

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION

JOHNNY MAYNOR, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	CA NO. 5:01-CV-0851-UWC
	)	
MORGAN COUNTY, ALABAMA,	)	
et al.,	)	
	)	
Defendants.	)	

REPORT OF DEFENDANTS MORGAN COUNTY,  
JOHN GLASSCOCK, RICHARD LYONS, STACY GEORGE,  
JEFF CLARK AND KEVIN MURPHY REGARDING  
ACTIVITIES OF TASK FORCE

Defendants Morgan County, Alabama and John Glasscock, Richard Lyons, Stacy George, Jeff Clark and Kevin Murphy, respectively as the Chairman and members of the Morgan County Commission, as directed by this Court’s order of April 25, 2006, submit their report regarding the meetings, deliberations, recommendations and other activities of the Task Force created by the County defendants under § 3 of the Consent Decree in this case. The report consists of the Affidavit of William E. Shinn, Jr., and the Exhibits thereto; the Affidavit of Myra Yates and the Exhibit thereto; and the Affidavit of Carol Long and the Exhibit thereto, which are filed contemporaneously herewith.

s/ George W. Royer, Jr.

George W. Royer, Jr.

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Attorneys for Morgan County, Alabama,  
John Glasscock, Richard Lyons, Stacy George,  
Jeff Clark and Kevin Murphy

CERTIFICATE OF SERVICE

I hereby certify that I have filed the foregoing upon the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Melanie Velez, Esquire  
Lisa L. Kung, Esquire  
Stephen B. Bright, Esquire  
SOUTHERN CENTER FOR HUMAN RIGHTS  
83 Poplar Street NW  
Atlanta, Georgia 30303-2122

Robert M. Shipman, Esquire  
ROBERT SHIPMAN, ATTORNEY AT LAW  
220 Walker Avenue NE  
Huntsville, Alabama 35801

Albert S. Butler, Esquire  
Andrew W. Redd, Esquire  
ALABAMA DEPARTMENT OF CORRECTIONS LEGAL DIVISION  
P. O. Box 301501  
Montgomery, Alabama 36130-1501

I hereby certify that I have served a copy of the foregoing by depositing a copy of the same in the United States mail, postage prepaid and properly addressed to his attorney of record to:

John A. Russell III, Esquire  
P. O. Box 333  
Aliceville, Alabama 35442

Tamara H. Serwer, Esquire  
SOUTHERN CENTER FOR HUMAN RIGHTS  
83 Poplar Street, N.W.  
Atlanta, Georgia 30303-2122

Robert E. Walker III  
#216478, BCCF  
Bullock County Correctional Facility  
P. O. Box 5107  
Union Springs, Alabama 36089-5107

on this the 23d day of May, 2006.

s/ George W. Royer, Jr.

George W. Royer, Jr.



as required by the Court's Order of April 25, 2006. This affidavit, except as otherwise specifically indicated in paragraph 57, *infra*, is based on records which I kept in the ordinary course of my business as attorney for the Morgan County Defendants, including billing records and computer records of correspondence, and on my own imperfect memory, which I rely upon only to the extent that I can find records to support it.

2. The initial composition of the Task Force included Mr. Larry Bennich, who was then Chairman of the Morgan County Commission<sup>2</sup>; Honorable Steven E. Haddock, who was then the Presiding Circuit Judge for Morgan County; Honorable Robert L. Burrell, District Attorney for Morgan County; Stephen L. Crabbe, Sheriff of Morgan County;<sup>3</sup> William E. Shinn, Jr., County Attorney for Morgan County; Honorable Brent Burney, an attorney practicing in Decatur, Alabama, who regularly defends persons charged with criminal offenses in the Circuit Court of Morgan County, Alabama, and in surrounding counties; and Mr. Harry Williams, Chief Juvenile Probation Officer for Morgan County. Later, the Task Force was joined by Murray Millwee, Chief Probation Officer for Morgan County. Dr. Richard Borie and

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<sup>2</sup> Chairman Bennich did not seek re-election and was succeeded by current Chairman John Y. Glasscock, who took office as Chairman, November 9, 2004.

<sup>3</sup> Sheriff Crabbe died February 27, 2002, and was succeeded by Sheriff John C. McBride, who served until Sheriff Greg Bartlett took office in January 2003.

Ferrell Vest agreed to serve on the Task Force as community members (Exhibit 1). Dr. Borie is a former (now retired) technology manager with Monsanto Chemical Company who resides in Decatur, Alabama, where he has been active in civic affairs for many years. Mr. Vest resides in Hartselle, Alabama, where he has been active over the years in law enforcement and city government.

3. In the absence of anyone else who sought the position, I acted as organizer and facilitator of the Task Force. On September 25, 2001, I sent the members of the Task Force a copy of Section 3 of the Consent Order and advised them that I planned to have an organizational meeting of the Task Force in October, at which I contemplated the attendance of Joe Mahoney, who was then the president of the Alabama Association of Community Corrections (Exhibit 2).<sup>4</sup>

4. I made arrangements by telephone on October 1 and October 8, 2001, with Mr. Mahoney to come to Decatur on October 25, 2001, to meet with the Task Force. I confirmed that meeting by letter to Mr. Mahoney dated October 8, 2001 (Exhibit 3).

5. On October 9, 2001, I sent notice to the Task Force that the Task Force would have its organizational meeting October 25, 2001, at which time Mr. Mahoney

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<sup>4</sup> Section 3 of the Consent Decree instructed the Task Force to “consult with the Alabama Association of Community Corrections.”

would be present (Exhibit 4).

6. The Task Force had its organizational meeting October 25, 2001, at which time the Task Force met for approximately two hours and listened to Joe Mahoney, Sandra Allums, Ralph Hendrix and David Horn, each of whom, to one extent or another, was then engaged in community corrections activities in Mobile County, Jefferson County and Cullman County. Mr. Horn appeared as a representative of the Alabama Department of Corrections. Mr. Mahoney and his colleagues provided the Task Force a substantial volume of written materials. Among the programs discussed, reviewed and considered by the Task Force at this meeting were work release, day reporting, community service, electronic monitoring, drug testing and drug treatment as adjuncts to drug court programs. Drug court programs in Jefferson, Mobile and Tuscaloosa Counties were recommended as successful methods of diverting drug offenders from the traditional criminal justice system, thereby promoting not only the rehabilitation of the offenders but also the reduction of the jail population. The Task Force was informed that, through community corrections programs, jail overcrowding can be and has been reduced through programs providing for pretrial supervision and misdemeanor probation. Our meeting and the results thereof were reported to Ms. Serwer and Ms. Kung by my letter dated October 29, 2001 (Exhibit 5).

7. Following the October 25, 2001, meeting, we learned of a successful

community corrections program in Madison County and my co-counsel, Mr. George W. Royer, Jr., obtained information concerning that program which he forwarded to me by letter dated January 7, 2002 (Exhibit 6).

8. By letter to the Task Force dated January 11, 2002, I sent the Task Force information concerning the electronic monitoring program employed by the Madison County group and advised the Task Force that Mr. Jackie Wolfe, the director of the Madison County program, would meet with the Task Force at its next meeting, which I hoped would occur during the week of February 4 (Exhibit 7).

9. According to my date book for 2002, the Task Force next met on February 7, 2002, at which time the Task Force considered the information presented by Mr. Wolfe regarding the Madison County program. Significantly, we learned that the Madison County program is now financially self sustaining (having been funded in the early years by grants from the Madison County Commission) and is governed by a local board composed primarily of public officials. Among other features of the program is a procedure or practice by which non-judicial employees are permitted to release on their personal recognizances pre-trial detainees who are deemed worthy of admission to one of the pre-trial services offered by the Madison County program, thereby reducing the jail population. Another successful method of reducing jail population utilized by Madison County is home detention supported by electronic

bracelets and devices and appropriate remote supervision and monitoring. At that meeting, the Task Force developed a consensus for the organization of a community corrections commission for Morgan County on essentially the same model employed in Madison County. The Madison County program was operated under a local act, Act No. 78-448, and I was given the task of examining the Madison County act and other potentially helpful local acts and preparing a draft of a local act for Morgan County.

10. During the early stages of the Task Force's study, the Alabama Legislature enacted Act No. 2002-422, which conferred on the Sheriff of Morgan County the authority to provide work release privileges to inmates housed in the Morgan County Jail and to retain twenty-five percent of the inmate's earnings. The Task Force, particularly after hearing of Madison County's success, was of the opinion that the work release concept could be expanded to apply not only to incarcerated felons, but to those pre-trial detainees who, due to lack of employment and appropriate supervision, would be incarcerated and unable to make bail. Thus, the Task Force sought to bring the entire work release program under the umbrella of the community corrections organization. Sheriff Crabbe and, after his death, acting Sheriff McBride, supported this concept, but, Sheriff Bartlett, who took office in January 2003, was of the opinion that the work release program should remain under the control of the Sheriff. The Task Force and Sheriff Bartlett eventually reached a

compromise on this issue. (See ¶ 33, Exhibit 40, *infra*.)

11. On February 15, 2002, I sent to Chairman Larry Bennich what I styled “a very rough draft” of a bill<sup>5</sup> to establish a “Morgan County work release and pretrial program modeled after the program in Madison County and, to some extent, the program in Walker County.” In my letter to Chairman Bennich (Exhibit 8), I compared and contrasted some of the provisions in the Madison County and Walker County acts with the draft I was submitting to him for review. At or about the same time, I was seeking to confirm the source of the authority for non-judicial employees of the Madison County program to authorize the release of pretrial inmates. I had not been able to find that authorization in the Madison County act and asked Mr. Wolfe for guidance. Mr. Wolfe wrote me concerning his own research of that issue, February 19, 2002, and I sent a copy of that letter to Mr. Bennich on February 20, 2002 (Exhibit 9).

12. On February 22, 2002, I wrote the Task Force and enclosed a draft of the proposed local act for the Task Force to review (Exhibit 10). I also informed the Task Force that I intended to have another meeting in March 2002 to review the proposed bill and to consider any changes that the Task Force might propose. By copy of that

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<sup>5</sup> In the interest of space, I am not attaching the 10-plus pages of drafts which were sent from time to time to the Task Force. They are available for review if necessary.

letter, I sent a copy of the proposed act to Decatur Municipal Judge, Billy Cook, for his review and comment. At that time, there was hope that the City of Decatur would participate in the program.

13. Sometime during mid-to-late February 2002, I reviewed an article concerning a community corrections program in Houston County. I spoke with the executive director who informed me generally how the Houston County program was operated. I forwarded this information to Chairman Bennich by letter dated February 28, 2002 (Exhibit 11).

