

State of Alabama

Alabama Department of Corrections

Research and Planning
P. O. Box 301501
Montgomery, AL 36130



December 3, 2003

ADMINISTRATIVE REGULATION
NUMBER 413

OPR: CENTRAL RECORDS

INMATE CENTRAL RECORDS FILE

I. GENERAL

This Alabama Department of Corrections (ADOC) Administrative Regulation (AR) establishes responsibilities, policies, and procedures for governing the basic contents of inmate files maintained by Central Records Division.

II. POLICY

It is the policy of the ADOC to maintain and update the central records file on all active and inactive inmates.

III. DEFINITION(S) AND ACRONYM(S)

- A. CRO: Central Records Office
- B. ICRF: Inmate Central Records File
- C. NCIC: National Criminal Information Center
- D. IAD: Interstate Agreement on Detainers
- E. EOS: End of Sentence

IV. RESPONSIBILITIES

The Director of Central Records is responsible for:

1. The overall responsibility for said files and contents therein.
2. Establishing guidelines for administratively processing all documentation received for active or inactive inmate central records files.

3. Authorizing employees/officials to review inmate central records files.

V. PROCEDURES

- A. The following are the steps for filing documents:
 1. All documentation received will be sorted, alphabetized, and filed in the appropriate inmate central records file.
 2. All documentation filed will be reviewed for items such as authorized signatures, release date, and data entry stamp, when necessary.
 3. Types of documentation filed in the inmates central records file is contained in Annex A.
- B. Employees/Officials authorized to review inmate central records file are as follows:
 1. Authorized employees of the ADOC.
 2. The following public officials in performance of their duties:
 - a. Officials and designated employees of the court
 - b. Legislators
 - c. Officials of the Pardon & Parole Board
 - d. Federal Probation Officers
 - e. Officials of the Attorney General's Office
 - f. Governor and/or Designee
 - g. Public Law Enforcement Officers

VI. DISPOSITION

This regulation requires a seventy-five (75) year retention per State of Alabama Archives and History records schedule.

VII. FORMS

This regulation requires the types of documentation filed in the ICRF, see Annex A for a listing of the permitted documents.

VIII. SUPERSESION

This regulation supersedes Administrative Regulation 413, dated November 1, 1988

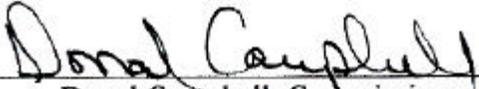
IX. PERFORMANCE

Attorney General's Opinion, dated June 11, 1979, Titled "Prison and Prisoners – Confidentiality of Inmates' Files"

ANNEXES

Annex A – Types of Documentation filed by Central Records Office

Annex B – Attorney General's Opinion, dated June 11, 1979, Titled "Prison and Prisoners – Confidentiality of Inmates' Files"



Donal Campbell, Commissioner

Annex A for AR 413

TYPES OF DOCUMENTATION FILED IN THE INMATE CENTRAL RECORDS FILE	
FORMS	ADMIN. REG.
DATA ENTRY SECTION:	
Microfilm Section Request	
Legal Document Delivery Form	AR 419 Annex A
RELEASE SECTIONS FORMS:	
Checklist for Inmates to be Released	Annex A to AR 411
Release Letter to County Jail Personnel	Annex B to AR 411
Receipt of Released Convict Form C80	Annex C to AR 411
Release Letter to Federal or Out of State Personnel	Annex D to AR 411
Release Letter to Pardon & Parole Board	
Release Letter to Probation Office	
Letter of Transmittal (2-sided document)	Annex F to AR 411
Sex Offender Release Notification	
Waiver of Extradition	Annex D to AR 415
Do you wish to exercise Detainer at Inmate's EOS or Probation	
PAROLES:	
Parole to DOC Letter from Parole Board	
Parole to DOC Letter from us Central Records to location of Inmate	
Parole cover letter for County, Federal & Out of State Paroles	
Parole letter to US Marshal	
Receipt of Released Convict Form (C80)	
Fax Cover Sheet used for Parole Reinstatements released from county jails	
Letter from Parole Board to reinstate from Institutions or County Jails	
COMMUNICATIONS SECTION (Detainers, Warrants, NCIC, and IAD)	
Form Letter-Concurrent Sentence - Federal	AR 416 Annex A
Form Letter - Place a Detainer	AR 416 Annex C
Form Letter - Concurrent Sentence - State	AR 416 Annex B
Letter to Warden Form	AR 415 Annex A
Information of Rights Form	AR 415 Annex B
Waiver of Extradition; C & I Form	AR 415 Annex D
Form Letter - Placement of Detainer	AR 415 C & AR 417A
Legal Document Serve & Return Form - Disposition	AR 419 Annex C
Detainer Info for Classifications	
Form Letter - Cancellation of Detainer	AR 417 Annex B
Escape List	
Fugitive Warrant	
Legal Document Serve and Return Form	AR 419 Annex B
Letter to Inmate not member of IAD	

