HOW TO PREPARE

AND

INFORMATION SUPPLEMENT

BOOKLET

FOR

PROBATION AND PAROLE OFFICER,
TRAINEE – 60899

DO NOT BRING TO TEST SITE!!!

State Personnel Department
64 North Union Street
P.O. Box 304100
Montgomery, AL 36130-4100

Rev. 12/17
PART ONE
HOW TO PREPARE FOR THE
PROBATION AND PAROLE OFFICER, TRAINEE – 60899
WRITTEN EXAMINATION

I. INTRODUCTION

A written examination is being given for Probation and Parole Officer, Trainee. The purpose of this booklet is to help you prepare for the written exam. Since all the material you will need at the time of the exam will be provided when you take the exam, you will not be allowed to bring this booklet or any portion of this booklet to the exam with you. This booklet contains two sections.

PART ONE
How to Prepare for the Probation and Parole Officer, Trainee Written Exam

PART TWO
Information Supplement for the Probation and Parole Officer, Trainee Written Exam

II. WRITTEN EXAMINATION

A Probation and Parole Officer, Trainee must be able to perform six (6) important activities after receiving necessary training. These activities are listed below.

- Conducts investigations e.g., pre-sentence, pre-probation, youthful offender, post-sentence, preliminary or legal facts, following departmental policy and procedures manuals, and assists the court or the Board of Pardons and Paroles in determining sentencing or conditions for the release of offenders.

- Writes/composes reports of investigations requested by the courts and the Board of Pardons and Paroles, in order to comply with departmental requirements.

- Supervises probationers and parolees, to include determining levels of supervision, counseling, collecting fees, making home visits and maintaining case files, following own discretion, departmental manuals, court or parole board orders, etc., in order to assist clients in readjusting to society.

- Administers drug and DNA tests and/or conducts processing for clients.

- Conducts public relations activities with courts, judges, victims, Board of Pardons and Paroles, families of parolees, and probationers.

- Performs administrative duties such as training and evaluating employees, reconciling receipt books, completing administrative forms, and attending workshops, in order to comply with departmental requirements.
Operates personal computer/laptop using assigned access codes in order to access case related material and perform caseload management administrative duties.

The following knowledges and abilities are associated with the above activities and are needed on the first day of work before training or before training is completed:

**ABILITIES**

- Ability to organize and prioritize activities and assignments.
- Ability to meet reporting deadlines.
- Ability to summarize information in a concise manner.
- Ability to communicate in writing using appropriate English grammar.
- Ability to read and comprehend written materials, such as a policy and procedures manual.
- Ability to read and comprehend State and federal laws pertaining to probation and parole.
- Ability to relate to people from all walks of life, with different socioeconomic backgrounds.
- Ability to remain objective about a case after learning the nature of the crime committed.
- Ability to show courtesy.
- Ability to be assertive.
- Ability to show initiative.
- Ability to be impartial and objective.
- Ability to be flexible.
- Ability to react quickly.
- Ability to be decisive.
- Ability to use common sense.
- Ability to be patient.
- Ability to exercise authority in a tactful manner.
- Ability to project a professional image.
- Ability to work independently.
- Ability to maintain relationships with co-workers, judges, clients, other law enforcement officers, public officials, and the general public.
- Ability to communicate orally, using appropriate English grammar.
- Ability to follow oral instructions.
- Ability to listen.
- Ability to maintain control of an interview.
- Ability to take thorough notes.
- Ability to adapt to changing conditions and circumstances.
- Ability to deal tactfully with hostile individuals.
- Ability to recognize potentially dangerous situations and take appropriate action.
- Ability to prepare for and make presentations.
- Ability to read a map.
- Ability to count money.
**KNOWLEDGES**
- Knowledge of English grammar, to include spelling, punctuation and syntax.
- Knowledge of basic psychology (learned in life experiences).

**PHYSICAL ABILITIES**
- Ability to walk.
- Ability to see close objects.
- Ability to see distant objects.
- Ability to sit for extended periods.
- Ability to drive a car.
- Ability to climb objects or structures.
- Ability to run.
- Ability to hear.

The examination for Probation and Parole Officer, Trainee will focus on the abilities above that appear in bold print. You may need to apply these abilities in resolving situations that are similar to those encountered by a Probation and Parole Officer, Trainee on the job. Possession of the remaining knowledges and abilities must be demonstrated during the working test or probationary period.

**III. WHAT TO DO BEFORE YOU COME TO TAKE THE EXAM**
- Be well rested. Get a good night’s sleep for several nights before the exam.
- Allow plenty of time to get to the exam. Plan to get there at the scheduled time to avoid feeling rushed and late.
- Come to the exam dressed comfortably.
- Do not bring this booklet to the exam location. You will not be permitted to bring it in the testing room.
- Do not bring any of your study materials to the exam. This includes notes, manuals, source documents, and other study materials.
- You should read and study this booklet. You should practice some of the things that this booklet suggests.
- You should study other materials that you believe will help you prepare for the exam.
- Please remember to bring the NOTIFICATION CARD that you receive from the State of Alabama Personnel Department to the exam.
- To protect your own interests, you will also be asked to bring a PICTURE IDENTIFICATION to the exam location. This might be a valid driver’s license, a military identification card, a student identification card, or some other form of picture identification. You only need to have one form of PICTURE IDENTIFICATION.
You may **not be allowed** to enter the exam location or take the exam without your NOTIFICATION CARD and PICTURE IDENTIFICATION.

Bring several number 2 pencils with erasers to the exam. You may also want to bring a highlighter. You may bring a calculator to use for the Probation and Parole Officer, Trainee examination. Small solar powered or battery operated calculators that perform basic functions such as addition, subtraction, multiplication, division, square roots, or percentages are allowed. Calculators that plug-in, utilize tape, have word processing, spelling, thesauruses, or other storage and retrieval capabilities (except basic memory functions) are not allowed. **Calculators that are a feature on a cell phone are not permitted.** Calculators are subject to inspection by exam monitors. Applicants may not borrow or share calculators at the exam site. Test monitors will not provide calculators or batteries at the test site.

IV. **TAKING THE EXAM**

- You will have 3 hours to complete the exam. Use the time efficiently. The exam is not a test of how quickly you can answer questions. However, it may not allow you the time you might like to have. In the parts of the test that require reading, try to keep a steady pace. Try to finish as much of the test as you can.

- While reading the excerpts from rulebooks or procedure manuals, you may want to take a few notes. Make your notes brief. You may also want to underline or highlight important information as you read. Finally, you may want to read your exercises first to find out what information is needed from the excerpts.

- Don’t give up. Many people give up too easily on tests. If the question or problem seems hard, they do not even try. Mark an answer on your answer sheet even if it is a guess. You will not be penalized for guessing. On the other hand, do not spend too much time on any one question just because it is hard. This may not leave you enough time to answer questions that you know.

- You are not to open any examination booklets or instructions or begin working on the exam until you are instructed by the monitor to do so.

- Candidates making any disturbances or caught cheating will be disqualified from the exam.

- Test monitors can answer questions concerning exam administration issues only. They **will not** be able to interpret exam questions for you.
V. **DURING THE EXAM**

The written examination consists of hypothetical situations that are similar to situations encountered by a Probation and Parole Officer, Trainee. You will be asked to review each situation and make decisions about the effectiveness or ineffectiveness of several actions or behaviors that may be related to the situations. The actions or behaviors that pertain to a particular situation will be listed below the situation narrative. You will then be asked to indicate on the answer sheet your choice of whether or not the action or behavior is an appropriate response to the situation. Each situation can have more than one appropriate response. However, you should consider each response separately when deciding whether or not it is appropriate. Also, please keep in mind that each situation deals with a different topic. You may be required to assume several different roles while responding the situation. An example of this type of exercise is provided.

**SITUATION A**

You have just finished shopping for items in a local grocery store. You have a total of six items. You catch a glimpse of a cashier at a “10 items or less” register who has no customers, and you rush to that aisle to get your items checked out. Suddenly, you see an older person inch ahead of you with a cart full of groceries. The person, who is walking with a cane, looks back at you and winks with a smile.

**What would you do in this situation?**

(PLEASE CONSIDER EACH OF THE FOLLOWING ALTERNATIVES, IF YOU DECIDE THAT THE ACTION DESCRIBED IS APPROPRIATE BEHAVIOR, MARK (A) ON YOUR ANSWER SHEET. IF YOU DECIDE THAT THE ACTION DESCRIBED IS INAPPROPRIATE BEHAVIOR, MARK (B) ON YOUR ANSWER SHEET. IF YOU CANNOT DETERMINE WHETHER THE ACTION DESCRIBED IS APPROPRIATE BEHAVIOR OR INAPPROPRIATE BEHAVIOR BASED ON THE INFORMATION PROVIDED, MARK (C) ON YOUR ANSWER SHEET. YOU ARE REQUIRED TO CHOOSE (A), (B), (C) FOR EACH ACTION. THE ACTIONS LISTED DO NOT APPEAR IN ANY PARTICULAR ORDER AND SHOULD BE CONSIDERED INDEPENDENTLY. YOU MAY WANT TO REVIEW THE MATERIAL CONTAINED IN YOUR INFORMATION SUPPLEMENT BEFORE YOU CHOOSE YOUR ANSWER. YOU SHOULD ASSUME THAT THE INFORMATION CONTAINED IN THIS BOOKLET IS THE ONLY INFORMATION AVAILABLE TO YOU. YOU SHOULD NOT ASSUME THAT ANY CONDITIONS OR CIRCUMSTANCES EXIST UNLESS THEY ARE STATED.)

1. Push the older person’s cart aside and ram your cart in place ahead of the older person’s cart.
2. Let the older person go ahead of you.
3. Tell the older person that you saw the empty aisle first.
4. Shout to the cashier that the older person has more than 10 items.
5. Park your cart and help the older person put their groceries on the counter.
On the answer sheet, you will be asked to shade in either (a), (b), or (c) for items 1-5. Based on the above circumstances, your answers maybe as follows:

1. (A) (•) (C) (D) (E)
2. (•) (B) (C) (D) (E)
3. (A) (•) (C) (D) (E)
4. (A) (•) (C) (D) (E)
5. (•) (B) (C) (D) (E)

An Information Supplement will be issued along with the exam booklet. The supplement will contain excerpts from rule books or policy/procedure manuals that are available to Probation and Parole Officer, Trainees as reference material in the performance of the job. For your information, a copy of the Information Supplement is included as Part Two of this booklet. You will not be allowed to bring the Information Supplement to the test site. However, a copy of the supplement will be provided to you for use during the exam. The excerpts in this supplement may contain material that will help you respond to the situations on the test.

You will have three hours to review the situations and reference materials and complete the examination.

If you finish before time is called, you may wish to use the remaining time to review and edit your responses. Do not change your answers unless you have a good reason.