14. Pursuant to written notice (Exhibit 11A)<sup>6</sup> the next meeting of the Task Force was March 18, 2002, at which time the Task Force discussed the proposed legislation in depth and discovered several legal issues, which I later summarized for my file (Exhibit 12). I assigned several of the Task Force members the duty to review these issues and to be prepared to discuss them with the entire group at the next meeting.

15. On about March 21, 2002, I received an e-mail from Juvenile Probation Officer, Harry Williams, one of the Task Force members, raising some concern about the fees which we were contemplating charging for the community corrections

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<sup>6</sup> In this notice, I reminded the Task Force of its purpose and of my own intent to ask for a vote at the March 18 meeting on the proposed legislation.

programs. Mr. Williams' concerns had to do with some resistance he was encountering from the Examiners. I reviewed the legal issues and replied to Mr. Williams that I appreciated the issues and believed the fees would be legal, but that I would be interested in Judge Bibb's and Judge Breland's opinions (Exhibit 13). I do not recall how that issue was finally resolved, but I do not believe that it was or is a problem.

16. On April 11, 2002, I sent a notice to the Task Force members that we would meet again April 22, 2002, for purposes of once again reviewing the proposed local act and hearing the comments of those Task Force members who had been assigned to review and report on certain issues relating to the legislation (Exhibit 14).

17. Prior to our meeting of April 22, 2002, Circuit Judge Steven E. Haddock, a Task Force member, sent me a letter (with enclosures) dated April 17, 2002, in which he discussed certain changes he was recommending in order to conform the proposed legislation to certain provisions in the Alabama Rules of Criminal Procedure and Criminal Code regarding pretrial release, revocation of release and related matters (Exhibit 15).

18. The Task Force met April 22, 2002, to give further consideration to the proposed local law. At the conclusion of that meeting, the Task Force was essentially in agreement with respect to the terms and provisions of the proposed local law, but

decided that prior to recommending it to the Morgan County Commission for presentation to the local delegation of the Alabama Legislature, the proposed legislation should be submitted to the municipal judges and mayors of the municipalities in Morgan County for purposes of soliciting their input and views. This action was reported to Ms. Serwer and Ms. Kung by my letter of April 23, 2002 (Exhibit 16).

19. By multiple letters dated April 30, 2002, I wrote the mayors and judges and forwarded to them a draft of the proposed legislation (“Revised Draft of 04/29/02”), requesting that they review and submit any comments that they might have within 30 days so that they might be timely considered by the Task Force. A representative copy of those letters is attached at Exhibit 17. In response to the Task Force’s request for comments, Municipal Judge Billy Cook requested permission to address the Task Force and to discuss certain provisions in the proposed local act.

20. On or about June 5, 2002, I received an invitation from Mr. Ralph Hendrix to attend a community corrections conference in July (Exhibit 18), to which I replied on June 7, 2002, that I was unable to attend. I requested Mr. Hendrix to forward me the information concerning the conference and I would pass it along to the other Task Force members to see if one of them might attend (Exhibit 19). Mr. Hendrix sent me the information and I passed it along to the other Task Force

members with my June 10, 2002, letter to them (Exhibit 20), by which I noticed another meeting for the Task Force for June 24, 2002, to once again consider the draft and to hear Judge Cook's comments.

21. The Task Force met again June 24, 2002, at which time Judge Cook and Herman Marks, Decatur City Attorney, met with the Task Force and expressed certain objections they had to the proposed legislation. According to my record of that meeting (June 25, 2002, memo, Exhibit 21), Judge Cook and Mr. Marks were concerned about issues relating to the distribution and sharing of work release payments and bond forfeitures. At the same time, a question arose as to whether the provisions of the proposed act relating to bond forfeitures were legal and Judge Haddock was assigned the responsibility for reviewing that and advising the Task Force further on the matter. At the same meeting, the Task Force agreed to rename the Commission and to set forth in a specific section a representative description of some of the programs that the Commission would engage in such as house arrest, alcohol and drug rehabilitation, etc. The City representatives also made known that if they decided to participate in the program, they would probably want more than one representative on the Commission.

22. After the meeting of June 24, 2002, I informed Ms. Serwer and Ms. Kung, by letter dated June 26, 2002 (Exhibit 22), of the meeting and of the issues that still

remained to be worked out as a result of the meeting. At the same time, I wrote Judge Haddock and once again requested that he review the legal issues concerning bond forfeitures that had been discussed at our June 24, 2002, meeting (Exhibit 23). I suggested to him that it might be better that Decatur simply not participate in our program. I had learned from Mr. Wolfe that Huntsville does not participate in the Madison County program and that the program works quite well without Huntsville's participation.

23. I next wrote the Task Force September 11, 2002, informing them of a meeting to be held September 25, 2002 (Exhibit 24). I reminded them of our June 24, 2002, discussions concerning participation of Decatur and that I was not aware of any way to satisfy Decatur's objections. I informed the Task Force that I would like to finish the discussion of the matters referred to in the letter and obtain the Task Force's authority to make a recommendation to the Morgan County Commission regarding the proposed legislation. On September 19, 2002, I wrote Ms. Serwer and Ms. Kung and informed them of the status of the Task Force activities as of that date (Exhibit 25).

