

# **ALABAMA BOARD OF PARDONS AND PAROLES RULES, REGULATIONS, AND PROCEDURES**

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## **Preamble**

These Operating Procedures guide the Board and its staff in performing duties imposed by law. These Procedures are published in order to aid the public in sharing the Board's understanding of applicable statutes and in order to afford notice to the public of the Board's interpretation of those statutes.

Adoption of these Procedures repealed all other procedural rules regulating the Board's operations. In order to afford notice to the public of the procedures followed by this Board, these Procedures are hereby published for the information of interested individuals.

These Operating Procedures specifically afford notice to the public of the steps necessary to present a case to the Board for decision. These Procedures are designed to guide the Board's staff in preparing cases for the Board's consideration. To the extent that the Board may lawfully delegate discretion to its staff, these Procedures guide the staff in exercising their discretion. The Board's staff will exercise that discretion to benefit the public in general, but these Procedures do not create a duty owed to any individual. The staff is accountable to the Board, rather than to any individual.

The Executive Director and Senior Staff are authorized to develop standard operating procedure manuals, providing more detailed guidance to employees about the performance of their duties. Such manuals shall guide the employees as they perform the various duties assigned to them.

Nothing in these Procedures shall be construed to conflict with the Constitution or laws of the State of Alabama.

These Operating Procedures are not intended to, and do not, create any substantive legal rights for any person. Nothing in these Procedures shall be construed to create or recognize any liberty or property interest in an inmate's desire to be paroled. This Board construes the statutes regulating pardons and paroles in Alabama as demonstrating a clear legislative intent not to create such an entitlement.

The staff of this department is authorized to develop standard forms to document the official acts of this department, including forms for inmates, parolees, or the public to use in seeking action by the Board. Any employee developing a form shall submit it to the Executive Director and the Chief

Counsel for their approval. Any form approved by these two individuals jointly may be used, without seeking an Order from the Board approving the form.

The Board convenes in the agency's Central Office Board Room at those dates, times, and locations pursuant to notice given to the Secretary of State's Office, or as soon thereafter as a quorum may be assembled.

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## **Article One**

### **Intake**

1. As soon as practical after an inmate is sentenced to prison, the Central Office staff shall prepare a file on the case. The appropriate field office(s) will be directed to forward a copy of any investigations to the Central Office. If no investigation has been done at that point, the field office shall conduct its investigation and submit its report. When the appropriate investigations are in the file, the Board's designee shall study the file and schedule an initial parole consideration docket. There shall be no presumption that the Board will grant parole based on the setting of an initial parole consideration date.
2. A staff member designated by the Board shall also determine whether the investigation report is sufficient for Board action. If significant information is lacking, this designee shall direct the field office to provide further information.
3. The Board, after conviction and not otherwise, may parole a prisoner who is eligible for parole. A majority of the Board may lawfully grant parole on all cases, excluding victim cases, which require a unanimous affirmative vote until the inmate has served one third of his sentence or ten years, whichever is lesser.
4. Initial parole consideration dates shall be calculated based on the date at which a majority of the Board may act, taking into account the total term of the inmate's sentences. If an inmate is serving one or more sentences, the designee shall calculate one third or ten years of each sentence with any applicable jail credits as indicated by the Department of Corrections. The controlling sentence shall be the longest running sentence as determined by the Department of Corrections.
5. The Board's designee shall also determine whether correctional

incentive time (“good time”) has been applied by the Department of Corrections to the controlling sentence. If good time is applied, it shall be taken into account in scheduling the initial parole consideration date.

6. If an inmate’s controlling sentence is for five (5) years or less, regardless of good time application, initial parole consideration shall be scheduled on the Board’s current docket.
7. If an inmate is receiving good time as indicated by the Department of Corrections on his/her controlling sentence, initial parole consideration shall be scheduled as follows:
  - (a) for terms of five years or less, inmates shall be scheduled for initial parole consideration on the current docket;
  - (b) for terms over five to ten years, inmates shall be scheduled for initial parole consideration approximately eighteen months prior to the minimum release date;
  - (c) for terms of more than ten years and up to fifteen years, inmates shall be scheduled for initial parole consideration approximately 2 years and 6 months prior to the minimum release date;
  - (d) for total terms in excess of fifteen years, inmates shall be scheduled for initial parole consideration after the inmate has served one-third of his/her sentence or ten years, whichever is less.

The Board recognizes that most inmates convicted of particularly violent or severe offenses, or those with extensive criminal histories, displaying a great propensity for future violence, or with significant community opposition are unlikely to receive a sentence subject to this provision.

8. If the controlling sentence is not subject to good time as indicated by the Department of Corrections, initial parole consideration shall be scheduled after the inmate has served one third or ten years, whichever is lesser on his/her controlling sentence, unless the Board’s designee finds other factors that indicate another docket would be more appropriate. In assessing the suitability of the majority vote set, the designee will examine the offender’s prior record, the nature and severity of the present offense, the potential for future violence, and any information available regarding community attitude toward the

offender's release.

9. Excluding those crimes committed prior to March 21, 2001, when an inmate is convicted of one or more of the following Class A felonies, the initial parole consideration date shall be set in conjunction with the inmate's completion of eighty-five (85) percent of his or her total sentence or fifteen (15) years, whichever is less, unless the designee finds mitigating circumstances: Rape I, Kidnapping I, Murder, Attempted Murder, Sodomy I, and Sexual Torture; Robbery I with serious physical injury, Burglary I with serious physical injury, and Arson I with serious physical injury. Serious physical injury in this paragraph is as defined in title 13A-1-2(14) of the Alabama Code.
10. If the designee finds mitigating circumstances that appear to warrant a deviation from the standard set, the designee shall document those circumstances, together with a recommendation for scheduling of consideration. In assessing the suitability of the standard set, the designee will examine the offender's prior record, the nature and severity of the present offense, the potential for future violence, and any information available regarding community attitude toward the offender's release. Any recommendation by the designee scheduling initial parole consideration, so as to schedule such consideration earlier or later than the standard set date, shall be supported by a memorandum setting forth the factors considered and the reasons for the deviation. This memorandum shall be placed in the file for the consideration of the Review Committee and the Board. The Review Committee shall schedule initial parole consideration in cases where the designee has recommended a deviation.
11. If an inmate is sentenced under the Split Sentence Act, the Board lacks jurisdiction to consider parole. If the inmate is serving a split sentence and one or more other non-split sentences, the Board may exercise jurisdiction only over those other sentences.
12. If an inmate is serving two or more sentences, and the law authorizes parole consideration on some, but not all of his sentences, then he/she shall be scheduled for parole consideration on those sentences over which the Board has jurisdiction.
13. On a regular basis and at least every 6 months, geriatric, permanently incapacitated, and terminally ill inmates, as defined by Act 2017-355 (the Alabama Medical Parole Act), will be docketed for medical parole consideration on the next available docket if:

- (a)** The inmate is eligible for parole;
- (b)** The inmate is not convicted of a capital offense or a sex offense;
- (c)** The Department of Corrections, by and through its medical or mental health care provider, certifies the inmate qualifies as geriatric, permanently incapacitated, or terminally ill, as defined by Act 2017-355; and

These rules will serve as a standing request by the Board to the Department of Corrections to provide a “medical parole list” of parole eligible inmates who qualify as geriatric, permanently incapacitated, or terminally ill, as defined by Act 2017-355, and who are not convicted of a capital or sex offense. This list is requested from the Department at a minimum of every six months hereto forward, although the Department may refer any case that meets the above criteria at any time. Inmates on the Department’s list or otherwise referred by the Department for medical parole consideration will be classified by the Department as geriatric, permanently incapacitated, or terminally ill, as applicable, by its medical or mental health care provider; such will serve as the Department’s certification required by Article 1, Section 13(c) of these rules.

14. On an annual basis and pursuant to Act 2017-355, the Department of Corrections shall also identify all inmates who:
- (a)** During the previous 12 months, have spent more than 30 days in an infirmary;
  - (b)** During the previous 12 months, received costly and frequent outside medical treatment; or
  - (c)** Are currently suffering from a life-threatening illness whose death is determined to be imminent within 12 months.

From this group of inmates, the Department will determine, by and through, its medical or mental health care provider, whether each qualifies as geriatric, permanently incapacitated, or terminally ill, as defined by Act 2017-355. The Department will then provide an “annual medical parole list” by January 1 of each year hereto forward to the Board containing the inmates so determined and classified, but excluding inmates who are not parole eligible and who are convicted of a capital or sex offense. Inmates on this list will be placed on the next available parole docket for medical parole consideration by the Board.

15. The Board may request supporting documentation, including medical/mental health records from the Department of Corrections as deemed necessary by the Board in considering an inmate for medical parole.
16. No inmate shall be deemed to have a right or entitlement to medical parole.
17. Medical parole shall be in addition to any other release for which the inmate may be eligible.

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## **Article Two**

### **Rescheduling of Consideration**

1. An inmate or his/her representative may request a review in writing once per calendar year after all the following conditions have been met:
  - (a) Served a minimum of five (5) years.
  - (b) Program completion as evidenced by a certificate of completion;
  - (c) Letters of support from at least one or more of the following: the office that prosecuted the inmate's case, the victim or that victim's representative, the Attorney General's Office, the sentencing judge or successor, or a law enforcement official from the county of conviction;
  - (d) A positive report from a Department of Corrections' staff member;
  - (e) No disciplinaries within the last three years; and
  - (f) No violent disciplinaries during the present incarceration.
2. If, after appropriate inquiry or investigation, the officer or agent is persuaded that earlier consideration may be proper, he/she may refer the matter to the Review Committee for consideration. He/she shall enter in the file the facts supporting his/her recommendation.
3. Geriatric, permanently incapacitated, and terminally ill inmates as defined by Act 2017-355 are exempt from the Review Committee process established by this Article. Scheduling of parole consideration for such inmates will follow

the protocol established by Article 1, Sections 13 through 17 of these rules, whether for initial parole consideration or following the Board's denial or revocation of parole.

4. The Review Committee shall consist of no fewer than five (5) members designated by the Executive Director. Three (3) members constitute a panel. The members shall be Probation and Parole Senior Officer, or higher classification. One member must be a Board Operations Senior Officer or higher classification, with at least five (5) years' experience.
5. The Review Committee may review any cases referred to them for early parole consideration and determine whether it appears to be consistent with society's interest to schedule early parole consideration. If at least three (3) committee members reviewing a case concur in the action, they may reschedule parole consideration earlier than the parole consideration date previously set, not to exceed (3) three years. They shall enter into the file a written statement of the action taken and shall indicate the names of the members who favored or declined to favor the action. All recommendations for early parole consideration will require a legal review conducted by a deputy or assistant attorney general. The reviewing attorney will have the authority to reverse the decision. The inmate will be notified only if a change is made in the parole consideration date.
6. If the Board has denied or revoked parole, the Review Committee may consider earlier scheduling, but such review shall not begin earlier than eighteen (18) months after the Board has denied or revoked parole. These inmates must meet the following criteria:
  - (a) Program completion as evidenced by a certificate of completion;
  - (b) Letter of support from at least one of the following: the office that prosecuted the inmate's case, the victim or that victim's representative, the Attorney General's Office, the sentencing judge or successor, or a law enforcement official from the county of conviction.
  - (c) A positive report from a Department of Corrections' staff member,
  - (d) No disciplinaries within the last three years and no violent disciplinaries during the present incarceration.
7. No inmate may receive more than a three-year reduction in his/her guideline setting.



**STATE BOARD OF PARDONS AND PAROLES  
MONTGOMERY, ALABAMA  
BOARD OF PARDONS AND PAROLES REVIEW COMMITTEE ACTION SHEET**

NAME \_\_\_\_\_ AIS # \_\_\_\_\_ Set Date: \_\_\_\_\_

The Senior Staff Review Committee has reviewed this file and voted to change the parole consideration date from \_\_\_\_\_ to \_\_\_\_\_.

MY REASONS FOR FAVORING A REDUCTION IN THE PAROLE CONSIDERATION DATE ARE AS FOLLOWS:

- \_\_\_ PARTICIPATION IN PROGRAMMING
- \_\_\_ ORAS LEVEL AT LAST HEARING OR AT TIME OF SENTENCING IS LOW TO MODERATE
- \_\_\_ SEVERITY OF PRESENT OFFENSE IS LOW TO MEDIUM
- \_\_\_ EARLIER PAROLE CONSIDERATION WILL NOT DEPRECIATE THE SERIOUSNESS OF OFFENSE/PROMOTE DISRESPECT FOR LAW

MEMBER \_\_\_\_\_  
SIGNATURE PRINTED NAME

MY REASONS FOR FAVORING A REDUCTION IN THE PAROLE CONSIDERATION DATE ARE AS FOLLOWS:

- \_\_\_ PARTICIPATION IN PROGRAMMING
- \_\_\_ ORAS LEVEL AT LAST HEARING OR AT TIME OF SENTENCING IS LOW TO MODERATE
- \_\_\_ SEVERITY OF PRESENT OFFENSE IS LOW TO MEDIUM
- \_\_\_ EARLIER PAROLE CONSIDERATION WILL NOT DEPRECIATE THE SERIOUSNESS OF OFFENSE/PROMOTE DISRESPECT FOR LAW

