



Arkansas Department of Correction

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www.adc.arkansas.gov

April 30, 2018

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

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

Dear Co-Chairs,

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

AD #	AD Title	Superseded AD #	Effective Date	Summary
AD 2018-01	Class Status and Promotion Eligibility	AD17-27	1/16/2018	This Administrative Directive (AD) was amended to add dashing (or the attempt) to the list of Class A penalties which will result in an inmate receiving one year at Class IV status.
AD 2018-02	Procurement, Purchasing, Disposition, and Contracting Guidelines	AD11-64	1/25/18	This Administrative Directive (AD) was amended to reflect recent changes in procurement law. Additional changes were made to clarify existing language.
AD 2018-03	Employee Driver's License	AD17-29	1/29/18	This Administrative Directive (AD) was amended to clarify that the penalties for Driving While Intoxicated (DWI), Driving Under the Influence (DUI), or any type of Driving Without License offense, apply to a conviction for the offense and not to a ticket/citation.

AD #	AD Title	Superseded AD #	Effective Date	Summary
AD 2018-04	Employment	AD17-21	2/2/18	This Administrative Directive (AD) was amended to reflect changes related to the rehire of terminated employees.
AD 2018-05	Confidentiality of Mental Health Services	AD16-08	2/2/2018	This Administrative Directive (AD) was amended to replace the term "lockdown" with "restrictive housing," consistent with current policy and practice.
AD 2018-06	Evaluations for Disciplinary Court Proceedings for Seriously mentally ill Inmates	AD16-09	2/2/18	This Administrative Directive (AD) was amended to change its name in order to reflect current professional standards. Also, a change was made in the definition of serious mental illness in order to reflect current American Correctional Association (ACA) standards.
AD 2018-07	Assignment to Programs	AD12-32	2/2/18	This Administrative Directive (AD) was amended to remove references to the Boot Camp Program. Additionally, the term "segregation" was replaced with the phrase "restrictive housing." Finally, language was revised to clarify that all inmates will receive a Social History assessment at intake.
AD 2018-08	Body Armor	AD12-15	12/29/2017	This Administrative Directive (AD) was amended to clarify the procedures for the purchase of body armor, by a correctional officer not issued body armor.
AD 2018-09	Agency Website	AD12-15	12/29/2017	This Administrative Directive (AD) was amended in order to provide guidance regarding the content and maintenance of the agency website.
AD 2018-10	ACIC/NCIC	AD16-42	2/26/18	This Administrative Directive (AD) was amended to clarify issues related to the security of ACIC/NCIC information.
AD 2018-11	Release Process	AD14-43	2/27/18	This Administrative Directive (AD) was amended to add key control officer to the release checklist; to remove references to Boot Camp; and, to note that if an inmate has been out to court during his/her incarceration, the court must be contacted to determine if the inmate received new or additional time.
AD 2018-12	Inmate Disciplinary Manual	AD17-28	3/1/18	This Administrative Directive (AD) was amended to establish additional penalties for Class "A" disciplinary infractions. Inmates who use a commissary item

AD #	AD Title	Superseded AD #	Effective Date	Summary
AD 2018-13	Facility, Program, and Court Ordered Tours	AD16-29	3/5/18	This Administrative Directive (AD) was amended to establish procedures for Court Order Tours. Additional changes were made to clarify existing language.
AM 11-1	Legal Typing	None	3/12/18	Repealed - This AM was superseded by Administrative Directive 2012-23 Typing Services in the Law Library.
AD 2013-134	Emergency Response Team Paging	None	2/2/18	Repealed - This policy was outdated and did not reflect current notification procedures.
AD 2013-032	Merit Increase Pay System	None	2/6/18	Repealed - This policy has been replaced by the new performance evaluation process.
AD 2013-033	Performance Appraisal & Appeal Process	None	2/6/18	Repealed - This policy has been replaced by the new performance evaluation process.

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

Sincerely,



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

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



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ADMINISTRATIVE DIRECTIVE

SUBJECT: Class Status and Promotion Eligibility

NUMBER: ~~17-2718-~~

SUPERSEDES: ~~16-4517-27~~

APPLICABILITY: Staff and Inmates

REFERENCE: AR- 802 - Classification of Offenders **PAGE:** 1 of 7

APPROVED: ~~Original Signed by Wendy Kelley~~
EFFECTIVE DATE: 09/21/2017

I. POLICY:

It shall be the policy of the Arkansas Department of Correction (ADC) to place inmates in a class status that is commensurate with custody considerations and programmatic goals, establishing criteria for class promotion, reclassification and/or restoration of good time.

II. EXPLANATION/PURPOSE:

This policy defines who is eligible for various classifications, what is required for class promotion, reclassification, and restoration of lost good time. Inmates are not to be denied class promotion opportunities due to job availability. Note that meritorious good time is governed by a separate Administrative Directive.

III. DEFINITIONS:

- A. Class I is the highest classification/class status an inmate can obtain and has subcategories of IA, IB, IC, ID, and IP.
- B. Class IA is reserved for inmates released after Boot Camp Graduation, ACC Reentry Center Resident, or that are employed in the community; either at Arkansas State Police, Arkansas Law Enforcement Training Academy,

Arkansas Game & Fish, as part of a work crew approved by the Director including the Capitol, Governor's Mansion, Old State House, Veteran's Cemetery, Dog Kennel, or through a Work Release Program¹. Inmates currently assigned Class 1A are grandfathered as 1A inmates. Inmates may NOT be assigned Class 1A if he/she is serving

1. Life without Parole;
 2. Life unless the inmate has served at least seven (7) years with no major disciplinary in the previous five (5) years;
 3. A sentence for kidnapping, escape, capital murder, fleeing, or a sex offense; with the exception of ACC Reentry Center Resident
 4. Has an active detainer; or
 5. Is under the age of twenty-five (25) year old.
- C. Class 1B is reserved for inmates that are assigned to the 309 Program or assigned to jobs on Department of Correction property, but outside the unit perimeter fence; these inmates are not required to be monitored by armed security staff at all times unless they are working off ADC property. Inmates shall not be assigned 1B status unless they are within ten (10) years of their TE/PE date, and otherwise qualify under criteria for Class 1A. Inmates currently assigned Class 1B are grandfathered as 1B inmates.
- D. Class 1D is for inmates who meet 1B criteria although the inmate may have more than ten (10) years to his/her TE/PE date, but shall not have had a violent/assaultive/threatening disciplinary within the last thirty-six (36) months. Class 1D inmates will only be assigned jobs on ADC property and shall be under continuous and direct supervision of staff if outside the perimeter fence.
- E. Class 1C is for all other inmates assigned Class 1 status, but require armed security supervision when working outside the fence. Inmates assigned Class II who have been approved for parole or transfer by the Parole Board automatically become Class 1C.
- F. Class 1P is automatically assigned to an inmate upon release/transfer to Community Correction supervision.

¹ Criteria for assignment to Work Release, 309, and Boot Camp are all governed by separate policies. Criteria for ACC Reentry Center Resident Program governed by separate statute.

- G. Class II is required for an inmate to be considered for restoration of lost good time, and is typically required for enrollment in a treatment program. All inmates are assigned Class II upon intake unless the inmate is being returned as the result of disciplinary action and has been reduced below Class II status. Inmates assigned Class II cannot work outside the fence without armed supervision.
- H. Class III status is the lowest class status that earns any good time, and would typically indicate an inmate has had behavioral problems within the Department.
- I. Class IV is the lowest class status indicating the inmate has been found guilty of disciplinary violations and is not eligible to earn any good time.
- J. Any Class assignment to Class I that does not meet the criteria above requires written approval of the Director or the Deputy Director for that institution.
- K. Interstate Compact inmates (800#'s) are housed for another state in the Department of Correction and cannot be awarded class IA, IB, nor ID or otherwise a class status that allows the inmate to work outside the confinements of the fence without armed supervision.**

| IV. PROCEDURES:

A. New Commitments and Violators

The following procedures will be utilized in determining inmates' class status upon their reception:

1. Absconders

An inmate on parole or transfer who absconds from supervision will be reduced to Class IV status on the date of abscond until return to custody (date warrant served).

- a. When the warrant is served, the inmate will be placed in the class status prior to the abscond and will remain this class until returned to ADC.
- b. An inmate who absconds supervision prior to the implementation of Class IP status, effective 12-11-90, will be returned from abscond with an upgrade to Class IP status effective on the date of return.

2. Parole/Transfer

All parole violators, with or without new time, will maintain a Class IP or transfer status until his or her return to the Department of Correction.

- a. A parole/transfer that waived his or her hearing, and class is not stipulated by the hearing officer, will remain in the present class status until received by the Arkansas Department of Correction.
 - b. All parole violators will be assigned Class II upon intake to the Department of Correction.
3. Violators returned from Act 492 (Boot Camp) will remain in their present class status until they return to the Arkansas Department of Correction.

B. Initial Assignment

1. Inmates will remain in Class II status during their first sixty (60) days on their initial assignment unless appropriate disciplinary action has been taken.

At the end of the sixty (60) days, if the inmate's supervisor has recommended the inmate for promotion, the inmate will appear before the classification committee to be considered for job and or unit reassignment.

2. If the inmate is placed in a job other than his or her initial assignment, the inmate will be promoted to Class I status per classification guidelines.

If the inmate refuses the job and/or unit assignment, the inmate will be placed back on his or her initial assignment and will remain in Class II status until appropriately reclassified.

3. If there is no job available that is suitable for the inmate as determined, the inmate will be promoted to Class I and assigned to the next available opening of a specific job assignment.
 - a. The inmate will then be returned to his or her present assignment and his or her name will be placed on a list and should fill the next vacancy that occurs in that particular job.

- b. If this act occurs, the inmate may not have to reappear before the classification committee but can simply be placed in the job by the classification officer when the opening becomes available.

C. Disciplinary Action

1. If an inmate loses his or her job as a result of disciplinary action and is returned to an initial assignment and then regains Class II status and receives a promotion recommendation from the supervisor, the inmate can be placed in the job but may have to wait thirty (30) days before becoming eligible for Class I unless the job assignment is a Class IA or IB.
2. If the inmate subsequently loses that job due to disciplinary action again, the next time the inmate is placed in the job after regaining Class II the inmate may have to wait sixty (60) days before becoming eligible for Class I. (The classification committee may add thirty (30) day increments each time the inmate loses a job because of disciplinary action.)

D. Administrative Reductions

1. If an inmate is on his/her initial assignment and is recommended for a particular unavailable job and is subsequently promoted to Class I, and the inmate refuses to accept the job when it becomes available, then that inmate can be administratively reduced to Class II and remain on the initial assignment.
2. If an inmate is transferred from ACC to ADC as a 1B, he/she will be administratively reduced to a 1C upon intake to ADC. If the inmate is transferred due to disciplinary reasons, the inmate will remain at the reduced classification assigned by ACC until he/she can earn class pursuant to ADC policies.

E. Released Inmates

Parolees/Transferees: When an inmate is granted parole or transfer by the Parole Board, the inmate will automatically be placed, in Class IC status (unless the inmate is already in IA or IB status) while he/she remains incarcerated. Upon release/transfer to Community Correction supervision, the inmate will automatically be placed in IP status.

- F. To appear before the Classification Committee for promotion, reclassification and/or restoration of lost good time, an inmate must have a

favorable institutional record (without disciplinary infraction), specifically, it shall have been:

1. A minimum of sixty (60) days from the date of the inmate's last major disciplinary hearing (if punitive time is given, then the sixty (60) days begins upon RELEASE from punitive or the sixty (60) days begins after the inmate has been transferred to punitive restriction status (restriction status does not have to be over).

However, if a warning, reprimand or a suspended sentence is received for the major disciplinary, the inmate is eligible for promotion and/or reclassification after thirty (30) days.

2. A minimum of thirty (30) days from the date of the inmate's last guilty decision for a minor disciplinary.
3. And, at a minimum (**timeframes in this section do not begin to run until the inmate has been released from punitive if punitive time was assessed for these violations despite reference to guilty verdict in some subsections below**):
 - a. One (1) year from the date an inmate is returned from **escape or attempted escape** unless the Warden recommends to the Classification Committee that the inmate be considered for promotion and/or reclassification.
 - b. One (1) year from the date of a **felonious battery** unless the Warden recommends to the Classification Committee that the inmate be considered for promotion and/or reclassification.
 - c. One (1) year from the date of a **battery on an employee** unless the Warden recommends to the Classification Committee that the inmate be considered for promotion and/or reclassification. Under no circumstances can the inmate be considered in less than ninety (90) days if the assault is intentional and not less than sixty (60) days if the assault is unintentional.
 - d. One (1) year from a **homicide or attempted homicide** committed while in custody of the Department of Correction.
 - e. One (1) year from the date of a **guilty verdict for disciplinary rule for possession/manufacture of contraband that carries a Class A penalty** unless the Warden recommends to the Classification Committee that the inmate be considered for promotion and/or reclassification.

f. One (1) year from the date of guilty verdict for a 04-17 rule violation for throwing or attempting to throw substances, known or unknown, toward or upon another person unless the Warden recommends to the Classification Committee that the inmate be considered for promotion and/or reclassification.

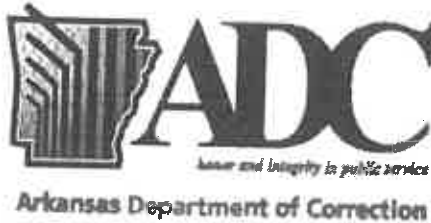
g. Three (3) months from the date of a guilty verdict for **Sexual Activity**, including Rule #05-4, 10-1, 10-2, 10-3, 10-4, or 10-5.

Six (6) months from the date of a second guilty verdict for a 10-3 rule violation for **indecent exposure** unless the Warden recommends to the Classification Committee that the inmate be considered for promotion and/or reclassification.

One (1) year from the date of a third or subsequent guilty verdict for a 10-3 rule violation for **indecent exposure** unless the warden recommends to the Classification Committee that the inmate be considered for promotion and/or reclassification.

NOTE: For calculating an inmate's eligibility for a class promotion, subsequent guilty verdicts for 10-3 rule violations will be run concurrently.

G. After the above promotion and/or reclassification, an inmate must maintain a favorable institutional record for at least thirty (30) days before again appearing before the Classification Committee for another promotion and/or reclassification unless approved by the Warden. An inmate should be in Class II or Class I status in order to be considered for anything other than promotion in class and/or restoration of lost good time. However, an inmate may be placed into a treatment program by the Classification Committee upon the recommendation of the Warden or the Warden's designee and the Treatment Program Manager, even if the inmate is not yet eligible for class promotion per this Directive.



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ADMINISTRATIVE DIRECTIVE

SUBJECT: Procurement/Purchasing/Disposition and Contracting Guidelines

NUMBER: ~~11-6418-02~~

____ SUPERSEDES: 11-3864

APPLICABILITY: Staff

REFERENCE: AR 118 -Procurement and
Disposition Activities

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APPROVED: ~~Original signed by Ray Hobbs~~ Original signed by Wendy Kelley
EFFECTIVE DATE: ~~11/29/2011~~ 01/25/2018

I. POLICY:

To comply with all applicable state and federal laws, guidelines and procedures governing procurement and disposition of commodities and services.

