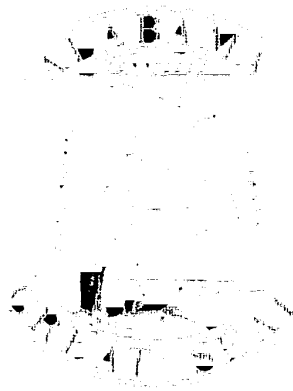


BOARD OF

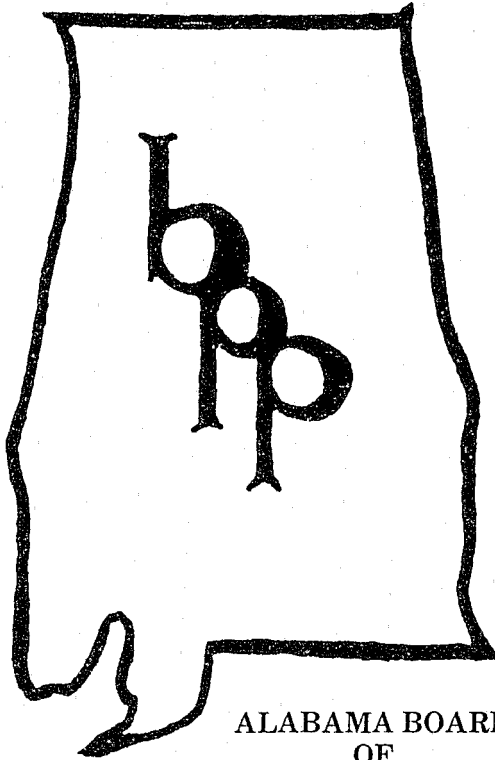
PARDONS and PAROLES



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ANNUAL REPORT

1988 — 1989



ALABAMA BOARD
OF
PARDONS AND PAROLES

50 North Ripley Street
Gov. Gordon Persons Office Building
Plaza Level
Montgomery Alabama 36130
(205) 242-8700

Joel W. Barfoot
Chairman

John S. Nettles
Member

Jack D. Shows
Member

Elmo T. Graves
Executive Director

124274

**U.S. Department of Justice
National Institute of Justice**

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Alabama Board of Pardons
and Paroles

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LETTER OF TRANSMITTAL

November 30, 1989

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

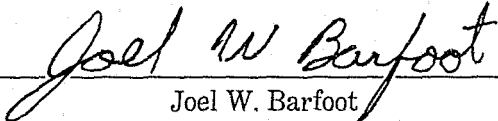
Dear Sir:

In compliance with statutory provisions, we are transmitting herewith the Fiftieth Annual Report of this Board covering the fiscal year October 1, 1988 to September 30, 1989.

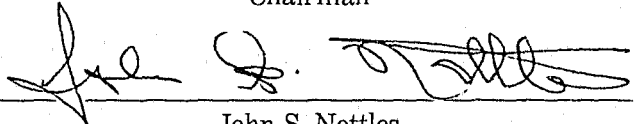
Copies of the report are being filed in the offices of the Secretary of State, Department of Archives and History, and the Bureau of Publicity and Information.

Respectfully submitted,

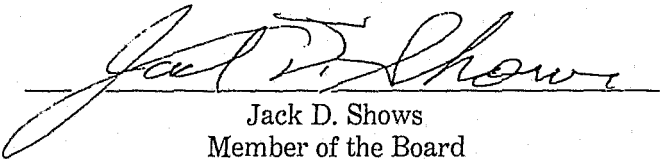
STATE BOARD OF PARDONS AND PAROLES



Joel W. Barfoot
Chairman



John S. Nettles
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 S. NETTLES
ASSOCIATE MEMBER**

John S. Nettles serves from the 4th Congressional District. He is a native of Darlington, South Carolina. He is an educational product of Kittrell College, North Carolina; Bluefield State College, Bluefield, West Virginia; Morehouse School of Religion, Interdenominational Theological Center, Atlanta, Georgia. Rev. Nettles has pastored Mount Olive Baptist Church in Anniston, Alabama, for the past 18 years. He is the director of Project PAY (Producing Ambitious Youth), the director and founder of Education Par Excellence, the former commissioner of Anniston Housing Authority, trustee of Federated Women's Organization, National vice president and State president of Southern Christian Leadership Conference, a member of NAACP, and is the author of several publications. He was appointed to the Board on August 2, 1989, by Governor Guy Hunt. He is married to the former Gertrude Kidd and is the father of a daughter and two sons.



