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# State of Alabama Department of Corrections

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JOHN Q. HAMM  
COMMISSIONER

October 26, 2023

ADMINISTRATIVE REGULATION  
NUMBER 405

OPR: MEN'S AND WOMEN'S  
SERVICES

## INMATE EMERGENCY VISIT, PASS, AND LEAVE PROGRAM

### I. GENERAL

This Alabama Department of Corrections (ADOC) Administrative Regulation (AR) establishes the responsibilities, policies, and procedures for granting visits, passes, leaves, and furloughs for inmates in the physical custody of the ADOC.

### II. POLICY

It is the policy of the ADOC to allow inmate emergency visits, passes, leaves, and furloughs as a privilege earned through the guidelines established in this AR.

### III. DEFINITIONS AND ACRONYMS

- A. **Discretionary Furlough**: A seventy-two (72) hour absence from the institution with an approved sponsor for the purpose of seeking suitable residence, family adjustment, education/training programs or any other reason consistent with the best interest of the public, the inmate, and the ADOC.
- B. **Discretionary Leave**: A thirty-six (36) or forty-eight (48) hour absence from the institution with an approved sponsor for the purpose of seeking suitable residence, family adjustment, education/training program or any other reason consistent with the best interest of the public, the inmate, and the ADOC.
- C. **Discretionary Pass**: A four (4) or eight (8) hour absence from the institution with an approved sponsor for the purpose of interviewing for prospective employment, seeking suitable residence, family adjustment, education/training programs, or other reason consistent with the best interest of the public, the inmate, and the ADOC.

- D. **Escorted Emergency Visit:** The escort of an eligible inmate under circumstances where physical custody and contact is maintained by ADOC correctional officers or sheriff department officials for a prescribed purpose of visitation to specific locations, such as nursing homes, hospitals, and funeral homes. Visits to the funeral home shall be concluded prior to the beginning of the funeral service. Escorted visits are normally one (1) hour in duration. The cost of providing escort officers and transportation shall be borne by the inmate as set forth in Annex D, *Emergency Escorted Visit Cost Instructions*.
- E. **Immediate family member:** For the purpose of this regulation, an immediate family member is a: mother, father, husband, wife, children, brother, sister, grandparent, grandchildren, and half siblings. Stepparents in loco parentis may be considered as the basis for an emergency escorted visit, but only when it has been verified that this individual reared the inmate as a result of death, divorce, desertion, or other absence of a parent. Relationships must be verified from the inmate's institutional file or other documentation deemed acceptable by the Warden.
- F. **In Loco Parentis:** In the absence of the parents. Of, relating to, or acting as a temporary guardian or caretaker of a child, taking on all or some of the responsibilities of a parent.
- G. **Inmate Trust Fund:** An inmate's monetary account held in trust by the ADOC during their term of incarceration.
- H. **Institutional Pass/Leave Committee:** A three-member committee designated by the Warden/Designee to review and recommend an inmate for a visit, pass, leave or furlough.
- I. **Sponsor:** A member of the inmate's immediate family, sheriff's department official or others approved by the Warden/Designee, who shall pick the inmate up at the releasing institution and return the inmate in accordance with established policies and procedures.
- J. **Unescorted Emergency Visit:** A visit by a minimum-community custody inmate for the purpose of visiting an immediate family member in the hospital, nursing home, or to attend a funeral service, normally lasting from one (1) to four (4) hours and not to exceed seventy-two (72) hours.

#### IV. **RESPONSIBILITIES**

- A. The Deputy Commissioners of Men's and Women's Services shall approve or deny an eligible inmate to go on an emergency visit escorted by the sheriff's department.

