POLICY:

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The Arkansas Department of Correction (ADC) shall establish and monitor a dress code for uniformed employee correctional officers to ensure an appearance appropriate for a professional correctional organization. This policy shall also establish procedures for issuance and maintenance of uniforms. Supervisors are to inspect their uniform staff at the beginning of each shift for adherence to the provisions of this policy.

II. EXPLANATION/PURPOSE:

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The uniforms issued to security employees shall be worn only while on duty and to and from work. Exceptions can be made by the Unit Warden/Center Supervisor/Administrator when the employee is serving on a special assignment. All personnel shall present a neat, professional, and clean appearance, and adhere to policy guidelines at all times while in uniform.

A. Supervisors are to inspect their staff at the beginning of each shift for adherence to the provisions of this regulation.

III. PROCEDURES:

BA. Correctional Officer Uniforms:

The uniforms issued to correctional officers shall be worn only while on duty and to and from work. Exceptions can be made by the Unit Warden/Center Supervisor/Administrator when the correctional officer is serving on a special assignment.

1. Each security ~~employee~~ correctional officer shall be issued **3 pairs of pants, 6 shirts (3 long sleeve and 3 short sleeve, unless 50% of their arms have tattoos the officer has visible offensive arm tattoos, then the employee correctional officer will receive 6 long sleeve shirts)**, 1 jacket, 7 chest badge patches, and 12 shoulder patches during Basic Correctional Officer Training.
2. Uniforms should be neatly pressed. Pants should have a crease down the center of each pant leg, and shirts should have a crease down the center of each sleeve with no wrinkles on either garment.
3. Correctional ~~o~~Officers shall wear a state issued ~~blue~~ uniform consisting of a shirt, jacket ~~when appropriate~~, and navy blue trousers. If an ~~employee a~~ Correctional Officer chooses to wear, a non-state issued uniform, it must be identical in style and color to the department issued uniform. ~~BBDU, battle Ddress Uunifrom (BDU), or cargo pants are not acceptable. T-Shirts must be solid white and will be purchased by the employee correctional officer. The employee may purchase only approved summer and winter hats. Hats for inside security consist of plain, solid navy blue ball caps with no letters or insignia or solid navy blue ball cap with the ADC letters or insignia. mesh backing for summer wear and solid backing for winter wear. Hats for field security will be purchased by the unit. Blue/gray felt western style hats are approved for winter wear and shall be replaced every other year. Winter hats may be worn from October 15th, 15th to April 30th, 30th. Straw western style hats are approved for summer wear and shall be replaced yearly. Summer hats may be worn from May 1st to October 15th.~~
4. ~~Employee~~ Correctional officers may exchange their uniform pants and shirts each ~~every other year~~ unless the Unit Warden or ~~their designee~~ deems it necessary with 005 documentation ~~as set out in Paragraph 5 below the next paragraph.~~ The exchange must occur ~~year~~ during ~~their the~~ ~~employee correctional s-officer's anniversary month.~~ month of hire. Jackets may be exchanged every ~~three five~~ years, ~~at the time of exchange of the shirts or jackets.~~ The ~~employee correctional officer shall present the shirt or jacket to be turned in without patches. The employee correctional officer shall retain the patches to be placed upon the new shirts or jacket. at the same time as their uniform pants and shirts.~~ Field security may

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exchange their jackets every other year. ~~Employee~~ Correctional officers must have their ~~Identification~~ Identification B badge with them in order to exchange uniforms.

5. ~~Employee~~ Correctional officers will not be allowed to exchange or replace uniforms more often than ~~than~~ set out in the previous paragraph: ~~outside of their every other anniversary date unless:~~

- ~~(1) uniforms are~~ the uniform is confiscated due to an incident with inmates. The unit confiscation report must be submitted before replacement will be allowed;
- ~~(2) uniforms were~~ the uniform was destroyed through no fault of the ~~employee~~ correctional officer (i.e., natural disaster); or
- ~~(3) it is~~ due to special circumstances documented in an incident report (005) and approved by the appropriate supervisor and warden. ~~Any remains of uniforms must be returned at the time new uniforms are picked up.~~ The ~~employee~~ correctional officer must have their ID badge and a copy of the approved incident report (005), if applicable, in order to exchange or replace uniforms. ~~—Family members will not be allowed to exchange uniforms for an employee correctional officer. Uniforms may not be purchased from ADC.~~

The following items are required to complete the uniform and must be purchased by the ~~employee~~ correctional officer:

- a. Dark blue or black socks.
- b. Solid black leather belt, plain with no designs or lettering, plain silver or gold colored buckle. Width should be no less than 1 ¼ inches or more than 1 ¾ inches.
- c. Plain black leather shoes or boots with round toes. No designs are permitted and all stitching will be black in color to include the top edge of the soles. Heels shall not be more than 2 inches in height and soles shall not be more than 5/8 inches thick. For safety purposes, no tennis shoes or steel/Kevlar toe boots will be allowed.
- d. A dark blue toboggan with ADC insignia may be utilized on outside posts, ~~as needed, only during the winter season (October 15th through April 30th).~~
- e. Black gloves.

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- f. Ties may only be worn for funeral or formal events as dictated by the Warden/Center Supervisor. If a tie is authorized to be worn, it must be navy blue and between 2 to 3 inches in width.

~~46.6.~~ ~~Employee~~ Correctional officers will contact the Unit Human Resources Manager regarding the purchase of Department approved ADC caps. The Unit Warden/Center Supervisor/Administrator will determine if caps will be authorized at that facility.

~~57.~~ All Correctional Officers shall be required to wear pants legs outside of the boots. Officers shall wear shirttails inside trousers, except in instances of pregnancy. ~~Short sleeve shirts shall be worn from May 1st to October 15th.~~ Officers assigned to outside posts must have the approval of the Warden/Center Supervisor to wear long sleeve shirts during the summer months, unless tattoos cover more than 50% of their arms. All Correctional Officers are expected to comply with policy guidelines while in uniform. ~~The Unit Warden/Center Supervisor/Administrator will determine if staff will be allowed to wear skin tones breathable sleeves to wear under uniforms to cover tattoos so that staff can wear short sleeve shirts in the summer months.~~

~~68.~~ The Unit Warden/Center Supervisor/Administrator may authorize officers to wear ammunition holders, holsters, handcuff cases, and equipment holders on their belts, as necessary. These holders shall be plain, black in color, with no lettering or designs. ~~No personal equipment (i.e. handcuff keys, handcuffs, chemical agent, etc.) will be allowed into the units used or possessed while on duty.~~

~~79.~~ Food Service ~~employee~~ correctional officers shall be issued white shirts, navy blue pants, and a jacket. Dark blue or black socks, plain black belt, and ~~plain round toe black shoes/boots, as described in B.3.e.,~~ are required to complete the uniform and are to be purchased by the ~~employee~~ correctional officer.

~~810.~~ ~~Officers~~ Correctional officers assigned to Hospital security ~~is~~ are non-uniformed security personnel who must adhere to the Administrative Directive on Personal Appearance Standards for Non-Uniformed Employees ~~Employees~~. Hospital Security ~~employee~~ correctional officers ~~officers~~ shall wear an authorized badge while on duty in the community performing Department of Correction functions. This badge is intended to provide rapid validation of the officer in emergencies, and to reassure the public and hospital staff who may notice that the officer is armed. The badge will be worn on the belt with a plain black leather or nylon holder that attaches to the waistband. It should be worn 4 to 6 inches to the right of center of the individual's trousers. In emergencies, it may be clipped to the left pocket of the jacket as to be clearly visible.

9. ~~11.~~ Other special divisions may be authorized to wear special uniforms as ~~prescribed~~ prescribed by the appropriate Administrator/Deputy or Assistant Director and authorized by the Director.

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~~10~~12. Range wear for the Training Academy staff will be blue BDU pants, plain toe black boots, Hi-Viz T-shirt, or Hi-Viz Jacket (purchased by Academy), or Hi-Viz Vest.

~~11~~13. Emergency Response Team members are authorized to wear Woodland BDU pants and matching BDU long sleeve shirts. A plain black and/or tan t-shirt may be worn in the summer months in lieu of the long sleeve shirt. The BDU shirt will be adorned with two (2) shoulder patches, an Emergency Response Team rocker patch, ~~a badge patch~~ and rank insignia (if worn), all in subdued black and green. Black and/or tan combat boots and a black or OD (olive drab) green belt shall complete the uniform and are to be purchased by the ~~employee~~ correctional officer. A Woodland camouflage cap is optional. This uniform may only be used while performing duties as an ERT member. The standard correctional officer uniform will be worn while performing regular duties.

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~~12~~14. K-9 Officers are authorized to wear OD green BDU pants ~~and a~~ with short ~~and~~ long sleeve OD green, button down shirt with a subdued green Correctional Police badge embroidered on the left breast, a subdued American Flag on the left sleeve, and a subdued ADC patch on the right sleeve. An OD green flight jacket may be worn during cold weather. A tactical long sleeve shirt and t-shirt in OD green may also be worn. ~~If worn, the~~ The tactical long sleeve shirt will be adorned with two (2) shoulder patches, a badge patch, and rank insignia (if worn) in subdued black and green. Black and/or tan combat boots and an OD green or black belt shall complete the uniform and are to be purchased by the ~~employee~~ correctional officer. An ADC black and OD green ball cap is optional. This uniform may only be used while performing duties as a K-9 officer. The standard correctional officer uniform will be worn while performing regular duties.

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~~E~~B. Uniform Issuance:

1. The Uniform Issuance Officer located at the Training Academy is responsible for maintaining a method of accounting for all uniforms.
2. Every ~~employee~~ correctional officer shall be given a statement to sign at the time of issuance which indicates that the ~~employee~~ correctional officer has received all items as listed; agrees to be responsible for the safekeeping of items; agrees to return all department issued uniforms if employment is terminated for any reason, and; agrees to pay the

replacement cost for any lost or destroyed items when such loss or destruction occurs through negligence of the employee correctional officer.

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DC. Placement of Insignia:

Only the items listed below may be worn or displayed on the uniform:

1. The nametag [three-fourths inches (3/4") in height, blue with white letters, includes two (2) initials and last name and Unit of assignment] shall be worn centered on the top edge of the right shirt pocket. The nametags will be ordered by the Training Academy during Basic Training (BT). The units/centers shall be responsible for providing replacement nametags.
2. The Department of Correction issued badge patch shall be centered 1/4" above the left shirt pocket.
3. ~~Officer First Class~~, Corporals, Sergeants, Lieutenants, and Captains shall wear silver-colored insignia on both collars. Majors shall wear gold-colored insignia on both collars. All insignia should be centered 1/4 inch from each edge of the collar. The Emergency Response Team (ERT) will wear rank insignia on the right collar and the ERT insignia on the left collar. Rank insignia shall be state issued, constructed of metal, and will be as follows:

~~Officer First Class:~~ Silver - 1 small chevron

Corporals and Food Production Manager I:
Silver - Two small chevrons

Sergeant: Silver - Three small chevrons

Lieutenant and Training Instructors:
Silver - One bar, one-quarter inch (1/4") wide and three-fourths inches (3/4") long.

Captain, Training Supervisors, and Food Production Manager II:
Silver - Two parallel bars, one-quarter inch (1/4") wide.

Major:

Gold - Small oak leaf

The Unit Human Resources Manager will be responsible for the ordering of rank insignia.

4. The ADC insignia patch will be worn by uniformed staff. The patch shall be worn on sleeves of all shirts. It shall be centered two inches (2") below the shoulder/sleeve seams.
5. Service bars and stars will be worn in place of service pins at the ~~employee~~correctional officer's expense. The service bars will be silver in color on a background of navy blue ~~material~~material to match the epaulet on the shirt, and will be seven-sixteenths inches by one inch (7/16" x 1") in size, to be placed one-quarter inch (1/4") apart on the left shirtsleeve. Each officer will wear one bar for each year of service completed. When an officer is eligible to wear more than four (4) bars, he or she will omit the bars and use a five-point star denoting five (5) years of service. At no time should an officer have more than four (4) bars on the sleeve.

The service stars will be the same color as the bars and placed one-half inch (1/2") apart. The size of the stars will be three-quarter inches (3/4") from the top of one point of the star to the opposite tip. The service stars will be sewn on the left sleeve immediately to the right of the crease in the sleeve and one inch (1") from the top of the cuff. The single point of the star will be pointed upward. If no stars are used, the bars will be sewn in the same manner. If stars are used, then bars will be sewn above the stars.

6. The Field Training Officers (FTO's) will wear the silver FTO pin over the left collar in place of the rank insignia. The FTO pin will be issued by the unit.
7. The identification card is required to be displayed, and it shall be centered and clipped to the left pocket flap of the shirt with ~~the picture~~the picture displayed.
8. At the discretion of the Director, a black ribbon may be worn over the badge as an indicator of mourning. The ribbons should be 1/2 inch wide and 3 inches long and should be attached diagonally with the ribbon beginning at the top of the left side of the badge. At the death of ~~an~~ ~~employee~~correctional officer, the Warden/Center Supervisor may authorize the wearing of the black ribbon through the day of the funeral service.
9. Before any other insignia or articles can be worn on the uniform, written approval from the Director must be received.

ED. Accountability:

The ~~employee~~correctional officer will be held responsible for all uniform items and other state property issued and will keep all garments cleaned and in good condition.

If the ~~employee~~correctional officer cannot satisfactorily account for any items of state property, which have been issued, the Unit Warden/Center Supervisor/Administrator will take the following actions:

1. The ~~employee~~correctional officer is required to complete a 005 report.
2. Notify the ~~employee~~correctional officer that he or she must make immediate payment of the cost computed by the Uniform Issuance Officer of the items in the form of a money order payable to the Department of Correction.

FE. Hair Requirements:

1. Male officers must adhere to the hair portion of this policy when in uniform. Each uniformed ~~employee~~correctional officer shall keep his face clean-shaven and his sideburns neatly trimmed, ~~(unless there is a medical necessity, as documented by a physician).~~ Sideburns should be ~~no~~ wider than one inch (1") and the same width, ~~not exceeding the bottom of the earlob on each side and shall not extend beyond the bottom of the earlobe.~~ Neatly trimmed mustaches not extending below the corner of the mouth nor extending below the top of the upper lip will be permitted. Hair shall be trimmed and properly groomed so that it does not extend over the top of the ears or the collar. The hair should be kept clean, neat, and styled to present a professional appearance. Braids, ~~dreads~~dreads/dreadlocks, cornrows, ponytails, Mohawks or hairpieces, i.e., wigs, extensions, etc., are not allowed. Only removable hairpieces required for medical necessity, as documented by a physician, are allowed.
2. Female correctional officers must adhere to the hair portion of this policy when in uniform. The hair should be kept clean, neat, and styled to present a professional appearance. Long hair shall be arranged in a fashion so that it does not extend over the collar or ears. ~~Individual~~ Braids, ~~dreads~~dreads/dreadlocks, cornrows, ponytails, Mohawks or hairpieces, i.e., wigs, extensions, etc., are not allowed. Styles that allow an inmate a handhold are not

allowed. Only full, removable wigs required for medical necessity, as documented by a physician, are allowed.

