



## Arkansas Department of Correction

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June 8, 2015

Governor Asa Hutchinson  
Senator Jeremy Hutchinson  
Representative Matthew Shepherd  
Senator Bill Sample  
Representative David Branscum  
Senator Alan Clark  
Representative Kim Hammer  
State Capitol  
Little Rock, AR 72201

### **RE: Act 1265 of 2015 – Implementation Plan**

Dear Governor Hutchinson, Senators and Representatives:

In accordance with Section One of Act 1265 of 2015 (the “Transparency Act”), this is the preliminary plan to implement the provisions of this Act known as the Public Safety and Transparency Act of 2015. Although the implementation plan required by Section One of the Transparency Act is, by the terms of that section, limited to subsection ( c ) of newly codified Ark. Code Ann. § 12-27-144, the implementation plan being submitted here encompasses all of the requirements of Section 5 of the Act, now codified as Ark. Code Ann. § 12-27-144. With respect to the Arkansas Department of Correction (“ADC”), that section outlines ten categories of information to be added to the ADC public website.

#### POLICY IMPLEMENTATION

In order to implement the public information disclosures required by the Transparency Act, the ADC, in conjunction with the Arkansas Board of Corrections (the “Board”), has undertaken the task of promulgating and adopting amended and new Administrative Regulations, Administrative Directives, and notifications to staff and the inmate population.

First, a proposed amendment to current AR 804, Inmate Records (copy attached), has been drafted and will be presented to the Board at its June 16, 2015 meeting. In Section V. Release of Information, it provides that the general prohibition on the broad disclosure of

inmate records imposed by existing Arkansas law (Ark. Code Ann. § 12-27-113( e )) is now subject to the exception authorized by the Transparency Act which provides for public disclosure of certain information, both general and specific, regarding inmate records.

Second, a new Administrative Directive (AD 15-11, Inmate Records on Public Website, copy attached) has been adopted by the ADC. This new Administrative Directive tracks and outlines the ten categories of information included in the Transparency Act and Ark. Code Ann. § 12-27-144. This new AD was posted at each ADC facility on June 3, 2015, in order to provide notification to ADC staff and the inmate population.

Finally, the existing Administrative Directive regarding the inmate disciplinary policy (AD 15-01) will be replaced with an amended and clarified disciplinary policy (AD 15-10, copy attached) following a thirty (30) day notice period to the inmate population that began June 3, 2015. One purpose of the amended Administrative Directive is to specify the information regarding inmate disciplinarys which, as required by the Transparency Act, will be disclosed to the public on the ADC's website. Drawing your attention to Section VI of AR 15-10, it is the phrases appearing in bolded text which will be disclosed on the website so as to provide the public with a description of each disciplinary for which each inmate has been convicted after July 1, 2015. This amended AD was posted at each ADC facility of June 3, 2015. Additionally, the inmate population was advised by memo April 17, 2015 that major disciplinarys would be made public as of July 1, 2015, and by a subsequent memo on May 29, 2015.

#### LOGISTICS of IMPLEMENTATION

Given the broad range of information regarding inmates the public disclosure of which is required by the Transparency Act, and given an existing inmate population exceeding 18,000 individuals, it is anticipated that logistics of implementation will be challenging and complex. Even so, the ADC expects to be able to have the expanded public website up and running within the time frames set out in the Transparency Act, or within a few days.

The ten categories of information regarding each inmate required to be disclosed by the Transparency Act will be drawn from the ADC's current electronic offender management information system known as eOMIS operated with Marquis Software. The ADC's website, like that of numerous state agencies, is operated by Information Network of Arkansas (INA) which has an interface with Marquis.

Implementation of the requirements of the Transparency Act will require, as a prerequisite, substantial changes to the record-keeping capabilities of eOMIS. The ADC has engaged in ongoing discussions with Marquis representatives to facilitate this process. As part of that process, both Marquis and the ADC are coordinating with INA for the necessary website enhancements. The required task has been outlined as follows:

**ACT 1265 / SB617 – Transparency for Inmate Information on ADC webpage  
eOMIS Enhancements:**

1. Enhance system to allow documentation of “order of protection”, “no contact order”, etc. Add ability to document relative/associate with order of protection and non-contact orders (pattern of victim/witness of offender) **Note:** This type of information if acquired from ACIC/NCIC background check cannot be shared. This information will be entered by ADC staff only “if known” from documentation provided by LLE or courts directly to ADC. ADC management has requested a scanned document verifying the order of protection/non-contact be entered before the “add” will be finalized.
  - a. Add new link to Menu Item for Victim/Witness Notification.
  - b. Enhance Victim/Witness Data to capture information on probation and parole offenders to include supervision history events such as absconding or incarceration. Enable PPO staff to enter and update victim information without affecting ADC victim information.
    - i. Enable APB staff to enter and update victim information without affecting ADC victim information.
  - c. Program system so that this type of addition will look at relative/associate entries as well as persons in the address book without requiring the addition of a new record which would be duplication.
  - d. Add grid to display the following information:
    - i. Name.
    - ii. Race / Sex.
    - iii. Relationship to offender.
    - iv. Type of Order.
    - v. In-State or Out-of-State.
    - vi. Active as of Date.
    - vii. Expiration Date.
    - viii. Information Source.
    - ix. Ability to store scanned document within entry.
  - e. Add data tables to capture and store required information
  - f. Scan document type for:
    - i. Order of Protection.
    - ii. Non-Contact Order.
  - g. Under Parole Board Events, create an event type for Victim Input Hearing Appointment:
    - i. Capture the inmate’s name.
    - ii. Capture the Inmate’s ADC Number.

- iii. Populate the Inmate's upcoming hearing type and date or allow user to select if a docket has not been prepared for that inmate.
  - iv. Select a Contact Date.
    - v. Capture Total Sentence Length (for all active convictions) and Discharge Date.
    - vi. Capture active convictions and conviction date.
    - vii. Capture PE/TE date.
    - viii. Capture Unit of Assignment.
    - ix. Comment Box.
      - x. Select registered victims for inmate and populate name and contact information once selected. Allow additional victims to be entered.
  - h. Create Upcoming Victim Hearing Report for date in "G":
    - i. Run by Victim Input Hearing Date.
- 2. Link Scan document type to field for order designation. **NOTE:** Designation type should not allow selection unless corresponding scan document type has been entered.
- 3. Enhance sentence components display grid SIS (Suspended Imposition of Sentence) (OTCS022A).
  - a. Include Commitment/count.
  - b. County of Conviction.
  - c. Docket #.
  - d. Offense.
  - e. SIS term.
  - f. Status.
  - g. How Served (these can be ran CC, CS or Initial to alpha or numeric charges)
  - h. Component/Count for each docket number.
- 4. Enhance sentence component table to include a table for SIS (Suspended Imposition of Sentence)
- 5. Add Special Condition of SIS.
- 6. SIS Icon to display on client header:
  - a. SIS will need to calculate end date for supervision information. This date should be "flat" time only and will run with or begin after based on sentence component "linked" with and "how served."
  - b. When SIS tables have information, create a "hook" to not allow discharge external movement or closure supervision history event without reference to SIS term.

7. Display all sentences (confinement, probation and SIS) on Synopsis screens – Inmate, Client and Parole Board:
  - a. Inmate synopsis – color code all active confinement sentences in green.
  - b. Client synopsis –
  - c. Parole synopsis - color code all active confinement sentences in green.
8. Update PPV to include all types of sentences – confinement, probation and SIS and Act 33 Notices, update Order of Conditional Release.
9. Program Alert Notification to area managers over inmate county of conviction if:
  - a. Inmate is discharging from ADC/ACC facility.
  - b. Active SIS sentence information has been entered in eOMIS.
  - c. Alerts will begin 90 days prior to discharge (max flat) date. Alert will repeat every 30 days prior to discharge date. One final notification will be sent 1 day prior to inmate discharge date.

**eOMIS file to INA enhancement:**

1. Include SIS information contained in sentence component.
2. Include Major disciplinary violations with overall disposition of “guilty” beginning with disciplinary violations dated 7/1/15.
  - a. Include disciplinary violation description.
  - b. Finalized hearing date.
3. Include all Major disciplinary violations regardless of date finalized with overall disposition of “guilty” when the following conditions exist:
  - a. Inmate scheduled for parole board hearing.
  - b. Parole violator are scheduled for parole board hearing.
4. Remove “all” Major disciplinary violations except those with finalized date of 7/1/15 when the following occurs:
  - a. Parole Hearing results in “parole approved”.
  - b. Parole Hearing results in “parole denied”.
  - c. Parole Hearing results in “deferred” action.