Put yourself in the new position and handle the new situations as you would if appointed to the job of Probation and Parole Officer, Trainee. When you have completed the written examination and before leaving the exam room, give to the monitor the test booklet, information supplement, answer sheet, scratch paper, and any notes you may have made during the examination along with any pencils you were provided. You may NOT remove any materials from the test site under any circumstances.

VI. STUDY SUGGESTIONS

Your preparation for the exam will be very effective if you do the following things.

- Make up your own tests and take them.

- Practice the knowledges and abilities required for this position by doing everyday things, e.g.:

  Planning and organizing: make lists calendar of events both personal and into small steps and set deadlines for the project at each step.

  Problem-solving: think of a problem you may have encountered in the past. Make a list of actions you took to solve the problem, or actions you should have taken but did not.
VII. Banded Scoring

When the written exam for Probation and Parole Officer, Trainee is graded, the scores will be grouped into bands. When you receive notification of how you performed on the exam, you will not be given a numerical score (i.e., 67 out of 80, 93 out of 100). Rather, you will be informed into which band (i.e., 1, 3, 6, 10) your score fell. The following information is provided to help you understand the banding procedure.

What is banding?
Banding is one way to reduce the impact of fluctuations in test scores that do not provide meaningful information about differences in the ability to perform the job. One important purpose of testing is to identify the differences in test scores that reflect real differences among candidates. Banded scoring is a statistical procedure for grouping raw test scores that statistically are not meaningfully different from one another. In banded scoring, bands are set objectively and statistically. They are not manipulated arbitrarily.

Misconceptions about banding.
There are many misconceptions about banding and the use of banded scores. Some of the most common misconceptions are listed below. Each misconception is followed by a clarification.

Misconception: Each band should have the same number of people.
We do not force bands to be a certain size. The people in a band are similar to each other in that statistically there is no meaningful difference in their scores. Sometimes Band 1 may be very large, and at other times it may be small. People's scores determine the size of the bands. We never know how many people will be in each band until we receive the test scores.

Misconception: Band numbers have no meaning. I don't have a score.
Band numbers do have meaning. Think of a band as a group of tied scores. Consider that in school two students with average grades of 94.5 and 94.3 would both be grouped into the same band. Just because one student made a 94.5 and one student made a 94.3, the teacher cannot be sure that 0.2 of a point means that the student who scored 94.5 is smarter or is a better student. The scores are so close to each other that they are basically the same.

For example, think of the achievement tests that children take in school. The fine print on these tests always informs you not to focus on the numerical score but rather on the comparative score, which uses some type of grouping technique such as percentiles, stanines, standard deviations, grade levels, etc. These grouping techniques are considered forms of banding. Banding compares your performance on the test to the
other test takers' performance and groups your score with others that are statistically the same.

**Misconception:** *Band numbers are the same as letter grades.*

Band numbers are not the same as letter grades. Band 1 does not equate to an “A,” Band 2 to a “B,” and so on. In school, a predetermined numerical range of scores (i.e., 90-100, 80-90, 70-80) equals an alphabetical value (i.e., A, B, C). This grading system is a form of banding. In this case, unlike grade school, the width of bands is not set in advance. Scores are banded only in relation to one another, so you compete against other test takers. The scores of all test takers determine the width of the bands, and your score is set in relation to the scores of your peers.

**Misconception:** *A banded score on one test has the same value as a banded score on another test.*

Banded scores are test specific and cannot be compared from test to test. Consider that a test taker scored 88 on one test, and the highest score of all test takers was 89. It is likely for this exam that the test taker who scored 88 would be in Band 1. However, if the same person scored the same grade on another test, and the highest score of all test takers was 100, he/she may be in Band 2 or Band 3. Candidates' scores vary on each test, and since candidate scores determine the width of bands and into which band test takers fall, the value of a banded score varies from test to test.

**Misconception:** *People with the most seniority who have been on the job longest should be in the top bands.*

People with the most experience do not always fall into the top bands. Time spent in a job may not be the same as possessing a knowledge, skill, or ability needed to perform the job. The people with the strongest knowledges, skills, and abilities (or who did best on the exam) will be in the top bands. Some of the people in the top bands will have been in similar jobs for a long period of time, and others will have been in similar jobs for a short period of time. Years of service do not always equal proficiency. Candidates with seniority or experience do not automatically perform best on the test. Regardless of seniority, candidates who display the appropriate knowledges, skills, and abilities perform best on the test.

**Misconception:** *A standing in Band 4 or below automatically indicates failure or ineligibility for jobs.*

A band number of 4 or lower is not automatically equated with failure. For one test, there may only be 4 bands, and for another test, there may be 14 bands. So, your success on the test based on your position in a band varies from test to test. Your standing in a band does not indicate whether or not you pass or fail the test. The true test of success in your employment opportunities is whether or not you can be certified and considered for a job vacancy.

**Misconception:** *Banding replaced the “Rule of 10.”* Banding did not replace the “Rule of 10.” The “Rule of 10” determines the number of bands to be certified. In the past, tied scores referred to an actual numerical score (e.g., two candidates with a score of 98.98 were considered tied) while now all of the scores within a band are considered tied.
Misconception: People in a band do not differ.
When several people are placed in the same band, it does not mean that those people do not differ at all. Instead, it means that their scores on the exam do not differ enough to be separate scores.

VIII. Frequently Asked Questions About the Probation and Parole Officer, Trainee Job

Are there any vacancies for Probation and Parole Officer, Trainee?
You may contact the personnel office of the Board of Pardons and Parole to determine current or future vacancies.

How are vacancies filled for Probation and Parole Officer, Trainee?
The top ten applicants on the register are sent to the Board of Pardons and Parole for consideration. Since the banded scoring process is used, all of the scores within a band are considered tied. Therefore, all names within a band are certified out to the agency, which may include more than 10 names. The names of people not selected stay on the register to be considered for future jobs. Persons are usually hired at the minimum of the pay range.

How long will I remain eligible for appointment?
If you pass the examination, your name will remain on the employment register for two years from the date you were placed on the register. You will be notified by mail when to reapply.

How soon will I hear back about my test results?
Four to six weeks after completing the exam, you will receive a Notice of Examination Results postcard in the mail. This postcard will identify your Band placement for this written exam. If you have not received your score within four to six weeks, you should call the State Personnel Department.

In addition to your Band placement, you may also obtain your standing, or rank on the register, online at www.personnel.alabama.gov. From the home page, you should click on "Applicants" and then "Register Standing", and follow the instructions. For security purposes, you must now create an online profile in order to access your standing.

What do I do if I need reasonable accommodations to take a test?
If you would like to request special testing accommodation or have any questions concerning the test site or testing conditions, please contact the State Personnel Department at (334) 242-3389.

How do I request to reschedule a written examination?
If there is a conflict in your schedule, and you are unable to attend the written exam at the time and date for which you have been scheduled, you must resubmit your Application for Examination. The State Personnel Department will schedule you for the next available administration of this written test.
IX. **Physical Agility Test**

The Alabama Board of Pardons and Paroles requires that applicants must be able to pass the physical agility/ability course at the time of their orientation appointment. The test/course consists of:

1. **Physical agility course:**
   Pushing a patrol car 15 feet, running and scaling a 6 foot chain link fence or a wooden fence, running and stepping through a window, running and walking a 15 foot balance beam, running and dragging a 165 pound dummy 15 feet. The course has to be completed within 90 seconds.

2. **Push-Ups**
   The applicant is required to do 22 push-ups in one minute. The push-up position is the same for the male and female applicants. (Note: The correct push-up position for all applicants is hands and toes touching the floor with the body straight and off the floor at all times. A successful push-up is completed when the body comes straight down and the chest area touches the administrator's fist and straight up. The body cannot bend or touch the floor at any time).

3. **Sit-Ups**
   The applicant is required to do 25 sit-ups in one minute. The sit-up position is lying on your back with your legs at a 90-degree angle. The hands are behind your head with your fingers interlocked. (Note: A successful sit-up is the elbow touching the knee.)

4. **Run**
   The applicant must complete a mile and a half run within 15 minutes and 28 seconds.
PART TWO

INFORMATION SUPPLEMENT

FOR

PROBATION AND PAROLE OFFICER, TRAINEE – 60899

WRITTEN EXAMINATION

* Please note that the information contained in this booklet is for testing purposes only and may not reflect the current policies and procedures for the Alabama Board of Pardons and Paroles.

DO NOT BRING TO TEST SITE!!!!!!!
Thus the state proved robbery and murder of the victim in the course thereof beyond a reasonable doubt and to a moral certainty. Johnson v. State, 479 So. 2d 1377 (Ala. Crim. App. 1985).

Death by electrocution does not amount to cruel and unusual punishment per se, but is a constitutional means of imposing a sentence of death. Owens v. State, 531 So. 2d 2 (Ala. Crim. App. 1986), modified and remanded on other grounds, 531 So. 2d 21 (Ala. 1987).


(a) The following are capital offenses:

1. Murder by the defendant during a kidnapping in the first degree or an attempt thereof committed by the defendant.

2. Murder by the defendant during a robbery in the first degree or an attempt thereof committed by the defendant.

3. Murder by the defendant during a rape in the first or second degree or an attempt thereof committed by the defendant; or murder by the defendant during sodomy in the first or second degree or an attempt thereof committed by the defendant.

4. Murder by the defendant during a burglary in the first or second degree or an attempt thereof committed by the defendant.

5. Murder of any police officer, sheriff, deputy, state trooper, federal law enforcement officer, or any other state or federal peace officer of any kind, or prison or jail guard, while such officer or guard is on duty, regardless of whether the defendant knew or should have known the victim was an officer or guard on duty, or because of some official or job-related act or performance of such officer or guard.

6. Murder committed while the defendant is under sentence of life imprisonment.

7. Murder done for a pecuniary or other valuable consideration or pursuant to a contract or for hire.

8. Murder by the defendant during sexual abuse in the first or second degree or an attempt thereof committed by the defendant.

9. Murder by the defendant during arson in the first or second degree committed by the defendant; or murder by the defendant by means of explosives or explosion.

10. Murder wherein two or more persons are murdered by the defendant by one act or pursuant to one scheme or course of conduct.

11. Murder by the defendant when the victim is a state or federal public official or former public official and the murder stems from or is caused by or is related to his official position, act, or capacity.

12. Murder by the defendant during the act of unlawfully assuming control of any aircraft by use of threats or force with intent to obtain any valuable consideration for the release of said aircraft or any passenger or
crewmen thereon or to direct the route or movement of said aircraft, or
otherwise exert control over said aircraft.

(13) Murder by a defendant who has been convicted of any other murder
in the 20 years preceding the crime; provided that the murder which
constitutes the capital crime shall be murder as defined in subsection (b) of
this section; and provided further that the prior murder conviction referred
to shall include murder in any degree as defined at the time and place of the
prior conviction.

