

Following are administrative directives and administrative memoranda issued by Arkansas Community Correction with an effective date from July 1, 2017 through September 30, 2017.

Document Title	Effective Date
Code of Ethics and Rules of Conduct AD 17-34	7/17/2017
Community Correction Center Duty Officer AD 17-21 (this was omitted previously)	4/28/2017
Dress Code, Appearance, and Uniforms AD 17-24	8/1/2017
Employee Leave AD 17-31	7/7/2017
Prison Rape Elimination Act (PREA) AD 17-33	8/6/2017
Resident Serious Illness/Injury or Death AD 17-28	7/31/2017
Searches for, Control & Disposition of Contraband & Evidence AD 17-32	8/28/2017
Travel Rules and Reimbursement AD 17-22	8/14/2017
Weapons and Security Equipment AD 17-35	7/31/2017



Arkansas Community Correction

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ADMINISTRATIVE DIRECTIVE: 16-0917-34 Code of Ethics and Rules of Conduct

TO: Arkansas Community Correction Employees

FROM: Sheila Sharp, Director

SUPERSEDES: AD 14-0316-09

APPROVED: _____
Signature on File
17, 2017

EFFECTIVE: December 1, 2016 July

- I. APPLICABILITY.** This policy applies to Arkansas Community Correction (ACC) employees. In a manner generally interpreted to be appropriate, this policy also applies to ACC agents. Agents include volunteers, interns, contractors and vendors. (4-APPFS-3C-02)
- II. POLICY.**

It is ACC policy to create and maintain a secure, professional, and productive work environment, where employees and agents conduct themselves in a manner that does not impair ACC operations and does not compromise their authority or erode public confidence. Employees and agents are expected to obey laws and departmental policies; uphold generally recognized standards of professional ethics and conduct as described in this directive; and demonstrate respect for the safety, rights, and dignity of others.
- III. GUIDANCE.** The Code of Ethics and Rules of Conduct, at Attachment 1, represents ACC's commitment to ethical and efficient provision of services. It describes the expected behavior of ACC employees and agents. The agency encourages people to focus on positive character traits and actions to serve as positive role models for offenders. Supervisors must provide a copy or access to a copy of this policy initially and again during performance reviews. Employees must review this policy annually prior to signing their performance evaluation.
- IV. ATTACHMENTS.**

Attachment 1 Code of Ethics and Rules of Conduct

**Arkansas Community Correction
CODE OF ETHICS AND RULES OF CONDUCT**

CODE OF ETHICS

As an ACC employee or agent I will adopt and uphold the agency's ethics as follows:

1. I will strive to enhance public safety by enforcing state laws and court mandates through community partnerships and evidence-based programs that hold offenders accountable while engaging them in opportunities to become law-abiding, productive citizens.
 2. I will make a dedicated effort to conduct my official and private life in a manner that fosters public confidence in me and ACC.
 3. I will adhere to agency policy.
 4. I will follow applicable directives of the Arkansas Board of Corrections and Arkansas Parole Board.
 5. I will develop and encourage relationships with colleagues to promote mutual respect within the profession and to enhance service quality.
 6. I will follow law and policy regarding confidentiality and release of public records.
 7. I will manage each case with appropriate concern for both the offender and public safety.
 8. I will uphold the civil and legal rights of all individuals.
 9. I will respect, promote and contribute to a work place that is safe, healthy and free of harassment in any form.
 10. I will report any illegal or unethical behavior that could affect either an offender or the agency.
 11. I will comply with law and policy pertaining to procurement, campaigning, lobbying, and political activities.
 12. I will refrain from making public statements critical of colleagues or the agency that create disharmony, are disruptive, undermine operations, or impair working relationships within the agency or with other entities.
 13. I will comply with law and agency policy pertaining to sexual behavior.
 14. I will NOT discriminate against any employee, prospective employee, or offender on the basis of race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information.
 15. I will NOT use my official position to secure personal privileges or advantages for myself or others.
 16. I will NOT solicit or accept any gift, favor or preferential treatment that could be interpreted as influencing my judgment or decisions in the performance of my duties.
 17. I will NOT enter into any formal or informal activity or agreement that presents a conflict of interest or is inconsistent with the conscientious performance of my duties.
- (4-APPFS-3C-02)

RULES OF CONDUCT

- R-1. Punctuality.** An employee must be punctual in all of his or her official engagements.
- R-2. Reporting for Duty.** An employee must report for duty at the time and place required by assignment or orders and must be physically and mentally fit to perform his/her duties. A non-exempt employee may not work beyond his/her regular day without prior supervisory approval. He/she must be properly equipped and cognizant of information required for proper performance of duty so that he/she may immediately assume his/her duties.
- R-3. Area of Assignment.** An employee assigned a Community Correction Center function must not leave any post, assignment, duty, or area without permission from his/her supervisor.
- R-4. Absenteeism.** An employee must not falsely report illness or injury, misuse sick leave or otherwise deceive or attempt to deceive agency officials about his/her health.
- R-5. Work Performance.** In fulfilling job responsibilities, an employee must act competently, with reasonable diligence, and a commitment to professional service. An employee has a duty to fully understand his or her job responsibilities and is obligated to seek assistance from superiors in matters of technicality or principle when unclear. Dereliction of duty or misrepresenting job performance violates this standard and subjects an employee to disciplinary action.
- R-6. State Property.** State property must be used only for State business. Employees and agents must accept responsibility for the proper care, accountability, and maintenance of State property. Employees and agents must not misuse, abuse, or allow misuse or abuse of State property.
- R-7. Gathering and Processing Property and Evidence.** Property or evidence that has been discovered, gathered or received in connection with ACC responsibilities will be processed in accordance with established ACC procedures. An employee or agent must not convert to his or her own use, or manufacture, conceal, falsify, destroy, remove, tamper with, or withhold any property or evidence.
- R-8. Employee Telephone Numbers.** An employee must notify his or her supervisor within seventy-two (72) hours of a change in the employee's home/cell telephone number. Employees must not give other employees' non-work telephone numbers to non-employees.
- R-9. Changes in Employee's Personal Information and Attributes.** Employees must promptly notify their supervisor of changes in phone numbers, address, emergency contacts, and any attributes associated with the Arkansas Continuity of Operations (ACCOOP) program.
- R-10. Attentiveness.** An employee must remain alert at all times during business hours.
- a. **Prohibition of Sleeping.** An employee must remain awake while on duty. If unable to do so, and in danger of falling asleep, he or she must report to a supervisor, who must immediately release the employee from duty, and place him/her in appropriate leave status pending further supervisory review and appropriate action.
 - b. **Inattentiveness.** While on duty, an employee must not engage in any activities or personal business that causes him or her to neglect or be inattentive to his or her assigned tasks.

- R-11. Insubordination.** An employee must promptly obey any lawful order of and follow all reasonable instructions issued by a supervisor or superior.
- R-12. Truthfulness.** An employee or agent responding to various persons involved in agency fact-finding or other internal or external administrative processes must cooperate fully and truthfully. Reports submitted by an employee must be truthful, complete, timely, and in accordance with established ACC report writing procedures. No employee or agent must knowingly enter or cause to be entered inaccurate, false or improper information nor improperly alter or intentionally omit pertinent information on any document prepared in the performance of his/her job duties.
- R-13. Abuse of Process/Retaliation.** An employee or agent must not knowingly make false accusations of misconduct or initiate any action against other employees, agents or offenders in retaliation for their filing of a lawsuit, grievance, report (to include a report filed on alleged infractions), cooperation with an investigation, or for any other purpose.
- R-14. Garnishments and Unresolved Debt.** Employees are expected to honor their legal debts and avail themselves of services such as debt counseling to avoid garnishments. Failure to honor debts acknowledged by an ACC employee to be valid or reduced to judgment by a court is a rule of conduct violation. Multiple garnishments, for different debts, against an employee's wages will subject an employee to progressively more severe disciplinary action. Four garnishments - each for a different debt - within a two-year period are grounds for an employee's termination. If a garnishment is the result of another person's failure to honor a debt (for example, employee co-signed for a relative), disciplinary action may be reduced accordingly. However, ACC will in no circumstance act as a collection agency or determine the validity or amount of contested debts.
- R-15. Possession and Use of Drugs.** Employees and agents must not possess or use any controlled substance in violation of state or federal law or ACC policy. Employees and agents taking prescription drugs must notify their immediate supervisor of any physical or pharmacological condition that causes physical or cognitive impairment that could affect their ability to perform the essential functions of their duties safely. Impairment is considered to be a condition that can affect judgment, reaction time, or motor skills, as it may affect the ability to perform certain duties safely and proficiently or to operate a motor vehicle safely. In instances where an employee or agent believes and/or medical personnel indicate that a medication may affect judgment and/or reaction time, authorization to perform certain essential duties and/or operate a motor vehicle will be suspended. Authorization will be reinstated upon the cessation of the effects of the medication. An employee may be required to take sick leave if the medication prevents the employee from doing his or her job.
- R-16. Use of Alcohol While on the Job.** Employees and agents must not perform duties under the influence of alcohol nor consume alcohol during work hours, on or off state-owned or state leased property, including lunch and break periods.
- R-17. Citizen Complaints and Information Requests.** An employee must courteously and promptly accept, and if needed record in writing, a citizen's request for information or a complaint/concern about the agency, any ACC employee, or an offender under ACC supervision. An employee may attempt to resolve a complaint, but must never attempt to dissuade any citizen from lodging a complaint and must immediately inform his or her supervisor of any complaint. All requests for information must be handled pursuant to ACC policy/procedure and state and federal law.

R-18. Conduct Toward All Persons. ACC subscribes to a policy of professionalism, equality and fairness in the provision of services and the discharge of authorized duties. An employee or agent must respect and protect the civil and legal rights of all persons. Employees and agents must treat offenders with dignity and must not verbally, physically or mentally abuse them or subject them to corporal punishment, humiliation, or punitive interference with their daily functions of living, such as eating or sleeping. The use of corporal punishment is contrary to humane standards of care and professional correctional practices and as such is absolutely prohibited. Corporal punishment is striking, pushing, shoving, kicking, improperly using chemicals, or engaging in any act to cause bodily pain and discomfort to an individual for the purpose of disciplining or correcting that individual's behavior. This provision in no way prohibits a staff member or agent from using that force necessary to protect him/herself from injury or to prevent injury to other employees, agents, or residents. This provision in no way prohibits an employee from preventing property damage or escape or achieving compliance with a reasonable and lawful order. (4-ACRS-6A-03)

R-19. Abusive/Intimidating Behavior and Harassment. Physical abuse of other employees, agents, offenders, or other persons is prohibited. Fighting, assault, battery, threats, abusive language, intimidation, sexual misconduct, sexual abuse, sexual harassment, non-sexual harassment, reckless or disorderly conduct or conduct that places employees, agents or other persons in fear of harm is prohibited. An employee or agent must not bargain with other employees or agents for sexual favors, nor make or infer job benefits or advantages contingent upon acceptance of such an offer. Employees and agents must not act in a way that creates or contributes to an intimidating, hostile, or offensive work environment. Employees and agents must refrain from behaviors or speech that a reasonable person would consider to be unwelcome or offensive. (4-ACRS-6A-05)

R-20. Firearms and Other Weapons. The unauthorized possession of firearms, explosives, or other weapons during work hours is prohibited. This applies to employees and agents.

R-21. Social Media. Even when not at work or on duty, ACC employees and agents remain representatives of ACC. As such, they must act responsibly when making public comments and when using social media and other networked communication platforms such as Facebook, Myspace, Twitter, Instagram, Snapchat, YouTube, blogs, and forums. Employees are free to express themselves on social media within the scope of policy guidance, but they should be aware that posts on social media may compromise their safety and the safety of others and posts may be used to discredit them in court.

Employees and agents will be held accountable for the content that appears on their social media or social networking sites whether or not the content was posted by the individual.

Examples of content that must not be posted on social media or on networked communication platforms include:

- Prohibited: Posting content that is inconsistent with the ACC Code of Ethics and Rules of Conduct and related policy, rules/regulations, and laws.
- Prohibited: Posting on social media confidential information or information protected by law or policy.
- Prohibited: Cyberbullying. Cyberbullying is using information and communication technologies to support deliberate and hostile behavior by an individual or group with the intention of harming another person. Cyberbullying is also hurtful or harassing text messages or emails; rumors sent by email or posted on social networking sites; and embarrassing pictures, videos, websites, or fake profiles.

- Prohibited: Posting information or pictures on social media that actually or potentially compromise staff/public safety, undermine operations, or cause disruption or disharmony in the workplace.
- Prohibited: Posting, transmitting, reproducing, or disseminating unauthorized information (texts, pictures, official training, work assignments, video, audio, etc.) to the Internet or any other public or private forum that would tend to discredit or reflect unfavorably upon its employees/agents, the agency or other criminal justice / law enforcement agencies or impairs working relationships within the agency or with other entities.
- Prohibited: Creating an unauthorized site that appears to be an official ACC site. Also prohibited, posting images of agency logos, emblems, badges, and patches that specifically identify ACC in such a manner that would lead a viewer to believe the site was an official ACC site or was sanctioned by the agency; unless authorized by the Director or designee.

R-22. Contraband. Employees and agents must not introduce or attempt to introduce any illegal or unauthorized item (for example, cell phones or other communication devices or their components, tobacco products, drugs, weapons, etc.) into a facility owned, operated or contracted by ACC.

R-23. Safety. Employees and agents must observe fire prevention and other safety rules. The employees and agents must also drive safely and avoid accumulating excessive points on their driving record, otherwise, they may be prohibited from using a State vehicle, receiving personal vehicle mileage reimbursement, or employment may be terminated if driving is an essential function of their job.

R-24. Travel Reimbursement. Employees who travel on agency business must ensure that their travel plans have advance approval from their supervisor and that travel reimbursement requests are reasonable, accurate, and made in compliance with ACC policy.

R-25. Conflicts of Interest. Employees must comply with Arkansas law section 21-8-304, which describes the following prohibited activities:

- a. An employee must not use or attempt to use his or her official position to secure special privileges or exemptions for himself or herself or his or her spouse, child, parents, or other persons standing in the first degree of relationship, or for those with whom he or she has a substantial financial relationship that are not available to others except as may be otherwise provided by law.
- b. An employees must not accept employment or engage in any public or professional activity while serving as a public official which he or she might reasonably expect would require or induce him or her to disclose any information acquired by him or her by reason of his or her official position that is declared by law or regulation to be confidential.
- c. An employees must not disclose any such information gained by reason of his or her position, nor shall he or she otherwise use such information for his or her personal gain or benefit.

R-26. Relationships.

- a. Business Relationships. To avoid any conflict of interest, employees must adhere to Arkansas law section 19-11-705 in their relationships with businesses that provide services and supplies for state agencies. In addition, an employee who has or obtains any benefit from a state contract with a business in which the employee has a financial interest must make a disclosure to the Director of the Department of Finance and Administration (DFA) in accordance with Arkansas law section 19-11-706 and the DF&A Rules and Regulations for Implementing Governor's Executive Order 98-04.
- b. Employees and agents must not engage in sexual contact during assigned work hours or while on ACC premises or in ACC vehicles. Intimate contact by ACC employees while on duty is prohibited.
- c. Employees must not knowingly enter into a private business relationship or partnership, including financial transactions, with an offender or his/her family member while the offender is in ACC custody or under ACC supervision, unless the employee and offender are related. Agents are encouraged to abide by this.
- d. Employees must not enter into or continue associations or dealings with persons whom the employee knows or should know are reputed to be involved in criminal behavior, with the exception of associations or dealings necessary to perform official duties or when family relationships make such associations or dealings unavoidable. Agents are encouraged to abide by this.
- e. An employee must not knowingly establish or continue a social relationship with an offender as long as the offender is in ACC custody or under its supervision and for two years following the offender's release from custody or supervision unless the employee and offender are related.
- f. The ACC standard is zero tolerance for all forms of sexual abuse, sexual harassment and other harassment.

Any sexual contact, intercourse or deviant sexual activity between an offender under ACC supervision and an employee or agent — with or without the offender's consent — is expressly prohibited, unless the employee or agent is the spouse of the offender under ACC supervision. (Arkansas law sections 5-14-126 and 5-14-127)

Any sexual abuse of an offender under ACC supervision by an employee or agent is prohibited and is a violation of policy and Prison Rape Elimination Act (PREA) standards. Any attempt, threat, or request by an employee or agent to engage in sexual abuse activities is also prohibited.

~~Employees and agents are also prohibited from sexual relations with an offender's immediate family unless the employee or agent is the spouse. (4 APPFS-3C-02)~~

- g. Business and intimate personal relationships between supervisors and subordinates are prohibited. Personal relationships include dating; cohabitation; touching; ogling, requiring some sexual performance for sexual gratification—even if it does not involve touching; and sexual relationships. Business relationships include loaning and borrowing money and business partnerships. ACC employees at different levels of the same chain of supervision must not engage in social relationships that are prejudicial to or compromising of good order and discipline.

R-27. Organizing Funds and Other Assets. Employees and agents who have access to ACC funds in any form must follow the prescribed procedures for recording, handling, and protecting money as detailed in DFA's Financial Management Guide and other official

guidelines.

R-28. Agency Records and Communications. Employees and agents must not make or engage in any false record or communication, internal or external, such as false expense, attendance, production, financial or similar reports and statements; and false advertising, deceptive marketing practices, or other misleading representations. ACC books and records must reflect accurate and timely recordings of all business transactions.

When communicating publicly on matters that involve ACC business, employees and agents must not speak for ACC on any topic unless they are certain the views they express are those of ACC management and that it is ACC management's desire that such views be expressed publicly.

R-29. Partisan Political Activity. Employees and agents are encouraged to participate in election processes, but only on their own time. Annual, compensatory or holiday leave may be taken for this purpose. However, an employee must not endorse candidates in his or her official capacity as a State employee or engage in partisan political activity during the hours he/she is performing work for the state of Arkansas. Political banners, posters, literature, or any other political materials must not be displayed on State property (4-ACRS-7E-13).

R-30. Privacy and Confidentiality. An employee or agent must not disclose to any unauthorized person any information declared by law, policy, or regulation to be confidential nor use such information for his or her personal gain or benefit. When handling financial and personal information about those with whom ACC has dealings, the following principles must be observed:

- a. Collect, use and retain only the personal information necessary for ACC business. Whenever possible, obtain any relevant information directly from the person concerned. Use only reputable and reliable sources to supplement this information.
- b. Retain information only for as long as necessary or as required by law and policy. Protect the physical security of this information.
- c. Limit internal access to personal information to those with a legitimate business reason to have the information. Use personal information only for the legitimate business purpose for which it was obtained. Release of any information to persons not involved with the stated business purpose should be made by the Communications Office in response to a Freedom of Information Act request.