5. Include risk assessment scores (do not include MH Social History scores). Effective date: 4/1/15:
  - a. Include only entries with completion dates of 4/1/15 and after.
  - b. Agency name that prepared assessment.
  - c. Date assessment completed.
  - d. Score/Level.
    - i. SOCNA assessment level for community notification.
    - ii. ARORA scores.
6. Include good time class (I, II, III, IV) (Include description of good time –possibly use blurb from policy or get Shelli to compose a description).
7. Include custody classification (C1, C2, C3, C4) and description.
8. Include “order of protection”, “no contact order”, etc (yes or no field to acknowledge that a document exists) Only active orders should be indicated as “yes”.
9. Include program achievement(s) and date of completion.
  - a. **Exception:** Do not include the following MH programs in the interface file for display:
    - i. Substance Abuse Treatment Program – SATP.
    - ii. Therapeutic Community – TC (Follow same logic for parole absconders).
10. Update file to include all court commitment/sentence component including numerical (probation & SIS) and alpha (ADC and ACC).
11. Color code active ADC commitments in green.
12. Information contained in current INA file will not change this includes but is not limited to: known alias, photograph.

**INA webpage enhancement:**

1. Display additional SIS information in the commitment/sentence grid.
2. Addition of new table to display Major “guilty” disciplinary violations. Table headings should include the following:
  - a. Disciplinary violation.
  - b. Date.

3. Programming to display disciplinary violations related specifically to parole hearing schedule:
  - a. Display all guilty major disciplinary violations during parole hearing time frame.
  - b. Remove from display based on final parole decision.
4. Addition of new table/grid to display Risk Score/Level. Table headings should include the following:
  - a. Agency
  - b. Date Completed (completions dated 4/1/15 and after).
  - c. Risk Score/Level
5. Addition of field and label for displaying “Custody Classification”
6. Addition of field and “label” for displaying “Good Time Classification”
7. Addition of new field to display “order of protection”, “no contact order”, “etc”. Label should display the following only if an “active” order exists:
  - a. Court Order prohibiting contact or communication.
  - b. In-State / Out-of-State.
8. Addition of table/grid to display Program Achievements. Table headings should include the following:
  - a. Program Achievement.
  - b. Date of Completion.
9. Add new table to include information on all sentences including probation/SIS for active inmates:
  - a. Offense.
  - b. Sentence Date.
  - c. County.
  - d. Case #.
  - e. Community Sup. Length.
10. Add new table to include information on all prior probation/SIS history:
  - a. Offense.
  - b. Sentence Date.
  - c. County.
  - d. Case #.
  - e. Community Sup. Length.

11. Addition of “Disclaimer” and requirement that the disclaimer has been read and “agreed” before proceeding to inmate search.

12. Links to ACC webpage and APB webpage.

**ACIC/APPRISS changes for VINE notification:**

1. Appriss will need to update the VINE and Escape alert notifications to include the webpage address information: [adc.arkansas.gov](http://adc.arkansas.gov), [dcc.arkansas.gov](http://dcc.arkansas.gov), and [paroleboard.arkansas.gov](http://paroleboard.arkansas.gov).

**Information needed for the Disclaimer:**

1. General explanation of how time (PE/TE) is calculated including good time.
2. General explanation of how risk scores are determined.
3. General explanation from ACC on how their risk scores are calculated.
4. Include explanation in disclaimer that “Order of Protection”, “Non-Contact Orders”, etc will only be displayed “if known”.
5. Explanation of ARORA assessment.
6. Explanation of data accuracy and update timelines

It is anticipated that costs, perhaps substantial costs, will be incurred in order to complete this process. With respect to INA, the current cost estimate exceeds \$5000. The potential costs to complete necessary changes to eOMIS are not yet known.

Please let me know if you have any questions, suggestions, or concerns.

