

# ARKANSAS REGISTER

## Transmittal Sheet

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



Secretary of State

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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 \_\_\_\_\_ Reviewed by Legislative Council ..... \_\_\_\_\_  
(Must be more than 10 days after filing date.)

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> <b>AR 212 DOC</b> <b>AR 3.9 DCP</b>	<b>Page Number:</b> <b>1 of 2</b>
	<b>Board Approval Date:</b>  <b>2/17/94</b>	
	<b>Supersedes:</b> <b>DOC 212</b> <b>DCP 3.9 Emerg.</b>	<b>Dated:</b> <b>11/29/79</b> <b>1/19/94</b>
	<b>Reference:</b>	<b>Effective Date:</b> <b>3/10/94</b>
<b>SUBJECT: Searches of Employees and Permission to Search Employee's Living Quarters on State Property</b>		

**I. AUTHORITY:**

The Board of Correction and Community Punishment is vested with the authority to promulgate Administrative Rules by Act 50 of 1968, Extraordinary Session, as amended; Acts 548 and 549 of 1993, Regular Session (Ark. Code Ann. § 16-93-1203 and 12-27-105 of 1993).

**II. PURPOSE:**

To describe the search procedures.

**III. APPLICABILITY:**

To all employees.

**IV. POLICY:**

To ensure the security of a correctional facility, a search of any of its employees or living quarters on state property, if applicable, may be conducted at any time.

**V. PROCEDURES:**

- A. Employees must be advised in writing by the Warden/Center Supervisor/Administrator that searches of them or their living quarters on state property, if applicable, are a condition of coming onto or leaving the grounds of a facility to work. A complete report of such searches shall be made to the Warden/Center Supervisor/Administrator.
- B. If an employee refuses to cooperate in such a search, the Warden/Center Supervisor/Administrator is to be notified immediately. He, in turn, will render a decision as to whether or not the employee refusing to be searched is to be relieved of duty, pending disposition of the matter.
- C. All facilities shall have the standard Waiver and Consent Form - a copy of which is attached signed by all employees as a condition of their employment. Completed forms will be retained in the employee's facility personnel folder.

WAIVER AND CONSENT TO SEARCH  
EMPLOYEES WORKING OR LIVING  
ON STATE PROPERTY

I, \_\_\_\_\_, having been informed that the rules of this facility, as approved by the Department of Correction/Community Punishment and the laws of the State of Arkansas, prohibit individuals from possessing certain materials, objects and items while on state property, if applicable, and having full knowledge that the mere possession of these certain items is contrary to law, do hereby and herewith consent to the search, under reasonable circumstances, of my living quarters and my person by the Chief Administrative Officer of the facility or his or her designee.

I do hereby grant permission to search my living quarters, if applicable, at any time. I further understand, however, that the said authorities will, whenever possible, search my living quarters in my presence, except in emergencies, or if the Director has reason to believe that there has taken place a serious breach of institutional rules or the laws of the State of Arkansas.

I further agree to a semi-annual maintenance inspection for the purpose of inspecting the general maintenance and housekeeping of my quarters, and for the purpose of fire prevention.

Being fully aware of my constitutional rights and of my rights and obligations as an employee, I do hereby waive any rights I may have, and voluntarily and of my own free will, consent to a search of my clothes and person immediately prior to or subject to, or while I am on duty as such employee, or at any time that I shall be present on the property of the Department of Correction/Community Punishment.

I further agree that this consent for permission is a condition of my being allowed to live and/or work on state property.

Before signing, I have been informed that the purpose of these inspections and any searches are for the protection and the safety of all persons living on state property, if applicable.

I fully understand what I am signing and I do so freely and willingly.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE