



2018 Annual Report

ALABAMA SENTENCING COMMISSION



ALABAMA SENTENCING COMMISSION

2018 Report

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Acknowledgements

The Alabama Sentencing Commission takes this opportunity to extend its sincere appreciation to the various criminal justice agencies, departments and state and local officials for the invaluable assistance and support they have provided to the Sentencing 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 Sentencing Commission to focus on its number one priority – public safety.

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

Governor Kay Ivey

Chief Justice Lyn Stuart

Del Marsh, President Pro Tempore, Alabama Senate

Cam Ward, Chair, Senate Judiciary Committee

The Alabama Senate

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

Jim Hill, Chair, House Judiciary Committee

Mike Jones, Chair, House Rules Committee

The Alabama House of Representatives

Joseph A. Colquitt, Chairman of the Sentencing Commission

Randy Helms, Administrative Director of Courts

Administrative Office of Courts and staff

Court of Criminal Appeals

Alabama Circuit and District Judges' Associations

Attorney General Steve Marshall

The Alabama Department of Corrections and staff

The Alabama Board of Pardons and Paroles and staff

The Alabama District Attorneys Association/Office of Prosecution Services

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

The National Association of Sentencing Commissions

Alabama Association of Community Corrections

Alabama Lawyer's Association

The Alabama 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.

**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
Dave White, Senior Policy Advisor
Governor's Office

Chris Green, Chairman
Blount County Commission

Steve Searcy
Victims' Advocate

Barbara Houts
Victims' Advocate

Attorney General Appointment
Michael Dean, Assistant Attorney General

**President of the Alabama District Attorneys' Association
Appointments**

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

**President of the Alabama Association of Circuit Court Judges'
Appointments**

P.B. McLaughlin, 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 Jim Hill, House District 50

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, Birmingham, 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

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

Joel Sogol, Esquire
Tuscaloosa, AL

Advisory Council

Circuit Judge J. William Cole
10th Judicial Circuit

Eddie Cook, Associate Director
Alabama Board of Pardons and Paroles

Deborah Daniels
Alabama Department of Corrections Appointee

Terry Davis
Chief of Police, Boaz, AL

Doris Dease
Victim Advocate

Denis Devane
Shepherd's Fold

Bill Franklin
Sheriff, Elmore County

Nelson Gregory
Chief of Police, Geraldine, AL

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

Beau Brown, General Counsel
Office of Prosecution Services

Circuit Judge J. William Cole
10th Judicial Circuit

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

Michael Dean, Assistant Attorney General
Office of the Attorney General

Jefferson Dunn, Commissioner
Alabama Department of Corrections

Circuit Judge John England
6th Judicial Circuit

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

Jim Hill, Chair
House Judiciary Committee

Circuit Judge David Kimberly
16th Judicial Circuit

Jill Lee, District Attorney
18th Judicial Circuit

Alyia McKee, Public Defender
Montgomery County

Retired Circuit Judge P. B. McLaughlin
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

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

Chris Green
Blount County Commission

Lou Harris
Faulkner University

Jim Hill
House Judiciary Committee

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Angeline Sperling
Alabama Lawyers Association

Cam Ward
Senate Judiciary Committee

Dave White
Governor's Office

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

The Alabama Sentencing Commission's 2018 Annual Report highlights the work of the Commission over the previous year and reports on the activity in Alabama's court system with felony convictions. Fulfilling the Alabama Sentencing Commission's statutory obligation, on behalf of the Commission members and staff, I am proud to present you the Commission's 2018 Annual Report.

In the last five years, Alabama's criminal justice system has experienced two very large transformations. Both of these changes have altered felony criminal sentencing beginning with a transition to presumptive sentencing for select non-violent offenses in 2013, and then the creation of a new level of felony, changes to the "split" law, and new requirements for how certain offenses are to be sentenced that became effective in 2016.

Training and assisting in the implementation of the large-scale changes to Alabama criminal law have been, and continue to be, priorities for the Alabama Sentencing Commission in an effort to make the criminal justice system more fair, effective and efficient. Providing educational opportunities for judges, prosecutors, defense lawyers, probation and parole officers, community corrections personnel, and law enforcement across the State remain a priority for the Alabama Sentencing Commission. Public safety continues to be the number one objective and is always the focus of any activity of the Commission. The successful implementation of any policy rests on quality training for everyone involved, and responding to additional needs for extra educational efforts.

The Commission was pleased to take part in a comprehensive effort to improve how data is shared and reported this past year. Commission staff spearheaded this effort bringing together staff from the Alabama Department of Corrections, Alabama Board of Pardons and Paroles and the Administrative Office of Courts to discuss best practices to more effectively share criminal justice information and report information central to critical pieces of legislation.

Alabama's persistent struggles with criminal justice and court funding coupled with the overcrowding issues in the State's prisons emphasize the need to continue an empirical based approach to formulate solutions. The Alabama Sentencing Commission continues to research and evaluate the State's criminal justice information to improve the system, and make sure the safety of the public remains the top priority.

Sincerely,

Joseph A. Colquitt, Chair
Alabama Sentencing Commission

Executive Summary

Training, Implementation and Progress

Alabama has seen two large criminal justice changes in just five years - a transition to presumptive sentencing for non-violent offenses, and omnibus criminal justice legislation that further changed sentencing law and policy in addition to vast changes in parole, community supervision, and responses to violations of community supervision. The Alabama Sentencing Commission continues to train extensively across the State on these important changes to Alabama law and policy and monitor implementation to measure effectiveness and identify areas that need strengthened.

The Commission was proud to be involved in an effort to improve the data reporting process involving the courts, the Department of Corrections and the Alabama Board of Pardons and Paroles. A new collection of laws and policies required new data reporting efforts and a review and improvement of existing data systems and the ability to share information. The culmination of this effort was a substantial change to monthly reports published by the Alabama Department of Corrections focused at reporting information on recent changes to sentencing laws in Alabama. The work of this group will also help in future data sharing efforts as the State continues to find ways to use data to make criminal justice decisions.

Sentencing Standards and Criminal Justice Information

Compliance with the Sentencing Standards remains encouraging. The Presumptive Standards continue to demonstrate high compliance rates, but overall compliance for Presumptive and Voluntary Sentencing Standards reveal a high level of compliance as well. The number of felons convicted in State courts remained the same as the previous year and there have been no noticeable changes in the crimes of conviction.

