



**Arkansas Department of Correction**

Public Information Officer  
 PO Box 8707  
 Pine Bluff, AR 71611-8707  
 Phone: 870-267-6205  
 Fax: 870-267-6244  
 www.adc.arkansas.gov

January 9, 2019

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

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

Dear Co-Chairs,

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

AD #	AD Title	Superseded AD #	Effective Date	Summary	Page #
AD 2018-44	Inmate Assistance program	New	11/12/18	This Administrative Directive (AD) was created in order to provide guidance for the selection, training and supervision of Inmate Assistants. Inmate Assistants will assist Inmate Participants with various activities of daily living (ADLs).	Clean (1-6)
AD 2018-45	Judgment and Commitment Orders	AD13-114 AD13-119	11/14/18	This Administrative Directive (AD) combined AD 13-114 Amended Commitment Orders and AD 13-119 Procedures Upon Receipt of All Judgment Commitment Orders, and also updated forms and information concerning the handling of commitment orders in order to reflect the current process.	Redline (7-15) Clean (16-23)
AD 2018-46	Inmate Property Control	AD14-03	11/16/18	This Administrative Directive (AD) was amended to clarify that the ADC is not liable for an inmate's property during an emergency response.	Redline (24-41) Clean (42-57)

AD #	AD Title	Superseded AD #	Effective Date	Summary	Page #
AD 2018-47	Family Medical Leave Act	AD16-33	11/16/18	This Administrative Directive (AD) was amended to reflect current Department of Finance and Administration Office of Personnel Management (DFA-OPM) and US Department of Labor requirements for Family Medical Leave. It clarifies when couples are only entitled to twelve (12) weeks of cumulative leave; provides various definitions, and adds to the documentation accepted by the department prior to an employee's return to work from FMLA Leave.	Redline (58-67) Clean (68-76)
AD 2018-48	Youthful Inmates	New	12/13/18	This Administrative Directive (AD) was created in order to establish guidelines regarding the specialized programming and housing provided to youthful inmates while in the custody of the department.	Redline (80-82) Clean (83-87)
AD 2018-49	Searches of Inmates, Unit Searches and Control of Contraband	AD18-15	12/15/18	This Administrative Directive (AD) was amended to address procedures for pat searches of female inmates by male staff. The AD also clarifies that procedures for pat searches of transgendered, intersex, and female inmates will reflect training on how to conduct the search in the least intrusive manner possible.	Redline (83-87) Clean (88-92)

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

Sincerely,



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

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



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## **ADMINISTRATIVE DIRECTIVE**

**SUBJECT: Inmate Assistance Program**

**NUMBER: 2018-44**

**SUPERSEDES: NEW**

**APPLICABILITY: All Inmates and Staff**

**REFERENCE: ACA Standards  
Health Services OPP 210.00**

**PAGE 1 of 6**

**APPROVED: Original signed by Wendy Kelley EFFECTIVE DATE: 11/12/18**

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### **I. POLICY:**

It is the policy of the Department of Correction to allow properly trained inmates to assist impaired inmates on a one-on-one basis with activities of daily living.

### **II. PURPOSE:**

Provide guidelines and regulations for the selection, training, and supervision of Inmate Assistants.

### **III. DEFINITIONS:**

- A. Activities of daily living (ADL) – Activities that the average person performs routinely during a day; an inability to perform these leads to a self-care deficit.
- B. Health Services Administrator (HSA) – The Administrative Authority for medical and dental operations of the facility.
- C. Interdisciplinary Team (IDT) – A team who works in a collaborative manner to meet the objectives of the program. The team consists of the warden or designee, classification, and HSA or Director of Nursing (DON).
- D. Inmate Assistance Program (IAP) – A program where inmates volunteer to provide support and assistance to impaired inmates who require assistance with activities of daily living (ADL).

- E. Inmate Assistant – Inmate(s) approved to provide support and assistance to impaired inmates in the Inmate Assistance Program.
- F. Inmate Participant – Impaired inmates who have consented to receive assistance with their Activities of Daily Living from Inmate Assistants in the Inmate Assistance Program.

#### IV. PROCEDURES:

The Interdisciplinary Team will screen and recruit Inmate Assistants for assignment to the Inmate Assistance Program.

##### A. Selection Procedure

1. Inmate Assistants must meet the criteria listed below:
  - a. Disciplinary free, and Class I status for one (1) year,
  - b. In ADC custody for at least one (1) year, and
  - c. Five (5) years or more until their TE date.
2. Inmate Assistants **shall not** have any of the following:
  - a. Criminal convictions of any sexual offense, neglect, escape or attempted escape, or criminal attempt to commit any of the above offenses.
  - b. Serving a life or life without sentence or are under sentence to be executed (unless approved by the director).
  - c. Propensity for violence as indicated by criminal and institutional history: multiple battery, assault or aggravated charges; or
  - d. Poor institutional history: possession of contraband, drug use without completion of drug programs, sex offenses (masturbation, indecent exposure, engaging in sexual activity), escape or attempted escape.
3. Inmate Assistants may submit a Request for Interview to the Interdisciplinary Team. The Interdisciplinary Team will evaluate each inmate request to determine eligibility. Once approved, the inmate will be transferred to the necessary unit for housing and assignment. The Interdisciplinary Team will keep a waiting list of approved inmates.

##### B. Inmate Assistants **must** complete the following requirements and training:

1. Prior to performing any task that involves assisting other inmates, Inmate Assistants must meet the following requirements:
  - a. Receive Hepatitis B vaccine or have previously received the vaccine;
  - b. Complete required training;
  - c. Sign indicating their understanding of the training; and

- d. Sign a Program Participation and Confidentiality agreement, Attachment A.
  2. Inmate Assistants will receive a minimum of thirty (30) hours of training as outlined in the Operational Policy/Procedure (OPP) 210.00. Training shall include:
    - a. Activities of Daily Living skills,
    - b. Care and comfort measures,
    - c. Communication and interpersonal skills,
    - d. Concepts of death and dying,
    - e. Confidentiality,
    - f. Diseases and medical conditions,
    - g. Infection control,
    - h. Patient rights,
    - i. Role of the assistant, and
    - j. Safety.
  3. Training sessions for Inmate Assistants shall be scheduled based on the needs of the program and availability of personnel.
  4. The site Health Services Administrator shall ensure that Inmate Assistants have reasonable access to education material as needed.
  5. Documentation of training will be maintained by the Health Services Administrator.
- C. Inmate Assistants:
  1. Inmate Assistants shall maintain confidentiality;
  2. Inmate Assistants may be assigned to housekeeping or janitorial duties in the health care area if they are under the supervision of staff;
  3. Inmate Assistants shall not be left unattended in any area where medical equipment, supplies, drugs, or records are kept;
  4. Inmate Assistants shall not operate any diagnostic equipment;
  5. Inmate Assistants may be assigned by medical staff to assist inmates with routine activities of daily living such as, but not limited to, bathing, shaving, and ambulation; and
  6. Inmate Assistants are expected to complete assigned tasks to the best of their ability.

- D. Removal from the Inmate Assistance Program:
  - 1. Failure to complete a task without a justifiable reason;
  - 2. Inmate Assistants may end their service at any time. Inmate Assistants who leave the program voluntarily will not be eligible to participate in the program for one (1) year;
  - 3. Removal recommended by the Interdisciplinary Team; or
  - 4. Inmate Assistants who violate the rules of the program may be subject to the removal from the program and appropriate disciplinary action.
  
- E. Requirements for Inmate Participants:
  - 1. Deemed medically necessary by the provider;
  - 2. Inmates accepted into the program must sign a consent for inmate assistance; and
  - 3. Inmate Participants can refuse assistance at any time.

**V. ATTACHMENTS**

- A. Inmate Assistance Program Participation and Confidentiality Agreement
- B. Inmate Participant Consent to Inmate Assistance Program









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## ADMINISTRATIVE DIRECTIVE

**SUBJECT:** Judgment and Commitment Orders

**NUMBER:** 18-

**SUPERSEDES:** AD13-114 &  
AD13-119

**APPLICABILITY:** ~~Unit Records Supervisors, Records Office personnel, and all employees responsible for inmate records keeping~~ All staff responsible for the maintenance of inmate records.

**REFERENCE:**

**PAGE 1 of 7**

**APPROVED:** Original signed by

**EFFECTIVE DATE:**

### I. POLICY:

It is the policy of the Department of Correction to establish guidelines and procedures for the processing of Judgment and Commitment Orders received and to maintain sentencing information on inmates to be incarcerated and those already incarcerated in the Arkansas prison system, whereby accurate release date computation and institutional files may be updated. It also, establish procedures to be followed by the Arkansas Department of Correction for correction of original commitment orders by amended commitment orders in the case of clerical error or post-conviction relief under Rule 37 and sentencing errors.

### II. EXPLANATION/PURPOSE:

Specific policies and procedures must exist in order to process sentencing data received on inmates after a period of incarceration.

Arkansas Code, Subchapter 8, Sections 16-90-801 through 16-90-804, require certain information be provided on the Judgment and Commitment Order before

the inmate's release dates can be properly calculated and for a complete record of all sentencing information. The Arkansas Department of Correction receives, on occasion, commitment orders from Circuit Courts for the purpose of correcting the original sentence. The Department also receives some commitment orders which, upon review by Centralized Records, require correction. The procedures listed in paragraph III will be followed upon receipt of Judgment and Commitment Orders as well as Amended Commitment Orders.

### III. PROCEDURES:

#### Judgment and Commitment Orders

A. Upon receipt of a new Judgment and Commitment Order, the Unit Records Supervisor will fax or email the commitment and all attachments to the Centralized Records Office for computer entry. If there is a priority of entry, due to pending parole or discharge status, a notation should be attached to the commitment. The commitments and its attachments (Departure Reports) should be faxed or emailed to the Centralized Records Office the same day it is received. Centralized Records will enter commitments and, upon completion, will email the Unit Records Supervisor, giving names and ADC numbers of the commitments as completed. The Records Supervisor will keep a pending file on all commitments sent to Centralized Records.

Comment [CR1]: Fax or email

Comment [CR2]: Faxed or emailed

Comment [CR3]: remove "a memo to"

Comment [CR4]: remove "faxed" add "all"

B. Upon notification of the commitment entry, the Unit Records Supervisor will be responsible for all other record updates, which include but are not limited to the following:

1. Update Sentence Data Record
2. Release Calculation Sheet
3. Time Card
4. Run new Admission Summary
5. Update Status Assignment Sheet
6. Fingerprint Cards
7. Check record for errors
8. Review all comments
9. Explain time computation to inmate upon request
10. Institutional Release Officer is to be notified whenever a new sentence is received on an inmate who is eligible for parole or transfer

C. Commitments received will be completed with the following information listed on the Judgment and Commitment Order:

1. County, District and Division – The Circuit Court issuing the sentence.

2. Sentencing Date – Date the sentence was pronounced.
3. Plea – If the defendant pled directly to the court or if his/her plea was negotiated with the prosecutor, whether the defendant entered a guilty plea or a nolo contendere.
4. Conviction – If trial was a bench trial or a jury trial.
5. Defendant's Name – Name indicated on Judgment and Commitment Order.
6. Race, Sex and Date of Birth – Must be indicated on the Judgment and Commitment Order.
7. SID # - Defendant's State Identification Number.
8. Change of Venue – County from which the case was transferred, if applicable.
9. Defendant's Attorney – Name of the attorney.
10. Prosecuting Attorney or Deputy – Name of the attorney that represented the State at the trial.
11. Status Code Number – Arkansas code number for the crime for which defendant was convicted.
12. Offense – Name of the crimes for which the defendant was convicted. If defendant is being committed as a result of the revocation of probation or suspended imposition.
13. A/S/C – "A", "S" or "C" indicates whether the offense was an attempt (A), solicitation (S) or conspiracy (C).
14. Docket # - Circuit Court docket number.
15. Counts – Number of individual counts for each offense.
16. Conviction – Whether conviction is for felony (F) or misdemeanor (M).
17. Class – Class of the felony for which the defendant was convicted.
18. Total Sentence Imposed – In months, the total term the defendant was sentenced to the Arkansas Department of Correction.

19. Consecutive Sentences – Which of the defendant’s sentences are to be served consecutively.
  20. Death Penalty/Execution Date – If the defendant received a death sentence, the stated date of execution will be listed.
  21. Time to Serve at ADC – Total sentence imposed to serve at Arkansas Department of Correction.
  22. Jail Time Credit – Number of days for which the defendant is to receive credit for being in actual custody.
  23. Judicial Transfer – If the defendant is being judicially transferred to the Department of Community Correction.
  24. Habitual Offender – If defendant was sentenced as a habitual offender as defined in Arkansas Code Annotated 5-4-501.
  25. Sex & Child Offender – If defendant was convicted as a sex and child offender as defined in Arkansas Code Annotated 12-12-902.
  26. Presumptive Sentence – The presumptive sentence for each offense for which the defendant was convicted.
  27. Seriousness Level of Offense – Seriousness level of each offense as determined by the Offense Seriousness Ranking Table.
  28. Criminal History Score – Defendant’s criminal history score as determined according to Arkansas Code Annotated 16-90-802.
  29. Grid Departure – The sentence imposed is different from the presumptive sentence determined according to the Arkansas Sentencing Standards Grid.
  30. Delivery of Defendant – Whether the sheriff is to deliver the defendant to the Arkansas Department of Correction, a county jail or a Regional Correction Facility.
  31. Signatures – The Judgment and Commitment Order signed by the circuit judge who imposed the sentence and certified by the circuit clerk or his/her deputy.
- D. If the Judgment and Commitment Order does not contain all the items listed above, it is incomplete and will not be accepted. Centralized Records will contact the circuit clerk or Prosecutor attorney’s office for

corrections. When the inmate is already in the custody of the ADC, use Attachment 2.

**Comment [CR5]:** remove and revise "email the circuit clerk or Prosecutor attorney's office for corrections"

E. Centralized Records will email the unit records supervisor or designee stating reasons for not entering the sentencing order. Centralized Records will place an Inmate Precaution on those inmates that are in ADC custody. A copy of each document will be kept with the sentencing order in a pending action file.

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FG. A copy of the Prosecutor's Report, signed by the prosecutor is to be attached to the Arkansas Department of Correction's copy of the Judgment and Commitment Order.

**Comment [CR6]:** remove and revise "Centralized Records will email the unit records supervisor or designee stating reasons for not entering the sentencing order. Centralized Records will place an Inmate Precaution on those inmates that are in ADC custody"

**Comment [CR7]:** revise "A copy of each document will be kept with the sentencing order in a pending action file"

G. Amended Commitment Orders:

1. A. Commitments to the Arkansas Department of Correction may be changed by the trial court under certain conditions. A change may be the result of post-conviction relief under Rule 37.4 Relief, or it may be to correct a clerical error contained in the original commitment order (Johnson v. Mabry, 602 F. 2d 167 (8<sup>th</sup> Cir. 1979), Hill v. United States ex rel. Wampler, 298 U.S. 460 (1936).

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2. B. The Department will accept amended commitments upon receipt from the sentencing court of a certified copy of an amended commitment order giving jail time credit stating that the amended commitment order is the result of post-conviction relief under Rule 37 or habeas, or is to correct a clerical error made on the original commitment order.

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3. C. On receipt of any amended commitment order reducing a sentence, the Record Supervisor will first contact the Circuit Clerk to ascertain the validity of the order. The Supervisor will request certified copies of the court's findings. If the Clerk has no documentation to this effect, a copy of the commitment will be directed to the Prosecuting Attorney's Office with a letter from the Record Supervisor requesting clarification as to the validity of the order.

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**Comment [CR8]:** revise "Prosecuting Attorney's office"

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4. D.—On commitments that require clarification or correction as to docket numbers, sentence date, charges, sentence, etc., the Record Supervisor will contact the preparer (Circuit Clerk or Prosecuting Attorney) of that commitment order requesting an order of clarification or an amended order to correct a clerical error on the original order.

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5. E.—Commitments that order a sentence to run retroactively concurrent with another sentence are not acceptable. As per Attorney General's Opinion #74-143, "The Trial Court has neither statutory nor case law authority in Arkansas to make a sentence run retroactively concurrent with another."

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6. F.—When a question arises as to the validity of an amended commitment, the Record Supervisor will request clarification from the ADC Legal. ADC legal will then contact the Attorney General's office for clarification. No such amended order will be recognized by the Department unless and until it is approved by the ADC Legal and/or Attorney General's office.

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Comment [CR9]: Add " ADC legal will then contact the Attorney General's office for clarification "

**IV. ATTACHMENT:**

- Attachment #1- Sentencing Order Problem Form
- Attachment #2- Waiting List Problem Form

**Attachment #1**

**Sentencing Order Problem**

Subject: Sentencing order problem

NAME:

ADC#

DOCKET NUMBER:

Reason:

The above listed inmate cannot be processed with the ADC until the following information is corrected and/or received. Please fax all corrections to 870-267-6616.

Please mail the Certified Amended Sentencing Order to the:

(Unit name and address where inmate is currently location)

Attn: (unit record supervisor or designee)

**Attachment #2**

### **Waiting List Problem**

INMATE NAME:

DOCKET #

The above listed inmate cannot be processed with the ADC until the following information is corrected and/or received. Please fax all corrections to 870-267-6616.

