

ARKANSAS REGISTER

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AR. REGISTER DIV.

93 JUN 25 AM 10: 04

Transmittal Sheet



W.J. "BILL" McCUEN
SECRETARY OF STATE
LITTLE ROCK, ARKANSAS

W. J. "Bill" McCuen

Secretary of State

State Capitol Rm. 010

Little Rock, Arkansas 72201-1094

For Office

Use Only:

Effective Date

7/18/93

Code Number

004.0093--0016

Name of Agency Arkansas Department of Correction

Department of Correction

Contact Person Larry Norris, Director

Statutory Authority for Promulgating Rules Act 50 of 1968, First Extraordinary Session,
as amended

AR 804 - Access to Inmate Records

Intended Effective Date

Date

☐ Emergency

Legal Notice Published

6/6-12/93

☐ 20 Days After Filing

Final Date for Public Comment

6/23/93

☒ Other

Filed With Legislative Council

6/1/93

Use July 18, 1993 as the
effective date

Reviewed by Legislative Council

Adopted by State Agency

6/24/93

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with Act 424 of 1967 As Amended.

Larry Norris
Signature

Director
Title

6/24/93

Date

004.00.93-006



FILED
AP REGISTER DIV.
93 JUN 25 AM 10:04
STATE OF ARKANSAS
DEPARTMENT OF CORRECTIONS
W.J. "BILL" McCUEN
SECRETARY OF STATE
LITTLE ROCK, ARKANSAS

Section Number 804	Page Number 1 of 4
Board of Correction Approval Date: 6/24/93	
Supersedes: AR804	Dated: 1-22-91
Attorney General Review Date: 6/24/93	Date Filed Secy. of State: 6/28/93

SUBJECT: Access to Inmate Records

I. AUTHORITY:

The Board of Correction is vested with the authority to promulgate this Administrative Regulation by Act 50 of 1968, First Extraordinary Session, as amended; Act 897 of 1989, Regular Session, an Act to amend Arkansas Code 12-27-113(e) regarding records of the Arkansas Department of Correction; Arkansas Freedom of Information Act, Arkansas Code 25-19-101 et. seq.; FURMAN V. HOLLOWAY, 312 ARK. 378; S.W.2d___ (1993).

II. PURPOSE:

To outline procedures that staff shall follow to ensure the proper dissemination of all information contained in records of inmates confined within the Department of Correction.

III. APPLICABILITY:

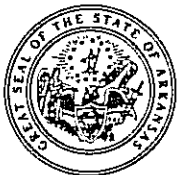
To the Director; any staff the Director may charge with the responsibility as keeper of the inmate records; any staff having access to the inmate record or for any reason must inspect the inmate record; and inmates.

IV. DEFINITIONS:

A. Inmate Record: A full and complete document of each and every person committed to the department which shall include but is not limited to a photograph of the convicted person, trial conviction data, and past criminal history.

V. POLICY:

It shall be the policy of the Department of Correction to ensure that all applicable provisions of federal, state, and local statutes or regulations are observed with respect to the records of inmates confined within the Department of Correction.



ADMINISTRATIVE REGULATIONS
STATE OF ARKANSAS
DEPARTMENT OF CORRECTION

Section Number

804

Page Number

2 of 4

Board of Correction Approval Date:

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VI. PROCEDURES:

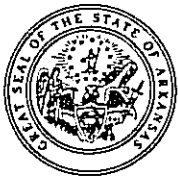
Inmate records shall be maintained in a secure location and controlled in a way that ensures only those staff having a need for access to those records are permitted access in accordance with laws.

A. Release of Information

1. It shall be unlawful to permit inspection of or to disclose information contained in inmate records or to copy or issue a copy of all or part of any record to any person so committed except as authorized by administrative regulation or by order of a court of competent jurisdiction.
2. Pursuant to the Arkansas Freedom of Information Act, as amended, public information will be released upon appropriate requests for information.
3. Information contained in inmate records is accessible to appropriate personnel for research and report purposes.

B. Inspection of Record by Inmate

1. An inmate is entitled to inspect his or her inmate record pursuant to the Arkansas Freedom of Information Act and subject to the following limitations:
 - a. The inmate's request shall be in writing directed to the records custodian or designee;
 - b. The inmate's inspection shall be performed in the presence of departmental staff within a reasonable time after the request is made. A reasonable time is considered to be



ADMINISTRATIVE REGULATIONS
STATE OF ARKANSAS
DEPARTMENT OF CORRECTION

Section Number

804

Page Number

3 of 4

Board of Correction Approval Date:
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SUBJECT: Access to Inmate Records

ten working days excluding weekends and holidays.

A period of thirty minutes shall be allowed for the review of the record by the inmate. Additional time may be allowed at the discretion of the records supervisor or designee.

- c. Documents of a sensitive or confidential nature and which would cause great harm to third persons if disclosed are exempt from disclosure;
 - d. The Department of Correction may limit an inmate's inspection to one inspection per six month period.
2. Any inmate who alters, erases, obliterates, removes, destroys, conceals, or tampers with his or her inmate record shall be subject to disciplinary action pursuant to the appropriate disciplinary rules and regulations and/or criminal prosecution pursuant to Ark. Code Ann. 5-54-121 (a Class D felony).

If photocopies are requested by the inmate, a charge as determined by the Administrative Services Division shall be deducted from the inmate's account.

C. Exemptions

In addition to the limitations imposed herein, the following is a list of records that may be contained within inmate records and are specifically exempted from disclosure under the FOIA, other Arkansas statutes, and federal law. This serves only as a guide for inmate records while other exemptions exist.

- 1. Medical, mental health, and adoption records;



ADMINISTRATIVE REGULATIONS
STATE OF ARKANSAS
DEPARTMENT OF CORRECTION

Section Number

804

Page Number

4 of 4

Board of Correction Approval Date:

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2. Any documents protected from disclosure by order or rule of court;
3. Records for expungement of minor non-violent first offenders and minor felony offenders subsequently pardoned;
4. Records for expungement of first offenders pursuant to the Alternative Service Act;
5. Pre-sentence reports, pre-parole reports, and supervision histories of the parole release authority; recommendations for parole, however, are expressly open to the public under Ark. Code Ann. 16-93-702;
6. Birth certificates, death certificates, and other vital records;
7. Records of the State Medical Examiner and Crime Laboratory, including autopsy reports;
8. Registration records of habitual sex offenders required to register with local law enforcement agencies;
9. Records of the State Hospital;
10. Driver's license records, records of moving traffic violations, and records of convictions of moving traffic violations.

Requests for information/data that is generated by another agency and forwarded to the Department of Correction shall be requested and/or released through the agency that originated the document(s).

VII. ACA STANDARD:

2-4115

AR804