

Alabama Sentencing Commission

2017

Report





ALABAMA SENTENCING COMMISSION

2017 Report

300 Dexter Avenue
Suite 2-230
Montgomery, Alabama 36104
Phone: (334) 954-5099
1-866-954-9411 ext.5099
Fax: (334) 954-2124
E-mail: sentencing.commission@alacourt.gov
Website: <http://sentencingcommission.alacourt.gov>

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Acknowledgements

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

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

Governor Robert Bentley

Acting Chief Justice Lyn Stuart

Chief Justice Roy S. Moore

Lieutenant Governor Kay Ivey

Del Marsh, President Pro Tempore, Alabama Senate

Senator Cam Ward, Chair, Senate Judiciary Committee

The Alabama Senate

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

Representative Mike Jones, Chair, House Judiciary Committee

The Alabama House of Representatives

Joseph A. Colquitt, Chairman of the Sentencing Commission

Randy Helms, Administrative Director of Courts

Administrative Office of Courts and staff

Court of Criminal Appeals

Alabama Circuit and District Judges' Associations

Attorney General Luther Strange

The Alabama Department of Corrections and staff

The Alabama Board of Pardons and Paroles and staff

The Alabama District Attorneys Association/Office of Prosecution Services

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

The National Association of Sentencing Commissions

Alabama Association of Community Corrections

Alabama Lawyers Association

The Criminal Defense Lawyers Association

The Association of County Commissioners

The Alabama Sheriff's Association

The Alabama Association of Chiefs of Police

Dr. Tammy Meredith and Dr. John Speir, Applied Research Service, Inc.

Wesley Smithart, Emory University

**Alabama Sentencing
Commission Members**

Appointed by the Chief Justice of the Supreme Court
Retired Circuit Judge Joseph A. Colquitt, Chair
Beasley Professor of Law, University of Alabama School of Law

Governor's Appointments
Franklin Johnson
Governor's Office, Deputy Chief of Staff

Miriam Shehane, Executive Director
Victims of Crime and Leniency (VOCAL)
Victims' Advocate

Janette Grantham
Victims of Crime and Leniency (VOCAL)
Victims' Advocate

Attorney General Appointment
Michael Dean
Assistant Attorney General

**President of the Alabama District Attorneys' Association
Appointments**
Eleanor I. Brooks, Supernumerary District Attorney, 15th Judicial Circuit
Steven T. Marshall, District Attorney, 27th Judicial Circuit
Tom Anderson, District Attorney, 12th Judicial Circuit

**President of the Alabama Association of Circuit Court
Judges' Appointments**
P.B. McLauchlin, Retired Circuit Judge, 33rd Judicial Circuit
Terri Bozeman-Lovell, Circuit Judge, 2nd Judicial Circuit

**President of the Alabama Association of District Court
Judges' Appointment**
Claude E. Hundley, District Judge, Madison County

Chair of the House Judiciary Committee
Representative Mike Jones, House District 92

Chair of the Senate Judiciary Committee
Senator Cam Ward, Senate District 14

Alabama Department of Corrections
Jefferson Dunn, Commissioner

Alabama Board of Pardons and Paroles' Appointment
Phil Bryant, Executive Director

Appointment by the Chief Justice of the Supreme Court
Lou Harris, D.P.A., Faulkner University

President of the Alabama Lawyers Association Appointment
Angeline Sperling, Esquire, Montgomery, AL

**President of the Alabama Criminal Defense Lawyers
Association Appointment**
Joel Sogol, Esquire, Tuscaloosa, AL

Sheriff's Association Appointment

Scott Lolley, Sheriff, Choctaw County

Association of Chiefs of Police Appointment

Ted Cook, Police Chief, Mountain Brook, AL

Executive Committee

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

Eleanor I. Brooks, Supernumerary District Attorney
15th Judicial Circuit

Retired Circuit Judge P.B. McLauchlin
33rd Judicial Circuit

Joel Sogol, Esquire
Tuscaloosa, AL

Advisory Council

Circuit Judge John W. Cole
10th Judicial Circuit

Deborah Daniels
Alabama Department of Corrections Appointee

Terry Davis
Chief of Police, Boaz, AL

Doris Dease
Victim Advocate

Denis Devane
Shepherd's Fold

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Steve Green
President, Alabama Community Corrections Association
Director, Mobile County Community Corrections

Nelson Gregory
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John Hamm
Director, Government Relations
Alabama Law Enforcement Agency

Steve Lafreniere, Executive Director
Alabama Department of Youth Services

Shelly Linderman, Project Director
Victims of Crime and Leniency (VOCAL)

Retired Justice Hugh Maddox
Alabama Supreme Court

Chaplin Adolph South
Tuscaloosa, AL

Jeff Williams, Deputy Commissioner
Alabama Department of Corrections

Commission Staff

Bennet Wright, Executive Director

Melisa Morrison, Research Analyst

Standards Committee

Bennet Wright, Chair
Executive Director, Alabama Sentencing Commission

Darlene Hutchinson Biehl
Victims of Crime and Leniency (VOCAL)

Eleanor I. Brooks, Supernumerary District Attorney
15th Judicial Circuit

Beau Brown, General Counsel
Office of Prosecution Services

Phil Bryant, Executive Director
Alabama Board of Pardons and Paroles

Circuit Judge John W. Cole
10th Judicial Circuit

Michael Dean, Assistant Attorney General
Office of the Attorney General

Jefferson Dunn, Commissioner
Alabama Department of Corrections

Circuit Judge John England
6th Judicial Circuit

Brandon Falls, District Attorney
10th Judicial Circuit

Jannette Grantham
Victims of Crime and Leniency (VOCAL)

Micahel Hanle, Esquire
Birmingham, AL

Ralph Hendrix
UAB Treatment Alternatives to Street Crime (TASC)

Bob Johnston, Assistant District Attorney
9th Judicial Circuit

Circuit Judge Tim Jolley
27th Judicial Circuit

Mike Jones, Chair
House Judiciary Committee

Circuit Judge David Kimberly
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Jill Lee, District Attorney
18th Judicial Circuit

Steve Marshall, District Attorney
27th Judicial Circuit

Alyia McKee, Public Defender
Montgomery County

Retired Circuit Judge P. B. McLauchlin
33rd Judicial Circuit

Richard Minor, District Attorney
30th Judicial Circuit

Circuit Judge Teresa Pulliam
10th Judicial Circuit

Circuit Judge Robert Smith
13th Judicial Circuit

Joel Sogol, Esquire
Tuscaloosa, AL

Joe VanHeest, Public Defender
Tuscaloosa County

Bob Williams, Public Defender
Shelby County

Mission Statement

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

ALABAMA SENTENCING COMMISSION



Joseph A. Colquitt, Chairman
Beasley Professor of Law

Tom Anderson
District Attorney, 12th Judicial Circuit

Terri Bozeman-Lovell
Circuit Judge, 2nd Judicial Circuit

Ellen Brooks
Supernumerary District Attorney,
15th Judicial Circuit

Phil Bryant
Director, Bd. of Pardons and Paroles

Ted Cook
Police Chief, Mountain Brook, AL

Michael Dean
Assistant Attorney General

Jefferson Dunn
Commissioner, Dept. of Corrections

Janette Grantham
Victim's Advocate

Lou Harris
Faulkner University

Claude Hundley
District Judge, Madison County

Franklin Johnson
Governor's Office

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House Judiciary Committee

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P. B. McLaughlin
Retired Circuit Judge, 33rd Judicial Circuit

Miriam Shehane
Director, VOCAL

Joel Sogol
Criminal Defense Lawyers' Association

Angeline Sperling
Alabama Lawyers' Association

Cam Ward
Senate Judiciary Committee

It is my pleasure to present you the Alabama Sentencing Commission's 2017 Annual Report. This report includes information concerning the work of the Commission in the past year and data from the State's criminal justice system. Following the passage of omnibus "prison reform" legislation last year, much of the Commission's time and effort was dedicated to training, education, and implementation of changes to sentencing, probation, parole, and responses to violations of community supervision.

The Commission spent much of the year providing trainings across Alabama on the recent changes to criminal law and policy. Judges, prosecutors, defense lawyers, probation and parole officers, and community corrections personnel were provided training on the extensive changes to law and policy. After the passage of the "prison reform" legislation last year, the Commission and Legislature approved new Sentencing Standards that incorporated the sentencing law changes. The significant changes to the Sentencing Standards, "split" sentencing law changes, and vast changes to probation and responses to violations of probation and parole required a comprehensive statewide training effort that is still ongoing.

Information is provided in the Data Chapter including judicial compliance with the Sentencing Standards, court conviction information, and Department of Corrections population, admission and release figures. Approximately three years have elapsed since the effective date of the Presumptive Sentencing Standards and prison population, admission and release trends have changed including the continued shift to a lower percentage of non-violent offenders in the State prison system.

The Alabama Sentencing Commission continues to work to improve public safety, and increase the fairness and efficiency of Alabama's criminal justice system. One of the areas the Commission remains committed is accurate and reliable data that is used to inform major policy decisions for the State. We look forward to continuing to help make Alabama safer and improving the criminal justice system.

Sincerely,

Joseph A. Colquitt, Chair
Alabama Sentencing Commission

Chapter 1: 2016 - The Year of Implementation

The Alabama Sentencing Commission dedicated much of the past year helping implement the omnibus criminal justice legislation passed by the Legislature and signed into law by Governor Bentley in 2015 commonly referred to as “prison reform.” However, in addition to significant sentencing changes, the legislation also focused on improving community supervision, changed responses to technical violations of community supervision and required the development of parole guidelines. For more information on the provisions of the legislation, please reference the Alabama Sentencing Commission’s 2016 Annual Report.

Act 2015-185 was comprehensive legislation that made sweeping changes across the criminal justice system including requiring the Alabama Sentencing Commission to modify the Sentencing Standards. Last year, the Alabama Sentencing Commission submitted modifications to the Sentencing Standards incorporating the sentencing provisions of the Act. The new set of Sentencing Standards became effective in 2016. The significant changes to criminal law and the Sentencing Standards required extensive training throughout the past year across Alabama. Over the course of the previous year, the Commission provided numerous trainings throughout the state to judges, prosecutors, defense lawyers, court clerks, probation and parole officers, law enforcement and community corrections personnel. Many of the trainings were done in conjunction with the Alabama Board of Pardons and Paroles highlighting the numerous changes to probation and parole requirements and supervision, and new authority vested in their officers.