- 3. Dyed, tinted, highlighted, or bleached hair must be within one of the naturally occurring color ranges and professional in appearance. Naturally occurring color ranges do not include unique hair colors such as pink, blue, green, bright red, orange, or purple. Hair will not be styled or combed forward any lower on the forehead than the ~~employee~~correctional officer's eyebrow, measured from the high point of ~~the eyebrow~~~~eyebrow~~the eyebrow.

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GGHF. Fingernails:

All personnel will keep fingernails clean and neatly trimmed. Fingernails shall not exceed one-eighth (1/8) inch beyond the tips of the fingers. Only clear, non-decorative fingernail polish is allowed. Females may wear clear acrylic nails, provided they have a natural appearance and conform to ADC standards.

HHIG. Jewelry:

Due to the inherent physical risk and possible monetary loss of working in a correctional setting, uniformed ~~employee~~correctional officers shall limit the type and amount of jewelry worn while on duty and in uniform. Uniformed ~~employee~~correctional officers may wear a wristwatch, a wedding ring, and one other ring. Only religious ~~medallions, and~~medallions and/or medic alert tags may be worn. If religious medallions, and/or medic alert tags are worn, they must be worn underneath the shirt and not visible. Uniformed officers are prohibited from wearing earrings while on duty or in uniform. No tongue-stud, lip, nose, eyebrow, or other visible body piercings are allowed. (Covering visible body piercings with band-aids is not considered complying with this policy.)

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IJH. Tattoos:

While in uniform, correctional employees should project a professional appearance at all times. No uncovered tattoos of any kind shall appear on a uniformed employee's face. No offensive tattoos shall be visible while the employee is in uniform. The term offensive tattoo includes any tattoo which might cause a reaction from staff or inmates, which would undermine the good order or operation of the facility. This includes, without limitation, any tattoo depicting a symbol or image associated with any Security/Terroristic Threat Group (STTG). While in uniform, correctional employees should project a professional appearance at all times. Tattoos on necks, arms, and other visible areas distract from that professional appearance; therefore, not all no tattoos shall be visible

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while in uniform. Band-aids may be used to cover the tattoos; however, if tattoos cover the entire arm, long sleeves must be worn or a flesh-colored sleeve.

J.K. Hygiene and Body Grooming:

Officers will maintain good personal hygiene and grooming on a daily basis, and wear the uniform so as not to detract from their overall Correctional Officer appearance.

K.L.H.H. Resignation/Termination of Employment:

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The terminated employee A correctional officer who resigns or is terminated will be responsible for returning all state issued uniforms and their badge to the Uniform Issuance Officer. The employee correctional officer will receive a receipt for the returned items upon request. The Uniform Issuance Officer will indicate receipt of items and notify the Central Payroll Office that all items have been returned.



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ADMINISTRATIVE DIRECTIVE

SUBJECT: Inmate Disciplinary Manual

NUMBER: ~~17-08-17-28~~

SUPERSEDES: ~~17-0417-08~~

APPLICABILITY: Inmates and Staff

REFERENCE: AR 831 – Disciplinary Rules
and Regulations

PAGE: 1 of 39

APPROVED: Original Signed by Wendy Kelley

EFFECTIVE DATE: 02/08/2017

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- I. **POLICY:** To ensure that Institutional Rules and Regulations are enforced through an unbiased and prudent fact finder and to provide appropriate due process throughout the disciplinary process. The behavior of offenders committed to the custody of the Department shall be controlled in an impartial and consistent manner.
- II. **EXPLANATION:** The Department shall establish and designate Major and Minor Disciplinary Hearing Officers who shall hear and adjudicate all reports of infractions of institutional rules and regulations that are referred to them. These authorities shall be designated as the Major or Minor Disciplinary Hearing Officers, respectively. When inmate behavior requires discipline, these procedures shall be followed to ensure that no unnecessary disciplinaries are written and that:
- A. there is no bias in favor of the charging officer;
 - B. there is no presumption of guilt;
 - C. there is a reliable method of determining whether an infraction has in fact occurred;
 - D. blatant forms of partiality which can result from prior knowledge, involvement, bias, or personal interest in a particular case are minimized; and
 - E. Sanctions are imposed to discourage further rule violations with the use of Punitive Segregation only when the presence of the inmate in the general population, due to the

behavior of the inmate posing a direct threat to the safety of persons or a clear threat to the safe and secure operations of the facility.

III. **DEFINITIONS:**

- A. The Disciplinary Hearing Administrator is the Internal Affairs Administrator. The Disciplinary Hearing Administrator is responsible for ensuring that Disciplinary Hearing Officers are trained and will regularly review the hearings conducted by these hearings officers.
- B. Disciplinary Hearing Officer – conducts hearings on Major Disciplinaries known as Major Disciplinary Court.
- C. Serving Officer/Notifying Officer – serves charges on the inmate(s), may appoint a Counsel Substitute and receives the inmate's list of witnesses regarding the charge and provides the inmate with a copy of the Disciplinary Hearing Officer's report. The Warden is responsible for ensuring that these officers are properly trained.
- D. Minor Disciplinary Officer – conducts hearings on minor disciplinary charges referred to as Minor Disciplinary Court. The Warden designates an officer to be trained to handle the minor disciplinaries at his/her unit.
- E. Disciplinary Report – the factual basis for the charge of rule violation(s) and the rule(s) violated.
- F. Charge – the details of the rule violation(s) contained in the Disciplinary Report.
- G. Assault – a willful attempt or threat(s) to inflict injury upon the person of another.
- H. Battery – the actual use of physical force upon the person of another.
- I. Indecent Exposure – public exposure of one's genitals for gratification or pleasure.
- J. Masturbation – manipulating one's genitals to arouse or gratify a sexual desire; does not require exposure.
- K. Staff includes any employee of the Arkansas Department of Correction, the Correctional School System, and any employee or contractor providing services within an Arkansas Department of Correction facility through contract or agreement with the Arkansas Department of Correction.
- L. Counsel Substitute – staff appointed to assist the inmate through the disciplinary process including the appeal process if necessary.

- M. Introduction – introduction shall be established through investigation that the charged inmate assisted in the article being brought on ADC property, moved about on ADC property, or stored in any manner on ADC property.
- N. Business day is Monday through Friday, excluding legal State recognized Holidays.
- O. PREA Charge – any rule violation that is connected to the Prison Rape Elimination Act (PREA) and requires a response directed by the Department’s PREA Policy. The outcome for a PREA violation may direct a precaution indicating predator or victim identifications. This would include violations of sexual misconduct, rape or forced sexual act, masturbation in the presence of another, sexual threats, sexual harassment, demanding sexual acts in trade, and aiding or abetting in any of the above.

IV. GENERAL RULES FOR MAJOR DISCIPLINARIES:

- A. To prevent the filing of unnecessary disciplinaries, reasonable effort should be made to first counsel the inmate about his/her behavior.
- B. Each Major Disciplinary Court shall consist of one Disciplinary Hearing Officer, who shall have singular authority for determining guilt or innocence and assessment of appropriate punishment.
- C. The Disciplinary Hearing Officer(s) assigned to the Randall L. Williams Correctional Facility will conduct hearings at all units.
- D. The officer who serves the disciplinary shall have the authority to appoint a staff Counsel Substitute at the time the disciplinary is served.
- E. Disciplinary action(s) shall be determined by a schedule of punishments that are based on the seriousness of the rule violated.
- F. The appeal process shall be directed to the Warden/Center Supervisor, then to the Disciplinary Hearing Administrator and then to the Director.

V. TRAINING:

- A. The Disciplinary Hearing Administrator will be responsible for maintaining an instructional folder containing information on the proper procedures for holding major and minor disciplinary hearings, serving disciplinaries, rules and regulations of each unit, plus other pertinent information which could be helpful in implementing these policies and procedures. The folders will be available for training and review. The Disciplinary Hearing Administrator is responsible for training all Disciplinary Hearing Officers.
- B. The Disciplinary Hearing Officers will be required to review and be knowledgeable of all the policies and procedures including the use of the electronic offender management

system for processing disciplinary records. This includes the Inmate Handbook, Employee Handbook, applicable state and federal laws, AR's of the Arkansas Department of Correction, AD's of the Arkansas Department of Correction, and Unit operating procedures.

- C. Each Warden will designate Serving/Notifying Officer(s) and ensure they are trained on Department policies including the Inmate Disciplinary Manual and procedures for serving disciplinaries.
- D. Each Warden will designate one or more Minor Disciplinary Officers and ensure that such officers are trained on Department policies including the Inmate Disciplinary Manual and procedures for conducting minor disciplinary court.

VI. BEHAVIOR RULES AND REGULATIONS:

- A. The following rules and regulations shall govern inmate behavior at all units. Note that some rule numbers are not in order as categories were combined, but historical information will be maintained; additionally, numbers reserved for historical purposes are not listed in this policy. The "**bold**" words below indicate what should display on the ADC website for major rule violations; in some instances it will be the category unless words in the specific rule violation are bolded in which case those words will display on the website.

GROUP DISRUPTION CATEGORY

PENALTY CLASS

- | | |
|---|---|
| 01-1. Banding together for any reason which disrupts unit operations which may include taking over any part of the unit or property of the Department, seizing one or more persons as hostages, or interrupting operations. Rule violation may result in loss of all good time. | A |
| 01-6. Direct involvement in writing, circulating or signing a petition, letter, or similar declaration that poses a threat to the security of the facility. | B |
| 01-7. Any rule violation set forth above that is found to be related to recruitment or participation in a security threat group, or is motivated by racial, religious, or gender discrimination. Rule violation may result in the loss of all good time. | A |

INDIVIDUAL DISRUPTIVE BEHAVIOR CATEGORY

- | | |
|--|---|
| 02-2. Under the influence of and/or any use of illegal drugs, alcohol, intoxicating | A |
|--|---|

chemicals or any medication in an unauthorized manner.

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| 02-3. | Monetary Misconduct – Entering into unauthorized contractual agreements, failure to turn in all checks or monies received, obtaining money through fraud or misrepresentation (examples include buying articles on a payment plan, failure to turn in tips received on work release, misleading someone to obtain money). | B |
| 02-4. | Employment Misconduct – Work Release inmates who quit a job without prior approval, get fired for misconduct, tardiness or shirking duties, or fail to notify ADC staff when too ill to work. | C |
| 02-5. | Unauthorized use of mail or telephone , including passing unauthorized messages, three-way communication(s), calling on another's phone code, posing as another person, and telephone communications with unauthorized persons. | B |
| 02-11. | Tattooing, piercing, and self-mutilation intended to change oneself or another's appearance; this does not include attempts to commit suicide or injure oneself unless solely for manipulation – See Administrative Regulation 834, Procedure for Handling Alleged Disciplinary Infractions of Mentally Disordered Inmates. | B |
| 02-12. | Failure to keep one's person or quarters in accordance with regulations, or failure to wear Department-issued ID, or clothing according to center/unit policy. | C |
| 02-13. | Breaking into, or causing disruption of, an inmate line or interfering with operations . | B |
| 02-15. | Tampering with , or blocking, any lock or locking device . | A |
| 02-16. | Refusal to submit to substance abuse testing . | A |
| 02-17. | Creating unnecessary noise , including disruptive or aggressive play in areas other than designated recreation areas. | C |

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| 02-20. | Unauthorized communication , contact, or conduct with a visitor or any member of the public or staff. | B |
| 02-21. | Running from, avoiding, or otherwise resisting apprehension . | B |
| 02-22. | Interfering with the taking of count . | B |
| 03-3. | Unexcused absence from work/school assignment or other program activity. | B |
| 03-5. | Out of place of assignment . | B |
| 05-5. | Provoking or agitating a fight . | B |
| 11-1. | Insolence to a staff member . | B |
| 12-2. | Refusal of job assignment including participating in a treatment program, boot camp, or class assignment or violating program rules that results in dismissal from a program. | B |
| 12-3. | Failure to obey verbal and/or written order(s) of staff. | B |
| 12-4. | Refusing a direct verbal order to leave or enter any area of the institution or ADC property including, but not limited to, a cell, barracks, chow hall, transportation vehicle, or hallway. | A |
| 13-2. | Lying to a staff member , including omissions and providing misinformation. | B |
| 13-3. | Malingering , feigning an illness. | B |

BATTERY CATEGORY

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| 04-4. | Battery – Use of physical force upon staff. | A |
| 04-5. | Aggravated Battery – Use of a weapon in battery upon another person (not an inmate). This Rule violation may result in loss of all good time and the loss for one (1) calendar year of the privilege to purchase or possess any item which was used as a weapon. | A |
| 04-8. | Battery – Use of physical force upon an inmate. | A |

- 04-17. **Throwing or attempting to throw substances,** known or unknown, toward or upon another person. Rule violation may result in loss of all good time. A
- 04-18. **Aggravated Battery** upon inmate –Use of weapon in a battery upon another inmate. Rule violation may result in the loss of all good time. A

ASSAULT CATEGORY

- 05-3. Assault – Any **threat(s) to inflict injury** upon another, directly or indirectly, verbally or in writing. A
- 05-4. Making **sexual threat(s)** to another person, directly or indirectly, verbally or in writing. A

THEFT, DESTRUCTION OF PROPERTY OR EXTORTION CATEGORY

- 06-1. **Demanding/receiving money or favors** or anything of value in return for an offer/promise of protection from others, or to keep information secret. A
- 07-1. **Unauthorized use of state property/supplies.** B
- 07-4. **Theft or possession of stolen property.** A
- 08-4. **Destruction** or intentional misplacement of **property** of another or the Department. B
- 08-6. **Adulteration of any food(s) or drink(s)** with intent to harm others. Rule violation may result in the loss of all good time. A
- 08-7. **Setting a fire** or destruction or **tampering with fire detection** or suppression device. A

POSSESSION/MANUFACTURE OF CONTRABAND CATEGORY

- 09-1. Possession/introduction of any firearm, ammunition, weapon, fireworks, explosive, unauthorized combustible substance, or unauthorized tool. Rule violation may result in loss of all good time. A
- 09-3. Possession/introduction/manufacture of any drug, narcotic intoxicant, tobacco, chemical, A

OR drug paraphernalia not prescribed by medical staff.

