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ADMINISTRATIVE REGULATION
NUMBER

216

OPR: INTELLIGENCE &
COMMUNICATIONS SERVICES
DIVISION

BACKGROUND CHECKS

I. GENERAL

This Alabama Department of Corrections (ADOC) Administrative Regulation (AR) establishes the responsibilities, policies, and procedures governing background checks.

II. POLICY

It is the policy of ADOC to ensure a criminal records background check is conducted on all ADOC employees, interns, contractors, visitors, vendors, and volunteers for employment and entry into ADOC facilities.

III. DEFINITIONS AND ACRONYMS

- A. **Adjudication**: An official judicial decision of judgment.
- B. **Alabama Peace Officer Standards and Training Commission (APOSTC)**: The state regulatory agency that sets statewide standards for the selection, recruitment, and training of law enforcement officers in Alabama.
- C. **Applicant**: A candidate for ADOC employment as law enforcement or support personnel, including re-hires, part-time employees, retired state employees, contract employees, and ADOC promotional candidates.
- D. **Arrest**: When an individual is taken into police custody pursuant to a warrant issued on probable cause or other legal authority of a law enforcement officer.

- E. **Contract Employee**: Any employee or representative of a vendor providing services pursuant to a contractual agreement with the ADOC.
- F. **Background Check**: The accessing and reviewing of a person's criminal records, military discharge records, adjudicated records, employment references, credentials verification, open-source research, or other relevant information to evaluate the character and suitability of applicants for employment, visitors, or others seeking entry into any ADOC facility.
- G. **Domestic Violence**: Any conviction for any violation of the State of Alabama's domestic violence laws or similar laws from other states that would otherwise prohibit a person from owning, possessing, or carrying a firearm.
- H. **Employee**: A person employed by the ADOC or one of its contractors, regardless of rank or position.
- I. **Felony**: A criminal offense punishable by imprisonment for a term of more than one year and includes conviction by a court-martial under the Uniform Code of Military Justice for an offense that would constitute a felony under the laws of the United States. A conviction of an offense under the laws of a foreign nation shall be considered a felony if the conduct giving rise to the conviction would have constituted a felony under the laws of Alabama if it was committed within the jurisdiction of this state at the time of the conduct.
- J. **Intern**: A student or trainee who works at ADOC, with or without pay and for or not for school credit, in a particular position in order to gain work experience.
- K. **International Mobile Equipment Identity (IMEI)**: A unique 15-digit number that identifies a mobile phone.
- L. **International Mobile Subscriber Identity (IMSI)**: A unique number that identifies each user of a cellular network.
- M. **Law Enforcement Personnel**: Any employee of ADOC who holds current certification as a correctional officer or law enforcement officer by APOSTC.
- N. **Misdemeanor**: An offense for which a sentence of imprisonment of not over one year may be imposed.
- O. **National Crime Information Center (NCIC)**: A computerized index of missing persons and criminal information maintained by the Federal Bureau of Investigations and designed for the rapid exchange of information between criminal justice agencies.

- P. **Open-Source Research**: The process of collecting and analyzing publicly available information from sources such as the internet, social media, publicly accessible databases, or other sources whose content is not restricted from the general public.
- Q. **Personal History Background Check (PHBC)**: The accessing and reviewing of a person's employment references, credentials verification, open-source research, or other information by which the ADOC may evaluate a person's character, for example, an established inmate communications system or inmate visitor database, when determining entry into any ADOC facility.
- R. **Support Personnel Employee**: Any non-law enforcement person employed by the ADOC, including contract employees.
- S. **Vendor**: A person, business entity, or representative that offers a service or item for sale to ADOC.
- T. **Visitor**: A person who visits ADOC facilities for reasons of family, friendship with employees or inmates, business purposes, or similar reasons.
- U. **Volunteer**: A person who donates time and effort to enhance the mission of the ADOC through approved activities and programs at any ADOC facility.

IV. **RESPONSIBILITIES**

- A. The Intelligence and Communications Services Director, or his/her designee(s), is responsible for:
 - 1. Serving as the liaison between the Intelligence and Communications Services Division and other ADOC Divisions, contractors, and volunteers for the coordination of background check information, ensuring confidentiality and compliance with all regulations. Conducting a background check for all eligible candidates for employment with the ADOC, including law enforcement personnel, support staff, re-hires, part-time employees, retired state employees, contract employees, and ADOC promotional candidates. Additionally, background checks will be conducted on all current ADOC and contract employees at least once every five years.; and
 - 2. Providing the Director of Personnel or his/her designee, as well as Facility or Division Directors, with disposition information related to administrative investigations and use-of-force audits or reviews as part of the background check process for an applicant. Additionally, notification must be provided regarding any pending or ongoing administrative investigations.