R-31. Discriminatory Behavior Prohibited. ACC does not condone, permit or tolerate discrimination of employees, applicants, agents, offenders, or members of the public. An employee or agent who knowingly permits, engages in or incites illegal discrimination, interferes with an investigation, or retaliates against anyone who has filed a complaint will be subject to disciplinary action up to and including termination of ACC employment. The agency's full non-discrimination policy statement is located in the "Equal Employment Opportunity and Affirmative Action Program" policy.

R-32. Professionalism. While on the job, an employee, or agent must demonstrate professionalism as follows:

- a. Courteous, Patient, and Respectful Attitudes. An employee or agent must be patient, courteous and respectful. An employee or agent must be tactful in the performance of his or her duties, control his or her temper, exercise patience and discretion, and not become involved in inappropriate arguments even in the face of provocation.
- b. Inappropriate Language and Gestures. An employee or agent must not use violent, profane, or insolent language or gestures while on duty and while on ACC property.
- c. Inappropriate Actions. An employee or agent must not engage in horseplay, fighting, practical jokes, or any other conduct that endangers the safety of any individual.

R-33. Private Conduct. An employee or agent must conduct him/herself at all times, both on and off the job, in a manner that reflects favorably on ACC. Conduct that is unbecoming includes that which damages the ACC image as a law enforcement/criminal justice agency or reflects discredit upon the character of the employee or agent as a member of ACC or impairs ACC operations.

R-34. Conformance to Laws and Rules. An employee or agent must not commit or omit acts that he or she knows, or should know, would constitute a violation of any written rules, regulations, procedures, directives, memoranda or ACC orders. ACC will not condone conduct that either violates or has the appearance of violating law and ethical provisions, such as receiving payments for illegal acts, indirect contributions, rebates or bribery.

An employee or agent arrested for a violation of law must immediately report that fact to a member of his/her supervisory chain. A conviction or admission of any violation that interferes with or impairs an employee's or agent's duties, public trust or the operations or efficiency of ACC must be considered some evidence constituting a violation of this policy. However, lack of a criminal complaint, charge, or disposition or an acquittal of a violation of law must not preclude internal administrative investigation and disciplinary action.

R-35. Responsibility to Report Ethics Violations, Fraud, Waste and Abuse. ACC employees and agents have a responsibility to report occurrences of ethical violations, fraud, waste or abuse of ACC resources that can be verified through investigation.



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ADMINISTRATIVE DIRECTIVE: 17-21 COMMUNITY CORRECTION CENTER DUTY OFFICER

TO: ARKANSAS COMMUNITY CORRECTION EMPLOYEES

FROM: SHEILA SHARP, DIRECTOR

APPROVED: _____ Signature on file _____ EFFECTIVE: April 28, 2017

- I. APPLICABILITY.** This policy applies to all Arkansas Community Correction (ACC) employees, especially to Center Supervisors, Assistant Center Supervisors, Chief Security Officers, and Treatment Supervisors.
- II. POLICY.** ACC will ensure an appropriate administrative staff member is designated to act during the absence of the Center Supervisor during weekends, holidays, and after office hours during the scheduled work week on all matters related to residential facility operations.
- III. GUIDELINES.** In order to ensure continuous residential operations, the following procedures must be followed:
 - A.** The Center Supervisor or Assistant Center Supervisor must be on call at all times and in charge of the residential facility. The Assistant Center Supervisor, Chief Security Officer and Treatment Supervisor may be scheduled to act as Duty Officer in the absence of the Center Supervisor.
 - B.** When the Center Supervisor is absent from the unit for an extended period of time, the Deputy Director must be notified.
 - C.** The following staff members are designated by the Center Supervisor as Duty Officers:
 1. Assistant Center Supervisor
 2. Chief Security
 3. Treatment Supervisor

Other staff members may be authorized as a Duty Officer when necessary as approved by the Deputy Director of Residential Services.

- D. A duty schedule is prepared by the Center Supervisor's office as needed and distributed to appropriate staff. At a minimum, schedules will be prepared and distributed to appropriate staff on a quarterly basis.
- E. The duty week will commence at 7:00 a.m. on Monday and end the following Monday at 7:00 a.m.
- F. During his/her duty week, the assigned Duty Officer must be available for immediate contact by telephone or radio and be available for immediate response to the center or departmental emergencies.
- G. The Duty Officer will be on the unit or in close enough proximity to the unit to allow for immediate response to the center during the duty week should an emergency arise. Close proximity is defined as the unit grounds and/or an area that allows response within a maximum of 45 minutes.
- H. The Duty Officer is responsible for advising the PBX, Main/Master Control, and the Shift Supervisor of his/her contact number and/or location at all times during the duty week. The Duty Officer is responsible for having his/her assigned cell phone on his/her person during the duty week.
- I. If there is a substitution made in the Duty Officer coverage, it will be the responsibility of the on-duty person to advise the appropriate staff of the change.
- J. The Duty Officer will be required during the weekends and holidays to conduct a walk-through of the entire center to ensure meals, special events, and facility operations are carried out smoothly, safely, and securely. The Duty Officer should ensure the walk through is logged in all related area logs for the record.
- K. The Duty Officer is to work a flex schedule during his/her duty week to be able to periodically attend shift briefings, AMD, PMD, RMT and meet the obligations and responsibilities of his/her job.
- L. As part of the on-call responsibilities of the Duty Officer, no consumption of alcoholic beverages will be permitted during his/her assigned duty week or while covering the center for another Duty Officer.
- M. The dress code for the Duty Officer on the weekends and holidays is the same as for any other regularly scheduled work day. Uniformed staff will be required to wear uniforms and non-uniformed staff will wear casual business attire. No jeans, sweat suits, etc.
- N. The Duty Officer is responsible for the supervision of the entire unit operation, which includes the supervision of other duty personnel, such as maintenance staff who are required to assist in the operation of the facility. A schedule must be given to each Duty Officer and main/master control center.

- O. Even though he/she is not required to be present in the visitation area during visitation hours, the Duty Officer is encouraged to conduct unannounced walk-throughs of the visitation center to ensure proper procedures are being followed and a high degree of security is maintained consistently. The Duty Officer must make the final decision on any visitor denied access to the facility and/or the termination of any visits.
- P. The Duty Officer is responsible for prompt reporting of incidents to the Center Supervisor and Deputy Director per procedures outlined in Administrative Directive "Reporting and Investigation Incidents, Hazards and Maltreatment." All incidents warranting contact with the Deputy Director will be reported to the Center Supervisor, as well and if possible, prior to the Deputy Director.
- Q. Unless otherwise directed by the Center Supervisor, the priority one posts must be staffed in accordance with the Shift Assignment Roster. Any deviation in staffing of these posts will require authorization from the Center Supervisor or Duty Officer.
- R. Any deviation from these procedures will require the Center Supervisor's prior consent.

IV. References: Administrative Regulation 002



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ADMINISTRATIVE DIRECTIVE: ~~14-08 DRESS CODE~~17-24 Dress Code, Appearance, and Uniforms

TO: Arkansas Community Correction Employees

FROM: Sheila Sharp, Director

SUPERSEDES: AD ~~10-11~~14-08

APPROVED: Signature on File
2017

EFFECTIVE: ~~March 10, 2014~~August 1,

I. APPLICABILITY. This directive applies to all ACC employees.

II. POLICY. Employees are to use good judgment in their dress and appearance, keeping safety in mind and that a professional appearance is important in projecting the proper image to the public and to offenders.

III. GUIDELINES.

A. Attire Requirements.

1. All employees must wear neat and clean, pressed clothing. Normal daily attire is uniform, business or business casual attire (suit, tie, slacks or skirt, dress shirt with tie, casual shirt, sweater, dress-females).

Some examples of inappropriate attire are shorts; beach-style thong shoes; sweats; T-shirts; overalls; wind or jogging suits; see-through, revealing, provocative, bare-back, tank or halter tops; uncovered strapless tops; and tattered clothing. Tights, leggings, yoga pants or other types of hosiery must be accompanied by a top or dress that extends at least to the fingertips. Blue jeans and other casual wear are not considered appropriate for daily office attire under normal circumstances.

No costumes may be worn at the workplace except for agency approved events.

2. Guidance for wearing protective vests and carrying security equipment is in the Weapons and Security Equipment policy.

B. Hair

1. ~~1. All Employees:~~ Hair must be properly groomed (clean, neat) and styled so as to present a professional appearance. Extreme hairstyles that detract from professionalism are not allowed. Hair color must be of natural tones. Non-natural tones such as maroon, pink, green, blue, purple, orange or bright red are NOT acceptable.

~~2. Uniformed Security Personnel and Law Enforcement Officers (LEOs).~~

~~Female employees must keep long hair arranged in a neat fashion so that it does not extend past the shoulder. Male employees must keep their hair trimmed.~~

2. All Residential Security Officers: Designs or numbers cut or sculpted into hair are prohibited. Hair must not be styled or combed forward any lower on the forehead than the employee's eyebrows, measured from the high point of the eyebrow.

3. Male Law Enforcement Officers: Hair must be neatly trimmed so that it does not extend over the top of the ears or the collar. Sideburns must be neatly trimmed, no wider than 1 inch and no longer than the bottom of the earlobe.

4. Male Residential Security Officers: Hair must be neatly trimmed so that it does not extend over the top of the ears or the collar. Sideburns must be neatly trimmed, no wider than 1 inch and no longer than the bottom of the earlobe. Braids, cornrows, mohawks and dreadlocks are prohibited.

~~neatly trimmed, no wider than 1" and no longer than the bottom of the earlobe.~~

~~3~~

5. Female Residential Security Officers: Long hair must be arranged in a fashion so that it does not extend over the collar or ears. Hair may be held in place by plain black fasteners placed as inconspicuously as possible. Decorative accessories are prohibited. Braids, cornrows, dreadlocks, ponytails, and mohawks are prohibited. Hair styles that would allow a resident to get a hand hold are not allowed. Hairpieces including wigs and extensions are prohibited unless medically required as documented by a physician.

~~6. ACC Students and Instructors in Basic Training Academies. Students and ACC~~

~~instructors: Hair must maintain their hair be above the collar while participating in or conducting instructing basic training academies.~~

C. Face.

All employees: Designs or numbers cut or sculpted into eyebrows are prohibited.

Male uniformed personnel and law enforcement officers (LEOs) employees are allowed Residential Security Officers: Faces must be clean-shaven; however, a neatly trimmed mustache that does not moustache is allowed. The moustache cannot extend below the cornercorners of the mouth nor the top of the upper lip. With the-

~~exception of a mustache, male~~

~~Residential Services employees must keep a clean-shaven face. LEOs may wear a~~

~~Male Law Enforcement Officers: A neatly trimmed moustache is allowed. The moustache cannot extend below the corners of the mouth nor the top of the upper lip. A neatly trimmed beard only if it is neatly trimmed and no more longer than 1/2" long one-half inch may be worn. However, male male Law Enforcement Officers must be clean-shaven while participating in basic training academies.~~

D. Jewelry. ~~ACC Employees, including outside instructors of ACC-sponsored training, are prohibited from wearing~~

~~All ACC employees: Facial jewelry (e.g., but not limited to, is prohibited during working hours or while representing the ACC. This includes jewelry worn in the tongue, eyebrow, lip and nose rings, gauges, and studs) dermal piercings or implants. Covering a prohibited jewelry item with band-aids is not considered being in compliance with this policy.~~

~~All ACC male employees: Earrings are prohibited during working hours or while representing the ACC. Additionally, male employees may not wear earrings during working hours or while representing the ACC. This does not preclude females from wearing jewelry on their ears when it is not~~

~~All ACC female employees: Earrings are allowed unless otherwise prohibited. Females working as security officers in a residential setting may only wear stud earrings. Employees may not wear earrings when participating in basic and other training classes that include physical activity or when it is prohibited by the training staff. The wearing of other jewelry (chains, bracelets, etc.) prohibited or limited.~~

~~Participants in Training that Includes Physical Activity: Earrings are prohibited. Other jewelry may be restricted by the training staff for safety reasons.~~

~~Female Law Enforcement Officers: One pair of stud earrings or hoop earrings up to one-half inch in diameter is allowed while on duty or in uniform.~~

~~All Residential Security Officers: A wristwatch and two rings are allowed. Religious medallions or medic alert tags may be worn underneath the shirt and must not be visible.~~

~~Female Residential Security Officers: One pair of stud earrings is allowed while on duty or in uniform.~~

E. Fingernails. ~~All ACC employees: Fingernails must keep their fingernails be neatly trimmed to a length that allows performance of the essential functions of the job.~~

~~F. Tattoos. While in uniform, employees must project a professional appearance at all times. Tattoos on necks, arms and other visible areas distract from that professional appearance; therefore, all tattoos shall not be visible while in uniform. Band Aids may be used to cover the tattoos; however, if tattoos cover the entire arm, long sleeves must be worn.~~

~~Residential Security Officers: Fingernails must not exceed one-eighth of an inch past the end of the fingertips. Only clear, non-decorative fingernail polish is allowed.~~

~~F. Tattoos. All ACC employees: Tattoos must not be readily noticeable while at work.~~

G. Monitoring/Enforcing Compliance. Supervisors and managers are responsible for monitoring employee appearance and enforcing these standards. An employee inappropriately dressed may be sent home to change. Time for this purpose will be charged to available leave (other than sick leave), or leave without pay. Continued violations may result in disciplinary actions up to and including employment termination of employment.

H. Uniforms.

1. Uniformed personnel consist of ACC Special Response Team members: ~~parole/probation officers; Officers, Law Enforcement Officers, Residential Food Service Staff, and Residential food service staff, security officers, and residential supervisors other than the senior supervisor. Security Officers.~~
2. The uniform is optional for the Center/Assistant Center Supervisors and, Area/Assistant Area Managers, — and above. Employees in these positions are not considered to be “uniformed personnel.”
3. Center Supervisors may authorize uniformed personnel to wear additional agency issued items on belts as necessary, ~~for example, such as handcuffs, or flashlights or a chemical weapon.~~
- 2 4. Following a line of duty death of a law enforcement officer, ACC ~~officers may place a black mourning band across their badge. The band may be worn from the day of death until the completion of the officer’s funeral. The band may also be worn each year on National Peace Officers Memorial Day or for any other official memorial for fallen officers. On appropriate occasions, a notification will be sent to employees from the Director, Chief Deputy Director, or appropriate Deputy Director.~~
5. ID and law enforcement badges must be visible, but cannot be worn on a lanyard or chain around the neck. When worn, the law enforcement badge must be attached to the belt or vest.
6. Shirt-tails must be tucked inside trousers, except in instances of pregnancy. Rank insignia and Agent pins must be worn on the collar evenly spaced from the collar point.

- I. Requirement to Wear the ACC Uniform.** Uniformed personnel must wear the uniform during all hours while on duty unless an exception applies. The uniform may be worn during travel to and from work. The uniform is optional for the SRT.

Parole/Probation officers may wear business or business casual attire when it is appropriate to do so, such as when going to court or professional meetings. In instances of pregnancy, the Area Manager or Assistant Area Manager may grant exceptions on a case by case basis.

Exceptions may be made on a case-by-case basis by the Center Supervisor, Assistant Center Supervisor or Senior Residential Supervisor when an employee has jury duty for part of the day, must attend a professional meeting or in instances of pregnancy.

- J. Uniform Accountability, Issuing and Documentation.** Area Managers and Center Supervisors must appoint a supply officer and have a method to ensure appropriate uniform issuance (to include rank insignia), replacement, turn-in, inventory control, destruction and management. For weapons and security equipment, also see the “Weapons and Security Equipment” policy.

1. **Employee Responsibility.** Employees are accountable for their uniform items and other agency property issued to them. They must keep their uniforms clean and serviceable. If a uniform (or equipment) is damaged, lost or stolen the employee must promptly notify his/her immediate supervisor and, as appropriate, submit a written report.
2. **Uniform Issue.** The supply officer must ensure the type of uniform issued is appropriate for job assignments and issued clothing is properly documented on Form 1, Receipt for Clothing/Equipment. The issuance of uniforms and equipment as follows:
 - a. **Food Service:** Initial issue of 3 gray shirts, 3 black pants, ~~23~~ chef jackets. Chef jackets will be replaced on an as needed basis with Center Supervisor’s approval.
 - b. **Residential Security Officers (excluding CWC and SRT):** Initial issue of 3 gray shirts, 3 black pants, 1 insulated winter jacket with supervisor’s approval, 1 hat, 1 handcuff case, 1 pepper spray case, and up to 3 one set of insignia pins. Other equipment may be issued upon approval of the Center Supervisor.
 - c. **Community work crew (Residential Services):** Initial issue of 3 gray shirts, 3 black pants, 1 insulated winter jacket with supervisor’s approval, 1 hat, 1 handcuff case, 1 pepper spray case, and up to 3 one set of insignia pins. Other equipment will be issued as needed with the approval of the Deputy Director of Residential Services.

- d. Special Response Team Members: Initial issue of 3 black shirts, 3 black pants, 1 insulated winter jacket with supervisor's approval, and 1 hat, holster, duty belt, handcuff case, pepper spray case, magazine case, and belt keeper. Other equipment will be issued on an as needed basis with approval of supervisor and Deputy Director.
 - e. Center/Assistant Center Supervisors and Area/Assistant Area Managers: Initial issue of 3 gray shirts, 3 black pants, and 1 insulated winter jacket with supervisor's approval, and 1 hat.
 - f. Parole and Probation Officers and Agents: Initial issue of 3 gray shirts, 3 black pants, 1 insulated winter jacket with supervisor's approval, and 1 hat, holster, duty belt, handcuff case, pepper spray case, magazine case, and belt keeper. Other equipment will be issued on an as needed basis with approval of supervisor and Deputy Director.
 - g. Any other equipment or uniforms needed for job duties must be approved by Center Supervisors, Area Managers and Deputy Director.
 - h. Reissue of shirts and pants will be on the employee's PE date following one year after original issue. For example, a person being issued uniforms and equipment in January who has a November PE date, would get an initial issue in January. This employee would then wait one full year until the next January then another 10 months until his/her November PE date.
3. Employee-Purchased Items Required for Wear with Uniforms.
Items the employee must purchase to complete the uniform include dark black socks, plain black leather belt, black tee shirts (long or short sleeved), and shined plain and closed-toe black shoes or boots with up to a 2" heel, no taps. Additional uniforms, hats, and coats may be purchased by employees if they are of the same type, design and color as agency issued items. Contact Purchasing for information about purchasing from the uniform-supply contractor.
 4. Handcuffs. Handcuffs must be black and/or silver.
 5. Ending ACC Employment. Employees who are ending employment with ACC will return their ACC-issued uniforms, agency identification, gas and all other issued cards, and equipment to the supply officer or supervisor, receive a receipt for the returned items and present the completed receipt to the CCC personnel officer (if at a correction center) or Human Resources Section (staff who are not at a center).
 56. Replacement Process. Uniforms must NOT be replaced when there is "normal wear and tear" because the agency authorizes replacement uniforms annually.

