

Alabama Sentencing Commission

Minutes of Community Corrections Committee Meeting
October 3, 2002

The Community Corrections Committee of the Alabama Sentencing Commission, chaired by Judge Ben McLauchlin, held its first meeting in the small classroom of the Judicial Building in Montgomery on Thursday, October 3, 2002. Present at the meeting were:

Judge Ben McLauchlin, Presiding Circuit Judge, 33rd Circuit, Chair
Judge John England, Circuit Judge, 6th Circuit
Judge Jerry L. Fielding, Presiding Circuit Judge 29th Circuit
Lynda Flynt, Executive Director, Alabama Sentencing Commission
John Hamm, Department of Corrections
Dr. Lou Harris, Faulkner University
Becki Goggins, The Sentencing Institute
Joe Mahoney, Director, Mobile County Community Corrections
Stacey Neeley, DeKalb County CRO
Doug Parker, DeKalb County Court Referral
Judge Daniel Reeves, Circuit Judge, 18th Circuit
Bill Segrest, Executive Director, Board of Pardon and Paroles, Montgomery
Buddy Sharpless, Director, County Commissions Association

Opening Remarks and Introductions

The meeting convened at approximately 10:00 a.m. with Chairman McLauchlin calling the meeting to order and making introductory remarks. Chairman McLauchlin thanked the members for their willingness to serve on the committee and started out the meeting by having everyone introduce themselves. The agenda for the meeting for the meeting was distributed and Ms. Flynt was asked to distribute the other handouts.

Mission

Ms. Flynt distributed manuals to the committee members which contained 1) a list of key issues for the committee to address; 2) a proposed outline for the part of the Legislative report pertaining to community corrections; 3) the 2001 Report of the Community-Based Punishment Work Group; 4) Alabama's Community Punishment and Correction's Act; 5) a list of the 18 programs community corrections receiving funding through DOC; 6) DOC's Institutional Diversion Criteria for Counties; and 7) Surveys of 10 community correction programs provided by The Sentencing Institute. Ms. Flynt explained that the committee was composed primarily of judges and prosecutors because the Commission wanted their input on the type of programs that they would like to see in their counties and which programs they would use. Noting that the Sentencing Commission had recommended expansion of community correction programs statewide in last year's

report to the Legislature, Ms. Flynt stated that the committee's mission was to make recommendations on how this could best be accomplished and assist the Commission in drafting that portion of the legislative report pertaining to Community Corrections. As a starting point the committee would have to first define "community corrections" and the term "non-violent offenders" as that term is used to describe who would be the target group for these programs.

Committee Membership – Additional Members

As the first item on the agenda, members were asked to review the membership roster for the Community Corrections Committee (containing 22 members) and advise the chair whether more members were needed, since it had been suggested that more representatives from community correction programs be included. It was explained that last year's work group was composed primarily of representatives from these programs which had provided the Commission with important information on the operation and needs of existing programs, and that this year's focus should be on ways in which these programs could be expanded and new programs established. It was also noted that Joe Mahoney, the President of the Community Corrections Association; Doug Parker, the Director of the DeKalb County Court Referral program, and Bill Segrest, Director of the Board of Pardons and Paroles were serving as members of this year's committee and would represent those groups well. There was a vote taken and the general consensus of the committee members present and voting was that no new members should be added to the committee.

The following is a summary of the issues discussed:

- The role of probation and parole and how it fits in with community corrections programs need to be addressed. Although recognized that community corrections programs can be seen as alternatives to probation and incarceration, it must be recognized that there is no clear line of demarcation, since participation in some programs may be less restrictive than intensive probation supervision and some defendants sentenced to these programs will also be under the supervision of probation officers.
- The success of any community corrections program is going to depend on convincing the public and the district attorneys that there is a sanction element involved. One member opined that community correction programs must contain a punishment component, a rehabilitative component and public safety component and that only if overnight incarceration is required would the public and district attorneys see it as seen as punishment and support these programs.
- Community Corrections must be presented as a continuum of punishment options available to the judge, falling in-between probation and incarceration, with varying levels of supervision.

- Any program must be locally run and supported by prosecutors, judges and citizens living and working in the community. State control takes the “community” out of community corrections. Buddy Sharpless, director of the Association of County Commission’s noted that while community corrections could give some relief to the present overcrowding problem (with 1500-2000 state prisoners housed in county jails), these programs must start with the county commissions and they must have funding.
- A beginning point in the committee’s work is to look at Alabama’s existing Community Corrections and Punishment Act and recommend ways it could be amended to make it more viable. It was noted that a new position, was recently created in the Department of Corrections – Director of Community Corrections; however, this position has not yet been filled.
- The existing Alabama Community Punishment and Corrections Act now gives judge’s sentencing options. The tool is in place but education needs to be provided on how programs can qualify for funding by DOC and the Act’s provisions and potential need to be explained to judges, prosecutors, defense attorneys, the public.
- The Department of Corrections was provided \$2 million in FY 2002, \$2.5 million for community corrections for FY 2003 but is not optimistic about funding next year. John Hamm was asked to provide information on FY 2004 general fund appropriations to DOC for community corrections programs and the recommended budget for next year.
- Boot camp has been listed as an intermediate sanction, however, it was noted that it was not really a community corrections program. There are now 180 slots available in the boot camp program. It is not now operating at full capacity (approximately 110 inmates now) because there is insufficient medical services available in Childersburg. It was noted that the waiting list was very short, overall it is a good program, it should be available to women, and more money devoted for expansion.

