



# Arkansas Community Correction

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## **ADMINISTRATIVE DIRECTIVE: 18-11 Policy and Procedure Development**

**TO:** Arkansas Community Correction Employees

**FROM:** Sheila Sharp, Director

**SUPERSEDES:** AD 16-24

**APPROVED:** \_\_\_\_\_ Signature on File

**EFFECTIVE:** April 30, 2018

- I. **POLICY.** ACC will produce and maintain policies and procedures to guide the activities of staff, agents, and offenders; and where appropriate, visitors. Agents are volunteers, interns, contractors, and vendors.
- II. **EXPLANATION.** Written policy and procedures are essential to the operations, management and review of Arkansas Community Correction. All ACC policy must meet state and federal laws, Executive Orders, Board of Corrections' guidance and legislative requirements.
- III. **POLICY FORMATS.** Policy formats used by ACC include:
  - A. **Administrative Regulations.**

Administrative Regulations are official statements of general applicability that guide the agency. Administrative Regulations are the agency's rules and must be promulgated according to the Arkansas Administrative Procedures Act.

Administrative Regulations must be approved by the Board of Corrections, the Governor's Office pursuant to Executive Order 15-02, and the Arkansas Legislative Council prior to implementation.
  - B. **Administrative Directives.**

Administrative Directives are official statements for internal agency management that explain Administrative Regulations, laws and policies and set specific procedures for their implementation. Administrative Directives must be approved by the Director.

### **C. Administrative Memoranda.**

Administrative Memoranda are official statements specifying procedures for applying an Administrative Regulation or Directive, a law or policy to a particular area of operation. An Administrative Memorandum may also be issued to establish day-to-day operational procedures not specifically covered by Administrative Regulations, law or policy. The Director, Chief Deputy Director, Deputy Director or Assistant Director responsible for operation of that area must approve or author the Administrative Memorandum.

### **D. Manuals.**

Manuals are official statements that provide supplemental direction and procedures compatible with applicable law and policy.

### **E. Other Formats.**

Other formats may be used where needed such as guides, handbooks, operating procedures and post orders.

## **IV. RULES – PERTAINING TO AGENCY DOCUMENTS**

A “rule” means an agency statement of general applicability and future effect that implements, interprets, or prescribes law or policy, or describes the organization, procedure, or practice of an agency and includes, but is not limited to, the amendment or repeal of a prior rule.

"Rule" does not mean:

- a statement that concerns the internal management of an agency and that does not affect the private rights or procedures available to the public;
- a declaratory ruling issued pursuant to Arkansas law section 25-15-206; or
- Intra-agency memoranda.

A rule will expire after 24 years unless it is extended through the rule making process, pursuant to Arkansas law 25-15-402.

## **V. POLICY REVIEW, REVISION AND CREATION.**

**A. Policy Review and Creation in General.** Policy creators and reviewers should consider how well the policy conforms to laws, Executive Orders, other ACC policy, ACA standards and efficient operation of the ACC. (2-CO-1A-05; 2-CO-1A-17; 4-ACRS-7B-08)

**B. Annual Policy Review.** The ACC Management Team must ensure Administrative Regulations, Administrative Directives and applicable manuals that pertain primarily to their areas of responsibility are reviewed annually. The “Policy and Forms” page on the agency intranet can be used to “view” the policies and manuals each Management Team member or their designee is responsible for reviewing for the annual policy review.

This review must be documented using the form(s) available on the agency intranet. This review must be completed no later than June 1 for the proceeding 11-month period.

Deputy Directors, Assistant Directors, Area Managers and Center Supervisors must ensure written guidance they produce is reviewed annually, and this review is appropriately documented.

**C. Recommending and Processing Policy Revisions and New Policy.** All Policies, Procedures and Manuals are posted to the Policy and Forms tab on the agency intranet. Management Team Members assigned to conduct the Annual Policy Review are responsible for submitting revisions to existing policies/rules/manuals or for development of any new policies/rules/manuals that may be deemed necessary. The agency intranet > Policy and Forms > Policy Review Committee website will include any revisions that may already be in progress so any recommendations for revisions can be considered in light of edits already proposed.

Any employee may submit proposed revisions through the supervision chain to the Deputy Director level. Appropriate subject matter experts, supervisors and managers may be asked to review, edit and comment on the proposed policy revisions prior to submission to the Policy Committee. Once revisions are made, the applicable Management Team Member must notify the Agency Policy Coordinator that the revised rule is ready for consideration by the Agency Policy Committee. (4-ACRS-7B-09)

The Policy Section Coordinator or another person designated by the Deputy Director of Communications and Public Affairs will be primarily responsible for coordinating the final review of each policy on the Policy Review Committee website.

