

Public Information Officer
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August 15, 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 (red-lined and final versions):

AD #	AD Title	Superseded AD#	Effective Date	Summary of Changes
16-08	Confidentiality of Mental Health Services	13-63	6/23/16	Makes clarifications to the process related to the provision of mental health services.
16-09	Evaluations for Disciplinary Court Proceedings for Seriously Mentally Ill and Mentally Deficient Inmates	13-80	6/23/16	Refines definitions with minor changes to current policy that any inmate flagged as seriously mentally ill or suspected of being seriously mentally ill shall be referred for evaluation as part of the disciplinary process.
16-10	Care of Spinal Cord Injured Inmates	13-143	5/20/16	Corrected all mentions of psychiatrist to read physiatrist. Physiatrist is the title of the physician that specializes in spinal injuries.
16-11	Inmate Disciplinary Manual	15-19	5/14/16	Amended Disciplinary Infraction 04-5 to provide for the loss of the privilege to purchase or possess an item used as a weapon in battery upon another person (not an inmate). Amended Disciplinary Infraction 09-14 to provide for the loss of

AD #	AD Title	Superseded AD#	Effective Date	Summary of Changes
				the privilege to purchase or possess a MP player for one (1) year as a result of the possession/introduction/use of unauthorized electronic device(s), including ,flash drive, MP player, DVD player, etc.
16-12	Inmate Correspondence	14-51	5/06/16	Since the color of newsprint is difficult to screen for illicit substances, correspondence containing newsprint is classified as contraband. Also, revisions provide for destruction consistent with the directive. (Note that photocopies of newspaper articles may be sent with general correspondence so long as it does not violate the correspondence or publication policy regarding content).
16-14	Computer Security Policy/Standard	14-38	6/10/16	Clarified that inmate accessible computers are prohibited from being installed in areas with a network accessible cable or related equipment. Securing the network cable in a lockbox does not comply with the revised directive.
16-18	Administrative Leave	13-23	6/10/16	Clarified that employees involved in a serious incident where deadly force is used against a person or persons, may be placed in Administrative Leave. The duration of the leave will be until the completion of all documentation or investigations, at the discretion of the Director.
16-19	Use of Force	15-18	6/10/16	Clarified the definition of both "Deadly and Non-deadly Force." Clarified that employees involved in a serious incident where deadly force is used against a person or persons, may be placed in Administrative Leave. The duration of the leave will be at the discretion of the Director.
16-20	Punitive Segregation/Restriction	16-04	6/10/16	Clarified that inmates in punitive segregation will maintain access to reviews by medical, classification, or other staff. In addition inmates in punitive segregation, must have their status reviewed at the end of

AD #	AD Title	Superseded AD#	Effective Date	Summary of Changes
				one (1) year by the Warden. At the end of the second and any subsequent years, the inmate must have their status reviewed by the Warden and an Assistant/Deputy Director.

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

Red-lined Versions



Arkansas Department of Correction

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ADMINISTRATIVE DIRECTIVE

SUBJECT: Confidentiality of Mental Health Services

NUMBER: 1516-08

SUPERSEDES: 13-63

APPLICABILITY: All Inmates Requesting or Needing Mental Health Services

REFERENCE: AR 833

PAGE: 1 of 32

APPROVED:

EFFECTIVE DATE:

I. POLICY:

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

II. EXPLANATION:

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

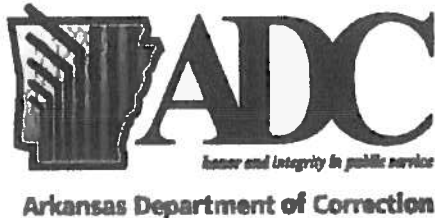
III. PROCEDURE:

1. The limits to, and exceptions from, confidentiality shall be explained to an inmate during Intake, and repeated as deemed necessary by Mental Health staff upon subsequent contact.
2. Inmate requests for Mental Health Services may be made by submitting a request for interview in the sick call mental health request box or in the manner that sick call requests are handled in the inmate's housing area.

3. Mental Health Staff shall pick up requests each day, excluding weekends and holidays, and triage each request.
4. Requests will be responded to by Mental Health Services staff within three (3) business days notifying the Mental Health Administration and the inmate of one of the following:
 - a) The request is not a request for Mental Health Services and has been forwarded to the proper identified member of staff to be handled.
 - b) The request is of such a nature that the problem can be resolved without face-to-face contact, which response shall list the details of the proposed resolution.
 - c) The request necessitates an interview that has been scheduled on a certain date or within a specified time range.
 - d) Whatever other acknowledgement is appropriate to the request.
5. Inmates in Restrictive Housing areas may also request services from Mental Health Services staff who will make rounds in such areas at least three (3) times weekly.
6. Inmates may be referred for Mental Health Services by any staff member ~~of staff~~, by persons outside of the Department who are on the inmate's Emergency Contact Form, or by other inmates. Inmates thus referred will be told only that a referral was made, not the name of the referring party.
7. Efforts shall be made to ensure the privacy of inmates when being evaluated by Mental Health Services staff through balancing an inmate's right to services and right to privacy, while also ensuring the safety and security of the inmate, other inmates, and staff. This effort may result in sessions being conducted with open doors, with security present, and/or with an inmate being evaluated in his or her assigned cell.
8. Correctional Officers permanently assigned to a Mental Health Services area may participate directly in treatment with the agreement of the program treatment staff.
9. Inmates in Restrictive Housing brought for counseling will be restrained as required by Unit Policy for their custody status. Mental Health Services staff may request a modification of the way that an inmate is restrained only if the inmate needs to write or move objects as part of an assessment.
10. Emergency services should be initiated by direct communication between the person with knowledge of the emergency, and a member of Mental Health Services. Mental Health Services staff shall then assess the situation and consult with necessary clinical staff.

IV. REFERENCES:

A.C.A. Standards



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www.state.ar.us/doc

ADMINISTRATIVE DIRECTIVE

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

NUMBER: 13-80 ~~15-16-09~~
~~80~~

SUPERSEDES: 06-03 13-

APPLICABILITY: Disciplinary Hearing Officers,
Mental Health Staff, Inmates.

REFERENCE: AR-834

PAGE 1 of 3

APPROVED: Original signed by Ray Hobbs Original Signed by Wendy Kelley
EFFECTIVE DATE: 11/22/2013

I. POLICY:

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

II. DEFINITIONS:

- A. **Clinical Supervisor** refers to a licensed psychologist ~~or psychiatrist~~ designated by the Administrator of Mental Health Services to train and supervise licensed clinical staff authorized to do evaluations.
- B. **Evaluation** of target individuals ~~an inmate~~ is to be done under the supervision of a licensed practitioner, and to include, at a minimum, a face to face interview ~~direct contact~~.

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C. Serious Mental Illness will be considered to be a psychosis, such as

schizophrenia or major affective disorder such as a bipolar disorder or major depression that is likely to impair cognitive function and judgment but may include other mental disorders as defined by Axis I disorders in the current Diagnostic and Statistical Manual and Developmental Disabilities. Axis II diagnoses may also be considered in those cases in which the disorder clearly contributes to major functional impairments defined as symptoms of a diagnosable mental disorder that impairs an individual's functioning and disrupts the capacity to cope with the ordinary demands of life. For purposes of this policy, serious mental illness will be denoted by a mental health classification of 3, 4, or 5.

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III. PROCEDURE:

A. At intake an **evaluation** is to be done on all individuals entering the Arkansas Department of Correction and a mental health classification will be assigned, and will be entered into the electronic record system.

B. This classification will be reviewed annually, but will also be reviewed ~~each time~~ the individual is seen as indicated by licensed clinical staff. Staff may must conduct an updated evaluation the Mental Health classification if it appears that a change in mental functioning has occurred.

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C. Individuals who are flagged in the electronic record system as **seriously mentally ill** shall be assessed. ~~Those individuals or who are suspected at any point~~ being **seriously mentally ill** shall can, at the time disciplinary charges are filed, be referred for evaluation.

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D. The disciplinary portion of the electronic Offender Management Information System (eOMIS) will caution the staff member entering the disciplinary that an **evaluation by mental health** is required. Simultaneously mental health will be notified by eOMIS that a disciplinary is being written on a **seriously mentally ill** inmate.

E. Each facility will have a list of Mental Health Services staff approved by the Administrator of Mental Health Services, who by licensure are qualified to supervise evaluations.

FE. If a staff member assigned to do the **evaluation** believes that involvement in the disciplinary process would impair a therapeutic relationship with the offender, he or she should ask that the **evaluation** be reassigned.

GF. If additional time is needed to complete an evaluation due to the need for more extensive testing or consultation, the staff member conducting the **evaluation** will

request an extension of the Disciplinary Hearing Officer, and will make a

recommendation as to housing the offender as is normally done on Disciplinary Court Review or in segregated status in a mental health unit.

HG. The **evaluation** will result in recommendations to the Disciplinary Hearing Officer that are believed to represent the optimal strategy for preventing future repetitions of the behavior while maintaining the mental health of the offender inmate. These recommendations will be forwarded to the Chief of Security or individual acting in that capacity for the unit/center. If there are security concerns about any of the recommendations, they will be discussed with the supervising psychologist or psychiatrist prior to being sent to the Disciplinary Hearing Officer. If no problems are seen, the recommendations will be approved by the Chief of Security and considered binding, should the inmate be found guilty of the offense.

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~~The evaluation will also include a recommendation as to whether or not the offender needs a counsel substitute for the disciplinary hearing.~~

JH. The completed **evaluation** will become part of the Disciplinary Record. For purposes of review and quality assurance, a copy will also go to the Clinical Supervisor. A copy shall be kept in the inmate's Mental Health record.

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KI. The Disciplinary Hearing Officer will make decisions regarding the recommendations and include those chosen in the "additional sanctions/general comments" on the Disciplinary screen.

LJ. Should the Disciplinary Hearing Officer have questions or concerns about any recommendations made, these should be directed jointly to the Clinical Supervisor and the Chief of Security.

MK. Once the disposition of the disciplinary is complete, the mental health staff responsible for the **evaluation** will be notified.



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ADMINISTRATIVE DIRECTIVE

SUBJECT: Care and Management of Spinal Cord Injured Inmates

NUMBER: 16-10
54

SUPERSEDES: 13-14308-

APPLICABILITY: All staff and medical contractors

REFERENCE: AR 833 – Health Services

PAGE 1 of 3

APPROVED: Original signed by ~~Ray Hobbs~~ Wendy Kelley
DATE: 11/22/2013

EFFECTIVE

I. POLICY:

To ensure that the medical and daily living needs of spinal cord injured inmates are met, that they have equal access and opportunity to use facilities and services, and are subject to no discrimination because of their ~~handicap~~ disability.

II. PROCEDURES:

1. The Department of Correction will require hiring or contracting with a psychiatrist to evaluate spinal cord injured inmates of the Department of Correction. A qualified physician with specialized training in spinal cord injury may be substituted; if the services of a ~~psychiatrist~~ physiatrist are unavailable. The term "~~psychiatrist~~ physiatrist" as used below is intended to include this alternative.
2. New commitments will be evaluated within two working days, by clinical staff, under the supervision of a physician, competent to assess spinal cord injured persons according to the protocol developed by the Arkansas Spinal Cord Commission. Dr. Shirley McClure, dated August 31, 1992. If that assessment indicates a condition requiring specialty services, an

appointment will be made with the ~~psychiatrist~~physiatrist, or other physician providing specialty services as soon as possible.

3. All spinal cord injured inmates will be re-evaluated, at least, quarterly by the ~~psychiatrist~~physiatrist. Any requests for urology or other consults made by the ~~psychiatrist~~physiatrist will be promptly submitted for Utilization Review Committee consideration.
4. The Department of Correction will require that a training program be developed with consultation and assistance from the Arkansas Spinal Cord Commission, and the consultant ~~psychiatrist~~physiatrist. This in-service training will be provided, at least annually, to clinical staff assigned to assessment and treatment of spinal cord injured individuals. The training will be provided more often if staff turnover or other conditions seriously reduce the number of trained staff. This training will include techniques of assessment according to the protocols and general training of medical staff in the proper care and management of spinal cord injured patients.
5. The Department of Correction and its contractors will follow the recommendations of the consultant ~~psychiatrist~~physiatrist regarding equipment, supplies, and treatment subject to applicable ~~Utilization~~ Review. Should physical plant or security limitations conflict with a recommendation, a mutually acceptable alternative will be negotiated through mediation by the Administrator of Medical and Dental Services.
6. The Department of Correction acknowledges responsibility for providing all necessary equipment, supplies and clinical services to spinal cord injured inmates. Equipment and supplies brought in by the inmate will be allowed, provided that the equipment is preferred by the inmate, the equipment is necessary as determined by clinical staff in consultation with the Arkansas Spinal Cord Commission, and the equipment does not represent a threat to security. Any conflict in making determinations of these conditions will be brought to the attention of the Administrator of Medical and Dental Services who may call upon the expertise of the ~~psychiatrist~~physiatrist and/or the Arkansas Spinal Cord Commission.
7. The Department of Correction agrees to allow representatives of the Arkansas Spinal Cord Commission to inspect the areas housing and used by spinal cord injured inmates to determine compliance with applicable federal and state laws and regulations. Inspections should be scheduled through the office of the Administrator of Medical and Dental Services, at least two working days in advance of the visit.
8. The Department of Correction agrees that spinal cord injured inmates shall be housed in settings that comply with all federal and state laws and regulations regarding accessibility, and that spinal cord injured inmates shall have access to, and opportunities to use, all programs, jobs and services consistent with medical classification and their custody level.

The Administrator of Medical and Dental Services shall have responsibility for monitoring these provisions and ordering any changes necessary to housing or program space.

9. ~~Prior to becoming policy, the Administrative Directive will have been reviewed and deemed acceptable by the Arkansas Spinal Cord Commission. A letter so stating will be on file in the office of the Administrator of Medical Services.~~



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ADMINISTRATIVE DIRECTIVE

SUBJECT: Inmate Correspondence

NUMBER: ~~14-5115-xx16-12~~
SUPERSEDE: ~~14-045114-51~~

APPLICABILITY: All staff and inmates

REFERENCE: AR 860 – Inmate Correspondence
AR 401 – Searches for and Control of Contraband
AR 841 – Inmate Property Control
AR 825 – Inmate Name Change for Religious Purposes
AD – Inmate Name Changes
AD – Inmate Property Control
ACA Standards

PAGE: 1 of 48

APPROVED: Original Signed by ~~Ray Hobbs~~ Wendy Kelley
DATE: 10/31/2014

EFFECTIVE

I. POLICY:

It shall be the policy of the Department of Correction to permit inmates to correspond with family, friends, officials and other significant community contacts with a minimum of interference consistent with the legitimate security needs of the facility.

II. EXPLANATION:

It is the Department's policy to open all mail in accordance with the procedures outlined in Administrative Regulation 860, Inmate Correspondence. The regulation covers Privileged, General, and Interstate/Inter-Unit correspondence.

Since opened mail will not be returned to the sender by the Postal Service without additional postage, the inmate shall be responsible for the cost.

