

ARKANSAS REGISTER

FILED Transmittal Sheet



FEB 22 1994

W. J. "BILL" McCuen
SECRETARY OF STATE

Secretary of State
State Capitol Rm. 010
Little Rock, Arkansas 72201-1094

For Office

Use Only: Effective Date _____ Code Number 004.60.94--024

Name of Agency Arkansas Department of Correction

Department of Correction

Contact Person Larry Norris, Director

Statutory Authority for Promulgating Rules Act 50 of 1968, First Extraordinary Session,
as amended, Act 349 of 1993

Title of Rule: AR-401 Searches for and Control of Contraband;

Intended Effective Date

Date

☐ Emergency

Legal Notice Published 2/3-9/94

☐ 20 Days After Filing

Final Date for Public Comment 2/16/94

☒ Other

Filed With Legislative Council 2/3/94

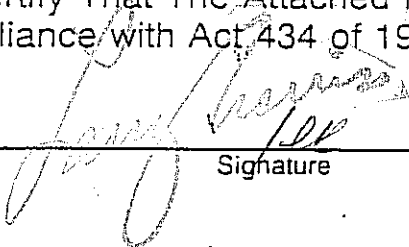
Please use 3/10/94
as the effective date

Reviewed by Legislative Council

Adopted by State Agency 2/17/94

CERTIFICATION OF AUTHORIZED OFFICER

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



Signature

Director
Title

2/14/94

Date



ADMINISTRATIVE REGULATIONS

STATE OF ARKANSAS

BOARD OF CORRECTION AND COMMUNITY PUNISHMENT

Section Number:

DCP 4.2
DOC 401

Page Number:

1 of 9

Board Approval Date:

2/17/94

Supersedes:

DCP 4.2 EMERG.
DOC 401

Dated:

1/19/94
9/15/92

Reference:

AD 92:18

Effective Date:

3/10/94

SUBJECT: Searches for and Control of Contraband

FILED

FEB 22 1994

W. J. "BILL" McCUEN
SECRETARY OF STATE

BY

I. AUTHORITY:

The Board of Correction and Community Punishment is vested with the authority to promulgate Administrative Regulations 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 provide Department of Correction/Community Punishment staff with information and guidelines regarding approved procedures for the suppression of contraband and to specify approved search methods.

III. APPLICABILITY:

To all employees and offenders and especially those employees involved in searches for the suppression of contraband.

IV. DEFINITIONS:

A. Contraband: Any article not authorized nor issued to an offender as personal or state property, nor purchased through the facility commissary. Also included is nuisance contraband.

1. Nuisance Contraband - Any item or article which may be or may have been authorized for possession, but which is now prohibited because excessive quantities present health or fire hazards or have become a housekeeping problem. Specific examples include but are not limited to:

a. Excessive numbers of newspapers, letters, or magazines;

b. Food items which have spoiled;



ADMINISTRATIVE REGULATIONS
STATE OF ARKANSAS
BOARD OF CORRECTION AND
COMMUNITY PUNISHMENT

Section Number:
DCP 4.2
DOC 401

Page Number:
2 of 9

Board Approval Date:

2/17/94

Supersedes: DCP 4.2 EMERG. Dated: 1/19/94
DOC 401 9/15/92

Reference: AD 92:18 Effective Date: 3/10/94

SUBJECT: Searches for and Control of Contraband

c. Items accumulated for the purpose of barter or trade.

2. Articles in excess of established facility limits, articles used for unauthorized purposes, and/or articles in an offender's possession in an unauthorized area are also considered contraband.

Contraband seized from offenders during a residential, vehicle or personal search is also included.

- B. Personal Property: Items which are purchased by or for an offender and/or given to an offender which is authorized to be retained, within limits as posted in the facility of assignment, on an offender's person or in living or storage area.
- C. State Issued Property: Items which are issued to an offender for his or her personal use and which may be retained, within a reasonable amount, by the offender on his or her person or in the living area.

State issued property other than that of a rapidly expendable nature (i.e., toilet paper, soap, toothpaste, etc.) are to be clearly identified as state property.