Due to a catastrophic computer failure in the summer of 2017, the Alabama Department of Corrections was unable to enter time computation, conviction(s), admission/release type, and most other data related to inmate sentencing. Although the department was able to transition to a new system and eventually enter the backlog of this data, development of bridging software necessary to transport this data to the Sentencing Commission is still on-going. This data is projected to be available Spring 2018.

Chapter 1: 2017 - Year in Review

The State of Alabama has witnessed major criminal justice reform in a short period of time. In approximately five years, Alabama has passed two significant pieces of criminal justice legislation and seen these laws and policies adopted across the State. The Alabama Sentencing Commission has been central to the reform efforts of both pieces of major legislation and has spent much of the past five years working to make both successful.

Act 2012-473 contained numerous provisions including directing the Alabama Sentencing Commission to make necessary modifications to the Sentencing Standards to transition from voluntary sentencing to presumptive sentencing for non-violent offenses October 1, 2013. This shift from complete discretionary sentencing to a more structured sentencing approach was the first large piece of criminal justice reform since the advent of the Sentencing Standards in 2006. Act 2015-185 was omnibus legislation that not only made changes to sentencing laws, but also contained provisions aimed at strengthening community supervision (probation, parole, and community corrections), prioritizing prison space for violent and dangerous offenders, and ensuring supervision for everyone released from prison. Major provisions of Act 2015-185 required substantial changes to both the Presumptive and Voluntary Sentencing Standards.

Many of the provisions associated with Act 2015-185 had different effective dates so training early after passage prioritized components that went into effect immediately. The need for training on the Presumptive Sentencing Standards and subsequent changes resulting from Act 2015-185 remains and the Alabama Sentencing Commission and the Board of Pardons and Paroles continue to regularly train and answer questions on the laws and policies. The changes in the past five years have substantially altered the day-to-day jobs of judges, prosecutors, defense lawyers, probation and parole officers, and community corrections personnel across the State. Training and follow-up trainings, either as refreshers or as training for new hires, remain essential to ensuring the provisions of both Acts are implemented correctly.

In the past year, the Alabama Sentencing Commission has invested in continued training throughout the State implementing major provisions with sentencing and community supervision changes. The omnibus legislation (Act 2015-185) required lengthy trainings that covered many different components of criminal law and community supervision and responses to violations of community supervision.

Another major accomplishment for the Alabama Sentencing Commission, the Alabama Department of Corrections, the Administrative Office of the Courts, and the Alabama Board of Pardons and Paroles was the work of the Data Monitoring and Information Sharing Subcommittee chaired by Melisa Morrison of the Alabama Sentencing Commission. This Subcommittee was formed at the direction of the Alabama Criminal Justice Oversight and Implementation Council to monitor implementation of Act 2015-185. The Subcommittee brought together employees from the

different agencies mentioned above to develop a plan to effectively measure and report important metrics pertaining to Act 2015-185. The members of the subcommittee reviewed voluminous amounts of data and discussed programming, data architecture, and information sharing while deliberating on the best way to modify existing practices. Substantial changes were made to monthly reports authored by the Alabama Department of Corrections that capture changes to law pursuant to Act 2015-185 including Class D felony information and responses to technical violations of probation and parole.

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.

For fiscal year 2016, the Commission received *valid* worksheets in 30 percent of applicable cases, but the total number of worksheets received was significantly higher. Numerous issues have been identified that resulted in a significant number of worksheets not being received by the Alabama Sentencing Commission that should have been received and counted as valid worksheets. Addressing these problems will be a priority of Commission staff in the coming year.

The most common issues resulting in worksheets not being counted as *valid* worksheets include electronic submission of worksheets for a conviction offense that is not consistent with the offense of conviction in the court system database and worksheets received for a less serious offense than the most serious offense in the court system database. Commission staff continue to rectify issues with worksheets that were properly filled out and submitted that are valid worksheets, but were never received by the Commission due to confidentiality records process between the court system and the Commission. In certain areas of the State, more worksheets are completed than the total number of worksheet sentencing events because worksheets are filled out prior to conviction, and many cases result in some form of pre-trial diversion or are nol prossed or dismissed.

Figure 1 displays the fiscal year 2016 number of total received worksheets 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, 2015-September 30, 2016**

	Worksheet Sentencing Events	Total Received Worksheets for Sentencing Events	Valid Received Worksheets for Sentencing Events	% of Worksheets Sentencing Events with Valid Received Worksheets
Autauga	122	83	48	39.3%
Baldwin	459	420	161	35.1%
Barbour	59	0	0	0.0%
Bibb	34	0	0	0.0%
Blount	104	90	35	33.7%
Bullock	11	0	0	0.0%
Butler	69	89	36	52.2%
Calhoun	484	253	122	25.2%
Chambers	160	0	0	0.0%
Cherokee	94	0	0	0.0%
Chilton	118	157	93	78.8%
Choctaw	28	22	9	32.1%
Clarke	35	37	12	34.3%
Clay	38	0	0	0.0%
Cleburne	65	37	15	23.1%
Coffee	149	116	42	28.2%
Colbert	161	69	35	21.7%
Conecuh	12	18	8	66.7%
Coosa	26	0	0	0.0%
Covington	175	0	0	0.0%
Crenshaw	16	24	10	62.5%
Cullman	289	0	0	0.0%
Dale	101	111	57	56.4%
Dallas	74	0	0	0.0%
Dekalb	172	0	0	0.0%
Elmore	218	294	142	65.1%
Escambia	186	0	0	0.0%
Etowah	416	567	276	66.3%
Fayette	42	0	0	0.0%
Franklin	69	0	0	0.0%
Geneva	69	123	44	63.8%
Greene	17	13	7	41.2%
Hale	27	1	0	0.0%
Henry	70	0	0	0.0%

Figure 1. (Continued)

