



OFFICE OF THE SECRETARY

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SECRETARIAL DIRECTIVE

SUBJECT: Policy Development and Implementation

NUMBER: 2021-20

SUPERSEDES: SD 19-01
ADC AD 18-17
ACC AD 18-11

APPLICABILITY: All Department of Corrections Employees **PAGE:** 1 of 6

REFERENCE: A.C.A. §§ 12-27-106, 16-93-210, 25-15-216, 25-43-103, 25-43-107, 25-43-108, 25-43-403; AR 001, Executive Order 15-02, and SD Legislative Liaison and Legislative Communication

ISSUED BY: Original Signature on File

EFFECTIVE DATE: 12/2/2021

I. POLICY:

As the executive head of the Arkansas Department of Corrections (DOC), it is the statutory responsibility of the Secretary of Corrections (Secretary) to administer the various rules, orders, directives, and other forms of operational policy promulgated or issued by the Entities within the DOC. The purpose of this directive is to ensure that policy throughout the Department is developed and implemented in a manner consistent with state laws, administrative rules, and the mission statement of the Department.

II. DEFINITIONS:

- A. Administrative Directive (AD). Official statements for internal management within a division that outline policies and specific procedures for implementation. ADs must be signed and approved by the appropriate Division Director. ADs will be formatted using the attached template (Attachment 1).
- B. Administrative Memoranda (AM). Policy statements that delineate operational requirements which are not department wide and apply to a specific division or area of operation. An AM may also be issued to establish day-to-day operational procedures not specifically covered by another operational policy.
- C. Administrative Rules (AR). Official statements of general applicability and future effect that implements, interprets, or prescribes law or policy or describes the organization, procedure, or practice of a state agency and includes without limitation the amendment or repeal of a prior rule. ARs are promulgated according to the Arkansas Administrative Procedures Act. ARs must be approved by the appropriate entity, the Governor's Office, and the Arkansas Legislative Council prior to implementation. ARs do not concern the internal management of an Entity.
- D. Entity. A board, commission, committee, office, department, institution, council, agency, or division whose administrative functions were transferred to the DOC under Transformation and Efficiencies Act of 2019, hereafter referred to as Act 910 or the Act.
- E. Office of the Secretary. An office within the DOC, comprised of multiple operational areas, established by the Secretary to support the Secretary's administration of the Department.
- F. Secretarial Directives. Official policies authorized or issued by the Secretary, which direct the implementation of Administrative Rules, federal or state laws, Executive Orders, operations within a shared service area, or operations impacting multiple Entities within the Department.

III. PROCEDURES FOR DEVELOPMENT OF OPERATIONAL POLICIES

- A. Operational policies (OPs) must, at a minimum, adhere to the following guidelines:
1. OPs must be written clearly and concisely to be understood by staff at all levels of the DOC.
 2. Unnecessary references and abbreviations should not be included in OPs.
 3. OPs must not be unnecessarily burdensome to the operations of the DOC.
 4. OPs must not unnecessarily create entry barriers for business, prohibit entrepreneurial activity, or curb innovation.
 5. For policies repealed without the issuance of another policy, the attached policy repeal form (Attachment 4) must be signed by the appropriate Division Director before removal from the intranet site or the law library. The signed form must be placed in record storage indefinitely.
 6. All operational policies within the DOC must be preserved and maintained in an electronic format with availability and distribution determined by current law and policies.
- B. Operational policies issued by the Secretary will be issued as Secretarial Directives (SD). These directives will be 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). SDs will be formatted using the attached template (Attachment 3).
1. The Secretary will ensure that the Board of Corrections (Board) is notified of the development or issuance of a SD through the Board’s Compliance Division.
 2. All SDs will be reviewed at least annually by the Office of the Secretary.
 3. Unless authorized by the Secretary, SDs shall not be made available in the law library.
 4. DOC employees may submit proposed revisions or additions to SDs by submitting their ideas through the chain of command to be reviewed by their Deputy or Assistant Director. Upon approval by the appropriate Division Director, a proposal may be submitted to the Chief of Staff for review.
- C. The Chief of Staff is the Secretary’s designee for coordinating policy development and implementation throughout the DOC.
1. Coordination will include the supervision of employees tasked with supporting policy development and implementation within the Division of Correction (ADC) and Division of Community Correction (ACC), consistent with the provisions of this directive. Supervision shall include providing instruction and guidance on the policy development process.
 2. Coordination will include maintaining regular contact with the leadership of all Entities within the DOC regarding operational policy.
 3. Coordination will include reviewing all policies prior to issuance by divisions of the DOC. However, Division specific policies are issued at the discretion/direction of the individual Division Directors.
 4. The Chief of Staff shall coordinate submission of legislatively mandated reports on behalf of the DOC.
 - a. Any reports required to be submitted shall be formatted and submitted in the manner determined by the Legislative Council or its staff.
 - b. Pursuant to A.C.A. § 12-27-106, the Chief of Staff shall file a quarterly report on new and revised ARs, SDs, ADs, and AMs, on behalf of the Board and the ADC and ACC, with the Legislative Council.
 - c. Pursuant to A.C.A. § 16-93-210, the Executive Administrator of the Arkansas Parole Board, or designee, shall file a quarterly report on new and revised ADs issued by the Board.
 - d. Pursuant to A.C.A. § 25-15-216, following each legislative session, the Chief of Staff shall coordinate reporting on the status of AR development or amendment as a result of legislative changes.

