Office of District Attorney
(7th Judicial Circuit -- Calhoun and Cleburne Counties)

Functional Analysis
&
Records Disposition Authority

Presented to the
State Records Commission
October 24, 2012

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Functional and Organizational Analysis of Office of District Attorney

Sources of Information

Representatives of the Offices of District Attorney
Members of the Alabama District Attorney's Association
Code of Alabama 1975, Sections, 12-17-180 et.seq.
Department of Examiners of Public Accounts, Office of District Attorney–Minimum Accounting Requirements (March 2000)
Government Records Division, Alabama Department of Archives and History, Records Retention Schedules for the Office of District Attorney

Agency Organization

Code of Alabama 1975, Section 12-17-180 mandates a district attorney for each judicial circuit in the state be elected by popular election for a six-year term. The district attorney is authorized, under the Code of Alabama 1975, Section 12-17-220, to employ assistant district attorneys, investigators, clerical, secretarial, and other necessary personnel. With the exception of Talladega County, all employees serve at the pleasure of the district attorney. Each of the district attorneys' budgets is funded through a combination of state and county taxes/fees. All district attorneys are required to submit annually an office budget request to the Office of Prosecution Services (OPS). OPS incorporates them into a consolidated budget packet for consideration by the state legislature and oversees the distribution of funds to district attorneys once the unified budget is approved.

Historical Context

The position of district attorney was originally created as the solicitor (Code of Alabama 1852, Chapter IX, Section 721). The solicitor was elected by a joint vote of the general assembly for a four-year term. Code of Alabama 1886, Chapter 2, Section 4244, extended the term of the solicitor to six years. Code of Alabama 1975, Section 12-17-180, changed the name of solicitor to district attorney.

Agency Function and Subfunctions The district attorney is designated by the Alabama legislature as the chief law enforcement official within each judicial circuit. In discharging his/her duties, the district attorney represents the state of Alabama in prosecuting all felony and some misdemeanor offenses committed in the state. The office is one of the agencies primarily involved in carrying out the Law Enforcement function of Alabama government. In the performance of its mandated function, the Office of District Attorney may engage in the following subfunctions:

- **Prosecuting.** Code of Alabama 1975, Section 12-17-184, mandates the district

attorney to draw up all indictments and to prosecute all indictable offenses. These offenses may include, but are not limited to, all violent crimes, capital murder, sexual offenses, rape, child abuse, and other crimes against children. Staff members of the district attorney are also responsible for prosecuting criminal cases involving juveniles. This subfunction reflects activities associated with the investigation of criminal cases, the preparation of pleadings, legal briefs, and memorandums of law, and the presentation of criminal cases to grand juries for possible indictment. Tracking and enforcing the payment of restitution and other court-ordered fines are also part of this subfunction.

- **Assisting Victims.** Staff members of the district attorney provide personal assistance to victims of crimes before, during, and after their cases are processed through the judicial system. Assistance may include providing emotional support, information about victim's rights granted by the Crime Victims' Bill of Rights, and procedures for restitution. District attorneys may also establish a restitution unit for the purpose of monitoring, tracking, and collecting restitution payments.

- **Aiding in the Collection/Prosecution of Worthless Checks.** The Alabama Legislature passed a law in 1984 (Acts 1984, No. 84-704) authorizing district attorneys to establish worthless check units to aid in the collection and/or prosecution of bad checks. Staff members of this unit assist victims of worthless checks with the preparation of required notification letters, the examination of bad checks for statutory requirements for processing, and the collection and distribution of restitution payments.

- **Operating the Drug Treatment Program.** The district attorney's Drug Court Program provides an alternative to incarceration, where a defendant may receive treatment for a drug problem through a court monitored treatment program. A defendant is eligible for the program when charged with (1) possession of marijuana, (2) possession of a controlled substance, or (3) a minor property crime where a drug addiction is a motivating factor in the commission of the crime. The defendant may apply to the Drug Court when arrested. The defendant must enter a guilty plea once approved to participate in the twelve-month drug treatment program. Under the rules of the treatment program, the defendant must be tested for drug/alcohol use on a regular basis, attend treatment and counseling sessions, and be employed full time. If the defendant fails to follow the rules, the district attorney may increase drug testing, request the individual complete some community service activity, extend the treatment program, or terminate the defendant from the program. A defendant who is terminated from the program will be sent to prison immediately.

