

THE STATE OF ARKANSAS

PRIVACY AND SECURITY PLAN

March 16, 1976/June 17, 1976

Prepared by:

STATE OF ARKANSAS

Department of Public Safety

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**ACQUISITIONS**

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\*These sections were submitted June 17, 1976 as  
an addendum to this plan.

## INTRODUCTION

In 1973, by amendment to the Omnibus Crime Control and Safe Streets Act of 1968, the U. S. Congress enacted Section 524b (42 USC 3771B) which prescribes the public law for the collection, storage and dissemination of criminal history record information maintained in automated and manual systems which receive financial support under Title I of the amended Act. On May 20, 1975, after holding hearings on the subject across the country, the U. S. Department of Justice, through the Law Enforcement Assistance Administration, published Regulations implementing Section 524b in the Federal Register. The Regulations became effective one month after publication on June 19, 1975, and may be found in Part 20 of Chapter 1 of Title 28 in the Code of Federal Regulations.

In brief, the new Regulations spell out a broad set of requirements applying to all criminal justice information systems (federal, state and local) which store criminal history record information and which have received the assistance of LEAA funds since July 1, 1973. Procedures to satisfy their requirements are expected to be fully implemented by the State of Arkansas. The State will comply with the Regulations by December 31, 1977.

In response to these requirements, the State of Arkansas has prepared the following plan. The plan has been prepared using the best information available and utilizing the greatest input possible from criminal justice agencies.

During the development and implementation of the plan, the State will determine the extent to which full implementation of the procedures will require additional legislation, additional funds, or additional technology, as well as steps to overcome any of these barriers.

Included in this plan is a Time Schedule and Implementation Responsibilities Section which is designed to achieve full operation of all plan procedures as soon as feasible.

This plan will be dynamic, changing as planners acquire experience with its implementation and as conditions in Arkansas require a re-examination of objectives of methods.

Some of the issues presented in the Regulations are addressed by existing Arkansas statutes. All applicable existing statutes are presented in the appropriate parts of the text of this plan. Where an issue is not covered by existing statutes and it is evident that authority, either by executive order or legislation, is required, the mechanism for obtaining the authority is presented.

It is the State's intention to implement the total plan prior to December 31, 1977.

The Arkansas Department of Public Safety will have overall responsibility for implementing the plan. This responsibility will be shared by other appropriate agencies in the State.

#### Criminal Justice and Highway Safety Information Center

The Criminal Justice and Highway Safety Information Center (CJ/HSIC) is a state agency responsible to provide to State and local level agencies, information concerning drivers, motor vehicles, stolen property, warrants and criminal histories. The CJ/HSIC maintains computerized CCH files which are connected via telephone lines to terminals located around the State. In addition to maintaining the computerized information files, CJ/HSIC administers the Uniform Crime Reporting program (UCR); is testing an Offender Based Tracking Statistics (OBTS) program; is responsible for State traffic accident statistics; provides statewide training in

record and communication procedures; and includes the Statistical Analysis Center (SAC).

Since 1972, there has been a high-speed interface with the National Crime Information Center (NCIC) in Washington. Plans are currently underway to affect a similar interface with the National Law Enforcement Telecommunications System (NLETS) in 1977.

The CJ/HSIC also has a research and development project underway which will design a "model" manual record system for the law enforcement agencies in Arkansas. In addition, for those agencies that can justify it, the record system can be automated on a minicomputer. Appropriate and necessary software is being developed as a part of the project.

#### Arkansas State Police

In 1935, the previous concept of only keeping identification records on Arkansas prison inmates, with this being done in the Governor's office, was expanded and transferred to the State Police. Today, the identification and fingerprint responsibilities for the state's law enforcement agencies are handled by this agency. A manual "rap sheet" or criminal history file is also maintained by them.

The on-line entry of data into the computerized criminal history (CCH) file of CJ/HSIC is done by the identification section of the State Police.

#### Little Rock Police Department Information System

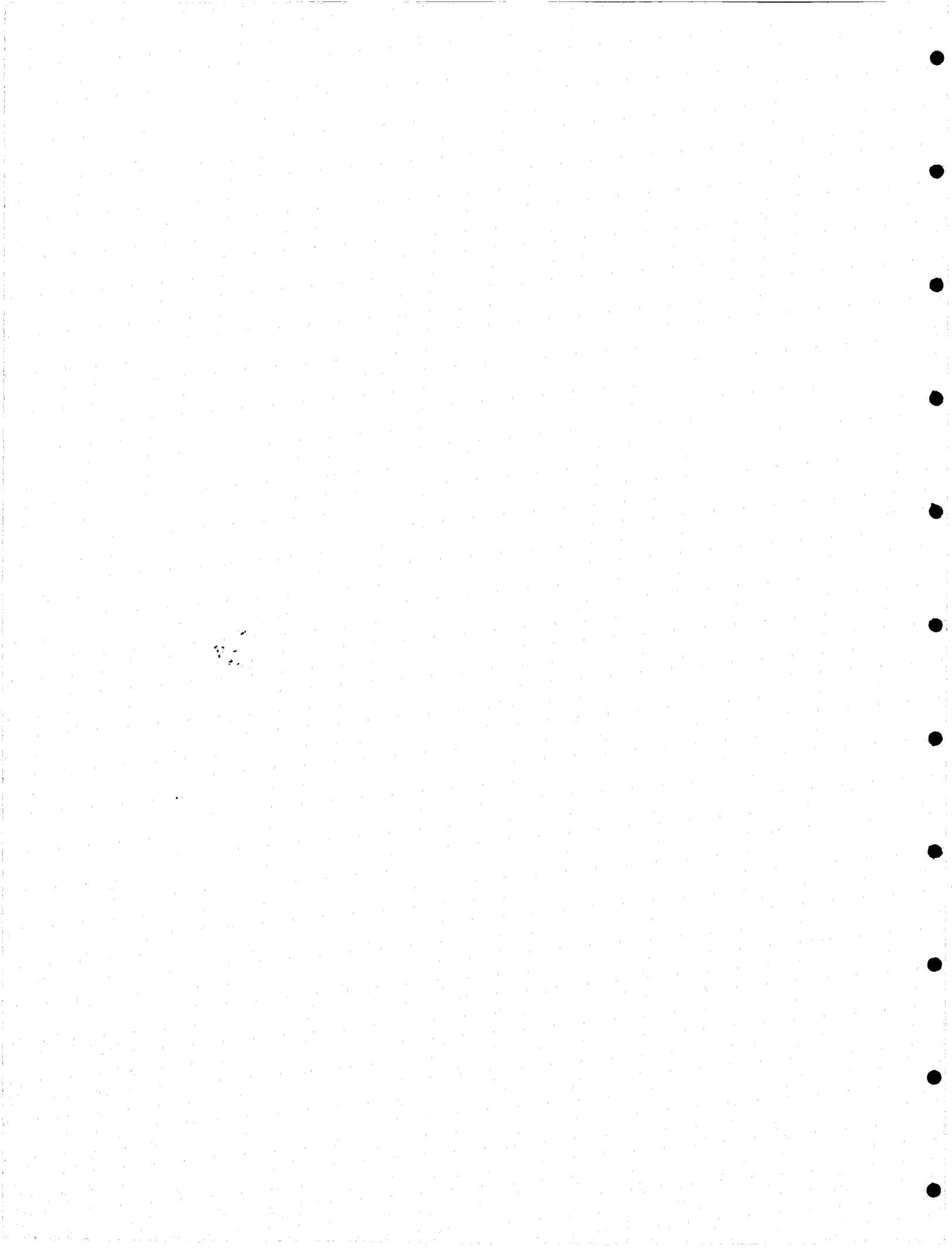
The only local criminal justice agency in the state having a fully automated information system is the City of Little Rock. The system, running on dual minicomputers, is tied into the state criminal justice information system. Local storage is limited to files not available at the state level.

## Judiciary

At the time this plan was submitted, the State Judicial Department has on file a grant application for funds to undertake a State Judicial Information System (SJIS) project. Prior to this, there was no automated judicial system of any sort. Approval of the grant application is not expected until summer, 1976. The actual project likely will not begin until fall, 1976.

## Inmate Record System

The automated Arkansas Inmate Record System became operational in 1973. A file is created for each inmate that enters supervision of the Department of Corrections. This file is updated as the subject's status changes throughout incarceration. Through terminals, the current status of the inmate can be determined at any time. Upon parole, responsibility for the file is transferred to Probation and Parole. After final release, pertinent data is available for the state CCH file.



## Section 1

### GOALS AND OBJECTIVES

The goals and objectives of the Privacy and Security Plan for the State of Arkansas are to set forth operational procedures to provide compliance with the five major areas of the Federal Regulations. Where necessary, the plan will state that operational procedures will be developed prior to the implementation date of December 31, 1977. The five major areas of the Regulations addressed in this plan are:

- Completeness and Accuracy
- Limits on Dissemination\*
- Audits and Quality Control
- Security\*
- Individual Rights of Access and Review

The goals and objectives of the plan are fairly straightforward no matter how involved their implementation may be. They are:

- To protect the privacy of those people whose names appear, for whatever reason, in the contents of a criminal history record information system.
- To provide reasonable protection for such systems against any intentional or accidental loss, damage, or unauthorized access of information.
- To ensure that criminal history record information provided to criminal justice agencies and non-criminal justice agencies is complete, accurate, and current.

The State of Arkansas Criminal Justice and Highway Safety Information Center (CJ/HSIC) conducted an on-the-scene survey of thirty-four law enforcement agencies in the State

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\*These sections will be issued by the State as an addendum to this plan upon the issuance of the revised Federal Regulations concerning Privacy and Security.

concerning privacy and security procedures. The impetus of the survey was the issuance of the Federal Regulations concerning Privacy and Security of data contained in criminal justice information systems.

An interview guide, consisting of twenty-six questions, was provided to assist personnel from the CJ/HSIC in collecting the required information considered necessary for formulation of the proposed State operational procedures concerning privacy and security. The primary thrust of the survey was to determine and assess the present criminal history record information system custodial practices in relation to the requirements of the Federal Regulations and determine the impact on state and local agencies that maintain criminal history record information.

The results of the survey indicated that most state and local law enforcement agencies in the State of Arkansas are consistent in their practices in handling criminal history record information. A consensus of the survey was compiled by the Statistical Analysis Center (SAC) and is provided as Appendix A to this plan.

In a similar manner to the surveys concerning privacy and security procedures regarding law enforcement agencies, interviews were held with the State Identification Bureau, Department of Corrections, the Judiciary, and the Little Rock Police Department. The results of those surveys indicate that inconsistencies exist in respect to compliance with the proposed Federal Regulations policies and procedures concerning criminal history record information. These areas will be addressed in the implementation objectives of this plan.

## Section 2

### CENTRAL STATE REPOSITORY

The Federal Regulations define the Central State Repository as "a State agency having the function pursuant to statute or executive order of maintaining comprehensive statewide criminal history record information files." The Central State Repository ultimately, through automatic data processing, will also have the capability to handle all requests for in-State criminal history information.

There will be a Central State Repository in the State of Arkansas which will be housed in the Department of Public Safety. This department has partial statutory authority for criminal identification activities and the collection, storage, and dissemination of criminal history record information.

The Central State Repository will have the following functions:

- Identification
- Data Conversion
- Data Storage
- Disposition report monitoring
- Criminal history record information dissemination
- Local repository development coordination.

Organizational responsibilities of the Central State Repository will be assigned after completion of final design of a disposition reporting system, court administration plans, analysis of resources available and final impact analysis of all Central State Repository functions.

A manual repository currently exists at the State level in the Department of Public Safety, State Police Identification Bureau.

This service will continue with the Department of Public Safety providing, in association with the manual repository, the following functions:

- Identification
- Compilation of arrest and disposition data for critical activities reported to the State
- Dissemination of criminal history record information collected and maintained.

The CJ/HSIC will perform the following functions until organizational responsibilities for the Central State Repository are assigned:

- Development of the disposition reporting system concept
- Management of the development of interfaces with local repositories.

The authority for the operation of a Central State Repository to maintain systems for the storage of criminal history record information for the State of Arkansas is determined by Arkansas Statutes, Sections 5-1101 to 5-1115. The Central State Repository will have the authority to maintain files available to the criminal justice agencies throughout the State. It will have the capacity to provide criminal identification and criminal history record services to all criminal justice agencies in the State. This capacity will be supported by the existing State automated data processing equipment and telecommunications and terminal facilities, "wherever feasible and practical." This statute is provided in its entirety as Appendix B to this plan.

Currently, the CJ/HSIC, under the supervision of a Supervisory Board established by Sections 5-1101 to 5-1115 and the Department of Public Safety shall be...

"responsible for the maintenance and operation of the computer-based Criminal Justice and Highway

Safety Information System. The use of this System is restricted to serving the informational needs of police, courts, correction and highway safety agencies through a communications network connecting state, county, and local authorities to a centralized state depository of information. The information to be stored in the Criminal Justice and Highway Safety Information Center under the authority of this Act shall be restricted to records of outstanding warrants for arrest, felony informations and indictments pending in Circuit Court, misdemeanor informations and indictments to the extent provided in this Section pending in Municipal and Circuit Courts, commitments to the penitentiary and other correctional agencies, felony convictions, persons on felony parole or probation, stolen property, moving traffic violations, traffic accidents, drivers licenses, vehicle registration, records to prevent misidentification of persons and convictions for the following specified misdemeanors:

- (a) All misdemeanor crimes wherein violence is an element of the offense.
- (b) All misdemeanor crimes involving the theft of property.
- (c) All misdemeanor crimes involving the use, abuse, misuse or possession of dangerous drugs or narcotics.
- (d) Driving while under the influence of drugs or intoxicants.

It is the intent of the General Assembly in this legislation that the Center shall maintain only the specified records on persons and shall not maintain any additional records on persons without specific statutory authorization from the General Assembly.

The Center shall collect data and compile statistics on the nature and extent of crime and highway safety problems in Arkansas and compile other data related to planning for and operating criminal justice and highway safety agencies, provided that such statistics do not identify persons. The Center shall also periodically publish statistics that do not identify persons and report such information to the Governor, The General Assembly, Federal, State and local criminal justice agencies, and the general public.

The Center, at the direction of the Supervisory Board, is hereby authorized to design and administer a Uniform Crime Reporting program, uniform records systems, and a criminal offender tracking program (Offender Based Transaction Statistics), to be used by criminal justice agencies for reporting the authorized information under this Act. The Center shall also provide all standard forms and provide for the instruction of participants in the use of such forms and related standard record systems.

The Center shall make criminal records on persons available only to criminal justice agencies in their official capacity, to regulatory agencies with specific statutory authority of access, and to any person or his attorney, who has reason to believe that a criminal history record is being kept on him, or wherein the criminal defendant is charged with either a misdemeanor or felony. Upon the application of the person or his attorney, it shall be mandatory, upon proper and sufficient identification of the person, for the Criminal Justice and Highway Safety Information Center to make available to said person or his attorney any records on the person making said application. The Supervisory Board shall establish regulations and policies to carry out the review and challenge procedures in accordance with this Act."

The functional responsibilities of the Supervisory Board for the CJ/HSIC are defined in Sections 5-1103, 5-1104, 5-1105 and 5-1106 as follows:

"5-1103. Supervisory Board--Duties. There is hereby created a Supervisory Board for the Criminal Justice and Highway Safety Information Center. The duties and responsibilities of this Board are to:

- (a) Maintain and operate the Criminal Justice and Highway Safety Information Center.
- (b) Provide that the information obtained by this Act shall be restricted to the items specified in this Act and shall so administer the Center so as not to accumulate any information or distribute any information that is not specially approved in this Act.

- (c) Provide for adequate security safeguards to ensure that the data available through this system is used only by properly authorized persons and agencies.
- (d) Provide for uniform reporting and tracking systems to report data authorized by this Act. Standard forms and procedures for reporting such authorized data under this Act shall be prescribed by the Board.
- (e) Establish regulations and policies as may be necessary for the efficient and effective use and operation of the Information Center under the limitations imposed by the terms of this Act.
- (f) Provide for the reporting of authorized information under the limitations of this Act to the United States Department of Justice under its national system of crime reporting.
- (g) Provide for research and development activities that will encourage the application of advanced technology, including the development of prototype systems and procedures, the development of plans for the implementation of these prototypes, and the development of technological expertise which can provide assistance in the application of technology in record and communication systems in Arkansas."

"5-1104 Composition of Board--Expenses. The Supervisory Board shall consist of:

- (a) The Attorney General or one of his assistants.
- (b) The Chief Justice of the Supreme Court or his designated agent.
- (c) A member designated by the Arkansas Association of Prosecuting Attorneys.
- (d) A member designated by the Arkansas Sheriffs Association.
- (e) A member designated by the Arkansas Association of Municipal Judges.
- (f) A member designated by the President of the Arkansas Bar Association who is regularly engaged in criminal defense work.

- (g) A citizen of the State of Arkansas to be appointed by the Governor.
- (h) A member of the General Assembly appointed by the Governor.
- (i) A member designated by the Arkansas Municipal Police Association.
- (j) The Director of the Department of Corrections or his designated agent.
- (k) A member designated by the Arkansas Association of Chiefs of Police.

The Director of the Department of Public Safety or a member of his staff designated by him, shall serve as an ex-officio member.

No member shall continue to serve on the Supervisory Board when the member no longer officially represents the function for which the member was appointed, except the citizen appointed by the Governor, who shall serve for a period of four (4) years.

Members of the Board shall serve without compensation but within the limits of funds available, shall be entitled to reasonable reimbursement for all necessary expenses incurred in the discharge of his duties."

"5-1105. Board Meetings--Quorum--Removal of Members--Rules and Regulations. The Supervisory Board shall meet at such times and places as it shall deem appropriate. A majority of the Board shall constitute a quorum for transacting any business of the Board.

The Board may, for cause, remove any Board member and shall notify the Governor of such removal and reason therefor.

The Board shall establish its own rules and regulations for performance of the responsibilities charged to the Board herein."

"5-1106. Data--Control of--Continued Use of Existing Facilities, Systems Personnel, Networks and Operations. All data files and computer programs making up the Criminal Justice and Highway Safety Information System, in accordance with this Act, shall be under the control and jurisdiction of the Supervisory Board.

The Administrator and the Supervisory Board of the Center shall make arrangements for the continued use of existing State computer facilities, computer systems and programming personnel, communications networks wherever feasible and practical."

The CJ/HSIC currently utilizes the Administrative Services Division computer facility located within the Department of Finance and Administration to process computerized criminal history data. Because this agency houses criminal history record information in conjunction with the Central State Repository function, it will be included in the Security Section of this plan. The Certification of the Central State Repository reflects procedures representing both of these agencies.

The Arkansas State Police Identification Bureau currently acts as a "manual" Central State Repository. Criminal justice agencies in the State do not, however, submit complete dispositions to the State Police, nor do they necessarily query the Central State Repository prior to dissemination of criminal history record information. While some arrests are reported without delay, the law does not state mandatory requirements for disposition reporting. To rectify this situation, the Department of Public Safety intends, as a part of the implementation of this plan, to suggest to the Governor's office that legislation be introduced requiring mandatory disposition reporting by criminal justice agencies within 90 days of the date of occurrence. The legislation will require that dispositions be reported to the Central State Repository. Reporting will normally be direct from the recording agency to the Central State Repository except in the case of the courts where reporting will be to the Office of the Executive Secretary for the State Judicial Department. An agreement will be entered into with the Judicial Department to forward court dispositions to the Central State Repository as they are received, providing adequate staffing is made available for this purpose. Additionally, the Department of Public Safety will ask the Supreme Court for further appropriate rules governing the timely reporting of dispositions to the Central State Repository so as to enable the Central State Repository to comply with the 90-day reporting requirements.

The approach to disposition reporting will be discussed in Section 3 under Reporting on Dispositions.

Appropriate sanctions will be included in the legislation and rules to ensure enforcement. If the disposition reporting legislation and rules referred to previously are not enacted, the Central State Repository will continue to work with criminal justice agencies in the State to endeavor to obtain all dispositions within 90 days after they occur and will continue to press for changes in legislation and court rules necessary to meet the requirements of the Regulations by December 31, 1977.

In the interim, an executive order from the Governor will be requested granting authority for the State Central Repository in areas not covered by existing legislation.

### Section 3

#### COMPLETENESS AND ACCURACY

Since the State of Arkansas will be recording, maintaining, and disseminating criminal history record information to both criminal justice and authorized non-criminal justice agencies, it is the responsibility of the State to ensure that the information is complete and accurate to the maximum extent feasible. The completeness of this information will depend on the cooperation of each and every criminal justice agency in adhering to a set of uniform standards and procedures for submission of data to the Central State Repository. These standards and the responsibilities of each submitting agency will be defined by the Department of Public Safety who is responsible to administer the services of Sections 5-1101 to 5-1115 in Arkansas and to oversee and coordinate the State's Criminal Justice Information Systems. The standards and procedures will be implemented and enforced under the authority of Section 5-1112 which is stated as follows:

"5-1112. Special Information Services Agents--Duties. To ensure the accuracy, timeliness and completeness of all records and information as prescribed by this Act, the Administrator shall appoint Special Information Services Agents, who after proper and sufficient security clearances and training, shall be commissioned to do monitoring and auditing of all records and information as defined by this Act, and other duties as may be prescribed by the Supervisory Board."

The accuracy of criminal history record information depends on strict adherence to these submission standards, the institution of systematic audit procedures, and provisions for rapid and total correction of any erroneous information when errors are discovered. The audit procedures are designed to minimize the creation or storage of erroneous information in the data bank or Central State Repository. However, it is recognized that some erroneous information will be disseminated before the

errors are detected. Hence, procedures to correct the error in the data bank, notify all recipients that the information is erroneous and to provide corrected information are presented in Section 4 of this plan, Limits on Dissemination.

In addition, Section 524(b) of the Safe Streets Acts of 1973 requires that automated criminal history record information be kept current and that disposition data be included with arrest data to the maximum extent feasible. The Federal Regulations define these standards by requiring that with respect to arrests occurring after June 19, 1975, "to the maximum extent feasible" dispositions must be reported to the Central State Repository within 90 days of the time when they occur. Dispositions must also be reported as quickly as possible to any other facility which disseminates criminal history records. As a further measure to insure that only the most complete data is disseminated, the Federal Regulations require that, except in cases where "time is of the essence" and the requisite response cannot be obtained with sufficient speed, disseminators must query the Central State Repository with regard to open or new arrests prior to disseminating criminal history data outside the agency.

