

**ALABAMA JUDICIAL STUDY COMMISSION'S CONSOLIDATION OF
COMMUNITY SERVICES TASK FORCE**

MINUTES

Organizational Meeting – April 2, 2009

The Alabama Judicial Study Commission's Consolidation of Community Services Task Force met in the small classroom of the Heflin-Torbert Judicial Building in Montgomery, Alabama to review and discuss the White Paper prepared by Vera Institute of Justice on Consolidation of Community Services, to establish committees that will conduct research for the Task Force, and to identify the Pros and Cons for Consolidation.

Present at the meeting were:

Judge Ben McLauchlin, Chair

Ralph Hendrix, UAB TASC

Kent Hunt, Associate Commissioner for Substance Abuse Services,

Pete Pedersen, Court Administrator for City of Mobile and AMCCMA President

Jeff Williams, Department of Corrections, Community Corrections Director

Heather Douglas, Pardons and Parole

David Still, Pardons and Parole

Phil Bryant, Pardons and Parole

Meredith Barnes, Pardons and Parole

Eddie Cook, Pardons and Parole

Robert Oakes, Pardons and Parole

Rosa Davis, Assistant AG, ASC

Marty Ramsay, Deputy Director AOC

Steve Sirmon, Pardons and Parole

David Horn, Executive Director Shelby County CC

Judge Michael Joiner, Circuit Judge, Shelby County

Foster Cook, Director TASC,

Richard Allen, Commissioner DOC

Vernon Barnett, Deputy Commissioner DOC

Keith Camp, Director of Education and Planning AOC,

Chief Justice Sue Bell Cobb

The Chief Justice commended Commissioner Allen on his work and commented that everyone in the room was dedicated to improving the services available in the community and that is why the Task Force was created. The Chief stated that the bottom line for the Task Force was to improve, with our limited resources, the corrections system so we can do the best job we can. That is, create a system of seamless community punishment, so there is a full range of punishments and services and the judges in Alabama have appropriate sentencing options. Chief Justice Cobb made it clear that the idea of unification of all services was not her idea, and that she does not have a preference, all she wants are recommendations on what the best options are. The Chief acknowledged that there might be people who will not be sold on the recommendations made by the Task Force, but she made it clear she will assist where she can to implement them. She did

note that there are limited state dollars and concluded by asking the Task Force members to put their personal issues aside and work for the absolute best system of community punishment that we can provide.

I. Welcome and Introduction

Judge Ben McLauchlin, Chair, thanked everyone for attending the meeting. He explained that the main role of the Task Force was the validation of community services. Noting that the agenda mentioned the history of this project, he highlighted that the consolidation of field services was recommended by the Sentencing Commission in 2003. At the time, no in-depth study was conducted due to timing, politics and money. At the request of the Chief Justice, Director of Pardons and Parole, and the Commissioner of DOC, it was given to the Judicial Study Commission as a topic last year. Judge McLauchlin noted that while the Alabama Sentencing Commission (ASC) will be part of the Task Force, it is not to be another ASC committee. He explained that ASC does not have sufficient funds or staff to take on the administration of this project and develop truth-in-sentencing; therefore, the Task Force members were told that they would be expected to do research, and Keith Camp and David Williams, (AOC Staff) would be the administrative contacts.

Judge McLauchlin stated that there is no set agenda for the Task Force, but that it was envisioned that different committees would be created, e.g., a *Pros and Cons Committee*, a *Legislative Committee*, and a *Drafting Committee*. These committees would conduct research and report to the Task Force their findings and recommendations. He stated that the final meeting would probably be in October or November. Judge McLauchlin also reiterated that all the Chief Justice wants is for the Task Force to make a recommendation to the Judicial Study Commission on Consolidation of Community Services. Noting that even though the Task Force has consolidation in the title it needs to be emphasized that the key requirements are for coordination and cooperation and not competition.

Judge McLauchlin referred to the chart that Lynda Flynt emailed to the Task Force members. He quickly went over the chart which depicted all the corrections, rehab/treatment organization in Alabama. He noted that the Task Force is to determine if there is a better way to provide such services and to get those agencies with diverging interests to come together and recommend a better way for supervision, rehabilitation, punishment and restitution in Alabama. Judge McLauchlin asked the Task Force to look for an efficient and effective system that is cost effective.

