



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

April 1, 2016

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

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

Dear Senator Sanders and Representative Davis,

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 previous quarter. Submitted along with this letter are the following administrative directives:

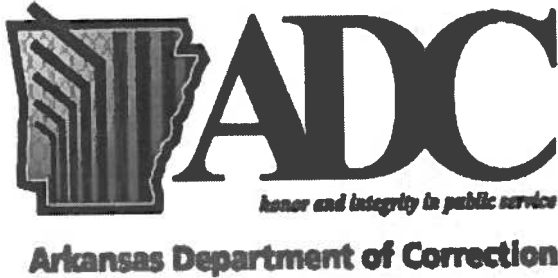
AD #	AD Title	Supersedes	Effective Date
16-01	Personal Cleanliness and Grooming for Inmates	AD 15-08	1/14/2016
16-02	Employment	AD 12-10	2/8/2016
16-03	Class Status and Promotion Eligibility	AD 15-26	2/23/2016
16-04	Punitive Segregation/Restriction	AD 12-24	2/26/2016
16-05	Incident Notification Procedures	AD 15-06	3/10/2016
16-06	Protective Custody	NEW	3/18/2016
16-07	Items Designated for Farm Commodities Sales	AD 15-22	3/30/2016

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

Sincerely,

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

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



P.O. Box 8707  
Pine Bluff, AR 71611-8707  
Phone: 870-267-6345  
Fax: 870-267-6258  
www.adc.arkansas.gov

## **EXECUTIVE SUMMARY**

**SUBJECT: Personal Cleanliness and Grooming for Inmates**

**NUMBER: 16-01**

**SUPERSEDE: 15-08**

**APPLICABILITY: All inmates under the care and custody of the Arkansas Department of Correction**

**REFERENCE: AR 840 - Personal Cleanliness and Grooming for Inmates**

**APPROVED: by Director Wendy Kelley**

**EFFECTIVE DATE: 1/14/16**

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**POLICY:** The purpose of this Administrative Directive is to provide for the health and hygiene of inmates, to maintain a neat and clean standard of appearance, to instill and support self-respect and discipline, and to enhance the safety and security of the institution by minimizing opportunities for disguise and for transport of contraband and weapons.

**EXPLANATION OF CHANGES:**

These changes remove restrictions on inmate facial hair and clarify the process for searching inmates with facial hair.

**Instructions for Staff:** This summary must be posted in a conspicuous place, or places, frequented by offenders; this includes all living areas (e.g. barracks and individual lock down cells). The full draft of this Administrative Directive is available in the Law Library.



Arkansas Department of Correction  
PO Box 8707  
Pine Bluff, AR 71611  
Phone: 870-267-6345  
Fax: 870-267-6244

## ADMINISTRATIVE DIRECTIVE

**SUBJECT: Personal Cleanliness and Grooming for Inmates**

**NUMBER: 16-01**

**SUPERSEDE: 15-08**

**APPLICABILITY: All inmates under the care and custody of the Arkansas Department of Correction**

**REFERENCE: AR 840 - Personal Cleanliness and Grooming for Inmates**

**PAGE: 1 of 2**

**APPROVED: Original Signed by Wendy Kelley**

**EFFECTIVE DATE: 1/14/16**

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### **I. POLICY:**

The purpose of this Administrative Directive is to provide for the health and hygiene of inmates, to maintain a neat and clean standard of appearance, to instill and support self-respect and discipline, and to enhance the safety and security of the institution by minimizing opportunities for disguise and for transport of contraband and weapons.

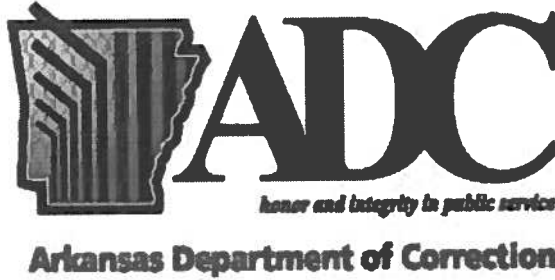
### **II. PROCEDURES:**

- A. All inmates are expected to conform to the grooming policy.
- B. All inmates must maintain a hair style that is worn loose, clean, and neatly combed. No styles are permitted that make it difficult to search the hair, including cornrows, braids, pony tails, or dread locks.
- C. No inmates are permitted to wear or possess hairpieces, weaves, or wigs.
- D. If an inmate chooses to maintain facial hair, such facial hair must be worn loose, clean, and neatly combed. If an inmate chooses to maintain facial hair, the inmate will be required to shave so that his appearance without facial hair can be documented.

- E. Nails on hands and feet will be clipped so as not to extend beyond the tip of fingers or toes.
- F. Inmates will maintain standards of hygiene so as not to create a health hazard or public nuisance. If personal hygiene falls below these standards, the Chief of Security may order that the necessary steps be taken to maintain compliance. For mental health services and medical housing, this authority is vested in the non-security staff person supervising the treatment area.
- G. Failure to abide by grooming standards is grounds for disciplinary action.
- H. During intake, inmates requesting to maintain a current hair style will not be required to cut their hair during the intake process; however, two photographs will be taken and one will be with the hair completely away from the face.
- I. During intake, inmates may request to maintain a current facial hair style; however, the inmate will be required to submit to a photograph prior to shaving and submit to a photograph after shaving.
- J. All inmates with facial hair will be required to submit to a clean-shaven updated photograph in the event the inmate's appearance changes significantly due to age, weight gain/loss, or a natural change in facial hair pattern.

### **III. STANDARDS:**

American Correctional Association; Standards for Adult Correctional Institutions, Fourth Edition



Director's Office  
P. O. Box 8707  
Pine Bluff, AR 71611-8707  
Phone: 870-267-6345  
Fax: 870-267-6258  
[www.adc.arkansas.gov](http://www.adc.arkansas.gov)

## **EXECUTIVE SUMMARY**

**SUBJECT:** Employment

**NUMBER:** 16-02

**SUPERSEDES:** 12-10

**APPLICABILITY:** All Employees and Applicants

**REFERENCE:** AR 204 – Employment Policy

**APPROVED:** by Director Wendy Kelley

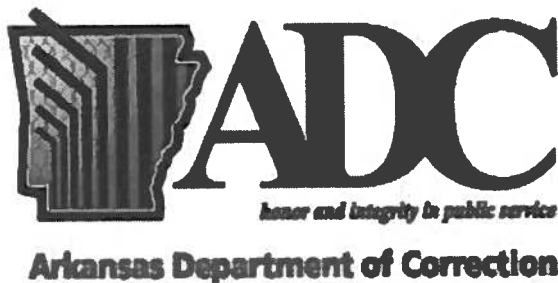
**EFFECTIVE DATE:** 2/8/16

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

**EXPLANATION OF CHANGES:**

These changes clarify various portions of the policy related to the roles of the Hiring Authority and to the hiring process. Changes were also made to the promotion process.