- **Administering the Pre-Trial Diversion (PTD) Program.** The district attorney's Pre-Trial Diversion (PTD) Program diverts certain first-time nonviolent defendants from the traditional court system into a highly individualized and supervised restorative program. Once accepted, the defendant is required to work, further educational training, perform volunteer work, participate in counseling, and pay restitution if applicable. If the defendant successfully completes the program, the district attorney will

file a Motion to Nolle Pross the Case (the case will not be brought to trial) and there will not be a conviction.

- **Administering Internal Operations.** A significant portion of the agency's work includes general administrative, financial, and personnel activities performed to support the programmatic areas of the agency.

  Managing the Agency: Activities involved in managing the agency may include internal office management activities such as corresponding and communicating; scheduling; meeting; creating policy and procedures; reporting; litigating; legislating (drafting, lobbying, tracking); publicizing and providing information; managing records; and managing information systems and technology.

  Managing Finances: Activities involved in managing finances may include the following: budgeting (preparing and reviewing the budget package, submitting the budget package to the Office of Prosecution Services, documenting amendments and performance of the budget); purchasing (requisitioning and purchasing supplies and equipment, receipting and invoicing for goods, and authorizing payment for products received); accounting for the expenditure, encumbrance, disbursement, and reconciliation of funds through a uniform system of accounting and reporting; authorizing travel; contracting with companies or individuals; bidding for products and services; and assisting in the audit process.

  Managing Human Resources: Activities involved in managing human resources may include the following: recruiting and hiring eligible individuals to fill vacant positions within the agency; providing compensation and benefits to employees; supervising employees (evaluating performance, disciplining, granting leave, and monitoring the accumulation of leave); and providing training and continuing education for employees.

  Managing Properties, Facilities, and Resources: Activities involved in managing properties, facilities, and resources may include the following: inventorying and accounting for non-consumable property, reporting property information to the appropriate authority; constructing buildings and facilities; leasing and/or renting of facilities; providing for security and/or insurance for property; and assigning, inspecting, and maintaining agency property, including vehicles.

Analysis of Record Keeping System and Records Appraisal of the Office of District Attorney

Agency Record Keeping System

Records of most district attorney's offices are mainly generated and stored in paper format. They may also create and maintain electronic databases for their records. An Electronic Data Processing (EDP) accounting system is usually implemented to manage and control the receipt and disbursement of various funds. Some of the larger district attorney's offices have their own websites.

Records Appraisal

The following is a discussion of the two major categories of records created and/or maintained by the Office of District Attorney: Temporary Records and Permanent Records.

I. Temporary Records. Temporary records should be held for what is considered to be their active life and disposed of once all fiscal, legal, and administrative requirements have been met.

- **Criminal Investigation and Prosecution Files.** The district attorney's office of each judicial circuit in Alabama investigates and prosecutes all violations of state laws pertaining to felony charges. These records document all of the activities of each case investigated by the district attorney's office, from the initial complaint through the final disposition of the case. Some of the cases are closed with no prosecution because no criminal activity is revealed. Others may result in out-of-court settlements, a plea of guilty, or trial of the case. A typical file may contain complaint forms, investigation records, criminal histories, forensic science reports, court transcripts, interviews with victims, and copies of pleadings. For cases that do not result in indictment, the files should be retained until the statute of limitations for the crime expires. Records for cases that result in acquittal or death of the defendant may be retained until no longer useful. Cases that result in conviction have legal value in that these files are needed if a case is appealed and must be retried. Much of the information in the files is also available in the court's records.