24. At the meeting of September 25, 2002, there were still additional changes and modifications to the proposed legislation. I once again revised the draft legislation and by letter dated September 26, 2002 (Exhibit 26), sent the revision to the Task Force members for further review and informed them that I anticipated

sending a copy of the proposed legislation to the Morgan County Commission some time near the middle or end of October. Again, I likewise informed Ms. Serwer and Ms. Kung of these developments and our plans by letter dated September 26, 2002 (Exhibit 27).

25. Following the letter of September 26, Judge Haddock suggested still further revisions to the legislation which I incorporated into a further draft which was sent to the Task Force for review by letter dated October 17, 2002 (Exhibit 28).

26. After sending the October 17, 2002, revised draft to the Task Force, I heard from Task Force member Dr. Richard Borie, by e-mail dated October 21, 2002 (Exhibit 29). Dr. Borie requested certain additional modifications which I made by way of a revised draft which was sent to the Task Force, October 30, 2002 (Exhibit 30).

27. Finally, by letter dated November 6, 2002 (Exhibit 31), and with the authorization of the Task Force, I communicated to the Morgan County Commission the recommendation of the Task Force that a community corrections and pre-trial release program be implemented in Morgan County, along the model of the Madison County program. I included in my mailing the draft of the proposed legislation which would create the separate Commission which would operate the community corrections and pre-trial release program in Morgan County. On behalf of the Task

Force, I recommended that the Morgan County Commission review the proposed legislation and that it recommend that the legislation be introduced for enactment in the next session of the Alabama legislature. Copies of that letter were sent to all Task Force members.

28. I next wrote Ms. Serwer and Ms. Kung, April 15, 2003 (Exhibit 32), in which I advised them that newly elected Sheriff Greg Bartlett, a member of the Task Force, did not agree with certain portions of the proposed legislation dealing with work release. On April 16, 2003, according to my memorandum (Exhibit 33), Sheriff Bartlett and I had a discussion with Mr. Wolfe, the director of the Madison County program, in an effort more fully to explain and to obtain Sheriff Bartlett's consent to the proposed legislation.

29. On April 23, 2003, Chairman Bennich asked me to review some community corrections materials that had been sent to him and Sheriff Bartlett (Exhibit 34). I wrote Chairman Bennich, April 30, 2003 (Exhibit 35), outlining my thoughts concerning those materials. On the bottom of that April 30, 2003, letter is a handwritten note, believed to have been placed there by Sheriff Bartlett, to the effect that he was not willing to start a community corrections program at that time since he already had a work release program in place.

30. Sheriff Bartlett's position complicated the implementation of the Task

Force's recommendations. Consequently, I wrote Chairman Bennich, May 16, 2003 (Exhibit 36), and advised him that it was necessary for the Task Force to meet again to consider whether there were any other alternatives that would command the approval of all members of the Task Force, including Sheriff Bartlett. I requested that a meeting be scheduled for either June 5 or June 12 to further consider these matters.

31. I sent the Task Force a notice May 20, 2003, that the Task Force would meet again on June 12<sup>7</sup> to consider the problems presented by Sheriff Bartlett's disagreement with the work release part of the legislation (Exhibit 37). According to my file memo, the Task Force members present at the June 16, 2003, meeting, including Sheriff Bartlett, decided to modify the legislation in such a way that would satisfy Sheriff Bartlett's concerns. I was given the task once again of rewriting the legislation so as to incorporate these provisions (Exhibit 38).

32. In this same time frame, there was apparently a revision of the Alabama Community Corrections Act (§ 15-18-170, et seq., Code of Alabama, 1975) and I was requested by Chairman Bennich to review that legislation and to advise him whether our Morgan County program could be adequately conducted under that general state law, as revised. I advised Chairman Bennich and Judge Haddock of my findings by letter dated June 20, 2003 (Exhibit 39). Among other problems I saw with the state

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<sup>7</sup> According to my records, this meeting actually occurred June 16, 2003.

law is that it applies only to convicted felons and not to pretrial detainees. Our Task Force, as I understood it, was interested in a program that applies to pretrial detainees as well as convicted felons.

33. By letter dated June 23, 2003 (Exhibit 40), I forwarded to Chairman Bennich and Judge Haddock the 6/20/03 revision of the Morgan County legislation and outlined to them the changes I had made to accommodate Sheriff Bartlett's objections. Essentially, the work release program would stay with the Sheriff for any inmates who were subject to confinement in the Morgan County Jail for any portion of a day or week. I suggested that once I had Chairman Bennich's and Judge Haddock's input, I would send a copy to Sheriff Bartlett for his review.

34. My record is silent on what became of the legislation after my June 23, 2003, letter to Chairman Bennich and Judge Haddock, but I next reviewed the matter on February 23, 2004, at which time I also had a telephone conversation with Judge Haddock. I apparently met with Chairman Bennich and Judge Haddock February 25, 2004, after which Judge Haddock advised me by letter of certain additional revisions he believed to be necessary (Exhibit 41). On the same day, I wrote Sheriff Bartlett. I reminded him of the concerns that he had expressed concerning the work release features of the legislation and advised him that the Task Force had made some changes in the legislation to overcome his objections. I enclosed revised draft 02/25/04 for

Sheriff Bartlett's review, requesting that he review it quickly so that I might have it considered by the Morgan County Commission at its March 8, 2004, meeting (Exhibit 42).

