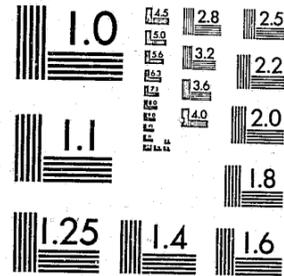


National Criminal Justice Reference Service



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GEORGIA
STATE BOARD OF PARDONS AND PAROLES
BIENNIAL REPORT
FISCAL YEARS 1981 AND 1982
JULY 1, 1980 - JUNE 30, 1982

NCJRS

TO

JAN 29 1983

ACQUISITIONS

THE GOVERNOR
THE LIEUTENANT GOVERNOR
THE GENERAL ASSEMBLY
THE ATTORNEY GENERAL

SUBMITTED BY

MOBLEY HOWELL, CHAIRMAN
MRS. MAMIE B. REESE, MEMBER
JAMES T. MORRIS, MEMBER
FLOYD E. BUSBEE, MEMBER
MICHAEL H. WING, MEMBER

Fifth Floor, East
Floyd Veterans Memorial Building
2 M. L. King, Jr., Drive, S.E.
Atlanta, Georgia 30334

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BIENNIAL REPORT

Fiscal Years 1981 and 1982
July 1, 1980, to June 30, 1982

The biennium ending June 30, 1982, saw the General Assembly write a new State Constitution which could lead to parole rule changes and saw the State Board of Pardons and Paroles respond again and again to high-level requests to help reduce prison and jail overcrowding.

New Constitution Will Let Legislators Change Parole Rules for Certain Inmates

The new State Constitution, ratified by Georgia voters on November 2, 1982, will for the first time allow the General Assembly to change the rules for granting parole to certain inmates.

At the same time the new document, which becomes effective July 1, 1983, will transfer authority to temporarily suspend a death sentence from the Governor to the Parole Board Chairman or other member designated by the Board.

Carried over from the old Constitution is language stating the Board's power to "grant reprieves, pardons, and paroles; to commute penalties; to remove disabilities imposed by law, and to remit any part of a sentence for any offense against the state after conviction."

Also repeated in the new Constitution is the prohibition against parole or pardon for an inmate convicted of armed robbery before service of five years and for an inmate whose death sentence was commuted by the Board to life imprisonment before service of twenty-five years.

However, the new text goes on to add that the "General Assembly, by law, may prohibit the Board from granting and may prescribe the terms and conditions for the Board's granting a pardon or parole to:

- "(1) Any person incarcerated for a second or subsequent time for any offense for which such person could have been sentenced to life imprisonment; and
- "(2) Any person who has received consecutive life sentences as the result of offenses occurring during the same series of acts."

The Parole Board urges the legislators to exercise their new power with caution. Georgia should maintain continuity and equity in the administering of executive clemency. Criminal justice would be ill served by creating pockets of disparity in the parole process.

The Board did not seek the provision in the new Constitution which removes the Governor's authority to postpone the carrying out of a death sentence. The new wording is as follows:

"The chairman of the Board, or any other member designated by the Board, may suspend the execution of a sentence of death until the full Board shall have an opportunity to hear the application of the convicted person for any relief within the power of the Board."

Governor Requests More Paroles to Reduce Prison and Jail Overcrowding

At the request of Governor George Busbee, Georgia has again used special releases of inmates to control the prison and jail overcrowding which has troubled the State in recent years.

The spring of 1982 saw record overcrowding in the State's jails, followed by accelerated transfer of jail inmates into State prisons, followed by more special releases from the crowded prisons.

On July 8, 1982, Governor Busbee wrote Parole Board Chairman Mobley Howell and requested the Board to reinstitute special releases of inmates serving for non-violent offenses. The Governor said this would "allow our prison resources to be directed at inmates who require incarceration" and would "reduce the threat of inmate violence and additional court intervention."

In his letter Governor Busbee pointed out that State law authorizes individual exceptions to the one-third rule for parole eligibility. Herein, he said, "lies one possibility for relief not yet exhausted." The Governor asked the Board to waive this minimum service rule when appropriate.

