

# **Alabama Board of Pardons and Paroles**



## **Functional Analysis & Records Disposition Authority**

**Revision  
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# **Functional and Organizational Analysis of the Alabama Board of Pardons and Paroles**

## **Sources of Information**

Representatives of the Alabama Board of Pardons and Paroles  
Constitution of 1901, Article V, Section 124, and Amendment 38  
Constitution of 1875, Article V, Section 12  
*Code of Alabama*, 1975, §§ 12-15-34.1, and 15-22-1 through 15-22-115  
*Code of Alabama*, 1940, §§ 1 through 18 and 19 through 26  
*Code of Alabama*, 1907, Chapter 265, §§ 7510 through 7516  
*Code of Alabama*, 1896, Chapter 185, §§ 5451 through 5462  
*Acts of Alabama*, 1919, No. 161  
*Alabama Government Manual* (1998)  
Annual Report, FY2013  
Annual Report, FY2014  
Annual Report, FY2015  
Annual Report, FY2016  
Archives Division State Agency Files (1985-ongoing)  
Holdings of the Department of Archives and History for the Board of Pardons and Paroles

## **Historical Context**

The legislature passed Alabama's first parole law in 1897. The law authorized the governor to discharge an inmate and suspend a sentence without granting a pardon. The law also authorized the governor to prescribe the terms upon which an inmate so paroled should have a sentence suspended and to secure the re-arrest and re-imprisonment of any parolee who failed to observe the conditions of parole. Prior to this law, the only legal means of releasing an inmate before the expiration of the sentence was by a pardon granted by the governor under authority of Article V, Section 12, of the Constitution of 1875.

Article V of the Constitution of 1901 re-affirmed the governor's power to grant pardons and paroles. However, it also provided for the establishment of a Board of Pardons and Paroles composed of the attorney general, the state auditor, and the secretary of state to advise the governor on parole and clemency matters.

Further authority, enacted by the legislature in 1919, provided for the imposition of indeterminate sentences upon certain persons convicted of felonies and for the parole of such persons at the expiration of the minimum sentence by the Board of Pardons and Paroles without the approval of the governor. This act was repealed in 1939 and now only definite sentences are authorized.

In 1935, the governor created by executive order the Alabama Parole Bureau to make an independent study of inmates confined in the prisons of Alabama and to recommend to the governor those worthy of test paroles. The bureau was composed of a chairman, an associate member, and a secretary. Only one parole officer was provided to investigate and supervise the inmates.

On July 11, 1939, constitutional amendment No. 38 was adopted, providing for the removal of the pardoning and paroling authority from the governor and placing it in the hands of the legislature. The amendment also authorized the legislature to enable the courts to suspend sentences and order probation. The legislature passed an enabling act in August 1939 providing for the creation of a three-member State Board of Pardons and Paroles with complete and final authority in matters of pardons, paroles, restoration of civil and political rights, and remissions of fines and forfeitures. The legislature also charged the Board with overseeing the supervision of offenders released on parole by its parole officers, as well as authorized the courts to order probation and charged the Board with overseeing probation officers serving the courts and supervising offenders placed on probation. This act was subsequently amended in 1951 (Code of Alabama, Title 42, as amended). The present statutory authority is Title 15, Code of Alabama 1975, as amended. The three original members of the Board were appointed on September 1, 1939, for staggered terms of two, four, and six years. All subsequent terms are for six years. The Board appointed thirteen probation and parole officers on October 1, 1939.

The organization and basic functions of the Board of Pardons and Paroles have changed little since the 1951 revision code, although Act 2015-185 substantially reformed the agency's supervision practices, increased officer staffing levels, provided a means for the Board to provide evidence-based programming and treatment to supervised offenders, and enabled the Board to conduct business and measure outcomes more efficiently. The Board currently employs approximately 250 supervising probation and parole officers, who serve the dual function of overseeing the community supervision of probationers for the courts and parolees for the Board (over 64,000 adult offenders on an annual basis). The number of supervising officers and offenders under supervision, as well as types of programming and services provided by the Board, should increase over the next few years with the effectiveness of Act 2015-185 and sustained funding.

## **Agency Organization**

The Board consists of three members, one of whom is designated as chairman by the governor. The governor appoints each member, with the advice and consent of the Senate, from a list of three qualified persons elected by majority vote of a nominating board. The governor also appoints individuals to fill vacancies occurring on the Board from a list of qualified individuals provided by the nominating board. The nominating board consists of the Chief Justice of the Supreme Court as chairman, the presiding judge of the Criminal Court of Appeals, and the Lieutenant Governor, the Speaker of the House, and the President Pro Tempore of the Senate

Members of the Board of Pardons and Paroles devote full time to their positions and may hold no other office for profit. They serve six-year staggered terms and may be removed by impeachment

or for physical or mental disability as determined by the Montgomery County Circuit Court. The Board meets at the call of the chairman or as determined by its rules. A quorum consists of two members, except that all three members must hear a case, which involves: a vote on a pardon for a person based on innocence; a vote on a pardon based on innocence for a person whose sentence to death has been commuted; or, a vote on the parole case of an inmate who committed a violent offense and has not served one-third of his sentence or ten years, whichever is less.

The Board appoints an executive director to supervise the work of the department with support from two assistant directors. Currently, the Board's administrative staff is organized into nine divisions and units. The Field Services Division supervise the agency's thirteen districts, housing sixty-one (61) field offices, which are responsible for supervising all parolees and probationers within the state, as well as overseeing the Board's LIFE Tech program and special projects, such as the Board's Day Reporting Centers and ACEs probation program.