II. EXPLANATION:

This directive reflects guidelines established by the Board of Corrections for approvals required in procurement and disposition of commodities and services for the Department of Correction.

III. DEFINITIONS:

- Board - the Board of Corrections.
- Procurement - purchasing, buying, renting, leasing, contracting, or otherwise obtaining any commodities or services.
- Disposition - disposal, sale, or transfer of surplus commodities.

- Emergency Procurements - acquisition of commodities or services of ~~\$1,000 or more~~ which, if not immediately initiated, will endanger human life or health, state and federal property, or the functional capability of a state and federal agency.
- Sole Source Procurements - acquisition of commodities or services which, by virtue of specifications, are available only from a single source.

IV. PROCEDURE:

A. Procurement of Commodities and Services

1. Procedures for procurement and disposition of commodities and services shall be governed by applicable state and federal laws and procedures of agencies vested with authority to administer same. Such authority, as may be applicable, shall be included in the Administrative Services Division Procedures Manual and made available to all employees involved in procurement and disposition processes.
2. Procurements within approved operating budgets for various divisions/units which are not subject to other authorizations may be authorized by respective ~~Chief Deputy~~ Deputy/Assistant Directors.
3. Inmate Welfare Fund merchandise for resale may be procured by the Warden. Other procurements from the Inmate Welfare Fund require the following approvals:
 - a. Procurements of \$1,000 or less require prior approval of the applicable Warden and the Deputy Director of Administrative Services.
 - b. Procurements of more than \$1,000 but less than \$10,000 require further approval of the applicable ~~Chief Deputy~~ Deputy Assistant Director and the Director.
 - c. Procurements of \$10,000 or more require further approval of the Board.
4. Procurements from the Paws in Prison Fund ~~are~~ shall be limited to operational support of the program and require the following approvals:
 - a. Procurements of \$1,000 or less require prior approval of the ~~Chief Deputy/Deputy/Assistant~~ Director of Administrative Services in charge of the Paws in Prison program.

- b. Procurements of more than \$1,000 but less than \$10,000 require further approval of the Director.
 - c. Procurements of \$10,000 or more require further approval of the Board.
5. Emergency procurements require approval of the Director.
 6. Sole source purchase of equipment exceeding \$50,000 requires approval of the Board. **Exception:** In the event that there is a farm equipment item available for purchase at auction, advanced approval for sole source procurement must be obtained from the Office of State Procurement and the Board of Corrections Farm Liaison prior to submitting a bid. If the bid is successful, details of the purchase will be provided in the following monthly report to the Board.
 7. Procurement of capital equipment items from all fund sources requires approval of the Director. However, the Director may delegate approval authority to the applicable ~~Chief Deputy~~ Deputy/Assistant Directors for procurement of specific capital equipment items and/or specific dollar amounts as specified in administrative directive(s), internal policy and/or procedure.
 8. Procurement of commodities and services required for authorized construction/renovation projects shall be approved by the Assistant Director of Construction.
 9. Procurement of goods utilizing Non-Revenue Tax Receipts which are derived from the coinless inmate telephone system are to be held in a special fund administered and expended by the Director of the Department of Correction within guidelines established by the Board of Corrections disbursement in support of department operations or debt service.

B. Disposition of Commodities

Disposition of commodities and natural resources shall be governed by applicable state and federal laws, guidelines and procedures. Accordingly:

1. Sales of industry produced commodities and services and farm produced commodities are governed by applicable state and federal laws, guidelines, and procedures.
2. Sale, ~~demolition and/or disposition of buildings and land and sales shall be governed by applicable state and federal laws, guidelines and procedures, and exceeding \$50,000~~ require approval of the Director ~~and~~.

the Board. Demolition of any building requires the Director and Board approvals regardless of the building's value.

2. Sales contracts issued through State Purchasing which exceed \$50,000 require approval of the Board.

C. Leases

Leases of offices, storage space, land for agricultural operations, and buildings to house inmates shall be governed by applicable state and federal laws, procedures and guidelines. In addition, the following approvals are required:

1. Leases of office, storage space and equipment require approval of the Director.
2. Leases of land for agricultural operations or buildings to house inmates require approval of the Director and the Board.
3. Lease purchases exceeding \$50,000 require approval of the Director and the Board.

D. Procurement of Land, Buildings, Construction and/or Renovation Projects

Procurement of land, buildings, construction and/or renovation projects shall be governed by applicable state and federal laws, guidelines, and procedures. In addition, the following approvals are required:

1. Procurement of land, buildings, construction and/or renovation under \$50,000 requires approval of the Director.
2. Procurement of land, buildings, construction and/or renovation projects \$50,000 and greater requires approval of the Board.

E. Contracts

Contracts for commodities or services shall be governed by applicable state and federal law, guidelines, and procedures. In addition, the following approvals are required:

1. Professional and/or Consultant Services. Contracts for Professional and/or Consultant Services require approval of the Director. Contracts for \$50,000 or greater, inclusive of amendments, further require approval of the Board.

2. Architectural and/or Engineering Services. Contracts for architectural and/or engineering services for new construction require Board selection and approval of contractor. Selection and approval may be based on Board participation on an interview committee or on recommendation of the Director. Amendments that increase or decrease the percentage of the total contract amount to be paid the contractor require approval of the Board.
3. Medical Services. Contracts for medical services require Board selection and approval of contractor. Amendments that affect the scope of services, the per inmate per day contract rate exceeding the contract bid rate previously approved, the method of calculation of compensation, and other adjustments to fees to be paid require approval of the Board.
4. Legal Services. Contracts for legal services for representation of the departments require Board approval of the contractor. Amendments affecting the scope of services or fees to be paid require approval of the Board.
5. Private Facility Operation Services. Contracts for operation of prison facilities require Board selection and approval of contractor. Amendments that affect the scope of services, the per inmate per day contract rate exceeding the contract bid rate previously approved, the method of calculation of compensation and other adjustments to fees to be paid require approval of the Board.
6. Multiple Award Contracts - ~~Pursuant to AR Code 10-14-262~~
 - The Office of State Procurement may enter into Multiple Award Contracts to facilitate the Farm operations if advantageous to the State.
- F. In-House Review- All contracts for medical, legal, and operation of private facilities require review by the Department's Staff Attorney prior to consideration of the Board.
- G. Emergency Board Approval

Should an emergency situation necessitate immediate procurement of commodities or services that require approval of the Board as outlined herein, the Director will contact the Board Assistant to request a special meeting by telephone for Board consideration and approval.
- H. Reports

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The Department shall provide a monthly report to the Board listing new or renewed contracts of \$10,000 or more.

V. **STANDARDS:**

American Correctional Association (ACA). ACA Standards for Adult Correctional Institutions.
ACA 12-27-128

APPROVED BY THE BOARD OF CORRECTIONS:

11-29-11
Date



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ADMINISTRATIVE DIRECTIVE

SUBJECT: Employee Driver's License

NUMBER: ~~17-2918-XX~~

SUPERSEDES: ~~11-4317-29~~

APPLICABILITY: All Staff

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

PAGE 1 of 3

APPROVED: Original Signed by ~~Wendy Kelley~~

EFFECTIVE DATE: ~~10/17/17~~

I. POLICY:

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

II. PURPOSE

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

III. PROCEDURES:

- A. If the employee's driver's license becomes invalid due to suspension, revocation, or expiration, or if the employee for any reason does not possess a valid driver's license, the employee must immediately notify his/her supervisor. Failure to do so will result in disciplinary action and may include termination of employment.

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

completed and confirmation of course completion attached and sent to Central Human Resources. (See item 8 for exceptions)

4. Drivers Who Have Driving Privileges Suspended or Revoked By the Office Of Driver Services-Shall not be permitted to drive on state business for the duration of the suspension or revocation for no less than 1 day but not to exceed 15 days (no more than 120 hours) Authorization shall be reinstated only after evaluation and approval by the Agency Director. Drivers with restricted permits may be authorized to drive on state business as allowed by the restricted permit and only with the Agency Director approval.
 5. Drivers Who Have Accumulated 24 or more points on their current traffic violation report - Authorization to drive on state business shall be terminated in accordance with Employee Conduct Administrative Directive. If the position is required to operate a vehicle, the employee will be terminated.
 6. If an employee reaches any stage as described above within a three-year time period and has already completed the ADC-offered defensive driving course, the employee will be required to take another ADC-approved defensive driving course at the employee's expense.
 7. Each warden/administrator will receive a weekly updated list of their respective unit/area employees who have excessive points and/or suspended licenses. In addition, a list of all employees who have excessive points and/or suspended licenses will be provided to the Management Team weekly.
 8. Drivers Who Receive a ~~conviction~~ conviction ticket for Driving While Intoxicated (DWI), Driving Under the Influence (DUI), or any type of Driving Without a License - Authorization to drive on state business shall be suspended for no less than twenty (20) working days (160 hours). Authorization may be reinstated only after evaluation and approval by the State Insurance Commissioner. A Defensive Driving Course approved by Agency Director must be completed within sixty (60) days after the suspension began with written confirmation of course completion sent to Agency Director
- D. Actions taken with respect to an employee pursuant to this Administrative Directive may be in lieu of or in addition to actions taken pursuant to the department's policy concerning employee conduct standards and the rules and guidelines of the Arkansas State Vehicle Safety Program.



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ADMINISTRATIVE DIRECTIVE

SUBJECT: Employment

NUMBER: 18-__

SUPERSEDES: 17-21

APPLICABILITY: All Employees and Applicants

REFERENCE: AR-204 Employment Policy **PAGE:** 1 of 9

APPROVED:

EFFECTIVE DATE:

I. POLICY:

It shall be the policy of the Arkansas Department of Correction (ADC) to ensure all applicants are given fair and equal opportunity for employment in accordance with all state and federal guidelines.

II. PURPOSE:

The Arkansas Department of Correction is an Equal Opportunity Employer. All positions are open equally to qualified male and female applicants.

III. DEFINITIONS:

- A. Employee. A person regularly appointed or employed in a position of the Department of Correction for which he or she is compensated on a full-time basis and which has a class title and pay grade in Arkansas Code Annotated § 21-5-208.
- B. Class or Classification. A group of positions sufficiently similar as to duties performed, scope of discretion and responsibility, minimum requirements of training and experience or skill, and other characteristics that the same title, the same test of fitness, and the same scale of compensation have been or may be applied.

- C. Promotion. A change in duty assignment of an employee from a position in one classification to a position in another classification of a higher salary and/or grade requiring higher qualifications, such as greater skill and longer experience, and involving a higher level of responsibility.

In accordance with the AD governing Employee Conduct Standards, an employee is not eligible to apply for or receive a promotion or transfer while on probation as a result of disciplinary action unless a waiver has been granted by the Director.

An employee who applies for and receives a demotion, or who has been administratively demoted, will not be eligible to receive a promotion to a higher classification during the twelve (12) months following the demotion.

If an employee promotes to a classification one or more grades higher than the current classification within their current pay grid, a 10% salary increase on the salary, less any enhancements or differentials, will normally be awarded. If an employee promotes from the career service pay grid to the professional and executive pay grid, a 12% salary increase on the salary, less any enhancements or differentials, will normally be awarded. However, provisions of the state pay plan will govern in all situations as years of service and other applicable situations may limit the increase that may be awarded.

- D. Demotion. A change in duty assignment of an employee from a position in one classification to a position in another classification of a lower salary and grade requiring fewer qualifications such as lower skill requirements, less job-related experience, and a lower level of responsibility. When an employee voluntarily or is administratively demoted to a classification one or more grades below the current classification within their current pay grid, a salary decrease of 10% or 12%, less any enhancements or differentials, will normally be required. However, provisions of the state pay plan will govern in all situations as years of service and other applicable situations may limit the decrease that may be required. An employee who applies for and receives a demotion, or who has been administratively demoted, will not be eligible to receive a promotion to a higher classification during the twelve (12) months following the demotion.

If an employee enters a position that is authorized to receive a Labor Market Rate or a Tier Plan Rate and receives a promotion, demotion, or transfer within the same job family or tier level within twelve (12) months, their base salary must be adjusted with the applicable percentage increase or decrease according to provisions of the pay plan and authority of the Office of Personnel Management.

- E. New Hire. Employees entering state service for the first time.
- F. Rehire. Employees returning to state service after a break in employment of two or more pay periods.
- G. Displaced Worker. An individual who has worked for an employer that has downsized or closed within the last twelve (12) months, in which they were continuously employed for three (3) or more years, will be considered for hire with the ADC without a high school diploma or GED. All other criteria must be successfully completed. This individual will not be eligible for any type of promotion and/or merit increase/promotion until he/she has acquired a GED.
- H. Transfer. Employees transferring between state agencies or institutions or laterally within the Department of Correction without a break in service.
- I. Hiring Authority. Human Resources Administrator/Wardens/Center Supervisors/Administrators are authorized to make final selection of applicants for positions available within the Arkansas Department of Correction.
- J. Human Resources. Any employee assigned or designated by a Deputy/Assistant Director, Warden, Center Supervisor, or Administrator, whether within a division, unit, or Central Human Resources, to perform employment-related functions.

IV. PROCEDURES:

- A. Position Vacancies:
 - 1. The Hiring Authority must initiate a Position Vacancy Report and Hiring Freeze, with appropriate justification, in order to fill any vacant position. These documents must be submitted to the Central Human Resources Office.
 - 2. Upon receipt of the Hiring Freeze, the Central Human Resources Office will determine if the position is budgeted and authorized to be filled. It will then be forwarded to the Department of Finance and Administration, Office of Personnel Management, for final approval.
 - 3. Positions assigned to GS13 and above, IT08 and above, MP03 and above, or Senior Executive position vacancies, are not required to be advertised. The Director has the authority and discretion to appoint or transfer individuals into these classifications.
 - 4. Classified position vacancies within the general salary pay plan must be advertised according to procedures established by the

Department of Finance and Administration, Office of Personnel Management, except when an emergency hire is warranted.

5. Requests for recruitment or advertisement of positions that require additional actions, (e.g., newspapers, mail-outs, etc.), must be submitted to and coordinated by the Central Human Resources Office.
6. Individual units may advertise monthly for Correctional Officer (CO) I's if there are open positions available at that unit. Each application must have a completed disposition within thirty (30) days of receipt. If an application is not dispositioned within thirty (30) days, no new applications may be accepted.
7. All applications received for advertised positions must be submitted according to the guidelines established by the advertisement. Applications received must be complete and will be reviewed to determine if the applicant meets minimum qualifications for the vacancy. Work credit will only be given for paid positions, or internship under a higher education program relative to the qualifications for the position. All qualified applications will be submitted to the Hiring Authority after the closing date of the advertised vacancy.