- D. Reasonable Suspicion: Departmental officials must point to specific objective facts and rational inferences that they are entitled to draw from those facts in light of their experience. Unspecified suspicions fall short of providing reasonable grounds to suspect that an individual will attempt to smuggle contraband into the facility.

The following are among but not limited to the factors considered in determining reasonable suspicion: (1) demeanor of individual in suspect, (2) gait and manner of suspect, (3) prior background or character, (4) whether the suspect is carrying anything, and what,



ADMINISTRATIVE REGULATIONS

STATE OF ARKANSAS

BOARD OF CORRECTION AND COMMUNITY PUNISHMENT

Section Number:

DCP 4.2

DOC 401

Page Number:

3 of 9

Board Approval Date:

2/17/94

Supersedes:

DCP 4.2 EMERG.

DOC 401

Dated:

1/19/94

9/15/92

Reference:

AD 92:18

Effective Date:

3/10/94

SUBJECT: Searches for and Control of Contraband

(5) manner of dress, (6) the time of day or night the suspect is observed, (7) any overheard conversation, (8) information received from third person, (9) whether the suspect is consorting with others whose conduct is "reasonably suspect," (10) apparent effort to conceal an article, and (11) apparent effort to avoid identification or confrontation by officials.

- E. Individuals: May include but not be limited to offenders, employees, contracted staff, visitors, volunteers, and any persons entering or leaving a facility.
- F. Offenders: Persons sentenced to the Department of Correction or 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, post prison transfer or under supervision of the Department of Community Punishment.

V. POLICY:

It shall be the policy of the Department of Correction/Community Punishment to have procedures in place that detect and deter the introduction, manufacture, possession, and/or conveyance of contraband.

VI. PROCEDURE:

All contraband discovered during a search or otherwise is to be confiscated, recorded pursuant to appropriate administrative directive and reported to a supervisory officer. The supervisory officer should investigate to determine exactly where the contraband came from and how it was found.

A. General Searches



ADMINISTRATIVE REGULATIONS

STATE OF ARKANSAS

BOARD OF CORRECTION AND COMMUNITY PUNISHMENT

Section Number:

DCP 4.2

DOC 401

Page Number:

4 of 9

Board Approval Date:

2/17/94

Supersedes:

DCP 4.2 EMERG.

DOC 401

Dated:

1/19/94

9/15/92

Reference:

AD 92:18

Effective Date:

3/10/94

SUBJECT: Searches for and Control of Contraband

Searches shall include but not be limited to the following elements:

1. Searches of individuals entering the facility, including search of persons, packages, and other items;
2. Searches of all vehicles entering and leaving the facility;
3. Inspection of packages and other nonvehicular items entering and leaving the facility to include inspection by electronic means;
4. Use of hand-held and walk-through metal detectors to detect and deter the movement of contraband.
5. Use of depository procedures for law enforcement weapons and ammunition outside the offender traffic area of the facility.

B. Offender Searches

Procedures for offender searches shall include the following:

- (1) Use of pat and strip searches;
- (2) Use of intrusive body cavity searches in accordance with established procedures;
- (3) Shakedowns in facility shall be carried out in accordance with established procedures;
- (4) Shakedowns in other common areas, including but not limited to offender and program work areas such as the kitchen, visitation room, and school; as well as halls, day rooms, activity areas, and outside recreation areas.



ADMINISTRATIVE REGULATIONS
STATE OF ARKANSAS
BOARD OF CORRECTION AND
COMMUNITY PUNISHMENT

Section Number:

DCP 4.2
DOC 401

Page Number:

5 of 9

Board Approval Date:

2/17/94

Supersedes:

DCP 4.2 EMERG.
DOC 401

Dated:

1/19/94
9/15/92

Reference:

AD 92:18

Effective Date:

3/10/94

SUBJECT: Searches for and Control of Contraband

1. Pat Search of Offenders

Pat searches may be conducted by an employee of either gender and may be performed in any area of the facility and during movements. Pat searches ordinarily do not require an offender to remove clothing other than hats and gloves.

2. Strip Search of Offenders

Strip searches shall be conducted in a professional manner by staff of the same gender as the offender. In cases of emergency (i.e., escape, riot, etc.), this provision may be waived.