Reason:

\*\* Please remember, no inmate will be placed on the ADC waiting list until all corrections have been made and are received by this office.

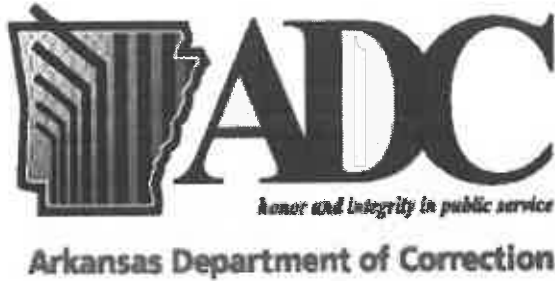
Placement on the waiting list will not be backdated.

I appreciate your help in this matter. Thanks!!!

Brenda Parker  
Waiting List Supervisor  
Arkansas Department of Correction  
Phone 870-267-6685  
Fax 870-267-6616  
brenda.v.parker@arkansas.gov (for general correspondence)



[adc.waitinglist@arkansas.gov](mailto:adc.waitinglist@arkansas.gov) (for placement on the waiting list)



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## ADMINISTRATIVE DIRECTIVE

**SUBJECT:** Judgment and Commitment Orders

**NUMBER:** 18-45

**SUPERSEDES:** AD13-114 &  
AD13-119

**APPLICABILITY:** All staff responsible for the maintenance of inmate records.

**REFERENCE:**

**PAGE 1 of 8**

**APPROVED:** Original signed by Wendy Kelley

**EFFECTIVE DATE:** 11/14/18

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### **I. POLICY:**

It is the policy of the Department of Correction to establish guidelines and procedures for the processing of Judgment and Commitment Orders received and to maintain sentencing information on inmates to be incarcerated and those already incarcerated in the Arkansas prison system, whereby accurate release date computation and institutional files may be updated. It also, establish procedures to be followed by the Arkansas Department of Correction for correction of original commitment orders by amended commitment orders in the case of clerical error or post-conviction relief under Rule 37 and sentencing errors.

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occasion, commitment orders from Circuit Courts for the purpose of correcting the original sentence. The Department also receives some commitment orders which, upon review by Centralized Records, require correction. The procedures listed in paragraph III will be followed upon receipt of Judgment and Commitment Orders as well as Amended Commitment Orders.

### **III. PROCEDURES:**

#### **Judgment and Commitment Orders**

- A. Upon receipt of a new Judgment and Commitment Order, the Unit Records Supervisor will fax or email the commitment and all attachments to the Centralized Records Office for computer entry. If there is a priority of entry, due to pending parole or discharge status, a notation should be attached to the commitment. The commitments and its attachments (Departure Reports) should be faxed or emailed to the Centralized Records Office the same day it is received. Centralized Records will enter commitments and, upon completion, will email the Unit Records Supervisor, giving names and ADC numbers of the commitments as completed. The Records Supervisor will keep a pending file on all commitments sent to Centralized Records.
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4. Conviction – If trial was a bench trial or a jury trial.
5. Defendant’s Name – Name indicated on Judgment and Commitment Order.
6. Race, Sex and Date of Birth – Must be indicated on the Judgment and Commitment Order.
7. SID # - Defendant’s State Identification Number.
8. Change of Venue – County from which the case was transferred, if applicable.
9. Defendant’s Attorney – Name of the attorney.
10. Prosecuting Attorney or Deputy – Name of the attorney that represented the State at the trial.
11. Status Code Number – Arkansas code number for the crime for which defendant was convicted.
12. Offense – Name of the crimes for which the defendant was convicted. If defendant is being committed as a result of the revocation of probation or suspended imposition.
13. A/S/C – “A”, “S” or “C” indicates whether the offense was an attempt (A), solicitation (S) or conspiracy (C).
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corrections. When the inmate is already in the custody of the ADC, use Attachment 2.

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- F. A copy of the Prosecutor's Report, signed by the prosecutor is to be attached to the Arkansas Department of Correction's copy of the Judgment and Commitment Order.
  
- G. Amended Commitment Orders:
  - 1. Commitments to the Arkansas Department of Correction may be changed by the trial court under certain conditions. A change may be the result of post-conviction relief under Rule 37.4 Relief, or it may be to correct a clerical error contained in the original commitment order (Johnson v. Mabry, 602 F. 2d 167 (8<sup>th</sup> Cir. 1979), Hill v. United States ex rel. Wampler, 298 U.S. 460 (1936)).
  - 2. The Department will accept amended commitments upon receipt from the sentencing court of a certified copy of an amended commitment order giving jail time credit stating that the amended commitment order is the result of post-conviction relief under Rule 37 or habeas, or is to correct a clerical error made on the original commitment order.
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**IV. ATTACHMENT:**

Attachment #1- Sentencing Order Problem Form

Attachment #2- Waiting List Problem Form

Attachment #1

### **Sentencing Order Problem**

Subject: Sentencing order problem

NAME:

ADC#

DOCKET NUMBER:

Reason:

The above listed inmate cannot be processed with the ADC until the following information is corrected and/or received. Please fax all corrections to 870-267-6616.

Please mail the Certified Amended Sentencing Order to the:

(Unit name and address where inmate is currently location)

Attn: (unit record supervisor or designee)



Attachment #2

### Waiting List Problem

INMATE NAME:

DOCKET #

The above listed inmate cannot be processed with the ADC until the following information is corrected and/or received. Please fax all corrections to 870-267-6616.

Reason:

\*\* Please remember, no inmate will be placed on the ADC waiting list until all corrections have been made and are received by this office.

Placement on the waiting list will not be backdated.

I appreciate your help in this matter. Thanks!!!

Brenda Parker  
Waiting List Supervisor  
Arkansas Department of Correction  
Phone 870-267-6685  
Fax 870-267-6616  
brenda.v.parker@arkansas.gov (for general correspondence)  
adc.waitinglist@arkansas.gov (for placement on the waiting list)



Director's Office  
PO Box 8707  
Pine Bluff, AR 71611-8707  
Phone: 870-267-6999  
Fax: 870-267-6258  
www.adc.arkansas.gov

## ADMINISTRATIVE DIRECTIVE

**SUBJECT:** Inmate Property Control

**NUMBER:** 14-0318-

**SUPERSEDE:** 13-0914-03

**APPLICABILITY:** To all employees and inmates

**REFERENCE:** AR 841 - Inmate Property Control

Page 1 of 165

**APPROVED:** Original signed by ~~Ray Hobbs~~  
**DATE:** 01/10/2014

\_\_\_\_\_ **EFFECTIVE**

**I. POLICY:**

\_\_\_\_\_ This policy is to establish uniform standards for possession of personal and state property by inmates within the Department of Correction.

**II. AUTHORITY:**

The ~~r~~responsibility for the administration of this ~~procedure-policy~~ is assigned to the Unit Warden/Center Supervisor (hereafter referred to as Warden) of each Unit/Center (hereafter referred to as Unit).

**III. DEFINITIONS:**

A. Legal Materials: Pleadings and resource documents such as case law, court rules, statutes, \_\_\_\_\_ transcripts, notes or legal forms.

B. Inmate Personal Property: All items of approved property belonging to an inmate. \_\_\_\_\_ (Attachment #1 and Attachment #2).

C. Unit Property Control Officer: A staff member, assigned by the Warden, who is responsible \_\_\_\_\_ for the inventory and storage of inmate personal property.

D. Receiving Unit: Initial intake unit or unit receiving an inmate upon transfer.

- E. Transferring Unit: Unit that is transferring an inmate to another unit.
- F. Property Box: A storage box provided by the Department for inmate property.
- G. Excessive Property: Property possessed by an inmate over and above that permitted by this \_\_\_\_\_ policy.
- H. Unauthorized Property: Property possessed by an inmate that is not permitted in any amount or \_\_\_\_\_ constitutes a nuisance as defined in AR 841, and will be treated as contraband.
- I. Contraband: Any item or items determined by the Board of Corrections or ADC to \_\_\_\_\_ jeopardize the safety, security, or good order of its institutions, including but not limited to \_\_\_\_\_ items which are illegal, authorized property that has been altered, unauthorized property, \_\_\_\_\_ property \_\_\_\_\_ in excess of established unit/center limits, property in an inmate's possession in an \_\_\_\_\_ unauthorized \_\_\_\_\_ area, spoiled food items, property accumulated for the purpose of barter or trade, \_\_\_\_\_ property obtained \_\_\_\_\_ through trafficking and trading or for which no reasonable explanation is \_\_\_\_\_ given for its origin, or \_\_\_\_\_ banned by policies.
- J. Issued property: State owned property issued to an inmate upon entry or transfer to a unit or \_\_\_\_\_ facility of the ADC.
- K. ~~MP3~~ Media Player: An electronic device that may be used to store electronic mail, photos and downloaded music. It also has the ability to function as a radio.

#### III.V. PROCEDURES

##### A. UNIT PROPERTY CONTROL OFFICERS DUTIES (UPCO):

- \_\_\_\_\_ 1. Be responsible for the retention and issuance of approved items to inmates upon arrival at a \_\_\_\_\_ unit.
- \_\_\_\_\_ 2. Ensure all inmate property is free of contraband during each inventory.
- \_\_\_\_\_ 3. Inscribe each inmate's personal property with the inmate's ADC number to the extent possible. \_\_\_\_\_ Ensure all footwear is notched.
- \_\_\_\_\_ 4. Determine and list all personal items taken from the inmate and provide for excess or \_\_\_\_\_ unauthorized items to be disposed of as provided herein (see form F-841-5).
- \_\_\_\_\_ 5. Ensure all books stored and/or transferred are not property of the unit library. Any books in \_\_\_\_\_ the possession of an inmate at the time of transfer/release belonging to any unit within the \_\_\_\_\_ ADC shall be returned to the unit library or the Agency Librarian.
- \_\_\_\_\_ 6. Ensure all records identifying and pertaining to storage of inmate personal property are \_\_\_\_\_ appropriately filed and maintained in the inmate's institutional file and the \_\_\_\_\_ Inmate

Personal ———Property Record (Form 841-1) is completed accurately and legibly.

- \_\_\_\_\_ 7. Provide a system for identification and accounting of items issued by the Unit to the inmate.
- \_\_\_\_\_ 8. Be responsible for the secure storage of sealed inmate property storage container.
- \_\_\_\_\_ 9. Shall not permit inmates to inventory, document or store any other inmate's personal property.
- \_\_\_\_\_ 10. Delegate responsibility to subordinates on a limited basis to ensure ordinary and prudent ———operations. However, delegation of responsibility will be made only to qualified personnel and then only with the agreement of the Warden.
- \_\_\_\_\_ 11. Complete an inventory of all stored items in the event the UPCO is replaced. This will ensure the ———former UPCO is relieved of responsibility for the property and signifies the new UPCO's ———acceptance of responsibility.
- \_\_\_\_\_ 12. Maintain up-to-date Form 841-1 forms for distribution as follows: White (Original) Institutional File and Pink-Inmate copy
- \_\_\_\_\_ 13. Retain confiscated property at the sending unit where it was confiscated.
- \_\_\_\_\_ 14. Ensure that all completed property forms are scanned into eOMIS promptly upon completion. ———This shall serve as the UPCO's documentation for reference.

\_\_\_\_\_ **B. INTAKE INVENTORY OF INITIAL COMMITMENTS**

- \_\_\_\_\_ 1. Inventory of Personal Property, Issuance of State Property & Medication and Medical Devices
  - a. Upon commitment to the Department of Correction, each inmate must have all funds, if ———applicable, and personal property inventoried by the appropriate intake officer or the ———UPCO using Form 841-1. During this inventory, the UPCO or designee will determine ———what items are authorized for retention.
  - b. Each Unit receiving a newly assigned inmate must provide the inmate with the ———minimum clothing, bedding, and personal hygiene items required (Attachment #1).
  - c. New commitments will not be allowed to keep driver's license, social security card, —other identification cards, valuable documents, or money on their person. —Each of these items will be scanned and the originals kept in the institutional file. —At the request of ———the Unit, a birth certificate, driver's license, social security card, or similar item mailed to ———the Unit for an inmate's institutional file shall be scanned and the ———originals kept in the ———institutional file. —Any money possessed by a new commitment will be placed into the ———inmate's account.

d. A receipt will be prepared for any funds, which may include money orders, veterans, social security, dividend, and certified checks. The original of the receipt will accompany the money to the Unit business office. Both the UPCO and the inmate will retain a copy of the receipt. The Unit Business Manager will transfer funds to the centralized banking system. Said funds are available regardless of Unit assignment.

e. All medications will be inventoried and delivered to the medical staff who will determine whether to continue the medications. Receipt of medications will be signed for by the officer and a medical staff member. If determined that the medication must be destroyed, the destruction will be conducted by the appropriate medical staff and performed in accordance with pharmaceutical and state health regulations.

f. The use or issuance of medical devices/equipment shall be processed in accordance with the appropriate policy and advice of medical authority.

### C. EXCESSIVE AND UNAUTHORIZED PROPERTY AT INTAKE

1. Amounts allowed. Items listed on Attachment #1 and 2 and those approved items purchased from the commissary are considered the total possible number of personal property items appropriate for retention by an inmate.
2. An inmate may possess personal property, both non-expendable and expendable, not exceeding an aggregate total of Two Hundred Dollars and no/cents (\$200.00).
3. Any inmate found to possess unauthorized/excessive items must within fourteen (14) days beginning with the date of arrival at ADC; choose from one of the following options:

(a) Mail the items at the inmate's expense to a party of the inmate's choosing;

(b) Donation to the state; however, receipts must be received and placed in the inmate's institutional file. No item(s) will be given to any employee for his/her personal use; however, clothing may be donated to the state; or

(c) Destruction, if authorized by the inmate completing and signing the destruction section of Form F-841-5 and destruction is witnessed by the UPCO and another staff member; or

(d) Pick-up by a party of the inmate's choosing from the unit where it was

\_\_\_\_\_ confiscated if the \_\_\_\_\_inmate has been transferred from that unit. Pick up must occur \_\_\_\_\_within thirty (30) days from \_\_\_\_\_the date the inmate chooses this option to have the \_\_\_\_\_item picked up. -Confiscated property will not \_\_\_\_\_be transferred with the inmate or to \_\_\_\_\_another more convenient location\_\_\_\_\_for pick-up. -Any person \_\_\_\_\_authorized by an \_\_\_\_\_inmate to receive excess personal property will\_\_\_\_\_sign the appropriate section of \_\_\_\_\_the F-841-5 form.

\_\_\_\_\_ 4. \_\_\_\_\_-Items not disposed of as provided in (3) (a), (b), (c) or (d) will be destroyed.

#### **D. TRANSFERS AND SUBSEQUENT INVENTORIES**

1. \_\_\_\_\_ Whether the transfer is temporary or permanent, both sending and receiving Units shall inventory \_\_\_\_\_all property and clothing on a Form F-841-1 at all sending and receiving institutions, 48 hour on \_\_\_\_\_and 48 hour off relief, and segregation. -The Form F-841-1 shall be signed by the UPCO or \_\_\_\_\_designee with his/her name printed, signed and AASIS number thereon or a designee and by the \_\_\_\_\_inmate with ADC# written. -If the inmate refuses to sign the inventory or is incapable of signing \_\_\_\_\_due to emergency or behavior, a second officer will \_\_\_\_\_sign in the presence of the inmate. -It will be \_\_\_\_\_the inmate's responsibility to maintain the pink copy of the current property inventory form at all \_\_\_\_\_times in the process.
2. \_\_\_\_\_ Upon completion of the form, give the inmate the pink copy and place the white original in \_\_\_\_\_the bag with the property. -The original must be scanned into eOMIS before being placed \_\_\_\_\_into the property bag. The bag will be sealed with notations on the seal of the date, name, \_\_\_\_\_and ADC # of the inmate. -Upon arrival at the new location or upon return to the inmate, as soon as possible, the inmate, if he/she desires to have his copy completed, will hand the pink copy to the UPCO and inventory completed. The completed pink copy will be returned to the inmate. When the receiving/returning unit completes the inventory, the Form F-841-1 shall be signed by the UPCO with his/her name printed, signed and AASIS number thereon or a designee and by the inmate with ADC# written. If the inmate refuses or is unavailable to sign the inventory, a second officer \_\_\_\_\_will sign in the presence of the inmate.
3. \_\_\_\_\_ The completed white original will be forwarded to the records office to be placed in the inmate's \_\_\_\_\_institutional file and the inmate will keep the pink copy. \_\_\_\_\_Property inventory shall \_\_\_\_\_be immediately \_\_\_\_\_scanned into eOMIS.