Sincerely,



Wendy Kelley  
Director

Cc: Judy Steelman  
Rebecca Haley  
Kelly Eickler  
Lauren Heil  
Benny Magness

 <p style="text-align: center;"><b>ADMINISTRATIVE REGULATIONS</b></p> <p style="text-align: center;"><b>STATE OF ARKANSAS</b></p> <p style="text-align: center;"><b>BOARD OF CORRECTIONS</b></p>	<b>Section Number:</b>	<b>Page Number:</b>
	804	1 of
	<b>Board Approval Date:</b>	
	<b>Supersedes:</b>	<b>Dated:</b>
	AR 804	
	<b>Reference:</b>	<b>Effective Date:</b>
<b>SUBJECT: Inmate Records</b>		

**I. AUTHORITY:**

The Board of Corrections is vested with the authority to promulgate this administrative regulation by Ark. Code Ann. §§ 12-27-105.

**II. APPLICABILITY:**

Arkansas Department of Correction (ADC) employees.

**III. POLICY:**

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

**IV. DEFINITIONS:**

Inmate Record (a/k/a Institutional File and Inmate Jacket): A full and complete record in written or electronic form of each person committed to the Department of Correction, which shall include but is not limited to a photograph of the convicted person, conviction data, and criminal history. Electronic transmissions and recordings that chronicle the activities and conversations of inmates are part of the institutional record.

**V. RELEASE OF INFORMATION:**

- A. Disclosure or inspection of information contained in inmate records is prohibited unless authorized by this Administrative Regulation or by court order.
- B. Except as authorized by Act 1265 of 2015 (Ark. Code Ann. § 12-27-144), only the following information from an inmate record may be released to the general public:

1. Offender's name, aliases, ADC number, photograph, physical description, date of birth, age, race, and gender.
  2. Date of incarceration.
  3. Facility(ies) of confinement, and work assignments, and program participation (unless it involves drug and alcohol program participation).
  4. The following information regarding current incarceration: offense (s), sentence (s), sentence date (s), county (ies) of conviction, case number (s), total time to serve, parole/transfer eligibility date, movements and behavior.
  5. The following information regarding prior incarceration(s): offense(s), sentence(s), sentence date(s), county(ies) of conviction, case number(s), movements, behavior and parole/clemency history, including date(s) of release and date(s) of return to ADC.
  6. Detainers.
- C. Information from an inmate's record in addition to that in paragraph B of this section may be released to criminal justice agencies and to social service and other governmental authorities unless state or federal law prohibits such disclosure.
- D. Information contained in inmate records in addition to that in paragraph B of this section may be released to appropriate personnel for research purposes.
- E. Information contained in inmate records in addition to that in paragraph B of this section may be viewed by an employee of the Bureau of Legislative Research in accordance with and subject to the limitations of Arkansas Code Annotated § 12-27-113( e)(5).
- F. Access to an inmate's own record may be granted, or information from the record may be released to the inmate and/or his attorney as needed to resolve legitimate questions about the accuracy of information in the record or as required by the rules of discovery in pending litigation. The names of confidential informants and other sensitive or confidential information the disclosure of which might cause harm to any person are exempt from disclosure except pursuant to court order.
- G. An inmate will not be permitted to peruse his file at will. His/her request for access to the file or information contained therein must be made in writing to the Warden or his/her designee; the inmate must state with particularity the information or parts of the file to which access is requested; and the inmate's

request must be supported by a showing of compelling need. The decision of the Warden or his/her designee to grant or deny the inmate's request shall be final.

- H. An inmate will not be given access to another inmate's record or any information contained therein.

**VI. REFERENCE:**

Ark. Code Ann. § 12-27-113(e).

**VII. STANDARDS:**

American Correctional Association (ACA) Standards for Adult Correctional Institutions

AR804  
08Aug20



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## ADMINISTRATIVE DIRECTIVE

**SUBJECT:** INMATE RECORDS ON PUBLIC WEBSITE

**NUMBER:** 15-11

**SUPERSEDES:** New

**APPLICABILITY:** All employees and inmates within the Department of Correction.

**REFERENCE:** AR 804, Inmate Records

**PAGES** 1 of 2

**APPROVED:** Original signed by Wendy Kelley

**EFFECTIVE DATE:** 7/1/2015

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### **I. POLICY:**

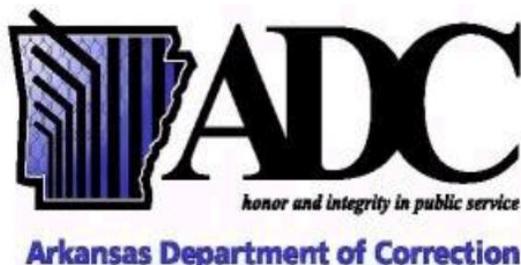
It shall be the policy of the Department of Correction to allow convenient public access to information related to an inmate's criminal history, offense(s), sentencing and institutional behavior.

