



ARKANSAS DEPARTMENT OF CORRECTIONS
Division of Correction – Director’s Office

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ADMINISTRATIVE DIRECTIVE

SUBJECT: Punitive Housing/Restriction

NUMBER: 2020-12

SUPERSEDES: 19-27

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

REFERENCE: AR 839 – Punitive Segregation

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APPROVED: Original signed by Director Dexter Payne

EFFECTIVE DATE: 12/4/2020

I. POLICY

It shall be the policy of the Arkansas Division of Correction (ADC) 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. This policy applies to both punitive isolation and the punitive restriction 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. PURPOSE

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

III. DEFINITIONS

Punitive Housing. A separate housing used for inmates, who have been found guilty of a disciplinary violation.

Punitive Restriction. A status assignment for inmates who have received punitive housing as a sanction, but are not being housed in an isolation area.

48 Hour Relief. An inmate in punitive housing will receive a 48 hour period after each 30 days of being housed in punitive housing, unless the inmate is released to another area.

IV. PROCEDURES

A. Restrictions and/or Conditions of Confinement

When an inmate is found guilty of a major infraction of institutional rules and punitive housing time is imposed; the inmate may be placed in punitive housing or placed on punitive restriction and be subject to the limitations of that assignment. Any exception or deviation from this policy must be authorized by the Director.

1. Mail. Inmates in punitive housing or on punitive restriction 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 housing or on punitive restriction. 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 housing or on punitive restriction 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 housing or on punitive restriction.

- c. Satisfactory cell inspection reports.
 - d. 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 housing or on punitive restriction 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.
 - d. Inmates on restricted recreation will remain in restraints during these periods, but may exercise in the punitive housing cell.
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 shall not exceed ten dollars (\$10.00). 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 housing 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. Male inmates in punitive housing 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 and shower a minimum of three (3) times per 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 housing for twenty (20) 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 housing are not allowed personal property; thereby, personal property will be inventoried in accordance with appropriate policy addressing inmate property control. While in punitive housing, inmates will only be allowed to have the following items, contingent upon security considerations.
- 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 (Bible, Koran, etc.)
 - b. Soap, Dental Hygiene Items, Wash Cloth
 - c. Self-improvement Reading Materials Provided by Treatment Services (one)
 - d. Comb (no pick)
 - e. Deodorant
 - f. Sanitary Napkins (females)
 - g. Paper
 - h. Flex pen
 - i. Stamped Envelopes/Legal Envelopes
 - j. Shampoo/Conditioner (female inmates only)
 - k. Consumable items (during forty-eight (48) hour relief only)
 - l. Medications as authorized in Paragraph #18
 - m. Toilet paper (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 will not be allowed to participate in group religious activities. A religious leader approved by the ADC will be available upon request for one-on-one visits, at the inmate's cell, subject to approval by the Warden. A Division chaplain must make rounds in punitive housing 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 housing or on punitive restriction will not earn good time.
13. Work Assignment. Inmates in will not have work assignments.
14. Library. Inmates in will not have regular library privileges.
15. Program Activities. Inmates will not be allowed to participate in group program activities (Inmate Council, SATP, Education, Movies, etc.).
16. Clothing. Inmates in 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. Envelopes, Paper and Pen. Inmates will be allowed to purchase envelopes, flex pens and/or paper through the commissary at least once monthly or more often if a need is documented and validated. The Restricted Housing 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 punitive isolation and daily rounds will be made in punitive housing areas by medical staff. 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 and pill call will be held as often as required by the medical staff. 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 punitive housing 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. Mental Health Counseling. Mental health counseling may be coordinated between mental health personnel and the Warden. A division mental health counselor must make rounds in punitive housing areas 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 restrictive/punitive housing during normal working hours before leaving the unit and assess the inmate utilizing the Restricted Housing 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 mental health policy. Documentation must be placed in the electronic health record.

22. Cleanliness/Grooming. Inmates are expected to comply with the ADC's policy concerning personal cleanliness and grooming for inmates. If an inmate's personal cleanliness and/or grooming falls below ADC'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 housing at least once per week. In addition, the Duty Warden will

visit punitive isolation 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 restrictive housing cells on punitive are searched on a non-regular basis at least three times a week and documented.
4. A log is kept on all movement of inmates on punitive housing status.
5. Each cell is checked by an officer twice an hour and no more than 40 minutes apart. Officers will note if the inmate is complying with the Division cleanliness and/or grooming standards. Likewise, each cell will be checked to make certain it is clean and sanitary. If the condition of the inmate or the cell is not in compliance with ADC 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 housing and under "Treatment Precaution," (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 ADC's cleanliness and sanitation standards.

6. An inmate, who received punitive time while in general population can only be housed in the same cell as an inmate who also received punitive time while in general population.

C. Periods of Confinement

1. Inmates may be confined to punitive housing due to a pending disciplinary. Inmates serving punitive housing that exceeds thirty days will receive a forty-eight (48) hour relief at the end of each thirty (30) days of punitive housing assignment. Inmate privileges as previously

outlined in this policy will be restored during the forty-eight (48) hour relief period. 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 or 09-15. Commissary purchases up to \$10.00 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. Inmates on 48 hour relief are only allowed to receive property that is allowed in Restrictive Housing.

2. Inmates may be released from punitive housing 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. Inmates on punitive restriction will have a work assignment and will be required to work on their assigned job. Inmates may have their privileges restored prior to the completion of their punitive sentence only with the authorization of the Warden or designee.

Inmates serving consecutive punitive restrictions will not receive a forty-eight (48) hour relief at the end of each thirty (30) day period; however, the inmate may purchase personal hygiene items and legal supplies up to \$10 per week on their regular commissary day.

2. Inmates working on their assignments without additional disciplinarys 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.

E. Review of Punitive Housing Status

1. No inmate shall remain in punitive housing for more than one year unless 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 housing, he/she 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.