	<b>ADMINISTRATIVE REGULATION</b>  <b>STATE OF ARKANSAS</b>  <b>BOARD OF CORRECTIONS</b>	Section Number: <b>AR 7.4</b>	Page Number: <b>1</b>
		Board Approval Date: <b>1/23/2014</b>	
		Supersedes: <b>AR 7.4</b>	Dated: <b>121/31/20002014</b>
		Reference: <b>159.</b>	Effective Date: <b>1/31/2014</b>
<b>SUBJECT: PUBLIC RELEASE OF OFFENDER INFORMATION</b>			

**DRAFT as of 5/15/2015 Printed: 6/18/2015 4:43 PM**

**I. AUTHORITY.** The Board of Corrections is vested with the authority to promulgate this administrative regulation by ~~Ark. Code Ann.~~ Arkansas law sections 12-27-105, 16-93-1203, ~~and~~ 16-93-1205 and 12-27-125.

**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). Offender information must be protected and must not be released to the public except as permitted in this policy and state and federal laws.~~

**~~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 Offender information contained in offender records is prohibited unless authorized~~ must not be released or disclosed to the public, offenders or their attorneys except as provided by this Administrative Regulation 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. ~~Date~~ Dates of confinement.

	<b>ADMINISTRATIVE REGULATION</b>  <b>STATE OF ARKANSAS</b>  <b>BOARD OF CORRECTIONS</b>	Section Number: <b>AR 7.4</b>	Page Number: <b>2</b>
		Board Approval Date: <b>1/23/2014</b>	
		Supersedes: <b>AR 7.4</b>	Dated: <b>121/31/200020</b> <b>14</b>
		Reference: <b>159.</b>	Effective Date: <b>1/31/2014</b>
<b>SUBJECT: PUBLIC RELEASE OF OFFENDER INFORMATION</b>			

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.

**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.


	<b>ADMINISTRATIVE REGULATION</b>  <b>STATE OF ARKANSAS</b>  <b>BOARD OF CORRECTIONS</b>	Section Number: <b>AR 7.4</b>	Page Number: <b>3</b>
		Board Approval Date: <b>1/23/2014</b>	
		Supersedes: <b>AR 7.4</b>	Dated: <b>121/31/200020</b> <b>14</b>
		Reference: <b>159.</b>	Effective Date: <b>1/31/2014</b>
<b>SUBJECT: PUBLIC RELEASE OF OFFENDER INFORMATION</b>			

~~DD.~~ 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.
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 ED above may be released to criminal justice agencies and other governmental authorities unless state or federal law prohibits such disclosure.

	<b>ADMINISTRATIVE REGULATION</b>  <b>STATE OF ARKANSAS</b>  <b>BOARD OF CORRECTIONS</b>	Section Number: <b>AR 7.4</b>	Page Number: <b>4</b>
		Board Approval Date: <b>1/23/2014</b>	
		Supersedes: <b>AR 7.4</b>	Dated: <b>121/31/200020</b> <b>14</b>
		Reference: <b>159.</b>	Effective Date: <b>1/31/2014</b>
<b>SUBJECT: PUBLIC RELEASE OF OFFENDER INFORMATION</b>			

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

**FG.** 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,~~ must NOT be disclosed except pursuant to court order.

**G**

**H.** An offender ~~will~~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.

**HI.** An offender ~~will~~must not be given access to another offender's record or any information contained therein.

**J.** 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.

**QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS**  
**WITH THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE**

**DEPARTMENT/AGENCY** Arkansas Community Correction  
**DIVISION** Communications and Public Affairs  
**DIVISION DIRECTOR** Dina Tyler  
**CONTACT PERSON** Russ Carter  
**ADDRESS** 105 West Capitol Ave, 3<sup>rd</sup> Floor; Little Rock, AR 72201-5731  
**PHONE NO.** 501-682-9572 **FAX NO.** 501-682-9513 **E-MAIL** Russ.Carter@Arkansas.gov  
**NAME OF PRESENTER AT COMMITTEE MEETING** Dina Tyler  
**PRESENTER E-MAIL** Dina.Tyler@Arkansas.gov

**INSTRUCTIONS**

- A. Please make copies of this form for future use.  
B. Please answer each question **completely** using layman terms. You may use additional sheets, if necessary.  
C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.  
D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

**Donna K. Davis**  
**Administrative Rules Review Section**  
**Arkansas Legislative Council**  
**Bureau of Legislative Research**  
**One Capitol Mall, 5<sup>th</sup> Floor**  
**Little Rock, AR 72201**

\*\*\*\*\*

1. What is the short title of this rule? Public Release of Offender Information AR

2. What is the subject of the proposed rule? Releasing information

3. Is this rule required to comply with a federal statute, rule, or regulation? Yes ☐ No ☒  
If yes, please provide the federal rule, regulation, and/or statute citation. \_\_\_\_\_

4. Was this rule filed under the emergency provisions of the Administrative Procedure Act? Yes ☐ No ☒  
If yes, what is the effective date of the emergency rule? \_\_\_\_\_

When does the emergency rule expire? \_\_\_\_\_

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act?