TOPICS FOR CONSIDERATION – FUTURE TASKS

1. Pre-Trial Diversion Programs

After a general discussion of the various DA pre-trial diversion programs authorized by local act, it was suggested that the committee consider drafting a statewide pre-trial diversion act that could be used to establish programs in other counties.

2. Revocation/ Detention Facilities and Day Reporting Centers

Since many of the prisoners that are incarcerated are readmits because they have had their probation revoked, the Committee should pursue the feasibility of

recommending the establishment of special revocation detention facilities and day reporting centers.

3. Define “Community Corrections”

One suggested definition was: “correctional services and programs available in the local community that provide a comprehensive array and continuum of sanctions which may serve as an alternative to or supplement a term of incarceration in the county jail or state penitentiary. Although participants in these programs may be under the supervision of probation officers these programs are not integrated with probation or parole at the state level but rather, focus on intermediate sanctions (punishments that lie somewhere between prison and routine probation with respect to their restrictiveness) that may be utilized to reach otherwise prison-or jail-bound felons.”

It was also recommended that the definition of Community Punishment and Corrections Program that is now provided in the Community Corrections and Punishment Act could be modified to eliminate reference to programs maintained by an authority or nonprofit entity, with emphasis on local control and support, i.e.:

“Any local program ~~designed and maintained by an authority or nonprofit entity established~~ for the purpose of punishing and for correcting a person convicted of a felony or misdemeanor or adjudicated a youthful offender and which may be imposed as part of a sanction, including, but not limited to confinement, work release, day reporting, home detention, restitution programs, community service, education and intervention programs, and substance abuse programs.”

The Committee members were asked to review this definition and present any recommendations for change at the committee’s next meeting.

4. Definition of “Non-Violent Offenders”

Several members of the committee felt that it would be a mistake to provide a definition of “non-violent offender” to determine who would be eligible for community punishment programs, noting that a hard and fast definition would take away a judge’s discretion to sentence offenders who could benefit from the program and would not be a security risk, while at the same time fail to exclude some offenders that could be perceived by the public as ineligible for community punishment.

5. Drug Courts

There was an extended discussion about the existence of drug courts and whether the Commission should recommend legislation providing statutory authority for their existence. Among the problems noted was the lack of records being retained on program participants and that judges and prosecutors throughout the state have no way of determining which offenders have been accepted into drug courts in other counties. This deficiency will need to be addressed and resolved by the Commission either through legislation or by changes in the SJIS system. repo

6. Parole, Probation and Post-Incarceration Supervision

The Commission's report to the Legislature must include recommendations regarding probation and parole, or some form of post-incarceration supervision.

7. Records of Offenders Approved for Community Corrections Programs

A statewide reporting system must be developed to track offenders sentenced to community corrections programs and determine who successfully completes the programs and those that fail.

8. Referrals Pursuant to Plea Bargains - Statistics

Statistics are needed to determine the number of offenders that are actual diverted to community correction programs by the district attorney rather than the judge pursuant to plea agreements.

Assignments

LyndaFlynt & Rosa Davis – Propose a definition for “Non-Violent Offender” for the Committee to review at its next meeting or determine next

John Hamm - DOC Rules and Regulations/10 point criteria, budget info, appropriations needed for expansion of community correction programs, for funding community corrections director and staff. (Lynda Flynt will distribute to members)

Bill Segrest – Data on Probation and Parole to include in Legislative report, i.e., average officer caseload, probationer/parolee to officer ratio, needs, etc.

Becki Goggins – Complete Surveys of existing Community Corrections Programs and revise list of types of community correction programs.

ALL Members – Review Alabama's Community Corrections and Punishment Act and present recommendations for amendment at the next meeting. In this regard, consider amending 15-18-172(d) to provide that inmates transferred to community correction programs are not eligible for parole consideration, consider whether a specific line item should be required for community corrections appropriations; board of community corrections established to assist DOC community corrections director; funding for full-time DOC community corrections director, statutory provisions for funding eligibility rather than under DOC rules and regulations; whether the certain felons should be prohibited from participating in these programs; etc.

ALL Members – Review proposed definition and make recommendations for defining “Community Corrections.”

Scheduling of Next Meeting

After a brief discussion of the best date to schedule the next meeting, the next meeting was scheduled for Friday, November 8, 2002, at 10:00, to be held in the small classroom of the judicial building.

There being no further business, the meeting was adjourned.