

Alabama Sentencing Commission

2023

**Annual
Report**





ALABAMA SENTENCING COMMISSION

2023 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	iii
Letter from Chairman	v
Executive Summary	vii
Chapter 1: Criminal Justice Data	1



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 Kay Ivey
Chief Justice Tom Parker
Lieutenant Governor Will Ainsworth
Senator Greg Reed, President Pro Tempore, Alabama Senate
Senator Will Barfoot, Chair, Senate Judiciary Committee
The Supreme Court of Alabama
The Alabama Senate
Nathaniel Ledbetter, Speaker of the House, Alabama House of Representatives
Representative Jim Hill, Chair, House Judiciary 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 Bureau 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

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
Burt Smithart, Circuit Judge, 3rd 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 Will Barfoot, Senate District 25

Alabama Department of Corrections

John Hamm, Commissioner

Alabama Bureau of Pardons and Paroles' Appointment

Cam Ward, 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

Christen Butler, Esquire

President of the Alabama Criminal Defense Lawyers Assoc 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

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)

Chaplin Adolph South
Tuscaloosa, AL

Jeff Williams
Deputy Commissioner, Alabama Department of Corrections

Commission Staff

Bennet Wright, Executive Director

Melisa Morrison, Research Analyst

Jasmine Jones, Research Assistant

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

Will Barfoot
Senate Judiciary Committee

Ellen Brooks
Supernumerary District Attorney,
15th Judicial Circuit

Christen Butler
Alabama Lawyers' Association

Ted Cook
Police Chief, Mountain Brook, AL

Michael Dean
Assistant Attorney General

Alan Furr
District Judge, St. Clair County

Chris Green
Blount County Commission

John Hamm
Commissioner, Department of Corrections

Lou Harris
Institute for Criminal Justice Education

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Joel Sogol
Criminal Defense Lawyers' Association

Cam Ward
Director, Bureau of Pardons and Paroles

January 24, 2023

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

It is my privilege to provide the Alabama Sentencing Commission's 2023 Annual Report. Alabama's criminal justice system has seen numerous changes in the past decade including changes to sentencing laws, altering violation of community supervision revocation options, codifying parole eligibility criteria, and passage of legislation to modernize and build new prison facilities.

The importance of monitoring policy changes and their outcomes cannot be overstated. Changes to law, policy and practice across the criminal justice system are measured and evaluated by the Commission as a valuable resource to stakeholders in Alabama. The Commission stands ready to continue to serve providing information from across the criminal justice system to assist in policy development and analysis.

Covid-19 had pronounced effects across the entire criminal justice system including reduced court convictions and limited prison admissions. Court processing increased in Fiscal Year 2021 from the previous year. The past year witnessed changes in operations across the entire criminal justice system and the upcoming year is the first year in the legislative quadrennium where numerous other possible changes will be discussed and debated.

The Commission's work remains focused on protecting public safety. Finding ways to make Alabama's system more fair, effective and efficient are goals of the Commission to make the State a safer place and improve the functioning of the entire criminal justice system.

Sincerely,

Joseph A. Colquitt, Chair
Alabama Sentencing Commission

EXECUTIVE SUMMARY

Alabama's criminal justice system continues to see the impact of the Covid-19 pandemic with lower than normal felony convictions and prison admissions, but the State is beginning to see increased court processing.

The total number of felony convictions in fiscal year 2021 increased almost ten percent from the previous year, but still far below pre-pandemic levels. Unlawful Possession of Controlled Substance felony convictions continue to account for nearly one-third of all felony convictions each year. The offense of Unlawful Possession of a Controlled Substance with Intent to Distribute surged to the fifth most frequently convicted offense in the State increasing by almost 50 percent from the previous year.

Chapter 1: Criminal Justice Data

Who is in our Prisons - Top 25

Figure 1.

In-Custody Population on October 1, 2022

Murder	1	3,453
Robbery 1st	2	2,850
Rape 1st	3	1,018
Capital Murder	4	978
Burglary 1st	5	867
Distribution of Controlled Substance	6	832
Attempted Murder	7	742
Manslaughter	8	686
Theft of Property 1st	9	582
Trafficking Drugs	10	530
Possession of Controlled Substance	11	512
Burglary 3rd	12	486
Assault 1st	13	474
Sodomy 1st	14	461
Sexual Abuse of Child < 12 years	15	421
Robbery 3rd	16	371
Manufacturing Controlled Substance 1st	17	338
Receiving Stolen Property 1st	18	315
Robbery 2nd	19	299
Assault 2nd	20	290
Burglary 2nd	21	285
Rape 2nd	22	242
Community Notification Act Violations	23	223
Kidnapping 1st	24	214
Sexual Abuse 1st	25	190

Top 25 Offenses	17,659
Other Offenses	2,809
Total In-Custody Population	20,468

Figure 2.

In-Custody Population Offense Category

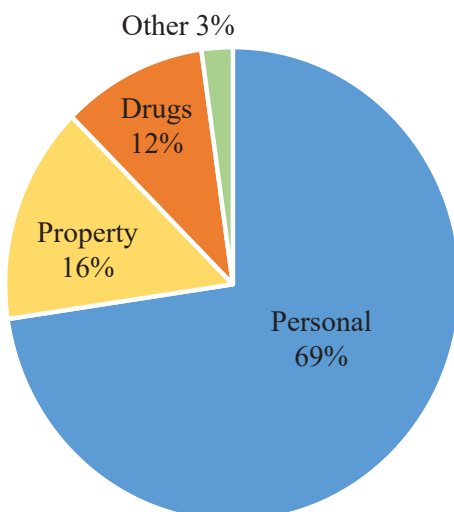
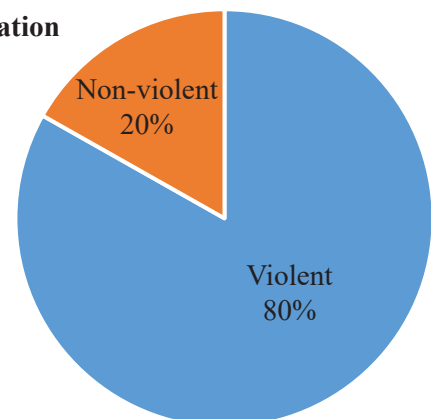


Figure 3.