3. Facility Contraband Searches

- a. Search of facilities shall be performed on a continual basis; however, unannounced and irregular.
- b. Each facility will have Standard Operating Procedures (SOP's) established for the search of the facilities. Copies of the SOP's are to be a part of all post orders.

C. Contraband Searches Associated with Facility Lockdown

The Warden/Center Supervisor may determine that a facility lockdown or partial lockdown is necessary to facilitate a search for contraband. A facility lockdown shall be premised on the presence of contraband, e.g., recent surfacing of contraband of a serious nature, potentially dangerous weapons, or a large quantity of drugs or cash--which, in the estimation of the Warden/Center Supervisor, constitutes a significant threat to the security of the facility and safety of offenders and staff.

D. Search of Staff



ADMINISTRATIVE REGULATIONS

STATE OF ARKANSAS

BOARD OF CORRECTION AND COMMUNITY PUNISHMENT

Section Number:
DCP 4.2
DOC 401

Page Number:
6 of 9

Board Approval Date:

2/17/94

Supersedes: DCP 4.2 EMERG. Dated: 1/19/94
DOC 401 9/15/92

Reference: AD 92:18 Effective Date: 3/10/94

SUBJECT: Searches for and Control of Contraband

1. Pat Search of Staff

The pat search differs from the strip search in that it is conducted while the employee is wearing clothes. The person conducting the search must be of the same gender as the person being searched.

Searches may be conducted at random. The warden/center supervisor must have a reasonable suspicion that contraband may be introduced into the facility.

2. Strip Search of Staff

All staff are subject to strip searches. All strip searches may be conducted in an area separate and private from offender and other staff if possible and in such a way as to ensure tact, privacy and a minimum of embarrassment. Strip searches will be conducted by staff of the same gender as the person being searched.

E. Search of Visitors

1. Pat Search of Visitors

- a. The pat search differs from the strip search in that it is conducted while the visitor is wearing clothes. The person conducting the search must be of the same gender as the person being searched.
- b. All visitors shall be notified by a plainly visible sign that pat searches may be conducted. The warden/center supervisor must determine that reasonable suspicion exists before a search is conducted. The search of a visitor shall only occur prior to or during the visitor's meeting with the offender. Searches shall not be conducted on visitors



ADMINISTRATIVE REGULATIONS
STATE OF ARKANSAS
BOARD OF CORRECTION AND
COMMUNITY PUNISHMENT

Section Number:
DCP 4.2
DOC 401

Page Number:
7 of 9

Board Approval Date:

2/17/94

Supersedes:
DCP 4.2 EMERG.
DOC 401

Dated:
1/19/94
9/15/92

Reference:

AD 92:18

Effective Date:

3/10/94

SUBJECT: Searches for and Control of Contraband

after termination of visits with offenders.
Entry to the facility will be denied if an
individual suspected of carrying contraband is
not willing to submit to a search.

2. Strip Search of Visitors

- a. Strip Searches will be indicated only if reasonable suspicion exists. Strip searches of visitors will not be conducted indiscriminately and must be authorized by the Warden/Center Supervisor or, in his or her absence, the assistant.
- b. Any visitor refusing a search (pat or strip) shall be escorted from Department property and be indefinitely suspended from visitation privileges.

F. Personal Property

Although it is essential that all searches are thorough and systematic, it is equally important that no damage, loss or abuse occurs to any personal property. Any such loss or damage that is determined to be through neglect may result in disciplinary action against the negligent employee(s) and officer(s) and they will be liable for the cost of replacement of such items.

1. Excessive Authorized Personal Property

Authorized offender personal property in living quarters which constitutes a significant safety concern, seriously impairs reasonable visual observation or impedes reasonable search shall be considered contraband.

2. Unauthorized Personal Property Received at Facilities



ADMINISTRATIVE REGULATIONS

STATE OF ARKANSAS

BOARD OF CORRECTION AND COMMUNITY PUNISHMENT

Section Number:
DCP 4.2
DOC 401

Page Number:
8 of 9

Board Approval Date:

2/17/94

Supersedes:
DCP 4.2 EMERG.
DOC 401

Dated:
1/19/94
9/15/92

Reference:

AD 92:18

Effective Date:

3/10/94

SUBJECT: Searches for and Control of Contraband

Offenders received at facilities who possess or receive in the mail unauthorized personal property shall have such property confiscated and disposed of in accordance with established procedures.

