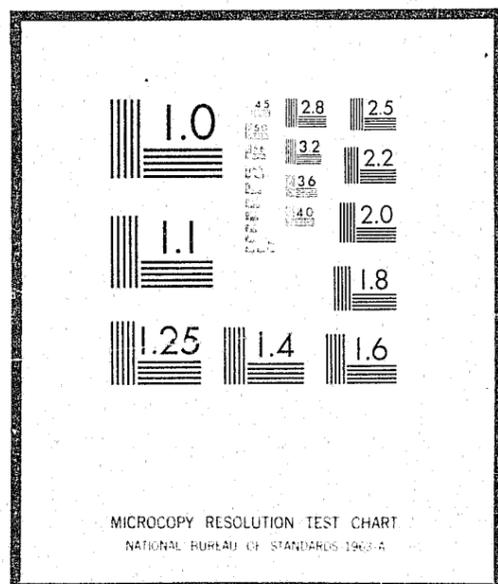


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GEORGIA
STATE BOARD OF PARDONS AND PAROLES

BIENNIAL REPORT
FISCAL YEARS 1975 AND 1976
JULY 1, 1975 - JUNE 30, 1976

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

NCJRS
FEB 2 1977
ACC

SUBMITTED BY
MRS. MAMIE B. REESE, CHAIRMAN
J. O. PARTAIN, JR., MEMBER
CECIL C. McCALL, MEMBER
JAMES T. MORRIS, MEMBER
FLOYD E. BUSBEE, MEMBER

BIENNIAL REPORT

FISCAL YEARS 1975 AND 1976
July 1, 1974, to June 30, 1976

The biennium ending June 30, 1976, saw the State Board of Pardons and Paroles re-establish its Statewide network of parole investigators and elect Mrs. Mamie B. Reese as Board chairman, among other significant actions. Concurrently, United States Supreme Court deliberations were bringing closer the day when capital punishment would be ruled Constitutional.

Governor Busbee Orders Investigators Returned to Board

Parole field investigators were transferred back to the Parole Board from the Department of Corrections/Offender Rehabilitation in December 1975 by order of Governor George Busbee. This action corrected a flaw in the parole system which had existed since 1972. All five Board members had made their position clear in March 1975 in a written statement on "Parole Services." The Board had pointed out that for reasons of system accountability and efficiency, the Board and not a separate agency should administer the staff which gathers information on which the Board bases its clemency decisions.

As it later became plain, the Board was calling for the correction of not only a flaw but an illegality. In July 1975, responding to an inquiry from the Board, Attorney General Arthur K. Bolton stated his opinion that parole investigators had been illegally transferred away from the Board after Act 1490 was enacted in 1972. This led to Governor Busbee ordering the December 1975 return of 50 professional and 25 secretarial personnel to the Parole Board.

The extraction of the Board's field staff from the ranks of the Corrections Department's probation-parole employees was accomplished by voluntary means. Any employee who wished to work for the Parole Board was invited to send a letter expressing his or her availability to the Board Chairman. Selecting only from among these volunteers, the Board was able to put together a field team including many of its capable personnel of 1972 as well as new investigative talent.

When the biennium ended on June 30, the Board's field operations had been firmly re-established for half a year. Sixteen parole districts covered the State, and the 48 investigators, laboring with heavy workloads and a limited budget, were doing an outstanding job. Production per investigator was greater than it had been prior to return of investigators to the Board.

A chief goal for field operations is the establishment in Fiscal Year 1978 of a career ladder for parole investigators with more graduated levels of responsibility and salary.

DP&PE

Mrs. Mamie B. Reese Elected Chairman

On June 17, 1976, the Board members elected Mrs. Mamie B. Reese chairman effective July 1. She has served on the Board since May 1973. Mrs. Reese replaced Cecil C. McCall, who, after four years at the helm, resigned the chairmanship to devote more time to his family. Mr. McCall remains a Board member.

The five Board members annually elect one of their number as chairman.

Board Is Prepared for Capital Punishment Cases

The United States Supreme Court decision upholding Georgia's capital punishment law was announced July 2, 1976. The last death sentence was carried out in Georgia in 1964. No member relishes the responsibility of considering applications for death-sentence commutations, yet the Board is prepared to meet it. The Board's authority is spelled out in the State Constitution, and the Board's implementing policies have been reviewed and updated.