III. PROCEDURES:

A. Inmate Correspondence Constituting or Containing Contraband

1. All mail is opened in accordance with AR 860. Mail containing contraband will be returned to the sender and the inmate to whom the correspondence was addressed and/or was to receive the contraband will be required to pay for the return postage or agree to the destruction of the mail and contraband.
2. Inmates are encouraged to communicate with those persons with whom they correspond to make them aware of the items which they can receive legally and request that contraband items not be sent.
3. Inmates will be given thirty (30) days from the date received to pay the postage for returning the mail containing contraband. If inmates are not willing to pay for the return postage within the time limit, the mail and contraband will be destroyed.
4. Mailroom personnel will submit a list of letters and the items to be destroyed to the Deputy/Assistant Warden/Assistant Center Supervisor for review and / or approval to destroy.
~~The Mailroom Supervisor does not compile a list of letters, ...I checked with several Mailroom Supervisors and Deputy Wardens;~~
5. At a time designated by the Warden/Center Supervisor, after the time limit has expired, the mailroom personnel and the Deputy/Assistant Warden/Assistant Center Supervisor will oversee the destruction of said mail and contraband.
6. Any mail received without a return address containing the first and last name of the individual or the business name, street address or post office box number, city, state, and zip code will be considered contraband and destroyed. However, it may be opened to determine if disciplinary charges are warranted against the intended recipient.
7. Original newsprint paper is difficult to screen for illicit substances. Correspondence which includes original newsprint paper is considered contraband and will be destroyed pursuant to this administrative directive. However, photocopies of newspaper articles may be sent with general correspondence so long as it does

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not violate the correspondence or publication policy regarding content.

B. Inmate Electronic Correspondence

1. All inmate electronic correspondence will be subject to the rules outlined in AR 860, Inmate Correspondence.
2. The cost of the electronic correspondence is at the expense of the sender. ~~The cost of any rejected electronic correspondence will be borne by the sender at the sender's expense. Please rephrase to say something like this: "The cost of any rejected electronic correspondence will be at the sender's expense."~~
3. Electronic correspondence will be considered General Correspondence only.
4. All electronic correspondence will be inspected and approved before distribution to the appropriate inmate and from the inmate.
5. Inmates who have purchased an approved MP3/MP4 Player may have their electronic correspondence downloaded through the available Kiosk in the Unit. The correspondence is transferred electronically. No printed version will be provided to the inmate.
6. Mailroom personnel will submit ~~a list of letters and the items to be destroyed to the Deputy/Assistant Warden/Assistant Center Supervisor for review and / or approval to destroy.~~ ~~The Mailroom Supervisor does not compile a list of letters, and checked with several Mailroom Supervisors and Deputy Wardens.~~
7. Electronic photographs will be available to inmates by two separate ways. Inmates who have purchased an approved MP3/MP4 Player may have their photos downloaded through the available Kiosk in the Unit. No printed version will be provided to the inmates. The photos obtained by the inmate in this way are not subject to numerical restrictions, as with printed photos as identified in AR 841, Inmate Property Control. Electronic photographs will be printed and delivered to the inmate if he/she does not possess an MP3/MP4 Player. The printed photographs must be in compliance in content and number to existing policies as stated in AR 841, Inmate Property Control. If more than five (5) pages of photographs are received, the entire correspondence will be rejected. The inmate receiving electronic photographs is responsible to ensure that the number of photographs in his/her possession does not exceed established limits.

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8. Rejected electronic correspondence will be rejected in its entirety.

C. Legal/Privileged Correspondence

PLEASE CONSIDER ADDING THIS:

At:

L. Privileged Correspondence/Privileged Correspondence

Incoming and outgoing correspondence with the persons or organizations specified below shall be considered privileged correspondence as long as the designated individuals are acting in their official capacities.

- a. Officers of Federal, State, and Local Courts
- b. Any Federal, State Official or Agency
- c. Any administrator of the Department of Correction
- d. The Parole Board or any member thereof
- e. Board of Corrections
- f. Inmate's Attorney
- g. Any member of the media, including print, radio, and television

Mail from the above will be opened only in the presence of the inmate concerned for inspect of contraband. Mail opened and inspected under these circumstances will not be read or censored, but may be rejected in its entirety if it is found to contain contraband.

There will be no records kept of incoming or outgoing privileged correspondence. Outgoing privileged correspondence shall have the words "Privileged Correspondence" or "Legal Mail" marked on the envelope or it will be considered general correspondence. All incoming mail should be in official letterhead envelopes and should be clearly identified as "Privileged Correspondence". Media mail should be clearly marked "Media Mail".

- 21. Each Unit should schedule a "Privileged Mail Call" once a day, Monday through Saturday excluding holidays.
- 22. During "Privileged Mail Call," all correspondence will be checked for contraband by two staff members, i.e., (Sergeant and Shift Captain or Lieutenant), and sealed in the presence of the inmate. Both the Sergeant and the Captain or Lieutenant will sign the back of the envelope.

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43. Once the Sergeant and Shift Captain or Lieutenant have signed the back of the envelope(s), the mail will be deposited in the authorized Privileged Mail Box to be picked up by mailroom personnel.
54. Any mail marked "Legal or Privileged Mail" that has not been processed in accordance with paragraphs 2 and 3 above will be given to the Shift Captain or Lieutenant by the Mailroom staff. The Captain or Lieutenant will return the mail to the inmate(s) to be opened in his/her presence to insure contraband is not present.
65. Units having x-ray machines will scan all incoming and outgoing privileged correspondence for contraband. For example, loose powder can be detected if the letter is stood on end and "bumped" causing the powder to collect in the corner of the envelope's seal/flap. In addition, tablets and capsules can be detected during the scanning process. After x-raying, mailroom staff will initial the envelope.
76. Additionally, mailroom staff must also lay envelopes on a flat surface and run their hands over them to feel for possible contraband.
87. Inmates in Administrative Segregation or Punitive will have his/her privileged correspondence checked at their cells in accordance with paragraphs 2 and 3.

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2. General Correspondence

Correspondence, other than privileged or Interstate/inter-unit correspondence, shall be considered general correspondence. Inmates do not need to submit a list of the people with whom they wish to correspond, nor will any approval be needed from the administration prior to corresponding. There will be no limitation placed on the number of letters mailed or received. All general correspondence, both incoming and outgoing, may be opened, inspected, read and records may be kept of all incoming and outgoing general correspondence to see that the family contact is maintained. Such contact is essential for rehabilitation and arrangements may be made, in the absence of family contact, for correspondence with a volunteer.

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The full name under which the inmate was committed and the ADC number of the inmate shall be shown in the upper left-hand

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corner of the envelope on the outgoing mail. Any violation of the rules and regulations which also constitutes a violation of Federal Postal Laws, shall be reported to the Federal Postal authorities or appropriate personnel responsible for the processing and inspection of such 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.

3. Interstate/Inter-Unit Correspondence between Incarcerated Individuals

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Interstate and Inter-unit correspondence is that mail between all individuals who are incarcerated either within the Arkansas Department of Correction or another facility. Interstate, and Inter-Unit correspondence of two (2) incarcerated individuals will be restricted to members of the immediate family. It will be subjected to the usual rules under general correspondence. Inter-unit correspondence must have the approval of both the sending and receiving unit center Warden/Center Supervisor. In the case of Interstate correspondence where the out of state facility does not take a position, only the Arkansas Warden/Center Supervisor must approve. For the purposes of this provision VERIFIED "immediate family" is defined as the inmate's father, mother, sister, brother, spouse, children, grandparents, grandchildren, stepfamily members, half-siblings, verified foster child, son-in-law, daughter-in-law, niece or nephew. Verification of the relationships may be shown by the appropriate legal document(s). (SEE DECLARATION)

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PLEASE CONSIDER ADDING:

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DC. Definitions:

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1. Inspections: Mail or hobby craft packages can be opened in order to determine if any contraband items are contained therein and to remove any such contraband items.

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2.—Contraband: Any item that is not permitted under the usual rules of the unit/center.

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3. Rejection: Subject to review and rejection of such material which the officials sincerely believe presents a clear and present danger to institutional security.

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F.D. The administrator reserves the right to inspect, read, or stop any mail or hobby craft packages where there is reason to believe a clear and present danger to the security of the unit/center exists.

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F.S. The Department will not accept postage due mail or hobby craft packages.

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G.F. All letters will be written in the English language unless there is approval by the Warden/Center Supervisor to do otherwise. All entries will be made in the inmates' electronic file. PLEASE ADD GUIDELINES FOR THE WARDENS' OR DESIGNEE'S APPROVAL (Must be listed as immediate family, listed in REL/ASSOC., and etc NORMALLY THE DEPUTY WARDENS APPROVE OR DISAPPROVE.

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H.G. Violators of correspondence regulations will be subject to disciplinary action.

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Arkansas Department of Correction
Unit

Inmate Correspondence Form

To: _____

Inmate Name: _____ ADC#: _____ Barracks: _____

Date: _____

☐ Inmate-to-Inmate Correspondence (Interstate/Inter Unit)

Name: _____ ADC# / other: _____ Relation: _____

Name & Address of Correctional Facility (Federal / State Prison, Jail, or Detention Center): _____

Official Use only ☐ Approve ☐ Disapprove

Reason for Disapproval: _____

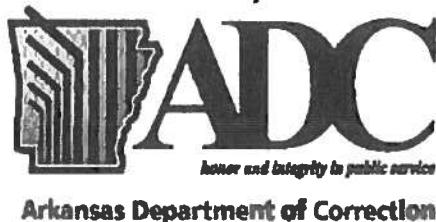
☐ Correspondence in a different Language

Name(s)	ADDRESS	RELATION	STATUS

Official Use only ☐ Approve ☐ Disapprove

Reason for Disapproval: _____

Warden/Designee: _____ Date: _____



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ADMINISTRATIVE DIRECTIVE

SUBJECT: Computer Security Policy/Standard

NUMBER: ~~14-3816-~~
38

SUPERSEDES: ~~13-10314-~~

APPLICABILITY: All Employees

REFERENCE: AR 104 – Property Control

PAGE 1 of 4

APPROVED: Original-signed by Ray Hobbs Wendy Kelley
08/08/2014

EFFECTIVE DATE:

I. POLICY:

To manage information and computing resources and ensure appropriate protection and security.

II. EXPLANATION:

It shall be the policy of the Arkansas Department of Correction (ADC) to manage information and computing resources as a corporate asset by ensuring appropriate protection and dissemination throughout their life cycles. Principles of this policy are:

- A. The purpose of the ADC's computing resources and infrastructure is to enable completion of the agency's mission.
- B. All information created by ADC work is an ADC asset. For purposes of this policy, the term 'information' encompasses data, information, and knowledge which are created, stored, accessed or transmitted using computing resources.

- C. Information handled by computer systems must be adequately protected against unauthorized disclosure or modification.
- D. ADC's information and computing assets are managed throughout their life cycles based on business needs, integrity, policy and regulations.
- E. ADC's information assets are made available at the users' desktop for legitimate business use, consistent with customer requirements.
- F. ADC attempts to use an affordable, distributed computing infrastructure to protect and disseminate its information assets.
- G. ADC will develop agency policy and requirements to ensure the adequate physical and electronic protection of agency information.

III. REFERENCE:

The Arkansas Information Systems Act of 1997 (Act 914, 1997) 751 of 2007 gives the ~~Office of Information Technology (OIT)~~ Department of Information Systems the authority to define standards, policies and procedures to manage the information resources within the state. ~~This is accomplished through work with a multi-agency working group known as the Shared Technical Architecture Team.~~

In addition, Act 1042 of 2001 states that the Executive Chief Information Officer (DIS) oversees the development of information technology security policy for state agencies.

IV. STANDARDS:

ADC IT management is responsible for developing ADC computer security policy and standards, with approval of the ADC Management Team. Through the ~~Chief Deputy Administration Services~~ Director, the Agency Director will receive reports from the Information Systems Technology Department.

In general terms, ADC computer security policies will follow the applicable standards and policies published by ~~the OIT~~, DIS, or other authorized state-level computer security issuing entity.

Each authorized user of an ADC computer system will be assigned a unique personal identifier (user name) and password.

IT management will review this policy annually to ensure it is current.

V. PASSWORDS:

- At a minimum, passwords must be changed every 90 days.
- Passwords shall be at least eight (8) characters in length and be a mixture of alpha and non-alpha characters.
- User passwords shall not be reused within six (6) password changes.

VI. WARNING BANNER - Warning banners are required on all access points. The banner shall warn authorized and unauthorized users:

- About what is considered the proper use of the system.
- That the system may be monitored to detect improper use and other illegal activity.
- That there is no expectation of privacy while using the system.
- Of the penalties for noncompliance.

VII. VIRUS SCANNING - All computer workstations and servers attached to the state network shall have updated virus and spy ware protection software installed and enabled. At a minimum, virus definitions shall be updated weekly.

VIII. PERSONNEL SECURITY:

IT management shall implement an ongoing IT security awareness program that communicates the IT security policy to each user and promotes a complete understanding of the importance of IT security. It should convey the message that IT security is to the benefit of the organization and all its employees, and that all employees are responsible for IT security.

IT management will ensure that IT support personnel, including contracted personnel, are subjected to an appropriate level of security clearance before they are hired, transferred or promoted, depending on the sensitivity of the position. An employee, who was not subjected to such a clearance when first hired, should not be placed in a sensitive position until a security clearance has been obtained.

IT management should maintain a record of individuals currently authorized to access sensitive information on the ADC network

IT management should ensure that operations and maintenance personnel, such as vendors or other service providers, have appropriate access to IT resources.

IX. PHYSICAL SECURITY:

Management shall establish appropriate physical security safeguards and access controls to prevent unauthorized access to areas containing computer system hardware, network equipment, backup media, and other devices or physical elements required for proper operation of ADC computer systems.

At a minimum, Inmate accessible computers, thin clients, or other computing equipment shall NOT be installed or located in an office/area with a network accessible cable and/or a networked computer, printer, switch, modem or other communications related equipment. A lockbox for a network cable is not approved as an acceptable security mechanism. Inmate computer/devices may NOT be installed in an office with a lockbox secured network cable.

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Computer/Computer Devices provided for Inmate Access shall be secured and labeled.

Reasonable measure will be taken to physically secure mobile computing devices such as laptops, PDAs, Pocket PCs, Smartphones, iPads, flash drives, etc., from access by unauthorized users.

Computers, terminals or other devices that provide access to sensitive data shall be configured to automatically lock the system after a maximum of 15 minutes of inactivity.



Arkansas Department of Correction

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ADMINISTRATIVE DIRECTIVE

SUBJECT: Administrative Leave

NUMBER: 43-2316-XX

SUPERSEDES: 03-1113-23

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APPLICABILITY: All Employees

REFERENCE: AR 225 Employee Conduct Standards PAGE 1 of 2

APPROVED: Original signed by ~~Ray Hobbs~~ Wendy Kelley
06/14/2013

EFFECTIVE DATE:

I. POLICY:

Employees of the Arkansas Department of Correction will be dealt with consistently and fairly when allegations and/or complaints have been alleged, while at the same time, ensuring that safety, security and good order is maintained throughout the Department.