#### **E. EXCESSIVE PROPERTY AND CONTRABAND AFTER INTAKE**

1. Any property found in the possession of an inmate, which is not listed on either Form 841-1 or 841-3 or approved for purchase from the commissary will be deemed contraband.
2. Form 401 must be completed to identify all property taken from the inmate as either excess/contraband or disciplinary/criminal evidence. After completion the form must be immediately scanned into eOMIS. The form must include at least the inmate name, ADC Number, date of receipt, a description of the property item(s) in sufficient detail for easy identification; the reason the property was taken from the inmate; disposition of the items; and the confiscating officer and inmate will co-sign the form. If the inmate refuses to sign the form it will be signed by a second officer in the presence of the inmate.
3. Hold property until proceedings complete. Confiscated items to be used for disciplinary, grievance or judicial proceedings will be secured until proceedings are completed. Photograph all items if necessary, attach to the Property Confiscation Form, Form F-401 and document all actions relative to these items on Form F-401.
4. Unauthorized property shall be disposed of as follows:
  - (a) Mail the items at the inmate's expense to a party of the inmate's choosing. No lien will be placed on the inmate's account for postage to mail unauthorized property.
  - (b) Destruction, if authorized by the inmate completing and signing the destruction section of Form F-841-5 and destruction is witnessed by the UPCO and another staff member; or
  - (c) Pick-up by a party of the inmate's choosing during visitation or from the Unit where it was confiscated if the inmate has been transferred from that unit. Confiscated property will not be transferred with the inmate or to another more convenient location for pick-up. Any person authorized by an inmate to receive excess personal property will sign the appropriate section of the F-841-5 form.
5. A disciplinary may be written on all confiscated property as unauthorized excessive or contraband.
6. Contraband will be destroyed.
7. The inmate can be instructed to produce the Form F-841-1 form in the event of a search.

8. Weapons and drugs confiscated and not used as evidence in disciplinary or judicial proceedings will be disposed of pursuant to instructions from Internal Affairs.
9. Wireless telephone devices that are confiscated may be donated to a non-profit or other outside agency in lieu of destruction at the discretion of the Director. No mobile or wireless telephone device will be donated without first obtaining written approval from Internal Affairs to insure the preservation of evidence to any charges pending.
10. Medical devices, including, but not limited to eyeglasses, prostheses, canes, knee or other braces, which are confiscated upon no proof of medical script or medical necessity shall be returned to the medical department of the Unit from which it was confiscated.

#### **F. ADDITIONS AND CHANGES TO PERSONAL PROPERTY INVENTORY**

1. The only means by which an inmate can acquire personal property/expendable items is by one of the following:
  - a. purchases from a Unit commissary,
  - b. medical items issued by health service administrators, and
  - c. authorized vendors of publications, religious, and work craft items.
2. Issuing staff must complete a Property Addition Form 841-3, which must be scanned into eOMIS upon completion immediately.
3. Any property found in the possession of an inmate, which is not listed on either Form F-841-1 or Form F-841-3 will be considered contraband.
4. The deletion of an item(s) from an inmate's personal property form must be made by the UPCO or designee.
5. The distribution of F-841-1 forms associated with this document will be as follows: White (Original) –Institutional File and Pink-Inmate copy.

#### **G. SPECIAL ITEMS OF PERSONAL PROPERTY**

1. ADC is not responsible for sentimental value of any item.
2. Watch, Ring, & Religious Medal: An inmate may have one watch, one ring, and one religious medal or emblem. These items shall not have a value over \$50 each and liability for loss of said item is limited to that amount. (an exception may be made for the wedding band with a signed waiver of liability by the inmate, F-841-4 which must be scanned into eOMIS



\_\_\_\_\_ after completion) any jewelry, which is deemed unauthorized during initial commitment  
 \_\_\_\_\_ will be disposed of as outlined in herein.

3. \_\_\_\_\_ Religious medal or emblem: must be suspended from the ID card chain and worn inside the uniform —shirt and is not to be any larger than 1 and 1/2 inches in length or width and no thicker  
 \_\_\_\_\_ than 1/8 of an -inch. A committee consisting of the UPCO, a ranking Correctional Officer

\_\_\_\_\_ and the Unit Chaplain must approve any questionable medal or emblem. -Any religious  
 \_\_\_\_\_ medal or emblem will be mailed directly from a commercial source with a copy of the invoice  
 \_\_\_\_\_ included. -Any religious medal or emblem, which is deemed unauthorized during initial  
 \_\_\_\_\_ commitment will be disposed of as outlined herein.

4. Personal photographs: Inmates are limited to five (5) personal photographs. A personal  
 \_\_\_\_\_ photograph is defined as a photograph intended for individual viewing, as opposed to a  
 \_\_\_\_\_ commercially produced photograph that is published and sold to the public. Photographs  
 \_\_\_\_\_ can be no larger than 8 ½” x 11” in size. Such photographs may contain either single  
 \_\_\_\_\_ or multiple digital images/pictures on one (1) side of the page only. When digital  
 \_\_\_\_\_ images/pictures are cut from an 8 ½” x 11” sheet, it they will no longer be considered as  
 \_\_\_\_\_ one.

\_\_\_\_\_ Each digital image/picture cut from that sheet will be counted as one of the five  
 \_\_\_\_\_ authorized

\_\_\_\_\_ photographs. -Digital images and photocopies are considered the same.

\_\_\_\_\_ Prohibited photos

\_\_\_\_\_ are photos which contain (1) nude or sexually suggestive photographs,  
 \_\_\_\_\_ or (2) contain

\_\_\_\_\_ subject matter that is disruptive in nature or would threaten security or the  
 \_\_\_\_\_ good order of

\_\_\_\_\_ the institution. Liability for loss of a photograph is limited to \$2.50 per  
 \_\_\_\_\_ photograph or

\_\_\_\_\_ per 8 ½” x 11” size pages regardless of number of photos contained on  
 \_\_\_\_\_ any one page.

\_\_\_\_\_ Inmates are advised not to retain sole copies of important or sentimental  
 \_\_\_\_\_ family photographs

\_\_\_\_\_ due to the possibility of damage or loss. Electronic photographs

\_\_\_\_\_ which are transferred to an

\_\_\_\_\_ inmate’s MP3 Player will not be subject to the same

\_\_\_\_\_ numerical restrictions as noted above.

5. Legal Materials – for example, mail, transcripts, research, pleadings: An inmate may retain legal materials, which provided the quantity of those materials can be stored in his/her \_\_\_\_\_ assigned property box.

- (a) The inmate is responsible for the disposal of those materials as outlined herein. Inmates may access —stored legal materials by utilizing the inmate request system.
  - (b) At the time of transfer, the inmate must notify the UPCO that he or she has legal —  
—————materials belonging to another inmate and turn those materials or work over to the UPCO. Any —————inmate transferring with legal materials or work belonging to another inmate is subject to —————  
—————disciplinary action.
  - (c) The inmate is responsible for notifying the UPCO if they possess a trial transcript, or if —————one is received by the inmate by mail or delivery for addition to his/her personal inventory.  
—————The only information required is the date of the deposition, case number, and the name of the person deposed.
6. Work Craft Materials – work craft or hobby craft materials are governed by the appropriate —————administrative directive and all inmates participating in the work craft program must meet the —————criteria for the unit to which they are assigned. Materials will be transferred with the inmate to —————the new unit. ———If the inmate does not qualify for work craft or hobby craft or the new unit does —————not have a work craft or hobby craft program, the materials will be disposed of as per the work—————craft or hobby craft policy. -Liability for tools and materials is limited to a cumulative of \$200.00 including all other items of personal property.
7. Inmates are not allowed to possess an MP3 Player and a radio. If the inmate owns a radio aAnd wishes to purchase an MP3 Player, then the inmate is responsible for disposing of the radio as addressed in this policy. -Possession of both the radio and the MP3 Player will result in disciplinary action and the radio being considered as contraband and dealt with accordingly.

## H. DISPOSITION OF PERSONAL PROPERTY IN THE EVENT OF INMATE DEATH

1.        Immediately upon the inmate's death, the UPCO will inventory the inmate's property using Form —F-841-2, which must be immediately scanned into eOMIS upon completion and place property in —a property storage bag. -The inmate's funds will be retained in his/her inmate banking account.
2.        The individual previously designated by the inmate to receive his/her personal property and/or funds will be notified, and the property given to them. (See form F-841-2).
3.        In the event that personal property or funds are not designated, it may only be released to:

- \_\_\_\_\_ a. A person possessing a filed stamped Affidavit for Collection of Small Estate,
- \_\_\_\_\_ b. A person possessing Letters of Administration or Letters of Testamentary, or
- \_\_\_\_\_ c. The Public Administrator.

~~4.~~ \_\_\_\_\_ The individual to whom personal property or funds are released will be required to sign a detailed receipt; Form 841-2 then will be placed in the deceased inmate's file.

5. \_\_\_\_\_ In the event that personal property is not claimed, it will be held for a period of one (1) year from \_\_\_\_\_the inmate's death. After such time, it will be destroyed or donated to the state. Destruction must \_\_\_\_\_be approved by the Warden, witnessed by the UPCO and one other employee selected by \_\_\_\_\_the Warden, and properly documented.

6. \_\_\_\_\_ In the event that funds are not claimed, disposition will be in accordance with procedures issued \_\_\_\_\_by the Administrative Services Division.

7. \_\_\_\_\_ Designated family members will be notified when the personal property of a deceased inmate is \_\_\_\_\_received from the medical examiner's office and may be picked up from the inmate's last assigned unit.

#### **I. RELEASE FROM CUSTODY**

All stored property, will be returned to the inmate at the time of release from custody. At time of release all monies on an inmate's account will be processed according to ADC Administrative Regulations. -Legal materials left by an inmate upon his or her release from custody will be destroyed.

#### **J. LIABILITY FOR LOST, DAMAGED, OR DESTROYED PERSONAL PROPERTY**

1. \_\_\_\_\_ Items of personal property, including watch, ring, religious medal or emblem, legal materials, \_\_\_\_\_photographs, MediaP3 Players, and work craft tools and materials, for which liability is found against \_\_\_\_\_the ADC for lost or damaged property or the ADC determines before litigation that it is liable for \_\_\_\_\_such loss to an inmate will be replaced with the same type or similar item up to \$200.00 total.

2. \_\_\_\_\_ No monetary reimbursement will be made for any electronically downloaded material on the player. -This may consist of music, photos and correspondence. These items can be replaced by the player distributor.

3. \_\_\_\_\_ Money shall not be placed on the books of an inmate if it is possible to replace a lost or damaged item with the same type or similar type of item.

4. \_\_\_\_\_ Inmates who fail to produce a commissary receipt for 'food items' will not be entitled to a replacement or reimbursement. Food items will be replaced (if satisfactorily proven) with a like item or as reasonable a replacement as possible.

5. In the event that personal photographs are lost, damaged, or destroyed, the ADC will be responsible for only five (5) photographs. Liability is limited to \$2.50 each or a maximum of -\$12.50.
6. An inmate assumes the risk of loss of food items placed in storage and subsequently destroyed as a result of vermin, mold or expiration. -It is impossible for the ADC to protect against unforeseeable risks and therefore, ADC assumes no liability for losses of this type.
7. When an emergency situation is declared by the Unit's Warden, or their designee, the department is not responsible for any property in the affected area which is lost, stolen, damaged, consumed or discarded.

~~V. STANDARDS:~~

~~American Correctional Association Standards for Adult Correctional Institutions~~

~~IV. ATTACHMENTS:~~

F-841-1 Inmate Personal Property Inventory Record  
 F-841-3 Property Addition Form  
 F-841-4 Waiver of Liability  
 F-841-5 Disposition of Inmate Property  
 F-401 Confiscation Form

~~Attachment # 1 Minimum State Issued Requirements~~

~~Attachment # 2 Non-State Issued Property Authorized for Inmate Possession~~

~~VII. REFERENCES:~~

AR 841 Inmate Property Control  
 AR 005 Reporting of Incidents  
 AR 109 Funds of Offenders  
~~AD Punitive Segregation/Housing/Restriction AD~~  
~~AD Release Process AD~~  
~~AD 11-60 Inmate Correspondence AD~~  
~~AD 08-06 Searches of Staff and Control of Contraband AD~~  
~~AD 11-39 Work Craft Program AD~~  
~~AD Electronically Downloadable Devices AD~~

**SCAN INTO EOMIS UPON COMPLETION**

F-401

**STATE OF ARKANSAS -- DEPARTMENT OF CORRECTION**

**CONFISCATED FORM -- AREA OR PERSON**

(Check One)  Inmate  Visitor  Staff  Area

Unit: \_\_\_\_\_ Building or Area: \_\_\_\_\_ Barracks \_\_\_\_\_ Cell \_\_\_\_\_

Date and Time of Search: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ : pm: am

Officer(s) Conducting Search: (Print) \_\_\_\_\_

Officer(s) Conducting Search: (Signature) \_\_\_\_\_

Inmate Name: \_\_\_\_\_ ADC #: \_\_\_\_\_

Articles Seized (description and number of items):

Number	Description

Reason Seized:  Voluntarily Produced Excess Property  Contraband  Disciplinary/Criminal Evidence

Other \_\_\_\_\_

Inmate Signature: \_\_\_\_\_ ( ) Refused to Sign

Area/Shift/Supervisor: (Signature) \_\_\_\_\_

Disposition of Contraband: \_\_\_\_\_

Copy Delivered to Inmate: Date: \_\_\_\_\_ Time: \_\_\_\_\_

Delivered By: (Signature) \_\_\_\_\_

Disciplinary Written: ( ) No ( ) Yes By: \_\_\_\_\_

Voluntarily Produced Excess articles only may be mailed to:  
\_\_\_\_\_

Inmate authorizes deduction of postage from pen store account for voluntarily produced excess property only:  
( ) No ( ) Yes Inmate Signature: \_\_\_\_\_

**To be completed by UPCO**

Destruction Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

UPCO: (Signature) \_\_\_\_\_ Witnessing Staff: (Signature) \_\_\_\_\_

SCAN INTO EOMIS UPON COMPLETION

F-841-3

ARKANSAS DEPARTMENT OF CORRECTION  
PROPERTY ADDITION FORM

Date: \_\_\_\_\_ Unit: \_\_\_\_\_

Inmate's Name: \_\_\_\_\_ Printed \_\_\_\_\_ ADC#: \_\_\_\_\_

Issuing Department: \_\_\_\_\_ Date Issued: \_\_\_\_\_

Please indicate below the appropriate item to be added to an inmate's personal property file. It is important to submit a detailed description of any item(s) that are added, i.e., number of items, brand, color, size, etc.

- |                  |                           |                   |
|------------------|---------------------------|-------------------|
| _____ Radio      | _____ Watch               | _____ Ring        |
| _____ Earbuds    | _____ Combination Lock    | _____ Sweat Shirt |
| _____ Shoes      | _____ Religious Medallion | _____ Sweat Pants |
| _____ MP3 Player |                           |                   |

Other: \_\_\_\_\_

Detail description of item: \_\_\_\_\_  
\_\_\_\_\_

Name & Signature of issuing staff: \_\_\_\_\_ AASIS#: \_\_\_\_\_

Signature of Inmate: \_\_\_\_\_ Date: \_\_\_\_\_ ADC#: \_\_\_\_\_

This form is to be completed in the event of an addition to an inmate's personal property.

SCAN INTO EOMIS UPON COMPLETION

F-841-4

**WAIVER OF LIABILITY**

I, Inmate \_\_\_\_\_, ADC # \_\_\_\_\_,  
(Print Name)

acknowledge that there is a \$50 limit per item and a \$200 limit on the total value of personal property I am permitted to possess, to include work craft tools and materials. I further acknowledge that the value of my ring or other item may exceed the \$50 limit; however, in exchange for maintaining possession of my ring or other item over \$50, I relieve the ADC of any liability regarding claims exceeding the \$50 value limitation or \$200.00 limitation for the total value of the personal property inmates are permitted to possess.

\_\_\_\_\_  
Inmate's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witnessed by (Employee)

\_\_\_\_\_  
Date

Original – Institutional file   Pink Copy – Inmate   Scanned copy – UPCO



SCAN INTO EOMIS UPON COMPLETION

F-841-5

Arkansas Department of Correction
PROPERTY DISPOSAL NOTICE AND FORM

Inmate: \_\_\_\_\_ Unit/Center \_\_\_\_\_ Date \_\_\_\_\_

DELIVERED BY: \_\_\_\_\_ BADGE # \_\_\_\_\_

This NOTICE and FORM is delivered to you on the above date to advise you the following item(s) will not be allowed to be in your possession or stored while at this unit/center. (Give complete description and quantity of items).

\_\_\_\_\_

\_\_\_\_\_ Check here if additional space is needed. Each additional sheet must be signed and dated.

I am aware of the disposition options for my stored property. If after 30 days, I have not exercised one of these options my property will be destroyed in accordance with policy. By CIRCLING OPTION 1, 2, OR 3 & COMPLETING THE INFORMATION, I, Inmate \_\_\_\_\_, ADC# \_\_\_\_\_, authorize the disposition of my excess, unauthorized property confiscated at intake or my voluntarily produced excess property in the following manner:

#1: BY MAIL

Name \_\_\_\_\_ Street Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_
Check if you are requesting: \_\_\_\_\_ First Class Mail \_\_\_\_\_ Parcel Post Mail \_\_\_\_\_ Insured Mail

I authorize the deduction of the cost of postage from my inmate account to cover the expense of mailing. I must have sufficient money on my account to use this option.

Item(s) Mailed By \_\_\_\_\_ Signature of Staff \_\_\_\_\_ On \_\_\_\_\_ Date \_\_\_\_\_

#2: BY PICK UP AT VISITATION

Name \_\_\_\_\_ Street Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_

It is my responsibility to inform this person of the need to pick up this property within fourteen (14) days of the item. If the items are not picked up in 14 days, the item(s) will be disposed of by destruction.

