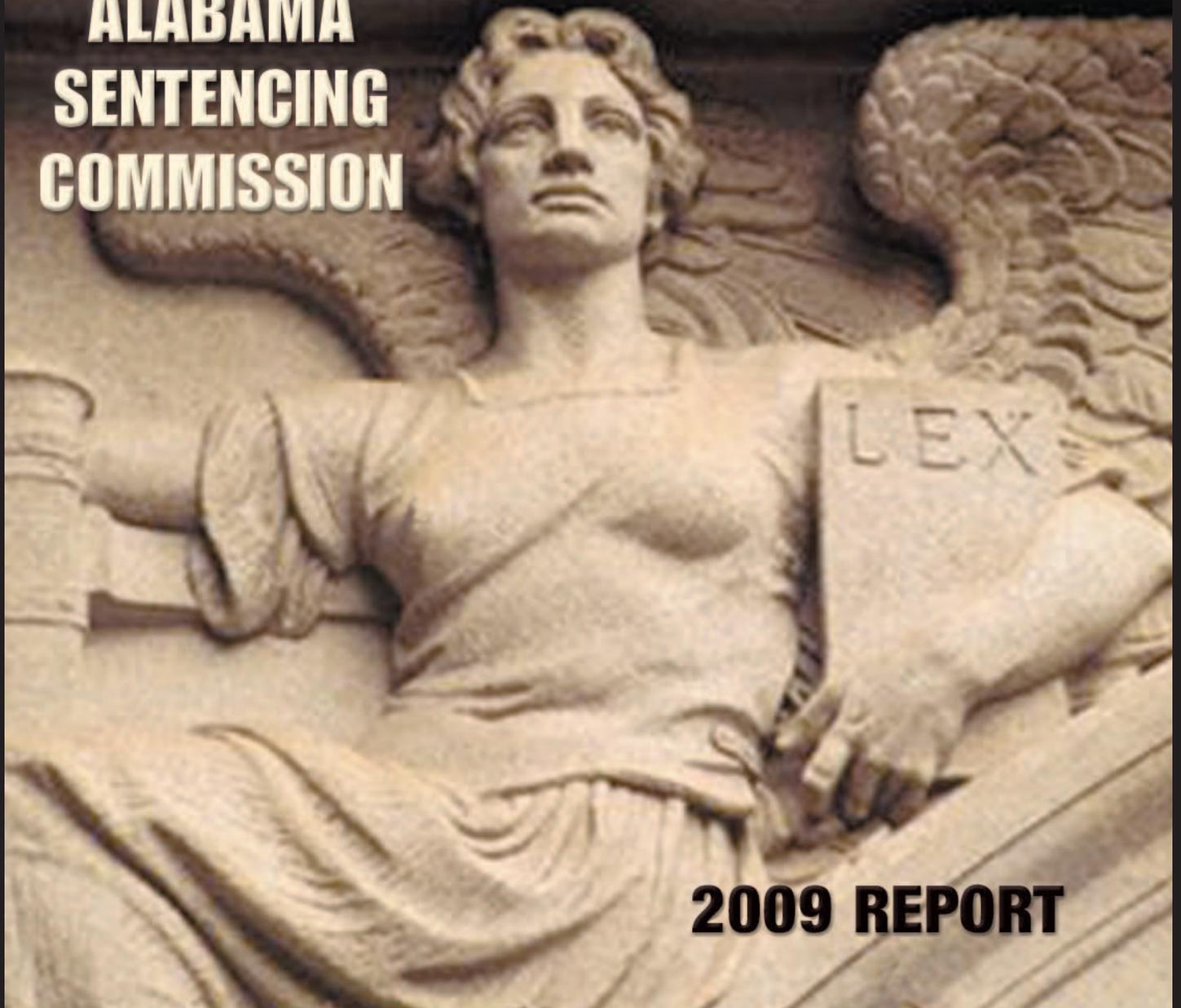


# Compliance with the Initial Sentencing Standards

**ALABAMA  
SENTENCING  
COMMISSION**

**2009 REPORT**







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Since its inception, the Alabama Sentencing Commission has been a nonpartisan body, involving representatives from every part of the criminal justice system in its decision making process. In addition to the members of the Commission and Advisory Board, which are governed by statute, additional groups and individuals have been recruited as Advisory Board members or for service on one of the Commission’s various committees. These members, representing crime victims, legislators, the bench and bar and criminal justice agencies and departments, enable the Sentencing Commission to receive valuable input from those directly affected by the sentencing decision.

The Commission and staff extend our sincere appreciation for the support and assistance that have been provided by these individuals to improve our State’s Criminal Justice System and to share our vision. Special recognition is extended to the following individuals and organizations for lending their knowledge, expertise and assistance to this important undertaking.

Chief Justice Sue Bell Cobb  
Joseph A. Colquitt, Chairman of the Sentencing Commission  
Judges of the Court of Criminal Appeals  
Alabama Circuit and District Judges’ Associations  
Governor Bob Riley and staff  
Jim Main, Finance Director of the State of Alabama  
The Alabama Board of Pardons and Paroles and staff: Cynthia Dillard, Eddie Cook, and Robert Oaks  
Attorney General Troy King  
Commissioner Richard Allen, Alabama Department of Corrections  
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David Williams, Judicial College, Administrative Office of Courts  
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Victim Advocates; VOCAL, MADD, Angel House, Coalition Against Domestic Violence  
Legislative Reading and Research Service  
Legislative Reference Service  
Dr. Tammy Meredith and Dr. John Speir, Applied Research Services  
The National Association of Sentencing Commissions and NASC Executive Board  
Vera Institute of Justice  
The Crime and Justice Institute  
Pew Charitable Trusts  
Alabama Association of Community Corrections  
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The Criminal Defense Lawyers Association  
Faulkner University and Dr. Lou Harris

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April 10, 2009

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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

It is my pleasure to submit for your review the 2009 Report of the Alabama Sentencing Commission. It is submitted as mandated by Section 12-25-33 of the *Code of Alabama*. This report contains the first compliance results of the initial sentencing standards that were implemented October 1, 2006. It also includes a summary of the achievements of the Commission during FY 2008 as well as the projects the Commission will pursue during FY 09.

Because this report outlines only a few of the Commission's accomplishments from the time it was first established in 2000, I encourage you to visit our website: <http://sentencingcommission.alacourt.gov> for a more comprehensive review of our successes and the progress made by the other agencies and departments that have been active participants in improving Alabama's Criminal Justice System. The Commission members and staff are indebted to them – and to you – for the support and encouragement provided toward achieving our statutorily defined goals and objectives.

Since last year's report, there have been many advances made toward expanding and improving alternative sentencing options. Drug courts have grown from 38 drug courts in 36 counties to 43 drug courts in 41 counties. In addition, a drug court bill was drafted and introduced in the 2009 Regular Session, establishing general goals and guidelines for existing drug courts and those that are later established.

While one additional community corrections program has been established since last year, bringing the total in operation to 34 programs in 45 counties, the Commission's primary focus during 2008 was on developing model community alternative programs. With technical assistance provided through Pew Charitable Trusts by Vera Institute of Justice and The Crime and Justice Institute, the Cooperative Community Alternative Sentencing Project was established by Chief Justice Bell Cobb and the Alabama Sentencing Commission. By establishing model programs in four pilot sites that will mentor to programs in other counties, it is hoped that a true continuum of punishment options and a coordinated system of quality community supervision and treatment services can be established.

The Alabama Sentencing Commission is now making plans to host the National Association of Sentencing Commissions' 2010 Annual Conference next August in Point Clear, Alabama. Every year the NASC conference brings together judges, legislators, correctional officials, policy makers, academics, researchers, and practitioners from around the country to examine other states' experiences with sentencing laws and practices and to discuss emerging issues and innovative ways to address escalating prison and jail populations. We are honored that Alabama has been selected as a conference site for 2010 and hope that you will mark your calendars and plan to participate in this informative and memorable conference.

Alabama has received national recognition for the progress made through the sentencing reforms that have been implemented in recent years and, with your continued support and assistance Alabama can become a model among state criminal justice systems.

Sincerely,

Joseph A. Colquitt, Chair  
Alabama Sentencing Commission



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## Executive Summary

### New Developments in FY 2008

- ❖ For the first time, Alabama is able to provide compliance information on utilization of the initial voluntary sentencing standards, which were first implemented the beginning of FY 2007.
- ❖ The Cooperative Community Alternative Sentencing Project (CCASP) was established, four pilot sites selected, and on-site work begun to establish model community supervision programs.
- ❖ Four bills were approved for introduction into the 2009 General Session which, if passed, would: 1) modify the existing sentencing standards to include attempts, conspiracies, and solicitations for murder and certain drug offenses; 2) postpone truth-in-sentencing standards until 2011; 3) amend the split sentencing statute; and (4) further amend the Community Punishment and Corrections Act.

This Report details the Commission's activities during 2008, beginning with a general outline and month-by-month account of the Year in Review. This precedes the historical account of the creation and membership of the Alabama Sentencing Commission and Advisory Counsel, the Commission's statutory mandates, goals and achievements, and plans for the future, which are included in Chapter 1. Chapter 2 provides a synopsis of Acts affecting the Criminal Justice System that passed last year, followed by the Sentencing Commission's Legislative package for 2009, and a summary of the major provisions of the Drug Court bill, proposed by the Chief Justice's Drug Court Task Force and supported by the Sentencing Commission.

Chapter 3 provides a general overview of the Department of Corrections, emphasizing the advances made during FY 2008, despite limited resources. The innovative initiatives implemented by ADOC that are reviewed include: the Pre-Release and Reentry programs (SRP, work centers, the Therapeutic Education program, and work release); officer training and personnel recruitment; new inmate Healthcare contracts; and renovations and construction of new facilities. Also included is a recap of primary needs of the Department, the major problems confronting the Department, and the Department's Action Plan for resolution.

Chapter 4, on Expanding Punishment Options, details the Sentencing Commission's latest effort to expand and improve community supervision and service programs through the CCASP Project. This project, undertaken with the technical assistance of nationally recognized experts, incorporates a hands-on-approach, with analysis of existing programs and services, data systems evaluations, recommendations for improvement, and assistance with implementation. Expansion efforts in community corrections and drug courts are also described. Chapter 4 concludes with a summary of the assistance provided to the Sentencing Commission by the Board of Pardons and Paroles administrative staff and a statistical listing of supervision services provided, number and types of revocations, caseloads, supervising officers, and pardons granted and denied. Advances and improvements made by

the Board are also discussed, ranging from L.I.F.E. Tech Transition Centers and utilization of a uniform risk and needs assessment instrument to expanded data collection through electronic Presentence Investigation Reports (E-PSIs).

The highlight of this year's report is included in Chapter 5 where judicial compliance with the sentencing standards is reported for the first time. The Sentencing Commission received 45 percent of worksheets for applicable worksheet offense sentencing events sentenced between January 1, 2007 and September 30, 2008. Compliance with the worksheet "In/Out" recommendation is nearly 75 percent while "Overall" compliance is approaching 60 percent. Compliance figures are also presented reporting compliance by judicial circuit, race, and gender.

Chapter 5 also includes information on felony convictions, prison admissions and prison releases in the last year. Even after decreasing in 2008, Possession of a Controlled Substance convictions account for 25% of all felony convictions. Drug offenses continue to be the largest offense category for convictions, admissions and releases; however, Felony DUI numbers show large decreases across all categories.

The Report concludes with a Timeline of Events in Chapter 6, tracing major events and milestones in Alabama's Criminal Justice System, especially in regard to Prison litigation on overcrowded and unconstitutional conditions. While many temporary commissions and committees issued reports with recommendations for improvement, it was not until the Sentencing Commission was created that Alabama began to make significant progress implementing these recommendations, as well as others suggested by the Commission. While this Timeline may be viewed by some as a history of failure and stagnation, when reviewed in light of recent accomplishments, it reflects that Alabama is now making progress in critical areas.

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## **Year in Review**

### **Meetings**

#### **The Sentencing Commission**

The Sentencing Commission and Advisory Council held its quarterly meetings during FY 2008 and CY 2008 on November 9, 2007, January 18, 2008, April 25, 2008, September 5, 2008 and December 5, 2008. The Legislative Committee of the Sentencing Commission, chaired by Dr. Lou Harris, met four times: October 15, 2007, October 30, 2007, October 9, 2008 and November 12, 2008. The Standards Committee, chaired by Rosa Davis, met twice: October 19, 2007 and November 7, 2008. The Uniform Sentencing Order Committee met twice, April 4, 2008 and August 22, 2008.

#### **Quarterly Commission Meetings**

In addition to the regularly scheduled meetings, the Sentencing Commission members and staff also conducted several meetings which involved the Statewide Steering Committee, the Technology Committee, the Risk and Needs Work Group, the Evidence Based Practices Committee, the Site Selection Committee, and the Lawrence County Steering Committee of the Cooperative Community Alternative Sentencing Project (CCASP). This project, aimed at improving the services available through the community to offenders that are returning from prison or diverted from prison and being supervised in the community, is one for which Alabama is receiving technical assistance by the Vera Institute of Justice and the Crime and Justice Institute through a grant provided by Pew Charitable Trusts.

#### **Specialty Committee Meetings**

#### **Sentencing Standards Worksheet Training and Sentencing Entries**

The Sentencing Commission staff has continued its efforts to conduct individual training sessions on completion of the worksheets and use of the sentencing standards to encourage utilization of the standards and alternative sentences for eligible offenders. In addition to manning a helpline for questions on the sentencing standards and worksheets, additional training was provided to the Tuscaloosa and Pike County Bar Associations.

#### **Worksheet Standards Training Sessions**

To establish and implement a uniform procedure for the entry of sentences, the Sentencing Commission staff conducting educational sessions to court specialists in Montgomery, Rainsville, Huntsville and Mobile, continuing its efforts to improve the reliability of sentencing information entered into the statewide court case database of the Administrative Office of Courts.

#### **Sentence Entry Training**

#### **Other Criminal Justice Activities**

Among the other collaborative efforts of the Sentencing Commission, staff participated on various boards and committees and made presentations to various criminal justice groups. Considerable time was spent this year on the Cooperative Community Alternative Sentencing Project, co-chaired by Chief Justice Cobb and Chief Assistant Attorney General Rosa Davis. In addition, staff served on the Chief Justice's Drug Court Task Force and the Legislative Committee of that Task Force. The Commission's Director also served as a member of the Alabama Association of Community Corrections, VOCAL Board, the Supreme Court's Standing Committee

#### **Presentations and On-Going Chief Justice Activities**

**Criminal Justice Activities**

on Criminal Procedure, UJS Judicial Study Commission, the Court Clerk’s Committee of the Judicial Study Commission, the State Bar’s Warrant and Indictment Manual Committee, the Alabama Law Institute (ALI), the Criminal Code Revision Committee of ALI, and as secretary on the Executive Board of the National Association of Sentencing Commissions.

**Presentations**

Commission members and staff attended and/or made presentations to several criminal justice groups this year including: the Alabama Legislature, the National Association of Sentencing Commissions, UJS Legislative Coordinating Council, New Judges, Circuit and District Judges, Court Specialists, County Bar Associations, the Legislative Commission on Girls and Women in the Criminal Justice System, Joint Legislative Prison Oversight Committee, the Alabama Association of Community Corrections, Pew Charitable Trust/Vera Multi-State meeting, and the Judicial Study Commission.

**Participation in Community Corrections Expansion and Improvement**

**Community Corrections**

During 2008, staff of the Sentencing Commission continued to work closely with the Alabama Association of Community Corrections (AACC) and the Community Corrections Division of the Department of Corrections. In addition to attending the Association’s monthly meetings and AACC winter and summer conferences, Commission staff worked closely with program directors on amendments to the Community Corrections and Punishment Act for the bills which were introduced during the 2009 Legislative Session.

**Financial Assistance Through Federal Grant**

**Technical Assistance**

**DOJ/NIJ Grant**

Through funding provided by the Department of Justice, National Institute of Justice, the Sentencing Commission employed a full-time statistician and obtained technical assistance from Applied Research Services, Inc. (ARS) to modify Alabama’s simulation model to provide a more user-friendly instrument, and to incorporate features that can assist to facilitate future revisions to the sentencing standards. 2008 was the last year of the grant period, which required a considerable amount of staff time to prepare and submit the final report and data.

**CCASP Initiated in 4 Pilot Sites**

**Vera Institute of Justice, Crime and Justice Institute and Pew Charitable Trusts**

Continuing a project begun in 2007, with grant funding from Pew Charitable Trusts, the Vera Institute of Justice, joined by The Crime and Justice Institute, provided technical assistance to the Sentencing Commission by coordinating the implementation of the Cooperative Community Alternatives Sentencing Project (CCASP). CCASP is an alternative sentencing strategies project whose goal is expanding and improving community supervision programs and community services and implementing evidence-based practices. This project, initiated by the Joint Steering Committee of the Chief Justice and Alabama Sentencing Commission, made significant headway during 2008, creating essential committees, establishing project goals, objectives, strategies and timelines, and selecting the four pilot sites:

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Lawrence, Jefferson, Marshall and Montgomery Counties. Site visits have already begun in Lawrence County and initial steps have been taken toward recommending the adoption of a statewide risk and needs assessment instrument.

### **National Recognition**

Alabama was well represented at the National Association of Sentencing Commissions (NASC) held in San Francisco, California in August of 2008. Three members of the Alabama Sentencing Commission presented at the conference: Chair Joseph Colquitt, leading a roundtable discussion on “Sentencing for Felony DUI Offenders”; Commissioner Richard Allen conducting a panel discussion on “Capacity and the Nationalization of Prison Overcrowding”; and Rosa Davis chairing a panel on “The Impact of Truth in Sentencing Laws on Prison Population”. Alabama was also honored by being requested to consider hosting the NASC Conference for 2010. Commission staff is currently making plans to fund and schedule the conference in Point Clear, Alabama the first week of August 2010.

### **Alabama Considered for 2010 NASC Conference**

### **Conferences**

Sentencing Commission staff was invited to deliver presentations to the National Institute of Justice Conference held in Washington D.C. in July of last year, the New Judges Orientation, the Circuit and District Judges Summer and Midwinter Conferences, and the County Commissions’ Legislative Conference held December 10, 2008 in Birmingham. Other conferences attended included those sponsored by the Alabama Association of Community Corrections and a two day retreat sponsored by Pew Charitable Trust and the Vera Institute of Justice held for Commission members and representatives from Community Corrections agencies and programs.

### **Presentations by Commission Staff**

## Year in Review – FY 2008 & 2009

### FY 2008

October 3 <sup>rd</sup> - 4 <sup>th</sup>	NASC Planning Committee and Board Meetings
October 5 <sup>th</sup>	Court Specialist Training - Montgomery, AL
October 11 <sup>th</sup>	State Bar/ALI Warrant and Indictment Manual Committee
October 15 <sup>th</sup>	ASC Legislative Committee Meeting
October 17 <sup>th</sup>	Legislative Commission on Women and Girls in the Criminal Justice System
October 18 <sup>th</sup>	Court Specialist Training - Rainsville, AL Standards Committee Meeting
October 24 <sup>th</sup> -26 <sup>th</sup>	Meeting with ADOC Central Records Staff Alabama Association of Community Corrections Conference
October 30 <sup>th</sup>	ASC Legislative Steering Committee
November 2 <sup>nd</sup>	Data Meeting, Tuscaloosa, AL
<b>November 9<sup>th</sup></b>	<b>Sentencing Commission Meeting</b>
November 15 <sup>th</sup>	Judicial Study Commission (JSC) Clerk Oversight Committee
November 19 <sup>th</sup>	Consolidation of Field Services Meeting
November 28 <sup>th</sup>	Meeting with Chief Justice and Director of Association of County Commissions
December 5 <sup>th</sup> -6 <sup>th</sup>	NASC Planning Committee and Board Meetings
December 13 <sup>th</sup>	Legislative Prison Oversight Committee Meeting
December 14 <sup>th</sup>	Legislative Commission on Women and Girls in the Criminal Justice System Judicial Study Commission Meeting
December 2 <sup>th</sup>	NIJ Quarterly Grant Report Submitted
January 8 <sup>th</sup>	Budget Meeting with Chief Justice
January 9 <sup>th</sup> - 10 <sup>th</sup>	NASC Planning and Executive Board Meetings
January 11 <sup>th</sup>	Legislative Commission on Women and Girls in the Criminal Justice System
January 14 <sup>th</sup>	Vocal Executive Board Meeting
January 15 <sup>th</sup>	Legislative Prison Oversight Committee Meeting
<b>January 18<sup>th</sup></b>	<b>Sentencing Commission Meeting</b>
January 22 <sup>nd</sup>	UJS Legislative Budget Meeting
January 23 <sup>rd</sup>	ADOC Legislative Budget Meeting

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January 23 <sup>rd</sup> – 25 <sup>th</sup>	Circuit and District Judges Mid-Winter Conference
February 1 <sup>st</sup>	Drug Court Task Force Meeting Legislative Commission on Girls and Women in the Criminal Justice System
February 5 <sup>th</sup>	Legislature Convened
February 6 <sup>th</sup>	Meeting with AOC on MIDAS
February 6 <sup>th</sup> -7 <sup>th</sup>	NASC Planning Committee and Board Meetings
February 15 <sup>th</sup>	Legislative Committee for Drug Court Task Force
February 19 <sup>th</sup>	Meeting with ADC
February 25 <sup>th</sup> - 26 <sup>th</sup>	Vera Institute of Justice Site Visit
February 25 <sup>th</sup>	CCASP Statewide Steering Committee Meeting
February 26 <sup>th</sup>	CCASP Data Committee Meeting
February 29 <sup>th</sup>	Drug Court Meeting
March 5 <sup>th</sup>	JSC Clerk’s Oversight Committee
March 5 <sup>th</sup> - 6 <sup>th</sup>	NASC Planning Committee and Board Meetings
March 20 <sup>th</sup>	Conference Call with Consultants ARS
March 26 <sup>th</sup> – 28 <sup>th</sup>	Vera Multi-State Meeting
April 2 <sup>nd</sup> - 3 <sup>rd</sup>	NASC Planning and Executive Board Meetings
April 4 <sup>th</sup>	Uniform Sentencing Order Committee Meeting
April 9 <sup>th</sup> -11 <sup>th</sup>	Association of Community Corrections Conference
April 15 <sup>th</sup>	VOCAL Conference
April 16 <sup>th</sup>	Court Specialist Meeting
April 22 <sup>nd</sup>	Meeting with Representatives from National Center for State Courts
<b>April 25<sup>th</sup></b>	<b>Sentencing Commission Meeting</b>
April 30 <sup>th</sup> –May 2 <sup>nd</sup>	Vera Site Visit
May 1 <sup>st</sup>	CCASP Statewide Committee Meeting
May 7 <sup>th</sup>	Court Specialist Training – Huntsville, AL
May 8 <sup>th</sup>	State Bar/ALI Warrant and Indictment Manual Committee Meeting
May 12 <sup>th</sup>	Association of Community Corrections Meeting
May 19 <sup>th</sup>	VOCAL Board Meeting Legislature Adjourned
June 4 <sup>th</sup> - 5 <sup>th</sup>	NASC Planning and Executive Board Meetings
June 9 <sup>th</sup>	Association of Community Corrections Meeting
June 12 <sup>th</sup>	Legislative Commission on Women and Girls in the Criminal Justice System
June 20 <sup>th</sup>	Drug Court Task Force Meeting
June 25 <sup>th</sup>	Juvenile Risk Assessment Meeting Criminal Mediation Meeting
June 16 <sup>th</sup>	Meeting with Finance Representative on SMART Budget

July 2 <sup>nd</sup>	MIDAS Meeting
July 7 <sup>th</sup>	NIJ Quarterly Grant Report Submitted
July 9 <sup>th</sup> -10 <sup>th</sup>	NASC Planning and Executive Board Meetings
July 14 <sup>th</sup> -17 <sup>th</sup>	Circuit and District Judges Conference
July 21 <sup>st</sup> – 23 <sup>rd</sup>	NIJ Conference – Washington .D.C.
July 23 <sup>rd</sup> – 25 <sup>th</sup>	Vera Institute Retreat
July 31 <sup>st</sup>	Court Specialist Training – Mobile, AL
August 3 <sup>rd</sup> – 6 <sup>th</sup>	Annual Conference of National Association of Sentencing Commissions- San Francisco
August 21 <sup>st</sup>	NASC Executive Board Meeting
August 22 <sup>nd</sup>	Uniform Sentencing Order Committee
August 28 <sup>th</sup>	Bar/ALI Warrant and Indictment Manual Committee Meeting
September 4 <sup>th</sup>	NASC Planning and Executive Board Meetings
<b>September 5<sup>th</sup></b>	<b>Sentencing Commission Meeting</b>
September 9 <sup>th</sup>	Conference Call with Consultants ARS
September 10 <sup>th</sup> -12 <sup>th</sup>	Site Visit from Vera Institute of Justice
September 11 <sup>th</sup> – 12 <sup>th</sup>	CCASP Pilot Site Selection Committee Meetings
September 17 <sup>th</sup>	CCASP Programs and Services Committee Meeting
September 18 <sup>th</sup>	CCASP Risk Needs Committee Meeting
September 19 <sup>th</sup>	CCASP Evaluation Committee Meeting
<b>FY 2009</b>	
October 1 <sup>st</sup>	NASC Planning and Executive Board Meetings
October 2 <sup>nd</sup>	CCASP Site Selection Committee Meeting
October 3 <sup>rd</sup>	CCASP Statewide Steering Committee Meeting
October 9 <sup>th</sup>	ASC Legislative Committee Meeting
October 16 <sup>th</sup>	Warrant and Indictment Manual Meeting
October 20 <sup>th</sup>	Meeting with ADOC Community Corrections Staff
October 23 <sup>rd</sup>	Court Referral Officer Conference
October 28 <sup>th</sup>	Drug Court Legislative Committee and Task Force Meetings
November 5 <sup>th</sup>	NASC Planning and Executive Board Meetings
November 7 <sup>th</sup>	Standards Committee Meeting
November 10 <sup>th</sup>	CCASP Risk and Needs Committee Meeting
	CCASP Evaluation Committee Meeting
November 12 <sup>th</sup>	CCASP Statewide Steering Committee Meeting
November 12 <sup>th</sup> -13 <sup>th</sup>	Lawrence County Pilot Site Visit
	Legislative Committee Meeting
November 14 <sup>th</sup>	Judicial Study Commission Meeting
November 21 <sup>st</sup>	Tuscaloosa Sentencing Standards Seminar

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December 3 <sup>rd</sup>	NASC Planning and Executive Board Meetings
<b>December 5<sup>th</sup></b>	<b>Sentencing Commission Meeting</b>
December 8 <sup>th</sup>	Association of Community Corrections Meeting
December 10 <sup>th</sup>	Alabama Association of County Commissions Presentation
December 29 <sup>th</sup>	NIJ Final Grant Report Submitted



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## Chapter 1. Alabama Sentencing Commission

### Background

The Alabama Legislature created the Alabama Sentencing Commission based on recommendation of the Unified Judicial System's Study Commission that a permanent sentencing commission be established as a separate state agency operating under the Alabama Supreme Court. The Sentencing Commission was created by Act 2000-596, effective May 17, 2000, to study Alabama's Criminal Justice System, its sentencing laws, practices, and policies and make recommendations for improvement to the Legislature. Among the statutory mandates enumerated in the Commission's enabling Act was the creation of a fair, effective, and efficient sentencing system, which would:

- ❖ Secure public safety by providing a swift and sure response to the commission of crime;
- ❖ Provide certainty and consistency in sentencing, avoiding unwarranted disparity;
- ❖ Promote truth-in-sentencing by assuring that the sentence served bears a certain relationship to the sentence imposed;
- ❖ Provide proportionality in sentencing, ensuring that the sentence imposed reflects the severity of the offense relative to other offenses;
- ❖ Maintain meaningful judicial discretion to impose sentences, based on aggravating and mitigating factors of the offense and offender;
- ❖ Enhance the availability and use of sentencing alternatives, providing judges with flexible sentencing options and meaningful discretion in the imposition of sentences;
- ❖ Prevent prison and jail overcrowding and the premature release of prisoners;
- ❖ Provide restitution to the victim and community.

The Alabama Sentencing Commission incorporated the primary legislative mandates into its Mission Statement and has been actively engaged in fulfilling these since it began operations in 2001. To accomplish these goals, the Commission's first task was to create a reliable felony offender database with information on offenders, crimes of conviction and past sentencing practices. To assist with this process and the development of the initial voluntary sentencing standards, the Commission contracted with Applied Research Services, Inc. (ARS), consultants experienced in guideline development, data collection and data analysis. In addition to creating Alabama's first comprehensive felony offender database (combining information from the Administrative Office of Courts, Board of Pardons

### ASC Created

### Legislative Mandates

### Data Essential to Fulfill Goals

**Standards and Simulation Model Development**

and Paroles, the Department of Corrections and Alabama Criminal Justice Information Center), ARS developed the Commission’s first voluntary sentencing standards, and a simulation model to predict the impact changes in laws and practices have on prisons, jails, and supervision services. These major projects, essential to the work of the Sentencing Commission, were accomplished in record time and in the Commission’s formative years when there was no staff trained in data collection and statistical analysis.

**Mission Statement**

**Reformed Sentencing System**

*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.*

**ASC Staff Skilled in Data Collection and Analysis**

Since creation and adoption of the initial sentencing standards, the Sentencing Commission has acquired staff skilled in data collection and analysis and in running simulation forecasts. The Commission also now employs its own full-time statistician, analyst, legal research assistant and data entry specialist. In addition, the Commission has been fortunate in acquiring interns through Faulkner University, which have provided invaluable assistance in data entry, research and committee work.

**Sentencing Commission Members Statutorily Defined**

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:

***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.

***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.

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**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.  
§ 12-15-3, Code of Alabama, 1975.

**ASC Membership Bi-Partisan and Representative of Criminal Justice System**

**Sentencing Commission Goals and Achievements**

*Comprehensive Discretionary Sentencing Plan for Felony Offenders; Eliminating Unwarranted Disparity in Sentencing*

**Achieving Sentencing Commission’s Goals**

**Implementation of Initial Voluntary Sentencing Standards**

Section 12-25-10, Code of Alabama 1975, required the Sentencing Commission to review Alabama’s existing sentencing structure, laws and procedures and recommend changes to the Criminal Code to accomplish a comprehensive discretionary sentencing plan for all felony offenses consistent with the purposes and objectives set out in its enabling act. The Sentencing Commission was charged with recommending a sentencing system that would, among other things, avoid unwarranted sentencing disparities among defendants with like criminal records that have been found guilty of similar criminal conduct. To fulfill this statutory mandate, the Sentencing Commission has recommended the change in several criminal laws and procedures, primary among which was the development and implementation of the initial Voluntary Sentencing Standards. Although bills were introduced in the Legislature beginning in 2003 for approval of the sentencing standards that had been developed based on historical “time imposed” data, it was not until 2006 that the standards, worksheets and instructions were finally approved to become effective October 1, 2006. Prior to approval, the Commission conducted sentencing workshops around the State to ensure that judges, prosecutors, defense attorneys, probation officers, court clerks and community corrections officers understood the process and would be ready for implementation when the standards were enacted by the Legislature. The Sentencing Commission continues to conduct workshops training, make presentations to judges and prosecutors and local bar associations, and conduct data entry training for court specialists.

**Initial Sentencing Standards Implemented October 1, 2006**

This year is the first time that the Sentencing Commission has had reliable data to determine compliance with the sentencing standards. Although these standards are voluntary, the statute requires every judge to consider the standards in cases in which they would apply. This means that a sentencing standards worksheet must be completed and the recommended prison vs non-prison disposition and sentence range under the standards be considered by the judge prior to pronouncing sentence. Based on the data presented and detailed in this report, it is shown that in all but one jurisdiction, courts are completing the worksheets. While completion of worksheets is just one form of compliance, this in and of itself, is a step forward in eliminating unwarranted disparity in sentencing in Alabama.

**Compliance Data Now Available**

**Truth-In-Sentencing  
Postponed Until Foundation  
Established**

**Truth-in-Sentencing** – Under Alabama’s Criminal Justice System, the sentence length for the vast majority of felony offenders is determined based on the award of good time credits and the Board of Pardons and Paroles’ discretionary release authority, meaning there is very little “truth” in sentencing. Victims, prosecutors, defendants and even judges do not always know the minimum time a defendant will serve of the imposed sentence. Recognizing this flaw in our State’s sentencing structure, the Alabama Legislature created the Sentencing Commission, mandating that it recommend a sentencing system that implements truth-in-sentencing. While the Sentencing Commission originally hoped that truth-in-sentencing standards would be implemented this year, it has been necessary to delay development and implementation. Postponement in implementing this stage of the Commission’s reform plans is due to delay in the successful implementation of the initial voluntary sentencing standards which must be shown to be effective before Alabama adopt the second “time served” truth-in-sentencing standards, and by the failure of Alabama to develop the necessary capacity to handle truth-in-sentencing in the criminal justice system, either through construction of new prisons or statewide expansion of alternative sentencing programs for non-violent offenders. While the Sentencing Commission intends to continue its plans to begin developing truth-in-sentencing standards based on historical “time served” data this year, presentation to the Legislature for approval and implementation must wait until a firm foundation is established. Until sufficient alternatives to incarceration are in place and being utilized, we cannot expect to adequately address an increased growth in the prison population that may result from implementation of truth-in-sentencing.

**Alternatives to Incarceration  
are Essential**

**Sentencing Alternatives** – The Department of Corrections is now operating at 190% capacity, counting the inmates housed in county jails awaiting transfer it would be operating at 203% capacity. As of January 2009, there were 2,312 inmates diverted to community corrections. Without this alternative, the Department of Corrections would be required to house these offenders, utilizing more beds than any one facility now is capable of providing. While this figure may not seem dramatic when compared to the total inmate population, these prison diversions demonstrate success in reducing the prison population and providing other means of punishing and providing drug and alcohol treatment to non-violent offenders.

**Continuum of Community  
Supervision and Treatment  
Services Needed**

Alabama lacks a true continuum of statewide community supervision and treatment services with clearly defined roles and comprehensive services. It is clear that a system of intermediate community-based punishment options must be developed statewide for felony offenders, maximizing community and State resources and providing quality substance addiction/abuse and mental health treatment, both in-patient and out-patient. These services must be available at sentencing, as well as revocation and reentry, options – increasing in levels of supervision and treatment according to the offender’s risk and needs.

The Sentencing Commission has been attempting to resolve the problem of insufficient and inadequate sentencing alternatives in Alabama since the Commission was created. Among its first recommendations to the

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Legislature was amendment of the Community Punishment and Corrections Act to establish a permanent Community Corrections Division within the Department of Corrections with a full-time director and support staff to undertake the statewide expansion of community corrections programs. In addition, based on the recommendations of the Sentencing Commission, the amended Community Corrections Act established a revolving fund in the State Treasury for appropriations dedicated specifically for the initiation and expansion of community-based punishment programs for eligible felony offenders.

