Alabama Sentencing Commission

2022 Annual Report



ALABAMA SENTENCING COMMISSION

2022 Report

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Acknowledgements

The Alabama Sentencing Commission takes this opportunity to extend its sincere appreciation to the various criminal justice agencies, departments and state and local officials for the invaluable assistance and support they have provided to the Commission. The successes achieved by the Sentencing Commission have been accomplished only because of their consistent dedication, service, and encouragement, which is indicative of the extraordinary collaboration between Alabama's Executive, Legislative and Judicial branches for the improvement of Alabama's Criminal Justice System. The commitment to inter-branch efforts has allowed the Commission to focus on its number one priority – public safety.

The Commission and staff are grateful for the assistance that has been provided by these individuals in their commitment to improve public safety in Alabama. Special recognition is extended to the following individuals and organizations for lending their knowledge, expertise and support to the Alabama Sentencing Commission.

Governor Kay Ivey

Chief Justice Tom Parker

Lieutenant Governor Will Ainsworth

Senator Greg Reed, President Pro Tempore, Alabama Senate

Senator Tom Whatley, Chair, Senate Judiciary Committee

The Supreme Court of Alabama

The Alabama Senate

Mac McCutcheon, Speaker of the House, Alabama House of Representatives

Representative Jim Hill, Chair, House Judiciary Committee

Mike Jones, Chair, House Rules Committee

The Alabama House of Representatives

Joseph A. Colquitt, Chairman of the Sentencing Commission

Dr. Rich Hobson, Administrative Director of Courts

Administrative Office of Courts and staff

Court of Criminal Appeals

Alabama Circuit and District Judges' Associations

Attorney General Steve Marshall

The Alabama Department of Corrections and staff

The Alabama Board of Pardons and Paroles and staff

The Alabama District Attorneys Association/Office of Prosecution Services

Victim Advocates; VOCAL, MADD, Angel House, Coalition Against

Domestic Violence

The National Association of Sentencing Commissions

Alabama Association of Community Corrections

Alabama Lawyer's Association

The Criminal Defense Lawyers Association

The Association of County Commissioners

The Alabama Sheriff's Association

The Alabama Association of Chiefs of Police

Dr. John Speir, Applied Research Service, Inc.

Alabama Sentencing Commission Members

Appointed by the Chief Justice of the Supreme Court

Retired Circuit Judge Joseph A. Colquitt, Chair Retired Beasley Professor of Law, University of Alabama School of Law

Governor's Appointments

Jonathan Hester Governor's Office

Steve Searcy Victims' Advocate

Barbara Houts Victims' Advocate

Chris Green, Chairman Blount County Commission

Attorney General Appointment

Michael Dean Assistant Attorney General

President of the Alabama District Attorneys' Association Appointments

Eleanor I. Brooks, Supernumerary District Attorney, 15th Judicial Circuit Walt Merrell, District Attorney, 22nd Judicial Circuit Tom Anderson, District Attorney, 12th Judicial Circuit

President of the Alabama Association of Circuit Court Judges' Appointments

P.B. McLauchlin, Retired Circuit Judge, 33rd Judicial Circuit Burt Smithart, Circuit Judge, 3rd Judicial Circuit