Picked up by: \_\_\_\_\_ (Print/Sign)

#3: BY DESTRUCTION

Item(s) destroyed by \_\_\_\_\_ Print Staff Name \_\_\_\_\_ on \_\_\_\_\_ Date \_\_\_\_\_

by \_\_\_\_\_ Signature of Destruction Official & Date \_\_\_\_\_ Signature of Staff Witness & Date \_\_\_\_\_

ALTERNATE DISPOSAL

The method of disposition listed above was not accomplished within the specified time frame, or the items confiscated are unauthorized, excessive or altered and the item(s) were destroyed.

\_\_\_\_\_ Signature of UPCO & Date

\_\_\_\_\_ Signature Staff Witness & Date

**ATTACHMENT 1****MINIMUM STATE ISSUED REQUIREMENTS**

**CLOTHING AND PERSONAL HYGIENE ITEMS** – Upon arrival at a receiving unit, the inmate should be issued and/or have available to him/her the following items. He/she shall be accountable thereafter for each item.

**Male Clothing Provided**

3 shirts  
 3 pants  
 1 pair shoes  
 3 under shorts  
 3 pair cotton socks  
 1 cap/toboggan (depending on seasonal requirements)  
 1 jacket or coat (depending on seasonal requirements)  
 2 thermal top and bottom (depending on seasonal and/or job requirements)

**Hygiene Items Provided**

bath soap (as needed)  
 1 toothbrush  
 1 tube of toothpaste  
 1 safety razor  
 bath towels (as needed)  
 1 pocket comb

**Female Clothing Provided**

3 shirts  
 3 pants  
 1 pair shoes  
 3 pair panties  
 3 bras  
 1 jacket or coat (depending on seasonal requirements)  
 3 pair socks  
 2 thermal top and bottom (depending on seasonal and/or job requirements)

**Hygiene Items Provided**

bath soap (as needed)  
 1 toothbrush  
 1 tube toothpaste  
 1 safety razor  
 bath towels (as needed)  
 feminine hygiene items

**Bed Clothing** – Each inmate should be issued the following items upon arrival at a reception or regular unit/center:

1 mattress	1 blanket
1 pillow	1 laundry bag
2 sheets	

**Revised**

**ATTACHMENT 2**

**PERSONAL PROPERTY ITEMS AUTHORIZED FOR INMATE  
POSSESSION AND NOT ISSUED BY STATE**

**CLOTHING**

- 1 Sweat shirt (white)
- 1 Sweat pant (white)
- 1 Pair shower shoes
- 1 Pair cloth gloves
- 2 Bathrobes (white) (female)
- 1 Pair gym shoes
- 1 Pair civilian shoes (work release)
- \*\*5 Undershirts
- \*\*8 Pairs panties
- \*\*8 Bras
- \*\*5 Pairs socks

**PERSONAL HYGIENE ITEMS**

- 1 Shaving cream
- 1 Deodorant – roll/stick
- 1 Shampoo
- 1 Denture adhesive
- 1 Hair dressing
- 1 Hair brush
- 1 Depilatory preparation
- \*\* Feminine hygiene items
- \*\* Beauty aid products
- 1 Laundry bag
- 1 Pair nail clippers  
(as sold on Commissary)

\*\* Includes some items issued by state

NOTE: No pressurized cans of flammable materials are allowed.

**MEDICAL ITEMS**

Issued as prescribed and with medical approval:

- 1 Pair eyeglasses/contact lenses
- 1 Pair dentures
- Prosthetic
- Body support devices

**LEGAL MATERIAL**

Papers and documents of a legal nature may be retained by the inmate in a reasonable quantity. A reasonable quantity of legal papers and documents may be retained by an inmate with his/her assigned storage box provided by the unit.

**MISCELLANEOUS**

- 1 Radio or MP3 Player, battery operated
- 1 Set headphones and/or earphones
- 1 Watch (wrist/pocket) - \$50 maximum value
- 1 Ring – \$50 maximum value
- 1 Religious medal (not to exceed 1 1/2" in length or width and no thicker than 1/8")
- Religious articles (as approved)
- Personal papers and letters
- 10 Envelopes
- 4 Batteries (AA or AAA only)
- 5 Photographs
- Any 3 newspapers in Inmate's name
- Any 3 issues of each magazine subscription in Inmate's name
- 10 Books (includes religious, textbooks & pleasure), subject to weight and size restrictions
- Work craft item(s)
- Hand held video games

**OTHER**

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Director's Office  
PO Box 8707  
Pine Bluff, AR 71611-8707  
Phone: 870-267-6999  
Fax: 870-267-6258  
www.adc.arkansas.gov

## ADMINISTRATIVE DIRECTIVE

**SUBJECT: Inmate Property Control**

**NUMBER: 18-46**

**SUPERSEDE: 14-03**

**APPLICABILITY: To all employees and inmates**

**REFERENCE: AR 841 - Inmate Property Control**

**Page 1 of 16**

**APPROVED: Original signed by Wendy Kelley**

**EFFECTIVE DATE: 11/16/2018**

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### **I. POLICY:**

This policy is to establish uniform standards for possession of personal and state property by inmates within the Department of Correction. The responsibility for the administration of this policy is assigned to the Unit Warden/Center Supervisor (hereafter referred to as Warden) of each Unit/Center (hereafter referred to as Unit).

### **II. DEFINITIONS:**

- A. Legal Materials: Pleadings and resource documents such as case law, court rules, statutes, transcripts, notes or legal forms.
- B. Inmate Personal Property: All items of approved property belonging to an inmate. (Attachment #1 and Attachment #2).
- C. Unit Property Control Officer: A staff member, assigned by the Warden, who is responsible for the inventory and storage of inmate personal property.
- D. Receiving Unit: Initial intake unit or unit receiving an inmate upon transfer.
- E. Transferring Unit: Unit that is transferring an inmate to another unit.
- F. Property Box: A storage box provided by the Department for inmate property.

- G. Excessive Property: Property possessed by an inmate over and above that permitted by this policy.
- H. Unauthorized Property: Property possessed by an inmate that is not permitted in any amount or constitutes a nuisance as defined in AR 841, and will be treated as contraband.
- I. Contraband: Any item or items determined by the Board of Corrections or ADC to jeopardize the safety, security, or good order of its institutions, including but not limited to items which are illegal, authorized property that has been altered, unauthorized property, property in excess of established unit/center limits, property in an inmate's possession in an unauthorized area, spoiled food items, property accumulated for the purpose of barter or trade, property obtained through trafficking and trading or for which no reasonable explanation is given for its origin, or banned by policies.
- J. Issued property: State owned property issued to an inmate upon entry or transfer to a unit or facility of the ADC.
- K. Media Player: An electronic device that may be used to store electronic mail, photos and downloaded music. It also has the ability to function as a radio.

### III. PROCEDURES

#### A. UNIT PROPERTY CONTROL OFFICERS DUTIES (UPCO):

1. Be responsible for the retention and issuance of approved items to inmates upon arrival at a unit.
2. Ensure all inmate property is free of contraband during each inventory.
3. Inscribe each inmate's personal property with the inmate's ADC number to the extent possible. Ensure all footwear is notched.
4. Determine and list all personal items taken from the inmate and provide for excess or unauthorized items to be disposed of as provided herein (see form F-841-5).
5. Ensure all books stored and/or transferred are not property of the unit library. Any books in the possession of an inmate at the time of transfer/release belonging to any unit within the ADC shall be returned to the unit library or the Agency Librarian.
6. Ensure all records identifying and pertaining to storage of inmate personal property are appropriately filed and maintained in the inmate's institutional file and the Inmate Personal Property Record (Form 841-1) is completed accurately and legibly.
7. Provide a system for identification and accounting of items issued by the Unit to the inmate.
8. Be responsible for the secure storage of sealed inmate property storage container.

9. Shall not permit inmates to inventory, document or store any other inmate's personal property.
10. Delegate responsibility to subordinates on a limited basis to ensure ordinary and prudent operations. However, delegation of responsibility will be made only to qualified personnel and then only with the agreement of the Warden.
11. Complete an inventory of all stored items in the event the UPCO is replaced. This will ensure the former UPCO is relieved of responsibility for the property and signifies the new UPCO's acceptance of responsibility.
12. Maintain up-to-date Form 841-1 forms for distribution as follows: White (Original) Institutional File and Pink-Inmate copy
13. Retain confiscated property at the sending unit where it was confiscated.
14. Ensure that all completed property forms are scanned into eOMIS promptly upon completion. This shall serve as the UPCO's documentation for reference.

**B. INTAKE INVENTORY OF INITIAL COMMITMENTS**

1. Inventory of Personal Property, Issuance of State Property & Medication and Medical Devices
  - a. Upon commitment to the Department of Correction, each inmate must have all funds, if applicable, and personal property inventoried by the appropriate intake officer or the UPCO using Form 841-1. During this inventory, the UPCO or designee will determine what items are authorized for retention.
  - b. Each Unit receiving a newly assigned inmate must provide the inmate with the minimum clothing, bedding, and personal hygiene items required (Attachment #1).
  - c. New commitments will not be allowed to keep driver's license, social security card, other identification cards, valuable documents, or money on their person. Each of these items will be scanned and the originals kept in the institutional file. At the request of the Unit, a birth certificate, driver's license, social security card, or similar item mailed to the Unit for an inmate's institutional file shall be scanned and the originals kept in the institutional file. Any money possessed by a new commitment will be placed into the inmate's account.
  - d. A receipt will be prepared for any funds, which may include money orders, veterans, social security, dividend, and certified checks. The original of the receipt will accompany the money to the Unit business office. Both the UPCO and the inmate will retain a copy of the receipt. The Unit Business Manager will transfer funds to the centralized banking system Said funds are available regardless of Unit assignment.
  - e. All medications will be inventoried and delivered to the medical staff who

will determine whether to continue the medications. Receipt of medications will be signed for by the officer and a medical staff member. If determined that the medication must be destroyed, the destruction will be conducted by the appropriate medical staff and performed in accordance with pharmaceutical and state health regulations.

- f. The use or issuance of medical devices/equipment shall be processed in accordance with the appropriate policy and advice of medical authority.

### **C. EXCESSIVE AND UNAUTHORIZED PROPERTY AT INTAKE**

1. Amounts allowed. Items listed on Attachment #1 and 2 and those approved items purchased from the commissary are considered the total possible number of personal property items appropriate for retention by an inmate.
2. An inmate may possess personal property, both non-expendable and expendable, not exceeding an aggregate total of Two Hundred Dollars and no/cents (\$200.00).
3. Any inmate found to possess unauthorized/excessive items must within fourteen (14) days beginning with the date of arrival at ADC; choose from one of the following options:
  - (a) Mail the items at the inmate's expense to a party of the inmate's choosing;
  - (b) Donation to the state; however, receipts must be received and placed in the inmate's institutional file. No item(s) will be given to any employee for his/her personal use; however, clothing may be donated to the state; or
  - (c) Destruction, if authorized by the inmate completing and signing the destruction section of Form F-841-5 and destruction is witnessed by the UPCO and another staff member; or
  - (d) Pick-up by a party of the inmate's choosing from the unit where it was confiscated if the inmate has been transferred from that unit. Pick up must occur within thirty (30) days from the date the inmate chooses this option to have the item picked up. Confiscated property will not be transferred with the inmate or to another more convenient location for pick-up. Any person authorized by an inmate to receive excess personal property will sign the appropriate section of the F-841-5 form.
4. Items not disposed of as provided in (3) (a), (b), (c) or (d) will be destroyed.

### **D. TRANSFERS AND SUBSEQUENT INVENTORIES**

1. Whether the transfer is temporary or permanent, both sending and receiving Units shall inventory all property and clothing on a Form F-841-1 at all sending and receiving institutions, 48 hour on and 48 hour off relief, and segregation. The Form F-841-1 shall be signed by the UPCO or designee with his/her name printed, signed and AASIS number thereon or a designee and by the inmate with ADC# written. If

the inmate refuses to sign the inventory or is incapable of signing due to emergency or behavior, a second officer will sign in the presence of the inmate. It will be the inmate's responsibility to maintain the pink copy of the current property inventory form at all times in the process.

2. Upon completion of the form, give the inmate the pink copy and place the white original in the bag with the property. The original must be scanned into eOMIS before being placed into the property bag. The bag will be sealed with notations on the seal of the date, name, and ADC # of the inmate. Upon arrival at the new location or upon return to the inmate, as soon as possible, the inmate, if he/she desires to have his copy completed, will hand the pink copy to the UPCO and inventory completed. The completed pink copy will be returned to the inmate. When the receiving/returning unit completes the inventory, the Form F-841-1 shall be signed by the UPCO with his/her name printed, signed and AASIS number thereon or a designee and by the inmate with ADC# written. If the inmate refuses or is unavailable to sign the inventory, a second officer will sign in the presence of the inmate.
3. The completed white original will be forwarded to the records office to be placed in the inmate's institutional file and the inmate will keep the pink copy. Property inventory shall be immediately scanned into eOMIS.

#### **E. EXCESSIVE PROPERTY AND CONTRABAND AFTER INTAKE**

1. Any property found in the possession of an inmate, which is not listed on either Form 841-1 or 841-3 or approved for purchase from the commissary will be deemed contraband.
2. Form 401 must be completed to identify all property taken from the inmate as either excess/contraband or disciplinary/criminal evidence. After completion the form must be immediately scanned into eOMIS. The form must include at least the inmate name, ADC Number, date of receipt, a description of the property item(s) in sufficient detail for easy identification; the reason the property was taken from the inmate; disposition of the items; and the confiscating officer and inmate will co-sign the form. If the inmate refuses to sign the form it will be signed by a second officer in the presence of the inmate.
3. Hold property until proceedings complete. Confiscated items to be used for disciplinary, grievance or judicial proceedings will be secured until proceedings are completed. Photograph all items if necessary, attach to the Property Confiscation Form, Form F-401 and document all actions relative to these items on Form F-401.
4. Unauthorized property shall be disposed of as follows:
  - (a) Mail the items at the inmate's expense to a party of the inmate's choosing. No lien will be placed on the inmate's account for postage to mail unauthorized property.
  - (b) Destruction, if authorized by the inmate completing and signing the destruction section of Form F-841-5 and destruction is witnessed by the UPCO and another staff member; or



- (c) Pick-up by a party of the inmate's choosing during visitation or from the Unit where it was confiscated if the inmate has been transferred from that unit. Confiscated property will not be transferred with the inmate or to another more convenient location for pick-up. Any person authorized by an inmate to receive excess personal property will sign the appropriate section of the F-841-5 form.
5. A disciplinary may be written on all confiscated property as unauthorized excessive or contraband.
  6. Contraband will be destroyed.
  7. The inmate can be instructed to produce the Form F-841-1 form in the event of a search.
  8. Weapons and drugs confiscated and not used as evidence in disciplinary or judicial proceedings will be disposed of pursuant to instructions from Internal Affairs.
  9. Wireless telephone devices that are confiscated may be donated to a non-profit or other outside agency in lieu of destruction at the discretion of the Director. No mobile or wireless telephone device will be donated without first obtaining written approval from Internal Affairs to insure the preservation of evidence to any charges pending.
  10. Medical devices, including, but not limited to eyeglasses, prostheses, canes, knee or other braces, which are confiscated upon no proof of medical script or medical necessity shall be returned to the medical department of the Unit from which it was confiscated.

#### **F. ADDITIONS AND CHANGES TO PERSONAL PROPERTY INVENTORY**

1. The only means by which an inmate can acquire personal property/expendable items is by one of the following:
  - a. purchases from a Unit commissary,
  - b. medical items issued by health service administrators, and
  - c. authorized vendors of publications, religious, and work craft items.
2. Issuing staff must complete a Property Addition Form 841-3, which must be scanned into eOMIS upon completion immediately.
3. Any property found in the possession of an inmate, which is not listed on either Form F-841-1 or Form F-841-3 will be considered contraband.
4. The deletion of an item(s) from an inmate's personal property form must be made by the UPCO or designee.
5. The distribution of F-841-1 forms associated with this document will be as follows: White (Original) –Institutional File and Pink-Inmate copy.

