

Alabama Sentencing Commission

Sentencing Standards Implementation:

Emphasis on Data Quality, Collection, and Analysis

2008 Report



ALABAMA
SENTENCING
COMMISSION

2008 Report

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Emphasis on Data Quality, Collection, and Analysis

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Successful criminal justice reform requires the hard work and unfaltering commitment of many. Alabama has been fortunate to have had the leaders from all branches of government, as well as key criminal justice officials, support the reform efforts of the Alabama Sentencing Commission and assist in having its recommendations adopted and implemented. Through their assistance and continued collaboration, there is now a united and coordinated effort to address the recurrent problems of crime that confront our state.

The Alabama Sentencing Commission brings together representatives from every area of the system involved in the decision-making process to obtain input on all aspects of criminal justice reform and the Commission's recommendations. While the membership of the Commission is governed by statute, the Commission has involved additional groups and individuals in its planning process. The Commission has sought input from additional representatives from the Bench and Bar, criminal justice agencies and departments, and those directly affected by the sentencing decision, either through membership on the Commission's Advisory Council or various committees.

The Commission and staff appreciate the support and assistance of these officials and concerned citizens to improve Alabama's Criminal Justice System. Special recognition is extended to the following individuals and organizations for lending their knowledge, expertise and assistance to this important undertaking.

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April 1, 2008



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Honorable Sue Bell Cobb, Chief Justice of the Alabama Supreme Court
Honorable Troy King, Attorney General, State of Alabama
The Honorable Members of the Alabama Senate
The Honorable Members of the Alabama House of Representatives
The Honorable Members of the Judicial Study Commission
The Citizens of Alabama

I am pleased to present to you the Alabama Sentencing Commission's 2008 report, which summarizes the achievements of the Commission during FY 2007, and outlines the projects the Commission plans to pursue in FY 08. Also included is a synopsis of the Commission's achievements from the time it was first established in 2000, as well as an outline of the progress made by key criminal justice agencies and departments that have been instrumental in the success of the Commission's reform efforts. The Commission members and staff are indebted to them, and to you, for the support and encouragement provided toward achieving the goals and objectives defined in our enabling act. On behalf of the Sentencing Commission members and staff, I extend our sincere appreciation.

It has been a year and a half since the initial voluntary sentencing standards were adopted and became effective. During that time the Commission has encountered many obstacles, primary of which are those pertaining to uniform implementation, data collection and analysis. While the Commission hoped to report on how sentences imposed complied with the standards recommendations, data problems have delayed reporting on compliance in this year's report. At the present time compliance measures are unreliable due to sentencing errors, entry errors, or problems associated with capturing the original sentence imposed in a system based on real-time reporting. The good news is that these problems have been identified and will be addressed through modifications to the State Justice Information System (SJIS), adoption of a uniform sentencing order, judicial education, and court specialist training. Although these were not projects that the Sentencing Commission envisioned undertaking, they have become necessary to obtain the information we must have to report on the effectiveness of implementation of the first set of sentencing standards.

Another obstacle encountered is the failure to develop and adequately utilize sentencing options for non-violent felony offenders and to divert these otherwise prison-bound offenders. This deficiency, as well as data setbacks, has delayed development of the second set of sentencing recommendations, the truth-in-sentencing standards that were originally slated for introduction in the 2009 Regular Session of the Legislature. Because statewide expansion and enhancement of community correction programs, drug courts and alternative sentencing programs are essential prerequisites to implementation of truth-in-sentencing, the Commission has requested the Legislature to postpone development and implementation until 2011, providing the time necessary to complete the essential infrastructure for the new system.

Again, thank you for the support and assistance you have provided to the Alabama Sentencing Commission as it has endeavored to improve Alabama's criminal justice system. Without your commitment and involvement we could not have made the progress we have, and Alabama would not have received the national recognition it has for its criminal justice reform efforts. With your continued commitment, we can expect to achieve even greater success.

Sincerely,

Joseph A. Colquitt, Chair
Alabama Sentencing Commission



Executive Summary

Collaboration is the Road to Success

Since the inception of the Alabama Sentencing Commission and its emphasis on the collaborative efforts of state agencies involved in the Alabama Criminal Justice System, much has been done to improve sentencing and corrections in Alabama. The Commission is made up of representatives of the major components of the criminal justice system to assure all of the components come together to make recommendations designed to improve the system. The work and leadership of the Commission has continued to bring these representatives together to identify solutions to Alabama's problems in criminal justice and to advocate for those solutions becoming reality. Because of the magnitude of the task set for the Commission and criminal justice agencies, the astounding progress already made is merely a beginning toward reforming the entire system to better protect the safety of Alabama citizens. The greater part of the task remains before Alabama agencies, leaders, and citizens. With the continued efforts of all those involved, by maintaining focus on collaboration among agencies and moving towards evidence-based practices in all areas of the criminal justice system, even greater accomplishments are possible – and expected.

**Greater Accomplishments
Expected by Continuing
Collaboration Among
Agencies**

Sentencing Commission Focuses on Data

In 2002 and 2003, the Sentencing Commission recognized and reported to the Legislature many of the deficiencies in criminal justice system data that stymied the efforts of the use of evidence-based practices to improve Alabama's system. The Commission recognized Alabama's lack of compatible data systems (and at times any data systems) between agencies was a major roadblock to achieving meaningful reform in the criminal justice system. In response, the Commission became the first agency to collect data from all of the agencies involved in criminal sentencing and corrections, to the extent that data was available, and report the results to the Legislature annually in a comprehensive document, the Commission's Annual Report. By continuously studying and comparing the data from various sources, the Commission has been in a unique position to identify data omissions and irregularities and recommend corrective measures to the various agencies. As a result, Pardons and Paroles, the Alabama Department of Corrections (ADOC), and the Administrative Office of Courts (AOC) are all making efforts to improve their data management systems for more efficient operation. Improved data collection and management will allow the Commission, the Legislature, the Governor, and the various state agencies to use data to test the effectiveness of measures recommended or implemented to improve Alabama's criminal justice system. All of these agencies are working together to this end. The data is improving; however, support from the Legislature is necessary to complete these ongoing projects.

**Key Criminal Justice
Agencies are Improving
Their Data Systems for
More Efficient Operation**

Uses of Data to Form Policy and Test the Effectiveness of Policy

The Sentencing Commission is actively engaged in using data to form and test the effectiveness of policy affecting the criminal justice system. The

Data Upgrades Required to Gauge Effectiveness of Agency Programs

Commission uses its databases to compile impact statements on criminal justice legislation to the Legislative Fiscal Office, filing numerous such reports annually. In 2003, with an inmate population of 27,656, the Commission used its data to report the expected growth in the prison population to 34,000 inmates by 2008. The Commission reported that, with corrective measures, growth could be minimized. The implementation of some of the measures, which has allowed the prison population to remain relatively steady at a September 30, 2007 jurisdictional population of 28,000 include: amendment of the theft statutes; implementation of the L.I.F.E Tech Transition Centers; increase in the growth of community corrections programs; an increased emphasis on community punishment for non-violent offenders, and other measures taken by the Legislature. Each correctional agency in Alabama is now making a concerted effort to upgrade its database, changing from merely case management databases to databases that include searchable fields for pertinent data needed not only for offender management but also to test the effectiveness of the agency programs.

Data Issues and Incomplete Intermediate Punishment System Delay Truth-in-Sentencing

Data Issues Delay Truth-in-Sentencing and Full Reporting of Effectiveness of the Initial Voluntary Sentencing Standards

The effectiveness of the Initial Voluntary Sentencing Standards, as well as the development of a more complete intermediate punishment system in Alabama, is essential to the development of an effective truth-in-sentencing system for this State. For such a system to be effective, there must be room at every level of corrections programs for the sentenced offenders. Data issues have delayed the development of truth-in-sentencing standards. These standards are in the process of development; however, improved data will be necessary to complete the standards.

The Initial Voluntary Sentencing Standards adopted by the Sentencing Commission and approved by the Legislature in 2006 for implementation on October 1, 2006, appear to be in use in most Alabama counties. Data issues, however, are delaying a complete reporting of the effectiveness of the sentencing standards. These data issues revolve around the use of the State Judicial Information System (SJIS) to determine the sentence entered in convicted cases, incomplete reporting to the Sentencing Commission of worksheets used to compute the sentencing recommendations, and the difficulty of tying the worksheets to the SJIS data. Again, SJIS is a case management system the Commission is attempting to use to collect and analyze data. To resolve these data issues the Commission staff has begun:

Steps Initiated to Resolve Data Issues

- working with the Administrative Office of Courts to resolve SJIS issues;
- working with the Administrative Office of Courts to provide training for court specialists in data entry for sentencing orders;
- working through a committee to provide a recommended uniform sentencing order for judges to use in sentencing felony cases;
- working with the Administrative Office of Courts to improve the MIDAS case management system so that it is

acceptable to all community corrections programs as a uniform data collection system for that segment of the criminal justice system;

- developing a method for creating its own sentencing database;
- encouraging the Alabama Department of Corrections to complete its new web-based data system;
- supporting and working with Pardons and Paroles and AOC in their efforts to improve the Pardons and Paroles data system for data collection purposes, as well as case management; and.
- coordinating review of existing risk and needs assessment instruments to identify instruments that may be adaptable to all agencies to determine the level of supervisions for individual offenders, the factors that can be addressed to reduce the criminal tendencies of individual offenders, and test the effectiveness of these strategies.

Sentencing Commission Developing Separate Sentencing Database for Standards Worksheets and Sentencing Orders

Developing a True Continuum of Sanctions and Improving Programming with Data Driven Recommendations

Legislative Package

The Commission's 2008 legislative package is aimed at developing a true continuum of sanctions for use by Alabama's trial judges in sentencing. This continuum is beginning to develop, but it remains in its infancy stage. Strong legislative support is necessary to continue this development. This year's legislative package includes the following recommendations:

- Amending the Split Sentence Statute (HB416 and SB421) to prohibit the imposition of consecutive periods of incarceration portions of split sentences for separate offenses, uniformly apply the limits of probation terms to all split sentences, and specifying continuing jurisdiction for trial judges in split sentence cases;
- Amending the directive to the Sentencing Commission to submit a proposal to the Legislature in 2011 rather than 2009 to allow the Commission time to test the effectiveness of the initial sentencing standards and to develop the data essential to this enterprise and to allow for the further development of alternatives to incarceration to make room in prison for extended sentences for violent and serious repeat offenders;
- Amending the Community Corrections Act to give trial judges discretion to sentence offenders convicted of drug sales (excluding trafficking) to community corrections programs; and
- Providing for an expanded prison industry both to train inmates in productive jobs and to provide constructive activity for imprisoned offenders.

Sentencing Commission's 2008 Legislative Package

Amendments Recommended to Split Sentencing and Community Corrections Act

Each of these bills strengthen Alabama’s move toward developing a true continuum of sanctions that provides numerous levels of punishments of different degrees of severity available for various offenders, depending on the results of an assessment of each offender. The amendments to the split sentence statute assure that the statute is applied more uniformly across the state by limiting the time spent on probation and by prohibiting the stacking of split sentences. The amendment of the Community Corrections Act increases the pool of offenders eligible for assignment to these programs rather than probation or prison, thus allowing a trial judge to place an otherwise prison-bound offender at a higher level of supervision than probation, the only alternative currently available. The prison industry bill allows the Department of Corrections to work more effectively, creating a continuum within prison walls that allows inmates to learn a trade before release while providing the ability to pay restitution and the cost of their incarceration. A fifth bill would clear up an apparent ambiguity in the theft statutes clarifying that certain thefts fall within the threshold amounts for theft of property crimes in all degrees.

The Department of Corrections has introduced a bill allowing the Commissioner to grant a medical furlough to inmates who no longer pose a threat to society due to incapacitation by illness and who have served a major portion of their sentences. This will free up scarce prison beds for the violent offenders and will not endanger the public’s safety.

Alabama Department of Corrections (ADOC)

ADOC Takes Innovative Approach but Needs Adequate Funding

The Department of Corrections has made great strides in renewing its emphasis on “correcting” the behavior that brought inmates to the corrections system. These accomplishments must continue, but cannot do so without adequate funding from the Legislature. Not the least of ADOC’s improvements is transforming its dinosaur data system into a 21st century web-based system that can supply the data necessary to determine the effectiveness of the ADOC programs. This improvement will fail without adequate funding to complete the development.

The Department is improving its drug treatment programs but recognizes these programs should be used for persons who must be incarcerated due to their criminal behavior and danger to society rather than merely utilizing our prisons as alternative drug treatment facilities. These programs carry long waiting lists which decrease the effectiveness of participation. Adequate funding for the programs as well as redirecting offenders sentenced to prison merely for drug treatment is essential to improve their effectiveness.

Drug Programs and Work Release Programs Expanding

To provide an additional step in the continuum, the Department of Corrections is expanding its work release programs for offenders nearing release. The programs provide a step down from incarceration to reintroduce the offender to the free world under supervision and to establish job skills that will allow the offender to earn a living without resorting to crime. The programs can also provide significantly toward paying restitution and the costs of incarcerating these offenders.

The Department of Corrections, with representatives serving as members of the Sentencing Commission, also continues to work with the Commission to find additional solutions to Alabama’s criminal justice system issues. Together, the ADOC, AOC, the Commission, and Pardons and Paroles continue to seek a common identifier to trace an offender throughout the criminal justice system. Such an identifier is illusive, for many reasons, but would provide all of these agencies with a more efficient means of testing the effectiveness of sentencing policies and criminal justice programs.

Unique Identifier Needed to Track Offender Through the Criminal Justice System

Community Punishment

Community punishment in Alabama falls under the purview of a number of different agencies, including Pardons and Paroles, ADOC, AOC, and the district attorneys of the various circuits. The Sentencing Commission is attempting to address the deficiencies in providing a true continuum of sanctions, utilizing community punishment in several different ways.

Alabama Lacks a True Continuum of Punishment Options

The Commission is working with the Chief Justice, chairing a Statewide steering committee to improve and further develop community punishment options through the collaboration of all agencies involved. The project, the Cooperative Community Alternative Sentencing Project, seeks to set up four pilot sites to develop model jurisdictions that provide a complete continuum of community sanctions and can serve as mentors and models for the rest of the state. The project seeks to develop the programs in the selected jurisdictions relying on input from local committees in the jurisdictions themselves. Guidance will be provided from standards approved by the state steering committee, with technical assistance from the Vera Institute of Justice and the Crime and Justice Institute made possible by funding from the Pew Charitable Trusts. The project has three key components, 1) research and data analysis; 2) strategic planning sessions; and 3) development and submission of a comprehensive sentencing alternatives expansion plan for approval by the State Steering Committee.

Cooperative Community Alternative Sentencing Project

The Commission is continuing to encourage the growth of community corrections programs and is working with the Department of Corrections to seek maximum utilization of the programs. The number of participants is increasing annually. The Commission now seeks a way to collect the data necessary to test the effectiveness of the various programs. As previously noted, the Commission is working with the Administrative Office of Courts to develop a system for data collection and reporting as well as case management.

Drug Courts

Alabama’s Chief Justice, Honorable Sue Bell Cobb, made a commitment to make Alabama a safer place to live by increasing the use of therapeutic drug courts to deter drug addicted or abusing offenders from further criminal activities. Through her leadership, and with the cooperation of the Governor and the Legislature, the Commission’s recommendation for an increased drug court presence is coming to fruition. There are now 36 drug courts operating in 38 counties, including 26 judicial circuits under models suggested

36 Drug Courts Operating in 38 Counties

by the Chief Justice’s Drug Court Task Force. Given the level of commitment and leadership, it is not unrealistic to expect the development of drug courts in the remaining 29 counties within the next two years. Of course, the continuation and expansion of drug courts, which will decrease incarceration costs, requires funding.

Pardons and Paroles

**Pardons & Paroles Needs
Additional Officers**

The Board of Pardons and Paroles also recognizes the need for improved data to determine the effectiveness of Alabama’s criminal justice programs. The Board has developed two transition centers (and is seeking to develop a technical revocation center) that serve as additional steps in a continuum of sanctions between probation and prison. In addition, the Board continues to need more probation and parole officers to provide community supervision and perform other administrative and investigatory duties. Additional officers are needed to provide the level of supervision necessary to fully protect public safety in this state. The Board has implemented risk and needs assessment instruments now in use throughout Alabama. These instruments should be automated to serve as an additional source of data to fully analyze the effectiveness, not only of the instruments themselves, but also other criminal justice programs and policies. The Board is working with the Administrative Office of Courts to further improve their data collection and case management systems.

Conclusion

**Collaboration and Data are
Essential to Success**

While there are many improvements in Alabama’s criminal justice system, made possible through the collaborative efforts and use of data maintained by the Alabama Sentencing Commission, Alabama has just begun its efforts toward significant and meaningful reform. These efforts must be funded and continued to make the changes necessary for a more efficient and effective criminal justice system.

Year in Review FY 2007

Meetings

The Sentencing Commission

During FY07, the Sentencing Commission and Advisory Council met four times: December 15, 2006, March 2, 2007, June 22, 2007, and September 14, 2007. The Legislative Committee of the Sentencing Commission, chaired by Dr. Lou Harris, was also active reviewing legislation for the Commission's 2008 legislative package. This committee met on December 12, 2006, and on February 21st, September 10th, and October 15th in 2007. The Commission's Sentencing Standards Committee, chaired by Chief Assistant Attorney General and Commission member Rosa Davis, met three times: November 9, 2006, September 28, 2007, and October 19, 2007. In addition to the regularly scheduled meetings, the Sentencing Commission members and staff also hosted several meetings to capitalize on the technical assistance provided by the Vera Institute of Justice and Pew Charitable Trusts on the implementation of effective alternative sentencing programs.

Commission and Committee Meetings

Sentencing Standards Worksheet Training and Sentencing Entries

To encourage utilization of the sentencing standards and alternative sentences for eligible offenders, the Sentencing Commission staff continued its efforts to conduct individual training sessions on completion of the worksheets and use of the sentencing standards. While the staff manned a help line for any questions on the sentencing standards and worksheets, additional training was provided to judges, the defense bar, district attorneys, community corrections officers and designated worksheet preparers.

Standards and Worksheet Training Continues

While conducting the educational sessions and reviewing sentencing orders submitted with the completed paper worksheets, it became apparent that there was a critical need for training on a uniform procedure for the entry of sentences. Beginning in December of 2006, the staff of the Sentencing Commission began addressing this issue through presentations at association meetings of clerks and court specialists which provided screen-shot examples of the preferred way that the Sentencing Commission, AOC, and DOC would like for the various sentences to be entered into SJIS. During FY 08, the Commission staff intends to expand its efforts to ensure reliable sentencing data by conducting additional training sessions and finalizing a uniform sentencing order.

Uniform Procedure for Entry of Sentences Into SJIS Lacking

Other Criminal Justice Activities

In addition to the day-to-day contacts that Commission staff enjoyed with key criminal justice officials and employees, further collaborative efforts were pursued by active participation on boards and committees and through presentations to various criminal justice groups. Foremost among the Commission's projects was providing assistance to Chief Justice Cobb's Drug Court Task Force in the form of research and bill drafting. The Commission's Director also served as a member of the Alabama Association

Participation on Boards and Committees

Involvement with Criminal Justice Partners

of Community Corrections, VOCAL Board, the Supreme Court's Standing Committee on Criminal Procedure, the Criminal Rules Bail Committee, UJS Judicial Study Commission, the State Bar Warrant and Indictment Manual Committee, the Alabama Law Institute and as secretary on the Executive Board of the National Association of Sentencing Commissions.

Collaborative Efforts are Essential to Success

This past year, Commission members and staff attended and/or made presentations to many criminal justice groups and various civic organizations, including: the Alabama Legislature, Alabama Sheriff's Association, National Association of Sentencing Commissions, UJS Legislative Coordinating Council, New Judges, Circuit and District Judges, Circuit Clerks, District Attorneys, Court Specialists, ADOC Drug Program Instructors, Alabama Defense Lawyers, Legislative Commission on Girls and Women in the Criminal Justice System, Joint Legislative Prison Oversight Committee, Alabama Association of Community Corrections, Pew Charitable Trust/Vera Multi-State meeting, and Judicial Study Commission.

Community Corrections

Staff of the Sentencing Commission has continued to work closely with directors of the community corrections programs and the Alabama Association of Community Corrections (AACC). Last year, ASC staff attended the Association's monthly meetings, periodically met with the various program directors, and participated in the AACC winter and summer conferences.

Technical Assistance

DOJ/OJP Grant

Modification of Alabama's Simulation Model

Through funding provided by the Department of Justice, OJP, the Sentencing Commission has been able to employ a full-time statistician and obtain the expertise of Applied Research Services, Inc. (ARS). During this past fiscal year, Dr. John Speir and Dr. Tammy Meredith of ARS have focused on modifying Alabama's simulation model to provide a more user-friendly instrument and to incorporate features that can assist to facilitating future revisions to the sentencing standards.

Vera Institute of Justice and Pew Charitable Trusts

Alabama Receives National Recognition and Technical Assistance Grant

On December 16, 2006, the Pew Charitable Trusts' Public Safety Performance Project announced that it had chosen Alabama as one of eight states to receive technical assistance on sentencing reform from Vera Institute of Justice. Beginning in 2007, Vera staff stepped up assistance provided to Alabama on sentencing reform, visiting the state to address various criminal justice groups and offer the Sentencing Commission advice on ways to best achieve the goals set by the Alabama Legislature. Among the projects undertaken during 2007 was a community corrections survey, with the preliminary results provided to the Sentencing Commission at its meeting on January 18, 2008. An alternative sentencing strategies project to focus on improving community correction programs through pilot sites

has also been initiated and will be guided by the Statewide Steering Committee of the Chief Justice and Alabama Sentencing Commission and implemented by local steering committees from the selected pilot sites.

National Recognition

Commission members and staff proudly represented Alabama at the National Association of Sentencing Commissions (NASC) held in Oklahoma City, Oklahoma, where Alabama's electronic worksheets were demonstrated and sentencing reform achievements highlighted. The Alabama Sentencing Commission was also distinguished by being chosen by the Pew Charitable Trust as one of the states to receive technical assistance that is being provided by staff and associates of the Vera Institute of Justice. The expertise, knowledge and advice acquired by Commission members and staff through association with NASC members and the Vera Institute of Justice over the years have been invaluable.

National Recognition by NASC, Pew Charitable Trusts, and VERA Institute of Justice

Multi-State Conference

Alabama was invited to participate with representatives from four other states in a two-day conference on sentencing reform held in Denver Colorado sponsored by the Pew Charitable Trusts. Alabama's delegation consisted of the Chief Justice, the Administrative Director of Courts, the Director of the Board of Pardons and Paroles, the Deputy Director of the Department of Corrections, the Chief Assistant Attorney General, Governor Riley's staff attorney, a representative of the district attorney's association, and the Director of the Sentencing Commission. Meeting with national experts and facilitators to discuss progress made and problems encountered, our state delegation benefited primarily from discussions on strategies for diversions to alternative punishment programs, such as drug courts and community correction programs, ways in which to improve existing programs, and effective evaluation tools for these programs.

Chief Justice and ADC Represent Alabama in Community Corrections Multi-state Conference

FY 2007**2006**

October 3rd	Criminal Rules Bail Committee
October 5th	NASC Board Meeting
October 18th	Training on Sentencing Standards - Limestone County
October 18th -19th	Training by Consultants Dr. Speir and Dr. Meredith
October 23rd	VOCAL Board Meeting
October 25th	AM - Presentation Before Rotary Club Covington County PM - Presentation on Sentencing Standards - Andalusia
October 27th	Sentencing Standards Presentation to Mobile Bar
November 9th	ASC's Standards Committee Meeting NASC Board Meeting
November 16th	Reentry Task Force Meeting
November 29th	Meeting with Consultants Dr. Speir and Dr. Meredith
December 1st	Presentation on Sentencing Standards to Defense Lawyers - Enterprise, Florence, Montgomery
December 5th	New Judges Orientation
December 6th	Presentation to Legislators - (Judge Rains) Tuscaloosa
December 7th	NASC Board Meeting
December 8th	Presentation on Sentencing Standards to Defense Lawyers - Mobile, Anniston, Tuscaloosa
December 11th	Presentation to Court Clerks
December 12th	ASC's Legislative Committee Meeting
December 13th	Criminal Rules Meeting
December 14th	AM - Meeting with Drug Policy Alliance PM - NASC Board Meeting
December 15th	Sentencing Commission Meeting Pew Charitable Trusts Awards Technical Assistance Grant to Alabama Sentencing Commission - Press Conference

2007

January 3rd	NASC Planning Board Meeting
January 4th	NASC Executive Board Meeting
January 5th	Meeting with ADOC Commissioner and ADOC Community Corrections Director
January 8th	AM - Association of Community Corrections Meeting PM - Meeting on MIDAS

January 10th -12th	Vera Institute of Justice Site Visit
January 11th	Call with Consultants Dr. Speir and Dr. Meredith
January 18th	Judges Conference - Update on Sentencing Standards
January 22nd	Vocal Board Meeting
January 23rd	Meeting with Judy Greene, Justice Strategies
January 24th	CBS Interview of Rosa Davis
January 25th	Call regarding federal grant - status report
January 31st	Court Clerk's Conference
February 3rd	Meeting with Black Legislative Caucus
February 8th	NASC Board Meeting
February 9th	AM - Meeting with ADOC PM - Court Clerk's Training
February 12th	Association of Community Corrections Meeting
February 13th	Judge Rains' Presentation to Legislators with ASC staff
February 15th	Judge Rains' Presentation to Sheriffs with ASC staff
February 16th	Meeting with ADOC Commissioner and Director of Board of Pardons and Paroles
February 21st	ASC's Legislative Committee Meeting
February 22nd	Meeting with ADOC Community Corrections Director
February 23rd	District Attorney's Workshop - Montgomery
February 26th	Meeting with ADOC Commissioner
February 28th	Budget Hearing
March 2nd	Sentencing Commission Meeting
March 5th	Legislative Commission on Girls and Women in the Criminal Justice System - Presentation & Sponsor Meeting
March 6th	Legislative Session Begins
March 8th	NASC Board Meeting Contract Review Committee
March 9th	Meeting of Chief Justice's Drug Court Task Force
March 13th	Meeting on Protection from Abuse Orders
March 26th	Meeting with ADOC
March 29th	Community Corrections Meeting
April 6th	PFA Meeting
April 16th	Meeting of Legislative Commission on Girls and Women in the Criminal Justice System
April 24th	Vocal Conference
April 26th	Conference call with Vera Institute of Justice
April 30th - May 1st	Vera Meeting with Community Corrections Directors and Association members
May 3rd	NASC Executive Board Meeting
May 11th	AOC Staff Meeting

May 14th	Vocal Board Meeting
May 14th - 15th	Vera meeting with Pardons and Paroles Representatives
May 16th -17th	Training with Consultants Dr. Speir and Dr. Meredith
May 29th	Vocal Board meeting
June 4th	AOC Directors Meeting
June 6th	NASC Board Meeting
June 11th	Association of Community Corrections Meeting
June 21st	Meeting on Proposed New Juvenile Code
June 20th	Meeting of Vera and Pardons and Paroles
June 22nd	Donaldson SAP Graduation
June 29th	Sentencing Commission Meeting
	Joint Legislative Prison Oversight Committee Meeting
July 12th	NASC Board Meeting
July 13th	Chief Justice's Drug Court Task Force
July 15th - 18th	Judges Summer Conference - Presentation
July 20th	Alabama Law Institute Meeting
July 23rd - 24th	Vera Institute of Justice Site Visit
August 5th - 7th	National Association of Sentencing Commission's Conference
August 9th	Budget Meeting with Finance Director
August 13th	Association of Community Corrections Meeting
August 16th	State Bar Warrant and Indictment Meeting
August 17th	ASC's Education Committee Meeting
August 21st -23rd	Vera Institute of Justice Site Visit
August 23rd	Joint Legislative Prison Oversight Committee Meeting
August 24th	Meeting on Electronic Worksheets
August 29th	Meeting to plan Court Specialist Training
August 30th	Meeting with Alexia Ward, Alabama Women's Resource Network
	Chief Justice's Drug Court Task Force
September 5th	NASC Planning Board Meeting
September 6th	NASC Executive Board Meeting
September 10th	ASC's Legislative Committee Meeting
September 14th	Sentencing Commission Meeting
September 17th	Conference Call with NIC, Ann Jacobs
September 27th	Joint Legislative Prison Oversight Committee Meeting
September 28th	ASC's Sentencing Standards Committee Meeting

FY 2008

October 2nd	Meeting with Administrative Director of Courts (ADC)
October 3rd	NASC Planning Board Meeting
October 4th	NASC Executive Board Meeting
October 5th	Court Specialist Training - Montgomery
October 10th	Meeting with Chief Justice
October 11th	Warrant and Indictment Manual Meeting
October 12th	Meeting with ADC and Representatives of Board of Pardons and Paroles - IT matters
October 15th	ASC's Legislative Committee Meeting
October 16th	Vera Conference Call
October 17th	Meeting of Legislative Commission on Girls and Women in the Criminal Justice System
October 18th	Meeting with ADOC Central Records Director
October 19th	Court Specialist Training - Rainsville
October 19th	ASC's Sentencing Standards Committee Meeting
Oct. 24th – 26th	Community Corrections/CRO Conference
October 28th -29th	Sentencing Standards Training - DeKalb County
October 30th	UJS Legislative Steering Committee
October 31st	Judge Colquitt's presentation - Sheriff's Conference
November 1st	Drug Court Task Force Meeting
November 2nd	Data Presentation/Training - Tuscaloosa
Nov. 4th – 6th	Vera/Pew Multi-state Meeting - Denver, Colorado
November 6th	Statistician Meeting with Montgomery Community Corrections on Risk Assessment Tool
November 7th	NASC Planning Board Meeting
November 8th	NASC Executive Board Meeting
November 16th	Data Meeting
November 19th	ADOC Task Force - Consolidation of Field Services, Community Corrections Project
November 15 th	Joint Legislative Prison Oversight Committee Meeting
November 27th	Meeting with Chief Justice and Association of Community Corrections
November 28th	ADOC Community Corrections Division Meeting ADOC Standards for Community Corrections Programs Meeting
December 5th	NASC Planning Board Meeting
December 6th	NASC Executive Board Meeting
December 7th	Vera Conference Call
December 11th – 13th	Virginia Criminal Sentencing Commission Site Visit by ASC Statistician and Research Analyst

December 12th	Presentation to ADOC Drug Treatment Providers
December 13th	Legislative Prison Oversight Committee
December 14th	Meeting of Legislative Commission on Girls and Women in the Criminal Justice System
	Judicial Study Commission Meeting
December 31st	Submission of DOJ Grant Report

Chapter 1. The Alabama Sentencing Commission - History and Highlights

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.

