



Arkansas Department of Correction

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June 8, 2015

Governor Asa Hutchinson
 Senator Jeremy Hutchinson
 Representative Matthew Shepherd
 Senator Bill Sample
 Representative David Branscum
 Senator Alan Clark
 Representative Kim Hammer
 State Capitol
 Little Rock, AR 72201

RE: Act 1265 of 2015 – Implementation Plan

Dear Governor Hutchinson, Senators and Representatives:

In accordance with Section One of Act 1265 of 2015 (the “Transparency Act”), this is the preliminary plan to implement the provisions of this Act known as the Public Safety and Transparency Act of 2015. Although the implementation plan required by Section One of the Transparency Act is, by the terms of that section, limited to subsection (c) of newly codified Ark. Code Ann. § 12-27-144, the implementation plan being submitted here encompasses all of the requirements of Section 5 of the Act, now codified as Ark. Code Ann. § 12-27-144. With respect to the Arkansas Department of Correction (“ADC”), that section outlines ten categories of information to be added to the ADC public website.

POLICY IMPLEMENTATION

In order to implement the public information disclosures required by the Transparency Act, the ADC, in conjunction with the Arkansas Board of Corrections (the “Board”), has undertaken the task of promulgating and adopting amended and new Administrative Regulations, Administrative Directives, and notifications to staff and the inmate population.

First, a proposed amendment to current AR 804, Inmate Records (copy attached), has been drafted and will be presented to the Board at its June 16, 2015 meeting. In Section V. Release of Information, it provides that the general prohibition on the broad disclosure of

inmate records imposed by existing Arkansas law (Ark. Code Ann. § 12-27-113(e)) is now subject to the exception authorized by the Transparency Act which provides for public disclosure of certain information, both general and specific, regarding inmate records.

Second, a new Administrative Directive (AD 15-11, Inmate Records on Public Website, copy attached) has been adopted by the ADC. This new Administrative Directive tracks and outlines the ten categories of information included in the Transparency Act and Ark. Code Ann. § 12-27-144. This new AD was posted at each ADC facility on June 3, 2015, in order to provide notification to ADC staff and the inmate population.

Finally, the existing Administrative Directive regarding the inmate disciplinary policy (AD 15-01) will be replaced with an amended and clarified disciplinary policy (AD 15-10, copy attached) following a thirty (30) day notice period to the inmate population that began June 3, 2015. One purpose of the amended Administrative Directive is to specify the information regarding inmate disciplinary which, as required by the Transparency Act, will be disclosed to the public on the ADC's website. Drawing your attention to Section VI of AR 15-10, it is the phrases appearing in bolded text which will be disclosed on the website so as to provide the public with a description of each disciplinary for which each inmate has been convicted after July 1, 2015. This amended AD was posted at each ADC facility of June 3, 2015. Additionally, the inmate population was advised by memo April 17, 2015 that major disciplinary would be made public as of July 1, 2015, and by a subsequent memo on May 29, 2015.

LOGISTICS of IMPLEMENTATION

Given the broad range of information regarding inmates the public disclosure of which is required by the Transparency Act, and given an existing inmate population exceeding 18,000 individuals, it is anticipated that logistics of implementation will be challenging and complex. Even so, the ADC expects to be able to have the expanded public website up and running within the time frames set out in the Transparency Act, or within a few days.

The ten categories of information regarding each inmate required to be disclosed by the Transparency Act will be drawn from the ADC's current electronic offender management information system known as eOMIS operated with Marquis Software. The ADC's website, like that of numerous state agencies, is operated by Information Network of Arkansas (INA) which has an interface with Marquis.

Implementation of the requirements of the Transparency Act will require, as a prerequisite, substantial changes to the record-keeping capabilities of eOMIS. The ADC has engaged in ongoing discussions with Marquis representatives to facilitate this process. As part of that process, both Marquis and the ADC are coordinating with INA for the necessary website enhancements. The required task has been outlined as follows:

**ACT 1265 / SB617 – Transparency for Inmate Information on ADC webpage
eOMIS Enhancements:**

1. Enhance system to allow documentation of “order of protection”, “no contact order”, etc. Add ability to document relative/associate with order of protection and non-contact orders (pattern of victim/witness of offender) **Note:** This type of information if acquired from ACIC/NCIC background check cannot be shared. This information will be entered by ADC staff only “if known” from documentation provided by LLE or courts directly to ADC. ADC management has requested a scanned document verifying the order of protection/non-contact be entered before the “add” will be finalized.
 - a. Add new link to Menu Item for Victim/Witness Notification.
 - b. Enhance Victim/Witness Data to capture information on probation and parole offenders to include supervision history events such as absconding or incarceration. Enable PPO staff to enter and update victim information without affecting ADC victim information.
 - i. Enable APB staff to enter and update victim information without affecting ADC victim information.
 - c. Program system so that this type of addition will look at relative/associate entries as well as persons in the address book without requiring the addition of a new record which would be duplication.
 - d. Add grid to display the following information:
 - i. Name.
 - ii. Race / Sex.
 - iii. Relationship to offender.
 - iv. Type of Order.
 - v. In-State or Out-of-State.
 - vi. Active as of Date.
 - vii. Expiration Date.
 - viii. Information Source.
 - ix. Ability to store scanned document within entry.
 - e. Add data tables to capture and store required information
 - f. Scan document type for:
 - i. Order of Protection.
 - ii. Non-Contact Order.
 - g. Under Parole Board Events, create an event type for Victim Input Hearing Appointment:
 - i. Capture the inmate’s name.
 - ii. Capture the Inmate’s ADC Number.

- iii. Populate the Inmate's upcoming hearing type and date or allow user to select if a docket has not been prepared for that inmate.
 - iv. Select a Contact Date.
 - v. Capture Total Sentence Length (for all active convictions) and Discharge Date.
 - vi. Capture active convictions and conviction date.
 - vii. Capture PE/TE date.
 - viii. Capture Unit of Assignment.
 - ix. Comment Box.
 - x. Select registered victims for inmate and populate name and contact information once selected. Allow additional victims to be entered.
- h. Create Upcoming Victim Hearing Report for date in "G":
 - i. Run by Victim Input Hearing Date.
- 2. Link Scan document type to field for order designation. **NOTE:** Designation type should not allow selection unless corresponding scan document type has been entered.
- 3. Enhance sentence components display grid SIS (Suspended Imposition of Sentence) (OTCS022A).
 - a. Include Commitment/count.
 - b. County of Conviction.
 - c. Docket #.
 - d. Offense.
 - e. SIS term.
 - f. Status.
 - g. How Served (these can be ran CC, CS or Initial to alpha or numeric charges)
 - h. Component/Count for each docket number.
- 4. Enhance sentence component table to include a table for SIS (Suspended Imposition of Sentence)
- 5. Add Special Condition of SIS.
- 6. SIS Icon to display on client header:
 - a. SIS will need to calculate end date for supervision information. This date should be "flat" time only and will run with or begin after based on sentence component "linked" with and "how served."
 - b. When SIS tables have information, create a "hook" to not allow discharge external movement or closure supervision history event without reference to SIS term.

7. Display all sentences (confinement, probation and SIS) on Synopsis screens – Inmate, Client and Parole Board:
 - a. Inmate synopsis – color code all active confinement sentences in green.
 - b. Client synopsis –
 - c. Parole synopsis - color code all active confinement sentences in green.

8. Update PPV to include all types of sentences – confinement, probation and SIS and Act 33 Notices, update Order of Conditional Release.

9. Program Alert Notification to area managers over inmate county of conviction if:
 - a. Inmate is discharging from ADC/ACC facility.
 - b. Active SIS sentence information has been entered in eOMIS.
 - c. Alerts will begin 90 days prior to discharge (max flat) date. Alert will repeat every 30 days prior to discharge date. One final notification will be sent 1 day prior to inmate discharge date.

eOMIS file to INA enhancement:

1. Include SIS information contained in sentence component.

2. Include Major disciplinary violations with overall disposition of “guilty” beginning with disciplinary violations dated 7/1/15.
 - a. Include disciplinary violation description.
 - b. Finalized hearing date.

3. Include all Major disciplinary violations regardless of date finalized with overall disposition of “guilty” when the following conditions exist:
 - a. Inmate scheduled for parole board hearing.
 - b. Parole violator are scheduled for parole board hearing.

4. Remove “all” Major disciplinary violations except those with finalized date of 7/1/15 when the following occurs:
 - a. Parole Hearing results in “parole approved”.
 - b. Parole Hearing results in “parole denied”.
 - c. Parole Hearing results in “deferred” action.