**Sentencing Standards Worksheets Received
October 1, 2015-September 30, 2016**

	Worksheet Sentencing Events	Total Received Worksheets for Sentencing Events	Valid Received Worksheets for Sentencing Events	% of Worksheets Sentencing Events with Valid Received Worksheets
Houston	520	0	0	0.0%
Jackson	138	175	79	57.2%
Jefferson	1,777	1,947	445	25.0%
Lamar	60	0	0	0.0%
Lauderdale	234	0	0	0.0%
Lawrence	97	200	59	60.8%
Lee	347	220	168	48.4%
Limestone	189	226	123	65.1%
Lowndes	18	24	12	66.7%
Macon	44	36	17	38.6%
Madison	1,078	556	225	20.9%
Marengo	46	48	23	50.0%
Marion	99	154	60	60.6%
Marshall	264	3	1	0.4%
Mobile	1,350	1,584	681	50.4%
Monroe	49	84	37	75.5%
Montgomery	555	61	29	5.2%
Morgan	284	407	213	75.0%
Perry	12	0	0	0.0%
Pickens	95	0	0	0.0%
Pike	104	81	44	42.3%
Randolph	111	139	90	81.1%
Russell	254	0	0	0.0%
Shelby	558	572	352	63.1%
St. Clair	325	328	28	8.6%
Sumter	20	27	12	60.0%
Talladega	252	269	219	86.9%
Tallapoosa	192	141	58	30.2%
Tuscaloosa	527	153	52	9.9%
Walker	269	0	0	0.0%
Washington	24	33	12	50.0%
Wilcox	12	0	0	0.0%
Winston	84	149	59	70.2%
Total	14,157	10,141	4,250	30.0%

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

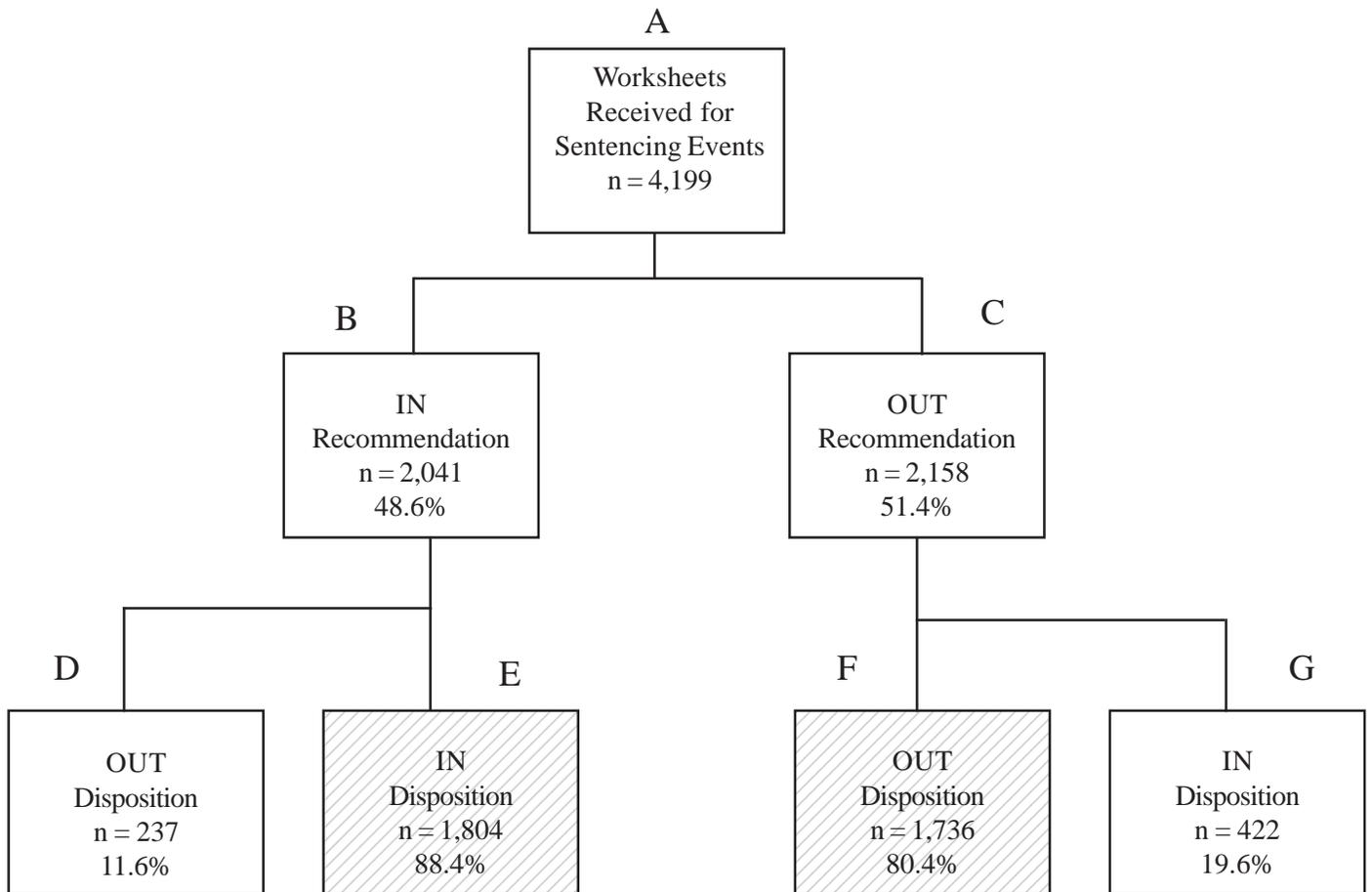
- o **Box D** - Displays the number of “In” recommendations that received an “Out” Disposition. The percentage displayed is the percentage of “In” recommendations that received an “Out” disposition;
- o **Box E** - Displays the number of “In” recommendations that received an “In” Disposition. The percentage 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 – 4,199 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 51 percent of the received worksheets and an “In” disposition was recommended in 49 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 80 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

