County and Municipal Law Enforcement

Functional Analysis

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Functional Analysis of County and Municipal Law Enforcement

Sources of Information

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General Sources of Information
Alabama Constitution of 1901
Code of Alabama 1975
Functional Analysis and Records Disposition Authority of the Department of Public Safety (2000)
Timmons, Robert D. “Alabama Sheriffs’ Association” (1996)

Historical Context of Local Law Enforcement

The word “sheriff” is of English derivation, a contraction of the word “shire” (county) and “reeve” (an agent of the king). The Alabama Constitution of 1819 provided that the sheriff would be elected by the people in each county “for the term of three years... and [would] not be eligible to serve either as principal [sheriff] or deputy for the succeeding years.” Sheriffs were made subject to impeachment if prisoners were taken from them and lynched. Today, the sheriff serves a term of four years and can serve consecutive terms. There is an elected sheriff in each of Alabama’s 67 counties who performs general law enforcement duties and serves judicial writs. The sheriff is not responsible for automobile accident investigations, which are handled by state troopers or city police.

The development of modern municipal law enforcement procedures began with the creation of the London Metropolitan police in 1829. While informal, voluntary, and private systems for providing police services had existed previously, that year marked the creation of a paid, public, full-time police force in London and (with the contemporary Sureté in France) the real inception of modern...
police administration. Faced with the task of establishing a 1,000-member police force “from scratch,” Sir Robert Peel relied on the following fundamental principles: (1) the police should be under government control, (2) the basic mission of the police is preventing crime and disorder, (3) the police’s success is dependent upon public approval, (4) the police should be organized along military lines, (5) securing and training proper persons for the police force is essential, (6) police officers should be hired on a probationary basis, (7) police strength should be deployed in different shifts and precincts, and (8) police officers should employ only the minimum force necessary when dealing with offenders.

In the late 1800s and early 1900s, a reform movement swept through American police administration. Central to these reforms was the idea of government by rational decision-making. Reformers sought to separate politics from administration and to put police administration in the hands of trained professionals. Civil service and merit systems were created to guarantee that personnel decisions were based on objective criteria, rather than on political connection. This reforming spirit influenced the development of police administration in many states, including Alabama. During the Constitutional Convention of 1901, among the most controversial and hard-fought issues were the governor’s impeachment power over the sheriff in lynching cases, and the question of whether the sheriff should be allowed to serve more than one successive term. Supporters of the latter measure wanted to keep an experienced man in office; opponents charged that successive terms would lead to the establishment of a “courthouse ring,” with the sheriff more interested in retaining office than in upholding the law.

From the 1960s until the present time, police administration has focused on improving productivity through more inspired leadership and greater emphasis on improving the conditions and qualifications of police service. Other areas that have received attention are the analysis and improvement of police tactics and strategies and the police agency’s relationship with its community.

Agency Organization

County sheriffs are their county’s chief law enforcement officer and are elected for a four-year term. They have the authority to appoint a chief deputy, who assists with the office’s duties and acts as chief coordinator. The sheriff reports to the county commission. To become a sheriff or deputy sheriff, an applicant must be not less than 21 years of age, with weight proportional to height; have vision correctable to 20-20, with normal color vision; have normal hearing in each ear; be a citizen of the United States and a resident of the state of Alabama (or have stated an intention to become one upon being employed); have a current active Alabama driver’s license; be free from physical, emotional, or mental conditions that might adversely affect job performance; have no criminal record (minor traffic violations are excluded); not, by reason of conscience or belief, be opposed to using force when appropriate or necessary to fulfill required duties; pass a civil service examination and be certified by the county’s Civil Service Commission; meet all Alabama Peace Officer Standards and Training Requirements; and pass a rigid background investigation (not only of the applicant but also the applicant’s family).