(14) Murder when the victim is subpoenaed, or has been subpoenaed, to
testify, or the victim had testified, in any preliminary hearing, grand jury
proceeding, criminal trial or criminal proceeding of whatever nature, or
civil trial or civil proceeding of whatever nature, in any municipal, state, or
federal court, when the murder stems from, is caused by, or is related to the
capacity or role of the victim as a witness.

(15) Murder when the victim is less than fourteen years of age.

(16) Murder committed by or through the use of a deadly weapon fired or
otherwise used from outside a dwelling while the victim is in a dwelling.

(17) Murder committed by or through the use of a deadly weapon while
the victim is in a vehicle.

(18) Murder committed by or through the use of a deadly weapon fired or
otherwise used within or from a vehicle.

(b) Except as specifically provided to the contrary in the last part of
subdivision (a) of this section, the terms "murder" and "murder by the
defendant" as used in this section to define capital offenses mean murder as
defined in Section 13A-6-2(a)(1), but not as defined in Section 13A-6-2(a)(2)
and (3). Subject to the provisions of Section 13A-5-41, murder as defined in
Section 13A-6-2(a)(2) and (3), as well as murder as defined in Section
13A-6-2(a)(1), may be a lesser included offense of the capital offenses defined
in subsection (a) of this section.

(c) A defendant who does not personally commit the act of killing which
constitutes the murder is not guilty of a capital offense defined in subsection
(a) of this section unless that defendant is legally accountable for the murder
because of complicity in the murder itself under the provisions of Section
13A-2-23, in addition to being guilty of the other elements of the capital
offense as defined in subsection (a) of this section.

(d) To the extent that a crime other than murder is an element of a capital
offense defined in subsection (a) of this section, a defendant’s guilt of that
other crime may also be established under Section 13A-2-23. When the
defendant’s guilt of that other crime is established under Section 13A-2-23,
that crime shall be deemed to have been "committed by the defendant" within
the meaning of that phrase as it is used in subsection (a) of this section. (Acts
1981, No. 81-178, p. 203; § 2; Acts 1982, No. 82-567, p. 945, § 1; Acts 1987,
94-649, § 1.)
CONDITIONS OF PAROLE

The Board of Pardons and Paroles, in releasing a prisoner on parole, shall specify in writing the conditions of his parole, and a copy of such conditions shall be given to the parolee. A violation of such conditions may render the prisoner liable to arrest and imprisonment.

The Board of Pardons and Paroles shall adopt general rules with regard to conditions of parole and their violation and make special rules to govern particular cases. Such rules, both general and special, may include, among other things, a requirement that:

1. The parolee shall not leave the state without the consent of the Board
2. He shall contribute to the support of his dependents to the best of his ability
3. He shall make reparation or restitution for his crime;
4. He shall carry out the instructions of his parole officer and in general so comport himself as such officer shall determine. Code of Alabama § 15-22-29 (1975).

DISCHARGE FROM PAROLE; RELIEF FROM REPORTS; PERMISSION TO LEAVE STATE OR COUNTY

No prisoner released on parole shall be discharged from parole prior to the expiration of the full maximum term for which the prisoner was sentenced unless the prisoner is sooner fully pardoned. The Board of Pardons and Paroles, however, may relieve a prisoner on parole from making further reports and may permit such prisoner to leave the state or county if satisfied that this is in the best interests of society. Code of Alabama § 15-22-33 (1975).

WARRANT FOR RETAKING PAROLEE; ARREST WITHOUT WARRANT; EXECUTION OF WARRANT AND FEES THEREFOR

If the parole officer having charge of a paroled prisoner or any member of the Board of Pardons and Paroles shall have reasonable cause to believe that such prisoner has lapsed, or is probably about to lapse, into criminal ways or company or has violated the conditions of his parole in an important respect, such officer or board member shall report such fact to the Department of Corrections, which shall thereupon issue a warrant for the retaking of the prisoner and return to the prison designated.

Any parole officer, police officer, sheriff or other officer with power to arrest, upon the request of the parole officer, may arrest a parolee without a warrant, but in case of an arrest without a warrant, the arresting officer shall have a written statement by said parole officer setting forth that the parolee has, in his judgement, violated the conditions of parole, in which case such statement shall be sufficient warrant for the detention of said parolee in the county jail or other appropriate
place of detention until the warrant issued by the Department of Corrections has been received at
the place of his detention; provided, however, that in no case shall a parolee be held longer than
20 days on the order of the parole officer awaiting the arrival of the warrant as provided in this
section.

Any parole officer, any officer authorized to serve criminal process or any peace officer to whom
such warrant shall be delivered is authorized and required to execute such warrant by taking such
prisoner and returning him to the prison designated by the Department of Corrections, there to
be held to await the action of the Board of Pardons and Paroles.

Such officer, other than an officer of the prison or parole officer, shall be entitled to receive the
same fees therefor as upon the execution of a warrant of arrest at the place where said prisoner
shall be retaken and as for transporting a convict from the place of arrest to the prison, in case
such officer also transports the prisoner to the prison. Such fees shall be paid out of the funds

DECLARATION OF PAROLE VIOLATOR AS DELINQUENT; PAROLE COURT TO BE HELD
UPON RETURN OF PRISONER

Whenever there is reasonable cause to believe that a prisoner who has been paroled has
violated his parole, the Board of Pardons and Paroles, at its next meeting, shall declare
such prisoner to be delinquent, and time owed shall date from such delinquency. The
warden of each prison shall promptly notify the Board of the return of a paroled prisoner charged
with violation of his parole. Thereupon, the Board shall, as soon as practicable, hold a parole
court at such prison or at such other place as it may determine and consider the case of such
parole violator, who shall be given an opportunity to appear personally or by counsel before the
Board and produce witnesses and explain the charges made against him. The Board shall, within
a reasonable time, act upon such charges and may, if it sees fit, require such prisoner to serve out
in prison the balance of the term for which he was originally sentenced calculated from the date
of delinquency or such part thereof as it may determine; however, the delinquent parolee shall be
deemed to have begun serving the balance of the time so required on the date of his arrest as a

AUTHORITY TO GRANT PARDONS AND PAROLES; REMIT FINES AND FORFEITURES

In all cases, except treason and impeachment and cases in which sentence of death is imposed
and not commuted, and where parole is not barred by statute, the Board of Pardons and
Paroles shall have the authority and power, after conviction and not otherwise, to grant
pardons and paroles and to remit fines and forfeitures.

Each member of the Board of Pardons and Paroles favoring a pardon, parole, remission of a fine
or forfeiture or restoration of civil and political rights shall enter in the file their reason(s) in detail,
which entry and the order shall be public records, but all other portions of the file shall be
privileged.
No pardon shall relieve one from civil and political disabilities unless specifically expressed in the pardon; and no pardon shall be granted unless the prisoner has successfully completed at least three years of permanent parole or until the expiration of his sentence, if his sentence was for less than three years, except upon the unanimous affirmative vote of the Board following receipt and filing of clear proof of innocence of the crime for which he was convicted and the written approval of the judge who tried his case or district attorney or with the written approval of a circuit judge in the circuit where he was convicted if the judge who tried his case is no longer serving.

The Board of Pardons and Paroles shall have no power to grant a pardon, order a parole, remit a fine or forfeiture or restore civil and political rights until 30 days written notice that the prisoner is being considered therefor has been given by the Board to the judge and district attorney who tried the subject's case; provided, however, that if they are dead or not serving, such notice shall be given to the district attorney or one of the judges of the circuit in which the subject was convicted.

*Code of Alabama § 15-22-36 (1915).*

**PARDON OR PAROLE OF PERSON HAVING DEATH SENTENCE COMMUTED TO LIFE IMPRISONMENT**

Any person whose sentence to death has been commuted by the governor to life imprisonment shall not thereafter be eligible for a pardon unless sufficient evidence is presented to the Board of Pardons and Paroles to satisfy it that such person was innocent of the crime for which he was convicted, the Board votes unanimously to grant such person a pardon, and the governor concurs in and approves the granting of the pardon.

Any person whose sentence to death has been commuted by the governor to life imprisonment shall not be eligible for a parole from the Board of Pardons and Paroles until he shall have served at least 15 years of such life sentence, and any parole granted contrary to the provisions of this subsection shall be void.

This section shall not be construed to deny any person whose sentence of death has been commuted to life imprisonment the right to apply to the courts of this state for such remedy as such person is entitled to under the laws of Alabama. *Code of Alabama § 15-22-27 (1975).*

**INVESTIGATION FOR PAROLE: COOPERATION WITH DEPARTMENT OF CORRECTIONS; TEMPORARY LEAVE; RESTRICTIONS ON PAROLING; MINIMUM SENTENCE TO BE SERVED PRIOR TO ELIGIBILITY FOR PAROLE**

It shall be the duty of the Board of Pardons and Paroles, upon its own initiative, to make an investigation of any and all prisoners confined in the jails and prisons of the state with a view of determining the feasibility of releasing the prisoners on parole and effecting their reclamation. Subsequent investigations shall be made from time to time as the board may determine or as the Department of Corrections may request. Investigations shall include such
reports and other information as the Board may require from the Department of Corrections or any of its officers, agents, or employees.

It shall be the duty of the Department of Corrections to cooperate with the Board of Pardons and Paroles for the purpose of carrying out the provisions of this article.

Temporary leave from prison, including Christmas furloughs, may be granted only by the Commissioner of Corrections to a prisoner for good and sufficient reason and may be granted within or without the state; provided, that Christmas furloughs shall not be granted to any prisoner convicted of Unlawful Distribution of a Controlled Substance, child molesting or rape, or to any maximum security prisoner. A permanent, written record of all such temporary leaves, together with the reasons thereof, shall be kept by such commissioner. The Commissioner shall furnish the Pardon and Parole Board with a record of such leave granted and the reasons therefor, and the same shall be placed by the Board in the prisoner’s file.

Prisoners shall not be released on parole except by a majority vote of the Board, nor unless the Board is satisfied that paroled prisoners will be suitably employed in self-sustaining employment or that parolees will not become a public charge if so released. The Board shall not parole any prisoner for employment by any official of the State of Alabama, nor shall any parolee be employed by an official of the State of Alabama and be allowed to remain on parole; provided, however, that this provision shall not apply in the case of a parolee whose employer, at the time of the parolee’s original employment, was not a state official.

The Board shall not grant a parole to any prisoner who has not served at least one third or 10 years of his sentence, whichever is the lesser, except by a unanimous affirmative vote of the Board. Code of Alabama § 15-22-28 (1975).

FURNISHING OF RECORDS BY DEPARTMENT OF CORRECTIONS

The Board of Pardons and Paroles may call upon the Department of Corrections for complete records kept of every prisoner released on parole, including such records as shall contain the fingerprints, aliases, and photograph of each such prisoner, and the other information referred to in this article. Code of Alabama § 15-22-34 (1975).

