

# 2020



**DIVISION OF  
CORRECTION**



**March 2020**

# Inmate Handbook

## **Division of Correction**

# **Inmate Handbook**

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### **Mission Statement**

The mission of the Arkansas Division of Correction is to provide public safety by carrying out the mandates of the courts; provide a safe humane environment for staff and inmates; strengthen the work ethic through teaching of good habits; and provide opportunities for staff and inmates to improve spiritually, mentally, and physically.

### **Vision Statement**

The vision of the Arkansas Division of Correction is to be an honorable and professional organization through ethical and innovative leadership at all levels, providing cost efficient, superior correctional services that return productive people to the community.

### **Introduction**

The inmate handbook provides basic information about the ADC's policies and procedures. You are expected to follow all policies and rules. You are encouraged to seek clarification when you have questions or are unclear about something.

**\*The information in this handbook does not cover every possible situation, and it may not reflect recent changes in policy or procedure.**

ADC policies are available to you in your unit's law library. You should always refer to the most recent policy as policies are reviewed annually for potential updates. You should focus on re-entry from the day you arrive, as your actions will impact how you serve your time and whether you are better prepared upon your release.

### **Intake**

New inmates go through a diagnostic process called intake. During intake, inmates are given medical, mental health and academic examinations; court papers are reviewed; counselors gather information through interviews; program recommendations are made; a risk score is calculated; and a general orientation takes place. When possible, programming will begin during the intake period.

Intake generally takes about 3 to 5 days, but it can last longer. It is during intake that inmates can set up an account to purchase items from the unit commissary. Inmates cannot have visitors during intake, but you will have access to a portable phone for the PREA

hotline and legal calls if needed, otherwise, no telephone use while in the lockdown area of intake. Once you move into the intake step-down barracks, telephone use is allowed.

You will be photographed during intake. If your appearance changes at any time during your incarceration, a new photograph will be taken.

### **Inmate Statutory Responsibilities**

While in the custody of the Division of Correction, you must follow department policies and all state and federal laws, including the requirement to file income tax returns if you had taxable income during the tax year. If you are unable to file income tax returns, it is your responsibility to ask for assistance. If you receive an income tax refund check, the appropriate tax agency will be contacted for approval before the check is deposited into your account. Other legal obligations do not terminate due to incarceration. You are still required to fulfill certain financial/legal obligations such as child support during incarceration. However, you can petition the court that entered the order and request a modification of the obligation.

### **Veterans Benefits/Social Security Income and Tax Refunds**

If you are receiving Veterans benefits or Social Security Income, that agency determines whether to continue sending the benefits to you.

### **Initial Assignment**

After intake, inmates are transferred to a parent unit for their initial assignment. Exceptions for initial assignments may be made for health reasons, security concerns or program assignments. The initial assignment lasts a minimum of 60 days. Behavior, bed space, job availability, health and institutional needs dictate future assignments.

### **Transfers**

Any inmate may request a transfer to another ADC unit. The request must be in writing and given to your unit warden and/or classification officer and should be placed in the unit mail. The decision to transfer an inmate is based upon available bed space, institutional needs, security level and other factors.

### **Classification**

Inmates are classified in three ways: custody classification, good-time earning classification and medical classification. Custody classification is the result of scoring established criteria including crime, length of sentence, disciplinary record, prior violence, escape history and various other factors that determine risk to the public and risk within the institution. Custody classification is used

to determine which facilities an inmate can be assigned.

Good-time classification places inmates in Class I, II, III or IV status. Class I is the highest classification/class status an inmate can obtain and Class IV is the lowest class status. Class promotion is not automatic. It is up to you to earn Class I status and your class can be reduced because of disciplinary problems. Promotions in class status are decided by the Unit Classification Committee, which makes the decisions based on your past and current behavior and recommendations from your work supervisor and/or other staff. The classification committee also makes transfer decisions, housing and work assignment.

Meritorious good time is not a right that inmates are entitled to; it is awarded based on good behavior, outstanding work record and institutional adjustment.

**Class I** - an inmate in class I may receive a total of 30 days reduction of parole/transfer eligibility date for each month served.

**Class II** - an inmate in class II may receive a total of 20 days reduction of parole/transfer eligibility date for each month served. All inmates and parole violators will be placed in Class II status upon their arrival in ADC unless the inmate is being returned as the result of disciplinary action and has been reduced below Class II status. An offender released by the Parole Board may be reduced to this class by the Hearing Judge.

**Class III** - an inmate in class III may receive a total of 10 days reduction of parole/transfer eligibility for each month served.

**Class IV** - inmates in class IV do not receive good time. This class is generally referred to as “flat time” or “day-for-day”.

Meritorious good time may be given for being housed in a jail or similar secure facility while awaiting transfer to ADC, unless the sheriff or designee submits written objections to the award based on the prisoner’s behavior, discipline and conduct while awaiting transfer.

Healthcare professionals determine medical classifications and restrictions, which are considered in making work assignments.

### **Work Assignments**

The Unit Classification Committee or Officer will make all work assignments. Programming assignments are considered work assignments. All inmates who are medically able are expected to work and disciplinaries will be written for refusing a work assignment. ADC does not pay wages to inmates, nor does ADC charge for basic hygiene items, meals, laundry services, etc.

## **Unit Reassignments**

Any inmate may be assigned or reassigned to an appropriate unit because of poor institutional adjustment, disciplinary record, security concerns or institutional needs.

## **Promotion and Reclassification**

After completing your initial assignment, you may apply to your immediate supervisor for promotion or reclassification. Reclassification is not automatic, you must apply for consideration. Your immediate supervisor must recommend a promotion or reclassification. To be eligible for consideration, you must not be found guilty of a major rule violation for at least 60 days. If you receive a minor disciplinary, warning, reprimand or suspended sentence, you are not eligible for consideration for 30 days. If you are found guilty of a rule violation, you will not be eligible for consideration until the designated period has expired unless specifically approved by the Warden. **This period does not include time you spent in punitive.**

*Examples* below include:

<u>Infraction</u>	<u>Time</u>
• Escape or attempted escape	1 year
• Felonious battery	1 year
• Assault/battery of an employee or throwing any substance	1 year
• Homicide or attempted homicide	1 year
• Sexual activity	3 months
• Tobacco, drugs and alcohol	3 months

After receiving reclassification, you must not receive a disciplinary for at least 30 days before appearing before the Unit Classification Committee to ask for another reclassification.

## **Following Orders**

You must follow lawful orders. If you violate the rules either by failing to act (such as reporting for work on time) or by acting in ways that are contrary to the rules, you will be disciplined. Always follow the last instructions given by staff.

## **Living in a Prison Setting**

Your cooperation and attitude toward yourself, staff and other inmates, play an important role in how you will get along. The staff is here to help while making sure that order and safety are maintained in the institution. When talking to staff and other inmates, you are expected to use a respectful tone and words.

Rehabilitation is a word that you will hear a lot. It means a rebuilding of attitudes, values, work skills and education. The ADC provides many programs that can help you with the rebuilding process, and you are encouraged to take advantage of the services offered, including

substance abuse treatment, classes to assist with anger management, religious programs, re-entry programs, vocational, academic education and work programs. Seek out opportunities to improve your skills to be successful in the future.

### **Lights Out**

Normally, bedtime/lights out will be at 10:30 p.m. nightly. At that time, all televisions will be turned off. The Warden/Center Supervisor **may**, at his/her discretion, occasionally authorize special events beyond this time. At the discretion of the Warden/Center Supervisor, if you have an approved radio or MP4 Player with headphones, you may continue to listen after lights out. Radios and MP4 Players can be purchased through the commissary.

### **Cleanliness**

You are expected to be neat and clean, and the ADC provides the basic items necessary for good grooming. During intake, you are issued personal hygiene items and clothing, which will be laundered regularly and kept in good condition. You may buy additional grooming items from the commissary. You are encouraged to shower regularly. Barber or beautician services are available that comply with the ADC grooming policy.

Any time you leave your living area, you should be dressed properly. This means shoes, socks, pants, shirts and other apparel.

It is your responsibility to keep your living area clean and orderly. You will not attach anything to any walls, windows, ceiling or floor of the institution, whether you live in a barracks, cell or room. Your bed should be neatly made before leaving your living area.

### **Grooming Policy**

All inmates are expected to conform to the grooming policy. All inmates must maintain a hair style that is worn loose, clean and neatly combed. No styles are permitted that make it difficult to search the hair, including cornrows, braids, ponytails or dread locks. No inmates are permitted to wear or possess hairpieces, weaves or wigs. If an inmate chooses to maintain facial hair, it must be worn loose, clean and neatly combed. If an inmate chooses to maintain facial hair, the inmate will be required to shave so that his appearance without facial hair can be documented. Nails on hands and feet will be clipped so they will not extend beyond the tip of fingers or toes.

You must maintain standards of hygiene that do not create a health hazard, security issues or public nuisance. If your personal hygiene falls



below these standards, the Chief of Security may order steps to gain your compliance. Failure to abide by grooming standards is grounds for disciplinary action.

### **Fire/Safety Evacuation**

Each living area is equipped with an evacuation plan. It is your duty to become familiar with the evacuation plan.

### **Count**

For count to go as quickly as possible, you are expected to cooperate. **No** movement is allowed during count time.

Whenever count time is called, an Officer will explain what to do. If you are in your living quarters or work area, remain there unless directed otherwise by staff. Failure to cooperate will result in disciplinary action.

### **Searches/Shake Downs**

For everyone's protection, you, your personal property and your living quarters can be searched at any time. You do not have to be present during property or living quarter searches. You should not "hold" an item for another inmate, nor "pass" an item for another inmate as you are responsible for any item(s) found on you or in your area.

### **Property**

**Property is defined as:**

- 1. *Personal Property*** - items that are owned by you and are authorized to be retained on your person or in your living or storage area.
- 2. *State Issued Property*** - items that are issued to you by the institution and may be retained within a reasonable amount.

### **Property Transfer**

If you are transferred to another unit, your property will also be transferred. If there are excessive items or items not allowed at that unit, you may send the items home at your expense, have someone pick up the items at the unit, or authorize the destruction of the items.

When an emergency situation is declared, the department is not responsible for any property that is lost, stolen, damaged, consumed or discarded.

### **Contraband**

Any article not authorized nor issued to you as personal property or state property, nor purchased by you from the commissary, is considered contraband. Articles in excess of established limits, articles used for unauthorized purposes and/or articles in your possession in an

unauthorized area are considered contraband. Any item altered from its original state is also considered contraband. Possessing contraband is a rule violation and will result in disciplinary action.

### **Enemy Alert Lists**

If you request that another inmate be placed on your enemy alert list, the Chief of Security and the Warden will determine whether the alert is warranted. Staff cannot be placed on an inmate's enemy alert list, but a staff separation can be entered if determined necessary by the ADC.

### **Inmate Lockers/Locks**

When lockers are necessary, the ADC may provide them to you; however, at some facilities we may not. If lockers are provided, locks are available in the commissary. The lock's combination must be provided to the security office. The administration reserves the right to maintain access to all lockers. If the combination is not made available to the administration, entry will be made at your expense .

### **Prison Rape Elimination Act**

On Sept. 4, 2003, the Federal Prison Rape Elimination Act (PREA) was signed into law. It applies to all confinement institutions housing adult and juvenile offenders. **The Arkansas Division of Corrections has a "zero-tolerance" policy regarding the sexual abuse of inmates by staff or other inmates.** Speak up. Do not be a silent victim of sexual assault or rape. Sexual assault is not part of your sentence! If you have been sexually assaulted, feel you are being pressured into a sexual relationship, or feel you are being sexually harassed, you can tell any staff; write a letter to staff; file a grievance; and/or call the hotline on the Inmate Phone System, \*870267 and report this immediately. All calls will be reviewed. If you would like to report the abuse or harassment to an outside agency, you may call the Arkansas State Police Crime Hotline, toll-free on the inmate phone system. The number to call is \*9123#.

### ***Investigating allegation of sexual abuse***

Report the incident to staff immediately or either the Agency PREA hotline at \*870267 or the ASP Crime Hotline at \*9123#. An immediate referral will be made to Health Services for a physical examination and completion of a rape kit test. (Do not shower or clean yourself after the incident because it will interfere with the rape test results). A timely and thorough investigation will be conducted. Evidence will be collected and stored. To protect the victim, rape complaints will be restricted to those individuals who investigate, provide assistance, or prosecute. The victim will be placed in a safe place where he/she is not subject to retaliation. The unit's PREA Response Team will be notified and will assist the inmate. Statements will be taken from witnesses, and findings will be documented. The case may result in discipline and/or be referred

for criminal prosecution.

### **Tobacco Regulations**

You are not allowed to have any kind of tobacco products. If you are caught with tobacco, the appropriate disciplinary action will be taken against you for possessing contraband.

### **Inmate Grievance Procedure**

**Please note that this is just a summary of the Inmate Grievance Procedure. The Inmate Grievance Procedure is governed by the appropriate Administrative Directive and NOT this summary. All inmates will be provided access to the appropriate Administrative Directive that governs the Inmate Grievance Procedure.**

#### ***Step One: Informal Resolution Form***

The Unit Level Grievance Form (Attachment I) must be completed by the inmate within 15 days from the date of the incident with the date beside “Step One: Informal Resolution” filled in. If the inmate is alleging sexual assault, sexual misconduct/harassment by staff or physical abuse, then the inmate is not required to complete Step One, but should complete a Unit Level Grievance Form (Attachment I) with a date beside “Emergency Grievance” and present it to any staff, but preferably the designated Problem Solving Staff. PREA grievances are not subject to the 15-day time limit. Please also know that an inmate **cannot** grieve on behalf of another inmate.

An inmate presents the Unit Level Grievance Form (Attachment I) directly to a designated problem-solving staff. Only in the space provided, the inmate should write a brief statement that is specific to the complaint. Include the date, place, personnel involved and/or witnesses and how the policy or incident affected you. Additional sheets cannot be attached at any level of the process. However, additional sheets attached to PREA grievances will be maintained with the grievance.