Judge McLauchlin acknowledged that there are many diverse interests with this task and made an analogy to a jury, noting that in the courtroom judges ask the jury to put aside their interests and points of view and to only consider the facts of the case when determining guilt. Based on that analogy, Judge McLauchlin asked that the Task Force members do the same, so they can determine if Alabama should consolidate community punishment or, if not, determine a way to coordinate services so that everyone cooperates rather than having territorial division.

Before moving onto introductions, Judge McLauchlin stated that he was pleased at the turnout and went through the agenda headings. He then asked the Task Force members to introduce themselves.

At the end of the introductions, Keith Camp, Director of Education and Planning AOC, introduced himself and made the following comments:

He reiterated that he is the administrator of the Judicial Study Commission, and that it is the Judicial Study Commission who has asked them to be here today. Keith explained that the Judicial Study Commission is a 54 member Commission, made up from the three different branches of Government, with additional members being various attorneys. He explained the Judicial Study Commission's role is to look at issues that come before them and determine those that need to be studied further. One of the things they considered that needed more research on was "consolidation of field services." Keith noted that some of the people on the Task Force were members of the Study Commission: Commissioner Allen, Pete Pederson, Judge McLauchlin and Lynda Flynt. Keith also noted that one of his staff members, David Williams, will also be present at future Task Force meetings.

II. History of Project

Judge McLauchlin invited Rosa Davis to talk about how we got to where we are on this Task Force.

Rosa Davis explained that her experience with the concept of consolidation started when the Sentencing Commission was created in 2000, as she was not around when TASC, the County Commissioners and others drafted the Community Corrections Act and it was passed. Nor was she around in 1930 when the probation service was created, or when the Court referral program began. It was in 2000, that the Sentencing Commission was asked to look at the whole corrections system in Alabama, focusing on strengths and weaknesses. One of the first things to hit her was the dysfunction or appearance of the dysfunction of providing community services. Rosa concluded that she is not trying to say that any one of those groups was not doing a good job; however, due to the in-fighting, and disagreements, there was an inability to create a true continuum of sanctions in the criminal justice system that made sense. Rosa identified that one of the first things that the Sentencing Commission realized was that there was a group of offenders out there that no one minds supervising because they don't cause any problems, they probably are not going to recidivate, and they produce good statistics if they are in your program. These are the low hanging fruit that everyone is willing take. At the other end of the spectrum, you have the folks that would do better in the community than they would do in prison, but they are more risky. Since many agencies do not know how to handle that risk, no one wants them. Rosa concluded that there has not been a concerted effort by all the agencies to handle that risk, every agency simply asks the other agencies to take them. Rosa also noted that there has been much discussion about CRO programs and whether they handle felons, or whether the participants are primarily misdemeanor offenders. Rosa went on to say that as an outsider looking in, when she first started this process she went to the Sentencing Commission and suggested that Alabama needed to "consolidate" supervision services. She noted that the Sentencing Committee then created a committee to look at community services in Alabama. Rosa explained that is when it became apparent how the territorialism and turf wars began; however, these same participants also demonstrated the pride that each possessed in what they were doing. In particular, she noted

that the agencies did not communicate or collaborate with each other, making it difficult to carry on meaningful conversations at that time. However, Rosa said that they survived and as the years went by they were able to make an initial report. In 2003 the Sentencing Commission's report covered long range and short range issues. Every year since then, the Sentencing Commission staff has worked with Pardons and Paroles, Community Corrections and DOC, noting that these groups have started to work closer together with more open discussions, however, there still needs to be progress with overall coordination.