When a uniform (or equipment item) is damaged while performing job duties, the immediate supervisor must assess whether the cause was inadvertent (work related) or through some fault of the employee. The supervisor must then contact the Central

Office procurement office to determine the best method for procuring a replacement. When an employee is at fault for the damage, the supervisor should ensure the employee purchases the item, reimburses the agency for the value of the item, or the item is replaced under warrantee.

The supply officer or supervisor must ensure accurate descriptions, accounting, and reporting are accomplished for returned and missing uniforms and equipment.

67. Destruction of Unserviceable Shirts. The supply officer upon receipt of unserviceable shirts must remove and cut-up the embroidered words and ACC logo and dispose of it so it cannot be reused.

K. Identification Card for Residential Facility Staff.

Residential facility staff must wear their ACC Identification Card so that it is visible on the upper portion of the body. This can include attaching the ID card to the shirt pocket, the collar or the button portion of the shirt, the front left side of the pants or with the use of a break-away lanyard.

IV. ATTACHMENT FORM.

AD 14-0817-24 Form 1, Receipt for Clothing/Equipment

Note, we did not include a markup of the form.



Arkansas Community Correction

Two Union National Plaza Building
105 West Capitol, 3rd Floor
Little Rock, AR 72201-5731
501-682-9510 (office) 501-682-9513 (fax)

ADMINISTRATIVE DIRECTIVE: AD ~~16-1817-??~~ EMPLOYEE LEAVE

TO: ARKANSAS COMMUNITY CORRECTION (ACC) EMPLOYEES

FROM: SHEILA SHARP, DIRECTOR

SUPERSEDES: AD ~~15-0716-18~~

APPROVED: Signature on File EFFECTIVE: September 9, 2016

- I. APPLICABILITY.** This policy applies to all ACC employees.
- II. POLICY.** All employees are expected to abide by the leave guidelines as outlined in this policy.
- III. EMPLOYEE LEAVE.**
 - A. ANNUAL LEAVE.** Annual leave is earned at a predetermined rate based on years of service. Leave is earned during each month and is available the first day of the following month. Leave cannot be used until it is available. Annual leave can be used in increments of 15 minutes.

For employees using approved alternative work schedules of 10-hour days, when taking a full day of annual leave, it will be charged at a rate of 10 hours a day not to exceed 40 working hours in a seven-day work week or 80 hours in a 14-day pay period.

Employees must request leave in advance and receive approval by the supervisor prior to the leave beginning. Supervisors may deny a leave request due to "business necessity." An employee will not earn annual leave when on leave without pay for ten (10) or more cumulative days within a calendar month.

Annual Leave is cumulative and no employee can have more than 30 days (240 hours) accumulated on December 31 of each year. Accrued leave may exceed 30 days (240 hours) during the calendar year, but those days in excess of 30 days (240 hours) will be forfeited if not used by December 31 of each year. Employees who have a balance exceeding 30 days (240 hours) at the end of the calendar year may donate their time over 30 days (240 hours) to the Catastrophic Leave Bank ~~or as shared~~ leave. Accrued Birthday and Holiday leave balances are not forfeited at the end of the year even though the employee is carrying ~~more than~~ over 30 days (240 hours) of

annual leave. Employees cannot borrow from anticipated future accruals and may not use annual leave accrued by other employees ~~unless approved as shared leave.~~

— All compensatory time should be used before the use of annual leave. Employees transferring without a break in service ~~or, between state agencies and/or state-supported institutions of higher education; that are covered by these policies, will~~ shall retain all accumulated annual leave. When an employee terminates employment with the state, he/she is eligible to receive a payout of their annual, ~~as well as birthday and holiday, leave balances; however, the payout may~~ cannot exceed 30 days or 240 hours.

- B. CATASTROPHIC LEAVE.** The Catastrophic Leave Program allows the continuation of salary and benefits for an eligible employee who has exhausted all paid leave due to a medical condition and/or catastrophic illness. A catastrophic illness is a medical condition as certified by a physician of the employee or the employee's spouse, parent or child who may be claimed as a dependent under the Arkansas Income Tax Act of 1929; that requires the employee's absence from duty for a prolonged period of time ~~and that which, except for the catastrophic leave program, would result in a substantial loss of income to the employee because of the exhaustion of all earned sick and annual leave.~~ A prolonged period of time is a continuous period of time (minimum of thirty (30) days) whereby a medical condition prevents the employee from performing ~~his/her~~ the employee's duties.

The catastrophic leave bank is a pool of accrued annual and sick leave voluntarily donated by state employees and managed by Department of Finance and Administration Office of Personnel Management that may be approved for use by employees who meet the catastrophic illness/injury eligibility requirements.

All Catastrophic Leave requests will be submitted to DFA-OPM for review and determination. This policy includes a brief summary of OPM Catastrophic Leave Bank Program. For more detailed guidance, see the policy on the DFA-OPM website.

The combination of catastrophic leave for the stated medical conditions that are, due to illness/injury or for maternity purposes, which ~~received by an employee receives~~ may not exceed one thousand, two hundred (1,200) hours in a calendar year (1,040 hours for illness/injury and 160 hours for maternity purposes).

1. Eligibility Requirements to Apply for Catastrophic Leave (see Maternity Leave for eligibility requirements for maternity purposes):

- a. The applicant must be a regular full-time employee.
- b. The employee must have been employed by the State of Arkansas ~~for more than two (2) consecutive years~~ for at least one (1) year in a regular, full-time position from the date of application.

- c. Employees must have exhausted all sick, annual, holiday and compensatory leave, and at the onset of the illness or injury, had to his/her credit at least eighty (80) hours of combined sick and annual leave. "Onset of the Illness" means the initial beginning or start, as certified by a physician, of the medical condition that created the need for the catastrophic leave request. If a recurrence of the same illness necessitates a subsequent catastrophic leave request, the eligibility requirement that the employee have eighty (80) hours of combined sick and annual leave at the onset of the illness will not be required on the illness recurrence date. For maternity purposes, the eighty ~~(80) hours of combined sick and annual leave credit is not required at the time of application for catastrophic leave.~~
- d. The "80-hour requirement" may be waived for an otherwise eligible employee if an "extraordinary circumstance" is declared by the ACC director due to the applicant providing documentation that one of the following conditions has occurred:
 - 1) The employee applying for catastrophic leave had, during the previous ~~two (2)~~ one (1) year period, another medically documented, catastrophic illness, as defined by this policy, that was not compensated under the agency approved Catastrophic Leave Bank Program and caused the exhaustion of all annual and/or sick leave, or
 - 2) The employee applying for catastrophic leave had, during the previous ~~two (2)~~ one (1) year period, exhausted his/her sick and annual leave as a direct result of supplementing workers' compensation benefits, which were received due to an on-the-job injury or illness with the State of Arkansas.
- e. The employee has not been disciplined for leave abuse during the past ~~two (2)~~ years from the date of application.
- f. An employee is eligible for approved catastrophic leave due to injury/illness for a maximum of six (6) months (1,040 hours) within a five (5) year period. Additional requests within the five (5) year period may be submitted for review and determination by the OPM Catastrophic Leave Bank Committee and State Personnel Administrator. This requirement does not apply for maternity purposes. The combination of shared and catastrophic leave received by an employee may not exceed two thousand eighty (2,080) hours in a calendar year.
- g. An employee shall must not be approved for catastrophic leave for a maternity purpose unless the employee has provided acceptable proof of the birth or placement. For the birth of an employee's biological child, acceptable proof includes a hospital announcement with the mother's name and/or the

biological child's name, hospital discharge papers with the mother's name and the biological child's name, or a birth certificate of the biological child. For the placement of an adoptive child in an employee's home, acceptable proof includes a formal document from the placement entity with the mother's name and the child's name or legal guardianship papers with the mother's name and the child's name. The acceptable proof will be maintained by the agency submitting the request but certified as part of the application process or as follow-up to the application using the Maternity Purposes Eligibility Date Verification form.

- h. Approved catastrophic leave for a medical emergency or for maternity purposes must ~~shall~~ be applied concurrently with the Family and Medical Leave Act, if the employee is eligible.

2. Donations of Leave to the Catastrophic Leave Bank Program.

- a. Accrued leave may be donated to the Catastrophic Leave Bank Program only in one (1) hour increments. Donations of leave will be granted hour-for-hour and not dollar-for-dollar.
- b. No employee of a participating agency/institution will be allowed to donate leave to the Catastrophic Leave Bank Program if such donation will reduce that employee's accrued sick and annual leave balance to less than eighty (80) hours. This restriction does not apply to employees who are terminating their employment.
- c. Annual and/or sick leave that have been donated to the Catastrophic Leave Bank may not be restored to the employee who donated the leave time.
- d. Approved donations of leave will be transmitted to the Catastrophic Leave Bank Program by submitting the approved donor form.

To donate leave to the Catastrophic Leave Bank Program, employees must secure the necessary forms from HR, the timekeeper, or EagleNet ACCESS; complete the forms; and return them to the timekeeper to be promptly submitted to the Human Resources Section.

3. Catastrophic Leave Bank Program Administration

- a. To be considered for catastrophic leave an employee must complete an application, with attachments, and forward them ~~it~~ to the Human Resources Section. HRS will notify the applicant of approval or disapproval of the request. Catastrophic leave will not be awarded retroactively.

- b. Employees on catastrophic leave will continue to accrue leave in accordance with existing leave policies and will receive the normal state benefits, such as agency contributions to insurance and retirement.
- c. Employees in a catastrophic leave status, for maternity purposes, during a four (4) week period, will have the accrued annual and sick leave removed for the month the catastrophic leave status begins through time evaluation.; If the employee in a catastrophic leave status, for maternity purposes, accrues birthday leave during that time, the accrued birthday leave will be removed at the time of the birthday through time evaluation.; If the employee in a catastrophic leave status, for maternity purposes, accrues holiday leave during that time, the holiday leave will have to be manually removed through a quota correction for non-exempt employees. Birthday and holiday leave during the catastrophic maternity leave period will be reflected as paid catastrophic leave. No accrued leave, annual, sick, holiday and/or birthday leave, will be returned to the OPM Catastrophic Leave Bank.
- c. An employee may be dismissed for failing to report to work promptly at the expiration of the period of approved/granted catastrophic leave. Nothing, however, shall prevent the agency from accepting satisfactory reasons provided by the employee, in advance of the date the employee is scheduled to return to work, and from granting leave without pay status to an employee prior to or after the expiration of catastrophic leave if, in the view of the Director, such action is warranted. Supervisors should not take disciplinary action for such leave until the application has been formally approved or denied.
- e. Alleged or suspected abuse of the Catastrophic Leave Program will be investigated; and on a finding of wrongdoing, an employee must repay all of the leave hours awarded from the Catastrophic Leave Bank Program and will be subject to disciplinary action as determined by the Director.

C. Child Educational Activities Leave. All state employees shall be entitled to eight (8) total hours of leave, regardless of the number of children, during any one (1) calendar year for the purpose of engaging in and traveling to and from the educational activities or interscholastic activities of a child.

Children's Educational Activities Leave that is unused will may not be carried over to the next year. Children's Educational Activities Leave is not compensable to the state employee at the time of retirement.

DC. —FAMILY AND MEDICAL LEAVE ACT (FMLA). —For detailed guidance on FMLA, see the policy on the DFA-OPM website The federal Family and Medical Leave Act (FMLA) of 1993 requires all public agencies to provide up to 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

Comment [CB1]: I took out last time, but this needs to be added back in. My goal was to focus on the major leave topics and leave the little ones up to DFA, but this should be in here

impending call or order to active duty) in the Armed Forces in support of a contingency operation. Federal law has expanded FMLA to provide up to 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 year (cumulative); and for 1,250 hours over the previous 12 months.

1. Procedures:

- a. The FMLA provides for leave for any of the following reasons:
 1. To care for the employee's child after birth or placement ~~by~~^{for} adoption or foster care;
 2. To care for the employee's spouse, son or daughter (under age 18; or if 18 or older, incapable of self-care due to a mental or physical disability as defined by the Americans with Disabilities Act), or 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 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 18), or parent is called to or on active duty.
- b. An employee must use accrued paid leave in place of unpaid leave. An employee may take FMLA on a full time or intermittent basis.
- c. An employee is required to provide the employer with at least 30 days advance notice before FMLA leave is to begin if the need for leave is foreseeable based on an expected birth, placement ~~by~~^{for} adoption or foster care, or planned medical treatment for an employee's or family member's serious health condition. If 30 days' 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 or two working days of learning of the need for leave.
- d. An employee will provide at least verbal notice to ~~his/her~~^{their} supervisor upon application to HR for FMLA, and the anticipated timing and duration of the leave requested. The employee must follow ACC policy regarding call-in procedures for reporting any absence, unless there are extenuating circumstances. A leave slip ~~must~~^{should} also be completed including this information.

e. The Human Resources Section will provide a packet of information and forms for employees requesting FMLA leave. If verbal notice is given by the employee, the Human Resources Section may complete the ACC 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 (no later than 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.

e.

f. If the agency has reason to believe an employee's leave may be FMLA qualifying, the employee will be provided promptly with the FMLA packet. An absence of more than three (3) consecutive days that involves continuing treatment by a health care provider may be considered sufficient "reason to believe."

g. The ~~s~~Supervisor must notify the Human Resources Section that an employee has been out of work for four (4) days. The Agency Human Resources Manager will abide by the following procedures:

1. FMLA papers will be mailed to the employee via certified mail.
2. The Human Resources Section will advise the employee of the 15-calendar day timeframe from the date information was mailed to return the completed FMLA paperwork.
3. If at the end of the 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 Human Resources Section will specify in writing which information is lacking and give the employee seven (7) calendar days to cure the deficiency.
5. Upon completion of the 12-week period (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 his/her position, and has depleted all accrued leave, the employee ~~will~~ may be terminated. However, if a physician determines an employee is unable to perform one of the essential functions of his/her current job due to a permanent disability, the Human Resources Section must be notified and

the procedures stipulated in the Administrative Directive on ADA must be followed.

6. Prior to returning to work, an employee who has been on FMLA leave due to his/her own health condition, must provide to ~~his/her~~their supervisor or HRS an essential job function questionnaire completed by his/her physician certifying fitness for duty.

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

h. Under FMLA, job benefits and protection include:

1. For the duration of FMLA leave, ACC 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 ACC while the 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. Employees must meet all merit criteria to be eligible regardless of being absent from work because of medical leave.

Employees approved for FMLA will ~~only~~ be approved for only the amount of time as noted on the medical paperwork. If more FMLA is needed, the employee must request submit additional FMLA paperwork to the Human Resources Section.

DE. HOLIDAY LEAVE. Employees will be granted time off to observe the following regularly scheduled legal holidays:

New Year's Day	January 1
Dr. Martin Luther King, Jr.'s & Robert E. Lee's Birthday	Third Monday in January
George Washington's Birthday & Daisy Gatson Bates Day	Third Monday in February
Memorial Day	Last Monday in May

Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Christmas Eve	December 24
Christmas Day	December 25

The Governor may issue an Executive Proclamation to declare additional days as holidays in observance of special events or for other reasons. ACC employees are not allowed to work on a holiday unless they are required for security or other reasons at an ACC 24-hour facility; they are designated as essential staff in Pulaski County; the General Assembly is in session; or the employee is authorized by a supervisor. If a state-observed holiday falls on a scheduled workday, the holiday is taken that day. If it falls on a Saturday, the holiday will be observed the day before the holiday. If it falls on a Sunday, the holiday will be observed on the following Monday.

Employees at work sites with an approved 10-hour a day work schedule will accrue worked holidays at 10 hours a day; however, there is no change for the annual or sick leave accrual. When a holiday is worked, it must be entered as "banked" in AASIS for future use. If an employee is on paid leave when a holiday occurs, the holiday time will be applied rather than another type of leave, if possible.

F. EASE (Empowering Arkansas State Employees). Employees are to request leave using the EASE electronic process, which can be done through their desktop, laptop, or mobile device. Employees who do not have access to a computer, must please notify their supervisor.

Note: Requests for Exceptions to employees entering time are catastrophic, military, Workers Compensation, and any other type of leave not listed in the EASE drop down must be submitted to the Time Administrator. These must be entered by your the Time Administrator. Any questions about the EASE System should be directed to the Time Administrator.

Comment [MJ2]: I added this as some items they are unable to enter

G. EMPLOYEE BIRTHDAY. Employees are given one (1) day (8 hours leave) in recognition of their birthday to be taken on or after their birthday. Employee Birthday leave is taken at the discretion of the employee and with the supervisor's approval. Employee Birthday leave is not automatically deducted as a holiday in lieu of other time off such as sick or annual.

H. LEAVE WITHOUT PAY (LWOP). LWOP is discouraged (except in cases of catastrophic and family medical leave) because it results in staff shortages. LWOP in excess of 40 consecutive hours requires the approval of the appropriate Deputy Director.

An employee must use all leave prior to going into LWOP status with the following exceptions:

1. In the case of maternity leave, ~~the~~^{such} employee may elect to take leave without pay.
2. In the case of disciplinary actions resulting in leave without pay.

An employee approved to go on LWOP is responsible for making timely payments (including ACC match) for group health and life insurance to continue coverage. However, if the employee is receiving Worker's Compensation benefits or is in Family and Medical Leave Act (FMLA) status, ACC will continue to pay the employer-matching amount. Failure to comply with the due dates and premium amounts will result in cancellation of the group health/life insurance. Once insurance is cancelled, the employee cannot reapply until the next open enrollment period.