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| 09-4. | Possession or movement of money or currency, unless specifically authorized. | A |
| 09-5. | Possession/introduction of clothing or property not issued to inmate nor authorized by the center/unit. | C |
| 09-9. | Counterfeiting, forging, or unauthorized possession/introduction of any document, article of identification, money, security, or official paper. | A |
| 09-14. | Possession/introduction/use of unauthorized electronic device(s), including flash drive, MP player, DVD player, etc. Rule violation may result in loss of all good time. | A |
| 09-15. | Possession/introduction/use of a cell phone or any cell phone component (e.g., sims card, charger, battery, etc.) or an unauthorized messaging device. Rule violation may result in the loss of all good time and may result in the loss of Inmate Telephone System privileges for one (1) year. | A |
| 09-16. | Use of internet or social media. | A |
| 09-17. | Preparing, conducting, or participating in a gambling operation. | B |

SEXUAL ACTIVITY CATEGORY

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| 10-1. | Engaging in sexual activity with another consenting person. | A |
| 10-2. | Making sexual proposals to another person. (PREA) | A |
| 10-3. | Indecent exposure; may result in a referral for criminal prosecution. | A |
| 10-4. | Bestiality. | A |
| 10-5. | Masturbation in the presence of another inmate. | A |
| 10-6. | Engaging in non-abusive sexual activity with another person. | A |

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| 10-7. Demanding sexual contact in trade or for protection from physical harm or mental anguish, or other victimization. | A |
| 04-10. Rape or forced sexual act with/on an inmate. Rule violation may result in the loss of all good time. (PREA) | A |
| 04-19. Rape or forced sexual act on staff, volunteer, contractor, or other individual not incarcerated at the time of the incident. Rule violation may result in the loss of all good time. | A |

TRAFFICKING AND TRADING CATEGORY

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| 15-2. Asking, coercing or offering inducement to anyone to violate Department policy or procedure, inmate rules and regulations, center/unit operating procedures. | A |
| 15-3. The purchase or exchange of unauthorized articles or authorized articles obtained through unauthorized channels. | B |

ESCAPE CATEGORY

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| 16-1. Escape, or attempt to escape from custody of the Department of Correction; may result in the loss of all good time. | A |
| 16-2. Failure to return from any approved activity or furlough at the designated time. | A |

B. Determination of Charges – Only one rule violation may be charged for a given behavior. The violation cited should be that which most accurately categorizes the behavior. However, a Disciplinary Report may cover an incident which is made up of a sequence of several distinct behaviors, each of which is a rule violation.

1. Example of several rule violations in one sequence:

An inmate stays in the barracks, missing work call (Rule 3-3, Unexcused absence from work); a correctional officer finds him/her in the barracks and gives him/her a direct order to join his/her work detail which the inmate refuses (Rule 12-1, Failure to obey an order); and the inmate stands up and threatens to punch the officer if the officer doesn't leave him/her alone (Rule 5-3, Assault).

2. Example of several rule violations for a given behavior that should result in one rule charge, the one that most accurately categorizes the behavior:

While exposing himself, an inmate is masturbating at his cell door with all his clothes off while watching an officer in front of the dayroom of inmates (Rule 10-3, Indecent Exposure, and Rule 10-5, Masturbation in the presence of another inmate; this should result in one charge of 10-3.)

VII. MAJOR DISCIPLINARY COURT:

- A. Establishment of Court – The Major Disciplinary Court shall be composed of a single Disciplinary Hearing Officer who will be directed in the performance of those duties by the Disciplinary Hearing Administrator.
- B. Responsibilities of the Major Disciplinary Hearing Officer
 1. The Major Disciplinary Hearing Officer is charged with the responsibility of ensuring that all rules promulgated by the Arkansas Department of Correction regarding major disciplinary hearings are followed.
 2. In all major disciplinary proceedings, the Disciplinary Hearing Officer shall fully explain the charges and inform the inmate of the possible consequences if found guilty. The Disciplinary Hearing Officer shall further ensure that there is no undue air of hostility in the proceedings and that the proceedings and deliberations are not conducted in a perfunctory manner. The Disciplinary Hearing Officer will be vigilant in averting any racial, religious or gender discrimination during the proceedings or in the assessment of punishment. Any such signs of discrimination will be immediately reported to the Warden/Center Supervisor, Disciplinary Hearing Administrator and the Director.
 3. The Disciplinary Hearing Officer shall hear all of the facts of the case and shall have singular authority for deciding guilt or innocence and the punishment assessed, except as outlined in the AD on Evaluations for Disciplinary Court Proceedings for Seriously Mentally Ill and Mentally Deficient Inmates regarding punishment, and AR 834, Procedure for Handling Alleged Disciplinary Infractions of Mentally Disordered Inmates.
 4. Regarding guilty pleas, the Disciplinary Hearing Officer must ensure that the inmate understands the charge to which he/she is pleading guilty. Guilty pleas will be monitored to determine whether the inmate offers any supporting evidence indicating innocence of the charge as written.

5. The responsibilities of the Disciplinary Hearing Officer regarding Counsel Substitutes are enumerated under Section VII (J) (1).

C. Responsibilities of the Building or Field Chief Security Officer

1. Prior to the Major Disciplinary Hearing, the Chief Security Officer will review all disciplinarys and may do one of the following:
 - a. Forward the disciplinary to the Disciplinary Hearing Officer with his initials on the report.
 - b. Reduce it to a Minor Disciplinary.
 - c. Dismiss the charges and file the Disciplinary Report as a matter of record.
 - d. Convert the Minor Disciplinary to a Major Disciplinary.

Regarding provision (b) and (c) above, the Chief Security Officer will consult with the charging person on any decision which results in dismissal or reduction. In the event the Chief Security Officer dismisses the Disciplinary Report(s), a copy of the dismissed disciplinary shall be forwarded to the Assistant Warden for Security or Center Supervisor for filing as a matter of record. Copies of these reports are not to be included in the inmate's permanent jacket. Reasons for such dismissals should be documented on the face of the Disciplinary Report(s).

2. The Chief Security Officer may set reasonable limitations on the number of inmate witnesses. The Chief Security Officer will document the reason(s) for the limitation on the Major Disciplinary Form (F-831-1) under "Witness Statements." In the event that a limit (usually five) is placed upon inmate witness statements, the same limit must be applied to statements taken from staff.
3. May exclude any witness(es) who were not present at the time of the incident and inquire from the offender what testimony from that witness would reveal.

D. General Considerations

1. The Major Disciplinary Form (F-831-1) will be completed for Major Disciplinary Reports against an inmate and will include specific details of the rule infraction alleged against the inmate. At a minimum, the details shall include who, what, when, where, how, and why the charge is brought. The charging person should be the staff with the most knowledge of the event. Once the Disciplinary Report is written, the charging person may seek assistance from others for purposes of

correcting any mistakes in grammar or punctuation; however, the actual content of the Disciplinary Report must not be changed.

2. The Major Disciplinary Form (F-831-1) must be signed by the charging person, affirming that the information in the report is true and correct. Any relevant supporting documents (such as incident reports) should be attached to the major disciplinary form. The completed form with any attachments should be forwarded immediately to the Chief Security Officer. This process will be completed electronically in the electronic Offender Management Information System (eOMIS) when that system is available.
3. Any witness (es) to the infraction shall prepare statement (s) to be attached to the charging person's report of the incident. Witnesses include any inmates, employees, and/or free world persons who have firsthand knowledge of the infraction. Witnesses who appear to testify before the Disciplinary Court will have their statements recorded. If written witness statements are submitted to the Disciplinary Court, those will be reviewed by the Disciplinary Hearing Officer and documented in eOMIS. In the event a witness requested by an inmate is denied, that request may be submitted to the inmate in writing.
4. It will be the responsibility of the Disciplinary Hearing Officer to thoroughly review all available documents concerning the Major Disciplinary Reports. He/she will determine whether or not additional information is necessary and may grant an extension of time pursuant to these guidelines if necessary.

E. Hearings

1. The Major Disciplinary Court shall meet or be held by video conference as often as necessary at a convenient place and time between the hours of 6:00 a.m. and 6:00 p.m., in order to administer the institutional disciplinary functions as expeditiously as possible. It is recommended that hearings be held at least weekly. The court should avoid convening on weekends and holidays to minimize interference with inmate visitation; however, if security or administrative necessity as determined by the Warden/Center Supervisor dictates, then the hearings may be held on a weekend or holiday. Any weekend or holiday hearings will be limited to business as necessary to alleviate the concerns expressed by the Warden/Center Supervisor.
2. A charged inmate must be given at least twenty-four (24) hours prior notice of a disciplinary proceeding. The inmate may call witnesses by giving the serving officer the names of the individuals he/she wishes to call. The manner in which the witnesses' statements are presented to the court shall be within the discretion of the Disciplinary Hearing Officer.

3. No disciplinary will be heard after seven (7) business days from the date it was written except pursuant to an authorized extension. *The day the disciplinary is written is not to be counted in calculating the seven (7) business days.*

For example, an inmate receiving a disciplinary on Tuesday at 9:00 a.m. or 10:00 p.m. should be tried no later than 6:00 p.m. the following Thursday assuming there were no holidays.

4. Upon convening to consider cases of inmate violations of rules and regulations, the Major Disciplinary Court shall cause the inmate to appear before it unless the inmate waives in writing or through behavior. In the event that an inmate wishes to waive his/her appearance, a waiver form will be completed and a copy provided to the charged inmate and must be reviewed by the Warden/Center Supervisor or designee. If the inmate waives his/her right to appear and is found guilty, he/she cannot appeal the decision.
5. Once the inmate is present before the Major Disciplinary Court, the recorder will be turned on, the reading noted, the time and date entered, and the charged inmate identified by name and ADC number.
6. The Disciplinary Hearing Officer will identify himself/herself in the presence of the inmate and inform the inmate that this is, in fact, a Major Disciplinary Court Hearing.
7. The Disciplinary Hearing Officer will scrutinize the Disciplinary Report to determine whether all time limits and procedural requirements have been met.
8. It must be determined whether all allowed witness statements requested by the inmate and all other items of physical or documentary evidence are present before the court. The court may summon any additional witnesses it deems necessary. Witness statements may be taken in writing, orally in person, or by telephone.

All written witness statements, whether taken prior to the hearing or obtained at the request of the court, will be reviewed and a copy included in the disciplinary record. The choice of how the witness statement will be taken is left to the discretion of the Disciplinary Hearing Officer. If more information or clarification is needed from the charging person or other witnesses, such information may be obtained through the means described above (written, oral, telephone). In the event that such testimony is obtained with the witness appearing before the court, the charged inmate is not to be allowed in the room during testimony and the inmate does not have a right to cross-examine witnesses. The inmate will receive a statement of fact(s) from the Disciplinary

Hearing Officer if provided by the charging officer. The Disciplinary Hearing Officer may grant an extension to the inmate if the witness is not readily available to provide additional testimony.

9. The inmate should be informed that he/she has been charged with a specific offense, the possible consequences of a finding of guilt including possible loss of privileges, loss of Good Time, loss of Class Status, assignment to Punitive Isolation, additional duty, change in assignment/unit, restitution, or any combination.
10. The inmate should then be asked whether the nature of the proceeding and the possible consequences are understood. If it appears that the inmate does not understand, the policy regarding Counsel Substitutes (see Section VII-J and 1) must be followed.
11. The rule violation(s) and the charging person's report will then be read to the inmate.
12. The inmate will be asked to enter a plea of guilty or not guilty. Guilty pleas must be explored to determine whether the inmate is certain of the charge being admitted. Any refusal to enter a plea shall be construed as a plea of not guilty.
13. The inmate must be afforded an opportunity to speak on his/her own behalf and submit any documentary evidence excluding witness statements. All documentary evidence presented will become a part of the disciplinary packet. All witness statements are to be gathered by ADC employees after the inmate has submitted a witness list to the serving officer. Inmates will not be allowed to gather and submit witness statements on their own.
14. After the inmate has made a statement and/or presented a defense, the recorder will be muted and witness statements will be reviewed and documented.
15. The Disciplinary Hearing Officer must carefully weigh all evidence with special emphasis upon individual pieces of "primary evidence." Rumor or suspicion about an inmate's behavior shall not be taken into account.
16. After the Disciplinary Hearing Officer has weighed all of the evidence, a decision shall be made regarding guilt/innocence.
17. In the event that the inmate is found guilty, punishment must be imposed within the guidelines established by this policy.

18. The Video Conferencing System will then be un-muted. The inmate must then be informed as to the finding of guilt or innocence on each particular rule violation and must be informed of the punishment, if any, imposed.
19. The inmate must be informed of his right to appeal and to obtain staff assistance in the fashioning of an appeal if needed.
20. The inmate will receive an oral statement detailing the reason for the finding of guilt or innocence at the time the Disciplinary Hearing Officer informs the inmate of the verdict. The Disciplinary Hearing Officer will reduce these reasons to writing prior to the conclusion of that business day and the unit disciplinary officer will provide a typed copy or ISSR 100 (electronic generated disciplinary hearing results form) generated by eOMIS to the inmate within twenty-four (24) hours.

The inmate is not required to sign the typed copy. It is sufficient to indicate that the inmate signed (or refused to sign) the original copy.

21. When the Disciplinary Hearing Officer has completed his/her work for the day, the Disciplinary Hearing Officer shall complete the disciplinary court report.
22. Once the Disciplinary Hearing Officer's report has been completed, the disciplinary action shall not be altered in any way except as provided herein.

F. Disciplinary Actions

1. The Major Disciplinary Hearing Officer, upon determining that an inmate is guilty of violation of institutional rules, may apply any or all of the sanctions from the penalty class of the most serious rule violated. Additional sanctions may be applied from the penalty class corresponding to the additional rule(s) violated. However, sanctions defined in terms of days (i.e., loss of good time, punitive segregation, loss of privileges, and extra duty) may not be applied more than once per disciplinary action.
2. Note that the punishment rendered should not be more than the Disciplinary Hearing Officer finds necessary to discourage repeated rule violations in the future. Punitive Isolation and Loss of Good Time above 365 days should only occur when there has been a battery, threat of bodily harm or threat to the secure operation of the unit.
3. Any or all sanctions may be suspended for up to six (6) months.

4. Disciplinary Hearing Officers may not amend an inmate's level in the Varner Super Maximum (VSM) Program, but those actions can be considered by the Classification Committee when reviewing that inmate.

G. Range of Allowable Sanctions

1. Penalty Class "A"*

- a. Punitive Segregation up to thirty (30) days. Inmates serving a punitive disciplinary sentence shall not earn meritorious good time.
- b. Loss of earned good time up to 365 days (loss of all earned good time is allowable for offenses listed that include the statement "may result in loss of all good time").
- c. If the use of the Inmate Telephone System is involved, it shall result in the loss of telephone privileges for one (1) year.
- d. Loss of designated privileges, up to sixty (60) days.
- e. Restitution based on replacement cost or the value of lost, intentionally misplaced, or destroyed property.
- f. Reduce up to three (3) steps in class.
- g. Recommend to Classification Committee for change of assignment/unit, including, if appropriate, an out-of-state
- h. Extra duty up to two (2) hours per day for up to thirty (30) days.
- i. Possession/introduction/use of a cell phone will result in the loss of Inmate Telephone System privileges for one (1) year.
- j. For PREA related violations, referral to the Classification Committee for consideration of precautions based on the findings of the investigation and outcome of the Disciplinary Hearing. The Classification Committee will consider PREA status in housing and job assignments and potential placement in programming based on the outcome.

assignment.

2. Penalty Class "B"*

- a. Loss of earned good time up to one hundred fifty (150) days.
- b. Loss of designated privileges up to forty-five (45) days.