## **Agency Function and Subfunctions**

The mandated function of the Board of Pardons and Paroles is to determine which inmates serving sentences in jails and prisons may be released on parole and under what conditions. The Board also supervises all prisoners released on parole and those placed on probation by the courts. Supervision generally includes: performing risk and needs assessments/re-assessments to determine the intensity of supervision required and to address identified needs of individuals under supervision; connecting individuals under supervision with resources for needed programming, treatment, and services to foster successful supervision/reentry; monitoring supervised offenders to determine whether the terms and conditions of parole or probation are being followed; deciding/recommending what response is made to violations depending on the nature and severity; and assisting the parolee (or probationer) in finding employment, housing, community support, etc. The Board also grants pardons and/or restores civil and political rights, including voting rights, through a streamlined process to those showing evidence of rehabilitation.

The Board is a law enforcement agency, with its officers holding arrest powers, and one of the agencies responsible for performing the Law Enforcement and Emergency Powers function of Alabama government.

In the performance of its mandated function, the Board of Pardons and Paroles may engage in the following subfunctions.

- **Pardoning and Paroling.** The Board of Pardons and Paroles creates a file on all parole-eligible individuals who are sentenced to prison. The Board uses this file to schedule a date when the prisoner might be eligible for parole. This date is the parole consideration docket date. Parole is the conditional release of an inmate serving an indeterminate (not precisely defined) or unexpired prison sentence. The inmate must serve a minimum term as either required by statute or by guideline settings (generally ten years, one-third of a sentence, or other guideline set) prior to being docketed for a parole hearing. Prior to the Board's hearing, an assigned Board employee (Institutional Parole

Officer) conducts a pre-parole investigation and submits a written report to evaluate whether the inmate should be released and on what conditions. This report becomes part of a parole case file that each Board member reviews prior to the Board decision.

Thirty days prior to the hearing date, written or electronic notification of a parole hearing is sent to the victim or the victim's immediate family, or other interested individual after the Board has received a request through the automated victim notification system, as well as notice to the following officials: the attorney general, the chief of police in the city where the crime occurred, the sheriff of the county where the crime occurred, the district attorney who prosecuted the case, and the judge who presided over the case (or a judge in the circuit, if the judge is no longer serving), and the Alabama Crime Victims Compensation Commission. These individuals may either appear before the Board or provide their views in writing to the Board.

A possible action of the Board of Pardons and Paroles is to conditionally transfer an inmate to the authorities of the federal government or any other jurisdiction entitled to custody to answer pending charges or begin serving a sentence in response to a properly filed detainer. Conditional transfers are considered as part of a regular weekly docket. Before executing a transfer order, the Board requests confirmation from the jurisdiction filing the detainer that it will assume custody and will agree to return the prisoner to the Alabama prison system once the detainer is satisfied.

Individuals who have been convicted of an offense, which takes away civil and political rights, excluding treason and impeachment and cases in which a sentence of death is imposed and not commuted, and have completed probation or completed three successful years on parole are eligible to apply to be considered for pardon and/or restoration of rights. The Board is also required to assess non-violent parolees every two years for early discharge, if they have satisfied monetary obligations and have not been revoked. Individuals who are assessed a fine may apply for a reduction in the amount of the fine or for release (remission) from the obligation of paying the total fine. The Board considers applications for pardons, restoration of rights, and remittance of fines and forfeitures, as well as early discharge recommendations, at its weekly meetings. The Board is subject to the same notification requirements for pardons, restorations of rights, remissions of fines and forfeitures as in the parole context.

- **Supervising.** By law, the Board's probation and parole officers supervise all parolees and probationers within the state until the expiration of the parole/probation term and the discharge of the parolee, unless the Board pardons an individual on parole after three successful years or early discharges a non-violent parolee. The Board performs this duty through its field offices. To fund this supervision, parolees and probationers with an income pay \$40.00 a month to the Board as reimbursement. The bulk of supervision handled by the field offices are for the courts, which may suspend a sentence and place an offender on probation. Violation of probation, or delinquency, may result in the imposition of a suspended prison sentence or split sentence. Based on a validated risk/needs assessment instrument, the Board determines the appropriate level of

supervision for offenders on each officer's caseload. Alabama law establishes a recommended maximum 20 active, high risk offender case load. Intensive supervision, including electronic monitoring, day reporting, etc. carries additional fees, also with exception for indigence.

The Board's probation and parole officers or specialists are required by law to complete a pre-sentence or post-sentence investigation on every felony offender, which may affect the individual's sentence or prison classification if sentenced to prison. This investigation consists of information gathered by the parole/probation officer on the criminal history, current charges, and personal data about the offender from various sources. Other types of investigations affecting parole decision-making, sentencing, and placement on probation may be conducted by the agency's officers/specialists, including: pre-probation, preliminary (for parole evaluation), or youthful offender (for individual qualifying under Alabama Code Section 12-15-34.1).

Parole and probation officers record supervision contacts in the agency's system regularly (minimum once a month) to document the status of parolees and probationers. Should a parolee/probationer violate the conditions of parole/probation, a violation or delinquency report is sent to the Board or probation court as applicable. On receipt of a violation report for a parolee, the Board notifies the Department of Corrections and instructs it to issue a warrant for the re-arrest and detainment of the parolee. The Board conducts a parole court, utilizing a hearing officer, who reports and makes a recommendation to the Board, which determines whether to revoke or reinstate parole. Similarly, the probation court itself holds a violation hearing concerning reported probation violations and determines whether to revoke or reinstate probation. Act 2015-185 imposed intermediate and administrative sanctions available to both the Board, its officers, and the probation court, as well as revocation caps on the Board and the court to address with technical violations.

The state of Alabama participates in the Interstate Compact whereby parolees and probationers are permitted to reside in any other state party to the compact. Parolees and probationers, who wish to live and work in another state and be supervised by that state, may apply to the Board for permission to serve their parole or probationary period in that state. Upon consent of the receiving state, the Board may allow the parolee or probationer to move. The Agency uses the Interstate Compact Offender Tracking System (ICOTIS), a web-based database application, that allows Interstate Compact member states to facilitate the adult parole and probation transfer process and other adult parole/probation case based activities. A \$75.00 transfer application fee is required, with an available hardship exemption.

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

**Managing the Agency:** Activities include internal office management activities

common to most government agencies such as corresponding and communicating, scheduling, meeting, documenting policy and procedures, reporting, litigating, legislating (drafting, tracking), publicizing and providing information, managing records, and managing information systems and technology.

**Managing Finances:** Activities include budgeting (preparing and reviewing budget package, submitting the budget package to the Department of Finance, 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 within the agency's budget 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 include recruiting and hiring eligible individuals to fill positions within the agency; providing compensation to employees; providing benefits to employees such as leave, health insurance, unemployment compensation, worker's compensation, injury compensation, retirement, and death benefits; supervising employees by evaluating performance, granting leave, and monitoring the accumulation of leave; training and providing continuing education for employees; investigating and disciplining.

**Managing Properties, Facilities, and Resources:** Activities include inventorying and accounting for non-consumable property and reporting property information to the appropriate authority; leasing and/or renting offices or facilities; providing security for property managed by the agency; insuring property; and assigning, inspecting and maintaining agency property.

# **Analysis of Record Keeping System and Records Appraisal of the Alabama Board of Pardons and Paroles**

## **Agency Record Keeping System**

The Board of Pardons and Paroles operates a hybrid system composed of paper and electronic records.

**Paper-Based System:** Staff members in Board Operations create and maintain many agency parole consideration and pardon records in paper form, which are color coded and organized in the Central Office for active cases. These files mirror and incorporate information from the agency's computer system for the Board. Some records are created using the computer system and printed to be included in the paper file. The filing system is by AIS #, an inmate identification number created by the Department of Corrections.

The Board routinely transfers its closed files to the State Records Center. For any correspondence received by the agency on a closed file, not physically located at the Central Office, the agency scans the records to an electronic, searchable, filing system, organized by inmate AIS #, maintained in Board Operations and disposes of hard copies.

The field offices continue to rely on paper files to conduct supervision of offenders. The agency's automated system for field files identifies offenders through a PR #, an agency generated identification number for supervised offenders. All hard files in the office are in alphabetical order. The face sheet, a screen in the agency's computer system, provides a quick reference to supervised cases and supervision notes are housed in this system, along with other pertinent information, some of which is printed for inclusion in the paper file.

**Computer Systems:** The Board of Pardons and Paroles operates a Local Area Network (LAN) to provide computing capabilities for the staff.

Personal computers used by staff feature vSpace Server desktop virtualization software with User eXtension Protocol (UXP), all connected to a central, local shared server. Each field office has its own host vSpace server. The Central Office has five servers that host the vSpace environment. All printers are stand-alone, although the server has print sharing capabilities. The computer devices run on the Windows operating system. All Microsoft products are accessed using Microsoft Office 365 licenses. Department electronic files are stored as "personal files," and those files remain on the shared local servers until an employee's account is deleted. If an employee is transferred to another location, their files are sent to the new local shared server. For employees who separate from the agency, their files will be archived to the agency's Storage Area Network (SAN). These local servers are generally backed up nightly for the Central Office to the AOC SAN, and for field offices the files that run on the local shared server C drive are backed up nightly.

Certain agency employees are additionally issued laptops to conduct agency business, running a

Windows platform and using Microsoft Office products. Likewise, certain agency employees are issued smartphones, i.e. iPhones or Droids. Agency issued smart phones do not contain any agency specific applications and are set up to auto-update with phone provider OS releases.

The agency's e-mail system is hosted by Alabama Office of Information Technology (OIT). There is no systematic back up process in place for the current e-mail system, but upon request OIT can perform a 30-day back recovery process based on its own retention policies. For employees separating from the agency, OIT e-mail boxes are downloaded and stored on the agency's file server by the IT Division in case recovery is needed for the future. Agency e-mails forwarded to agency issued phones are stored on the e-mail Exchange server.

The agency maintains a SharePoint site to post agency-wide information and announcements. This site is also hosted by OIT and is backed up by the agency's IT Division.

