



Alabama
Appleseed
Center for
Law & Justice





ALABAMA APPLESEED

CENTER for LAW & JUSTICE

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Strain Foundation



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Cover Art

top to bottom: March for racial justice, photo by Bernard Troncale; client Michael Schumacher outside of Holman Prison on his release day; client Motis Wright embraces his son Chris on his release day; Communities Not Prisons coalition protests private prisons



From the Executive Director

Carla Crowder



Around our office after a small victory or a successful project, we joke that our work here is done; time to retire and open a bed and breakfast.

It's a light-hearted reminder that Appleseed's work to achieve justice and equity for all Alabamians is tough. Progress arrives slowly. But small victories have big impacts in the slow march to fix broken systems.

I am thrilled to share with each of you Alabama Appleseed's impact this year. After all, none of this would be possible without supporters like you.

Appleseed is the state's only nonpartisan research and advocacy organization working exclusively on justice system reform in Alabama. In 2021, Appleseed refined our focus to four issues of urgent need and greatest opportunity for positive change:

- Economic justice and the criminalization of poverty
- Mass incarceration and Alabama's chronically unconstitutional prisons
- Racial justice and systemic racism in laws and policies
- Unaccountable government and policing for profit

We tackle these issues through research, coalition building, legislative advocacy, and direct services to impacted people.

We also rely on pro bono assistance from Alabama's generous legal community. This year, J. Mark White and Hope Marshall from White, Arnold & Dowd provided invaluable assistance in the case of Michael Schumacher, who was resentenced to time served from a life without parole sentence and released after 36 years in prison. Additionally, Ben Harmon and Wesley Smithart from Lightfoot, Franklin, and White drafted an amicus brief on behalf of Appleseed asking the courts to overturn the conviction of Toforest Johnson, who remains on Death Row despite pleas for a new trial from the Jefferson County District Attorney's Office.

I am indebted to Appleseed's stellar Board of Directors for steadfast guidance, encouragement, oversight, and support. Our Board includes lawyers, academics, clergy, business leaders, media professionals, and retired nonprofit leaders. Their wisdom and generosity is priceless!

I am inspired by words often spoken by our client, Ronald McKeithen: "I did not have the luxury of being unproductive in prison." During 37 years of incarceration he grew into an artist, poet, and mentor and acquired 110 program certificates. Finally, he is free.

But we do not have the luxury of being unproductive in Alabama.

Alabama is one of the poorest states in the country with one of the highest incarceration rates in the world. Our state has prioritized prisons and punishment over prosperity. Unwinding the harm from these decisions in order to elevate the human rights we all deserve is not easy.

Our dream of opening a bed and breakfast is on indefinite hold. But the fight for a Better Alabama marches on stronger than ever!

With deepest gratitude,

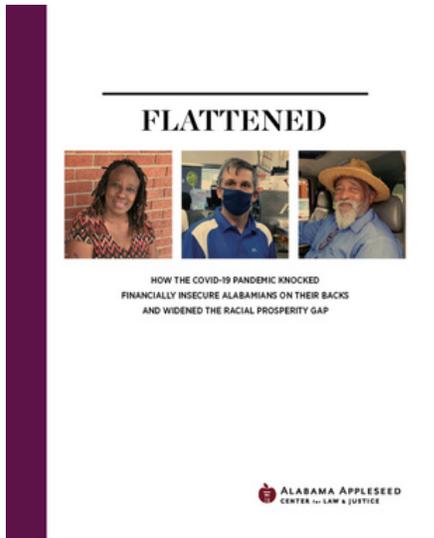


Alabama Appleseed examines systemic drivers of poverty and inequity and offers evidence-based solutions for a brighter way forward. Our twelve reports and policy briefs contain original research on critical Alabama criminal justice issues and have been a resource for elected officials, educators, nonprofits, local and national news outlets, and more. Our three latest reports are below. Visit bit.ly/appleseedreports to see all of our research.