#### Definitions

- A. The word "disposition" is defined in Sec. 20.3(e) of the Federal Regulations to mean "information disclosing that criminal proceedings have been concluded..." The intent is that everything of a final nature which could happen to a defendant following his arrest is a disposition. However, the setting of bail or holding for a grand jury indictment, being interim steps in the criminal justice process, are not dispositions.
- B. The word "dissemination" is not defined in the Federal Regulations; however, the Privacy and Security Planning

Instructions define the word to mean a transmission of criminal history data to "agencies other than the criminal justice agency which maintains the criminal history record information." Thus, intra-agency transfers of information would not normally constitute a dissemination except in the unusual case where there is an intra-agency transfer of data from a criminal justice subcomponent of the same agency. For purposes of the query before dissemination rule, transfers of information relating only to a change in process do not constitute dissemination provided that in the particular circumstances "it is clear...that no disposition has occurred."

- C. The term "criminal justice agency" means either a court or governmental agency (or subunit thereof) "which performs the administration of criminal justice pursuant to (state) statute or (state) executive order and which allocates a substantial part of its annual budget to the administration of criminal justice." [Sec. 20.3(c)] The word "substantial" has been defined to mean in excess of 50 percent of the annual budget. Whatever accounting method that is used to reach the 50 percent figure, the commentary to the Federal Regulations indicates that to qualify as a criminal justice agency, an agency must perform, as its principal function, one of the functions comprising the administration of criminal justice defined in Sec. 20.3(d).
- D. As the definition of "criminal history record" in Sec. 20.3(b) indicates, the term refers to information collected by criminal justice agencies relating to individuals "consisting of identifiable descriptions and notations of arrest...indictments, information or other formal criminal charges and any disposition arising therefrom, sentencing, correctional supervision and release." The definition was

intended to cover all of the standard OBTS/CCH (Offender Based Transaction Statistics/Computerized Criminal History) data elements. Of perhaps greater significance, even when the relevant data elements occur outside their normal CCH setting, they nevertheless fall within the scope of the Federal Regulations. Thus, all agencies which maintain records containing "notations" of citizens' prior criminal involvement may--particularly if they have received financial help from LEAA for the collection, storage, or dissemination of such records since July of 1973--be subject to the regulatory requirements.

#### Reporting on Dispositions

Currently there are no explicit mandatory disposition reporting requirements by statute or executive order in the State of Arkansas with the exception of limited reporting of data as stated in Section 5-1107 and appropriate sanctions in Section 5-1111 as follows:

"5-1107. Duty to Furnish Data. It shall be the duty of all Sheriffs, Chiefs of Police, City Marshals, Correction officials, Prosecuting Attorneys, Court Clerks, and other State, county and local officials and agencies so directed to furnish the Center all data required by this Act. Such data shall be furnished the Center in a manner prescribed by the Supervisory Board."

"5-1111. Violation of Law--Misdemeanor--Penalty. Any Sheriff, Chief of Police, City Marshal, Correction official, Prosecuting Attorney, Court Clerk, or other State, county and local official who shall willfully fail to comply with the provisions of this Act, or any regulation issued by the Supervisory Board carrying out the provisions of this Act, shall be found guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding \$500."

However, current disposition reporting practices by Sheriffs, Chiefs of Police, City Marshals, Correction officials, Prosecuting Attorneys, Court Clerks or other State, county and local officials are fragmented.

Action necessary to obtain further legislation to accomplish complete and accurate disposition reporting is recognized as the responsibility of the Department of Public Safety. The Department plans to submit such legislation in the 1977 legislative session, for a state disposition reporting system which will provide for positive identification of an individual through fingerprint identification and to provide the capability to track the individual from arrest through final disposition of the charges incident to the arrest. Care will be taken to ensure that identification procedures established under the arrest and disposition reporting system are consistent with the national single-print concept which calls for only the initial set of prints to be submitted to the FBI, and all subsequent submissions to be handled by the Central State Repository. All disposition information related to a specific arrest will be tied back to the set of fingerprints taken relative to that arrest via a tracking number or an equivalent means of linking information generated by different agencies in the criminal justice process.

The following concept currently exists in the State, however has not been implemented at this time:

- An arrest and disposition tracking number assigned at the time that the fingerprints are generated in the jail booking process. The tracking number would accompany forms or computer input formats which would follow the individual's case through prosecution, courts, and correctional processing. Initial identification and arrest segment information as defined by the NCIC computerized criminal history system would immediately be submitted to the Central State Repository along with the arrest and disposition tracking number, to facilitate tracking of all transactions subsequent to arrest.

Another possible concept to be considered is as follows:

- A tracking number could also be assigned at the point that the complaint is issued.

This tracking number could then be transferred onto the warrant commitment as well as the jail booking documentation, prosecution, courts, and correctional disposition reporting formats. Each tracking number would be unique to the individual and the charges related to the initial complaint. The positive identification process in this example would be accomplished at jail/booking (i.e., at the point when the tracking number previously established is entered onto the fingerprint card).

Disposition reporting forms or formats for both examples could then be sent to the applicable criminal justice agencies which would submit appropriate information to the Central State Repository.

#### Query Before Dissemination

All criminal justice agencies within the State will be required to query the Central State Repository prior to dissemination of criminal history record information to ensure that the record in question is complete and accurate.

This will include the most up-to-date notations of all dispositions. Exempt from this requirement will be cases where "time is of the essence" and the Central State Repository is incapable of responding within the necessary time period.

The specific procedures to be implemented by the State of Arkansas will include the following:

- Formal agreements will be provided between the Central State Repository and user agencies, binding the users to make inquiries before further dissemination when feasible.
- Exemptions from query requirements will be when the Central State Repository is incapable of responding in less than eight hours to a request for criminal history (such as police dissemination

to prosecutors for arraignment or bail setting for which eight hours may not be adequate response time.) It is understood that disseminations of this kind are for the purpose of processing a charge through the criminal justice system and it is clear under the circumstances that no disposition has occurred. No query will be required, so long as the information disseminated relates only to the charge in process.

- The Central State Repository will be responsible for responding to all queries as quickly as possible.

#### Other Criminal History Record Systems

It is the intention of the State of Arkansas to establish a Central State Repository as described in Section 2 of this plan. However, in the event that criminal history records are maintained at other criminal justice agencies, these agencies will be officially notified by the Central State Repository that they are subject to the requirements of Section 524(b) of the Safe Streets Act and thus the general requirements of the Regulations that criminal history record information be kept complete and accurate. Therefore, where criminal histories are maintained at criminal justice agencies other than the Central State Repository and are available for dissemination outside of the agency, they will include complete dispositions to the maximum extent feasible, at least including all dispositions occurring in the jurisdiction served by the system containing the criminal history information.

The procedures established by the Central State Repository will also be implemented for use by other repositories. This will include designation of officials responsible for obtaining dispositions, designation of other officials in other

agencies responsible for reporting dispositions, and formal agreements between agencies supporting such arrangements with the same sanctions applicable for failure to comply.

#### Users Agreement

The Department of Public Safety will issue regulations such that any criminal justice agencies requesting information from the Central State Repository must submit information to the Central State Repository.

#### Judicial Involvement

The Arkansas Judicial Department will be involved, along with CJ/HSIC, in the design of a Disposition Reporting System and in the preparation of legislation dealing with the reporting of Courts as described in this section.

## Section 4

### LIMITS ON DISSEMINATION

Section 20.21 (b) and (c) of the Federal Regulations provide for the limitation of dissemination of non-conviction criminal history record information and for the general policies to be utilized in disseminating such information. In this context, dissemination means transmission of criminal history record information to individuals and agencies other than the criminal justice agency which maintains the criminal history record information. For employment or licensing checks, dissemination includes confirmation of the existence or non-existence of a criminal history record.

In the State of Arkansas, the only reference to limits on access to, and dissemination of, criminal history record information is found in Sections 5-1101 to 5-1115. Section 5-1110, which has been implemented by the state, and reads as follows:

"5-1110. Willful Release or Disclosure to Unauthorized Person--Felony--Penalty. Every person who shall willfully release or disclose to any unauthorized person any information authorized to be maintained and collected under this Act and any person who willfully obtains said information for purposes not specified by this Act shall be deemed guilty of a felony and upon conviction shall be punished by a fine not exceeding five thousand dollars (\$5,000), and by imprisonment in the state penitentiary for not exceeding three (3) years."

Because there are currently no laws in the State of Arkansas which provide for privacy or confidentiality of criminal history record information, some procedures have been established within several of the local and state agencies for disseminating such information, generally in regard to non-criminal justice agencies. However, these procedures are not

currently a uniform common practice among criminal justice agencies, nor are they documented.

Because Section 5-1110 does not set forth the operational procedures to limit dissemination of non-conviction criminal history record information, the Department of Public Safety will pursue more specific legislation during the 1977 session to ensure that dissemination of information is limited as outlined in the Federal Regulations Section 20.21 (b). It is the Department of Public Safety's intention to issue regulations to all criminal justice agencies, as mandated by the proposed legislation, to limit dissemination of criminal history record information to the following:

- "To criminal justice agencies for the purpose of the administration of criminal justice and criminal justice agency employment.
- "Individuals and agencies for any purpose authorized by statute, ordinance, executive order or court rule, decision, or order, as construed by appropriate state or local officials or agencies."
- "Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice pursuant to that agreement. The agreement shall specifically authorize access to data, limit the use of data to purposes for which given, insure the security and confidentiality of the data consistent with these regulations, and provide sanctions for violation thereof."
- "Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency. The agreement shall specifically authorize access to data, limit the use of data to research, evaluative, or statistical purposes, insure the confidentiality and security of the data consistent with these regulations and with Section 524(a) of the Act and any regulations implementing Section 524(a), and provide sanctions for the violation thereof. These dissemination limitations do not apply to conviction data."

The Regulations distinguish between conviction and non-conviction information insofar as dissemination is concerned. Conviction information is "currently made available without limitation in many jurisdictions." Under the Federal Regulations conviction data and pending charges could continue to be disseminated routinely. No statute, ordinance, executive order, or court rule is necessary in order to authorize dissemination of conviction data. However, nothing in the Federal Regulations shall be construed to negate a state law limiting such dissemination.

The Department of Public Safety will pursue specific legislation during the 1977 legislative session to limit dissemination of non-conviction data where applicable.

The Department of Public Safety intends to undertake a comprehensive analysis, prior to December 31, 1977, of the extent to which criminal history record information is currently disseminated to non-criminal justice agencies within each of the above categories. It will be the policy of the Department of Public Safety to clearly define specific agencies and uses of criminal history record information in the Regulations to be issued in order to provide effective guidelines for criminal justice agencies.

The Department of Public Safety will also conduct a study prior to December 31, 1977 to identify Federal agencies which currently have access to state and local agency data bases for pre-employment purposes. The authority of each agency to so access will be reviewed and regulations developed to define Arkansas policy regarding Federal access to criminal history record information consistent with the Federal Regulations.

Under the proposed legislation to insure implementation of Section 20.21 (b) of the Federal Regulations, the requirements of Section 20.21 (c) will be addressed as follows.

## Validation and Verification

Before any dissemination of criminal history record information takes place, disseminating agencies will be certain that the potential recipient agency is an agency permitted to receive such information under the Regulations. If a potential criminal history record information recipient claims to be authorized to receive such information pursuant to a statute, ordinance, executive order, or court rule, decision, or order, the disseminating agency will review the text of such authority prior to dissemination.

If the disseminating agency is not certain that the statute, ordinance, executive order, or court rule, decision, or order, is proper authority for dissemination, it will refuse to release the information, pending the opinion of the state. Criminal justice agencies may accept written or oral representations from requesting agencies or individuals that their authority to receive non-conviction criminal history record information has been reviewed and approved by the Central State Repository or by another criminal justice agency.

Verification for individuals receiving their own criminal history record information will be made on the basis of fingerprints or identification by recognition.

## Specific Guidance to Personnel

It is recognized that all personnel who are responsible for accessing and maintaining criminal history record information files are in a position to either purposely or accidentally disclose confidential information. For this reason, it is the practice of the Criminal Investigation Section to investigate the background of all personnel employed in this capacity.

The data processing center which will service the Central State Repository does currently have a personnel clearance system in effect. In addition, adequate training will be provided to ascertain that sensitive data, both automated and manual, is handled properly.

The compliance agreements made with each agency governed by the Regulations will stipulate that the agency will familiarize all new employees, as part of their orientation, with the Regulations.

In addition, adequate instructions will be provided by the Department of Public Safety to ensure that sensitive data, both automated and manual, is handled properly. Specifically, instructions will be included to prohibit confirmation of the existence or non-existence of criminal history record information for employment or licensing purposes, except as provided for under Federal Regulations 20.21 (c) (2).

#### Expiration of Availability of Criminal History Record Information

After December 31, 1977, criminal history record information concerning the arrest of an individual may not be disseminated to a non-criminal justice agency except under Section 20.21 (b) (2), (3) or (4). Also the only limits on dissemination imposed relate to "non-conviction data", as defined in Section 20.3 (k), to include information disclosing that (1) the police have elected not to refer the matter for prosecution, (2) a prosecutor has elected not to commence proceedings, (3) proceedings have been indefinitely postponed, (4) all dismissals (5) all acquittals, and (6) arrest records without dispositions, if a year has elapsed and no conviction has resulted and no active prosecution is pending.

To comply with this requirement the State of Arkansas will establish a delinquent disposition monitoring system to restrict dissemination of non-conviction data where the disposition information is delinquent as discussed in Section 5, Audits and Quality Control.

The Central State Repository will ensure that automated systems using computer terminal sites located in agencies authorized to receive criminal history record information will be notified by flags on the record signifying to the inquirers that certain segments of the criminal history records are subject to restricted dissemination. This procedure will ensure that terminal operators at remote sites will not mistakenly release restricted information to unauthorized sources.

For manual systems, a visual screening technique will be established by the Central State Repository to appropriately identify record entries subject to the restrictions on dissemination. These visual screening techniques will include specific guidance to clerical personnel retrieving and disseminating criminal history record information by providing checking procedures to be exercised prior to record dissemination. The screening techniques will also include procedures for update of the manual file to indicate data that are subject to restricted dissemination for future inquiries.

Regulations will be issued by the Department of Public Safety to all agencies to which the Central State Repository disseminates criminal history record information forbidding the dissemination of open arrests over one year old to non-criminal justice agencies unless prosecution is still pending.

The Department of Public Safety will further provide instructions to all criminal justice agencies to which it disseminates criminal history records detailing restrictions on internal agency use, validation of statutory authority of non-criminal

justice agencies, and security procedures. These instructions will fully explain the restrictions imposed on dissemination of open arrests more than one year old and will provide specific guidance to clerical personnel receiving and disseminating criminal histories on both manual and automated systems.

#### Promptness of Disposition Reporting

In Section 20.21 (a) (1), the Regulations provide that "To be complete, a record maintained at a central state repository which contains information that an individual has been arrested, and which is available for dissemination, must contain information of any dispositions occurring within 90 days after the disposition has occurred. The above shall apply to all arrests occurring subsequent to the effective date of these regulations." (March 19, 1976)

"Procedures shall be established for criminal justice agencies to query the Central State Repository prior to dissemination of any criminal history record information to insure that the most up-to-date disposition data is being used. Inquiries shall be made prior to any dissemination except to those cases where time is of the essence and the repository is technically incapable of responding within the necessary time period."

The Department of Public Safety will consider legislation, prior to the 1977 legislative session, to specify which agencies and individuals shall actually receive criminal history record information.

As the State of Arkansas does not currently have legislation pending or in effect addressing timely disposition reporting, the Department of Public Safety will seek legislation during the 1977 legislative session to ensure disposition reporting within 90 days. This reporting criteria will be implemented

"to the maximum extent feasible." The timeliness of disposition reporting will be verified during the audit process discussed in Section 5 of this plan.

### Agreements

The Regulations require the State to insure that after December 31, 1977, dissemination of non-conviction data has been limited "whether directly or through an intermediary," only to criminal justice agencies and individuals. User agreements between disseminating and receiving agencies will fulfill this requirement.

Currently, there are no formal agreements in the State of Arkansas specifying appropriate civil or criminal sanctions for violation of the Federal Regulations. However, it will be the responsibility of the Department of Public Safety to prepare written contractual agreements between disseminating and receiving agencies. The agreements will specify that the dissemination of non-conviction criminal history record information to a receiving agency is subject to cancellation if the receiving agency violates the requirements relating to dissemination, internal use and physical security. The agreement will also stipulate that the receiving agency may be subject to sanctions, levied by the State, for violating the Regulations.

Once an agreement has been signed between a disseminating agency and a receiving agency, the agreement will be binding for all future disseminations of non-conviction criminal history information. These agreements may be in the form of a standard contract by the State for use by all agencies subject to the Regulations. Each agency will designate a responsible person to have authority to sign such agreements.

The Department of Public Safety will also pursue legislation during the 1977 legislative session to provide for Non-Disclosure and Secondary Dissemination Agreements, with the appropriate sanctions, to be signed by non-criminal justice agencies and individuals to whom non-conviction criminal history record information is disseminated and to insure that secondary dissemination will conform to the Regulations. Whenever a criminal justice agency subject to the Regulations receives a request for a record, it will, before dissemination, determine that the requesting agency or individual is (1) an eligible recipient and (2) aware of and subject to the limits on use and dissemination imposed by the Regulations. The non-criminal justice recipients will be made aware through the Non-Disclosure and Secondary Dissemination Agreement that they are subject to the provisions of Section 20.21 (c) (1) prohibiting secondary disseminations and restricting the use of non-conviction criminal history records to the specific purposes for which they were made available. All recipients will be required to sign the agreement to enforce appropriate measures to insure the security and confidentiality of criminal history records. The agreement will also contain an acknowledgement by the recipient agency or individual that the record(s) are subject to limits on use and secondary dissemination and that violation of these limits will result in the imposition by the state of penalties and sanctions.

The agreements will also include, but not be limited to the following:

- Name of agency disseminating data
- Name of agency or individual receiving data
- Specific reason for dissemination of data
- Specifications or restrictions, internal agency use and secondary dissemination

- Instructions for adequate security procedures consistent with the Regulations
- A statement that the agency or individual is cognizant of the Regulations and agreeable to abide by them where applicable.

As presented in Section 7 of this plan, certifications have been obtained from all criminal justice agencies subject to the Regulations. Therefore, it was not required that each criminal justice agency obtain a certification or execute a user agreement with every individual to whom it disseminates information, if each such agency or individual submitted a certification to the Central State Repository or signed a user agreement with another criminal justice agency. Criminal justice agencies may also accept oral representations that requesting agencies, either in or out of the state have submitted certifications or have signed user agreements incorporating the limits and requirements of the Federal Regulations.

In summary, in order to receive criminal history records, agencies and individuals will be determined to be both eligible under Section 20.21 (b) and subject to the Regulations by virtue of a certification, or a user agreement.

#### Sanctions

Sanctions are provided under Section 5-1110 and 5-1111, as addressed earlier in this plan, for violations by agencies or individuals who receive criminal history record information whether or not they are subject to the Regulations. The sanctions will subject all agencies or individuals in violation to equivalent penalties. Sanctions against the agencies or individuals in violation will be applied by the state. The Department of Public Safety will ensure that

these sanctions are properly included in the legislation related to limits on dissemination to be sought during the 1977 legislative session.

#### Access by the Military

Section 504 of Title 10 of the United States Code provides that no person who has been convicted of a felony may enlist in the Armed Forces except with special permission. Since implementation of this statute requires Armed Forces recruiters to review only conviction records, the statute does not provide adequate authority for the dissemination of non-conviction data. Section 20.21 (b) (2) of the Federal Regulations states that "...dissemination of non-conviction data has been limited, whether directly or through an intermediary only to: ... (2) Individuals and agencies for any purpose authorized by statute, ordinance, executive order, or court rule, decision, or order,..." This is not addressed in laws governing the State of Arkansas. The Department of Public Safety will, therefore, pursue legislation during the 1977 legislative session to provide for release of such criminal history record information to military service recruiters only under the following condition:

- Military service recruiters and agents for government units conducting employment background investigations and they must furnish a notarized release, signed by the person whose record is being checked. The release will be retained by the State Police Bureau of Identification.

Section 20.21 (d) prohibits dissemination of juvenile records to non-criminal justice agencies which specifically refers to, and permits dissemination to juvenile records. Since

Section 10 U.S.C. Section 504 does not contain any reference to juvenile records, it does not fulfill this requirement, and may not be relied upon as authority for allowing military recruiters to access juvenile records. In the absence of an Arkansas statute or federal executive order conferring such authority, juvenile records may not be accessed by military recruiters.

#### Juvenile Records

Section 20.21 (d) of the Federal Regulations prohibits dissemination of records pertaining to the adjudication of a juvenile to non-criminal justice agencies except where the dissemination takes place pursuant to (1) a statute, court order, rule or court decision, specifically authorizes juvenile record dissemination, (2) a good faith research agreement, (3) a contract to provide criminal justice service to the disseminating agency, or (4) except to the same extent as criminal history records may be disseminated as provided in Section 20.21 (b) (3) and (4). In addition, the provisions of the Regulations concerning completeness and accuracy, right of access, and other matters do not apply to juvenile records. As the State of Arkansas does not have current legislation or regulations concerning juvenile records, the Department of Public Safety intends to suggest to the Governor's Office that more specific legislation be pursued during the 1977 session to ensure that all provisions of the Federal Regulations concerning juvenile records will be met.

## Section 5

### AUDITS AND QUALITY CONTROL

The Federal Regulations [Sections 20.21(a), (e)] require two different types of audits: (1) systematic audit and (2) annual audit. A systematic audit is an internal audit performed regularly by all criminal history repositories to maximize accuracy and completeness. An annual audit is an audit of State and local criminal history record information users to test compliance with all regulatory requirements. The annual audit will be provided for a representative sample of state and local criminal justice agencies selected randomly on the basis of population served.