Rosa moved on to discuss the background of the Cooperative Community Alternative Sentencing Project (CCASP), explaining that about a 1 and 1/2 years ago she, along with the Chief Justice, Cynthia Dillard, and the Sentencing Commission staff went to a multi-state meeting in Denver, Colorado with 5 or 4 other states and discussed the issue of community punishment. Each of the other states had various degrees of a continuum in the community. It was out of the discussion at that meeting that the CCASP was created, which is underway now. Rosa highlighted that at the time Alabama did not have the leadership to get moving, but now with Chief Justice, DOC Commissioner, CCASP is going ahead. As part of the project all the state agencies are represented, so that local agencies can interact with the state agencies and vice versa. The idea is that the project will bring together all agencies in a jurisdiction so as to provide community supervision services, and to have those agencies work together to build a true continuum of services in the community to ensure model community programs. Rosa explained that there are four pilot sites, which were selected by an application process: Lawrence, Jefferson, Montgomery and Marshall Counties. The first county to start the project was Lawrence County. The Sentencing Commission, Vera Institute, and Criminal Justice Institute will be working together in the pilot sites. She advised that Vera and the Criminal Justice Institute are both providing technical assistance. Technical advisors will go into each county and provide an assessment on what is going on in the county, a data diagnostic will be conducted which looks at offenders convicted and sentenced, and identifies where each offender goes, e.g., to community corrections, prison or probation, and then tries to define those groups and identify what is or is not working. Each pilot site has a local steering committee of stakeholders. They are to get together to define their roles in the continuum.

Rosa said she believes it is going to be an exciting project and that by using evidence-based practices, the project should show what works and what does not. Rosa emphasized that she hopes this project will develop "trust", so that the different agencies understand that they all play a role in the continuum and that they each play a part in the rehabilitation of offenders. Rosa highlighted that each pilot site will be asked to use a standard risk and needs assessment instrument. She explained that the instrument will be used to identify the risk level and needs level of each offender sentenced in each locale. Rosa continued by stating that it is hoped that such an instrument can be implemented statewide. Initial estimates are that it would cost about \$50,000.

Rosa concluded by referring to an article that she read written by a novice coming into this area, who attended the summit in Denver. Rosa drew upon three points that he made: the first being how little he knew. Rosa stated that just because we think we know a lot about our area should not prevent us from taking a step back and looking around. Secondly, that common sense is a must; and thirdly, how committed, insightful and passionate the criminal justice community is in

making a difference. Rosa noted that the Task Force will be looking at the continuum of community punishment from a state level perspective and the pilot sites in CCASP would be looking from a local level, so hopefully we will all meet in the middle to meet our goals.

III. Revise and Discussion of White Paper prepared by VERA

Lynda Flynt asked that the Task Force focus on the white paper prepared by Vera, noting that Commissioner Allen had asked Vera to draft it for his review. Lynda noted that the paper had been revised from the first version, which routinely referenced ‘the consolidation of field services’. She explained that we are talking about the consolidation of community services, including Community corrections programs, court referral programs, probation, drug courts and all the different programs that we have.

Lynda then took the time to emphasize that even though this Task Force is called ‘Consolidation Community Supervision, that there is no preconceived position that we need to consolidate. She explained that the main goal for the Task Force is to plan for the optimal use of the limited resources that we have to create a true continuum of services, so that there is no overlap or gaps in services. To do this, Lynda explained, the Task Force must establish a clear role for the State and develop comprehensive and quality services in each community. She stressed that there is a desperate need for clear policy, procedures, training and collaboration and adequate funding.

Lynda reiterated that the Task Force was formed as a part of the Judicial Study Commission. She noted that while this was not a committee of the Sentencing Commission, the Commission was committed to pursuing this project and first recommended consolidation of fields services, as it was thought that might be a way to get all programs and agencies working together. She explained the main reason why the Task Force was established was to have a study completed by an independent body that can be relied upon by the Governor and/or legislators when it comes to implementing whatever is recommended. Lynda wanted to make sure that the Task Force members understood that this is not just another research project, Lynda highlighted that while the Truth-In-Sentencing project is a priority with the Sentencing Commission it has been delayed and one of the reasons for the delay is that there is no infrastructure for alternative sentencing.

Lynda emphasized that this Task Force is going to be learning experience, in that the Task Force members should be able to learn about what is going on in each agency/group/community. Lynda expressed that she is looking forward to hearing the recommendations on consolidation and noted that although the Task Force is to look at consolidation and make recommendations on implementation if consolidation is indicated, it could be that the recommendation would be against consolidation, in which case, the reasons should be provided. Lynda indicated that she was encouraged by the good turnout for the meeting, noting that with the “brain power” in the room she was optimistic that much would be accomplished. She extended her appreciation for the support on the project that everyone had shown, noting that the Task Force was well supported by DOC, the Chief Justice, the Governor’s office, Pardon and Parole, and Community Corrections. It was mentioned that David Horn, Director of Shelby County Community Corrections and President of the Alabama Association of Community Corrections was present, representing the community corrections programs and that Judge Joiner, who has been actively

involved with the Drug Court Task Force and runs the Drug Court in Shelby County, was representing the drug courts.