II. Permanent Records. The Government Records Division recommends the following records as permanent.

- **Meeting Agendas, Minutes, and Packets.** These records document proposed and executed proceedings of the district attorney's program directors and other internal/external committees. This series usually includes an agenda that details business to be considered at the meeting and formal minutes approved by the meeting party. These records are the best source of information about the functions of the district attorney's office.
  (RDA page 9) **(Bibliographic Title: Meeting Agendas, Minutes, and Packets)**

- **Annual Division/Program Reports.** All major divisions/programs within a district

attorney's office may be required to prepare and submit an annual report to the district attorney. Information may include personnel, funding sources, program goals and services, and statistics. The reports document the important activities and achievements of a program. (RDA page 9) **(Bibliographic Title: State Publications)**

- **Informational Publications.** The district attorney's office may design and print informational/promotional publications to communicate with the public regarding various programs or services. Publications may include brochures, newsletters, posters, service application packets, and other materials issued in print that are distributed to the general public. (RDA page 9) **(Bibliographic Title: State Publications)**

Permanent Records List
Office of District Attorney

1. Meeting Agendas, Minutes, and Packets
2. Annual Division/Program Reports
3. Informational Publications

Office of District Attorney Records Disposition Authority

This Records Disposition Authority (RDA) is issued by the State Records Commission under the authority granted by the Code of Alabama 1975, Sections 41-13-5 and 41-13-20 through 21. It was compiled by the Government Records Division, Alabama Department of Archives and History (ADAH), which serves as the commission's staff, in cooperation with the staff of the Alabama District Attorney's Association and District Attorney's Offices. The RDA lists records created and maintained by the Office of District Attorney in carrying out its mandated functions and activities. It establishes retention periods and disposition instructions for those records and provides the legal authority for the office to implement records destruction.

Alabama law requires public officials to create and maintain records that document the business of their offices. These records must be protected from "mutilation, loss, or destruction," so that they may be transferred to an official's successor in office and made available to members of the public. Records must also be kept in accordance with auditing standards approved by the Examiners of Public Accounts (Code of Alabama 1975, Sections 36-12-2, 36-12-4, and 41-5-23). For assistance in implementing this RDA, or for advice on records disposition or other records management concerns, contact the ADAH Government Records Division at (334) 242-4452.

Explanation of Records Requirements

- This RDA supersedes any previous records disposition schedules governing the retention of the Office of District Attorney's records. Copies of superseded schedules are no longer valid and should be discarded.

- This RDA shall govern the disposition of all records, regardless of format, created by the agency from its creation to dissolution. Please contact the staff of the Department of Archives and History before destroying any records created before 1940.

- The RDA establishes retention and disposition instructions for records listed below, regardless of the medium on which those records may be kept. Electronic mail, for example, is a communications tool that may record permanent or temporary information. As for records in any other format, the retention periods for e-mail records are governed by the requirements of the subfunctions to which the records belong.

- Certain records and record-related materials need not be retained as records under the disposition requirements in this RDA. Such materials include: (1) duplicate record copies that do not require official action, so long as the creating office maintains the original record for the period required; (2) catalogs, trade journals, and other publications received that require no action and do not document government activities; (3) stocks of blank stationery, blank forms, or other surplus materials that are not subject to audit and have become obsolete; (4) transitory records, which are temporary records created for short-term internal purposes that may include, but are not limited to: telephone call-back messages; drafts of ordinary documents not needed for their evidential value; copies of material sent for information purposes but not needed by the receiving office for future business; and internal

communications about social activities. They may be disposed of without documentation of destruction.

Records Disposition Requirements

This section of the RDA is arranged by subfunctions of the Office of District Attorney and lists the groups of records created and/or maintained by the office as a result of activities and transactions performed in carrying out these subfunctions. The office may submit requests to revise specific records disposition requirements to the State Records Commission for consideration at its regular quarterly meetings.

■ **Prosecuting**:

Criminal Investigation and Prosecution Case Files
Disposition: Temporary Record.
Cases that do not result in indictment: Retain until statute of limitations for crime expires.
Cases that result in acquittal or death of defendants: Retain until no longer useful.
Cases that result in conviction: Retain 3 years after the appeal process or the sentence is completed.