PO Box 8707  
Pine Bluff, AR 71611-8707  
Phone: 870-267-6200  
Fax: 870-267-6244  
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## ADMINISTRATIVE DIRECTIVE

**SUBJECT:** Employment

**NUMBER:** 16-02

**SUPERSEDES:** 12-10

**APPLICABILITY:** All Employees and Applicants

**REFERENCE:** AR 204 – Employment Policy

**PAGE 1 of 9**

**APPROVED:** Original signed by Wendy Kelley

**EFFECTIVE DATE:** 2/8/16

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### **I. POLICY:**

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

### **II. EXPLANATION:**

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 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 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 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 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 the professional and executive pay grid, along with non-classified 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 career service 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, and as



may be authorized by the Office of Personnel Management, all positions classified as "exempt" shall be advertised for a minimum of ten working days before initiating the selection process. All "non-exempt" positions shall be advertised for a minimum of five working days before initiating the selection process. An extension of advertisement or re-advertisement of a position may be requested from Central Human Resources by the Hiring Authority.

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 CO I's if there are open positions available at that unit. Each application must have a completed disposition within thirty days of receipt. If an application is not dispositioned within thirty 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.
8. Employees selected for positions requiring Management Level I – IV certification will be scheduled and required to attend the next available Management Level class relative to their position.

**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 .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. At least one member of the interviewing process must have successfully completed Structured Interviewing Training. The Hiring Authority may elect to bypass the committee system if there are three or fewer qualified applicants eligible for the position. 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 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 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 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 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 Grade C120 and above will be approved by the Director, Grades C117 and above will be approved by the applicable Deputy/Assistant Director. Grades C116 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 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:

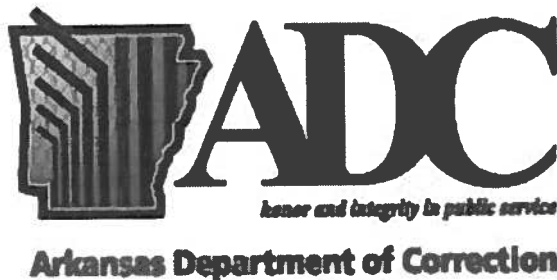
1. The Hiring Authority will review Rehire applications and related previous work history to determine the reason(s) the employee terminated employment with the Department of Correction. Applications from persons not recommended for Rehire will not be considered for at least twelve months from date of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



Director's Office  
P.O. Box 8707  
Pine Bluff, AR 71611-8707  
Phone: 870-267-6200  
Fax: 870-267-6244  
[www.adc.arkansas.gov](http://www.adc.arkansas.gov)

## EXECUTIVE SUMMARY

**SUBJECT:** Class Status and Promotion Eligibility

**NUMBER:** 16-03

**SUPERSEDES:** 15-26

**APPLICABILITY:** Staff and Inmates

**REFERENCE:** AR 802 Classification of Offenders

**APPROVED:** by Director Wendy Kelley

**EFFECTIVE DATE:** 02/23/16

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**POLICY:** It shall be the policy of the Department of Correction 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.

### EXPLANATION OF CHANGES:

These changes revise the process for classifying inmates as either IA or IB. Changes also relate to the classification of inmates who repeatedly lose a job assignment due to a disciplinary action. The final change relates to the impact of subsequent 10-3 (Indecent Exposure) violations on class promotion.



PO Box 8707  
Pine Bluff, AR 71611-8707  
Phone: 870-267-6200  
Fax: 870-267-6244  
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## ADMINISTRATIVE DIRECTIVE

**SUBJECT:** Class Status and Promotion Eligibility

**NUMBER:** 16-03

**SUPERSEDES:** 15-26

**APPLICABILITY:** Staff and Inmates

**REFERENCE:** AR 802 Classification of Offenders

**PAGE** 1 of 7

**APPROVED:** Original Signed by Wendy Kelley

**EFFECTIVE DATE:** 02/23/16

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### **I. POLICY:**

It shall be the policy of the Department of Correction 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:**

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 Program<sup>1</sup>. Inmates currently assigned Class IA are grandfathered in as IA 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) years.
- C. Class IB 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 IB status unless they are within ten (10) years of their TE/PE date, and otherwise qualify under criteria for Class IA. Inmates currently assigned Class IB are grandfathered in as IB inmates.
- D. Class ID is for inmates who meet IB 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 36 months. Class ID 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 IC is for all other inmates assigned Class I 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 IC.
- F. Class IP is automatically assigned to an inmate upon release/transfer to Community Correction supervision.
- 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

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<sup>1</sup> 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.

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.

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

##### **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 IB, he/she will be administratively reduced to a IC 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 except for those covered in subsection (g) involving a minor amount, (for example: tobacco for one cigarette or one chew), or unless the Warden recommends to the Classification Committee that the inmate be considered for promotion and/or reclassification.

- f. 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**.

One (1) year from the date of a third or subsequent guilty verdict for a 10-3 rule violation for **indecent exposure**.

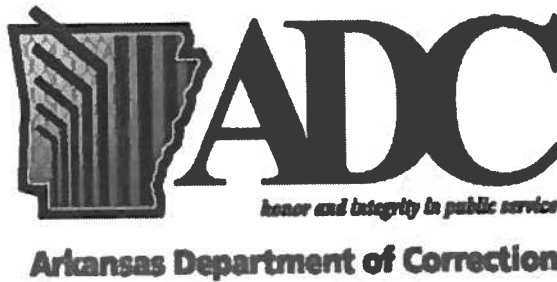
NOTE: For calculating an inmate's eligibility for a class promotion, subsequent guilty verdicts for 10-3 rule violations will be run concurrently.

- g. Three (3) months from the date of a guilty verdict for rule violation involving **Tobacco, Drug and Alcohol**.<sup>2\*</sup>
- h. Three (3) months from the date of a guilty verdict for extortion.

- 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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<sup>2</sup> May extend promotion eligibility by thirty (30) days for each subsequent guilty verdict for a tobacco, drug or alcohol violation within the last eighteen (18) months.



P O Box 8707  
Pine Bluff, AR 71611-8707  
Phone: 870-267-6345  
Fax: 870-267-6258  
[www.adc.arkansas.gov](http://www.adc.arkansas.gov)

## **EXECUTIVE SUMMARY**

**SUBJECT: Punitive Segregation/Restriction**

**NUMBER: 16-04**

**SUPERSEDES: 12-24**

**APPLICABILITY: To All Employees, Especially Those Involved in the Operation of Punitive Segregation and Inmates**

**REFERENCE: AR 839 – Punitive Segregation**

**APPROVED: by Director Wendy Kelley**

**EFFECTIVE DATE: 02/26/16**

**POLICY:** It shall be the policy of the Department of Correction to provide safe, secure housing for inmates who require a higher degree of physical control because they have been found guilty of committing serious rule violations. Additionally, to provide for a consistent method of applying punitive restrictions to inmates who are removed from punitive segregation areas prior to the completion of the punitive segregation time imposed by the Disciplinary Hearing Officer. This policy applies only to the punitive segregation portion of a disciplinary sentence and is not meant to add to or negate any restrictions imposed by the Disciplinary Hearing Officer.

**EXPLANATION OF CHANGES:**

This policy was amended to clarify that only emergency medications approved by the Regional Medical Director will be allowed to be kept by an inmate in a punitive cell.

**Instructions for Staff:** This summary must be posted in a conspicuous place, or places, frequented by offenders; this includes all living areas (e.g. barracks and individual lock down cells). The full draft of this Administrative Directive is available in the Law Library.