An employee who is in LWOP status for 10 or more days during a month does not accrue sick or annual leave for that month. Employees may be dismissed if they fail to report to work promptly upon the expiration of the period of LWOP. However, the Director may approve an extension in advance of the date to return to work.

GI. MATERNITY LEAVE. Is to be treated as any other leave for sickness or disability. However, an employee may elect to take leave of absence without pay without exhausting accumulated annual and sick leave. Before taking maternity leave, employees must submit a doctor's statement to their supervisor indicating when maternity leave will begin and end. An Essential Job Functions form is required upon the return from Maternity Leave.

While on maternity leave, employees will continue to earn annual and sick leave unless they are on leave without pay status. Employees have the option of choosing to take leave without pay instead of using earned annual or sick leave. Consult HRS or the section on Family and Medical Leave Policy for requirements that may impact maternity leave.

Eligibility requirements for Catastrophic Leave are as follows:

- The employee must be employed in state government for one year or more.
- The employee cannot have disciplinary actions for leave abuse during the past year from the time of application.
- Up to four (4) consecutive weeks of catastrophic leave with full pay may be granted to employees for maternity purposes. After the four 4-weeks has expired, maternity will be treated as any other leave for sickness or disability.
- An employee is Only-eligible only within the first 12 weeks after birth or adoption of a child.

If an employee is eligible for both catastrophic leave for maternity purposes and family medical leave for maternity purposes, the two will run concurrently.

H.J. MILITARY LEAVE.

- 1. Military Leave for Annual Training.** Regular, full-time state employees who are members of the National Guard or the reserve branches of the United States Armed Forces will be granted leave at the rate of fifteen (15) working days per calendar year, plus necessary travel time for annual training purposes. Up to fifteen (15) unused military leave days may be carried over to the succeeding year for a maximum of thirty (30) military leave days for military training purposes for that calendar year.

Employees who are members of the Inactive Reserve Corps of the United States Public Health Service (USPHS) who desire to take leave for the purpose of participating in the civil defense and public health training programs made available by the United States Public Health Service are eligible for this leave benefit. Employees who are drafted, called up for active duty or for specialized training may also be eligible for military leave benefits. The employee must submit a copy of his/her first orders for a calendar year through their supervisor and timekeeper to HRS so that HRS may establish the 15-day quota in AASIS. Thereafter, the employee must submit military leave requests with orders through his/her supervisor to the timekeeper and the timekeeper maintains the documentation.

- 2. Military who perform active military service for fewer than 31 days** must report for work on the first regularly scheduled workday within 8 hours after discharge from military service. If they serve more than 30 but less than 181 days, they must report within 14 days after discharge. If they serve more than 180 days, they must report within 90 days after discharge from military service.
- 3. Uniformed Services Employment and Reemployment Rights Act (USERRA).** For information about USERRA refer to the poster in your place of employment, the U.S. Department of Labor website, or contact the HRS Administrator.
- 4. Active Duty for Military Service.** A regular full-time employee who is drafted or called to active duty in the Armed Forces of the United States or who volunteers for military service is placed on extended military LWOP. Unused sick and annual leave at the time of military leave will be reinstated at the time the employee returns to ACC unless he/she requests and receives a lump-sum payment for the annual leave balance when placed on the extended military leave. If an employee voluntarily goes on active or full time military duty, he/she must notify the agency prior to going on active duty. If the employee fails to provide such notice he/she may be terminated.
- 5. Active Duty for the Purpose of Specialized Training.** When military members volunteer or are ordered to active duty for the purpose of special training, they are placed on LWOP for the period of training unless they elect to use accrued annual

leave. The LWOP is given in addition to the paid leave for annual military training. In such situations the military member will retain eligibility rights including accumulated annual leave and sick leave. Sick and annual leave do not accrue during the LWOP period.

- 6. Exigency Leave.** Eligible employees are entitled to up to 12 weeks of leave in a calendar year because of "any qualifying exigency" arising because the spouse, son, daughter, or parent of the employee is on covered active duty; or has been notified of an impending call or order to covered active duty status; in support of a contingency operation. The qualifying exigencies for which employees can use FMLA leave are as follows:

- a. Short-notice deployment
- b. Military events and related activities
- c. Childcare and school activities
- d. Financial and legal arrangements
- e. Counseling rest and recuperation
- f. Post-deployment activities
- g. Additional activities not encompassed in the other categories; but agreed to by the agency and employee.

- 7. Military Caregiver Leave.** 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 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. FMLA leave is without pay; however, if an eligible employee has accumulated unused sick or annual leave, the employee is required to substitute the paid leave, including any paid catastrophic leave benefits, for any FMLA leave taken during the 12-week period, with the exception that an employee taking maternity leave may elect to not substitute accrued, unused sick and annual leave while on FMLA leave. Time taken prior to a request or approval for FMLA leave may be charged against the allowable FMLA time.

1. SHARED LEAVE. The Shared Leave Program allows eligible employees to donate sick and/or annual leave to another eligible employee. Eligibility and donor requirements are as follows:

1. Eligibility Requirements. Continuous employment for more than one (1) year by the same agency; cumulative earned sick and annual leave in excess of eighty (80) hours at the onset of the severe illness; applied in writing for shared leave; received written approval for shared leave from his/her employer; and not been disciplined for leave abuse by a state agency within two (2) years from the date of application.

- a. The 80-hour requirement may be waived for an otherwise eligible employee at the discretion of the Director.

- ~~h. No employee shall be approved for shared leave unless the employee is, or is reasonably expected to be, on leave without pay status as a result of a severe illness.~~
- ~~i. An employee who applies for shared leave must provide an acceptable medical certificate from a healthcare provider documenting the severe illness. Shared leave may be used on a full time or intermittent basis; however, in no case will the employee be granted shared leave beyond the date certified by a healthcare provider as the date when the employee is able to return to work.~~
- ~~d. The combination of shared and catastrophic leave received by an employee may not exceed two thousand eighty (2,080) hours in a calendar year.~~
- ~~e. Shared leave may be used in conjunction with Family Medical Leave.~~
- ~~f. Any shared leave donated to an employee that is not used by the employee will be converted to the employer's catastrophic leave bank program.~~
- ~~g. Leave that is accrued by an employee while on shared leave will be donated to the employer's catastrophic leave bank.~~
- ~~h. Donations of shared leave shall be granted hour for hour and not dollar for dollar.~~

~~2. Donor Requirements.~~

- ~~a. Is employed by the same employer as the employee receiving shared leave;~~
- ~~b. Has cumulative earned sick and annual leave in excess of eighty (80) hours prior to donation and the donation will not cause the donating employee to have less than eighty (80) hours, except at termination or retirement; and~~
- ~~c. Has not been disciplined for leave abuse by a state agency within two (2) years from the date of application~~

~~3. Approval. Shared leave will be approved in writing by the agency Director and the Chief Fiscal Officer of the State will determine the agency's funding availability. If shared leave is granted to an employee, the employee will use the shared leave after the employee has exhausted earned sick, annual, holiday, and compensatory leave. Once shared leave is approved, granted, and extracted from the donor's leave bank, it is irrevocable. An Essential Job Functions form is required upon return from Shared Leave.~~

KJ. SICK LEAVE. Sick leave is earned at the rate of eight (8) hours per month regardless of years of service. It is available the first day of the following month. Sick leave cannot be used until it is available. It can be used in increments of 15 minutes. An employee will not earn sick leave when on leave without pay for 10 or more cumulative days within a calendar month.

The use of sick leave is contingent upon the occurrence of one of the events listed below. If the event never occurs, the employee is not entitled to the sick leave benefits:

1. Employee is unable to work because of sickness, injury, or has the need to seek medical, dental or optical treatment; or
2. Death or serious illness of an immediate family member (father, mother, sister, brother, spouse, child, grandchild, grandparents, in-laws or a person acting as a parent, guardian or ward of the employee).

Requests to use sick leave for medical appointments should be made in advance. Employees must notify their supervisor within the first 15 minutes of the duty day every day of absence due to unexpected illness. If physically unable to make the notification 15 minutes, notify the supervisor as soon as possible. The employee must complete a sick leave request upon his/her return to work and no later than two days following the return. An employee is not required to divulge medical symptoms, diagnosis or prognosis when on sick leave or when a doctor's excuse is requested. However, if requested, a doctor's statement must be provided that orders the employee to be off work and specifying the time period. This does not preclude the requirement for detailed medical information for such purposes as FMLA, catastrophic leave, required fitness exams, Americans with Disabilities Act, ~~W~~workers' eCompensation claims, etc.

Banked holidays, straight time, and overtime may be used in lieu of sick leave.

Employees at work sites with an approved 10-hour a day work schedule will be charged at a rate of 10 hours a day when off a full day not to exceed 40 working hours in a seven (7) day work week or 80 hours in a 14 day pay period.

The maximum sick leave that can be carried over to the next calendar year on December 31 is 960 hours.

If an employee is off work 40 or more consecutive hours, a medical "certificate of illness" is required upon returning to work. However, a supervisor may request a medical "certificate of illness" at any time. Employees should provide a signed physician's statement that the illness prevented the employee from performing his/her normal work for a specified period of time.

Employees are not entitled to payment for accrued and unused sick leave when they terminate their employment.

Upon retirement or death, an employee, or beneficiary of an employee, will receive compensation not to exceed \$7,500 for accumulated unused sick leave as outlined in

the Sick Leave Incentive Payout policy of the Department of Finance and Administration-Office of Personnel Management. For details of accrued sick leave payouts, please refer to this state policy, which is available at www.dfa.arkansas.gov.

Upon retirement or death, if the balance of the employee's sick leave does not reach the criteria for a Sick Leave Incentive Payout, the employee or their beneficiary may donate their sick leave to the catastrophic leave bank. When an employee receives a payout for unused sick leave at retirement or death, hours used to calculate the maximum payout of \$7,500 cannot be donated to the catastrophic leave bank. Once the calculation of the number of accrued hours needed to receive a full payout of \$7,500 has been made, any remaining hours may be donated to the agency's shared leave program or the catastrophic leave bank.

IV. FORMS.

Catastrophic Leave Bank Physicians Certification OPM 013

~~Catastrophic Leave Bank Program Application for maternity Purposes~~

~~FMLA Designation Notice~~

~~FMLA-Certification or Qualifying Exigency for Military Family Leave Form~~

~~FMLA-Healthcare Provider for Employee Serious Health Condition Form~~

~~FMLA- Healthcare Provider for Family Member Serious Health Condition Form~~

~~FMLA- Leave Request Form~~

~~FMLA- Serious Injury-Illness Military Family Form~~

~~Leave Request for Employee Form~~

Liability Agreement-Catastrophic Leave Form OPM 014

Returned or Accrued Catastrophic Leave Transmittal OPM 016

FMLA - Your Rights under the Family Medical Leave Act OPM 006

Donation of Sick and Annual Leave to the Catastrophic Leave Program OPM 015

Dependent Child Certification OPM 008

Application for Benefits-Catastrophic Leave OPM 012

~~Shared Leave Application~~

~~Shared Leave Donation~~

~~Shared Leave Dependent Child Certification~~

~~Shared Leave Physicians Certification~~

Comment [CB3]: New form for maternity

Comment [CB4]: Make sure this gets added. Not sure why we never used this.

Comment [CB5]: Now that we are using EASE, can we delete this form from the list. Maybe keep it on ACCess for a while but keep it out of this policy.



Arkansas Community Correction

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501-682-9510 (office) 501-682-9513 (fax)

ADMINISTRATIVE DIRECTIVE: ~~14-01-AD 17-33~~ Prison Rape Elimination Act (PREA)

TO: Arkansas Community Correction (ACC) Employees

FROM: Sheila Sharp, Director

SUPERSEDES: ~~AD 07-11~~AD 14-01

APPROVED: Signature on File
2017

EFFECTIVE: ~~March 24, 2014~~August 6,

- I. APPLICABILITY.** This policy applies to ACC employees, offenders (residents, parolees, and probationers), volunteers, interns, and medical staff.
- II. POLICY.** The ACC standard ~~is~~ has a zero tolerance for all forms of sexual abuse and sexual harassment. Incidents, allegations, and suspicions must be promptly reported, investigated, and appropriate action taken. Perpetrators will be held accountable and where appropriate, criminal charges will be filed. (PREA 115.211(a); 4-ACRS-7E-04; 4-APPFS-3E-05[P])
- III. GUIDANCE.**
 - A. Sexual Abuse, Sexual Harassment, Voyeurism, and Retaliation (PREA 115.6)**
 1. Sexual abuse in general includes
 - a. Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident; and
 - b. Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, volunteer, or intern.
 2. Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:
 - a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - b. Contact between the mouth and the penis, vulva, or anus;
 - c. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
 - d. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

3. Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, volunteer, or intern includes any of the following acts, with or without consent of the inmate, detainee, or resident:
 - a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - b. Contact between the mouth and the penis, vulva, or anus;
 - c. Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 - d. Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 - e. Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 - f. Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs 3a through 3e of this section;
 - g. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident; and
 - h. Voyeurism by a staff member, contractor, or volunteer.
4. Voyeurism by a staff member, contractor, volunteer, or intern means an invasion of privacy of an inmate, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her housing area to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.
5. Sexual harassment includes
 - a. Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by an inmate, detainee, or resident directed toward another; and
 - b. Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.
6. Retaliation includes adverse or unfavorable action taken against a person because of his or her claim, ostracism, or other acts aimed at embarrassing or humiliating a claimant.

B. Resident Training. (PREA 115.233)

1. During orientation and upon transfer
During orientation, new residents must receive verbal and written information about sexual harassment and sexual abuse. This training must include the agency's zero-tolerance stance, how to report incidents and suspicions of sexual abuse/harassment; policy/procedures for responding to incidents; zero tolerance of retaliation against claimants, and other relevant aspects of this policy. Upon transferring into another facility, staff must provide refresher information.

2. Residents with Disabilities and Limited English Proficiency
Instructors must ensure training is in formats accessible to all residents including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, and residents with low literacy levels. (PREA 115.216)

C. Deputy Director of Residential Services Responsibilities.

The Deputy Director of Residential Services has responsibility at the ACC centers for compliance with Prison Rape Elimination Act (PREA) Standards and this policy.

The Deputy Director must also ensure that only in emergency circumstances in which all-reasonable attempts to find a private agency or other entity in compliance with the PREA standards have failed, will ACC enter into a contract with an entity that fails to comply with PREA standards. In such a case, there must be documentation of ACC's unsuccessful attempts to find an entity that is compliant with the standards. (PREA 115.212 [P])

The Deputy Director must ensure resident training is conducted and documented pursuant to the PREA standard and this policy (PREA 115.233).

The Deputy Director must designate an upper-level, agency-wide PREA Coordinator and allow sufficient time and authority to develop, implement, and oversee agency efforts to comply with PREA standards in all ACC centers and contracted facilities. (PREA 115.211(b))

Upon receiving an allegation that a resident was sexually abused while confined at another facility, the Deputy Director of Residential Services must notify the head of the facility where the alleged abuse occurred (PREA 115.263)

D. Assistant Director of Reentry Services.

Assistant Director of Reentry Services responsibilities are:

- The Assistant Director of Reentry Services has responsibility for ensuring compliance with PREA standards applicable to his/her area.
- The Assistant Director of Reentry Services must ensure contracts for transitional housing and any other contracts that may require compliance with PREA standards contain appropriate language requiring compliance with PREA standards when such facilities are required to comply. For each facility with which the ACC contracts for transitional housing, the Assistant Director of Reentry Services must determine whether the facility is required to comply. Contracted facilities with populations consisting of at least 50% ACC offenders for a majority of the contract year must comply. The Assistant Director of Reentry Services must ensure transitional houses are properly monitored. When a contractor is non-compliant, the Director and Deputy Directors of Residential Services and Administrative Services will be informed.(PREA 115.212 [P])

E. Parole/Probation Managers and Central Office Supervisors.

Parole/Probation Managers and Central Office Supervisors must ensure employees, volunteers,

and interns receive annual training on relevant aspects of this policy. (PREA 115.231)

F. PREA Coordinator Responsibilities.

The PREA Coordinator has responsibility for monitoring and facilitating compliance with PREA standards. The PREA Coordinator will:

- ensure a Victim Support Advocate is available for each ACC residential facility (PREA 115.221).
- ensure a process is established for resident access to outside confidential support services (PREA 115.253)
- ensure recurring PREA training is available annually for Residential Services staff, volunteers, and interns who are assigned to correction centers and others as appropriate (PREA 115.215(f), 115.231, 115.232)
- gather data required by PREA standards.
- Ensure compliance with PREA data and audit standards. (PREA 115.286, 115.287, 115.288, and 115.289, 115.293, 115-401 through 115.405, and 115.501)

G. Center Supervisor Responsibilities.

The Center Supervisor has responsibility for ensuring compliance with PREA standards and related ACC policies including the following:

- developing and maintaining a written facility plan to coordinate actions taken in response to sexual abuse incidents by staff who respond first, medical/mental health practitioners, investigators, victim advocates and facility/agency leadership. The plan must be compatible with policy and PREA standards and address applicable aspects of PREA standards 115.282 and 115.283. The "Sexual Abuse Checklist" form (AD 14-017-?? Form 3) may be modified for use with the plan. (PREA 115.265, 115.282, and 115.283)
- developing and managing a documented staffing plan as described in the Residential Facilities policy.
- ensure center staff who are designated to conduct administrative investigations of alleged PREA incidents are appropriately trained.
- ensuring appropriate actions and remedial measures are taken (up to and including employment termination) when policy is violated by staff.
- ensuring appropriate remedial measures, to include considering whether to prohibit further contact with residents when policy is violated by a contractor, volunteer, or intern. (PREA 115.277(b))
- working with the Internal Affairs Investigator (IAA) to ensure reporting to law enforcement agencies unless the activity clearly was not criminal, and ensuring the IAA reports to any relevant licensing body when an investigation determines that a contractor, volunteer, or

intern engaged in sexual abuse. (PREA 115.277(a))

- ensuring the supervisor complies with the Employee Discipline policy when an investigation determines that an employee violated policy.
- ~~conducting sexual abuse incident reviews as described in this policy; ensure PREA investigations are conducted pursuant to the Reporting and Investigating Incidents, Hazards and Maltreatment policy.~~
- ensuring residents who report sexual abuse are notified of significant updates in investigations pursuant to PREA requirements. (PREA 115.273)
- ~~ensure required sexual abuse incident reviews are conducted.~~

H. Training Administrator Responsibility.

The Training Administrator must ensure appropriate PREA training is available for all agency personnel. The PREA Resource Center has training material that can be used.