Criminal Exhibits of Evidence that have not been released to their original owner(s) by court order and are not contraband or firearms
Disposition: Temporary Record. Disposed of upon written consent of the District Attorney and the Judge who presided over the trial of the case. If the Judge who presided over the case is retired or no longer active, the consent of the current presiding Judge may be obtained in lieu of the trial Judge's consent.

Records documenting the tracking and enforcement of restitution payments or other court-ordered fines
Disposition: Temporary Record. Retain until fine is paid in full.

■ **Assisting Victims**

Victim Service Case Files
Disposition: Temporary Record. Retain 10 years after the end of the fiscal year in which the case is closed.

■ **Aiding in the Collection/Prosecution of Worthless Checks**

Worthless Check Case Files
Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the case is closed.

■ Operating the Drug Treatment Program

Drug Treatment Program Case Files
Disposition: Temporary Record. Retain 5 years after the end of the fiscal year in which the case is closed.

■ Administering the Pre-Trial Diversion Program

Pre-Trial Diversion Program Case Files
Disposition: Temporary Record. Retain 10 years after the end of the fiscal year in which the case is closed.

Pre-Trial Diversion Program Successful Completion Logs
Disposition: Temporary Record. Retain for useful life.

Pre-Trial Diversion Program Application Logs
Disposition: Temporary Record. Retain for useful life.

Pre-Trial Diversion Program Restitution Logs
Disposition: Temporary Record. Retain for useful life.

Pre-Trial Diversion Program Counseling Files
Disposition: Temporary Record. Retain 10 years after the end of the fiscal year in which the case is closed.

■ Administering Internal Operations:

Managing the Agency:
MEETING AGENDAS, MINUTES, AND PACKETS
Disposition: PERMANENT RECORD.

ANNUAL DIVISION/PROGRAM REPORTS
Disposition: PERMANENT RECORD.

INFORMATIONAL PUBLICATIONS
Disposition: PERMANENT RECORD.

Monthly Division/Program Activity Narrative/Statistical Reports
Disposition: Temporary Record. Retain 1 year.

Routine Correspondence/Memoranda
Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Administrative Reference Files
Disposition: Temporary Record. Retain for useful life.

Records documenting the implementation of the agency's approved RDA (copies of transmittal forms to the Archives and the State Records Center, evidence of obsolete records destroyed, and annual reports to the State Records Commission)
Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Copies of RDA
Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the RDA is superseded.

Computer systems documentation (hardware/ software manuals and diskettes, warranties)
Disposition: Temporary Record. Retain documentation of former system 3 years after the end of the fiscal year in which the former hardware and software no longer exists anywhere in the agency and all permanent records have been migrated to a new system.

Managing Finances:
Records documenting the preparation of a budget package and reporting of the status of funds, requesting amendments of allotments, and reporting program performance
Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting the requisitioning and purchasing of supplies and equipment, receipting and invoicing for goods, and authorizing payment for products
Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records of original entry or routine accounting transactions, such as journals, registers, and ledgers and funds deposited inside/outside the state treasury
Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting requests for authorization from supervisors to travel on official business either within or outside the state, and other related materials, such as travel reimbursement forms and itineraries
Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting contracts for services or personal property
Disposition: Temporary Record. Retain 6 years after expiration of the contract.

Records documenting the bid process, including requests for proposals and unsuccessful responses
Disposition: Temporary Record. Retain 7 years after the end of the fiscal year in which the bids were opened.

Audit Reports
Disposition: Temporary Record. Retain 6 years after the end of the fiscal year in which the records were created.

Managing Human Resources:
Position Classification Files
Disposition: Temporary Record. Retain 4 years after position is reclassified.

Application Materials
Disposition: Temporary Record. Retain 1 year.

Records documenting payroll (e.g. pre-payroll reports, payroll check registers)
Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting payroll deduction authorizations
Disposition: Temporary Record. Retain 6 years after separation of the employee from the agency.

Records documenting payroll deductions for tax purposes (including Form 941)
Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting an employee's work history - generally maintained as a case file
Disposition: Temporary Record. Retain 6 years after separation of employee from the agency.