**G. SPECIAL ITEMS OF PERSONAL PROPERTY**

1. ADC is not responsible for sentimental value of any item.
2. Watch, Ring, & Religious Medal: An inmate may have one watch, one ring, and one religious medal or emblem. These items shall not have a value over \$50 each and liability for loss of said item is limited to that amount. (an exception may be made for the wedding band with a signed waiver of liability by the inmate, F-841-4 which must be scanned into eOMIS after completion) any jewelry, which is deemed unauthorized during initial commitment will be disposed of as outlined in herein.
3. Religious medal or emblem: must be suspended from the ID card chain and worn inside the uniform shirt and is not to be any larger than 1 and 1/2 inches in length or width and no thicker than 1/8 of an inch. A committee consisting of the UPCO, a ranking Correctional Officer and the Unit Chaplain must approve any questionable medal or emblem. Any religious medal or emblem will be mailed directly from a commercial source with a copy of the invoice included. Any religious medal or emblem, which is deemed unauthorized during initial commitment will be disposed of as outlined herein.
4. Personal photographs: Inmates are limited to five (5) personal photographs. A personal photograph is defined as a photograph intended for individual viewing, as opposed to a commercially produced photograph that is published and sold to the public. Photographs can be no larger than 8 ½" x 11" in size. Such photographs may contain either single or multiple digital images/pictures on one (1) side of the page only. When digital images/pictures are cut from an 8 ½" x 11" sheet, it they will no longer be considered as one. Each digital image/picture cut from that sheet will be counted as one of the five authorized photographs. Digital images and photocopies are considered the same. Prohibited photos are photos which contain (1) nude or sexually suggestive photographs, or (2) contain subject matter that is disruptive in nature or would threaten security or the good order of the institution. Liability for loss of a photograph is limited to \$2.50 per photograph or per 8 ½" x 11" size pages regardless of number of photos contained on any one page. Inmates are advised not to retain sole copies of important or sentimental family photographs due to the possibility of damage or loss. Electronic photographs which are transferred to an inmate's MP3 Player will not be subject to the same numerical restrictions as noted above.
5. Legal Materials – for example, mail, transcripts, research, pleadings: An inmate may retain legal materials, which provided the quantity of those materials can be stored in his/her assigned property box.
  - (a) The inmate is responsible for the disposal of those materials as outlined herein. Inmates may access stored legal materials by utilizing the inmate request system.
  - (b) At the time of transfer, the inmate must notify the UPCO that he or she has legal materials belonging to another inmate and turn those materials or work over to the UPCO. Any inmate transferring with legal materials or work belonging to another inmate is subject to disciplinary action.
  - (c) The inmate is responsible for notifying the UPCO if they possess a trial transcript, or if one is received by the inmate by mail or delivery for addition to his/her personal

inventory. The only information required is the date of the deposition, case number, and the name of the person deposited.

6. Work Craft Materials – work craft or hobby craft materials are governed by the appropriate administrative directive and all inmates participating in the work craft program must meet the criteria for the unit to which they are assigned. Materials will be transferred with the inmate to the new unit. If the inmate does not qualify for work craft or hobby craft or the new unit does not have a work craft or hobby craft program, the materials will be disposed of as per the work craft or hobby craft policy. Liability for tools and materials is limited to a cumulative of \$200.00 including all other items of personal property.
7. Inmates are not allowed to possess an MP3 Player and a radio. If the inmate owns a radio and wishes to purchase an MP3 Player, then the inmate is responsible for disposing of the radio as addressed in this policy. Possession of both the radio and the MP3 Player will result in disciplinary action and the radio being considered as contraband and dealt with accordingly.

#### **H. DISPOSITION OF PERSONAL PROPERTY IN THE EVENT OF INMATE DEATH**

1. Immediately upon the inmate's death, the UPCO will inventory the inmate's property using Form F-841-2, which must be immediately scanned into eOMIS upon completion and place property in a property storage bag. The inmate's funds will be retained in his/her inmate banking account.
2. The individual previously designated by the inmate to receive his/her personal property and/or funds will be notified, and the property given to them. (See form F-841-2).
3. In the event that personal property or funds are not designated, it may only be released to:
  - a. A person possessing a filed stamped Affidavit for Collection of Small Estate,
  - b. A person possessing Letters of Administration or Letters of Testamentary, or
  - c. The Public Administrator.
4. The individual to whom personal property or funds are released will be required to sign a detailed receipt; Form 841-2 then will be placed in the deceased inmate's file.
5. In the event that personal property is not claimed, it will be held for a period of one (1) year from the inmate's death. After such time, it will be destroyed or donated to the state. Destruction must be approved by the Warden, witnessed by the UPCO and one other employee selected by the Warden, and properly documented.
6. In the event that funds are not claimed, disposition will be in accordance with procedures issued by the Administrative Services Division.
7. Designated family members will be notified when the personal property of a deceased inmate is received from the medical examiner's office and may be picked up from the inmate's last assigned unit.

**I. RELEASE FROM CUSTODY**

All stored property, will be returned to the inmate at the time of release from custody. At time of release all monies on an inmate's account will be processed according to ADC Administrative Regulations. Legal materials left by an inmate upon his or her release from custody will be destroyed.

**J. LIABILITY FOR LOST, DAMAGED, OR DESTROYED PERSONAL PROPERTY**

1. Items of personal property, including watch, ring, religious medal or emblem, legal materials photographs, Media Players, and work craft tools and materials, for which liability is found against the ADC for lost or damaged property or the ADC determines before litigation that it is liable for such loss to an inmate will be replaced with the same type or similar item up to \$200.00 total.
2. No monetary reimbursement will be made for any electronically downloaded material on the player. This may consist of music, photos and correspondence. These items can be replaced by the player distributor.
3. Money shall not be placed on the books of an inmate if it is possible to replace a lost or damaged item with the same type or similar type of item.
4. Inmates who fail to produce a commissary receipt for 'food items' will not be entitled to a replacement or reimbursement. Food items will be replaced (if satisfactorily proven) with a like item or as reasonable a replacement as possible.
5. In the event that personal photographs are lost, damaged, or destroyed, the ADC will be responsible for only five (5) photographs. Liability is limited to \$2.50 each or a maximum of \$12.50.
6. An inmate assumes the risk of loss of food items placed in storage and subsequently destroyed as a result of vermin, mold or expiration. It is impossible for the ADC to protect against unforeseeable risks and therefore, ADC assumes no liability for losses of this type.
7. When an emergency situation is declared by the Unit's Warden, or their designee, the department is not responsible for any property in the affected area which is lost, stolen, damaged, consumed or discarded.

**IV. ATTACHMENTS:**

- |                |  |
|----------------|--|
| F-841-3        | Property Addition Form                                     |
| F-841-4        | Waiver of Liability  |
| F-841-5        | Disposition of Inmate Property                             |
| F-401          | Confiscation Form  |
| Attachment # 1 | Minimum State Issued Requirements                          |
| Attachment # 2 | Non-State Issued Property Authorized for Inmate Possession |

V. **REFERENCES:**

- AR 841 Inmate Property Control
- AR 005 Reporting of Incidents
- AR 109 Funds of Offenders
- Punitive Housing/Restriction AD
- Release Process AD
- Inmate Correspondence AD
- Searches of Staff and Control of Contraband AD
- Work Craft Program AD
- Electronically Downloadable Devices AD

STATE OF ARKANSAS – DEPARTMENT OF CORRECTION

CONFISCATED FORM – AREA OR PERSON

(Check One) \_\_\_\_\_ Inmate \_\_\_\_\_ Visitor \_\_\_\_\_ Staff \_\_\_\_\_ Area

Unit: \_\_\_\_\_ Building or Area: \_\_\_\_\_ Barracks \_\_\_\_\_ Cell \_\_\_\_\_

Date and Time of Search: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ : pm: am

Officer(s) Conducting Search: (Print) \_\_\_\_\_

Officer(s) Conducting Search: (Signature) \_\_\_\_\_

Inmate Name: \_\_\_\_\_ ADC #: \_\_\_\_\_

Articles Seized (description and number of items):

Number	Description

Reason Seized: \_\_\_\_\_ Voluntarily Produced Excess Property \_\_\_\_\_ Contraband \_\_\_\_\_ Disciplinary/Criminal Evidence  
Other \_\_\_\_\_

Inmate Signature: \_\_\_\_\_ ( ) Refused to Sign

Area/Shift/Supervisor: (Signature) \_\_\_\_\_

Disposition of Contraband: \_\_\_\_\_

Copy Delivered to Inmate: Date: \_\_\_\_\_ Time: \_\_\_\_\_

Delivered By: (Signature) \_\_\_\_\_

Disciplinary Written: ( ) No ( ) Yes By: \_\_\_\_\_

Voluntarily Produced Excess articles only may be mailed to:

\_\_\_\_\_

Inmate authorizes deduction of postage from pen store account for voluntarily produced excess property only:  
( ) No ( ) Yes Inmate Signature: \_\_\_\_\_

To be completed by UPCO

Destruction Date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

UPCO: (Signature) \_\_\_\_\_ Witnessing Staff: (Signature) \_\_\_\_\_

SCAN INTO EOMIS UPON COMPLETION

F-841-3

ARKANSAS DEPARTMENT OF CORRECTION  
PROPERTY ADDITION FORM

Date: \_\_\_\_\_ Unit: \_\_\_\_\_

Inmate's Name: \_\_\_\_\_ Printed \_\_\_\_\_ ADC#: \_\_\_\_\_

Issuing Department: \_\_\_\_\_ Date Issued: \_\_\_\_\_

Please indicate below the appropriate item to be added to an inmate's personal property file. It is important to submit a detailed description of any item(s) that are added, i.e., number of items, brand, color, size, etc.

- \_\_\_\_\_ Radio                      \_\_\_\_\_ Watch                      \_\_\_\_\_ Ring
- \_\_\_\_\_ Earbuds                      \_\_\_\_\_ Combination Lock                      \_\_\_\_\_ Sweat Shirt
- \_\_\_\_\_ Shoes                      \_\_\_\_\_ Religious Medallion                      \_\_\_\_\_ Sweat Pants
- \_\_\_\_\_ MP3 Player

Other: \_\_\_\_\_

Detail description of item: \_\_\_\_\_  
\_\_\_\_\_

Name & Signature of issuing staff: \_\_\_\_\_ AASIS#: \_\_\_\_\_

Signature of Inmate: \_\_\_\_\_ Date: \_\_\_\_\_ ADC#: \_\_\_\_\_

This form is to be completed in the event of an addition to an inmate's personal property.

SCAN INTO EOMIS UPON COMPLETION

F-841-4

WAIVER OF LIABILITY

I, Inmate \_\_\_\_\_, ADC # \_\_\_\_\_,  
(Print Name)

acknowledge that there is a \$50 limit per item and a \$200 limit on the total value of personal property I am permitted to possess, to include work craft tools and materials. I further acknowledge that the value of my ring or other item may exceed the \$50 limit; however, in exchange for maintaining possession of my ring or other item over \$50, I relieve the ADC of any liability regarding claims exceeding the \$50 value limitation or \$200.00 limitation for the total value of the personal property inmates are permitted to possess.

\_\_\_\_\_  
Inmate's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witnessed by (Employee)

\_\_\_\_\_  
Date

Original – Institutional file   Pink Copy – Inmate   Scanned copy – UPCO



## SCAN INTO EOMIS UPON COMPLETION

F-841-5

Arkansas Department of Correction  
**PROPERTY DISPOSAL NOTICE AND FORM**

Inmate: \_\_\_\_\_ Unit/Center \_\_\_\_\_ Date \_\_\_\_\_

DELIVERED BY: \_\_\_\_\_ BADGE # \_\_\_\_\_

**This NOTICE and FORM is delivered to you on the above date to advise you the following item(s) will not be allowed to be in your possession or stored while at this unit/center. (Give complete description and quantity of items).**\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Check here if additional space is needed. Each additional sheet must be signed and dated.

I am aware of the disposition options for my stored property. If after 30 days, I have not exercised one of these options my property will be destroyed in accordance with policy. By CIRCLING OPTION 1, 2, OR 3 & COMPLETING THE INFORMATION, I, Inmate \_\_\_\_\_, ADC# \_\_\_\_\_, authorize the disposition of my excess, unauthorized property confiscated at intake or my voluntarily produced excess property in the following manner:

**#1: BY MAIL**Name \_\_\_\_\_ Street Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Check if you are requesting: \_\_\_\_\_ First Class Mail \_\_\_\_\_ Parcel Post Mail \_\_\_\_\_ Insured Mail

I authorize the deduction of the cost of postage from my inmate account to cover the expense of mailing. I must have sufficient money on my account to use this option.

Item(s) Mailed By \_\_\_\_\_ On \_\_\_\_\_  
Signature of Staff \_\_\_\_\_ Date \_\_\_\_\_**#2: BY PICK UP AT VISITATION**

Name \_\_\_\_\_ Street Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_

It is my responsibility to inform this person of the need to pick up this property within fourteen (14) days of the item. If the items are not picked up in 14 days, the item(s) will be disposed of by destruction.

Picked up by: \_\_\_\_\_ (Print/Sign)

**#3: BY DESTRUCTION**Item(s) destroyed by \_\_\_\_\_ on \_\_\_\_\_  
Print Staff Name \_\_\_\_\_ Date \_\_\_\_\_by \_\_\_\_\_  
Signature of Destruction Official & Date \_\_\_\_\_\_\_\_\_\_  
Signature of Staff Witness & Date \_\_\_\_\_**ALTERNATE DISPOSAL**

The method of disposition listed above was not accomplished within the specified time frame, or the items confiscated are unauthorized, excessive or altered and the item(s) were destroyed.

\_\_\_\_\_  
Signature of UPCO & Date\_\_\_\_\_  
Signature Staff Witness & Date

## ATTACHMENT 1

## MINIMUM STATE ISSUED REQUIREMENTS

**CLOTHING AND PERSONAL HYGIENE ITEMS** – Upon arrival at a receiving unit, the inmate should be issued and/or have available to him/her the following items. He/she shall be accountable thereafter for each item.

**Male Clothing Provided**

3 shirts  
 3 pants  
 1 pair shoes  
 3 under shorts  
 3 pair cotton socks  
 1 cap/toboggan (depending on seasonal requirements)  
 1 jacket or coat (depending on seasonal requirements)  
 2 thermal top and bottom (depending on seasonal and/or job requirements)

**Hygiene Items Provided**

bath soap (as needed)  
 1 toothbrush  
 1 tube of toothpaste  
 1 safety razor  
 bath towels (as needed)  
 1 pocket comb

**Female Clothing Provided**

3 shirts  
 3 pants  
 1 pair shoes  
 3 pair panties  
 3 bras  
 1 jacket or coat (depending on seasonal requirements)  
 3 pair socks  
 2 thermal top and bottom (depending on seasonal and/or job requirements)

**Hygiene Items Provided**

bath soap (as needed)  
 1 toothbrush  
 1 tube toothpaste  
 1 safety razor  
 bath towels (as needed)  
 feminine hygiene items

**Bed Clothing** – Each inmate should be issued the following items upon arrival at a reception or regular unit/center:

1 mattress	1 blanket
1 pillow	1 laundry bag
2 sheets	

Revised

## ATTACHMENT 2

**PERSONAL PROPERTY ITEMS AUTHORIZED FOR INMATE  
POSSESSION AND NOT ISSUED BY STATE**

**CLOTHING**

- 1 Sweat shirt (white)
- 1 Sweat pant (white)
- 1 Pair shower shoes
- 1 Pair cloth gloves
- 2 Bathrobes (white) (female)
- 1 Pair gym shoes
- 1 Pair civilian shoes (work release)
- \*\*5 Undershirts
- \*\*8 Pairs panties
- \*\*8 Bras
- \*\*5 Pairs socks

**PERSONAL HYGIENE ITEMS**

- 1 Shaving cream
- 1 Deodorant – roll/stick
- 1 Shampoo
- 1 Denture adhesive
- 1 Hair dressing
- 1 Hair brush
- 1 Depilatory preparation
- \*\* Feminine hygiene items
- \*\* Beauty aid products
- 1 Laundry bag
- 1 Pair nail clippers  
(as sold on Commissary)

\*\* Includes some items issued by state

NOTE: No pressurized cans of flammable materials are allowed.

**MEDICAL ITEMS**

Issued as prescribed and with medical approval:

- 1 Pair eyeglasses/contact lenses
- 1 Pair dentures
- Prosthetic
- Body support devices

**LEGAL MATERIAL**

Papers and documents of a legal nature may be retained by the inmate in a reasonable quantity. A reasonable quantity of legal papers and documents may be retained by an inmate with his/her assigned storage box provided by the unit.

**MISCELLANEOUS**

- 1 Radio or MP3 Player, battery operated
- 1 Set headphones and/or earphones
- 1 Watch (wrist/pocket) - \$50 maximum value
- 1 Ring – \$50 maximum value
- 1 Religious medal (not to exceed 1 1/2" in length or width and no thicker than 1/8")
- Religious articles (as approved)
- Personal papers and letters
- 10 Envelopes
- 4 Batteries (AA or AAA only)
- 5 Photographs
- Any 3 newspapers in Inmate's name
- Any 3 issues of each magazine subscription in Inmate's name
- 10 Books (includes religious, textbooks & pleasure), subject to weight and size restrictions
- Work craft item(s)
- Hand held video games

**OTHER**


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

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## ADMINISTRATIVE DIRECTIVE

**SUBJECT:** Family Medical Leave Act

**NUMBER:** ~~16-33-18-xx~~

**SUPERSEDES:** ~~13-03-16-33~~

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**APPLICABILITY:** All Employees

**REFERENCE:** Family Medical Leave Act of 1993;  
GPD 8; and National Defense  
Authorization Act of 2008; and OPM Policy

**PAGE:** 1 of 97

**APPROVED:** Original Signed by Wendy Kelley

**EFFECTIVE DATE:** ~~8/22/2016~~

### I. POLICY:

It shall be the policy of the Arkansas Department of Correction (ADC) (hereinafter ADC is also referred to as Agency) to provide guidelines for the administration of job-protected leave taken under the Family and Medical Leave Act (FMLA) of 1993 as amended by the National Defense Authorization Act (NDAA) of 2008.

