



KAY IVEY  
GOVERNOR

# State of Alabama Department of Corrections

Alabama Criminal Justice Center  
Research & Planning Division  
301 South Ripley Street  
P. O. Box 301501  
Montgomery, AL 36130-1501  
(334) 353-9541



JEFFERSON S. DUNN  
COMMISSIONER

## PUBLIC RECORDS REQUEST FORM

To conserve taxpayer provided resources, there are policies and procedures governing the orderly production of public records for inspection and reproduction. **All requests for inspection or copy of public records must be made in writing and submitted on this Public Records Request Form.** Read and follow the attached INSTRUCTIONS FOR REQUESTING INSPECTION OR COPY OF PUBLIC RECORDS before submitting this Request. Please complete all information in the fields provided (type or print).

Name of Requesting Party: Tish Gotell Faulks

Organization Name: American Civil Liberties Union Foundation of Alabama

Mailing Address: P.O. Box 6179

Street or P.O. Box

Montgomery AL 36106-0179

City State Zip Code

Telephone Number: (202) 848-1320 Mobile Number: \_\_\_\_\_

E-mail Address: records@americanoversight.org

Description of Record(s) to be viewed and/or copied: Please see attached public records request.

Proposed Use of Records: Please see attached public records request.

(The Alabama Open Records Act and related case law allows state agencies to require a reason be provided to show a direct, legitimate interest in the specific document(s) requested. Your statement should communicate a direct interest in the specific records required (i.e. "I am a student doing a paper on...") and should not be general statements of entitlement (i.e. "I am a Taxpayer" or "It is a public document.")).

**A non-refundable, minimum Processing Fee in the amount of \$25.00 shall be due with submission of this form and must be in the form of cashier's check or money order.** See the attached Instructions for Requesting Inspection or Copy of Public Records for further information on costs and other conditions.

I have read the **INSTRUCTIONS FOR REQUESTING INSPECTION OR COPY OF PUBLIC RECORDS** and agree to the terms and conditions stated therein, including the requirement for advance payment of the minimum Processing Fee, payment for estimated Production Cost, and payment of the final costs prior to production of the requested documents.

/s/ Tish Gotell Faulks  
Signature of Requesting Party  
Tish Gotell Faulks  
Print Name

04/19/2022  
Date of Request

(ADOC recognizes and supports the public's right to inspect and request copies of public records in accordance with state law. Many public records are available on the ADOC website: [www.doc.alabama.gov](http://www.doc.alabama.gov). Therefore, please view the website prior to submitting a request for records as your request may be satisfied by the information contained therein.)

**STATE OF ALABAMA, DEPARTMENT OF CORRECTIONS (“ADOC”)  
INSTRUCTIONS FOR REQUESTING INSPECTION OR COPY OF PUBLIC RECORDS**

Alabama law makes public records available for inspection and/or copy by its citizens, subject to exceptions specified by law (§36-12-40 and 41, Code of Alabama, 1975, as amended). These exceptions generally direct that certain information is privileged or confidential and shall not be disclosed. In the interest of efficiency and conservative economy of taxpayer funds, the following procedure has been established to provide an orderly method for requesting inspection and/or copy of public records that are within the jurisdiction of the ADOC.

**READ THESE INSTRUCTIONS BEFORE PROCEEDING WITH YOUR REQUEST.**

1) Complete the “PUBLIC RECORDS REQUEST FORM and submit it to the ADOC as follows:

Alabama Department of Corrections

**Attn: Research and Planning Division/Public Records**

P.O. Box 301501

Montgomery, Alabama 36130-1501

**The completed Public Records Request Form must be mailed to the post office box listed above, hand delivered to the ADOC central office at 301 S. Ripley Street, Montgomery, Alabama 36104, or emailed to [public.records@doc.alabama.gov](mailto:public.records@doc.alabama.gov). Requests by telephone or fax will not be accepted. A minimum Processing Fee in the amount of \$25.00 in the form of cashier’s check or money order only must accompany the completed Public Records Request Form.**