**ADOC Division of  
Community Corrections  
Established**

The Commission has consistently recommended that the Legislature provide adequate funding to develop a statewide network of effective community correction programs. The appropriation for community corrections programs has increased from \$2 million to over \$6.1 million annually. As a result of adequate funding by the Legislature and expansion efforts by the ADOC and the Sentencing Commission, since 2002 the number of community corrections programs in Alabama has grown from 18 programs to 34 programs operating in 45 Counties, with the newest program being Russell County Community Corrections, which started up in 2008.

**\$6.1 Million  
Appropriations for  
Community Corrections  
Enabled Expansion**

The Commission has also recommended increased funding for Pardons and Paroles to hire additional officers to supervise more probationers and parolees at adequate levels of supervision. Additional funds have also been requested to continue the transition centers operated by the Board of Pardons and Paroles and to establish technical revocation centers for probation and parole violators. The two L.I.F.E. Tech programs (Wetumpka and Thomasville), have not only proven to be successful re-entry programs for inmates not ready for release to the community on parole, but have been effectively utilized as an alternative for probationers or parolees who would otherwise be revoked to the penitentiary for the remainder of their sentence.

**Adequate Funding Needed  
for Pardons and Paroles**

The Alabama Sentencing Commission has also assisted in the expansion and improvement of drug courts to address substance abuse and addiction issues in criminal offenders. In this regard, Commission staff conducted research, assisted in drafting the drug court bill introduced in the Legislature this year, assisted in the modification of MIDAS to include drug courts, and helped identify data needs for the evaluation of the various existing programs. Through the committed and unwavering efforts of Chief Justice Cobb and retired District Judge Pete Johnson (who serves as the Chair of the Chief's Drug Court Task Force), drug courts now exist in 41 counties and 29 judicial circuits of Alabama. It is estimated that 2,220 criminal offenders participate in an Alabama drug court each month as an alternative to incarceration.

**Statewide Expansion of  
Drugs Courts**

Progress is being made. The Department of Corrections has implemented reentry programs for inmates nearing release, established Supervised Release Programs (SRP), revamped their work release programs and has revised its classification system. Pardons and Paroles has instituted L.I.F.E Tech transitional re-entry centers for both males and females, providing another level to the sanction continuum. There are now 34 community corrections programs in 45 counties and 43 drug courts in 41 counties. However, numbers only tell part of the story. To have an effective continuum of intermediate punishment and supervision options fully developed in Alabama, programs offering comprehensive and quality services must exist.

**Supervision and Reentry  
Programs**

**CCASP Goal to Establish Model Community Supervision Programs**

**Community Involvement Essential**

**Lawrence, Montgomery, Jefferson and Marshall Counties Selected as Pilot Sites**

**Technical Assistance Provided Through PEW Charitable Trusts**

**Cooperative Community Alternative Sentencing Project (CCASP)**

Along with the statewide expansion of community corrections programs, it is equally important that these programs provide quality services and utilize evidence-based practices to evaluate their effectiveness. The Cooperative Community Alternative Sentencing Project (CCASP), initiated last March, grew out of recognition by Chief Justice Cobb, the Sentencing Commission, and key criminal justice stakeholders that Alabama's fractured community punishment system needs to play a more structured and involved role in the punishment of non-violent felony offenders. Community supervision is currently provided or administered by four different governmental agencies: The Administrative Office of Courts (the Court Referral Program and drug courts), the State Department of Corrections (work release, SRP, and community corrections programs), Pardons and Paroles, and District Attorneys (pre-trial diversion programs). The services provided by these agencies at the local level are often undefined, fail to utilize or evaluate for evidence-based practices, and frequently overlap. In sum, there exists an unstructured mix of separate agencies providing services independent of each other, with no true collaboration regarding available community punishment, treatment, and supervision in Alabama. This lack of collaboration and structure has produced an inefficient system which does not capitalize on available and potential community resources, maximize the services for felony offenders, or adequately evaluate the effectiveness of the services provided. As the first phase of the CCASP Project, four jurisdictions were selected as pilot sites to establish model systems of community punishment in Alabama. The jurisdictions selected were Lawrence County, Montgomery County, Jefferson County and Marshall County. These jurisdictions will each receive technical assistance to evaluate existing community supervision programs and to design the best program possible for each locale. The pilot sites were chosen in a competitive process from applications filed by a number of jurisdictions. Work with the pilot sites will begin at staggered times, with work having already begun with the first site, Lawrence County. It is anticipated that each pilot site will become a model system, providing a more efficient utilization of resources by requiring collaboration among the local and state agencies, more specifically identifying the population served, and specifying the role of each agency in serving that population. Once each jurisdiction has developed and implemented its plan for a model system, that jurisdiction will serve as a mentor for other Alabama jurisdictions. Each jurisdiction will receive assistance in analyzing the existing programs and services in the jurisdictions, developing a local plan, identifying evidence-based practices, setting up a data collections system for case management, analyzing the results of each program and service, and implementing the local plan.

The pilot sites will address a real need in Alabama - a coordinated community supervision program for each county. The CCASP project is funded by the Pew Foundation Charitable Trusts. Technical assistance is provided to the local communities through the Vera Institute of Justice and The Crime and Justice Institute, organizations that have extensive experience and expertise in criminal sentencing reform, evaluating community punishment options, and facilitating local efforts to improve the criminal justice system. These organizations' interest in providing assistance in Alabama arises from the

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success of past collaborative efforts between the Vera Institute and the Alabama Sentencing Commission, as well as the vigorous leadership already existing in Alabama for improving our Criminal Justice System.

### **Signs of Progress**

- ❖ Alabama has a felony offender database of over 25,000 convictions which is updated yearly (with new convictions averaging 8400 per annum) and a recently modified simulation model used to predict the impact of changes in the law and sentencing practices on Alabama's Criminal Justice System.
- ❖ The initial sentencing standards have been adopted and implemented, with the first data analysis indicating positive compliance results.
- ❖ The Governor, the Chief Justice, the Legislature, the Attorney General, the Commissioner of the Department of Corrections, the Director of the Board of Pardons and 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.
- ❖ There has been consistent growth in Community Correction programs and in utilization for the diversion of nonviolent offenders: There are now 34 community corrections programs operating in 45 counties, with 8 other counties in various stages of establishing a program, 16 more programs than 7 years ago.
- ❖ In 2008 there were 2,312 community correction diversions for a savings of incarceration costs of approximately \$9,125 per inmate per year or a total of approximately \$21 million per year.
- ❖ The Sentencing Commission has received national recognition for its Sentencing Reform Efforts and through funding provided by Pew Charitable Trusts, is receiving technical assistance from Vera Institute of Justice and the Crime and Justice Institute to implement the Cooperative Community Alternative Sentencing Project, a community supervision services improvement project, in four counties: Lawrence, Montgomery, Marshall and Jefferson Counties.
- ❖ The CCASP Project is now underway in the first pilot site, Lawrence County.
- ❖ Progress is being made toward the adoption of a standard risk/needs assessment instruments for community supervision services.
- ❖ MIDAS, the case management tool originally developed for Court Referral programs has been expanded for use by community corrections programs and drug courts, with improvements made to capture additional information.

**ASC Felony Offender Database and Simulation Model**

**Sentencing Standards Implemented**

**Support and Leadership the Key to Success**

**Community Corrections Programs in 45 Counties**

**\$21 Million Estimated Savings**

**CCASP - Community Supervision Improvement Project**

**Adoption of Risk/Needs Assessment Instruments**

**27,624 Inmate Population**

- ❖ At the end of **FY 2002** the inmate population was **27,656** with a projected population for 2008 of almost 34,000. As of **January 2009**, the inmate population was **27,624** (actual in-house inmates - those in major institutions, work release facilities, community work centers and leased facilities, therapeutic education facility, community and county jails awaiting transfer to ADOC. This figure does not include the 2,312 diverted to community corrections programs, the 260 in the Supervised Release Program or those serving time in federal or state prisons.)

**1,388 New Beds Created in ADOC for \$6.5 Million Saving**

- ❖ Since July 2006, there have been 1,388 new beds created in ADOC (includes 895 medium security beds) at an estimated cost savings of over \$6.5 million:

300 Bullock Mental Health Unit	July 2006
175 Montgomery Women’s Facility	October 2007
120 Easterling Correctional Facility	December 2007
300 Limestone Correctional Facility	November 2008
125 Montgomery Women’s Facility	October 2007
36 Mobile Work Release	February 2008
32 Hamilton Work Release	May 2008
300 Decatur Work Release	January 2009

**ADOC Supervised Release Program (SRP)**

- ❖ Since the Supervised Release Program (SRP) was established by ADOC in June of 2007, there have been 1,690 placements in the program (through January 9, 2009), averaging 97 inmates per month.

**Less Inmates Awaiting Transfer from County Jails**

- ❖ As of March 27, 2009, there were 596 state inmates housed in county jails, only 58 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.

- ❖ There are no state inmates housed in out-of-state private prisons.

**New Classification System Initiated By ADOC**

- ❖ An aggressive “inmate assessment” process has been initiated by ADOC to evaluate the classification records of medium security inmate to determine eligibility for transfer to minimum security work center facilities.

**ADOC Reentry Program**

- ❖ The development of re-entry plans and identifying re-entry resources in the State and in local communities by the Department of Corrections

**2009 and Beyond**

While the primary focus of the Sentencing Commission’s efforts this year and in 2010 will be on developing Truth-in-Sentencing and creating a true continuum of alternative sentencing options, the Commission will undertake other projects that will positively affect Alabama’s Criminal Justice System. In addition to these activities, the Sentencing Commission staff will continue to analyze data, research developing sentencing issues, provide impact statements to the Legislature on criminal justice legislation, respond to issues and requests from the public for information on the work of the Commission

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and Alabama's criminal justice system. The major projects prioritized by the Sentencing Commission are:

❖ **Development of Truth-in-Sentencing Standards**

The Commission 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 capacity for offenders throughout the criminal justice system, for the second year the Commission has introduced legislation to defer the development and implementation of truth-in-sentencing standards until 2011. This delay will give the Commission additional time to assure that a workable truth-in-sentencing plan can be submitted to the Legislature for approval and that adequate alternative sentencing programs are available.

**Truth-In-Sentence  
Scheduled for 2011**

❖ **Cooperative Community Alternative Sentencing Project (CCASP)**

In 2009, 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 this level of the corrections system in Alabama. This project is known as the "Cooperative Community Alternative Sentencing Project." At the request of the Sentencing Commission, Vera Institute of Justice conducted a survey of all community corrections programs and provided an analysis for the Commission to determine the state of community corrections programs in Alabama. A statewide steering committee has been appointed and has met several times, reviewing existing community alternatives and providing recommendations for improving those alternatives through the collaboration of local agencies working with representatives of all interested parties. Through this project, the Commission hopes 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.

**Community Alternative  
Sentencing Project**

The Commission will continue to work with the Administrative Office of Courts (AOC) to develop and maintain data systems for community corrections programs and Pardons and Paroles that will collect data necessary to determine the best evidence-based practices for protecting public safety in Alabama. The Commission remains committed to work with the Administrative Office of Courts and community corrections programs to ensure that the MIDAS case management program is an effective and efficient 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.

**MIDAS Case  
Management Program  
Utilized By Community  
Corrections Programs and  
Drug Courts**

❖ **Training on Use of Sentencing Standards, E-Worksheets and Data Entry**

Additional training will be provided to judges, prosecutors, defense attorneys and other criminal justice officials and employees on proper completion and submission of the initial sentencing standards worksheets, sentence disposition and length compliance rules, and use of e-worksheets. Training

## **Data Entry Training**

will also be provided on entering sentencing data for court specialists, since proper entry is essential for reliable sentencing data. Commission staff plans to continue to work with court specialists to identify training issues and prepare programs and instructional material for sentence entries into the State Judicial Information System (SJIS).

## **Standardized Felony Sentencing Order Near Completion**

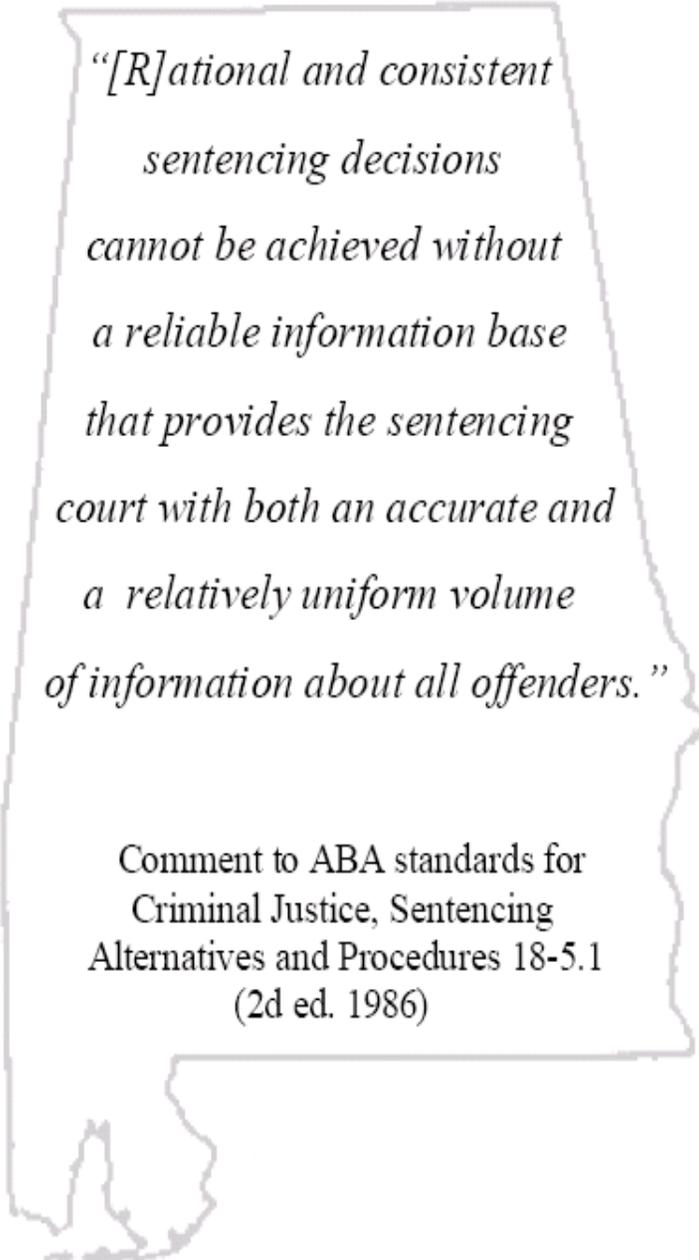
### **❖ Uniform Sentencing Order**

In working with the current data systems to test the use and effectiveness of the initial voluntary sentencing standards, the Commission began to further analyze sentences issued by Alabama judges and entered into AOC's data system, SJIS. In 2007, the Alabama Sentencing Commission recognized the need for a recommended uniform sentencing order to more clearly define sentences entered by judges across Alabama. This recognition grew out of the apparent difficulty court clerks have in interpreting sentences for entry into the court system database, system transmission to the Alabama Department of Corrections, as well as the difficulty of recording the sentences for additional comparison and analysis purposes. In researching Sentencing practices in Alabama, the Commission found over 240 sentence variations or types entered by court clerks out of approximately 20 or more true sentence combinations. It was readily apparent that by using a more uniform approach, along with data entry training, Alabama could reduce data entry errors and achieve more reliable sentencing information. To this end, the Sentencing Commission drafted a sample sentencing order and included it in its 2007 Sentencing Reference Manual. To obtain input from trial judges regarding both content and format the Commission formed a Uniform Sentencing Order Committee to review existing sentencing orders and develop a recommended Uniform Felony Sentencing Order for non-capital convictions.

The Uniform Sentencing Order Committee, made up primarily by lawyers, judges, and circuit clerk representatives reviewed sentencing orders in use throughout the State and created a draft order. The judges on the committee volunteered to use the Order for a period of time and to circulate the draft Order among other judges in their jurisdiction for trial use and to report their comments back to the committee. These comments would then be circulated to all committee members and after review, the committee was to make appropriate changes in the proposed Order.

In addition to circulating the latest draft Order among committee members and their local colleagues for trial use and initial comments, the proposed Order has also been included in the 2008 Sentencing Reference Manual, provided to AOC staff for inclusion with the criminal e-filing system, and distributed to Circuit and District judges, as well as new judges at their Orientation Session. The Committee has not yet met to consider the latest suggestions and finalize the Uniform Sentencing Order; however, the newly appointed Chair of the Committee, Circuit Judge Virginia Vinson of the 10<sup>th</sup> Judicial Circuit, intends to complete this project and make recommendations to the Sentencing Commission before the end of FY 2009.

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*“[R]ational and consistent sentencing decisions cannot be achieved without a reliable information base that provides the sentencing court with both an accurate and a relatively uniform volume of information about all offenders.”*

Comment to ABA standards for  
Criminal Justice, Sentencing  
Alternatives and Procedures 18-5.1  
(2d ed. 1986)

**ASC Separate Sentencing Database**

❖ **Data Improvement**

Because of data entry problems with sentences entered into SJIS (i.e., the override of initial sentence information, completion of worksheets prior to entry of the final sentence (while a probation hearing is pending) and misinterpretation of sentencing orders, the Sentencing Commission created its own sentencing database for court orders submitted with paper worksheets. Utilizing this database, the Sentencing Commission staff cross-checks the sentence ordered with the sentence entered on the sentencing screen in SJIS, noting error frequency and making accurate entries. The Commission will continue to utilize this separate database as a cross-check against sentencing information in SJIS.

**Increase in the Number of Specialty Courts**

❖ **Expansion of Drug Courts and Other Specialty Courts**

The Commission staff will continue to work with the Chief Justice and the Administrative Office of Courts 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, and drafting administrative and procedural rules.

**Consolidation of Field Services Under Study**

❖ **Consolidation of Community Supervision Services**

The Alabama Sentencing Commission is working closely with the Judicial Study Commission's Task Force on Consolidation of Community Supervision Services. The Task Force was formed to study Alabama's current structure of supervision services: Probation and Paroles, Community Corrections, Drug Courts, Pre-Trial Diversion Programs, and Court Referral Programs, and determine if consolidation into one department would be beneficial to the development of a true continuum of supervision services with coordinated, rather than overlapping services.

**Alabama Asked to Host NASC Conference**

❖ **2010 National Association of Sentencing Commissions**

Alabama has been asked to host the 2010 National Association of Sentencing Commissions' Conference in August of next year. This is a rare opportunity to have nationally known and highly respected criminal justice experts visit our state and share ideas, information and experiences on sentencing policies and criminal justice matters. The NASC Annual Conference brings together judges, legislators, policy makers, academics, researchers, correctional officials and practitioners from around the country to examine the nation's experiences with sentencing laws and practices and to discuss newly emerging issues. Last year the conference was held in San Francisco and hosted by Stanford Law School. This year the conference is being hosted by the Maryland State Commission on Criminal Sentencing Policy and is being held in Baltimore, Maryland.

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## Chapter 2: Legislation Affecting the Criminal Justice System

### 2008 Regular and Special Legislative Sessions

The five bills included in the Sentencing Commission's 2008 Legislative package (Truth-in Sentencing postponement, Split Sentence amendment, amendments to the Community Corrections Act, Prison Industry bill, and amendments to theft of property statutes) failed to pass during the 2008 Regular or Special Sessions. It should be noted that this lack of success was not due to opposition, but rather, because other matters delayed passage and other bills were given priority.

### Last Year's Bills Failed to Pass

The Acts that did pass which directly affect the courts and Alabama's Criminal Justice System were:

#### Act 2008-550                      Alabama Medical Furlough Act

*Effective: September 1, 2008*

This Act authorizes the medical furlough of non-capital felony offenders that have become permanently incapacitated or terminally ill, or who suffer from a chronic illness or disease related to aging, provided eligibility requirements are met. Medical furlough is not available to an inmate convicted of capital murder or a sexual offense, or to those who would constitute a danger to themselves or to society. To be eligible for a medical furlough the inmate must be medicaid or medicare eligible or have a family member that agrees to assume financial responsibility and provide medical care. Eligibility and the conditions of release are to be determined by the Commissioner of the Department of Corrections after receiving appropriate medical documentation. Specific provisions are included regarding victim notification of review to consider an inmate for medical furlough. Timeframes are included to expedite applications for medical furlough, requiring the Commissioner of the Department of Corrections to make a determination to grant or deny a medical furlough within 30 days of receipt of the application and supporting documentation. The Department of Corrections is required to develop a discharge plan for any inmate released on a medical furlough, promulgate rules and regulations, report annually to the House Judiciary Sentencing Commission Subcommittee, the Alabama Sentencing Commission and Joint Legislative Interim Prison Committee on the number of applications for medical furlough and the number granted or denied release.

### 2008 Regular and Special Session

### ADOC Required to Report Annually on Furloughs Requested, Granted and Denied

**Act 2008-277            The Juvenile Justice Act*****Effective: January 1, 2009******Status Offender Provisions 10/1/09***

This Act reorganizes and reformats the existing Juvenile Code for easy reference (former Title 12 was disorganized and inconsistent as a result of years of *ad hoc* legislating on juvenile issues) and includes major changes directly affecting juvenile jurisdiction and procedure. While the amendments are numerous, some of the major provisions include:

**Compliance With Federal Detention and Confinement Restrictions**

- ❖ Revision of Alabama’s juvenile statutes to bring the provisions relating to the secure detention and confinement of children in compliance with federal law to prevent the loss of federal dollars related to juvenile delinquency prevention. § 12-15-102(24), § 12-15-208;

**Juvenile Jurisdiction Extended**

- ❖ Defines “child” for purposes of juvenile court jurisdiction to include an individual who is 19 or 20 years of age, who is alleged to have committed a delinquent act before his or her 18<sup>th</sup> birthday. The Act further provides that the juvenile court will have jurisdiction over any person regardless of age if the petition alleges the delinquent act was alleged to have been committed before his or her 18<sup>th</sup> birthday and the offense charged does not have a statute of limitations. § 12-15-102(3);

**Jurisdiction Over DUI, BUI and Felony Traffic Offenses Committed by a Child**

- ❖ Specifically provides that the Juvenile Court does not have jurisdiction over nonfelony traffic or water safety offenses except DUI or BUI. The juvenile court does have jurisdiction over felony traffic and water safety offenses committed by a child. § 12-15-102(6);

**Confidentiality Provisions**

- ❖ The new confidentiality statute, § 12-15-133, provides that the judge, prosecutor, defense attorney and other professional staff are authorized access to juvenile records for the purpose of completing the sentencing standards worksheets and considering the sentence of a person subsequently charged with a criminal offense;

**Access for Worksheet Preparers and ASC**

- ❖ § 12-15-133 expressly provides that access to juvenile records shall be provided to the Alabama Sentencing Commission;

**Delinquency Adjudications Disclosed in PSI Reports**

- ❖ § 12-15-133(h) authorizes the use of court records pertaining to a juvenile offense to be used in the prosecution of an adult offense when a child commits the same or similar violent offense for which he or she was adjudicated a juvenile delinquent. § 12-15-220 (b) continues authorization to disclose juvenile delinquency adjudications for presentencing reports or youthful offender when the child is subsequently convicted for a crime;

**Guardian Ad Litem Appointments**

- ❖ Authorizes appointment of a guardian ad litem in addition to the child’s attorney in delinquency and CHINS proceedings. § 12-15-210;

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- ❖ Prohibits sealing of juvenile records if the person has been convicted or adjudicated a delinquent or youthful offender of any felony or misdemeanor involving sexual offenses, drugs, weapons, or violence, or threats of violence prior to the filing of the motion, or if there are proceedings pending seeking conviction or adjudication. § 12-15-136(a)(2);
  - ❖ Provides that the juvenile court maintains jurisdiction over lesser included offenses of the offenses automatically requiring trial as an adult when the basis for circuit court jurisdiction ends due to failure to indict on the charges or dismissal of charges. § 12-15-204

### **Exceptions to Sealing Juvenile Records**

### **Jurisdiction Over Certain Lesser Included Offenses Clarified**

#### **Act 2008-272                      Unlawful Operation of Recording Device in Movie Theaters**

***Effective: August 1, 2008***

This Act created the crime of “unlawful operation of a recording device in a motion picture theater,” defined as knowingly operating “the audiovisual recording function of any device in a motion picture theater for the purpose of recording a motion picture with the intent to violate the property rights of the owner of the motion picture.” Unlawful operation of a recording device is a Class A misdemeanor on the first offense, punishable by up to one year imprisonment, and a Class C felony on any subsequent convictions, punishable by imprisonment of one year and a day up to 10 years imprisonment. Unlawful operation of a recording device with the intent to commercially distribute the recording is also made a crime punishable as a Class C felony.

### **Three New Crimes Established - Two Class C Felonies and Class A Misdemeanor**

#### **Act 2008-276                      Revised Alabama Uniform Parentage Act**

***Effective: January 1, 2009***

This Act revises the Uniform Parentage Act of 1973, modernizes the law for determining the parents of children, and facilitates modern methods of testing for parentage. The Uniform Act was completed by the Uniform Law Commissioners in 2000 (and amended in 2002). This act repealed existing parentage law, Ala. Code §§ 26-17-1 through 22. Alabama chose to omit the optional Article 8 concerning surrogacy agreements. Some of the major provisions of the seven substantive articles include:

- ❖ Determination of legal father. The legal father may be one of the following: an un rebutted presumed father, a man who has acknowledged paternity under Article 3, an adjudicated father as the result of a judgment in a paternity action, an adoptive father or a man who consents to an assisted reproduction under Article 7.
- ❖ Voluntary Acknowledgment of Paternity – Provides for a non-judicial, consent proceeding acknowledge paternity.
- ❖ Continues Alabama’s current putative father’s registry. § 26-10C-1.
- ❖ Establishes a separate procedure for genetic testing.

### **Determination of Paternity**

**Initiation of Paternity Proceedings**

- ❖ Initiation of proceeding to determine parentage. Provides for initiation by the child, the mother of the child, a man whose paternity is to be adjudicated, DHR, an authorized adoption agency or licensed child-placing agency, a representative of a deceased, incapacitated or minor person, or “any interested person” having standing.

**Local Acts**

**Arrest Authority for Community Corrections Officers of Limestone County**

**Act 2008-36                      Arrest Powers of Limestone Community Corrections Officers**

*Effective: February 28, 2008*

Provides that any person employed by the Limestone County Community Corrections Agency that has been certified by the Peace Officers Standards and Training Commission is vested with the same arrest power as deputy sheriffs and peace officers.

**Marshall County - Venue in Either Court House**

**Act 2008-421                      Marshall County Cases – Venue**

*Effective: January 1, 2009*

This act provides that after January 1 2009, any civil or criminal action filed in district or circuit court in Marshall County (including juvenile and family court), where venue is otherwise appropriate in Marshall County, can be filed in either the Guntersville or Albertville courthouses and that venue shall be determined on a countywide basis without regard to courthouse or division lines, and be tried at either courthouse.

*Court Costs*

**Additional Court Costs Failed to be Ratified by Constitutional Amendment**

**Act 2008-288                      Russell County**

*Effective: Upon Passage of Constitutional Amendment*

Proposed an amendment to the Constitution authorizing the Legislature to fix, alter and regulate local court costs in Russell County and to ratify and confirm any local law authorizing additional court costs prior to adoption of this Constitutional Amendment. The Constitutional Amendment failed to pass November 4, 2008.

**Court Costs Increase for Coffee County Jail**

**Act 2008-87                      Coffee County**

*Effective: April 8, 2008*

Amends Act 90-435, a local act providing for the assessment of additional court costs in municipal, district and circuit courts of Coffee County to provide that such court costs are continued with no termination date and used for the maintenance and repair of the Coffee County jail. The additional local court costs are: \$35 in each civil case in circuit and district court, excluding small claims cases; \$35 in every criminal and quasi criminal case in municipal, district and circuit courts; \$500 court cost assessed upon conviction of selling or trafficking in controlled substances. Such costs are to be paid into the jail fund to be used for the cost of construction, financing, planning, equipping, maintenance, repair, and operation of the county jail.

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**Act 2008-505 Marshall County**

***Effective: August 1, 2008***

Provides for the assessment of \$10 additional court costs in all cases in the district (including small claims, juvenile and family court) and circuit courts of Marshall County, to be distributed in a special fund in the county Treasury, “the Marshall County Law Library, Judicial Technology and Judicial Administration Fund.”

**Increase in Marshall County Court Costs**

**Act 2008-290 Geneva County**

***Effective: Upon passage of Constitutional Amendment (Passed November 4, 2008, Amendment 815)***

Proposed a Constitutional Amendment relating to Geneva County to authorize the assessment of additional court costs: \$35 in each civil and criminal case, excluding small claims, filed in circuit or district court; a service fee of \$20 for the service of all pleadings and other documents in a case. The \$35 additional cost will be used for the planning, design, construction, financing, furnishing, and equipping a new county jail and for the operation of the existing county jail. The document service fees collected are to be used for the operation of the Geneva County Sheriff’s office.

**Increase in Geneva County Court Costs for County Jail and Sheriff**

**Act 2008- 433 Henry County**

***Effective: May 16, 2008***

Authorizes the assessment of an additional \$10 fee for delivery by the sheriff of any summons or other pleading or document arising out of any civil or criminal proceeding in the district or circuit courts of Henry County. The fees are to be remitted to the Sheriff’s Law Enforcement Fund and used for law enforcement purposes.

**Court Cost Increase in Henry County for Sheriff**

**Act 2008-440 Baldwin County**

***Effective: May 16, 2008***

Authorizes the assessment of additional court costs for the Baldwin County Law Library and Judicial Administration Fund to be used to fund the salaries of court employees. The costs are to be determined by the Presiding Circuit Judge, but shall not exceed \$15 per each circuit and criminal case in the circuit or district court of Baldwin County, including small claims cases, juvenile cases and traffic cases.

**Increase Court Costs in Baldwin County for Court Employees Salaries and Law Library**

***Solicitor’s Fees***

**Act 2008-457 Calhoun County**

***Effective: May 19, 2008 (HB760)***

**Act 2008-454 Escambia County**

***Effective: May19, 2008 (HB689)***

**Act 2008-459 Russell County**

***Effective: Upon passage of a Const. Amend.(HB867) (Amendment Failed)***

**Act 2008-491 Washington County**

***Effective: May 29, 2008(HB907)***

These Acts authorized the assessment and collection of a solicitor’s fee in all criminal cases, including bond forfeitures and the issuances of any alias or capias warrants of arrest, in an amount equal to the court costs payable to the Fair Trial Tax Fund (\$21) in criminal cases. The fee, which is required to be assessed an all juvenile, traffic, criminal, and quasi-criminal cases in the juvenile, district, circuit, and municipal courts of the above counties, is to be used by the district attorney for the support his office or for any other

**\$21 Additional Court Costs Assessed in Every Juvenile, Criminal, Traffic and Municipal Case for District Attorneys**

legitimate law enforcement purpose. There is a specific provision included in each Act that the fees cannot be waived or remitted by the court unless the defendant proves to the sentencing judge that he is not capable of paying the fee within the reasonable foreseeable future.

### **Sentencing Commission's 2009 Legislative Package**

#### **Existing Standards Modified to Include Attempts, Conspiracies and Solicitations to Commit Murder and Certain Drug Crimes**

#### **1. Modifications to Existing Sentencing Standards, Worksheets and Instructions**

HB 395            SB 267

Based on recommendations from judges and prosecutors, the Sentencing Standards Committee reevaluated the existing worksheets and standards and determined that these should be modified to include attempts, conspiracies, and solicitations to commit murder and attempts, conspiracies, and solicitations to commit certain controlled substances offenses. Since the statutory punishment is the same as for committing the substantive offense (§§ 13A-4-1 through 13A-4-3 and §§ 13A-12-202 through 13A-12-204), the Sentencing Commission approved amendment of the standards, worksheets and instructions to include these inchoate crimes for murder and for the drug offenses of: possession of marihuana; unlawful possession of a controlled substance (other than to a minor); sale/distribution of marihuana (other than to a minor); and sale/distribution of schedule I-V controlled substances (other than to a minor), which are covered offenses under the standards. In addition, modifications to the worksheets and instructions were made to further clarify the use of the worksheets and the sentence length tables of the initial voluntary sentencing standards approved by the Legislature and implemented in 2006.

*Modifications of the Sentencing Standards Worksheets and Instructions may be found on the Alabama Sentencing Commission's website <http://sentencingcommission.alcourt.gov> under the heading "Publications".*

#### **Truth-In-Sentencing Timetable For Development and Implementation Recalculation**

#### **2. Truth-in-Sentencing – Implementation Delayed Until 2011**

HB 396            SB 97

Although the Alabama Sentencing Commission originally planned to develop the second set of sentencing standards based on "time served" data and implement truth-in-sentencing in 2009, several obstacles require delay until at least 2011. The primary reason for postponement are: insufficient alternative sentencing options for nonviolent offenders; lack of funding for data analysis; standards development, and training; and time to gauge effectiveness of the initial standards.

#### **Clarification of Existing Statutes**

Because the initial sentencing standards were not approved until the third year they were presented to the Legislature, the entire sentencing reform timetable had to be recalculated to ensure that the "time imposed" standards are being used effectively and are addressing the established objectives. In addition to delaying Phase II of sentencing reform until the success of the first standards has been gauged and an adequate alternative sentencing infrastructure has been established, the bill amends § 12-25-36 to clarify that the provisions in § 12-25-36, § 12-25-37 and § 12-25-38 relating to

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truth-in-sentencing standards are *proposals* for future implementation only, that they do *not* apply to the existing sentencing standards, and require legislative approval for implementation.

### **3. Amendments to Split Sentence and Probation Revocations Statutes**

HB 394            SB 268

This bill amends Alabama’s split sentencing statute, § 15-18-8, to expressly prohibit the imposition of consecutive split sentences or “the stacking” of split sentences, which require a defendant to serve more than the minimum imprisonment portion of a split sentence without the possibility of parole or good time credit. In addition, amendments are proposed to:

- ❖ Clarify that a split sentence is not authorized for a Class A or B child sex offense as defined in § 15-20-21(5).
- ❖ Specify that a defendant may be confined in a “rehabilitation or reentry facility,” as part of the imprisonment or probation portion of a split sentence.
- ❖ Impose the same limit on the probation portion of a split sentence as in any other sentence (5 years for a felony and 2 years for a misdemeanor).
- ❖ Provide that upon revocation of the probation portion of a split sentence, the court can impose any of the sanctions authorized in § 15-22-54, including revoking the probation and incarcerating the defendant for any portion of his suspended sentence.
- ❖ Provide for participation in substance abuse treatment or a community corrections program as an intermediate sanction upon revocation of probation.
- ❖ Specify that in addition to credit that would otherwise be available under the Alabama Correctional Incentive Time Act, “consideration for parole eligibility” is not to be prohibited once a defendant has served the minimum imposed period of incarceration.
- ❖ Amend § 15-22-54 to specify that in addition to continuing, extending or terminating the period of probation or suspension of a sentence, the court may amend or modify the sentence while the defendant is serving any portion of the sentence.
- ❖ Amend § 15-22-54(d)(2)(a) to provide that in addition to imposing a suspended sentence or a lesser sentence, upon revocation of probation, a court may order the defendant to participate in substance abuse treatment or a community corrections program, including residential facilities operated by the Board of Pardons and Paroles.
- ❖ Amend § 15-22-54(d)(3) to provide that upon successful completion of a certified residential treatment program, full credit toward incarceration shall be awarded upon successful completion.