5. As soon as practical after each regular session and fiscal session of the General Assembly, the Chief of Staff 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 Chief of Staff must provide a written report of the review to the Secretary. A copy of each report must be maintained as a public record by the agency.
- D. All Entities must promptly report to the Secretary, via the Chief of Staff, any operational policy issued within that Entity.
1. Entities within the DOC may propose ARs. ARs will be submitted to the Governor's Office for review and approval, pursuant to Executive Order 15-02, by the Secretary or designee.
 2. Rules impacting multiple Entities, or the DOC as a whole, will be developed by the Office of the Secretary in consultation with the leadership of the impacted Entities.
- E. Guidance Regarding the Effect of Act 910 on Preexisting Policies.
1. Act 910 did 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 DOC 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 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 or the Department of Community Correction, are applicable to Division of Community Correction.

IV. PROCEDURES FOR THE DEVELOPMENT OF DIVISION OF CORRECTION POLICIES

A. General Procedures

1. The Division Policy Coordinator is the Director's designee for coordinating policy development and implementation throughout the Division.
2. The Director may appoint a Policy Committee to review policy proposals, which may include personnel from areas such as, accreditation, legal, communications, etc. or other personnel determined at the discretion of the Director. The Director may bypass using the Policy Committee to issue policy in a special or emergency situation.
3. The Director shall designate one (1) member of the Committee to serve as its Chair. The ADC Management Team member initiating the proposal, or their designee, will be known as the "Originator" and will work with the Division Policy Coordinator to ensure the following steps are followed:
 - a. The Originator will electronically submit the proposed policy in a standard format with a memorandum outlining the reasons and justifications why the proposal is needed and whether the proposal should be placed in the inmate law libraries to the Division Policy Coordinator. The Originator must also include a financial impact statement if the proposal is for an AR.
 - b. The Division Policy Coordinator will acknowledge receipt of the proposed policy and forward copies to the Policy Committee. The Division Policy Coordinator will notify the Originator when the policy is scheduled for review by the Policy Committee.
 - c. The Policy Committee will review the substance of the proposed policy. Non-substantive issues related to grammar and formatting may be resolved by the Division Policy Coordinator and the Policy Committee Chair.
 - d. The Chair will notify the Originator who will place the proposed policy on the agenda for a subsequent Management Team meeting.
 - e. A recommendation as to whether the policy should be placed in the law library shall be made by the Policy Committee Chair to the Management Team. The Director will make the final decision.

- f. The Division Policy Coordinator will report the status of all submissions at each Policy Committee meeting through final enactment.

B. Administrative Directive (AD) Procedure. In addition to the General Procedures outlined above, the following procedures must be followed when developing ADs:

1. The Director has the final approval as to whether a policy will be distributed as an AD. The AD is not effective unless and until signed by the Director.
2. Once approved, the policy will be assigned a number and the Director will determine an effective date for the AD. The Division Policy Coordinator will distribute the new or revised AD to all ADC staff as directed including an Executive Summary that is appropriate for presentation during staff meetings, shift briefings, and inmate notification when required.
3. The Division Policy Coordinator is responsible for maintaining an accessible copy of all current ADs as well as a system for locating repealed and modified ADs.
4. The Division Policy Coordinator will maintain all current ADs on the DOC's intranet site. Directives that are designated as confidential shall not be placed on the intranet site.
5. Consistent with applicable state law, the Secretary or Director may designate an AD as confidential and restrict both the distribution of, and access to the AD.

C. Administrative Memoranda (AM) Procedure. The following procedures apply:

1. AMs may be issued to establish day-to-day operational procedures not specifically covered or defined by an AR, AD, AM, or State Law. A member of the management team who is responsible for operation of the area requesting a memorandum must approve the AM.
2. AMs will be distributed by the Division Policy Coordinator and posted on the DOC's intranet site.

D. Unit Policies

1. Unit policies may be issued by a Warden, Center Supervisor, or Administrator pursuant to the provisions of Administrative Rule 001. These policies will provide specific guidance to the unit, center, or operational area related to the implementation of ARs, ADs, and AMs.
2. Unit policy will be distributed by the Warden, Center Supervisor, or Administrator or their designee and posted to the department's intranet site.

E. Annual Review

1. The Director or designee will ensure an annual review of all policies is conducted. The annual review shall include a review of the law library availability for each policy.
2. The results of the annual review will be compiled and provided to the Director for approval.

