



KAY IVEY
GOVERNOR

State of Alabama Department of Corrections

Alabama Criminal Justice Center
301 South Ripley Street
P. O. Box 301501
Montgomery, AL 36130-1501
(334) 353-3883



JOHN Q. HAMM
COMMISSIONER

May 1, 2023

**ADMINISTRATIVE REGULATION
NUMBER**

419

OPR: CENTRAL RECORDS

LEGAL DOCUMENT DELIVERY AND LEGAL DOCUMENT SERVE AND RETURN

I. GENERAL

This Alabama Department of Corrections (ADOC) Administrative Regulation (AR) establishes administrative procedures for processing and serving legal documents to inmates currently serving in an Alabama correctional facility.

II. POLICY

It is the policy of the ADOC to process and serve legal documents in accordance with all applicable rules of criminal and civil procedure.

III. DEFINITION(S) AND ACRONYM(S)

- A. **CRO:** Central Records Office
- B. **Civil Legal Document:** Refers to documents or pleadings in a civil proceeding, including, but not limited to, court orders, civil subpoenas, or civil complaints.
- C. **Criminal Legal Document:** Refers to documents issued by a court or other law enforcement agency in a criminal proceeding, including, but not limited to, detainers and warrants.
- D. **Issuing Agency:** Law enforcement agency with the authority to issue a hold, detainer, or warrant on an ADOC inmate.

IV. RESPONSIBILITIES

- A. The Director of the Central Records Office (CRO) is responsible for the administration of all legal documents to be served on an inmate, including,

but not limited to, processing and returning documents to an issuing agency as necessary. The Director/Designee will establish a suitable suspense system to ensure timely completion of these actions.

- B. Wardens/Designees are responsible for establishing Standard Operating Procedures (SOPs) for the administration of this regulation.

V. PROCEDURES

- A. Receipt of Legal Documents for Service on an Inmate
 - 1. All legal documents that need to be served on an inmate, including, but not limited to, detainers, warrants, orders, or civil complaints shall be addressed to the ADOC Central Records Office, with the exception of court orders regarding court-ordered payments, which shall be sent to the ADOC Central Accounting Office.
 - 2. The CRO mail clerk will open all mail to determine whether the mail involves legal documents of a criminal or civil matter.
- B. Service of Civil Documents
 - 1. All civil legal documents addressed to the CRO from a court or attorney's office for service on an inmate will be forwarded to the CRO Director/Designee. The CRO Director/Designee will sign the designated area, as applicable; create a cover sheet utilizing ADOC Form 419-A, *Legal Document Delivery Form*; mark the envelope as "Legal Mail;" and then forward the contents along with Form 419-A, *Legal Document Delivery Form*, to the facility where the inmate is currently incarcerated.
 - 2. The facility Mail Clerk will then process the letter as Legal Mail in accordance with AR 448, *Inmate Mail*; make a copy of the Legal Mail Log with the inmate's signature; and return a copy of that log and Form 419-A, *Legal Document Delivery Form*, certifying that the inmate received the letter. All signatures and dates must be accomplished in ink. A pencil is NOT to be utilized.
 - 3. The ADOC officer making delivery will ensure, if the inmate is unable to read, that the documents are read to the inmate and that Form 419-A, *Legal Document Delivery Form*, will so indicate and be witnessed by two (2) other people.
 - 4. The ADOC officer making delivery will ensure, if the inmate is unable to sign his or her name, Form 419-A, *Legal Document*

Delivery Form, so indicates and is witnessed by two (2) other people.

C. Service of Criminal Documents

1. All criminal legal documents addressed to the CRO from a court, clerk, or law enforcement agency for service on an inmate will be forwarded to the Detainer Clerk, who will determine whether it requires notification or service. The Detainer Clerk will create a cover sheet. The CRO Director/Designee will sign the designated area, as applicable; create a cover sheet utilizing ADOC Form 419-A, *Legal Document Delivery Form*; mark the envelope as “Legal Mail;” and then forward the contents along with Form 419-A, *Legal Document Delivery Form*, to the facility where the inmate is currently incarcerated.
 - a. For criminal legal documents that require notice but not service, the Detainer Clerk will create a cover sheet utilizing ADOC Form 419-B, *Placement of Detainer or Hold Letter*. ADOC Form 419-B, *Placement of Detainer or Hold Letter*, as well as a copy of the hold or detainer from the agency will be forwarded via mail.
 - b. For criminal legal documents that require service, the Detainer Clerk will create a cover sheet utilizing ADOC Form 419-C, *Serve and Return Form (Disposition)*. This form, as well as a copy of the legal document, will be sent to the Warden of the facility where the inmate is currently incarcerated.
2. The Warden/Designee will then have the document(s) served on the inmate concerned. This is accomplished by the ADOC Officer executing ADOC Form 419-C, *Serve and Return (Disposition)*, allowing the inmate to view and read the entire contents of the document(s) attached to the form letter. The officer making delivery will ensure, if the inmate is unable to read, that the documents are read to the inmate and that ADOC Form 419-C, *Serve and Return (Disposition)*, will so indicate and be witnessed by two (2) other people.
3. After delivering the letter in this way, the officer will sign and date the form letter and return it with the original document attached to the Warden/Designee for return to the CRO Director. The officer making delivery will ensure, if the inmate is unable to sign his or her name, ADOC Form 419-C, *Serve and Return (Disposition)*, will so indicate and be witnessed by two (2) other people.