The Problem Solver has 3 working days to resolve the issue at Step One, informal level. If the problem cannot be resolved at the informal level or if the Problem Solver does not respond within the allotted time, the inmate may proceed to Step Two, the formal grievance level, within 3 working days.

#### ***Step Two: Formal Grievance Procedure***

After attempting to resolve an issue through Step One, informal resolution, an inmate can proceed to Step Two, formal grievance, on the same Unit Level Grievance Form (Attachment I) that was used for Step One. The inmate should complete the date beside “Step Two: Formal Grievance” and the section regarding resubmission (of this form) as to why the inmate considers the informal resolution unsuccessful, and

deposit it into the designated grievance box; or submit it to a staff member if the inmate's assignment prevents access to the grievance box. If an inmate is unable to read or write, an officer, other staff or an inmate can help fill out the forms. Inmates are only allowed to submit three Step Two, formal grievances, each seven-day period that begins each Saturday and ends on Friday; unless an emergency exists. Once the grievance has been answered at the unit level, if the Inmate is not satisfied with the response given, the grievance can be appealed within 5 working days to the appropriate Chief Deputy/Deputy/Assistant Director. At that point, the inmate has exhausted his/her administrative remedies.

### ***Emergency Grievances***

Emergency grievances should not be declared for ordinary problems that are not of a serious nature. If the inmate believes the matter to be an emergency, he/she will fill in on the date beside "Emergency Grievance" on the Unit Level Grievance Form, (Attachment I) to designate an emergency. Staff will determine if an emergency does exist.

### **Food Service**

Every effort is made to provide, prepare and serve a variety of nutritious foods. Do not waste food. Three meals a day are served unless an inmate with a recognized medical condition is required to be served more often. On holidays, you might be served two meals; a late breakfast or brunch and a large holiday meal. If your religious practices prevent you from eating certain meats, nutritional substitutes are offered. A small sign indicating "Pork Free" is placed on the steam table indicating each food item that does not contain pork. A quiet, orderly, and timely demeanor will be maintained. After you are finished, you will immediately leave the kitchen area.

### ***Alternative Meal Service***

Any inmate may be placed on an alternative meal service if observed misusing food, serving trays, utensils or any items used to prepare, serve or package meals.

An alternative meal is a loaf-style form of nourishment designed to be eaten without the need for utensils. Water is the only beverage available with the alternative meal, unless the responsible facility health provider prescribes a substitute beverage for medical reasons. Alternative meal service will be for seven (7) consecutive days or 21 meals before the inmate returns to regular tray meal. The Unit Warden may reduce the number of alternative meals, if appropriate.

### **Telephone Use**

During set hours, you are allowed to make collect calls to people on your pre-approved telephone list. ***Three-way calling and call forwarding is not allowed. All calls except those to an attorney or a known outside rape counseling service, will be recorded and may be monitored.***

### **Emergency Messages**

The Chaplain or mental health office will notify you about family emergencies.

### **Personal Clothing**

The ADC provides uniforms, undergarments, a pair of shoes, soap, toothbrush, toothpaste, safety razor with blade, bath towels and feminine hygiene items. Seasonal items ***may*** also be provided such as a toboggan cap, jacket or coat and thermal underwear.

### **Jewelry**

Personal jewelry allowed includes one wristwatch, one plain metal ring or wedding band and one religious medal or emblem worn on your ID chain. The religious medal/emblem must be approved by the chaplain. The value of each item cannot exceed \$50. A wedding band can have a higher value, but you must sign a waiver of liability.

### **Photographs**

You may have up to five personal photographs that are not nude or sexually suggestive. Photographs cannot contain subject matter that is disruptive in nature or would threaten security or the good order of the institution. Digital pictures or images generated by a computer and xerox copies are considered to be photographs. Photographs may not be any larger than 8 1/2 X 11 inches. Such photographs may contain either single or multiple digital images/pictures. However, when digital images/pictures are cut from an 8 1/2 X 11-inch sheet, it will no longer be considered as one. Each image cut from the sheet will be counted as one of the inmate's five authorized photographs.

### **Major Disciplinary Process**

**The major disciplinary form will be used in filing major disciplinary reports against you. This form will inform you in writing of the details of the rule infractions.**

1. You will receive a copy of the major disciplinary report at least 24 hours prior to the major disciplinary court hearing.
2. At the time you are served the disciplinary report, if you want to call witnesses, this is the time to do it by giving the notifying officer the names of the individuals you wish to call. There may be a limit on

how many witnesses you can call. The Chief Security Officer at the unit determines this limit. **You will not be allowed to submit witness statements that you have gathered to the hearing officer.**

3. Unless your disciplinary is extended, it will expire after seven (7) business days (excluding weekends and holidays) from the date of the incident, the discovery of the incident (in cases where the incident was concealed from the staff), or the date the investigation has concluded. If your disciplinary is extended, you will be provided a copy of the extension form.
4. You will be allowed to be present at your hearing, but you will not be forced to attend. You may waive your appearance by signing a waiver form or failing to attend when disciplinary court is called. You cannot appeal if you waive your hearing.
5. The hearing will be conducted as follows:
  - a. When the hearing officer is ready to hear your case, you will be called into the room, and the hearing officer will identify any people present at the hearing for the record.
  - b. You will be informed of the specific charges against you and the possible consequences of a finding of guilt.
  - c. The hearing officer will read the disciplinary report to you and ask for your plea to each charge. There are only two acceptable pleas, "guilty" or "not guilty." Any plea other than these, or refusing to enter a plea, will be considered as a plea of not guilty.
  - d. You will be given an opportunity to make a statement on your behalf and present documentary evidence (other than witness statements).
  - e. You will then be required to leave the room while the hearing officer reads any confidential statements into the record, and considers the evidence.
  - f. After the hearing officer has reached a verdict, you will be called back into the hearing room and informed of his/her findings and the reason for them.
  - g. You will be advised of your right to appeal any or all guilty decisions of the hearing officer.
  - h. At this point, your hearing will end, and if you were found guilty, this will mark the beginning of any punishment assessed.

6. Within 24 hours you will be provided a copy or ISSR 100 (electronic generated disciplinary hearing results form) of the results of the hearing.
7. **Guilty verdict of Major Disciplinary will be published on the Department's website pursuant to a 2015 state law.**

### **Major Disciplinary Sanctions**

Major disciplinary sanctions are divided into three penalty classes, "A," "B" and "C." The disciplinary hearing officer may apply any or all of the sanctions from the penalty class of the most serious rule violated. The range of allowable sanctions is as follows:

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

## 2. Penalty Class “B”

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

## 3. Penalty Class “C”

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

\*In addition to any of other punishment authorized under the Inmate Disciplinary Manual Directive, the use of any commissary item in connection with the violation of any of these rules may result in the loss of the privilege to acquire that type of item for up to twelve (12) months.

### **Appeal of Major Disciplinary Action**

If you do not agree with the hearing officer’s decision, you may appeal that decision through the following process.

1. Complete a major disciplinary appeal form. This should be addressed



to the Warden/Center Supervisor of the unit/center where the incident occurred. You must submit this appeal in writing within 15 business days of the hearing.

