

2-5-86

BOARD OF PARDONS and PAROLES



107497

ANNUAL REPORT

1985 — 1986

107497

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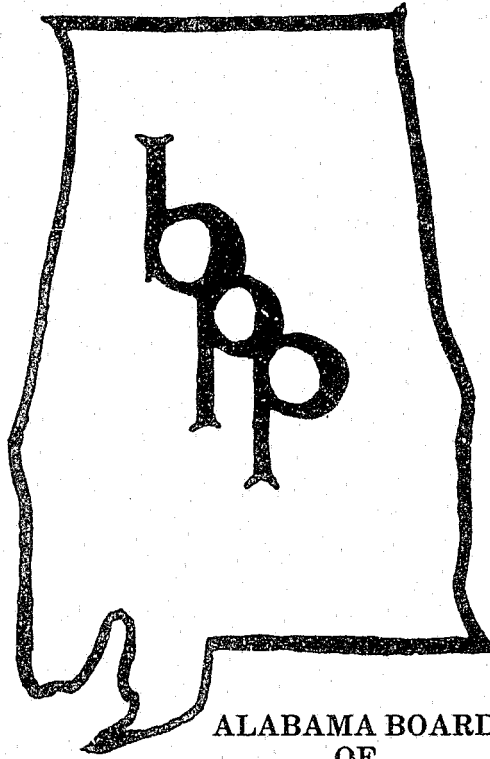
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**ALABAMA BOARD
OF
PARDONS AND PAROLES**

Suite 312
750 Washington Avenue
Montgomery, Alabama 36130
(205) 261-5533

Ealon M. Lambert
Chairman

NCJRS

John T. Porter
Member

JAN 22 1987

Jack D. Shows
Member

ACQUISITIONS

Warren D. Gaston
Executive Director

LETTER OF TRANSMITTAL

November 17, 1986

Honorable George C. Wallace
Governor of the State of Alabama
Montgomery, Alabama

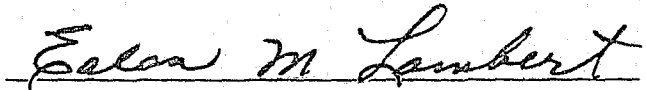
Dear Sir:

In compliance with statutory provisions, we are transmitting herewith the Forty-Seventh Annual Report of this Board covering the fiscal year October 1, 1985 to September 30, 1986.

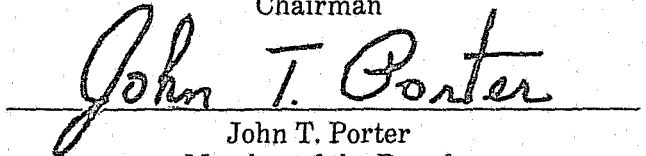
Copies of the report are being filed in the offices of the Secretary of State, Department of Archives and History, and the Bureau of Publicity and Information.

Respectfully submitted,

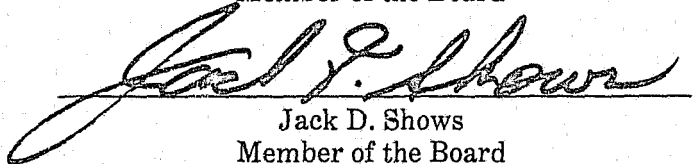
STATE BOARD OF PARDONS AND PAROLES



Ealon M. Lambert
Chairman



John T. Porter
Member of the Board



Jack D. Shows
Member of the Board



**EALON M. LAMBERT
CHAIRMAN**

Chairman of the Board, Ealon M. Lambert, serves from the 3rd Congressional District. He is a native of Covington County, Alabama and graduated from the public schools in Lee County. He attended Auburn University and served as a pilot instructor in the United States Air Force during World War II. He was in private business in Opelika, Alabama for 19 years and was elected to the Opelika City Commission and served from 1950 - 1963 being re-elected to four terms. During this time he served as Mayor of Opelika from 1952 - 1958. He was first appointed to the Board by Governor George C. Wallace on July 16, 1963. He was reappointed by Governor Albert Brewer at the expiration of that term on August 8, 1969. Mr. Lambert was appointed to serve his third term by Governor Fob James on July 9, 1981. He is involved in agriculture and other business interests in Elmore County. He is married to Louise H. Lambert and they have five daughters.