3. Contraband Personal Property at Time of Inter-Facility Transfer

Upon transfer, offender personal property not allowed at the receiving facility shall be considered contraband and confiscated by the receiving facility and disposed of in accordance with established procedures.

4. Disposal of Excess Personal Property Confiscated as Contraband, Except Legal Materials

Items of personal property confiscated as contraband shall not be stored at the facility but shall be shipped at the offender's expense or made available for pick-up at a regular visit to an authorized visitor as designated by the offender (family or friends other than a Department employee) or destroyed after thirty days upon the offender being notified of the pending destruction.

5. Copy of Confiscated Form Delivered to Offender

Pursuant to administrative directive, a form will be completed by the officer conducting the shakedown of an offender's cell and shall be completed at the time of the shakedown. A copy of this form will be given to the offender within 72 hours following the shakedown of his/her cell only if items of contraband or personal property are confiscated.

G. Disposition of Contraband



ADMINISTRATIVE REGULATIONS
STATE OF ARKANSAS
BOARD OF CORRECTION AND
COMMUNITY PUNISHMENT

Section Number:
DCP 4.2
DOC 401

Page Number:
9 of 9

Board Approval Date:
2/17/94

Supersedes: DCP 4.2 EMERG. 1/19/94
DOC 401 9/15/92

Reference: AD 92:18
Effective Date: 3/10/94

SUBJECT: Searches for and Control of Contraband

All contraband shall be safeguarded under the supervision of the assistant warden/assistant center supervisor until termination of its utilization as evidence. Contraband shall then be disposed of and the disposition noted on the form attached to the administrative directive.

VII. REFERENCES:

ACA Standards 3-4184; 3-4435; 3-4436; 3-4437

ARKANSAS REGISTER

FILED

Transmittal Sheet

FEB 22 1994



W. J. "BILL" McCUEN
SECRETARY OF STATE

W. J. "Bill" McCuen
Secretary of State
State Capitol Rm. 010
Little Rock, Arkansas 72201-1094

For Office
Use Only:

Effective Date

3/10/94

Code Number

004 00.94--024

Name of Agency Arkansas Department of Correction

Department of Correction

Contact Person Larry Norris, Director

Statutory Authority for Promulgating Rules Act 50 of 1968, First Extraordinary Session, as amended, Act 543 of 1993

Title of Rule: AR-401 Searches for and Control of Contraband;

Date

Intended Effective Date

☐ Emergency

Legal Notice Published 2/3-9/94

☐ 20 Days After Filing

Final Date for Public Comment 2/16/94

☒ Other

Filed With Legislative Council 2/3/94

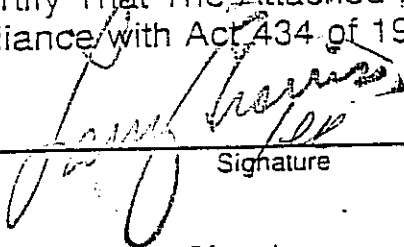
Please use 3/10/94
as the effective date

Reviewed by Legislative Council

Adopted by State Agency 2/17/94

CERTIFICATION OF AUTHORIZED OFFICER

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


Signature

Director
Title

2/14/94
Date



ADMINISTRATIVE REGULATIONS
STATE OF ARKANSAS
BOARD OF CORRECTION AND
COMMUNITY PUNISHMENT

Section Number:

DCP 4.2

DOC 401

Page Number:

1 of 9

Board Approval Date:

2/17/94

Supersedes:

DCP 4.2 EMERG.

DOC 401

Dated:

1/19/94

9/15/92

Reference:

AD-92-18

Effective Date:

3/10/94

SUBJECT: Searches for and Control of Contraband

FEB 22 1994

W. J. "BILL" McCUEN
SECRETARY OF STATE
BY

I. AUTHORITY:

The Board of Correction and Community Punishment is vested with the authority to promulgate Administrative Regulations 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 provide Department of Correction/Community Punishment staff with information and guidelines regarding approved procedures for the suppression of contraband and to specify approved search methods.