2) Upon receipt by ADOC of the completed Public Records Request Form and Processing Fee of \$25.00, the ADOC will provide a prompt acknowledgment of receipt of the request, to include any deficiencies, such as, but not limited to: a) a vague, non-specific request, b) an improperly completed form, and c) records not maintained by the ADOC. As soon as the records are located and assessed for costs, an itemized invoice of the estimated Production Cost will be provided to the Requesting Party. Upon receipt of the estimated Production Cost, the ADOC will begin production of the documents. Upon completion, ADOC will provide an itemized invoice of the final Production Cost. No records will be made available to the Requesting Party until the ADOC receives payment of the total costs set forth on the final invoice. The ADOC will attempt to comply with all requests within thirty (30) business days of receipt of final Production Cost. The following are the detailed costs involved in processing Public Records Requests:

**A NON-REFUNDABLE, MINIMUM, PROCESSING FEE IN THE AMOUNT OF \$25.00 WILL BE CHARGED FOR ALL REQUESTS AND WILL BE DUE UPON SUBMISSION OF THE COMPLETED PUBLIC RECORDS REQUEST FORM.** The minimum Processing Fee will cover the first hour of Labor. Any additional Labor cost needed to fulfill the request shall be calculated at the rate of \$23.00 per hour. Partial hours will be rounded to the next full hour. An itemized example of the cost breakdown is shown as follows:

Minimum Processing Fee (includes first hour of labor)	= \$25.00
____ Labor hours @ \$23.00 per hour	= _____
____ black and white pages @ \$.50 per page	= _____
____ color pages @ \$.75 per page	= _____
____ certified pages @ \$1.00 per page	= _____
____ postage @ current rate (\$__x weight ____)	= _____
Total Cost of Production:	= _____
Less: Prepaid Processing Fee	(\$25.00)
Final Payment Due:	\$_____

**Payment for Production Cost shall be made by cashier’s check or money order only and must be received by ADOC before any copies are produced. ADOC will provide a receipt with the documents when produced.** Any payments received by the ADOC in excess of the actual Production Cost will be reimbursed at the time of delivery of the requested documents.

3) Records requested MAY be available for viewing depending on the method in which the records are stored. Certain records are available for copying only because ADOC must print the requested records. If the requested records are available for viewing, the Requesting Party shall be notified when the records are available as explained below and of the estimated cost.

4) If requested records are available for viewing: When notified that the records are available, the Requesting Party should contact the Department of Corrections Research and Planning Division to schedule an appointment to view the records at the location where the records are maintained. Appointments are available between 9AM and 3PM, Monday through Friday, except for holidays. Upon viewing, documents may be identified for copying. Production Cost will apply.



April 19, 2022

**VIA EMAIL & U.S. CERTIFIED MAIL**

Alabama Department of Corrections  
Research & Planning Division  
301 South Ripley Street  
P. O. Box 301501  
Montgomery, AL 36130-1501  
[public.records@doc.alabama.gov](mailto:public.records@doc.alabama.gov)

**Re: Alabama Open Records Act Request**

Dear Records Custodian:

Pursuant to the Alabama Open Records Act, Ala. Code § 36-12-40 *et seq.*, American Civil Liberties Union Foundation of Alabama (ACLU of AL) makes the following request for records. ACLU of AL is a citizen of Alabama that maintains its offices in the city of Montgomery. Please find enclosed the required Processing Fee in the amount of \$25.00 by money order.

Understanding the operations and activities of Alabama state prisons is an important matter of public interest.<sup>1</sup> The ACLU of AL seeks records with the potential to further its understanding of conditions at ADOC facilities.

**Requested Records**

ACLU of AL requests that your office promptly produce the following records:

Any incident report, including attachments, detailing any incident or alleged incident falling within any of the categories listed below, occurring at any of the facilities listed below. Please provide any such incident reports conducted by your agency, a contractor, or that are in your agency's possession.