- B. Regarding an inmate's request for visit, pass, leave, or furlough, the Warden/Designee shall:
1. Approve/deny an inmate's request for an emergency visit, pass, leave, or furlough without regard to race, sex, religion, or origin.
  2. Ensure that all criteria for approval are met in each case.
  3. Thoroughly evaluate the inmate's record and behavior, to include work habits, attitude, and other criteria contained in this AR.
  4. Render a judgment regarding the inmate's chances of successfully completing a visit, pass, leave, or furlough and whether the inmate would pose a risk to the public or jeopardize the program.
  5. Ensure only those inmates who have earned the privilege of participating in the visit, pass, leave, or furlough program through demonstrated performance are approved.
  6. Determine if an inmate's psychological status, security threat group (STG) affiliation, or extenuating circumstances such as notoriety surrounding the inmate's offense, strong community opposition, inclement weather, or insufficient time of notice will necessitate the disapproval of the visit, pass, leave, or furlough.
  7. Monitor all aspects of the visit, pass, leave, and furlough program and ensure the cost of the escorted visit is collected from the inmate prior to the visit.
  8. Notify the Sheriff and/or Chief of Police where the visit, pass, leave, or furlough is to be taken at least seven (7) days prior to granting final approval in each case. For emergency visits, the Sheriff and/or Chief of Police shall be notified via telephone as soon as possible prior to granting final approval. When the sheriff's department is providing inmate escort, notification to his or her office is not required.
  9. Ensure that the sponsor is a member of the inmate's approved visitor list and that Annex A, Letter to the Sponsor, is completed in each case. Exceptions to this requirement may be granted by the Warden/Designee on a case-by-case basis and where fully justified. All exceptions shall be documented, and a copy of the approval shall be placed in the inmate's Central Records file.
  10. Ensure that the sponsor furnishes suitable round-trip transportation from the institution to the place to be visited.

11. Ensure that dates and times of departure and return are accurately recorded on all copies of the ADOC Form 405-C, *Inmate Pass/Leave Request*, and that any tardiness or other rule infraction while on pass/leave are accurately documented and reprimanded.
  12. Ensure that both the sponsor and the inmate are properly briefed on the time limits, authorized distance (no more than 30 miles from the institution on four (4) and eight (8) hour passes), standards of conduct and other requirements prior to the inmate's departure on leave.
  13. Furnish to both the inmate and sponsor a copy of Annex C, *Rules – Inmate Passes and Leaves*.
  14. Develop their institutional Standard Operating Procedures (SOPs) for this AR as needed.
  15. Ensure that all documentation and leave forms are submitted to the Central Records Division.
- C. The Central Records Division Director shall ensure all correspondence, forms, or other matters pertaining to an inmate's pass/leave are properly filed and posted in the inmate's central records file.
- D. The Institutional Pass/Leave Committee shall be responsible for:
1. Confirming and documenting the inmate's custody status.
  2. Documenting any other pertinent information regarding the inmate in the comment section.
  3. Forwarding ADOC Form 405-A, *Emergency Visit Information Sheet*, to the Warden/Designee for review and approval or denial.
  4. Updating ADOC Form 405-D, *Inmate Pass/Leave Request Log*.
- E. The inmate is responsible for complying with the procedures outlined in this AR.

## V. **PROCEDURES**

- A. Emergency Visits Generally:
1. The inmate or the inmate's family will initiate a request for an emergency visit through the Chaplain.
  2. A sheriff may request to escort an inmate on an emergency visit via e-mail or fax to the Warden/Designee.

3. Emergency visits shall not be automatically granted and shall be denied if the visit is not consistent with the best interests of the public, the inmate, and the ADOC.
4. The Warden/Designee shall begin completing the ADOC Form 405-A, *Emergency Visit Information Sheet*, and forward it to the Institutional Pass/Leave Committee for review. The Warden/Designee shall also begin the process for determining the cost of the escorted visit and if the cost can be collected prior to final approval.
5. The Warden/Designee shall review the ADOC Form 405-A, *Emergency Visit Information Sheet*, and the inmate's institutional file and approve or deny the emergency visit, except for escorted emergency visits. The Deputy Commissioner of Men's and Women's Services shall approve or deny emergency visits when the sheriff's office provides escort.
  - a. If the request for the emergency visit is denied, the Warden/Designee shall:
    - (1) Notify the Chaplain, who will then notify the inmate and the inmate's family.
    - (2) Document the reason for the denial and forward the completed ADOC Form 405-A, *Emergency Visit Information Sheet*, to the Institutional Pass/Leave Committee for filing in the inmate's file.
  - b. If the request for an emergency visit is approved:
    - (1) The Chaplain or Warden/Designee shall:
      - i. Confirm the terminal illness or death by calling the hospital, nursing home or funeral home.
      - ii. Confirm the time and location where the body will be available for viewing.
    - (2) The Warden/Designee shall:
      - i. Notify the Shift Commander/Designee who will obtain the appropriate number of Correctional Officer escorts.
      - ii. Complete the ADOC Form 405-A, *Emergency Visit Information Sheet*.