III. APPLICABILITY:

To all employees and offenders and especially those employees involved in searches for the suppression of contraband.

IV. DEFINITIONS:

A. Contraband: Any article not authorized nor issued to an offender as personal or state property, nor purchased through the facility commissary. Also included is nuisance contraband.

1. Nuisance Contraband - Any item or article which may be or may have been authorized for possession, but which is now prohibited because excessive quantities present health or fire hazards or have become a housekeeping problem. Specific examples include but are not limited to:

a. Excessive numbers of newspapers, letters, or magazines;

b. Food items which have spoiled;



ADMINISTRATIVE REGULATIONS
STATE OF ARKANSAS
BOARD OF CORRECTION AND
COMMUNITY PUNISHMENT

Section Number:

DCP 4.2
DOC 401

Page Number:

2 of 9

Board Approval Date:

2/17/94

Supersedes:

DCP 4.2 EMERG.
DOC 401

Dated:

1/19/94
9/15/92

Reference:

AD 92:18

Effective Date:

3/10/94

SUBJECT: Searches for and Control of Contraband

c. Items accumulated for the purpose of barter or trade.

2. Articles in excess of established facility limits, articles used for unauthorized purposes, and/or articles in an offender's possession in an unauthorized area are also considered contraband.

Contraband seized from offenders during a residential, vehicle or personal search is also included.

- B. Personal Property: Items which are purchased by or for an offender and/or given to an offender which is authorized to be retained, within limits as posted in the facility of assignment, on an offender's person or in living or storage area.
- C. State Issued Property: Items which are issued to an offender for his or her personal use and which may be retained, within a reasonable amount, by the offender on his or her person or in the living area.

State issued property other than that of a rapidly expendable nature (i.e., toilet paper, soap, toothpaste, etc.) are to be clearly identified as state property.

- D. Reasonable Suspicion: Departmental officials must point to specific objective facts and rational inferences that they are entitled to draw from those facts in light of their experience. Unspecified suspicions fall short of providing reasonable grounds to suspect that an individual will attempt to smuggle contraband into the facility.

The following are among but not limited to the factors considered in determining reasonable suspicion: (1) demeanor of individual in suspect, (2) gait and manner of suspect, (3) prior background or character, (4) whether the suspect is carrying anything, and what,



ADMINISTRATIVE REGULATIONS
STATE OF ARKANSAS
BOARD OF CORRECTION AND
COMMUNITY PUNISHMENT

Section Number:
DCP 4.2
DOC 401

Page Number:
3 of 9

Board Approval Date:

2/17/94

Supersedes:
DCP 4.2 EMERG.
DOC 401

Dated:
1/19/94
9/15/92

Reference:

AD 92:18

Effective Date:

3/10/94

SUBJECT: Searches for and Control of Contraband

(5) manner of dress, (6) the time of day or night the suspect is observed, (7) any overheard conversation, (8) information received from third person, (9) whether the suspect is consorting with others whose conduct is "reasonably suspect," (10) apparent effort to conceal an article, and (11) apparent effort to avoid identification or confrontation by officials.

- E. Individuals: May include but not be limited to offenders, employees, contracted staff, visitors, volunteers, and any persons entering or leaving a facility.
- F. Offenders: Persons sentenced to the Department of Correction or 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, post prison transfer or under supervision of the Department of Community Punishment.

V. POLICY:

It shall be the policy of the Department of Correction/Community Punishment to have procedures in place that detect and deter the introduction, manufacture, possession, and/or conveyance of contraband.

VI. PROCEDURE:

All contraband discovered during a search or otherwise is to be confiscated, recorded pursuant to appropriate administrative directive and reported to a supervisory officer. The supervisory officer should investigate to determine exactly where the contraband came from and how it was found.