Records documenting an employee's hours worked, leave earned, and leave taken (including time sheets)
Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting sick leave donations
Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records of final leave status (cumulative leave)
Disposition: Temporary Record. Retain 6 years after separation of employee from the agency.

Employee Flexible Benefits Plan Files
Disposition: Temporary Record. General information -- Retain until superseded.
Other (applications, correspondence) -- Retain 6 years.

State Employee Injury Compensation Trust Fund Files
Disposition: Temporary Record. Retain 6 years after separation of the employee from the agency.

Equal Employment Opportunity Commission Case Files
Disposition: Temporary Record. Retain 3 years.

Managing Properties, Facilities, and Resources:

Semiannual Inventory Lists
Disposition: Retain in office. (Code of Alabama 1975, Section 36-16-8 [1]).

Transfer of State Property Forms (SD-1) (Agency copies)
Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Property Inventory Cards and/or Computer Files
Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the items were removed from inventory.

Receipts of Responsibility for Property
Disposition: Temporary Record. Retain until return of item to property manager.

Real Property Leasing/Renting Records
Disposition: Temporary Record. Retain 6 years after expiration of the lease.

Facilities/Building Security Records (including visitor logs)
Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Motor Pool Vehicle Use Records
Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Insurance Policies/Risk Management Records
Disposition: Temporary Record. Retain 6 years after termination of policy or membership.

Building Maintenance Work Orders
Disposition: Temporary Record. Retain 1 year.

Requirement and Recommendations for Implementing the Records Disposition Authority

Under the Code of Alabama 1975, Section 41-13-21, "no state officer or agency head shall cause any state record to be destroyed or otherwise disposed of without first obtaining approval of the State Records Commission." This Records Disposition Authority constitutes authorization by the State Records Commission for the disposition of the records of the Office of District Attorney as stipulated in this document.

One condition of this authorization is that the agency submit an annual Records Disposition Authority (RDA) Implementation Report on agency records management activities, including documentation of records destruction, to the State Records Commission in October of each year. In addition, the agency should make every effort to establish and maintain a quality record-keeping

program through the following activities:

- The agency should designate a records liaison, who is responsible for: ensuring the development of quality record keeping systems that meet the business and legal needs of the agency, coordinating the transfer and destruction of records, ensuring that permanent records held on alternative storage media (such as microforms and digital imaging systems) are maintained in compliance with national and state standards, and ensuring the regular implementation of the agency's approved RDA.

- Permanent records in the agency's custody should be maintained under proper intellectual control and in an environment that will ensure their physical order and preservation.

- Destruction of temporary records, as authorized in this RDA, should occur agency-wide on a regular basis–for example, after the successful completion of an audit, at the end of an administration, or at the end of a fiscal year.

- Despite the RDA's provisions, no record should be destroyed that is necessary to comply with requirements of the state Sunset Act, audit requirements, or any legal notice or subpoena. The agency should maintain full documentation of any computerized record-keeping system it employs. It should develop procedures for: (1) backing up all permanent records held in electronic format; (2) storing a back-up copy off-site; and (3) migrating all permanent records when the system is upgraded or replaced. If the agency chooses to maintain permanent records solely in electronic format, it is committed to funding any system upgrades and migration strategies necessary to ensure the records' permanent preservation and accessibility.

- Electronic mail contain permanent, temporary, or transitory record information. Although e-mail records can be printed out, filed, and retained according to the RDA's requirements, the division should preferably employ an electronic records management system capable of sorting e-mail into folders and archiving messages having long-term value.

- The staff of the State Records Commission or the Examiners of Public Accounts may examine the condition of the permanent records maintained in the custody of the agency and inspect records destruction documentation. Government Records Division archivists are available to assist agency staff in RDA implementation and in implementing a records management program.

The State Records Commission adopted this records disposition authority on October 24, 2012.

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Steve Murray, Chairman Date
State Records Commission

Receipt acknowledged:

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Brian A. McVeigh, District Attorney Date
7th Judicial Circuit of Alabama (Calhoun and Cleburne Countries)