### **II. PROCEDURES:**

To the extent permitted by federal law, the Department of Correction shall post and maintain on its publicly available website the following inmate records:

1. The offense and sentence for any conviction for which the inmate is incarcerated, including:
  - a) Whether the inmate is subject to a suspended sentence, if known; and
  - b) The terms of the suspended sentence, if applicable.

2. (a) The disciplinary record for each inmate. For the purpose of this listing, the term “disciplinary record” means a list of each major disciplinary violation and the date of the violation occurring after July 1, 2015, for which the inmate has been found guilty;
- (b) The disciplinary record for each inmate during the time the inmate is being considered for parole. For the purpose of this listing, the term “disciplinary record” means a list of all disciplinaries and the date of the disciplinaries for which the inmate has been found guilty, regardless of the date;
3. The risk assessment scores (except scores completed as part of mental health treatment) for each inmate completed after April 1, 2015. The risk assessment scores under this section shall include the name of the state agency that completed the risk assessment, the date the risk assessment was conducted, and the level of assessment. A general explanation of how risk assessments are scored will be posted on the web site;
4. The inmate’s custody and classification level;
5. Any known aliases of the inmate;
6. A current photograph of the inmate;
7. A complete felony conviction summary for the inmate to the extent that such information is available to the Department;
8. To the extent the information is available to the Department, the existence of any order of protection, no contact order, or other order from an in-state or out-of-state court that prohibits contact or communication with another person by the inmate;
9. Any programs (except drug treatment programs) completed by the inmate while in custody;
10. The inmate's parole eligibility date or date he or she is to be released from incarceration as well as a general explanation of how an inmate’s parole eligibility date is calculated, including an explanation of good time credits.



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## ADMINISTRATIVE DIRECTIVE

**SUBJECT:** Inmate Disciplinary Manual

**NUMBER:** 15-10

**SUPERSEDES:** 15-01

**APPLICABILITY:** Inmates and Staff

**REFERENCE:** AR 831 – Disciplinary Rules and Regulations

**PAGE 1 of 35**

**APPROVED: Original signed by Director Wendy Kelley EFFECTIVE DATE: 07/3/2015**

- I. **POLICY:** To ensure that institutional rules and regulations are enforced through an unbiased and prudent fact finder and 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, 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; and
  - D. blatant forms of partiality which can result from prior knowledge, involvement, bias, or personal interest in a particular case is minimized.
  
- III. **DEFINITIONS:**
  - A. 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. Wardens are

- responsible for ensuring Serving Officers are properly trained and will designate an officer to be trained to handle the minor disciplinaries.
- 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.
  - D. Minor Disciplinary Officer - conducts hearings on minor disciplinary charges referred to as Minor Disciplinary Court.
  - 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 sex organs for gratification or pleasure.
  - J. Masturbation - manipulating one's sex organ 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. A business day is Monday through Friday, excluding legal holidays.
  - O. PREA charge – any rule violation that is connected to the Prison Rape Elimination Act (PREA) and requires a response directed by PREA legislation. 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, 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 Hearing Officer, who shall have singular authority for determining guilt or innocence and assessment of appropriate punishment.
- C. When video conferencing is unavailable at units the DHO(s) assigned to the Randall L. Williams Correctional Facility will conduct hearings at those 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 disciplinary hearings, 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 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.

**VI. BEHAVIOR RULES AND REGULATIONS:**

- A. The following rules and regulations shall govern inmate behavior at all units. Note 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

A

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.