The training provided this past year was not restricted to the Sentencing Standards. In addition to requiring changes to the Sentencing Standards, Act 2015-185 changed the parameters for all Class C and Class D felony split sentences, and changed the statutory framework for how all Class C and Class D felonies must be sentenced. The restrictions on the use of custodial sanctions for Class D felonies were highlighted as was the new policy framework for responding to technical violations of probation and parole. With the passage of the landmark legislation, the Legislature clearly aimed to restrict both the use of jail and prison sanctions for offenders convicted of Class D felonies while still making custodial sanctions available for those offenders with a more significant felony criminal history. At the same time, the Legislature repealed the “technical violator law” and put in its place a new framework designed to curb recidivism through swift and certain responses to technical violations. This new framework introduced new requirements and restrictions for technical violations of probation and parole, and granted new authority to probation and parole officers to impose short term jail sanctions for technical violations as well.

“Prison Reform” Legislation Enacted in 2015

New Sentencing Standards Became Effective in 2016

Extensive Training Provided by Commission

Significant Changes to Criminal Law and Sentencing Standards

**Alabama Criminal
Justice Oversight and
Implementation Council**

The Commission has also been active on the Alabama Criminal Justice Oversight and Implementation Council created by Executive Order from Governor Bentley. This body is tasked with not only overseeing the implementation of the omnibus Justice Reinvestment Initiative reforms, but also developing evidence-based policies and guidelines to help reduce recidivism and improving data collection, analysis, and reporting efforts across the criminal justice spectrum particularly the courts, Department of Corrections, and Alabama Board of Pardons and Paroles. One of the Council's subcommittees, the Data Monitoring and Information Sharing subcommittee, is chaired by Melisa Morrison (Research Analyst for the Alabama Sentencing Commission). The subcommittee has met regularly identifying better practices that can be adopted to improve data reporting and provide clear and concise information on Justice Reinvestment in Alabama.

#1 Priority is Public Safety

The Commission was active this year providing training and participating in efforts implementing extensive changes to criminal law and community supervision, and providing assistance improving data efforts in the criminal justice system. Commission members and staff remain dedicated to the utilization of empirical evidence to make data driven decisions used to enhance public safety in Alabama. 2016 witnessed significant changes in Alabama law and policy and the Commission will continue to play a pivotal role helping supply data and information to shape effective policy and improve the safety of Alabamians.

Chapter 2: Sentencing Standards Compliance and Criminal Justice Data

The Commission identified a 4-Stage model used to gauge judicial compliance with the Initial Voluntary Sentencing Standards¹. The first stage in the process (Use Compliance) consisted of contacting local practitioners and determining how implementation of the Standards was proceeding. The second stage (Submission Compliance) entailed comparing the number of submitted *valid* worksheets to the number of applicable worksheet sentencing events. The third and fourth stages, In/Out and Sentence Length Compliance, measured compliance with the dispositional and sentence length recommendations found on the Standards worksheets.

Judicial Compliance Model

For fiscal year 2015, the Commission received *valid* worksheets in 39 percent of applicable cases, but the total number of worksheets received was significantly higher. Practitioners across the State indicated increased usage of the worksheets in fiscal year 2015 as the Presumptive Sentencing Standards were utilized statewide. Commission staff continue to work with the Information Technology division of the Administrative Office of Courts to ensure that every worksheet filed with Clerks' offices across the State is accessible to the Commission.

Figure 1 displays the number of total received worksheets in fiscal year 2015 and the number of valid received worksheets by county and for the entire State.

¹ For more detailed information about the 4-Stage model and what constitutes a valid worksheet, please see the Commission's 2009 Annual Report.

Figure 1.

**Sentencing Standards Worksheets Received
October 1, 2014-September 30, 2015**

	Worksheet Sentencing Events	Total Received Worksheets for Sentencing Events	Valid Received Worksheets for Sentencing Events	% of Worksheets Sentencing Events with Valid Received Worksheets
Autauga	135	63	29	21.5%
Baldwin	500	314	147	29.4%
Barbour	75	0	0	0.0%
Bibb	44	41	37	84.1%
Blount	82	106	47	57.3%
Bullock	12	0	0	0.0%
Butler	115	174	78	67.8%
Calhoun	421	465	231	54.9%
Chambers	141	142	105	74.5%
Cherokee	110	0	0	0.0%
Chilton	112	164	79	70.5%
Choctaw	27	22	11	40.7%
Clarke	81	87	42	51.9%
Clay	27	3	2	7.4%
Cleburne	58	52	23	39.7%
Coffee	125	156	42	33.6%
Colbert	144	59	37	25.7%
Conecuh	23	34	18	78.3%
Coosa	28	0	0	0.0%
Covington	129	1	0	0.0%
Crenshaw	18	26	12	66.7%
Cullman	281	1	1	0.4%
Dale	123	170	91	74.0%
Dallas	82	6	3	3.7%
Dekalb	132	0	0	0.0%
Elmore	223	299	151	67.7%
Escambia	214	1	1	0.5%
Etowah	290	484	225	77.6%
Fayette	47	59	41	87.2%
Franklin	90	87	59	65.6%
Geneva	82	111	57	69.5%
Greene	9	11	4	44.4%
Hale	21	1	0	0.0%
Henry	51	1	1	2.0%

Figure 1. (Continued)

**Sentencing Standards Worksheets Received
October 1, 2014-September 30, 2015**

	Worksheet Sentencing Events	Total Received Worksheets for Sentencing Events	Valid Received Worksheets for Sentencing Events	% of Worksheets Sentencing Events with Valid Received Worksheets
Houston	498	2	0	0.0%
Jackson	91	156	71	78.0%
Jefferson	1,972	1,850	477	24.2%
Lamar	44	30	25	56.8%
Lauderdale	170	3	1	0.6%
Lawrence	90	227	73	81.1%
Lee	294	238	176	59.9%
Limestone	219	291	157	71.7%
Lowndes	20	33	14	70.0%
Macon	44	52	25	56.8%
Madison	835	399	166	19.9%
Marengo	71	64	43	60.6%
Marion	100	175	64	64.0%
Marshall	272	9	5	1.8%
Mobile	1,229	1,613	747	60.8%
Monroe	57	82	53	93.0%
Montgomery	525	79	49	9.3%
Morgan	333	499	280	84.1%
Perry	19	0	0	0.0%
Pickens	101	0	0	0.0%
Pike	102	109	64	62.7%
Randolph	104	157	99	95.2%
Russell	212	9	5	2.4%
Shelby	630	700	426	67.6%
St. Clair	310	238	29	9.4%
Sumter	16	22	10	62.5%
Talladega	201	226	192	95.5%
Tallapoosa	175	140	57	32.6%
Tuscaloosa	625	542	419	67.0%
Walker	231	5	3	1.3%
Washington	42	57	30	71.4%
Wilcox	20	0	0	0.0%
Winston	59	126	42	71.2%
Total	13,763	11,273	5,376	39.1%

IN/OUT COMPLIANCE

Figure 2 is a flowchart displaying the “In/Out” worksheet recommendations and “In/Out” dispositions for the worksheets for which judicial compliance is reported statewide. This flowchart is organized as follows:

Valid Worksheets

- o **Box A** - Displays the number of completed and valid worksheets received by the Sentencing Commission used to determine judicial compliance;

Recommended Dispositions

- o **Box B** - Displays the number of “In” recommendations from the completed worksheets and the percentage of submitted worksheets with a resulting “In” recommendation;

- o **Box C** - Displays the number of “Out” recommendations from the completed worksheets and the percentage of submitted worksheets with a resulting “Out” recommendation;

Imposed Dispositions

- o **Box D** - Displays the number of “In” recommendations that received an “Out” Disposition. The percentage displayed is the percentage of “In” recommendations that received an “Out” disposition;

- o **Box E** - Displays the number of “In” recommendations that received an “In” Disposition. The percentage displayed is the percentage of “In” recommendations that received an “In” disposition;

- o **Box F** - Displays the number of “Out” recommendations that received an “Out” Disposition. The percentage displayed is the percentage of “Out” recommendations that received an “Out” disposition;

