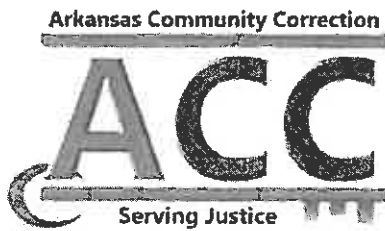


Following are policies issued by Arkansas Community Correction with an effective date from April 1 through June 30, 2016.

<u>Document Title</u>	<u>Effective Date</u>
ACIC/NCIC Criminal Information Systems	6/1/2016
Technical Violator Program	6/1/2016
Offender Case Records	4/18/2016



Arkansas Community Correction

Two Union National Plaza Building
105 West Capitol, 3rd Floor
Little Rock, AR 72201-5731
501-682-9510 (office) 501-682-9513 (fax)

Administrative Directive: 16-04 ACIC/NCIC Criminal Information Systems

To: Arkansas Community Correction Employees

From: Sheila Sharp, Director

Supersedes: AD 05-07

Approved: Signature on File

Effective: June 1, 2016

- I. **APPLICABILITY.** This policy applies to Arkansas Community Correction (ACC) employees.
- II. **POLICY.** It is ACC policy to comply with all applicable provisions of laws, rules, regulations and guidelines pertaining to access and use of ACIC/NCIC crime information systems and messages transmitted through the National Law Enforcement Telecommunications System (NLETS).
- III. **BACKGROUND INFORMATION.**
 - A. **Arkansas Crime Information Center (ACIC).** ACIC is the central repository for Arkansas crime information. It administers the state's automated criminal justice information system and serves as the central access and control agency for Arkansas input, retrieval, and exchange of criminal justice information in the National Crime Information Center (NCIC) or its successor and National Law Enforcement Telecommunications System, Inc. (NLETS) or its successor.
 - B. **Criminal History Information.** Criminal history information maintained in the ACIC/NCIC database includes records compiled by ACIC on certain individuals consisting of names and identification data, notations of arrests, detentions, indictment information, or other formal criminal charges.
 - C. **National Crime Information Center (NCIC).** NCIC is the Federal Bureau of Investigation's (FBI) computerized information system that provides criminal justice information to local, state and federal criminal justice agencies.
 - D. **National Law Enforcement Telecommunications System, Inc. (NLETS).** NLETS is a National computer-controlled message switching service responsible for the routing and relaying of interstate messages.
 - E. **Originating Agency Identifier (ORI).** The ORI is a unique number assigned by the FBI to each law enforcement/criminal justice agency that identifies the agency accessing criminal history information systems.

F. **Site Terminal Agency Coordinator (TAC).** The Site TAC is appointed by the Director to interact with ACIC auditors and to ensure security of computers used to access the ACIC system and to perform other duties outlined in this policy.

G. **Terminal Agency Coordinator (TAC).** The TAC is appointed by the Director to serve as the agency liaison with ACIC and to perform duties outlined in this policy.

IV. GUIDANCE.

A. Access and Use of Information.

1. Purpose. Information obtained from ACIC, NCIC and NLETS must only be for the purpose of performing functions of investigation, apprehension, detention, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders; criminal identification activities; the collection, maintenance and dissemination of criminal justice information; ACC employment purposes; conducting background checks on applicants and as authorized.
2. Training. Users must be trained before accessing criminal justice information, refer to details in this policy.
3. Log. A criminal history secondary dissemination log provided by ACC or ACIC must be maintained for at least one year on all secondary disseminations of criminal history information. Secondary dissemination is distributing criminal history information outside ACC to other criminal justice or law enforcement agencies.
4. Disposal. Burning and shredding are the authorized methods for disposal of information printed from ACIC and NCIC files and NLETS messages.
5. Penalties. Release of information to an unauthorized person or obtaining information for an unauthorized purpose may result in fines and/or imprisonment as prescribed in Arkansas law section 12-12-212. Additionally, disciplinary action up to and including employment termination may be taken.
6. Right of Challenge. An offender has a right to challenge the contents of his or her criminal history record in ACIC. Requests should be addressed to the Administrator of the ACIC Criminal History Division.

B. **Message Switching.** Only official business messages that meet established guidelines in the ACIC Operator's Manual may be transmitted over ACIC or NLETS.

C. Security, Inspections and Audits.

1. Security. Prevent unauthorized access and protect computer equipment, documentation and records. Only authorized personnel may access the ACIC system.

G. Local Agency Security Officer (LASO). LASO duties are described in the ACIC publication entitled "Arkansas Crime Information Center System Regulations." However, for ACC many of the LASO duties are delegated to others in this policy. The ACC LASO will be a designated person in the IT section. He/she will ensure only employees who are approved by the Chief Deputy Director have a license key on their computer. He/she will be the only ACC employee authorized to contact ACIC to request user license keys. He/she will ensure network security to include coordinating system changes with ACIC in advance and obtain necessary ACIC approvals.