Board Unites in Requesting Return of Parole Supervisors

All five Board members on March 21, 1975, signed a position paper on "Parole Services." The Board requested that parole investigators, administrative parole support personnel, and parole supervisors be transferred from the Department of Corrections/Offender Rehabilitation back to the Parole Board. Since then, all these employees have returned to the Board except parole supervisors. (Administrative parole support personnel were returned by Act 757 in January 1976.) Thus one more step remains to be taken before the proper assignment of all field staff has been accomplished.

In its 1975 position paper, the Board pointed out the problems inherent when "field supervisors must attempt to supervise clients granted clemency by the Parole Board and granted probation by the Courts." The Board said, "The supervisors must, in an attempt to satisfy both agencies while working under a third agency (DCOR), divide loyalties and choose priorities....Uniform parole supervision can only be accomplished if the field staff supervising parolees is responsible solely to the Parole Board.

"In addition to decreased efficiency and responsiveness, a system which groups prison administration under the same agency as probation-parole field services presents the possibility that the Board's autonomy and objectivity could be compromised."

Board Exercises Youthful Offender Responsibilities

Under a 1975 law the Board was vested with release and revocation responsibilities for persons sentenced under the Youthful Offender Act of 1972. These responsibilities were transferred to the Board from the Department of Corrections/Offender Rehabilitation by Act 581 on July 1, 1975.

Assuming its new duties, the Board began reviewing proposed contracts for release of Youthful Offenders. The Board established contract categories, taking into account an inmate's offense, prior history, and personal needs, in order to provide guidelines in setting contract lengths. This is resulting in a logical wider range in the amount of time being served by Youthful Offenders. Many who serve a short time are required by special release conditions to participate in vocational training, academic training, and other programs which previously were pursued in prison as a blanket requirement for all Youthful Offenders.

A person who fulfills his Board-approved contract terms is granted a Youthful Offender Conditional Release by the Board and is supervised by a probation-parole supervisor for at least one year. The releasee must abide by the same standard conditions a parolee must obey, as well as any special conditions deemed appropriate.

Under the new law a releasee accused of violating a condition of his Youthful Offender Conditional Release is subject to the same arrest and hearing procedures and afforded the same rights applicable to an accused parole violator. Since July 1, 1975, the revocation rate (return to prison) of Youthful Offenders has increased significantly. This is in part a result of stricter enforcement of the conditions of release, considered necessary by the Parole Board in order to add more meaning to the Youthful Offender program.

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 Parole Board worked long hours during the late summer and fall of 1974 to review cases of inmates in certain categories to determine if clemency action was justified.

Board Acts to Alleviate Prison Crisis

On October 24, 1975, the Board stated that the crowded conditions of Georgia's prisons had been "allowed to become a crisis of intolerable magnitude." The Board cited "inadequate supervision of prisoners, neglect, privation, suffering, and an atmosphere of tension and potentially explosive violence" in the State's prisons and jails. These observations were made a part of the Board's commutation order which reduced by one year the confinement sentences of thousands of inmates serving for non-violent offenses.

This commutation, effective on October 27, 1975, resulted in the immediate discharge of 327 inmates who were already within approximately six months of discharge, and resulted in earlier discharge dates and parole eligibility dates for 5026 others. All affected inmates had to have a confinement sentence of two years or longer or an indeterminate sentence under the Youthful Offender Act.

Specifically not affected by the commutation were sentences for murder, rape, armed robbery, robbery, kidnapping, aggravated assault, assault with intent to murder, assault with intent to rape, voluntary manslaughter, arson in the first degree, child molestation, enticing child for indecent purposes, aggravated sodomy, sodomy, terroristic threats and acts, incest, statutory rape, cruelty to children, or sale or distribution of narcotics.

In its order the Board deplored the "need to employ immediate, short-term responses to long-term problems" but pointed out that a "drastic and immediate crisis demands drastic and immediate action and that the hazards in taking such action must be viewed in relation to the dangers involved in failing to act."

The Board stressed the need to provide time in which the Governor and General Assembly "may address themselves to the crisis, examine the priorities of Georgia's correctional system, and seek significant long-range remedies."

Busbee Replaces Maddox on Board

Floyd E. Busbee was sworn in as a Board member by Governor George Busbee (no relation) on July 17, 1975. Mr. Busbee was appointed by the Governor to serve while Board Member Joseph G. Maddox was incapacitated by illness. Mr. Busbee completed the remainder of Mr. Maddox's term and was appointed to his own seven-year term on the Board in January 1976.

