



**ADMINISTRATIVE RULE**  
**STATE OF ARKANSAS**  
**SECRETARY OF CORRECTIONS**

<b><u>Section Number:</u></b>	<b><u>Page Number:</u></b> <b>1 of 2</b>
<b><u>Approval Date:</u></b>	
<b><u>Supersedes:</u></b>	<b><u>Dated:</u></b> <b>N/A</b>
<b><u>Reference:</u></b>	<b><u>Effective Date:</u></b>

**SUBJECT: Prison Rape Elimination Act (P.R.E.A.)**

**I. POLICY:**

It is the policy of the Arkansas Department of Corrections that “zero tolerance” exists regarding the rape, sexual abuse, or sexual harassment of Inmates, whether by staff or other Inmates.

**II. EXPLANATION:**

A. It has been a policy and goal of the Arkansas Department of Corrections (DOC) to provide a safe and secure environment to protect the State of Arkansas, our employees, and the Inmates committed to our care and custody. The passage by the United States Congress, in 2003, of the Prison Rape Elimination Act (PREA), reinforces previous policies and goals of the ADC.

B. Pursuant to Arkansas Code Annotated § 12-29-803, it is the policy of the DOC to limit Inspections by male correctional officers in areas where a female Inmate is likely to be in a state of undress.

**III. DEFINITIONS. As used in this rule:**

A. “Exigent Circumstances” means a set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of a facility.

B. “Inmate” means a person confined to a prison or community correction center under the control of the DOC.

C. “Inspections” include searches but do not include routine cell checks.

**IV. PROCEDURES:**

A. Review of Policies. The DOC will annually review policies associated with rape, sexual abuse, or sexual harassment of Inmates. The DOC will revise, adopt, or both new policies and procedures to address the elimination of sexual abuse and sexual harassment of Inmates in its care and custody, as those needs are identified. Areas that will be addressed may include, but are not limited to:

1. Prevention
2. Staff Training/Education
3. Inmate Education
4. Identification/Classification/Housing and Tracking of sexually aggressive Inmates
5. Victim Support
6. Investigation Procedures/Training
7. Prosecution of perpetrators

8. Sanctions

9. Facility reviews and design

10. Data Collection

11. Continuity of counseling/referral upon release

B. Staff Training. Staff training shall be tailored to be gender specific to the facility. All employees shall receive training annually in PREA compliance.

C. Staff Reporting. Reports by male officers conducting Inspections in an area where a female Inmate was in a state of undress shall include:

1. The time and date of the Inspection;

2. Availability or unavailability of female officers; and

3. An explanation of events necessitating the Inspection.

D. General Provisions.

1. Female Inmates shall be permitted to shower, perform bodily functions, and change clothing without male officers viewing their breasts, buttocks, or genitalia except in Exigent Circumstances or when such viewing is incidental to routine cell checks.

2. Male officers shall announce their presence when entering a female housing unit.

3. Unannounced Rounds.

a. Each facility shall implement a practice of having intermediate-level or higher-level supervisors conduct and document unannounced rounds on all shifts.

b. Staff are prohibited from alerting other staff of unannounced rounds unless such announcement is related to legitimate operational functions.

E. Retaliation Prohibited. Retaliation by or against any staff, Inmate, or witness involved in a complaint or report of unauthorized viewing of a female Inmate by a male officer is strictly prohibited and may constitute grounds for disciplinary action, up to and including termination.

**V. REFERENCES:**

Prison Rape Elimination Act

Arkansas Code Annotated § 12-29-803.