35. I wrote Judge Haddock February 26, 2004, acknowledging his letter of February 25, 2004, and suggesting that he and I might spend some additional time with the Sheriff in an effort to persuade the Sheriff to endorse the proposed legislation (Exhibit 43). On March 4, 2004, Judge Haddock and I met with Sheriff Bartlett and secured his consent to the legislation. By letter to the Morgan County Commission, March 4, 2004 (Exhibit 44), I sent the Commission revised draft 03/08/04 with another request that it be endorsed by the Morgan County Commission and forwarded to the local delegation for introduction in the then current session of the legislature.

36. The Task Force recommendation was adopted by the Morgan County Commission at its March 8, 2004, meeting. A certified copy of the County Commission's resolution of March 8, 2004, is attached at Exhibit 45).

37. By letter dated March 9, 2004, I forwarded to the County Commission for publication the notice of intent of the local delegation to introduce the proposed legislation in the then current session of the legislature (Exhibit 46).

38. The Legislative Reference Service, by letter dated April 7, 2004, to representative Ron Grantland (Exhibit 47), raised some constitutional concerns about

the proposed legislation and those concerns were forwarded to me for review.

39. On April 12, 2004, I wrote Mr. Jerry Bassett, Director of the Legislative Reference Service, expressing my views that the proposed legislation was constitutional (Exhibit 48).

40. On May 20, 2004, I advised Chairman Bennich that the proposed legislation had apparently become law as Act No. 2004-544, without the Governor's signature. I advised him that the appointments from Decatur and Hartselle needed to be made and that the Commission needed to have an organizational meeting as soon as possible to discuss funding and the employment of a staff (Exhibit 49).

41. Act No. 2004-544 ("the Act") (Exhibit 50), the local act which was recommended by the Task Force, provides in detail the structure for a community corrections program in Morgan County and creates a separate entity known as the Morgan County Community Corrections and Court Services Commission ("the Commission") to establish, operate and supervise the execution of that program. In Section 10(h) of the Act, it is provided:

"(h) The Commission is authorized to establish, operate, fund (and to set administrative fees to fund) alternative sentencing programs, educational programs, intervention programs and treatment programs such as pretrial release programs, supervised electronic detention programs, domestic violence offender programs, court referral programs, driver safety programs, and other programs to

serve the courts of the Eighth Judicial Circuit. . . .”

42. Section 10(a) of the Act establishes the Commission and provides that it shall be composed of 10 persons, “including the following: the Chairman of the Morgan County Commission; the Sheriff of Morgan County; the District Attorney of the Eighth Judicial Circuit; a Circuit Judge from the Eighth Judicial Circuit to be appointed by the presiding judge of said circuit; a judge of the District Court of Morgan County to be appointed by the Presiding District Judge in Morgan County; a person appointed by the City Council of the City of Decatur; a person appointed by the City Council of the City of Hartselle; the officer in charge of the Alabama Probation and Parole Office in Morgan County; the Circuit Court Clerk of Morgan County; and one of the judges of the following municipalities which have municipal courts, each of whom shall serve on a rotating basis for one fiscal year in the following order: Eva, Falkville, Priceville, Somerville and Trinity.”

43. On June 16, 2004, I once again wrote Chairman Bennich suggesting that the Commission be organized, funded and placed in operation as soon as possible (Exhibit 51).

44. On July 6, 2004, I reported to Ms. Kung concerning the enactment of Act No. 2004-544 and that I would be meeting July 14 with some of the members to discuss the organizational details (Exhibit 52).

45. According to my time records, I did meet with Chairman Bennich and perhaps others, July 14, 2004, concerning the Commission. I infer from my records that all of the membership of the Commission had not been appointed or identified as of that date. My file shows that I prepared letters for Chairman Bennich to send to the Presiding Circuit and District Court Judges and to the mayors of Decatur and Hartselle, informing those officials of the creation of the Commission and requesting that each take appropriate action to appoint his or its representative to the Commission. I attach as Exhibit 53 a representative copy of one of those letters. Each letter requested the addressee to make his or its appointment no later than September 14, 2004.

46. My file contains a letter from Presiding Circuit Judge Sherrie W. Paler to Mr. Bennich dated August 2, 2004, by which Judge Paler designated Judge Steven E. Haddock as a member of the Commission (Exhibit 54).

47. I wrote Chairman Bennich August 23, 2004, reminding him that the Morgan County Commission needed to seriously consider funding the Community Corrections Commission and expressing my opinion that, without adequate financial assistance, the program would not “get off the ground” (Exhibit 55).

48. Chairman Bennich went out of office in November 2004, and the Commission was not funded in the budget for the fiscal year October 1, 2004 -

September 30, 2005.

49. I wrote new Chairman John Y. Glasscock, January 17, 2005, and advised him of the creation of the Commission and the need to fund it. I enclosed a portion of an August 18, 2004, letter from the Southern Center for Human Rights in which several potential sources of funding were mentioned (Exhibit 56).

50. During the latter part of October 2005 or early November 2005, Mr. Glasscock, Sheriff Bartlett and I discussed potential sources for funding the Commission. There was disagreement as to whether the Jail Reserve Fund or the Law Enforcement Fund created by Act No. 95-423 could be used for this purpose. After reviewing the issue, I wrote Chairman Glasscock November 2, 2005, expressing my opinion as to whether these potential sources could be used to fund the Commission (Exhibit 57).