I. ~~Center Staff Assigned to Conduct Administrative PREA Investigations.~~

Center Staff Assigned to Conduct Administrative PREA Investigations must obtain appropriate training and must investigate pursuant to PREA standards and the Reporting and Investigating Incidents, Hazards and Maltreatment policy.

J. Shift Supervisor and Senior Residential Supervisor Responsibility.

The Shift Supervisor and Senior Residential Supervisor must ensure a resident who is an aggressor or is substantially at risk of being victimized has housing and job assignments that minimize opportunities for sexual acts. If a resident is subject to a substantial risk of imminent sexual abuse, immediate action must be taken to protect the resident. The Senior Residential Supervisor, with the support of the shift supervisor (and all staff), must monitor for retaliation by other staff or residents and must report and take appropriate actions if retaliation occurs. (PREA 115.262 [P]; 115-267(a))

K. Internal Affairs Investigator (IAA) Responsibilities.

~~The IAA must meet PREA standards. Obtain appropriate training necessary for conducting PREA-related investigations of sexual abuse alleged PREA incidents.~~

~~The IAA must investigate alleged PREA incidents pursuant to PREA standards and sexual harassment guidance in the Reporting and Investigating Incidents, Hazards and Maltreatment policy.~~

~~When initial investigation indicates that an employee, contractor, volunteer, or intern has committed a sexual abuse violation, the IAA will refer the incident to the State Police for investigation and ensure appropriate notification to the prosecuting attorney.~~

~~The IAA must develop and maintain an investigation guideline that meets or exceeds PREA requirements. (PREA standards to include 115.234, 115.271, 115.272, and 115.273)~~

~~K~~

L. Medical Contractor Responsibilities.

The medical services contract provider must comply with applicable PREA standards to include submitting necessary reports to ACC and providing contractor staff training. Medical staff must be allowed to participate in and provide ACC PREA training classes. Medical contractor staff must comply with applicable guidance in this policy in addition to any contractor-provided guidance pertaining to PREA.

(PREA standards to include 115.232, 115.235, 115.277, and 115.282(a), 115.283)

~~L~~

M. Resident Assessments, Protection, and Related Actions. (PREA 115.267)

1. Transgender or Intersex Resident. If staff is informed of a transgender or intersex offender assigned to or at a center, the staff must promptly inform the Center Supervisor and/or the Deputy Director of Residential Services. Upon notification, the Center Supervisor / Deputy Director must decide whether to assign the resident to a male or female facility, and must consider related housing and programming assignments. Such decisions must be made on a case-by-case basis to determine whether placement would ensure the resident's health and safety, and whether the placement would present management or security problems. A transgender or intersex resident's own views with respect to his or her own safety must be given serious consideration. (PREA 115.242)
2. Intake Officer. The Intake Officer must complete "Sexual Victimization/Abusiveness Assessment – Intake" form for each incoming resident.
3. Primary Counselor. The Primary Counselor must use the form "Sexual Victimization/Abusiveness Assessment-Follow-Up" for each resident within 30 days of admission to conduct a re-assessment, and take into account any new information learned since the intake assessment. The counselor must also complete this form at other times when warranted due to a referral, request, incident of sexual abuse, or receipt of information pertaining to sexual victimization or abusiveness. The form instructions require notification to the Treatment Supervisor and Senior Residential Supervisor when a resident is a potential victim or aggressor.
4. The Resident Management Team. The Resident Management Team which consists of the Treatment Supervisor, Senior Residential Supervisor, and Assistant Center Supervisor must:
 - a. take appropriate actions with regard to housing, bed assignment, work, education, and program assignments with the goal of keeping separate those residents at high risk of being sexually victimized from those at high risk of being sexually abusive. (PREA standards to include 115.242)
 - b. take appropriate actions to separate alleged staff and resident abusers from contact with victims / alleged victims (PREA 115.267(b))

- c. provide emotional support services for residents who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.
 - d. have available multiple protection measures and use them appropriately to include resident housing/room changes and transfer to another facility.
5. Treatment Coordinator. For at least 90 days following a report of sexual abuse, the Treatment Coordinator must monitor the conduct and treatment of residents who reported sexual abuse and of residents who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by residents or staff. Any retaliation activity must be promptly reported to the Resident Management Team. Monitoring must include periodic status checks. Items to monitor include any resident disciplinary reports, housing, or program changes. This monitoring must continue beyond 90 days if the initial monitoring indicates a continuing need. The requirement to monitor ends if the IAA determines that the allegation is unfounded.
 6. Resident Management Team. The Resident Management Team must work together and with staff to facilitate the intent of this policy. One specific aspect of this is ensuring any report of retaliation is promptly addressed. Whenever a resident expresses a fear of retaliation for cooperating with an investigation, appropriate measures must be taken to protect the resident against retaliation. The requirement to monitor ends if the IAA determines that the allegation is unfounded.
 7. Center Supervisor. The Center Supervisor is responsible for monitoring retaliation against staff to include negative performance evaluations or reassignment. He/she must also ensure staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations are aware of available emotional support services.

For at least 90 days following a report of sexual abuse, the Center Supervisor must monitor the conduct and treatment of staff who report sexual abuse to see if there are changes that may suggest possible retaliation by residents or staff. This monitoring must continue beyond 90 days if the initial monitoring indicates a continuing need. The requirement to monitor ends if the IAA determines that the allegation is unfounded. If retaliation exists, prompt action must be taken to remedy such retaliation. (PREA 115-267)

MN. Reporting Incidents, Allegations and Suspicions of Sexual Harassment, Sexual Abuse, and Retaliation.

~~Staff~~~~All employees, contractors, volunteers, and interns~~ **MUST**, and offenders are encouraged to comply with reporting guidance on the PREA notice that is posted in the facility.

~~If there are suspicions, allegations, or incidents of sexual abuse, sexual harassment, or retaliation, supervisors must act pursuant to applicable policy, to include "Reporting and Investigating Incidents and Hazards" and "Employee Discipline."~~

~~Staff~~ must accept reports of alleged incidents and suspicions of sexual harassment, sexual abuse

and retaliation that are made verbally, in writing, anonymously and from third parties and must promptly document any verbal reports. (115.251) This includes reports concerning confinement at facilities outside of ACC, such as a county jail or a Department of Correction facility. (115.251) At Parole/Probation offices, accept any report made by an offender and provide the information to the Area Manager, who will follow procedures outlined in the policy entitled, "Reporting and Investigating Incidents, Hazards and Maltreatment. At the Central Office, any such reports should be forwarded to the appropriate Deputy Director or the Chief Deputy Director who will follow procedures.

At residential facilities, follow any facility-specific guidance, this policy guidance and the Reporting and Investigating Incidents, Hazards and Maltreatment policy.

Upon receipt of a report, supervisors must act pursuant to applicable policy, to include "Reporting and Investigating Incidents, Hazards and Maltreatment" and "Employee Discipline."

All employees, contractors, volunteers, and interns must NOT reveal any information related to a sexual abuse report to anyone other than to the extent necessary as specified in policy, and to facilitate treatment, investigation, and other security and management decisions. (PREA 115.261 (b))

O. Residents with Disabilities or Limited English Proficient. (PREA 115.216)

1. Residential facility staff must take appropriate steps to ensure residents with disabilities and/or limited English proficiency have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. (PREA 115.216 (a) and (b))
2. Residential facility staff must not rely on resident interpreters, resident readers, or other types of resident assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the resident's safety, the performance of first-response duties, or the investigation of the resident's allegations. (PREA 115.216(c))

OP. Resident Privacy Protection. (PREA 115.215 [P])

All staff, contractors, volunteers, and interns must ensure residents are allowed to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine security checks. Specifically, staff, contractors, volunteers, and interns of the opposite gender must announce their presence when entering an area where residents are likely to be showering, performing bodily functions, or changing clothing.

PQ. Sexual Abuse Incident Review.

The Center Supervisor must conduct a sexual abuse incident review ~~at~~when required by the

~~conclusion of every sexual abuse investigation, including those where the allegation was not substantiated, unless the allegation has been determined to be unfounded. This review must comply with PREA standard 115.286. (PREA 115.286) Reporting and Investigating Incidents Hazards and Maltreatment policy.~~

QR. Notices and Information. The PREA Coordinator must develop and distribute a PREA notice.

Center Supervisors and Area Managers must ensure all ACC offices/facilities display the PREA notice in prominent places. In addition to training, key information must be continuously available or visible to offenders. (PREA 115.233 [P])

IV. REFERENCES.

Prison Rape Elimination Community Confinement Standards are available on the Internet

The PREA Resource Center website has a variety of useful information

The U.S. Equal Employment Opportunity Commission (EEOC) website has information about harassment to include prevention

United States Code (law) 42 U.S.C. Section 2000e and 29 Code of Federal Regulations section 1604.11 pertain to this topic

V. ATTACHMENTS.

~~AD 14-0117-33~~ Form 1 Sexual Victimization/Abusiveness Assessment – Intake

~~AD 14-0117-33~~ Form 2 Sexual Victimization/Abusiveness Assessment – Follow-Up

~~AD 14-0117-33~~ Form 3 Sexual Abuse Checklist

Note, we did not provide a markup of revisions made to the forms. The revised forms are available on the ACCess > Policy and Forms website.



Arkansas Community Correction

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ADMINISTRATIVE DIRECTIVE: ~~17-1328~~ Resident Serious Illness/Injury or Death

TO: Arkansas Community Correction (~~DCCC~~ACC) Employees

FROM: Sheila Sharp, Director

SUPERSEDES: AD ~~12-0317-13~~

APPROVED: _____ Signature on File _____ EFFECTIVE: ~~February 10~~July 31, 2017

- I. **APPLICABILITY.** This policy applies to medical services employees, residential facility employees and residents of residential facilities. Contract Reentry facilities must comply with relevant and appropriate aspects of this policy.
- II. **POLICY.** Authorized staff will take all reasonable actions to ensure that the person(s) designated or required by policy/law receive timely and accurate information concerning any serious illness or injury and are promptly contacted in the case of a resident's death and appropriate actions are taken regarding a death and disposition of the remains. (4-ACRS-7D-15)
- III. **DEFINITIONS.**
 - A. **Declaration of Final Disposition.** A resident's statement specifying his/her wishes for disposal of bodily remains at death, provided the disposition is in accordance with existing laws, rules, and practices for disposing of human remains.
 - B. **Final Disposition.** The burial, cremation or legal anatomical donation of a deceased resident's body.
 - C. **Serious Illness or Injury.** Life threatening illness or injury requiring hospitalization or emergency medical treatment.

IV. PROCEDURES.

A. At intake center staff and reentry facility staff must ask residents to complete the following forms as appropriate and according to instructions on the forms.

- AD 17-28 Form 1 Declaration of Final Disposition Age 18 & Up
- AD 17-28 Form 2 Declaration of Final Disposition below Age 18
- AD 17-28 Form 3 Resident Relatives/Associates.

B. Notifications of Serious Illness or Injury. In case of serious illness or injury of a resident, authorized staff will notify the person(s) designated on the “Resident Emergency Contacts” form. Whenever possible, staff will obtain the resident’s consent prior to notifying a designated individual. Staff will work with the person(s) to keep them abreast of the resident’s situation. Notifications must be made by the Chaplain or Center Supervisor’s designee and notifications must comply with the resident’s requests, ACC policy, HIPAA and related law. (4-ACRS-4C-21)

BC. Reference to Related Policy. When appropriate, refer to the administrative regulation and administrative directive titled “Offenders with a Terminal Illness or Permanently Incapacitated.”

CD. Declaration of Final Disposition. The Declaration of Final Disposition Form ~~will~~must be available to residents during intake at centers and reentry facilities and through the chaplain’s office. If a resident is not of sound mind or is under age 18, the parent or legal guardian must sign the form.

DE. Notification of Death of a Resident and Disposition of Remains. (4-ACRS-7D-15)

- I. When a resident dies, regardless of cause or location, the Shift Supervisor or designee must perform the following:
 - a. promptly notify the Center Supervisor, Health Services Administrator and Chaplain.
 - b. follow the agency notification process as described in the Reporting and Investigating Incidents and Hazards policy.
 - c. notify the county coroner (even if the resident dies at a medical facility). The coroner or attending medical doctor will pronounce the resident dead. Make a note of the time death is pronounced and the coroner’s or medical doctor’s first and last name. Provide the coroner with required information and ensure they know~~he/she knows~~ the resident was incarcerated or was in a reentry facility.
 - d. notify the State Police of the death.
 - e. notify the chief law enforcement official of the county or municipality that has jurisdiction.
 - f. notify the State Crime Lab, Medical Examiner’s Office (501) 227-5936. If after hours leave a message.

- g. fax the completed "Body Submission Form" to the State Crime Lab, Medical Examiner's Office FAX: (501) 227-1653. ~~(See example form on EagleNet).~~ If you do not have complete information, send what you have and provide an update later.
 - h. check the "Declaration of Final Disposition" form if one is on file to determine whether notification must be given to the military and if so, ensure the notification.
 - i. notify the prosecuting attorney in the county where the death occurred.
 - j. makes appropriate entries in eOMIS and ACIC/NCIC.
2. The law grants the right to control final disposition of the remains of a deceased person as described in this policy. The person given control must be 18 years of age or older. ~~(Ark. Code Ann. § Arkansas law section 20-17-102)~~ The law does NOT give any weight to a person named by the resident as an "emergency contact" unless such person is designated on a military emergency data form or in a "Declaration of Final Disposition," or the person is in the sequential list below. If attempts to contact a person are not successful, then a diligent effort must be made to contact the next person, continuing down the list until contact is made. The identity of the deceased shall not be disclosed to the media until the notification process is complete.

The Chaplain or designee or for a death in a Reentry facility, the Assistant Director of Reentry must make a reasonable attempt to notify until notification is accomplished, someone in the list below or it is determined notification is not possible. For assistance in locating people on the list, consider checking eOMIS, contacting the coroner's office, prosecuting attorney, and/or local law enforcement. Notification attempts must be made in the following sequence until someone has been notified (in addition to notifying emergency contact(s)) (notification may be by phone or in-person):

- a. The appropriate military authorities if the resident has indicated on the "Declaration of Final Disposition" form that they have an applicable military affiliation
 - b. The person(s) as listed on the Declaration of Final Disposition form if such designation has been made
 - c. Spouse
 - d. Adult children
 - e. Parent
 - f. Sibling
 - g. Grandparent
 - h. Grandchild
 - i. Guardian
 - j. Closest living relative
3. The Chaplain or designee or, for a death in a Reentry facility, the Assistant Director of Reentry must inform the contacted person of the death, relate the relevant facts of the death as provided by the Center Supervisor (or his/her designee), or Reentry facility representative, and discuss disposition of the body, providing the following information:

- a. the law requires notification of next-of-kin in a certain sequence and gives the person highest on the notification list the authority to handle final arrangements. (Consider asking the person if they have contact information for the person(s) highest up on the list and if so, contact that person)
- b. If claiming the body, advise the person to contact the Office of the State Medical Examiner for further information and provide relevant information from the "Declaration of Final Disposition" form if the resident has one.
- c. Inform the contact that the State Medical Examiner requires an examination that may include autopsy at the State Crime Lab in Little Rock and the county coroner will take the body to the lab. Consider providing contact information for the State Medical Examiner's Office (501) 227-5936, Chaplain, ACC Public Relation Office and/or county coroner's office.

F. Notification of Serious Injury/Illness or Death of a Reentry Resident and Disposition of Remains.

1. When a Reentry resident is seriously injured/ill or dies, regardless of cause or location, the facility Director or designee must promptly notify the ACC Assistant Director of Reentry.
2. The ACC Assistant Director of Reentry must:
 - a. follow the agency notification process as described in the Reporting and Investigating Incidents, Hazards and Maltreatment policy.
 - b. Make notifications and take actions described in the preceding paragraph entitled "Notification of Death of a Resident and Disposition of Remains."

G. Release of the Deceased

1. Arkansas Community Correction will honor any resident's declaration of being an "Organ Donor" and will allow any medical procedures as determined by the medical staff to achieve the resident's declared purpose.
2. If no one can be contacted after a diligent effort ~~by the Chaplain or designee~~ and the coroner confirms no claim of the body, or the contacted person will not claim the body for any reason, the responsibility for final disposition shall default to the ACC. When ~~DCC~~ACC must assume responsibility of the body, the Center Supervisor (or the Director's designee) or ACC Assistant Director of Reentry must perform the following:
 - a. Comply with appropriate preferences stated on the "Declaration of Final Disposition" form if on file.
 - b. Notify the University of Arkansas for Medical Sciences, Department of Anatomy, that the unclaimed body is available for use in the advancement or study of medical science. This notification should be made as soon as it is confirmed that the body will not be claimed – the Department of Anatomy will allow the next of kin or other relative, friend, representative of a fraternal society of which the deceased was a member, or representative of any charitable or religious group to claim the body for

burial purposes for a period not to exceed 48-hours from the time of death.

- c. If a resident's "Declaration of Final Disposition" does not rule out cremation, and the resident's family (the person highest on the sequential list) does not oppose cremation the department will have the remains cremated upon release by the Medical Examiner's office, but no sooner than 10 calendar days after death to allow time for an appropriate family member to claim the remains.
- d. Cremains shall be released to the person nearest the top of the notification list of those who could be contacted or who came forth or another appropriate person making claim. If no one can be located, the cremains will be maintained for a minimum of ninety (90) days for an appropriate person to claim. If not claimed after 90 days, the remains shall be scattered in a designated cemetery.
- e. For an unclaimed body that will not be cremated make arrangements for burial in a designated cemetery.

FH. Financial Responsibility. Payment for services provided on behalf of a deceased resident are the responsibility of the person claiming the body. ACC is responsible for payment of final disposition services for an unclaimed body.

V. ATTACHMENTS FORMS.

AD 17-~~1328~~ Form 1 Declaration of Final Disposition Age 18 & Up
AD 17-~~1328~~ Form 2 Declaration of Final Disposition below Age 18
AD 17-~~1328~~ Form 3 Resident Relatives/Associates

VI. REFERENCES.

~~Ark. Code Ann. §~~Arkansas law section 20-17-102
Body Submission Form (Arkansas Crime Lab Form ME-FORM-01)

~~————— Note, On EagleNet there is an EXAMPLE Body Submission form and a link to the blank form~~

Note: forms are not included in this markup copy. Forms are available on ACCess > Policy and Forms.

