

ARKANSAS REGISTER

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Transmittal Sheet



W.J. "BILL" McCuen
SECRETARY OF STATE
LITTLE ROCK, ARKANSAS

BY _____

W.J. "BILL" McCuen

Secretary of State

State Capitol

Little Rock, Arkansas 72201-1094

For Office
Use Only:

Effective Date 2-17-90 Code Number 004.00.90--002

Name of Agency Arkansas Department of Correction

Department of Correction

Contact Person Al L. Lockhart, Director Telephone 501-247-1800 ext.200

Statutory Authority for Promulgating Rules Act 50, Sixty-Sixth

General Assembly, First Extraordinary Session, 1968, Approved February 20, 1968.

Intended
Effective Date

AR 837 - Protective Custody

Date

Legal Notice Published

9/18-24/87

☐ Emergency

Final Date for Public Comment

10/05/87

☐ 20 Days
After Filing

Filed With Legislative Council

05/27/88

☒ Other

Reviewed by Legislative Council

07/19/88

Please give an effective
date of February 17, 1990

Adopted by State Agency

01/26/90

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance With Act 434 of 1967 As Amended.

A handwritten signature in cursive script, appearing to read "Al L. Lockhart", is written over a horizontal line.

SIGNATURE

Director

TITLE

January 26, 1990

DATE

**ADMINISTRATIVE REGULATIONS****STATE OF ARKANSAS****DEPARTMENT OF CORRECTION**

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SECRETARY OF STATE
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Section Number

837

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Board of Correction Approval Date:

1/26/90

Supersedes:

837

Dated:

11/29/79

Attorney General

Review Date:

1/26/90

Date Filed

Secy. of State:

1/29/90

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.

PROCEDURES:

Inmates temporarily assigned to Protective Custody will have his/her status reviewed by the Classification Committee after seven days. Inmates assigned to Protective Custody may have their status reviewed every month for the first three months and at least every six months,



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thereafter. 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 Master 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:



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- 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.

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