Justice Reinvestment in Alabama

Third Presentation to Prison Reform Task Force, December 11, 2014

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Council of State Governments Justice Center

- National nonprofit, nonpartisan membership association of state government officials
- Engages members of all three branches of state government
- Justice Center provides practical, nonpartisan advice informed by the best available evidence
Justice Reinvestment

a data-driven approach to reduce corrections spending and reinvest savings in strategies that can decrease recidivism and increase public safety
1. **Sentencing**
   - Prison remains most used disposition type for felony convictions
   - Two-thirds of sentences to prison are for property and drug offenses
   - Alabama treats low-level property crime more severely than other southern states

2. **Parole Process**
   - Property and drug cases now being held by the Board twice as long prior to release
   - Board’s reasons for denial often a “re-sentencing” of the case
   - Data suggest parole release delays are not benefiting public safety

3. **Supervision**
   - Revocations of probation to prison up 47 percent since FY2009
   - Current approach to sanctioning violators is costly and ineffective
   - Lack of evidence-based practices for supervision has significant cost and public safety implications
Update on Criminal Justice System Stakeholder Engagement Since September Working Group Meeting

- Three day visit observing Board of Pardons and Paroles
- Community Corrections Program Directors
- Victim Advocate Roundtables in Montgomery and Birmingham
- Statewide Circuit Court Judicial Survey
- Visit to Staton Correctional Facility to interview individuals on their parole process and supervision experiences

Qualitative Stakeholder Feedback
Alabama has Some Prison Diversion Options in Place

**Pretrial Diversion**

Programs run locally by prosecutors to offer opportunities for deferral of criminal charges

**Drug Courts**

Alternative sentencing option for nonviolent offenses committed while under the influence of alcohol or drugs
Opportunities Still Exist for More Diversion Away from Prison

Even after the recent declines in arrests and felony convictions, sentences to prison remain the most used response in felony sentencing.

Records in statewide pretrial diversion database as of 10/14/14:

- Drug Courts screened 1,857 candidates and accepted 959
- Jail/Other: 1,867
- Probation: 6,642
- Community Corrections: 2,281
- Prison: 6,825

* Estimated based on Oct-Jun of FY2014.

Source: Alabama Office of Prosecution Services; Alabama Administrative Office of the Courts; and Alabama Sentencing Commission felony sentencing data.
Presumptive Guidelines have not Shut the Prison Doors

Hypothetical cases where only one prior felony needed to score as “IN” prison on presumptive drug and property sentencing guidelines

**Possession with Intent to Distribute**

*Plus* – one prior felony conviction resulting in prison sentence

= “IN” prison recommendation

**OR**

*Plus* – one prior felony conviction resulting in probation that was revoked

= “IN” prison recommendation

**Theft of Property II**

*Plus* – one prior felony conviction resulting in prison sentence

= “IN” prison recommendation

**OR**

*Plus* – one prior felony conviction for same offense resulting in probation that was revoked, and two juvenile delinquency dispositions

= “IN” prison recommendation

✓ 8 percent of cases fit first hypothetical
✓ 22 percent of cases fit second hypothetical

Property and Drug Offenses Account for 2/3 of All Sentences to Prison

Estimated FY2014 Sentences to Prison by Offense Type

- Property: 36%
- Drug: 31%
- Person: 27%
- Other: 6%

Total = 6,825

Many of these individuals are failing on supervision in the community where the lack of resources makes success less likely.

Source: Alabama Sentencing Commission felony sentencing data
Alabama is One of 16 States with a Felony Theft Threshold of $500 or Less

Felony Theft Thresholds by State, 2014

Recent Examples of Raising Theft Thresholds:
- Georgia: $500 -> $1,500 (2012)
- Rhode Island: $500 -> $1,500 (2012)
- Mississippi: $500 -> $1,000 (2014)
- North Dakota: $500 -> $1,000 (2013)
- Arkansas: $500 -> $1,000 (2011)
Most States Have Some Nonviolent Forms of Burglary—Alabama Does Not

Types of Burglary that Are Considered “Nonviolent”

- All non-habitation and some habitation
- Simple of a building or inhabited dwelling
- Building that is not a dwelling
- Simple, non-habitation