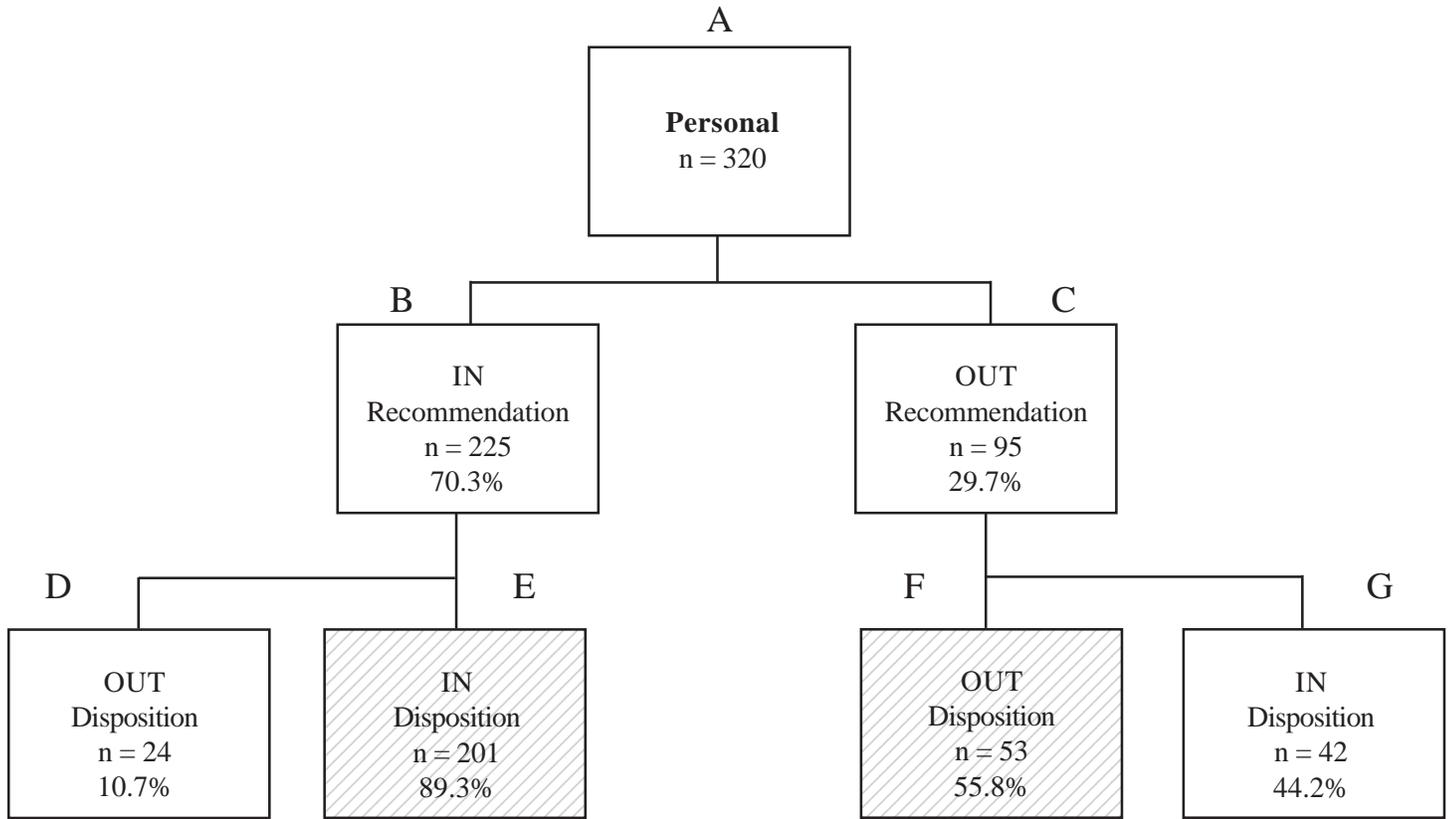


Figure 5.

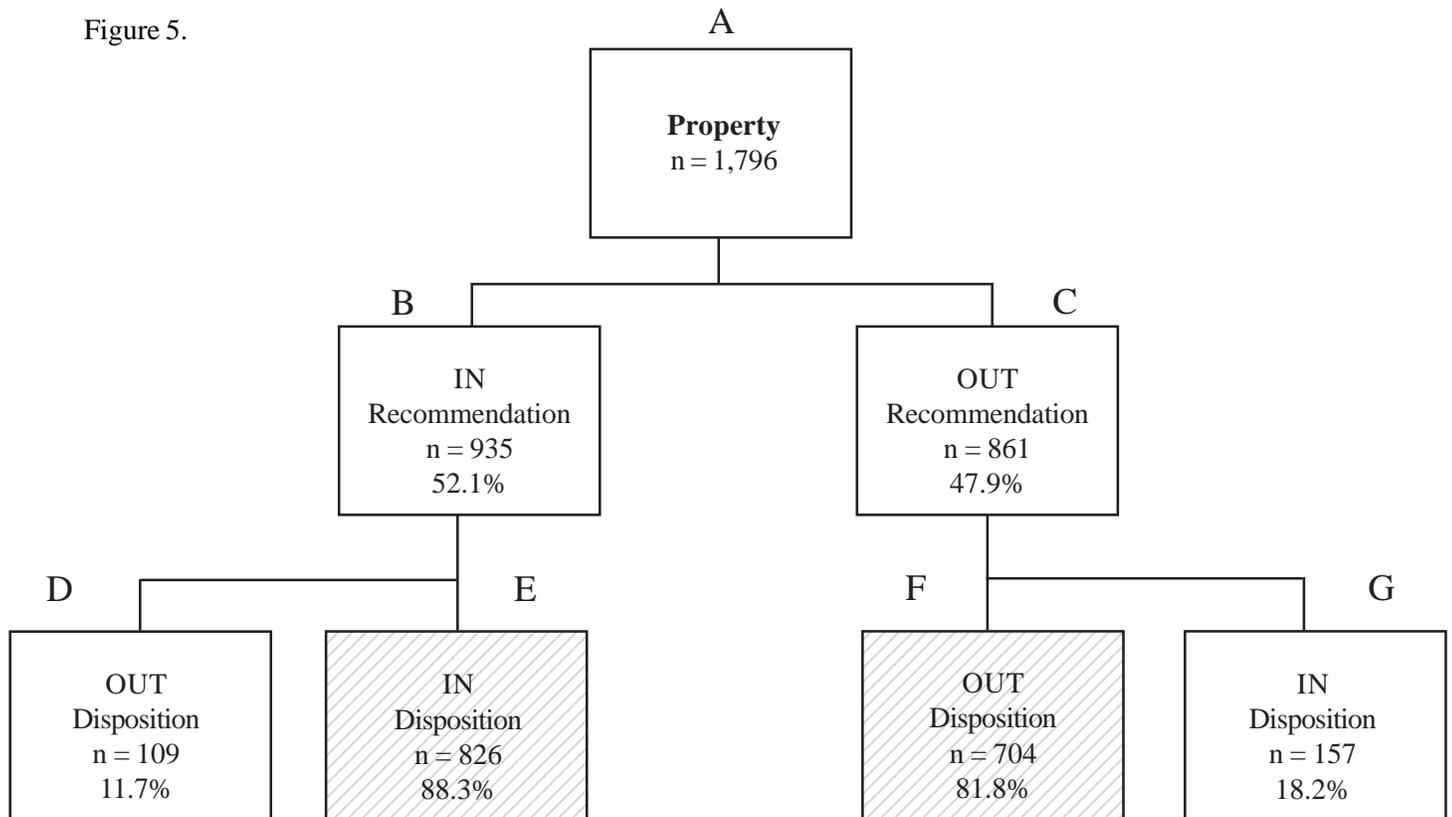


Figure 6.