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

## ADMINISTRATIVE DIRECTIVE

**SUBJECT:** Punitive Segregation/Restriction

**NUMBER:** 16-04

**SUPERSEDES:** 12-24

**APPLICABILITY:** To All Employees, Especially Those Involved in the Operation of Punitive Segregation and Inmates

**REFERENCE:** AR 839 – Punitive Segregation

**PAGE 1 of 9**

**APPROVED:** Original Signed by Wendy Kelley

**EFFECTIVE DATE:** 2/26/16

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### **I. POLICY:**

It shall be the policy of the Department of Correction to provide safe, secure housing for inmates who require a higher degree of physical control because they have been found guilty of committing serious rule violations. Additionally, to provide for a consistent method of applying punitive restrictions to inmates who are removed from punitive segregation areas prior to the completion of the punitive segregation time imposed by the Disciplinary Hearing Officer. This policy applies only to the punitive segregation portion of a disciplinary sentence and is not meant to add to or negate any restrictions imposed by the Disciplinary Hearing Officer.

### **II. EXPLANATION:**

Any inmate who has been found guilty of violating departmental rules and regulations may be placed in punitive segregation after an impartial due process hearing pursuant to procedures in the Disciplinary Manual and shall be subject to the following restrictions and/or conditions of confinement while in punitive segregation. Punitive measures may include punitive segregation or punitive restriction.



### III. PROCEDURES:

#### A. Restrictions and/or Conditions of Confinement

Any exception or deviation from this policy must be authorized by the Director.

1. Mail – Inmates in punitive segregation will be allowed to send and receive letters on the same basis as inmates in the general population. This will include both general and privileged correspondence.
2. Newspapers/Magazines – Inmates will not be able to receive newspapers or magazines in punitive segregation. During their forty-eight (48) hour relief, inmates will be allowed to receive the two (2) most current newspapers and magazines on a one-for-one exchange basis.
3. Visitation – Inmates in punitive segregation have opportunities for visitation unless there are substantial reasons for withholding such privileges. Visits will be conducted for two (2) hours, once a month (calendar) and scheduled at least twenty-four (24) hours in advance. The Warden or designee must approve all such visits. Approval will be contingent upon but not limited to:
  - a. Nature of rule violation.
  - b. No further rule violations while housed in punitive.
  - c. Satisfactory cell inspection reports.

A legal visit may be approved in advance by the Warden/Center Supervisor. This is only to be done when the attorney can justify the urgency of the legal matter prior to the release from punitive status, with the consistent need for good security.
4. Exercise – Inmates in punitive segregation will be offered a minimum of one (1) hour of exercise per day outside of their cells, five (5) days per week, unless security or safety considerations dictate otherwise.
  - a. The exercise periods are to be conducted outside, security and weather permitting. During inclement weather, coats and raincoats are available.
  - b. During these exercise periods, the inmate will not be afforded any recreational equipment, television, or radio.

- c. Exercise periods should be documented. Any imposition of constraint during the exercise period will be justified and documented.
5. Commissary- Inmates on forty-eight (48) hour relief will be allowed to purchase commissary items, authorized personal hygiene items and legal supplies listed in the Personal Property Section of this policy a minimum of once every thirty (30) days. Purchase limit will be the same as indigent inmates. Legal supplies may be purchased more often if the inmate can document a valid need. Inmates violating any restrictions will be subject to additional disciplinary action.
6. Mattresses – Inmates in punitive segregation will not be allowed to have mattresses in the cells between the hours of approximately 7:00 a.m. and 7:00 p.m. daily.
7. Showers – Inmates in punitive segregation will be afforded the opportunity to shave and shower a minimum of three (3) times per week. Female inmates will be afforded the opportunity to shave once a week. Exceptions are permitted when found necessary by the senior officer on duty. All exceptions will be recorded in the log and justified in writing.
8. Law Library – After having been in punitive segregation for twenty days, inmates may order legal materials from the law library if just cause or adequate need arises for legal material to be delivered once per week.
- EXCEPTION: Legal materials will be made readily accessible to those inmates who need to meet statutory or court-imposed deadlines.
9. Personal Property – Inmates sentenced to punitive segregation are not allowed personal property; thereby, personal property will be inventoried in accordance with appropriate policy addressing inmate property control. While in punitive segregation, the inmate will only be allowed to have the following items, contingent upon good security.
- a. Legal materials/Religious text – only that amount of legal material which can be kept neat and orderly and does not clutter the cell, plus one religious text (i.e., Bible, Koran, etc.)
  - b. Soap
  - c. Dental Hygiene Items
  - d. Wash Cloth

- e. Self-improvement Reading Materials Provided by Treatment Services (one)
- f. Comb (no pick)
- g. Deodorant
- h. Sanitary Napkins (females)
- i. Paper
- j. Flex pen
- k. Stamped Envelopes/Legal Envelopes
- l. Shampoo (female inmates only)
- m. Conditioner (female inmates only)
- n. Consumable items (during forty-eight (48) hour relief only)
- o. Medications as authorized in Paragraph #18

Toilet paper will be issued in increments by the punitive area supervisor on an as-needed basis.

- 10. Telephones – Inmates will not be afforded telephone privileges. Inmates may make attorney calls when a need can be verified that will not wait until the conclusion of punitive confinement.
- 11. Religious Services – Inmates in punitive segregation will not be allowed to participate in group religious activities. A religious leader approved by the Department will be available upon request for one-on-one visits, at the inmate's cell, subject to approval by the Warden. A departmental chaplain must make rounds in punitive segregation at least once per week.  
  
Provisions will be made for Muslim inmates to participate in the Ramadan Fast.
- 12. Meritorious Good Time – Inmates in punitive segregation will not earn good time.
- 13. Work Assignment – Inmates in punitive segregation will not have work assignments.

14. Library – Inmates in punitive segregation will not have regular library privileges.
15. Program Activities – Inmates in punitive segregation will not be allowed to participate in any group program activities (i.e., Inmate Council, SATP, Education, Movies, etc.).
16. Clothing – Inmates in punitive segregation will be provided one jump suit and appropriate undergarments at shower time. The only footwear permitted will be state issued canvas or approved medical footwear.
17. Paper and Pen – Inmates in punitive segregation will be allowed to purchase flex pens and/or paper through the commissary at least once monthly or more often if a need is documented and validated. The Segregation Supervisor or Chief Security Officer will review all such requests.
18. Medical – All inmates who are segregated from the general population will be evaluated by qualified health personnel prior to placement in segregation and daily while in segregation to determine the individual's status. The pre-placement health evaluation is to ensure the inmate does not have any medical conditions contradictory to such placement, and to screen for mental health referrals. Any referrals to mental health shall be made to the mental health supervisor and/or the on-call mental health staff. The pre-placement will be documented in the inmate's health record.

Sick call will be held at least five (5) times per week. Pill call will be held as often as required by the medical staff. Medical services on weekends will be for emergencies only. Only emergency medications authorized by the Regional Medical Director, such as inhalers and nitroglycerin, will be kept in a punitive cell.
19. Food – Food will be served in accordance with the appropriate policy addressing food services. Disposable utensils may be utilized. Meals will be served in the cells. Inmates on punitive will not be served seconds.

Alternative meal service may be provided to an inmate in segregation who uses food or food service equipment in a manner that is hazardous to self, staff, or other inmates. Alternative meal service is on an individual basis, is based on health and/or safety considerations only, meets basic nutritional requirements, and occurs with the written approval of the Warden and responsible health authority. The substitution period shall not exceed (7) seven days, but may be

resumed, as warranted, following one regular tray, absent a special treatment plan.