**JOHN T. PORTER
ASSOCIATE MEMBER**

John T. Porter serves from the 6th Congressional District. He is a native of Jefferson County, Alabama and was graduated from the public schools in Jefferson County. He was graduated from Alabama State University in Montgomery, Alabama in 1955 with a Bachelor of Science Degree. He was graduated from Morehouse School of Religion in Atlanta, Georgia in 1958 with a Masters of Divinity Degree. Mr. Porter served in the Alabama State Legislature from 1974-1977 representing House District 39. He has pastored the Sixth Avenue Baptist Church in Birmingham, Alabama for the past 24 years. He was appointed to the Board in June 1977 by Governor George C. Wallace and was reappointed by Governor Wallace at the expiration of that term in July 1983. Mr. Porter is on the Board of Directors of Citizens Federal Savings Bank in Birmingham, the Board of Directors of Leadership Birmingham and the Advisory Board of The University of Alabama at Birmingham. He is married to Dorothy R. Porter and they have three sons and one daughter.



**JACK D. SHOWS
ASSOCIATE MEMBER**

Jack D. Shows serves from the 2nd Congressional District. He is a native of Crenshaw County, Alabama. He attended the public schools of Crenshaw County prior to serving in the United States Navy.

He joined the Montgomery Police Department in May, 1948 and achieved the rank of Assistant Chief prior to his retirement in January, 1971.

He served as Chief Investigator for the Attorney General's Office from January, 1971 until March, 1986 when he was appointed to the Board by Governor George C. Wallace.

He is the past President of the State Fraternal Order of Police and past President of Capital City Lodge #11 Fraternal Order of Police. He has served as District Vice President of Alabama Peace Officers Association. He is a life member of the Oak Park Masonic Lodge. He is a member of the Alcazar Shrine Temple and a member of Royal Order of Jesters. He is an active member of the Internal Association of Police Chiefs and an active member of the American Correctional Association.

He is the father of two children. He is a member of Frazier Memorial Methodist Church of Montgomery.

CODE OF ETHICS

The Board and its staff subscribes to the following Code of Ethics in the performance of their duties.

TO SERVE WITH HUMILITY

TO UPHOLD THE LAW WITH DIGNITY

**TO BE OBJECTIVE IN THE PERFORMANCE
OF MY DUTIES**

**TO RESPECT THE INALIENABLE RIGHTS
OF ALL PERSONS**

**TO HOLD INVIOLETE THOSE CONFIDENCES
REPOSED IN ME**

**TO COOPERATE WITH FELLOW WORKERS
AND RELATED AGENCIES**

**TO BE AWARE OF MY RESPONSIBILITIES TO THE
INDIVIDUAL AND TO THE COMMUNITY**

**TO IMPROVE MY PROFESSIONAL STANDARDS
THROUGH CONTINUOUSLY SEEKING
KNOWLEDGE AND UNDERSTANDING**

PAROLE AND COMMUNITY PROTECTION

This Board believes that its primary business is community protection. With or without parole, approximately 95 percent of incarcerated offenders will walk the streets again. The real question then is not whether offenders should be released; but rather —

WHEN SHOULD OFFENDERS BE RELEASED? and, WHAT ARE THE BEST CIRCUMSTANCES FOR THEIR RELEASE?

The Board's philosophy — implemented by its procedures — is that these questions can only be answered intelligently after a careful study of each inmate's —

- Criminal History
- Family Background
- Prison Progress
- Parole Resources

— And the impact of the crime upon the victim.

When these factors add up to a minimal risk to the community, the Board believes that it is in the community's interest to release an inmate. The Board believes that it is best to release an inmate —

- Before they are prison hardened
- While family ties are still intact
- When they are guaranteed employment
- While they will have the control and support of a trained parole officer.