The Board and its employees were saddened by the death of Mr. Maddox on June 6, 1976.

Legislation Gives Board Subpoena Powers

A law giving the Board and its hearing officers power to subpoena witnesses was among the 1975 laws which affect the Board.

Act 521 authorizes the Board's parole review officers, who conduct a preliminary hearing for an alleged parole violator in the county where the alleged violation occurred, to subpoena witnesses from within this county to appear at the hearing. This Act empowers the Board itself to subpoena witnesses from throughout Georgia to appear before the Board at a final hearing for an alleged violator. Also authorized is the issuance of subpoenas for the production of documents or other written evidence at preliminary and final hearings.

In addition, Act 521 codifies the Board's arrest, preliminary hearing, and final hearing procedures and the rights of the accused parole violator in accordance with the U. S. Supreme Court's Morrissey v. Brewer decision.

Other 1975 legislation, Acts 522 and 523, made changes in the 1943 Act creating the Board. Act 522 inserted the following revised section:

"Section 14A. Notwithstanding any other provisions of law to the contrary, if the Board is to consider any case in which the prisoner has failed to serve the time required by law for automatic initial consideration, the Board shall notify, in writing at least ten days prior to consideration, the sentencing judge and district attorney of the county where such person was sentenced. Such sentencing judge or district attorney, or both, may appear at a hearing held by the Board or make a written statement to the Board expressing their views and making their recommendation as to whether such person should be paroled."

Act 523 inserted the following revised sentence:

"A grant of clemency, pardon or parole or other relief from sentence shall be rendered only by a written decision, which shall be signed by at least the number of Board members required for the relief granted, and which shall become a part of the permanent record."

Voters Modify Parole and Pardon Authority

Georgia voters in the general election on November 2, 1976, ratified a Constitutional amendment modifying the authority of the State Board of Pardons and Paroles to grant parole and pardon to two classes of offenders. The amendment provides that "when a person is convicted of armed robbery, the Board shall not have the authority to consider such person for pardon or parole until such person has served at least five years in the penitentiary."

The amendment also says that when the Board commutes a death sentence to life imprisonment, the Board shall have the authority to grant a pardon or parole to the offender only after he has served at least 25 years in prison.

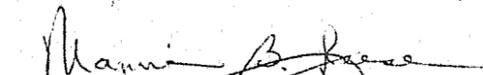
The third change specified by the amendment is the provision that an appointment to fill a vacancy on the Board for any reason other than expiration of the term of office shall be for the remainder of the unexpired seven-year term.

Board and DCOR Enter Agreement Related to Earned Time

In January 1976 the Parole Board and the Department of Corrections/Offender Rehabilitation entered into an agreement relating to DCOR's Earned Time program for inmates sentenced on and after July 1, 1976.

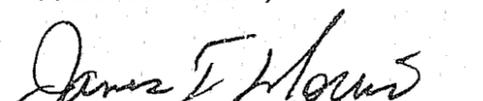
The Corrections Department agreed to upgrade its evaluations and recommendations regarding parole and to make its reports consistent with documented inmate performance. In turn, the Parole Board agreed that at the time of an inmate's scheduled parole consideration, if the Corrections Department recommends against parole because of a lack of agreed-upon inmate performance or because of disciplinary action, parole will be denied unless it is determined by the Board that extenuating circumstances exist.