Referencing the white paper that was provided to the TF members, Lynda explained that Vera gave an overview of various structures of community corrections services in other states, but clearly stated that they have not assessed the impact or effectiveness of consolidation of field services. The white paper highlights that 30 states have consolidated community corrections services into one agency and only three of these states - Arkansas, South Carolina and Tennessee - have a separate autonomous cabinet level agency. Lynda noted that in the states with consolidated services, there are none with community correction agencies under the judicial department, (whether that is because some of it is a law enforcement function she was not sure). She emphasized, however, that she did not want to cause anyone to have a preconceived notion that community corrections can't be under the judicial branch of government; she just wanted to point it out. Quickly referring to the Alabama community supervision services chart she had distributed and advised that if the Task Force decides to consolidate, their next task will be to determine the structure, i.e. under which branch each agencies/programs will function.

Lynda continued to review the Vera white paper, focusing on some of the key points:

- System Structures: The writer talks about service delivery, looking at the amount of control the State would have over both quality and quantity of service. This was broken down according to states having either a '*management role*' or a '*supervision role*'. Under the '*management role*', the State specifies both the approaches and the contents of the local entities that actually deliver the services and plays an active part in identifying the types of services that are needed and ensuring that the services meet certain criteria. While the paper refers to Kansas, Lynda noted that Kansas does not have a consolidated structure but has drafted legislation to consolidate, which can be reviewed if the TF decides to consolidate supervision services. In Kansas, its mandatory guideline system tells which felony offenders should be sentenced to community corrections and requires all probation violators be placed in community corrections. Lynda said that this may be an idea the Task Force would want to pursue. She also noted that when Alabama moves to Truth-in-Sentencing there will be a different structure that will have community corrections on the In/Out Worksheets. While Kansas requires all counties to have community corrections, Alabama only has community corrections in 45 of its 67 counties. Kansas also has a specific assessment tool. Lynda recognized that this was a vast improvement from only six years ago when Alabama only had 16 community corrections programs statewide, but now the focus is on quality programs, with community involvement.
- The '*oversight/supervision role*' focuses on the outcomes, less than the process by which the outcomes are achieved. Lynda stated that if Alabama opts for the oversight role, there has to be clearly articulated outcomes and an established comprehensive system of reporting. Under the *supervision role* the white paper refers to Iowa. Iowa has five levels of punishment and each judicial district is required by statute to implement an

intermediate criminal sanctions program. Lynda noted that in Alabama there is no requirement that a county have a community corrections program; rather, there is a division in the Department of Corrections that established when the Community Corrections and Punishment Act was amended. Along with the creation of this separate Division within ADOC, the Act provided for a full-time Director and staff devoted to community corrections. The Act did not require that community corrections programs be established at the local level in every county of the state. It was noted that there were attempts by the Sentencing Commission to amend the Act to simply require local community correction boards be established to consider creating or expanding community corrections and supervision programs and to gauge the services that are available in the community; however, the bill never passed.

- Transparency, the requirement that offenders are identified and sent to the correct programs. Lynda highlighted that Alabama does not have a continuum of services and there are no clearly identified populations that are served by the various programs and agencies. For example, a judge has the options of probation, community corrections and CRO programs. The service that the judge expects of each may be different to what is actually provided, emphasizing the need for a true continuum of services, with clearly defined roles for each program. Noting that the white paper discusses the importance of having a mission, clearly defined vision and goals (on page 8), Lynda concluded that the Task Force should be able to clearly articulate a mission, vision and goals by the end of this meeting.
- Communication, another issue raised in the paper, is vital in order that the agencies know what their duties are and have policies and procedures in place. They need to have adequate data so that they can be evaluated. Lynda noted that this is missing in Alabama since we do not have a statewide data collection system for community corrections; however, it is being addressed with the recent developments, modifications and efforts to expand the capabilities and use of MIDAS.
- Staff Training and Supervision is one area that community corrections has been working with the Department of Corrections and we hope that training sessions for community corrections officers can be provided by the Department in this fiscal year.
- Collaboration. Lynda stated that this is one of Alabama's strong points. To highlight this, Lynda referred to the Multi-State meeting in Denver that Rosa talked about earlier, because the Chief Justice, Alabama's Administrative Director of Courts, Director of the Board of Pardons and Parole, the Deputy Commissioner of DOC, and a representative from the Governor's office all attended the conference. The show of support by these key officials greatly impressed the other states with representative in attendance, one which commented that had absolutely no communication with their Chief Justice or Governor.
- Options for Alabama. Before moving onto the three options for Alabama, Lynda referred members to page 14 of the white paper and went through the key considerations for developing a continuum of services:

- Establish and clearly communicate the *role the State will play* in the administration of community services;
- Ensure *transparency in placement*;
- Design and implement a *continuum of supervision and program options*;
- Develop a clear *mission statement* that is evident in all areas of the organization;
- Create *clear lines of communication* between the State, administrators, and field staff;
- Develop and implement *clear policies, procedures and training*—especially if officers’ duties change;
- Promote professional *collaboration*; and
- Provide *adequate funding opportunities* for all programs.

➤ **The Options:**

1. Consolidate Field Services under DOC;
2. Consolidation under a New Agency

Lynda noted that this will cost money to establish and may cause more turf battles.

3. Maintain the current organizational structure, but develop and implement formal processes to improve community services coordination, service delivery and program development.

Lynda concluded by encouraging all Task Force members to carefully review the white paper, noting that this document was a helpful starting point for discussions on whether Alabama should consolidate supervision services, and if so, how. .

IV. Selection of Committee

After some discussion it was determined that before the Task Force could move forward it should look at the Pros and Cons of consolidation. A number of people volunteered to be on the Pros and Cons committee. It was also noted that no district attorneys were part of the Task Force. Lynda agreed that this needs to be remedied and it was suggested that Ellen Brooks, the District Attorney for Montgomery, Richard Minor, the District Attorney from St Clair County be invited to be members of the Task Force and Pros and Cons Committee. It was also suggested to invite Bobby Wooldridge, Public Defender in Tuscaloosa.

A question was asked as to how many other committees the Task Force needed. Lynda stated that there would need to be a committee to determine which programs to consolidate, and where to consolidate. There would also need to be a committee for researching and reviewing the law and legislative drafting, all depending on if consolidation is the course the Task Force elects to pursue.

After some discussion it was decided because the Task Force could not progress until a decision was made to consolidate or not and that all the Task Force members should be on the Pros and Cons committee. (This was later dismissed and a committee was created)

The question was asked whether the Task Force was going to consider options other than those enumerated in the white paper. Lynda said the Task Force was to consider and recommend any options; that they were not limited to consolidation even though that is the title of Task Force. She noted that it may be helpful to think of the Task Force as a brainstorm project to consider the best way to create a true continuum of community supervision and treatment services, eliminating duplication and gaps that now exist.

After a short break Lynda emphasized the last point discussed, that the goal of the Task Force was to “create a true continuum of services.” Lynda explained that the Task Force needs to determine how to best meet the goal of creating a continuum of community services.

A question was raised as to whether the Task Force needs to look at the pros and cons of consolidation or the different options because they may be different. After some discussion it was determined that the Task Force needed to look at the pros and cons of consolidation.

Kent Hunt made the observation that what the Task Force was facing was similar to what the Department of Mental Health had to deal with. He explained that instead of focusing on the pros and cons of consolidation that it may be beneficial for the Task Force to identify what the target population is. He also recognized that ADOC, Pardon and Paroles and Community Corrections programs may dig in their heels, as they may not want to lose their role. He noted that if the agencies would take a step back and look at what the offenders needed, that their roles would fall into place.

Lynda asked Kent if he meant that for this to work, the Task Force should know the population to be served by these programs and agencies. Kent agreed to some extent, explaining that the TF needs to know exactly what services are needed and by whom, noting that the use of risk/needs assessment instruments, referred to by Rosa before, is key information so that we can identify the needs and then place the individual with the right entity. He noted that it can be confusing when different agencies are dealing with the same people. Another issue that was raised was ways to bridge the gap of communicating information between agencies, i.e., a methodology for passing information among programs and agencies.

