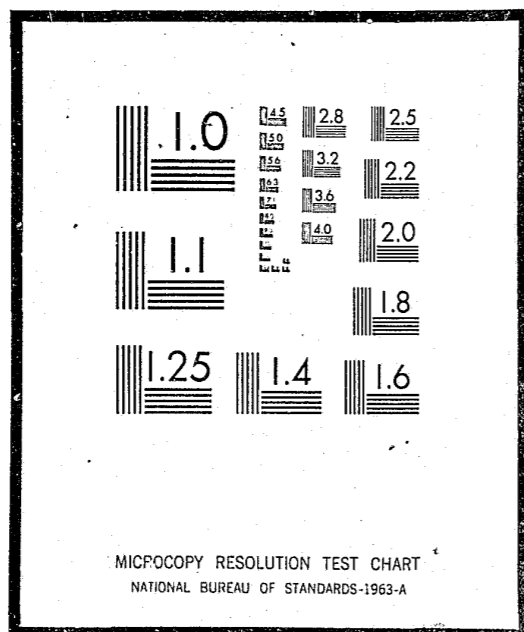


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GEORGIA -  
STATE BOARD OF PARDONS AND PAROLES -

BIENNIAL REPORT,  
FISCAL YEARS 1973 AND 1974  
JULY 1, 1972 - JUNE 30, 1974

TO  
THE GOVERNOR  
THE LIEUTENANT GOVERNOR  
THE GENERAL ASSEMBLY  
THE ATTORNEY GENERAL

SUBMITTED BY  
CECIL C. McCALL, CHAIRMAN  
J. O. PARTAIN, JR., MEMBER  
JOSEPH G. MADDOX, MEMBER  
MRS. MAMIE B. REESE, MEMBER  
JAMES T. MORRIS, MEMBER

## INTRODUCTION

Ours is a small agency composed of five Board members and a total staff of nineteen men and women, but our responsibilities are great. In this time of high crime rates and rising numbers sentenced to Georgia prisons, our purpose remains clear: to protect society, to release under parole supervision only persons who will remain at liberty without violating the law and whose release will be compatible with the welfare of society, and to return to custody those who violate release conditions. These goals are inseparable.

The responsibility of deciding whether to grant or deny parole is not borne lightly. A granting misjudgment may endanger the public and, in addition, may jeopardize the criminal justice system, particularly parole. On the other hand, to deny parole may extinguish a man's hope, destroy his family, and embitter him to the extent that he will more likely be a threat when finally discharged.

A proper Board decision is predicated on a fair sentence, accurate diagnosis and classification, modern institutional treatment, a complete investigation, and professional supervision of the parolee. One fact frequently overlooked is that the quality of the Board decision cannot rise above the quality of these components.

Cecil C. McCall, Chairman  
State Board of Pardons and Paroles  
January 1, 1975

BIENNIAL REPORT  
FISCAL YEARS 1973 AND 1974  
JULY 1, 1972 - JUNE 30, 1974

The two-year period ending June 30, 1974, saw the State Board of Pardons and Paroles initiate major new programs and policies. During this time the chairman was Cecil C. McCall, who on July 1, 1972, was appointed to his position by the Governor and, under a subsequently ratified amendment to the Georgia Constitution, was elected by the Board members to a new term as chairman in 1974.

### Effects of Reorganization

On July 1, 1972, the Board had recently been affected by the Reorganization of State Government. Reorganization transferred responsibility for direction of the State's parole supervisors, including those assigned primarily to investigation, to the new Department of Offender Rehabilitation. Likewise transferred were records-keeping personnel and certain administrators who implement Board decisions. However, the Board remained an independent agency responsible directly to the Governor although it was attached, for the purpose of receiving administrative support, to the Department of Offender Rehabilitation.

### Broad Innovations Begun

Early in the biennium the Board adopted a series of broad innovations. These were designed to expand the Board's knowledge of parole-eligible inmates, to make clemency action better understood among inmates, thereby creating a stronger incentive force for rehabilitation, and to promote more equity and efficiency in Board decision-making.