H. ACC-ACIC Control Center Coordinator. The ACC Control Center Coordinator is primarily responsible for the proper operation of the ACC-ACIC Control Center located at CACCC. He/she must ensure an adequate number of staff is trained as Advanced Operators and that an Advanced Operator is always available at the center.

I. ACC-ACIC Control Center Operations.

1. Location. ACC must maintain a 24-hour, 7 day-a-week ACC-ACIC control center operation at the Central Arkansas Community Correction Center (CACCC).
2. Processing Warrants. ACIC system operators at the Parole Board are responsible for entering ACC abscond warrants into the ACIC/NCIC system. CACCC enters escape warrants for escapes from ACC facilities and reentry programs. Entries in the ACIC and NCIC must be substantiated by official warrant documents and the documents must be retained on file until the entry is removed from the crime information system.
3. Monthly Validation of Warrants. CACCC must provide monthly validation of warrants they have entered into ACIC. The Parole Board will validate warrants they have entered. The Parole Board sends a copy of the warrants they check to CACCC so CACCC can purge obsolete paper copies of warrants.
4. Hit Confirmation Requests. A "Hit" is a positive response to an ACIC/NCIC inquiry that requires confirmation by ACC. ACIC operators at CACCC are responsible for responding to "Hit" confirmation requests. When the ACC-ACIC Control Center Operator receives a request for confirmation of a "Hit" from other law enforcement agencies, within 10 minutes the operator should respond to the hit or provide an approximate time a response can be expected. Providing a Hit confirmation may require an eOMIS (electronic Offender Management Information System) inquiry.

J. Area Managers, Center Supervisors and the Chief Deputy Director (for the Central Office). The Area Managers, Center Supervisors, and, for the Central Office, the Chief Deputy Director must:

1. serve as or designate another person as a "Site TAC" for his/her area(s) of responsibility, and notify the TAC of the appointed person.
2. bear overall responsibility for compliance with applicable aspects of this policy within his/her area of responsibility.
3. conduct pre-audits and process ACIC audits pursuant to this policy or ensure this work is done by a designee.
4. process requests as described in the paragraph entitled "ACIC Operators and ACIC Operator Authorizations."

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 2. bear overall responsibility for compliance with applicable aspects of this policy within his/her area of responsibility.
 3. conduct pre-audits and process ACIC audits pursuant to this policy or ensure this work is done by a designee.
 4. process requests as described in the paragraph entitled "ACIC Operators and ACIC Operator Authorizations."
-

K. Site TAC. Site TACs must:

1. ensure security of computers used to access the ACIC system.
2. distribute ACIC documents and materials to appropriate personnel.
3. process the "Request for ACIC Training" form to include completing the Security Clearance portion, sign the "Chief Official's Signature" block and as appropriate assist with scheduling the training.
4. ensure employees have current CJIS (Criminal Justice Information System) Security Training or Operator training before handling CJIS information.
5. conduct on-site compliance checks for his/her assigned Area/Center as necessary, and report any substantial discrepancies to the agency TAC and the Chief Deputy Director.
6. Perform duties described in the paragraph entitled "Security, Inspections and Audits."

L. ACIC Operators and ACIC Operator Authorizations. An ACIC Operator is an ACC employee who is trained and authorized for direct access to the ACIC system as either a "Basic Operator," who may only make inquiries, or an "Advanced Operator," who may make inquiries and enter information. ACIC operators must comply with all ACC, ACIC, NCIC and NLETS policies and procedures; inform the Site TAC of matters concerning ACIC training classes and changes in operator assignments, and assist with audits, security checks, and related matters. Area Managers must submit a request to the ACC Information Technology Section to add trained operators. Area Managers must also notify Information Technology when access is no longer needed. The Information Technology Section staff must keep track of the authorizations to ensure the log indicates which computers have security authentication codes that allow direct access.

M. eOMIS Access to ACIC Offender Information. It is possible to access ACIC information pertaining to offenders in eOMIS when granted permission. This access does NOT allow such things as searching for a license plate number. Area and Assistant Area Managers may submit a request to the ACC Research and Planning Section requesting employees have ACIC access through eOMIS. There is no limit on the number of employees granted this access. In the request the manager must attest that the employee is current in the required ACIC training as a "Basic Operator" or "Advanced Operator." Employees accessing ACIC information must comply with applicable ACC, ACIC, NCIC and NLETS policies and procedures; and inform the Site TAC of information security vulnerabilities and breaches.

N. CENSOR (Centralized Electronic Network of Sex Offender Registries). The ACC Sex Offender Services Area Manager must pre-approve of any ACC employee who needs access to CENSOR.

O. Training Requirements.

1. ACIC Operator Training Requirements. ACC staff designated as Basic or Advanced Operators must complete the required ACIC Basic/Advanced Operator training initially and again every two years.
2. eOMIS Access to ACIC Offender Information. ACC staff granted approval for access to ACIC offender information through eOMIS must complete the required ACIC Basic Operator (or Advanced Operator) training initially and again every two years.