20. Consecutive Sentences – Inmates on forty-eight (48) hour relief may possess only those items from the commissary, which could reasonably be consumed in forty-eight (48) hours.
21. Mental Health Counseling – Mental health counseling may be coordinated between mental health personnel and the Warden. A departmental mental health counselor must make rounds in punitive no less than three (3) times per week, on Monday, Wednesday, and Friday, and will ensure that all inmates reassigned from population to a lock-down status since the last round are seen. Additionally, mental health staff will see an inmate assigned to administrative segregation/punitive isolation during normal working hours before leaving the unit and assess the inmate utilizing the Segregation Review Form (MHS-1139.00) when notified of concerns by unit staff or medical staff. After normal working hours and on holidays or weekends, on-call mental health staff shall assess each inmate on whom notification has been received from unit staff or medical staff to determine if the inmate needs to be placed on treatment precaution status per name of form (MHS-Policy 1136.00), with documentation in the electronic health record and the inmate's mental health file.
22. Cleanliness/Grooming - Inmates assigned to punitive segregation are expected to comply with the Department's policy concerning personal cleanliness and grooming for inmates. If an inmate's personal cleanliness and/or grooming falls below the Department's standard, the Chief of Security may order that necessary steps be taken to enforce compliance. Failure to abide by grooming standards is grounds for disciplinary action.

**B. Staff Responsibilities**

The Warden, Deputy/Assistant Warden, or Chief of Security Officer will visit punitive segregation at least once per week. In addition, the Duty Warden will visit punitive segregation each weekend. He/She will pay special attention to those inmates assigned to mental health "Treatment Precaution," (i.e., Restriction Status or Restraint Status), and will follow those instructions outlined below under Paragraph #5, "Special Note."

The Punitive Area Supervisor will be responsible for assuring that:

1. Each punitive cell has lights, toilet, and lavatory in good working condition. Each punitive cell shall have a bunk.
2. All inmates working in the punitive area shall be under constant staff supervision.
3. Shake-downs are conducted in accordance with the appropriate policy addressing searches. All segregation cells on punitive are searched on a non-regular basis at least three times a week and documented.
4. A log is maintained on all movement of inmates on punitive status.
5. Each cell in punitive segregation shall be checked by an officer at irregular intervals no less than every thirty (30) minutes.

Officers will note if the inmate is complying with the Department's cleanliness and/or grooming standards. Likewise, each cell will be checked to make certain the cell is clean and sanitary. If the condition of the inmate or the cell is not in compliance with Department standards, the Chief of Security, or designee, will be notified immediately and will take necessary steps to correct the problem.

“Special Note:” For those inmates assigned to punitive segregation and under “Treatment Precaution,” (i.e., Restriction Status or Restraint Status), the punitive area supervisor will ensure staff initial in the Treatment Precaution Log indicating that the inmate and his/her cell have been checked and the inmate is in a satisfactory condition and the cell is in compliance with the Department's cleanliness and sanitation standards.

6. No administrative segregation inmates are housed in the same cells as punitive inmates. Administrative segregation inmates can be housed on the punitive wing with the written approval of the Chief of Security, but cannot be housed in the same cells as punitive inmates. In the absence of the Chief of Security, the shift supervisor may authorize such housing provided that written approval is obtained from the Chief of Security as soon as possible.

C. Periods of Confinement

1. Inmates may be confined to punitive segregation for a period up to thirty (30) days.

Inmates serving consecutive punitive isolation sentences will receive a forty-eight (48) hour relief at the end of each thirty (30) day sentence. Inmate privileges as previously outlined in this policy will be restored during the forty-eight (48) hour relief period and will be restricted again at the beginning of the next punitive sentence. An inmate's telephone privilege will not be restored during the forty-eight (48) hour relief if the privilege was suspended due to a conviction of disciplinary rule violation 02-5, 09-13 or 17-3. Commissary purchases may be made by an inmate only if the inmate's forty-eight (48) hour relief falls on their regularly scheduled commissary day, and will be limited to a quantity that can reasonably be consumed in forty-eight (48) hours. Inmate personal property privileges as previously outlined in paragraph A (9) of this policy will remain in effect.

2. Inmates may be released from punitive segregation prior to the completion of sentence only with the authorization of the Warden or designee. This will not relieve the inmate from punitive restrictions unless specifically ordered by the Warden or designee.

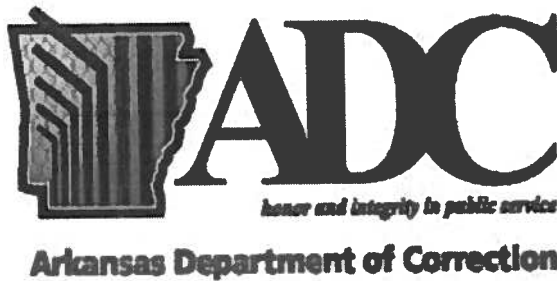
D. Punitive Restriction

1. When an inmate is found guilty of a major infraction of institutional rules and punitive segregation time is imposed, the inmate may be placed in punitive segregation and be subject to the restrictions of that assignment or be placed on punitive restrictions.
2. Should an inmate placed in punitive segregation be removed from punitive segregation prior to the completion of the punitive segregation time imposed by the Disciplinary Hearing Officer, the inmate will be placed in housing commensurate with job assignment and will be placed on punitive restrictions until completion of the punitive sentence. (Punitive restrictions can only be imposed for the duration of the punitive segregation time imposed. Any other restrictions would have to be imposed by the Disciplinary Hearing Officer.)
3. Inmates on punitive restriction will have a work assignment and will be required to work on their assigned job. Inmates on punitive restrictions may have their privileges restored prior to the completion of their punitive sentence only with the authorization of the Warden or his designee.
4. Inmates serving consecutive punitive restrictions will receive a forty-eight (48) hour relief at the end of each thirty (30) day sentence. Inmate privileges as previously outlined in this policy will be restored

during the forty-eight (48) hour relief period and will be restricted again at the beginning of the next punitive restriction sentence.

5. Inmates working on their assignments without additional disciplinaries will receive credit toward reclassification (promotion in class) as other inmates working on their assignments. Inmates will not receive a class upgrade while on punitive restriction status.
6. An inmate on punitive restriction who is found guilty of a major infraction of institutional rules by the Disciplinary Hearing Officer will be placed in punitive segregation for the time period required by the sanction. This time imposed is consecutive to any previously imposed punitive sentence unless otherwise ordered by the Warden, or designee.