Flattened

Our *Flattened* report surveyed 389 Alabamians whose finances were impacted by COVID-19 and highlighted the desperate choices they were forced to make as a result. Report highlights include:

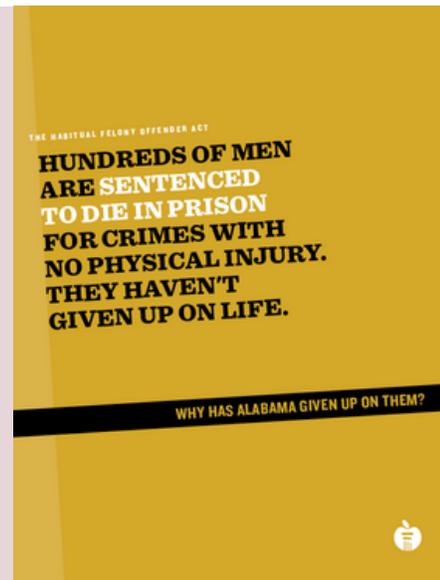
- Black Alabamians were more likely than white Alabamians to work in essential occupations where they risked exposure to the virus, more likely to work in low-paying jobs that experienced high levels of layoffs, and less likely to have access to healthcare.
- Nearly half of the survey takers had lost their jobs since March 13, 2020 but only about four in ten of those who applied for unemployment benefits received them, usually after weeks of waiting.
- Seven out of ten respondents could not pay a recurring expense such as mortgage, rent, or utility bill because because their financial circumstances had changed.



Condemned

Condemned shares the stories of men in their 50s and 60s who are sentenced to life imprisonment without parole, and is a call to action as lawmakers must address unconstitutional conditions in Alabama prisons. Report highlights include:

- 536 people are incarcerated in Alabama for sentences of life or life without parole for robbery. The vast majority of cases involve no physical injury. Of these, 239 will die in prison unless the law is changed.
- Alabama's Habitual Felony Offender Act is more severe than repeat offender statutes in every other southern state - except Mississippi.
- Alabama judges have shown support for reform, particularly a "look back" permitting judges to amend life without parole sentences for older people who have changed their lives.



New Prisons for Old Men?

Our *New Prisons for Old Men* policy brief includes new research on the impacts of excessive sentencing practices in the 1980s and 1990s that have resulted in soaring numbers of incarcerated Alabamians over age 50, the group least likely to reoffend and most costly to incarcerate. The brief's highlights include:

- The number of young people (ages 15 to 30) in Alabama prisons has been cut in half over the last 15 years and crime dropped 17%.
- One in every four incarcerated individuals in Alabama is over the age of 50.
- Among people serving enhanced sentences under the Habitual Felony Offender Act, one in three are over the age of 50.

Read more in Executive Director Carla Crowder's Op-ed piece on page 8.



Alabama Appleseed witnesses the impact of our state's laws and policies on everyday Alabamians. Research Director Leah Nelson shared several powerful stories this year, highlighting devastating consequences and emphasizing the need for reform.



Sean Worsley Free

Sean Worsley is a disabled Black veteran who was awarded a Purple Heart in connection with his service disabling roadside bombs in Iraq. He was arrested in 2016 in Gordo, AL, for bringing his legally prescribed medical marijuana from his home state of Arizona into Alabama, where possession of any amount of marijuana for any reason can be a felony. Sean pleaded guilty in 2017 and was sentenced to probation, permitted to serve his sentence in Arizona.

Homelessness, financial instability, and the differences between Arizona and Alabama drug laws thwarted his efforts to comply with the terms of his probation. He was arrested in January 2020 and sentenced to five years in prison.

His bid for parole was granted with assistance from Alabama Appleseed. Read more about Sean's story at bit.ly/seanworsleyupdate.



In September, Sean and Eboni Worsley, along with Research Director Leah Nelson, were featured in NOVA's The Cannabis Question at bit.ly/thecannabisquestion



Quan Holt's Good Samaritan actions cost him his left leg, his mobility, and his health. Alabama's civil forfeiture laws cost him nearly everything else.

The former high school football star used marijuana to manage pain from a catastrophic traffic accident. Did Alabama law enforcement charge him as a drug kingpin so the state could keep his car, cash, and other valuables? Leah introduces us to Quan who, in the space of two years, lost his leg, his mobility, and his ability to support his family. Read the complete story about the devastating effects of civil asset forfeiture at bit.ly/quanholt.

"If you owe money, it doesn't go away."

An Alabama judge with a history of using drastic measures to prompt debtors to pay outstanding fines and fees appears to be at it again. According to the Bibb County Circuit Clerk's office, Hon. Marvin Wiggins has directed the clerk to mail notices to all individuals who owe fines, fees, court costs, or restitution threatening warrants for arrest for failure to pay or go to court. One such notice was mailed to the last known address of Quanetta McNeal, who was told she owes more than \$400 for a traffic ticket she received in 2000 in Brent, AL. Read the complete story at bit.ly/judgewiggins.