B. Employment/Selection Process:

1. The Rating System set forth in this policy shall be utilized by the Hiring Authority and/or interview committee for scoring applicants selected for interview. Scoring shall be conducted in a manner that ensures objective criteria are used for selection of the most qualified applicants for vacant positions. Points shall be awarded to applicants for the following criteria: education, experience, and military service. The Rating System shall include:
 - a. Related Education. The applicant must meet minimum requirements for the job classification or must be approved as a qualified applicant per state requirements. A maximum of ten (10) points may be awarded to an applicant for completion of Related Education above and beyond the Minimum Educational Requirements for the position. (For example: If the Minimum Qualifications require a high school diploma, and the applicant possesses a related Associate's degree, two and one-half (2.5) points will be awarded; if the applicant possesses a related Bachelor's degree, five (5) points will be awarded, and if the applicant possesses a related Master's degree, ten (10) points will be awarded. If a Bachelor's degree is required and the applicant possesses a related Master's degree, five

(5) points will be awarded, and if the applicant possesses a related Doctorate's degree, ten (10) points will be awarded.) A copy of the diploma or degree showing the award of the educational level is required. All diplomas received must be from an institution accredited by the Department of Education for the applicable state. All degrees received must be from a college or university accredited by one of the Regional Institutional Accrediting agencies recognized by the United States Department of Education.

- b. Related Experience. An applicant's experience level for the job classification is awarded one-quarter (.25) points for each month of related experience exceeding the minimum requirements, up to a maximum of ten (10) points.
- c. Veteran's Status. An applicant may qualify for five (5) or ten (10) points in accordance with provisions of the Arkansas Veteran's Preference Law. To claim Veteran's Preference, an applicant must be honorably discharged from a tour of active duty, other than active duty for training only, with the Armed Forces of the United States, or served honorably in the National Guard or Reserve Forces of the United States for a period of at least six (6) years, whether retired or discharged. Five (5) points are awarded for standard veteran's preference. A disability discharge is ten (10) points. Discharge must be for "Honorable" or "Under Honorable Conditions" only. Disabled veterans or the spouse of a disabled veteran shall have ten (10) points added to his/her final rating score. The applicant must produce a copy of their DD214 long form or NGB form 22 to receive veteran's preference points. Total points awarded for veteran's status cannot exceed ten (10) points.
- d. Interview. Scoring for interviews shall be determined by assessing 1) the completed application form, 2) other written material gathered or presented and the applicant's responses to questions which support the knowledge, skills, and abilities (KSA's) of each job specification. The rating shall be multiplied times the numerical weight (importance) assigned for each KSA to determine the interview score, which must be 60% or higher. Any supervisory position requires an interview score of 70% or higher.

- 2. The Hiring Authority shall appoint the interview committee, which will consist of three (3) to five (5) members of the Department. These committee members must be representative of the racial and

gender composition of the applicant pool, the same or higher grade as the advertised position, and familiar with the knowledge, skills, and abilities of the position to be filled or positions consisting of General Salary 1-4 can be interviewed by the immediate supervisor of the position without a committee. The Hiring Authority may also bypass the committee system if there are three (3) or fewer applicants eligible for the position. At least one (1) member of the interviewing process must have successfully completed Structured Interviewing Training. The Hiring Authority may select the top-scoring applicant if the Hiring Authority sat on the original interview panel; or, prior to making a final selection, the Hiring Authority may elect to re-interview the top three (3) applicants if the Hiring Authority did not sit on the original interview panel. Written justification in clear and unambiguous terms is required if the applicant selected did not receive the highest score, and this justification must state why this person was selected over the top scoring applicant.

3. Interviews will be conducted for advertised positions if there are applicants with a natural, maximum pre-score cut-off of ten (10) points based on: education, military service, and work experience. Work experience and education must be applicable to the advertised position in order to receive points. However, no applicant can receive more than thirty (30) pre-score points. There is no minimum or maximum number of applicants that can be interviewed for a position. All applicants with military service, who provide a copy of their DD214 showing an honorable discharge, will receive veteran's preference points and must be interviewed, regardless of their pre-score points.

If the Hiring Authority chooses to interview only those applicants with a minimum pre-score, then all applicants with that pre-score, or above, must be interviewed.

4. The Hiring Authority or Human Resources must conduct a background check on all new employees, contractors, volunteers, and Interns/Student Services prior to them assuming their duties, in order to identify whether there are criminal convictions that have a specific relationship to the job performance. The background check shall include comprehensive identifier information to be collected and run against law enforcement indices. If suspect information on matters with a potential terrorism connection is returned on an applicant, it is forwarded to the local Joint Terrorism Task Force (JTTF) or other similar agency. The background check shall include, but is not limited to, NCIC/ACIC record review, Justice Exchange, two (2) or more favorable employment reference checks, and Maltreatment Registries check. If the NCIC/ACIC report reveals ten (10) or more points assessed against an applicant's

driver's license, or reveals that a license is suspended or not valid, the applicant is not eligible for hire if the position applied for requires a driver's license or requires driving a state vehicle. If the applicant only has one (1) favorable employment reference, or has no employment history, approval to hire may be granted by Central Human Resources. The Hiring Authority must be notified if the references cannot be obtained within three (3) working days. Documentation relative to the employment background check must be attached to the promotion/hire packet.

5. Incumbent staff who promote or demote to business positions in areas such as accounting, inmate banking, commissary, or any other area which has access to agency financial accounts, must have a background check completed and submitted as part of the packet for approval. This also applies to staff that promote or demote to a position in Information Technology. Employees occupying these positions will have an updated background check every five (5) years. Although a criminal conviction, (i.e. embezzlement, fraud, etc.), does not automatically eliminate an applicant, approval may not be granted due to the nature of the criminal charge if it may conflict with the type of duties being performed.
6. Pre-employment screenings as may be required by department policy or procedure will be conducted prior to final review and approval of selectee. Such screenings may include, but are not limited to: 1) a drug test, 2) a physical assessment, 3) a tuberculosis test, and 4) the ability to perform essential job functions. Applicants rejected for failing to pass a test for drugs will not be reconsidered for twelve (12) months from the date of rejection and upon reapplication must have successfully completed a state licensed drug rehabilitation program during the twelve-month period. A final offer of employment may not be made until all required documentation has been received and administrative approval has been received.
7. The promotion/hire package recommending an applicant for selection must be presented to the Central Human Resources Office for administrative approval. The packet will consist of all documents as specified on the Human Resources Pre and Post Check-Off Sheet, including the Contingent Hire Notification documentation.
8. Positions classified as GS09 and above; IT08 and above; and MP03 and above will be approved by the Director. GS07 and GS08; IT06 and IT07; and MP02 and below will be approved by the applicable Deputy/Assistant Director. GS06 and below will be approved by the Hiring Authority and the Human Resources Administrator.

9. Following acceptance of an offer of employment, all other applicants will be notified of the decision by the Central Human Resources Office. Approved promotions and transfers should occur within two (2) weeks following the employee's acceptance of the position and notice to his/her supervisor, unless alternative arrangements are authorized by the gaining and losing Hiring Authority.

C. Transfer:

1. Administrative Transfer. The Director may at any time transfer employees and/or their positions to another location when the transfer is in the best interest of the Department.
2. Voluntary Transfer. An Employee of the Department of Correction may request a voluntary transfer from a position classification at one location to the same position classification at another location provided there is an open advertisement for that position at the desired unit. The applicant will route requests for voluntary transfers through the Hiring Authority (releasing and receiving) for consideration and approval. The Hiring Authority has the option of selecting a transfer applicant in lieu of interviewing for the vacant position.

D. Demotion:

1. Administrative Demotion. Employees may be demoted to a lower-graded position classification in accordance with provisions of the department's employee conduct standards policy. All demotions must be approved by the applicable Deputy/Assistant Director or Administrator.
2. Voluntary Demotion. Employees of the Department of Correction may request a voluntary demotion from their current position classification at one location to a lower graded position classification at the same or at another location provided a vacancy has been advertised. A completed state application must be received during the advertisement period. The applicant will be considered with all other qualified applicants in the interview process.

E. Rehire:

- I. The Hiring Authority will review Rehire applications and related previous work history to determine the reason(s) the employee terminated employment with the Department of Correction. Applications from persons not recommended for Rehire will not be considered for at least twelve (12) months from date of

termination; however, the Human Resources Administrator may approve rehire after six (6) months if termination was unrelated to either (1) contraband or (2) inappropriate relationships with inmates, unless the employee left pending an investigation. Applications from persons terminated for violation of the drug testing policy will not be considered for at least six (6) months, and the applicant must have successfully completed a state licensed drug rehabilitation program since termination to qualify for rehire consideration.

A rehire applicant that has not been gone for at least ninety (90) days will be considered for re-employment only at his or her previous unit of assignment unless this requirement is waived by the Director.

2. The Hiring Authority will include the Rehire application, along with the applicant's previous termination notice(s) and all documentation of previous employment periods with the Department of Correction. This information must be submitted with the Rehire packet and forwarded to Central Human Resources.
3. The Director or Human Resources Administrator will make the final decision regarding all Rehire applicants.

F. Procedures Manual/Required Forms:

The Human Resources office shall develop detailed administrative procedures and required forms to guide the employment process. The forms will be placed on the Department intranet site.



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ADMINISTRATIVE DIRECTIVE

SUBJECT: Confidentiality of Mental Health Services

NUMBER: 18-6-08

SUPERSEDES: 16-083-63

APPLICABILITY: All Inmates Requesting or Needing Mental Health Services

REFERENCE: AR 833 Health Services

PAGE: 1 of 2

APPROVED: Original Signed by Wendy Kelley

EFFECTIVE DATE: 6/23/2016

I. POLICY:

Staff will facilitate inmates' access to Mental Health Services while preserving confidentiality and privacy of inmates' mental health requests and interviews to the extent consistent with institutional safety and good order.

II. EXPLANATION/PURPOSE:

It is important that inmates have access to Mental Health Services governed by policies that adheres to the expected professional levels of confidentiality to the extent possible in a prison setting.

III. PROCEDURE:

1. The limits to, and exceptions from, confidentiality shall be explained to an inmate during intake and, if appropriate during subsequent contact with Mental Health Services staff.
2. Inmate requests for Mental Health Services may be made by submitting a request for interview in the sick call mental health request box or in the manner that requests are handled in the inmate's housing area.
3. Mental Health Staff shall pick up requests each working day and triage each request.

4. Requests will be responded to by Mental Health Services staff within five (5) business days notifying the Mental Health Administration and the inmate of one of the following:
 - a) The request is not a request for Mental Health Services and has been forwarded to the properly identified member of staff to be handled.
 - b) The request is of such a nature that the problem can be resolved without face-to-face contact, which response shall list the details of the proposed resolution.
 - c) The request necessitates an interview that has been scheduled on a certain date or within a specified time range.
 - d) Whatever other acknowledgement is appropriate to the request.
5. Inmates in ~~lockdown restricted housing~~ areas may also request services from Mental Health Services staff who will make rounds in ~~lockdown restricted housing~~ areas at least three times weekly.
6. Inmates may be referred for Mental Health Services by any member of staff, by persons outside of the Department who are on the inmate's Emergency Contact Form, or by other inmates. Inmates thus referred will be told only that a referral was made, not the name of the referring party.
7. Efforts shall be made to ensure the privacy of inmates when being evaluated/assessed by Mental Health Services staff through balancing an inmate's right to services, and right to Privacy, while also ensuring the safety and security of the inmate, other inmates, and staff. This effort may result in sessions being conducted with open doors, with security present, and/or with an inmate being evaluated/assessed in his or her assigned cell.
8. Correctional Officers permanently assigned to a Mental Health Services area may participate directly in treatment with the agreement of the supervisory treatment staff.
9. Inmates ~~on lockdown in restricted housing~~ brought for counseling will be restrained as required by Unit Policy for their custody status. Mental Health Services staff may request a modification of the way that an inmate is restrained only if the inmate needs to write or move objects as part of an assessment.
10. Emergency services should be initiated by direct communication between the person with knowledge of the emergency, and a member of Mental Health Services. Mental Health Services staff shall then assess the situation and consult with necessary clinical staff.

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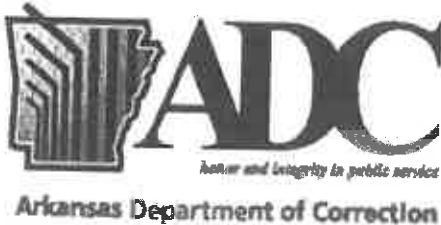
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IV. REFERENCES:



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ADMINISTRATIVE DIRECTIVE

SUBJECT: Evaluations for Disciplinary Court Proceedings for Seriously Mentally Ill and Mentally Deficient Inmates

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NUMBER: 1846-09

SUPERSEDES: 16-0913-80

APPLICABILITY: Disciplinary Hearing Officers,
Mental Health Staff & Inmates

REFERENCE: AR 834 Procedure for Handling Disciplinary Infractions of Mentally Disordered Inmates

PAGE: 1 of 3

APPROVED: Original Signed by Wendy Kelley

EFFECTIVE DATE: 6/23/2016

I. POLICY:

It is the policy of the Arkansas Department of Correction and a goal of the correctional process to teach personal responsibility for behavior, while preserving the mental health of all inmates in its custody. It is recognized that personal responsibility for behavior may be influenced by **serious mental illness**, and that such influences must be taken into account in pursuing the goals of this policy.

II. DEFINITIONS:

A. **Clinical Supervisor** refers to a licensed psychologist to train and supervise staff authorized to do **evaluations**.

B. **Evaluation** of an inmate is a mental health evaluation done under the supervision of a licensed practitioner, and which includes, at a minimum, direct contact with the inmate.

C. **Serious Mental Illness** is defined as symptoms of a diagnosable mental disorder that impairs an individual's functioning and disrupts the capacity to cope with the ordinary demands of life. Psychotic, Bipolar, and Major Depressive Disorders and any other

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diagnosed mental disorder (excluding substance use disorders) associated with serious behavioral impairment as evidenced by examples of acute decompensation, self-injurious behaviors, and mental health emergencies that require an individualized treatment plan by a qualified mental health professional.

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For purposes of this policy, **serious mental illness** will be denoted by a mental health classification of 3, 4, or 5.