COORDINATION WITH COURTS BY BOARD OF PARDONS AND PAROLES

Parole officers employed by the Board of Pardons and Paroles, in addition to supervision of parolees under the direction of the Board, shall cooperate with courts exercising criminal jurisdiction in supervising probationers whose sentences have been suspended or entering of judgment of conviction has been postponed by such courts, and they shall make such reports to the courts as the Board, in cooperation with the courts, may direct. Code of Alabama § 15-22-35 (1975).
POWERS AND DUTIES OF PROBATION OFFICERS; RESTRICTIONS ON INSPECTION OF RECORDS, REPORTS, ETC., OF PROBATION OFFICERS

Probation officers shall investigate all cases referred to them for investigation by any court or by the Board of Pardons and Paroles and shall report in writing thereon. Officers shall furnish to each person released on probation under their supervision a written statement of the conditions of probation and shall instruct probationers regarding the same. Officers shall keep informed concerning the conduct and condition of each probationer under their supervision by visiting, requiring reports and in other ways, and they shall report thereon in writing as often as the court or the Board may require. Officers shall use all practicable and suitable methods, not inconsistent with the provisions imposed by the court, to aid and encourage probationers and to bring about improvements in their conduct and condition. Officers shall keep detailed records of their work and shall make such reports in writing to the court and board as they may require.

Probation officers shall have, in the execution of their duties, the powers of arrest and the same right to execute process as is now given or may hereafter be given by law to any sheriff of this state.

All reports, records and data assembled by any probation officer and referred to the court shall be privileged and shall not be available for public inspection except upon order of the court to which the same was referred.

In no case shall the right to inspect said report be denied the defendant or his counsel after said report has been completed or filed. Code of Alabama § 15-22-53 (1975).

AUTHORITY OF CIRCUIT AND DISTRICT COURTS TO SUSPEND SENTENCE AND PLACE CONVICTED PERSONS ON PROBATION

Circuit courts and district courts, subject to the provisions and conditions hereinafter provided, may suspend execution of sentence and place on probation any person convicted of a crime in any court exercising criminal jurisdiction. The court shall have no power to suspend the execution of sentence imposed upon any person who has been found guilty and whose punishment is fixed at death or imprisonment in the penitentiary for more than 15 years. Except as provided in the preceding sentence, the court, after a plea of guilty, after the returning of a verdict of guilty by the jury or after the entry of a judgement of guilty by the court, may suspend execution of sentence and place the defendant on probation or may impose a fine within the limits fixed by law and also place the defendant on probation. Code of Alabama § 15-22-50 (1975).

When a defendant is convicted of an offense and receives a sentence of 20 years or less in any court having jurisdiction to try offenses against the State of Alabama and the judge presiding over the case is satisfied that the ends of justice and the best interests of the public as well as the defendant will be served thereby, he may order that the convicted defendant be confined in a prison, jail-type institution or treatment institution for a period not exceeding five years and that
the execution of the remainder of the sentence be suspended and the defendant be placed on probation for such period and upon such terms as the court deems best.

Probation may be granted whether the offense is punishable by fine or imprisonment or both. If an offense is punishable by both fine and imprisonment, the court may impose a fine and place the defendant on probation as to imprisonment. Probation may be limited to one or more counts or indictments, but, in the absence of express limitation, shall extend to the entire sentence and judgement. Code of Alabama § 15-18-8 (1975).

INVESTIGATION BY PROBATION OFFICER

When directed by the court, a probation officer shall fully investigate and report to the court in writing, the circumstances of the offense, criminal record, social history and present condition of a defendant. No defendant, unless the court shall otherwise direct, shall be placed on probation or released under suspension of sentence until the report of such investigation shall have been presented to and considered by the court, provided, however, that after conviction the court may continue the case for such time as may be reasonably necessary to enable the probation officer to make his investigation and report.

Whenever practicable, such investigation shall include physical and mental examinations of the defendant; and if such defendant is committed to an institution, a copy of the report of such investigation shall be sent to the Department of Corrections at the time of commitment; provided that in all cases where the defendant was on bond prior to the time of his trial and an application for probation is made to the court, then the judge of such court, in his discretion, may suspend the execution of sentence pending the disposition of the application for probation and continue the defendant under the same bond that he was under or, in his discretion, may raise the bond or lower the same pending the disposition of the application for probation, and such bond shall remain in full force and effect until the application for probation is finally disposed. Code of Alabama

THE PHILOSOPHY OF PROBATION AND PAROLE

Probation and parole are relatively new concepts in the field of social sciences, yet they are founded upon the most ancient and fundamental of truths - the dignity of man, the inherent worth of the individual and the imperative of an orderly society. Therefore, our primary objective is to restore within the offender a sense of self-esteem and personal responsibility and, at the same time, to secure adequate safeguards on behalf of the community. The Board and its staff observe several principles in realizing these objectives.

First, offenders need help in finding their way back into the main stream of community life. We are dealing with offenders who have committed one or more crimes, an abnormality in and of itself. Offenders share the bewildering experience of exposure, arrest, trial, and punishment. In
many instances, they have spent some years in a correctional institution within a highly controlled
environment. Offenders however well prepared always experiences some degree of shock in
returning to normal society. An effective system of probation and parole is receptive to this
situation and stands ready to offer the offender enlightenment, encouragement, personal
guidance, family counseling and referral to community resources.

Offenders need to be motivated to help themselves. They need direction toward worthy goals:
toward becoming their "best self". Probation and parole offers a kind of freedom in which the
individual is positively encouraged to become a contributing member of society, to provide for the
security of their family and to make intelligent decisions for themselves. The imposed conditions
of probation and parole should not be viewed entirely as ends within themselves, but also as
means whereby the offenders learns to conduct themselves in a responsible, productive, socially
acceptable manner.

Approach offenders as individuals. The one who seeks to rehabilitate must avoid the temptation
to create someone else in his or her own image. An effective treatment plan recognizes that there
are vast differences in cultural backgrounds, moral values, and personal life-styles. Probation or
parole seeks not to destroy the offender's identity, but to help them express their individuality in
creative ways as they grow toward personal and social maturity.

Along with these things, however, offenders need to develop a sense of accountability. Offenders
must realize that authority is a necessary component of every social structure, and that all societies
expect its members to conform to certain general standards. Although probation and parole are
rehabilitative services, they recognize the judicious need for authority and that a degree of
surveillance is necessary for its maintenance.

Good probation and parole supervision is more than a science; it is an art. Moreover, the good
Probation and Parole Officer or Administrator is the one who continually asks himself certain
questions: Do I trouble myself enough to get to know each individual offender in my caseload? Do
I involve myself in the solution of their problems and concerns? Do I listen to their
aspirations? Am I objective, positive, and honest in my role as a counselor? Am I using my
authority justly and effectively as a sworn servant of the people? Have I learned to benefit from
my disappointments and failures as well as from my successes? These are vitally important
questions; for no philosophy of rehabilitation, however wisely conceived, is more effective than
the people who work within its system.

PROFESSIONAL STANDARDS

PRECEPT

deal personal qualities envisioned for probation and parole officers include emotional
maturity, integrity and the ability to establish constructive inter-personal relationships. We
seek officers who acknowledge individual dignity and possess a richness of life. Personalities
can be the officer's worst and best tool when conducting supervision. Mechanics and experiences
employed in the profession are tools learned and acquired through time. The department exercises great care in recruiting to ensure getting these qualities in new probation and parole officers.

ACCEPTANCE OF FUNDAMENTAL TENETS

The burden of reducing crime and its impact on the community falls equally on police and corrections agencies. The incidence of criminal behavior led to the conception of using probation and parole officers to fight crime. Through leadership and understanding probation and parole officers establish objectives inducing offenders to change their attitudes toward themselves and their community as well as to work toward establishing a productive and responsible life. Probation and parole officers effect change by stressing to offenders the importance of self-discipline. Officers also provide guidance in helping offenders solve personal problems, instilling the necessity of gainful employment and demonstrating that a harmonious home life can earn respect, recognition and security.

PROBATION AND PAROLE OFFICER: DUTIES AND RESPONSIBILITIES

The officer is responsible to the Board of Pardons and Paroles for all matters pertaining to parole. Officers are also responsible to probationary courts in their area and to the Board of Pardons and Paroles in matters pertaining to probation.

Officers share responsibility for the Board's public image projected in their area. They conduct themselves as professionals and act as responsible members of the Criminal Justice System. They earn the respect and trust of public officials they meet or with whom they have contact.

Probation officers work to perfect their knowledge of procedures connected with their job. Their primary duty is to assist offenders in their efforts to become law abiding, productive members of society.

Probation officers work toward becoming more knowledgeable in their field. They should be skilled in investigative techniques, in report writing and in counseling and guidance. Officers should use all practical and suitable methods, consistent with conditions imposed by the Court or the Board, to aid and encourage persons on probation and parole to bring about improvement in their conduct and condition.

Officers should get to know their community, its culture, traditions, institutions, and agencies. They should be knowledgeable and know how to use available community resources. Officers should take an active interest in the general welfare of the community in which they work.

The officer has, in the execution of their duties, the same power of arrest and right to execute process as any Sheriff of the State. However, unless requested by another law enforcement agency or acting in an emergency situation, this authority should not be exercised on individuals.
other than parolees or probationers. Indiscriminate use of authority tends to destroy the officer's relationship with individuals under his supervision and the general public.

The officer is not to take up questions relating to paroles unless first called upon by the Board. Officers should explain their position and refer interested parties to the Parole Board when approached on parole matters before the Board requests an investigation. Neither should officers take up probation matters before instructed to do so by the court.

As in other professions, the Alabama probation and parole system has its code of ethics for performing its duties:

CODE OF ETHICS

TO SERVE WITH HUMILITY

TO ACT WITHOUT PREJUDICE

TO UPHOLD THE LAW WITH DIGNITY

TO BE OBJECTIVE IN THE PERFORMANCE OF MY DUTIES

TO RESPECT THE INALIENABLE RIGHTS OF ALL PERSONS

TO HOLD INVIOlATE THOSE CONFIDENCES REPOSED IN ME

TO Cooperate WITHIN THE AGENCY AND WITH RELATED AGENCIES

TO BE AWARE OF MY RESPONSIBILITIES TO THE INDIVIDUAL AND TO THE COMMUNITY

TO IMPROVE MY PROFESSIONAL STANDARDS THROUGH CONTINUOUSLY SEEKING KNOWLEDGE AND UNDERSTANDING
Mental awareness refers to how conscious or alert we are to our environment. Often probation and parole officers find their duties routine. Routine duties require only a minimal amount of preparedness, awareness, and energy to accomplish. Prolonged and routine cooperation and compliance by our offenders can cause us to adopt an expectation of non-resistance that leave us completely unprepared for dangerous situations or violent assault.