Parole is not leniency; it does not end or shorten a sentence.

Parole provides the opportunity for changing the offenders habits and life patterns — for making him an asset to the community. The Board believes that the surest guarantee of community safety, is a reformed life.

The Board recognizes, of course, that with present knowledge and controls, some cannot be changed — that some represent such a threat to the public that they may never be a safe risk on parole. The Board strives to use all information available and to exercise the best judgment possible in identifying these cases and making sure that these offenders remain in prison.

An offender who can be safety paroled is released subject to specific conditions including restitution to the victim when appropriate. There is regular surveillance of their activities and if they violate any of these conditions, they may be promptly returned to prison to continue serving their time. The Board believes, and statistics support the belief, that parole is an effective and economical means of bridging the gap between the regimentation of prison and the freedom of community living. Carefully administered parole protects YOU.

HISTORY OF THE DEPARTMENT

Alabama's first parole law was passed in 1897. It authorized the Governor to discharge an inmate and suspend a sentence without granting a pardon. He was authorized to prescribe the terms upon which an inmate so paroled shall have a sentence suspended, and to secure the rearrest and reimprisonment of any parolee who failed to observe the conditions of his parole. Prior to this law the only legal means of releasing a prisoner, before the expiration of the sentence, was by pardons granted by the Governor.

The Constitution of 1901 gave the Governor the power to grant paroles. It also provided for the establishment of a Board of Pardons composed of the Attorney General, State Auditor, and Secretary of State, to advise the Governor on parole and clemency matters.

In 1919, an act was passed providing for the imposition of indeterminate sentences upon certain persons convicted of felonies and for the parole of such persons at the expiration of the minimum sentence by the Board of Pardons without the approval of the Governor. This act was repealed in 1939, and now only definite sentences are authorized.

In 1935, the Governor created by executive order the Alabama Parole Bureau to make an independent study of prisoners confined in the prisons of Alabama to recommend to the Governor those worthy of test paroles. The bureau was composed of a chairman, an associate member, and a secretary. Only one parole officer was provided for the investigation and supervision of prisoners.

On July 11, 1939, a constitutional amendment was adopted, providing for the removal of the pardoning and paroling authority from the Governor and placing it in the hands of the legislature. The legislature passed an enabling act in August, 1939 providing for the creating of a three-member State Board of Pardons and Paroles, with complete and final authority in matters of pardons, paroles, restoration of civil and political rights, and remissions of fines and forfeitures. This act was substantially amended in 1951. (Title 42, Code of Alabama, 1940 as amended). The present statutory authority is Title 15, Code of Alabama, 1975 as amended. The three original members of the Board were Judge Alex Smith, Chairman; Mrs. Edwina Mitchell, Associate Member; Judge Robert M. Hill, Associate Member. They were appointed on September 1, 1939, for staggered terms of two (2), four (4), and six (6) years. All subsequent terms are for six years. The Board appointed thirteen probation and parole officers on October 1, 1939.

PROBATION IN ALABAMA

Adult probation in Alabama began on August 24, 1939, when the Governor approved an enabling act, giving the legislature power to authorize adult probation.

Prior to this time it had been held that the Alabama courts did not have inherent power to suspend sentences. The courts action in suspending sentences was held to be an encroachment on the executive power to pardon, commute, and reprieve. In 1931 the legislature passed a law giving the judges power to suspend execution of sentences and place offenders on probation. This act was declared unconstitutional in 1935. Had it been constitutional it would have done little more than authorize suspended sentences since, in most cases, there was no provision for investigation and supervision.

Under the present adult probation law Alabama has a statewide uniform administration of probation. Probation Officers are appointed by the State Board of Pardons and Paroles, subject to the Merit System, and are supervised by the Board. Probation Officers act in a dual capacity in that they serve the courts in probation matters and the Board in parole matters. They are sworn law enforcement officers with arrest powers and must meet the training requirements of the Peace Officers Minimum Standards and Training Act.

