



2000-245

STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL

BILL PRYOR
ATTORNEY GENERAL

ALABAMA STATE HOUSE
11 SOUTH UNION STREET
MONTGOMERY, AL 36130
(334) 242-7300
WWW.AGO.STATE.AL.US

September 21, 2000

Honorable Larry Wright, Director
Alabama Criminal Justice Information Center
Post Office Box 300660
Montgomery, Alabama 36130-5201

Criminal Justice Information Center
- Sex Offenders

As a criminal justice agency, the Attorney General's Office may access the Alabama Criminal Justice Information Center's criminal history files and use them to screen applicants for Mentor Alabama.

Dear Mr. Wright:

This opinion of the Attorney General is issued in response to your request on behalf of the Alabama Criminal Justice Information Center.

QUESTION

Whether it is permissible under state law for the Alabama Criminal Justice Information Center ("the ACJIC") to provide information from Alabama's criminal history files or sexual offender files to the Attorney General's Office to be used by the Attorney General's Office in evaluating the suitability of persons to participate in *Mentor Alabama*.

FACTS AND ANALYSIS

On August 17, 2000, Attorney General Bill Pryor announced the institution of Mentor Alabama. This initiative is "a program designed by . . . [the Attorney General's] Office to fight crime by helping Alabama's

at-risk children connect with caring and committed adult role models." In the Attorney General's remarks at the press conference announcing the Mentor Alabama program, he commented, "I established Mentor Alabama to recruit coaches, tutors, and role models for our state's youth to prevent juvenile crime and gang involvement." Statistically, mentored teens are 46% less likely to get into drugs. www.ago.state.al.us/mentor/faq.htm.

Pursuant to the Mentor Alabama program, the Attorney General's Office will serve as a conduit to connect volunteers who wish to serve as mentors with local organizations in their communities that can link them to at-risk youth who can benefit from the mentoring experience. You have asked whether the ACJIC can provide criminal history information to the Attorney General's Office, which will be used by the Attorney General's Office to screen applicants for the Mentor Alabama program.

The ACJIC is tasked with providing "for a uniform crime reporting system for the periodic collection and analysis of crimes reported to any and all criminal justice agencies within the state." ALA. CODE § 41-9-620 (1991). These records contain both the general criminal history files and, more specifically, the sexual offender files mentioned in your letter.

Dissemination of the information collected and maintained by the ACJIC is strictly limited, and the ACJIC is statutorily charged with ensuring that "the information obtained under authority of this article is restricted to the items germane to the implementation of this article; the Alabama Criminal Justice Information Center is administered so as not to accumulate or distribute any information not required by this article; and adequate safeguards are incorporated so that data available through this system is used only by properly authorized persons and agencies." ALA. CODE § 41-9-594 (1999). One of the duties given to the ACJIC is to "[m]ake available, upon request, to all criminal justice agencies in this state . . . any information in the files of the ACJIC **which will aid these agencies in crime fighting**." ALA. CODE § 41-9-621 (1991). "Criminal justice agencies" in this state are defined as "those public agencies at all levels of government which perform as their principal function activities or planning for such activities relating to the identification, apprehension, prosecution, adjudication or rehabilitation of civil, traffic and criminal offenders." ALA. CODE § 41-9-590(1) (1991).

Under state law, the Attorney General is charged with the responsibility, among other things, to "attend, on the part of the state, to all criminal cases pending in the Supreme Court or Court of Criminal Appeals." ALA. CODE § 36-15-1(2) (1999). This duty places the

Honorable Larry Wright
Page 3

Attorney General within the definition of a "criminal justice agency" and serves as a basis for the Attorney General's Office's access to the ACJIC's records.

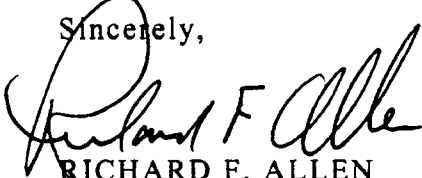
As an agency that is entitled to access the records kept by the ACJIC and, as previously discussed, since Mentor Alabama is a component of the Attorney General's Office's crime-fighting efforts, the Attorney General's Office may access the ACJIC's criminal history files and use them to screen applicants for Mentor Alabama.

CONCLUSION

As a criminal justice agency, the Attorney General's Office may access the ACJIC's criminal history files and, as an aid to fighting crime, use this information to screen applicants for Mentor Alabama.

I hope this opinion answers your question. If this Office can be of further assistance, please contact Troy King of our staff.

Sincerely,



RICHARD F. ALLEN
Chief Deputy Attorney General

RFA/CJS/TRK
27441v1/19038