Director's Office  
P.O. Box 8707  
Pine Bluff, AR 71611-8707  
Phone: 870-267-6200  
Fax: 870-267-6244  
[www.adc.arkansas.gov](http://www.adc.arkansas.gov)

## **Executive Summary**

**SUBJECT:** Incident Notification Procedures

**NUMBER:** 16-05

**SUPERSEDES:** 15-06

**APPLICABILITY:** Director, Deputy and Assistant Directors, Assistants to the Director, Superintendents, Wardens, Center Supervisors, and Administrators

**REFERENCE:** AR 005 Reporting of Incidents

**APPROVED:** by Director Wendy Kelley

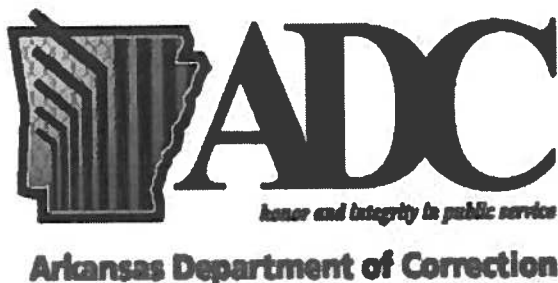
**EFFECTIVE DATE:** 03/10/16

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**POLICY:** It shall be the policy of the Arkansas Department of Correction (the Department) that all serious incidents within the Department will be reported fully and completely to the appropriate Departmental personnel, the Board of Corrections, the Board's assistant and the Governor's staff. Additionally, outside law enforcement agencies will be promptly contacted in accordance with Department policy.

### **EXPLANATION OF CHANGES:**

This policy was amended to clarify the definition of a serious incident. Changes also (1) require the notification of the agency PIO in the case of all deaths and (2) clarify that the Assistant to the Board of Corrections will be notified in the case of a serious incident. Finally, the agency PIO is now authorized to notify the media, upon request, whether or not a death is believed to be due to natural causes.



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

## ADMINISTRATIVE DIRECTIVE

**SUBJECT:** Incident Notification Procedures

**NUMBER:** 16-05

**SUPERSEDES:** 15-06

**APPLICABILITY:** Director, Deputy and Assistant Directors, Assistants to the Director, Superintendents, Wardens, Center Supervisors, and Administrators

**REFERENCE:** AR 005 Reporting of Incidents

**PAGE:** 1 of 5

**APPROVED:** Original Signed by Wendy Kelley

**EFFECTIVE DATE:** 03/10/16

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### I. POLICY:

It shall be the policy of the Arkansas Department of Correction (the Department) that all serious incidents within the Department will be reported fully and completely to the appropriate Departmental personnel, the Board of Corrections, the Board's assistant and the Governor's staff. Additionally, outside law enforcement agencies will be promptly contacted in accordance with Department policy.

### II. DEFINITIONS:

#### A. Serious Incidents Requiring Immediate Notification

1. Death or serious injury to an inmate, staff member, contract staff member, or visitor. \*Note: Any injury requiring a person to be transported to a hospital qualifies as a serious injury;
2. Serious incident involving an inmate on furlough, in a Work Release Program, Act 309 assignment, or otherwise off ADC property;
3. Hostage situation;

4. Riot or other mass disturbance (six or more inmates);
5. Major breach of security;
6. Natural disaster;
7. Chemical spill;
8. Escape;
9. Work strike;
10. Suspected criminal activity;
11. An incident requiring outside assistance (law enforcement, or firefighting); or
12. Any incident worthy of media notification, or upon media inquiry.

**B. Serious Incidents Requiring Notification During Normal Work Hours**

1. Deaths by natural causes will be reported during a work day or the next business day with the exception of notification to the Medical Services Administrator, or designee, the Administrator of Internal Affairs, and the Public Information Officer (PIO), who are to be notified immediately upon the death of any inmate.
2. Incidents where excessive Use of Force appears after unit level inquiry are to be reported during normal working hours.

**C. Death from "Natural Causes"**

1. Death from "Natural Causes" includes death that was expected due to age, previously diagnosed illnesses or injuries. All other deaths, including those suspected to be suicide, homicide, or occurring during or shortly after an altercation or accident, will not be assumed to be of "natural causes" and must be reported immediately.

**D. Working Hours**

1. Normal Working Hours: Monday – Friday, 8:00 a.m. until 5:00 p.m., excluding holidays.

**III. PROCEDURES:**

- A.** The Superintendent/Warden/Center Supervisor/Administrator ("Warden") will contact and report the incident by telephone to the appropriate Deputy or Assistant Director during normal working hours and the "Duty Warden" will contact and report the incident to the Duty Director after normal working hours (weekends or holidays). The Administrator of

Medical and Dental Services and the Administrator of Internal Affairs will be notified where applicable.

- B.** The appropriate Deputy or Assistant Director, or an Assistant to the Director will be responsible for collecting complete and concise information concerning the incident, and for notifying the Director and the PIO. Unless directed otherwise by the Director, the PIO will notify the Chairman of the Board, the agency's Board liaison, the Board's assistant, the Governor's liaison and the Governor's PIO. All Board Members and Assistant to the Board will be notified at the Chairman or liaison's request.
- C.** Following notification by telephone, an e-mail will be sent by the Superintendent/Warden/Center Supervisor/Administrator or designee no later than the following business day summarizing the incident. The e-mail should be sent to the ADC Incident e-mail distribution list and will include the following:

  - 1. The unit/center/location where the incident occurred;
  - 2. The date and time the incident occurred;
  - 3. The nature of the incident;
  - 4. The location of the incident within the unit/center;
  - 5. The persons involved in the incident; and
  - 6. If injury, the extent of the injury.
- D.** During the investigative phase of the incident/occurrence, any significant update or change in initial data will be forwarded to the appropriate officials covered in Paragraph III. Procedures – Subsection B.
- E.** Pursuant to Arkansas Code § 12-12-315, the occurrence of any death in a correctional facility requires the County Coroner and the State Medical Examiner be notified. In addition, in such cases when previous medical history does not exist to explain the death (see "Natural Causes" under Paragraph II. Definitions – Subsection C – Number 1), the facility Superintendent, Warden, or Center Supervisor or designee will notify the Administrator of the Internal Affairs Division who will notify the Arkansas State Police.
- F.** When any inmate death occurs, the facility Warden or designee will notify the Administrator of Internal Affairs, the Chaplain, the PIO and the Administrator of Medical and Dental Services, or designee, who will notify the State Medical examiner. If the death occurs at the facility, the Warden or designee will notify the county coroner.
- G.** The Chaplain upon notification of an inmate death, serious injury or illness resulting in an ambulance transport, or an inmate admission to a

non-ADC hospital, will notify Primary and/or Alternate Emergency Contacts of the inmate. The Warden or designee is responsible for notifying the Chaplain.

**H. Notification Process for outside law enforcement agencies:**

1. Any contact with outside law enforcement agencies by ADC personnel will only be through the Internal Affairs Division, except in cases of escape or serious institutional disturbance, which will be performed in accordance with the Department's emergency preparedness procedures.
2. The Internal Affairs Administrator or designee will immediately report to the Arkansas State Police:
  - a. Any death from other than natural causes;
  - b. Any life-threatening battery;
  - c. Any escape or serious disturbance (if ASP has not already been contacted); and
  - d. Fires where arson is suspected and substantial damage occurs.
  - e. Alleged forcible rape;
  - f. Major drug, alcohol, or tobacco finds; or,
  - g. Intelligence information regarding any probable felony.

**I. Guidelines for Internal Affairs Investigations initiated through the Incident Notification Process:**

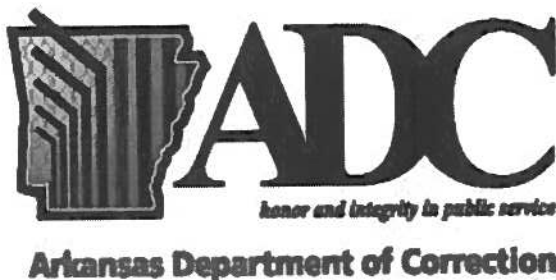
1. The Internal Affairs Administrator will initiate an internal investigation when instructed to do so by the Director, or in the Director's absence, the appropriate Deputy or Assistant Director.
2. Investigations by Internal Affairs will be required when:
  - a. It is unclear from initial reports whether a crime occurred;
  - b. The incident notification involves use of force in which the inmate is seriously injured or in which the force used appears excessive;
  - c. A Departmental issue co-exists with an investigation by the Arkansas State Police;
  - d. The Department may be liable for damages in an accident; or
  - e. Any unresolved rape allegations.

