

ARKANSAS REGISTER

Transmittal Sheet

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



Secretary of State
Mark Martin
500 Woodlane, Suite 026
Little Rock, Arkansas 72201-1094
(501) 682-5070
www.sos.arkansas.gov



For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency Arkansas Community Correction

Department Communications and Public Affairs

Contact Dina Tyler E-mail Dina.Tyler@Arkansas.gov Phone _____

Statutory Authority for Promulgating Rules 12-27-105, 16-93-1203 and 16-93-1205

Rule Title: Resident Visitation AR

Intended Effective Date
(Check One)

Date

<input type="checkbox"/> Emergency (ACA 25-15-204)	Legal Notice Published	<u>4/12/2018</u>
<input type="checkbox"/> 10 Days After Filing (ACA 25-15-204)	Final Date for Public Comment	<u>5/18/2018</u>
<input checked="" type="checkbox"/> Other <u>10/1/2018</u> <small>(Must be more than 10 days after filing date.)</small>	Reviewed by Legislative Council	<u>7/2018</u>
	Adopted by State Agency	<u>9/6/2018</u>

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Russ Carter Russ.Carter@Arkansas.gov 9/12/2018
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

870-550-5210 Dina.Tyler@Arkansas.gov

Phone Number E-mail Address

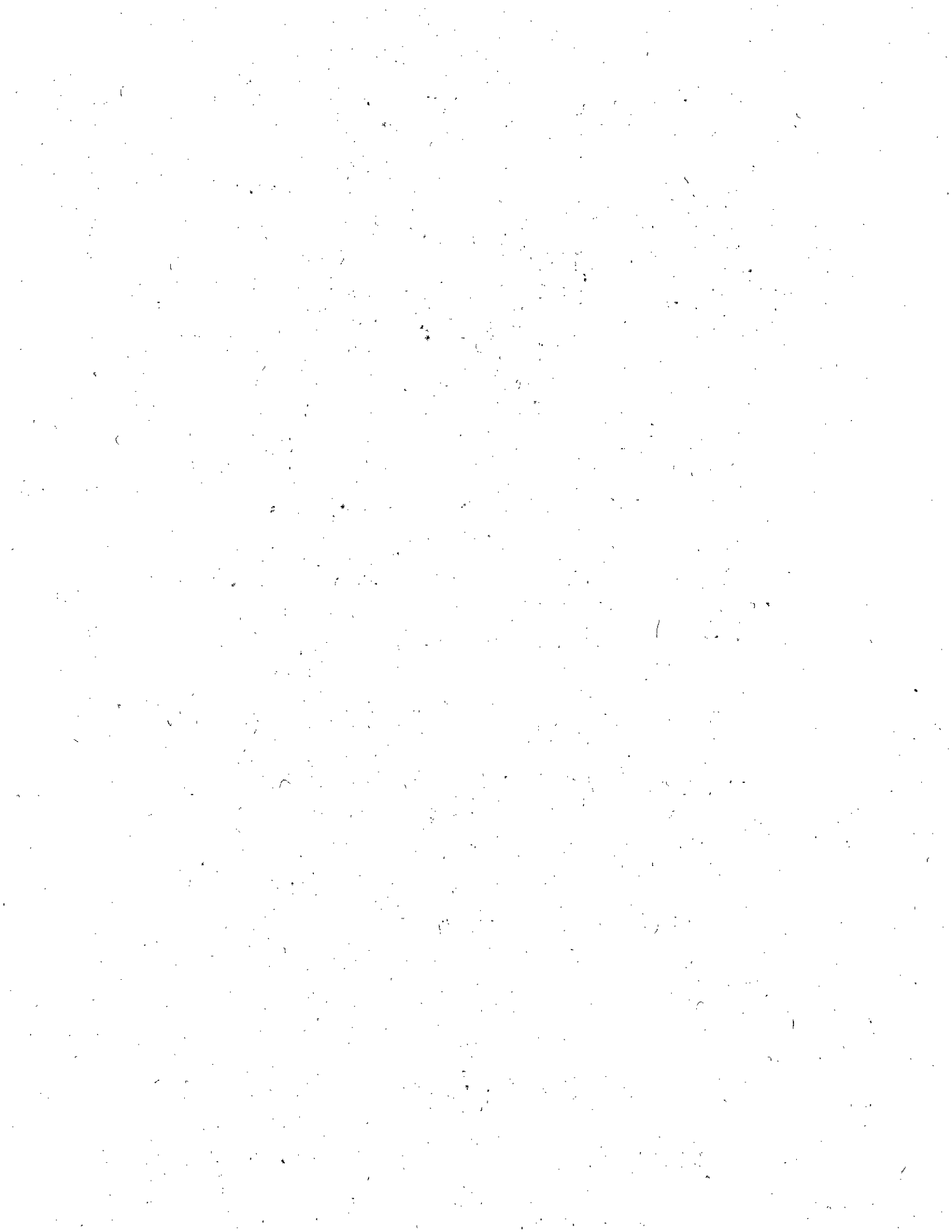
Deputy Director Communication and Public Affairs