2. The Warden/Center Supervisor has 30 business days from receipt of your appeal to respond. If you are serving punitive time as a result of the disciplinary and marked the box in the upper right corner of the form with an "X", then the Warden/Center Supervisor should respond in 10 business days, if possible.
3. If you are not satisfied with the Warden's/Center Supervisor's response, you have 15 business days to appeal to the Disciplinary Hearing Administrator in the Central Administrative Office. To appeal to the Hearing Administrator, you must submit the same disciplinary appeal form that was submitted to the Warden. Be sure to identify the disciplinary by date, time and charging person. Do not send your copy of your disciplinary report, hearing action sheets, or additional pages because copies of these are filed in the hearing administrator's office and are reviewed with your appeal. Any documentation submitted will not be returned.
4. The Disciplinary Hearing Administrator has thirty (30) business days from receipt of your appeal to respond.
5. If you disagree with the Hearing Administrator's response, you have 15 business days to appeal to the Director of the Department, who has thirty (30) business days to respond and whose decision will be the final step in the appeal process. Again, you submit the same disciplinary appeal form that was submitted to the Warden and the Disciplinary Hearing Officer.
6. A list of Major Disciplinary violations will be displayed for each inmate on the Department's website pursuant to a 2015 state law.

### **Minor Disciplinary Process**

**The minor disciplinary report is used to initiate the minor disciplinary process. The full due process considerations involved in the major disciplinary process do not apply to minor disciplinaries.**

1. The Minor Disciplinary Hearing Officer must hear the disciplinary within seven (7) business days of the incident, discovery of incident, or conclusion of an investigation.
2. You will be allowed to be present and to make a statement on your behalf.
3. After hearing the charges against you and your defense, the Minor

Disciplinary Hearing Officer will render his/her decision as to guilt or innocence and the appropriate action to be taken.

4. The findings of the Minor Disciplinary Hearing Officer may be appealed to the Chief of Security and his/her decision is final.

*Minor Disciplinary Sanctions*

The Minor Disciplinary Committee may take any or all of the following actions:

1. Warning, reprimand or excuse the inmate.
2. Revoke privileges for up to twenty (20) days.
3. Extra duty.

**Actions taken by the Minor Disciplinary Hearing Officer must not exceed 20 days.**

**Behavior Rules and Regulations**

The same rule violations apply to both major and minor disciplinarys. The following rules and regulations shall govern your behavior at all units and are found in the disciplinary policy in the unit library. Please note that some numbers are not in order as categories were combined, but historical information will be maintained. Numbers reserved for historical purposes are not listed in this Handbook. The **“bold”** words below indicate what should display on the ADC website (2015 state law requires a list and the dates) for major rule violations. In some instances it will be the category, but if words in the **specific rule violation are bolded, those words will display on the website.**

F-831-1		Arkansas Department of Correction	
		Unit	
<b>MAJOR DISCIPLINARY</b>		If the C.S.O. determines that the violation(s) described on this document are felonious, he/she must hand carry this document to the Warden who must immediately notify the Director.	
Inmate	ADC#	Assignment	
Class	Is Being Charged by	Title	
With Rule Violation(s)		Date and Time	
(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 Statements: No			
Inmate Signature			
C.S.O REVIEW:	Reduce	Dismiss	To Disc. Comf
	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)		Not Assigned	
ORIGINAL - File Copy		Color - Goldenrod	
COPY - Inmate		AL-1-9109	

**GROUP DISRUPTION CATEGORY**

<u>TYPE</u>	<u>PENALTY CLASS</u>
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**

<u>TYPE</u>	<u>PENALTY CLASS</u>
02-2. <b>Under the influence</b> of and/or any use of illegal drugs, alcohol, intoxicating chemicals or any medication in an unauthorized manner.	A
02-3. <b>Monetary Misconduct</b> —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. <b>Employment Misconduct</b> —Work Release inmates who quit a job without prior approval, get fired for misconduct, tardiness or shirking duties or fail to notify ADC staff when too ill to work.	C
02-5. <b>Unauthorized use of mail or telephone</b> , including passing unauthorized messages, three-way communication(s), calling on another's phone code, posing as another person and telephone communications with unauthorized persons.	B
02-11. Tattooing, piercing and <b>self-mutilation</b> intended to change oneself or another's appearance; this does not include attempts to commit suicide or injure oneself unless solely for manipulation—See Administrative Regulation 834, Procedure for Handling Alleged Disciplinary Infractions of Mentally Disordered Inmates.	B

<u>TYPE</u>		<u>PENALTY CLASS</u>
02-12.	<b>Failure to keep one's person or quarters</b> 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 <b>interfering with operations.</b>	B
02-15.	<b>Tampering with</b> or blocking any lock or <b>locking device.</b>	A
02-16.	<b>Refusal to submit to substance abuse testing.</b>	A
02-17.	Creating <b>unnecessary noise</b> , including disruptive or aggressive <b>play</b> in areas other than designated recreation areas.	C
02-20.	<b>Unauthorized communication</b> , contact or conduct with a visitor or any member of the public or staff.	B
02-21.	Running from, avoiding or otherwise <b>resisting apprehension.</b>	B
02-22.	<b>Interfering with</b> the taking of count.	B
03-3.	<b>Unexcused absence</b> from work/school assignment or other program activity.	B
03-5.	<b>Out of place of assignment.</b>	B
05-5.	<b>Provoking or agitating a fight.</b>	B
11-1.	<b>Insolence to a staff member.</b>	B
12-2.	<b>Refusal of job assignment</b> 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.	<b>Failure to obey</b> verbal and/or written <b>order(s)</b> of staff.	B
12-4.	<b>Refusing a direct verbal order</b> to leave or enter any area of the institution or ADC property including but not limited to a cell, barracks, chow hall, transportation or hallway.	A
13-2.	<b>Lying to a staff member</b> , including omissions and providing misinformation.	B
13-3.	<b>Malingering</b> , feigning an illness.	B

**BATTERY CATEGORY**

<u>TYPE</u>	<u>PENALTY CLASS</u>
04-4. <b>Battery</b> —Use of physical force upon staff.	A
04-5. <b>Aggravated Battery</b> - Use of a weapon in battery upon another person (not an inmate). This Rule violation may result in loss of all good time and the loss for one (1) calendar year of the privilege to purchase or possess any item which was used as a weapon.	A
04-8. <b>Battery</b> - Use of physical force upon an inmate.	A
04-17. <b>Throwing or attempt to throw substances</b> , known or unknown, toward or upon another person. Rule violation may result in loss of all good time.	A
04-18. <b>Aggravated Battery</b> upon inmate - Use of a weapon in a battery upon another inmate. Rule violation may result in the loss of all good time.	A

**ASSAULT CATEGORY**

<u>TYPE</u>	<u>PENALTY CLASS</u>
05-3. Assault - Any <b>threat(s) to inflict injury</b> upon another, directly or indirectly, verbally or in writing.	A
05-4. Making <b>sexual threat(s)</b> to another person, directly or indirectly, verbally or in writing.	A

