

**STATE OF ALABAMA
BOARD OF PARDONS AND PAROLES**

BOARD ORDER

The Board of Pardons and Paroles met on this the 14th day of November 2018, in open public meeting, at which time the following Board Members were present: Lyn Head, Chairman; Cliff Walker, Associate Member; and Dwayne Spurlock, Associate Member.

The Board votes to adopt the attached corrective action plan in response to Governor Ivey's Executive Order No. 716. Furthermore, the Board authorizes Executive Director Eddie Cook Jr. to cause the same to be delivered to Governor Ivey and Attorney General Marshall, today.

Done this the 14th day of November 2018.

APPROVED



**LYN HEAD
CHAIRMAN**



**CLIFF WALKER
ASSOCIATE MEMBER**



**DWAYNE SPURLOCK
ASSOCIATE MEMBER**

DISAPPROVED

**LYN HEAD
CHAIRMAN**

**CLIFF WALKER
ASSOCIATE MEMBER**

**DWAYNE SPURLOCK
ASSOCIATE MEMBER**



LYN HEAD
Chairman of the Board

CLIFF WALKER
Associate Member

DWAYNE SPURLOCK
Associate Member

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SARAH STILL
Assistant Executive Director

CHRISTOPHER NORMAN
Assistant Executive Director

Honorable Kay Ivey
Governor, State of Alabama
600 Dexter Avenue
Montgomery, AL 36130

Honorable Steve Marshall
Attorney General, State of Alabama
501 Washington Avenue
Montgomery, AL 36130

RE: PARDONS AND PAROLES' CORRECTIVE ACTION PLAN

Dear Governor Ivey and Attorney General Marshall:

The Board of Pardons & Paroles has spent the past 30 days taking an inventory of ourselves. In doing so, we have found that we do some things well, while there are other things we could certainly improve upon. Below you will find the corrective action plan you requested. But first, there is one thing we want to make abundantly clear: The Board is committed to fulfilling its public safety role. Specifically, we expect our employees to be responsive to crime victims, law enforcement, inmate families, and all stakeholders; and we expect employees to perform their duties with the highest professionalism. We believe our corrective action plan will aid us in promoting public safety and in advancing professionalism, as we work to continue cooperation with you to address your concerns until they are no longer concerns. To better explain our plan for moving forward, it is helpful to consider some background information.

BACKGROUND

The agency is organized into four main sections: Board Operations, Field Services, Special Populations, and the Interstate Compact Unit. First, Board Operations involves the handling of pardon applications¹ and parole cases², along with receiving calls from victims, inmate family members, members of the law enforcement community, and other stakeholders. Second, Field Services is chiefly concerned with the supervision of Alabama's roughly 68,000 probationers and parolees, which it does from our 63 field offices across the state. This division consists primarily of certified peace officers, who receive particularized training in supervising probationers and parolees. These officers also conduct pre-sentence investigations on all offenders and additional investigations to determine if parole or probation should be revoked for non-compliance with conditions. Third, Special Populations describes the section responsible for the Board's only residential facility, which is called L.I.F.E. Tech Transition Center, and the agency's seven Day Reporting Centers. The trained professionals who work in these facilities aid recently paroled men and women in the transition from prison back to our communities by providing science-based therapy and access to job training. Fourth, the Interstate Compact Unit is responsible for processing transfers of probationers and parolees to or from Alabama, as well as supervising probationers and parolees from other states.

The three members of the Board are the appointing authority for the agency. They assess pardon cases and cases of prisoners seeking a parole to determine fitness for parole, in accordance with specific guidelines and factors, which are considered in every case. The Board not only determines who will be released on parole but also determines whether there will be any special conditions placed on parolees. The agency reduces recidivism, through the use of tools like supervision needs assessments, and assists probationers and parolees in obtaining employment and behavioral health treatment.

CORRECTIVE ACTION PLAN

Ensuring excellence in executive leadership.

The agency's Executive Director is Eddie Cook, Jr. His three Assistant Executive Directors are Darrell Morgan (Special Populations), Sarah Still (Board Operations) and Chris Norman (Field Services). These parole board professionals, collectively, have over 100 years of service in this agency.

To promote executive leadership, the Board earlier this year created the Executive Leadership Team. On the team are the Executive Director and his Assistant Executive Directors, along with the agency's Personnel Director, IT Director, Accounting Director, and Associate General Counsel. The Board has directed the team to immediately begin examining the operations of the agency to address concerns, shortcomings, and areas for improvement, in light of Executive Order No. 716 and the circumstances which led to its issuance. The team is

¹ In FY 2018, this unit processed 1038 pardon applications, not to mention numerous requests for certificates for eligibility to register to vote.

² In FY 2018, the Board heard 6996 parole cases.

expected to meet routinely, focusing on the priorities identified by them. The next team meeting is scheduled for November 28, 2018.

Regarding leadership training, members of executive leadership stay sharp by continuing education in matters related to pardons and paroles and in leadership. This past summer, for example, the Executive Leadership Team completed 48 hours in leadership training at Troy University. Additionally, Executive Director Cook will attend continuing multi-state training programs through the American Probation Parole Association (APPA) and seminars from other national parole and correction associations. The objective of these programs is the development and implementation of currently-recognized best practices in the field. Starting in 2016, executive leadership, including two current Board members, began receiving training from the Council of State Governments Justice Center, which aims to provide practical, nonpartisan, research-driven strategies and tools to increase public safety and strengthen communities. Also, two Board members and two members of the executive staff have recently attended courses at the National Institute of Corrections (NIC), a federal agency that works to shape effective correctional practice and public policy through assistance and training for state agencies in the area of corrections. The third Board member and two more members of executive staff are slated to attend NIC's next training course in 2019.

As the appointing authority, the Board plans to continue monitoring executive leadership, in particular concerning leadership training and continuing education.

Cultivating a culture of respect toward victims and law enforcement.

A principal way in which the Board serves victims and law enforcement is by notifying them when a parole or pardon hearing is scheduled, pursuant to Alabama Code §§ 15-22-23 and 15-22-36. Furthermore, through its rule-making authority, the Board sets standards for victim location and notification, depending on the severity of the case. Reasonable efforts are made to locate and notify victims for whom notification is statutorily required. In locating victims, the Victim Notification Unit utilizes multiple databases, files and court records, and various staff, to obtain the most accurate victim contact information available. In addition, multiple agency employees serve alongside with members of Victims of Crime and Leniency (VOCAL) and various law enforcement officials on Alabama's Victim Notification Task Force, which meets quarterly to oversee the implementation of a high-tech automated victim notification system. The task force is hopeful that the system will be up and running in a matter of months. Also, the Board has a Victims' Services Office. The professionals in this unit receive extensive training regarding notification requirements and procedures and how to treat victims with compassion.

Recently, agency decisions in a few of the thousands of cases handled this year have caused concerns regarding public trust in Board operations, procedures, and performance. We take these concerns very seriously. Specifically, the concerns relate to the early setting of parole hearings and diligence in locating victims and notifying them of scheduled hearings. We plan on addressing these concerns through public education of Board procedures and through internal improvements. In particular, we plan on doing the following seven actions within the next 30 days to continue cultivating a culture of respect towards victims and law enforcement:

1. The Victims' Services Unit staff will receive supplemental training in interacting with victims with respect and compassion.
2. A committee formed to guide the training of Central Office staff in handling telephone and email communications initiated by victims and law enforcement will meet to set goals for improving professionalism.
3. Protocol will be improved to ensure the elevation of victims' questions to senior supervisors, to deliver accurate and consistent information to victims.
4. An additional supervisor will now review parole cases involving a victim, prior to docketing, as a check to ensure accurate calculations of parole eligibility.
5. Information technology staff will meet to plan for the modernization of the agency's website, which will better aid victims, law enforcement, and other stakeholders seeking information.
6. Members of the Victim Location/Notification Unit will begin receiving supplemental training on policies concerning location and notification.
7. Probation officers statewide will start meeting regularly with local law enforcement, including sheriffs, chiefs of police, district attorneys and presiding judges, to discuss issues of public safety.

Ensuring adequate preparation for parole hearings.

Preparation for parole hearings begins in the Docket Unit. This unit prepares parole files for the Board's review prior to open public meetings. A parole file contains an investigative report with details of the offense; the inmate's corrections time sheet and institutional reports; letters in protest, or support of, a particular Board action; the report of the Institutional Parole Officer (IPO), who compiles information concerning programs taken by the inmate, if any; the inmate's Risk Assessment Score; and the IPO's remarks and recommendations regarding suitability for parole. The Board will continue to review this information prior to parole hearings. Additionally, we plan on doing the following four actions in the next 30 days to ensure adequate preparation for parole hearings:

1. The agency will provide supplemental training to Board Operations clerical staff to ensure everyone knows what information needs to be verified prior to docketing a parole hearing.
2. The Executive Director and appropriate staff will meet to address the need for an electronic means of computing parole eligibility, to reduce human error in calculating parole eligibility dates. Procurement of software and other resources may be necessary.
3. The early parole consideration process was recently improved in one way and will soon be improved in six more ways. First, this past August, the Board set a three-year

maximum on early parole considerations. Prior to this change, there was no limit on early parole considerations. Second, the Select Review Committee that discerns which cases are appropriate for early consideration will soon consist of three senior supervisors, one or more of whom must have at least five years' experience in the Central Office. Third, cases requiring victim notification sent to the review committee will now be reviewed by a Division Director and approved prior to docketing. Fourth, prospectively, inmates convicted of Class A felonies involving serious physical injury to a victim will not be eligible for the select review process; instead, they will have to serve 85% of their sentence or 15 years, whichever is less, irrespective of mitigating circumstances, before they are eligible for parole. Fifth, the review committee will start using a new checklist to record its reasons for granting or denying early parole consideration. Sixth, prospectively, sex offenders in cases in which the victim was under the age of 12 at the time of the crime will not be eligible for the select review process; these offenders will be required to serve 15 years or 85% of their sentence, whichever is less, irrespective of mitigating circumstances, prior to parole consideration. Seventh, prospectively, inmates convicted of manslaughter and given a sentence greater than 15 years will not be eligible for the select review process and therefore must serve 15 years or 85% of their sentence, whichever is less, irrespective of mitigating circumstances, prior to parole consideration.

4. Institutional Parole Officers (IPOs) will now be required to have a minimum of five years' experience as a probation and parole officer.

Maintaining supervision of parolees.

Initially, maintaining adequate parole officer numbers has been a challenge. The Board seeks out parole officers of the highest character, qualifications, and experience. For example, we require that each officer have a bachelor's degree, while other law enforcement agencies accept applicants with lesser degrees. Plus, parole officers must complete Alabama Peace Officers' Standards Training (APOST) certification.

In the past ten years, the agency has seen ever increasing parole officer caseloads. Our goal has been to reduce the officer to offender ratio to 75-1. Currently, the ratio is 165-1. Funding has been a problem in the past. Now, though funding is adequate, the agency still faces challenges in reaching its goal. Though the agency actively recruits new officers, it is difficult to find qualified officers who can pass the physical agility and other agency requirements. Too, the entry-level salary for officers is not competitive among law enforcement agencies.

To address officer shortage, the agency sought and obtained the approval of the creation of a new employee class called Probation and Parole Specialist. These professionals have a bachelor's degree and receive the same on-the-job training as parole officers do; the main difference is they are not APOST certified. Specialists can perform many of the same duties required of parole officers, such as conducting presentence investigations.

Still, despite these challenges, the agency supervised thousands of successful paroles this year. Countless offenders transitioned from unproductive lives behind bars to productive lives in our communities. Unfortunately, however, other parolees failed. Some failed to comply with

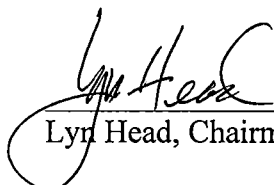
technical requirements of parole, while others committed new offenses, some of which were truly awful. Also, unfortunately, this agency has fallen short of its own standards in adequately supervising parolees from time to time. That is why we plan on doing the following eight actions in the next 30 days to improve maintaining supervision of parolees:

1. Parole officers will begin receiving supplemental training on the Probation and Parole Officer Procedure Manual.
2. Disciplinary actions, where appropriate, will be brought if failures to perform supervision requirements are found.
3. A caseload study to determine whether other measures will assist in enhancing offender supervision will begin.
4. Parole officers will be required to screen advisory notices daily to ensure that supervised offenders have not had contact with any member of law enforcement.
5. The officer audit process will undergo evaluation for potential improvement through revision.
6. Legislative solutions will be explored. For example, an amendment to Act 2015-185 (Justice Reinvestment or JRI) could enhance supervision of offenders by prioritizing supervision based on offense and/or risk and needs assessments.
7. Executive leadership will request a meeting with the State Personnel Department to propose a salary increase for our officers and supervisors.
8. The agency will pursue hiring 25 additional Probation and Parole Specialists, subject to approval by the State Personnel Department and the Finance Department.

CONCLUSION

We are committed to achieving needed improvements and to working in cooperation with you and with other stakeholders. Therefore, we submit this corrective action for your consideration.

Respectfully submitted,



Lyn Head, Chairman of the Board