A Cruel Set-up

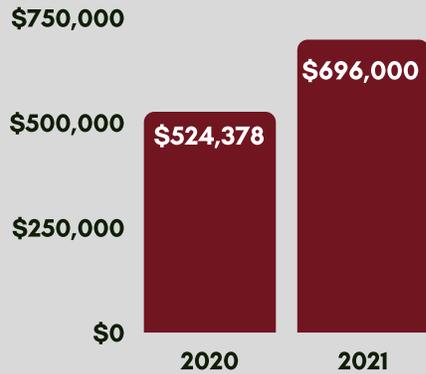
People incarcerated in Alabama prisons are routinely dying from drug-related causes. So why are we locking up people who suffer from substance use disorder in deadly, drug-infested prisons? Leah tells the story of 36-year-old "Ben," incarcerated at a minimum-security prison in rural Alabama for drug crimes. "I'm not like a criminal at heart. It's all just personal drugs," he said. "If I could get the addiction out of my life, I wouldn't be a criminal." Read the complete story at bit.ly/cruelset-up.



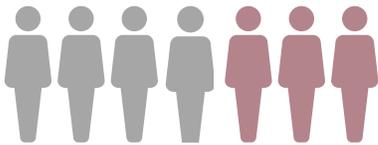
By the Numbers | 2021

Appleseed's year in review

Budget Growth



Staff Growth



4 to 7 staff members

Appleseed & the Alabama Legislature

8

Number of bills drafted

25

Number of bills tracked

5

Number of bills passed

97%

AL state lawmakers contacted by constituents through Appleseed

7,985

Number of times elected officials were contacted by constituents because of Appleseed

189%

Percent growth of Appleseed's Action Alert advocacy list over 2021*

*Join our Action Alert advocacy list at bit.ly/AppleseedAdvocacy

1

Brewer/Torbert Public Service Award Honoree



Dr. Regina Benjamin

65

Number of community events, presentations, panels, and special events that Appleseed staff have organized or served on in 2021

27

News articles mentioning Appleseed in 2021

474747

Text APPLESEED to this number and donate to all this great work!

Donate to Appleseed

Thank you for standing with us to build a better Alabama! You can donate to Appleseed in one of the following ways:

- Mail a check to "Alabama Appleseed" using the enclosed envelope or to 2 Office Park Circle, Suite 10, Birmingham, AL 35223
- Online at bit.ly/donateappleseed
- Text APPLESEED to 474747
- Through your employer's matching funds. Ask them!
- Designate "Alabama Appleseed" though Amazon Smile

16,379

NUMBER OF WORDS WRITTEN BY OUR RESEARCH DIRECTOR LEAH NELSON IN 2021

ALABAMA STATE HOUSE



Legislative Advocacy | 2021

Our strategic, bi-partisan approach gets results in the Statehouse



by Akiesha Anderson, Policy Director

During the 2021 regular legislative session, Alabama Appleseed had four main legislative priorities: (1) Repeal or reform the Habitual Felony Offender Act (“HFOA”); (2) Stop Civil Asset Forfeiture; (3) End Needless Driver’s License Suspensions; and (4) Create a Diversion Program Study Commission.

Thankfully, we had some success with several of these priorities. A resolution creating a Diversion Study Commission successfully passed, as did legislation to have the State of Alabama opt out of federal mandates to suspend driver’s licenses for petty drug offenses, and legislation to curb the use of civil asset forfeiture. While further work is needed in each of these areas, legislators took positive steps.

Although no HFOA legislation was passed into law last session, some of our priority bills did make significant traction. For example, legislation to repeal the HFOA made it out of the House Judiciary Committee and legislation to reform it made it out of the Chamber of Origin as well as out of the House and Senate Judiciary Committees.

Other legislation that we supported this session included the following:

- Increased legislative oversight of the Alabama Department of Corrections (this bill passed)
- Creation of a second parole board
- Requirement that the Department of Corrections provide people leaving their custody with a birth certificate and help to obtain an identification card (this bill passed out of the House Judiciary Committee and Chamber of Origin)
- Curbing the state’s overreliance on fines, fees, and court costs (this legislation passed out of both the House and Senate Judiciary committees)
- Legalization of medical marijuana (this bill passed)

- Decriminalization of marijuana (this bill passed out of the Senate Judiciary committee)
- Strengthening Alabama’s Open Records Act (this bill passed out of the Senate Judiciary committee)
- Providing K-12 public schools students with due process protections (this bill passed out of the Senate Education committee and the Chamber of Origin)

This fall, when the Legislature reconvened for the first special legislative session of 2021 the main topic was prison construction. However, before the call of the session was announced, Appleseed spent weeks lobbying the Governor’s office and legislators to encourage the Governor to use a broader call which included room for legislators to consider reform efforts. That advocacy was successful. We were pleased that the special session resulted in ADOC being required to provide people in their custody with birth certificates and to assist them in obtaining a state-issued non-driver identification card prior to their release.

Unfortunately, the prison special session also resulted in the Legislature passing legislation that allows the State of Alabama to spend \$400 million of COVID-relief funds on two new mega prisons that will cost \$1.3 billion. While this was disappointing, Appleseed has already begun pivoting to next steps regarding advocacy. Currently, we are engaging with state leaders and advocating for more spending on alternatives to incarceration and reentry supports.

As we prepare for the 2022 legislative session, it is our intent to continue to push for an end to debt-based driver’s license suspensions and an increased reliance on alternatives to prison (such as diversion programs). We will also be advocating for a range of other policies designed to assist justice-involved individuals with obtaining stability upon release from prison, including state funding for reentry supports for people leaving ADOC custody.

Op-Ed: Fewer People Went to Prison. Crime Dropped. Let's Build on Our Success.

by Carla Crowder, Executive Director
Originally published in *Alabama Daily News*, *Yellowhammer News*, and the *RSA newsletter, the Advisor*

Something surprising is happening in Alabama's prisons. The number of incarcerated young people has been cut in half. In 2005, prisons housed 9,827 people ages 15 to 30, or 36% of the ADOC population. By March 2021, that number was 4,537, or 18%. That this decline has impacted people ages 15 to 30, by all counts the age groups most likely to be arrested, is jaw-dropping.

These dramatic declines are largely the result of the Legislature passing sentencing reforms in 2006, 2013, and 2015. The new laws are working. Fewer young people are sent to prison, sentences are shorter. And crime has been down.

According to *crime.alabama.gov*, a collaborative effort between the Alabama Law Enforcement Agency and the Institute of Business Analytics at the University of Alabama's Culverhouse College of Business, Alabama's overall crime rate declined by 17% from 2005 to 2019, the most recent year data is available. Robbery, the most common violent crime, sunk by 48%.

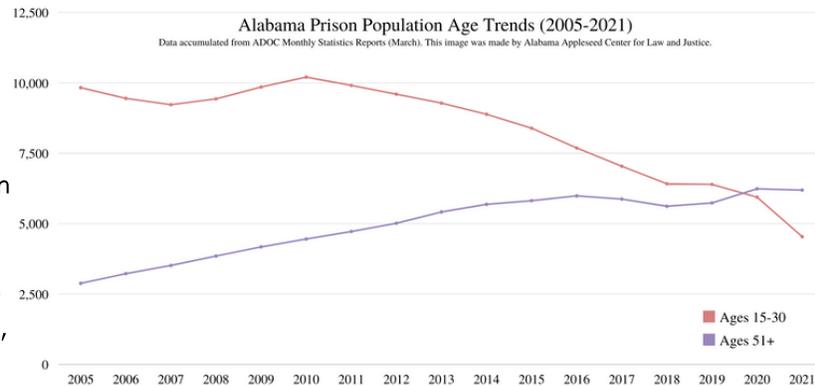
Let that sink in: Alabama cut incarceration in half for the age cohort most likely to be involved in criminal activity and crime fell.

The specter of expensive new prison buildings dominates discussions about responses to the U.S. Department of Justice lawsuit against the State over unconstitutional prison conditions. But as elected leaders from across the political spectrum acknowledge, Alabama cannot build its way out of this crisis.

So, what might a solution look like that relied on data and evidence rather than the emotional politics of fear? How might Alabama move beyond its outdated "tough on crime" mentality and again be "smart on crime?"

Based on the trends cited above, solutions are within reach – smart, conservative solutions that will not waste scarce tax dollars. No compassion is even necessary, though it never hurts. Folks who feel people who do the crime should do the time need not worry. All that's necessary is that we bring "the time" in line with what evidence tells us is already working.

