

ALABAMA'S UNRESOLVED INMATE CRISIS

A Report on the Unintended Impact
of the 2015 Prison Reform Act

UPDATED
WITH FY2020
COUNTY DATA



ALABAMA COUNTIES' PERSPECTIVE

In 2014, Alabama faced a crisis with its prison system amid mounting problems with overcrowding, unsatisfactory conditions inside the facilities and a looming federal takeover. In response, the Alabama Legislature created a broad-based task force to search for innovative solutions. Although the focus of the group was relief to the overcrowded state facilities, the two county representatives on the panel spoke often and clearly about the impact many of the proposed measures could have on the local communities.

In fact, the county representatives — former Marshall County Commissioner Bill Stricklend and Baldwin County Sheriff Hoss Mack — urged the task force to delay introduction of legislation, writing that the proposed measures would “clearly and directly impact county jails, sheriffs and county budgets in a significant and negative way” and urged that “legislation be presented only after additional review and debate.”

The Legislature moved forward despite the cries of concern. In the years that have followed, Alabama’s counties have experienced the increase in jail and law enforcement costs that Stricklend and Mack precisely predicted.

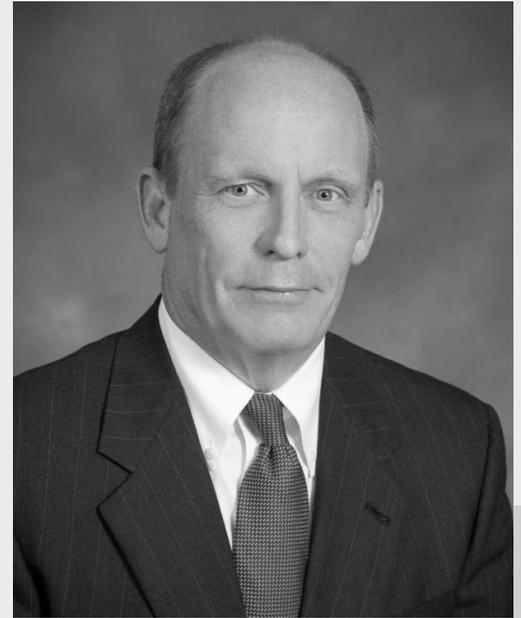
The counties’ representatives specifically wrote:

“*The use of the county jail as a tool for producing more acceptable behavior by parolees will place excessive pressure on county government. The proposed unscheduled drop-off of parole violators and the use of the county jail as a holding tank for parole violators set to make as many as three repeat trips to the prison system will clearly cause havoc at the county level. Although those who support this concept point to a modest reduction in state inmate populations in other states, Alabama’s unique requirements on inmate transfers, medical costs and frequent litigation will clearly serve to significantly increase costs for counties.*”

The data contained in this report confirms their reservations. The cost of operating Alabama’s county jails and the 67 sheriff’s departments has increased dramatically from the year before the passage of the reforms (fiscal year 2014) to fiscal year 2020. The number of state inmates in county jails has increased at an alarming rate — from almost 2,000 inmates in fiscal year 2014 to an estimated 8,000 in fiscal year 2020. The increased cost to counties has been so significant that those inside county government are concerned about the long-term viability of continued implementation of the 2015 changes.

Clearly, the intent of the 2015 reforms was to make it easier for probation and parole violators to stay in the community, despite displaying conduct that would have landed them back under the custody of the Department of Corrections before the passage of the new measures. The reforms also established a process allowing probation officers to drop off so-called “technical” violators at the county jail for as many as six different three-day stays (known as “dips”) to help curb their unacceptable behavior.

Likewise, the 2015-created authority for repeated technical violators to be held in county jails while awaiting a 45-day transfer to state custody (known as “dunks”) has applied additional pressure on the limited bed space in most county jails and produced a corresponding increase in medical costs and lawsuits.



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ALABAMA COUNTIES' PERSPECTIVE

As the Appendix E chart shows, during fiscal year 2017, at least 4,725 persons were held in county jails for dips and dunks. The number climbed to 5,527 persons in fiscal year 2018. Numbers have not been released for fiscal years 2019 and 2020.

This enormous influx of inmates otherwise held in state custody — with no additional funding for the corresponding costs — has provided relief to the state prison system at the expense of the 67 county governments. And the “dunk” process has also further impacted jail space because of difficulties in efficiently moving these inmates from county jails. Adding the “dunks” to the usual inflow of permanent inmates has stretched the Department’s ability to respond in a timely manner.

Information provided by the Alabama Sentencing Commission shows that, prior to the COVID-19 pandemic, 30 percent of the inmates received into the custody of the Alabama Department of Corrections intake process today were actually persons being returned to state custody through the “dunk” process. It is important to note that no solution has been offered to move the “dunk” inmates into regional facilities, rather than through the centralized process, despite the 2015 legislation requiring the Department to work with counties to develop such an alternative process.

As a result, the number of state inmates in county jails awaiting permanent transfer to the Department has skyrocketed within the past 12 months. Further compounded by the Department’s negligible intake process amid COVID-19, the number of inmates exceeding the Alabama Supreme Court’s established 30-day limit reached nearly 1,700 per week in 2020. This backlog also places additional stress and expense on county governments and has resulted in additional litigation at the counties’ expense.

Moreover, the costs of operating Alabama’s county jails increased by 30 percent between 2014 and 2020 — a number that is more than three times the rate of inflation during that time period. Likewise, county expenditures on the operation of the sheriff’s office, already stressed by the impact of the new Class D felony arrests included in the 2015 reforms, increased by 29 percent during the same timeframe.

In all, county expenditures on jail and law enforcement increased by \$123 million between 2014 and 2020. *Data on county expenditures is shown on Pages 4-6, and the specific expenditures for each county during fiscal years 2014 through 2020 is detailed in Appendices B and C.*

In conclusion, the influx of inmates has so negatively impacted county budgets that during the 2020 Annual Convention of the Association of County Commissions of Alabama, the membership unanimously adopted a resolution urging the Alabama Legislature to re-examine the 2015 reforms — and the impact on county resources — before moving forward with any future changes. *The resolution can be found in the Appendix of this report as Appendix A.*

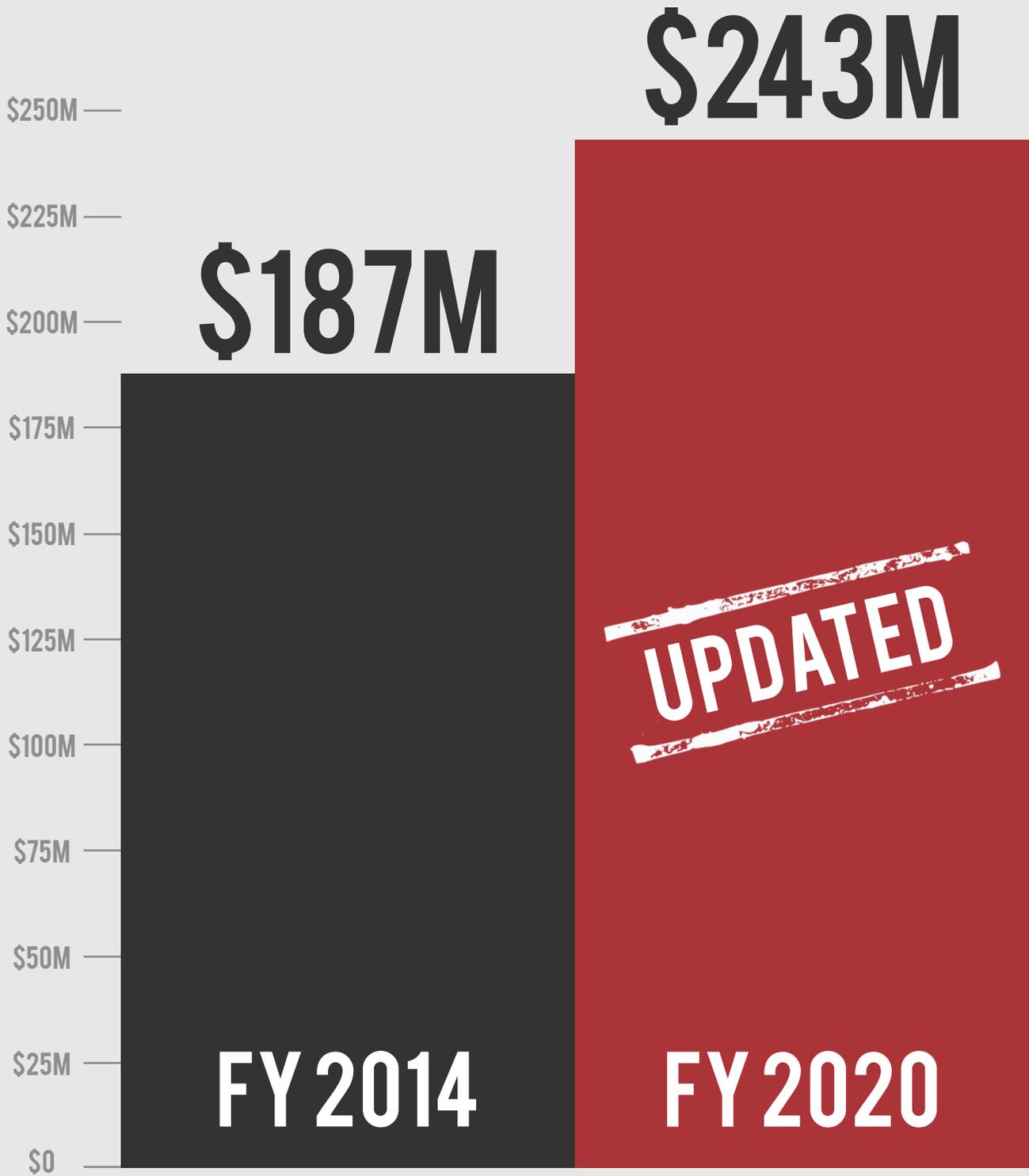
The resolution states that “Alabama’s County Governments oppose any additional Sentencing Reform Legislation before the Alabama Legislature that would result in additional diversion of inmates, probationers or parolees into Alabama’s county jails without full reimbursement of all costs resulting from such diversion...[and] call on the Alabama Legislature to fully fund the reforms of 2015 by providing counties with the necessary revenue to address the unfunded mandates resulting from the 2015 Alabama Prison Reform Act.”

County government recognizes the unavoidable link between county jails and the Alabama Department of Corrections. All involved in this effort must recognize that reform at either level has a direct — and dramatic — impact on the financial well-being of the other level of government. Effective solutions to this long-standing problem must include revisions to the 2015 reforms, which have proven so costly to counties that the county jails now face a crisis not unlike that which confronted the State in 2014.

**SONNY BRASFIELD,
EXECUTIVE DIRECTOR
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COMMISSIONS OF ALABAMA**



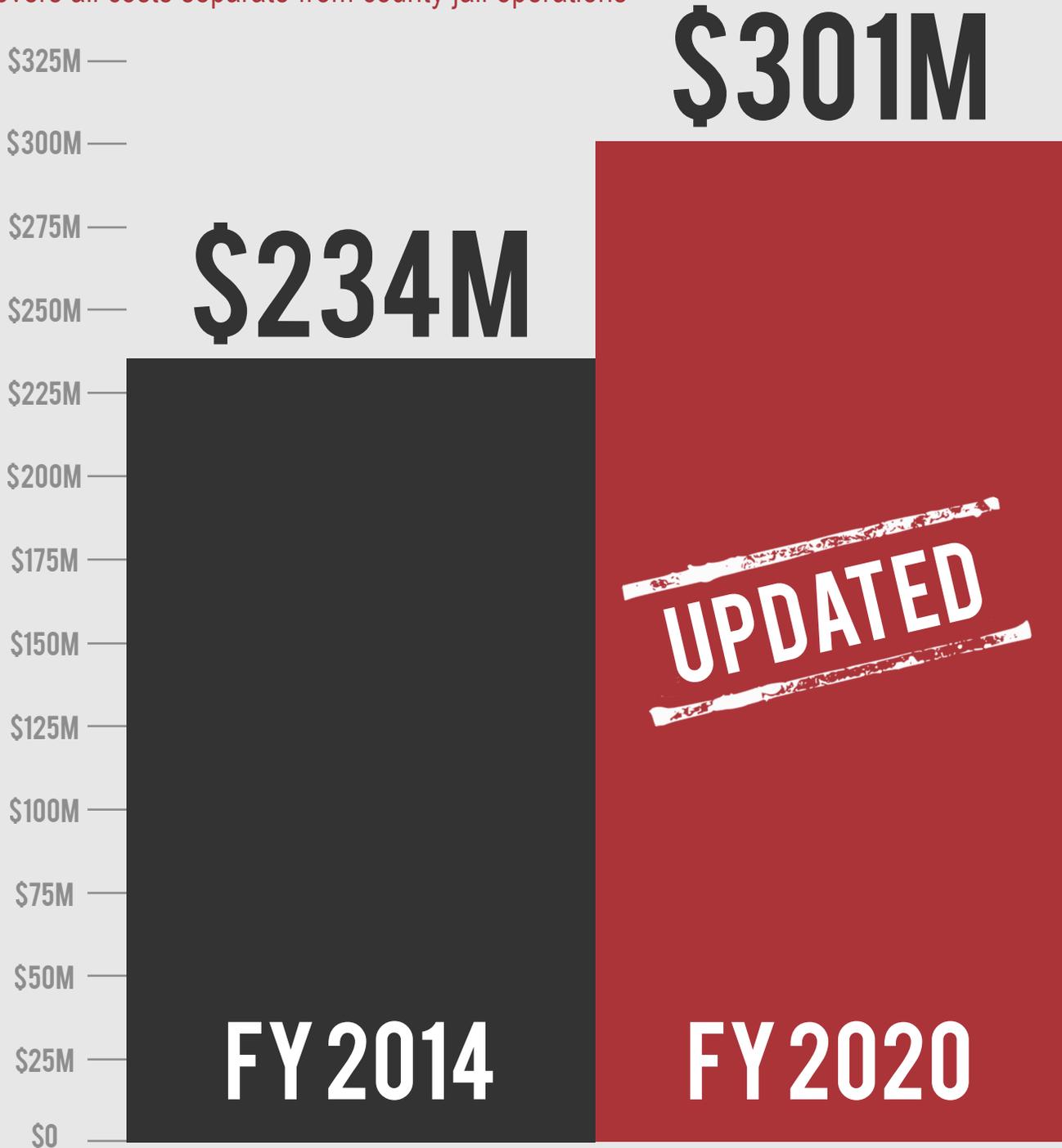
COST TO OPERATE COUNTY JAILS



County costs increased by **\$56M** from 2014 to 2020, more than **3x the rate of inflation.**

COST TO OPERATE COUNTY SHERIFF'S DEPARTMENTS

Covers all costs separate from county jail operations

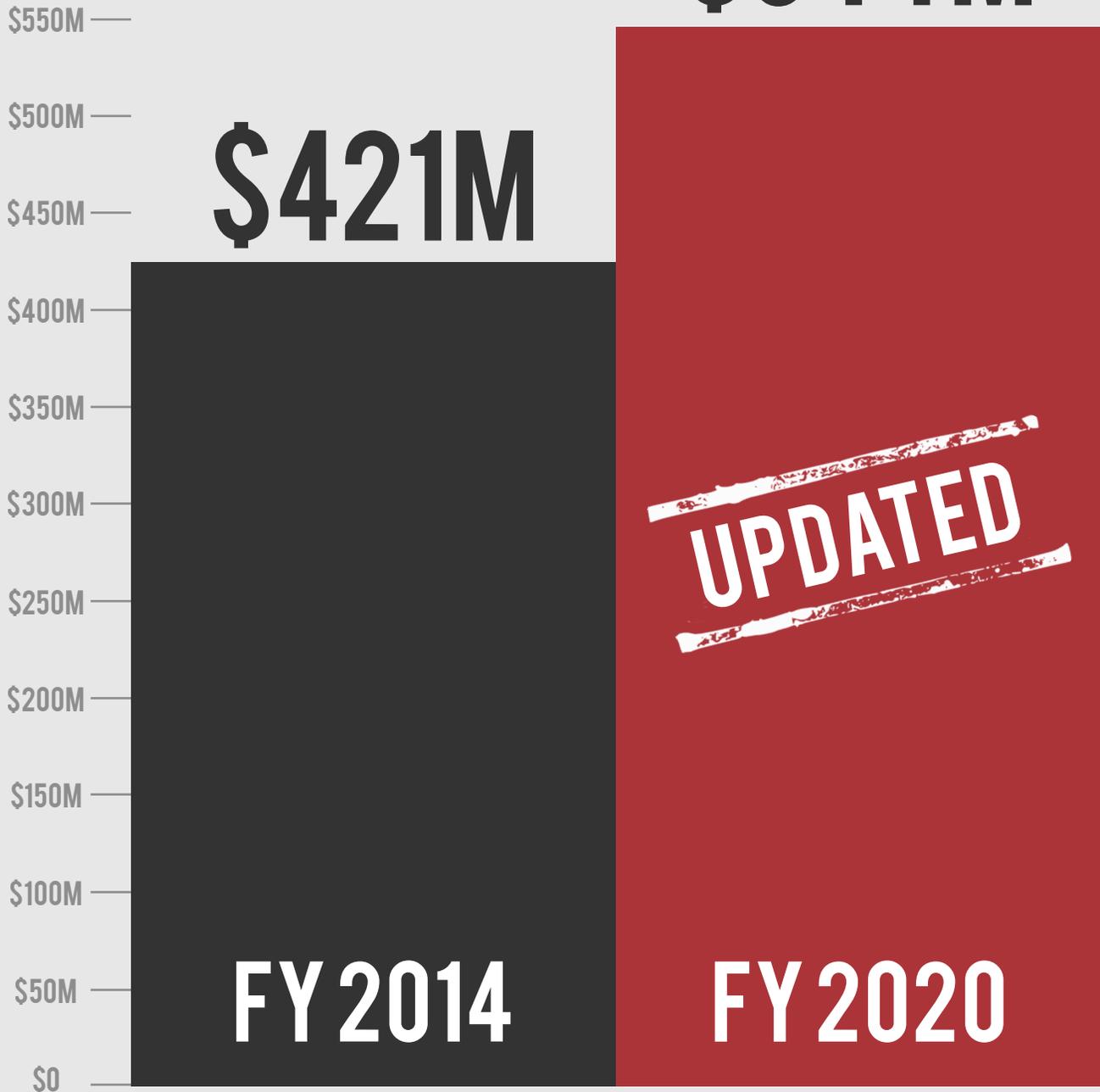


County costs increased by **\$67M** from 2014 to 2020, more than **3x the rate of inflation.**

COMBINED COST TO COUNTIES FOR STATE INMATE INFLUX

Covers jail operation costs and sheriff's department costs

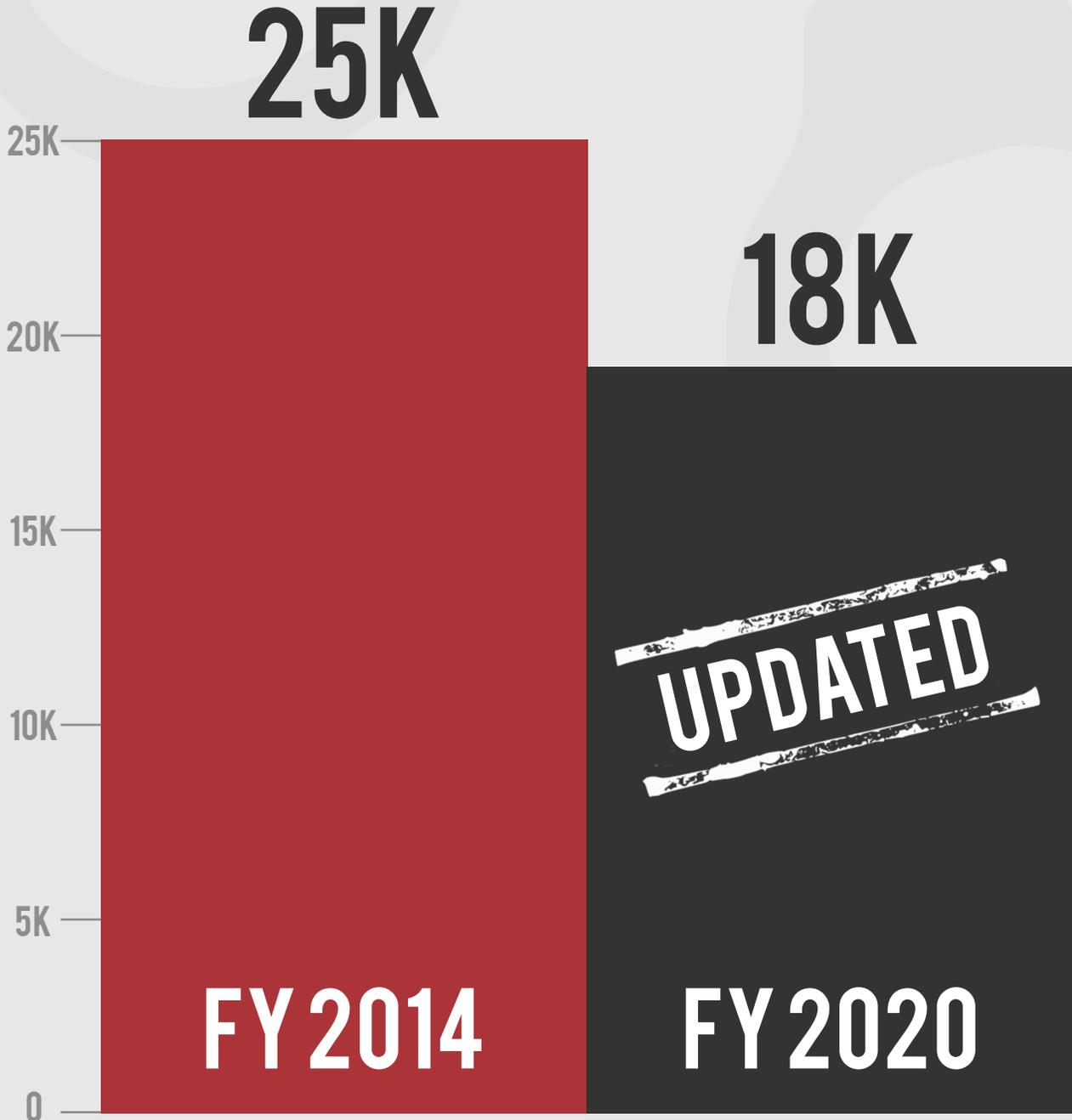
\$544M



County costs increased by **\$123M** from 2014 to 2020, more than **3x the rate of inflation.**

STATE INMATE POPULATION IN STATE PRISONS

Based on public data provided by the Alabama Department of Corrections and Alabama Board of Pardons and Paroles

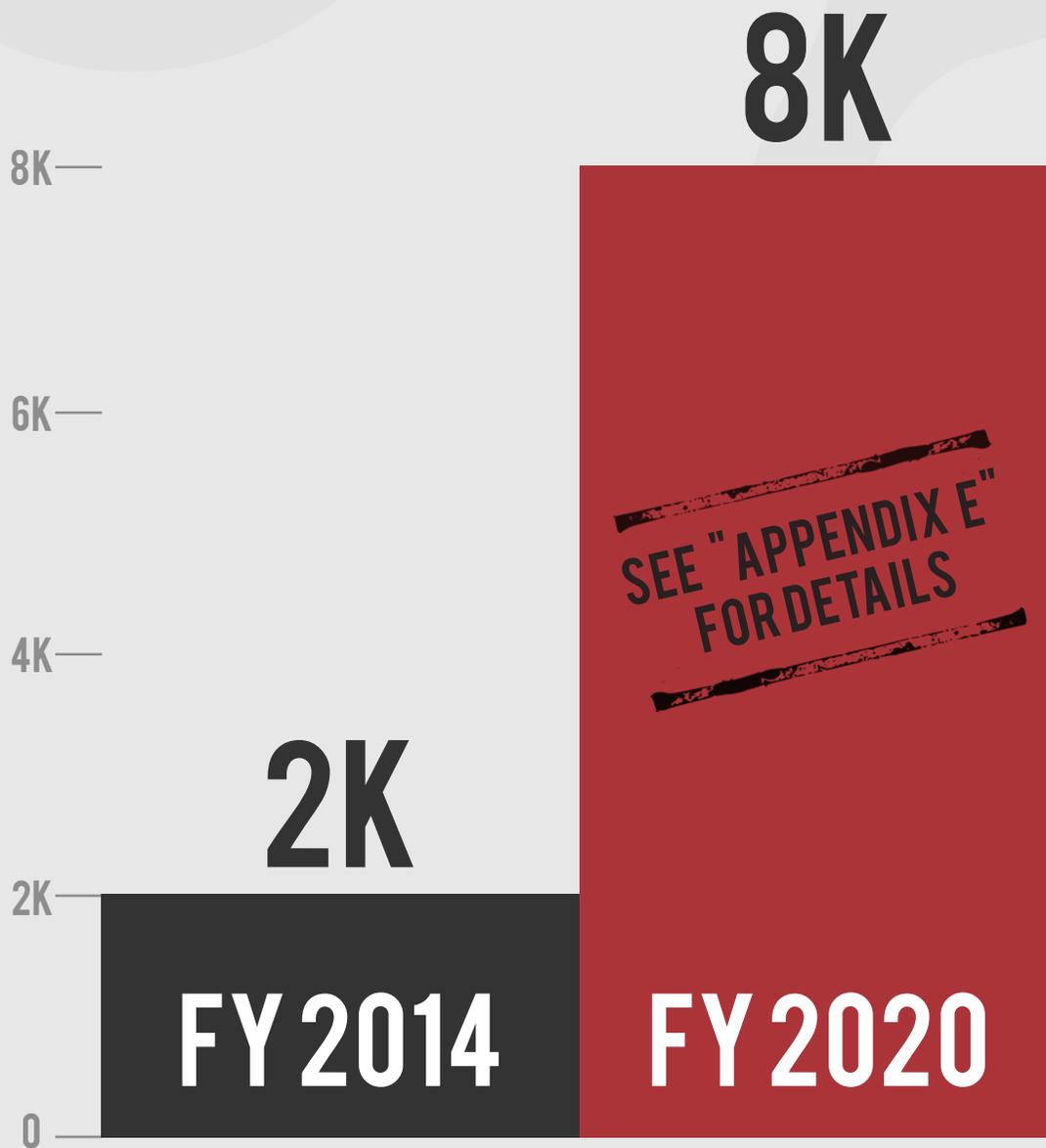


The number of inmates in state prisons **decreased** by nearly **7K** from 2014 to 2020.

STATE INMATE POPULATION IN COUNTY JAILS

Based on public data provided by the Alabama Department of Corrections and Alabama Board of Pardons and Paroles

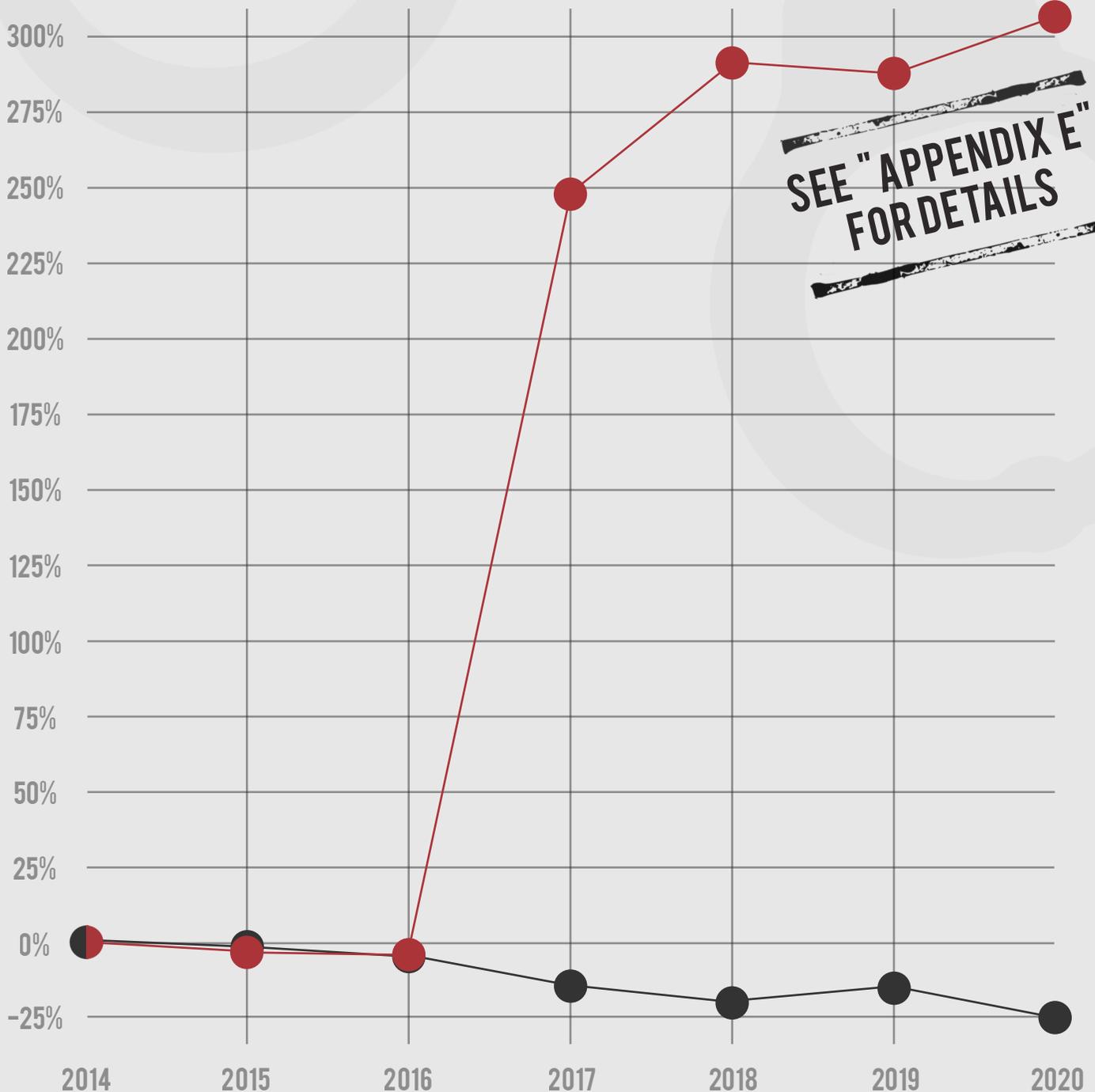
These conservative figures account for state inmates in county jails, as well as the “dips and dunks” state inmate population created by the 2015 Alabama Prison Reform Act. Probation and parole violators can receive six “dips” — up to a three-day stay in a county jail — before being “dunked” for up to 45 days in a state prison on three separate occasions. “Dunked” inmates often remain in a county jail for weeks before being picked up and transferred to a state prison.



The number of state inmates in county jails **increased** by **6K** from 2014 to 2020.

STATE INMATE POPULATION PERCENTAGE CHANGE

Based on public data provided by the Alabama Department of Corrections and Alabama Board of Pardons and Paroles



SEE "APPENDIX E"
FOR DETAILS

STATE INMATES IN STATE PRISONS

STATE INMATES IN COUNTY JAILS

APPENDIX A



EXPRESSING ALABAMA COUNTY GOVERNMENTS' OPPOSITION TO ANY SENTENCING REFORM LEGISLATION BEFORE PROVIDING COUNTIES WITH THE NECESSARY REVENUE TO ADDRESS THE UNFUNDED MANDATES RESULTING FROM THE 2015 ALABAMA PRISON REFORM ACT

WHEREAS, the 2015 Alabama Prison Reform Act, Act No. 2015-185, ("the Act") implemented sweeping changes to the Alabama Criminal Justice System, including the creation of the Class D felony, reformed parole and probation violation procedures, new efforts to enhance and increase alternatives to incarceration, and additional measures to reduce the General Population in State Prisons; and

WHEREAS, the Act utilized all 67 county government jails as the alternative to Alabama Department of Corrections ("ADOC") for holding technical parole and probation violators and the primary entity to incarcerate Class D Felons; and

WHEREAS, the Act reduced the Alabama Department of Corrections' in-house population of incarcerated individuals by more than nineteen percent (19.14%) in six years as of June 2020; and

WHEREAS, the Act failed to make any significant improvement on the number of available community corrections programs from thirty-five (35) in 2015 to thirty-eight (38) in 2018; failed to increase the number of community correction mental health services; and failed to divert revenues saved from the reduction of ADOC in-house population to more effective community correction services as intended in the Act; and

WHEREAS, since the law's passage, the 67 Alabama Counties have experienced a more than ninety-eight percent (98.04%) increase in the number of ADOC inmates and individuals in violation of parole and probation being housed in county jails; and

WHEREAS, the implementation of the Act unequivocally established an unfunded mandate for county governments and established county jails as a designated entity for the incarceration of individuals who otherwise would have been ordered to the custody of ADOC before the enactment of the reform measures; and

WHEREAS, the Act failed to allocate any funds to county governments for mandating the custody of Class D felons, for the temporary custody of probation and parole violators, for the costs associated with medical treatment, or transportation costs for individuals from county jails to ADOC; and

WHEREAS, a task force has been established by Governor Kay Ivey to search for additional reforms intended to reduce the prison population under the supervision of the ADOC and to make further changes to Alabama's sentencing laws, and that such changes will likely produce more costly mandates on Alabama's County Governments.

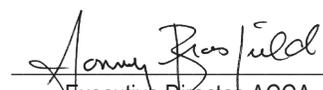
NOW, THEREFORE, BE IT RESOLVED BY THE ASSOCIATION OF COUNTY COMMISSIONS OF ALABAMA that Alabama's County Governments oppose any additional Sentencing Reform Legislation before the Alabama Legislature that would result in an additional diversion of inmates, probationers or parolees into Alabama's county jails without full reimbursement of all costs resulting from such diversion; and

BE IT FURTHER RESOLVED that Alabama's County Governments call on the Alabama Legislature to fully fund the reforms of 2015 by providing counties with the necessary revenue to address the unfunded mandates resulting from the 2015 Alabama Prison Reform Act.

IN WITNESS WHEREOF, the Association has caused this resolution to be executed in its name and on its behalf by its President and Executive Director and has caused its corporate seal to be impressed thereon, all on this 20th day of August, 2020.



President, ACCA



Executive Director, ACCA

APPENDIX B

Data pulled from a survey of all 67 county governments



| County | 2014 Cost to Operate County Jail | 2020 Cost to Operate County Jail | County | 2014 Cost to Operate County Jail | 2020 Cost to Operate County Jail |
|-----------|--|--|------------|--|--|
| Autauga | \$1,975,600.00 | \$2,732,756.00 | Houston | \$5,048,838.00 | \$4,903,527.00 |
| Baldwin | \$7,832,474.00 | \$11,972,043.00 | Jackson | \$2,119,670.00 | \$2,385,082.00 |
| Barbour | \$939,185.00 | \$995,695.00 | Jefferson | \$13,631,966.00 | \$25,842,123.80 |
| Bibb | \$708,465.00 | \$960,274.56 | Lamar | \$520,327.37 | \$525,870.77 |
| Blount | \$1,715,147.00 | \$2,007,372.15 | Lauderdale | \$2,601,865.00 | \$4,164,841.83 |
| Bullock | \$223,464.00 | \$236,768.70 | Lawrence | \$805,040.00 | \$1,152,324.92 |
| Butler | \$727,629.00 | \$953,994.00 | Lee | \$4,365,957.00 | \$5,915,838.00 |
| Calhoun | \$3,263,742.00 | \$5,672,797.00 | Limestone | \$3,605,288.00 | \$4,847,050.00 |
| Chambers | \$1,506,738.07 | \$2,353,675.00 | Lowndes | \$1,591,335.00 | \$609,685.00 |
| Cherokee | \$1,879,096.00 | \$2,053,905.00 | Macon | \$907,223.00 | \$983,362.69 |
| Chilton | \$1,572,150.00 | \$2,145,000.00 | Madison | \$16,250,507.00 | \$18,245,628.00 |
| Choctaw | \$387,729.96 | \$498,868.72 | Marengo | \$770,858.96 | \$1,140,848.52 |
| Clarke | \$1,163,442.00 | \$1,540,372.30 | Marion | \$884,796.16 | \$1,041,982.95 |
| Clay | \$648,638.00 | \$886,142.71 | Marshall | \$2,351,100.00 | \$2,784,956.57 |
| Cleburne | \$763,794.00 | \$921,853.93 | Mobile | \$22,466,249.00 | \$29,125,148.00 |
| Coffee | \$1,398,199.00 | \$2,000,750.55 | Monroe | \$1,609,456.47 | \$1,731,340.90 |
| Colbert | \$1,238,105.00 | \$1,569,163.72 | Montgomery | \$14,928,418.00 | \$14,603,560.00 |
| Conecuh | \$1,091,825.66 | \$994,274.48 | Morgan | \$5,641,305.00 | \$7,251,862.00 |
| Coosa | \$615,352.00 | \$632,097.00 | Perry | \$744,583.00 | \$690,307.48 |
| Covington | \$1,504,746.00 | \$1,976,400.31 | Pickens | \$1,352,079.00 | \$1,558,595.68 |
| Crenshaw | \$535,950.00 | \$629,200.00 | Pike | \$563,700.00 | \$913,500.00 |
| Cullman | \$3,386,819.00 | \$4,472,139.33 | Randolph | \$882,323.00 | \$848,997.00 |
| Dale | \$961,712.00 | \$1,276,132.26 | Russell | \$4,163,026.00 | \$4,279,593.91 |
| Dallas | \$1,628,834.00 | \$1,789,307.00 | St. Clair | \$2,705,872.00 | \$3,973,820.00 |
| DeKalb | \$2,869,400.00 | \$3,237,600.00 | Shelby | \$5,276,597.00 | \$8,016,367.00 |
| Elmore | \$2,069,814.00 | \$2,206,594.16 | Sumter | \$642,742.00 | \$717,450.48 |
| Escambia | \$1,676,795.00 | \$2,489,888.00 | Talladega | \$3,628,362.00 | \$4,517,018.00 |
| Etowah | \$4,075,970.00 | \$9,251,501.48 | Tallapoosa | \$1,175,119.00 | \$1,394,307.38 |
| Fayette | \$345,820.57 | \$506,916.34 | Tuscaloosa | \$8,095,587.00 | \$9,389,605.26 |
| Franklin | \$1,735,539.00 | \$1,732,739.21 | Walker | \$3,044,272.85 | \$3,801,449.98 |
| Geneva | \$668,850.00 | \$688,364.00 | Washington | \$467,154.00 | \$489,058.73 |
| Greene | \$976,512.00 | \$642,233.03 | Wilcox | \$444,809.00 | \$497,273.00 |
| Hale | \$690,492.00 | \$833,200.45 | Winston | \$812,435.00 | \$732,831.00 |
| Henry | \$435,168.00 | \$731,680.00 | | | |

| | | |
|---|-------------------------|-------------------------|
| | 2014 | 2020 |
| TOTAL COST TO OPERATE COUNTY JAILS | \$187,312,058.07 | \$242,666,907.24 |

COST TO OPERATE COUNTY SHERIFF'S DEPARTMENTS

APPENDIX C

Data pulled from a survey of all 67 county governments

UPDATED

| County | 2014 Cost to Operate Sheriff's Dept. | 2020 Cost to Operate Sheriff's Dept. | County | 2014 Cost to Operate Sheriff's Dept. | 2020 Cost to Operate Sheriff's Dept. |
|-----------|--|--|------------|--|--|
| Autauga | \$2,143,800.00 | \$3,089,496.00 | Houston | \$5,765,995.00 | \$8,551,758.00 |
| Baldwin | \$11,425,488.00 | \$19,251,285.00 | Jackson | \$2,842,610.00 | \$3,145,762.00 |
| Barbour | \$845,171.00 | \$1,299,442.00 | Jefferson | \$35,068,034.00 | \$47,323,293.40 |
| Bibb | \$701,668.00 | \$900,642.70 | Lamar | \$555,966.77 | \$612,422.24 |
| Blount | \$2,677,672.00 | \$2,829,550.87 | Lauderdale | \$3,732,373.00 | \$4,671,590.20 |
| Bullock | \$455,068.20 | \$449,133.01 | Lawrence | \$2,009,988.47 | \$2,171,227.72 |
| Butler | \$1,003,151.00 | \$1,291,270.00 | Lee | \$6,606,805.00 | \$9,154,883.00 |
| Calhoun | \$3,017,155.00 | \$4,208,080.00 | Limestone | \$4,377,516.00 | \$5,096,228.00 |
| Chambers | \$1,296,906.65 | \$1,717,044.00 | Lowndes | \$1,061,900.00 | \$1,422,598.00 |
| Cherokee | \$1,554,905.00 | \$2,554,811.00 | Macon | \$1,277,146.00 | \$1,601,032.21 |
| Chilton | \$1,924,515.00 | \$2,983,850.00 | Madison | \$11,384,829.00 | \$13,902,274.00 |
| Choctaw | \$697,653.89 | \$869,329.28 | Marengo | \$1,066,920.87 | \$792,750.76 |
| Clarke | \$1,064,703.00 | \$1,686,864.94 | Marion | \$937,285.85 | \$1,016,175.38 |
| Clay | \$635,712.00 | \$770,395.52 | Marshall | \$2,480,414.00 | \$3,285,321.03 |
| Cleburne | \$840,949.00 | \$966,596.78 | Mobile | \$20,434,484.00 | \$23,950,502.00 |
| Coffee | \$1,674,879.00 | \$2,898,938.51 | Monroe | \$873,102.09 | \$1,140,402.21 |
| Colbert | \$2,261,021.88 | \$2,547,129.82 | Montgomery | \$12,281,241.00 | \$13,997,487.00 |
| Conecuh | \$993,028.06 | \$724,975.32 | Morgan | \$4,107,165.06 | \$4,174,561.00 |
| Coosa | \$696,758.00 | \$703,418.00 | Perry | \$99,168.00 | \$72,264.04 |
| Covington | \$1,841,940.00 | \$2,099,650.25 | Pickens | \$880,299.00 | \$1,171,793.40 |
| Crenshaw | \$543,886.00 | \$650,635.00 | Pike | \$1,603,500.00 | \$2,332,927.00 |
| Cullman | \$6,249,046.00 | \$9,000,674.36 | Randolph | \$992,264.00 | \$1,350,560.00 |
| Dale | \$1,751,714.00 | \$2,326,475.72 | Russell | \$3,380,915.00 | \$4,338,128.26 |
| Dallas | \$2,127,290.00 | \$2,452,708.00 | St. Clair | \$4,954,761.00 | \$5,942,213.00 |
| DeKalb | \$3,002,975.00 | \$3,729,100.00 | Shelby | \$14,245,529.00 | \$17,159,129.00 |
| Elmore | \$4,019,196.00 | \$6,168,536.14 | Sumter | \$703,722.00 | \$636,740.20 |
| Escambia | \$2,446,424.00 | \$3,625,703.00 | Talladega | \$3,155,500.00 | \$3,182,414.00 |
| Etowah | \$3,925,751.00 | \$6,616,156.56 | Tallapoosa | \$2,140,565.00 | \$2,282,165.02 |
| Fayette | \$654,057.60 | \$822,712.06 | Tuscaloosa | \$12,819,647.00 | \$16,057,348.91 |
| Franklin | \$1,574,770.00 | \$1,943,177.84 | Walker | \$2,360,235.95 | \$2,734,201.62 |
| Geneva | \$1,062,117.00 | \$1,240,387.00 | Washington | \$936,147.00 | \$920,213.01 |
| Greene | \$570,504.00 | \$967,390.03 | Wilcox | \$305,946.00 | \$400,278.00 |
| Hale | \$717,136.00 | \$844,715.13 | Winston | \$876,932.00 | \$950,276.00 |
| Henry | \$967,374.00 | \$1,277,699.00 | | | |

TOTAL COST TO OPERATE COUNTY SHERIFF'S DEPARTMENTS

2014
\$233,683,292.34

2020
\$301,048,892.45

STATE INMATE POPULATION IN STATE PRISONS

APPENDIX D

Data pulled from the 2014-2020 annual and monthly reports of the Alabama Department of Corrections

UPDATED

| Fiscal Year | Number of State Inmates in State Prisons | Percentage Change in State Inmate/Prison Population |
|--------------------|---|--|
| 2014 | 24,813 | 0 |
| 2015 | 24,191 | -2.51% |
| 2016 | 23,328 | -5.98% |
| 2017 | 21,213 | -14.51% |
| 2018 | 20,087 | -19.05% |
| 2019 | 20,953 | -15.56% |
| 2020 | 18,409 | -25.81% |

STATE INMATE POPULATION IN COUNTY JAILS

APPENDIX E

*Data pulled from the 2017 and 2018 annual reports of the Alabama Board of Pardons and Paroles; 2018 data replicated for 2019 and 2020 due to no publicly disclosed figures from the Board

All other data pulled from the 2014-2020 annual and monthly reports of the Alabama Department of Corrections

| Fiscal Year | Number of State Inmates in County Jails | Number of State Parole "Dunks" in Jails | Number of State Probation "Dunks" in Jails | Number of State "Dips" in Jails | Total | Percentage Change in State Inmate/ Jail Population |
|-------------|---|---|--|---------------------------------|-------|--|
| 2014 | 1,990 | 0 | 0 | 0 | 1,990 | 0 |
| 2015 | 1,877 | 0 | 0 | 0 | 1,877 | -5.68% |
| 2016 | 1,872 | 0 | 0 | 0 | 1,872 | -5.93% |
| 2017 | 2,204 | 2,300* | 1,570 | 855* | 6,929 | 248.19% |
| 2018 | 2,263 | 2,988* | 1,683 | 856* | 7,790 | 291.46% |
| 2019 | 2,260 | 2,988* | 1,596 | 856* | 7,700 | 286.93% |
| 2020 | 3,429 | 2,988* | 816 | 856* | 8,089 | 306.48% |