President of the Alabama Association of District Court Judges' Appointment

Alan Furr, District Judge, St. Clair County

Chair of the House Judiciary Committee

Representative Jim Hill, House District 50

Chair of the Senate Judiciary Committee

Senator Tom Whatley, Senate District 27

Alabama Department of Corrections

Jefferson Dunn, Commissioner

Alabama Board of Pardons and Paroles' Appointment

Cam Ward, Executive Director

Appointment by the Chief Justice of the Supreme Court

Lou Harris, President, Institute for Criminal Justice Education

President of the Alabama Lawyers Association Appointment

Angeline Sperling, Esquire, Montgomery, AL

President of the Alabama Criminal Defense Lawyers Association Appointment

Joel Sogol, Esquire, Tuscaloosa, AL

Sheriff's Association Appointment

Vacant

Association of Chiefs of Police Appointment

Ted Cook, Police Chief, Mountain Brook, AL

Executive Committee

Retired Circuit Judge Joseph A. Colquitt

Retired Beasley Professor of Law, University of Alabama School of

Law

Eleanor I. Brooks

Supernumerary District Attorney, 15th Judicial Circuit

Retired Circuit Judge P.B. McLauchlin

33rd Judicial Circuit

Joel Sogol

Esquire, Tuscaloosa, AL

Advisory Council

Denis Devane

Shepherd's Fold

Bill Franklin

Sheriff, Elmore County Sheriff's Office

Steve Lafreniere, Executive Director

Alabama Department of Youth Services

Shelly Linderman

Project Director, Victims of Crime and Leniency (VOCAL)

Chaplin Adolph South

Tuscaloosa, AL

Jeff Williams

Deputy Commissioner, Alabama Department of Corrections

Commission Staff

Bennet Wright, Executive Director

Melisa Morrison, Research Analyst

Sentencing Standards Committee

Bennet Wright, Chair

Executive Director, Alabama Sentencing Commission

Eleanor I. Brooks

Supernumerary District Attorney, 15th Judicial Circuit

Michael Dean

Assistant Attorney General, Office of the Attorney General

Jefferson Dunn

Commissioner, Alabama Department of Corrections

Retired Circuit Judge John England

6th Judicial Circuit

Michael Hanle

Esquire, Birmingham, AL

Ralph Hendrix

UAB Treatment Alternatives to Street Crime (TASC)

Bob Johnston

Assistant District Attorney, 9th Judicial Circuit

Retired Circuit Judge Tim Jolley

27th Judicial Circuit

Mike Jones

Chair, House Rules Committee

Jill Lee

District Attorney, 18th Judicial Circuit

Alyia McKee

Public Defender, Montgomery County

Retired Circuit Judge P. B. McLauchlin

33rd Judicial Circuit

Circuit Judge Teresa Pulliam

10th Judicial Circuit

Joel Sogol

Esquire, Tuscaloosa, AL

Joe VanHeest

Public Defender, Tuscaloosa County

Circuit Judge Jacob Walker 37th Judicial Circuit

Jeff Williams Deputy Commissioner, Alabama Department of Corrections

Jody Willoughby District Attorney, 16th Judicial Circuit

Mission Statement

The Alabama Sentencing Commission shall work to establish and maintain an effective, fair, and efficient sentencing system for Alabama that enhances public safety, provides truth-in-sentencing, avoids unwarranted disparity, retains meaningful judicial discretion, recognizes the most efficient and effective use of correctional resources, and provides a meaningful array of sentencing options.

Alabama Sentencing Commission



Joseph A. Colquitt, Chairman Retired Beasley Professor of Law

Tom Anderson

District Attorney, 12th Judicial Circuit

Ellen Brooks

Supernumerary District Attorney, 15th Judicial Circuit

Ted Cook

Police Chief, Mountain Brook, AL

Michael Dean

Assistant Attorney General

Jefferson Dunn

Commissioner, Department of Corrections

Alan Furr

District Judge, St. Clair County

Chris Green

Blount County Commission

Lou Harris

Institute for Criminal Justice Education

Jonathan Hester

Governor's Office

Jim Hill

House Judiciary Committee

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Victim's Advocate

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Steve Searcy

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Burt Smithart

Circuit Judge, 3rd Judicial Circuit

Joel Sogol

Criminal Defense Lawyers' Association

Angeline Sperling

Alabama Lawyers' Association

Cam Ward

Director, Board of Pardons and Paroles

Tom Whatley

Senate Judiciary Committee

November 19, 2021

Honorable Kay Ivey, Governor of Alabama Honorable Tom Parker, Chief Justice, Alabama Supreme Court Honorable Steve Marshall, Attorney General, State of Alabama The Honorable Members of the Alabama Senate The Honorable Members of the Alabama House of Representatives The Citizens of Alabama

The challenges of COVID-19 continued this past year and its influence on the criminal justice system remains noticeable. Alabama also saw the passage of a multi-phase prison construction and renovation plan that will span the years to come.

