

To: Alabama Statewide Steering Committee

Fr: Vera Institute of Justice & Crime and Justice Institute

Re: Report on Statewide Steering Committee meeting on May 1, 2008

Date: June 3, 2008

On May 1, 2008, the Vera Institute of Justice and the Crime and Justice Institute jointly facilitated a meeting of the Statewide Steering Committee for the Cooperative Community Alternative Sentencing Project (CCASP) in Montgomery, Alabama.

The purpose of the meeting was to tackle the initial tasks assigned to the Statewide Steering Committee; specifically, the meeting set out to: (1) review the current alternative sentencing programs of the criminal justice system in Alabama and identify system inefficiencies and duplications; (2) establish a model continuum of community-based punishment within Alabama; and (3) determine the selection criteria for local jurisdictions to participate in the Project.

The first section of this memorandum summarizes the key points of the meeting and identifies the primary themes that emerged throughout the day. The second section outlines the next steps to be taken by the Statewide Steering Committee, including thoughts on a retreat scheduled for July 23-25.

Meeting Summary

The meeting agenda and discussion revolved around four key areas: (1) an overview of the goals and tasks of CCASP; (2) a summary of evidence-based principles that will guide the work of both the Statewide Steering Committee and the local committees from pilot sites; (3) a discussion of the decision points within the Alabama criminal justice system; and (4) the preliminary identification of criteria to be used for site selection.

1) Goals and tasks of the CCASP

The goal of the Cooperative Community Alternative Sentencing Project (CCASP) is to develop a framework for an effective statewide continuum of community-based punishment and intervention programs in Alabama. The ultimate objective of the project is to establish a wider array of effective sentencing alternatives that will enable the state to implement truth-in-sentencing.

The work of the CCASP is focused on prison diversions, which the Committee jointly agreed should include:

- 10-pointers as defined by the Department of Corrections for front-end diversions;
- sentencing worksheet “in recommendations”; and

- probation revocations that are prison-bound.

The cornerstone of the CCASP is the creation of a model continuum of community-based punishment and intervention programs for prison diversions in up to four judicial circuits. These pilot sites will serve as models for the development of a comprehensive continuum in each jurisdiction across the state. The Statewide Steering Committee is responsible for selecting the jurisdictions that participate in the project and identifying key elements to be included in the local jurisdiction's plan. Once the Statewide Steering Committee completes these initial tasks, the work will shift to the local jurisdictions selected as pilot sites and be directed by local steering committees.

In each of the pilot sites, Vera and CJI will conduct an extensive data diagnostic that will include an analysis of the jurisdiction's corrections population, existing community-based alternatives and the available resources. From the information presented, the local steering committee will develop a comprehensive strategic plan that includes a continuum of sentencing alternatives for prison diversions. Once the plan is completed, the local steering committee and the Statewide Steering Committee will work collaboratively to achieve consensus on the plan.

Given this project description, the Committee agreed during the meeting that its tasks included the following:

- Create selection criteria to select pilot sites;
- Develop comprehensive plan elements;
- Select jurisdictions to act as pilot sites;
- Collaboratively reach consensus on the local plan submitted by the local steering committee; and
- Evaluate and provide quality assurance to the pilot sites.

The terminology used in the area of community corrections is ripe for confusion, and words in one county could have a different meaning in another county. The Committee therefore agreed on the following definitions of these key terms:

- *Community Punishment* refers to the continuum of alternative sentencing options for misdemeanants and felons (e.g., those on probation, sentenced to community corrections, or revoked from probation and otherwise headed to prison).
- *Community Corrections Program* refers to specific *local agencies*, authorized by statute, which provide community supervision and/or treatment services to offenders (including misdemeanants, probationers, and prison diversions). These agencies are often funded through a mixture of local funding, State Department of Corrections re-imbursement contracts and user fees.
- *Program Services* are the types of services or interventions provided at the local level either through probation, community providers, or a Community Corrections Program, e.g., supervision, alcohol and drug treatment, vocational training and educational programs.