The agency uses the databases and electronic systems enumerated below to perform its functions. Unless otherwise notated, each is backed up nightly to AOC's Storage Area Network (SAN):

- Passport (SJIS), the agency's mainframe, case management and docketing system, also including court information, which is housed and administered by the Administrative Office of Courts (AOC) for the agency. The agency periodically takes data "snap shots" of this system, stored nightly in the agency's database to track trends and capture some historical system data.
- E-PSI, a web-based application used by officers to produce and store electronic pre-sentence investigations and other investigations performed for the Board and the courts in PDF format.
- Imaging system database.
- IronHorse, a web-based, internal system used to process and track vehicle maintenance records for the agency's fleet, as well as to capture statistical information from the field.
- Local Access databases to capture agency functions; backed up daily.
- A shared drive to house the agency's Legal Operations to store correspondence received on closed parole case files; backed up daily.
- Separate folders designated specifically for the agency's Personnel and Accounting divisions; backed up daily to AOC's SAN, as well as a web-based case management system.
- The Interstate Compact Offender Tracking System (ICOTS), a web-based system that facilitates the transfer of supervision for probationers and parolees from one state to another to process out-of-state transfer requests and manage offender data; owned by the Interstate Commission for Adult Offender Supervision (ICAOS) with servers housed in

Kentucky and California.

The Board maintains a Website at <http://www.pardons.state.al.us>.

## Records Appraisal

The following is a discussion of the two major categories of records created and/or maintained by the Alabama Board of Pardons and Paroles: Temporary Records and Permanent Records.

**I. Temporary Records.** Temporary records should be held for what is considered their active life and disposed of once all fiscal, legal, and administrative requirements have been met. Some of the temporary records created by the Board are discussed below.

- **Parole and Pardon Case Files (Board Files).** These files originate in the central office and differ from the field files. They are created by the Board when an individual comes up for consideration for parole/pardon. Previously, the retention was “retain 50 years after discharge of parolee or other release of inmate” based on the administrative needs of the Board. The recommended retention “30 years from case closure due to inactive status, excluding case closure related to death,” still meets the continued value of the file in the event of the return of the parolee/probationer into the inmate population. The potential return of the parolee/probationer to the inmate population after 30 years of inactivity is negligible. Upon death, the retention is “retain 2 years from verification of death and case closure due to inactive status.” This retention meets the 2-year statute of limitation for wrongful death.
- **Parole and Probation Case Files (Field Files).** These files document all activity relating to the monitoring of an individual for the duration of parole/probation. Previously, the retention was “retain 50 years” based on the administrative needs of the Board. The recommended retention “30 years from case closure due to inactive status, excluding case closure related to death,” still meets the continued value of the file in the event of the return of the parolee/probationer into the inmate population. The potential return of the parolee/probationer to the inmate population after 30 years of inactivity is negligible.

These records are located at the field offices and may be purged of routine information upon the discharge of the individual with a core set of documentation maintained for 30 years from case closure due to inactive status, excluding case closure related to death. Upon death, the retention is “retain 2 years from verification of death and case closure due to inactive status.” This retention meets the 2-year statute of limitation for wrongful death.

The retention of core documentation for “30 years from case closure due to inactive status, excluding case closure related to death,” allows continued use of the case files for those who re-enter the system. Those items that are not considered routine and may NOT be purged after case closure should be labeled “do not purge” and may include the

following information:

- One copy of each Investigation Report (Youthful Offender, Pre-Sentence, Post-Sentence, or Preliminary, Legal Facts, Personal History)
- One copy of subject's Case Plan
- One copy of the most current Rules Packet with Signatures
- One copy of the Order of Parole/Probation
- One copy of police reports for each case (if available)
- One copy of transcript for each case
- One copy of District Attorney's Legal Facts for each case
- One copy of each Delinquency Report, Notice of Violation, Memorandums or official communications to the probation judge or the Board
- One copy of all Risk Assessments and Reassessments, including the Interview Guide and Scoring Tool
- One copy of Pardon and Remission Certificate, completed Pardon Investigation, and all forms
- One copy of Order of Early Termination
- One copy of Certificate of Discharge

A case file becomes inactive when the parole/probation office is no longer supervising the individual (i.e., the individual's sentence has ended) or after the death, discharge, or imprisonment of the individual. Once purged, the entire file will be scanned into the agency's electronic records system.

- **Parole and Probation Case Files (Supervised for Other States).** These files document all activity relating to the monitoring of an individual for the duration of parole/probation and include those parolees and probationers supervised for other states. If created before the implementation of the Interstate Compact Offender Tracking System (ICOTS), the files should be retained for 30 years from case closure due to inactive status because of their continued value in the event of the return of the parolee/probationer into the inmate population. If created before implementation of ICOTS and deceased, the retention is "retain 2 years from verification of death and case closure due to inactive status." This retention meets the 2-year statute of limitation for wrongful death. For files created after implementation of ICOTS, federal regulation dictates that the information in this national system be maintained indefinitely. While permanent, this information would not be transferred to the Alabama Department of Archives and History.
- **Records documenting training, including agency provision of training and professional development.** The retention for these records are dictated by guidelines from the Peace Officers Standards and Training Commission and need to be retained for 2 audit periods, but not to be destroyed until after the second audit report has been released.
- **Records documenting certification, including individual officer certifications, including ORAS certificates, state personnel training certificates, new employee**

**ethics training certificates, firearm qualifications, and OC spray qualifications.** The retention for these records are dictated by guidelines from the Peace Officers Standards and Training Commission and need to be retained for 2 audit periods, but not to be destroyed until after the second audit report has been released.