Title


9/12/2018

Date

RECEIVED
SECRETARY OF STATE
SEP 17 2018




FINAL RULE

	ADMINISTRATIVE REGULATION STATE OF ARKANSAS BOARD OF CORRECTIONS	Section Number: ACC AR 7.24	Page Number: 1
		Board Approval Date: 9/6/2018	
		Supersedes: DCC AR 7.24	Dated: 10/24/05
		Reference:	Effective Date: 10/1/2018
SUBJECT: RESIDENT VISITATION			

- I. **AUTHORITY.** The Board of Corrections is vested with the authority to promulgate Administrative Regulations by Arkansas law sections 12-27-105, 16-93-1203 and 16-93-1205.
- II. **APPLICABILITY.** This policy applies to staff, residents, and persons who visit residents at residential centers administered or operated by Arkansas Community Correction (ACC).
- III. **POLICY.** Residents may have visits with their family, friends, attorneys, and ministers under conditions consistent with applicable law, good order, and department rules and regulations. Staff must show respect toward visitors without compromising safety and security. Individuals may apply to visit residents and submit to an approval process which includes an investigation. Further, for the purpose of security and good order, searches of individuals and property may be conducted and contraband, evidence, or potential evidence of a crime seized.
- IV. **GUIDELINES.**
 - A. **General Information.** Approved visitors are welcome. To support ACC program objectives, residents will be allowed to receive visitors, following appropriate applicant screening to assure safety and security of employees and residents. ACC can limit visitation pursuant to applicable law and for such reasons as programming and scheduling requirements, resident behavior, and security concerns.

People who wish to visit residents must apply using Form 1, "Application to Visit a Resident." For the safety of residents, staff, and visitors, certain precautions are necessary including conducting a background check of people who apply to visit residents. Applicants will be screened giving weight to the potential for therapeutic benefit of their visit. Investigations will consist of an ACIC/NCIC criminal history check, assessment of information provided on the Application to Visit a Resident Form, and any information obtained from Parole/Probation Officers, or other reliable sources. Staff also use detection equipment and conduct pat searches when appropriate. Violators of rules are subject to prosecution pursuant to Arkansas law section 5-54-119. Visitors must follow rules to ensure safety, security, and to set the example for residents who are learning to follow rules. Although precautions are taken to assure safety and security, visitors must understand there are risks.

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B. Resident’s Responsibility. The resident must provide the “Application to Visit a Resident” form to each person he/she wants to visit.

C. Searches. Visitors are subject to search and may be asked to wait in the area for permission to enter. They are free to leave at any time, unless they are suspected of trying to introduce contraband or committing any other felony on ACC grounds. In these situations, they may be detained until law enforcement arrives to take them into custody.” Any personal or State property is subject to reasonable search when on State property or in the possession of someone on State property. Visitors may be pat searched by an authorized person of the same gender. Visitors who refuse to be searched are subject to having their visitation ended, being barred from entering or remaining on ACC property, and having visitation privileges revoked.


