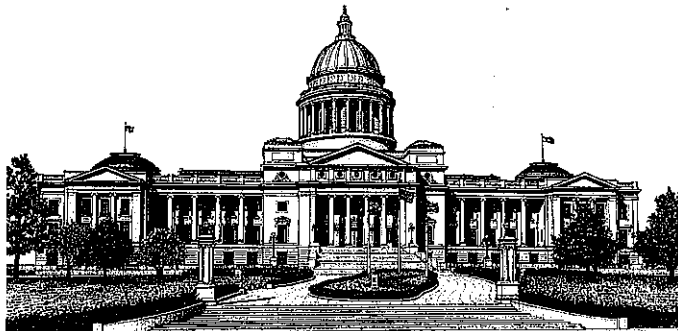


ARKANSAS REGISTER

Transmittal Sheet

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For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency Board of Corrections

Department Arkansas Community Correction

Contact Dina Tyler E-mail Dina.Tyler@Arkansas.gov Phone 501-683-3300

Statutory Authority for Promulgating Rules Arkansas law 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

9/29/2013

30 Days After Filing (ACA 25-15-204)

Final Date for Public Comment

10/30/2013

Other 1/31/2014
(Must be more than 30 days after filing date.)

Reviewed by Legislative Council

12/11/2013

Adopted by State Agency

1/23/2014

Electronic Copy of Rule submitted under ACA 25-15-218 by:

Russ Carter Russ.Carter@Arkansas.gov

1/23/2014

Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with Act 434 of 1967 the Arkansas Administrative Procedures Act. (ACA 25-15-201 et. seq.)

Signature

501-683-3300

Dina.Tyler@Arkansas.gov

Phone Number


E-mail Address

Deputy Director of Communication and Public Affairs

Title

1/24/2014

Date

	ADMINISTRATIVE REGULATION STATE OF ARKANSAS BOARD OF CORRECTIONS	Section Number: AR 7.4	Page Number: 1
		Board Approval Date: 1/23/2014	
		Supersedes: AR 7.4	Dated: 12/31/2000
		Reference: 159.	Effective Date: 1/31/2014
SUBJECT: PUBLIC RELEASE OF OFFENDER INFORMATION			

I. AUTHORITY. The Board of Corrections is vested with the authority to promulgate this administrative regulation by Ark. Code Ann. 12-27-105, 16-93-1203, and 16-93-1205.

II. APPLICABILITY. This applies to Arkansas Community Correction (ACC) employees and medical contractor staff.

III. POLICY. ACC must maintain a full and complete record of every offender under its supervision and protect the integrity of such records in accordance with Arkansas law section 12-27-125(b).

IV. DEFINITION.


Offender Record. A full and complete record in written or electronic form of each person supervised by Arkansas Community Correction, which must include but is not limited to a photograph of the convicted person, conviction data, criminal history, and electronic transmissions and recordings that chronicle the activities and conversations of offenders.

V. RELEASE OF INFORMATION.


A. Disclosure or inspection of information contained in offender records is prohibited unless authorized by this Administrative Regulation 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. Date of confinement.
3. Facility(ies) of confinement, work assignments, and program participation (unless it involves drug and alcohol or mental health program participation).

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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.
- 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.** Information from an offender record in addition to paragraphs B and C above may be released to criminal justice agencies and other governmental authorities unless state or federal law prohibits such disclosure.

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- E.** Information contained in offender records in addition to paragraphs B and C above may be released to appropriate personnel for research and audit purposes.

- F.** 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 are exempt from disclosure except pursuant to court order.

- G.** An offender will 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.

- H.** An offender will not be given access to another offender’s record or any information contained therein.

VI. REFERENCE.

Arkansas Law section 12-27-125(b)