### II. EXPLANATION/PURPOSE:

The federal Family and Medical Leave Act (FMLA) of 1993 requires all public agencies to provide up to twelve (12) weeks of unpaid, job-protected leave per calendar year to "eligible" employees for certain family and medical reasons or any qualifying need arising out of the fact that the spouse, child or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation. The NDAA has also expanded FMLA to provide up to twenty-six (26) weeks of leave per calendar year to care for an injured military service member. All employees are eligible if they have worked within state government for at least one (1) year

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(cumulative), and ~~for have at least 1,250 hours of service for the employer over the previous twelve (12) months during the twelve month period preceding the commencement of the leave.~~

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~~Spouses who are both employed by the state are entitled to a total of twelve weeks of leave (rather than twelve weeks each) for the birth or adoption of a child or for care of a sick parent. However, each spouse would be entitled to twelve (12) weeks for their own serious health condition or the care of a child or spouse. Each employee is entitled to FMLA for the care of his/her parent only. Nevertheless, the marital couple is limited to a combined twelve (12) weeks for this purpose regardless of which parent, or the number of parents, involved.~~

### III. DEFINITIONS:

A. Serious Health Condition means an illness, injury, impairment or physical or mental condition that involves:

1. Inpatient care: Any period of incapacity or treatment in connection with or consequent to inpatient care in a hospital, hospice, or residential medical care facility.
2. Continuing treatment by a health care provider: -Any period of incapacity of more than three (3) consecutive calendar days; that also involves continuing treatment as follows:
  - a. Treatment two (2) or more times by a health care provider; by a nurse or physician's assistant under direct supervision of a health care provider; or a provider of health care services (e.g., physical therapist) under orders of, or on referral by a health care provider.
  - b. Treatment by a health care provider on at least one (1) occasion which results in a regimen of continuing treatment under supervision of a health care provider. -A regimen of continuing treatment includes, for example, a course of prescription medication or therapy requiring special equipment to resolve or alleviate the health condition. -It does not include taking of over-the-counter medications or other similar activities that can be initiated without a visit to a health care provider.
3. Any period of incapacity due to pregnancy or for prenatal care.
4. Treatment for a chronic health condition that requires: periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider; continues over an extended period of time (including recurring episodes of a single underlying condition; or may cause

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episodic rather ~~that than~~ a continuing period of incapacity (eg., asthma, diabetes, epilepsy, etc.).

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5. A period of incapacity, which is permanent or long-term, due to a condition for which the treatment may not be effective. -The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by a health care provider. -Examples include: Alzheimer's disease, severe stroke or the terminal stages of a disease.
6. Multiple treatments for non-chronic conditions, and any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition such as cancer, severe arthritis, or kidney disease that would likely result in a period of incapacity of more than three (3) consecutive calendar days in the absence of medical intervention or treatment.
7. Continuing supervision of, but not necessarily active treatment by a health care provider due to a serious long-term or chronic condition or disability, and which cannot be cured.

NOTE: FMLA only allows leave for substance abuse in order to undergo treatment by a health care provider and specifically excludes employee absence because of the use of the substance. -Stress qualifies as a serious health condition only if it rises to the level of a mental illness or results in a physical illness.

- B. Period of Incapacity means a period of time when an employee or family member is unable to work, attend school, or perform other regular daily activities due to the serious health condition, treatment thereof, or recovery therefrom.
- C. Treatment for purposes of FMLA, includes examinations to determine if a serious health condition exists and evaluations of the condition, but does not include routine physical examinations, eye examinations, or dental examinations.
- D. Group Health Plan is a plan (including a self-insured plan) of, or contributed to by an employer (including a self-employed person) or employee organization to provide health care directly or otherwise to employees, former employees, the employer, or others associated or formerly associated with the employer in a business relationship, or their families.

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~~DE.~~ Health Care Provider is defined as a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State in which the doctor practices or any other person determined by the United States Department of Labor to be capable of providing health care services. Included in the second part of that definition are Podiatrists, Dentists, Clinical Psychologists, Clinical Social Workers, Optometrists, and Chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated to exist by x-ray), Nurse Practitioners and Nurse-Midwives and Christian Science Practitioners.

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~~EF.~~ Spouse is defined in accordance with determined by applicable state law and U.S. Supreme Court decisions. It is clear from the legislative history that unmarried domestic partners do not qualify for Family Medical Leave to care for their partner.

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~~FG.~~ Parent means the biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the parent of an employee when the employee was a child, or an individual who stands or who stood in loco parentis to an employee, when the employee was a son or daughter. This term does not include parents-in-law "in law."

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~~GH.~~ Son or Daughter means a biological, adopted, foster child, stepchild, legal ward or a child of a person standing in loco parentis.

1. Under eighteen (18) years of age; or
2. Eighteen (18) years of age or older and incapable of self-care because of mental or physical disability at the time FMLA is to commence.

~~2.~~ I. In Loco Parentis: Those with day-to-day responsibilities to care for or financially support a child. Employees who have no biological or legal relationship with a child may, nonetheless, stand in loco parentis to the child and be entitled to FMLA leave. Similarly, an employee may take leave to care for someone who, although having no legal biological relationship to the employee when the employee was a child, stood in loco parentis to the employee when the employee was a child, even if they have no legal or biological relationship.

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~~HJ.~~ Next of Kin under the amendment made by the NDAA means the nearest blood relative of the injured service member.

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~~HK.~~ Qualifying Exigency Leave applies apply to family members of National Guard and Reserve members so that they may manage their affairs while the member is on active duty in support of a contingency operation. The categories that are considered qualifying exigencies are short-notice deployment; military events and related activities; childcare and school activities; financial and legal arrangements; counseling; rest and recuperation; post-deployment activities; and additional activities not

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encompassed in the other categories, but agreed to by the employer and employee.

- L. Military Caregiver Leave is for eligible employees who are the spouse, parent, child, or next of kin of a service member who incurred a serious injury or illness on active duty in the Armed Forces and may take up to 26 weeks of leave in a calendar year to care for the injured service member. Military Caregiver Leave is used in combination with regular FMLA leave.

#### IV. PROCEDURES:

- A. Unpaid FMLA leave must be granted for any of the following reasons:
1. To care for the employee's child after birth, or placement for adoption or foster care;
  2. To care for the employee's spouse, son, or daughter (under age eighteen (18), or if eighteen (18) or older, incapable of self-care due to a mental or physical disability as defined by the Americans with Disabilities Act), or a parent who has a serious health condition;
  3. For a serious health condition that makes the employee unable to perform the employee's job;
  4. To care for the employee's spouse, child (over the age of eighteen (18), parent, or next of kin who was injured on active duty; or
  5. For the qualifying need when an employee's spouse, child (over the age of eighteen (18), or parent is called to or on active duty.
- B. Under ADC policy, an employee must use accrued paid leave in place of unpaid leave. An employee may take FMLA on a full time or intermittent basis, or work a reduced leave schedule.
- C. An employee is required to provide the employer with at least thirty (30) days advance notice before FMLA leave is to begin if the need for leave is foreseeable based on an expected birth, placement for adoption or foster care, or planned medical treatment for an employee's or family member's serious health condition. If thirty (30) day's notice is not practicable, notice must be given as soon as possible. It is expected that an employee will give notice within no less than one (1) or two (2) working days of learning of the need for leave.
- D. An employee will provide at least verbal notice sufficient to make the supervisor aware of the need for FMLA leave, and the anticipated timing and duration of the leave. -The employee must follow ADC policy



regarding call-in procedures for reporting any absence, absent unusual circumstances. -A leave slip should also be completed including this information.

- E. The Unit Human Resources Manager will provide a packet of information and forms for employees requesting FMLA leave. If verbal notice is given by the employee, his or her supervisor or Unit HR Manager may complete the ADC Family and Medical Leave Request (see FMLA forms); however, the employee is required to provide medical certification to support the request for leave. When this is not possible, the employee must provide the certification to the employer within the period requested by the employer (at least fifteen (15) calendar days after employer notification). Additional certification may be required if the employee is unable to return to work from leave at the end of the original requested period. FMLA leave may be denied or delayed if the medical certification requirements are not met.
- F. If the agency has reason to believe an employee's leave may be FMLA qualifying, the employee will be provided with the FMLA packet promptly. An absence of more than three consecutive days that involves continuing treatment by a health care provider may be considered sufficient "reason to believe."
- G. The Supervisor must -notify the Unit HR Manager that an employee has been out of work for four days, the HR Manager will abide by the following procedure:
1. FMLA papers will be mailed to the employee via certified mail.
  2. Along with the FMLA papers, the HR Manager will advise the employee of the fifteen (15) calendar day timeframe from the date information was mailed to return the completed FMLA paperwork.
  3. If at the depletion of the fifteen (15) days, the FMLA paperwork has not been returned, the FMLA may be denied or delayed if the medical certification requirements are not met.
  4. If an employee submits medical certification that is incomplete or insufficient, the Central HR will specify in writing what information is lacking, and give the employee seven calendar days to cure the deficiency.
  5. Upon completion of the twelve (12) week period (twenty-six (26) weeks in the event the employee is caring for an injured military service member), if the employee is unable to return to work, perform the essential functions of their position and has depleted all of their accrued leave, the employee will be terminated.

6. If at the end of the twelve (12) weeks (twenty-six (26) weeks in the event the employee is caring for an injured military service member), the employee still has leave balances, the employee will be permitted to deplete their accrued leave balances prior to being terminated.
7. If an ~~non-security~~ employee has been on FMLA leave due to his/her own health condition, the employee ~~shall~~ may be required to provide an essential job function questionnaire ~~completed by their health care provider certifying their fitness for full duty or a release form without restrictions signed by their health care provider prior to~~ in addition to the release to the employees to return to work. ~~The department may require security staff to submit to a physical assessment once the employee has return to work. completed by their health care provider certifying their fitness for duty prior to returning.~~

~~8. All Security staff employees who have been on FMLA due to his/her own health condition are required to provide the essential job function questionnaire completed by their health care provider certifying their fitness for duty prior to returning to work.~~

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89. If a physician determines that an employee is unable to perform one of the essential functions of their current job due to a permanent disability, the Human Resources Administrator should be notified and the procedures stipulated in the Administrative Directive on ADA should be followed.

**NOTE:** Employees receiving Catastrophic Leave and/or Workers' Compensation benefits may be ~~qualified for FMLA Leave~~ ~~qualifying for up to twelve (12) weeks.~~ These awards will run concurrently if eligibility requirements are met.

- H. If the agency does not learn of the reason for an employee's absence until the employee's return (usually a brief period of absence), the employer will provide the FMLA packet promptly; in this case, the employee must notify his or her supervisor within two business days of returning to work of the reason for the leave. ~~In the absence of such timely notification by the employee, the leave may not qualify for FMLA leave.~~

Under FMLA, job benefits and protection include:

1. For the duration of FMLA leave, ADC will maintain the employee's health insurance coverage under any "group health plan," under the conditions that the coverage would have been provided if the employee had continued to work (matching portion paid by ADC while employee continues to pay his/her portion).

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- 2. Upon return from FMLA leave, most employees should be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.
- 3. The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of the employee's leave.
- 4. Employee's participation in the ~~Merit Increase Pay System (MIPS) Performance Goals Compensation System (PGCS)~~ must meet all ~~MIPS~~ criteria regardless of being absent from work because of medical leave.

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I. ~~Confidentiality~~

~~Medical information as a result of a serious health condition is considered confidential. If an employee submits a complete certification signed by a health care provider, the employee's supervisor may not request additional information from the employee's health care provider. However, a Human Resources professional, another health care provider or a management official may contact the employee's health care provider for purposes of clarification and authenticity of the medical certificate.~~

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J. ~~Second Medical Certification~~

~~If there is reason to doubt the validity of a medical certification, the employer may require a second opinion from a health care provider designed or approved by the employer so long as that provider is not employed by the state on a regular basis.~~

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K. ~~Recertification~~

~~The employer may request the employee to provide a recertification no more than every 30 days and only in connection with an absence by the employee. If a certification indicates that the minimum duration of the serious health condition is more than 30 days, the employer must generally wait until that minimum duration expires before requesting recertification. However, in all cases, including cases where the condition is of an indefinite duration, the employer may request a recertification for absences every six months.~~

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~~The employer may request a recertification in less than 30 days only if:~~

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~~1. The employee requests an extension of leave;~~

~~The circumstances described by the previous certification have changed significantly; or~~

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~~2.~~

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3. ~~The employer receives information that causes it to doubt the employee's stated reasons for the absence or the continuing validity of the existing medical certification.~~

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L. -OTHER LAWS AND EMPLOYER PRACTICES ON FMLA EMPLOYEE RIGHTS

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A. State Law

~~Nothing in FMLA supersedes any provision of state law that proves greater family or medical leave rights than those provided by FMLA. For example, State of Arkansas employees who take maternity leave have the option to reserve annual and sick leave balances when on FMLA leave. Even though the employer would normally require employees to use their leave balances during FMLA leave, state law, with regard to maternity leave, extends certain exceptions.~~

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B. Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA)

~~An employer's obligation under FMLA ceases and a COBRA qualifying event may occur when, and if:~~

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~~1. The employment relationship would have terminated if the employee had not taken FMLA (i.e. his/her position eliminated due to Reduction In Force and no transfer is available)~~

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~~2. An employee informs the employer of his or her intent not to return from leave (which may be before the leave starts), or the employee fails to return from leave after exhausting his or her FMLA entitlement.~~

C. Employee Retirement Security Act (ERISA)

~~There is no requirement that unpaid FMLA leave be counted as additional service for eligibility, vesting, or benefit accrual purposes. However, the final regulations clarify that if a plan requires an employee to be employed on a specific date in order to be credited with a year of service for participation, vesting, or contribution purposes, an employee on FMLA leave is deemed to have been employed on that date. Previously, employees were required to return to work in order to receive the year of service. If an employee has a question about their years of service they should contact APERS.~~

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D. Posting Requirements

~~All state agencies and institutions are required to post and keep posted on its premises, in conspicuous places where employees are employed, a notice explaining the Act's provision and providing information concerning the procedures for filing complaints of violations of the Act with the Wage and Hour Division of the Department of Labor. -The notice must be posted prominently where~~

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it can be readily seen ~~by employees and applicants for employment.~~  
~~Agencies and institutions may duplicate the text of the notice~~  
~~contained in "YOUR RIGHTS FORM", or copies of the required~~  
~~notice may be obtained from local offices of the Wage and Hour~~  
~~Division.~~

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V. REFERENCES:

Governor's Policy Directive GPD-8,  
~~Department of Finance and Administration Office of Personnel Management~~  
~~Policy 54~~  
Family Medical Leave Act of 1993  
~~National Defense Authorization Act of 2008~~



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

## ADMINISTRATIVE DIRECTIVE

**SUBJECT:** Family Medical Leave Act

**NUMBER:** 18-47

**SUPERSEDES:** 16-33

**APPLICABILITY:** All Employees

**REFERENCE:** Family Medical Leave Act of 1993;  
GPD 8; National Defense  
Authorization Act of 2008; and OPM Policy

**PAGE:** 1 of 9

**APPROVED:** Original Signed by Wendy Kelley

**EFFECTIVE DATE:** 11/16/2018

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### I. POLICY:

It shall be the policy of the Arkansas Department of Correction (ADC) (hereinafter ADC is also referred to as Agency) to provide guidelines for the administration of job-protected leave taken under the Family and Medical Leave Act (FMLA) of 1993 as amended by the National Defense Authorization Act (NDAA) of 2008.

### II. PURPOSE:

The federal Family and Medical Leave Act (FMLA) of 1993 requires all public agencies to provide up to twelve (12) weeks of unpaid, job-protected leave per calendar year to "eligible" employees for certain family and medical reasons or any qualifying need arising out of the fact that the spouse, child or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation. The NDAA has also expanded FMLA to provide up to twenty-six (26) weeks of leave per calendar year to care for an injured military service member. All employees are eligible if they have worked within state government for at least one (1) year

(cumulative), and have at least 1,250 hours of service for the employer during the twelve month period preceding the commencement of the leave.

Spouses who are both employed by the state are entitled to a total of twelve weeks of leave (rather than twelve weeks each) for the birth or adoption of a child, or for care of a sick parent. However, each spouse would be entitled to twelve (12) weeks for their own serious health condition or the care of a child or spouse. Each employee is entitled to FMLA for the care of his/her parent only. Nevertheless, the marital couple is limited to a combined twelve (12) weeks for this purpose regardless of which parent, or the number of parents, involved.

### III. DEFINITIONS:

- A. Serious Health Condition means an illness, injury, impairment or physical or mental condition that involves:
1. Inpatient care: Any period of incapacity or treatment in connection with or consequent to inpatient care in a hospital, hospice, or residential medical care facility.
  2. Continuing treatment by a health care provider: Any period of incapacity of more than three (3) consecutive calendar days that also involves continuing treatment as follows:
    - a. Treatment two (2) or more times by a health care provider; by a nurse or physician's assistant under direct supervision of a health care provider; or a provider of health care services (e.g., physical therapist) under orders of, or on referral by a health care provider.
    - b. Treatment by a health care provider on at least one (1) occasion which results in a regimen of continuing treatment under supervision of a health care provider. A regimen of continuing treatment includes, for example, a course of prescription medication or therapy requiring special equipment to resolve or alleviate the health condition. It does not include taking of over-the-counter medications or other similar activities that can be initiated without a visit to a health care provider.
  3. Any period of incapacity due to pregnancy or for prenatal care.
  4. Treatment for a chronic health condition that requires: periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider; continues over an extended period of time (including recurring episodes of a single underlying condition; or may cause episodic rather than a continuing period of incapacity (eg., asthma, diabetes, epilepsy, etc.).

