



STATE OF ALABAMA
DEPARTMENT OF CORRECTIONS

May 1, 1985

ADMINISTRATIVE REGULATION

OPR: CENTRAL RECORDS

NUMBER

424

INTERSTATE AGREEMENT ON DETAINERS

I. GENERAL

With the passage of the Uniform Mandatory Disposition of Detainers Act, the State of Alabama became a party to the Interstate Agreement on Detainers. This regulation sets forth rules/procedures to be followed in complying with the Interstate Agreement. Director, Central Records Office, has been appointed as Administrator of this Interstate Agreement. . Section 15-9-80, Code of Alabama, 1975 (Acts 1978, No. 590, p. 693, s 2).

II. PURPOSE

The purpose of the Interstate Agreement on Detainers is to promote cooperation with other party states in securing speedy trials for persons already incarcerated in other jurisdictions; provide for the orderly disposition of detainers based on untried indictments, information or complaints; and to provide for the uniform mandatory disposition of detainers for incarcerated persons against whom there is pending untried indictments, information or complaints.

III. FORMS

1. Forms used by party states of the Interstate Agreement on Detainers are attached as Annexes. Instructions for their use are included on each form. Authorized forms are as follows:
 - a. Notice of Untried Indictment, Information or Complaint and of Right to Request Disposition.
 - b. Inmate's Notice of Place of Imprisonment and Request for Disposition of Indictments, Information or Complaints.

- c. Certificate of Inmate Status
- d. Offer to Deliver Temporary Custody
- e. Request for Temporary Custody
- f. Evidence of Agent's Authority to Act for Receiving State
- g. Prosecutor's Acceptance of Temporary Custody Offered in Connection with Another Prosecutor's Request for Disposition of a Detainer.

IV. NOTIFICATION OF PRISONERS

Wardens/Directors are required to notify each inmate in their custody of any detainers based on untried indictments, information or complaints by completing Form 1 (Annex A). Two copies of this notification will be furnished by Director, Central Records Office (CRO). The inmate will be informed of the detainer and provided one copy of Form 1. The inmate's signature will be secured on the other copy of Form I and returned to Director, CRO for inclusions in Inmate Central Records File (ICRF) as proof that notice was served. The DOC officer making delivery will insure the documents are read to the inmate if he/she* is unable to read. The DOC officer making delivery will ensure if the inmate is unable to sign his name, the document will be so indicated and witnessed by two (2) other people.

V. PROCEDURES

1. When an Inmate Requests Disposition:
 - a. The Warden/Director will furnish the inmate copies of Form II (Annex B) for completion. Four (4) copies of completed Form II will be forwarded by the Warden/Director to Director, CRO.
 - b. Upon receipt of completed Forms II, Director, CRO, will complete necessary Forms III (Annex C) and Forms IV (Annex D) and forward them as prescribed in the agreement with a cover letter asking for prompt indication as to their desire to prosecute.
 - c. Upon receipt of Form VI (Annex F) and Form VII (Annex G) Director, CRO, will notify the Warden/Director and the inmate.

* Masculine pronouns are used for the sake of simplicity and ease of reading. Where the masculine form is used it should be read as including the feminine.

2. Request from Prosecutors for Temporary Custody of an Inmate:

- a. Request for temporary custody under Article IV of the Interstate Agreement on Detainers should be accompanied by (a) certified copies of the complaint, information or indictment, (b) Certified copies of arrest warrant, and (c) certified copies of a fingerprint card, photograph or other evidence showing the identity of the person whose custody is requested.
- b. Upon receipt of Form V (Annex E) and supporting documents, the Director, CRO, will review the document for completeness and cause a detainer to be placed on the prisoner for the requesting state for the charge(s) indicated on Form V, if no previous detainer has been placed.
- c. Director, CRO, will forward the original Form V and supporting documents to the Warden/Director where the prisoner is incarcerated along with an Explanation of Inmates Rights Form (Annex J) and a Form Va (Annex I).
- d. Director, CRO will notify the Governor of the request for temporary custody. The Governor has 30 days to disapprove the request for temporary custody.
- e. Upon receipt of Form V and supporting documents the Warden/Director or his/her designee will inform the prisoner of his rights under Article IV of the Agreement in the presence of a witness.
- f. A judicial hearing will be scheduled by the Warden/Director with the Circuit Court nearest the institution where the prisoner is incarcerated. The prisoner will not be permitted to waive the initial court appearance. Any agreement for temporary transfer of custody will be executed in court. The official who takes the prisoner to court for his initial appearance should provide the court with the original Form V supporting documents, a Form Va upon which the prisoner may admit that he is the same person wanted by the prosecutor who has requested his custody and upon which the prisoner may waive review by the Governor and further judicial proceedings prior to his transfer to the requesting state. If the prisoner agree to waive his rights under Article IV, Form Va should be executed in quadruplicate so as to provide one copy for the court's file, one copy for the prosecutor who has requested custody, one copy for the prisoner, and one copy for the inmate's Central Records File. The Warden/Director will forward the prosecutor's copy of the executed waiver and the central file copy to Director, CRO.