**J. Notification of the Media**

1. The media will be notified by the Public Information Officer (PIO) when so instructed by the Director, or designee.
2. If the Director or designee is not available, the (PIO) will act in accordance with Administrative Regulation (AR) 009: Public and Community Relations.
3. The PIO will notify the Director, the Governor's PIO, and the Board of any contact with the media.
4. The PIO will, upon request, notify the media whether the death is known to be due to Natural Causes (see "Natural Causes" under Paragraph II. Definitions – Subsection C – Number 1).

**K. Notification of other Departmental Officials**

1. Other Departmental officials who are notified will act according to any instructions given; or,
2. In the absence of instructions, officials will act in a fashion consistent with both that person's duties and divisional standard operating procedure.
3. All individuals notified will be responsible for exploring any issues raised that relates to their area of responsibility. Each is also responsible for recommending corrective measures if such measures are needed.



P O Box 8707  
Pine Bluff, AR 71611-8707  
Phone: 870-267-6345  
Fax: 870-267-6258  
[www.adc.arkansas.gov](http://www.adc.arkansas.gov)

## **EXECUTIVE SUMMARY**

**SUBJECT: Protective Custody**

**NUMBER: 16-06**

**SUPERSEDES: NEW**

**APPLICABILITY: To All Staff, Especially Those Involved in the  
Classification/Assignment, Management, and Segregation of Inmates and Inmates.**

**REFERENCE: AR 837 Protective Custody  
AD 12-15 Initial Unit of Assignment**

**APPROVED: by Director Wendy Kelley**

**EFFECTIVE DATE: 3/8/16**

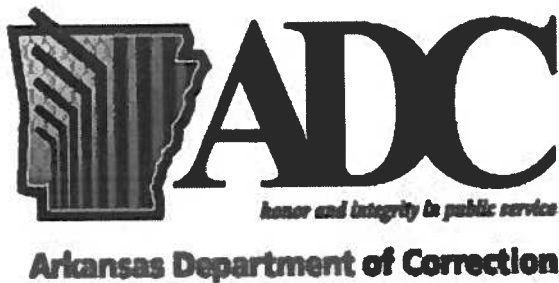
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**POLICY:** The Department shall provide Protective Custody housing at certain units/centers within the Arkansas Department of Correction. An inmate is admitted to Protective Custody status only when there is documentation that Protective Custody is warranted and no reasonable alternatives are available. Inmates in Protective Custody status shall be placed in restrictive housing when no other reasonable alternative is available, and shall be allowed access to congregate activities and access to programs commensurate with general population of the same classification levels.

**EXPLANATION OF CHANGES: NEW**

- Inmates may be separated from the general population when it is determined by the Chief of Security/Deputy Warden or Warden that separation is required for protection from other inmates for reasons of health or safety.

**Instructions for Staff:** This summary must be posted in a conspicuous place, or places, frequented by offenders; this includes all living areas (e.g. barracks and individual lock down cells). The full draft of this Administrative Directive is available in the Law Library.



Arkansas Department of Correction  
PO Box 8707  
Pine Bluff, AR 71611  
Phone: 870-267-6345  
Fax: 870-267-6244

## ADMINISTRATIVE DIRECTIVE

**SUBJECT: Protective Custody**

**NUMBER: 16-06**

**SUPERSEDES: NEW**

**APPLICABILITY: To All Staff, Especially Those Involved in the Classification/Assignment, Management, and Segregation of Inmates and Inmates.**

**REFERENCE: AR 837 Protective Custody  
AD 12-15 Initial Unit of Assignment**

**PAGE: 1 of 7**

**APPROVED: Original Signed by Wendy Kelley**

**EFFECTIVE DATE: 3/8/16**

### **I. POLICY:**

The Department shall provide Protective Custody housing at certain units/centers within the Arkansas Department of Correction. An inmate is admitted to Protective Custody status only when there is documentation that Protective Custody is warranted and no reasonable alternatives are available. Inmates in Protective Custody status shall be placed in restrictive housing when no other reasonable alternative is available, and shall be allowed access to congregate activities and access to programs commensurate with general population of the same classification levels.

### **II. EXPLANATION:**

Inmates may be separated from the general population when it is determined by the Chief of Security/Deputy Warden or Warden that separation is required for protection from other inmates for reasons of health or safety.



### **III. PROCEDURES:**

#### **A. Assignment**

1. Inmates may request to be placed in Protective Custody if they believe their safety is being threatened in the general population.
2. The Unit/Center administration may elect to place an inmate in Protective Custody if they believe he/she is in danger.
3. An inmate may be placed in Protective Custody on a temporary basis upon the approval of the Warden/Deputy Warden/Chief of Security or Designee.
4. Inmates whom the unit/center administration believes may cause (or be) a security risk to the good order and safety of the institution may be assigned temporarily to Protective Custody status.
5. The Warden, authorized designee, or shift supervisor can order immediate removal from general population when it is necessary to protect the inmate or others. The action will be approved, denied or modified within twenty-four (24) hours by an appropriate or higher authority; however, if the initial placement was made by the Warden or Center Supervisor, a twenty-four (24) hour review is not necessary and the action will be reviewed at the inmate's next classification review.
6. Inmates assigned to temporary Protective Custody status in restrictive housing will remain in that status until a determination is made by the Unit Classification Committee that they should return to the general population, remain in Protective Custody, or transfer to another unit. Inmates remaining in Protective Custody status will be transferred to housing designated for Protective Custody within thirty (30) days absent documentation explaining why a transfer cannot be accomplished to the Chief Deputy Director.
7. When an inmate is transferred to Protective Custody, health care staff will be informed immediately and will provide a screening and review as indicated by the protocols established by the health authority for all inmates moving into Protective Custody settings.
8. Often an inmate assigned to Protective Custody may have a conflict with another inmate assigned to Protective Custody. Care should be taken by the Chief Security Officer or his/her designee as to cell assignment, job assignment, recreation, etc., in an effort to maximize each inmate's safety.
9. No inmate shall be placed in Protective Custody on the basis of Gender Identity alone.

10. A qualified Mental Health Professional will interview and prepare a written report on any inmate remaining in restrictive housing within seven (7) days of placement.

**B. Institutional Classification Committee Procedures**

1. The inmate will be given a meaningful hearing before the Classification Committee.
2. The inmate will receive written notification of the hearing not less than twenty-four (24) hours prior to the hearing.
3. The inmate will be allowed to appear before the committee to make any statement desired, and to present documentary evidence including witness statements.
4. The determination as to whether an inmate will be placed in Protective Custody will be made by a majority vote of the committee. All action taken by the Classification Committee requires a majority vote.
5. All inmates temporarily assigned to Protective Custody will have his/her status reviewed by the Classification Committee after seven (7) days.
6. If the temporary stay in Protective Custody is more than seven (7) days, his/her status will be reviewed in accordance with Department Policy.
7. The Classification Committee shall determine if Protective Custody placement or continued Protective Custody placement for the inmate is justified, or recommend that the inmate be released to the general population or transferred to another unit.

