

	ADMINISTRATIVE REGULATION STATE OF ARKANSAS BOARD OF CORRECTIONS	Section Number: AR 7.4	Page Number: 1
		Board Approval Date: ??/??/????	
		Supersedes: AR 7.4	Dated: 12/31/2000
		Reference:	Effective Date: ??/??/????
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 Department of Community Correction (DCC) employees and medical contractor staff.
- III. POLICY.** The DCC 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 the Department of 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 a DCC facility may be released to the general public:
1. Offender's name, aliases, DCC 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).
 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.

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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 DCC 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 DCC 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 DCC 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.
- 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.

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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)

DCC PROPOSES TO REPEAL THIS RULE AND ISSUE A NEW RULE “Public Release of Offender Information”

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	<p>Board Approval Date: 11/16/00</p>	
	<p>Supersedes: DCP 7.4</p>	<p>Dated: 8/22/97</p>
	<p>Reference:</p>	<p>Effective Date: 12/31/00</p>
<p>SUBJECT: OFFENDER RECORDS</p>		

- I. AUTHORITY.** The Board of Corrections is vested with the authority to promulgate administrative regulations by Ark. Code Ann. §§12-27-105, 16-93-1203 and 16-93-1205.
- II. APPLICABILITY.** Department of Community Correction (DCC) employees and health care contractor employees.
- III. POLICY.** The DCC shall maintain full and complete records for every resident under agency supervision. Resident records and information in resident records shall be protected from inspection or disclosure, copying or issuing except as authorized by administrative regulation or by order of a court of competent jurisdiction.
- IV. GUIDELINES.** The DCC shall maintain a full and complete record for every resident under agency supervision. Resident records/information may be disclosed, copied or inspected as follows:
 - A.** by order of a court of competent jurisdiction;
 - B.** in accordance with a research plan approved by the DCC Director prior to the start of research, non-departmental agencies or personnel may review or obtain resident records for the purpose of research;
 - C.** health care or treatment program organizations may obtain medical or mental health information necessary to provide treatment in accordance with guidelines established by the DCC Director or the company providing contract health care services at Residential Centers;
 - D.** health care or treatment program organizations may obtain drug testing information for a resident for the purpose of providing substance abuse treatment, provided an accompanying statement restricts further disclosure without specific written consent by the resident;

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E. The DCC Director shall establish guidance addressing disclosure, copying or inspecting resident records relative to the following people, groups or agencies:

1. contract medical and mental health employees;
2. prosecuting or resident=s criminal defense attorneys;
3. other state agency personnel;
4. other criminal justice agencies;
5. residents (his/her record in accordance with DCC AD);
6. DCC staff; and
7. the public (to include media) provided that the public will only be given the following resident information, and only in accordance with administrative procedures established by the DCC Director:
 - a. Resident name;
 - b. Resident or case number;
 - c. Conviction information;
 - d. Existing detainer or warrant information;
 - e. Date placed on, or discharged from, parole or probation;
 - f. Date of birth;
 - g. Race, and
 - h. Sex.

V. REFERENCE. Ark. Code Ann. ' 12-27-125.

VI. STANDARDS. American Correctional Association (ACA) Standards for Adult Community Residential Services, third edition, standards 3-ACRS-1G-04 and -05. ACA Standards for Adult Probation and Parole Field Services, third edition, standard 3-3109.