

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:	Page Number:
	837	1 of 2
	Board Approval Date:	
	06-17-09	
	Supersedes:	Dated:
837	1-26-90	
Reference:	Effective Date:	
	06-26-09	
SUBJECT: Protective Custody		

I. POLICY:

The Department shall provide Protective Custody housing at certain units/centers within the Arkansas Department of Correction. This housing space must restrict unauthorized and unsupervised contact with the general population. Inmates may request to be placed in protective custody if they believe that their safety is being threatened in the general population. The unit/center administration may elect to place an inmate in protective custody if they believe he/she is in danger. Inmates whom the unit/center administration believes may cause (or be in) security risks to the good order and safety of the institution may be assigned temporarily to Protective Custody status. Inmates assigned to temporary protective custody status remain in that status until a determination is made by the Unit Classification Committee that they should return to the general population or remain in Protective Custody or transfer to another unit.

II. EXPLANATION:

Often an inmate assigned to Protective Custody may have a conflict with other inmates assigned to Protective Custody. Care should be taken by the Chief of Security or his/her designee as to cell assignment, job assignment, recreation, etc., in an effort to maximize each inmate's safety. Programmatic accommodations should be comparable to those provided for the general population commensurate with good correctional security practice.

An inmate may be placed in Protective Custody on a temporary basis upon the approval of the Warden/Assistant Warden/Chief of Security or designee.

III. PROCEDURES:

Inmate temporarily assigned to Protective Custody will have his/her status reviewed by the Classification Committee after seven days. If the temporary stay in Protective Custody is more than seven days, his/her status will be reviewed in accordance with American Accreditation Standards (ACA) The inmate may appear before the Classification Committee unless a less restrictive classification is being made or security or other concerns warrant non-appearance of the inmate.

1. The Classification Committee shall determine if Protective Custody placement or continued Protective Custody placement for the inmate is justified, or recommend that the inmate be released to the general population or transferred to another unit.
Any of the following may be considered by the Classification Committee in making its decision:
 - a. The inmate requests Protective Custody and/or his/her physical size, stature or demeanor indicates that he/she is likely to be preyed upon by more aggressive inmates in the general population.
 - b. The inmate can present verifiable information identifying specific individual(s) who present a threat of physical harm.
 - c. Information contained in the inmate's Institutional /Electronic File or other areas of the criminal justice system may indicate a need for Protective Custody.
 - d. Other justifiable grounds exist that in the Committee's judgment makes continued placement of the inmate in Protective Custody necessary for the good order and safety of the institution.
2. In making a recommendation that an inmate be removed from Protective Custody, or transferred to another unit, the Committee may consider at least the following:
 - a. A written report from a member of the treatment staff and/or security staff who is familiar with the inmate and his/her situation.
 - b. A written report from other inmates, the administrator, the Chaplain, teachers, assignment supervisors, medical technicians, and other appropriate individuals who may have information that may aid in the classification of an inmate.
3. The Classification Committee may assign an inmate to a housing and program assignment in the general population or recommend transfer to another unit.
4. All actions taken by the Classification Committee require a majority vote.