A. General Searches



ADMINISTRATIVE REGULATIONS

STATE OF ARKANSAS

BOARD OF CORRECTION AND COMMUNITY PUNISHMENT

Section Number:
DCP 4.2
DOC 401

Page Number:

4 of 9

Board Approval Date:

2/17/94

Supersedes:

DCP 4.2 EMERG.

DOC 401

Dated:

1/19/94

9/15/92

Reference:

AD 92:18

Effective Date:

3/10/94

SUBJECT: Searches for and Control of Contraband

Searches shall include but not be limited to the following elements:

1. Searches of individuals entering the facility, including search of persons, packages, and other items;
2. Searches of all vehicles entering and leaving the facility;
3. Inspection of packages and other nonvehicular items entering and leaving the facility to include inspection by electronic means;
4. Use of hand-held and walk-through metal detectors to detect and deter the movement of contraband.
5. Use of depository procedures for law enforcement weapons and ammunition outside the offender traffic area of the facility.

B. Offender Searches

Procedures for offender searches shall include the following:

- (1) Use of pat and strip searches;
- (2) Use of intrusive body cavity searches in accordance with established procedures;
- (3) Shakedowns in facility shall be carried out in accordance with established procedures;
- (4) Shakedowns in other common areas, including but not limited to offender and program work areas such as the kitchen, visitation room, and school; as well as halls, day rooms, activity areas, and outside recreation areas.



ADMINISTRATIVE REGULATIONS

STATE OF ARKANSAS

BOARD OF CORRECTION AND COMMUNITY PUNISHMENT

Section Number:

DCP 4.2
DOC 401

Page Number:

5 of 9

Board Approval Date:

2/17/94

Supersedes:

DCP 4.2 EMERG.
DOC 401

Dated:

1/19/94
9/15/92

Reference:

AD 92:18

Effective Date:

3/10/94

SUBJECT: Searches for and Control of Contraband

1. Pat Search of Offenders

Pat searches may be conducted by an employee of either gender and may be performed in any area of the facility and during movements. Pat searches ordinarily do not require an offender to remove clothing other than hats and gloves.

2. Strip Search of Offenders

Strip searches shall be conducted in a professional manner by staff of the same gender as the offender. In cases of emergency (i.e., escape, riot, etc.), this provision may be waived.

3. Facility Contraband Searches

- a. Search of facilities shall be performed on a continual basis; however, unannounced and irregular.
- b. Each facility will have Standard Operating Procedures (SOP's) established for the search of the facilities. Copies of the SOP's are to be a part of all post orders.

C. Contraband Searches Associated with Facility Lockdown

The Warden/Center Supervisor may determine that a facility lockdown or partial lockdown is necessary to facilitate a search for contraband. A facility lockdown shall be premised on the presence of contraband, e.g., recent surfacing of contraband of a serious nature, potentially dangerous weapons, or a large quantity of drugs or cash--which, in the estimation of the Warden/Center Supervisor, constitutes a significant threat to the security of the facility and safety of offenders and staff.

D. Search of Staff



ADMINISTRATIVE REGULATIONS
STATE OF ARKANSAS
BOARD OF CORRECTION AND
COMMUNITY PUNISHMENT

Section Number:
DCP 4.2
DOC 401

Page Number:
6 of 9

Board Approval Date:
2/17/94

Supersedes: DCP 4.2 EMERG. Dated: 1/19/94
DOC 401 9/15/92

Reference: AD 92:18 Effective Date: 3/10/94

SUBJECT: Searches for and Control of Contraband

1. Pat Search of Staff

The pat search differs from the strip search in that it is conducted while the employee is wearing clothes. The person conducting the search must be of the same gender as the person being searched.

Searches may be conducted at random. The warden/center supervisor must have a reasonable suspicion that contraband may be introduced into the facility.

2. Strip Search of Staff

All staff are subject to strip searches. All strip searches may be conducted in an area separate and private from offender and other staff if possible and in such a way as to ensure tact, privacy and a minimum of embarrassment. Strip searches will be conducted by staff of the same gender as the person being searched.