As a probation and parole worker, you must remind yourself repeatedly that this is a hazardous occupation, demanding your constant vigilance. An offender’s background, attitudes, motivation, willingness to reason, and inclination for aggressive and violent behavior may be quite different from yours. In dealing with offenders, there are legal, moral and psychological implications to anticipate and personally resolve. You must operate at a heightened sensual and intuitive level. The means and opportunity to carry out an attack against you generally are readily at hand.

The Board issues Sig-Sauer .40 caliber models P229 or P239 pistols to all of its POST certified officers for use as a weapon to counter dangerous situations and violent assaults against staff as well as other members of the public. The Board established the following policy to govern safety, training, maintenance and use of these pistols and other department issued weapons.

**FIREARMS SAFETY**

Firearms serve one purpose and that is to destroy, be it life of property. Inert they are safe, however, in the hands of an individual they are inherently dangerous. Following is a list of firearms safety rules that are generally universally accepted. The list is not inclusive. It will be the policy of the Board that officers follow these general safety rules when handling firearms. Officers are reminded that the greatest instrument of safety firearms safety is you and your mind.

**GENERAL FIREARMS SAFETY RULES**

- Treat any gun as if it were loaded.
- Never point a gun at anyone unless you intend to shoot them.
- Keep your finger off the **trigger** until on target.
- Do not accept a firearm unless the action is open.
- Always check twice, visually and physically, to make sure that the firearm is safe.
- Never trust a safety on a firearm.
- NO horseplay.
• Do not alter your weapon yourself; alterations are to be made by a certified armorer.

• Know your firearm and the ammunition you are using.

• Resist temptation to show off your firearm.

• Do not handle a firearm while under the influence of drugs or alcohol.

• Never loan your firearm to anyone.

• Each time you handle a firearm, or receive a firearm from someone or give a firearm to someone, check it twice.

• If handling a weapon point the muzzle in a safe area or direction. A safe area or direction is any area or direction where if a discharge were to occur there would be no loss of life, no physical injury, and an insignificant amount of property damage.

• Be aware of your firearm coming within reach of others.

• Be aware of your target and what is beyond that target.

OFFICE FIREARM SAFETY

• Conceal your weapon while in the office.

• If your firearm is not on your person, then store it in a secure locker while in the office.

• No horseplay, quick draw contests or dry firing while in your office.

HOME FIREARM SAFETY

• Educate your family and others living in your home as to firearm safety.

• Have a designated area for loading and unloading.

• Have a designated area for cleaning.

• Do not allow anyone in the room or area when loading, unloading or cleaning.

• Remove live ammunition from the cleaning area.

• For maximum safety keep your firearm unloaded in a gun box separate from the ammunition and lock up the ammunition.

• Do not keep firearms near your bed.

• Make your firearm child proof even if there are no children in your family.
• Do not advertise that you have firearms in your home and discourage your family members from discussing that information with friends.

GENERAL INFORMATION

Officers should perform a functions inspection with their Sig firearm before use of the weapon for practice or qualification. The purpose of a function inspections is to insure the weapon is working properly. Perform function inspections after cleaning your weapon, after performing repair work on your weapon and to determine the cause of a malfunction.

To perform a function inspection, clear the pistol and make it safe. Cock the hammer and place moderate pressure on the back of the hammer to insure positive sear engagement. Thumb down the decocking lever and check that the trigger returns to the double action position. Check and make sure that the hammer has come to rest in the safety intercept notch before reaching the extreme drop position. Next, check the double action function. To accomplish this task, with the hammer decocked pull the trigger and make sure that the hammer moves to the rear, drops forcefully, and rebounds to the safety intercept notch after striking the firing pin. Check the interruption of the trigger function. To do this, with the hammer forward and the trigger retained to the rear, pull the slide to the rear and release it. Check that the hammer is retained in the cocked position when the trigger remains pulled. Next, check and make sure that the force of the recoil spring recycles the slide smoothly. Carry out the loading movement and check that the slide/barrel group springs forward smartly and locks. Repeat once.

Officers should also check their magazines and insure they are functioning properly. Make sure the tube, the lips and the floor plate are in good condition. Check the interlocking of the floor plate and insert. Check the smooth and springing movement of the magazine follower. Make sure the magazine catch moves in and out freely. Insert an empty magazine into the weapon and move the slide to the rear. The slide catch lever must lock the slide in the rear position.

Last, inspect the slide catch lever. Thumb down the slide catch lever and check that the slide is released and forcefully springs forward. Thumb down the decocking lever. The functions inspection is complete.

1. Training certified probation and parole officers (hereafter referred to as officer or officers) are required to carry a departmental approved firearm while on duty.

2. Officers must comply with the firearm policy set forth herein.

3. While on duty Officers will carry, departmental approved firearms.
   a. Departmental issued firearms will be the primary approved firearm.
   b. Officers may carry a secondary weapon to include a minimum caliber of .380. A departmental firearm instructor must approve secondary weapons in writing.

4. Officers will not use reloaded or reconditioned ammunition in the department issued weapon; the Board authorizes factory-loaded ammunition only. The Board will issue
four boxes of ammunition per calendar year per officer for practice and sufficient ammunition for qualification.

5. Officers will use as duty ammunition in department issued firearms, only the ammunition issued and designated by the department as duty ammunition. Officers will be issued one box of duty ammunition annually unless that box of ammunition is used in the line of duty, then the department will issue replacement ammunition.

6. Officers are to carry their firearms concealed on their person in a secure holster or purse. A secure holster is one that is designed to retain the weapon during running, jumping, bending, stooping or any other vigorous movement. Officers may remove and place their firearm in a secure place while in the office.

7. Disassemble department firearms in accordance with the operator’s manual and as instructed. Disassemble your weapon in the following manner only, unless you are an armorer trained by SigArms.
   a. Ensure the weapon is unloaded.
   b. Remove the slide assembly from the body/frame.
   c. Remove the Barrel, guide rod and guide rod spring from the slide.
   d. Disassembly of the slide and body/frame is prohibited.
   e. Modification or alteration of a departmental issued firearm is prohibited.

8. The SigArms company uses their staff to train armorers who they certify to make limited repairs to weapons they manufacture. Department armorers who trained by SigArms staff are the only personnel authorized to disassemble SigArms firearms greater than described in item #7. Disassembly of a department firearm by a department Armorer requires documented with the department Research and Training Coordinator.

DEADLY FORCE POLICY

1. Officers will use mature, professional judgement regarding the actual use of firearms to effect deadly force. Actual use to effect deadly force is restricted to:
   a. Self-defense to protect an officer’s life, or the life of another, from the imminent use or imminent threat of use of unlawful deadly force and when there appears to be no other alternative.
   b. Circumstances in which an officer witnesses a felony involving violence and must use force to protect their life, or a member of the public from the imminent threat of death or great bodily harm.
c. Officers shall exhaust every means available to disengage safely and by every other reasonable means of defense of themselves or others from imminent use or imminent threat of use of unlawful deadly force before the use of deadly force is contemplated.

d. The phrase “the imminent threat of death or great bodily harm” means that which is ready to take place or is hanging threateningly over one’s head.

e. When the use of deadly force is justified, officers discharging weapons shall not shoot to kill nor shoot to wound, but rather to stop the action by causing the instant incapacitation of the subject.

NOTE: For maximum stopping effectiveness and to minimize the danger to innocent bystanders, officers should shoot at “center body mass”.

2. Officers are strictly prohibited from using a firearm under the following circumstances:

a. During the apprehension of persons who commit violations of probation or parole, or any other law amounting to summary misdemeanor or felony offenses, unless immediate circumstances exist to give the apprehending officer good reason to believe that the use of a firearm is necessary to prevent the threat of imminent death or great bodily harm to the apprehending officer or another citizen. Nothing contained in this paragraph shall preclude the use of deadly force for self-defense when warranted.

b. Warning shots are prohibited.

c. Shooting at or from a moving vehicle is prohibited unless the following circumstances exist:

   1. The use of a firearm in shooting at a moving vehicle is necessary to prevent the threat of imminent death or great bodily harm to the officer or another person;

   2. The person being pursued in the moving vehicle is using the vehicle as a deadly weapon against the officer or against another person;

   3. An officer firing at a moving vehicle must first consider the surrounding circumstances, such as innocent passengers in the vehicle being pursued before shooting at the said vehicle.

   d. The use of a firearm is strictly prohibited in circumstances when, in the officer’s judgment, the risk to the public is greater than the threat posed by the assailant to the officer or other members of the public.

NOTE: Firearms shall not be drawn or displayed routinely during arrests, nor should they be used for any other reason other than as described above.
3. An officer who discharges a firearm during the course of duty, (other than in firearms practice and/or qualification) whether intentionally or accidentally, shall report the incident to their immediate supervisor, who shall then make a written report of the incident to the Board of Pardons and Paroles’ Executive Director within one business day.

4. Cases where death or injury results to any person as a result of an officer’s discharge of a weapon, the Executive Director shall notify the Alabama Bureau of Investigation (ABI) of the incident and request an ABI investigation of the incident. Such ABI notification shall not preclude the Executive Director and the Board of Pardons and Paroles from conducting their own investigation into the incident.

RANGE FIREARM SAFETY

The departmental firearm instructor serve as range officers and are they have complete and total control during firearm activities. Rules governing range firearm safety are fluid and may be range specific. Therefore, it is the policy of the Board that the following range safety rules represent a minimum of safety rules to be followed and that range officers are to establish range safety rules as necessary and as situations dictate.

1. General firearm safety rules are as follows and they especially apply on the range:
   a. Always point the muzzle in a safe direction.
   b. Keep your finger off the trigger until you are ready to shoot.
   c. Keep the action open and firearm unloaded until ready to use.
   d. Know how the firearm operates.
   e. Be sure your firearm and ammunition are compatible.
   f. Carry only one caliber of ammunition when shooting.
   g. Be sure of your target and what is beyond.
   h. Wear eye and ear protection as appropriate.
   i. Don’t mix alcohol and/or drugs with shooting.
   j. Be aware that circumstances may require additional rules unique to a particular situation.
   k. Know firearm nomenclature.

2. For range practice or qualification: refer to item J under general safety rules. Circumstances may require additional rules unique to a particular situation. Range fire
or qualification are unique situations that require additional guidelines to insure the safety of all participants:

a. Make sure your firearm, magazines or speed loaders are empty before entering range area. All loading will be done on command of the instructor.

b. The firearm instructor will inspect each officer’s weapon for serviceability.

c. Officers should wear clothing that is loose enough to permit carrying ammunition on your person. Enough ammunition (50 rounds) will be carried on your person during each qualification round. Note: Nail aprons, etc. are not permitted.

d. Non-participants will remain behind the 50-yard line or in a designated area away from the firing lane and keep their weapon secured.

e. Non-participants will refrain from talking or distracting officers as they participate in practice or qualification.

f. Keep in mind that this course is operated under the hot-line concept. It is up to the shooters to know when their firearm should be loaded. When not actually firing, the loaded firearm should be secured, decocked and in a holster.