Offense Category Compliance Flowcharts (Continued)

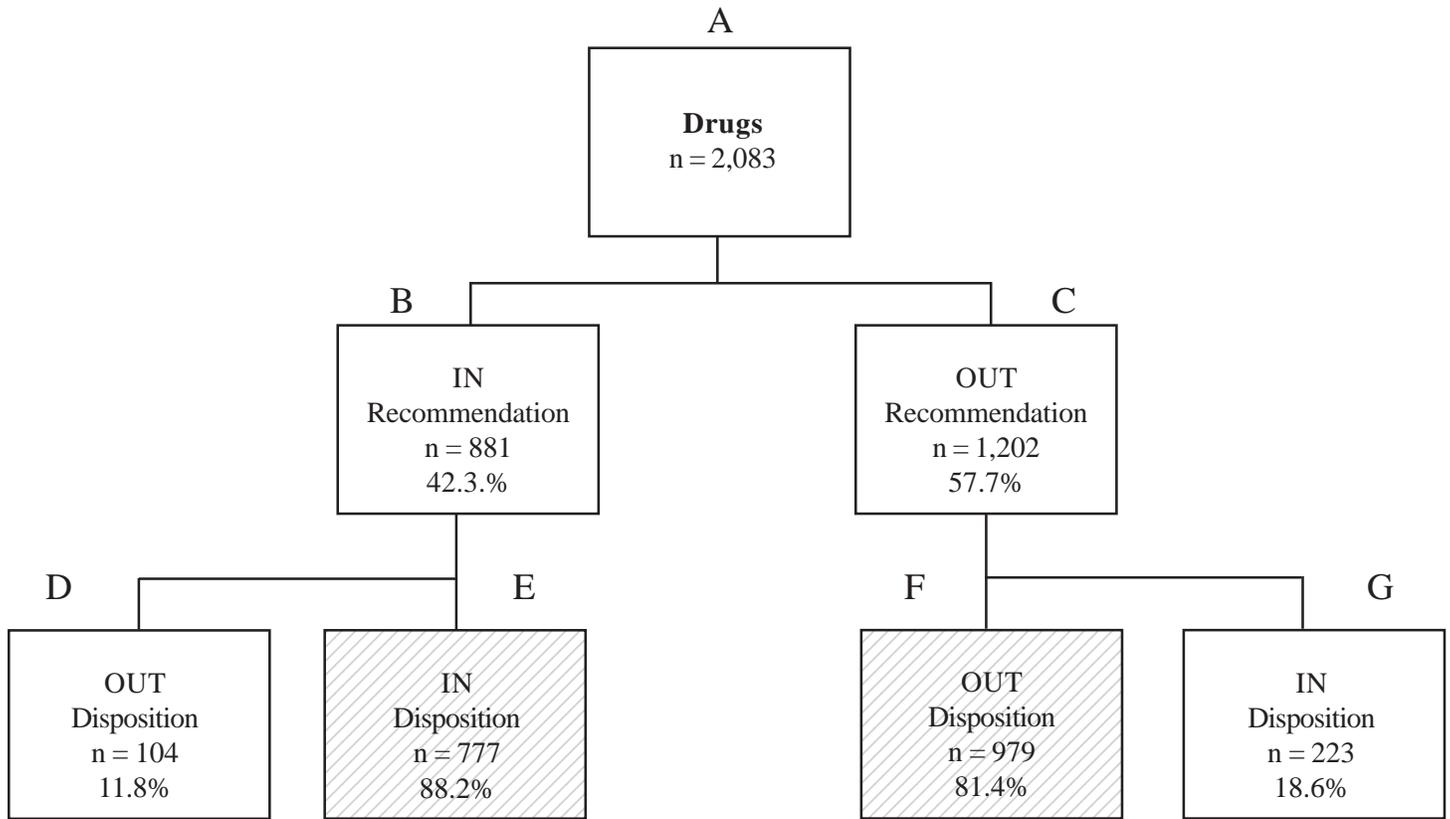


Figure 4 reports the In/Out compliance for the personal worksheet category, Figure 5 reports the In/Out compliance for the property worksheet category, and Figure 6 reports the In/Out compliance for the drug worksheet category.

The Personal worksheet has the highest compliance with “In” recommendations at 89 percent of offenders receiving a prison sentence for a corresponding “In” recommendation. The Property worksheet had 88 percent compliance with “In” recommendations while the Drugs worksheet had 88 percent compliance with “In” recommendations. The Personal worksheet, while having the highest compliance with “In” recommendations, had the lowest compliance with “Out” recommendations at 56 percent. The Property and Drugs worksheets had 82 and 81 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=39) 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	74.0%	85.7%	n=1,764
White	75.7%	83.3%	n=2,396
Other	79.5%	82.1%	n=39

Figure 8.

Gender			
	Overall	In/Out	
Female	80.8%	85.6%	n=882
Male	73.5%	84.0%	n=3,317

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.