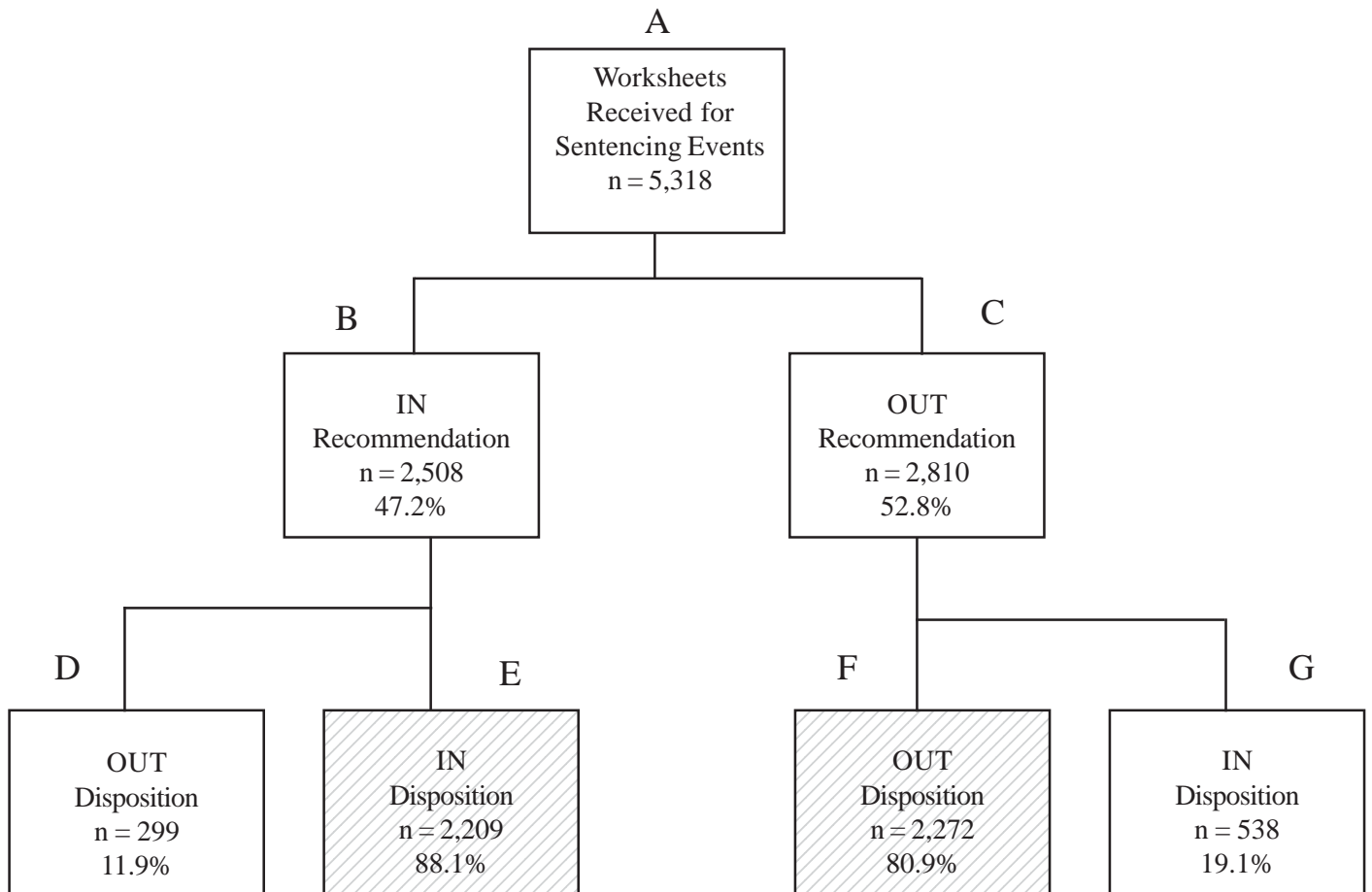
- o **Box G** - Displays the number of “Out” recommendations that received an “In” Disposition. The percentage displayed is the percentage of “Out” recommendations that received an “In” disposition.

Box A shows the starting number of valid worksheets used to report judicial compliance – 5,318 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 53 percent of the received worksheets and an “In” disposition was recommended in 47 percent of the received worksheets. For those worksheets with an “In” recommendation, an “In” disposition was imposed 88 percent of the time (Box E). For those worksheets with an “Out” recommendation, an “Out” disposition was imposed 81 percent of the time (Box F).

The shaded boxes (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” recommendation². Figure 3 provides examples of combinations of worksheet recommendations and case dispositions to show where sentencing events are categorized on the In/Out flowchart.

Figure 2.

In/Out Compliance Flowchart



² For the purpose of determining compliance only, an imposed community corrections sentence was categorized as In/Out compliant regardless of the worksheet In/Out recommendation (see Figure 3 for examples).

Figure 3.

In/Out Compliance Examples

Worksheet Recommendation	Imposed Sentence	Box Destination	IN/OUT Compliant
IN	Probation	Box D	No
IN	Community Corrections	Box E	Yes
IN	Jail	Box D	No
IN	Prison	Box E	Yes
OUT	Probation	Box F	Yes
OUT	Community Corrections	Box F	Yes
OUT	Jail	Box F	Yes
OUT	Prison	Box G	No

Figure 4.

Offense Category Compliance Flowcharts

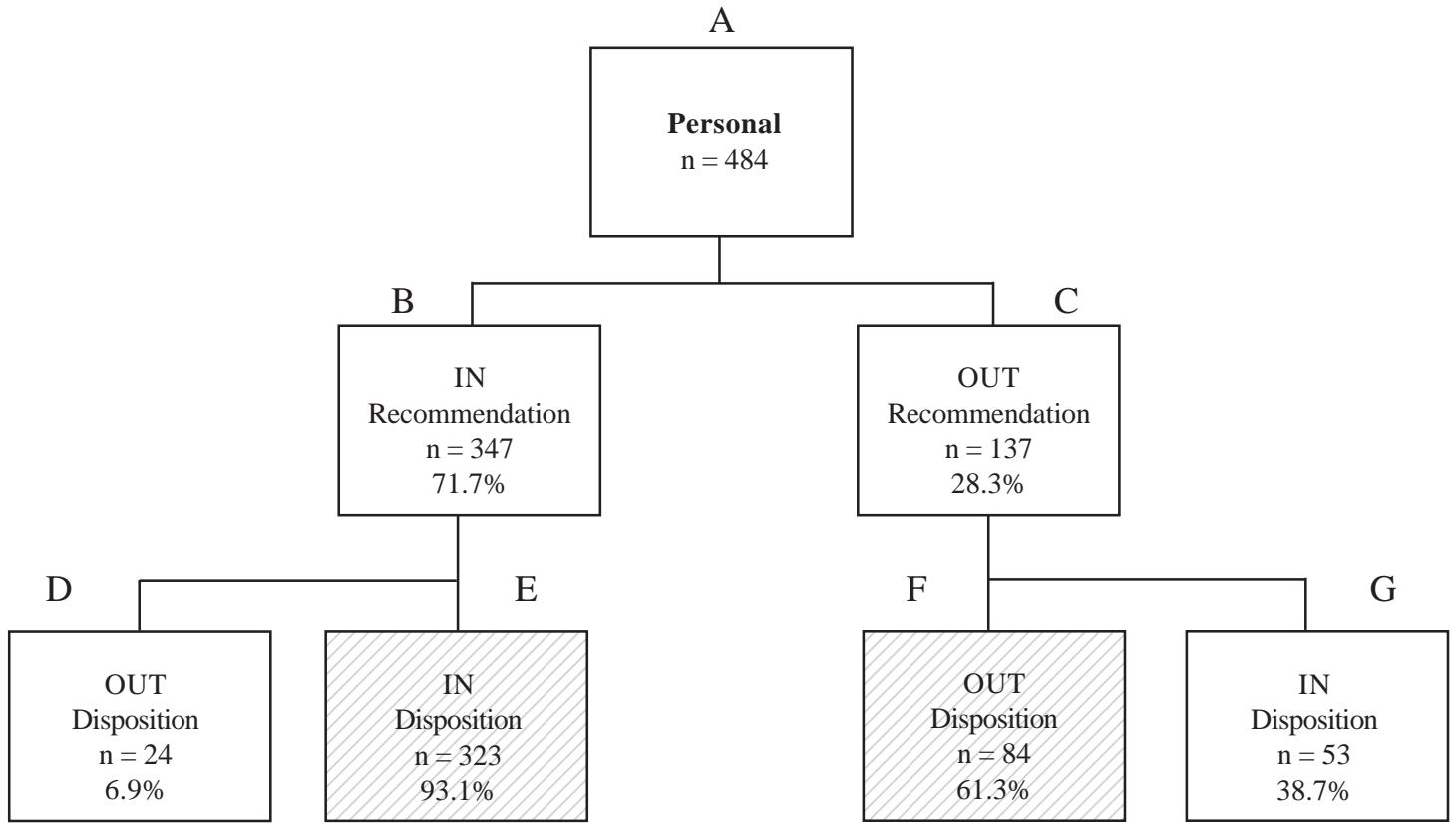


Figure 5.

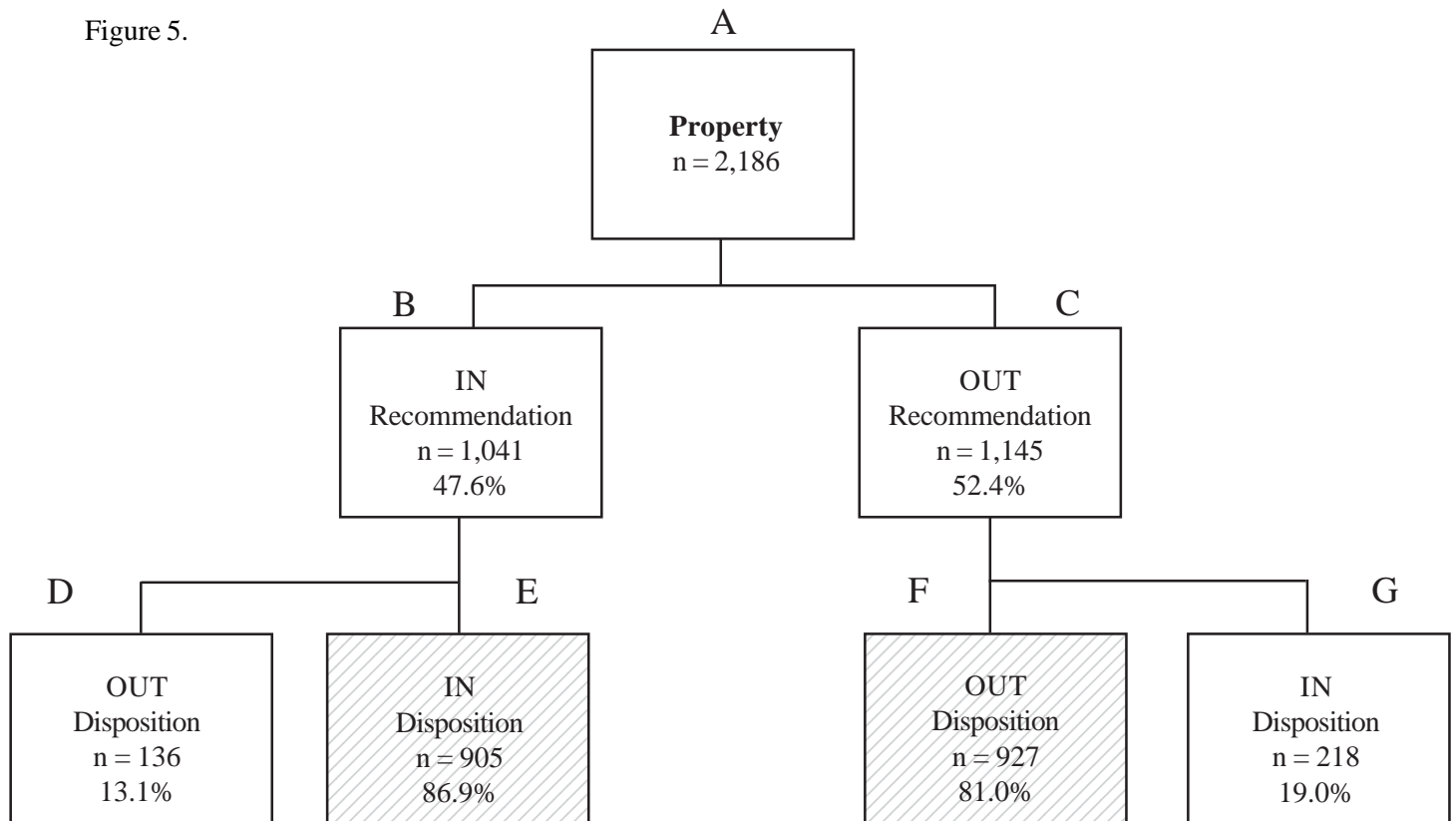


Figure 6.