Alabama is the only one of these states that doesn’t have a nonviolent form of burglary or breaking & entering of a home or building.
1. **Sentencing**
   - Prison remains most used disposition type for felony convictions
   - Two-thirds of sentences to prison are for property and drug offenses
   - Alabama treats low-level property crime more severely than other southern states

2. **Parole Process**

3. **Supervision**
One-Third of Current Property and Drug Inmates are Eligible for Release to Parole

Distribution of ADOC “Custody” Population, June 30, 2014

Total = 26,275

<table>
<thead>
<tr>
<th>Category</th>
<th>Person (14,321 Inmates)</th>
<th>Property (6,017)</th>
<th>Drug (4,616)</th>
<th>Other (1,321)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Splits</td>
<td>11%</td>
<td>24%</td>
<td>25%</td>
<td>22%</td>
</tr>
<tr>
<td>Pre-parole</td>
<td>39%</td>
<td>36%</td>
<td>38%</td>
<td>38%</td>
</tr>
<tr>
<td>Eligible for Initial Parole</td>
<td>12%</td>
<td>19%</td>
<td>20%</td>
<td>33%</td>
</tr>
<tr>
<td>Parole Violator</td>
<td>9%</td>
<td>16%</td>
<td>11%</td>
<td>4%</td>
</tr>
<tr>
<td>Life w/o Parole; Death</td>
<td>29%</td>
<td>5%</td>
<td>6%</td>
<td>3%</td>
</tr>
</tbody>
</table>

Initial Parole Eligible Population

As of June 30, 2014, approximately 4,283 inmates were eligible for initial parole.

Offense types:
- 1,761 person
- 1,171 property
- 913 drug
- 438 other

Source: Alabama Department of Corrections prison population data.
More Than 1,000 Parole-Eligible Property and Drug Inmates Have Been Eligible for Initial Parole for More Than One Year

As of June 30, 2014, there were 1,014 individuals incarcerated in prison on property & drug offenses who had been eligible for initial release to parole for one year or longer:

- **57%** had been denied and given no re-hearing date (essentially saying they will discharge in full/EOS)
- **10%** had been denied and given a re-hearing date
- **10%** had upcoming hearing dates
- **8%** granted (and awaiting release)
- **7%** not worked by Board due to inadequate time (essentially saying they will discharge in full/EOS)
- **2%** waived parole
- **6%** other

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Source: Alabama Department of Corrections prison population data; and Alabama Board of Pardons and Paroles case file review.
Denying Parole in Favor of “Maxing Out” has Significant Cost and Public Safety Implications

1,014 property and drug inmates still incarcerated more than 1 year after becoming eligible for parole

64 percent denied or passed over in favor of letting them “max out” to no supervision = 650 inmates (and prison beds)

At one year past eligibility, the bed demand for these 650 inmates at $42/day represents $10 million, and each additional month it takes before they are released represents another $819,000.

...and these individuals will have no supervision once released

Source: Alabama Department of Corrections prison population data; Annual Report Fiscal Year 2013, Alabama Department of Corrections, ADOC inmate operating cost = $41.94 per day.
Deconstruct “Parole-Eligible More Than One Year” Population

Specific Underlying Offenses for Those Property and Drug Inmates One Year or Longer Beyond Initial Parole Eligibility but Still Incarcerated:

<table>
<thead>
<tr>
<th>Total Property = 537</th>
<th>Total Drug = 477</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Burglary III</strong> = 166 (31%)</td>
<td><strong>Poss. of Cont. Subs.</strong> = 250 (54%)</td>
</tr>
<tr>
<td><strong>Theft of Property II</strong> = 78 (15%)</td>
<td><strong>Dist. of Cont. Subs.</strong> = 78 (17%)</td>
</tr>
<tr>
<td><strong>Theft of Property I</strong> = 61 (11%)</td>
<td><strong>Poss. of Marijuana</strong> = 69 (15%)</td>
</tr>
<tr>
<td><strong>Crim. Poss. of Forg. Instr.</strong> = 38 (7%)</td>
<td><strong>Manu. Cont. Subs.</strong> = 34 (7%)</td>
</tr>
<tr>
<td><strong>Receiving Stolen Property II</strong> = 32 (6%)</td>
<td><strong>Trafficking</strong> = 20 (4%)</td>
</tr>
<tr>
<td><strong>Breaking &amp; Entering a Vehicle</strong> = 32 (6%)</td>
<td><strong>All Others</strong> = 16 (3%)</td>
</tr>
<tr>
<td><strong>All Others</strong> = 130 (24%)</td>
<td></td>
</tr>
</tbody>
</table>