Letter to Prosecutor that Form II sent and no response	
Letter to Classification crime cannot be resolved by IAD	
Escape Report	
AL Dept of Corrections Recapture Report	
Escape Report Submitted to Terminals	
Fugitive Warrant to cover Escape	
Code Sheet for Escapees	
Escape Locate to Terminals Form	
Parole Violator Locate to Terminals Form	
Fugitive Warrant to cover Parole Violator	
Code Sheet for Parole Violators	
Out of State Transfer Form	
Prisoner Transport Order Form	
Pick up Confirmation Letter	
Request to Receive Information (arrest reports)	
Completion of Sentence cover letter	
Completion of Sentence Warrant	
Extradition Package (5pages of documents)	
Warrant Check for Classification	
Blank NCIC Card (replacements)	
Fax Cover Sheet	
Extradition Package (2 pages of documents)	
Form I	AR 424 Annex A
Governor's Warrant from another state (pkg of 8documents)	
IAD form letter (enclosing Forms III, IV & V-a)	
IAD form letter (enclosing Forms II, III & IV)	
Governor's Letter for inmate to be sent for disposition in another state	
Letter to another state that we are in receipt of their request for temporary custody	
Form to elect or not elect to file a Writ of Habeas Corpus	
Form V-A Prisoner's Agreement to Temp Transfer of Custody	AR 424 Annex I
Form IV Offer to Deliver Temporary Custody	AR 424 Annex D
Form III Certificate of Inmate Status	AR 424 Annex C
Form V Request for Temporary Custody	AR 424 Annex E
Form VI Evidence of Agent's Authority to Act for Receiving State	AR 424 Annex F
Form VII Prosecutor's Acceptance of Temp Custody in Connection with Inmates' Request for Disp.	AR 424 Annex G
Form VIII Prosecutor's Acceptance of Temp Custody in Connection w/ another prosecutors	AR 424 Annex H
Form IX Prosecutor's Report on Disp of Charges	
Form Letter Inmate Serving AL Sent Coterminous w/ Fed Sentence	
Form Letter Inmate Serving Al Sent Coterminous w/ State Sentence	
Form Letter Unable to Serve Warrant as Inmate is on Escape	
Form Letter Inquiry as to if Detainer is still Active	
Form Letter Inmate Available for Release to Your Custody	
INITIAL ADMISSIONS	
Fingerprint Cards	
R-84 Final Disposition Report	
MAIL ROOM	
Time Sheets	

DIRECTOR'S SECRETARY		
Affidavits		
Pen Packet Certification Letter		
Pen Packet Exemplified Certification Letter		
Jail Credit Inquiry Letter		
International Treaty Correspondence (several letters)		
Interstate Corrections Compact Correspondence (several letters)		
Responses to Inmates and Other Inquiries (several letters)		
TYPES OF DOCUMENTATION FILED IN THE INMATE CENTRAL RECORDS FILE		
FORM NUMBER	FORM TITLE	ADMIN. REG.
DATA ENTRY SECTION:		
Microfilm Section Request		
Annex A to AR 419	Legal Document Delivery Form	419
RELEASE SECTIONS FORMS:		
Annex A to AR 411	Checklist for Inmates to be Released	411
Annex B to AR 411	Release Letter to County Jail Personnel	411
Annex C to AR 411	Receipt of Released Convict Form C80	411
Annex D to AR 411	Release Letter to Federal or Out of State Personnel	411
	Release Letter to Pardon & Parole Board	
	Release Letter to Probation Office	
Annex F to AR 411	Letter of Transmittal (2-sided document)	411
	Sex Offender Release Notification	
Annex D to AR 415	Waiver of Extradition	
	Do you wish to exercise Detainer at Inmate's EOS or Probation	
PAROLES:		
	Parole to DOC Letter from Parole Board	
	Parole to DOC Letter from us Central Records to location of Inmate	
	Parole cover letter for County, Federal & Out of State Paroles	
	Parole letter to US Marshal	
Annex C to AR 411	Receipt of Released Convict Form C80	411
	Fax Cover Sheet used for Parole Reinstatements released from county jails	
	Letter from Parole Board to reinstate from Institutions or County Jails	
COMMUNICATIONS SECTION		
(Any Detainers, Warrants, NCIC documentation, and IAD documentation)		
Annex A to AR 416	Form Letter-Concurrent Sentence - Federal	416
Annex C to AR 416	Form Letter - Place a Detainer	416