### Important Factors in Parole Decision

One of the first innovations was systematically to inform prison inmates about what the Board can and cannot do and what the Board expects of them. To accomplish this and also to focus more sharply the Board's review of case information, the Board in July 1972 revised and expanded its written criteria for parole consideration. Since then, the Board has widely and repeatedly published the fact that in its thorough and impartial investigations the Board will take into account any or all of the following factors:

1. The inmate's ability and readiness to assume obligations and undertake responsibilities.
2. The inmate's family status, including whether his relatives display an interest in him or whether he has other close and constructive associations in the community.
3. The type of residence, neighborhood, or community in which the inmate plans to live.
4. The inmate's employment history and his occupational skills and training (including military training).
5. The inmate's vocational, educational, and other training (including that attained since incarceration).
6. The adequacy of the inmate's plans or prospects upon release.
7. The inmate's past use of narcotics or past habitual and excessive use of alcohol.
8. Any recommendations made by the sentencing court.
9. The inmate's conduct during his term of imprisonment.
10. The inmate's behavior and attitude during any previous experience of probation or parole, and the recency of such experience.
11. The availability of community resources to assist the inmate.
12. Circumstances of the offense for which the inmate is then serving a sentence.
13. Any protests or recommendations filed with the Board regarding the inmate's suitability for parole.
14. Any record which the inmate may have of past offenses.
15. Any noticeable attitudinal change since the offense for which the inmate was incarcerated.
16. The physical and emotional status of the inmate.
17. The inmate's reputation in the community.
18. The inmate's positive efforts on behalf of others.
19. Any other relevant factor.

#### Statewide Inmate Interview Program

In August 1972 Board members began personally interviewing inmates on a monthly basis. These increased face-to-face interviews enhance the Board's knowledge of an inmate's fitness for parole, help the inmate better understand the parole system, and hopefully result in greater incentives for rehabilitation. In March 1974, in cooperation with the Department of Offender Rehabilitation, the interview program was put on a systematic basis to make sure no eligible inmate is overlooked, no matter where he is serving. Working in teams of two, Board members travel monthly to each of five prisons -- located at Alto, Stone Mountain, Jackson, Leesburg, and Reidsville -- to which candidates for parole are brought for interview from all other State institutions and State-affiliated county institutions. The Board concentrates its efforts on the marginal cases -- men and women who have been denied parole previously and might or might not have become more suitable for parole.

To be selected automatically for interview, an inmate must meet all of the following criteria:

1. Must have been denied parole previously.
2. Must be scheduled for reconsideration of parole in approximately two months.
3. Must not have been paroled and revoked on current sentences.

#### Orientation Classes for Inmates

In September 1972 the Board's parole review officers (currently six) began conducting orientation classes for all felony offenders entering the State prison system. Classes are held regularly at Georgia's two reception prisons for men at Jackson and Alto and Georgia Rehabilitation Center for Women at Milledgeville. The class acquaints new inmates with the Board's authority under Georgia law, with the Board's policies, and with how an inmate may make himself a better prospect for parole.

#### Reasons Given for Parole Denial

In November 1972 the Board began sending a personal letter to each inmate denied parole which gives him reasons for the denial without disclosing confidential sources of information or disclosing possibly discouraging diagnostic opinions. This letter may also point out any progress the inmate has already demonstrated and suggest prison programs the inmate should participate in for further self-improvement.

#### Delays in Consideration Explained

Occasionally, because of late investigative reports or other unforeseen reasons, an inmate's parole consideration month may pass without a decision being announced. Recognizing the fact that such a delay may cause anxiety in the inmate and a disciplinary problem for the institution, the Board began sending a letter to the inmate explaining the delay and assuring him he was not forgotten.

#### Preliminary Hearing for Alleged Violator

Georgia's Board became one of the first parole boards in the nation in late 1972 to revise its procedures for parole revocation hearings to conform to the U. S. Supreme Court decision in Morrissey v. Brewer. Under the new procedures a parolee accused of seriously violating parole conditions without receiving a new conviction or absconding from supervision is afforded a preliminary hearing conducted by a parole review officer near the site of the alleged violation. The purpose is to determine whether there is probable cause to believe the parolee violated conditions of his parole and whether the parolee should be held under arrest pending the Board's decision on ordering a final revocation hearing before the Board.

In both preliminary and final revocation hearings the parolee may be represented by counsel, may present witnesses and documentary evidence in his behalf, and may decline to make any statement or answer any questions.

#### Easier Restoration of Rights

Under the Georgia Constitution a person convicted of a felony or any other "crime involving moral turpitude, punishable by the laws of this State with imprisonment in the penitentiary," loses his civil and political rights, including the right to vote, the right to hold public office, and the right to serve on a jury. The Parole Board may restore these civil and political rights, but, until November 1973, the ex-offender had to request, fill out, and submit an application form with three affidavits. Because the withholding of citizenship rights may be a handicap to rehabilitation of an ex-offender, the Board felt that once the term of punishment set by the sentencing court was completed, restoration of rights should be easier and in some cases automatic.

On November 1, 1973, the Board began automatically restoring civil and political rights to every eligible parolee at completion of his parole period. A discharged parolee is eligible for this automatic restoration if he has no probation to follow, no fine unpaid, no detainer outstanding, and no other pending legal action or obligation for a criminal offense. If the parolee is not yet eligible for restoration of rights, he receives a discharge order along with a simplified one-page application form for restoration of civil and political rights which he is instructed to save and use later when he becomes eligible.

The Board began attaching this new application form to the felony inmate's copy of his release order for the Early Release Program and Parole-Reprieve Program. With the cooperation of the Department of Offender Rehabilitation, this application form is also being attached to the felony inmate's copy of the order discharging him directly from prison.

Every felony inmate leaving prison, with the exception of parolees, now has an application form to apply for restoration of his citizenship rights. Most parolees, upon completing their parole periods, now have these rights restored automatically.

The number of restorations of civil and political rights increased from 172 in FY 1973 to 658 in FY 1974.

#### Ten Year Pardon

In early FY 1973, the Board decided to consider an ex-offender's application for a Ten Year Pardon if, after completing his sentence, he has had no convictions for ten years. This special Ten Year Pardon carries no implication of innocence but restores civil and political rights.

#### Parole-Reprieve Program

In October 1973 the Board launched the Parole-Reprieve Program for selected inmates not granted parole. The purpose of the program is to establish a period of post-release control and aid for the high-risk person who needs this guidance the most. When the Board votes to deny parole to such an inmate, if he has a discharge date between five and fifteen months away, the Board also votes on whether to offer him the opportunity of applying for the Parole-Reprieve Program. When the selected inmate opens his letter of parole denial, he also finds a special Parole-Reprieve application form.

The Parole-Reprieve Program allows an inmate to be released three months before his discharge date under supervision and guidance of a parole supervisor. The releasee's time stops running during this period so that if he violates a condition of his release any time during the period, he may be returned to prison to serve the full remaining three months. Only an inmate selected by the Board at the time of his final parole denial may apply.

#### Exceptions to Parole Eligibility Rules

In July 1972 the Board amended its policies regarding exceptions to parole eligibility rules. It decided that in determining whether to begin an investigation for a possible exception, the Board will consider the following:

1. A substantial showing that the sentence was excessively harsh and that a failure to grant an exception would be a miscarriage of justice.
2. A substantial showing of the necessity for early consideration to promote rehabilitation of the inmate. For example, such showing might include the inmate's proposed admission, within three months of the regular parole consideration date, into a college, university, technical school, or other educational facility which has accepted him for enrollment. Consideration will be given to the recommendation of the Department of Offender Rehabilitation, convincing evidence that the inmate can and will improve his situation through an early release and that he has already made substantial progress toward rehabilitation and will abide by the rules of a free society, and convincing evidence that continued incarceration of the inmate will serve no beneficial purpose.

The Board emphasizes that family circumstances, business affairs, hardship, sickness, need, and other reasons shared almost universally by inmates are not evidence on which the Board can make an exception.

The Board considers a sentence imposed by a court to be fair, just, and correct unless there is a substantial showing to the contrary. Eligibility requirements must normally be adhered to so that inmates may receive equitable treatment. General statements from officials or private individuals regarding an application for an exception are helpful but alone are not sufficient for the Board to make an exception.

When an application for an exception presents substantial and convincing evidence, the Board initiates a thorough investigation and, based on evidence so gathered, decides whether to consider the case further.

In considering cases for exceptions, any codefendants will be considered simultaneously provided the codefendants received sentences equal in length. This does not mean the same action will be taken.

During Fiscal Year 1973 the number of exceptions granted was six, and during FY 1974 there were no exceptions granted.

#### Board Expands to Five Members -- Miller, Reese Appointed

The most apparent change during the report period was the expansion of the Parole Board from three members to five, the only membership increase since the Board was established in 1943. Georgia voters in November 1972 approved a Constitutional amendment authorizing the increase, the General Assembly set the new total at five, and Governor Jimmy Carter responded in the spring of 1973 by appointing Zell Miller and Mrs. Mamie B. Reese to seven-year terms.

The same Constitutional amendment also provided that future members of the Board may be removed by concurrent action of the Governor, Lieutenant Governor, and Attorney General.

Expansion of the Board's size has reduced the parole case workload of the individual member. When a case is presented to the Board, members in turn begin privately studying it and rendering independent decisions. However, after three concurring judgments are made, the decision of the majority is manifest and consideration ends. Therefore, many cases do not require the attention of a fourth or fifth Board member. As a result, the reduced case-load has allowed the individual member to devote more study to the cases presented to him.

Similarly, the larger Board has enabled members to rotate in serving on the three-member panel which conducts final parole revocation hearings. The panel must vote unanimously to revoke or continue a parolee on parole, so that the rule of decision by a majority of the full Board is maintained.

#### Morris Joins Board, Partain Reappointed

Zell Miller resigned from the Board in December 1973 to seek political office and, as a result, will be inaugurated in January 1975 as Lieutenant Governor of Georgia.

In February 1974, Governor Carter appointed James T. Morris to a seven-year term on the Board.

J. O. Partain, Jr., was reappointed by Governor Carter to a new seven-year term in January 1974.

#### Legislators Increase Board Authority

Two new Georgia laws have increased the authority of the Board in harmony with the Board's Constitutional purpose. In 1973, Act 696 removed the requirement that a person must be confined in a jail, prison, or public works camp of this State before clemency action could be considered. It closed a legal loophole which kept certain offenders beyond the reach of the Board because of where they were physically located. For example, the legislation enabled the Board to take action affecting concurrent Georgia sentences being served by inmates of Federal and other states' prisons and affecting sentences being served by offenders confined in facilities not a part of the State corrections system, such as drug treatment centers and hospitals.

After Act 696 went into effect, the Board adopted the policy that such a person would not be considered for parole until affirmative action by the Board would result in the person actually being released from confinement, hospitalization, or other custody.

Also stemming from Act 696 is a new Board policy of systematic evaluation and continual monitoring of parole-eligible offenders confined at Central State Hospital to determine their fitness for parole. Thus some inmates who have served decades there have been removed from forgotten limbo.

In 1974, Act 950 enabled the Board to consider pardon or parole for any aged or disabled inmate even though he might not be able to be "suitably employed in self-sustaining employment."

Another 1974 law, Act 948, prohibits a member of the Georgia General Assembly or other elected or appointed official from charging a fee for appearing before the Parole Board.

Board Cooperates in Disseminating News and Exchanging Ideas

As a public State agency, the Board recognizes its ultimate responsibility to the citizens of Georgia and therefore actively cooperates with the news media by fully disclosing its programs, policies, and actions. During the biennium, newsmen have been specially assisted in covering events such as revocation hearings and Board-inmate interviews and reporting on new programs.

By the same token, Board members and key staff members have kept ideas flowing in exchanges with citizens and professional associates at local, State, and national conferences and seminars.

Statistical Summary

The attached Statistical Summary reflects most of the Board's actions during Fiscal Years 1973 and 1974. Total release actions by the Board rose from 3046 in FY 1973 to 3218 in FY 1974.

Revocations of parole and reprieve decreased during the biennium so that total returns to prison by the Board fell from 304 in FY 1973 to 269 in FY 1974.

EPILOGUE

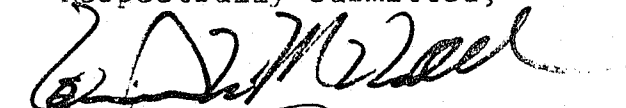
As an epilogue, the following summary of major Board activity from July 1, 1974, to the end of the calendar year brings this report up to date:

Extra Efforts to Review Certain Cases

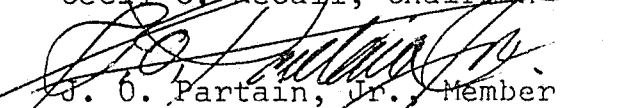
During 1974 the Governor, the Commissioner of the Department of Offender Rehabilitation, and a special committee including members of the General Assembly expressed concern to the Parole Board about overcrowding in the State's prisons. In response, the Board worked even longer hours during the late summer and fall of 1974 to review cases of inmates in certain categories to determine if clemency action was justified.

The first and largest category was composed of inmates who, as of August 30, 1974, were within six months of their discharge dates. The second category included inmates who had been denied parole within the six-month period ending July 1, 1974, but who had received two granting votes. The third category was made up of inmates serving for property crimes who had completed one-fourth, but not one-third, of their total sentences by August 30, 1974. Releases resulting from these special screenings numbered about 600.

Respectfully submitted,



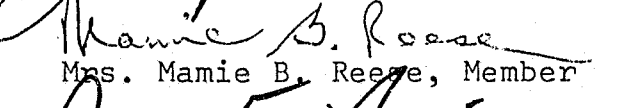
Cecil C. McCall, Chairman



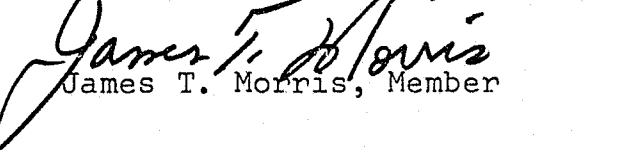
J. O. Partain, Jr., Member



Joseph G. Maddox, Member



Mrs. Mamie B. Reese, Member

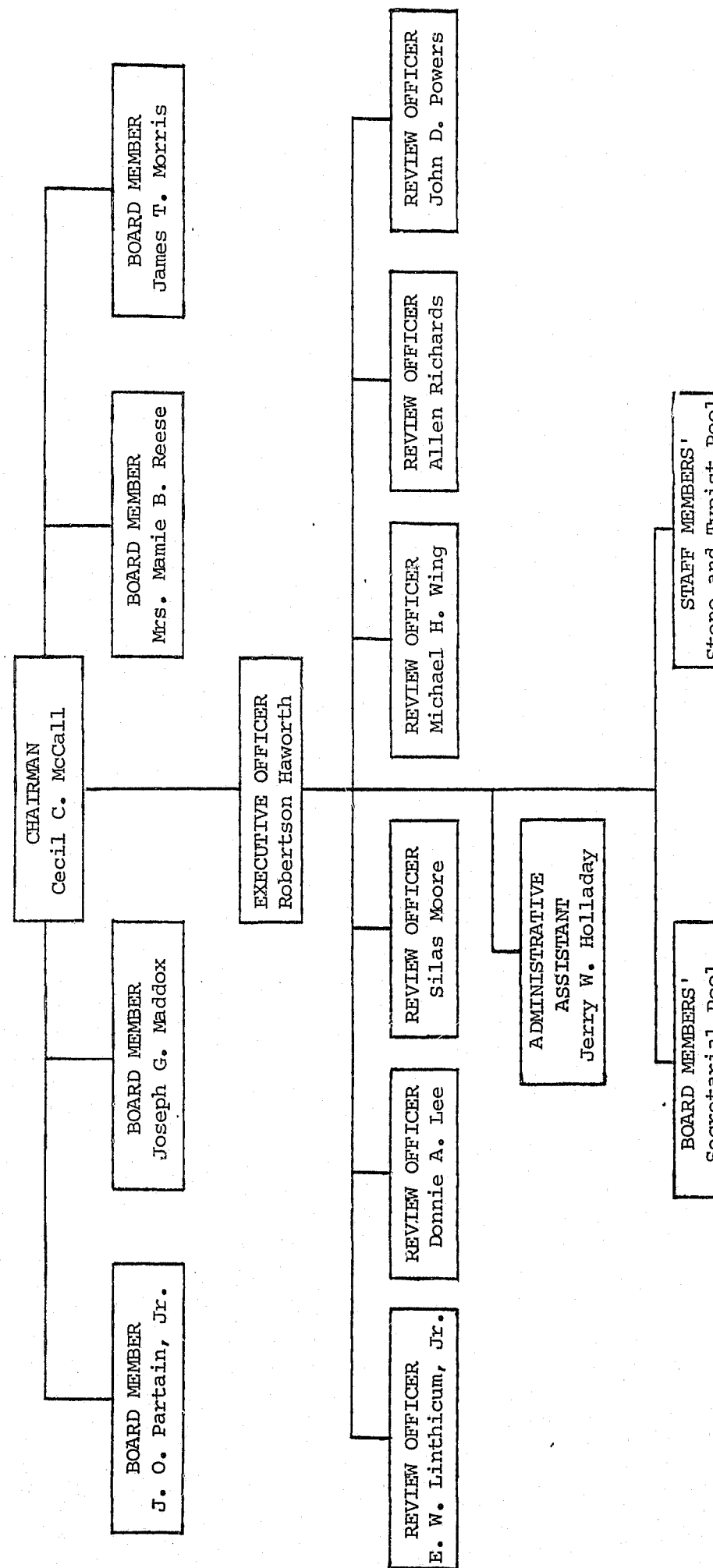


James T. Morris, Member

GEORGIA STATE BOARD OF PARDONS AND PAROLES  
STATISTICAL SUMMARY

Activity for Fiscal Year Ending June 30, 1973	1973	1974
Total Release Action by Board (Includes Parole, Early Release Program, Parole-Reprieve Program, etc.)	3,046	3,218
Total Returns to Prison by Board (Includes revocations of Parole and Reprieve)	304	269
Commutations Not Effecting Release	241	197
Medical and Compassionate Reprieve (Short Duration)	95	91
Discharge From Parole	1,599	1,951
First Offender and Ten-Year Pardon	20	55
Restoration of Civil and Political Rights	172	658
Final Parole Revocation Hearings Held	157	153
Total inmates at end of Fiscal Year	8,875	10,051

STATE BOARD OF PARDONS AND PAROLES



**END**