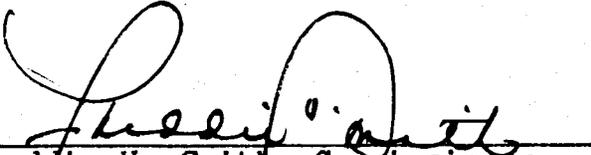
- g. Necessary copies of Form III and Form IV will be prepared by Director, CRO, and forwarded to the prosecutor of the requesting state, along with Form Va. Director, CRO, will also request the borrowing state to forward Form VI, indicating the names of agent and date of pickup.
 - h. If the prisoner refuses to sign a waiver of his rights under Article IV and court proceedings concluded in which the prisoner is remanded to the custody of the borrowing state, the Warden/Director of the institution will immediately notify the Director, CRO, so subsequent administrative and coordinating action may be accomplished as outlined in g above.
3. Identification of Agent Taking Custody of Inmate.
 - a. Prior to arrival of the Agent, the Warden/Director should have received a complete copy of Form VI containing Agent's signature.
 - b. Upon arrival, the out-of-state Agent should present his copy of Form VI and other usual identification plus a copy of the indictment, information, or complaint upon which trial is to be had.
 4. Any forms pertaining to the Interstate Agreement on Detainers received by Wardens/Directors from sources other than Director, CRO, will be forwarded immediately to the Director, CRO.

VI. REFERENCE

Sections 15-9-80 through 15-9-88, Code of Alabama, 1975

VII. SUPERSESSIONS

This regulation supersedes Administrative Regulation 424 dated July 26, 1978.


Freddie V. Smith, Commissioner

ANNEXES (Agreement on Detainers)

- A. Form I - Notice of Untried Indictment, Information or Complaint and of Right to Request Disposition.
- B. Form II - Inmates Notice of Place of Imprisonment and Request for Disposition of Indictments, Information or Complaints.
- C. Form III - Certificate of Inmate Status.

- D. Form IV - Offer to Deliver Temporary Custody.
- E. Form V - Request for Temporary Custody.
- F. Form VI - Evidence of Agent's Authority to Act for Receiving State.
- G. Form VII - Prosecutor's Acceptance of Temporary Custody Offered in Connection with a Prisoner's Request for Disposition of a Detainer.
- H. Form VIII - Prosecutor's Acceptance of Temporary Custody Offered in Connection with Another Prosecutor's Request for Disposition of a Detainer.
- I. Form Va - Prisoner's Agreement to Temporary Transfer of Custody.
- J. Explanation of Inmate's Rights Under Article IV of the Agreement on Detainers.

SUMMARY OF CHANGES

This revision includes the addition of Form Va, an Explanation of Inmates' Rights Form and procedures for judicial hearings. It also insures that documents are read to the inmate if he is unable to read, and if unable to sign his name, the document will be so indicated and witnessed by two (2) other people.

In duplicate. One copy of this Form, signed by the prisoner and the warden should be retained by the warden. One copy, signed by the warden should be retained by the prisoner.

NOTICE OF UNTRIED INDICTMENT, INFORMATION OR COMPLAINT AND OF RIGHT TO REQUEST DISPOSITION

Inmate _____ No. _____ Institution _____

Pursuant to the Agreement on Detainers, you are hereby informed that the following are the untried indictments, informations, or complaints against you concerning which the undersigned has knowledge, and the source and contexts of each.