**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 INVIOLEATE 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
Executive Director	1
Assistant Executive Director	1
Accountants III	1
Accountants I	1
Account Clerk II	3
Administrative Assistant	1
Clerical Staff, Main Office	29
Field Offices	103
Deputy Interstate Compact Director	1
General Counsel	1
Laborer	7
Office Systems Administrator II	1
Personnel Officer	1
Probation and Parole Officer V	4
Probation and Parole Officer IV	15
Probation and Parole Officer III	46
Probation and Parole Officer II	87
Probation and Parole Officer I	66
 Total	 372

COST OF OPERATIONS

Salaries: Board Members	\$ 161,517	
Other Salaries	8,360,704	\$8,522,221
Employee Benefits:		
FICA	636,441	
Group Health Insurance	713,169	
Retirement Contributions	592,086	
Unemployment Compensation ...	-0-	1,941,696
Travel-In-State		172,204
Travel-Out-Of-State		26,499
Repairs and Maintenance		32,855
Rentals and Leases		314,470
Utilities and Communications		257,544
Professional Services		69,381
Supplies, Materials & Operating Expenses		109,449
Transportation Equipment Operations		74,545
Automobile Purchases		142,170
Other Equipment Purchases		106,205
88-89 Encumbrances		72,921
Grand Total		\$11,842,160
Source of Funds:		
General Fund	\$9,377,342	
Probationers Upkeep		
Fund	2,391,897	
88-89 Encumbrance-Prob.		
Upkeep Fund	72,921	
Total		\$11,842,160

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, 1988 to September 30, 1989	September 15, 1989 to September 30, 1989
Considered	3,905	130,945
Denied	1,595	76,955
**Paroled	2,310	53,993

October 1, 1987 to
September 30, 1989

Declared Delinquent	1,305
Revoked	725

A two-year follow-up study of cases paroled between October 1, 1985, and September 30, 1987, revealed the following recidivism rates:

26% revoked
.7% 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	12	3
Baldwin	34	10
Barbour	16	3
Bibb	11	3
Blount	30	2
Bullock	8	3
Butler	13	2
Calhoun	97	22
Chambers	19	2
Cherokee	3	4
Chilton	7	4
Choctaw	11	1
Clarke	7	3
Clay	5	2
Cleburne	3	5
Coffee	22	6
Colbert	23	3
Conecuh	11	1
Coosa	10	2
Covington	25	6
Crenshaw	9	0
Cullman	30	9
Dale	27	2
Dallas	37	7
DeKalb	16	5
Elmore	13	2
Escambia	12	5
Etowah	60	27
Fayette	3	1
Franklin	14	4
Geneva	17	2
Greene	6	0
Hale	7	0
Henry	9	2
Houston	93	22
Jackson	11	7
Jefferson	369	167
Lamar	6	1
Lauderdale	47	11
Lawrence	20	8
Lee	72	20
Limestone	15	1

STATE INMATES PAROLED AND REVOKED BY COUNTIES
(Continued)

COUNTIES	PAROLED	REVOKED
Lowndes	5	2
Macon	10	2
Madison	158	43
Marengo	19	3
Marion	14	5
Marshall	37	15
Mobile	249	82
Monroe	11	2
Montgomery	180	60
Morgan	58	18
Perry	4	2
Pickens	4	0
Pike	13	5
Randolph	6	1
Russell	41	16
Shelby	20	6
St. Clair	27	7
Sumter	10	1
Talladega	60	17
Tallapoosa	19	10
Tuscaloosa	75	31
Walker	19	8
Washington	2	1
Wilcox	5	0
Winston	4	1
TOTAL	2,310	728

PROBATION

Probation Granted	7,351
Probation Revoked	1,117
Total Placed on Probation During Fifty-Year Period Of Administration	149,061
Total Revoked During Fifty-Year Period of Administration	20,884

During the fifty-year period of administration, 15% of the probations granted have been revoked.