Offense Category Compliance Flowcharts (Continued)

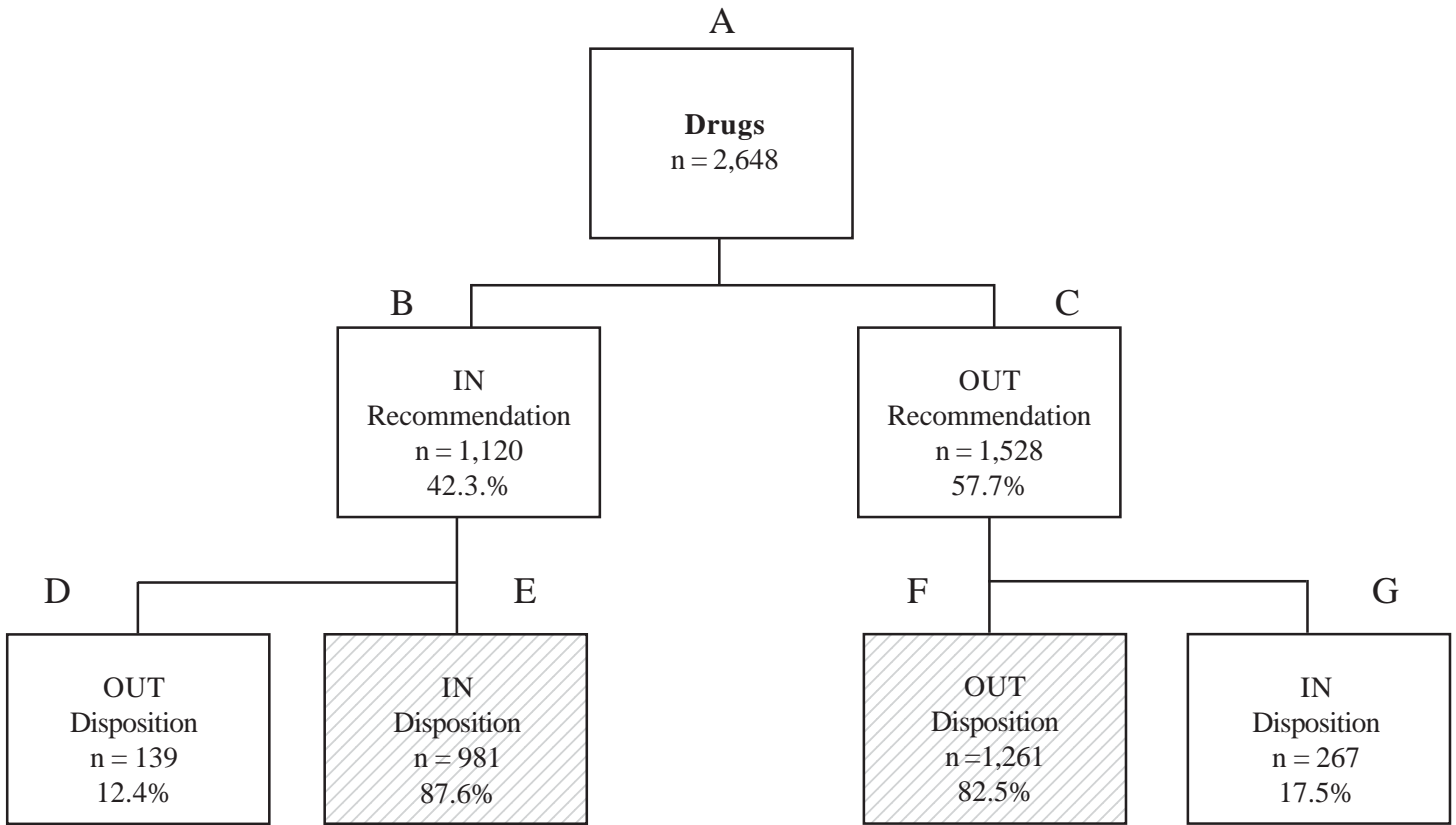


Figure 4 reports the In/Out compliance for the personal worksheet category, Figure 5 reports the In/Out compliance for the property worksheet category, and Figure 6 reports the In/Out compliance for the drug worksheet category.

The Personal worksheet has the highest compliance with “In” recommendations at 93 percent of offenders receiving a prison sentence for a corresponding “In” recommendation. The Drugs worksheet had 88 percent compliance with “In” recommendations while the Property worksheet had 87 percent compliance with “In” recommendations. The Personal worksheet, while having the highest compliance with “In” recommendations, had the lowest compliance with “Out” recommendations at 61 percent. The Property and Drugs worksheets had 81 and 83 percent compliance with “Out” recommendations, respectively.

Race & Gender Compliance Charts

Figures 7 and 8 provide statewide compliance with the Sentencing Standards by race and gender, respectively. Compliance data with the Standards show similar compliance rates for Black and White offenders. The “Other” category consists of a small number (n=48) of offenders representing numerous racial groups. While no large disparity is found in the compliance figures controlling for race, the overall compliance percentage for females is higher than for males.

Figure 7.

Race			
	Overall	In/Out	
Black	75.3%	85.6%	n=2,390
White	76.5%	83.1%	n=2,880
Other	75.0%	83.3%	n=48

Figure 8.

Gender			
	Overall	In/Out	
Female	82.6%	86.0%	n=1,108
Male	74.2%	83.8%	n=4,210

SENTENCE LENGTH COMPLIANCE

Sentence Length compliance is measured by comparing the term(s) of confinement to the recommended term(s) of confinement found on the Sentence Length sentencing worksheet. For an imposed direct/straight prison sentence, the length of imposed confinement is compared to the “straight” recommended sentence range found on the Sentence Length worksheet. For an imposed split sentence, the split portion *and* the total sentence lengths are compared to the split and straight Sentence Length recommended sentence ranges found on the Sentence Length worksheet. For a direct/straight sentence to be Sentence Length compliant, the imposed confinement must fall within the “straight” Sentence Length range found on the worksheet. For a split sentence to be Sentence Length compliant, the split portion of the sentence and the total length portion of the sentence must both be within the “straight” and “split” ranges found on the worksheet.

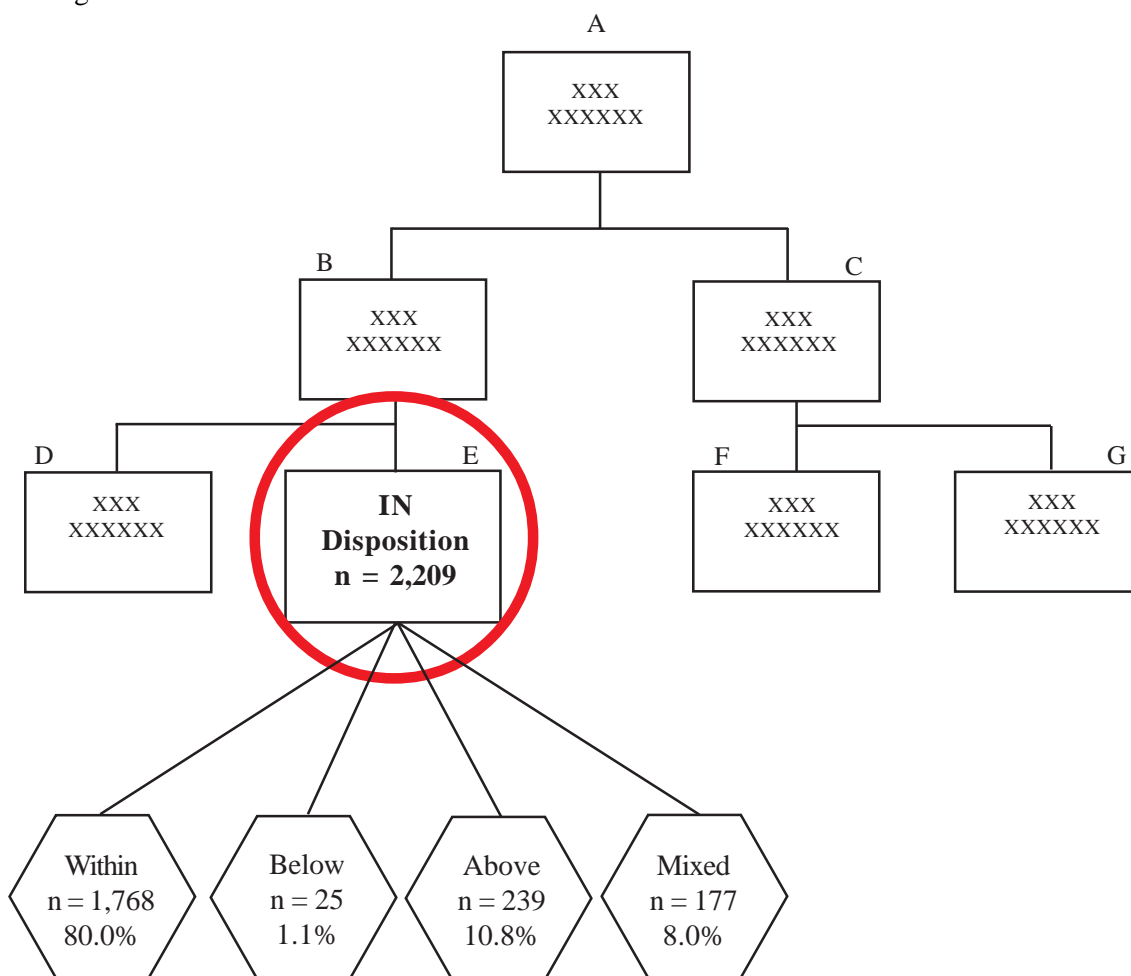
Sentence Length compliance is only reported for those sentencing events where the worksheet recommendation was “In” and the sentencing event also had a corresponding “In” disposition (those events located in Box E of the In/Out flowchart). 2,209 worksheet sentencing events received an “In” recommendation and an “In” sentence and are used to report sentence length compliance (those in Box E).