Due to the continued pandemic, the number of individuals convicted in court and processed into the prison system remained much lower than typical years. The data chapter displays the drop in convictions and shows the current prison population. Even with a large drop in convictions, the distribution of felony convictions remains very similar. The prison population continues to change as well; the population continued to decline for much of the past year before starting to increase, and the percentage of offenders in prison convicted of violent offenses continues to increase and now constitutes 83 percent of the prison population.

The passage of a large-scale prison construction and renovation plan will help to modernize the physical infrastructure of Alabama's prison system, but the total bedspace capacity is yet to be determined and will not be fully available for years. The plan includes two new male facilities, one new female facility, renovations of certain existing facilities, closure of select facilities, and the authority for Pardons & Paroles to utilize another facility.

The criminal justice system in Alabama continues to go through significant changes. The recent changes include changes in the volume of individuals that are processed through the various components of the system and a large plan altering the physical landscape of the prison system. Data and information will be vital to policymakers as the State continues to track towards more typical processing through the criminal justice system and the prison transformation plan begins. The Sentencing Commission stands ready to assist in any way possible to help improve Alabama's criminal justice system and protect public safety.

Sincerely.

Joseph A. Colquitt, Chair Alabama Sentencing Commission

EXECUTIVE SUMMARY

Alabama: Changes Ahead

The data and information in this year's Commission Report display court figures from the first year of the COVID-19 pandemic and prison population figures that reflect the current prison census. As courts begin to process more individuals emerging from decreased operations and the prison population reflects limited admissions for the past 18 months, what will the system look like one year from now? Or years from now? There are numerous variables including how fast will court processing return to pre-pandemic numbers? When will the new ADOC infrastructure be available? And, what will be the new prison capacity? These factors, and others, are important to monitor and measure how the system continues to change.

Criminal Justice Information

Felony convictions fell significantly in FY20 due to the pandemic. The decreased overall numbers however did not result in any significant changes to the distribution of felony conviction offenses. Unlawful Possession of Controlled Substance convictions continue to be the largest conviction offense by a wide margin and account for over one-quarter of all felony convictions.

The In-House population of the Alabama Department of Corrections is below the number from a year ago because of continued admission restrictions due to the pandemic. Admissions began to increase from the numbers in the previous year but are still much lower than pre-pandemic levels. One change that has continued even in the past 18 months is the percentage of offenders serving time for violent offenses which continues to increase. As of this past October, 83 percent of the in-house prison population was serving a sentence for a violent offense (up from 81 percent last year).

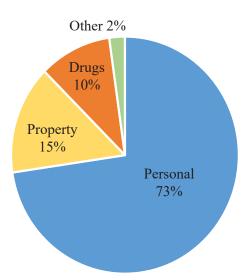
Chapter 1: Criminal Justice Data

Who is in our Prisons - Top 25

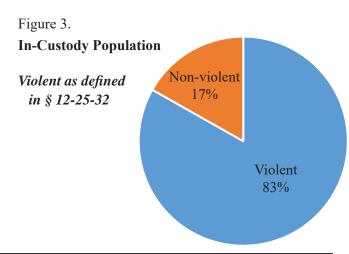
Figure 1. **In-Custody Population on October 1, 2021**