5. Include risk assessment scores (do not include MH Social History scores). Effective date: 4/1/15:
 - a. Include only entries with completion dates of 4/1/15 and after.
 - b. Agency name that prepared assessment.
 - c. Date assessment completed.
 - d. Score/Level.
 - i. SOCNA assessment level for community notification.
 - ii. ARORA scores.
6. Include good time class (I, II, III, IV) (Include description of good time –possibly use blurb from policy or get Shelli to compose a description).
7. Include custody classification (C1, C2, C3, C4) and description.
8. Include “order of protection”, “no contact order”, etc (yes or no field to acknowledge that a document exists) Only active orders should be indicated as “yes”.
9. Include program achievement(s) and date of completion.
 - a. **Exception:** Do not include the following MH programs in the interface file for display:
 - i. Substance Abuse Treatment Program – SATP.
 - ii. Therapeutic Community – TC (Follow same logic for parole absconders).
10. Update file to include all court commitment/sentence component including numerical (probation & SIS) and alpha (ADC and ACC).
11. Color code active ADC commitments in green.
12. Information contained in current INA file will not change this includes but is not limited to: known alias, photograph.

INA webpage enhancement:

1. Display additional SIS information in the commitment/sentence grid.
2. Addition of new table to display Major “guilty” disciplinary violations. Table headings should include the following:
 - a. Disciplinary violation.
 - b. Date.

3. Programming to display disciplinary violations related specifically to parole hearing schedule:
 - a. Display all guilty major disciplinary violations during parole hearing time frame.
 - b. Remove from display based on final parole decision.

4. Addition of new table/grid to display Risk Score/Level. Table headings should include the following:
 - a. Agency
 - b. Date Completed (completions dated 4/1/15 and after).
 - c. Risk Score/Level

5. Addition of field and label for displaying "Custody Classification"

6. Addition of field and "label" for displaying "Good Time Classification"

7. Addition of new field to display "order of protection", "no contact order", "etc". Label should display the following only if an "active" order exists:
 - a. Court Order prohibiting contact or communication.
 - b. In-State / Out-of-State.

8. Addition of table/grid to display Program Achievements. Table headings should include the following:
 - a. Program Achievement.
 - b. Date of Completion.

9. Add new table to include information on all sentences including probation/SIS for active inmates:
 - a. Offense.
 - b. Sentence Date.
 - c. County.
 - d. Case #.
 - e. Community Sup. Length.

10. Add new table to include information on all prior probation/SIS history:
 - a. Offense.
 - b. Sentence Date.
 - c. County.
 - d. Case #.
 - e. Community Sup. Length.

11. Addition of "Disclaimer" and requirement that the disclaimer has been read and "agreed" before proceeding to inmate search.
12. Links to ACC webpage and APB webpage.

ACIC/APPRISS changes for VINE notification:

1. Appriss will need to update the VINE and Escape alert notifications to include the webpage address information: adc.arkansas.gov, dcc.arkansas.gov, and paroleboard.arkansas.gov.

Information needed for the Disclaimer:

1. General explanation of how time (PE/TE) is calculated including good time.
2. General explanation of how risk scores are determined.
3. General explanation from ACC on how their risk scores are calculated.
4. Include explanation in disclaimer that "Order of Protection", "Non-Contact Orders", etc will only be displayed "if known".
5. Explanation of ARORA assessment.
6. Explanation of data accuracy and update timelines

It is anticipated that costs, perhaps substantial costs, will be incurred in order to complete this process. With respect to INA, the current cost estimate exceeds \$5000. The potential costs to complete necessary changes to eOMIS are not yet known.

Please let me know if you have any questions, suggestions, or concerns.

Sincerely,



Wendy Kelley
Director

Cc: Judy Steelman
Rebecca Haley
Kelly Eickler
Lauren Heil
Benny Magness



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ADMINISTRATIVE DIRECTIVE

SUBJECT: INMATE RECORDS ON PUBLIC WEBSITE

NUMBER: 15-11

SUPERSEDES: New

APPLICABILITY: All employees and inmates within the Department of Correction.

REFERENCE: AR 804, Inmate Records

PAGES 1 of 2

APPROVED: Original signed by Wendy Kelley

EFFECTIVE DATE: 7/1/2015

I. POLICY:


It shall be the policy of the Department of Correction to allow convenient public access to information related to an inmate's criminal history, offense(s), sentencing and institutional behavior.

II. PROCEDURES:

To the extent permitted by federal law, the Department of Correction shall post and maintain on its publicly available website the following inmate records:

1. The offense and sentence for any conviction for which the inmate is incarcerated, including:
 - a) Whether the inmate is subject to a suspended sentence, if known; and
 - b) The terms of the suspended sentence, if applicable.

