



# Alabama

## ***CASE STUDY***

Updated February 2007

*“With ... these reforms, we’ll alleviate our prison and jail crowding problems, we’ll keep violent criminals locked up, and we’ll make Alabama a safer place to live.”*

*—Governor Bob Riley (R)*

Alabama is tough on crime. With 591 prisoners for every 100,000 residents, it has the fifth-highest incarceration rate in the nation.<sup>1</sup> The state posted one of the largest jumps in prison population in the country between 2004 and 2005 and spends less per inmate than any other state.

Alabama is especially tough on repeat offenders. In the 1970s, the state passed laws that significantly increased penalties for habitual criminals. Since that time, Alabama has depended heavily on prison for punishing offenders, offering judges few reliable sentencing options to incarceration. In addition, under-resourced parole authorities have struggled to provide the supervision and services needed to help released prisoners integrate back into society safely and successfully. As a result, many ex-offenders return to prison.<sup>2</sup>

This combination of factors has driven Alabama’s high incarceration rate and created a substantial prison crowding crisis. The state’s system houses nearly twice the inmates it was built to hold. Inmates are often held in cafeterias and gymnasiums, or triple bunked in rooms designed to hold individual offenders. Alabama’s corrections officers face the highest inmate-to-guard ratio in the country<sup>3</sup> and often supervise hundreds of inmates without assistance.

As the prison population has grown, so has Alabama’s prison spending. It has increased 44 percent in the past 15 years—and now tops more than \$450 million annually. Although spending on corrections has increased, Alabama continues to maintain the lowest per inmate expenditure in the country.

The rising costs<sup>4</sup> and problems associated with continuing growth all have occurred in the context of the state’s overall fiscal stress. Still, the policy climate in Alabama has not favored a reexamination of the state’s approach to sentencing and corrections—until recently.

Reform efforts are beginning to take shape that will help protect public safety, hold offenders accountable and control corrections costs. Among other developments, jail backlogs have been eliminated, sentencing standards have been put into place, and the state is improving and expanding its community corrections programs to handle safely nearly 5,000 offenders a year, most of whom would otherwise receive a prison sentence. These reforms are already showing promising results. Sentencing projections indicate that anticipated growth of nearly 2,000 inmates within the next five years actually will be lower than expected. If successful, Alabama’s reforms could save its citizens tens of millions of dollars on corrections spending.

## The Challenge

### Alabama's corrections system is dramatically overcrowded.

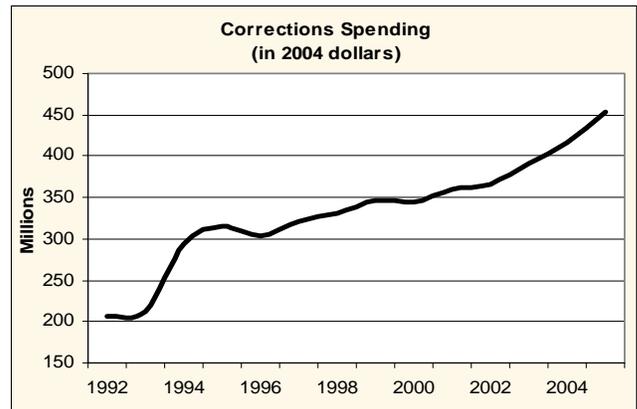
- Some 27,000 prisoners are incarcerated in the State, with facilities designed to hold approximately 13,000, making Alabama prisons the second most over capacity in the nation.<sup>5</sup>
- An additional 1,200 inmates are housed under contract in nearby states.<sup>6</sup>

### A growing share of the state's correctional resources has been devoted to incarcerating people convicted of nonviolent offenses.

- Drug and alcohol offenses accounted for 38 percent of all prison admissions in 2005, and 20 percent of the prison population.
- Admissions for drug possession offenses increased by 28 percent between 1999 and 2004, while admissions for violent offenses dropped by 14 percent.<sup>7</sup>

### Prison spending continues to rise in spite of state fiscal distress.<sup>8</sup>

- Alabama taxpayers expend more than \$450 million per year on corrections despite per-inmate costs that are the lowest in the country.<sup>9</sup>
- In FY 2004, Governor Bob Riley asked legislators to cut most state agencies' budgets by 10 percent to 20 percent, while asking for a 7-percent increase in the prison budget.<sup>10</sup>



## The Approach

As these challenges have become more urgent, state officials have developed a new and strategic approach to address them. It is a collaborative process that has involved key executive, legislative and judicial leaders, agency heads, and other stakeholders in the collection and analysis of data, the adoption of national best practices and a commitment to informed and lasting system change.

### Commission Created to Rationalize Sentencing Practices

An important early step in this process was the creation in 1998 of a Judicial Study Commission to review sentencing policies and practices in Alabama. This initial effort culminated two years later with the creation of the Alabama Sentencing Commission.<sup>11</sup> The sentencing commission was directed to gather and analyze sentencing data and practices; develop sentencing standards; provide recommendations to policy makers about pending laws; and recommend ways to alleviate jail and prison crowding problems throughout the state. Additionally, the commission was tasked with developing a prison forecasting system, planning the expansion of community corrections, and laying the groundwork for implementation of truth-in-sentencing.

***“Now, every time a sentencing bill comes up in the legislature, they turn to us and ask what effect it is going to have on prison populations. This is groundbreaking for Alabama”***

***—Lynda Flynt, Executive Director, Alabama Sentencing Commission<sup>12</sup>***

The creation of Alabama’s sentencing commission marked a major development in the operation of the state’s criminal justice system. Leaders acknowledged the need for continuous evaluation, planning and policy management, from arrest through prosecution, sentencing, punishment and the reintegration of offenders to communities. Officials recognized that data-driven planning by a collaborative group of stakeholders represents the most promising avenue to a system of accountability that fairly, effectively and efficiently maintains public safety.

### **Governor’s Task Force Calls for More Community Punishment Options**

Momentum continued to build in 2005 when Governor Bob Riley formed a task force to carefully examine the causes and responses to crowding in the prison system. The task force found that system-wide problems, combined with funding deficiencies, were creating a crisis in Alabama’s prisons. With input from local and national experts, the task force called for an enhanced community corrections system, improved data collection and information sharing, and programs to help rehabilitate offenders.

Specifically, the task force recommended:

- Creation of a continuum of accountability options, including the development of a statewide network of community punishment and corrections programs for nonviolent felony offenders.
- Creation of technical violation and transition centers to aid offenders’ return to communities and respond to violations of supervision conditions; also, further exploration of whether probation and parole supervision services could be consolidated to improve communication, coordination of services and efficiency.
- Enhanced criminal justice information systems and data exchange to improve collection, interpretation and dissemination of data and contribute to greater public safety, more efficient use of resources, more effective rehabilitation of offenders, and better long-term planning.

## **The Results**

---

***“The legislature passed perhaps the flagship of our legislative effort, something that’s been a multi-year task.”***

***—Joseph Colquitt, Chairman, Alabama Sentencing Commission<sup>13</sup>***

In 2006, lawmakers approved standards promulgated by the Sentencing Commission to guide sentences imposed by judges in most criminal cases, as recommended by the Sentencing Commission and adopted by the Governor’s Task Force. The goals were to better manage prison growth and to reduce disparity in sentencing.<sup>14</sup> The result of more than five years of work by the sentencing commission, the standards provide judges with a starting point when sentencing within the broad ranges allowed under Alabama’s Criminal Code. In place since October 2006, the standards are being evaluated and

analyzed for potential improvements in public safety, fairness and efficacy. Early projections of the standards indicate that, if the courts achieve a 75 percent compliance rate by December 2009, the prison population will be reduced by 2,420 inmates.<sup>15</sup>

Corrections Commissioner Richard Allen has called for sweeping changes to the state's corrections system. Key to these changes is diverting low-level offenders from prison to community-based punishments, where the root causes of offending behavior can be addressed and prison costs can be avoided.<sup>16</sup> There are 29 community corrections programs operating in 38 counties throughout the state, serving almost 2,000 offenders per year. During the next three years, Alabama plans to open community corrections programs to serve all 67 counties and expand capacity to 5,000 inmates per year.

Additionally, the corrections department has eliminated an 800-inmate backlog in county jails, reduced delays for parole hearings, and begun training more corrections officers to improve conditions within the state's prisons. Corrections has been working with parole and local probation offices to improve communication, increase efficiency in transition planning, and more effectively and safely supervise offenders in the community.

*"The Alabama Department of Corrections cannot overcome years of neglect in a few months, but we are encouraged by the progress so far."—Corrections Commissioner Richard Allen*

## The Next Steps

---

Over the past eight years, Alabama has made significant improvements in its sentencing and corrections policies and practices. While these changes are designed to alleviate its prison crowding problem, there is still much work to be done.

- Alabama's Sentencing Standards are designed to lead to the introduction of "truth-in-sentencing," a policy that firmly establishes the minimum length of stay and improves the capacity to plan for and control prison populations, to the legislature by 2009.<sup>17</sup>
- Myriad stakeholders and agencies (including members of the judiciary, corrections and sentencing commission) have recognized the need for a broader-based and more concrete system of community corrections. These entities are collaborating to redefine the state's Community Corrections Act to ensure prison beds are used for violent offenders and community punishment programs are available for appropriate, nonviolent offenders.
- Chief Justice Sue Bell Cobb has announced her intention to develop an interagency collaboration that will ensure prison beds for violent offenders by diverting nonviolent offenders into drug courts and community corrections programs, where they can earn money to provide restitution to victims and pay fines.

To help advance all of these efforts, the Public Safety Performance Project and the Vera Institute of Justice are providing nonpartisan research, analysis and expertise to Alabama policy makers and corrections leaders eager to explore these and other options for improving public safety and averting additional prison growth and state spending. Among other activities, the project and Vera are helping state officials consider ways to strengthen their capacity to evaluate the impact of recent changes in sentencing and correctional policies, and to take community corrections programs to scale statewide. And they are assisting the sentencing commission, in conjunction with other local organizations, with increasing data capacity, analyzing prisoner recidivism and studying alternative monitoring techniques in community corrections programs—all with the aim of improving criminal justice outcomes for Alabama residents.

## Endnotes

---

<sup>1</sup> U.S. Bureau of Justice Statistics, *Prisoners in 2005*.

<sup>2</sup> Approximately 60 percent of inmates in Alabama's prison system have been previously incarcerated (see Alabama Department of Corrections' Monthly Statistical Reports, last accessed January 11, 2007, at <http://www.doc.state.al.us/reports.asp>).

<sup>3</sup> Workforce Associates, Inc. (2004). *A 21st Century Workforce for America's Correctional Profession*. American Correctional Association.

<sup>4</sup> Offenders sentenced under the Habitual Offender Act constitute nearly one-third of the prison population and are one of the most expensive populations in Alabama's prison system due to the effects of aging over lengthy sentences, with costs averaging \$112 million per year, or 36 percent of corrections' FY 2006 budget. Samira Jafari, "3 strikes law jams prisons," *Montgomery Advertiser*, February 20, 2006.

<sup>5</sup> Judith Greene and Kevin Pranis (2005). *Alabama Prison Crisis: A Justice Strategies Policy Report*. Commissioned by The Drug Policy Alliance. Brooklyn, NY: Justice Strategies.

<sup>6</sup> "Sixty inmates head to Louisiana," *The Montgomery Advertiser*, January 6, 2007.

<sup>7</sup> Greene and Pranis, 2005

<sup>8</sup> National Association of State Budget Officers *State Expenditure Reports, 1990 – 2005*.

<sup>9</sup> In 2001, Alabama spent \$8,128 per prisoner in Alabama; the national average was \$22,650 (Stephan, J. (2004). *State Prison Expenditures, 2001*. Washington, DC: Bureau of Justice Statistics).

<sup>10</sup> Greene and Pranis, 2005.

<sup>11</sup> Act 2000-596, 2000 Regular Session.

<sup>12</sup> Wool, J. and Stemen, D. (2004). "Changing Fortunes or Changing Attitudes? Sentencing and Corrections Reforms in 2003," New York, NY: Vera Institute of Justice.

<sup>13</sup> Carla Crowder, "With bill's passing, sentencing panel eyes future," *The Birmingham News*, April 4, 2006.

<sup>14</sup> Act 2006-312.

<sup>15</sup> Alabama Sentencing Commission (2006). *Addressing the Crisis: Charting the Course for Reform*. 2006 Report.

<sup>16</sup> On average, one year of prison in Alabama costs more than \$13,000 per inmate, while community corrections programs are estimated to cost \$4,050 per inmate per year. Once brought to scale statewide, diversions should save Alabama taxpayers significant funds.

<sup>17</sup> Crowder, 2006.

## **PUBLIC SAFETY PERFORMANCE PROJECT**

An operating project of The Pew Charitable Trusts, the Public Safety Performance Project seeks to help states advance fiscally sound, data-driven policies and practices in sentencing and corrections that protect public safety, hold offenders accountable and control corrections costs.

The project helps states diagnose the factors driving prison growth and provides policy audits to identify options for reform, drawing on solid research, promising approaches and best practices in other states. The initiative also helps state officials, practitioners and others share state-of-the-art knowledge and ideas through policy forums, public opinion surveys, multi-state meetings, national, regional and state-level convenings, and online information about what works.

The project works with the Pew Center on the States and a number of highly respected external partners, including the Council of State Governments and the Vera Institute of Justice, to provide expert, nonpartisan information and assistance to states.

## **ALABAMA PARTNERS**

The Public Safety Performance Project currently is working in Alabama with the Vera Institute of Justice, one of the nation's most venerable organizations specializing in criminal justice. The Vera Institute is a private, nonprofit organization dedicated to advancing safety and justice, promoting fair and efficient policy and practice, and working with leaders of government and civil society to improve the systems people rely upon for safety, security, and justice.

## **CONTACT**

[info@pewpublicsafety.org](mailto:info@pewpublicsafety.org)

215.575.4744

[www.pewpublicsafety.org](http://www.pewpublicsafety.org)

---