- c. Restitution based on replacement cost or the value of lost, intentionally misplaced or destroyed property.
- d. Extra duty up to two (2) hours per day for up to fifteen (15) days.
- e. Formal reprimand and/or warning.
- f. Recommend to Classification Committee for change of assignment/unit.
- g. Reduce up to two (2) steps in class.
- h. Punitive segregation of up to fifteen (15) days for a second or subsequent guilty verdict that is within thirty (30) days of the previous guilty verdict and which interferes with the safe and secure operation of the facility.
- i.

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3. Penalty Class "C"*

- a. Loss of earned credits up to sixty (60) days.
- b. Loss of designated privileges up to thirty (30) days.
- c. Restitution based on replacement cost or the value of lost, intentionally misplaced or destroyed property.
- d. Extra duty up to two (2) hours per day for up to ten (10) days.
- e. Formal reprimand/warning.
- f. Recommend to Classification Committee for change of assignment/unit including if appropriate and out-of-state assignment.
- g. Reduce one (1) step in class.
- i.

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*In addition to any other punishment authorized under this Administrative Directive, the use of any commissary item in connection with the violation of any of these rules may result in the loss of the privilege to acquire that type of item for up to twelve (12) months.

H. Major Disciplinary Appeal Process

1. At the time of notification of the verdict in a disciplinary proceeding, the inmate will be notified that he/she has the right to appeal any decision of, or disciplinary action taken by, the Disciplinary Hearing Officer, directly to the Warden/Center Supervisor of the unit/center involved. This notification will be documented by having the inmate sign the front of the disciplinary indicating that he/she understands the right to appeal. If the inmate waives his/her right to appeal and is found guilty, he/she cannot appeal the decision. In the event the inmate is illiterate, the Disciplinary Hearing Officer shall, at the request of the inmate, direct the inmate's Counsel Substitute (Section VII (J) (1) to assist him/her in writing the letter of appeal
2. The appeal must be written within the space provided on the Appeal Form. All grounds for appeal should be briefly stated and include the reasons why the conviction or punishment should be reversed or modified. This statement will be considered at all levels of appeal and may not be re-written at each stage.
 - a. The appeal shall be submitted in writing and must be submitted within fifteen (15) business days after a copy of the Disciplinary Hearing Officer's report is offered to the inmate and shall set forth in detail the grounds for any appeal. The Warden/Center Supervisor has thirty (30) business days from receipt of the appeal to respond, except that if the inmate is serving punitive time as a result of the disciplinary, the Warden/Center Supervisor should answer the appeal within ten (10) business days.
 - b. If the inmate is not satisfied with the response, he/she has fifteen (15) business days from receipt of the Warden/Center Supervisor's decision to appeal to the Disciplinary Hearing Administrator, who has thirty (30) business days to respond.
 - c. If the inmate disagrees with the response, he/she has fifteen (15) business days from receipt of the Disciplinary Hearing Administrator's decision to appeal to the Director. The Director has (30) business days to respond. The written appeal must set forth in detail the grounds for such an appeal.
 - d. If the inmate fails to receive responses in the time frame set forth above, he/she may appeal to the next level.
 - e. During any stage of the appeal, the reviewer may affirm the action of the Disciplinary Hearing Officer or alter it as he/she deems just and proper except at no point in the appeal process shall the penalty be increased.

3. In cases where a Disciplinary Report is written by a Warden/Center Supervisor, the inmate may bypass the appeal to the Warden/Center Supervisor and appeal to the Disciplinary Hearing Administrator.

I. Extensions

1. Limited extensions of time may be granted by the respective Warden/Center Supervisor in the following circumstances:
 - a. charged inmate has escaped and is not in custody;
 - b. inmate is out to court/hospital or otherwise off the unit/center;
 - c. the case requires more extensive investigation;
 - d. emergency situation exists at the unit/center; or
 - e. volume of disciplinaries scheduled for hearing is excessive and more time is needed to ensure a fair determination in each case.
2. The Disciplinary Hearing Officer may grant an extension if additional information or investigation is needed in order to arrive at a fair decision.
3. In the event that an extension is granted, a copy of the extension form shall be forwarded to the charged inmate. An extension may be granted for a period of up to five (5) additional business days. If a greater length of time is needed, then the extension must be renewed and will not exceed five (5) business days per extension. Any extension over thirty (30) days must be approved by the Director. The Warden/Center Supervisor may give an indefinite extension while the inmate is absent from the Unit/Center.
4. Regarding escapes, the time limit will not begin to run until the inmate is returned to the unit where the disciplinary hearing will be held. The Warden/Center Supervisor should check the appropriate box on the extension form and enter the time and date when the inmate was returned to the unit/center. The time and date entered will serve as the starting point for the time limit.

J. Special Cases

1. Counsel Substitutes
 - a. The following inmates shall be entitled to a Counsel Substitute in disciplinary proceedings:

- Those inmates so designated by the Chief Security Officer, or the investigating officer.
 - Those inmates who the Disciplinary Hearing Officer believes are illiterate or incompetent including any inmate with an IQ of sixty (60) or below or a reading level below fourth (4th) grade (records of School District and/or Mental Health will be checked).
 - Inmates facing disciplinary proceedings where the issues involved are so complex that he/she is not likely to understand the nature of the charges.
 - Any inmate not able to understand and speak the English language.
 - Inmates assigned a Mental Health Classification of 3 or 4 if recommended on the 834 Form.
- b. The Counsel Substitutes shall consist of members of the staff as designated by the Warden/Center Supervisor. These individuals will be on notice that they are the Counsel Substitutes and should be prepared to be of service at the Disciplinary Hearings. The Warden/Center Supervisor shall prepare a list of approved Counsel Substitutes who shall be immediately available to the investigating officer, the Chief Security Officer, and the Disciplinary Hearing Officer on request. When it is determined that an inmate is in need of a Counsel Substitute by the officer who serves the disciplinary and/or the Chief Security Officer, the Counsel Substitute should be notified in advance so that he/she can be on notice of which inmate is involved and the nature of the disciplinary. When the Counsel Substitute determination is made by the Disciplinary Hearing Officer at the hearing, he/she shall immediately recess or postpone the disciplinary hearing so the Counsel Substitute may have an opportunity to meet with the accused inmate prior to the entering of a plea. The Disciplinary Hearing Officer should then proceed with the next disciplinary, having noted the starting and stopping place on the recording prior to the recess and further noting the starting and stopping place on the recording when the disciplinary hearing is reconvened with the Counsel Substitute present.
- c. Counsel Substitutes have no voice in the decision making of the court. Furthermore, when the Counsel Substitute performs the required duties for an inmate in a disciplinary hearing, the Counsel Substitute shall not remain in the disciplinary hearing room during deliberation.

- d. All inmates have the right to refuse a Counsel Substitute. Any refusal is a waiver of the Counsel Substitute and the refusal by the inmate should be noted on the recording and the disciplinary form, and the disciplinary should proceed without any Counsel Substitute.
 - e. In the event that a Counsel Substitute requires more time to prepare the necessary information for a fair determination of the disciplinary, the Disciplinary Hearing Officer may grant an extension of time for further investigation.
 - f. Once the Disciplinary Hearing Officer has made a decision and advised the inmate of the appeal procedure, the Counsel Substitute will be responsible for aiding the inmate in the appeal process. The responsibility of the Counsel Substitute to the inmate shall be restricted to the presentation of evidence on the inmate's behalf at the disciplinary hearing and any subsequent proceedings, and providing an adequate explanation of the charges and consequences to the inmate both before and after the hearing.
2. Use of Confidential Information and Informants
- a. If the charging person does not have firsthand knowledge of the event, the charge may be brought based upon information received from an informant(s); however, no disciplinary shall be based solely upon information received from a confidential informant(s). There must be corroborating evidence that supports the information received from the confidential informant(s) for the disciplinary to proceed.
 - b. The charged inmate has no right to confront and cross-examine an informant against him/her or to know the informant's identity or statement. It is mandatory that any time confidential informant information is provided; the Disciplinary Hearing Officer shall ensure that the confidential information does not become known to other inmates. This information shall be marked confidential and entered into eOMIS.
 - c. In cases where a disciplinary is written primarily upon information from a confidential informant, the record must contain the informant's signed statement in language that is factual rather than subjectively conclusive and must establish that the informant had personal knowledge of the matter.

- d. In cases where the charging person is able to verify information obtained from a confidential informant, and the charging person has obtained independent corroborating evidence of the event, it is not necessary to provide the informant's name and statement to the Disciplinary Hearing Officer.
 - e. In the event that the Major Disciplinary Hearing Officer uses as evidence an investigative report which is classified as confidential, the Disciplinary Hearing Officer is responsible for ensuring that the confidential report is safely returned to the Disciplinary Hearing Administrator without becoming known to inmates or unauthorized staff. When describing the report under "Evidence Relied Upon," it is sufficient to use the phrase "Confidential Report," and state the conclusion of the report without detailing any of the specifics contained in the report.
3. Contraband and Other Physical Evidence - If physical evidence is involved in or crucial to the determination to be made by the Disciplinary Hearing Officer (such as weapons or contraband), then photographs and/or written reports of that evidence will be presented to and considered by the Disciplinary Hearing Officer. Following the hearing, any contraband may be disposed of pursuant to the Inmate Property Control Administrative Directive, but must be described in great detail under "Evidence Relied Upon." Photographs and written reports should be entered into the electronic offender system and made a part of the inmate's permanent file.
4. Malingering
- a. Certain Disciplinary Reports may require testimony from healthcare staff such as when the inmate's defense is that he/she was too ill to abide by an institutional rule. Whenever a charged inmate's defense is illness, the unit healthcare staff must be contacted to determine whether the inmate was examined for a complaint of illness and whether, in the opinion of the person(s) who examined the inmate, the inmate was feigning illness or not sufficiently ill to justify a lay-in.
 - b. A statement from the healthcare staff will be obtained either in writing or by telephone. If written, the statement will be attached to the Disciplinary Report, noted under "Evidence Relied Upon" and made a part of the inmate's permanent file. If by telephone, the statement should be recorded and, if necessary, repeated for the recording device, and quoted on the Disciplinary Hearing Action Form (F-831-3) and, when available, in eOMIS under "Evidence Relied Upon." If the proper entry is not made under

"Evidence Relied Upon," indicating the source and content of the testimony from the healthcare staff, the disciplinary action will be deemed invalid and expunged from the inmate's records.

- c. Where an inmate's defense for failure to work is illness and healthcare staff reports that the inmate did not report to medical or submit a sick call on the date of the infraction, the defense shall be found without merit as it is the responsibility of the inmate to go to the healthcare staff for treatment of an illness. If the inmate did solicit treatment from medical staff, but was cleared to report to work, the healthcare report should be entered under "Evidence Relied Upon" and considered in conjunction with any other evidence available to the court. If the healthcare staff reports that the inmate was in fact too ill to perform his/her designated work task, the inmate shall be found not guilty.
 - d. When an inmate is already performing his/her work assignment, and complains of illness, the inmate should be sent or escorted to medical. If the inmate receives a "lay-in," then there should be no Disciplinary Report. If the inmate is cleared by medical and is ordered to go to work but refuses, a disciplinary may be written. If the inmate is sent back to work and returns to work, he should only be given a disciplinary when the officer has some concrete evidence that the entire episode was contrived to harass staff or to temporarily avoid work. In such case, the healthcare staff must be contacted to determine whether, in the opinion of the person(s) who examined the inmate, the inmate was feigning illness. If any illness was determined to be present, even though not sufficient to warrant a lay-in, the inmate should be found not guilty when the inmate returned to work after being seen by medical staff.
 - e. Upon contacting the healthcare staff for information, the name and statement of the person contacted must be entered under "Evidence Relied Upon."
5. Damaging Property
- a. Any inmate who is found guilty of destroying, damaging, or intentionally misplacing property may be ordered to make restitution in the amount of the replacement costs or the value of the property, depending upon individual circumstances as found by the Disciplinary Hearing Officer.
 - b. The Disciplinary Hearing Officer shall levy against the institutional account of the inmate for the reasonable value of the

property intentionally destroyed, misplaced, or the reasonable value to repair intentionally damaged property after making inquiry to determine such values. The levy against the inmate account shall continue until the obligation is fully discharged.

- c. In cases where the Disciplinary Hearing Officer finds destruction or damage was caused by negligence as opposed to willfulness, the Disciplinary Hearing Officer should determine whether the inmate knew or should have known that the behavior in question would likely cause damage or destruction of the property, whether the inmate acted in direct contravention of written or verbal orders, or any other circumstances which reflect upon the appropriateness of levying against the inmate account.
- d. The reasoning supporting any decision to order restitution for damaged property must be fully detailed under "Reasons for Punishment" on the Disciplinary Hearing Action Form (F-831-3) and electronically when available in eOMIS.
- e. The Disciplinary Hearing Officer shall not, under any circumstances, order restitution between inmates, or between inmates and staff. Restitution shall only be used as a tool to discourage the destruction or damage of property by causing inmates to take fiscal responsibility for such destruction, damage, or intentional misplacement.

K. Specific Prohibitions

1. No Disciplinary Hearing Officer shall conduct hearings when that officer is the charging person or has firsthand knowledge of a particular disciplinary episode.
2. No staff shall communicate to a Disciplinary Hearing Officer, by way of suggestion or order, the finding or punishment that the Disciplinary Hearing Officer should find. An exception is Mental Health staff completing a written 834 form (Mental Health Form).
3. A Disciplinary Hearing Officer is to make their decision based solely upon the evidence presented them in disciplinary court and is not to be influenced by staff or a supervisor about an inmate's guilt or innocence.
4. If the Disciplinary Hearing Officer is instructed as to making a finding on a disciplinary or on the punishment to assess, he/she shall disqualify himself/herself from hearing that disciplinary and will report the communication to the Disciplinary Hearing Administrator.

5. Any Disciplinary Hearing Officer who believes that he/she is unable to render an objective decision in a particular case should request disqualification from that case. In the case of the Disciplinary Hearing Administrator, the request will be made to the Director.
6. When the use of indecent or vulgar language is used by an inmate in the grievance process or there is a malicious use of the grievance procedure, disciplinary action may be filed against the inmate. Under such circumstances, the Chief of Security or Assistant Warden, or their designee, will determine if a Disciplinary Report is warranted. If so, only the Chief of Security or Assistant Warden, or their designee, may write and submit the report for processing. Under no circumstances shall the employee, who may be the subject of a grievance, write and submit a Disciplinary Report against the inmate submitting the grievance.
7. PREA Considerations – inmates involved in sexual contact with an employee, volunteer, contractor, vendor of the Arkansas Department of Correction, OR any employees, volunteers, contractors and vendors of another law enforcement/correctional agency that have taken temporary custody of an ADC inmate for the purposes of transport, holding for court, contractual bed space, or other requirements, cannot be charged with a rule violation for this conduct. Under the Guidelines of the PREA, inmates cannot consent to such contact and are considered victims of a crime. In order to bring charges for sexual contact with any employee or other above categorized individual, the investigation must show that forcible rape or forced sexual contact occurred by the inmate towards the employee or agent. This does not include visitors or citizens not acting in some official capacity such as co-workers at a work release site.