Annex B to AR 416	Form Letter - Concurrent Sentence - State	416
		Annex A - AR413
Annex A to AR 415	Letter to Warden Form	415
Annex B to AR 415	Information of Rights Form	415
Annex D to AR 415	Waiver of Extradition; C & I Form	415
Annex C to AR 415	Form Letter - Placement of Detainer	415
Annex C to AR 419	Legal Document Serve & Return Form - Disposition	419
	Detainer Info for Classifications	
Annex B to AR 417	Form Letter - Cancellation of Detainer	417
	Escape List	
	Fugitive Warrant	
Annex B to AR 419	Legal Document Serve and Return Form	419
	Letter to Inmate not member of IAD	
	Letter to Prosecutor that Form II sent and no response	
	Letter to Classification crime cannot be resolved by IAD	
	Escape Report	
	AL Dept of Corrections Recapture Report	
	Escape Report Submitted to Terminals	
	Fugitive Warrant to cover Escape	
	Code Sheet for Escapees	
	Escape Locate to Terminals Form	
	Parole Violator Locate to Terminals Form	
	Fugitive Warrant to cover Parole Violator	
	Code Sheet for Parole Violators	
	Out of State Transfer Form	
	Prisoner Transport Order Form	
	Pick up Confirmation Letter	
	Request to Receive Information (arrest reports)	
	Completion of Sentence cover letter	
	Completion of Sentence Warrant	
	Extradition Package (5 pages of documents)	
	Warrant Check for Classification	
	Blank NCIC Card (replacements)	
	Fax Cover Sheet	
	Extradition Package (2 pages of documents)	
Annex A to AR 417 Form 1	Untried Indictment, Info or Complaint and Right to Requested Disposition	417
	Governor's Warrant from another state (pkg of 8 documents)	
	IAD form letter (enclosing Forms III, IV & V-a)	
	IAD form letter (enclosing Forms II, III & IV)	
	Governor's Letter for inmate to be sent for disposition in another state	
	Letter to another state that we are in receipt of their request for temp. custody	
	Form to elect or not elect to file a Writ of Habeas Corpus	
Annex I to AR 417 - Form V-a	Prisoner's Agreement to Temp Transfer of Custody	424
Annex D to AR 417- Form IV	Offer to Deliver Temporary Custody	424
Annex C to AR 417 - Form III	Certificate of Inmate Status	424
Annex E to AR 417 - Form V	Request for Temporary Custody	424
Annex F to AR 417 - Form VI	Evidence of Agent's Authority to Act for Receiving State	424
Annex G to AR 417 - Form VII	Prosecutor's Acceptance of Temp Custody in Connection with Inmates' Request for Disp.	424
Annex H to AR 417 - Form VIII	Prosecutor's Acceptance of Temp Custody in Connection w/ another prosecutors	424
	Form IX Prosecutor's Report on Disp of Charges	

Annex B to AR 417 - Form II	Inmate's Notice of Imprisonment & Req for Disp of Indictments, Info & Complaints	424
Annex A - AR413		
	Form Letter Inmate Serving AL Sent Coterminous w/ Fed Sentence	
	Form Letter Inmate Serving AI Sent Coterminous w/ State Sentence	
	Form Letter Unable to Serve Warrant as Inmate is on Escape	
	Form Letter Inquiry as to if Detainer is still Active	
	Form Letter Inmate Available for Release to Your Custody	
INITIAL ADMISSIONS		
FD-249	Fingerprint Cards	
	R-84 Final Disposition Report	
MAIL ROOM		
	Time Sheets	
	Prior Incarceration Sheets	
DIRECTOR'S SECRETARY		
	Affidavits	
	Pen Packet Certification Letter	
	Pen Packet Exemplified Certification Letter	
	Jail Credit Inquiry Letter	
	International Treaty Correspondence (several letters)	
	Interstate Corrections Compact Correspondence (several letters)	
	Responses to Inmates and Other Inquiries (several letters)	