5. A period of incapacity, which is permanent or long-term, due to a condition for which the treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by a health care provider. Examples include: Alzheimer's disease, severe stroke or the terminal stages of a disease.
6. Multiple treatments for non-chronic conditions, and any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by a health care provider, either for restorative surgery after an accident or other injury, or for a condition such as cancer, severe arthritis, or kidney disease that would likely result in a period of incapacity of more than three (3) consecutive calendar days in the absence of medical intervention or treatment.
7. Continuing supervision of, but not necessarily active treatment by a health care provider due to a serious long-term or chronic condition or disability, and which cannot be cured.

NOTE: FMLA only allows leave for substance abuse in order to undergo treatment by a health care provider and specifically excludes employee absence because of the use of the substance. Stress qualifies as a serious health condition only if it rises to the level of a mental illness or results in a physical illness.

- B. Period of Incapacity means a period of time when an employee or family member is unable to work, attend school, or perform other regular daily activities due to the serious health condition, treatment thereof, or recovery therefrom.
- C. Treatment for purposes of FMLA, includes examinations to determine if a serious health condition exists and evaluations of the condition, but does not include routine physical examinations, eye examinations, or dental examinations.
- D. Group Health Plan is a plan (including a self-insured plan) of, or contributed to by an employer (including a self-employed person) or employee organization to provide health care directly or otherwise to employees, former employees, the employer, or others associated or formerly associated with the employer in a business relationship, or their families.
- DE. Health Care Provider is defined as a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State in which the doctor practices or any other person determined by the United States Department of Labor to be capable of providing health care services.



- Included in the second part of that definition are Podiatrists, Dentists, Clinical Psychologists, Clinical Social Workers, Optometrists, and Chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated to exist by x-ray), Nurse Practitioners and Nurse-Midwives and Christian Science Practitioners.
- F. Spouse is determined by applicable state law and U.S. Supreme Court decisions.
- G. Parent means the biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a child. This term does not include parents “in law.”
- H. Son or Daughter means a biological, adopted, foster child, stepchild, legal ward or a child of a person standing in loco parentis.
1. Under eighteen (18) years of age; or
  2. Eighteen (18) years of age or older and incapable of self-care because of mental or physical disability at the time FMLA is to commence.
- I. In Loco Parentis: Those with day-to-day responsibilities to care for or financially support a child. Employees who have no biological or legal relationship with a child may, nonetheless, stand in loco parentis to the child and be entitled to FMLA leave. Similarly, an employee may take leave to care for someone who, although having no legal biological relationship to the employee when the employee was a child, stood in loco parentis to the employee when the employee was a child, even if they have no legal or biological relationship.
- J. Next of Kin under the amendment made by the NDAA means the nearest blood relative of the injured service member.
- K. Qualifying Exigency Leave apply to family members of National Guard and Reserve members so that they may manage their affairs while the member is on active duty in support of a contingency operation. The categories that are considered qualifying exigencies are short-notice deployment; military events and related activities; childcare and school activities; financial and legal arrangements; counseling; rest and recuperation; post-deployment activities; and additional activities not encompassed in the other categories, but agreed to by the employer and employee.
- L. Military Caregiver Leave is for eligible employees who are the spouse, parent, child, or next of kin of a service member who incurred a serious injury or illness on active duty in the Armed Forces and may take up to 26 weeks of leave in a calendar year to care for the injured service member.

Military Caregiver Leave is used in combination with regular FMLA leave.

#### IV. PROCEDURES:

- A. Unpaid FMLA leave must be granted for any of the following reasons:
1. To care for the employee's child after birth, or placement for adoption or foster care;
  2. To care for the employee's spouse, son, or daughter (under age eighteen (18), or if eighteen (18) or older, incapable of self-care due to a mental or physical disability as defined by the Americans with Disabilities Act), or a parent who has a serious health condition;
  3. For a serious health condition that makes the employee unable to perform the employee's job;
  4. To care for the employee's spouse, child (over the age of eighteen (18), parent, or next of kin who was injured on active duty; or
  5. For the qualifying need when an employee's spouse, child (over the age of eighteen (18), or parent is called to or on active duty.
- B. Under ADC policy, an employee must use accrued paid leave in place of unpaid leave. An employee may take FMLA on a full time or intermittent basis, or work a reduced leave schedule.
- C. An employee is required to provide the employer with at least thirty (30) days advance notice before FMLA leave is to begin if the need for leave is foreseeable based on an expected birth, placement for adoption or foster care, or planned medical treatment for an employee's or family member's serious health condition. If thirty (30) day's notice is not practicable, notice must be given as soon as possible. It is expected that an employee will give notice within no less than one (1) or two (2) working days of learning of the need for leave.
- D. An employee will provide at least verbal notice sufficient to make the supervisor aware of the need for FMLA leave, and the anticipated timing and duration of the leave. The employee must follow ADC policy regarding call-in procedures for reporting any absence, absent unusual circumstances. A leave slip should also be completed including this information.
- E. The Unit Human Resources Manager will provide a packet of information and forms for employees requesting FMLA leave. If verbal notice is given by the employee, his or her supervisor or Unit HR Manager may

complete the ADC Family and Medical Leave Request (see FMLA forms); however, the employee is required to provide medical certification to support the request for leave. When this is not possible, the employee must provide the certification to the employer within the period requested by the employer (at least fifteen (15) calendar days after employer notification). Additional certification may be required if the employee is unable to return to work from leave at the end of the original requested period. FMLA leave may be denied or delayed if the medical certification requirements are not met.

- F. If the agency has reason to believe an employee's leave may be FMLA qualifying, the employee will be provided with the FMLA packet promptly. An absence of more than three consecutive days that involves continuing treatment by a health care provider may be considered sufficient "reason to believe."
- G. The Supervisor must notify the Unit HR Manager that an employee has been out of work for four days, the HR Manager will abide by the following procedure:
1. FMLA papers will be mailed to the employee via certified mail.
  2. Along with the FMLA papers, the HR Manager will advise the employee of the fifteen (15) calendar day timeframe from the date information was mailed to return the completed FMLA paperwork.
  3. If at the depletion of the fifteen (15) days, the FMLA paperwork has not been returned, the FMLA may be denied or delayed if the medical certification requirements are not met.
  4. If an employee submits medical certification that is incomplete or insufficient, the Central HR will specify in writing what information is lacking, and give the employee seven calendar days to cure the deficiency.
  5. Upon completion of the twelve (12) week period (twenty-six (26) weeks in the event the employee is caring for an injured military service member), if the employee is unable to return to work, perform the essential functions of their position and has depleted all of their accrued leave, the employee will be terminated.
  6. If at the end of the twelve (12) weeks (twenty-six (26) weeks in the event the employee is caring for an injured military service member), the employee still has leave balances, the employee will be permitted to deplete their accrued leave balances prior to being terminated.

7. If an employee has been on FMLA leave due to his/her own health condition, the employee shall provide an essential job function questionnaire completed by their health care provider certifying their fitness for full duty or a release form without restrictions signed by their health care provider prior to the employees return to work. The department may require security staff to submit to a physical assessment once the employee has returned to work.
8. If a physician determines that an employee is unable to perform one of the essential functions of their current job due to a permanent disability, the Human Resources Administrator should be notified and the procedures stipulated in the Administrative Directive on ADA should be followed.

**NOTE:** Employees receiving Catastrophic Leave and/or Workers' Compensation benefits may be qualified for FMLA Leave up to twelve (12) weeks. These awards will run concurrently if eligibility requirements are met.

- H. If the agency does not learn of the reason for an employee's absence until the employee's return (usually a brief period of absence), the employer will provide the FMLA packet promptly; in this case, the employee must notify his or her supervisor within two business days of returning to work of the reason for the leave. In the absence of such timely notification by the employee, the leave may not qualify for FMLA leave.

Under FMLA, job benefits and protection include:

1. For the duration of FMLA leave, ADC will maintain the employee's health insurance coverage under any "group health plan," under the conditions that the coverage would have been provided if the employee had continued to work (matching portion paid by ADC while employee continues to pay his/her portion).
2. Upon return from FMLA leave, most employees should be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.
3. The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of the employee's leave.
4. Employee's participation in the Performance, Goals, Compensation System (PGCS) must meet all criteria regardless of being absent from work because of medical leave.

- I. Confidentiality  
Medical information as a result of a serious health condition is considered confidential. If an employee submits a complete certification signed by a health care provider, the employee's supervisor may not request additional information from the employee's health care provider. However, a Human Resources professional, another health care provider or a management official may contact the employee's health care provider for purposes of clarification and authenticity of the medical certificate.
- J. Second Medical Certification  
If there is reason to doubt the validity of a medical certification, the employer may require a second opinion from a health care provider designed or approved by the employer so long as that provider is not employed by the state on a regular basis.
- K. Recertification  
The employer may request the employee to provide a recertification no more than every 30 days and only in connection with an absence by the employee. If a certification indicates that the minimum duration of the serious health condition is more than 30 days, the employer must generally wait until that minimum duration expires before requesting recertification. However, in all cases, including cases where the condition is of an indefinite duration, the employer may request a recertification for absences every six months.

The employer may request a recertification in less than 30 days only if:

1. The employee requests an extension of leave;
2. The circumstances described by the previous certification have changed significantly, or;
3. The employer receives information that causes it to doubt the employee's stated reasons for the absence or the continuing validity of the existing medical certification.

L. **OTHER LAWS AND EMPLOYER PRACTICES ON FMLA  
EMPLOYEE RIGHTS**

A. State Law

Nothing in FMLA supersedes any provision of state law that provides greater family or medical leave rights than those provided by FMLA. For example, State of Arkansas employees who take maternity leave have the option to reserve annual and sick leave balances when on FMLA leave. Even though the employer would normally require employees to use their leave balances during FMLA leave, state law, with regard to maternity leave, extends certain exceptions.

B. Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA)

An employer's obligation under FMLA ceases and a COBRA qualifying event may occur when, and if:

1. The employment relationship would have terminated if the employee had not taken FMLA (i.e. his/her position eliminated due to Reduction In Force and no transfer is available)
2. An employee informs the employer of his or her intent not to return from leave (which may be before the leave starts), or the employee fails to return from leave after exhausting his or her FMLA entitlement.

C. Employee Retirement Security Act (ERISA)

There is no requirement that unpaid FMLA leave be counted as additional service for eligibility, vesting, or benefit accrual purposes. However, the final regulations clarify that if a plan requires an employee to be employed on a specific date in order to be credited with a year of service for participation, vesting, or contribution purposes, an employee on FMLA leave is deemed to have been employed on that date. Previously, employees were required to return to work in order to receive the year of service. If an employee has a question about their years of service they should contact APERS.

D. Posting Requirements

All state agencies and institutions are required to post and keep posted on its premises, in conspicuous places where employees are employed, a notice explaining the Act's provision and providing information concerning the procedures for filing complaints of violations of the Act with the Wage and Hour Division of the Department of Labor. The notice must be posted prominently where it can be readily seen by employees and applicants for employment. Agencies and institutions may duplicate the text of the notice contained in "YOUR RIGHTS FORM", or copies of the required notice may be obtained from local offices of the Wage and Hour Division.



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

## ADMINISTRATIVE DIRECTIVE

SUBJECT: Youthful Inmates

NUMBER:

SUPERSEDES: New

APPLICABILITY:

REFERENCE: AR 802-Classification of Offenders

PAGE 1 of 3

APPROVED: Original signed by

EFFECTIVE DATE:

### I. POLICY:

The Arkansas Department of Correction will ensure that youthful inmates are assigned to a specialized housing unit in order to provide the proper programs and the direct supervision necessary to ensure safety and security.

### II. PURPOSE:

To provide effective intervention programming for youthful inmates transitioning into the adult system within the Arkansas Department of Correction. The goal of the program is to provide a safe environment and programming designed to build strong character while providing an opportunity for each inmate to reach his or her full potential as a responsible law-abiding citizen and to reduce recidivism.

### III. DEFINITIONS:

1. **Direct Staff Supervision** – a method of inmate supervision designed to assure safety and security in which security staff are in the same room with, or within reasonable hearing distance of the inmate.
2. **Youthful Inmate** - Any inmate under the age of 18.
3. **Youthful Inmate Housing** – a housing unit where youthful inmates will not have sight, sound, or physical contact with any adult inmate through the use of a shared dayroom or other common space, shower area,

Comment [TM1]:

Comment [JD2]: From PREA 115.5 definitions. Stricken language was from RLW post order. No definition in ACA, but see 5-SB-4308

or sleeping quarters, and which provides for direct staff supervision of youthful inmates.

Comment [JD3]: ACA 5-5B-4308 and 4311

#### IV. PROCEDURE:

##### A. Intake Procedure

The intake process for male and female youthful inmates will occur at the units specified by the Department for male and female intake, respectively.

##### B. Housing

1. Youthful Inmates shall be housed in youthful inmate housing except when:
  - a. A violent or predatory youthful inmate poses an undue risk of harm to others within youthful inmate housing; or
  - b. A qualified medical or mental health specialist recommends and documents that the youthful inmate would benefit from housing outside youthful housing.
  - c. For any youthful inmate housed outside youthful inmate housing, there shall be promptly prepared a written statement of the specific reasons for housing the youthful inmate outside youthful inmate housing and including a case management plan specifying what behaviors need to be modified and under what conditions the youthful inmate may be returned to youthful inmate housing. The statement of reasons and case management plan must be reviewed and approved by the warden or designee. The placement outside youthful inmate housing must be reviewed by the warden or designee at least every thirty (30) days to determine whether the youthful inmate should be returned to youthful inmate housing.

##### C. Classification

The Warden/Deputy Warden of any Arkansas Department of Correction facility that houses youthful inmates shall appoint an officer (generally the Classification Officer) to provide for a classification plan for each youthful inmate including a determination of level of risk and program needs developmentally appropriate for adolescents. Classification plans for a youthful inmate shall include consideration of the physical, mental, social, and educational maturity of the youthful inmate.

Comment [JD4]: ACA 5-5B 4309



D. Programming

Adequate program space shall be provided to meet the physical, social, and emotional needs of each youthful inmate, including daily exercise. Allowance shall be made for personal interactions and group-oriented activities. In areas outside of housing, the department shall maintain sight and sound separation between youthful and adult inmates or shall provide direct staff supervision when youthful inmates have sight, sound, or physical contact with adult inmates.

**Comment [JD5]:** ACA 5-5B-4310 and PREA 115.14 for the "exercise"

**Comment [JD6]:** ACA 5-5B-4311

E. Staff Training

- a. Staff who work with youthful inmates shall receive training in the developmental, safety, and other specific needs of youthful inmates. The training should include the following subjects:
1. adolescent development
  2. educational programming
  3. cultural awareness
  4. crisis prevention and intervention
  5. legal issues
  6. housing and physical plant
  7. policies and procedures
  8. the management of and programming for sex offenders
  9. substance-abuse services
  10. cognitive-behavioral interventions, including anger management, social-skills training, problem solving, and resisting peer pressure
  11. suicide prevention
  12. nutrition
  13. mental-health issues
  14. gender-specific issues
  15. case-management planning and implementation
- b. Staff positions specifically assigned to youthful inmate housing or which are responsible for programming for youthful inmates shall have functional job descriptions and qualifications which require the training designated for working with youthful inmates and such staff shall complete such training before being assigned to work with youthful inmates.

**Comment [JD7]:** ACA 5-5B-4312



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

## ADMINISTRATIVE DIRECTIVE

**SUBJECT: Youthful Inmates**

**NUMBER: 18-48**

**SUPERSEDES: New**

**APPLICABILITY: All Employees**

**REFERENCE: AR 802-Classification of  
Offenders**

**PAGE 1 of 3**

**APPROVED: Original signed by Wendy Kelley**

**EFFECTIVE DATE: 12/13/18**

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### **I. POLICY:**

The Arkansas Department of Correction will ensure that youthful inmates are assigned to a specialized housing unit in order to provide the proper programs and the direct supervision necessary to ensure safety and security.

### **II. PURPOSE:**

To provide effective intervention programming for youthful inmates transitioning into the adult system within the Arkansas Department of Correction. The goal of the program is to provide a safe environment and programming designed to build strong character while providing an opportunity for each inmate to reach his or her full potential as a responsible law-abiding citizen and to reduce recidivism.

### **III. DEFINITIONS:**

1. **Direct Staff Supervision** – a method of inmate supervision designed to assure safety and security in which security staff are in the same room with, or within reasonable hearing distance of the inmate.
2. **Youthful Inmate** - Any inmate under the age of 18.
3. **Youthful Inmate Housing** – a housing unit where youthful inmates will not have sight, sound, or physical contact with any adult inmate through the use of a shared dayroom or other common space, shower area,

or sleeping quarters, and which provides for direct staff supervision of youthful inmates.