The diagram (Figure 9) on the following page displays statewide Sentence Length compliance using four categories - Within, Below, Above, and Mixed. The “Mixed” category is applicable only to split sentences when the different portions of the sentence (incarceration and total portions) are not consistent with each other. Instances when the incarceration portion is above the recommended range and the total portion is below the recommended range, or the incarceration portion is within the recommended range and the total range is above the recommended range are examples of split sentences that would fall in the “Mixed” category. If both the split and total portions are within, above, or below the worksheet sentence length recommendations, they would be categorized as such, if they are not, they are categorized as “Mixed”. 80 percent of eligible sentencing events were sentence length compliant, 11 percent of the sentencing events received sentences above the worksheet recommendations, 1 percent received sentences below the worksheet recommendations, and 8 percent fell in the “Mixed” category. The overwhelming majority of events in the “Mixed” category consisted of sentences when the incarceration portion of the split sentence fell within the recommendations, but the total sentence exceeded the recommendations.

The three pie charts, Figures 10, 11, and 12, display sentence length compliance for each worksheet offense category - Personal, Property, and Drugs, respectively. The three different worksheet offense categories have markedly different sentence length compliance patterns. Personal worksheet sentence length recommendations were followed in 77 percent of events, property worksheet sentence length recommendations were followed in 75 percent of events, and drug worksheet sentence length recommendations were followed in 86 percent of events.

Departures from the worksheet sentence length recommendations varied by worksheet offense category as well. 14 percent of all sentences imposed for personal and property offenses were above worksheet recommendations while only 7 percent of drug offense sentences exceeded the worksheet sentence length recommendations.

Figure 9.



Sentence Length Compliance

Figure 10.

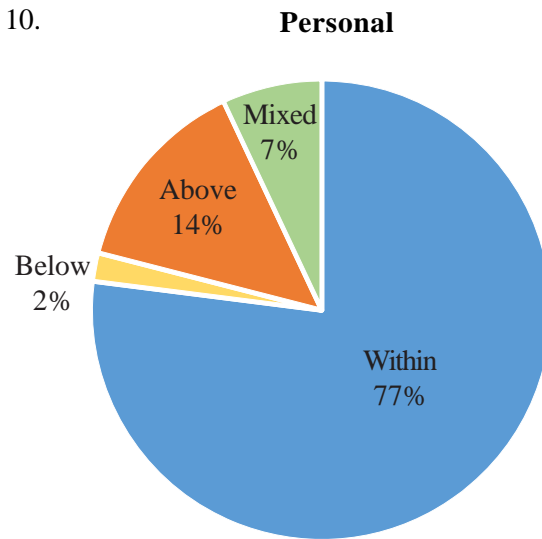


Figure 11.

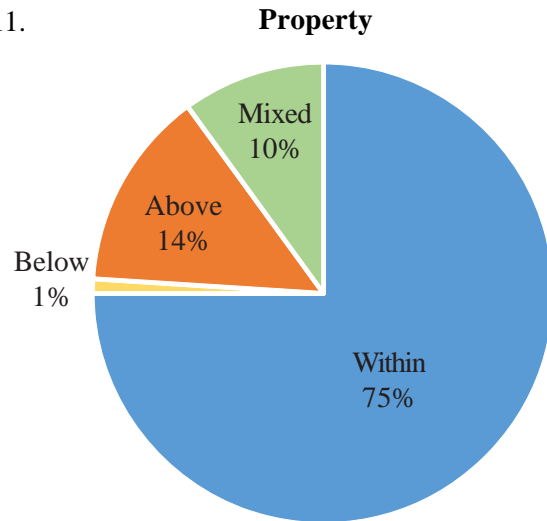
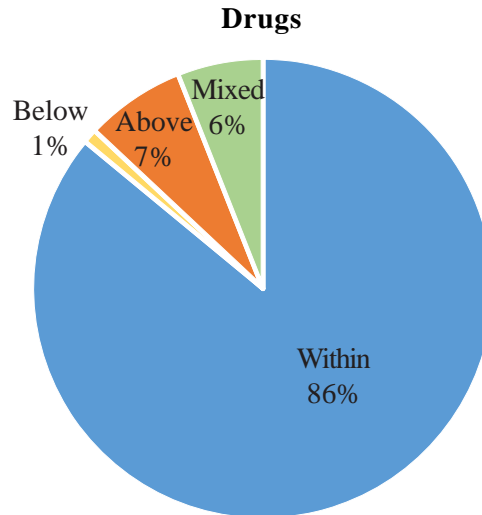


Figure 12.



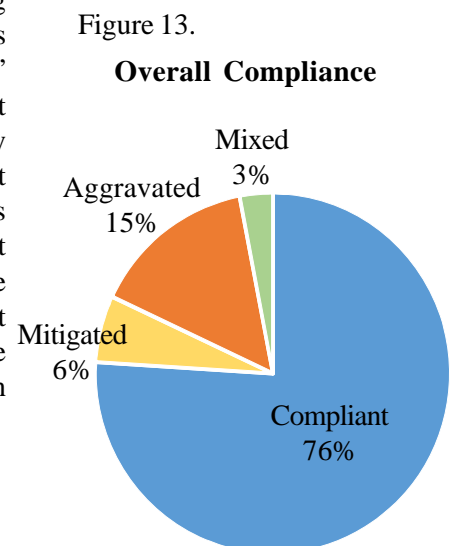
OVERALL COMPLIANCE

Overall compliance with the sentencing standards worksheet recommendations is achieved by conforming to the “In/Out” recommendation and the “Sentence Length” recommendation (when applicable). For the determination of compliance, voluntary sentencing event sentence length recommendations are only applicable when the worksheets recommend “In” *and* an “In” sentence is imposed – those events located in Box E of the In/Out flowchart (Figure 4, and those burglary offenses located within Figure 5 as well).

Consider the following examples for clarification:

- If the personal or burglary worksheet recommendation (voluntary) is “Out”, the sentence length recommendation is not applicable for compliance purposes. If in this example, an “Out” sentence was imposed, this event would be overall compliant. If however an “In” sentence was imposed, this event would be overall non-compliant. If the drug or non-burglary property worksheet recommendation (presumptive) is “Out” the sentence length recommendation is applicable for sentence length compliance;
- If the worksheet recommendation is “In” for either a voluntary or presumptive sentencing event, and an “Out” sentence is imposed, this event would be overall non-compliant. If in this example, an “In” sentence was imposed and the sentence was not within the sentence length recommendation(s), this event would also be overall non-compliant. If using this same scenario, an “In” sentence was imposed and the sentence was within the sentence length recommendation(s), this event would be classified as overall compliant.

Overall compliance statewide is displayed in graphical format in Figure 13. All valid received worksheets are categorized into one of the categories in the pie chart. Overall compliance was realized in 76 percent of sentencing events. Approximately 15 percent of the events were categorized as “Aggravated”, meaning either an “In” sentence was imposed on an “Out” recommendation or the sentence imposed exceeded the worksheet recommendations for “In” recommendations. The “Mitigated” category was significantly smaller than the “Aggravated” category – only 6 percent of events were “Mitigated”. This category is comprised of “Out” sentences imposed on “In” recommendations and sentences that were imposed that fell below the worksheet recommendations for “In” recommendations. The Mixed category (exclusive to splits) contained 3 percent of all worksheet sentencing events – the majority of these events were instances when the incarceration portion of the sentence complied with the recommendation but the total sentence exceeded the sentence length recommendation.



Who is in our Prisons - Top 25

Figure 14.

In-House Population on October 17, 2016

Nearly Two-Fifths of the Prison Population Committed Capital Murder or Murder, Rape 1st or Robbery 1st

Murder	1	3,465
Robbery 1st	2	3,353
Rape 1st	3	1,105
Capital Murder	4	979
Burglary 1st	5	970
Distribution of Controlled Substance	6	918
Burglary 3rd	7	885
Possession of Controlled Substance	8	804
Theft of Property 1st	9	730
Attempted Murder	10	714
Manslaughter	11	698
Sodomy 1st	12	514
Robbery 3rd	13	510
Trafficking Drugs	14	503
Assault 1st	15	448
Manufacturing Controlled Substance 1st	16	433
Manufacturing Controlled Substance 2nd	17	413
Robbery 2nd	18	393
Burglary 2nd	19	384
Assault 2nd	20	350
Receiving Stolen Property 1st	21	326
Rape 2nd	22	325
Sexual Abuse 1st	23	306
Breaking/Entering a Vehicle	24	298
Sexual Abuse of Child < 12 years	25	291

Top 25 Offenses 20,115

Other Offenses 3,222

Total In-House Population 23,337

Figure 15.

In-House Population Offense Category

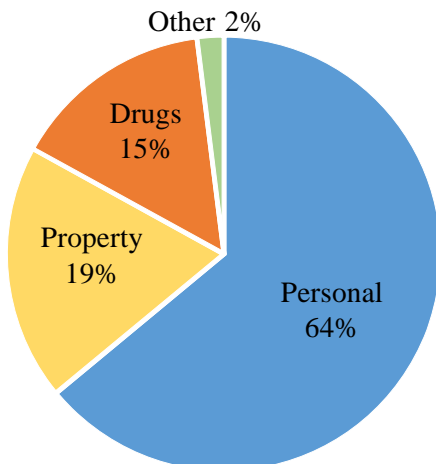
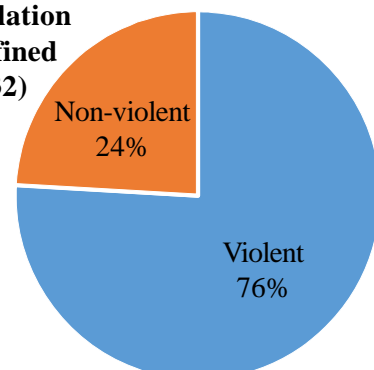


Figure 16.

