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SECRETARIAL DIRECTIVE

SUBJECT: Supplemental Guidance for Modified In-Person Visitation During the COVID-19 Public Health Emergency

NUMBER: 2020-10 **SUPERSEDES:** None

APPLICABILITY: All Department of Corrections Employees, Inmates, and Residents **PAGE:** 1 of 5

REFERENCE: Ark. Code Ann. § 25-43-105, §25-43-108, § 25-43-403 **EFFECTIVE DATE:** November 19, 2020

ISSUED BY: Solomon Graves

I. PURPOSE:

As the executive head of the Department of Corrections (hereafter referred to as DOC or Department), it is the responsibility of the Secretary to establish a process, in conjunction with the Arkansas Department of Health (hereafter referred to as ADH) to mitigate the COVID-19 transmission risk during in-person visitation at the DOC's various prisons, work release, supervision sanction, and community correction centers (hereafter referred to as correctional facilities).

II. PROCEDURES:

All correctional facilities will continue to prohibit in-person visitation except as allowed for by this directive. This directive shall be implemented in conjunction with existing Division policies governing inmate and resident visitation. This directive does not establish a requirement for any correctional facility to provide in-person visitation during the COVID-19 Public Health Emergency.

SARS-CoV-2, the virus responsible for COVID-19, is a highly transmissible virus and correctional facilities by nature often house persons who are highly susceptible to COVID-19. As a result, visitation by persons outside of a correctional facility with offenders residing within that facility presents an increased risk of virus transmission and negative outcomes.

Each correctional facility must notify all offenders and all visitors of the increased risk described above that visitation presents so that they can make informed decisions for themselves and their loved ones on whether they will participate in visitation. Correctional facilities shall conspicuously list the risk described above on all visitor screening forms completed to document visitation allowed under this directive (See Attachment 2). At the direction of a Division Director or the Secretary of Corrections, a completed COVID-19 Visitor Screening Form may be provided to public health personnel.

The risk above shall also be displayed on signage posted in the entrance areas of each correctional facility.

Eligibility for In-Person Visitation

A correctional facility is eligible for in-person visitation if each of the following criteria are met:

1. The COVID-19 offender positivity rate in the previous fourteen (14) calendar days, measured from the date of the facility's latest newly positive COVID-19 test offender test result, does not exceed 5% of the total number of offenders tested;

Notes:

- (1) Positive COVID-19 cases identified while an inmate/resident is in quarantine immediately following their initial intake will not be counted toward the 5% positivity rate.
 - (2) No inmate/resident currently under quarantine will be allowed to have an in-person visit.
2. The facility has implemented a plan to test all staff for COVID-19 prior to entry to the facility, including contractors and vendors;
 3. The COVID-19 positivity rate, for all permanently assigned facility and medical staff, in the previous fourteen (14) calendar days, measured from the date of the facility's latest newly positive COVID-19 staff test result, does not exceed 10% of the total number of staff tested;
 4. The facility has submitted an approved visitation plan to its Division Director which provides for, at a minimum, the following:
 - a. The screening of all visitors for symptoms commonly associated with COVID-19 (See Attachment 1). The facility will restrict access to the facility to all persons who meet any screening criteria for restricted access.
 - b. The distribution of a face mask [considered appropriate by the Centers for Disease Control and Prevention](#) to all visitors for use during visitation.
 - c. The availability of an adequate supply of hand sanitizer for staff, offenders, and visitors.
 - d. The arrangement of visitation areas to enforce a minimum of six (6) feet of distance between each visitation group.
 5. The facility has adequate PPE to meet the needs of offenders, visitors, and staff.

To aid in proper social distancing in designated visiting areas, each correctional facility approved for visitation will observe the following:

1. Each offender will be limited to two (2) adult visitors (immediate family only).
2. Visitors will be prohibited from using the restroom, except for an emergency.
3. Vending machine and concession sales are prohibited.
4. Visitation will be by appointment only and limited to one (1) hour in length.
5. Barriers will be erected between inmate/residents and visitors when deemed necessary by a Division Director, or designee.

No portion of this directive shall be interpreted to restrict entrance to a correctional facility by the Board of Corrections or its Compliance Division, law enforcement, emergency personnel, or representatives from other government entities seeking entrance in their official capacities. Law enforcement, emergency personnel, or representatives from other government entities must wear a face mask and sanitize their hands prior to entering a facility.

Additional Requirements for Correctional Facility Visitation

Correctional facilities must monitor all visits to ensure compliance with visitation requirements. Correctional facilities must have operating plans which provide adequate staff to safely move offenders to and from visitation, enforce the wearing of face masks by all inmates/residents and visitors, generally monitor visitation, and ensure that visitation areas are thoroughly cleaned with an EPA-approved disinfectant after each visitation.