You are hereby further advised that by the provisions of said Agreement you have the right to request the appropriate prosecuting officer of the jurisdiction in which any such indictment, information or complaint is pending and the appropriate court that a final disposition be made thereof. You shall then be brought to trial within 180 days, unless extended pursuant to provisions of the Agreement, after you have caused to be delivered to said prosecuting officer and said court written notice of the place of your imprisonment and your said request, together with a certificate of the custodial authority as more fully set forth in said Agreement. However, the court having jurisdiction of the matter may grant any necessary or reasonable variance.

Your request for final disposition will operate as a request for final disposition of all untried indictments, informations or complaints on the basis of which detainers have been lodged against you from the state to whose prosecuting official your request for final disposition is specifically directed. Your request will also be deemed to be a waiver of extradition with respect to any charge or proceeding contemplated thereby or included therein and a waiver of extradition to the state of trial to serve any sentence there imposed upon you, after completion of your term of imprisonment in this state. Your request will also constitute a consent by you to the production of your body in any court where your presence may be required in order to effectuate the purposes of the Agreement on Detainers and a further consent voluntarily to be returned to the institution in which you are now confined.

Should you desire such a request for final disposition of any untried indictment, information or complaint, you are to notify _____ of the institution in which you are confined.

You are also advised that under provisions of said Agreement the prosecuting officer of a jurisdiction in which any such indictment, information or complaint is pending may institute proceedings to obtain a final disposition thereof. In such event, you may oppose the request that you be delivered to such prosecuting officer or court. You may request the Governor of this state to disapprove any such request for your temporary custody but you cannot oppose delivery on the grounds that the Governor has not affirmatively consented to or ordered such delivery.

Dated _____

_____ Insert Name and Title of Custodial Authority

BY: _____ Warden—Superintendent—Director

RECEIVED:

Date _____

Inmate _____ No. _____

In the case of an inmate's request for disposition under Article III, copies of this Form should be attached to all copies of Form II. In the case of a request stated by a prosecutor under Article IV, copy of this Form should be sent to the prosecutor upon receipt by the warden of Form V. Copies also should be sent to all other prosecutors in the same state who have lodged detainers against the inmate. A copy may be given to the inmate.

CERTIFICATE OF INMATE STATUS

RE: _____
Inmate Number

Institution Location

The (custodial authority) hereby certifies:

- 1. The term of commitment under which the prisoner above named is being held _____
- 2. The time already served _____
- 3. Time remaining to be served on the sentence _____
- 4. The amount of good time earned _____
- 5. The date of parole eligibility of the prisoner _____
- 6. The decisions of the Board of Parole relating to the prisoner (if additional space is needed use reverse side) _____

- 7. Maximum expiration date under present sentence _____
- 8. Detainers currently on file against this inmate from your state are as follows:

Dated _____

Custodial Authority

BY: _____

Agreement of Detainers: Form IV

In the case of an inmate's request for disposition under Article III, copies of this Form should be attached to all copies of Form II. In the case of a request initiated by the prosecutor, this Form should be completed after the Governor has indicated his approval of the request for temporary custody or after the expiration of the 30 day period. Copies of this Form should then be sent to all officials who previously received copies of Form III. One copy also should be given to the prisoner and one copy should be retained by the warden. Copies mailed to the prosecutor should be sent by certified or registered mail, return receipt requested.

OFFER TO DELIVER TEMPORARY CUSTODY

Date _____

TO: _____ Prosecuting Officer
Insert Name and Title If Known

Jurisdiction

and to all other prosecuting officers and courts of jurisdictions listed below from which indictments, informations or complaints are pending.

RE: _____ Inmate Number _____

DEAR SIR:

Pursuant to the provisions of Article V of the Agreement on Detainers between this state and your state, the undersigned hereby offers to deliver temporary custody of the above-named prisoner to the appropriate authority in your state in order that speedy and efficient prosecution may be had of the indictment, information or complaint which is (described in the attached inmate's request) (described in your request for custody of _____).
Date

(The required Certificate of Inmate Status is enclosed.) (The required Certificate of Inmate Status was sent to you with our letter of _____).
Date

If proceedings under Article IV (d) of the Agreement are indicated, an explanation is attached.

Indictments, informations or complaints charging the following offenses also are pending against the inmate in your state and you are hereby authorized to transfer the inmate to custody of appropriate authorities in these jurisdictions for the purposes of disposing of these indictments, informations or complaints.