L. Records

1. Not Guilty Verdicts – Disciplinary Reports which result in a finding of not guilty shall not be made a part of the inmate's permanent file although such finding will be documented in eOMIS.
2. Expungements – Disciplinary Reports which indicate a finding of guilt and which are reversed by the Wardens/Center Supervisors, Disciplinary Hearing Administrator or Director are to be expunged from the inmate's permanent file, but will remain a part of the offender's electronic record, and will be forwarded to the Assistant Warden/Center Supervisor for filing as a matter of record. Such reversals shall also restore good time or class status which may have been reduced by the Major Disciplinary Hearing Officer.

3. **Suspended Sentence –** Inmates who are found guilty of rule violations and assessed punishment may receive a suspended imposition of the sentence. In such cases, the Disciplinary Report will become a part of the inmate's permanent file. If the inmate is found guilty of another rule violation during the period of a previously imposed suspended sentence, the suspended punishment must be revoked and imposed and additional punishment pursuant to the subsequent disciplinary episode may also be imposed. The punishment may be made consecutive.
4. **Guilty Verdicts –** All disciplinary hearing report forms which render a verdict of guilty shall be transmitted by the Disciplinary Hearing Officer to the Supervisor of Records who will promptly note the action taken against each inmate. The Supervisor of Records shall make whatever changes are required regarding statutory good time, meritorious good time, parole interview date and institutional status and cause them to be made a part of the inmate's permanent file.

M. Major Disciplinary Forms

The Major Disciplinary Forms consist of six (6) separate forms. The Major Disciplinary Form (F-831-1), the Disciplinary Hearing Action Form (F-831-2), and the Disciplinary Hearing Action Form (F-831-3) must be completed entirely pursuant to every major disciplinary hearing, regardless of the verdict. Data related to each form should be entered and maintained electronically when available in eOMIS. The ISSR 100 electronic printed form shall contain all data found in F-831-1, F-831-2 and F-831-3 after data entry.

1. **The Major Disciplinary Form (F-831-1)**
 - a. The charging person is responsible for providing the Major Disciplinary Hearing Officer with accurate reports of rule violations. All information pertaining to the charge(s) must be detailed by the charging person. The charging person must sign an affirmation regarding the accuracy of the charges.
 - b. The notification officer must indicate his/her name and the time and date the inmate was notified of the impending major disciplinary action. The inmate may call witnesses at the time of notification by informing the notification officer of those individuals he/she wishes to call as witnesses. The notification officer should then list the witnesses called and instruct the inmate to sign the form under "Witness Statements." If the inmate refuses to sign, such refusal should be noted with the initials of the notifying officer.

- c. The Chief Security Officer (Building or Field Majors or their designees) must review each Disciplinary Report prior to a hearing for screening purposes. After indicating the appropriate decision, the Chief Security Officer must initial and date the form under "C.S.O. Review."
 - d. There must be an indication of whether an extension was granted and, if so, whether the extension form was completed.
 - e. The Disciplinary Hearing Officer is reminded of the policy on Counsel Substitutes. When assigned, it should be so indicated and the name of the Counsel Substitute entered. When not assigned, the appropriate space should be marked.
 - f. A copy of the Major Disciplinary Form (F-831-1 or ISSR 100) shall be forwarded to the inmate.
2. The Disciplinary Action Form (F-831-2)
- a. The Major Disciplinary Hearing Officer must ensure that all information at the top of The Disciplinary Action Form (F-831-2) is correct. Care should be taken to note the time when the hearing starts and stops. If the inmate refuses to attend, there is a reminder that the waiver form must be completed. In all cases, the inmate's plea will be entered accurately.
 - b. Statements made by inmates in their defense or otherwise should be entered in as great detail as possible under "Inmate's Statement."
 - c. Under "Questions," the Disciplinary Hearing Officer should indicate the general line of questioning pursued. The Disciplinary Hearing Officer should probe for any and all additional information which could aid in reaching a fair determination of fact.
 - d. The Disciplinary Hearing Officer must indicate the verdict reached and, if applicable, the punishment assessed, and shall indicate the class that the inmate may be placed in.
 - e. Under "Factual Basis for Decision," the Disciplinary Hearing Officer must give a short statement of the facts as the Disciplinary Hearing Officer perceives them after reviewing all of the evidence. This section should not be confused with "Evidence Relied Upon" or "Reasons for Punishment." This should include a summary of the reasons for finding the inmate

guilty or not guilty. In fulfilling this function, it is not sufficient to adopt and copy the exact wording of the Disciplinary Report.

- f. The inmate must be provided a copy of this form.
3. The Disciplinary Action Form (F-831-3)
 - a. Under "Evidence Relied Upon," the Disciplinary Hearing Officer must include a list of the individual pieces of evidence that were relied upon in reaching a disposition. Shorthand phrases such as "Officer's Statement" will not be sufficient to perform this function. The evidence must not only be described, but must be explained. The content of any evidence relied upon should be given. Thus, if a charging person's report is to be relied upon, the Disciplinary Hearing Officer should so state and then proceed to explain exactly what it was in the person's report that the Disciplinary Hearing Officer relied upon. In cases where weapons or contraband are involved, a notation should be made in the proper slot indicating the form in which it was observed and further describing the item with particularity.
 - b. In any case where the Disciplinary Hearing Officer makes a finding of guilty notwithstanding the fact that there was some evidence which purported to exonerate the inmate, the Disciplinary Hearing Officer must include a statement indicating the reason why such evidence was discounted.
 - c. Under "Reasons for Assessment of Punishment," the Disciplinary Hearing Officer must state why he/she felt the particular disciplinary warranted the punishment assessed.

It is not enough to state, "nature and seriousness of offense and past history." It is important that the Disciplinary Hearing Officer keep in mind that the purpose served is that of providing an independent reviewing authority with an adequate basis from which to determine why a particular inmate received the particular punishment imposed. Special care should be given to document reasons for differences in punishments given to different inmates in the same incident. Factors to be weighed in assessing the punishment should include, but not be limited to: the seriousness of the offense and the extent to which the offense threatened institutional security; the number of major disciplinaries received by the inmate for similar offenses, the overall institutional record of the inmate; the attitude of the inmate including his/her willingness to cooperate fully with the Disciplinary Hearing Officer; personal factors which may have influenced the inmate to behave poorly (i.e., death in the family); inmate's willingness or lack thereof to return to work and perform as expected; any hostility which the inmate may have exhibited toward the Disciplinary Hearing Officer; any remorse the inmate may show

regarding his/her behavior; any effect a contemplated punishment may or may not have in impressing upon the inmate the need for behavior modification; any effect a contemplated punishment may have in terms of rewarding the inmate with a second chance if the Disciplinary Hearing Officer believes behavior will improve as a result thereof; the class status of the inmate should be kept in mind when assessing the punishment (punitive time may not be necessary for a Class I inmate if the Disciplinary Hearing Officer feels that a class reduction would sufficiently impress upon the inmate the prohibition against the particular behavior). As mentioned, the above are suggested factors to take into consideration when assessing punishment and are by no means exhaustive. The Disciplinary Hearing Officer should stay alert to any mitigating or aggravating circumstances associated with a particular disciplinary episode. The Disciplinary Hearing Officer must initial the "Reason for Punishment" in the appropriate space.

- d. The Disciplinary Hearing Officer must credit the inmate with any time spent in Restrictive Housing as a result of the behavior which is the subject of the disciplinary against any assessed Punitive Isolation sanction. For example, an inmate assigned to Restrictive Housing when the behavior occurred does not get any credit; but an inmate who is assigned to Restrictive Housing from general population as a result of the behavior that result in the disciplinary being written will be given credit for the number of days in Restrictive Housing at the time the sanctions are issued. This credit does not extend the number of days of Punitive Isolation that may be assessed. (Nor does the lack of Punitive Isolation days determine whether an inmate may be assigned to Restrictive Housing pursuant to that policy.)
 - e. A reminder is included regarding the proper procedures for informants and alleged malingers.
 - f. The inmate, having been informed of the right to appeal, is instructed to sign the form indicating that he/she understands the right to appeal. If a Counsel Substitute has been assigned, he/she should also sign. If an inmate refuses to sign, the Disciplinary Hearing Officer should so indicate by initialing the slot reserved for the inmate's signature.
 - g. The Disciplinary Hearing Officer must sign and date the disciplinary form.
 - h. The inmate must be provided a copy of Disciplinary Action Form (F-831-3).
4. The Major Disciplinary Appeal Form (F-831-4)

- a. The Major Disciplinary Appeal Form is self-explanatory. The inmate is to check yes beside "Punitive Isolation" if the appeal is in reference to a finding of guilty on a particular disciplinary episode which resulted in the imposition of Punitive Isolation as a disciplinary measure. This is designed to aid the inmate who has been sentenced to a relatively lengthy isolation period and who may have a valid appeal pertaining to guilt and/or punishment. The Warden/Center Supervisor should prioritize these appeals.
- b. Inmates serving short periods of punitive time should not be discouraged from utilizing the procedure, as their appeals will be expedited by the procedure. Inmates not serving punitive time are not permitted to mark yes beside "Punitive Appeal".
- c. Appeal Forms will be available with carbon copies, and the original shall be submitted for the appeal. The copies remain with the inmate and will be submitted if the original is not returned within the policy's timeframes.

5. The Disciplinary Extension Form (F-831-5)

The Disciplinary Extension Form enumerates six (6) legitimate reasons for the granting of an extension. If the Disciplinary Hearing Officer or Warden/Center Supervisor grants the extension, a copy of the signed Form F-831-5 must be forwarded to the inmate.

6. The Waiver of Disciplinary Hearing Form (F-831-6)

Physical force shall not be used to secure the presence of the inmate before the Major Disciplinary Hearing Officer. All inmates shall be afforded the opportunity to be present before the Major Disciplinary Hearing Officer unless they waive that right in writing or through behavior. In the event an inmate refuses to appear, the "Waiver of Disciplinary Hearing Form" must be filled out. The inmate will not be subjected to any further Disciplinary Reports as a result of availing himself/herself of the waiver procedure.

VIII. MINOR DISCIPLINE:

- A. Minor Disciplinary Reports – (Form F-831-7 and Electronic Form ISSR 102) should be used as a tool to discourage less serious misconduct. The rule violations for which an inmate may receive a Minor Disciplinary Report are identical to those violations for which a Major Disciplinary Report may be written. Minor discipline reports are within the discretion of the charging person. Their purpose is to sufficiently impress upon the inmate the need for

behavior modification without burdening the inmate with the stigma that attaches to Major Disciplinary Reports.

- B. Due Process – The due process considerations inherent in the major disciplinary process shall not apply to minor disciplinarys; however, the inmate shall be allowed to be present and to make a statement in his/her behalf.
- C. Minor Disciplinarys
1. Each Unit Warden of the Department shall establish and designate a Minor Disciplinary Officer to hear and dispose of any and all minor infractions of institutional rules and regulations.
 2. The Minor Disciplinary Officers at each unit shall be nominated by the Chief Security Officer of the Building or Field and approved by the Warden/Center Supervisor. The charging officer cannot serve as the Minor Disciplinary Officer on any charges he/she initiated or witnessed.
 3. An officer must have attained the rank of Lieutenant with at least three (3) years of experience as a correctional officer to serve as a Minor Disciplinary Officer.
 4. The Minor Disciplinary Officer will hear charges as often as necessary and at a place and a time convenient to expeditiously administer the institutional minor disciplinary functions. These hearings will be conducted within seven (7) business days of the incident.
 5. Upon hearing the charges against the inmate, the inmate's defense and testimony, the Minor Disciplinary Officer shall render his/her decision as to guilt or innocence and the appropriate action to be taken.
 6. The Minor Disciplinary Officer, upon determining that an inmate is guilty of a minor violation of institutional rules and regulations, may take any or all of the following actions:
 - a. Warn, reprimand, or excuse the inmate.
 - b. Revoke privileges for up to twenty (20) days.
 - c. Assign extra duty (extra duty will be useful work that is not intended as harassment). No inmate shall be worked past his regular bedtime nor will he be allowed to do any extra duty assessed him by the Minor Disciplinary Officer in lieu of his regular work assignment. Extra duties must not exceed two (2) hours per day and a maximum of ten (10) days.

7. At no time shall an inmate be put in Punitive Isolation by the decision of the Minor Disciplinary Officer. Good Time and Class Status shall not be reduced by the Minor Disciplinary Officer.
8. Disciplinary action should be taken by the Minor Disciplinary Officer as soon as possible after the discovery of the violation. Any minor disciplinary action which has not been heard after seven (7) business days shall be dismissed.
9. The Minor Disciplinary Form (F-831-7) shall be filled out in its entirety for each infraction and entered electronically when available in eOMIS.
10. Minor Disciplinary Reports will not be made a part of the inmate's permanent file, but it will be recorded in the Offender's electronic record. After the Minor Disciplinary Officer has completed his/her daily functions, the minor Disciplinary Reports shall be forwarded to the Chief Security Officer for separate filing as a matter of record.
11. Once the Minor Disciplinary Officer has disposed of a minor disciplinary, the decision shall not be changed or altered in any manner by the Minor Disciplinary Hearing Officer.
12. Findings of the Minor Disciplinary Officer may be appealed to the Chief of Security, and his/her decision is final. The Chief of Security may affirm, reverse or modify the decision of the Minor Disciplinary Officer. The Chief of Security may not uphold a sanction that imposes Punitive Isolation, or a reduction of Good Time or Class Status of an inmate.
13. The Chief Security Officer must submit to the Warden/Center Supervisor a monthly report of the minor disciplinary actions. The Warden/Center Supervisor must maintain a file of these reports and have them available for review by the Disciplinary Hearing Administrator. The Warden/Center Supervisor and Disciplinary Hearing Administrator must ensure that each inmate is treated fairly and equitably.

IX. SANCTIONS:

Any employee who violates this policy will be subject to disciplinary action which may include termination.

F-831-1

ARKANSAS DEPARTMENT OF CORRECTION

AR 831

Unit _____

MAJOR DISCIPLINARY

Inmate _____ ADC # _____ Assignment _____
Class _____ is being charged by _____ Title _____
with rule violation(s) _____ Time & Date _____

NOTICE OF CHARGES

(I affirm that the information in this report is true to the best of my knowledge)

Signature of Charging Officer _____

NOTIFICATION: Officer _____ Date & Time Notified _____

Inmate's Signature _____

Witness: YES ___ NO ___

List of Witness:

C.S.O. REVIEW: Reduce ___ Dismiss ___ To Disc. Court ___ Initial ___ Date _____
EXTENSION: No ___ Yes ___ ; Has extension form been completed? _____
Presentation by Counsel Substitute is required when it is determined that the inmate is illiterate or incompetent or that the issues are extraordinarily complex.