II. EXPLANATION:

Based on the nature of the allegations, the Warden/Administrator may deem it necessary to place an employee away from the work place pending the results of administrative procedures.

III. DEFINITIONS:

Employee: A person regularly appointed or employed in a position of the Department of Correction for which a class, title, and pay grade is established in the agency's appropriation act.

Allegations/Complaint: A formal accusation or a formal charge.

Deadly Force: Any force that under the circumstances is readily capable of causing death or serious physical injury.

IV. PROCEDURES:

- A. Administrative Leave should only be utilized, as a last resort, by the Warden/Administrator when allegations and/or complaints have been filed or made known that will affect the good order and security of the institution. This includes felonies, misdemeanors, arrests, complaints, protective orders and indictments. The Human Resources Administrator must be notified when an employee is being placed on Administrative Leave. If the facts and circumstances of an allegation are not readily available, the task of investigating should be assigned/assumed by an employee suited to make an objective and unbiased determination of fact. This investigation should be completed within five (5) working days, when possible, beginning the day of notification of the allegation.
- B. If possible, the Warden/Administrator should consider alternative duties at their institution or another unit for the employee under investigation. In those sensitive positions where an employee's behavior reflects on their ability to perform the job, and where no alternate duties can be assigned, a Warden/ Administrator may have no alternative but to relieve an employee of duty, pending the outcome of an investigation.
- C. If no alternative is available, the Warden/Administrator will place the employee on leave for up to five (5) working days and will arrange to perform or have performed an internal investigation surrounding the circumstances. The leave will be administrative paid leave if the employee is found innocent of all allegations. If the employee is found guilty of all allegations, the leave will not be paid administrative leave. The employee will have the option of utilizing their annual, holiday, straight time or comp leave on the books if found guilty. If the investigation is not completed within five (5) working days, the Warden/Administrator via the Human Resource Administrator may make a written request to the Director to extend the leave with a copy to the appropriate Deputy/Assistant Director. The Director may grant an extension of administrative leave, approve a job reassignment of the employee until the investigation is completed, or deny the request.
- D. Following the completion of the investigation, the Warden/Administrator may:
1. Return the employee to regular duty status.
 2. Return the employee to duty status but reassign to another post.
 3. Initiate disciplinary action in accordance with the administrative directive governing employee conduct standards.

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D. Employees of the Department of Correction involved in any serious incident where force has been used against another person or persons may be placed under Administrative Leave with pay status at the discretion of the Director. The Administrative Leave shall be until a time that the Director deems appropriate to return the employee to duty or after all documentation and investigations are complete.

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E-F. The Warden/Administrator will submit to the appropriate Deputy/Assistant Director a written report covering the results of the investigation and their decision on the employee's work status.

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F-G. An employee may not take or request Administrative Leave.



Arkansas Department of Correction

ADMINISTRATIVE DIRECTIVE

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SUBJECT: Administrative Leave

NUMBER: 13-2316-XX

SUPERSEDES: 03-1113-23

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APPLICABILITY: All Employees

REFERENCE: AR 225 Employee Conduct Standards PAGE 1 of 2

APPROVED: Original signed by Ray Hobbs Wendy Kelley
06/14/2013

EFFECTIVE DATE:

I. POLICY:

Employees of the Arkansas Department of Correction will be dealt with consistently and fairly when allegations and/or complaints have been alleged, while at the same time, ensuring that safety, security and good order is maintained throughout the Department.

II. EXPLANATION:

Based on the nature of the allegations, the Warden/Administrator may deem it necessary to place an employee away from the work place pending the results of administrative procedures.

III. DEFINITIONS:

Employee: A person regularly appointed or employed in a position of the Department of Correction for which a class, title, and pay grade is established in the agency's appropriation act.

Allegations/Complaint: A formal accusation or a formal charge.

Deadly Force: Any force that under the circumstances is readily capable of causing death or serious physical injury.

IV. PROCEDURES:

- A. Administrative Leave should only be utilized, as a last resort, by the Warden/Administrator when allegations and/or complaints have been filed or made known that will affect the good order and security of the institution. This includes felonies, misdemeanors, arrests, complaints, protective orders and indictments. The **Human Resources Administrator** must be notified when an employee is being placed on Administrative Leave. If the facts and circumstances of an allegation are not readily available, the task of investigating should be assigned/assumed by an employee suited to make an objective and unbiased determination of fact. This investigation should be completed within five (5) working days, when possible, beginning the day of notification of the allegation.
- B. If possible, the Warden/Administrator should consider alternative duties at their institution or another unit for the employee under investigation. In those sensitive positions where an employee's behavior reflects on their ability to perform the job, and where no alternate duties can be assigned, a Warden/ Administrator may have no alternative but to relieve an employee of duty, pending the outcome of an investigation.
- C. If no alternative is available, the Warden/Administrator will place the employee on leave for up to five (5) working days and will arrange to perform or have performed an internal investigation surrounding the circumstances. The leave will be administrative paid leave if the employee is found innocent of all allegations. If the employee is found guilty of all allegations, the leave will not be paid administrative leave. The employee will have the option of utilizing their annual, holiday, straight time or comp leave on the books if found guilty. If the investigation is not completed within five (5) working days, the Warden/Administrator via the Human Resource Administrator may make a written request to the Director to extend the leave with a copy to the appropriate Deputy/Assistant Director. The Director may grant an extension of administrative leave, approve a job reassignment of the employee until the investigation is completed, or deny the request.
- D. Following the completion of the investigation, the Warden/Administrator may:
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E. Employees of the Department of Correction involved in any serious incident where force has been used against another person or persons may be placed under Administrative Leave with pay status at the discretion of the Director. The Administrative Leave shall be until a time that the Director deems appropriate to return the employee to duty or after all documentation and investigations are complete.

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F. The Warden/Administrator will submit to the appropriate Deputy/Assistant Director a written report covering the results of the investigation and their decision on the employee's work status.

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F.G. An employee may not take or request Administrative Leave.



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ADMINISTRATIVE DIRECTIVE

SUBJECT: Use of Force

NUMBER: ~~45-18-16-19~~

SUPERSEDES: ~~43-42~~

REFERENCE: AR 409 Use of Force; AR 410 Use of Chemical Agents and Other Non-Lethal Weapons; AR 411 Use of Audio Visual Equipment; AD 2014-17 Electronic Control Devices;

APPLICABILITY: All Employees and Inmates

Page 1 of 6

APPROVED: Original Signed by Wendy Kelley

EFFECTIVE DATE: 06/12/2015

I. POLICY:

The Arkansas Department of Correction will train all security personnel and others as designated by Administrative Directive or by the Director, in the permissible use of force to ensure that force is only used to the degree necessary to maintain order and discipline, and to ensure the safety of persons and the security of operations.

II. EXPLANATION:

The use of force is sometimes necessary in a correctional environment to maintain safety and security; therefore, the following procedures will be followed:

III. DEFINITIONS:

Deadly Force: Any force that under the circumstances is readily capable of causing death or serious physical injury.

Non-deadly Force: Any force that is not deadly.

ADD DEFINITIONS SECTION.**III. IV. PROCEDURES:**

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A. Authorized Use of Non-deadly Force

Non-deadly force may be used when necessary in order to restrain, maintain or regain control of an inmate(s) with a minimum of injury to staff, inmate(s) and others.

Non-deadly force is authorized for use in, but not limited to the following situations:

1. Preventing escapes

- a. To prevent an inmate from escaping custody of the Arkansas Department of Correction.
- b. To prevent any person from aiding or abetting the escape of an offender.

2. To prevent unauthorized entry into an institution, property, or work area by any person.**3. Protecting individuals**

Employees may use force to protect themselves or any person from reasonably foreseeable injury by an inmate or others in the performance of their official duties.

4. Protection of property

An employee may use non-deadly force to prevent damage to property by an inmate or others if no alternative method of persuasion is effective.

5. Compelling compliance with orders

In ordinary day-to-day correctional situations, employees may use non-deadly force to compel an inmate to comply with lawful orders when other methods of persuasion are not effective and noncompliance jeopardizes safety and security of the institution.

6. Assisting other law enforcement agencies.**B. Levels of Force**

Only that amount of force necessary shall be used to restrain, regain or maintain control of an inmate.

The level of force used by staff shall be directly related to the amount of force used by the inmate. Force shall not be used as a means of punishment.

C. Use of Chemical Agents and Other Control Devices

If the use of non-deadly force is authorized, chemical agents, irritants or other non-deadly control devices may be used.

1. Definitions:

- a. Chemical agents may be various types of agents or irritants, as approved for use by the Director or designee.
- b. Control devices such as less lethal munitions, batons, electronic restraints (i. e. Stun Shields, RACC belts, tasers, stun guns, or other electrical weapons).

2. Determination of Authorized Use:

- a. If circumstances allow, before any chemical agent/irritant or other control device is used, the subject shall be informed that these devices will be used unless he/she complies with orders.
- b. Only employees who have received training approved by the Arkansas Department of Correction Training Academy shall be permitted to use chemical agents/irritants or other control measures such as electronic control devices or restraints. This training shall include scenario-based training.
- c. For planned use of force, situations that are non-emergency in nature, chemical agents and/or electronic control devices or restraints are not to be utilized to manage inmates who are classified in eomis under health classification as a mental health code 3 or higher without first-consulting mental health staff.
- d. For planned use of force situations that are non-emergency in nature, chemical agents and/or electronic restraint

devices are not to be utilized to manage inmates with known Coronary Artery Disease, implanted pacemaker or defibrillator, without first consulting medical staff.

- e. Electronic restraints or control devices are not to be utilized to manage pregnant inmates.
- f. Electronic control devices may not be used in situations when an inmate is restrained and non-combative or nonresistant. Justification for its use must be generally to restore control of the inmate. In other words, inmates must pose a physical threat to him/her or another person before use of electronic control devices are justified. Inmates who disobey direct orders in a non-violent, non-threatening manner shall not be subject to the use of electronic control devices.

D. Use of Deadly Force

- 1. The Director or designee may authorize an employee to carry firearm(s) in the course of employment duties.
- 2. No employee may carry a firearm until they have successfully completed firearms training and/or met annual certification standards as required by the Arkansas Department of Correction policy.
- 3. An employee may use deadly force only to:
 - a. Prevent foreseeable death or serious physical injury to any person, to include while authorized by the Director or Director's designee while assisting other law enforcement agencies designee.
 - b. Prevent escape
 - (1) In fenced institutions, the employee may assume an escape is in progress if the inmate begins to climb over, go through, or crawl under the interior fence.
 - (2) In non-fenced institutions or where no fence exists, including, but not limited to outside work crews and transporting of inmates, an employee may assume an escape is in progress when the inmate has left or is attempting unauthorized leave of his/her assigned area.

Prior to the discharge of a firearm, the employee should, if time and circumstances allow, issue a loud and firm verbal warning directing the inmate to cease his/her actions and comply with orders. Warning shots are not required, but may be fired if it can be done safely and under circumstances where no person is at risk. If the inmate does not cease his/her actions, the employee may shoot to stop. Only non-deadly physical force may be used if the officer knows or reasonably should know that the escapee has been convicted of only a misdemeanor, or is a detainee, except to prevent reasonably foreseeable death or serious physical injury to any person.

NOTE: When any firearm is discharged, a Firearm Discharge report shall be completed.

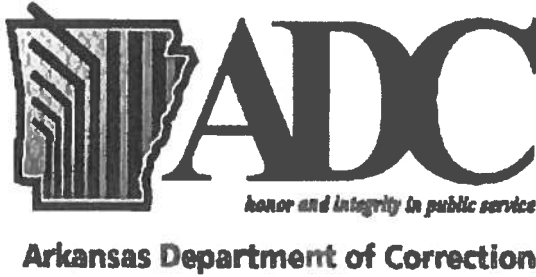
E. Documentation

1. All instances of use of force against any person shall be reported in writing, using the appropriate incident reporting form(s), to the Warden/Center Supervisor as soon after the incident as is possible.
2. Every employee who uses or observes force being used against any person shall complete an incident report. Failure to document any such occurrence may result in disciplinary action against the employee.
3. All documentation of each use of force shall be entered into eOMIS by the appropriately trained personnel and properly referred before the completion of the shift.
4. All reports prepared concerning the use of force shall be retained for the amount of time prescribed in the Department's record retention policy. These reports may include, but are not limited to all inmate violation reports, medical reports, statements of witnesses, the summary and recommendations by the Warden/Center Supervisor.
5. Any Employee of the Department of Corrections involved in any serious incident where deadly force has been used against another person or persons may be placed on Administrative Leave with pay

status at the discretion of the Director. The leave shall continue until the Director deems appropriate to return the employee to duty
E-mailed to me from Chief Counsel DePriest.

F. Use of Recording Equipment

1. The use of recording equipment is permitted to accurately record an incident in which force is employed.
2. The Warden/Center Supervisor of the unit/facility is responsible for the establishment of procedures for the use of audio-visual recording equipment.
3. Any recordings containing recorded use-of-force incidents will be labeled for identification and forwarded by the Warden/Center Supervisor to the appropriate Deputy/Assistant Director, along with all use of force reports and any other documentation. These recorded incidents will also be included in the unit's monthly serious incident report.
4. The Deputy/Assistant Director will review the reports of each incident, including recordings. The materials will then be forwarded to the Internal Affairs Division for review. The Compliance Administrator may review the reports and recordings with the permission of the Director. If the need for such procedure is determined by the Warden/Center Supervisor, Deputy/Assistant Director, or Director, Internal Affairs will follow its review with an investigation.
5. The entire report, including written material and recordings will be filed and maintained by the Internal Affairs Division.
6. Recordings containing use of force incidents must be kept on file for time prescribed in the Department's record retention policy. Appropriate Staff wishing to review these recordings must receive written approval by the appropriate Deputy/Assistant Director.



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ADMINISTRATIVE DIRECTIVE

SUBJECT: Punitive Segregation/Restriction

NUMBER: 16-0416-

SUPERSEDES: 12-24 16-04

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

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; nor does it negate required review by healthcare, classification, and other staff.

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

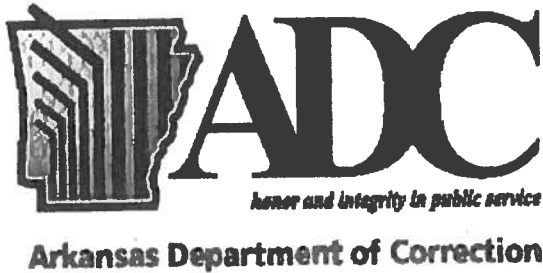
during the forty-eight (48) hour relief period and will be restricted again at the beginning of the next punitive restriction sentence.

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.