- iii. Notify, by telephone, the appropriate County Sheriff and/or Chief of Police of the date and place of the emergency visit.
  - iv. Notify the inmate's family that the inmate must remain in a prison uniform and in necessary restraint devices during the visit unless the inmate is assigned to Minimum-Community Custody.
6. Escorted Emergency Visits:
- a. When there is a terminal illness or a death of an inmate's immediate family member, the inmate may request an emergency visit to the hospital, nursing home, or funeral home.
  - b. If granted, the inmate shall be escorted in a state vehicle to the hospital, nursing home, or funeral home, and the visit will normally be one (1) hour in duration.
  - c. Escorted emergency visits may be granted to all custody classifications except for Life Without Parole, Death Row, Traffickers, and Close Custody.
  - d. Medium custody inmates and inmates sentenced for rape or child sex crimes must be accompanied by two (2) armed officers. These inmates shall be restrained using handcuffs, waist chains, and leg irons.
  - e. The Warden/Designee has the authority to grant or deny emergency visits. Emergency conditions will be confirmed by the funeral home or attending physician, as applicable.
  - f. The number of escort officers and level of restraint for minimum-community custody inmates shall be at the discretion of the Warden/Designee.
7. Unescorted Emergency Visits:
- a. Emergency visits unescorted may only be granted to minimum-community custody inmates.
  - b. Emergency visits unescorted will not be automatically granted and will be denied if the visit is not consistent with the best interests of the public, the inmate, or ADOC.

- c. The Warden/Designee has authority to grant or deny emergency visits that are unescorted. Emergency conditions shall be confirmed by the funeral home or attending physician, as applicable.
- d. Unescorted emergency visits may be granted for a period of one (1) to four (4) hours. When special circumstances exist, passes beyond four (4) hours may be considered.
- e. The sponsor must pick up the inmate at the institution at which time ADOC personnel shall:
  - (1) Check for proper identification.
  - (2) Counsel the inmate and sponsor on the conditions and standards of the leave.
  - (3) Ensure that the sponsor provides suitable transportation.

B. Passes, Leaves and Furloughs:

1. General:

- a. Discretionary passes, leaves, and furloughs may only be granted to minimum-community custody inmates who have exhibited exceptional behavior, work characteristics, and attitude.
- b. If an inmate has a history of escape, then the inmate shall not be granted a pass, leave, or furlough.
- c. Inmates who have been convicted, currently or previously, of any crime in which there was serious physical injury to a victim(s), as defined in Alabama Criminal Code 3A-1-2(14) (1975), shall not be granted a pass until they are within twenty-four (24) months of their release date or parole consideration date.
- d. The inmate must not have any disciplinary action in the preceding six (6) months.
- e. Sociological and/or psychological data should be considered in determining the degree of public risk in granting passes and leaves/furloughs.
- f. All inmates returning from a pass, visit, or leave shall submit to a drug screening upon returning to the facility.