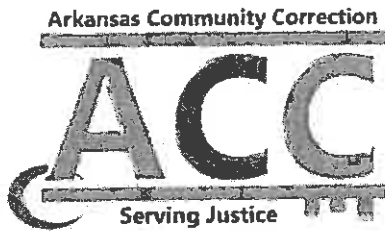
3. CJIS Security Training Requirement. ACC employees who handle or view ACIC/NCIC criminal information must be current in ACIC/NCIC CJIS Security Training and must be retrained at a minimum of every two years. CJIS Security Training is incorporated in the Basic Operator and Advanced Operator training.
4. Conducting CJIS Training. Instructors must comply with requirements in the ACIC Training Policy.
5. CENSOR Training. ACC employees must have initial CENSOR (Centralized Electronic Network of Sex Offender Registries) training before being granted access to CENSOR and must be retrained a minimum of every two years.

P. Training Enrollment.

1. CJIS Security Training. Employees who need CJIS Security Training should send an ACC employee Training Request form to the Site TAC. The Site TAC will enroll employees in the on-line CJIS Security Training or will contact ACIC to obtain a password for use by the employee to access the training.
2. ACIC Operator, CENSOR (Centralized Electronic Network of Sex Offender Registries), TAC Training Requests. To request ACIC Operator, CENSOR, or TAC training, in addition to the ACC Training Request form, process the "Request for ACIC Training" form, available from the ACIC website, "Forms" tab. Send the ACIC form to the Site TAC who will coordinate scheduling of the training. Site TACs should forward the completed form to ACIC and may schedule people directly in an open class.

V. ATTACHMENT.

Criminal History Secondary Dissemination Log (ACIC Form 105)



Arkansas Community Correction

Two Union National Plaza Building
105 West Capitol, 3rd Floor
Little Rock, AR 72201-5731
501-682-9510 (office) 501-682-9513 (fax)

Administrative Directive: 16-14 Technical Violator Program

TO: Arkansas Community Correction Employees

FROM: Sheila Sharp, Director

SUPERSEDES: AD 14-14

APPROVED: Signature on File

EFFECTIVE: June 1, 2016

- I. APPLICABILITY.** This policy applies to Arkansas Community Correction (ACC) employees and parolees released from an ADC or ACC facility.
- II. POLICY.** The ACC will operate an alternative sanction program for male and female parole technical violators. The bed capacity of each program location will be as established by the Board of Corrections.
- III. DESCRIPTION.** The Technical Violator Program (TVP) is a residential program followed by aftercare under community supervision. An offender completes the program by progressing through the following phases:
 - A. Intake.** Intake is the initial three-day in-processing period.
 - B. Orientation.** One-day period for receiving institutional clothing; receiving information on the TVP purpose, structure, expected behavior and responsibilities; assessing and identifying factors contributing to violations; and developing strategies for compliance.
 - C. Work.** The period following orientation of 30 days for an offender's first TVP confinement or 60 days for the second confinement when the offender is assigned to work details.
 - D. Program Length.** Admissions will be for 90 days for the first TVP confinement and 120 days for a second.
 - E. Re-entry.** A portion of the programming focusing on successful transition to the community including job readiness, employment and relapse prevention.
 - F. Telephone Privileges.** Offenders will not have telephone privileges for the first two weeks of their confinement except in emergency situations as approved by the Center Supervisor.

IV. TECHNICAL VIOLATOR PROGRAM ELIGIBILITY CRITERIA. A parolee is eligible for the TVP as follows:

- A. Does not have any outstanding warrants, court dates, or any pending charges for felonies or violent/sexual misdemeanors; and
- B. Violated the terms or conditions release; and
- C. Has not previously been in a TVP two or more times; and
- D. Waived a sanction hearing and agreed to participate in the TVP or was referred by a Parole Board Parole Revocation Judge either as the outcome of a Sanction Hearing or Revocation Hearing; and
- E. Has at least 30 days left on his/her sentence; and
- F. Has NOT been identified as a PREA sex offender while incarcerated at an Arkansas Department of Correction facility, and
- G. Is past his/her parole eligibility (PE) date or transfer eligibility (TE) date.

V. SANCTION HEARINGS

- A. ACC sanction hearings will be conducted by a Parole Board Parole Revocation Judge.
- B. Sanction hearings may be held by electronic means.
- C. An offender may waive the sanction hearing.
- D. The Parole Revocation Judge may decide a parole revocation hearing is appropriate for a particular offender. If so, the revocation judge will notify the offender's parole officer who will submit a new violation report. The Parole Revocation Judge will set a revocation hearing no sooner than 72 hours from the end of the sanction hearing. The offender will be held in jail or placed on GPS monitoring at least until the revocation hearing is held. The offender may waive the revocation hearing.