GOALS AND MISSION

Judge McLauchlin suggested that the Task Force should define the role/goals of community punishment. He suggested rehabilitation, punishment, restitution, public safety, stating that the number one role should be “public safety.” He said that once we define the role of community punishment, then the Task Force needs to look at how to affect the goals, which will help with identifying the mission statement/ vision and goals. Judge McLauchlin stated that although he believes that the Task Force members know what the goals are, seeing them written down may assist them. (A consolidated list below)

Lunch Break

Judge McLauchlin referred the Task Force to page 8 of the white paper, where it discusses ‘mission, vision and goals’. Before the group began discussing the goals, Lynda reminded the group that they also needed to identify and consider the target population.

Goals

After some further discussion the following were listed as the goals of community punishment:

1. Public Safety
2. Punishment
3. Supervision
4. Restitution
5. Rehabilitation
 - a. successful reentry
 - b. reduced recidivism
6. Drug and Alcohol Treatment

Judge McLauchlin reiterated the role of the judge and how their number one priority is public safety. He indicated that it was imperative that judges have good community supervision and treatment services available and that they have confidence in the service before they refer defendants to those programs. This also incorporates the trust of the public.

The focus of the discussion moved to the Mission of the Task Force. Judge McLauchlin stated that there was no need to re-invent the wheel and suggested that the Task Force use the Mission Statement of one of the states included in the whitepaper. As an example, he referred to the Arkansas Mission Statement on page 9 of the white paper. Lynda noted that the Arkansas mission statement assumes consolidation. The Task Force then looked at the Kansas mission statement and it was agreed that it was neutral and does not specify a particular way it is to be achieved.

Mission

Foster Cook suggested that we adopt the Kansas Mission Statement so that the Task Force could move forward. The Kansas Mission Statement which the Task Force adopted is:

“To provide a continuum of community based correctional services which promotes public safety, holds offenders accountable, and improves their ability to live productively and lawfully in the community.”

Rosa Davis asked whether the Task Force wanted to add anything to it like “structured continuum”. The general consensus was not to add this reference, noting however, that the Mission Statement could be expanded later, if needed.

Commissioner Allen suggested that there are various ways that the Mission could be achieved, which led to further discussion. It was determined that there are two main ways, with a few subsets, that the mission can be achieved:

1. **Consolidating under:**

- a. DOC
- b. PP
- c. Courts
- d. Separate agency

OR

2. Maintaining the Status Quo

Rosa suggested that there may be a third way, by fracturing the system to the extent that it is all done at the local level. It was agreed that this was not an approach that the Task Force wished to pursue.

Foster Cook noted that the Task Force is talking about two different things, explaining that it is one thing to talk about the consolidation of administrative services and another to talk about the consolidation of services. He refined this by stating that there is a difference in *service level* and *supervision level* as opposed to looking back to the way the state actually organizes, structures, certifies, approves, has oversight, etc., which is a different issue. Judge Joiner pointed out that it is almost status quo in terms of structure but administrative support centralized on a status quo model.

Foster also highlighted that services such as collecting data, certification of programs, and control of information gathered may all be centralized, but that the actual people providing services are contract providers and hence not even state employees. Lynda recognized this and referenced the chart depicting Alabama's existing system. Lynda reviewed the various agencies and programs on the chart and there was an extended discussion about CRO programs and drug courts when she began discussing the programs under the Judiciary. While the Task Force agreed that the chart did depict the structure of the current agencies on paper, it was noted that it does not accurately reflect reality because each county operates differently. It was also noted that there was no reference to private or city probation on the chart.

Lynda mentioned that some district attorneys considered Drug Courts to be pretrial diversion. It was disputed that drug courts are part of DA pre-trial diversion programs, and should be considered specialized courts under the judiciary. Lynda indicated that this remained an issue, and varied from county to county. Judge McLaughlin concluded that this discussion justifies the requirement to have the Task Force. The members of the Task Force agreed.

Lynda moved on to discussing those parts of the chart dealing with programs under ADOC and Mental Health. Rosa asked what about LifeTech and Lynda said that it should be referenced under the Board of Pardons and Paroles. It was also noted that there are other services being provided like anger management programs and defensive driving programs. It was agreed that such services need to be looked at later.