E. Search of Visitors

1. Pat Search of Visitors

a. The pat search differs from the strip search in that it is conducted while the visitor is wearing clothes. The person conducting the search must be of the same gender as the person being searched.

b. All visitors shall be notified by a plainly visible sign that pat searches may be conducted. The warden/center supervisor must determine that reasonable suspicion exists before a search is conducted. The search of a visitor shall only occur prior to or during the visitor's meeting with the offender. Searches shall not be conducted on visitors



ADMINISTRATIVE REGULATIONS
STATE OF ARKANSAS
BOARD OF CORRECTION AND
COMMUNITY PUNISHMENT

Section Number:
DCP 4.2
DOC 401

Page Number:
7 of 9

Board Approval Date:

2/17/94

Supersedes:
DCP 4.2 EMERG.
DOC 401

Dated:
1/19/94
9/15/92

Reference:

AD 92:18

Effective Date:

3/10/94

SUBJECT: Searches for and Control of Contraband

after termination of visits with offenders.
Entry to the facility will be denied if an
individual suspected of carrying contraband is
not willing to submit to a search.

2. Strip Search of Visitors

- a. Strip Searches will be indicated only if reasonable suspicion exists. Strip searches of visitors will not be conducted indiscriminately and must be authorized by the Warden/Center Supervisor or, in his or her absence, the assistant.
- b. Any visitor refusing a search (pat or strip) shall be escorted from Department property and be indefinitely suspended from visitation privileges.

F. Personal Property

Although it is essential that all searches are thorough and systematic, it is equally important that no damage, loss or abuse occurs to any personal property. Any such loss or damage that is determined to be through neglect may result in disciplinary action against the negligent employee(s) and officer(s) and they will be liable for the cost of replacement of such items.

1. Excessive Authorized Personal Property

Authorized offender personal property in living quarters which constitutes a significant safety concern, seriously impairs reasonable visual observation or impedes reasonable search shall be considered contraband.

2. Unauthorized Personal Property Received at Facilities



ADMINISTRATIVE REGULATIONS

STATE OF ARKANSAS

BOARD OF CORRECTION AND COMMUNITY PUNISHMENT

Section Number:
DCP 4.2
DOC 401

Page Number:
8 of 9

Board Approval Date:

2/17/94

Supersedes:
DCP 4.2 EMERG.
DOC 401

Dated:
1/19/94
9/15/92

Reference:

AD 92:18

Effective Date:

3/10/94

SUBJECT: Searches for and Control of Contraband

Offenders received at facilities who possess or receive in the mail unauthorized personal property shall have such property confiscated and disposed of in accordance with established procedures.

3. Contraband Personal Property at Time of Inter-Facility Transfer

Upon transfer, offender personal property not allowed at the receiving facility shall be considered contraband and confiscated by the receiving facility and disposed of in accordance with established procedures.

4. Disposal of Excess Personal Property Confiscated as Contraband, Except Legal Materials

Items of personal property confiscated as contraband shall not be stored at the facility but shall be shipped at the offender's expense or made available for pick-up at a regular visit to an authorized visitor as designated by the offender (family or friends other than a Department employee) or destroyed after thirty days upon the offender being notified of the pending destruction.

5. Copy of Confiscated Form Delivered to Offender

Pursuant to administrative directive, a form will be completed by the officer conducting the shakedown of an offender's cell and shall be completed at the time of the shakedown. A copy of this form will be given to the offender within 72 hours following the shakedown of his/her cell only if items of contraband or personal property are confiscated.

G. Disposition of Contraband



ADMINISTRATIVE REGULATIONS
STATE OF ARKANSAS
BOARD OF CORRECTION AND
COMMUNITY PUNISHMENT

Section Number:
DCP 4.2
DOC 401

Page Number:
9 of 9

Board Approval Date:
2/17/94

Supersedes: DCP 4.2 EMERG. Dated: 1/19/94
DOC 401 9/15/92

Reference: AD 92:18 Effective Date: 3/10/94

SUBJECT: Searches for and Control of Contraband

All contraband shall be safeguarded under the supervision of the assistant warden/assistant center supervisor until termination of its utilization as evidence. Contraband shall then be disposed of and the disposition noted on the form attached to the administrative directive.

VII. REFERENCES:

ACA Standards 3-4184; 3-4435; 3-4436; 3-4437