51. I recall that Chairman Glasscock scheduled a meeting of the Commission for November 28, 2005. Upon discovery, however, that the notice of the meeting did not comply with the newly enacted Open Meetings Law of Alabama, I advised the Chairman to reschedule the meeting and to give appropriate notice to the members, media and the public. Nevertheless, Mr. Glasscock, Judge Haddock and I met November 28, 2005, with David Horn, who is currently the executive director of the Shelby County Community Corrections. Mr. Horn informed us of the programs of the

Shelby County Community Corrections Group and left a substantial volume of written materials relating to the same. We made arrangements for Mr. Horn and Judge Joiner to return at a later meeting to discuss the Shelby County Drug Court and other Shelby County programs.

52. The Commission met December 19, 2005. At that meeting, Judge Joiner and Mr. Horn from Shelby County appeared and advised the Commission of the drug court and other corrections programs that are carried on by the Shelby County Community Corrections Commission. It was estimated that funding of approximately \$100,000.00 would be required to start the Morgan County program and several potential funding sources, including the Department of Corrections, were discussed (Exhibits 57A and 58).

53. The Commission next met February 24, 2006. At that meeting, Mr. Jeffrey Williams of the Alabama Department of Corrections explained the funding available through the Department of Corrections and, generally, the methods and procedures by which applications might be filed for DOC grants. The Chairman announced that, in all likelihood, the Morgan County Commission would immediately make available to the Commission up to \$50,000.00 of seed money for the current fiscal year which should enable the Commission to employ an executive director. It was the consensus of the Commission that employment of an executive director was

the first step to beginning the community corrections programs for Morgan County. The Chairman appointed a committee consisting of the elected officials who are members of the Commission and the County Attorney to develop and recommend to the Commission a job description for executive director. It was estimated that the Committee could complete its work by the end of March and that the job description could be submitted to the Commission for its action in April 2006.

54. At its February 28, 2006, meeting, the Morgan County Commission authorized a \$50,000.00 contribution for the current fiscal year to the Commission from the County's Road and Bridge Fund (Exhibit 59).

55. Utilizing job descriptions from several counties, but principally Montgomery County, I prepared a draft of a job description for the Morgan County executive director. On March 8, 2006, I forwarded the draft to the Chairman with a request that a Committee meeting be arranged for the week of March 27 to consider the job description (see Exhibit 60). A meeting of the Committee was held March 31, 2006, at which the job description was approved and sent to the Commission for approval (Exhibit 61). The Commission met April 12, 2006, at which time it approved the job description for the executive director and adjourned its meeting until April 17, 2006 (Exhibit 62). On April 17, 2006, the Commission approved a salary range for the executive director and requested the Human Resources Director for Morgan

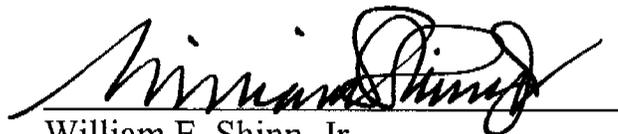
County to advertise and solicit applications for the position, indicating that it expected to hire an executive director by the middle or latter part of May 2006 (Exhibit 63). Those applications are still being considered as of the date of this affidavit and it is anticipated that the Commission will select an executive director at a meeting scheduled for May 25, 2006.

56. The Court's April 25, 2006, Order requires an accounting which "shall include a complete listing of the Task Force members, with appropriate identifying information, and meetings, with applicable attendance." The Task Force members and their identifying information are listed in paragraph 2 of this affidavit. Paragraphs 6, 9, 14, 18, 21, 24, and 31 and the exhibits referred to in such paragraphs, describe the meetings of the Task Force. Unfortunately, a search of my records and those of the Morgan County Commission disclose that we kept no attendance records. It is my recollection that the meetings of the Task Force were well attended.

57. There has been no meeting of the Task Force, as such, since its meeting of June 16, 2003, at which time the Task Force considered additional modifications to the proposed local legislation to satisfy Sheriff Bartlett's objections. See ¶ 31, *supra*. Many, but not all, of the Task Force members are members of the Commission. The Task force did what Section 3 of the Consent Decree ordered it to do. It "identif[ied] and review[ed] alternative programs and methods for reducing the Jail

population and [it made] recommendations regarding the implementation of such programs and methods.” It was not only diligent, but, I submit, thorough in investigating and exploring alternative methods for reducing the Jail population. Specifically, it considered the creation of a Community Corrections and Punishment Program, as provided for in § 15-18-170, et seq., Code of Alabama, 1975. See ¶ 32 *supra*; Exhibit 39. It considered and expanded the work release program then authorized by Act No. 2002-422 (see ¶¶ 10, 11, and 41, *supra*; *Exhibit 50*, §§ 1 and 4). It considered and drafted legislation authorizing the release of inmates on their personal recognizances and other means, such as home detention and electronic monitoring for securing the attendance of pre-trial detainees. (see ¶¶ 6, 8, 9 and 10, and Exhibit 50, Section 10(h)). Sheriff Bartlett, a member of the Task Force, to reduce the jail population, diverted Morgan County inmates to other facilities, beginning August 2003 at a cost of \$603,000.00 to Morgan County (see affidavits of Myra Yates and Carol Long, dated May 18, 2006, and May 16, 2006, respectively). The Task Force consulted the Alabama Association of Community Corrections (see ¶¶ 3-6 *supra*), and, communicated regularly with plaintiffs’ counsel regarding local efforts by the Task Force and others to prevent overcrowding at the Jail. See ¶¶ 6, 18, 22, 23, 24, 28 & 44, *supra*; Exhibits 5, 16, 22, 25, 27, 32 & 52. Once the Task Force made its recommendation to the Morgan County Commission, as modified by its decisions

of June 16, 2003, concerning Sheriff Bartlett's objections, the Task Force's work was essentially done. As a representative of the Task Force, I continued to communicate with Task Force members (including principally, Judge Haddock) to make the required modifications to the proposed legislation and to move forward the Task Force's recommendation that the Community Corrections Program in Morgan County be established by way of the structure proposed by what ultimately became Act No. 2004-544.

