
	<b>ADMINISTRATIVE REGULATION</b>  <b>STATE OF ARKANSAS</b>  <b>BOARD OF CORRECTIONS</b>	Section Number: <b>ACC 4.1</b>	Page Number: <b>1</b>
		Board Approval Date: <b>9/22/2017</b>	
		Supersedes: <b>DCC AR 4.1</b>	Dated: <b>12/15/00</b>
		Reference: Sec. of State 159	Effective Date: <b>12/15/2017</b>
<b>SUBJECT: SAFETY, SECURITY AND SANITATION AT RESIDENTIAL CENTERS</b>			

- I. AUTHORITY.** The Board of Corrections is vested with the authority to promulgate administration regulations by Arkansas law sections 12-27-105, 16-93-1203 and 16-93-1205.
- II. APPLICABILITY.** This regulation applies to Arkansas Community Correction employees and offenders.
- III. POLICY.** Arkansas Community Correction will promote the safety and security of the public, employees and supervised offenders; provide guidance designed to reduce the occurrence of accidents, victimization, injury, illness or loss of life; and deter or minimize loss or damage to public property.
- IV. DEFINITIONS.**
- A. Qualified Inspector.** An individual who meets the following criteria as it pertains to the type inspection(s) to be conducted:
1. Is certified by the appropriate State and/or Federal authority, if required, for the determined inspection;
  2. Is familiar with applicable Federal, State and municipal codes, regulations and requirements;
  3. Is able to use appropriate instruments for measuring and documenting code compliance;
  4. Is able to complete checklists and prepare necessary reports; and,
  5. Has authority to make corrections when deficiencies are found, or responsibility to report deficiencies to the appropriate authority.
- B. Safety.** Measures taken to promote the physical and mental well-being of the public, employees or offenders and the protection of property.
- C. Security.** Measures intended to prevent sabotage, attack, escape, theft of property, other crimes, or to deter unauthorized access to or disclosure of protected agency information.

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**V. GUIDELINES.**

**A. Safety and Security Program Objectives.** Arkansas Community Correction will have a safety and security program to meet the following objectives:


1. Promote public safety
2. Ensure employee and offender safety
3. Ensure appropriate security procedures are in place
4. Comply with American Correctional Association standards, federal and State law
5. Ensure residential facilities operated by ACC comply with Prison Rape Elimination Act (PREA) Standards
6. Ensure residential centers operated by ACC comply with The Division of Behavioral Health (DBHS) standards for licensure
7. Comply with applicable national and local fire codes
8. Comply with applicable building and environmental codes and zoning ordinances
9. Deter escape
10. Detect contraband
11. Secure evidence or ensure it is secured by local or State police, and
12. Hold offenders accountable for violations of law.

**B. Safety and Security Guidance.** Written policy, procedure and/or practice will provide for the following:


1. Control of residential center access/egress to prevent contraband, theft and escape
2. Designation of employees subject to recall to duty for emergency response
3. Threat analysis
4. Plans for significant and likely threats based on threat analysis
5. Annual review of plans

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6. Training and drills
  7. Conducting contraband searches of centers
  8. Regular safety/security inspections of centers by qualified inspectors
  9. A system to control keys, tools, chemicals and equipment
  10. Appropriate safety/security training for employees and offenders
  11. Assignment of responsibility for supervisory oversight of safety/security programs and activities
  12. Inclusion of appropriate safety and security responsibilities in job descriptions, post orders or performance standards
  13. Establishing a means for review of inspection reports and incident/accident reports and assigning responsibility for resolving potential or actual safety/security hazards and/or problems
  14. Procedures and guidelines for conducting searches of offenders, employees, interns, volunteers, visitors and contractors at centers
  15. Complying with employee chemical right to know requirements
  16. A process for ensuring compliance with applicable national codes and local fire codes
  17. A process for ensuring compliance with applicable building and environmental codes and zoning ordinances
  18. A process to inform all newly hired employees that as a condition of employment they must agree to be subject to a personal search and to have their personal property searched while on State property, and,
  19. Establishing a system for preservation, control and disposition of physical evidence.
- C. Searches in General of Property on ACC Owned or Leased Property.** Any personal or State property, including vehicles, is subject to search when on ACC owned or leased residential center property.

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- D. Searches of Persons.** Any person on residential center owned or leased property is subject to search.
1. Pat Searches by Employees. When authorized employees conduct pat searches they may include a visual inspection of the mouth, nose or ears and may ask people to remove outer garments such as coats, jackets and shoes before conducting the pat search. Such outer garments, toolboxes, briefcases or other containers may also be searched.
  2. Searching Visitors, Contractors and Volunteers. Arkansas Community Correction may establish rules for pat searching visitors, contractors and volunteers.
  3. Strip Searches of Residents. Residents may be strip searched when there is suspicion or upon entering or prior to departure from a secure area of a center. Strip search of an offender must be done by an employee of the same gender and should be observed by another staff member of the same gender when such person is readily available. Strip searches must NOT be conducted by or observed by a person of the opposite gender except when performed/observed by medical practitioners or when the same-gender requirement is waived during an exigent situation. An exigent situation is an urgent situation requiring immediate action. The search should be conducted in a location and manner that protects the resident's privacy and, to the extent possible, keeps the search and results confidential. These restrictions may be waived during an emergency such as an escape or riot. All cross-gender strip searches of residents must be documented.
  4. Body Cavity Search of Residents. Residents may be required to undergo a body cavity search conducted by a nurse, nurse practitioner, physician assistant or physician when there is reasonable suspicion and with the approval of the Center Supervisor or higher authority. The mouth, ears and nose should also be examined as part of the body cavity search. An ACC employee of the same gender must be present to witness the search and collect any contraband or evidence. The search must be conducted in a location and manner that protects the offender's resident's privacy and, to the extent possible, keeps the search and results confidential.

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5. Pat Searches of Employees. Arkansas Community Correction must develop procedures for pat searches of employees.
  6. Strip Searches of Employees at a Residential Center. Employees at a residential center may be strip searched with the approval of the Deputy Director of Residential Services or higher authority when there is reasonable suspicion. Strip search of an employee must be done by an employee of the same gender and must be observed by a second employee of the same gender. The search should be conducted in a location and manner that protects the employee's privacy and to the extent possible, keeps the search and results confidential.
- E. Sanitation and Food Service Safety.** A means will be established for ensuring sanitation and food service safety at centers. The sanitation and food service safety program must ensure compliance with Health Department and American Correctional Association standards.

**VI. REFERENCE.** The Public Employees' Chemical Right to Know Act, (Arkansas law beginning at section 8-7-1001).