- a. If a copy of the document being served is for personal retention by the inmate, it will be indicated on ADOC Form 419-C, *Serve and Return Form (Disposition)*. The inmate must sign his or her name in full and include the date he or she received the same on the bottom portion of the ADOC Form 419-C *Serve and Return Form (Disposition)*.
 - b. If there is no copy to be given to the inmate, ADOC Form 419-C *Serve and Return Form (Disposition)*, will so indicate.
4. All signatures and dates must be in ink.
 5. Upon return of original of executed ADOC Form 419-C, *Serve and Return Form (Disposition)*, and the original document served, the CRO Director will attest to the fact that the document has been served on said inmate and forward them directly to the issuing agency.
 6. The original ADOC Form 419-C, *Serve and Return Form (Disposition)*, will be annotated as to date authenticated and name of the agency to which the legal document was returned.
 7. The CRO Director will have the original ADOC Form 419-C, *Serve and Return Form (Disposition)*, filed in subject's Inmate Central Record File (ICRF) to substantiate that the referenced document was served on the inmate and returned to the requesting (originating) agency.

VI. DISPOSITION

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

VII. FORMS

- A. ADOC Form 419-A, *Legal Document Delivery Form*.
- B. ADOC Form 419-B, *Legal Document Serve and Return Form*.
- C. ADOC Form 419-C, *Legal Document Serve and Return Form (Disposition)*.

VIII. SUPERSEDES

This Administrative Regulation supersedes AR 419, *Legal Document Deliver and Legal Document Serve and Return*, dated April 19, 1985, and any changes.

IX. PERFORMANCE

- A. Alabama Rules of Civil Procedure
- B. Alabama Rules of Criminal Procedure

A handwritten signature in black ink, appearing to read "John Q. Hamm". The signature is written in a cursive, flowing style.

John Q. Hamm
Commissioner

STATE OF ALABAMA
DEPARTMENT OF CORRECTIONS
Legal Document Delivery Form
Central Records Office

Date _____

RE:

Race & Sex:

AIS

County:

Dear Sir:

Please deliver the attached legal document described as: _____
to the subject named above, and have the Officer delivering the papers to sign the Original
of this form in the space provided below indicating the date that the papers were delivered.
RETURN the executed ORIGINAL copy of this form to this office as soon after DELIVERY
of the attached legal document TO THE INMATE FOR HIS PERSONAL RETENTION.

Very Truly Yours,

Director
Central Records Office

Inmate's Custody: _____

Facility: _____

Delivered By: _____

Date Delivered: _____

Signature of Inmate acknowledging receipt of his personal copy: _____

Date: _____

Inmate unable to sign

Documents read to inmate

Witness 1: _____

Witness 2: _____

STATE OF ALABAMA
DEPARTMENT OF CORRECTIONS
Placement of Detainer or Hold Form
Central Records Office

Date: _____

Dear Sir:

Please serve the attached legal document on the subject named below. Have the Officer serving the papers sign the original of this form in the space provided along with the date the papers were served and complete the other data as required. RETURN the executed ORIGINAL copy of this form, with the ORIGINAL COPY OF THE LEGAL DOCUMENT SERVED to this office as soon as possible.

() A copy of the legal document is attached for retention by inmate.

() A copy of the legal document is NOT available for retention by inmate.

RE:
Race & Sex:
County:

Very Truly Yours,

Director
Central Records Office

Inmate's Custody: _____

Facility: _____

Served By: _____

Date Served: _____

Signature of inmate acknowledging receipt/review of his copy of legal document:

(if applicable): _____ Date: _____

STATE OF ALABAMA
DEPARTMENT OF CORRECTIONS
Serve and Return Form (Disposition)
Central Records Office

Date: _____

Dear Sir:

The attached legal documents are forwarded for proper disposition.

Respectfully request that a Correctional Officer present the documents to the indicated inmate and complete Items: 1 through 5 below. Please have the inmate acknowledge receipt by his signature in the space provided and enter the appropriate date.

Please return this original completed document to Central Records Division as soon as possible along with the original legal document that was served.

Please give the inmate a copy of this letter advising him he may request final disposition of this untried indictment, information, or complaint by writing the court and district attorney where these charges are pending.

- () A copy of the legal document is attached for retention by inmate.
- () A copy of the legal document is NOT available for retention by inmate.

Very Truly Yours,

RE:
Race & Sex:
County:

Director
Central Records Office

- 1. Inmate's Custody: _____
- 2. Facility: _____
- 3. Served By: _____
- 4. Date Served: _____

Signature of Inmate acknowledging receipt/review of his copy of legal document:
(If applicable): _____ Date: _____

- 5. I am aware that I may request final disposition of this untried indictment, information or Complaint by writing the court and District Attorney where these charges are pending.

Signature of Inmate: _____ Date: _____

- Inmate unable to sign
- Documents read to inmate

Witness 1: _____
Witness 2: _____

ADOC Form 419-C to AR 419