Justice Reinvestment in Alabama

2nd Presentation to Prison Reform Task Force
September 30, 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
Goal of justice reinvestment and our funding partners

Justice Reinvestment

a data-driven approach to reduce corrections spending and reinvest savings in strategies that can decrease recidivism and increase public safety
Data requests to stakeholders have been mostly fulfilled

<table>
<thead>
<tr>
<th>Data Type</th>
<th>Status</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Sentencing</td>
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<td>Sentencing Commission</td>
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<tr>
<td>- Pretrial diversion</td>
<td>✔</td>
<td>District Attorneys</td>
</tr>
<tr>
<td>- Problem-solving courts</td>
<td>Pend.</td>
<td>Administrative Office of the Courts</td>
</tr>
<tr>
<td>- Jail</td>
<td>✔</td>
<td>Counties - utilized statewide surveys of sheriffs and CCPs to collect basic information</td>
</tr>
<tr>
<td>- Community Corrections</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>- Prison</td>
<td>✔</td>
<td>Department of Corrections</td>
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<td>- Probation supervision</td>
<td>✔</td>
<td>Board of Pardons and Paroles</td>
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<tr>
<td>- Parole decision-making</td>
<td>✔</td>
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<td>- Parole supervision</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>- Criminal history information</td>
<td>Pend.</td>
<td>Criminal Justice Information Center</td>
</tr>
</tbody>
</table>
Update on criminal justice system stakeholder engagement since June working group meeting

**On-site Meetings with Stakeholders**

**Probation/Parole & Community Corrections**
4 days around state holding 9 focus groups with probation and parole officers and staff from CCPS, representing 15 counties

**Judges and Prosecutors**
Working lunch discussions in three circuits

**LIFE Tech**
Visit to residential transition center in Thomasville

**County Officials**
Meeting with nine county-level representatives, including county attorneys, commissioners, jail administrators, and community corrections directors

**Calls with Stakeholders and Review of Policy/Practice**

- 60+ hours spent on calls with stakeholders
- 100+ hours reviewing sentencing and corrections law, probation & parole policies, CCP standards

**Statewide Surveys**

- Probation/parole and community corrections supervision practices
- County jail populations

**Data Analysis**

- Over 250,000 data records analyzed across felony sentencing and ADOC prison in/outs
Alabama’s prisons are significantly over capacity

What would it cost Alabama to build its way out of the current situation?

- Achieving 130% operational capacity requires adding 6,000 prison beds:
  - Construction costs = $420m
  - Annual operating costs = $93m

- Achieving 100% operational capacity requires adding 12,000 prison beds:
  - Construction costs = $840m
  - Annual operating costs = $186m

Source: Annual Reports and Monthly Reports, Alabama Department of Corrections; Alabama Legislative Fiscal Office estimates $102 million construction cost for 1,500 bed facility; ADOC inmate operating cost = $42.54 per day, 2012 Annual Report.
One of every five General Fund dollars is spent on corrections.

<table>
<thead>
<tr>
<th>Agency</th>
<th>FY2015 Appropriation</th>
<th>% of Total State General Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total State General Fund</td>
<td>$1.995 Billion</td>
<td></td>
</tr>
<tr>
<td>ADOC</td>
<td>$399.8 m</td>
<td>20%</td>
</tr>
<tr>
<td>ABPP</td>
<td>$ 27.3 m</td>
<td>1%</td>
</tr>
</tbody>
</table>

To build to 130% of capacity, the $420 million in construction costs alone would be the equivalent of another 21% of the total state general fund.

<table>
<thead>
<tr>
<th>Agency</th>
<th>FY2002 Expenditure</th>
<th>% of Total State General Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total State General Fund</td>
<td>$1.268 Billion</td>
<td></td>
</tr>
<tr>
<td>ADOC</td>
<td>$197.4 m</td>
<td>15%</td>
</tr>
<tr>
<td>ABPP</td>
<td>$ 13.9 m</td>
<td>1%</td>
</tr>
</tbody>
</table>
In June, Alabama launched its Justice Reinvestment project.

In February 2014, SJR 20 establishes the Alabama Prison Reform Task Force.

"Justice Reinvestment is an opportunity for Alabama to examine the criminal justice system in order to reduce prison crowding and increase public safety"

Governor Bentley
1. **Sentencing Trends**
   - Fewer arrests, felony convictions, and sentences to prison since 2009
   - Presumptive guidelines are further reducing sentences to prison
   - Nevertheless, prison overcrowding levels persist

2. **Prison Trends**
   - One in three prison inmates currently eligible for parole
   - Parole release rate declining, resulting in fewer releases and longer prison stays
   - One in three people released from prison are unsupervised

3. **Community Supervision**
   - 40% of prison admissions are individuals who were unsuccessful on supervision
   - Stopping this revolving door will require more effective supervision and treatment
   - Other states demonstrate potential to reinvest and reduce recidivism
Sentencing Trends

Prison Trends

Community Supervision
Alabama felony sentencing lacks a consistent philosophy

Conviction for Felony Offense

- County Jail
- Probation (Pardons and Paroles)
- Community Corrections

Prison

- Split Sentence
  - Not eligible for good time or parole
  - Release is controlled by the sentencing court
  - Release to probation

- Straight Sentence
  - Eligible for good time*
  - Release is controlled by Parole Board
  - Release to parole or to no supervision

* Exclusions are Class A felons, sentences longer than 15 years, and cases involving sex offenses against a child.

- County jail up to three years; not eligible for good time; can also be a split sentence
- Community corrections intended as a diversion from prison
  - State reimburses CCPs for clients that are prison diversions

Alabama’s adoption of sentencing guidelines began in 2003.

**Sentencing Reform Act of 2003**
- Sentence Commission to develop voluntary sentencing guidelines
- Purpose: public safety, efficient use of resources, certainty/fairness in sentencing, prevent overcrowding and premature release of prisoners

**Sentencing Guidelines Effective 10/1/2006**
- Person, Property, and Drug
- Includes historical sentencing practices, statutory minimums and enhancements, habitual offender law
- Voluntary

**Presumptive Sentencing Guidelines Effective 10/1/2013**
- Property and Drug offenses only
- No longer voluntary

**Act 2012-473**
Made the property and drug guidelines presumptive for use by courts

Notes about Presumptive Sentencing Guidelines:
- Covered Property offenses exclude all Burglary offenses
- Defines aggravating and mitigating factors that allow for departure
- Departures from guidelines are appealable

62% of all felony cases are subject to the presumptive sentencing guidelines

- **FY2013 Felony Convictions**: 17,983
  - **Property (41%)**: 7,325
    - **Subject to Presumptive Guidelines**: 4,722
    - **Primary property and drug offenses not subject to the presumptive guidelines include all burglary classes and drug trafficking.**
  - **Drug (37%)**: 6,708
    - **Subject to Presumptive Guidelines**: 6,385
  - **Person (16%)**: 2,914
  - **Other (6%)**: 1,036

- **62% of the FY2013 felony convictions were for offenses that are subject to the presumptive sentencing guidelines that became effective 10/1/2013.**
- **64% of all property offenses**
- **95% of all drug offenses**

Source: Alabama Sentencing Commission felony sentencing data
Significant declines in arrest activity since 2009, yet smaller declines in felony sentences

**Arrest and Felony Sentencing Trends, 2009–2013**

<table>
<thead>
<tr>
<th>Category</th>
<th>2009</th>
<th>2013</th>
<th>Volume Decline</th>
</tr>
</thead>
<tbody>
<tr>
<td>Violent Index Arrests</td>
<td>6,672</td>
<td>6,111</td>
<td>-561</td>
</tr>
<tr>
<td>Property Index Arrests</td>
<td>22,677</td>
<td>21,184</td>
<td>-1,493</td>
</tr>
<tr>
<td>Drug Arrests</td>
<td>17,156</td>
<td>17,983</td>
<td>-827</td>
</tr>
<tr>
<td>Felony Sentences</td>
<td>26,439</td>
<td>21,184</td>
<td>-5,255</td>
</tr>
</tbody>
</table>

**Volume decline 2009 to 2013:**
- Violent index arrests: -561
- Property index arrests: -3,762
- Drug arrests: -6,226
- Subtotal decline: -10,549

Despite a drop of more than 10,000 arrests per year, sentences have only declined by a little over 3,000.

Source: Crime in Alabama Annual Reports, Alabama Criminal Justice Information Center; Alabama Sentencing Commission felony sentencing data
Declines in volume of robbery and possession of controlled substance cases drove overall decline in sentences.

**Felony Sentences by Offense Category, FY2009 and FY2013**

- **Total Sentences FY2009:** 21,184
  - Person _Non-Sex: 2,862 (15%)
  - Person _Sex: 513 (6%)
  - Property: 7,774 (6%)
  - Drug: 8,966 (25%)
  - Other: 1,069 (3%)

- **Total Sentences FY2013:** 17,983
  - Person _Non-Sex: 2,430 (15%)
  - Person _Sex: 484 (6%)
  - Property: 7,325 (6%)
  - Drug: 6,708 (25%)
  - Other: 1,036 (3%)

**Source:** Alabama Sentencing Commission felony sentencing data
Community corrections accounts for about 12% of sentences overall and about 20% of sentences to ADOC

Felony Sentences by Specific Sentence, FY2010–FY2013

Note: Sentencing data unable to identify community corrections sentences prior to FY2011.

Source: Alabama Sentencing Commission felony sentencing data
Early indications are that presumptive sentencing guidelines have further reduced sentences to prison.

**Felony Sentences to Prison, October-June FY2011–FY2014**

![Graph showing felony sentences to prison from October-June FY2011 to FY2014. The graph illustrates a downward trend with a noticeable decline in the number of sentences to prison starting from FY2014.]

Presumptive guidelines effective beginning of FY2014

<table>
<thead>
<tr>
<th>October - June</th>
<th>Sentences to Prison</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY2011</td>
<td>6,932</td>
<td>---</td>
</tr>
<tr>
<td>FY2012</td>
<td>6,664</td>
<td>-4%</td>
</tr>
<tr>
<td>FY2013</td>
<td>6,260</td>
<td>-6%</td>
</tr>
<tr>
<td>FY2014</td>
<td>5,253</td>
<td>-16%</td>
</tr>
<tr>
<td><strong>FY2011–FY2014 % change</strong></td>
<td><strong>-24%</strong></td>
<td></td>
</tr>
</tbody>
</table>

Source: Alabama Sentencing Commission felony sentencing data
How are presumptive guidelines impacting the dispositions of high volume felony offense types?

Convictions for Possession/Receipt of a Controlled Substance

Prior to Presumptive Sentencing Guidelines

<table>
<thead>
<tr>
<th>October 2012 - June 2013</th>
<th>= 2,526</th>
</tr>
</thead>
<tbody>
<tr>
<td>36% to Prison</td>
<td></td>
</tr>
<tr>
<td>14% to Community Corrections</td>
<td></td>
</tr>
<tr>
<td>42% to Probation</td>
<td></td>
</tr>
</tbody>
</table>

After Presumptive Sentencing Guidelines

<table>
<thead>
<tr>
<th>October 2013 - June 2014</th>
<th>= 2,376</th>
</tr>
</thead>
<tbody>
<tr>
<td>26% to Prison</td>
<td></td>
</tr>
<tr>
<td>15% to Community Corrections</td>
<td></td>
</tr>
<tr>
<td>50% to Probation</td>
<td></td>
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</tbody>
</table>

Clear shift towards probation instead of prison

Source: Alabama Sentencing Commission felony sentencing data
Presumptive guidelines have impacted a decline of more than 20% in sentences to prison for covered offenses

<table>
<thead>
<tr>
<th>Most Serious Offense at Conviction</th>
<th>FY2013</th>
<th>FY2014</th>
<th>% Change</th>
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</thead>
<tbody>
<tr>
<td>POSS/REC CONTROL SUBSTANCE</td>
<td>912</td>
<td>629</td>
<td>-31%</td>
</tr>
<tr>
<td>DISTRIBUTION CONTROL SUBSTANCE</td>
<td>396</td>
<td>319</td>
<td>-19%</td>
</tr>
<tr>
<td>THEFT OF PROPERTY 1ST</td>
<td>365</td>
<td>343</td>
<td>-6%</td>
</tr>
<tr>
<td>THEFT OF PROPERTY 2ND</td>
<td>349</td>
<td>282</td>
<td>-19%</td>
</tr>
<tr>
<td>POSS MARIHUANA 1ST</td>
<td>225</td>
<td>177</td>
<td>-21%</td>
</tr>
<tr>
<td>POSS FORGED INSTRUMENT 2ND</td>
<td>162</td>
<td>120</td>
<td>-26%</td>
</tr>
<tr>
<td>MANUFACTURING CONT SUBS 2ND</td>
<td>232</td>
<td>165</td>
<td>-29%</td>
</tr>
<tr>
<td>BREAKING/ENTERING A VEHICLE</td>
<td>162</td>
<td>100</td>
<td>-38%</td>
</tr>
<tr>
<td>RECEIVING STOLEN PROPERTY 1ST</td>
<td>95</td>
<td>113</td>
<td>+19%</td>
</tr>
<tr>
<td>RECEIVING STOLEN PROPERTY 2ND</td>
<td>113</td>
<td>75</td>
<td>-34%</td>
</tr>
<tr>
<td>FRAUD/ILL USE CREDIT/DEBIT CARD</td>
<td>90</td>
<td>62</td>
<td>-31%</td>
</tr>
<tr>
<td>MANUFACTURING CONT SUBS 1ST</td>
<td>86</td>
<td>114</td>
<td>+33%</td>
</tr>
<tr>
<td>FORGERY 2ND</td>
<td>33</td>
<td>18</td>
<td>-46%</td>
</tr>
<tr>
<td>Subtotal</td>
<td>3,220</td>
<td>2,517</td>
<td>-22%</td>
</tr>
</tbody>
</table>

Source: Alabama Sentencing Commission felony sentencing data
Even with the large volume diverted at sentencing, property/drug account for two-thirds of prison admissions.

**Distribution of Felony Dispositions by Offense and Sentence Type, FY2014**

**Total Estimated Cases = 17,615**

<table>
<thead>
<tr>
<th>Offense Type</th>
<th>Prison (6,825)</th>
<th>Community Corrections (2,281)</th>
<th>Probation (6,642)</th>
<th>Other (1,867)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Person</td>
<td>1,822</td>
<td>207</td>
<td>622</td>
<td>378</td>
</tr>
<tr>
<td>Other</td>
<td>442</td>
<td>402</td>
<td>131</td>
<td>131</td>
</tr>
<tr>
<td>Property</td>
<td>2,478</td>
<td>1,001</td>
<td>2,836</td>
<td>737</td>
</tr>
<tr>
<td>Drug</td>
<td>2,083</td>
<td>1,010</td>
<td>2,782</td>
<td>621</td>
</tr>
</tbody>
</table>

Source: Alabama Sentencing Commission felony sentencing data
Unclear rationale for using a split sentence versus straight sentence to prison

FY2014 Sentences to Prison by Type of Sentence for Person, Property, and Drug Offenses

Person

Property

Drug

Source: Alabama Sentencing Commission felony sentencing data
Presumptive guidelines are driving a decrease in the average sentence length imposed for straight sentences to prison.

Source: Alabama Sentencing Commission felony sentencing data
Summary of sentencing trends

- Major declines in arrests and overall volume of felony convictions
- Sentences to prison and also sentence lengths declining for property and drug offenses
- But these front-end dynamics have not generated relief for the level of overcrowding

1. If these trends had not materialized, the overcrowding situation would be even worse.

2. To sustain and build on impacts, sentencing policy changes need to go further.
Sentencing Trends

Prison Trends

Community Supervision
More than a third of all property and drug inmates are serving sentences that are ineligible for good time.

Source: Alabama Department of Corrections prison population data
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*

- **Person (14,321 Inmates)**
  - Splits: 11%
  - Pre-parole: 39%
  - Eligible for Initial Parole: 12%
  - Parole Violator: 9%
  - Life w/o Parole, Death
- **Property (6,017)**
  - Splits: 24%
  - Pre-parole: 36%
  - Eligible for Initial Parole: 19%
  - Parole Violator: 16%
  - Life w/o Parole, Death: 5%
- **Drug (4,616)**
  - Splits: 25%
  - Pre-parole: 38%
  - Eligible for Initial Parole: 20%
  - Parole Violator: 11%
  - Life w/o Parole, Death: 6%
- **Other (1,321)**
  - Splits: 22%
  - Pre-parole: 38%
  - Eligible for Initial Parole: 33%
  - Parole Violator: 33%
  - Life w/o Parole, Death: 4%

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
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
More than 1,000 parole eligible property and drug inmates have been eligible for initial parole for more than one year.
Length of incarceration prior to parole has increased 43%

Length of stay in prison for those released to parole grew by 13 months from FY2009 to FY2014.

Increase of 43%

What factors might be contributing to the increasing length of time individuals are incarcerated prior to being released on parole?

- Especially in light of the fact that the sentence lengths of those sentenced to prison since 2009 has not increased

Source: Alabama Department of Corrections prison releases data
Length of stay in prison for parole violators is increasing.

Length of Stay in Prison for Parole Violators Released from ADOC Custody, FY2009 and FY2014

Parole violators are spending 19 months longer in prison (FY2009 to FY2014)

Source: Alabama Department of Corrections prison releases data
Length of incarceration for those released to no supervision has increased 38%

Length of stay in prison for those discharged from sentence grew by nine months from FY2009 to FY2014. 

✓ Increase of 38%

Source: Alabama Department of Corrections prison releases data
People returning to the community unsupervised make up the largest share of prison releases.

**Releases from ADOC Custody by Type of Release, FY2009–FY2013**

- **Total Releases**: 9,182
- **Probation (split sentences)**: 8,284
  - FY2009: 2,687
  - FY2010: 2,911
  - FY2011: 2,780
  - FY2012: 2,858
  - FY2013: 2,736
- **Parole (straight sentences)**: 2,918
  - FY2009: 3,076
  - FY2010: 2,962
  - FY2011: 2,360
  - FY2012: 2,282
  - FY2013: 2,495
- **End of Sentence**: 2,852
  - FY2009: 3,174
  - FY2010: 3,204
  - FY2011: 3,098
  - FY2012: 2,694
  - FY2013: 2,852

34% of total prison releases in FY2013

Source: Alabama Department of Corrections prison releases data
“End of sentence (EOS)” prison releases impose system costs and risks to public safety

Releases from ADOC Custody by Type of Release, FY2009–FY2013

EOS from ADOC custody comprised of two groups:

- **Probation (split sentences)**: 8,284
  - 82% property, drug, & other offense types
  - Average length of stay in prison = 23 months
  - Highest likelihood of reoffending

- **Parole (straight sentences)**: 2,736
  - 18% person offense types
  - Average length of stay in prison = 77 months
  - More serious offense types separated from society longer

Source: Alabama Department of Corrections prison releases data
One in three prison inmates currently eligible for parole

Parole release rate declining, resulting in fewer releases and longer prison stays

One in three people released from prison are unsupervised

1. What is contributing to the longer lengths of stay and declining volume of parole releases?

2. Are there better approaches to sentencing and release that can reduce the volume released from prison without any supervision?
67% of people in Alabama’s felony criminal justice system are being supervised in the community

Two-thirds of Alabama’s felony criminal justice population is supervised in the community

<table>
<thead>
<tr>
<th></th>
<th>Probation</th>
<th>CCPs</th>
<th>Parole</th>
</tr>
</thead>
<tbody>
<tr>
<td>Avg. Population</td>
<td>44,854</td>
<td>3,739</td>
<td>8,391</td>
</tr>
<tr>
<td>State Invest. per Client</td>
<td>$1.40 / day</td>
<td>$6.73* / day</td>
<td>$1.40 / day</td>
</tr>
<tr>
<td>Avg. Supervision Term</td>
<td>36 months</td>
<td>18 months</td>
<td>42 months</td>
</tr>
</tbody>
</table>

* CCP cost per day based on “reimbursable” daily population of 2,239 on 7/31/2014.

Source: Alabama Sentencing Commission felony sentencing data; Alabama Board of Pardons and Paroles probation and parole population data and parole entries data; FY2013 Annual Report, Alabama Department of Corrections; and Alabama Legislative Fiscal Office
40% of all admissions to ADOC custody are violators of either probation or parole.

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

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

Admissions to ADOC Custody by Type of Admission

<table>
<thead>
<tr>
<th>Type of Admission</th>
<th>FY2013 Total Admissions</th>
<th>2013 FY</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Commits</td>
<td>4,858</td>
<td></td>
</tr>
<tr>
<td>Parole Violators</td>
<td>939</td>
<td></td>
</tr>
<tr>
<td>Probation Revocations</td>
<td>2,387</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>129</td>
<td></td>
</tr>
</tbody>
</table>

FY2013 Total Admissions = 8,313

Source: Alabama Department of Corrections prison releases data
Initial findings indicate opportunities for improvement in targeting by risk, treatment investments, and accountability

<table>
<thead>
<tr>
<th>Targeting by Risk</th>
<th>Resources for Treatment</th>
<th>Sanctioning and Accountability</th>
</tr>
</thead>
<tbody>
<tr>
<td>✓ Surprisingly large share of probationers on medium intensity supervision</td>
<td>✓ Clear indications of gaps in capacity to provide substance abuse and mental health treatment</td>
<td>✓ Caseloads of almost 200 cases per officer make it hard to ensure accountability</td>
</tr>
<tr>
<td>✓ Result is potential for both over- and under-supervision</td>
<td>✓ Lack of clear policies around targeting resources to the highest risk populations</td>
<td>✓ Long stays in jail awaiting violation hearings</td>
</tr>
<tr>
<td>✓ CCPs serve large number of low risk</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>✓ Lack of structured sanctioning approach resulting in inconsistent approach to responding to supervision violations</td>
</tr>
</tbody>
</table>
Reducing recidivism requires targeting high-risk to prioritize resources for their supervision and treatment.

Assess for Risk Level...

Risk of Reoffending

- **LOW**
  - 10% rearrested
- **MODERATE**
  - 35% rearrested
- **HIGH**
  - 70% rearrested

...and Focus Accordingly

- **LOW**
  - Supervision/Program Intensity
  - 10% rearrested
- **MODERATE**
  - Supervision/Program Intensity
  - 35% rearrested
- **HIGH**
  - Supervision/Program Intensity
  - 70% rearrested
Opportunities exist to adopt policies targeting and prioritizing resources based on assessed risk and need

Survey results:

- Only 24% of probation/parole survey respondents place “high” value in risk assessments.
- CCP respondents indicated that approximately 48% of their felony client population are low risk.

- ABPP data indicate that only 20% of probationers are supervised at the minimum level.
  - Analyses are pending, but the share of the probation population that is low risk is likely higher than 20%.

Policy review:

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.
Lack of substance abuse services for those on supervision reflected in surveys

A majority of survey respondents indicated that substance abuse services are only sometimes available, rarely available, or non-existent.

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)
Mental health services are even more scarce

An even larger majority of survey respondents indicated that mental health services are only sometimes available, rarely available, or non-existent.

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)
Ability of supervised populations to access behavioral health treatment greatly reduced over recent years

State General Fund Appropriations for Board of Pardons & Paroles and Dept. of Mental Health, FY2008-FY2015

**Board of Pardons & Paroles**
- Current appropriations are 35% lower than FY2009.

**Dept. of Mental Health**
- Current appropriations are 27% lower than FY2009.

Source: Alabama Legislative Fiscal Office
Alabama needs a more structured approach to respond to supervision violations swiftly, consistently, and cost-effectively

<table>
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<tr>
<th>Aim</th>
<th>Finding</th>
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<tr>
<td>Supervision violations are responded to meaningfully without delay</td>
<td>- 43% of probationers in jail awaiting a violation hearing are there longer than 2 weeks</td>
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| Graduated range of sanctions and incentives guide specific responses to violations | - Variation across state in process for sanctioning  
- Largely dependent on local culture and court schedule |
| Prioritize most expensive, restrictive sanctions for offenders committing the most serious violations | - Little evidence of use of swift and certain sanctions |

**Swiftness**

**Consistency**

**Cost-effectiveness**
States are using tailored revocation terms to respond to supervision violations

Alabama’s Probation Revocation Caps §15-22-54

Court may “modify the conditions of probation, including short periods of incarceration, not to exceed 90 days.”

Probationers with any prior or current conviction for a violent offense are ineligible.
North Carolina focused on improving probation and has dropped their prison population

Since JR Enactment:

- State re-prioritized over $8 million into treatment
- 9% drop in prison population
- 43% drop in probation revocations
- $560 million estimated averted costs and savings by FY2017
- 10 prisons closed since 2011
- 175 new probation officers hired in 2013

Three Year Return to Prison Rate

Index Crime Down 18.1%
(2007 to 2012)
Key feature of North Carolina’s approach was development of a “Swift & Certain” philosophy to sanctioning violations

Supervision violation hearings are time-consuming, frequently delayed, and often result in reinstatement on supervision.

There are few meaningful graduated sanctions for minor condition violations.

53% of prison admissions are probation revocations.

75% of revocations are for condition violations (drug use, absconding).

Supervision

Administrative Jail Sanctions

Tailored Prison Sanctions

Designed to:
- Reduce violation hearings
- Reduce time in court
- Reduce jail time spent awaiting hearings

2-3 day sanction

90 day sanction

Capped at 6 days

Capped at 3 revocations
Alabama has some promising features to build on

**Probation and Parole**

**LIFE Tech Transition Center**
- Residential program offering substance abuse and mental health treatment, and cognitive-behavioral interventions
  - ✓ 89% success rate
  - 350 slots

**Birmingham Day Reporting Center**
- Intensive substance abuse treatment and cognitive-behavioral interventions; assist w/ life skills assistance
  - Grant-funded

**Community Corrections**

**Growing Use of CCPs**
- Population up 230% FY2006 to FY2014
- 3,673

**Building from Research**
- CCPs such as Jefferson Co. and Montgomery Co. demonstrate incorporation of evidence-based practices and commitment to measuring outcomes.
Summary of supervision analysis

1. Risk assessment and targeting of resources according to risk are poorly incorporated into supervision practices.

2. Major gaps in capacity to deliver substance abuse and mental health treatment.

3. Inconsistent and costly approach to sanctioning violations of supervision.
1. **Sentencing Trends**
   - Fewer arrests, felony convictions, and sentences to prison since 2009
   - Presumptive guidelines are further reducing sentences to prison
   - Level of overcrowding persists

2. **Prison Trends**
   - One in three prison inmates currently eligible for parole
   - Parole release rate declining, resulting in fewer releases and longer prison stays
   - One in three people released from prison are unsupervised

3. **Community Supervision**
   - 40% of prison admissions are individuals who were unsuccessful on supervision
   - Stopping this revolving door will require more effective supervision and treatment
   - Other states demonstrate potential to reinvest and reduce recidivism
Next steps

- **Continued engagement with key stakeholders**
  - Circuit Court Judges
  - Sheriffs
  - Prosecutors
  - County level officials
  - Defense attorneys
  - Advocacy groups

- **Third Task Force meeting in early December**
  - Analysis of parole process
  - Feedback from stakeholder engagement

- **Fourth and final Task Force meeting in late January**
  - Presentation of policy recommendations

- **Final report release in early February**
Proposed project timeline

Press Conference & Project Launch

Task Force Meeting 1

Task Force Meeting 2

Task Force Meeting 3

Task Force Meeting 4: Policy Option Rollout

Final Report

Bill introduction

May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | 2015 Session

Initial Analysis | Detailed Data Analysis | Impact Analysis

Stakeholder Engagement and Policymaker Briefings | Policy Option Development | Ongoing Engagement

Data Analysis

Policymaker and Stakeholder Engagement

2015 Session
Thank You

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This material was prepared for the State of Alabama. The presentation was developed by members of the Council of State Governments Justice Center staff. Because presentations are not subject to the same rigorous review process as other printed materials, the statements made herein reflect the views of the author and should not be considered the official position of the Justice Center, the members of the Council of State Governments, or the funding agency supporting the work.
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