



ALABAMA SENTENCING COMMISSION

300 Dexter Avenue
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March 20, 2001

Joseph A. Colquitt, Chairman
Beasley Law Professor

Hon. Marcel Black
State Representative

Hon. Eleanor I. Brooks
District Attorney

Rosa Davis, Esq.
Assistant Attorney General

Stephen R. Glassroth, Esq.
Attorney at Law

Mike W. Haley
Department of Corrections

Edward A. Hosp, Esq.
Governor's Legal Advisor

Hon. O.L. Johnson
District Judge

Clyde E. Jones, Esq.
Attorney at Law

Samuel L. Jones
County Commissioner

Emily A. Landers
Victims Advocate

Hon. Samuel H. Monk
Circuit Judge

Donald L. Parker
Board of Pardons and Paroles

Hon. David A. Rains
Circuit Judge

Hon. Rodger M. Smitherman
State Senator

Lynda Flynt
Executive Director

To: Commission and Work Group Members

From: Lynda Flynt, Director

Re: Alabama Sentencing Commission March 9, 2001
Meeting Minutes

I. Call to Order and Welcome – 10:00

Rosa Davis, called the meeting to order and welcomed members of the public, press, Commission and work groups. Since Judge Colquitt, Chairman, Alabama Sentencing Commission had to leave and return to Tuscaloosa because of the grave condition of his ailing mother, Ms. Davis serving as acting chair, called for a moment of silence for Judge Colquitt and his mother. Ms. Davis expressed the Commission's appreciation for the willingness of the appointed members of the work groups to work with the Commission on such an important task.

II. Individual Welcome

Ms. Davis asked that members of the Commission and newly appointed work group members identify themselves and their individual perspectives.

- Commission and staff members present

Hon. Eleanor I. Brooks
Rosa Davis, Esq.
Stephen R. Glassroth, Esq.
Mike W. Haley
Edward A. "Ted" Hosp, Esq.
Hon. Pete Johnson

Clyde E. Jones, Esq.
Samuel L. Jones
Emily A. Landers
Donald L. Parker
Hon. David A. Rains
Lynda Flynt, Esq.
James W. LaBaza

Robert Bailey
Hon. Henry Blizzard
Linda Campbell
Mike Carroll
Hon. John Davis (Represented)
Dr. M. Keivan Deravi
Cynthia S. Dillard
Hon. Aubrey Ford
Hon. Michael D. Godwin
Becki Goggins
Hon. Steven Grimes
Robert Bruce Heart
Ralph Hendrix
Kent Hunt
Jack Hunter
Hon. Ron Jackson
Richard K. Keith
Isaac Kervin

Richard Lawrence, Esq.
Don Lee
Joe A. Mahoney
Hon. P.B. McLauchlin
Dr. Jim Merk
Tom Monroe
Hon. Tim W. Morgan
Hon. Tommy Nail
Hon. Charles C. Partin
Hon. Charles Price
Marty Ramsay (Represented)
Chris Retan
Hon. Dan Reynolds
William C. Segrest
Tom Sorrells
Russell Thomas
Peggy Walker
Hon. John David Whetstone
Walter Woods

III. Discussion

- Chief Justice Roy Moore addressed and thanked the work group members for agreeing to participate in this important effort. He recognized the problems the members were facing and stressed the importance of finding solutions. In paraphrasing a speech by President Washington, Justice Moore stressed that it was important to do what the citizens need and to look to God for wisdom and guidance. He indicated his belief and the public's desire to see that each sentence given is appropriate for the crime. He stated that there are some people who are incarcerated in state prisons that should be in a more appropriate setting.

- Ms. Davis identified two recent reports as resources for the Commission. These are The Report of The Alabama Judicial System Study Commission's (AJSSC) subcommittee on sentencing, and the Governors Commission on Corrections, Sentencing and Law Enforcement report. The report of the AJSSC subcommittee was distributed for consideration. The work of the subcommittee and its report formed the basis for the legislation creating the Alabama Sentencing Commission. Chris Retan, Chairman of the Governor's Commission, was introduced and provided a summary of his report to the Governor. The emphasis of that report was the development of alternatives to state prison incarceration through the use of community corrections programs, drug courts and TASC (Treatment Alternatives to Street Crime), and recommendations that improvements be made to the Pardon and Paroles procedures, after-care programs and that faith-based efforts. These reports promise to be excellent resources to the Commission.

- Ms. Davis provided members of the work groups a brief background of the Commission, its tasking and progress. She stressed that our task is to recommend solutions for the problems facing Alabama's Criminal Justice System. She announced

that we have been in touch with the Vera Institute of Justice who are helping us obtain other information from other sentencing commissions throughout the nation and experts in the criminal justice field to see what does and does not work in the area of sentencing. We are very fortunate that the Vera Institute has agreed to provide assistance from which options tailored for the citizens of Alabama, may be developed. Ms. Davis mentioned that experts have noted that the systems that have been successful are those that did not move too fast and try to get too much done too soon.