F. Law Library Availability

1. The Division Policy Coordinator will maintain a current record of all policies that are available and any policies which are not available in the law library. The record must contain, at a minimum the policy title, review date, and the assigned member of the management team. In the event the content of a policy changes, the Director may, at his or her discretion, change the accessibility of a policy.
2. The Division Policy Coordinator will make the record available on the DOC's intranet site and will distribute according to provisions of this policy.
3. The Warden or their designee will be responsible for ensuring copies of approved policies and the records are maintained in their law library.

V. PROCEDURES FOR THE DEVELOPMENT OF DIVISION OF COMMUNITY CORRECTION POLICIES

A. General Procedures

1. ACC Management Team Members are responsible for submitting proposed revisions to existing policies, or the development of any new policies, rules, and manuals to the Division Policy Coordinator.
2. An ACC employee may submit proposed revisions or additions through the supervision chain to be considered by their Deputy Director.
3. Appropriate subject matter experts, supervisors and managers may be asked to review, edit, and comment on the proposed policy revisions.
4. Non-substantive issues related to grammar and formatting may be resolved by the Division Policy Coordinator and the applicable Management Team Member.
5. The Management Team Member will place the proposed policy on the agenda for a subsequent Management Team meeting for consideration by the Director.
6. Once approved, the policy will be assigned a number and the Director will determine an effective date for the AD.
7. Consistent with applicable state law, the Secretary or Director may designate an AD as confidential and restrict both the distribution of, and access to the AD.

B. Annual Policy Review

1. The Director or designee will ensure an annual review of all policies. The annual review shall include a review of the law library availability for each policy.
2. The results of the annual review will be compiled and provided to the Director for approval.

C. Law Library Availability

1. The Division Policy Coordinator will maintain a current record of all policies that are available and any policies which are not available in the law library. The record must contain, at a minimum the policy title, review date, and the assigned member of Management Team. In the event the content of a policy changes, the Director may, at his or her discretion, change the accessibility of a policy.
2. The Division Policy Coordinator will make the record available on the DOC's intranet site and distribute according to provisions in this policy.
3. The Area Manager/Center Supervisor or their designee will be responsible for ensuring copies of approved policies and the record are maintained in their law library.

D. Administrative Directives. In addition to the General Procedures outlined above, the following procedures apply to AD development and implementation:

1. The Director has the final approval as to whether a policy will be distributed as an AD. The AD is not in effect unless and until signed by the Director.
2. The Board of Corrections must approve the employee Code of Ethics and any other operational policies as deemed necessary by the Board.
3. All ADs must be reviewed and concurred with by the appropriate managers.
4. All ADs must be filed pursuant to ACC's Records Management AD.
5. Manuals must be approved by the Deputy Director or Assistant Director responsible for operation of the area that the manual addresses.
6. The Division Policy Coordinator is responsible for maintaining an accessible copy of all current ADs as well as a system for locating repealed and modified ADs, consistent with state law on records retention. The Division Policy Coordinator will maintain all current ADs on the DOC's intranet site, excluding any policies designated as confidential by the Director or the Secretary.

E. Supervisor Responsibilities for Distribution and Training

1. Supervisors must ensure new and revised policy is provided in a timely manner to appropriate staff, agents, and offenders.
2. When possible, policy should be provided to staff prior to implementation.
3. Except in emergency situations, supervisors should not issue policy via email.
4. All operational policies should go through the proper policy implementation and development process as outlined in this SD.

VI. ATTACHMENTS

Attachment #1: Administrative Directive Template

Attachment #2: Administrative Rule Template

Attachment #3: Secretarial Directive Template

Attachment #4: Administrative Directive Repeal Form

ADMINISTRATIVE DIRECTIVE

SUBJECT:

NUMBER:

SUPERSEDES:

APPLICABILITY:

PAGE: 1 of

REFERENCE:

APPROVED:


EFFECTIVE DATE:

I. POLICY:

II. DEFINITIONS:

IV. PROCEDURES:

V. ATTACHMENTS:

 <p style="text-align: center;">ADMINISTRATIVE RULE STATE OF ARKANSAS BOARD OF CORRECTIONS</p>	Section Number:	Page Number:
	Board Approval Date:	
	Supersedes:	Dated:
	Reference:	Effective Date:
SUBJECT:		

I. **POLICY:**

II. **PURPOSE:**

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SECRETARIAL DIRECTIVE

SUBJECT:

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**SECRETARIAL/ADMINISTRATIVE DIRECTIVE
POLICY REPEAL FORM**

TO: Secretary or Director

FROM: Division Policy Coordinator or Appropriate Personnel

RE: [Directive/Policy Name or Number]

DATE: _____

The above Directive has been repealed due to the _____:

AD/SD 20xx-xx was issued with an effective date of __ / __ / ____ .

In order to repeal the policy, your signature is required.

Approving Authority _____
Secretary/Director

Date