#### SYSTEMATIC AUDIT

Section 5-1112 of the Arkansas statutes calls for auditing of all records and information to be performed by Special Information Services Agents who are appointed by the Administration of the CJ/HSIC. Therefore, the CJ/HSIC will be responsible to design a continuous and systematic audit for the State of Arkansas. It will be implemented by the Department of Public Safety to automatically audit and monitor the automated and manual segments of all repositories in the State that collect, store, or disseminate criminal history record information in order to:

- Check all incoming data for completeness
- Locate delinquent dispositions
- Check offense and sentencing codes for appropriateness
- Audit correctness and sequence for dispositions
- Check all designated, required information for entry
- Monitor appropriateness of terminal requests

- Notify management of inappropriate errors or request activity
- Prevent non-criminal justice dissemination where appropriate; and
- Provide an audit trail which will permit tracing of individual data elements to source documents.

The systematic audit will involve the CJ/HSIC Special Information Services Agents who will act as a liaison between the Department of Public Safety and other user agencies.

The Special Information Service Agents will ensure that each agency will verify the status of delinquent dispositions, collect information on system functions and use and monitor local operations to ensure adherence to the Federal Regulations. The procedures for the systematic audit function will be designed and implemented by January 1, 1977.

#### EDIT AND VERIFICATION

At present when arrest fingerprints arrive at the State Police Identification Bureau, they are filed in a master file by fingerprint classification. If further information is received, then a jacket is prepared and filed by State ID number. As an implementation requirement of this plan, the State Police Identification Bureau acting as part of the Central State Repository will institute procedures prior to July 1, 1976 to subject arrest fingerprints and additional arrest information to a complete manual quality check which includes all necessary coding, editing, and transcription. When essential elements are missing or deemed to be incorrect, the contributing agency will be contacted by telephone or mail, and the errors or omissions rectified. The Department of Public Safety will also define procedures for accuracy checks during the computerized and manual edit and verification process and will provide controls and inspections on the input to the system to ensure integrity. In both

manual and computerized systems, the audit will ensure that all record entries are verified and appropriately edited prior to entry, and that source documents are properly interpreted. Audit procedures will include random inspection of the records and comparison with source documents to determine if data handling procedures are being correctly followed.

#### DELINQUENT DISPOSITION REPORTING

The Department of Public Safety will draft and perform procedures which will provide the mechanism for promoting complete, accurate and timely submission of disposition data. Inherent in these procedures will be a delinquent disposition monitoring system based on expected arrival dates for final dispositions which reflect anticipated processing times for each criminal offense. If a disposition is not received by the estimated due date, the Central State Repository will be automatically notified and will begin to make the appropriate contacts and follow related audit trails to obtain the disposition information. The delinquent disposition reporting system will apply to both manual and automated systems. The Central State Repository automated delinquent disposition reporting system will provide a method to automatically withhold dissemination of information subject to the one-year rule (dissemination to non-criminal justice agencies without complete disposition in one year) to agencies that have terminal access to the system.

The manual systems will provide screening techniques as described in Section 4 under Expiration of Availability of Criminal History Record Information.

#### AUDIT TRAILS

The Department of Public Safety will make provisions in their audit procedures to provide a clear and specific audit trail to ensure a maximum level of system accuracy. The audit trail

is required for the tracing of specific data elements back to the source document and will encompass all participating agencies in the criminal history records information system. Additionally, it will identify specific individuals who have made entries on source documents or input formats supporting the system. It is understood that this requirement is necessary to prevent violation of the Regulations by agencies and/or individuals.

#### DISSEMINATION LOGS

Each and every criminal justice agency in the State of Arkansas that disseminates criminal history record information will be required to maintain records of transactions involving criminal history record information so as to provide accountability for the collection, storage and dissemination of criminal history record information. The requirement to do so will be included in the agreements to be provided by legislation to be pursued as discussed in Section 4, Agreements. The dissemination logging procedure will support the audit process, as well as provide a means for correcting erroneous dissemination. The physical dissemination logs will also provide a means for criminal justice agencies to notify other criminal justice agencies and/or individuals both inside and outside the State, known to have received erroneous or inaccurate information and to furnish corrected information.

The logs will be maintained as required from one audit period to another and will indicate, as a minimum, the agency or individual to which the information was released, the date of the release, the individual to whom the information relates and the items of criminal history record information released. The logs will also contain the unique numeric identification supplied by the Arkansas State Police Identification Bureau to provide positive identification links between criminal history record information which is disseminated and the record from which the criminal history information was extracted.

Agencies known to have received criminal history record information after inaccurate data has been entered on the record will be notified by the appropriate criminal justice agency via on-line terminal or by mail. Corrections to records will be provided in hard copy form, and a record kept of the agencies to which corrections were sent and the date the notifications were released.

#### ANNUAL AUDIT

To meet the requirements of Section 20.21(d), the Department of Public Safety will design and implement procedures that will ensure annual audits of a representative sample of state and local criminal justice agencies chosen on a random basis, to verify that appropriate records are maintained to facilitate the annual audit. An annual audit of each criminal justice agency in the state would be cost prohibitive, therefore, random sampling techniques will be utilized. This technique is intended to provide a statistically significant examination of the accuracy and completeness of data maintained in the Central State Repository and to ensure that other provisions of the Regulations are upheld.

For purpose of the annual audits, all users of the Central State Repository criminal history records will be divided among four groups: State agencies including prosecutors, County Sheriffs' Departments, large local agencies (in cities with population over 10,000) and small local agencies (under 10,000). Within each group, agencies will be selected randomly so that 20 percent of all State agencies, 20 percent of large local agencies, 20 percent of all County Sheriff's Departments, and 10 percent of small local agencies are audited annually. The Central State Repository will be subject to an audit once every year. The annual audit will select on a random basis 20 percent of records kept by each agency.

All users of criminal history record information will agree to the audits by signing a Use and Dissemination Agreement developed by the Department of Public Safety to hold themselves open to such audits, and to maintain such documents as are determined to be necessary to facilitate adequate auditing. At a minimum, all user agencies which contribute data to the Central State Repository must maintain documents from which such contributions were derived plus full and complete dissemination logs. The annual audit will contain three basic procedures as follows:

PROCEDURAL AUDIT. This audit will examine the extent to which procedures have been implemented to insure compliance with the Federal and State Regulations. This section of the audit will cover:

- Completeness of records and disposition reporting procedures.
- Accuracy of records.
- Dissemination practices (query, limitations, tracking).
- Security (hardware, software, personnel, physical).
- Individual's right of inspection, and
- Delays in disposition reporting.

Methods used in conducting this audit will include:

- Reviews of written procedures and manuals.
- Personnel interviews to evaluate understanding and practice.
- Observation of the site and operations.

RECORDS AUDIT. This audit will evaluate the completeness and accuracy of Central State Repository files as measured against records of original entry. It will be conducted by taking a random selection of source documents at local agencies to evaluate:

- Completeness of data entry of arrests of dispositions into Central State Repository and/or local files.
- The accuracy of data entry of arrests and dispositions to provide the error rate for critical field data.

All evaluations will be based on statistically significant samples of original entry records.

AUDIT OF ACTIVITY LOGS. This audit will evaluate the effectiveness of the system's tracking mechanisms. Records to be examined include dissemination logs, record corrections logs, and physical and terminal access logs. Besides inspection of logs, the audit team will:

- Review logging procedures;
- Interview personnel handling records or processing records corrections; and
- Observe each system's operations.

#### AUDIT SANCTIONS

The Department of Public Safety will utilize the information developed through the annual and systematic audits to evaluate criminal justice agencies' adherence to the Federal Regulations. When an agency is found to be in violation, the Department of Public Safety Special Information Service Agents will immediately provide technical assistance and guidance in an effort to correct inappropriate procedures. In both the Use and Dissemination Agreement and Non-Disclosure Agreement, the Department of Public Safety reserves the right to suspend the services of the Central State Repository to any user agency, whether federally funded or not, which violates any Federal or State law or regulation respecting the processing of criminal history records.

The Department of Public Safety will seek State legislation during the 1977 legislative session providing penalties against

individuals and criminal justice and non-criminal justice agencies for violation of laws or regulations pertaining to the collection, storage, use and dissemination of criminal history record information.

## Section 6

### INDIVIDUAL RIGHTS OF ACCESS AND REVIEW

Procedures for individual rights of access and review have been implemented by regulations issued jointly by the Department of Public Safety (see Appendix C) and by a directive issued by the State Director of Corrections (see Appendix D). The procedures will be fully operational upon submittal of this plan, March 16, 1976.

#### Points of Access and Review

Pursuant to the regulations issued by the Department of Public Safety, criminal history records are available for review at all criminal justice agencies on the CJ/HSIC terminal network. There are 33 such agencies throughout the State, including local police and sheriffs' departments and offices of the Arkansas State Police. They are geographically located so as to provide one or more access points in every significant population center in the State. In addition, they include every agency in the State that has utilized LEAA funds for information system support, and police departments in most cities of any significant size in the State. All of these agencies have CJIS terminals and are contributors and users of criminal histories on file in the Identification Bureau's manual files (see Appendix E).

In addition, the Department of Corrections directive provides that every inmate presently incarcerated in the Arkansas correctional system will be afforded an opportunity to review his criminal history record as soon as such reviews can be arranged. Thereafter, each entering inmate will be afforded the opportunity to review his criminal history record as soon as possible after entry.

The courts in Arkansas obtain criminal history records from the police, either directly or through prosecutors. Such records are not available for dissemination through any judicial information system in the State. Moreover, criminal histories are not filed in case jackets in clerks' offices. For these reasons, no provision has been made for review of judicial records. It is felt that criminal histories utilized by judicial personnel are complete and accurate and that, since such records are not disseminated outside of the judicial system and are not maintained beyond the termination of the particular case, no risk to the individual exists that warrants a right of access and review at the judicial level.

The procedures described below are those set out in the Department of Public Safety regulations. The procedures in force in the Corrections Department are identical.

#### Rules for Access

Reviews are available at every agency and in the correctional system during normal daylight business hours. No fee is charged for the review, but a fee of not over \$5.00 may be charged to recover the actual costs of providing copies to reviewing individuals. Reviews take place in the presence of and under supervision of the Supervisory Official designated for that purpose in each agency. A record of the review is kept on a form provided for that purpose. (See Form No. 1, Appendix F.) Individuals are permitted to make and retain handwritten notes or summaries. Copies of records are given only if the individual files a challenge and only copies of the challenged portion of the records is given.

Because, at the writing of this plan, there is only a manual Central State Repository operated by the Department of Public Safety, individual agencies will maintain only that data that

falls within their jurisdiction. Because the Department of Public Safety only receives fragmented dispositions at this time, posters will be placed at each pertinent agency, in a conspicuous place, specifying what data is available at that agency, what procedure is to be followed to get additional data from other agencies, the hours the service is available, and any fees for the service.

#### Verification of Identity

Fingerprint comparison is required in every case to ensure that the records reviewed relate to the requesting individual. A review may be made by an attorney or other representative on behalf of a record subject provided such person presents a set of fingerprints of the individual and a notarized authorization signed by the individual.

#### Location of Records

If the records the individual wishes to review are maintained in the criminal justice agency where he applies for review, the records are immediately located and made available for review. If the records are not locally maintained or if such records are not considered to be complete and up to date, the request form and fingerprints are forwarded to the Department of Public Safety. The Department conducts a search of its manual files and requests a search of the automated files of CJ/HSIC. Any record that is located is returned to the requesting agency and the individual is notified. A period of 15 days is allowed for the location and return of records in such cases.

#### Verification of Accuracy

If an individual takes no exception to the accuracy and completeness of his record, he is asked, but is not required, to sign a verification that it is complete and accurate.

### Challenge Procedure

All reviewing individuals are informed of their right to challenge the accuracy, completeness or maintenance of their criminal history records. A form is provided for such a challenge, on which the individual indicates the portions of the record he believes to be improperly maintained or in error, the reasons for the challenge, and a version of the record that he believes to be correct and complete. The individual is required to sign an affirmation that the challenge is made in good faith and that the information set out on the form is true to the best of his knowledge and belief. (See Form No. 2, Appendix F.) As noted above, if the individual so requests, he is given a copy of that portion of the record that is challenged. Any such copy is marked "This copy is provided for purposes of review and challenge. Any use for any other purpose is a violation of Sec. 3771 of Title 42 of the United States Code."

### Administrative Review

Challenge forms are forwarded to Review Officers designated in each agency. If the challenged record originated in the jurisdiction where the agency is located, the Review Officer institutes an audit of appropriate source documents in local criminal justice agencies. If the challenged entries originated in other jurisdictions, the challenge form is sent to the Identification Bureau, which forwards it to the originating agency, whether within or outside of the State, and requests that an audit be conducted.

Audits are required to be completed within 30 days. The results of the audit, together with certified copies of relevant source documents, are provided to the Department of Public Safety, which forwards them to the agency where the challenge originated. Since the 30-day limit cannot be enforced against non-terminal agencies and out-of-state

agencies, the Department can only make its best efforts to obtain timely responses from such agencies. If such an agency fails to cooperate, the Bureau so notifies the agency where the challenge was filed and the individual is advised that he must pursue the challenge with the originating agency.

The individual is notified of the results of the administrative review on a form provided for that purpose. (See Form No. 3, Appendix F.) If the exceptions noted by the individual in his challenge are upheld by the audit, the form so indicates and details the corrective actions that have been or will be undertaken. If the challenge was found to be without foundation, the form indicates that the record has not been changed and sets forth the reasons for this decision. In that case, the individual is informed that he may, within 10 days, request an administrative appeal and obtain a review of the decision by the Attorney General of Arkansas.

#### Administrative Appeal

Appeals are requested on a form provided to the individual for that purpose. (See Form No. 4, Appendix F.) The form has a space for the individual to add additional reasons why he believes his record should be changed, if he wishes to do so. A copy of the form, together with copies of the other forms and of the relevant source documents, are forwarded to the Attorney General to be reviewed by an official in his office designated for that purpose. This official may request additional information or statements and may, if he deems it necessary, order a hearing for the purpose of receiving testimony. Sole discretion is given to the Attorney General to determine whether the individual should be permitted to appear at the hearing, whether he may have counsel and what procedures will govern the hearing. It is felt that this is a reasonable way of ensuring that appropriate hearings are conducted where necessary without encumbering the review procedure with strict hearing requirements that may not be necessary in most cases.

The Attorney General's decision, together with the reasons therefor, are noted on Form No. 4. If the finding is in favor of the individual, the corrective relief to which the individual is entitled is also noted on the form. The form and supporting documents are sent to the Department of Public Safety, which corrects its own records, as appropriate, and returns the material to the agency where the challenge originated. The individual is then informed of the results of the appeal.

#### Correction and Notification

If an individual's criminal history record is found to be incorrect, incomplete or improperly maintained, it is deleted or modified, as appropriate. All criminal justice agencies that have received the incorrect information during the one-year period prior to the date of the challenge are notified and instructed to correct their records and to notify criminal justice agencies to which they have disseminated the incorrect record during the previous year. Upon request, the individual is provided with a list of non-criminal justice recipients during the one-year period prior to the date of the challenge. His right to this list is noted on Form No. 4. The list is compiled by the criminal justice agencies involved in the challenge process and the Department of Public Safety.

#### Enforcement

Both the Department of Public Safety regulations and the Department of Corrections directive provide for administrative penalties for employees who fail to implement the record review procedures. These penalties include suspension, discharge, transfer, reduction in grade and other appropriate personnel sanctions. In addition, Department of Public Safety regulations provide for termination or suspension of record access privileges in cases of willful and repeated misfeasance by criminal justice agencies.

Section 7

CERTIFICATIONS

This section contains the certification forms of those Arkansas agencies to which the regulations were directly applicable.

U. S. DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION NATIONAL CRIMINAL JUSTICE INFORMATION AND STATISTICS SERVICE WASHINGTON, D. C. 20531	INFORMATION RECEIVED STATEMENT (28 CFR 20.101) <b>MAR 12 1976</b>	INSTRUCTIONS Please provide the following information, complete the attached certification form and return all parts to the address at the left.
--	---	--

NAME/ADDRESS OF SUBMITTING AGENCY  Fayetteville Police Department Post Office Box 4218 Fayetteville, Arkansas 72701	APPLICABLE STATE CJ/HSIC Arkansas	DATE PREPARED March 11, 1976
	CONTACT NAME Glen Riggins	TEL. NO. (Give Area Code) 501/521-8050

1. Does your agency "collect, store, or disseminate criminal history record information processed by either manual or automated operations?" "Criminal history record information" means information collected by criminal justice agencies on individuals which consist of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, sentencing, correctional supervision and release. The term does not include identification information such as fingerprint records to the extent that such information does not indicate involvement of the individual in the criminal justice system.

YES  NO

2. If the answer above was "Yes," have LEAA funds been made available to the agency subsequent to July 1, 1973 for the collection, storage or dissemination of information?

YES  NO

3. Indicate the type of agency:

PROSECUTION       PUBLIC DEFENDER       POLICE  
 COURTS       CORRECTIONS

4. Indicate the type of system:  <input type="checkbox"/> SUBJECT IN PROCESS <input checked="" type="checkbox"/> CRIMINAL HISTORY	5. Is the system automated?  <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> PARTIAL
---	---

6. Does the system(s) exchange information with other systems?  YES  NO  
 If "Yes," specify which other systems:

REGIONAL     CENTRAL STATE REPOSITORY     NCIC     OTHER(specify) \_\_\_\_\_

7. Indicate population of primary geographic jurisdiction being served:  Fayetteville, Arkansas/46,000	8. Indicate approximate number of subjects included system:  <input type="checkbox"/> 0-5,000 <input checked="" type="checkbox"/> 5,000-25,000 <input type="checkbox"/> 25,000-100,000 <input type="checkbox"/> 100,000-500,000 <input type="checkbox"/> MORE THAN 500,000
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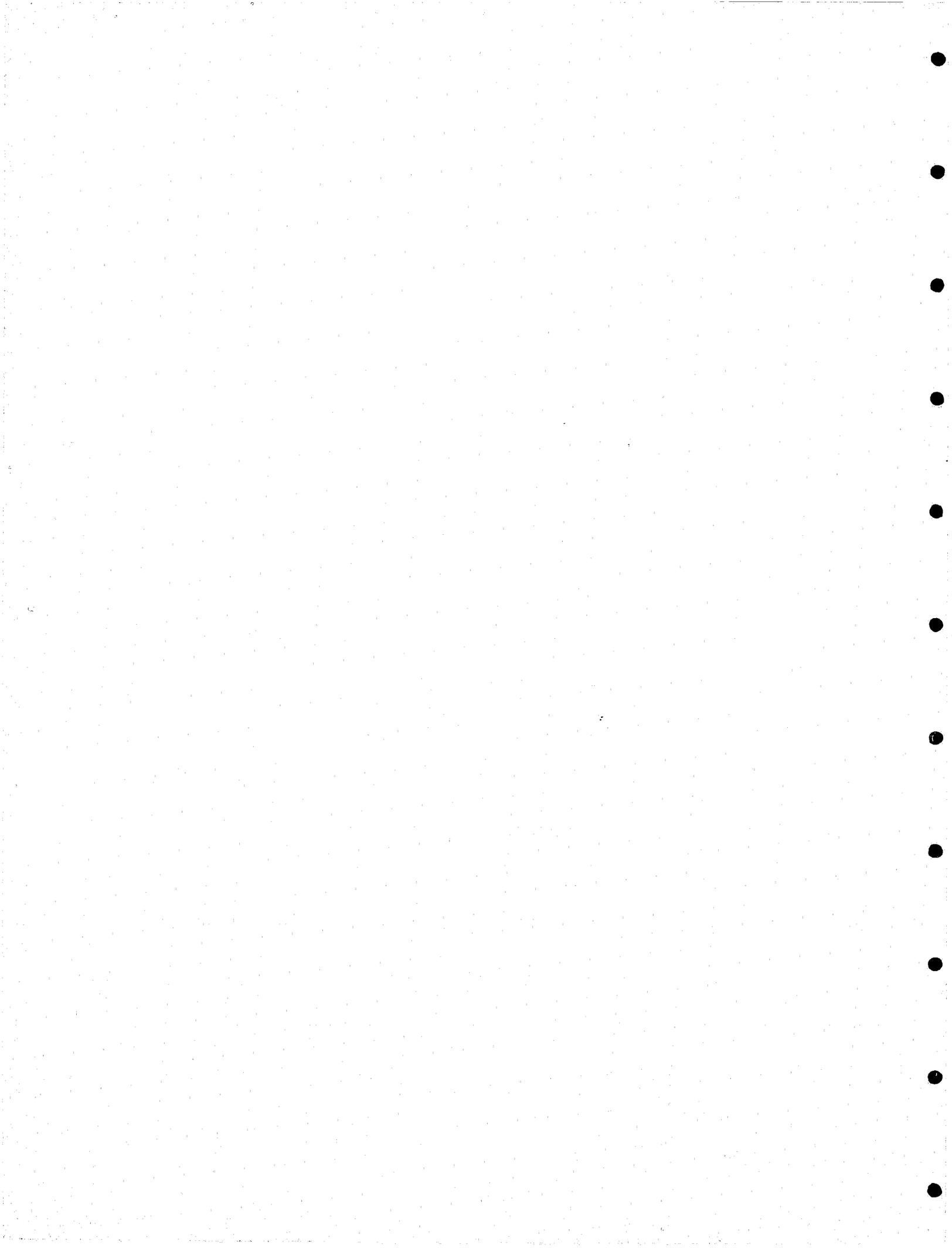
9. Name of authorized agency official Glen Riggins	10. Title Chief of Police, Fayetteville, Arkansas
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11. Agency name and address Fayetteville Police Department Post Office Box 4218 Fayetteville, Arkansas 72701	12. Tel. No. (Give Area Code) 501/521-8050
	13. Signature of authorized official ✓ <i>Glen Riggins</i>





U. S. DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION NATIONAL CRIMINAL JUSTICE INFORMATION AND STATISTICS SERVICE WASHINGTON, D. C. 20531	RECEIVED INFORMATION STATEMENT APR 12 1976 (28 CFR 20.1 - 20.34) CIVILIC	INSTRUCTIONS Please provide the following information, complete the attached certification form and return all parts to the address at the left.
NAME/ADDRESS OF SUBMITTING AGENCY  Rogers Police Department 212 West Elm Street Rogers, Arkansas 72756	APPLICABLE STATE  Arkansas	DATE PREPARED  3/10/76
	CONTACT NAME  D. H. Musteen	TEL. NO. (Give Area Code)  501-636-4141
1. Does your agency "collect, store, or disseminate criminal history record information processed by either manual or automated operations?" "Criminal history record information" means information collected by criminal justice agencies on individuals which consist of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, sentencing, correctional supervision and release. The term does not include identification information such as fingerprint records to the extent that such information does not indicate involvement of the individual in the criminal justice system.  YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		
2. If the answer above was "Yes," have LEAA funds been made available to the agency subsequent to July 1, 1973 for the collection, storage or dissemination of information?  YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		
3. Indicate the type of agency:  <input type="checkbox"/> PROSECUTION <input type="checkbox"/> PUBLIC DEFENDER <input checked="" type="checkbox"/> POLICE <input type="checkbox"/> COURTS <input type="checkbox"/> CORRECTIONS		
4. Indicate the type of system:  <input type="checkbox"/> SUBJECT IN PROCESS <input checked="" type="checkbox"/> CRIMINAL HISTORY	5. Is the system automated?  <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> PARTIAL	
6. Does the system(s) exchange information with other systems? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If "Yes," specify which other systems:  <input type="checkbox"/> REGIONAL <input type="checkbox"/> CENTRAL STATE REPOSITORY <input type="checkbox"/> NCIC <input type="checkbox"/> OTHER(specify) _____		
7. Indicate population of primary geographic jurisdiction being served:  <u>14,000</u>	8. Indicate approximate number of subjects included system:  <input type="checkbox"/> 0-5,000 <input checked="" type="checkbox"/> 5,000-25,000 <input type="checkbox"/> 25,000-100,000 <input type="checkbox"/> 100,000-500,000 <input type="checkbox"/> MORE THAN 500,000	
9. Name of authorized agency official  Dennis H. Musteen      POLICE CHIEF	10. Title  Acting Chief of Police	
11. Agency name and address Rogers Police Department 212 West Elm Rogers, Arkansas 72756	12. Tel. No. (give Area Code)  501-636-4141	
	13. Signature of authorized official  <i>Dennis H. Musteen</i> POLICE CHIEF	



UNITED STATES DEPARTMENT OF JUSTICE  
 Law Enforcement Assistance Administration  
 National Criminal Justice Information and  
 Statistics Service  
 Washington, D.C. 20531

CERTIFICATION FOR  
 AGENCY SYSTEMS OTHER THAN  
 THE CENTRAL STATE REPOSITORY

NAME ADDRESS OF SUBMITTING AGENCY

Rogers Police Department  
 212 West Elm  
 Rogers, Arkansas 72756

APPLICABLE STATE

Arkansas

DATE PREPARED

3/10/76

CONTACT NAME

D. H. Musteen

TELEPHONE NO. (Give area code)

501-636-4141

TYPE OF AGENCY

POLICE

PROSECUTOR

COURT

PROBATION

CORRECTIONAL INSTITUTION

PAROLE

INSTRUCTIONS: Complete the following, as appropriate.