MEMBER \_\_\_\_\_  
SIGNATURE PRINTED NAME

MY REASONS FOR FAVORING A REDUCTION IN THE PAROLE CONSIDERATION DATE ARE AS FOLLOWS:

- \_\_\_ PARTICIPATION IN PROGRAMMING
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- \_\_\_ SEVERITY OF PRESENT OFFENSE IS LOW TO MEDIUM
- \_\_\_ EARLIER PAROLE CONSIDERATION WILL NOT DEPRECIATE THE SERIOUSNESS OF OFFENSE/PROMOTE DISRESPECT FOR LAW

MEMBER \_\_\_\_\_  
SIGNATURE PRINTED NAME

THE COMMITTEE VOTED FOR NO CHANGE IN THE REDUCTION OF A PAROLE CONSIDERATION:

MEMBER \_\_\_\_\_  
SIGNATURE PRINTED NAME

MEMBER \_\_\_\_\_  
SIGNATURE PRINTED NAME

MEMBER \_\_\_\_\_  
SIGNATURE PRINTED NAME

## **Article Three**

### **Dockets**

1. The Board will not consider or decide whether to order or grant any pardon, parole, conditional transfer or remission, except in an open public meeting. The Board will not entertain any case, unless that case is on the Board's docket for that meeting, as provided herein. Individual Board members will not meet or discuss with any person(s) other than departmental staff regarding any specific Board action outside an open public meeting.
2. The docket unit shall schedule cases in advance of the meeting, so as to permit statutory notices to be sent and received, in the normal course of business, pursuant to Alabama Code Sections 15-22-23 and 15-22-36.
3. Once the docket unit sets an open public meeting date for an inmate, a designated officer (IPO Officer) will interview the inmate and submit a report to the Board prior to the open public meeting date. The parole officer conducting the interview shall work with the Department of Corrections' designated point(s) of contact for their assigned institution and will review all available Department of Corrections' records, including the institutional file, to evaluate the inmate's adjustment, shall conduct a risk and needs assessment to determine the inmate's risk of re-offense, and shall complete Parole Guidelines established by the Board, all to be included as attachments to the report to the Board. The officer shall afford the inmate an opportunity to make a statement regarding his current situation and his proposed plans for life after prison and shall provide a form to the inmate, so that he may submit information about his/her reentry plan, including his/her home and job plan, both of which shall likewise be incorporated in the report for the Board.
4. In advance of each docketed meeting, a docket and files of the docketed cases shall be available to the members of the Board, so they can study those files in preparation for that meeting. Each week's list of docketed cases ("the Docket") shall be available to the public upon request.
5. As the Board considers each case and takes action, their Secretary shall note on the Docket whether the relief is ordered or denied. If, at the conclusion of the day's meeting, the Board has not ordered relief to a candidate or the case has not been continued, the relief is deemed denied. A completed copy of the Docket, reflecting the official Board actions taken, shall be included in the Board's Minutes for the meeting. The

Minutes of each open public meeting shall be read and approved by the sitting Board members at the conclusion of that meeting. Each member in attendance and the Secretary for the meeting shall sign the Minute Entries, reflecting the actions taken in that meeting. The Board's Minute Books are a public record.

6. When the Board denies relief without specifying when a case may be docketed in the future, it will be rescheduled at the discretion of the Board's designee, but at least within 2 years.

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## **Article Four**

### **Notice of Hearings**

1. Sections 15-22-23 and 15-22-36 of the Alabama Code specify under what circumstances and which cases require the Board to provide notice to particular public officials and/or individuals of meetings at which the Board considers and takes action to grant pardons, paroles, conditional transfers or remissions. Victims may register through the automated notification system [<https://victims.alabama.gov/>] to be entitled to notice. Victims may alternatively contact the Board to register to receive notice or a local Victim Services Officer, as well as the Alabama Attorney General's Office of Victim Assistance (AGOVA) for assistance.
2. All notice will be provided electronically through the automated system unless otherwise specifically requested and as permitted by law. U.S. Mail and U.S. Certified Mail, Return Receipt Requested, notifications will be provided by the Board upon request to the victim named in the indictment or, in the case of a homicide where the victim is deceased as a result of the offense, to the victim's immediate family as defined in these rules. Requesting individuals must qualify for such notice under Alabama Code Section 15-22-36(e)(1)(a - i).
3. The Board's Probation and Parole Officer assigned to prepare a pre- or post-sentence investigation report must register the contact information of the victim named in the indictment into the automated notification system prior to sentencing as provided by the prosecuting district attorney. If a surviving victim is a minor, information for custodial parents or legal guardians, if any, shall be entered into the automated notification system at that time. For homicide cases where the victim is deceased as a result of the offense, contact information for the immediate

family (as defined by these rules) shall be entered into the automated notification system at that time. The automated notification system will automatically notify the sentencing court that the victim contact information has been entered.

4. These rules define the “immediate family” of a victim as follows:
  - (a) If the victim is a minor at the time of death (as a result of the offense), his/her custodial parent(s) or legal guardians and any siblings are in his/her immediate family.
  - (b) If the victim is married at the time of death (as a result of the offense), the surviving spouse is his/her immediate family, to the exclusion of his/her parent(s) and any siblings.
  - (c) If minor children of the victim survive the victim (who is deceased as a result of the offense), they are in his/her immediate family.
  - (d) If the victim is an adult at the time of his/her death (as a result of the offense), but is not married and leaves no children, and is survived by his/her parents, the parents are regarded as his/her immediate family.
  - (e) In any other case, where a victim is deceased as the result of the offense, any relative of the victim will be considered the victim’s immediate family.
  - (f) The members of the victim’s immediate family shall be identified as of the time of the victim’s death.

This definition of immediate family will be used to determine whether an individual is authorized to receive U.S. Mail or U.S. Certified Mail, Return Receipt Requested, and will also be used in determining who the Board is required to locate by law in homicide cases, as well as who may appear before the Board in a homicide case as immediate family of the victim who is deceased as a result of an offense to present his/her views to the Board.

5. The Victims Unit of this agency shall have the primary responsibility for identifying and locating those individuals the Board is required by law to exercise due diligence to locate—victims of homicides, class A felonies, excluding Burglary I where no victim was present, and criminal sex offenses. The Victims Unit will inform victims of the importance the

Board places on their concerns, as well as public safety. Upon locating a victim in those categories above, the Victims Unit shall register the most recent contact information of those victims located into the automated notification system. After such registration, victims may update their contact information through the automated notification system's website [<https://victims.alabama.gov/>] so that the notice to which system registrants are entitled is made to the proper registered information for the victim. See Ala. Code § 15-22-36(e)(2). Victims may choose to make use of the system's automated update feature, utilizing Alabama driver license records. See Ala. Code § 15-22-36.2.