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III. PROCEDURE:

- A. At intake an **evaluation** shall be completed on all individuals entering the Arkansas Department of Correction and a mental health classification will be assigned and entered into the electronic Offender Management Information System (eOMIS).
- B. This Mental Health classification will be reviewed annually, but will also be reviewed as indicated by a licensed clinical staff. Staff must update the Mental Health classification if it appears that a change in mental functioning has occurred.
- C. Individuals who are flagged in eOMIS as **seriously mentally ill** shall, at the time disciplinary charges are filed, be referred for assessment. Individuals who are suspected of being mentally ill shall, at the time disciplinary charges are filed, be referred for **evaluation**.
- D. The disciplinary portion of the electronic Offender Management Information System (eOMIS) will caution the staff member entering the disciplinary that an **evaluation** by Mental Health Services is required.
- E. If a staff member assigned to do the **evaluation** believes that involvement in the disciplinary process would impair a therapeutic relationship with the inmate, he or she should ask that the **evaluation** be reassigned.
- F. If additional time is needed to complete an evaluation due to the need for more extensive testing or consultation, the staff member conducting the **evaluation** will request an extension from the Disciplinary Hearing Officer, and will make a recommendation as to housing the inmate as is normally done on Disciplinary Court Review or in segregated status in a mental health unit.
- G. The **evaluation** will result in recommendations to the Disciplinary Hearing Officer that are believed to represent the optimal strategy for preventing future repetitions of the misbehavior while maintaining the mental health of the inmate. These recommendations will be forwarded to the Chief of Security or individual acting in that capacity for the unit/center. If there are security concerns about any of the recommendations, they will be discussed with the supervising psychologist prior to being sent to the Disciplinary Hearing Officer. If no security problems are identified, the

recommendations will be approved by the Chief of Security and considered binding, should the inmate be found guilty of the offense.

- H. The evaluation will also include a recommendation as to whether or not the offender needs a counsel substitute for the disciplinary hearing.
- I. The completed **evaluation** will become part of the Disciplinary Record. A copy shall be kept in the inmate's Mental Health record.
- J. The Disciplinary Hearing Officer will make decisions regarding the recommendations and include those chosen in the "additional sanctions and general comments" on the Disciplinary screen.
- K. Should the Disciplinary Hearing Officer have questions or concerns about any recommendations made, these should be directed jointly to the **Clinical Supervisor** and the Chief of Security.
- L. Once the disposition of the disciplinary is complete, the mental health staff responsible for the **evaluation** will be notified.



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ADMINISTRATIVE DIRECTIVE

SUBJECT: Assignment to Programs

NUMBER: 18-12-32
320-09

SUPERSEDES: 12-

APPLICABILITY: All inmates

REFERENCE: AR-833 – Health Services

PAGE 1 of 5 of 5

APPROVED: Original signed by Ray Hobbs

EFFECTIVE DATE:

11/09/2012

I. POLICY:

Each new commitment coming into the Arkansas Department of Correction shall be evaluated as to his or her need for the correctional programs available and recommendations for assignment to needed programs shall be made, prioritized on need, custody level and time available in the system.

II. EXPLANATION/PURPOSE:

As correctional resources are limited and incarceration is costly, it is important to focus resources on inmates with the highest levels of need, and to ensure completion of correctional programs prior to the inmate's earliest release date.

III. DEFINITIONS:

- A. New commitment: Any offender committed to the Arkansas Department of Correction for the first time, or any offender returning to the Arkansas Department of Correction with a new sentence.

- B. Evaluated: Interviewed, and if found to be in a target group, receiving specialized assessment related to potential program needs.
- C. Need: Each program will determine levels of need and advise the Mental Health Services Intake Coordinator of these levels. The levels may be adjusted depending on the availability of program slots.
- D. Correctional Programs: are generally those programs that are directed at the goal of correcting offenders to enhance the safety and welfare of society and the offender. These shall include, but not be limited to:
 - 1. Alcohol and drug treatment
 - 2. Sex offender treatment
 - 3. Vocational training
 - 4. Boot Camp Program
- E. Custody Level: Defined as in the current Administrative Directive on Custody Classification, or on segregated status.
- F. Time: Amount of time to serve between completion of initial assignment and earliest potential release date. Note: The initial assignment can be waived to the extent necessary for an inmate to participate in a treatment program prior to his/her release date.

IV. PROCEDURE:

- A. ~~All new commitments to the Arkansas Department of Correction will be evaluated using the Social History program in eOMIS, unless a Social History already exists for that individual. If a Social History already exists, those dynamic sections (i.e. not relating to history, those life experiences which may have changed in the interim) should be reviewed and updated. The exception will be the boot camp program when program eligibility is determined by Administrative Intake staff in accordance with the Boot Camp Eligibility Administrative Directive.~~

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- A.
- B. A Program Referral form will be completed and signed by the counselor and the inmate. If possible this will be done while the inmate is still in intake. If time does not permit this action to be completed, the Program Referral form will be emailed, faxed or sent as a hard copy to Mental Health Services at the inmate's parent unit, where it will be reviewed with the inmate and signed.

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- C. A copy of the Program Referral form will be placed in the Inmate Record and the recommendations entered into eOMIS.
- D. If the Program Referral form shows "HIGH" need for a correctional program, and the inmate has a sentence of three (3) years or less, the classification committee should assign the inmate to the correctional program immediately upon completion of intake if necessary to allow for completion of a treatment program prior to the inmate's release date, if eligible at that point in time. Otherwise, the classification committee should assign the inmate to the correctional program immediately upon completion of initial assignment if eligible at that point in time.
- E. Inmates who have "HIGH" need for a correctional program and sentences of three (3) years or less may be assigned to half-day correctional programs while completing their initial assignment unless their initial assignment must be waived for them to complete treatment.
- F. Inmates with "HIGH" program needs, and sentences greater than ten (10) years will be placed on a waiting list maintained by the program administrator or supervisor. These individuals will be proposed to the classification committee for admission into the correctional program as slots become available. The admissions will be prioritized on the basis of time left to serve. Unit classification will work with program staff to keep program slots filled. Requested inmates are to be transferred to programs. Any inmate not wanting to participate in a recommended program may refuse upon admission or any time after. A refusal form must be signed, and a copy sent to the unit Institutional Release Officer (IRO), inmate's ADC file, and program administrator. Program staff will update and keep current inmate status on referral page in eOMIS.
- G. If an individual scheduled for admission to the correctional program is engaged in an assignment which has high institutional need, the classification committee may defer admission with the approval of a Deputy or Assistant Director for up to three (3) months.
- H. Should there be insufficient time available prior to first release date for an inmate to complete a program referral by staff, efforts will be made to provide alternative programming to meet the need and the Parole Board will be notified via the entries in the inmate's electronic record that a need has been identified. Additional program referral information will be provided to the IRO and/or the Parole Board upon request. Parole Board mandates to program completions will be given priority for open program slot entrance consistent with program rules.
- I. If the inmate refuses assignment to a correctional program, a Disciplinary Report will be written. Exception: An inmate will not receive a disciplinary for waiving

participation in an alcohol and drug treatment program if the inmate enrolls and completes another program that includes a substance abuse component where that alternative program has been approved by the Deputy Director for Health and Correctional Programs. -When a disciplinary is written, it will be up to the Disciplinary Hearing Officer to provide due process and determine whether the inmate has refused to follow a legitimate order. The hearing officer may summon program staff to submit a written statement in support of the assignment, or to appear at the hearing.

- J. An inmate who fails to complete a correctional program, or who fails to complete the alternative program with a substance abuse component approved pursuant to paragraph 9, shall receive a disciplinary for failure to complete. However, an inmate who is removed from a program due to receiving a disciplinary will not be written an additional disciplinary by program staff for the removal.
- K. An inmate mandated by the Parole Board, accepted by a Work Release program, 309 placement, or ASP placement will be placed into the recommended correctional program or treatment program as soon as possible, thereby waiving the release date restriction.
- L. Any inmate who receives a disciplinary report while in a correctional program will be suspended from the program for the duration of any time done in ~~in-penitive segregation restrictive housing~~. -The inmate will be returned to the program upon release from ~~segregation restrictive housing~~ unless, in the judgment of the correctional program manager, returning to the program would jeopardize the safety of staff or inmates or the good order of the program. -Inmates who lose time from a correctional program due to segregated status may be required to do makeup work or repeat phases of the program.
- M. Inmates assigned to correctional programs will receive monthly feedback on their participation and progress in the program. -This feedback will be documented in the treatment record. Should an inmate fail to make adequate progress for three consecutive months, the staff of the program will meet and determine whether the inmate should remain in the program. -If a decision is made to discharge an inmate from the program, efforts will be made to direct the inmate to alternative treatment that may be more suitable.
- N. Any inmate discharged from a correctional program prior to completion may appeal the discharge to the office of the administrator, director or superintendent responsible for that program area. -If the discharge is not overturned, the inmate may apply for readmission to the correctional program after discharge as outlined below.

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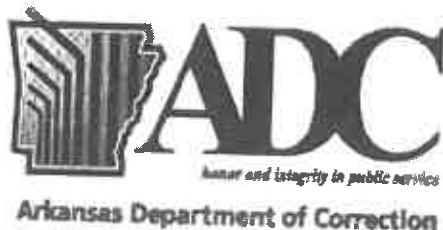
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1. No sooner than six months for the first discharge;
2. No sooner than twelve months for the second discharge;
3. No sooner than eighteen months for the third discharge;
4. No consideration for the program will be given following the fourth discharge.
Documentation will be made in the inmate record that the inmate is non-amenable for treatment.

O. For any inmate leaving a correctional program, a brief termination summary will be prepared outlining:

1. Whether or not the inmate completed, refused, or was removed from the program;
2. Whether program participation was enthusiastic, adequate or resistant;
3. What concerns program staff has about the inmate implementing skills learned in the program; and/or
4. Other program needs or plans for transition into the community.

This termination summary will be placed in the inmate's record and made available to the Parole Board.



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ADMINISTRATIVE DIRECTIVE

SUBJECT: Body Armor

NUMBER: ~~14-34~~

SUPERSEDE: ~~14-3413-01~~

APPLICABILITY: ADC Employees

PAGE 1 of 4

REFERENCE: AD-11-58; AD-14-04 Use of Force

APPROVED: Original signed by Wendy Kelley Ray-Hobbs EFFECTIVE DATE:
07/25/2014_

I. POLICY:

It is the policy of the Arkansas Department of Correction to develop and maintain procedures for enhancing officer safety and security practices. It is mandatory that Correctional Officers and Food Production personnel wear the stab resistance (spike vest level 1) at the Cummins, Varner, East Arkansas Regional and the Maximum Security correctional facilities.

II. PURPOSE:

Protecting the community, staff, visitors and inmates is the primary mission of the Department of Correction. The purpose of this policy is to enhance the safety of Correctional Officers and Food Production personnel in the maximum-security facilities.

III. DEFINITIONS:

- I. Custodial Activities: Duty assignments and/or tasks that place or could reasonably be expected to place officers in situations where they would be required to perform security functions.

2. Level I Spike (Body Armor): This body armor protection class is intended to address threats expected in a corrections environment from improvised weapons.

IV PROCEDURES:

A. Issuance of Body Armor

1. All Correctional Officers and Food Production Personnel at the Cummins, Varner, East Arkansas Regional, and the Maximum Security Units shall be issued agency approved body armor (Level I Spike Vest.) This body armor is to be considered part of the uniform thus all personnel shall present a neat, professional and clean appearance.
2. Body armor will be issued by the Training Academy Uniform Issuance Officer. Documentation will be maintained on all body armor issued to include the manufacture name, model number, size, serial number of each panel of the body armor, name of officer and employee ID number. All body armor worn by Correctional Officers and Food Production personnel will comply with standards established by the National Institute of Justice.
3. Body armor issued to security employees shall be worn only while on duty. Exceptions may be made by the Unit Warden/Center Supervisor/Administrator only in extenuating circumstances.
4. Body armor that is worn or damaged shall be replaced by the agency. Employees who lose, misplace, misuse or abuse body armor issued by ADC will be subject to disciplinary action along with repayment for the lost/damage of the vest, if applicable.
5. Separation Process: Employees are required to turn in all state property upon separation from the department. Failure to comply will result in a delay in the issuance of the final check owed to the employee and could result in prosecution for failure to turn in state property or a civil suit for damages.
6. All staff may elect to purchase body armor at their own expense. The threat level vest purchased must be equal to or greater than the **Level I Spike Vest** as specified in the National Institute of Justice Manual: Stab Resistance of Personal Body Armor (NIJ Standard - 011.5.00).
 - a. Staff purchasing body armor shall provide to the unit of assignment before the vest is worn into the unit the following: Manufacturers Name; Model; Serial No.; Lot No.; Date of MFG and the level rating on the vest.

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a. Staff who wear body armor in the units are subject to have the vest inspected at least yearly for damage, wear, and to see if the vest is still within its rated life cycle. Vest determined to be out of date or in some way damaged or worn will not be allowed to be worn into the unit.

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B. Use of Body Armor

1. Security Officers and Food Production Staff shall only wear agency approved body armor.
2. Body armor shall be worn under the uniform shirt.
3. Correctional Officers and Food Production personnel that are assigned to a uniformed function at the Cummins, Vanner, East Arkansas Regional and Maximum Security correctional facilities are required to wear body armor while engaged in custodial activities unless exempt as follows:
 - a. When a physician determines that staff has a medical condition that would preclude wearing body armor. The staff member may use sick/annual or family medical leaves in accordance with the Agency Leave, FMLA, and or ADA policies.
 - b. When Field Security Staff are conducting duties outside of the facility's perimeter. However, when Field Security staff enters the perimeter of the facility to conduct custodial activities, body armor (Spike Vest) must be worn;

C. Inspections/Care/Maintenance and Replacement of Body Armor

1. Supervisors shall be responsible for ensuring that body armor is worn and maintained as required by this policy through routine observation and periodic documented inspections.
2. Officers shall routinely inspect personal body armor for signs of damage and general cleanliness. Officers are responsible for reporting damage or excessive wear to the stab resistant panels or carrier to their supervisor.
3. Dirt and perspiration may erode stab resistance panels; therefore, each officer shall be responsible for cleaning personal body armor in accordance with the instructions from the manufacturer.
4. Officers are responsible for the proper storage, maintenance and care of body armor in accordance with the instructions from the manufacturer.
5. Body armor will be replaced in accordance with guidelines and protocols established by the National Institute of Justice.

D. Research, Evaluation, and Training:

1. The Training Academy shall develop and provide training that demonstrates the proper wear, care, cleaning, storage, etc., of personal body armor during BCOT/ICOT. Further, instructions for the care, cleaning, storage, etc., shall be available for review on Spotlight and as a refresher course on the agency eCADEMY.
2. The Emergency Preparedness Coordinator shall on an ongoing basis, assess weapons and ammunition currently in use and monitor technological advances in the body armor industry and the suitability of approved body armor to mitigate those threats.
3. The Internal Affairs Administrator shall maintain statistics on incidents where armor has or has not protected officers from harm.

REFERENCE: AD Escape Procedure to be following escape and apprehension of escaped inmate(s)
AD Transportation/Escorting outside of unit/center
Arkansas Department of Correction Employee Handbook
National Institute of Justice Standards



ADMINISTRATIVE DIRECTIVE

SUBJECT: INMATE RECORDS ON PUBLIC WEBSITE

NUMBER: 15-1418-XX

SUPERSEDES: New15-11

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

REFERENCE: AR 009 Public & Community Relations PAGE 1 of X
and AR 804, Inmate Records PAGES 1 of 2

APPROVED: Original Signed by Wendy Kelley EFFECTIVE DATE:
7/1/2015

I. POLICY:

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

II. PURPOSE:

In keeping with the Department's Strategic Plan, the goals of the Department's public website will be to:

1. Improve accountability.
2. Improve relationships with other elements of the criminal justice system.
3. Improve public relations, and
4. Educate the public.