DUTIES OF THE BOARD

The Board determines which prisoners serving in the jails and prisons of this state shall be paroled. (The Jefferson County Parole Board exercises jurisdiction over jail inmates in that county.) The Board prescribes the conditions of parole and determines whether a parolee who has violated any of these conditions should be revoked or continued on parole.

The Board provides probation services for those courts having probationary powers. Investigative and supervision services provided to these courts are similar in kind and identical in quality to those provided the Board in parole cases.

The Board grants pardons and/or restoration of civil and political rights to those persons who have shown evidence of rehabilitation and who have demonstrated the ability to live as good citizens.

The Board remits fines and bond forfeitures.

The Board develops policies and procedures and maintains the necessary staff to implement the performance of these duties.

In the performance of its duties, the Board is primarily concerned with changing behavior in such a way that the offender will be enabled to conform with the laws and with minimal standards of conduct of his community. To further this goal of providing community protection by improving the client's behavior, the Board strives to upgrade its staff by providing in-service training and other opportunities for learning experiences.

The Board can work more effectively when the public is informed about and interested in the work and accomplishments of the department. Public relations is, therefore, an integral part of the daily job for the Board and its staff.

A weekly public hearing provides an opportunity for anyone who has an interest in a case to appear before the Board without prior appointment.

**BOARD OF PARDONS AND PAROLES
PERSONNEL**

Board Members	3
General Counsel	1
Executive Director	1
Probation and Parole Officer IV	4
Probation and Parole Officer III	14
Probation and Parole Officer II	119
Probation and Parole Officer I	21
Clerical Staff, Main Office	20
Field Offices	82
Personnel Officer	1
Accountants III	1
Accountants I	1
Account Clerk II	2
Data Entry Operator II	1
Laborer	4
 Total	 275

COST OF OPERATIONS

Salaries: Board Members	\$ 152,525	
Other Salaries	<u>6,344,905</u>	\$6,497,430
Employee Benefits:		
FICA	459,562	
Group Health Insurance	339,767	
Retirement Contributions	414,596	
Unemployment Compensation	<u>3,313</u>	1,217,238
Travel-In-State		113,931
Travel-Out-Of-State		15,396
Repairs and Maintenance		8,887
Rentals and Leases		191,620
Utilities and Communications		224,055
Professional Services		41,516
Supplies, Materials & Operating Expenses		102,663
Transportation Equipment Operations		43,296
Automobile Purchases		84,555
Other Equipment Purchases		57,549
85-86 Encumbrances		<u>16,230</u>
Grand Total		<u><u>\$8,614,366</u></u>
Source of Funds:		
General Fund	\$6,783,795	
Probationers Upkeep		
Fund	1,786,329	
Montgomery County		
Commission	28,012	
85-86 Encumbrance-Prob.		
Upkeep Fund	<u>16,230</u>	
Total		<u><u>\$8,614,366</u></u>

SELECTING AND SCHEDULING CASES FOR PAROLE

In order to make an informed decision, the Board causes a file to be prepared on all prisoners shortly after they are received in the correctional system. When completed, the file is reviewed and an initial parole consideration date scheduled. Those prisoners who committed crimes prior to May 19, 1980 are scheduled for initial consideration upon completion of one-third of their term or ten years (whichever is less). By law, the time may be reduced by application of Incentive Good Time credit. Most other prisoners (except those legally barred from parole and those whose sentence includes a mandatory fixed term prior to parole) are scheduled under consideration guidelines.

Under the guidelines, prisoners serving sentences of ten (10) years or more and who have a high potential for violence, will not be considered until they have served one-half of their term or fifteen years, whichever is less. Career criminals will be considered after serving from one-third to one-half of their term.

Other guideline cases will be scheduled for initial parole consideration on or before service of one-third of their total term. Factors used in determining the consideration date are: past criminal record, pattern and severity of the present offense, community attitude toward the offender.