6. If the Board is required to exercise due diligence to locate a victim who is a minor, unless some other person or entity (including a State or public agency) is the legal guardian, the custodial parent(s) or legal guardian(s) of the minor will be located and the contact information of any parents or guardians located will be entered into the automated notification system. If, however, the victim was a minor at the time of the offense, but has attained majority, the victim will be located and the contact information of the victim will be entered into the automated notification system.
7. Any employee of this department assigned to identify and locate an individual shall document all steps taken. If the employee is unable to identify or locate a victim, or if it is not otherwise possible to notify a person the Board is required to locate, a "certificate of due diligence" shall be executed by an employee of the department certifying that the victim cannot be located and detailing the steps taken to locate the victim. The certificate of due diligence will become a part of the Board file and the Board will proceed with the hearing.
8. Victims who must be located, but decline to be registered in the automated system or notified via an available mode of notification, will be certified as a due diligence case.
9. A victim who opts not to receive notice or has been certified as a due diligence case by the Board, as specified above, may later register or opt back in to receive notice (if already registered) in the automated notification system.
10. Notification of cases docketed for parole consideration pursuant to Act 2017-355 (the Alabama Medical Parole Act) will specify the action to be considered by the Board is a medical parole.

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## **Article Five**

### **Preliminary Review of Docketed Cases**

1. After each consideration docket is prepared, a Board designee shall review each case on the docket and ensure that all necessary information and documents are in the file.
2. Before the Board may grant parole on any case, the file shall contain a thorough statement of the offender's personal and social history, his/her criminal history, the details of offense for each sentence under consideration, an assessment of his/her adjustment during the sentence, a proposed reentry plan, including a home and job program, a current risk and needs assessment, measuring the offender's risk of re-offense, completed Parole Guidelines, and evidence that statutorily required notices have been sent.
3. Members of the Board shall review the file individually. Any notes that a Board member may make in such review shall be for his/her private reference, and shall not be included in the department's file pertaining to the case. No member of the Board will discuss any case or share his/her notes on the case with a colleague on the Board, prior to the meeting at which the matter is scheduled to be considered.
4. Any member of the Board may order an investigation of any matter that may bear on the Board's decision.
5. Once a case is set for open public meeting the Board's designee shall ensure that the proposed reentry plan, including the home and job program has been requested.
6. Prior to a paroled inmate's release, a Board designee shall ensure that the proposed reentry plan, including the home and job program, has been verified to be satisfactory.

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## **Article Six**

### **Board Action on Pardons, Paroles, Restorations of Civil and Political Rights, Remissions of Fines and Forfeitures, and/or Conditional Transfers**

1. On the date set for consideration, the Board will convene its open public meeting at the appointed place, at the appointed time, or as soon thereafter as practicable.
2. When the Board convenes its open public meeting to consider the matters on its docket, the bailiff shall notify all persons in the waiting rooms that the Board is convening to hear all business that may properly come before it and that the meeting is open to the public.
3. The Board will consider each case on the docket in such order as the Board may direct.
4. All persons giving testimony before the Board shall testify under oath or affirmation.
5. The individuals supporting the grant of relief to the inmate whose case is before the Board will be afforded the first opportunity to state the reasons relief ought to be granted. The officials and individuals entitled to notice under the statute will next be afforded an opportunity to express their views. The Board may, in its discretion, permit any other person to offer information that might be helpful in making its decision. If any member of the Board sees a need to do so, the Board may recess while a member of the staff interviews an individual to determine whether that individual should be asked or allowed to testify. The Board may question any person appearing before them.
6. If a member of the Board desires information from any person not present, the Board may recess while a member of the Board's staff contacts that person. Any and all information gathered from the person contacted by the Board's staff member shall then be presented to the Board for consideration once the Board has reconvened. In the event that the needed information cannot be obtained during the meeting, the Board shall decide whether to proceed without that information or continue the matter to a future meeting.
7. On parole cases, the Board shall determine fitness for parole by using actuarially-based criteria and guidelines established by the Board as

required by Alabama Code Section 15-22-26.

8. If any Board member desires, the Board may discuss the case before taking action.
9. When the Board is prepared to take action, the members shall enter into the file their votes for or against the relief sought. On paroles, each Member favoring or not favoring the order of relief shall enter into the file reasons for approval or denial and articulated reasons will be provided to the Department of Corrections and the inmate whose case has been considered for parole as a part of a "communication packet," as well as upon request to the victim or any interested party. On all other matters, the Board's file will reflect only the reasons for approving the relief sought and such will be public record.
10. If the requisite number of votes have been cast in favor of the relief, such shall constitute an official order for the relief, which shall become effective if not withdrawn by the Board in a timely manner.
11. If a quorum may grant relief and the Board members present are evenly divided, the case shall be continued to a date certain and that date shall be announced in the open public meeting. The Secretary of the Board or a Board Member shall announce that the case will be taken up again at the appointed public meeting.
12. When each Board Member has entered his or her vote, or declined to do so, the Secretary of the Board or a Board Member shall determine whether the requisite number of affirmative votes appears of record and that the record contains the reasons for favoring or not favoring the order of relief for each voting Member, and that the order is otherwise accurately executed, including proper dates. If so, the Secretary of the Board or a Board Member shall announce that the Board has ordered the relief sought. If not, the Secretary of the Board or a Board Member shall announce that the relief has been denied.
13. If parole has been denied, the Board shall determine whether and when the case shall next be docketed for consideration, not to exceed two (2) years for cases with sentences of twenty (20) years or less, pursuant to Alabama Code Section 15-22-37, and otherwise not to exceed five (5) years.
14. If at any time a quorum is not present, the Board shall stand in recess until a quorum is present. If a quorum is not present at the end of the day,



or if it becomes apparent that a quorum probably will not be assembled for that day, all cases that have not been decided shall be rescheduled for further consideration as early as is practicable and consistent with statutory requirements.

15. If only two members of the Board are present to hear a case that requires unanimous approval, the Board may pass over that case to hear other cases on the Docket that require only two members to vote. Cases docketed under such circumstances, but requiring a unanimous vote, shall be continued to a date certain, announced in open public meeting by the Board Members present. In the event that the Board is unable to take action on the continued case on the date specified, the case shall be rescheduled for further consideration as early as is practicable and consistent with statutory requirements.