H. II. PROCEDURES:**A. Agency Operations**

The Department's public website shall include information related to the Department's operations to include, at a minimum:

1. The current Strategic Plan;
2. The current Organizational Chart;
3. The contact information for each correctional facility and administrative office;
4. The location of each correctional facility and a description of its operation;
5. Pertinent information for institutional visitors;
6. A list of current escapes, to include their most recent photograph and instructions for reporting information on their whereabouts;
7. A list of inmates currently sentenced to death;
8. A list of currently available job openings and instructions for applications;
9. A prominent display of available Online Services;
10. Research studies and reports required to be posted by A.C.A. § 12-1-104; and
11. Publications prepared by the Department which will advance the public's knowledge of the Department's programs, services, and events.

B. Inmate Records

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

1. The offense and sentence for any conviction for which the inmate is incarcerated, including:
 - a) Whether the inmate is subject to a suspended sentence, if known; and
 - b) The terms of the suspended sentence, if applicable.
2. ~~(a)~~ The disciplinary record for each inmate.
 - a) For the purpose of this listing, the term "disciplinary record" means a list of each major disciplinary violation and the date of the violation occurring after July 1, 2015, for which the inmate has been found guilty;
 - b) ~~(b)~~ The disciplinary record for each inmate during the time the inmate is being

considered for parole. For the purpose of this listing, the term "disciplinary record" means a list of all disciplinarys and the date of the disciplinarys for which the inmate has been found guilty, regardless of the date;

AD 18-00448-00000: PUBLIC INFORMATION ACT REQUEST

2 of 2

- 2.3. The risk assessment scores (except scores completed as part of mental health treatment) for each inmate completed after April 1, 2015. The risk assessment ~~under this section~~ listing shall include the name of the state agency that completed the risk assessment, the date the risk assessment was conducted, and the level of assessment. A general explanation of how risk assessments are scored will be posted on the web site;
- 4.4. The inmate's custody and classification level;
- 4.5. Any known aliases of the inmate;
6. A current photograph of the inmate;
- 5.7. A description of the inmate's scars, marks, and tattoos on file with the Department;
- 6.8. A complete felony conviction summary for the inmate to the extent that such information is available to the Department;
9. To the extent the information is available to the Department, the existence of any order of protection, no contact order, or other order from an in-state or out-of-state court that prohibits contact or communication with another person by the inmate;
- 7.10. A statement for the inmate, filed with the Department, and their current status;
- 8.11. Any programs (except drug treatment programs) completed by the inmate while in custody;
12. The inmate's parole eligibility date or date he or she is to be released from incarceration as well as a general explanation of how an inmate's parole eligibility date is calculated, including an explanation of good time credits.

C. History

The Department's public website shall be hosted through the Arkansas government web portal, Arkansas.gov, or its successor.

D. Maintenance

1. The Department's Public Information Officer (PIO) is designated as the Department's Webmaster and is responsible for the maintenance of the public website. However, the PIO may delegate functions related to this role to subordinate staff.
2. The PIO, or their designee, will consult with the Information Technology Section on issues related to the maintenance of the Department's public website.

3. The PIO shall seek and receive the approval of the Director prior to authorizing any of the following actions:

- a) Adding content to the website not specifically authorized by this directive, or
- b) Making substantive changes to the design and layout of the website.

6. ~~Website~~

1. The PIO shall periodically seek the input of other Department staff on issues related to the content, form, and function of the Department's public website.

2. The website shall contain a method for members of the general public to contact the website with comments related to the content, form, and function of the website.



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www.adc.arkansas.gov

ADMINISTRATIVE DIRECTIVE

SUBJECT: ACIC/NCIC Operations and Procedures

NUMBER: 16-4218

SUPERSEDES: 11-3716-42

APPLICABILITY: All ACIC/NCIC Operators

REFERENCE: ACIC Manual

PAGE: 1 of 54

APPROVED: Original Signed by Wendy Kelley

EFFECTIVE DATE: 9/23/2016

I. POLICY:

It shall be the policy of the Arkansas Department of Correction (ADC) to comply with all applicable provisions of laws, rules, regulations and guidelines that pertain to the Arkansas Crime Information Center (ACIC), the National Crime Information Center (NCIC) and Criminal Justice Information Services (CJIS) in the operation and utilization of the crime information systems.

II. DEFINITIONS:

- A. ACIC is the Arkansas Crime Information Center. ACIC administers the general policies and regulations governing the operations of ACIC, NCIC and NLETS in the State of Arkansas.
- B. NCIC is the National Crime Information Center.
- C. NLETS is the National Law Enforcement Telecommunications System.
- D. CJIS is the Criminal Justice Information Services, which includes any system used to process, store, or transmit CJJ.

- E. Access Device means a computer terminal, microcomputer workstation, mobile data device or other electronic equipment used to communicate with the ACIC computer system.
- F. Access Device Operator is appropriately trained staff that access ACIC or NCIC (hereinafter referred to simply as operators).

III. PROCEDURES:

A. Access and Use of Information

1. Information obtained from ACIC, NCIC and NLETS is for the administration of criminal justice and for official use only. Any other use must be authorized by written departmental policy and specifically approved by ACIC. Unauthorized release of information may result in fines and/or imprisonment as prescribed in Ark. Code 12-12-212.
2. Incident Response Procedure: If there is any suspected misuse of the ACIC/NCIC System or its information, the incident should be reported immediately to the Warden Warden of that Facility. The Warden or Designee should collect and retain and present the information regarding the alleged misuse of ACIC/NCIC information to the Warden. The Warden should then notify Internal Affairs and ACIC of the findings.
- 2.3. Only official criminal justice messages may be transmitted in-state over ACIC or out-of-state over NLETS. Messages shall not include non-criminal justice announcements, greetings or any other matters outside of official business.
- 3.4. The Department shall maintain at least one access device on a 24-hour-a-day, 7-day-a-week basis. The Department may provide assistance to other criminal justice agencies in the form of record inquiries and message transmittals.
- 4.5. The Department shall maintain a Secondary Dissemination log, to record all criminal history information obtained from the ACIC/NCIC system and provided to other criminal justice agencies.

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B. Security

1. ACIC access devices shall be placed in secure areas, away from public or non-official access. Procedures shall be instituted to protect access devices, documentation and records. Proper identification shall be required before admitting access to equipment by maintenance personnel or other officials from outside the agency to equipment. Access device sites are subject to periodic ACIC security inspections.

2. All operators will be familiar with the procedures for dissemination of criminal history files.
3. All operators will keep the access device locked when left unattended to prevent unauthorized access.
4. All printouts, listings or other official records from the ACIC/NCIC/NLETS must be burned or shredded for proper disposal.
- 4.5 According to CJIS Security Policy ACIC/NCIC information cannot be transported electronically by email. However, ACIC/NCIC information can be transmitted by using a Secure Fax Line.

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C. Terminal Agency Coordinator

1. The Director of the Department of Correction will designate a Terminal Agency Coordinator (TAC). The TAC should have completed ACIC training requirements and shall perform the following functions:
 - a. Serve as the Department's liaison with ACIC;
 - b. Distribute documents and materials from ACIC to appropriate personnel;
 - c. Inform ACIC of personnel matters concerning ACIC training classes, changes in operator assignments and changes in TAC designation;
 - d. Assist ACIC personnel in audits, security checks and other related matters.
2. The Department shall provide ACIC with the required documentation concerning background investigations of all operators.
3. Successful completion of the ACIC training class is required of all operators.

D. Training

All individuals that operate the ACIC access devices or have access to Criminal Justice Information (CJI) must be trained in accordance with ACIC or CJIS requirements. Access device operators shall be required to meet the following ACIC training requirements.

1. Basic Class. Within five (5) days of employment or reassignment to operate an ACIC Access Device, the employee should fill out a Request for ACIC Training Form and send it to the Terminal Agency Coordinator (TAC). All operators must complete the Level I ACIC/NCIC training within the first sixty (60) days of assignment as an access device operator.
2. Level II operators (radio room personnel) must be enrolled in a Level II class within one (1) year of completing their Level I class.
3. Re-certification Class. As required by ACIC, all Certified Operators must successfully pass the appropriate Nex Test Exam, which is available online, within every second calendar year of their last certification.
4. CJIS Training. As required by FBI CJIS Security Policy, all persons not ACIC Certified that access Criminal Justice Information must receive CJIS Security and Awareness training on a biennial basis. The initial training should be done within six (6) months of assignment to any position dealing with CJI.

E. Warrant Entries and Validations

1. The operator will verify that a warrant has been issued prior to entry into the system. (Unusual conditions may permit the entry of a temporary warrant as authorized by the NCIC manual.)
2. Messages received from other law enforcement agencies advising that they have received a "HIT" on an Arkansas Department of Correction warrant and needing confirmation will be responded to promptly by the operator, who will:
 - a. Verify status of the warrant.
 - b. Notify the requesting agency of the status and provide an approximate time that an official with the Department will contact them.
 - c. Notify the Duty Director/Warden as soon as possible.
 - d. Remove the warrant from the system after it has been determined that the correct person is in custody of a law enforcement agency.
3. The TAC or designee will verify all records appearing on the monthly ACIC validation listing and forward the appropriate documentation to ACIC.
4. Warrants that are no longer valid will be removed from the system.

IV. REFERENCES:

ACIC System Regulations Manual
CJS Security Policy



Director's Office
PO Box 8707
Pine Bluff, AR 71611-8707
Phone: 870-267-6999
Fax: 870-267-624458
www.adc.arkansas.gov

ADMINISTRATIVE DIRECTIVE

SUBJECT: Release Process

NUMBER: 18-14-43

SUPERSEDES: ~~13-13614-43~~

APPLICABILITY: To Unit/Center employees, especially records staff

REFERENCE: AR 803

PAGE 1 of 104

APPROVED: Original signed by Ray Hobbs EFFECTIVE DATE: 08/29/2014

I. POLICY:

To establish a procedure by which all inmates are released from the institution.

II. EXPLANATION/PURPOSE:

Appropriate guidelines must exist to ensure all obligations have been met before an inmate is released.

III. PROCEDURE:

When an inmate is scheduled for release from the institution, it will be necessary for the appropriate sections to clear the inmate and sign the attached Clearance Sheet verifying that the inmate is cleared for release. The Clearance Sheet will originate in the Records Office and will be made part of the inmate's permanent institutional file.

Each section will be responsible for checking the following pertaining to the inmate being released:

1. Shift Lieutenant/Captain - Disciplinaries which may not have reached the file that could affect inmate's release; notification to count room for adjusting unit count.

2. Commissary - Close out of inmate's account.
3. Mail - Check for any undistributed mail and obtain forwarding address.
4. ~~Inmate Medical/Mental Health~~ - Issue any current prescribed medications to inmate and provide written instructions for continuation of medical/mental health care upon release if appropriate.
5. ~~Property - Ascertain that inmate is in possession of all personal property and not in possession of any state property.~~
65. ~~Property - Ascertain that inmate is in possession of all personal property and not in possession of any state property. Key Control Officer - To ascertain that all state issued keys, locks, lock cylinders have been returned.~~
76. Laundry - Ascertain that all state issued clothing has been returned.
87. Parole/Transfer - Ascertain that inmate is eligible and has been approved for parole/transfer whether regular parole/transfer, or regular parole/transfer with special conditions; verify receipt of debit card (if applicable), and confirm that transportation arrangements are made.
8. ~~Boat Camp - Ascertain that inmate has completed requirements for release to community from Boat Camp. It is not necessary to sign off on other releases.~~
9. Records - Ascertain that all other sections designated by this policy have signed off on the Clearance Sheet. Check all commitment orders by information directly from the commitment to verify time computation and release eligibility by completing the appropriate Release Verification Checklist (Regular Parole/Transfer, Discharge, Court Order for Boat Camp). -Notify the Shift Lieutenant/Captain if the inmate is being released to a detainer.
10. Hobby Craft Supervisor - To verify that the inmate has no work craft pending debts.
11. Work Release Supervisor - To notify the employer and coordinate the return of the work release uniforms.
12. Victim Notification - Upon discharge/parole of an inmate, the Records Supervisor/Institutional Release Officer will be responsible for notifying the Victim Coordinator by written notification and/or by phone call.
13. All inmates must have a DNA test before being released on parole or discharge.

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144. Records Supervisor will ensure that the proper sex offender paperwork is completed.
155. Chaplain will offer inmates a resource guide to assist them in transition, a list of ex-inmate friendly religious institutions, and any other faith based related assistance requested.
166. Release of the inmate from custody will normally terminate his or her grievance, unless the parties are under court order to exhaust remedies or the grievance highlights a problem that needs to be addressed at the discretion of the Chief Deputy/Deputy/Assistant Director.
197. Warden/Deputy Warden shall escort the inmate out of the unit once all release paperwork is completed.

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IV. STANDARDS:American Correctional Association - Release ProcessV. ATTACHMENTS:

- #1 - Clearance Sheet
- #2 - Release Verification Checklist - Regular Parole
- #3 - Release Verification Checklist - Discharge
- #4 - Release Verification Checklist - Court Order
- #5 - Release Verification Checklist - Boot Camp
- #56 - Sex Offender Acknowledgement Form
- #67 - Sex Offender Registration Form

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ATTACHMENT #1 (UPDATE)
ARKANSAS DEPARTMENT OF CORRECTION
UNIT

CLEARANCE SHEET

INMATE: _____ ADC # _____

T.E. OR DISCHARGE DATE: _____

The above named inmate is being released from this institution by:

<input type="checkbox"/> Regular Parole/Transfer	<input type="checkbox"/> Early Parole (Act 418) Emergency Powers Act
<input type="checkbox"/> Transfer Eligibility	<input type="checkbox"/> Early Parole (Act 1721) Emergency Powers Act
<input type="checkbox"/> Transitional Housing (Act 679)	<input type="checkbox"/> Per Court Order
<input type="checkbox"/> Act 290	<input type="checkbox"/> BOND
<input type="checkbox"/> DISCHARGE	<input type="checkbox"/> Completion of Boot Camp
<input type="checkbox"/> Parole to Detainer	
<input type="checkbox"/> Discharge to Detainer	

The following sections, prior to release by the Records Office, must clear each inmate being processed for release from this institution.

