

Beth Shelburne  
P.O. Box 320635  
Birmingham, AL 35232

January 24, 2020

Terry Abbott  
Director of Communications  
Alabama Bureau of Pardons and Paroles  
100 Capitol Commerce Boulevard  
Montgomery, AL 36117

Dear Terry,

On January 14, 2020 I received your response to my open records request that I sent to you on December 17, 2019 asking for the specific policy or practice that is guiding the scheduling of inmates for parole hearings. Your response included information that you already sent to me on December 16, 2019, which referred me to the administrative rules for the Bureau of Pardons and Paroles. Your latest response also referred me to the statutory codes for which the rules are based on. I have reviewed Act 2019-393, Code of Alabama sections 15-22-28, 15-22-26, and 15-22-37. I have also reviewed Alabama Bureau of Pardons and Paroles Administrative Code Chapter 640-X-3ER: Scheduling Parole Consideration. None of these documents answers the open records request.

Sections 15-22-28, 15-22-26, and 15-22-37 set forth guidelines for reviewing inmates for parole eligibility, granting paroles, managing inmates on parole, Christmas furloughs and similar details irrelevant to my questions. Chapter 640-X-3ER roughly mirrors Act 2019-393 in detailing the procedure for setting an inmate's initial parole consideration date and setting consideration dates if an inmate's parole is denied.

There is a difference between the date on which an inmate becomes eligible for parole consideration and the date on which the same inmate is actually considered for parole at a public hearing held by the parole board. On current practices, it appears the agency is setting an inmate's eligibility date according to the requirements of Act 2019-393 and Chapter 640-X-3ER. However, none of these documents specifies when or how the agency schedules the public hearing of a specific inmate's case once he or she becomes eligible for parole consideration. A procedure is clearly being followed to determine which cases, from among all the eligible inmates, are being scheduled for public hearings. The public deserves

to know these specific policies and procedures because, at present, this side of the parole process is completely opaque.

As I stated previously, my mission is to try to understand why fewer inmates are being scheduled for parole hearings, and why they are not being scheduled in order of their consideration dates. I specifically asked for any writing that could explain the policy or practice for scheduling hearings that has been transmitted to the Bureau and/or Board employees who are tasked with creating the hearing dockets. That writing would include emails, memos and any other writing, formal or informal. You have not sent me any writing of this nature, which would be a proper response to the Public Records Request.

As a result, I am submitting a new request for all documents, emails, and other written communication, formal or informal, that sets forth the policies and procedures determining or specifying the following: 1) How many days each week the Board holds public hearings; 2) How many cases are considered each day that hearings are held; 3) How many files case workers are instructed to review each day, week, or month; 4) The criteria or process used in selecting cases to be scheduled for public hearings among the inmates who are eligible to be considered; 5) Who determines which cases are selected for public hearings, whether it's the actual parole board, administrators at the Bureau, or some other person or group.

Additionally, you did not address my request to speak to a supervisor who can walk me through the process currently being utilized. Please consider that request current and ongoing. I look forward to hearing your response to these requests.

Sincerely,

Beth Shelburne