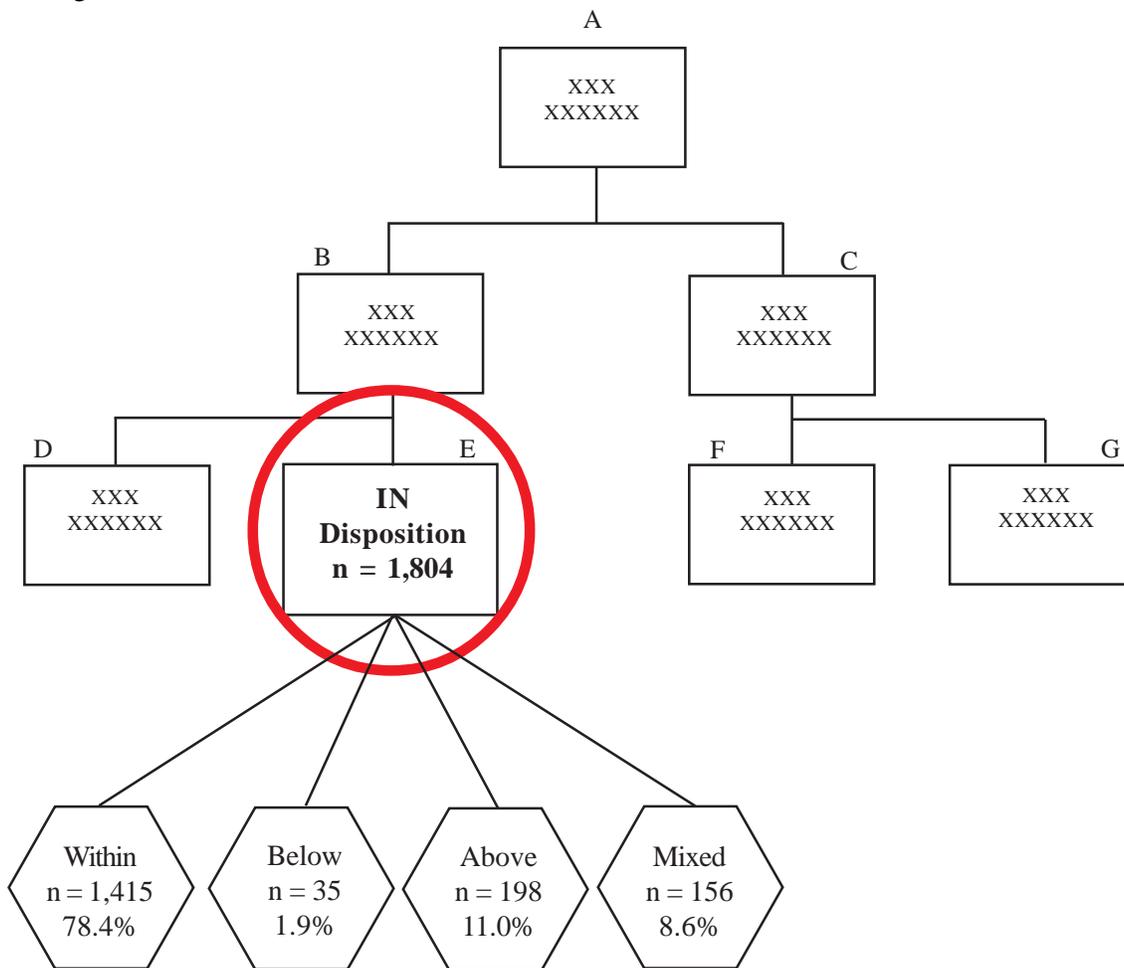
Sentence Length compliance is only reported for those sentencing events where the worksheet recommendation was “In” and the sentencing event also had a corresponding “In” disposition (those events located in Box E of the In/Out flowchart). 1,804 worksheet sentencing events received an “In” recommendation 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”. 78 percent of eligible sentencing events were sentence length compliant, 11 percent of the sentencing events received sentences above the worksheet recommendations, 2 percent received sentences below the worksheet recommendations, and 9 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 all have markedly different sentence length compliance patterns. Personal worksheet sentence length recommendations were followed in 73 percent of events, property worksheet sentence length recommendations were followed in 74 percent of events, and drug worksheet sentence length recommendations were followed in 84 percent of events.

Departures from the worksheet sentence length recommendations varied by worksheet offense category as well. 12 percent of all sentences imposed for personal offenses were above worksheet recommendations while 15 percent of property sentences were above, and only 7 percent of drug offense sentences exceeded the worksheet sentence length recommendations.

Figure 9.



Sentence Length Compliance

Figure 10.

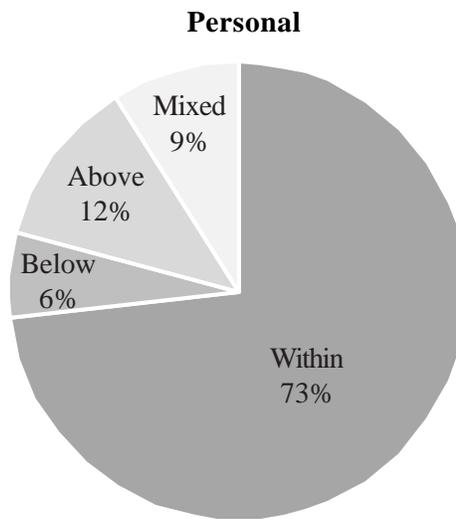


Figure 11.

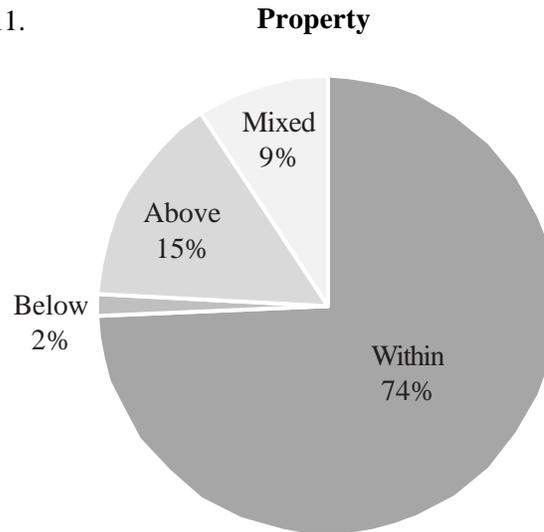
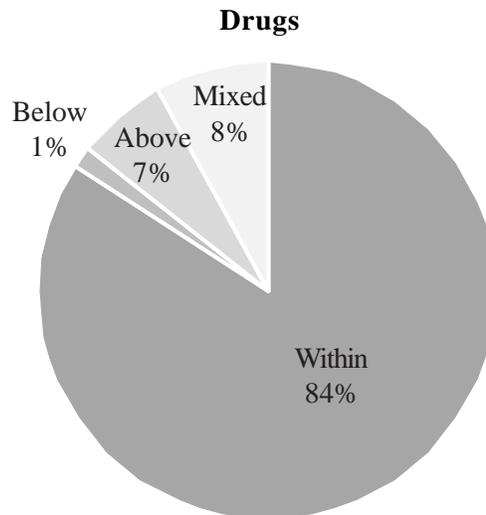


Figure 12.