Shift Lieutenant/Captain _____ (Signature)	Time and Date: _____
Commissary: _____ (Signature)	Time and Date: _____
Mail Room: _____ (Signature)	Time and Date: _____
Medical Records: _____ (Signature)	Time and Date: _____
Mental Health: _____ (Signature)	Time and Date: _____
Property: _____ (Signature)	Time and Date: _____
Key Control: _____ (Signature)	Time and Date: _____
Laundry: _____ (Signature)	Time and Date: _____
Parole: _____ (Signature)	Time and Date: _____
Classification: _____ (Signature)	Time and Date: _____
Boot Camp: _____ (Signature)	Time and Date: _____
Work Release Supervisor: _____ (Signature)	Time and Date: _____
Hobby Craft Supervisor: _____ (Signature)	Time and Date: _____
Inmate Grievance: _____ (Signature)	Time and Date: _____
Chaplain: _____ (Signature)	Time and Date: _____
Inmate Debit Card: _____ (Inmate Signature) (ADC Number)	Time and Date: _____

The above named inmate has been cleared by each of the above sections, the Records Office has checked all commitment papers, verified the time computation and release eligibility dates, and the inmate is cleared for release. I have advised the Deputy Warden if this inmate is being released to a detainer.

Records Supervisor (Signature)

Warden/Center Supervisor or Designee (Signature)

ATTACHMENT #2

Inmate Name: _____ ADC # _____
T.E./P.E. Date: _____ E.P.A.? Yes () No ()

REGULAR PAROLE/TRANSFER
Release Verification

	YES	NO
1. Has time computation been verified by checking felony class, Act sentenced under, term status, consecutive or concurrent sentences, sentence begin date, full time credits, dead time?		
1b. If so, have the computer entries been compared against the commitment documents?		
2. Has P.E./T.E. eligibility date, both in the computer and Institutional file been cross-checked for accuracy?		
2b. If so, has parole date been reached?		
3. Has information in Parole Note Sheet been verified to ensure compliance with an imposed release date, completion of any special condition or programs, or parole detainer (i.e., have all special conditions been met)?		
4. Have query files, QW, QH, and QR been checked to ascertain that there are no outstanding warrants or additional terms that would alter release eligibility?		
4b. If outstanding warrant is present or additional term requires recalculation of time, answer is NO.		
5. DNA testing completed REQUIRING		
5b. If YES, was DNA testing done?		
6. Does Sex & Child Offender Act of 1997 apply (Arkansas Conviction)?		
6b. Does Sex & Child Offender Act of 1997 apply (Out of State Conviction)?		
6c. If YES, has offender been registered or has registration been updated?		
7. Has inmate been out to Free World Court during this incarceration?		
7b. If YES, did inmate receive New Time? <i>Only with any court attended during the inmate's incarceration.</i>		
8. Has inmate been to disciplinary court?		
8b. If YES, did inmate receive a reduction in class or loss of Good Time?		
9. Has Conditional Order of Release been signed by all appropriate parties?		
10. Is inmate paroling or being released to detainer?		
10b. If YES, has the shift supervisor been advised the inmate is to be released to a detainer only?		

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Records Supervisor

Warden/Deputy/Assistant Warden

Regular Parole Release Check Sheet

Inmate Name: _____

Discharge Date: _____

ADC # _____

DISCHARGE
Release Verification

	<u>YES</u>	<u>NO</u>
1. Has time computation been verified by checking felony class, Act sentenced under, termier status, consecutive or concurrent sentences, sentence begin date, jail time credits, dead time, and by comparing computer entries against the commitment document(s)?	_____	_____
2. Has minimum release date, both in the computer and institutional file been cross checked for accuracy and if so, has minimum release date been reached?	_____	_____
3. Have query files, QW, QH, and QR been checked to ascertain that there are no outstanding warrants or additional terms that would alter release eligibility? If outstanding warrant is present or additional term requires recalculation of time, answer is NO.	_____	_____
4. Has the discharge been signed by the Unit Warden or his/her designee?	_____	_____
5. DNA testing Completed REQUIRED? If YES, was DNA testing done?	_____	_____
6. Does Sex & Child Offender Act of 1997 apply? If YES, has offender been registered or has registration been updated?	_____	_____
7. Has inmate been out to Free World Court during this incarceration?	_____	_____
7b. If YES, did inmate receive New Time? <u>Verify with any court attended during inmate's incarceration.</u>	_____	_____
8. Has inmate been to disciplinary court? If YES, did inmate receive a reduction in class or loss of Good Time?	_____	_____
9. Does inmate have victims listed? If yes, have they been contacted?	_____	_____
10a. Is inmate discharging to a detainer?	_____	_____
10b. If YES, has the shift supervisor been advised the inmate is to be released to a detainer only?	_____	_____

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Records Supervisor _____

Warden/Deputy/Assistant Warden _____

DISCHARGE CHECK SHEET

Inmate Name: _____ ADC # _____
 Release Date: _____

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COURT ORDER
 Release Verification

	YES	NO
1. Is court order an original or certified copy?		
2. Has the discharge form been signed by the Unit Warden or his/her designee?		
3a. Have query files, QW, QH, and QR been checked to ascertain that there are no outstanding warrants or additional terms that would alter release eligibility?		
3b. If outstanding warrant is present or additional term requires recalculation of time, answer is NO.		
4a. DNA testing REQUIRED completed?		
4b. If YES, was DNA testing done?		
5a. Does Sex & Child Offender Act of 1997 apply (Arkansas Conviction)?		
5b. Does Sex & Child Offender Act of 1997 apply (Out of State Conviction)?		
6a. Has inmate been out to Free World Court during this incarceration?		
6b. If YES, did inmate receive New Time? Verify with any court attended during inmate's incarceration.		
7a. Does inmate have victims listed?		
7b. If YES, have they been contacted?		
8a. Is inmate discharged to a detainer?		
8b. IF YES, has the shift supervisor been advised the inmate is to be released to a detainer only?		

Records Supervisor _____

Warden/Deputy/Assistant Warden _____

Court Order Release Check Sheet



Sex Offender Acknowledgement Form

ATTACHMENT #5

Inmate Name: _____

ADC #: _____

Release Date: _____

BOOT CAMP
Release Verification

YES

NO

1. Is inmate's sentence less than fifteen (15) years? _____

2. Is inmate serving Boot Camp eligible offense? _____

Other than Capital Murder, Murder 1st Degree, Murder 2nd Degree, Manslaughter, False Imprisonment 1st, Permanent Detention or Restraint, Rape, Carnal Abuse 1st and Carnal Abuse 2nd Degree, Incest, Aggravated Robbery, Endangering Welfare of Minor, Endangering Welfare of Minor 1st, Endangering Welfare of Incompetent Person 1st, Escape 1st and 2nd, Furnishing Implement for Unauthorized Departure, Aggravating Riot, Arming Rioters, Communicating a False Alarm (if personal harm results), Threatening a Fire or Bombing (if personal harm results), any other felony offenses under the current or past criminal offense statutes of the State of Arkansas that involve personal harm.

3. Is inmate serving first incarceration? _____

4. Has Administrative Transfer Agreement been completed and signed by Boot Camp Program Supervisor and inmate? _____

5. Have query files QW, QH, and QR been checked to ascertain there are no outstanding warrants or additional terms that would alter release eligibility? If outstanding warrant is present or additional term requires recalculation of offender status, answer is NO. _____

6. DNA testing REQUIRED? If YES, was DNA testing done? _____

Records Supervisor

Warden/Deputy Assistant Warden

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Boot Camp Release Check Sheet Read, sign and return this form to your local law enforcement agency.

1. Pursuant to Act 997 of 1997, anyone convicted of a sex offense as defined by state and federal law are required to register prior to release from incarceration, placed on probation or upon entry to this state from another state. All offenders are required to provide fingerprints, photos, DNA and pay all fees pertaining to registration before or upon registration.

2. Pursuant to § 12-12-901, the Arkansas Crime Information Center (ACIC) requires the offender to report any change in residence to a person in the local law enforcement agency having jurisdiction. When changing a home, either making either a home within the state or out of state, or when moved by the offender no later than 10(10) days before the offender enters the residence, if the offender has been in another state and is required to register in the other state, the offender must report to the local law enforcement agency having jurisdiction within 10(10) business days after establishing residence.

3. If the offender moves to another state or town in Arkansas and works in another state, the offender must register in that state upon entry within 10(10) days before the offender establishes residence or employment in the new state. If the offender attends school, is a student or works at an institution of higher education, the offender shall register with the law enforcement agency having jurisdiction over the campus. This may be a Department of Public Safety or the local law enforcement agency. A person seeking registration or student shall register in compliance with Pub. L. No. 100-244 as amended (11-01-07) no later than three (3) business days after establishing residence, employment or student status.

4. The offender is required to complete this registration within 15(15) days after receipt of the Registration of Probationary form which will be mailed to the offender's home every 15 months after registration, or every 90 days depending on the offender's assessment level. The completion of a probationary form must be taken in person in the local law enforcement agency having jurisdiction. The form cannot be mailed or faxed directly to ACIC by the offender.

5. All offenders are required to attend a risk assessment to be completed by the Department of Correction for a offender assessment. The offender will be notified by certified mail of the assessment date and time of the assessment. It is a Class C Felony to fail to appear for assessment or not submit to the assessment process. The offender will be assessed as a level 3 or level 4 offender.

6. Pursuant to Act 109 of 2003, it is unlawful for a sex offender who is required to register under the Sex Offender Registration Act of 1997, § 12-12-901 et seq. and who has been assessed as a Level 3 or Level 4 offender to reside within two thousand (2,000) feet of the residence in which any public, private, secondary school or daycare facility is located. Act 109 of 2003 includes public parks and recreation areas and Act 561 of 2007 prohibits level 3 and level 4 offenders from residing within 2500 ft of the residence of a victim or to have direct or indirect contact with that victim for the purpose of harassment as defined under § 5-17-209.

7. Pursuant to Act 172 of 2009, it is unlawful for a sex offender who is required to register under the Sex Offender Registration Act of 1997, § 12-12-901 et seq. and who has been assessed as a level 3 or level 4 offender to engage in an occupation or participate in a professional position that requires the sex offender to work or interact primarily and directly with children less than sixteen (16) years of age.

8. Pursuant to § 12-12-901 no later than ten (10) days after release from incarceration or after the date of sentencing, the offender shall report to the local law enforcement agency having jurisdiction to update registration information.

9. Pursuant to Title 18, United States Code, Section 2250, if a sex offender fails to register or fails to report a change in residence, employment or student status, and travels in or moves across state lines, the offender can be charged with a federal crime and fined up to 10 years imprisonment. Pursuant to Act 352 of 2007, it is a Class D Felony to possess identity theft cards or driver's licenses with incorrect physical addresses.

10. Pursuant to Act 692 of 2007, it is unlawful for a sex offender who is required to register under the Sex Offender Registration Act of 1997, § 12-12-901 et seq. and who has been assessed as a level 3 or level 4 offenders to knowingly enter upon the campus of a public school except under certain circumstances listed in the act.

I have read and understand the above rules regarding my registration as a sex offender. I further acknowledge that my failure to comply with the requirements to register as a sex offender, to comply with any part of the assessment process, to report changes in address constitutes a Class C felony. I understand failure to comply could result in my arrest and/or prosecution.

Offender Signature

Print Offender name clearly

Date signed

Witness signature (law enforcement only)

Arkansas Department of Correction

Agency Name

State of Arkansas

Sex Offender Registration Form

Reporting this information is required by AC 12-12-904. This form shall be sent to the Arkansas Crime Information Center within 3 days after completion for entry into the state and national Sex Offender Registration Files.

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Type or Print Name (Last, First, Middle)		Date of Birth		Sex		Race		Height		Weight		Color of Eyes		Color of Hair		Color of Skin		Scars, Marks, Tattoos		Fingerprints		Signature		Date	
Social Security Number		Maiden Name		AKA or Alias		Days		Months		Years		State		City		County		Zip		Country		State		City	
Date of Birth		Sex		Race		Height		Weight		Color of Eyes		Color of Hair		Color of Skin		Scars, Marks, Tattoos		Fingerprints		Signature		Date			
Date of Birth		Sex		Race		Height		Weight		Color of Eyes		Color of Hair		Color of Skin		Scars, Marks, Tattoos		Fingerprints		Signature		Date			
Date of Birth		Sex		Race		Height		Weight		Color of Eyes		Color of Hair		Color of Skin		Scars, Marks, Tattoos		Fingerprints		Signature		Date			

Sex or Child Offense Information (If individual is under 18, attach separate sheet and attach to this form)

Sexual Abuse	Sexual Assault	Sexual Offense	Sexual Offense
Sexual Abuse	Sexual Assault	Sexual Offense	Sexual Offense
Sexual Abuse	Sexual Assault	Sexual Offense	Sexual Offense

Institute of Higher Education (If currently attending/volunteering/employed, check here) ☐

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Residence Address (Home or school)

Mailing Address (If different than residence, list)

Address (Street, Box, P.O. Box, Apt. #, etc.) (Do not use P.O. Box here)

Address (Street, Box, P.O. Box, Apt. #, etc.) (Do not use P.O. Box here)

City	State	Zip	Country
City	State	Zip	Country

Place of Employment

Employer Name	Address	City	State	Zip
Employer Name	Address	City	State	Zip

Address of Employee

Brief Description of the Crime(s) for which this registration is required



Sex Offender Acknowledgement Form

Read, sign and return this form to your local law enforcement agency

1. Pursuant to Act 988 of 1997, anyone convicted of a sex offense as defined by state and federal law are required to register prior to release from incarceration, placed on probation or upon entry to this state from another state. All offenders are required to provide fingerprints, photos, DNA and pay all fees pertaining to registration before or upon registration.
2. Pursuant to § 12-12-401(a)(1) the Arkansas Crime Information Center (ACIC) requires the offender to report any change in residence in person to the local law enforcement agency having jurisdiction. When changing residence and/or mailing address from within the state, the offender must report to the local law enforcement agency no later than ten (10) days before the offender establishes residence. If the offender moves back from another state and is required to register as the offender, the offender must report to the local law enforcement agency to register within ten (10) business days after establishing residence.
3. If the offender moves from one state or lives in Arkansas and works in another state, the offender must register in that state no later than ten (10) days before the offender establishes residence or employment in the new state. If the offender attends school, does business or is employed in any institution of higher education, the offender shall register with the law enforcement agency having jurisdiction over the campus. The only exception is a Department of Public Safety or the local law enforcement agency. A nonresident worker or student shall register in compliance with Public Law No. 105-268 as exists 01-01-07 no later than three (3) business days after establishing residence.
4. The offender is required to verify their residence within TEN (10) days after receipt of the Verification of Residence form which will be mailed to the offender every six months after registration, or every 90 days depending on the offender's assessment level. The Verification of Residence form must be signed in person to the local law enforcement agency having jurisdiction. This form cannot be mailed or faxed directly to ACIC by the offender.
5. An offender is required to submit to a risk assessment to be completed by the Department of Correction Sex Offender Screening and Risk Assessment Program (SOSRA). The offender will be notified by certified mail of the location, date and time of the assessment. If a Class C Felony in 1997 to appear for assessment, and not submit to the assessment process. The offender will be assessed as a default level 3 offender.
6. Pursuant to Act 336 of 2007, it is unlawful for a sex offender who is required to register under the Sex Offender Registration Act of 1997, § 12-12-501 et seq. and who has been assessed as a Level 3 or Level 4 offender to reside within two thousand (2,000) feet of the property on which any public, private secondary school or daycare facility is located. ACT 318 of 2007 excludes public parks and youth centers and indoor contact with the offender for the purpose of harassment as defined under § 5-17-208.
7. Pursuant to Act 1779 of 2006 it is unlawful for a sex offender who is required to register under the Sex Offender Registration Act of 1997, § 12-12-501 et seq. and who has been assessed as a level 3 or level 4 offender to engage in an occupation or participate in a volunteer position that requires the sex offender to work, interact, properly and directly with children less than sixteen (16) years of age.
8. Pursuant to § 12-12-507 no later than ten (10) days after release from incarceration or after the date of sentencing, the offender shall report to the local law enforcement agency having jurisdiction to update registration information.
9. Pursuant to Title 18, United States Code, Section 2250, if a sex offender fails to register or fails to report a change in residence, employment, education status, and travels in or moves across state lines, the offender can be charged with a federal crime and punished by up to 10 years imprisonment. Pursuant to Act 392 of 2007, it is a Class 1 Felony to possess identification cards or driver's licenses with incorrect physical addresses.
10. Pursuant to Act 972 of 2002 it is unlawful for a sex offender who is required to register under the Sex Offender Registration Act of 1997, § 12-12-501 et seq. and who has been assessed as a level 3 or level 4 offender to knowingly enter upon the campus of a public school except under certain circumstances listed in the act.