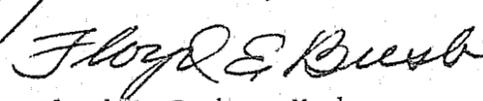
Respectfully submitted,


Mrs. Mamie B. Reese, Chairman


J. O. Partain, Jr., Member


Cecil C. McCall, Member


James T. Morris, Member

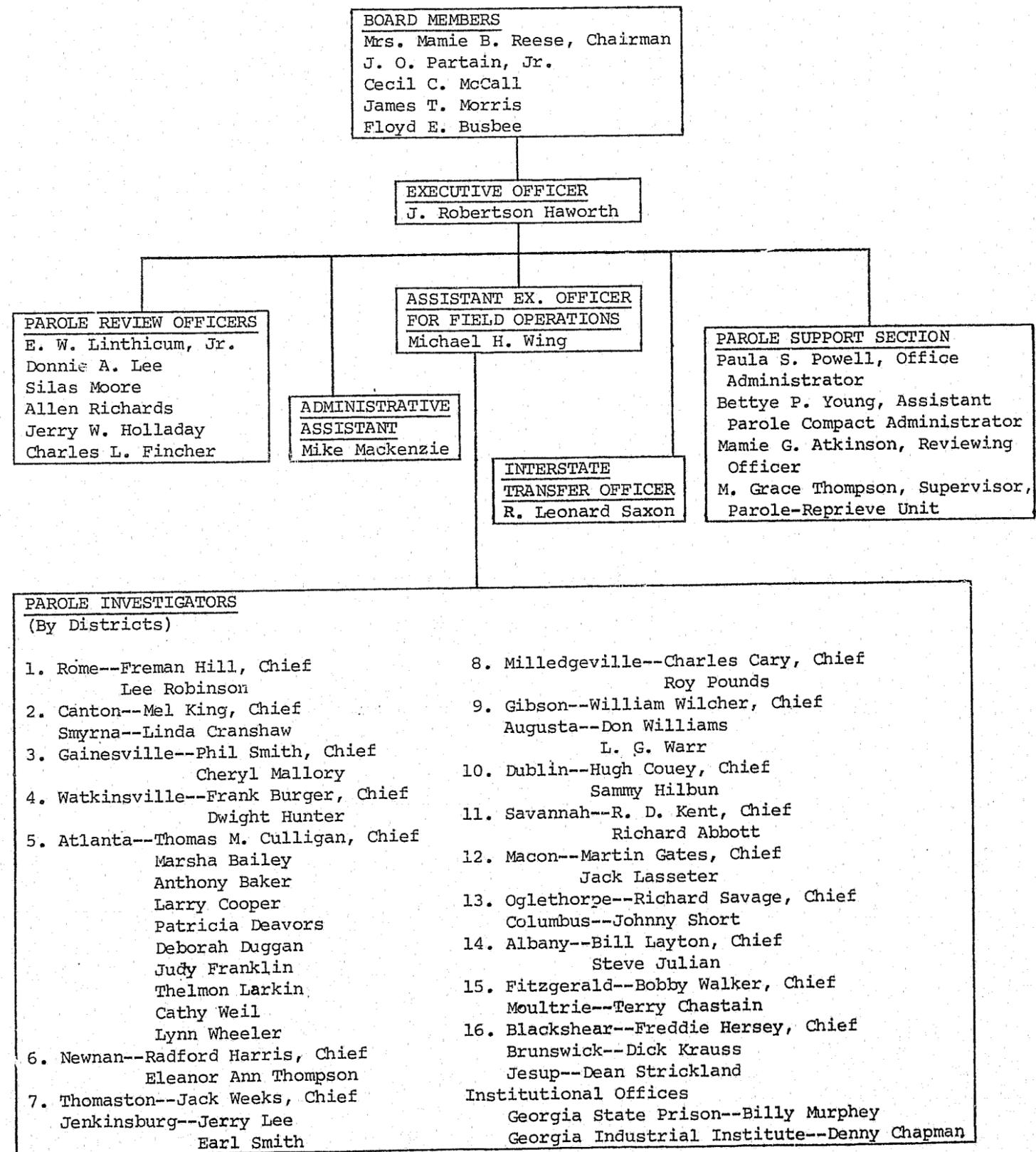

Floyd E. Busbee, Member

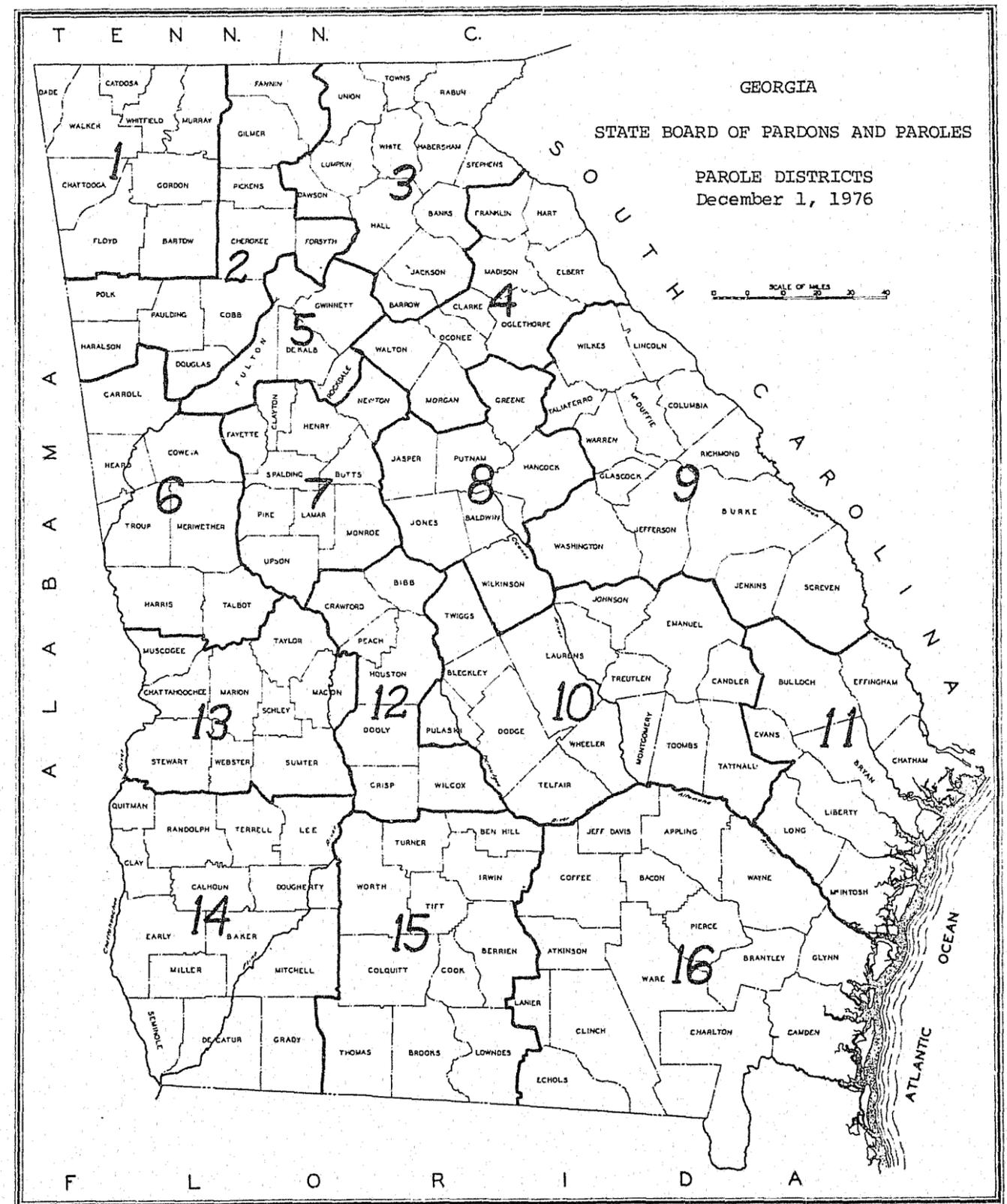
GEORGIA STATE BOARD OF PARDONS AND PAROLES

STATISTICAL SUMMARY

Activity for Fiscal Year Ending	June 30, 1975	June 30, 1976
Commutation of Sentence to Time Served	17	22
Conditional Transfer to Detainer	113	73
Parole	2116	1495
Parole-Reprieve	420	467
Remission to Probation	47	55
Reprieve and Conditional Commutation (Early Release)	993	705
Youthful Offender Conditional Release		649
Releases within 6 Months of Discharge, October 1974	383	
Class Commutation Releases, October 1975		327
Total Release Action By Board	4089	3793
Cancellation of Parole-Reprieve	16	20
Revocation of Early Release	10	4
Revocation of Parole	293	235
Revocation of Youthful Offender Conditional Release		155
Revocation of Remission to Probation		2
Total Returns to Prison By Board	319	416
Discharge from Parole	1882	1697
Youthful Offender Unconditional Release		140
First Offender Pardons	174	187
Restoration of Civil and Political Rights	1519	1363
Ten-Year Pardons	12	14
Other Parole Cases Reviewed	3124	3486
Commutation of Pre-Trial Confinement	24	13
Medical and Compassionate Reprieves (Short Duration)	130	134
Commutations Reducing Sentence Without Release	68	48
Class Commutations Without Release, October 1975		5026
Family Interviews in Board Chambers	1715	2017
Inmate Interviews at Institutions	1066	919
Preliminary Hearings Held	159	122
Final Hearings Held	202	239
Total Other Actions By Board	10,075	15,405
TOTAL BOARD ACTIVITY	14,483	19,614
Total Inmates at end of Fiscal Year	10,780	11,464

STATE BOARD OF PARDONS AND PAROLES
December 1, 1976





END

7/10/1961