

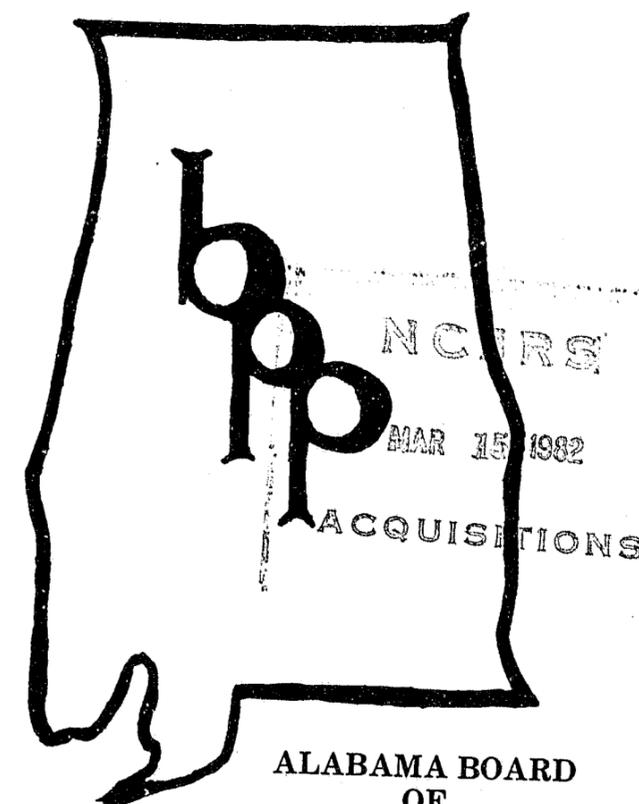
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BOARD OF PARDONS and PAROLES



83205

ANNUAL REPORT
1980 — 1981



**ALABAMA BOARD
OF
PARDONS AND PAROLES**

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Montgomery, Alabama 36130
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Ealon M. Lambert
Chairman

John T. Porter
Member

Jack C. Lufkin
Member

David H. Williams
Executive Director

U.S. Department of Justice 83205
National Institute of Justice

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LETTER OF TRANSMITTAL

November 16, 1981

Honorable Fob James
Governor of the State of Alabama
Montgomery, Alabama

Dear Sir:

In compliance with statutory provisions, we are transmitting herewith the Forty-Second Annual Report of this Board covering the fiscal year October 1, 1980 to September 30, 1981.

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

Ealon M. Lambert
Chairman

John T. Porter

John T. Porter
Member of the Board

Jack C. Lyfkin

Jack C. Lyfkin
Member of the Board

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

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 he is prison hardened
- While family ties are still intact
- When he is guaranteed employment
- While he 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. If he violates any of these conditions, he may be promptly returned to prison to continue serving his 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.

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
Probation and Parole Officer IV	5
Probation and Parole Officer III	13
Probation and Parole Officer II	79
Probation and Parole Officer I	6
Clerical Staff, Main Office	17
Field Offices	53
Accountants	3
Account Clerk	1
Group Home Parents	4
Laborer	1
Clerical Aides	2
 Total	 188

COST OF OPERATIONS

Salaries: Board Members	\$ 116,455		
Other Salaries	3,440,021		\$3,556,476
Employee Benefits:			
FICA	62,318		
Group Health Insurance	15,959		
Retirement Contributions ...	70,281		
Unemployment Comp.	23,664		172,222
Travel-In-State			62,752
Travel-Out-Of-State			1,567
Repairs and Maintenance			6,235
Rentals and Leases			93,117
Utilities and Communications			96,480
Professional Services			11,449
Supplies, Materials & Operating Expenses			26,970
Transportation Equipment Operations			50,714
Other Equipment Purchases			3,809
Non-Expenditures Disbursements			8,850
Grand Total			4,090,641

Source of Funds:

General Fund	\$2,747,437		
Federal Funds	40,879		
Probationers Upkeep Fund	1,143,595		
Departmental Emergency Fund	82,000		
Montgomery County Commission	76,622		
Other	108		
Total	\$4,090,641		

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 parole guidelines.

Under the parole guidelines, a prisoner will be scheduled for consideration after serving one-half of his prison term or fifteen (15) years, whichever is less, if his sentence was ten (10) years or more and (a) his offense was a heinous crime or (b) his offense was of a violent nature and his previous behavior indicates a high potential for future violence.

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 agent, 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.

PAROLE STATISTICS*

	October 1, 1980 to September 30, 1981	September 15, 1939 to September 30, 1981
Considered	3,092	102,517
Denied	1,278	62,464
Granted	1,814	40,053
	October 1, 1980 to September 30, 1981	
Declared		
Delinquent	710	
Revoked	455	

During the past forty-two years, 10,261 paroles have been revoked, approximately 26% of all paroles granted.