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<sup>1</sup> See, e.g., Ltr. from U.S. Dep't of Justice to Alabama Governor Kay Ivey, Apr. 2, 2019, <https://www.justice.gov/opa/press-release/file/1150276/download>; Eddie Burkhalter, *DOJ Sues Alabama Over Violence, "Unconstitutional" Conditions in State Prisons*, Ala. Political Reporter, Dec. 9, 2020, <https://www.alreporter.com/2020/12/09/doj-sues-alabama-over-violence-unconstitutional-conditions-in-state-prisons/>.

### **Categories of Incidents**<sup>2,3</sup>

- a) Use of force committed by ADOC staff
- b) Inmate-on-inmate assault
- c) Inmate-on-staff assault
- d) Inmate Suicides Attempted
- e) Inmate Suicides Completed
- f) Inmate-on-inmate nonconsensual sexual acts
- g) Inmate-on-inmate abusive sexual contact
- h) Inmate-on-inmate sexual harassment
- i) Staff sexual misconduct
- j) Staff sexual harassment

### **ADOC Facilities:**

- a) Bullock
- b) Fountain
- c) Donaldson
- d) St. Clair
- e) Kilby
- f) Limestone
- g) Easterling

To the extent that this information is aggregated and maintained in a database or spreadsheet,<sup>4</sup> we would accept as responsive a printout from the database containing fields reflecting the date and key facts of each incident or report.

ACLU of AL does not object to the redaction of names, addresses, or other personally identifying information of incarcerated individuals or non-supervisory ADOC staff members.

2. Any closed investigation report conducted by the Intelligence and Investigations Division into any incident report responsive to part 1 of this request.

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<sup>2</sup> For Criteria a-e, ACLU of AL intends the following categories to be interpreted consistent with however ADOC defines them for its own tracking purposes in its monthly statistical reports, available at <http://www.doc.state.al.us/StatReports>.

<sup>3</sup> For Criteria f-j, ACLU of AL intends the following categories to be interpreted as they are defined in the Prison Rape Elimination Act National Standards at 28 C.F.R. § 115.6 (“National PREA Standards”) (available at <https://www.govinfo.gov/content/pkg/CFR-2012-title28-vol2/pdf/CFR-2012-title28-vol2-part115.pdf>). ACLU of AL requests records reflecting incidents covered by these categories as defined in the National PREA Standards, regardless of whether any or all of ADOC’s records reflect or employ the same terminology.

<sup>4</sup> ACLU of AL requests responsive data in a Microsoft Excel spreadsheet format, to the extent that your agency maintains such data in a database or other format that can be readily exported into such format.

For both parts of this request, please provide all responsive records created between July 31, 2021, to December 31, 2021.

Please notify the ACLU of AL of any anticipated fees or costs in excess of \$100 prior to incurring such costs or fee.

### **Guidance Regarding the Search & Processing of Requested Records**

In connection with its request for records, ACLU of AL provides the following guidance regarding the scope of the records sought and the search and processing of records:

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics.
- In conducting your search, please understand the terms “record,” “document,” and “information” in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind.<sup>5</sup> We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions.
- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.
- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages.
- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.
- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

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<sup>5</sup> See Ala. Code § 41-13-1.

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records in response to this request, please do not hesitate to contact us to discuss this request. **Contact may be made through our counsel, American Oversight; please see the final paragraph of this letter for contact information.** We welcome an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, we can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to ACLU of AL, P.O. Box 6179, Montgomery, AL 36106-0179. If it will accelerate release of responsive records, please also provide responsive material on a rolling basis.

### **Conclusion**

The ACLU of AL is a private, non-profit membership organization dedicated to advancing civil liberties. We therefore share a common mission to promote transparency in government. We look forward to working with your agency on this request. **If you do not understand any part of this request, please contact our counsel, Mehreen Rasheed of American Oversight, at [records@americanoversight.org](mailto:records@americanoversight.org) or (202) 848-1320.**

Sincerely,

*/s/ Tish Gotell Faulks*

Latisha "Tish" Gotell Faulks

Legal Director

American Civil Liberties Union of Alabama

Encl.