2. Four (4) and Eight (8) Hour Passes:

- a. Inmates must be at their assigned institution at least ninety (90) days prior to taking their first pass.
  - b. Inmates may not travel more than a thirty (30) mile radius while on pass.
  - c. Four (4) and eight (8) hour passes can be taken on Saturdays and Sundays or scheduled off days.
  - d. Inmates must successfully complete a minimum of four (4) four-hour passes before they are eligible for an eight (8) hour-pass.
3. Thirty-six (36) hour and forty-eight (48) hour leaves and seventy-two (72) hour furlough:
- a. Inmates serving consecutive life sentences are not eligible for thirty-six (36) or forty-eight (48) hour leaves or seventy-two (72) hour furloughs.
  - b. For an inmate to be eligible for a thirty-six (36) hour or forty-eight (48) hour leave, he or she must successfully complete a minimum of four (4) four-hour passes and four (4) eight-hour passes without incident.
  - c. Any inmate receiving disciplinary action will be required to start the process over beginning with the four (4) four-hour passes and meeting all the criteria.
  - d. Thirty-six (36) or forty-eight (48) hour leaves can be taken on Saturdays and Sundays, or scheduled off days, every two (2) weeks.
  - e. Additional criteria for forty-eight (48) hour leave include the following:
    - (1) The inmate must have completed four (4) four-hour and four (4) eight-hour passes and one (1) thirty-six (36) hour pass.
    - (2) The inmate must have a high school diploma, GED, or advanced a grade level at the end of fifty (50) hours of educational session. This shall be verified by the Adult Basic Educator coordinator.
    - (3) The inmate must have participated in the recommended Alcoholics Anonymous/ Narcotics Anonymous program for the past six (6) months uninterrupted.
    - (4) The inmate must not have been fired or terminated from a job in the past nine (9) months.

- (5) The inmate must have shown positive participation in an ADOC or sentencing judge-recommended program.
  - (6) The inmate must be recommended by the Case Load Officer.
  - (7) The inmate must be up to date on all court ordered restitution(s).
  - (8) The inmate must have a twelve (12) months clear record from disciplinaries or citations.
  - (9) The inmate must have approval from supervisor to be off work.
  - (10) Forty-eight (48) hour passes may be taken twice a month.
- f. Seventy-two (72) hour furloughs can be taken on any three (3) consecutive days in which an inmate is not scheduled to work and with the approval of the work supervisor. Seventy-two (72) hour furloughs can only be taken once every 90 days.

4. Requesting a Pass, Leave or Furlough:

- a. The inmate shall submit ADOC Form 405-C, *Inmate Pass/Leave Request*, for a pass, leave or furlough to the Warden/Designee.
- b. Upon receipt of the ADOC Form 405-C, *Inmate Pass/Leave Request*, the Case Load Officer, will complete an ADOC Form 405-B, *Pass/Leave Committee Review Checklist*, and submit the forms to the Institutional Pass/Leave Committee.
- c. The Institutional Pass/Leave Committee shall review ADOC Form 405-B, *Pass/Leave Committee Review Checklist*, and ADOC Form 405-C *Inmate Pass/Leave Request*, update ADOC Form 405-D, *Inmate Pass/Leave Request Log* and provide recommendation(s) to the Warden/Designee.
- d. Upon review of the ADOC Form 405-B, *Pass/Leave Committee Review Checklist*, the Warden/Designee shall approve or deny the inmate's pass, leave, or furlough request.
  - (1) If denied, the Warden/Designee shall:
    - i. Notify the inmate, in writing, of the reason(s) for the denial.
    - ii. Place a completed copy of the denied request in the inmate's institutional file and the original shall be

forwarded to the Director of the Central Records Office for entry into the computer and/or filed in the inmate's central record.

- iii. The inmate must wait ninety (90) days from the date of the denial request before being eligible to submit another request.

(2) If approved, the Warden/Designee shall:

- i. Notify the inmate of the tentative approval.
- ii. Complete the ADOC Form 405-C, *Inmate Pass/Leave Request*.
- iii. Initiate Annex A, *Sample: Letter to the Sponsor*, and forward it to the sponsor for completion without delay.
- iv. Notify the appropriate County Sheriff and/or Chief of Police of tentative approval on Annex B, *Sample: Letter to the Sheriff/Chief of Police*.
- v. Furnish the inmate a copy of the approved leave request and a copy of Annex C, *Rules – Inmate Passes and Leaves*, at the time of departure. The inmate must always retain these forms while he or she is on pass, leave or furlough. The inmate must read and sign the agreement on ADOC Form 405-C, *Inmate Pass/Leave Request*, prior to departure.
- vi. Obtain the signature and other information from the sponsor's statement on ADOC Form 405-C *Inmate Pass/Leave Request*, prior to inmate's departure and furnish the sponsor with a copy of Annex C, *Rules – Inmate Passes and Leaves*.
- vii. Provide necessary counseling to the inmate and his or her sponsor prior to departure.
- viii. Distribute the leave forms and initiate any disciplinary or other action required upon the inmate's return from pass, leave or furlough.