**THEFT, DESTRUCTION OF PROPERTY OR EXTORTION CATEGORY**

<u>TYPE</u>	<u>PENALTY CLASS</u>
06-1. <b>Demanding/receiving money or favors</b> or anything of value in return for an offer/promise of protection from others, or to keep information secret.	A
07-1. <b>Unauthorized use of state property/supplies.</b>	B
07-4. <b>Theft or possession of stolen property.</b>	A
08-4. <b>Destruction</b> or intentional misplacement <b>of property</b> of another or the Department.	B
08-6. <b>Adulteration of any food(s) or drink(s)</b> with intent to harm others. Rule violation may result in the loss of all good time.	A
08-7. <b>Setting a fire</b> or destruction <b>or tampering with fire detection</b> or suppression device.	A

**POSSESSION/MANUFACTURE OF CONTRABAND CATEGORY**

<u>TYPE</u>	<u>PENALTY CLASS</u>
09-1. Possession/introduction of any firearm, ammunition, weapon, fireworks, explosive, unauthorized combustible substance or unauthorized tool. Rule violation may result in lost 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**

<u>TYPE</u>	<u>PENALTY CLASS</u>
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

<u>TYPE</u>	<u>PENALTY CLASS</u>
10-5. Masturbation in the presence of another inmate.	A
10-6. Engaging in non-abusive sexual activity with another.	A
10-7. Demanding sexual contact in trade or for protection from physical harm or mental anguish or other victimization.	A
04-10. <b>Rape or forced sexual act</b> with/on an inmate. Rule violation may result in the loss of all good time. (PREA)	A
04-19. <b>Rape or forced sexual act</b> 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

<u>TYPE</u>	<u>PENALTY CLASS</u>
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

<u>TYPE</u>	<u>PENALTY CLASS</u>
16-1. Escape or attempt to escape from custody of the Department of Correction; may result in the loss of all good time.	A
16-2. Failure to return from any approved activity or furlough at the designated time.	A

**Any felony is subject to criminal prosecution regardless of disciplinary action within the Arkansas Department of Corrections.**



## **Restrictive Housing**

It is the policy of the ADC to provide secure, safe housing to inmates who require a higher degree of physical control or who staff otherwise find necessary to remove from the general population of the facility. The policy is to limit the use of Restrictive Housing to the shortest period of time possible when it is used while maintaining a safe environment within the institution. Inmates in restrictive housing may be subject to more stringent living conditions and their privileges may be restricted.

## **Definitions**

**Administrative Status** - separation from the general population by the Classification Committee or other authorized authority when the continued presence of the inmate in the general population poses a direct threat to the safety of persons or a clear threat to the safe and secure operations of the facility. Inmates pending investigation by the unit or law enforcement, pending trial on a criminal act, pending disciplinary court review, or pending transfer also can be included. While this status may be restrictive housing, it is a temporary status and a release plan is not required while in this status.

**Restrictive Housing (RH)** - a placement that requires an inmate to be confined to a cell at least twenty-two (22) hours per day.

**Extended Restrictive Housing** - placement in housing that separates the inmate from contact with the general population while restricting an inmate to his/her cell for twenty-two (22) hours per day and for thirty (30) days or longer for the safe and secure operations of the facility. A 48-hour relief does not end Extended Restrictive Housing because the inmate is not returned to general population during this time.

**Protective Custody** - form of separation from the general population for inmates requesting or requiring protection from other inmates for reasons of health or safety. The classification committee reviews the inmate's status periodically. Inmates assigned to protective custody are not assigned to restrictive housing due to this status alone. Inmates placed in restrictive housing must be transferred out of restrictive housing within (3) business days when placement is due to protective custody status alone absent approval by the appropriate Deputy Director.

**Disciplinary Court Review (DCR)** - the confinement of an inmate in restrictive housing until a disciplinary hearing is completed due to an alleged disciplinary infraction.

**Release Plan** - the steps the inmate needs to take to be released to general population, which may include one or more of the following as examples: a certain number of disciplinary free days, completion of disciplinary sanctions, completion of anger management, thinking errors and/or step-down program.



**Step-Down Program** - a system of review that establishes criteria to prepare an inmate for transition from restrictive housing to general population or the community. A classification committee made up of a multidisciplinary team (medical, mental health, security and others determined by the Warden) will determine which individual inmates enter the program.

**Reentry Plan** - a pre-release assessment and plan that includes, at a minimum, a review of parole stipulations and program referrals, transportation to the inmate's closest commercial pick-up point, information on community services available in the area and information on how to reinstate voting rights upon discharge of their sentence.

### **Detainers**

A detainer is a hold placed on an inmate by a law enforcement agency that has charges pending against the inmate.

### **Interstate Compact**

Under the Interstate Compact agreement, an inmate can serve his/her Arkansas sentence in another state's correctional system but only under certain circumstances and only if both states agree.

Interstate Compact Inmates that are housed in the ADC for another state, cannot be awarded Class IA, IB nor ID or otherwise a class status that allows the inmate to work outside the confinements of the fence without armed supervision.

### **Medical Services**

#### ***Health Services***

If you have a medical or dental emergency, inform a correctional officer who will notify the Medical Department immediately for evaluation. If the problem is not an emergency, then a Health Services Sick Call request form must be submitted, which will be reviewed by the Medical Department within 24 hours, and an examination will be scheduled. ADC charges inmates a \$3 co-pay fee for any inmate-initiated request for medical or dental services. A \$3 fee is also charged for initial contact with health care services due to a fight, sports injury, or self-inflicted injury not associated with mental illness. No fee is charged for diagnosis and treatment of communicable disease; chronic care or other staff-initiated care, including follow-up and referral visits. See the Co-Pay policy for more details; no inmate will be denied medical care due to an inability to pay.

### ***Dental Services***

In addition to dental emergencies and routine and necessary examinations, treatment and cleanings are available. Dental prosthetics are provided if required for chewing food but will not be provided for cosmetic effect.

### ***Eye Examinations***

If you are having vision difficulty, submit a request for an examination to the Medical Department. If appropriate and needed, an optometrist will exam your eyes, and standard glasses will be provided if needed. You may be re-examined as provided in policy.

### **Program Services**

Inmates who would like to participate in any program should complete an inmate request form to the Program Coordinator and send the request via truck mail to that Program Coordinator.

### ***Inmate Tablet Program***

The Tablet Program is a low-cost monthly subscription service that gives friends and family members the opportunity to lease a tablet device for their loved ones serving time in prison. Inmates must meet eligibility requirements and follow established rules. The tablets allow incarcerated individuals the capability to listen to music, read books, play games and search for jobs. Inmates can also utilize the tablet to place phone calls (subject to all rules pertaining to the use of the inmate phone system).

### ***Sex Offenders Treatment***

The Reduction of Sexual Victimization Program (RSVP) is a treatment program for male inmates and Sex Offender Treatment (SOFT) is the treatment program for female sex offenders. Both focus on controlling compulsive sexual behaviors. Participation in the program is voluntary, but the Parole Board can require completion as a condition of early release.

### ***Act 309 Program***

Under the Act 309 Program, inmates who qualify may be assigned to county or city jail facilities. Inmates must be Class I eligible, have served a minimum of 6 months since admission to a parent unit with the ADC, be disciplinary free for 90 days, and be capable of abiding by the rules and regulations of the program. Inmates cannot have any undisposed felony detainers filed against them unless approved for transfer by the agency filing the detainer, and they must be within 45 months from their parole or transfer eligibility date. Any eligible inmate must exhibit a current medical classification commensurate with

expected work assignment. Prior to participation in the Act 309 Program, notification will be made to the sheriff of the county where the inmate was tried and convicted and the prosecuting attorney's office who convicted the inmate. Victim or victim's family notification shall be done by mail to the last known address supplied to the ADC. Some inmates are ineligible for the program due to their criminal or disciplinary history.

### ***Paws in Prison***

A training program for companion dogs through partnerships with rescue organizations and shelters. The program provides a safe, clean and humane environment for the care, custody, training and control of dogs to prepare the dogs for adoption in the local community. Each inmate wishing to participate must understand and agree to the goals of this program. Inmates shall not have been convicted of animal cruelty or abuse. Eligibility requirements are based in part on interest, training, positive attitude, length of sentence, criminal history and a positive institutional behavior pattern/adjustment. Inmates must be mentally and physically fit to assist in the care and training of an animal. Inmates associated with this program must comply with all Division of Correction rules and regulations. Any inmate participating in this program who abuses an animal will be issued a disciplinary and may face criminal prosecution. Any inmate participating in this program that encourages or attempts to instill in any dog aggressive or attack modes towards a person or animal will be removed immediately from the program, issued a disciplinary and the animal will be evaluated as soon as possibly by a free world trainer to determine whether it may continue in the program.

### ***Residential Programs Unit (RPU)***

The Residential Programs Unit is for inmates with serious mental or emotional problems that require residential treatment as recommended by the unit's mental health staff. The RPU provides intensive treatment and specialized assessment.

### ***Mental Health Services***

Inmates can receive individual and group outpatient treatment from psychologists, psychiatrists, social workers and counselors.

### ***Habilitation Program***

The Habilitation Program provides special management and treatment for developmentally disabled inmates.

### ***Substance Abuse Treatment Programs (TC and SATP)***

There are programs at several units that provide residential substance

abuse treatment. There are two programs: Therapeutic Community and Substance Abuse Treatment Program (TC and SATP) for inmates with substance abuse histories.

### ***Anger Management Treatment***

The Restrictive Housing (RH) Anger Management Treatment Program is a 12-week program designed to enable inmates to manage their anger and have positive interactions with staff members as well as other inmates. The program utilizes the Aggression Replacement Training (ART) Program as the main focus of treatment and Thinking for Change as a supplement. The program challenges inmates to recognize and change thinking and behavioral patterns that are affected by their anger.

### ***Think Legacy Program***

The ADC recognizes that the majority of inmates incarcerated will be released into the community either by discharging their sentence or on parole. In order to increase the potential for successful reintegration into the community, it is necessary that these inmate be provided certain programming and information. This program prepares inmates to reintegrate into the community.

### ***Reentry Planning***

A reentry plan will be reviewed with you. It will include a review of any parole board stipulations, the status of your medical coverage (Medicare, Medicaid, Insurance), housing and employment plans, and whether you have a valid driver's license or state identification card. You will be provided with a copy of your reentry plan, as well as copies of any program completions and certificates. You will also receive information regarding the reinstatement of your voting rights. If you are required to register as a sex offender, notification of your pending release will be sent to the Prosecuting Attorney pursuant to Act 973 of 2015.

### ***Driver's Licenses or State Identification Card***

Eligible inmates who are within one hundred eighty (180) days of release from custody of the Department of Corrections who has previously been issued an Arkansas identification card or an Arkansas Driver's License shall be issued an Arkansas Driver's License if the driving privileges of the eligible inmate are not suspended or revoked; or suspended or revoked solely as a result of an outstanding driver's license reinstatement fee imposed under the laws of this state. If issued, any fees for a replacement identification card or issued driver's license to an eligible inmate shall be waived. This is not applicable to a first-time issuance of a driver's license or identification card nor may it be

used to waive any documentation requirements for non-United States citizens. This also does not apply to a person with an expired driver's license.

### ***Work Release***

In the Work Release Program, inmates are housed in correctional facilities and may be employed in the community after competing their assignment to Regional Maintenance. From the wages they earn, the inmates partially reimburse the state for their care and custody. Inmates who have dependents must remit one-third of their net income or the amount that may be required by court order. The inmate will normally be allowed to spend up to an amount equal to the approved weekly commissary draw. The remaining balance will be deposited in the inmate's ADC account. Any disbursements out of this account must be approved by the Warden/Center Supervisor. The inmate may access the account upon his or her release from custody. Work Release inmates must be Class I-A eligible, must have a parole eligibility release date within 42 months or shorter as determined by the Director, have no major disciplinary infractions for a period of not less than 3 months immediately prior to application, must exhibit a current medical classification commensurate with expected work assignment, etc. Some inmates are ineligible for the program due to their criminal or disciplinary history.

### **Education**

#### ***Academic***

At the beginning of the 1997-1998 school year, academic education became mandatory for all inmates who do not have a high school diploma or General Education Development (GED) certificate. A full range of academic programs is available at most units, including special education programs for inmates who qualify. Summer school is provided at some units, and homebound educational services may be offered for inmates in restrictive housing. Inmates progress at their own pace and work toward their GED certificate. College courses are offered at some units.

#### ***Technical Certificate Courses***

Vocational courses available to inmates include Building and Grounds Maintenance/Facilities, Combination Welding, Computerized Accounting, Computer Application Technology, Cosmetology, Finish Carpentry & Cabinetry, Culinary Arts/Food Services, HVAC & Refrigeration, Horticulture, Landscape Design & Construction, Office Technology, Plumbing, Residential Carpentry, Residential Electricity, Small Engine Repair, Graphic Arts, Furniture, Upholstery, Welding & Fabrication and Workforce Logistics.

### ***Prison Industry Enhancement Certification Program***

A PIECP worker is an inmate who provides labor for a BJA Prison Industries Enhancement Certification Program (PIECP). He or she benefits from PIECP by receiving an opportunity for training and work experience. The inmate worker must voluntarily agree to participate in PIECP and meet eligibility requirements. ADC retains an amount of the inmate's earnings for operational fees. Earnings must also go into a savings account, to the Arkansas Crime Victims Reparation Fund, to the inmate's dependents and court-ordered child support, where applicable.

### **Religious Services**

#### ***Religious Activities***

Chaplains and volunteers provide religious services, pastoral counseling, study groups, revivals and other special events.

#### ***Religious medals***

One religious medal or emblem may be worn on an ID chain. A separate chain is not allowed. The religious medal or emblem cannot be larger than one and a half inches in length or width and no thicker than 1/8 of an inch. The medal/emblem must be received and approved through the chaplain's office. Approved medals/emblems must be listed on your inventory/property list, and if not, you may be disciplined for possession of contraband.

### **Mail Policy/Packages**

All of your incoming and outgoing mail may be read, except for privileged correspondence, which will be opened in your presence and inspected for contraband. This correspondence includes letters from attorneys; federal, state, and local court officials; any administrator of the Department of Correction, Parole Board, Board of Corrections and the media. If properly marked as privileged correspondence, it will be opened in front of you and inspected for contraband.

Outgoing mail must have your full name, return address, including your ADC number. Incoming mail and packages should have your full name and ADC number and you are limited to receiving only a black & white photocopy of the envelope and three pages.

