

# ARKANSAS REGISTER

## Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State

**Mark Martin**

500 Woodlane, Suite 026

Little Rock, Arkansas 72201-1094

(501) 682-5070

[www.sos.arkansas.gov](http://www.sos.arkansas.gov)



For Office

Use Only:

Effective Date \_\_\_\_\_ Code Number \_\_\_\_\_

Name of Agency \_\_\_\_\_

Department \_\_\_\_\_

Contact \_\_\_\_\_ E-mail \_\_\_\_\_ Phone \_\_\_\_\_

Statutory Authority for Promulgating Rules \_\_\_\_\_

Rule Title: \_\_\_\_\_

### Intended Effective Date

(Check One)

Date

☐

Emergency (ACA 25-15-204)

Legal Notice Published ..... \_\_\_\_\_

☐

10 Days After Filing (ACA 25-15-204)

Final Date for Public Comment ..... \_\_\_\_\_

☐

Other \_\_\_\_\_

(Must be more than 10 days after filing date.)

Reviewed by Legislative Council ..... \_\_\_\_\_

Adopted by State Agency ..... \_\_\_\_\_

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Contact Person

E-mail Address

Date

## CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted  
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)


Signature

Phone Number

E-mail Address

Title

Date

 <div style="text-align: center;"> <b>ADMINISTRATIVE RULES</b>   <b>STATE OF ARKANSAS</b>   <b>BOARD OF CORRECTIONS</b> </div>	<b>Section Number:</b>  <div style="text-align: center;"><b>409</b></div>	<b>Page Number:</b>  <div style="text-align: center;"><b>1 of 3</b></div>
	<b>Board Approval Date:</b>  <div style="text-align: center;"><b>9/24/96</b></div>	
	<b>Supersedes:</b> <div style="text-align: center;"><b>AR 409</b></div>	<b>Dated:</b> <div style="text-align: center;"><b>2/23/80</b></div>
	<b>Reference:</b>	<b>Effective Date:</b> <div style="text-align: center;">10/7/96</div>
<b>SUBJECT: Use of Force</b>		

**I. AUTHORITY:**

The Board of Correction and Community Punishment (BCCP) is vested with the authority to promulgate this administrative rule by Ark. Code Ann. ss 12-27-105. (Michie Supp. 1995)

**II. PURPOSE:**

To provide personnel with guidance regarding the use of force.

**III. APPLICABILITY:**

Department of Correction employees and inmates.

**IV. DEFINITIONS:**

- A. Force: A directed movement or overt action with or without weapons or devices, with the intention of restraining, regaining, or maintaining control of an inmate or inmates.
- B. Non-Deadly Force: Force that, under normal circumstances, will not result in death or serious bodily injury.
- C. Deadly Force: Any force that under the circumstances is readily capable of causing death or serious physical injury.
- D. Inmate: Any individual in the custody of the Department of Correction.

**V. POLICY:**

- A. The Board of Correction and Community Punishment authorizes the use of force only to the extent necessary to maintain order and discipline, and to ensure the safety of persons and the security of operations.
- B. Force may be used to restrain, regain, or maintain control of an inmate or inmates. Employees shall use the minimum amount of force necessary to control the situation.

- C. Force may also be used to prevent unauthorized entry into an institution, property, or work area by any person.
- D. Force shall never be used as a means of punishment.

## **VI. PROCEDURES:**

### **A. Authorized Levels of Force:**

- 1. Force may be used only when necessary to restrain, maintain, or regain control of an inmate or inmates with a minimum of injury to staff, inmate(s), and others.
- 2. The employee must respond with a level of force necessary to control the situation. As inmate(s)' resistance or force increases or decreases, the amount of force used by the employee should also increase or decrease to a point where control is obtained.
- 3. The levels of force may include, but are not limited to, the following:
  - a. An officer's presence;
  - b. Use of chemical agents, irritants or control devices;
  - c. Non-deadly physical force;
  - d. Deadly force; or
  - e. Force otherwise authorized by the Director or his designee.

### **B. Authorized Use of Force:**

- 1. Use of approved chemical agents, irritants and other approved control devices are authorized if the use of non-deadly force is necessary. Only employees who have received training approved by the Department of Correction Training Academy shall be permitted to use chemical agents or other control devices.
- 2. Non-deadly force may be used in, but not limited to, the following situations:
  - a. Preventing escape;
  - b. Preventing injury, including self-injury, to any person;
  - c. Preventing damage to property;
  - d. Preventing the commission of a felony; or,
  - e. Maintaining order, discipline and compliance with orders.

C. Deadly force may be used in the following situations:

1. Prevent the escape of an inmate unless the correctional officer knows or reasonably should know that the prisoner is charged with or has been convicted of only a misdemeanor, in which case only non-deadly physical force may be used.
2. To protect any person from death or serious physical injury.

D. Reporting Procedures/Requirements:

Specific reports of the use of force are required by Administrative Rules, Administrative Directives, and Unit Standard Operating Procedures.

E. Training:

Training in the use of force is mandatory for all correctional officers and those employees designated by Administrative Directives and Standard Operating Procedures.

**VII. REFERENCES:**

Ark. Code Ann. §§ 5-2-613.

**VIII. STANDARDS:**

American Correctional Association Standards 2-2173 through 2-2176, 2-3158 and 2-3159.

AR409  
960826