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OFFICE OF THE SECRETARY

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January 16, 2023

Senator Kim Hammer, Co-Chair
Arkansas Legislative Council
Administrative Rules Subcommittee
Via Email

Representative Les Eaves, Co-Chair
Arkansas Legislative Council
Administrative Rules Subcommittee
Via Email

Dear Co-Chairs,

Please consider this as the Department of Corrections (DOC) quarterly report on new and revised secretarial directives and administrative directives issued in the fourth quarter of Calendar Year 2022. There were no new or revised administrative memoranda during the quarter. Submitted along with this letter are copies of the following directives:

Arkansas Department of Corrections	
Secretarial Directive Summary	Beginning Page #
SD 2022-11 Social Media (effective: 10/6/2022) “Inappropriate Comment” was changed to “Inappropriate Content” in order to cover various methods of posting on social media. Additionally, provisions were reorganized within the policy to promote clarity, and other general grammatical and formatting revisions were made.	Clean: 1 Markup: 4
SD 2022-12 Dress Code for Uniformed Personnel (effective 10/26/2022) General formatting changes have been made throughout the policy. Substantive changes include adding a provision to allow the Secretary and Division Directors to permit the wearing of mourning bands for the death of non-uniformed Department employees and prohibiting male personnel from wearing fingernail polish. The Director of the Division of Community Correction is permitted to allow Intensive Supervisions Probation officers to wear plain clothes or low visibility uniforms, Probation and Parole Area Managers and Assistant Area Managers will be issued a silver shield upon promotion, footwear alternatives to the standard uniform may be requested consistent with the Secretarial Directive on the Americans with Disability Act, and any other exceptions to the standard uniform may be authorized by the appropriate Division Director or Secretary.	Clean: 8 Markup: 21

SD 2022-13 Time Comp Review (effective: 10/26/2022) The policy was updated to require review of all Division of Correction offender records at intake. Previously, the Sentencing Commission selected a percentage of records for review. In addition, the policy was updated to require Division Directors to investigate any identified discrepancies in computations.	Clean: 34 Markup: 36
SD 2022-14 Divisive Concepts in Department Operations, Policies, and Training Materials (effective: 11/2/2022) The Department of Transformation and Shared Services (TSS) recently finalized their Rule governing this same topic, thereby requiring this directive to be updated to reflect those changes. The date for the internal annual policy review must be completed by November 30 th . The Department is required to provide a report of our findings to TSS by December 31 st of each calendar year.	Clean: 39 Markup: 43
SD 2022-15 Access to Facilities by Attorneys (effective: 12/12/2022) This is a new directive that covers specific visitation guidelines for licensed attorneys and their agents, describes the background check process, day of visitation procedures, and provides general information about attorneys visiting facilities. The policy notes that other visitation guidelines shall be followed but if there are conflicts between the rules for attorneys and agents outlined in this policy and the rules outlined in division visitation policies, this directive shall take precedent.	Clean: 47
SD 2022-16 Code of Ethics (effective: 12/16/2022) This directive was created to promote uniformity in ethical standards and practices throughout the Department and all of its divisions. This Directive replaces all existing division-specific policies on the same topic. Minimum ethical standards are set out by the Office of Personnel Management (OPM) and have been incorporated into this policy, in addition to other law enforcement agency specific provisions. Many provisions from the division-specific policies now superseded have been incorporated into this policy.	Clean: 51 Markup: 65
SD 2022-17 Employee Conduct Standards and Discipline (effective 12/16/2022) The conduct table, definitions and some provisions were amended to promote clarity throughout the policy, language was added to the 6-month probationary period to allow for discretion if a policy violation warrants a longer disciplinary probation period. Additionally, a subsequent written warning within 1 year of an initial written warning will warrant a 9-month disciplinary probation period. The Conduct Table is now attached to this policy. General formatting revisions were made, and some grammatical errors were addressed.	Clean: 90 Markup: 106

