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Opinion

Parole hearings should be resumed for public health

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It is welcome news that Charles Graddick, the Director of the Bureau of Pardons and Paroles, is “continuing discussions with the Governor’s Office in an effort to restart pardon and parole hearings as safely and efficiently as possible.” He should work swiftly: the Board should resume hearings as *soon* as possible.

As the Alabama Department of Corrections has recently concluded, Alabama’s prisons are likely to see dramatic spread of the coronavirus and, as a consequence, many deaths. Social distancing is impossible due to overcrowding. Proper hygiene is impossible due to lack of supplies and prohibitions on certain hygiene products.

Prisons are not islands. If an outbreak starts among prisoners, it will spread to correctional officers and other staff, who will take the virus home to their families and our communities. Given the Covid-19 pandemic, Alabama’s prison overcrowding has become a tremendous threat to the health of the people of Alabama.

One remedy to the overcrowding is to release prisoners who are eligible for parole. As of April 1, nearly 4,000 people (15 percent of those incarcerated in Alabama prisons) were eligible for a parole hearing.

Yet the Alabama Board of Pardons and Paroles, which already faces a crushing backlog of cases, has canceled hearings scheduled through May 28. The Board had contended that it is forbidden to proceed because Alabama law prohibits electronic hearings (other states, including Mississippi, conduct parole hearings electronically as a matter of course). Director Graddick today announced that he is considering virtual hearings, given the State of Emergency.

The State of Emergency permits the Board to proceed with virtual hearings. Under Alabama law, the Governor may declare a state of emergency and, during that emergency, suspend laws and regulations that would ordinarily apply.

In Governor Ivey's First Supplemental Proclamation of the State of Emergency (issued March 18), she suspended the requirements of the Open Meetings Law and permitted state agencies to proceed using "telephone conference, video conference, or other similar communications equipment" if necessary for the agency to conduct essential minimum functions or respond to the pandemic.

The Proclamation thus contemplates virtual hearings, even when otherwise forbidden by law, if necessary in the current emergency. And there is no doubt that restarting parole hearings is necessary to respond to the Covid-19 pandemic.

Governor Ivey has authorized the Board to proceed with virtual hearings. Director Graddick should seize on that authorization to restart parole hearings as soon as possible. Without steps to address the impending coronavirus catastrophe in Alabama's overcrowded prisons, we are all at greater risk of falling victim to the disease.

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