  
William E. Shinn, Jr.

SWORN TO AND SUBSCRIBED BEFORE ME this 18<sup>th</sup> day of May, 2006.

  
Notary Public

My commission expires:

**ARLENE HAYNER**  
Notary Public, At-Large  
My Comm. Expires Oct. 29, 2008

CERTIFICATE OF RETENTION

As the filer of this document, I hereby certify that I currently hold the original signature document which has been duly executed and notarized. I further certify that I shall retain the hard copy of this document containing the original signature for one year after exhaustion of the time to appeal final resolution of this action or issuance of a mandate from the Court of Appeals.

  
George W. Royer, Jr.

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION

JOHNNY MAYNOR, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	CA NO. 5:01-CV-0851-UWC
	)	
MORGAN COUNTY, ALABAMA,	)	
et al.,	)	
	)	
Defendants.	)	

AFFIDAVIT OF MYRA YATES

BEFORE ME, the undersigned notary public in and for said county in said state personally appeared Myra Yates who is known to me and who, upon being first duly sworn by me, deposes and says as follows:

1. My name is Myra Yates and I have personal knowledge of the facts stated in this affidavit. I am an employee of the Morgan County Sheriff and have been for many years. One of my duties has been that of Compliance Officer with primary responsibility for monitoring and compliance with the Consent Decree in the above- styled case. As such, I have in my custody or control, or I have access to, the records maintained in the ordinary course of business by the Morgan County Sheriff.

2. One of my duties as Compliance Officer is to monitor the population in the Morgan County Jail. I know that at times when the jail population increased to



### CERTIFICATE OF RETENTION

As the filer of this document, I hereby certify that I currently hold the original signature document which has been duly executed and notarized. I further certify that I shall retain the hard copy of this document containing the original signature for one year after exhaustion of the time to appeal final resolution of this action or issuance of a mandate from the Court of Appeal.



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George W. Royer, Jr.

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION

JOHNNY MAYNOR, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	CA NO. 5:01-CV-0851-UWC
	)	
MORGAN COUNTY, ALABAMA,	)	
et al.,	)	
	)	
Defendants.	)	

AFFIDAVIT OF CAROL LONG

STATE OF ALABAMA	)
	)
MORGAN COUNTY	)

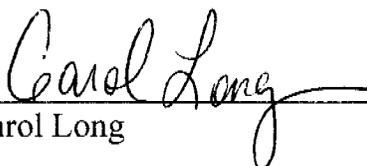
BEFORE ME, the undersigned notary public in and for said county in said state personally appeared Carol Long who is known to me and who, upon being first duly sworn by me, deposes and says as follows:

1. My name is Carol Long and I have personal knowledge of the facts stated in this affidavit.

2. I am Deputy County Administrator for the Morgan County Commission and, as such, have in my custody and control the records of the Morgan County Commission maintained in the ordinary course of its business. From time to time, the Morgan County Commission makes payments to other governmental entities who house Morgan County Jail inmates at the request of Morgan County and the Morgan County Sheriff. Records of such

payments are made in the ordinary course of Morgan County's business by recording and entering such payments to a computer accounting system in the regular course of business and as such payments are made.

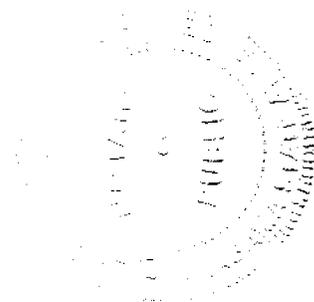
3. I have caused a printout to be made of the Morgan County records relating to payments made to City of Decatur, Hartselle Police Department, the Lawrence County Commission and the Clay County Commission for the housing of Morgan County inmates for the years 2003 through May 11, 2006. A true and correct copy of such printout is marked Exhibit 1 and made a part of this affidavit by reference. Such Exhibit 1 reflects that Morgan County has made a total of \$603,226.00 in payments to such other entities for housing Morgan County inmates during such period of time.

  
Carol Long

SWORN TO AND SUBSCRIBED BEFORE ME this 16 day of May, 2006.

  
Notary Public

MY COMMISSION EXPIRES: June 9, 2009



CERTIFICATE OF RETENTION

As the filer of this document, I hereby certify that I currently hold the original signature document which has been duly executed and notarized. I further certify that I shall retain the hard copy of this document containing the original signature for one year after exhaustion of the time to appeal final resolution of this action or issuance of a mandate from the Court of Appeals.

A handwritten signature in black ink, appearing to read "GWR", is written above a horizontal line.

George W. Royer, Jr.

IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF ALABAMA  
 NORTHEASTERN DIVISION

JOHNNY MAYNOR, et als )  
 )  
 PLAINTIFFS )  
 )  
 VS. ) CIVIL ACTION NO: 5:01-CV-00851-UWC  
 )  
 )  
 MORGAN COUNTY, ALABAMA, )  
 et als )  
 DEFENDANTS )

STATE OF ALABAMA ) **AFFIDAVIT OF GREG BARTLETT**  
 )  
 COUNTY OF MORGAN )

Before me, the undersigned Notary Public in and for said State and County, personally appeared Greg Bartlett, who, after being duly sworn, deposes and says the following:

1. My name is Greg Bartlett. Unless otherwise reflected in the context of this affidavit, I have personal knowledge of the things and matters set out in this affidavit.
2. I am the Sheriff of Morgan County, Alabama. I assumed office in January 2003.
3. When I became Sheriff, the former Sheriff and the County Commission, along with the plaintiffs in this litigation, had entered into a Consent Degree addressing, among other things, issues involving jail overcrowding.
4. My first contact with the issue of alternative sentencing was upon receipt of a letter authored by attorney William Shinn to Morgan County Commission Chairman, Larry Bennich. At that time, there were discussions regarding the development of a Community Corrections Program (CCP) to deal with alternative sentencing issues.
5. At that time there was already being implemented in the Morgan County Sheriff's Department a work release program. This program involved persons who had been sentenced and were serving their term of sentence in the Morgan County jail facility. Because the Community Corrections Program does not involve persons who were incarcerated in the jail, I was concerned that the Community Corrections Program **not incorporate or include** the work release program. The work release program, having already been implemented, would not benefit from being associated with the CCP.
6. The CCP was established to find ways to keep defendants out of jail, not to direct

their activities in jail. It was my concern that the CCP should not be granted authority to direct the activities or movement of prisoners in jail. These individuals are under the supervision of the Sheriff and for security and administrative purposes, I was concerned that the authority with respect to the oversight of persons who are incarcerated not be blurred or confused in any respect.

7. Furthermore, because the work release program involved persons who were under a Court-ordered incarceration, and thus under the supervision of the Sheriff, I was concerned that the person who occupied the position of Sheriff be the one determining eligibility for work release and establishing restrictions imposed on persons involved in the work release program. By Alabama law, and by custom and practice, prisoners and the daily activities involving prisoners, are subject to the control of the Sheriff. I do not believe that control of prisoners by someone other than the Sheriff is advisable, or for that matter, legal.

8. On or about April 30, 2003, I addressed my concerns regarding the CCP and its involvement with the work release program in correspondence to the Chairman. I discussed these concerns with Chairman Bennich and he agreed that the work release provisions should be eliminated from the CCP. It was my not intent that any corrections program be in any way delayed or that its implementation be hampered because of my concerns regarding the work release program. In fact, I felt that the implementation of the Community Corrections Program could be more effectively accomplished if it were separated from the work release program already in place.

9. One aspect of CCP is a concept of alternative sentencing. Of course, alternative sentencing will require the full involvement of the Morgan County District Attorney's Office and the various judges in our Circuit. I am not opposed to the alternative sentencing concept. It should be an effective and important part of the Community Corrections Program.

10. I have addressed this issue on several occasions with Presiding Circuit Judge Haddock. Judge Haddock and I met with Chairman Bennich in his office to discuss the alternative sentencing program and a method for funding the program.

11. In our meeting, Chairman Bennich felt that the implementation of the alternative sentencing program and its funding should be left to the incoming Chairman of the Morgan County Commission. Only recently, have funds been appropriated by the Commission to implement the Alternative Sentencing concepts.

12. In meetings preceding the adoption of the 2006-2007 fiscal year budget, discussions were held regarding the implementation of an Alternative Sentencing Program and the necessity that the program be funded by the Commission. These discussions were held with members of the Commission during the budgeting process. The Commission was advised that the first year cost of the implementation of the program was approximately \$70,000.00. One Commissioner volunteered that the monies could be withdrawn from his budget but this did not occur as promised..

13. As Sheriff of Morgan County, I support the Community Corrections Program and will cooperate with the Judges, the District Attorney and the County Commission in the implementation of programs established by the CCP.

14. At this time, it appears that we will meet all deadlines with respect to populating and staffing the newly constructed correctional facility. I have instructed my staff to begin working on programs for prisoners that will include GED and other similar programming. Unfortunately, I have no authority to develop and administer programs that will keep defendants out of jail. The sentencing relief to prisoners falls under the jurisdiction of the Courts. From my conversations with Presiding Judge Haddock, I believe that Presiding Judge Haddock and other Circuit and District Judges will fully cooperate in a properly funded Community Correction Program concept.

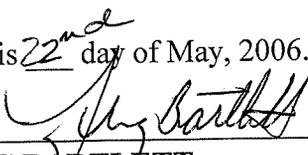
15. As Sheriff, I stand ready to assist to the degree possible in the alternative sentencing process.

  
\_\_\_\_\_  
**GREG BARTLETT**

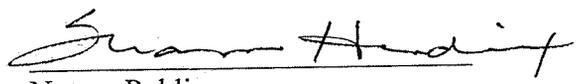
STATE OF ALABAMA  
COUNTY OF MORGAN

I, GREG BARTLETT, being first duly sworn do hereby affirm that the statements contained in the foregoing are true and correct and that I have executed this affidavit voluntarily on the day the same bears date.

Given under my hand and seal on this 22<sup>nd</sup> day of May, 2006.

  
\_\_\_\_\_  
**GREG BARTLETT**

SWORN to and subscribed to before  
me this the 22<sup>nd</sup> day of May, 2006.

  
\_\_\_\_\_  
Notary Public  
My Commission expires: Jan. 19, 2009