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## **Article Seven**

### **Certification and Reconsideration**

1. After the Board has entered an order of pardon, parole, restoration of civil and political rights, remission of fines and forfeitures, and/or conditional transfer of prisoners, the Board's Secretary shall review the file to ensure that the requisite number of affirmative votes appear of record and that the record meets all other requirements.
2. If, prior to the effect of the certificate of relief, good cause is found by Board staff that suggests the relief could be held null and void, such cause shall be documented and placed in the file and the case should be returned to the Board for rescheduling.
3. Any member of the Board may void his/her own vote to order relief prior to the effect of the certificate of relief. If any member of the Board voids his/her order for relief, the case shall be docketed for reconsideration. Those individuals registered to receive notice pursuant to Sections 15-22-23 and 15-22-36 shall be afforded notice of the reconsideration meeting and those individuals who were provided an opportunity to express their views at the initial hearing will be afforded the opportunity to do so again. This meeting shall be scheduled as early as practicable. The order previously entered shall be stayed pending such reconsideration.

4. All official orders of the Board granting pardons, paroles, restorations of civil and political rights, remissions of fines and forfeitures, and/or conditional transfers of prisoners shall be certified by the Executive Director, except as provided herein. In the absence of the Executive Director, such certification shall be by his/her designee or by a member of the Board. The certificate shall bear the agency seal as evidence that it represents the official act of the State of Alabama Board of Pardons and Paroles.
5. If additional facts come to the attention of the Executive Director or his/her designee or any member of the Board, subsequent to execution of the certificate but prior to its taking effect, that could result in the grant being rescinded, such official may order, in writing, that the effective date of such certificate or the delivery of such certificate be stayed pending further review by each individual member of the Board who voted in the affirmative. A record of such information shall be entered into the file.
6. If, after each individual member of the Board who voted in the affirmative has reviewed such information as provided above, the record still contains the requisite number of votes favoring the order, the stay shall be vacated, and the certificate shall be delivered and become effective.
7. If an order to parole is withdrawn pursuant to this article, that case should be rescheduled for further consideration approximately twelve (12) months after the order is withdrawn, unless the Board orders otherwise.
8. After the certificate is executed, notice of the action taken by the Board will be made through the automated notification system and by posting notice publicly on the agency website.

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## **Article Eight**

### **Pardons**

1. Except as provided in the Alabama Code or in these rules, the procedure for deciding whether to grant a pardon shall be the same as the procedure for deciding whether to grant a parole.
2. No pardon application shall be considered, except at the request of the person whose conviction is at issue.

3. This Board will entertain petitions for pardon from convictions in the courts of the State of Alabama for violations of State law. The mayors of the respective municipalities in Alabama have jurisdiction to pardon violations of municipal ordinances. Convictions for violation of municipal ordinances are not considered to be criminal convictions. This Board will also entertain petitions for pardon from convictions in the courts of the United States or of other States, if the petitioner is, at the time of application and at the time of consideration, a resident of Alabama.
4. The procedures set out herein apply to applicants who have either completed their sentence or who have successfully served at least three years on parole for that sentence. All other cases are governed by specific statutory provisions.
5. The applicant must fully cooperate with this department's investigation of his/her criminal history, personal and social history, and the circumstances of the crime in question.
6. When the application and necessary investigations are complete, the case will be docketed for consideration. The general rules for docketing and notification apply.
7. If the Board grants a pardon, the Board will also decide whether to restore any or all civil and political rights lost as a result of the conviction. As required by law, the members of the Board favoring the grant of relief shall enter in the file a detailed written statement of the reasons supporting that decision.
8. If the Board declines to grant a pardon and/or to restore any or all civil and political rights, the applicant may not apply again until at least two years have passed from the date of the Board action, unless otherwise expressly ordered by the Board.
9. Any application for pardon prior to completion of sentence or three (3) years of successful parole shall adhere to requirements of Alabama Code Section 15-22-36, to include written approval of the judge or district attorney
10. If the Board's designee finds that the statutory jurisdictional requirements are met, the case will be docketed for the Board's consideration. The general rules of procedure applicable to other cases apply to the meeting or meetings at which the Board considers such cases.

11. If the Board orders that the pardon be granted, the order will be made a matter of public record.
12. The pardon procedures will apply to a request for a Certificate of Eligibility to Register to Vote, except where superseded by Ala. Code 15-22-36.1. This code section specifies certain procedures and requirements that must be met, as a matter of law.

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## **Article Nine**

### **Remissions of Fines**

1. The same general procedures followed for consideration of pardons or paroles shall apply to remissions of fines, except as specified herein.
2. This Board will exercise this power only in cases to which the State of Alabama is a party.
3. An individual seeking remission of a fine shall file an application on a form approved by this department. The application shall contain a short and plain statement of the reasons that the applicant believes it would be just for this Board to remit some or all of the fine imposed.
4. The applicant shall cooperate in this agency's investigation of the matter, and shall provide information about his/her personal, social and criminal history, and the details of the offense.
5. The investigating officer shall contact the sentencing judge and the district attorney or their successors and solicit their input.
6. When the Board deliberates, they shall consider whether to deny remission entirely, to remit a portion of the fine (and, if so, what portion), or to remit the entire fine. Unless a majority of the Board agrees to a specific grant of relief, all relief is denied. No offender shall be permitted to file a subsequent petition for remission in the same case after the Board decides his/her case.
7. If the Board agrees to grant a remission, each member of the Board favoring the grant shall enter into the file a detailed statement of his/her reasons for favoring such remission. The remission order shall specify what portion of the fine is remitted.

8. The Executive Director, or in his/her absence, his/her designee or a Board member shall issue a certificate, evidencing the Board's order to remit some or all of the fine. The certificate shall plainly express the terms of the Board's order and bear the signature of the Executive Director or other designated officer and the seal of the State of Alabama Board of Pardons and Paroles.

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## **Article Ten**

### **Remissions of Forfeitures**

1. The same general procedures followed for consideration of pardons or paroles shall apply to remissions of forfeitures, except as specified herein.
2. This Board will exercise this power only in cases to which the State of Alabama is a party.
3. An applicant for a remission of forfeiture shall file an application on a form approved by this department. The application shall contain a short and plain statement of the reasons the applicant believes it would be just for this Board to remit some or all of the forfeiture imposed.
4. No application will be considered unless the principal has been convicted of the underlying offense.
5. The Board will consider applications from the principal or the surety, with notice of the Board's forfeiture remission hearing and action taken provided to both the principal and the surety. In making their application, applicants applying individually as the principal or the surety must provide up-to-date contact information for both the principal and surety to the department.
6. All parties shall cooperate in the agency's investigation of the matter, which will include the usual information about the applicant's personal, social, and criminal history and the details of the offense, the investigation shall provide a clear picture of the applicant's economic status.
7. The investigating officer shall contact the sentencing judge and the district attorney (or their successors) and solicit input.