Each case scheduled for progress review is placed on an automatic calendar. The progress review includes a study of the prisoner's conduct and work record while in prison; his general progress, attitude, and prison official's reports and recommendations.

Parole is granted

- If the inmate's prison adjustment is good
- If there are no valid protests to parole
- If the inmate's release appears to be compatible with society's welfare
- If the Board believes the inmate has served a sufficient portion of his sentence
- If a satisfactory parole plan is available

If Parole is denied

- The inmate may be required to serve the remainder of his sentence if less than 3 years
- He may be given a new progress review date within a minimum of 6 months and a maximum of 3 years

INTERSTATE CASES

The department is responsible for all Alabama parole and probation cases being transferred to other states for supervision and for providing investigation and supervision when a parolee or probationer from another state requests a transfer to Alabama. In interstate matters the department is guided by the provisions of the Interstate Compact. The compact is an agreement between all fifty states, Puerto Rico, and the Virgin Islands, to serve as agents for each other in parole and probation matters. For instance, if an inmate in Alabama wants to live in Georgia after his release, the Georgia authorities will act as the Alabama agents, investigating inmate's home and work plan, providing parole supervision and informing us of the parolee's progress and conduct.

The Compact also allows for the return of serious parole violators without costly and time consuming extradition proceedings. In all cases of out-of-state parole, the paroling state retains control of the parolee but the parolee is also bound by the rules and regulations of the state to which he has been paroled.

VICTIM RIGHTS

Right to Notification

During recent years the public has expressed its concerns that offender rights should be balanced by Victim Rights. This has been demonstrated by passage of a number of laws on behalf of victims which impact upon this Department. Victims of violent crimes and families of children who have been abused are now being notified prior to an inmate being considered for parole by the Board. They have a right to be present at the Parole Hearing, and they may also express their concerns in writing to the Board.

Victim Information

In September, 1985, a Victim Impact category was added to all reports of investigation completed by the Department's Probation and Parole officers. This was done to ensure that the courts and the Parole Board understood the impact of the crime upon the victim when making decisions regarding probation and parole of offenders.

A victim impact report form is sent to the victim by certified mail. If the victim wishes, he/she may return the completed report to the Probation and Parole office to be included with the report of investigation. That report provides the decision makers with the victims personal input.

Restitution

When the courts order restitution upon sentencing, this Department through its probation officers, enforce that order while the offender is on probation. The Parole Board further requires court ordered restitution to be a part of the conditions of any release on parole.

PAROLE STATISTICS*

	October 1, 1985 to September 30, 1986	September 15, 1939 to September 30, 1986
Considered	3,902	118,630
Denied	2,118	71,183
Granted	1,784**	47,447

October 1, 1985 to
September 30, 1986

Declared	
Delinquent	513
Revoked	357

A two year follow-up study of cases paroled between October 1, 1981 and September 30, 1983 revealed the following recidivism rates:

24% revoked

.4% revoked for crimes of violence

***Includes inmates serving county jail sentences.**

****Includes 19 Conditional Transfers**

STATE INMATES PAROLED AND REVOKED BY COUNTIES

COUNTIES	GRANTED	REVOKED
Autauga	14	2
Baldwin	26	5
Barbour	17	2
Bibb	5	3
Blount	12	0
Bullock	4	0
Butler	10	0
Calhoun	64	11
Chambers	15	1
Cherokee	6	1
Chilton	12	0
Choctaw	6	3
Clarke	9	2
Clay	4	0
Cleburne	5	3
Coffee	14	3
Colbert	13	1
Conecuh	3	3
Coosa	5	3
Covington	23	0
Crenshaw	2	0
Cullman	27	8
Dale	9	3
Dallas	19	3
DeKalb	13	1
Elmore	19	6
Escambia	4	2
Etowah	39	10
Fayette	6	1
Franklin	11	1
Geneva	6	0
Greene	6	0
Hale	8	2
Henry	3	1
Houston	101	15
Jackson	9	1
Jefferson	235	81
Lamar	11	2
Lauderdale	39	5
Lawrence	19	3
Lee	59	11
Limestone	9	3