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

STATE INMATES PAROLED AND REVOKED BY COUNTIES

COUNTIES	GRANTED	REVOKED
Autauga	9	0
Baldwin	22	10
Barbour	12	3
Bibb	6	2
Blount	11	2
Bullock	5	0
Butler	4	4
Calhoun	46	15
Chambers	10	3
Cherokee	6	1
Chilton	8	0
Choctaw	2	0
Clarke	4	1
Clay	5	2
Cleburne	6	1
Coffee	15	3
Colbert	20	7
Conecuh	3	1
Coosa	6	1
Covington	26	2
Crenshaw	7	0
Cullman	41	6
Dale	26	3
Dallas	24	1
DeKalb	16	3
Elmore	13	2
Escambia	15	4
Etowah	49	18
Fayette	6	1
Franklin	8	1
Geneva	5	0
Greene	7	1
Hale	3	2
Henry	7	2
Houston	73	23
Jackson	37	2
Jefferson	358	118
Lamar	2	2
Lauderdale	30	6
Lawrence	8	3
Lee	49	12
Limestone	7	0

STATE INMATES PAROLED AND REVOKED BY COUNTIES
(Continued)

COUNTIES	GRANTED	REVOKED
Lowndes	9	0
Macon	1	0
Madison	109	21
Marengo	12	0
Marion	5	2
Marshall	19	1
Mobile	143	61
Monroe	1	0
Montgomery	155	41
Morgan	34	5
Perry	8	0
Pickens	5	1
Pike	19	4
Randolph	4	2
Russell	39	6
Shelby	24	6
St. Clair	15	2
Sumter	8	0
Talladega	36	12
Tallapoosa	10	3
Tuscaloosa	49	13
Walker	14	2
Washington	1	0
Wilcox	1	0
Winston	10	1
TOTAL	1,748	451

PROBATION	
Probation Granted	4,667
Probation Revoked	487
Total Placed on Probation During Forty-Two Year Period Of Administration	101,525
Total Revoked During Forty-Two Year Period of Administration	14,385
During the forty-two year period of administration, 14% of the probations granted have been revoked.	

PROBATIONS GRANTED AND REVOKED BY COUNTIES

COUNTIES	GRANTED	REVOKED
Autauga	17	1
Baldwin	75	4
Barbour	19	2
Bibb	80	12
Blount	10	3
Bullock	8	1
Butler	40	7
Calhoun	183	25
Chambers	31	2
Cherokee	13	2
Chilton	24	0
Choctaw	25	0
Clarke	92	5
Clay	9	0
Cleburne	12	1
Coffee	64	4
Colbert	37	8
Conecuh	23	1
Coosa	8	5
Covington	42	1
Crenshaw	10	1
Cullman	79	6
Dale	69	2
Dallas	50	7
DeKalb	60	3
Elmore	45	4
Escambia	77	9
Etowah	161	8
Fayette	16	4
Franklin	19	1
Geneva	6	0
Greene	16	0
Hale	8	0
Henry	27	6
Houston	156	16
Jackson	33	8
Jefferson	903	70
Lamar	72	2
Lauderdale	112	9
Lawrence	87	12
Lee	109	16
Limestone	16	0

PROBATIONS GRANTED AND REVOKED BY COUNTIES (Cont'd)

COUNTIES	GRANTED	REVOKED
Lowndes	13	2
Macon	13	2
Madison	179	28
Marengo	33	4
Marion	28	4
Marshall	78	2
Mobile	184	45
Monroe	40	5
Montgomery	302	15
Morgan	83	21
Perry	0	1
Pickens	12	0
Pike	47	10
Randolph	9	0
Russell	79	4
Shelby	49	8
St. Clair	26	3
Sumter	16	4
Talladega	136	23
Tallapoosa	40	7
Tuscaloosa	240	10
Walker	64	15
Washington	30	2
Wilcox	2	0
Winston	21	4
TOTAL	4,667	487

PARDONS AND RESTORATIONS

Pardons granted	29
Restoration of Civil and Poilitical Rights Granted	1,012

CLIENTS UNDER SUPERVISION AS OF:

	September 30, 1981	September 30, 1970
Parole Supervision	2,581	2,512
Probation Supervision	13,277	4,833
GRAND TOTAL	15,858	7,756 (includes 411 cases supervised for other states)

CASES SUPERVISED DURING THE YEAR

Supervised for other states	1,741
Parole Supervision	4,006
Probation Supervision	14,886
GRAND TOTAL	20,633

INVESTIGATIONS COMPLETED DURING THE YEAR

	OUT OF STATE	ALABAMA
Probation	1,210	11,996
Parole	585	7,780
Miscellaneous	530	3,422
Total	2,325	23,198
GRAND TOTAL		25,523

INTERSTATE RELATIONS

Cases Investigated for Other States	2,325
Parolees and Probationers received for supervision from other states (7/1/80 — 6/30/81)	745
Alabama probationers and parolees accepted for supervision by other states (7/1/80 — 6/30/81)	586

END