2) Evidence-based principles

A key task for the Committee will be the development of a framework for a comprehensive plan on which the local steering committee will base its work. Reliance upon evidence-based practices is one of the core elements that will be included in this plan. The presentation on evidence-based practices highlighted the following key themes:

- Targeted Interventions – offender interventions should be targeted to the needs of the offender as identified through an objective risk/needs assessment and the level of intensity should correlate with the level of risk and need. Failing to adhere to this principle will compromise recidivism reduction and risks resulting in the inefficient expenditure of correctional resources.
- Assessment – the only way for offenders to be properly targeted to the appropriate treatment program or level of supervision by or within an agency is to complete an objective risk and needs assessment on the offender.
- Evaluations – effective offender interventions/programs must be evaluated to ensure that the outcomes intended are being realized, and to the extent they are not, to allow adjustments to occur. Feedback on outcome measurements should be provided to offenders and system administrators.
- Offender correctional interventions should be rooted in cognitive behavioral techniques, with staff appropriately trained in such techniques.

Concern was raised about the ability of counties to fund evidence-based practices. It was agreed that funding should be taken into account when developing the elements of the comprehensive plan.

3) Decision points within the Alabama criminal justice system

The Committee engaged in an extensive discussion about various parts of the criminal justice system, including pre-trial diversion, pre-trial release, plea bargains, sentencing, court referral programs, community corrections programs, and probation and parole. The overall conclusion from the discussions was that diversions from prison or jail and the related procedures vary greatly from county to county. There is little to no uniformity across the state. The following key points emerged:

- Targeted intervention: An ideal system is one that reserves the highest level of supervision for the highest risk offenders; and the lowest level of supervision for the lowest risk offenders. To achieve this goal, a system for assessing risk levels must first be put into place.
- In Alabama, there is great inconsistency and lack of uniformity in practice and procedure across the state in regard to pre-trial diversions, pre-trial release, the use of court referral officers, probation and community corrections officers, sentencing, acceptance of plea agreements, use of risk and needs assessments, evaluations, and the use of pre-sentence investigation reports for sentencing.
- Based on research, interviews and the discussions, it appears that Alabama does not currently adhere to the principle of targeted interventions. This statement must be qualified by the caution that it was impossible to truly gauge the targeting of interventions to offender risk levels because offenders do not undergo an objective risk assessment prior to sentencing in Alabama. Accepting the general assumption that felony offenders tend to be high-risk and misdemeanants tend to

be low-risk, we took a preliminary look at the distribution of felony/misdemeanor offenders among supervision agencies and found that there is no consistent clear demarcation between the types of programs and services provided for misdemeanants and those provided for felons. Nor is there a clear demarcation based on risk or needs as to which agency supervises felons within each community.

Some examples of the diverse range of practices within the counties include:

- Prior to sentencing, some judges receive and review a comprehensive pre-sentence report and/or NCIC report on the defendant, while others receive little or no information regarding the defendant's criminal history, drug or alcohol abuse/addiction and treatment, or mental health issues.
- Some CCPs supervise primarily misdemeanants, while other programs focus primarily on felons.
- Counties have gaps of varying magnitudes with respect to their community supervision continuum – some counties do not have CCPs or drug courts, while other counties have moderate to well-developed programs.
- Some counties have developed an extensive system of bond supervision, often through local district attorney pre-trial release programs, while others release defendants on bond or pre-trial release without supervisions and with no conditions imposed.
- The Court Referral Office supervises primarily misdemeanants, but in some counties, the CRO is used primarily for felony convictions.
- In counties with no CCP, all community felon supervision falls to state level pardons and parole officers.

4) Site selection

One of the initial tasks of the Committee is to identify the criteria to select the pilot sites, and the process by which selection will take place.

