

**Goal: Address prison overcrowding and increase public safety**

1 Strengthen supervision & treatment to reduce recidivism	2 Prioritize prison space for violent and dangerous individuals	3 Hold offenders accountable in prison and after release
<p><b>1 (A):</b> Hire additional probation and parole officers and support staff.</p> <p><b>1 (B):</b> Improve the use of objective risk assessments to target resources on individuals most likely to reoffend and reduce caseloads by limiting supervision of low risk individuals.</p>	<p><b>2 (A):</b> Create a new class of the least serious, nonviolent felony offenses (“Class D”) and increase front-end diversions away from prison for certain property and drug offenses.</p> <p><b>2 (B):</b> Structure the use of prison sanctions for technical violations of probation and parole supervision.</p>	<p><b>3 (A):</b> Individuals sentenced to prison on a Class C offense will be required to serve a split sentence to ensure supervision upon release.</p> <p><b>3 (B):</b> Mandate a period of supervision on parole to be served prior to the end of any straight prison sentence.</p>
<p><b>1 (C):</b> Develop policies establishing progressive sanctions in response to lower-level technical violations among probationers and parolees and articulate a framework for use of swift and short jail stays as part of the range of sanctions.</p> <p><b>1 (D):</b> Fund treatment programs proven to work to reduce recidivism among probationers and parolees, such as cognitive behavioral and substance use programs.</p>		<p><b>3 (C):</b> The parole board shall develop guidelines to structure decision-making around risk to reoffend and program compliance.</p> <p><b>3 (D):</b> Create administrative hearing officers to function as field members of the Board to conduct interviews of incarcerated individuals. The officers would have the authority of casting one “vote” on nonviolent cases.</p>
<p><b>1 (E):</b> Establish interim taskforce to address reentry barriers for those with mental health disorders.</p> <p><b>1 (F):</b> Increase access to community corrections statewide and improve quality and utilization of evidence-based practices through performance based funding.</p>		<p><b>3 (E):</b> Expand victim notification to inform victims of all releases from prison.</p> <p><b>3 (F):</b> Establish interim taskforce to address issues related to felony restitution collection and victim notification, including exploring ways of prioritizing and enhancing collection of restitution obligations, while also prioritizing the need to develop policies and practices that balance accountability alongside a defendant’s ability to pay.</p>

## 1 Strengthen supervision & treatment to reduce recidivism

### 1 (A): Hire additional probation and parole officers and support staff.

- Increase resources and capacity of supervision officers, with an emphasis on both case-carrying officers, and specialist staff to assist in court duties and pre/post-sentence investigations and reentry planning for potential parolees.
  - Based on the current proportion of active cases that are low, medium, and high risk, approximately 101 additional supervision officers are needed to bring Alabama's mixed caseload per officer ratios down to 100 cases per officer (active cases only).
  - For purposes of assisting in other workload demands such as court duties and pre/post-sentence investigations, it is recommended that 22 additional specialists be hired.

#### *Rationale:*

Alabama's probation and parole officers carry average caseloads close to 200 cases per officer. Resources are spread thinly across many probation and parole cases, regardless of how long people have been on supervision or the risk they pose of reoffending. Adding supervision capacity will reduce caseloads and enable officers to focus their attention on individuals who are most likely to reoffend.

### 1 (B): Improve the use of objective risk assessments to target resources on individuals most likely to reoffend and reduce caseloads by limiting supervision of low risk individuals.

- Require that all current and new probation and parole officers be trained by the end of 2017 on the use of a validated risk and needs assessment. Establish a train-the-trainer approach to ensure that Alabama builds the long-term capacity necessary to deliver ongoing training to supervision officers on risk assessment strategies.
- Require risk-based supervision of individuals on community corrections, probation and parole. This will require state and local (i.e. Community Corrections Programs) supervision departments to create administrative policy detailing how risk and needs information will be used to tailor supervision practices.
- Cap the caseload per supervision officer for high-risk probationers and parolees at no more than 20 cases per officer.
- After demonstrating compliance with the conditions of supervision for 9-12 months, transfer lower-risk individuals on supervision to an administrative or "banked" caseload, provided that the sentence is not for an offense categorized as violent, sexual, or a felony driving under the influence (DUI).
  - Require the review of an individual's suitability for discharge from probation or parole prior to their second consecutive year of supervision without a revocation. The individual must also have paid in full their legal financial obligations associated with the underlying case.
- Preserve the role of the court and the Parole Board in ultimately determining whether someone should be discharged from supervision prior to the originally scheduled discharge date. State and local supervision departments, law enforcement and the courts will collaborate to establish local administrative procedures for establishing the review process.
  - Individuals shall be discharged based on established criteria unless the Parole Board or courts deem an individual unfit for discharge.

- The supervising officer, local district attorney’s office, and any victims associated with the case shall have the right to offer their own recommendation to the court or Parole Board as part of the review for discharge.
- Victims will be notified of discharge events of this nature through the Alabama Crime Victims Automated Notification (AlabamaCAN) system in the same way they are notified in the event of a probation or parole revocation.

*Rationale:*

Research shows that the greatest reduction in recidivism can be achieved when treatment and supervision resources are concentrated on higher-risk, higher-need individuals. Currently, most probationers and parolees in Alabama receive the same intensity of supervision regardless of their risk of reoffending. Research demonstrates that applying the same level of supervision resources to high- and low-risk individuals is counterproductive and can actually increase recidivism rates for low-risk offenders. This is because low-risk individuals are more likely to have positive influences in their life such as jobs, prosocial associations, limited criminal histories, and few substance use problems. These positive influences can be disrupted with higher-intensity supervision and treatment.<sup>1</sup>

Furthermore, limited supervision resources should be focused on individuals who pose the greatest risk of reoffending. Moving lower-risk probationers to an administrative or “banked” caseload after demonstrated compliance on supervision enables resources to be focused on those who can most benefit from more intensive supervision. Time spent supervising these lower-risk individuals on supervision beyond 9 to 12 months consumes officer time and resources that could otherwise be used for more intensive supervision for higher-risk probationers.<sup>2</sup>

**1 (C): Develop policies establishing progressive sanctions in response to lower-level technical violations among probationers and parolees and articulate a framework for use of swift and short jail stays as part of the range of sanctions.**

- Require that a meaningful sanction policy be created so that probation and parole officers can respond to specific violations of supervision without a court or parole board hearing. Examples of these responses include requiring cognitive behavioral treatment, rapid assignment into substance use treatment or electronic or GPS monitoring, or a brief jail sanction. The severity of the response should increase in proportion to the nature of the violation.
- Delegate authority in statute for probation and parole officers to deliver sanctions of up to three days in jail in response to violations of supervision. Alabama probation and parole officers already have the authority to arrest individuals on supervision. This policy would stipulate that an individual shall be released from jail after two days unless the individual or probation or parole officer has requested a hearing to review the violation. Require administrative approval before an officer can take such action to ensure this authority is used appropriately.
- Protect the due process rights of individuals on supervision while enabling these sanctions by extending the right to a court or parole board hearing if the individual on supervision does not agree to the sanction imposed.
- This sanction policy does not require jails to accept or keep individuals in their custody in the event the jail is filled to capacity or if the individual has a serious medical condition.

*Rationale:*

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<sup>1</sup> C.T. Lowenkamp and E.J. Latessa, “Understanding the Risk Principle: How and Why Correctional Interventions can Harm Low-Risk Offenders,” *Topics in Community Corrections*: 2004, 200, 3-8.

<sup>2</sup> “Maximum Impact: Targeting Supervision on Higher-Risk People, Places and Times,” Pew Center on the States Public Safety Performance Project, July 2009.

This policy would provide supervision officers statewide with the authority and flexibility to ensure that responses to supervision violations are swift and certain. Probationers and parolees must understand the process for handling infractions from the outset of supervision, and this process must promote accountability and responsibility to achieve ideal outcomes. Furthermore, responses must be applied consistently and be proportionate to the violations committed.<sup>3</sup> Proportionality improves the perception that responses are fair, just and neutral, which can in turn deter future unwanted behaviors.<sup>4</sup> Research has found that supervision outcomes are greatest when sanctions are imposed with the following four factors concurrently: swiftness, consistency, proportionality, and rewarding desired behavior with incentives. Although they may be effective independent of one another, they work best in concert.<sup>5</sup>

**1 (D): Fund treatment programs proven to work to reduce recidivism among probationers and parolees, such as cognitive behavioral and substance use programs.**

- Increase funding for individuals on felony probation and parole to access services addressing the factors most closely associated with recidivism (e.g., anti-social thinking and attitudes, substance abuse).
  - Target funding levels necessary to address primary criminogenic risk factors among higher-risk populations.
  - Require the Alabama Sentencing Commission to conduct evaluations of local programming referrals and outcomes to ensure that the money appropriated by the State is invested in worthwhile programs.

*Rationale:*

Research clearly demonstrates that supervision without treatment is ineffective at reducing recidivism. Therefore, effective community-based treatment and programming is required to reduce recidivism by addressing the individual's risk and need factors. Attending to these factors may improve judicial confidence in supervision and enhance the likelihood that individuals will receive a sentence of probation or community corrections rather than a prison sentence.

The most effective programs aim to change an individual's behavior by focusing on each person's unique circumstances and the risk factors linked to their criminal behavior. Cognitive behavioral programs help people who have committed crimes identify how their thinking patterns influence their feelings, which in turn influence their actions. They include structured social learning programs where new skills, behaviors, and attitudes are consistently reinforced. Cognitive behavioral programs that target areas such as attitudes, values, and beliefs have a high likelihood of having a positive influence on future criminal behaviors, an individual's choice of peers, whether he or she abuses substances or expresses anger, and his or her interactions with family. Most effective cognitive behavioral programs are action-oriented and include components for people to practice skills with a trained instructor.<sup>6</sup>

**1 (E): Establish interim taskforce to address reentry barriers for those with mental health issues.**

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<sup>3</sup> American Probation and Parole Association, "Effective Responses to Offender Behavior: Lessons Learned for Probation and Parole Supervision."

<sup>4</sup> Taxman, Soule, and Gelb, "Graduated Sanctions: Stepping into Accountable Systems and Offenders."

<sup>5</sup> Eric Wodahl, Brett Garland, Scott Culhane, and William McCarty. "Utilizing behavioral interventions to improve supervision outcomes," *Criminal Justice and Behavior*, 38(4) (2011), 386-405.

<sup>6</sup> Edward Latessa, *From Theory to Practice: What Works in Reducing Recidivism?* (Cincinnati: University of Cincinnati Press: 2007).

- Primary issues to be considered include: better streamlining the sharing of critical mental health information between correctional institutions, supervision departments and community mental health centers; and addressing barriers to accessing treatment such as termination versus suspension of Medicaid eligibility.
- Membership of the taskforce shall include, but not be limited to, representatives from the Department of Corrections, Board of Pardons and Paroles, Department of Mental Health, Administrative Office of the Courts, Association of County Commissions of Alabama, Alabama District Attorneys Association/Office of Prosecution Services, Sheriff's Association, Alabama Criminal Defense Lawyers Association, and advocacy groups.
- The taskforce shall recommend policies for consideration by the Legislature no later than January 1, 2016.

*Rationale:*

National research indicates there is a higher rate of individuals with mental health disorders within prison than in the general population.<sup>7</sup> It is critical for public safety that these individuals receive the necessary treatment, including the ability to access medication and services when they reenter into the community.

**1 (F): Increase access to community corrections statewide and improve quality and utilization of evidence-based practices through performance based funding.**

- Expand diversions into community corrections programs (CCPs) by providing counties without formal CCPs access to such programs by requiring the Department of Corrections to identify appropriate CCP alternatives in other counties and making such information available to sentencing courts. Courts would not be forced to sentence to other counties' community corrections programs, but it shall be an option if receiving counties voluntarily accept.
- Develop tiered reimbursements to incentivize adoption and utilization of evidence-based practices (EBP) by providing higher reimbursement rates for programs that demonstrate stronger adherence to EBPs.
- Create a model for using CCPs as a local broker for all behavioral health assessment and treatment referrals for individuals on felony supervision in local communities (community corrections, probation, and parole).
  - As part of the tiered CCP reimbursement approach, capable and willing CCPs would receive a higher reimbursement rate to provide assessment and referral services for local probation and parole departments and individuals under their supervision.
  - Establish parameters to ensure treatment and resources are prioritized for higher risk probationers, parolees and community corrections participants, and that the CCP prioritizes referral slots according to the individuals' risk and needs.
  - The Alabama Sentencing Commission will coordinate with the Department of Corrections, Board of Pardons and Paroles and Department of Mental Health to develop models to guide the CCPs in establishing their programs as local brokers.

*Rationale:*

Increasing resources for community-based treatment helps reduce recidivism by addressing the risk and need factors of the individual on supervision. Community corrections programs can play a critical role in diverting low level offenders away from prison while still holding them accountable and connecting them to treatment resources when needed. Alabama's community corrections programs have demonstrated effectiveness at diverting individuals successfully away from prison, and enhancing the ability of local programs to grow and improve will better position the state to address lower level offenders in more effective, community-based supervision settings.

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<sup>7</sup> Andrew P. Wilper, MD, MPH et al., "The Health and Health Care of US Prisoners: A Nationwide Survey," *American Journal of Public Health* 99, no. No. 4 (April 2009).

## 2 Prioritize prison space for violent and dangerous individuals

### 2 (A): Create a new class of the least serious, nonviolent felony offenses (“Class D”) and increase front-end diversions away from prison for certain property and drug offenses.

- Create a new, lower felony class of property and drug offenses (“Class D”). The new Class D felony offenses will have a prison sentencing penalty range of one to five years and will be subject to the presumptive guidelines for nonviolent offenses.
  - For “in prison” recommendations, the initial sentence would be to community corrections split sentences with a maximum term of three years, with one year to be served on community corrections followed by a step-down to probation for a period of two years. Except as provided below, individuals in this class may only be sentenced to prison as part of a revocation of supervision.
    - Upon conviction of a Class D felony, those with two or more prior felony convictions for class B or higher offenses may be sentenced as a Class C felony. This would also be the threshold for allowing Class D convictions to count towards habitual offender enhancements.
    - Upon conviction of a Class D felony, those with four or more prior felony convictions for class D or higher offenses may be sentenced as a Class C felony. This would also be the threshold for allowing class D convictions to count towards habitual offender enhancements.
  - For class D offenses, limit the incarceration period of split sentences to no more than two years, and limit the period of probation supervision served as part of a split sentence to no more than three years.
  - Require the Alabama Sentencing Commission (ASC) to conduct necessary research to determine the appropriate point values of the new Class D offenses for purposes of the sentencing guidelines.
  - Expand access to Administrative Office of the Courts records database to district attorney and select criminal justice agencies identified by the legislature at no cost to agencies. The increased ability to use this database will facilitate more accurate and efficient guideline scoring.
- Reclassify lowest felony levels for simple drug possession, forgery and fraudulent use of a debit/credit card; introduce lower-level threshold amounts for felony theft; and carve out lowest levels of burglary for classification as nonviolent, and, and include these offenses within new Class D offense class.
  - Make all Possession/Receipt of Marihuana/Controlled Substances offenses (and any related inchoate) Class D.
  - Make Forgery II, Possession of a Forged Instrument II, and Fraudulent/Illegal Use of a Credit/Debit Card (and any related inchoate) Class D
  - Adjust the threshold for felony theft so theft of property valued between \$500 and \$1499 would be a Class D felony and theft of property of \$1500 - \$2500 would be a Class C felony.
    - Create new Class A felony offense for aggravated theft where value exceeds \$100,000 (or \$50,000 in public monies).
  - Modify the definition of third-degree burglary to identify a specific set of offense elements that would constitute a nonviolent form of burglary, such as entering an uninhabited non-domicile or detached building, and where no victim is encountered.
    - Burglary III will be identified as nonviolent if the individual enters an uninhabited, non-domicile building, and no victim is encountered. This nonviolent form of Burglary III would be specifically articulated as a subsection in the current Burglary III statute and be a Class D felony subject to the presumptive sentencing guidelines.

- Burglary III will be identified as violent if the individual enters a domicile building regardless of whether a victim is encountered. This violent form of Burglary III would be specifically articulated as a subsection in the current Burglary III statute and remain a Class C felony not subject to the presumptive sentencing guidelines.

*Rationale:*

Creating a new felony offense class for the lowest level property and drug offenses ensures the degree of punishment is proportionate to the severity of the offense committed. Requiring individuals to first serve their sentence on probation or community corrections would allow the state to prioritize prison capacity for individuals who committed more severe offenses.

Realigning felony classifications and penalties for drug offenses provides better proportionality between the nature of the offense and the range of punishments allowable. As the seriousness of the offense rises from simple possession, to possession with intent to distribute, to actual distribution and trafficking, the range of allowable punishments should increase accordingly in severity.

The felony threshold for theft in Alabama is \$500. Other states have increased their property offense felony thresholds in recent years leaving Alabama in the minority of states who retain such a low threshold. In Georgia, for instance, the felony threshold was increased to \$1,500 in 2012.

Alabama's burglary law is an outlier among southern states in that it only classifies burglary as a violent offense, regardless of the degree of offense, whether a victim was encountered or the type of building entered. Currently, the lowest form of burglary in Alabama is third-degree burglary, which is classified as a violent offense. Other southern states have at least one classification of burglary that is a nonviolent offense. Redefining aspects of third-degree burglary and carving out a new nonviolent offense would better prioritize prison space for violent individuals.

Finally, increasing the ability of criminal justice agencies to use the Administrative Office of the Courts database will facilitate more accurate and efficient guideline scoring.

**2 (B): Structure the use of prison sanctions for technical violations of probation and parole supervision.**

- Require that probation and parole implement articulated policies for using administrative and intermediate sanctions in response to low-severity violations. Allow prison sanctions to only be used to respond to significant or repeat violations of supervision conditions with a sanction of prison confinement in lieu of revocation.
- Establish a flat term of no more than 30 days in prison for sanctioning individuals who commit technical violations of probation and parole, regardless of prior convictions or the current offense for which they were sentenced to probation.
  - No individual may be held in jail awaiting a hearing, without new pending criminal charges, beyond 30 days. If the violation hearing occurs within the 30-day time frame, the judge may sanction the individual up to 30 days in the jurisdiction of the Department of Corrections.
  - Cap the number of prison sanctions to three separate 30-day sanctions before full revocation is possible. Require continuation of remaining supervision term upon release from confinement.
    - For probationers and parolees, the order committing the individual to the sanction shall stipulate their return to probation or parole supervision following completion of the sanction period.

- This sanction policy does not apply to those on supervision for a violent or sex offense, individuals who are charged with absconding from supervision or those that are convicted of a new crime.
- Courts will be required to ensure that the Department of Corrections receives the necessary transcripts for receiving sanctioned probationers within 5-business days of the hearing.
- All transfers of state inmates from county jails to the Department of Corrections whether pursuant to this sanction policy or as a result of being sentenced to any term of incarceration with the Department of Corrections, shall be the responsibility of the Department of Corrections.
- The Department of Corrections should define its functional capacity to the extent that it is different from the original design capacity.

*Rationale:*

Sanctioning technical probation and parole violators with one month of confinement followed by a return to supervision provides a less costly and much more effective method of holding individuals accountable for their behavior than the use of lengthy confinement periods in prison for supervision violations. It increases accountability among probationers and parolees who otherwise would have been released from prison to the community without any supervision. These confinement periods also use state resources more efficiently than the revocation process because it shortens the average length of stay for people returned to prison for a violation of a condition of probation or parole. There were 3,376 probation and parole violators sent to prison in FY2013, and almost thirty percent of these were technical violations of supervision conditions, which include breaking curfews, missing appointments, or testing positive for drug use. The number of prison beds that Alabama used for technical probation revocations was 1,520 at the end of June 2014, and that bed demand represents an annual operational cost of \$25 million.

### **3 Hold offenders accountable in prison and after release**

#### **3 (A): Individuals sentenced to prison on a Class C offense will be required to serve a split sentence to ensure supervision upon release.**

- Remove straight sentence to prison as an up-front sentencing option for Class C offenses, limiting prison sentencing to splits with the option of community corrections in lieu of prison.
- Incorporate an opportunity for defendants to receive up to 15 percent earned time credit towards satisfaction of the incarceration portion of a split sentence.
  - The awarding of the earned time would be dependent on compliance with any programming requirements mandated as a result of treatment need or otherwise determined appropriate by the sentencing court and/or the Department of Corrections. Any decision not to award earned time pursuant to established requirements shall be recorded and shared with the incarcerated individual.
  - The sentencing court would retain final discretion in awarding of any earned time.
- For class C offenses, limit incarceration period of split sentence to no more than two years.
- Limit the period of probation supervision served as part of a split sentence to no more than three years.

*Rationale:*

Currently, one-third of people leaving prison are released without supervision, and most are convicted of lower-level offenses. Current good time accrual for short, straight prison sentences limits the parole board to a short period of parole consideration before an individual must be discharged from prison unsupervised. By mandating split sentences for people convicted of these lower-level offenses, this guarantees individuals will be held accountable after



release from prison and into the community under mandatory supervision. This will also remove a considerable amount of workload from the parole board.

Studies show that people are most likely to reoffend within their first year of release from prison, with an even greater likelihood during the first six months.<sup>8</sup> Limiting probation supervision to three years would allow officers to focus supervision resources on individuals when they are most likely to reoffend.

### **3 (B): Mandate a period of supervision on parole to be served prior to completing any straight prison sentence.**

- Require individuals with sentence lengths of 5 years or less be mandated to a supervised reentry period at least 3 months prior to their sentence discharge date. For individuals who have sentence lengths of more than 5 years but no more than 10 years, require they be mandated to a supervised reentry period at least 6 months prior to their discharge date. For individuals who have sentence lengths of more than 10 years, require they be mandated to a supervised reentry period at least 12 months prior to their discharge date.
- Victim notification on these cases would be the responsibility of the Department of Corrections since the release would not be a function of a Board decision.
- This policy would not apply to individuals serving mandatory minimums for sex offenses involving children (§ 13A-6-124).

#### *Rationale:*

Currently around half of all individuals who are under the parole board's jurisdiction complete their sentence in prison and are released to no supervision.

The combination of effective supervision and community-based programs has been shown to have an impact of as much as a 30 percent reduction in recidivism; however, a significant number of people are released from prison in Alabama without supervision.<sup>9</sup> Currently, 18 percent of those released from prison to parole are reconvicted within three years of release, yet 27 percent of those released to no supervision are reconvicted within three years of release.

### **3 (C): The parole board shall develop guidelines to structure decision-making around risk of reoffending and program compliance.**

- Stipulate that the Board develop guidelines to assist in their decision-making. The guidelines shall be defined as a structured process for developing a basis from which to make release-related decisions. The guidelines shall use an actuarially informed and validated instrument that uses factors predictive of offender risk to reoffend and readiness for parole release. Guidelines should include: the incarcerated individual's risk level, engagement in risk-reduction programs, institutional behavior (measured by the more serious misconducts), and the severity of underlying offense for which they were sentenced to prison.
  - The Board will review the guidelines every three years to determine if any updates are needed based on available research at the time of the review.

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<sup>8</sup> Patrick A. Langan and David J. Levin, "Recidivism of Prisoners Released in 1994." (Washington: United States Department of Justice, Bureau of Justice Statistics, 2002).

<sup>9</sup> D.A. Andrews and James Bonta, *The Psychology of Criminal Conduct*, 5th ed. (New York, New York: Routledge, 2010).

- The parole guidelines are to be used for all parole decisions, by all parole decision makers, to result in all cases considered for parole using the same parole decisional factors established in the guidelines.
- Make clear that the guidelines do not establish an expectation or right of release and that the ultimate decision whether or not to grant parole resides with the parole board.
- Require increased transparency in decision making to inform the victims, the incarcerated individuals, the DOC, and other stakeholders by identifying the reasons for parole approval or refusal.
- Require the formal reentry plans that are developed by BPP institutional parole officers/social workers and the individual being considered for parole to be agreed to by the Parole Board as a means for preparing and guiding an individual's efforts to earn parole.
- Reduce the statutorily allowed maximum set-off date for reconsideration of parole from 5 years to 1 year or less for individuals with prison sentences of 20 years or less.
  - Violent offenses will be excluded from this set-off date change.
  - Set-off dates will be determined by taking into account denial reasons and the required time to demonstrate readiness for parole to Board members depending on relevant factors, including, but not limited to, program completion.
    - The Department of Corrections and Board of Pardons and Paroles shall collaborate to determine necessary changes to program delivery within the Department of Corrections and communication across agencies, to better prioritize programing for individuals nearing their release date.

*Rationale:*

Parole boards are increasingly using risk assessment to inform both release decision-making and response to parole supervision violations. Doing so enables the state to use a set of criteria to prioritize prison space for those who pose the greatest risk of recidivism.<sup>10</sup>

Currently, there is no direct communication between the parole board members and the individuals being considered for parole. Formal communication discussing the individual's reentry plan will help both parties identify what needs to be strengthened for the safety of the community upon an individual's release from prison. The parole board should also communicate reasons for parole denial so the individuals who are denied parole will understand what they need to work on, which helps motivation to be compliant with programming and incentivizes good institutional behavior.

**3 (D): Create administrative hearing officers to function as field members of the Board. The officers would have the authority of casting one "vote" on nonviolent cases and serve to improve and streamline processes around release decision-making for individuals incarcerated on nonviolent offenses.**

- Establish three full-time positions with the Board of Pardons and Paroles to serve as administrative hearing officers with clearly articulated job qualifications. Grant these administrative hearing officers one vote towards consideration of parole release for individuals incarcerated on nonviolent offenses.
- Hearing officers' role with respect to voting on nonviolent cases will be defined and directed by the parole guidelines.
- No later than twelve months prior to an inmate's parole eligibility (defined as the point at which a majority vote of the Board suffices for release to parole), the administrative hearing officer shall review an inmate's preparedness for release to parole supervision.

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<sup>10</sup> Nancy M. Campbell, *Comprehensive Framework for Paroling Authorities in an Era of Evidence-Based Practices* (Washington, DC: National Institute of Corrections, 2008). Morris L. Thigpen et al., *Core Competencies: A Resource of Parole Board Chairs, Members and Executive Staff* (Washington, DC: National Institute of Corrections, March 2010).

- The review shall take into account all relevant factors addressed by the guidelines developed by the Board.
- In the event the hearing officer votes in favor of release to parole supervision, only one concurring vote is needed from a member of the formal Board. The concurring vote may be rendered through an administrative review and need not constitute a formal hearing of the Board.
- In the event the hearing officer does not vote in favor of release to parole supervision, the case will be docketed for review by the full Board according to normal procedures.
- These hearing officers would also serve to interview incarcerated individuals nearing parole eligibility and provide an opportunity for inmates to present their case for parole consideration to a voting member of the Board.
  - Hearing officer may have video-conference interviews with individuals being considered for parole, if there are logistical challenges that prevent in-person interviews.
  - Purchase equipment and develop process to allow for video-conference capability.

*Rationale:*

The parole board has a large number of cases to review and the introduction of administrative hearing officers allows for the parole board's time to be dedicated and focused on the more serious, violent cases on their docket.

Currently, parole board members are reliant on the report prepared by the various institutional parole staff to determine whether to parole an individual. Having administrative hearing officers interview individuals being considered for parole allows for some form of direct interaction with a parole-release decision maker, and provide an opportunity to access the individual being considered for parole, including being able to directly ask the individual any questions or address any concerns.

**3 (E): Expand victim notification to inform victims of all related releases from prison.**

- Provide funding to enable the electronic victim notification system to be fully functional.
- Expand victim notification to include all instances where an incarcerated individual (who was convicted of crime involving a victim) is returning to a community setting but still remaining within the jurisdiction of the Department of Corrections (i.e. community corrections, supervised reentry program, and work release/work crews).
  - Department of Corrections shall have access to the electronic victim notification system to provide the necessary notification.
- Expand the notification system to include necessary updates from the Attorney General's office (i.e. appeals or sex offender information).

*Rationale:*

Alabama passed legislation in 2011 to improve victim notification, but Alabama CAN is not yet operational due to a lack of financial resources to complete the system. Alabama CAN will be the primary source for notifying victims when an individual has an upcoming parole/pardon hearing, and when an individual is released from prison. This automated system will allow for victims of all crimes, including nonviolent offenses, to sign up and be notified in a method they prefer, i.e., email, text message or automated voice recording.

There are some gaps in the current victim notification process. For example, victims may not be notified when individuals incarcerated in a secure facility are moved to work release setting where they work in the community during the day and return to a secure incarceration setting at night. Also, victims

may not be notified when an individual is released from prison for medical purposes. Closing these gaps will enhance victim notification as well as public safety.

**3 (F): Establish interim taskforce to address issues related to felony restitution collection and victim notification. Aims of taskforce are to explore ways of prioritizing and enhancing collection of restitution obligations, while also prioritizing the need to develop policies and practices that balance accountability alongside a defendant's ability to pay.**

- Primary issues to be considered by commission include: improving rates of collection for restitution obligations; improving victim notification to take into account any gaps in notification when victims cannot access the electronic system; and establishing best practices regarding a defendant's involvement in the criminal justice system and their ability to pay.
- Membership of the taskforce shall include, but not be limited to, representatives from VOCAL and other victim advocacy organizations, the Department of Corrections, Board of Pardons and Paroles, Administrative Office of the Courts, ADAA/OPS, Alabama Criminal Defense Lawyers Association, and advocacy groups.
- The taskforce shall report to the Legislature no later than January 1, 2016.

*Rationale:*

Currently, defendants have multiple legal financial obligations that may include restitution, court fees, a monthly supervision fee if in the community or a Department of Corrections fee if in prison. The collection practices and prioritization of what legal fee is collected varies based on the local jurisdiction. Further research is needed to determine how to increase accountability among people who have committed crimes and have multiple financial legal obligations, including victim restitution.