- **Records documenting the assignment, use, and expiration date of all bullet proof vests, officers' yearly accrual of firearms practice hours and OC spray practice hours.** The retention for these records are dictated by guidelines from the Peace Officers Standards and Training Commission and need to be retained for 2 audit periods, but not to be destroyed until after the second audit report has been released.
- **Records documenting employee grievances (Internal Complaints).** These records are not filed with the employee personnel file, could end in litigation, and are often the subject of discovery. Maintained by the legal office, these files need to be maintained for the same retention as "Personnel Files," "retain 6 years after separation of the employee from the agency."
- **Records documenting complaints against the agency and its employees from outside the agency (made by members of the public, officials, or supervisees, etc.).** These records are not filed with the employee personnel file, could end in litigation, and are often the subject of discovery. Maintained by the legal office, these files need to be maintained for the same retention as "Personnel Files," "retain 6 years after separation of the employee from the agency."
- **Records (maintained separately from employee personnel file), documenting employee disciplinary proceedings and appeals of formal reprimands, demotions, transfers, or terminations resulting from a grievance or complaint.** These records are not filed with the employee personnel file, could end in litigation, and are often the subject of discovery. Maintained by the legal office, these files need to be maintained for the same retention as "Personnel Files," "retain 6 years after separation of the employee from the agency."
- **Records documenting Equal Employment Opportunity Commission (EEOC) Charges of Discrimination.** These records are not filed with the employee personnel file, could end in litigation, and are often the subject of discovery. Maintained by the legal office, these files need to be maintained for the same retention as "Personnel Files," "retain 6 years after separation of the employee from the agency."
- **Records documenting the administration of the unemployment compensation program.** These records are not filed with the employee personnel file, could end in litigation, and are often the subject of discovery. Maintained by the legal office, these files need to be maintained for the same retention as "Personnel Files," "retain 6 years after separation of the employee from the agency."
- **Records documenting all agency promotions including all selection materials,**

**certified State Personnel registers, interview sheets and records, and any other materials or communications used in the promotional process.** These records are not filed with the employee personnel file, could end in litigation, and are often the subject of discovery. Maintained by the legal office, these files need to be maintained 5 years from the effective date of the Board's approval of the promotion.

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

### **Pardoning and Paroling**

- **Board Minutes.** The minutes of the Board document actions of the Board as voted on during the meetings. They document policy and rulemaking as well as procedural and organizational changes made within the department to accomplish Board goals. Decisions concerning the status of parole are made at these meetings. This category includes minutes of the Board's "Review Committee," which meets to recommend earlier than scheduled parole consideration pursuant to the Board's rules. **(Bibliographic Title: Meeting Minutes)**
- **Board Orders and Action Sheets.** The orders of the Board are the actions taken by the Board to handle administrative business, as well as paroles, pardons (with or without the restoration of rights), remissions of fines and forfeitures, and early parole discharges. **(Bibliographic Title: Orders)**

### **Supervising**

- **Parole and Probation Supervised for Other States Case Files (ICOTS Electronic Records).** Those electronic records maintained for the Board through the Interstate Compact Offender Tracking System (ICOTS) for parolees and probationers supervised for other states in the United States through the Interstate Compact (electronic OS Records). These records are maintained indefinitely by the Interstate Commission for Adult Offender Supervision (ICAOS) as dictated by federal regulation. While permanent, this information would not be transferred to the Alabama Department of Archives and History. **(Bibliographic Title: Not Applicable) (Maintained by the Board of Pardons and Paroles)**

### **Administering Internal Operations**

- **Policy and Procedures Manuals.** These manuals are designed by the department (with the approval of the Board) to assist both the central office and the field offices in the conduct of day-to-day operations. The manuals contain rules and regulations governing personnel, work time, leave, travel, training, and detailed operating procedures for the various programs and divisions of the agency. **(Bibliographic Title: Policy and Procedure Manuals)**

- **Administrative Rules and Regulations.** These rules and regulations are approved by the board and govern the conduct of board meetings, parolee and probationer supervision, record keeping, and general administration of the department. Combined with the policy and procedures manuals, they document the department and board's roles in prescribing standards for its programs. **(Bibliographic Title: Administrative Rules and Regulations)**
- **Administrative Files that Document Policy, Process, and Procedure.** These records, which include official correspondence of the Board, document actions and positions of the Board and do not include correspondence dealing with routine matters. They are necessary for documenting numerous aspects of law enforcement, especially those actions that become precedent. These records may be paper or electronic, but expressly exclude routine interoffice correspondence, i.e., memos, e-mails and unofficial records dealing with administrative and personnel actions, i.e., during promotional decisions. **(Bibliographic Title: Administrative Rules and Regulations)**
- **Annual Reports.** By law, the Board creates and distributes an annual report documenting activities of the Board, activities of the agency in monitoring probationers and parolees, accomplishments of the agency and statistical trends within the population served. **(Bibliographic Title: Annual Reports)**
- **Informational and Promotional Materials.** These records are created to build public awareness about a variety of issues and department related activities. The publications are necessary to document what the department tells the public and how the department views itself. **(Bibliographic Title: Informational and Promotional Materials)**
- **Website and Social Media Sites(s).** The agency has a website at [www.pardons.state.al.us](http://www.pardons.state.al.us) and social media sites with Facebook and Twitter. Information on the website includes list of Board members, victim information, pardons and voter restoration, and other informational material. ADAH staff capture and preserves the agency's website and other social media sites via a service offered by the Internet Archive [Archive It]. Any content behind password protected or login would not be captured by ADAH. Check with the ADAH website at [www.archiveit.org/organizations/62](http://www.archiveit.org/organizations/62) to ensure your agency and social media site(s) are captured and preserved. If your agency's website and social media site(s) are not being captured by the service, please contact the Archives Division at 334-242-4452 to get them included. **(Bibliographic Title: Website and Social Media Site[s])**

# **Permanent Records List**

## **Alabama Board of Pardons and Paroles**

### **Pardoning and Paroling**

1. Board Minutes
2. Board Orders and Action Sheets

### **Supervising**

1. Parole and Probation Supervised for Other States Case Files (ICOTS Electronic Records)\*

### **Administering Internal Operations**

1. Policy and Procedures Manuals
2. Administrative Rules and Regulations
3. Administrative Files that Document Policy, Process, and Procedure
4. Annual Reports
5. Informational and Promotional Materials
6. Website and Social Media Site(s)

\*indicates records that ADAH anticipates will remain in the care and custody of the creating agency.