VI. PREPARATION, SCHEDULING AND TRANSPORTATION.

- A. The Parole/Probation Officer must work with the offender to develop a parole plan. The officer must investigate the plan and enter approvals in eOMIS.
- B. The parole plan must be prepared, investigated and approved before the parolee is transported to the TVP. However, lack of a parole plan or approval must not delay placing the parolee on the TVP waiting list.
- C. PPOs must process requests for TVP beds through their Parole/Probation Managers or Assistant Managers following guidance in the Parole/Probation Supervision Manual.
- D. Prior to transport, the PPO must conduct an Arkansas Crime Information Center (ACIC) background check to determine whether the offender is eligible for the program.

E. A PPO, ICO or another law enforcement officer must transport offenders to the TVP and must ensure the following documents accompany the offender:

1. Copy of Violation Report or Sanction to TVP Request
2. Copy of the Notice of Parole Violation Action
3. Copy of the Arkansas Parole Board warrant, if any
4. Disposition of Parole Revocation or Sanction Hearing or waiver of the hearing

VII. INTAKE. The TVP Intake Officer must ensure proper and expeditious intake of offenders, coordinating with parole/probation or CCC staff for transportation to the TVP.

A. High risk offenders have priority and will be fast tracked for admission to the TVP. Parole/Probation staff must designate high risk and jailed parolees on the TVP admissions list. TVP staff must organize the waiting list to ensure admissions comply with the priority sequence.

B. **Personal Property.** The Intake Officer will ensure intake processing pursuant to existing policies and procedures concerning the offender's personal property.

C. **Exams/Assessments at Intake.**

1. Medical Records from prior incarceration will be retrieved and updated as necessary by medical staff.
2. The medical contractor will conduct medical exams according to established policy.
3. The TVP counselor will conduct a psychological/social assessment and obtain information from eOMIS to initially assess the offender.

D. **Privileges.** During intake and orientation, offenders are not allowed commissary privileges. Telephone privileges are allowed only in emergencies and must be approved by the Center Supervisor or Senior Residential Supervisor.

E. **Housing, Contact, Movement During Intake at a Community Correction Center (CCC).** In addition to the TVP, a CCC may conduct intake of and transport technical violators. When this is the case, the following measures must be maintained:

1. **Secure Movements.** Technical violator housing areas must be staffed and secured at all times. Contact with CCC residents must be limited. All movement of violators beyond their designated living areas, whether inside or outside the building, must be supervised by staff. Violators will be in restraints, as deemed necessary, and as described in standard operating procedures.
2. **Programming.** Programming, orientation counselor screening, medical screening, classroom activities, etc. must be conducted separately from that of the CCCs.

VIII. GENERAL OPERATIONS.

- A. Classification.** Upon intake into the TVP, intake staff will classify the offender as "inmate" class II. No meritorious good time or earned discharge credit will be awarded while at TVP.
- B. TVP Counselor and PPO Interaction.** As needed, the TVP counselor and PPO should communicate about progress and aftercare needs prior to release to help ensure a smooth transition back into the community. The TVP counselor must forward a copy of the Discharge Summary and Aftercare Plan to the supervising PPO and the Substance Abuse Program Leader (SAPL) for the officer's location.
- C. Offender No Longer Meets TVP Eligibility Criteria.** If it is determined that an offender in a TVP no longer meets eligibility requirements, the Records Supervisor must inform the Parole/Probation supervision officer and the officer must write a violation report. One situation that results in ineligibility is when a new felony or a violent or sexual misdemeanor charge is filed against an offender who is currently in TVP.
- D. Parole (Release) Plans and Release.** The Institutional Release Officer (or other person designated by the Center Supervisor) must check eOMIS soon after an offender arrives to determine whether a release plan has been prepared and approved. If not, this person must work with the parolee to prepare a plan and enter it in eOMIS for the supervising Parole/Probation officer to investigate. The supervising Parole/Probation Officer is primarily responsible for ensuring a plan is developed, investigated and approved before the scheduled release date. However, TVP staff should monitor eOMIS and if the plan is not approved in a timely manner or changes are needed, work to get this done.

The IRO (or other designated person) must check with the offender near the scheduled release date to determine whether there are any problems with the plan. If there are problems, promptly work with the parolee to come up with an alternative plan and notify the supervising Parole/Probation Officer. If a parolee does not have an approved plan within a few days of the release date, the Area Manager and/or Assistant Area Manager must be notified by TVP staff.

If an offender does not have an approved plan on the scheduled release date, the appropriate Assistant Director of Parole/Probation Services must be notified so he/she can attempt to place the offender in an approved transitional home. The IRO at the TVP must continue to attempt to find a suitable home plan. Until placed or transferred, the offender will remain at the TVP.

- E. Furloughs.** Only emergency furloughs are allowed, and they must be processed in accordance with the ACC Furlough Program policy.
- F. Visitation.** Visitation procedures are as indicated in the visitation policy with the following exceptions, which do not apply to the offender's attorneys:
1. The approved visitation list is limited to 5 persons per resident; and
 2. Personal visitation may occur only in the last four weeks of the offender's stay.