- |       |  |   |
|-------|--|---|
| 01-3. | Direct involvement in writing, circulating or signing a petition, letter, or similar declaration that poses a threat to the security of the facility.  | B |
| 17-2. | 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. | <b>Under the influence</b> of and/or any use of illegal drugs, alcohol, intoxicating chemicals or any medication in an unauthorized manner.  | A |
| 02-3. | <b>Monetary Misconduct</b> --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. | <b>Employment Misconduct</b> —Work Release inmates who quit a job without prior approval, get fired for misconduct, tardiness or shirking duties, failure to notify ADC staff when too ill to work.  | C |
| 02-5. | <b>Unauthorized use of mail or telephone</b> , including passing unauthorized messages, three-way communication(s), calling on another's phone code, posing as another person, and telephone communications with unauthorized persons.   | A |
| 02-6. | <b>Unauthorized communication</b> , contact, or conduct with a visitor or any member of the public or staff.   | B |
| 02-8. | Running, avoiding, or otherwise <b>resisting apprehension</b> .  | B |

- 02-9. **Interfering with** the taking of **count**. 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 Administration Regulation 834, Procedure for Handling Alleged Disciplinary Infractions of Mentally Disordered Inmates. A
- 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
- 03-1. **Out of place of assignment**. B
- 03-3. **Unexcused absence** from work/school assignment or other program activity. B
- 05-5. **Provoking or agitating a fight**. B
- 11-1. **Insolence to a staff member**. A
- 12-1. **Failure to obey** verbal and/or written **order(s)** of staff. 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
- 13-2. **Lying to a staff member**, including omissions and providing misinformation. B

13-3. **Malingering**, feigning an illness. B

#### BATTERY CATEGORY

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). Rule violation may result in loss of all good time. A

04-08. **Battery** – Use of physical force upon an inmate. 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

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

#### 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 of bodily harm, or to keep information secret. A

07-1. **Unauthorized use of state property/supplies.** B

07-2. **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, OR drug paraphernalia not prescribed by medical staff. A
- 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 the 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
- 14-1. Preparing, conducting, or participating in a gambling operation. B

**SEXUAL ACTIVITY CATEGORY**

- 10-1. Engaging in sexual activity with another consenting person. A

- |        |  |   |
|--------|--|---|
| 10-2.  | Making sexual proposals to another person.<br>(PREA)   | A |
| 10-3.  | Indecent exposure; may result in a referral<br>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<br>with another person.  | A |
| 10-7   | Demanding sexual contact in trade or protection<br>from physical harm or mental anguish, or<br>other victimization.  | A |
| 04-10. | <b>Rape or forced sexual act</b> with/on an inmate. Rule<br>violation may result in the loss of all good time. (PREA)  | A |
| 04-19  | <b>Rape or forced sexual act</b> on staff, volunteer,<br>contractor, or other individual not incarcerated<br>at the time of the incident. Rule violation may<br>result in the loss of all good time. | A |

### **TRAFFICKING AND TRADING CATEGORY**

- |       |   |   |
|-------|---|---|
| 15-1. | The purchase or exchange of unauthorized<br>articles or authorized articles obtained through<br>unauthorized channels.  | B |
| 15-2. | Asking, coercing or offering inducement to<br>anyone to violate Department policy or<br>procedure, inmate rules and regulations,<br>center/unit operating procedures. | A |

### **ESCAPE CATEGORY**

- |       |   |   |
|-------|---|---|
| 16-1. | Escape, or attempt to escape from custody<br>of the Department of Correction; may result<br>in the loss of all good time. | A |
| 16-2. | Failure to return from any approved activity<br>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 and/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 disciplinaries 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. When available this process will be completed electronically in the electronic Offender Management Information System.
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 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 dictate, 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 by 6:00 p.m. the following Thursday assuming there were no holidays. Disciplinary should be tried between 6:00 a.m. and 6:00 p.m. whenever possible.

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, 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 hearing officer informs the inmate of the verdict. The 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 electronic Offender Management Information System 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., good time, punitive segregation, loss of privileges, and extra duty) may not be applied more than once per disciplinary action.
2. Any or all sanctions may be suspended for up to six (6) months.
3. Disciplinary Officers may not amend an inmate's level in the 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 1-30 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, 1-60 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.
  - 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 DHO. The Classification Committee will consider PREA status in housing and job assignments and potential placement in programming based on the outcome.
2. Penalty Class "B"\*
- a. Punitive Segregation 1-15 days. Inmates serving a punitive disciplinary sentence shall not earn meritorious good time.
  - b. Loss of earned good time 1-150 days.
  - c. Loss of designated privileges 1-45 days.
  - d. Restitution based on replacement cost or the value of lost, intentionally misplaced or destroyed property.
  - e. Extra duty up to two (2) hours per day for up to fifteen (15) days.
  - f. Formal reprimand and/or warning.
  - g. Recommend to Classification Committee for change of assignment/unit.
  - h. Reduce up to two (2) steps in class.
3. Penalty Class "C"\*
- a. Punitive Segregation 1-10 days. Inmates serving a punitive disciplinary sentence shall not earn meritorious good time.
  - b. Loss of earned credits 1-60 days.

