



April 2, 2020

The Jefferson County, AL (Birmingham) public defender office has gotten nearly 300 people released from the county jail over the past 3 weeks. We finally got the judges to make all nonviolent felonies (aside from trafficking and sex offenses) signature bond eligible. The jail population is now under 600. Three weeks ago, it was 760. Our lawyers are grinding.

In an effort to prevent future arrests during the COVID-19 pandemic, I consulted with Circuit Court Judge Wallace and we submitted a proposal to our mayor for all local police departments to issue summons rather than effecting arrests for nonviolent offenses and failures to appear on nonviolent offenses. Our office has also gotten the sheriff to release several people being held solely on parole violations for technical violations.

While our state has made great progress in sentencing reform over the past five years, the Board of Pardons and Parole is undoing much of that progress by summarily revoking parole on nonviolent cases from the 1990s. The “revocation hearings” are conducted in closed rooms with no lawyers present and no notice to lawyers. They’re revoking people before they can even attend court for their new offense and refusing to reinstate parole even when the new offense is subsequently dismissed by the State. Some people are getting revoked without even having a new charge pending. We found people in our jail held solely on parole violations who did not have lawyers. Most of them had already served 15-25 years in prison for non-violent offenses.

Going forward, Sheriff Pettway is going to give us notice of all parole revocation hearings so that we can have lawyers present. We have even gotten a few judges to join our pushback against the parole board.

I have been incredibly proud that our office has led a proactive culture of collaboration during this COVID-19 crisis. Our lawyers have refused to sit silently as people in jail face an unprecedented threat. They are pushing and, as a result, others are acting. From our DA, to our sheriff, to our local bench, everyone has joined in on the mission to release non-violent individuals from our jail. I’m proud that our office is leading that charge.

Story provided by:

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