Division of Correction	
Administrative Directive Summary	Beginning Page #
AD 2022-20 Tuberculosis Screening for Employees (effective: 10/10/2022) The policy changed from testing to screenings of TB to also include reporting a history of a previous positive TB test. If the individual reports a history of being past positive, the individual will complete the Employee Screening of Tuberculin Status Form, and the information will be verified with the Arkansas Department of Health. Screenings for current employees with either a Baseline Tuberculosis Test or past positive test will be done annually, and each employee will be provided the TB Education Form. Scheduling of the screening offered at facilities will be coordinated by the Unit Human Resources Office and the Warden, or their designees, as appropriate. The Employee Screening of Tuberculin Status form was updated to align with current policy.	Clean: 125 Markup: 130

<p>AD 2022-21 Forced Cell Movement (effective: 10/10/2022)</p> <p>Other supplemental equipment was added to acceptable equipment for a Forced Cell Movement (FCM) Team when necessary. Safety procedures for after a forced cell movement is completed were added, to include that handcuffs will not be removed until the Team has exited the cell. Once outside the cell, the Team Leader will remove the handcuffs through the trap door. If the inmate refuses to come to the cell door to have handcuffs removed, the FCM Team will exit and advise the correctional officer on duty to monitor the inmate and advise when the inmate is compliant and is ready to have handcuffs removed. A sergeant or above, and another security staff member, will then come to the cell and remove the handcuffs. Medical staff will be notified to report to the secured area to evaluate the inmate. During any FCM, if an inmate refuses to comply with orders of staff to have handcuffs removed after placement in a cell (video monitored if available), the Duty Warden shall be notified. The FCM Team will debrief with the Warden/Duty Warden when and if needed.</p>	<p>Clean: 135 Markup: 142</p>
<p>AD 2022-22 Publications (effective: 10/12/2022)</p> <p>Publications cannot be altered from the original state, such as but not limited to, writing in book, foreign objects placed in book, or stains from liquid. The following option for disposing of an unacceptable publication was added: Picked up by a person on the inmate's approved visitation list during visitation.</p>	<p>Clean: 156 Markup: 161</p>
<p>AD 2022-23 Mobile/Wireless Telephone Devices (effective: 10/12/2022)</p> <p>Mobile/wireless telephone devices will be turned over to the Arkansas State Police or radio shop, whichever is applicable, instead of Internal Affairs. Language was removed related to evidence lockers due to unavailable access at late hours; the Chief of Security may hold evidence until availability of evidence locker: The employee seizing the evidence will normally maintain custody of that evidence until it is placed in the evidence locker. Cell phones that are found in common areas such as dayrooms, chow halls, shower areas, bathrooms, etc. will be turned over to the Radio Shop. Cell phones that are found in the possession of an inmate will be held in the evidence locker until a decision is made by the local prosecuting attorney's office whether criminal charges will be filed or not. If prosecuting charges are filed, the phone will be turned over to State Police. If prosecution is declined, the phone will be sent to the Radio Shop.</p>	<p>Clean: 171 Markup: 173</p>
<p>AD 2022-24 Tuberculosis Screening for Inmates (effective: 10/12/2022)</p> <p>The Administrator of Medical Services will notify the Director of any potential exposures. The medical contractor will provide educational TB information; complete Arkansas Department of Health (ADH) TB Notification form; and review and implement recommended treatments as required by the ADH. The Unit Infection Control Nurse will regularly audit the electronic Medication Administration Record (eMAR) to ensure proper medication delivery and compliance with ADH Treatment recommendations.</p>	<p>Clean: 178 Markup: 183</p>
<p>AD 2022-25 Restrictive Housing (effective: 10/13/2022)</p> <p>Inmates placed in Restrictive Housing (RH) must be transferred out within three (3) business days of Placement due to Protective Custody status alone unless approved by the appropriate Deputy Director. Institutional Classification Committee Procedures for Assignment to RH: Prior to any other actions (excluding bed assignments) being taken in the electronic offender record, an Incident Report must be entered in the electronic offender record within 24-hours of an inmate being placed in RH. If the Warden or designee decides to move an inmate from RH, but the inmate refuses to leave, the inmate will be moved to Extended RH on the 31st day, unless the RH sanction has expired. The inmate shall be written a major disciplinary for failure or refusal to leave RH and return to population. An incident report must be completed to start the RH sanction over again. Inmates who have been in restrictive housing for longer than thirty (30) days are to maintain the AM Assignment to 'Extended Restrictive Housing' regardless of disciplinary court review or punitive status. All inmates assigned to RH, excluding those inmates assigned due to protective custody or medical concerns (e.g. quarantine), will keep any Meritorious Good Time that they have upon placement but will not earn any more for the duration of their confinement in Restrictive Housing.</p>	<p>Clean: 192 Markup: 207</p>