Any of the following may be considered by the Classification Committee in making its decision:

- a. The inmate's request for Protective Custody, and whether his/her physical size, stature or demeanor indicates that he/she is likely to be preyed upon, by more aggressive inmates in the general population.
- b. The inmate presents verifiable information identifying specific individuals who present a threat of physical harm, and the inmate is not already housed in a single man cell.
- c. Information contained in the inmate's institutional/electronic file or other areas of the criminal justice system may indicate a need for Protective Custody.

- d. Other justifiable grounds exist that in the committee's judgment makes placement of the inmate in Protective Custody necessary for the good order and safety of the institution.
- 8. In a recommendation that an inmate be removed from Protective Custody, or transferred to another unit, the committee shall consider at least the following:
  - a. A written report from a member of the treatment staff and/or security staff who is familiar with the inmate and his/her situation.
  - b. A written report from other inmates, the Administrator, the Chaplain, Teacher(s), Assignment Supervisor(s), Healthcare Staff, and other appropriate individuals who may have information that may aid in the classification of an inmate.
  - c. The Classification Committee may assign an inmate to a housing and program assignment in the general population or recommend transfer to another unit.
- 9. Inmates, who are at risk of sexual victimization, but not to the extent of requiring Protective Custody, should be sent to a unit that best suits the inmate's individual needs. Factors that could indicate an inmate might be at risk of victimization include the following factors as set forth in the Prison Rape Elimination Policy (PREA):
  - a. Whether the inmate has a mental, physical or developmental disability;
  - b. The age of the inmate, including whether the inmate is a juvenile;
  - c. The physical build of the inmate/small stature;
  - d. Whether the inmate has previously been incarcerated;
  - e. Whether the inmate is homosexual, bisexual, transgender, or intersex;
  - f. Whether the inmate previously experienced sexual victimization; and
  - g. The inmate's own perception of vulnerability.
- 10. The inmate will be advised of the reasons of his/her assignment to Protective Custody in writing and a copy of the reasons will be maintained in the inmate's electronic file. All decisions may be subject to review and approved or disapproval by the Warden or his/her designee.

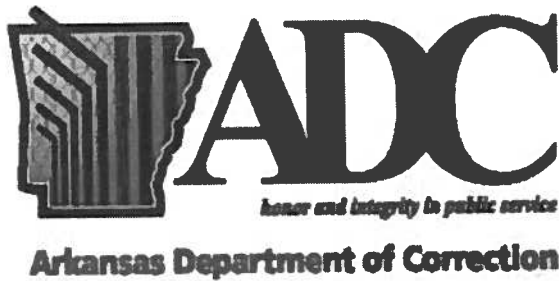
**C. Controls and Privileges While in Protective Custody**

1. Housing in separate areas of the institution determined by the Warden. This housing space must restrict unauthorized and unsupervised contact with the general population.
2. When restricted to their cells, inmates are personally observed by a correctional officer twice per hour, but no more than forty (40) minutes apart, on an irregular schedule.
3. Work duties within the limits of the inmate's medical classification, and within the restricted area that does not allow unsupervised contact with general population inmates.
4. Regularly scheduled meals may be served in cells, housing unit, or chow hall.
5. Television and radio privileges will be same as general population.
6. Institutional activities as approved by the Warden. Inmates in Protective Custody have access to programs and services that include, but are not limited to the following: educational services, commissary, library services, social services, behavioral health and treatment services, religious guidance, and recreational programs.
7. Protective Custody Inmates in restrictive housing shall be scheduled a minimum of ten (10) hours recreation and ten (10) hours out-of-cell time per week which may be extended recreation opportunities, other leisure activities and/or work assignment. Inmates must be provided/scheduled twenty (20) hours out-of-cell time per week in daily increments (sometime out of cell all seven (7) days).
8. Protective Custody Inmates can write and receive letters on the same basis as inmates in the general population.
9. Chaplains will visit the Protective Custody area regularly and upon request.
10. Inmate visitation is covered by the department visitation policy; however, visits may be in a separate visitation room and may be conducted in the presence of an officer or other support staff. Visits will be conducted in accordance with the unit visitation schedule as approved by the Warden and Director.

11. Access to the inmate phone system will be in accordance with the unit schedule and may be limited when it is necessary to protect the public safety and/or institutional order and safety.
12. Referrals to medical, dental or mental health services through sick call, or for medical emergencies are the same as for other inmates although they should remain separated from general population inmates.
13. Opportunity for exercise, a minimum of one hour of exercise per day five (5) days per week, unless security or safety dictates otherwise. Opportunities to exercise outdoors, weather permitting. Reasons for the imposition of any constraints should be documented. Inmates who have out-of-cell work assignments or activities are not required to receive the one-hour exercise period.
14. Permitted commissary orders may be delivered to the Protective Custody area when security is not available to escort the inmates to the commissary.
15. All inmates in Protective Custody are provided suitable clothing, and access to basic personal items for use in their housing areas unless there is imminent danger that an inmate or any other inmates will destroy an item or induce self- injury. For example, razors may be restricted.
16. Library services will be provided by the same schedule as provided for general population. Program accommodations should be comparable to those provided for general population commensurate with good correctional security practice.
17. Inmates receive laundry and hair care services and are issued, exchanged clothing, bedding, and linens on the same basis as inmates in general population. Exceptions are permitted only when found necessary by the senior officer on duty; any exception is recorded in the unit log and justification written.
18. Access to law materials upon request and in accordance with unit policy, as provided for general population.
19. Access to attorney of record via legal mail, telephone and visits in accordance with unit policy as provided for general population.
20. Inmates leaving or entering the Protective Custody area must be thoroughly searched. They will be escorted by adequate security staff to maintain safety and security. Inmate will not be restrained unless required for security reasons or based upon the inmate's classification.

**D. Review of Protective Custody Status**

1. The Classification Committee or authorized staff must review the status of every inmate assigned to Protective Custody every one hundred and eighty (180) days or less to determine if the reasons for placement continue to exist. The inmate will be personally interviewed by the Classification Committee or authorized staff. All reviews will be documented in the inmate's electronic file.
2. No inmate shall remain in restrictive housing (in-cell for twenty-two (22) hours or more per day) for more than one (1) year unless he/she has been personally interview by the Warden at the end of one (1) year and such action is approved by the Warden. At the end of the second and each additional year that an inmate remains in restrictive housing he/she must be personally interviewed by both the Warden and the Deputy Director, who will determine whether continuation in that status is necessary and/or appropriate.
3. The calculating and scheduling of an inmate's Protective Custody hearing/review will not change if the inmate transfers to another unit and remains on Protective Custody or in restrictive housing.
4. The inmate may appear before the Classification Committee unless a less restrictive unit classification is being made or security or other concerns (health reasons) warrant non-appearance of the inmate. If the inmate refuses to appear before the Classification Committee, documentation of the refusal will be maintained.
5. The Unit Classification Committee and the Unit Warden may review the status of an inmate on Protective Custody at any time if information is received that the threat that initially caused the inmate to be placed on Protective Custody no longer exists.