#### **Stacking of Splits Prohibited**

#### **Time Limit Set for Probation Portion of Split Sentence**

#### **Revocation Can Result in Imposition of Portion of Suspended Sentence**

#### **L.I.F.E. Tech Can Be Ordered Under Revocation of Probation**

**4. Amendments to Community Punishment and Corrections Act**

HB 397 SB 266

**Elimination of Absolute Statutory Prohibition Excluding Offenders Convicted of Selling Controlled Substances**

This bill amends Alabama’s Community Punishment and Corrections Act to include reference to community corrections programs operating as nonprofit entities throughout the bill, (i.e., in defining “Board of Directors,” in requiring offenders to perform community service in the county, requiring liability insurance, and authorizing such insurance to be obtained through the county commissions). The bill further amends § 15-18-171 defining eligible offenders, to delete the absolute statutory prohibition of offenders convicted for selling controlled substances from participating in a community corrections program, leaving this decision within the discretion of the sentencing judge.

The other major provisions include:

- ❖ Amendment of § 15-18-171 to define “offender” as: “any person convicted of a felony or misdemeanor or municipal ordinance violation who is sentenced to participate in a community corrections program.”
- ❖ Amendment of the Community Corrections Act throughout to consistently refer to participants as offenders rather than inmates.
- ❖ Amendment of § 15-18-175 (d)(1) to provide that a sentence to community corrections must be pursuant to a suspended sentence of confinement. (This is to ensure that there is an underlying sentence to invoke upon revocation).
- ❖ Amendment of § 15-18-183 regarding the limit on civil liability (\$100,000 for BI or death for one person and one occurrence; \$300,000 two or more claims; \$100,000 property loss, single occurrence) to include county commissions and nonprofit entities, as well as authorities.
- ❖ Amendment of § 15-18-185 to include nonprofit entities (now limited to authorities) in requirement to maintain general liability insurance and to propose language to refer to all types of insurance and authorize county commissions to provide such insurance coverage to authorities and nonprofit entities.

**Suspended Sentence of Confinement Required**

**Limit Civil Liability and Insurance Requirements**

**Unified Judicial System Bill Supported by the Sentencing Commission**

**Alabama Drug Offender Accountability Act of 2009**

**UJS Drug Court Bill**

Although not among the bills included in the Sentencing Commission’s 2009 Legislative Package, the Commission voted to provide support for the UJS Drug Court bill that was drafted by the Chief Justice’s Drug Court Task Force. Members of the Commission staff worked closely with the Task Force and its Chair, Judge Orson “Pete” Johnson in drafting and reviewing the bill’s provisions. The bill’s major provisions include:

- ❖ Authority of the presiding judge of each judicial circuit to establish a drug court or courts to address the drug offender’s identified substance abuse problem as a condition of pretrial release, pretrial diversion, probation,

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jail, prison, parole, community corrections, or other release from a correctional facility.

- Does not affect the authority of the district attorney to establish a deferred prosecution program or a pretrial diversion program or to nolle prosequere a particular case, but does require all drug courts to comply with the Act and any rules promulgated by the Supreme Court for Drug Courts.
  
- ❖ Defines “drug offender” as any person charged with or convicted of a drug related offense or an offense where substance abuse is determined to have been a significant factor in the commission of the offense, and has applied for or been accepted to participate in a drug court program.
  
- ❖ Details the goals of the Act, which are:
  - Enhance community safety and quality of life for citizens.
  - Reduce recidivism.
  - Reduce substance abuse.
  - Increase the personal, familial and societal accountability of drug offenders.
  - Restore drug offenders to productive, law-abiding, and taxpaying citizens.
  - Promote effective interaction and use of resources among criminal justice and community agencies.
  - Reduce the costs of incarceration.
  - Improve the efficiency of the criminal justice system by enacting an effective methodology.
  
- ❖ Allows the drug court to grant reasonable incentives or sanctions in accordance with a written agreement.
  
- ❖ Requires disposition of the offender upon successful completion to be as per the written agreement and in accordance with the drug court policies and procedures, which may include, withholding criminal charges, nolle prosequere of charges recommended by the district attorney, probation, deferred sentencing, suspended sentencing, split sentencing or reduced incarceration.
  
- ❖ Provides that records of disposition are to be maintained and made available to judges and prosecutors statewide, noting juvenile or youthful offender records are not to be released to the general public.
  
- ❖ Requires drug courts to include the ten key components defined by the U.S. Department of Justice.
  
- ❖ Provides that the Act does not create a right or expectation of a right to participate in drug court, nor does it obligate the drug court to accept every drug offender. Each drug court judge may establish rules and make special orders provided they do not conflict with the Act or the Rules promulgated by the Alabama Supreme Court.

### **Goals of Bill Enumerated**

### **Authorized Disposition**

### **Supreme Court Rules on Drug Courts to Be Promulgated**

- ❖ Provides for screening of drug offenders, treatment, support services, drug testing, and referrals to programs certified by the Department of Mental Health and Mental Retardation for indicated treatment.
  - ❖ Provides that a court may order the drug offender to participate in drug court when the offender is screened as a substance abuser, there is reason to believe that participation will be beneficial, and the prosecution consents.
- Drug Court and Eligibility**
- ❖ Stipulates a drug offender shall not be eligible for admission if the drug offender:
    - has a pending violent criminal charge or any felony charge involving a firearm or deadly weapon or dangerous instrument,
    - has been convicted of a violent felony offense or any felony charge involving a firearm or deadly weapon or dangerous instrument,
    - is required to register as a sex offender or currently charged with a sex offense,
    - is charged with manufacturing, or trafficking of a controlled substance.
  - ❖ Allows the local drug court program to further restrict eligibility.
  - ❖ Requires the Commissioner of the Department of Corrections to develop criteria for eligibility and evaluation for early release into reentry drug court programs.
  - ❖ Requires the drug court to ensure fair, accurate and reliable drug testing procedures.
  - ❖ Allows the transfer of drug offenders between drug courts within the State and any drug court in any state which is part of the Interstate Compact for Adult Offender Supervision.
- AOC to Administer Drug Courts**
- ❖ Requires the Administrative Office of Courts to assist in planning, implementing, and developing of drug courts. Including making recommendations concerning the legal, policy, and procedural issues confronting drug courts.
  - ❖ Under existing law, the Administrative Office of Courts administers programs for drug courts in this state.
  - ❖ Requires the presiding judge of each circuit court to report to the Administrative Office of Courts each year, from which the Administrative Office of Courts is to compile a statewide report each year for the Alabama Supreme Court, Legislature and Governor regarding the need for and the implementation of the act.
- Data Required for Evidence Based Practices**
- ❖ Provides for the collection and maintenance of information for each drug offender, including instances of recidivism, the number of drug offenders screened, and the cost of the operation. Records are to be kept in accordance with federal and state confidentiality laws.

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- ❖ Requires the drug offender to pay all fees associated with the drug court, unless the offender is determined to be indigent.
  - ❖ Provides civil immunity for any individual who, in good faith, provides a service or for any qualified person who obtains a specimen pursuant to the Act.



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## Chapter 3. Alabama Department of Corrections

### Legislation

The *Alabama Medical Furlough Act* became law on September 1, 2008. This Act provides the Commissioner of the Department of Corrections discretionary authority to grant medical furloughs for terminally ill, permanently incapacitated, and geriatric inmates who suffer from a chronic infirmity, illness, or disease related to aging, and who do not constitute a danger to themselves or society.

### 2008 Act Authorizes Medical Release

**Correctional Industries Modernization** - HB 390 by Representative McClendon and SB 423 by Senator Means, are bills introduced during the 2009 Regular Session. These bills would specifically authorize the Alabama Department of Corrections (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 would be marketed by the contracting parties and not ADOC.

### 2009 Bill for Correctional Industries Within Prisons

### ADOC Action Plan Update

The Alabama Department of Corrections continues to confront four major problems, the first two of which were addressed by the *Governor's Task Force on Prison Crowding*:

### Prison Crowding, Shortage of Correctional Officers, Facility Maintenance Needs, and Rising Healthcare Costs Major Concerns for ADOC

- ❖ Prison crowding at medium or higher level security facilities;
- ❖ Personnel shortages, especially at the correctional officer level;
- ❖ An aging and poorly maintained physical plant; and
- ❖ Rising healthcare costs for inmates.

A multifaceted Action Plan was drafted in FY 2006 that identified potential solutions and the resources required to address all of these problems. Since that time, the ADOC has been successful in implementing some aspects of the Plan, while other aspects have been delayed due to a lack of funding. Additional funding sources necessary for implementation must be developed before some of the planned projects can be initiated. The ADOC is working diligently to implement operational strategies that would increase funds generated by inmates via the work release program; however, some additional funds must come from other areas, primarily the State General Fund. The Department continues to move forward with the sale of surplus acreage to generate revenue for facility renovation projects. Most, if not all, of these problems are the result of the unprecedented growth in inmate population over the last 15 years, and the solutions all hinge on achieving a reversal in inmate growth. The reversal of this growth trend is critical but, by and large, beyond the control of the Department of Corrections.

### Additional Funding Sources Needed to Implement Action Plan

**ADOC Jurisdictional Population Grew by 724 During FY 08**

**The Overcrowding Problem:** Inmate overcrowding continued to be a problem during FY 2008. The ADOC jurisdictional population increased from 29,235 to 29,959 by the end of the fiscal year, a rate of 60 more admissions than releases per month. The number of inmates incarcerated within ADOC facilities grew at a rate of 29 inmates per month, or a total of 349 for the year. Unless the admissions to releases rate number can be reduced to zero or become a negative number, all solutions – e.g., squeezing more beds into existing space, outsourcing prisoners to private contractors, building new facilities, and/or moving inmates to minimum security work release facilities, are only temporary fixes. All existing space will eventually be filled and the acquisition of additional space is cost prohibitive.

**Increase of Inmates in ADOC facilities was 349**

**27% Shortage in Correctional Staff From Number Authorized**

**Staff Shortages:** The ADOC was authorized to employ 5,423 personnel in FY 2008 for all classifications, but had on hand only 4,019, nearly 26% fewer than authorized at the end of the fiscal year. The number for correctional staff was 3,915 authorized and 2,844 on hand, or a shortage of 1,071 (about 27%). It is likely, moreover, that the authorized strength of Correctional Officers is substantially lower than the optimum level required for efficient operation. In Alabama, the officer-to-prisoner ratio is 1:9; while surrounding states average 1:6. Although a ratio of 1:9 may seem adequate at face value, it must be remembered that prisoners must be supervised by a certified law enforcement corrections officer 24 hours per day, 7 days per week. On any given day, hundreds of correctional officers are either on military duty, sick leave, annual leave, in a training mode, supervising prisoners in hospitals where two officers must be on duty for each hospitalized prisoner 24 hours a day, providing security for prisoners in transit, or fulfilling other important but distracting functions. Accordingly, it is not uncommon for a single correctional officer to be supervising up to 250-300 medium or higher level prisoners for an extended period of time. Retention of correctional officers continues to be an obstacle to achieving the optimal manning strength. While extensive recruiting efforts have had positive effects, the current loss rate of about 24 correctional officers each month is negating the increased number of cadets and officers employed this year. The ADOC Training Academy has the capacity to train 450 or more new correctional officers each year. It is imperative that ADOC meets this goal; however, the continued loss of almost 300 Officers each year - some due to retirement but many due to transfers to other law enforcement jobs - will make it extremely difficult to overcome staffing shortages in the short term.

**Officer to Prisoner Ratio of 1:9 Does Not Adequately Reflect Staffing Shortages**

**Maintenance of Prison Facilities a Major Problem Newest Prison was Built Over a Decade Ago**

**Aging Facilities:** Alabama's newest correctional facility was constructed in 1998; the oldest still in use was constructed in 1939. The primary facility for housing female inmates was constructed in 1942, and the average age of ADOC's major facilities is 32 years. Repairs and renovations have been essentially on an emergency basis – no systematic preventative or routine maintenance program has been in existence except where required by court settlement. Roofs leak, sewage systems overflow, kitchen equipment is worn out, plumbing and electrical problems are widespread, locks don't work properly, and no smoke or fire alarms exist in some prisoner sleeping areas. Many prisoners are housed in temporary shelters (mobile homes or portable classrooms) long past the useful life of those facilities, while others

**Average Age of ADOC Major Facility is 32 Years**

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reside in warehouses or industrial facilities (i.e., a canning shop) converted to inmate housing. All facilities are in need of some repair; some need major renovations and some may not be economically repairable at all. Almost none of Alabama's correctional facilities meet the requirements of the Americans with Disabilities Act that recently became mandated under federal court litigation.

**Inmate Healthcare:** The cost of inmate healthcare which spiraled in past years recently began to moderate. Nevertheless, increased costs are driven by four factors: (1) the increased number of inmates incarcerated; (2) an increase in the severity of illness and degenerative disease in inmates received into the system resulting from a lack of free world healthcare coverage; (3) improvement in healthcare services as a result of new medical technology, including advanced drug treatment and mandated access to higher levels of care resulting from federal court litigation; and (4) physical plant limitations of the institutional health care units which do not allow for onsite long-term or advance care services, resulting in a dependency on costly, free world community providers. Because it is necessary to pull from institutional staff to provide security in the community, the required transportation and security coverage for inmates receiving care in the free world has a direct effect on both the cost of salaries as well as staff resources. In the last four years, the cost of inmate health services has risen from \$58.8 million to nearly \$89 million. Inmate healthcare costs, inclusive of medical and mental health services, have accounted for about 29% of the increase in General Fund dollars appropriated to the Department by the Legislature over that same period.

**Inmate Healthcare Costs Account for 29% of GF Increase to ADOC**

### **Proposed Solutions**

**Overcrowding:** The highest priority must be given to programs that have the potential to reverse the trend of inmate growth each month. As previously noted, until that number is reversed, all "fixes" are temporary and become increasingly costly. The Governor's Task Force on Prison Crowding conducted thorough analysis of the prison system's problems and provided recommendations for solution, endorsing many recommendations of the Alabama Sentencing Commission. The ADOC continued to work toward implementation of these recommendations during FY 2008. A summary of these recommendations with the current status of implementation is detailed below.

**Recommendations of ASC and Governor's Task Force on Prison Crowding**

- ❖ **Pass and implement sentencing reform, especially the Sentencing Commission's sentencing standards:** This legislation has been in effect across the State for two and a half years. While the number of inmates admitted to ADOC jurisdiction continues to rise, the Sentencing Commission continues to analyze the short and long term effects on admissions to ADOC jurisdiction and custody.

**ASC Sentencing Standards**

**1,615 New Felony  
Diversions in FY 2008**

❖ **Create and aggressively implement a statewide community corrections system:** Currently, 34 community corrections programs are operating in 45 counties. There were 1,615 new diversions from ADOC custody in FY 2008, and 2,649 total offenders diverted to community corrections during FY 2008, which represents a 27% increase over the FY 2007 year-end count.

❖ **Establish and fully utilize a technical violators 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 Pardons and Paroles in FY 2008. Decreases in projected revenue will most likely prevent implementation in the short term.

**Therapeutic Center  
Opened March 2008**

❖ **Establish and fully utilize education and/or transition centers to take medium and higher risk inmates and prepare them for reentry 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 Alabama Therapeutic Education Facility received the first inmates into the program in March, 2008 and totaled 343 inmates at the end of the 6-month program. The first graduation of inmates took place in September.

**Initiatives Result in  
Reduction of Leased Beds  
from 659 to 50 by End  
FY 2008**

In addition to these initiatives, the ADOC continued to plan and implement other capacity increasing projects in an effort to manage the growing offender population. These included a work release expansion initiative; expansion of the Supervised Reentry Program (SRP) that facilitates release of qualified inmates to the custody of an approved sponsor while maintaining ADOC community supervision; construction of a 300 bed pre-release facility for male inmates at Limestone Correctional facility; construction of a 300 bed work release dormitory at Decatur Community Based facility; and the restructuring of existing ADOC facility bed space. These initiatives allowed the elimination of most contracts to lease bed space in private facilities, and the number of inmates in leased beds was reduced from 659 to 50 by fiscal year end.

**More Correctional Officers  
Needed**

**Recruiting and Retention:** Recruiting and retention of ADOC staff continued to be a high priority in FY 2008. Intensive recruiting efforts were made utilizing all available media outlets. ADOC continued to partner with the Alabama National Guard and Army Reserve to recruit active and retired military personnel. Recruiting personnel represents the ADOC 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, but projected decreases in General Fund revenues will no doubt hinder the passage of this legislation. The Department will continue to emphasize the need for additional funding from the Legislature to make the salary adjustments necessary to enable the recruitment of the required staff and the retention of those we have recruited and trained. The estimated cost to achieve salary parity with other law enforcement agencies is approximately \$16

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million annually. 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. The Department's goal is to employ and train at least 600 new correctional officers each year, while reducing our attrition rate by making employment with the ADOC more financially attractive to young correctional officers. An independent consultant worked with the ADOC in FY 2007 to scientifically validate personnel requirements for support staff and correctional officers.

**Salary Must Be  
Competitive and Attrition  
Rate Reduced**

**Renovation of old facilities and construction of a new facility:** A facility survey conducted by an engineering/architectural firm that specializes in correctional facilities determined it would cost approximately \$90 million to bring all facilities up to currently accepted codes, including the provisions of the Americans with Disabilities Act. The ADOC, with the approval of Governor Riley, is pursuing the sale of unproductive prison system land at multiple facilities to generate revenue for completing recommended renovations. All repair and renovation projects 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 7 to 8 years. As of December 31, 2008, the following had been accomplished:

**Repair and Renovation**

- ❖ **Limestone Correctional Facility:** Construction and renovation of an existing building into a 300 bed pre-release dorm.
- ❖ **Tutwiler Prison for Women:** Construction of a secure mental health dorm including an eight bed acute unit and a forty bed residential treatment unit.
- ❖ **Decatur Community Based Institution:** Renovation of an existing building into a 300 bed work release dormitory.
- ❖ **Holman Correctional Facility:**
  - Completed major plumbing renovations of four housing dormitories.
  - Completed construction of a new perimeter lighting system that was severely damaged by Hurricane Ivan.
  - Re-roofed a severely leaking section of roof covering the death chamber.

**2008 Accomplishments**

The facility survey team also established the parameters for a new 1,600 bed women's correctional facility, including a new 200 bed infirmary facility to provide comprehensive healthcare services and capacity for the Department. During FY 2007, financing options were explored and a recommendation was made to the Governor concerning how best to finance and acquire a new facility. Rough estimates indicate construction costs of about \$74 million.

**\$74 Million Required to  
Build New Prison for  
Women**

**ADOC's Proactive  
Approach to Healthcare**

**Healthcare:** The work of health care administrative and clinical staff in the ADOC Central Office during FY 2008 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. Office of Health Services (OHS) staff worked to establish standards of care through policies and procedures that the contractors were required to meet. In addition, a viable quality improvement program was implemented and ADOC 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 the Department's overall healthcare costs. It is anticipated that by implementing wellness and preventative healthcare programs, ADOC will be able to maintain 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.

**Medical Unit Planned**

Finally, 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 ADOC to centralize long-term and specialty care for inmates as well as reduce the associated cost of security and transportation.

The ADOC continued to work in FY 2008 to implement the recommendations of the *Governor's Task Force on Prison Crowding* and Governor Riley's directives to Commissioner Allen. The Department will continue in FY 2009 to take whatever actions are necessary and expedient to bring the operations of the Department into the 21<sup>st</sup> century, with the ultimate goal of efficiently operating a prison system at lower taxpayer costs for inmate incarceration in the years to come.

**FY 2008 Fiscal Review**

**ADOC FY 2008 Budget  
\$411.3 Million**

The ADOC operational budget for FY 2008 was \$411,322,182, excluding "correctional industries" which operates under a separate revolving fund. This represents a \$28 million increase from the previous year. The single largest expenditure continues to be employee salaries and benefits, accounting for 56.9% of the fiscal year total. The Department's personnel costs increased by over \$13 million, primarily resulting from an increase in staffing, as well as an increase in the cost of health insurance and retirement contributions. This trend may continue as efforts are made to fill the total personnel authorization for correctional officers. In addition to personnel costs, other major expenditures included inmate health costs (accounting for 21.6% or \$88.9 million of the expenditures), utilities and communications (accounting for 4.7% or \$19.3 million), and food and supplies for inmates (accounting for 4.7% or \$19.4 million of the expenditures). Inmate health costs are included below in the medical and other professional services category. Food and supplies for inmates are included below in the supplies and operating expenses category.

**Salaries and Benefits  
Represent 56.9% of  
Budget**

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**FY 2008 Expenditures Summary**

Personnel costs .....	\$172,472,570
Employee benefits .....	\$61,540,448
Travel .....	\$719,530
Repairs and maintenance .....	\$1,855,973
Rentals and leases .....	\$4,939,082
Utilities and communications .....	\$19,275,753
Medical and other professional services .....	\$98,916,719
Supplies and operating expenses .....	\$27,182,802
Transportation .....	\$3,020,370
Grants and benefits .....	\$5,980,715
Capital outlay .....	\$12,483,849
Transportation equip purchases .....	\$1,807,957
Other equipment purchases .....	\$1,126,414

**Inmate Health Costs  
Account for 21.6% of  
Expenditures**

The ADOC's revenue stream consists primarily of funds appropriated by the State Legislature. In FY 2008, 91.7% of the revenue for the Department was a State General Fund appropriation. Corrections' operations and fees collected from work release inmates accounted for 7.6% of revenues.

**91.7% of ADOC Revenues  
Received from GF  
Appropriation**

**FY 2008 Revenue Summary**

Federal Grant Funds .....	\$959,202
State General Fund .....	\$371,335,578
ADOC Generated Funds .....	\$18,268,384
Work Release Fees .....	\$12,439,964
County Drug Conviction Fees .....	\$1,979,769
Total Receipts .....	\$404,982,897

*(The revenue total depicted does not include \$7.2 million carried forward from the previous fiscal year.)*

**FY 2008 ADOC Daily Inmate Maintenance Cost  
(Statewide Average - \$41.47)**

The calculated daily inmate maintenance cost is based on the total allocated costs divided by the average inmate population under ADOC custody. The daily inmate maintenance cost has increased at a rate \$2.71 per year over the past five years. Rising costs for inmate health care, food, utilities, and increasing inmate populations are primary rate increase factors.

**Inmate Maintenance Costs  
Have Risen to \$41.47**

**Personnel Recruiting and Retention**

Recruiting and retention of ADOC staff continued to be a high priority in FY 2008 - graduating a total of 256 Correctional Officers from the Alabama Department of Corrections' Academy. The number of graduates in FY 2008 was an increase of 15% from the previous fiscal year.

**15% Increase in Officers  
Graduating from ADOC  
Academy**

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.

**1,070 Shortfall of  
Correctional Officers  
in FY 08**

For the fiscal year ending September 30, 2008, the ADOC had a shortfall of 1,070 correctional personnel. During this period 280, security personnel left the Department for various reasons resulting in a turnover rate of 10%.

**Goal of 450 New Officers  
Per Year and Reduced  
Attrition Rate**

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 that ADOC has 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 the 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.

**ADOC Information Systems**

**Improved Database**

**Technological Advances** - Over the past year, the Department of Corrections has implemented several enhancements to improve the overall efficiency of data collection. This includes the migration of applications from an outdated environment to newer and more dynamic platforms. These new platforms enable a greater flexibility in data collection, improved data presentation, and expanded options for data evaluation.

**E-Transcripts Implemented**

Among the IT enhancements implemented by the ADOC was the court transcript module referred to as "E-Transcripts." E-Transcripts have improved the flow of sentencing information between the courts and the ADOC. In addition, they have enabled the ADOC to realize performance improvement in processing court transcripts and related tasks. As the adoption of the module expands, the efficiencies are expected to increase.

With this and other initiatives, the ADOC will be in a position to expand its information technology partnership with the Administrative Office of Courts, Alabama Sentencing Commission, Board of Pardons and Paroles, and the Department of Public Safety.

**Correctional Industry Development/Expansion**

**Prison Industry Bill  
Pending Before the  
Legislature**

The Department of Corrections again introduced legislation to expand prison industry and create new industries, which is now pending before the Legislature. During FY 2008, the mission and goals of Alabama Correctional Industry (ACI) continued to focus emphasis on the generation of additional funds to subsidize ADOC deficiencies in the areas of deferred maintenance and capital improvements. ACI continued to evaluate its operations to identify those that were non-profitable. Turnaround plans for those operations are currently being developed, along with a review of the profitable operations for possible expansion. ACI is also preparing an assessment to determine the most appropriate method to provide fleet service operations and janitorial and laundry products. Additionally, efforts will be directed at efficiently performing warehousing operations and verifying the accuracy of current

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financial reporting methods. Idle land will be appraised and offered for sale. One major problem facing the Department of Corrections is the inability to provide on-site employment for inmates not eligible for work release.

### **On-Site Employment for Inmates Needed**

In addition, under existing laws, there is a limited market to which the Department may sell goods. Offices, departments, institutions, instrumentalities, and agencies of the State can purchase products directly from the ADOC without solicitation or competitive bid. Legislation is required, however, to authorize the ADOC to contract with private businesses for on-site industries to produce goods that will be sold outside of the prison. In FY 2008, the ADOC, in conjunction with the Sentencing Commission, introduced legislation (House Bill 583 by Representative McClendon and Senate Bill 366 by Senator Griffith) to implement this concept. Similar legislation has been introduced in the 2009 Regular Session - HB 390 by Representative McClendon and SB 423 by Senator Means. The Alabama Sentencing Commission endorses the concept of prison industry and the expansion of the market for the sale of prison-made products.

### **Expansion of the Market for Prison-Made Goods**

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 the ADOC.

### **Inmate Healthcare**

During FY 2008, the work of ADOC's Health Care Services administrative and clinical staff ensured the proper levels and standards of care were provided to inmates within the prison system. Positive efforts were also made to monitor and audit the medical service providers' costs in the provision of inmate health care. Health Services staff members established standards of care through implementation of policies and procedures the contractor was required to meet, as well as implemented a viable quality improvement program. Health Services also established service contracts based on shared risks, enabling the provision of cost effective and constitutionally adequate health care. Discounted inpatient hospital rates through the Blue Cross/Blue Shield hospital network continue to have a positive impact on ADOC's overall healthcare costs. Implementing wellness and preventative healthcare programs assisted in maintaining a proactive approach to healthcare. The ultimate goal of these programs is to reduce the severity and longevity of illness and degenerative disease, thus reducing the incidence of catastrophic illness and the associated cost of treatment.

### **Discounted Hospital Rates Negotiated**

Correctional Medical Services, Inc. (CMS) of St. Louis, Missouri, was awarded the contract, via a Request for Proposal (RFP) process, to provide comprehensive medical coverage for inmates on a statewide basis beginning November 1, 2007. The new contract benefits the 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 for inmate healthcare. The new contract

### **New Contract Reduces ADOC Healthcare Costs**

also requires the provider to pay and assume responsibility for several items the Department paid for directly in previous years, such as the cost of inmates receiving in-patient hospital care. The contract establishes a means of performance and financial accountability, while increasing the overall level of services received.

**Special Needs Facility  
Planned**

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 Inmate Programs and Reentry Initiatives**

**ADOC Pre-Release and Reentry Program**

**Reentry Program Initiated**

One of the innovative projects initiated in April 2007 by Commissioner Richard Allen was the creation, of a reentry program designed to successfully transition inmates back into society, giving them a better chance to adjust to life outside of prison and lead crime-free and productive lives. Since the program was initiated, it has developed and expanded under the capable supervision of Ms. Elana M. Parker, the Department's Reentry Coordinator.

**Transition Services  
Provided in 30 Prison  
Facilities**

During 2008, reentry activities were conducted by the Department of Corrections in thirty prison facilities statewide. Reentry activities were primarily in the form of a comprehensive pre-release program consisting of life enrichment models and community referral linkages to state, faith-based and community organizations. Inmates participated in life enrichment classes on (1) addiction and recovery; (2) job search/vocational and career development (3) faith based, character building and communication skills; (4) health education, referrals and screenings; (5) family reintegration and reunification; and, (6) law enforcement. Inmates were assessed for the purposes of identifying their primary reentry needs and to effectively link them with statewide programs that assist with transitional services.

**3,335 Graduates**

In the six month period from July 2008 through December 2008, there were a total of 118 pre-release programs implemented statewide. Within the institutions, there were 19 newly coordinated programs and 11 revised programs. As of December 31, 2008, there have been 3,335 inmates graduating from pre-release and reentry classes.

**Limestone Pre-Release  
Center Established**

A new program at the Limestone Pre-Release Center, established in December of 2008, provides comprehensive life skills and behavior modification programs for End of Sentence inmates who will complete their incarceration. The Pre-Release Center is staffed with social workers that assist with case management services, educational classes, support groups and referrals to community organizations.

*Collaborative Efforts*

A few of the program's major accomplishments in 2008 include: (1) Building collaborative partnerships with the *Department of Public Safety* and

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obtaining approval that the ADOC Release Identification Card would be accepted as a secondary document for inmates to obtain a driver's license. Newly released inmates can now apply for and successfully obtain a drivers license or social security card after release; (2) Establishment of an agreement with the *Social Security Administration* to process applications for social security replacement cards for inmates prior to release. This allows the inmate to have the additional documentation needed for verification of identity when applying for a job or other services; (3) Linking with the *Veterans Administration* to provide targeted reentry services to Veteran inmates in the prison system. The Veterans Reentry Specialist visits institutions on a quarterly basis to work with inmates nearing release. Information is provided on social service programs, medical and dental benefits, temporary and permanent housing services and mental health services; (4) Establishment of the statewide *CPR Network* (Community Partnerships for Reentry and Recovery) through *ADECA*. The CPR Network is a coalition of faith based organizations that provide supportive resources and services to newly released offenders. Representatives from the CPR Network assist with the provision of services during both the pre- and post-release phase of incarceration. To assist in our collaborative efforts with other departments and agencies and with community services, the Department launched the Reentry and Pre Release Link on ADOC's website and issues monthly Reentry Newsletters. This addition to the Department's website also helps keep the public informed about ADOC's reentry initiatives. The newsletters provide the inmate population with an awareness of community programs that offer reentry and transitional services throughout the State.

## **Partnerships with Departments and Agencies**

## **Supportive Resources and Services Key to Reentry Efforts**

### **Alabama Prisoner Reentry Initiative**

The Alabama Prisoner Reentry Initiative (APRI) is a pilot project partially funded through a grant provided by the Department of Justice FY 2008 *Prisoner Reentry Initiative*. The APRI will provide enhanced pre- and post-release services for 200 male/female inmates returning to Jefferson County after release from prison. Prior to release, the participating inmates will be provided intensive drug treatment and reentry programming. Through the Supervised Reentry Program, inmates are transitioned to a residential environment provided by an ADOC contracted community-based organization or U.S. Department of Labor contracted community- or faith-based organization. These organizations will provide a full range of transitional services, including job placement, to participating inmates to enable a successful reentry to society, which in turn would help alleviate prison overcrowding.

## **Pilot Project for Inmates Returning to Jefferson County**

### **Alabama Therapeutic Education Facility**

The Alabama Therapeutic Education Facility (ATEF) is operated under contract to the Alabama Department of Corrections by Community Education Centers, Inc., and in partnership with the Alabama Department of Post Secondary Education. The ATEF is a residential facility that provides comprehensive behavioral, vocational, and educational services to prepare inmates to enter the work-release program. The ATEF is a major step in implementing the Department's inmate reentry continuum that works in conjunction with the Alabama Reentry Initiative. This initiative is one of

## **Residential Facility Preparatory for Work Release**

**First Graduates Complete  
6 Month Program**

the strategies to reduce prison overcrowding and prisoner recidivism. Governor Bob Riley, Commissioner Richard Allen, Chancellor Bradley Burns, and CEC, Inc. Chairman John Clancy presided over the dedication of the ATEF on September 16, 2008. The first of nearly one-hundred ATEF residents graduated on September 26<sup>th</sup> 2008, completing the six-month long program.

**Rehabilitation,  
Re-Socialization and  
Reintegration are Goals of  
SRP**

**Supervised Reentry Program**

The Supervised Reentry Program (SRP) is a structured reentry program where the inmate is transferred from an ADOC Institution to a residential environment, under supervision of a sponsor and an ADOC SRP Supervisor (Correctional Sergeant). The inmates are required to obtain employment, education, and/or training and pay restitution, child support, and any other court-ordered payments. Rehabilitation, re-socialization, and reintegration of an offender are the SRP's primary goals and allows for offenders to reenter society in a structured manner. Inmates participating in reentry programs with the Alabama Prisoner Reentry Initiative (APRI) and the Lovelady Center are released and supervised through the SRP.

**1,155 New Placements in  
SRP During FY 2008**

October 1, 2007 was the first full month of placement of inmates into the SRP. After one year of operation, (as of November 2008), 1,586 inmates had entered the program. Placement of inmates into the SRP has averaged 96 per month, with the majority of the inmates coming from medium and maximum security-level institutions. In FY 2008 the SRP had 1,155 new placements, with 281 inmates continuing in the program from the previous fiscal year. The total number of inmates released on SRP was 775, with 640 released by *end of sentence* and 135 granted parole.

**Bedspace Increased by  
300 for Work Center and  
350 for Work Release**

**Community Work Release and Work Centers**

During FY 2008, the ADOC continued the effort to place qualified inmates in lower security-level facilities to afford prison bed-space to inmates requiring higher custody placement to maximize resources. During this period, the ADOC managed to increase the work release/work center bed-space capacity at several community-based facilities. During FY 2008, the work center bed-space increased by 300 and the work release increased by 350.

**Employment Benefits**

The work release program provides community-custody inmates the opportunity to work while in prison, which is beneficial to reentry following release from prison, an incentive for good behavior, and is constructive use of an inmate's time (which is often cited as a priority among victims of crime and the general public). Through employment, inmates can earn a salary to pay restitution to victims and civil claims, fines and court costs, court ordered child support payments or dependent support, other self-supporting items such as medical/dental payments and medical co-pays, and federal/state taxes. Additionally, inmates accumulate a nest-egg that will provide needed funds for a successful transition back into the community, in addition to obtaining skills that will benefit them when they are released from prison. During FY 2008, the ADOC set a goal of 3,000 inmates

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participating in the work release program. At the beginning of October 2008, there were 2,331 inmates in the work release program, a 15% increase from the previous October.

**15% Increase in Work Release Programs**

The ADOC has focused its efforts during FY 2008 on implementing and expanding several work programs for inmates in work centers to better utilize inmates in various work projects. Such programs involve minimum custody inmates who work in crews or individually for various state, county, and city government entities. At the end of September 2008, the number of inmates assigned to work centers was 1,458, an 18% increase from the previous year.

**18% Increase Work Center Inmates**

## **Drug Treatment**

Convictions for Drug offenses continue to account for a large segment of the pool of non-capital felony convictions, ranging from 48% in FY 2005 to 44% in FY 2007. Consistently topping the list are convictions for the crime of “possession of controlled substances.” While these figures indicate the impact drug addiction and abuse has on the 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 in this category.

