

Office of Prosecution Services

**Functional Analysis
&
Records Disposition Authority**

**Revision
Presented to the
State Records Commission
January 26, 2011**

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Functional and Organizational Analysis of Office of Prosecution Services

Sources of Information

Representatives of the Office of Prosecution Services

Code of Alabama 1975, Sections 12-17-230 through 12-17-234, 30-6-1 through 30-6-13, 15-23-3, 15-23-5, 15-23-12, 15-23-14, 15-23-15, 15-23-17

Code of Alabama 1975, Sections 41-20-1 through 41-20-16 (Sunset Law)

Code of Alabama 1975, Sections 41-22-1 through 41-22-27 (Administrative Procedures Act)

Alabama Administrative Code, Chapters 745-X-1-.01 through 745-X-1-.08

Alabama Government Manual (2006), page 194

Audit Report of the Office of Prosecution Services

Historical Context

The Office of Prosecution Services was created in 1975 by the Legislature (Acts 1975, No. 1037).

Agency Organization

Code of Alabama 1975, Section 12-17-232 mandates the Executive Committee of the Alabama District Attorneys Association (ADAA) to oversee the management of the Office of Prosecution Services (OPS). The Executive Committee appoints an executive director and sets the terms of employment. The executive director employs, with advice and consent of the Executive Committee, necessary staff members to discharge the office duties. None of the employees of the office, including the executive director, are subject to the provisions of the state merit system.

Since the agency has a dual function as a state agency and as an arm of the Alabama District Attorneys Association, functions and records solely relating to ADAA are not listed in this document as they are not considered state records. This RDA only includes records relating to statutorily mandated functions and does not include records relating to the operation of ADAA as an organization.

Agency Function and Subfunctions

The mandated function of the Office of Prosecution Services is to assist the prosecuting attorneys throughout the state in their efforts against criminal activities. The office is one of the agencies primarily involved in carrying out the Law Enforcement and Administrative Support function of Alabama government. In the performance of its mandated function, the Office of Prosecution Services may engage in the following subfunctions:

- **Assisting Prosecuting Attorneys.** The Office of Prosecution Services is obligated, under the Code of Alabama, Section 12-17-230, to furnish assistance to the prosecuting attorneys through such activities as preparation and dissemination of indices to and digests of court decisions relating to criminal matters; preparation and distribution of model indictments, search warrants, and other appropriate documents employed in the administration of criminal justice; preparation and distribution of a basic prosecutor's manual; promotion of and assistance in the training of prosecuting attorneys; and legal research assistance for prosecution attorneys. Staff members also provide logistical support for various educational conferences and conventions sponsored by the Alabama District Attorneys Association as well as other law enforcement /legal associations.

- **Providing Assistance and Training in Computer Forensics and Digital Evidence.** The Office of Prosecution Services, in cooperation with the Alabama District Attorneys Association and other entities, operates three (3) Alabama Computer Forensic Laboratories (ACFL) across the state to provide expert computer forensic analysis, consultation, and support to the criminal justice community in prosecuting offenders. Services performed by ACFL may include: recovery of potential evidence from digital media, cellular phones, and personal data assistants (pda); consultation regarding the preparation, planning, and execution of search warrants involving digital evidence, and other legal issues of digital evidence; expert testimony; and related prosecution assistance. In 2007, OPS facilitated the creation, through a partnership with the U.S. Department of Homeland Security, the U.S. Secret Service, the Alabama District Attorneys Association, the State of Alabama, the Alabama Securities Commission, and the city of Hoover, the National Computer Forensics Institute in Hoover to provide state and local judges, prosecutors, and law enforcement officers with training opportunities in basic electronic crimes investigation, network intrusion incident response, and computer forensics examination. All courses are funded by the U.S. Department of Homeland Security. Upon conclusion of training, attendees are issued necessary tools, such as computer hardware and software, necessary to conduct electronic crimes investigations and forensic examinations.

- **Supervising Domestic Violence Shelters.** By virtue of the Code of Alabama, Section 30-6-1 to 30-6-13, the Office of Prosecution Services has the responsibility for oversight of the administration of domestic violence shelters or facilities. Staff members are required to: establish minimum program requirements and standards for certifying domestic violence shelters to receive state funds; screen and approve/reject applications for state funding of domestic violence shelters; and inspect annually each shelter for compliance with the minimum standards. Funds for the program come from a portion of the marriage license fees.

- **Providing Administrative Support to District Attorneys' Offices.** The Office of Prosecution Services receives annual budget requests from all district attorneys' offices across the state and incorporates them into a consolidated budget packet for consideration

by the state legislature. Each of the district attorney's budgets is funded through a combination of state and county taxes/fees. Staff members maintain a general fund account for financial resources for the operations of the district attorneys' offices. The office staff is also responsible for managing human resource and property inventory activities for all district attorneys' offices. In addition, Code of Alabama, Section 15-23-16 stipulates that the Office of Prosecution Services creates and manages a Victim Services Fund. A certain portion of victim assessment fees collected is deposited into the fund for distribution to district attorneys' offices to employ at least one full-time victim officer in each circuit court.

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

Managing the Agency: Activities include internal office management work common to most government agencies such as corresponding and communicating; scheduling; meeting; documenting policy and procedures; reporting; litigating; drafting, promoting, or tracking legislation; 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 Department of Finance, and 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); accountings for the expenditure, encumbrance, disbursement, and reconciliation of funds within the agency's budget through a uniform system of accounting and reporting; 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 and reporting property information to the appropriate authority; leasing and/or renting offices or 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 Prosecution Services

Agency Record Keeping System

The agency currently operates a hybrid record keeping system composed of paper and electronic records.

Paper-based Systems: Staff members maintain most of the agency's records in paper form.

Computer Systems: The agency has a six-client and one print server network using Microsoft Local Area Network (LAN) within Microsoft Windows for Workgroups 3.11. Staff members have Internet access through the Campus Ring.

Records Appraisal

The following is a discussion of the two major categories of records created and/or maintained by the Office of Prosecution Services: 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. Some of the temporary records created by the department are discussed below:

- **Domestic Violence Shelter Files.** This series consists of applications for state funds completed by domestic violence facilities, approval documents, disbursement records, and annual inspection data. They are created to assist the staff in implementing the legislation relating to the creation/operation of domestic violence facilities. To comply with audit requirement and reference needs, the agency retains the files three years after the facility ceases operation.

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

Assisting Prosecuting Attorneys:

- **Model Prosecutor Manuals.** One of the mandates of the Office of Prosecution Services is to assist prosecuting attorneys in the preparation of model indictments, search warrants, interrogation advise, and other appropriate documents employed in the administration of criminal justice at the trial level. This series consists of various model prosecutor manuals, such as the warrant and indictment manual, created by the office staff for distribution and use by district attorneys' offices. A copy of each manual should be maintained permanently as

documentation of the office's work. (RDA page 3-2) **(Bibliographic Title: State Publications)**

- **Newsletters.** The office publishes a monthly newsletter, known as "Alabama Prosecutor," to serve as a communications tool between the Office of Prosecution Services and district attorneys' offices. The major purpose of the newsletter is for the agency's executive director to summarize state court opinions that may affect the district attorneys or are of general interest. The newsletter may also contain information on dates of upcoming events, recent opinions of the attorney general, and other related national information. (RDA page 3-2) **(Bibliographic Title: State Publications)**

Providing Assistance and Training in Computer Forensics and Digital Evidence

- **Grant Project Final Narrative Reports.** Various programs or projects are often funded by the federal government. The final narrative reports should be maintained permanently as documentation of the agency's fulfillment of obligations to the federal government in receiving funding. (RDA pg. 3-2) **(Bibliographic Title: Grant Project Final Narrative Reports)**
- **Cyber Crime and Computer Forensic Training Course Manuals and Related Materials.** The National Computer Forensics Institute in Hoover offers state and local judges, prosecutors, and law enforcement officers across the nation, as well as the state, training courses necessary to conduct basic electronic crime investigations. This series consists of various manuals and related course materials issued to attendees. (RDA pg. 3-2) **(Bibliographic Title: State Publications)**

Supervising Domestic Violence Shelters:

- **Annual Reports to the Legislature.** Code of Alabama, Section 30-6-5 mandates all domestic violence shelter program participating district attorneys make an annual program activity report to the Office of Prosecution Services. The OPS staff incorporates important information into a formal report for the Legislature. The report contains facts on domestic violence and in-depth statistical data recorded collectively from each domestic violence shelter. Additionally, pertinent information relating to the annual inspection of each shelter is detailed in a narrative by dates of visits. The report may also include potential prevention efforts identified and the estimated annual cost of implementation of such prevention services. (RDA page 3-3) **(Bibliographic Title: Annual Reports on Domestic Violence and Domestic Violence Shelters)**

Administering Internal Operations:

- **Files of the Executive Director.** This series contains the director's correspondence and the agency's policy documents. It is this set of records where oversight activities of the Alabama District Attorneys Association for the Office of Prosecution Services will be documented.

(RDA page 3-3) (**Bibliographic Title: Administrative Files**)

- **Website.** The agency has a website at: www.alabamaprosecutor.com Subject categories on the web include staff directory, legislative updates, newsletters, district attorneys listings, message board, and other related information. (RDA page 3-3) (**Bibliographic Title: Website**)

**Permanent Records List
Office of Prosecution Services**

Assisting Prosecuting Attorneys

1. Model Prosecutor Manuals
2. Newsletters

Providing Assistance and Training in Computer Forensics and Digital Evidence

1. Grant Project Final Narrative Reports
2. Cyber Crime and Computer Forensic Training Course Manuals and Related Materials

Supervising Domestic Violence Shelters

1. Annual Reports to the Legislature

Administering Internal Operations:

1. Files of the Executive Director
2. Website

Office of Prosecution Services 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 Office of Prosecution Services. The RDA lists records created and maintained by the Office of Prosecution Services 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 Prosecution Services' records. Copies of superseded schedules are no longer valid and should be discarded.
- 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.
- Some temporary records listed under the Administering Internal Operations subfunction of this RDA represent duplicate copies of records listed for long-term or permanent retention in the RDAs of other agencies.
- Certain other short-term records that do not materially document the work of an agency 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; and (2) transitory records, which are temporary records created for 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. Other items that may be disposed of without destruction documentation include: (1) catalogs, trade journals, and other publications received that require no action and do not document government activities; and (2) stocks of blank stationery, blank forms, or other surplus materials that are not subject to audit and have become obsolete.

Records Disposition Requirements

This section of the RDA is arranged by subfunctions of the Office of Prosecution Services 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.

■ Assisting Prosecuting Attorneys:

MODEL PROSECUTOR MANUALS
Disposition: PERMANENT RECORD.

NEWSLETTERS
Disposition: PERMANENT RECORD.

Educational Training/Conference Files (registration forms, payment information, and attendee lists)
Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

■ Providing Assistance and Training in Computer Forensics and Digital Evidence

Digital Evidence Investigation Case Files
Disposition: Temporary Record. Retain 3 years after the final resolution of the case.
Records documenting grants

- a. GRANT PROJECT FINAL NARRATIVE REPORTS
Disposition: PERMANENT RECORD.
- b. Records documenting routine grant related activities and compliance with grant program requirements
Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the project was closed.

CYBER CRIME AND COMPUTER FORENSIC TRAINING COURSE MANUALS AND RELATED MATERIALS
Disposition: PERMANENT RECORD.

■ **Supervising Domestic Violence Shelters:**

ANNUAL REPORTS TO THE LEGISLATURE

Disposition: PERMANENT RECORD.

Domestic Violence Shelter Files (applications, disbursement records, and annual inspection data)

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the shelter was closed.

■ **Providing Administrative Support to District Attorneys' Offices:**

Records documenting the preparation of a consolidated budget package for the district attorneys' offices 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 payroll (e.g. pre-payroll reports, payroll check registers, and investigator subsistence) for the district attorneys and their employees

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

District Attorneys' Office State-funded Employee Personnel Files (tax withholding documents, payroll deduction authorizations, and other related materials)

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

Records documenting the receipt and distribution of crime victims' compensation assessments for victim service officers' payroll

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

Listings of Nonconsumable Personal Property Purchased with State Funds and Maintained by the District Attorneys' Offices

Disposition: Temporary Record. Retain until superseded.

District Attorneys' Office Inventory Lists

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

District Attorneys' Office 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.

District Attorneys' Office 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.

District Attorneys' Office Receipts of Responsibility for Property

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

■ **Administering Internal Operations:**

Managing the Agency:

FILES OF THE EXECUTIVE DIRECTOR

Disposition: PERMANENT RECORD.

WEBSITE

Disposition: PERMANENT RECORD. PRESERVE A COMPLETE COPY OF WEBSITE ANNUALLY OR AS OFTEN AS SIGNIFICANT CHANGES ARE MADE.

Routine Correspondence

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.

Mailing Lists

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

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: Retain in office (Code of Alabama 1975, Section 41-16-24).

Agency Audit Reports

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

Managing Human Resources:

Records documenting payroll (e.g. pre-payroll reports, payroll check registers, and investigator subsistence)

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 3 years after the end of the fiscal year in which the records were created.

Records documenting payroll deductions for tax purposes

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

Records documenting employee hours worked, leave earned and leave taken

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records

were created.

Records of employee final leave status

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

Records documenting an employee's work history - generally maintained as a case file

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

State Employees 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:

Insurance Policies/Risk Management Records

Disposition: Temporary Record. Retain 3 years after termination of policy or membership.

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 Prosecution Services (hereafter referred to as 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 agency records management activities, including documentation of records destruction, to the State Records Commission in July 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 maintains records solely in electronic format, it should employ an electronic records management system that is capable of tying retention and disposition instructions to records in the system and of purging temporary records when their retention periods expire. The agency is committed to funding any system upgrades and migration strategies necessary to ensure its records' preservation and accessibility for the periods legally required.
- 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 agency should preferably employ an electronic records management system capable of sorting e-mail into folders and archiving messages having long-term value.
- In accordance with the Code of Alabama, Section 41-13-24, the State Records Commission is authorized to classify all public records and prescribe the period for which records of each class shall be retained. The Records Disposition Authority (RDA), therefore, only list retention requirement for records created by the agency. All issues involving access are the responsibility of the agency.
- 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 instruct the agency 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 January 26, 2011.

Edwin C. Bridges, Chairman, by Tracey Berezansky
State Records Commission

Date

Receipt acknowledged

Randall I Hillman, Executive Director
Office of Prosecution Services

Date