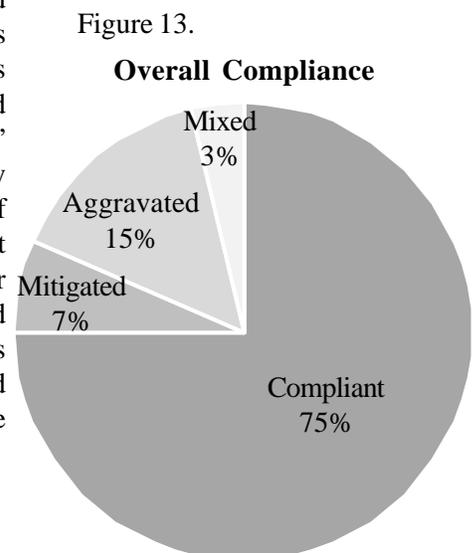
OVERALL COMPLIANCE

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 the pie chart below (Figure 13). All valid received worksheets are categorized into one of the categories in the pie chart. Overall compliance was realized in 75 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 7 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.

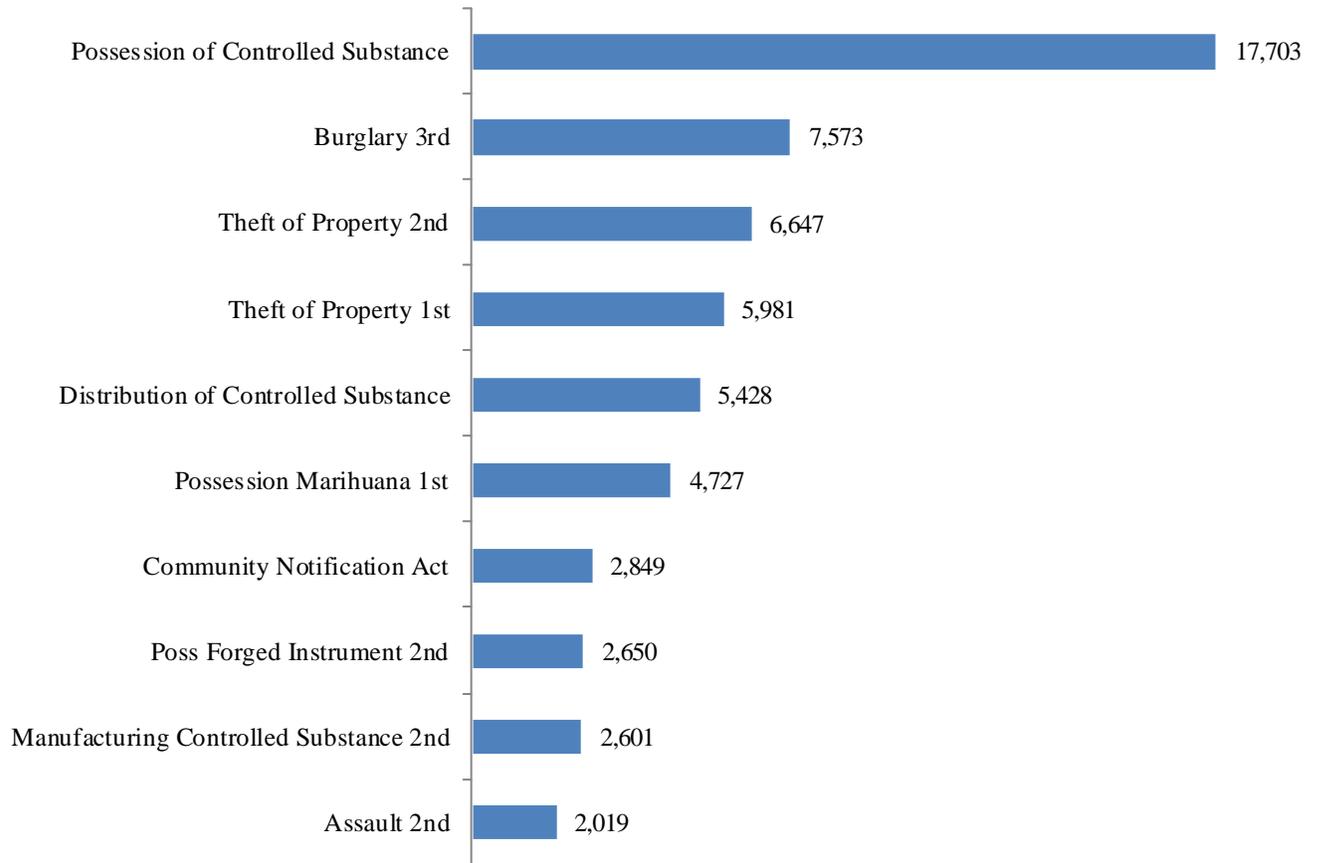


Most Frequent Felony Offense at Conviction

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, 2011 - September 30, 2016



Most Frequent Felony Offense at Conviction - Top 25

The total number of offenders convicted of a felony offense is slightly lower than the number of offenders convicted last year. More than one out of every five felony offenders was convicted for Unlawful Possession of a Controlled Substance. Violations of the Community Notification Act² remain as the 7th most frequently convicted felony in the State.

Figure 18.

Most Frequent Felony Offense at Conviction October 1, 2013 - September 30, 2016

	FY14		FY15		FY16	
Possession of Controlled Substance	1	3,431	1	3,556	1	3,786
Burglary 3rd	2	1,512	2	1,386	2	1,223
Theft of Property 2nd	3	1,385	3	1,320	3	1,152
Theft of Property 1st	4	1,311	4	1,162	4	1,144
Distribution of Controlled Substance	5	1,162	5	1,092	5	941
Possession Marihuana 1st	6	887	6	901	6	903
Community Notification Act	7	576	7	576	7	592
Poss Forged Instrument 2nd	9	531	8	477	8	428
Assault 2nd	10	449	11	396	9	390
Breaking/Entering a Vehicle	12	381	12	353	10	386
Receiving Stolen Property 1st	13	364	13	342	11	375
Manufacturing Controlled Substance 2nd	8	559	9	433	12	351
Robbery 1st	11	387	10	431	13	329
Receiving Stolen Property 2nd	14	318	15	329	14	300
Obstruct Justice-False Identity	16	290	16	265	15	286
Fraud/Illegal Use Debit/Credit Card	15	303	14	340	16	275
Robbery 3rd	17	273	17	246	17	245
Burglary 2nd	20	158	19	166	T18	165
Trafficking Drugs	22	149	21	157	T18	165
Manufacturing Controlled Substance 1st	18	263	18	220	20	162
Poss Controlled Substance w/Intent to Distribute		37		56	21	161
Robbery 2nd	19	160	20	164	22	145
Murder	21	154	23	121	T23	126
Promote Prison Contraband 2nd		73		84	T23	126
Assault 1st	23	148	22	131	25	123
Manslaughter		103	24	118		101
Escape 3rd	25	111	25	112		92
Forgery 2nd	24	121		81		87
Top 25 Offenses		15,383		14,794		14,279
Other Offenses		2,904		2,981		3,142
Total Most Serious Felony Offense Convictions		18,287		17,775		17,421