OPERATIONAL PROCEDURES

Completeness and Accuracy

Complete Disposition Reporting from:

- Police
- Prosecutor
- Trial Courts
- Appellate Courts
- Probation
- Correctional Institutions
- Parole

Systematic Audit:

- Delinquent Disposition Monitoring
- Accuracy Verification

Limits on Dissemination

Contractual Agreements, Notices and Sanctions in Effect for:

- Criminal Justice Agencies
- Non-Criminal Justice Agencies Granted Access by Law or Executive Order
- Service Agencies Under Contract
- Research Organizations

Validating Agency Right of Access Restrictions On:

- Juvenile Record Dissemination
- Confirmation of Record Existence
- Secondary Dissemination by Non-Criminal Justice Agencies
- Dissemination Without Disposition

Audits and Quality Control

Audit Trail:

- Recreating Data Entry
- Primary Dissemination Logs
- Secondary Dissemination Logs

NOW IMPLEMENTED	CHECK MARKS			ESTIMATED IMPLEMENTATION DATE
	COST	TECHNICAL	REASONS FOR NON-IMPLEMENTATION LACK OF AUTHORITY	
NO			x	Dec 31, 1977
NO			x	
Yes				
No			x	Dec 31, 1977
No			x	



**INSTRUCTIONS**

Please provide the following information, complete the attached certification form and return all parts to the address at the left.

U. S. DEPARTMENT OF JUSTICE  
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION  
NATIONAL CRIMINAL JUSTICE INFORMATION AND STATISTICS SERVICE  
WASHINGTON, D. C. 20531

**RECEIVED INFORMATION STATEMENT**

MAR 1 1976  
(28 CFR 20.1 - 20.38)

NAME/ADDRESS OF SUBMITTING AGENCY

Camden Police Department  
P. O. Box 278  
Camden, Arkansas 71701

CJ/HSIC

APPLICABLE STATE

Arkansas

CONTACT NAME

R. David Bentley

DATE PREPARED

3-10-76

TEL. NO. (Give Area Code)

501-836-5755

1. Does your agency "collect, store, or disseminate criminal history record information processed by either manual or automated operations?" "Criminal history record information" means information collected by criminal justice agencies on individuals which consist of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, sentencing, correctional supervision and release. The term does not include identification information such as fingerprint records to the extent that such information does not indicate involvement of the individual in the criminal justice system.

YES

NO

2. If the answer above was "Yes," have LEAA funds been made available to the agency subsequent to July 1, 1973 for the collection, storage or dissemination of information?

YES

NO

3. Indicate the type of agency:

PROSECUTION

PUBLIC DEFENDER

POLICE

COURTS

CORRECTIONS

4. Indicate the type of system:

SUBJECT IN PROCESS

CRIMINAL HISTORY

5. Is the system automated?

YES

NO

PARTIAL

6. Does the system(s) exchange information with other systems?  YES  NO

If "Yes," specify which other systems:

REGIONAL  CENTRAL STATE REPOSITORY  NCIC  OTHER (specify) \_\_\_\_\_

7. Indicate population of primary geographic jurisdiction being served:

16,000

8. Indicate approximate number of subjects included in system:

0-5,000

5,000-25,000

25,000-100,000

100,000-500,000

MORE THAN 500,000

9. Name of authorized agency official

Robert D. Bentley

10. Title

Police Chief

11. Agency name and address

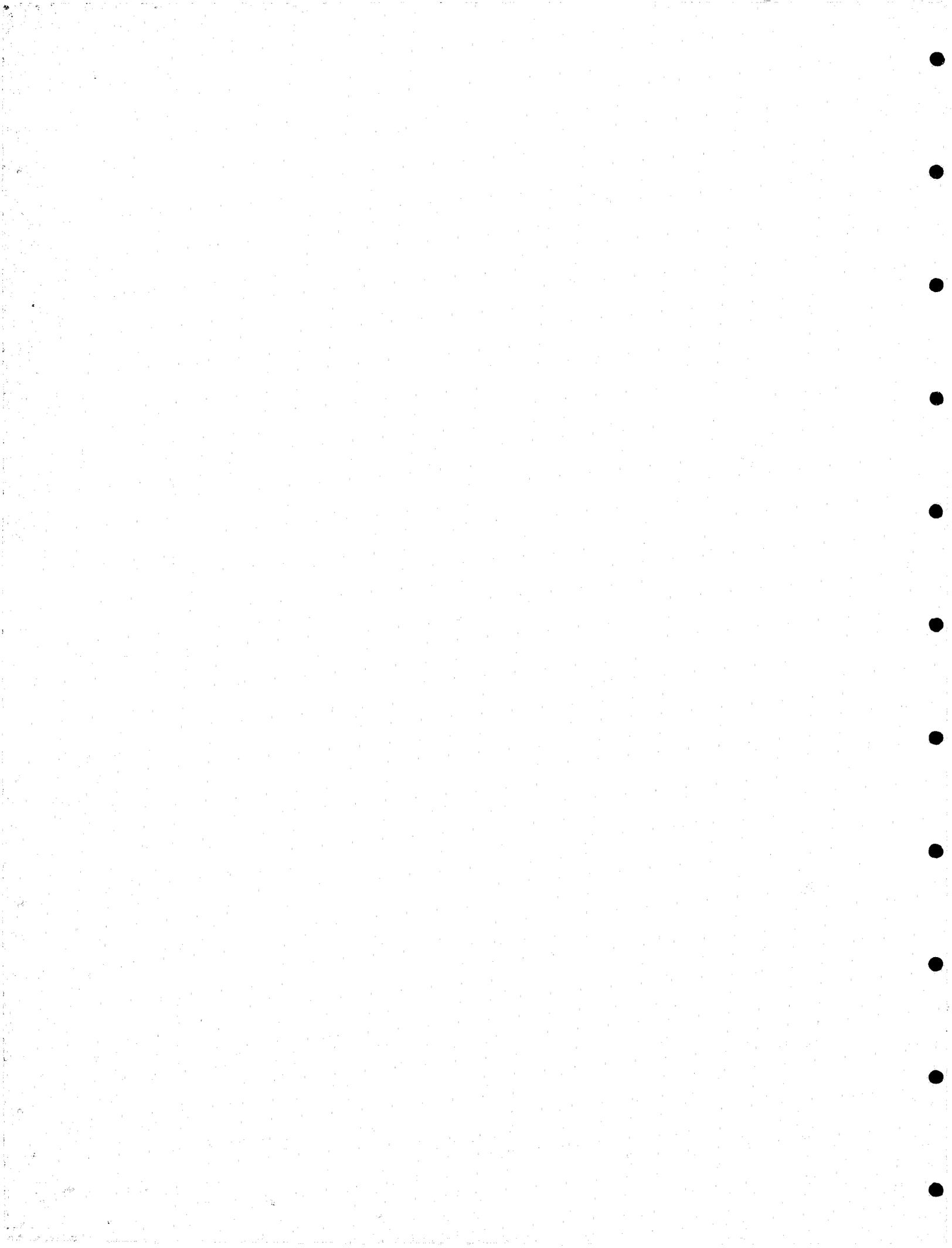
Camden Police Department  
P. O. Box 278  
Camden, Arkansas 71701

12. Tel. No. (Give Area Code)

501-836-5755

13. Signature of authorized official

*Robert D. Bentley* Police Chief











U. S. DEPARTMENT OF JUSTICE  
 LAW ENFORCEMENT ASSISTANCE ADMINISTRATION  
 NATIONAL CRIMINAL JUSTICE INFORMATION AND  
 STATISTICS SERVICE  
 WASHINGTON, D. C. 20531

INFORMATION STATEMENT

(28 CFR 20.1 - 20.38)

INSTRUCTIONS  
 RECEIVED  
 Please provide the following information, complete the attached certification form and return it to the address at the left.  
 MAR 12 1976

NAME/ADDRESS OF SUBMITTING AGENCY

Jonesboro Police Department  
 314 West Washington  
 Jonesboro, Arkansas 72401

APPLICABLE STATE

Arkansas

DATE PREPARED

CJ/HSIC  
 3-8-76

CONTACT NAME

Captain Marvin Cook

TEL. NO. (Give Area Code)

935-5553

1. Does your agency "collect, store, or disseminate criminal history record information processed by either manual or automated operations?" "Criminal history record information" means information collected by criminal justice agencies on individuals which consist of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, sentencing, correctional supervision and release. The term does not include identification information such as fingerprint records to the extent that such information does not indicate involvement of the individual in the criminal justice system.

YES

NO

2. If the answer above was "Yes," have LEAA funds been made available to the agency subsequent to July 1, 1973 for the collection, storage or dissemination of information?

YES

NO

3. Indicate the type of agency:

PROSECUTION

PUBLIC DEFENDER

POLICE

COURTS

CORRECTIONS

4. Indicate the type of system:

SUBJECT IN PROCESS

CRIMINAL HISTORY

5. Is the system automated?

YES

NO

PARTIAL

6. Does the system(s) exchange information with other systems?  YES  NO

If "Yes," specify which other systems:

REGIONAL  CENTRAL STATE REPOSITORY  NCIC  OTHER(specify) \_\_\_\_\_

7. Indicate population of primary geographic jurisdiction being served:

30,000

8. Indicate approximate number of subjects included system:

0-5,000

5,000-25,000

25,000-100,000

100,000-500,000

MORE THAN 500,000

9. Name of authorized agency official

James M. Hanley

10. Title

Chief of Police

11. Agency name and address

Jonesboro Police Department  
 314 W. Washington  
 Jonesboro, Arkansas 72401

12. Tel. No. (Give Area Code)

901 - 935-5553

13. Signature of authorized official

*James M. Hanley*

U. S. DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION NATIONAL CRIMINAL JUSTICE INFORMATION AND STATISTICAL SERVICE WASHINGTON, D.C. 20531	RECEIVED MAR 15 1976 CJHSIC INFORMATION STATEMENT FORM 20.1 - 20.38)	INSTRUCTIONS Please provide the following information, complete the attached certification form and return all parts to the address at the left.
NAME/ADDRESS OF SUBMITTING AGENCY Arkansas Department of Correction P. O. Box 8707 Pine Bluff, AR	APPLICABLE STATE Arkansas	DATE PREPARED 3/11/76
	CONTACT NAME George Brewer	TEL. NO. (Give Area Code) 501-535-7231
<p>1. Does your agency "collect, store, or disseminate criminal history record information processed by either manual or automated operations?" "Criminal history record information" means information collected by criminal justice agencies on individuals which consist of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, sentencing, correctional supervision and release. The term does not include identification information such as fingerprint records to the extent that such information does not indicate involvement of the individual in the criminal justice system.</p> <p>YES <input checked="" type="checkbox"/> NO <input type="checkbox"/></p>		
<p>2. If the answer above was "Yes," have LEAA funds been made available to the agency subsequent to July 1, 1973 for the collection, storage or dissemination of information?</p> <p>YES <input checked="" type="checkbox"/> NO <input type="checkbox"/></p>		
<p>3. Indicate the type of agency:</p> <p><input type="checkbox"/> PROSECUTION      <input type="checkbox"/> PUBLIC DEFENDER      <input type="checkbox"/> POLICE <input type="checkbox"/> COURTS      <input checked="" type="checkbox"/> CORRECTIONS</p>		
<p>4. Indicate the type of system:</p> <p><input type="checkbox"/> SUBJECT IN PROCESS    <input checked="" type="checkbox"/> CRIMINAL HISTORY</p>	<p>5. Is the system automated?</p> <p><input checked="" type="checkbox"/> YES      <input type="checkbox"/> NO      <input type="checkbox"/> PARTIAL</p>	
<p>6. Does the system(s) exchange information with other systems? <input checked="" type="checkbox"/> YES    <input type="checkbox"/> NO</p> <p>If "Yes," specify which other systems:</p> <p><input type="checkbox"/> REGIONAL    <input checked="" type="checkbox"/> CENTRAL STATE REPOSITORY    <input checked="" type="checkbox"/> NCIC    <input type="checkbox"/> OTHER (specify) _____</p>		
<p>7. Indicate population of primary geographic jurisdiction being served:</p> <p>2.2 million</p>	<p>8. Indicate approximate number of subjects included system:</p> <p><input type="checkbox"/> 0-5,000    <input checked="" type="checkbox"/> 5,000-25,000    <input type="checkbox"/> 25,000-100,000 <input type="checkbox"/> 100,000-500,000    <input type="checkbox"/> MORE THAN 500,000</p>	
<p>9. Name of authorized agency official</p> <p>Terrell Don Hutto</p>	<p>10. Title</p> <p>Commissioner</p>	
<p>11. Agency name and address</p> <p>Arkansas Department of Correction P. O. Box 8707 Pine Bluff, AR 71601</p>	<p>12. Tel. No. (Give Area Code)</p> <p>501-535-7231</p>	
	<p>13. Signature of authorized official</p> <p><i>Terrell Don Hutto</i></p>	

UNITED STATES DEPARTMENT OF JUSTICE  
Law Enforcement Assistance Administration  
National Criminal Justice Information and  
Statistics Service  
Washington, D.C. 20531

CERTIFICATION FOR  
AGENCY SYSTEMS OTHER THAN  
THE CENTRAL STATE REPOSITORY

NAME/ADDRESS OF SUBMITTING AGENCY  
Mr. Terrell Don Hutto, Director  
Department of Correction  
P. O. Box 8707  
Pine Bluff, AR 71601

APPLICABLE STATE  
Arkansas

DATE PREPARED  
3/11/76

CONTACT NAME  
George Brewer

TELEPHONE NO. (Give area code)  
501-535-7231

TYPE OF AGENCY

POLICE

PROSECUTOR

COURT

PROBATION

CORRECTIONAL  
INSTITUTION

PAROLE

INSTRUCTIONS: Complete the following, as appropriate.

OPERATIONAL PROCEDURES

Completeness and Accuracy

Complete Disposition Reporting from:

- Police
- Prosecutor
- Trial Courts
- Appellate Courts
- Probation
- Correctional Institutions
- Parole

Systematic Audit:

- Delinquent Disposition Monitoring
- Accuracy Verification

Limits on Dissemination

Contractual Agreements, Notices and Sanctions  
in Effect for:

- Criminal Justice Agencies
- Non-Criminal Justice Agencies Granted Access  
by Law or Executive Order
- Service Agencies Under Contract
- Research Organizations

Validating Agency Right of Access Restrictions On:

- Juvenile Record Dissemination
- Confirmation of Record Existence
- Secondary Dissemination by Non-Criminal  
Justice Agencies
- Dissemination Without Disposition

Audits and Quality Control

Audit Trail:

- Recreating Data Entry
- Primary Dissemination Logs
- Secondary Dissemination Logs

NOW IMPLEMENTED	REASONS FOR NON-IMPLEMENTATION			ESTIMATED IMPLEMENTATION DATE
	COST	TECHNICAL	LACK OF AUTHORITY	
No	X	X	X	Dec. 31, 1977
No	X	X	X	Dec. 31, 1977
Yes				
No		X	X	Dec. 31, 1977
Yes				
No		X	X	Dec. 31, 1977
No			X	Dec. 31, 1977
No			X	Dec. 31, 1977
Yes				
Yes				
Yes				



UNITED STATES DEPARTMENT OF JUSTICE  
Law Enforcement Assistance Administration  
National Criminal Justice Information and  
Statistics Service  
Washington, D.C. 20531

CERTIFICATION FOR A  
CENTRAL STATE REPOSITORY

NAME/ADDRESS OF SUBMITTING AGENCY

Arkansas Department of Public Safety  
P.O. Box 7445  
Little Rock, AR 72207

APPLICABLE STATE

Arkansas

DATE PREPARED

3/15/76

CONTACT NAME

David Eberdt

TELEPHONE NO. (Give area code)

501/371-2221

INSTRUCTIONS: Complete the following as appropriate.

OPERATIONAL PROCEDURES

Completeness and Accuracy

Central State Repository:

Statutory/Executive Authority

Facilities and Staff

Complete Disposition Reporting in 90 days from:

Police

Prosecutor

Trial Courts

Appellate Courts

Probation

Correctional Institutions

Parole

Query Before Dissemination:

Notices/Agreements-Criminal Justice

Systematic Audit:

Delinquent Disposition Monitoring

Accuracy Verification

Notice of Errors

Limits on Dissemination

Contractual Agreements/Notices and Sanctions  
in Effect for:

Criminal Justice Agencies

Non-Criminal Justice Agencies Granted Access  
by Law or Executive Order

Service Agencies Under Contract

Research Organizations

Validating Agency Right of Access Restrictions On

Juvenile Record Dissemination

Continuation of Record Existence

Secondary Dissemination by Non-Criminal  
Justice Agencies

Dissemination Without Disposition

Audits and Quality Control

Audit Trail:

Recreating Data Entry

Primary Dissemination Logs

Secondary Dissemination Logs

Annual Audit

NOW IMPLEMENTED	CHECK MARKS			ESTIMATED IMPLEMENTATION DATE
	REASONS FOR NON-IMPLEMENTATION			
	COST	TECHNICAL	LACK OF AUTHORITY	
No			X	7/76
No			X	7/77
No			X	12/77
No			X	12/77
No			X	12/77
No			X	12/77
No			X	12/77
No			X	12/77
No		X		1/77
No		X		12/77
No		X		7/76
No		X		1/77
No		X		12/77
No		X		12/77
No		X		12/77
No		X		12/77



U. S. DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION NATIONAL CRIMINAL JUSTICE INFORMATION AND STATISTICS SERVICE WASHINGTON, D. C. 20531	INFORMATION STATEMENT (28 CFR 20.1 - 20.38)	INSTRUCTIONS Please provide the following information, complete the attached certification form and return all parts to the address at the left.
NAME/ADDRESS OF SUBMITTING AGENCY  Arkansas Department of Public Safety P.O. Box 7445 Little Rock, AR 72207	APPLICABLE STATE  Arkansas	DATE PREPARED  3/15/76
	CONTACT NAME  David Eberdt	TEL. NO. (Give Area Code)  501/371-2221
<p>1. Does your agency "collect, store, or disseminate criminal history record information processed by either manual or automated operations?" "Criminal history record information" means information collected by criminal justice agencies or individuals which consist of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, sentencing, correctional supervision and release. The term does not include identification information such as fingerprint records to the extent that such information does not indicate involvement of the individual in the criminal justice system.</p> <p>YES <input checked="" type="checkbox"/> NO <input type="checkbox"/></p>		
<p>2. If the answer above was "Yes," have LEAA funds been made available to the agency subsequent to July 1, 1973 for the collection, storage or dissemination of information?</p> <p>YES <input checked="" type="checkbox"/> NO <input type="checkbox"/></p>		
<p>3. Indicate the type of agency:</p> <p><input type="checkbox"/> PROSECUTION      <input type="checkbox"/> PUBLIC DEFENDER      <input checked="" type="checkbox"/> POLICE</p> <p><input type="checkbox"/> COURTS      <input type="checkbox"/> CORRECTIONS</p>		
<p>4. Indicate the type of system:</p> <p><input type="checkbox"/> SUBJECT IN PROCESS      <input checked="" type="checkbox"/> CRIMINAL HISTORY</p>	<p>5. Is the system automated?</p> <p><input type="checkbox"/> YES      <input type="checkbox"/> NO      <input checked="" type="checkbox"/> PARTIAL</p>	
<p>6. Does the system(s) exchange information with other systems? <input checked="" type="checkbox"/> YES      <input type="checkbox"/> NO</p> <p>If "Yes," specify which other systems:</p> <p><input type="checkbox"/> REGIONAL      <input checked="" type="checkbox"/> CENTRAL STATE REPOSITORY      <input type="checkbox"/> NCIC      <input type="checkbox"/> OTHER (specify) _____</p>		
<p>7. Indicate population of primary geographic jurisdiction being served:</p> <p><u>2,100,000</u></p>	<p>8. Indicate approximate number of subjects included in system:</p> <p><input type="checkbox"/> 0-5,000      <input type="checkbox"/> 5,000-25,000      <input type="checkbox"/> 25,000-100,000</p> <p><input checked="" type="checkbox"/> 100,000-500,000      <input type="checkbox"/> MORE THAN 500,000</p>	
<p>9. Name of authorized agency official</p> <p>Willis B. Smith</p>	<p>10. Title</p> <p>Director</p>	
<p>11. Agency name and address</p> <p>Department of Public Safety 1818 W. Capitol Little Rock, Arkansas</p>	<p>12. Tel. No. (give Area Code)</p> <p>501-371-1170</p>	
	<p>13. Signature of authorized official</p>	



## Section 8

### SECURITY

Section 20.21(f) of the Federal Regulations, dated Friday, March 19, 1976, addresses several areas of security in both manual and automated criminal history record information systems. The State of Arkansas recognizes its responsibility to control access to criminal history record information systems and maintain strict control of system operations. This includes securing criminal history record information systems against natural and human forces which could damage, destroy, tamper with or compromise the data. It also includes the control of and accountability for the Central State Repository and all other data processing systems subject to the Regulations.

