

## Prison Reforms

### Background

Alabama's prisons are grossly overcrowded. Since 1980, Alabama's adult prison population sentenced to more than one year has increased 385 percent, from 6,543 to 31,770 in 2009.<sup>i</sup> The state's prisons were designed to hold 14,000 prisoners. Today, they hold 28,000.<sup>ii</sup>

Alabama is not alone when it comes to dealing with an ever-growing prisoner population. From 1980 to 2009, the U.S. adult prison population rose from 319,598 to 1,613,656, an increase of 405 percent.<sup>iii</sup>

Alabama's incarceration rate is the fifth highest in the nation.<sup>iv</sup> In 2009, 1 in every 148 Alabamians (0.67 percent) was in a state or federal prison serving a sentence of at least one year, compared to 1 in every 190 (0.53 percent) persons in the national population.

According to the Alabama Department of Corrections, in 2009 the largest percentage of prisoners in Alabama (22.5 percent) were incarcerated for either drug possession (13 percent) or drug trafficking or manufacturing (9.5 percent). By comparison, 16 percent were incarcerated for robbery and 11.3 percent for murder.<sup>v</sup> In fact, only 43 percent of Alabama's prisoners were serving time for violent offenses as of January 2010.<sup>vi</sup>

Since 1991, the annual cost per inmate has increased 95 percent (24 percent once adjusted for inflation).<sup>vii</sup> In 2009, Alabama taxpayers spent \$15,118 per inmate in the state's prison system, or \$41.42 per inmate per day. This is about the same as was spent in 2008 (\$15,178 per inmate or \$41.47 per day).<sup>viii</sup>

### ISSUE SNAPSHOT

Alabama should use empirically-based risk assessments to reduce incarceration costs while minimizing the threat to the state's overall population.

Alabama's Department of Corrections should also use non-prison sanctions that are based on factual indicators of recidivism rather than reclassifying crimes.

### Policy Consideration

In 1994, as a part of the reform legislation that instituted truth-in-sentencing, the General Assembly of Virginia directed their Criminal Sentencing Commission to study the feasibility of using an empirically-based risk assessment instrument to select 25 percent of the lowest risk, incarceration-bound, drug and property offenders for placement in alternative (non-prison) sanctions. Implementation of the program began in 1996.<sup>ix</sup>

One of the major goals of the reform is to ensure that expensive prison beds are being used predominately by violent felons. In Virginia, the percentage of prison beds occupied by violent offenders increased from 58.8 percent in 1994 to 68.5 percent in 2004.<sup>x</sup> Since Virginia's reforms have been implemented, the state's incarceration rate has increased by 6 percent. While this is higher than before the program began, it is well below the national average of 22 percent.<sup>xi</sup>

# GUIDE TO THE ISSUES

## Recommendation

- Alabama should use empirically-based risk assessments to reduce incarceration costs while minimizing the threat to the state's overall population.
- Alabama's Department of Corrections should also use non-prison sanctions that are based on factual indicators of recidivism rather than reclassifying crimes.

## Further Reading

- Virginia Criminal Sentencing Commission, "A Decade of Truth-in-Sentencing in Virginia". Available at <http://tinyurl.com/6yd9rm>. Access verified July 12, 2011.
- Alabama Department of Corrections, *Fiscal Year 2009 Report*, and earlier editions. Available at <http://tinyurl.com/2bhobby>. Access verified July 12, 2011.

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<sup>i</sup> Alabama Department of Corrections, *Fiscal Year 2009 Report*, and earlier editions. Available at <http://tinyurl.com/2bhobby>. Access verified July 12, 2011.

<sup>ii</sup> "Prisons and Sentencing Reform." Equal Justice Initiative, 2011. Available at <http://tinyurl.com/6jndomu>. Access verified July 11, 2011.

<sup>iii</sup> National data from USDOJ, Office of Justice Programs, *Prisoners at Yearend 2009—Advance Counts*. June 2010. Available at <http://tinyurl.com/2ayg3jm>. Access verified October 15, 2010. Other national data from USDOJ, Office of Justice Programs, "Key Facts at a Glance." October 18, 2010. Available at <http://tinyurl.com/2b94qfm>. Access verified July 11, 2011. State data from Alabama Department of Corrections, *Fiscal Year 2009 Report*, and earlier editions. Available at <http://tinyurl.com/2bhobby>. Access verified July 11, 2011.

<sup>iv</sup> USDOJ, Office of Justice Programs, *Prisoners at Yearend 2009—Advance Counts*.

<sup>v</sup> Alabama Department of Corrections, *Fiscal Year 2009 Report*.

<sup>vi</sup> Alabama Department of Corrections, "Monthly Statistical Report for January 2010." Available at <http://tinyurl.com/23my4px>. Access verified July 11, 2011.

<sup>vii</sup> Inflation estimate from U.S. Department of Labor, Bureau of Labor Statistics (BLS), "Consumer Price Index: All Urban Consumers (CPI-U), U.S. City Average, All Items, 1982-84=200)." October 15, 2010. Available at <http://tinyurl.com/334qxx>. Access verified July 11, 2011.

<sup>viii</sup> Alabama Department of Corrections, *Fiscal Year 2009 Report*. Available at <http://tinyurl.com/2bhobby>. Access verified July 11, 2011.

<sup>ix</sup> Virginia Criminal Sentencing Commission, *2010 Annual Report*. December 1, 2010. Available at <http://www.vcsc.state.va.us/2010AnnualReport.pdf>. Access verified July 12, 2011.

<sup>x</sup> Virginia Criminal Sentencing Commission, "A Decade of Truth-in-Sentencing in Virginia". Available at <http://tinyurl.com/6yd9rm>. Access verified July 12, 2011.

<sup>xi</sup> *Ibid.*