Though the numbers of incarcerated young people are at 20-year lows, the numbers of incarcerated older people, ages 51 and above, are at record highs. There are now 6,190



The number of people aged 15-30 in Alabama prisons was cut in half from 2005 to 2021. ALEA says crime fell by 17%

prisoners in this older demographic, a 115% increase since 2005. Alabama's unconstitutional prisons are quickly becoming unconstitutional nursing homes.

If you're wondering how you missed Alabama's senior crime spree, worry not. There was not one. The Bureau of Justice Statistics has thoroughly documented how arrests peak at age 20 and drop to the lowest rates for people 50 and older. The reason so many grandparents remain behind razor wire is that reforms that drove down the numbers of people entering prison are not retroactive. Therefore, we punish our elders more harshly than any other age group. This is unfair and expensive.

Chief among the culprits for the Alabama Department of Corrections' soaring budget is healthcare costs, which will continue to grow. Between the aging population and the federal *Braggs v. Dunn* litigation over unconstitutional mental health care in prisons, future expenditures must account for enormous, expensive needs of fragile populations. Otherwise, our state can expect the cycle of federal lawsuits that began in the 1970s to continue.

Alabama has a chance to respond to the prison crisis and the looming federal intervention with integrity, evidence, and truth. With hope rather than hype. Our lawmakers made bold decisions when they passed the previously mentioned reforms. Fewer people went to prison. Crime dropped. We could multiply those promising results by making these reforms available retroactively. A "same crime, same time" solution would create justice for older people.

This would free up dollars that otherwise will be spent on very secure nursing facilities for elderly prisoners for use in crime prevention, drug treatment, and reducing recidivism. Let's build on the success of 16 years of sentencing reforms rather than take the easy – and very expensive way out – and just build more prisons.



Coalitions & Partnerships | 2021

Because we can create a better Alabama together

Appleseed creates and maintains coalitions of civil rights organizations, direct service providers, impacted individuals, and elected officials, working together on shared goals. Our collaborations this year included:



Communities Not Prisons

In 2021, Appleseed joined forces with racial justice leaders, farmers, college students, and national activists to create this coalition. We derailed the financing plan of for-profit prison companies to build three enormous new prisons in rural Alabama. This coalition continues to advance solutions to the prison crisis that do not involve prison expansion.



Reset Jefferson County

Appleseed and Jefferson County District Attorney Danny Carr collaborated to launch this diversion program based on a successful model operated in three New York jurisdictions by the Center for Court Innovation. The program targets 18-24 year olds accused of first-time, low-level felonies and provides programming that, if completed, will result in no involvement with courts.



Financial Health Network

Appleseed was selected by the Financial Health Network to advise and incubate its first community brainstorming project in the nation. Following several months of conversation with Appleseed, the Network has decided to focus on the financial health of justice-involved people and to specifically look at the problems presented by Alabama's failure to connect individuals leaving prison with state IDs.



JEFF Project

(Jefferson County Equitable Fines & Fees Project)

Working with the Jefferson County Circuit Court, Appleseed is collecting data on the burden of fines and fees, uncovering trends, and identifying pathways to reduce debt for low-wealth county residents. IBM selected the JEFF Project to participate in its *AI Incubator for Social Impact* program, which will accelerate the data analysis process.



Juvenile Fines and Fees

Appleseed has partnered with the Policy Advocacy Clinic housed at the University of Berkeley School of Law to examine the extent and impact of fines and fees on youth within the juvenile justice system. With an ultimate goal to abolish all fees and fines imposed on youth, Berkeley's law students will engage families at all stages of the advocacy process, and research the racially discriminatory nature and impact of juvenile fees and fines within Alabama.



Statewide Driver's License Coalition

Approximately 100,000 Alabamians have their licenses suspended in connection with unpaid traffic tickets. Appleseed is leading a coalition that includes workforce development groups, employers such as Mercedes Benz, advocates for survivors of domestic violence, anti-poverty organizations, and others, to pass legislation to end suspensions of driver's licenses for reasons unrelated to dangerous driving.

"THIS EXTREMELY UNUSUAL COALITION CAME TOGETHER AND THWARTED THE LARGEST BANKS IN THE WORLD FROM OUR COUCHES IN ALABAMA DURING THE PANDEMIC."

Dana Sweeney, Appleseed's Organizer describing Communities Not Prisons | *Facing South* | 6/17/21



Appleseed's legal advocacy and re-entry support for older, incarcerated men changes lives. Our clients served a combined 187 years in prison for offenses with no physical injury. All had been sentenced to life without parole. Now they are free. Six men re-entering the world after decades behind bars. We are with them every step of the way and are watching as they soar!