Effective, Fair and Efficient Sentencing a System Primary Goal

The genesis of the Alabama Sentencing Commission was the recommendation of a criminal sentencing committee of the Unified Judicial System's Study Commission, which came only after several years of conducting intensive research and studying other state criminal justice structures. Based on the recommendation of the committee, the Study Commission recommended creation of a sentencing commission to operate as a permanent state agency, introducing enabling legislation and obtaining federal grant funding to cover start-up costs. The Study Commission's recommendation for the creation of a state agency devoted to improving our state's criminal justice system and implementing sentencing reform came with the adoption of Act 2000-596, effective May 17, 2000. Created as a separate agency of the judicial branch of government under the Alabama Supreme Court, the Alabama Sentencing Commission is composed of 16 members representing all aspects of the criminal justice system. The Commission is a nonpartisan body composed of members from all branches of government and the public with diverse backgrounds:

Genesis of ASC was Based on Recommendation of Judicial Study Commission

Executive Branch:

Governor or his designee;
Attorney General, or his designee;
A county commissioner appointed by the Governor;
A district attorney appointed by the President of the Alabama District Attorneys' Association;
Commissioner of the Department of Corrections, or his designee;

Non-Partisan Membership of ASC Representative of All Branches of Government

Legislative Branch:

Chair of the House Judiciary Committee or designated committee member;
Chair of the Senate Judiciary Committee or designated committee member;
Chair of the Board of Pardons and Paroles or his designee.

Judiciary Branch:

Chief Justice of the Supreme Court, or a sitting or retired judge designated by the Chief Justice, who serves as chair;
Two circuit judges appointed by the President of the Alabama Association of Circuit Court Judges;
A district judge appointed by the President of the Alabama Association of District Court Judges;

**Key Criminal Justice
Representatives Included
in Membership**

Private Sector:

A defense attorney specializing in criminal law appointed by the President of the Alabama Criminal Defense Lawyer’s Association;
A private attorney specializing in criminal law appointed by the President of the Alabama Lawyer’s Association;
A victim of a violent felony or family member appointed by the Governor;
A member of the academic community with a background in criminal justice or corrections policy appointed by the Chief Justice.

**Origin of Commission and
Sentencing Reform**

2000-2001: The Alabama Sentencing Commission was established by passage of House Bill 83 and the enactment of Act 2000-596, effective May 17, 2000. This bill was included as part of the legislative package of the Unified Judicial System and was a top priority of Attorney General (now Federal Circuit Judge) Bill Pryor and Chief Justice Perry Hooper, Sr. The Sentencing Commission was seen as the means for achieving significant sentence reform in Alabama with more informed sentences and greater certainty in sentencing (truth-in-sentencing). It was recognized that meaningful reform must be comprehensive and not piecemeal, as Alabama’s sentencing laws had been constructed. The Commission was therefore initially tasked with conducting a study of Alabama’s Criminal Justice System and making recommendations to the Legislature that would enhance public safety by addressing prison and jail overcrowding, eliminating disparity in sentencing, providing viable sentencing options for judges, and establishing truth-in-sentencing, while maintaining meaningful judicial discretion.

**Major Data Obstacles First
Addressed**

2001-2002: The Commission began to address major obstacles to conducting a comprehensive study of Alabama’s Corrections system: no comprehensive database; lack of funds and expertise to form a comprehensive database; and confidentiality issues as to certain maintained data. With the aid of additional funding provided by the Legislature and through federal grants, the Commission formed the first comprehensive criminal justice database in Alabama’s history, combining records from AOC, ADOC, Pardons and Paroles and the Alabama Criminal Justice Information Center. The Legislature provided some funding for ASC and addressed the confidentiality issues that hampered gathering the original data.

**ASC Recommends
Comprehensive Criminal
Justice Reform**

2002-2003: Based on the information gathered and collected in its database, the Commission reported on the necessity for reform and recommended a reform plan. The Commission reported to the Legislature, the Governor, the Attorney General and the Chief Justices that serious deficiencies exist in the Alabama Corrections System and devised and presented a plan for comprehensive criminal justice reform. The plan was an ambitious one in terms of both the goals to be accomplished and the timeframe in which to accomplish them. However, the goals continue to be realistic and necessary.

Criminal Justice System Findings

Crowding – Alabama has struggled with a crowded and underfunded criminal justice system at every level (probation, community corrections, prison and parole) for over 30 years. The resulting conditions

are not likely to enhance public safety nor can Alabama afford truth-in-sentencing until these conditions are rectified.

Truth-in-Sentencing – There is very little truth in the sentencing that occurs in Alabama in either sentence length or sentence disposition. Officials must use computers to calculate expected release dates and these are complicated by parole eligibility. All parties represented - victims, prosecutors, judges, and offenders - desire more definition in sentencing and acknowledge that it is needed to improve the system.

**Need for More Definition
in Sentencing**

Unwarranted Disparity in Sentencing – Sentence lengths and dispositions for like offenders and offenses differ from judge to judge, jurisdiction to jurisdiction, and are not just limited to distinctions in sentencing between rural and urban counties. Disparity exists everywhere in the system. The Commission must determine when the disparity is warranted or unwarranted.

**Disparity in Sentencing
Exists Throughout System**

Sentencing Alternatives – The Commission found there are insufficient sentencing alternatives in Alabama and those that exist have inadequate capacity, causing overuse of incarceration as the predominant penalty, even for less serious felonies.

**Additional Sentencing
Options are Needed**

2003 Recommendations

In 2003, the Commission made both long-term recommendations and short-term recommendations for addressing the problems in the criminal justice system.

Short-term recommendations were intended to build a foundation for long-term recommendations.

**Short-Term
Recommendations**

The Commission recommended changing the felony threshold for theft and related offenses to reflect increases due to inflation. The Legislature amended the theft statutes, resulting in a decrease in felony theft defendants.

The Commission recommended the development of a statewide community punishment system by (a) amending the Community Punishment and Corrections Act to encourage the growth of community corrections programs as a step between probation and prison; (b) recommended and received increased funding for Pardons and Paroles to hire additional officers to supervise more probationers and parolees at adequate levels of supervision; and (c) recommended and received additional funding for comprehensive assessment and intensive substance abuse treatment for otherwise prison-bound offenders who are chronic alcoholics or drug addicts. Community Corrections programs now exist in 44 counties and the Commission is working to address the issues for the remaining counties. Probation and Parole caseloads have been reduced, but the state is still far above the nationally recommended caseloads for adequate supervision. Additional funding has been provided to the Department of Mental Health to increase

**Amendment of Community
Corrections Act**

**Additional Funding for
Pardons and Paroles,
Community Corrections
and Mental Health**

providers for providing offender substance abuse treatment. While there has been some progress, the State still lags far behind what is needed.

Long-term recommendations to change the corrections system.

Need for a Continuum of Punishment Options and Evidence-Based Practices

The Commission recommended that Alabama develop a true continuum of punishment options based on the severity of the offense and the risk level of the offender to increase corrections capacity and make sanctions more effective. To accomplish this, the Commission recommended that Alabama consolidate State administration of the existing community based punishment options currently administered by four separate agencies. This recommendation has not been pursued. However, a Statewide Steering Committee has been empanelled by the Chief Justice and the Sentencing Commission to improve community punishment by the collaboration of the key criminal justice agencies to provide the most effective evidence-based options available. This committee, with the leadership of the Sentencing Commission and the Chief Justice, partnering with several national foundations, will set up pilot projects in four locations in 2008 to implement better coordination of services at the local level.

Probation and Community Corrections Less Costly and More Effective Than Imprisonment

The Commission recommended that the Legislature continue to increase funding for community corrections programs and increased probation and parole supervision. These options, when properly implemented, are less costly and frequently more effective for increasing public safety. The appropriation for community corrections programs has increased from \$2 million to over \$6 million annually.

Re-Entry Programs and Transition Programs Recommended

The Commission recommended that the State secure a system of intermediate community-based punishment options, allowing overnight incarceration as both a sentencing option and a re-entry option. While Pardons and Paroles has provided additional re-entry programs, providing a new level for the sanction continuum by instituting the L.I.F.E Tech programs and the Department of Corrections is increasing the use of work release and other community programs for those nearing release, intermittent community incarceration has not fully developed in Alabama.

Regional Community-Based Intensive Substance Abuse Treatment Programs Needed

An important long-term recommendation that has not been pursued is the use of regional community-based intensive substance abuse treatment programs. These programs are still needed and could affect the need for additional prison beds by providing substance abuse and mental health treatment outside prison walls.

Blueprint of New Sentencing Structure Recommended in 2003 - 2 out of 3 Implemented

In 2003, the Commission also recommended and set up a plan for the adoption and development of a new sentencing structure in Alabama. Two steps of that three step plan have been accomplished. The Commission developed and annually updates a sentencing reference manual for Alabama judges. Also, in 2003, the Alabama Sentencing Reform Act, 2003-354, was enacted requiring the Sentencing Commission to develop voluntary sentencing standards by July 31, 2003 for introduction in the 2004 Regular Session. The initial voluntary sentencing standards were designed to recommend

sentence lengths and dispositions for 87% of the most frequent crimes of conviction. The third step of the reform process, truth-in-sentencing standards, has not been adopted or implemented. The postponement of this step is due to the delay in the successful implementation of the initial voluntary sentencing standards, which must be shown to be effective before Alabama continues that process to truth-in-sentencing, and by the failure of Alabama to develop the necessary capacity to handle truth-in-sentencing in the criminal justice system. In 2003, however, the Legislature did adopt a blueprint for the later development and implementation of truth-in-sentencing.

2004

The Commission's primary efforts in 2004 were concentrated on developing and presenting the initial voluntary sentencing standards to the Legislature. The standards were adopted by the Sentencing Commission in April of 2004 and presented to the Legislature for approval. The Judiciary Committees of both houses passed the bill seeking approval; however, the bill did not make it to the floor for final passage. The Commission, therefore, used the summer of 2004 to educate the public, court officials, and attorneys on the use of the proposed standards and worksheets. The Commission staff conducted twelve 2-day regional seminars on the standards and worksheets. The Commission used the workshops not only to inform, but also to gather criticism from these interested parties and segments of the criminal justice system and incorporated many of the suggestions into the proposals for resubmission to the Legislature in 2005.

Initial Sentencing Standards Adopted by Sentencing Commission and First Submitted to Legislature for Approval

2005

The initial voluntary sentencing standards were resubmitted to the Legislature but were caught in the final flurry of Legislative action and failed to pass, but had no opposition. The Commission continued to work for expanded community punishment and improved parole and probation supervision. The Board of Pardons and Paroles adopted a risk and needs assessment instrument and implemented its use and adopted a new style of supervision, changing from "contact" supervision to "results" supervision as determined by the offender's needs assessment. The Commission also continued its efforts to expand community corrections programs and implement drug courts in Alabama.

Sentencing Standards Resubmitted to Legislature and Sentencing Commission Continues Workshops

2006

The Legislature approved the initial voluntary sentencing standards to become effective October 1, 2006. The Commission immediately set up more education programs for prosecutors, judges, defense lawyers, clerks, Pardons & Paroles' officers and interested persons to teach the use of the new standards. The Commission conducted over 30 seminars at 12 locations prior to October 1, 2006 to ensure that all parties could be prepared for implementation of the standards.

Legislature Approves Sentencing Standards, Effective 10/1/2006

The Commission also continued its efforts to expand community corrections programs and other sentencing alternatives working with ADOC, and with the Board of Pardons and Paroles to open re-entry facilities at L.I.F.E. Tech Wetumpka for female offenders and later in 2007, at Thomasville for male inmates.

Focusing on Implementation of Standards, Continued Education and Creation of Continuum of Sanctions

Commission is Addressing Issues on Sentencing Standards Implementation and Data Reporting

Commission Assists with Expansion of Specialty Courts

ADOC Population Affected by Reform Efforts

Expansion of Community Correction Programs

Reduction of State Inmates in County Jails Awaiting Transfer to ADOC

Alabama Implements First Sentencing Standards

2007

In 2007, the energy of the ASC has been devoted to continued implementation of the initial voluntary sentencing standards as a prelude to reaching truth-in-sentencing in Alabama. The Commission has conducted workshops in individual jurisdictions where requested and provided a hotline for worksheet users to call in with questions. Use of the worksheets appeared to be sporadic at first but has grown to indicate worksheets are being completed in the majority of covered cases. The Commission has, however, discovered and is addressing numerous issues on implementation and data reporting. Major data issues have hampered the Commission's ability to test the success of the standards. These issues and the timelines for resolution are discussed in Chapter 2, 2007 Sentencing Commission Legislation under the discussion of HB413 and SB326, bills introduced to postpone truth-in-sentencing until 2011.

The Alabama Sentencing Commission has also provided leadership in the development of drug courts and other specialty courts to address mental health and addiction issues in criminal offenders. These courts have proved effective in other jurisdictions. The Commission's contribution involves lending expertise in legal research, legislative drafting, identifying data needed for program evaluation, developing the data collection for process and effectiveness evaluations, and clerical assistance.

Effectiveness of ASC's efforts:

- At the end of FY 2002 the inmate population was 27,656 with a projected population for 2008 of almost 34,000. As of September 30, 2006, the inmate population was slightly over 28,000. While these figures appear to show a slight increase, without the reform efforts, the population would show a major increase of almost 6,000.
- There are now 33 community correction programs established in 44 counties of Alabama, with 8 other counties in various stages of establishing a program. This is a vast improvement over the 18 programs that were operational in 2002.
- ADOC regulations pertaining to community corrections have been revised to assist programs in evaluation and expansion.
- As of January 19, 2007, there were 565 state inmates housed in county jails, only 17 of which had been in custody awaiting transfer to ADOC more than 30 days after their transcripts were completed. These figures compare favorably to the much higher figure of 2,899 inmates held in county jails reported by ADOC for January 2001.
- All female prisoners returned October 17, 2007 to Alabama from J.B. Evans CF in Louisiana.
- The initial sentencing standards have been adopted and implemented.

-
- Alabama has a felony offender database and a simulation model used to predict the impact of changes in the law and sentencing practices on Alabama’s criminal justice system.
 - The website for electronic worksheets has been developed and is available statewide.
 - The Sentencing Commission now has a full-time statistician and analyst.
 - The Governor, the Chief Justice, the Legislature, the Attorney General, the Commissioner of the Department of Corrections, the Director of the Board of Pardons of Paroles, the Administrative Director of Courts, the Department of Mental Health and the Alabama Community Corrections Association have provided active assistance and encouragement to the Commission in implementing the sentencing standards and encouraging the use of alternative sentencing options for non-violent offenders.
 - The Sentencing Commission has received national recognition for its endeavors from the National Association of Sentencing Commissions, Vera Institute of Justice, Pew Charitable Trusts, and the Crime and Justice Institute.
 - Two L.I.F.E. Tech Transition Centers are in operation providing offenders programs that they need to successfully transition back into the community.
 - Probation and Parole supervision has changed from “contacts” supervision to “results” supervision, emphasizing the progress an offender makes towards meeting those needs necessary to achieving a crime free lifestyle.
 - A health care administrative and clinical staff has been created in the Central Office of ADOC and is implementing a quality improvement program.
 - An aggressive “inmate assessment” process has been initiated by ADOC to evaluate the classification records of medium security inmates to determine eligibility for transfer to minimum security work center facilities.
 - Construction was completed on Bullock Mental Health Unit with a capacity to house 280 medium custody inmates with mental health illnesses.
 - Montgomery work center was converted to the Montgomery Pre-Release Center, with a capacity to house 296 medium security inmates. Plans are underway to construct a second pre-release center at the Limestone Correctional Facility.

Alabama Now has a Simulation Model

ASC Website and Electronic Worksheets

Importance of Collaboration and Assistance Cannot be Overemphasized

ASC Receives National Recognition

Two L.I.F.E. Tech Transition Centers Now in Operation

ADOC Implements Quality Improvement Program

Innovative Measures Taken by ADOC

ADOC Pre-Release Centers Established

- The development of a web-based data system for the Department of Corrections is underway.
- The reduction of hospital costs for Department of Corrections by changing the hospital contracts to charge for inmates at insured patient rates. Discounted inpatient hospital rates through Blue Cross/Blue Shield have been obtained.
- The development of re-entry plans and identification of re-entry resources in the State and in local communities by the Department of Corrections

Health and Hospital Costs of Inmates Reduced

Re-Entry Resources Improve

2008 and into the Future

Proposed Plans for 2008 and Beyond

The outline below reflects the Alabama Sentencing Commission’s proposed activities over the next 12 months and beyond. In addition to these activities, the Sentencing Commission staff will continue to analyze annual data, research changing sentencing issues, provide impact statements to the Legislature on criminal justice legislation, respond to issues and respond to requests from the public for information on the work of the Commission and the state of the criminal justice system.

Expansion of Community Punishment Options

In 2008, the Commission will continue to work with the Chief Justice to develop and expand community punishment options through the collaboration of the four agencies involved in the local level of the corrections system in Alabama. This project has already begun and is known as the “Cooperative Community Alternative Sentencing Project.” The Commission, with the assistance of the Vera Institute of Justice, has already conducted a survey of all community corrections programs and is in the process of analyzing this information to determine the state of community corrections programs in Alabama. A statewide steering committee has been appointed to review community alternatives currently available and suggest recommendations for improving those alternatives through the collaboration of local agencies working with representatives of all local interested parties. The Commission hopes to use this opportunity, backed by the Pew Charitable Trusts, the Vera Institute of Justice, and the Crime and Justice Institute, to encourage local communities to develop model alternative sentencing programs that ensure public safety and reduce recidivism. An important objective of this project is for these model programs to serve as mentors to other counties to expand and improve local efforts throughout the state.

Improved Criminal Justice Data Systems

The Commission will continue to work with AOC to develop and maintain data systems for community corrections programs and the Board of Pardons and Paroles that will collect data necessary to determine the best evidence-based practices for protecting public safety in Alabama. Pardons and Paroles is relying on an outdated data system that does not always separate data items or keep data in searchable formats that would assist in improving Alabama’s criminal justice system. Pardons and Paroles, with input from the Commission staff, will work with AOC to modernize these databases. The Commission will also work with the Administrative Office of Courts and community corrections programs to modify the MIDAS case

management program as an effective data collection and reporting system for these programs, as well as drug courts, and to use the data collected to assist in the analysis of program effectiveness.

The Commission staff will also work with the Chief Justice and AOC staff to develop and expand the use of drug courts and other specialty courts in Alabama. An important part of this effort will be the collection of data necessary to test the effectiveness of the programs in reducing recidivism and protecting the public.

In 2008, the Commission will modify its simulation model to make it more user friendly to adjust for changes in the law and for projecting suggested legislative changes, as the Commission prepares to begin gathering data for the development of truth-in-sentencing standards.

With the implementation of the initial voluntary sentencing standards, the Commission has been working with the current data systems to devise a method of testing both the use and effectiveness of the standards. This project has led the Commission to further analyze sentences issued by Alabama judges and entered into the AOC data system, State Justice Information System (SJIS). Based on the issues uncovered in this project, the Commission initiated two additional projects, one to provide a suggested uniform sentencing order for Alabama judges and the second to provide additional training for court specialists in entering sentencing data. A committee of judges, prosecutors, defense lawyers and others has been established to review sentencing orders and determine the best practices to be included in the uniform order. The Sentencing Order project is scheduled to be completed in 2008, while the clerk specialists training will be ongoing. The Commission staff will work with experienced court specialists to identify training issues and prepare training programs for all court specialists. In addition the staff will suggest changes for the SJIS data system that assists court specialists in correctly entering sentences in the data base.

The Commission also continues to work on developing truth-in-sentencing standards, gathering data for analysis and preparing to begin analysis and testing. Because this project is dependant on the effectiveness of the initial voluntary standards and the availability of capacity in all aspects of the criminal justice system for offenders, the Commission has introduced legislation to defer from 2009 until 2011 development and submission of truth-in-sentencing standards to the Legislature for approval. This delay will give the Commission additional time to assure that a workable truth-in-sentencing plan can be submitted.

As always, the Sentencing Commission will continue to answer questions on the use of the initial sentencing standards, provide training when requested, provide legislative impact statements to the Alabama Legislature on pending bills, and analyze and review the effectiveness of the initial voluntary sentencing standards.

Drug Courts and Other Specialty Courts

Modification of Simulation Model

Standards Compliance

Uniform Sentencing Order

Truth-in-Sentencing Standards



Chapter 2: 2007 Sentencing Commission Legislation

The Sentencing Commission introduced only one bill during the 2007 Regular Session of the Legislature, opting instead to focus on the successful implementation, training, and analysis of the sentencing standards which were approved by the Legislature with passage of Act 2006-312, effective October 1, 2006. The bill the Commission voted to pursue was one that was requested by the Board of Pardons and Paroles, with negotiated provisions included.

Victim Notification Legislation on Bill Introduced by Commission in 2007

At the request of Governor Riley, the Commission sponsored several meetings between administrative representatives of the Board of Pardons and Paroles and victim advocates to draft a bill that would include provisions acceptable to both groups. Through the adept leadership of Commission member Ellen Brooks, a compromise bill was approved, resulting in House Bill 312 sponsored by Representative Marcel Black and companion Senate Bill 158 sponsored by Senator Rodger Smitherman. While the House Bill received a favorable report from the House Judiciary Committee, neither it nor its counterpart in the Senate received final approval from the house of origin.

Crime Bills That Passed During the 2007 Regular Session

Act 2007-450
HB 54

Sex Offender Residence
Effective October 1, 2007

This Act applies only to Jefferson County, and prohibits more than one adult or unrelated juvenile criminal sex offender from establishing a residence or other living accommodation in a residence where another criminal sex offender resides whose name appears on the Jefferson County Sheriff's published sex offender list. The bill defines a criminal sex offender as an offender whose name appears on the Jefferson County Sheriff's official published sex offender list. The Act's provisions do not apply to sex offenders that are owners or lessees, or to person that are the spouse or child of an owner or lessee. The bill further provides that an owner or lessee of the property who knowingly, willingly, or intentionally violates this law shall be fined \$5,000 for each violation. The fines are to be distributed to the Birmingham Police Department Sex Offender Unit.

Local Bill Placing Restrictions on Residences of Sex Offenders

Act 2007-457
HB 223
§ 13A-5-9.1

**HFOA /Kirby Resentencing by
Circuit Judge**
Effective June 14, 2007

This Act amends § 13A-5-9.1 of the *Code of Alabama 1975*, relating to the resentencing of nonviolent offenders sentenced under the Habitual Offender Act, to provide that where the original sentencing judge is no longer in office, the presiding circuit judge may appoint any circuit judge to consider a *Kirby* petition for resentencing of each nonviolent convicted offender based on evaluations performed by the Department of Corrections

HFOA - Judge of Kirby Petitions

and approved by the Board of Pardons and Paroles and submitted to the court.

**Act 2007-269
HB 772**

§§ 13A-7-5, 13A-7-6

**Arrest Powers for Montgomery
Community Corrections Program
Employees**

Effective June 6, 2007

**Law Enforcement Authority
for Montgomery Community
Corrections officers**

This Act provides that the directors and employees of the Montgomery Community Corrections Program may have the powers of peace officers and are authorized to arrest defendants assigned to their program, or any person committing a crime in any program facility. They are also authorized to serve search warrants in performance of duties the same as deputy sheriffs. However, in order to have these powers, the employee or director must hold a current certification from the Alabama Peace Officers' Standards and Training Commission, complying with the minimum standards currently in effect relating to state law enforcement officers.

**Act 2007-391
SB 265**

§ 12-25-2

**Videotaped Depositions of Child
Victims/Witnesses**

Effective October 1, 2007

**Restrictions Imposed for
Depositions of Child
Victim's and Witnesses**

This Act amends § 12-25-2 and § 12-25-3 of the *Code of Alabama 1975*, relating to videotaped depositions of a victim or witness under 16 years of age in prosecutions under § 15-25-1 (any criminal prosecution for a physical offense or sexual offense or sexual exploitation involving a child under 16 years of age). The amended Act provides for videotaped deposition of a victim or witness under the age of 16 upon motion of the DA or Attorney General, for good cause shown and after notice to the defendant. The main provisions of this Act prohibit the presence of the defendant and restricts who may be present during the deposition to the prosecuting attorney, defense attorney, persons the judge considers contributes to the child's well-being and who has dealt with the child in a therapeutic setting regarding abuse, or other persons such as parents or legal guardians authorized in the judge's discretion. It provides that only the prosecuting attorney, the court, or the defense attorney may question the child victim or witness. § 12-25-3, as amended, provides for the use of closed circuit equipment, out of the presence of the defendant, to present the testimony of the child during trial. The amended sections do not apply to a defendant who is an attorney pro se.

The new amended portions of these statutes provide that:

- 1) When necessary, the operator of the videotaping equipment may also be in the room. Closed circuit equipment operators are authorized to be present.
- 2) Only the court, the prosecuting attorney, and the attorney for the defendant can question the child victim or witness during video taped depositions or closed circuit testimony. For videotaped depositions, the defendant must be provided access to view the testimony out of the child's presence during the testimony of the child, and must be allowed to communicate with his or her attorney by any appropriate election method.

3) During the child's testimony by closed circuit equipment, the defendant, the judge, and the jury must remain in the courtroom. The video feed showing the child must remain visible to the defendant, the judge, and the jury at all times during the testimony and cross-examination of the child victim or witness. The judge and the defendant must be allowed to communicate with the attorneys in the room where the child is testifying by any appropriate electronic method.

**Videotaped Deposition of
Child Victims/Witnesses**

4) The party making the motion that the testimony shall be by closed circuit equipment must make all the necessary arrangements regarding the equipment and its operation during the course of the proceeding.

These provisions are not to be interpreted to preclude, for purposes of identification of a defendant, the presence of both the victim and the defendant in the courtroom at the same time. The testimony is limited to purposes of identification only.

The provisions shall not apply if the defendant is not represented by an attorney.

**Act 2007-332
HB 779**

**Colbert County Pretrial
Diversion Program
Effective June 6, 2007**

This Act establishes a pretrial diversion program for Colbert County, the 31st Judicial Circuit. The program shall be under the direct supervision and control of the district attorney. The Act provides that persons charged with certain non-violent felonies and misdemeanors are eligible to apply for the program. The Act provides that admittance to the program is appropriate if the offender appears to pose no substantial risk to the safety and well-being of the community; it appears the offender is not likely to further involve in criminal activity; and the offender will likely respond to rehabilitative treatment.

**DA Pretrial Diversion
Program Established in
Colbert County**

The offender must waive, in writing, and contingent upon the successful completion of the program, his or her right to a speedy trial, and the offender must apply for the program no later than 21 days after his or her first appearance, arraignment, or issuance of a traffic citation. All applicants are required to pay a nonrefundable application fee of \$100, and if admitted, must pay a fee based on the type of offense (up to \$750 for felony offenses, up to \$500 for misdemeanors, etc.) As a condition of being admitted into the program, the district attorney may require the offender to agree to participate in education courses; financially support his or her children; refrain from the use of alcohol or drugs; maintain or seek employment; pay restitution, as well as court costs and fines. The conditions must be agreed to, in writing, between the offender and the district attorney.

Sentencing Commission's 2008 Legislative Package

I. Truth in Sentencing – amend to implement in 2011. (HB 413 and SB 326)

Delay in Truth-in-Sentencing to 2011

There are several major tasks that must be accomplished before the adoption and implementation of Truth-in-Sentencing (TIS). These are: 1) the initial voluntary sentencing standards must be accepted and used effectively; 2) there must be sufficient space in the various levels of corrections (probation, community corrections, prison and re-entry) to accommodate the increased prison population that will result from the implementation of TIS; and 3) TIS standards must be developed and approved by the Sentencing Commission and the Legislature. All three of these must be completed before TIS can be adopted and implemented. The Alabama Sentencing Commission and all of the key criminal justice cast are now working on these critical elements, as well as attempting to evaluate the compliance rate for the existing sentencing standards, improve data entry, collection and analysis, and continuing training on proper completion and submission of the sentencing worksheets and use of the electronic forms.

The following timeline has been drafted as a blueprint for completion of the basic prerequisites for the implementation of truth-in-sentencing and proposes timeframes beginning January 2008:

Timeline To Truth-in-Sentencing

Timeline Demonstrates Need to Postpone Development and Implementation

This is a very aggressive estimate of the time necessary to implement a workable truth-in-sentencing system in Alabama. There are several critical prerequisites, including developing the new sentencing standards themselves, that must occur before TIS can be successfully adopted and implemented in Alabama. A fundamental and most essential prerequisite to establishing a truth-in-sentencing system is developing capacity within the corrections system, e.g., probation, community corrections, prisons, and re-entry supervision. Currently, the capacity to accommodate any meaningful truth-in-sentencing system does not exist. The minimum required to ensure that adequate resources are available to accommodate TIS will include: building at least two new prisons (one for females and one for males) and having them fully staffed and operational; diversion of the maximum number of felony offenders from prison to alternative punishment programs; and expanding and improving probation capacity and supervision by increasing the number of supervising officers.

In addition, there are two more developmental elements that must be met before Alabama implements TIS: 1) the initial voluntary sentencing standards (based on time imposed) must be accepted and used effectively to serve as a model for the successful implementation of sentences based on “time served” TIS standards; and 2) TIS standards must be developed and approved by the Sentencing Commission, with final approval by the Legislature.

All three of these elements: creating capacity, successful implementation and effective use of the initial voluntary sentencing standards; and the development and adoption of TIS standards, must coalesce for Alabama to adopt TIS as a sound and effective public safety policy. The Alabama Sentencing Commission currently is working to accomplish all three elements.

***A. Initial Voluntary Sentencing Standards Effectively Implemented
(12 months)***

1. Data Preparation (AOC & ASC)
 - a. Establish current AOC cohort (completed)
 - b. Extract and compile data from e-worksheets (in process)
 - c. Match e-worksheets data to AOC cohort data (in process)
 - d. Make final “compliance” decisions (in progress)
 - e. Write programs for analyzing compliance (in process)
 - f. Review compliance results
 - g. Report compliance
2. Review Initial Voluntary Sentencing standards for possible modification to factors, instructions, and training (Standards Committee & ASC)
3. Identify and address known roadblocks (with responses/solutions)
 - a. Change in programmer staffing (new programmer designated for Sentencing Commission and related projects)
 - b. New programmers working with AOC e-applications whose actions affect multiple applications
 - c. Preparing AOC data for analysis - establish uniform method of entering sentences & sentencing data (AOC & ASC – on-going)
 - d. Insufficient staff to cover all projects
 - (1) Need two additional analysts in ASC, seeking funding from outside sources
 - (2) Utilize interns and other temporary sources to supplement staff (on-going)
 - e. Inadequate training of court specialists in proper data entry (ASC staff is researching problem areas and providing training (on- going)
 - f. Data quality and availability -applies to all ASC work
 - (1) ASC staff is addressing data quality and availability through suggestions for changes in sentencing orders and data entry and by providing education and training for designated worksheet preparers and court personnel (9 months)
 - (2) ADOC is adopting a web-based data system

**Aggressive Plan for
Effective Implementation
Outlined**

**Major Data Problems Must
be Addressed**

Uniform Sentencing Order Needed

- (3) Pardons & Paroles is working toward a web-based data system
- (4) ASC will continue training on the use of the initial voluntary sentencing standards (on-going)
- g. Improvement and modification of e-worksheets data delivery
- h. Lack of uniform sentencing order – Uniform Sentencing Order Committee to approve draft and present uniform sentencing order to Commission (4 months)
 - (1) Name members of committee (completed)
 - (2) Schedule and hold meeting (on-going)
 - (3) Identify and research issues and modify draft order (1-3 months)

***B. Continuum of Effective Sanctions to Accommodate Truth-In-Sentencing
(72 months – 12 months for pilot design and implementation; 12 months for pilot operations; 12 months for pilot evaluation; 18-36 months for statewide rollout)***

Expansion of Alternative Sentencing Options Essential Before Truth-in-Sentencing

- 1. Identify the steps and options in the continuum
 - a. ASC 2003 Report, Appendix C
 - b. Sentencing Reform Act, Section 12-25-32
- 2. Identify missing elements in the continuum of sanctions
 - a. Need for addition of prison beds
 - b. Last step up to prison / first step down
 - (1) Technical violator centers (capacity needs)
 - (2) Transition centers (LIFE TECH) (capacity needs)
 - (3) Other re-entry options (including ADOC programs)
 - c. Community-based options (organization, current capacity and needs)

Pilot Programs of Cooperative Community Alternative Sentencing Project

- (1) Pilot projects to expand and coordinate community punishment options (36 months)
 - a. State Steering Committee to set goals and standards and identify pilot sites (3 months)
 - b. Local Steering Committee, chaired by local judge, to set and implement local plan for coordination of services (4 months)
 - c. Data evaluation of pilot sites (4-6 months)
 - d. Fund pilot projects - determined by State Steering Committee (pursue grant money available along with ADOC community corrections funds)

-
- e. Operate pilot programs for 12 months
 - (2) Analyze, evaluate, and modify as necessary pilot projects (12 months)
 - (3) Develop and implement pilot project statewide (18 – 36 months)
 - (4) Secure permanent funding for alternative sentencing capacity

C. The Development of Truth-In-Sentencing (TIS) standards and new worksheets (29 months preparation and presentation to the Commission; 9 months for training and feedback; and a minimum of 38 months before implementation, assuming the system has the capacity to accommodate an effective recommendation)

- 1. Data Preparation (9 months)
 - a. Collect available electronic data from multiple sources (AOC, ADOC, P&P, CJIS)
 - (1) AOC Cohort (ASC – completed)
 - (2) Read and define E-PSI data to determine sufficiency (ASC and ARS – in progress)
 - (3) ADOC Data – Define ADOC release cohort, admissions cohort, and stock population and determine data deficiencies (ASC – in progress)
 - b. Construct database for pulling samples (ASC – in progress)
 - c. Pull samples of each offense category for worksheet construction (ARS will randomly select)
 - d. Analyze samples to determine adequacy of sample information & for adequacy of sample size for each offense (ARS & ASC)
 - e. Address sample deficiencies (ASC & ARS)
- 2. Review the 2003 Plan for TIS and consider modification (ASC & Standards Committee - 3 months, not cumulative to other efforts)
- 3. Data Analysis & Worksheet Preparation (ARS & ASC- 3 months)
 - a. Examine offenses (present results to Standards Committee and Commission)
 - b. Select offenses to use (Standards Committee and Commission)
 - c. Split offenses into worksheet databases - presumably 3 (Standards Committee and Commission)
 - d. Define variables, identify data deficiencies, and address deficiencies

Truth-in-Sentencing Standards - Development, Commission Approval, Training and Implementation

Truth-in-Sentencing Standards will be Developed From “Time Served” Data

Data Analysis must be Completed by Staff and Consultants

**Development of Standards
Involves Intensive Work**

- e. Define sentence length specific to a life sentence
- 4. Multivariate Analysis (3 months)
 - a. Three files x two worksheets = 6 analyses (assuming 3 offense categories)
 - b. Create 6 equations (In/out for each worksheet and sentence lengths for each worksheet)
 - (1) Three logistic regression equations
 - (2) Three ordinary least squares (OLS) equations
 - (3) Correlation analysis (only the statistically relevant factors) Define which ones work the best

**New Sentencing
Worksheets must be
Developed and Tested**

- 5. Worksheet preparation (In/Out & Sentence Length - 1 month each set = 3 months)
 - a. Prison In/Out
 - (1) Discriminate function analysis (how to weigh each factor)
 - (2) Use these coefficients to create weights
 - b. Sentence length (OLS equation coefficients set the worksheet weights)
- 6. Revision Process (4 months)
 - a. Present raw worksheets to Standards Committee for review
 - b. Review by Standards Committee for compatibility with Commission's goals as set out by statute
 - c. Standards Committee accepts or modifies
 - d. Test any modifications effect of the worksheets and affirm
- 7. Final sentence length worksheets (2 months)
 - a. Three sets of sentence length worksheets
 - b. Score people in databases on worksheets (median, mean, quartiles/percentiles)
 - c. Review of Sentence Length Tables by Standards Committee

**Instructions and Education
After Worksheets Finalized**

- 8. Finalize worksheets and instructions
 - a. Simulation to gauge effect of proposals on corrections capacity
 - b. Setting cut points for worksheets and final In/Out decision
 - c. Prepare final TIS worksheet instructions
 - d. Presenting TIS to Commission for adoption
 - e. Present proposed TIS standards and worksheet instructions to Legislature

Education Begins Again

- 9. Education for worksheet preparers, judges, and attorneys (9 months)

D. Additional Projects

1. Risk Assessment Development (Future)
 - a. Identify risk assessment instruments available and uses (public safety, recidivism reduction)
 - b. Test available instruments against initial voluntary sentencing standards
 - c. Analyze and report test results
 - d. Identify uniform risk assessment instrument
 - e. Validate instrument for Alabama
2. Needs assessment instrument development and use (future)
 - a. Collect and review current needs assessment instruments and their uses in Alabama
 - b. Determine appropriate use
 - c. Recommend a direction for Alabama (adopt a current instrument, develop a new instrument, or purchase a commercial instrument?)

**Risk and Needs
Assessment Instruments -
Development and Use**

II. Amendment of Split Sentencing Statute (HB416 and SB421)

This bill amends Section 15-18-8 of the Code of Alabama 1975, to prohibit the imposition of consecutive incarceration portions of split sentences for separate offenses. Under existing law, during the incarceration portion of a split sentence, the offender is not entitled to deductions from his sentence for good time, nor can (s)he be considered for release on parole. There currently is no prohibition regarding the imposition of consecutive split sentences or the stacking of split sentences to require a defendant to serve more than one mandatory imprisonment portion of a split sentence for more than one offense. This bill would expressly prohibit sentencing a defendant to serve multiple consecutive incarceration portions of split sentences upon conviction for more than one offense. It also expressly provides the remedies that are available upon revocation of probation; uniformly applies the maximum terms of probation (5 years for felonies) for all types of sentences; eliminates the provisions relating to boot camp (since these disciplinary camps have now been terminated in Alabama); and authorizes full credit for time served on probation, upon successfully completing a court-ordered residential drug or alcohol treatment program. The bill also clarifies that for a split sentence of 15 years or less, during the maximum term of imprisonment imposed (up to three years), a defendant shall not be eligible for good time or parole. It further expressly provides that the sentencing court retains jurisdiction to modify the existing sentence.

**Stacking of Split Sentences
Prohibited**

**Establishes 5 Year
Maximum Term of Probation
on Split Sentences**

III. Community Corrections Act (HB 414 and SB 326)

This bill amends §15-18-171(14) to remove convictions for the sale of drugs from the list of excluded offenses for community corrections program diversion eligibility. The offense “distribution of drugs” under Alabama’s Criminal Code includes both sales and delivery. While a person convicted for the delivery of drugs in violation of the statute is not prohibited from participating in a community corrections programs under existing law, a person convicted for the sale of drugs (including small amounts) in violation

**Defendants Convicted of
Drug Distribution for Small
Amounts of Drugs Eligible
for Community Corrections
Consideration**

of the same statute is prohibited from participating in a community corrections program. This bill would authorize defendants convicted of the sale of a controlled substance to be considered for participation in a community corrections program but would not include large amounts of drugs prosecuted as drug trafficking.

IV. Theft of Property (SB 413)

Clean-up Legislation

This bill amends theft of property statutes to classify thefts of property from the custody of law enforcement agency and donated property under either theft 1st, 2nd or 3rd degree, depending on the value of the property involved. Under existing law, these thefts are only included in the definitional section of the Criminal Code.

V. Prison Industry (HB 583 SB 366)

On-Site Prison Work Programs Needed

This bill amends §§ 14-7-7, 14-7-8, 14-7-12 through 15, and 14-7-18 through 22, of the Code of Alabama, relating to the Department of Corrections prison industries, inmate training, and inmate rehabilitation, to authorize the Department to contract with private industry for on-site work programs. The bill also specifically authorizes state, county and municipal employees and nonprofit organizations to purchase products made by prison labor directly from the Department of Corrections, and provides for the vocational training and rehabilitation of inmates through greater utilization of prison industries.

Proposed Legislation the Commission/Legislative Committee Voted NOT to Pursue

Bills Not Pursued by Commission

Victim Notification Act

At the request by Cynthia Dillard, Director of the Board of Pardons and Paroles, the Sentencing Commission voted not to introduce this bill during the 2008 Regular Session.

Parole Eligibility/Furloughs by DOC Commissioner

Amendment of § 15-22-28 to incorporate eligibility criteria for parole of serious offenders (now provided by regulation of P&P) or changes in furlough provisions was rejected by the Legislative Committee.

Amendment of § 15-18-175(e) Escape

The Legislative Committee voted not to recommend amendment of the provisions of this statute to provide that, “the willful failure of an inmate to remain within the extended limits of his or her confinement or to return to the place of confinement within the time prescribed” “may” (rather than “shall” as it now reads) be deemed an escape from a state penal institution.

Community Corrections Act Amendments

The Sentencing Commission rejected a proposal to include a provision authorizing the Commissioner of the Department of Corrections to transfer an inmate to a L.I.F.E. Tech Transition program, if approved by the sentencing judge and the Director of the Board of Pardons and Paroles.

The Sentencing Commission rejected the Legislative Committee's recommendation to amend § 15-18-171 (14) to provide that the exclusions did not apply to inmates who were within 24 months of ending their sentence (EOS), if otherwise recommended for diversion to a community corrections program for assistance with reentry.

The Legislative committee rejected a suggestion to amend the Act to specifically provide that the court retains continuing jurisdiction over offenders sentenced to community corrections, since this already seem to be the law.

Also rejected by the Legislative Committee was a proposed amendment to §15-18-172(d) to clarify that diversion of inmates to programs other than the county of conviction applies to both front-end and institutional diversions. The Committee believed this was clear as the statute is now written and further clarification was unnecessary.

Institutional Transfers to L.I.F.E. Tech Facilities

Percentage of General Fund Budgets Spent on Corrections

		<u>1987-2007 % point change</u>
Alabama	2.6%	-2.4
Mississippi	5.4%	+1.5
Louisiana	7.5%	+1.7
Tennessee	5.6%	-2.0
Georgia	5.4%	-0.5
Florida	9.3%	+3.6

Chapter 3. Alabama Department of Corrections

TAKING A BIGGER CUT

In fiscal year 2007, an estimated 1 in every 15 state general fund dollars was spent on corrections.

	Corrections as a percentage of total general fund expenditures, 2007	1987-2007 percentage point change
Oregon	10.9%	+4.6
Florida	9.3%	+3.6
Vermont	9.3%	+5.2
Colorado	8.8%	+5.1
California	8.6%	+3.8
Texas	8.6%	+4.2
Arizona	8.5%	+0.8
Montana	8.3%	+2.4
Oklahoma	7.8%	+4.1
Arkansas	7.7%	+5.1
Maryland	7.6%	-1.5
Louisiana	7.5%	+1.7
Missouri	7.4%	+3.7
Delaware	7.1%	+1.9
Ohio	7.0%	+2.5
South Dakota	7.0%	+3.1
Idaho	6.9%	+3.8
Utah	6.9%	+2.5
South Carolina	6.7%	+0.8
Virginia	6.7%	-8.1
Wisconsin	6.7%	+4.0
New Hampshire	6.6%	+2.5
Nevada	6.4%	-2.1
Pennsylvania	6.2%	+4.1
Iowa	5.9%	+2.6
Washington	5.9%	+2.4
North Carolina	5.7%	+0.9
Kansas	5.6%	+1.3
Tennessee	5.6%	-2.0
Georgia	5.4%	-0.5
Mississippi	5.4%	+1.5
Alaska	5.3%	+2.0
Indiana	5.3%	+0.3
North Dakota	5.3%	+3.7
Illinois	5.2%	+0.8
Kentucky	5.2%	+1.8
Nebraska	5.2%	+1.1
Massachusetts	5.1%	+1.9
New York	5.1%	-2.0
New Jersey	4.9%	+0.7
Rhode Island	4.9%	+1.4
West Virginia	4.6%	+3.3
Connecticut	4.4%	+2.0
New Mexico	4.2%	-0.5
Maine	4.1%	+0.4
Wyoming	4.0%	+0.1
Hawaii	3.8%	+1.3
Minnesota	2.7%	+1.0
Alabama	2.6%	-2.4
National average	6.8%	+1.8

SOURCE: National Association of State Budget Officers, "State Expenditure Report" series; Percentage point increases are based on a reanalysis of data in this series.

NOTE: Michigan does not have a comparable figure because of the state's general fund definition. See Jurisdictional Notes.

One in 100: Behind Bars in America 2008

February 2008 Pew Charitable Trusts' Public Safety Performance
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States in Bold Experienced Decrease in Percentage of General Fund Dedicated to Corrections

Alabama Shows a 2.4% Decrease in Percent of General Fund Budget for Corrections Over Last 20 Years

Portion of State General Fund Budgets Devoted to Corrections - Alabama Ranks Last Among All States

The State of Alabama prison system ranks last again, according to the February 2008 publication of Pew Charitable Trusts' Public Safety Performance, *One in 100: Behind Bars in America 2008*. While our state has one of the highest incarcerations rate in the nation, it continues to rank the lowest in regard to the amount of appropriations allotted for corrections from the general fund budget – 2.6%, with a resulting cost per inmate that is one of the lowest in the nation. Significant underfunding, excessive crowding, and critical staffing shortages resulting in a dangerously high inmate per officer ratio of 10:1, creates an environment that compromises safety of both staff and inmates within ADOC. Alabama spends an amount on incarcerated inmates that is considerably lower than the national average of 6.8% of the total General Fund Expenditures and four times lower than the highest percentage allocated by the state of Oregon. Alabama's portion of the state budget does not compare favorably with neighboring states: Florida 9.3%, Louisiana 7.5%, Tennessee 5.6%, and Georgia 5.4%. It also ranked 2nd among the eight states that had a decrease in the percentage of the budget devoted to corrections, with a reduction of -2.4%.

FY07 Fiscal Review

Alabama Ranks Last in Amount Spent on Food, Medical and Other Inmate Costs (Not Including Litigation Costs)

The ADOC expenditures for FY 2007 were \$408,720,691, with the single largest expenditure dedicated to employee salaries and fringe benefits, accounting for over 56% of the fiscal year total. The Department's personnel cost for 3,715 employees increased by over \$25 million, primarily resulting from a 4% cost of living increase, as well as an increase in the cost of health insurance and retirement contributions. Additionally, the Department had a net gain of 89 employees during 2007. This trend may continue as efforts are made to fill the total personnel authorizations for correctional officers. In addition to personnel costs, the Department's other major expenditures included inmate health costs, accounting for 22%, or \$82.9 million, of the budget, and the leased bed contracts that accounted for 3.3%, or \$12,424,546.

While Costs Per Inmate Increased in FY07 to \$39.46, Alabama Still Ranks Well Below the National Average and Other States

Adult Correctional Budgets

State	2006 Avg. Daily Operating Cost Per Inmate	2006 Avg. Daily Healthcare Cost
Alabama	\$36.76*	\$9.03*
Arkansas	\$52.12	\$9.67
Florida	\$52.06	\$13.93
Georgia	\$47.96	\$11.42
Louisiana	\$38.15	\$10.42
Mississippi	\$37.92	\$8.30
North Carolina	\$66.87	\$14.01
South Carolina	\$36.08	\$10.10
Tennessee	\$60.84	\$11.20
National Average	\$67.35	\$12.30

*** FY 2007 Costs: \$39.46 \$8.73**

FY08 Budget Status

At the beginning of FY 2008, ADOC was facing a budget deficit of \$31.3 million. The budgeted requirements of ADOC were \$401.7 million, compared to General Fund appropriations of \$370.4 million (including the COLA appropriations). In an attempt to make up this shortfall and address inmate needs, the Department completed or is in the process of implementing several operational activities and projects including:

ADOC Faces \$31.3 Million Deficit for 2008

- Discontinuation of all private leased bed contracts.
- Conversion of Montgomery Pre-release Center to the Montgomery Women’s Facility.
- Construction of the Limestone Pre-Release Center (300 beds).
- Contract development for the Alabama Therapeutic Education Center (400 beds).
- Implementation of the Supervised Re-Entry Program pursuant to §14-8-60.
- Expansion of the Work Release Program to generate revenue to offset incarceration cost.
- Implementation of an aggressive recruitment program to reduce officer overtime.
- Sale of unproductive acreage to fund capital improvements.
- Analysis and restructuring of the Alabama Correctional Industries Division.
- Addition of health care administrative and clinical staff in ADOC Central Office.
- Negotiation of a new healthcare contract to ensure quality, cost-efficient medical care.

Projects Undertaken to Make Up Shortfall

FY08 Revenues and Projected Expenditures

Revenues	
General Fund	\$343,300,000
Miscellaneous	\$21,300,000
COLA funded by Legislature	\$5,800,000
Total Available	\$370,400,000

Expenditures	
Salary & Benefits	\$249,000,000
Inmate Healthcare	\$87,000,000
Contract Beds	\$12,500,000
Inmate Food & Supplies	\$12,700,000
Utilities & Comm.	\$15,500,000
All Other	\$25,000,000
Total Required Expenditures	\$401,700,000

As of May 1, 2008, ADOC was seeking a \$3 million supplemental appropriation to offset the escalating costs of fuel, inmate food, and institutional operating supplies.

FY09 Budget Projections

	(in millions)
\$436.9 Million Required in FY09 by ADOC for Level Funding	
FY09 Requirement	436.9
Projected Expenditures:	
• Personnel Costs (Salary & Benefits)	250.1
• Inmate Healthcare	94.2
• Inmate Supplies (Food, Clothing, Hygiene)	24.9
• Utilities	17.5
• CEC Therapeutic Education Center	5.3
• Capital Outlay	10.8
• All Other	34.1
Total FY09 Funding Requirement:	436.9
Total funds available under appropriated budget:	402.5
Projected Shortfall of \$34.4 Million for FY09	
Projected budget shortfall for FY 2009 as of May 1, 2008:	34.4

Initiatives to Address ADOC Issues and Needs**ADOC Action Plan**

To address the long term needs of the ADOC relative to crowding, staffing, inmate health care, and facility maintenance and repair, the Department has developed an action plan that is both reactive to immediate problems that exist, and proactive to develop and implement long-term measures to overcome/reverse negative trends that currently exist and are projected to continue.

Proposed Solutions**Recommendations of Sentencing Commission and Governor's Prison Crowding Task Force**

Overcrowding: The highest priority must be given to programs that have the potential to change the increasing growth of inmates entering the prison system. The Sentencing Commission and the Governor's Task Force on Prison Crowding, after conducting thorough analyses of the prison system's problems, have provided recommendations for solution. A summary of these recommendations, with the current status of implementation, is detailed below.

- **Pass and implement sentencing reform, especially the Sentencing Commission's sentencing standards:** This legislation was passed and implemented across the State. Analysis to determine the short term effects on admissions to ADOC custody is ongoing.
- **Create and aggressively implement a statewide Community Corrections System:** 33 programs are currently operating in 44 counties. There were 1,354 new diversions from ADOC custody in FY 2007 and 1,666 total active offenders at the end of the fiscal year.

- **Establish and fully utilize a technical violator’s center for minor probation and parole violations:** No progress has been made to implement this recommendation. Funding and resources necessary for implementation were not available to the Board of Pardons and Paroles in FY 2007.
- **Establish and fully utilize education and/or transition centers to take medium and higher inmates and prepare them for re-entry to outside life or prepare them for lower classification of incarceration earlier in their sentence:** A contract was established with Community Education Centers to implement a Therapeutic Education Center in Columbiana, Alabama. The facility has a capacity for 400 offenders.
- **Develop and Implement the Supervised Re-Entry Program:** Policies were developed, districts organized, personnel hired, and procedures implemented for this program that facilitates release of qualified inmates to the custody of an approved sponsor while maintaining ADOC community supervision. The goal of this program is to consistently maintain 500 to 600 inmate participants under ADOC community supervision.

Technical Violator Centers Needed

Supervised Re-Entry Programs Recently Implemented

Recruiting and Retention: Recruiting and retention of ADOC staff continued to be a high priority in FY 2007. Intensive recruiting efforts utilized all available media outlets and partnerships were developed with the Alabama National Guard and Army Reserve to recruit active and retired military personnel. A full time recruiting person was hired to ensure the ADOC would be effectively represented at job fairs throughout the State.

A 10% pay raise for ADOC security personnel is included in Governor Riley’s “2010 Plan” for the State. While this pay raise legislation was not passed in the 2007 Session, the Department will continue to seek additional funding from the Legislature to make the salary adjustments necessary to enable the recruitment of required staff and allow for the retention of those ADOC recruited and trained. Personnel goals include employment and training of at least 450 new correctional officers each year, while reducing the attrition rate by making employment with ADOC more financially attractive to young correctional officers. It is important to note that the savings from reduced overtime costs may be enough to cover the cost of hiring up to 300 additional correctional officers.

Goal to Hire 450 New Officers Each Year

Renovation of Old Facilities and Construction of a New Facility: The Department contracted with an engineering/architectural firm that specializes in correctional facilities, to thoroughly inspect the existing physical plant and determine cost effective repairs and renovations that can be accomplished. The facility survey determined it would cost approximately \$94 million to bring all facilities up to currently accepted codes, including the Americans with Disabilities Act. All recommended repairs and renovations will be prioritized based on the most urgent needs of the Department and, with the implementation of a preventative maintenance program, will be scheduled to be accomplished over a period of seven to

Renovation Needs Estimated \$94 Million Just to Bring Facilities Up to Code

eight years. The ADOC, with the approval of Governor Riley, is pursuing the sale of prison system land at multiple facilities that has been determined to be unproductive for departmental use. Revenues generated from the sale of this property will be utilized to pay for facility renovation projects.

**New Women's Facility
Needed**

The facility survey team also established the parameters for a new 1,600 bed women's correctional facility. It is anticipated that Tutwiler Prison for Women would be closed if this new facility is constructed and brought on-line. Construction plans would also include a new 200 bed infirmary facility to provide comprehensive health care services. If approved to go forward with this project, Request for Proposal (RFP) documents will be developed and bids solicited to determine the actual construction cost for a new facility. Rough estimates indicate a cost up to \$120 million to be amortized over 25 to 30 years. This construction project is currently on hold due the lack of General Fund revenues available to pay for the project.

**Discounted Hospital Rates
Negotiated by ADOC**

Health Care: The work of health care administrative and clinical staff in the ADOC Central Office during FY 2007 ensured that the proper levels and standards of care were provided to inmates within the prison system. Great efforts were also made to monitor and audit the medical service provider's costs for prisoner healthcare. Health Services staff members worked to establish standards of care through implementation of policies and procedures that the contractors were required to meet, as well as implemented a viable quality improvement program and engaged in service contracts based on shared risks that enabled the provision of cost effective, constitutionally adequate healthcare. Discounted inpatient hospital rates through the Blue Cross/Blue Shield hospital network continued to have a positive impact on ADOC's overall healthcare costs. Implementing wellness and preventative healthcare programs will assist in maintaining a proactive approach to healthcare, with the ultimate goal of reducing the severity and longevity of illness and degenerative disease, thus, reducing the incidence of catastrophic illness and the associated cost of treatment.

**Comprehensive Medical
Coverage Provided by
Correctional Medical
Service, Inc.**

Correctional Medical Services, Inc. of St. Louis, Missouri was awarded the contract, via a RFP process, to provide comprehensive medical coverage for inmates on a statewide basis beginning November 1, 2007. The new contract will benefit ADOC by placing additional financial responsibility on the vendor, thus reducing risk to the State. This reduced financial risk diminishes the Department's need to seek additional supplemental funding as it relates to inmate healthcare. The contract also requires the contractor to pay and be responsible for several items the Department paid for directly in previous years, such as the cost for inmates in the hospital receiving inpatient care. Furthermore, the contract establishes a means of both performance and financial accountability, while increasing the overall level of services received.

**Women's 200-bed Inpatient
Long-Term and Special
Needs Infirmary Needed**

In conjunction with the initiative to construct a new 1,600 bed women's facility, plans call for establishing a minimum 200-bed inpatient long-term and special needs infirmary. This medical unit will enable the ADOC to centralize long-term and specialty care for inmates, as well as reduce the associated cost of security and transportation.

ADOC Drug Treatment Programs

Drug convictions continue to make up a large segment of the pool of non-capital felony convictions, ranging from 48% in FY 05 to 44% in FY 07. Consistently topping the list are convictions for the crime “possession of controlled substances.” While these figures are an indication of the impact drug addiction and abuse have on our prison population, they do not provide a true representation of the extent of the problem since drug-related crimes such as theft of property, burglary, and robbery (all within the top 10 crimes of conviction) are not included.

Along with these dire indicators of obvious treatment needs, federal RSAT funds used to operate ADOC Crime Bill programs continue to be reduced. Due to the reductions in these funds and county drug demand monies, drug treatment in ADOC is critically underfunded and understaffed. The Department has been forced to look elsewhere to fund drug treatment counselors and purchase equipment, supplies, and materials associated with the substance abuse programs. Not only are there insufficient funds allocated for supplies and materials, there are problems accessing the monies that are designated for this purpose.

The Department of Corrections has been providing treatment to chemically dependent criminal offenders since 1988. It is estimated that 80% of all inmates are incarcerated directly or indirectly as a result of alcohol and other drug abuse. At intake, 68 – 75% of inmates have a documented or self-reported history of illicit drug use. In 2007, primary treatment and aftercare services were provided to more than 18,000 inmates through 60 drug treatment programs, staffed by 72 employees. Three new treatment programs were implemented in 2007: the Methamphetamine Treatment Program (Staton Correctional Facility), 8-week Secular SAP at Ventress Correctional Facility, and a six month secular SAP at Easterling Correctional Facility. As of February 1, 2008, there were 1,013 inmates on the waiting list for participation in a drug treatment program. Inmates are assessed as needing substance abuse treatment and placed into one of the following programs:

ADOC Substance Abuse Programs	# of Programs in ADOC Facilities
8-Week Substance Abuse Program	19
8-Week Secular Substance Abuse Program	1
8-Week Methamphetamine Group	1
15-Week Dual Diagnosis Program	1
6-Month Crime Bill Program (RSAT)	8
6-Month Secular SAP Program	1
Relapse Treatment Program	7
Aftercare	20
Therapeutic Community	2
Total Programs	60

Currently, these 60 drug treatment programs are located in 25 facilities. In addition to the programs listed above, Pre-Treatment programs are also available.

Crime Bill RSAT Funds Have Been Reduced

Approximately 80% of Inmates Incarcerated as a Result of Alcohol and Other Drug Abuse

1,013 Inmates on Waiting List to Participate in ADOC Drug Program

ADOC has 60 Drug Treatment Programs in 25 Facilities

Pre-Treatment Stay can Range From 2 Weeks to 6 Months

1. **Pre-Treatment:** Pre-Treatment provides orientation to drug treatment for inmates awaiting placement into a drug treatment program. Length of stay in pre-treatment can range from two weeks to six months depending upon program assignment. Components of pre-treatment include: Anger Management, Personal Development, Self-Esteem, and Life Skills.

ADOC has 19 8-Week SAP Programs

2. **8-Week Substance Abuse Program:** The 8-Week Substance Abuse Program provides evidence-based treatment for chemically dependent inmates. Participants gain proficiency in six specific competencies designed to promote long-term recovery. These competencies are: 1) Drug Use, Abuse, and Consequences, 2) Disease Process of Addiction, 3) Understanding Criminal Thinking, 4) Recovery, 5) Relapse, and 6) Transition and Reintegration into Society.

One 8-Week Secular SAP Program at Ventress Correctional Facility

3. **8-Week Secular Substance Abuse Program:** The 8-Week Secular Substance Abuse Program is designed to meet the needs of inmates whose personal beliefs prevent them from participating in a traditional 12-Step program. The program is similar to 8-Week SAP, but utilizes a cognitive-behavioral model. Focus is directed to pro-social values and recognition of the need for an objective perspective.

Meth-Treatment Program Provided at Staton Correctional Facility

4. **Methamphetamine Group:** The 8-Week Methamphetamine treatment program targets the needs of inmates with a history of methamphetamine dependency. The program uses the matrix model of methamphetamine treatment, focusing on the unique needs of stimulant addicts. The program also utilizes cognitive-behavioral restructuring and teaches participants to identify errors in thinking. Program structure includes modules in Early Recovery Skills, Relapse Prevention, Social Support, and Cognitive Intervention.

15-Week Dual Diagnosis Program

5. **Dual Diagnosis Program:** The 15-Week Dual Diagnosis Program is similar in structure to 8-Week SAP, but differs in the type of inmate treated. Inmates are identified for admission to the program by the presence of a major psychiatric disorder co-existing with an addictive disorder. The Dual Diagnosis Program blends the treatment methods for those with emotional difficulties and chemical dependency into one approach. The fifteen-week program provides more individualized treatment than the 8-Week SAP program.

6-Month Crime Bill Programs Divided into 3 Phases

6. **Crime Bill Program (RSAT):** Crime Bill is a 6-month program divided into three 8-week phases. Phase I provides basic information on substance abuse, the disease process of addiction, denial breakers, the recovery process, and an introduction to the 12-Step model and other self-help programs. Phase II addresses criminal thinking and utilizes cognitive-behavioral restructuring techniques to redirect thinking errors. Phase III is dedicated to Relapse Prevention and focuses on recognizing relapse warning signs, managing high-risk situations, and sustaining responsible living.

6-Month Secular SAP at Easterling Correctional Facility

7. **Six-Month Secular Substance Abuse Program:** The 6-Month Secular Substance Abuse Program is tailored to help participants face issues specific to drug abuse and asocial behavior. Emphasis is placed on

responsible living and skills to make positive life changes. Core components of the program are: Rational Self-Counseling, Interactive Journaling, Social Learning Theory, Transtheoretical Model of Change, and Cognitive-Behavioral Theory. Program learning is reinforced by using Attitude Check and Rational Self-Analysis exercises.

