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Impact of Mandatory Sentencing Policies on Alabama's Prison Populations

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Walden University

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Stephanie E. Stewart

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Walden University
2019

Abstract

Impact of Mandatory Sentencing Policies on Alabama's Prison Populations

by

Stephanie E. Stewart

MPA, Auburn University Montgomery, 2007

BS, Faulkner University, 2001

Dissertation Submitted in Partial Fulfillment

of the Requirements for the Degree of

Doctor of Philosophy

Public Policy and Public Administration

Walden University

August 2019

Abstract

State prison systems, particularly in the Southern US, have been overpopulated for decades with unlikely support for building new prisons which has led to overcrowding. Policy makers, however, have adopted mandatory minimum policies that include harsher sanctions for habitual offenders which exacerbated the problem of overcrowding, yet little is understood about how sentencing reform is associated with overpopulation. Using Clear and Schrantz' conceptualization of prison population change, the purpose of this quantitative descriptive study was to understand how one prison system in a southern state was impacted over a 10-year period by the implementation of mandatory minimum sentencing requirements. Data were collected from publicly available resources from a state department of corrections and state law enforcement agencies related to crime rates, sentence terms, parole rates, and prison population for the years 1993 through 2013. These data were analyzed using descriptive statistics, including measures of central tendency and visual examination of line plots. Findings indicated that the state's prison population did not change following the 2003 enactment of mandatory-minimum sentencing. Though no changes in prison population trends were observed, further testing may be considered to better understand the relationship between sentencing reform efforts and strengthened provisions to the laws regarding habitual felony offenders. The implications for positive social change stemming from this study includes recommendations to lawmakers to expand research and use the results as the basis of future decisions to either revise or eliminate mandatory sentencing policies taking into consideration crowding in state prisons.

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Dedication

I dedicate this study to the state of Alabama as an evidence-based tool to assist with future policy development. I hope that this study will serve as a contribution to the criminal justice field in that it will be used to aid in decision-making efforts to relieve the crowded prison system.

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Table of Contents

List of Tables	v
List of Figures	vi
Chapter 1: Introduction to the Study.....	1
Background.....	4
Problem Statement.....	5
Purpose of the Study.....	6
Research Questions and Hypotheses	7
Research Questions.....	7
Hypotheses.....	9
Theoretical Framework.....	9
Nature of the Study.....	10
Definitions.....	11
Assumptions.....	12
Scope and Delimitations	13
Limitations	14
Biases	15
Measures to Address Limitations.....	15
Significance.....	16
Summary.....	17
Chapter 2: Literature Review.....	19

Empowering Prosecutors, Disempowering Judges, and Shortchanging	
Minorities.....	20
Decades of Crowding in State Prisons.....	22
Challenges of Reducing Prison Populations by Releasing Offenders Into	
Society.....	25
Alabama’s Historical Struggle With Prison Crowding.....	27
Consequences of Politicians’ Get-Tough-on-Crime Approach	30
Possible Approaches to Productive Policy Reformation	32
Build More Prisons or Invest in Community-Based Programs	35
Account and Impact of Mandatory Minimum Sentencing Policies.....	36
Effects of Plea Bargaining on Prison Populations	39
Mandatory Minimum Policies Conflict With Sentencing Policies.....	40
Alabama Sentencing Commission	44
Summary and Conclusions	47
Chapter 3: Research Method.....	49
Research Design and Rationale	49
Data Collection	54
Data Analysis Plan.....	54
Research Question 1	55
Research Question 2	55
Research Question 3	55
Research Question 4	56

Research Question 5	56
Research Question 6	57
Research Question 7	57
Sample Size.....	58
Limitations and Constraints	58
Research Design Consistency With Designs to Advance Research	58
Methodology.....	59
Population	59
Sample Size.....	60
Sampling and Sampling Procedures	62
Review of the Literature	63
Reliability and Validity.....	63
Research Design’s Connection to Research Questions	65
Threats to Validity	66
External Validity.....	66
Internal Validity	67
Ethical Procedures	69
Anonymity and Confidentiality	70
Workplace Conflicts of Interest.....	71
Summary.....	72
Chapter 4: Results.....	75
Data Collection	75

Results	76
Research Question 1	76
Research Question 2	77
Research Question 3	78
Research Question 4	80
Research Question 5	83
Research Question 6	92
Research Question 7	93
Summary	94
Chapter 5: Discussion, Conclusions, and Recommendations	95
Interpretation of the Findings.....	96
Crime Rates.....	96
Sentencing.....	98
Parole Rates	100
Prison Populations	101
Limitations of the Study.....	103
Recommendations.....	103
Implications.....	104
Conclusion	106
References.....	109

List of Tables

Table 1. Percentages of Offenders Admitted to HFOA Each Year 81

List of Figures

Figure 1. Line plot of the average in-house population of Alabama’s prisons from 1993 to 2013.....	79
Figure 2. Line plot of HFOA offenders admitted to ADOC from 1993-2013.....	80
Figure 3. Average in-house population of Alabama’s prisons from average of 10 years prior and 10 years after SRA of 2003	81
Figure 4. Average HFOA population Alabama’s prisons from average of 10 years prior and 10 years after SRA of 2003	83
Figure 5. Offenders sentenced to 10-25+ years from 1993-2013	84
Figure 6. Offenders sentenced to life, life without parole, and death from 1993-2013	85
Figure 7. Crime index per 100,000 residents from 1993-2013	86
Figure 8. Crime index per 100,000 residents from 10 years prior and 10 years after the SRA of 2003	87
Figure 9. Violent crime per 100,000 residents from 1993-2013.....	87
Figure 10. Violent crime per 100,000 residents from 10 years before and 10 years after the SRA of 2003.....	88
Figure 11. Property crime per 100,000 residents from 1993-2013.....	89
Figure 12. Property crime per 100,000 residents from 10 years prior and 10 years after the SRA of 2003.....	89
Figure 13. Number of arrests for alcohol from 1993-2013.....	90
Figure 14. Number of arrests for alcohol 10 years prior and 10 years after the SRA of 2003.....	91

Figure 15. Number of arrests for drugs from 1993-2013.....92

Figure 16. Number of arrests for drugs 10 years prior and 10 years after the SRA of
2003.....92

Figure 17. Number of arsons reported from 1993-201393

Figure 18. Number of arsons reported 10 years prior and 10 years after the SRA of
2003.....94

Figure 19. Number of paroles granted from 1993-201395

Chapter 1: Introduction to the Study

The state of Alabama has historically adopted stringent policies for punishing offenders at every phase of the criminal justice process, during sentencing, incarceration, and parole consideration. The state first adopted the Habitual Felony Offender Act (HFOA) which is often referred to as the three strikes law, in 1977; this law has undergone multiple revisions. In 1980, the state of Alabama made several changes to its sentencing policies resulting in numerous revisions to its Criminal Code. The revised Criminal Code included increased penalties for offenders who were considered to be violent or repeat offenders. The legislature also adopted mandatory and minimum sentence terms for violent offenders. Additionally, the state of Alabama discontinued granting good-time credit to offenders who were serving prison time for convictions of Class A felonies or sentence terms that were 10 years or longer (Alabama Sentencing Commission, n.d.).

Mandatory sentence terms carrying an additional 20 years for a Class A felony and an additional 10 years for Class B or C felonies were adopted for offenders convicted of felonies involving the use of a firearm or another deadly weapon. During this time, the Alabama Parole Board (currently referred to as the Alabama Board of Pardons and Paroles) also adopted guidelines to increase the amount of time that violent offenders must serve before they could become eligible for parole consideration (ASC, n.d.).

Alabama's state prisons had begun to face increases in growth during this period; the incarceration rate spiked from approximately 140 prisoners per 100,000 residents in 1978 to 640 prisoners per 100,000 residents by 2011 (Wagner, 2014a). This excessive

growth in the state's incarceration rate has been attributed to its policy decisions to adopt stringent and irresponsible sentencing policies (Blumstein, 2011; Wagner 2014).

In 2000, the legislature passed an act to create a permanent state agency that would oversee the state's sentencing philosophy by assuring that the following seven principles would be put into practice (ASC, n.d.):

1. "Secure the public safety of the state by providing a swift and sure response to the commission of crime."
2. "Establish an effective, fair and efficient sentencing system for Alabama adult and juvenile criminal offenders which provides certainty in sentencing, maintains judicial discretion and sufficient flexibility to permit individualized sentencing as warranted by mitigating or aggravating factors, and avoids unwarranted sentencing disparities among defendants with like criminal records who have been found guilty of similar criminal conduct."
3. "Promote truth in sentencing, in order that parties involved in a criminal case and the criminal justice process are aware of the nature and length of the sentence and its basis."
4. "Prevent prison overcrowding and the premature release of prisoners."
5. "Provide judges with flexibility in sentencing options and meaningful discretion in the imposition of sentences."
6. "Enhance the availability and use of a wider array of sentencing options in appropriate cases."

7. “Limit the discretion of district attorneys in determining the charge or crime.”

The establishment of the ASC was to ensure that the state of Alabama formed a criminal justice system that was “fair, efficient, responsible and responsive to the public” (ASC, n.d.). The ASC was established to oversee consistency in sentencing, penalize crime appropriately, support rehabilitation of offenders, provide protection to the public, promote respect for the law, and deter criminal behavior (ASC, n.d.).

The Sentence Reform Act (SRA) of 2003 was passed by the Alabama Legislature in response to the federal government’s Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act (PROTECT Act) of 2003. Title IV of this Act contained sentence reform legislation to close the gap in sentencing disparities, to move towards truth in sentencing, and to allow judges more discretion in sentencing offenders based on the depth of the crime committed and the offender’s criminal history (Congress.gov, 2003). The ASC presented legislation to reform sentencing practices at the state level in 2004 in response to the federal government’s passage of the PROTECT Act of 2003. Accordingly, the state of Alabama revised its sentencing laws in response to the SRA of 2003, which contained revised mandatory minimum policies, and harsher sanctions were imposed for offenders convicted under the HFOA (ASC, 2003).

In this study, I examined the state of Alabama’s prison population to assess any impact that may have been contributed by the SRA of 2003. The results could possibly assist lawmakers with future policy decisions. The state’s prison system has been overpopulated for decades with unlikely support for building new prisons. State funds are

limited, and security within the prison system continues to be a serious concern. Therefore, lawmakers have been forced to become creative with managing the state funds and relieving the prison system. This study could possibly serve as a resource for lawmakers in making future decisions to amend or eliminate mandatory minimum sentencing policies. Mandatory minimum policies were designed as a deterrent instrument; however, these laws have been known to tack on additional sentencing terms for crimes consisting of circumstances that have already been taken into consideration in the initially established sentence range. Specifically, sentences have been imposed based on the nature of the offense (Barr, 2010). Furthermore, attempts to reform state sentencing policies, particularly through the SRA of 2003, have failed to relieve prison crowding or have even been counterproductive.

Background

Multiple sources of literature pertaining to this topic provided support for reform to improve prison conditions at the state and federal levels while maintaining the public safety. Clear and Schrantz (2011) emphasized the need for states to “pursue all available strategies” (p. 141S) to include “reducing or eliminating mandatory penalties” (p.144S) to achieve significant progress. Diiulio (2010) advocated for policies that would be a balance of safeguards for victims and the communities, be a deterrence from crime, and contribute to a reduction in prison populations. Likewise, Wagner (2014b) called for state-level lawmakers and advocates to take action by formulating policies that will make communities safe without overburdening the prison population. Wagner charged states with experimenting with mass incarceration through the implementation of sentencing

policies; he further proclaimed that state policies have a powerful influence on incarceration.

Additional research is needed to determine whether policies that require mandatory minimum sentences have contributed to increases in the prison population and whether changes in sentencing policies, adopted in the SRA of 2003, have provided relief to the prison crowding crisis in the state of Alabama. The state of Alabama has suffered with overcrowding prisons for decades. Contributions to research on the effects of sentencing policies on prison crowding could possibly aid in decision-making that could assist legislators in formulating sentencing policies that would provide relief to state prison populations.

Problem Statement

Clear and Schrantz (2011) called for multiple policy reformations within the criminal justice system and stated that a reformation of sentencing policies alone will not make a significant impact on the prison crowding issue. Clear and Schrantz further declared that multiple strategies are needed to reduce crowding in state prisons and suggested a rethinking of sentencing policies. DiIulio (2010) advocated for policies to protect victims, deter crime, and decrease prison populations. Furthermore, DiIulio emphasized that approximately half of all state prisons and 90% of federal prisons are occupied with offenders serving time for nonviolent crimes. These researchers campaigned for a reformation of sentencing policies, which provided justification for the current study addressing the association between sentencing policies and prison population. Researchers had not considered whether the implementation of the SRA of

2003 has made a noteworthy contribution to the state's prison populations. This Act was an attempt to alleviate the disparities in sentencing by applying a uniform approach to sentencing offenders across the state. Moreover, it provided judges with a guideline for determining sentences based on the crime that was committed and it also offered judges some discretion in sentencing offenders based on the depth of the crime committed and the offender's criminal history. With this Act, the state of Alabama also revised the HFOA, which imposed life without parole sentencing terms for repeat felony offenders (ASC, 2003). Further research was needed to examine whether surges in the state of Alabama's prison populations had been directly related to historical sentencing practices and mandatory sentencing policies and whether the SRA of 2003 had a notable influence on sentencing practices and the prison population in the state of Alabama.

Purpose of the Study

The purpose of this quantitative study was to determine whether Alabama's sentencing laws that stipulate mandatory minimum sentence terms have contributed to notable changes in its prison populations during a 10-year period following the SRA of 2003. An analysis of the variables was conducted to determine whether the state of Alabama's mandatory minimum sentencing policies that were practiced between 1993 and 2013 contributed to notable changes in the population of Alabama's prison system during this period. Additional analysis of the SRA of 2003 was conducted to assess changes in the state's sentencing policies. The SRA of 2003 promoted voluntary sentencing standards allowing judges to gain more discretion in sentencing. This Act also

strengthened the HFOA, which imposed life without parole sentencing terms for repeat offenders. I examined historical and secondary data obtained from government sites.

Independent variables were rates of reported crimes in the state of Alabama during the period from 1993 to 2013. Dependent variables included Alabama's state prison populations (Alabama Department of Corrections [ADOC's] annual overall in-house prison population from 1993 to 2013); Alabama's sentencing practices (number of offenders admitted to ADOC each year from 1993 to 2013 to terms in the following categories: 10 to less than 15 years, 15 to less than 20 years, 20 to less than 25 years, 25 plus years, life sentences, life without parole sentences); the population of offenders received from court to serve time under the HFOA; the number of offenders admitted to ADOC with imposed prison terms; the annual number of offenders released from ADOC due to being paroled; the number of offenders admitted for violent offenses (crimes against persons); the number of offenders admitted for property crimes; and the number of offenders admitted for drug crimes.

Research Questions and Hypotheses

Research Questions

1. What was the average in-house population of Alabama's prisons over the 21-year period from 1993 to 2013? This information was used to compare quantitative data during these time periods to establish whether there were notable changes in the state's prison population over the 21-year period.

2. What was the annual rate of offenders admitted to ADOC under the HFOA from 1993 to 2013? How many offenders were admitted to ADOC to serve imposed

sentences of 10 years or more over the 21-year period? This information was used to identify the number of offenders each year who served prison sentences of 10 years or more including life sentences, life without parole, and time while awaiting a death sentence over the specified period.

3. Has there been a shift in Alabama's prison population since the passage of the SRA of 2003 based on a comparison of its population 10 years prior to the law and 10 years following its introduction? These data were used to determine whether the prison population was impacted by the SRA of 2003 and to what degree, if any.

4. What fraction of Alabama's prison population was serving time under the HFOA from 1993 to 2013? These data were used to determine what fraction of offenders confined within the state of Alabama prison system were serving time for convictions under HFOA to evaluate the effects that this mandatory sentencing law had on Alabama's prison populations.

5. Has the rate of crime in Alabama changed notably from 1993 to 2013 based on the total number of crimes reported per year; the number of crimes reported per 100,000 residents; the number of crimes reported that were against persons (violent), property crimes, or drug crimes? These data were used to evaluate changes in crime over the 21-year period and to provide insight on how the crime rates and the SRA of 2003 may have impacted Alabama's sentences practices during the period from 1993 to 2013, which may help to explain changes in the state's prison population.

6. What was the average rate of paroles granted to offenders each year from 1993 to 2013? These data were used to evaluate changes in parole rates over the 21-year period

and to determine how the parole board's decision to grant or deny parole affected the state's prison population.

7. Based on an evaluation of the data collected, has the HFOA contributed to notable changes to the state's prison population? Has the SRA of 2003 contributed to notable changes in the state's prison population?

Hypotheses

H₀: Alabama's mandatory sentencing policies and the SRA of 2003 have not contributed to notable changes in the state's prison population during the observed 21-year period from 1993 to 2013.

H_a: Alabama's mandatory sentencing policies and the SRA of 2003 have contributed to notable changes in the state's prison population during the observed 21-year period from 1993 to 2013.

Theoretical Framework

The theoretical framework for this study was an assumption that state lawmakers' decisions to implement sentencing policies that stipulate mandatory minimum sentences have contributed to burdened prison systems. The theory used in this study evolved from the assumption that sentencing policies have progressed as a result of tough approaches to crime by politicians. Further assumptions were made that these sentencing policies have overwhelmed the prison system and action to amend these policies is necessary.

Resolution lies within the lawmaking power of state legislators. The approach to studying this theory was to determine whether the state of Alabama has implemented such policies as sentencing guidelines that stipulate mandatory minimum prison terms

and if such policies have contributed to overcrowding within its prison system.

Furthermore, I assessed the state's prison population over a 21-year period to determine whether the SRA of 2003 had impacted the state's prison population.

Nature of the Study

A quantitative analysis was conducted to evaluate the variables over a 21-year period from 1993 to 2013. Independent variables included years (from 1993 to 2013 including the mid period in which the SRA of 2003 was introduced) and crime rates (for crimes reported within the state of Alabama during the 21-year period from 1993 to 2013). Dependent variables included state prison populations, sentence terms, and parole rates. This period of time was significant to this study because the period specifies 10 years prior to the SRA of 2003 and 10 years following its introduction.

Descriptive statistics were used to interpret, summarize, and illustrate the distribution of data (see Field, 2013). The collected data were examined to determine any notable changes during that period and to evaluate the changes in the context of policy changes that occurred in 2003. Sentencing policies in the SRA of 2003 were examined to determine whether changes in the state's prison population may have been related to the sentencing policies.

Data charts were used to plot and display the data for further assessment. The following data were collected: (a) annual prison populations, (b) annual parole rates, (c) number of offenders admitted to ADOC for prison terms of 10 years or more each year, and (d) number of offenders punished under the HFOA during the period selected (1993 through 2013). Additionally, the state's prison population data were analyzed to

determine whether there were any specific periods in which Alabama's prison system experienced substantial changes in its populations between 1993 and 2013. Parole rates were evaluated to determine whether decisions made by the Board of Pardons and Paroles to grant or deny parole had any notable bearing on the state's prison populations. The numbers of offenders admitted to ADOC for categories of crimes against persons, property crimes, and drug crimes were evaluated to determine whether there were any notable changes in sentencing offenders during the 21-year period. The average number of offenders sentenced under the HFOA was evaluated annually to assess changes in the rate in which offenders were sentenced under this provision. The year 2003 marks the mid-point for this study because this is when the SRA of 2003 was introduced. The period 10 years prior and 10 years following its introduction was assessed to determine whether changes in the prison population occurred during this period. This Act was implemented by the state legislature as suggested by the ASC to reform the state's sentencing practices.

Definitions

Terms used in the study that may have multiple meanings included the following:

Custody population: The total number of offenders who fall under ADOC's control on a daily basis (ADOC, 2013).

Habitual Felony Offender Act: Commonly referred to as three strikes laws in many states and in the criminal justice sector (ADOC, 2013).

In-house population: The total number of offenders who are confined within ADOC's major institutions, as well as those assigned to work centers and work release facilities (ADOC, 2013).

Jurisdictional prison population: The total population of offenders who have been sentenced to ADOC, which includes those offenders who are not physically incarcerated in an ADOC facility and offenders who may be confined in a federal, state, or county facility or have been committed to community corrections (ADOC, 2013).

Assumptions

The following assumptions made for this study could not be proven but were believed to be true:

1. Revising Alabama's sentencing policies may provide slow relief to Alabama's state prisons. Unless there is legislation to make revisions to sentencing policies retroactive, offenders who are already confined within Alabama's prisons will continue to occupy the current space in addition to offenders who are being sentenced daily throughout the state.
2. Changes in sentencing policies do not guarantee that prosecutors will not continue to pursue maximum sentencing terms or that judges will not honor such requests. Additionally, revising or eliminating mandatory minimum sentencing policies may result in charge stacking and elevated charges imposed on offenders by prosecutors to compensate for the loss of mandatory minimum sentencing terms as a bargaining tool.

3. Supposing that revising or eliminating mandatory minimum policies will have an impact on prison populations is necessary to study the effects that such policies have had on prison populations, and to consider rethinking policy approaches.

Scope and Delimitations

The evaluation of prison populations between 1993 and 2013 allowed for an analysis of any notable changes in the state's prison populations that occurred at particular time periods in response to specific sentencing policies. An examination of prison populations included a combined total number of offenders per year who were confined in state prisons across the state of Alabama and those being held in county jails and private prisons under the state of Alabama's Department of Corrections jurisdictional prison population. Additionally, populations of offenders sentenced for felony offenses involving crimes against persons, property crimes, and drug crimes were evaluated because offenders convicted of crimes that fall under these categories of offense classes are susceptible to be sentenced under mandatory minimum sentencing laws.