Letters must be written in the English language unless there is approval from the Warden/Center Supervisor to communicate with family in another language.

The Department of Correction does not accept postage due mail or packages. Postage payment must be made in advance. 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.

### ***Types of Mail Allowed***

Your family, friends, officials and other significant community contacts can mail letters to you or send letters electronically with a minimum of interference consistent with the legitimate security needs of the facility. 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. Rejected electronic correspondence will be rejected in its entirety. Electronic correspondence will be considered general correspondence **only**. Incoming mail received containing contraband is returned to the sender in its entirety or destroyed.

**Your general correspondence is limited to three pages so that it can be photocopied along with one side of the envelope. Two sheets of 8 1/2 x 11 inches of copy paper will be provided to you that is a copy of the envelope and three pieces of the correspondence on the four-sides of the two sheets of copy paper. Only black and white copies will be made. No cards, larger-size paper or anything else will be manipulated to fit on the copy paper. Any general correspondence that exceeds these limits will be treated as contraband.**

Any books, magazines, newspapers or catalogs that you receive from the publisher, bookstore, educational institution or recognized commercial or charitable outlet will be rejected if it violates the publication policy. Payment must be made in advance. Publications are subject to review and may be refused/denied due to content. You will be advised of the reason if a publication is rejected.

If you have an authorized hobby craft card, you may order and receive items approved by the Warden or a designee. No other packages are allowed except with the approval of the Warden and the appropriate Assistant or Deputy Director. Packages that do not have prior approval will be returned to the sender. Packages will be searched.

### ***Inter-Unit Correspondence***

All inter-unit mail must have the approval of both the sending and receiving units. Mail between inmates of the ADC is restricted to members of the inmate's immediate family and is subject to the same rules as general correspondence.

## **Visitation**

### ***Approval of Visitors***

Everyone who plans to visit must fill out a Visitation Questionnaire. A criminal history check is done on all prospective visitors. It is the

inmate's responsibility to advise visitors of their approval and visitation days and times. It is the inmate's responsibility to notify the Warden/Center Supervisor/designee of any requested changes on the approved visitation list.

Children 12 years of age or younger may be allowed to visit only when accompanied by an adult.

Current ADC employees and contract employees (working in an ADC facility), shall not be approved for visitation unless, prior to their employment, they were immediate family members of the inmate. Former ADC employees and former contract employees shall not be approved for visitation for a period of three (3) years from their last date of employment unless, prior to their employment, they were immediate family members of the inmate. Waivers of the three (3) year period for former employees, contractors, interns or students may be Granted by the Warden if the employee left in good standing and is an Immediate family member and/or an attorney of record for the inmate.

### ***Visitation Schedule***

At most units, visitation is either on Saturday or Sunday. Your custody classification can determine if and when visitation is allowed. Each unit will have a schedule for visitation and you must notify your visitor (s).

Video visitation is also available at some facilities. Visitors must be listed on the inmate's approved phone or visitor list. Visitors must schedule all appointments at least 48 hours prior to start time. Visits are 30 minutes in length and will begin promptly at the start time. All visitation rules apply, including **dress code**. Visits are monitored by agency staff. Officers can terminate an active visit at any time. The recording or photographing of a video is prohibited. Violation of any visitation rules, including displaying sexual acts or other prohibited behavior on video visitation will also result in cancellation of all visitation privileges. As of January 1, 2018, the cost of a video visit is \$12.99 for 30 minutes. Attorneys may not use the ADC video visitation system. Visitors can contact Securus Customer Service at 877-578-3658 for technical assistance and billing questions. Please check with your Unit's Visitation Clerk for availability and scheduling.

### ***Special Visits/Visits Other Than on Regular Visitation Day***

If the Warden approves, visits may be allowed during the week or during weekend visitation for approved visitors who live more than 300 miles from your unit. Special visits, permitted during regular business hours, may be arranged with the Warden/Center Supervisor/designee



for attorneys of record and clergy. Special visits have to be arranged in advance, preferably 24 hours prior to the visit.

### ***Visitation Rules***

Four visitors are allowed during any one visit, including children. However, a spouse and all children, regardless of the number, may visit at the same time.

### ***Non-Contact Visitation***

Non-contact visitation, where a glass divider separates the inmate and visitor, is used at the discretion of the Warden for inmates in restrictive housing. Non-contact is the only form of visitation allowed for inmates assigned to the Varner Supermax Program.

### ***Visitation on Restrictive Housing***

Inmates on punitive status may be allowed visitation privileges unless there are substantial reasons for withholding such privileges. Visits will be conducted for two hours, once a month and scheduled at least 24 hours in advance. The Warden or designee must approve all such visits and will consider, among other factors, the following:

- a. Nature of rule violation.
- b. Further rule violations while housed on punitive status.
- c. Satisfactory cell inspection reports.

### ***Special Status/Assignment***

Inmates on special status/assignment (such as Restrictive Housing, Investigative Status and Mental Health) may be allowed to receive a visit, consistent with good security, as designated by the Warden/Center Supervisor or Assistant Warden. Death Row visits are held in accordance with the appropriate administrative directive.

## **Furloughs**

### ***Emergency Furloughs***

Emergency furloughs **may** be granted when there is a critical illness or death in immediate family on the inmate's approved visitation list to inmates eligible for meritorious furloughs.

### ***Meritorious Furloughs***

A meritorious furlough **may be** granted if you have maintained a status of Class I-A or I-B for one year, have not been sentenced to death or life without parole along with other criteria. The Unit Classification Committee must approve all meritorious furloughs.

Under state law, meritorious furloughs cannot be granted to inmates

sentenced for capital murder, murder in the first degree, kidnapping, stalking, rape, any other sexual offense or any offense concerning exploitation of children or the use of children in sexual performances. The sheriff of the county where an inmate will be staying during the furlough must be notified.

### ***Work Release Furloughs***

Work Release furloughs may be granted for one weekend a month to inmates participating in a Work Release program.

### ***Act 309 Furloughs***

If approved, Act 309 furloughs are to be taken on the weekend, not to exceed 48 hours and no more often than every 90 days.

No furlough will be granted during a holiday weekend.

### **Commissary**

Each unit has a commissary or some way to purchase items that are not normally provided by the ADC. The Board of Corrections sets the weekly limit of money allowed to be spent. A list of available items and purchase prices is provided at each commissary. Prices are subject to change.

### ***Indigent Program***

Criteria is as follows:

1. Be at the unit for 30 days.
2. Have less than \$10 on your account and have received less than \$10 on your account in the immediate preceding 30 days.

Indigent items are provided every 30 days. Requests will be filled on the last day of the month. If the inmate is eligible and has funds on account, entitlement will be reduced by the amount of funds.

The system **will not** let you have an item before the allotted time frame, not even one day early. The system cannot be backdated for unavailable items. Items will be issued to eligible inmates in the same manner as the unit's procedures for commissary. Eligible indigent inmates will shop on routine schedules with non-indigent inmates.

Indigent commissary lists will be filled according to availability and in the order they are received. Any outside money that the inmate receives while in the indigent program can go to pay for filing fees, legal postage or any other outstanding costs.