In-Custody Population

*Violent as defined
in § 12-25-32*

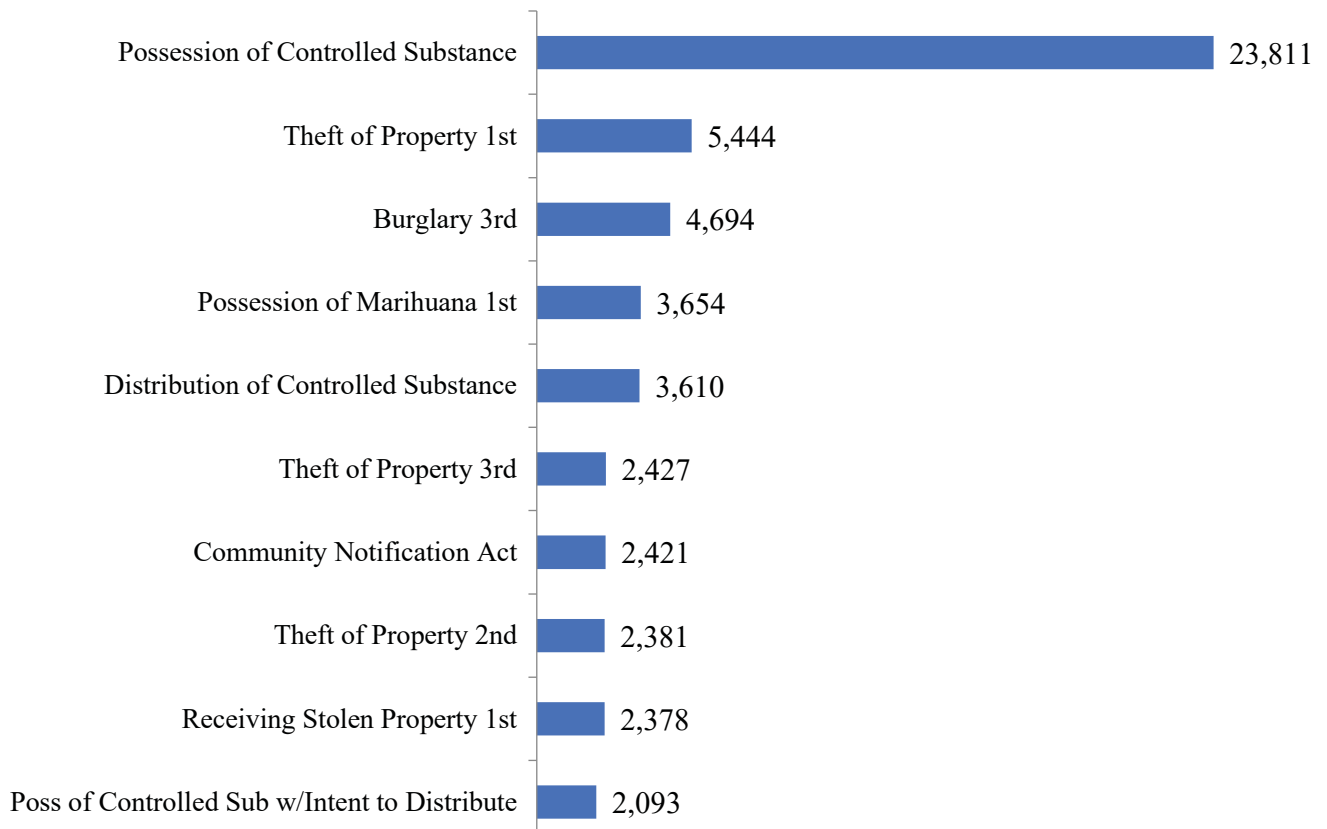


Most Frequent Felony Offense at Conviction

**Unlawful Possession of
Controlled Substances
Convictions Far Outpace
Other Convictions**

Figure 4.

Most Frequent Felony Offense at Conviction - Top 10 October 1, 2016 - September 30, 2021



Most Frequent Felony Offense at Conviction - Top 25

**Unlawful Possession of
Controlled Substances
w/Intent to Distribute
Convictions Surge to
the 4th Rank**

Figure 5.

**Most Frequent Felony Offense at Conviction
October 1, 2018 - September 30, 2021**

	FY19		FY20		FY21	
Possession of Controlled Substance	1	5,648	1	3,936	1	4,286
Theft of Property 1st	2	1,300	2	883	2	897
Burglary 3rd	3	1,094	3	638	3	719
Poss of Controlled Sub with Intent to Distribute	10	481	9	361	4	528
Possession Marihuana 1st	4	835	4	505	5	503
Distribution of Controlled Substance	5	773	5	461	6	487
Theft of Property 3rd	6	659	7	399	7	402
Receiving Stolen Property 1st	7	567	6	415	8	395
Community Notification Act	8	517	8	383	9	389
Assault 2nd	12	399	11	299	10	305
Breaking/Entering a Vehicle	9	511	10	305	11	303
Theft of Property 2nd	11	456	13	265	12	260
Obstruct Justice-False Identity	13	372	12	272	13	255
Fraud/Illegal Use Debit/Credit Card	15	317	15	169	14	188
Chemical Expose Minor Cont Sub	17	192	17	126	T15	178
Robbery 1st	16	269	16	138	T15	178
Poss Forged Instrument 3rd	14	369	14	206	17	173
Promote Prison Contraban 2nd	21	172	19	117	18	155
Robbery 3rd	20	182	20	114	19	143
Firearm-Certain Persons Forbid Own/Poss	24	140	21	107	20	132
Assault 1st					21	130
Receiving Stolen Property 2nd	25	136	23	98	22	125
Escape 3rd	19	183	18	118	23	123
Trafficking Drugs	18	187	22	106	24	119
Murder	22	147	24	96	25	116
Receiving Stolen Property 3rd	23	142	25	93		
Top 25 Offenses		16,048		10,610		11,489
Other Offenses		3,154		1,979		2,258
Total Most Frequent Felony Offense Convictions		19,202		12,589		13,747

Type of Most Frequent Felony Offense at Conviction

Figure 6.

Most Frequent Felony Offense at Conviction
Offense Category
October 1, 2018 - September 30, 2021