#### Hardware and Software Security Measures

The Regulations require that where computerized data processing is employed, effective and technologically advanced software and hardware designs are instituted to prevent unauthorized access to such information. Currently there are no laws, statutes or executive orders in the State of Arkansas which address data processing safeguards and requirements. Administrative Services Division, acting as the Central State Repository data processing service bureau, is developing and instituting effective controls and procedures to insure the security of computer and teleprocessing facilities against improper or unauthorized use.

Teleprocessing security is based on four basic measures which help to prevent unauthorized access via on-line data entry and retrieval. These measures are: (1) terminals are made available only during specific and required working hours or only

when authorized operators are on duty, (2) terminals are located in areas where the terminal operator can be observed and controlled, (3) a password sign-on procedure is required to gain access to the teleprocessing system, and (4) terminals have only selective access to authorized data files.

Technical security features of the computer system and the teleprocessing system protect the system from compromise. These capabilities include protection through terminal identification verification, authorization of terminal operators, access to data files and access mode restrictions within the system.

Legislation will be pursued by the Department of Public Safety during the 1977 legislative session giving the Department of Public Safety statutory responsibility to insure that the data processing center has adequate control of access to criminal history record information system facilities, system operating environments, data file contents in use or stored in a media library, and system documentation conforming with security standards required by the Federal Regulations and security standards provided by such legislation.

#### Terminal and Operator Identification

Since users at remote terminal locations are allowed to access the Central State Repository computer system via telecommunications facilities and terminal devices, identification codes and password sign-on procedures for terminal users have been implemented as a precondition for access to the files. The terminals are also positively identified and any attempt to access sensitive files from an unauthorized terminal or terminal user is also identified and recorded. All batch jobs submitted

will also incorporate a proper identification code for access. Within each user agency, terminal use is limited to an identified group or individual.

User access rights are denoted in any situations where partial rights exist, such as limited access where reading a file is permitted but changes or deletions are not. Such access rights is strictly limited to designated criminal justice agency employees or authorized employees within the Central State Repository data processing facility. Criminal history record information is stored by the computer so that it cannot be modified, destroyed, accessed, changed, purged, or overlaid in any reasonably known fashion by non-criminal justice terminals.

The computer system software is so designed to prohibit inquiry, record updates, or destruction of records, from any terminal other than criminal justice system terminals which are so designated. The destruction of records is also limited to designated terminals under the direct control of the Department of Public Safety which is responsible for creating and storing the criminal history record information. All unauthorized attempts to access sensitive criminal history record information files are logged at the master console terminal at the Central State Repository service bureau and reported to the Central State Repository by terminal I. D. for follow-up by the Department of Public Safety.

#### Data Storage

Current and future criminal justice information systems processing criminal history record information will continue to provide security software establishing the proper authorization for control of inquiry and update of data storage. This authorization will apply to all resources to which a user can have access

to and to the mode of access. As new techniques become apparent for bypassing the security facilities, the programs will be modified within the existing hardware constraints to prevent attempts of unauthorized access. Criminal history record information which is maintained on-line is password protected to prevent accidental disclosure. Passwords and terminal identification number is used to authenticate the authorization of a user to access a file. Passwords are currently changed monthly. These passwords are known only to selected individuals within designated criminal justice agencies and responsible personnel within the data processing center.

Systems hardware and software include controls to insure all on-line data inquiries and subsequent machine generated reports contain only the information which each user is authorized to obtain. The Central State Repository controls the method to erase and clear all media for the storage of data where purging is required.

Duplicate computer files are currently generated as a counter-measure for unauthorized or accidental destruction of original files and are secured in a safe storage area away from the computer center serving the Central State Repository in the media of computer tapes, card files and/or disk packs. Back-up files are provided on a weekly basis.

#### Data Entry

The Department of Public Safety will pursue legislation during the 1977 legislative session that provides statutory authority requiring that specific data elements which fail to satisfy the requirements of completeness and accuracy will be excluded or deleted from individual record information. Criminal history record information data is entered only at the State Bureau of

Identification from data entry reporting forms, and procedures will be established in conjunction with the Central State Repository, for destroying these forms or storing them in a secure environment after data is entered into the computer via terminal.

#### File Protect Software

Present criminal justice information systems are, and future systems will be monitored to periodically audit criminal history record transactions. The Central State Repository has, through user agreements, the authority to disconnect any remote terminal whenever repeated errors indicate that tampering is taking place.

All current or future application programs are, or will be, written, installed and stored by authorized criminal justice management and technical personnel. Records of these programs are stored under maximum security conditions and no other persons, including staff or repair personnel, will be able to know these programs unless authorized by the applicable criminal justice agency. This will ensure that all sensitive application programs will be prepared by a limited number of authorized criminal justice agency personnel. Activities relating to these programs will be performed by these personnel only.

As new criminal justice information systems or law enforcement terminals come on-line, specific instructions for terminal use will be provided by the Central State Repository in a terminal operator training program.

#### Physical Security

The Central State Repository, acting as the agency coordinating criminal history record information systems, both current and

future, and acting as the Central State Repository, will insure that security procedures are followed to limit physical access to criminal history record information files. The current physical security procedures include badges, passwords and access restrictions. Other physical procedures for protection of information and facilities from environmental hazards include fire extinguishing devices, raised floors, air conditioning, and storage of backup files in a separate and secure facility. Future security plans (by July 1976) will include locked facility, key card entry to the building housing the computer center as well as the computer room itself, security guard 24 hours per day, securing of all outside windows, and more stringent employee security training and indoctrination system.

Control of access to the computer room is effectively administered by the responsible shift supervisor and is enforced on all shifts. Visitors must seek permission before gaining access to the computer room and must sign a log book for entry and exit. All persons having access to the rooms where hardware is kept, including the locations of remote terminals, must be properly identified and "have an established need to be present."

The State of Arkansas currently has plans to build a new facility which will house the current data center. The facility is planned for completion in mid-1978. The security features which will be implemented in the new facility will include but not be limited to:

- . Halon gas for fire prevention
- . Double walled facility with the computer center located within the inner walls,
- . Key card access to the building as well as the computer room,

- . Security guards 24 hours per day,
- . Auxiliary power source,
- . Backup computer facilities for critical programs for disaster backup,
- . Operating system and program backup,
- . Personnel clearance system.

### Operational Control

Standardized operation logs will be maintained by the appropriate computer centers in accordance with procedures and will be subject to supervisory review. Logs will provide operations management personnel with the major source of information about equipment downtime and recurring problems for the purpose of error analysis. Procedures will include instructions for submission, running, and return of programs and data. Procedures will also provide for the interaction of operations personnel with personnel involved in certain aspects of the computer. Operations procedures will also address the disposal of computer output and punched cards. These procedures will be subject to review by the Central State Repository to insure compliance with State and Federal Privacy and Security Regulations.

### Recovery and Backup

Hardware recovery is provided by a backup central processing unit in the Administrative Services Division's dual computer system which takes care of essential daily processing in the event of severe computer malfunction or serious damage to one of the CPU's. Should both CPU's suffer severe malfunction, other computer facilities in the state can provide backup processing for critical programs.

To insure a software recovery capability, backup copies of all systems and critical applications software and key data files

are maintained in a secure area in a separate facility in the Revenue Division. Also a current set of more critical data files, a copy of computer programs, and related documentation for all criminal history record information and criminal justice applications are maintained in a locked, secure area in the Department of Public Safety.

## MANAGEMENT CONTROL AND PERSONNEL SELECTION

### Management Control

Section 20.20(f) (4) requires that a "...criminal justice agency will screen and have the right to reject for employment, based on good cause, all personnel to be authorized to have direct access to criminal history record information." This is in effect in Arkansas where the Department of Public Safety Criminal Investigation Section is required to fingerprint and complete a thorough background check of all personnel subject to employment in the Administrative Services Division and can accept or reject, based on good cause, a request for employment.

The Department of Public Safety will pursue legislation during the 1977 legislative session to provide for a criminal justice agency to have the right to initiate or cause to be initiated administrative action leading to the transfer or removal of personnel authorized to have direct access to criminal history record information where such personnel violate the provisions of the Federal Regulations or other security requirements established for the collection, storage, or dissemination of criminal history record information.

The Central State Repository plans, prior to December 31, 1977, to institute procedures, where computer processing is

not utilized, to assure that an individual or agency authorized direct access to criminal history record information is responsible for:

- . The physical security of criminal history record information under its control or in its custody.
- . The protection of such information from unauthorized access, disclosure, or dissemination.

These procedures will be instituted in all local, county and state law enforcement departments where manual criminal history record information is stored. These procedures will also provide that direct access to criminal history record information shall be available only to authorized officers or employees of a criminal justice agency and, as necessary, other authorized personnel essential to the proper operation of the criminal history record information system, be it manual or automated.

The Office of the Governor will have the responsibility to insure implementation of the plan, operational review of procedures, and recommendations to change an unsatisfactory operation of the Central State Repository in order to assure that the Central State Repository is adhering to the Federal Regulations. This authority will apply to both manual and automated systems.

#### Personnel Selection

All personnel having access to manual or computerized criminal histories stored by the Central State Repository or manual records stored by law enforcement agencies are employed by criminal justice agencies with the exception of computer

operations personnel of the computer facility serving as the service bureau to the Central State Repository. These operations personnel will, however, be under the management control of the Central State Repository. These employees are screened through Personnel and the Criminal Investigation Section prior to employment by means of background checks and fingerprint search. The existence of a criminal history record or other related criteria on an employee/applicant may be automatic disqualification for employment. Each applicant's background will be examined individually and thorough interviews will be held.

Section 20.21(f) (B) requires that "A criminal justice agency will: Have the right to initiate or cause to be initiated administrative action leading to the transfer or removal of personnel authorized to have direct access to such information where such personnel violate the provisions of these regulations or other security requirements established for the collection, storage, or dissemination of criminal history record information." This will be implemented in the State of Arkansas where the Central State Repository, through the Administrative Services Division, will have such authority. This authority will include veto over personnel selection and personnel assignment utilizing data gathered through background checks provided by the Criminal Investigation Section. It will also apply to secretaries, guards, maintenance personnel, computer operators, contractors, as well as individuals whose duties clearly require direct access. These procedures will not conflict with any state employment practices already in existence.

The use of non-criminal justice personnel will be allowable under Section 20.21(b) (3) of the Federal Regulations for

purposes of systems development, including programming and data conversion, but only to the extent "to provide services required for the administration of criminal justice." This access will be granted by means of user agreements and individuals will be subject to the sanctions for breach of security procedures. (See Agreements and Sanctions in Section 4 of this plan, Limits on Dissemination). When such personnel are utilized, they will function under the direction of and perform duties for the benefit of the Central State Repository. Such individuals utilized for this purpose will be considered equivalent to employees, and the same level of personnel clearance will be obtained as would be sought for full time employees of the Central State Repository in similar situations.

Specific training procedures are currently in effect for all personnel directly associated with maintenance and dissemination of criminal history record information. Personnel with access to the law enforcement terminal network are thoroughly trained on use of the terminals and are briefed in security procedures. Personnel working in the computer center serving the Central State Repository are trained in security procedures at time of employment. These procedures are currently under revision and enhancement and a plan is under development to provide periodic re-evaluation of security procedures with all personnel. These manuals and procedures will be reviewed with the Central State Repository and will include a briefing with all current and future personnel to make them familiar with the substance and intent of the Federal Regulations.

Section 9

IMPLEMENTATION MILESTONES

The implementation schedule will, to a large extent, have to remain flexible. Only three of the five original sections of the plan are being submitted on March 16. Some requirements which are still unknown in the "security" and "dissemination" sections could affect this implementation schedule. Also, the Arkansas Legislature does not meet until January, 1977, and their actions could affect this schedule.

DATE	ACTIVITY	RESPONSIBLE AGENCY
3/76	Security & Privacy Plan submitted (Three sections)	DPS
3/76	Rights of Review & Access implemented	DPS, COR, AG
6/76	Security & Privacy Plan submitted (Two sections)	DPS
7/76	Request Executive Order on authority for operation of Central State Repository	GOV
9/76	Prepare formal "User Agreement" between DPS and state user agencies	DPS, AG
10/76	Comprehensive legislative package prepared	DPS, AG
1/77	Design Disposition Reporting System	DPS, JUD
1/77	Implement systematic audit procedures	DPS
1/77	Implement annual audit procedures	DPS
1/77	Legislative package introduced to Legislature	GOV
3/77	Implement delinquent disposition monitoring	DPS, JUD
12/77	Implementation of Disposition Reporting completed	DPS, JUD

Appendix A

CONSENSUS OF INTERVIEWS CONCERNING  
PRIVACY AND SECURITY

# memo

TO : David Eberdt

FROM : Statistical Analysis Section - CJIC

SUBJECT: Consensus of Interviews Concerning Privacy &  
Security Procedures

DATE : October 3, 1975

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At your direction, an on-the-scene survey of thirty-four law enforcement agencies (police department and sheriff's offices) within Arkansas was conducted during the week of September 14-22, 1975. The impetus for the survey was the recently issued (20 May, 1975) Department of Justice Rules and Regulations covering Security and Privacy of data contained in criminal justice information systems.

An interview guide (Attach. 1) consisting of some twenty-six questions was provided to assist personnel from this agency in collecting the required information considered necessary for formulation of proposed state operational procedures. The primary thrust of the survey was to determine and assess the present Criminal History record system custodial practices with a view toward the scope of the proposed directive and its impact on state agencies that maintain Criminal History record information (CHRI).

The replies from the field personnel have been thoroughly reviewed with an attempt to analytically present a single consensus of all inputs. The "consolidated response" will be addressed directly to the specific question(s), and presented in numerical sequence. At times, in order to more comprehensively discuss a subject, two or more questions/responses may be discussed simultaneously. In certain instances, the quantitative response will suffice to adequately answer the question; while, in others, something more will be presented in an effort to fully interpret some of the responses and connote the essential aspects.

## Interview Guide

1. Do you fingerprint individuals when arrested? If so, under what conditions?
2. Do you submit the prints to the State ID Bureau? If so, under what conditions?
3. What types of forms (reports) are filled out indicating an individual has been arrested? How and where are they filed? "How" refers to by type crime, by name, or by date of arrest.
4. If the reports are filed by date of arrest only, is a name index maintained that could specifically retrieve an individual's record?
5. Are any additional Criminal History Record Information (CHRI) data elements or transactions besides arrest information collected?
6. Are intelligence files maintained? Do they contain CHRI?
7. Are jackets maintained on individuals? What goes in the jacket?
8. Are "local" rap sheets maintained?
9. Under what conditions do you request a rap sheet from the state?
10. How long does it take to receive the rap sheet? How soon do you generally need the rap sheet?
11. Where do you file these rap sheets?
12. Do you use rap sheets for local licensing or other local (non-criminal justice) employment checks? Under what authority?
13. Do you use the Computerized Criminal History file?
14. What could the state do to make it more usable?
15. Do you disseminate CHRI to other agencies? Under what conditions?
16. Are these records complete?
17. Do you request a current record from the state before dissemination?

18. Do you give CHRI to any non-criminal justice agency?
19. Is CHRI available for research work and under what conditions?
20. What type records are available to the press or general public? When and under what conditions?
21. Do you have procedures which will confirm or deny the existence of a record on an individual? What are they?
22. Do you keep a dissemination log relating to what record was given out, to whom and when?
23. Can an individual request to see his record? Under what procedures?
24. Can he challenge the correctness of the record or the authority to retain that record? What procedures are available to him in this regard?
25. What type of physical security is utilized for the storage of CHRI?
26. Is a personal clearance system in effect for those representatives of criminal justice agencies that have direct access to CHRI? Do any non-criminal justice personnel have direct access to CHRI?

CONSENSUS

1. Do you fingerprint individuals when arrested? If so, under what conditions?

R. Of all thirty-four agencies surveyed, only one does not fingerprint under any conditions, while twenty-two routinely take fingerprints both on felonies and serious misdemeanors. Nine agencies fingerprint only felonies, and two agencies have a policy which is discretionary - based upon the "seriousness" of the crime and the requirements of an investigation.

2. Do you submit the prints to the State ID Bureau? If so, under what conditions?

R. Of the thirty-three agencies taking fingerprints, twenty-nine stated they are sending all cards to the State ID Bureau. Two departments are sending to the Bureau, only those prints related to felonies, while another agency is retaining prints in the county. In one circumstance, the investigator determines disposition of the prints and may or may not forward the fingerprint cards to the prints, and may or may not, forward the fingerprint cards to the ID Bureau.

3. What types of forms (reports) are filled out indicating an individual has been arrested? How and where are they filed? "How" refers to by type crime, by name, or by date of arrest.

R. There are basically five types of "reports" which may be used for recording an arrest. Agencies surveyed use one or a combination of these forms in the manner outlined below:

Arrest Report	- 21
Arrest Card	- 12
ADR	- 5
Log (Docket)	- 6
Uniform Traffic Ticket	- 4

The subject reports are filed by:

ID #	- 6
Alphabetically	- 23
Case #	- 7

Date of Arrest - 5  
Type Offense/Crime - 4

. . . and maintained in the:

Individual's Jacket- 16  
Index Folder - 2  
Case Files - 2  
Micro-film - 3  
No Reply - 11

4. If the reports are filed by date of arrest only, is a name index maintained that could specifically retrieve an individual's record?

R. Files that are exclusively maintained by other than individual's name (alphabetically) are indexed to permit cross-reference as follows:

Index Maintained - 16  
Index Not Maintained - 4

In agencies where files are stored using an alphabetical system as related to the individual, index cards are, in some instances, also used to allow a more rapid determination of whether or not an individual has a criminal record.

5. Are any additional Criminal History Record Information (CHRI) data elements or transactions besides arrest information collected?

R. Within the context of the question asked, the replies are as follows:

Yes, additional CHRI collected - 21  
No additional CHRI - 11  
Undetermined - 2

The majority of additional CHRI collected according to those responses were primarily dispositions, fingerprints, and rap sheets.

6. Are intelligence files maintained? Do they contain CHRI?

R. In regard to the maintenance of intelligence files, the response was:

Yes	- 28
No	- 5
Not Determined	- 1

The question of whether the intelligence files contain CHRI is depicted as below. Since five agencies indicated they do not maintain intelligence files, it can be perceived they are in the "no" category and the additional six, by both comment and interpretation are storing the CHRI in other places rather than the intelligence files.

Files contain CHRI:

Yes	- 18
No	- 11
Undetermined	- 5

Some of the comments indicated that the intelligence files were limited to a degree, i.e. drugs, etc., while a few others indicated the files were kept separate and apart from all other records.

7. Are jackets maintained on individuals? What goes in the jacket?

R. The number of agencies that maintain a jacket on individuals, as such, is significantly higher than those who use another method or no file at all. From reviewing the comments, the "jackets" could be construed as either an arrest or intelligence file.

Yes	- 28
No	- 6

Those answering in the negative indicated that such data was contained in crime or offense files, where the name(s) of individual(s) associated with the incident could be found.

The contents of this file contained:

Arrest Record  
Information (personal data) Form  
Waiver of Rights Sheet  
Release Statement  
FBI/State Rap Sheets  
Laboratory Results  
Photographs  
Statements (Affidavits)  
Fingerprint Cards  
Evidence List  
Warrants  
Investigation Reports

The above is a gleaning all the inputs, and approximately one-third of the agencies that answered in the affirmative did not give any particulars as to the specific data.

8. Are "local" rap sheets maintained?

R. Yes - 14  
No - 18  
Undetermined - 2

In certain affirmative replies (six to be specific), the arrest index card was considered to be a "rap sheet", therefore, the "yes" number may have to be modified accordingly.





**CONTINUED**

**1 OF 2**

CID FILE                      UNDETERMINED                      DON'T FILE

5    1    1

There are some agencies which file rap sheets in more than one location - usually in both the individuals record and/or the CID or Case File.

12. Do you use rap sheets for local licensing or other local (non-criminal justice) employment checks? Under what authority?

R. Local Licensing:

Yes    - 18  
No    - 14  
Undetermined                                   - 2

Some of the requesting agencies involved included military recruiters, chauffer licensing, Alcohol Beverage Commission, Banks, and pre-employment checks for hiring county/city personnel (policemen, firemen).