The Committee identified the following benefits that will accrue to the local jurisdictions that are selected as pilot sites:

- The counties will receive technical assistance from Vera and CJI to assist in the development of a comprehensive local plan for community supervision of convicted felons.
- A data diagnostic will be conducted by Vera and CJI, with the findings utilized to inform the development of the pilot site's comprehensive plan; however, the data collected and analyzed can be useful for other program, administrative or management purposes.
- The creation of a model local continuum of alternative sanctions, including the targeting of prison diversions, utilizing both community and state resources, is both innovative and cost-effective with the potential that the local jurisdiction will receive state and/or national recognition for its comprehensive plan.
- The local jurisdiction will receive preferential funding from the Department of Corrections and any grants that may become available.

- A model continuum of community - based punishment alternatives for prison diversions could be attractive to foundations and organizations that have resources available to assist with implementation and continued evaluation of the new programs.
- Success through project participation as a model site could assist the counties in receipt of state funds (through general and local legislation).
- Recognition among community correction agencies as a model program to be emulated.

The Committee began to define criteria to use in the site selection process and agreed that pilot sites must:

- Possess a certain degree of **data capacity**
 - Ability to identify what data is currently collected and in what form it is collected?
 - If the data available is not sufficient for the analyses included in the data diagnostic, can the necessary data be collected by other means, for instance by sampling?
 - Does the data available have some degree of validity and reliability?
- Demonstrate a level of **local cooperation and collaboration**
 - Are the key stakeholders—presiding judge, district attorney, community corrections director, probation officers, county commissioner(s), and sheriff—in support of the project? The Committee determined that letters of support from ~~each of the~~ key stakeholders would be required in the application process.
 - Other stakeholders must ~~be~~ indicate an interest and be willing to cooperate, such as service providers and the local police.
- Demonstrate a **willingness to consider recommendations**, which may involve the implementation of new practices and procedures
- Be willing to **mentor** other programs/jurisdictions/counties
- Be willing to engage in **evaluations**—of its program and services
- Provide some **resources** to support these efforts, for instance, available staff to assist with data collection and contribute to the development of the comprehensive plan.

It was agreed that the Committee should consider the following issues when selecting the pilot sites:

- What are the available programs and is the pilot site willing to create and implement new and innovative programs?
- The selected sites should, to the extent possible, be representative of Alabama, and therefore present a mix of:
 - Rural/urban
 - Large/small
 - Geographic location.
- Is the Community Corrections Program new or well-established?

Next Steps

1) Site Selection

Letters of interest will be sent to all counties with existing community corrections programs in mid-June to explain the CCASP and gauge the interest of the counties in participating in the Project. The letters will be sent to CCP directors, county commissioners, presiding judges and district attorneys. Counties will be given the opportunity to speak with and pose questions to Rosa Davis about participating in the Project. The formal application packet will be prepared and presented to the Statewide Steering Committee at the retreat at the end of July (see below).

2) Retreat on July 23-25, 2008

A multi-day retreat will provide the Committee with the time and focus to complete a number of tasks. The agenda for the day retreat may include:

- *History of Community Corrections in AL:* A presentation on the history of community corrections in Alabama and the Community Corrections Act (this was requested by the Committee at the meeting on May 1)
- *State-Local Partnerships:* A presentation on national models of state-local partnerships and ways in which Departments of Corrections and counties provide funding to local jurisdictions for community punishment supervision. This may include a presentation by a national expert as well as information generally about national trends.
- *Elements of a Plan:* Facilitated discussion to reach consensus on the elements of the comprehensive plan.
- *Site Selection:* Review and discussion of application materials to be provided to local counties for site selection.
- *Community Corrections Survey:* A summary of the findings of the Community Corrections survey commissioned by the Alabama Sentencing Commission.

The retreat will start in the evening on July 23 with a reception and dinner, and the work sessions will be held during the days on July 24 and 25. We hope to leave the retreat with three concrete items: (1) site selection criteria and application packet for the pilot sites; (2) a plan and timetable for the site selection process; and (3) a list of suggested elements to include in the local plans for a continuum of community sanctions.

We look forward to seeing the Committee again and working with you at the end of July. Additional information about the retreat will be sent to you in the coming weeks.