3. Overseeing the quality control and auditing process of background checks for all personnel, ensuring compliance with internal policies and legal standards. Any discrepancies or concerns identified during background check reviews must be promptly reported to the Deputy Commissioner of Special Services or designee to ensure that corrective action is taken as necessary to maintain the integrity of the hiring and employment process.
4. Ensuring that background checks are completed within the designated timeframes, providing an extension or alternative arrangements where warranted, and informing relevant parties of the status of background check completion. When necessary, approving the process of determining the order and urgency in which background checks are completed, ensuring that those deemed most critical, or time-sensitive are handled first.

B. The Director of Personnel, or his/her designee, is responsible for:

1. Ensuring that a background check is conducted on all applicants;
2. Gathering PREA-related information regarding applicants whose previous work history includes facilities or positions in jails, prisons, nursing homes, or employers that otherwise subscribe to PREA guidelines and
3. Providing information in response to departmental public records requests regarding any former ADOC employee's work history, and, as appropriate, to employers in response to requests regarding a former ADOC employee's work history (includes PREA-related inquiries).

C. Facility/Division Directors are responsible for:

1. Conducting a background check and, if necessary, PHBC, on all applicants in accordance with prescribed procedures established by the Director of Personnel and Intelligence and Communications Services Director;
2. Conducting a background check on all vendors and visitors in accordance with prescribed procedures established and implemented by the Deputy Commissioner of Special Services;
3. Conducting a background check on all volunteers and sponsors for inmates on medical furlough following prescribed procedures established and implemented by the Intelligence and Communications Services Director; and

4. Conducting background check on all visitors for executions in accordance with prescribed procedures established and implemented by the Intelligence and Communications Services Director, applicable to the Holman, William E. Donaldson, and Julia Tutwiler facilities.

V. PROCEDURES

A. Considerations for Employment:

1. An applicant shall not be considered for employment if they meet any of the following disqualifying criteria:
 - a. Submission of false or deceptive information during the pre-employment process;
 - b. Unlawful, undisclosed, or inappropriate activity or communication with any inmate(s) or subject(s) of any criminal investigation.
 - c. Conviction of a felony or a misdemeanor crime of domestic violence, which disqualifies applicants for law enforcement and correctional officer positions.
 - d. Engagement in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution;
 - e. Conviction of any crime involving engagement in, or attempted engagement in, sexual activity facilitated by force, overt or implied threats of force, or coercion, or if the victim did not or was unable to consent to the sexual act or refuse;
 - f. Civil or administrative adjudication for engaging in the activity described in paragraph (d) above; or
 - g. Dishonorable or other-than-honorable military discharge for a law enforcement position, where such discharge would, under state or federal law, or the law of another state, constitute a felony or misdemeanor prohibiting the ownership, possession, or carrying of a firearm.
2. The ADOC shall consider any incidents of sexual harassment in determining whether to hire or promote anyone or enlist the services of any contractor who may have contact with inmates.
3. Support personnel applicants with felony convictions shall be referred to the ADOC Commissioner or his/her designee for review and consideration for hire on a case-by-case basis.

- B. All applicants must complete ADOC Form 216-A, *Waiver and Authorization to Release Information* (Notary Public required), ADOC Form 216-B, *Prison Rape Elimination Act (PREA) Compliance*, and ADOC Form 216-C, *Personal Information Sheet*. Additionally, applicants must provide a primary personal telephone number, device type, device model, IMEI, IMSI, emergency contact information, and vehicle(s) information, including year, make, model, color, and license number. Applicants must also submit fingerprints for a fingerprint-based background check, in order for a Background Check to be conducted. If these forms are not complete, the applicant may not be considered for employment.

- C. After receiving an applicant's ADOC Form 216-B, *Prison Rape Elimination Act (PREA) Compliance*, the Intelligence and Communications Services Division Director, or his/her designee, will attempt to gather PREA-related information regarding applicants from prior institutional employers by submitting requests to previous employers. Obtained information will be provided to the Director of Personnel, or his/her designee, and the Warden/Division Director or his/her designee, if applicable.

- D. The Intelligence of Communications Services Director, or his/her designee, is responsible for:
 - 1. Using the following, but not limited applications and databases to conduct background checks:
 - a. The National Crime Information Center (NCIC);
 - b. The Alabama Administrative Office of Courts (AlaCourt);
 - c. The National Data Exchange (N-Dex);
 - d. Alabama's Law Enforcement Tactical System (LETS); and
 - e. Any case management system utilized by Special Services to track and catalog its administrative and criminal investigations.

 - 2. Completing the background check within ten (10) business days of receipt and report the results to the requesting authority in a written memorandum format with a copy to the Director of Personnel, or his/her designee. An extension may be authorized upon request to the Intelligence and Communications Services Director, provided the request is submitted in writing and followed by a verbal confirmation prior to the deadline.

