

BOARD OF PARDONS and PAROLES



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ANNUAL REPORT
1987 — 1988

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National Institute of Justice**

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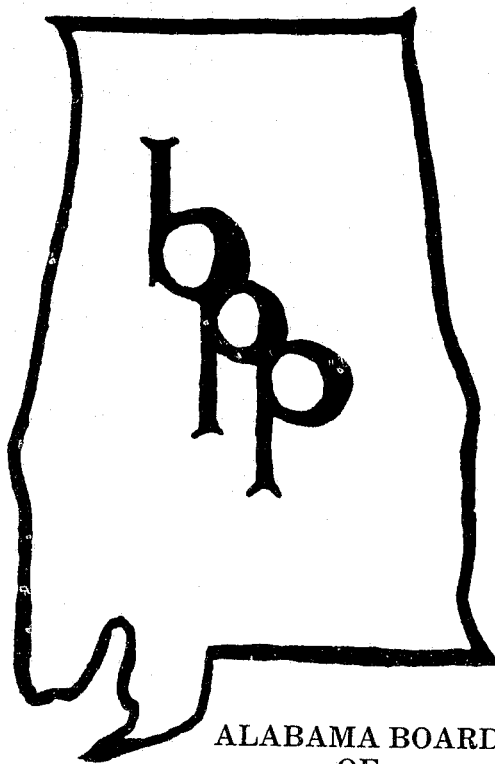
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ALABAMA BOARD
OF
PARDONS AND PAROLES

Suite 1
777 South Lawrence Street
Montgomery, Alabama 36130
(205) 261-5533

Joel W. Barfoot
Chairman

NCJRS

John T. Porter
Member

AUG 15 1989

Jack D. Shows
Member

ACQUISITIONS

Warren D. Gaston
Executive Director

LETTER OF TRANSMITTAL

November 30, 1988

Honorable Guy Hunt
Governor of the State of Alabama
Montgomery, Alabama

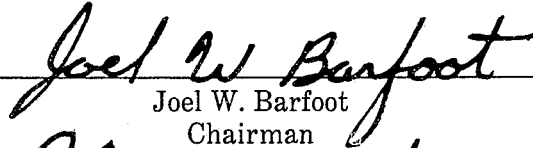
Dear Sir:

In compliance with statutory provisions, we are transmitting herewith the Forty-Ninth Annual Report of this Board covering the fiscal year October 1, 1987 to September 30, 1988.

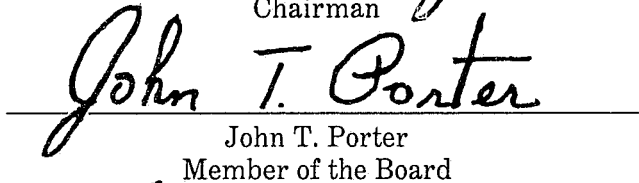
Copies of the report are being filed in the offices of the Secretary of State, Department of Archives and History, and the Bureau of Publicity and Information.