Reasons for searches include the following:

- routine visitor search
- a special security search of people entering, leaving, or currently on ACC premises
- before, during, or immediately following a visit with a resident
- reasonable suspicion. Reasonable suspicion is a degree of certainty based on facts and reasonable inferences that causes a person to believe a law, conditions of supervision, or policy has been violated.
- if a crime/critical incident has occurred.

D. Documentation.

Visitor application information must be entered in eOMIS where it will be available for use by any ACC or ADC facility. Staff should also enter comments in eOMIS about any problems with a particular visitor.


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SUBJECT: RESIDENT VISITATION			

E. Visitation Conditions and Restrictions.

1. Visitors must complete, sign and have on file an approved “Application to Visit a Resident” Form at the appropriate center prior to being allowed resident visitation.
2. All visitors age 15 and older must show valid photo identification. Children under 15 may be required to show photo identification or a birth certificate.
3. All visitors must follow staff instructions and comply with the visitation policy, procedures and rules.
4. All visitors may be photographed by staff and photos may be maintained for future identification; such photos should be uploaded to eOMIS and deleted from the camera.
5. Visits will be continuously supervised by staff.
6. An attorney visitation area will be provided upon request to ensure privileged communication between the attorney and client; however, the area is subject to general staff supervision. No background investigation is required for attorneys. However, an attorney may be asked to sign a statement indicating he/she is a licensed attorney and represents (attorney of record) or is in the process of determining whether to represent the resident. Attorney visits must be scheduled at least 24 hours in advance.
7. The number of concurrent visitors for a resident may be limited.
8. Visits may be terminated, restricted or suspended if there is poor or disruptive behavior on the part of the resident or visitor or-as part of a therapeutic measure imposed on a resident for rule violations.
9. Visits will not be allowed for residents in Disciplinary Detention, Reflection Chair status or pending transfer to the Arkansas Department of Correction.
10. Residents may not have visitors while in Treatment Phase 1 (Orientation Phase) other than visits from an attorney or minister.
11. Residents in the Supervision Sanction Program who earn visitation privileges may be

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allowed visitors as established by the program schedule and criteria.

12. Restrictions may be placed on articles taken into the visitation area. Additional restrictions and conditions may be imposed considering the therapeutic benefits, space limitations, and risks to security and order.
13. Special visits between regularly scheduled visitation times may be allowed in certain circumstances when approved by the Center Supervisor for situations such as:
 - complying with court orders,
 - signing documents,
 - when requested by the Department of Human Services,
 - accommodating a visitor who lives more than 300 miles from the center,
 - accommodating ministers, job interviewers, housing representatives, or other representatives assisting the resident with transition back into the community. A minister is person who has been ordained, licensed, or authorized by a sitting Pastor of a church of record to serve as a spiritual advisor. Documentation of such authorization may be required.
14. All visitors must sign in and out. Those making special visits are also required to wear a visitor badge.

F. Video Visitation. To provide both the resident and their family a way to improve family reunification while minimizing security-related incidents or concerns, a video visitation system, which allows residents and visitors to communicate by way of video conferencing equipment, may be used at residential centers.

The guidelines, restrictions and directions for video visitation use must be further explained in an Administrative Directive.

V. ATTACHMENTS.

- AR 7.24 Form 1 - Application to Visit a Resident
- AR 7.24 Form 2 - Visitation Rules and Conditions

**Arkansas Community Correction
Application to Visit a Resident**

Instructions to Residents: Send this form to each person (including children) you would like to have visit. Each person wishing to visit must complete all applicable sections of this form, sign it, and return it to the address below. A parent or legal guardian other than a resident must sign for children under 18.

Applicant: The "Visitation Rules and Conditions" (AR 7.24 Form 2) apply to all visitors to an Arkansas Community Correction (ACC) center. One application form must be completed for each applicant. Anyone (including a child) who wishes to visit a resident must submit this application and be approved prior to visiting. Incomplete applications will not be accepted. Visitation will be scheduled on a Saturday or Sunday during established hours. The resident will tell you the appropriate day and time for your visit.