NOTE: Discharging firearms in poorly ventilated areas, cleaning firearms, or handling ammunition may result in exposure to lead and other substances known to cause birth defects, reproductive harm, and other serious physical injury. Have adequate ventilation at all times. Wash hands thoroughly after exposure.

FIREARM QUALIFICATION

1. Officers must qualify in accordance with regulations set forth by the Alabama Peace Officers Standards and Training Commission.

2. Each officer shall qualify with the department issued firearm.

3. Departmental firearm instructors have complete and total control during firearm activities.

4. Officers must qualify annually.

a. A block of instruction on safety and basic firearm techniques will be conducted by a departmental firearm instructor prior to officers participating in any range activity to include but not limited to items listed in Chapter 9 page 9-6 through page 9-8 of this manual.

b. Officers must be qualified with any firearm they carry.
c. Qualification with more than one firearm will be at the officer’s expense. The Board will furnish ammunition for firearm qualification sessions in .40 caliber only.

d. Qualification will be in accordance with the Alabama Peace Officers Standards and Training Commission in-service qualification firearms course.

e. Officers purchasing a firearm will make arrangements with a departmental firearm instructor to qualify with that firearm at the officer’s expense.

f. Annual qualification will include a night familiarization course and will include firing six rounds from the three, seven and fifteen yard lines.

g. Firearm instructors will ensure weapons are cleaned after each firearm practice or qualification.

5. Officers who do not qualify will be immediately prohibited from carrying a firearm. The officer will be afforded thirty days from that day to practice firearm proficiency, in the following manner:

a. The officer will attend a minimum of six hours remedial training designed to improve proficiency under the direction of a departmental firearm instructor who will assess deficiencies and provide individualized training. This training will be documented to Research and Training Coordinator and Field Services.

b. At the end of the thirty days, the officer will be provided another opportunity to qualify.

c. If an officer does not qualify at this opportunity, a complete evaluation by a departmental firearms instructor and their supervisor will be submitted to the Division Director of Field Services for review and action.

d. Officers who fail to qualify with the departmental issued weapon in accordance with the Alabama Peace Officers Standards and Training Commission minimum standards shall be terminated by Board Action provided in Chapter 9 page 9-10 through page 9-11 of this manual.

6. The Department permits four practice sessions per year for firearm practice and training, under the supervision of a departmental firearm instructor. Officers must attend a minimum of two practice sessions annually.

a. These sessions are set-aside for practice and training.

b. Officers will be furnished with fifty rounds of ammunition per session.

c. Departmental Range Safety Rules apply to practice activities as well as qualification activities.
d. Officers are encouraged to practice on their own throughout the year, to be familiar with their firearm and to be proficient in the use of their firearm. Practice should be in pairs and never conducted alone.

NEW OFFICER FIREARMS TRAINING

1. New officers will not be allowed to carry a firearm until they have qualified in accordance with the Alabama Peace Officers Standards and Training Commission.

2. Officers who fail to pass minimum firearms standards of the law enforcement academy shall be terminated by Board Action.

CHEMICAL WEAPONS POLICY

TRAINING AND ISSUE

TRAINING

1. All officers will be trained in the use of chemical weapons (CS/OC) and its place in the force continuum before carrying the same on duty.

2. All officers shall be retrained with the chemical weapon during annual firearm qualifications. Retraining will include spraying a target with the weapon.

ISSUE

1. All officers shall be issued the departmentally approved chemical weapon. Each officer shall maintain the weapon in a usable condition.

2. The chemical weapon shall be carried by all trained officers while on duty.

3. Officers shall carry only departmentally approved chemical weapons.

4. The chemical weapon shall be carried in the holder issued by the department. Any replacement holder shall be identical to that issued.

USE OF CHEMICAL WEAPON (CS/OC)

WHEN USED

1. The chemical weapon may be used in any arrest situation where a degree of force is required to affect the arrest and where the weapon's use offers the possibility of lessening the likelihood of physical injury to the arresting officer, citizens on the scene, and/or the person being arrested.
2. The chemical weapon is intended solely as a control device to enable the officer to carry out his/her duties in the safest, most efficient and professional manner, with the least chance of injury to the officer or the person being arrested. In no case is the weapon to be used on a person being arrested who is under control or as a punishment device.

METHOD OF EMPLOYMENT AND EFFECTS

1. The chemical weapon is best employed in one to two second bursts. The spray must be directed to the facial area of the person being arrested with the bridge of the nose as the target area.

2. The weapon is an inflammatory and irritating agent and produces the following results:

   (a) Involuntary closing of the eyes
   (b) Swelling of the mucous membranes, which results in shallow breathing ability
   (c) Intense burning on skin contacted by the actual spray.

3. The weapon works on the autonomic system so its results are involuntary, i.e., it does not depend on pain compliance. Another benefit is that actual contact is required, therefore fumes alone are not harmful to the officer using it.

4. This weapon is designed to cause results in 2 to 3 seconds. Officers should remember that an assailant's momentum may carry them to the officer. Officers should use a "spray and evade" tactic.

5. The effects of the chemical weapon will begin to lessen in 10-15 minutes with all effects disappearing in approximately 45 minutes with no treatment being administered.

6. Officers should remember that any actual contact with the chemical weapon spray to the face or skin areas will result in the officer being adversely affected by its properties. Caution must be taken while handcuffing prisoners, placing them in vehicles, etc. If contact is made with the actual substance, the officer should refrain from touching his face with the contacted area until he can wash that area with warm soapy water.

FIRST AID PROCEDURES - CHEMICAL WEAPONS

A. When a subject has been subdued by the chemical weapon, he should be treated for the effects of the chemicals by exposure to fresh air and water.

1. Relief will be obtained quicker by exposure to wind or moving air.
2. Eyes may be rinsed with large amounts of water and skin may be washed with soap and water after the subject has been transported to a holding facility.
3. Do not use creams, salves, or oils as these substances could possibly cause blisters.
B. Medical treatment is not mandatory. An extremely rare reaction is possible in which the subject would display all of the following symptoms: chest pain, profuse sweating, and slow breathing. This reaction necessitates medical attention. Officers should use common sense and discretion and resolve doubts in favor of medical attention.

C. Notify jail/institution personnel that the subject has been sprayed with a chemical weapon.

REPORTING PROCEDURES - CHEMICAL WEAPONS

A. An officer shall notify Field Services immediately after using the chemical weapon, whether the discharge was intentional or accidental, and regardless of the identity of the person sprayed.

B. A chemical weapons report shall be completed by the officer anytime the weapon is used in any situation described under “use of chemical weapons.” This report shall be sent within one working day to Field Services.
I. CASE LOAD MANAGEMENT

Definition:

Case load management is the development and application of techniques and procedures which will result in efficient use of the officer's time. It involves the establishment of priorities and the achievement of a balance between various individual tasks in terms of the total job. Good case load management will enable you to control the work and will give confidence that you are running the job rather than the job running you.

Efficient planning involves the coordination of investigative work with supervision activities. An awareness of the entire workload in each community you visit will result in more efficient work and will minimize repeat visits to remote areas.

A monthly calendar and a personal tickler file may be useful aids in planning.

CASE CLASSIFICATION

When a probation or parole case is received by an officer for supervision, one of the first actions to be taken is the application of the appropriate classification scale. The form should be filled out as objectively as possible, applying all information possessed from whatever source. A copy of this form will be included in the file material sent to the receiving office in the event of an intrastate transfer.

The form used in the classification process and the procedure for its use follow:
## LEVELS OF SUPERVISION

<table>
<thead>
<tr>
<th>Level</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level I</td>
<td>Includes home confinement through electronic monitoring.</td>
</tr>
<tr>
<td>Level II</td>
<td>Includes unlimited face-to-face contacts, employment visits, curfew restrictions, drug tests and surveillance.</td>
</tr>
<tr>
<td>Level III</td>
<td>Includes limited face-to-face contacts, employment visits, curfew restrictions, drug tests and surveillance.</td>
</tr>
<tr>
<td>Level IV</td>
<td>Includes periodic face-to-face contacts, employment visits, curfew restrictions, drug tests and surveillance.</td>
</tr>
<tr>
<td>Level V</td>
<td>Includes some contact and surveillance.</td>
</tr>
</tbody>
</table>
I. Implementation of Supervision Levels:

Once the level of supervision of an individual case is determined, the level shall be noted on the face sheet, and dated. It is highly recommended that clients in each level be grouped together in the supervision notebook. The classification scale results should be noted in the case notes and the form placed in the client's active file. This form should be among the materials sent when the case is transferred to another office. If the officer overrides the classification scale, the reasons for the override shall be documented in the case notes or on the revised classification scale.

The following paragraphs will state the minimum required officer-client-collateral contacts which must be made for each level of supervision. Each contact is to be noted and dated in the case notes, with any significant information documented. This will assist the officer and the district supervisor by showing at a glance the contacts made and unmade. Officers are cautioned to make notes legible enough for others to read.

Remember, the reason for a contact with the client or other person is not merely to see if the client is still living, but to learn of any problem or significant situation which requires the attention and action of the officer.

The following definitions shall apply to required contacts:

Face-to-face - a conversation between the supervising officer and the offender, in person.

Personal conversation - a face-to-face or telephone conversation between the supervising officer and the offender.

Employment visit - a visit to the employment site of the offender by the supervising officer, verifying the offender's work situation.

Employment verification - verification by the supervising officer of the offender's work situation, by any means.

Collateral contact - a conversation (in person or telephone) between the supervising officer and another person, who has knowledge of the activity of the offender, concerning the offender's demeanor.

Office personal - a face-to-face in the office.

Home personal - a face-to-face at the offender's residence.

Home visit - a visit by the supervising officer to the residence of the offender, resulting preferably in a face-to-face or collateral. If not, a card should be left.
II. INVESTIGATIONS 600.00

Introduction: 601.00

The amount of time consumed in investigative work by parole and probation officers is time expended in a vital function. The complete investigative report is the basic tool for decision making throughout the entire criminal justice process. The officer who is motivated to expend the energy to seek enough information to accurately describe an individual; who is willing to translate his knowledge, experience, and his total expertise into action by producing a complete verbal picture of a human being, is an officer who will effect an impact upon the Criminal Justice System and most importantly upon the people who are to be under their investigative authority and/or supervision.

In any statement concerning the investigative process, it must be remembered that at least two people will live with the report forever; the subject of the investigation and the investigator.

The information presented under each heading of the investigation should reflect factual information obtained and presented in an objective manner.

Personal beliefs and standards of the investigating officer should be reflected only in the remarks section of the report, if at all. It is imperative that the investigator not allow personal prejudices to color the body of the report. An investigation report shall be written in a manner which gives it continuity, and it shall be a readable, usable instrument. The body of the report should support the conclusions and remarks of the investigator and vice versa.