**Drug Crime Offenders Account for Large Segment of Prison Population**

Against this background of need, the Federal Residential Substance Abuse Treatment (RSAT) grant that supplies funding to operate 6-month drug treatment programs continues to decline in funding support. Due to the reductions in these funds, as well as the county drug demand monies, drug treatment in the ADOC is critically under-funded 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.

**Drug Treatment for Inmates Critically Under Funded**

The Department of Corrections has been providing substance abuse treatment to chemically dependent 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 offenses. At intake, 68-75% of inmates have a documented or self-reported history of illicit drug use. In 2008, primary treatment and aftercare services were provided to more than 14,000 inmates through 62 drug treatment programs, staffed by 75 employees. In 2008, there were 1,326 inmates on the waiting list for participation in the various drug treatment programs. Six new treatment programs have been implemented in the last two years: the Methamphetamine Treatment Program at Staton Correctional Facility, 8-week Secular SAP at Ventress Correctional Facility, and 6-month Secular SAP at Easterling Correctional Facility in 2007; and in 2008, the matrix model-based methamphetamine program for women at Tutwiler Prison for Women and the new aftercare programs in Montgomery and Birmingham Women’s Work Release facilities.

**Drug Abuse Prevalant Among Inmates**

**14,000 Inmates Provided Drug Treatment in FY 2008**

**1,326 Inmates on Waiting List for Programs**

**6 New Treatment Programs Added in 2007 and 2008**

**Treatment Options:** Inmates assessed as needing substance abuse treatment are placed into one of the following programs:

1. Pre-Treatment
2. 8-Week Substance Abuse Program (SAP)
3. 8-Week Secular Substance Abuse Program (SSAP)
4. 8-Week Methamphetamine Group
5. 15-Week Dual Diagnosis Program
6. 6-Month Residential Substance Abuse Treatment for State Prisoners (RSAT) – “Crime Bill”
7. 6-Month Secular SAP Program
8. Relapse Treatment Program
9. Aftercare
10. Therapeutic Community

**62 Drug Treatment Programs in 25 ADOC Facilities**

The ADOC currently has 62 drug treatment programs in 25 facilities, to include:

8-Week SAP.....	19
8-Week Secular SAP.....	1
RSAT (Crime Bill).....	8
6-Month Secular SAP.....	1
Therapeutic Communities.....	2
Dual Diagnosis.....	1
Relapse.....	7
Aftercare.....	21
Methamphetamine program.....	2

**Orientation to Drug Treatment**

1. **Pre-Treatment:** Pre-Treatment provides orientation to drug treatment for inmates awaiting placement in 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.

**8 Week SAP**

2. **8-Week Substance Abuse Program (SAP):** 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.

**8 Week Secular SAP Alternative**

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.

**Treatment Program for Meth Addiction**

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

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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.

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 8-Week SAP.

**15 Week Program**

6. **Residential Substance Abuse Treat for State Prisoners (RSAT):** RSAT is a 6-month program partially funded by the Department of Justice Formula Grant Program and is commonly referred to as the “Crime Bill” Program. RSAT is 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 “Crime Bill” Program**

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 anti-social 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.

**6 Month Secular SAP**

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 Program Focuses on Prevention Strategies**

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 Continues Recovery**

10. **Therapeutic Community:** The Therapeutic Community (TC) is a 12-month program that uses recovering role models as well as staff counselors in a milieu setting. The TC program operates on the premise

**12 Month Program in Community Setting**

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 life-style. The Therapeutic Community is a structured program utilizing program guides and a strict set of rules. The TC 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.

**Drug Programs Operating with Limited Staff**

**Staffing:** Staff assigned to the programs:

8-Week SAP.....	33
8-Week Secular SAP.....	1
Methamphetamine group.....	2
RSAT (Crime Bill).....	21
6-Month Secular SAP.....	1
Relapse.....	5
Aftercare.....	5
Therapeutic Community.....	4
Dual Diagnosis.....	2
Central Office.....	1
Total staff .....	75

**Statistics:** Summary of 2008 Drug Treatment Statistics:

Total Participants.....	14,201
Total continuing in Aftercare.....	4,162
Total graduates from programs.....	5,203

**Waiting List:** Number of inmates on waiting lists:

8-Week SAP.....	756
8-Week Secular SAP.....	0
Methamphetamine Group.....	13
RSAT (Crime Bill).....	409
6-Month Secular SAP.....	24
Relapse.....	59
Dual Diagnosis.....	16
Therapeutic Community.....	49
Total waiting list.....	1,326

**Crime Bill Recidivism Rate 5.61%**

**Program Effectiveness**

The Department of Corrections reports the recidivism rate for the general prison population to be 30.1%, while the recidivism rate for inmates completing the Crime Bill program is reported to be 5.61%. The recidivism rate for inmates completing the other substance abuse programs is 26.1%. It should be noted that these rates measure return to a DOC facility, rather than subsequent convictions or arrests.

**ADOC Improvements**

The Department is now in the process of updating its substance abuse programs to incorporate evidence-based practices and is standardizing provision of services to improve continuity of care. Drug Program staff

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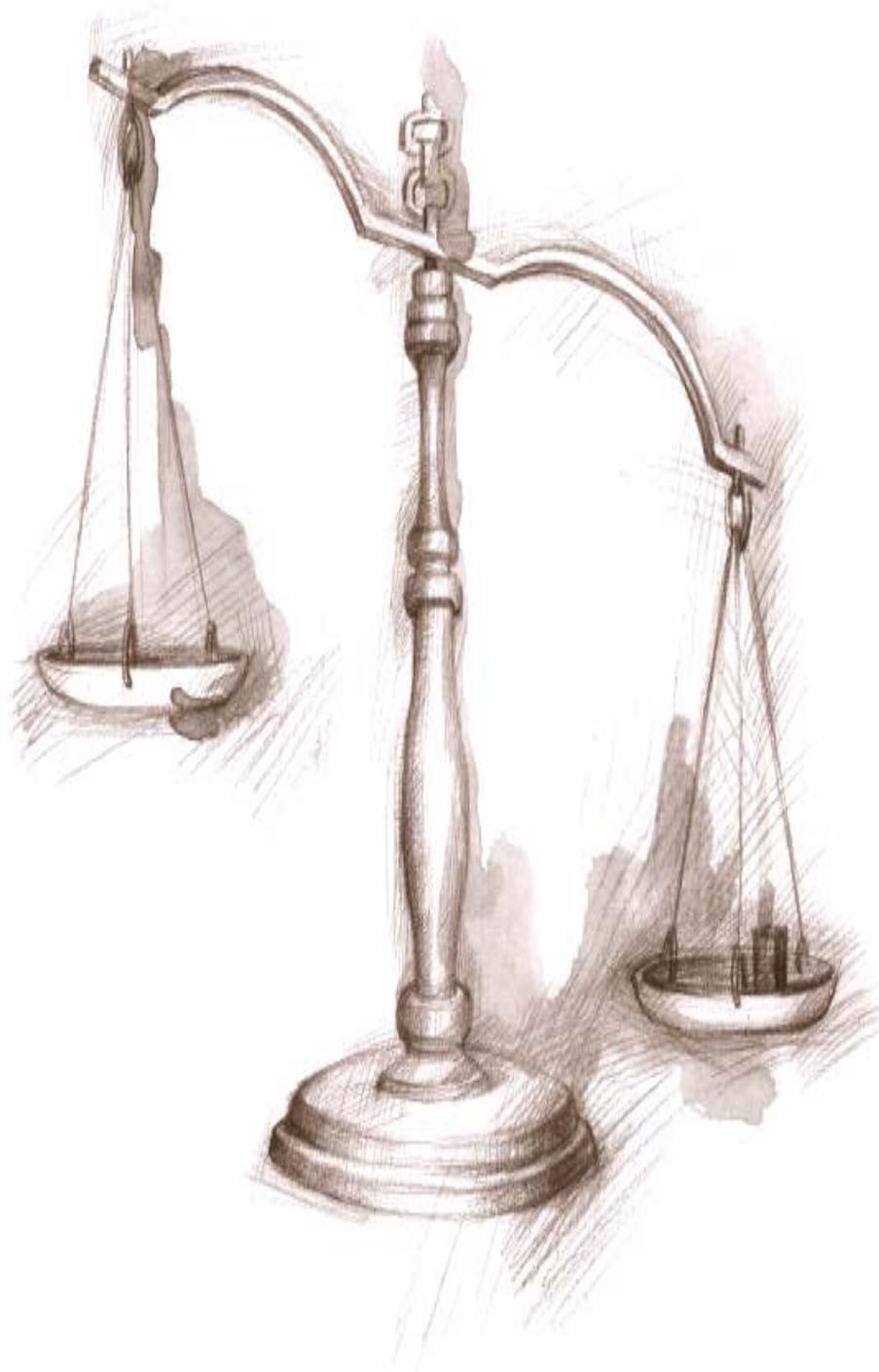
have created and implemented treatment manuals based on the most current proven practices available for ADOC Pre-Treatment, Secular SAP Pre-Treatment, 8-Week SAP, 8-Week modified Matrix Methamphetamine Treatment, Relapse Treatment & Prevention, 6-Month Secular SAP, Aftercare, and Secular SAP Aftercare programs. Work remains ongoing on creation of 6-Month Residential Substance Abuse Treatment (Crime Bill), 15-Week Dual Diagnosis, and 12-Month Therapeutic Community treatment manuals.

## **Incorporating Evidence-Based Practices**

ADOC continues to conduct pre and post-testing at selected sites to measure treatment outcomes. In addition, regular program audits have been implemented to ensure services are provided as outlined in our manuals, with corrective action plans issued to correct discrepancies, and follow-up monitoring to ensure integrity of program operations.

## **Testing and Audits to Measure Treatment Outcomes and Services**

The ADOC, in partnership with the Department of Public Health, is improving discharge planning in the form of pre-release services for substance abusers in ADOC's custody to facilitate improved success rates in transitioning of former offenders back into the community with the goal of further reducing recidivism and increasing the public safety.



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## Chapter 4: Expanding Punishment Options

### The Cooperative Community Alternative Sentencing Project (CCASP)

The Cooperative Community Alternative Sentencing Project (CCASP) has been one of the major projects of the Alabama Sentencing Commission in 2008. The Project was implemented by the Alabama Sentencing Commission and Chief Justice Sue Bell Cobb to establish model systems of community supervision, incorporating a true continuum of community sanctions, in four counties selected as pilot sites in Alabama. The goals of the Project are (1) to develop a framework that identifies and clarifies the role of each agency and program that contribute to the Alabama criminal justice system to improve system effectiveness, avoid duplication of services and increase public safety; (2) to develop model programs in the pilot jurisdictions; (3) to develop protocol to determine state and local investment in proposed community punishment programs and plans; and (4) to provide ongoing education and quality assurance through out the criminal justice system. The project seeks to build these model systems through the cooperation and collaboration of all of the state and local agencies involved in community supervision. The four model jurisdictions will serve and as mentors to Alabama’s remaining jurisdictions to develop quality community supervision programs throughout the State using evidence-based practices.

CCASP recognizes there are up to five agencies [the Administrative Office of Courts (AOC), the Alabama Department of Corrections (ADOC), Community Corrections Programs (CCP) at the local level, District Attorneys, and Pardons and Paroles] involved in community supervision, with no formal coordination for supervision, services, or treatment of “community supervision” offenders as a cognizable group. Nor does Alabama have any definable standards creating a single concept of “community supervision” in each jurisdiction. Instead, in each jurisdiction the groups are often fragmented, operating independently of each other, duplicating services, providing levels of supervision without sufficient consideration of the offenders’ risks and needs, and failing to share information on offenders as they may pass from agency to agency. Community supervision in Alabama is suffering due to the lack of: defined continuum of community based sanctions; risk and needs assessment of offenders; agency coordination; and sharing of, knowledge, services, and supervision for the benefit of the community and the offender. Alabama must address these issues, and embrace and implement, evidence-based principles, marshal limited resources into programs and sanctions that are most likely to succeed in reducing the likelihood that offenders will reoffend.

CCASP began by forming a Statewide Steering Committee co-chaired by Chief Justice Sue Bell Cobb and Chief Assistant Attorney General Rosa Davis, a representative of the Alabama Sentencing Commission. The Committee membership is representative of the major stakeholders in Alabama’s Criminal Justice System and includes law enforcement, district and circuit judges, prosecutors, defense lawyers, corrections officials and personnel, supervising agencies, county commissions, victims, rehabilitated

**ASC Addresses  
Community Punishment  
Options Through CCASP**

**Collaboration Among  
Community Punishment  
Agencies is Essential**

**All Stakeholders Are  
Represented**

**Work Groups Research  
Issues in Community  
Supervision**

offenders and mental health professionals. Based on the need for a coordinated continuum of sanctions in each community in Alabama, the Committee formed four work groups to research issues that must be addressed to improve and expand community supervision to better protect the citizens of this State: Services and Programs, Evaluation, Data, and Risk and Needs Assessment. With the assistance of technical advisors from the Vera Institute of Justice and the Crime and Justice Institute, these work groups identified the major issues that should be addressed in a comprehensive supervision plan in each pilot jurisdiction.

**Four Local Jurisdictions  
Agree to Establish a  
Model Community  
Sanctions System**

While the work groups studied the issues, the State Committee solicited applications from local jurisdictions to serve as initial pilot sites to implement model programs in Alabama. From the applications reviewed, the Committee chose Lawrence, Montgomery, Jefferson and Marshall Counties to form the pilot programs in Alabama. These jurisdictions have agreed to an analysis of their existing local system, to develop model programs based on evidence-based principles and the goals of the CCASP project, and to serve as mentors for the remaining counties in Alabama.

**Risk and Needs  
Assessment:**

**Risk and Needs Assessment Work Group**

The Risk and Needs Assessment Work Group studied the efficacy of using risk and needs assessments in Alabama and identified an excellent set of risk and needs assessment instruments that can be used. The Work Group was presented with information showing that risk and needs assessment tools are important in building and maintaining a fair, effective and efficient criminal justice system, and that for appropriate results, the use of risk and needs assessment must be carefully implemented. Proper assessment requires utilizing a highly trained staff who recommends the offender for quality programs rooted in evidence-based practices that are supported by a system of quality assurance and evaluation with constant feedback to measure progress.

**- A Head Start to Address  
Issues**

**- Expert Staff Training  
Required**

A validated instrument is administered to the offender by a trained staff member who understands antisocial thinking and social/adult learning concepts, and who is trained in appropriate communication techniques. Staff skills are not just taught but must be practiced and role played to assure staff understand the assessment techniques. A well trained assessment administrator is always required to generate accurate assessment results. Hence, implementing any risk and needs program will incur costs to assure adequate training of staff, validation of the instrument, and evaluation of the results of following the instrument recommendations.

**- Provide Objective  
Evaluation to Reduce Risk  
of Recidivism**

Risk and needs assessments have been shown to provide objective and empirically validated evaluations of an offender's risk of reoffending and needs that can be addressed to lower the risk measured. The measured risk may include not only the offender's likelihood to reoffend, but also his likelihood to fail to appear in court, or otherwise to meet decision point objectives in the criminal justice system. The needs are those elements that contribute to the offenders risk score. These include lack of job skills, mental health issues, age, etc. Some of the risk factors are dynamic or subject to change while others are static.

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Assessment contributes to protecting public safety, holding offenders accountable, and controlling corrections costs. Proper responses to assessment protect public safety by reducing recidivism and holding the offender accountable. Proper response to assessment also helps control corrections costs by allowing a more strategic use of prison beds and programmatic services; by producing fewer violations of sanctions, and by preventing new crimes and new victims. By paying attention to the assessment results, corrections agencies do not waste limited resources on low risk offenders who are not likely to reoffend even without treatment, sanctions, or supervision. Assessment also enables corrections agencies to not waste limited resources on extremely high risk offenders who show little, if any, promise of positive change. In addition, following assessment recommendations guides corrections agencies to abandon programs that do not work or do not include an evaluation component.

The Work Group was presented with the positive results from two experiences in the use of risk and needs assessment. The first, a recent Maryland study, showed that for the particular programs studied, recidivism rates for drug screens, new crimes arrests, and technical violations were reduced where the system 1) assessed the offenders; 2) developed a case plan around criminogenic factors; 3) referred the offender to the appropriate array of services; 4) used supervision to assist offenders in learning triggers for inappropriate behaviors; 5) used incentives as well as sanctions in the process; and 6) incorporated a timely communication with the offender to review progress. The second study presented was the anecdotal experience of a trial in Texas comparing results from recommendations made by experienced officers to recommendations derived from a risk and needs assessment instrument. The study designed for three years was stopped after two years because the test directors determined that the risk and needs outcomes are so much better than the officer's, that to continue the study would be detrimental to those offenders not receiving the benefit of the risk and needs assessment.

It was recommended to the Work Group that risk and needs assessment programs must be carefully implemented and administered. Interventions aimed at low risk offenders are least likely to work. These offenders have less to change and are not likely to reoffend anyway. Good interventions that are poorly implemented or poorly maintained do not work. Nor are interventions that are poorly defined, lack specificity, and are non-directive likely to have positive results. The bottom line is that risk and needs must be done right or not at all. Risk and needs assessment can be very useful when corrections agencies target the right offenders and the right needs, using the right modality. If implemented, the administrators *must* follow the data rather than experienced "gut" reaction.

The Work Group reviewed a number of risk and needs assessment tools. These included non-proprietary instruments including the instruments currently in use by probation and parole officers, instruments developed for use in Arizona, and Ohio, and the LSI-R, an established proprietary instrument. The Ohio instruments were developed by Dr. Edward Latessa and Dr. Christopher Lowencamp, from the University of Cincinnati, two leaders in the field of risk and needs assessment research, for use in Ohio.

## **Assessments:**

**- Protect Public Safety**

**- Allow Strategic Use of Available Resources**

**Risk and Needs Assessments Proven More Reliable Than Trained Intuition**

**CCASP Compares Available Risk and Needs Assessment Tools**

These are state of the art, non-proprietary instruments that can be implemented in Alabama and validated for continued use in this State.

**Why Ohio Risk and Needs Tools?**

- **Developed by Leaders in the Field**
- **Complete Set of Tools**
- **Cost Limited to Training and Evaluation**
- **Adjustable for Automation**

After a careful review of these three instruments, the Work Group chose the Ohio instruments for several reasons: (1) The instruments were developed by recognized leaders in the field; (2) Compared to other non-proprietary instruments, the Ohio instruments are the most complete; (3) The only cost in implementing and continuing to use the non-proprietary instruments is the cost for training, validating and evaluating the use of the instruments; (4) The cost for the proprietary instruments increases due to a charge per instrument used; (5) the Ohio instruments can be adapted to a uniform electronic application through MIDAS without much additional cost. It is the goal of the Work Group that the instruments are adopted for full use in each of the four pilot sites and for ADOC and Pardons and Paroles offenders from those sites. As the instruments are used in Alabama, evaluated and validated for this State, use should be expanded throughout Alabama covering every convicted felony offender.

**CCASP Adopts Ohio Risk and Needs Instruments for 4 Pilot Sites**

At its meeting of April 28, 2009, the State Steering Committee adopted the recommendation of the Work Group and approved the use of the Ohio Risk and Needs Assessment tools in Alabama as part of the CCASP Project of the Alabama Sentencing Commission and the Chief Justice of Alabama. The Alabama Sentencing Commission has applied for a grant to assist in implementing this tool.

Implementing risk and needs assessment tools for use throughout the State will give Alabama a strong basis for testing programs and services to evaluating the success of each. Alabama will be in a much better position to employ evidence-based principles.

**Programs and Services Work Group**

The Program Services Strategy Work Group was charged by the Statewide Steering Committee with two specific tasks to research and to report back to the Committee:

- ❖ Define the core program areas that the local jurisdictions should consider when developing their comprehensive plans (e.g. drug/alcohol addiction; education; cognitive behavioral therapy, etc.);
- ❖ Develop standards for various aspects and components of the program services (e.g. administration, fiscal management, personnel, staff development, management information system, etc.).

**Work Group Identifies Critical Elements for Model Jurisdictions**

The Committee identified eleven critical elements needed in each jurisdiction's comprehensive plan for strengthening and expanding community supervision:

1. Collaboration and agreement among community participants showing which offenders are managed or supervised along the continuum.

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2. Definition of roles (missions) of all partners according to the supervision levels provided, avoiding duplication of services and levels of supervision (defining the population in each)
  3. Description of programs/services/supervision available in the jurisdiction and the providers
  4. Organizational structures (including program eligibility criteria)
  5. Program capacity/staffing qualifications for the jurisdiction through each partner
  6. Standard operating procedures for the jurisdiction and each partner
    - a. Quality assurance
    - b. Data collection
    - c. Reporting
    - d. Data sharing
  7. Descriptions of sanctions and incentives for the jurisdiction and each partner
  8. Description of continuum of supervision and programs
  9. Description of treatment and levels of care with criteria
  10. Funding sources and accountability
  11. Intra-local agreements for supervision and services

## **Elements of Local Comprehensive Plan**

The work group further determined that collaboration agreements should be signed by each significant partner, including judges, the district attorney, defense system or defense bar representative, all local supervising agencies, and all participating service agencies. These collaborative agreements would define the mission of each participating supervising agency, identifying the type and the levels of supervision, minimizing duplication of services and eliminating duplication of supervision. Specific provisions would be included to define the population served by each supervising agency; define the supervisory staffing qualifications and training requirements, define how supervision is performed at each level of the supervision and treatment continuum and establish procedures to ensure that supervision plans are prepared and followed for all offenders. In addition, the agreements would define the sanctions and incentives utilized in each agency, the agreements and procedures for movement of offenders between agencies. Each jurisdiction is required to include certain core programs and services within their continuum of services, such as drug testing and treatment, mental health treatment or referral, job training or referral, education, health and housing reference services, family counseling, etc.

## **CCASP Goals Require Collaboration and Cooperation Between Agencies**

### **The Data Work Group**

The Data Work Group was charged with recommending data content, format and access and reporting back to the State Steering Committee. The Work

**Work Group:**

**- Identifies Data Elements for Comparison and Evaluation Research**

Group recognized that it is essential to collect data for offenders ordered to participate in community corrections programs on types of admissions, offender demographics, educational factors, family factors, current offense, risk factors, legal status at time of offense, prior arrests and prior adjudications and convictions, substance abuse use and treatment history, and prior revocations of supervision. The work group compiled a list of desired data elements for each of these factors.

**- Requests Location of Current Data Detailed**

The Work Group suggested that to utilize the resources of the State and the pilot sites effectively, the location of current data elements needs to be more effectively detailed and defined. Critical data elements are currently collected and maintained at both the State and local levels. The majority of the Work Group's recommendations pertain to data collected on offenders in local jurisdictions – not information collected by the Alabama Department of Corrections. It is imperative that all relevant information collected at the State and local jurisdictions be made available to those responsible for supervision of offenders in community settings. The core of the recommendations from this group focused on information collected at the local level. The Work Group hopes this project produces a comprehensive listing of data currently available at the State and local levels and results in the collection of additional data elements at both the local and State levels. The Work Group also emphasized the importance of sharing data and information across agencies.

**Data Sharing Required to Minimize Duplication**

**Evaluation Work Group**

The Evaluation Work Group was charged with reporting back to the Statewide Steering Committee on the following questions:

**Ongoing Evaluation of Agency and Program Effectiveness Essential**

Progress Monitoring

- What information should the local jurisdictions include in their comprehensive plans in regard to progress monitoring?
- Are there certain elements of the program services that should be monitored and tracked?
- How often should the local jurisdiction report back to the Statewide Steering Committee on the progress and performance?

Quality Assurance

- What is the recommended quality assurance process that should be used by the local jurisdictions?
- What needs to be reviewed in this process?

Long-term Evaluations

- What data needs to be collected by the local jurisdictions in order to conduct proper process and outcomes evaluations in the future?

The Evaluation Work Group was directed to consult with the Data Work Group as needed to answer these questions. The data elements identified and the recommendations made by the Data Work Group must be gathered and implemented to successfully evaluate the effectiveness of policies implemented to improve and expand community supervision.

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The Work Group identified items for evaluation that were common among services and jurisdiction as: (1) programs, (2) level of care, (3) costs, (4) financial support, (5) certification, (6) qualifications (for program and staff), and (7) use of evidence-based practices, and proposed a timeline for the project. The Work Group provided a detailed outline for evaluation of the Project as well as programs and services in each jurisdiction. The outline included status reports for developing local plans and implementation of the plans as well as process and out come evaluations for the plan and programs and services. The Workgroup devised a detailed list of examples of both system improvements (outcomes), community outcomes, and offender based outcomes that can be used as measures for success of both the local plans and for individual programs.

## **Evaluation for the Project, Programs and Services Outlined**

### **Comprehensive Plan Work Group**

The Comprehensive Plan Work Group drafted a suggested Comprehensive Plan outline. This outline was based on the reports and recommendations of the four initial work groups. It was initially drafted by the Sentencing Commission staff and the technical consultants for this project, staff from the Vera Institute and the Crime and Justice Institute. The initial draft was reviewed and amended by the Work Group and reported to the State Steering Committee at its meeting of April 28, 2009. The State Steering Committee made additional adjustments to the Comprehensive Plan outline and adopted the outline to guide local jurisdictions in forming a Comprehensive Plan to accomplish the goals of the project.

## **CCASP Provides Comprehensive Plan Outline for Pilot Sites**

The pilot jurisdictions will use the outline to develop a local Comprehensive Plan to establish a framework that identifies and clarifies the role of each agency and program that contributes to community supervision of convicted offenders, avoids duplication of services, and increases public safety. Each local jurisdiction will further use the Plan to develop a protocol to determine state and local investment in proposed community punishment programs and plans. The pilot sites and the State Steering Committee working together will provide ongoing education and a methodology to provide for quality assurance throughout community supervision systems in Alabama. The Plan will incorporate the use of evidence-based principles.

## **Evidence-Based Practices Will Be Incorporated in Plan**

The Comprehensive Plan format asks each local jurisdiction to provide certain information and a strategic plan, which includes core elements and requests interagency collaboration on the implementation of evidence-based practices (including use of risk and needs assessment instruments and a reliable (preferably MIDAS for statewide uniformity) case management and data collection system and identification of existing and needed services

### **Next Steps for CCASP**

Over the last year, CCASP has had a tremendous beginning in Alabama. The Project has established and implemented a plan for improving and expanding community supervision in Alabama through collaboration and cooperation between agencies at the local and State level utilizing evidence-based principles. The State Steering Committee has selected pilot sites for implementing the project at the local level, adopted an outline for a Comprehensive Plan to be developed in each pilot jurisdiction, and identified a risk and needs assessment for tool for use in the pilot sites. Yet, much remains to be done.

## **CCASP Will Continue to Assist Pilot Sites**

**Pilot Sites Move Forward to Implement Recommendations**

During the next year, CCASP will continue its work in the pilot sites, Lawrence, Montgomery, Jefferson and Marshall Counties, assisting those jurisdictions in designing and implementing local plans. CCASP is also active in identifying funding sources for these jurisdictions to implement the plans, filling in gaps in local programs and services and will assist the jurisdictions in applying for the funding identified. CCASP will also provide training for the pilot sites and associated agencies in using the Ohio risk and needs assessment tools and monitor the use of those instruments in the pilot jurisdictions.

The Sentencing Commission and members of CCASP would be remiss not thanking Lawrence, Montgomery, Jefferson, and Marshall Counties for becoming pilot sites and assisting in this important development of public policy. Alabama owes these jurisdictions and their civic minded leaders a debt of gratitude for assisting in this important work. CCASP also appreciates the dedicated assistance of our technical advisors, the Vera Institute of Justice and the Crime and Justice Institute for their hard work. CCASP is also grateful to the Pew Charitable Trusts for funding both the technical assistance for this project and the initial multistate meeting where this project was conceived. Without this assistance the project may not have come into being.

**Community Corrections Programs**

**ADOC Partners with Community Corrections Program**

The Alabama Community Punishment and Corrections Act of 1991 (§§ 15-18-170 et seq.), as last amended in 2003, provides alternative sentencing options for judges, authorizing courts to sentence certain non-violent offenders to supervision and treatment in the community through locally established community correction programs. Through the Alabama Association of Community Corrections, the Alabama Department of Corrections (ADOC) has developed a partnership with the local community corrections programs, providing reimbursement to programs that are supervising felony offenders who would have otherwise been sentenced to ADOC. Through the diversion of these offenders, the State reserves scarce prison beds for more violent felony offenders.

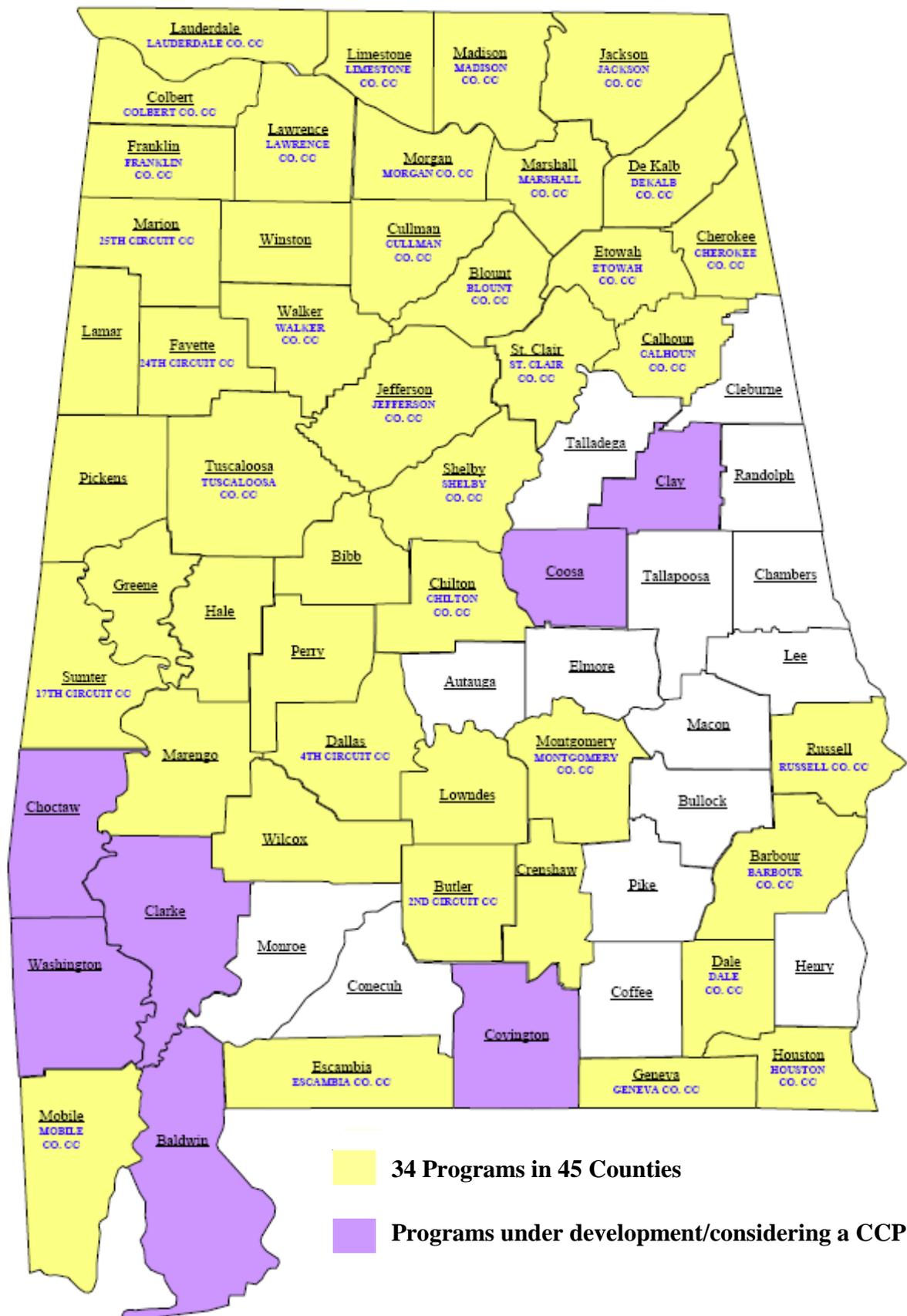
**Programs Address Causes of Criminal Behavior**

During fiscal year 2008, the Alabama Legislature appropriated \$6.1 million to support community corrections programs throughout the State. Community corrections provides a cost-effective means to hold offenders accountable, while addressing the causes of criminal behavior and reducing the risk of future criminal conduct. Activities of community corrections programs include supervision, drug and alcohol treatment referral, community-based sanctions, and services directed at offenders who commit felony and misdemeanor offenses.

**Programs New in 45 Counties**

Currently, there are 34 community corrections programs in 45 counties. These counties count for over 82% of the total ADOC inmate population. Of the 34 programs, 50% of the community corrections programs have been established since FY 2000. Twenty-nine percent have been established since FY 2005. Of the State's 67 counties, 45 counties have ADOC approved community corrections programs.