Municipal police chiefs are appointed by the town or city government and have general law enforcement authority within its boundaries, extending to an area of police jurisdiction outside the corporate limits. Municipal police forces vary in size from one or two officers to large city departments. To become a police officer, an applicant must possess the same qualifications as a
deputy sheriff, although some police departments do not require applicants to take a civil service examination. In most departments, any deputy or police officer may perform any departmental function, whether the assignment is in the corrections field, the court system, or the law enforcement division. As a department grows in size and responsibility, it normally develops uniform procedures that guide officers in discharging their duties.

Agency Function and Subfunctions

The Law Enforcement and Emergency Powers function of Alabama local government encompasses all objectives that pertain to preventing, controlling, and reducing crime; enforcing criminal law and apprehending criminals; monitoring activities of the courts and related agencies having criminal jurisdiction; and ensuring public safety. Although certain police activities (such as enforcing ordinances or directing traffic) relate to the Regulation and Public Services functions, they are primarily aspects of Law Enforcement and are so treated here. In performing their mandated function, county and municipal law enforcement agencies engage in the following subfunctions:

- **Maintaining Public Order and Security.** This subfunction covers most routine departmental patrol activities. County and municipal law enforcement agencies are permitted by statute (Code of Alabama 1975, Section 36-22-3) to take reasonable precautions against disruptions of the peace, to apprehend or prevent criminal behavior, to create procedures for dealing with law violations, to pursue general approaches to the crime problem (deterrence, incarceration, or rehabilitation), and to inform the public and enlist public support. The sheriff’s or police department responds to all complaints and crimes within its jurisdiction. Officers patrol their “beats” to protect lives and property. Local law enforcement officers may join security details with other state or federal officers to guard U.S. or foreign dignitaries. Two specialized activities pertaining to this subfunction are:

  - **Enforcing Local Legislation.** As noted in the functional analysis of municipalities, municipal police officers enforce local legislation passed by town or city councils. Such legislation is designed to abate nuisances or to regulate businesses for compliance with municipal, state, or federal laws.

  - **Controlling Traffic.** Police officers and sheriff’s deputies conduct 24-hour road patrols as one of their routine duties. Periodically, officers may operate radar, direct traffic, issue citations for traffic law violations, investigate accidents, provide first aid, photograph accident scenes, notify next of kin, and file statistical reports as required by law. Officers provide escorts for caravans and oversize motor vehicles. They assist in funeral processions, direct traffic at public functions, and conduct patrols of public parks.

- **Communicating and Reporting Criminal Activity.** Law enforcement officers operate radio communications to surrounding counties, cities, states, and all county mobile units. Telephone communications may include multi-line systems (both in-watts lines and open lines), civil defense, and statewide warning points for severe weather warnings. Teletype or computer systems provide access to all state units of such organizations as the Alabama
Criminal Justice Investigation Center (abbreviated as CJIC), the Alabama Bureau of Investigation’s Criminal Information Center (CIC), the National Law Enforcement Telecommunications System (NLETS), and the National Crime Information Center (NCIC).

According to the Code of Alabama 1975, Section 41-9-2, vital information relating to certain crimes is to be accumulated, stored, analyzed, and disseminated in order to gauge criminal activity across the state. A uniform crime reporting system has been created for periodically collecting and analyzing information on crimes committed within the jurisdiction of any criminal justice agency in the state. Local law enforcement officers feed information about persons they arrest into the system; in turn, CJIS provides sheriff’s offices and police departments with statistical data and individual criminal histories upon request.

- **Investigating Crime.** This subfunction documents law enforcement agency investigations conducted after suspected or actual violations of the law. If citizen complaints or department patrol activities indicate that a crime has been committed, the sheriff’s or police department’s personnel may conduct an investigation. All felonies are investigated; misdemeanors may or may not require a full investigation. Juvenile crimes are investigated regardless of whether they are felonies or misdemeanors. Internal affairs investigations of law enforcement personnel are also included under this subfunction. Local law enforcement agencies may obtain assistance in investigations from the Alabama Bureau of Investigation (ABI), the Federal Bureau of Investigation (FBI), or other state and federal authorities.

- **Making Arrests.** This subfunction relates to procedures for arresting persons accused of crimes by local authorities. No person can lawfully be accused, arrested, or detained except for violations of the law and according to the form prescribed below: If a judge or magistrate is satisfied that an offense has been committed, s/he signs a warrant of arrest stating the substance of the complaint. The warrant is then directed to the proper law enforcement agent, and the suspect is arrested. (There are exceptions to the requirement for a warrant, such as when an offense is committed in the presence of an officer.) Persons charged with misdemeanors may be released by the officer on their own recognizance, which binds them to appear in court (or, in certain cases, to pay a fine) or face arrest. When someone is indicted for a crime by a grand jury, the judge issues a bench warrant for his or her arrest. If the suspect is not already in custody, a law enforcement officer will arrest and detain him or her. Anyone charged with, and arrested for, a felony before an indictment is issued has an absolute right to a preliminary hearing within 30 days of the arrest. Failure to appear will not invalidate the indictment.

- **Detaining and Booking Offenders.** When a warrant has been served, and a suspect is taken into custody and transported to a county or municipal jail, the booking process begins. The suspect is processed by an intake officer. His or her personal belongings are taken, identified, and assigned a number. Fingerprints and photographs are taken at this time. All the information taken is initially entered into the arrest record book, although other records are also generated to document arrest and booking.
Providing Assistance to the Courts. Both sheriff’s deputies and police officers may serve as bailiffs for the courts. Officers serve bench warrants, make arrests, and bring prisoners before the court. They assist officers of the state Board of Pardons and Paroles in monitoring paroled prisoners, return fugitives from outside the state, secure extradition waivers on apprehended criminals from outside jurisdictions, and transport prisoners and patients by order of the court. Law enforcement officers may testify in court, with or without a subpoena. Their duties may require them to transport evidence to the crime lab for identification and analysis or to the court. Sheriff’s deputies also serve original notices, writs, subpoenas, and orders for all Alabama district and small claims courts; collect judgments under execution, writs, attachments, and distress warrants; and arrange for the sale of property or the garnishment of wages and bank accounts as part of these collections.

Incarcerating Offenders. The Code of Alabama 1975, Section 11-47-7, states that all cities and towns shall have the power to establish, erect, maintain, and regulate jails, station houses, and prisons. Once an offender is sentenced, s/he is incarcerated in an appropriate minimum-, medium-, or maximum-security correctional facility. Two activities involved in post-sentencing incarceration are: (1) determining the type of punishment and care that the offender may require, and (2) arranging restitution to victims and society. For persons convicted in municipal court, a sentence cannot exceed one year’s incarceration in the municipal jail. If a sentence exceeds one year, the prisoner is transported at the end of that time to the county jail. Correctional facilities may also be under county jurisdiction, and the sheriff and police chief have the same responsibility for providing jail security.

Managing Elections. Under Title 17 of the Code of Alabama 1975, the county sheriff has a number of duties in the election process. S/he is a member of the election official appointing board and notifies officials when they have been appointed. The sheriff also serves public notice of state and county elections and of any special elections called by the governor. The sheriff’s office notifies the public of the location of all polling places, delivers election supplies to voting places before the polls open, and preserves order during all elections except municipal elections. For municipal elections, that duty devolves upon the police, who otherwise have no electoral responsibilities.

Administering Internal Operations. A significant portion of law enforcement agencies’ work includes general administrative, financial, and personnel activities performed to support their programmatic areas. These activities include:

Managing the agency: Activities include internal office management activities common to most government agencies, such as corresponding and communicating, scheduling, meeting, documenting policy and procedures, reporting, litigating, legislating (drafting, lobbying, tracking) publicizing and providing information, managing records, and managing information systems technology.