IX. RELEASES.

A. General.

1. The aspects of release are addressed in this and other policies such as the Resident Conduct and Transfer Eligibility policy.
2. If an offender is released from the TVP for any reason other than a routine release, the Parole Board must be notified.
3. PPOs will transport released offenders as scheduled. The Institutional Release Officer, with the approval of the PPO, may allow family members and friends to pick up the offender when released.

B. Requirements for Sex Offenders. Before releasing or discharging a sex offender, the Records Supervisor must require the sex offender to complete the "Sex Offender Change of Information" (ACIC) form Sex Offender Acknowledgment (ACIC) form and the Sex Offender Obligations and Acknowledgment of Duty to Register (ACC) form. The Records Supervisor must send the ACIC forms to ACIC – Sex Offender Section or process them in the Centralized Electronic Network of Sex Offender Registries (CENSOR) computer system to reflect the change of address and any other changes. The Records Supervisor must remind the sex offender of the requirement to report to local law enforcement within 10 calendar days of release/discharge. A refusal to provide information must be reported to local law enforcement in the appropriate jurisdiction.

C. Discharge Summary and After Care Plan. The Discharge Summary (developed by the TVP counselor), outlines the offender's progress. The After-Care Plan Summary details the activities and services needed after TVP completion. Planning for after-care should begin at intake, and the after-care plan must be compatible with any ongoing conditions of supervision and available resources.

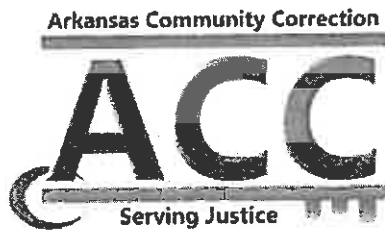
X. CONDUCT AND DISCIPLINE

A. Rules of Conduct. The cardinal and major rules of conduct addressed in the Resident Conduct Administrative Directive apply to offenders in the TVP. House Rules are specific to the TVP and are listed in the TVP Resident Handbook.

Disciplinary violations can result in the offender being transferred to ADC.

B. Negative Report. TVP staff may respond to negative behavior by sending a report to the offender's Parole/Probation Manager with a copy to the PPO. Before such a report is sent, the case must be reviewed by a panel of the counselor and at least two senior treatment employees, usually the Treatment Supervisor and Treatment Coordinator. The form for this report is in the Clinical File Manual.

XI. eOMIS DATA. All employees involved with the TVP must ensure correct and timely eOMIS entries.



Arkansas Community Correction

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105 West Capitol, 3rd Floor
Little Rock, AR 72201-5731
501-682-9510 (office) 501-682-9513 (fax)

ADMINISTRATIVE DIRECTIVE: 16-02 Offender Case Records

TO: Arkansas Community Correction Employees and Agents

FROM: Sheila Sharp, Director

SUPERSEDES: AD 07-19

APPROVED: Signature on File

EFFECTIVE: April 18, 2016

- I. APPLICABILITY.** This policy applies to all Arkansas Community Correction (ACC) employees and agents who handle or may have a demonstrated need for access to offender records. For purposes of this policy, agents are contractors, transitional housing licensees, consultants, researchers, volunteers, and interns.
- II. POLICY.** A full and complete record must be maintained for each offender under ACC supervision or in custody. Offender records must be protected from inspection or disclosure, copying or issuing except as authorized by law, ACC policy, or by order of a court of competent jurisdiction. (2-CO-1E-01, 2-CO-1E-06, 2-CO-1E-07; 4-ACRS-7D-08 and 4ACRS-7D-09; 4-APPFS-3D-28)
- III. GUIDELINES.** ACC must maintain a full and complete record for each offender under agency supervision or in custody. When an area office or center has the capability to create electronic copies of documents, all offender information must be entered into the electronic Offender Management Information System (eOMIS) or placed in eOMIS as a "PDF" document. It is not necessary to maintain hard copies of documents that are accessible in eOMIS or that are available from eOMIS reports. The Information Technology Administrator must establish and maintain a master index identifying all residents committed or assigned to ACC. (2-CO-1F-08) This policy pertains to all offender case records, unless otherwise specified. The *Record Management* administrative directive does *not* apply to offender records. (4-APPFS-3D-28, -3D-29, -3D-30)
- IV. PROCEDURES.**
 - A. Record Entries.** All entries on paper documents in an offender's records must be signed or initialed and dated. (4-ACRS-7D-08)

- B. Offender Photos.** At every intake of a probationer, parolee or ACC resident, a digital photograph must be taken of the offender and entered into eOMIS unless a photo less than one year old is already in eOMIS. Offender photographs must be taken in front of a white measurement board. A new photograph should be taken each year and whenever an offender's appearance changes substantially.