3. Indicate to the Director of Personnel, or his/her designee, if there is an ongoing investigation into an applicant; and
 4. Not retain, copy, or disseminate any specific personal information obtained through any of the external databases from which it sources information.
- E. The Warden/Division Director, or his/her designee, shall conduct a Background Check on all visitors and vendors before they enter ADOC facilities by completing the following steps:
1. Instructing the individual to complete ADOC Form 216-A, *Waiver and Authorization to Release Information* (and have it notarized), ADOC Form 216-B, *Prison Rape Elimination Act (PREA) Compliance*, and ADOC Form 216-C, *Personal Information Sheet*, and reviewing the forms for completeness;
 2. Completing and submitting the ADOC Form 216-D, *NCIC Request Form*, to the Intelligence and Communications Services Director, or his/her designee;
 3. Reviewing any previous work history, PREA-related work information provided by former employers, and the NCIC result to determine if the individual should be approved or denied entry into the facility; and
 4. Ensuring proper documentation on the ADOC Form 216-E, *Background Check Facility Log for Visitors/Vendors/Volunteers*, and maintaining the form on the facility's premises.
- F. The Warden/Division Director, or his/her designee, shall conduct a Background Check on all volunteers, sponsors for inmates on medical furloughs, and all visitors for executions by completing the following steps:
1. Instructing the individual to complete the ADOC Form 216-A, *Waiver and Authorization to Release Information* (and have it notarized), ADOC Form 216-B, *Prison Rape Elimination Act (PREA) Compliance*, and ADOC Form 216-C, *Personal Information Sheet*, and reviewing the forms for completeness;
 2. Forwarding ADOC Form 216-B, *Prison Rape Elimination Act (PREA) Compliance*, to the PREA Director or his/her designee;
 3. Completing and submitting the ADOC Form 216-D, *NCIC Request Form*, to the Intelligence and Communications Services Director, or his/her designee;

4. Reviewing any previous work history, any PREA-related work information provided by former employers, the NCIC results, and the results of the open-source research to determine if the individual should be approved or denied entry into the facility; and
5. Ensuring proper documentation on the ADOC Form 216-E, Background Check *Institution Log for Visitors/Vendors/Volunteers*, and maintain the form on the facility's premises.

VI. DISPOSITION

Any forms used will be disposed of and retained according to the Departmental Records Disposition Authority (RDA).

VII. ANNEXES AND FORMS


- A. ADOC Form 216-A, *Waiver and Authorization to Release Information*
- B. ADOC Form 216-B, *Prison Rape Elimination Act (PREA) Compliance Form*
- C. ADOC Form 216-C, *Personal Information Sheet*
- D. ADOC Form 216-D, *NCIC Request Form*
- E. ADOC Form 216-E, Background Check Master Log
- F. ADOC Form 216-F, *Background Check Institution Log for Visitors/Vendors/Volunteers*

VIII. SUPERSEDES

This Administrative Regulation supersedes Administrative Regulation 216, *Background Investigations*, dated December 7, 2015, and Administrative Regulation 216-1, dated May 24, 2016.

IX. PERFORMANCE

- A. Code of Alabama 1975 § 14-1-1.1 *et seq.*
- B. Ala. Admin. Code r. 650-X-1 *et seq.*
- C. Ala. Admin. Code r. 670-X-.1 *et seq.*



John Q. Hamm
Commissioner

ALABAMA DEPARTMENT OF CORRECTIONS

301 South Ripley Street, Montgomery, AL 36130



WAIVER AND AUTHORIZATION TO RELEASE INFORMATION

TO WHOM IT MAY CONCERN:

This constitutes my consent and authorization for the disclosure or furnishing of any relevant and necessary personal information or records, whether the records are of a public, private, or confidential nature, to the Alabama Department of Corrections (ADOC) by any person, corporation, agency, or association concerning my moral character, education, financial transactions, medical history, employment records, criminal records, driving records, military services records, and any other information as may be relevant and necessary for a determination on my suitability as an employee, volunteer, visitor, vendor, or contract employee with ADOC. I authorize and request the full release of the information, without any reservation, throughout the duration of my association with ADOC. Your reply will be used to assist the ADOC in making a determination on my suitability.

I understand my rights under Title 5, United States Code, Section 552A, the Privacy Act of 1974, and waive those rights with the understanding that information furnished will be used by the Alabama Department of Corrections (ADOC) in conjunction with the department's employment, volunteer, or visitation policies and/or other security matters and that this information is the sole property of the ADOC regardless of the outcomes of this investigation. I fully understand that I shall not be entitled to have disclosed to me the contents of any of the documents, records, and other information provided.

I hereby release the persons, corporations, agencies, associations, and their employees, agents, and representatives both individually and collectively, from any and all liability for damages of whatever kind, which may result because of compliance with this authorization and request.

PRINTED NAME

ALIAS NAMES (Also Known As, Maiden Name or Nicknames)

APPLICANT SIGNATURE

DATE

Sworn to and subscribed before me this _____ day of _____ A.D., 20_____.

Notary Public

My Commission Expires: _____

NOTE: A Photocopy Reproduction of the Request shall be for all intents and Purposes as Valid as the Original. You may Retain this Form in your File