P.O. Box 8707  
Pine Bluff, AR 71611-8707  
Phone: 870-267-6999  
Fax: 870-267-6244  
[www.state.ar.us/doc](http://www.state.ar.us/doc)

## **ADMINISTRATIVE DIRECTIVE**

**SUBJECT:** Items Designated for Farm Commodities Sales

**NUMBER:** 16-07

**SUPERSEDED:** 15-22

**APPLICABILITY:** Director, Appropriate Deputy Director, Farm Administrator, Procurement Manager, Farm Manager of Livestock, and any employee involved in the sale of farm produced commodities.

**REFERENCE:** AR 113; A.C.A. 12-30-301  
et seq., 19-11-201 et seq.

**APPROVED:** by Wendy Kelley

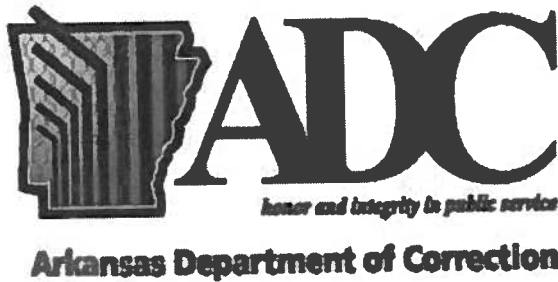
**EFFECTIVE DATE:** 03/30/2016

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**POLICY:** The purpose of this Administrative Directive is to provide for the health and hygiene of inmates, to maintain a neat and clean standard of appearance, to instill and support self-respect and discipline, and to enhance the safety and security of the institution by minimizing opportunities for disguise and for transport of contraband and weapons.

### **EXPLANATION OF CHANGES:**

These changes substantially revise the process for purchasing farm produced commodities (row crops, livestock, and miscellaneous farm-produced commodities). The changes relate to both intergovernmental sales and the sale of commodities on the open market.



PO Box 8707  
Pine Bluff, AR 71611-8707  
Phone: 870-267-6200  
Fax: 870-267-6244  
www.state.ar.us/doc

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**PAGE:** 1 of 4

**APPROVED:** Original Signed by Wendy Kelley **EFFECTIVE DATE:** 03/30/2016

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### **I. PURPOSE:**

To provide guidelines to ensure the proper procedures are followed in the sale of farm produced commodities, that the Department seeks the best available markets, and that the sales generate the best financial results for the State.

### **II. EXPLANATION:**

Designated farm products shall be sold in a timely manner using marketing practices and markets available to the Department and generally accepted in the industry applicable to that product.

### **III. PROCEDURES:**

The determination to sell each commodity is based on market conditions at the time of the proposed sale, taking into consideration the costs of storage if not sold, and freight charges for delivery to the required terminal sale if sold, and all other factors relevant to the proposed sale.



All sales and/or bids should be awarded on the basis of the most cash generated for the Department, and in a manner consistent with Arkansas Procurement Laws.

All sale methods should be designed to engage as large a number of potential buyers, both statewide and beyond, as is practical in order to generate the best price possible for Department commodities.

Timely notification by the Farm Administrator of proposed sales, and completed sales, will be made to the Director, the appropriate Deputy Director, the Farm Administrator, the Department Procurement Manager, the designated Board Member, and any other person designated by the Director.

Payment to the Department shall be by certified check, bonded auction payment, or other method as designated by the Farm Administrator. Cash sales must follow 'Control of Cash Receipts' procedures as listed in the Accounting Control Procedures Manual.

The Department shall comply with all applicable Arkansas State Procurement Law and Regulations.

#### **A. Field and Horticultural Crops**

The term 'Field and Horticultural Crops' includes soybeans, corn, wheat, rice, cotton, and other row crops. These commodities are to be marketed by the Farm Administrator, or other designee of the Director or appropriate Deputy Director. The sale methods used should be those methods generally used in Arkansas agriculture or those recommended by the University of Arkansas Extension Marketing Expert. A partial list of examples of permissible marketing tools include: Basis Contracts; Hedged to Arrive Contracts; Booked (pre-priced) Bushels, Pounds, or Acres; Cash Bids; participation or membership in Marketing Cooperatives such as Riceland Foods, Producers Rice Co-op, Staplcotn, Beltwide Cotton Cooperative, or the like.

#### **B. Other Commodities**

The term 'Other Commodities' includes all commodities except Field and Horticultural Crops and Livestock. Other Commodities also include, without limitation, eggs, milk, pecans, spent hens or other poultry, hay, milk, swine, and processed meat.

For each commodity the Farm Administrator, or his designee, shall develop, update, and maintain a list of potential bidders, drawing from reasonably available sources. The terms of the offer for bids shall be set by the Farm

Administrator, or his designee. Using the list of potential bidders for the commodity to be sold, the Farm Administrator, or his designee, shall solicit bids. In addition, the offer for bids shall be posted on the Department's web site at the same time that the offer is communicated to those on the list of potential bidders. The offer shall include a deadline for bids, and the sale will be awarded to the bidder whose bid comports with the terms of the offer and generates the highest price for the commodity as determined by the Farm Administrator.

### **C. Livestock**

The term 'Livestock' includes all bovine. The appropriate Deputy Director, or the Farm Administrator, if designated by the Deputy Director, after consultation with the Farm Manager of Livestock, shall determine the need and timing to sell produced livestock. Notification of the proposed sale will be made to the Director and the Board of Corrections' liaison.

Sales of livestock will be made at licensed and approved livestock auction houses, by competitive bid. If sale through an auction house is unavailable or if sale through other means would more likely generate a higher net return for the Department, the appropriate Deputy Director, or the Farm Administrator if designated by the Deputy Director may propose to sell the livestock by the method regarding the sale of Other Commodities. The Farm Administrator, or his designee, will develop, update, and maintain a list of potential bidders, drawing from reasonable available sources. Using the list of potential bidders for the commodity to be sold, the Farm Administrator, or his designee, shall solicit bids. In addition, the offer for bids shall be posted on the Department web site at the same time that the offer is communicated to those on the list of potential bidders. The offer shall include a deadline for bids, and the sale will be awarded to the bidder whose bid comports with the terms of the offer and generates the highest price for the commodity as determined by the Farm Administrator.

### **D. Intergovernmental Sales**

The term 'Intergovernmental Sales' represents the sales of Department commodities made in accordance with Ark. Code Ann. § 19-11-251. With the prior approval of the Director and Board of Corrections' liaison, the Farm Administrator may engage in external procurement activity (as that term is defined in Ark. Code Ann. § 19-11-206) which includes the sale or exchange of Department commodities. The sale shall be made at a price which generates the highest net financial gain for the Department as determined by the Farm Administrator.

**E. Other Excess Products**

The term 'Other Excess Products' represents commodities which cannot be processed and stored for use by the Department. Excess products may be sold to employees or other reputable individuals or companies. The pricing of items to be sold will be set by the Farm Administrator. Tools to assist in setting prices will include the Urner Barry Report, Market Report from the United States Department of Agriculture (USDA) State Contract Pricing, Farmer's Market Prices, comparison of retail grocery market, and the cost of Department production.

**F. Opportunity Buys Processed for Resale**

Items purchased in bulk and processed by any of the Agriculture Processing facilities may be sold on the open market or to the offices, departments, institutions, agencies or political subdivisions of this state in accordance with all applicable state laws and regulations.