E. Review of Punitive Segregation Status

- ~~4. I. No inmate shall remain in punitive segregation for more than one year unless he has been personally interviewed by the Warden at the end of one year and such action is approved by him. The Warden at this time will review the possibilities of a punitive reduction plan. At the end of the second and each additional year that an inmate remains in punitive segregation, he must be personally interviewed by both the Warden and the Deputy Assistant Director, who will then determine whether continuation in that status is necessary and/or appropriate.~~

Final Form Versions



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ADMINISTRATIVE DIRECTIVE

SUBJECT: Confidentiality of Mental Health Services

NUMBER: 16-08

SUPERSEDES: 13-63

APPLICABILITY: All Inmates Requesting or Needing Mental Health Services

REFERENCE: AR 833

PAGE: 1 of 2

APPROVED: Original Signed by Wendy Kelley

EFFECTIVE DATE: 6/23/2016

I. POLICY:

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

II. EXPLANATION:

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

III. PROCEDURE:

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

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

IV. REFERENCES:

A.C.A. Standards



Arkansas Department of Correction

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ADMINISTRATIVE DIRECTIVE

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

NUMBER: 16-09

SUPERSEDES: 13-80

**APPLICABILITY: Disciplinary Hearing Officers,
Mental Health Staff & Inmates**

REFERENCE: AR 834

PAGE: 1 of 3

APPROVED: Original Signed by Wendy Kelley

EFFECTIVE DATE: 6/23/2016

I. POLICY:

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

II. DEFINITIONS:

- A. **Clinical Supervisor** refers to a licensed psychologist to train and supervise staff authorized to do **evaluations**.
- B. **Evaluation** of an inmate is a mental health evaluation done under the supervision of a licensed practitioner, and which includes, at a minimum, direct contact with the inmate.
- C. **Serious Mental Illness** is defined as symptoms of a diagnosable mental disorder that impairs an individual's functioning and disrupts the capacity to cope with the ordinary demands of life.

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

III. PROCEDURE:

- A. At intake an **evaluation** shall be completed on all individuals entering the Arkansas Department of Correction and a mental health classification will be assigned and entered into the electronic Offender Management Information System (eOMIS).
- B. This Mental Health classification will be reviewed annually, but will also be reviewed as indicated by a licensed clinical staff. Staff must update the Mental Health classification if it appears that a change in mental functioning has occurred.
- C. Individuals who are flagged in eOMIS as **seriously mentally ill** shall, at the time disciplinary charges are filed, be referred for assessment. Individuals who are suspected of being mentally ill shall, at the time disciplinary charges are filed, be referred for **evaluation**.
- D. The disciplinary portion of the electronic Offender Management Information System (eOMIS) will caution the staff member entering the disciplinary that an **evaluation** by Mental Health Services is required.
- E. If a staff member assigned to do the **evaluation** believes that involvement in the disciplinary process would impair a therapeutic relationship with the inmate, he or she should ask that the **evaluation** be reassigned.
- F. If additional time is needed to complete an evaluation due to the need for more extensive testing or consultation, the staff member conducting the **evaluation** will request an extension from the Disciplinary Hearing Officer, and will make a recommendation as to housing the inmate as is normally done on Disciplinary Court Review or in segregated status in a mental health unit.
- G. The **evaluation** will result in recommendations to the Disciplinary Hearing Officer that are believed to represent the optimal strategy for preventing future repetitions of the misbehavior while maintaining the mental health of the inmate. These recommendations will be forwarded to the Chief of Security or individual acting in that capacity for the unit/center. If there are security concerns about any of the recommendations, they will be discussed with the supervising psychologist prior to being sent to the Disciplinary Hearing Officer. If no security problems are identified, the recommendations will be approved by the Chief of Security and considered binding, should the inmate be found guilty of the offense.
- H. The evaluation will also include a recommendation as to whether or not the offender needs a counsel substitute for the disciplinary hearing.

- I. The completed **evaluation** will become part of the Disciplinary Record. A copy shall be kept in the inmate's Mental Health record.
- J. The Disciplinary Hearing Officer will make decisions regarding the recommendations and include those chosen in the "additional sanctions and general comments" on the Disciplinary screen.
- K. Should the Disciplinary Hearing Officer have questions or concerns about any recommendations made, these should be directed jointly to the **Clinical Supervisor** and the Chief of Security.
- L. Once the disposition of the disciplinary is complete, the mental health staff responsible for the **evaluation** will be notified.



Arkansas Department of Correction

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ADMINISTRATIVE DIRECTIVE

SUBJECT: Inmate Disciplinary Manual

NUMBER: 16-11

SUPERSEDES: 15-19

APPLICABILITY: Inmates and Staff

REFERENCE: AR 831 – Disciplinary Rules and Regulations PAGE 1 of 35

APPROVED: Original Signed by Wendy Kelley **EFFECTIVE DATE: 05/14/2016**

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

responsible for ensuring Serving Officers are properly trained and will designate an officer to be trained to handle the minor disciplinarys.

- B. Disciplinary Hearing Officer - conducts hearings on Major Disciplinarys known as Major Disciplinary Court.
- C. Serving Officer/Notifying Officer - serves charges on the inmate(s), may appoint a counsel substitute and receives the inmate's list of witnesses regarding the charge and provides the inmate with a copy of the Disciplinary Hearing Officer's report.
- D. Minor Disciplinary Officer - conducts hearings on minor disciplinary charges referred to as Minor Disciplinary Court.
- E. Disciplinary Report - the factual basis for the charge of rule violation(s) and the rule(s) violated.
- F. Charge - the details of the rule violation(s) contained in the Disciplinary Report.
- G. Assault - a willful "attempt" or "threat(s)" to inflict injury upon the person of another.
- H. Battery - the actual use of physical force upon the person of another.
- I. Indecent Exposure - public exposure of one's sex organs for gratification or pleasure.
- J. Masturbation - manipulating one's sex organ to arouse or gratify a sexual desire; does not require exposure.
- K. Staff includes any employee of the Arkansas Department of Correction, the Correctional School System, and any employee or contractor providing services within an Arkansas Department of Correction facility through contract or agreement with the Arkansas Department of Correction.
- L. Counsel Substitute – staff appointed to assist the inmate through the disciplinary process including the appeal process if necessary.
- M. Introduction – introduction shall be established through investigation that the charged inmate assisted in the article being brought on ADC property, moved about on ADC property, or stored in any manner on ADC property.
- N. A business day is Monday through Friday, excluding legal holidays.
- O. PREA charge – any rule violation that is connected to the Prison Rape Elimination Act (PREA) and requires a response directed by PREA legislation. The outcome for a PREA violation may direct a precaution indicating predator or victim identifications. This would include violations of sexual misconduct, rape or forced sexual act, masturbation in the presence of another, sexual threats, demanding sexual acts in trade, and aiding or abetting in any of the above.

IV. GENERAL RULES FOR MAJOR DISCIPLINARIES:

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

V. TRAINING:

- A. The Disciplinary Hearing Administrator will be responsible for maintaining an instructional folder containing information on the proper procedures for holding major disciplinary hearings, rules and regulations of each unit, plus other pertinent information which could be helpful in implementing these policies and procedures. The folders will be available for review. The Disciplinary Hearing Administrator is responsible for training all Disciplinary Hearing Officers.
- B. The Disciplinary Hearing Officers will be required to review and be knowledgeable of all the policies and procedures including the use of the electronic offender management system for processing disciplinary records. This includes the Inmate Handbook, Employee Handbook, applicable state and federal laws, AR's of the Arkansas Department of Correction, AD's of the Arkansas Department of Correction, and Unit operating procedures.

VI. BEHAVIOR RULES AND REGULATIONS:

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

GROUP DISRUPTION CATEGORY**PENALTY CLASS**

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

INDIVIDUAL DISRUPTIVE BEHAVIOR CATEGORY

- | | |
|--|---|
| 02-2. Under the influence of and/or any use of illegal drugs, alcohol, intoxicating chemicals or any medication in an unauthorized manner. | A |
| 02-3. Monetary Misconduct --Entering into unauthorized contractual agreements, failure to turn in all checks or monies received, obtaining money through fraud or misrepresentation (examples include buying articles on a payment plan, failure to turn in tips received on work release, misleading someone to obtain money). | B |
| 02-4. Employment Misconduct —Work Release inmates who quit a job without prior approval, get fired for misconduct, tardiness or shirking duties, failure to notify ADC staff when too ill to work. | C |
| 02-5. Unauthorized use of mail or telephone , including passing unauthorized messages, three-way communication(s), calling on another's phone code, posing as another person, and telephone communications with unauthorized persons. | A |

- 02-11. **Tattooing, piercing, and self-mutilation** intended to change oneself or another's appearance; this does not include attempts to commit suicide or injure oneself unless solely for manipulation – See Administration Regulation 834, Procedure for Handling Alleged Disciplinary Infractions of Mentally Disordered Inmates. A
- 02-12. **Failure to keep one's person or quarters** in accordance with regulations, or failure to wear Department-issued ID, or clothing according to center/unit policy. C
- 02-13. **Breaking into, or causing disruption of, an inmate line or interfering with operations.** B
- 02-15. **Tampering with, or blocking, any lock or locking device.** A
- 02-16. **Refusal to submit to substance abuse testing.** A
- 02-17. **Creating unnecessary noise, including disruptive or aggressive play** in areas other than designated recreation areas. C
- 02-20. **Unauthorized communication, contact, or conduct** with a visitor or any member of the public or staff. B
- 02-21. **Running, avoiding, or otherwise resisting apprehension.** B
- 02-22. **Interfering with the taking of count.** B
- 03-3. **Unexcused absence** from work/school assignment or other program activity. B
- 03-5. **Out of place of assignment.** B
- 05-5. **Provoking or agitating a fight.** B
- 11-1. **Insolence to a staff member.** A
- 12-2. **Refusal of job assignment** including participating in a treatment program, boot camp, or class assignment or violating program rules that results in dismissal from a program. B

- 12-3. **Failure to obey verbal and/or written order(s)** of staff. B
- 13-2. **Lying to a staff member**, including omissions and providing misinformation. B
- 13-3. **Malingering**, feigning an illness. B

BATTERY CATEGORY

- 04-4. **Battery** – Use of physical force upon staff. A
- 04-5. **Aggravated Battery** – Use of a weapon in battery upon another person (not an inmate). Rule violation may result in loss of all good time to purchase or possess any item used as a weapon for one (1) calendar year. A
- 04-08. **Battery** – Use of physical force upon an inmate. A
- 04-17 **Throwing or attempting to throw substances**, known or unknown, toward or upon another person. Rule violation may result in loss of all good time. A
- 04-18. **Aggravated Battery** upon inmate –Use of weapon in a battery upon another inmate. Rule violation may result in the loss of all good time. A

ASSAULT CATEGORY

- 05-3. Assault--Any **threat(s) to inflict injury** upon another, directly or indirectly, verbally or in writing. A
- 05-4. Making **sexual threat(s)** to another person, directly or indirectly, verbally or in writing. A

THEFT, DESTRUCTION OF PROPERTY OR EXTORTION CATEGORY

- 06-1. **Demanding/receiving money or favors** or anything of value in return for an offer/promise of protection from others of bodily harm, or to keep information secret. A
- 07-1. **Unauthorized use of state property/supplies**. B
- 07-4. **Theft or possession of stolen property**. A

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|--|---|
| 08-4. Destruction or intentional misplacement of property of another or the Department. | B |
| 08-6. Adulteration of any food(s) or drink(s) with intent to harm others. Rule violation may result in the loss of all good time. | A |
| 08-7. Setting a fire or destruction or tampering with fire detection or suppression device. | A |

POSSESSION/MANUFACTURE OF CONTRABAND CATEGORY

- | | |
|---|---|
| 09-1. Possession/introduction of any firearm, ammunition, weapon, fireworks, explosive, unauthorized combustible substance, or unauthorized tool. Rule violation may result in loss of all good time. | A |
| 09-3. Possession/introduction/manufacture of any drug, narcotic intoxicant, tobacco, chemical, OR drug paraphernalia not prescribed by medical staff. | A |
| 09-4. Possession or movement of money or currency, unless specifically authorized. | A |
| 09-5. Possession/introduction of clothing or property not issued to inmate nor authorized by the center/unit. | C |
| 09-9. Counterfeiting, forging, or unauthorized possession/introduction of any document, article of identification, money, security, or official paper. | A |
| 09-14. Possession/introduction/use of unauthorized electronic device(s), including ,flash drive, MP player, DVD player, etc. Rule violation may result in loss of all good time. | A |
| 09-15. Possession/introduction/use of a cell phone or any cell phone component (e.g., sims card, charger, battery, etc.) or an unauthorized messaging device. Rule violation may result in the loss of all good time and may result in the loss of Inmate Telephone System privileges for one (1) year. | A |
| 09-16 Use of internet or social media. | A |

- 09-17. Preparing, conducting, or participating in a gambling operation. B

SEXUAL ACTIVITY CATEGORY

- 10-1. Engaging in sexual activity with another consenting person. A
- 10-2. Making sexual proposals to another person. (PREA) A
- 10-3. Indecent exposure; may result in a referral for criminal prosecution. A
- 10-4. Bestiality. A
- 10-5. Masturbation in the presence of another inmate. A
- 10-6. Engaging in non-abusive sexual activity with another person. A
- 10-7. Demanding sexual contact in trade or protection from physical harm or mental anguish, or other victimization. A
- 04-10. **Rape or forced sexual act** with/on an inmate. Rule violation may result in the loss of all good time. (PREA) A
- 04-19 **Rape or forced sexual act** on staff, volunteer, contractor, or other individual not incarcerated at the time of the incident. Rule violation may result in the loss of all good time. A

TRAFFICKING AND TRADING CATEGORY

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

ESCAPE CATEGORY

- 16-1. Escape, or attempt to escape from custody of the Department of Correction; may result A

in the loss of all good time.

- 16-2. Failure to return from any approved activity
or furlough at the designated time.

A

- B. Determination of Charges - Only one rule violation may be charged for a given behavior. The violation cited should be that which most accurately categorizes the behavior. However, a disciplinary report may cover an incident which is made up of a sequence of several distinct behaviors, each of which is a rule violation.

1. Example of several rule violations in one sequence:

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

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

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

VII. MAJOR DISCIPLINARY COURT:

- A. Establishment of Court - The Major Disciplinary Court shall be composed of a single Disciplinary Hearing Officer who will be directed in the performance of those duties by the Disciplinary Hearing Administrator.
- B. Responsibilities of the Major Disciplinary Hearing Officer
1. The Major Disciplinary Hearing Officer is charged with the responsibility of ensuring that all rules promulgated by the Arkansas Department of Correction regarding major disciplinary hearings are followed.
 2. In all major disciplinary proceedings, the Disciplinary Hearing Officer shall fully explain the charges and inform the inmate of the possible consequences if found guilty. The Disciplinary Hearing Officer shall further ensure that there is no undue air of hostility in the proceedings and that the proceedings and deliberations are not conducted in a perfunctory manner. The Disciplinary Hearing Officer will be vigilant in averting any racial, religious or gender discrimination during the proceedings and/or in the assessment of punishment. Any such signs of discrimination will be immediately reported to the Warden/Center Supervisor, Disciplinary Hearing Administrator and the Director.