## ALABAMA COMMUNITY CORRECTIONS PROGRAMS



### **Community Corrections Programs**

#### **34 Programs Serving 45 Counties**

*As of February 1, 2009*

#### **Listing By Programs**

1. 2<sup>nd</sup> Judicial Circuit Community Corrections - Butler, Crenshaw, Lowndes
2. 4<sup>th</sup> Judicial Circuit Community Corrections - Bibb, Dallas, Hale, Perry and Wilcox
3. 17<sup>th</sup> Judicial Circuit Community Corrections - Greene, Marengo and Sumter
4. 24<sup>th</sup> Judicial Circuit Community Corrections - Fayette, Lamar & Pickens Counties
5. 25<sup>th</sup> 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 Punishment & Corrections 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. Russell County Community Corrections
31. Shelby County Community Corrections
32. St. Clair County Community Corrections
33. Tuscaloosa County Community Corrections
34. Walker County Community Corrections

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**Counties with Existing Community Punishment and Corrections  
Programs For Eligible Felony Offenders**

*As of February 1, 2009*

1. Bibb - 4<sup>th</sup> Judicial Circuit Community Corrections
2. Barbour - Barbour County Community Corrections
3. Blount - Blount County Community Corrections
4. Butler - 2<sup>nd</sup> 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 - 2<sup>nd</sup> Judicial Circuit Community Corrections
10. Cullman - Cullman County Community Corrections
11. Dale - Dale County Community Corrections
12. Dallas - 4<sup>th</sup> Judicial Circuit Community Corrections
13. DeKalb - DeKalb County Community Corrections
14. Escambia - Escambia County Community Corrections
15. Etowah - Etowah County Community Corrections
16. Fayette - 24<sup>th</sup> Judicial Circuit Community Corrections
17. Franklin - Franklin County Community Corrections
18. Geneva - Geneva County Community Corrections
19. Greene - 17<sup>th</sup> Circuit Community Corrections
20. Hale - 4<sup>th</sup> 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 - 24<sup>th</sup> Judicial Circuit Community Corrections
25. Lauderdale - Lauderdale County Community Punishment & Corrections Authority
26. Lawrence - Lawrence County Community Corrections
27. Limestone - Limestone County Community Corrections
28. Lowndes - 2<sup>nd</sup> Judicial Circuit Community Corrections
29. Madison - Madison County Community Corrections
30. Marengo - 17<sup>th</sup> Circuit Community Corrections
31. Marion - 25<sup>th</sup> Judicial Circuit Community Corrections
32. Marshall - Marshall County Community Corrections
33. Mobile - Mobile County Community Corrections Center
34. Montgomery - Montgomery County Community Punishment & Corrections
35. Morgan - Morgan County Community Corrections
36. Perry - 4<sup>th</sup> Judicial Circuit Community Corrections
37. Pickens - 24<sup>th</sup> Judicial Circuit Community Corrections
38. Russell - Russell County Community Corrections
39. Shelby - Shelby County Community Corrections
40. St. Clair - St. Clair County Community Corrections
41. Sumter - 17<sup>th</sup> Circuit Community Corrections
42. Tuscaloosa - Tuscaloosa County Community Corrections
43. Walker - Walker County Community Corrections
44. Wilcox - 4<sup>th</sup> Judicial Circuit Community Corrections
45. Winston - 25<sup>th</sup> Judicial Circuit Community Corrections

**Listing By Counties**

**Year End Deficit of  
\$296,030**

**Russell County Newest  
Program**

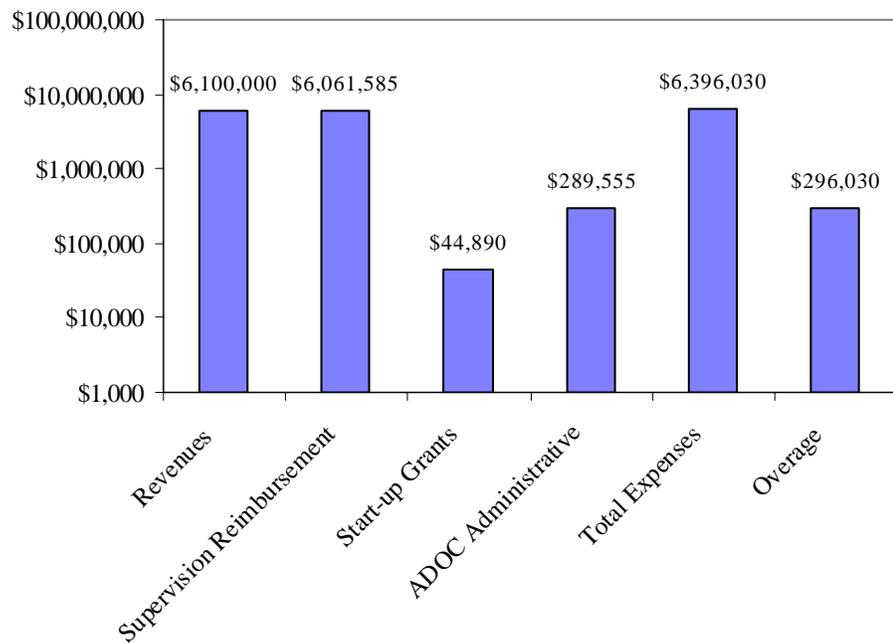
**Fiscal Summary**

In FY 2008 the Community Corrections Division of the Department of Corrections received \$6,100,000 in direct appropriation from the Alabama Legislature. Total program expenditures were \$6,396,080, leaving a year-end deficit of \$296,030. The majority of the expenditures were for reimbursement of offender supervision costs, which was \$6,061,585. \$44,890 was used for a Russell County Community Corrections program startup grant, and the remaining \$289,595, or 4.5%, was for ADOC Community Corrections administrative expenses.

The average daily cost per offender in a CCP was \$13.06, which is significantly less than the \$37.43 daily rate for an inmate in an ADOC minimum custody facility or the average statewide incarceration cost of \$41.47 per inmate.

**Community Corrections Fiscal Summary**

**Average Daily Cost Almost  
1/3 of Incarceration Cost**



## Participation Summary

During the year, the Department of Corrections Community Corrections Division paid reimbursement on 1,615 new “prison bound” offenders that were diverted to community punishment programs and 1,034 offenders that were carried over from the previous fiscal year. The number of felony offenders diverted from prison participating in community corrections programs during FY 2008 increased by 27% or 570 offenders — resulting in a savings to the State of \$5,910, 700.

**32.2% Increase in Diverted Inmates in FY 2008**

## Diversion of Prison Bound Offenders to Community Corrections Programs

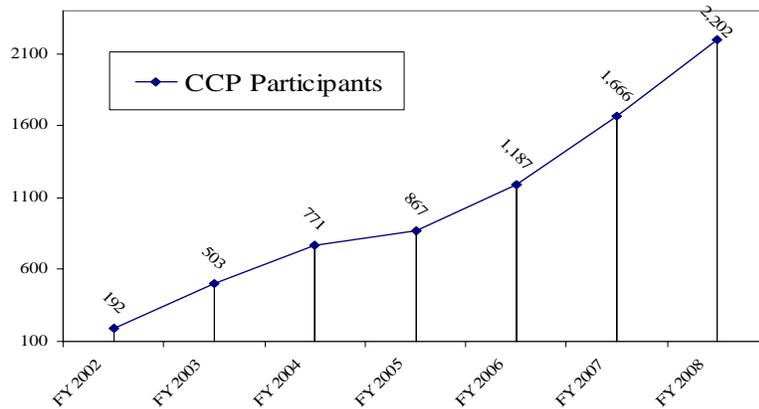
	FY 03	FY 04	FY 05	FY 06	FY 07	FY 08
New Diversions	1,127	917	1,156	1,108	1,354	1,615
Carried Over From Another FY	627	1,086	740	728	725	1,034
Total	1,754	2,003	1,896	1,836	2,079	2,649

## Community Corrections Diversions by County - FY 2008

	Diversions		
	Institutional	Front-End	Total
Barbour	15	2	17
Blount	1	4	5
Calhoun	26	23	49
Cherokee	6	9	15
Chilton	4	15	19
Colbert	37	4	41
Cullman	6	20	26
Dale	7	16	23
DeKalb	8	24	32
Escambia	0	10	10
Etowah	10	44	54
Franklin	3	19	22
Geneva	6	3	9
Houston	9	100	109
Jackson	4	46	50
Jefferson	43	295	338
Lauderdale	3	35	38
Lawrence	7	10	17
Limestone	38	24	62
Madison	38	9	47
Marshall	0	36	36
Mobile	74	103	177
Montgomery	46	78	124
Morgan	14	35	49
Russell			

	Diversions		
	Institutional	Front-End	Total
Shelby	0	45	45
St. Clair	6	15	21
Tuscaloosa	7	33	40
Walker	2	31	33
2nd Circuit	9	14	23
Butler	4	6	10
Crenshaw	3	4	7
Lowndes	2	4	6
4th Circuit	9	1	10
Bibb	1	0	1
Dallas	5	0	5
Hale	1	1	2
Perry	2	0	2
Wilcox	0	0	0
17th Circuit	6	1	7
Greene	0	0	0
Marengo	3	1	4
Sumter	3	0	3
24th Circuit	0	0	0
Fayette	0	0	0
Lamar	0	0	0
Pickens	0	0	0
25th Circuit	26	41	67
Marion	20	38	58
Winston	6	3	9
Total	470	1,145	1,615

**Trend Summary**  
**Offenders in a CCP at the end of the Fiscal year**



**Reimbursement Rate  
Reduced from \$15 to \$10  
Per Day Per Inmate**

Until the end of Calendar Year 2008, ADOC provided participating community corrections programs \$15 per day reimbursement for up to 2 years for eligible offenders. Due to inadequate funds, reimbursement rates were reduced to \$10 per inmate. This rate will remain in effect unless additional funding for community corrections programs becomes available.

**Participation Convictions**

Conviction felony offenses for reimbursed community correction participants (prison diversions) in the FY 2008 cohort were:

**Participants Primarily Drug  
and Property Offenders**

Drug - 45.0%,  
Property - 38.1%, and  
All other - 17.0%.

The average sentence was little more than 57 months and the average time served in a community corrections program was little more than 9 months.

**Participant Demographics.** The demographics of community corrections offenders from the FY 2008 cohort are:

White Males	42.8%
Black Males	38.8%
White Females	12.4%
Black Females	6.0%
Youngest Age	17
Oldest Age	73
Average Age	35

**\$8 Million Appropriation  
Needed for Community  
Corrections for FY 2010**

The ADOC continues to work to expand the number of programs and enhance the quality of community corrections programs in Alabama by active participation with individual jurisdictions and by serving as an active partner on the Cooperative Community Alternative Sentencing Project (CCASP), co-sponsored by the Chief Justice and the Alabama Sentencing Commission. More can be done to protect public safety by directing offenders to the most appropriate sanctions. Alabama can continue to improve the criminal justice system by identifying additional funding sources and increasing the funding for Community Corrections programs to at least \$8,000,000 for FY 2010. These additional funds could be used to expand and enhance community supervision to improve the sentencing options available for sentencing judges.

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## Community Corrections Program Statistics

- Community Corrections Program Appropriation  
     FY 07   \$6.1 million  
     FY 08   \$6.1 million
- 67% of Counties with Community Corrections Programs
- 50% of Existing Community Corrections Programs Established since FY 2000
- 29% of Existing Community Corrections Programs Established since FY 2005
- Community Corrections Programs Established 2006-2008

2006	2007	2008
Blount	Barbour	Russell
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
<b>FY06</b>	\$9.12	\$36.76
<b>FY07</b>	\$12.97	\$39.46
<b>FY08</b>	\$13.06	\$41.47

- Since FY 03, Community Corrections programs have provided supervision for nearly 7,300 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  
     FY 08 \$6,061,595
- Community Corrections Programs Start-Up Funding Awarded  
     FY 07 \$338,530  
     FY 08 \$44,890
- Community Corrections Programs Demographics – FY 08

	Males	Females
<b>White</b>	47.2%	12.4%
<b>Black</b>	38.8%	6.0%
<b>Youngest Age</b>	17	
<b>Average Age</b>	35	
<b>Oldest Age</b>	73	

## **Drug Courts**

### **Need for Treatment Alternatives**

Prison admissions for defendants convicted of drug offenses consistently outrank convictions for person, property, or other types of crimes, making up 38% of all new admissions in January 2009. Of the ADOC in-house population of 25,530 reported by the Department for January, 3,996 were currently enrolled in one of the drug treatment programs, with 1,162 on a waiting list to participate. These figures attest to the prevalence of drug addiction and abuse among criminal defendants and illustrate the need for treatment alternatives in lieu of incarceration and traditional probation.

### **Drug Addiction and Abuse Prevalent Among Criminal Defendants**

- ❖ At intake 68% - 75% of the inmates have a documented or self-reported history of illicit drug use.
- ❖ As of February 1, 2009, there were 1,162 (up 149 from February 2007) inmates on the waiting lists to participate in one of the Departments' treatment programs.
- ❖ In 2008 there were 18,216 inmates participating in an ADOC drug treatment program.
- ❖ In 2008, 13,500 inmates continued in Aftercare (2,708 less than reported in 2007).
- ❖ In 2008 there were 4,511 graduates from an ADOC drug treatment program (1,038 less than in 2007).

### **Drug Courts Provide Punishment, Treatment, and Judicial Supervision**

Drug courts provide an alternative to address drug abuse and addiction that have led to criminal activities through an integrated process that provides treatment and punishment with regular judicial supervision, drug testing, and graduated sanctions and adjustments in treatment in responses to relapse. Drug Courts are designed to ensure that the coordinated efforts of the judiciary, prosecution, defense, probation, law enforcement, mental health, social services, and the treatment community actively coalesce to intervene and break the cycle of substance abuse, addiction, and crime.

### **Drug Court Judge Key Factor in Success of Program**

The drug court judge's role is a key factor in the success of the program, providing oversight of treatment and supervision through frequent status hearings, while utilizing a system of rewards for success and swift and consistent responses to relapse. In drug court, the judge assumes a partnership role with the offender, a relationship that does not end with the determination of guilt.

### **Recidivism Rates Reduced**

Nationwide studies have shown that through drug courts designed and operated at the local level, recidivism rates have been reduced, resulting in fewer rearrests and reconvictions than traditional probation or incarceration. Evaluations of cost savings resulting primarily from the reductions in arrests, incarceration, case processing, and victimization have been estimated as ranging from \$1,000 to \$15,000 per drug court graduate.

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As Chief Justice Cobb has often remarked when advocating for the expansion and improvement of specialty courts and sentencing alternatives - Alabama's criminal justice system and the courts are about "fixing people" and correcting criminal behavior. In addition, the establishment of model drug courts and community supervision and treatment services can help resolve our State's continuing jail and prison overcrowding problems.

**Fixing People and  
Addressing Jail and Prison  
Overcrowding**

Through the efforts of the Chief Justice's Drug Court Task Force, chaired by Retired District Judge Orson "Pete" Johnson, the number of adult drug courts has grown from 17 courts in 23 counties (15 judicial circuits) in 2007, to 43 courts operating in 41 counties (29 circuits) as of February 2009. Focusing on quality programs, the Task Force, in 2007, adopted minimum standards for all drug courts to follow. Legislation has been introduced in the 2009 Regular Session (SB 487 sponsored by Senator Smitherman and HB 718 sponsored by Representative Scott) to provide for the creation of drug courts, establish general eligibility guidelines, and require compliance with minimum administrative procedures to ensure that drug courts utilize evidence-based practices.

**43 Drug Courts in 41  
Counties**

**Drug Court Bill Pending  
Before Legislature**

Currently there are 43 Drug Courts in the State, with a goal of adding at least 5 additional Drug Courts by the end of 2009. There are now 20 counties in the process of planning to establish drug courts. On average, there are 2,220 active drug court participants each month in Alabama. In addition to the adult drug courts, there are also Juvenile Drug Courts established in seven counties: Calhoun, Jefferson, Madison, Marshall, Mobile, Shelby and St. Clair and four counties, Calhoun, Madison, Marshall and Escambia have Family Dependency Drug Courts. Given 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 counties by the end of 2010.

**20 Counties in Planning  
Process**

**ALABAMA ADULT DRUG COURTS**  
**43 Drug Courts in 41 Counties (29 Circuits)**  
**(as of February 2009)**

*Through the efforts of the Chief Justice's Drug Court Task Force, Alabama now has 43 drug courts operating in 41 counties (29 of the 41 judicial circuits).*

**Baldwin County Drug Court**

28<sup>th</sup> Judicial Circuit  
 Circuit Judge Robert Wilters

**Butler County Drug Court**

2<sup>nd</sup> Judicial Circuit  
 District Judge Terri Bozeman Lovell

**Chambers County Drug Court**

5<sup>th</sup> Judicial Circuit  
 District Judge Calvin Milford

**Choctaw County Drug Court**

1<sup>st</sup> Judicial Circuit  
 Retired Circuit Judge J. Thomas Baxter  
 Retired Circuit Judge Harold Crow

**Cleburne County Drug Court**

7<sup>th</sup> Judicial Circuit  
 Circuit Judge Joel Laird

**Crenshaw County Drug Court**

2<sup>nd</sup> Judicial Circuit  
 District Judge Terri Bozeman Lovell

**Dale County Drug Court**

33<sup>rd</sup> Judicial Circuit  
 District Judge Fred Steagall

**DeKalb County Drug Court**

9<sup>th</sup> Judicial Circuit  
 Retired District Judge Steven Whitmire

**Escambia County Drug Court**

21<sup>st</sup> Judicial Circuit  
 Circuit Judge Bradley Byrne

**Franklin County Drug Court**

34<sup>th</sup> Judicial Circuit  
 Circuit Judge Terry Dempsey

**Hale County Drug Court**

4<sup>th</sup> Judicial Circuit  
 District Judge Sonny Ryan

**Bibb County Drug Court**

4<sup>th</sup> Judicial Circuit  
 District Judge William Owings

**Calhoun County Drug Court**

7<sup>th</sup> Judicial Circuit  
 Circuit Judge Joel Laird

**Cherokee County Drug Court**

9<sup>th</sup> Judicial Circuit  
 District Judge Sheri Carver

**Clarke County Drug Court**

1<sup>st</sup> Judicial Circuit  
 Retired Circuit Judge J. Thomas Baxter  
 Retired Circuit Judge Harold Crow

**Colbert County Drug Court**

31<sup>st</sup> Judicial Circuit  
 Circuit Judge Jacqueline Hatcher

**Cullman County Drug Court**

32<sup>nd</sup> Judicial Circuit  
 District Judge Greg Nicholas  
 District Judge Kim Chaney

**Dallas County Drug Court**

4<sup>th</sup> Judicial Circuit  
 District Judge Robert Armstrong

**Elmore County Drug Court**

19<sup>th</sup> Judicial Circuit  
 Circuit Judge John Bush  
 District Judge Glenn Goggans

**Etowah County Drug Court**

16<sup>th</sup> Judicial Circuit  
 District Judge William Russell

**Geneva County Drug Court**

33<sup>rd</sup> Judicial Circuit  
 District Judge Charles Fleming

**Jackson County Drug Court**

38<sup>th</sup> Judicial Circuit  
 Circuit Judge John Graham

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**ALABAMA ADULT DRUG COURTS**  
**43 Drug Courts in 41 Counties (29 Circuits)**  
**(as of February 2009)**

**Jefferson County Drug Court**  
**Bessemer**  
10<sup>th</sup> Judicial Circuit  
District Judge Eric Fancher

**Jefferson County**  
**Bessemer Property Drug Court**  
10<sup>th</sup> Judicial Circuit  
Circuit Judge Teresa Petelos

**Jefferson County Drug Court**  
**Birmingham**  
10<sup>th</sup> Judicial Circuit  
District Judge Shanta Owens

**Lauderdale County Drug Court**  
1<sup>st</sup> Judicial Circuit  
Circuit Judge Michael Jones

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

**Lawrence County Drug Court**  
36<sup>th</sup> Judicial Circuit  
Retired Circuit Judge Philip Reich

**Lowndes County Drug Court**  
2<sup>nd</sup> Judicial Circuit  
District Judge Terri Bozeman Lovell

**Madison County Drug Court**  
23<sup>rd</sup> Judicial Circuit  
District Judge Lynn Sherrod

**Marengo County Drug Court**  
17<sup>th</sup> Judicial Circuit  
Circuit Judge Eddie Hardaway

**Marion County Drug Court**  
25<sup>th</sup> Judicial Circuit  
Circuit Judge Lee Carter

**Marshall County Drug Court**  
27<sup>th</sup> Judicial Circuit  
Circuit Judge Tim Jolly

**Mobile County Drug Court**  
13<sup>th</sup> Judicial Circuit  
District Judge Mike McMaken

**Montgomery County Drug Court**  
15<sup>th</sup> Judicial Circuit  
Circuit Judge Tracy McCooley

*Four counties have Family Dependency Drug Courts: Calhoun, Madison, Marshall, and Escambia.*

**Morgan County Drug Court**  
8<sup>th</sup> Judicial Circuit  
Circuit Judge Glenn Thompson

**Perry County Drug Court**  
4<sup>th</sup> Judicial Circuit  
District Judge Donald McMillan

**Russell County Drug Court**  
26<sup>th</sup> Judicial Circuit  
District Judge Michael Bellamy

**Shelby County Drug Court**  
18<sup>th</sup> Judicial Circuit  
Circuit Judge Michael Joiner

**St. Clair County Drug Court**  
30<sup>th</sup> Judicial Circuit  
District Judge Phil Seay

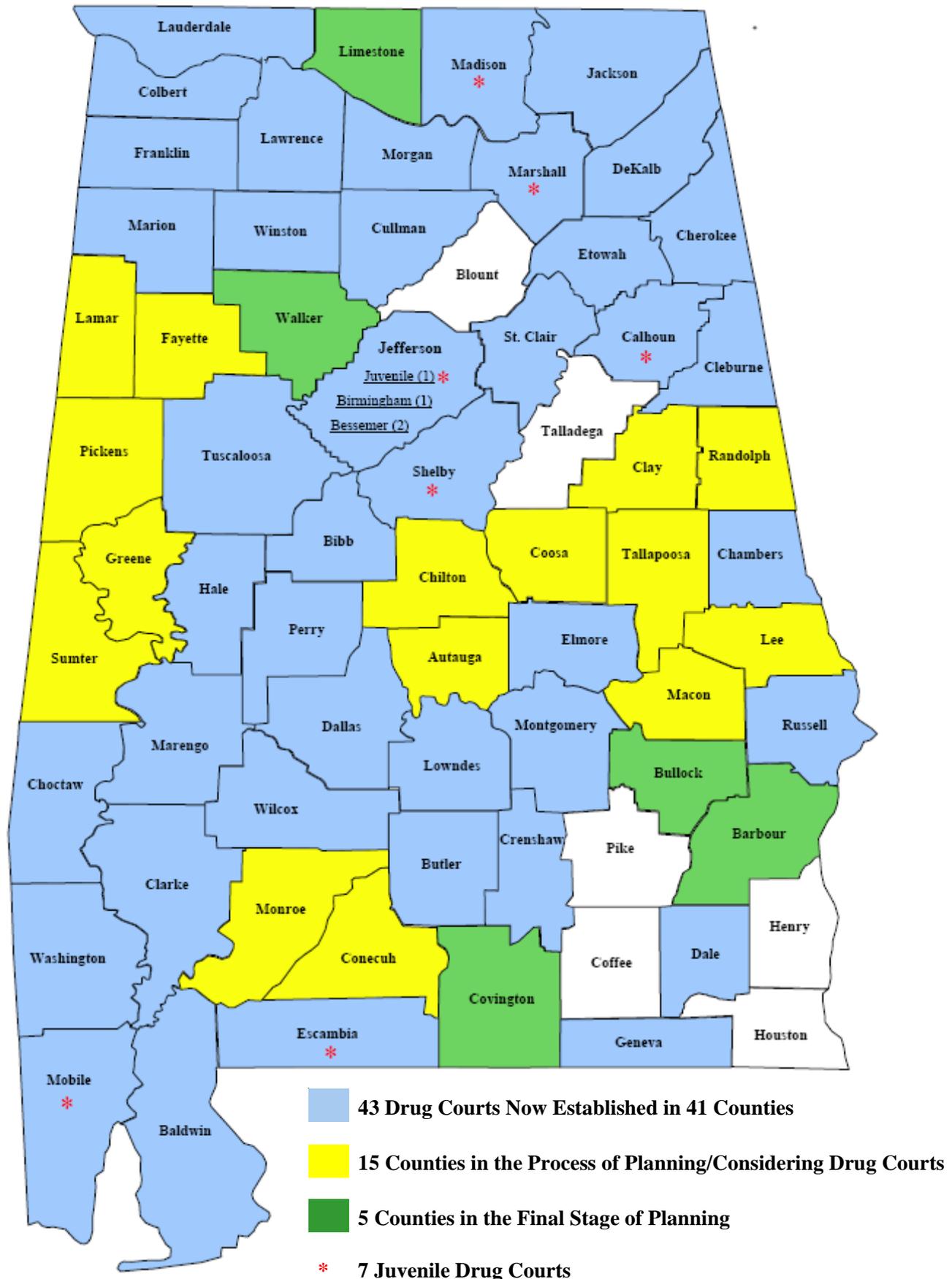
**Tuscaloosa County Drug Court**  
6<sup>th</sup> Judicial Circuit  
Circuit Judge Phillip Lisenby  
Circuit Judge John England

**Washington County Drug Court**  
1<sup>st</sup> Judicial Circuit  
Presiding Circuit Judge J. Thomas Baxter  
Retired Circuit Judge Harold Crow

**Wilcox County Drug Court**  
4<sup>th</sup> Judicial Circuit  
District Judge Jo Celeste Pettway

**Winston County Drug Court**  
25<sup>th</sup> Judicial Circuit  
Circuit Judge Lee Carter

## Drug Courts in Alabama



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**IN PROCESS OF PLANNING**  
**22 Drug Courts in 22 Counties (13 Circuits)**  
**(as of February 2009)**

**Autauga County Drug Court**  
19<sup>th</sup> Judicial Circuit

**Barbour County Drug Court**  
3<sup>rd</sup> Judicial Circuit  
Circuit Judge Burt Smithart

**Bullock County Drug Court**  
3<sup>rd</sup> Judicial Circuit  
Circuit Judge Burt Smithart

**Chilton County Drug Court**  
19<sup>th</sup> Judicial Circuit  
District Judge Rhonda J. Hardesty

**Clay County Drug Court**  
40<sup>th</sup> Judicial Circuit

**Conecuh County Drug Court**  
35<sup>th</sup> Judicial Circuit  
Circuit Judge Dawn Hare

**Coosa County Drug Court**  
40<sup>th</sup> Judicial Circuit

**Covington County Drug Court**  
22<sup>nd</sup> Judicial Circuit  
Circuit Judge Ashley McKathan

**Fayette County Drug Court**  
24<sup>th</sup> Judicial Circuit  
Retired District Judge Ken Snow

**Greene County Drug Court**  
17<sup>th</sup> Judicial Circuit

**Lamar County Drug Court**  
24<sup>th</sup> Judicial Circuit

**Lee County Drug Court**  
37<sup>th</sup> Judicial Circuit  
Circuit Judge Jacob Walker

**Limestone County Drug Court**  
39<sup>th</sup> Judicial Circuit  
Judge Jerry Batts

**Macon County Drug Court**  
5<sup>th</sup> Judicial Circuit

**Monroe County Drug Court**  
35<sup>th</sup> Judicial Circuit  
Circuit Judge Dawn Hare

**Pickens County Drug Court**  
24<sup>th</sup> Judicial Circuit  
Retired District Judge Ken Snow

**Randolph County Drug Court**  
5<sup>th</sup> Judicial Circuit

**Sumter County Drug Court**  
17<sup>th</sup> Judicial Circuit  
District Judge Tammy J.  
Montgomery

**Tallapoosa County Drug Court**  
5<sup>th</sup> Judicial Circuit

**Walker County Drug Court**  
14<sup>th</sup> Judicial Circuit

### **MIDAS Case Management Application Modified for Drug Courts**

#### **MIDAS Modifications for Drug Courts, Community Corrections Programs and Probation**

One of the projects undertaken by the Administrative Office of Courts during 2007 and 2008 was revision of the Model Integrated Defendant Access System (MIDAS), the case management system originally developed in 2003 by the Administrative Office of Courts for court referral programs. This program was first modified in 2005 to include a new functionality designed for drug courts, community corrections programs and district attorneys. In 2007, further improvements were made, including modification of the program to be utilized by probation and parole officers.<sup>1</sup> Further modifications are now being made to produce a version of MIDAS that can be utilized by juvenile probation officers. This version, known as JUPITIR (Juvenile Probation Intake Treatment Integrated Resource) is expected to be completed in 2009.

#### **Uniform Statewide Management and Reporting Tool Essential for Evaluation and Analysis**

MIDAS, is a valuable management and monitoring system for community supervision programs, allowing for uniform data collection and data entry on offenders participating in the various programs, (provided to the programs by AOC free of charge.) Without utilizing a uniform statewide management and reporting system, drug courts and community corrections programs will collect different types of information, recording this information in various ways, which makes uniform evaluation and analysis impossible. MIDAS provides for an integrated statewide system and has been developed to enable alternative sentencing programs to establish and implement uniform evidence-based practices and uniform reporting capabilities.



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<sup>1</sup> The version of MIDAS utilized by probation and parole officers is referred to as ISIS (Integrated Supervision Information System).

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## **Alabama Board of Pardons and Paroles**

Since the Alabama Sentencing Commission was established in 2000, the Alabama Board of Pardons and Paroles has been actively involved in all aspects of the projects undertaken by the Commission to improve Alabama's Criminal Justice System and sentencing practices. Cynthia Dillard, the Executive Director of the Board of Pardons and Paroles, is one of the sixteen Commission members who has been proactive in the Commission's attempt to expand sentencing options for nonviolent offenders, while ensuring that these offenders receive the supervision and treatment needed to maximize public safety. Ms. Dillard has also been a major advocate of the Cooperative Community Alternative Sentencing Project (CCASP), which is the Commission's latest effort to build a true continuum of sanctions with quality community alternative programs playing an integral role.

### **Pardons and Paroles Partnership with Sentencing Commission**

Assistant Directors Eddie Cook and Robert Oakes have also been valuable participants, volunteering their time, knowledge and experience as members of the Commission's Legislative Committee and Sentencing Standards Committee. Parole officers from within the agency have served on other committees and subcommittees of the Commission reviewing current sentencing practices and making recommendations regarding sentencing structure, alternatives to incarceration, legislation, and technology. In addition, the Commission has been assisted by probation and parole officers and staff in conducting research, gathering data and criminal history needed for development of the voluntary sentencing standards and the corresponding worksheets. Many officers are worksheet preparers designated by the sentencing judges to complete and submit the worksheets prior to sentencing.

### **Active Support Provided to ASC**

The Sentencing Commission's major legislative successes – from authorized access to probation and parole records, mandatory use of electronic pre- or post-sentence investigation reports, the Sentencing Reform Act, to amendments of the Criminal Code's statutes on fines, burglary and theft – were directly due to support provided by the Board of Pardons and Paroles and its administrative staff. The Board and staff continue to provide invaluable assistance to the Commission through their support for pending legislation modifying the initial "time imposed" sentencing standards, delaying truth-in-sentencing to 2011, and amending the split sentence and probation revocation statutes.

### **Assistance Leads to Legislative Success**

During FY 2008, there were 7,356 offenders considered for parole, 57% of which were denied and 10,445 parolees under supervision (10,670 including those under both parole and probation supervision). Comparatively, there were many more offenders under probation supervision – 55,751 or 55,976 counting those under both probation and parole supervision, supervised by 299 officers, resulting in a caseload of 168 per officer, an 8% increase from last year's caseload of 156 per officer, reported as of September 30, 2007.

### **10,445 Parolees of 55,751 Probationers on Supervision**

**2008 Pardons and Paroles Statistics**

<b>Parolees Supervised</b>	10,445	<b>Probationers Supervised</b>	55,751
Paroles Considered	7,356		
Paroles Denied (57%)	4,163		
Paroles Granted (43%)	3,193		
Paroles Revoked (8%)	848	Probation Revoked (4%)	2,483
<i>Technical</i>	347	<i>Technical</i>	1,199
<i>New Offense</i>	228	<i>New Offense</i>	624
<i>Technical &amp; New Offense</i>	273	<i>Technical &amp; New Offense</i>	660
<b>Both Parole and Probation</b>	225	<b>Pardons Considered</b>	692
Revoked (10%)	22	Pardons Denied (16%)	114
<i>New Offense</i>	7	Pardons Granted (84%)	578
<i>Technical</i>	6		
<i>Technical &amp; New Offense</i>	9		
Supervising Officers	299	Caseload Per Officer	168
Field Offices	64	Completed Investigations	78,833
Drug Screens Conducted on Offenders Under Supervision			38,322
Voter's Rights Restorations Granted			3,017

**8% Increase in Caseload****46% Increase in Paroles Granted****14% Increase in Probationers Supervision****7% Increase in Parolees****Revocations Decline by 7%****Caseload of 168 Per Officer Far From Goal of 100****Officer Caseload Ranks Far Above National and Southeast Average**

Comparing the above figures with those reported for FY 2007, there was a 11% increase in the paroles considered, with a corresponding 46% increase in the paroles granted, 7% increase in the parolees supervised, and a 3% decrease in paroles revoked. Reviewing probationers, there was a 14% increase in the number of probationers supervised with a 7% decrease in the number of probationers that were revoked (the largest decrease occurring for technical violations - 10%). For offenders supervised on either probation or parole, there was an overall decrease from FY 2007 of 4%. A decline was shown in the number of pardons considered and granted, with a decrease of 14% for those considered and 16% for the number of pardons granted.

During FY 2008, there was an increase of only 2 supervising officers (comparing 299 for FY 2008 to 297 reported in FY 2007); however, there was an increase of 12 cases per officer which resulted in a caseload per officer of 168. Reviewing the reported caseload rates since FY 2002, Alabama now has approximately the same ratio as it did in FY 2003 - 167.30 cases per officer. While caseloads were on the decline, they are now increasing, veering further from the Legislative goal of 100 cases per officer. The number of investigations performed by supervising officers increased by 33% from FY 2007, which added substantially to the officers' workloads.

**Caseload of 168 Per Officer Higher than the Last 5 Fiscal Years**

During FY 2008, probation and parole officers supervised a total of 66,196 probationers and/or parolees, averaging a caseload of 168 per officer. With only 299 supervising officers, there was an increase of 12 cases per officer from last year's average caseload of 156. The American Probation and

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Parole Association recommends a caseload of 60 offenders per officer, and that is for caseload supervising officers only, not those who also conduct investigations, as do Alabama probation and parole officers. The Sentencing Commission has recommended a caseload of 100 cases per officer. Our State is far from this recommended workload and continues to be above the national and southeastern average.

As noted by the Sentencing Commission in previous reports to the Legislature, more supervising officers are needed to adequately address the continually increasing number of probationers and parolees. Beginning in FY 2006, 60 new officers were hired, which initiated a reduction in the supervised caseload to 159 cases per officer. Only 24 additional supervising officers were hired in FY 2007, and due to the loss of officers by attrition there was only a net gain of 2 in FY 2008.

The Sentencing Commission recommends hiring a total of 240 additional officers over the next four years to decrease the average caseload and make significant progress toward achieving the goal of 100 cases per officer. Because of insufficient funds, the decrease in probation officers during 2007, and the very minimal increase of supervising officers in FY 2008, the timeline for achieving this goal must be revised. Considering the current number of offenders on probation or parole supervision, the Sentencing Commission recommends an increase of 60 officers for FY 2010, an increase of 60 officers in FY 2011, 60 officers in FY 2012, and 60 officers in FY 2013.

### **Cost Effective Supervision**

The Alabama Board of Pardons and Paroles has experienced major growth in the past several years, as they have been seen as an agency that could help alleviate the State's prison overcrowding problem in a cost-effective and safe manner. Probation and parole supervision costs the state less than \$2.20 per day as opposed to over \$41.47 per day that it costs the state to incarcerate an offender. Fines, costs, and restitution are also collected from offenders released on probation and parole, making offenders accountable for their crimes.

### **Risk and Needs Assessment Instruments Instituted and Successful Supervision Measured**

The Board contracted with the National Council on Crime and Delinquency to construct a Parole Risk Assessment Instrument that has been implemented by the Board for use in making parole decisions on individual inmates. The Institutional Parole Officers conduct the assessments and present them, along with their usual reports, to the Board prior to each parole consideration hearing. In addition to the Parole Risk Assessment, the National Council on Crime and Delinquency also developed a Risk Assessment Instrument that is utilized by probation and parole officers to classify probationers and parolees to determine which level of supervision the offender should be assigned. A Needs Assessment Instrument was developed and used to determine the needs of the individual offender, such as vocational, educational, substance abuse treatment, individual and family counseling, etc., and to determine service referrals for priority needs of the offenders. Offenders are periodically reassessed to determine their progress or changes in priority needs.