# **Alabama Board of Pardons and Paroles 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 Archives Division, Alabama Department of Archives and History (ADAH), which serves as the Commission's staff, in cooperation with representatives of the Agency. The RDA lists records created and maintained by the Agency in carrying out their mandated functions and activities. It establishes minimum retention periods and disposition instructions for those records and provides the legal authority for the Agency 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 may be made available to members of the public. Records also must 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 agency records manager or ADAH Archives Division at (334) 242-4452.

## **Explanation of Records Requirements**

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

This RDA supersedes any previous records disposition schedules or RDAs governing the retention of the records created by the Agency. Copies of superseded schedules are no longer valid and may not be used for records disposition.

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 other record-like materials are not actually regarded as official records and may be disposed of under 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 agency 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, 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; (5) honorary materials, plaques, awards, presentations, certificates, and gifts received or maintained by the agency staff. They may be disposed of without documentation of destruction.

## **Records Disposition Requirements**

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

### **Pardoning and Paroling**

#### **BOARD MINUTES**

Disposition: PERMANENT RECORD.

#### **BOARD ORDERS AND ACTION SHEETS**

Disposition: PERMANENT RECORD.

#### **Parole and Pardon Case Files (Board Files)**

- a. Parole and Pardon Board Case Files  
Disposition: Temporary Record. Retain 30 years from case closure due to inactive status, excluding closure related to death.

*Note: Closed files store at the State Records Center.*

- b. Parole and Pardon Board Case Files (Deceased)  
Disposition: Temporary Record. Retain 2 years from verification of death and case closure due to inactive status.

### **Supervising**

#### **Parole and Probation Case Files (Field Files)**

- a. Parole and Probation Field Case Files (Official File)  
Disposition: Temporary Record. Retain 30 years from case closure due to inactive status, excluding routine information and closure related to death.

*Note: Official Field File consists of the following documents: One copy of each Investigation Report (Youthful Offender, Pre-Sentence, Post-Sentence, or Preliminary,*

*Legal Facts, Personal History), one copy of subject's Case Plan, one copy of the most current Rules Packet with Signatures, one copy of the Order of Parole/Probation, one copy of police reports for each case (if available), one copy of transcript for each case, one copy of District attorney's Legal Facts for each case, one copy of each Delinquency Report, Notice of Violation, Memorandums or official communications to the probation judge or the Board, one copy of all Risk Assessments and Reassessments, including the Interview Guide and Scoring Tool, and copy of Pardon and Remission Certificate, completed Pardon Investigation, and all forms, one copy of Order of Early Termination, and one copy of the Certificate of Discharge.*

- b. Parole and Probation Field Case Files (Routine Information)  
Disposition: Temporary Record. Retain until closure of case file due to inactive status, discharge, or death.

*Note: Includes all documents not specifically listed as part of the Parole and Probation Field Case Files (Official File)*

- c. Parole and Probation Field Case Files (Deceased)  
Disposition: Temporary Record. Retain 2 years from verification of death and case closure due to inactive status.

### **Parole and Probation Case Files (Supervised for Other States)**

- a. PAROLE AND PROBATION SUPERVISED FOR OTHER STATES CASE FILES (ICOTS ELECTRONIC RECORDS)  
Disposition: PERMANENT RECORD.

*Note: Information will be maintained in the ICOTS system and will not be transferred to the Archives.*

- b. Parole and Probation Supervised for Other States Case Files (Files created before implementation of ICOTS)  
Disposition: Temporary Record. Retain 30 years after discharge of individual or other release of inmate.
- c. Parole and Probation Supervised for Other States Case Files (Files created before implementation of ICOTS Deceased)  
Disposition: Temporary Record. Retain 2 years from verification of death and case closure due to inactive status.

### **Supervision Fee Deposit Slips and Records**

Disposition: Temporary Record. Retain 1 year after audit.

### **Monthly Statistical Reports**

Disposition: Temporary Record. Retain 3 years from date of report.

**Institutional Parole Office (IPO) Statistical Reports**

Disposition: Temporary Record. Retain 1 year from date of report.

**Supervision Audit Report**

Disposition: Temporary Record. Retain 3 years from date of report.

**Statistics**

Disposition: Temporary Record. Retain 3 years.

**Log Out Sheets on Criminal History Requests**

Disposition: Temporary Record. Retain 10 years.

**Administering Internal Operations: Managing the Agency**

**POLICY AND PROCEDURES MANUALS**

Disposition: PERMANENT RECORD.

**ADMINISTRATIVE RULES AND REGULATIONS**

Disposition: PERMANENT RECORD.

**Register of Administrative Rules**

Disposition: Retain in Office (Code of Alabama 1975, Section 41-22-6).

**Administrative Rule Files**

Disposition: Temporary Record. Retain for useful life.