There was further discussion on the target population. Rosa stated that in the timeframe allotted, this Task Force could not address both misdemeanors and felony offenders; therefore, the Task Force should focus solely on felony offenders. It was noted that often an offender was subject to

misdemeanors and felony punishment Lynda asked whether the Task Force wanted to consider misdemeanors or only misdemeanors when collateral to a felony offense. It was noted that including collateral misdemeanors would muddy the waters. Lynda asked whether the Task Force also wanted to include juvenile probation. The Task Force members unanimously agreed that it should not consider juvenile probation.

Rosa indicated that because misdemeanors are dealt with at the local level it would be difficult to focus on them because too many local departments would have to be involved. She suggested that the Task Force should only concentrate on drug and alcohol misdemeanors. Lynda asked how the Task Force can consolidate municipal ordinances due to funding, so refined this further to only include state misdemeanors. There was concern about CRO programs, and it was suggested that they can separate municipal misdemeanors through CROs. It was concluded that the Task Force would not focus on municipal violations.

Lynda summarized that the Task Force would focus on felony offenders and would not include misdemeanors or municipal offenders except those state misdemeanor offenses dealing with drug and alcohol. * (list of TF focus page 14)

V. Pros and Cons for Consolidation

Before the TF looked at Pros and Cons of Consolidation, Rosa raised the issue about the consolidation of administrative or supervision functions. There appeared to be confusion among the Task Force members over this issue, with some arguing that the ground level supervision function was already working but the administrative function was not

Initially the Task Force considered looking at the Pros and Cons of Administrative vs. supervision consolidation, but they later determined they should look at the Pros and Cons of consolidation first and then separate them into administrative and supervisory. (See page 14 for a consolidated list of the Pros and Cons.)

Foster raised the issue that there is a difference between a “state function” and a “county function”. This led to a discussion on “control” and in particular Drug courts, whether they are under local or state control. Lynda suggested that because they would be required to report to AOC and follow the Supreme Court Rules and regulations that they are controlled by the State. Judge Joiner commented that resistance to the Drug Court bill was due to loss of local control. The discussion on control concluded with the concept that consolidation can still allow for local control; there can be state requirements and local control.

Jeff Williams expounded on the control vs. standards issue, stating that when it is determined what the Mission is and what is meant to be accomplished with offenders, the State can impose requirements and standards, even though the community punishment services are administered at a local level, they would have to follow the statewide standards. Jeff mentioned the Cooperative Community Alternative Sentencing Project (CCASP), highlighting that the project is introducing the requirement to use a uniform risk/needs assessment instrument which will assist in determining how each offender should be sentenced/treated. It allows the system to determine where each offender is to go - probation, drug court or community corrections. Jeff summarized

by stating that when the Task Force talks about pros and cons, they should be looking at what the best evidence-based practice that reflect those practices. The state will have to determine what the parameters are, still allowing local entities but need guidance from the top.

It was noted by some of the Task Force members that the loss of local control may mean a loss of services. Rosa was quick to highlight that the next step of the Pros and Cons Committee is to consider each pro and con and look at the ramifications or what can be done to alleviate any problems areas noted under the “Con” category. For example, the loss of local control as a reason not to consolidate. She noted that the Task Force should look at what that really means and, if possible, determine if the State responsibility can be divided so as to leave viable local control.

Judge McLauchlin highlighted that the Task Force should be trying to provide local judges with what they need; i.e., retain local control, but in a more efficient way. Rosa agreed and added that the Task Force should also try to get some oversight of what local judges are doing in regard to utilizing community programs so the programs can be assessed and shown to work. Judge Joiner stated he thinks that judges will welcome the administrative supervision from above.

Lynda asked if there was an existing community corrections program that is not receiving reimbursement from DOC. Mr. Williams advised that there was no community corrections program established under Community Corrections and Punishment statute that did not receive ADOC funding. It was acknowledged that there could be organizations that are not set up under the statute that did not receive funding. It was noted that not all people in Community Corrections are funded by DOC and Lynda suggested that there must be some kind of standard for reimbursement. Ralph indicated that was not the case because felonies are diverted that are not considered reimbursable, especially when it comes to drug courts.