**More Supervisory Officers Needed**

**240 Additional Officers Over Next 4 Years Recommended**

**\$2.20 per Day for Supervision**

**Parole Risk Assessment Instrument Implemented**

**Probation and Parole Risk and Needs Assessment Instrument Utilized**

**Results-Based Supervision Strategy**

The Board's officers have also changed their supervision strategy from a "contact supervision" method to an evidenced-based or results-based method of supervision of offenders. Under this new procedure, supervision standards are determined not by the number of contacts between officer and offender but by the needs that are met and the progress made by the offender.

**Electronic PSI Reports****Expanded Data Collection**

Act 2006-218, effective March 10, 2006, recommended by the Alabama Sentencing Commission, requiring that an electronic Pre- or Post-Sentence Investigation be completed on every convicted felon, is essential for reliable offender history and the implementation of evidence-based practices. During FY 07 and FY 08, probation and parole officers produced 37,638 Electronic Pre/Post-Sentence Investigations (E-PSIs). During FY 2008 alone, there were 21,160 E-PSIs completed. E-PSIs are used throughout the criminal justice system - by the courts for sentencing and probation purposes; the ADOC for classification purposes; the Parole Board for assessing parole suitability; the supervising officers for risk and needs assessments; and by the Sentencing Commission for vital statistic information.

**21,160 E-PSIs Completed in FY 2008****Transition Centers (Life Skills Influenced by Freedom and Education)****L.I.F.E. Tech Wetumpka for Women Offenders**

As a result of the lawsuit over the overcrowded conditions at Tutwiler, the Board of Pardons and Paroles received a conditional appropriation of \$1,500,000 in 2004 to open the closed Mental Health facility in Wetumpka as a transition center for women offenders. In conjunction with Mental Health, Corrections, Postsecondary Education, ADECA, Rehabilitation Services, Public Health, Elmore County, the City of Wetumpka, Auburn University, local faith-based ministries, and Aid to Inmate Mothers, the Board of Pardons and Paroles established the L.I.F.E. Tech (Lifeskills Influenced by Freedom and Education) program, which has been in operation since April 12, 2004, serving 1,580 female offenders, with 866 successfully completing the program. There have been 523 Technical Training Certificates awarded, 216 GED awards, and 105 Alabama Certified Worker Certificates awarded. In 2008 the Wetumpka L.I.F.E. Tech Adult Education program ranked second in the State for 2008. L.I.F.E. Tech Wetumpka reports a recidivism rate of 3.5% for FY 2008.

**1,580 Female Offenders Served****Adult Education Program Ranked 2nd in the State****SRP Inmates Served**

In September of 2008, the Board of Pardons and Paroles and ADOC entered into an interagency agreement where inmates in ADOC's Supervised Release Program (SRP) are allowed to enter and complete the L.I.F.E. Tech program. On September 24, 2008, L.I.F.E. Tech Wetumpka began accepting SRP inmates. At the end of September, there were three SRP residents in the program. There are currently 19 residents of L.I.F.E. Tech who are SRP inmates.

**Training and Treatment Provided for Female Offenders**

L.I.F.E. Tech Wetumpka is a 220 bed residential facility for female offenders who are not ready for probation or parole release to the community. As a condition of supervision, the residents are offered life-changing opportunities in daily life skills, substance abuse recovery, education assessment and training, and vocational assessment and training. Long-term solutions are

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sought for each individual, taking a holistic approach using available resources, family participation, and positive peer support.

The Board of Pardons and Paroles received funding for FY 2008 to continue the current L.I.F.E. Tech Wetumpka program, open a transition center for males and to hire additional officers, and hire additional support personnel to reduce average caseloads. Building on its experiences in opening and running L.I.F.E. Tech Wetumpka for women offenders, the Board purchased another former mental health facility and opened the Thomasville Transition Center on April 2, 2006, for male parolees. The facility currently has space for 300 men, whose average stay is 6 months. It is anticipated that there will be 600 inmates annually diverted from prison beds, and the annualized cost of supervision per man is approximately \$6,050, excluding renovation and facility purchase costs.

### **L.I.F.E. Tech Thomasville for Male Parolees**

Transition Centers are designed to provide a wide variety of services to include but not limited to educational, vocational, life skills, parenting, counseling, and substance abuse for residents. The residents voluntarily agree to abide by both parole/probation conditions and special conditions (transition center rules). The center is staffed and operational 24 hours a day and 7 days a week. The residents are provided housing, meals, and laundry services. Healthcare is the sole responsibility of the resident.

### **Transition Programs in Residential Setting**

Support from the faith-based community has been extremely beneficial and has added to the success of the program. The faith-based community provides assistance to L.I.F.E. Tech residents through donations of personal items and clothing, assistance with medical services and payment of medical bills, and by purchasing Christmas gifts for resident's children. They also provide activities for the residents and a source of spiritual guidance to the residents.

### **Faith-Based Community Support**

The consensus of those practicing in the field of corrections is that probation, parole, and transition centers are viable, cost-effective alternatives to incarceration. Granting paroles not only frees scarce beds in ADOC but also helps ensure payment of court-ordered restitution to victims and court costs, payment of taxes by employed parolees, reduction in ADOC, food stamp, Medicaid costs, and restoration of family units. Probation and Parole supervision costs less than \$2.20 per day.

### **Viable, Cost-Effective Alternatives to Incarceration**

The Department spends approximately \$800 per year to supervise an offender on regular supervision, while the annualized cost of a transition center resident who stays an average of 6 months and then graduates to a regular caseload is \$5,160. Based on the annual statewide cost per prisoner cited by ADOC for 2008-2009 (\$15,136.55), this is 193% less than the cost of incarceration in the penitentiary.

### **Transition Center Costs 193% Less than Incarceration**

**L.I.F.E. Tech Wetumpka Transition Center for Female Offenders:** L.I.F.E. Tech Wetumpka Transition Center for Women has now been in operation for 5 years. This program was designed and established to offer long term solutions to ease prison overcrowding as it relates to recidivism. As of September 30, 2008, L.I.F.E. Tech has served 1,580 probationers and parolees, providing individualized treatment plans, educational/vocational needs and vocational rehabilitation services.

### **Wetumpka L.I.F.E Tech in Operation for 5 Years**

<b>2004 - 2008</b>	<b>Served During FY 08</b>	<b>Completed Program</b>	<b>Revoked</b>	<b>Current Residents 10/1/2008</b>
Parolees	686	413	223	50
Probationers	746	433	215	98
Both Parole & Probation	20	20		
EOS	86			
Medical	42			
<b>Total</b>	<b>1,580</b>	<b>866</b>	<b>438</b>	<b>148</b>

**FY 2008**

	<b>Served During FY 08</b>	<b>Completed Program</b>	<b>Failed to Complete*</b>	<b>Revoked</b>	<b>Current Residents 10/1/2008</b>
Parolees	105	31	23	1	50
Probationers	286	123	64	1	98
SRP	3	0	1	0	2
<b>Total</b>	<b>394</b>	<b>154</b>	<b>88</b>	<b>2</b>	<b>150</b>

\* Failed to Complete due to EOS, Medical, etc.

**Wetumpka Four Phase Program**

L.I.F.E. Tech Wetumpka offers female parolees and probationers positive life-changing opportunities in life skills, substance abuse recovery, education, occupational assessment and training in a residential campus environment. Long term solutions are sought for each individual, taking a holistic approach utilizing available resources, family participation, and positive peer support. There are four phases to the L.I.F.E. Tech Wetumpka program:

**Intake and Stabilization**Phase One -Intake and Stabilization.

Phase One is normally completed within the first four weeks at the L.I.F.E. Tech facility. Residents are assessed for their specific needs and an individual treatment plan is completed. Medical, mental health and treatment needs are determined by treatment providers. Residents are closely monitored and structured during this portion of the program.

**Extended Intensive Treatment**Phase Two- Extended Intensive Treatment.

Phase Two is normally completed within a twelve to fifteen week time period. The residents begin to work on their individualized treatment plans, which may include substance abuse, parenting, anger management, alternate thinking, and counseling. This portion of the program includes both group and individual sessions. The program is designed to promote self awareness of drug/alcohol abuse and tools are developed to prevent relapse.

**Education and Aftercare**Phase Three Education and Aftercare.

The time needed for Phase Three is based on the resident's educational goals. The service providers for the educational component of the program are Alabama Department of Postsecondary Education (AE/GED) and Ingram State Technical College. Residents are assessed for their educational and vocational training needs. Adult Basic Education, GED prep, Focused

Industry Training, Office Assistant, Construction Trades/Interior Design and Commercial Foods are areas of training offered at this time.

Phase Four -Transition.

Residents are assessed by Alabama Vocational Rehabilitation Services to assist in providing links to housing and other necessities to transition residents from the center to society. These services include money for driver’s license, work clothes, housing and other equipment deemed necessary for employment.

Upon successful completion of the program, residents are transferred to a field officer’s caseload after acceptance and investigation of a home plan in the area in which the resident will reside unless otherwise noted by court or board order. The resident will then be supervised in accordance with board policy.

**L.I.F.E. Tech Thomasville Transition Center for Male Offenders**

L.I.F.E. Tech Thomasville Transition Center, a 300 bed facility that has the capacity to serve approximately 600 male offenders per annum, has been in operation for three years. Opening April 1, 2006, L.I.F.E. Tech Thomasville provides life skills to male parolees and probationers that are not ready for release to the community and are in need of vocational training and/or treatment. As of September 30, 2008 L.I.F.E. Tech Thomasville has served 1,493 male parolees and probationers since its inception, providing individualized treatment plans, educational/vocational and vocational rehabilitation services.

The goals of the L.I.F.E. Tech Thomasville Facility are to:

- Provide an alternate way of thinking concerning lifestyles;
- Ease the offender’s transition into home life and reestablishment of family ties;
- Encourage positive decision making;
- Provide a positive environment to develop productive, tax-paying citizens.

**FY 2008**

	<b>Served During FY 08</b>	<b>Completed Program</b>	<b>Revoked</b>	<b>Current Residents 10/1/2008</b>
Parolees	422	335	129	196
Probationers	358	37	146	51
EOS			89	
Medical			27	
<b>Total</b>	<b>466</b>	<b>372</b>	<b>391</b>	<b>247</b>

The transition program is demanding. The residents reside onsite and are each assigned a parole officer (a sworn law enforcement officer) upon arrival at the facility. Residents provide community service work for the City of Thomasville and the Clarke County area. Each parolee/probationer

**Transition to the Community**

**Thomasville 300-Bed Facility for Male Offenders**

**1,493 Offenders Served in 3 Years of Operation**

**Goals**

**466 Offenders Served in FY 2008**

**Community Service Work and Programs**

must meet obligations to participate in treatment, vocational and life skills training and to also work at the facility.

Support from the faith-based community has been extremely beneficial and has added to the success of the program. The faith-based community provides assistance to L.I.F.E. Tech residents through donations of their time through volunteer work, and through donations of clothing and personal items. They also provide activities and a source of spiritual guidance to the residents.

**Thomasville 3 Phase Program**

There are three phases to the L.I.F.E. Tech Thomasville program:

**Assessment and Orientation**

Phase One - Assessment and Orientation.

Phase One is the assessment and orientation phase of the program. This portion of the program lasts one week. Residents are assessed for their specific needs and an individual treatment plan is made. Medical, mental health and treatment needs are determined by treatment providers. Residents are also orientated to the facility and instructed as to what is expected of them to successfully complete the program.

**Treatment and Counseling**

Phase Two -Treatment and Counseling.

Phase Two of the program lasts for twelve weeks. The residents begin to work on their individualized treatment plans that may include substance abuse, anger management, alternate thinking, reestablishing family ties, positive decision making and providing a positive home environment. This portion of the program includes both group and individual sessions. The program is designed to promote self awareness of drug/alcohol abuse and tools are developed to prevent relapse.

**Education and Aftercare**

Phase Three - Education and Aftercare.

Phase Three of the program lasts for eighteen weeks. Residents are assessed for their educational and vocational training needs. Alabama Southern is the service provider for the educational component of the program. Residents receive training in adult basic education, GED prep, welding, carpentry, painting and drywall, masonry, residential electricity, and building construction. During this phase residents are assessed by Vocational Rehabilitation Services to assist them in obtaining employment upon completion of the program. Assistance is also provided to disabled residents who are attempting to obtain disability benefits.

Upon successful completion of the program, residents are transferred to a field office caseload after acceptance and investigation of a home plan in the area in which the resident will reside, unless otherwise noted by court or board order. The resident will then be supervised in accordance with board policy.

**1,546 Technical Violators in FY 2008**

**Technical Violation Center Recommended**

In FY 2008, 1,546 probationers and parolees were revoked for technical violations, i.e., violating conditions of supervision other than commission of a new offense such as failure to report, failing drug tests, curfew violations, and late reporting. The establishment of a Technical Violation Center for the next fiscal year is recommended. The facility would house male parolees

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and probationers found to have violated technical offense conditions, who would otherwise be revoked. The Board of Pardons and Paroles has plans to build a Technical Violator Center for males at the L.I.F.E. Tech Thomasville Facility site. During FY 08, 347 parolees and 1,199 probationers were revoked for such violations. These persons have been returned to prison and can only be released via a parole consideration hearing by the Board or at expiration of sentence. These numbers constitute a significant percentage of the new prison admissions each month and typically remain in the prison system more than one year, at a cost of \$15,136.55 per inmate. The facility would incorporate programs similar to those of the transition centers, but in a secure facility. Success in the program would lead to reinstatement to probation and parole in a 60 to 90 day period.

**Technical Violator Center  
Needed**

**Medical and Geriatric Release Procedures**

In 2008, the Legislature passed the Alabama Medical Furlough Act, Act 2008-550, effective September 1, 2008. The Act established a procedure for the discretionary medical furlough of state inmates convicted for non-capital felony offenses. Under the Act's provisions the Alabama Department of Corrections has the discretionary authority to release inmates that qualify under the Act. Since the Act's effective date, the Department of Corrections has promulgated administrative rules which govern medical and geriatric release, however, no inmate has yet been released under this new law.

**Medical Release Now  
Provided by Parole Board**

Medical release is also provided by the Parole Board. The Parole Board receives requests from any reliable source – the Department of Corrections, inmates' relatives, attorneys or others, to consider an earlier parole consideration for aged or infirmed inmates. The Board requires an official medical evaluation from the prison's health services and refers the inmates' cases to the Senior Staff Review Committee for a possible earlier parole docket date.



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## **Chapter 5: Standards Compliance & Sentencing Consequences**

### **Where Are We Now - Sentencing Standards & Worksheets Compliance**

In the Commission's 2008 Report, a 4-stage model was outlined that described the progressive steps involved in determining judicial compliance with the initial voluntary sentencing standards. These 4 progressive stages are (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 electronic or paper copy to the number of applicable worksheet sentencing events during the same time period, and (3) & (4) Judicial Compliance with the sentencing standards worksheet recommendations - the "In/Out" & "Sentence Length" recommendations. Judicial Compliance with the initial voluntary sentencing standards will be reported for the first time since their implementation on October 1, 2006 in this report.

#### **Standards Compliance Stages**

The first stage, Use Compliance, was completed by contacting judges, prosecutors, court clerks, the defense bar, and probation and parole officers in local jurisdictions and determining how the implementation of the sentencing standards was proceeding. Submission Compliance was measured in the 2008 Report by reporting the number of worksheets received by the Sentencing Commission. The measurement of Submission Compliance has now been refined to reflect the number of received worksheets that ultimately resulted in a worksheet offense conviction. Now it is possible to compare the number of worksheet sentencing events and the number of received worksheets for these same sentencing events for a specific time period to determine how many worksheets were received by the Commission for worksheet applicable sentencing events.

#### **Use Compliance**

A significant number of worksheets received by the Commission ultimately resulted in dispositions that rendered the received worksheet as non-applicable. These dispositions include but are not limited to nolle prossed, dismissed, misdemeanor convictions, non-worksheet felony offense convictions, youthful offender adjudications and pre-trial diversion cases. Many of the worksheets reported last year as "received" ultimately resulted in a disposition that precluded them from being counted as an applicable worksheet for reporting compliance in this year's report. Only worksheets that were fully and properly completed for the offense of conviction, that is a worksheet applicable offense, are used to report compliance.

The primary source of statewide criminal sentencing information is the State Judicial Information System (SJIS). After extracting several years worth of sentencing information, it became apparent that many issues with SJIS would need to be addressed to report compliance in the most accurate manner possible. The issues identified in SJIS include multiple and inconsistent sentencing entries for the same offense, sentence overrides on the SJIS sentencing screen without the ability to capture sentencing history,

#### **SJIS Issues**

and inconsistencies between SJIS information and court orders. Complicating the SJIS issues is the lack of uniformity in sentencing statewide, all making reporting compliance a more daunting task than originally expected.

### **Uniform Sentence Order Committee & Court Specialist Training**

The Sentencing Commission is addressing the complexity of inconsistent sentencing and data entry in two ways; by developing a uniform sentence order and conducting training tracks for court specialists on criminal sentence data entry. The Uniform Sentence Order Committee is in the process of developing a uniform sentence order that can be utilized by judges statewide, which will greatly reduce the variations in the wording of sentencing orders and to reduce the confusion of court specialists tasked with entering this information into SJIS. The Commission will continue to provide training sessions for court specialists to assist in data entry using SJIS to accurately record criminal sentence information.

The importance of reliable sentencing information in SJIS cannot be emphasized enough. Currently the SJIS sentencing screen displays only the most recent version of a sentence for a particular case. 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 following a revocation. SJIS provides great flexibility when entering criminal sentencing information - this is appreciated by court staff entering the information, but presents problems for analysis. The ability to enter sentence information in multiple fashions for similar sentences is helpful for court specialists when capturing unique provisions or multiple provisions of a sentence, but complicates attempts to standardize data entry and data collection procedures.

### **Sentencing Commission Sentence Database**

Beginning last year, the Sentencing Commission created its own sentencing database in recognition of the issues with sentencing data contained in SJIS. The database currently is limited to sentenced events where the worksheet and court order are mailed to the Commission, but this provides the opportunity to compare sentencing information in SJIS to court orders, identify potential inconsistencies, and choose which information to use for reporting compliance when both are available.

### **Submission Compliance**

Figure 1 displays Submission Compliance by county - comparing the number of properly completed standards worksheets submitted to the Sentencing Commission to the number of applicable worksheet sentencing events during the same time period. This information only reflects those sentencing worksheets submitted to the Sentencing Commission that were fully and properly completed for the offense of conviction, which was a worksheet offense. Wide variation exists across counties with regard to submitting worksheets to the Sentencing Commission for applicable worksheet cases. Submission compliance rates range from nearly 89 percent to zero. Statewide, the Sentencing Commission received 45 percent of sentencing worksheets for applicable worksheet sentencing events.

As shown in Figure 1, 12 counties had submission rates above 70%, 24 counties had submission rates between 50% and 70%, 18 counties had

submission rates between 30% and 50%, and 13 counties had submission rates below 30%.

Figure 1.

**Sentencing Worksheets Received  
January 1, 2007-September 30, 2008**

	<b>Worksheet Sentencing Events</b>	<b>Received Worksheets for Sentencing Events</b>	<b>% of Worksheets Sentencing Events with Received Worksheets</b>
Autauga	207	147	71.0%
Baldwin	907	225	24.8%
Barbour	120	86	71.7%
Bibb	106	53	50.0%
Blount	215	97	45.1%
Bullock	42	5	11.9%
Butler	115	78	67.8%
Calhoun	730	234	32.1%
Chambers	288	225	78.1%
Cherokee	137	65	47.4%
Chilton	305	94	30.8%
Choctaw	48	22	45.8%
Clarke	162	96	59.3%
Clay	76	66	86.8%
Cleburne	117	74	63.2%
Coffee	306	180	58.8%
Colbert	401	284	70.8%
Conecuh	76	46	60.5%
Coosa	57	46	80.7%
Covington	380	337	88.7%
Crenshaw	34	19	55.9%
Cullman	362	258	71.3%
Dale	239	161	67.4%
Dallas	300	125	41.7%
Dekalb	299	102	34.1%
Elmore	399	244	61.2%
Escambia	217	73	33.6%
Etowah	780	349	44.7%
Fayette	70	29	41.4%
Franklin	191	127	66.5%
Geneva	96	38	39.6%
Greene	29	11	37.9%
Hale	57	1	1.8%
Henry	97	0	0.0%

Figure 1 Continued

**Sentencing Worksheets Received  
January 1, 2007-September 30, 2008**

	<b>Worksheet Sentencing Events</b>	<b>Received Worksheets for Sentencing Events</b>	<b>% of Worksheets Sentencing Events with Received Worksheets</b>
Houston	897	27	3.0%
Jackson	201	98	48.8%
Jefferson	4,788	1,450	30.3%
Lamar	50	32	64.0%
Lauderdale	481	356	74.0%
Lawrence	183	107	58.5%
Lee	431	345	80.0%
Limestone	318	41	12.9%
Lowndes	62	11	17.7%
Macon	82	2	2.4%
Madison	1,780	1,042	58.5%
Marengo	92	61	66.3%
Marion	183	48	26.2%
Marshall	472	179	37.9%
Mobile	2,083	595	28.6%
Monroe	77	46	59.7%
Montgomery	1,584	790	49.9%
Morgan	651	443	68.0%
Perry	24	1	4.2%
Pickens	76	48	63.2%
Pike	241	193	80.1%
Randolph	140	93	66.4%
Russell	465	179	38.5%
Shelby	1,058	557	52.6%
St. Clair	470	284	60.4%
Sumter	50	14	28.0%
Talladega	612	442	72.2%
Tallapoosa	392	135	34.4%
Tuscaloosa	1,172	634	54.1%
Walker	204	119	58.3%
Washington	63	43	68.3%
Wilcox	37	0	0.0%
Winston	140	87	62.1%
Total	27,524	12,499	45.4%

Figure 2 is a flowchart displaying the “In/Out” worksheet recommendations and In/Out dispositions for the worksheets for which judicial compliance will be reported in this report. Box A shows the starting number of worksheets that are used to report judicial compliance - 11,485 worksheets. Boxes B and C show the distribution of the “In/Out” recommendation for the 11,485 worksheets. The “In/Out” recommendations reflect the Prison vs. Non-Prison recommendation based on the total score of the “In/Out” worksheet. An “Out” disposition was recommended in 61 percent of the received worksheets and an “In” disposition was recommended in 39 percent of the received worksheets. For those worksheets with an “In” recommendation, an “In” disposition was imposed 79 percent of the time (Box E). For those worksheets with an “Out” recommendation, an “Out” disposition was imposed 72 percent of the time (Box F).

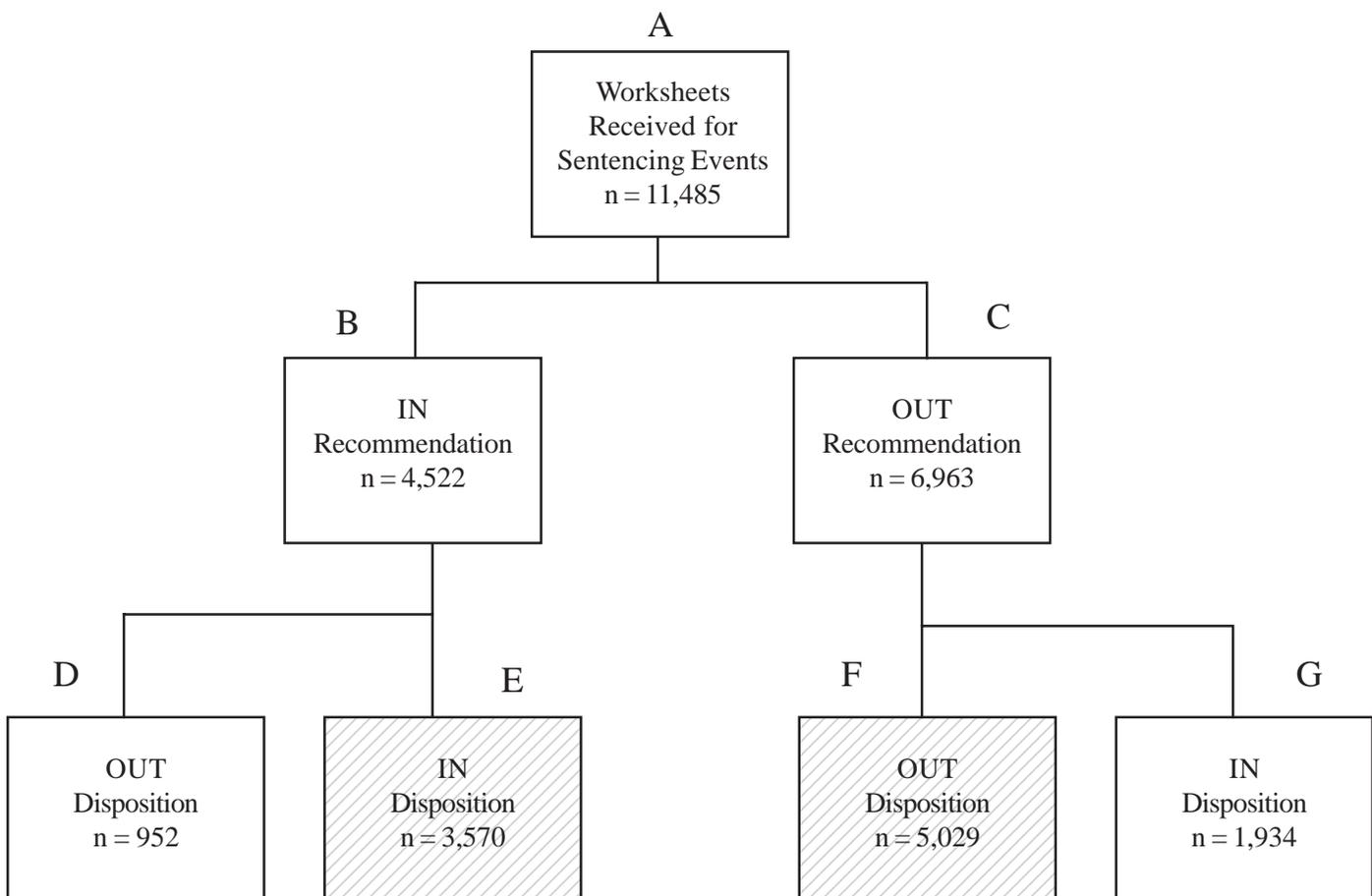
**“In” Recommendations  
79% Compliance**

**“Out” Recommendations  
72% Compliance**

The shaded boxes in Figure 2 (Boxes E and F) indicate sentencing events that were “In/Out” compliant - that is a “prison” sentence was imposed for an “In” recommendation, or a “non-prison” sentence was imposed for an “Out” recommendation.

Figure 2.

**In/Out Compliance Flowchart**



**Statewide In/Out  
Compliance 74.9%**

Figure 3 shows judicial compliance with the sentencing standards for each judicial circuit in the state. For each circuit, and the statewide total, three numbers are provided - the In/Out Compliance percent, the Overall Compliance percent, and the number of worksheets received for which compliance could be reported. These figures only reflect compliance rates for worksheet sentencing events that the Sentencing Commission received valid worksheets - not all sentencing events in each circuit. For judicial circuits with small numbers of sentencing events, compliance figures will become more meaningful in subsequent reporting years as more sentencing events accumulate and the number of reportable cases increase. As shown in Figure 1, there is wide variation in Submission Compliance across jurisdictions. Compliance figures for jurisdictions with low submission compliance is subject to change in future reports as the number of received worksheets increases.

Comparisons across judicial circuits is problematic at this early point of reporting compliance figures. Judicial circuits statewide have large differences in the number of submitted worksheets - this makes it difficult to compare results from one circuit to another, especially with circuits that have low numbers of either submitted worksheets or sentencing events. As more time elapses and more worksheets are collected, it will then be more feasible to compare jurisdictional results.

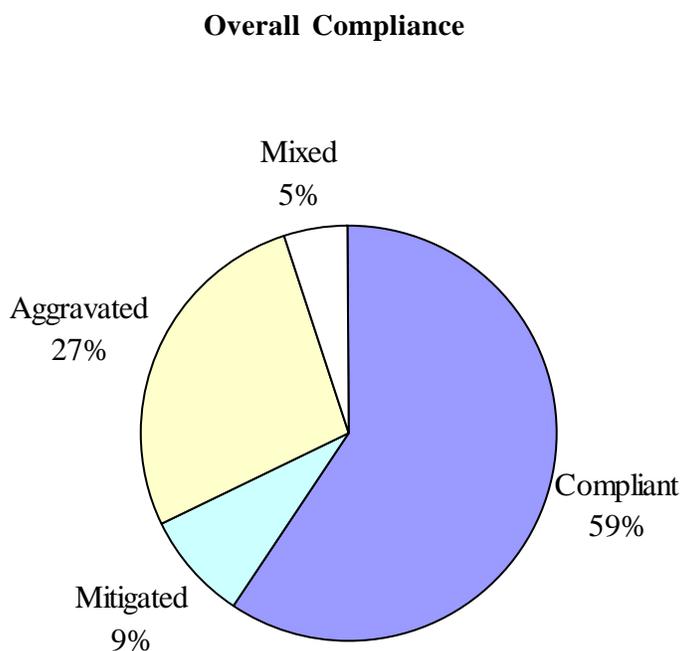
Figure 3.

<b>Compliance by Circuit</b>			<b>Sentencing</b>
	<b>In/Out</b>	<b>Overall</b>	<b>Events</b>
Circuit 1	71.1%	47.2%	159
Circuit 2	76.9%	56.7%	104
Circuit 3	53.1%	16.3%	49
Circuit 4	77.4%	65.5%	168
Circuit 5	85.3%	80.2%	414
Circuit 6	71.6%	64.8%	582
Circuit 7	66.9%	59.9%	269
Circuit 8	81.6%	64.3%	414
Circuit 9	76.7%	53.4%	103
Circuit 10	75.5%	57.9%	1381
Circuit 11	73.4%	36.0%	278
Circuit 12	73.9%	55.5%	353
Circuit 13	74.0%	51.5%	585
Circuit 14	78.6%	72.3%	112
Circuit 15	76.5%	53.5%	744
Circuit 16	77.7%	45.3%	318
Circuit 17	77.2%	54.4%	57
Circuit 18	85.0%	80.1%	527
Circuit 19	75.2%	66.0%	435
Circuit 20	71.4%	28.6%	14
Circuit 21	71.8%	60.6%	71
Circuit 22	73.2%	49.5%	299
Circuit 23	73.1%	59.7%	995
Circuit 24	63.5%	51.9%	104
Circuit 25	74.2%	51.5%	132
Circuit 26	64.6%	59.0%	178
Circuit 27	78.8%	66.9%	151
Circuit 28	79.1%	59.5%	215
Circuit 29	73.4%	63.7%	433
Circuit 30	81.7%	61.7%	240
Circuit 31	59.8%	46.0%	276
Circuit 32	66.9%	44.6%	242
Circuit 33	76.1%	66.0%	159
Circuit 34	83.1%	67.7%	124
Circuit 35	76.7%	72.1%	86
Circuit 36	81.6%	57.1%	98
Circuit 37	70.3%	68.1%	317
Circuit 38	77.2%	58.7%	92
Circuit 39	87.2%	74.4%	39
Circuit 40	63.5%	40.0%	85
Circuit 41	61.4%	39.8%	83
Statewide	74.9%	59.0%	11,485

**Statewide Overall Compliance 59%**

Figure 4 is a pie chart showing a graphical representation of Overall Compliance statewide. Overall Compliance is achieved by conforming to the “In/Out” recommendation and the “Sentence Length” recommendation (when applicable) of the sentencing worksheets. As shown in Figure 3, the statewide overall compliance rate was 59 percent. Figure 4 provides additional information by showing how all sentencing events for which worksheets were received are categorized. Over one quarter (27 percent) of the events were categorized as “Aggravated”, meaning either an “In” Sentence was imposed on an “Out” recommendation or the sentence imposed was higher than the sentence length ranges recommended by the standards. The “Mitigated” category was much lower (9 percent) than the “Aggravated” category - the “Mitigated” category was comprised of “Out” sentences imposed on “In” recommendations and sentences that were imposed that fell below the sentence length ranges recommended by the standards. The “Mixed” category (5 percent) consists of split sentences that were imposed where at least one of the portions of the sentence (total sentence or incarceration portion) was not within the ranges recommended by the standards. The overwhelming majority of events in the “Mixed” category were instances when the incarceration (time to serve) portion of the sentence complied with the recommendation but the total sentence exceeded the sentence length recommendation.

Figure 4.



Figures 5 and 6 show statewide compliance by race and gender respectively. While no large disparity is found in the race figure, the gender figure shows the overall compliance rate to be higher than the compliance rate for males. The “Other” category includes Chinese, Japanese, Filipino, Korean, Pacific Islander, American Indian, Eskimo, Alaskan native, and indeterminate race peoples. The “Other” category consisted of a small number (n=40) of people representing numerous racial groups prohibiting meaningful analysis.

Figure 5.

**Compliance - Race\***

<b>Race</b>			
	In/Out	Overall	
<b>Black</b>	74.7%	57.1%	n=5,809
<b>White</b>	75.1%	61.0%	n=5,636
<b>Other</b>			n=40

Figure 6.

**Compliance - Gender**

<b>Gender</b>			
	In/Out	Overall	
<b>Female</b>	77.3%	70.6%	n=2,212
<b>Male</b>	74.3%	56.3%	n=9,273

\*Court records classify Caucasian, Hispanic, Puerto Rican, Cuban, Central/South American, and Arabic peoples as “White”.

**Alabama Department of Corrections (ADOC) Jurisdictional Population**

Growth from September 1999 - September 2008

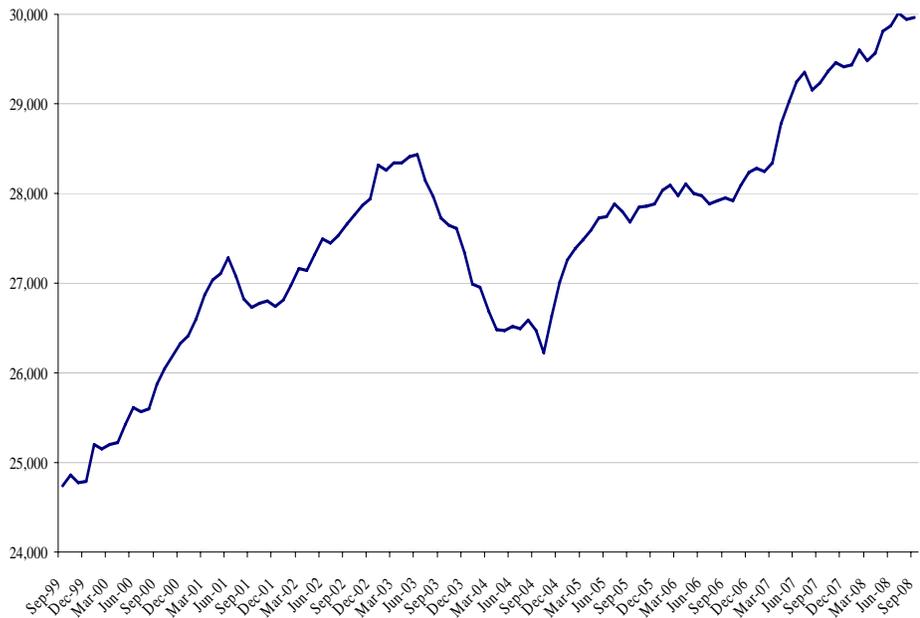
**ADOC Does Not Provide Beds for Entire Jurisdictional Population**

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 ADOC, 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 sentences in other states or in federal prisons.