<small>Offense</small>	<small>County or Other Jurisdiction</small>
_____	_____
_____	_____
_____	_____
_____	_____

If you do not intend to bring the inmate to trial, will you please inform us as soon as possible?
Kindly acknowledge.

Name and Title of Custodial Authority

BY: _____
Warden—Superintendent—Director

Institution and Address

Agreement on Detainers: Form V

Two copies. Signed copies must be sent to the prisoner and to the official who has the prisoner in custody. A copy should be sent to the Agreement Administrator of the state which has the prisoner incarcerated. Copies should be retained by the person filing the request and the judge who signs the request.

REQUEST FOR TEMPORARY CUSTODY

TO: _____
Warden Superintendent Director Institution

_____ Address

Please be advised that _____, who is presently an inmate of your institution, is under (indictment) (information) (complaint) in the _____ of which I am the _____
Jurisdiction

_____. Said inmate is there in charged with the (offense) (offenses) enumerated below:
(Title of Prosecuting Officer)

OFFENSE

I propose to bring this person to trial on this (indictment) (information) (complaint) within the time specified in Article IV (c) of the Agreement.

In order that proceedings in this matter may be properly had, I hereby request temporary custody of such person pursuant to Article IV(a) of the Agreement on Detainers.

I hereby agree that immediately after trial is completed in this jurisdiction I will return the prisoner directly to you or allow any jurisdiction you have designated to take temporary custody. I agree also to complete Form IX, the Notice of Disposition of a Detainer, immediately after trial.

Signed _____

Title _____

I hereby certify that the person whose signature appears above is an appropriate officer within the meaning of Article IV(a) and that the facts recited in this request for temporary custody are correct and that having duly recorded said request I hereby transmit it for action in accordance with its terms and the provisions of the Agreement on Detainers.

Dated _____

Signed _____
Judge

Agreement on Detainers: Form VI

In quadruplicate. All copies, signed by the prosecutor and the agent should be sent to the Agreement Administrator of their own state. After signing all copies, the Administrator should retain one for his files, send one to the warden of the institution in which the prisoner is located, and return two copies to the prosecutor who will give one to the agent for use in establishing his authority and place one in his files.

EVIDENCE OF AGENT'S AUTHORITY TO ACT FOR RECEIVING STATE

TO: _____

Administrator of the Agreement on Detainers

_____ is confined in _____
(Institution)

_____, and will be taken into custody at the institution on
(Address)

_____ for return to this jurisdiction for trial on or about

_____. In accordance with Article V(b), I have designated _____

whose signature appears below as agent to return the prisoner.

(Prosecuting Official)

(Agent's Signature)

TO: Warden

In accordance with the above representation and the provisions of the Agreement on Detainers, _____

_____ is hereby designated as agent for this state to return
(Agent)

_____ for trial.
(Inmate)

Administrator

Agreement on Detainers: Form VII

IMPORTANT: This form should only be used when an offer of temporary custody has been received as the result of a prisoner's request for disposition of a detainer. If the offer has been received because another prosecutor in your state has initiated the request, use Form 8. Copies of Form 7 should be sent to the warden, the prisoner, the other jurisdictions in your state listed in the offer of temporary custody, and the Agreement Administrator of the state which has the prisoner incarcerated. Copies should be retained by the person filing the acceptance and the judge who signs it.

PROSECUTOR'S ACCEPTANCE OF TEMPORARY CUSTODY OFFERED IN CONNECTION WITH A PRISONER'S REQUEST FOR DISPOSITION OF A DETAINER

TO: _____ (Warden, Superintendent, Director) _____ (Institution)

_____ (Address)

In response to your letter of _____ (Date) and offer of temporary custody regarding

_____ (Name of Prisoner) who is presently under indictment, information, complaint in the

_____ (Jurisdiction) of which I am _____ (Title of Prosecuting Officer)

please be advised that I accept temporary custody and that I propose to bring this person to trial on the indictment, information or complaint named in the offer within the time specified in Article III (a) of the Agreement on Detainers.

COMMENTS: (If your jurisdiction is the only one named in the offer of temporary custody, use the space below to indicate when you would like to send your agents to conduct the prisoner to your jurisdiction. If the offer of temporary custody had been sent to other jurisdictions in your state, use the space below to make inquiry as to the order in which you will receive custody, or to indicate any arrangements you have already made with other jurisdictions in your state in this regard.)