ADMINISTRATIVE DIRECTIVE: 17-32 Searches for, Control, and Disposition of Contraband and Evidence

ADMINISTRATIVE DIRECTIVE: 08-03 SEARCHES FOR, CONTROL AND DISPOSITION OF CONTRABAND AND EVIDENCE

TO: DEPARTMENT OF COMMUNITY CORRECTION (DCC) EMPLOYEES

TO: Arkansas Department of Community Correction Employees

FROM: G. DAVID GUNT HARPS Sheila Sharp, Director

SUPERSEDES: AD 00-11 PAGE 108-03

APPROVED: Signature on File EFFECTIVE: February 25, 2008 August 28, 2017

I. APPLICABILITY. This policy applies to DCC Arkansas Community Correction (ACC) employees, visitors, offenders and ACC agents. For the purpose of this policy, ACC agents include volunteers, interns, vendors, and contractors, and offenders working in transitional houses and reentry centers.

II. POLICY. The DCC ACC will conduct searches to discover and control contraband and evidence and to deter the introduction, possession, and/or manufacture of contraband in DCC ACC offices and facilities. (3-3177(4-APPFS-3B-11))

III. DEFINITIONS.

A. Body Cavity. This term refers to the rectum, vagina, mouth, ears and nose.

B. Body Cavity Search. A physical search of the rectal and/or vaginal cavity by a registered nurse, nurse practitioner, physician or physician's assistant, after reasonable suspicion has been established.

C. Communication Device. Any device including but not limited to cell phones, personal data assistants, "blackberries," or walkie-talkies, that allows the exchange of voice or data between any two or more individuals.

D. Contraband. Items that are:

1. illegal; or are against residential facility policy or rules; or are
2. prohibited by conditions of supervision; or

3. not being used for their intended purpose; or
4. not issued or authorized by ACC.

B. Evidence. Anything which that may be helpful in forming a conclusion or judgment about illegal or unauthorized activity. Testimony, writings, or material objects offered in proof of an alleged fact or propositional allegation.

- ~~—— F. Major Crime Scene. An area where there appears to be evidence of a crime that would be a felony or a “serious” misdemeanor.~~
- ~~—— G. C. Nuisance Contraband. Any authorized item(s) maintained in an excessive amount or size that creates a hazard, impedes security, or is disruptive to the therapeutic community.~~
- ~~—— H. Offender. Persons in the custody or under the supervision of the DCC.~~
- ~~—— I. D. Pat Search. A means for detecting contraband hidden on a person’s body that involves patting or sliding the hands along the fully-clothed body of a person.~~
- ~~—— J.~~

IV. GUIDANCE.

- ~~—— A. Reasonable Suspicion. In certain circumstances reasonable suspicion must exist to justify conducting a search. Reasonable suspicion exists when there is a degree of certainty based on facts and reasonable inferences drawn there from that cause one to believe that a person has violated the to believe a law, conditions of supervision, or policy. have been violated. To act pursuant to “reasonable suspicion,” employees must be aware of specific facts, from which they make reasonable inferences and upon which they are justified in concluding that reasonable suspicion exists. Unspecified suspicions or mere hunches fall short of providing reasonable grounds for actions that are permitted only on a basis of “reasonable suspicion.” The following are a few criteria that may be considered when determining reasonable suspicion:~~
- ~~—— K. Residents. Offenders incarcerated or confined to DCC residential facilities.~~
- ~~—— L. Authorized Contractor. Any outside agency or business entity which has a contract and/or agreement with DCC for the provision of a service to the agency.~~

IV. GUIDELINES.

- ~~—— A. Employees Authorized to Conduct Searches. Authorized employees may conduct searches within the scope of the guidance provided in policy.~~
- ~~1. demeanor of individual~~
- ~~2. gait and manner~~
- ~~3. prior background or character~~
- ~~4. what the person is or appears to be carrying~~
- ~~5. manner of dress~~
- ~~6. the time of day or night the individual is observed~~
- ~~7. overheard conversations~~
- ~~8. information received from a third person~~
- ~~9. whether the offender is with others whose conduct is reasonably suspect~~
- ~~10. apparent effort to conceal an article or activity~~
- ~~11. apparent effort to avoid identification or confrontation by officials.~~

B. Searches of Property/Facilities on ACC Owned or Leased Property. Any personal or State property, including vehicles, is subject to search when on State ACC owned or leased property or in possession of someone on State property. Searches of all or portions of facilities and property. Searches are subject to the following guidelines:

1. Searches must be thorough and systematic
2. Supervisor concurrence should be obtained in advance of the search; when practicable/practical; however, routine contraband searches at residential facilities do not require advance supervisor concurrence
3. Employees must use care when conducting searches of offender, personal, and State property
4. Evidence/contraband collected must be documented appropriately documented and reported to the supervisor, and
5. The supervisor should occasionally conduct periodic post-search reviews to ensure that searches are conducted in accordance with policy, procedures, or other guidance.

C. Circumstances for Searches of Persons and Personal Items.

1. Pat Search of Offenders may be pat searched by authorized DCC. Authorized ACC employees of either may pat search offenders of the same gender at any time with or without reasonable suspicion. In addition, authorized ACC employees may conduct cross-gender pat searches of offenders in exigent situations. An exigent situation is an urgent situation requiring immediate action. When a male pat searches a female offender in an exigent situation, the circumstances must be documented. During a pat search, the employee may conduct a visual inspection of the mouth, ear canal and nose, and may require removal of footwear, socks, hats and outerwear such as gloves, sweaters, and coats, gloves and hats. (PREA 115.215(c))

1. Parole/Probation Services. The Parole/Probation Services policy provides additional guidance pertaining to searches and seizures. It addresses circumstances under which warrantless searches may be conducted. When circumstances permit, Area Managers should analyze in advance the decision to search. They should also require officers to promptly inform them of contraband/evidence collected during a search, give the disposition of property seized and document the reasons for the search. The Manager should also conduct post-search reviews to ensure the search was conducted properly and provide guidance as appropriate.

2. _____

2. Pat Search of Other Persons. Any person on ACC owned or leased property may be pat searched by an authorized person of the same gender when there is reasonable suspicion. However, reasonable suspicion is not required for pat searches at a residential facility location.

3. Strip Searches of Parolees/Probationers/Offenders on Extended Supervision are permitted only in situations where an offender is going to be transported and/or there

is reasonable suspicion that the offender possesses a weapon.

D. Additional Guidance for Residential Services/Facilities.

a1. Communication Devices. All visitors and personally-owned communication devices or their components are not allowed in an ACC residential facility. State employees are prohibited from bringing any personal communications devices into a DCC residential facility. Contractors are allowed to carry cell phones and other agency-issued communication devices that are part of their for business operation purposes. Contract employees who have been approved by the Center Supervisor may carry communication devices for business purposes. Employees must take reasonable precaution to ensure residents do not have unauthorized access to computers, phones or cell phones within the facility. access to them.

b. Pat Search. Searches of people visiting offenders are described in the policy pertaining to visiting a residential facility. Volunteers and contractors may be searched in the same manner as described for people visiting offenders.

e Note: It is a felony to furnish or provide a weapon, intoxicating beverage, controlled substance, money, a cellular telephone or other communication device, the components of a cellular telephone or other communication device, or any other items that would facilitate an escape or continue a criminal enterprise, Arkansas law section 5-64-404 or violence within a facility. (Arkansas law section 5-54-119)

2. Visitor Searches. Visitors are subject to search and may be asked to wait in a designated area for permission to enter. They are free to leave at any time, unless they are suspected of trying to introduce contraband or committing any other felony on ACC grounds. In those instances, they may be detained until law enforcement arrives to take them into custody.

3. General Security Search. General security searches at facilities should be organized by a supervisor and should be done in a reasonable manner.

4. Strip Search. Offenders of Residents. Residents may be strip searched when there is reasonable suspicion or upon entering or prior to departure departing from the a secure area of a facility. A strip search of an offender should a resident must be done by an employee of the same gender and, depending on staff availability, should be observed by a second employee of the same gender. another staff member of the same gender when such person is readily available. Strip searches must NOT be conducted by or observed by a person of the opposite gender except when performed/observed by medical practitioners or when the same gender requirement is waived during an exigent situation. The search should be conducted in a location and manner that protects the offender's resident's privacy and, to the extent possible, keeps the search and results confidential. These restrictions may be waived during an emergency such as an escape or riot. All cross-gender strip searches of residents in exigent situations must be documented. (4-ACRS-2C-06; PREA 115.215).

d. DCC

5. Strip Search of Employees at a Residential Facility. Employees at a residential facility may be strip searched ~~when there is reasonable suspicion and with the approval of the Deputy Director of Residential Services has granted permission for the search or higher authority when there is reasonable suspicion.~~ Strip search of an employee must be done by an employee of the same gender and, ~~depending on staff availability,~~ should be observed by a second employee of the same gender. The search ~~should~~ must be conducted in a location and manner that protects the employee's privacy and, to the extent possible, keeps the search and results confidential. All strip searches of employees must be documented.

e

6. Body Cavity Search-Offenders of Center Residents. Center residents may be required to undergo a body cavity search conducted by a nurse, nurse practitioner, physician assistant or physician when there is reasonable suspicion and ~~when approved by with approval of the Deputy Director of Residential Services Center Supervisor or higher authority.~~ When a body cavity search is conducted, medical personnel should also check the mouth, ears and nose should also be examined as part of the body cavity search. An ACC employee ~~should of the same gender as the offender must be present to witness the search and collect any contraband, but need not observe the search.~~ (4-ACRS 2C-04 and 2C-05) or evidence.

- f. Special Security Search. Employees may be pat searched by a trained employee of the same gender as part of a special security search approved by the Center Supervisor, or higher DCC authority as part of the drug testing process or following a critical incident. The "special security search" does not require "reasonable suspicion." Examples of a special security search include searching every 5th employee entering the residential facility, or searching all employees who work in a designated portion of the building.

D. Reasonable Suspicion. To act pursuant to "reasonable suspicion," employees must be aware of specific objective facts, from which they make reasonable inferences, and upon which they are justified in concluding that reasonable suspicion exists. Unspecified suspicions or mere hunches fall short of providing reasonable grounds for actions which are permitted only on a basis of "reasonable suspicion." Following are a few criteria which may be considered when determining reasonable suspicion:

1. Demeanor of individual
2. Gait and manner
3. Prior background or character
4. What the person is carrying or appears to be carrying
5. Manner of dress
6. The time of day or night the individual is observed
7. Overheard conversations
8. Information received from a third person
9. Whether the offender is with others whose conduct is reasonably suspect
10. Apparent effort to conceal an article or activity, and/or
11. Apparent effort to avoid identification or confrontation by officials.

~~E. Documentation. Prior to, or as soon as possible after taking action based on reasonable suspicion, the Supervisor should document both the "specific objective facts" and any "reasonable inferences" relied on to make the judgment. Even though evidence or contraband may not be discovered, documentation must be completed on an Incident or Hazard Report/Witness Statement.~~

~~The search must be conducted in a location and manner that protects the resident's privacy and, to the extent possible, keeps the search and results confidential. All body cavity searches must be documented. (4-ACRS-2C-04 and -2C-05; PREA 115.215(c))~~

E. Warrantless Searches Pertaining to Parolees, Probationers and Sex Offenders on Extended Supervision.

1. Warrantless Searches in General. Parole/Probation Officers may conduct warrantless searches of an offender's person, residence, motor vehicle and property within these guidelines. Warrantless searches must be conducted in a reasonable manner. When feasible discuss the decision to search in advance with a manager.
2. Searches of an Offender's Residence. A search of a residence that an offender shares with others should be conducted in the presence of a member of the household. If possible, a search should be conducted in the presence of the offender.

Searchable Areas in an Offender's Residence.

If the offender is not the head of the household in which he or she resides, warrantless searches must be limited to:

- the offender's private living quarters
- any other area under his or her control, and
- areas of common usage such as bathrooms, living room, kitchen, out-buildings, and garage.

If there are additional areas in the house that need to be searched, the officer must obtain permission from the head of the household prior to searching.

3. Electronic Devices – Sex Offenders. Warrantless searches of a sex offender's electronic devices such as cell phones and computers are permitted at the Parole/Probation office and in the offender's vehicle and searchable areas of his/her residence.

Note: A sex offender may be instructed to bring his/her personal electronic devices to a searchable area or permission may be sought from the head of household to enter an area that is not listed as a searchable area.

4. Electronic Devices – NON-Sex Offenders. Warrantless searches of a NON-sex offender's electronic devices such as cell phones and computers are permitted in the offender's vehicle and searchable areas of his/her residence ONLY when there is reasonable suspicion. The search must be documented in eOMIS.

5. Contraband and Evidence. The Parole/Probation Officer should rely on local law enforcement officers if seizure of contraband or evidence is necessary. When an ACC officer must collect contraband or evidence, he/she should use the "Evidence or Confiscated Property/Contraband" form. Provide a copy of the form to the offender.

and scan the form into eOMIS. ACC officers may use such evidence as the basis of a violation report regardless of whether criminal charges are filed.

6. After a Warrantless Search. After a warrantless search, officers must promptly inform the Parole/Probation Manager or Assistant Manager of any contraband or evidence they seized.
7. Legal Basis. A search is not unlawful just because it is also beneficial to the police or because evidence incriminating the offender is used in criminal prosecution. Case law guidance for parole/probation searches and seizures is provided by the United States Supreme Court in Griffin v. Wisconsin, 483 U.S. 868 (1987) and by the Arkansas Supreme Court in Cherry v. State, 302 Ark. 462 (1990) and Williams v. State, 321 Ark. 344 (1995).

F. Refusal to be Searched. If a person refuses to submit to an authorized search, the refusal must be reported promptly to the appropriate supervisor.

1. Offenders who refuse to be searched are to be appropriately managed, subject to the disciplinary/violation processes.
2. Employees may be ordered to remain in the area and under supervision at least until the supervisor is informed.
3. All others who refuse to be pat searched should be denied access to the facility. A person denied access may request reconsideration by the Center Supervisor for access. They may be requested to remain in the area while the appropriate supervisor is contacted; however, they may not be detained if they choose to leave, at a later date.
4. Visitors on the Authorized Visitation List for a residential facility who refuse to be searched will have their visitation ended/cancelled and visitation privileges revoked. Visitors whose privileges have been revoked for this reason may reapply for visitation privileges using procedures outlined in the visitation policy.

G. Collecting, Handling, Storing, Transferring, and Disposition of Contraband or Evidence. (4-ACRS-2C-03)

1. ~~Contraband or Evidence Found at a Major Crime Scene or Incident.~~ When a major ~~crime~~ criminal act has been committed, or is suspected, follow procedures in the ~~Emergency Plan and/or other applicable policy.~~ Protect the crime scene and evidence by securing the area or individuals and wait for the arrival of local law enforcement or Arkansas State Police. Whenever possible, field offices should use the appropriate local an outside law enforcement agency should be used to manage all aspects of collecting and handling the contraband/evidence for incidents outside of a DCC facility. Otherwise, contraband/evidence may be collected by trained staff. (3-3098 [P]). (4-APPFS-3G-04)

~~2.~~ ~~2.~~ ~~Contraband or Evidence Associated~~
~~with any Incident, Allegation, or Suspicion of Sexual Abuse. In these situations, follow~~
~~guidance in the "Sexual Abuse Checklist" and collect, handle and process the evidence~~
~~pursuant to training on this topic.~~

~~2.3.~~ ~~Contraband or Evidence Found at Other Than a Major Crime Scene or Incident.~~

When ~~police are~~ outside law enforcement is not involved, all evidence and contraband, with the exception of nuisance contraband, is to be collected by trained staff and documented on Form 1, Evidence or Confiscated Property/Contraband. If the property owner or the custodian of State property is apparent, ~~they~~he/she should be provided a copy of the form. The Incident or Hazard Report/Witness Statement must be completed as required.

~~3.4.~~ ~~3.~~ ~~Uniform Physical Evidence~~

Collection ~~Protocol for ACC Staff~~. Physical evidence collection must provide for strict accountability to preserve the integrity of the disciplinary and legal ~~process~~ processes.

~~5.~~ ~~4.~~ ~~Contraband and Evidence Collection~~

Control and Handling of Evidence or Contraband (Excluding Nuisance Contraband). Complete Form 1 for evidence/contraband, collected, and when appropriate tag all the evidence/contraband.

~~4.6.~~ ~~Transfer of Evidence and Contraband~~. Transfer of evidence/contraband between staff and/or agencies should be kept to the minimum number of persons possible, and should be limited to persons trained in handling evidence/contraband. Whenever evidence/contraband is transferred to another trained custodian, the receiver ~~will~~ must inspect the evidence/contraband to assure it is adequately described, sign for the evidence/contraband, and provide a copy of the transfer document to the person releasing custody. ~~Upon collecting evidence, the DCC employee~~ The ACC Area Manager, Center Supervisor or IAA, must decide whether the evidence should be turned over to the State Crime Lab for analysis. If turned over to the State Crime Lab, complete State Crime Lab Evidence Submission Forms, available on the State Crime Lab web site, and obtain a signature from the Crime Lab representative accepting custody. If someone else transports the evidence to the State Crime Lab, such as a State Police officer, have ~~them~~him/her sign the form, give ~~them~~him/her the original, and keep a copy. If it is not appropriate to send evidence to the State Crime Lab for analysis, the preferred step is to turn the evidence over to local or State Police using AD Form 1. ~~The supervisor must ensure all evidence is transferred to the State Crime Lab or local State police.~~ Form 1, "Evidence or Confiscated Property/Contraband."

~~5.7.~~ ~~5.~~ ~~Contraband/Evidence Storage.~~

Contraband/evidence ~~shall~~ must be stored in a designated secure area with access restricted to the custodian of the evidence until ~~withdrawn by~~ released to authorized individuals for appropriate use ~~or transfer~~ such as trial, transfer to ~~police~~ local law enforcement, use during a disciplinary committee hearing, return to the owner, or withdrawal for destruction.

Evidence/Contraband. Evidence and contraband will be disposed of as follows after the disciplinary committee hearing at residential facilities and all legal proceedings have been completed:

- a. Weapons. ~~Weapons must be disposed of as directed in~~ Refer to the policy on Weapons and Security Equipment for guidance on processing confiscated firearms.
- b. Legal Materials Belonging to Residents. For offenders at a ~~DCC~~an ACC residential facility, the Senior Residential Supervisor may direct the resident to dispose of the material by shipping the material at the resident's expense or ~~give the material~~giving it to an authorized visitor.
- c. Money Not Held as Evidence or Contraband. Money (not held as ~~evidence or contraband or evidence~~) found by or in possession of a ~~DCC~~an ACC resident will be ~~deposited~~forwarded to the Central Office, Administrative Services for deposit in the Resident Welfare Fund.
- d. Disposition of Other Contraband/Evidence. If contraband/evidence has not been transferred or stored according to previous paragraphs, and there are no anticipated court cases nor need to transfer or hold the material for an anticipated hearing, choose an appropriate alternative from the following:
 - (1) Excess Personal Property Confiscated from Residents. Using Form 23, notify the resident of the agency's intent to sell, discard, or destroy the excess property, or for unless the resident to disposedisposes of the materialproperty by shipping ~~the material~~it at the resident's expense or ~~give the material~~giving it to an authorized visitor. Such material cannot be given to a ~~department~~an employee. If instructions are not received from the offender within 30 days of confiscation, follow disposition instructions below.
 - (2) Evidence should be returned to the owner if it is not illegal or against policy/rules to possess. Obtain a written receipt evidencing the return of the items.
 - (3) Contraband may be returned to a visitor, volunteer, or contractor when they leave the facility if the contraband is not illegal to possess.
 - (4) If property is estimated to be worth ~~over more than~~ \$50.00, it can be turned in to the State ~~Property Re-utilization~~Marketing and Redistribution Office (Contact the Central Office, Administrative Services Section for guidance).
 - (5) Drugs ~~should~~must be transferred to a local police department or State Police for destruction; if one of these agencies will not accept the drugs, dispose of them as described in the next paragraph.
 - (6) When the above alternatives are not appropriate, list the property on Form 1 and obtain supervisor approval for destruction/disposal. At least two ~~DCC~~ACC employees must be present ~~upon~~during destruction/disposal. Indicate the method and date of destruction/disposal, ~~date, and~~. Both employees must sign the form.

I. Requirement to Provide Guidance. Offenders Residents and Center staff must be provided written contraband policy guidance. (4-ACRS-2C-01)

1. ~~AD 08-03-17-32~~ Form ~~1a&b1~~ Evidence or
Confiscated Property/Contraband

2. ~~AD 08-03-Form 217-32~~ Form ~~2~~ Evidence or Confiscated
Property/Contraband Disposition

~~AD 17-32~~ Form ~~3~~ Notification of the Destruction, Discard or Sale of Confiscated
Property/Contraband

3. ~~AD 08-03-17-32~~ Form ~~34~~ Request Approval for a
Body Cavity Search

4. Evidence Submission Form (Arkansas State Crime Lab)

Source: *for, Control, and Designation of Control and a 1/1 Version*. ID 17-3. Pg. 16



Arkansas Community Correction

Two Union National Plaza Building
105 West Capitol, 3rd Floor
Little Rock, AR 72201-5731
501 682-9510 (office) 501 682-9513 (fax)

ADMINISTRATIVE DIRECTIVE: 17-22 Travel Rules and Reimbursement

TO: Arkansas Community Correction Employees

FROM: Sheila Sharp, Director

SUPERSEDES: None

APPROVED: Signature on File

EFFECTIVE: August 14, 2017

- I. APPLICABILITY.** This policy applies to all Arkansas Community Correction (ACC) employees.
- II. POLICY.** ACC policy is to reimburse employees only the allowable amount for travel expenses pursuant to policy.
- III. GUIDANCE.**
 - A. Before Traveling.**
 1. The Director, Chief Deputy Director, Area Manager, Center Supervisor, Central Office supervisor or their designee must pre-approve all business related travel if reimbursement will be requested. Out-of-state travel also requires pre-approval by the Director if reimbursement will be requested. Use the form entitled "Request for Out-of-State Travel." As an exception, the Director's approval is not required when extraditing an offender from another state.
 2. The agency will only reimburse for meal expenses when there is an overnight stay. This applies to both in-state and out-of-state travel. Applicable documentation must be attached to the TR-1 form. As an exception, written pre-approval is not necessary to purchase a meal for an extradited offender.
 3. Travel may be achieved by plane, train, bus, taxi, private vehicle/aircraft, rented or state-owned automobile; whichever method serves the requirements of the State most economically and advantageously.

4. When flying or pre-booking bus, train or rental car transportation, contact the Administrative Services Budget Section far enough in advance so they may purchase tickets at least 14 days before travel whenever possible. The Deputy Director of Administrative Services or designee must pre-approve the use of rental vehicles in writing, and must only do so when it is more economical than taxi, airport shuttle, etc. Employees may book their own lodging; however, it is recommended that the Administrative Services Budget Section books employee lodging to ensure the best rates.
5. Travel agencies may be used; however, the agency will not reimburse employees for any travel agency expenses.
6. When flying, if the airline charges for the first checked bag, the agency will reimburse that expense. The agency will not reimburse for a second or overweight bag.
7. When driving, a state vehicle must be used if one is available. If one is not available, employees must obtain pre-approval in writing from their Area Manager, Center Supervisor, Central Office supervisor or their designee if they will be requesting reimbursement for driving a private vehicle. A copy of the written pre-approval must be included with the TR-1. Employees are required to carpool whenever possible.

B. Reimbursement Information.

1. Employees must obtain and submit itemized receipts with the TR-1 form; the agency will not pay for meals without an itemized receipt.
 - Receipts for claiming commercial transportation expense must be original or a copy of the original. In the case of an electronic airline ticket, a confirmation number, the travel dates and destinations, and the costs must be included.
 - Receipts for lodging must include the single room rate and taxes.
 - Reimbursement requests for conference registration fees must include a receipt and appropriate supporting documentation.
2. Whenever possible, expenses should be paid for separately from other ACC travelers.
3. Only 75% of the allowable per diem is reimbursable for the first and last day of travel.
4. Only request reimbursement for meals proportional to the travel. For example, if leaving for an overnight trip at noon, only claim a dinner meal. Enter the actual expenses from receipts on the TR-1 form excluding alcohol and applicable tax; however, the agency will only reimburse up to the per diem rate for each meal. If a meal exceeds the allotted amount, the overage will not be reimbursed.
5. The agency will not reimburse for alcoholic beverages and the applicable tax. When possible, ask to have alcoholic beverages on a separate receipt. If alcoholic beverages are on a receipt, draw a line through them.

6. Don't request reimbursement for another person's expenses. An exception is allowed to pay for an offender's meal during transport or for an approved guest of the state. Meals claimed for an offender must be on a separate line on the TR-1 and must include the offender's name and PID number.
7. Don't request reimbursement for meals when not staying overnight.
8. Don't submit receipts for meals that are not reimbursable such as meals that are not proportional to your travel and/or meals consumed when a free, complementary or conference-provided meal was available.
9. Employees must not request reimbursement for meals at an official station which is the location where the employee typically works.
10. Only request mileage for driving in the vicinity of your destination when driving for "official business purposes." When requesting reimbursement for vicinity mileage, list mileage driven locally as a separate line item on the TR-1 form.
11. If departing from home instead of from the workplace, claim whichever is the shorter distance.
12. For trips where the destination is 400 miles or more from the employee's "official station," the minimum miles traveled per day to be reimbursed for a night's lodging must be 400 miles.
13. Only claim mileage for the shortest major highway route. For travel in Arkansas, use the Travel Mileage Grid for Arkansas that is available on ACCess; otherwise use Google Maps:
14. Only request reimbursement for the least-costly available parking such as airport parking, hotel parking, etc.

C. After Traveling. To be reimbursed for expenses, in a timely manner do the following:

1. **Travel Reimbursement Request Form, TR-1.** Follow the above guidance and process the Travel Reimbursement Request form, TR-1 to request reimbursement for travel expenses. False or inaccurate claims could result in disciplinary actions including employment termination. Address questions about this policy to the Administrative Services Budget Section.
2. **Travel Expense Reconciliation Form.** Administrative Services Budget Section must complete the "Travel Expense Reconciliation Form" when there are expenses that have been paid directly by the agency.

D. Allowable Reimbursement Amounts. The reimbursable amount depends on the destination. Arkansas rates are in the table below. If traveling outside of Arkansas use the online GSA Per Diem Rates tool, which provides specific amounts for the maximum daily meal rates. The online tool also provides lodging rates for various cities.

Meals and Incidental Expense (M&IE) Total [as of year 2017, this is subject to change]	Breakfast	Lunch	Dinner	IE
\$51 (for Arkansas cities other than Little Rock and Hot Springs)	\$11	\$12	\$23	\$5
\$54	\$12	\$13	\$24	\$5
\$59 (for Little Rock and Hot Springs)	\$13	\$15	\$26	\$5
\$64	\$15	\$16	\$28	\$5
\$69	\$16	\$17	\$31	\$5
\$74	\$17	\$18	\$34	\$5

E. Payment Approval Authorities – Travel Administrators.

The Administrative Services Budget Administrator, Deputy Directors and Chief Deputy Director are designated by the Director as Travel Administrators. The Director or a Travel Administrator must approve payment for travel expenses pursuant to policy.

- F. Non-Travel Reimbursement.** This method, along with the Miscellaneous Reimbursement Form, is only for non-travel related reimbursements. An employee must seek and gain supervisor approval before purchasing an item that he or she expects reimbursement from ACC. Receipts must be provided or reimbursements will not be approved.

IV. REFERENCE.

Travel Mileage Grid for Arkansas; available on ACCess
 ACC Form TR-1, Travel Expense Reimbursement Request
 ACC Form, Miscellaneous Reimbursement Form
 ACC Form AD 17-22 Form 2, Request for Out-of-State Travel



Arkansas Community Correction

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ADMINISTRATIVE DIRECTIVE: 14-2217-35 Weapons and Security Equipment

TO: Arkansas Community Correction Employees

FROM: Sheila Sharp, Director

SUPERSEDES: AD ~~13-1214-22~~

APPROVED: Signature on File
2014 July 31, 2017

EFFECTIVE: ~~September 22,~~

I. APPLICABILITY. This policy applies to Arkansas Community Correction (ACC) employees.

II. POLICY. ACC policy is to prepare certain employees to function effectively across a force continuum by providing training and authorizing an assortment of security equipment and firearms as provided by this policy. ~~In those instances where application of force is necessary to gain control of a situation, alternatives will be available to resolve conflicts with the least amount of force reasonably necessary under the circumstances as perceived by an employee.~~
~~(4 APPFS-3A-22M, 4 APPFS-3B-02M)(4 APPFS-3A-22M, 4 APPFS-3B-01M, 4 APPFS-3B-02M)~~

III. GUIDANCE.

A. ~~Issuing Weapons and Security Equipment in General.~~ ~~ACC employees may only be issued weapons and security equipment when they meet the requirements in this policy. Weapons and security equipment authorized for use in the performance of ACC duties must only be issued in accordance with and carried by staff as described on the Weapons & Security Equipment Authorization Listing (Attachment 1). Any modification to the list requires written approval of the Director. The Parole/Probation Manager, Center Supervisor, or Special Response Team (SRT) Commander may delegate the task of issuing weapons and security equipment to an employee who is eligible to be issued such weapons and/or equipment.~~

Parole/Probation Managers, Center Supervisors, and the Special Response Team (SRT) Commander must ensure weapons and security equipment are issued pursuant to policy.

Initial issue of firearms and security equipment may take place prior to training when the issuing authority ensures the new employee understands the requirements described on the form entitled "Temporary Receipt of Firearm and Security Equipment for Practice Only."

B. Authorization to Carry Firearm on Duty. To be authorized to carry a firearm on duty, an ACC employee must meet the following prerequisites: (4-APPFS-3A-04);

- ~~1. Be employed in one of the following positions: Parole/Probation Officer, Parole/Probation Agent, Parole/Probation Assistant Manager, Parole/Probation Manager, Parole/Probation Assistant Director, Deputy Director, Center Supervisor, Assistant Center Supervisor, Special Response Team (SRT) Commander, SRT Leader, SRT members, designated Community Correction Center work crew security officer at the Omega Center, or others designated by the Director or a Deputy Director.~~
- ~~2.~~
- ~~1. Be in a position listed on the Weapons and Security Equipment Authorization Listing or designated by the Director, and~~
- ~~2. Law Enforcement Officers must meet applicable CLEST requirements and ACC requirements which include a medical/physical evaluation, psychological examination and substance abuse testing.~~
- ~~3. Successfully complete applicable "New Employee Training Requirements" as described in the Employee Training and Certification administrative directive.~~
- ~~4. Be current with applicable refresher training requirements as described in the Employee Training and Certification administrative directive.~~
- ~~5. Comply with other applicable requirements in this policy. (4-APPFS-3A-04)~~
- ~~6. Be free of a felony conviction.~~
- ~~3. — 7. Be free of a misdemeanor conviction of domestic violence.~~
- ~~4. Successfully completed the Parole/Probation Services Basic training programs.~~
- ~~5. Completed weapons training as described in this policy.~~
- ~~6. Receive a satisfactory medical/physical evaluation, a mental health screening, and a substance abuse test prior to being issued a weapon, other than a chemical agent.~~
- ~~7. Satisfied all other conditional employment requirements except that employees have one year from the date of employment to complete law enforcement certification.~~
- ~~8. Have met, or are in the process of meeting, Arkansas law enforcement certification requirements of Specialized Police Personnel.~~
- ~~9. Center Supervisors and Assistant Center Supervisors, who meet all other requirements listed in this section, may be approved to carry a weapon upon completion of appropriate training as determined by the Director.~~
- ~~C. Authority. The authority to carry an ACC issued firearm or security equipment extends to ACC related job activities; otherwise there is no authority to carry or use agency issued firearms or security equipment. (4-APPFS-3B-01M)~~

~~D. 8. For state-issued firearms, be issued a state-issued firearm on the form entitled "Receipt and Authorization to Carry Weapons and Security Equipment." Community Correction Centers may use an alternative form for temporary issue.~~

C. Carrying ACC Issued Weapons and Security Equipment.

~~1.~~

~~1. An employee must be authorized to carry and must meet the training requirements as a prerequisite to carrying weapons and security equipment.~~

~~2. Employees NOT Assigned to a Residential Center: An employee who is not assigned to a residential center may carry an authorized weapon who are in positions authorized to carry a firearm. These employees, when they meet the above requirements in the paragraph entitled "Authorization to Carry a Firearm on Duty," may carry ACC-issued weapons, ammunition, security equipment and a chemical agent during all hours in which he/she is actively pursuing the obligations and duties of the position for which he/she is employed by the ACC, otherwise there is no authority to carry or use agency-issued weapons or security equipment. This does not prohibit an the employee from carrying the weapon them when commuting to and from work.~~

~~23. Residential Center Employees. Security staff who have received the required training may be authorized by the Senior Residential Supervisor, Assistant Center Supervisor, Center Supervisor or above to carry security/control equipment within the following parameters:~~

~~a. Security staff at the rank of Sergeant or above may be authorized to carry a chemical agent for on-site supervision.~~

~~b. Security staff who supervise community work crews are trained may be authorized to carry a chemical agent for off-site supervision.~~

~~c. Security staff may be authorized to carry a firearm and chemical agent while transporting offenders.~~

~~d. Security Staff at a Technical Violator Program (TVP) must carry a firearm and chemical weapon and when supervising TVP off-site community work crews unless an exception is granted by the Center Supervisor.~~

~~ec. Security staff who are on the Special Emergency Response Team (SRT) may carry weapons off-site, pursuant to applicable policy.~~

~~f. Shift Supervisors and Assistant Shift Supervisors may be authorized to issue issued stun shields, riot helmets helmets, batons and other approved security/control equipment when necessary for a particular incident only with the approval of the Senior Residential Supervisor, Assistant Center Supervisor, Center Supervisor or above.~~

34. Additional Carrying Requirements.

~~a. When carrying a firearm, an employee on duty, uniformed personnel must also carry a an ACC-issued chemical agent. As an exception, SRT must carry a chemical agent or SRT members may instead carry a Taser. SRT members must NOT carry a~~

~~Taser~~Uniformed personnel consist of ACC Special Response Team officers; Parole/Probation Officers, residential food service staff, security officers, and chemical weapon at the same time. The firearm must be in an approved holster and the chemical agent in a carrier or belt case residential supervisors.

- b. When carrying a firearm on duty, an employee must carry his or her law enforcement badge and when a carried firearm is visible, the badge must also be visible.
- c. When carrying a firearm on duty, an employee must wear or keep carry his or her ACC photo identification card on his or her person whenever carrying a firearm.
- d. Firearms must be in an approved holster.
- e. When in uniform, carried chemical agent and Tasers must be in a carrier or belt case.
- f. An employee must not carry a firearm while under the influence of any mood-altering substance, including prescribed medications, or other substances that would impair his or her ability to perform the duties of the job.
- g. An employee must not carry a firearm when precluded from doing so by the supervisor, in accordance with the provisions of this policy, or by law.
- h. Firearms will at all times must be maintained and used in a manner which precludes to prevent accidental discharges.

ED. Carrying a Backup Personal Handgun Firearm While on Duty.

- 1. A "personal firearm" refers to a firearm owned by an ACC employee. To carry a personal firearm while on duty, both the employee and firearm must meet the requirements in this policy.
- 2. The caliber of the personal firearm must be between .380 caliber and .45 caliber.
- 3. A Law Enforcement Officer (LEO). A LEO may carry an approved personal handgun firearm as a backup weapon while on duty provided that the officer:
 - a. furnishes his/her own handgun personal firearm and conceals it while carrying it both on and off duty.

Qualifies on the personal handgun duty.

- b. uses his/her personal funds for all expenses related to the personal firearm to include all ammunition used for practice, qualification and carry, purchasing a holster and maintenance. The ammunition must be approved by ACC.
- c. ensures the backup firearm is secured in an approved holster when worn on duty and secured when not worn. The holster must be approved by an ACC certified firearms instructor and documented on the form "Backup Weapon Inspection and Qualification".
- d. qualifies on the personal firearm through an ACC certified firearms instructor prior to carrying it and requalifies as required by agency policy.

b. ~~Furnishes his/her own ammunition for qualifying and duty for the personal handgun.~~

c. ~~keeps the handgun properly maintained, repaired and in good working order at his/her own expense.~~

~~The caliber and type of the handgun and its ammunition must be approved in advance by the Dir~~

E. Authorization to Carry Firearm off Duty. ~~As of July 31, 2017, Parole and Probation Officers employed by ACC who are authorized to carry a firearm while on duty may choose to carry their state-issued or approved personal firearm while off duty pursuant to Arkansas Law section 16-93-103. The law does NOT allow officers to carry a state-issued firearm while actively working at employment for another organization.~~

F. First Aid/Emergency Medical Services. First aid or emergency medical services must be promptly provided following the injury and/or contamination of an individual by a firearm, chemical agent or security equipment. (4-ACRS-2B-02[P]).