Yes ☐

No ☐

5. Is this a new rule? Yes ☐ No ☒

If yes, please provide a brief summary explaining the regulation. \_\_\_\_\_

Does this repeal an existing rule? Yes ☐ No ☒

If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does. \_\_\_\_\_

Is this an amendment to an existing rule?

Yes ☒

No ☐

If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. **Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."**

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation. The Board of Corrections is vested with the authority to promulgate rules by Arkansas law sections 12-27-105, 16-93-211, 16-93-1203, 16-93-1205 and 12-27-125

7. What is the purpose of this proposed rule? Why is it necessary? This rule provides staff with information about what offender information may be released to ensure compliance with law.

8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b). Prior to adoption: [www.sos.arkansas.gov/rulesRegs](http://www.sos.arkansas.gov/rulesRegs). After adoption: [www.dcc.arkansas.gov](http://www.dcc.arkansas.gov)

9. Will a public hearing be held on this proposed rule? Yes ☐ No ☒

If yes, please complete the following:

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Place: \_\_\_\_\_

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)

July 15, 2015

11. What is the proposed effective date of this proposed rule? (Must provide a date.)

August 15, 2015

12. Do you expect this rule to be controversial? Yes ☐ No ☒

If yes, please explain.

\_\_\_\_\_

13. Please give the names of persons, groups, or organizations that you expect to comment on these rules?  
Please provide their position (for or against) if known.

None known.

---

## FINANCIAL IMPACT STATEMENT

### PLEASE ANSWER ALL QUESTIONS COMPLETELY

**DEPARTMENT** Arkansas Community Correction  
**DIVISION** Communications and Public Affairs  
**PERSON COMPLETING THIS STATEMENT** Dina Tyler  
**TELEPHONE NO.** 870-550-5210 **FAX NO.** 501-682-9513 **EMAIL:** Dina.Tyler@Arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

**SHORT TITLE OF THIS RULE** Public Release of Offender Information AR

1. Does this proposed, amended, or repealed rule have a financial impact? Yes ☐ No ☒
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule? Yes ☒ No ☐
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes ☒ No ☐

If an agency is proposing a more costly rule, please state the following:

- (a) How the additional benefits of the more costly rule justify its additional cost;

\_\_\_\_\_

- (b) The reason for adoption of the more costly rule;

\_\_\_\_\_

- (c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and;

\_\_\_\_\_

- (d) Whether the reason is within the scope of the agency's statutory authority; and if so, please explain.

\_\_\_\_\_

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

- (a) What is the cost to implement the federal rule or regulation?

**Current Fiscal Year**

General Revenue	_____
Federal Funds	_____
Cash Funds	_____
Special Revenue	_____
Other (Identify)	_____

**Next Fiscal Year**

General Revenue	_____
Federal Funds	_____
Cash Funds	_____
Special Revenue	_____
Other (Identify)	_____



Total \_\_\_\_\_

Total \_\_\_\_\_

(b) What is the additional cost of the state rule?

**Current Fiscal Year**

**Next Fiscal Year**

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_

Total \_\_\_\_\_

Total \_\_\_\_\_

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

**Current Fiscal Year**

\$ 0.

**Next Fiscal Year**

\$ 300.

The medical services contract provider at Arkansas Community Correction community correction facilities may need to train staff and this staff may need to reference this guidance when confronted with questions about releasing information.

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

**Current Fiscal Year**

\$ \$500.

**Next Fiscal Year**

\$ 26,128

For the current year Arkansas Community Correction staff will need to be trained and staff may spend time referencing this guidance when confronted with questions about releasing information. For the next fiscal year the agency will pay for software revisions estimated at \$26,128.

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes ☐ No ☒

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;

- (3) a description of the factual evidence that:
  - (a) justifies the agency's need for the proposed rule; and
  - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
  - (a) the rule is achieving the statutory objectives;
  - (b) the benefits of the rule continue to justify its costs; and
  - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.