Managing finances: Activities include budgeting (preparing and reviewing a budget package, purchasing (requisition and purchasing supplies and equipment, receipting and invoicing for goods, and authorizing payment for products received); accounting
for the expenditure, encumbrance, disbursement, and reconciliation of funds within the agency’s budget through a uniform system of accounting and reporting; authorizing travel; contracting with companies or individuals; bidding for products and services; assisting in the audit process; investing; and issuing bonds.

Managing human resources: Activities include recruiting and hiring eligible individuals to fill positions within the agency; providing compensation to employees; providing benefits to employees, such as leave, health insurance, unemployment compensation, worker’s compensation, injury compensation, retirement, and death benefits; supervising employees by evaluating performance, promoting, granting leave, and monitoring the accumulation of leave; training and providing continuing education for employees; and disciplining.

Managing properties, facilities, and resources: Activities include: inventorying and accounting for non-consumable property and reporting property information to the appropriate authority; constructing buildings and facilities, leasing and/or renting offices or facilities; providing security for property owned by the agency; insuring property; and assigning, inspecting and maintaining agency property, including vehicles.

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Analysis of Record-Keeping System and Records Appraisal of County and Municipal Law Enforcement

Agency Record-Keeping Systems

Generally speaking, law enforcement agency records are created and maintained in a variety paper, micrographic, or electronic formats. Most records in paper format are filed in boxes and stored in department offices. Financial records are likely to be in either paper or computer format. Some larger agencies microfilm long-term records such as arrest case files, although not all consistently follow proper micrographic standards. In recent years, a few large sheriff’s and police departments have moved toward creating almost all records—even those generated from mobile units—by computer. The American National Standards Institute (ANSI) is working with law enforcement agencies to develop standards for this type of system.

It must be said that records management is often a low priority for local law enforcement agencies. Most sheriff’s offices and police departments have an administrative section, with an officer assigned to supervise the records program. Unfortunately, because the job is usually given to junior officers on a rotating basis, none is likely to develop the expertise, interest, and authority needed to plan and implement a records program on an ongoing, consistent basis. Some departments—usually the smaller ones—leave their records programs in the hands of full-time clerks who are frequently knowledgeable and conscientious in the performance of their duties.

Records Appraisal

Three major categories of records are created and maintained by law enforcement agencies: Temporary Records, Permanent Records, and Records No Longer Created.

1. Temporary Records

Temporary records require a retention that meets all applicable local, state, and federal requirements but are not considered permanent. Some temporary records created by law enforcement agencies are discussed below:

- **Activity Reports (1.01).** These reports document annual patrol activities on a daily, monthly, and annual basis. They provide statistics on each category of crime, misdemeanor, or other citation encountered during patrols. Activity reports are primarily used by supervisors to monitor officer work activity and to provide statistical information to CJIC and other oversight agencies. One year’s annual report may be used in preparing the next year’s, but daily and monthly reports have no administrative value beyond the year created.

- **Alabama Uniform Incident/Offense Reports (1.02).** These records document any incident or offense in which departmental personnel are involved, regardless of its nature. The reports contain a detailed description of the incident, victim, offense, value of property lost, vehicles, witnesses, and other information. As primary source material for patrol-related incidents, and subsequent law enforcement actions taken in regard to them, information from I/O
Reports is routinely provided to CJIC. The department also includes a copy of the report in each arrest case file, and such copies should be retained for the period required for the case files themselves. Reports of incidents that do not result in an arrest should be kept for the original 10-year period assigned to these records in compliance with the Code of Alabama 1975, Section 6-2-33.

- **Records of Chemical Tests for Intoxication (1.04).** These records document the administration of tests to establish the blood-alcohol content of motorists stopped on suspicion of drunken driving (see the Code of Alabama 1975, Sections 32-5-190 through -194). Chemical tests are retained in a variety of formats, including cards and computerized records systems. The retention period is tied to final disposition of the case.