3. The Disciplinary Hearing Officer shall hear all of the facts of the case and shall have singular authority for deciding guilt or innocence and the punishment assessed, except as outlined in the AD on Evaluations for Disciplinary Court Proceedings for Seriously Mentally Ill and Mentally Deficient Inmates regarding punishment, and AR 834, Procedure for Handling Alleged Disciplinary Infractions of Mentally Disordered Inmates.
 4. Regarding guilty pleas, the Disciplinary Hearing Officer must ensure that the inmate understands the charge to which he/she is pleading guilty. Guilty pleas will be monitored to determine whether the inmate offers any supporting evidence indicating innocence of the charge as written.
 5. The responsibilities of the Disciplinary Hearing Officer regarding counsel substitutes are enumerated under Section VII (J) (1).
- C. Responsibilities of the building or field Chief Security Officer
1. Prior to the major disciplinary hearing, the Chief Security Officer will review all disciplinaries and may do one of the following:
 - a. Forward the disciplinary to the Disciplinary Hearing Officer with his initials on the report.
 - b. Reduce it to a Minor Disciplinary.
 - c. Dismiss the charges and file the disciplinary report as a matter of record.
 - d. Convert the minor disciplinary to a major disciplinary.

Regarding provision (b) and (c) above, the Chief Security Officer will consult with the charging person on any decision which results in dismissal or reduction. In the event the Chief Security Officer dismisses the disciplinary report(s), a copy of the dismissed disciplinary shall be forwarded to the Assistant Warden for Security or Center Supervisor for filing as a matter of record. Copies of these reports are not to be included in the inmate's permanent jacket. Reasons for such dismissals should be documented on the face of the disciplinary report(s).
 2. The Chief Security Officer may set reasonable limitations on the number of inmate witnesses. The Chief Security Officer will document the reason(s) for the limitation on the Major Disciplinary Form (F-831-1) under "Witness Statements." In the event that a limit (usually five) is placed upon inmate witness statements, the same limit must be applied to statements taken from staff.
 3. May exclude any witness(es) who were not present at the time of the incident and inquire from the offender what testimony from that witness would reveal.

D. General Considerations

1. The Major Disciplinary Form (F-831-1) will be completed for major disciplinary reports against an inmate and will include specific details of the rule infraction alleged against the inmate. At a minimum, the details shall include who, what, when, where, how, and why the charge is brought. The charging person should be the staff with the most knowledge of the event. Once the disciplinary report is written, the charging person may seek assistance from others for purposes of correcting any mistakes in grammar or punctuation; however, the actual content of the disciplinary report must not be changed.
2. The Major Disciplinary Form (F-831-1) must be signed by the charging person, affirming that the information in the report is true and correct. Any relevant supporting documents (such as incident reports) should be attached to the major disciplinary form. The completed form with any attachments should be forwarded immediately to the chief security officer. When available this process will be completed electronically in the electronic Offender Management Information System.
3. Any witness (es) to the infraction shall prepare statement (s) to be attached to the charging person's report of the incident. Witnesses include any inmates, employees, and/or free world persons who have firsthand knowledge of the infraction. Witnesses who appear to testify before the Disciplinary Court will have their statements recorded. If written witness statements are submitted to the Disciplinary Court, those will be reviewed by the Hearing Officer and documented in eOMIS. In the event a witness requested by an inmate is denied, that request may be submitted to the inmate in writing.
4. It will be the responsibility of the Disciplinary Hearing Officer to thoroughly review all available documents concerning the major disciplinary reports. He/she will determine whether or not additional information is necessary and may grant an extension of time pursuant to these guidelines if necessary.

E. Hearings

1. The Major Disciplinary Court shall meet or be held by video conference as often as necessary at a convenient place and time between the hours of 6:00 a.m. and 6:00 p.m., in order to administer the institutional disciplinary functions as expeditiously as possible. It is recommended that hearings be held at least weekly. The court should avoid convening on weekends and holidays to minimize interference with inmate visitation; however, if security or administrative necessity as determined by the Warden/Center Supervisor dictate, then the hearings may be held on a weekend or holiday. Any weekend or holiday hearings will be limited to business as necessary to alleviate the concerns expressed by the Warden/Center Supervisor.

2. A charged inmate must be given at least twenty-four (24) hours prior notice of a disciplinary proceeding. The inmate may call witnesses by giving the serving officer the names of the individuals he/she wishes to call. The manner in which the witnesses' statements are presented to the court shall be within the discretion of the Disciplinary Hearing Officer.
3. No disciplinary will be heard after seven (7) business days from the date it was written except pursuant to an authorized extension. *The day the disciplinary is written is not to be counted in calculating the seven (7) business days.*

For example, an inmate receiving a disciplinary on Tuesday at 9:00 a.m. or 10:00 p.m. should be tried by 6:00 p.m. the following Thursday assuming there were no holidays. Disciplinarys should be tried between 6:00 a.m. and 6:00 p.m. whenever possible.

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

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

during testimony and the inmate does not have a right to cross-examine witnesses. The inmate will receive a statement of fact(s) from the Disciplinary Hearing Officer if provided by the charging officer. The Disciplinary Hearing Officer may grant an extension to the inmate if the witness is not readily available to provide additional testimony.

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

19. The inmate must be informed of his right to appeal and to obtain staff assistance in the fashioning of an appeal if needed.
20. The inmate will receive an oral statement detailing the reason for the finding of guilt or innocence at the time the hearing officer informs the inmate of the verdict. The hearing officer will reduce these reasons to writing prior to the conclusion of that business day and the unit disciplinary officer will provide a typed copy or ISSR 100 (electronic generated disciplinary hearing results form) generated by electronic Offender Management Information System to the inmate within twenty-four (24) hours.

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

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

F. Disciplinary Actions

1. The Major Disciplinary Hearing Officer, upon determining that an inmate is guilty of violation of institutional rules, may apply any or all of the sanctions from the penalty class of the most serious rule violated. Additional sanctions may be applied from the penalty class corresponding to the additional rule(s) violated. However, sanctions defined in terms of days (i.e., good time, punitive segregation, loss of privileges, and extra duty) may not be applied more than once per disciplinary action.
2. Any or all sanctions may be suspended for up to six (6) months.
3. Disciplinary Officers may not amend an inmate's level in the VSM program, but those actions can be considered by the classification committee when reviewing that inmate.

G. Range of Allowable Sanctions

1. Penalty Class "A"*
 - a. Punitive Segregation 1-30 days. Inmates serving a punitive disciplinary sentence shall not earn meritorious good time.
 - b. Loss of earned good time up to 365 days (loss of all earned good time is allowable for offenses listed that include the statement "may result in loss of all good time").

- c. If the use of the Inmate Telephone System is involved, it shall result in the loss of telephone privileges for one (1) year.
 - d. Loss of designated privileges, 1-60 days.
 - e. Restitution based on replacement cost or the value of lost, intentionally misplaced or destroyed property.
 - f. Reduce up to three (3) steps in class.
 - g. Recommend to Classification Committee for change of assignment/unit.
 - h. Extra duty up to two (2) hours per day for up to thirty (30) days.
 - i. Possession/introduction/use of a cell phone will result in the loss of Inmate Telephone System privileges for one (1) year.
 - j. For PREA related violations, referral to the Classification Committee for consideration of precautions based on the findings of the investigation and outcome of the DHO. The Classification Committee will consider PREA status in housing and job assignments and potential placement in programming based on the outcome.
2. Penalty Class "B"*
- a. Punitive Segregation 1-15 days. Inmates serving a punitive disciplinary sentence shall not earn meritorious good time.
 - b. Loss of earned good time 1-150 days.
 - c. Loss of designated privileges 1-45 days.
 - d. Restitution based on replacement cost or the value of lost, intentionally misplaced or destroyed property.
 - e. Extra duty up to two (2) hours per day for up to fifteen (15) days.
 - f. Formal reprimand and/or warning.
 - g. Recommend to Classification Committee for change of assignment/unit.
 - h. Reduce up to two (2) steps in class.

3. Penalty Class "C"*

- a. Punitive Segregation 1-10 days. Inmates serving a punitive disciplinary sentence shall not earn meritorious good time.
- b. Loss of earned credits 1-60 days.
- c. Loss of designated privileges 1-30 days.
- d. Restitution based on replacement cost or the value of lost, intentionally misplaced or destroyed property.
- e. Extra duty up to two (2) hours per day for up to ten (10) days.
- f. Formal reprimand/warning.
- g. Recommend to Classification Committee for change of assignment/unit.
- h. Reduce one (1) step in class.

*In addition to any other punishment authorized under this Administrative Directive, the use of any commissary item in connection with the violation of any of these rules may result in the loss of the privilege to acquire that type of item for up to 12 months.

H. Major Disciplinary Appeal Process

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

- b. If the inmate is not satisfied with the response, he/she has fifteen (15) business days from receipt of the Warden/Center Supervisor's decision to appeal to the Disciplinary Hearing Administrator, who has thirty (30) business days to respond.
 - c. If the inmate disagrees with the response, he/she has fifteen (15) business days from receipt of the Disciplinary Hearing Administrator's decision to appeal to the Director. The Director has (30) business days to respond. The written appeal must set forth in detail the grounds for such an appeal.
 - d. If the inmate fails to receive responses in the time frame set forth above, he/she may appeal to the next level.
 - e. During any stage of the appeal, the reviewer may affirm the action of the Disciplinary Hearing Officer or alter it as he/she deems just and proper except at no point in the appeal process shall the penalty be increased.
3. In cases where a disciplinary report is written by a Warden/Center Supervisor, the inmate may bypass the appeal to the Warden/Center Supervisor and appeal to the Disciplinary Hearing Administrator.

I. Extensions

- 1. Limited extensions of time may be granted by the respective Warden/Center Supervisor in the following circumstances:
 - a. charged inmate has escaped and is not in custody;
 - b. inmate is out to court/hospital or otherwise off the unit/center;
 - c. the case requires more extensive investigation;
 - d. emergency situation exists at the unit/center; or
 - e. volume of disciplinaries scheduled for hearing is excessive and more time is needed to ensure a fair determination in each case.
- 2. The Disciplinary Hearing Officer may grant an extension if additional information or investigation is needed in order to arrive at a fair decision.
- 3. In the event that an extension is granted, a copy of the extension form shall be forwarded to the charged inmate. An extension may be granted for a period of up to five (5) additional business days. If a greater length of time is needed, then the extension must be renewed and will not exceed five (5) business days per extension. Any extension over 30 days must be approved by the Director. The

Warden/Center Supervisor may give an indefinite extension while the inmate is absent from the Unit/Center.

4. Regarding escapes, the time limit will not begin to run until the inmate is returned to the unit where the disciplinary hearing will be held. The Warden/Center Supervisor should check the appropriate box on the extension form and enter the time and date when the inmate was returned to the unit/center. The time and date entered will serve as the starting point for the time limit.

J. Special Cases

1. Counsel Substitutes

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

starting and stopping place on the recording when the disciplinary hearing is reconvened with the counsel substitute present.

- c. Counsel substitutes have no voice in the decision making of the court. Furthermore, when the counsel substitute performs the required duties for an inmate in a disciplinary hearing, the counsel substitute shall not remain in the disciplinary hearing room during deliberation.
- d. All inmates have the right to refuse a counsel substitute. Any refusal is a waiver of the counsel substitute and the refusal by the inmate should be noted on the recording and the disciplinary form, and the disciplinary should proceed without any counsel substitute.
- e. In the event that a counsel substitute requires more time to prepare the necessary information for a fair determination of the disciplinary, the Disciplinary Hearing Officer may grant an extension of time for further investigation.
- f. Once the Disciplinary Hearing Officer has made a decision and advised the inmate of the appeal procedure, the counsel substitute will be responsible for aiding the inmate in the appeal process. The responsibility of the counsel substitute to the inmate shall be restricted to the presentation of evidence in the inmate's behalf at the disciplinary hearing and any subsequent proceedings, and providing an adequate explanation of the charges and consequences to the inmate both before and after the hearing.

2. Use of Confidential Information and Informants

- a. If the charging person does not have firsthand knowledge of the event, the charge may be brought based upon an informant(s); however, no disciplinary shall be based solely upon information received from a confidential informant(s). There must be corroborating evidence that supports the information received from the confidential informant(s) for the disciplinary to proceed.
- b. The charged inmate has no right to confront and cross-examine an informant against him/her or to know the informant's identity or statement. It is mandatory that any time confidential informant information is provided; the Disciplinary Hearing Officer shall ensure that the confidential information does not become known to other inmates. This information shall be marked confidential and entered into the electronic offender system.
- c. In cases where a disciplinary is written primarily upon information from a confidential informant, the record must contain the informant's signed statement in language that is factual rather than subjectively conclusive and must establish that the informant had personal knowledge of the matter.
- d. In cases where the charging person is able to verify information obtained from a confidential informant, and the charging person has obtained independent

corroborating evidence of the event, it is not necessary to provide the informant's name and statement to the hearing officer.

- e. In the event that the Major Disciplinary Hearing Officer uses as evidence an investigative report which is classified as confidential, the Disciplinary Hearing Officer is responsible for ensuring that the confidential report is safely returned to the Disciplinary Hearing Administrator without becoming known to inmates or unauthorized staff. When describing the report under "Evidence Relied Upon," it is sufficient to use the phrase "Confidential Report," and state the conclusion of the report without detailing any of the specifics contained in the report.
3. Contraband and Other Physical Evidence - If physical evidence is involved in or crucial to the determination to be made by the Disciplinary Hearing Officer (such as weapons or contraband), then photographs and/or written reports of that evidence will be presented to and considered by the Disciplinary Hearing Officer. Following the hearing, the contraband may be disposed of pursuant to the Inmate Property Control Administrative Directive, but must be described in great detail under "Evidence Relied Upon." Photographs and written reports should be entered into the electronic offender system and made a part of the inmate's permanent file.
4. Malingering
 - a. Certain disciplinary reports may require testimony from healthcare staff such as when the inmate's defense is that he/she was too ill to abide by an institutional rule. Whenever a charged inmate's defense is illness, the unit healthcare staff must be contacted to determine whether the inmate was examined for a complaint of illness and whether, in the opinion of the person(s) who examined the inmate, the inmate was feigning illness or not sufficiently ill to justify a lay-in.
 - b. A statement from the healthcare staff will be obtained either in writing or by telephone. If written, the statement will be attached to the disciplinary report, noted under "Evidence Relied Upon" and made a part of the inmate's permanent file. If by telephone, the statement should be recorded and, if necessary, repeated for the recording device, and quoted on the Disciplinary Hearing Action Form (F-831-3) and, when available, in the electronic Offender Management Information System under "Evidence Relied Upon." If the proper entry is not made under "Evidence Relied Upon," indicating the source and content of the testimony from the healthcare staff, the disciplinary action will be deemed invalid and expunged from the inmate's records.
 - c. Where an inmate's defense for failure to work is illness and healthcare staff reports that the inmate did not report to medical or submit a sick call on the date of the infraction, the defense shall be found without merit as it is the responsibility of the inmate to go to the healthcare staff for treatment of an illness. If the inmate did solicit treatment from medical staff, but was cleared to report to work, the healthcare report should be entered under "Evidence Relied Upon" and considered in conjunction with any other evidence available to the court. If the healthcare staff reports that the inmate

was in fact too ill to perform his/her designated work task, the inmate shall be found not guilty.