- Ms. Davis related that the Commission realized the need for assistance by a broad-based group of professionals to meet the legislative mandates and decided on the formation of separate independent work groups. Ms. Davis stressed how the workgroup members' individual and collective participation was vital to not only the Commission's efforts but the state as a whole.

- Lynda Flynt reminded the Commission of a joint meeting which has been scheduled with the Commission's Advisory Council on April 6, 2001, and related that if anyone had recommendations for additional members for that body, names should be submitted to her or Judge Colquitt. Likewise, Ms. Flynt reported that the Vera Institute will be sending a team to visit us next week and discuss technology and data development. Members of the Technology Committee were asked to make plans to meet with these representatives on Tuesday, March 2001.

- Ms. Flynt provided the Commission and the workgroup members present, an overview of the pending legislation that may/will affect the efforts of the Commission. Ms. Flynt offered to obtain copies of any bills requested by the members.

- Jim LaBaza was asked to explain the statistics provided in the members packets. One information sheet titled "Sentencing and Custody Status Report" identified information gleaned from the Alabama Department of Correction's (DOC) monthly reports over the past six months depicting the growth and break down of the state inmate population and their crime category to include habitual felony offender population. Additionally, the report contained information on the number of probationers and parolees under the supervision of the Board of Pardon and Paroles, the number of officers available, hearings conducted and number of parolees by supervision level. Another fact sheet contained Department of Corrections information depicting the average term imposed versus time served for those departing DOC during calendar year 2000.

- Ms. Davis explained that the work groups were established to focus on the major areas relating to sentencing, commitment and the release of criminal defendants. Members were charged with determining where Alabama is in each particular area, where we want to be, and develop a work plan, which identifies specific needs and ultimately the solutions to get there. Each group was asked to come up with the solutions and recommendations for their assigned area of study. The work groups are: Structured Sentencing, Mandatory Sentences, Truth-In-Sentencing and Post-Incarceration Supervision, Community Based Punishment, and Juvenile Offenders. The groups were instructed to start the process and determine if they needed any additional members for their group, determine work group meeting schedules, and to submit their recommendations to the Commission by August 1, 2001. They were advised to contact

Lynda Flynt or Jim LaBaza with any requests for assistance, information and data. Work group chairpersons were: Mike Carroll for Technology, Rosa Davis for Structured Sentencing, Lynda Flynt (temporary chair) for Community Based Punishment, Judge McLaughlin for Truth-in-Sentencing, Judge Davis for Juvenile Offenders, and Judge Pete Johnson for Mandatory Sentences. The Commission is charged to report to the 2002 legislature with the Commission's recommendations. Groups were released to breakout sessions and asked to report back with the full session by 2:30 p.m.

- Upon reassembling, each group expressed a need to increase their individual knowledge in each subject area and reported that they would be coordinating individual group actions. Each group was requested to submit their initial findings, work plan and meeting schedule to Lynda Flynt for inclusion as part of these minutes. (See separate reports enclosed)

IV. Adjournment

- Rosa Davis again expressed her appreciation from the commission for the dedication and commitment being demonstrated by the presence of each participant. With no further business to conduct, the a motion to adjourn was entertained, received a second, motion carried. Meeting adjourned at 3:00 p.m.

Alabama Sentencing Commission

Date: Friday, March 9, 2001

Work Group: Technology

Group Chair: Mike Carroll

Members Present: Mike Carroll, Hon. Steven P. Grimes, Hon. Charles C. Partin, Hon. John David Whetstone, William C. Segrest, Isaac Kervin, Jack Doane, and James W. LaBaza.

Future Meeting Date(s): March 20 with the Vera Institute. Other group meeting dates will be predicated upon the needs of the Commission.

Suggestions for Additional Working Group Members: N/A.

Charge to Work Group:

This group is asked to identify current sentencing practices and the subsequent impact of those practices. The technology group must also determine what raw data is needed and the appropriate format.

- Group debate centered on finding a better way of identifying and tracking offenders from complaint through to final disposition. D.A. Whetstone recommended the use of only one number to identify offenders. Where as members present agreed that the use of one number could be done with various modifications, further discussion was tabled due to a representative from the Department of Corrections not being present. Mike Carroll and William C. Segrest did identify that there is a current number which can be used to link the Board of Pardons and Paroles and AOC data, and with modifications, offers the ability to link other data bases.
- An offender's main processing points were mapped to begin to get a better understanding of the information flow:

