



# ALABAMA COURT NEWS

Newsletter of the Alabama Judicial System

Volume 14 Number 4

October 1995

## \$2.7 Million for Community Corrections Programs

Funds appropriated by the Department of Corrections (DOC) for Community Corrections Programs (CCP) increased by \$2.3 million for FY 1995-96.

Prison Commissioner Ron Jones said more funds were appropriated to community corrections in order to eliminate part of the tax burden caused by incarceration. "The \$2.7 million allows us to divert at least 1,000 inmates - that has been our annual increase," he said. "It would cost three times that much to bring them into the prison system."

Statistics show that it costs \$9,000 a year to incarcerate a person in maximum security, \$7,800 in medium security and \$5,000 in minimum security, he said. According to January 1995 statistics from "Ranking of States," compiled by the Minnesota Department of Corrections, Alabama had the seventh highest incarceration rate in the nation with 20,121 offenders sentenced to DOC.

Upon approval by DOC, local programs are eligible to receive funds for diverting non-violent offenders from prison. Local programs are reimbursed for each day an offender is in the program.

The DOC's relationship with the local CCP is based on the local program's agreement to provide diversion services for a stated number of offenders. The 7th Circuit's (Calhoun and Cleburne counties) program was established according to DOC guidelines about a year and a half ago, said Presiding Circuit Judge Samuel Monk II. "DOC has been very responsive to our ideas," he said. "I believe Commissioner Jones is deeply interested in establishing community corrections programs."

For those interested in starting a CCP or receiving funds for an established program, the DOC has a Community Corrections Program Standards manual. A portion of the manual includes the 10-point scale. It is a checklist of offenses to which points, ranging from 1 to 10, have been assigned. A defendant with 10 points, who meets the program's criteria, can be sentenced to community corrections.

Approximately 30 states have community corrections acts and the American Parole and Probation Association has expressed intentions to lobby for a National Community Corrections Act, according to its Fall 1995 issue of Perspectives magazine.

(See "CCP" next page)

### Community-Based Sanctions

- Pretrial Services
- Client Specific Planning
- Day Reporting
- Day Fines
- Punishment Enforcement Prog.
- Home Confinement
  - Curfew*
  - Home Detention*
  - Home Incarceration*
- Intensive Supervision
- Electronic Surveillance
- Weekend Confinement
- Community-Based Residential Settings:
  - Structured Supervision*
  - Drug and Alcohol Treatment*
  - Employment Education*
  - Vocational Training*
- Services
  - Community Service*
  - Restitution*

## Judge Whaley Implements Programs to Benefit Offenders and Victims

During the past six years, District Judge Pat Whaley of Randolph County has implemented about 15 court programs. These programs pertain to restitution for victims, intervention for juveniles and education for offenders.

To ensure that victims receive restitution for their injuries and losses, Judge Whaley implemented a court-ordered payment program. The program requires prisoners to pay restitution, court costs, housing and upkeep, he said.

Another method he uses to pay back the community is the community service program he established in 1989. "It gives certain offenders of minor crimes a way of repaying the community for their criminal conduct," he said. His three main objectives for the program are to save taxpayers' money, reduce the jail population and the recidivism rate. Offenders are allowed to do community work in lieu of incarceration, he said.

(See "Whaley" next page)

## FY 1995 Revenue Collections

Court officials are proud to report that total General Fund revenues reported to the comptroller's office exceeded the \$40.5 million goal.

As a result of the implementation of the enforcement system and the hard work of court officials and employees, the court system collected \$41.3 million during FY 1995, \$4 million more than the previous fiscal year and \$800,000 more than the goal. Oliver Gilmore, administrative director of courts, said, "We have proven to ourselves and to the Legislature that when we take on a challenge, we can successfully meet and exceed our goals."

## Court Personnel

**Retirement** — Circuit Judge **Wadell Zanaty**, 10th Judicial Circuit (Birmingham), retired on August 31.

**Joysue Rickard**, former court reporter for Circuit Judge Donald Patterson, 11th Judicial Circuit (Lauderdale County), retired on July 31.

**Appointments** — **Claire Boren** was appointed Birmingham Court Administrator. Ms. Boren replaces the late Nancy Morochnick.

**Alice Cornelson** was appointed Mobile district clerk. Ms. Cornelson replaces **George W. Edgar**, who was appointed supernumerary district clerk.

**Edward D. Fay Jr.** was appointed as a circuit judge for the 23rd Judicial Circuit (Madison County). Judge Fay replaces retired Judge Daniel B. Banks Jr.

**Penny C. Lankford** was appointed official court reporter for Circuit Judge James S. Garrett, 10th Judicial Circuit (Birmingham). Ms. Lankford replaces Kathie Bloom.

**Janet C. Smith** was appointed the official court reporter for Circuit Judge James Gullage, 37th Judicial

Circuit, (Lee County). Ms. Smith replaces the late Ronald G. Stokes.

**Laurinda Tidmore** was appointed official court reporter for Circuit Judge Charles Lynwood Smith Jr., 23rd Judicial Circuit (Madison County). Ms. Tidmore replaces Kristin Martin.

**Michael C. Watkins** was appointed official court reporter for Circuit Judge Donald Patterson, 11th Judicial Circuit (Lauderdale County). Mr. Watkins replaces Joysue Rickard.

**Bruce E. Williams** was appointed as a district judge in Madison County. Judge Williams replaces former District Judge Edward D. Fay Jr.

**In Memoriam** — **Ronald G. Stokes**, official court reporter for Circuit Judge James Gullage, 37th Judicial Circuit (Lee County), died on August 27. He had worked for the court system for 26 years.

**Name Change** — Circuit Judge **Sandra H. Ross**, 10th Judicial Circuit (Birmingham), married Richard Storm and is now Circuit Judge **Sandra H. Storm**.

## 1996 Update: Health Benefits

The State Employees Insurance Board met July 19, 1995, and voted to maintain the premium for 1996.

Dependent rates will remain \$164 per month for the third consecutive year and the State's share for employee health insurance coverage will remain the same.

Effective Jan. 1, 1996, state employees will enjoy the following benefit changes:

1. Coverage for routine preventive care examinations. Frequency and services provided will be subject to certain age requirements. The examination will be covered for the normal \$20 office payment for Preferred Medical Provider (PMD) providers.

2. Restructuring of Dental benefits to allow more equity for employees having dependent coverage.

3. Development of a comprehensive pharmacy formulary. A formulary is the approved list of medicines from which a physician/patient is encouraged to choose.

Open enrollment will be during the month of November for coverage effective Jan. 1, 1996. Employees can change benefit plans or add dependent coverage without the 270 day waiting period for pre-existing conditions.

### CCP (continued)

Alabama passed the Community Punishment and Corrections Act in 1991. This Act authorizes a wide range of alternative sanctions for prison-bound, non-violent offenders.

Marty Ramsay, assistant director, Administrative Office of Courts' (AOC) Alternative Sanctions Division, said that because alternatives to imprisonment for nonviolent offenders will soon be a necessity, the AOC is assisting with the development of community correction programs and sentencing alternatives. The AOC hosted a meeting Sept. 28, 1995, where local CCPs, independent court referral officers, and staff from the DOC met to answer questions and provide technical support for those interested in these programs.

For more information about CCPs, please contact Angelo Trimble or Marty Ramsay at (800) 392-8077 or (334) 242-0300.

### Whaley (continued)

Defendants who fail to work are usually required to serve the rest of their sentence in jail.

Defendants report at 8 a.m. to the Randolph County Courthouse and work an eight-hour shift. Some defendants are assigned to the nutrition centers, health department, county hospitals, bus shop, jail, schools or the courthouse. Other offenders are transported to various roads in the county to pick up trash.

The community service program, he said, has saved Randolph County more than \$1 million during the past six years.

Keeping children out of juvenile court is another priority for Judge Whaley. He has appointed a committee of concerned citizens to advise the court about children who are dependent, delinquent or in need of supervision.

In 1991, he established an Early Warning Truancy Prevention Program. Students with a pattern of unexcused absences are reported to the truant officers. The case is referred to the court. Parents may be ordered to reimburse the school as well as attend school with their child.

## Quarterly Muse

### The Poets

Not in the clamor of the crowded street,  
Not in the shouts and plaudits of the throng  
But in ourselves, are triumph and defeat.

Henry Wordsworth Longfellow 1876

# Juvenile Justice Coordinating Council Meets

Endorsing the "Children First" legislative package and setting priority recommendations for FY 1995-96 were two major accomplishments at the annual Alabama Juvenile Justice Coordinating Council's meeting Aug. 18, 1995, in Montgomery.

Representatives from various departments, agencies and organizations attending the meeting included: Robert Aderholt, Governor's legal office; Chip Brown, Speaker Clark's office; Barry Blackwell, State Department of Education; Tom Gilkeson, Department of Corrections; Stormie Janzen, Attorney General's office; Sharon Gerogiannis, Department of Public Health; and Paul Vincent, Department of Human Resources. The following Council members attended: Chief Justice Sonny Hornsby, Judge Lyn Stuart, Lt. Governor Don Siegelman, Bill David

Smith, Jo Veal Turner, Van Gholston, Mental Health Commissioner Emmett Poundstone III, James Dupree, Ken Fetzer, Mike Black and Oliver Gilmore. Other guests included: Thelma Braswell, Clevette Ellis, Archie Wesley, Tom Simon, Pam Baker, John Hall, Judge Sue Bell Cobb, Donna Glass, Betty Payne, Wayne Rhodes, Beth Powell, Tracy Rodgers and Sheila Wall.

Chief Justice Hornsby, council chairman, emphasized his continued interest in preventing crime and finding ways of keeping children from becoming hardened criminals. He reiterated the Council's purpose and their accomplishments which include the multiple needs children legislation, funding for regional detention centers and improved coordination of services for children.

Multiple Needs Child Coordinator Wayne Rhodes discussed the auto-

mated information system for multiple needs children. He reported on the training conducted regionally for county Children's Services Facilitation Teams. He also shared several success stories of children whose cases were staffed by the county and state teams.

Because of departmental budget restraints, the council decided against having the Interagency Conference on Youth.

The council members reviewed the county council recommendations and decided that "Children First" encompassed the majority of the counties' recommendations. Department commissioners and other personnel will address several other recommendations before the final legislative package is completed and submitted to the Governor and the Legislature.

## Alabama Selected as ADR Pilot Site

Alabama has been selected by the American Bar Association (ABA) to conduct a Model Training Curriculum in Alternative Dispute Resolution (ADR). Judge Kenneth Simon, 10th Judicial Circuit, and Rich Hobson, Judicial College staff member, assisted in the curriculum development and planning process during a recent meeting conducted by the ABA. The curriculum will be distributed to the other 49 states.

The seminars will focus on the benefits of ADR. Several national speakers will be on hand including Melinda Ostermeyer, former director

of the Multi-door Courthouse in Washington, D.C., Dr. Steven Weller, chief education and research consultant to the International Center for Dispute Resolution and Lansford Levitt, president of the International Center for Dispute Resolution.

The training will consist of regional one-day seminars. The first seminar will be at the Judicial Building in Montgomery on Nov. 15, 1995, and the second in Birmingham on Nov. 16, 1995 at the Tutwiler Hotel. If you would like to attend a seminar, please contact the Alabama Judicial College at (800) 392-8077.

## National Violence Awareness

"National Domestic Violence Awareness Month gives the Alabama Coalition Against Domestic Violence a chance to raise the public's awareness in order to encourage communities and individuals to participate in stopping domestic violence," said Carol Gundlach, executive director of the Alabama Coalition Against Domestic Violence.

For a domestic violence task force manual, compiled by the Municipal Court and Alternative Sanctions Division of the Administrative Office of Courts (AOC), contact Ramona Brown at (800) 392-8077 or (334) 242-0300. For additional information about domestic violence contact Carol Gundlach at the Alabama Coalition Against Domestic Violence at (334) 832-4842.

## Classes Pay Off for Probationers

Within the Alabama criminal justice system, educational intervention for probationers is beginning to pay off. Since October 1993, judges, probation officers and defense attorneys, in the 15th Judicial Circuit (Montgomery County), have referred 450 clients to The Education Alternative (TEA) - Montgomery County's court/education referral program. (See "Classes" next page)

### ADR SEMINAR AGENDA

**GOAL:** Draft a case plan that integrates ADR into existing plan.

9:00 - 9:30	Registration and Continental Breakfast
9:30 - 9:45	Welcome/Charge to Group
9:45 - 11:15	Mediation Aspects
11:15 - 12:00	The Judge's Role in Dispute Resolution
12:00 - 1:00	Designing and Implementing Dispute Resolution in Your Court
1:00 - 1:30	Individual Case Analyses
1:30 - 2:15	Panel Discussion: Auto Referral vs. Selective Referral
2:15 - 2:45	Individual Design and Implementation Session
2:45 - 3:00	Break
3:00 - 3:30	Round-Table Discussion on Court-Annexed Mediation
3:30 - 4:15	Synopsis of the Day
4:15	Adjourn

## Classes (continued)

Most of these referrals read, on the average, at a fourth grade level and lack a high school education. They are tested, counseled, assigned an achievable educational goal, and placed with appropriate education providers, including the TEA's tutoring service.

Although most clients are nonviolent offenders on probation, referrals are beginning to include non-support parents and traffic offenders. In two years, 29 clients have passed their GED test, and most of the others are enrolled in classes.

Statistics show that early educational intervention tends to deter recidivism. The economic facts are indisputable: In the 15th Judicial Circuit, housing an inmate in the county jail costs taxpayers about \$26 a day; and in the city jail, \$21 a day. The cost of keeping someone on probation, however, is only \$1.15 a day. Probationers who improve their educational level increase their chances of getting a job and improving the attitudes of and opportunities for their families.

TEA is a project of the Montgomery Literacy Council and is funded mainly through a grant from the State Department of Education. The county provides office and classroom space in the

basement of the courthouse. The staff includes the project director, a part-time aide, two volunteers with Volunteers in Service to America (VISTA) and one adult education teacher. The volunteers work with various aspects of the program including employment readiness, basic reading and GED classes in the city jail, reading and GED preparation in the county jail and individualized instruction in the courthouse classroom.

Several judicial circuits offer similar programs for probationers. Variables include the availability of adult education classes and basic reading tutors; accessibility of classes; support of judges and probation officers; and the availability of a coordinator. Anyone interested in setting up a program may call Cynthia Hays, project director, The Education Alternative, at (334) 242-5875.

The Alabama State Bar created a Task Force on Adult Literacy in 1988. Its mission is to encourage members of the bench and bar to become involved with Alabama's adult illiteracy problem in their professional capacities. For further information contact Lynne Kitchens, chairperson Task Force on Adult Literacy, at (334) 242-4952.

**Alabama Court News** is published quarterly by the Administrative Office of Courts, Public Information Section.

It welcomes news about Alabama's courts and their programs, projects and personnel. To contribute ideas, please contact Sheila Wall at (800) 282-8077 or (334) 242-0300.

Chief Justice  
Supreme Court of Alabama  
Sunny Crosby

Administrative Director  
of Courts  
Governor Foy

Managing Editor  
Sheila Wall

## Briefs . . .

Congratulations to **Circuit Judge Dale Segrest**, 5th Judicial Circuit, for being elected by the Huntingdon College Board of Trustees to serve as its chairman. He has served as a trustee for 12 years.

Mobile Presiding Circuit Judge **Braxton L. Kittrell Jr.** was recently

elected to the executive committee of the National Conference of State Trial Judges at the American Bar Association's annual meeting in Chicago. His committee jurisdiction includes Alabama, North Carolina, South Carolina and Tennessee.

The Marshall County traffic school

continues to be successful in educating drivers. The school, initiated by **District Judge Donald Evans** and run by Alabama State Trooper Sgt. **Larry Hardin**, allows part-time traffic offenders to complete four-hour classes to avoid further their driving record.



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300 Dexter Avenue  
Montgomery, Alabama 36104-3741

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