Responding to the Governor's request, the Parole Board announced a special release program extending to the end of 1982. Releasees were selected from two main inmate groups:

1. Inmates serving short sentences for non-violent offenses who were scheduled for discharge before serving nine months of a felony sentence or six months of a State misdemeanor sentence. They could be selected for supervised reprieve after serving four months.
2. Inmates serving for non-violent offenses who had already been selected for parole at a future date. If this parole date was some time after service of one-third of the sentence, it could be advanced to one-third. If the parole date was already at one-third of the sentence, it could be advanced to as early as one-sixth of the sentence. This release advancement could be granted to inmates whose cases were decided by December 31, 1982.

From July through December 1982, there were 4,572 inmates granted regular or special releases.

Figures supplied by the Department of Offender Rehabilitation show that inmates in county jails awaiting transfer to State custody rose to a high of 2,948 on April 23, 1982. After transfers to the State system were accelerated, the prison population soared by over two thousand to a peak of 14,967 on July 30.

By November 12, 1982, with the Parole Board's special releases at full effect, the prison population had declined to 14,282 and the inmates in local jails awaiting transfer numbered 450.

The latest special releases came on the heels of previous special reprieves, paroles, and commutations. During Fiscal Year 1981, there were

4,437 such releases over and above the normal paroles. During Fiscal Year 1982, special commutations numbered 2,715.

Repeatedly during the past dozen years, when confronted with the overcrowding dilemma and urged by prison officials, sheriffs, and the Executive Department, the Parole Board has renewed extraordinary efforts to preserve the peace and independence of the State corrections system and the county jails. Nevertheless, it has not dislodged Georgia from its ranking in per capita prison and jail population. Number one.

Release Program Stretches Capability of Headquarters Staff

The 4,572 inmates released by Parole Board action from July through December 1982 constituted the largest number ever released by the Board in any six-month period. Remarkably, this six-month record figure also exceeded the yearly Board releases in all past fiscal years except FY 1981 and 1982. For the Board's Central Operations Division staff, it was a time for testing their mettle.

The speedup in bringing inmates from county jails to State prisons required the quick establishment of thousands of new case files. Desks were stacked high with sentencing records and parole eligibility computation sheets. Typewriters chattered as requests went out to field offices for pre-parole reports: personal history statements, social investigations, and legal summaries of the inmates' offenses and prior records.

Handling telephoned and written inquiries about the special releases from inmates' families and attorneys cut deeply into the working time of hearing examiners, administrators, records personnel, and Board members. Desperate wives of prisoners and their uncomprehending young children often filled the office waiting room.

Hearing examiners were also loaded with large numbers of cases to which they had to apply Parole Decision Guidelines. This helped promote more consistent and soundly based decisions. Hearing examiners and Board members were all involved in the process of selecting suitable candidates for special release.

No inmate could be paroled, however, before Central Operations personnel coordinated field verification of satisfactory parole plans. Then they dispatched proper orders to the prison system, the clerk of court, and the parole officer.

Release Program Doubles Parole Officer Caseloads; Investigations Soar

The field parole officer, like the front-line soldier, bears the brunt of any new campaign. After the Board agreed to the Governor's July 8 request for more paroles, the push was on.

Already the accelerated pick-ups from the jails meant parole officers in the reception prisons were interviewing considerably more inmates. Requests for more legal investigations and more social investigations rose sharply. "Please expedite" became almost a common directive.

When the field staff performed 3,842 investigations in August 1982, that was 792 more than the July figure. If they thought it was difficult

supervising a total caseload of 2,679 releasees in April 1982, how much faster did they have to run in November to watch over an almost doubled caseload of 4,779?

"Michigan Plan" Enacted But Not Used Yet

The so-called "Michigan Plan" legislation to control prison overcrowding was enacted into law in 1982 but has not yet been implemented. In his letter of July 8 to the Parole Board Chairman, Governor George Busbee said he did not intend to implement it "unless and until" he was "positively convinced that the State has exercised every feasible action and utilized every possible resource to house the inmates that we are legally bound to house."