Signed: _____

Title: _____

I hereby certify that the person whose signature appears above is an appropriate officer within the meaning of Article IV (a) and that the facts recited in this request for temporary custody are correct, and that having duly recorded said request I hereby transmit it for action in accordance with its terms and the provisions of the Agreement on Detainers.

Date: _____ Signed: _____ (Judge)

_____ (Court)

Agreement on Detainers: Form VIII

IMPORTANT: This form should only be used when an offer of temporary custody has been received as the result of another prosecutor's request for disposition of a detainer. If the offer has been received because a prisoner has initiated the request, use Form 7 to accept such an offer. Copies of Form 8 should be sent to the warden, the prisoner, the other jurisdictions in your state listed in the offer of temporary custody, and the Agreement Administrator of the state which has the prisoner incarcerated. Copy should be retained by the person filing the acceptance and the judge who signs it.

PROSECUTOR'S ACCEPTANCE OF TEMPORARY CUSTODY OFFERED IN CONNECTION WITH ANOTHER PROSECUTOR'S REQUEST FOR DISPOSITION OF A DETAINER

TO: _____ (Warden, Superintendent, Director) _____ (Institution)

_____ (Address)

According to your letter of _____ (Date), _____ (Name of Prisoner)

_____ is being returned to this state at the request of _____ (Title of Prosecuting Officer) of _____ (Jurisdiction)

hereby accept your offer of temporary custody of _____ (Name of Prisoner)

who is also under indictment, information or complaint in the _____ (Jurisdiction) of which I am the _____ (Title of Prosecuting Officer)

I plan to bring this person to trial on said indictment, information or complaint within the time specified in Article IV (c) of the Agreement of Detainers.

COMMENTS: (Use the space below to make inquiry as to order in which your jurisdiction will receive custody or to inform the warden of arrangements you have already made with other jurisdictions in your state in this regard.)

Signed _____

Title _____

I hereby certify that the person whose signature appears above is an appropriate officer within the meaning of Article IV(a) and that the facts recited in this request for temporary custody are correct, and that having duly recorded said request I hereby transmit it for action in accordance with its terms and the provisions of the Agreement on Detainers.

DATED: _____ Signed _____ (Judge)

_____ (Court)

Agreement on Detainers: Form V-a

Four copies. The official who takes the prisoner to court pursuant to a prosecutor's request for temporary custody should provide four (4) copies of this form to the court. If the prisoner wishes to admit that he is the same person whose custody has been requested, and to return to the requesting state, the prisoner should complete each copy of this form in the presence of the Court, which should then endorse each copy in the space provided. One copy should be filed with the Court, one copy should be placed in the prisoner's file, one copy should be provided to the prosecutor who requested custody, and one should be provided to the prisoner.

PRISONER'S AGREEMENT TO TEMPORARY TRANSFER OF CUSTODY

I, _____, _____, am
(Prisoner's full name) (Prison number)

currently incarcerated at _____,
(Institution) (Address)

Without admitting my guilt or innocence, I acknowledge that I am the same person named in the attached request for temporary custody (Form V). I have been advised that I am entitled to challenge that request for temporary custody by filing a petition for a writ of habeas corpus. I have also been advised that the Governor may intercede in my behalf within thirty (30) days of the request for temporary custody. I wish to waive my right to file a petition for writ of habeas corpus and agree to waive the thirty (30) day period so that I may be transferred as soon as possible.

Signed: _____

Date : _____

Judge _____

**EXPLANATION OF INMATE'S RIGHTS UNDER ARTICLE IV
OF THE AGREEMENT ON DETAINERS**

1. You have the right to be taken before a court to be arraigned.
2. You have the right to the appointment of counsel by the Court.
3. You have the right to file a petition for writ of habeas corpus in which you may allege:
 - a. That you are not the same person whose custody has been demanded by the prosecutor.
 - b. That there are no outstanding indictments, information, or complaints pending against you in the other state.
 - c. That the demand for your custody is not in proper form.

If you wish to waive these proceedings, you may do so at the time of your initial arraignment in court. A form will be provided for this purpose.

I hereby certify that _____ (inmate) has read or had read to him the above explanation of rights under Article IV of the Agreement on Detainers. No promises, threats, pressure or coercion of any kind has been used against him.

Signed: _____

Date : _____

Witness: _____