I have read and understand the above rules regarding my registration as a sex offender. I further acknowledge that my failure to comply with the requirements to register as a sex offender, to comply with any part of the assessment process, to report changes in address constitutes a Class C felony. I understand failure to comply could result in my arrest and/or prosecution.

Offender Signature

Print Offender name clearly

Date signed

Witness signature (law enforcement only)

Arkansas Department of Correction
Agency Stamp

Victim Information

First Name	Last Name	Address	City	State	Zip	Phone

Acknowledgement by Offender

I hereby acknowledge that I have been advised of my duty to register as a sex or child offender, or sexually violent predator, as required by Arkansas ACA §12-12-901. I have also been advised that failure to regularly notify my address or failure to report any change of address as required under ACA §12-12-901 constitutes a Class C felony and may result in my subsequent arrest and prosecution.

Source Information

Registration Agency or Group	Offense Description	Y/N	NC/AR/OK
Address: Department of Corrections Case Staff Only			
Date of Registration		Signature of Source	

Signature of Offender

Date

This form should be faxed or mailed to the Arkansas Crime Information Center, One Capitol Mall, Little Rock, AR 72201. FAX 501-683-6692. Failure to comply and transmit to ACIC within 30 days shall be a Class C felony under ACA §12-12-904.

AR 0000000000000000

State of Arkansas
Sex Offender Registration Form
Reporting this information is required by ACA §12-12-904. This form shall be sent to the Arkansas Crime Information Center within 3 days after completion for entry into the state and national Sex Offender Registration Index.

Print in Black Ink Only

Reporting to this agency ☐
 Reporting to the State Police ☐

Name (Last, First, Middle)				Date of Birth				SSN (Last 4)			
Race				Sex				Height			
Weight				Eye Color				Hair Color			
Current Address (Street)				City				State			
Zip				County				Mailing Address (Street)			
City				State				Zip			

Sex or Child Offense Information (If sex offense, specify in Section 1. If child offense, specify in Section 2. If both, specify in both.)

Offense 1	Offense 2	Offense 3	Offense 4
Offense 5	Offense 6	Offense 7	Offense 8
Offense 9	Offense 10	Offense 11	Offense 12

Institute of Higher Education (Name of Institution)

(If currently attending, volunteer, or employed, check here) ☐

Residence Address (Street)				Mailing Address (Street)			
City				City			
State				State			
Zip				Zip			

Place of Employment

Address of Employment

Employer Name	Address	City	State	Zip
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Brief Description of the Crime(s) for which this registration is required

Description of Crime(s)

Victim Information	Age Victim 1	Race Victim 1	Sex Victim 1	Offense 1	Offense 2	Offense 3	Offense 4	Offense 5	Offense 6	Offense 7	Offense 8	Offense 9	Offense 10	Offense 11	Offense 12
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Acknowledgement by Offender

I hereby acknowledge that I have been advised of my duty to register as a sex or child offender, or sexually violent predator, as required by Arkansas ACA §12-12-904. I have also been advised that failure to regularly verify my address or failure to report any change of address as required under ACA §12-12-904 constitutes a Class C felony and may result in my subsequent arrest and prosecution.

(Required Information)

Registering Agency or Court	County Registration?	Yes	No
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Arkansas Department of Corrections (Bluff Unit)

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

ADMINISTRATIVE DIRECTIVE

SUBJECT: Inmate Disciplinary Manual

NUMBER: 18-7-28

SUPERSEDES: 17-2808

APPLICABILITY: Inmates and Staff

REFERENCE: AR-831 – Disciplinary Rules
and Regulations

PAGE: 1 of 39

APPROVED: Original Signed by ~~Wendy Kelley~~

EFFECTIVE DATE: 10/22/2017

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

- E. Sanctions are imposed to discourage further rule violations with the use of Punitive Segregation only when the presence of the inmate in the general population, due to the behavior of the inmate posing a direct threat to the safety of persons or a clear threat to the safe and secure operations of the facility.

III. DEFINITIONS:

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

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

IV. GENERAL RULES FOR MAJOR DISCIPLINARIES:

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

V. TRAINING:

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

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

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

VI. BEHAVIOR RULES AND REGULATIONS:

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

GROUP DISRUPTION CATEGORY

PENALTY CLASS

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

INDIVIDUAL DISRUPTIVE BEHAVIOR CATEGORY

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

chemicals or any medication in an unauthorized manner.

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

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

BATTERY CATEGORY

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

04-17. **Throwing or attempting to throw substances,** A
known or unknown, toward or upon another person.
Rule violation may result in loss of all good time.

04-18. **Aggravated Battery** upon inmate –Use of weapon in A
a battery upon another inmate. Rule violation
may result in the loss of all good time.

ASSAULT CATEGORY

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

05-4. **Making sexual threat(s)** to another person, directly or A
indirectly, verbally or in writing.

THEFT, DESTRUCTION OF PROPERTY OR EXTORTION CATEGORY

06-1. **Demanding/receiving money or favors** or anything A
of value in return for an offer/promise of protection
from others, or to keep information secret.

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

07-4. **Theft or possession of stolen property.** A

08-4. **Destruction** or intentional misplacement of B
property of another or the Department.

08-6. **Adulteration of any food(s) or drink(s)** with A
intent to harm others. Rule violation may result in the
loss of all good time.

08-7. **Setting a fire or destruction or tampering** A
with fire detection or suppression device.

POSSESSION/MANUFACTURE OF CONTRABAND CATEGORY

09-1. **Possession/introduction of any firearm,** A
ammunition, weapon, fireworks, explosive,
unauthorized combustible substance, or
unauthorized tool. Rule violation may result
in loss of all good time.

09-3. **Possession/introduction/manufacture of any** A
drug, narcotic intoxicant, tobacco, chemical,

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

SEXUAL ACTIVITY CATEGORY

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

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

TRAFFICKING AND TRADING CATEGORY

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

ESCAPE CATEGORY

- | | |
|---|---|
| 16-1. Escape, or attempt to escape from custody of the Department of Correction; may result in the loss of all good time. | A |
| 16-2. Failure to return from any approved activity or furlough at the designated time. | A |
- B. Determination of Charges -- Only one rule violation may be charged for a given behavior. The violation cited should be that which most accurately categorizes the behavior. However, a Disciplinary Report may cover an incident which is made up of a sequence of several distinct behaviors, each of which is a rule violation.

1. Example of several rule violations in one sequence:

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

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

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

VII. MAJOR DISCIPLINARY COURT:

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

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

C. Responsibilities of the Building or Field Chief Security Officer

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

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

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

D. General Considerations

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

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

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

E. Hearings

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

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

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

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

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

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

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

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

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

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

F. Disciplinary Actions

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

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

G. Range of Allowable Sanctions

1. Penalty Class "A"*

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

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2. Penalty Class "B"*

- a. Loss of earned good time up to one hundred fifty (150) days.
- b. Loss of designated privileges up to forty-five (45) days.
- c. Restitution based on replacement cost or the value of lost, intentionally misplaced or destroyed property.
- d. Extra duty up to two (2) hours per day for up to fifteen (15) days.
- e. Formal reprimand and/or warning.
- f. Recommend to Classification Committee for change of assignment/unit, including, if appropriate, an out-of-state assignment.
- g. Reduce up to two (2) steps in class.
- h. Punitive segregation of up to fifteen (15) days for a second or subsequent guilty verdict that is within thirty (30) days of the previous guilty verdict for the same disciplinary violation and which interferes with the safe and secure operation of the facility.

3. Penalty Class "C"*

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

*In addition to any other punishment authorized under this Administrative Directive, the use of any commissary item in connection with the violation of any of these rules

may result in the loss of the privilege to acquire that type of item for up to twelve (12) months.

H. Major Disciplinary Appeal Process

1. At the time of notification of the verdict in a disciplinary proceeding, the inmate will be notified that he/she has the right to appeal any decision of, or disciplinary action taken by, the Disciplinary Hearing Officer, directly to the Warden/Center Supervisor of the unit/center involved. This notification will be documented by having the inmate sign the front of the disciplinary indicating that he/she understands the right to appeal. If the inmate waives his/her right to appear and is found guilty, he/she cannot appeal the decision. In the event the inmate is illiterate, the Disciplinary Hearing Officer shall, at the request of the inmate, direct the inmate's Counsel Substitute (Section VII (J) (1) to assist him/her in writing the letter of appeal.
2. The appeal must be written within the space provided on the Appeal Form. All grounds for appeal should be briefly stated and include the reasons why the conviction or punishment should be reversed or modified. This statement will be considered at all levels of appeal and may not be re-written at each stage.
 - a. The appeal shall be submitted in writing and must be submitted within fifteen (15) business days after a copy of the Disciplinary Hearing Officer's report is offered to the inmate and shall set forth in detail the grounds for any appeal. The Warden/Center Supervisor has thirty (30) business days from receipt of the appeal to respond, except that if the inmate is serving punitive time as a result of the disciplinary, the Warden/Center Supervisor should answer the appeal within ten (10) business days.
 - b. If the inmate is not satisfied with the response, he/she has fifteen (15) business days from receipt of the Warden/Center Supervisor's decision to appeal to the Disciplinary Hearing Administrator, who has thirty (30) business days to respond.
 - c. If the inmate disagrees with the response, he/she has fifteen (15) business days from receipt of the Disciplinary Hearing Administrator's decision to appeal to the Director. The Director has (30) business days to respond. The written appeal must set forth in detail the grounds for such an appeal.
 - d. If the inmate fails to receive responses in the time frame set forth above, he/she may appeal to the next level.

- e. During any stage of the appeal, the reviewer may affirm the action of the Disciplinary Hearing Officer or alter it as he/she deems just and proper except at no point in the appeal process shall the penalty be increased.
- 3. In cases where a Disciplinary Report is written by a Warden/Center Supervisor, the inmate may bypass the appeal to the Warden/Center Supervisor and appeal to the Disciplinary Hearing Administrator.

I. Extensions

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

J. Special Cases

1. Counsel Substitutes

- a. The following inmates shall be entitled to a Counsel Substitute in disciplinary proceedings:
 - Those inmates so designated by the Chief Security Officer, or the investigating officer.
 - Those inmates who the Disciplinary Hearing Officer believes are illiterate or incompetent including any inmate with an IQ of sixty (60) or below or a reading level below fourth (4th) grade (records of School District and/or Mental Health will be checked).
 - Inmates facing disciplinary proceedings where the issues involved are so complex that he/she is not likely to understand the nature of the charges.
 - Any inmate not able to understand and speak the English language.
 - Inmates assigned a Mental Health Classification of 3 or 4 if recommended on the 834 Form.
- b. The Counsel Substitutes shall consist of members of the staff as designated by the Warden/Center Supervisor. These individuals will be on notice that they are the Counsel Substitutes and should be prepared to be of service at the Disciplinary Hearings. The Warden/Center Supervisor shall prepare a list of approved Counsel Substitutes who shall be immediately available to the investigating officer, the Chief Security Officer, and the Disciplinary Hearing Officer on request. When it is determined that an inmate is in need of a Counsel Substitute by the officer who serves the disciplinary and/or the Chief Security Officer, the Counsel Substitute should be notified in advance so that he/she can be on notice of which inmate is involved and the nature of the disciplinary. When the Counsel Substitute determination is made by the Disciplinary Hearing Officer at the hearing, he/she shall immediately recess or postpone the disciplinary hearing so the Counsel Substitute may have an opportunity to meet with the accused inmate prior to the entering of a plea. The Disciplinary Hearing Officer should then proceed with the next disciplinary, having noted the starting and stopping place on the recording prior to the recess and further noting the starting and stopping place on the recording when the disciplinary hearing is reconvened with the Counsel Substitute present.

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

contain the informant's signed statement in language that is factual rather than subjectively conclusive and must establish that the informant had personal knowledge of the matter.

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

the statement should be recorded and, if necessary, repeated for the recording device, and quoted on the Disciplinary Hearing Action Form (F-831-3) and, when available, in eOMIS under "Evidence Relied Upon." If the proper entry is not made under "Evidence Relied Upon," indicating the source and content of the testimony from the healthcare staff, the disciplinary action will be deemed invalid and expunged from the inmate's records.

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

5. Damaging Property

- a. Any inmate who is found guilty of destroying, damaging, or intentionally misplacing property may be ordered to make restitution in the amount of the replacement costs or the value of the property, depending upon individual circumstances as found by the Disciplinary Hearing Officer.

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

K. Specific Prohibitions

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

himself/herself from hearing that disciplinary and will report the communication to the Disciplinary Hearing Administrator.

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

L. Records

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

or class status which may have been reduced by the Major Disciplinary Hearing Officer.

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

M. Major Disciplinary Forms

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

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

inmate refuses to sign, such refusal should be noted with the initials of the notifying officer.

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

"Evidence Relied Upon" or "Reasons for Punishment." This should include a summary of the reasons for finding the inmate guilty or not guilty. In fulfilling this function, it is not sufficient to adopt and copy the exact wording of the Disciplinary Report.

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

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

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

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

4. The Major Disciplinary Appeal Form (F-831-4)

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

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

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

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

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

VIII. MINOR DISCIPLINE:

- A. Minor Disciplinary Reports – (Form F-831-7 and Electronic Form ISSR 102) should be used as a tool to discourage less serious misconduct. The rule violations for which an inmate may receive a Minor Disciplinary Report are

identical to those violations for which a Major Disciplinary Report may be written. Minor discipline reports are within the discretion of the charging person. Their purpose is to sufficiently impress upon the inmate the need for behavior modification without burdening the inmate with the stigma that attaches to Major Disciplinary Reports.

