

ARKANSAS REGISTER

Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State

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For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency _____

Department _____

Contact _____ E-mail _____ Phone _____

Statutory Authority for Promulgating Rules _____

Rule Title: _____

Intended Effective Date

(Check One)

Date

☐ Emergency (ACA 25-15-204) Legal Notice Published _____

☐ 10 Days After Filing (ACA 25-15-204) Final Date for Public Comment _____

☐ Other _____ Reviewed by Legislative Council _____
(Must be more than 10 days after filing date.)

Adopted by State Agency _____

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)


Signature

Phone Number

E-mail Address

Title

Date

 <p style="text-align: center;">ADMINISTRATIVE RULES</p> <p style="text-align: center;">STATE OF ARKANSAS</p> <p style="text-align: center;">BOARD OF CORRECTIONS</p>	Section Number:	Page Number:
	804	1 of 3
	Board Approval Date: 5/11/2018	
	Supersedes: AR 804	Dated: 5/11/2018
	Reference: Ark. Code Ann. § 12-27-113(e)	Effective Date: 5/21/2018
SUBJECT: Inmate Records		

I. POLICY:

The ADC shall maintain a full and complete record of every inmate under its supervision and protect the integrity of such records in accordance with Ark. Code Ann. § 12-27-113(e).

II. EXPLANATION:

To protect the integrity of inmate records and to ensure their proper use. It is unlawful to permit inspection of or disclose information contained in the records, or to copy or issue a copy of all or part of any record, except as authorized by administrative rule or court order.

III. DEFINITIONS:

Inmate Record (a/k/a Institutional File and Inmate Jacket): A full and complete record in written or electronic form regarding each person committed to the Department of Correction, which shall include, but is not limited to, a photograph of the convicted person, the offense and sentence for any conviction for which the inmate is incarcerated, the inmate's criminal history, medical and mental health information and records, and all other records which identify and relate directly to that inmate. Electronic transmissions and recordings that chronicle the activities and conversations of inmates are part of the Inmate Record.

IV. PROCEDURES:

- A. Disclosure or inspection of information contained in inmate records is prohibited unless authorized by this Administrative Rule or by court order.
- B. Except as authorized by Act 1265 of 2015 (Ark. Code Ann. § 12-27-145), only the following information from an inmate record may be released to the general public:

1. Offender's name, aliases, ADC number, photograph, physical description, date of birth, age, race, and gender.
 2. Date of incarceration.
 3. Facility(ies) of confinement, work assignments, and program participation (unless it involves drug and alcohol program participation).
 4. The following information regarding current incarceration: offense (s), sentence (s), sentence date (s), county (ies) of conviction, case number (s), total time to serve, parole/transfer eligibility date, movements and behavior.
 5. The following information regarding prior incarceration(s): offense(s), sentence(s), sentence date(s), county(ies) of conviction, case number(s), movements, behavior and parole/clemency history, including date(s) of release and date(s) of return to ADC.
 6. Detainers.
- C. Information from an inmate's record in addition to that in paragraph B of this section may be released to criminal justice agencies and to social service and other governmental authorities unless state or federal law prohibits such disclosure.
- D. Information contained in inmate records in addition to that in paragraph B of this section may be released to appropriate personnel for research purposes.
- E. Information contained in inmate records in addition to that in paragraph B of this section may be viewed by an employee of the Bureau of Legislative Research in accordance with and subject to the limitations of Arkansas Code Annotated § 12-27-113(e)(5).
- F. Access to an inmate's own record may be granted, or information from the record may be released to the inmate and/or his attorney as needed to resolve legitimate questions about the accuracy of information in the record or as required by the rules of discovery in pending litigation. The names of confidential informants and other sensitive or confidential information the disclosure of which might cause harm to any person are exempt from disclosure except pursuant to court order.
- G. Upon the death of inmate, access to that inmate's medical or mental health information or records may be granted to a person designated by the inmate to have access to such records in accordance with policies and procedures adopted by the Department, or as required by state or federal law.

- H. An inmate will not be permitted to peruse his file at will. His/her request for access to the file or information contained therein must be made in writing to the Warden or his/her designee; the inmate must state with particularity the information or parts of the file to which access is requested; and the inmate's request must be supported by a showing of compelling need. The decision of the Warden or his/her designee to grant or deny the inmate's request shall be final.
- I. An inmate will not be given access to another inmate's record or any information contained therein.

V. REFERENCE:

Ark. Code Ann. § 12-27-113(e)

VI. STANDARD:

American Correctional Association (ACA) Standards for Adult Correctional Institutions
AR804