COUNSEL SUBSTITUTE Assigned (Name) _____

F-831-2

ARKANSAS DEPARTMENT OF CORRECTION

AR 831

UNIT

DISCIPLINARY HEARING ACTION

Inmate _____ ADC # _____ Unit _____
 Rule Violation(s) _____ Date/Time of Alleged Offense(s) _____
 Hearing Date _____ Time: Start _____ End _____
 Recorder _____ Tape # _____ Side _____ Meter: From _____ To _____
 Plea: _____ Attendance Waived: Yes _____
 Has waiver form been completed? _____

Inmate's Statement:

Signature of Inmate

Court Questions:

Verdict: _____ Punishment: _____

Factual Basis for Decision: (This is a short synopsis of the facts as the Disciplinary Hearing Officer perceives them after reviewing all of the evidence.)

Disciplinary Hearing Officer 's Initials _____

F-831-3

ARKANSAS DEPARTMENT OF CORRECTION

AR 831

_____ UNIT

DISCIPLINARY HEARING ACTION

Inmate _____ ADC # _____ Date _____

Evidence Relied Upon:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

7. If relevant, contraband observed: Actual Item _____ Photo _____ Receipt _____

Describe: _____

Reasons Why Information Purporting to Exonerate Inmate Was Discounted:

Reasons for Assessment of Punishment:

Disciplinary Hearing Officer 's Initials _____

The Disciplinary Hearing Officer is reminded that if an informant provided firsthand information in the case, then that informant's name and written statement must only be presented to the Disciplinary Court. This information will be retained with the Disciplinary tape by the Disciplinary Hearing Officer Administrator, also, if an inmate claimed to have been sick, the opinion of the infirmary examiner must be obtained.

I have read this report and understand that I may appeal to the Warden about any decision made in this matter within fifteen (15) days by completing the "Disciplinary Appeal" form.

Inmate's Signature _____ Counsel Substitute _____

Disciplinary Hearing Officer - I affirm that the information is true to the best of my knowledge.

Disciplinary Hearing Officer _____
 Signature Date

F-831-4

Major Disciplinary Appeal Form

Inmate Name _____ ADC# _____

Unit/Center _____ Punitive Isolation ____ Yes ____
 No

Disciplinary (date) _____ by (charging officer) _____

____ Appeal to Warden/Center Supervisor. Note, if you do not agree with the decision of the
 Date Disciplinary Hearing Officer, you have 15 business days from receipt of disciplinary
 action to appeal to the Warden/Center Supervisor.

Warden's Decision: Affirm ____ Reverse ____ Modify ____ (See attached if
 modified.)

Signature: _____ Date _____

____ Appeal to Disciplinary Hearing Administrator (DHA). Note, if you do not agree with
 the
 Date response of the Warden/Center Supervisor, you may appeal to the Disciplinary Hearing
 Administrator within 15 business days of receipt of the Warden/Center Supervisor's
 response.

DHA's Decision: Affirm ____ Reverse ____ Modify ____ (See attached if modified.)

Signature: _____ Date _____

____ Appeal to Director. Note, if you do not agree with the Disciplinary Hearing
 Date Administrator's response, you may appeal to the Director within 15 business days of
 receipt of the Disciplinary Hearing Administrator's decision.

Director's Decision: Affirm ____ Reverse ____ Modify ____ (See attached if
 modified.)

Signature: _____ Date _____

Notice to Inmate: This form is to be used for all appeal levels and responses. Briefly
 state reasons why conviction or punishment should be reversed or modified. This
 information will be considered at all three levels of appeal. Only information that is
 contained within this space on this form will be considered:

Inmate's Signature: _____ Date: _____

F-831-5

ARKANSAS DEPARTMENT OF CORRECTION

AR 831

Unit

DISCIPLINARY EXTENSION FORM

TO:

FROM:

RE: Disciplinary Dated _____ at _____ For rule violation(s) _____

DATE:

This is to inform you I am extending your Disciplinary Hearing for a period of _____*additional working days for the following reasons:

- () Inmate is out to court/hospital, or otherwise off the Unit/Center.
- () Awaiting the decision of the prosecuting attorney regarding the filing of a felony charge.
- () The case requires more extensive investigation. The following is needed:

- () Volume of Disciplinaries scheduled for hearing is excessive and more time is needed to ensure a fair determination in each case.
- () Emergency situation exists at the unit.

Retroactive extension:

() Escaped inmate, not in custody. Returned to Unit _____
Date Time

Signature Warden/Center Supervisor, Disciplinary Hearing Officer _____
Date Time

Copy delivered to inmate by: _____ on _____
Signature Date

cc: File

*An Extension may be granted up to five (5) business days. If greater length of time is needed, then the extension must be renewed and will not exceed five (5) days per extension. The Director must approve any extension over thirty (30) days total.

Director's Signature Date Length of Extension

This extension will expire on _____ at _____
Date Time

F-831-6

Arkansas Department of Correction

AR831

Unit

WAIVER OF DISCIPLINARY HEARING

Date of Disciplinary _____

Time: _____

Rule Violation(s) _____

I, Inmate _____, ADC # _____, waive my right to a hearing.

I agree to this of my own free will, without coercion from any employee of the Arkansas Department of Correction.

Signed: _____ ADC # _____

Officer Witness: _____ Date: _____

Time: _____

Note: If the inmate refuses to attend the hearing and refuses to sign, complete section below.

Inmate _____, ADC # _____

refused to attend the hearing and refuses to sign the waiver form.

Date: _____ Time: _____

Signature of Officer witnessing refusal: _____

Reviewed by Warden/Center Supervisor or designee: _____

F-831-7

Arkansas Department of Correction
Unit

AR 831

MINOR DISCIPLINARY REPORT

Date _____ Time _____ Reporting Officer _____
Name of Inmate: _____ Number _____ Job _____

CHARGE OR OFFENSE:

DISPOSITION (Check One)

Extra Duty _____
(Describe Briefly)

Loss of Privilege _____
(Describe Briefly)

Warning & Reprimand _____
(Describe Briefly)

Not Guilty _____
Disciplinary Hearing Officer

Hearing Date/Time _____

Date Penalty Served _____ Shift Supervisor _____



PO Box 8707
 Pine Bluff, AR 71611-8707
 Phone: 870-267-6200/6999
 Fax: 870-267-6244
 www.adc.arkansas.gov

ADMINISTRATIVE DIRECTIVE

SUBJECT: Employee Driver's License

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NUMBER: 11-4317-XX29

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SUPERSEDES: 11-0311-43

REFERENCE: AR 225, Arkansas State Vehicle
 Safety Program Rules and Guidelines

PAGE 1 of 3

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APPROVED: Original signed by Ray Hobbs Wendy Kelley, Director

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DATE: 6/10/2014

I. POLICY:

Any ADC employee whose assigned job duties, as per the job description, may require him/her to operate a state vehicle, or a private vehicle on state business, is required to possess a valid driver's license at all times while on duty.

II. PURPOSE

This purpose of this policy is intended to insure that all ADC employees who drive on state business, in a state owned vehicle or are reimbursed for driving a private vehicle, have valid driver's licenses and good driving records in accordance with the Arkansas State Vehicle Safety Program.

III. PROCEDURES:

A. If the employee's driver's license becomes invalid due to suspension, revocation, or expiration, or if the employee for any reason does not possess a valid driver's license, the employee must immediately notify

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his/her supervisor. Failure to do so will result in disciplinary action and may include termination of employment.

- B. An employee who fails to possess a valid driver's license and whose duties require him/her to operate a state vehicle shall be suspended without pay until the employee regains possession of his/her driver's license or until he/she is reassigned to suitable job duties. The suspension should not last longer than 15 days before progressing to the next level of action as in this policy.
- C. Actions against an employee who has accumulated 10 or more points on his/her current Traffic Violation Report shall be as follows:
1. ~~Level I is the accumulation of~~ Drivers Who Have Accumulated 10-13 points: The employee must complete a defensive driving course approved by the Department of Correction. If the position is required to operate a vehicle, the employee should also receive disciplinary action in accordance with the Employee Conduct Administrative Directive.
 2. ~~Level II is the accumulation of~~ Drivers Who Have Accumulated 14-17 points: Authorization to drive on state business shall be suspended for no less than five (5) working days (40 hours). If the position is required to operate a vehicle, the employee may receive progressive discipline in accordance with the Employee Conduct Administrative Directive to include suspension without pay during the time the authorization to drive on state business is suspended. In both cases, an approved defensive driving course must be completed within 60 days after the suspension begins. Upon completion of a defensive driving course, written confirmation of course completion must be provided to the Agency Director. A VSP-5 form must be completed and confirmation of course completion attached and sent to Central Human Resources. (See item 8 for exceptions)
 3. ~~Level III is the accumulation of~~ Drivers Who Have Accumulated 18-23 points: Authorization to drive on state business shall be suspended for no less than ten (10) working days (80 hours). If the position is required to operate a vehicle and the employee has already been suspended for the accumulation of excessive points, the employee may receive progressive discipline in accordance with the Employee Conduct Administrative Directive to include termination. If the position is required to operate a vehicle and the employee has not been suspended previously for excessive points, the employee shall be suspended without pay during the time the authorization to drive on state business is suspended. In the case

of suspension, an approved defensive driving course must be completed within 60 days after the suspension begins. Upon completion of a defensive driving course, written confirmation of course completion must be provided to the Agency Director. A VSP-5 form must be completed and confirmation of course completion attached and sent to Central Human Resources. (See item 8 for exceptions)

- ~~4. Level IV is the accumulation of 24 or more points. Authorization to drive on state business shall be terminated in accordance with the Employee Conduct Administrative Directive. If the position is required to operate a vehicle, the employee will be terminated.~~
4. Drivers Who Have Driving Privileges Suspended or Revoked By the Office Of Driver Services-Shall not be permitted to drive on state business for the duration of the suspension or revocation for no less than 1 day but not to exceed 15 days (no more than 120 hours). Authorization shall be reinstated only after evaluation and approval by the Agency Director. Drivers with restricted permits may be authorized to drive on state business as allowed by the restricted permit and only with the Agency Director approval.
5. Drivers Who Have Accumulated 24 or more points on their current traffic violation report-Authorization to drive on state business shall be terminated in accordance with Employee Conduct Administrative Directive. If the position is required to operate a vehicle, the employee will be terminated.
- 5.6. If an employee reaches ~~any stage level II~~ as described above within a three-year time period and has already completed the ADC-offered defensive driving course, the employee will be required to take another ADC-approved defensive driving course at the employee’s expense.
7. Each warden/administrator will receive a weekly updated list of their respective unit/area employees who have excessive points and/or suspended licenses. In addition, a list of all employees who have excessive points and/or suspended licenses will be provided to the Management Team weekly.
- 8.3. Drivers Who Receive a Ticket for Driving While Intoxicated (DWI), Driving Under the Influence (DUI), or any type Driving Without a License-Authorization to drive on state business shall be suspended for no less that twenty (20) working days (160 hours). Authorization may be reinstated only after evaluation and approval by the State Insurance Commissioner. A Defensive Driving

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Course approved by Agency Director must be completed within sixty (60) days after the suspension began with written confirmation of course completion sent to Agency Director

- D. Actions taken with respect to an employee pursuant to this Administrative Directive may be in lieu of or in addition to actions taken pursuant to the department's policy concerning employee conduct standards and the rules and guidelines of the Arkansas State Vehicle Safety Program.

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ADMINISTRATIVE DIRECTIVE

SUBJECT: Restrictive Housing

NUMBER: 17-0231

2014-07

SUPERSEDES: AD 2017-02AD

~~and AD 2013-183~~

APPLICABILITY: Director, Deputy/Assistant Directors,
Warden/Center Supervisors, Employees
involved in Segregation, and Inmates

REFERENCE: AR-836 Segregation;
AD 2014-08 Disciplinary Court Review;
AD 2016-20 Punitive Segregation-Restriction;
and AD 2017-03 Step-Down Program

PAGE: 1 of ~~12~~15

APPROVED: _____ ~~Original Signed by Wendy Kelley~~
EFFECTIVE DATE: 02/01/2017

I. POLICY:

It is the policy of the Arkansas Department of Correction (ADC) to provide secure, safe housing to inmates who require a higher degree of physical control or who staff otherwise find necessary to remove from the general population of the facility. The policy is to limit the use of Restrictive Housing to the shortest period of time possible when it is used while maintaining a safe environment within the institutions.

Note: The use of "segregation" or administrative segregation" in existing policies also applies to inmates in "Restrictive Housing" or "Extended Restrictive Housing" unless this poses a conflict with this policy.

II. EXPLANATION:

The Institutional Classification Committee or, in an emergency, the Warden/Center Supervisor or designee may place an inmate in Restrictive Housing (RH) if his/her continued presence in the general population poses a direct threat to the safety of persons or a clear threat to the safe and secure operations of the facility.

III. DEFINITIONS:

1. **Administrative Status** – Separation from the general population by the classification committee or other authorized authority when the continued presence of the inmate in the general population poses a direct threat to the safety of persons or a clear threat to the safe and secure operations of the facility. Inmates pending investigation by the unit or law enforcement, pending trial on a criminal act, pending disciplinary court review, or pending transfer also can be included. While this status may be in restrictive housing, it is a temporary status and a release plan is not required while in this status.
2. **Restrictive Housing (RH)** – A placement that requires an inmate to be confined to a cell at least twenty-two (22) hours per day.
3. **Extended Restrictive Housing** – Placement in housing that separates the inmate from contact with general population while restricting an inmate to his/her cell for twenty-two (22) hours per day and for thirty (30) days or longer for the safe and secure operation of the facility. A 48-hour relief does not end Extended Restrictive Housing because the inmate is not returned to general population during this time.
- 3.4. **Restrictive Recreation** – An status assignment allowing the Classification Committee or Warden to assign an inmate to be kept in full restraints during the inmate's scheduled recreation period if his/her actions pose a direct threat to the safety of persons or a clear threat to the safe and secure operations of the facility. These actions include but are not limited to: tampering with or blocking any lock or locking device, tampering or manipulating any recreation enclosure or Restricted Housing recreation area running from, avoiding or otherwise resisting apprehension, aggravated battery to include attempted battery or battery on staff or inmates and attempts to remove or manipulate restraints.
- 4.5. **Serious Mental Illness** – Psychotic, Bipolar, and Major Depressive Disorders and any other diagnosed mental disorder (excluding substance use disorders) associated with serious behavioral impairment as evidenced by examples of acute decompensation, self-injurious behaviors, and mental health emergencies that require an individualized treatment plan by a qualified mental health professional.
- 5.6. **Step-Down Program** – A system of review that establishes criteria to prepare an inmate for transition from restrictive housing to general population or the community. A classification committee made up of a multidisciplinary team (medical, mental health, security, and others determined by the Warden) will determine which individual inmates enter the program.
- 6.7. **Protective Custody** – Form of separation from the general population for inmates requesting or requiring protection from other inmates for reasons of health or safety. The classification

committee reviews the inmate's status periodically. Inmates assigned to protective custody are not assigned to restrictive housing due to this status alone. Inmates placed in restrictive housing must be transferred out of restrictive housing within three (3) business days when placement is due to protective custody status alone absent approval by the appropriate Deputy Director.