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

- regular work assignment. Extra duties must not exceed two (2) hours per day and a maximum of ten (10) days.
7. At no time shall an inmate be put in Punitive Isolation by the decision of the Minor Disciplinary Officer. Good Time and Class Status shall not be reduced by the Minor Disciplinary Officer.
 8. Disciplinary action should be taken by the Minor Disciplinary Officer as soon as possible after the discovery of the violation. Any minor disciplinary action which has not been heard after seven (7) business days shall be dismissed.
 9. The Minor Disciplinary Form (F-831-7) shall be filled out in its entirety for each infraction and entered electronically when available in eOMIS.
 10. Minor Disciplinary Reports will not be made a part of the inmate's permanent file, but it will be recorded in the Offender's electronic record. After the Minor Disciplinary Officer has completed his/her daily functions, the minor Disciplinary Reports shall be forwarded to the Chief Security Officer for separate filing as a matter of record.
 11. Once the Minor Disciplinary Officer has disposed of a minor disciplinary, the decision shall not be changed or altered in any manner by the Minor Disciplinary Hearing Officer.
 12. Findings of the Minor Disciplinary Officer may be appealed to the Chief of Security, and his/her decision is final. The Chief of Security may affirm, reverse or modify the decision of the Minor Disciplinary Officer. The Chief of Security may not uphold a sanction that imposes Punitive Isolation, or a reduction of Good Time or Class Status of an inmate.
 13. The Chief Security Officer must submit to the Warden/Center Supervisor a monthly report of the minor disciplinary actions. The Warden/Center Supervisor must maintain a file of these reports and have them available for review by the Disciplinary Hearing Administrator. The Warden/Center Supervisor and Disciplinary Hearing Administrator must ensure that each inmate is treated fairly and equitably.

IX. SANCTIONS:

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

F-831-1

ARKANSAS DEPARTMENT OF CORRECTION

AR 831

Unit _____

MAJOR DISCIPLINARY

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

NOTICE OF CHARGES

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

Signature of Charging Officer _____

NOTIFICATION: Officer _____ Date & Time Notified _____

Witness: YES _____ NO _____

Inmate's Signature _____

List of Witness: _____

C.S.O. REVIEW: Reduce _____ Dismiss _____ To Disc. Court _____ Initial _____ Date _____

EXTENSION: No _____ Yes _____ ; Has extension form been completed? _____

Presentation by Counsel Substitute is required when it is determined that the inmate is illiterate or incompetent or that the issues are extraordinarily complex.

COUNSEL SUBSTITUTE Assigned (Name) _____

F-831-2

ARKANSAS DEPARTMENT OF CORRECTION

AR 831

UNIT

DISCIPLINARY HEARING ACTION

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

Inmate's Statement:

Signature of Inmate _____

Court Questions: _____

Verdict: _____ Punishment: _____

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

Disciplinary Hearing Officer's Initials _____

F-831-3 ARKANSAS DEPARTMENT OF CORRECTION

AR 831

UNIT

DISCIPLINARY HEARING ACTION

Inmate _____ ADC # _____ Date _____

Evidence Relied Upon:

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

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

Reasons Why Information Purporting to Exonerate Inmate Was Discounted:

Reasons for Assessment of Punishment:

Disciplinary Hearing Officer's Initials _____

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

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

Inmate's Signature _____ Counsel Substitute _____

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

Disciplinary Hearing Officer

Signature

Date

F-831-4
Major Disciplinary Appeal Form

Inmate Name _____ ADC# _____

Unit/Center _____ Punitive Isolation _____ Yes _____
No _____

Disciplinary (date) _____ by (charging officer) _____

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

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

Signature: _____ Date _____

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

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

Signature: _____ Date _____

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

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

Signature: _____ Date _____

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

Inmate's Signature: _____ Date: _____

F-831-5

ARKANSAS DEPARTMENT OF CORRECTION
Unit
DISCIPLINARY EXTENSION FORM

AR 831

TO:
FROM:

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

DATE:

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

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

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

Retroactive extension:

- () Escaped inmate, not in custody. Returned to Unit

Date Time

Signature _____
Warden/Center Supervisor, Disciplinary Hearing Officer

Date Time

Copy delivered to inmate by: _____ on _____
Signature Date

cc: File

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

Director's Signature _____

Date _____

Length of Extension _____

This extension will expire on _____ at _____
Date Time

F-831-6

Arkansas Department of Correction
Unit
WAIVER OF DISCIPLINARY HEARING

AR831

Date of Disciplinary _____
Time: _____
Rule Violation(s) _____

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

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

Signed: _____ ADC # _____

Officer Witness: _____ Date: _____
Time: _____

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

Inmate _____, ADC # _____
refused to attend the hearing and refuses to sign the waiver form.

Date: _____ Time: _____

Signature of Officer witnessing refusal: _____

Reviewed by Warden/Center Supervisor or designee: _____

F-831-7

Arkansas Department of Correction
Unit
MINOR DISCIPLINARY REPORT

AR 83J

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

CHARGE OR OFFENSE:

DISPOSITION (Check One)

Extra Duty

(Describe Briefly)

Loss of Privilege

(Describe Briefly)

Warning & Reprimand

(Describe Briefly)

Not Guilty

Disciplinary Hearing Officer

Hearing Date/Time _____

Date Penalty Served _____ Shift Supervisor _____



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

ADMINISTRATIVE DIRECTIVE

SUBJECT: Facility, Program, and Court Ordered Tours

NUMBER: 18-XX

SUPERSEDES: 16-29

APPLICABILITY: All staff, especially those involved in
the management of facilities and programs

REFERENCE: AR-009 Public & Community Relations
AD 2016-32 Inmate Panels

PAGE: 1 of 7

APPROVED:

EFFECTIVE DATE:

I. POLICY:

It is the policy of the Arkansas Department of Correction to establish guidelines regarding tours of the various facilities and programs of the agency.

II. PURPOSE:

In the interest of informing the public of the operations of the Department, the nature of its facilities, and the various programs designed to advance the Department's goals of safety, security, and rehabilitation, it is the policy of the Arkansas Department of Correction (ADC) to make its various facilities and programs available to be toured by qualified educational, civic, and community groups. These tours will be conducted under staff supervision in such a manner as to ensure the safety of the visitors, and to allow the visitors to observe the daily operations of Department's facilities and programs to the greatest extent possible consistent with the operational needs of the facility or program. In addition, from time to time an Arkansas court may enter an order directing that an individual submit to a tour of an ADC facility. It is the policy of the Department to accommodate these court ordered tours in a manner that is consistent with the safety and security of both the individual and the facility.

III. PROCEDURES:

A. Scheduling Guidelines

1. All group tours will be arranged through the Public Information Office. All group tour requests will be made utilizing the attached form and ~~must and must be approved~~ be approved by both the Public Information Officer and the Warden/Center Supervisor/Program Administrator prior to the visit. A copy of this directive will be provided to the group ~~representative requesting~~ representative requesting a tour. Allowable groups generally include Public and Private High Schools, Colleges, Universities, Juvenile Delinquency Programs, Government Officials and community organizations.
2. Normally, group tours will be scheduled to begin at either 9:00 a.m. or 1:00p.m., Monday through Friday. Special tour days and times may be set by the facility Warden/Center Supervisor/Program Administrator.
3. The minimum age of those persons touring a facility will be 14 years of age. If a request to admit a tour participant that is younger than age 14 is received by the Public Information Officer, that request will be reviewed, and either approved or denied by the Director or the Director's designee.
4. Tour groups will be limited to no more than twenty (20) persons. The facility Warden/Center Supervisor/Program Administrator may further limit the number of persons in a tour group in order to ensure the good order and safety of the facility. At the discretion of the Warden/Center Supervisor/Program Administrator, more than twenty (20) persons may also be allowed to participate in a tour group.
5. Facilities housing maximum security inmates may only be toured by properly credentialed Criminal Justice professionals, Criminal Justice Instructors and their classes, members of the Board of Corrections or staff, members of the General Assembly or its designated staff, and members of the Governor's staff.

B. Tour Guidelines

1. Personnel at the facility in charge of the tour will be experienced personnel who are aware of the needs of the group touring the facility. The Warden/Center Supervisor/Program Administrator, or his/her designee, will ensure that appropriate personnel are assigned.
2. If requested, and approved by the Warden/Center Supervisor/Program Administrator an inmate panel may make a presentation to the group

either prior to or following the tour.

C. Guidelines for Group Members

1. Group members shall dress in a manner that is respectful of ADC staff, the inmate population, and the professional correctional environment maintained by the ADC. Prohibited clothing includes but is not limited to brief cut, provocative or - other or inappropriate clothing will not be permitted. No: such as halter-tops, tank tops, hats, shorts, miniskirts/dresses, see-through clothing, leggings, jeggings, flip open-toed shoes, flops or camouflage attire may be worn. No sleeveless tops are allowed because shoulders must be covered at all times. Clothing containing metal (such as snaps, buttons, buckles, under wire, etc.) should be avoided as those items may prevent the visitor from clearing certain security devices, cause delays and lead to additional searches or result in denial of entry to the facility. Hairstyles with metal pins may also result in denial, or delay, if unable to clear security devices.

2. All persons, property, and vehicles entering State property shall be subject to search. Any refusal to comply with searches will result in denial of current and future entry into the facility.

3. Members of tour groups will not be permitted to give any inmate money, gifts, food or any other items ~~to any inmate.~~ **THE FURNISHING OR INTRODUCTION OF ANY PROHIBITED ARTICLE INTO A DEPARTMENT FACILITY IS A FELONY. THIS INCLUDES TOBACCO, ANY SMOKING PARAPHERNALIA, ELECTRONIC COMMUNICATION DEVICES, ALCOHOL AND/OR DRUGS.**

Note: Members of tour groups will be allowed to carry in only the following items: identification, car keys, jewelry (being worn), and a notebook and ink pen or pencil if the tour is for an educational purpose. No cell phones or other electronic devices are allowed. A Warden/Center Supervisor/Program Administrator may place additional restrictions on items that can be brought into the facility. All members of tour groups must successfully clear the facility's entrance procedures.

4. Any member of a tour group under the influence of alcohol and/or drugs, or who knowingly brings, or attempts to bring, any alcohol, drugs, tobacco, electronic communication devices, etc., into the institution, or upon its grounds, may be detained for arrest by the appropriate authorities or removed from the institution grounds immediately. The incident shall be reported to the Arkansas State Police for potential criminal proceedings. In addition, such incidents shall result in the indefinite suspension of all tour and visitation/telephone privileges of such person(s)

and or the sponsoring organization. Former ADC employees and former contract employee, designated as "not eligible for rehire," shall not be approved for a facility tour for a period of three (3) years from their last date of employment or contract work.

D. Procedures for Court Ordered Tours

1. All Court Ordered Tours will be scheduled through the Public Information Office. A Parole/ Probation Officer must submit an Order from the sentencing court to the Public Information Office along with the scheduling request.
2. All Court Ordered Tours will be conducted at the Cummins Unit (male) or the McPherson Unit (female). Other units may be designated on a case-by-case basis for Court Ordered Tours by the appropriate Deputy or Assistant Director. Each designated unit will adopt a Unit Policy governing such visits and provide the current Unit Policy to the Public Information Officer.
3. Offenders will arrive at a set time by Unit policy, with their sentencing order, and a government-issued picture I.D.
4. Appropriate Staff will conduct a drug test on each court ordered visitor. If the test shows positive results, the clearance process will be halted and the appropriate Probation/Parole Officer will be notified. In addition, any court ordered visitor who tests positive for an illegal substance or alcohol on a drug test will not be allowed to drive on ADC property.
5. A Correctional Officer will conduct a strip search of each court ordered visitor. Prior to the strip search, the individual will be informed that the furnishing or introducing of any prohibited item into a correctional facility is a felony. The court ordered visitor will be escorted to a private area by a person of the same gender, who will perform the strip search. All searches will be conducted in an area separate and private from inmates and other staff, if possible, and in such a way as to ensure tact, privacy, and a minimum of embarrassment. If contraband is discovered, it will be taken by security staff and the court ordered visitor will be allowed to dress. Established procedures will be followed in dealing with the individual and the contraband. If no contraband is found, the court ordered visitor will be allowed to dress and proceed. ~~If the court ordered visitor~~.
6. Court ordered visitors will be dressed in clothing readily differentiating them from the regular inmate population.

- 7 All court ordered visitors will speak to an Inmate Panel, in addition to touring the facility.
- 8 At the end of the day, the court ordered visitor will fill out a Completion of Court Ordered Tour Certification Form (Attachment II). A copy of this form will be sent to the Public Information Office who will in turn provide it to the appropriate Parole/Probation Officer.

ARKANSAS DEPARTMENT OF CORRECTION
TOUR REQUEST FORM

Attachment I

One (1) form must be completed per unit. No more than 20 individuals are allowed in a group, and no one younger than 14 is allowed unless approved by the Director or Management Team designee.

Name of Requestor and Title _____	Organization Name _____
Organization Address _____ _____	
Contact Phone No. _____	Contact Email _____
Total Number of Participants Including Staff _____	Total Number Under 14 y/o _____
Are any tour participants former ADC employees or former contract employees? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, please list: _____	
Inmate Panel Requested? <input type="checkbox"/> Yes <input type="checkbox"/> No	Unit/Program to be Toured* _____
Requested Date(s) & Times* _____ _____	
Purpose of the Tour _____ _____	

* - Availability is subject to change. Please contact the Public Information Office at 870-267-6385 for a current list of available units/programs and possible start times.

*****FOR DEPARTMENTAL USE ONLY*****

<input type="checkbox"/> Approved <input type="checkbox"/> Denied	Date Received _____	Received By _____
<input type="checkbox"/> Approved <input type="checkbox"/> Denied	Public Information Officer _____	Date _____
If Under 14 y/o <input type="checkbox"/> Approved <input type="checkbox"/> Denied	Warden/Center Supervisor/Program Administrator _____	Date _____
	Director or Designee _____	Date _____

** - When required, all officials must APPROVE the request before the tour can be confirmed.

ARKANSAS DEPARTMENT OF CORRECTION
COMPLETION OF COURT ORDERED TOUR FORM

Attachment I

DATE: _____

THIS IS TO CERTIFY THAT _____ REPORTED TO THE _____ UNIT

AS ORDERED FROM _____ COUNTY ON _____

AND DEPARTED ON _____

THE AFOREMENTIONED INDIVIDUAL SPENT THE DAY TOURING THE UNIT, OBSERVING
THE INMATES PERFORMING THEIR USUAL TASKS, AND SPEAKING TO A PANEL OF
INMATES.

SIGNATURE

DATE

WITNESS

DATE

SEAL