**D. Policy Review Committee.** The ACC Director will appoint at least one member of each agency division to serve on a Policy Review Committee. The Policy Review Committee will meet as necessary to review changes to existing or new policies/rules. The Deputy Director of Communications and Public Affairs will serve as Chairperson of the Policy Review Committee. The Agency Policy Coordinator and/or Deputy Director of Communication and Public Affairs may make non-substantive edits to submissions to improve consistency, clarity, and accuracy.

The Agency Policy Coordinator will forward committee members an agenda containing link(s) to items to be reviewed at least 3 days in advance of the established meeting.

Committee members must read each proposed policy prior to the meeting. They should make any recommended edits using “track changes” and add their comments as appropriate.

At the meeting the committee must decide to:

- accept the policy as submitted
- accept the policy with minor revisions or
- return to the Management Team Member to address concerns identified by the committee.

The Agency Policy Coordinator will route all items recommended for approval by the Policy Review Committee to the Chief Deputy Director and Director for final approval/signature.

**E.** During annual policy reviews, the Deputy Director of Communications and Public Affairs must ensure agency rules that will expire before the end of the next fiscal year due to the 24-year limit are reviewed and renewed through the Administrative Procedures Act process or the Director approves of allowing the rule to expire.

**F. Review After Regular and Fiscal Legislative Sessions.** (Arkansas Code 25-15-216)

As soon as practical after each regular session and fiscal session of the General Assembly, the Deputy Director of Communications and Public Affairs must review any newly enacted laws to determine whether:

- Any existing rule should be repealed or amended; or
- Any new rule should be adopted.

At the conclusion of each review, the Deputy Director must provide a written report of the review to the Director.

A copy of each report must be maintained as a public record by the agency.

## **G. Policy Writing and Reviewing Guidance.**

Policies must be written using clear language and approved formats. For new and revised ARs, ADs and manuals, the Deputy Director of Communications and Public Affairs must:

- ensure appropriate review
- consider recommendations
- process pursuant to policy
- obtain appropriate approvals
- ask the Policy Section Manager to accomplish the following:
  - when applicable, process pursuant to the Administrative Procedures Act
  - publish ARs and ADs on the ACC public website
  - publish ARs, ADs, manuals and related forms on the intranet, and
  - notify appropriate staff and others of the new or revised policy.

## **H. Approval and Filing Requirement Details.**

### 1. Rules.

Rules, as described above, must be processed pursuant to the Administrative Procedures Act (Arkansas law beginning at section 25-15-201), Governor's Executive Order 15-02, and guidance provided by the Secretary of State, Bureau of Legislative Research and State Library.

### 2. Administrative Regulations. The Deputy Director of Communications and Public Affairs must ensure Administrative Regulations are reviewed, approved and filed as follows:

- a. Initial review by the appropriate Deputy Director, Director and then the Board of Corrections
- b. In compliance with the Administrative Procedures Act and Governor's Executive Order 15-02, to include:
  - public notice
  - initial filing pursuant to Secretary of State guidance
  - obtaining the Governor's approval
  - initial filing with the Bureau of Legislative Research for presentation and approval by the Legislative Council (Rules and Regulations Sub-committee)
  - final rule filing with the Secretary of State, Bureau of Legislative Research and State Library.

3. Administrative Directives.

The Deputy Director of Communications and Public Affairs must ensure Administrative Directives are reviewed, approved and filed as follows:

- the ACC Director must approve all Administrative Directives
- the Board of Corrections must approve the employee Code of Ethics and other documents as directed by the Board
- review and concurrence by the appropriate managers
- filing pursuant to the agency Records Management Administrative Directive.

4. Manuals must be approved by the Chief Deputy Director, Deputy Director or Assistant Director responsible for operation of the area that the manual addresses.

5. Law Library. The Deputy Director of Communications and Public Affairs must ensure distribution of the approved Law Library Policy Table of Contents.

**I. Supervisor Responsibilities for Distribution and Training.**

Supervisors must ensure new and revised policy is provided in a timely manner to appropriate staff, agents and offenders. When appropriate, policy must be provided prior to implementation. (4-ACRS-7B-07 and 08)

**VI. QUARTERLY POLICY REPORT FOR LEGISLATIVE COUNCIL.**

The Deputy Director of Communications and Public Affairs must submit a quarterly report on behalf of the Board of Corrections to the Arkansas Legislative Council. The report must contain all new and revised Administrative Regulations, Administrative Directives and Administrative Memoranda issued in the previous quarter. (Arkansas law section 12-27-106)