7.8. **Disciplinary Court Review (DCR)** – The confinement of an inmate in restrictive housing until a disciplinary hearing is completed due to an alleged disciplinary infraction.

8.9. **Placement** – Removal of an inmate from general population to a restrictive housing assignment. (twenty-four (24) hour review required)

9.10. **Assignment** – A decision by the Institutional Classification Committee that restrictive housing is appropriate.

10.11. **Release Plan** – The steps the inmate needs to take to be released to general population which may include one or more of the following as examples: a certain number of disciplinary free days, completion of disciplinary sanctions, completion of anger management, thinking errors, and/or a step-down program.

12. **Reentry Plan** – A pre-release assessment and plan that includes at a minimum a review of parole stipulations and program referrals, transportation to the inmate's closest commercial pick-up point, information on community services available in the area, and information on how to reinstate voting rights upon discharge of their sentence.

11.

III. PROCEDURES:

A. Initial Placement:

1. Upon the determination that the inmate poses a direct threat to the safety of persons or a clear threat to the safe and secure operations of the facility, the Chief Security Officer on duty (shift supervisor) may place the inmate in Restrictive Housing.
2. Any inmate placement in restrictive housing will be approved, denied, or modified within twenty-four (24) hours by an appropriate and higher authority who was not involved in the initial placement. The higher authority shall, after reviewing the inmate's status, either release him/her from the Restrictive Housing area or retain him/her in the Restrictive Housing area and refer the inmate to the next regularly scheduled meeting of the Classification Committee.
3. The Classification Committee will hold the hearing to determine assignment within seven days of placement and after the inmate has received written notice, along with other provisions listed above.

B. Institutional Classification Committee Procedures for assignment to Restrictive Housing:

1. The inmate will be given a meaningful hearing before the Classification Committee within seven (7) days of placement in restrictive housing.
2. The inmate will receive written notification of the hearing not less than twenty-four (24) hours prior to the hearing.
3. The inmate will be allowed to appear before the committee, to make any relevant statement, and to present related documentary evidence.
4. Assignment to restrictive housing will be made by a majority vote of the committee.
5. The inmate will be advised of the reasons for his/her assignment to restrictive housing and the steps he/she needs to take to be released to general population which may include a step-down program. Both the reason for assignment and the method to earn release will be provided to the inmate in writing and a copy of the reasons will be maintained in the inmate's electronic file. All decisions may be subject to review and approval or disapproval by the Warden or his/her designee.
6. Any inmate who is potentially dangerous to himself/herself shall immediately be placed in Restrictive Housing and evaluated by Mental Health Staff the same business day or within four (4) hours.
7. Any inmate who exhibits chronic unruly behavior shall be evaluated by the Mental Health Staff upon request by the Warden or his/her designee. The results of the evaluation shall be considered by the Classification Committee in determining the Restrictive Housing status of the inmate.
8. Confinement of inmates under the age of eighteen (18) years of age in Extended Restrictive housing is prohibited.
9. An inmate will not be placed in Restrictive Housing based on Gender Identity alone.
10. Confinement of pregnant inmates in Extended Restrictive Housing is prohibited.
11. Confinement of inmates who are Seriously Mentally Ill (SMI) in Extended Restrictive Housing is prohibited.

C. Administrative Status:

1. An inmate that poses a direct threat to the safety of persons or a clear threat to the safe and secure operations of the facility, can be placed in restrictive housing on administrative status due to one of the following:

- a. Pending trial on a criminal act, placement is not to exceed three (3) business days following a court decision.
 - b. Pending disciplinary court review, placement is not to exceed fourteen (14) days. If the disciplinary action is dismissed prior to a disciplinary hearing, the inmate must be released from DCR status and appropriately reassigned.
 - c. Pending transfer to another unit, placement is not to exceed three (3) business days absent approval from the appropriate Deputy Director.
 - d. Pending investigation by unit staff, Internal Affairs, or Arkansas State Police not to exceed three (3) business days which may be extended by the Warden or designee. The extension approved by the Warden or Deputy/Assistant Warden may not exceed five (5) working days per extension. If there are more than four extensions, they must have the approval of the Director. Extensions can only be made for one of the following reasons:
 - i. An inmate who is suspected of having information which would aid in the resolution of the investigation is unavailable for interview by appropriate authorities.
 - ii. Awaiting information, documents and/or decisions which would aid in the resolution of the investigation, from appropriate authorities.
 - iii. The case requires more extensive investigation.
2. For inmates on Administrative Status, these procedures will be followed except that this status is temporary and a release plan is not necessary while in this status.
- D. Controls and Privileges while in Restrictive Housing:
1. Housing in a separate area of the institution determined by the Warden.
 2. Work duties, if assigned, within the limits of the inmate's medical classification/restrictions.
 3. Regularly scheduled meals - may be served in cells.
 4. Television and/or radio privileges may be denied only upon documentation of the reason(s) in each Inmate's record.
 5. Institutional activities as approved by the Warden.
 6. Regular mail privileges.

7. Chaplains will visit the restrictive housing area at least weekly and upon request.
8. Visits may be in a separate visiting room and will be conducted in the presence of an officer.
9. Although no razors will be allowed, inmates will have the opportunity to groom facial hair weekly and shower a minimum of three times per week. Barbering and hair care services should be available on the same basis as general population except that no razors will be allowed. Exceptions to the schedule are permitted when found necessary by the senior officer on duty. All exceptions will be recorded in the log and justified in writing.
10. Referrals to medical, dental or mental health services are the same as general population; the referrals can be through sick call/health services request or by staff for medical emergencies. Inmates in Restrictive Housing are provided medication as prescribed.
11. Opportunity for exercise, a minimum of one (1) hour of exercise per day five (5) days per week, unless security or safety dictates otherwise. Opportunities to exercise outdoors, weather permitting. Reasons for the imposition of any constraints should be documented. Inmates who have out-of-cell work assignments are not required to receive the one-hour exercise period.
12. Commissary purchases will be limited to \$10 weekly due to security requirements on inmates in restrictive housing. Items not allowed include ice cream, razors, sharp objects, canned items, and others as designated in writing by unit policies.
13. Appropriate clothing is to be issued. Jumpsuits may replace pants/tops due to strings or belts necessary for pants and other security concerns.
14. A reasonable amount of reading material and educational material approved by the Educational Department.
15. Bedding is to be changed weekly and weekly laundry services are to be provided.
16. Access to legal materials upon request and in accordance with unit policy.
17. Access to attorney of record via legal mail and telephone.
18. Inmates leaving or entering the restrictive housing unit must be thoroughly searched. Those on restrictive housing status shall be escorted by two officers and under normal circumstances will be in restraints to and from their destination.
19. This list of controls and privileges does not govern inmates serving punitive restriction, participating or assigned to Step-Down Units, death row, and other

special housing areas including Residential Programming Unit (RPU), infirmaries, and the hospital.

20. Restrictive Housing inmates are personally observed by a correctional officer twice per hour, but no more than forty (40) minutes apart, on an irregular schedule. Inmates who are mentally disordered or who demonstrate unusual, bizarre, or self-injurious behavior receive more frequent observation as determined by a qualified mental health professional (minimal to constant); suicidal inmates are under continuous observation (directly or by monitored camera) while on treatment precautions. Observation shall be documented in a log.

E. Review of Restrictive Housing Status:

1. The Classification Committee or authorized staff must review the status of every inmate assigned to restrictive housing classification every seven (7) days for the first sixty (60) days, and every thirty (30) days thereafter to determine if the reason(s) for assignment continues to exist. At every other (thirty) 30-day review, the inmate will be personally interviewed by the Classification Committee or authorized staff. All reviews will be documented utilizing the appropriate segregation form, and all refusals by inmates will be signed by the inmate and at least one member of the classification committee. Any inmate who advises the classification member that he/she did not refuse will be assigned to the next regularly scheduled classification meeting.
2. A mental health practitioner/provider completes a mental health appraisal and prepares a written report on all inmates placed in restrictive housing within seven (7) days of placement. If confinement continues beyond thirty (30) days, a behavioral health assessment by a mental health practitioner/provider is completed at least every thirty (30) days for inmates with a diagnosed behavioral health disorder and more frequently if clinically indicated. For inmates without a diagnosed behavioral health disorder, an assessment is completed every ninety (90) days and more frequently if clinically indicated. The evaluation will be conducted in a confidential area.
3. The Unit Warden or designee will review all recommendations for possible transfer to general population within five (5) days.
4. No inmate shall remain in a Restrictive housing for more than one year unless the Warden has personally interviewed him/her at the end of the year and approves the assignment. At the end of the second and each additional year that an inmate

remains in a Restrictive housing, the Warden and the Deputy Director shall personally interview the inmate and determine whether the assignment is necessary and appropriate.

5. The calculation and scheduling of an inmate’s Restrictive Housing hearing will not change if that inmate transfers to another unit and remains in restrictive housing.
6. If the inmate refuses to appear before any of the above-scheduled hearings, documentation will be maintained. The refusal will be signed by the inmate and by a member of the classification committee. Should the inmate advise the classification member that he/she did not refuse to appear, the inmate will be scheduled for the next regularly scheduled classification meeting.
7. Inmates assigned to Restrictive housing have the opportunity to participate in the Step-Down Program to assist with reintegration of the inmate into general population in accordance with his/her release plan or to the community in accordance with his/her Reentry plan.
8. The Arkansas Department of Correction will attempt to ensure that inmates are not released directly into the community from Restrictive or Extended Restrictive Housing. In the event that the release of an inmate directly from Restrictive Housing into the community is imminent, the Unit Warden or designee will document the justification and receive approval from the appropriate Deputy Director. Additionally:
 - Classification will have verified that a Reentry Plan is in the Department’s electronic offender management information system (eOMIS) at least one-hundred twenty (120) days prior to release. The Reentry Plan will be tailored to specific needs of the inmate. This does not apply to court orders for immediate release (other than the sentencing order).
 - Notification of release to local law enforcement where the inmate intends to reside, and/or local law enforcement where the Department releases the inmate from custody.
 - Notify releasing inmate of applicable community resources as part of the Reentry Plan.
 - Victim Information and Notification Everyday (VINE) is made to those victims who have current information in VINE or eOMIS.

F. Restrictive Recreation:

A. Initial Placement:

1. Upon determination that the inmate poses a direct threat to the safety of persons or a clear threat to the safe and secure operations of the facility, the shift supervisor will notify the Warden, Deputy Warden, or Chief of Security to recommend an inmate's placement on Restrictive Recreation Status. The recommendation shall include all pertinent information regarding the request and be forwarded to the Warden for review and approval, unless the Warden did not approve the initial placement.

2. Once the Warden initially approves the use of Restrictive Recreation for an inmate, the Warden will contact the appropriate Deputy Director or the Duty Director (if on holidays, weekends, or if the Deputy Director is unavailable) requesting final authorization. The request for authorization will be made within twenty-four (24) hours of the initial placement of an inmate on Restrictive Recreation Status.

3. Any inmate placed on Restrictive Recreation Status will be scheduled to appear before the next regularly scheduled meeting of the unit's Classification Committee for review.

B. Institutional Classification Committee Procedures for Continued Placement on Restrictive Recreation Status

1. The inmate will be allowed to appear before the Classification Committee to make any relevant statements, and to present related documentary evidence. An inmate's refusal to appear before the committee will be documented in writing.

2. Continued placement will be made by majority vote of the committee.

3. The inmate will be advised in writing of the reasons for continued placement and the steps the inmate must take to be removed from Restrictive Recreation Status.

4. The inmate will be on staff restricted movement of a Lieutenant or above for the duration of the placement.

Note: The Lieutenant or above restriction will begin with the initial placement.

5. The Restrictive Recreation Status will be documented in the Case Notes Section of the inmate's electronic record and a Violent Individual Precaution will also be entered.

6. All decisions of the Classification Committee will be subject to review and approval or disapproval by the Warden or his/her designee.

C. Review of Restricted Recreation Status.

1. The Classification Committee or authorized staff, at the rank of Major or above, must review the status of each inmate placed on Restrictive Recreation every sixty (60) days following the initial Classification Committee Review. The status review will be documented in the Classification Committee Action Section of the inmate's electronic record.

2. The Warden or his/her designee will review all recommendations for possible release from restrictive recreation status.

Note: Upon release from restrictive housing an inmate will automatically be released from restrictive recreation status.

RESTRICTIVE HOUSING PLACEMENT

Any placement requires a finding that this inmate's continued presence in the general population poses a serious threat to life, property, self, staff, other inmates, or to the security of the Unit

TO: _____

FROM: _____

DATE: _____

SUBJECT: _____ A.D.C. _____ is/was placed in restrictive housing on

_____ at _____ for the following reason(s):

- Administrative Status (Temporary):**
 - pending trial for a criminal act
 - pending disciplinary court review
 - pending transfer to another unit
 - pending investigation (Note: PREA victims cannot be placed in restrictive housing for more than three (3) days)

Review required within twenty-four (24) Hours of placement

- I was not involved in the initial placement and have reviewed the reasons for the placement. I find the placement appropriate.
- I find the inmate should be moved to _____ rather than remain in restrictive housing.

SIGNATURE

DATE

Note: If the inmate's placement in restrictive housing is approved, he/she shall appear before the Classification Committee for possible assignment within seven (7) days.

RESTRICTIVE RECREATION PLACEMENT

Any placement requires a finding that this inmate's continued actions pose a direct threat to the safety of persons or a clear threat to the safe and secure operations of the facility. These actions include but are not limited to: tampering with, or blocking, any lock or locking device, tampering or manipulating any recreation enclosure or Restricted Housing recreation area. Running from, avoiding or otherwise resisting apprehension, aggravated battery to include attempted battery/battery on staff or inmates and attempts to remove or manipulate restraints.

TO: _____

FROM: _____

DATE: _____

INMATE NAME: _____ ADC# _____ is/was placed on restrictive recreation on
_____ at _____ for the following reason(s):

- Tampering with, or blocking, any lock or locking device
- Tampering or manipulating any recreation enclosure
- Running from, avoiding or otherwise resisting apprehension
- Aggravated battery to include attempted battery on staff or inmate/s
- Attempts to remove and/or manipulate restraints.
- Other: _____

Review required within twenty-four (24) hours of placement

I have reviewed the reasons for the placement and find that the inmate should should not remain on restrictive recreation status.

Warden Signature _____ Date _____

I have reviewed the reasons for the placement and find that the inmate should should not remain on restrictive recreation status.

Deputy/Duty Director _____ Date _____

Note: If the inmate's placement on restrictive recreation status is approved, he/she shall appear before the Classification Committee for review every sixty (60) days.

RESTRICTIVE HOUSING STATUS REVIEW
RECORD OF RELEASE CONSIDERATION

Facility
Inmate's Name
ADC#

07 Day Review
30 Day Review
60 Day Review
Warden's Review
Director's Review
Special Consideration

Date of Review

Date of Initial Assignment

REASON FOR INITIAL ASSIGNMENT

- Poses a direct threat to the safety of themselves or others
Poses a direct threat to the safe and secure operations of the facility
Administrative Status due to:

COMMITTEE MEMBERS

VOTE

Table with 2 columns: COMMITTEE MEMBERS, VOTE. Rows contain names and corresponding 'REMAIN' and 'RELEASE' options.