The general function of a legal and social investigation is the portrayal of a composite picture of an individual. Its purpose is to gather legal, personal, and social data concerning persons who are being considered for parole, probation, youthful offender status, pardons/restoration, or for remission of fines and forfeitures. This data is obtained, evaluated, and assembled in a comprehensive report. The report is used by the Board or court in determining its action; by the officer in making a diagnosis and outlining a plan of supervision for his clients, and by the prison in classification, placement and treatment planning. All essential facts must be incorporated in the report. Incomplete or otherwise inadequate information may result in unjust or unwise decisions. The basic information for revealing incidents necessary for a good report come through accurate checking of documentary records and effective interviews with clients, their family members, victims, public officials, social agencies, and representative citizens familiar with the case.
When the officer has obtained all the necessary information for a report, the officer should then organize and evaluate the information obtained. The officer must understand all facets of the situation about which he must write. A good report is complete in content and gives the reader all the information needed to make the decision in the case. Short sentences and brief paragraphs make a report much more readable.

Investigation format 'A' shall be used in completing pre-sentence investigations, pre-probation investigations, preliminary investigations and youthful offender investigations, when at least one of the present offenses is a class A felony or a class B felony with physical injury to the victim. It shall also be used to report investigations in other cases to the court, when format 'B' report is not acceptable to the court.

Format 'B' shall be used to report preliminary investigations (and where acceptable to the court, pre-sentence investigations, pre-probation investigations, and youthful offender investigations) when the present offense is a class B felony without physical injury to the victim or a class C felony.

Format 'C' shall be used to report non-felony cases, including those reduced from felonies, if acceptable to the court. When a misdemeanor case is considered for parole from a county jail by the Board of Pardons and Paroles, an additional paragraph containing a brief social history and physical and mental evaluation is required.

Types of Investigations:

The following investigation reports are those which follow formats A, B, and C as explained in the preceding paragraphs. The title of the investigation will be determined by the status of the case in the judicial or parole system at the time the investigation is ordered.

Youthful Offender Applicant Investigation - This investigation is ordered by the court prior to adjudication. The defendant must agree for the investigation to be done. (This is the only investigation completed by Alabama Probation and Parole Officers prior to the determination and recording of guilt.)

Pre-Sentence Investigation - This investigation is ordered by the court after determination of guilt and prior to sentencing.

Pre-Probation Investigation - This investigation is ordered by the court after determination of guilt, after sentence has been pronounced, and prior to deciding whether probation is granted or denied.
II. 614.00

**Post-Sentence Investigation** - This investigation is conducted after a defendant is sentenced and placed on probation without the benefit of one of the above investigations. Information for this report is gathered from the normal sources and placed in the active file. It need not actually be dictated and typed unless and until it is necessary to transfer the case for supervision, probation is revoked, or a hard copy is needed for another reason.

615.00

**Preliminary Investigation** - This investigation is ordered by the Parole Board when a defendant is sentenced to serve a prison term. It should be noted that any of the above investigations which may have been accomplished during the adjudication of this defendant will satisfy the requirement of this investigation.

616.00

**Legal Facts Investigation** - This investigation is ordered by the Parole Board when the defendant is sentenced to prison and already has a background file on record. This partial investigation should include a PBF 203, present offense(s) section, and record of arrest(s).
Surveillance

The most effective means of surveillance is close supervision. A good relationship with the subject’s family, his neighbors, his employer, merchants in his community, and local law enforcement officers will usually result in the officer being kept informed of the person’s activities.

The probation and parole officer’s computer roster of case load should be kept up to date and accurate. This roster is supplied to ACJIS through the Department of Corrections’ computer, and the supervising officer will receive an advisory notice when a client is checked through the ACJIS network by any law enforcement officer. If a parolee is declared delinquent by the Board, the Department of Corrections files a “wanted” notice in the NCIC network. If a probationer is declared delinquent by the probationary judge, the supervising probation officer should file an authorization of arrest or bench warrant of arrest with the local sheriff’s department, and see to it that a “wanted” notice is filed in the NCIC network by the sheriff’s office.

Searches

A search of a probationer or parolee or their living quarters or property by a State Probation and Parole Officer or officer of the Board may be made at any time in accordance with this section if an officer has reasonable cause to believe contraband is present.

The probation and parole officer has the dual non-exclusive duties of protecting society and helping the offender rehabilitate himself. He needs great leeway in investigating circumstances that might not be a violation of criminal statutes but do affect an individual’s adjustment in society. He must be able to act swiftly upon information received to prevent an individual under supervision from injuring himself or society.

The Courts have expressed a strong preference for search warrants: “Absent a warrant a search is per se unreasonable subject to only a few specifically established and well delineated exceptions.” (Katz v. U.S. 389 U.S. 347 (1967)). However, recognizing the “special needs beyond normal law enforcement” of Probation and Parole Systems, the Court has allowed warrantless searches of probationers and parolees that would be unconstitutional if applied to the general public.

In Griffin v. Wisconsin, 97LEd2d 709 (June 1987), the U.S. Supreme Court held that a “warrantless search of probationer’s home by state probation officers pursuant to Wisconsin’s regulation regarding ‘reasonable grounds’ did not violate the 4th Amendment.”

In Toney v. State of Alabama, an appeal from Mobile Circuit Court (October, 1990), the Alabama Court of Criminal Appeals has upheld a conviction based on a warrantless search conducted by Alabama Probation and Parole Officers, who followed the Board policy during the conduct of the search.
III. 724.01

Personal Searches

A "personal search" means a search of an individual's person, including but not limited to their pockets, frisking their body, an examination of their shoes and hat and a visual inspection of their mouth.

A personal search of a probationer or parolee may be conducted by an officer of the Board, at the direction of a supervisor, if the officer has reasonable ground to believe that he or she possesses contraband. Such a search may also be conducted when a subject is taken into custody. If the officer reasonably believes his life is endangered, he may search for dangerous weapons.

Search of Living Quarters or Property 724.02

A search of a probationer's or parolee's quarters or property may be conducted by an officer of the Board if there are reasonable grounds to believe that the quarters or property contain contraband. Approval of the district supervisor shall be obtained unless exigent circumstances, such as suspicion the probationer or parolee will destroy contraband or use a weapon, require search without approval. There shall be a written memo of all searches of an individual's living quarters or property forwarded by the officer who conducted the search, to the district supervisor. If the search was conducted without the district supervisor's approval the exigent circumstances should be indicated in the memo.

The memo shall include the identity of the client whose living quarters or property was searched, the identity of the officer who conducted the search and the supervisor, if any, who approved it, the date, time and place of the search, and the reason for conducting the search.

If the search was a random one, state this fact. Indicate all items seized pursuant to the search, whether any damage was done to the premises or property, and the identity of all persons present during the search. If any items are damaged pursuant to the search of a client's living quarters or property, the officer shall document the damage in the case record, inform his or her supervisor and inform the client.

In conducting searches, officers may not disturb the effects of the client more than is necessary for thoroughness. During searches, officers may not read any legal materials, any communication between a client and an attorney or any materials prepared in anticipation of a lawsuit. You are not prohibited from reading business records. An officer may not forcibly enter a locked premise to search it if the probationer or parolee who lives there is not present.

Officers shall strive to preserve the dignity of individuals in all searches conducted. Whenever feasible before a search is conducted, the probationer or parolee should be informed that a search is about to occur, why and how the search will be conducted, and the place where the search is to occur.
Assist the person in working out a general plan of supervision designed to assist him with his particular problems.

Discuss matters that are applicable to the individual client:

--Supervision levels and movement within levels
--Registration Laws
--Felony Registrations
--Sex Offender Registrations
--Local Ordinances
--1968 Federal Gun Control Act
--Alabama statute prohibiting possession of a pistol after conviction of a crime of violence
--Alabama Driver Responsibility Law
--Loss of Civil & Political Rights and method of obtaining Restoration
--Conditional Release from Supervision
--Termination of Probation
--Pardon

Instruct clients who have just been discharged from the penitentiary to report promptly to the County Health Office or a Venereal Disease Clinic if they are infected with a venereal disease.

Types of Contacts

A. Office Personal:

The office contact may be very effective if it is planned with definite purposes in mind. The office contact gives a controlled setting for the interview. Problems can be discussed without interruption. When possible, it is helpful for the office contact to be by appointment, or during regularly scheduled reporting days. However, if a person comes into the office without an appointment, or outside the regular reporting days, take time to see him if possible, even if the report is late. Always show your interest in his problems. If they cannot be immediately resolved, make an appointment for later consultation to explore alternative actions.

B. Home Visit

The visit should be used by the officer to accomplish some definite goal: Becoming better acquainted with subject; understanding family relationships; involving the family in the treatment process. On such visits, observe the home conditions. Note the physical condition of the home and, when appropriate, practical suggestions for corrections of undesirable physical conditions. The home visit may be a means of surveillance. Is subject living where he reports he is? Is he supporting his family and treating them properly? Is he living beyond his means?
III.

C. Employment Visit

Employment visits are required in levels I, II, and III with differing frequency. The employment visit may or may not result in contact with the client and/or employer. Use good judgement in making these visits. It is not good to hinder the subject on the job or to place him in an embarrassing situation in front of his co-workers. If possible, establish a rapport with the employer by letting him know that you share his desire that the client be a punctual and effective employee. In some cases, the subject's employer is not aware of the fact that he has been in trouble or is on probation or parole. The offender's job should not be jeopardized if his employer is not aware of the situation, unless the protection of the employer or the community requires it.

D. Employment Verification

Verification of employment may be accomplished by telephone contact with the employer or by check stub.

E. Collateral

The main purpose of the collateral contact is surveillance. This type contact is with law enforcement officers, family members, neighbors, employer, etc. Use it to find out how the offender is progressing or to verify other information. The collateral contact may be in person, by telephone, or written. While this type contact often takes place when the officer does not have the supervision notebook in hand, it is important that they be documented.

F. Field Personal

This type of contact occurs when you see a subject on the street, at his place of business, or some other public place. If you come within speaking distance, speak to him. Be friendly, but do not handle this contact in any way that would embarrass him. Observe the place where subject was seen, who his companions were, or anything out of the ordinary and make a record of it. This is not to say that if subject is observed in a public place violating his probation or parole, that you are not to take appropriate action. In some cases the parole officer must act as a law enforcement officer if the subject is observed in some violation. Caution should be used by the officer in placing subject under arrest. Take such action only in instances where you are sure that you can handle the situation, and where the action is absolutely necessary.
III.