8. The Board, in deliberating, shall consider whether to deny the remission entirely, to remit a portion of the forfeiture (and if so, what portion), or remit the entire forfeiture. Unless a majority of the Board agrees to a specific order of relief, all relief is denied. No applicant may submit a subsequent petition for relief on the same case after the Board makes its decision.
9. If the Board agrees to grant a remission, each member of the Board favoring the grant shall enter into the file a detailed statement of his or her reasons for favoring such remission. The remission order shall specify what portion of the forfeiture is remitted.
10. The Executive Director or, in his or her absence, his or her designee or a Board Member shall issue certificates, evidencing the Board's Order to remit some of all of the forfeiture. The certificates shall plainly express the terms of the Board's Order. The principal and the surety named in the forfeiture action shall each receive an original certificate, bearing the signature of the Executive Director or other designated officer and the seal of the State of Alabama Board of Pardons and Paroles.

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## **Article Eleven**

### **Parole Violations**

1. A parole officer who has received information indicating that a parolee under his/her supervision may have violated a condition of parole should investigate the alleged violation in a timely manner. The thoroughness of the investigation shall be proportionate to the seriousness of the alleged violation. The parole officer should make a preliminary determination of the seriousness of the charges. Appropriate violation responses should be used or recommended by the supervising officer, including non-confinement-based, as well as confinement-based sanctions, based on the Board's Supervision Response Matrix. If the parole officer believes no further action is required, he/she may report the investigation in the "Notice of Violation" format to Field Services.
2. If the violation is appropriate for a 2-3 day period of confinement ("dip"), such will be imposed by the supervising officer with approval from the supervisor after the parole violator signs an appropriate waiver form, approved by the agency, giving notice of the specific violation charges alleged by the supervising officer and those rights defined by Alabama

law. The parole violator, the supervising officer, and the supervisor of the supervising officer must sign the waiver in order for it to be effective. The waiver must specify the number of days of confinement and the date/time of release. No further delinquency action will follow on a “dip” and the signed and completed waiver form will be adequate documentation to accompany a violator presented by the supervising officer to the local jail to complete the 2-3 days of confinement and automatically be released to supervision as of a date/time specified on the form. The supervising officer’s authority to impose “dips” is limited to 2-3 days at a time, no more than 6 days per month, and not more than 18 days for the parolee’s supervision term.

3. Should a parole violator refuse a “dip,” Alabama law allows for the violator to request a parole court hearing within 10 days.
4. If the parole violator refuses to accept the “dip” and sign the waiver, or, if the nature of the violation is more appropriate for full revocation, the following procedures will apply, subject to statutory revocation caps (“dunks”):
5. Alabama law limits the time in confinement to be imposed by the Board on all parole violations to three, 45-day periods (or “dunks”) before the Board may impose a full revocation, unless the parole violator’s current offense is a violent Class A or sex offense or if the violation charge(s) involve(s) an arrest, new conviction, or absconding. The Board may not exceed 3 “dunks.” However, the Board holds authority to directly impose unlimited short periods of confinement of up to three days (“dips”).
6. In pursuit of full revocation, subject to those revocation caps (“dunks”) described above, whether outright or in the event a “dip” is refused by the parole violator, the parole officer, after investigating the alleged violation and determining that the allegations are well founded, shall submit a written report to the Field Services Division in the "Report of Parole Violation" format, also submitting a copy to the Parole Court Hearing Officer, and the parole violator (and legal counsel, if any).
7. The submission of the report shall initiate the Parole Court Hearing Process. The parolee shall be directed to appear before the Parole Court for an evidentiary hearing. The hearing must occur within the statutory time frame of 20 business days.
8. If the parole officer has reason to believe that the public would be endangered or that the parolee would abscond supervision if left at

liberty, pending further action, he/she may issue an "authorization to arrest" writ and cause the parolee to be held in the local county jail.

9. The officer submitting the report shall coordinate with the regional Hearing Officer to schedule Parole Court and must do so within 72 hours of any arrest.
10. Field Services will review notices and reports of parole violation when received from the field officer through the supervisory chain of command. Field Services will determine whether there is reasonable cause to believe the parolee has violated the terms of parole in an important respect. Field Services shall base a decision on facts appearing in the record, as well as any documented facts. Field Services shall decide whether the alleged violation is sufficiently serious to warrant referral to the Board for declaration of delinquency. Field Services shall docket the case for the Board to decide whether the parolee should be declared delinquent. Declarations of delinquency should be docketed on a weekly basis, unless the Board has no regularly scheduled meetings during a particular week. Field Services will notify the Department of Corrections of the date the Board declares a parolee delinquent.
11. Field Services shall also determine whether the alleged violation is sufficiently serious to authorize the Department of Corrections to issue a fugitive warrant. Notice bearing the signature of the Executive Director or his or her designee shall be forwarded to the Department of Corrections authorizing the issuance of a fugitive warrant.
12. If at any time, prior to the Parole Court Hearing, the investigating officer needs to supplement the Report of Parole Violation and/or Field Services directs modification or supplementation of the report, a supplement/corrected report must be recirculated to Field Services, the Parole Court Hearing Officer, the parole violator (and legal counsel, if any). Field Services will, in turn, be responsible for forwarding any supplement/corrected report to the Board.
13. The decision whether to incarcerate the parolee pending Parole Court may be reconsidered at any point in the process and the Board retains jurisdiction to reconsider whether to enter or void a declaration of delinquency at any point in the process.
14. The Parole Court hearing may occur prior to the decision to refer the charges to the Board for declaration of delinquency and/or prior to the



decision to authorize the Department of Corrections to issue a fugitive warrant.