The Omega Technical Violator Center must take a photograph of every offender at intake, regardless of the age of existing photos in eOMIS, and must take the photo in front of a yellow measurement board.

- C. Intake of Offender "Patients".** For the purposes of this policy, "patient" means any offender who has applied for or been given diagnosis or treatment for alcohol or drug abuse at a federally-assisted program and includes any individual who, after arrest or sentence on a felony charge, is identified as an alcohol or drug abuser in order to determine that individual's eligibility to participate in a program. (Reference: 42 CFR section 2.11)

Offenders who are "patients," as defined in this policy must be informed of the federal law protecting confidentiality. This must be done at the time of intake or as soon thereafter as the patient is capable of rational communication.

- D. Community Correction Center (CCC) Case Records Content.** Attachment 1 lists minimum content for records at CCCs when those records are not available in the e-OMIS system. (4-ACRS-6A-10, 4-ACRS-7D-07)

- E. Transfer of Resident Case Records.** When a center resident transfers to another facility, the updated case record must be transferred at the same time or at the latest within 72 hours. (2-CO-1E-04; 4-ACRS-7D-10)

- F. Offender Record Protection and Disclosure.** Offender records must be protected from disclosure, copying, or inspection except as required by law, administrative regulation, or by order of a court.

1. Protection/Confidentiality of Offender Records. (2-CO-1E-08)

- a. Employees must follow policy guidance to ensure offender records are provided only to authorized persons.
- b. Employees must ensure offender records are stored in a way that provides reasonable protection from inappropriate access or disclosure, theft, loss, or destruction. (4-ACRS-7D-08)
- c. Records custodians must have a system for tracking offender records that are temporarily transferred to another authorized person. Borrowed offender records should be promptly returned.
- d. Computerized records will be protected according to guidance in this policy and policy governing data and/or computer systems.

2. Disclosure. The following must be used in determining whether disclosure is appropriate:

- a. Disclosure is authorized by law or ACC policy, ordered by a court of competent jurisdiction or requested by law enforcement, the Arkansas Parole Board, or other government official.
- b. Disclosure is in accordance with an audit or research plan approved by the ACC Director prior to its start.

- c. Disclosure of patient identifying information (PII) is authorized pursuant to a signed release form from the offender, subject to any legal restrictions or concerns for safety, security or confidentiality.

Personally identifiable information (PII) is any information that can be used to identify, contact, or locate an individual, either alone or when combined with other easily accessible sources. Examples include name, address, fingerprints, email address, telephone number, social security number or driver's license number.

- d. Patient identifying information may be disclosed without the offender patient's written consent, but only as allowed under Title 42 CFR Part 2 or relevant state statute.
 - e. Disclosure of medical, dental, mental health information is in accordance with contract health care provider policies. ACC staff may be given medical, dental, or mental health information when there is a "need to know." Other servicing health care or treatment program organizations may obtain medical, dental, or mental health information necessary to provide treatment in accordance with guidelines established by ACC or the contract health care provider's manual. These organizations may obtain information from ACC staff when Form 2, "Drug /Alcohol Treatment Information Disclosure" has been completed. A copy of the form should be attached to release information. **(4-ACRS-7D-08)**
 - f. Disclosure on a "need to know" basis. Generally, based upon job duties and responsibilities, ACC employees and agents have access to information from offender records on a need to know basis. An employee may request verbal or written authorization from a requesting employee's or agent's supervisor before providing access to records when the "need to know" is not apparent.
3. Offender Access to Records. An offender will not be permitted to peruse his/her file at will. 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 a particular record or as required by rules of discovery in pending litigation.

The review request should be made in writing and should be acted upon within three days. The offender must state with particularity the information or parts of the case record 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. An offender cannot have access to the records of another offender.

The record custodian must closely supervise the offender during the record review and may limit the review to 30 minutes. Offender reviews can be limited to one review per three month period.

Before the record is reviewed by the offender or his/her legal counsel, the record custodian must remove information such as the following from offender access: (4-ACRS-7D-08)

- a. information that indicates or suggests names of witnesses, enemies, accomplices, victims or their families against whom the offender could retaliate
- b. information received from other agencies under conditions where ACC is not allowed to disclose it without prior approval (for example, patient identifying information that was obtained from another source),
- c. information from third parties when the disclosure could create a danger to the third party
- d. psychological reports and information unless these records will be disclosed in person by the psychiatrist, psychologist, social worker, or licensed therapist.