Alvin Kennard

Celebrated two years of freedom on August 28th after serving 36 years. Alvin is employed in the body shop at Town & Country Ford and took his first airplane ride this year. "It's been a blessing, it's been wonderful. It's not about how much money I'm making, it's about what God allowed me to do."



Ronald McKeithen

Released December 16, 2020 after serving 37 years. Ronald is an artist and advocate, exhibiting, speaking, and inspiring people across Birmingham. He is employed at Appleseed and a drug treatment center. "Every day I've been out of prison has been beautiful."



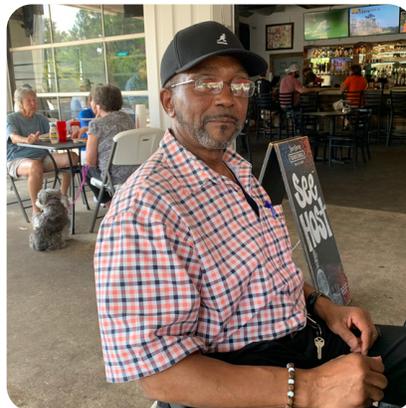
Michael Schumacher

Released April 9, 2021 after serving 37 years. Michael has completed a job training program, earned numerous certificates, and has begun volunteering at the Learning Center as a literacy tutor. Michael recently got married! "God's time is always the right time. I'm overwhelmed at my new life."



Motis Wright

Released on May 18, 2021 after serving 27 years. Motis lives in Ohio, completed a robotics course, cares for his elderly mother, and has just been featured in a PSA celebrating the partnership of Appleseed and the National Football League.



Alonzo Hurth

Released on June 21, 2021 after serving 27 years. Alonzo has completed a job training program, is a licensed minister, and is employed at Jim Burke Nissan. "Every day is a blessing."



Joe Bennett

Released on September 24, 2021 after serving 23 years. Joe has completed a job training program and is currently employed with Greenbrier Tree Service. "Every day is better than the day before. Thank God for Appleseed."



Who We Are

Appleseed's staff and board

Appleseed Staff

Carla Crowder, JD
Executive Director

Akiesha Anderson, JD, MPA
Policy Director

Megan Cheek
Communications & Development
Associate

Alex LaGanke, JD, MPA
Staff Attorney

Ronald McKeithen
Re-entry Coordinator

Leah Nelson, MS
Research Director

Dr. Idrissa Snider
Jefferson County Project Manager
& Liaison

Dana Sweeney
Statewide Organizer



Appleseed staff at the wedding of client Michael Schumacher and Kathlyn Sprague. l to r: Ronald McKeithen, Alex LaGanke, Idrissa Snider, Akiesha Anderson, Michael Schumacher, Kathlyn Sprague, Carla Crowder, Leah Nelson, Dana Sweeney, Megan Cheek

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Industrial & Organizational
Psychology, UGA 2022

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Retired Founder & CEO Momentum

Rev. Gates Shaw
Retired, Christ Episcopal Church

Sam Todd (Secretary)
Vulcan Materials Company

Joyce Vance
University of Alabama Law School

Rev. Manuel B. Williams
Resurrection Catholic Missions

2021 in Review



Client Michael Schumacher with Appleaseed Executive Director Carla Crowder on his release day (4/9/21)



Appleaseed Organizer Dana Sweeney leading a rally to repeal the Habitual Felony Offender Act (4/27/21)



Client Ron McKeithen interviewing on "Oh Brother Radio" at Birmingham Mountain Radio (5/6/21)



Communities Not Prisons coalition members protest bank involvement in financing private prisons in Alabama (5/7/21) *photo by Jordan Mazurek*



Client Motis Wright with his son Chris & Appleaseed staff on his release day (5/18/21)



Client Alonzo Hurth with Appleaseed staff Alex LaGanke & Carla Crowder on release day (6/21/21)



Client Joe Bennett with Appleaseed staff Alex LaGanke & Carla Crowder on release day (9/24/21)



Carla Crowder delivers remarks to the House Ways & Means Committee (9/28/21) *photo by Jake Crandall*



Four of Appleaseed's clients reunited after Joe Bennett's release (9/29/21)



Client Michael Schumacher & Kathlyn Sprague on their wedding day in Birmingham (10/12/21) *photo by Bernard Troncale*