<p>AD 2022-26 Count Procedures (effective: 10/14/2022)</p> <p>Language was added to clarify that the Shift Supervisor is responsible for maintaining the master count record and should have up-to-the-minute information regarding all inmate housing moves, work assignment changes, hospital admissions, gate passes, court releases, etc. The Shift Supervisor will initiate, supervise, and clear unit counts, and will notify the Unit Control Center to announce when the count has begun and when the count has cleared. The Shift Supervisor will print a Photo Roster Count at the beginning of each shift (6:00 a.m. and 6:00 p.m.). The officer assigned to specific areas (work supervisors, kitchen, sallyport, etc.) will submit his or her count sheet to the Shift Supervisor. A record of each count must be reflected in all security logs and must state the following: number of inmates present; number of inmates out, Beginning Time, and End Time. Inmates are prohibited from participating in the preparation, manual counting, or collection of documents pertaining to the count process. A daily master count record will be maintained listing any inmates away from the facility by staff designated by the Warden. All master count records must be reviewed daily by the Unit's Chief of Security and witnessed by the Shift Supervisor. The Warden/Work Release Center Supervisor must be familiar with the count procedures at their Unit.</p>	<p>Clean: 228 Markup: 231</p>
<p>AD 2022-27 Restrictive Housing (effective date 11/01/2022)</p> <p>Language was added stating that Inmates will only be allowed laundry bags with Velcro closures. No strings allowed.</p>	<p>Clean: 237 Markup: 253</p>
<p>AD 2022-28 Correctional Officer Training, Basic Training, Rehires</p> <p>Language was added stating that employees will receive hazardous duty pay while enrolled in Basic Correctional Officer Training (BCOT); A cadet will only be issued firearms for training purposes until he/she has successfully qualified on required weapons; training received at the unit prior to BCOT from the Unit Training Officer does not count towards the 240 hours required for completion of BCOT; Comprehensive criminal background investigations, maltreatment registry checks, traffic violation records were added to pre-employment screenings; The Unit HR Office will review Rehire applications and related previous work history to determine the reason(s) the employee terminated employment with the ADC. Potential Rehire applicants will only be considered for employment at the last unit of assignment if less than one (1) year from termination date, however if the termination date is one (1) year or longer, the applicant may be considered for employment at other units/facilities; and the On-the-Job-Training section was updated.</p>	<p>Clean: 269 Markup: 272</p>

Division of Community Correction
Administrative Directive Summary
<p>The Arkansas Division of Community Correction did not issue any administrative directives between October 1, 2022, and December 31, 2022.</p>

Sincerely,

Lindsay Wallace

Lindsay Wallace
Chief of Staff
Department of Corrections

Cc: Benny Magness, Chairman, Board of Corrections
Joe Profiri, Secretary, Department of Corrections
Dexter Payne, Director, Division of Correction
Jerry Bradshaw, Director, Division of Community Correction
File

Enclosure