G. Retirement and Destruction of Paper Offender Case Records.

1. Parolee and Probationer Case Records (Paper files). These records may be destroyed three years after the offender completes supervision; however, before destroying any record, the custodian of the record must document the date and type of record. (Arkansas law section 13-4-301).
2. Clinical Files (Paper files). Retirement and destruction of clinical file records is addressed in the Clinical File Manual. Before destroying any record, the custodian of the record shall document the date and type of record. (Arkansas law section 13-4-301)
3. Resident Case Records.
 - a. Judicial and Administrative Transfer Cases. Prior to transferring an offender to ADC who is a Judicial or Administrative Transfer, the case record must be reviewed by the Records Supervisor to ensure proper content and forwarded to the ADC Central Office, Records Section.
 - b. Probation Plus Cases. Case Records for residents released to probation supervision should be retained on location for one year after release from the CCC. At the end of one year, files may be retired to the designated records holding area and retained three years. These records may be destroyed four years after the resident leaves CCC supervision; however, before destroying any record, the custodian of the record must document the date and type of record. (Arkansas law section 13-4-301).
4. Acceptable means for destroying records are as follows:
 - a. transfer the documents to a credible recycling company that guarantees document protection from disclosure until they are destroyed, or
 - b. shred the documents. After shredding they may be recycled or discarded with regular trash.

H. Offender Case Record Preservation.

eOMIS records are preserved indefinitely and are not destroyed. However, managers are allowed to edit inaccurate documentation. Users are role mapped in eOMIS security profile groups such as a Parole/Probation Officer or Parole/Probation Treatment staff. Each profile group can see and revise portions that pertain to the profile group's work.

V. ATTACHMENTS.

- | | |
|-----------------|---|
| Attachment 1 | Minimum Content for Case Records in Community Correction Centers |
| AD 16-02 Form 1 | Release of Drug /Alcohol Treatment Information to Agencies or Agency Representatives within the Criminal Justice System |
| AD 16-02 Form 2 | Drug /Alcohol Treatment Information Disclosure |

Arkansas Community Correction

MINIMUM CONTENT FOR CASE RECORDS IN COMMUNITY CORRECTION CENTERS

	Resident Case Record	Clinical File or Treatment File	Medical or Dental Record	Mental Health Record	Grievance & Discipline Record
Initial intake information form*	x	x			
Commitment Order, judgment & disposition, conditions, PSI	x				
Case History & other information from the referral source*	x	x			
Case History/Social History*	x	x			
Medical Record*			x		
Individual Plan or Program*		x			
Signed Release of Information forms*	x	x			
Evaluation & Progress Notes*		x			
Current Employment Data (if employed)*	x	x			
Current Education Data*	x	x			
Program Rules & Disciplinary Policy, signed by Resident*	x				
Documented Legal Authority to Accept Resident*	x				
Grievance & Disciplinary Records*	x				x
Referrals to Other Agencies*	x		x	x	
Approved Visitation List*	VISITATION RECORD				
Final Discharge Report*	x				
Personal Property Inventory*	x				
Name, Address, Social Security Number	x	x	x	x	
Date of Birth; Gender	x	x	x	x	
Race or Ethnic Origin	x	x	x	x	
Reason for Referral		x			
Who to Notify in Case of an Emergency	x				
Referring Agency or Committing Authority	x				
Special Medical Problems or Needs			x		
Personal Physician, if Applicable			x		
Signature of both Interviewee & Interviewer (ACC Employee)	x	x			

*INFORMATION REQUIRED BY THE AMERICAN CORRECTIONAL ASSOCIATION STANDARDS

NOTE: Additional requirements may exist in other policy guidance.

Arkansas Community Correction
RELEASE OF DRUG /ALCOHOL TREATMENT INFORMATION TO AGENCIES OR AGENCY
REPRESENTATIVES WITHIN THE CRIMINAL JUSTICE SYSTEM

CONFIDENTIAL

Prohibition Regarding Disclosure: This information has been disclosed to you from records protected by Federal confidentiality rules (42 CFR, Part 2). The Federal rules prohibit you from making further disclosure of this information except with the specific written consent of the person to whom it pertains or as otherwise permitted by 42 CFR, Part 2. A general authorization for the release of medical or other information is not sufficient for this purpose. 42 CFR § 2.35 places the following restrictions on re-disclosure and use by elements of the criminal justice system: A person who receives patient information under this section may re-disclose and use it only to carry out that person's official duties with regard to the patient's conditional release or other action in connection with which the consent was given.

Instructions for ACC Staff: Complete this at intake for all offenders (residents, parolees, and probationers). Refer to the policy for additional guidance.

I, _____ Date of Birth: _____
(Print or Type Offender's Name)

Offender Number: _____

authorize: Arkansas Community Correction

to disclose the following drug/alcohol information: diagnosis, prognosis, attendance, cooperation, progress or lack thereof, and drug/alcohol test results. Information may be disclosed to individuals within the criminal justice system who have a need for the information in connection with their duty to monitor offender progress (e.g., disclosure by a residential center treatment staff member to a Resident Management Team member monitoring progress; disclosure by a residential center staff member to a Parole/Probation Officer so he/she may supervise/monitor progress; disclosure to a judge or other court employee in connection with their duty to monitor the offender's/patient's progress; disclosure to a prosecuting attorney who is withholding charges against the patient; or disclosure to a court granting pretrial or post-trial release.) (Reference 42 CFR, Part 2)

The purpose for releasing information is to allow the requesting person within the criminal justice system to monitor progress and ensure appropriate supervision.