	in-Custody Population on October	r 1, 2021	
	Murder	1	3,343
	Robbery 1st	2	2,627
	Capital Murder	3	1,000
	Rape 1st	4	999
The Prison Population	Burglary 1st	5	836
Continued to Decrease in the	Attempted Murder	6	704
Past Year Primarily Due to	Manslaughter	7	640
Reduced Admissions	Distribution of Controlled Substance	8	638
	Sodomy 1st	9	452
	Theft of Property 1st	10	449
	Assault 1st	11	423
	Trafficking Drugs	12	418
	Burglary 3rd	13	411
	Sexual Abuse of Child < 12 years	14	404
	Robbery 3rd	15	340
	Possession of Controlled Substance	16	298
	Manufacturing Controlled Substance 1st	17	297
	Robbery 2nd	18	255
	Burglary 2nd	19	252
	Receiving Stolen Property 1st	20	247
	Assault 2nd	21	240
	Rape 2nd	22	213
	Sexual Abuse 1st	23	208
	Kidnapping 1st	24	207
	Community Notification Act Violations	25	190
Figure 2.	Top 25 Offenses		16,091
n-Custody Population	Other Offenses		2,237

In **Offense Category**



Total In-Custody Population 18,328

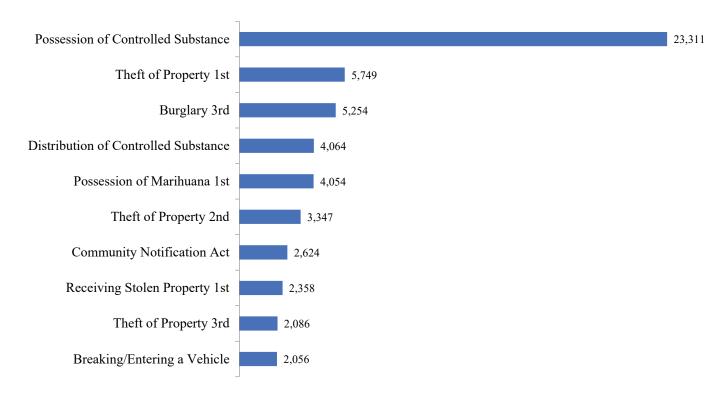


Most Frequent Felony Offense at Conviction

Unlawful Possession of Controlled Substances Convictions Far Outpace Other Convictions

Figure 4.

Most Frequent Felony Offense at Conviction - Top 10 October 1, 2015 - September 30, 2020



Most Frequent Felony Offense at Conviction - Top 25

Figure 5.

Most Frequent Felony Offense at Conviction
October 1, 2017 - September 30, 2020

The Total Number of Unlawful Possession of Controlled Substance and Unlawful Possession of Marihuana Convictions Account for Over One-Third of all Convictions

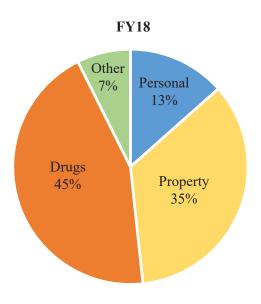
	FY18		FY19		FY20	
Possession of Controlled Substance	1	5,475	1	5,648	1	3,936
Theft of Property 1st	2	1,174	2	1,300	2	883
Burglary 3rd	3	1,124	3	1,094	3	638
Possession Marihuana 1st	5	918	4	835	4	505
Distribution of Controlled Substance	4	929	5	773	5	461
Receiving Stolen Property 1st	8	551	7	567	6	415
Theft of Property 3rd	6	568	6	659	7	399
Community Notification Act	7	559	8	517	8	383
Poss of Controlled Sub with Intent to Distribute	10	443	10	481	9	361
Breaking/Entering a Vehicle	11	433	9	511	10	305
Assault 2nd	12	376	12	399	11	299
Obstruct Justice-False Identity	13	372	13	372	12	272
Theft of Property 2nd	9	544	11	456	13	265
Poss Forged Instrument 3rd	15	270	14	369	14	206
Fraud/Illegal Use Debit/Credit Card	14	317	15	317	15	169
Robbery 1st	16	248	16	269	16	138
Chemical Expose Minor Cont Sub	19	177	17	192	17	126
Escape 3rd	T20	176	19	183	18	118
Promote Prison Contraban 2nd	18	178	21	172	19	117
Robbery 3rd	T20	176	20	182	20	114
Firearm-Certain Persons Forbid Own/Poss			24	140	21	107
Trafficking Drugs	17	190	18	187	22	106
Receiving Stolen Property 2nd	23	151	25	136	23	98
Murder	24	149	22	147	24	96
Receiving Stolen Property 3rd			23	142	25	93
Manufacturing Controlled Substance 2nd	22	156				
Assault 1st	25	145				
Top 25 Offenses		15,799		16,048		10,610
Other Offenses		3,136		3,154		1,979
Total Most Frequent Felony Offense Convictions		18,935		19,202		12,589

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The Distribution of Categories of Offenses Remains Consistent Type of Most Frequent Felony Offense at Conviction

Figure 6.

Most Frequent Felony Offense at Conviction Offense Category October 1, 2017 - September 30, 2020



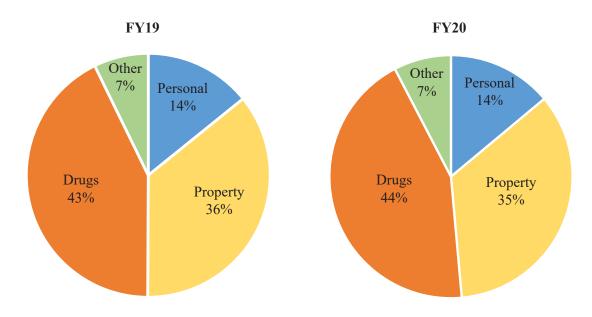


Figure 7. Class D Felony Offense at Conviction
October 1, 2017 - September 30, 2020

	FY18	FY19	FY20
Possession of Controlled Substance	4,810	5,209	3,878
Theft of Property 3rd	562	641	384
Poss Forged Instrument 3rd	270	369	206
Possession Marihuana 1st	164	169	117
Receiving Stolen Property 3rd	132	142	93
Fraud/Illegal Use Debit/Credit Card	123	133	76
Forgery 3rd	42	37	31
Theft of Lost Property 3rd	4	13	10
Theft of Services 3rd	2	5	5
Attempt - Possession of Controlled Substance	1	4	1
Total Class D Felonies	6,110	6,722	4,801

Unlawful Possession of Controlled Substance Convictions Account for Overwhelming Majority of Class D

Figure 8. Most Frequent Felony Drug Offenses at Conviction October 1, 2017 - September 30, 2020

	FY18		FY19		FY20	
Possession of Controlled Substance (F-C & F-D)	1	5,475	1	5,648	1	3,936
Possession Marihuana 1st (F-C & F-D)	3	918	2	835	2	505
Distribution of Controlled Substance	2	929	3	773	3	461
Poss of Controlled Sub with Intent to Distribute	4	443	4	481	4	361
Trafficking Drugs	5	190	5	189	5	106
Felony DUI			8	34	6	37
Manufacturing Controlled Substance 2nd	6	156	6	80	7	26
Manufacturing Controlled Substance 1st	7	99	7	35	8	11
Attempt - Possession of Controlled Substance	8	44				
Top Drug Offenses		8,254		8,075		5,443
Other Drug Offenses		139		121		69
Total Drug Offenses		8,393		8,196		5,512

Unlawful Possession of Controlled Substances and Unlawful Possession of Marihuana 1st Offenses Account for Four-Fifths of all Drug Convictions

Figure 9. Most Frequent Drug Trafficking Convictions
October 1, 2017 - September 30, 2020

	FY18	FY19	FY20	Methamphetamine
Trafficking - Methamphetamine	82	84	57	Trafficking Cases
Trafficking - Marihuana	35	33	16	Accounted for Over
Trafficking - Illegal Drugs	10	9	12	One-Half of all
Trafficking - Cocaine	30	21	11	Trafficking Offense
Trafficking - Opium	5	13	6	
Trafficking - Heroin	12	17	2	
Trafficking - Morphine	14	9	1	
Other	2	3	4	
Total Trafficking Offenses	190	189	109	

The Number of Jurisdictional ADOC Admissions Decreased Significantly in FY20

Prison Admissions - Top 25

Figure 10.

Prison Admissions for New Offenses October 1, 2017 - September 30, 2020

	FY18		F	Y19	FY20		
Possession of Controlled Substance	1	1,007	1	1,146	1	787	
Distribution of Controlled Substance	2	802	2	716	2	471	
Theft of Property 1st	4	416	3	482	3	289	
Burglary 3rd	3	431	4	461	4	273	
Robbery 1st	5	371	5	337	5	174	
Receiving Stolen Property 1st	6	249	7	187	6	169	
Possession Marihuana 1st	7	232	6	192	7	140	
Breaking/Entering a Vehicle	8	190	10	154	8	104	
Assault 2nd	11	151	13	131	Т9	100	
Murder	10	166	8	172	T9	100	
Trafficking Drugs	9	178	9	166	11	88	
Assault 1st	14	119	17	106	T12	80	
Community Notification Act	12	140	12	133	T12	80	
Manslaughter	19	94	15	113	14	68	
Theft of Property 3rd	18	103	11	143	15	64	
Robbery 3rd	15	112	16	110	16	63	
Theft of Property 2nd	13	137	14	125	17	54	
Burglary 1st	23	78	20	80	T18	53	
Obstruct Justice-False Identity					T18	53	
Burglary 2nd	16	109	18	95	20	47	
Domestic Violence 2nd					21	44	
Discharge Gun Occupied Bldg/Vehicle			21	67	22	43	
Poss Forged Instrument 1st					T23	42	
Robbery 2nd	20	83	19	89	T23	42	
Attempted Murder					25	34	
Manufacturing Controlled Substance 2nd	T21	81	T22	58			
Sexual Abuse of Child <12 yrs	24	64	T22	58			
Fraud/Illegal Use Debit/Credit Card	T21	81	T22	58			
Manufacturing Controlled Substance 1st	17	108	25	56			
Chemical Endanger Minor CS-Ser Phy Injury	25	58					
Top 25 Offenses		5,560		5,435		3,462	
Other Offenses		1,931		1,989		1,233	
Total Prison Admissions for New Offenses		7,491		7,424		4,695	

Prison Admissions for New Offenses by Offense Category

Drug, Property, and Personal Jurisdictional Admissions Fell in FY20

Figure 11.

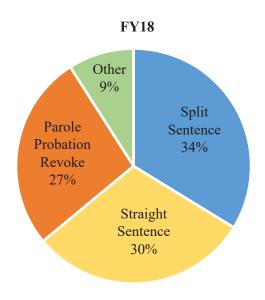
Prison Admissions for New Offenses
Offense Category
October 1, 2017 - September 30, 2020

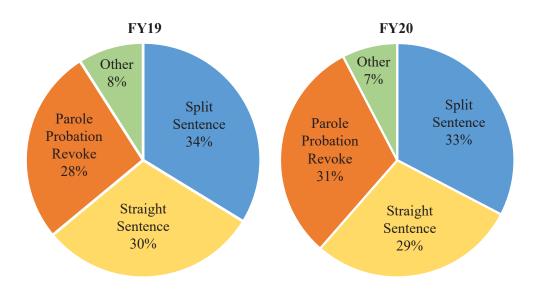


Revocation Sentences Account for Greater Share of Jurisdictional Admissions Prison Admissions by Type of Admission

Figure 12.

Prison Admissions (all admissions)
Type of Admission
October 1, 2017 - September 30, 2020





Prison Releases - Top 25

Figure 13.

Prison Releases
October 1, 2017 - September 30, 2020

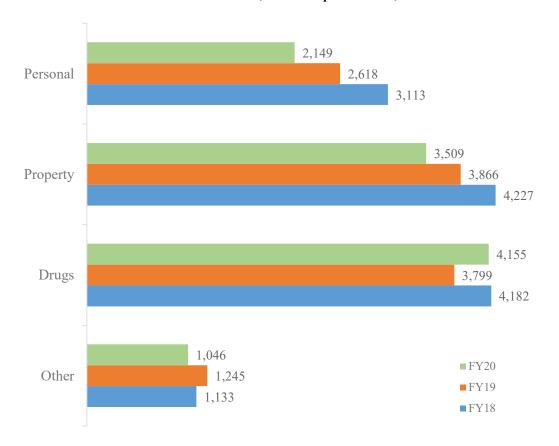
	FY18		FY19		F	FY20	
Possession of Controlled Substance	1	1,732	1	1,719	1	2,119	
Distribution of Controlled Substance	2	1,144	2	1,024	2	1,077	
Burglary 3rd	3	906	3	863	3	712	
Theft of Property 1st	5	786	4	807	4	640	
Receiving Stolen Property 1st	9	356	8	291	5	406	
Robbery 1st	4	833	5	664	6	391	
Breaking/Entering a Vehicle	7	361	12	232	7	322	
Possession Marihuana 1st	6	380	6	369	8	315	
Assault 2nd	12	282	9	270	9	234	
Theft of Property 2nd	8	358	7	368	10	231	
Manufacturing Controlled Substance 2nd	10	332	10	250	11	210	
Manufacturing Controlled Substance 1st	11	297	13	217	12	204	
Trafficking Drugs	15	231	16	172	13	185	
Community Notification Act	18	203	14	181	T14	172	
Robbery 3rd	14	266	11	234	T14	172	
Theft of Property 3rd			17	151	16	168	
Assault 1st	22	142	22	125	17	135	
Burglary 2nd	16	226	15	174	18	129	
Robbery 2nd	17	208	20	144	19	126	
Fraud/Illegal Use Debit/Credit Card	21	169	21	130	20	124	
Murder	13	269	18	150	21	111	
Burglary 1st	19	202	19	147	22	103	
Obstruct Justice-False Identity			25	110	23	97	
Manslaughter	24	109	23	123	24	96	
Poss Forged Instrument 3rd					25	86	
Poss Forged Instrument 2nd	20	191	24	113			
Receiving Stolen Property 2nd	23	115					
Rape 2nd	25	91					
Top 25 Offenses		10,189		9,028		8,565	
Other Offenses		2,466		2,500		2,294	
Total Prison Releases		12,655		11,528		10,859	

Prison Releases by Offense Category

Figure 14.

Prison Releases
Offense Category

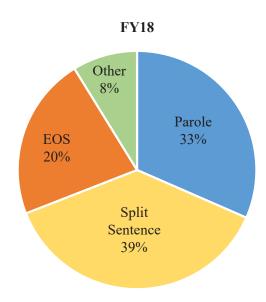
October 1, 2017 - September 30, 2020

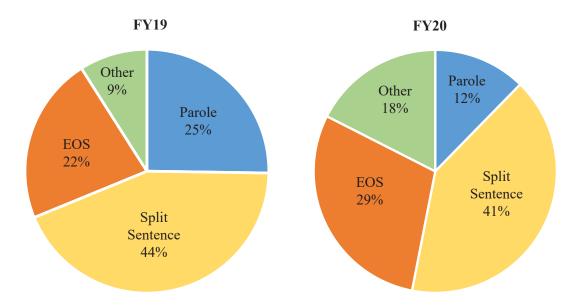


Prison Releases by Type

Figure 15.

Prison Releases Type of Release October 1, 2017 - September 30, 2020





Prison Releases by Type

Figure 16.

Prison Releases Type of Release October 1, 2017 - September 30, 2020