- **Parade Permit Applications and Permits (1.09).** These records document the application for, and issuance or denial of, permits to organizations that wish to conduct parades within a law enforcement agency’s jurisdiction. The approved application usually serves as the permit. Information in the records may include the date of application, the proposed date of the parade, the sponsoring organization’s name, the expected number of participants and vehicles, parade starting and ending times, proposed assembly area and route, and approval or disapproval by the law enforcement agency. If the denial of a permit, or events during a parade, result in criminal prosecution or litigation, the application and permit will have evidentiary value and should be held through resolution of the case.

- **Radio/Cellular/Telephone Audio Tapes (2.02).** These records document calls for emergency assistance to a law enforcement or 911 department dispatcher. They also include audio tape recordings of radio communications between such agencies and vehicles in the field. In case of litigation, the tapes may have critical evidentiary value (Code of Alabama 1975, Section 6-2-38, 11-47-23); therefore, they should never be reused until the final settlement of all cases for which they provide evidence. The disposition statement follows that approved for municipal fire/EMS agencies in October 2000.

- **Law Enforcement Data System (LEDS) Entry Cards, and Validation Documents (2.03).** These records document the entry of data on crime and criminal offenders by local law enforcement agencies into the Law Enforcement Data System (LEDS) database operated by the Alabama Criminal Justice Information Center (CJIC). CJIC stores, analyzes, and disseminates this information to document criminal activity in Alabama (see the Code of Alabama 1975, Sections 41-9-590 through 41-9-648). Data that qualifies is automatically transmitted to the National Crime Information Center (NCIC), where it is made available to criminal justice agencies throughout the nation. Accordingly, information in the database is subject to creation procedures and retention requirements prescribed by NCIC in its *National Crime Information Center Code Manual* (April 1998). Under NCIC regulations, only the local law enforcement agency can alter the data it creates. The agency should hold data entry cards and validation documents only until it updates or deletes the corresponding information on the database, so that only documentation on currently active data is maintained.
Investigation Files (3.01). These records document the investigation of crimes in the community by the sheriff’s office or police department, as well as internal affairs investigations of departmental personnel. Investigation files have critical evidentiary value in criminal prosecutions and help to document departmental procedures in conducting such investigations. Records of ongoing criminal investigations, or investigations of departmental employees, may be restricted from public access. Normally, the disposition of investigation files is linked to expiration of the statutes of limitations for particular classes of offense. Prior to disposing of any investigation files, however, local law enforcement officials should determine whether any of the cases relate to public issues of permanent historical significance (see discussion in permanent records section below).

Unidentified Latent Prints (3.06). Some fingerprints taken during law enforcement investigations are never identified; therefore, they do not result in an arrest or become part of a case file. The Alabama Department of Public Safety maintains a statewide master file of fingerprint cards, which are used for comparison with latent prints. Some local law enforcement jurisdictions employ their own latent print examiners and do not use the central DPS file in Montgomery. Unidentified latent prints have no legal or evidentiary value after the statute of limitations covering the crime that they document expires.

Arrest Warrants/Unexecuted Arrest Warrants (4.01) These records document the implementation of written orders, signed by a judge or magistrate, to apprehend suspected criminal offenders. The court also retains a copy of this record. Unexecuted warrants cannot be recalled or destroyed except by action of the court, even though the statute of limitations for the crime may have expired.

Arrest Case Files (4.02). These records document the arrest and booking into custody of offenders by departmental personnel. Information in them may include the names and physical descriptions of offenders, photographs, charges filed, fingerprints, rap sheets, suspect statements, witness statements, reports, incident/offense reports, and NCIC reports. Felonies and misdemeanors have different retention periods, based on the seriousness of the crime. Juvenile cases are restricted from public access and are retained only until the offender reaches majority.

DUI/Arrest/Jail Surveillance Audio/Video Tapes (4.03). These records are created to provide protection for officers at initial traffic stops of motorists suspected of driving under the influence, and to document events during arrest and booking. They may consist of VHS video tapes and/or cassette/reel audio tapes. Other tapes document prisoners’ conduct and safety on a 24-hour basis during their incarceration. These records have important evidentiary value in case of litigation (see Code of Alabama 1975, Sections 6-2-38 and 11-47-23) or criminal prosecutions resulting from events occurring while offenders are in custody. Therefore, the tapes should not be reused until all cases that they document are settled.

Arrest Logs (5.01a). This record provides a running log of persons arrested by the law enforcement agency. Information taken at the time of booking includes: name of the arrestee, name of the arresting officer, date and time of the arrest, and charge. More detailed
information is contained in individual arrest case files (which have a longer retention), but
the log provides a back-up if a case file should be lost.

- **Fingerprint Cards (5.01b).** Fingerprint cards are part of the documentation created after a suspect’s arrest. The Alabama Department of Public Safety maintains a permanent, state-wide master file of fingerprint cards, which are used for comparison with latent prints. Local law enforcement jurisdictions that employ their own latent print examiner, and do not use the central DPS file, should consider retaining their original fingerprint cards. The cards are sometimes microfilmed, which provides a legally valid substitute for the original record. In 1996, the disposition of these records was amended to allow destruction of fingerprints of subjects whose death had been verified.

- **Bench Warrants (6.01).** These records allow law enforcement officers to apprehend suspected criminal offenders. Information available includes the name of the judge issuing the warrant, the substance of the crime or complaint, the victim’s name, and instructions to a police officer to arrest the suspect. The courts also retain a copy of the record. Once again, unexecuted warrants cannot be recalled except by action of the court, even though the statute of limitations for the crime may have expired.

- **Exhibits/Evidence (6.02).** These records include exhibits of evidence from all criminal or civil proceedings that have not been released to their owners by the court, as well as evidence that never went to court. The proposed disposition of these records is based on consultation with the state Office of Prosecution Services, which oversees local district attorneys, and the Administrative Office of Courts. It references the AOC trial court schedule that covers court exhibits. The consent of either the district attorney or the court (depending on whether or not the evidence appeared there) is required before destruction of an exhibit can occur.

- **Monthly Reports to the State Department of Corrections (7.01).** Under Section 14-6-98 of the Code of Alabama 1975, sheriffs, police chiefs, or town marshals must submit a monthly report to the state Department of Corrections, detailing the number, race, sex, and physical condition of prisoners in county or municipal jails; any visits by local health authorities, and other information found on standard forms. These reports assist the state department in its duty to inspect jails and supervise the feeding of prisoners. Copies kept by local law enforcement agencies are auditable records but have limited administrative value.

- **Daily Jail Censuses, Inmate Rosters, and Related Statistical Records (7.02).** These records (which may vary in title and format among law enforcement agencies) provide statistical information on inmates housed in local jails, broken down by such factors as sex, race, criminal history, and “state” vs. “county” jurisdiction. In case of litigation, these records document the names and locations of prisoners in custody on any given day. Their proposed retention period is based on the longest applicable statute of limitations for commencing actions: Code of Alabama 1975, Section 6-2-34, allows six years for starting actions based on “false imprisonment or assault and battery.” The other most likely statute of limitations to apply—Section 6-2-38 (which covers wrongful death) runs only two years.
**Jail Inspection Reports (7.03).** These records document the periodic inspection of every county jail, almshouse, municipal jail, or prison in the state. Title 14, Chapter 6 of the Code of Alabama 1975 imposes a duty on the state Department of Corrections to inspect jails at least twice annually in cities of more than 10,000 people. Inspectors must ensure the just, humane, economical, and efficient management of such facilities. Information available in jail inspection records pertains to the facility’s appearance, heating, ventilation, and cleanliness; the number of prisoners and their state of health, bedding, bathing, and sanitary conditions; jail medical service; and similar data. Records in this series include Department of Corrections Form 914 (and earlier unnumbered editions), along with various other health and fire department forms and reports used at the municipal level for cities and towns of less than 10,000 people.