This authorization and consent are subject to revocation upon release from court-ordered supervision/confinement by the undersigned except for action taken prior to release from supervision.

My signature also acknowledges the "notice to the offender regarding release of drug/alcohol treatment information" on the back of this form.

_____ Offender Signature	_____ Date	_____ Witness Signature
_____ Offender Printed Name	_____ Date	_____ Witness Printed Name

AD 16-02 Form 1

CONFIDENTIAL

Arkansas Community Correction
NOTICE TO OFFENDER REGARDING
CONFIDENTIALITY OF ALCOHOL AND DRUG ABUSE PATIENT RECORDS

The confidentiality of alcohol and drug abuse patient records maintained by federally-supported alcohol or drug treatment programs is protected by Federal law and regulations. Generally, the program may not say to a person outside the program that a patient attends the program or disclose any information identifying a patient as an alcohol or drug abuser unless:

1. The patient consents in writing;
2. The disclosure is allowed by a court order; or
3. The disclosure is made to medical personnel in a medical emergency or to qualified personnel for research, audit, or program evaluation.

Violation of federal law is a crime. Suspected violations may be reported to appropriate authorities in accordance with federal and ACC regulations.

Federal law and regulations do not protect any information about a crime committed by an offender/patient either at the program or against any person who works for the program or about any threat to commit such a crime.

Federal laws and regulations do not protect any information about suspected child abuse or neglect from being reported under Arkansas law to appropriate state or local authorities. (See 42 U.S.C. 290dd-3 and 42 U.S.C. 290ee-3 for Federal laws and 42 CFR Part 2 for Federal regulations.)

Reference: 42 CFR § 2.22

Arkansas Community Correction
OFFENDER DRUG/ALCOHOL TREATMENT INFORMATION DISCLOSURE
CONFIDENTIAL

PROHIBITION REGARDING DISCLOSURE:

Information attached to this document has been disclosed to you from records protected by Federal Confidentiality Rules (42 CFR Part 2). The federal rules prohibit you from making further disclosure of this information, except with the specific written consent of the person to whom it pertains, or as otherwise permitted by 42 CFR Part 2. According to statute, a general authorization for the release of medical or other information is not sufficient for this purpose.

INSTRUCTIONS FOR ACC STAFF: Refer to the pertinent policy for guidance.

I, _____ Date of Birth: _____
Resident's Name (Print)

ACC Number: _____ Do hereby authorize Arkansas Community Correction to disclose
the following information (specify the nature & extent of information to be released):

NOTE: THE OFFENDER HAS CONTROL OF WHICH TYPE OF INFORMATION TO BE DISCLOSED.

- ☐ Diagnosis ☐ Prognosis ☐ Attendance ☐ Progress/Lack Thereof
☐ Cooperation ☐ Drug/Alcohol Test Results
☐ OTHER _____

TO: _____ for the following purpose:

Name of Person Requesting Information

☐ TREATMENT

Requesting Department or Agency

☐ OTHER _____

Street/Address

City State Zip Code

This authorization and consent are subject to revocation by the undersigned at any time, except for action already taken. If not otherwise revoked, this consent terminates and expires:

☐ Upon Release from Court-Ordered Supervision/Confinement

- or -

☐ OTHER (specify date, event, or condition): _____

My signature also acknowledges the "Notice to Offender Regarding Release of Drug/Alcohol Treatment Information," attached to this form.

Offender's Name (Print)

Date

Witness's Name (Print)

Signature of Offender

Date

Signature of Witness

CONFIDENTIAL

**NOTICE TO OFFENDER/PATIENT REGARDING CONFIDENTIALITY
OF ALCOHOL AND DRUG ABUSE PATIENT RECORDS**

The confidentiality of alcohol and drug abuse patient records maintained by federally-supported alcohol or drug treatment program is protected by federal law and regulations. Generally, the program may not say to a person outside the program that a patient attends the program, or disclose any information identifying a patient as an alcohol or drug abuser unless:

- (1) The patient consents in writing.
- (2) The disclosure is allowed by a court order.
- (3) The disclosure is made to medical personnel in a medical emergency or to qualified personnel for research, audit, or program evaluation.

Violation of federal law is a crime. Suspected violations may be reported to appropriate authorities in accordance with federal regulations.

Federal law and regulations do not protect any information about a crime committed by an offender/patient, either at the program or against any person who works for the program, nor about any threat to commit such a crime.

Federal laws and regulations do not protect any information about suspected child abuse or neglect from being reported under Arkansas law to appropriate state or local authorities. (See 42 U.S.C. 290dd-3 and 42 U.S.C. 290ee-3 for Federal laws, and 42 CFR Part 2 for Federal regulations.)

Reference: 42 CFR § 2.22