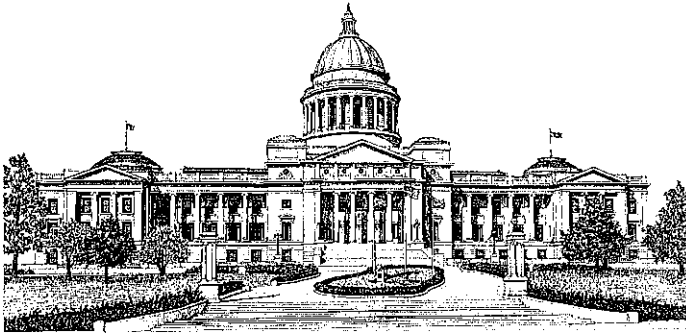


# ARKANSAS REGISTER

## 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 Arkansas Department of Corrections

Department Division of Community Correction

Contact Russ Carter E-mail Russ.Carter@Arkansas.gov Phone 501-682-9572

Statutory Authority for Promulgating Rules Arkansas Code sections 12-27-105, 16-93-1203 and 16-93-1205

Rule Title: Public Release of Offender Information

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 9/15/2015  
(Must be more than 10 days after filing date.)

Reviewed by Legislative Council ..... \_\_\_\_\_

Adopted by State Agency ..... \_\_\_\_\_

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

Russ Carter

Russ.Carter@Arkansas.gov

12/31/2019

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

870.643.1922

Solomon.Graves@Arkansas.gov


Phone Number

E-mail Address


Chief of Staff

Title

Date

	<b>ADMINISTRATIVE RULE</b>  <b>STATE OF ARKANSAS</b>  <b>BOARD OF CORRECTIONS</b>	<b>Section Number:</b> <b>AR 7.4</b>	<b>Page Number: 1</b>
		<b>Board Approval Date:</b> <b>8/21/2015</b>	
		<b>Supersedes:</b> <b>AR 7.4</b>	<b>Dated:</b> <b>1/31/2014</b>
		<b>Reference:</b> Secretary of State Rule Code 159.	<b>Effective Date:</b> <b>9/15/2015</b>
<b>SUBJECT: PUBLIC RELEASE OF OFFENDER INFORMATION</b>			

- I. AUTHORITY.** The Board of Corrections is vested with the authority to promulgate this administrative rule by Arkansas law sections 12-27-105, 16-93-1203, 16-93-1205 and 12-27-125.
- II. APPLICABILITY.** This applies to Arkansas Community Correction (ACC) employees and medical contractor staff.
- III. POLICY.** Offender information must be protected and must not be released to the public except as permitted in this policy and state and federal laws.
- V. RELEASE OF INFORMATION.**
- A.** Offender information must not be released or disclosed to the public, offenders or their attorneys except as provided by policy and state and federal laws or by court order.
- B.** Only the following information from an offender record for an offender housed at an ACC facility may be released to the general public:
1. Offender's name, aliases, ACC number, photograph, physical description, date of birth, date of death, age, race, and gender.
  2. Dates of confinement.
  3. Facility(ies) of confinement, work assignments, and program participation (unless it involves drug and alcohol or mental health program participation).
  4. Current 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. Prior confinement, 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 ACC or ADC.
  6. Detainers.
  7. Furloughs.
  8. Escape history.


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		<b>Board Approval Date:</b> <b>8/21/2015</b>	
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**C.** Only the following information from an offender record for an offender on probation or parole with ACC may be released to the general public:

1. Offender's name, aliases, photograph, physical description, date of birth, date of death, age, race and gender.
2. Dates of supervision.
3. Office of supervision and program completion while under supervision (unless it involves drug and alcohol or mental health program participation).
4. Current Supervision: offense(s), sentence(s), sentence date(s), county(ies) of conviction, case number(s), total time to serve on supervision, revocation history, transfers, adherence to conditions of release and behavior.
5. Prior supervision: offense(s), sentences(s), sentence date(s), county(ies) of conviction, case number(s), transfers, adherence to conditions of release, clemency history, including date(s) or release and date(s) or return to ACC or ADC.
6. Detainers.
7. Furloughs.
8. Escape history.

**D.** In addition to the information outlined in paragraphs B and C above, ACC is required by Arkansas law to post on its public website the following records of parolees and probationers who have absconded supervision or have an active warrant issued for evading supervision:


1. Any suspended sentences and their terms, if known.
2. A complete summary of felony convictions and sentences to the extent known by ACC.
3. Risk Assessments scores completed after April 1, 2015, including the name of the state agency conducting the assessment, the date conducted and the level of the assessment.
4. Any known aliases of the offender.
5. Most recent photograph.

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		<b>Board Approval Date:</b> <b>8/21/2015</b>	
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<b>SUBJECT: PUBLIC RELEASE OF OFFENDER INFORMATION</b>			

6. Any in-state or out-of-state orders of protection or no-contact orders known to ACC.
7. All major disciplinary violations and the date of their disposition that occurred while the offender was incarcerated.
8. Any programs completed and their dates while under ACC supervision.
9. A list of previous revocation offenses while on probation or parole and date of revocation.
10. Any court-generated records posted will be electronic copies of the actual court documents. If included in the documents, victim information must be redacted prior to posting on the public website.

The ACC Director must develop a plan to establish a method for a victim of a crime committed by a probationer, parolee or other person under ACC supervision to easily obtain the above information.

- E.** Information from an offender record in addition to paragraphs B, C and D above may be released to criminal justice agencies and other governmental authorities unless state or federal law prohibits such disclosure.
- F.** Information contained in offender records in addition to paragraphs B, C and D above may be released to appropriate personnel for research and audit purposes.
- G.** Information contained in offender records in addition to paragraphs B, C and D above may be released to appropriate personnel involved in the operation of a contracted or licensed correctional facility or program.
- H.** Access to an offender's own record may be granted, or information from the record may be released to the offender and/or his attorney as needed to resolve legitimate questions about the accuracy of information in the record or as required by 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, must NOT be disclosed except pursuant to court order.

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		<b>Board Approval Date:</b> <b>8/21/2015</b>	
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- I.** An offender must not be permitted to peruse his/her file at will. The request for access to the file or information contained therein must be made in writing to the Center Supervisor or Area Manager or his/her designee. The offender must state with particularity the information or parts of the file to which access is requested; and the offender's request must be supported by a showing of compelling need. The decision of the Center Supervisor or Area Manager or his/her designee to grant or deny the offender's request is final.
- J.** An offender must not be given access to another offender's record or any information contained therein.
- K.** Staff trained in the supervision, management and/or treatment of offenders may provide information pertaining to a particular offender to that offender as part of the offender's supervision, management and/or treatment. For example, the offender's supervision conditions and supervision plan are information commonly provided to the offender.

#### **VI. REFERENCE.**

Arkansas Law section 12-27-125(b) and 12-27-144.