In-House Population (Violent as defined in § 12-25-32)

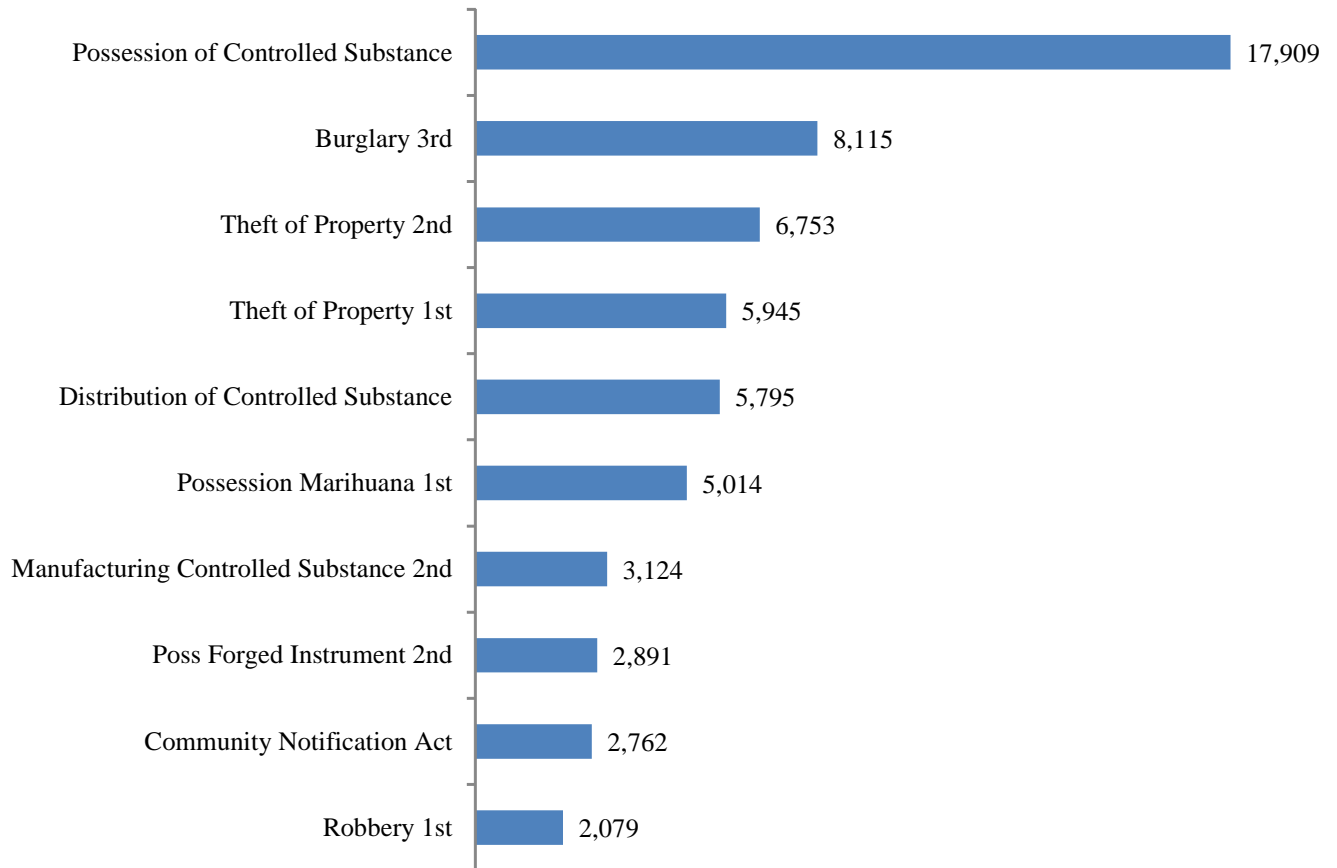


Most Frequent Felony Offense at Conviction

Possession of a Controlled Substance convictions greatly outnumber any other felony conviction over the past five years.

Figure 17.

Most Frequent Felony Offense at Conviction - Top 10 October 1, 2010 - September 30, 2015



Most Frequent Felony Offense at Conviction - Top 25**Overall Convictions Down Slightly**

The total number of offenders convicted of a felony offense fell three percent from the number convicted in the previous year. One out of every five (20%) felony offenders was convicted for Unlawful Possession of a Controlled Substance. Violations of the Community Notification Act stayed the same and remain as the 7th most convicted felony in the State.

Figure 18.

**Most Frequent Felony Offense at Conviction
October 1, 2012 - September 30, 2015**

	FY13		FY14		FY15	
Possession of Controlled Substance	1	3,353	1	3,431	1	3,556
Burglary 3rd	2	1,583	2	1,512	2	1,386
Theft of Property 2nd	3	1,375	3	1,385	3	1,320
Theft of Property 1st	4	1,130	4	1,311	4	1,162
Distribution of Controlled Substance	5	1,070	5	1,162	5	1,092
Possession Marihuana 1st	6	967	6	887	6	901
Community Notification Act	9	568	7	576	7	576
Poss Forged Instrument 2nd	8	578	9	531	8	477
Manufacturing Controlled Substance 2nd	7	579	8	559	9	433
Robbery 1st	13	394	11	387	10	431
Assault 2nd	11	415	10	449	11	396
Breaking/Entering a Vehicle	10	421	12	381	12	353
Receiving Stolen Property 1st	15	317	13	364	13	342
Fraud/Illegal Use Debit/Credit Card	14	362	15	303	14	340
Receiving Stolen Property 2nd	12	403	14	318	15	329
Obstruct Justice-False Identity	16	267	16	290	16	265
Robbery 3rd	17	260	17	273	17	246
Manufacturing Controlled Substance 1st	18	213	18	263	18	220
Burglary 2nd	20	165	20	158	19	166
Robbery 2nd	19	180	19	160	20	164
Trafficking Drugs	21	145	22	149	21	157
Assault 1st	22	140	23	148	22	131
Murder	24	126	21	154	23	121
Manslaughter		93		103	24	118
Escape 3rd		87	25	111	25	112
Forgery 2nd	23	136	24	121		
Attempt - Possession of Controlled Substance	25	110				
Top 25 Offenses		15,252		15,383		14,794
Other Offenses		2,731		2,904		2,981
Total Most Serious Felony Offense Convictions		17,983		18,287		17,775

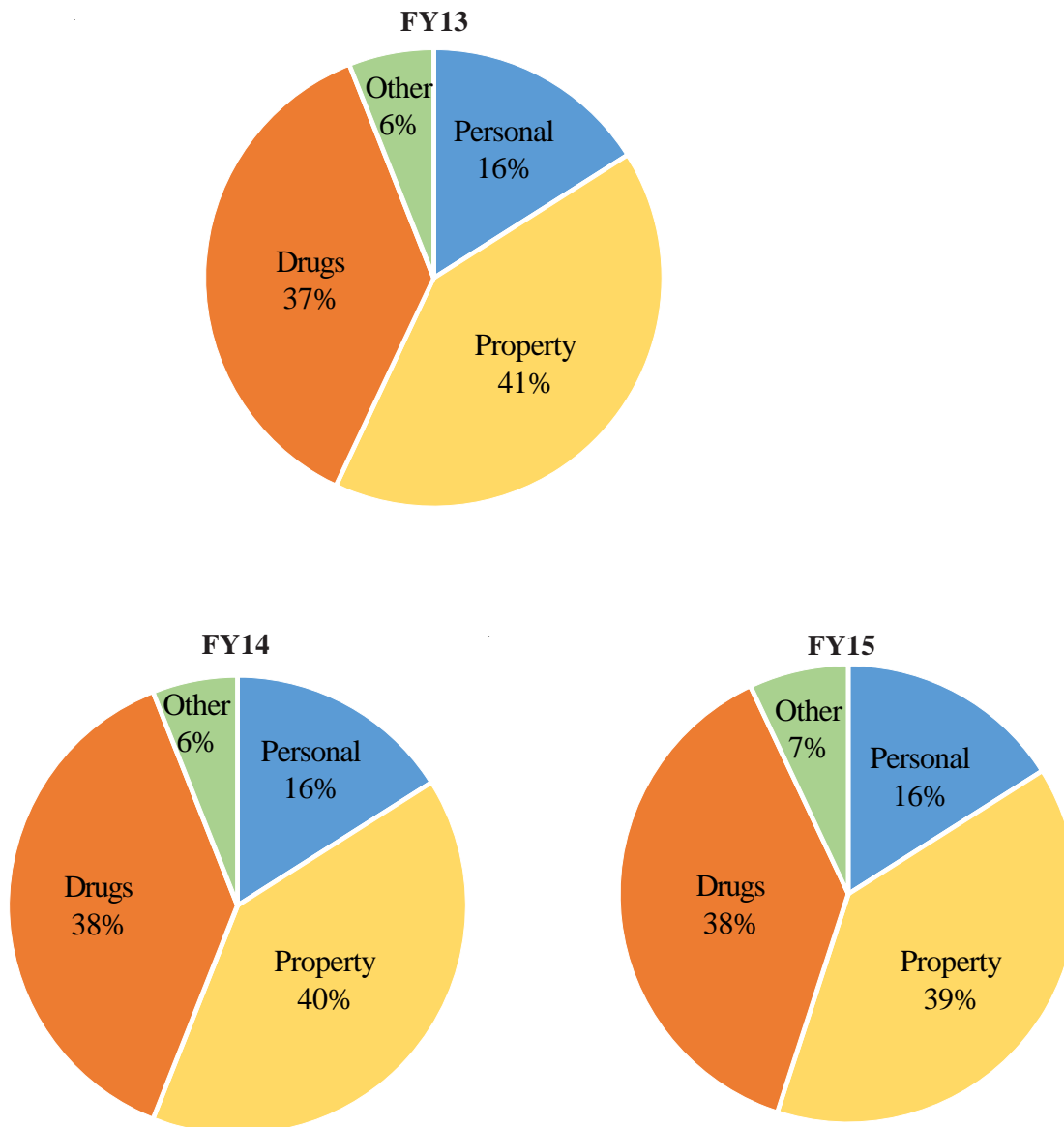
Type of Most Frequent Felony Offense at Conviction

Property offenses continue to account for the largest category of felony convictions. The distribution of felony offenses changed little last year.