**ADOC Jurisdictional Population has Increased Over 20 Percent in the Last 9 Years**

Growth in the jurisdictional population of ADOC has remained steady for the nine year period displayed in the graph below minus the period of time the special parole dockets were in effect - the special dockets began in 2003 and ended in 2004. The jurisdictional population has increased 20 percent from September 1999 through September 2008.

Figure 7.



**ADOC Jurisdictional Year End Population**

Figure 8 at the top of the following page 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 8.

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

<b>Year Ended</b>	<b>ADOC Jurisdictional Population</b>	<b>Increase/Decrease</b>	<b>% Change</b>
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
Dec-08	30,508	1,096	3.7

**ADOC Jurisdictional Population Increased 3.7% in 2008**

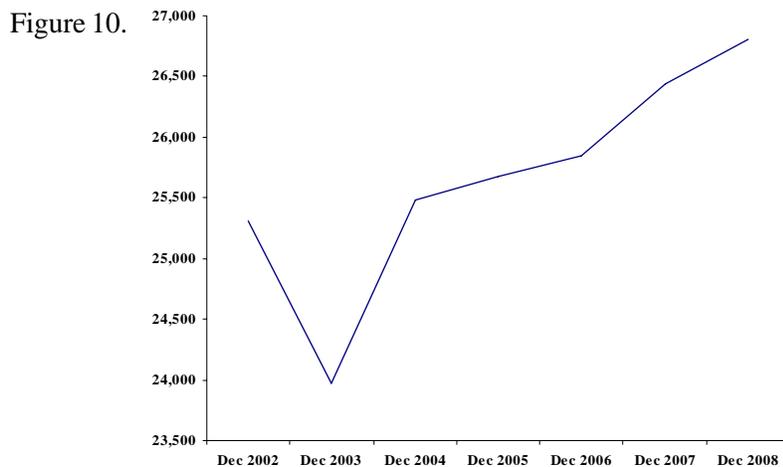
**ADOC Population - In Need of Beds**

The ADOC February 2009 statistical report indicates a jurisdictional population of 30,601; however, ADOC does not provide beds to all of these inmates. Figure 9 displays the actual number of inmates that ADOC is required to provide beds for as of February 2009. Of the entire jurisdictional population of 30,601, ADOC must provide beds for 27,536 inmates or 90 percent of the jurisdictional population.

Figure 9.

<b>Location of ADOC Inmates</b>	<b>Number of Inmates Requiring ADOC Beds</b>
Major Institutions	21,445
Work Release	2,405
Community Work Center	1,803
Central Records Monitor	60
Alabama Therapeutic Education Facility	296
Clay County Detention Center	43
County Jail	1,484
<b>Total</b>	<b>27,536</b>

**ADOC Population - In Need of Beds at Year's End as of December 31st**



**ADOC Bed Needs Over 6 Year Period**

**Habitual Felony Offenders****31.8% of ADOC  
Jurisdictional Population  
Habitual Offenders**

The number of habitual offenders in the jurisdictional population of ADOC now exceeds 9,500 offenders. Nearly one out of every three offenders (31.8 percent) under the jurisdiction of ADOC 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 percent respectively, of all habitual offenders under the jurisdiction of ADOC.

Figure 11.

**Habitual Felony Offenders in ADOC Population by Crime Type**

	<b>FY 2008</b>	<b>Personal</b>	<b>Property</b>	<b>Drugs</b>	<b>Other</b>	<b>Total</b>	<b>% Habitual of Total Pop.</b>
	Oct-07	3,483	3,788	1,788	241	9,300	31.7
	Nov-07	3,475	3,795	1,817	240	9,327	31.7
	Dec-07	3,512	3,791	1,821	242	9,366	31.8
	Jan-08	3,505	3,791	1,855	240	9,391	31.9
	Feb-08	3,534	3,787	1,880	238	9,439	31.9
	Mar-08	3,518	3,787	1,878	237	9,420	31.9
	Apr-08	3,542	3,761	1,905	243	9,451	32.0
	May-08	3,561	3,796	1,943	240	9,540	32.0
	Jun-08	3,572	3,793	1,921	250	9,536	31.9
	Jul-08	3,585	3,790	1,921	261	9,557	31.8
	Aug-08	3,586	3,767	1,894	262	9,509	31.8
	Sep-08	3,592	3,772	1,893	256	9,513	31.8

**The Habitual Offender  
Population Now Exceeds  
9,500 Inmates**

## Inmates in County Jail Awaiting Transfer to ADOC

The number of inmates awaiting transfer to ADOC from county jails remains at low levels. After a sharp drop in 2006, the number of inmates awaiting transfer has continued to remain at levels not seen in years.

Figure 12.



The number of transcripts over 30 days ready, as of December 2008, remains low. And, the number of state inmates in county jails is far below figures from 2005 and prior.

Figure 13.

	<b>Dec-01</b>	<b>Dec-02</b>	<b>Dec-03</b>	<b>Dec-04</b>	<b>Dec-05</b>	<b>Dec-06</b>	<b>Dec-07</b>	<b>Dec-08</b>
Transferred to ADOC from Jail	210	248	196	179	175	211	200	210
State Inmates in Jails	1,839	2,643	1,039	1,299	1,993	555	840	779
Transcripts Over 30 Days Ready	331	1,564	0	182	804	24	41	83
Total Transcripts Ready	998	2,261	557	585	1,257	409	716	783

**Who is in our Prisons - Top 25**

**One-Quarter of Entire Jurisdictional Population Serving a Capital Murder, Murder, or Robbery 1st Sentence**

The figure below shows the most serious offense for which an offender is currently serving a sentence under ADOC jurisdiction. One quarter (25 percent) of all inmates under ADOC jurisdiction are serving sentences for either Capital Murder, Murder or Robbery 1st. Over one-half (54 percent) of all inmates are serving sentences for one of the top 8 offenses listed in the figure below. The pie chart in Figure 15 illustrates that, of the Top 25 offenses in the figure, personal offenders make up more than half (53 percent) of those currently serving sentences.

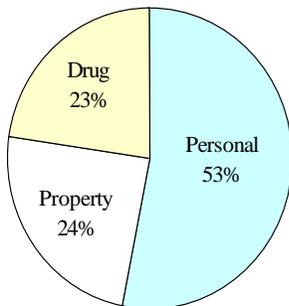
Figure 14.

**Stock Population on January 3, 2009**

Robbery 1st	1	3,703
Murder	2	3,201
Possession of Controlled Substance	3	2,557
Distribution of Controlled Substance	4	1,938
Burglary 3rd	5	1,524
Theft of Property 1st	6	1,220
Rape 1st	7	1,127
Burglary 1st	8	1,087
Capital Murder	9	867
Trafficking Drugs	10	856
Robbery 3rd	11	831
Manslaughter	12	777
Possess Marihuana 1st	13	708
Receiving Stolen Property 1st	14	621
Assault 2nd	15	572
Assault 1st	16	563
Attempted Murder	17	552
Poss Forged Instrument 2nd	18	542
Robbery 2nd	19	539
Sodomy 1st	20	536
Breaking/Entering a Vehicle	21	532
Theft of Property 2nd	22	489
Sexual Abuse 1st	23	434
Burglary 2nd	24	431
Rape 2nd	25	410

Figure 15.

**Stock Population Top 25 Offense Category**



<b>Top 25 Offenses</b>	<b>26,617</b>
Other Offenses	3,953
<b>Total Stock Population</b>	<b>30,570</b>

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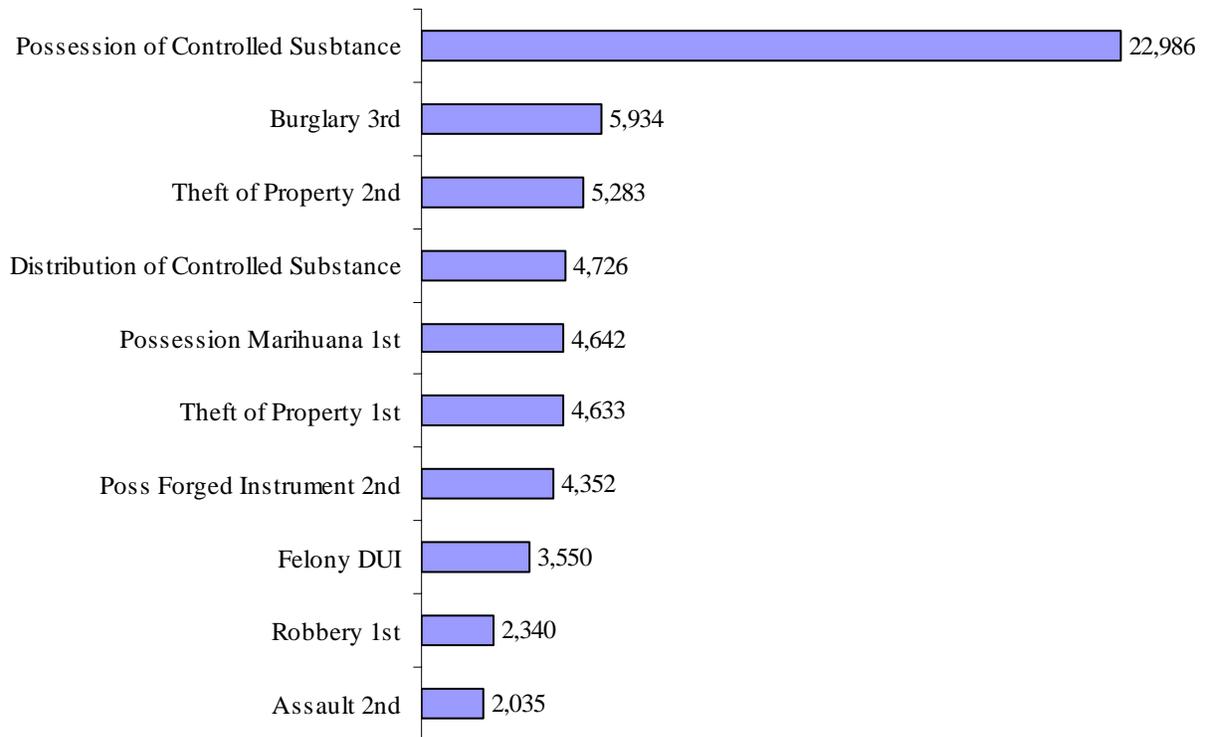
## Most Frequent Offense at Conviction

The top 10 offenses at conviction are listed in the figure below from October 1, 2003 through September 30, 2008. Possession of a Controlled Substance convictions far surpass the conviction totals of the other offenses included in the figure, nearly quadrupling the total for Burglary 3rd - the offense in the second position in the list. Drug and property offenses dominate the list accounting for the first eight positions on the list. The two personal crimes on the list, Robbery 1st (#9) and Assault 2nd (#10), comprise only 7 percent of the convictions in the list.

## Top 8 Offenses are Drug and Property Offenses

Figure 16.

**Most Frequent Offense at Conviction - Top 10**  
**October 1, 2003 - September 30, 2008**



**Most Frequent Felony Offense at Conviction - Top 25****Felony DUI Convictions  
Continue to Fall**

Although convictions for Possession of a Controlled Substance convictions have declined from last year, they continue to far surpass the number of convictions of any other offense - these convictions are more than those of the #2 through #5 offenses in the list *combined*. The offense with the largest movement in the Top 25 list was Felony DUI, continuing a fall from last year. In fiscal year 2006, Felony DUI was #6 on the top 25 list, it is now tied for 24th just two years later. Felony DUI convictions have plummeted, dropping by 85 percent since fiscal year 2006. Convictions for violations of the Community Notification Act for sex offenders failure to comply with moving notices have jumped to #18 on the list after making an initial appearance as #25 last year - these convictions have more than tripled since 2006.

Figure 17.

**Most Frequent Felony Offense at Conviction  
October 1, 2005 - September 30, 2008**

	<b>FY06</b>		<b>FY07</b>		<b>FY08</b>	
Possession of Controlled Substance	<b>1</b>	4,917	<b>1</b>	4,983	<b>1</b>	4,745
Burglary 3rd	<b>2</b>	1,195	<b>2</b>	1,237	<b>2</b>	1,376
Theft of Property 2nd	<b>3</b>	1,064	<b>3</b>	1,083	<b>3</b>	1,140
Theft of Property 1st	<b>8</b>	867	<b>4</b>	965	<b>4</b>	1,061
Distribution of Controlled Substance	<b>4</b>	952	<b>5</b>	955	<b>5</b>	1,059
Possession Marihuana 1st	<b>7</b>	870	<b>6</b>	923	<b>6</b>	1,002
Poss Forged Instrument 2nd	<b>6</b>	880	<b>7</b>	871	<b>7</b>	787
Robbery 1st	<b>9</b>	466	<b>9</b>	523	<b>8</b>	574
Assault 2nd	<b>11</b>	361	<b>10</b>	436	<b>9</b>	434
Receiving Stolen Property 1st	<b>13</b>	326	<b>12</b>	360	<b>10</b>	418
Receiving Stolen Property 2nd	<b>10</b>	393	<b>11</b>	366	<b>11</b>	377
Breaking/Entering a Vehicle	<b>12</b>	328	<b>13</b>	352	<b>12</b>	341
Fraud/Illegal Use Debit/Credit Card	<b>15</b>	301	<b>15</b>	290	<b>13</b>	340
Trafficking Drugs	<b>16</b>	276	<b>14</b>	331	<b>14</b>	318
Forgery 2nd	<b>18</b>	253	<b>17</b>	279	<b>15</b>	300
Robbery 3rd	<b>14</b>	314	<b>16</b>	282	<b>16</b>	289
Obstruct Justice-False Identity	<b>19</b>	194	<b>18</b>	227	<b>17</b>	288
Community Notification Act-Moving Notice		71	<b>25</b>	132	<b>18</b>	225
Manufacturing Controlled Substance 2nd	<b>17</b>	263	<b>19</b>	192	<b>19</b>	221
Assault 1st		136	<b>20</b>	180	<b>20</b>	180
Murder	<b>24</b>	142	<b>21</b>	168	<b>T21</b>	161
Robbery 2nd		134		131	<b>T21</b>	161
Manslaughter		112		113	<b>23</b>	139
Felony DUI	<b>5</b>	895	<b>8</b>	546	<b>T24</b>	136
Attempt - Possession of Controlled Substance	<b>25</b>	137		129	<b>T24</b>	136
Manufacturing Controlled Substance 1st	<b>20</b>	181	<b>24</b>	145		132
Burglary 2nd	<b>21</b>	167	<b>23</b>	147		121
Sexual Abuse 1st	<b>22</b>	166	<b>22</b>	158		101
Burglary 1st	<b>23</b>	154		98		79
<b>Top 25 Offenses</b>		<b>16,062</b>		<b>16,131</b>		<b>16,208</b>
Other Offenses		2,774		2,848		3,004
<b>Total Most Serious Felony Offense Convictions</b>		<b>18,836</b>		<b>18,979</b>		<b>19,212</b>

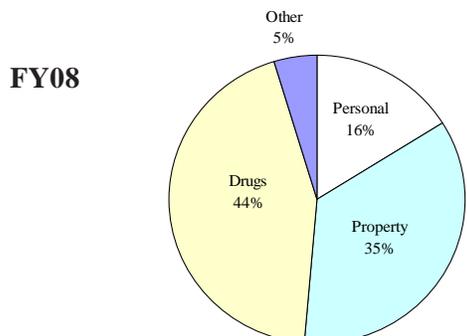
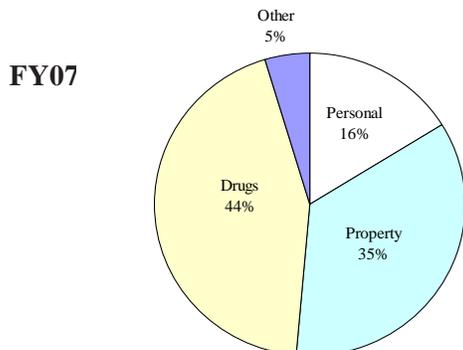
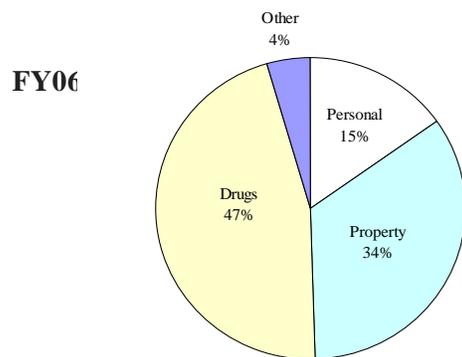
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## Type of Most Frequent Offense at Conviction

The distribution of convictions by offense type was unchanged in fiscal year 2008. Drug convictions still constitute a larger portion of convictions than either property or personal offenses.

Figure 18.

### Most Frequent Felony Offense at Conviction Offense Category October 1, 2005 - September 30, 2008



**Distribution of Convictions  
by Offense Type  
Unchanged**

### Drug Convictions

**87% of All Drug Convictions Are Possession or Distribution of Controlled Substance or Possession of Marihuana 1st**

Possession of a Controlled Substance, Distribution of a Controlled Substance, and Possession of Marijuana 1st convictions account for 87 percent of all drug convictions. Possession of a Controlled Substance convictions decreased 5 percent from 2007, while Distribution and Possession of Marijuana 1st convictions rose 11 percent and 9 percent, respectively. Felony DUI convictions continue to fall sharply in 2008, decreasing by 759 since 2006 levels. Convictions for Manufacturing Controlled Substance 2nd increased from 2007 but are 16% lower than 2006.

Figure 19.

#### Most Frequent Offense at Conviction Drug Offenses October 1, 2005- September 30, 2008

	FY06	FY07	FY08
Possession of Controlled Substance	1 4,917	1 4,983	1 4,745
Disribution of Controlled Substance	2 952	2 955	2 1,059
Possession Marihuana 1st	4 870	3 923	3 1,002
Trafficking Drugs	5 276	5 331	4 318
Manufacturing Controlled Substance 2nd	6 263	6 192	5 221
Felony DUI	3 895	4 546	T6 136
Attempt - Possession of Controlled Substance	8 137	8 129	T6 136
Manufacturing Controlled Substance 1st	7 181	7 145	8 132
<b>Total Drug Offenses</b>	<b>8,491</b>	<b>8,204</b>	<b>7,749</b>
Other Offenses	201	147	118
<b>Total Most Serious Felony Offense Convictions</b>	<b>8,692</b>	<b>8,351</b>	<b>7,867</b>

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## Type of Trafficking Convictions

Trafficking convictions fell slightly (13 convictions) in 2008. The number of Trafficking convictions in 2008 is 15% higher than the number in 2006. Marihuana Trafficking convictions jumped 28 convictions (46%) in 2008, while Methamphetamine Trafficking convictions dropped by 28 convictions (30%). Cocaine Trafficking convictions had little change in 2008 only increasing by 6 convictions; however, these convictions account for 37% of all trafficking convictions. Trafficking Cocaine and Marihuana constitute 65% of all trafficking convictions.

Figure 20.

### Most Frequent Drug Trafficking Convictions Drug Type October 1, 2005 - September 30, 2008

	<b>FY06</b>	<b>FY07</b>	<b>FY08</b>	
Trafficking - Cocaine	77	111	<b>1</b>	117
Trafficking - Marihuana	83	61	<b>2</b>	89
Trafficking - Methamphetamine	71	92	<b>3</b>	64
Trafficking - Illegal Drugs	36	50	<b>4</b>	36
Other	9	17	<b>5</b>	12
<b>Total Most Serious Felony Offense Convictions for Trafficking</b>	<b>276</b>	<b>331</b>		<b>318</b>

**Methamphetamine  
Trafficking Convictions  
Fall , While Marihuana  
Trafficking Convictions  
Rise**

**Prison Admissions - Top 25**

**Felony DUI Admissions  
have Fallen 72% Since  
FY06**

**Admissions for Failing to  
Register as a Sex Offender  
Have Increased 134%  
Since 2006**

The table below displays the top 25 ADOC admission offenses for the past three fiscal years. The top 2 offenses in the table – Possession of a Controlled Substance and Distribution of a Controlled Substance – are responsible for roughly 1 out of every 4 admission offenses. The offense that moved the most was Felony DUI, dropping from #7 in fiscal year 2007 to #20 in fiscal year 2008. The number of Felony DUI admissions dropped 214 (62%) from fiscal year 2007, and has declined by 340 (72%) from the fiscal year 2006 level. Admissions for distribution of a controlled substance jumped 26 percent from the previous fiscal year, up to 822 admissions. The offense moving up in rank the most, rising from #24 last year to #16 this year, was Failure to Register under the Community Notification Act. These failure to register offenses have skyrocketed 134 percent since fiscal year 2006 and jumped 62% from fiscal year 2007.

Figure 21.

**Prison Admissions for New Offenses  
October 1, 2005 - September 30, 2008**

	<b>FY 2006</b>		<b>FY 2007</b>		<b>FY 2008</b>	
Possession of Controlled Substance	<b>1</b>	1,334	<b>1</b>	1,402	<b>1</b>	1,433
Distribution of Controlled Substance	<b>2</b>	716	<b>2</b>	653	<b>2</b>	822
Robbery 1st	<b>4</b>	544	<b>4</b>	617	<b>3</b>	703
Burglary 3rd	<b>3</b>	593	<b>3</b>	629	<b>4</b>	672
Theft of Property 1st	<b>6</b>	408	<b>5</b>	398	<b>5</b>	490
Poss Marihuana 1st	<b>8</b>	317	<b>6</b>	368	<b>6</b>	353
Theft of Property 2nd	<b>7</b>	319	<b>8</b>	294	<b>7</b>	297
Poss Forged Instrument 2nd	<b>10</b>	249	<b>9</b>	275	<b>8</b>	272
Trafficking Drugs	<b>9</b>	272	<b>11</b>	228	<b>9</b>	259
Receiving Stolen Property 1st	<b>14</b>	177	<b>14</b>	206	<b>10</b>	238
Assault 2nd	<b>13</b>	180	<b>T12</b>	214	<b>11</b>	227
Breaking/Entering a Vehicle	<b>15</b>	155	<b>15</b>	193	<b>12</b>	220
Robbery 3rd	<b>11</b>	218	<b>T12</b>	214	<b>13</b>	218
Murder	<b>12</b>	207	<b>10</b>	241	<b>14</b>	192
Robbery 2nd	<b>18</b>	133	<b>17</b>	140	<b>15</b>	160
Community Notification Act Violations		65	<b>24</b>	94	<b>16</b>	152
Assault 1st		91	<b>18</b>	138	<b>17</b>	143
Burglary 1st	<b>17</b>	148	<b>16</b>	157	<b>18</b>	141
Manslaughter	<b>23</b>	107		86	<b>19</b>	132
Felony DUI	<b>5</b>	469	<b>7</b>	343	<b>20</b>	129
Receiving Stolen Property 2nd	<b>16</b>	150	<b>20</b>	107	<b>21</b>	124
Manufacturing of Controlled Substance 2nd	<b>20</b>	112		89	<b>22</b>	120
Forgery 2nd	<b>25</b>	105	<b>23</b>	97	<b>23</b>	119
Poss Fraud Use of Credit/Debit Card		68	<b>21</b>	104	<b>24</b>	116
Burglary 2nd	<b>19</b>	130	<b>19</b>	117	<b>25</b>	108
Rape 2nd	<b>T21</b>	110	<b>25</b>	91		104
Manufacturing of Controlled Substance 1st	<b>24</b>	106		88		97
Sexual Abuse 1st	<b>T21</b>	110	<b>22</b>	101		83
<b>Top 25 Offenses</b>		<b>7,369</b>		<b>7,421</b>		<b>7,840</b>
Other Offenses		1,055		1,127		1,237
<b>Total Prison Admissions for New Offenses</b>		<b>8,424</b>		<b>8,548</b>		<b>9,077</b>

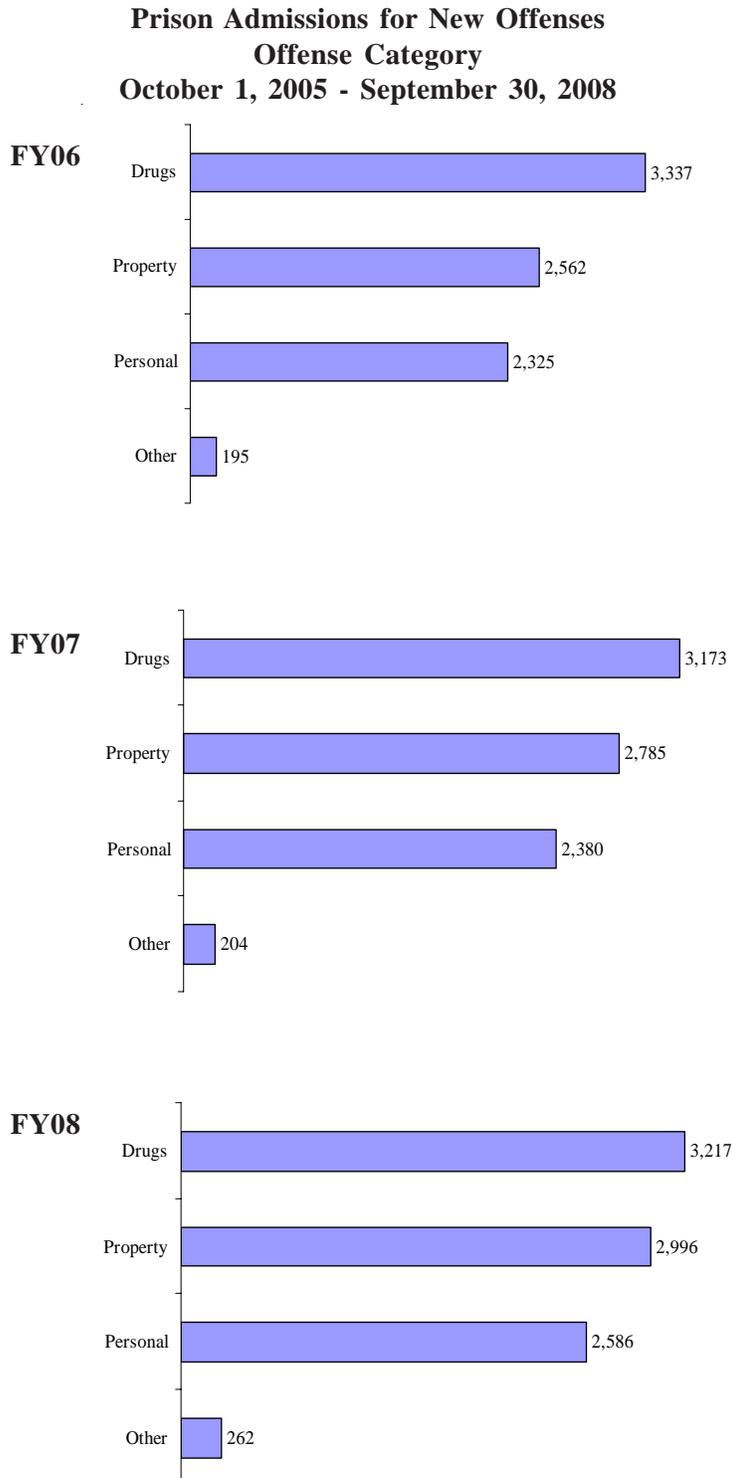
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## Prison Admissions for New Offenses by Offense Category

The drugs category continues to be the largest category of admissions and was responsible for 36 percent of prison admissions in fiscal year 2008, down from 40 percent of prison admissions in fiscal year 2006. Property category offenses which accounted for 30 percent of admissions in fiscal year 2006, now account for 33 percent of admissions. The number of Personal category offense admissions increased 9 percent in 2008.

## Drug Category Offenses Account for Lowered Percent of Admissions

Figure 22.



## Personal Category Offenses Admissions Up in 2008

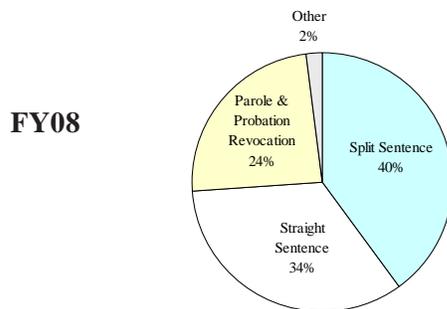
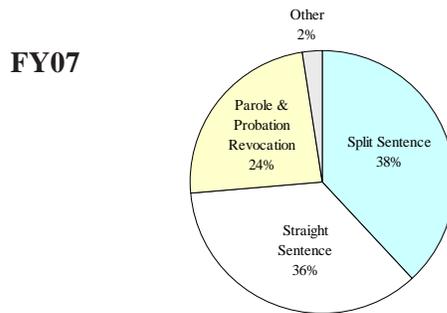
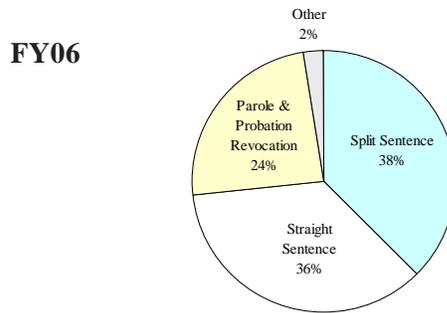
**Split Sentence Admissions Increase Slightly While Revocation Admissions Remain Stable**

**Prison Admissions by Type of Admission**

Split sentence admissions increased by 2 percent from the past two years, while straight sentences have decreased by 2 percent from the past two years. Parole and probation revocations have remained stable over the three year period. Split sentences and straight sentences account for nearly three quarters of all prison admissions while parole and probation revocations account for approximately one quarter of all prison admissions.

Figure 23.

**Prison Admissions (all admissions)  
Type  
October 1, 2005 - September 30, 2008**



## Prison Releases - Top 25

Total releases from ADOC have increased 6 percent since fiscal year 2006, and 8 percent since fiscal year 2007. Almost one out of every three releases is for either Possession of Controlled Substance, Burglary 3<sup>rd</sup>, or Distribution of Controlled Substances. Of the top 25 offenses at release in 2008, 20 offenses increased from last years' levels. The prison release offenses with the largest numeric gains since last year were Possession of a Controlled Substance, Burglary 3<sup>rd</sup>, and Theft of Property 1<sup>st</sup> – all experienced increases of 105 or greater. The release offense with the largest drop was clearly Felony DUI which fell 21 percent from the previous year to 451 releases. Felony DUI releases have fallen by 217 (32 percent) from the 2006 level.

**The Top 3 Offenses Are Responsible for Nearly 1/3 of All Releases**

**Felony DUI Releases Continue to Decline**

Figure 24.

### Prison Releases October 1, 2005 - September 30, 2008

	FY 2006	FY 2007	FY 2008
Possession of Controlled Substance	1 1691	1 1848	1 1978
Burglary 3rd	3 797	4 790	2 918
Distribution of Controlled Substance	2 886	2 836	3 913
Robbery 1st	4 779	3 796	4 734
Theft of Property 1st	6 614	5 590	5 695
Poss Marihuana 1st	8 493	7 470	6 567
Poss Forged Instrument 2nd	9 383	8 406	7 453
Felony DUI	5 668	6 571	8 451
Theft of Property 2nd	7 542	9 369	9 445
Robbery 3rd	10 345	10 315	10 353
Breaking/Entering a Vehicle	15 235	11 291	11 309
Receiving Stolen Property 1st	12 278	12 282	12 308
Trafficking Drugs	13 250	14 263	13 290
Assault 2nd	11 280	13 266	14 286
Burglary 1st	T17 211	15 222	15 210
Robbery 2nd	16 226	18 180	16 195
Forgery 2nd	20 175	19 170	17 185
Receiving Stolen Property 2nd	T17 211	16 195	T18 181
Murder	14 240	17 188	T18 181
Poss Fraud Use of Credit/Debit Card	81	22 131	20 175
Burglary 2nd	19 178	20 160	21 174
Assault 1st	22 151	23 129	22 163
Manufacturing of Controlled Substance 2nd	21 156	21 141	23 162
Sexual Abuse 1st	24 111	104	24 128
Manufacturing of Controlled Substance 1st	25 102	25 108	25 125
Manslaughter	23 128	85	110
Rape 2nd	95	24 109	106
<b>Top 25 Offenses</b>	<b>10,130</b>	<b>9,826</b>	<b>10,579</b>
Other Offenses	1,126	1,211	1,368
<b>Total Prison Releases</b>	<b>11,256</b>	<b>11,037</b>	<b>11,947</b>

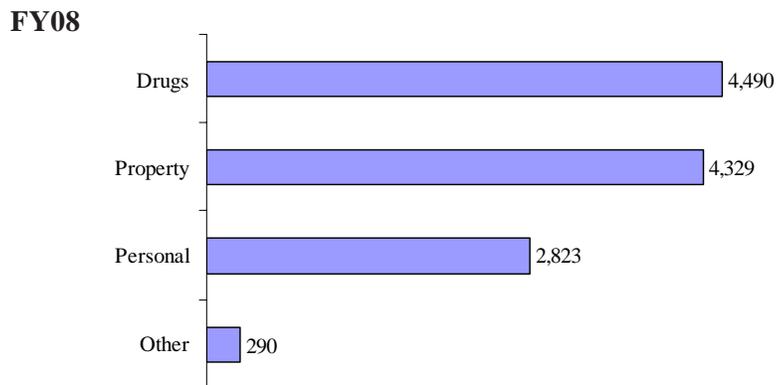
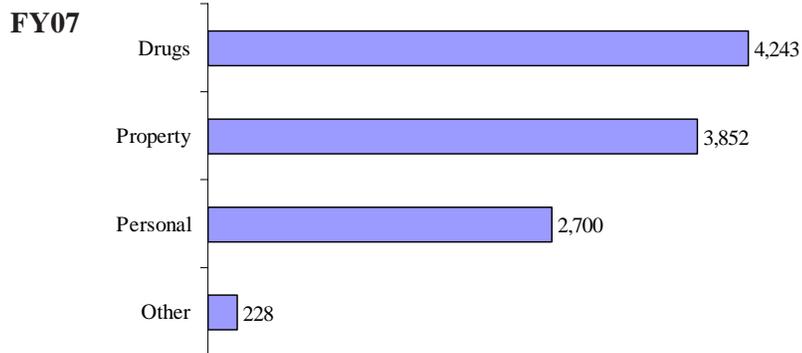
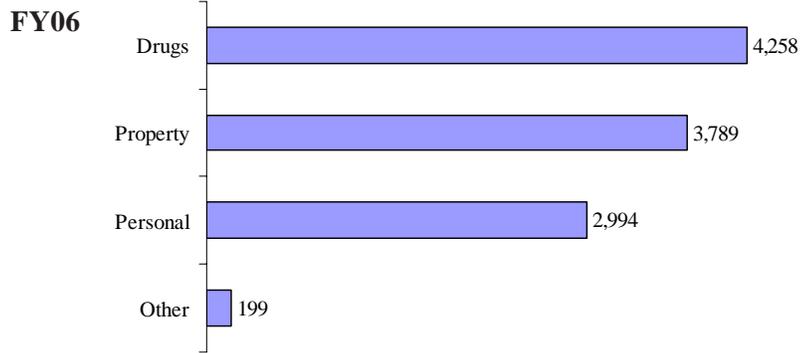
**Prison Releases by Offense Category**

**Personal Offense Releases Increase After Falling in FY07**

Each offense category had larger numbers of prison releases in fiscal year 2008 as compared to fiscal year 2007 levels. Property offense releases have increased 14 percent from fiscal year 2006, and 12 percent from last year's figure. Drug and personal offenses rose 6 percent and 5 percent, respectively, from fiscal year 2007 numbers. The personal offense category is the sole category that has lower numbers from the fiscal year 2006 releases.

