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Prison records must be public

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By **JAKE WATSON**

and **SARAH GERAGHTY** For The Times

Commissioner Allen writes that the department has "bent over backwards to cooperate with the family" of Farron Barksdale and further states that "almost all of the records in possession of the department have been given to the family."

These statements are terribly misleading. The department has given the Barksdale family a handful of medical records and his criminal record. That's all. The department, to this day, refuses to provide any documents related to the death. No incident reports. No investigative reports. No witness statements. No roster of prisoners or officers who witnessed the events leading up to the death. No photographs. Nothing.

During depositions in the Open Records Act litigation filed by Mary Barksdale, the department's attorneys instructed their clients not to answer any questions regarding the death.

On Oct. 6, Montgomery County Circuit Court Judge Eugene W. Reese decided that the department's conduct was in violation of law and ordered Commissioner Allen to comply with the Open Records Act. Judge Reese's order was entirely reasonable, permitting the department to redact sensitive information if the release of such information would pose a security concern or violate any state or federal law.

Even in the face of a court order, however, the commissioner has stubbornly refused to release any records, instead vowing to appeal the ruling.

The department's insistence on hiding records from the public in the Barksdale case is profoundly disappointing. But there is more than just the matter of Barksdale's death at stake here.

The Department of Corrections takes the position that it may forever shield from public view every document in its possession relating to incidents that occur in Alabama prisons. Even in the event of a homicide, stabbing, assault or use of excessive force by an officer, members of the public can never see any documentation from the Department of Corrections.

The department's position in this regard is wrong as a matter of law, wrong from an ethical perspective, and contrary to the ideals of transparency and open government endorsed by Alabama's attorney general.

The Department of Corrections is a public institution, and the public has a right to documents that will permit the public to understand and intelligently consider the department's performance in this and other cases.

We sincerely hope that the department will see the error of its ways and make the requested records public.

Jake Watson is a Huntsville lawyer. Sarah Geraghty is a lawyer for the Southern Center for Human Rights. Reader submissions of 500 words to Community Focus should deal with state or local issues or subjects. Material may be e-mailed to john.ehinger@htimes.com

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