G. Monthly Written Reports

A written monthly report is required in every level of supervision except level V after the first ninety days. It is filed between the first and third day of each month unless the client is instructed otherwise by the supervising officer. Although the report may be mailed, the most opportune time for its delivery to the probation and parole officer is at the office personal visit. If the report is personally delivered, study it carefully and make any necessary corrections or additions while the offender is present. Make note of any changes or other information which might suggest the presence of a problem, such as unemployment, moving without permission, arrest, etc. After the report has been reviewed and notations made by the officer on the back, file it in the supervision notebook, for use during the rest of the month. Be certain to "tick" the spaces at the top for the various contacts made.

It is essential that an effective procedure be followed to insure the receipt of monthly reports. Failure to report is frequently the first indication of more severe problems. Consistently late reports may reflect the offender's misunderstanding of regulations or a poor attitude. Deal with these problems promptly.

If a monthly report is not received by the fifth of the month, contact the offender by letter or telephone with instructions to file a report immediately or to report in person.

If no report is received by the tenth of the month, contact the offender personally between the tenth and fifteenth by field visit to obtain the report. Determine the reason for failure to report. Insure future compliance with the reporting regulations. Your district supervisor will check your file periodically to see that reporting is current.
STATE BOARD OF PARDONS AND PAROLES
MONTGOMERY, ALABAMA

REPORT OF PAROLE VIOLATION

DATE: 1/5/87

FIELD OFFICE: Montgomery

Name of Parolee: John Doe
NO. 123 456

Race, Sex, & AGE: BM - 30
County of Conviction: Montgomery

Offense: Theft of Property 1st
Sentence: 2 years penitentiary

Date Convicted: 4/10/85
Date of Parole: 2/17/86

Date Sentence Expires: 4/10/87

IF DECLARED DELINQUENT, FORWARD WARRANT TO: K. Pam Straight

Probation officer

Montgomery Probation Office
County Probation Office

101 County Courthouse
P. O. Box or Number and Street

Montgomery, Alabama 36104
City, State, and Zip Code

CHARGE NO. 1
VIOLATION OF CONDITION NO. 7
NEW OFFENSE - BURGLARY III

LEGAL FACTS:

Subject was arrested on 12/24/86, by the Montgomery Police Department for the offense of Burglary 3rd degree, bond was set at $2,000.00. A preliminary hearing was held 1/5/87, and the case was bound to the Grand Jury. Indictment was returned, arraignment held and case set for trial 2/17/87. A parole officer's Authorization of Arrest was issued 12/25/86.
IV. 
DETAILS:

Police reports reflect that at 2 a.m., on 12/24/86, Officer M. D. Jones with the Montgomery Police Department while on routine patrol, observed a black male subject exit Ace Hardware, 4240 Ames Road, Montgomery, Alabama, by way of a back window, in possession of a box. The subject fled on foot but was caught by Officer Jones about three hundred feet from the building. The person was identified as John Doe. He had in his possession property identified as having come from Ace Hardware by the manager, A. L. Pope. It was determined that the hardware store had been entered by forcing open an air condition vent at the rear of the store.

CHARGE NO. 2
VIOLATION OF CONDITION NO. 3
FAILURE TO REPORT

LEGAL FACTS:

A parole officer's Authorization of Arrest was issued and given to the Sheriff's Office on 12/25/86, to prevent the subject's release pending Board action.

DETAILS:

According to the records of the supervising officer, on 2/17/86, subject was instructed by Officer Dan Jones regarding parole conditions and specifically that he must report to the parole office each month by the 3rd. He stated he understood all parole conditions.

Subject failed to report or have any contact with the parole officer for the months of October, November, and December 1986.

On 9/19/86, he reported for the month of September. He stated he forgot to report by the 3rd. He was reprimanded and encouraged to report in accordance with instructions.

On 10/10/86, I visited his residence. He was not present. His mother, Mae Doe said she had not seen him in three days. I asked that she have him report. On 10/15/86, I wrote subject a letter to report and received no response. On 10/25/86, I visited his home, his mother said he had received my letter. He was not present. I requested she attempt to have him report and advised of consequences if he failed.

On 11/5/86, a letter was written to subject reminding and instructing that he make contact with his parole officer. On 11/19/86, I called his residence and spoke with his 17 year old sister, Sue Doe, and requested she tell him to report. On 11/30/86, I visited his father, Joe Doe, at their residence and requested he have subject report.
IV.

On 12/6/86, I visited subject's residence and talked with his parents. They stated he had been told to report but he refused. On 12/10/86, I wrote him a letter instructing that he report within 7 days or I would file a Report of Parole Violation, which would likely cause him to be arrested as a parole violator. He failed to contact the probation officer thereafter.

RECOMMENDATION:

I recommend revocation.


K. Pum Straight
Alabama Probation and Parole Officer

KPS/1m
IV.

Authorization of Arrest

If the arrest of the offender appears to be warranted, the court in probation cases or parole board in parole cases should be given the facts on which to base a decision to order arrest. If emergency action appears called for and the judge is not available, issue an Authorization of Arrest.

Criteria to be considered in taking this action are:

1. The reasonable belief that subject has violated in a manner substantial enough to warrant revocation.

2. The reasonable belief that subject represents a serious and immediate threat to himself or another.

3. The reasonable belief that subject is about to abscond.

Arrests on a felony warrant will be taken to meet these criteria unless information obtained by the officer suggests a reasonable belief that subject is not guilty of the charge. In this event, file a report immediately with the Court or the Board recommending that subject be continued under supervision pending further action and/or prosecution.

If an Authorization of Arrest is issued, prepare a Report of Parole Violation and submit it within three working days.

If details must be requested from another office, send a copy of the memo requesting such assistance to Field Services.

Authorizations of Arrest in probation cases once executed require further order of the Court. The officer has no authority to set bond or otherwise affect the release of a person detained.

Authorization of Arrest in parole cases affect confinement for a period of only 20 days.

This necessitates the expeditious handling of Report of Parole Violation so that a fugitive warrant may be received by the Sheriff before this 20 days expires. The Authorization of Arrest may not be re-issued to affect confinement for a longer period, and may not be withdrawn without permission from Field Services.

Do not send an Authorization of Arrest to another state or to a Federal Officer. Send warrant issued by the Court, or in parole cases, by the Department of Corrections.

Prepare Authorization of Arrests in duplicate. The original for the appropriate peace officer and one copy for the file.
IV. Fugitive Warrants 774.00

When a fugitive warrant is sent directly to the parole officer, the office has the responsibility of notifying the Board when the warrant has been executed and the parolee is ready for transfer to the institution. Send a memo to the Board with a copy to Identification Officer, Central Records, Department of Corrections, 50 Ripley Street, Montgomery, AL 36130. (BE CERTAIN THAT A PRELIMINARY REVOCATION HEARING HAS BEEN HELD, OR WAIVER OF THE SAME SIGNED, BEFORE FILING THIS NOTICE).

Primary responsibility for the parole violators arrest lies with the supervising probation and parole officer.

Once a parole violator is placed in custody either within or without the state, it is the responsibility of the Department of Corrections, not local authorities, to return him to the penitentiary.

Identification of Wanted Person and Caution Notices 775.00

When delivering an Authorization of Arrest or warrant to another peace officer, be sure you furnish adequate identifying information and the best available leads to offender whereabouts.

Before personally authorizing the incarceration of an individual, placing a detainer on an individual, or arresting him yourself, be sure he is the wanted person. If there is any doubt, rely upon a fingerprint check, if at all possible.

Advise any other peace officer of any special cautions indicated; such as armed, dangerous, or suicidal tendencies.

Responsibility for Preparation of the Report of Parole Violation 776.00

Regardless of the jurisdiction in which an offender was originally convicted, or the county in which the violation occurs, the supervising officer has the responsibility of preparing the Report of Parole Violation.
IV. Procedures for Preliminary Parole Revocation

When a parolee is detained as a parole violator, he is entitled to a Preliminary Revocation Hearing to establish evidence that he has violated one or more of the conditions of parole. This is also true of out-of-state cases.

Evidence may be established by a court record of conviction of either a misdemeanor or felony. In other instances, evidence including the delinquency report and testimony from the Parole Officer and other witnesses is taken at the hearing to determine if a violation occurred. A parolee may waive his right to a Preliminary Revocation Hearing and admit guilt of violation after his right to such a hearing is fully explained to him and he agrees to do so.

Responsibility of Field Officers

1. When a parolee is arrested as a violator and is in custody, furnish him with a copy of the Report of Parole Violation and execute PBF 103, which advises him of his right to a Preliminary Revocation Hearing, and the date and location of the hearing.

The parolee will acknowledge that he has received the above information and a copy of the Report of Parole Violation on PBF 103. Give him a copy of the form, retain one copy in your file, and give the other copy to the hearing officer. Do not send a copy to Field Services.

2. After being advised of his right to a Preliminary Revocation Hearing, if the parolee wishes to waive the hearing and admit that he is guilty of violating his parole (under each condition charged), execute PBF 103A, Waiver of Preliminary Revocation. This form must be completely filled out before it can be used to revoke parole. NOTE: Only the numbers of the conditions (not charges) go in the blank immediately above the last parolee's signature.

3. Advise the parolee that he may have an attorney at this hearing at his own expense; that the Board has no provision whereby an attorney could be furnished to him.

4. The parole officer should notify all witnesses as to the date, time and place of hearing. He should make reasonable effort to notify witnesses requested by the parolee.

5. The parole officer should be prepared to testify concerning details of his Report of Parole Violation.

NOTE: IT IS THE FIELD PAROLE OFFICER'S RESPONSIBILITY THAT SUFFICIENT EVIDENCE IS PRESENTED TO ESTABLISH THAT A VIOLATION HAS OCCURRED.
A REPORT OF PAROLE VIOLATION has been prepared alleging that the parolee whose name and number appear above has violated parole. I have this date provided the parolee with a copy of that report and I have advised the parolee that a PRELIMINARY PAROLE REVOCATION HEARING will be held to determine if there are any facts that establish that there has been a violation of parole and to receive any evidence or argument that the parolee wishes to offer. I have advised the parolee that he may call witnesses to testify at the hearing, may present their written statements, or may present any documents or evidence, may be represented by an attorney, may confront and cross-examine witnesses testifying against the parolee, (unless the hearing officer finds good cause for not allowing confrontation), and that the parolee will receive a copy of the hearing officer's report.

The PRELIMINARY REVOCATION HEARING will be held:

(At least 5 days away) _______________ _______________ _______________

Date Time Place

The parolee {} Does request witnesses be notified to be present for him.

{} Does not

the parolee {} Does request an attorney be notified to be present for him.

{} Does not

I have received a copy of the REPORT OF PAROLE VIOLATION and this NOTICE which I have read or which has been read to me

Parolee ___________________________ ___________________________ Date

I certify that a copy of the REPORT OF PAROLE VIOLATION and this NOTICE was deliver in my presence to the parolee.

Parole Officer ___________________________ ___________________________ Date

Distribution:
Original - Hearing Officer
Copy - File
Copy - Parolee
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