STATE INMATES PAROLED AND REVOKED BY COUNTIES
(Continued)

COUNTIES	GRANTED	REVOKED
Lowndes	1	2
Macon	6	1
Madison	143	26
Marengo	23	2
Marion	12	0
Marshall	25	12
Mobile	194	31
Monroe	5	4
Montgomery	134	27
Morgan	41	6
Perry	2	1
Pickens	3	1
Pike	12	0
Randolph	2	1
Russell	44	3
Shelby	12	1
St. Clair	10	2
Sumter	6	0
Talladega	54	9
Tallapoosa	24	2
Tuscaloosa	74	21
Walker	20	2
Washington	3	1
Wilcox	4	0
Winston	9	0
TOTAL	1,784	357

PROBATION

Probation Granted	5,416
Probation Revoked	838
Total Placed on Probation During Forty-Seventh Year Period Of Administration	128,681
Total Revoked During Forty-Seventh Year Period of Administration	17,981

During the forty-seven year period of administration, 14% of the probations granted have been revoked.

PROBATIONS GRANTED AND REVOKED BY COUNTIES

COUNTIES	GRANTED	REVOKED
Autauga	19	4
Baldwin	123	15
Barbour	39	1
Bibb	38	2
Blount	25	1
Bullock	15	0
Butler	15	9
Calhoun	189	32
Chambers	30	4
Cherokee	77	6
Chilton	23	3
Choctaw	41	3
Clarke	81	11
Clay	13	0
Cleburne	4	1
Coffee	50	15
Colbert	37	10
Conecuh	40	7
Coosa	11	2
Covington	35	15
Crenshaw	19	4
Cullman	75	13
Dale	31	10
Dallas	60	7
DeKalb	64	8
Elmore	52	5
Escambia	204	12
Etowah	191	18
Fayette	26	4
Franklin	19	9
Geneva	9	3
Greene	12	1
Hale	15	2
Henry	19	3
Houston	171	16
Jackson	55	7
Jefferson	932	88
Lamar	25	2
Lauderdale	45	12
Lawrence	40	8
Lee	103	26
Limestone	44	10

PROBATIONS GRANTED AND REVOKED BY COUNTIES

COUNTIES	GRANTED	REVOKED
Lowndes	15	4
Macon	9	2
Madison	279	57
Marengo	42	6
Marion	27	9
Marshall	83	9
Mobile	420	37
Monroe	27	10
Montgomery	362	104
Morgan	108	17
Perry	22	4
Pickens	23	1
Pike	51	13
Randolph	17	1
Russell	71	8
Shelby	48	2
St. Clair	51	5
Sumter	23	3
Talladega	116	28
Tallapoosa	65	8
Tuscaloosa	277	38
Walker	74	23
Washington	48	4
Wilcox	15	1
Winston	27	5
TOTAL	5,416	838

PARDONS AND RESTORATIONS

Pardons with Restoration of Civil
and Political Rights Granted 205

PROBATION AND PAROLE CLIENTS AS OF:

	September 30, 1986	September 30, 1980
Parole Supervision	3,205*	2,547
Probation Supervision	17,954*	10,765
GRAND TOTAL	21,159*	13,312

CASES SUPERVISED DURING THE YEAR

Supervised for other states	2,419
Parole Supervision	4,063
Probation Supervision	21,882
GRAND TOTAL	28,364

INVESTIGATIONS COMPLETED DURING THE YEAR

	OUT OF STATE	ALABAMA
Probation	1,437	13,168
Parole	542	8,740
Miscellaneous	558	4,900
Total	2,537	26,808
GRAND TOTAL	29,345	

*Includes Alabama Cases transferred to other states.

INTERSTATE RELATIONS

Cases Investigated for Other States	1,527
Parolees and Probationers received for supervision from other states	1,030
Alabama probationers and parolees accepted for supervision by other states	603