## **Money**

### ***Inmate Accounts***

Upon entering the ADC, an account will be set up for you to allow deposits of money while you are incarcerated. Your account will be charged for all purchases made through the commissary.

You cannot receive cash. Only money orders and government checks will be posted to your account. All money must be sent directly to Inmate Banking:

Arkansas Department of Corrections:  
Trust Fund Centralized Banking  
P.O. Box 8908  
Pine Bluff, AR 71611

Money orders should be made payable to the inmate's name and ADC number. A "Money Order Deposit Slip" must be completed and sent with each money order. Deposit slips are available online at the ADC Web site: [www.arkansas.gov/doc](http://www.arkansas.gov/doc).

Inmates also have access to the deposit slips at each unit and can forward them to family members.

Family and friends can also send money through the ADC Website or by phone at 1-866-250-7697. These methods require a credit card and involve a small processing fee.

You cannot ask your family to put money on another inmate's account. Trafficking and Trading is a rule violation and circumventing rules by having money put on another's account will result in disciplinary action and suspension of visitation and phone privileges.

### ***Disbursements***

Instructions on how to make disbursements from your inmate account are available from your unit's commissary manager or bookkeeper.

### ***Gate Money***

The ADC provides most inmates with money (debit cards) when they are released from ADC custody. The money is not provided to inmates being released to a detainer or to Work Release inmates unless the Director makes an exception. A portion of each gate check is retained until conditions of release are verified, and maybe used for a drivers license.

## **Marriage**

Inmate marriage requests are submitted to the unit Chaplain, who will schedule an interview so the necessary paperwork can begin. There is a 90-day waiting period that starts on the day of the inmate's interview with the Chaplain. The request is sent from the Chaplain to the Warden for approval. If the Warden approves the marriage request, a date is set for the ceremony. You must be Class I to submit a marriage request.

You, your family and friends, or another private source must pay all costs of the wedding, including transportation costs. Up to six guests may attend the ceremony. Their names must be provided in advance to the Warden, and all guests must be on your approved visitation list. The wedding couple will not be allowed to spend time together after the ceremony.

## **Law Library**

All units, except Work Release centers, have a law library that is open during set hours. The Compliance Office makes sure information available at unit law libraries are kept up to date.

## **Inmate Groups**

### ***Inmate Councils***

Some ADC units have an Inmate Council for inmates. If you are interested, information is available at your unit.

### ***Inmate Panels***

An inmate panel is a select group of inmates who appear before school groups, civic clubs and other organizations to discuss problems of crime and delinquency. Only inmates with outstanding institutional records will be considered for participation.

### ***Alcoholics Anonymous/Narcotics Anonymous***

At many units, community volunteers hold weekly meetings with inmates who indicate they have alcohol or drug problems.

## **Parole/Transfer and Pardons**

### ***Parole/Transfer***

Parole or transfer is early release from incarceration, and it is supervised and conditional. Since parole is a privilege and not a right, it may carry several conditions. An inmate can be required by the Parole Board to complete certain ADC programming such as Substance Abuse Treatment, Academic Education, Vocational Education, the Reduction

of Sexual Victimization Program or the Sex Offender Female Treatment Program before being released on parole. Because programs have waiting lists, you should request a program and not wait to be stipulated or you can delay your release.

If the conditions of release are not met or if you fail to follow the reporting schedule, parole can be revoked and you can be sent back to prison.

### ***Parole Eligibility/Transfer Eligibility Dates***

The records offices of the various units compute parole eligibility or transfer eligibility dates. All inmates, except those sentenced to life, life without parole, death or certain repeat offenders, can be eligible for parole/transfer at some point. Eligibility dates will depend on state laws concerning the crime, the sentence and good time. The eligibility date can change because of disciplinary action or additional convictions.

### ***Supervision of Parolees***

The Division of Correction does not supervise parolees. Supervision of parolees is provided by the Division of Community Correction.

### ***Pardons & Commutations***

Pardons and Commutations are granted by the Governor and are used to restore rights that may have been lost because of a criminal conviction. An application for pardon can be obtained from an Institutional Release Officer (IRO).

### **Executive Clemency**

You may also apply to the Governor for a commutation, which can reduce the length of your sentence. Eligibility criteria for the various forms of executive clemency are listed on the application that you may request from your Unit IRO. Once an application is submitted for screening and/or consideration, the process cannot be interrupted. The following are examples of grounds upon which an application may be filed: (1) to correct an injustice which may have occurred during the person's trial; (2) life threatening medical condition (also see Ark. Code Ann. §12-29-404) (3) to reduce an excessive sentence); or (4) the person's institutional adjustment has been exemplary, and the ends of justice have been achieved. Any person who files for clemency and is denied by the Governor shall not be eligible to reapply for a period of four (4) years from the date of application. If the applicant is serving a life sentence without parole for a crime other than Capital Murder, they will not be eligible to reapply for six (6) years from the date of denial. If an applicant is serving a sentence of life without parole for a

conviction of Capital Murder, they will not be eligible to reapply for eight (8) years from the date of denial. However, a person who is denied by the Governor, can petition the Board for a waiver of the waiting period.

### **Emergency Powers Act (EPA)**

The Emergency Powers Act gives the Board of Corrections the authority to declare a prison-overcrowding emergency and to move parole/transfer eligibility dates forward by up to 90 days for eligible inmates. Even if the EPA is in effect, the Parole Board must still approve inmates for parole, and an approved parole plan must exist prior to release.

Under an expanded version of the EPA, inmates convicted of a nonviolent offense (except for those sentenced under Act 1326), who are Class I or Class II, have been in the ADC system for at least six months, and do not have violent disciplinary histories may be eligible for release up to one year early.

### **Legal Assistance**

There are two licensed Arkansas attorneys to assist with legal advice and explanations of court documents. The attorneys *cannot* represent inmates in lawsuits against the Department of Corrections or its employees or on matters concerning criminal convictions. However, they can represent inmates in certain divorce and Department of Human Services matters.

### **Supermax**

All inmates transferred to the Varner Supermax Program will have a due process hearing. This hearing requires a 24-hour advance notice to the inmate. The sending unit may recommend that an inmate be transferred to the Supermax for any of the following:

1. Escape from inside a secure facility.
2. Assault on staff resulting in injury.
3. Assault on another inmate with a weapon.
4. Disciplinary conviction for a violent felony.
5. Other reasons that the Warden believes may constitute a serious threat to the security and good order of the institution.

### ***Transfer Appeals***

The committee's decision to transfer an inmate to the Supermax Program may be appealed to the Chief Deputy Director/Deputy Director

within 15 days after the inmate receives a copy of the decision.

***Varner Supermax Program Rules***

The Varner Supermax has a separate handbook that is issued to inmates who are assigned to that program.

**WARNING**

**\*Synthetic drugs (i.e. spice, bath salts, K2, Molly to name a few) are legally sold as incense, but are not intended for human consumption, as they produce a high similar to the one felt after using marijuana, amphetamines or LSD. When these drugs are produced, each batch can contain different chemicals that are likely to produce effects that are life-threatening and could cause death. The possession and use of these drugs will not be tolerated, and you will be subject to disciplinary action and criminal prosecution.**