C. Pre-Discretionary Leave is taken at the discretion of the Commissioner and initiated from the Institutional Classification Unit (ICU).

1. The inmate shall submit an ADOC Form 405-C, *Inmate Pass/Leave Request*, form for Pre-Discretionary Leave to the Warden.
2. Upon receipt of the ADOC Form 405-C, the Warden shall complete an ADOC Form 405-B, *Pass/Leave Committee Review Checklist*, and submit the forms to the Institutional Classification Unit.
3. The Institutional Classification Unit shall review the ADOC Form 405-C, *Inmate Pass/Leave Request*, and the ADOC Form 405-B, *Pass/Leave Committee Review Checklist* and provide recommendation(s) and submit to the Central Review Board.
4. The Central Review Board shall review the forms and submit their recommendation to the Commissioner.
5. The Commissioner has final authority for approving the inmates Pre-Discretionary Leave.

**VI. DISPOSITION**

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

**VII. ANNEXES AND FORMS**

- A. Annex A, *Sample: Letter to the Sponsor*.
- B. Annex B, *Sample: Letter to the Sheriff/Chief of Police*.
- C. Annex C, *Rules – Inmate Passes and Leaves*.
- D. Annex D, *Emergency Escort Visit Cost Instructions*.
- E. ADOC Form 405-A, *Emergency Visit Information Sheet*.
- F. ADOC Form 405-B, *Pass/Leave Committee Review Checklist*.
- G. ADOC Form 405-C, *Inmate Pass/Leave Request*.
- H. ADOC Form 405-D, *Inmate Pass/Leave Request Log*.

**VIII. SUPERSEDES**

This Administrative Regulation supersedes AR 405, *Inmate Emergency Visit, Pass, and Leave Program*, dated August 4, 2009, and any changes.

**IX. PERFORMANCE**

- A. Code of Alabama 1975 § 14-1-1.1 *et seq.*
- B. American Correctional Association (ACA), Standards for Adult Correctional Institutions, Fourth Edition, 4-4445 and 4-4502.



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John Q. Hamm  
Commissioner



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COMMISSIONER

## SAMPLE: LETTER TO THE SPONSOR

DATE

Dear \_\_\_\_\_,  
(Sponsor's Name)

This letter serves as notification that \_\_\_\_\_ has applied for a (pass) (leave) of  
(Inmate's Name)

\_\_\_\_\_.

It has been indicated that this absence will be spent with you at \_\_\_\_\_.

You should coordinate this pass or leave with the above-named person at least one (1) week prior to the beginning date. All transportation and costs will be provided by those persons responsible for furnishing same for the individual.

It is requested that you personally appear to pick-up \_\_\_\_\_ at which time you must provide identification and receive counseling concerning the conditions and standards of the pass/leave.

Your cooperation in making our pass/leave program a success is appreciated. Please fill out the following information and return this form immediately in the self-addressed envelope for your convenience.

Sincerely,

\_\_\_\_\_  
(Warden's Signature)

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

\*\*\*\*\*  
For Institutional Use:

Date and Time of Pickup: \_\_\_\_\_  
(Date) (Time)

Date and Time of Return: \_\_\_\_\_  
(Date) (Time)

Cc: Inmate's Institutional File

Annex A to AR 405  
10-2023



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JOHN Q. HAMM  
COMMISSIONER

## SAMPLE: LETTER TO THE SHERIFF/CHIEF OF POLICE

DATE

Dear \_\_\_\_\_  
(Sheriff/Chief of Police)

This is to advise you that the inmate whose name appears below has requested a pass or leave to visit in your area. I have tentatively approved the request.

If the request receives final approval, the individual will be required to deliver a copy of the approved pass or leave form to your office at the beginning of his or her pass or leave.

Thanks for your continued cooperation in these matters of mutual concern.

Sincerely,

\_\_\_\_\_  
(Warden's Signature)

\*\*\*\*\*

Inmate's Name: \_\_\_\_\_

DOB: \_\_\_\_\_

Address to be Visited: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date and Time of Pass or Leave: \_\_\_\_\_  
(Date) (Time)

Name and Address of Sponsor: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

cc: Inmate's Institutional File

Annex B to AR 405  
10-2023