2. (a) The disciplinary record for each inmate. For the purpose of this listing, the term “disciplinary record” means a list of each major disciplinary violation and the date of the violation occurring after July 1, 2015, for which the inmate has been found guilty;
- (b) The disciplinary record for each inmate during the time the inmate is being considered for parole. For the purpose of this listing, the term “disciplinary record” means a list of all disciplinaries and the date of the disciplinaries for which the inmate has been found guilty, regardless of the date;
3. The risk assessment scores (except scores completed as part of mental health treatment) for each inmate completed after April 1, 2015. The risk assessment scores under this section shall include the name of the state agency that completed the risk assessment, the date the risk assessment was conducted, and the level of assessment. A general explanation of how risk assessments are scored will be posted on the web site;
4. The inmate’s custody and classification level;
5. Any known aliases of the inmate;
6. A current photograph of the inmate;
7. A complete felony conviction summary for the inmate to the extent that such information is available to the Department;
8. To the extent the information is available to the Department, the existence of any order of protection, no contact order, or other order from an in-state or out-of-state court that prohibits contact or communication with another person by the inmate;
9. Any programs (except drug treatment programs) completed by the inmate while in custody;
10. The inmate's parole eligibility date or date he or she is to be released from incarceration as well as a general explanation of how an inmate’s parole eligibility date is calculated, including an explanation of good time credits.

 <p style="text-align: center;">ADMINISTRATIVE REGULATIONS</p> <p style="text-align: center;">STATE OF ARKANSAS</p> <p style="text-align: center;">BOARD OF CORRECTIONS</p>	Section Number:	Page Number:
	804	1 of
	Board Approval Date:	
	Supersedes:	Dated:
	AR 804	
Reference:	Effective Date:	
SUBJECT: Inmate Records		

I. AUTHORITY:

The Board of Corrections is vested with the authority to promulgate this administrative regulation by Ark. Code Ann. § 12-27-105.

II. APPLICABILITY:

Arkansas Department of Correction (ADC) employees.

III. POLICY:

The ADC shall maintain a full and complete record of every inmate under its supervision and protect the integrity of such records in accordance with Ark. Code Ann. § 12-27-113(e).

IV. DEFINITIONS:

Inmate Record (a/k/a Institutional File and Inmate Jacket): A full and complete record in written or electronic form of each person committed to the Department of Correction, which shall include but is not limited to a photograph of the convicted person, conviction data, and criminal history. Electronic transmissions and recordings that chronicle the activities and conversations of inmates are part of the institutional record.

V. RELEASE OF INFORMATION:

- A. Disclosure or inspection of information contained in inmate records is prohibited unless authorized by this Administrative Regulation or by court order.
- B. Except as authorized by Act 1265 of 2015 (Ark. Code Ann. § 12-27-144), only the following information from an inmate record may be released to the general public:

1. Offender's name, aliases, ADC number, photograph, physical description, date of birth, age, race, and gender.
 2. Date of incarceration.
 3. Facility(ies) of confinement, and work assignments, and program participation (unless it involves drug and alcohol program participation).
 4. The following information regarding current incarceration: 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. The following information regarding prior incarceration(s): 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 ADC.
 6. Detainers.
- C. Information from an inmate's record in addition to that in paragraph B of this section may be released to criminal justice agencies and to social service and other governmental authorities unless state or federal law prohibits such disclosure.
- D. Information contained in inmate records in addition to that in paragraph B of this section may be released to appropriate personnel for research purposes.
- E. Information contained in inmate records in addition to that in paragraph B of this section may be viewed by an employee of the Bureau of Legislative Research in accordance with and subject to the limitations of Arkansas Code Annotated § 12-27-113(e)(5).
- F. Access to an inmate's own record may be granted, or information from the record may be released to the inmate and/or his attorney as needed to resolve legitimate questions about the accuracy of information in the record or as required by the 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 inmate will not be permitted to peruse his file at will. His/her request for access to the file or information contained therein must be made in writing to the Warden or his/her designee; the inmate must state with particularity the information or parts of the file to which access is requested; and the inmate's

request must be supported by a showing of compelling need. The decision of the Warden or his/her designee to grant or deny the inmate's request shall be final.

- H. An inmate will not be given access to another inmate's record or any information contained therein.

VI. REFERENCE:

Ark. Code Ann. § 12-27-113(e).

VII. STANDARDS:

American Correctional Association (ACA) Standards for Adult Correctional Institutions

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