

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 _____

(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;"> ADMINISTRATIVE RULES STATE OF ARKANSAS BOARD OF CORRECTIONS </div>	Section Number: ADC 883 DCP 7.28	Page Number: 1 of 3
	Board Approval Date: 2/17/94	
	Supersedes: ADC 883 DCP 7.28	Dated: 3/30/90 1/19/94
	Reference:	Effective Date: 3/10/94
SUBJECT: Chaplaincy Services		

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. ss 16-93-1203 and 12-27-105 of 1993).

II. PURPOSE:

To establish access to religious ministers and materials, and to ensure opportunities for the practice of religion within the Department.

III. APPLICABILITY:

This Administrative Rule applies to all staff and offenders of the Department, all ministers and volunteers carrying out their ministry inside the Department, and any spiritual advisor or minister providing ongoing linkage between a religious group and an offender of the Department.

IV. DEFINITIONS:

- A. Religion: A set of beliefs and corresponding practices based on sacred writings, and/or having historically established support, which play a central role in the everyday life of a recognizable and cohesive group in society.
- B. Minister: An individual ordained or otherwise recognized, according to the precepts of the religion represented, qualified to teach religious precepts, provide spiritual counsel, and conduct religious services.
- C. Volunteer: An individual having the approval of a religious group or authority, approved through the procedures of the Department, and trained in applicable rules and expectations of conduct to be followed inside the Department, who provides for, or assists in providing for, the religious needs of offenders.
- D. Restrictions: Generally diminished rights consistent with incarceration and specific limitations on religious conduct deemed necessary to meet legitimate penological interests.

- E. Offenders: Persons sentenced to the Department of Correction or persons sentenced to the Department of Correction for judicial transfer to the Department of Community Punishment or confined in a community punishment center as a condition of probation, suspended imposition of sentence or post prison transfer.

V. POLICY:

It is the policy of the Department to allow offenders access to the opportunities and means to learn about religions and to practice a religion of choice, without undue restriction.

VI. PROCEDURES:

- A. Chaplaincy services shall establish and review annually a policy and procedures manual guiding ministers and volunteers regarding religious practices within the Department.
- B. Any restrictions to be placed on the practice of religion will be approved by an ad hoc committee comprised of the Director's staff and the Administrator of Chaplaincy Services. A representative of the affected religion will be afforded the opportunity to present the case against the restriction. The committee will make a recommendation for the approval of the Director.
- C. Wherever restrictions are necessary, the least severe acceptable restriction will be used, and a substantive equivalent, if available and not imposing an undue burden on Department officials, will be provided for the restricted activity.
- D. Any religious activity which involves inflammatory statements about the characteristics, beliefs practices of another group, threats against the order and safety of the facility, or instigation of conflict among the group members which compromises the safety of the group or the safety of others may be curtailed immediately with the approval of the senior security officer on duty.
- E. Restrictions of religious practice may be placed on clearly defined groups of offenders, based on their security status and the breach of security that allowing those practices would entail. Such restrictions shall apply evenly to all offenders of the same security status. And, where consistent with good security, alternative opportunities for the practice of religion shall be afforded.
- F. The Department shall show no favoritism toward, nor selectively impose restrictions against, a particular religion. However, the burden for demonstrating that an unusual, illogical or unorthodox set of practices does have scriptural, historical and consensual validity as a religion, is placed upon the offender.
- G. Participation in religious activities shall be voluntary. Participation in some activities may be restricted, where canon law or the tenets of the religion demand such restriction. Any restrictions imposed must be registered with the Administrator of Chaplaincy Services or appropriate staff and have prior approval.

- H. Fasts or dietetic restrictions are permitted. Additional or substitutional food items require prior approval through the Administrator of Chaplaincy Services or appropriate staff. Food or beverage items that would otherwise be contraband must have prior approval of the Director. Blanket approval may be given and rules set by the Administrator of Chaplaincy Services or appropriate staff.
- I. The Department shall not furnish religious materials. Access to purchased or donated religious materials may be arranged through the Administrator of Chaplaincy Services or appropriate staff, in consultation with the appropriate Deputy or Assistant Director.
- J. Application for approval of visits by spiritual advisors should follow normal visitation procedures. Special visits should be channeled through the senior chaplain of the facility who will make a recommendation to the warden/center supervisor.
- K. Notification to offenders of family emergencies and notification to families of offender mishaps shall involve the Chaplaincy Services.

VII. REFERENCES:

ACA Standard 3-4459; 3-4460; 3-4461; 3-4300.
Act 8 of 1988.
Act 23 of 1988.

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