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## **Article Twelve**

### **Parole Court Hearing**

1. The Board has, pursuant to law, appointed or designated officers to hold Parole Court and to determine the facts pertaining to alleged parole violations. These hearing officers are authorized to determine whether the parolee is guilty, as well as to determine whether there is probable cause to detain the parolee pending final resolution of the charges. Parole Court must be held within 20 business days of an inmate being incarcerated or he/she must be released back to supervision.
2. The Board prefers to have a single fact-finding hearing, at which the Hearing Officer will decide whether parole violation charges are proven, evidence in mitigation and/or aggravation will be heard, and the Hearing Officer will determine whether it is appropriate to detain the parolee pending the Board's decision on revocation. However, the Hearing Officer may determine whether probable cause exists to detain the parolee, and continue the hearing until a later date for determination of guilt. The evidence taken at the preliminary hearing may be considered in the determination of guilt. If there is no reasonable cause to detain the parolee pending further hearing, the Board shall be promptly notified in writing.
3. The investigating or charging parole officer shall provide the parolee with a copy of the Report or Notice containing the charges prior to or contemporaneously with notice of the date, time and place of Parole Court, whether the parolee is incarcerated. If the parolee is not incarcerated, the parole officer may deliver these documents by U.S. mail, addressed to the parolee's address of record (as reflected in the parole officer's supervision notes). The officer serving these papers shall return a written certificate of service to the Parole Court.
4. The Hearing Officer may accept a knowing, intelligent guilty plea to parole violation charges. Before doing so, he/she shall ensure that the parolee is aware of the specific charges, and understands the rights he/she waives by entering such plea. The Hearing Officer shall not accept a guilty plea unless the parolee does, in fact, acknowledge that he/she has

violated the conditions of parole. The Hearing Officer shall document the facts admitted to by the parolee and have the parolee sign the acknowledgement of guilt.

5. The parolee is responsible for notifying his/her counsel and witnesses of the date, time, and place of the Parole Court hearing. He/she is also responsible for forwarding a copy of the charges to legal counsel. The parole officer may assist in contacting counsel or witnesses as a courtesy to the parolee and may provide copies of the charges or other documents pertaining to Parole Court to the parolee's counsel. Papers will be served on the parolee, either by personal service or mail to ensure receipt of reasonable notice of the charges and the proceedings.
6. The Parole Court hearing officer may exercise reasonable discretion if any party requests a continuance of a hearing. The entire hearing may be rescheduled or the Parole Court may hear such evidence as is available and continue the hearing for further evidence, as may best serve the ends of justice. If the parolee requests a continuance and the continuance is denied, the Parole Court should enter the request and stated grounds in the record. The Parole Court should also state the reasons for denying the request.
7. The Hearing Officer shall preside over the hearing and govern its conduct. The Hearing Officer shall ensure that the record accurately reflects all necessary notices and that the record accurately reflects compliance with all procedural safeguards. The charging Probation and Parole Officer or his/or her designee shall present the case of the alleged parole violations. The parolee shall be allowed to cross-examine accusing witnesses, unless the Hearing Officer specifically finds good cause to believe the witness would be endangered by confrontation. If confrontation is disallowed, the Hearing Officer will make reasonable efforts to balance the parolee's need for cross-examination. The parolee shall be allowed to present evidence in his/her own defense, either personally or through counsel. The parolee's witnesses shall be subject to cross-examination. The Hearing Officer may question any witness, and should permit each side to ask follow-up questions.
8. The investigating/charging parole officer shall present the evidence supporting the parole violation charges. The parole officer may question any witness. The parole officer may testify in narrative format if he/she is a competent witness as to any issue. The parole officer may also question witnesses testifying in the parolee's defense. All witnesses against the parolee are subject to cross-examination. The Parole Court

may exercise reasonable discretion in deciding whether to question witnesses, in order to arrive at the truth. The Parole Court may exercise reasonable discretion to disallow or limit any question that seeks to elicit information not pertinent to the issues, or tending towards abusive or harassing. The Parole Court should include in the record any questions disallowed and the reasons for the ruling.

9. For purposes of determining whether probable cause exists, the Hearing Officer may consider any relevant information, including hearsay. For purposes of determining guilt, the Hearing Officer shall consider any evidence that would be admissible under either the Alabama Rules of Evidence or the Federal Rules of Evidence. The Hearing Officer may also consider any other evidence, including hearsay, that appears to be reliable and probative, but may not determine guilt solely based upon hearsay evidence. Commonly accepted treatises on evidence, including Gamble's, McElroy's, Wigmore's and McCormick's, should be considered persuasive authority for determining the admissibility of evidence. The Hearing Officer must state the evidence relied upon in making his/her determination.
10. The Parole Court shall allow the parolee great leeway in presenting mitigating information. For purposes of mitigation, the Hearing Officer shall consider any information offered by the parolee. Any objections shall go to the weight of the evidence and not to its admissibility.
11. The Hearing Officer shall take judicial notice of conditions of parole imposed by this Board or by another State pursuant to the Interstate Compact. The parolee may introduce evidence that he/she was not aware of a condition. The Hearing Officer shall take judicial notice of the laws of the State of Alabama. In the absence of proof to the contrary, the Hearing Officer may rely on a copy of a municipal ordinance or of a statute of another jurisdiction as evidence of the law in that jurisdiction. The Hearing Officer may presume, in the absence of proof to the contrary, that each municipality in Alabama has adopted an ordinance incorporating the penal provisions of the Alabama Code into its municipal law. The Hearing Officer may accept a certified copy of a judgment of conviction as conclusive evidence that the parolee is guilty of violating a law, provided that, in the case of a conviction in municipal court or district court, the time for appealing to circuit court for trial de novo had run before the certification was issued.
12. The Hearing Officer may determine that a parolee is guilty of violating a law, but that the offense was less than that named in the delinquency

report. The Hearing Officer may also determine that a parolee is guilty of violating a law other than that named in the delinquency report, if the report provided fair notice to the parolee of the wrongful conduct at issue.

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## **Article Thirteen**

### **Parole Court Reports**

1. The Hearing Officer shall file a written report, detailing the evidence considered and deciding the facts. The report shall also state what evidence was relied upon in the findings of facts. The report shall clearly state whether each charge was proven. If the parolee is found guilty of violating the terms of parole, the Hearing Officer shall also include in his/her report a detailed assessment of the mitigating and/or aggravating circumstances and make a recommendation to the Board. The Hearing Officer's report shall detail the reasons supporting the recommendation.
2. The recommendation of the Hearing Officer to the Board is governed by Alabama's revocation cap ("dunk") law: in all cases, excluding those parole violators whose current offense is a violent Class A's or sex offense as well as for charges for a new arrest or conviction, or absconding, the Parole Court may only recommend and the Board may only impose a 45-day max period of confinement ("dunk"). The hearing officer and the Board are limited to recommending/imposing 3 total "dunks" and may not recommend/impose full revocation until 3 "dunks" have first been imposed. Thus, the Hearing Officer shall recommend to the Board whether the parole violator should be "dunked" (or incarcerated for up to 45 days), fully revoked, or reinstated, as applicable.
3. The parolee shall be provided a copy of the Hearing Officer's Findings of Fact and recommendation. The Parole Court Docket Clerk is responsible for ensuring that a copy of the report is served on the parolee, and that a certificate of service is returned to the Clerk verifying the date of service.
4. The written report is the official record of the Parole Court Hearing.
5. If the Parole Court determines that no charges have been proven, but that there is probable cause to believe any charge may be proven, the case may be continued pending further hearing. The Parole Court should also

determine whether it is appropriate to detain the parolee pending such further hearing. These findings are to be reduced to writing, and a copy is to be served on the parolee.