G. Responsibility to Inform of Physical or Emotional Impairment and Suspending Authorization.

Employees who are authorized to carry a firearm and/or less than-lethal ~~weapon~~ weapons must notify their immediate supervisor of any physical, ~~psychological~~ or pharmacological conditions causing physical or emotional impairment that could affect their ability to perform the essential functions of their duties or carry/use a firearm or less-than-lethal weapon safely.

Impairment is considered to be a condition that can affect judgment, reaction time, or motor skills, as it may affect the ability to act or handle a firearm or less-than-lethal weapon safely and proficiently ~~or to operate a motor vehicle safely.~~

Supervisors must consider the circumstances and when warranted must suspend ~~or revoke~~ authorization to carry a firearm and less-than-lethal weapon ~~and/or operate a motor vehicle.~~ Supervisors must protect such medical information pursuant to law and policy.

Authorization will be reinstated upon the cessation of the medication effects, or with the physician's ruling that the physical/~~psychological~~ condition and/or medication's potential effects would not interfere with handling a firearm or less-than-lethal weapon, driving a motor vehicle safely, or safely performing other essential functions. (4-APPFS-3B-05)

H. LEO Personnel Actions. The Parole/Probation Deputy Director and Residential Services Deputy Director must ensure proper notification to the Commission on Law Enforcement Standards and Training of all LEO personnel actions, pursuant to the ~~Commission on Law Enforcement Standards and Training~~ CLEST Manual.

I. Training Requirements for Issue and Use

~~Notifications of Weapons and Security Equipment.~~

1. Training Approval Requirement. ~~Training courses addressing requirements in this section~~ personnel actions going to CLEST must be approved by routed through the ACC Human Resources Section or Central Training Section or the Arkansas Law Enforcement Training Academy, as appropriate.

~~2. Firearms Qualification and Security Equipment Training Requirements. (4-APPFS-3B-03M)~~

- ~~a. Initial and Refresher Firearms and Related Training. Employees authorized to carry firearms must successfully complete initial and semi-annual refresher training at minimum on these topics:
 - ~~defensive tactics~~
 - ~~use of force~~
 - ~~use of restraints~~
 - ~~safety~~
 - ~~weapons handling, retention, constraints, care, and control~~
 - ~~additional topics on discharging firearms to include scenarios in which an employee should shoot or not shoot~~
 - ~~arrest~~
 - ~~transportation, and~~
 - ~~related policy.~~~~
- ~~b. Staff who are required or authorized to carry or be able to use a chemical agent or security equipment must be trained on the use of force and the authorized security equipment. Initial training on chemical agents will require contamination while being video-taped (no exceptions) recorded. If a person has a medical concern the employee may be excused and the instructor~~
- ~~c. Initial Firearms Qualification. An employee who is authorized to carry a firearm must qualify with the ACC firearm during the firearms training session(s) at the Parole/Probation Officer Academy and subsequently as required in this policy. Center Supervisors and Assistant Center Supervisors must qualify during appropriate training as approved by the Director and subsequently as required in this policy.~~
- ~~d. Firearms Requalification. Authorized employees must re-qualify at least semiannually in April and October. Requalification training will be conducted by a certified firearms instructor and will include use of force and scenarios in which an employee should shoot or not shoot and other topics listed above. If an authorized employee fails to requalify, each subsequent attempt must be preceded by appropriate remedial training conducted by a certified firearms instructor.~~
- ~~e. Failure to Qualify or Requalify. An employee authorized to carry a firearm who fails to qualify or requalify with his/her weapon within the period allowed, no longer meets the essential functions of his/her position and must be removed from that position.~~
- ~~3. Discharge of Firearms and Chemical Agents. Discharge of a firearm for ACC training and practice purposes must be conducted under the direction of a certified firearms instructor and will conform to established safety. Chemical agent training that includes discharging active chemical agent canisters will be conducted at locations approved by the supervisor, instructor, or CTS to be safe for this purpose.~~

~~4. Prior LEO Certification. A new employee with current LEO certification in accordance with Commission standards must also complete a psychological examination by a psychologist/psychiatrist chosen by the ACC and/or a physical examination, if not conducted within the past five years. Although this prior certification may be current, a new employee must qualify with his or her ACC firearm on an approved course of fire and successfully complete required ACC training. Proof of certification must be provided to the supervisor and CTS.~~

~~must promptly notify the person's immediate supervisor, the Central Training Section Manager and the Central Office Human Resources Manager so a determination may be made on the medical excuse and whether the employee can perform the essential functions of the job.~~

J. Security and Control of Weapons and Equipment

- ~~1. Parole/Probation Managers and Residential, Center Supervisors and the SRI' Commander are primarily responsible for weapons accountability and security.~~
- ~~2. Employees are responsible for the weapons and security equipment issued to them.~~
- ~~3. Managers and Supervisors may designate a firearms-certified Weapons Control Officer to manage weapons and security equipment; to include coordinating with the Local Physical Asset Control Officer to ensure compliance with the Equipment Inventory, Transfer and Disposition policy.~~
- ~~4. All weapons and security equipment must be retained stored in designated areas that are locked; inaccessible to offenders and other unauthorized persons; protected from the weather; and secured from loss or theft.~~
- ~~5. When not being worn, authorized firearms, ammunition and other security equipment must be secured. Inside a building, they must be secured in an armory or a locked container (located in an inconspicuous place, preferably in a locked cabinet or storage room). Except in an emergency, firearms must be stored in an armory or locked container located outside the perimeter fence of a residential center. If secured in a vehicle, weapons and ammunition must be stored in a locked security box that is affixed to the vehicle and located in the trunk or out of plain sight.~~

~~An acceptable storage container is constructed of material strong enough to serve as a substantial barrier to unauthorized entry. The container should be solidly connected to a structure or vehicle suitable to discourage removal.~~

- ~~6. When storing an authorized firearm in a vehicle trunk, the trunk lid release mechanism located in the vehicle must be deactivated in an effort to prevent a thief who breaks into the vehicle from accessing the trunk.~~

~~7. 6. Firearms must be loaded and unloaded in a designated safe area approved by the Area Manager, Center Supervisor or Firearms Instructor. Each safe area must have at least a 5-gallon barrel of sand. Firearms must be pointed at the sand barrel if the firearm is being unloaded or the trigger is pulled prior to cleaning or removing the slide.~~

- ~~7. At residential centers, firearms must not be worn except in an emergency or when carried by an authorized employee before departure and upon return. Firearms must be properly secured in a control center or armory. Visiting law enforcement officers must secure their weapons in their vehicle or in the control center or armory prior to entering the facility. (4-ACRS-2A-10)~~
- ~~8. The process for signing firearms and security equipment in and out must include the employee's name, weapon serial number (where there is one), and ammunition type and quantity. Form 1, "Authorization and Receipt for Weapon and Security Equipment," or a bound book with pre-numbered pages must be used for this purpose and kept for a minimum of 3 years after the final entry. Annotations may be made to indicate transfer of active records from one permanent log book that has been filled to a new one.~~
- ~~9. Area Managers must ensure their firearms instructors have an approved process in place for keeping up with ammunition received and issued.~~
- ~~10. This paragraph does NOT apply to Center operations. An employee may leave an authorized weapon in an office overnight only if it is in a secured and approved container. An employee may area approved by the Area Manager or firearms instructor. Law enforcement officers are encouraged to take the weapon home, provided that and when doing so the weapon is carried on his/her person or secured in the vehicle trunk or an affixed security box while commuting.~~
- ~~9. Unassigned protective vests firearm must be returned to the Assistant Director for Administrative Services at the Central Office for reissue kept secure.~~
- ~~10. 11. Each Area Manager, Center Supervisor, and the SRT Commander must develop and provide written supplemental guidance, approved by the appropriate Deputy Director, to include at minimum:~~
- ~~a. Procedures for issuing weapons and security equipment to the SRT, emergency response teams, transportation teams, and individuals, as appropriate.~~
 - ~~b. Key control~~
 - ~~c. Access control~~
 - ~~d. Inventories are conducted a minimum of annually by the Control Officer with a second person who is either a "disinterested" person or the Area Manager or Center Supervisor.~~
 - ~~e. Safety and security procedures.~~
- ~~11. Firearms are not permitted in a residential center unless otherwise authorized in written policy issued by the Director except in the case of emergencies which would warrant such. Residential centers must have a secured lock box outside the center for visiting law enforcement officers to temporarily deposit their firearms or require visiting law enforcement to secure their weapons in their vehicle. (4-ACRS-2A-10)~~

~~K~~

~~L. Chemical Agent Specifications.~~ Chemical agents must be non-flammable and meet EPA standards.

LM. Dogs and Handlers. Dogs and handlers from the Arkansas Department of Correction or a local law enforcement agency may be used for contraband detection and tracking purposes at residential centers by the SRT and when approved by the Center Supervisor or Assistant Center Supervisor, at ACC residential centers.

MN. Retired Law Enforcement Officer ID. LEOs retiring from ACC and state government service may request a "Retired Law Enforcement Officer" identification badge card. The written request must be supported by a copy of the official retirement documentation and submitted to the Director for approval consideration.

N. O. Wearing Protective Vests.

Protective vests will be worn when making home visits, serving warrants (unless serving a warrant in the office or at a jail), transporting offenders, firing weapons on the range, accompanying law enforcement on investigations or operations, when assisting in apprehending an escapee, when carrying a firearm to a job-related duty outside the office, and at the LEO's discretion. SRT members are exempt from this requirement; they must exercise their discretion on when to wear their tactical or protective vests.

III. PROCEDURES.

- ~~— A. Annual Assessment.~~ Deputy Directors and the SRT Commander must conduct an annual assessment of their area of responsibility to determine the needs for specific weapons, security equipment, and related training for categories of employees. The assessment must be based on specific employee functions and duties, the nature of the environment, and offender populations supervised.
- ~~— B. Draw and Display of Firearms.~~ Employees authorized to carry firearms may draw or display firearms in accordance with this policy and the Use of Force Administrative Directive and for storage.
- ~~— C.~~ **P. Incidents Involving Weapons or Security Equipment.** Incidents involving weapons or other security equipment will be managed and reported in accordance with the Administrative Directives on "Reporting and Investigating Incidents and, Hazards, and Maltreatment," "Use of Force," and "Drug-Free Workplace."
- ~~— D. Chemical Agent.~~ Employees authorized to carry chemical agents must adhere to the following:
 - ~~— 1.~~ Carry the chemical agent in the approved pouch.
 - ~~— 2.~~ Do not brandish or use a chemical agent as an intimidating device unless attempting to prevent further escalation of force.
 - ~~— 3.~~ Use only the amount of chemical agent necessary to achieve control of a person and discontinue the use when the person can safely be taken into custody.
 - ~~— 4.~~ Take necessary steps to provide relief from the effects of the chemical.
 - ~~— 5.~~ If possible, avoid use of a chemical agent when it may affect innocent bystanders or other employees.
 - ~~— 6.~~ When appropriate, advise persons of chemical agent use to prevent the contamination of other offenders or staff, and

~~7. Chemical agents may be drawn, displayed, or used within the parameters addressed in the Use of Force policy.~~

~~E. Disposition~~ **Q. Confiscation, Surrender, Loss, Damage, and Disposal**~~Disposition of~~
Firearms or Security Equipment.

~~1. Disposition of Firearms. All issued firearms and security equipment remains the property of the ACC and must be surrendered immediately upon order of the appropriate supervisor or higher ACC authority.~~

1. Surrender of Firearms. An employee who voluntarily or involuntarily leaves ACC employment must immediately surrender his/her assigned weapon and equipment to his/her supervisor, with one exception. The Director may, with the recommendation from the employee's supervisor, award a Parole/Probation Officer his/her weapon upon retirement pursuant to state law.

2. Lost or Stolen ACC Weapons. If any issued weapon or security equipment is lost or stolen and it is determined by the appropriate supervisor, administrator or Center Supervisor that such loss was caused by carelessness or negligence, the employee ~~will~~must reimburse the ACC within 30 days for replacement cost, unless an alternative payment schedule is approved. The circumstances surrounding the loss or theft may result in disciplinary action, up to and including employment termination. Refer to the policy on Reporting and Investigating Incidents and Hazards and Maltreatment for reporting stolen or lost weapons.

3. Damaged Firearm. A damaged or faulty ACC firearm must be reported to the immediate supervisor, the firearms instructor if detected during training or firearms qualification, and the Weapons Control Officer as soon as detected. Firearms in need of repair must be referred to a certified armorer or gunsmith through regular purchasing procedures.

~~4. Disposal~~ 4. Disposition of ACC Firearms. Following the appropriate Deputy Director's written approval, a firearm for which ACC has no use must be disposed of through the Administrative Services Division's Purchasing Unit, according to state regulations governing property disposal. ~~Contraband firearms will not be disposed of, but, upon receipt of written approval of the appropriate Deputy or Assistant Director, will be transferred to the local or state law enforcement entity of the jurisdiction in which the contraband was seized.~~

~~5.~~ 5. Processing Confiscated Firearms. Process confiscated firearms as described on the form entitled "Confiscated Firearms Processing."

6. Damaged/Used Chemical Agent Turn-In and Disposal. Damaged or used chemical agents will be turned in to the supervisor or Weapons Control Officer for proper disposal and adjustments to supply/inventory records.

~~F.~~ **R. Decision to Suspend or Revoke Firearm Privileges.** (4-APPFS-3B-04)

1. ~~Decision to Suspend, Revoke, or Restrict.~~

~~a.~~ A supervisor must act to suspend, ~~restrict,~~ or revoke authorization to carry a weapon when reasonable cause exists. When the authority to carry a firearm has been ~~restricted,~~ suspended, or revoked, the employee is also restricted from performing duties that might require the use of a firearm. The Manager or Supervisor must complete the appropriate section of the Authorization and Receipt for Weapons & Security Equipment Form and forward it to the Parole/Probation Assistant Director or Deputy Director of Residential Services, as appropriate. When a supervisor ~~suspends or~~ revokes the authorization to carry a firearm or less-than-lethal weapon ~~when reasonable cause exists,~~ and the weapon belongs to the agency, it must be seized and secured.

~~b.~~ 2. When an employee's authorization to carry an ACC-issued firearm is revoked or suspended, the employee must not carry a backup firearm while on duty.

3. Some of the factors that may be considered in deciding to ~~restrict,~~ suspend or revoke the carrying and use of a firearm are as follows:

- ~~(1)a.~~ job performance
- ~~(2)b.~~ participation in a substance abuse or psychiatric treatment program
- ~~(3)c.~~ carelessness, horseplay, negligence, misuse, or other inappropriate conduct in the handling of weapons and equipment
- ~~(4)d.~~ incident(s) involving the discharge of a weapon
- ~~(5)e.~~ action is determined to be in the best interest of public safety and efficient operation of the ACC
- ~~(6)f.~~ employee use of ~~mood altering medications or other substances that cause physical or mental impairment,~~ and
- ~~(7)g.~~ when warranted, pending completion of an investigation.

~~G.~~ ~~h.~~ failure to qualify or requalify

S. Firearm Safety, Maintenance, and Inspection.

1. All unassigned firearms and security equipment ~~not used in the line of duty will be~~ must inspected and maintained at least annually by a LEO or other authorized staff member designated by the supervisor. ~~At the direction of a supervisor,~~ an issued weapon is subject to inspection at any time by certified firearms instructors.
2. Only certified armorers and ~~gunsmiths~~ will make or cause to be made modifications or repairs to ACC firearms. Any modification or substantial repair must be documented in writing. Reports must be filed and provided to appropriate supervisor ~~pursuant to local practice, SRT members must provide a copy to the SRT Commander and SRT Coordinator.~~
3. Each authorized employee is responsible for cleaning, maintaining, and inspecting his/her issued ~~weapons and equipment~~ security equipment and authorized firearms. In addition, before placing a personally-owned backup firearm in use, the employee must have a qualified firearms instructor complete the form "Backup Weapon Inspection and Qualification."

4. Each authorized employee is responsible for reporting in writing any unresolved deficiencies in firearms and security equipment when there is a potential or actual problem that may or does cause the firearm or security equipment to be unsafe or unreliable. Firearms and security equipment found to be unsafe or inoperable must be promptly removed from service and tagged to indicate the problem. The report should be made on the form entitled "Incident or Hazard Report/Witness Statement Form – for Staff Use." Reports must be filed and provided to the appropriate supervisor pursuant to local practice; ~~SRT members must provide a copy to the SRT Commander and SRT Coordinator.~~

- ~~5. Any weapon found to be unsafe or inoperable must be promptly removed from service; and tagged to indicate the problem.~~

- ~~6. 5. A firearm that has been fired in connection with an incident may not be cleaned without a release from the Internal Affairs Administrator and approval of the appropriate Deputy Director.~~

76. Employees must adhere to standard safety instructions provided by ACC training processes. Weapons will at all times be maintained and used in a manner that precludes accidental discharges. Irresponsible acts such as horseplay or practical jokes involving a weapon are prohibited.

T. Handcuffs. Handcuffs must be black and/or silver.

IV. REFERENCES. Arkansas law sections 5-2-605 and following, 5-64-501, 5-73-103 through 105, 12-29-115, and 16-93-103.

V. ATTACHMENTS~~ATTACHMENT~~ **AND FORMS.**

Attachment 1 Weapons and Security Equipment Authorization Listing

AD 44-2217-35 Form 1 ~~Temporary Receipt of Firearm and Security Equipment for~~
Practice Only

~~AD 17-35 Form 2 Receipt for and Authorization & Receipt for to Carry Weapons & Security~~
Equipment

~~AD 17-35 Form 3 Backup Weapon Inspection and Qualification~~

~~AD 17-35 Form 4 Confiscated Firearms Processing~~

We are NOT providing a markup of the attachment and forms. Please consult the revised version of these on the ACCess > Policy and forms website.