The authority cited by the personnel who used rap sheets for local licensing and employment checks were:

- Civil Service Rules
- Custom
- Local Policy
- Sheriff
- Police Chief
- With Arrestee's Permission

13. Do you use the Computerized Criminal History File?

R. Yes    - 22  
No     - 6  
Occasionally                                     - 6

14. What could the state do to make it more usable? - CCH

- R.
- 1. Include out-of-state criminal history - 5
  - 2. Provide out-of-state automobile registration - 2
  - 3. Update history with previous background - 2
  - 4. Have dedicated law enforcement computer - 1
  - 5. Provide more detailed information - 2
  - 6. Install terminal (where not installed) - 3
  - 7. Educate Users - 1
  - 8. Provide more information - 3
  - 9. Have more individuals on file - 3
  - 10. Uncomplicate readout (simplify code) - 3
  - 11. Keep data current - 1
  - 12. Include NCIC - 2

SATISFIED

1

UNKNOWN/NO COMMENT

10

15. Do you disseminate CHRI to other agencies? Under what conditions?

- R.
- Yes - 31
  - No - 2
  - Undetermined - 1

Under what conditions?

- Need to know (official) - 3
- Proper ID - 3
- Criminal justice and military - 19
- Only police - 5

- Reply to letter of known persons - 3
- Job Applications - 2
- Civil Service - 1

The above answers concerning conditions were not entirely clear. In some cases the "when" was confused with the "how" involved.

16. Are these records complete?

- R. Yes (Arrest and Disposition) - 13
- No - 11
- Unsure/Best of Ability - 10

The above affirmative answers are all predicated to the extent of court disposition - corrections and prosecution actions are not entered on records.

17. Do you request a current record from the state before dissemination?

- R. Yes - 1
- No - 30
- Sometimes - 3

18. Do you give CHRI to any non-criminal justice agency?

- R. Yes - 12
- No - 10
- Undetermined - 2
- Limited Basis - 10

The "limited basis" category is used as defined by the reporting agencies. From regarding the answers it appears the answers were given with "tongue and cheek". Although many of the agencies may have been giving CHRI to non-CJ for some time as it has been traditional, they nevertheless are hesitant to proclaim it officially or when answering a survey; therefore, this response should be viewed in proper perspective.

19. Is CHRI available for research work and under what conditions?

<u>R.</u> Yes	- 23
No	- 9
Didn't Know	- 3

Under what conditions?

Those answering in the affirmative indicated that information released for research would be in the statistical sense only and to criminal justice (or law enforcement personnel) only. In some responses, it appeared that the agencies were not aware of what research was involved, and whether it was to be accomplished by an outside agency or within their own department.

20. What type records are available to the press or general public? When and under what conditions?

R. TYPE

Jail log	- 6
Booking sheets	-
CHRI	
Only accident reports	

Index card only  
Court Docket  
Arrest/Complaint Report  
Adult arrests only  
Monthly arrest totals - 5  
Name, DOB, Sex of Offender - 4  
Property Loss in \$  
Misdemeanor on Court Docket  
All general reports

When?

- Released by supervisor
- Upon request
- By order of Prosecuting Attorney

Under what conditions?

UCR formal only  
Morning briefing  
Daily reports  
All records (except intelligence) available

21. Do you have procedures which will confirm or deny the existence of a record on an individual? What are they?

R. Yes - 15  
No - 14  
Don't Know - 4

This question I believe was probably misunderstood in its context. It may have been best to ASK, "Do you confirm or deny with, a yes or no, the existence of a criminal record of an individual?" I believe the answers are in response to having a procedure, but it is not apparent what the procedure is. Also, the procedures are verbal for the most part and may vary from day to day and from person to person.

22. Do you keep a dissemination log relating to what record was given out, to whom and when?

<u>R.</u> Yes	-	3
No	-	27
Sometimes	-	4

In the case of those few agencies that acknowledged in the affirmative, or in the "sometimes" category, the "LOG" as such would consist either of a carbon copy of the report being filled in the individuals folder, or a receipt for the date (only where non-CJ agencies are involved), a note-a-gram filed, the offenders index card annotated or a notation where only the intelligence file was reviewed.

Basically, it appeared from the review, there was only one agency that was actually keeping a record of dissemination.

23. Can an individual request to see his record? Under what procedures?

<u>R.</u> Yes	-	26
No	-	4
Don't Know	-	4

Under what procedures?

May only review index card

Proper ID - 7

With Attorney - 2

May review anyones record

In person

With permission of Prosecuting Attorney

Bill of Particulars by individual's Attorney

May review rap sheet only

CHRI only

When cleared by sheriff

From the tone of the comments, there are very few specific procedures in-being to accomodate offenders in permitting them to review their records.

24. Can he challenge the correctness of the record or the authority to retain his record? What procedures are available to him in this regard?

R. May he challenge?

Yes - 25

No - 3

Don't Know - 4

What procedures?

Present Notarized Document - 5

Court Order - 12

Court Check - 1

Conf/W Prosecuting Attorney, Attorney, and Sheriff - 1

Basically, as above there doesn't appear to be a definite policy or procedure in this area, and replies were predicated upon a situation where each case (individual record check) is handled as the sheriff or police chief sees it.

25. What type of physical security is utilized for the storage of CHRI?

<u>R.</u> Steel Cabinet with 24 hour observation	- 7
Steel Cabinet locked/non-duty hours	- 5
Steel Cabinet locked in office	- 1
File with lock and key	- 4
File with lock and key in central	
Records room	- 5
File with lock and key in unlocked room	- 3
File with lock and key in locked room	- 8

The above information has been grouped into the seven main categories after each response was reviewed to ascertain which description would best suit that particular system.

26. Is a personal clearance system in effect for those representatives of criminal justice agencies that have direct access to CHRI? Do any non-criminal justice personnel have direct access to CHRI?

R. Personal Clearance Program in effect?

Yes	- 30
No	- 2
Undetermined	- 2

Non-CJ have access to CHRI?

Yes - 6

No - 28

Here, again the comments concerning personnel clearance system indicate that the policy is verbal and usually involves only permission of the Chief. No other provision is made for other situations where the Chief may be absent.

Appendix B

ARKANSAS STATE STATUTES

5-1101 TO 5-1115

urgent need for a State Building Services so as to coordinate the orderly physical development and operation of capital improvements of state agencies; that there is a pressing necessity of establishing minimum design, construction, maintenance, and leasing standards and criteria; and that there is a great need for the State of Arkansas to insure that moneys expended for capital improve-

ment, leasing of space, and operation of state buildings are most efficiently, effectively [effectively] and prudently utilized. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health, welfare and safety shall be in full force and effect from and after July 1, 1975."

CHAPTER 11—CRIMINAL JUSTICE AND HIGHWAY SAFETY  
INFORMATION CENTER

SECTION.		SECTION.	
5-1101.	Criminal justice and highway safety information center — Creation — Appointment of administrator.	5-1108.	Invasion of privacy prohibited.
5-1102.	Maintenance and operation of criminal justice and highway safety information system — Other duties of center — Availability of criminal record.	5-1109.	Duty to purge files following acquittal or dismissal of charges.
5-1103.	Supervisory board—Duties.	5-1110.	Wilful release or disclosure to unauthorized person — Felony—Penalty.
5-1104.	Composition of board — Expenses.	5-1111.	Violation of law — Misdemeanor—Penalty.
5-1105.	Board meetings — Quorum — Removal of member — Rules and regulations.	5-1112.	Special information services agents—Duties.
5-1106.	Data — Control of — Continued use of existing facilities, systems personnel, networks and operations.	5-1113.	Criminal justice and highway safety information center — Transfer to department of public safety.
5-1107.	Duty to furnish data.	5-1114.	Positions transferred to department of public safety—Tenure of employees—State compensation plan.
		5-1115.	Transfer of office equipment and supplies.

**5-1101. Criminal justice and highway safety information center—Creation—Appointment of administrator.**—There is hereby created a Criminal Justice and Highway Safety Information Center, under the supervision of a Supervisory Board established by this Act [§§ 5-1101—5-1115], and the Department of Public Safety. This Center shall consist of an Administrator of Criminal Justice and Highway Safety Information and such other staff under the general supervision of the Administrator as may be necessary to administer the services of this Act, subject to the approval of funds authorized by the General Assembly. The Supervisory Board shall name the Administrator of the Center with the approval of the Director of the Department of Public Safety. [Acts 1971, No. 286, § 1, p. 267; 1975, No. 742, § 1, p. —.]

**Compiler's Notes.**

The provisions of this section formerly appeared in § 5-832.

**Preamble.**

Acts 1971, No. 286 contained a preamble which read: "Whereas, proper law enforcement, improved public safety and effective administration of justice requires complete and timely information on crime, highway safety problems and the Criminal Justice System, and

"Whereas, advances in computer and related communications technology now make it both practical and feasible to obtain such data more rapidly and in

greater detail than heretofore possible, and

"Whereas, State resources and Federal funds are now at work in the development of a comprehensive computer-based Criminal Justice and Highway Safety Information System for Arkansas, and

"Whereas, installation of such a system will help apprehend criminals, improve the efficiency of criminal justice agencies, and ultimately help reduce crime, and

"Whereas, statistics are needed to aid in determining the cause and amount of crime in this State, to form a basis for the study of crime, police methods, court

procedure, highway safety problems, penal problems and to plain effective programs for combating crime, and

"Whereas, a Supervisory Board working closely with criminal justice agencies is needed to administer and control the use and operation of the system,

"Whereas, it is the intent of the Legislature to safeguard all persons from the misuse of criminal records by any person or agency and to provide adequate safeguards and limitations on the use of all criminal history records."

#### Amendments.

The 1975 amendment substituted the first sentence for one which read: "There is hereby created a Criminal Justice and Highway Safety Information Center under the supervision of the State Administration Department and a Supervisory Board established by this Act"; and substituted the last sentence for one which read: "The Director of the State Administration Department shall appoint the Administrator of the Center subject to the approval of the Supervisory Board."

**5-1102. Maintenance and operation of criminal justice and highway safety information system—Other duties of center—Availability of criminal record.**—This Center shall be responsible for providing for the maintenance and operation of the computer-based Criminal Justice and Highway Safety Information System. The use of this System is restricted to serving the informational needs of police, courts, correction and highway safety agencies through a communications network connecting state, county, and local authorities to a centralized state depository of information. The information to be stored in the Criminal Justice and Highway Safety Information Center under the authority of this Act [ §§ 5-1101—5-1115 ] shall be restricted to records of outstanding warrants for arrest, felony informations and indictments pending in Circuit Court, misdemeanor informations and indictments to the extent provided in this Section pending in Municipal and Circuit Courts, commitments to the penitentiary and other correctional agencies, felony convictions, persons on felony parole or probation, stolen property, moving traffic violations, traffic accidents, drivers licenses, vehicle registration, records to prevent misidentification of persons and convictions for the following specified misdemeanors:

(a) All misdemeanor crimes wherein violence is an element of the offense.

(b) All misdemeanor crimes involving the theft of property.

(c) All misdemeanor crimes involving the use, abuse, misuse or possession of dangerous drugs or narcotics.

(d) Driving while under the influence of drugs or intoxicants.

It is the intent of the General Assembly in this legislation that the Center shall maintain only the specified records on persons and shall not maintain any additional records on persons without specific statutory authorization from the General Assembly.

The Center shall collect data and compile statistics on the nature and extent of crime and highway safety problems in Arkansas and compile other data related to planning for and operating criminal justice and highway safety agencies, provided that such statistics do not identify persons. The Center shall also periodically publish statistics that do not identify persons and report such information to the Governor, the General Assembly, Federal, State and local criminal justice agencies, and the general public.

The Center, at the direction of the Supervisory Board, is hereby authorized to design and administer a Uniform Crime Reporting program, uniform records systems, and a criminal offender tracking program (Offender Based Transaction Statistics), to be used by criminal justice agencies for reporting the authorized information under this Act. The Center shall also provide all standard forms and provide for the instruction of participants in the use of such forms and related standard record systems.

The Center shall make criminal records on person available only to criminal justice agencies in their official capacity, to regulatory agencies with specific statutory authority of access, and to any person or his attorney, who has reason to believe that a criminal history record is being kept on him, or wherein the criminal defendant is charged with either a misdemeanor or felony. Upon the application of the person or his attorney, it shall be mandatory, upon proper and sufficient identification of the person, for the Criminal Justice and Highway Safety Information Center to make available to said person or his attorney any records on the person making said application. The Supervisory Board shall establish regulations and policies to carry out the review and challenge procedures in accordance with this Act. [Acts 1971, No. 286, § 2, p. 674; 1975, No. 742, § 2, p. —.]

**Compiler's Notes.**

The provisions of this section formerly appeared in § 5-833.

The words inclosed in parentheses so appeared in the act.

**Amendments.**

The 1975 amendment in the third sentence in the first paragraph substituted "felony informations and indictments pending in Circuit Court, misdemeanor informations and indictments to the extent provided in this Section pending in Municipal and Circuit Courts, commitments to the penitentiary and other correctional agencies" for "penitentiary commitments"; deleted subdivisions (e), (f), and (g) from the end of the first paragraph which read: "(e) Driving a vehicle with a suspended or revoked driver's license; (f) Driving without a license; (g) Driving a vehicle without vehicle registration"; in the first sentence of the third paragraph inserted "collect data and" after "The Center shall"; in the second sentence in the third paragraph deleted "agencies, corporations or other legal entities" following "identify persons" and substituted "Federal" for "the Commission on Crime and Law Enforcement"; in the first sentence of the fourth paragraph substi-

tuted "is hereby authorized to design and administer a Uniform Crime Reporting program, uniform records systems, and a criminal offender tracking program (Offender Based Transaction Statistics)" for "shall design and administer Uniform Reporting and Records Systems" substituted the first sentence of the fifth paragraph for one which read: "The Center shall make criminal records on persons available only to the following: Arkansas State Police, Police Departments, Sheriffs, Prosecuting Attorneys, Circuit, Chancery and Municipal Judges, State Department of Correction and to any person who has been charged with any crime or his attorney upon oral or written application to the Circuit Court of the County wherein the criminal defendant is charged with either a misdemeanor or felony"; in the second sentence of the fifth paragraph deleted "oral or written" between "Upon the" and "application" and substituted "upon proper and sufficient identification of the person, for the Criminal Justice and Highway Safety Information Center" for "upon the Circuit Court to issue and order to the Criminal Justice and Highway Safety Information Center"; and added the third sentence of the fifth paragraph.

**5-1103. Supervisory board — Duties.**—There is hereby created a Supervisory Board for the Criminal Justice and Highway Safety Information Center. The duties and responsibilities of this Board are to:

(a) Maintain and operate the Criminal Justice and Highway Safety Information Center.

(b) Provide that the information obtained by this Act [§§ 5-1101—5-1115] shall be restricted to the items specified in this Act and shall so administer the Center so as not to accumulate any information or distribute any information that is not specifically approved in this Act.

(c) Provide for adequate security safeguards to ensure that the data available through this system is used only by properly authorized persons and agencies.

(d) Provide for uniform reporting and tracking systems to report data authorized by this Act. Standard forms and procedures for reporting such authorized data under this Act shall be prescribed by the Board.

(c) Establish regulations and policies as may be necessary for the efficient and effective use and operation of the Information Center under the limitations imposed by the terms of this Act.

(f) Provide for the reporting of authorized information under the limitations of this Act to the United States Department of Justice under its national system of crime reporting.

(g) Provide for research and development activities that will encourage the application of advanced technology, including the development of prototype systems and procedures, the development of plans for the implementing of these prototypes, and the development of technological expertise which can provide assistance in the application of technology in record and communication systems in Arkansas. [Acts 1971, No. 286, § 3, p. 674; 1975, No. 742, § 3, p. —.]

**Compiler's Notes.**

The provisions of this section formerly appeared in § 5-834.

**Amendments.**

The 1975 amendment in the first sentence of subsection (d) substituted "uniform reporting and tracking systems"

for "uniform, standardized reporting and records systems"; substituted subsection (e) for one which read: "Establish other policies which provide for the efficient and effective use and operation of the Information System under the limitations imposed by the terms of this Act"; and added subsection (g).

**5-1104. Composition of board—Expenses.**—The Supervisory Board shall consist of twelve (12) members:

- (a) The Attorney General or one [1] of his assistants.
- (b) The Chief Justice of the Supreme Court or his designated agent.
- (c) A member designated by the Arkansas Association of Prosecuting Attorneys.
- (d) A member designated by the Arkansas Sheriffs['] Association.
- (e) A member designated by the Arkansas Association of Municipal Judges.
- (f) A member designated by the President of the Arkansas Bar Association who is regularly engaged in criminal defense work.
- (g) A citizen of the State of Arkansas to be appointed by the Governor.
- (h) A member of the General Assembly appointed by the Governor.
- (i) A member designated by the Arkansas Municipal Police Association.
- (j) The Director of the Department of Corrections or his designated agent.
- (k) A member designated by the Arkansas Association of Chiefs of Police.

The Director of the Department of Public Safety or a member of his staff designated by him, shall serve as an ex officio member.

No member shall continue to serve on the Supervisory Board when the member no longer officially represents the function for which the member was appointed, except the citizen appointed by the Governor, who shall serve for a period of four (4) years.

Members of the Board shall serve without compensation but within the limits of funds available, shall be entitled to reasonable reimbursement for all necessary expenses incurred in the discharge of his duties. [Acts 1971, No. 286, § 4, p. 674; 1975, No. 742, § 4, p.—.]

**Compiler's Notes.**

The provisions of this section formerly appeared in § 5-835.

The bracketed apostrophe was inserted by the compiler.

**Amendments.**

The 1975 amendment in the first sentence substituted "twelve (12)" for

"eleven (11)"; substituted subsection (b) for one which read: "A member designated by the Arkansas Association of Circuit Judges"; added "appointed by the Governor" in subsection (h); substituted subsection (j) for one which read: "The Director of the Department of Public Safety or his designated agent"; moved the present subsection (k) from

former subsection (l), replacing former subsection (k) which read: "A member designated by the Association of County Officials"; and substituted the second paragraph for one which read: "The Di-

rector of the Administration Department or an Administration Department staff member designated by the Director shall serve as an ex officio member."

**5-1105. Board meetings—Quorum—Removal of member—Rules and regulations.**—The Supervisory Board shall meet at such times and places as it shall deem appropriate. A majority of the Board shall constitute a quorum for transacting any business of the Board.

The Board may, for cause, remove any Board member and shall notify the Governor of such removal and reason therefor.

The Board shall establish its own rules and regulations for performance of the responsibilities charged to the Board herein. [Acts 1971, No. 286, § 5, p. 674; 1975, No. 742, § 5, p. —.]

**Compiler's Notes.**

The provisions of this section formerly appeared in § 5-836.

**Amendments.**

The 1975 amendment substituted "Governor" for "Director of the Administration Department" in the second paragraph.

**5-1106. Data—Control of—Continued use of existing facilities, systems personnel, networks and operations.**—All data files and computer programs making up the Criminal Justice and Highway Safety Information System, in accordance with this Act [§§ 5-1101—5-1115], shall be under the control and jurisdiction of the Supervisory Board.

The Administrator and the Supervisory Board of the Center shall make arrangements for the continued use of existing State computer facilities, computer systems and programming personnel, communications networks wherever feasible and practical. [Acts 1971, No. 286, § 6, p. 674; 1975, No. 742, § 6, p. —.]

**Compiler's Notes.**

The provisions of this section formerly appeared in § 5-837.

**Amendments.**

The 1975 amendment added the present first paragraph.

**5-1107. Duty to furnish data.**—It shall be the duty of all Sheriffs, Chiefs of Police, City Marshals, Correction officials, Prosecuting Attorneys, Court Clerks, and other State, county and local officials and agencies so directed to furnish the Center all data required by this Act [§§ 5-1101—5-1115]. Such data shall be furnished the Center in a manner prescribed by the Supervisory Board. [Acts 1971, No. 286, § 7, p. 674; 1975, No. 742, § 7, p. —.]

**Compiler's Notes.**

The provisions of this section formerly appeared in § 5-838.

**Amendments.**

The 1975 amendment deleted "on standard forms" following "Center" in the second sentence.

**5-1108. Invasion of privacy prohibited.**—Nothing in this Act [§§ 5-1101—5-1115] shall be construed so as to give authority to any person, agency or corporation or other legal entity to invade the privacy of any citizen as defined by the General Assembly or the courts other than to the extent provided in this Act. [Acts 1971, No. 286, § 8, p. 674.]

**Compiler's Notes.**

The provisions of this section formerly appeared in § 5-839.

**5-1109. Duty to purge files following acquittal or dismissal of charges.**—The Center shall, on or before the first day of January each year following the enactment of this Act [§§ 5-1101—5-1115], purge its files

of all records of a person relating to a crime wherein the person has been acquitted or the charges dismissed. [Acts 1971, No. 286, § 9, p. 674.]

**Compiler's Notes.**

The provisions of this section formerly appeared in § 5-840.

**5-1110. Wilful release or disclosure to unauthorized person—Felony—Penalty.**—Every person who shall wilfully release or disclose to any unauthorized person any information authorized to be maintained and collected under this Act [§§ 5-1101—5-1115] and any person who wilfully obtains said information for purposes not specified by this Act shall be deemed guilty of a felony and upon conviction shall be punished by a fine not exceeding five thousand dollars (\$5,000), and by imprisonment in the state penitentiary for not exceeding three (3) years. [Acts 1971, No. 286, § 10, p. 674; 1975, No. 742, § 9, p. —.]

**Compiler's Notes.**

The provisions of this section formerly appeared in § 5-841.

by imprisonment in the state penitentiary for not exceeding three (3) years."

**Effective Dates.**

Section 11 of Acts 1971, No. 286 provided that the act should become effective on July 1, 1971.

**Amendments.**

The 1975 amendment substituted "felony" for "misdemeanor" and added "and

**5-1111. Violation of law—Misdemeanor—Penalty.**—Any Sheriff, Chief of Police, City Marshal, Correction official, Prosecuting Attorney, Court Clerk, or other State, county and local official who shall wilfully fail to comply with the provisions of this Act [§§ 5-1101—5-1115], or any regulation issued by the Supervisory Board carrying out the provisions of this Act, shall be found guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding \$500. [Acts 1975, No. 742, § 8, p. —.]