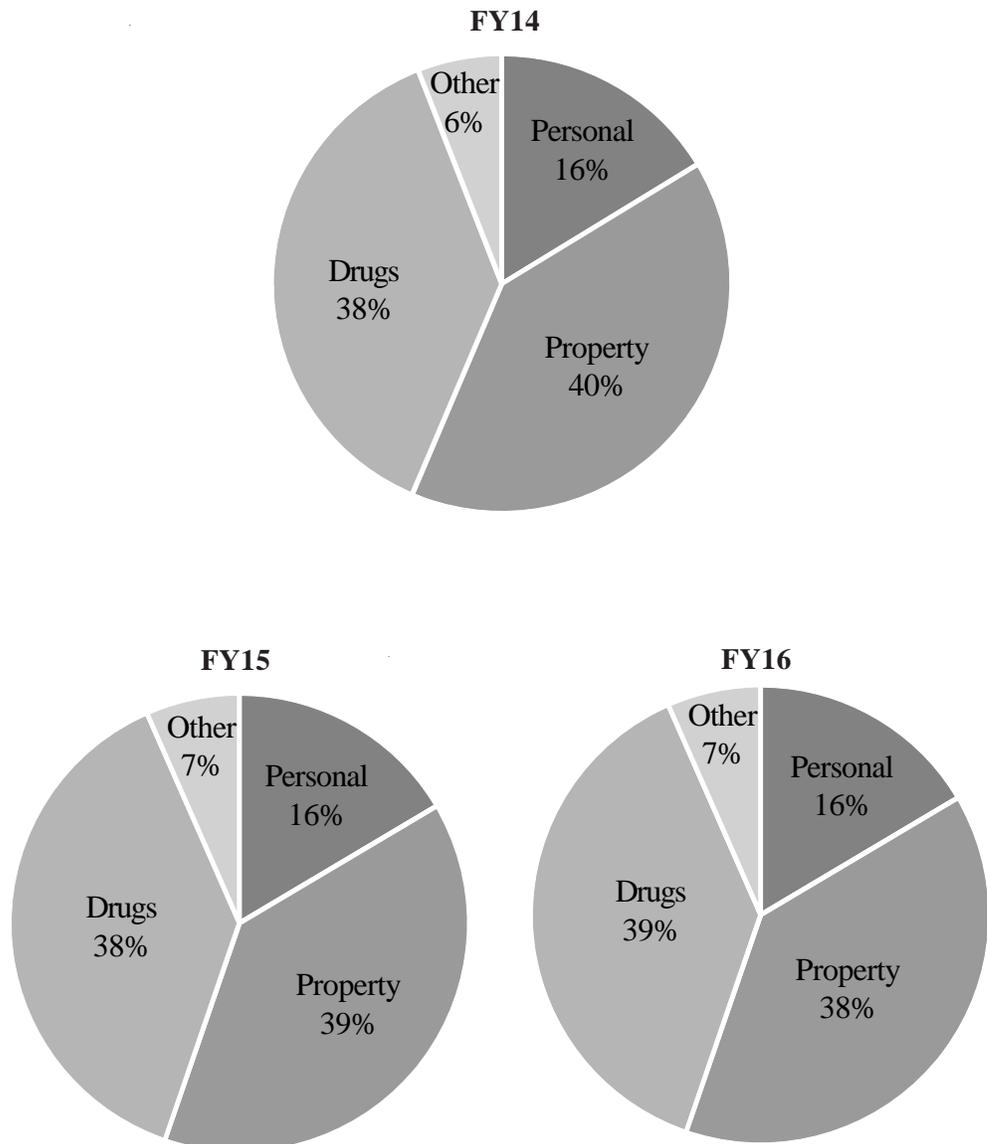
² This is the third year violations of the Community Notification Act have been combined.

Type of Most Frequent Felony Offense at Conviction

Property and Drug Offenses far surpass the number of Personal Offense Convictions.

Figure 19.

Most Frequent Felony Offense at Conviction
Offense Category
October 1, 2013 - September 30, 2016



Drug Convictions

The overall number of drug convictions remains constant.

Figure 20.

Most Frequent Offense at Conviction Drug Offenses October 1, 2013 - September 30, 2016

	FY14		FY15		FY16	
Possession of Controlled Substance	1	3,431	1	3,556	1	3,786
Distribution of Controlled Substance	2	1,162	2	1,092	2	941
Possession Marihuana 1st	3	887	3	901	3	903
Manufacturing Controlled Substance 2nd	4	559	4	433	4	351
Trafficking Drugs	6	149	6	157	5	165
Manufacturing Controlled Substance 1st	5	263	5	220	6	162
Poss Controlled Substance w/Intent to Distribute					7	161
Drug Paraphenalia Manufacture					8	69
Attempt - Possession of Controlled Substance	7	109	8	83		
Precursor Chemical - Sale/Poss	8	80	7	86		
Top Drug Offenses		6,640		6,528		6,538
Other Drug Offenses		251		252		236
Total Drug Offenses		6,891		6,780		6,774

Type of Trafficking Convictions

Figure 21.

Most Frequent Drug Trafficking Convictions Drug Type October 1, 2013 - September 30, 2016

	FY14	FY15	FY16
Trafficking - Methamphetamine	32	37	50
Trafficking - Marihuana	53	55	37
Trafficking - Cocaine	32	25	34
Trafficking - Heroin	5	16	15
Trafficking - Illegal Drugs	23	15	12
Other	4	9	17
Total Most Serious Felony Offense Convictions for Trafficking	149	157	165