PROBATIONS GRANTED AND REVOKED BY COUNTIES

COUNTIES	GRANTED	REVOKED
Autauga	25	1
Baldwin	108	23
Barbour	58	5
Bibb	36	8
Blount	38	9
Bullock	12	1
Butler	28	14
Calhoun	214	66
Chambers	75	11
Cherokee	153	13
Chilton	27	6
Choctaw	62	3
Clarke	217	18
Clay	3	3
Cleburne	13	3
Coffee	67	20
Colbert	60	6
Conecuh	15	12
Coosa	26	2
Covington	43	11
Crenshaw	28	5
Cullman	57	8
Dale	89	8
Dallas	68	19
DeKalb	74	9
Elmore	70	17
Escambia	278	31
Etowah	245	37
Fayette	56	0
Franklin	31	5
Geneva	29	1
Greene	9	1
Hale	4	3
Henry	22	5
Houston	226	40
Jackson	37	9
Jefferson	1,558	128
Lamar	16	2
Lauderdale	94	20
Lawrence	45	7
Lee	136	15
Limestone	71	8

PROBATIONS GRANTED AND REVOKED BY COUNTIES

COUNTIES	GRANTED	REVOKED
Lowndes	19	4
Macon	8	0
Madison	299	31
Marengo	42	5
Marion	22	10
Marshall	168	18
Mobile	445	123
Monroe	54	5
Montgomery	506	101
Morgan	128	26
Perry	6	1
Pickens	31	4
Pike	52	19
Randolph	23	3
Russell	79	11
Shelby	70	17
St. Clair	64	6
Sumter	21	1
Talladega	198	38
Tallapoosa	78	10
Tuscaloosa	301	39
Walker	126	16
Washington	39	3
Wilcox	13	2
Winston	36	11
	<hr/>	<hr/>
TOTAL	7,351	1,117

PARDONS AND RESTORATIONS

Pardons with Restoration of Civil
and Political Rights Granted 283

PROBATION AND PAROLE CLIENTS AS OF:

	September 30, 1989	September 30, 1980
Parole Supervision	5,765	2,547
Probation Supervision	20,707	10,765
GRAND TOTAL	26,472*	13,312

CASES SUPERVISED DURING THE YEAR

Supervised for other states	2,576
Parole Supervision	6,910
Probation Supervision	25,720
GRAND TOTAL	35,206

INVESTIGATIONS COMPLETED DURING THE YEAR

	OUT OF STATE	ALABAMA
Probation	1,556	13,834
Parole	672	10,870
Miscellaneous	954	6,397
Total	3,182	31,101
GRAND TOTAL	34,283	

*Includes Alabama Cases transferred to other states.

VICTIM IMPACT REPORTS

Number Mailed	5,194
Returned	2,267

INTERSTATE RELATIONS

Cases Investigated for Other States	1,754
Parolees and Probationers received for supervision from other states	1,009
Alabama probationers and parolees accepted for supervision by other states	676

ELECTRONIC SURVEILLANCE

STATISTICS FOR FISCAL YEAR OCTOBER 1988 THROUGH SEPTEMBER 1989

Number of Probationers Placed on Electronic Surveillance During FY 88-89:

Birmingham	0
Mobile	10
Montgomery	<u>14</u>

Total Number of Probationers: 24

Number of Parolees Placed on Electronic Surveillance During FY 88-89:

Birmingham	14
Mobile	16
Montgomery	<u>20</u>

Total Number of Parolees: 50

Total Number of Probationers and Parolees Placed on Electronic Surveillance During FY 88-89: 74

The Electronic Surveillance program was started in this fiscal year in the above-named cities.