Additionally, I evaluated the number of offenders sentenced to prison under the HFOA; the number of offenders serving sentence terms of 10 years or more; and the number of offenders convicted for crimes against persons, property crimes, and drug crimes during this same period. An analysis of these variables helped to identify the need for further research to examine the impact of public policy on state prison populations. It was necessary to examine the SRA of 2003 to develop an understanding of how the state of Alabama's sentencing practices affected its prison population. Specifically, the state of

Alabama's adoption of the SRA of 2003 required the state to develop a structured sentencing system that would guide judges in sentencing offenders for non-felony offenses. This requirement was implemented to increase efficiency in imposing sentence terms and to reduce disparities in sentencing. However, the SRA of 2003 did not eliminate mandatory minimum provisions such as the HFOA; rather, it reinforced this Act by strengthening its provisions.

The state of Alabama has attempted to balance unwavering support for get-tough-on-crime sentencing policies and proper management of its prison populations. The state of California faced a federal court order to reduce its prison population to a specified level in 2009 (Mears, 2011). The states of Delaware, Minnesota, New Jersey, New York, and Rhode Island have revised their mandatory minimum sentencing laws to allow more discretion in managing their prison populations, providing rehabilitative treatment, and balancing their budgets (National Governors Association [NGA] Center for Best Practices, 2011). The state of Minnesota has loosened the confines of its mandatory minimum sentencing laws to allow judges more discretion in sentencing offenders convicted of petty drug charges (NGA Center for Best Practices, 2011).

Limitations

The time period of this study was limited to a period of 21 years, though the state of Alabama has been addressing prison crowding issues for over four decades. In 1975 Alabama was found to be in violation of inmates' constitutional rights as defined in the Eighth Amendment based on the overcrowded prison population and inadequate staffing. It was determined that the crowding conditions made it impossible for the state to operate

the prison system in a safe manner (McCray v. Sullivan, 1975). This period allowed me to assess the data to determine whether there were any notable changes that may have occurred 10 years prior to the SRA of 2003 and 10 years following its introduction to evaluate any influence that this policy may have had on Alabama's prison population. An additional limitation to this study was a concern that some of the data for the 21-year period were unavailable. Some additional limitations for this study that were noted over the 21-year period included a lack of standardization in the collection and reporting methods and concerns that prison data are generally collected at multiple institutions across the state. There was no analysis of the population at each of the state's institution by custody level or any other distinctive basis for the purpose of this study.

Biases

To prevent any accusations of inappropriate collection of data, no internal data were obtained from the Alabama Board of Pardons and Paroles or its parolee file system to conduct this study. All data were collected from online sources that were freely accessible to any individual in the public sector.

Measures to Address Limitations

The 21-year period from 1993 to 2013 provided for an examination of the state's prison populations and crime rates before and after the introduction of the SRA of 2003. Though the period of this study was a limitation, it offered an opportunity to evaluate any changes in the state's prison population that may have occurred during this particular period, which was a significant time frame in regard to the introduction of the SRA of 2003.

Significance

The period that was analyzed for this study was important because the SRA of 2003 was introduced at the midpoint of the 21-year period. The 21-year period from 1993 to 2013 allowed for an analysis of the condition of the state's prison population 10 years before and 10 years after the introduction of the SRA of 2003. The SRA of 2003 contained language that was meant to alleviate crowding in jails and prisons (Alabama Sentencing Reform, 2003); however, provisions spelled out in the Act seemed to be akin to the state's historical practices that would continue to contribute to prison crowding. The SRA of 2003 did not eliminate mandatory minimum provisions and supported truth-in-sentencing ideologies by establishing a minimum term of sentence that must be served upon conviction before an offender can be eligible for release. The Act also abolished traditional parole and good time credits for convicted felons. Additionally, the SRA of 2003 was contradictory in its claim to be implemented in effort to eliminate unjust sentencing disparities (House Bill 489, 2003). The Act promoted voluntary sentencing practices that would afford judges some discretion in sentencing offenders by allowing them to depart from the sentencing guidelines; this right was unavailable to judges prior to the SRA of 2003. Prior to the passage of the SRA of 2003, judges were required to operate under presumptive sentencing guidelines that previously obligated them to "follow the recommendation unless" they could provide "aggravating or mitigating reasons" to justify a departure (ASC, 2012, p. 7).

Summary

Descriptive statistics were used to interpret, summarize, and illustrate the distribution of collected data (see Field, 2013) to examine the state of Alabama's prison population to determine whether historical sentencing practices contributed to notable changes in the state's prison population. An analysis was made of the aggregate population of the state prison system over the 21-year period from 1993 to 2013, as well as data regarding annual sentence terms for convictions by felony category of crimes (crimes against persons, property crimes, and drug crimes) and annual parole rates during that same period. Also, the state's sentencing policies that stipulate mandatory minimum sentencing terms were evaluated to determine how these policies may have contributed the state's prison population. A central focus of this study was a mid-point period in 2003 when the state legislature introduced the SRA; the 21-year year period allowed for an evaluation of changes in the state's prison population 10 years before and ten years after the introduction of the Act. The Act was significant to this study due to its inclusion of sentencing policies that were meant to impact the state's prison population.

The state of Alabama established the ASC to guide the state in developing sentencing policies and practices. Alabama was seeking resolution to its more than 40-year battle with prison crowding. Alabama's decision to implement policies contained in the SRA of 2003 did not seem to offer any immediate relief to its prison system; rather, the SRA was presented as a long-term and sensible solution to protect public safety and to ensure that the state offered the "most effective use of its correctional resources" by incarcerating the "most dangerous and violent offenders in the state" (Alabama

Sentencing Reform, 2003, p. 3). Offenders who were convicted of felony offenses were still susceptible to punishment that could carry a mandatory minimum sentence for offenses involving violence, offenses involving the use of firearms, or sexual offenses against minors. As a result of the SRA of 2003, HFOA was not eliminated. Traditional parole and good time credits for convicted felons were abolished, voluntary sentencing guidelines were made available to judges with minimum and extended sentencing ranges with an objective to promote truth-in-sentencing practices, and punishment options were made available for punishing offenders as an alternative to or in addition to imprisonment.

In evaluating the state of Alabama's prison population, crime rates, sentencing practices and parole rates during the 21-year period indicated for this study, it was important to note that there were no significant changes amongst the state's population rate. The state of Alabama has experienced a steady population growth rate averaging about 1% in 2010 when the last major census was conducted (Walsh, 2013; World Population Review.com, 2019). Alabama's growth ranked 36th in 2010 in comparison to other states in the union with a population rate of 4,785,579 (World Population Review.com). More than half of all states in the union experienced a growth rate of 2% or more (Walsh). Alabama's population in 1990 was 4,040,587 and it was estimated to have grown to 4,833,722 by 2013 (Walsh; World Population Review.com). This estimated population rate has secured the state's 23rd place amongst other states in regards to population.

Chapter 2: Literature Review

In studying the state of Alabama's prison population and its mandatory minimum sentencing policies over a 21-year period between 1993 and 2013, I assessed changes in the state of Alabama's sentencing practices and the state's prison population to determine whether any notable changes occurred. This period was selected around the midpoint of 2003 to assess any notable changes in the state of Alabama's prison populations that may have resulted from the SRA policy of 2003.

Prison crowding is a troublesome matter that has yielded considerable discussion. The solution to the issue of overcrowding in prison systems has evaded criminal justice officials; consequently, public policymakers have been called on to resolve the prison crowding issue through policy reformation (Blumstein, 2011; Clear & Schrantz, 2011; Duilio, 2010; Greenburg, 2002; Skolnick, 1994; Wagner, 2014b). Public policymakers at the state level have the power to formulate policies that would address sentencing terms according to the circumstances that exist within their respective state boundaries. State legislators have multiple means of affecting policy because these public officials: (a) regulate their state's budget decisions, (b) have access to information and advice from state agency heads, (c) are in position to present ideas and cast votes for more effective sentencing policies, and (d) have the ability to rally support for proposed policies.

Over the years, political figures have pushed for stiffer sentencing policies, and support for such policies has remained popular among a democratic society (Greenburg, 2002; Turner & Sundt, 1995; Williams, 2003). However, long after these public officials leave their elected office, criminal justice officials are trapped with limited resources to

manage excessive prison populations (Skolnick, 1994; Wagner, 2014b). Mandatory sentencing terms intensify the problem because disparities in sentencing have not been eliminated; rather, the source of injustice has been magnified (Gant, 2014) and has created a shift in administration from judges to prosecutors (Bernick & Larkin, 2014; Fischman & Schanzenbach, 2012; Mauer, 2011).

Empowering Prosecutors, Disempowering Judges, and Shortchanging Minorities

Prior to the Sentencing Reform Act of 1984, judges were granted unlimited discretion and were not bound by provisions that require them to sentence in designated ranges. The SRA of 2003 allows for departures from the guidelines only when an aggravated or mitigating circumstance exists (Cano & Spohn, 2012). Prosecutors bear a great responsibility to get justice for the public, and they depend on the public vote to become elected and to maintain their position (Riley, 2010; Stucky, Heimer, & Lang, 2007). Such a codependence between prosecutors and society could easily equate to more rigid sentences for the accused (Fischman & Schanzenbach, 2012; Riley, 2010). Because prosecutors are allowed to exercise discretion in deciding what charges will be filed and which cases will be pursued (Fischman & Schanzenbach; Riley, 2010), prosecutors are empowered by mandatory sentencing policies. A common strategy exercised by prosecutors involves charge stacking, which enables prosecutors to generate charges that carry mandatory sentence terms (Riley, 2010). The constraints of sentencing guidelines and mandatory sentencing policies have caused judges to lose discretion in deciding whether a prison term is appropriate and how long a term would be sufficient for a particular offender (Durbin, 2014; Fischman & Schanzenbach), binding them by laws

that control sentence length for certain charges once the offender is convicted (Bernick & Larkin, 2014; Gant, 2014; Robertson, 2013). Mandatory sentencing policies prevent the courts from applying tailored rehabilitative measures in cases in which the defendant may have benefited from a treatment program versus a prison sentence (Gant; Riley, 2010).

Mandatory sentencing policies were designed to avoid impartial sentencing of minorities; nonetheless, these policies have led to more minority offenders being sentenced in excess (Cano & Spohn, 2012; Fischman & Schanzenbach, 2012). Fischman and Schanzenbach (2012) found that “racial disparities were normally lower when judges had wider discretion” (p. 730). African American offenders have been found to receive 20% longer prison sentences than White offenders who were sentenced for similar offenses (Malone, 2013). In 2013, racial and ethnic minorities constituted 75% of all drug offenders convicted and sentenced under mandatory sentencing terms (Gant, 2014). The number of minorities sentenced under mandatory sentencing terms is disproportionate because only 32% of all convicted offenders are racial and ethnic minorities (Gant). Mandatory minimum sentencing policies have been used to thwart the group public officials aimed to protect.

Furthermore, prosecutors at the federal level have the power to bypass mandatory minimum sentencing by motioning the court to grant a downward departure for substantial assistance. Such downward departures can be presented to sentencing judges only at the prosecutor’s request when there is concern that the mandatory minimum sentence may not be fitting for the offender based on such circumstances as the seriousness of the crime, the offender’s role in the offense, and assessed danger to the

community (Cano & Spohn, 2012). Nevertheless, the prosecutor holds the power to make the call (Cano & Spohn), a process which further supports the prosecutor's empowering role in employing mandatory prison terms.

Decades of Crowding in State Prisons

The state of Alabama has one of the most crowded prison systems in the United States (Justice Center, 2014; Sauter, Weigley, & Alexander, 2013). As of 2013 the state of Alabama ranked third in the nation after Louisiana and Mississippi, respectively, for having the most crowded state prison system based on a ratio of offenders per 100,000 residents (Sauter et al). Alabama incarcerated 650 offenders for every 100,000 residents while the state of Mississippi incarcerated 717 offenders per 100,000 residents and the state of Louisiana incarcerated 893 offenders per 100,000 residents (Sauter et al). In the state of Alabama approximately 140 people per 100,000 residents were incarcerated in the state prison system in 1978; that number grew to 640 people per 100,000 residents by 2011(Wagner, 2014a). This growth in prison population has been attributed to stringent and irresponsible sentencing policies (Blumstein, 2011; Wagner, 2014b). Wagner (2014b) charged states with undermining the nation's welfare by experimenting with mass incarceration through the implementation of counterproductive sentencing policies. Wagner (2014b) concluded that state policies have had a powerful influence on the prison crowding crisis. and noted that prison population rates rose consistently in southern states in comparison with other regions. Likewise, Kitchen (2013) reported that during 2013 the state of Alabama prison system was at times operating at 199% occupancy, making it the most crowded of any state prison system in the Southern region. ADOC's practice of

housing offenders at nearly twice its designed capacity has placed prison staff and offenders in serious danger and has heightened concern among Alabama lawmakers that a federal lawsuit could be near for the state (Kitchen). According to the data for August 2014, ADOC (2014) reported a capacity rate of 187% statewide with a total of 24,907 offenders among its in-house population.

Mauer (2007) provided an analysis of changes in the prison population between 1992 and 2002. Mauer determined that an overall increase of 59% in the prison population occurred during this period. ADOC (2013) reported a 710% increase in its jurisdictional prison population from 1968 to 2013 (from 3,953 to 32,523) and a 17.3% increase (from 27,727 to 32,523) in its jurisdictional prison population from 2003 to 2013. ADOC calculates its jurisdictional prison population based on the total population of offenders who have been sentenced to ADOC which includes those offenders who are not physically incarcerated in an ADOC facility. This total includes offenders who may be confined in a federal, state, or county facility or have been committed to a community corrections program (ADOC). ADOC reported a custody population of 26,569 in 2013. ADOC considers custody population as the total number of offenders who fall under their control on a daily basis. Supervised Re-Entry Program offenders, medical furlough offenders and offenders who are confined through contract custody are included in this count (ADOC). ADOC reported that their average in-house population was 25,299 in 2013 which is a minor increase from an average of 25,260 offenders as reported in 2003. ADOC's in-house population includes the total number of offenders who are confined within ADOC's major institutions, as well as, those assigned to work centers and work

release facilities (ADOC). Though the state of Alabama experienced a seemingly minor increase in its prison population over a ten-year period between 2003 and 2013, nationally state prison populations have decreased overall by approximately 6000 offenders since 2009 (ADOC, 2003; ADOC, 2013). In fact, 27 states purposefully reduced their prison populations since 2009 through the formulation of effective policies that were designed to avoid compromises to public safety and in attempt to decrease spending of public funds (Equal Justice Initiative, 2010; Mauer, 2014).

Clear and Schrantz (2011) called for multiple policy reformations within the criminal justice system stating that a reformation of sentencing policies, alone, will not make a significant impact on the prison crowding issue. They (Clear & Schrantz, 2011) further declared that multiple strategies will be needed to reduce crowding in state prisons and suggested a rethinking of sentencing policies. Similarly, Research Manager Andy Barbee with the Council of State Governments (CSG) Justice Center has cautioned that sentencing policies will likely have a slow impact on prison population and suggested that the state of Alabama should pursue alternative “near-term” solutions for the “crisis-level of overcrowding” that exist within its state prison system (Kachmar, 2014, p. 2). The state of Alabama undoubtedly faces numerous challenges and risks in its effort to reduce its prison population; the possibilities of attainment are further complicated by the state’s obligation to uphold public safety.

Steiner and Wooldredge (2007) conducted a comparison study of the effects of facility-level prison crowding versus that of state-level prison crowding. The study proposed that crowded conditions within prisons may be better understood at the facility

level being that some facilities within state borders suffer greater effects of crowding than others. They suggested that populations amongst facilities could possibly be affected by several aggravating factors to include the security level of the prison and the daily cost per inmate. A two-fold study of 459 facilities amongst 45 states was conducted: 1.) a longitudinal analysis between 1995 and 2000 to assess the rate of crowding based on whether a facility changed its design capacity and increased in its operating costs and 2.) a cross-sectional study at each period in 1995 and 2000 to compare a ratio of population to design capacity. A specific analysis between predictors in the cross-sectional design concluded that the existence of mandatory guidelines and total drug arrests among states correlated with crowding at both periods. A cross-sectional design which included the factor of curative tactics determined a relationship between crowding and mandatory guidelines at the state-level in 1995, but not in 2000. This study also determined that at both periods there was a positive correlation between crowding and the proportion of offenders in medium security prisons at the facility level. However, there was a negative relationship between crowding and the cost of care per inmate at the facility level during both periods. Steiner and Wooldredge suggested that a time series design may not be significant in studying the effects of sentencing policies on prison crowding at the state-level, because recent similar studies that examined these factors through cross-sectional research has proven that such results tend to remain static amongst states.

Challenges of Reducing Prison Populations by Releasing Offenders Into Society

Many public officials, as well as, the public in general fear that reducing the prison population would automatically amount to an unleashing of crime (Mauer, 2014;

Garland, Hogan, Wodahl, Hass, Stohr, and Lambert, 2014). However, such relationship between crime rates and incarceration rates have been shown to be negatively associated (Stucky et al, 2007). Schmitt, Warner and Gupta (2010) reported that only a 2 - 4% drop in crime has been associated with a 10% increase in incarceration. Mauer explained that incarceration is only a limited factor in shaping public safety and “such a relationship” between prison populations and crime rates “has been shown to be relatively weak” (Mauer, p. 7). Mauer assessed this relationship in a comparison study amongst three states - California, New Jersey, and New York - he found that during a period between 1999 and 2012 all three states were successful in reducing their prison population by more than 20% while experiencing a reduction in violent crime at a rate that exceeded the national average. For the purposes of this study, Mauer defined violent crime as murder, forcible rape, robbery and aggravated assault. Moreover, during the same period property crime rates declined significantly in all three states; the states of New Jersey and New York experienced decreases in property crime that was also below the national average. Mauer classified property crimes as burglary, larceny-theft, motor vehicle theft and arson. Mauer further noted that though the nation experienced a decline in crime rates between 1999 and 2012, during the same period some states experienced only slight declines in their prison population while many other states suffered constant increases in their prison populations. These three states (CA, NJ, and NY) were able to accomplish such reductions in their prison populations by reformulating sentencing policies and adjusting practices within their criminal justice systems (Mauer). In fact, both New Jersey and New York made changes specific to their mandatory sentencing policies and further

applied the laws retroactively; this allowed offenders who were sentenced under mandatory sentencing laws the opportunity to receive early releases. The state of New Jersey passed Senate Bill 1866 in 2009 which returned sentencing discretion to judges; this bill allowed judges to sentence defendants below the mandatory minimum for drug offenses committed in their state's previously defined school zone (Mauer; Subramanian and Delaney, 2014). The state of New York repealed the Rockefeller Drug Laws in 2009 reducing and even eliminating some mandatory minimum prison terms (Mauer).

Releasing offenders into society in massive quantities is a great concern for the public in general. Communities may understandably fear that many offenders may not be entirely rehabilitated as a result of incarceration (Kessler, 2009). The offenders may also have some similar concerns and may face acceptance issues when trying to transition into the job market. Probation and parole officers could serve an essential function of assisting offenders with transitioning back into their communities by providing guidance and supervision upon release. The practice of probation and parole supervision was implemented within the United States during the early 20th century as a mode of enhancing the corrections system (Wodahl & Garland, 2009). ASC reported in 2003 that Alabama's state probation and parole officers carried the highest caseloads in the nation averaging approximately 196 offenders per officer (ASC, 2003).

Alabama's Historical Struggle With Prison Crowding

The state of Alabama has been tackling prison crowding issues with hopes to avoid a federal takeover for approximately four decades. In the 1975 case of *McCray v. Sullivan* a civil suit was filed by state prisoner, Robert G. McCray, against L.B. Sullivan

whom was the Commissioner of the formerly Alabama State Board of Corrections, presently known as ADOC. Federal District Judge William Brevard Hand combined this case with that of claims by petitioners, Jerry White and Alvin Claybrone, against Warden D.M. Van Cleve. The offenders claimed that they were being deprived of basic hygienic necessities, that their mail was being unreasonably censored, that they were denied access to the Courts, and that they suffered punitive isolation. Judge Hand ruled that the state was in compliance with policies governing mail; that the manner in which prisoners was confined to isolation cells was not done in an unreasonable manner; and that the court was “reluctant to interfere with the internal operation and administration of state prisons” (McCray v. Sullivan, 1975, p. 9). On the other hand, the court ruled that the State of Alabama was in violation of the offenders’ constitutional rights as defined by the Eighth Amendment. The court’s position was that offenders confined within Fountain Correctional Institution and Holman Prison were forced to live in conditions that posed dangers to both the offenders and the staff since the overcrowded facilities in combination with inadequate staff made it impossible for the prisons to be operated in a safe manner. Furthermore, the court placed the burden of resolving the security issues on the legislature and elicited the assistance of the Pardon and Parole Board, the Board of Education and the Alabama National Guard (McCray v. Sullivan). The state of Alabama’s continual struggle with prison crowding is evident that past actions taken by public officials to abide by the federal order and resolve the prison crowding issue have not only been unsuccessful but regressive over time with no end in sight. Current conditions have public officials concerned that a federal lawsuit could further burden the

state with a hefty fine in addition to a takeover of its prison system (Kitchen, 2013). Thus, Alabama public officials have recruited the help of professional researchers to provide the state with a sense of direction. On June 10, 2014 Governor Robert Bentley made a public announcement that the state had launched the Justice Reinvestment Initiative (JRI) project to analyze Alabama's criminal justice system in order to determine the state's way forward (The Office of the Governor, 2014); he further advised that the process would be led by the CSG. The CSG is made up of a collaborative group of public officials who are regionally located and representative of all three branches of government (CSG, 2015). These public officials have been tasked with working together in a non-partisan fashion with a common goal of aiding public officials in shaping effective public policy (CSG).

The state of Alabama may face some tough decisions in response to a suit filed by lawyers of the Equal Justice Initiative (EJI). In its 2014 report EJI revealed that "widespread corruption, misconduct, and abusive behavior by correctional officers" has occurred in several Alabama prisons (EJI, 2014). Additionally, unsuccessful reformation efforts have been linked to "poor leadership" and failure to enforce accountability amongst those in leadership positions. Specifically, "a warden and a deputy warden who contributed to rampant abuse and sexual violence at Tutwiler Prison for Women were transferred or promoted to higher positions at different prisons" after heightened reports of abuse at their original institutions (EJI, 2014, pp. 1-2). Other acts of corruption that has occurred within the ADOC include housing minors with adults ultimately exposing them to sexual violence, underreporting or failing to report incidences of violence that occur

within the prison system, restricting religious and volunteer programs, hindering self-education opportunities for offenders, and inflating the costs of hygienic products and phone rates in order to support their budgets. EJI recently filed suit in defense of offenders at St. Clair Correctional Facility due to immediate concerns for security. Furthermore, EJI submitted hundreds of reports to the United States Department of Justice regarding “illegal and unconstitutional conditions of confinement at several Alabama prisons” (EJI, 2014, p. 3).

Consequences of Politicians’ Get-Tough-on-Crime Approach

Alabama’s losing battle to balance support for tough sentencing policies and to manage the consequential state prison populations is not uncommon for state prisons historically. In 1994 California, Republican Governor Pete Wilson aggressively moved forward with signing in to law the “three strikes” bill although civil libertarians, defense attorneys and district attorneys statewide had warned him that the bill would negatively impact future generations. Governor Wilson promoted the “three strikes” law as a deterrence tool claiming that its benefits would far outweigh its costs and warning criminals to find “a new line of work” or else they will move from “career criminals to career offenders” (Weintraub, 1994, p. 1). Nevertheless, the approach proved to be devastating for the state of California and resulted in a recent federal takeover. Even so the “get tough on crime” approach has not been limited to a specific political party; rather, this position on crime has been supported by politicians across party lines, as well as, society in general (Durbin, 2014; Stucky et al, 2007; Turner and Sundt, 1995). President Bill Clinton supported the 1994 Crime Bill which can be credited for the

reduction in crime rates from 1991 to 2004 (Kessler, 2009, p. 62). As noted by one author:

“A Democratic Congress and president delivered the most ambitious crime-fighting package in history. The package included stiffer sentences, prison construction, new gun restrictions, 100,000 cops for local communities, and an infusion of grants for after-school and weekend programs for kids. The price tag was \$30 billion over six years” (Kessler, 2009, p. 61).

Nonetheless, Kessler (2009) cautioned that with a deficit that exceeds \$1 trillion such an approach would not be likely and with the tendency for recidivism resulting from the future release of offenders in such large amounts such similar approach will not be rational. Kessler advised that based on historical data approximately one of every six convicts released to society will re-offend. He further warned of a near crime surge based on a considerable number of unreformed convicts who will be released and the addition of legal immigrants who will not only commit crimes, but who are likely to fall prey to crime due to their hesitance to report incidences to police. Kessler (p. 64) concluded that approaches to fighting crime should convert from being “tough” to being “smart” suggesting that the focus for offenders while they are incarcerated should focus on education, and treatment for drug abuse and mental illnesses.

ASC reported that the state of Alabama’s legislators had become fully aware of the consequences that had resulted from “get tough on crime” bills that were created without full consideration of the costs involved (ASC, 2003, p. 6). Senator Cam Ward, Alabama Republican and chairman of the Joint Legislative Prison Oversight Committee,

admitted that the “Legislature has not addressed the overcrowding issues for years because it is not politically popular to put more funding into prisons”; nonetheless, public officials “campaign on locking up criminals and pass legislation creating more crimes” (Kitchen, 2013, pp. 3-4).

Possible Approaches to Productive Policy Reformation

Some possible suggestions to policy reformation include revising mandatory minimum policies or simply eliminating such policies (Barr, 2010); however, it is not clear which direction is most likely to receive ample political support within the state of Alabama (Robertson, 2013). Alabama Senators, Rand Paul (Republican) and Patrick Leahy (Democratic), are supportive of strategies to eliminate mandatory minimum laws, while other political leaders like Republican Senator Jeff Sessions and Republican Senator Mike Lee consider mandatory minimum policies essential to the criminal justice system for purposes of deterring crime and assuring that a standard for punishment remains in place for particular crimes (FAMM, 2013; Robertson). However, Jeff Sessions admitted that revisions are necessary in order to reduce disparities and to assure that mandatory minimum sentencing laws are imposed fairly (Robertson). In 2013 Families Against Mandatory Minimums (FAMM) narrowly gained bipartisan support for reformation of federal mandatory minimum sentence terms (FAMM, 2013). Since 2013 FAMM has promoted The Smarter Sentencing Act (S. 1410/H.R. 3382), led by Democratic Senator Patrick Leahy, which could have possibly reduced the sentence term for thousands of nonviolent drug offenders who were at that time facing mandatory minimum sentencing terms in federal court; under this proposed law drug offenders who

were serving federal prison time may have also had their sentence terms reduced after meeting such conditions as completing rehabilitative programs and maintaining good behavior (FAMM). Such policy could aid in relieving the federal prison population and could serve as a model for state-level lawmakers to mimic. Nonetheless, the Smarter Sentencing Act did not receive the support of some Republican Judiciary Committee members to include Alabama's own, Senator Jeff Sessions, who voted against the bill in January of 2014 (Frumin, 2014).

Barker (2006) conducted a study to examine the relationship between patterns of imprisonment that have developed within states based on the nature of government that existed within the boundaries of those states. Barker concluded that the states of New York and Washington took alternative approaches to crime while the state of California adopted more punitive approaches. The state of California has since been forced to retract and resolve its crowded prison dilemma. The state was ordered by a special federal court to reduce its prison population from 200 % to 137.5 % capacity in 2009 (Mears, 2011, p. 2). Additionally, the state of California was deemed unconstitutional by the federal government in 2011 for operating at nearly twice its designed capacity (Mauer, 2014, p. 7; Kitchen, 2014, p. 2). As a result, the state of California was given specific time periods to reduce its prison population and has since noticed positive progress (Carson & Golinelli, 2013; Kitchen; Mauer, 2014; Mears, 2011, Wagner, 2014b). The state of California's revised approach to managing its prison population may provide a sense of direction for states like Alabama that are currently suffering the effects of prison crowding.

Diiulio (2010) advocated for policies to protect victims, deter crime, and decrease prison populations in his journal, *Prison Break*. Diiulio emphasized that approximately half of all state prisons and 90 % of federal prisons were occupied with offenders serving time for non-violent crimes. At the federal level, approximately 218,000 offenders were found to be serving time under mandatory minimum sentencing laws as of January 2014 (Durbin, 2014, p. 2). As of 2011, 53% of all offenders confined within state prisons were considered to be violent offenders (Carson & Golinelli, 2013, p. 10). In 2013 Alabama's state prison system reported a jurisdictional admissions rate of less than 7% for violent convictions (i.e. Murder, Homicide, Manslaughter, and Assault); thus, approximately 93% of its jurisdictional admissions were for property and drug offenses to include youthful offender offenses (ADOC, 2013). Wagner (2014b) called for state-level lawmakers and advocates to take action by formulating policies that will make their communities safe without overburdening the prison population. Yet, Wagner concluded that his stance was merely an initiative to prompt policymakers to take action. Several state legislators began taking such action between 2009 and 2010 (NGA Center for Best Practices, 2011, p. 4). The states of Delaware, Minnesota, New Jersey, New York and Rhode Island have revised their mandatory minimum sentencing laws in order to allow more discretion in managing their prison populations, providing rehabilitative treatment, and balancing their budgets (NGA Center for Best Practices). Specifically, the state of Minnesota has loosened the confines of its mandatory minimum sentencing laws in order to allow judges more discretion in sentencing offenders convicted of petty drug charges (NGA Center for Best Practices).

Build More Prisons or Invest in Community-Based Programs

Based on a study conducted by Steiner and Wooldredge (2007), “facilities that increased their design capacity between 1995 and 2000 experienced a decline in crowding” (p. 277). It may seem that a simple solution to the prison crowding dilemma would involve building more prisons. Besides, former Commissioner Kim Thomas emphasized that the state of Alabama has “not kept up with prison construction like most states have” (Kitchen, 2013, p. 4). However, the cost to construct and maintain state prisons would neither be popular amongst taxpayers nor practical for legislators who have found themselves forced to operate on tighter budgets. Additionally, limitations in funding and fear of having hefty fines imposed by the federal government have become great incentives for many state officials to find creative approaches to managing their overflowing prison populations. Furthermore, Senator Cam Ward cautioned that “simply throwing money at the issue will not solve the problem” (Kitchen, p. 3).

In 2007 Texas state legislators predicted spending approximately \$2 billion dollars over the forthcoming five years to accommodate its growing prison population following a grim assessment by their Legislative Budget Board. In response Texas state legislators aggressively sought alternative measures through the implementation of community-based programs and policy reformations (Lyons, 2010, p. 2; Reddy & Levin, 2014, p. 6). Their actions resulted in the state spending about an eighth of the projected amount on rehabilitative programs that offered drug treatment and community-based supervision (Lyons; Reddy & Levin). Texas Democratic Senator John Whitmire and Republican Representative Jerry Madden led the reformation efforts and Republican

Governor Rick Perry signed the proposed reformation policy into law in 2007 (Reddy and Levin). Decisive action by Texas state officials to responsibly manage taxpayers' funds, promote community involvement, and prevent a foreseeable crisis yielded positive results. Accordingly, the state of Texas has since closed three state prisons while maintaining a steady reduction in crime; the state of Texas has also seen decreases in probation and parole revocations (Lyons; Reddy & Levin).

In an attempt to move towards reform that would incorporate greater rehabilitation efforts and to relieve crowded prisons Senate Bill 67 was introduced to the Senate and passed 31-2 on April 2, 2015. Alabama Senator Cam Ward led efforts on a bill that is it expected to save taxpayers money and provide a positive outlook for the future of the state as a whole by allowing low level offenders the opportunity to restore their places in society and become contributors to their communities. Senator Cam Ward advocated that support for the bill came down to "We either build \$400 million in prisons or spend much less now on a better long-term strategy" (Wagner, 2015, p. 3B). However, political debate over the state's budget has left the bill unfunded. Without funding, important aspects of the bill that would deliver unquestionable relief to the state prison system cannot be implemented. These aspects included the application of treatment programs and an increase in the number of probation and parole officers to supervise non-violent offenders.

Account and Impact of Mandatory Minimum Sentencing Policies

Following political debate over the effectiveness of mandatory sentencing policies, some form of mandatory sentencing policies had been adopted in every state

between 1975 and 1985 (Greene, 2002). Such policies were adopted at the federal level during the 1980s in a stance against drug crimes (Bar, 2010; Malone, 2013; Mauer, 2011). Since that time, the federal prison system has faced substantial growth in its population which has amassed from 24,000 to 216,000 since the implementation of such policies (Frumin, 2014, p. 4). Consequently, The Department of Justice has dedicated 25% of its annual spending to the operation of federal prisons (Frumin, p. 4).

Mandatory and minimum sentencing policies were first adopted by the state of Alabama in 1980 (ASC, 2014). Based on data compiled from the Bureau of Justice Statistics Corrections Statistical Analysis Tool, Alabama's state prison population grew nearly 600% from 1978 to 2011 (Wagner, 2014a). Over a ten-year period between 2003 and 2013 Alabama's prison population increased 19% and its expenditures increased 49% (Justice Center, 2014). In 2003 ADOC's average inmate maintenance costs amongst 18 major institutions, 14 community-based facilities and two out-of-state private facilities totaled \$257,374,140 (ADOC, 2003). In the commissioner's message portion of the state's annual report in 2003 Commissioner Donal Campbell reported that even after receiving a \$30 million supplement to the agency's operating budget, ADOC was operating "at nearly double" its "originally designed capacity"; he further professed that the great deal of responsibility involved in operating Alabama's state prison system far outweighed the resources that were afforded to the agency (ADOC). By 2013 ADOC reported that their average annual maintenance cost totaled \$421,085,355 (ADOC, 2013, p. 16).

The push for mandatory minimum sentencing policies can be attributed to the victims' movement which launched in the mid-1970s (Greene, 2002, p. 10). Such advocacy groups consisted of victims' relatives and survivors of violent and negligent crime to include Candy Lightner founder of Mothers Against Drunk Drivers and Robert and Charlotte Hullinger co-founders of Parents of Murdered Children (Greene, 2002, p. 10). These groups demanded justice from the criminal justice system which they perceived as being geared toward the criminal and far too lenient in delivering punishment (Greene, 2002).

Blumstein (2011, p. 135) posed the question, "Why are so many Americans currently in prison?" and concluded that neither drastic increases in crime nor improved effectiveness in policing were found to be contributors to the prison population; rather, commitment rates and the amount of time served were determined to be the central contributing factors. Though the rate of incarceration in the United States has steadily increased since 1970, criminal activity has actually decreased (Justice Center, 2014; Savitsky, 2012). Violent crime across the United States decreased 14.5% between 2004 and 2013 (UCR, 2013). Reddy and Levin (2014) argued that imprisonment rates have been negatively associated with crime rates. Specifically, during the period between 2008 and 2013 states reported that whether crime rates increased or decreased, imprisonment rates only narrowly decreased at around four to five percent (Reddy and Levin, 2014). Bennett Wright, executive director of Alabama's Sentencing Commission, indicated that similarly the state of Alabama has seen reductions in arrests, prison commitments and sentence terms, yet its prison population has continued to increase (Kachmar, 2014).

Accordingly, Alabama's resident population increased eight percent between 2002 and 2012 while its crime rate decreased five percent (Justice Center, 2014). During this same period, the rate of felony convictions in circuit courts increased by 18% (Justice Center, 2014). Alabama Criminal Justice Information Center (ACJIC) reported a reduction in property crime by five percent from 2012 to 2013. The overall rate of violent crimes decreased by three percent between 2012 and 2013; however, there was a five percent increase in homicides during this same period (ACJIC, 2013).

Effects of Plea Bargaining on Prison Populations

Savitsky (2012) attributed prison overcrowding to the convenience of plea-bargaining; yet, supported plea bargaining as an essential piece of policy necessary for prosecutors to avoid overwhelming the criminal justice system. Prosecutors use mandatory minimums as "leverage during plea bargaining as a means to persuade defendants to admit to lesser charges thereby avoiding hefty prison sentences" (Barr, 2010, p. 104). The notion of prejudicial practices in the plea-bargaining process is particularly critical since plea bargaining accounts for 90% of guilty verdicts (Mauer, 2011, p. 92S). Savitsky warned that plea bargaining may force certain groups of societies in particular, the poor and minority groups, to have a lesser advantage when it comes to taking a plea; therefore, contributing to the disparities in the prison population. Hofer (2012) declared that not only have mandatory minimums been proven to be the "greatest source of unwarranted disparity in federal sentencing", they have also been "particularly disastrous for African American defendants" (p. 197). Perceivably facing stiff sentence terms, such as mandatory minimum sentences, with the inability to hire an attorney, and

the perception of an unfair system, disadvantaged groups of societies are more likely to accept a far worse bargain compared to middle and upper class Caucasians (Savitsky). Savitsky concluded that African American defendants who are considered to be “similarly situated” in comparison to Caucasians defendants are still likely to be placed in worse bargaining positions (Savitsky, p. 148). Thus, the plea-bargaining process, a common practice in the criminal justice system, has become an expeditious avenue by which prison population is exacerbated by stiffened sentencing policies, specifically mandatory minimum sentencing terms.

Mandatory Minimum Policies Conflict With Sentencing Policies

Arguments against mandatory minimum sentencing laws encompasses questionable constitutionality due to their tendency to impose excessive punishment and a seemingly concentration of sentencing power to the legislature and executive branches while denying judicial powers by limiting judges’ discretion (Riley, 2010). As Hofer suggested, mandatory minimum sentencing policies tend to be “in conflict” with sentencing guidelines (p. 193). In the 2005 Supreme Court case, *United States v. Booker*, The Sentencing Commission’s Guidelines were determined to be unconstitutional due to their “mandatory nature” (Riley, 2010, p. 294). Consequently, the Court rendered the Guidelines advisory in order to savage their existence (Fischman and Schanzenbach, 2012; Riley). Stemen and Rengifo (2011) conducted a comparative study of the impact of multiple sentencing policies and state incarceration rates during a period between 1978 and 2004. They concluded that when constraints were placed on “sentencing discretion” through “structured sentencing” whereas there was a requirement by law to sentence an

offender to a mandatory sentencing term which limited the discretion of judges, there was less of an impact to the prison population compared to “release discretion” through determinate sentencing whereas the discretion of the parole board was constrained (p. 174). Thus, the study placed less emphasis on concerns for impact of judges’ discretion on prison populations and greater concern for the impact that social forces had on state prison populations noting that the bigger picture is impact of social forces on incarceration rates which is either imposed by judges and prosecutors at the forefront during sentencing or delayed to impact release decisions (Stemen and Rengifo). During the 1970s, there was a bipartisan push for determinate sentencing which would perceivable create more a more “structured” sentencing system and result in more uniformed sentences for offenders who commit similar offenses. Determinate sentencing had been adopted in 19 states between 1975 and 2004 in which these states had eliminated parole for all offenses. Thus, Stemen and Rengifo found determinate sentencing alone to be less impactful on the prison population in comparison to “release discretion” noting that social forces caused parole boards to extend incarceration periods (p. 175). The study placed less emphasis on concerns for impacts of judges’ discretion on prison populations and greater concern for the impact that social forces had on state officials when deciding whether to release an offender. Stemen and Rengifo noted that the influences of social forces on incarceration rates are either impacted by legislators and prosecutors at the forefront or shifted (p. 195) to release authorities, not only as a result of the policies, but also attuned with the states’ social norms (Stemen and Rengifo).

Frost (2008) warned that states had become more tolerable of harsh criminal punishment in regards to imprisonment rates and lengths of time served. Frost's study on the degree of punitive punishment by states indicated that states were more geared towards punishing versus rehabilitating offenders. Patch (2013) assessed the Sentencing Reform Act to be contradictory within its terms in regards to its guidance on providing rehabilitation. Patch emphasized that one section, particularly 18 U.S.C. §3553(a), requires the sentencing court to consider rehabilitation, whereas another section, 18 U.S.C. § 3582(a), forbids the sentencing court from doing so" (p. 165). Patch further suggested that The Sentencing Reform Act expressed disbelief in rehabilitation, which was one of the "four commonly recognized theories of punishment" (p. 172). According to Patch's assessment these four theories being retribution, deterrence, incapacitation, and rehabilitation were strategically incorporated with the lowest priority being placed on rehabilitation. Thus, the Act was framed in a manner that was "based upon social context as opposed to empirical evidence" (Patch).

Similarly, mandatory minimum sentencing policies tack on unnecessary prison time for offenses in which sufficient punishment has already been established by law. Cano and Spohn (2012) advised that mandatory minimum policies "trump" (p. 310) sentencing guidelines forcing judges to sentence offenders in drug cases in an irrational manner. Cano and Spohn particularly contended that "the guidelines, but not the mandatory minimums...allow the judge to take into account whether the offender played only a minor role in the offense or whether the offender accepted responsibility by pleading guilty" (p. 310). Moreover, Cano and Spohn emphasized that in applying

mandatory minimum penalties in drug cases sentences were based primarily on the weight and substance of the seized drug.

Nonetheless, offenses are formally spelled out in extensive legal terms based on the specific actions committed by the offender to include whether violence was involved or if a weapon was used in commission of a crime. These factors influence the degree of a charge and whether a charge will be classified as misdemeanor or felony. Such factors may also determine if a fine should be imposed and the amount of the fine. Mandatory minimum sentences are most often used to punish offenders for committing drug-related offenses and offenses that involve the possession of or use of a firearm (Barr, 2010; Blumstein, 2011; Cano and Spohn, 2012). Drug offenders make up the “largest single portion of prison populations”; they consist of over 20 % of the state prison population and over 50 % of the federal prison population (Blumstein). In fact, “a significant proportion of the individuals crowding American prisons have been convicted of low-level, non-violent offenses, such as drug offenses and property crimes, rather than serious offenses such as aggravated assault and rape” (Hall, 2013).

The Drug Abuse Control Act of 1986 was passed in reaction to the violence that was attributed to the drug market. This particular policy enforced mandatory minimum sentences of five years for five grams of crack cocaine and 500 grams of powder cocaine (Blumstein, 2011; Cano and Spohn, 2012). After years of ample opposition to the racial disparity this policy engendered, Congress reduced the ratio of the weight of white powder to crack cocaine from 100:1 to 28:1 in 2010 (Blumstein). Likewise, The Gun Control Act of 1968 was enacted “in response to public fear over street crime, civil

unrest, and the shooting of Martin Luther King, Jr.” (Luna and Cassell, 2010).

Additionally, it was proposed to legislature and passed the same day which was just a day following the assassination of Robert F. Kennedy.

The foundation of our country was built on the assurance of a balance of powers; however, this principle was not embodied into the idea of mandatory minimum sentencing practices (Riley, 2010). The legislative branch has continued to create stringent sentencing policies that could increase the chances for offenders to be punished under mandatory sentencing terms. Consequently, the executive branch has been empowered by these policies which allows prosecutors flexibility to pursue multiple means of cornering offenders into a position that makes plea bargaining seem like a real bargain. The judicial branch has been left out of this process due to the lack of flexibility in sentencing; therefore, balancing the powers in the sentencing process has led to a need to seek relief at the level of The Supreme Court. Unlike our forefathers intended, the judicial branch is intruded upon by the legislative branch and is not in a position to actively oversee the other two branches in the sentencing process (Riley).

Alabama Sentencing Commission

Alabama Sentencing Commission (ASC) was established on May 17, 2000 as a permanent and separate state agency at the advice of the Judicial Study Commission. The Judicial Study Commission was a special committee comprised of criminal justice officials and victims’ advocacy groups who were appointed by Attorney General Bill Pryor and Chief Justice Perry Hooper, Sr. to conduct a thorough analysis of Alabama’s sentencing practices in order to provide insight as to how the state could improve its

criminal justice practices. Over a three-year period from 1998 to 2000 the Judicial Study Committee examined the criminal sentencing structure and reform efforts practiced by the state of Alabama, as well as, models used by other states and at the federal level for criminal sentencing practices. The committee concluded that within the state of Alabama's sentencing and corrections structure there were significant problems that existed which demanded immediate attention (ASC, n.d.). As a result, ASC was created to address these issues by providing guidance to the state on a continuous basis. This would involve continuously "acquiring, analyzing and reporting necessary information to officials and state agencies involved in the sentencing process and making specific recommendations to reform Alabama's criminal justice system, with primary emphasis on establishing truth-in-sentencing and eliminating unwarranted sentencing disparity" (ASC, n.d.). ASC was given the responsibility to seek courses of action to resolve Alabama's prison crowding issue through research; based on its findings ASC is required to make recommendations to the Governor, Legislature, Attorney General and the Judicial Study Commission within the confines of state law and in accordance with court orders at the state and federal levels (ASC, n.d.).

Since its establishment, ASC has been charged specifically by the Alabama Legislature with reviewing the state's sentencing structure and recommending changes to the "criminal code, criminal procedures, and other aspects of sentencing policies and practices" (ASC, n.d.). In a report dated March 10, 2003 ASC presented recommendations to address the state's prison crowding crisis based on data collected and analyzed over a two-year period (ASC, 2003). In ASC's report a plan was proposed

that would possibly prevent prison overcrowding, provide additional alternatives for managing non-violent offenders, and to create a fair sentencing system that would promote truth-in-sentencing while assuring that the state avoids practices of unwarranted disparities (ASC, 2003). Chairman Joseph Colquitt noted that “for the first time in history” Alabama had adopted a “reliable sentencing database” that would provide the state a more holistic perspective of its criminal justice practices (ASC, 2003).

The Sentencing Reform Act of 2003 required ASC to develop a sentencing system that would be structured in a manner to assure that the state justly fared truth-in-sentencing practices. The Act specifically required the sentencing standards to “consist of voluntary, non-appealable sentencing standards (durational and dispositional) for non-capital felony offenses” (ASC, 2003). Voluntary sentencing guidelines would allow the judges to deviate from recommendations contrary to presumptive sentencing guidelines which required judges to “follow the recommendation unless” they could provide “aggravating or mitigating reasons justifying a departure exist” (ASC, 2012). As a result of requirements imposed by the Sentencing Reform Act of 2003 a continuation towards less restraint on judges has ensued. Upon issuing its 2013 Presumptive and Voluntary Sentencing Standards Manual, ASC provided a list of factors that they considered to be justifiable for departing from the Standards (ASC, 2013). These factors include: the defendant’s level of participation in the crime, age, character and reputation in their community, the existence of a support system, their role in assisting with the investigation and prosecution of the case, subsequent enrollment or completion of a drug

or alcohol treatment program, positive attainment of employment, and other reasonable “mitigating factors” (ASC, 2013).

Summary and Conclusions

Political momentum to get tough on crime has snowballed since the 1970s resulting in increasingly stringent sentencing policies. Reinforced motivation to stiffen sentencing policies and lengthen prison terms has come from victims of crimes, their surviving families, and victim advocacy groups. The public in general has continuously demanded safe neighborhoods and repercussions for crimes committed against them. Since political figures represent the public’s interest, they are prompted to act on the public’s behalf. Prosecutors, in particular, are elected officials who bear the responsibility of protecting the public by attaining justice. In doing so they possess the authority to directly influence the prison population.

Additionally, plea bargaining has become an avenue by which prosecutors are empowered to exercise discretion in deciding which criminal charges to pursue and to strategically push for mandatory minimum sentence terms. Meanwhile, judges have become bind by the confines of sentencing policies; they have specifically been given limited discretion to sentence offenders of drug related crimes due to the restraints of mandatory minimum sentencing policies. Consequently, the intentional imposition of mandatory minimum charges has further contributed to disparities in sentencing and prison crowding amongst states. Excessive prison crowding at the state level has stimulated reform to include reconsideration of mandatory minimum sentencing policies. The state of Alabama has come to the realization that reform is not a mere option; thus,

lawmakers have taken action to reduce the state's prison population by investing in greater rehabilitative efforts.

Chapter 3: Research Method

In this study, I examined Alabama's prison system to determine how it has been affected by mandatory minimum sentencing policies over a period of 21 years, 10 years before introduction of the SRA of 2003 and 10 years after its introduction. Any notable changes to the prison population during this period were evaluated to understand how the state's prison population may have been affected by policies in the SRA of 2003 that imposed mandatory sentencing terms for certain convictions, adjusted sentence terms, or lifted constraints placed on judges in sentencing defendants. Offenders who were convicted under the HFOA and categories of offenders convicted of felony offenses for crimes against persons, property crimes, and drug crimes were evaluated to determine the effect sentence practices had on the prison population during this 21-year period.

Research Design and Rationale

The following variables were evaluated in this study: (a) the state of Alabama overall prison populations (DV), (b) the population of offenders serving time under the HFOA (DV), (c) the population of offenders admitted from court to serve time for categories of felony offenses: crimes against persons, property crimes, and drug crimes (IV), (d) the number of offenders each year sentenced to prison terms of 10 years or more (IV), (e) the number of offenders who were convicted under the HFOA (IV), and (f) annual number of offenders granted parole (IV). The constant variable was mandatory minimum sentence policies that have been practiced in the state of Alabama since the 1980s including HFOA, which was adopted by the state of Alabama in 1977 (ASC, n.d.). Both the dependent and independent variables were evaluated over a 21-year period from

1993 to 2013. This period was selected to evaluate changes in the state's prison population over an equally spaced period of time: 10 years before the SRA of 2003 and 10 years after its introduction. A thorough evaluation of the contents of SRA of 2003 was significant to this study. Some contents in this Act may have contributed to changes in the state's prison population. The SRA of 2003 was implemented by the state's legislature as suggested by the ASC with the following objectives: relieving the state's prison overcrowding dilemma, reducing disparities in sentencing, allowing judges to regain judicial discretion, promoting truth in sentencing, and reserving prison space for the most violent offenders while promoting public safety (ASC, n.d.).

The DV sentence terms was evaluated based on the number of offenders who were sentenced to serve prison terms of 10 years or more over the 21-year period. During this period from 1993 to 2013, the categories of sentence terms were evaluated in intervals of 5 years or more. The number of offenders received from court each year during the 21-year period from 1993 to 2013 was evaluated in the following categories: (a) 10 to less than 15 years, (b) 15 to less than 20 years, (c) 20 to less than 25 years, (d) 25 years or more, (e) life sentence, (f) life without parole, (g) and death sentence.

Felony convictions in the state of Alabama during the period of this study were classified by felony classes A, B, or C. Each felony class contained an established sentence range with a minimum and maximum sentence for offenses that fall under its grouping. For offenses that involved the use of a firearm or a sex crime with a victim who was a child, the minimum sentence range was significantly increased. Offenders convicted under the HFOA are subject to life sentence terms if convicted of a Class A

felony and a 21-year sentence for those convicted of a Class B felony with any three prior felony convictions (Code of Alabama, 2017).

For Class A felony offenses in which “a firearm or deadly weapon was used or attempted to be used in the commission of the felony, or a Class A felony sex offense involving a child as defined in Section 15-20A-4(26),” the minimum term that must be imposed upon the offender increases from not less than 10 years to not less than 20 years (Code of Alabama, 2017). For a Class B or C felony offenses in which “a firearm or deadly weapon was used or attempted to be used in the commission of the felony, or a Class B felony sex offense involving a child as defined in Section 15-20A-4(26),” the minimum term that must be imposed upon the offender increases from not less than 2 years to not less than 10 years (Code of Alabama, 2017).

In addition to evaluating the number of offenders sentenced to prison by the length of sentence, an additional analysis was made of the number of offenders sentenced to prison based on the type of crime. The types of crimes were arranged into three categories: crimes against persons, property crimes, and drug crimes. Based on ADOC’s annual and monthly reports, the number of offenders received from court each year was provided for each category of crime. These crimes were grouped into one of three classes and totaled for each year. Crimes against persons included such crimes as murder, assault, robbery, kidnapping, child abuse, and sex crimes. The category property crimes included theft of property, burglary, unlawful breaking and entering of a vehicle, forgery, and receiving stolen property. The category drug crimes included manufacturing,

distributing and trafficking drugs; attempting to commit drug offenses; and possessing drugs.

Descriptive statistics were used to interpret, summarize, and illustrate the distribution of data (see Field, 2013). The data were plotted and displayed in charts to evaluate any noteworthy periods of population growth during the particular time frame selected (1993-2013). This method allowed for an examination of any peaks in population for possible associations with specific policy changes branded in the SRA of 2003. A display was provided of the aggregate prison population of all offenders who were serving time within the state prison system over the 21-year period. The average in-house prison populations for offenders who were housed in ADOC facilities throughout the state of Alabama from 1993 to 2013 were also displayed on the chart. The prison population of offenders who were convicted under the HFOA was displayed on the same chart. Each type of data was displayed in a distinctive manner. Data were collected for each year during the 21-year period from 1993 to 2013 for the following categories of populations: (a) annual average state prison populations for all ADOC institutions, (b) offenders who were convicted under the HFOA, (c) offenders admitted for crimes against persons, (d) offenders admitted for property crimes, (e) offenders admitted for drug crimes, (f) and offenders granted parole. These distinctive sets of populations were evaluated to determine whether there was growth in offenders serving time in Alabama's prison system for offenses that are inclined to carry mandatory sentence terms, particularly those offenders who were convicted under the HFOA following the SRA of 2003.

An evaluation was made of the average sentence terms for offenders sentenced in the state prisons to serve time for felony offenses by sentence terms over the 21-year period from 1993 to 2013. Sentence ranges were plotted in categories of 5-year minimum spans beginning with sentence categories of 10 years but less than 15 up to 25 years or more. Also, the number of offenders sentenced to life, life without parole, and death sentences was assessed in this study. This method allowed for an evaluation of the sentence lengths that were imposed on offenders, ADOC's admittance rate from the courts, sentencing practices of the judges, and changes in the judge's sentencing practices over the 21-year period. A comparison was made of the number of offenders sentenced to prison terms in each category and the aggregate state prison populations over the 21-year period, the number of offenders sentenced under the HFOA, and the number of offenders received from court each year to determine how the state prison population was impacted by the state's sentencing practices.

Moreover, Alabama's sentencing policies were evaluated over the entire 21-year period in order to identify any notable changes in the state's sentencing policies that stipulated mandatory minimum sentence terms. Identifying specific mandatory minimum sentencing laws that existed prior to and subsequent to the SRA of 2003 was important to this study. It was also important to identify mandatory minimum sentencing policies that were implemented within the state of Alabama in response to the SRA of 2003 in order to fully understand and explain any notable changes that may have occurred with the prison population over the twenty-year period. This evaluation period was limited to a 21-year period from 1993 to 2013.

Data Collection

Data were collected for each year from 1993 to 2013 of the state's prison populations based on the state's annual average population. Prison population data were collected for the following categories: (a) the state of Alabama overall prison populations (DV), (b) the population of offenders serving time under the HFOA (DV), (c) the population of offenders admitted from court to serve time for crimes against persons (IV), (d) the population of offenders admitted from court to serve time for property crimes (IV), (e) the population of offenders admitted from court to serve time for drug crimes (IV), (f) the number of offenders sentenced to prison terms of 10 years nor more than 15 years (IV), (g) the number of offenders sentenced to prison terms of 15 years nor more than 20 years (IV), (h) the number of offenders sentenced to prison terms of 20 years nor more than 25 years (IV), (i) the number of offenders sentenced to prison terms of 25 year or more (IV), (j) the number of offenders sentenced to life (IV), (k) the number of offenders sentenced to life without Parole (IV), (l) the number of offenders sentenced to death (IV), (m) and the annual number of offenders granted parole (IV).

Data Analysis Plan

The collected data were recorded on an Excel spreadsheet for the purpose of managing and examining the 21-year period. Each row of state level data was summarized to describe each year in view. The analyses conducted were further clarified in the research questions to follow.

Research Question 1

What was the average in-house population of Alabama's prisons over the 21-year period from 1993 to 2013? This research question addressed using descriptive statistics to interpret, summarize, and illustrate the distribution of data (Field, 2013). The average in-house population of prisoners housed in Alabama prisons each year from 1993 to 2013 was presented in graphical form with the use of line charts. Line charts are suitable for presenting trends in data, such as changes in variables over time, where there are at least three time points measured (Salkind, 2006). Since the data for this study comprised of 21 periods (1993 to 2013), the line chart was appropriate for presenting the data in a manner that allowed for clearly displaying and evaluating changes in the state's prison population during this time frame.

Research Question 2

What was the annual rate of offenders admitted to ADOC under the HFOA from 1993 to 2013? What fraction of Alabama's prison population was serving time under the HFOA from 1993 to 2013? Descriptive statistics were also used to address these research questions. The annual rate of HFOA offenders admitted to ADOC during the 21-year period was presented using a line chart. This included a computation of the percentage of offenders each year who were admitted under the HFOA.

Research Question 3

Has there been a shift in Alabama's prison population since the passage of the Sentencing Reform Act of 2003 based on a comparison of its population ten years prior to the law and ten years following its introduction? Inferential statistics were considered

to address this question; however, the goal of inferential statistics is to make inferences about a population using a smaller sample of that larger population (Field, 2013). The data used for this study consisted of the total in-house population of the state's prison system. Thus, no inferences were made from a smaller sample of prisoners to the larger population, since population parameters were already acknowledged and there was no need to make an estimation. Descriptive statistics are more suitable for evaluating the total population data for this study. A column chart comparison was presented of the averages of the prison population ten years prior to the SRA of 2003 and ten years following the introduction of this Act. Column charts, similar to bar charts, were used to illustrate data for comparison, such as frequencies before and after an event (Salkind, 2006). Column charts were also used to display averages of the HFOA prison population ten years prior and ten years following the introduction of the SRA of 2003.

Research Question 4

How many offenders were admitted to ADOC to serve imposed sentences of ten years or more over the 21-year period? Descriptive statistics were used to address this research question. A line chart was provided to display the number of offenders admitted to ADOC to serve imposed sentences of ten years or more. This analysis also included the number of offenders who were serving life sentence terms, life without parole, and death sentence terms during the 21-year period examined.

Research Question 5

How has the rate of crime in Alabama changed from 1993 to 2013? Based on the total number of crimes reported per year, the number of crimes reported per 100,000

residents, or the number of crimes reported that were against persons (violent), property crimes or drug crimes per year over the 21-year period from 1993 to 2013. Initially, considerations were made to use inferential statistics to address this research question. Nevertheless, since the aim for this study was not to generalize from a sample to a population, descriptive statistics were used to answer this research question. A line chart was presented initially to evaluate the changes in crime rates in the state of Alabama during the 21-year period (1993 to 2013). This analysis included the following categories of data: total crime rate, violent crime rate, property crime rate, arrests for alcohol, arrests for drugs, and arsons reported. Additionally, a column chart was used to compare the average rates for these categories of crime during the 21-year period (ten years prior and ten years following the SRA of 2003).

Research Question 6

What was the average rate of paroles granted to offenders each year from 1993 to 2013? Descriptive statistics were used to address this research question. A line chart was provided to display the average rate of paroles granted to offenders each year from 1993 to 2013. This allowed for an examination of the trends in paroles granted.

Research Question 7

Based on an evaluation of the data collected, has the HFOA had a notable impact on the state's prison population? Has the SRA of 2003 had a notable impact on Alabama's prison population? To address this research question, a summation of responses to preceding research questions was provided. Specific focus was placed on the evaluation of research question number three which makes reference to changes in the

state's prison populations ten years prior to and ten years following the introduction of the SRA of 2003.

Sample Size

Since inferential statistics were not conducted in this study, matters of statistical power for those inferential statistics are not applicable. Moreover, rather than recruiting a sample, the entire population of offenders housed within the state of Alabama from 1993 to 2013 were evaluated for this study. Accordingly, no considerations were provided in this study for an estimated sample size.

Limitations and Constraints

The design choice was limited to historical data collected and reported to the Bureau of Justice Statistics, Alabama Sentencing Commission, Alabama Department of Corrections, and other available governmental agencies. The limitations to these data were based on how efficient the data were collected, maintained, and reported by each governmental agency to include the possibility that there may be specified periods whereas data may not be available. An examination of sentencing policy contained in SRA 2003 was made in order to determine how its provisions influenced the state's sentencing practices. The particular focus was on how sentencing policy provisions specified in SRA of 2003 influenced the state's prison population.

Research Design Consistency With Designs to Advance Research

The design used in this study was consistent with research designs previously used to advance knowledge in fashioning legislation at the state level to assist in reforming the criminal justice system through the use of evidence-based practices. This

design allowed for an analysis of the state's prison population in comparison with its sentencing practices that existed during the 21-year time period from 1993 to 2013. This approach allowed for an analysis of changes that may have occurred in the state's prison population during a period when an interruption of policy occurred as a result of the SRA of 2003. This period of evaluation allowed for methodical insight of useful data that could assist lawmakers in determining the state's way forward in implementing, revising, or deciding whether it is necessary to eliminate mandatory sentencing policies altogether.

Studies that embodied a similar theoretical framework have been conducted in effort to persuade policy decisions as a means of defusing prison crowding. Greenburg (2002) attributed prison crowding to extreme sentencing policies and lengthy sentence terms. He established that stringent sentencing policies had resulted from the democracy that exists within society asserting that evidence-based research and expert advice had been continuously disregarded. Wager (2014) charged lawmakers with mass incarceration and called for immediate action to reform sentencing policies. Sorensen and Stemen (2002) contended that only particular sentencing policies such as "three-strikes" laws and presumptive sentencing guidelines contributed to increased prison population. They opposed attributing specific sentencing policies such as mandatory sentencing, determinate sentencing, and truth-in-sentencing to prison crowding within state prisons.

Methodology

Population

The targeted population was offenders within the state of Alabama who were sentenced to serve time in Alabama's state prison for ten years or more and the

population of offenders who were serving time under the HFOA between 1993 and 2013. Data for incarceration rates, prison populations of ADOC's *in-house population*, and conviction rates was collected from ADOC'S annual reports. The population of interest was the total state prison populations in the state of Alabama from 1993 to 2013. The sampling frame included the number of offenders that were sentenced to serve time in Alabama's prison system for ten years or more and those offenders who were convicted under the HFOA. The prison populations were displayed by the annual average population for each year from 1993 to 2013. The conviction rates were displayed by the number of offenders sentenced each year to serve time for crimes against persons, property crimes, and drug crimes and the number of offenders sentenced to serve prison terms of ten years or more to include the number of offenders sentenced to serve life, life without parole, and death sentence terms.

The population of interest was state prison populations in the state of Alabama from 1993 to 2013. The sampling frame included the annual average of state prisoners that were serving time in Alabama's state prison system each year during this period. Additionally, populations of offenders who are serving time under HFOA, and categories of offenses for crimes against persons; property crimes; and drug crimes were evaluated in this study. The overall populations of offenders based on ADOC's average in-house population was be displayed for each year from 1993 to 2013.

Sample Size

The sample size for prison populations in the state of Alabama consisted of a holistic total of the state's prison population for each year evaluated over the specified

21-year period; thus, the prison population sample consisted of 21 annual average prison populations. The populations were further evaluated in order to identify populations of offenders who are serving time under the HFOA, categories of offenses for crimes against persons; property crimes; and drug crimes; and the number of offenders serving time for sentence terms of ten years or more. This allowed for the study of offenders who were likely to be convicted of Class A, B and C felony offenses and sentenced under mandatory sentence terms, since these offenders were likely to be given lengthier terms due to stringent sentencing practices. In 1980, the state of Alabama made several changes to its sentencing policies resulting in numerous revisions to its Criminal Code to include increased penalties for offenders who were considered to be violent or repeat offenders. The legislature also adopted mandatory and minimum sentence terms for violent offenders and the state of Alabama discontinued granting good-time credit to offenders who were serving prison time for convictions of Class A felonies or sentence terms that were ten years or longer.

Mandatory sentence terms carrying an additional 20 years for a Class A felony and an additional ten years for Class B or C felonies were adopted for offenders convicted of felonies involving the use of a firearm or another deadly weapon. During this time, the Alabama Board of Pardons and Paroles also adopted guidelines to increase the amount of time that violent offenders must serve before they could become eligible for parole consideration (ASC, n.d.).

Sampling and Sampling Procedures

The sample size for years of state sentencing policies was driven by the total number of years from 1993 to 2013 in which policies that stipulated mandatory sentencing terms existed in the state of Alabama between 1993 and 2013. In order to determine the impact of state sentencing policies on Alabama's prison population, it was necessary to evaluate the state's aggregate prison population. These data are reported annually and includes: populations of offenders at all levels of security, non-gender specific offenders, state offenders who are housed in private institutions, and Alabama's state offenders who are housed in out of state facilities.

Additionally, secondary data were gathered over the 21-year period for all variables from government websites to include the following agencies: Alabama Law Enforcement Agency (ALEA), Alabama Department of Corrections (ADOC), and the Alabama Sentencing Commission (ASC). ALEA is a consolidated state agency comprised of 12 formerly independent state agencies to include the Alabama Department of Homeland Security and Department of Public Safety. It is responsible for the coordination of public safety within the state of Alabama (ALEA.gov, 2018). Its mission is to "efficiently provide quality service, protection, and safety for the State of Alabama through the utilization of consolidated law enforcement, investigative, and support services" (ALEA.gov, 2018). This agency publishes an annual report of crime statistics in Alabama.

The ADOC publishes an annual report of its prison populations, operation costs, release rates, offender demographics, and other information relative to crime and

imprisonment rates which has occurred over the period of a fiscal year. The ASC is a newly established state agency which was created after an analysis of the state's sentencing and corrections structure was conducted between 1998 and 2000 (ASC, 2015). ASC maintains sentencing data necessary to guide and support lawmakers' policy decisions regarding reform of its criminal justice system (ASC, n.d.).

Review of the Literature

A review of the literature regarding increases in imprisonment rates, political motivation, society's demand for stiffer sentencing policies, and a shift in sentencing discretion from judges to prosecutors has influenced the development of this instrument in order to allow for the most appropriate approach to analyze Alabama's state prison population and its sentencing policies over a 21-year period. The period selected is ten years following and ten years prior to introduction of the SRA of 2003. The SRA of 2003 contained legislation that returned sentencing discretion to the hands of judges and ultimately influenced state sentencing policies. Impacts on the prison population that may have resulted from sentencing policies could likely be observed in significance at some period during that time frame. An evaluation of sentencing policies that were implemented as a result of SRA of 2003 helped to explain notable changes in the prison population.

Reliability and Validity

Reliability was supported by the trustworthiness of sources from which data were collected for this study. Secondary data used for the purpose of this research was obtained from government websites that maintain the essential information regarding

prison populations and sentencing policies relative to the focus of this study. Internal consistency was maintained by assuring that all sentencing policies that were being practiced by the state of Alabama during the 21-year period (1993 to 2013) that stipulated mandatory sentencing were identified and evaluated.

Concerns regarding predictive validity for this study were addressed in the following manner: 1.) Data of state prison populations over a 21-year period was collected and assessed for any notable changes; and 2.) Based on a thorough analysis of the state's sentencing policies that existed during the 21-year period between 1993 and 2013, it was determined that notable changes in the state's sentencing policies may have been relative to changes in the state's prison population.

Constructive validity for this study was based on an analysis of changes in the data for the state of Alabama prison populations and crime rates. A notable increase in the overall prison population after 2003 could have indicated that the SRA of 2003 had some influence on prison growth; likewise, a decrease in prison population could have suggested that the SRA of 2003 was beneficial to the state in reducing its prison population. Data indicated that there were no notable changes in the state's overall crime rate, since the total crime index rates decreased during this period. Thus, this suggested that there were additional factors to consider that may have contributed to changes in the state's prison population.

Considerations were made for threats to statistical conclusion validity that could include misinterpreting the data. For example, data that appears to indicate an excessive increase in the state's prison population at a particular period may not necessarily be

related to policy change, rather it could be a result of the state's hesitance to build prisons, sluggish parole rates, an increase in imprisonment, high recidivism, an election year, or some other underlying issue. Policy changes were thoroughly examined in order to determine what changes were made to the state's sentencing policies as a result of the SRA of 2003. Additionally, population changes were examined in order to determine what fraction of the population was serving time under the HFOA and other lengthy sentence terms at notable periods.

Research Design's Connection to Research Questions

The research instrument used for this study was designed to answer questions that would provide insight and justification to either support or reject the null hypothesis. Questions were specifically formulated to provide insight to the study in a manner that would purposefully:

- Compare mere quantitative data during these time periods in order to establish if there was a notable change in the state's prison population over the 21-year period.
- Determine the fraction of offenders confined within the state of Alabama prison system who were serving time for convictions under HFOA and those who were convicted of felony offenses (crimes against persons, property crimes and drug crimes) that are subject to mandatory sentence terms in order to evaluate the effects that this particular mandatory sentencing law had on Alabama's prison populations.

- Determine if the prison population was impacted by the SRA of 2003 and to what degree, if any.
- Determine if violent crimes (against persons), property crimes, or drug-related crimes were more prevalent during the period from 1993 to 2013 when changes in prison population was also evaluated.
- Determine how the Parole Board's decision to either grant or deny parole may have affected the state's prison population.
- Evaluate changes in the state's conviction rates from 1993 to 2013 by evaluating the number of offenders sentenced for violent crimes (those committed against persons); property crimes; and drug-related crimes. It is important to distinguish between categories of crimes in order to assess crimes that were likely to be classified as felonies and are subject to increased prison time under mandatory provisions.

Based on an evaluation of the data collected for all variables (Independent variables: years and crime rates; Dependent variable: state prison populations, sentence terms, and parole rates), this study determined that the SRA of 2003 did not contribute to increases in prison population since sentencing of offenders for terms of ten years or longer decreased drastically within three years following its introduction.

Threats to Validity

External Validity

There were concerns that possible threats to external validity for this study could arise from inaccurate interpretations of the collected data. Perhaps, the data indicated that

the population of offenders remained consistent during the entire 21-year period while crime rates continually decreased. Such a result may not have necessarily been indicative of changes resulting from policy. This could have been a result of changes in sentencing behavior due to an election period or some driving political issue. Thus, it was necessary to study the prison population in a more in-depth manner with focus on particular populations such as those sentenced under HFOA. This in-depth analysis helped to better explain why prison populations continued to remain crowded even though lengthy imprisonment sentences decreased.

Other practices that would help to avoid making inaccurate interpretations included properly recording and organizing data throughout the process, cross-referencing recorded data and remaining hesitant to make premature conclusions. Additionally, an examination was made of the state's overall prison population, and the population that is serving time under HFOA. Furthermore, an assessment was made of the number of offenders sentenced by category for crimes against persons, property crimes and drug crimes. Additionally, an assessment was made of the number of offenders sentenced to prison annually for terms of ten years or more and the state's annual parole rates during the 21-year period. Existing policy provisions contained in the SRA of 2003 were also made in order to explain any notable changes to the state's prison population.

Internal Validity

History, selection, and regression are three types of threats to internal validity that were identified for this study. The historical threat that was necessary to remain vigilant

of for this study was the prospect that sentencing policies change over time. Thus, it was important to assess all sentencing policies that were adopted during the 21-year period studied and to note sentencing laws that existed prior to the start of the 21-year period analyzed in order to fully understand how these policies may have influenced the prison population and to further assess any changes in incarceration rates. Additionally, having knowledge of mandatory sentencing policies that existed prior to 1993 was important in assessing and relating any changes in prison populations to policy changes that may have occurred as a result of the SRA of 2003.

Selection was a threat to internal validity because of the necessity to strategically select populations of offenders who were sentenced under mandatory sentencing terms to include those serving time under the HFOA; those sentenced to serve ten years or more; life sentence terms; life without parole, death sentence terms; and those serving time for categories of: crimes against persons, property crimes and drug crimes. Focusing on the entire population would only provide a broad prospective of how sentencing policies have impacted prison populations within the state of Alabama during the 21-year period being studied. However, further focusing the research on the population of offenders who are serving time under HFOA allowed for a more in-depth assessment to take place by zoning in on particular populations of offenders who may have greatly affected the prison population. Moreover, it was important to note that state policies derived from the SRA of 2003 may have further impacted the state's prison population since it contained specific language to strengthen the HFOA.

Regression was also a threat to internal validity for this study since some of the populations of offenders, particularly those sentenced under the HFOA, were expected to have longer sentence terms than those who were not sentenced under mandatory sentence terms. Thus, this population of offenders were likely to inflate the population rate for an extended period of time. These particular populations, however, were appropriate and especially relevant to this study being that the focus was to determine how these populations may have been affected by specific sentencing policies that were adopted by state legislators and practiced by state prosecutors to punish offenders convicted in the state's criminal courts.

Ethical Procedures

For the purpose of this study, first-hand data from individual participants was not obtained. The data were collected from sources that were available for public access. Archival data for periods not available on the agencies' website was requested via the instructions provided on the public websites. Data were collected from the following state agency websites: ADOC's annual reports which are available online through ADOC's state website, crime rates were collected from Alabama Law Enforcement Agency (ALEA) website, and provisions regarding the state's sentencing policies were collected from Alabama Sentencing Commission database and Alabama Criminal Justice Information Center website. Data were obtained from ADOC in order to access how changes in sentencing policies that occurred over the years impacted the prison population during the period from 1993 through 2013. Hardcopies were preserved of all

reference material to support the method of collection and findings. Additionally, the data collected was stored on a spreadsheet and saved on a hard drive.

Anonymity and Confidentiality

Individual offenders were not identified; thus, the approach to collecting data regarding prison populations to include that of offenders serving mandatory sentence terms created no compromise of the offenders' privacy. The data collected consisted of: (a) an aggregate population of all state prisons within the state of Alabama, (b) the population of offenders serving time for felony offenses for crimes against persons, property crimes, and drug crimes, (c) the number of offenders sentenced from court to serve sentence terms of ten years or more to include life sentence terms, life without parole and the number of offenders sentenced to death, (d) the population of offenders serving time under the HFOA, (f) and the number of offenders that were granted parole each year. Thus, the approach to collecting data for this study reduced the chances that offenders serving time within state prisons in Alabama would be identified on an individual basis. This study only classified a total population of offenders within state prisons in Alabama during a specific period and the number of those serving time for crimes in specific categories to include the number of offenders serving time under the HFOA.

The data were broken down into multiple categories to include: (a) the state of Alabama overall prison populations (DV), (b) the population of offenders serving time under the HFOA (DV), (c) the population of offenders admitted from court to serve time for crimes against persons (IV), (d) the population of offenders admitted from court to

serve time for property crimes (IV), (e) the population of offenders admitted from court to serve time for drug crimes (IV), (f) the number of offenders sentenced to prison terms of 10 years nor more than 15 years (IV), (g) the number of offenders sentenced to prison terms of 15 years nor more than 20 years (IV), (h) the number of offenders sentenced to prison terms of 20 years nor more than 25 years (IV), (i) the number of offenders sentenced to prison terms of 25 year or more (IV), (j) the number of offenders sentenced to life (IV), (k) the number of offenders sentenced to life without parole (IV), (l) the number of offenders sentenced to death (IV), (m) and the annual number of offenders granted parole (IV). However, no further distinctive traits of offenders within state prisons in Alabama were sought after for the purpose of this study.

Workplace Conflicts of Interest

No privileged information was obtained for the purpose of this study. Particularly, ADOC records available to employees on the Administrative Office of Courts (AOC) system, DOC Find and LaserFische programs that are used to retrieve information about individual offenders were not accessed for the purpose of this study. These systems allow for the identification of offenders by name and automated identification system (AIS) number. These systems also provide information about an offender's conviction(s), time in confinement, end of sentence date, the institution that the offender is housed, and other personal information regarding a particular offender. However, in order to avoid any perception that the information used to conduct this study was obtained through any privileged access, the researcher sought direction from its Legal Department and was advised to only use data that can be obtained from public sources by the general public.

Summary

A comparative study of Alabama's prison population and its sentencing policies was conducted. An examination was made of state sentencing policies that stipulate mandatory sentencing terms, as well as, prison populations within the state of Alabama from 1993 to 2013. Data were collected for the following dependent variables: state prison populations, sentencing terms, and parole rates and the following independent variables: years and crime rates over this 21-year period with a particular focus on the SRA of 2003. This Act was significant to this study being that it contained some notable contents that affected the state's sentencing practices. In response to specific changes in sentencing policy at the federal level, ASC adopted legislation to reform state level sentencing practices in 2004.

Descriptive statistics was used to interpret, summarize, and illustrate the distribution of data (Field, 2013). The data were plotted and displayed in charts which allowed for a thorough analysis of any notable changes in the state's prison population and its reported crime rates between 1993 and 2013. Data were collected and assessed for the following variables: (a) the overall population of offenders serving time in ADOC each year from 1993 to 2013, (b) the population of offenders each year who were serving time under the HFOA, (c) the population of offenders who were admitted to prison each year, (d) the number of offenders convicted for crimes against persons, property crimes and drug crimes, (e) the number of offenders sentenced to serve 10 years or more in categories of five-year spans, (f) the number of offenders sentenced to life, (g) the number of offenders sentenced to life without parole, (h) the number of offenders

sentenced to death, (i) and the number of offenders paroled annually. Additionally, data were collected for annual crime rates for the following categories: (a) the total number of crimes reported across the state each year, (b) the annual crime rate (per 100,000 inhabitants), (c) violent crime rate reported each year, (d) property crime rate reported each year, (e) and drug/alcohol – related crimes or reported each year.

Alabama's sentencing policies was evaluated over the entire 21-year period in order to identify any notable changes in the state's sentencing policies that stipulated mandatory minimum sentence terms. All noteworthy deviations in the state's sentencing policies which specified mandatory minimum sentencing terms prior to and subsequent to the SRA of 2003 were annotated in this study.

The data used to conduct this study was be obtained from archival sources. Data were collected from state and federal governmental websites available to the public on an annual basis. Some limitations to this method of data collection involved efficiency in the manner that the data were collected, maintained and reported to include missing periods where crime data for 1997 was not reported and therefore not used as a source for data collection.

The design for this study was consistent with research designs needed to provide evidence-based practices to enhance knowledge for the sake of fashioning state level sentencing policies that could assist with reforms efforts in the criminal justice sector. Moreover, the design presented for this study allowed for a thorough evaluation of state sentencing policies that were contained in the SRA of 2003 and the effects that such policies have had on state prison populations in the state of Alabama. Moreover, the

period for which this study was designed to cover involves a midpoint whereas there was an interruption of policy which occurred at the federal level; thus, triggering changes in state level sentencing policies. This period of evaluation allowed for methodical insight as to the effects of state sentencing policies on state prison populations which could be useful in assisting lawmakers with determining the state's way forward in implementing, revising or even deciding to eliminate mandatory sentencing policies.

Chapter 4: Results

The purpose of this quantitative study was to determine whether Alabama's sentencing laws that stipulate mandatory minimum sentence terms may have contributed to notable changes in its prison populations during a 10-year period following the SRA of 2003. The research questions associated with this study involved quantifying the in-house population of Alabama's prisons over a 21-year period from 1993 to 2013 and quantifying any changes in that population. The null and alternative hypotheses associated with this descriptive study were as follows:

H₀: Alabama's mandatory sentencing policies and the SRA of 2003 have not contributed to notable changes in the state's prison population during the observed 21-year period from 1993 to 2013.

H_a: Alabama's mandatory sentencing policies and the SRA of 2003 have contributed to notable changes in the state's prison population during the observed 21-year period from 1993 to 2013.

Data Collection

The data used for this study has been collected from multiple state government websites for the state of Alabama. These state agencies are responsible for collecting data for the state and composing annual reports available to the general public. Data were collected from ADOC and ALEA for each year from 1993 to 2013 (21 years total) and recorded on an Excel spreadsheet. ALEA's 1997 annual report contained duplicate data from 1996. In the report only the footer on each page and the front cover of the report were changed to reflect 1997, but none of its contents changed from what was

reported in the 1996 report. A noted discrepancy in data collection was that the following data for 1997 were duplicate data from 1996:

1. Total Index Crime Rate: homicide, rape, robbery, assault, burglary, larceny, motor vehicle theft (does not include arson) per 100,000 residents;
2. Violent Crime Rate: homicide, rape, robbery, assault (perpetrated against a person with high risk of death) per 100,000 residents;
3. Property Crime Rate: burglary, larceny, motor vehicle theft per 100,000 residents;
4. Arson: total reported incidents each year;
5. Arrests for alcohol/liquor violations; and
6. Arrests for drug violations.

To obtain corrected data for 1997, I sent an e-mail inquiry to ALEA requesting a corrected copy of the agency's annual report for 1997. An initial response from an ALEA representative was received stating that they would look into the issue. However, there was no corrected annual report provided from ALEA for the year 1997, and data from 1997 on the aforementioned variables were not collected. The period was displayed as missing data.

Results

Research Question 1

What was the average in-house population of Alabama's prisons over the 21-year period from 1993 to 2013? Figure 1 presents a line plot of the average in-house population of Alabama's prisons over the 21-year period from 1993 to 2013. As seen in

Figure 1, there was a mostly steady increase in Alabama's prison population from a low of 16,244 offenders in 1993 to a high of 25,521 offenders in 2009. There was a small decrease in the number of offenders admitted from 2006 to 2008, but the trend reversed to a sharp increase in 2009.

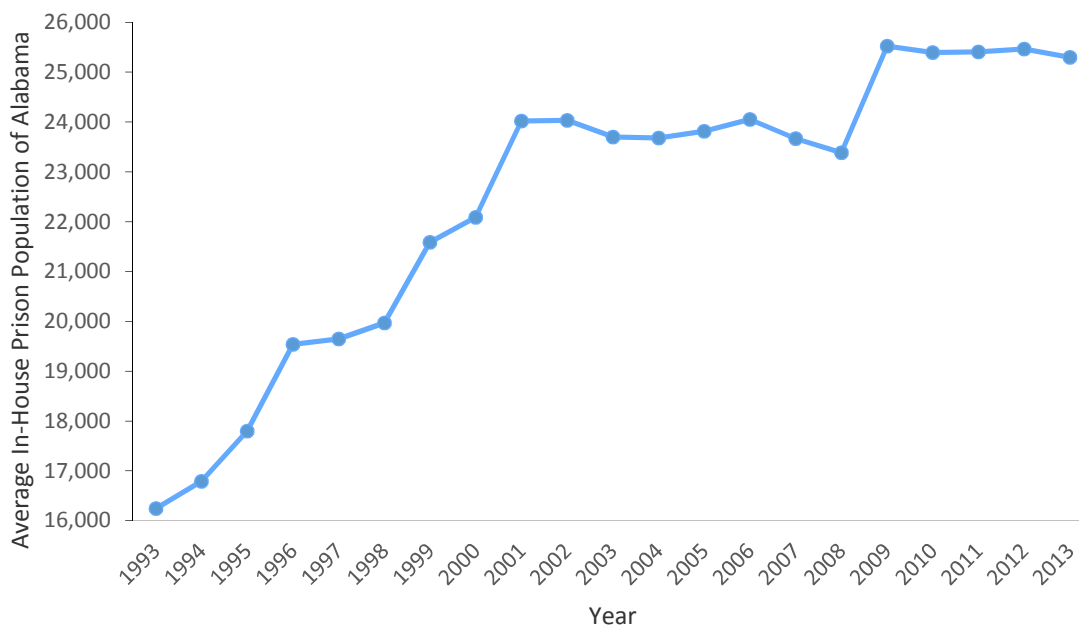


Figure 1. Line plot of the average in-house population of Alabama's prisons from 1993 to 2013.

Research Question 2

What was the annual rate of offenders admitted to ADOC under the HFOA from 1993 to 2013? What fraction of Alabama's prison population was serving time under the HFOA from 1993 to 2013? Figure 2 presents a line plot of the offenders admitted to ADOC under the HFOA from 1993 to 2013. As seen in Figure 2, there was a general increase in offenders admitted to ADOC under the HFOA from 1993 to 2013 from a low of 4,954 offenders in 1993 to a high of 9,513 offenders in 2008. There was a slight

decrease in HFOA population in 2004 and 2009. Table 1 presents the percentage of the average total prison population that was admitted under the HFOA per year. The percentages ranged from approximately 31% to 41%, with the highest percentage seen in 2008, after which the percentages trended downwards toward pre-2008 levels.

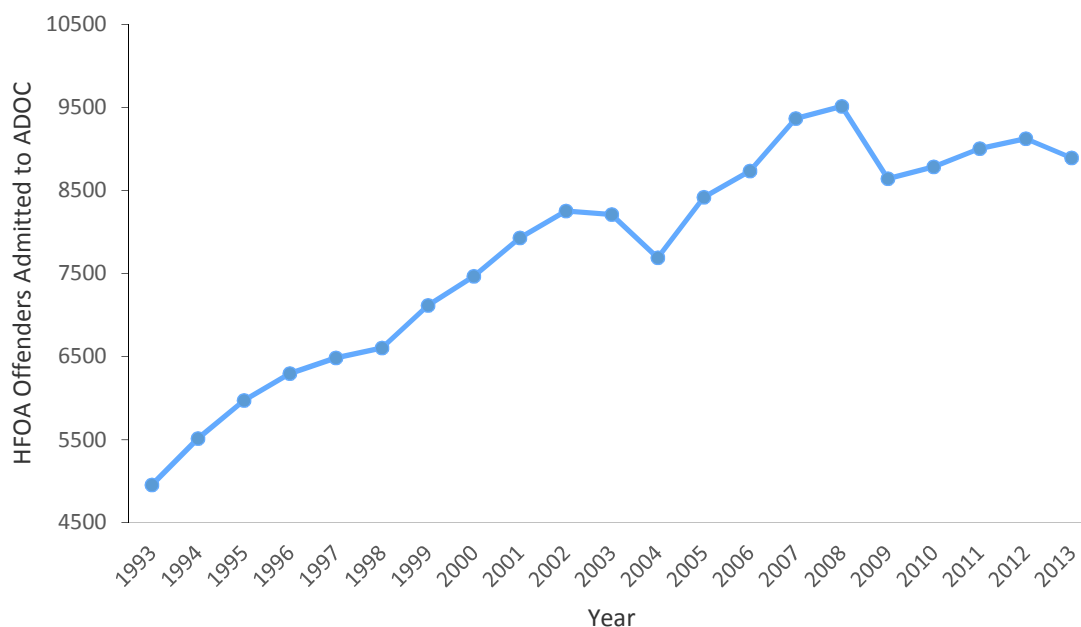


Figure 2. Line plot of HFOA offenders admitted to ADOC from 1993 to 2013.

Research Question 3

Has there been a shift in Alabama's prison population since the passage of the Sentencing Reform Act of 2003 based on a comparison of its population 10 years prior to the law and 10 years following its introduction? Figure 3 presents a bar chart of the average Alabama prison population 10 years prior to and 10 years after SRA Act of 2003. As seen in Figure 3, there was an increase in the average prison population from 10 years prior to the SRA of 2003 and 10 years following the SRA of 2003. This change

represented an increase of 4,397 offenders in the average offender population in the 10 years following the SRA of 2003.

Table 1

Percentages of Offenders Admitted to HFOA Each Year

Year	% of offenders HFOA
1993	30.50
1994	32.84
1995	33.56
1996	32.22
1997	33.00
1998	33.07
1999	32.97
2000	33.81
2001	33.01
2002	34.34
2003	34.65
2004	32.47
2005	35.34
2006	36.32
2007	39.58
2008	40.68
2009	33.85
2010	34.59
2011	35.44
2012	35.83
2013	35.14

Figure 3 presents a bar chart of the average Alabama prison population admitted under HFOA 10 years prior to and ten years after the SRA of 2003. As seen in Figure 3, there was an increase in the average HFOA prison population from the period 10 years prior to the SRA of 2003 compared to the 10 years following the introduction of this Act. This change represented an offender increase of 2,158 in the average HFOA population

in the 10 years following the SRA of 2003. Using these average values from before and after the SRA of 2003, the average prison population sentenced under the HFOA from 1993 to 2002 increased from 33% to 36%.

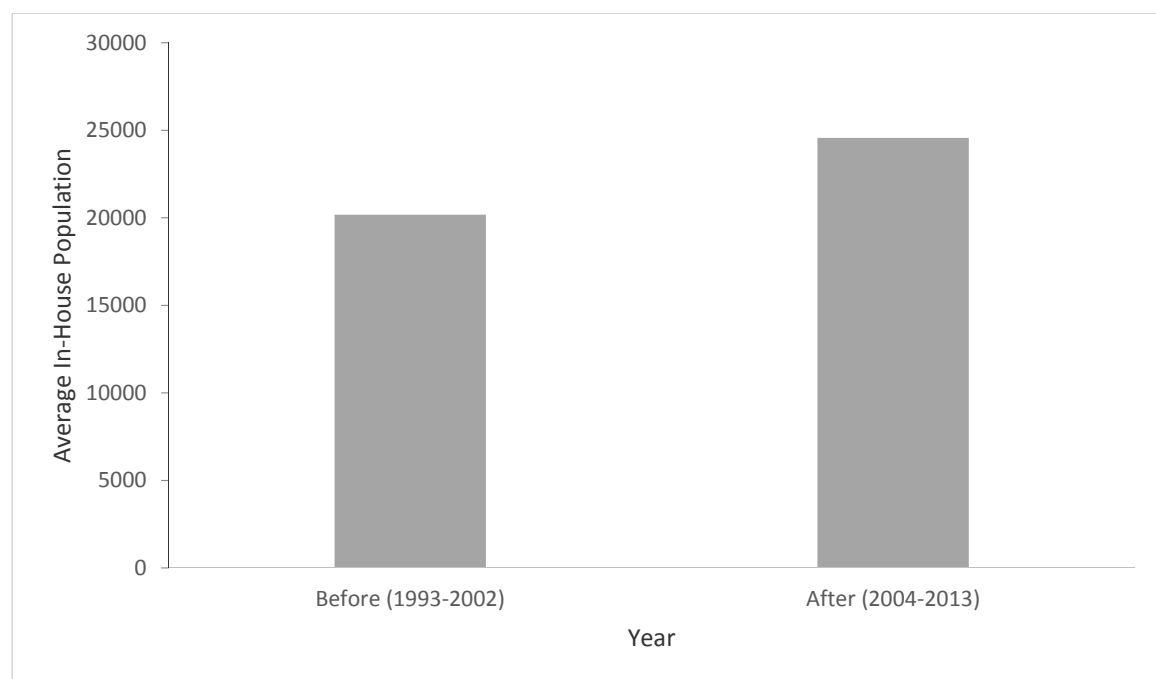


Figure 3. Average in-house population of Alabama's prisons from average of 10 years prior and 10 years after SRA of 2003.

Research Question 4

How many offenders were admitted to ADOC to serve imposed sentences of ten years or more over the 21-year period? Figure 4 presents a line plot of the number of offenders sentenced to 10-15 years, 15-20 years, 20-25 years, and 25+ year sentences. Each category of sentencing followed a similar trend, with a steady trend of increases from 1993 to 2006, short drops in sentencing in 2001, followed by an extreme drop in sentencing for all sentence types in 2007. Sentencing frequencies remained relatively

stable from 2007 to 2009, upon which each sentencing type showed modest increases from 2010 to 2013.

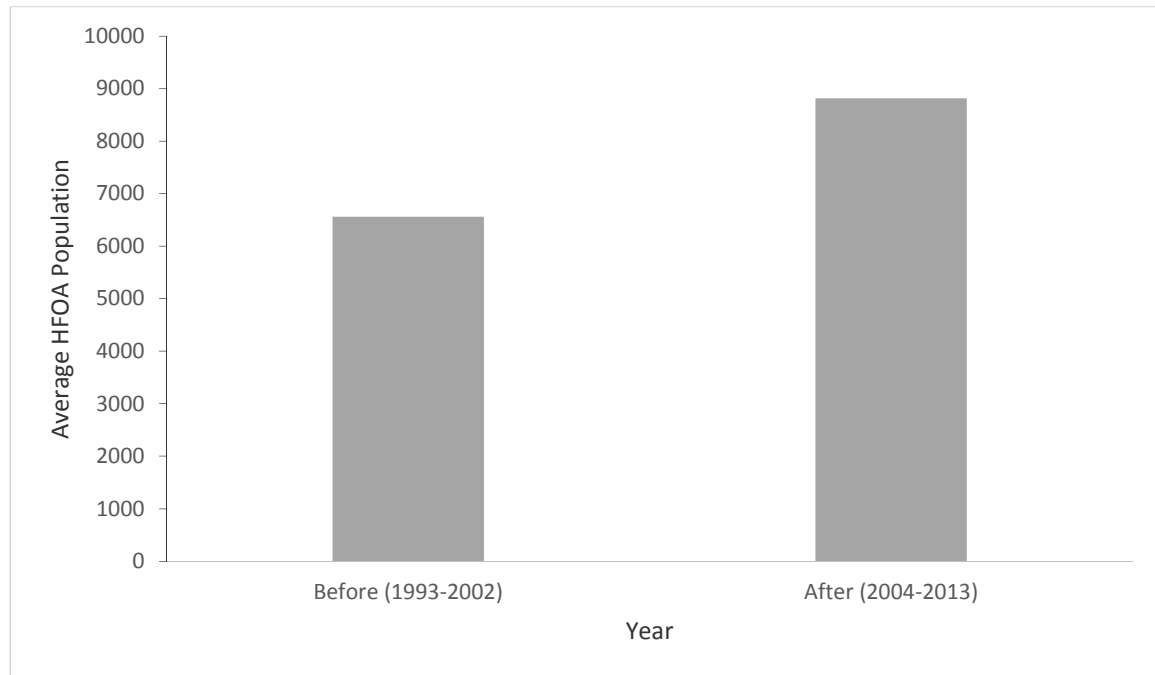


Figure 4. Average HFOA population Alabama's prisons from average of 10 years prior and 10 years after SRA of 2003.

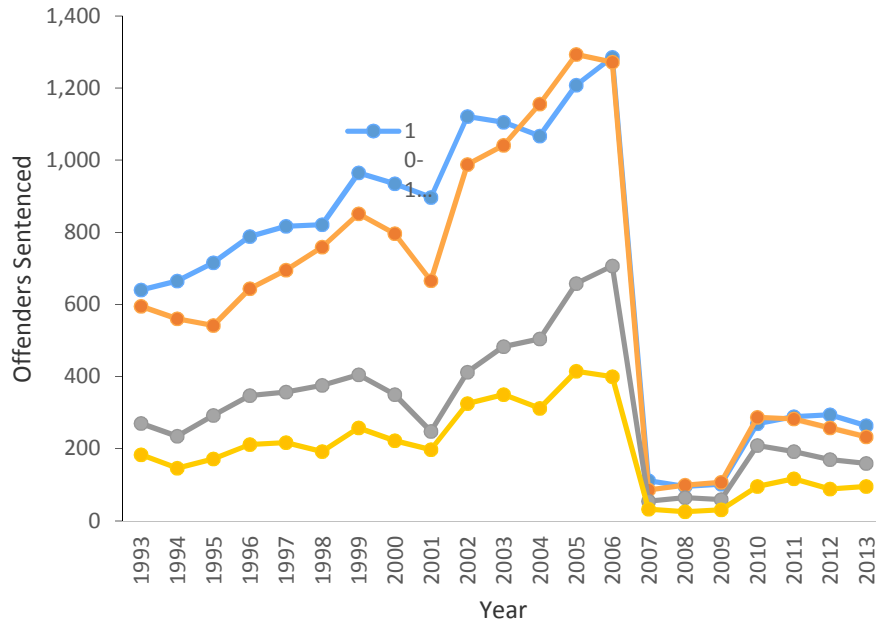


Figure 5. Offenders sentenced to 10-25+ years from 1993 to 2013.

Figure 6 presents a line plot of the number of offenders sentenced to life, life without parole, and death sentences. Frequencies of offenders sentenced to life without parole and death sentences showed a relatively stable trend from 1993 to 2013, with a drop-in frequency of both sentencing types in 2007. Frequencies of offenders sentenced to life sentenced were much higher than the other sentencing types and showed a general increasing trend until 2007. In 2007, the number of offenders sentenced to life sentences dropped drastically, from 361 offenders to only 20 offenders.

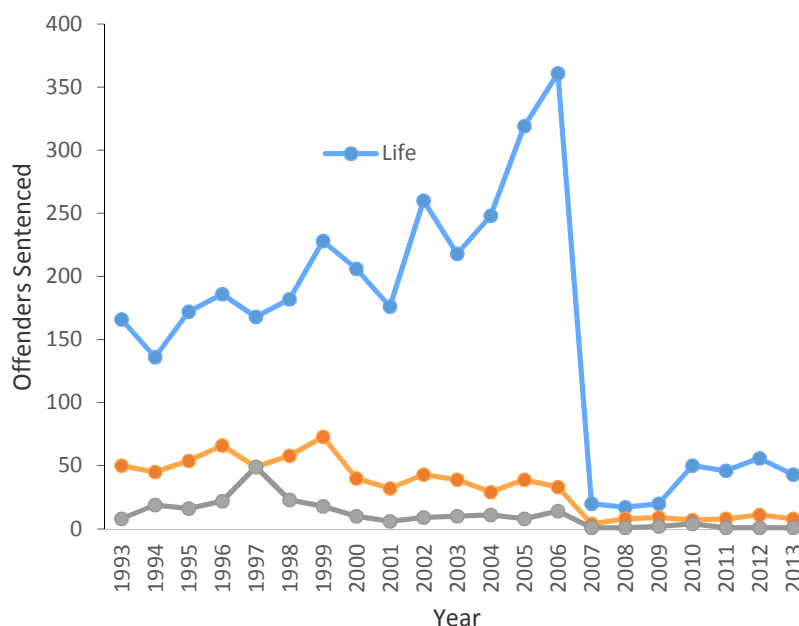


Figure 6. Offenders sentenced to life, life without parole, and death from 1993 to 2013.

Research Question 5

How has the rate of crime in Alabama changed from 1993 to 2013? Based on the total number of crimes reported per year, the number of crimes reported per 100,000 residents, or the number of crimes reported that were against persons (violent), property crimes or drug crimes per year over the 21-year period from 1993 to 2013. Figure 7 presents a line plot of the crime index per 100,000 residents from 1993 to 2013. Data for 1997 could not be collected. As seen in Figure 7, the crime index showed a generally decreasing trend, with highest values reaching 4,803.60 in 1994 and lowest values reaching 3,739.00 in 2010. Figure 8 presents a comparison of the crime index per 100,000 residents from 10 years prior and 10 years after the SRA of 2003. As seen in Figure 8, the average crime index was lower after the SRA of 2003, for a decrease of 429.00 crimes per 100,000 residents.

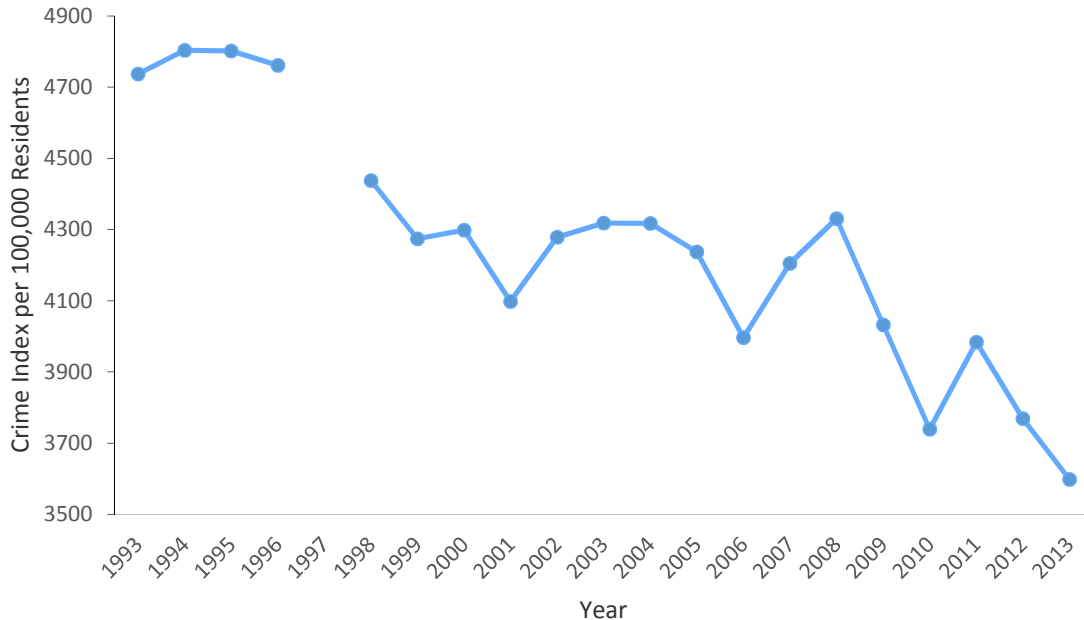


Figure 7. Crime index per 100,000 residents from 1993 to 2013.

Figure 9 presents a line plot of violent crimes per 100,000 residents from 1993 to 2013. Data for 1997 could not be collected. As seen in Figure 9, the violent crime rate showed a generally decreasing trend, with highest values reaching 750.00 in 1993 and lowest values reaching 381.60 in 2010. Figure 10 presents a comparison of the violent crime rate per 100,000 residents from 10 years prior and 10 years after the SRA of 2003. As seen in Figure 10, the average violent crime rate was lower after the SRA of 2003, for a decrease of 137 violent crimes per 100,000 residents.

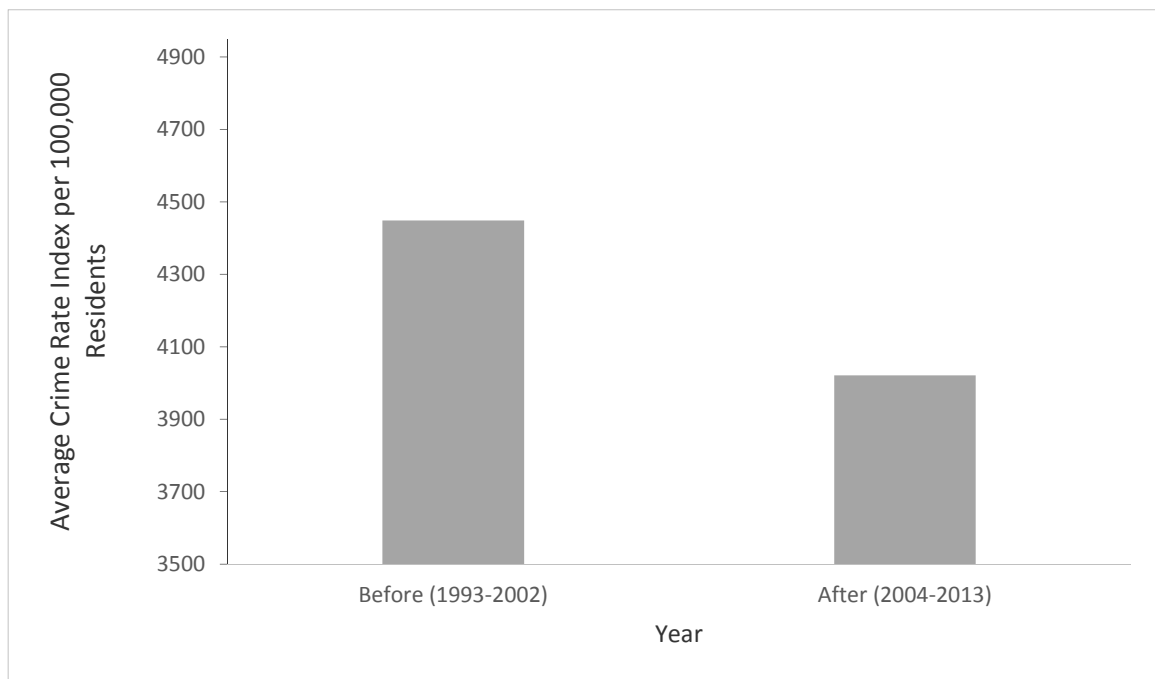


Figure 8. Crime index per 100,000 residents from 10 years prior and 10 years after the SRA of 2003.

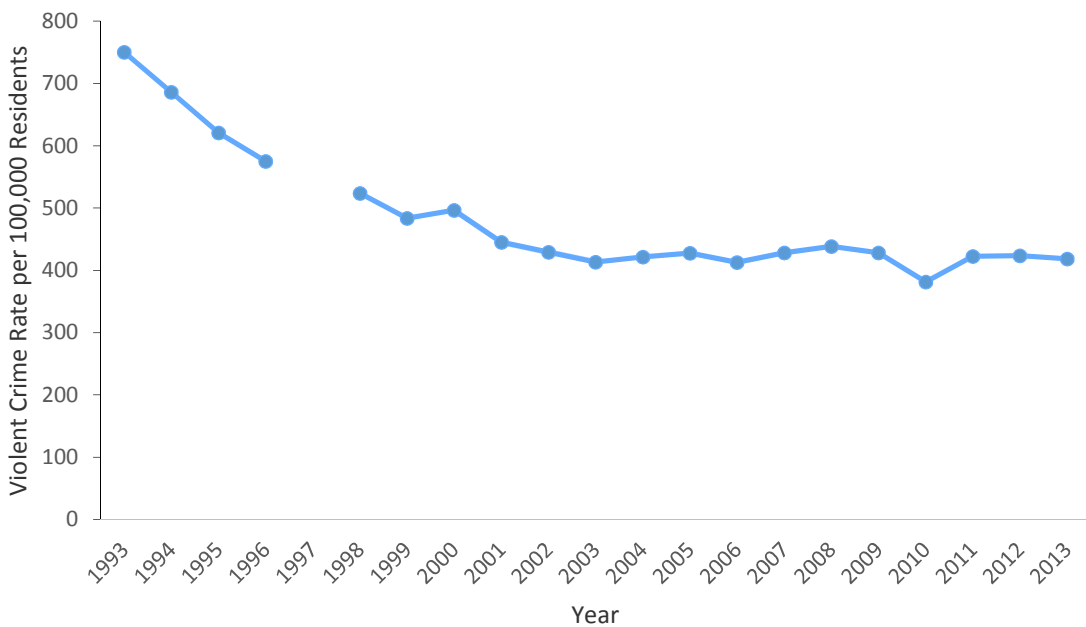


Figure 9. Violent crime per 100,000 residents from 1993 to 2013.

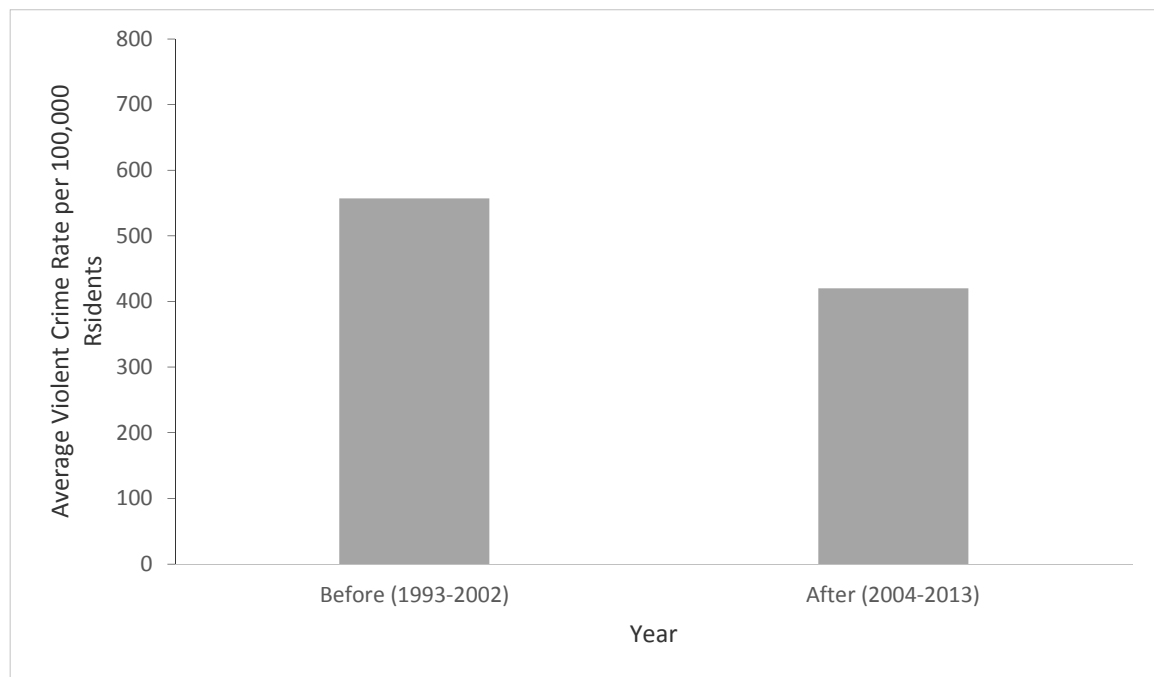


Figure 10. Violent crime per 100,000 residents from 10 years before and 10 years after the SRA of 2003.

Figure 11 presents a line plot of property crimes per 100,000 residents from 1993 to 2013. Data for 1997 could not be collected. As seen in Figure 11, the property crime rate showed a generally decreasing trend with sharp peaks and valleys year to year, with highest values reaching 4186.30 crimes in 1996 and lowest values reaching 3179.60 in 2013. Figure 12 presents a comparison of the property crime rate per 100,000 residents from 10 years prior and 10 years after the SRA of 2003. As seen in Figure 12, the average property crime rate was lower after the SRA of 2003, for a decrease of 312 property crimes per 100,000 residents.

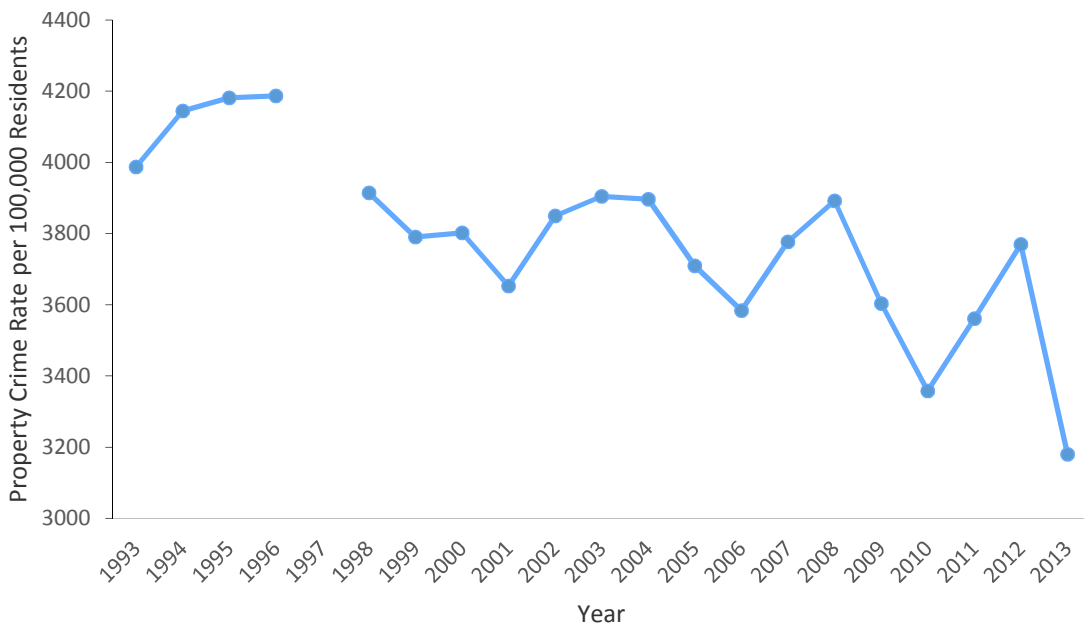


Figure 11. Property crime per 100,000 residents from 1993 to 2013.

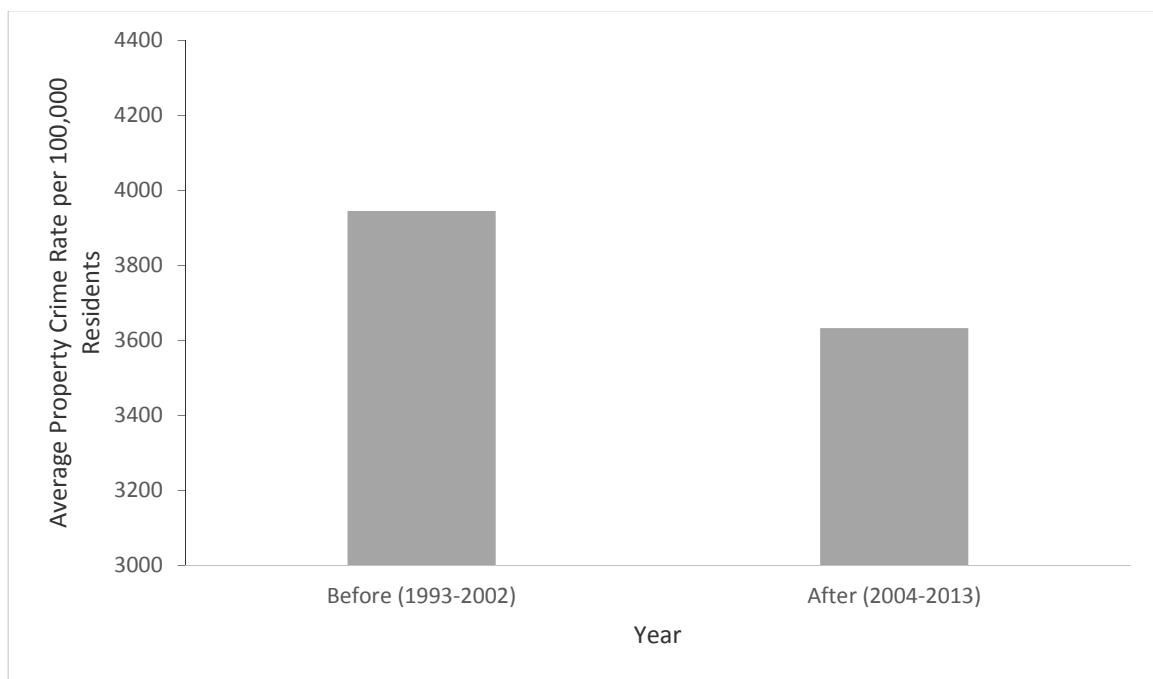


Figure 12. Property crime per 100,000 residents from 10 years prior and 10 years after the SRA of 2003.

Figure 13 presents a line plot of arrests for alcohol from 1993 to 2013. Data for 1997 could not be collected. As seen in Figure 13, since 1993 arrests for alcohol have generally decreased, with the most arrests (45,556 arrests) in 1993 and the lowest amount of arrests reaching 23,114 in 2013. Figure 14 presents a comparison of the average number of arrests from 10 years prior and 10 years after the SRA of 2003. As seen in Figure 14, the average arrests for alcohol were lower after the SRA of 2003, for a decrease of 10,265 average arrests.

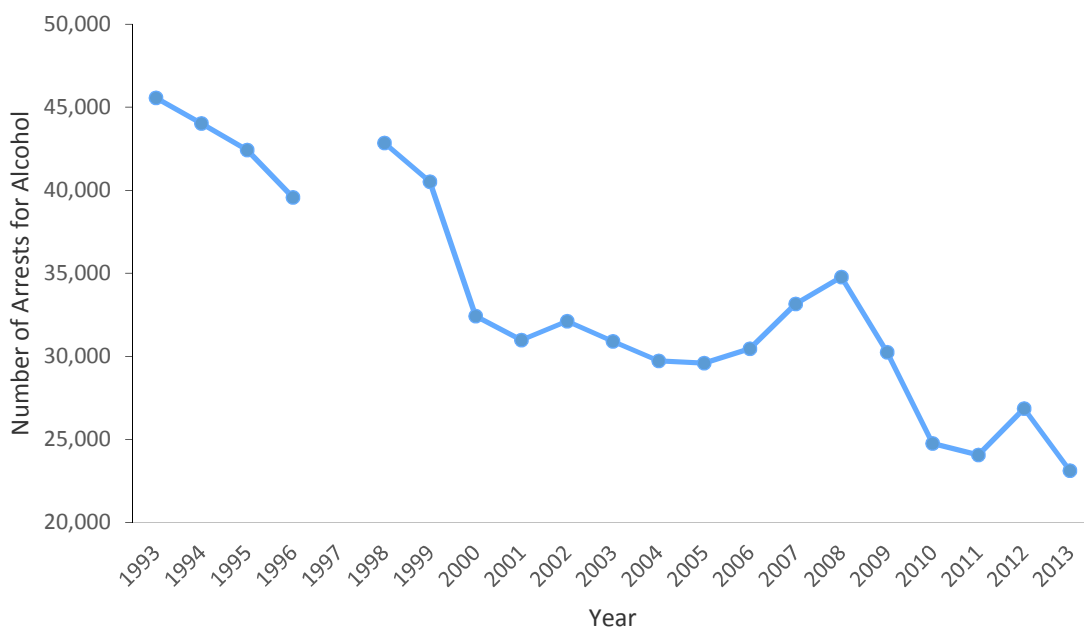


Figure 13. Number of arrests for alcohol from 1993 to 2013.

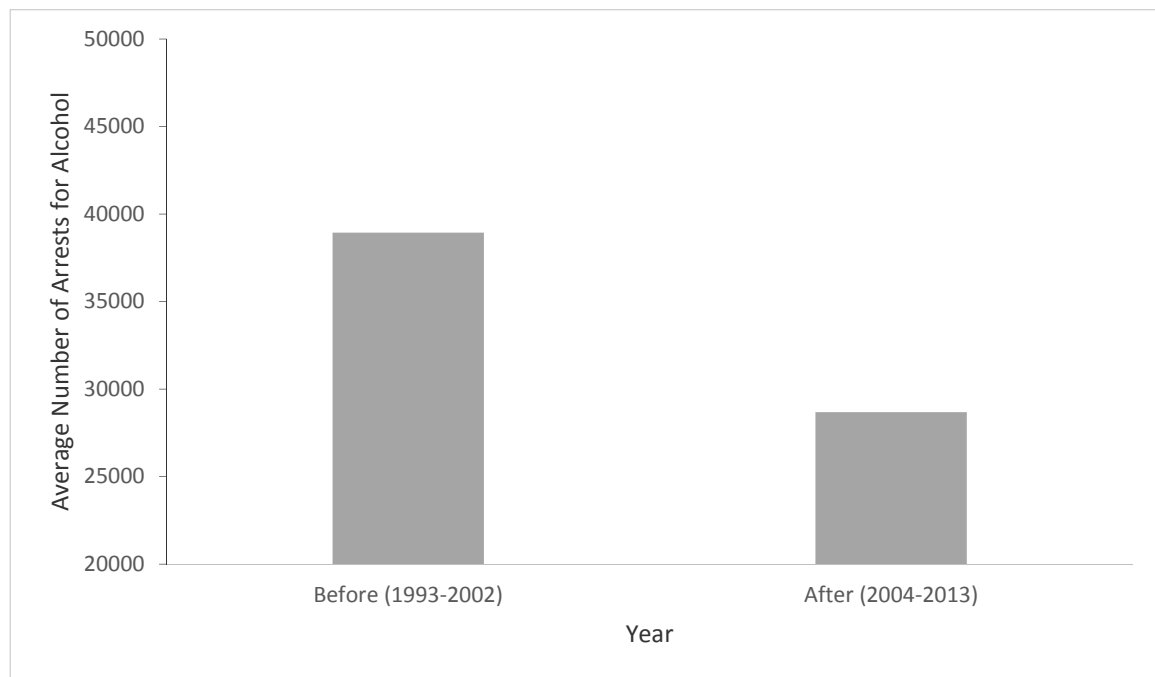


Figure 14. Number of arrests for alcohol 10 years prior and 10 years after the SRA of 2003.

Figure 15 presents a line plot of arrests for drugs from 1993 to 2013. Data for 1997 could not be collected. As seen in Figure 15, there was a mostly increasing trend in arrests for drugs, which then started to decrease after 2007. The most arrests for drugs occurred in 2007 (18,930 arrests), and the least arrests for drugs occurred in 2011 (8,041 arrests). Figure 16 presents a comparison of the average number of arrests for drugs from 10 years prior and 10 years after the SRA of 2003. As seen in Figure 16, the average arrests for drugs were higher after the SRA of 2003, for an increase of 743 average arrests.

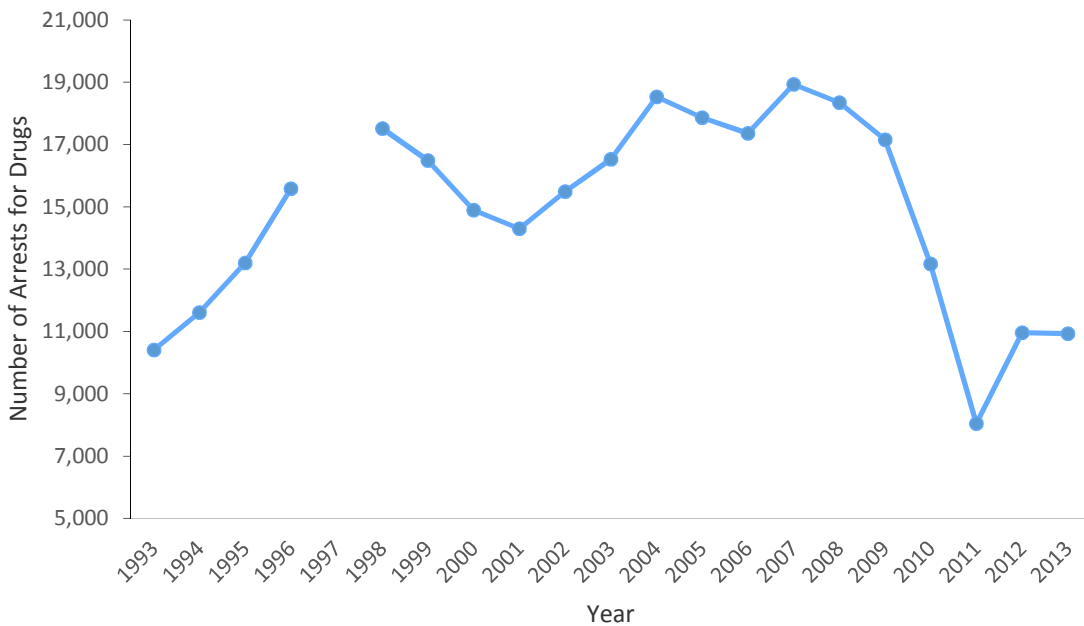


Figure 15. Number of arrests for drugs from 1993-2013.

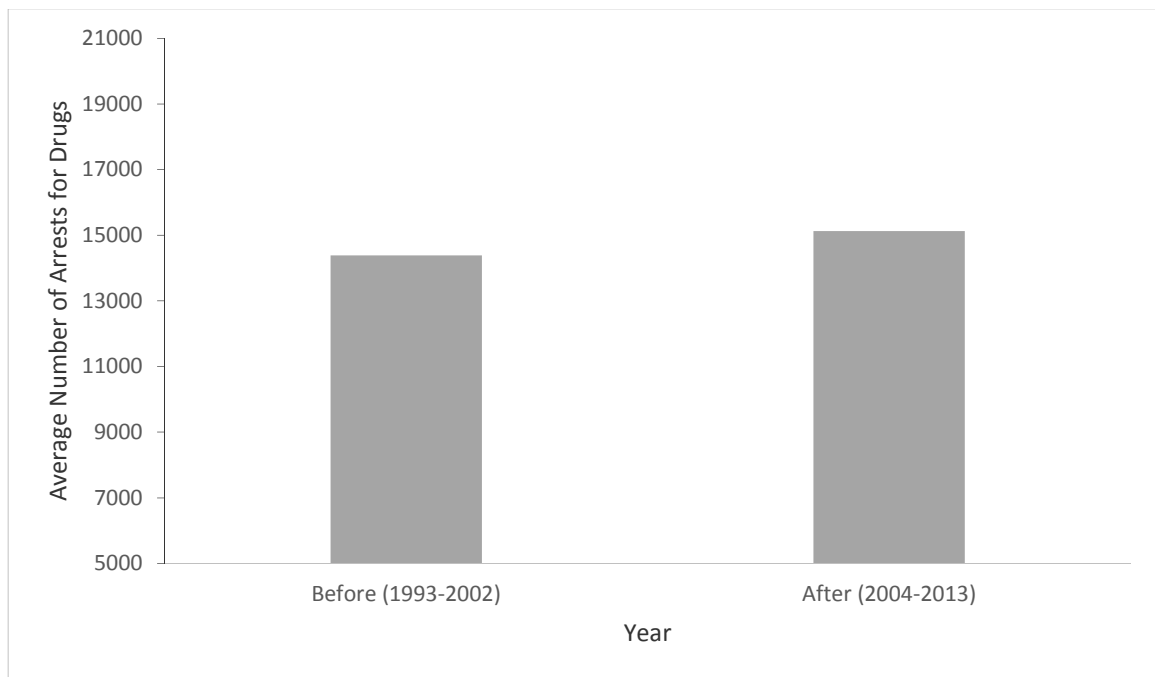


Figure 16. Number of arrests for drugs 10 years prior and 10 years after the SRA of 2003.

Figure 17 presents a line plot of reported arsons from 1993 to 2013. Data for 1997 could not be collected. As seen in Figure 17, there was a generally decreasing trend in reported arsons, which then started to sharply increase after 2010. The most reported arsons occurred in 2011 (1,053 arsons), and the least amount of reported arsons occurred in 2005 (296 arsons). Figure 18 presents a comparison of the average number of reported arsons from 10 years prior and 10 years after the SRA of 2003. As seen in Figure 18, the average number of reported arsons was similar prior to and after the SRA of 2003, for decrease of 51 reported arsons.

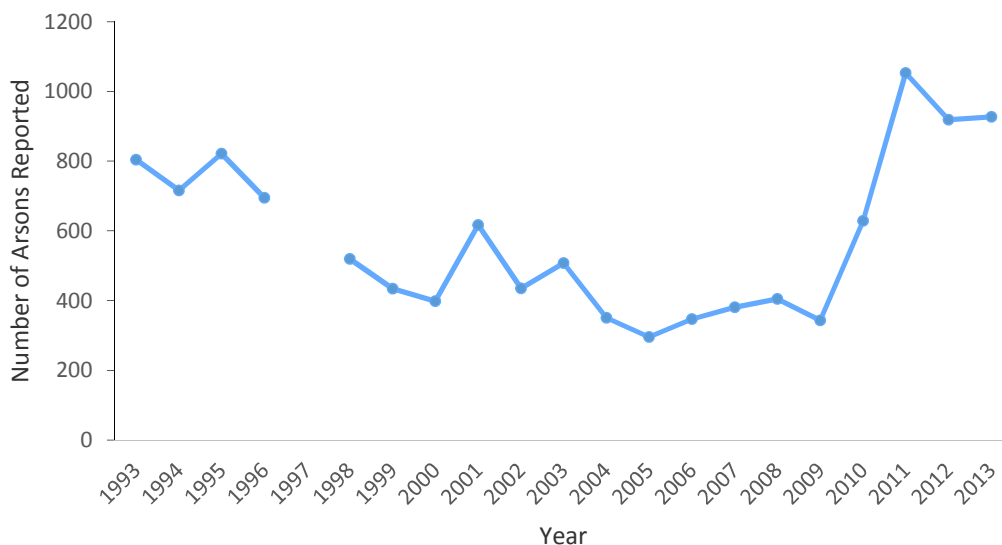


Figure 17. Number of arsons reported from 1993 to 2013.

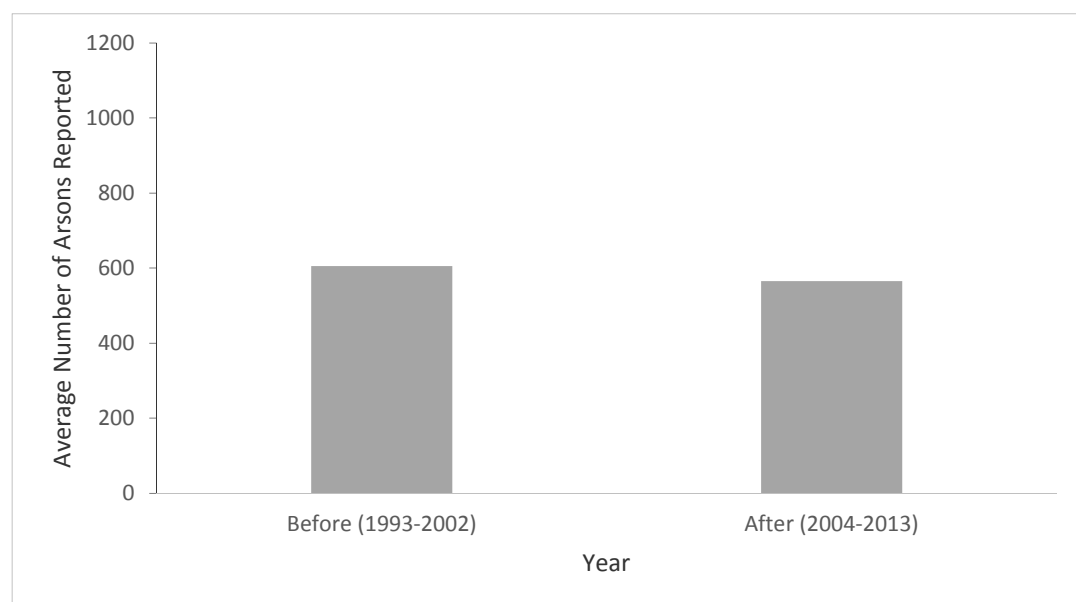


Figure 18. Number of arsons reported 10 years prior and 10 years after the SRA of 2003.

Research Question 6

What was the average rate of paroles granted to offenders each year from 1993 to 2013? Descriptive statistics were used to address this research question. A line chart was used to display the average rate of paroles granted to offenders each year from 1993 to 2013. This allowed for an examination of the trends in paroles granted. Figure 19 presents a line plot of number of paroles granted from 1993 to 2013. As seen in Figure 19, there was great variability in paroles granted from year to year. From 1993 to 1997, there was a modest decrease in paroles granted, which sharply peaked in 1998. After 1998, paroles granted sharply declined to the lowest point in 21 years (1,541 paroles) in 2001. After 2001, paroles showed a sharp increase to the 21 year (3,891 paroles) in 2004. After 2004, the number of paroles granted showed repeated peaks and valleys in the number of paroles granted from year to year.

Research Question 7

Based on an evaluation of the data collected, has the HFOA had a notable impact on the state's prison population? Has the SRA of 2003 had a notable impact on Alabama's prison population? Both the HFOA and the SRA of 2003 seem to have made noticeable impacts on the state's prison population. The average 1993-2002 prison population increased from 20,170 offenders to a 2004-2013 average of 24,567 offenders. The average 1993-2002 HFOA prison population increased from 6,559 offenders to a 2004-2013 average of 8,816 offenders. Percentage wise, the population of offenders admitted under the HFOA increased from 33% to 36%.

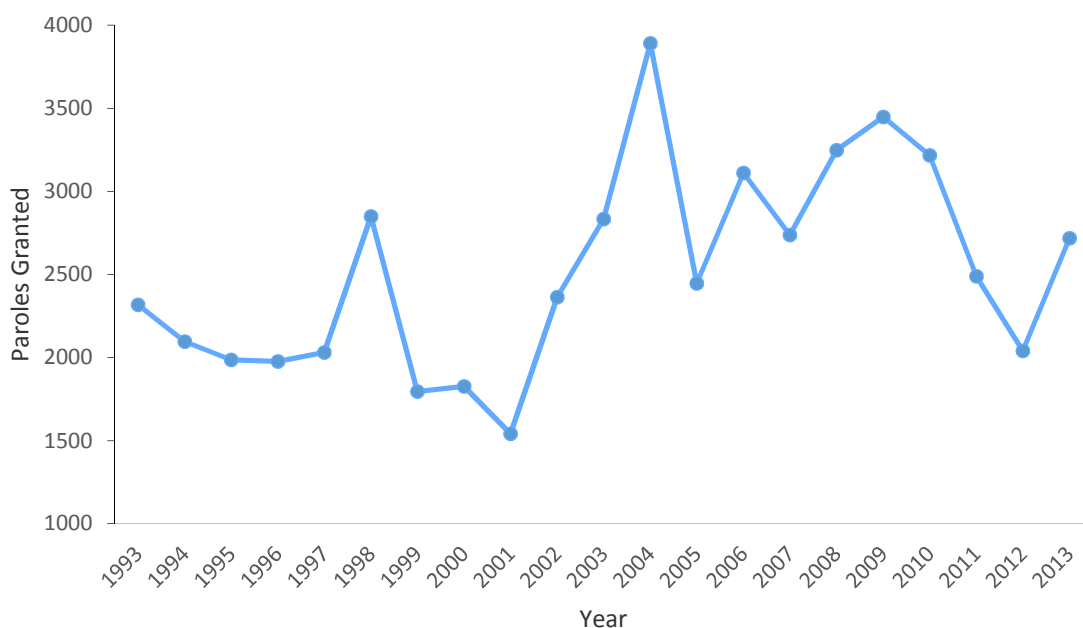


Figure 19. Number of paroles granted from 1993 to 2013.

Overall, it appeared that prison populations increased from 1993 to 2013. However, the number of sentences given that were 10+ years in length dropped sharply in 2007 and have not returned to pre-2007 levels, a trend also seen in the frequency of life

sentences. Frequencies of life without parole and death sentences have remained relatively stable from 1993 to 2013. The total crime index per 100,000 residents has generally decreased from 1993 to 2013, as has the violent and property crime rates per 100,000 residents. However, it does appear as if there has been an interruption in the general decrease in reported arsons from 1993 to 2008: in 2009, arsons reached a 21-year high. Additionally, the number of arrests for alcohol have decreased, while the number of arrests for drugs have increased somewhat, on average.

Summary

Summary data were collected from state agencies for a number of crime-related and prison population data. Overall, it appears as if average offender populations have increased, while sentences of ten years or more have dropped since 2007. While the total crime index and general violent and property crime rates have decreased since 1993, the number of arsons reported has increased. The number of arrests for alcohol have decreased, and the number of arrests for drugs has increased on average. The following chapter, Chapter 5, presents a discussion of these results based on the relevant literature. Additionally, the strengths and limitations are discussed. Recommendations for future research is also provided.

Chapter 5: Discussion, Conclusions, and Recommendations

This study was conducted to broaden the knowledge and seek resolution to the prison crowding epidemic through evaluation of policy decisions and sentencing reform as a contribution to research conducted by criminal justice and social justice scholars (Blumstein, 2011; Greenburg, 2002; Mauer, 2007; Turner & Sundt, 1995; Williams, 2003). The purpose of this quantitative study was to determine whether Alabama's sentencing laws that stipulate mandatory minimum sentence terms may have contributed to notable changes in its prison populations during a 10-year period following the SRA of 2003. A quantitative analysis was conducted to evaluate state prison populations, sentence terms, parole rates, and crime rates over a 21-year period from 1993 to 2013 to determine whether policy contained in the SRA of 2003 may have contributed to changes in the state of Alabama's prison population during this period. Data were analyzed using descriptive statistics.

This study indicated that the SRA of 2003 and the HFOA have not contributed to any notable changes in the state's prison population. The average number of offenders admitted to ADOC prior to the SRA of 2003 was 20,170 compared to an average of 24,567 offenders in the 10 years following its introduction. Offenders sentenced to serve sentence terms of 10 years or more did drop drastically in 2007. The average number of offenders sentenced under the HFOA prior to the SRA of 2003 was 6,559 and increased to 8,816 offenders following SRA's introduction. The population of offenders sentenced under the HFOA increased by only 3% from 33% to 36% of the overall state prison population. The frequency of offenders sentenced to life sentence terms was much higher

than the other sentencing types and showed a general increasing trend until 2007; this category showed the most noticeable change from 361 offenders in 2006 to only 20 offenders in 2007. This final chapter includes additional interpretation of these findings, limitations of the study, recommendations for future researchers, implications of the study, and a conclusion.

Interpretation of the Findings

The intent of this study was to examine the state of Alabama's prison population following the SRA of 2003 to determine whether this particular law, which increased the provisions of HFOA, contributed to increases in the state's prison population. This information was collected to indicate whether there was a need to revise or eliminate mandatory sentencing laws. Data analysis revealed information about crime rates, sentencing, parole rates, and prison populations.

Crime Rates

This study revealed that the state of Alabama's total index crime rates indicated a general decrease of about 429 crimes per 100,000 residents over the 21-year period. Most notably, violent crime showed a steady decrease. In regard to alcohol arrests, there was a decrease of 10,265 average arrests in the 10 years following the SRA of 2003. Changes in overall crime rates, violent crime rates, and alcohol crimes, including driving while intoxicated, could be explained by a number of possible influences, including deterrence to commit crimes based on the state's tough stance on crime. DiIulio (2010) envisioned an approach to reform sentencing policy that would provide a balance to safeguard communities and deter criminals, thereby reducing prison populations. Similarly,

California's Governor Wilson promoted the three strikes law as a means of deterring crime claiming that its benefits would far outweigh its costs and warning criminals to find "a new line of work" or else they will move from "career criminals to career offenders" (as cited in Weintraub, 1994, p. 1). President Bill Clinton supported the 1994 Crime Bill and was credited for the reduction in crime rates from 1991 to 2004 (as cited in Kessler, 2009). The present study may support the idea that stricter policies for sentencing deter crime. However, Mauer (2014) argued that incarceration was a limited factor in shaping public safety and that connections between prison populations and crime rates were limited. Other possible explanations for the reduction in crime could be related to increases or reductions in police forces, heightened patrol, drink-and-drive campaigns, increased home security, or increased gun ownership. Further research is needed to explore these factors.

There was inconsistency in the overall trend of decreasing crime rates with some areas of crime: property crime, drug crime, and arson. The property crime data indicated erratic peaks and valleys over the 21-year period with its lowest rate displayed in 2013. Drug crime rates increased by an average of 743 during the 10-year period following the SRA of 2003 compared to the 10 years prior. Because drug crime rates showed a steady increase following the SRA of 2003, shifts in property crimes could be related to higher drug use and drug crimes. There was a generally decreasing trend in reported arsons, which then started to sharply increase after 2010. As a result, there were no overall significant changes in arsons arrests 10 years prior to the SRA of 2003 compared to the 10 years following its introduction.

Sentencing

The data that showed the most drastic changes following the SRA of 2003 were in sentencing trends. Wagner (2014b) called for action by state-level lawmakers and advocates to formulate policies that would make communities safe without overburdening state prisons. However, both Blumstein (2011) and Wagner declared that excessive growth in the state's incarceration rate has been attributed to its policy decisions to adopt stringent and irresponsible sentencing policies. Further, Blumstein argued that neither drastic increases in crime nor improved effectiveness in policing were found to be contributors to the prison population; rather, commitment rates and the amount of time served were determined to be the central contributing factors. Consistent with Blumstein's and Wagner's findings, the present study revealed that offenders sentenced to serve 10 years or more increased steadily in all categories from 1993 to 2006, with the exception of a short drop in sentencing in 2006. There was an extreme drop in sentencing for all sentence ranges from offenders sentenced to 10 years or more in 2007. Frequencies of offenders sentenced to life sentences were much higher than the other sentencing types and showed a general increasing trend until 2007.

In 2007, the results revealed several significant changes in sentencing in the state of Alabama. First, the number of offenders sentenced to life sentences dropped drastically from 361 offenders in 2006 to only 20 offenders in 2007. Similarly, frequencies of offenders sentenced to life without parole and death sentences showed a relatively stable trend from 1993 to 2013, with a noticeable decrease in frequency of both sentencing types in 2007. There were no significant circumstances or occurrences in 2007 that would

explain the drastic reduction in sentencing. However, this reduction may be explained by a delayed response to the SRA of 2003, which was not presented to legislature until 2004. The state of Alabama revised its sentencing laws in response to the SRA of 2003, which contained revised mandatory minimum policies that imposed harsher sanctions for offenders convicted under the HFOA (ASC, 2003). The reduction in sentencing practices may have occurred as a result of the judges' and district attorneys' buy-in that the sentencing guidelines were sufficient.

Sentencing frequencies remained relatively stable from 2007 to 2009, after which each sentencing type showed modest increases from 2010 to 2013. Though the frequency of sentencing offenders to 10 years or more dropped drastically in 2007 and remained relatively modest, a relatively steady increase in population rates for the state prisons was likely due to the state's decrease in paroles until 2004 and ADOC's coordination and utilization of out-of-state institutions and private prison facilities to house overflows of offenders, which ADOC began using in 2003 (ADOC, 2003). Moreover, the state's prison population was analyzed based on its in-house population. The jurisdictional population also includes offenders who were sentenced to serve time in ADOC though they were not physically incarcerated in an ADOC facility. This population includes offenders who are housed in a federal, state, or county facility or committed to community corrections. Offenders sentenced to Community Corrections are not under the physical custody of the ADOC staff on a daily basis. The jurisdictional population was not analyzed in this study, so the harsher penalties for mandatory minimums connected to

the SRA of 2003 may have led to slightly higher incarcerated individuals instead of a larger jurisdictional population.

Parole Rates

Parole rates showed great variability over the 21-year period. There was a sharp peak in parole rates in 1998. In 2001, there was a sharp decline in the number of offenders granted parole to the lowest point in 21 years (1,541 paroles). The number of offenders granted parole in 2004 sharply increased to 3,891 paroles. After 2004, the number of paroles granted showed repeated peaks and valleys from year to year.

Changes in parole rates could have resulted from a number of political shifts to either relieve the prison system or get tougher on crime. Parole board members are politically appointed officials who serve 6-year terms. These officials review the offender's file and use their discretion in deciding to grant or deny parole. In 2003, Governor Bob Riley appointed a second parole board for the Alabama Board of Pardons and Paroles with a focus on relieving the crowded prison system. This Parole Board assisted with parole hearings reviewing over 1,000 cases in 2003 and increasing the parole rate 31% by 2004 (ASC, n.d.).

Paroling more offenders may have been a strategy for the state of Alabama to avoid building additional prisons while escaping a federal takeover. The state's historical practice of housing offenders at nearly twice its designed capacity has placed its prison staff and the offenders in serious danger and has caused concern for Alabama lawmakers that a federal lawsuit could be near for the state (Kitchen, 2013). The state of Alabama has faced the dilemma of either building more prisons or moving towards rehabilitation.

Former Commissioner, Kim Thomas, emphasized that the state of Alabama has “not kept up with prison construction like most states have” (Kitchen). The state has maintained that costs to construct and maintain state prisons would not likely be supported by taxpayers and such costs would not be practical for legislators to squeeze into their tight budgets. Limitations in funding and fear of substantial fines by the federal government have become powerful incentives for state officials to seek effective approaches to managing prison populations. Alabama lawmakers may have been inspired by the state of Texas’s legislators who took proactive measures to avoid foreseen problems with prison crowding by implementing community-based programs and policy reformations (Lyons, 2010; Reddy & Levin, 2014). Their actions resulted in the state spending about an eighth of the projected amount on rehabilitative programs that offered drug treatment and community-based supervision (Lyons, 2010; Reddy & Levin).

Prison Populations

The state of Alabama’s prison population experienced a steady increase over the 21-year period for an average of 4,397 more offenders 10 years following the SRA of 2003 compared to the ten-year period prior to the introduction of the law. The average number of offenders serving time under the HFOA ten years prior to the SRA of 2003 compared to ten years following the law increased by 2,158. This change amounted to only a 3% increase from 33% to 36%. This low rate of increase in Alabama contradicted Mauer’s (2007) conclusions, who provided an analysis of changes in the prison population between 1992 and 2002 and determined that an overall increase of 59% in the prison population occurred during this period. These results also contradicted Greenburg

(2002), Williams (2003), and Turner and Sundt (1995), who indicated that support for stiffened policies from a democratic society influenced political figures to implement excessively harsh sentencing policies that contributed to the prison crowding dilemma.

The conflicting results of the present study may be a result of reforms undertaken by the state of Alabama to address prison crowding. During the timeframe that the SRA of 2003 was being developed, the state of Alabama had already begun taking proactive measures to relieve the state prison system to include increasing paroles and housing offenders in private and out-of-state prison facilities. The state of Alabama's prison system had begun to face excessive increases in growth during this period; the incarceration rate spiked from approximately 140 prisoners per 100,000 residents in 1978 to 640 prisoners per 100,000 residents by 2011 (Wagner, 2014a). Alabama state officials' efforts to reduce the prison population may have been heightened by a federal court-order issued to the state of California in 2009 to reduce its prison population to a specified level (Mears, 2011). Based on a study conducted by Steiner and Wooldredge (2007), "facilities that increased their design capacity between 1995 and 2000 experienced a decline in crowding". Studies suggested that excessive growth in the state's incarceration rate has been attributed to its policy decisions to adopt stringent and irresponsible sentencing policies (Blumstein, 2011; Wagner). However, the state of Alabama may have avoided excessive increases in its prison population during a period following the SRA of 2003 by pursuing additional avenues such as increasing parole rates, housing offenders in private and out-of-state facilities, reducing sentence terms, and implementing community

corrections programs. The state's actions were possibly in effort to avoid an anticipated federal takeover and foreseen liabilities.

Limitations of the Study

Limitations to this study include the population and date range selected. Studying only the state of Alabama's prison system narrows the scope of this study to one state, which is geographically and politically susceptible to its own issues and influences. The results may not generalize to other states, especially those not located in the southern region. Another limitation to this study is that only 20 years of data were evaluated, though the state of Alabama has been tackling prison crowding issues for over four decades. Additionally, the crime data for 1997 was not available, which reduced the ability to evaluate any changes in crime rates during that year.

Another limitation for this study was that the population data collected from ADOC was gathered by the ADOC employees at multiple institutions across the state and reported annually in a collective manner, with no standardized collection method. The data were reported in multiple formats, which required sorting and grouping data in some earlier reports where data were already sorted in later versions and vice versa. Data collected from ALEA for reported arsons and arrests for alcohol crimes were not included with overall crime index data. Therefore, these sets of data were analyzed in a separate manner. The inconsistent data may have introduced or masked confounding variables or produced inconsistencies in the data analysis.

Recommendations

Some recommendations for future research stem from the limitations of the

present study. Future researchers might consider including additional states within the southeast region, or a study that includes a sampling of states across the United States. Additionally, researchers might review a wider date range, which might reveal more long-term trends and confounding factors. Finally, researchers might consider collecting their own data sets to avoid the potential inconsistencies that stem from the different datasets used for the present study.

The drastic decrease in sentencing offenders to serving sentence terms of ten years or more to include less life sentence terms may indicate no notable changes as a result of the SRA of 2003. The drastic change could possibly indicate that judges used the discretion restored by provisions of the SRA of 2003 to close the gap in disparities in sentencing or that judges leaned more heavily on the sentencing guidelines to sentence offenders. Further research would be necessary to evaluate the demographics of the offenders sentenced under the HFOA and offenders sentenced to serve ten years or more in ADOC before and after the SRA of 2003 was implemented to determine if the SRA of 2003 contributed to addressing disparities in sentencing.

Implications

This study offers a foundation for additional research to conduct future studies that examine the state of Alabama's policy decisions and changes in its prison population. There were findings in this study that called for further research into such matters as an evaluation of sentencing based on demographics to determine if the SRA of 2003 contributed to closing the gap in sentencing disparities, and root causes for changes in crime rates to include the strength of police forces during the period prior to and

following the SRA of 2003. This study further suggests a need to critique data collection practices statewide so that it would be more practical for future research. The data and findings in this study could be used in a broader study to assist in understanding what role sentencing practices have played in influencing the state's prison population over an extended period.

Additionally, this study could be used as an evidence-based tool to guide criminal justice professionals in developing effective strategies to tackle prison crowding. Based on the findings in this study, the SRA of 2003 did not contribute to excessive increases in the prison populations. Changes in the length of sentence terms following the implementation of this Act and other practices to relieve the prison population were already in motion (i.e., overflow housing at private institutions and out-of-state facilities and increased paroling). Thus, further research may reveal that the shift in sentencing and the move to relieve the prison may have been due to the implementation of the federal government's PROTECT Act of 2003, fear of a federal government takeover, or strategy to avoid political opposition to building prisons.

Another possible use for this study is to provide aid to legislators in formulating sentencing policies that could assist in decision-making that would lead to effective actions for relieving crowded state prisons. In declaring that solutions to prison crowding lies in the hands of legislators, this study could possibly be used as a resource by legislators to justify developing more effective sentencing policies. This study provides an analysis of the state's prison population over a 21-year period from 1993 to 2013. The assessed period was significant in order to evaluate any notable changes that may have

occurred following the introduction of the SRA of 2003. Provisions to the HFOA were stiffened in the SRA of 2003; thus, the HFOA was evaluated to determine if there was a notable increase for the population of offenders sentenced to serve time under this Act which was a form of mandatory sentencing. Results indicated that harsher penalties may provide some deterrence for some types of crimes, namely overall crime rates, violent crime, and alcohol-related crimes, without leading to significant increases in prison populations.

Conclusion

ASC presented this legislation at the state level in 2004 in response to the federal government's PROTECT Act of 2003. Title IV of this Act contained legislature to close the gap in sentencing disparities, move towards truth-in-sentencing, and to allow judges more discretion in sentencing offenders based on the depth of the crime committed and the offender's criminal history (Congress.gov, 2003). Several researchers urged for states to "pursue all available strategies" to include "reducing or eliminating mandatory penalties" (Clear & Schrantz, 2011) in order to achieve significant progress in reducing prison crowding. This study was conducted using a quantitative approach to determine if the implementation of the SRA of 2003 contributed to notable changes in the state of Alabama's prison populations.

The state's prison population, crime rates, parole rates and sentencing terms were evaluated over a 21-year period from 1993 to 2013. The results indicated that following the introduction of the SRA of 2003 the state of Alabama's prison system did not experience a substantial increase in its population. Although the SRA of 2003

strengthened the provisions of its HFOA, there was only a three percent increase in the number of offenders sentenced to serve time under the HFOA during the 10-year period following the SRA of 2003. Furthermore, an analysis of the data indicated that beginning in 2007, there was a drastic reduction in sentencing for all offenders sentenced to terms of ten years or more. The timeframe for this occurrence may have been related to the delay in passing the SRA of 2003 and the delayed response in applying the sentencing guidelines. Further analysis could shed light on how the SRA of 2003 contributed to changes in sentencing disparities by studying demographics of the offenders sentenced to serve time in prison following the SRA of 2003 in comparison to the sentencing trends prior to the Act.

This study showed a reduction in the total crime index, violent crime rates and arrests for crimes involving alcohol since 1993. The average number of arrests for drug-related crimes, however, increased during this period and property crime data showed erratic peaks and valleys over the 21-year period. Decreases in crime rates and sentencing terms following the SRA of 2003 may have possibly been an indication that the passage of this law was initially a deterrence to criminals. Steady growth in the state's population during the 21-year period studied further strengthens the reliability of the results.

The results of the study suggest that further research may be necessary to expand the study of the state's prison population over a more prolonged period. Additional research could explain how changes in the police force may have impacted the total index crime rates. Further research could also explore how political pressures by the public and victim advocacy groups, and a lack of funding and political support to build new prisons

may have contributed to prison crowding over the past four decades. An implication for this study is to contribute to research and to assist lawmakers with future decisions to reform the state of Alabama's prison system.

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