- d. When an inmate is already performing his/her work assignment, and complains of illness, the inmate should be sent or escorted to medical. If the inmate receives a "lay-in," then there should be no disciplinary report. If the inmate is cleared by medical and is ordered to go to work but refuses, a disciplinary may be written. If the inmate is sent back to work and returns to work, he should only be given a disciplinary when the officer has some concrete evidence that the entire episode was contrived to harass staff or to temporarily avoid work. In such case, the healthcare staff must be contacted to determine whether, in the opinion of the person(s) who examined the inmate, the inmate was feigning illness. If any illness was determined to be present, even though not sufficient to warrant a lay-in, the inmate should be found not guilty.
- e. Upon contacting the healthcare staff for information, the name and statement of the person contacted must be entered under "Evidence Relied Upon."

5. Damaging Property

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

K. Specific Prohibitions

1. No Disciplinary Hearing Officer shall conduct hearings when that officer is the charging person or has firsthand knowledge of a particular disciplinary episode.
2. No staff shall communicate to a Disciplinary Hearing Officer, by way of suggestion or order, the finding or punishment that the hearing officer should find. An exception is Mental Health staff completing a written 834 form (Mental Health Form).
3. Hearing Officers are to make their decision based solely upon the evidence presented to them in disciplinary court and are not to be influenced by staff or a supervisor about an inmate's guilt or innocence.
4. If the Hearing Officer is instructed as to making a finding on a disciplinary or on the punishment to assess, he/she shall disqualify himself/herself from hearing that disciplinary and will report the communication to the Disciplinary Hearing Administrator.
5. Any Hearing Officer who believes that he/she is unable to render an objective decision in a particular case should request disqualification from that case. In the case of the Disciplinary Hearing Administrator, the request will be made to the Director.
6. When the use of indecent or vulgar language is used by an inmate in the grievance process or there is a malicious use of the grievance procedure, disciplinary action may be filed against the inmate. Under such circumstances, the Chief of Security or Assistant Warden, or their designee, will determine if a disciplinary report is warranted. If so, only the Chief of Security or Assistant Warden, or their designee, may write and submit the report for processing. Under no circumstances shall the employee, who may be the subject of a grievance, write and submit a disciplinary report against the inmate submitting the grievance.
7. PREA considerations – Inmates involved in sexual contact with an employee, volunteer, contractor, vendor of the Arkansas Department of Correction, OR any employees, volunteers, contractors and vendors of another law enforcement/correctional agency that have taken temporary custody of an ADC inmate for the purposes of transport, holding for court, contractual bed space, or other requirements, cannot be charged with a rule violation for this conduct. Under the Guidelines of the Prison Rape Elimination Act, inmates cannot consent to such contact and are considered victims of a crime. In order to bring charges for sexual contact with any employee or other above categorized individual, the investigation must show that forcible rape occurred by the inmate towards the employee or agent. This does not include visitors or citizens not acting in some official capacity such as co-workers at a work release site.

L. Records

1. Not guilty verdicts - Disciplinary reports which result in a finding of not guilty shall not be made a part of the inmate's permanent file although such finding will be documented in the electronic Offender Management Information System.
2. Expungements - Disciplinary reports which indicate a finding of guilt and which are reversed by the Wardens/Center Supervisors, Disciplinary Hearing Administrator or Director are to be expunged from the inmate's permanent file, but will remain a part of the offender's electronic record, and will be forwarded to the Assistant Warden/Center Supervisor for filing as a matter of record. Such reversals shall also restore good time or class status which may have been reduced by the Major Disciplinary Hearing Officer.
3. Suspended Sentence - Inmates who are found guilty of rule violations and assessed punishment may receive a suspended imposition of the sentence. In such cases, the disciplinary report will become a part of the inmate's permanent file. If the inmate is found guilty of another rule violation during the period of a previously imposed suspended sentence, the suspended punishment must be revoked and imposed and additional punishment pursuant to the subsequent disciplinary episode may also be imposed. The punishment may be made consecutive.
4. Guilty Verdicts - All disciplinary hearing report forms which render a verdict of guilty shall be transmitted by the Hearing Officer to the Supervisor of Records who will promptly note the action taken against each inmate. The Supervisor of Records shall make whatever changes are required regarding statutory good time, meritorious good time, parole interview date and institutional status and cause them to be made a part of the inmate's permanent file.

M. Major Disciplinary Forms

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

1. The Major Disciplinary Form (F-831-1)
 - a. The charging person is responsible for providing the Major Disciplinary Hearing Officer with accurate reports of rule violations. All information pertaining to the charge(s) must be detailed by the charging person. The charging person must sign an affirmation regarding the accuracy of the charges.
 - b. The notification officer must indicate his/her name and the time and date the inmate was notified of the impending major disciplinary action. The inmate may call

witnesses at the time of notification by informing the notification officer of those individuals he/she wishes to call as witnesses. The notification officer should then list the witnesses called and instruct the inmate to sign the form under "Witness Statements." If the inmate refuses to sign, such refusal should be noted with the initials of the notifying officer.

- c. The chief security officer (Building or Field Majors or their designees) must review each disciplinary report prior to a hearing for screening purposes. After indicating the appropriate decision, the chief security officer must initial and date the form under "C.S.O. Review."
- d. There must be an indication of whether an extension was granted and, if so, whether the extension form was completed.
- e. The hearing officer is reminded of the policy on counsel substitutes. When assigned, it should be so indicated and the name of the counsel substitute entered. When not assigned the appropriate space should be marked.
- f. A copy of The Major Disciplinary Form (F-831-1) or ISSR 100 shall be forwarded to the inmate.

2. The Disciplinary Action Form (F-831-2)

- a. The Major Disciplinary Hearing Officer must ensure that all information at the top of The Disciplinary Action Form (F-831-2) is correct. Care should be taken to note the time when the hearing starts and stops. If the inmate refuses to attend, there is a reminder that the waiver form must be completed. In all cases, the inmate's plea will be entered accurately.
- b. Statements made by inmates in their defense or otherwise should be entered in as great detail as possible under "Inmate's Statement."
- c. Under "Questions," the hearing officer should indicate the general line of questioning pursued. The hearing officer should probe for any and all additional information which could aid in reaching a fair determination of fact.
- d. The hearing officer must indicate the verdict reached and the punishment assessed, and shall indicate the class that the inmate may be placed in.
- e. Under "Factual Basis for Decision," the hearing officer must give a short statement of the facts as the hearing officer perceives them after reviewing all of the evidence. This section should not be confused with "Evidence Relied Upon" or "Reasons for Punishment." This should include a summary of the reasons for finding the inmate guilty or not guilty. In fulfilling this function, it is not sufficient to adopt and copy the exact wording of the disciplinary report.

- f. The inmate must be provided a copy of this form.

3. The Disciplinary Action Form (F-831-3)

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

It is not enough to state, "nature and seriousness of offense and past history." It is important that the Disciplinary Hearing Officer keep in mind that the purpose served is that of providing an independent reviewing authority with an adequate basis from which to determine why a particular inmate received the particular punishment imposed. Special care should be given to document reasons for differences in punishments given to different inmates in the same incident. Factors to be weighed in assessing the punishment should include, but not be limited to: the seriousness of the offense and the extent to which the offense threatened institutional security; the number of major disciplinaries received by the inmate for similar offenses, the overall institutional record of the inmate; the attitude of the inmate including his/her willingness to cooperate fully with the Disciplinary Hearing Officer; personal factors which may have influenced the inmate to behave poorly (i.e., death in the family); inmate's willingness or lack thereof to return to work and perform as expected; any hostility which the inmate may have exhibited toward the Disciplinary Hearing Officer; any remorse the inmate may show regarding his/her behavior; any effect a contemplated punishment may or may not have in impressing upon the inmate the need for behavior modification; any effect a contemplated punishment may have in terms of rewarding the inmate with a second chance if the hearing officer believes behavior will improve as a result thereof; the class status of the inmate should be kept in mind when assessing the punishment (punitive time may not be necessary for a Class I inmate if the hearing officer feels that a class reduction would sufficiently impress upon the inmate the prohibition against the particular behavior). As mentioned, the above are suggested factors to take into consideration when assessing

punishment and are by no means exhaustive. The hearing officer should stay alert to any mitigating or aggravating circumstances associated with a particular disciplinary episode. The hearing officer must initial the "Reason for Punishment" in the appropriate space.

- d. A reminder is included regarding the proper procedures for informants and alleged malingers.
- e. The inmate, having been informed of the right to appeal, is instructed to sign the form indicating that he/she understands the right to appeal. If a counsel substitute has been assigned, he/she should also sign. If an inmate refuses to sign, the hearing officer should so indicate by initialing the slot reserved for the inmate's signature.
- f. The hearing officer must sign and date the disciplinary form.
- g. The inmate must be provided a copy of Disciplinary Action Form (F-831-3).

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

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

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

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

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

Physical force shall not be used to secure the presence of the inmate before the Major Disciplinary Hearing Officer. All inmates shall be afforded the opportunity to be present before the Major Disciplinary Hearing Officer unless they waive that right in

writing or through behavior. In the event an inmate refuses to appear, the "Waiver of Disciplinary Hearing Form" must be filled out. The inmate will not be subjected to any further disciplinary reports as a result of availing himself/herself of the waiver procedure.

VIII. MINOR DISCIPLINE:

- A. Minor Disciplinary Report Form (F-831-7 and Electronic Form ISSR 102)
Minor disciplinary reports should be used as a tool to discourage less serious misconduct. The rule violations for which an inmate may receive a minor disciplinary report are identical to those violations for which a major disciplinary report may be written. Minor discipline reports are within the discretion of the charging person. Their purpose is to sufficiently impress upon the inmate the need for behavior modification without burdening the inmate with the stigma that attaches to major disciplinary reports. The Minor Disciplinary Officer shall not sentence any inmate to punitive isolation, nor shall the Minor Disciplinary Officer reduce the accrued "good time" or class status of an inmate.
- B. Due Process - The due process considerations inherent in the major disciplinary process shall not apply to minor disciplinaries; however, the inmate shall be allowed to be present and to make a statement in his/her behalf.
- C. Minor Disciplinaries
 - 1. Each unit of the Department shall establish and designate a Minor Disciplinary Officer to hear and dispose of any and all minor infractions of institutional rules and regulations.
 - 2. The Minor Disciplinary Officers at each unit shall be nominated by the Chief Security Officer of the Building or Field and approved by the Warden/Center Supervisor. The charging officer cannot serve as the Minor Disciplinary Officer on any charges he/she initiated or witnessed.
 - 3. An officer must have attained the rank of Lieutenant with at least three (3) years of experience as a correctional officer to serve as a Minor Disciplinary Officer.
 - 4. The Minor Disciplinary Officer will hear charges as often as necessary and at a place and a time convenient to expeditiously administer the institutional minor disciplinary functions. These hearings will be conducted within seven (7) business days of the incident.
 - 5. Upon hearing the charges against the inmate, the inmate's defense and testimony, the Minor Disciplinary Officer shall render his/her decision as to guilt or innocence and the appropriate action to be taken.

6. The Minor Disciplinary Officer, upon determining that an inmate is guilty of a minor violation of institutional rules and regulations, may take any or all of the following actions:
 - a. Warn, reprimand, or excuse the inmate.
 - b. Revoke privileges for up to twenty (20) days.
 - c. Assign extra duty (extra duty will be useful work that is not intended as harassment). No inmate shall be worked past his regular bedtime nor will he be allowed to do any extra duty assessed him by the Minor Disciplinary Officer in lieu of his regular work assignment. Extra duties must not exceed two (2) hours per day and a maximum of ten (10) days.
7. At no time shall an inmate be put in punitive isolation by the decision of the Minor Disciplinary Officer. Good time shall not be reduced by the Minor Disciplinary Officer.
8. Disciplinary action should be taken by the Minor Disciplinary Officer as soon as possible after the discovery of the violation. Any minor disciplinary action which has not been heard after seven (7) business days shall be dismissed.
9. The Minor Disciplinary Form (F-831-7) shall be filled out in its entirety for each infraction and entered electronically when available in the electronic Offender Management Information System.
10. Minor disciplinary reports will not be made a part of the inmate's permanent file, but it will be recorded in the Offender's electronic record. After the Minor Disciplinary Officer has completed his/her daily functions, the minor disciplinary reports shall be forwarded to the chief security officer for separate filing as a matter of record.
11. Once the Minor Disciplinary Officer has disposed of a minor disciplinary, the decision shall not be changed or altered in any manner by the Minor Disciplinary Hearing Officer.
12. Findings of the Minor Disciplinary Officer may be appealed to the Chief of Security, and his/her decision is final. The Chief of Security may affirm, reverse or modify the decision of the Minor Disciplinary Officer.
13. The Chief Security Officer must submit to the Warden/Center Supervisor a monthly report of the minor disciplinary actions. The Warden/Center Supervisor must maintain a file of these reports and have them available for review by the Disciplinary Hearing Administrator. The Warden/Center Supervisor and Disciplinary Hearing Administrator must ensure that each inmate is treated fairly and equitably.

IX. SANCTIONS:

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

F-831-1

ARKANSAS DEPARTMENT OF CORRECTION

AR 831

Unit

MAJOR DISCIPLINARY

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

NOTICE OF CHARGES

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

Signature of Charging Officer

NOTIFICATION: Officer _____ Date & Time Notified _____

Witness: YES _____ NO _____

Inmate's Signature

List of Witness:

C.S.O. REVIEW: Reduce _____ Dismiss _____ To Disc. Court _____ Initial _____ Date _____
EXTENSION: No _____ Yes _____ ; Has extension form been completed? _____
Presentation by Counsel Substitute is required when it is determined that the inmate is illiterate or incompetent or that the issues are extraordinarily complex.