**ADMINISTRATIVE FILES THAT DOCUMENT POLICY, PROCESS, AND PROCEDURE**

Disposition: PERMANENT RECORD.

**Routine Correspondence**

Disposition: Temporary Record. Retain 3 years.

**Administrative Reference Files**

Disposition: Temporary Record. Retain for useful life.

**Board Appointment Letters**

Disposition: Temporary Record. Retain 1 year after audit after the end of the fiscal year in which the term expires.

**Legislative Files (drafts of proposed agency-sponsored legislation, tracking files and records)**

Disposition: Temporary Record. Retain for useful life.

## **ANNUAL REPORTS**

Disposition: PERMANENT RECORD.

## **INFORMATIONAL AND PROMOTIONAL MATERIALS**

Disposition: PERMANENT RECORD.

### **Records documenting the implementation of the agency's approved RDA (copies of transmittal forms to Archives or State Records Center, evidence of obsolete records destroyed, and annual reports to State Records Commission)**

Disposition: Temporary Record. Retain 1 year after audit after the end of the fiscal year in which the RDA was superseded.

### **Copies of Approved RDA**

Disposition: Temporary Record. Retain 1 year after the audit for the fiscal year in which the RDA is superseded.

### **Computer Systems Documentation (Hardware/Software Specifications and Warranties)**

Disposition: Temporary Record. Retain documentation of former system 1 year after audit for 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.

### **Inmate Litigation Files**

Disposition: Temporary Record. Retain 5 years after final disposition.

### **Other Litigation Files**

Disposition: Temporary Record. Retain 5 years after final disposition.

## **WEBSITE AND SOCIAL MEDIA SITE(S)**

Disposition: PERMANENT RECORD.

(ADAH staff capture and preserve the agency's website and other social media sites via a service offered by the Internet Archive [Archive It]. Any content behind password protected or login would not be captured by ADAH. Check with the ADAH website at [www.archiveit.org/organizations/62](http://www.archiveit.org/organizations/62) to ensure your agency and social media site(s) are captured and preserved. If your agency's website and social media site(s) are not captured by the service, please contact the Archives Division at 334-242-4452 to get them included.)

## **Administering Internal Operations: Managing Finances**

### **Records documenting the preparation of a budget request package and reporting of the status of funds, requesting amendments of allotments, and reporting program performance**

Disposition: Temporary Record. Retain 1 year after compliance or financial audit by the Examiners of Public Accounts or an equivalent auditing firm or one year after the end of the fiscal year the audit covers, whichever is later.

### **Records documenting the requisitioning and purchasing of supplies and equipment,**

**receipting and invoicing for goods, and authorizing payment for products (includes AST-1 and AST-1A)**

Disposition: Temporary Record. Retain 1 year after compliance or financial audit by the Examiners of Public Accounts or an equivalent auditing firm or one year after the end of the fiscal year the audit covers, whichever is later.

**Records of original entry or routine accounting transactions, such as journals, registers, and ledgers, and records of funds deposited outside the state treasury**

Disposition: Temporary Record. Retain 1 year after compliance or financial audit by the Examiners of Public Accounts or an equivalent auditing firm or one year after the end of the fiscal year the audit covers, whichever is later.

**Purchase and Repair Order Documents**

Disposition: Temporary Record. Retain for life of warranty.

**Records documenting requests for authorization from supervisors to travel on official business and other related materials, such as travel reimbursement forms and itineraries**

Disposition: Temporary Record. Retain 1 year after compliance or financial audit by the Examiners of Public Accounts or an equivalent auditing firm or one year after the end of the fiscal year the audit covers, whichever is later.

**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).** These records document the bid process, including requests for proposals and unsuccessful responses.

a. Sealed Bids over \$15,000

Disposition: Temporary Record. Retain 7 years after the end of the fiscal year in which the bids were opened. (Code of Alabama 1975, Section 41-16-24).

b. Other Bids

Disposition: Temporary Record. Retain for 10 years after the award of the contract, then destroy.

**Agency Audit Reports**

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

**Records documenting the application for, award of, receipt and disbursement of, and reporting of expenditure of federal funds received through grants and federal funds**

Disposition: Temporary Record. Retain 6 years after submission of final expenditure report.

**Records documenting the unsuccessful application for grants and federal funds**

Disposition: Temporary Record. Retain 1 year.

## **Administering Internal Operations: Managing Human Resources**

### **Position Classification Questionnaire**

Disposition: Temporary Record. Retain 4 years after reclassification of the position.

### **Application Materials**

Disposition: Temporary Record. Retain 1 year.

### **Personnel File - Records documenting an employee's work history - generally maintained as a case file**

Disposition: Temporary Record. Retain 6 years after separation of the employee from the agency.

### **Employee Flexible Benefits Plan Files (Applications and Correspondence)**

Disposition: Temporary Record. Retain 6 years after termination of participation in program.

### **Records documenting training, including agency provision of training and professional development**

Disposition: Temporary Record. Retain for 2 audit periods, but not to be destroyed until after the second audit report has been released.

### **Records documenting certification, including individual officer certifications, including ORAS certificates, state personnel training certificates, new employee ethics training certificates, firearm qualifications, and OC spray qualifications**

Disposition: Temporary Record. Retain for 2 audit periods, but not to be destroyed until after the second audit report has been released.

### **Records documenting the assignment, use, and expiration date of all bullet proof vests, officers' yearly accrual of firearms practice hours and OC spray practice hours**

Disposition: Temporary Record. Retain for 2 audit periods, but not to be destroyed until after the second audit report has been released.

### **Records Documenting the State Employee Injury Compensation Trust Fund (SEICTF) Claims**

Disposition: Temporary Record. Retain 6 years after separation of the employee from the agency.

### **Employee Administrative Hearing Files**

Disposition: Temporary Record. Retain 6 years after separation of the employee from the agency.

### **Records Documenting Employee Grievances (Internal Complaints)**

Disposition: Temporary Record. Retain 6 years after separation of the employee from the

agency.

**Records documenting complaints against the agency and its employees from outside the agency (made by members of the public, officials, or supervisees, etc.)**

Disposition: Temporary Record. Retain 6 years after separation of the employee from the agency.

**Records (maintained separately from employee personnel file), documenting employee disciplinary proceedings and appeals of formal reprimands, demotions, transfers, or terminations resulting from a grievance or complaint**

Disposition: Temporary Record. Retain 6 years after separation of the employee from the agency.

**Records documenting Equal Employment Opportunity Commission (EEOC) Charges of Discrimination**

Disposition: Temporary Record. Retain 6 years after separation of the employee from the agency.

**Records documenting the administration of the unemployment compensation program**

Disposition: Temporary Record. Retain 6 years after separation of the employee from the agency.

**Records documenting all agency promotions including all selection materials, certified State Personnel registers, interview sheets and records, and any other materials or communications used in the promotional process**

Disposition: Temporary Record. Retain 5 years from the effective date of the Board's approval of the promotion.

**Records documenting payroll (e.g. pre-payroll reports, payroll check registers)**

Disposition: Temporary Record. Retain 1 year after compliance or financial audit by the Examiners of Public Accounts or an equivalent auditing firm.

**Records documenting payroll deductions for tax purposes (including Form 941)**

Disposition: Temporary Record. Retain 1 year after compliance or financial audit by the Examiners of Public Accounts or an equivalent auditing firm or one year after the end of the fiscal year the audit covers, whichever is later.

**Records documenting employee hours worked, leave earned, and leave taken**

Disposition: Temporary Record. Retain 1 year after compliance or financial audit by the Examiners of Public Accounts or an equivalent auditing firm or one year after the end of the fiscal year the audit covers, whichever is later.

**Records documenting employee hours worked, leave earned, and leave taken**

Disposition: Temporary Record. Retain 1 year after compliance or financial audit by the

Examiners of Public Accounts or an equivalent auditing firm or one year after the end of the fiscal year the audit covers, whichever is later.

**Records Documenting Leave Donations**

Disposition: Temporary Record. Retain 1 year after compliance or financial audit by the Examiners of Public Accounts or an equivalent auditing firm or one year after the end of the fiscal year the audit covers, whichever is later.

**Records of Final Leave Status**

Disposition: Temporary Record. Retain record of individual employees' cumulative leave 6 years after separation of employee from the agency.

**Administering Internal Operations: Managing Properties, Facilities, and Resources**

**Semiannual Inventory Lists**

Disposition: Retain 1 year after compliance or financial audit by the Examiners of Public Accounts or an equivalent auditing firm or one year after the end of the fiscal year the audit covers, whichever is later. (Code of Alabama 1975, Section 36-16-8[1])

**Agency Copies of Transfer of State Property Forms (SD-1)**

Disposition: Retain 1 year after compliance or financial audit by the Examiners of Public Accounts or an equivalent auditing firm or one year after the end of the fiscal year the audit covers, whichever is later.

**Property Inventory Affidavits**

Disposition: Temporary Record. Retain 1 year after compliance or financial audit by the Examiners of Public Accounts or an equivalent auditing firm or one year after the end of the fiscal year the audit covers, whichever is later.

**Receipts of Responsibility for Property**

Disposition: Temporary Record. Retain until return of item to property manager.

**Records documenting the use, maintenance, ownership, insurance, and disposition of vehicles owned by the agency**

Disposition: Temporary Record. Retain 1 year after audit for the year in which the equipment is removed from the property inventory.

**Records Documenting Vehicle Use/Mileage**

Disposition: Temporary Record. Retain 1 year.

**Real Property Renting/Leasing records**

Disposition: Temporary Record. Retain 6 years after the termination of lease or rental agreement or until agency is audited and audit report is released, whichever is longer.

# **Requirement and Recommendations for Implementing the Records Disposition Authority (RDA)**

## **Requirement**

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 Agency as stipulated in this document.

One condition of this authorization is that the Agency submit an annual Records Disposition Authority (RDA) Implementation Report on its activities, including documentation of records destruction, to the State Records Commission.

## **Recommendations**

In addition, the Board should make every effort to establish and maintain a quality record-keeping program by conducting the following activities:

The Board should designate a staff member in a managerial position as its records liaison/records manager, 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 Board’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 Open Meetings 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 contains permanent, temporary, or transitory record information. Although e-

mail records can be printed out, filed, and retained according to the RDA's requirements, the office 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. Agency records managers and/or the ADAH archivists are available to instruct the staff in RDA implementation and otherwise assist the Agency in implementing its records management program.

The State Records Commission adopted this records disposition authority on October 25, 2017.

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Steve Murray, Chairman  
State Records Commission

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Date

By signing below, the agency acknowledges receipt of the retention periods and requirements established by the records disposition authority.

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Eddie Cook, Jr., Interim Executive Director  
Alabama Board of Pardons and Paroles

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Date