- c. Loss of designated privileges 1-30 days.
- d. Restitution based on replacement cost or the value of lost, intentionally misplaced or destroyed property.
- e. Extra duty up to two (2) hours per day for up to ten (10) days.
- f. Formal reprimand/warning.
- g. Recommend to Classification Committee for change of assignment/unit.
- h. Reduce one (1) step in class.

\*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 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 appear and is found guilty, he/she cannot appeal the decision.  
In the event the inmate is illiterate, the 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 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 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:
  - (1) Those inmates so designated by the Chief Security Officer, or the investigating officer.
  - (2) Those inmates who the Disciplinary Hearing Officer believes are illiterate or incompetent including any inmate with an IQ of 60 or below or a reading level below fourth (4<sup>th</sup>) grade (records of School District and/or Mental Health will be checked).
  - (3) Inmates facing disciplinary proceedings where the issues involved are so complex that he/she is not likely to understand the nature of the charges.
  - (4) Any inmate not able to understand and speak the English language.
  - (5) 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 in 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 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 the electronic offender system.
- 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 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, the 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 the electronic Offender Management Information System 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.

- 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 the electronic Offender Management Information System.
- 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.

#### 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 hearing officer should find. An exception is Mental Health staff completing a written 834 form (Mental Health Form).
3. Hearing Officers are to make their decision based solely upon the evidence presented to them in disciplinary court and are not to be influenced by staff or a supervisor about an inmate's guilt or innocence.
4. If the 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 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 Prison Rape Elimination Act, 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 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 the electronic Offender Management Information System.

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 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 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 the electronic Offender Management Information System. 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 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 hearing officer should indicate the general line of questioning pursued. The hearing officer should probe for any and all additional information which could aid in reaching a fair determination of fact.
- d. The hearing officer must indicate the verdict reached and the punishment assessed, and shall indicate the class that the inmate may be placed in.
- e. Under "Factual Basis for Decision," the hearing officer must give a short statement of the facts as the 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 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 hearing officer should so state and then proceed to explain exactly what it was in the person's report that the 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 hearing officer makes a finding of guilty notwithstanding the fact that there was some evidence which purported to exonerate the inmate, the hearing officer must include a statement indicating the reason why such evidence was discounted.
- c. Under "Reasons for Assessment of Punishment," the 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 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 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 hearing officer should stay alert to any mitigating or aggravating circumstances associated with a particular disciplinary episode. The hearing officer must initial the "Reason for Punishment" in the appropriate space.

- d. A reminder is included regarding the proper procedures for informants and alleged malingers.
- e. 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 hearing officer should so indicate by initialing the slot reserved for the inmate's signature.
- f. The hearing officer must sign and date the disciplinary form.
- g. 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 legitimate reasons for the granting of an extension. If the 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 Report Form (F-831-7 and Electronic Form ISSR 102)**

Minor disciplinary reports 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. The Minor Disciplinary Officer shall not sentence any inmate to punitive isolation, nor shall the Minor Disciplinary Officer reduce the accrued "good time" or class status of an inmate.

**B. Due Process - The due process considerations inherent in the major disciplinary process shall not apply to minor disciplinaries; however, the inmate shall be allowed to be present and to make a statement in his/her behalf.****C. Minor Disciplinaries**

1. Each unit 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 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 the electronic Offender Management Information System.
  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.
  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 Hearing Officer perceives them after reviewing all of the evidence.)

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:

Hearing Officer's Initials \_\_\_\_\_

The 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 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 \_\_\_\_\_

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

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) \_\_\_\_\_

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

\_\_\_\_\_ (Date): Appeal to Disciplinary Hearing Administrator. Note, if you do not agree with the 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.

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

**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-831-6 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  
MINOR DISCIPLINARY REPORT

AR 831

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 \_\_\_\_\_  
Hearing Officer

Hearing Date/Time \_\_\_\_\_

Date Penalty Served \_\_\_\_\_ Shift Supervisor \_\_\_\_\_