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Governor

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Secretary



Office of the Secretary
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SECRETARIAL DIRECTIVE

SUBJECT: Policy Development and Implementation

NUMBER: 2019-01

SUPERSEDES: N/A

APPLICABILITY: All Department of Corrections Employees

REFERENCE: Ark. Code Ann. §§ 25-43-103, 25-43-107, 25-43-108, 25-43-403; and Executive Order 15-02 **PAGE 1 of 4**

ISSUED BY: Signature on File

EFFECTIVE DATE: August 8, 2019

I. POLICY:

As the executive head of the Department of Corrections, it is the statutory responsibility of the Secretary to administer the rules, orders, directives, and other forms of operational policy promulgated or issued by the entities within the Department. This responsibility will be implemented through generally applicable directives issued by the Secretary. The goal of those directives will be to ensure the efficient, effective, and consistent implementation of all operational policies throughout the Department.

II. PURPOSE:

The purpose of this directive is to establish the procedures by which the Secretary, and the entities within the Department, will develop and implement operational policies.

III. DEFINITIONS:

Entity - A board, commission, committee, office, department, institution, bureau, council, administrative program, agency, or division whose administrative functions were transferred to the Department of Corrections under the Transformation and Efficiencies Act of 2019 (hereafter referred to as Act 910 or the Act).

Operational Policy – Documents issued by an entity that provide guidance or direction for employees regarding the expected implementation of an entity's responsibilities. Operational policies also include documents which govern the management of offenders under the custody or supervision of the divisions within the Department.

Office of the Secretary – An office within the Department established by the Secretary to support the Secretary's leadership of the Department. Functional areas within the Office of the Secretary include Policy, Research and Planning, Fiscal and Administrative Services, Legal Services, Legislative Affairs, and Communications; in addition to other areas which may be deemed necessary by the Secretary.

Secretarial Directives – Official statements, authorized or issued by the Secretary, which direct the implementation of administrative rules, federal or state laws, Executive Orders, or Departmental expectations.

IV. PROCEDURES:

A. Operational policies must, at a minimum, adhere to the following guidelines:

1. Operational policies must be written clearly and concisely in order to be understood by staff at all levels of the Department involved in the implementation of the policy.
2. Operational policies must not be unnecessarily burdensome to the operations of the Department.
3. Operational policies must not unnecessarily create entry barriers for business, prohibit entrepreneurial activity, or curb innovation.

B. Operational policies issued by the Secretary will be issued as a Secretarial Directive. These directives will be properly abbreviated as "SD," followed by the year in which the directive was issued and a two-digit number reflecting the order in which the directive was issued (e.g. SD 2019-01).

1. The Secretary will ensure that the Board of Corrections is notified of the issuance of a Secretarial Directive through the Board's Compliance Division.
2. All Secretarial Directives will be reviewed at least annually by the Office of the Secretary.

- C. The Chief of Staff is the Secretary's designee for coordinating policy development and implementation throughout the Department.
1. Coordination will include the supervision of employees tasked with supporting policy development and implementation within the Divisions of Correction and Community Correction.
 2. Coordination will also include maintaining regular contact with the leadership of all entities within the Department regarding operational policy.
- D. The entities within the Department may issue operational policies in the form of Administrative Directives, Administrative Memoranda; manuals, guides, and other necessary formats. They are encouraged to involve employees at all levels in the development of operational policies.
- E. All operational policies within the Department must be preserved and maintained in an electronic format with availability and distribution determined by current law and policies.
- F. All entities must promptly report to the Secretary, via the Chief of Staff, any operational policy issued within that entity.
- G. Entities within the Department may propose Administrative Rules. When submitting rules to the Governor's Office for review and approval, pursuant to Executive Order 15-02, the proposing entity will also notify the Chief of Staff of the submission.
- H. Guidance Regarding the Effect of Act 910 of 2019 on Preexisting Policies.
1. Act 910 does not affect the orders, rules, regulations, directives, or standards made or promulgated prior to the effective date of the Act by an entity subject to a cabinet-level Department transfer initiated by the Act.
 2. The orders, rules, regulations, directives, or standards referenced in paragraph one (1) of this subsection continue with full force and effect until properly amended or repealed.
 3. Existing rules and operational policies properly referencing the Department of Correction are applicable to the Division of Correction.

4. Existing rules and operational policies properly referencing the Department of Community Punishment, the Department of Community Correction, or Arkansas Community Correction are applicable to the Division of Community Correction.

IV. IMPLEMENTATION:

The entities within the Department are directed to review their existing operational policies and ensure that those policies reflect the procedures contained within this directive.