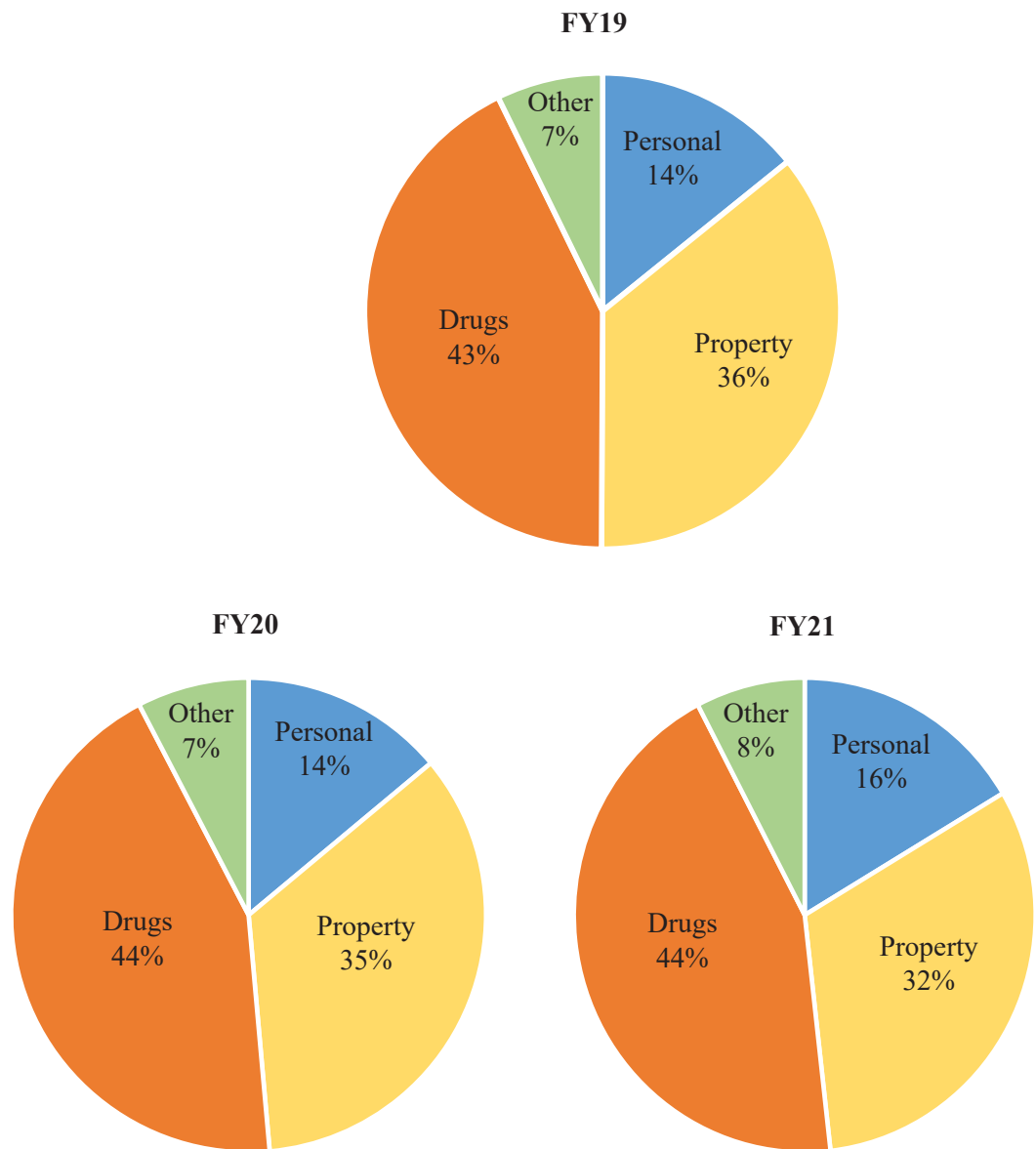


Figure 7.

**Class D Felony Offense at Conviction
October 1, 2018 - September 30, 2021**

	FY19	FY20	FY21	Unlawful Possession of Controlled Substance Convictions Account for Over 80 Percent of All Class D Convictions
Possession of Controlled Substance	5,209	3,878	4,175	
Theft of Property 3rd	641	384	393	
Poss Forged Instrument 3rd	369	206	173	
Possession Marihuana 1st	169	117	112	
Fraud/Illegal Use Debit/Credit Card	133	76	86	
Receiving Stolen Property 3rd	142	93	63	
Forgery 3rd	37	31	24	
Theft of Services 3rd	5	5	6	
Theft of Lost Property 3rd	13	10	3	
Attempt - Possession of Controlled Substance	4	1	0	
Total Class D Felonies	6,722	4,801	5,036	

Figure 8.

**Most Frequent Felony Drug Offenses at Conviction
October 1, 2018 - September 30, 2021**

	FY19	FY20	FY21	Unlawful Possession Offenses Constitute Almost 90 percent of All Drug Offenses
Possession of Controlled Substance (F-C & F-D)	1 5,648	1 3,936	1 4,286	
Poss of Controlled Sub with Intent to Distribute	4 481	4 361	2 528	
Possession Marihuana 1st (F-C & F-D)	2 835	2 505	3 503	
Distribution of Controlled Substance	3 773	3 461	4 487	
Trafficking Drugs	5 189	5 106	5 119	
Felony DUI	8 34	6 37	6 54	
Manufacturing Controlled Substance 2nd	6 80	7 26	7 22	
Attempt - Possession of Controlled Substance			8 14	
Manufacturing Controlled Substance 1st	7 35	8 11		
Top Drug Offenses	8,075	5,443	6,013	
Other Drug Offenses	121	69	52	
Total Drug Offenses	8,196	5,512	6,065	

Figure 9.