**5-1112. Special information services agents—Duties.**—To insure the accuracy, timeliness and completeness of all records and information as prescribed by this Act [§§ 5-1101—5-1115], the Administrator shall appoint Special Information Services Agents, who after proper and sufficient security clearances and training, shall be commissioned to do monitoring and auditing of all records and information as defined by this Act, and other duties as may be prescribed by the Supervisory Board. [Acts 1975, No. 742, § 10, p. —.]

**5-1113. Criminal justice and highway safety information center—Transfer to department of public safety.**—The Criminal Justice and Highway Safety Information Center, and all functions performed by the office, is hereby transferred into the Department of Public Safety, with full divisional status within the Department, effective July 1, 1975. [Acts 1975, No. 742, § 11, p. —.]

**Compiler's Notes.**

Section 14 of Acts 1975, No. 742, read: "All funds in the Criminal Justice and Highway Safety Information Center Fund, as established by Act 750 of 1973,

shall remain in the fund for the continued use of the Criminal Justice and Highway Safety Information Center after the effective date of this Act."

**5-1114. Positions transferred to department of public safety—Tenure of employees—State compensation plan.**—(a) All positions presently approved by the General Assembly for the Criminal Justice and Highway Safety Information Center are hereby transferred into the Department of Public Safety.

(b) All personnel employed by the Criminal Justice and Highway Safety Information Center are hereby granted tenure rights on and after the effective date of this Act [§§ 5-1101—5-1115].

(c) Position, grade, step and anniversary dates, as established under the State's Compensation Plan, shall remain as assigned to the position of each employee on and after the effective date of this Act or as provided by the new Compensation Plan. [Acts 1975, No. 742, § 12, p. —.]

**5-1115. Transfer of office equipment and supplies.**—All office furniture, equipment and other paraphernalia now being utilized by the Criminal Justice and Highway Safety Information Center is hereby transferred to the Department of Public Safety. Office supplies, forms and other supplies presently maintained as inventory for the Criminal Justice and Highway Safety Information Center are hereby transferred to the Department of Public Safety. [Acts 1975, No. 742, § 13, p. —.]

**Compiler's Notes.**

Section 14 of Acts 1975, No. 742, appears as a note under § 5-1113.

**Repealing Clause.**

Section 16 of Acts 1975, No. 742 repealed all laws and parts of laws in conflict therewith.

**Separability.**

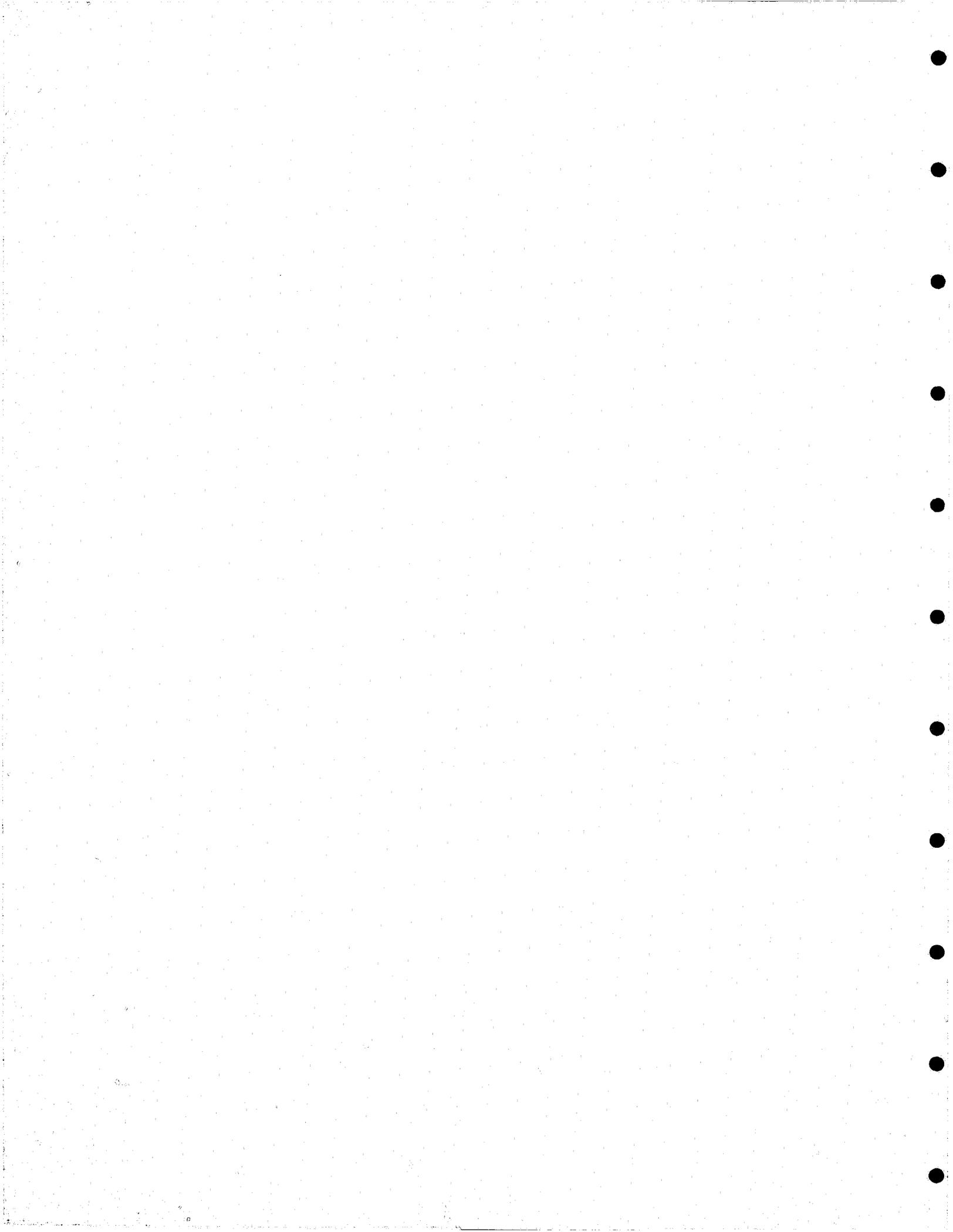
Section 15 of Acts 1975, No. 742, read: "If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable."

**Emergency.**

Section 17 of Acts 1975, No. 742, read: "It is hereby found and determined by the General Assembly, that the maintenance of an adequate Criminal Justice and Highway Safety Information System is essential to law enforcement in this state, and that the establishment of said program in the Department of Public Safety is necessary to enable proper coordination and maximum use of the services of the program, and that the immediate passage of this Act is necessary in order that this transfer may be made and be effective by July 1, 1975, in the event of an extension of this regular session of the General Assembly. Therefore, an emergency is hereby declared to exist and this Act being immediately necessary for the preservation of the public peace, health and safety, shall be in full force and effect from and after July 1, 1975."

Appendix C

REGULATIONS TO BE ISSUED BY  
DEPARTMENT OF PUBLIC SAFETY  
APPLICABLE TO ALL  
CJIS TERMINAL AGENCIES



REGULATIONS TO BE ISSUED BY  
DEPARTMENT OF PUBLIC SAFETY  
APPLICABLE TO ALL  
CJIS TERMINAL AGENCIES

Sec. 1. Purpose. These regulations are issued in compliance with Part 20 of Chapter 1 of Title 28 of the Code of Federal Regulations (Order No. 601-75, Fed. Reg., Vol. 40, No. 98, Tuesday, May 20, 1975).

Subsection 20.21(g) of Part 20 requires federally-assisted criminal justice information systems to implement operational procedures to permit individuals to review criminal history record information concerning them maintained in such systems to insure that such information is accurate and complete. If, after review, the individual claims that the information is inaccurate or incomplete, the procedures must provide for an administrative review of appropriate source documents to determine whether or not the information should be corrected. If the individual is dissatisfied with the review decision, he must be afforded some means of administrative appeal to an agency other than the agency declining to correct the information. If information is found to be inaccurate or incomplete, it must be corrected and all criminal justice agencies that have received the incorrect information must be notified of the correction. Upon request, the individual must be given a list of all non-criminal justice recipients of the incorrect information.

Sec. 2. Scope. The procedures set out below apply only to "criminal history record information," which should be understood to include only notations of the arrest or detention of an identified individual and the outcome of subsequent proceedings against the individual. In general, this includes the basic computerized criminal history (CCH) and offender-based transaction statistics (OBTS) data elements, traditionally collected on "rap sheets." The regulations do not apply to other types of information contained in criminal justice agency reports, such as intelligence or investigative information

(suspected criminal activity, associates, hangouts, financial information, ownership of property and vehicles, for example) except to the extent that criminal history record information is contained in such reports. Thus, if a rap sheet is contained in an intelligence file, the rap sheet must be corrected pursuant to the procedures set out below; but the intelligence data is not subject to review by the individual.

Sec. 3. Review by Individuals. Each terminal agency shall make available facilities and personnel necessary to permit review by individuals of criminal history record information concerning them. Reviews shall be conducted in accordance with the following procedures:

(a) Reviews shall take place only within the facilities of the agency and under the supervision and in the presence of an employee designated for that purpose. The agency may limit the hours for such reviews to normal daylight business hours. No fee may be charged for any such review, but a charge, not to exceed \$5.00, may be made to recover the actual costs of any copies of records provided to the individual.

(b) Reviews shall be permitted only after verification that the requesting individual is the subject of the records he seeks to review. A rolled set of ten fingerprints shall be required for such verification. A review may be conducted on behalf of an individual by his attorney or other representative if such person presents adequate verification of the identity of the subject individual, including fingerprints, and a notarized statement from the individual authorizing him to conduct the review.

(c) A record of each review shall be maintained by the agency on Form No. 1 provided with these regulations. The form shall be completed and signed by the supervising employee present at the review and by the reviewing individual.

(d) If the criminal history record information requested by the individual is maintained at the agency, a copy of such information shall promptly be provided for the individual's review. If the agency has no criminal history record information

concerning the individual in its files, it shall forward a copy of the request form, together with the fingerprints, to the Bureau of Identification of the Arkansas State Police. The Bureau of Identification shall promptly conduct a search of its files and shall cause a search to be made of the automated files of the Criminal Justice and Highway Safety Information Center. If any criminal history record information concerning the individual is discovered, a copy of such information shall promptly be returned to the requesting agency, which shall notify the individual that the record is available for review. This notification shall take place no later than 15 days after the individual requests a review of his record.

(e) The reviewing individual may make and retain a written summary or notes in his own handwriting of the information. He shall be informed of his right to submit written exceptions as to the maintenance, completeness or accuracy of the information. If the individual does not wish to challenge the information, he may be asked, but may not be required, to verify by his signature the accuracy and completeness of the information.

Sec. 4. Administrative Review. Should any individual wish to challenge the maintenance, accuracy or completeness of criminal history record information concerning him, he shall do so within 10 days after the review of such information. Such challenge shall be recorded on Form No. 2 provided with these regulations. The individual shall indicate on the form the information he believes to be inaccurate, incomplete or improperly maintained, and shall state what he believes to be a correct and complete version of the information or why he believes the information should not be maintained. The reviewing individual shall attest by his signature that the exceptions are made in good faith and that the facts set forth are true to the best of his knowledge and belief. Upon his request, the individual shall be provided with a copy of that part of the information that he has challenged. Such copy shall be marked: "THIS COPY IS PROVIDED FOR PURPOSES OF REVIEW

AND CHALLENGE. ANY USE FOR ANY OTHER PURPOSE IS A VIOLATION OF SEC. 3771 OF TITLE 42 OF THE UNITED STATES CODE."

An administrative review of the challenge shall be conducted in accordance with the following procedures:

(a) The challenge form shall be forwarded to a review officer designated for that purpose in each agency. If the information challenged related to criminal proceedings that occurred in the political jurisdiction in which the reviewing agency is located, the review officer shall cause to be conducted an appropriate audit of source documents and other information necessary to determine the accuracy of the exceptions. If the information challenged related to criminal proceedings in another jurisdiction, a copy of the challenge form shall be sent to the Bureau of Identification of the Arkansas State Police. The Bureau shall promptly forward the form to the criminal justice agency, whether within or outside of the State of Arkansas, that originated the information that is the subject of the challenge. The Bureau shall request the agency to conduct an audit to determine the accuracy of the exceptions, to notify the Bureau within 30 days of the results of such audit, and to provide the Bureau with certified copies of the source documents on which the agency's decision is based. The Bureau shall promptly forward this information to the agency where the review took place. Should any agency over which the Bureau has no administrative authority fail to respond to the Bureau's request, the Bureau shall so notify the agency where the review took place. That agency shall notify the individual that he must pursue the challenge directly with the agency which originated the challenged information.

(b) The review officer shall notify the individual in writing of the decision concerning the challenge. Form No. 3 provided with these regulations shall be used for this purpose. The individual shall be informed that, if he is not satisfied with the decision, he may, within 10 days, request an administrative appeal to the Office of the Attorney General of the

State of Arkansas.

Sec. 5. Administrative Appeal. Should any individual elect an administrative appeal, the appeal shall be conducted in accordance with the following procedures:

(a) The appeal shall be requested on Form No. 4 provided with these regulations. A copy of the form, together with copies of any appropriate source documents provided by the individual or by any criminal justice agency, shall be forwarded to the Office of the Attorney General.

(b) The Attorney General or a member of his office designated to handle such appeals, shall review the request form and the statements and documents accompanying it and shall determine whether the challenged record is inaccurate, incomplete or improperly maintained. If he considers it necessary, the Attorney General or his designee may request additional information from any criminal justice agency, or may, in his sole discretion, order a hearing for the purpose of obtaining additional information. The order for such hearing shall state where the hearing shall be held, who shall conduct the hearing, whether the individual may appear, whether he may be represented by counsel and other procedures governing the conduct of such hearing.

(c) The Attorney General's decision on the appeal shall be recorded on Form No. 4, together with a statement of any relief to which the individual is entitled. Copies of the form shall be sent to the Bureau of Identification and to the criminal justice agency from which the appeal originated. The latter agency shall notify the individual of the Attorney General's decision and shall take any necessary action to implement the decision.

Sec. 6. Correction and Notification. Should it be determined as a result of a review or appeal conducted under these regulations that challenged criminal history record information is inaccurate, incomplete or improperly maintained, the information shall be appropriately deleted, supplemented or corrected in the files of the Bureau of Identification, the Criminal

Justice and Highway Safety Information System and any criminal justice agencies involved in the challenge procedures. In addition, such agencies shall give notice of the corrective action to any criminal justice agencies to which the incorrect information has been disseminated within the one-year period prior to the date of the challenge, and shall direct such agencies to correct their files and to give appropriate notice to other agencies to which they have disseminated the incorrect information within the previous year.

Sec. 7. List of Noncriminal Justice Recipients. Upon request by any individual whose record has been corrected pursuant to a challenge under these regulations, he shall be given a list of all noncriminal justice agencies or individuals to whom the incorrect information has been disseminated within the one-year period prior to the date of the challenge. This list shall be compiled by the criminal justice agency where the review and challenge took place, the criminal justice agency which originated the corrected information, the Criminal Justice and Highway Safety Information System and the Bureau of Identification, as appropriate.

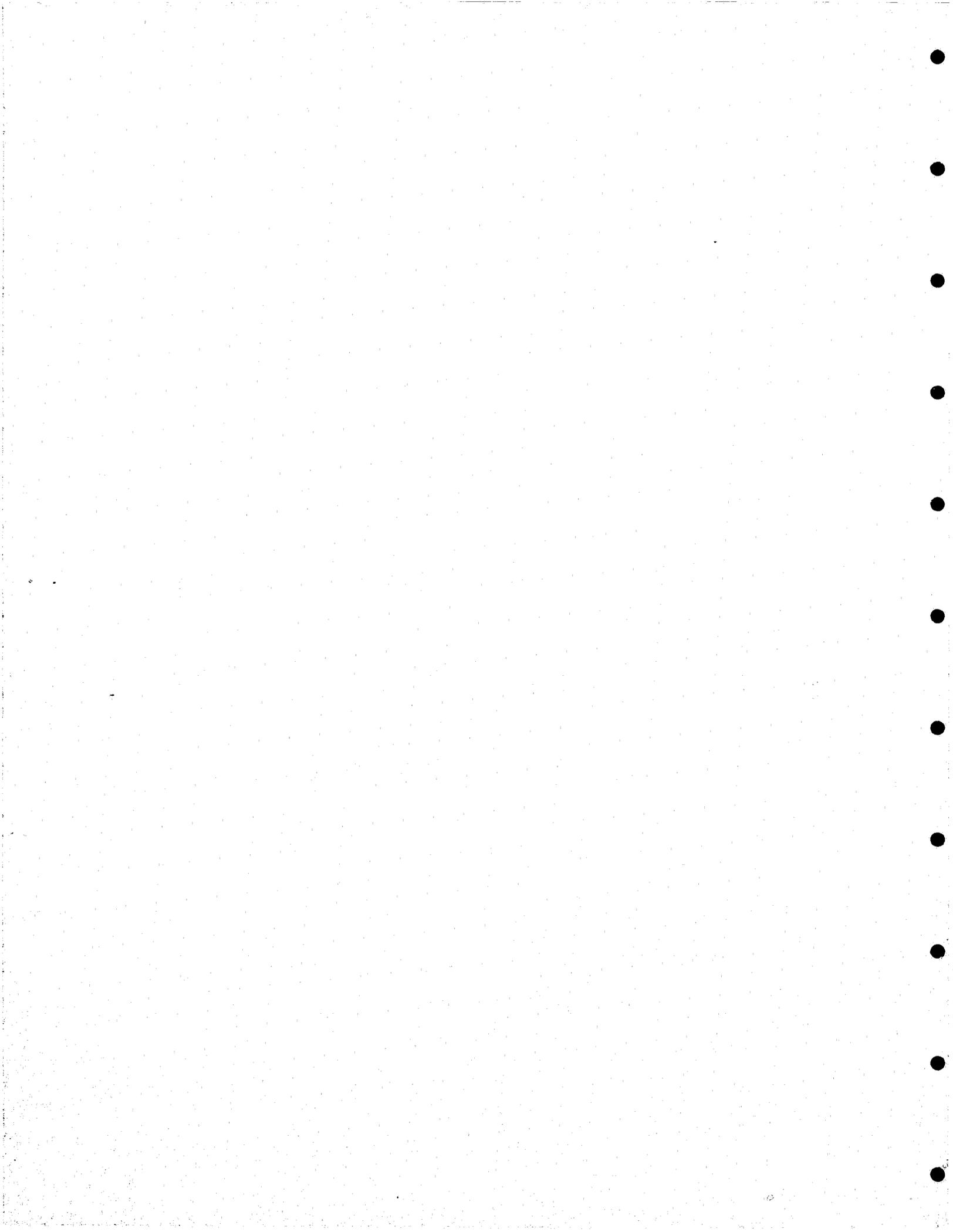
Sec. 8. Administrative Penalties.

(a) Any failure to implement the provisions of these regulations by any employee or officer of any criminal justice agency subject to the regulations shall be punished by suspension, discharge, reduction in grade, transfer or such other administrative penalties as the agency shall deem appropriate.

(b) If any criminal justice agency subject to these regulations is found by the Bureau of Identification or the Criminal Justice and Highway Safety Information System to have wilfully and repeatedly failed to implement the procedures specified in these regulations, dissemination of criminal history record information to such agency may be terminated or suspended for such periods and on such terms as the Bureau of Identification and the Criminal Justice and Highway Safety Information System may deem appropriate.

Appendix D

DIRECTIVE ON INMATE RECORD REVIEW  
(To be Issued by Director of Corrections)



DIRECTIVE ON INMATE RECORD REVIEW  
(To be Issued by Director of Corrections)

Sec. 1. Purpose. This directive is issued in compliance with Part 20 of Chapter 1 of Title 28 of the Code of Federal Regulations (Order No. 601-75, Fed. Reg., Vol. 40, No. 98, Tuesday, May 20, 1975).

Subsection 20.21(g) of Part 20 requires federally-assisted criminal justice information systems to implement operational procedures to permit individuals to review criminal history record information concerning them maintained in such systems to insure that such information is accurate and complete. If, after review, the individual claims that the information is inaccurate or incomplete, the procedures must provide for an administrative review of appropriate source documents to determine whether or not the information should be corrected. If the individual is dissatisfied with the review decision, he must be afforded some means of administrative appeal to an agency other than the agency declining to correct the information. If information is found to be inaccurate or incomplete, it must be corrected and all criminal justice agencies that have received the incorrect information must be notified of the correction. Upon request, the individual must be given a list of all noncriminal justice recipients of the incorrect information.

Sec. 2. Scope. The procedures set out below apply only to "criminal history record information," which should be understood to include only notations of the arrest or detention of an identified individual and the outcome of subsequent proceedings against the individual. In general, this includes the basic computerized criminal history (CCH) and offender-based transaction statistics (OBTS) data elements, traditionally collected on "rap sheets." The regulations do not apply to other types of information contained in criminal justice agency reports, such as intelligence or investigative information or correctional treatment or program reports, except to the extent that criminal

history record information is contained in such reports. Thus, if a rap sheet is contained in a presentence report or a correctional treatment report, the rap sheet information must be corrected pursuant to the procedures set out below; but the presentence and treatment reports are not subject to review by the individual.

Sec. 3. Review by Inmate. Arrangements have been made to inform every inmate in the Arkansas correctional system of the right to review any criminal history record information concerning him on file in the Department of Corrections or in the Bureau of Identification of the Arkansas State Police. Reviews shall be conducted in accordance with the following procedures:

(a) Reviews shall take place only under the supervision of and in the presence of an employee of the Department designated for that purpose. The Department may limit the hours for such reviews to normal daylight business hours. No fee may be charged for any such review, but a charge, not to exceed \$5.00, may be made to recover the actual costs of any copies of records provided to the inmate.

(b) Reviews shall be permitted only after verification that the inmate is the subject of the records he seeks to review. A rolled set of ten fingerprints shall be required for such verification.

(c) A record of each review shall be maintained by the Department on Form No. 1 provided with this directive. The form shall be completed and signed by the supervising employee present at the review and by the reviewing inmate.