There was some discussion explaining the difference between front-end and institutional diversions to community corrections programs. Commissioner Allen explained CC diversions; for institutional diversion, DOC has to get permission from the judge. On the front end the judge determines solely. Foster discussed the actual sentence for someone who is serving community corrections, following which, Lynda mentioned the bill introduced by the Sentencing Commission requiring an underlying sentence of incarceration which is suspended for community corrections. (It was noted that probation has statute that required a term of prison that is to be suspended.)

The Pros and Cons of Consolidation were again discussed with Foster noting that qualifications of personnel and uniform accounting mechanism could be achieved by consolidation. It was also suggested that working for the same Mission and goals were also pro consolidation factors. Foster agreed, noting that people often believe that the mission of community corrections is to keep people out of prison. This led to a further discussion on the role and mission of community corrections and the fact that each service provided needs to be clearly defined.

Judge Joiner said that the Task Force will be doing its job when we can offer options short of incarceration that allow the judge to deal with an offender, taking into account public safety.

Judge Joiner continued by stating that he knows that there are a number of offenders that need to stay in prison so the people that do not need to go to prison need a place to go.

Judge McLauchlin highlighted that probation and community corrections need to be able to work together and to stop feeling as though they are in competition. Rosa noted that there are other agencies that need to be considered as part of the continuum of services.

Judge McLauchlin summarized that it appears that everyone on the Task Force understands what the Mission is and the initial people that wanted to be on the Pros and Cons committee need to get together to start enumerating the factors in favor and against consolidation. He suggested that the committee review the options detailed in the Vera report and come back with recommendations. Judge McLauchlin stated that while there was progress made while the Task Force brainstormed today, a committee was needed to focus on the options for and against consolidation. Lynda stated that she does not want to limit the committee to the options listed in the report. She noted that even if the Task Force voted to retain the status quo as far as structure of the various service agencies and programs, recommendations could be made on how to create a true continuum of supervision and treatment services statewide.

Summarized below are the decisions made by the Task Force during the meeting:

TASK FORCE FOCUS

- Focus on felony offenders and drug and alcohol misdemeanors (State only).
- Will not consider juvenile probation or municipal ordinance violations.

PROS AND CONS OF CONSOLIDATION

Pros	Cons
Uniform Standards	Loss of local control
Adopt evidence based practice	Establishment costs
Uniform risk/needs assessment	Loss of local funding (loss of buy-in)
Uniform training	
Statewide date	
Unity of command (policy making etc.)	
Qualifications of personnel - uniformity	

Judge McLauchlin asked that the Pros and Cons Committee meet and report back its findings to the Task Force.

The following Task Force members volunteered to be on the Pros and Cons committee, and the members of the Task Force appointed Judge Joiner as Chair:

Judge Michael Joiner, Chair

Judge Ben McLauchlin

Phil Bryant
David Horn
Vernon Barnett
Robert Oakes
Jeff Williams
Pete Pedersen
Marty Ramsay
Foster Cook
Meredith Barnes
Steve Simon
Rosa Davis
Lynda Flynt

Ralph said it appeared that we are looking to other states for models; noting that Judge Joiner described a model in Shelby County that has established a blend or lines of responsibility of confidence. He suggested that it might be helpful to look at some sites in Alabama such as Mobile and Shelby Counties, who have functional programs that are working. Rosa highlighted that it is not just community corrections; we need to have those services functional with probation and CRO programs as well.

VI. Next Steps

Judge McLauchlin emphasized that the Pros and Cons committee is not limited to what they look at. When someone suggested a survey of the community corrections programs, Lynda said that before the meeting she and Rosa had discussed the option of surveying community services, which had been done periodically, the last time by Vera Institute of Justice, without any real hard findings. While it was not decided to pursue a survey of community services now available, Lynda noted that working through the committee, the Task Force can get direction as to which way we should go, to consolidate and if not, then how we can create a continuum.

Lynda thanked the members of the Task Force for coming and those that volunteered to be a member of the Pros and Cons committee. Lynda concluded by advising that the Pros and Cons committee would meet in the near future (subsequently scheduled for May 27, 2009) and that it is to make a recommendation on whether to consolidate or not, identifying any problems and solutions.

There being no further business, Judge McLauchlin adjourned the meeting at 1.25 pm