8. **Relapse:** Relapse Treatment is designed for inmates who have completed a substance abuse program, but have resumed active substance abuse or discontinued in the Aftercare Program. Participants learn to recognize and manage the symptoms of Post Acute Withdrawal Syndrome, construct detailed relapse event histories, conduct alcohol/drug warning sign analysis, manage high-risk situations, devise relapse prevention strategies, and formulate comprehensive relapse prevention plans.

**Relapse Treatment
Essential to Effectively
Address Drug Addiction**

9. **Aftercare (Continuing Recovery):** The Aftercare Program provides on-going treatment for inmates who have completed a primary drug treatment program. Continued participation in on-going treatment is a vital component of recovery. Involvement in Aftercare provides the opportunity for participants to practice recovery skills and apply intervention strategies to everyday living.

Aftercare is a Must

10. **Therapeutic Community:** The Therapeutic Community is a 12-month program that uses recovering role models as well as staff counselors in a milieu setting. The Therapeutic Community program operates on the premise that substance abuse and criminal behavior are manifestations of severe alienation of self and society. By living in a community offering a variety of treatment interventions, the individual can learn pro-social behaviors that support a drug free lifestyle. The Therapeutic Community is a structured program utilizing program guides and a strict set of rules. The Therapeutic Community is set up as a family organization with responsibility for operating the community placed on the residents and the staff functioning as a “parent” or authority figure. The structure is a hierarchy with all residents striving to earn better jobs, status, and privileges in the community. A resident can progress in the program by displaying a positive attitude, participating in group activities, and complying with the rules.

**Therapeutic Community is
a 12-Month Structured
Program**

STAFFING

Staff assigned to the programs:

- 1) 8-Week SAP = 32
- 2) 8-Week SecSAP = 1
- 3) Methamphetamine group = 1
- 4) Crime Bill = 21
- 5) 6-Month Secular SAP = 1
- 6) Relapse = 5
- 7) Aftercare = 4
- 8) Therapeutic Community = 4
- 9) Dual Diagnosis = 2
- 10) Central Office = 1

**Staffing for All Drug
Programs = 72**

Total staff = 72

STATISTICS

Summary of 2007 Drug Treatment Statistics:

- 1) Total Participants = 18,210
- 2) Total continuing in Aftercare = 13,500
- 3) Total graduates from programs = 5,549

WAITING LIST

Number of inmates on waiting lists as of February 1, 2008:

- 1) 8-Week SAP = 465
- 2) 8-Week SecSAP = 0
- 3) Methamphetamine Group = 11
- 4) Crime Bill = 373
- 5) 6-Month Secular SAP = 20
- 6) Relapse = 67
- 7) Dual Diagnosis = 26
- 8) Therapeutic Community = 51

Total waiting list = 1,013

**Waiting Lists for Treatment
Demonstrate Need for
More Programs and Staff**

Community Work Release and Work Centers

**Inmate Population in Work
Release Programs
Increased 42% Since
Last Year**

Ensuring that prisoners work while in prison and are not idle is often cited as a priority among victims of crime and the general public. Through employment, inmates can obtain funds to repay restitution to victims, fines, and other court-ordered monies, in addition to obtaining skills that will benefit them when they are released from prison. During FY 2007, the ADOC focused its efforts on implementing and expanding several work programs to more fully utilize inmates in various work projects. Comparing populations in January of 2007, with those in January 2008, the inmate population of work release programs increased 42% while the population in work centers increased 8%. According to the ADOC March 2008 monthly report, there are 1,299 inmates in work centers and 1,976 inmates on work release.

Correctional Industry Development / Expansion

**Expansion of Correctional
Industries and Creation of
New Industries a Goal of
ADOC**

The Department of Corrections introduced legislation this year to expand prison industry, as well as create new industries. During FY 2007, the mission and goals of Alabama Correctional Industries were restructured with emphasis on the generation of excess funds to subsidize ADOC deficiencies in the areas of deferred maintenance and capital improvements. To effect this change, a reorganization plan was developed and implemented to close non-profitable operations and expand the profitable ones. The reorganization plan included the closure of the Box Plant, the Paint Plant, and Data Entry Services, as well as an assessment to determine the potential for the outsourcing of the Fleet Service operations and the Janitorial and Laundry Products Operations. Additionally, efforts will be directed at decentralizing warehousing operations and verifying the accuracy of current financial reporting methods. Approximately 5,950 acres of idled land are scheduled to be appraised and sold.

One problem facing ADOC is the inability to provide on-site employment for inmates not eligible for work release. In addition, under existing laws, there is a limited market to which the Department may sell goods. Legislation is required to authorize ADOC to contract with private businesses for on-site industries, as well as to sell the goods that it produces to State employees and nonprofit entities. For the second consecutive year, the ADOC in conjunction with the Sentencing Commission, has introduced legislation (HB 583 sponsored by Representative McClendon and Senate Bill 366 sponsored by Senator Griffith) to implement this concept. The Alabama Sentencing Commission endorses the concept of prison industry and the expansion of the market for the sale of prison-made products.

ADOC Pursues On-Site Employment of Inmates by Legislation

These bills authorize offices, departments, institutions, instrumentalities and agencies of the state to purchase products directly from the ADOC without solicitation or competitive bid. They also amend §14-7-22 to authorize the sale by the ADOC of products produced by prisoners in community corrections or other supervision programs. Existing law authorizes sale of products produced by prisoners on parole or probation. These bills specifically authorize the ADOC to contract or enter into agreements with private industry to establish work-oriented rehabilitation programs within ADOC facilities located on property owned or operated by the Department or any prison facility housing inmates sentenced to the Department. Products and goods produced pursuant to these contracts are to be marketed by the contracting parties and not ADOC.

Sale of Products Produced by Prison Labor

Other ADOC Legislation

Medical Furlough Legislation

Three bills have also been introduced this year to authorize discretionary medical furlough by ADOC. House Bill 284 sponsored by Representative Rogers would allow the Commissioner of the Department of Corrections to release an inmate who has an incurable disease or illness that would cause the death of the inmate within 12 months, on certain conditions. House Bill 597 sponsored by Representative Hall and Senate Bill 633 sponsored by Senator Penn also authorizes discretionary medical furlough of state inmates convicted on non-capital felony charges and establishes a procedure for implementation. Under the bills' provisions, the Commissioner of the Department of Corrections is authorized to grant discretionary medical furlough for inmates convicted for noncapital offenses who are terminally ill, permanently incapacitated, and for geriatric inmates that suffer from a chronic infirmity, illness, or disease related to aging. The bills further establish procedures for applications and time frames for consideration of eligibility. Notice to victims and district attorneys of consideration of any person convicted of a Class A felony, any felony involving violence, death or physical injury is required by the Department of Corrections.

Release of Terminally Ill Inmates Subject of Proposed Legislation

ADOC Information Systems

Technological Advances

ADOC Still Grapples with Antiquated Data System

For over a decade, the Department of Corrections has been forced to rely on an antiquated computer system that is not compatible with other criminal justice data systems. To address the inadequacies of their existing system, primary of which is to capture essential information in the most efficient and effective manner possible, the Department initiated several IT projects. Contracted development specialists have been brought in to assist in the planning for and the conversion from out-dated technology to state-of-the-art equipment and software applications, with assistance provided by the IT Division of AOC.

Electronic Transcripts Implemented

Among the IT projects implemented by ADOC was a court transcript module developed by AOC referred to as “E-Transcripts,” designed to improve the flow of sentencing information between the courts and ADOC. The E-Transcript module has been developed to enable electronic transmission and input of transcript records directly into ADOC’s database, eliminating the need for ADOC personnel to reenter sentencing information. This module is currently being pilot tested with several circuit courts and is expected to be completed by the end of calendar year 2008.

“Vault” System Developed

Another technological advance by ADOC - developed in 2006 - is an inmate records module referred to as “The Vault System”, which allows electronic scanning and on-demand retrieval of inmate documents within a records database. When fully operational, this process will eliminate the current paper-based file system and will increase the efficiency of many administrative tasks. During FY 2007, the process of scanning all active inmate files into electronic format was finalized and has greatly improved the management and security of ADOC records.

Advanced Information Technology Needed for Entire Criminal Justice System

In addition to the innovative projects already undertaken, in collaboration with the Alabama Sentencing Commission, AOC, and the Board of Pardons and Paroles, ADOC continues to pursue innovative ideas in information technology that will improve sentencing and criminal history data. One such project is a tracking module that will enable criminal justice agencies to track an offender from the point of arrest to felony conviction in the court, through sentencing and as (s)he passes from agency to agency in the post-sentencing process.

Chapter 4: Expanding Punishment Options

Guiding Principle of Sentencing

The sentence imposed in each case should call for the least restrictive sanction that is consistent with the protection of the public and the gravity of the crime ... Judges should be sensitive to the impact their sentences have on all components of the criminal justice system and should consider alternatives to long-term institutional confinement or incarceration in cases involving offenders whom the court deems to pose no serious danger to society.

Rule 26.8 of the Alabama Rules of Criminal Procedure.

Rule 26.8 Alabama Rules of Criminal Procedure

This fundamental principle, calling for imposition of the least restrictive sanction based on the seriousness of the crime, public safety, and the impact the sentence will have on all aspects of the criminal justice system, has existed as a guide to our state trial judges in imposing criminal sentences for over 15 years. However, to consistently apply this principle, there must be viable alternatives to incarceration available statewide for judges to utilize. From its inception, the Alabama Sentencing Commission has worked diligently toward expanding alternative punishment programs that provide quality treatment and supervision services. We are making progress, but success is largely dependent on commitment and support from all levels of government – state, county and municipal – as well as the general public.

Principle has Existed for Over a Decade

Community Corrections Programs

Community corrections programs are essential to the development of a true continuum of punishment options. Until recently, Alabama judges have had few real options available to them when imposing criminal sentences. They could sentence a convicted defendant to imprisonment in the county jail or penitentiary, suspend the sentence and grant probation or, utilizing the split sentencing statute, impose a short term of incarceration preceded or followed by a probationary period. The choices were essentially limited to either probation or incarceration.

Sentencing Options Limited

Although Alabama is still in the beginning stages for full development and utilization of community punishment and corrections programs, we are beginning to construct a continuum of punishment options that relies heavily on these programs as a step-up from probation and step-down from incarceration. Community-based corrections programs focusing on both rehabilitation and punishment can provide enhanced supervision and treatment options beyond those available under traditional probation supervision. Utilizing these programs for the diversion of appropriate felony offenders who would otherwise be prison-bound, judges have found that they can retain greater control over certain aspects of the sentence imposed and the offender has a greater opportunity to become a productive and law-abiding citizen. By maintaining employment, obtaining treatment for drug or alcohol abuse and addiction, proper counseling and community

Construction Beginning for Continuum of Punishment in Alabama

support, offenders are less likely to return to a life of crime and recycle through the criminal justice system.

Community Involvement in Community Corrections is Essential

Intermediate punishment provided through the use of community corrections programs permit offenders to pay their debt to society while remaining sufficiently linked with the community to support their families and make restitution to the victims. Offenders participating in community corrections programs are required to pay fines, court costs and victim restitution and may be required to repay the community through community service work. In addition, program participants may be required to submit to intensive supervision, undergo drug and alcohol testing and treatment, undergo house arrest with or without electronic monitoring, comply with day reporting requirements and monitoring with varying levels of supervision, and participate in work release programs. Rehabilitative programs that can be offered through community programs include literacy training, job training, job placement and GED preparation. Moreover, community-based sanctions are less expensive than prison, inasmuch as they do not require investment in a secure prison infrastructure and the associated manpower needs.

Expansion and Enhancement Efforts

Advances Have Been Made in the Last 6 Years to Expand Community Corrections Programs

In the last six years, Alabama has made obvious advances in the expansion and utilization of community correction programs as a viable intermediate punishment alternative for nonviolent felony offenders, as evidenced by the number of programs now in operation throughout the state. However, this is not a numbers game and growth alone is not our goal. In ensuring that Alabama has a network of community correction programs available to judges in all counties, of paramount importance is program effectiveness, which is largely dependent on community commitment and successfully networking with treatment and service providers. While there has been improvement, additional work remains to provide graduated levels of sentencing options with varying degrees of supervision and treatment to utilize initially on appropriate offenders, as well as for violations and for the successful reentry of inmates released from prison and returning to the community. Essential to our efforts to provide quality programs is the creation of uniform standards, with measurable goals, utilizing effective tools for program evaluation.

Uniform Standards Have Been Developed by the Alabama Association of Community Corrections

The Alabama Association of Community Corrections recently developed uniform program standards and began advocating the expansion and improvement of services offered by community corrections programs to felony offenders. The Association has now formed a committee composed of members of the Association to review the initial standards and to make recommendations for revision. Concomitantly, the Community Corrections Division of ADOC has formed a committee to review uniform standards adopted by other states and draft model standards for the diversion of felony offenders to community corrections programs.

The need for more extensive training of community correction directors and program personnel has also been recognized. In this regard, ADOC is in the process of developing a curriculum, and training sessions are expected

to begin during the late spring or early summer of 2008. Training will include subjects such as intensive supervision, reporting procedures for escapees, strategies for increasing institutional diversions, the ADOC reimbursement protocol, collection of DNA samples, and the proper completion of sentencing worksheets for utilization of the sentencing standards.

Training for Community Corrections Directors and Employees Needed

Strategies for Creating Cost-Efficient and Effective Community Corrections Systems

As a prerequisite to the implementation of TIS, Alabama must have in place a reliable and effective continuum of community based punishment options, which includes probation supervision, community punishment programs, halfway houses and revocations centers, as well as transition and reentry centers. To facilitate the development of a true continuum of effective community-based punishment options, which is a key component of many of the Commission's reform efforts, the Pew Charitable Trusts' Public Safety Performance Project is providing the Sentencing Commission technical assistance through the Vera Institute of Justice (Vera) and the Criminal Justice Institute (CJI). In addition to conducting a comprehensive survey of existing community corrections programs, Vera and CJI are assisting with implementation of a joint project of the Chief Justice and the Sentencing Commission, "The Cooperative Community Alternative Sentencing Project" (CCSAP). This project will involve the selection of four pilot sites to serve as models for the statewide development of a community-based punishment continuum, selected and provided with technical assistance by a Statewide Steering Committee. Local steering committees will be established in each selected jurisdiction, consisting of key stakeholders who will provide support and participate in strategic planning efforts. Through participation in this program, it is expected that jurisdictions will gain a better understanding of the offender population, their needs and the resources available in their community, and will work in closer collaboration with other criminal justice stakeholders to develop a strategic plan for operation of community-based programs that provide quality supervision and treatment for otherwise prison-bound offenders. These pilot sites, after implementation of their strategic plans, will then serve as mentors to other jurisdictions statewide to enhance community supervision services.

The Cooperative Community Alternative Sentencing Project

This project has three key focal points on which the State Steering Committee and the local committees in each pilot site must concentrate: 1) research and data analysis; 2) strategic planning sessions; and 3) the development and submission of a comprehensive sentencing alternatives expansion plan. Utilizing state and local resources, the chosen pilot sites will develop best-practice strategies for developing model programs - maximizing community support and involvement. Building on the experience and success from this project, the participating sites will be able to assist other programs in developing a collaborative network of services and provide advice on improving services, gaining local support, and implementation of an effective data collection and reporting system for program evaluation.

Key Focal Points of Project

Improved Data Reporting for Effective Evaluation

Modification of MIDAS for Evidence-Based Reporting

A web-based case management system, MIDAS, was developed by AOC to assist community corrections programs in monitoring the progress of defendants through the system. MIDAS is integrated with other criminal justice systems, allowing access to current information on the offender, including existing criminal and driver history records. In addition to providing networking capability to the various state courts and Law Enforcement Tactical System (LETS), included as a system component, is an assessment instrument utilized by Court Referral programs.

This system, which was originally designed as a case management tool for Court Referral programs, is now being restructured to incorporate essential data components with reporting capabilities for community corrections programs and drug courts. Utilizing the new system, these programs will be able to instantly produce reports on program participation, services provided, completion and failure rates, and offense and offender characteristics. Currently, we are only able to obtain this information through annual surveys, which are time consuming and often incomplete.

Felony Diversions - FY 2007 Awards & Appropriations

FY07 \$3.1 Million Spent by ADOC on Felony Diversions Resulting in Overall Savings

In FY 2007, the Department of Corrections paid reimbursements of \$3,110,095 to 29 community correction programs for diverted prison-bound felony offenders. In addition, the Department awarded one expansion grant for \$100,000 to the Etowah County Community Corrections Program and \$338,530 in start-up grants to six new counties: Barbour, Chilton, Morgan and Greene, Marengo and Sumter Counties in the 17th Judicial Circuit.

ADOC General Fund Appropriations Earmarked for Community Corrections

FY 00	\$1.5 million
FY 01	\$1.5 million
FY 02	\$2 million
FY 03	\$2.975 million (<u>\$2 million + \$975,000 supplemental</u>)
FY 04	\$2.975 million
FY 05	\$2.975 million
FY 06	\$6.2 million (<u>\$5.2 million + \$1,000,000 supplemental</u>)
FY 07	\$6.1 million
FY 08	\$6.1 million

Cost Savings by Diversion to Community Corrections

The average daily cost of a community corrections offender for FY 2007 was \$12.97 as compared to \$39.46 per day for an inmate incarcerated in the penitentiary. The Department of Corrections estimates that by diverting felony offenders to community corrections programs, there was a cost savings of at least \$88 million dollars. This represents savings to the taxpayer of approximately \$8 million dollars realized just this year by the reduced costs of housing the offenders in correctional facilities and the estimated \$80 to \$120 million in construction costs that would be required to build a new facility to house these offenders.

**Community Corrections
Costs Much Less Than
Costs of Incarceration**

Types of Programs

Community corrections programs can be one of three types pursuant to the Community Punishment and Corrections Act of 2003: a county agency, a county (non-profit) authority or a private non-profit 501(c)(3). Currently 24 of the 33 programs (73%) are private non-profit organizations: Barbour, Blount, Butler, Calhoun, Cherokee, Chilton, Colbert, Crenshaw, Cullman, Dale, DeKalb, Franklin, Geneva, Jackson, Jefferson, Lawrence Lowndes, Marshall, Morgan, Shelby, St. Clair, Walker, the 4th Circuit (Dallas, Bibb, Hale, Perry and Wilcox), 17th Circuit (Greene, Marengo and Sumter), 24th Circuit (Fayette, Lamar, and Pickens), and the 25th Circuit (Winston and Marion). Five (5) of 33 of the programs (15%) are non-profit county authorities: Limestone, Madison, Houston, Etowah and Lauderdale. Four (4) programs (12%) are county agencies: Mobile, Montgomery, Tuscaloosa, and Escambia.

**24 of the 33 Community
Corrections Programs are
Private Non-Profit While
Only 4 Programs are
County Agencies**

Existing Programs

There are currently 33 community corrections programs in the state, providing services to 44 counties. While there remains a need to establish a community corrections program in the remaining 23 counties, the progress that has been made is significant. Over one-third of the active programs have been formed since 2000, with 4 additional programs serving 6 more counties established since last year. The 33 existing Community Punishment and Corrections programs in the state and the counties they serve are listed on pages 48 and 49.

**33 Community Corrections
Programs Serving 44
Counties**

In 2007, four new programs were established; representing six additional counties: the 17th Judicial Circuit, consisting of Greene, Marengo and Sumter Counties; Barbour County Community Corrections; Chilton County Community Corrections; and Morgan County Community Corrections. Four additional programs in seven counties are expected to establish a community corrections program in 2008: 1) Baldwin; 2) Choctaw/Clarke/Washington (1st Circuit); 3) Clay/Coosa (40th Circuit); and 4) Russell.

**Four New Programs
Established in 2007**

Community Corrections Programs

33 Programs Serving 44 Counties

As of February 1, 2008

1. 2nd Judicial Circuit - Butler, Crenshaw, Lowndes
2. 4th Judicial Circuit – Bibb, Dallas, Hale, Perry and Wilcox
3. 17th Judicial Circuit – Greene, Marengo and Sumter
4. 24th Judicial Circuit Community Corrections - Fayette, Lamar & Pickens Counties
5. 25th Judicial Circuit Community Corrections - Marion & Winston Counties
6. Barbour County Community Corrections
7. Blount County Community Corrections
8. Calhoun County Community Punishment & Corrections Authority
9. Cherokee County Community Corrections
10. Chilton County Community Corrections
11. Colbert County Community Corrections
12. Cullman County Community Corrections
13. Dale County Community Corrections
14. DeKalb County Community Corrections
15. Escambia County Community Corrections
16. Etowah County Community Corrections
17. Franklin County Community Corrections
18. Geneva County Community Corrections
19. Houston County Community Corrections
20. Jackson County Community Punishment & Corrections
21. Jefferson County Community Corrections – TASC
22. Lauderdale County Community Corrections & Punishment Authority
23. Lawrence County Community Corrections
24. Limestone County Community Corrections
25. Madison County Community Corrections
26. Marshall County Community Corrections
27. Mobile County Community Corrections Center
28. Montgomery County Community Punishment and Corrections
29. Morgan County Community Corrections
30. Shelby County Community Corrections
31. St. Clair County Community Corrections
32. Tuscaloosa County Community Corrections
33. Walker County Community Corrections

Counties with Existing Community Punishment and Corrections Programs

For Eligible Felony Offenders

As of February 1, 2008

1. Bibb - 4th Judicial Circuit Community Corrections
2. Barbour - Barbour County Community Corrections
3. Blount - Blount County Community Corrections
4. Butler - 2nd Judicial Circuit Community Corrections
5. Calhoun - Calhoun County Community Punishment & Corrections Authority
6. Cherokee - Cherokee County Community Corrections
7. Chilton - Chilton County Community Corrections
8. Colbert - Colbert County Community Corrections
9. Crenshaw - 2nd Judicial Circuit Community Corrections
10. Cullman - Cullman County Community Corrections
11. Dale - Dale County Community Corrections
12. Dallas - 4th Judicial Circuit Community Corrections
13. DeKalb - DeKalb County Community Corrections
14. Escambia - Escambia County Community Corrections
15. Etowah - Etowah County Community Corrections
16. Fayette - 24th Judicial Circuit Community Corrections
17. Franklin - Franklin County Community Corrections
18. Geneva - Geneva County Community Corrections
19. Greene - 17th Circuit Community Corrections
20. Hale - 4th Judicial Circuit Community Corrections
21. Houston - Houston County Community Corrections
22. Jackson - Jackson County Community Punishment & Corrections
23. Jefferson - Jefferson County Community Corrections – TASC
24. Lamar - 24th Judicial Circuit Community Corrections
25. Lauderdale - Lauderdale County Community Corrections & Punishment Authority
26. Lawrence - Lawrence County Community Corrections
27. Limestone - Limestone County Community Corrections
28. Lowndes - 2nd Judicial Circuit Community Corrections
29. Madison - Madison County Community Corrections
30. Marengo - 17th Circuit Community Corrections
31. Marion - 25th Judicial Circuit Community Corrections
32. Marshall - Marshall County Community Corrections
33. Mobile - Mobile County Community Corrections Center
34. Montgomery - Montgomery County Community Punishment and Corrections
35. Morgan - Morgan County Community Corrections
36. Perry - 4th Judicial Circuit Community Corrections
37. Pickens - 24th Judicial Circuit Community Corrections
38. Shelby - Shelby County Community Corrections
39. St. Clair - St. Clair County Community Corrections
40. Sumter - 17th Circuit Community Corrections
41. Tuscaloosa - Tuscaloosa County Community Corrections
42. Walker - Walker County Community Corrections
43. Wilcox - 4th Judicial Circuit Community Corrections
44. Winston - 25th Judicial Circuit Community Corrections

Community Corrections Sentence

Alabama's Community Punishment and Corrections Act (§§15-18-170 et seq.), authorizes a judge to sentence an eligible offender directly to a community corrections program as an alternative to prison, as a part of, or in conjunction with a split sentence, or as a condition of probation. An offender can be sentenced to a community-based program for any period of time up to the maximum sentence within the appropriate sentence range for the particular offense, taking into consideration that the participation level may not exceed the program's maximum capacity limit. Felony offenders sentenced to community corrections programs pursuant to the Community Corrections Act are not eligible for parole consideration.

Alabama's Community Corrections Act

Front-End and Institutional Diversions

There are two types of felony diversions, referred to as front-end diversions and institutional diversions. *Front-End diversions* are felons directly sentenced to a community corrections program that would otherwise be sentenced to the penitentiary. The Department of Corrections approves reimbursement for inmates as front-end diversions if they score at least 10 points on the ADOC diversion checklist. Offenders who are statutorily excluded from community corrections placement are not eligible for reimbursement. The *Department of Corrections' diversion checklist* is designed to measure the likelihood that a defendant would be committed to prison based on factors such as the type of crime committed, prior convictions, (both felony and misdemeanor), victim injury, juvenile record and probation/parole status. Funding is allocated to those offenders that score 10 points or more and are not convicted of an excluded offense. The 10-point scale is utilized to ensure that State funds are provided only for those offenders that would otherwise be sent to prison - not those that would have been released on probation or given jail time, a practice often referred to as "net-widening." The only exception to compliance with the 10 point checklist as a prerequisite for reimbursement by ADOC is when the new sentencing standards apply and the recommendation under the standards is for the defendant to be sentenced to prison. If the court sentences the offender to an approved community corrections program rather than prison, the community corrections program can receive reimbursement from ADOC even if the offender fails to score 10 or more points on the department's reimbursement checklist.

Types of Felony Diversions Reimbursable by ADOC

ADOC 10-point Checklist or Sentencing Standards Recommendation of Prison Sentence

Applying the Sentencing Standards where the sentence recommendation is incarceration, a court will be considered as complying with the standards if an eligible offender is sentenced to "Community Corrections at ADOC." Under this sentence, the offender will be subject to supervision by the community corrections program but still considered an ADOC inmate although not actually housed in an ADOC facility. The program will be authorized to receive reimbursement from ADOC at the diversion rate. Although considered under the jurisdiction of the Department, an offender sentenced to community corrections will not be eligible for parole consideration.

Judge’s Approval Required for Institutional Diversion

Institutional diversion is a statutorily authorized process where a state inmate incarcerated in a state facility may be approved by the ADOC and authorized by the sentencing judge to participate in an ADOC approved community corrections program. These inmates are not required to meet the 10-point scale, but must not be excluded under §15-18-171 (14) or the Department’s regulations. To be eligible for an institutional diversion an inmate must be approved by the Department of Corrections and sentencing judge for release, and accepted by the community corrections program.

Felons Excluded from Consideration for Direct Sentencing to Community Corrections Programs §15-18-171(14)

Statutory Exclusions

Any felon convicted of the following offenses:

- 1) murder
- 2) kidnapping 1st
- 3) rape 1st
- 4) sodomy 1st
- 5) arson 1st
- 6) selling* or trafficking in controlled substances
- 7) robbery 1st
- 8) sexual abuse 1st
- 9) forcible sex crimes
- 10) lewd and lascivious acts upon a child
- 11) assault 1st if the assault leaves the victim permanently disfigured or disabled; or
- 12) any person that demonstrates a pattern of violent behavior. “In reaching this determination, the court *may* consider prior convictions and other acts not resulting in conviction or criminal charges, and the offender’s behavior while in state or county confinement.” § 15-18-175(b)(2)

A Defendant Convicted of Selling Controlled Substances, Regardless of Amount or Type, is Now Prohibited from Participating in a Community Corrections Program

Pending Legislation

* The Sentencing Commission introduced legislation (SB 325) during the 2008 Regular Session to eliminate the prohibition against felons convicted for the unlawful sale of controlled substances. With the enactment of this bill, offenders convicted of selling small drug amounts would not automatically be excluded from consideration as candidates for community correction programs and judges would retain meaningful discretion in sentencing.

Offenders Excluded from Institutional Diversion to Community Corrections by ADOC Regulation

ADOC Community Corrections Regulation Revised

Department of Corrections Administrative Regulation #490 governing community corrections programs was revised last year (effective September 11, 2007) and, among other changes, contains provisions prohibiting the following types of offenders from being considered for institutional diversion to community corrections programs:

-
- 1) Any felon convicted of an offense enumerated above as a statutory exclusion
 - 2) Any sex offender, i.e., inmates with a “S” suffix in their AIS number
 - 3) Inmates whose current conviction or prior conviction included any of the following offenses:
 1. Death of a victim
 2. Kidnapping
 3. Sex Offenses
 4. Drug Trafficking or manufacturing
 5. Child Abuse/molestation
 6. Child pornography/Obscenity
 - 4) Inmates serving on an escape conviction or who have escaped during the current incarceration

Excluded Offenders

Felony Diversions and Program Reimbursement

The felony diversion program is designed as an alternative to prison for eligible felons, providing judges a viable alternative to incarceration. Community Corrections programs contract with ADOC to manage felony diversion inmates and pay the programs a set amount to help offset program costs. By diverting felons who would otherwise be sent to the penitentiary to community corrections programs, scarce prison space is reserved for violent offenders.

ADOC Reimbursement Rates for Felons Diverted to Community Corrections Programs

Rate of Reimbursement

The Department pays programs for *front-end diversions and institutional diversions* at the rate \$15 per day for a maximum period of 24 months. Previously, reimbursement rates for front-end diversions and institutional diversions varied, with front-end diversions reimbursed at the rate of \$15 per day for the first six months, \$10 per day for the next three months and \$5 per day for any remaining days up to a total of two years. Institutional diversions were lower, based on a graduated rate of \$15 per day for the initial three months, \$10 per day for the next 6 months and \$5 per day for the remainder of the two year period (for inmates sentenced prior to September 20, 2005). A lower rate was applied to inmates sentenced after that date.

At the request of the Alabama Association of Community Corrections and the Sentencing Commission, ADOC revised the Departmental Regulation relating to Community Corrections programs. One major revision was the implementation of a consistent reimbursement rate for both front-end and institutional diversions. Beginning in April 2007, programs are reimbursed \$15 per day up to two years for either type of felony diversion.