OFFICE OF THE ATTORNEY GENERAL

Annex B - AR413



CHARLES A. GRADDICK
ATTORNEY GENERAL
STATE OF ALABAMA

JUN 11 1979

LEE L. HALE
DEPUTY ATTORNEY GENERAL

WILLIAM M. BEHURS, JR.
EXECUTIVE ASSISTANT

WALTER S. TURNER
CHIEF ASSISTANT ATTORNEY GENERAL

JANIE NOBLES
ADMINISTRATIVE ASSISTANT

JUN 11 1979
COMMUNICATIONS SECTION

ADMINISTRATIVE BUILDING
64 NORTH UNION STREET
MONTGOMERY, ALABAMA 36133
AREA (205) 834-9150

Mr. R. G. Britton
Commissioner
State of Alabama Board of Corrections
Montgomery, Alabama 36130

Prison and Prisoners - Confidentiality of Inmates' Files

1. Information other than that of conviction should not be released to members of the inmate's family.
2. In the absence of a court order, persons or agencies other than criminal justice types should receive only conviction information from inmates' files.
3. The Privacy Act of 1974 is not applicable to state correctional institutions and state prisoners therein.
4. An attorney having the particular inmate's permission should also have a court order before reviewing the inmate's file.

Dear Mr. Britton:

I have received your request for an opinion from this office, dated May 1, 1979, which reads, verbatim, as follows:

I.

"Release of information from an inmate's file

"Question #1: Should we release other than conviction information to members of the inmate's family?

"Question #2: Should persons or agencies, other than criminal justice types, who request data other than conviction data be allowed to review the files and/or receive data from Central Records Staff, or can we continue to deny the request without a court order?

II.

"Review of inmate's file

"Question #1: Should we grant the requests of inmates who are requesting to review their file or have copies made of their entire file using the Federal Privacy and Security Act of 1974 [sic] as their legal authority?

"Question #2: Can we require an attorney, who has the inmate's permission, to obtain a court order before allowing him access to the inmate's file?"

In answer to the first question presented in the first part (I) of your request, it is my opinion that members of the inmate's family obtain no special status by virtue of the familial relationship. They should be regarded as any other third party, or as a member of the general public. Hence, in the absence of a court order directing access, the case of Tarlton v. United States, 430 F.2d 1351 (5th Cir. 1970) directly applies:

Mr. R. G. Britton
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"As the District Court held, prison records of inmates are confidential and are not subject to inspection by the public nor the inmate concerned. Cook v. Willingham, 10 Cir. 1968, 400 F. 2d 885."

It should be noted that prison files/records are those which are kept in the normal course of prison business and are used primarily for the benefit of the prison system. Accordingly, such files/records would normally not be available to the inmate unless it is determined through proper discovery methods that the inmate's need outweighs any benefit which would inure to the prison system for keeping them confidential. Bogard v. Cook, 60 F.R.D. 508 (N.D. Miss. 1973).

In answer to the second question presented in the first part (I) of your request, it is my opinion that the preceding answer applies.

In answer to the first question presented in the second part (II) of your request, it is my opinion that the Privacy Act of 1974 is not applicable. The Legislative History of the Privacy Act of 1974 reads as follows:

"PURPOSE...It is designated to prevent the kind of illegal, unwise, overbroad, investigation and record surveillance of law-abiding citizens produced in recent years from actions of some overzealous investigators, and the curiosity of some government administrators, or the wrongful disclosure and use, in some cases, of personal files held by Federal agencies." [Emphasis added]

Thus, the Privacy Act of 1974, applies to Federal agencies and does not apply to a state correctional institution housing state prisoners.

In answer to the second question presented in the second part (II) of your request, it is my opinion that the preceding answers for the questions in part one (I) above also apply

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here. An inmate's attorney acts for and in the place of the inmate, and acquires no special status by virtue of that attorney/client relationship. Hence, the attorney nor his client (the inmate) may act in derogation of Tarlton, supra, and Bogard, supra.

Sincerely,

CHARLES A. GRADDICK
ATTORNEY GENERAL

By-

A handwritten signature in cursive script, appearing to read "Milton E. Belcher", written in black ink.

MILTON E. BELCHER
ASSISTANT ATTORNEY GENERAL