Respectfully submitted,

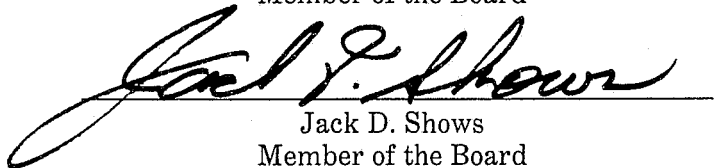
STATE BOARD OF PARDONS AND PAROLES



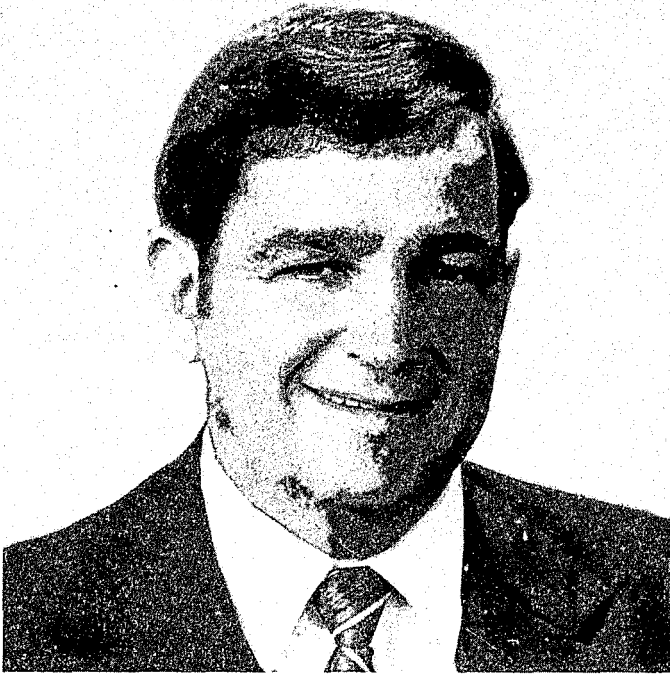
Joel W. Barfoot
Chairman



John T. Porter
Member of the Board



Jack D. Shows
Member of the Board



**JOEL W. BARFOOT
CHAIRMAN**

Chairman of the Board, Joel W. Barfoot, serves from the 3rd Congressional District. He is a native of Montgomery County, Alabama. He graduated from Troy State University in 1973 with a Bachelor of Science Degree in Criminal Justice and an Associate of Science Degree in Law Enforcement. Mr. Barfoot has completed training required by the Peace Officers Standards and Training Act. From 1969 to 1979, he served with the Montgomery Police Department obtaining the rank of Lieutenant. In 1980, he won a seat on the Montgomery County Commission and was re-elected in 1987 and served as Chairman of the County Commission. He was appointed to the Board by Governor Guy Hunt; and on August 4, 1987, was sworn in as Chairman. He is a member of the Civitan Club. He has a private real estate interest. He is married to the former Sherry Teal Sims, and they have one son.



**JOHN T. PORTER
ASSOCIATE MEMBER**

John T. Porter serves from the 6th Congressional District. He is a native of Jefferson County, Alabama, and graduated from the public schools of Birmingham. He graduated from Alabama State University in Montgomery, Alabama, in 1955 with a Bachelor of Science Degree. He 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 26 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. Mr. Shows 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 International Association of Police Chiefs and an active member of the American Correctional Association. Mr. Shows is a member of Frazier Memorial Methodist Church of Montgomery. He is the father of two children.

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 INVIOULATE 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 inmates —

- 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 safely 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, the State Auditor, and the 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 act, 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
Assistant Executive Director	1
Probation and Parole Officer V	4
Probation and Parole Officer IV	14
Probation and Parole Officer III	37
Probation and Parole Officer II	88
Probation and Parole Officer I	35
Clerical Staff, Main Office	22
Field Offices	85
Personnel Officer	1
Accountants III	1
Accountants I	1
Account Clerk II	2
Laborer	6
 Total	 302

COST OF OPERATIONS

Salaries: Board Members	\$ 158,544	
Other Salaries	<u>6,868,148</u>	\$7,026,692
Employee Benefits:		
FICA	518,769	
Group Health Insurance	483,550	
Retirement Contributions	487,042	
Unemployment Compensation ...	<u>12,400</u>	1,501,761
Travel-In-State		152,285
Travel-Out-Of-State		19,263
Repairs and Maintenance		15,408
Rentals and Leases		239,467
Utilities and Communications		241,048
Professional Services		53,560
Supplies, Materials & Operating Expenses		76,427
Transportation Equipment Operations		45,598
Automobile Purchases		10,530
Other Equipment Purchases		16,782
Non-Expenditure Disbursements (Matching Funds) ...		16,675
87-88 Encumbrances		<u>280,906</u>
Grand Total		<u><u>\$9,696,402</u></u>
Source of Funds:		
General Fund	\$6,801,783	
Probationers Upkeep		
Fund	2,613,713	
87-88 Encumbrance-Prob.		
Upkeep Fund	220,906	
87-88 Encumbrance-General Fund	<u>60,000</u>	
Total		<u><u>\$9,696,402</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/she 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 notified prior to an inmate's being considered for parole by the Board. The Victim's right to be present at the Parole Hearing and to express their concerns in person and in writing to the Board is provided by law.

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 victim's 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, 1987 to September 30, 1988	September 15, 1989 to September 30, 1988
Considered	4,751	127,040
Denied	2,172	75,360
**Paroled	2,579	51,683

	October 1, 1987 to September 30, 1988
Declared	
Delinquent	779
Revoked	451

A two-year follow-up study of cases paroled between October 1, 1984, and September 30, 1986, revealed the following recidivism rates:

26% revoked
.4% revoked for crimes of violence

*Includes inmates serving county jail sentences.