Figure 25.

**Prison Releases  
Offense Category  
October 1, 2005 - September 30, 2008**



**Property Offense Releases Jump 12 Percent in FY 08**

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## Prison Releases by Type

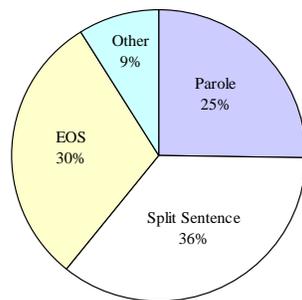
The only major shift in the distribution of prison release types from the past fiscal year is the percent of offenders released on parole. After falling from 25 percent of prison releases in fiscal year 2006 to 21 percent in fiscal year 2007, parole releases in fiscal year 2008 increased to 24 percent of all prison releases. The three other release categories – Expiration of Sentence (EOS), Split Sentence, and Other – all fell 1 percent in fiscal year 2008 from the previous fiscal year level.

## Parole Releases Increase in FY08

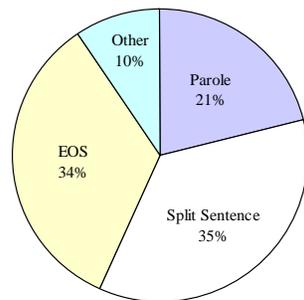
Figure 26.

**Prison Releases  
Type of Release  
October 1, 2005 - September 30, 2008**

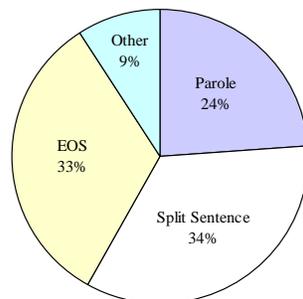
**FY06**



**FY07**



**FY08**

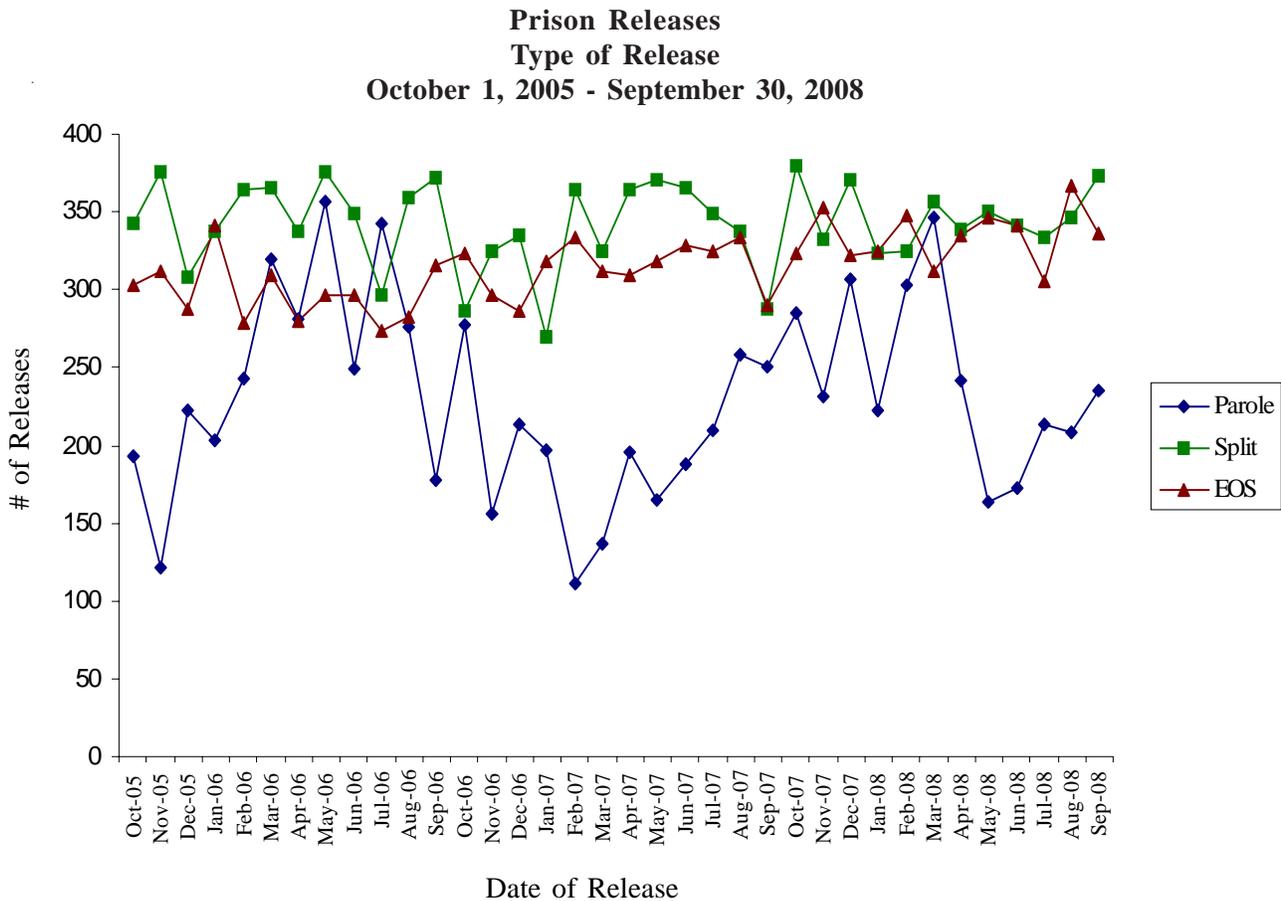


**Prison Releases by Type**

**Parole Releases Continue to Show Variability Month-to-Month**

The number of parole releases granted per month continues to show the greatest variability of the prison release types. Throughout the three-year time period displayed in the graph below, parole releases show no discernible trend. The number of paroles granted on a monthly basis within fiscal year 2008 has ranged from a low of 163 to a high of 346. Comparatively, within fiscal year 2008, split sentence releases have ranged between 323 and 380 per month while EOS releases have ranged between 305 and 367 per month.

Figure 27.



## Prison Releases by Offense Category by Type

Parole releases increased for property and drug offense categories (35 percent and 31 percent respectively), but fell 5 percent for personal offenses from last years parole numbers. Split releases were fairly stable across offense categories, while EOS releases were stable except for a 10 percent increase for property offenses in fiscal year 2008.

## Paroles Surge for Property & Drug Offenses

Figure 28.

### Prison Releases Offense Category by Type October 1, 2003 - September 30, 2008

		<b>Parole</b>	<b>Split</b>	<b>EOS</b>	<b>Other</b>	<b>Total</b>
<b>Personal</b>	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
	2008	741	1,008	744	330	2,823
			<b>3,669</b>	<b>4,897</b>	<b>3,709</b>	<b>1,452</b>
<b>Property</b>	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
	2008	1,000	1,391	1,554	384	4,329
			<b>4,769</b>	<b>6,394</b>	<b>6,719</b>	<b>1,719</b>
<b>Drugs</b>	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
	2008	992	1,606	1,588	304	4,490
			<b>4,819</b>	<b>7,928</b>	<b>7,018</b>	<b>1,446</b>



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## Chapter 6: Timeline of Events

<b>1971</b>	Protracted litigation commenced involving conditions of Alabama's prison system.  Work Release Act Passed, Act 71-307, 3 <sup>rd</sup> SS	<i>Litigation Begins on Conditions of State's Prison System</i>
10/1/71	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, <i>Code of Alabama</i> 1975.	
<b>1972</b>		
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 8 <sup>th</sup> and 14 <sup>th</sup> Amendment violations relating to the inadequate medical care and treatment of state inmates, granting declaratory and injunctive relief and awarding attorney fees. <i>Newman v. State of Alabama et al.</i> , 349 F.Supp. 278 (Ala. M.D. Ala. 1972), aff'd in part, 503 F.2d1320 (5 <sup>th</sup> 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.	<i>Federal Court Class Action on Inadequate Medical Care of State Inmates</i>
8/29/73	Federal District Court finds unconstitutional conditions existing in local Alabama Jails. <i>Thrasher v. Bailey</i> , CA 73P 816-S (N.D. Ala. 1973).	<i>Jail Conditions Found Unconstitutional</i>
<b>1974</b>		
9/30/74	Class action for declaratory and injunction relief, brought by 6 inmates incarcerated in Holman's maximum security unit alleging 8 <sup>th</sup> and 14 <sup>th</sup> Amendment violations for the state's failure to provide adequate facilities and programs. Motion to dismiss complaint denied. <i>James v. Wallace</i> , 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.	<i>Holman Prisoners Bring Class Action</i>

<b><i>Finding of Constitutional Violations Upheld on Appeal</i></b>	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 5 <sup>th</sup> 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. <i>Newman v. State of Alabama et al.</i> , 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.
<b><i>Expansion of Felony Murder</i></b>	<b>1975</b>	Legislature expanded felony murder by adding aggravated forms of escape, kidnapping and sodomy to the list of enumerated felonies.
<b><i>Court Gives Legislature Opportunity to Remedy Unconstitutional Conditions</i></b>	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. <i>McCray v. Sullivan, et al.</i> , 399 F. Supp. 271 (U.S. Dist. S.D. Ala.)
<b><i>Board of Corrections Ordered by Federal Court to Stop Accepting Prisoners</i></b>	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 <i>McCray v. Sullivan</i> , Civ. Action 5620-69-H; <i>McCray v. Sullivan</i> , Civ. Action 6091-70-H; <i>White v. Commissioner of Alabama Board of Corrections</i> , Civil Action 7094-72-H; <i>Pugh v. Sullivan, et al.</i> , Civ. Action 74-57N; and <i>James v. Wallace, et al.</i> , Civ. Action 74-203-N.
<b><i>District Court Appoints Human Rights Committee for Alabama’s Prison System</i></b>	<b>1976</b> 1/13/76	Federal District Judge Frank Johnson holds Alabama’s prison system’s living conditions unconstitutional in violation of the 8 <sup>th</sup> and 14 <sup>th</sup> Amendments in a consolidated class action suit. ( <i>Pugh</i> 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. <i>Pugh v. Locke</i> , 406 F. Supp. 318 (M.D. Ala. 1976); aff’d with modifications sub nom.; <i>Newman v. Alabama</i> , 559 F.2d 283 (5 <sup>th</sup> Cir. 1977);

	<p>rev'd in part and remanded sub nom., <i>Alabama v. Pugh</i>, 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); <i>See, Newman v. State</i>, 683 F.2d 1312 (11<sup>th</sup> 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.) <i>See, also, Newman v. Graddick</i>, 740 F.2d 1513 (11<sup>th</sup> Cir. 1984).</p>	<p><b><i>Committee Subsequently Held Unconstitutional</i></b></p>
	<p>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).</p>	<p><b><i>2,160 Inmates Backlogged in County Jails</i></b></p>
2/10/76	<p>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. <i>McCray v. Sullivan et al.</i>, 413 F. Supp 444 (S.D. Ala. 1976).</p>	<p><b><i>Court Ordered Board of Corrections to Report to Legislature</i></b></p>
Oct.-Nov. 1976	<p>Reduction of inmate population in state facilities below design capacity accomplished.</p>	<p><b><i>Prison Population = Design Capacity</i></b></p>
12/20/76	<p>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.</p>	
12/30/76	<p>Order issued by Montgomery Circuit Court (Judge Thetford) to transfer 16 maximum security state prisoners and 20 state prisoners to Dallas county jail.</p> <p>Circuit Judge Russell (Dallas County), issues order to Sheriff of Dallas County directing him to decline to receive prisoners from any other county.</p> <p>Faced with conflicting orders, Commissioner Locke petitions U.S. District Court for instructions – None are given.</p>	<p><b><i>State Inmates Transferred to Other County Jails</i></b></p>
<b>1977</b>		
1/4/77	<p>Commissioner Locke petitions the Alabama Supreme Court for writ of Mandamus or Prohibition. In <i>McKinney et al. v. Locke</i>, 346 So.2d 419 (1977), the Alabama Supreme Court held that Judge Thetford's order was void for lack of due process.</p>	

<b><i>TRO Enjoins Jail Transfers</i></b>	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.
<b><i>Repeat Felony Offender Act</i></b>	5/23/77	Repeat felony offender statute goes into effect (§15-22-27.1). Act 1977, No. 639.
<b><i>3 Class Action Suits on Unconstitutional Prison Conditions</i></b>	9/16/77	Three class actions filed by Alabama inmates alleging unconstitutional prison conditions in Alabama prisons, <i>Pugh v. Lock et al.</i> , 406 F. Supp 318 (M.D. Ala. N. Div. 1976), <i>James v. Wallace et al.</i> , 382 F. Supp. 1177 (M.D. Ala. 1976) and <i>Newman v. Alabama</i> , 349 F. Supp. 278 (M.D. Ala. 1972), were consolidated on appeal by the 5 <sup>th</sup> Circuit in <i>Newman v. Alabama</i> , 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.
<b><i>5th Circuit Upholds Findings of Unconstitutional Violations and Orders Appointment of Monitors</i></b>		
<b><i>State Supreme Court Halts Transfers of State Prisoners to Washington County Jail</i></b>	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. <i>Locke v. Wheat</i> , 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.
<b><i>Transfers to Fayette County Jail Restrained</i></b>	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. <i>Alabama State Bd. Of Corrections v. Norris</i> , 352 So.2d 1106 (Ala. 1977).
<b><i>HFOA Passes But Amended Before Effective Date</i></b>	12/2/77	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.

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7/3/78	<p>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 11<sup>th</sup> Amendment. <i>Alabama v. Pugh</i>, 438 U.S. 781, 98 S. Ct. 3057, 57 L.Ed. 2d 1114 (1978).</p>	<i>11th Amendment Held to Bar Civil Rights Suit</i>
<b>1979</b>		
Feb.1979	<p>District Court entered order appointing Governor Fob James receiver of Alabama's prison system.</p>	<i>Governor Appointed Receiver Over Prison System</i>
7/30/79	<p>Adoption of New Habitual Felony Offender Law with mandatory-minimum sentences for repeat offenders based on the felony classification of the current offense.</p>	<i>New HFOA Adopted</i>
<b>1980</b>		
1/1/80	<p>New Criminal Code adopted. Revised Code increased penalties for repeat felons and violent offenders.</p>	<i>New Criminal Code Adopted</i>
	<p>Abolition of good-time credits for long-term (over ten years) inmates.</p>	
	<p>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).</p>	<i>Firearm Enhancement Statute Enacted</i>
	<p>Parole Board adopts guidelines to increase the amount of time served by violent offenders.</p>	
	<p>Significant Changes in Alabama's Good Time Law - abolishing good time for all Class A felons. Correctional Incentive Time Act, Act 80-446.</p>	<i>Good Time Abolished for Class A Felons</i>
	<p>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.</p>	<i>Committee Appointed by Federal Court</i>
5/28/80	<p>Drug Trafficking law goes into effect. Act 80-587.</p>	
7/21/80	<p>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 5<sup>th</sup> 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).</p>	<i>Suit Alleging Unconstitutional Conditions in County Jails</i>

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<i>Consent Decree Approved</i>	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.
<i>Deadlines of Court Order Not Met</i>	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.
<i>400 Inmates Ordered to be Released</i>	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 5 <sup>th</sup> Circuit Court of Appeals, requesting stay pending appeal.
<i>Request for Stay Denied</i>	7/23/81	5 <sup>th</sup> 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. <i>Graddick v. Newman</i> , 453 U.S. 928, 102 S.Ct. 4, 69 L. Ed 2d 1025 (1981).
<i>Suit Regarding State Inmates in Madison County Jail</i>	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. <i>Ex parte Madison County, AL.</i> , 406 So.2d 398 (Ala.1981).
	<b>1982</b>	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.

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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.” <i>Newman v. Alabama</i> , 683 F. 2d 1312 (11 <sup>th</sup> Cir. 1982).	<i>11th Circuit Holds Order of Release of Prisoners Impermissibly Intrusive on State</i>
<b>1982-85</b>	4 new major prisons built, equipped and staffed.	<i>New Prisons</i>
<b>1982-1983</b>	Work Release Expanded ( 1,865 –20% of inmate population) 11 work release facilities in operation.  Pre-Discretionary Release Program (PDL) established by DOC.  Supervised Intensive Restitution Program (SIR) established Act 83-838.	<i>Release Programs Instituted</i>
<b>1983</b>	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.	<i>Prison Oversight Committee Established</i>
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 15 <sup>th</sup> ), 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.	<i>Attorney General Held in Contempt of Court</i>
12/7/83	District Court denies Commissioner Smith’s request to delay release until hearing held to determine current conditions of prison system.	
9/10/84	The United States Court of Appeals for the 11 <sup>th</sup> 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 (11 <sup>th</sup> Cir. 1984).	<i>Contempt Reversed and Ruling that District Court Erred in Ordering Release of Prisoners</i>

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<b><i>Prison Oversight Committee Continued</i></b>	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.
<b><i>11th Circuit Vacates Contempt Order</i></b>	Mar. 1986	Circuit Judge Edmonson of the 11 <sup>th</sup> 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.
<b><i>Suit Against Prison Oversight Committee Dismissed</i></b>	6/15/87	<i>B.W. Johnson, et al. v. M.R. Nachman, et.al.</i> , (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 <i>Newman</i> case). Complaint Dismissed with prejudice by Federal District Judge Varner.
<b><i>Prison Review Task Force Formed</i></b>	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).
<b><i>Drug Sale Enhancement Statute - School</i></b>	<b>1987</b>	Passage of 5 year Enhancement Statute for sale of controlled substance within 3 miles of a school. Act 87-610.
	Oct. 7-8/87	Task Force holds its first meeting.
	<b>1988</b>	Termination of <i>Pugh</i> injunctions.
	1/7/88	Report of Prison Review Task Force.
<b><i>DrugSale Enhancement Statute - Housing Project</i></b>	<b>1989</b>	Passage of 5-year enhancement statute for sale of a controlled substance within 3 miles of a housing project. Act 89-951.

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May 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.	<i>UJS Sentencing Workshops</i>
	<p><i>Findings Included:</i>  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.</p>	<i>Findings of Study</i>
	<p><i>Recommendations Included:</i>  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.</p>	<i>Recommendations</i>
<b>1990</b>	<i>Barbour County v. Thigpen</i> (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.	<i>Class Action by Counties Against ADOC</i>
<b>1991</b>	Community Punishment and Corrections Act of 1991 enacted.	<i>Community Punishment Act</i>
Feb. 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.)	<i>More County Lawsuits Against ADOC</i>
<b>1992</b>		
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.	<i>Preliminary Injunction Against Prison Commissioner</i>

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	8/6/92	Randall Thomas, Presiding Judge of Alabama's 15 <sup>th</sup> Judicial Circuit, requested TSI to review the problem of jail and prison overcrowding in Alabama and offer recommendations.
<i>New Crimes of Murder</i>		Legislature added 4 aggravated forms of murder.
	<b>1993</b>	
<i>Mental Healthcare Class Action</i>	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. <i>Bradley v. Harrelson</i> , 151 F.R.D. 422 (U.S. District Court 1993).
<i>Hate Crimes</i>	<b>1994</b>	Passage of Hate Crime Act, Act 94-581, effective 4/21/94. § 13A-6-2, <i>Code of Alabama</i> 1975.
<i>Felony DUI Act</i>	4/22/94	Felony DUI law goes into effect. Act 94-59.1
	<b>1995</b>	
<i>Sentencing Workshops</i>		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.
	8/12/95	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.
<i>Recommendations of ACJAC Report</i>	9/22/95	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; 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;
<i>More Punishment Options</i>		
<i>Community Programs</i>		

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	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.	<i>More Probation Officers With Goal of Caseload of 50 per Officer</i>  <i>Recommended Expansion of Community Corrections Programs</i>
11/17/95	Mandatory Incarceration Act proposed.	
12/19/97	HIV-positive inmates file § 1983 action challenging conditions of confinement. See <i>Edwards v. Ala. Department of Corrections</i> , 81 F. Supp. 2d 1242 (M.D. Ala. 2000) dismissing action. See also, <i>Harris v. Thigpen</i> , 941 F.2d 1495 (CCA 11Ala. 1991), upholding ADOC's policies and procedures regarding HIV inmates.	<i>HIV Inmate Suit Dismissed</i>
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.	<i>JSC Creates Sentencing Committee</i>
8/10/98	U.S. District Judge Myron Thompson holds use of hitching post unconstitutional, and DOC's visitation and privilege policy constitutional. <i>Austin v. Hopper</i> , 15 F.Supp. 2 1210 (M.D. Ala. 1998).	<i>Use of Hitching Post Held Unconstitutional</i>
9/9/98	Plaintiffs file contempt petition in the Montgomery Circuit Court, <i>Barbour County v. Thigpen, supra</i> , Settlement Agreement was approved and adopted by the court (Judge William A. Shashy), and petition dismissed without prejudice.	<i>Settlement Assessment Approved</i>
10/22/99	Sentencing Committee of Judicial Study Commission issues its report.	<i>Report of JSC Issued Recommending Establishment of State Sentencing Commission</i>
<b>2000</b>		
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.	
5/17/2000	Alabama Sentencing Commission is established as a state agency. Act 2000-596.	<i>Act Establishing Sentencing Commission Approved</i>
7/1/2000	Mandatory minimums for Domestic Violence Offenses implemented. Act 2000-266.	<i>Mandatory Minimum Sentences Adopted</i>

<b><i>Transfer of County Inmates Ordered</i></b>	12/4/2000	Circuit Court, 20 <sup>th</sup> 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.
	<b>2001</b>	
	1/15/01	Governor's Commission issues its report.
<b><i>Director and Staff Aquired for Sentencing Commission</i></b>	1/29/01	Alabama Sentencing Commission director appointed and staff established, with office provided in the Judicial Building.
<b><i>Hitching Post Case Dismissed</i></b>	2/2/01	Eleventh Circuit Court of Appeals holds that inmate's 8 <sup>th</sup> Amendment rights were violated when he was handcuffed to hitching post on two occasions but affirmed granting of qualified immunity to correctional officials. <i>Hope v. Pelzer</i> , 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.
<b><i>Morgan County Jail Class Action Injunction Issued</i></b>	4/7/2001	Class action brought by inmates of Morgan County jail against state and county officials. District Judge Clemons held jail conditions violated 8 <sup>th</sup> 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. <i>Maynor v. Morgan County Alabama</i> , 147 F. Supp.2d 1185 (U.S. Dist. N.D. Ala. 2001).
<b><i>Mandamus Petition Filed by ADOC Denied</i></b>	5/4/2001	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. <i>Ex parte Glover</i> , 2001 WL 470181 (Ala. 2001).
<b><i>Deadline for Transfers of State Inmates From County Jail Set</i></b>	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. <i>Barbour County et al. v. Commissioner of Corrections et al.</i> (CV-92-399-SH), 15 <sup>th</sup> Judicial Circuit.
<b><i>Governor Establishes Prison Task Force</i></b>		Governor Don Siegleman establishes Prison Task Force to Resolve Jail and Prison Overcrowding Problem.

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6/14/01	Prison Task Force Report issued.	
6/28/01	Show Cause hearing before Judge Shashy.	<i>Show Cause Order Issued</i>
<b>2002</b>	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. <i>Givens v. Ala. Department of Corrections</i> 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.	<i>Southern Center for Human Rights Alleging Conditions of Tutwiler Unconstitutional</i>
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 8 <sup>th</sup> Amendment when guards handcuffed prisoner to hitching post for disruptive behavior, reversing the grant of qualified immunity. <i>Hope v. Pelzer</i> , 536 U.S. 730, 122 S.Ct. 2508 (2002).	<i>U.S. Supreme Court Reverses Grant of Immunity to Prison Guards</i>
8/20/02	Class action filed alleging 8 <sup>th</sup> Amendment violations in conditions of confinement, medical care and mental health treatment at Tutwiler Prison for women and Birmingham work release. <i>Laube v. Campbell</i> , CV-02-T-957-N, U.S. District Court, Middle District of Alabama, Judge Myron Thompson.	<i>Tutwiler and Birmingham Work Release Medical Care Class Action</i>
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. <i>Leatherwood v. Campbell</i> , 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.	<i>Settlement Agreement in HIV Suit</i>
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. <i>Laube v. Haley</i> , 234 F.Supp.2d 1227 (M.D. Ala. 2002)	<i>Temporary Injunction Issued Against ADOC</i>
12/6/02	In <i>Haley v. Barbour County</i> , Judge Shashy orders DOC Commissioner to pay monetary sanctions.	
12/12/02	Judge Shashy orders DOC to accept specific number of inmates in <i>Barbour County</i> case.	<i>More Orders in Barbour County Case</i>

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<b>2003</b>		
<b><i>Withholding Costs of Incarceration Upheld</i></b>	3/14/03	Alabama Court of Civil Appeals upholds ADOC action in withholding money benefits paid to inmate for injuries incurred while participating in work release. The Court held that the Department was authorized to seize portion of the inmate's benefits to pay for costs of incarceration. <i>Gober v. Ala. Dept. of Corrections</i> , 871 So.2d 838 (Ala.Civ. App. 2003).
<b><i>Start of Special Parole Dockets</i></b>	4/7/03	Special Parole Dockets Begin.
<b><i>Class Action Alleging Medical Care in Prisons Unconstitutional</i></b>	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. <i>Gaddis v. Campbell</i> , "CV-03-T-390-N, U.S. District Court, Middle District of Alabama, Judge Myron Thompson.
<b><i>Inmates Transferred to Out-of-State Prisons</i></b>	4/15/03	70 female and 600 male inmates sent to Louisiana private prisons.
<b><i>Medical Care Class Action Brought by St. Clair Inmates</i></b>	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. <i>Baker v. Campbell</i> , 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.
<b><i>Settlement Entered in Tutwiler Luabe Case</i></b>	6/25/03	Settlement agreement entered in Tutwiler <i>Luabe</i> case; inmates down to 750 (lowest since early 1990s). Plaintiffs are requesting \$980,000 in attorney fees, defendants offered to resolve a attorney fee issue by payment of approximately \$294,000. Attorneys for plaintiff - Southern Center for Human Rights and Holland and Knight, LLC in Atlanta.
<b><i>Special Parole Board Established</i></b>	10/1/03 – 9/30/06	Special Parole Board.
<b>2004</b>		
<b><i>State Immune From Monetary Sanctions</i></b>	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. <i>Haley v. Barbour County</i> , 885 So.2d 783 (Ala. 2004).

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2/4/04	U.S. District Judge Myron Thompson approves settlement in <i>Gaddis</i> case. <i>Gaddis v. Campbell</i> , 301F.Supp. 2d 1310 (M.D. Ala. 2004).	
4/12/04	L.I.F.E. Tech (Wetumpka) Female Transition Center Opens.	<i>Wetumpka L.I.F.E. Tech Opens</i>
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. <i>Laube v. Campbell</i> , 333 F.Supp 2d 1234 (M.D. Ala. 2004).	<i>Settlement in Tutwiler Laube Case Approved</i>
<b>2005</b>		
Jan. 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.	<i>Pollution Suits</i>
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. <i>Aris v. Campbell</i> , CV-O5-PWG-396 (U.S. District Court, ND 2005), Judge Paul Greene.	<i>Class Action Challenging Inadequate Medical Care and Overcrowded Conditions at Hamilton Aged and Infirm Facility</i>
5/10/2005	First Meeting of Governor Riley’s Prison Task Force.	
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.	<i>Child Sex Offender Laws and Mandatory Minimum Penalties Passed by Legislature</i>
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.	<i>Pollution Case at Numerous Prisons</i>
10/1/05	Child Sex Offense enhancements take effect. Act 2005-301.	

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<b><i>Report of Governor's Task Force on Prison Crowding Issued</i></b>	10/27/05	Governor Riley's Task Force on Prison Crowding issues report, adopting all of the Alabama Sentencing Commission's Recommendations.
	11/17/05	<i>Hope v. Pelzer</i> , 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.
	<b>2006</b>	
<b><i>Supreme Court Holds Inmates Can Bring ADA Claim for Money Damages</i></b>	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. <i>U.S. v. Georgia</i> , 546 U.S. 151, 126 S.Ct. 877 (2006).
<b><i>ASC Legislation Passes</i></b>	2/9/06	Alabama Sentencing Commission bill amending Burglary 1 <sup>st</sup> and 2 <sup>nd</sup> 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.  Commissioner Donald Campbell Resigns.
<b><i>Richard Allen Appointed Prison Commissioner</i></b>	2/15/06	Governor Riley appoints Richard Allen as Commissioner of ADOC and Vernon Barnett as Chief Deputy Commissioner.
<b><i>Increased Sanctions</i></b>	3/1/06	New law becomes effective increasing punishment for child pornography.
<b><i>L.I.F.E. Tech for Males Opens</i></b>	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 2 <sup>nd</sup> statute passed (Act 2006-297), effective April 4, 2006.
<b><i>Bill Establishing Initial Sentencing Standards Enacted</i></b>	4/5/06	Initial Sentencing Standards enacted – Act 2006-312, to become effective October 1, 2006.
<b><i>DUI Amendment</i></b>	4/28/06	Alabama Sentencing Commission's bill amending the DUI statute enacted Act 2006-654, to become effective 4/28/06.
<b><i>Sentencing Standards Workshops Conducted</i></b>	May – Oct. 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.

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June 2006	<i>Leatherwood v. Campbell</i> , CV-02-BEE-2812-#W, U.S. District Court, Northern District of Alabama, Case terminated.	
July 2006	300 New Medium custody beds created by ADOC in Bullock Correctional Facility Mental Health Unit.	<b><i>300 New Beds Bullock Mental Health Unit</i></b>
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 breach and no cognizable claim against DOC for relief. <i>Carpenter v. Tillman</i> , 948 So.2d 536 (Ala. 2006).	<b><i>Inspections of County Jail Suit</i></b>
8/29/06	"30 day ready" state inmates in county jails reaches 0.	<b><i>30 Day Transcript Ready Inmates Reduced to 0</i></b>
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.	
<b>2007</b>		
1/5/07	60 male inmates transferred to Louisiana.	
4/2007	ADOC New Reentry Program Instituted under Supervision of Elana M. Parker.	<b><i>New ADOC Reentry Program Established</i></b>
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.	<b><i>134 Male Inmates Returned From Private Prison</i></b>
9/28/07	Alabama Supreme court holds that Court of Criminal Appeals has jurisdiction to review certiorari petitions challenging ADOC action in regard to custody classification as well as those based on prisoner's conduct while in prison. <i>Collins v. ADOC</i> , 982 So.2d 1078 (Ala. 2007).	
10/1/07	Improvements in ADOC Monthly Statistical Reports.	<b><i>ADOC Monthly Statistical Reports Change</i></b>
10/15/07	First transfer back of 162 female inmates from Louisiana private prisons.	<b><i>Female Inmates Brought Back from Louisiana</i></b>
10/17/07	Second and last transfer back of 166 female inmates from Louisiana private prisons.	

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<i>All Female Inmates Returned from Louisiana</i>	10/18/07	ADOC announced return of all female inmates housed in Louisiana prisons total of 328).
	10/2007	Montgomery Pre-Release Facility converted to Montgomery Women's facility – 300 beds.  Limestone Pre-Release Facility under construction.
<i>HIV Inmates - ADOC Policy Change</i>	10/31/07	ADOC Announces Policy Changes for HIV Positive Inmates.
	11/07	ADOC contract with Correctional Medical Services sent to Contract Review Committee.
<i>New Beds Created at Easterling</i>	12/2007	120 new medium security beds created in ADOC at Easterling Correctional Facility.
	12/10/07	ADOC Announces Plan to sale 2,045 acres at Red Eagle Honor Farm.
	<b>2008</b>	
<i>New Beds Created at Mobile Work Realease</i>	2/2008	36 new work release beds created at Mobile Work Release Facility.
	3/17/08	Governor Bob Riley launches Community Partnership for Recovery and Reentry program to engage faith-based organizations and community release support for returning ex-prisoners.
<i>Governor's Faith Based Reentry Initiative</i>	4/2008	ADOC held statewide and regional programs to enlist faith based programs and individuals in Governor's Faith Based Reentry Initiative. (as of 7/2008, 985 organizations or individuals have volunteered).
	5/2008	32 new beds created at Hamilton Work Release.
<i>Sale of Prison Land to Raise Revenue</i>	8/6/08	ADOC announces sale of land at Draper Correctional Facility – Bids close 8/14/08.
<i>Medical Furlough Bill Passes</i>	9/1/08	Medical Geriatric Furlough Act, passed during 2008 Special Session, becomes effective. ADOC Regulations adopted February 19, 2009.
	10/2008	Community Partnership for Recovery and Reentry Announced by Governor and ADECA.
<i>Columbiana Therapeutic Facility Opens</i>		New 700 bed capacity private residential reentry center, Alabama Educational Center, opens in Columbiana.
	10/1/08	U.S. Army Reserve partners with ADOC for employment of reservists to serve as correctional officers.

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10/29/08	ADOC requests RFPs from vendors for Alabama Prisoner Initiative.	
10/30/08	75 ADOC trainees graduate from Officer Academy for total of 257 graduates in 2008. Best graduation rate in 6 years.	<b><i>Officer Graduation Rate Best in Years</i></b>
11/2008	300 new medium security beds created in ADOC at Limestone Correctional Facility.	<b><i>New Beds Created</i></b>
12/12/2008	Alabama Supreme Court dismisses action brought by Montgomery County Commission for reimbursement of state inmate's medical costs. <i>ADOC v. Montgomery County Commission, 2008 WL 5195168 (Ala. 2008)</i>	
<b>2009</b>		
1/2009	300 new beds created at Decatur Work Release Facility.	
1/21/09	ADOC announces sale of 3 parcels of land (427 acres) around Limestone Correctional Facility to generate money for deferred maintenance and capital improvements.	<b><i>Sale of Prison Land Announced</i></b>
1/28/09	Limestone land Sale - Minimum total bid \$11.8 million.	
3/20/09	Sale of additional 27 acres of prison land in Elmore and Escambia Counties announced.	<b><i>More Land Sales to Cover Costs of Maintenance and Capital Improvements</i></b>
3/31/09	ADOC Reentry Coordinator wins Alcohol and Drugs Study Award.	
02/2009	Compliant filed by Southern Poverty Centre for Human Rights regarding Donaldson facility.	
	ADOC decides to appeal access to records order in <i>Barkdale case</i> .	