**Most Frequent Drug Trafficking Convictions
October 1, 2018 - September 30, 2021**

	FY19	FY20	FY21	Methamphetamine Trafficking Cases Accounted for One-Half of all Trafficking Offenses
Trafficking - Methamphetamine	84	57	59	
Trafficking - Illegal Drugs	9	12	15	
Trafficking - Marihuana	33	16	13	
Trafficking - Cocaine	21	11	8	
Trafficking - Heroin	17	2	7	
Trafficking - Morphine	9	1	7	
Trafficking - Opium	13	6	4	
Other	3	4	6	
Total Trafficking Offenses	189	109	119	

**The Number of
Jurisdictional ADOC
Admissions Remains
Unchanged in FY21**

Prison Admissions - Top 25

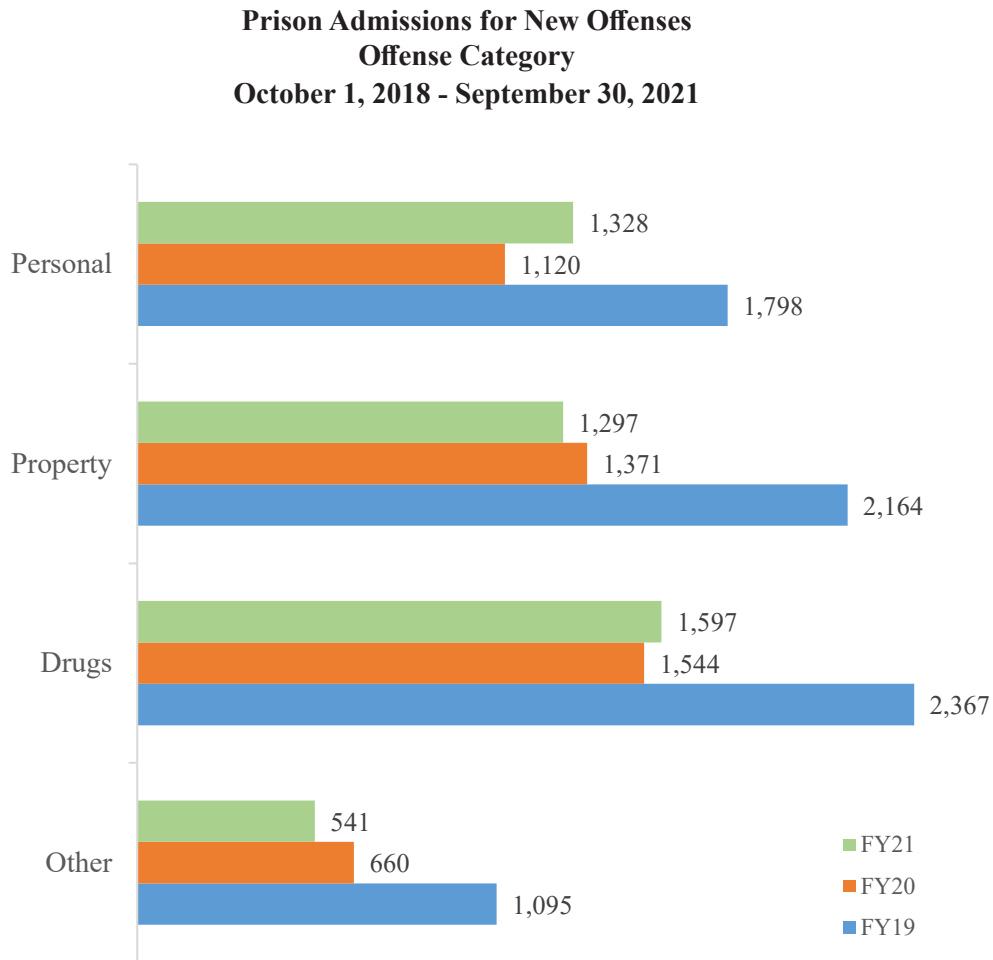
Figure 10.

**Prison Admissions for New Offenses
October 1, 2018 - September 30, 2021**

	FY19	FY20	FY21
Possession of Controlled Substance	1 1,146	1 787	1 771
Distribution of Controlled Substance	2 716	2 471	2 536
Theft of Property 1st	3 482	3 289	3 274
Burglary 3rd	4 461	4 273	4 253
Robbery 1st	5 337	5 174	5 218
Receiving Stolen Property 1st	7 187	6 169	6 142
Murder	8 172	T9 100	7 120
Possession Marihuana 1st	6 192	7 140	8 116
Trafficking Drugs	9 166	11 88	9 103
Assault 2nd	13 131	T9 100	10 101
Assault 1st	17 106	T12 80	11 98
Breaking/Entering a Vehicle	10 154	8 104	12 92
Community Notification Act	12 133	T12 80	13 81
Manslaughter	15 113	14 68	14 78
Theft of Property 3rd	11 143	15 64	15 75
Robbery 3rd	16 110	16 63	16 74
Burglary 2nd	18 95	20 47	17 67
Attempted Murder		25 34	18 63
Robbery 2nd	19 89	T23 42	19 56
Theft of Property 2nd	14 125	17 54	20 53
Persons Forbidden Poss Firearm			21 50
Discharge Gun Occupied Bldg/Vehicle	21 67	22 43	T22 49
Obstruct Justice-False Identity		T18 53	T22 49
Burglary 1st	20 80	T18 53	24 43
Domestic Violence 2nd		21 44	T25 42
Fraud/Illegal Use Debit/Credit Card	T22 58		T25 42
Poss Forged Instrument 1st		T23 42	
Manufacturing Controlled Substance 2nd	T22 58		
Sexual Abuse of Child <12 yrs	T22 58		
Manufacturing Controlled Substance 1st	25 56		
Top 25 Offenses	5,435	3,462	3,646
Other Offenses	1,989	1,233	1,117
Total Prison Admissions for New Offenses	7,424	4,695	4,763

Prison Admissions for New Offenses by Offense Category

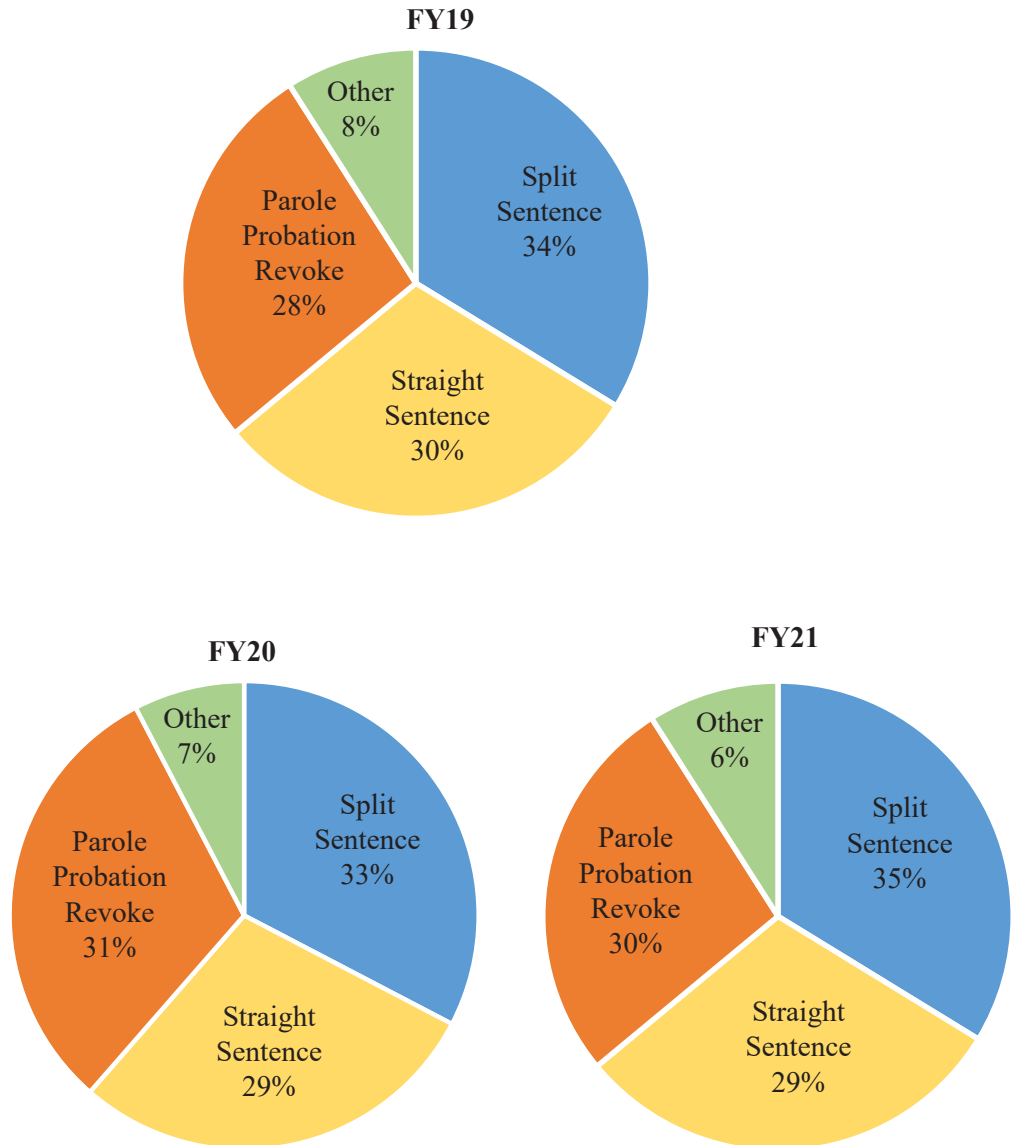
Figure 11.



Prison Admissions by Type of Admission

Figure 12.

Prison Admissions (all admissions)
Type of Admission
October 1, 2018 - September 30, 2021



Prison Releases - Top 25

Figure 13.

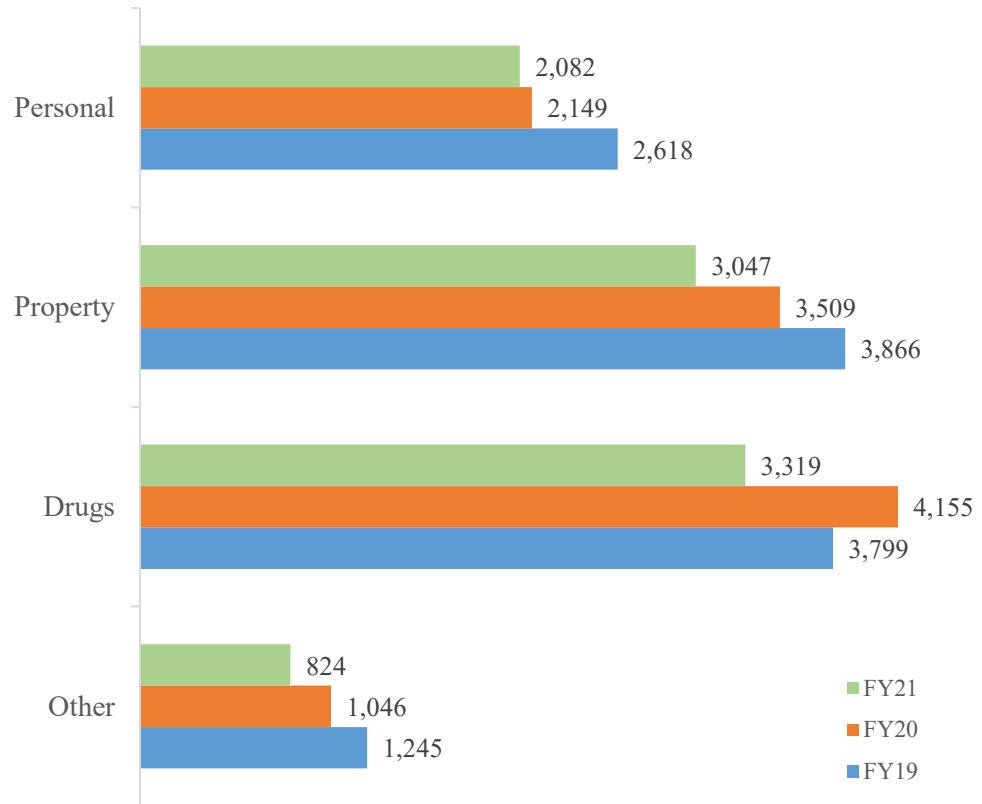
Prison Releases October 1, 2018 - September 30, 2021

	FY19		FY20		FY21	
Possession of Controlled Substance	1	1,719	1	2,119	1	1,616
Distribution of Controlled Substance	2	1,024	2	1,077	2	929
Theft of Property 1st	4	807	4	640	3	621
Burglary 3rd	3	863	3	712	4	577
Robbery 1st	5	664	6	391	5	360
Receiving Stolen Property 1st	8	291	5	406	6	336
Breaking/Entering a Vehicle	12	232	7	322	7	255
Possession Marihuana 1st	6	369	8	315	8	254
Assault 2nd	9	270	9	234	9	204
Community Notification Act	14	181	T14	172	10	190
Trafficking Drugs	16	172	13	185	11	180
Robbery 3rd	11	234	T14	172	12	176
Theft of Property 2nd	7	368	10	231	13	148
Manufacturing Controlled Substance 2nd	10	250	11	210	14	145
Manufacturing Controlled Substance 1st	13	217	12	204	15	142
Theft of Property 3rd	17	151	16	168	16	136
Assault 1st	22	125	17	135	17	123
Burglary 2nd	15	174	18	129	18	122
Murder	18	150	21	111	19	115
Robbery 2nd	20	144	19	126	20	112
Obstruct Justice-False Identity	25	110	23	97	21	108
Burglary 1st	19	147	22	103	22	105
Fraud/Illegal Use Debit/Credit Card	21	130	20	124	23	104
Manslaughter	23	123	24	96	24	91
Discharge Gun Occupied Bldg/Vehicle					25	77
Poss Forged Instrument 2nd	24	113				
Poss Forged Instrument 3rd			25	86		
Top 25 Offenses		9,028		8,565		7,226
Other Offenses		2,500		2,294		2,046
Total Prison Releases		11,528		10,859		9,272

Prison Releases by Offense Category

Figure 14.

**Prison Releases
Offense Category
October 1, 2018 - September 30, 2021**

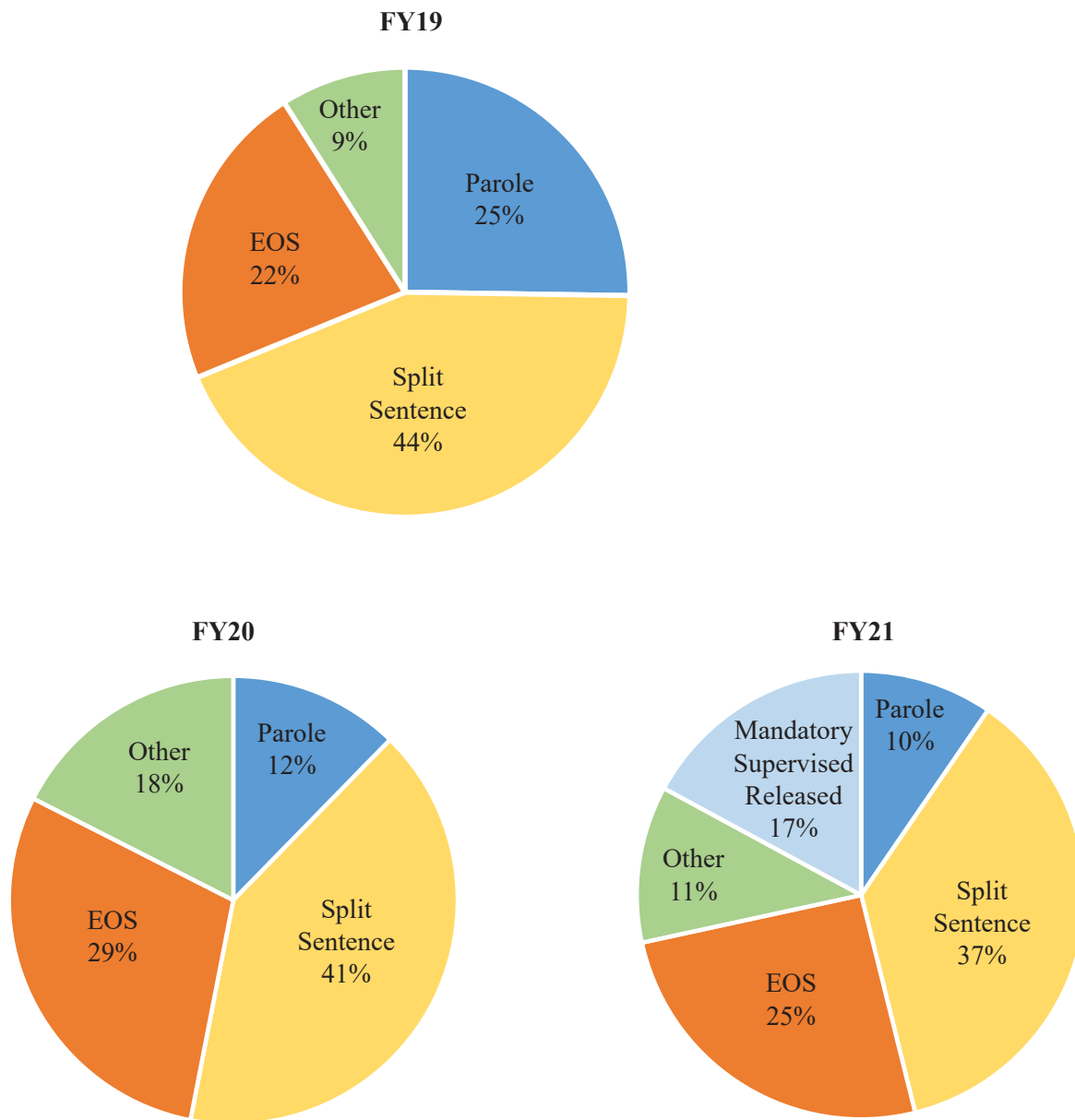


Prison Releases by Type

**Mandatory Supervised
Releases are a Significant
Category of all Releases**

Figure 15.

**Prison Releases
Type of Release
October 1, 2018 - September 30, 2021**



Prison Releases by Type

Figure 16.

**Prison Releases
Type of Release
October 1, 2018 - September 30, 2021**