INMATE'S STATEMENT CONCERNING RELEASE OR CONTINUED SEGREGATION

ACTION/REASON

- Continue Restrictive Housing (Describe how the inmate continues to pose a direct threat to safety of persons or a clear threat to the safe and secure operations of the facility):
Inmate is not a threat to the security of persons or a clear threat to the safe and secure operations of the facility.
Release pending completion of Restrictive Housing Restrictive Release Plan

MENTAL HEALTH APPRAISAL REPORT: Completed Yes No

WARDEN'S REVIEW

- I have reviewed the above and agree with the Committee's decision.
- I have reviewed the above and am referring this back to the Committee.

WARDEN OR DESIGNEE SIGNATURE

DATE

RESTRICTIVE HOUSING RELEASE PLAN

Note: This form is **NOT** required for inmates placed in restrictive housing on administrative status.

Facility Name: _____

Date: _____

Inmate Name: _____

ADC Number: _____

- Upon completion of the following steps, the above-referenced inmate may be returned to general population from a restrictive housing assignment:
- Upon completion of the following steps, the above-referenced inmate may be removed from a restrictive recreation placement.
 - Achieve Class II status or better
 - Complete the sanction(s) imposed by the Disciplinary Court
 - Complete a Step-down Program
 - Complete a/an _____ program
 - Other (must be specific):

Classification Committee Member
Signature

Date

INMATE ACKNOWLEDGEMENT

I have read, or have had read to me, this ~~restrictive housing~~ release plan. I understand that I may remain in restrictive housing or on restrictive recreation until this plan is completed.

Inmate's Signature

Date

WARDEN'S REVIEW

- I have reviewed the above and agree with the proposed ~~restrictive housing~~ release plan.
- I have reviewed the above and am referring this proposed ~~restrictive housing~~ release plan plan back to the Classification Committee.

Warden or Designee's Signature

Date

RESTRICTIVE HOUSING CLASSIFICATION COMMITTEE WAIVER

DATE OF REVIEW: _____

I, Inmate _____,
ADC# _____,

Hereby waive or refuse to appear before the Restrictive Housing Classification
Committee (RHCC).

My waiver or refusal to appear before the RHCC is done freely and voluntarily without
threat or coercion from any person(s). I understand that my refusal to appear before the
RHCC will result in the review of my Restrictive Housing or Restrictive Recreation
Status in my absence and making a decision without any comments or statements from
me.

Inmate Name (Please print): _____

Inmate Signature: _____

Date: _____

RHCC Member Name (Please print): _____

RHCC Member Signature: _____

Date: _____

Witness Name (Please print): _____

Witness Signature: _____

Date: _____



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ADMINISTRATIVE DIRECTIVE

SUBJECT: Incident Notification Procedures

NUMBER: 16-0517-32

SUPERSEDES: 15-0616-05

APPLICABILITY: Director, Deputy and Assistant Directors, Assistants to the Director, Superintendents, Wardens, Center Supervisors, and Administrators

REFERENCE: AR 005 Reporting of Incidents

PAGE: 1 of 5

APPROVED: ~~Original Signed by Wendy Kelley~~

EFFECTIVE DATE: 03/10/16

I. POLICY:

It shall be the policy of the Arkansas Department of Correction (the Department) that all serious incidents within the Department will be reported fully and completely to the appropriate Departmental personnel, the Board of Corrections, the Board's assistant Assistant to the Board and the Governor's staff Office. Additionally, the State Medical Examiner and outside law enforcement agencies will be promptly contacted in accordance with Department policy.

II. DEFINITIONS:

A. Serious Incidents Requiring Immediate Notification

1. Death or serious injury to an inmate, staff member, contract staff member, or visitor. *Note: Any injury requiring a person to be transported to a hospital qualifies as a serious injury;
2. Serious incident involving an inmate on furlough, in a Work Release Program, Act 309 assignment, or otherwise off ADC property;
3. Hostage situation;

4. Riot or other mass disturbance (six or more inmates);
5. Major breach of security;
6. Natural disaster;
7. Chemical spill;
8. Escape;
9. Work strike;
10. Suspected criminal activity;
11. An incident requiring outside assistance (law enforcement, or firefighting); or
12. Any incident worthy of media notification, or upon media inquiry.

B. Serious Incidents Requiring Notification During Normal Work Hours

1. Deaths by natural causes will be reported during a work day or the next business work day with the exception of notification to the Medical Services Administrator, or designee, the Administrator of Internal Affairs, the Arkansas State Police, and the Public Information Officer (PIO), who are to be notified immediately upon the death of any inmate.
2. Incidents where excessive Use of Force appears after unit level inquiry are to be reported during normal working hours.

C. Death from "Natural Causes"

- ± Death from "Natural Causes" includes death that was expected due to age, previously diagnosed illnesses or injuries. All other deaths, including those suspected to be suicide, homicide, or occurring during or shortly after an altercation or accident, will not be assumed to be of "natural causes", and must be reported immediately.

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D. Working Hours

- ± Normal Working Hours: Monday – Friday, 8:00 a.m. until 5:00 p.m., excluding holidays.

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III. PROCEDURES:

- A.** The Superintendent/Warden/Center Supervisor/Administrator ("Warden") will contact and report the incident by telephone to the appropriate Deputy or Assistant Director during normal working hours and the "Duty Warden" will contact and report the incident to the Duty Director after normal working hours (weekends or holidays). The Administrator of

Medical and Dental Services and the Administrator of Internal Affairs will be notified where applicable.

- B.** The appropriate Deputy or Assistant Director, or an Assistant to the Director will be responsible for collecting complete and concise information concerning the incident, and for notifying the Director and the PIO. Unless directed otherwise by the Director, the PIO will notify the Chairman of the Board of Corrections, the ~~agency's department's~~ Board liaison, the ~~Board's assistant~~ Assistant to the Board, the Governor's liaison and the Governor's ~~PIO~~ spokesperson. All Board Members and Assistant to the Board will be notified at the Chairman or liaison's request.
- C.** Following notification by telephone, an e-mail will be sent by the Superintendent/Warden/Center Supervisor/Administrator or designee no later than the following business day summarizing the incident. The e-mail should be sent to the ADC Incident e-mail distribution list and will include the following:
1. The unit/center/location where the incident occurred;
 2. The date and time the incident occurred;
 3. The nature of the incident;
 4. The location of the incident within the unit/center;
 5. The persons involved in the incident; and
 6. If injury, the extent of the injury.
- D.** During the investigative phase of the incident/occurrence, any significant update or change in initial data will be forwarded to the appropriate officials covered in Paragraph III. Procedures – Subsection B.
- E.** Pursuant to Arkansas Code § 12-12-315, the occurrence of any death in a correctional facility requires the County Coroner and the State Medical Examiner be notified. In addition, ~~in such cases when previous medical history does not exist to explain the death (see "Natural Causes" under Paragraph II. Definitions – Subsection C – Number 1),~~ the facility Superintendent, Warden, or Center Supervisor or designee will immediately notify ~~notify the Administrator of the Internal Affairs Division~~ the who will notify the Arkansas State Police contact person designated by the Arkansas State Police and the Administrator of the Internal Affairs Division. ~~- The Administrator of the Internal Affairs Division will promptly confirm that the Arkansas State Police has received notification of the death.~~
- F.** When any inmate death occurs, the facility Warden or designee will immediately notify the Administrator of Internal Affairs, the Chaplain, the PIO, the contact person designated by the Arkansas State Police, and the Administrator of Medical and Dental Services, or designee, who will notify the State Medical examiner. If the death occurs at the facility, the Warden or designee will notify the county coroner.

- G. The Chaplain, upon notification of an inmate death, serious injury or illness resulting in an ambulance transport, or an inmate admission to a

non-ADC hospital, will notify Primary and/or Alternate Emergency Contacts of the inmate. The Warden or designee is responsible for notifying the Chaplain.

H. Notification Process for outside law enforcement agencies:

1. Any contact with outside law enforcement agencies by ADC personnel will only be through the Internal Affairs Division, except in cases of inmate death, escape or serious institutional disturbance, which will be performed in accordance with this Administrative Directive and the Department's emergency preparedness procedures.
2. The Internal Affairs Administrator or designee will immediately report to the Arkansas State Police:
 - a. ~~Any death from other than natural causes;~~
 - b.a. Any life-threatening battery;
 - e.b. Any escape or serious disturbance (if ASP has not already been contacted); and
 - d.c. Fires where arson is suspected and substantial damage occurs.
 - e.d. Alleged forcible rape;
 - f.e. Major drug, alcohol, or tobacco finds; or,
 - f. Intelligence information regarding any probable felony.
 - g. The Internal Affairs Administrator will also confirm with the Arkansas State Police that the Arkansas State Police has received notification of an inmate death.

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I. Guidelines for Internal Affairs Investigations initiated through the Incident Notification Process:

1. The Internal Affairs Administrator will initiate an internal investigation when instructed to do so by the Director, or in the Director's absence, the appropriate Deputy or Assistant Director.
2. Investigations by Internal Affairs will be required when:
 - a. It is unclear from initial reports whether a crime occurred;
 - b. The incident notification involves use of force in which the inmate is seriously injured or in which the force used appears excessive;
 - c. A Departmental issue co-exists with an investigation by the Arkansas State Police;
 - d. The Department may be liable for damages in an accident; or
 - e. Any unresolved rape allegations.

J. Notification of the Media

1. The media will be notified by the Public Information Officer (PIO) when so instructed by the Director, or designee.
2. If the Director or designee is not available, the (PIO) will act in accordance with Administrative Regulation (AR) 009: Public and Community Relations.
3. ~~The PIO will notify the Director, Chairman of the Board of Corrections, the department's Board liaison, the Assistant to the Board, the Governor's liaison and the Governor's spokesperson~~ notify the Director, the Governor's PIO, and the Board of any contact with the media.
4. The PIO will, upon request, notify the media whether the death of an inmate is known to be due to Natural Causes (see "Natural Causes" under Paragraph II. Definitions – Subsection C – Number 1).

K. Notification of other Departmental Officials

1. Other Departmental officials who are notified will act according to any instructions given; or,
2. In the absence of instructions, officials will act in a fashion consistent with both that person's duties and divisional standard operating procedure.
3. All individuals notified will be responsible for exploring any issues raised that relates to their area of responsibility. Each is also responsible for recommending corrective measures if such measures are needed.



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ADMINISTRATIVE DIRECTIVE

SUBJECT: Initial Unit of Assignment

NUMBER: ~~42-1517-35~~ _____ **SUPERSEDES:** ~~09-1312-15~~

APPLICABILITY: To all staff, especially those involved in the classification/assignment of inmates; and inmates

REFERENCE: AR 802-Classification of Inmates _____ PAGE ~~4~~ PAGE 1 of 3
 _____ of Inmates

APPROVED: Original signed by Ray Hobbs Wendy Kelly _____
EFFECTIVE DATE: ~~06/20/2012~~

Comment [SG1]: Leave blank for the Director to write in when she signs

I. POLICY:

It shall be the policy of the Department of Correction to establish criteria for initial unit assignments for male/female inmates.

II. EXPLANATION/PURPOSE:

Upon reception by the Department of Correction, inmates are initially assigned to designated units in a way that assures public safety, while providing for the safe, safe and humane treatment environment for inmates, while strengthening their work ethic through the teaching of good habits, and providing opportunities for them to improve spiritually, mentally, and physically. This directive applies to initial assignments only and does not preclude a transfer to another unit. Inmates may be moved to any institution within the Department of Correction to meet institutional security, disciplinary, treatment, or programmatic needs except as noted in paragraph Section III, Paragraph A2.

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III. ~~DEFINITIONS:~~ None

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IV. PROCEDURE:**A. Initial Units of Assignment**

1. Assignment of inmates to parent units will be made commensurate _____with the custody level of the facility. _Varner, East Arkansas Regional, Cummins, Grimes, Ouachita River, North Central, Delta Regional, Wrightsville, Randall L. Williams and Tucker Units are designated units at which male inmates may do their initial assignments. _Females may do their initial assignment at either McPherson or Hawkins Units.
2. Male inmates who are serving sentences of Death, Life without Parole, or Life shall only be assigned to the following units for their initial and permanent assignment: Cummins, Varner, East Arkansas Regional, or Maximum Security. Any exception to the housing of these designated inmates at a different facility must be approved by the Warden and the appropriate Deputy Director or Assistant Director and documented on the Custody Classification Screen in eOMIS consistent with the administrative directive on Custody Classification. Female inmates who are serving sentences of Death, Life without Parole, or Life shall only be assigned to the McPherson Unit for their initial and permanent assignment.

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B. Exceptions

Routine exceptions to address medical or mental health needs, and assignments to Death Row and the Boot Camp Program do not require the Director's approval.

1. Inmates who require protective custody (PC) may be assigned to any facility with single-cell housing if they cannot be housed in the designated open barracks for PC inmates.
2. Inmates who are at risk of sexual victimization, but not to the extent of requiring protective custody, should be sent to a unit that best suits the inmate's individual needs, and staff should consider Delta, North Central, Wrightsville, Ouachita River, Tucker, or Pine Bluff Complex Ester.

Factors that could indicate an inmate might be at risk of victimization include the following factors as set forth in the PREA policy:

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a. Whether the inmate has a mental, physical, or developmental
a. developmental disability;

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The age of the inmate, including whether the inmate is a
juvenile (Note: any inmate under 21 years of age with
a history
history of special education who has not obtained a high
school
school diploma or a GED shall be assigned to Varner
Grimes, or McPherson,
McPherson unless the Correctional School District
approves a different

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b. different assignment);

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b.

c. The physical build of the inmate/small stature;

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d. Whether the inmate has previously been incarcerated;

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Whether the inmate is homosexual, bisexual, transgender, or
e. or intersex;

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Whether the inmate has previously experienced sexual
f. victimization; and

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g. The inmate's own perception of vulnerability.

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3. Inmates who have a propensity to be sexually abusive toward other
inmates should be considered for facilities with single cell housing.
Factors that could indicate an inmate may have a propensity for
sexual abuse include the following factors as set forth in the PREA
policy:

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a. Inmate's violent criminal history;

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b. Inmate's convictions for sex offenses;

Inmate's prior history of institutional violence or sexual

c. abuse;

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d. Inmate's gang affiliation; and

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e. Inmate's aggressive attitude at intake.

—All other exceptions except stated herein must be approved by the Director/Designee. (For example, assignment of inmates to interstate compact, assignment of former employees, former law enforcement officers, etc.)

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4.

~~This directive applies to initial assignments only and does not preclude a transfer to another unit. Inmates may be moved to any institution within the Department of Correction to meet institutional security, disciplinary, treatment, or programmatic needs except as noted in paragraph III A2.~~

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V. ATTACHMENTS: None

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VI. REFERENCES: None: