

# STATE OF ALABAMA BOARD OF PARDONS AND PAROLES

## Response to Comments Received

As an initial matter, the Alabama Board of Pardons and Paroles' ("Board") consideration of a person's fitness for parole involves much more than consideration of the Parole Guidelines. As required by Alabama Code § 15-22-25, Alabama Code § 15-22-26, and Alabama Code § 15-22-28(a), the Board considers not only the Parole Guidelines but also the entire parole file that contains a complete statement of the crime committed, the circumstances of such crime, the nature of the sentence, the court of conviction, the name of the judge and district attorney, copies of such probation reports as may have been made, reports as to the inmate's criminal record, social, physical, mental and psychiatric condition and history, and any written input submitted by an inmate or other stakeholder.

Prior to the inmate's parole hearing, an Institutional Parole Officer (IPO) interviews the inmate and gathers information from the Alabama Department of Corrections (ADOC). Based on that information, the IPO writes a report that is submitted to the Board. The report contains an inmate's personal and social history, the Parole Guidelines (to include the risk assessment), any statement or materials provided by the inmate, and other relevant information. Note the Parole Guidelines are completed by the IPO except for stakeholder input. The information needed to score that item is not available until such time as the Board receives any input at the hearing itself. The Board considers all the above information, and any other relevant information submitted for their review prior to or during the parole hearing before making a parole decision.

During the input period that ended on July 4, 2025, the Board received comments on the amendments to the Parole Guidelines from 53 individuals and entities. The comments submitted were categorized as (1) outside the scope of the repeal and replacement of the Parole Guidelines, (2) matters not within the power of the Board to change or incorporate, and (3) matters that are within the scope of the replacement of the Parole Guidelines. Each category will be addressed below.

Outside the scope:

- Improve access to parole consideration hearings (virtual hearings).
- Include a fiscal note or cost assessment for the proposed changes to the Parole Guidelines. *Under Alabama Code § 15-22-37(c), the Board is exempt from the requirements of Alabama Code § 41-22-23(f).*

- Make the Parole Guidelines available to all inmates within ADOC. *While the Parole Guidelines are currently available on the Board's website ([Parole Guidelines](#)), the Board plans to make them and an explanation of the parole consideration process available to interested persons including inmates in ADOC custody.*

*Consequently, the above suggestions are rejected as outside the scope of the repeal and replacement of the Parole Guidelines.*

Outside the Board's authority:

- Require one Board member to be a formerly convicted felon with experience being incarcerated. *The Board has no role in the appointment of Board members as prescribed by Alabama Code §§ 15-22-20(a), -20(b). Further, this request risks violating Article VIII, Section 177(b) of the Alabama Constitution, Alabama Code § 17-3-30.1(c), Alabama Code § 36-2-1(a)(1).*
- Remove severity of offense from the Parole Guidelines. *This factor is required by Alabama Code § 15-22-26(a)(6).*
- Requests that stakeholder input from the AG and others seen as opposed to parole not be allowed to speak or weighed in the Parole Guidelines. *This factor is required by Alabama Code § 15-22-23(b)(2) and Alabama Code § 15-22-26(a)(3).*
- Make the Parole Guidelines mandatory and remove the neutral category so that the Board has no discretion in the decision-making process. *This request is directly contrary to the clear language of Alabama Code § 15-22-26(a) ("No prisoner shall be released on parole . . . but only if the Board of Pardons and Paroles is of the opinion that the prisoner meets criteria and guidelines . . .") and Alabama Code § 15-22-26(c) ("the decision concerning parole release shall be at the complete discretion of the board.").*
- Comply with the law and revise the Parole Guidelines every three years. *Alabama Code § 15-22-26(a) requires that the Parole Guidelines be reviewed – not revised – every three years. The Parole Guidelines have been evaluated on an ongoing basis. Following receipt of the available information and data from ABPP staff, the Board last formerly considered revising the guidelines in February 2024. The Board voted at that time to make no changes.*

*Accordingly, these suggestions are rejected as beyond the authority of the Board.*

In the third category:

- Expand the factor measuring institutional behavior beyond the current timeframe of 12 months. *Rejected. The Board currently has access to and considers the inmate's*

*institutional behavior during his entire incarceration within ADOC. Additional consideration for amending this factor will be given in the future.*

- *Add as a guideline factor education completed while in ADOC custody (example: Ingram State). Accepted. An amendment will be made to the proposed Parole Guidelines to include a (-1) for completion of educational programming.*
- *Reduced the weight given to the statutory factors prescribed by Alabama Code §§ 15-22-26(a)(2), -26(a)(4) – i.e., “Progress by the prisoner and the Department of Corrections to plan for reentry” and “Participation in risk-reduction programs while incarcerated.” Rejected. These suggestions are based on assertions that completion is difficult due to lack of accessibility or other issues. However, both factors clearly impact a “prisoner’s fitness for parole” and failure to complete, regardless of the reason, negatively impacts fitness for parole. Lack of access may be brought to the Board’s attention, and the Board maintains the discretion to properly consider an alleged lack of access.*
- *Consideration of ADOC input (from ADOC Classification Specialists). Rejected. These ADOC employees are evaluating and focusing on the correct level of housing within ADOC facilities – not fitness for parole, risk of recidivism, or other relevant factors being evaluated in the Parole Guidelines. However, ADOC staff input is always welcomed and considered by the Board as part of the parole file when submitted.*
- *Add age and health as a guideline factor. Rejected. Both factors are already incorporated into the parole consideration process. First, inmates of advanced age or with serious medical conditions are eligible for an earlier parole hearing by operation of the Alabama Medical Parole Act. Second, an inmate’s age and health condition are contained within the parole file considered by the Board before they make their decision. Finally, age is weighted in the risk and needs assessment (ORAS) used by the Board. Additional consideration for adding this factor will be given in the future.*
- *Add time served as a guideline factor. Rejected. Time served is part of the parole file and already considered by the Board. Additional consideration for amending this factor will be given in the future.*
- *Consideration of overcrowding and the costs to house inmates within the ADOC. Rejected. The guidelines are required to determine a “prisoner’s fitness for parole”. Overcrowding and costs to house inmates has no bearing on that question.*
- *Add to the Parole Guideline status as a juvenile offender at the time of the offense. Accepted. The status of an offender who was a juvenile at the time of the offense will be added to the Parole Guidelines for the Board’s consideration without an assigned weight, and additional clarification will be added to the Guidelines Instructions regarding this status.*

- Minor technical (non-substantive) edits to the form. For example, change title from “Scoring the Guidelines” to “Guidelines Instructions”. *Accepted.*

The Board adopts these changes to the Parole Guidelines for the purposes of (1) clarifying how the Board uses the Parole Guidelines and all the factors that go into parole decision-making, (2) ensuring that the weighted factors receive proper measurement in light of the statutory requirements and represent a sufficient scope for each factor, (3) identifying cases straddling the line between favoring and disfavoring parole and where the Board’s statutory discretion is particularly needed, and (4) including factors for consideration that recognize commitment to rehabilitation and align with changes to statutory and case law.