**Jail Incident Reports (7.04).** These records document all unusual instances involving inmates, such as infractions of jail rules, and subsequent actions taken by guards or other law enforcement personnel. Besides their usefulness in case of litigation, these records retain administrative value for as long as inmates whom they document remain in custody.

**Records of Incarceration (Inmate Files) (7.06).** This series has been revised to reflect more clearly the nature of these files, and to include various subcategories of information that may be found in them. Some of the latter were formerly scheduled separately. Two new ones have been added: complaint forms (which are assigned the same retention as incident reports and other records of incarceration); and inmate medical files (7.06a), which are assigned the disposition used for medical case files by the Alabama Hospital Association. A longer period seems desirable in case former prisoners are again incarcerated.

**Ballots and Poll Lists (8.01).** These records document the conduct of elections in the county, but they are not the official results of the election (which are filed permanently with the county probate judge). After the election, ballots, poll lists “and all records required by law” are sealed in an envelope labeled “Records of Election,” signed by the inspectors and poll watchers, and sealed in the ballot box or voting machine during the six-month period in which the election may be contested. The sheriff is responsible for keeping them (under seal), but their final disposition may fall to the probate judge (Code of Alabama 1975, Sections 17-4-231, 17-13-5).

**II. Permanent Records.** Although county sheriff’s and municipal police departments generate relatively few permanent operations records, their strong vertical connections with state and federal authorities result in the long-term or permanent documentation of local police activities in records held by other agencies. Those agencies include the Alabama court system, CJIC, the Department of Public Safety, NCIC, the FBI, and federal courts.

The Government Records Division recommends the following records of county and municipal law enforcement agencies as permanent:
Maintaining Public Order and Security

Routine patrol activities that result in arrests are permanently documented in records of the courts. Law enforcement’s role in enforcing local legislation (primarily through abating nuisances) is reflected in county commission or city council minutes. Statistical information from law enforcement activity reports impacts upon the departments’ annual budget requests and final appropriations in the county or municipal budget.

Communicating and Reporting Criminal Activity

Local, state, and federal police authorities work together to collect, evaluate, and disseminate criminal intelligence data through a nationwide, continually updated communications network administered by the National Crime Information Center (NCIC). While the information is constantly in flux, the network itself provides permanent documentation of this vital law enforcement function.

Investigating Crime

- **Investigations Files (3.01) (files of permanent historical significance).** Prior to disposing of any investigation files, local law enforcement officials should determine whether any of the cases relate to public issues of permanent historical significance. The law enforcement agency should request assistance in evaluating the records from a Government Records Division archivist, or from another qualified state or local historian or archivist. Investigation files identified as having long-term historical significance should be retained by the agency permanently or transferred to a local library, archives, or historical society under the terms set forth in a local government records depository agreement.

Making Arrests/Detaining and Booking Offenders

Arrests that lead to prosecutions are permanently documented in the records of the courts. “Approximately 300 arresting and judicial agencies in Alabama submit criminal history information to the [D]epartment [of Public Safety],” which “maintains fingerprint files . . . repeat offender files and arrest dispositions . . . and provides criminal history information to law enforcement agencies throughout the nation” (Public Safety RDA, p. 1-7).

Information in these files is periodically updated, but the arrangement provides permanent documentation of local law enforcement’s arrest and booking function.

Providing Assistance to the Courts

- **Sheriff’s Execution Dockets or Orders of Sale (6.03).** These records document the county sheriff’s execution of court orders for the sale of property sold to satisfy a judgment. Information available includes the names of the parties, the character of the process, the date and amount of judgment, the principal and costs collected, the issuing court, and the attorney’s name. These records are appraised as permanent, but the sheriff is directed to transfer them to the circuit court when they are filled.
Sheriff’s Sales Books (6.04). These records document the actual, court-ordered sale of property by the county sheriff. Information available includes a brief description of the property and process, the date of the sale, the purchaser, and the price. Like those above, these books are appraised as permanent and earmarked for transfer to the circuit court (Code of Alabama 1975, Section 36-22-13).