Return the completed form to the following address:

Center Records Section

Applicant Agreement: I am applying for visitation privileges at an Arkansas Community Correction Center. I agree to abide by the "Visitation Rules and Conditions" as stated on AR 7.24, Form 2. I understand that violations may result in suspension or termination of my visitation privileges. I realize searches are necessary to assure safety, security, and orderly operations at the Center and agree to submit to a search while on ACC property. I further understand that it is the resident's responsibility to tell me when visitation is permitted. I understand I may be detained and arrested if I attempt to bring contraband into a center or otherwise break the law. I understand I may be photographed and my photo may be stored in the ACC database for future identification. The information I provided on this form is true and I understand that if I willfully submit false information my visitation privileges will be revoked. I authorize ACC to conduct a criminal background check.

I am am not currently on Parole or Probation. My supervising Parole/Probation Officer is:

↓ RESIDENT(S) NAME & NUMBER ↓	↓ YOUR RELATIONSHIP ↓

APPLICANT INFORMATION

Signature of <input type="checkbox"/> Applicant or <input type="checkbox"/> Guardian	Applicant's Driver's License/ID No.	Licensing/ID State
Print Applicant's First Name	Middle Name	Last Name
Applicant's Birth Date	Place of Birth	Applicant's Social Security Number
Street Address	City / State	Telephone Number
Sex: <input type="checkbox"/> Female <input type="checkbox"/> Male	Zip Code	

Race

**Arkansas Community Correction
Visitation Rules and Conditions**

1. Visitors must complete an application and be approved to visit a resident in an ACC center. The number of persons visiting a resident at one time may be limited.
2. Children under 15 must be accompanied by an adult. All visitors age 15 and older must show valid photo identification. Children under 15 may be required to show photo identification or a birth certificate.
3. All visitors must follow staff instructions, and comply with the visitation policy, procedures and rules. A visitor may be denied access if the security, order, and discipline of the center may be compromised.
4. Visitors may only visit the residents they were granted permission to visit.
5. Prescription drugs may only be brought into the Center with permission of the Center Supervisor.
6. Visitors must not be under the influence of drugs or alcohol while visiting a resident.
7. Visitors must comply with ACC policies and procedures.
8. Visitors must not have in their possession or on ACC grounds illegal substances, explosives, firearms (or other instruments which can be used as weapons), or ammunition. The following are NOT allowed inside the facility: cell phones, pagers, other communication devices, tobacco products (including chewing tobacco and snuff), smokeless vapor products (electronic cigarettes and related products), and objects or materials of any kind which might be used to compromise the security, and safety of the center. Any attempt to bring such contraband onto center property will result in loss of visitation privileges and criminal prosecution. Pursuant to Arkansas law section 5-54-119, the introduction of contraband into a correctional facility amounts to either a Class B or C felony, depending on the nature of the contraband.
9. Visitors may not give to, accept or exchange materials with a resident except as authorized by the Center Supervisor or designee, including notes or correspondence, money, gifts, food or other items. All such items are considered contraband and may be confiscated by staff. Purses, backpacks and other bags must not be brought into the facility during visitation with residents.
10. Visitors must be aware that there are risks inherent in visiting an ACC correction center.
11. Visitors are subject to screening devices and may be searched. Vehicles on ACC grounds are also subject to search.
12. All visitors must sign in and out. Those making special visits are also required to wear a visitor badge.
13. Visitors must be appropriately dressed as follows: No hats, miniskirts/short dresses, shorts, halter tops, revealing necklines, see-through or other provocative clothing; shoulders must be covered at all times. Children under age 10 are allowed to wear shorts of a respectable length.
14. Visitors will be under continual supervision, unless otherwise authorized by the Center Supervisor or designee.
15. Residents and visitors are allowed to briefly embrace upon arrival and departure, and small children may be held or sit on the resident's lap. Physical contact between residents and visitors may be restricted when there are security concerns.
16. Visitors must conduct themselves in an exemplary manner at all times. This includes controlling children so they do not run or make too much noise. Improper conduct may result in ending the visit and suspension or termination of visitation privileges.

