

Cost Efficient Prison Reforms

Background

Alabama's prisons are grossly overcrowded. When built, the State's prisons were designed to hold 14,000 inmates.¹ By mid-2013, the prison population nearly doubled in capacity, holding 26,618 inmates.² Since 1980, Alabama's adult corrections population sentenced to more than one year has increased 393%, from 6,543 to 32,341 as of July 2013.³

Alabama's incarceration rate is the third highest in the nation.⁴ In 2012, Alabama taxpayers spent roughly \$440 million on corrections, at a cost of \$15,527 per inmate, or about \$43 per inmate per day.⁵ Corrections expenditures were the second-largest line item in the State's 2012 General Fund Budget.⁶

More than half of all inmates behind bars in Alabama were sentenced for nonviolent offenses. According to the Alabama Department of Corrections, the largest percentages of prisoners in 2012 were incarcerated for drug-related crimes such as possession, trafficking or manufacturing (23%), or theft and burglary (21%). By comparison, 14% were behind bars for robbery and 14% for murder.⁷ In sum, of the 32,574 offenders in Alabama's prison system in 2012, 47% of the prisoners were convicted of violent crimes.⁸

Policy Consideration

The Alabama Sentencing Commission, composed of representatives from the Criminal Justice System, all branches of government, and the general public,⁹ is tasked with setting guidelines or ranges of penalties for judges to consider when sentencing an offender for a particular crime. Sentencing guidelines are intended to reduce disparities between different judges for offenders of the same crime.

ISSUE SNAPSHOT

Alabama's prisons are grossly overcrowded. The State has the third highest incarceration rate in the nation, and in 2012, corrections costs in Alabama were approximately \$440 million.

Alabama must implement reforms that do more than simply limit who goes to prison and for how long, but that provide a comprehensive approach to reducing the prison population through programs that reduce recidivism and prepare prisoners for re-entry into the community.

In 2012, the Alabama Legislature voted to expand the authority of the Alabama Sentencing Commission. Effective October 1, 2013, the Commission's sentencing guidelines for certain nonviolent offenses are now "presumptive," not voluntary, meaning that judges are required to apply them absent compelling circumstances. This change was made in an effort to reduce the prison population by narrowing the amount of prison time that judges may apply to certain classes of nonviolent offenders.

While narrowed sentencing ranges for some offenses will reduce incarceration for certain classes of offenders, the 2012 reforms are only one piece of a broader solution to Alabama's overcrowding problem. A more comprehensive approach is needed to implement meaningful, lasting reductions in Alabama's inmate population brought about by an overall decrease in crime and recidivism. If Alabama's leaders are not proactive in dealing with this issue, the State runs the risk of being

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ordered by the federal courts to release inmates due to constitutional violations arising from overcrowding.

Recommendation

Alabama has the opportunity to follow the lead of states like North Carolina, Georgia, and Texas that have experienced real success from the passage of comprehensive criminal justice reforms aimed at reducing recidivism and cutting costs. In 2007, the Texas Legislature chose to address the factors contributing to the State's increasing prison population and offer innovative solutions to the problem rather than simply building new prisons. The resulting legislation directed more than \$200 million to community-based prison alternatives and treatment programs, strengthened probation and parole, and required a more data-driven approach to supervision through the effective use of risk assessment.¹⁰ Strategic reforms like these better ensure public safety by taking a smarter approach to treatment and supervision, giving the offender a better chance to succeed once he or she is released and reducing the risk that he or she will re-offend.

In implementing these reforms, Texas and other states returned to core principles of less government and less wasteful spending. Since the passage of the State's criminal justice reform package, Texas has saved more than \$2 billion in prison construction costs, closed several prisons, and experienced its lowest crime rates since 1968.¹¹ With the right leadership, Alabama can pass reforms that are 'smart on crime' and will have a significant impact on the State's prison population, public safety, and budget.

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QUAL JUSTICE INITIATIVE, *Prisons and Sentencing Reform* (2012), <http://www.eji.org/prisons> (last visited Dec. 3, 2013).

² ALA. DEP'T. OF CORR'S, MONTHLY STATISTICAL REPORT FOR JULY 2013, *available at* <http://www.doc.state.al.us/docs/monthlyrpts/2013-07.pdf>.

³ ALA. DEP'T. OF CORR'S., ANNUAL REPORT FOR THE FISCAL YEAR 2012 (2012), *available at* <http://www.doc.state.al.us/docs/AnnualRpts/2012AnnualReport.pdf>.

⁴ U.S. DEP'T. OF JUSTICE, BUREAU OF JUSTICE STATISTICS, U.S. PRISON POPULATION DECLINED FOR THIRD CONSECUTIVE YEAR DURING 2012 (July 25, 2013), *available at* <http://www.bjs.gov/content/pub/press/p12acpr.cfm>.

⁵ ALA. DEP'T. OF CORR'S, *supra* note 3, at 42.

⁶ STATE OF ALA., EXECUTIVE BUDGET: FISCAL YEAR 2013, 62 (2012), *available at* <http://budget.alabama.gov/pdf/buddoc/BudDoc2013.pdf>.

⁷ ALA. DEPT. OF CORR'S, *supra* note 3, at 48.

⁸ *Id.* at 44.

⁹ ALA. CODE §12-25-34.2 (2011).

¹⁰ RIGHT ON CRIME, REFORM IN ACTION: STATE INITIATIVES: TEXAS, <http://www.rightoncrime.com/reform-in-action/state-initiatives/texas/> (last visited Dec. 3, 2013).

¹¹ *Id.*