Source: Alabama Department of Corrections prison population data.
## Rate of Parole Release Among Eligible Population Declined

<table>
<thead>
<tr>
<th></th>
<th>FY2009</th>
<th>FY2010</th>
<th>FY2011</th>
<th>FY2012</th>
<th>FY2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial Parole Eligible Population</td>
<td>4,338</td>
<td>3,992</td>
<td>3,976</td>
<td>4,055</td>
<td>4,181</td>
</tr>
<tr>
<td>+ Parole Violator Population</td>
<td>2,939</td>
<td>2,997</td>
<td>2,998</td>
<td>2,841</td>
<td>2,736</td>
</tr>
<tr>
<td>= Total Parole Eligible Population</td>
<td>7,277</td>
<td>6,989</td>
<td>6,974</td>
<td>6,896</td>
<td>6,917</td>
</tr>
<tr>
<td>Actual Releases to Parole</td>
<td>3,076</td>
<td>2,962</td>
<td>2,360</td>
<td>2,282</td>
<td>2,495</td>
</tr>
<tr>
<td>Parole Releases as Percent of Eligible</td>
<td>42%</td>
<td>42%</td>
<td>34%</td>
<td>33%</td>
<td>36%</td>
</tr>
</tbody>
</table>

Source: Alabama Department of Corrections prison population and releases data.
Prison Population Would be Lower had Parole Release Rate Not Declined

Source: Alabama Department of Corrections prison population and releases data.
Parole Release Rates Have Declined for all Offense Types Except Drugs

<table>
<thead>
<tr>
<th></th>
<th>Total</th>
<th>Person</th>
<th>Property</th>
<th>Drug</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>FY2009</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parole Eligible Population</td>
<td>7,277</td>
<td>2,723</td>
<td>2,312</td>
<td>1,738</td>
<td>504</td>
</tr>
<tr>
<td>Parole Releases</td>
<td>3,076</td>
<td>608</td>
<td>1,140</td>
<td>1,193</td>
<td>135</td>
</tr>
<tr>
<td>Release Rate</td>
<td>42%</td>
<td>22%</td>
<td>49%</td>
<td>69%</td>
<td>27%</td>
</tr>
<tr>
<td><strong>FY2013</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parole Eligible Population</td>
<td>6,917</td>
<td>2,875</td>
<td>2,159</td>
<td>1,389</td>
<td>494</td>
</tr>
<tr>
<td>Parole Releases</td>
<td>2,495</td>
<td>486</td>
<td>904</td>
<td>1,011</td>
<td>94</td>
</tr>
<tr>
<td>Release Rate</td>
<td>36%</td>
<td>17%</td>
<td>42%</td>
<td>73%</td>
<td>19%</td>
</tr>
</tbody>
</table>

Source: Alabama Department of Corrections prison population and releases data.
Current Parole Grant Rate Still Below 35 Percent

Board members tracked denial reasons for cases heard over three week period (late October through early November)

477 Total Cases Heard

164 Denied with Subsequent Hearing Date Set
153 Denied without Subsequent Hearing Date Set
160 Granted Parole (34% grant rate)

Total denials = 317 (66%)

Source: Alabama Board of Pardons and Paroles.
Parole Decisions are Often a “Re-sentencing” Based on Factors Addressed at Original Sentencing

<table>
<thead>
<tr>
<th>Reasons for Denial</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Institutional misconduct – major</td>
<td>14%</td>
</tr>
<tr>
<td><strong>Prior criminal history</strong></td>
<td>14%</td>
</tr>
<tr>
<td><strong>Stakeholder input</strong></td>
<td>12%</td>
</tr>
<tr>
<td>Assessment of risk to reoffend</td>
<td>12%</td>
</tr>
<tr>
<td><strong>Nature of underlying offense</strong></td>
<td>12%</td>
</tr>
<tr>
<td>Other (1/2 of these are pending cases)</td>
<td>11%</td>
</tr>
<tr>
<td><strong>Prior supervision failure on current case</strong></td>
<td>11%</td>
</tr>
<tr>
<td><strong>Length of sentence imposed</strong></td>
<td>5%</td>
</tr>
<tr>
<td>Failure to complete programming</td>
<td>3%</td>
</tr>
<tr>
<td><strong>Actual time served</strong></td>
<td>3%</td>
</tr>
<tr>
<td>Lack of viable parole plan</td>
<td>2%</td>
</tr>
<tr>
<td>Prior failed attempt at parole on same case</td>
<td>1%</td>
</tr>
<tr>
<td>ADOC recommendation against parole</td>
<td>&lt; 1%</td>
</tr>
<tr>
<td>Institutional misconduct – minor</td>
<td>&lt; 1%</td>
</tr>
</tbody>
</table>

57 percent of the reasons cited by Board members for denial of parole involved these particular factors.

Source: Alabama Board of Pardons and Paroles Board Denial Survey, November 2014.
Increase in Time Served Prior to Parole Driven by Property, Drug, and Other Offenders

**Months in Prison for Releases to Parole by Offense Type, FY2009 and FY2014**

- **Person Offense Types**
  - FY2009: 83
  - FY2014: 81

- **Property Offense Types**
  - FY2009: 23
  - FY2014: 35 (52% increase)

- **Drug Offense Types**
  - FY2009: 19
  - FY2014: 30 (58% increase)

- **Other Offense Types**
  - FY2009: 14
  - FY2014: 32 (129% increase)

Source: Alabama Department of Corrections prison releases data.
# High-Volume Property and Drug Cases Spending Twice as Long in Prison Since FY2009

## Months in Prison for Releases to Parole by Offense Type, FY2009 and FY2014

<table>
<thead>
<tr>
<th>Offense</th>
<th>FY2009</th>
<th>FY2014</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Property</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Four highest volume offense types)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Burglary III</td>
<td>9.4 months</td>
<td>20.2 months</td>
<td>+ 115%</td>
</tr>
<tr>
<td>Criminal Possession of Forged Instrument II</td>
<td>9.1</td>
<td>29.3</td>
<td>+ 222%</td>
</tr>
<tr>
<td>Theft of Property I</td>
<td>9.4</td>
<td>19.9</td>
<td>+ 112%</td>
</tr>
<tr>
<td>Theft of Property II</td>
<td>9.6</td>
<td>20.4</td>
<td>+ 113%</td>
</tr>
<tr>
<td><strong>Drug</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Four highest volume offense types)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Distribution of Controlled Substance</td>
<td>10.3</td>
<td>24.3</td>
<td>+ 136%</td>
</tr>
<tr>
<td>Possession of Controlled Substance</td>
<td>9.3</td>
<td>20.3</td>
<td>+ 118%</td>
</tr>
<tr>
<td>Possession of Marijuana I</td>
<td>9.5</td>
<td>17.5</td>
<td>+ 84%</td>
</tr>
<tr>
<td>Manufacture of Controlled Substance</td>
<td>10.7</td>
<td>25.5</td>
<td>+ 138%</td>
</tr>
</tbody>
</table>

Source: Alabama Department of Corrections prison releases data.
Across-the-Board Increases in Actual Time Served Among Most Common Property and Drug Offenses with 10-Year Terms

Months in Prison for High-Volume Property & Drug Offenses Sentenced to Parole Eligible Ten-Year Terms, FY2009-14

**Property**

**Burglary III**

- FY09: 20 mos
- FY14: 28 mos (+40% in Time served)

**Crim. Poss. of Forged Instr. II**

- FY09: 14 mos
- FY14: 31 mos (+121% in Time served)

**Theft of Property I**

- FY09: 18 mos
- FY14: 28 mos (+56% in Time served)

**Theft of Property II**

- FY09: 19 mos
- FY14: 31 mos (+63% in Time served)

**Drug**

**Distribution of CS**

- FY09: 17 mos
- FY14: 25 mos (+47% in Time served)

**Possession of CS**

- FY09: 17 mos
- FY14: 28 mos (+65% in Time served)

**Possession of Marijuana**

- FY09: 12 mos
- FY14: 27 mos (+125% in Time served)

**Manufacture of CS**

- FY09: 11 mos
- FY14: 28 mos (+155% in Time served)

Source: Alabama Department of Corrections prison releases data.
Across-the-Board Increases in Actual Time Served Among Most Common Property and Drug Offenses with 5-Year Terms

Months in Prison for High-Volume Property & Drug Offenses Sentenced to Parole Eligible Five-Year Terms, FY2009-14

**Property**

- **Burglary III**
  - FY09: 10 mos
  - FY14: 16 mos (+60% in Time served)

- **Crim. Poss. of Forged Instr. II**
  - FY09: 10 mos
  - FY14: 15 mos (+50% in Time served)

- **Theft of Property I**
  - FY09: 10 mos
  - FY14: 15 mos (+50% in Time served)

- **Theft of Property II**
  - FY09: 11 mos
  - FY14: 15 mos (+36% in Time served)

**Drug**

- **Distribution of CS**
  - FY09: 10 mos
  - FY14: 15 mos (+50% in Time served)

- **Possession of CS**
  - FY09: 10 mos
  - FY14: 16 mos (+60% in Time served)

- **Possession of Marijuana**
  - FY09: 11 mos
  - FY14: 15 mos (+36% in Time served)

- **Manufacture of CS**
  - FY09: 9 mos
  - FY14: 13 mos (+44% in Time served)

Source: Alabama Department of Corrections prison releases data.
Current Parole-Eligible Populations Are Not More “Hardened”

Average Number of Prior Felony Convictions for Property and Drug Inmates Parole Eligible One or More Years

Source: Alabama Department of Corrections prison population data; and Alabama Sentencing Commission felony sentencing data.
Holding Inmates Longer Beyond Parole Eligibility Does Not Increase Public Safety

**FY2010 Releases to Parole**

(of individuals sentenced to prison on five year sentences)

- Average Time Served:
  - 5 months: 9%
  - 7 months: 6%
  - 10 months: 20%
  - 14 months: 24%

Source: Alabama Department of Corrections prison releases data; and Alabama Sentencing Commission felony sentencing data.
Nearly 3,000 Individuals are Released from Prison Each Year Without Any Supervision

More than 90 percent were not previously paroled

2,852 FY2013 releases from prison to no supervision

18 percent were imprisoned for violent person and/or sex-related crimes

Other states have chosen to require mandatory supervision upon release from prison:

- Increased accountability
- Reduced recidivism
- Better victim safety planning and restitution collection
- Information sharing with law enforcement
- Successful reentry

Source: Alabama Department of Corrections prison releases data.
Those Leaving Prison Without Supervision have Higher Recidivism Rates than those Released to Supervision

Three Year Reconviction Rates for ADOC Parole and End of Sentence Releases, FY2010 Releases

Source: Alabama Department of Corrections prison releases data; and Alabama Sentencing Commission felony sentencing data.
Alabama’s Law Addresses Concept of Risk but Undercuts Role of Supervised Reentry

“No prisoner shall be released on parole merely as a reward for good conduct or efficient performance of duties assigned in prison, but only if the Board of Pardons and Paroles is of the opinion that there is reasonable probability that, if such prisoner is released, he will live and remain at liberty without violating the law and that his release is not incompatible with the welfare of society…”

Risk of future criminal activity should be at the heart of release decision-making.

But as a higher-risk person gets closer to their end-of-sentence (EOS) date, their likelihood of release to supervision as well as length of supervision diminishes.
Stakeholders Prefer a Period of Accountability Instead of Unsupervised Release from Prison

Judges expect supervision after release from prison

- 82 percent of judges said everyone released from prison should have at least a minimal amount of supervision

Victims prefer that individuals considered dangerous receive supervision when released from prison

- Victims told stories about their offenders declining parole to avoid supervision
- Victims support supervised release from prison but want a stronger supervision system
Parole Process Involves Uncertainty

Judges

• Some prefer split sentencing as a way to provide certainty of incarceration time and release to supervision

Individuals Incarcerated at Staton Correctional Facility

• Want opportunity to articulate readiness for parole to Board
• Not told reason for denial and do not know what they can do to increase parole likelihood
• Believe completing programs and institutional behavior has little or nothing to do with parole decisions
• Described knowing about individuals with worse offenses being paroled first, and believe the parole process is unfair
• Some unclear on if they had a parole date set and when that parole date would be
Current Board Operates Among Pressures that are Often Irreconcilable

Return inmates to society safely

Stakeholder protests

Vast discretion

Current Alabama Parole Board

Prison overcrowding

Mixed messages from law

Specifics of underlying case

21st Century Alabama Parole Board

When making decisions about when someone should be released, the Board should have a transparent structure around which decisions are made:

- Risk to re-offend?
  - Completion of required programming in prison?
  - Institutional misconduct?

- How should potential risk be managed through supervision, including programming interventions?
1
Sentencing

2
Parole Process
- Property and drug cases being held by the Board twice as long prior to release
- Board’s reasons for denial often a “re-sentencing” of the case
- Data suggest parole release delays are not benefiting public safety

3
Supervision
40 Percent of All Admissions to ADOC Custody are Due to Violations of Either Probation or Parole

Admissions to ADOC Custody by Type of Admission

FY2013 Total Admissions = 8,313

- Probation Revocations: 2,387
- Parole Violators: 939
- New Commits: 4,858
- Other: 129

Probation revocations and parole violators combined represented 3,326 prison admissions in FY2013.

- According to ADOC intake screening, 39 percent had either a substance use or mental health need (or both).

Source: Alabama Department of Corrections prison admissions data.
Probation Revocations are up 47 Percent Since FY2009

Felony Probation Case Closures by Type of Termination, FY2009-13

Probation revocations up 47 percent since FY2009.

Source: Alabama Board of Pardons and Paroles probation terminations data.
Significant Share of Probationers and Parolees Admitted to Prison for Technical Violations

36 percent of parole violators returned to prison are for purely technical reasons

27 percent of probation revocations to prison are for purely technical reasons

Source: Alabama Department of Corrections prison admissions data; and Alabama Board of Pardons and Paroles parole and probation supervision data.
Parole Violators as Share of Prison Population is Higher in Alabama than Other States

- **Alabama**: 11% of 26,275
- **Texas**: 6% of 136,340
- **Kansas**: 6% of 9,581
- **Michigan**: 6% of 43,394

Source: Analysis of case data for Alabama and Michigan; FY13 Annual Report for Texas Dept. of Criminal Justice; and FY13 Annual Report for Kansas Dept. of Corrections.
Sheriffs Indicate Numerous Jail Beds Taken up by Probation Violators

22 of Alabama’s 67 counties responded to survey about their jails

- These counties represent 59 percent of the state population
- 16 percent of jail beds are used for probation violators

Source: Survey of sheriffs for county jail capacity and population statistics.
If every day the jail received a probation violator who would end up waiting about 15 days for their revocation hearing...

...the jail would ultimately reach a daily population of 15 probation violators awaiting their hearing.
Swift and Sure Sanctioning Places Much Less Burden on Jails

Number of Days in Jail Awaiting Hearing

If every day the jail received a probation violator who would spend 3 days on a sanction and then released back to supervision...

...the jail would ultimately reach a daily population of 3 probation violators.
The “Math” of Swift and Sure Sanctioning Provides more Accountability at Less Cost to Jails

**Traditional**
1 violator per day at 15 days each =  
 jail capacity demand of 15 beds

**Swift and Sure**
1 violator per day at 3 days each =  
 jail capacity demand of 3 beds

3 violators per day at 3 days each = jail capacity demand of 9 beds

5 violators per day at 3 days each =  
 jail capacity demand of 15 beds

A “swift and sure” approach would accommodate five times more probationer sanctions than under the traditional approach...without requiring more jail beds.

73 percent of judges surveyed would like to see a clear legal framework established to allow for use of swift and certain sanctioning of probationers.
Swift and Sure Policies in Other States Show Decline in Arrests, Time Spent in Jail, and Prison Population

**Hawaii HOPE**
*Intensive, random drug testing with swift, certain, and brief jail sanctions to supervision violations.*

**Georgia POM**
*Prompt sanctions to correct behavior of troublesome probationers.*

**North Carolina**
*Swift and certain “dips” of brief jail sanctions and “dunks” of prison sanctions in response to violations.*

<table>
<thead>
<tr>
<th>Arrested</th>
<th>Days in Jail</th>
<th>Prison Admissions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Status Quo</strong></td>
<td></td>
<td></td>
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<tr>
<td>47%</td>
<td></td>
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<tr>
<td><strong>HOPE</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>21%</td>
<td>31 Days</td>
<td>15,188</td>
</tr>
<tr>
<td><strong>POM</strong></td>
<td>8 Days</td>
<td>2014</td>
</tr>
<tr>
<td>21%</td>
<td>8 Days</td>
<td>7,440</td>
</tr>
</tbody>
</table>

Supervision Resources are Not Targeted at Higher Risk Probationers

Felony Probationers as of June 30, 2014 (Total = 40,299)

- **Active**: 28,421
- **Absconder**: 8,409
- **Detainer**: 2,156
- **Other**: 1,313

**Risk Levels**
- Max: 9%
- Med: 53%
- Min: 38%

Almost two-thirds of low risk probationers had been on supervision for more than one year.

- Average of 39 months

Source: Alabama Board of Pardons and Paroles probation supervision data.
Lack of Evidence-Based Practices and Community-Based Resources Increase Jail and Prison Costs

- Lack of targeting by risk
- Inadequate system of accountability
- Exceptionally high caseloads preventing quality supervision
- Insufficient resources to address substance use & mental health needs

Result is high and growing number of revocations to prison:
- 2,387 prob. revs to prison in FY2013
- Est. length of stay in prison = 32 months
- Represents 6,365 prison beds

At $42/day, these represent $98 million in annual bed demand.

Other states have turned the corner...

North Carolina
- Reinvestments in community-based resources:
  - $8M
- Population impacts:
  - 8% Prison Population (FY2011 – 14)

Kansas
- Reinvestments in community-based resources:
  - $4M
- Population impacts:
  - 7% Prison Population (FY2007 – 09)

Source: Alabama Department of Corrections prison releases data.
Two-thirds of judges believe that probation officers use the results of risk assessment to determine supervision levels.

**Findings from survey of probation officers:**

- Only 24 percent of probation/parole survey respondents place “high” value in risk assessments.
- Some field officers supervise all individuals the same regardless of risk level or supervision level.

Source: CSG Justice Center electronic survey of Alabama probation and parole officers, August 2014 (234 probation and parole supervising officers completed the survey); CSG Justice Center electronic survey of Alabama community corrections program, August 2014 (41 community corrections providers completed the survey); Alabama Board of Pardons and Paroles probation and parole population data.
Community Corrections Directors Want to Work with More Clients and Improve Services

CCPs express willingness to meet the needs for increased diversions, if resources are added.

CCPs interested in improving standards and service delivery and agree that certain funds should only be given for programs that produce results.

Findings from survey of Community Corrections directors:

- Approximately 48 percent of their felony client population are low risk.
- Community corrections minimum standards do not direct programs to differentiate supervision and treatment based on assessment of risk and need.

Source: CSG Justice Center electronic survey of Alabama probation and parole officers, August 2014 (234 probation and parole supervising officers completed the survey); CSG Justice Center electronic survey of Alabama community corrections program, August 2014 (41 community corrections providers completed the survey); Alabama Board of Pardons and Paroles probation and parole population data.
Revocations of probation to prison up 47 percent since FY2009

Current approach to sanctioning violators is costly and ineffective

Lack of evidence-based practices for supervision has significant cost and public safety implications
Preview of Alabama Justice Reinvestment Policy Framework

Goal: Increase public safety by reducing recidivism, holding offenders more accountable, and addressing prison overcrowding

1. Increase public safety by reducing recidivism
2. Hold offenders accountable before and after release
3. Address prison overcrowding

Reduce prison overcrowding: -XXXX By 20XX
Supervise & connect to treatment post-prison: +XXXX Previously unsupervised prison releases
Avert prison capital and operating costs: $XX Million By 20XX
Reinvest in supervision, and effective treatment: $XX Million FY2016-17 Biennium
Additional options to reduce prison overcrowding further

- XYZ

A
- XXX
• Option ....

B
- YYY
• Option ....

C
- ZZZ
• Option ....
Thank You

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