#### IV. **PROCEDURE:**

##### A. Intake Procedure

The intake process for male and female youthful inmates will occur at the units specified by the Department for male and female intake, respectively.

##### B. Housing

1. Youthful Inmates shall be housed in youthful inmate housing except when:
  - a. A violent or predatory youthful inmate poses an undue risk of harm to others within youthful inmate housing; or
  - b. A qualified medical or mental health specialist recommends and documents that the youthful inmate would benefit from housing outside youthful housing.
  - c. For any youthful inmate housed outside youthful inmate housing, there shall be promptly prepared a written statement of the specific reasons for housing the youthful inmate outside youthful inmate housing and including a case management plan specifying what behaviors need to be modified and under what conditions the youthful inmate may be returned to youthful inmate housing. The statement of reasons and case management plan must be reviewed and approved by the warden or designee. The placement outside youthful inmate housing must be reviewed by the warden or designee at least every thirty (30) days to determine whether the youthful inmate should be returned to youthful inmate housing.

##### C. Classification

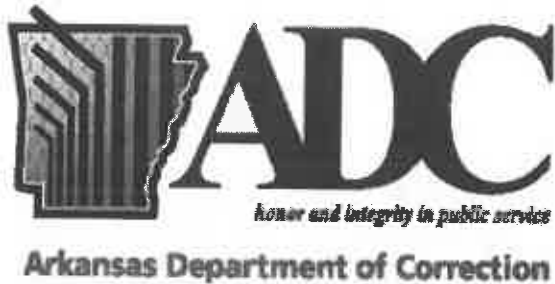
The Warden/Deputy Warden of any Arkansas Department of Correction facility that houses youthful inmates shall appoint an officer (generally the Classification Officer) to provide for a classification plan for each youthful inmate including a determination of level of risk and program needs developmentally appropriate for adolescents. Classification plans for a youthful inmate shall include consideration of the physical, mental, social, and educational maturity of the youthful inmate.

#### D. Programming

Adequate program space shall be provided to meet the physical, social, and emotional needs of each youthful inmate, including daily exercise. Allowance shall be made for personal interactions and group-oriented activities. In areas outside of housing, the department shall maintain sight and sound separation between youthful and adult inmates or shall provide direct staff supervision when youthful inmates have sight, sound, or physical contact with adult inmates.

#### E. Staff Training

- a. Staff who work with youthful inmates shall receive training in the developmental, safety, and other specific needs of youthful inmates. The training should include the following subjects:
  1. adolescent development
  2. educational programming
  3. cultural awareness
  4. crisis prevention and intervention
  5. legal issues
  6. housing and physical plant
  7. policies and procedures
  8. the management of and programming for sex offenders
  9. substance-abuse services
  10. cognitive-behavioral interventions, including anger management, social-skills training, problem solving, and resisting peer pressure
  11. suicide prevention
  12. nutrition
  13. mental-health issues
  14. gender-specific issues
  15. case-management planning and implementation
- b. Staff positions specifically assigned to youthful inmate housing or which are responsible for programming for youthful inmates shall have functional job descriptions and qualifications which require the training designated for working with youthful inmates and such staff shall complete such training before being assigned to work with youthful inmates.



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

## ADMINISTRATIVE DIRECTIVE

**SUBJECT:** Searches of Inmates, Unit Searches and Control of Contraband

**NUMBER:** 18-15

**SUPERSEDES:** ~~11-2418-15~~

**APPLICABILITY:** All employees and inmates

**REFERENCE:** AR 401 Searches for and Control of Contraband

AD - Inmate Property Control,

AD - Body Cavity Searches for

Contraband; AD - Inmate

Correspondence Containing Contraband

PAGE 1 of 5

**APPROVED:** Original signed by- \_\_\_\_\_ Wendy Kelley

**EFFECTIVE DATE:** 12/15/184/4/18

### I. POLICY:

It shall be the policy of the Arkansas Department of Correction (ADC) to have procedures in place to detect and deter the introduction, manufacture, possession and/or conveyance of contraband.

### II. PURPOSE:

The control of contraband within a correctional environment is necessary to provide a safe, secure environment for inmates, employees and visitors. The following will provide Arkansas Department of Correction (ADC) staff with information and guidelines regarding approved procedures for the suppression of contraband and to specify approved search methods.

### III. DEFINITIONS:

- A. "Contraband" means any item or items determined by the Board of Corrections or ADC to jeopardize the safety, security, or good order of its institutions, including but not limited to the following:

1. Nuisance Contraband - Any item or article which may be or may have been authorized for possession, but which is now prohibited because excessive quantities present health or fire hazards or have become a housekeeping problem.
  2. Articles in excess of established facility limits, articles that have been altered or used for unauthorized purposes, and/or articles in an inmate's possession in an unauthorized area.
  3. Unauthorized articles seized during a search of living quarters, place of assignment, vehicle or personal search.
  4. Items which are illegal or banned by policies.
- B. "Inmates" mean persons incarcerated by the Department of Correction.
- C. "Staff" means all ADC employees, volunteers, contract medical and mental health employees, Arkansas Correctional School employees and employees of Riverside Vo-Tech.
- D. "Strip Search" means an unclothed body search, which requires the person to remove his or her clothing in conformance with approved procedures and professional practices.
- E. "Pat Search" means a clothed body search consisting of an individual's garments and personal effects ready at hand and the surface of the individual's body and the area within the individual's immediate control.

#### IV. **PROCEDURE:**

##### A. Searches in General

Searches may include but are not limited to the following elements:

1. Searches of inmates on or off ADC property, including search of persons, clothing, and other personal items; or
2. Searches of all vehicles transporting inmates; or
3. Inspection of packages and other nonvehicular items entering and leaving the facility to include inspection by electronic means; or
4. Use of hand-held and walk-through detectors to detect and deter the movement of contraband; or
5. Use of ion scanning devices, drug dogs, and other electronic or advanced technological detection devices.

##### B. Inmate Searches

Searches of inmates are conducted as often as necessary to control contraband, but never for purposes of punishment or harassment.

All searches will be conducted in a professional manner with training in cross-gender pat searches, as well as searches of transgender and intersex inmates in the least intrusive manner possible consistent with security needs. Procedures for inmate searches shall include but are not limited to the following:

1. Facility wide searches carried out in accordance with established Procedures including prior to all holidays;
2. Searches in other common areas, including but not limited to inmate and program work areas such as the kitchen, visitation room, school, day rooms, activity areas, outside recreation and work areas.

- a. Pat Searches of Inmates (clothed body search)

Pat searches may be conducted by an employee of either gender and may be performed at any time in any area of the facility; however, in recognition of the Prison Rape Elimination Act standards acknowledging the increased likelihood that female inmates may have a history of trauma, if a female officer is present and available (not otherwise occupied), the female officer will conduct the pat search of a female inmate<sup>1</sup>. Pat searches ordinarily do not require an inmate to remove clothing other than hats, gloves, coats and shoes.

- b. Strip Search of Inmates (unclothed body search)

Strip searches shall be conducted by staff of the same gender as the inmate except in cases of emergency (i.e., escape, riot, etc.)<sup>2</sup>. Strip searches of inmates do not require reasonable suspicion that the individual is concealing contraband.

- c. All inmates who will be restrained will be strip searched prior to being removed from their cell.

3. Use of body cavity will be searches in accordance with established procedures.

### C. Unit Contraband Searches

1. All areas of the units shall be searched thoroughly for contraband on a routine basis.

<sup>1</sup> Should a female officer be present and available, but a male officer conduct the pat search of a female inmate, documentation will be completed as to why that officer conducted the search.

<sup>2</sup> Should an officer of the opposite gender of the inmate conduct a strip search, documentation will be completed describing the emergency.

- a. The search may be limited to a specific building or area of the unit.
- b. All routine unit contraband searches shall be randomly scheduled and conducted in accordance with existing procedures.

D. Institutional Lockdown Searches

1. The warden shall consult with the appropriate Deputy or Assistant Director regarding the necessity of a complete search for contraband with an associated institutional lockdown.
2. The appropriate Deputy or Assistant Director shall inform the Director of the lockdown and search, including the specific reasons for the request and the proposed dates.
3. All contraband searches accomplished in association with an institutional lockdown shall be conducted in accordance with established procedures.
4. The warden may request additional resources and support to assist the unit during the institutional lockdown and search.
4. The institutional lockdown and search is to be followed up with written documentation following established incident notification procedures.

In addition, the warden shall prepare a written report to the appropriate Assistant or Deputy Director within 48 hours after completion of the lockdown and search. The report shall include, but is not limited to the following information: (1) what was confiscated, (2) number of major disciplinarys prepared, and (3) summary of significant events.

E. Personal Property

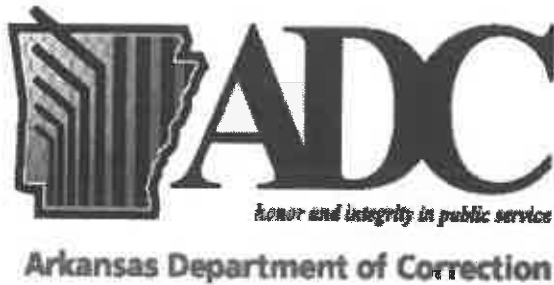
1. Any item, whether contraband or personal property, taken from an inmate shall be documented on the appropriate ADC confiscation form (for example: Form 401).
2. Although it is essential that all searches are thorough and systematic, it is equally important that no damage, loss or abuse occurs to any personal property. Any such loss or damage that is determined to be through neglect may result in disciplinary action against the negligent employee(s) and officer(s), and they may be liable for the replacement cost of such items.

F. Disposition of Contraband

All contraband except as noted herein shall be dealt with in accordance with the policy regarding inmate property control or other applicable policies.



1. Any instrument of criminality such as drugs or firearms shall be secured in a safe or other appropriate location within the unit. Notification shall be given to Internal Affairs. Proper chain of custody shall be maintained in accordance with established procedure. No drugs/weapons are to be destroyed without first obtaining written approval from Internal Affairs to ensure the preservation of evidence relative to any criminal proceedings.
2. U.S. currency and money orders recovered from inmates shall be properly receipted, documented, and deposited in the Inmate Welfare Fund. Excess currency may be held and secured as evidence for criminal or administrative proceedings.
3. Weapons, other than those in item 1, should be destroyed at the unit.
4. Unauthorized mobile/wireless telephone devices that are confiscated will taken to the central office Radio Shop or East Arkansas Regional Unit for processing as soon as possible. These devices may be donated to a non-profit or other outside agency in lieu of destruction, at the discretion of the Director.



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

## ADMINISTRATIVE DIRECTIVE

**SUBJECT: Searches of Inmates, Unit Searches and Control of Contraband**

**NUMBER: 18-49**

**SUPERSEDES: 18-15**

**APPLICABILITY: All employees and inmates**

**REFERENCE: AR 401 Searches for and Control of Contraband**

**AD - Inmate Property Control,**

**AD - Body Cavity Searches for**

**Contraband; AD – Inmate**

**Correspondence Containing Contraband**

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**APPROVED: Original signed by Wendy Kelley**

**EFFECTIVE DATE: 12/15/18**

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### **I. POLICY:**

It shall be the policy of the Arkansas Department of Correction (ADC) to have procedures in place to detect and deter the introduction, manufacture, possession and/or conveyance of contraband.

### **II. PURPOSE:**

The control of contraband within a correctional environment is necessary to provide a safe, secure environment for inmates, employees and visitors. The following will provide Arkansas Department of Correction (ADC) staff with information and guidelines regarding approved procedures for the suppression of contraband and to specify approved search methods.

### **III. DEFINITIONS:**

- A. “Contraband” means any item or items determined by the Board of Corrections or ADC to jeopardize the safety, security, or good order of its institutions, including but not limited to the following:

1. Nuisance Contraband - Any item or article which may be or may have been authorized for possession, but which is now prohibited because excessive quantities present health or fire hazards or have become a housekeeping problem.
  2. Articles in excess of established facility limits, articles that have been altered or used for unauthorized purposes, and/or articles in an inmate's possession in an unauthorized area.
  3. Unauthorized articles seized during a search of living quarters, place of assignment, vehicle or personal search.
  4. Items which are illegal or banned by policies.
- B. "Inmates" mean persons incarcerated by the Department of Correction.
- C. "Staff" means all ADC employees, volunteers, contract medical and mental health employees, Arkansas Correctional School employees and employees of Riverside Vo-Tech.
- D. "Strip Search" means an unclothed body search, which requires the person to remove his or her clothing in conformance with approved procedures and professional practices.
- E. "Pat Search" means a clothed body search consisting of an individual's garments and personal effects ready at hand and the surface of the individual's body and the area within the individual's immediate control.

#### **IV. PROCEDURE:**

##### **A. Searches in General**

Searches may include but are not limited to the following elements:

1. Searches of inmates on or off ADC property, including search of persons, clothing, and other personal items; or
2. Searches of all vehicles transporting inmates; or
3. Inspection of packages and other nonvehicular items entering and leaving the facility to include inspection by electronic means; or
4. Use of hand-held and walk-through detectors to detect and deter the movement of contraband; or
5. Use of ion scanning devices, drug dogs, and other electronic or advanced technological detection devices.

##### **B. Inmate Searches**

Searches of inmates are conducted as often as necessary to control contraband, but never for purposes of punishment or harassment.

All searches will be conducted in a professional manner with training in cross-gender pat searches, as well as searches of transgender and intersex inmates in the least intrusive manner possible consistent with security needs. Procedures for inmate searches shall include but are not limited to the following:

1. Facility wide searches carried out in accordance with established Procedures including prior to all holidays;
2. Searches in other common areas, including but not limited to inmate and program work areas such as the kitchen, visitation room, school, day rooms, activity areas, outside recreation and work areas.
  - a. Pat Searches of Inmates (clothed body search)

Pat searches may be conducted by an employee of either gender and may be performed at any time in any area of the facility; however, in recognition of the Prison Rape Elimination Act standards acknowledging the increased likelihood that female inmates may have a history of trauma, if a female officer is present and available (not otherwise occupied), the female officer will conduct the pat search of a female inmate<sup>1</sup>. Pat searches ordinarily do not require an inmate to remove clothing other than hats, gloves, coats and shoes.
  - b. Strip Search of Inmates (unclothed body search)

Strip searches shall be conducted by staff of the same gender as the inmate except in cases of emergency (i.e., escape, riot, etc.)<sup>2</sup>. Strip searches of inmates do not require reasonable suspicion that the individual is concealing contraband.
  - c. All inmates who will be restrained will be strip searched prior to being removed from their cell.
3. Use of body cavity will be searched in accordance with established procedures.

#### C. Unit Contraband Searches

1. All areas of the units shall be searched thoroughly for contraband on a routine basis.

<sup>1</sup> Should a female officer be present and available, but a male officer conduct the pat search of a female inmate, documentation will be completed as to why that officer conducted the search.

<sup>2</sup> Should an officer of the opposite gender of the inmate conduct a strip search, documentation will be completed describing the emergency.

- a. The search may be limited to a specific building or area of the unit.
- b. All routine unit contraband searches shall be randomly scheduled and conducted in accordance with existing procedures.

D. Institutional Lockdown Searches

1. The warden shall consult with the appropriate Deputy or Assistant Director regarding the necessity of a complete search for contraband with an associated institutional lockdown.
2. The appropriate Deputy or Assistant Director shall inform the Director of the lockdown and search, including the specific reasons for the request and the proposed dates.
3. All contraband searches accomplished in association with an institutional lockdown shall be conducted in accordance with established procedures.
4. The warden may request additional resources and support to assist the unit during the institutional lockdown and search.
4. The institutional lockdown and search is to be followed up with written documentation following established incident notification procedures.

In addition, the warden shall prepare a written report to the appropriate Assistant or Deputy Director within 48 hours after completion of the lockdown and search. The report shall include, but is not limited to the following information: (1) what was confiscated, (2) number of major disciplinarys prepared, and (3) summary of significant events.

E. Personal Property

1. Any item, whether contraband or personal property, taken from an inmate shall be documented on the appropriate ADC confiscation form (for example: Form 401).
2. Although it is essential that all searches are thorough and systematic, it is equally important that no damage, loss or abuse occurs to any personal property. Any such loss or damage that is determined to be through neglect may result in disciplinary action against the negligent employee(s) and officer(s), and they may be liable for the replacement cost of such items.

F. Disposition of Contraband

All contraband except as noted herein shall be dealt with in accordance with the policy regarding inmate property control or other applicable policies.

1. Any instrument of criminality such as drugs or firearms shall be secured in a safe or other appropriate location within the unit. Notification shall be given to Internal

Affairs. Proper chain of custody shall be maintained in accordance with established procedure. No drugs/weapons are to be destroyed without first obtaining written approval from Internal Affairs to ensure the preservation of evidence relative to any criminal proceedings.

2. U.S. currency and money orders recovered from inmates shall be properly receipted, documented, and deposited in the Inmate Welfare Fund. Excess currency may be held and secured as evidence for criminal or administrative proceedings.
3. Weapons, other than those in item 1, should be destroyed at the unit.
4. Unauthorized mobile/wireless telephone devices that are confiscated will be taken to the central office Radio Shop or East Arkansas Regional Unit for processing as soon as possible. These devices may be donated to a non-profit or other outside agency in lieu of destruction, at the discretion of the Director.