Discussions of Structured Sentencing Schemes with a State-wide Committee on Sentencing Reform in Alabama
(Memorandum Report)

TECHNICAL ASSISTANCE REPORT

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December 17, 1998

Consultant
Richard P. Kern
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Dear Mr. Trotter:

Please find enclosed my signed acceptance of assignment (#98-027) and travel expense reimbursement form for my recent visit to speak to the Alabama Sentencing Reform Committee. The remainder of this letter serves as my report on the meeting. I will be forwarding to you copies of the materials I used in my presentation.

The Alabama Sentencing Reform Committee is comprised of 45 members who represent branches of state and local government. The committee membership also includes several defense attorneys and representatives from victims rights groups, domestic violence coalitions, and concerned citizens groups. The group is chaired by a former circuit court judge who is currently on the faculty at the University of Alabama Law School. The Committee includes several judges including the presiding judge of the Court of Criminal Appeals, several legislators, and the Attorney General. At the December 11 meeting, 42 of the committee members were in attendance.

My presentation to the group focused on the approach taken by Virginia to comprehensively overhaul our criminal sentencing system. I provided the group some background on our old sentencing system with some supporting statistics that demonstrated that violent felons were serving sentences considered to be too short and that these felons were serving only a small percentage of the imposed incarceration terms. Other supporting material covered Virginia’s incarceration and recidivism rates. The presentation proceeded to discuss the political background of the sentence reform movement in Virginia and identified the major players in the reform effort.
A good part of the presentation focused on the “blueprint” for sentence reform that was developed and the various debates that guided the key features in this model. The mechanics of the Sentencing Commission itself and its sentencing guidelines were detailed. The review also included a discussion of our development and implementation of an offender risk assessment instrument that is designed to identify low risk non-violent felons for alternatives to traditional incarceration. Information was given on how the risk assessment instrument has been integrated into the structured sentencing guidelines system. The presentation included a demonstration of the methods used in Virginia to educate both the public at large and the inmate population on the dramatic changes in the new no-parole sentencing system. Finally, I provided evidence on the impact of the new sentencing system on our correctional resources and crime rates.

It is my impression that the presentation was very well received by the committee and “on target” for the goals and objectives they have initially set for themselves. Based on my observations and conversations with some of the key actors on this committee, I offer the following comments.

First, if this committee is to succeed in putting together a comprehensive sentence reform package for legislative consideration it is very important that someone step forward and provide aggressive political leadership in this effort. This leader does not have to be the Chairman of the committee but should be someone who is in a high position of leadership in state government – preferably the Governor, Attorney General, Chief Justice, or a very influential legislator. I have a sense that the Attorney General, whom I dined with, is a strong possibility to step forward and take on this role.

Once a high profile leader is identified, it is important for that person to identify and secure the resources necessary to execute the work of the committee. This committee does not currently have full-time staff people to support their work. This does not have to involve the spending of new monies and could be done by identifying existing research personnel from the various state agencies and re-assigning them to work for this committee. Once staff is identified, the committee should reorganize itself and form subcommittees to begin the hard work involved in creating the blueprint for their sentence reform program. Timetables should then be set for deliverables from each subcommittee and set dates for significant milestones in the plan development.

I believe that the current composition of the committee is well suited to execute the tasks necessary to create a sentence reform plan for Alabama. As this committee moves forward their greatest needs for technical assistance will lie in the area of advice on the “nuts and bolts” and logistics of forming subcommittees, identifying objectives, creating timetables, pulling together necessary data and research, agenda setting, and public relations with the media and citizenry. On this latter item, I provided the committee with an overview of a series of public meetings held throughout Virginia that were held in order to receive input from the citizens on their expectations of the justice system and to receive their feedback on some draft proposals.
I am optimistic that these dedicated officials in Alabama are committed to develop meaningful and needed sentence reforms and, with some help, should be successful in their efforts.

It was a pleasure to participate in this process and to offer whatever assistance I can to ensure their success in this reform movement.

Sincerely,

Richard P. Kern, Ph.D.