Incarcerating Offenders

Permanent records of jail administration are discussed below under the Administering Internal Operations subfunction.

Managing Elections

The only permanent county or municipal election records are the official Records of Election Results, which are maintained by the county probate office and covered in its RDA.

Administering Internal Operations–Managing the Agency

Administrative Policies and Procedures (9.01). These records document the formulation of policy or rule-making decisions by the law enforcement agency. They may include interoffice correspondence or correspondence with other governmental entities or members of the public. Such records have critical evidentiary value in case of litigation and assist the agency in its accountability to citizens.

Historical and Publicity Files (9.03). These records include news releases, newsletters, brochures, periodicals, photographs, videotapes, audiotapes, speeches, and public service announcements issued by a law enforcement agency or individual officials. Although not all sheriff’s or police departments create them, these records may have permanent historical significance in documenting the agency’s relationship with its community and its response to controversial events or public issues.

Administering Internal Operations–Managing Finances

General Ledgers/Detailed Year-End Trial Balances (10.02b). These are records of final entry for all financial transactions: collecting revenue, purchasing, administering state and federal funds, and general accounting. Prior to the introduction of computers, most local governments used traditional bound general ledgers. More recently, that record has been created by annually printing out a detailed year-end trial balance and retaining it as a “snapshot” general ledger.

Audit Reports (10.04). These records document the law enforcement agency’s overall financial conditions and the findings of the Examiners of Public Accounts (sheriff’s departments) or an independent auditor (police departments) during each audit period. They are a primary means of providing long-term fiscal accountability.
Final Grant Project Narrative Reports (10.07b). Final grant project narrative reports are submitted according to the requirements of the funding agency. They summarize the goals of the grant, how the money was used, and what was accomplished. They therefore have permanent evidentiary value in documenting important projects of the law enforcement agency.

Administering Internal Operations—Managing Human Resources

Personnel Board Meeting/Hearing Minutes, Agendas, and Packets (11.01). These records document meetings, policies, and actions taken by the law enforcement agency’s personnel board. Besides providing essential documentation of law enforcement personnel policies and procedures, they are permanent records under the Code of Alabama 1975, Section 11-44-22.

Employee Handbooks (11.02). These records provide guidance to new law enforcement employees about personnel rules, policies, and procedures. They may serve as evidence of compliance with state and federal hiring practices and may be used in personnel-related litigation.

Employee Newsletters (11.03). Employee newsletters offer a narrative of the law enforcement agency’s employment policies, employee programs and benefits, and information on individual employees. Along with employee handbooks, they provide primary documentation of human resources management.

III. Records No Longer Created. The following records were formerly created by law enforcement agencies but are no longer created in the same format.

Managing Elections

Election Officers’ Certificates. These records, generally created prior to 1900, certified that the individuals named acted as inspectors or clerks during elections held in the county. Such persons were entitled to remuneration as determined by the Code of Alabama. Information available in these records included the county name; date of the election; precinct and box number; name, sex, and position of the election officer/inspector/clerk; amount of money the officer was entitled to; and the sheriff’s signature. The Local Government Records Commission has directed that all pre-1900 local records be held permanently. Post-1900 records are disposable.
Permanent Records List
County and Municipal Law Enforcement

Investigating Crime

1. Investigations Files (files of permanent historical significance)

Providing Assistance to the Courts

1. Sheriff’s Execution Dockets or Orders of Sale
2. Sheriff’s Sales Books

Administering Internal Operations—Managing the Agency

1. Administrative Policies and Procedures
2. Historical and Publicity Files

Administering Internal Operations—Managing Finances

1. General Ledgers/Detailed Year-End Trial Balances
2. Audit Reports
3. Final Grant Project Narrative Reports

Administering Internal Operations—Managing Human Resources

1. Personnel Board Meeting/Hearing Minutes, Agendas, and Packets
2. Employee Handbooks
3. Employee Newsletters

Records No Longer Created

1. Election Officers’ Certifications (pre-1900 only)