Figure 19.

**Most Frequent Felony Offense at Conviction
Offense Category
October 1, 2012 - September 30, 2015**

**Property Convictions are
Largest Category of Felony
Convictions**



Drug Convictions

Possession of Controlled Substance Convictions Account for over One-Half of all Drug Convictions

The overall number of drug convictions dropped slightly since last year.

Figure 20.

**Most Frequent Offense at Conviction
Drug Offenses
October 1, 2012 - September 30, 2015**

	FY13	FY14	FY15
Possession of Controlled Substance	1 3,353	1 3,431	1 3,556
Distribution of Controlled Substance	2 1,065	2 1,162	2 1,092
Possession Marihuana 1st	3 967	3 887	3 901
Manufacturing Controlled Substance 2nd	4 579	4 559	4 433
Manufacturing Controlled Substance 1st	5 213	5 263	5 220
Trafficking Drugs	6 145	6 149	6 157
Precursor Chemical - Sale/Poss	8 104	8 80	7 86
Attempt - Possession of Controlled Substance	7 110	7 109	8 83
Top Drug Offenses	6,536	6,640	6,528
Other Drug Offenses	172	251	252
Total Drug Offenses	6,708	6,891	6,780

Type of Trafficking Convictions

Trafficking Convictions Still Down from FY12 Total Which Exceeded 200 Convictions

Figure 21.

**Most Frequent Drug Trafficking Convictions
Drug Type
October 1, 2012 - September 30, 2015**

	FY13	FY14	FY15
Trafficking - Marihuana	44	53	55
Trafficking - Methamphetamine	25	32	37
Trafficking - Cocaine	41	32	25
Trafficking - Heroin	7	5	16
Trafficking - Illegal Drugs	26	23	15
Other	2	4	9
Total Most Serious Felony Offense Convictions for Trafficking	145	149	157

Prison Admissions - Top 25

Jurisdictional admissions to the Department of Corrections dropped in FY15.

Jurisdictional Admissions to ADOC Fell Slightly

Figure 22.

Prison Admissions for New Offenses October 1, 2012 - September 30, 2015

	FY13		FY14		FY15	
Possession of Controlled Substance	1	951	1	957	1	891
Distribution of Controlled Substance	2	703	2	728	2	689
Burglary 3rd	3	693	3	721	3	635
Robbery 1st	5	463	5	487	4	516
Theft of Property 1st	4	487	4	568	5	464
Theft of Property 2nd	8	288	6	382	6	322
Poss Marihuana 1st	6	339	7	285	7	265
Manufacturing of Controlled Substance 2nd	7	310	8	268	8	252
Manufacturing of Controlled Substance 1st	10	223	9	264	9	242
Receiving Stolen Property 1st	11	189	14	157	10	191
Breaking/Entering a Vehicle	9	225	13	158	11	188
Assault 2nd	13	180	10	180	12	173
Poss Forged Instrument 2nd	12	182	15	149	13	166
Murder	15	143	11	164	T14	140
Community Notification Act Violations	16	133	19	121	T14	140
Robbery 3rd	14	172	12	162	16	133
Burglary 1st	22	96	21	103	17	130
Burglary 2nd	21	103	16	139	18	127
Trafficking Drugs	18	128	18	122	19	124
Robbery 2nd	17	132	17	131	20	118
Assault 1st	T19	119	20	113	21	117
Poss Fraud Use of Credit/Debit Card	T19	119		56	22	110
Manslaughter	T24	77	22	99	23	96
Receiving Stolen Property 2nd	23	93	23	89	24	82
Rape 2nd	T24	77	25	62	25	78
Sexual Abuse of Child < 12 years			24	66		
Top 25 Offenses		6,625		6,675		6,389
Other Offenses		1,033		1,095		1,159
Total Prison Admissions for New Offenses		7,658		7,770		7,548

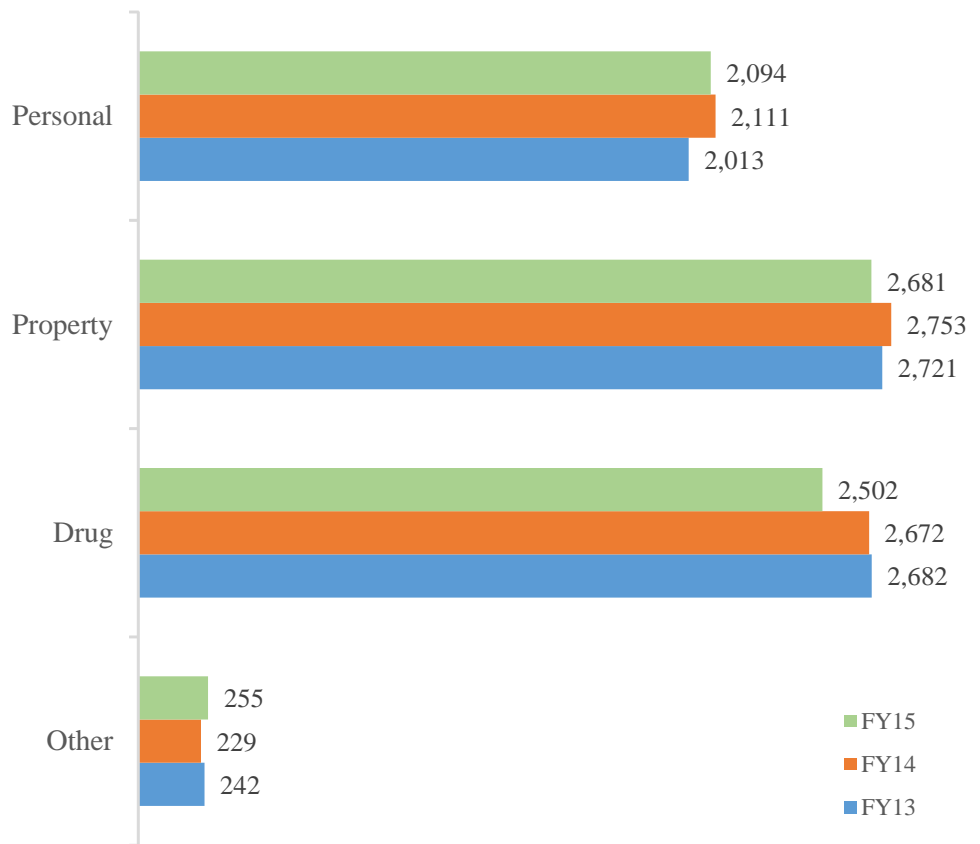
Prison Admissions for New Offenses by Offense Category

Jurisdictional Admissions to ADOC Dropped for Drug Offenses

Jurisdictional admissions to the Department of Corrections for property and drug offenses fell in FY15.

Figure 23.

**Prison Admissions for New Offenses
Offense Category
October 1, 2012 - September 30, 2015**

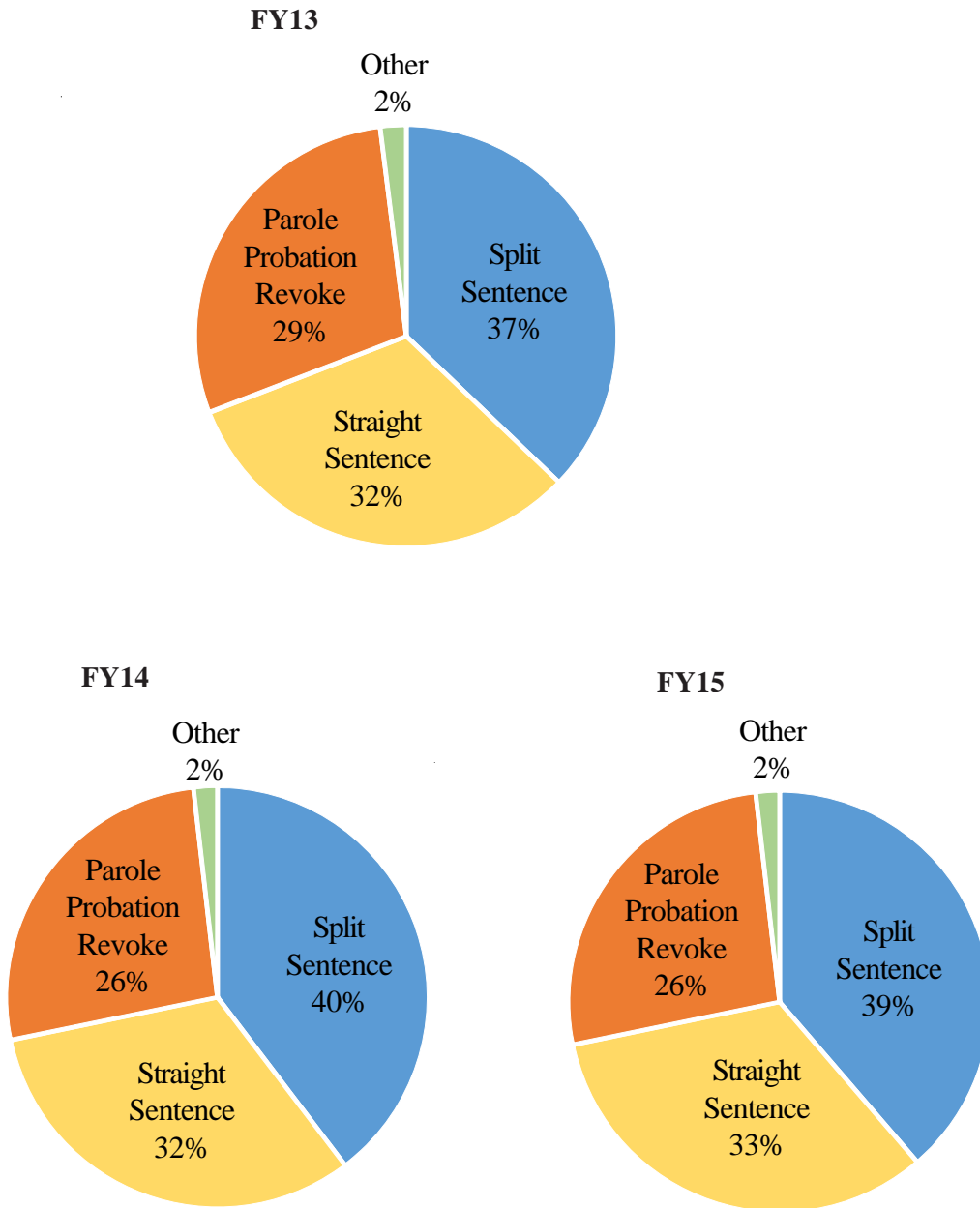


Prison Admissions by Type of Admission

Figure 24.

