

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

December 16, 1950
Op. No. 50-277

Wilson

Mr. Lon E. Walters, Jr.
Warden, Arizona State Prison
P.O. Box B
Florence, Arizona

n/r

Dear Mr. Walters:

We have your request for our opinion as to the possibility of liability being incurred by giving out information, including pictures, of former inmates of the Arizona State Prison.

There have been several cases filed in the last few years by heirs of deceased individuals claiming that stories or articles dealing with the life of some person have been defamatory to the extent that the heirs have been subjected to humiliation, and they have therefore sought damages from the person or persons responsible for the publication of the article.

While in most instances there would be little possibility of such actions being brought against you individually, there would be the possibility that someone might complain and join you with the writer of some article in such an action.

As to individuals who are in the prison, if they would execute a written consent, this would doubtless relieve you from any possible claim for damages, while as to those who have been discharged or are deceased the descendants would be the interested parties.

There are of course certain records in the prison which are considered to be public documents, and as to those the public has the right to seek and obtain the information that may be contained therein. As to this information there could be no possible liability incurred by you.

It is our opinion that furnishing pictures might very possibly lead to trouble unless the consent of the individual involved or the relatives was first obtained, however, if the information is with reference to an ex-prisoner who is wanted, we believe any information which serves to help in his apprehension could safely be released. As to prisoners who are now deceased or who were incarcerated many years ago, it is our opinion that only the record which appears in the prison as part of the public record of the institution may safely be released to persons applying therefore.

Trusting this answers your inquiry, we are

Very truly yours,

FRED O. WILSON
Attorney General

PERRY M. LING
Chief Assistant
Attorney General