(d) The inmate shall be permitted to make and retain a written summary or notes in his own handwriting of the information. He shall be informed of his right to submit written

exceptions as to the maintenance, completeness or accuracy of the information. If the inmate does not wish to challenge the information, he may be asked, but may not be required, to verify by his signature the accuracy and completeness of the information.

Sec. 4. Administrative Review. Should any inmate wish to challenge the maintenance, accuracy or completeness of criminal history record information concerning him, he shall do so within 10 days after the review of such information. Such challenge shall be recorded on Form No. 2 provided with this directive. The inmate shall indicate on the form the information he believes to be inaccurate, incomplete or improperly maintained, and shall state what he believes to be a correct and complete version of the information or why he believes the information should not be maintained. The inmate shall attest by his signature that the exceptions are made in good faith and that the facts set forth are true to the best of his knowledge and belief. Upon his request, he shall be provided with a copy of that part of the information that he has challenged. Such copy shall be marked: "THIS COPY IS PROVIDED FOR PURPOSES OF REVIEW AND CHALLENGE. ANY USE FOR ANY OTHER PURPOSE IS A VIOLATION OF SEC. 3771 OF TITLE 42 OF THE UNITED STATES CODE."

An administrative review of the challenge shall be conducted in accordance with the following procedures:

(a) The challenge form shall be forwarded to a review officer designated for that purpose in the Department. If the accuracy of the exceptions taken can be determined from records and information maintained within the Department of Corrections or available to the Department, the review officer shall cause to be conducted an appropriate audit of source documents and other information necessary to determine the accuracy of the exceptions. If the information challenged relates to criminal proceedings in another jurisdiction or other matters as to which the Department has no knowledge or records, a copy of the challenge form shall be sent to the Bureau of Identification of

the Arkansas State Police. The Bureau shall promptly forward the form to the criminal justice agency, whether within or outside of the State of Arkansas, that originated the information that is the subject of the challenge. The Bureau shall request the agency to conduct an audit to determine the accuracy of the exceptions, to notify the Bureau within 30 days of the results of such audit, and to provide the Bureau with certified copies of the source documents on which the agency's decision is based. The Bureau shall promptly forward this information to the Department of Corrections. Should any agency over which the Bureau has no administrative authority fail to respond to the Bureau's request, the Bureau shall so notify the Department. The Department shall notify the inmate that he must pursue the challenge directly with the agency which originated the challenged information. He shall be provided with the name and address of that agency.

(b) The review officer shall notify the inmate in writing of the decision concerning the challenge. Form No. 3 provided with this directive shall be used for this purpose. The inmate shall be informed that, if he is not satisfied with the decision, he may, within 10 days, request an administrative appeal to the Office of the Attorney General of the State of Arkansas.

Sec. 5. Administrative Appeal. Should any inmate elect an administrative appeal, the appeal shall be conducted in accordance with the following procedures:

(a) The appeal shall be requested on Form No. 4 provided with this directive. A copy of the form, together with copies of any appropriate source documents or other information, shall be forwarded to the Office of the Attorney General.

(b) The Attorney General or a member of his office designated to handle such appeals, shall review the request form and the statements and documents accompanying it and shall determine whether the challenged record is inaccurate, incomplete or improperly maintained. If he considers it necessary, the

Attorney General or his designee may request additional information from any criminal justice agency, or may, in his sole discretion, order a hearing for the purpose of obtaining additional information. The order for such hearing shall state where the hearing shall be held, who shall conduct the hearing, whether the inmate may appear, whether he may be represented by counsel and other procedures governing the conduct of such hearing.

(c) The Attorney General's decision on the appeal shall be recorded on Form No. 4, together with a statement of any relief to which the inmate is entitled. Copies of the form shall be sent to the Bureau of Identification and to the Department of Corrections. The Department shall notify the inmate of the Attorney General's decision and shall take all appropriate action to implement the decision.

Sec. 6. Correction and Notification. Should it be determined as a result of a review or appeal conducted under this directive that challenged criminal history record information is inaccurate, incomplete, or improperly maintained, the information shall be appropriately deleted, supplemented or corrected in the files of the Department of Corrections, Bureau of Identification, the Criminal Justice and Highway Safety Information System and any criminal justice agencies involved in the challenge procedures. In addition, such departments and agencies shall give notice of the corrective action to any criminal justice agencies to which the incorrect information has disseminated within the one-year period prior to the date of the challenge, and shall direct such agencies to correct their files and to give appropriate notice to other agencies to which they have disseminated the incorrect information within the previous year.

Sec. 7. List of Noncriminal Justice Recipients. Upon request by any inmate whose record has been corrected pursuant to a challenge under this directive, he shall be given a list of all noncriminal justice agencies or individuals to whom the incorrect information has been disseminated within the one-year

period prior to the date of the challenge. This list shall be compiled by the Department of Corrections, the criminal justice agency which originated the corrected information, the Criminal Justice and Highway Safety Information System and the Bureau of Identification, as appropriate.

Sec. 8. Administrative Penalties. Any failure to implement the provisions of this directive by any employee or officer of the Department of Corrections shall be punished by suspension, discharge, reduction in grade, transfer or such other administrative penalties as shall be deemed appropriate.

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(Director of Corrections)

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(Date)

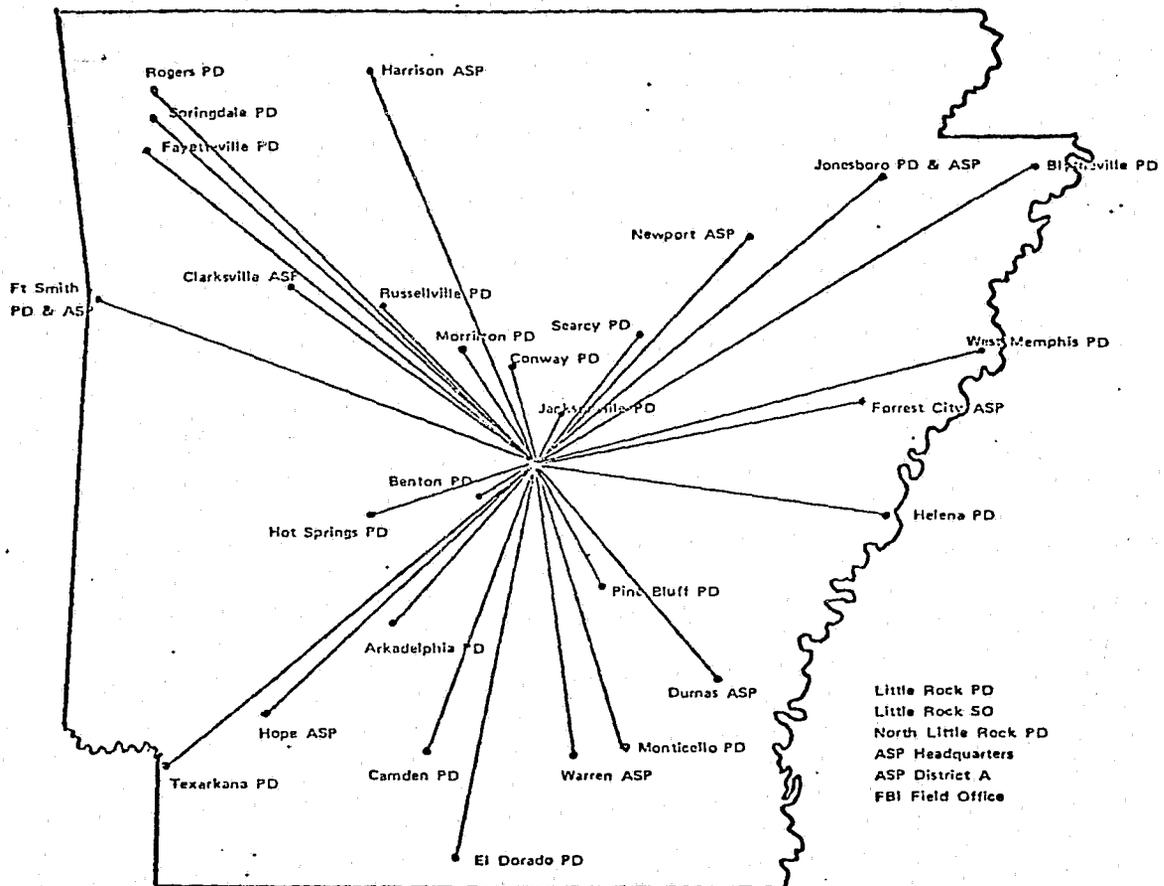
Appendix E

CRIMINAL JUSTICE AND HIGHWAY

SAFETY INFORMATION CENTER

TERMINAL NETWORK

CRIMINAL JUSTICE & HIGHWAY SAFETY  
INFORMATION SYSTEM



TERMINAL NETWORK  
1/1/76

Appendix F  
FORM FOR REVIEW OF  
CRIMINAL HISTORY INFORMATION

FORM NO. 1

REVIEW OF CRIMINAL HISTORY RECORD INFORMATION

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

1. Name and Address of Agency: \_\_\_\_\_  
\_\_\_\_\_

2. Name of Supervisory Employee: \_\_\_\_\_

3. Name of Individual to Whom Records Relate: \_\_\_\_\_

\_\_\_\_\_ Date of Birth: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ Height: \_\_\_\_\_

Weight: \_\_\_\_\_ Eye Color: \_\_\_\_\_ Hair Color: \_\_\_\_\_

Identification Number(s): \_\_\_\_\_  
\_\_\_\_\_

4. Name of Reviewing Individual (If other than record subject): \_\_\_\_\_

\_\_\_\_\_ (Must have notarized authorization from individual to whom records relate.)

5. Records Reviewed: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Verification (Completion is voluntary):

I have reviewed the records described above and acknowledge that they are proper, complete and accurate.

\_\_\_\_\_  
(Signature of Reviewing Individual)

\_\_\_\_\_  
(Date)

7. Portions of Records which Individual Believes to be Improper, Incomplete or Inaccurate: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
EACH REVIEWING INDIVIDUAL SHALL BE INFORMED OF HIS RIGHT (AND PROCEDURES) TO CHALLENGE THE MAINTENANCE, ACCURACY OR COMPLETENESS OF INFORMATION REVIEWED.

DEPARTMENT OF CORRECTIONS  
INMATE RECORD REVIEW  
FORM NO. 1

REVIEW OF CRIMINAL HISTORY RECORD INFORMATION

Date \_\_\_\_\_

1. Name of Inmate to Whom Records Relate: \_\_\_\_\_

\_\_\_\_\_ Date of Birth: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ Height: \_\_\_\_\_

Weight: \_\_\_\_\_ Eye Color: \_\_\_\_\_ Hair Color: \_\_\_\_\_

Identification Number(s): \_\_\_\_\_

2. Name of Supervisory Employee: \_\_\_\_\_

3. Records Reviewed: \_\_\_\_\_

4. Verification (Completion is voluntary):

I have reviewed the records described above and acknowledge that they are proper, complete and accurate.

\_\_\_\_\_  
(Signature of Inmate)

\_\_\_\_\_  
(Date)

5. Portions of Records which Inmate believes to be Improper, Incomplete or Inaccurate: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

EACH REVIEWING INMATE SHALL BE INFORMED OF HIS RIGHT (AND PROCEDURES) TO CHALLENGE THE MAINTENANCE, ACCURACY OR COMPLETENESS OF INFORMATION REVIEWED.



EXCEPTIONS TO CRIMINAL HISTORY RECORD INFORMATION

8. AFFIRMANCE: I affirm that the above exceptions are submitted in good faith and that the information set forth is true and accurate to the best of my knowledge and belief. I (do) (do not) desire a copy of the portions of records to which I have submitted exceptions.

\_\_\_\_\_  
(Signature of Individual Submitting Exceptions)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature of Supervisory Employee)

\_\_\_\_\_  
(Date)

NOTE: If exceptions are taken to records relating to criminal proceedings in the jurisdiction in which the agency is located, this form should be forwarded to the agency's Review Officer for institution of an audit to determine the accuracy of the exceptions. If exceptions are taken to records originating from other jurisdictions, a copy of this form should be sent to the Bureau of Identification, Arkansas State Police, 3701 West Roosevelt, Little Rock, Arkansas.

DEPARTMENT OF CORRECTIONS  
INMATE RECORD REVIEW  
FORM NO. 2

EXCEPTIONS TO CRIMINAL HISTORY RECORD INFORMATION

1. Name of Inmate to Whom Records Relate: \_\_\_\_\_

\_\_\_\_\_ Identification Number(s): \_\_\_\_\_

2. Name of Supervisory Employee: \_\_\_\_\_

3. Records to Which Exceptions are Taken: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. Summary of Exceptions and Reasons Therefor: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. Version of Records that Inmate Believes to be Correct: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

EXCEPTIONS TO CRIMINAL HISTORY RECORD INFORMATION

6. AFFIRMANCE: I affirm that the above exceptions are submitted in good faith and that the information set forth is true and accurate to the best of my knowledge and belief. I (do) (do not) desire a copy of the portions of records to which I have submitted exceptions (Circle one).

---

(Signature of Inmate)

---

(Date)

---

(Signature of Supervisory Employee)

---

(Date)

NOTE: If exceptions are taken to records relating to criminal proceedings as to which the Department of Corrections has knowledge, this form should be forwarded to the Department's Review Officer for institution of an audit to determine the accuracy of the exceptions. If exceptions are taken to records originating from other agencies or jurisdictions, a copy of this form should be sent to the Bureau of Identification, Arkansas State Police, 3701 West Roosevelt, Little Rock, Arkansas.

NOTICE OF RESULTS OF ADMINISTRATIVE REVIEW  
OF CRIMINAL HISTORY RECORD INFORMATION

1. Name of Individual to Whom Records Relate: \_\_\_\_\_

\_\_\_\_\_ Identification Number(s): \_\_\_\_\_

2. Name of Individual Who Submitted Exceptions: \_\_\_\_\_

3. Records to Which Exceptions Taken: \_\_\_\_\_

4. Result of Administrative Review (Check and complete one):

( ) No Change of Record

Reason: \_\_\_\_\_

(Attach copies of relevant source documents.)

( ) Record Corrected as Follows: \_\_\_\_\_

\_\_\_\_\_  
(Agency Conducting Audit)

\_\_\_\_\_  
(Signature of Review Officer in Agency Where  
Exceptions were Submitted)

\_\_\_\_\_  
(Date)

NOTE: If record has been corrected, all criminal justice agencies that have received the incorrect record within the last year must be advised of the correction and directed to take appropriate corrective action. Upon request, the individual to whom the record relates, or his authorized representative, must be given a list of all noncriminal justice recipients of the information within the one-year period prior to the date of the submission of exceptions.

If the record was not corrected, the reviewing individual must be advised of his right to an administrative appeal to the Attorney General of the State of Arkansas and must be supplied with Form No. 4. He should be advised that the appeal must be filed within 10 days.

DEPARTMENT OF CORRECTIONS  
INMATE RECORD REVIEW  
FORM NO. 3

NOTICE OF RESULTS OF ADMINISTRATIVE REVIEW  
OF CRIMINAL HISTORY RECORD INFORMATION

1. Name of Inmate to Whom Records Relate: \_\_\_\_\_

\_\_\_\_\_ Identification Number(s): \_\_\_\_\_

2. Records to Which Exceptions Taken: \_\_\_\_\_

3. Result of Administrative Review (Check and Complete One):

No Change of Record

Reason: \_\_\_\_\_

(Attach copies of relevant source documents.)

Record Corrected as Follows: \_\_\_\_\_

\_\_\_\_\_  
(Agency Conducting Audit)

\_\_\_\_\_  
(Signature of Review Officer in Department of  
Corrections)

\_\_\_\_\_  
(Date)

NOTE: If record has been corrected, all criminal justice agencies that have received the incorrect record within the last year must be advised of the correction and directed to take appropriate corrective action. Upon request, the inmate to whom the record relates must be given a list of all noncriminal justice recipients of the information within the one-year period prior to the date of the submission of exceptions.

If the record was not corrected, the reviewing inmate must be advised of his right to an administrative appeal to the Attorney General of the State of Arkansas and must be supplied with Form No. 4. He should be advised that the appeal must be filed within 10 days.

ADMINISTRATIVE APPEAL TO ATTORNEY GENERAL

1. Name and Address of Criminal Justice Agency: \_\_\_\_\_  
\_\_\_\_\_

2. Name of Individual to Whom Records Relate: \_\_\_\_\_

\_\_\_\_\_ Identification Number(s): \_\_\_\_\_  
\_\_\_\_\_

3. Name of Individual Requesting Administrative Appeal (If Other than Record Subject): \_\_\_\_\_

4. Reasons for appeal, if different from or additional to those set forth on Form No. 2: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

THIS FORM, TOGETHER WITH COPIES OF FORMS 2 AND 3 RELATING TO THIS INDIVIDUAL AND COPIES OF ALL RELEVANT SOURCE DOCUMENTS, SHOULD BE SENT TO THE ATTORNEY GENERAL OF THE STATE OF ARKANSAS.

5. Decision by Attorney General: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Reasons for Decision: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ADMINISTRATIVE APPEAL TO ATTORNEY GENERAL

7. Relief Ordered: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Signature of Attorney General or Designated Official) (Date)

NOTE: Upon completion of parts 5, 6 and 7, copies this form should be sent to the Bureau of Identification, Arkansas State Police, 3701 West Roosevelt, Little Rock, Arkansas, and to the criminal justice agency named in part 1 above.

DEPARTMENT OF CORRECTIONS  
INMATE RECORD REVIEW  
FORM NO. 4

ADMINISTRATIVE APPEAL TO ATTORNEY GENERAL

1. Name of Inmate to Whom Records Relate: \_\_\_\_\_  
\_\_\_\_\_ Identification Number(s): \_\_\_\_\_  
\_\_\_\_\_

2. Reasons for appeal, if different from or additional to those set forth on Form

No. 2: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

THIS FORM, TOGETHER WITH COPIES OF FORMS 2 AND 3 RELATING TO THIS INMATE AND COPIES OF ALL RELEVANT SOURCE DOCUMENTS SHOULD BE SENT TO THE ATTORNEY GENERAL OF THE STATE OF ARKANSAS.

3. Decision by Attorney General: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Reasons for Decision: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

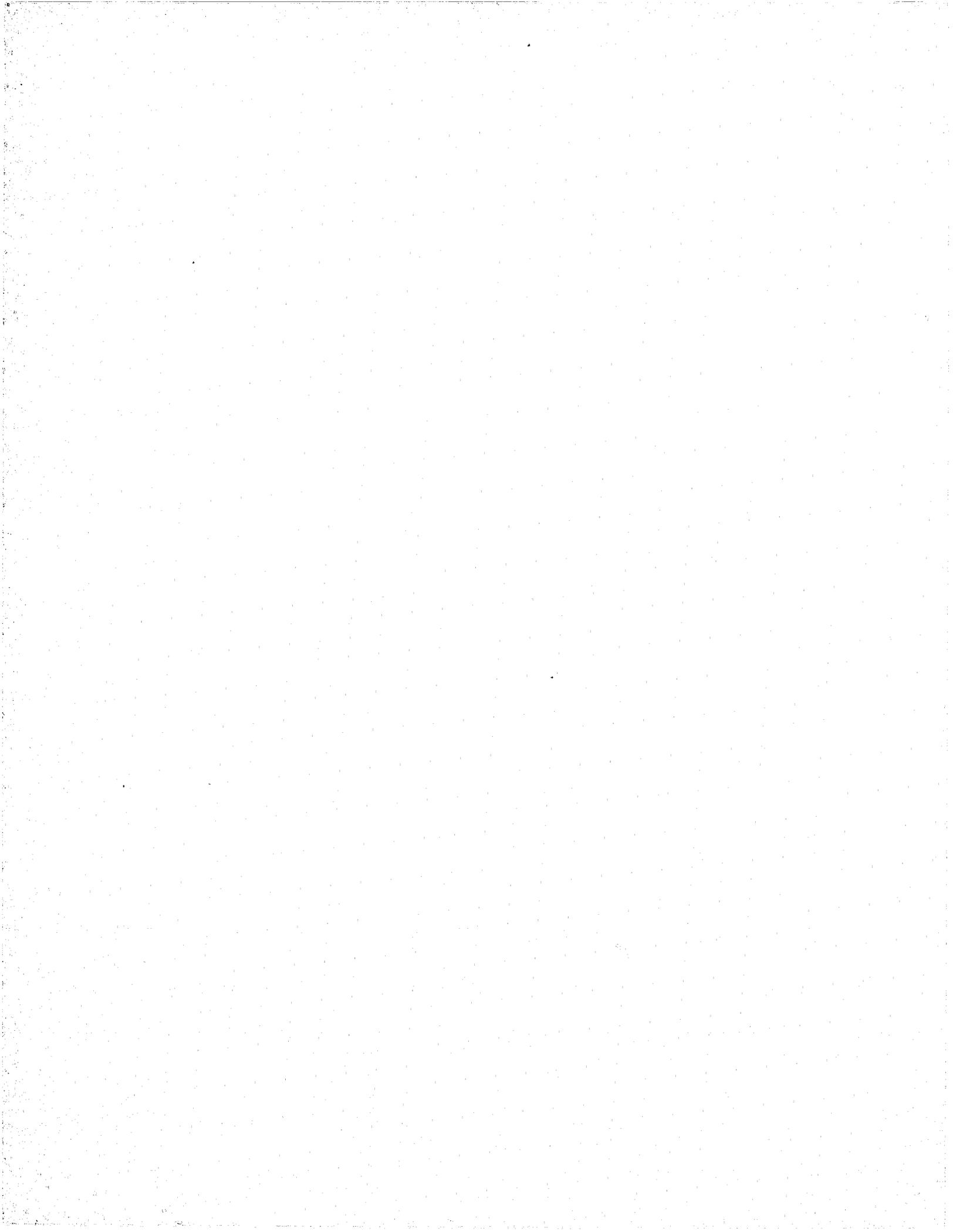
ADMINISTRATIVE APPEAL TO ATTORNEY GENERAL

5. Relief Ordered: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Signature of Attorney General or  
Designated Official)

\_\_\_\_\_  
(Date)

NOTE: Upon completion of parts 5, 6 and 7, copies of this form should be sent to the Bureau of Identification, Arkansas State Police, 3701 West Roosevelt, Little Rock, Arkansas, and to the Department of Corrections.



**END**