COUNSEL SUBSTITUTE Assigned (Name) _____

F-831-2

ARKANSAS DEPARTMENT OF CORRECTION AR 831

UNIT

DISCIPLINARY HEARING ACTION

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

Inmate's Statement:

Signature of Inmate _____

Court Questions: _____

Verdict: _____ Punishment: _____

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

Hearing Officer's Initials _____

F-831-3 ARKANSAS DEPARTMENT OF CORRECTION AR 831

UNIT

DISCIPLINARY HEARING ACTION

Inmate _____ ADC # _____ Date _____

Evidence Relied Upon:

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

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

Reasons Why Information Purporting to Exonerate Inmate Was Discounted: _____

Reasons for Assessment of Punishment: _____

Hearing Officer's Initials _____

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

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

Inmate's Signature _____ Counsel Substitute _____

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

Hearing Officer _____
Signature _____ Date _____

F-831-4

Major Disciplinary Appeal Form

Inmate Name _____ ADC# _____

Unit/Center _____ Punitive Isolation ____ Yes ____ No

Disciplinary (date) _____ by (charging officer) _____

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

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

Signature: _____ Date _____

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

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

Signature: _____ Date _____

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

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

Signature: _____ Date _____

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

Inmate's Signature: _____ Date: _____

F-831-5

ARKANSAS DEPARTMENT OF CORRECTION AR 831

Unit
DISCIPLINARY EXTENSION FORM

TO:

FROM:

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

DATE:

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

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

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

Retroactive extension:

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

Signature Warden/Center Supervisor, Hearing Officer _____
Date Time

Copy delivered to inmate by: _____ on _____
Signature Date

cc: File

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

Director's Signature _____ Date _____ Length of Extension _____

This extension will expire on _____ at _____
Date Time

F-831-6

Arkansas Department of Correction
Unit
WAIVER OF DISCIPLINARY HEARING

AR831

Date of Disciplinary _____

Time: _____

Rule Violation(s) _____

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

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

Signed: _____ ADC # _____

Officer Witness: _____ Date: _____

Time: _____

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

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

Date: _____ Time: _____

Signature of Officer witnessing refusal: _____

Reviewed by Warden/Center Supervisor or designee: _____

F-831-7

Arkansas Department of Correction
Unit
MINOR DISCIPLINARY REPORT

AR 831

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

CHARGE OR OFFENSE:

DISPOSITION (Check One)

Extra Duty

(Describe Briefly)

Loss of Privilege

(Describe Briefly)

Warning & Reprimand

(Describe Briefly)

Not Guilty

Hearing Officer

Hearing Date/Time _____

Date Penalty Served _____ Shift Supervisor _____



Arkansas Department of Correction

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ADMINISTRATIVE DIRECTIVE

SUBJECT: Care and Management of Spinal Cord Injured Inmates

NUMBER: 16-10

SUPERSEDES: 13-143

APPLICABILITY: All staff and medical contractors

REFERENCE: AR 833 – Health Services

PAGE: 1 of 3

APPROVED: Original Signed by Wendy Kelley

EFFECTIVE DATE: 5/20/2016

I. POLICY:

To ensure that the medical and daily living needs of spinal cord injured inmates are met, that they have equal access and opportunity to use facilities and services, and are subject to no discrimination because of their disability.

II. PROCEDURES:

1. The Department of Correction will require hiring or contracting with a physiatrist to evaluate spinal cord injured inmates of the Department of Correction. A qualified physician with specialized training in spinal cord injury may be substituted if the services of a physiatrist are unavailable. The term “physiatrist” as used below is intended to include this alternative.
2. New commitments will be evaluated within two working days, by clinical staff, under the supervision of a physician, competent to assess spinal cord injured persons according to the protocol developed by the Arkansas Spinal Cord Commission. If that assessment indicates a condition requiring specialty services, an appointment will be made with the physiatrist, or other physician providing specialty services as soon as possible.

3. All spinal cord injured inmates will be re-evaluated, at least quarterly by the physiatrist. Any requests for urology or other consults made by the physiatrist will be promptly submitted for Utilization Review Committee consideration.
4. The Department of Correction will require that a training program be developed with consultation and assistance from the Arkansas Spinal Cord Commission, and the consultant physiatrist. This in-service training will be provided, at least annually, to clinical staff assigned to assess and treat spinal cord injured individuals. The training will be provided more often if staff turnover or other conditions seriously reduce the number of trained staff. This training will include techniques of assessment according to the protocols and general training of medical staff in the proper care and management of spinal cord injured patients.
5. The Department of Correction and its contractors will follow the recommendations of the consultant physiatrist regarding equipment, supplies, and treatment subject to applicable Utilization Review. Should physical plant or security limitations conflict with a recommendation, a mutually acceptable alternative will be negotiated through mediation by the Administrator of Medical and Dental Services.
6. The Department of Correction acknowledges responsibility for providing all necessary equipment, supplies and clinical services to spinal cord injured inmates. Equipment brought in by the inmate will be allowed, provided that the equipment is preferred by the inmate, the equipment is necessary as determined by clinical staff in consultation with the Arkansas Spinal Cord Commission, and the equipment does not represent a threat to security. Any conflict in making determinations of these conditions will be brought to the attention of the Administrator of Medical and Dental Services who may call upon the expertise of the physiatrist and/or the Arkansas Spinal Cord Commission.
7. The Department of Correction agrees to allow representatives of the Arkansas Spinal Cord Commission to inspect the areas housing and used by spinal cord injured inmates to determine compliance with applicable federal and state laws and regulations. Inspections should be scheduled through the office of the Administrator of Medical and Dental Services, at least two working days in advance of the visit.
8. The Department of Correction agrees that spinal cord injured inmates shall be housed in settings that comply with all federal and state laws and regulations regarding accessibility, and that spinal cord injured inmates shall have access to, and opportunities to use, all programs, jobs and services consistent with medical classification and their custody level. The Administrator of Medical and Dental Services shall have

responsibility for monitoring these provisions and ordering any changes necessary to housing or program space.



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ADMINISTRATIVE DIRECTIVE

SUBJECT: Inmate Correspondence

NUMBER: 16-12

SUPERSEDES: 14-51

APPLICABILITY: All staff and inmates

REFERENCE: AR 860 – Inmate Correspondence **PAGE:** 1 of 7
AR 401 – Searches for and Control of Contraband
AR 841 – Inmate Property Control
AR 825 – Inmate Name Change for Religious Purposes
AD – Inmate Name Changes
AD – Inmate Property Control
ACA Standards

APPROVED: Original Signed by Wendy Kelley

EFFECTIVE DATE: 5/06/2016

I. POLICY:

It shall be the policy of the Department of Correction to permit inmates to correspond with family, friends, officials and other significant community contacts with a minimum of interference consistent with the legitimate security needs of the facility.

II. EXPLANATION:

It is the Department's policy to open all mail in accordance with the procedures outlined in Administrative Regulation 860, Inmate Correspondence. The regulation covers Privileged, General, and Interstate/Inter-Unit correspondence. Since opened mail will not be returned to the sender by the Postal Service without additional postage, the inmate shall be responsible for the cost.

III. PROCEDURES:

A. Inmate Correspondence Constituting or Containing Contraband

1. All mail is opened in accordance with AR 860. Mail containing contraband will be returned to the sender and the inmate to whom the correspondence was addressed and/or was to receive the contraband will be required to pay for the return postage or agree to the destruction of the mail and contraband.
2. Inmates are encouraged to communicate with those persons with whom they correspond to make them aware of the items which they can receive legally and request that contraband items not be sent.
3. Inmates will be given thirty (30) days from the date received to pay the postage for returning the mail containing contraband. If inmates are not willing to pay for the return postage within the time limit, the mail and contraband will be destroyed.
4. Mailroom personnel will submit a list of letters and the items to be destroyed to the Deputy/Assistant Warden/Assistant Center Supervisor for review and /or approval to destroy.
5. At a time designated by the Warden/Center Supervisor, after the time limit has expired, the mailroom personnel and the Deputy/Assistant Warden/Assistant Center Supervisor will oversee the destruction of said mail and contraband.
6. Any mail received without a return address containing the first and last name of the individual or the business name, street address or post office box number, city, state, and zip code will be considered contraband and destroyed. However, it may be opened to determine if disciplinary charges are warranted against the intended recipient.
7. Original newsprint paper is difficult to screen for illicit substances. Correspondence which includes original newsprint paper is considered contraband and will be destroyed pursuant to this administrative directive. However, photocopies of newspaper articles may be sent with general correspondence so long as it does not violate the correspondence or publication policy regarding content.

B. Inmate Electronic Correspondence

1. All inmate electronic correspondence will be subject to the rules outlined in AR 860, Inmate Correspondence.
2. The cost of any rejected electronic correspondence will be at the sender's expense.
3. Electronic correspondence will be considered General Correspondence only.
4. All electronic correspondence will be inspected and approved before distribution to the appropriate inmate and from the inmate.
5. Inmates who have purchased an approved MP3/4 Player may have their electronic correspondence downloaded through the available Kiosk in the Unit. The correspondence is transferred electronically. No printed version will be provided to the inmate.
6. Mailroom personnel will submit a list of letters and the items to be destroyed to the Deputy/Assistant Warden/Assistant Center Supervisor for review and / or approval to destroy.
7. Electronic photographs will be available to inmates by two (2) separate ways. Inmates who have purchased an approved MP3/4 Player may have their photos downloaded through the available Kiosk in the Unit. No printed version will be provided to the inmates. The photos obtained by the inmate in this way are not subject to numerical restrictions, as with printed photos as identified in AR 841, Inmate Property Control. Electronic photographs will be printed and delivered to the inmate if he/she does not possess an MP3/4 Player. The printed photographs must be in compliance in content and number to existing policies as stated in AR 841, Inmate Property Control. If more than five (5) pages of photographs are received, the entire correspondence will be rejected. The inmate receiving electronic photographs is responsible to ensure that the number of photographs in his/her possession does not exceed established limits.
8. Rejected electronic correspondence will be rejected in its entirety.

C. Legal/Privileged Correspondence

1. Privileged Correspondence

Incoming and outgoing correspondence with the persons or organizations specified below shall be considered privileged correspondence as long as the designated individuals are acting in their official capacities.

- a. Officers of Federal, State, and Local Courts
- b. Any Federal, State Official or Agency
- c. Any administrator of the Department of Correction
- d. The Parole Board or any member thereof
- e. Board of Corrections
- f. Inmate's Attorney
- g. Any member of the media, including print, radio, and television

Mail from the above will be opened only in the presence of the inmate concerned for inspect of contraband. Mail opened and inspected under these circumstances will not be read or censored, but may be rejected in its entirety if it is found to contain contraband.

There will be no records kept of incoming or outgoing privileged correspondence. Outgoing privileged correspondence shall have the words "Privileged Correspondence" or "Legal Mail" marked on the envelope or it will be considered general correspondence. All incoming mail should be in official letterhead envelopes and should be clearly identified as "Privileged Correspondence". Media mail should be clearly marked "Media Mail".

- 2. Each Unit should schedule a "Privileged Mail Call" once a day, Monday through Saturday excluding holidays.
- 3. During "Privileged Mail Call," all correspondence will be checked for contraband by two staff members, (i.e., Sergeant and Shift Captain or Lieutenant), and sealed in the presence of the inmate. Both the Sergeant and the Captain or Lieutenant will sign the back of the envelope.
- 4. Once the Sergeant and Shift Captain or Lieutenant have signed the back of the envelope(s), the mail will be deposited in the authorized Privileged Mail Box to be picked up by mailroom personnel.

5. Any mail marked "Legal or Privileged Mail" that has not been processed in accordance with paragraphs 2 and 3 above will be given to the Shift Captain or Lieutenant by the Mailroom staff. The Captain or Lieutenant will return the mail to the inmate(s) to be opened in his/her presence to insure contraband is not present.
6. Units having x-ray machines will scan all incoming and outgoing privileged correspondence for contraband. For example, loose powder can be detected if the letter is stood on end and "bumped" causing the powder to collect in the corner of the envelope's seal/flap. In addition, tablets and capsules can be detected during the scanning process. After x-raying, mailroom staff will initial the envelope.
7. Additionally, mailroom staff must also lay envelopes on a flat surface and run their hands over them to feel for possible contraband.
8. Inmates in Administrative Segregation or Punitive will have his/her privileged correspondence checked at their cells in accordance with paragraphs 2 and 3.
2. General Correspondence

Correspondence, other than privileged or Interstate/inter-unit correspondence, shall be considered general correspondence. Inmates do not need to submit a list of the people with whom they wish to correspond, nor will any approval be needed from the administration prior to corresponding. There will be no limitation placed on the number of letters mailed or received. All general correspondence, both incoming and outgoing, may be opened, inspected, read and records may be kept of all incoming and outgoing general correspondence to see that the family contact is maintained. Such contact is essential for rehabilitation and arrangements may be made, in the absence of family contact, for correspondence with a volunteer.

The full name under which the inmate was committed and the ADC number of the inmate shall be shown in the upper left-hand corner of the envelope on the outgoing mail. Any violation of the rules and regulations which also constitutes a violation of Federal Postal Laws shall be reported to the Federal Postal authorities or appropriate personnel responsible for the processing and inspection of such 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.

3. Interstate/Inter-Unit Correspondence between Incarcerated Individuals

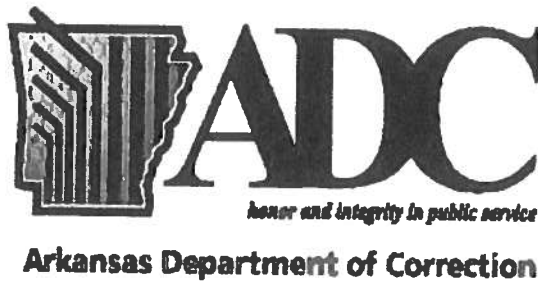
Interstate and Inter-unit correspondence is that mail between all individuals who are incarcerated either within the Arkansas Department of Correction or another facility. Interstate, and Inter-Unit correspondence of two (2) incarcerated individuals will be restricted to members of the immediate family. It will be subjected to the usual rules under general correspondence. Inter-unit correspondence must have the approval of both the sending and receiving unit/center Warden/Center Supervisor. In the case of Interstate correspondence where the out of state facility does not take a position, only the Arkansas Warden/Center Supervisor must approve. For the purposes of this provision VERIFIED "immediate family" is defined as the inmate's father, mother, sister, brother, spouse, children, grandparents, grandchildren, stepfamily members, half-siblings, verified foster child, son-in law, daughter-in-law, niece or nephew.

D. Definitions

1. Inspections: Mail or hobby craft packages can be opened in order to determine if any contraband items are contained therein and to remove any such contraband items.
2. Contraband: Any item that is not permitted under the usual rules of the unit/center.
3. Rejection: Subject to review and rejection of such material which the officials sincerely believe presents a clear and present danger to institutional security.

- E. The administrator reserves the right to inspect, read, or stop any mail or hobby craft packages where there is reason to believe a clear and present danger to the security of the unit/center exists.
- F. The Department will not accept postage due mail or hobby craft packages.
- G. All letters will be written in the English language unless there is approval by the Warden/Center Supervisor to do otherwise. All entries will be made in the inmates' electronic file.

- H. Violators of correspondence regulations will be subject to disciplinary action.



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ADMINISTRATIVE DIRECTIVE

SUBJECT: Computer Security Policy/Standard

NUMBER: 16-14

SUPERSEDES: 14-38

APPLICABILITY: All Employees

REFERENCE: AR 104 – Property Control **PAGE:** 1 of 4

APPROVED: Original Signed by Wendy Kelley **EFFECTIVE DATE:** 6/10/2016

I. POLICY:

To manage information and computing resources and ensure appropriate protection and security.

II. EXPLANATION:

It shall be the policy of the Arkansas Department of Correction (ADC) to manage information and computing resources as a corporate asset by ensuring appropriate protection and dissemination throughout their life cycles. Principles of this policy are:

- A. The purpose of the ADC's computing resources and infrastructure is to enable completion of the agency's mission.
- B. All information created by ADC work is an ADC asset. For purposes of this policy, the term 'information' encompasses data, information, and knowledge which are created, stored, accessed or transmitted using computing resources.
- C. Information handled by computer systems must be adequately protected against unauthorized disclosure or modification.

- D. ADC's information and computing assets are managed throughout their life cycles based on business needs, integrity, policy and regulations.
- E. ADC's information assets are made available at the users' desktop for legitimate business use, consistent with customer requirements.
- F. ADC attempts to use an affordable, distributed computing infrastructure to protect and disseminate its information assets.
- G. ADC will develop agency policy and requirements to ensure the adequate physical and electronic protection of agency information.