**Includes conditional transfers to other jurisdictions.

STATE INMATES PAROLED AND REVOKED BY COUNTIES

COUNTIES	PAROLED	REVOKED
Autauga	16	2
Baldwin	47	7
Barbour	12	1
Bibb	8	4
Blount	21	2
Bullock	7	2
Butler	12	0
Calhoun	108	16
Chambers	10	1
Cherokee	8	0
Chilton	17	3
Choctaw	6	2
Clarke	15	0
Clay	3	1
Cleburne	3	1
Coffee	23	3
Colbert	33	2
Conecuh	5	2
Coosa	7	1
Covington	35	6
Crenshaw	7	2
Cullman	40	7
Dale	26	3
Dallas	35	4
DeKalb	22	2
Elmore	13	4
Escambia	9	1
Etowah	63	11
Fayette	5	1
Franklin	19	3
Geneva	7	0
Greene	3	1
Hale	5	1
Henry	14	0
Houston	140	18
Jackson	18	1
Jefferson	373	85
Lamar	5	0
Lauderdale	67	7
Lawrence	24	2
Lee	100	12
Limestone	9	1

STATE INMATES PAROLED AND REVOKED BY COUNTIES
(Continued)

COUNTIES	PAROLED	REVOKED
Lowndes	10	0
Macon	8	2
Madison	168	47
Marengo	12	6
Marion	14	1
Marshall	48	10
Mobile	293	55
Monroe	15	2
Montgomery	187	28
Morgan	52	5
Perry	4	0
Pickens	7	2
Pike	17	1
Randolph	20	1
Russell	43	5
Shelby	15	7
St. Clair	20	3
Sumter	11	0
Talladega	63	14
Tallapoosa	26	9
Tuscaloosa	99	15
Walker	25	5
Washington	9	1
Wilcox	2	1
Winston	11	2
TOTAL	2,579	451

PROBATION

Probation Granted	7,241
Probation Revoked	962
Total Placed on Probation During Forty-Ninth Year Period Of Administration	141,710
Total Revoked During Forty-Ninth Year Period of Administration	19,767

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

PROBATIONS GRANTED AND REVOKED BY COUNTIES

COUNTIES	GRANTED	REVOKED
Autauga	15	2
Baldwin	113	22
Barbour	41	0
Bibb	59	10
Blount	31	4
Bullock	12	0
Butler	50	9
Calhoun	288	41
Chambers	55	9
Cherokee	109	9
Chilton	29	1
Choctaw	51	8
Clarke	159	12
Clay	73	1
Cleburne	17	3
Coffee	87	19
Colbert	44	16
Conecuh	30	7
Coosa	4	2
Covington	41	7
Crenshaw	16	5
Cullman	47	4
Dale	41	1
Dallas	59	8
DeKalb	65	11
Elmore	55	15
Escambia	218	7
Etowah	195	29
Fayette	25	1
Franklin	29	2
Geneva	23	4
Greene	17	1
Hale	1	5
Henry	18	2
Houston	336	24
Jackson	41	8
Jefferson	1,370	134
Lamar	37	2
Lauderdale	129	19
Lawrence	71	10
Lee	108	28
Limestone	49	17

PROBATIONS GRANTED AND REVOKED BY COUNTIES

COUNTIES	GRANTED	REVOKED
Lowndes	21	0
Macon	9	3
Madison	290	40
Marengo	38	4
Marion	35	10
Marshall	170	15
Mobile	590	101
Monroe	61	7
Montgomery	521	82
Morgan	213	39
Perry	44	2
Pickens	21	0
Pike	71	6
Randolph	18	4
Russell	67	14
Shelby	83	5
St. Clair	50	5
Sumter	16	6
Talladega	146	26
Tallapoosa	51	4
Tuscaloosa	310	40
Walker	89	20
Washington	20	0
Wilcox	14	2
Winston	35	8
	<hr/>	<hr/>
TOTAL	7,241	962

PARDONS AND RESTORATIONS

Pardons with Restoration of Civil
and Political Rights Granted 189

PROBATION AND PAROLE CLIENTS AS OF:

	September 30, 1988	September 30, 1980
Parole Supervision	4,952	2,547
Probation Supervision	19,584	10,765
GRAND TOTAL	24,536*	13,312

CASES SUPERVISED DURING THE YEAR

Supervised for other states	2,506
Parole Supervision	6,277
Probation Supervision	25,955
GRAND TOTAL	34,738

INVESTIGATIONS COMPLETED DURING THE YEAR

	OUT OF STATE	ALABAMA
Probation	1,713	13,937
Parole	547	10,952
Miscellaneous	696	6,238
Total	2,956	31,127
GRAND TOTAL	34,083	

*Includes Alabama Cases transferred to other states.

VICTIM IMPACT REPORTS

Number Mailed	6,098
Returned	2,834

INTERSTATE RELATIONS

Cases Investigated for Other States	1,643
Parolees and Probationers received for supervision from other states	975
Alabama probationers and parolees accepted for supervision by other states	677