All visitors must remain in their vehicles outside the facility until fifteen (15) minutes prior to their scheduled visitation. Visitors will wear a face mask once they leave their vehicle.

Suspension of Visitation Within an Otherwise Eligible Facility

While a correctional facility may be eligible for in-person visitation, a Division Director or the Secretary of Corrections may otherwise suspend visitation. Such a suspension may be based on either the recommendation of the ADH, or the Department's contracted medical provider, that a suspension is necessary to mitigate the risk of COVID-19 transmission.

The Department will fully comply with any restrictions on visitation provided by ADH, in writing, if ADH determines that restrictions are appropriate due to circumstances in a particular facility, community, or the state.

Current facility visitation status will be made available on the Department's website. Visitation suspensions will also be reported, by the Secretary or a Division Director, to the Assistant to the Board of Corrections.

III. ATTACHMENTS:

1. Correctional Facility Screening Guidance
2. Department of Corrections COVID-19 Visitor Screening Form

Attachment 1**Correctional Facility Visitor Screening Guidance**

A correctional facility must screen every visitor, and all other persons who enter the facility, including without limitation employees of the facility, contractors, and vendors. Specifically, each facility must screen for the following:

1. Temperature of 100.4 F or higher as measured by the facility;
2. Temperature of 100.4 F or above within the last 24 hours;
3. No positive test for COVID-19 within the last fourteen (14) calendar days;
4. No worsening of other symptoms of COVID-19 within the last 24 hours, with other symptoms of COVID-19 including without limitation cough, shortness of breath, sore throat, or the loss of taste or smell; and
5. No close contact within the last fourteen (14) calendar days with a person who is positive with COVID-19, with a close contact being contact within six (6) feet for longer than fifteen minutes without appropriate PPE.

Correctional facilities must restrict entry to any person who meets any one of the above screening criteria.

Correctional facilities must document all visitors entering the facility utilizing Attachment 2. At the direction of a Division Director or the Secretary of Corrections, a completed COVID-19 Visitor Screening Form may be provided to public health personnel.

Attachment 2**Department of Corrections COVID-19 Visitor Screening Form**

Visitor Name: _____ Date and Time of Visit: _____ | _____ a.m./p.m.

Home Address: _____ City: _____ State: _____ Zip: _____

Telephone Number: _____ Offender Visited: _____ ADC#: _____

Have you had a positive COVID-19 test? Yes No | If yes, what was the date of the positive test?

_____ Have you had any of the following symptoms in the past 72 hours?

- | | | |
|---|---|---|
| <input type="checkbox"/> Fever (≥ 100.4 °F) | <input type="checkbox"/> Nausea or Diarrhea | <input type="checkbox"/> Chills/Shaking with Chills |
| <input type="checkbox"/> Cough | <input type="checkbox"/> Muscle Aches or Pains | <input type="checkbox"/> Sore Throat |
| <input type="checkbox"/> Shortness of Breath | <input type="checkbox"/> New Loss of Taste or Smell | <input type="checkbox"/> Headache |
| <input type="checkbox"/> Fatigue | <input type="checkbox"/> Congestion or Runny Nose | |

Have you been exposed to anyone with a positive COVID-19 test or any of these symptoms? Yes No If yes, document date of exposure and circumstances: _____

By my signature below, I certify that my responses to the questions above are true and accurate to the best of my knowledge. I also understand that if any of the responses are knowingly false when made that my visitation privileges will be revoked for one (1) year. Finally, I express my understanding and agreement to do the following, as conditions of visitation:

- I understand I must always wear a face mask, provided by the facility, during my visit.
- I understand that I must remain at least six feet away, or behind a designated barrier, from the inmate/resident during visitation.
- I understand I may not hug, kiss, shake hands with, or touch the inmate/resident during visitation.
- I understand I must clean my hands with alcohol-based hand rub or by handwashing before and after my visit.
- I understand I may not use the restroom, eat, or drink during my visit.
- I understand that if I develop any of the above-identified symptoms of COVID-19 within 72 hours of my visit, I must notify the facility immediately.
- I understand that if I am notified that I was exposed to a person prior to my visit that tested positive for COVID-19, I must notify the facility immediately.
- I understand that I will be directed to the visitation area and I must remain in the visitation area.
- I understand that the visitation will be monitored to observe adherence to these conditions.
- I understand that if I fail to abide by any of these conditions of visitation the privilege of visitation will be revoked for one (1) year.**
- I further understand that SARS-CoV-2, the virus responsible for COVID-19, is a highly transmissible virus and correctional facilities by nature often house offenders who are highly susceptible to COVID-19. Visitation by persons outside of a correctional facility with offenders residing within that facility presents an increased risk of virus transmission and negative outcomes.**

Signature of Visitor_____
Date

FOR DOC Staff Use: Visitor's Temperature: _____ °F Screener Initials: _____