6. Except as provided in the preceding section, if no charges are proven to the reasonable satisfaction of the Hearing Officer, the Clerk shall forthwith prepare a draft order for the Board's signature, directing withdrawal of any warrant issued by authority of this department. That draft order and the Hearing Officer's report shall be filed with the Clerk to be presented to the Board for action by the most expeditious means. The Clerk shall prepare a docket of acquittals for the Board's review. The Board's review of acquittals is for the purpose of ensuring that Hearing Officers are properly evaluating the evidence presented to them. The Board will also review the files pertaining to proven charges as they determine whether parole should be revoked.
7. A parolee who has been accused of a specific parole violation, after the charge is found "not proven," shall not have parole revoked for that violation unless the charge is subsequently proven in a new evidentiary hearing or unless he/she is convicted of an underlying criminal charge.
8. If the parolee is found guilty of any charge, the Hearing Officer's report shall be filed with the Clerk. The Clerk shall prepare two separate dockets. The cases in which Hearing Officers recommend reinstatement shall be presented to the Board separately from those cases in which the Hearing Officers recommend imposition of an up to 45-day period of confinement ("dunk") or full revocation. The Clerk shall be responsible for tracking the number of dunks imposed on each parolee, as well as the supervising officer.
9. If the parolee has not been incarcerated pending the Parole Court hearing, the Parole Court shall determine whether incarceration is appropriate pending the Board's final decision.
10. The Parole Court report and recommendation of the Hearing Officer will be submitted to the Board at the earliest practicable time. When reinstatement is appropriate, the Board believes that society benefits when this decision is made and carried out as soon as possible.

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## **Article Fourteen**

### **Board Action Subsequent to Parole Court**

1. The records of Parole Court proceedings shall be maintained in the agency file pertaining to the affected parolee.
2. The Board shall take up its parole court dockets during regularly scheduled open public meetings. After consideration of the parole court report, the Board shall decide whether to continue parole, reinstate parole, impose an up to 45 day period of confinement (“dunk”), or revoke parole. The Board will only consider revocation on charges proven to the reasonable satisfaction of the Parole Court. However, the Board may remand any charge for further hearing. Nothing in these rules will limit the Board’s authority to impose a lesser 2-3 day jail-based sanction, as provided by Alabama law.
3. Any Board order “dunking” or revoking parole shall state the reasons for revocation and shall refer to the evidence relied on in determining that revocation is appropriate.
4. If the Board is inclined to reinstate to parole supervision any parolee found guilty of parole violation, the case may be continued to a later meeting, pending verification of a home and job plan.
5. If the Board is of the opinion that the interests of justice will be served by remanding a case for further hearing, either to ensure that the parolee has had due process or to ensure that society is properly served by a more thorough fact-finding process, such proceedings shall be conducted as promptly as may be practicable and just.
6. The Board retains jurisdiction to reconsider any revocation that they may later determine to have been improvidently ordered.
7. The Revocation Unit shall notify the Department of Corrections of any order “dunking” or revoking parole or returning a parolee to parole supervision with 5 business days.
8. The Revocation Unit shall ensure Field Services receives copies of any needed dockets, orders, or records.
9. Following revocation for a new offense, unless the new offense is one of those subject to Article 1, Section 9 of these rules, the Board will schedule the inmate’s next parole consideration date based on the set-off date

established by the Board for the revoked case if the revoked case remains the controlling case (the longest running case). If the new offense becomes the controlling case, however, the Board will schedule the inmate's next parole consideration date in accordance with the provisions of Article 1. For revocations due to a technical violation, the inmate's next parole consideration date will be scheduled based on the Board's set-off date established for the inmate's revoked case.

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## **Article Fifteen**

### **Records**

1. The records of the Board pertaining to each inmate are confidential and subject to an absolute governmental privilege. Prior to enactment of the statutory privilege in 1951, the Legislature regarded these files as privileged by common law. The Legislative history of Act 1951-599 indicates the Legislature was concerned about the risks of abuse if individuals, including public officials, had access to the sensitive information in these files. Act 1983-750 increased the likelihood that the Board would receive useful, but sensitive, information from crime victims and public officials. The context of this Act indicates that the Legislature intended for communications from these individuals to be kept confidential.
2. The records maintained in the Board's Minute Books are public records. As provided herein, copies of the Board's dockets, including a record of the action taken, will be filed in the Board's Minutes for public inspection.
3. Board Orders granting pardons, with or without restoration of civil and political rights, paroles, or remissions of fines or forfeitures are public records. The statement of reasons filed by each member voting in favor of such grant are public records, as well as the statement of reasons for denying parole.

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## **Article Sixteen**

### **Flexibility in Responding to Crises**

1. When the Board determines that circumstances exist manifesting a critical need for the Board to expedite parole consideration, the Board may direct its staff to implement these procedures, consistent with available resources.
2. The staff will survey the prison population, with a view toward assisting the Board in exercising its discretion in setting priorities for special dockets. The designated staff will consider the seriousness of the inmate's prior criminal history, the nature and severity of the current offense, potential for future violence, as well as community attitude, and may consider events occurring since incarceration. These designees are authorized to reschedule parole consideration, within parameters established by the Board.
3. The Board may set criteria for Special Dockets. These criteria will be adopted by special order of the Board, entered into the Minutes.
4. Clerical staff will be assigned to initially screen files that appear to meet these criteria. These cases will be divided into two categories: those that clearly are excluded and those that are clearly not excluded from the Special Docket. Cases that are clearly excluded from the Special Docket will remain scheduled for parole consideration on the tentative dockets previously established according to these procedures, except as otherwise provided herein. Cases that are not excluded from the Special Docket will be docketed on the next available docket.
5. The staff involved in Special Docket reviews will meet frequently and consult with other staff as appropriate, and will ensure that the Executive Director and the Board are kept apprised of their progress and of any potential obstacles.
6. Backlogged victim notification cases may be screened by a staff member in the Victim Services Unit, who may direct the Victim Service Unit to expedite notice in cases where the information appears to be current, even if there are other cases more overdue. This officer may also screen backlogged cases to determine whether any other backlogged case should be expedited, and if so, he/she may direct that such case be processed.