Prison Admissions (all admissions)
Type of Admission
October 1, 2012 - September 30, 2015

**Split Sentences Remain
Most Common Sentence
Type**



Prison Releases - Top 25

**Jurisdictional Releases
from ADOC Down
Slightly**

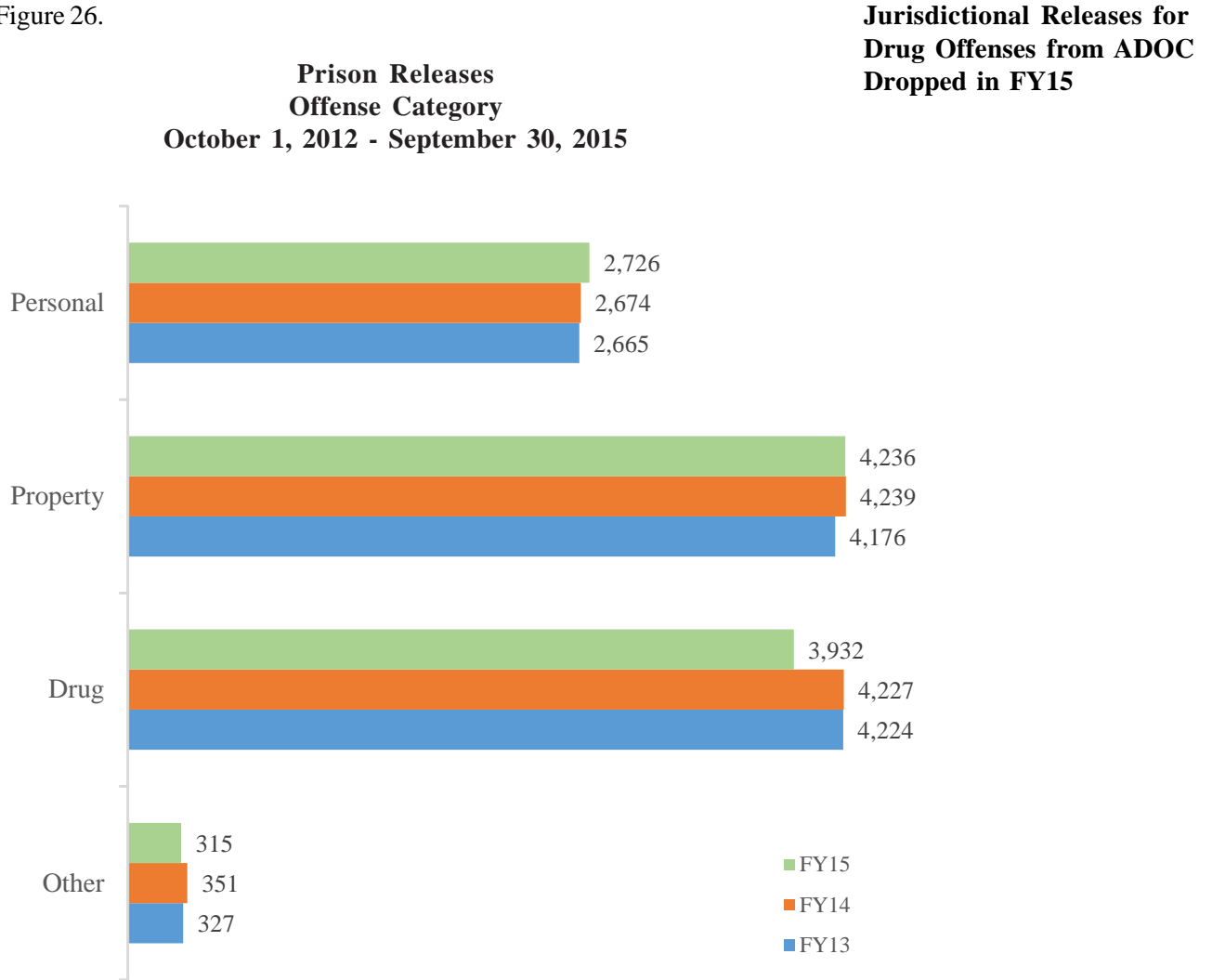
Figure 25.

**Prison Releases
October 1, 2012 - September 30, 2015**

	FY13	FY14	FY15
Possession of Controlled Substance	1 1,593	1 1,648	1 1,410
Burglary 3rd	2 1,077	2 1,191	2 1,054
Distribution of Controlled Substance	3 998	3 1,037	3 1,031
Theft of Property 1st	4 758	4 832	4 790
Robbery 1st	5 696	5 698	5 661
Manufacturing of Controlled Substance 2nd	7 469	8 437	6 473
Theft of Property 2nd	8 392	6 542	T7 445
Poss Marihuana 1st	6 518	7 519	T7 445
Breaking/Entering a Vehicle	9 357	13 243	9 337
Receiving Stolen Property 1st	11 295	11 268	10 302
Manufacturing of Controlled Substance 1st	10 336	9 306	11 300
Poss Forged Instrument 2nd	13 269	15 224	12 276
Robbery 3rd	14 261	10 298	13 273
Assault 2nd	12 278	12 252	14 251
Robbery 2nd	16 179	18 180	15 209
Trafficking Drugs	15 255	14 231	16 207
Poss Fraud/Use of Credit/Debit Card	19 158	25 93	17 172
Community Notification Act Violations	18 161	16 191	18 162
Murder	T20 140	22 137	19 161
Burglary 2nd	17 166	17 185	20 160
Burglary 1st	T22 138	21 147	21 158
Assault 1st	24 133	19 155	22 145
Receiving Stolen Property 2nd	T20 140	20 151	23 134
Manslaughter	T22 138	23 108	24 122
Rape 2nd	25 121	24 99	25 92
Top 25 Offenses	10,026	10,172	9,770
Other Offenses	1,366	1,332	1,447
Total Prison Releases	11,392	11,504	11,217

Prison Releases by Offense Category

Figure 26.

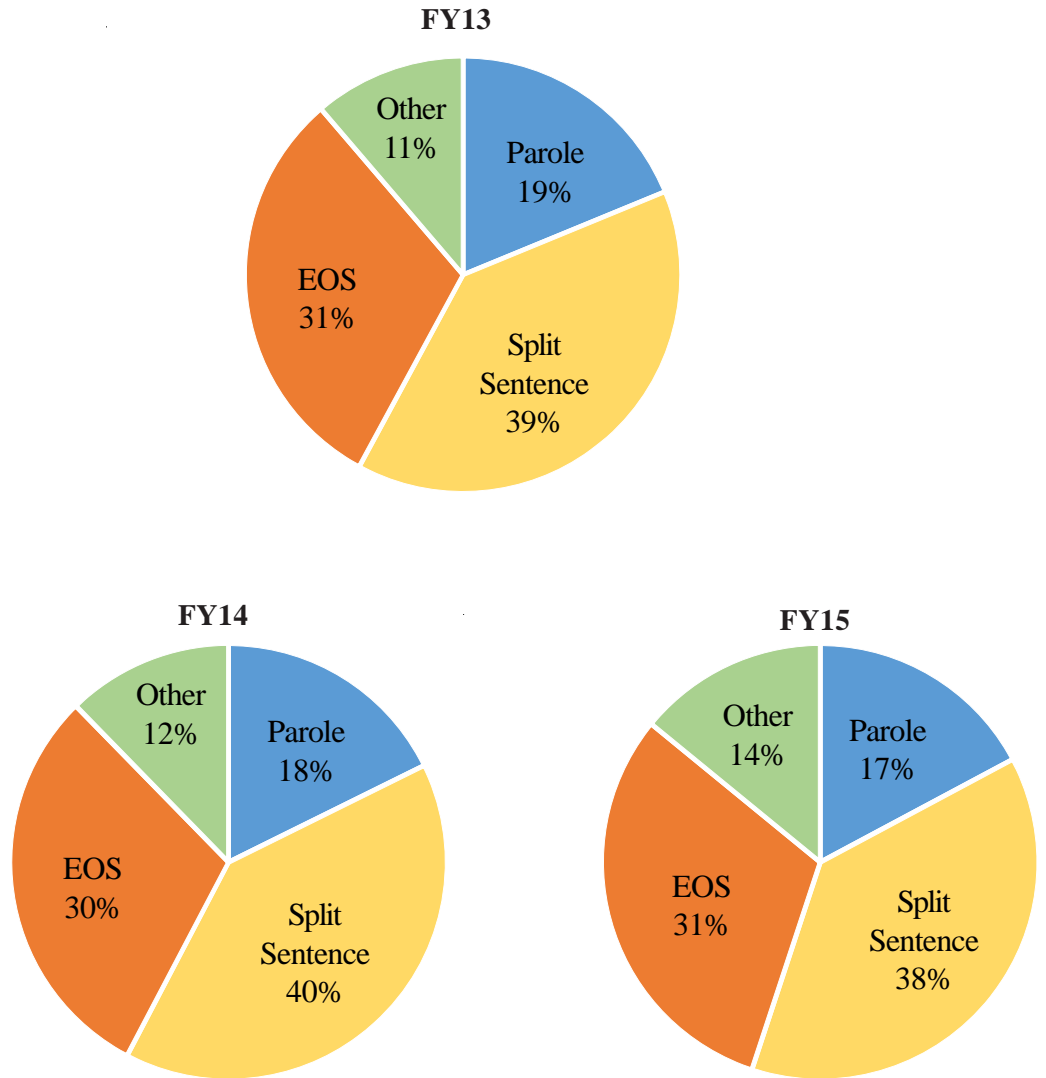


Prison Releases by Type

**Split Sentence Release
Remains Largest Release
Category**

Figure 27.

**Prison Releases
Type of Release
October 1, 2012 - September 30, 2015**



Prison Releases by Type

Figure 28.

The Number of Releases by Type of Release is Variable on a Monthly Basis

