

Alabama Sentencing Commission
Minutes of Community Corrections Committee Meeting
November 8, 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 Friday, November 8, Present at the meeting were:

Judge Ben McLauchlin, Presiding Circuit Judge, 33rd Circuit, Chair
Judge John Bush, Presiding Circuit Judge, 19th 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
Judge Loyd Little, Presiding Circuit Judge, 23rd Circuit
Joe Mahoney, Director, Mobile County Community Corrections
Judge Ed McFerrin, Presiding Circuit Judge, 2nd Circuit
Stacey Neeley, DeKalb County CRO
Judge Daniel Reeves, Circuit Judge, 18th Circuit
Judge Philip Reich, Presiding Circuit Judge, 36th Circuit
Robert Oakes, Board of Pardon and Paroles, Montgomery
Mary Pons, Association of County Commissions

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. There was an introduction of the members present following which, Judge McLauchlin requested that the committee review the minutes of the last meeting which they received in the mail. There being no corrections, the minutes were approved as written.

Judge McLauchlin reminded the committee that last year's Community Corrections Task Force had recommended to the Sentencing Commission that community corrections programs be implemented statewide and that it was this committee's mission to determine the best way this could be accomplished. The members of this committee had been requested in the last meeting to review the existing Community Corrections and Punishment Act and determine what changes could be made to develop a statewide system. Judge McLauchlin noted that Lynda Flynt had developed a working draft for the committee to review and requested Lynda to distribute the proposed bill and go over the provisions with the committee.

Ms. Flynt distributed draft legislation, explaining that she had made some modifications to the existing Act but had decided that, for discussion purposes, it would be easier to vote on the concepts if a separate bill was provided to the committee. *See Appendix A.* Referring to the separate bill, she emphasized that

any provisions the committee approved could be incorporated into the existing statute, since the idea was to build on the Community Punishment and Corrections Act of 1991, leaving the programs that were already established in place. Ms. Flynt explained that the proposed bill was similar to Oklahoma's Community Corrections statute, one state that had been very successful in developing and maintaining a statewide community corrections system. Reviewing the bill, the primary provisions of the bill were noted, as follows:

I. Community Punishment Planning Boards

To ensure community involvement, the bill would require the creation of community punishment planning boards in each county of a judicial circuit (or a multi-county board) that has not established community punishment and corrections program pursuant to the Alabama Community Punishment and Corrections Act of 1991. Creation of these boards would expand the public's knowledge of the need for community punishment as an alternative to incarceration, awareness of the problems with the existing system, and ensure community involvement and local participation in resolution, increase available resources, garner public and county cooperation and support for alternative sanctions and increase program accountability.

II. Department of Corrections (DOC) Division of Community Corrections; Director

Although the State Personnel Department has created a new position for DOC known as the director of Community Corrections, this position and a separate division known as the Community Corrections Division of DOC would be legislatively created under the provisions of the proposed bill. It was recommended that statutory authority be obtained not only to gain legislative approval and support, but to increase public awareness, to form the basis for increased funding and to define the duties and responsibilities of the division. It was noted that under the existing Community Punishment and Corrections Act, there are several duties and responsibilities of the department listed; however some should be revised and/or expanded, such as reporting to the prison oversight committee of the Legislature since the committee has not met in two years.

III. Separate Community Corrections Fund

Under the current law, a part of the appropriations of the Department of Corrections is devoted to Community Correction programs; however, there is nothing that would prohibit these funds from being diverted to other projects. It is recommended that legislation be introduced that would create a separate community corrections fund in the state treasury for Community Corrections and that these funds be earmarked for that purpose and managed by the Department of Corrections. By creating a separate fund for community corrections, not only could monies from appropriations be reserved for these programs but a fund would exist for the deposit of monies from other sources such as grants, gifts, awards and fees.

After a reviewing and discussing the merits and shortcomings of the proposed legislation, the committee voted, with 7 ayes and 1 nay, to include the following provisions of the proposed legislation in a bill amending the Community Punishment and Corrections Act of 1991:

- I. Create Community Punishment Planning Boards (Section 3)
- II. Establish Duties of Planning Boards (Section 4)
- III. Create Separate Division of the Department of Corrections (Section 5)
- IV. Create a Separate Fund for Community Corrections Programs in the State Treasury to earmark funds for this purpose.

Ms. Flynt was asked to draft these amendments and distribute them to the committee members to obtain their comments and final approval prior to the November 22nd meeting of the Sentencing Commission.

Other Topics Discussed

Existing Community Corrections Programs

Ms. Flynt distributed a map prepared by Becki Goggins of The Sentencing Institute showing the existing community correction programs in Alabama by county and circuit. There are programs now operating in 22 of Alabama's 67 counties, primarily those in North Alabama: Lauderdale, Madison, Jackson, DeKalb, Marshall, Cherokee, Etowah, Franklin, Cullman, Calhoun, Jefferson, Lamar, Fayette, Pickens, Walker, Jefferson, Tuscaloosa, Shelby, Montgomery, Mobile, Houston and Geneva. *See Appendix B*

Appropriations

While no decision was made, the committee did discuss including an appropriations provision for community corrections in this bill. John Hamm is to provide budget information, including the amount needed for expansion of the community corrections programs, the community corrections director and staff (see minutes of last meeting). Mr. Hamm did provide the committee with a copy of DOC 10 point criteria for diversion of felony offenders and eligibility for grant funding. *See Appendix C*

"Non-Violent/Violent Offender"

As an assignment from the last meeting, Lynda Flynt and Rosa Davis were to prepare a proposed definition for "Non-Violent Offender" for the Committee to review and determine what definition would be appropriate to identify the type of eligible offenders for community punishment programs. Ms. Flynt proposed a definition in the draft bill, as well as provided definitions now appearing in the Alabama Code, proposed by the Department of Corrections in regard to developing procedures for retroactive implementation of the amendments to the Habitual Felony Offender statute and definitions from other states. Mrs. Davis provided the committee member a listing of crimes that could be considered violent offenses. *See Appendix D*

Risk Assessment - do not include in statute

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

Grant Formula Used by the Department of Corrections – Leave discretionary with the Department and do not include in the statute.

Annual Report required by DOC

Allow use of DOC Grants for Start-up Funding

Deferred Prosecution Programs established should be addressed.

Education of how to establish community correction programs should be expanded

Substance abuse programs should be available for county jail prisoners

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.

Recommendations

V. Include Express Provisions for the Sanctions and Procedures Required for Violations – Track DOC procedures for Disciplinary Hearings; Without judge intervention unless the defendant is sent to prison.

Scheduling of Next Meeting

After a brief discussion regarding when to schedule the next meeting of the committee, it was determined that members could be contacted by mail prior to the next Commission meeting (November 22, 2002) for their final recommendations to the proposed legislation and that no further meetings would be necessary.

There being no further business, the meeting was adjourned.