Revisions Made for Uniform Reimbursement Rates

ADOC reimbursed community corrections programs for 2,079 felony prison diversions in fiscal year 2007, which represents an increase of 18.5% in diversions when compared to FY 03 and a 13% increase from the previous fiscal year. Of the 2,079 total diversions, 1,354 (65%) were new diversions for fiscal year 2007 and 725 (35%) were diversions carried over into fiscal

13% Increase in Felony Diversions Since Last Year

**New Diversions Make Up
Larger Portion Than in
Past Years**

**Front-End Diversions
Make Up 72% of All
Felony Diversions**

year 2007 from previous years. New diversions make up a larger percent of total diversions (65%) in fiscal year 2007 than in the previous four fiscal years – the percent of total diversions that new diversions constituted for fiscal years 2003 through 2006 was 64%, 46%, 61%, and 60% respectively. Seventy two percent (72%) of the 1,354 new felony prison diversions in fiscal year 2007, 976 were front-end diversions and 378 (28%) were institutional diversions. Both the number and percent of new diversions that were front-end diversions increased in fiscal year 2007 from the previous fiscal year. In fiscal year 2006, there were 725 new felony prison front-end diversions, making up 65% of all new diversions that year. Institutional diversion numbers dropped slightly from fiscal year 2006 in fiscal year 2007 – a decrease of 5 diversions. The percentage of new diversions that are institutional diversions also fell from 35% in fiscal year 2006 to 28% in fiscal year 2007.

These figures only include felony offenders who either met the Department of Corrections' 10 point scale, or received a prison recommendation based on the voluntary sentencing standards worksheets. Those offenders supervised by community correction programs that did not meet one of these criteria, yet were supervised by a community corrections program during this time, are not included in the count.

Diversion of Prison Bound Offenders to Community Correction Programs					
	FY 03	FY 04	FY 05	FY 06	FY 07
New Diversions	1,127	917	1,156	1,108	1,354
Carried Over From Another FY	627	1,086	740	728	725
Total	<i>1,754</i>	<i>2,003</i>	<i>1,896</i>	<i>1,836</i>	<i>2,079</i>

New Community Corrections Diversions by County

County	FY 2007	
	New Front-End Diversions	New Institutional Diversions
Blount	5	2
Calhoun	27	20
Cherokee	5	4
Colbert	15	42
Cullman	14	8
Dale	22	27
DeKalb	31	7
Escambia	6	9
Etowah	72	12
Franklin	12	11
Geneva	19	0
Houston	78	11
Jackson	20	2
Jefferson	192	9
Lauderdale	52	5
Lawrence	12	4
Limestone	2	7
Madison	29	17
Marshall	34	1
Mobile	80	98
Montgomery	57	9
Morgan	2	13
Shelby	72	6
St. Clair	32	1
Tuscaloosa	42	6
Walker	19	6
2 nd Circuit	0	0
4 th Circuit	4	3
24 th Circuit	2	5
25 th Circuit	19	33
Total	976	378

Counties with Highest Number of Diversions

1. Jefferson 201
2. Mobile 178
3. Houston 89
4. Etowah 84
5. Shelby 78

Community Corrections Program Statistics

- Community Corrections Program Appropriation
 FY 07 \$6.1 million
 FY 08 \$6.1 million
- 66% of Counties with Community Corrections Programs
- 48.5% of Existing Community Corrections Programs Established Since FY 2000
- 27% of Existing Community Corrections Programs Established Since FY 2005

- Community Corrections Programs Established 2006-2007

2006	2007
Blount	Barbour
Butler	Chilton
Crenshaw	Morgan
Lowndes	Greene
Limestone	Marengo
Madison	Sumter
St. Clair	

- Average Daily Costs for Community Corrections and ADOC

	Average Daily Costs for Community Corrections Offenders	Average Daily Costs for ADOC Incarcerated Inmates
FY06	\$9.12	\$36.76
FY07	\$12.97	\$39.46

- Since FY 03, Community Corrections programs have provided supervision for nearly 6,000 offenders that would have otherwise served their sentence in an ADOC facility.
- Supervised Reimbursement Fees Paid to Community Corrections Programs – FY 07
 \$3,110,095
- Community Corrections Programs Start-Up Funding Awarded – FY 07
 \$338,530

- Community Corrections Programs Demographics – FY 07

	Males	Females
White	47.9%	13.4%
Black	33.1%	5.6%

Youngest Age	17
Average Age	35
Oldest Age	72

Drug Courts

Drug Addiction and Abuse – A Major Contributor to Our Prison Population

During FY 07, 44% of all felony convictions and 37% of prison admissions were for drug or felony DUI offenses. If these figures alone do not sufficiently illustrate the prominent role that alcohol and drug addiction/abuse plays in our criminal justice system, consider the following facts reported by Dr. Ron Cavanaugh, Director of Treatment and Don Dietz, Drug Program Supervisor, Alabama Department of Corrections:

- ✓ At intake 68% - 75% of the inmates have a documented or self-reported history of illicit drug use.
- ✓ As of February 1, 2008, there were 1,013 inmates on the waiting lists to participate in one of the Departments' treatment programs.¹
- ✓ In 2007 there were 18,210 inmates participating in an ADOC drug treatment program.
- ✓ In 2007, 13,500 inmates continued in Aftercare.
- ✓ In 2007 there were 5,549 graduates from an ADOC drug treatment program.

Under the leadership of Chief Justice Sue Bell Cobb, the Drug Court Task Force and AOC is seeking to establish a drug court in every county of the State within the next three (3) years. The ultimate goal is to curb two formidable dilemmas in Alabama: substance abuse and prison overcrowding. The fight against drug and alcohol abuse has become more complicated in Alabama in recent years, with the escalating abuse of crystal meth and the courts' continued reliance on incarceration for substance abuse offenders, which directly contribute to Alabama's ongoing prison overcrowding crisis.

Alabama currently has thirty-eight (38) operational drug courts, each of which has produced positive results in terms of reduced recidivism rates and prison and jail populations. The existing drug courts have been successful in their emphasis on effective treatment as an alternative to confinement. Approximately 89% of participants who have graduated from a drug court have not been charged with subsequent drug or alcohol related charges. 6,624 participants have graduated from drug courts.²

37% of All Prison Admissions and 44% of All Non-Capital Felony Convictions were for Drug or Felony DUI Offenses

Due to the Efforts of the Chief Justice and her Drug Court Task Force - 38 Drug Courts Now Operational

¹ 8-week SAP (465); Methamphetamine Group (11); Crime Bill (373); 6-month Secular SAP (20); Relapse (67); Dual Diagnosis (26); Therapeutic Community (51).

² The numbers are based on a survey conducted by Judge Pete Johnson, Chair of the Chief Justice's Drug Court Task Force.

**Drug Cases
Disproportionately High**

Despite Alabama's efforts to combat drug abuse, it remains a prominent and costly factor in our criminal justice system. In 2006, 61,206 drug cases were filed in Alabama. The most common drug charges were Possession of Marijuana and Possession of a Controlled Substance, with 15,478 drug cases disposed by convictions or guilty pleas and 57,678 disposed in other ways. By establishing a drug court in every jurisdiction in Alabama, it is hoped that the court system can reduce the number of crimes that are alcohol or drug related and reduce the number of repeat drug offenders.

**Drug Courts Can Be an
Effective Alternative to
Incarceration**

In addition to the drug problem, Alabama is currently facing a Corrections crisis. Alabama prisons have the capacity to house approximately 13,000 inmates; however, these facilities are filled to almost twice their capacity. While other measures are being taken by the state to assuage this problem (e.g. voluntary sentencing standards, expansion of community corrections programs, utilization of transition centers, etc.), drug courts can provide needed alternatives for sentencing nonviolent offenders.

Expansion Efforts Underway

In order to facilitate the establishment of drug courts, AOC has applied for grant funding to assist with employment of individuals at the local level who will coordinate implementation. With adequate funding, AOC plans to establish twenty-five (25) drug courts and hire twenty-five (25) individuals who will serve as drug court coordinators at the local level. AOC will then work with these coordinators and with the local judges and other officials to establish a drug court team. Alabama has already secured the services of at least twelve (12) retired judges who will assist in the coordination of drug court teams, as well as accept drug court case assignments. These retired judges have agreed to work a drug court docket one day a week for a year to help get these courts operational. In addition, the Alabama Court Referral Program will provide the drug courts with the ability to evaluate drug court candidates, refer, drug test, and monitor cases involving alcohol and drug use. A Court Referral Officer (CRO) is currently operating in every county in Alabama. The CRO will provide the evaluation and classification of drug court clients.

**Five Major Components of
Drug Court Task Force**

Through the efforts of the Chief Justice's Drug Court Task Force, (consisting of judges, attorneys, prosecutors, drug court personnel, substance abuse treatment providers, and drug court graduates), the number of operating drug courts in the state has more than doubled. From its inception the Task Force recognized that strategic planning was required for success of this initiative, and identified five major components on which to concentrate: 1) statewide eligibility standards to target appropriate prison-bound offenders; 2) standards for treatment services that must include effective risk and need assessments to determine the appropriate level of care placement, types, scope and duration of treatment services; 3) standards for reliable program assessment and evaluation; 4) statewide training for existing drug courts and drug court planning teams; and 5) the development of a statewide management and reporting system for drug courts.

The Task Force has now adopted minimum standards for all drug courts to follow and is currently working on legislation establishing general procedures for introduction in next year's Regular Session. In addition, the Task Force

serves as an advisory body to assist jurisdictions that will be establishing new drug courts. One hundred seventy-nine drug court professionals have been trained through workshops conducted and coordinated by Circuit Judge Mike Joiner, with 104 professionals trained in 2007 and 75 more trained in February of 2008.

179 Drug Courts Professionals Have Been Trained

Given the goal of establishing drug courts in all sixty-seven (67) Alabama counties, the duration of the project is indefinite. As of February 1, 2008, there were thirty-eight (38) drug courts operating in 36 counties (26 circuits) of Alabama. In addition to the adult drug courts, there are also Juvenile Drug Courts established in 7 counties. Considering the successful impetus for implementation of drug courts in the last year, it appears to be a realistic goal to have drug courts established and operating at full capacity in the remaining 29 counties within the next few years.

There are Now 38 Drug Courts in 36 Counties

Drug Courts Working in Coordination with Community Corrections

The primary mission of community corrections is to protect public safety; supervise select offenders in a community-based setting; require offender's participation in treatment; promote accountability in the offender; and offer opportunities for constructive behavioral change. Community Corrections programs are an integral part of drug courts, providing supervision of program participants and offering a graduated option that involves more intensive supervision and monitoring with judge involvement than generally provided through community corrections programs.

Primary Mission is to Protect Public Safety

Drug Courts represent the highest level of supervision in the community punishment and corrections system and are an integral part of the judicial sentencing structure that must exist to increase program effectiveness. Drug Courts strengthen community corrections by identifying offenders that may require more intensive drug treatment. In addition to drug treatment, drug court participants are often required to enroll in educational and vocational classes, and obtain employment to increase the likelihood of success.

Drug Courts Can Provide More Intensive Drug Treatment

Drug court placement serves offenders that many not be suitable for regular probation or a sentence to community corrections. As an integral part of community corrections, drug courts constitute the high-end of the continuum of services for offenders with drug and alcohol problems who need more intensive supervision, treatment and follow-up.

Drug Courts Constitute the High-End of the Continuum of Sanctions

ALABAMA ADULT DRUG COURTS
38 Drug Courts in 36 Counties (26 Circuits)
(as of February 1, 2008)

Baldwin County Drug Court 28 th Judicial Circuit Circuit Judge Robert Wilters	Bibb County Drug Court 4 th Judicial Circuit District Judge William Owings
Butler County Drug Court 2 nd Judicial Circuit District Judge Terri Bozeman Lovell	Calhoun County Drug Court 7 th Judicial Circuit Circuit Judge Joel Laird
Chambers County Drug Court 5 th Judicial Circuit District Judge Calvin Milford	Cherokee County Drug Court 9 th Judicial Circuit District Judge Sheri Carver
Clarke County Drug Court 1 st Judicial Circuit Presiding Circuit Judge J. Thomas Baxter Retired Circuit Judge Harold Crow	Cleburne County Drug Court 7 th Judicial Circuit Circuit Judge Joel Laird
Colbert County Drug Court 31 st Judicial Circuit Circuit Judge Jacqueline Hatcher	Crenshaw County Drug Court 2 nd Judicial Circuit District Judge Terri Bozeman Lovell
Dale County Drug Court 33 rd Judicial Circuit District Judge Fred Steagall	Dallas County Drug Court 4 th Judicial Circuit District Judge Robert Armstrong
DeKalb County Drug Court 9 th Judicial Circuit Retired District Judge Clyde Traylor	Escambia County Drug Court 21 st Judicial Circuit Circuit Judge Bradley Byrne
Etowah County Drug Court 16 th Judicial Circuit District Judge William Russell	Franklin County Drug Court 34 th Judicial Circuit Circuit Judge Terry Dempsey
Geneva County Drug Court 33 rd Judicial Circuit District Judge Charles Fleming	Hale County Drug Court 4 th Judicial Circuit Circuit Judge Marvin Wiggins
Jackson County Drug Court 38 th Judicial Circuit Circuit Judge John Graham	Jefferson County Drug Court Birmingham 10 th Judicial Circuit District Judge Davis Lawley

In addition to adult drug courts, there are *Juvenile Drug Courts* established in seven counties: Calhoun, Jefferson, Madison, Marshall, Mobile, Shelby, and Tuscaloosa Counties.

ALABAMA ADULT DRUG COURTS
38 Drug Courts in 36 Counties (26 Circuits)
(as of February 1, 2008)

Jefferson County Drug Court
Bessemer
10th Judicial Circuit
District Judge Eric Fancher

Jefferson County
Bessemer Property Drug Court
10th Judicial Circuit
Circuit Judge Teresa Petelos

Lauderdale County Drug Court
1st Judicial Circuit
Circuit Judge Michael Jones

Lawrence County Drug Court
36th Judicial Circuit
Circuit Judge Philip Reich

Lowndes County Drug Court
2nd Judicial Circuit
District Judge Terri Bozeman Lovell

Madison County Drug Court
23rd Judicial Circuit
District Judge Lynn Sherrod

Marion County Drug Court
25th Judicial Circuit
Circuit Judge Lee Carter

Marshall County Drug Court
27th Judicial Circuit
Circuit Judge Tim Jolly

Mobile County Drug Court
13th Judicial Circuit
District Judge Mike McMaken

Montgomery County Drug Court
15th Judicial Circuit
Circuit Judge Tracy McCooley

Morgan County Drug Court
8th Judicial Circuit
Circuit Judge Glenn Thompson

Perry County Drug Court
4th Judicial Circuit
District Judge Donald McMillan

Russell County Drug Court
26th Judicial Circuit
District Judge Michael Bellamy

Shelby County Drug Court
18th Judicial Circuit
Circuit Judge Michael Joiner

St. Clair County Drug Court
30th Judicial Circuit
Circuit Judge Jim Hill
Retired Judge Bill Hereford

Tuscaloosa County Drug Court
6th Judicial Circuit
Circuit Judge Phillip Lisenby

Wilcox County Drug Court
4th Judicial Circuit
District Judge Jo Celeste Pettway

Winston County Drug Court
25th Judicial Circuit
Circuit Judge Lee Carter

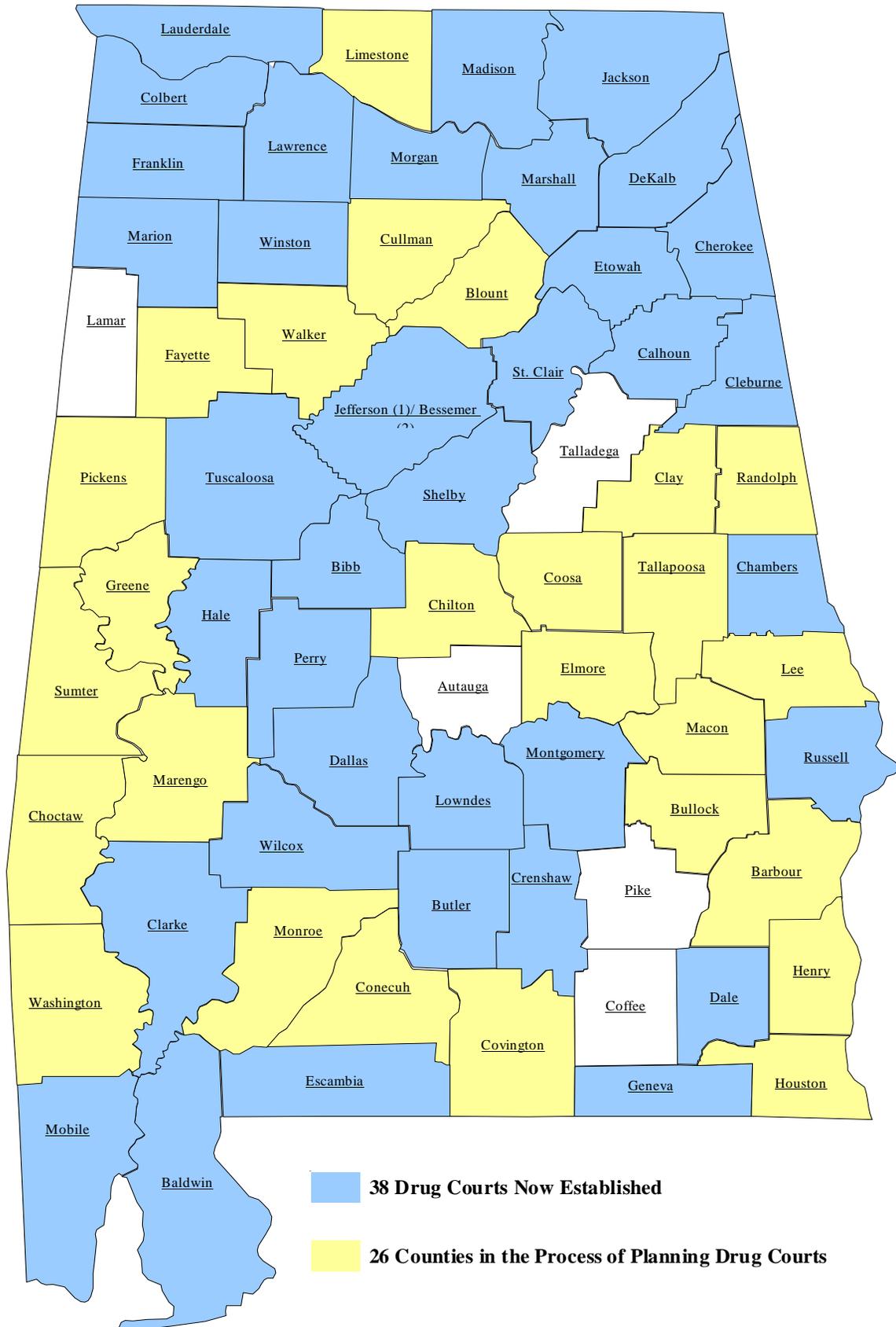
Through the efforts of the Chief Justice's Drug Court Task Force, Alabama now has 38 drug courts operating in 36 counties (26 of the 41 judicial circuits).

26 counties (15 circuits) are in the process of planning a drug court.

IN PROCESS OF PLANNING
26 Drug Courts in 26 Counties (15 Circuits)
(as of February 1, 2008)

Barbour County Drug Court 3 rd Judicial Circuit Circuit Judge Burt Smithart	Blount County Drug Court 41 st Judicial Circuit
Bullock County Drug Court 3 rd Judicial Circuit	Chilton County Drug Court 19 th Judicial Circuit District Judge Rhonda J. Hardesty
Choctaw County Drug Court 1 st Judicial Circuit Presiding Circuit Judge J. Thomas Baxter Retired Circuit Judge Harold Crow	Clay County Drug Court 40 th Judicial Circuit
Conecuh County Drug Court 35 th Judicial Circuit Circuit Judge Dawn Hare	Coosa County Drug Court 40 th Judicial Circuit
Covington County Drug Court 22 nd Judicial Circuit Circuit Judge Ashley McKathan	Cullman County Drug Court 32 nd Judicial Circuit District Judge Kim Chaney <i>To start March 18, 2008</i>
Elmore County Drug Court 19 th Judicial Circuit Circuit Judge John Bush	Fayette County Drug Court 24 th Judicial Circuit Retired District Judge Ken Snow
Greene County Drug Court 17 th Judicial Circuit	Henry County Drug Court 20 th Judicial Circuit
Houston County Drug Court 20 th Judicial Circuit	Lee County Drug Court 37 th Judicial Circuit Circuit Judge Jacob Walker
Limestone County Drug Court 39 th Judicial Circuit	Macon County Drug Court 5 th Judicial Circuit
Marengo County Drug Court 17 th Judicial Circuit	Monroe County Drug Court 35 th Judicial Circuit Circuit Judge Dawn Hare
Pickens County Drug Court 24 th Judicial Circuit Retired District Judge Ken Snow	Randolph County Drug Court 5 th Judicial Circuit
Sumter County Drug Court 17 th Judicial Circuit District Judge Tammy J. Montgomery	Tallapoosa County Drug Court 5 th Judicial Circuit
Washington County Drug Court 1 st Judicial Circuit Presiding Circuit Judge J. Thomas Baxter Retired Circuit Judge Harold Crow	Walker County Drug Court 14 th Judicial Circuit

Drug Courts in Alabama



As of February 1, 2008

Alabama Board of Pardons and Paroles

Cynthia Dillard New Director of Board of Pardons and Paroles

2007 was an active year for the Board of Pardons and Paroles, with the retirement of Executive Director William C. Segrest on January 1, 2007, and subsequent appointment of Cynthia S. Dillard as the new Director, and appointment of a new Board Chairman, William W. Wynne, on July 1, 2007, replacing former Chair, Sidney T. Williams.

9,959 Parolees and 49,137 Probationers Supervised During FY07

During FY 2007, there were 6,640 offenders considered for parole, 67% of which were denied and 9,959 parolees under supervision (including those under both parole and probation supervision). Comparatively, there were many more offenders under probation supervision – 48,903 or 49,137 counting those under both probation and parole supervision, supervised by 297 officers, resulting in high caseloads.

2007 Pardons and Paroles Statistics

Paroles Considered	6,640	Probationers Supervised	48,903
Paroles Denied	4,453 (67%)		
Paroles Granted	2,187 (33%)	Probation Revoked	2,675 (5.5%)
Parolees Supervised	9,725	Technical Violations	1,337
Parole Revoked	870 (9%)	New Offense	675
Technical	378	Technical and New Offense	663
New Offense	207		
Technical and New Offense	285		
Both Parole and Probation	234	Pardons Considered	805
Revoked	26 (11%)	Pardons Denied	116 (14%)
Revoked New Offense	4	Pardons Granted	689 (86%)
Revoked Technical	13		
Technical and New Offense	9		
Field Offices	64		
Supervising Officers	297		
Caseload Per Officer	198		
Completed Investigations	59,459		
Voter's Rights Restorations Granted	1,709		

Increase of Probation and Parole Officers Falls Short of Goal

Following a growth trend that began several years ago, during FY07, probation and parole officers supervised a total of 58,862 probationers and/or parolees. A snapshot on September 30, 2007 showed an average caseload of 155 per officer based on the number of offenders under supervision (46,080) and 297 supervising officers. Last year's average caseload of 159 per officer has only been reduced by 4 cases per officer. As a result of the limited number of new recruits and the increased attrition rate, Alabama not only continues to be substantially above the national and southeastern average, but has not made significant progress towards achieving the average caseload benchmark of 100 that has been recommended by the Sentencing Commission.

Caseloads of Officers Not Significantly Lowered

As noted in the Commission's 2007 report, more officers and support staff are needed to adequately supervise the increased number of probationers and parolees. Beginning in FY06, 60 new officers were hired, providing an all time high of 387 supervising officers, which initiated a reduction in the supervised caseload to 159 cases per officer. Only 24 additional officers were hired in FY07, which, when combined with the officers lost due to attrition, resulted in a decrease of 90 officers or 23% reduction.

Only 24 Additional Officers Hired in 2007 - Overall Decrease of 90 Officers

Although the Sentencing Commission recommended hiring 60 additional officers each year for three years until the average caseload fell to below 100, because of insufficient funds and the decrease in probation officers last year, the timeline for achieving this goal must be recalculated. Considering the current number of offenders on probation or parole supervision, the Sentencing Commission recommends an increase of 60 supervising officers for FY08, FY09, and FY10 for a net gain of 180 officers to achieve caseloads of 100 per officer.

Implementing the Initial Voluntary Sentencing Standards

Since implementation of the initial voluntary sentencing standards in 2006, many judges have designated their probation officer as the designated sentencing worksheet preparer. In addition to the added responsibility of completion of the sentencing worksheets, in compliance with §13A-5-5, *Code of Alabama* 1975, the probation officer must also complete an electronic pre-sentence or post-sentence investigation report (E-PSI) on every felony offender. While information contained in the E-PSIs are essential for informed sentencing and implementation of evidence-based practices which will benefit the entire criminal justice system, this additional task imposed by Act 2006-218 was an unfunded mandate on the Board of Pardons and Paroles, which has added considerably to the administrative workload of probation and parole officers.

Requirement of E-PSI for All Felony Convictions, While Necessary, Increased Workload of Probation Officers and Staff

The Board of Pardons and Paroles and staff are to be commended for their assistance to the Sentencing Commission and courts through their efficient completion of E-PSIs, conducting thorough criminal history checks, and implementation of the sentencing standards. Pardons and Paroles staff has provided invaluable support in the successful implementation of the

initial sentencing standards, as well as the Commission's efforts to expand and improve community sentencing alternatives. The Executive Director and administrative staff continue to actively participate in educational and cooperative endeavors on such matters as the proper application of the sentencing standards, utilization of the electronic worksheets, shared data programs, and the need for a uniform sentencing order and needs and risk assessment instruments.

Risk and Needs Assessment Tool

Board of Pardons and Paroles Shares Risk and Needs Assessment with the Sentencing Commission

The Alabama Sentencing Commission, in conjunction with the Association of Community of Corrections and the Department of Corrections, has begun review of risk and needs assessment instruments to determine if a uniform assessment tool could be adopted and utilized for offenders at various stages in the criminal justice system. To assist in this endeavor, the Board of Pardons and Paroles recently approved a request from the Sentencing Commission to provide copies of the Risk and Needs Assessment instruments developed for Pardons and Paroles by the National Council on Crime and Delinquency. These instruments are used by the Board to plan probation requirements and determine parole eligibility. In addition, the "needs" instrument is used to identify areas in which offenders must improve to lead a crime free life and to collect offender specific data for use in determining the effectiveness of sentencing policies and treatment programs.

Electronic PSI Expansion

11,616 E-PSIs Completed in FY07

With the passage of Act 2006-218, effective March 10, 2006, pre-sentence or post-sentence reports must be completed and filed in an electronic format by probation officers on all convicted felony offenders. These reports contain information essential to the supervision of probationers and the classification of prison-bound offenders, and are a rich data source for future analyses of the offender population on probation, serving time in prison or in an alternative punishment program. The information contained in these reports includes offender demographics (age, personal and family history, education and military history, criminal history, etc.), as well as offense demographics (details of the offense, age, sex and race of the victim, relationship of the offender to the victim etc). In FY07, probation services completed 11,616 electronic PSI's, compared to the 18,979 people convicted of felony offenses in FY07. Probation and parole officers also completed 4,419 youthful offender investigations in FY07, which included offenders that were denied youthful offender status.

While the completion of an E-PSI on every convicted felony offender is a major advancement toward more informed sentencing and supervision (as well as the compilation of vital demographic and criminal history information), this project comes with costs. As an unfunded mandate for Pardons and Paroles, it has exacerbated the workload of an already overburdened and limited pool of supervising officers. The increased duties incurred with this project greatly increased the need for more supervising officers.

Transition Centers – L.I.F.E. Tech

Alabama now has two transition centers operated by the Board of Pardons and Paroles: one for females located in Wetumpka (the former Tarwater Mental Health Center), and one for males located in Thomasville, Alabama. “L.I.F.E. Tech” (Life Skills Influenced by Freedom and Education) are programs designed for parolees and probationers who are in need of education, vocational training, treatment, counseling, and supervision services in a secure setting, to successfully transition back into society.

The Alabama Sentencing Commission recognizes the importance of transition centers to assist in the reintegration of offenders back into the community and to provide an important rung in establishing a true continuum of sanctions in Alabama. These transition centers, originally designed as a stepping stone from prison to the free world, are now used not only for that purpose, but also as a “last step” before prison for some offenders for whom every other avenue has failed.

L.I.F.E Tech Wetumpka

L.I.F.E. Tech/Wetumpka, is a 200 bed facility for female probationers and parolees that has been in operation since April 12, 2004. During this four year period, 1,335 women have been served, with 780 successfully completing the program. There have been 445 Technical Training Certificates awarded, 175 GED awards, and 97 Alabama Certified Worker Certificates awarded. In 2005 and 2006, the L.I.F.E Tech adult education program was ranked number one in the State, and in 2005 received the Governor’s Partners in Progress Workforce Development Award. L.I.F.E. Tech boasts of a recidivism rate of 4.1 %, which is the measure of graduates that have been reconvicted for an offense since leaving the center. This compares very favorably with a recidivism rate of over 25% for those who are released without the benefits of the program

The women’s facility, designed to help reduce the crowded conditions at Tutwiler Prison, as well as to assist women to successfully transition from prison to the free world, originally focused on accepting incarcerated women who were not quite ready for traditional parole. There are currently more than twice as many probationers than parolees who are program participants, which is a reverse trend from the residents that were originally admitted. While the facility has notified judges that it will accept probationers to the program, concerns have been raised that this will encourage “net widening,” focusing on those offenders that would be otherwise sentenced to probation, rather than those that were prison-bound. In addition, of the 275 noncompleters noted in statistics compiled by L.I.F.E. Tech on March 26, 2008, the largest group of failures (53%) were from the probation category.

	Completed Program	Failed to Complete	Current Residents	Total
Parolees	422	129	47	598
Probationers	358	146	117	621
EOS		89		89
Medical		27		27
Total	780	391	164	1,335

Two Transition Centers Operating

200 Bed Facility for Women Proves Successful

780 Women have Successfully Completed L.I.F.E. Tech Program

Pardons and Paroles Boasts 4.1 Recidivism Rate

**More Probationers in
L.I.F.E. Tech Wetumpka
Now Than Parolees**

As the chart below reflects, while in the past the majority of the L.I.F.E. Tech Wetumpka residents have been 2:1 parolees, that ratio has now changed to more than 3:1 probationers. While 95% of the residents from April 2004 through September 2004 were parolees, this category decreased to 49.7% in FY 05, to 48% in FY 06, and 22% in FY 07. It is recommended that the Board of Paroles, in conjunction with the Department of Corrections, conduct a thorough study of the women incarcerated at Tutwiler to find those offenders who could benefit from the intensive L.I.F.E. Tech programs to further ease the crowded conditions at that facility and to provide released women with the skills necessary to make it in the free world.

L.I.F.E. Tech – Statistics

	Wetumpka (females)	Thomasville (males)
<u>Total Residents</u>	1,335	1,010
Parolees	676	958
Probationers	659	52
<u>Completers</u>	780	544
Parolees	422	533
Probationers	358	11
<u>Non Completers</u>	391	241
Parolees	129	151
Probationers	146	8
*EOS	89	50
*Medical	27	32
<u>Total Active Residents</u>	164	216
<u>Active Parolees</u>	47	186
<u>Active Probationers</u>	117	30
Revocations	32*	103
<u>Parolees Revoked</u>	25	103
<u>Probationers Revoked</u>	7	

**The Male Facility L.I.F.E.
Tech Thomasville Serves
Primarily Parolees**

L.I.F.E. Tech Thomasville

The re-entry treatment facility for male inmates at Thomasville, a 300 bed facility (expected to be able to accommodate 600 male inmates a year) became operational April 2, 2006 and has a current enrollment of 216. Patterned after the programs available at the Wetumpka facility for women, the Thomasville facility, working in collaboration with several state agencies and faith-based organizations, provides treatment, vocational and life skills training to transition male inmates back into the community.

Residents of the center provide community service work for the City of Thomasville and the Clarke County area and must participate in a demanding transition program. Each parolee assigned to the center is required to meet obligations to participate in treatment, vocational and life skills training, and also work at the center. The L.I.F.E. Tech program, operated in partnership with the Alabama Southern Community College, trains parolees for successful re-entry into the community and the workforce. Alabama Southern provides a 15-week educational component focusing on high-demand programs such as welding, electricity, building construction, inventory clerk, landscape maintenance and building maintenance.

The male residents at the Thomasville transition center are primarily those who have been granted parole, and as a condition of parole are required to successfully complete the L.I.F.E. Tech program. These inmates are found not to be suitable for regular parole, but in need of transition services before being released into the community under general supervision. The program consists of an 11-week intensive treatment phase followed by the 15-week educational component. While the recidivism rate of the early graduates is not as successful as that of the women, it is still lower than those released without the benefits of the program.

	Completed Program	Failed to Complete	Current Residents	Total
Parolees	533	103	186	958
Probationers	11	---	30	52
Currently Jailed		19		
Admin. Termination		7		
EOS		50		
Medical		32		
Transferred		30		
Total	544*	241	216	1,010

*3 additional completed treatment program only

Alabama is now providing inmates a better opportunity to succeed - something more than \$10 and a bus ticket are needed to ensure a successful transition back into society. Alabama must continue to work to provide a true continuum of punishment options, including more opportunities for successful re-entry into the free world after prison. The safety of the public depends on the successful re-entry of these individuals. The L.I.F.E Tech programs must continue to expand to offer successful re-entry to all

**Male Transition Center
Opens April 2006**

**Alabama Southern Community
College Partners with L.I.F.E.
Tech to Train Parolees**

**Program Consists of
11-Week Intensive
Treatment and 15-Week
Educational Component**

**Alabama Begins to Focus
on Re-Entry for Effective
Corrections**

felony offenders who can take advantage of these opportunities before being released from prison.

**\$3 Million Per Year
Additional Funding Needed
to Continue Existing
Transition Centers**

To enable the two existing transition centers to continue to operate during FY08 and FY09, the Board of Pardons and Paroles must have sufficient funding for 3 additional employees, and additional funding of \$3 million per year for employees and capital improvements..

Technical Violator Centers

In FY07, more than 378 offenders were returned to prison for technical violations of parole (no new offense committed) and 1,337 for technical violations of probation. Technical violations include violating a condition of parole or probation other than the commission of a new offense. These violations are for failure to abide by conditions of supervision such as failure to report to a parole or probation officer in a timely fashion, failing drug tests, violations of curfew, late reporting, failing to notify of address change, etc. The violations indicate an inability to comply with rules and a lack of structure in the lives of the offenders and are often more indicative of the offender's danger to him/herself than to the community. To address these issues, Alabama should join the ranks of the other states that have implemented technical violator centers with special programs for these types of offenders. If Alabama had technical violation centers operational last year, prison admissions to ADOC could have been reduced by the 1,715 parolees or probationers who were revoked to serve time in prison for committing technical violations.

**Estimated \$5.3 Million
Needed to Establish
Technical Violator Centers**

The Sentencing Commission continues to recommend the creation of Technical Violator Centers in Alabama, not only because of prison crowding, but also because the needs of these offenders can be more effectively and efficiently addressed in centers aimed specifically at the problems these offenders face. Again, this is an issue of public safety. A swift and sure response to violations could be delivered through a 60 to 90 day program at a technical violator center, without resorting to the use of scarce prison resources for these offenders. The Board of Pardons and Paroles is considering several sites for the creation of Alabama's first Technical Violator Center. The cost projection for this project is \$5.3 million for the first year.

Chapter 5: Data Drives the System

Sentencing Standards & Worksheets Compliance Stages

The determination of judicial compliance with the initial voluntary sentencing standards consists of four progressive stages: (1) Use Compliance - gauging the use of the sentencing standards by contacting local practitioners, (2) Submission Compliance – comparing the number of standards worksheets submitted to the Sentencing Commission by either e-worksheets or by paper copy to “standards” offenses sentenced during the period, according to jurisdiction, (3) IN/OUT Compliance – determined by whether a defendant is sentenced to the penitentiary (IN) or to probation or jail (OUT) in accordance with the sentencing worksheet recommendation; and 4) “Sentence Length” Compliance – for those defendant’s in which a prison sentence was recommended and imposed, whether the sentence actually imposed was within the sentence range recommended under the standards. These measures must all be analyzed to determine compliance with the sentencing standards and to provide a comprehensive picture of the standards’ effectiveness. To ensure that compliance measures are based on the most reliable data possible, the Commission is analyzing standards compliance in sequential order.

The initial voluntary sentencing standards became effective October 1, 2006. The Sentencing Commission provided statewide seminars on the use of the standards for judges, prosecutors, the defense bar, probation and parole officers, and other interested parties prior to the effective date of the standards to prepare the criminal justice system for the standards’ implementation. To measure initial use of the standards, the Sentencing Commission contacted judges, prosecutors, court clerks, and defense attorneys during the first 12 months to determine how implementation of the standards was proceeding. One year after the effective date of the standards, use of the standards has increased and the standards are being used in the overwhelming majority of counties.

After gathering implementation feedback from numerous jurisdictions, the next step was to measure how many sentencing standards worksheets were submitted to the Sentencing Commission, compared to the sentencing events for standard offenses. It is vital to know not only if the standards are being used, but also how often they are used and submitted. Figure 1 on page 74 illustrates the number of worksheets the Sentencing Commission has received from each county (via e-worksheets and by mail) and the number of worksheet sentencing events for FY07; the latter included to provide a reference point for gauging the extent worksheets are used in all applicable cases and are submitted to the Sentencing Commission.

Before the Commission can begin to determine “In/Out” compliance and “Sentence Length” compliance, the level of use throughout the state and how often worksheets are submitted to the Commission must be determined to evaluate how effective the implementation of the standards has been to this point. The Sentencing Commission staff is developing a methodology that will allow for the most accurate and reliable reporting of judicial

Standards Compliance Consists of 4 Stages

Usage of Standards Increasing

Commission Creating Standards Compliance Methodology

compliance with the sentencing standards, including the “In/Out” and “Sentence Length” decisions, addressing problems in the imposition of sentences, sentencing entry, and the reporting of sentences imposed, that have recently been identified.

SJIS Primary Source of Criminal Sentencing Information

The primary source of statewide criminal sentencing information is the State Judicial Information System (SJIS). Prior to beginning the task of retrieving the initial sentence for worksheet eligible cases, it was assumed that the SJIS system could be used to extract all sentences and also capture other features of sentences, differentiating them from one another. Through the work of the Sentencing Commission’s analyses of criminal sentences, including information from SJIS, major issues have been identified that must be addressed for more accurate reporting of compliance.

Lack of uniformity in sentencing, multiple and inconsistent sentencing entries for the same offense, sentence overrides on the SJIS sentencing screen without capturing sentencing history in a reportable format, and inconsistencies between SJIS sentencing data and court orders all contribute to the difficulties in determining compliance with the sentencing standards. After identifying these major issues, the Sentencing Commission has begun to formulate solutions to these issues that will allow for the most accurate and reliable compliance reporting.

Lack of Sentence Uniformity Addressed

The Sentencing Commission formed a Uniform Sentence Order Committee to address the issue of lack of uniformity found in sentencing orders. This committee is in the process of drafting a uniform sentence order that can be utilized by judges statewide and will greatly reduce the variations in the wording of sentence orders and the confusion that court specialists have encountered when trying to enter these sentences into SJIS. Two new projects undertaken by the Sentencing Commission are 1) the adoption of a uniform sentencing order and 2) conducting training sessions for court specialists on criminal sentence data information to help standardize data entry. As a result of the Commission’s efforts to identify and address these issues, not only our data compliance problems, but other problems throughout the system can be resolved, with more reliable data captured and reported.

Importance of Data Entry

SJIS presents multiple issues for accurate compliance reporting. Determining the actual sentence imposed, a seemingly simple process of comparing the recommended sentence under the standards with that of the actual sentence from SJIS, has proven to be a major problem. Currently the SJIS sentencing screen displays the most recent version of a sentence. The sentence displayed could be a sentence prior to a probation hearing, a sentence after a probation hearing, the initial sentence, an amended sentence, or a new sentence after a revocation. For accurate compliance figures, the initial sentence imposed by the judge must be reviewed to determine compliance with the IN/OUT and Sentence Length worksheet recommendations. SJIS provides wide flexibility when entering criminal sentencing – this is appreciated by court staff entering sentencing data, but presents problems analyzing the information. This ability to enter sentence information for similar sentences multiple ways is sometimes helpful to court specialists capturing unique provisions of a particular sentence, but creates problems

in attempting to standardize data entry and data collection procedures. The same sentence can be, and is, entered multiple ways in SJIS, creating difficulty categorizing sentences for compliance.

To provide the Sentencing Commission with the capability of retrieving the initial sentence imposed and consistent data entries of imposed sentences, the Sentencing Commission has created a sentencing database of its own to capture sentencing information contained in actual judicial orders. While this database currently captures only information on sentenced cases where the worksheet is mailed to the Commission, it provides an opportunity to compare sentence entries in SJIS to court orders and identify potential inconsistencies.

Commission Created Own Sentencing Database

The numbers on the next page represent only the worksheets that have been received by the Sentencing Commission by hand mail and via the E-Worksheets on-line application. The fact that some counties are listed as sending in no worksheets or few worksheets does not necessarily mean that the judges are not having the worksheets completed and considering them for sentencing – this could be the result of the completed worksheets not being forwarded to the Sentencing Commission following consideration by the judge and sentencing. And in some instances, the number of worksheets listed as received by the Commission may appear higher than the number of worksheets sentencing events reported. The Commission continues to investigate possible causes of both low and inflated figures for some jurisdictions.

**Sentencing Worksheets Received for FY07
October 1, 2006-September 30, 2007**

Figure 1.

<u>County</u>	Sentencing Events of Most Serious Felony Convictions for Worksheet		<u>County</u>	Sentencing Events of Most Serious Felony Convictions for Worksheet	
	<u>Offenses</u>	<u>ASC Received Worksheets</u>		<u>Offenses</u>	<u>ASC Received Worksheets</u>
Autauga	132	125	Jefferson-Bessemer	352	164
Baldwin	428	110	Jefferson-Birmingham	2,205	743
Barbour	14	13	Lamar	29	23
Barbour-Eufaula	41	24	Lauderdale	287	219
Bibb	61	55	Lawrence	105	237
Blount	102	206	Lee	287	372
Bullock	36	18	Limestone	219	7
Butler	55	43	Lowndes	44	34
Calhoun	418	220	Macon	37	0
Chambers	188	181	Madison	999	1,739
Cherokee	116	90	Marengo	54	74
Chilton	208	19	Marion	111	16
Choctaw	34	21	Marshall	97	21
Clarke	86	243	Marshall-Albertville	166	0
Clay	42	8	Mobile	1,107	547
Cleburne	75	58	Monroe	51	40
Coffee	18	28	Montgomery	898	669
Coffee-Enterprise	157	225	Morgan	384	380
Colbert	249	307	Perry	17	2
Conecuh	22	16	Pickens	36	107
Coosa	30	29	Pike	150	259
Covington	214	204	Randolph	81	114
Crenshaw	12	11	Russell	226	165
Cullman	197	240	Shelby	622	925
Dale	135	263	St. Clair	108	174
Dallas	192	111	St. Clair-Pell City	175	245
DeKalb	179	55	Sumter	27	4
Elmore	215	176	Talladega	378	460
Escambia	111	79	Talladega-Sylacauga	0	0
Etowah	447	285	Tallapoosa	87	7
Fayette	37	63	Tallapoosa-Alex City	79	143
Franklin	109	89	Tuscaloosa	598	624
Geneva	69	52	Walker	113	47
Greene	18	1	Washington	37	107
Hale	23	10	Wilcox	25	1
Henry	48	0	Winston	83	63
Houston	607	16	Winston-Haleyville	0	0
Jackson	155	131			
			Total	15,554	12,557

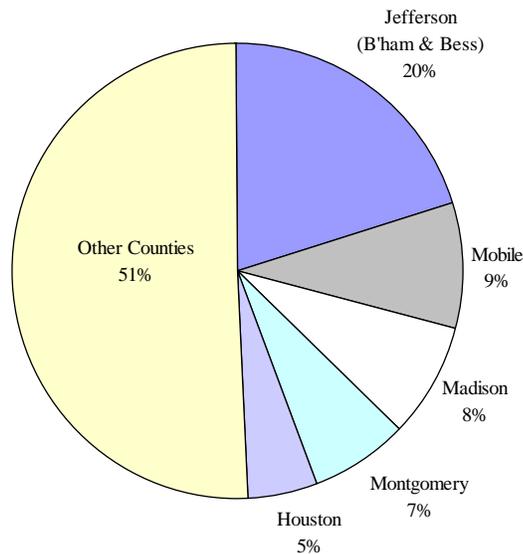
Sentencing Worksheets Received for FY07

Figure 2 shows the distribution of worksheets sentencing events for FY07. A sentencing event includes all convicted offenses sentenced at one time, whether charged in separate indictments or separate counts of one indictment. Only one worksheet, the one for the most serious offense at sentencing, is required for a sentencing event. The 5 counties having the largest number of “sentencing events” had nearly one half of the “sentencing events in the state during the fiscal year.

Figure 3 illustrates the worksheets received by the Sentencing Commission and delineates the percentage received from the five counties having the greatest number of sentencing events.

Figure 2.

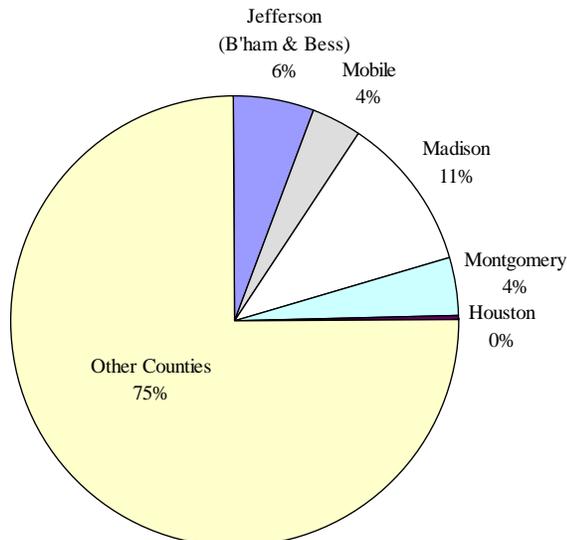
Worksheets Sentencing Events for FY07



5 Counties Account for Nearly Half of the Worksheets Sentencing Events

Figure 3.

ASC Received Worksheets for FY07



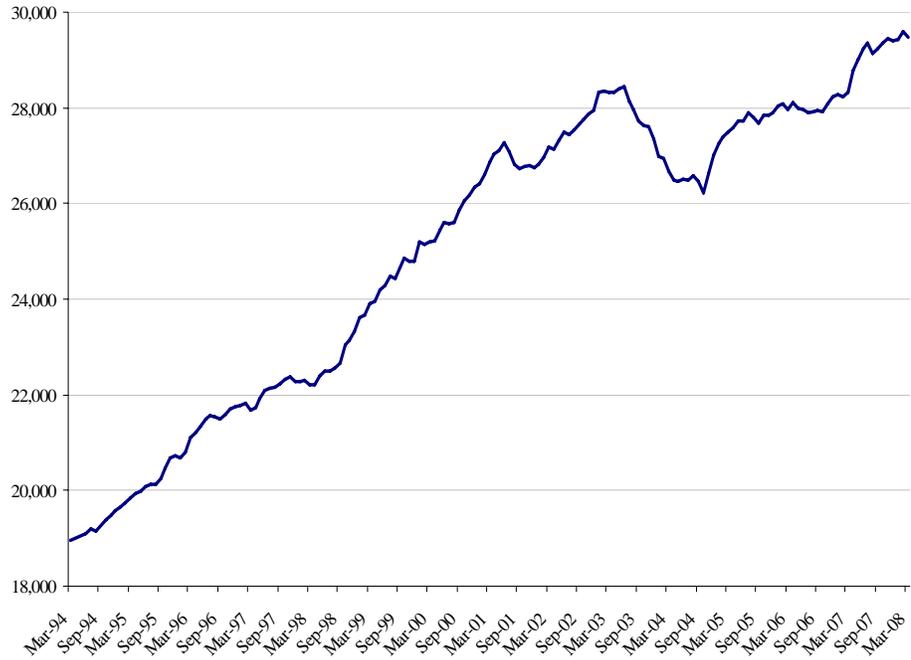
Alabama Department of Corrections (ADOC) Jurisdictional Population*

Growth from March 1994 - March 2008

ADOC Jurisdictional Population has Increased Over 50 Percent in the Last 14 Years

Growth in the jurisdictional population of ADOC has maintained steady for the fourteen year period contained in the graph below except during the time special parole dockets were in effect (April 2003 ending in 2004). The jurisdictional population has increased over 50 percent during the period shown in figure 4.

Figure 4.



ADOC Jurisdictional Year End Population*

Figure 5 displays the ADOC jurisdictional population at the end of each calendar year, the numeric increase/decrease from the previous year, and the percent change from the previous year.

Figure 5.

ADOC Jurisdictional Population at Year’s End as of December 31st

ADOC Jurisdictional Population Increased 4.1% in 2007

Year Ended	ADOC Jurisdictional Population	Increase/Decrease	% Change
Dec-00	26,332	1,548	6.2
Dec-01	26,741	409	1.6
Dec-02	27,947	1,206	4.5
Dec-03	27,344	-603	-2.2
Dec-04	27,016	-328	-1.2
Dec-05	27,888	872	3.2
Dec-06	28,241	353	1.3
Dec-07	29,412	1,171	4.1

*Some of the increase from 2007 to 2008 may be accounted for due to a change in the definition of “jurisdictional,” a relaxing of the eligibility requirements for ADOC reimbursement for community corrections offenders, and/or a spike in probation and/or parole revocations. For various reasons, there is no available data on which to measure the effect of the change in the definition of jurisdictional population.

ADOC Definition of Jurisdictional Population

Jurisdictional population is that population of felony offenders sentenced to ADOC on whom a transcript has been received by ADOC. The definition includes those inmates incarcerated anywhere in the Alabama Department of Corrections, those serving in community corrections for whom ADOC received a transcript, those serving time in ADOC contract facilities, those serving other sentences in other states or federal prisons and subject to ADOC upon release, those serving in any ADOC pre-release program, and those in county jails awaiting transfer to ADOC or assigned to county jails at the request of a local entity. There is no requirement that ADOC supervise or provide bed space for those inmates in community corrections programs or those serving other sentences in other states or in federal prisons.

ADOC Does Not Provide Beds for Entire Jurisdictional Population

The ADOC March 2008 monthly statistical report indicates a jurisdictional inmate population of 29,485; however, ADOC does not provide beds to all of these inmates. Figure 6 illustrates the actual number of inmates that ADOC is required to provide beds for as of March 2008. Of the entire jurisdictional inmate population of 29,485, ADOC must provide beds for 26,776 inmates or 91 percent of the jurisdictional population.

Figure 6.

Location of ADOC Inmates	Number of Inmates Requiring ADOC Beds
Major Institutions	21,522
Work Release	1,976
Community Work Center	1,299
Transient/Central Records Monitor	98
Columbiana TEF	50
JB Evans	281
Clay County Detention Center	30
Perry County Detention Center	102
Just Care Long-Term Care Facility	8
County Jail	1,410
Total	26,776

Habitual Felony Offenders

The number of habitual felony offenders in the jurisdictional population of ADOC now exceeds 9,200 offenders. Nearly one out of every three offenders under the jurisdiction of ADOC (31.5 percent) was sentenced as a habitual offender. The two largest offense categories of habitual offenders are property and personal offenders accounting for 40 percent and 38, respectively, of all habitual offenders.

Figure 7.

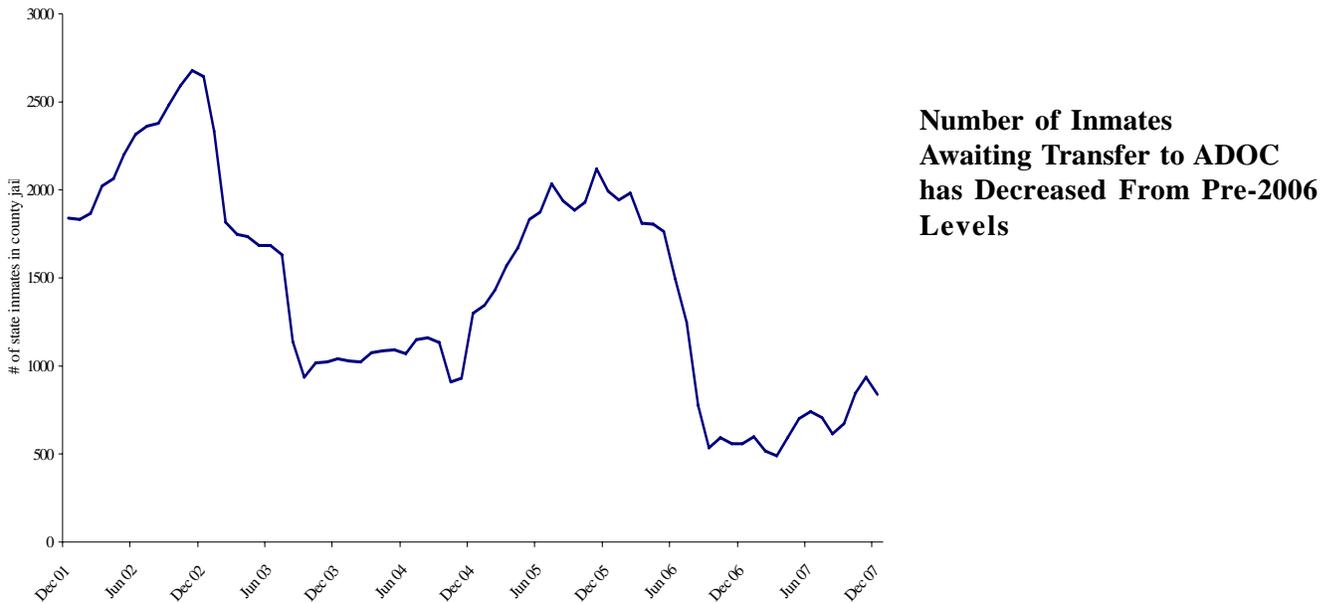
Habitual Felony Offenders in ADOC Population by Crime Type

						% Habitual of Total Pop.	
	FY 2007	Personal	Property	Drugs	Other	Total	
The Habitual Felony Offender Population Grew by 574 Inmates	Oct-06	3,348	3,545	1,549	205	8,647	31.0
	Nov-06	3,365	3,545	1,556	209	8,675	30.9
	Dec-06	3,393	3,548	1,585	209	8,735	30.9
	Jan-07	3,374	3,570	1,585	211	8,740	30.9
	Feb-07	3,376	3,568	1,580	206	8,730	30.9
	Mar-07	3,395	3,581	1,586	218	8,780	31.0
	Apr-07	3,413	3,630	1,629	227	8,899	30.9
	May-07	3,452	3,692	1,672	239	9,055	31.2
	Jun-07	3,478	3,714	1,712	251	9,155	31.3
	Jul-07	3,486	3,748	1,731	251	9,216	31.4
	Aug-07	3,477	3,733	1,755	247	9,212	31.6
	Sep-07	3,472	3,732	1,769	248	9,221	31.5

Inmates in County Jail Awaiting Transfer to ADOC

The number of inmates awaiting transfer to ADOC from county jails dropped dramatically in 2006, particularly late in that year. After dropping in March 2007 to the lowest level seen in years, the number of inmates awaiting transfer has risen but is still lower than numbers prior to 2006.

Figure 8.



The number of transcripts over 30 days ready has continued from the previous year to remain low. At one point in calendar year 2007, the number of transcripts over 30 days ready was down to 1.

Figure 9.

	Dec-01	Dec-02	Dec-03	Dec-04	Dec-05	Dec-06	Dec-07
Transferred to ADOC from Jail	210	248	196	179	175	211	200
State Inmates in Jails	1,839	2,643	1,039	1,299	1,993	555	840
Transcripts Over 30 Days Ready	331	1,564	0	182	804	24	41
Total Transcripts Ready	998	2,261	557	585	1,257	409	716

Who is in our Prisons - Top25

The table below shows the most serious offense that an offender is currently serving a sentence under ADOC jurisdiction. Over half (56 percent) of offenders are currently serving sentences for one of the top 8 offenses listed below, and nearly a quarter (24%) of offenders are serving drug offense sentences. The pie chart shown in figure 11 illustrates that, of the Top 25 offenses in the table, personal offenders make up the majority of those currently serving sentences.

Figure 10.

Stock Population on September 30, 2007

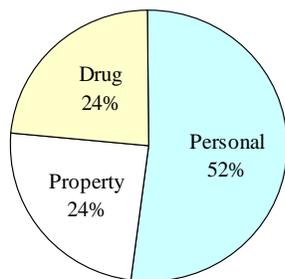
Murder	1	3,941
Robbery 1st	2	3,527
Possession of Controlled Substance	3	2,341
Distribution of Controlled Substance	4	1,709
Burglary 3rd	5	1,439
Theft of Property 1st	6	1,152
Burglary 1st	7	1,102
Rape 1st	8	1,087
Robbery 3rd	9	847
Trafficking Drugs	10	828
Manslaughter	11	724
Possess Marijuana 1st	12	663
Felony DUI	13	621
Poss Forged Instrument 2nd	14	572
Receiving Stolen Property 1st	15	558
Assault 2nd	16	529
Assault 1st	17	524
Theft of Property 2nd	18	522
Sodomy 1st	19	512
Attempted Murder	20	509
Robbery 2nd	21	506
Breaking/Entering a Vehicle	22	497
Sexual Abuse 1st	23	462
Burglary 2nd	24	451
Rape 2nd	25	365

Over 50% of the Current ADOC Population is Comprised of One of the Top 7 Offenses

Top 25 Offenses	25,988
Other Offenses	3,247
Total Stock Population	29,235

Figure 11.

Stock Population Top 25 Offense Category

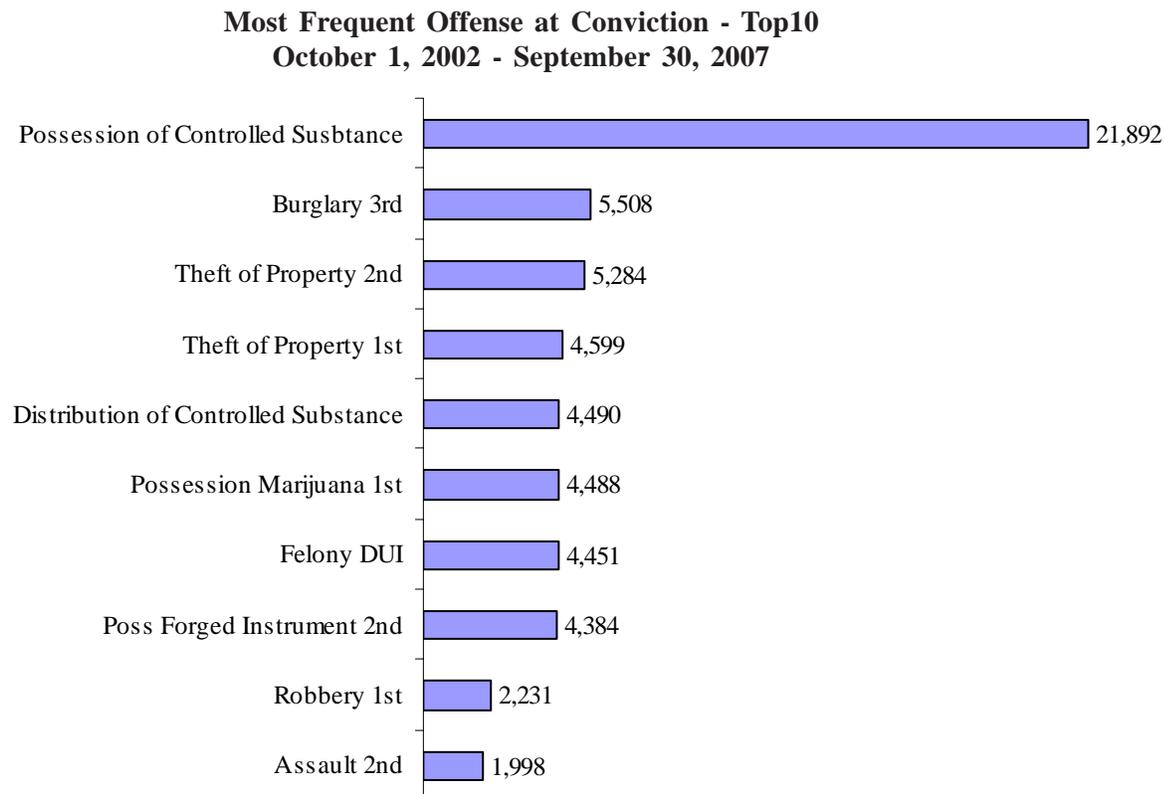


Most Frequent Offense at Conviction

From October 1, 2002 through September 30, 2007, the top ten offenses at conviction are listed below. Possession of a Controlled Substance convictions far outpace the other conviction offenses on this list – the number of possession convictions is more than three times than that of the second most convicted offense on the list (Theft of Property 2nd). Drug and Property offenses comprise the top 8 positions in the list (93%), while personal offense category inclusions are Robbery 1st (# 9) and Assault 2nd (# 10) and comprise only 7% of the Top10 list.

**Drug and Property Offenses
Account for 93% of the
Top10 Offenses at Conviction**

Figure 12.



Most Frequent Offense at Conviction - Top 25

The Number of Possession Convictions is More Than Four Times That of the #2 Most Frequently Occurring Conviction Offense (Burglary 3rd).

Drug and felony DUI convictions continue to outpace both property and personal offense categories in the top 25 crimes of conviction. Drug and felony DUI convictions account for 50% of the convictions in the top 25, while property and personal convictions were responsible for 38% and 11% respectively. Possession of Controlled Substance convictions constitute nearly a third (31%) of top 25 convictions and over a quarter (26%) of all convictions. However, felony DUI convictions fell sharply from the previous two years, likely as a result of the amended felony DUI statute requiring that all prior DUI convictions used to reach the felony DUI threshold are within the previous five years. Felony DUI convictions dropped 349 convictions (39%) from the 2006 number and 428 convictions (44%) from the 2005 level.

Figure 13.

**Most Frequent Non-Capital Offense at Conviction
October 1, 2004 - September 30, 2007**

	FY05	FY06	FY07
Possession of Controlled Substance	1 4,469	1 4,917	1 4,983
Burglary 3rd	2 1,148	2 1,195	2 1,237
Theft of Property 2nd	3 981	3 1,064	3 1,083
Theft of Property 1st	8 859	8 867	4 965
Distribution of Controlled Substance	7 915	4 952	5 955
Possession Marijuana 1st	4 977	7 870	6 923
Poss Forged Instrument 2nd	T5 974	6 880	7 871
Felony DUI	T5 974	5 895	8 546
Robbery 1st	10 373	9 466	9 523
Assault 2nd	9 398	11 361	10 436
Receiving Stolen Property 2nd	11 360	10 393	11 366
Receiving Stolen Property 1st	14 317	13 326	12 360
Breaking/Entering a Vehicle	13 337	12 328	13 352
Trafficking Drugs	15 299	16 276	14 331
Fraud/Illegal Use Debit/Credit Card	18 250	15 301	15 290
Robbery 3rd	16 287	14 314	16 282
Forgery 2nd	17 285	18 253	17 279
Obstruct Justice-False Identity	25 129	19 194	18 227
Manufacturing Controlled Substance 2nd	12 359	17 263	19 192
Assault 1st	125	132	20 180
Murder	113	24 142	21 168
Sexual Abuse 1st	21 151	22 166	22 158
Burglary 2nd	22 149	21 167	23 147
Manufacturing Controlled Substance 1st	19 227	20 181	24 145
Community Notification Act-Moving Notice	53	71	25 132
Attempt - Possession of Controlled Substance	20 157	25 137	129
Manslaughter	24 132	112	113
Burglary 1st	23 147	23 154	98
Top 25 Offenses	15,654	16,062	16,131
Other Offenses	2,435	2,774	2,848
Total Most Serious Felony Offense Convictions	18,089	18,836	18,979

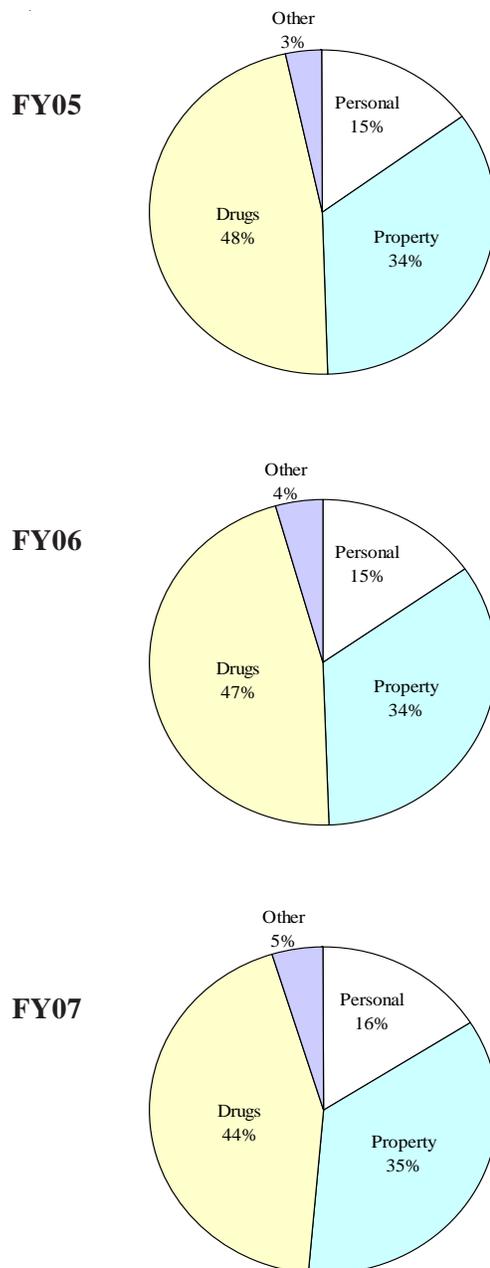
Type of Most Frequent Offense at Conviction

From fiscal 2005 through fiscal year 2007, small shifts occurred in the distribution of convictions by offense type. Drug convictions dropped to 44 percent in fiscal year 2007 from 47 percent the previous fiscal year and 48 percent in fiscal year 2005.

**Drug Convictions Have
Dropped 4% from FY05**

Figure 14.

Most Frequent Non-Capital Offense at Conviction Offense Category October 1, 2004 - September 30, 2007



Drug Convictions

Felony DUI convictions have dropped 39 percent from 2006

During this three year period, the largest movements of drug offenses involve Felony DUI and Manufacturing convictions. Both Felony DUI and Manufacturing offenses dropped considerably during this time period. As mentioned earlier, Felony DUI convictions fell sharply in fiscal year 2007 possibly due to an amendment changing requirements for prior DUI convictions. Manufacturing Controlled Substances I and II convictions dropped 47 percent and 36 percent, respectively, from fiscal year 2005 levels.

Figure 15.

Most Frequent Offense at Conviction Drug Offenses October 1, 2004 - September 30, 2007

	FY05		FY06		FY07	
Possession of Controlled Substance	1	4469	1	4917	1	4983
Distribution of Controlled Substance	4	915	2	952	2	955
Possession Marijuana 1st	2	977	4	870	3	923
Felony DUI	3	974	3	895	4	546
Trafficking Drugs	6	299	5	276	5	331
Manufacturing Controlled Substance 2nd	5	359	6	263	6	192
Manufacturing Controlled Substance 1st	7	227	7	181	7	145
Attempt - Possession of Controlled Substance	8	157	8	137	8	129
Total Drug Offenses		8,377		8,491		8,204
Other Offenses		179		201		147
Total Most Serious Felony Offense Convictions		8,556		8,692		8,351

Type of Trafficking Convictions

Trafficking Cocaine convictions increased by 34 convictions in fiscal year 2007 from the previous fiscal year, becoming the most frequent trafficking offense. Trafficking Methamphetamine increased 21 convictions becoming the second most frequently occurring trafficking offense, while Trafficking Marijuana dropped 22 convictions and fell from the number one spot down to number three on this list.

Trafficking Cocaine Convictions Increased by 34 and Trafficking Methamphetamine Convictions Increased by 21 From 2006

Figure 16.

Most Frequent Trafficking Convictions Drug Type - Top5 October 1, 2004 - September 30, 2007

	FY05	FY06	FY07	
Trafficking - Cocaine	84	77	1	111
Trafficking - Methamphetamine	72	71	2	92
Trafficking - Marijuana	86	83	3	61
Trafficking - Illegal Drugs	47	36	4	50
Other	10	9	5	17
Total Most Serious Felony Offense Convictions for Trafficking	299	276	331	

Prison Admissions - Top 25**DUI Admissions Have
Dropped 40 Percent Since
FY05**

Jurisdictional prison admissions for new offenses to ADOC increased by 1 percent in 2007. The chart below shows the top 25 offenses responsible for prison admissions for the past 3 years. The top 3 offenses in the chart (possession of a controlled substance, distribution of a controlled substance, and burglary 3rd) have remained in the same order for the past three years and account for almost one-third (31 percent) of all prison admissions despite distribution admissions falling 9% from the previous fiscal year. The largest numeric drop in 2007 prison admissions was Felony DUI offenses. The change in the Felony DUI law contributed to lower admissions from previous years – 2007 admissions are down 126 from last year and 226 since 2005. Manufacturing of controlled substance 1st and 2nd offenses fell out of the top 25 list after being in the top 20 in previous years.

Figure 17.

**Prison Admissions for New Offenses
October 1, 2004 - September 30, 2007****Largest Increase
was Robbery 1st
Admissions****Largest Decrease
was Felony DUI
Admissions**

		FY 2005		FY 2006		FY 2007
Possession of Controlled Substance	1	1,216	1	1,334	1	1,402
Distribution of Controlled Substance	2	702	2	716	2	653
Burglary 3rd	3	606	3	593	3	629
Robbery 1st	5	435	4	544	4	617
Theft of Property 1st	6	432	6	408	5	398
Poss Marijuana 1st	7	371	8	317	6	368
Felony DUI	4	569	5	469	7	343
Theft of Property 2nd	8	310	7	319	8	294
Poss Forged Instrument 2nd	9	271	10	249	9	275
Murder	17	157	12	207	10	241
Trafficking Drugs	10	228	9	272	11	228
Robbery 3rd	12	201	11	218	T12	214
Assault 2nd	11	214	13	180	T12	214
Receiving Stolen Property 1st	13	187	14	177	14	206
Breaking/Entering a Vehicle	14	179	15	155	15	193
Burglary 1st	16	161	17	148	16	157
Robbery 2nd	21	119	18	133	17	140
Assault 1st	25	85		91	18	138
Burglary 2nd	19	127	19	130	19	117
Receiving Stolen Property 2nd	23	107	16	150	20	107
Poss Fraud Use of Credit/Debit Card		84		68	21	104
Sexual Abuse 1st	24	102	T21	110	22	101
Forgery 2nd	20	122	25	105	23	97
Sex Offender-Fail to Register		16		65	24	94
Rape 2nd		84	T21	110	25	91
Manufacturing of Controlled Substance 2nd	15	171	20	112		89
Manufacturing of Controlled Substance 1st	18	145	24	106		88
Manslaughter	22	117	23	107		86
Top 25 Offenses		7,334		7,369		7,421
Other Offenses		952		1,055		1,127
Total Prison Admissions for New Offenses		8,286		8,424		8,548

Prison Admissions for New Offenses by Offense Category

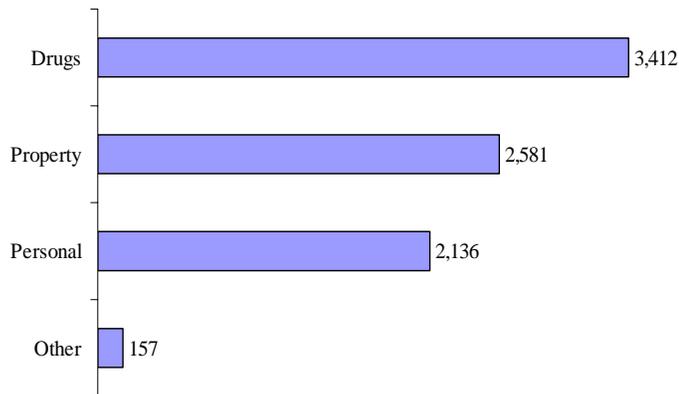
Jurisdictional prison admission for new offenses saw no major shifts in 2007. Property and personal admissions increased 9 percent and 2 percent respectively, while drug admissions fell 5 percent. The drugs category continues to account for the largest portion of admissions (37 percent), but this is down from 41 percent in 2005 and 40 percent last year.

Property Offense Admissions Rose 9 Percent in 2007

Figure 18.

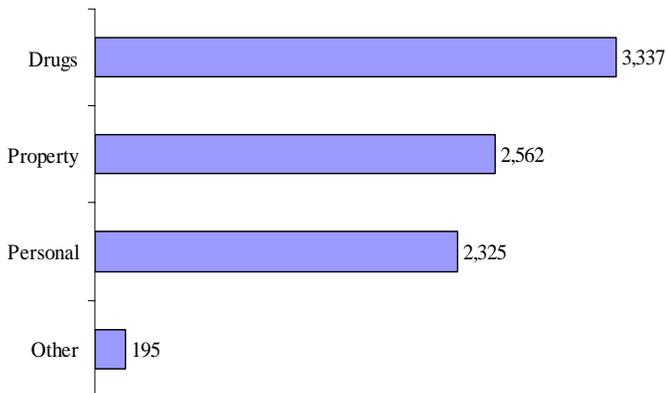
**Prison Admissions for New Offenses
Offense Category
October 1, 2004 - September 30, 2007**

FY05

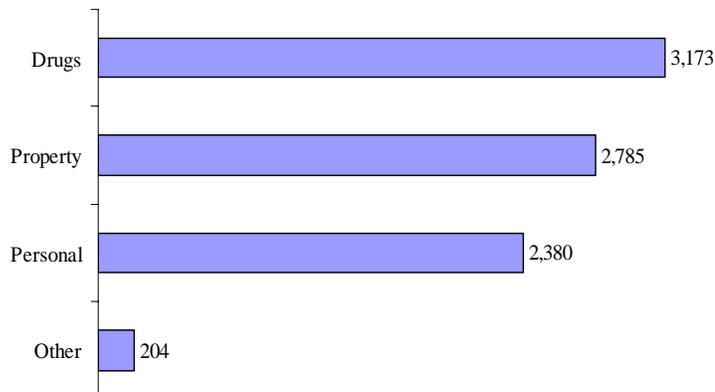


Drug Offense Admissions Show Slight Decrease From FY05 and FY06

FY06



FY07



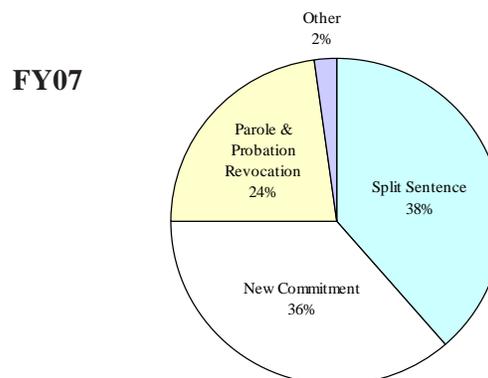
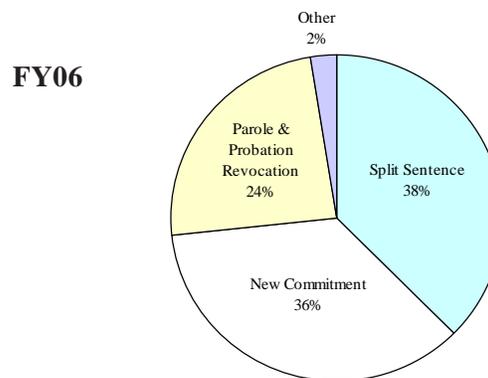
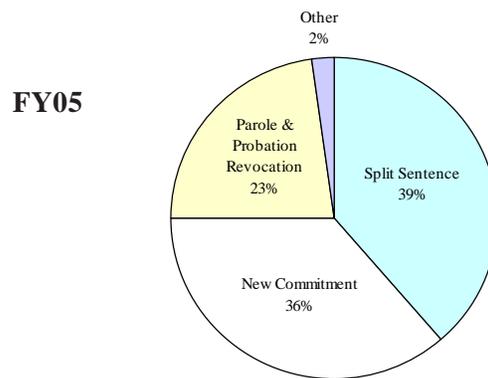
Prison Admissions by Type of Admission

The Distribution of Prison Admission Types Remains Unchanged from 2006

The distribution of types of prison admissions in 2007 is identical to the distribution in 2006, and varies only slightly from that of 2005. Split sentence and new court commitments account for nearly 75 percent of admissions while parole and probation revocations account for almost 25 percent of admissions.

Figure 19.

**Prison Admissions (all admissions)
Type
October 1, 2004 - September 30, 2007**



Prison Releases - Top 25

Total releases from ADOC dropped 2 percent from the fiscal year 2006 level, but have increased 7 percent from fiscal year 2005. Of the top 25 release offenses in 2007, 15 decreased from 2006 levels. The largest drop were releases for Theft of Property 2nd offenses which fell 32 percent and 173 releases from last year. The largest jump in releases was Possession of Controlled Substance releases climbing 157 releases, and 9 percent, from last year's numbers and 17 percent since 2005. Possession of Controlled Substance releases accounted for 1 out of every 6 (17 percent) releases in 2007 and totaled more than the next two offenses (Distribution of Controlled Substance and Robbery 1st) combined.

Drug Possession and Distribution Releases Account for Over One Quarter of All Releases

Figure 20.

Prison Releases October 1, 2004 - September 30, 2007

	FY 2005		FY 2006		FY 2007	
Possession of Controlled Substance	1	1,585	1	1,691	1	1,848
Distribution of Controlled Substance	2	790	2	886	2	836
Robbery 1st	4	672	4	779	3	796
Burglary 3rd	3	713	3	797	4	790
Theft of Property 1st	5	634	6	614	5	590
Felony DUI	6	606	5	668	6	571
Poss Marijuana 1st	7	461	8	493	7	470
Poss Forged Instrument 2nd	9	347	9	383	8	406
Theft of Property 2nd	8	447	7	542	9	369
Robbery 3rd	12	262	10	345	10	315
Breaking/Entering a Vehicle	11	279	15	235	11	291
Receiving Stolen Property 1st	13	249	12	278	12	282
Assault 2nd	10	301	11	280	13	266
Trafficking Drugs	14	231	13	250	14	263
Burglary 1st	17	195	T17	211	15	222
Receiving Stolen Property 2nd	18	194	T17	211	16	195
Murder	16	198	14	240	17	188
Robbery 2nd	15	203	16	226	18	180
Forgery 2nd	20	154	20	175	19	170
Burglary 2nd	22	135	19	178	20	160
Manufacturing of Controlled Substance 2nd		90	21	156	21	141
Poss Fraud Use of Credit/Debit Card	24	102		81	22	131
Assault 1st	19	161	22	151	23	129
Rape 2nd	25	95		95	24	109
Manufacturing of Controlled Substance 1st		76	25	102	25	108
Sexual Abuse 1st	21	142	24	111		104
Manslaughter	23	126	23	128		85
Top 25 Offenses		9,282		10,130		9,826
Other Offenses		1,059		1,126		1,211
Total Prison Releases		10,341		11,256		11,037

Felony DUI Releases Declined From FY06

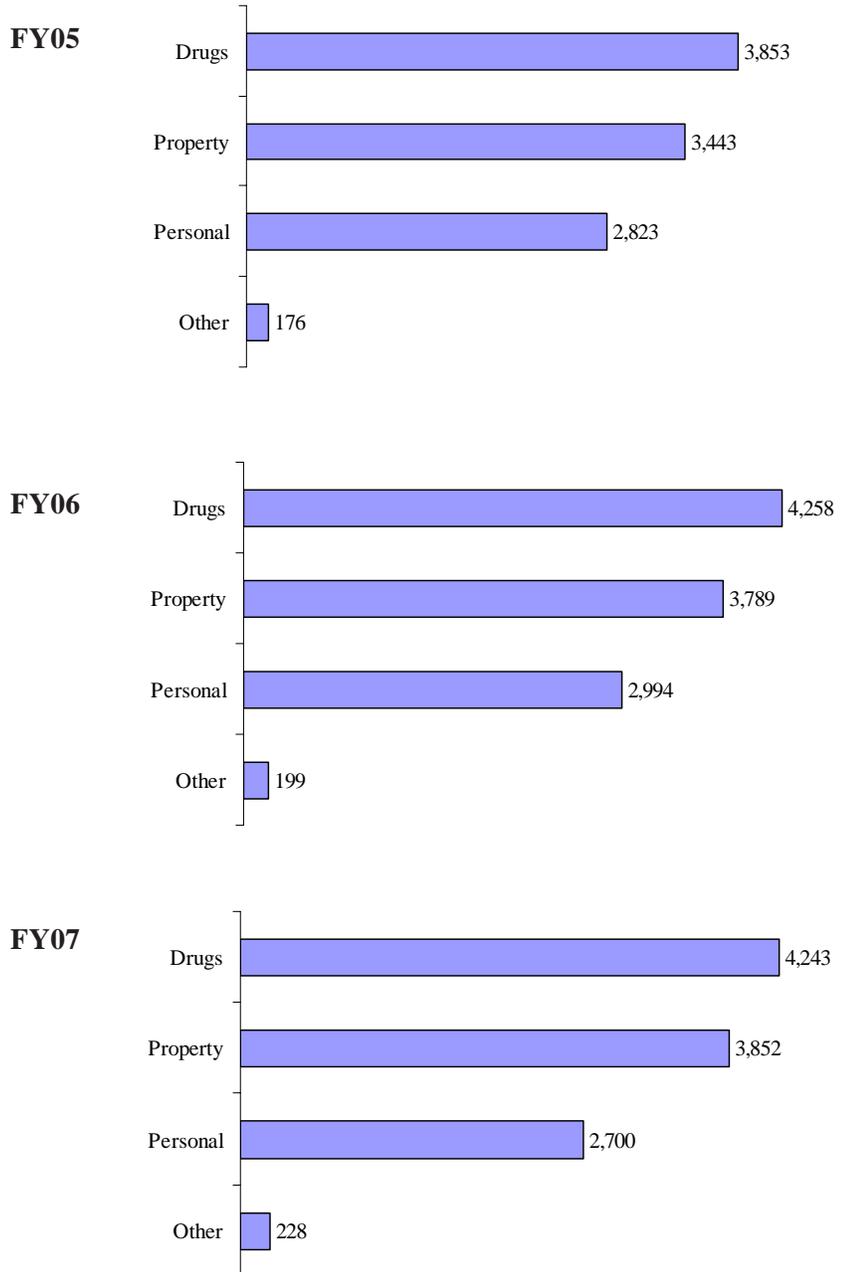
Prison Releases by Offense Category

Of the major offense categories (personal, property, and drugs), only property offense releases increased in 2007 from 2006. Property releases had a modest increase of 63 releases, while personal releases fell 294 releases and drug releases decreased by 15. However, since 2005 levels, property and drugs releases have increased while only personal releases have dropped.

Figure 21.

**Prison Releases
Offense Category
October 1, 2004 - September 30, 2007**

**Personal Offense Releases
Dropped by Nearly 300 in
2007**

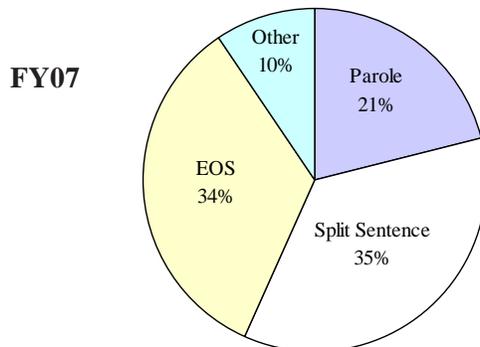
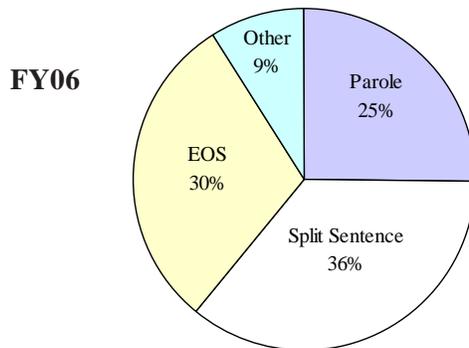
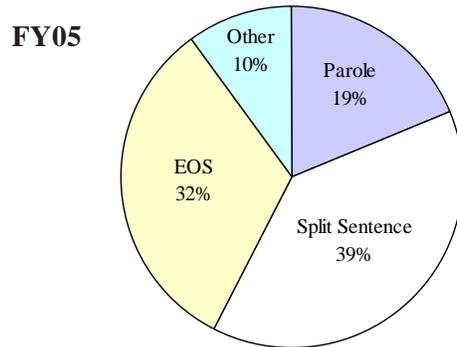


Prison Releases by Type

The largest shifts in release types in 2007 from last year's figures are the changes in the percentage of expiration of sentence (without supervision) and parole releases. The percent of releases of offenders ending their sentence without supervision increased by 4 percent while the percent of parole releases decreased by 4 percent. The percent of split sentence and other releases stayed stable during this time period.

Figure 22.

**Prison Releases
Type of Release
October 1, 2004 - September 30, 2007**



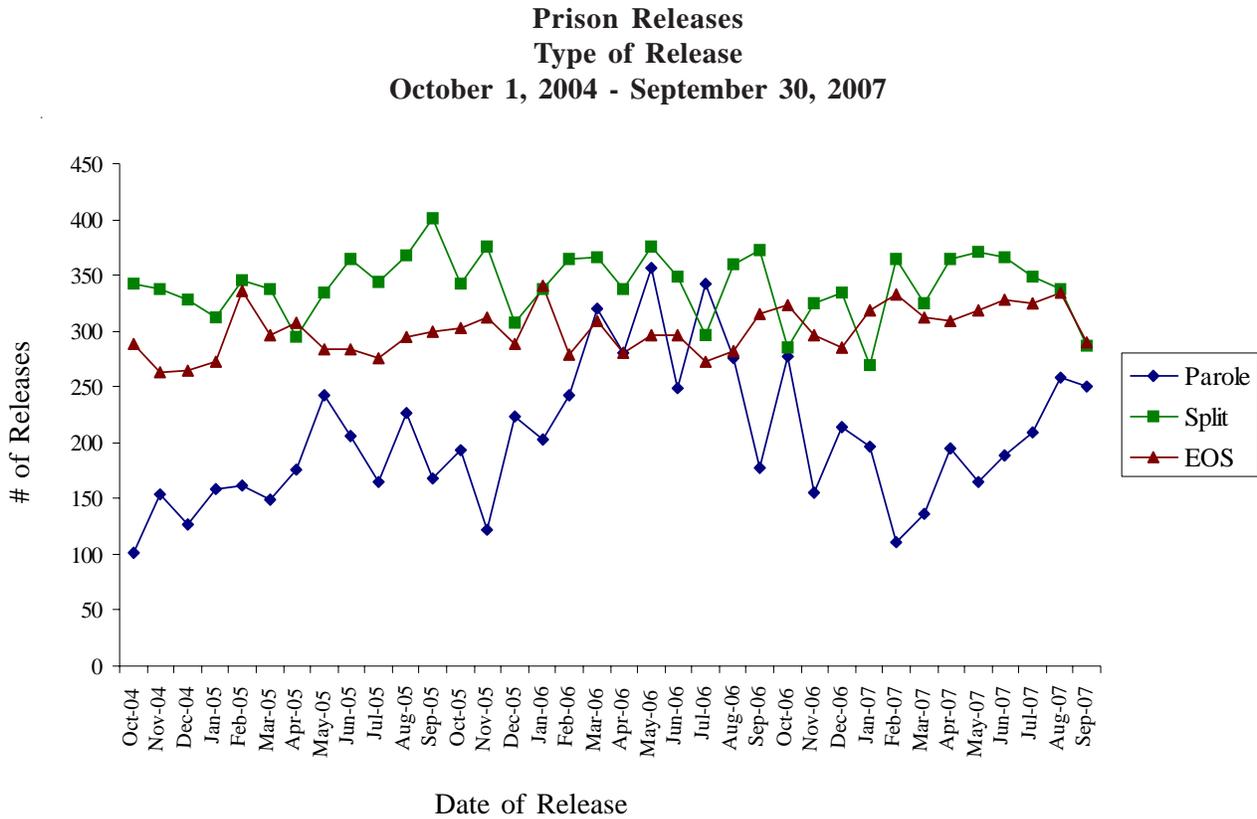
**EOS Releases Increased by
4% and Parole Releases
Dropped by 4% in 2007**

Prison Releases by Type

Of the 3 Release Types, Parole Shows the Greatest Variation

The release type showing the most volatility is parole releases showing a range from a low of approximately 100 releases in a month to a high of approximately 350 releases in a month. During this same time period, both split sentence and EOS releases have remained relatively stable and have maintained similar numbers.

Figure 23.



Prison Releases by Offense Category by Type

Personal offense releases fell by 10% from FY06, while property and drug offense releases remained stable. Parole and split releases fell across all offense categories. The total number of parole releases fell 15% while the number of split releases fell 4%. EOS releases increased 5% in FY07.

**Parole and Split Releases
Were Down for All Offense
Categories in 2007**

Figure 24.

Prison Releases Offense Category by Type October 1, 2002 - September 30, 2007						
		Parole	Split	EOS	Other	Total
Personal	2003	280	802	773	267	2,122
	2004	494	848	801	244	2,387
	2005	727	1,039	774	283	2,823
	2006	928	1,071	689	306	2,994
	2007	779	931	701	289	2,700
			3,208	4,691	3,738	1,389
Property	2003	903	1,062	1,323	230	3,518
	2004	1,630	1,133	1,096	329	4,188
	2005	543	1,265	1,314	321	3,443
	2006	857	1,307	1,340	285	3,789
	2007	739	1,298	1,415	400	3,852
			4,672	6,065	6,488	1,565
Drugs	2003	1,091	1,267	1,378	207	3,943
	2004	1,571	1,381	1,120	295	4,367
	2005	621	1,650	1,291	291	3,853
	2006	880	1,654	1,461	263	4,258
	2007	755	1,637	1,558	293	4,243
			4,918	7,589	6,808	1,349



Chapter 6: Timeline of Events

1971

Protracted litigation commenced involving conditions of Alabama's prison system.

Work Release Act Passed, Act 71-307, 3rd SS

10/1971

Alabama's Judicial Study Commission created by Act No. 2337, 1971. The Commission was established to "continuously study the judicial system of the state, the courts of the state, the administration of justice in Alabama, criminal rehabilitation, criminal punishment methods and procedures and all matters relating directly or indirectly to the administration of justice in Alabama and make recommendations pertaining thereto." § 12-9-1, *Code of Alabama* 1975.

1972

10/4/72

In class action brought by state inmates (represented by court appointed attorney Joe Phelps), Federal District Court Judge Frank M. Johnson found 8th and 14th Amendment violations relating to the inadequate medical care and treatment of state inmates, granting declaratory and injunctive relief and awarding attorney fees. *Newman v. State of Alabama et al.*, 349 F.Supp. 278 (Ala. M.D. Ala. 1972), aff'd in part, 503 F.2d1320 (5th Cir. 1974), cert. Denied, 421 U.S. 948, 95 S.Ct. 1680, 44 L.Ed.2d 102 (1975).

Study prepared by University of Alabama Center for Correctional Psychology under contract with Board of Corrections, highlighted woefully inadequate mental health programs in Alabama prisons and suggested minimum standards.

Work Release program initiated (335 inmates) State inmate population of 3,842 and prison budget of \$8.8 million.

8/29/73

Federal District Court finds unconstitutional conditions existing in local Alabama Jails. *Thrasher v. Bailey*, CA 73P 816-S (N.D. Ala. 1973).

1974

9/30/74

Class action for declaratory and injunction relief, brought by 6 inmates incarcerated in Holman's maximum security unit alleging 8th and 14th Amendment violations for the state's failure to provide adequate facilities and programs. Motion to dismiss complaint denied. *James v. Wallace*,

382 F. Supp. 1177 (M.D. Ala. 1976). Complaint originally filed on 6/21/74. Amended complaint filed by court appointed attorney, Peach Taylor, on 6/29/74.