III. STANDARDS:

ADC IT management is responsible for developing ADC computer security policy and standards, with approval of the ADC Management Team. Through the Administration Services Director, the Agency Director will receive reports from the Information Systems Technology Department.

In general terms, ADC computer security policies will follow the applicable standards and policies published by DIS, or other authorized state-level computer security issuing entity.

Each authorized user of an ADC computer system will be assigned a unique personal identifier (user name) and password.

IT management will review this policy annually to ensure it is current.

IV. PASSWORDS:

- At a minimum, passwords must be changed every 90 days.
- Passwords shall be at least eight (8) characters in length and be a mixture of alpha and non-alpha characters.
- User passwords shall not be reused within six (6) password changes.

V. WARNING BANNER:

Warning banners are required on all access points. The banner shall warn authorized and unauthorized users:

- About what is considered the proper use of the system.
- That the system may be monitored to detect improper use and other illegal activity.
- That there is no expectation of privacy while using the system.
- Of the penalties for noncompliance.

VI. VIRUS SCANNING:

All computer workstations and servers attached to the state network shall have updated virus and spy ware protection software installed and enabled. At a minimum, virus definitions shall be updated weekly.

VII. PERSONNEL SECURITY:

IT management shall implement an ongoing IT security awareness program that communicates the IT security policy to each user and promotes a complete understanding of the importance of IT security. It should convey the message that IT security is to the benefit of the organization and all its employees, and that all employees are responsible for IT security.

IT management will ensure that IT support personnel, including contracted personnel, are subjected to an appropriate level of security clearance before they are hired, transferred or promoted, depending on the sensitivity of the position. An employee, who was not subjected to such a clearance when first hired, should not be placed in a sensitive position until a security clearance has been obtained.

IT management should maintain a record of individuals currently authorized to access sensitive information on the ADC network

IT management should ensure that operations and maintenance personnel, such as vendors or other service providers, have appropriate access to IT resources.

VIII. PHYSICAL SECURITY:

Management shall establish appropriate physical security safeguards and access controls to prevent unauthorized access to areas containing computer system hardware, network equipment, backup media, and other devices or physical elements required for proper operation of ADC computer systems.

At a minimum, Inmate accessible computers, thin clients, or other computing equipment shall NOT be installed or located in an office/area with a network accessible cable and/or a networked computer, printer, switch, modem or other communications related equipment. A lockbox for a network cable is not approved as an acceptable security mechanism. Inmate computer/devices may NOT be installed in an office with a lockbox secured network cable.

Computer/Computer Devices provided for Inmate Access shall be secured and labeled. This access is for inmate programming and not to prepare ADC material or work product.

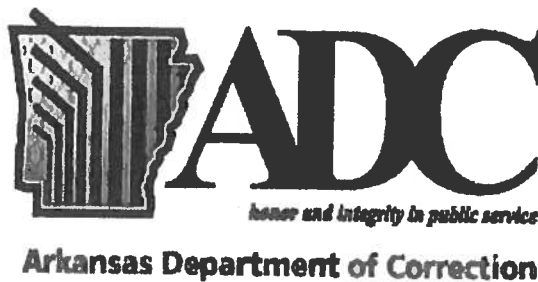
Reasonable measure will be taken to physically secure mobile computing devices such as laptops, PDAs, Pocket PCs, Smartphones, iPads, flash drives, etc., from access by unauthorized users.

Computers, terminals or other devices that provide access to sensitive data shall be configured to automatically lock the system after a maximum of 15 minutes of inactivity.

REFERENCES:

Act 751 of 2007 gives the Department of Information Systems the authority to define standards, policies and procedures to manage the information resources within the state.

In addition, Act 1042 of 2001 states that the Executive Chief Information Officer (DIS) oversees the development of information technology security policy for state agencies.



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ADMINISTRATIVE DIRECTIVE

SUBJECT: Administrative Leave

NUMBER: 16-18

SUPERSEDES: 13-23

APPLICABILITY: All Employees

REFERENCE: AR 225 Employee Conduct Standards **PAGE:** 1 of 3

APPROVED: Original signed by Wendy Kelley **EFFECTIVE DATE:** 6/10/2016

I. POLICY:

Employees of the Arkansas Department of Correction will be dealt with consistently and fairly when allegations and/or complaints have been alleged, while at the same time, ensuring that safety, security and good order is maintained throughout the Department.

II. EXPLANATION:

Based on the nature of the allegations, the Warden/Administrator may deem it necessary to place an employee away from the work place pending the results of administrative procedures.

III. DEFINITIONS:

Employee: A person regularly appointed or employed in a position of the Department of Correction for which a class, title, and pay grade is established in the agency's appropriation act.

Allegations/Complaint: A formal accusation or a formal charge.

Deadly Force: Any force that under the circumstances is readily capable of causing death or serious physical injury.

IV. PROCEDURES:

- A. Administrative Leave should only be utilized, as a last resort, by the Warden/Administrator when allegations and/or complaints have been filed or made known that will affect the good order and security of the institution. This includes felonies, misdemeanors, arrests, complaints, protective orders and indictments. The **Human Resources Administrator** must be notified when an employee is being placed on Administrative Leave. If the facts and circumstances of an allegation are not readily available, the task of investigating should be assigned/assumed by an employee suited to make an objective and unbiased determination of fact. This investigation should be completed within five (5) working days, when possible, beginning the day of notification of the allegation.
- B. If possible, the Warden/Administrator should consider alternative duties at their institution or another unit for the employee under investigation. In those sensitive positions where an employee's behavior reflects on their ability to perform the job, and where no alternate duties can be assigned, a Warden/ Administrator may have no alternative but to relieve an employee of duty, pending the outcome of an investigation.
- C. If no alternative is available, the Warden/Administrator will place the employee on leave for up to five (5) working days and will arrange to perform or have performed an internal investigation surrounding the circumstances. The leave will be administrative paid leave if the employee is found innocent of all allegations. If the employee is found guilty of all allegations, the leave will not be paid administrative leave. The employee will have the option of utilizing their annual, holiday, straight time or comp leave on the books if found guilty. If the investigation is not completed within five (5) working days, the Warden/Administrator via the Human Resource Administrator may make a written request to the Director to extend the leave with a copy to the appropriate Deputy/Assistant Director. The Director may grant an extension of administrative leave, approve a job reassignment of the employee until the investigation is completed, or deny the request.
- D. Following the completion of the investigation, the Warden/Administrator may:
 - 1. Return the employee to regular duty status.
 - 2. Return the employee to duty status but reassign to another post.
 - 3. Initiate disciplinary action in accordance with the administrative directive governing employee conduct standards.

- E. Employees of the Department of Correction involved in any serious incident where force has been used against another person or persons may be placed under Administrative Leave with pay status at the discretion of the Director. The Administrative Leave shall be until a time that the Director deems appropriate to return the employee to duty or after all documentation and investigations are complete.
- F. The Warden/Administrator will submit to the appropriate Deputy/Assistant Director a written report covering the results of the investigation and their decision on the employee's work status.
- G. An employee may not take or request Administrative Leave.



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ADMINISTRATIVE DIRECTIVE

SUBJECT: Use of Force

NUMBER: 16-19

SUPERSEDES: 15-18

REFERENCE: AR 409 Use of Force; AR 410 Use of Chemical Agents and Other Non-Lethal Weapons; AR 411 Use of Audio Visual Equipment; AD 2014-17 Electronic Control Devices;

APPLICABILITY: All Employees and Inmates

Page: 1 of 6

APPROVED: Original Signed by Wendy Kelley

EFFECTIVE DATE: 6/10/2016

I. POLICY:

The Arkansas Department of Correction will train all security personnel and others as designated by Administrative Directive or by the Director, in the permissible use of force to ensure that force is only used to the degree necessary to maintain order and discipline, and to ensure the safety of persons and the security of operations.

II. EXPLANATION:

The use of force is sometimes necessary in a correctional environment to maintain safety and security; therefore, the following procedures will be followed:

III. DEFINITIONS:

Deadly Force: Any force that under the circumstances is readily capable of causing death or serious physical injury.

Non-deadly Force: Any force that is not deadly.

IV. PROCEDURES:**A. Authorized Use of Non-deadly Force**

Non-deadly force may be used when necessary in order to restrain, maintain or regain control of an inmate(s) with a minimum of injury to staff, inmate(s) and others.

Non-deadly force is authorized for use in, but not limited to the following situations:

1. Preventing escapes
 - a. To prevent an inmate from escaping custody of the Arkansas Department of Correction.
 - b. To prevent any person from aiding or abetting the escape of an offender.
2. To prevent unauthorized entry into an institution, property, or work area by any person.
3. Protecting individuals

Employees may use force to protect themselves or any person from reasonably foreseeable injury by an inmate or others in the performance of their official duties.
4. Protection of property

An employee may use non-deadly force to prevent damage to property by an inmate or others if no alternative method of persuasion is effective.
5. Compelling compliance with orders

In ordinary day-to-day correctional situations, employees may use non-deadly force to compel an inmate to comply with lawful orders when other methods of persuasion are not effective and noncompliance jeopardizes safety and security of the institution.
6. Assisting other law enforcement agencies.

B. Levels of Force

Only that amount of force necessary shall be used to restrain, regain or maintain control of an inmate.

The level of force used by staff shall be directly related to the amount of force used by the inmate. Force shall not be used as a means of punishment.

C. Use of Chemical Agents and Other Control Devices

If the use of non-deadly force is authorized, chemical agents, irritants or other non-deadly control devices may be used.

1. Definitions:

- a. Chemical agents may be various types of agents or irritants, as approved for use by the Director or designee.
- b. Control devices such as less lethal munitions, batons, electronic restraints (i. e. Stun Shields, RACC belts, tasers, stun guns, or other electrical weapons).

2. Determination of Authorized Use:

- a. If circumstances allow, before any chemical agent/irritant or other control device is used, the subject shall be informed that these devices will be used unless he/she complies with orders.
- b. Only employees who have received training approved by the Arkansas Department of Correction Training Academy shall be permitted to use chemical agents/irritants or other control measures such as electronic control devices or restraints. This training shall include scenario-based training.
- c. For planned use of force, situations that are non-emergency in nature, chemical agents and/or electronic control devices or restraints are not to be utilized to manage inmates who are classified in eomis under health classification as a mental health code 3 or higher without first-consulting mental health staff.

- d. For planned use of force situations that are non-emergency in nature, chemical agents and/or electronic restraint devices are not to be utilized to manage inmates with known Coronary Artery Disease, implanted pacemaker or defibrillator, without first consulting medical staff.
- e. Electronic restraints or control devices are not to be utilized to manage pregnant inmates.
- f. Electronic control devices may not be used in situations when an inmate is restrained and non-combative or nonresistant. Justification for its use must be generally to restore control of the inmate. In other words, inmates must pose a physical threat to him/her or another person before use of electronic control devices are justified. Inmates who disobey direct orders in a non-violent, non-threatening manner shall not be subject to the use of electronic control devices.

D. Use of Deadly Force

- 1. The Director or designee may authorize an employee to carry firearm(s) in the course of employment duties.
- 2. No employee may carry a firearm until they have successfully completed firearms training and/or met annual certification standards as required by the Arkansas Department of Correction policy.
- 3. An employee may use deadly force only to:
 - a. Prevent foreseeable death or serious physical injury to any person, to include while authorized by the Director or Director's designee while assisting other law enforcement agencies designee.
 - b. Prevent escape
 - In fenced institutions, the employee may assume an escape is in progress if the inmate begins to climb over, go through, or crawl under the interior fence.
 - In non-fenced institutions or where no fence exists, including, but not limited to outside work crews and transporting of inmates, an employee may assume an escape is in progress when the inmate has left or

is attempting unauthorized leave of his/her assigned area.

Prior to the discharge of a firearm, the employee should, if time and circumstances allow, issue a loud and firm verbal warning directing the inmate to cease his/her actions and comply with orders. Warning shots are not required, but may be fired if it can be done safely and under circumstances where no person is at risk. If the inmate does not cease his/her actions, the employee may shoot to stop. Only non-deadly physical force may be used if the officer knows or reasonably should know that the escapee has been convicted of only a misdemeanor, or is a detainee, except to prevent reasonably foreseeable death or serious physical injury to any person.

NOTE: When any firearm is discharged, a Firearm Discharge report shall be completed.

E. Documentation

1. All instances of use of force against any person shall be reported in writing, using the appropriate incident reporting form(s), to the Warden/Center Supervisor as soon after the incident as is possible.
2. Every employee who uses or observes force being used against any person shall complete an incident report. Failure to document any such occurrence may result in disciplinary action against the employee.
3. All documentation of each use of force shall be entered into eOMIS by the appropriately trained personnel and properly referred before the completion of the shift.
4. All reports prepared concerning the use of force shall be retained for the amount of time prescribed in the Department's record retention policy. These reports may include, but are not limited to all inmate violation reports, medical reports, statements of witnesses, the summary and recommendations by the Warden/Center Supervisor.
5. Any Employee of the Department of Corrections involved in any serious incident where deadly force has been used against another

person or persons may be placed on Administrative Leave with pay status at the discretion of the Director. The leave shall continue until the Director deems appropriate to return the employee to duty

F. Use of Recording Equipment

1. The use of recording equipment is permitted to accurately record an incident in which force is employed.
2. The Warden/Center Supervisor of the unit/facility is responsible for the establishment of procedures for the use of audio-visual recording equipment.
3. Any recordings containing recorded use-of-force incidents will be labeled for identification and forwarded by the Warden/Center Supervisor to the appropriate Deputy/Assistant Director, along with all use of force reports and any other documentation. These recorded incidents will also be included in the unit's monthly serious incident report.
4. The Deputy/Assistant Director will review the reports of each incident, including recordings. The materials will then be forwarded to the Internal Affairs Division for review. The Compliance Administrator may review the reports and recordings with the permission of the Director. If the need for such procedure is determined by the Warden/Center Supervisor, Deputy/Assistant Director, or Director, Internal Affairs will follow its review with an investigation.
5. The entire report, including written material and recordings will be filed and maintained by the Internal Affairs Division.
6. Recordings containing use of force incidents must be kept on file for time prescribed in the Department's record retention policy. Appropriate Staff wishing to review these recordings must receive written approval by the appropriate Deputy/Assistant Director.



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ADMINISTRATIVE DIRECTIVE

SUBJECT: Punitive Segregation/Restriction

NUMBER: 16-20

SUPERSEDES: 16-04

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: 6/10/2016

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; nor does it negate required review by healthcare, classification, and other staff.

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.

E. Review of Punitive Segregation Status

1. No inmate shall remain in punitive segregation for more than one year unless he has been personally interviewed by the Warden at the end of one year. The Warden at this time will review the possibilities of a punitive reduction plan. At the end of the second and each additional year that an inmate remains in punitive segregation, he must be personally interviewed by both the Warden and the Deputy/Assistant Director, who will then determine whether continuation in that status is necessary and/or appropriate.