



Alabama Sentencing Commission

2020
ANNUAL
REPORT



ALABAMA SENTENCING COMMISSION

2020 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>



Table of Contents

Acknowledgements	i
Alabama Sentencing Commission Members	ii
Executive Committee Members	iii
Advisory Council Members	iii
Commission Staff	iv
Standards Committee Members	iv
Letter from Chairman	vii
Executive Summary	ix
Chapter 1: 2019 Year in Review	1
Chapter 2: Governor Ivey Creates Study Group	3
Chapter 3: Criminal Justice Data	17



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 Commission have been accomplished only because of their consistent dedication, service, and encouragement, which is indicative of the extraordinary collaboration between Alabama's Executive, Legislative and Judicial branches for the improvement of Alabama's Criminal Justice System. The commitment to inter-branch efforts has allowed the Commission to focus on its number one priority – public safety.

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

Governor Kay Ivey

Chief Justice Tom Parker

Lieutenant Governor Will Ainsworth

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

Dr. Rich Hobson, Administrative Director of Courts

Administrative Office of Courts and staff

Court of Criminal Appeals

Alabama Circuit and District Judges' Associations

Attorney General Steve Marshall

The Alabama Department of Corrections and staff

The Alabama Board of Pardons and Paroles and staff

The Alabama District Attorneys Association/Office of Prosecution Services

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

The National Association of Sentencing Commissions

Alabama Association of Community Corrections

Alabama Lawyer's Association

The Criminal Defense Lawyers Association

The Association of County Commissioners

The Alabama Sheriff's Association

The Alabama Association of Chiefs of Police

Dr. John Speir, Applied Research Service, Inc.

**Alabama Sentencing
Commission Members**

Appointed by the Chief Justice of the Supreme Court

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

Governor's Appointments

Jonathan Hester
Governor's Office

Steve Searcy
Victims' Advocate

Barbara Houts
Victims' Advocate

Chris Green, Chairman
Blount County Commission

Attorney General Appointment

Michael Dean
Assistant Attorney General

President of the Alabama District Attorneys' Association Appointments

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

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

P.B. McLauchlin, Retired Circuit Judge, 33rd Judicial Circuit
Terri Bozeman-Lovell, Circuit Judge, 2nd Judicial Circuit

**President of the Alabama Association of District Court
Judges' Appointment**

Alan Furr, District Judge, St. Clair County

Chair of the House Judiciary Committee

Representative Jim Hill, House District 50

Chair of the Senate Judiciary Committee

Senator Cam Ward, Senate District 14

Alabama Department of Corrections

Jefferson Dunn, Commissioner

Alabama Board of Pardons and Paroles' Appointment

Charles Graddick, Executive Director

Appointment by the Chief Justice of the Supreme Court

Lou Harris, President, Institute for Criminal Justice Education

President of the Alabama Lawyers Association Appointment

Angeline Sperling, Esquire, Montgomery, AL

**President of the Alabama Criminal Defense Lawyers
Association Appointment**

Joel Sogol, Esquire, Tuscaloosa, AL

Sheriff's Association Appointment

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
Retired Beasley Professor of Law, University of Alabama School of
Law

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

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

Joel Sogol
Esquire, Tuscaloosa, AL

Advisory Council

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 Sheriff's Office

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

**Sentencing Standards
Committee**

Bennet Wright, Chair
Executive Director, Alabama Sentencing Commission

Kevin Blackburn
Alabama Board of Pardons and Paroles

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

Michael Dean
Assistant Attorney General, Office of the Attorney General

Jefferson Dunn
Commissioner, Alabama Department of Corrections

Circuit Judge John England
6th Judicial Circuit

Michael Hanle
Esquire, Birmingham, AL

Ralph Hendrix
UAB Treatment Alternatives to Street Crime (TASC)

Bob Johnston
Assistant District Attorney, 9th Judicial Circuit

Circuit Judge Tim Jolley
27th Judicial Circuit

Mike Jones
Chair, House Rules Committee

Jill Lee
District Attorney, 18th Judicial Circuit

Alyia McKee
Public Defender, Montgomery County

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

Circuit Judge Teresa Pulliam
10th Judicial Circuit

Joel Sogol
Esquire, Tuscaloosa, AL

Joe VanHeest
Public Defender, Tuscaloosa County

Circuit Judge Jacob Walker
37th Judicial Circuit

Bob Williams
Public Defender, Shelby County

Jeff Williams
Deputy Commissioner, Alabama Department of Corrections

Jody Willoughby
District Attorney, 16th Judicial Circuit

Mission Statement

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

ALABAMA SENTENCING COMMISSION



Joseph A. Colquitt, Chairman
Retired Beasley Professor of Law

Tom Anderson
District Attorney, 12th Judicial Circuit

Terri Bozeman-Lovell
Circuit Judge, 2nd Judicial Circuit

Ellen Brooks
Supernumerary District Attorney,
15th Judicial Circuit

Ted Cook
Police Chief, Mountain Brook, AL

Michael Dean
Assistant Attorney General

Jefferson Dunn
Commissioner, Department of Corrections

Alan Furr
District Judge, St. Clair County

Charles Graddick
Director, Board of Pardons and Paroles

Chris Green
Blount County Commission

Lou Harris
Institute for Criminal Justice Education

Jonathan Hester
Governor's Office

Jim Hill
House Judiciary Committee

Barbara Houts
Victim's Advocate

Scott Lolley
Sheriff, Choctaw County

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

Walt Merrell
District Attorney, 22nd Judicial Circuit

Steve Searcy
Victim's Advocate

Joel Sogol
Criminal Defense Lawyers' Association

Angeline Sperling
Alabama Lawyers' Association

Cam Ward
Senate Judiciary Committee

December 20, 2019

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

The State of Alabama continues to seek ways to improve its criminal justice system, and the Alabama Sentencing Commission continues its mission to help this endeavor. Work provided by the Commission has been beneficial in the past year establishing the current status of Alabama's system, and has assisted policymakers with their ideas by providing data and information to help guide Alabama forward.

Criminal justice issues are very much in the forefront again in Alabama. This past April, the United States Department of Justice submitted a letter to Governor Ivey detailing the results of an investigation into the conditions of Alabama Department of Corrections prisons for men. Governor Ivey responded and established the Governor's Study Group on Criminal Justice Policy through Executive Order No. 718. The expressed purpose of the Governor's Study Group on Criminal Justice Policy was to "receive and analyze accurate data and evidence of best practices for the purpose of identifying, evaluating, and recommending evidenced-based reforms to further address the serious challenges confronting Alabama's prison system." The Alabama Sentencing Commission is committed to helping Governor Ivey's efforts and has been helping the Study Group during the past year.

Last year, the Commission proposed changes to the Sentencing Standards aiding their ease of use by creating new Class D felony worksheets and additional sentence length tables. These changes became effective earlier this fall and have been well received by all who utilize the Standards.

Monitoring and evaluating criminal justice information are central components of the Commission's work and this past year an even greater emphasis was placed on these tasks. The Alabama Legislature entrusted the Commission to conduct evaluation on future prison population projection figures given numerous recent changes in the State's laws and policies. This work will culminate in the 2020 Legislative Session when the information is used to help make decisions about the future of Alabama's criminal justice system.

I am pleased to present the Alabama Sentencing Commission's 2020 Annual Report.

Sincerely,

Joseph A. Colquitt, Chair
Alabama Sentencing Commission

EXECUTIVE SUMMARY

2019 Year in Review

The Alabama Sentencing Commission presented amendments to the Sentencing Standards that became effective this past year including creating Class D felony worksheets and new sentence length tables that have been welcomed by practitioners.

The United States Department of Justice sent a report to Governor Ivey in April detailing the results of their investigation into male prisons in Alabama. This report expresses serious concerns with inmate safety and living conditions and says these violations are made worse by overcrowding within the facilities. Governor Ivey took action and created the Governor's Study Group on Criminal Justice Policy and this group has been active meeting and gathering information in preparation of releasing a report with recommendations and findings prior to the 2020 Legislative Session.

A supplemental appropriation was given to the Sentencing Commission to partner with Applied Research Services, Inc. and Dr. John Speir to evaluate the ramifications of various policy proposals on Alabama's prison population. This information will be used by policymakers during their deliberations on next steps for Alabama's criminal justice system.

Governor's Study Group on Criminal Justice Policy Presentation

The Alabama Sentencing Commission was asked to provide a presentation to the Governor's Study Group on Criminal Justice Policy detailing the history and current status of Alabama's prison population. Alabama's prison population increased for almost 30 years beginning in 1980. The population doubled in the 1980s, grew by another 8,000 inmates in the 1990s, and surpassed 26,500 by 2009. Recent reform resulted in a prison population reduction from 2013 to 2018.

Alabama's current prison population is overwhelmingly Class A and Class B felony offenders, while twenty percent of the population are Class C or Class D felony offenders.

Numerous policy proposals will likely be floated prior to or during the 2020 Legislative Session, but it is essential to have those proposals evaluated to determine their effects. Many proposals may be purported to have larger effects than may actually be the case, but large decisions loom for the State to improve the entire system.

Court System Data

Unlawful Possession of Controlled Substance convictions are surging. Possession convictions grew by over 1,000 in the past year and account for the increase in overall convictions during the previous year. Over one-third of all felony convictions are possession convictions and more than triple the next most frequent felony conviction over the previous ten years.

Chapter 1: 2019 Year in Review

The past year was filled with activity for the Alabama Sentencing Commission. Changes designed to help ease of use for the Sentencing Standards were proposed and became effective in the past twelve months, the United States Department of Justice delivered a report to Governor Ivey detailing the results of an investigation into male prison conditions, the Commission began work on evaluating future Alabama Department of Corrections population numbers, and Governor Ivey established a Study Group on Criminal Justice Policy.

New Standards worksheets were created for Class D felonies and new sentence length tables were created. Class D felonies have restrictions on the use of prison and jail that other classes of felonies do not. When Class D felonies became effective in 2016, they were initially included into existing Standards worksheets along with other classes of felonies. Feedback from practitioners resulted in creating worksheets that only contained Class D felonies and included language emphasizing the restrictions on the use of prison and jail. The other change to the Standards precipitated by users' feedback was the creation of additional sentence length tables. With the creation of Class D felonies and restrictions on the length of split sentences for Class C and Class D felonies, the Commission created three sentence length tables for drug and property offenses – one for Class D felonies, one for Class C felonies, and one for Class A and Class B felonies. The development of these additional sentence length tables helped alleviate confusion on the length of permissible sentences depending on the classification of felony that existed with a single sentence length table for all felonies.

In April, a report was sent to Governor Ivey with the results of an investigation conducted by the United States Department of Justice into male prison conditions in Alabama. The report detailed the Department of Justice's reasons to believe Alabama is in violation of the Eighth Amendment to the United States Constitution concerning inmate safety and living conditions. The report notes that the alleged violations are "exacerbated by serious deficiencies in staffing and supervision and overcrowding." Governor Ivey established the Governor's Study Group on Criminal Justice Policy through Executive Order No. 718 this past July. This Study Group has met several times in the last six months and has received and reviewed data and information on possible ways to improve numerous aspects of Alabama's criminal justice system including a presentation featuring work provided by the Sentencing Commission (please see Chapter 2 for the presentation and additional detail).

Also, in the past year, the Alabama Legislature provided the Sentencing Commission a supplemental appropriation used to contract with Applied Research Services, Inc. This project will supply prison population projections for use evaluating policy proposals. Alabama has seen significant sentencing changes since 2013 with the implementation of Presumptive Sentencing Standards for non-violent offenses in 2013 and the Justice Reinvestment Initiative ("prison reform") legislation that became effective in 2016. And with possible additional criminal justice policy changes being considered in the 2020 Legislative Session, the Legislature called upon the Sentencing Commission to help evaluate the possible effects

of further changes in law/policy/practice on the prison population. This special project will culminate in information supplied prior to and during the 2020 Legislative Session. Commission staff has been partnering with Dr. John Speir with Applied Research Services, Inc. since earlier this year collecting, analyzing, and evaluating data and information that will be used for the prison population projections. This data includes information from the courts, probation, parole, community corrections, and the prison system.

Chapter 2: Governor Ivey Creates Study Group

Governor Ivey established the Governor’s Study Group on Criminal Justice Policy via Executive Order No. 718 this past summer to address longstanding challenges pertaining to the Alabama Department of Corrections. This Study Group is chaired by former Alabama Supreme Court Justice Champ Lyons, and also includes Senators Clyde Chambliss, Bobby Singleton, Cam Ward, Representatives Chris England, Judge Jim Hill, Connie Rowe, Katherine Robertson as the designee of Attorney General Steve Marshall, State Finance Director Kelly Butler, and the Alabama Department of Corrections Commissioner Jefferson Dunn.

The Sentencing Commission was asked to provide the Study Group a presentation detailing the current and historical status of Alabama’s prison population. The presentation is included in this chapter in its entirety. A narrative framework for the presentation is included below.

Alabama’s Complex Felony Criminal Justice System

One of the hallmarks of Alabama’s criminal justice system is its complexity. Alabama has a plethora of features and options that contribute to the overall complexity of the system. There are offenses that are subject to presumptive sentencing, while other offenses are subject to voluntary sentencing, and other offenses are not subject to either presumptive or voluntary sentencing. Sentencing options include straight sentences, split sentences, prison sentences, probation sentences, community corrections sentences not to mention a host of various pre-trial alternatives including but not limited to pre-trial programs, drug courts, mental health courts, and veterans’ courts. Various aspects of supervision exist including probation, parole, and community corrections. Alabama has various provisions for “good-time” credits for individuals serving prison sentences, different criteria that establish the initial parole consideration date for those serving a sentence eligible for parole, and some offenders qualify for mandatory supervised release while others do not. This incredibly large patchwork of policies is complex.

Historic Prison Population Information

Alabama’s prison population doubled in the 1980s after federal court involvement in the State’s prison system rising from approximately 6,000 to 12,000 inmates. The 1990s witnessed increased growth in the prison population ending the decade with a prison population north of 22,000 inmates. The next ten years included a special parole board established under Governor Bob Riley that resulted in an initial steep reduction in inmate population but followed by a rapid increase in the prison population, and the prison population continuing to increase eclipsing 26,000 inmates by 2009. The 2000s also included Alabama housing a number of inmates in out-of-state private facilities, and a large county jail backlog of offenders sentenced to prison but still in jail awaiting transfer.

The Alabama Legislature approved the Sentencing Commission's Voluntary Sentencing Standards in 2005 and this change became effective in 2006. Despite the ability to utilize the Voluntary Sentencing Standards, the varying degree of their use resulted in the prison population continuing to increase. In 2012, the Alabama Legislature directed the Sentencing Commission to make the necessary modifications to the Voluntary Sentencing Standards to transition non-violent offenses to Presumptive Sentencing Standards beginning in October 2013. Alabama's prison population began to decline in 2013 and the decline continued until 2018.

Prison Population Composition

The underlying offense for which offenders are currently serving prison sentences is often misrepresented. Sometimes over-reporting the number of a certain group occurs, while other times there is under-reporting the number of a certain group that occurs. The results included nearly 8,000 of Alabama's 21,000 inmates are serving prison sentences for Capital Murder, Murder, Robbery 1st or Rape 1st, and Alabama has almost 1,000 individuals incarcerated for various drug possession offenses. Over one-half of Alabama's prison population was convicted of a Class A felony, over one-quarter was convicted of a Class B felony, and one-fifth of the population was convicted of a Class C or Class D felony.

What is Next for Alabama's Prison Population?

Simply put, only two factors determine the size of Alabama's (or any other state) prison population – the number of people sentenced to prison, and how long those individuals stay. Both decisions are very nuanced however and are often controversial. Any policies that alter either (or both) of these factors will have ramifications on the size of the prison population. Sometimes changes are witnessed immediately, and sometimes changes are not seen for long periods of time depending on the individual policies. As Alabama yet again weighs the potential for change, it is critical to have information on what the potential changes will bring. With limited resources available, it is essential to have the ability to predict what possible policy holds for Alabama.

Examples of Policy Ramifications and Scope

Last year of the 9,400 people that physically were admitted to an Alabama prison, 2,800 were "dunk" admissions (dunks are short-term, up to 45 days, sanctions to prison for technical violations of probation and parole). 30 percent of all prison admissions last year were "dunk" admissions and consumed considerable Department of Corrections resources processing these individuals in and out of the prison system. If "dunks" were no longer authorized to be sentenced to prison despite accounting for 30 percent of all prison admissions, the potential bed savings is less than 400 beds due to the short duration of the stays. To put the short nature of "dunk" stays in perspective, a single individual sentenced to a 3-year split sentence takes up the same amount of bed days as 30 "dunk" individuals sentenced to prison.

Since the creation of Class D felonies in 2015, there has been discussion about possibly reclassifying some Class D felony offenses to higher level felonies or possibly reclassifying them to misdemeanors. The potential outcomes of reclassifying Class D felonies to either higher level felonies or misdemeanors could be significant to the prison system and needs to be evaluated. Another policy that has been discussed previously is retroactive application of the Presumptive Sentencing Standards. These are examples of possible policy scenarios that need to be vetted and evaluated as to not oversell or undersell their significance.

Alabama's Criminal Justice System Moving Forward

Over the past decade in particular, Alabama has engaged in significant criminal justice reform, but more important decisions loom. The need for coordination and cooperation among all stakeholders is an emerging theme for Alabama to succeed and improve its criminal justice system.

Governor's Study Group on Criminal Justice Policy

Bennet Wright

October 3, 2019

Wise Words

“It is vital that we do not succumb to oversimplifying a complicated process and accepting easy answers. In this complicated area of law, solutions that sound simple are invariably based upon limited information or faulty assumptions.”

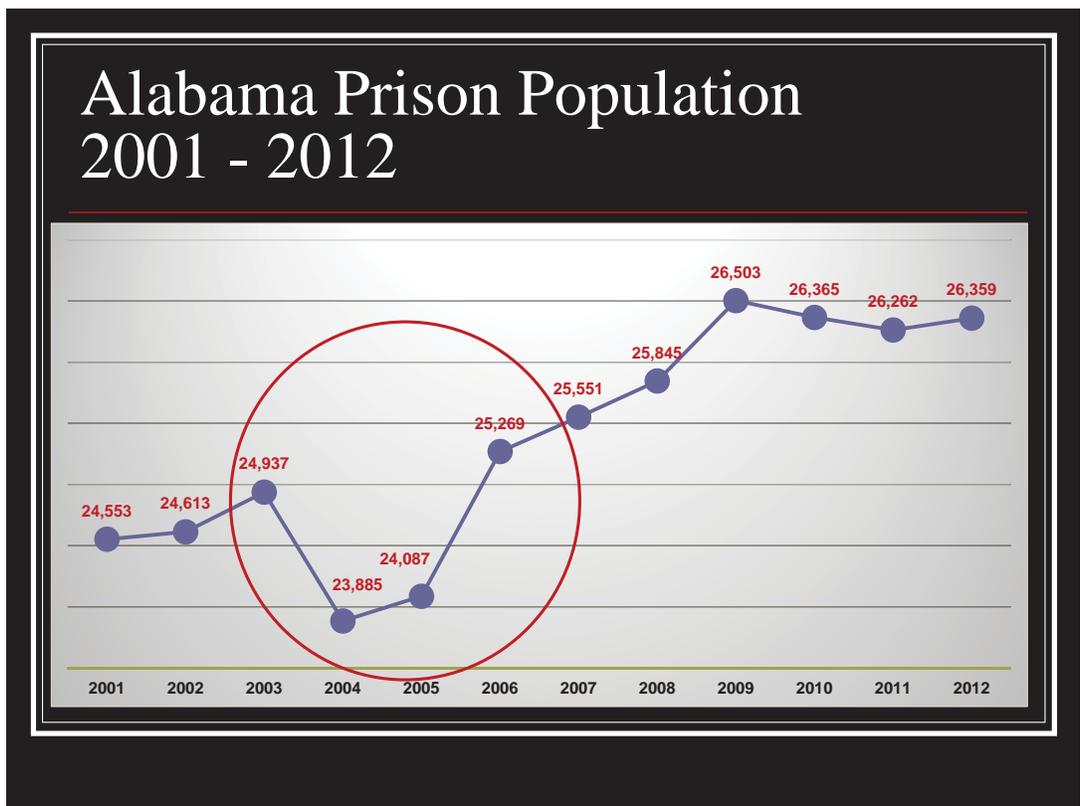
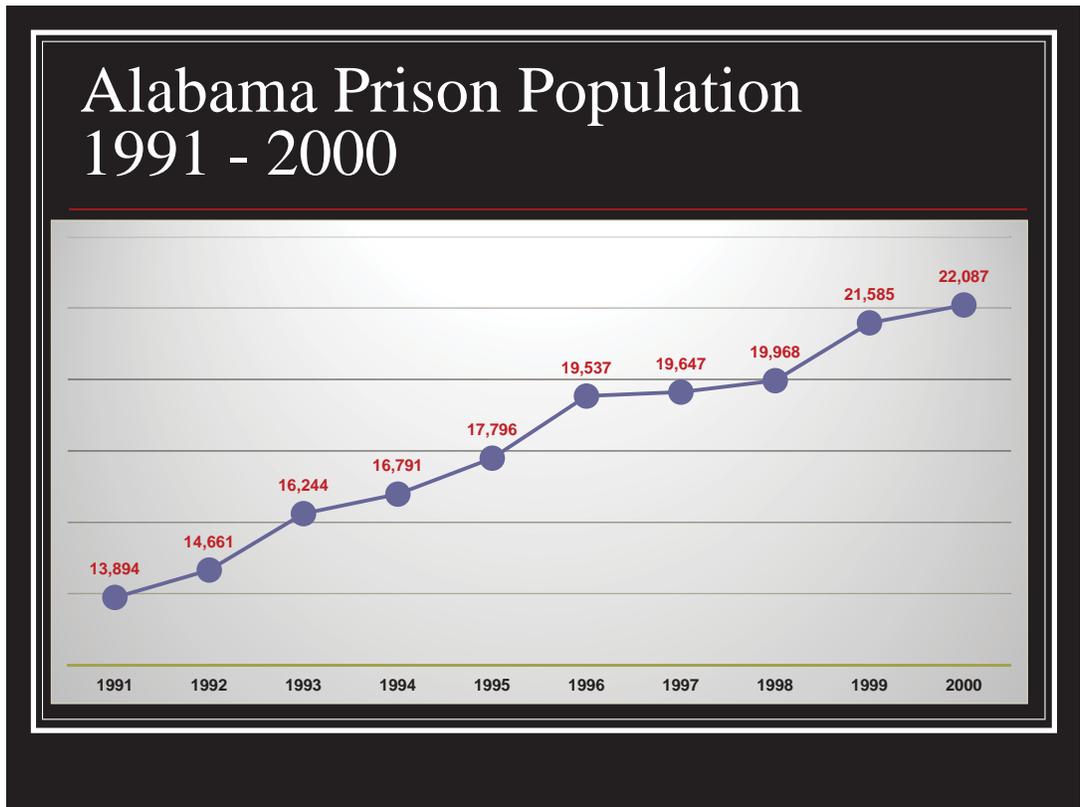
Joseph A. Colquitt
Retired Circuit Judge and Professor of Law

Alabama's Complex System

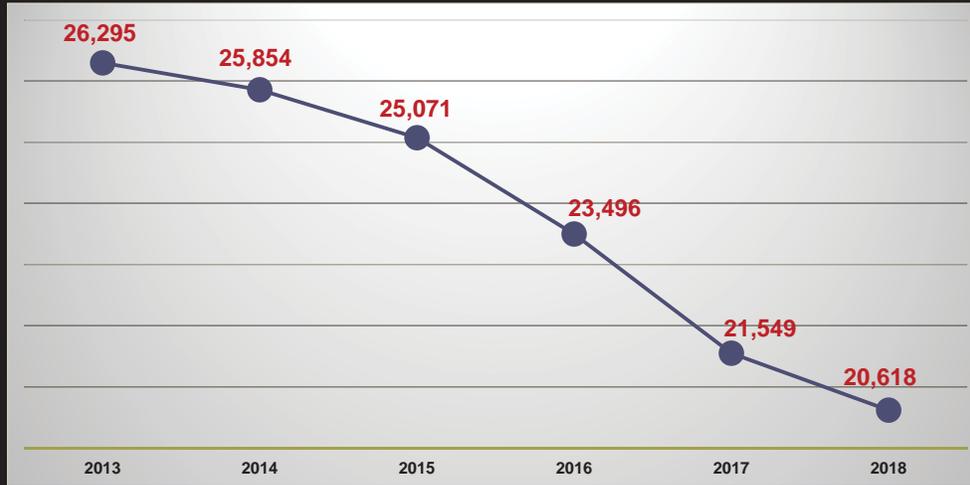
mandatory community parole
voluntary good-time split
pre-trial release
prison jail guidelines straight
probation corrections
presumptive habitual
diversion specialty

ADOC Population – 1980s

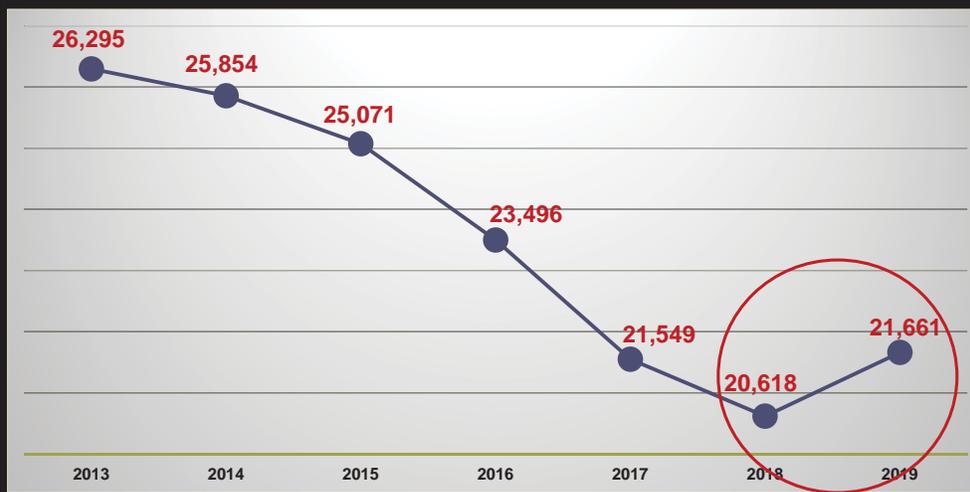
- 1981 6,300
- 1989 12,400



Alabama Prison Population 2013 - 2018



Alabama Prison Population 2013 - 2019

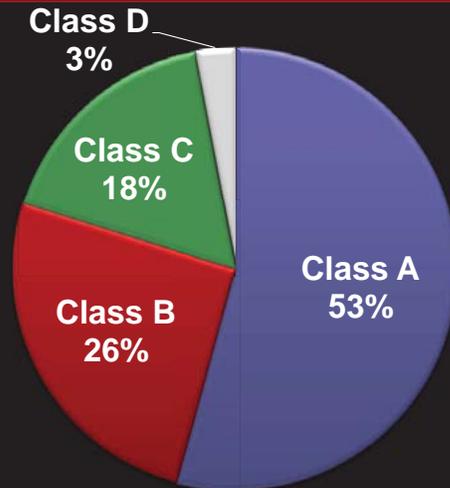


ADOC Prison Population Composition

ADOC Population - Top 20

Murder	3,284	Unlawful Possession CS (F-D)	536
Robbery 1st	2,591	Trafficking Drugs	501
Rape 1st	1,042	Sodomy 1st	498
Capital Murder	1,005	Assault 1st	454
Distribution of CS	914	Robbery 3rd	391
Burglary 1st	844	Sexual Abuse Child<12	390
Attempted Murder	672	Manufacturing CS 1st	366
Burglary 3rd	672	Receiving Stolen Prop 1st	360
Manslaughter	630	Assault 2nd	340
Theft of Prop 1st	627	Burglary 2nd	298

ADOC Population Felony Class



ADOC Life Without Parole

Non-Capital Offenses

Murder	240
Robbery 1st	239
Rape 1st	84
Burglary 1st	75
Kidnapping 1st	38
Attempted Murder	34
Sodomy 1st	24
Trafficking Drugs	19
Other Offenses	14

Total
LWOP
~1,500

ADOC Life (with Parole)

Murder	1,484
Robbery 1st	297
Rape 1st	278
Burglary 1st	186
Attempted Murder	151
Trafficking Drugs	99
Sodomy 1st	90
Manslaughter	78
Kidnapping 1st	62
Other Offenses	~380

Total
Life
~3,100

Sentencing & Prison Population

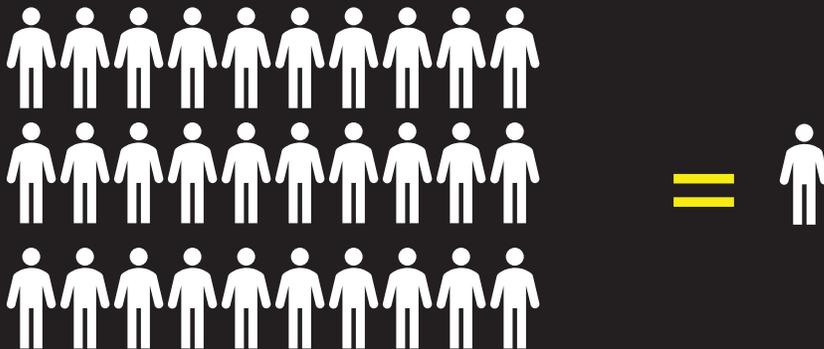
- There are **only** two factors that determine the size of the prison population, but both are nuanced and often controversial
 - The number of people sentenced to prison
 - The length of time served in prison

Policy Decisions - "DUNKS"

- ADOC Custodial Admits 9.4K
- ADOC DUNK Admits 2.8K

30%

30 DUNKS = One 3-year Split



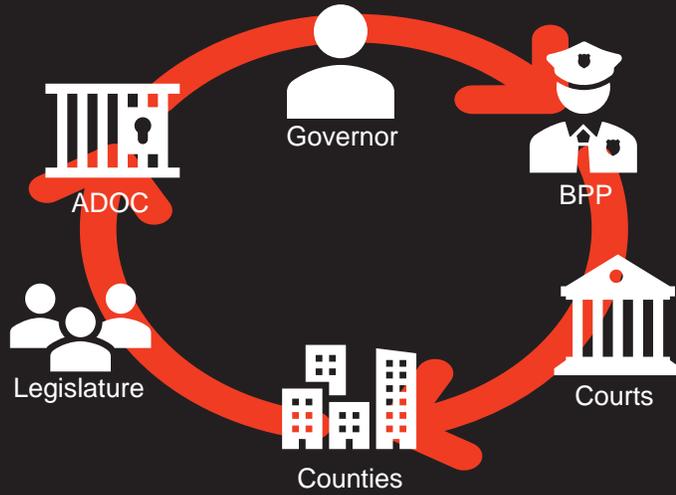
Policy Decisions - Class D Offenses

- Restrictions on Class D sentencing
- Felonies vs. Misdemeanors

Policy Decisions - Retroactivity

- Presumptive Sentencing Standards
- Recent LWOP Decisions

The Emerging Importance of Coordination & Cooperation



Who is in our Prisons - Top 25

Figure 14.

In-Custody Population on October 31, 2019

Murder	1	3,314
Robbery 1st	2	2,647
Rape 1st	3	1,044
Capital Murder	4	1,010
Distribution of Controlled Substance	5	991
Burglary 1st	6	860
Possession of Controlled Substance	6	860
Burglary 3rd	8	703
Attempted Murder	9	690
Theft of Property 1st	10	669
Manslaughter	11	650
Trafficking Drugs	12	520
Sodomy 1st	13	502
Assault 1st	14	459
Receiving Stolen Property 1st	15	404
Sexual Abuse of Child < 12 years	16	401
Robbery 3rd	17	400
Manufacturing Controlled Substance 1st	18	375
Assault 2nd	19	327
Robbery 2nd	20	315
Burglary 2nd	21	301
Community Notification Act Violations	22	286
Rape 2nd	23	263
Breaking/Entering a Vehicle	24	259
Manufacturing Controlled Substance 2nd	25	258

Top 25 Offenses	18,508
Other Offenses	3,258
Total In-Custody Population	21,766

Figure 15.

**In-Custody Population
Offense Category**

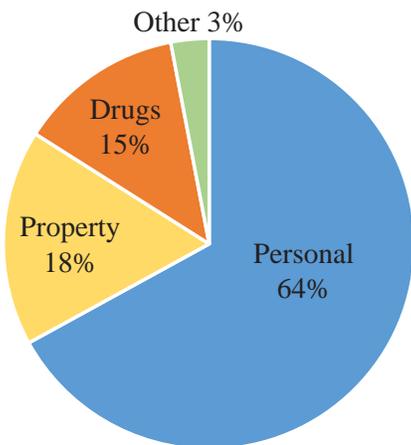
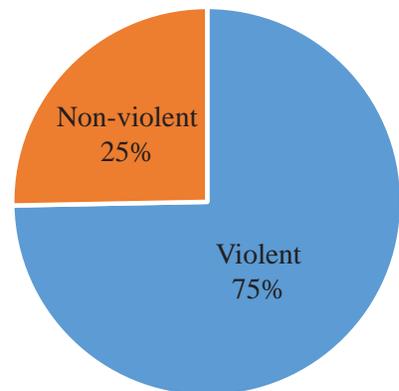


Figure 16.

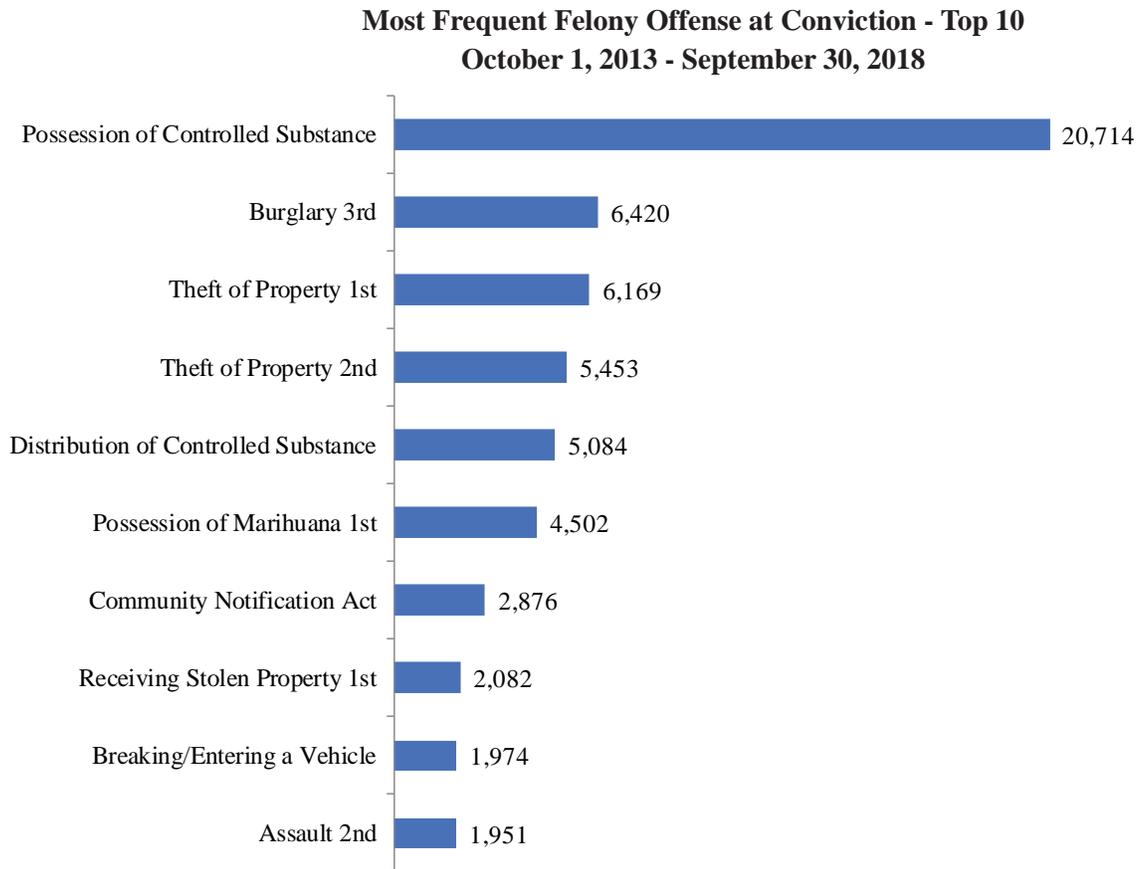
**In-Custody Population
(Violent as defined in
§ 12-25-32)**



Most Frequent Felony Offense at Conviction

Unlawful Possession of Controlled Substance convictions more than triple any other conviction number.

Figure 17.



Most Frequent Felony Offense at Conviction - Top 25

The total number of Unlawful Possession of Controlled Substance and Unlawful Possession of Marihuana convictions increased over 1,000 in FY2018, and account for over one-third of all convictions.

Figure 18.

Most Frequent Felony Offense at Conviction October 1, 2015 - September 30, 2018

	FY16	FY17	FY18
Possession of Controlled Substance	1 3,786	1 4,466	1 5,475
Theft of Property 1st	4 1,144	2 1,190	2 1,174
Burglary 3rd	2 1,223	3 1,119	3 1,124
Distribution of Controlled Substance	5 941	4 960	4 929
Possession Marihuana 1st	6 903	5 893	5 918
Theft of Property 3rd		10 399	6 568
Community Notification Act*	7 592	7 573	7 559
Receiving Stolen Property 1st	11 375	8 450	8 551
Theft of Property 2nd	3 1,152	6 856	9 544
Poss of Controlled Sub with Intent to Distribute	21 161	15 280	10 443
Breaking/Entering a Vehicle	10 386	9 421	11 433
Assault 2nd	9 390	11 340	12 376
Obstruct Justice-False Identity	15 286	14 284	13 372
Fraud/Illegal Use Debit/Credit Card	16 275	12 316	14 317
Poss Forged Instrument 3rd		21 159	15 270
Robbery 1st	13 329	13 308	16 248
Trafficking Drugs	T18 165	20 183	17 190
Promote Prison Contraban 2nd	T23 126		18 178
Chemical Expose Minor Cont Sub			19 177
Escape 3rd		22 154	T20 176
Robbery 3rd	17 245	17 254	T20 176
Manufacturing Controlled Substance 2nd	12 351	16 255	22 156
Receiving Stolen Property 2nd	14 300	19 200	23 151
Murder	T23 126		24 149
Assault 1st	25 123	25 131	25 145
Poss Forged Instrument 2nd	8 428	18 248	
Burglary 2nd	T18 165	23 138	
Manufacturing Controlled Substance 1st	20 162	24 135	
Robbery 2nd	22 145		
Top 25 Offenses	14,279	14,712	15,799
Other Offenses	3,142	3,121	3,136
Total Most Frequent Felony Offense Convictions	17,421	17,833	18,935

*This is the fourth year violations of the Community Notification Act have been combined.

Type of Most Frequent Felony Offense at Conviction

The surge of Unlawful Possession of Controlled Substance convictions results in higher percentage of drug convictions.

Figure 19.

Most Frequent Felony Offense at Conviction Offense Category October 1, 2015 - September 30, 2018

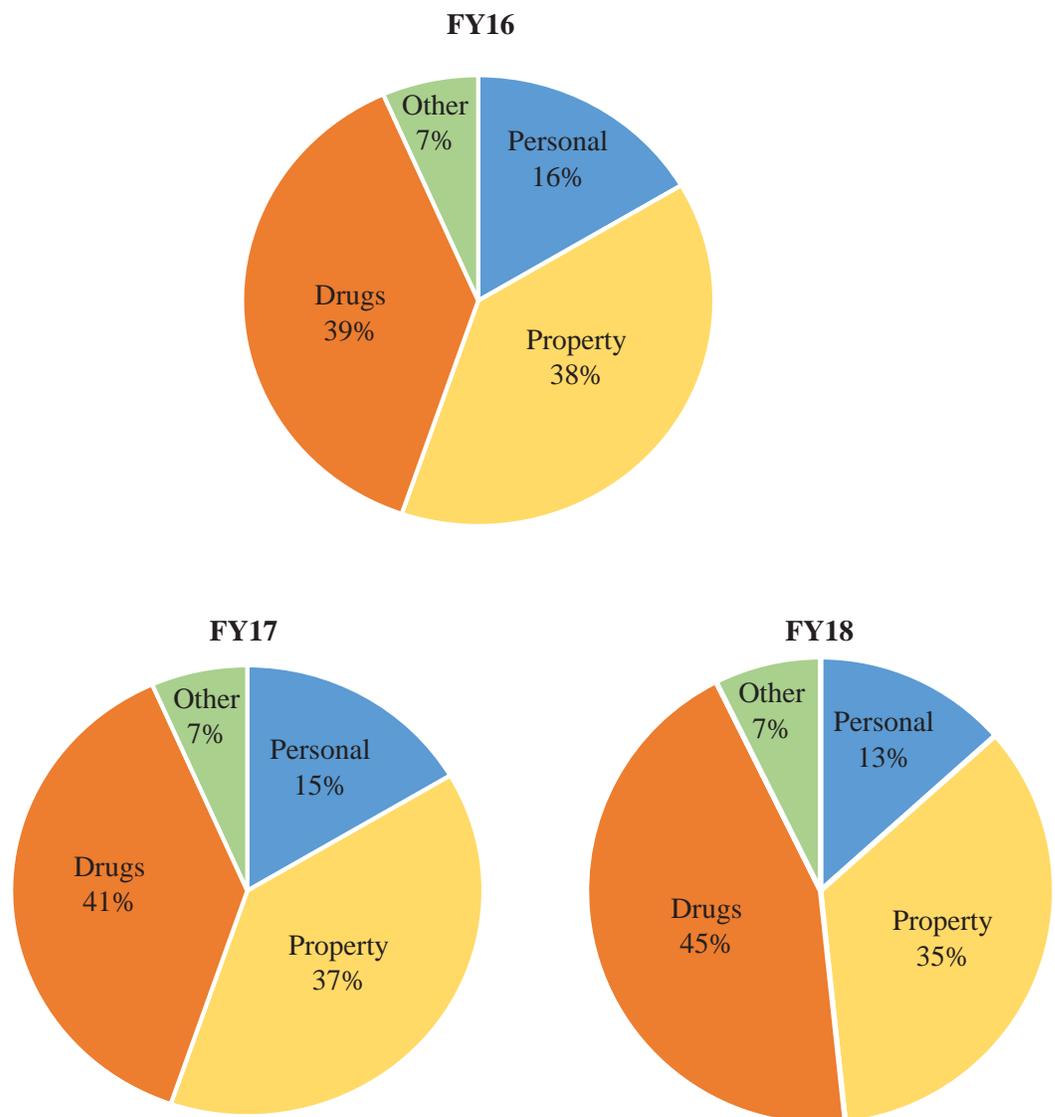


Figure 20.

**Class D Felony Offense at Conviction
October 1, 2015 - September 30, 2018**

	FY16	FY17	FY18
Possession of Controlled Substance	2,360	3,478	4,810
Theft of Property 3rd	60	392	562
Poss Forged Instrument 3rd	22	159	270
Receiving Stolen Property 3rd	16	95	132
Fraud/Illegal Use Debit/Credit Card	10	77	123
Possession Marihuana 1st	13	67	164
Forgery 3rd	7	27	42
Theft of Lost Property 3rd	0	4	4
Theft of Services 3rd	1	3	2
Attempt - Possession of Controlled Substance	1	2	1
Total Class D Felonies	2,490	4,304	6,110

Figure 21.

**Most Frequent Felony Drug Offenses at Conviction
October 1, 2015 - September 30, 2018**

	FY16	FY17	FY18
Possession of Controlled Substance (F-C & F-D)	1 3,786	1 4,466	1 5,475
Distribution of Controlled Substance	2 941	2 960	2 929
Possession Marihuana 1st (F-C & F-D)	3 903	3 893	3 918
Poss of Controlled Sub with Intent to Distribute	7 161	4 280	4 443
Trafficking Drugs	5 165	6 183	5 190
Manufacturing Controlled Substance 2nd	4 351	5 255	6 156
Manufacturing Controlled Substance 1st	6 162	7 135	7 99
Attempt - Possession of Controlled Substance		8 48	8 44
Drug Paraphenalia Manufacture	8 69		
Top Drug Offenses	6,538	7,220	8,254
Other Drug Offenses	236	170	139
Total Drug Offenses	6,774	7,390	8,393

Figure 22.

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

	FY16	FY17	FY18
Trafficking - Methamphetamine	50	56	82
Trafficking - Marihuana	37	41	35
Trafficking - Cocaine	34	34	30
Trafficking - Morphine			14
Trafficking - Heroin	15	21	12
Trafficking - Illegal Drugs	12	10	10
Trafficking - Opium		13	5
Other	17	8	2
Total Trafficking Offenses	165	183	190

Prison Admissions - Top 25

The number of jurisdictional ADOC admissions changed little.

Figure 23.

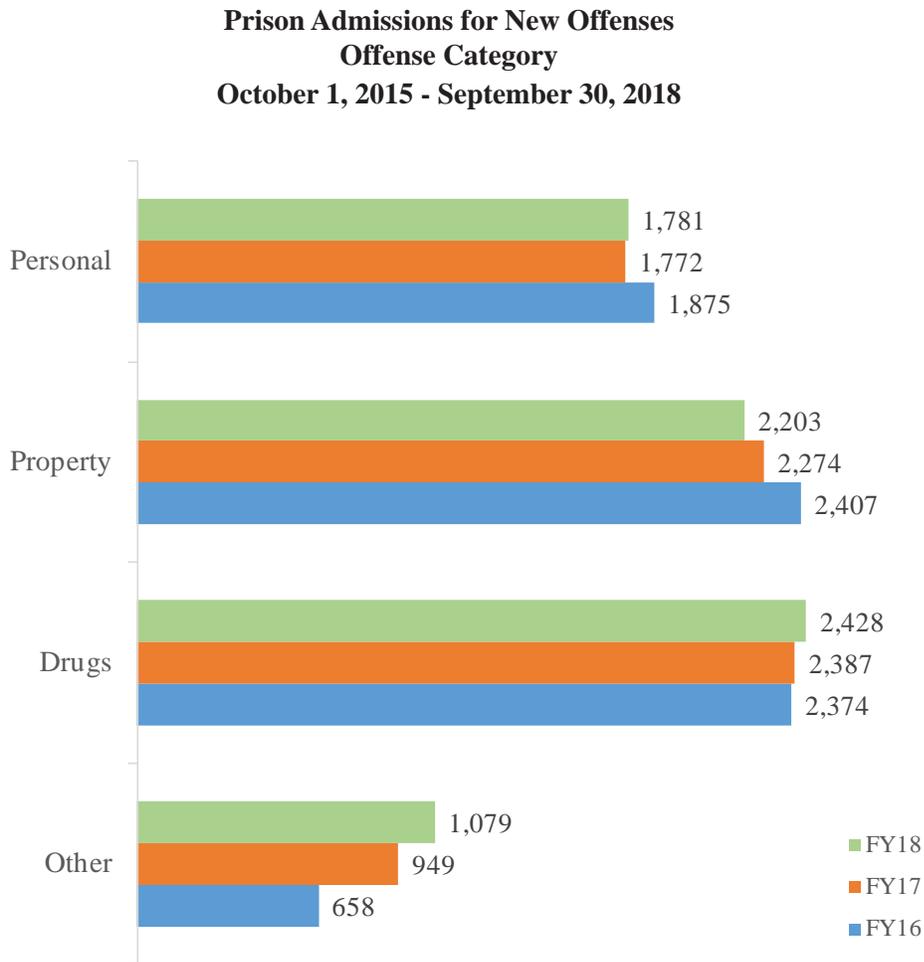
**Prison Admissions for New Offenses
October 1, 2015 - September 30, 2018**

	FY16	FY17	FY18
Possession of Controlled Substance	1 936	1 951	1 1,007
Distribution of Controlled Substance	2 633	2 757	2 802
Burglary 3rd	3 516	3 514	3 431
Theft of Property 1st	4 442	4 437	4 416
Robbery 1st	5 382	5 355	5 371
Receiving Stolen Property 1st	10 182	8 179	6 249
Possession Marihuana 1st	7 241	7 192	7 232
Breaking/Entering a Vehicle	T8 198	14 134	8 190
Trafficking Drugs	13 145	9 164	9 178
Murder	T16 133	15 127	10 166
Assault 2nd	12 173	10 150	11 151
Community Notification Act	15 135	16 125	12 140
Theft of Property 2nd	6 280	6 246	13 137
Assault 1st	23 88	19 94	14 119
Robbery 3rd	14 144	13 135	15 112
Burglary 2nd	T16 133	17 102	16 109
Manufacturing Controlled Substance 1st	11 181	12 136	17 108
Theft of Property 3rd		24 68	18 103
Manslaughter	22 91	22 80	19 94
Robbery 2nd	20 113	18 95	20 83
Manufacturing Controlled Substance 2nd	T8 198	11 149	T21 81
Fraud/Illegal Use Debit/Credit Card	21 100	25 65	T21 81
Burglary 1st	19 125	20 89	23 78
Sexual Abuse of Child <12 yrs			24 64
Chemical Endanger Minor CS-Ser Phy Injury			25 58
Poss Forged Instrument 2nd	18 126	21 84	
Receiving Stolen Property 2nd	24 62	23 70	
Rape 1st	25 57		
Top 25 Offenses	5,814	5,498	5,560
Other Offenses	1,500	1,884	1,931
Total Prison Admissions for New Offenses	7,314	7,382	7,491

Prison Admissions for New Offenses by Offense Category

**Drug, Property, and
Personal Admissions
Remain Stable**

Figure 24.

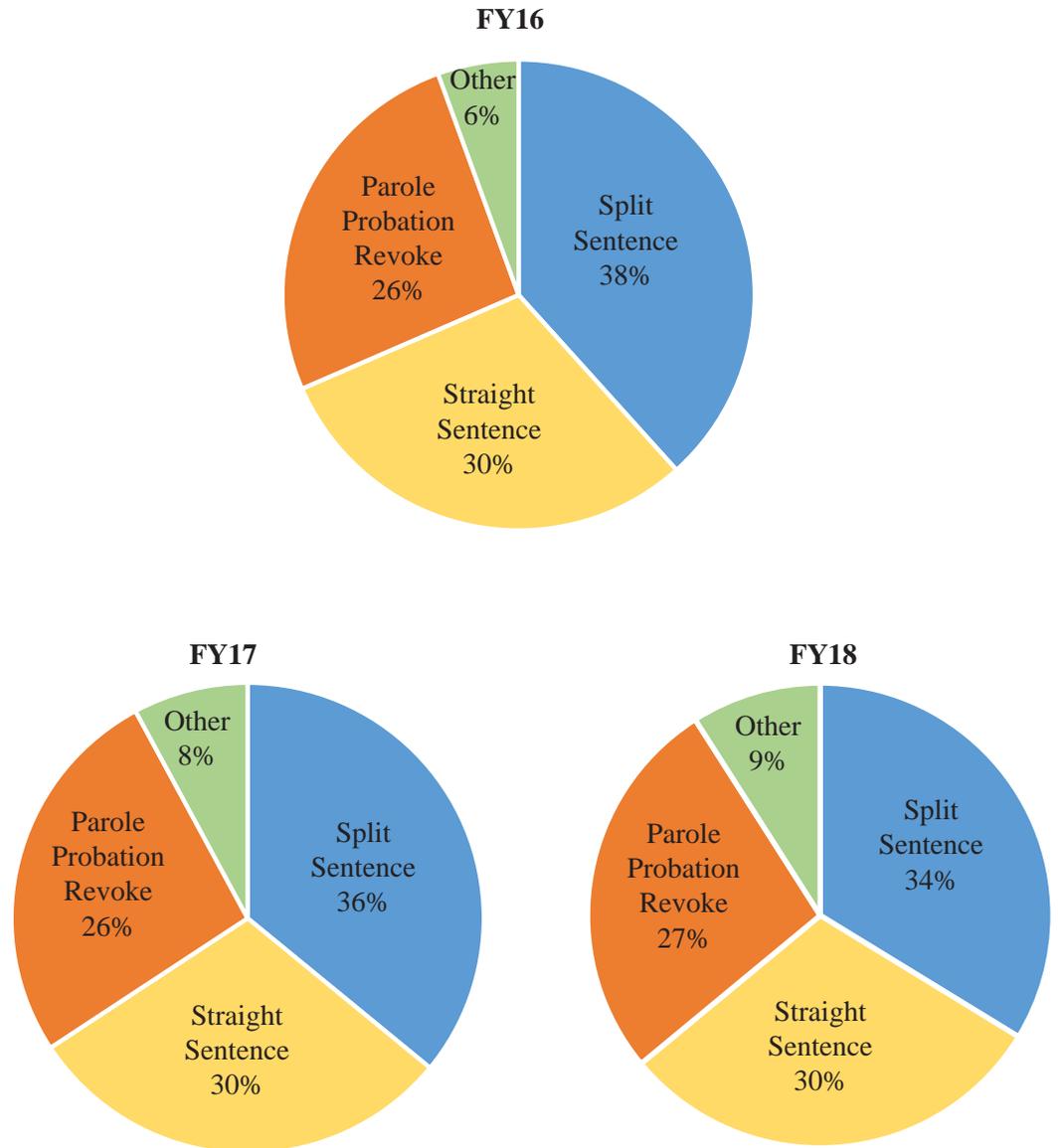


Prison Admissions by Type of Admission

**Revocation Sentences
Account for Over
One-Quarter of
Admissions**

Figure 25.

**Prison Admissions (all admissions)
Type of Admission
October 1, 2015 - September 30, 2018**



Prison Releases - Top 25

Figure 26.

Prison Releases October 1, 2015 - September 30, 2018

	<u>FY16</u>	<u>FY17</u>	<u>FY18</u>
Possession of Controlled Substance	1 1,582	1 1,479	1 1,732
Distribution of Controlled Substance	2 1,063	2 1,107	2 1,144
Burglary 3rd	3 915	3 959	3 906
Robbery 1st	5 735	4 950	4 833
Theft of Property 1st	4 825	5 833	5 786
Possession Marihuana 1st	8 445	8 366	6 380
Breaking/Entering a Vehicle	10 314	15 229	7 361
Theft of Property 2nd	7 456	6 589	8 358
Receiving Stolen Property 1st	11 307	11 272	9 356
Manufacturing Controlled Substance 2nd	6 461	7 445	10 332
Manufacturing Controlled Substance 1st	9 342	9 355	11 297
Assault 2nd	12 263	13 248	12 282
Murder	19 182	12 270	13 269
Robbery 3rd	14 237	10 283	14 266
Trafficking Drugs	15 205	14 239	15 231
Burglary 2nd	16 202	16 217	16 226
Robbery 2nd	17 189	17 206	17 208
Community Notification Act	18 184	19 182	18 203
Burglary 1st	22 149	20 169	19 202
Poss Forged Instrument 2nd	13 239	18 195	20 191
Fraud/Illegal Use Debit/Credit Card	20 180	24 99	21 169
Assault 1st	21 167	23 149	22 142
Receiving Stolen Property 2nd	23 132	22 155	23 115
Manslaughter	24 127	21 164	24 109
Rape 2nd	25 99	25 95	25 91
Top 25 Offenses	10,000	10,255	10,189
Other Offenses	1,724	2,162	2,466
Total Prison Releases	11,724	12,417	12,655

**Drug, Property and
Personal Releases
Remain Constant**

Prison Releases by Offense Category

Figure 27.

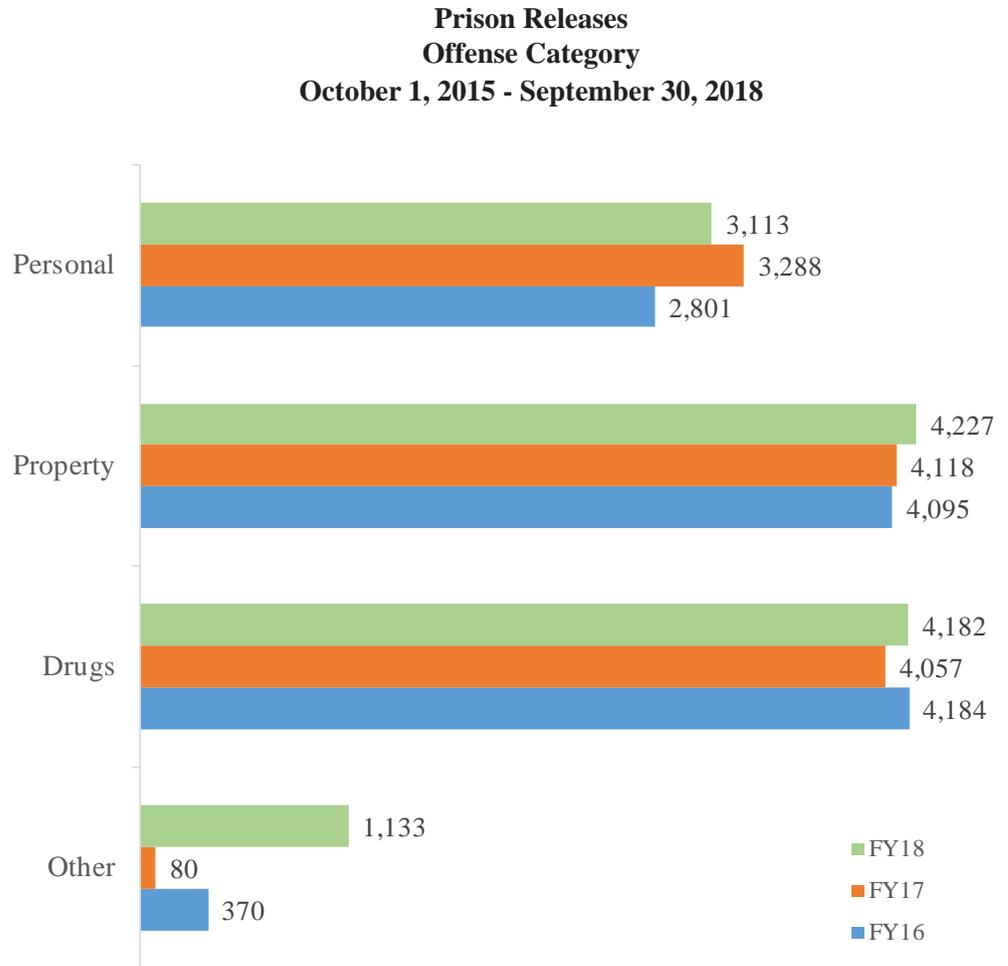
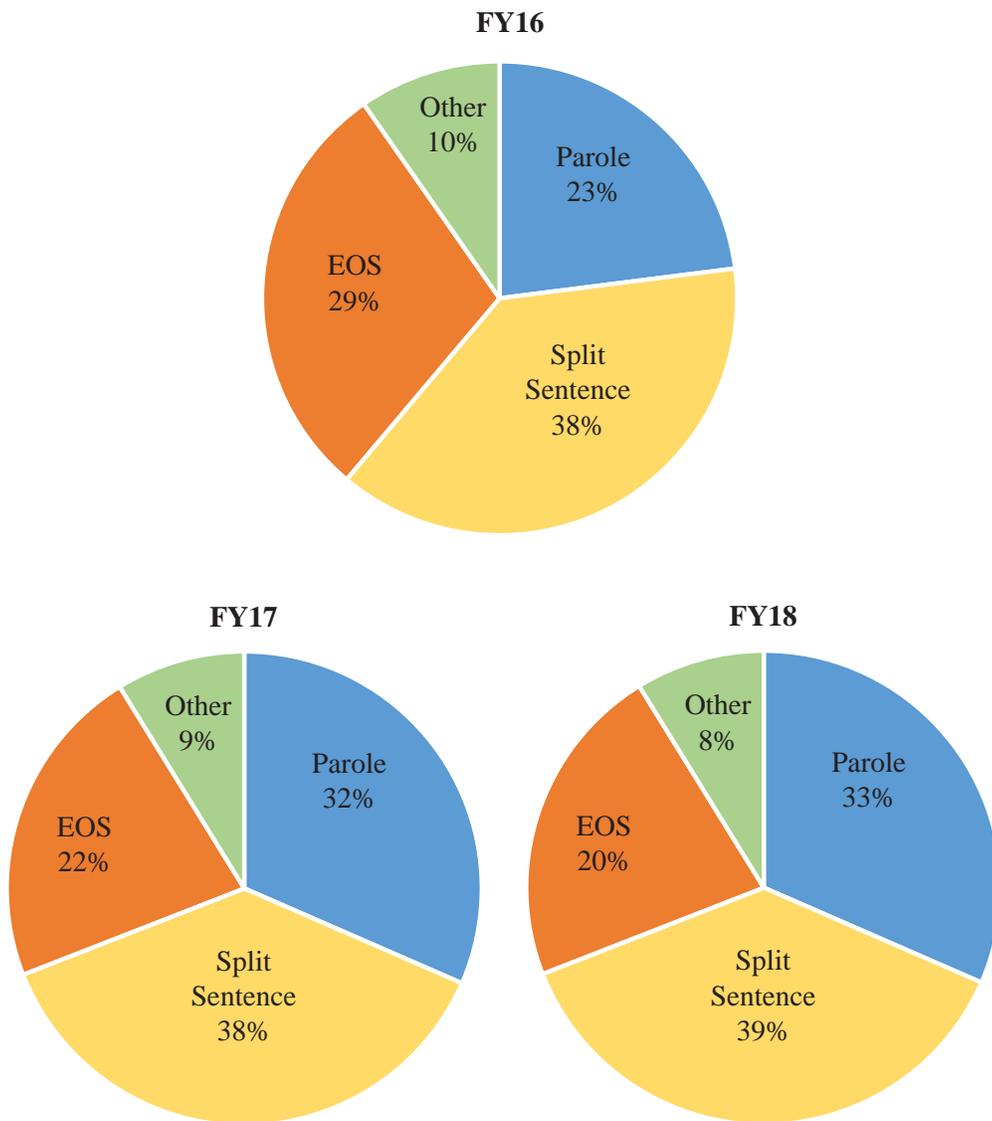


Figure 28.

**Prison Releases
Type of Release
October 1, 2015 - September 30, 2018**



Prison Releases by Type

Figure 29.

**Prison Releases
Type of Release
October 1, 2015 - September 30, 2018**