11/8/74 Appeal by the State and Alabama's Attorney General from Judge Johnson's order that the Board of Corrections undertake extensive changes in its present practice to provide adequate medical care to inmates. The 5th Circuit Court of Appeals, en banc, remanded to a 3-judge panel, which held that the case was properly disposed of by a single-judge district court, sustaining Judge Johnson's finding of constitutional violations. *Newman v. State of Alabama et al.*, 503 F.2d 1320 (CA 5th 1974). Rehearing and Rehearing En Banc Denied 1/10/75, cert denied 421 U.S. 948, 95 S.Ct. 1680, 44 L.Ed.2d 102 (1975). In addressing the medical needs of state inmates the court found that approximately 10% of the inmate population was psychotic and another 60% mentally disturbed enough to require treatment.

1975

Legislature expanded felony murder by adding aggravated forms of escape, kidnapping and sodomy to the list of enumerated felonies.

8/7/75 Civil rights action brought by state prisoners against prison officials complaining of conditions and treatment. Federal District Judge, William Brevard Hand, held State had violated constitutional rights of inmates by confining them in overcrowded and understaffed prisons, but gave the Alabama Legislature the opportunity to remedy without federal interference. *McCray v. Sullivan, et al.*, 399 F. Supp. 271 (U.S. Dist. S.D. Ala.)

8/29/75 District Court Judge Frank Johnson enjoins Board of Corrections from accepting any additional state prisoners into state prison facilities until inmate population is reduced below design capacity (joint order issued in *McCray v. Sullivan*, Civ. Action 5620-69-H; *McCray v. Sullivan*, Civ. Action 6091-70-H; *White v. Commissioner of Alabama Board of Corrections*, Civil Action 7094-72-H; *Pugh v. Sullivan, et al.*, Civ. Action 74-57N; and *James v. Wallace, et al.*, Civ. Action 74-203-N.

1976

1/13/76 Federal District Judge Frank Johnson holds Alabama's prison system's living conditions unconstitutional in violation of the 8th and 14th Amendments in a consolidated class action suit. (Pugh originally filed February 26, 1974). The State of Alabama and the Board of Corrections was

enjoined from maintaining a prison system not in compliance with constitutional standards and a 39 member Human Rights Committee for the Alabama Prison System (with Rod Nachman as chair) was appointed to monitor implementation of the court order. *Pugh v. Locke*, 406 F. Supp. 318 (M.D. Ala. 1976); aff'd with modifications sub nom.; *Newman v. Alabama*, 559 F.2d 283 (5th Cir. 1977); rev'd in part and remanded sub nom., *Alabama v. Pugh*, 438 U.S. 781, 98 S.Ct. 3057, 57 L.Ed. 2d 1114 (1978), holding Alabama's prison system's living conditions and 39-member Implementation Committee established pursuant to Judge Johnson's Order unconstitutional); See, *Newman v. State*, 683 F.2d 1312 (11th Cir. 1982), (reversing district court's order of 12/14/81 ordering prisoner release and holding civil contempt proceedings and coercive sanctions must precede prisoner relief.) See, also, *Newman v. Graddick*, 740 F.2d 1513 (11th Cir. 1984).

Capacity limitations placed on state correctional facilities, blocking transfers to DOC, results in the backlog of state inmates in county jails (by the end of 1976, 2,160 inmates were housed in county jails).

- 2/10/76 Since the Alabama Legislature failed to address the issue of overcrowded and understaffed prisons in the 1975 legislative session, Judge Hand ordered prison officials to provide a report on present prison conditions and propose recommendations to be presented by the Board of Corrections at the next session of the Alabama Legislature. Supplemental reports were ordered, with the Court retaining jurisdiction. *McCray v. Sullivan et al.*, 413 F. Supp 444 (S.D. Ala. 1976).
- 10/76–11/76 Reduction of inmate population in state facilities below design capacity accomplished.
- 12/20/76 Montgomery County Commission filed suit in Montgomery Circuit Court seeking an order requiring Prison Commissioner Judson Locke to transfer state prisoners in Montgomery County jail to other jail facilities.
- 12/30/76 Order issued by Montgomery Circuit Court (Judge Thetford) to transfer 16 maximum security state prisoners and 20 state prisoners to Dallas county jail.
- Circuit Judge Russell (Dallas County), issues order to Sheriff of Dallas County directing him to decline to receive prisoners from any other county.

Faced with conflicting orders, Commissioner Locke petitions U.S. District Court for instructions – None are given.

1977

- 1/4/77 Commissioner Locke petitions the Alabama Supreme Court for writ of Mandamus or Prohibition. In *McKinney et al. v. Locke*, 346 So.2d 419 (1977), the Alabama Supreme Court held that Judge Thetford's order was void for lack of due process.
- 2/7/77 Washington County Circuit Court grants TRO enjoining transfer of 15 state prisoners from Mobile County jail to Washington County jail. Preliminary injunction issued 2/23/77.
- 3/14/77 Permanent injunction issued by Fayette County Circuit Court against transfer of state prisoners from Marshall County jail to Fayette County jail.
- 5/23/77 Repeat felony offender statute goes into effect (§15-22-27.1). Act 1977, No. 639
- 9/16/77 Three class actions filed by Alabama inmates alleging unconstitutional prison conditions in Alabama prisons, *Pugh v. Lock et al.*, 406 F. Supp 318 (M.D. Ala. N. Div. 1976), *James v. Wallace et al.*, 382 F. Supp. 1177 (M.D. Ala. 1976) and *Newman v. Alabama*, 349 F. Supp. 278 (M.D. Ala. 1972), were consolidated on appeal by the 5th Circuit in *Newman v. Alabama*, 559 F. 2d 283 (CA5 1977). Affirming the District Court's finding of constitutional violations, the Court of Appeals dissolved the 39 member Human Rights Committee for the Alabama Prison System that was formed by Judge Johnson, ordered that their functions would terminate, remanding the cause to the District Court to appoint a monitor for each prison.
- 9/30/77 Alabama Supreme Court restrains Commissioner Locke from transferring state prisoners from Mobile County to Washington County, due to failure to comply with Alabama's notice provisions. *Locke v. Wheat*, 350 2d 451 (Ala. 1977). In his dissent, Justice Maddox notes that the emergency conditions exist in county jails because of a federal court order prohibiting the Board of Corrections from accepting state prisoners from county jails.
- 12/2/77 Prison Commissioner Locke's attempt to transfer 20 state prisoners from Marshall County jail to Fayette County jail restrained, as exercise of authority did not comply with notice provisions of Alabama's transfer statute. *Alabama*

State Board of Corrections v. Norris, 352 So.2d 1106 (Ala. 1977).

Alabama passes Habitual Felony Offender Act. Act 77-607 as a provision of the New Criminal Code, providing enhanced penalty of five years or greater on the maximum term of imprisonment otherwise authorized for felons committed by a repeat felony offender. Prior to Act 77-607 going into effect, it was subsequently amended in 1979 by passage of Act 79-664), again in 2000 by Act 2000-759, effective 5/25/00, and in 2001 by Act 2001-977, effective 12/1/01.

7/3/78 United States Supreme Court holds civil rights suit against the State of Alabama and the Alabama Board of Corrections brought to eradicate alleged cruel and unusual punishment in Alabama prisons was barred by the 11th Amendment. *Alabama v. Pugh*, 438 U.S. 781, 98 S. Ct. 3057, 57 L.Ed. 2d 1114 (1978).

1979

2/1979 District Court entered order appointing Governor Fob James receiver of Alabama's prison system.

7/30/79 Adoption of New Habitual Felony Offender Law with mandatory minimum sentences for repeat offenders based on the felony classification of the current offense.

1980

1/1/80 New Criminal Code adopted. Revised Code increased penalties for repeat felons and violent offenders.

Abolition of good-time credits for long-term (over ten years) inmates.

Sentence enhancements for felonies involving a firearm or other deadly weapon (20 year mandatory imprisonment for Class A, 10 years for Class B and C).

Parole Board adopts guidelines to increase the amount of time served by violent offenders.

Significant Changes in Alabama's Good Time Law - abolishing good time for all Class A felons. Correctional Incentive Time Act, Act 80-446.

Federal District Judge Frank M. Johnson appoints a 21-person committee to oversee the operation of the system;

	later replaced by a 3-member monitoring panel to ensure state compliance with federal court orders.
5/28/80	Drug Trafficking law goes into effect. Act 80-587
7/21/80	Civil rights suit alleging unconstitutional condition of confinement brought against state and county officials by inmates incarcerated in Montgomery County jail. Consent decree entered and Judge Varner taxed attorney fees against the State alone. In a per curiam opinion, the 5th Circuit Court of Appeals reversed, holding the State could not be held solely responsible for conditions in the county jail. <i>Bibb v. Montgomery County Jail et al.</i> , 622 F. 2d 116 (CA 5 1980).
10/9/80	District Court finds Alabama prison system has failed to comply with standards in prior orders and establishes deadlines. District court approves consent decree which required state to remove inmates from county jails by September 1, 1981, comply with all other minimum standards established by the <i>Pugh</i> and <i>James</i> cases and set standards relating to living space.
1981	
5/18/81	District Court hearing held where it was stipulated that Alabama prisons had not met deadlines set by the federal court order, and in fact, overcrowding situation had gotten worse.
5/27/81	Firearm Enhancement Act goes into effect. Act 81-840
7/15/81	District Court ordered release of 400 named inmates on 7/24/81.
7/16/81	Attorney General Graddick seeks to intervene and stay district court release order. Hearing set for 8/6/81.
7/22/81	Attorney General Graddick files notice of appeal with the 5th Circuit Court of Appeals, requesting stay pending appeal.
7/23/81	5th Circuit Court of Appeals denied stay.
7/24/81	Pursuant to Order of the District Court, Alabama Middle District, 400 inmates were to be released at midnight on 7/24/81. Justice Powell, as Circuit Justice, granted temporary stay.
7/25/81	Powell, as Circuit Justice, denied Attorney General Graddick's request for permanent stay.

9/2/81 Graddick's reapplication for a stay filed with the Chief Justice denied by full court. *Graddick v. Newman*, 453 U.S. 928, 102 S.Ct. 4, 69 L. Ed 2d 1025 (1981).

10/30/81 Declaratory judgment action filed in Madison County Circuit Court against the Governor in his capacity as temporary receiver of the Alabama prison system, seeking relief regarding confinement of state prisoners in Madison County jail. *Ex parte Madison County, AL.*, 406 So.2d 398 (Ala. 1981).

1982

% increase in Criminal Court Filings and 30% increase in criminal dispositions since 1979, doubling the number of inmates received by the Department of Corrections (despite the decrease in crime rate).

7/4/82 Pharmacy Robbery statute goes into effect. Act 82-434

8/9/82 Federal Circuit Court, Robert Varner held that District Court erred in ordering DOC to release prisoners to reduce unconstitutional overcrowding, abusing its discretion by ordering relief that was "impermissibly intrusive on State's prerogative to administer its prison and parole system." *Newman v. Alabama*, 683 F. 2d 1312 (11th Cir. 1982).

1982-1983

Work Release Expanded (1,865 –20% of inmate population)
11 work release facilities in operation

Prediscretionary Release Program (PDL) established by DOC

Supervised Intensive Restitution Program (SIR) established Act 83-838.

1982-1985

4 new major prisons built, equipped and staffed

1983

1/18/83 US. District Judge Robert Varner approves consent agreement filed January 6, 1983, setting up a 4 person Prison Oversight Committee, chaired by Rod Nachman (members Ralph Knowles, Dr. George Beto and John Conrad). Attorney General Graddick did not agree to the settlement.

7/21/83	Supplemental interim report of Implementation Committee filed.
9/30/83	District Court orders Smith and Graddick to show cause.
10/18/83	October 14th Interim report of Implementation Committee filed.
11/4/83	District court order and judgment restraining defendants from enforcing State court order, ordering release of prisoners (effective March 15th), ordering Commissioner Smith to continue implementation of SIR program and holding Graddick in contempt of court. <i>Graddick v. Smith</i> , No. 83-1262-P. Graddick appeals.
12/7/83	District Court denies Commissioner Smith's request to delay release until hearing held to determine current conditions of prison system.
1984	
9/10/84	The United States Court of Appeals for the 11th Circuit, reviewing the orders issued by District Judge Varner (Ala. M.D.), reverses finding of Graddick in contempt and held that the District Court erred in ordering release of inmates without allowing a showing that conditions of confinement were no longer unconstitutional. <i>Newman v. Graddick</i> , 740 F. 2d 1513 (11th Cir. 1984).
11/27/84	Federal District Judge Robert Varner rules case will be dismissed without prejudice December 3, 1984 with the Prison Oversight Committee continuing in existence until January 1, 1988 unless a majority of Oversight Committee recommends otherwise.
1986	
3/1986	Circuit Judge Edmonson of the 11th Circuit Court of Appeals vacated and remanded U.S. District Judge U.W. Clemon's order holding the State of Alabama in contempt for violating a consent order to transfer state prisoners from the Morgan County jail within 30 days of receipt by the State of the conviction and sentencing transcript for the transferring inmate. <i>Chairs v. Burgess</i> , 143 F.3d 1432 (C.A. 11 Ala. 1998).
4/30/86	Drug Baron's Enforcement Act implemented. Act 86-534

1987

6/15/87 *B.W. Johnson, et al. v. M.R. Nachman, et.al.*, (suit against members of the Prison Oversight Committee by inmates of Holman Prison alleging violation of constitutional right by failure to monitor conditions at Holman prison and seeking to reactivate *Newman* case). Complaint Dismissed with prejudice by Federal District Judge Varner.

9/9/87 Judicial Study Commission, Chief Justice Torbert, Chair, forms Prison Review Task Force, chaired by Administrative Director of Courts, Allen Tapley. At the request of the District Court's Prison Oversight Committee, the Judicial Study Commission accepts responsibility to make recommendations concerning the incarceration of prisoners and how they are housed and to study and develop plans to prevent future prison overcrowding in the state's corrections system. (state inmate population 12,360 with capacity for 11,435; prison budget of \$114 million)

Passage of 5 year Enhancement Statute for sale of controlled substance within 3 miles of a school. Act 87-610

11/7/87-
11/8/87

Task Force holds its first meeting.

1988

Termination of *Pugh* injunctions.

1/7/88

Report of Prison Review Task Force

1989

Passage of 5-year enhancement statute for sale of a controlled substance within 3 miles of a housing project. Act 89-951

5/1989

6 Regional Sentencing Workshops presented by UJS Judicial College in conjunction with Pardons and Paroles and the Department of Corrections to review existing sentencing and custody options.

Findings Included:

85% of Alabama inmates are first time offenders, compared to the national average of 38%, with correctional officers having caseloads of 160 cases per officer.

Absence of intermediate sentencing and custody options.

50% of inmates incarcerated for non-violent offenses.

46% of the inmates received by DOC in 1987 had sentences of 4 years or less; 16% were sentenced to 2 years or less.

Recommendations Included:

Expanded supervision options
 More intensive probation and parole supervision programs.
 Increased use of community agencies
 Wider array of correctional options
 Support for Supervised Intensive Release

1990

Barbour County v. Thigpen (Commissioner Haley substituted), CV-92-388, 92-399, Montgomery Circuit Court (two civil actions consolidated). Class action brought by counties and sheriffs against the Department of Corrections for refusal to accept state inmates.

1991

Community Punishment and Corrections Act of 1991 enacted.

2/1991

The Sentencing Institute (TSI) established as a private nonprofit corporation by Allen Tapley.

11/15/91

Class action lawsuit filed by sheriffs of Barbour, Bullock, Calhoun, Fayette and Limestone counties against Prison Commissioner Morris Thigpen and the Department of Corrections (counties not having existing federal court orders permanently enjoining the Commissioner and the Department of Corrections from retaining inmates in county jails).

1992

2/21/92

TRO issued in Barbour County case.

2/25/92

Circuit Judge Randall Thomas entered a preliminary injunction enjoining Commissioner Thigpen from refusing to accept state inmates incarcerated in county jails, and ordered transfers from the county jails to be made within 30 days of receipt of transcripts from counties.

8/6/92

Randall Thomas, Presiding Judge of Alabama's 15th Judicial Circuit, requested TSI to review the problem of jail and prison overcrowding in Alabama and offer recommendations.

Legislature added 4 aggravated forms of murder.

1993

9/15/93 Class certification of action brought by mentally ill inmates of Alabama's prison System challenging deficiencies in system for delivery of mental health care to acutely and seriously mentally ill inmates. *Bradley v. Harrelson*, 151 F.R.D. 422 (U.S. District Court 1993).

1994

Passage of Hate Crime Act, Act 94-581, effective 4/21/94. § 13A-6-2, *Code of Alabama* 1975

4/22/94 Felony DUI law goes into effect. Act 94-591

1995

ADECA awarded grant to AOC, TSI and the University of Alabama to conduct a series of sentencing workshops in the fall of 1995 with follow-up regional training programs held in 1996.

Alabama Criminal Justice Advisory Commission (ACJAC) established.

Working Committee of the Alabama Criminal Justice Advisory Commission (ACJAC) formed.

August 17, 1995 report - "There is a serious need to provide community based programs and punishment options." FY 1996 DOC received \$2.7 million for community correction programs.

September 22, 1995 Report of ACJAC on Alabama's Criminal Justice System, Criminal Sentencing, Punishment Options and Criminal Law.

Recommendations included:

Enhance SIR;

Require evaluation of all new and existing punishment programs in terms of their effectiveness;

Implement the Community Punishment and Corrections Act of 1991;

Establish a comprehensive network of punishment options;

Improve informational systems "to assist the Legislative Fiscal Office in development of economic impact assessments of legislation affecting the state's criminal justice system;"

Reserve prison bed space for violent/serious offenders requiring incarceration; Develop community and other community based punishment programs and other programs designed to divert property offenders from the state's prison system; Increase the number of probation officers to achieve the nationally recommended caseload (50

offenders per officer compared to current caseload of 179 offenders per officer);
 Implement the Community punishment and Corrections Act of 1991 with DOC working with local communities to develop a plan for adequately funding and implementing a formal, comprehensive community corrections network.

11/17/95 Mandatory Incarceration Act proposed

1997

12/19/97 HIV- positive inmates file § 1983 action challenging conditions of confinement. See *Edwards v. Alabama Department of Corrections*, 81 F.Supp. 2d 1242 (M.D. Ala. 2000) dismissing action. See also, *Harris v. Thigpen*, 941 F.2d 1495 (CCA 11 Ala. 1991), upholding ADOC's policies and procedures regarding HIV inmates.

1998

1/23/98 The Judicial Study Commission creates a special committee to study sentencing policies and practices in Alabama, appointing Retired Judge Joe Colquitt as chair.

8/10/98 U.S. District Judge Myron Thompson holds use of hitching post unconstitutional, and DOC's visitation and privilege policy constitutional. *Austin v. Hopper*, 15 F.Supp. 2 1210 (M.D. Ala. 1998).

9/9/98 Plaintiffs file contempt petition in the Montgomery Circuit Court, *Barbour County v. Thigpen, supra*, Settlement agreement was approved and adopted by the court (Judge William A. Shashy), and petition dismissed without prejudice.

1999

10/22/99 Sentencing Committee of Judicial Study Commission issues its report.

2000

3/24/00 Governor Don Siegelman issued Executive Order 24, establishing the Commission on Corrections, Sentencing and Law Enforcement, appointing Chris Retan, Executive Director of Aletheia House in Birmingham, as chair.

5/17/00 **Alabama Sentencing Commission is established as a state agency. Act 2000-596.**

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- 7/1/00 Mandatory minimums for Domestic Violence Offenses implemented. Act 2000-266
- 12/4/00 Circuit Court, 20th Judicial Circuit (Houston and Henry Counties), entered order directing Houston County Sheriff to transfer certain inmates from county jail to the Department of Corrections and if the Department refuses to accept inmates, secure inmates to DOC property.
- 2001**
- 1/15/01 Governor's Commission issues its report.
- 1/29/01 Alabama Sentencing Commission director appointed and staff established, with office provided in the judicial building.
- 2/2/01 Eleventh Circuit Court of Appeals holds that inmate's 8th Amendment rights were violated when he was handcuffed to hitching post on two occasions but affirmed granting of qualified immunity to correctional officials. *Hope v. Pelzer*, 240 F.3d 975 (C.A. 11 Ala. 2001). On November 17, 2005, U.S. District Court, Judge Bowdre, granted Judgment as a Matter of Law to correctional officials and dismissed plaintiff's claims.
- 4/7/01 Class action brought by inmates of Morgan County jail against state and county officials. District Judge Clemons held jail conditions violated 8th Amendment (housing 221 inmates in a jail with the capacity to house 96) and issued preliminary injunction, ordering DOC to present plan for removal of all state ready inmates by 4/23/01 and transfer inmates by 5/18/01. *Maynor v. Morgan County Alabama*, 147 F. Supp.2d 1185 (U.S. Dist. N.D. Ala. 2001).
- 5/4/01 Commissioner Haley petitioned the Alabama Supreme Court for writ of mandamus to direct the Houston County Circuit Judges to vacate order directing sheriffs to transfer certain inmates from the county jail to the Department of Corrections. The petition was denied by the Court, holding that mandamus was not the proper method for challenging the circuit court order. *Ex parte Glover*, 2001 WL 470181 (Ala. 2001).
- 5/18/01 Montgomery County Circuit Court, Hon. William A. Shashy issued an order directing Prison Commissioner Haley to comply with the 1998 Consent Order and accept all inmates sentenced to the penitentiary and held over 30 days in county jails awaiting transfer by June 18, 2001. *Barbour County et al. v. Commissioner of Corrections et al.* (CV-92-399-SH), 15th Judicial Circuit.

- Governor Don Siegelman establishes Prison Task Force to Resolve Jail and Prison Overcrowding Problem
- 6/14/01 Prison Task Force Report issued.
- 6/28/01 Show Cause hearing before Judge Shashy.
- 2002**
- PMOD Interest. § 1983 action brought by inmate alleging that ADOC's policy prohibiting inmates from receiving interest on wages from work release deposited in bank accounts. The Eleventh Circuit Court of Appeals held that this practice was not an unconstitutional taking since no property interest existed. *Givens v. Alabama Department of Corrections* 381 F.3d 1064 (C.A. 11 Ala 2004).
- 1/9/02 The Southern Center for Human Rights files lawsuit alleging medical and living conditions at Tutwiler facility unconstitutional.
- 4/21/02 New Crime of Terrorism goes into effect. Act 2002-431
- 6/27/02 United States Supreme Court holds that ADOC subjected inmate to cruel and unusual punishment in violation of 8th Amendment when guards handcuffed prisoner to hitching post for disruptive behavior, reversing the grant of qualified immunity. *Hope v. Pelzer*, 536 U.S. 730, 122 S.Ct. 2508 (2002).
- 8/20/02 Class action filed alleging 8th Amendment violations in conditions of confinement, medical care and mental health treatment at Tutwiler Prison for women and Birmingham work release. *Laube v. Campbell*, CV-02-T-957-N, U.S. District Court, Middle District of Alabama, Judge Myron Thompson.
- 11/21/02 Eighth Amendment class action filed on behalf of all HIV positive inmates at Limestone Correctional Facility. Settlement agreement approved by Magistrate Judge John Ott on April 29, 2004. Termination of agreement expected the end of 2006. *Leatherwood v. Campbell*, CV-02-BEE-2812-#W, U.S. District Court, Northern District of Alabama, Judge Karen Bowdre, Mediator: Magistrate Judge John Ott. Case terminated June 2006.
- 12/2/02 Myron Thompson holds Tutwiler facility unconstitutional and issues temporary injunction on requiring ADOC to come up with plan to eliminate crowding and understaffing. *Laube v. Haley*, 234 F.Supp.2d 1227 (M.D. Ala. 2002)

12/6/02 In *Haley v. Barbour County*, Judge Shashy orders DOC Commissioner to pay monetary sanctions.

12/12/02 Judge Shashy orders DOC to accept specific number of inmates in *Barbour County* case.

2003

3/14/03 Alabama Court of Civil Appeals uphold ADOC action in withholding money benefits paid to inmate for injuries incurred while participating in works release. The Court held that the Department was authorized to seize portion of the inmate's benefits to pay for costs of incarceration. *Gober v. Alabama Department of Corrections*, 871 So.2d 838 (Ala.Civ. App. 2003).

4/7/03 Special Parole Dockets Begin.

4/9/03 Class Action brought on behalf of all diabetic inmates in Alabama claiming constitutional violations in the management and provision of medical care, alleging Eighth Amendment violations and seeking injunctive relief. Settlement agreement approved January 15, 2004. *Gaddis v. Campbell*, CV-03-T-390-N, U.S. District Court, Middle District of Alabama, Judge Myron Thompson.

4/15/03 70 female and 600 male inmates sent to Louisiana private prisons.

5/13/03 Eighth Amendment medical class action filed challenging medical care of all inmates that are currently incarcerated or who will be incarcerated at St. Clair Corrections Facility. *Baker v. Campbell*, CV-03-C-1114-M, U.S. District Court, Northern District of Alabama, Judge U.W. Clemon. Settlement agreement approved August 31, 2005 and terminated June 30, 2006.

6/25/03 Settlement agreement entered in Tutwiler *Laube* case; inmates down to 750 (lowest since early 1990s). Plaintiffs are requesting \$980,000 in attorney fees, defendants have offered to resolve attorney fee issue by payment of approximately \$294,000. Attorneys for plaintiff are Southern Center for Human Rights and Holand and Knight, LLC in Atlanta.

2004

1/30/04 Alabama Supreme Court holds that § 14 of Alabama's Constitution (state sovereign immunity) forbids the State from being assessed a monetary sanction for contempt. *Haley v. Barbour County*, 885 So.2d 783 (Ala. 2004)

- 2/4/04 U.S. District Judge Myron Thompson approves settlement in *Gaddis* case. *Gaddis v. Campbell*, 301 F.Supp. 2d 1310 (M.D. Ala. 2004).
- 4/21/04 Hate Crime statutes take effect. Act 94-266
- 8/23/04 U.S. District Judge Myron Thompson approves settlement agreement to revamp medical care and living conditions at Tutwiler prison for women. *Laube v. Campbell*, 333 F.Supp 2d 1234 (M.D. Ala. 2004)
- 2005**
- 1/2005 Pollution Cases – Attorney General and Alabama Department of Environmental Management file suit to enforce provisions of the Alabama Water Pollution Control Act. Suit is over river pollution caused by old wastewater treatment facilities at Donaldson Correctional Facility. CV-05-40, on administrative Docket Circuit Court, Jefferson County, Bessemer Division, Judge Dan King.
- 2/22/05 Class action filed in U.S. District Court against ADOC employees alleging inadequate medical care, overcrowding condition, intolerable living conditions, and violation of the American with Disabilities Act at Hamilton Correctional Facility for the Aged and Infirm, seeking only prospective injunctive relief. Settlement agreement is pending. *Aris v. Campbell*, CV-05- PWG-396 (U.S. District Court, ND 2005), Judge Paul Greene.
- 7/29/05 Child Sex Offender Act adding new criminal penalties and increasing existing penalties approved by the Legislature, to become effective October 1, 2005.
- 8/15/05 Second pollution lawsuit filed by the Attorney General to enforce the provisions of the Alabama Water Pollution Control Act. Arises from wastewater treatment plants and sewage lagoons operated at St. Clair, Draper, Elmore, Fountain, Holman, Limestone prisons and at DOC's Farquhar Cattle Ranch and Red Eagle Honor Farm. Currently on administrative docket, Circuit Court of Montgomery County, Judge Hardwick.
- 10/1/05 Child Sex Offense enhancements take effect. Act 2005-301
- 11/17/05 *Hope v. Pelzer*, 240 F.3d 975 (C.A. 11 Ala. 2001). On November 17, 2005, U.S. District Court, Judge Bowdre, granted Judgment as a Matter of Law to correctional officials and dismissed plaintiff's claims.

2006

- 1/10/06 U.S. Supreme Court holds that disabled inmates may sue state for money damages under Title II of the Americans with Disabilities Act of 1990. *U.S. v. Georgia*, 546 U.S. 151, 126 S.Ct. 877 (2006).
- 2/9/06 Alabama Sentencing Commission bill amending Burglary 1st and 2nd statutes (Act 2006-198) and Increasing maximum authorized fine for felonies and Class A and B misdemeanors enacted (Act 2006-197, effective June 1, 2006).
- 2/10/06 Alabama Sentencing Commission bill requiring a pre- or post-sentence investigation report to be filed on convicted felony offenders enacted (Act 2006-218), effective March 10, 2006
- 2/15/06 Governor Riley appoints Richard Allen as Commissioner of ADOC and Vernon Barnett as Chief Deputy Commissioner
- 3/1/06 New law becomes effective increasing punishment for child pornography
- 4/3/06 L.I.F.E Tech (Thomasville) P &P male transition center opens
- 4/4/06 Alabama Sentencing Commission bill correcting the threshold value of property stolen in the Theft of Property 2nd statute passed (Act 2006-297), effective April 4, 2006.
- 4/5/06 Initial Sentencing Standards enacted – Act 2006-312, to become effective October 1, 2006.
- 4/28/06 Alabama Sentencing Commission’s bill amending the DUI statute enacted (Act 2006-654), effective 4/28/06.
- 5/06 - 10/06 30 Regional Sentencing Standards Workshops conducted for judges, prosecutors, probation and parole officers, defense attorneys, community correction personnel, court clerks and the general public.
- 6/2006 *Leatherwood v. Campbell*, CV-02-BEE-2812-#W, U.S. District Court, Northern District of Alabama, Case terminated.
- 7/7/06 Certified question from the U.S. District Court for the Southern District of Alabama regarding breach of DOC’s statutory duty to periodically inspect jails. Alabama Supreme Court found no beach and no cognizable claim

	against DOC for relief. <i>Carpenter v. Tillman</i> , 2006 WL 1875461 (Ala. 2006).
8/29/06	“30 day ready” state inmates in county jails reaches 0
9/30/06	Special Parole Board abolished.
10/1/06	Initial Sentencing Standards are implemented.
11/14/06	Status conference scheduled before Judge Shashy in <i>Barbour County v. Allen</i> jail crowding case.
12/13/06	Pew Charitable Trusts Spotlights Alabama’s Reform Efforts – Alabama Chosen to Participate in National Initiative on Public Safety and Corrections.
2007	
1/5/07	60 male inmates transferred to Louisiana
6/11/07	Governor Riley appoints Bill Wynne, Jr. as Chair of Board of Pardons and Paroles.
7/11/07	DOC announces additional sale of land – revenue for infrastructure improvements. 540 acres of Furquhar State Cattle Ranch sold for \$1.6 million
8/29/07	134 male inmates returned from Louisiana
10/1/07	Improvements in ADOC Monthly Statistical Reports
10/18/07	ADOC announced return of all femal inmates housed in Louisiana prisons.
10/31/07	ADOC Announces Policy Changes for HIV Positive Inmates
11/07	400 bed Community Education Center Opened
12/10/07	ADOC Announces Plan to sale 2,045 acres at Red Eagle Honor Farm