The new law, Act 1428, allows the Governor to declare a "state of emergency" after the prison population has exceeded the prisons' capacity for 30 consecutive days. This would require the Parole Board to release sufficient non-dangerous inmates to reduce the population to the capacity level. In addition, releasees could be selected "without regard to" time-served requirements.

Field Operations Division Intensifies Training Efforts

The biennium beginning July 1, 1980, was a time for extraordinary emphasis on practical job training provided by the Field Operations Division for Board personnel, mainly parole officers.

More rigorous basic training for new parole officers was begun, and successful completion of a written examination on this course material became mandatory in August 1981.

During this same month, training of all parole officers and other Board professionals in pistol handling and marksmanship began to be required annually instead of biennially. These police-type skills are needed primarily by parole officers who arrest alleged parole violators and bring them to revocation hearings.

Most recently, this annual pistol requalification took place during May 1982 at five firing ranges around the State for all personnel with arrest power.

Also during the spring of 1982, all parole officers received in-service training in arrest and transport procedures, search and seizure, investigations, supervision, and other functions. Afterward, they took written exams. Travel expenses were minimized by conducting the training in five locations: Atlanta, Cordele, Dublin, Madison, and Newnan.

In January 1981, the Division's five area supervisors assumed primary responsibility for conducting preliminary hearings for alleged parole violators. Before exercising their new responsibility, they received thorough training. Recently, in November 1982, the area supervisors were called together for additional training in their duties.

All of the Board's secretaries and clerks throughout the State participated in a workshop during Fiscal Year 1981 and again in Fiscal Year 1982. These secretarial workshops were held in three cities each

year and helped the participants update their knowledge of policies and procedures and sharpen specialized skills.

Parole Officers and Hearing Examiners Certified by P.O.S.T.

Parole officers, hearing examiners, and other Board employees with arrest power are now covered by the Georgia Peace Officer Standards and Training Act (P.O.S.T.). This was accomplished in 1982 by the passage of Act 1561, which amended the 1970 law establishing qualification and training requirements.

The amendment provided that personnel who, by November 1, 1982, had completed the Board's own basic training were automatically certified as meeting P.O.S.T. standards. Even the newest parole officers completed their training in October, so all personnel who might arrest a parole violator were registered under P.O.S.T.

Officers hired since November 1 will be required to complete a basic training course developed by the Georgia Peace Officer Standards and Training Council. Parole Board officials are currently working with Council representatives to aid the development of this course.

Law Lets Sentencing Judge Authorize Early Parole Consideration

An inmate normally must wait until he has completed one-third of his sentence before he can possibly be paroled, but a 1981 law allows for earlier release. Act 663 permits the sentencing judge to specify in his sentencing order for a "first offender" that the Parole Board "may consider and may parole" the inmate "at any time prior to the completion of any minimum requirement otherwise imposed by law, rule, or regulation."

When a judge uses this law, the Board's response is to expedite pre-parole investigations of the case, apply Parole Decision Guidelines to help maintain equity with similar cases, and render an early decision.

Law Specifies When Parole Revocations Hearing Is Unnecessary

Conducting a parole revocation hearing which is not really necessary is wasteful of time, effort, and the taxpayers' money. Therefore, the Board welcomed the passage in 1981 of Act 567.

This law provides that a preliminary parole revocation hearing need not be held if the alleged parole violator is not under arrest on a Board warrant, has absconded from supervision, has signed a waiver of preliminary hearing, has admitted any alleged violation to a Board representative in the presence of a third party who is not a Board representative, or has been convicted of a crime in a Federal court or court of any state.

Act 567 also provides that the Board need not conduct a final hearing before making its decision on revocation if the alleged parole violator has signed a waiver of final hearing or has been convicted of or entered a plea of guilty or nolo contendere to a felony or misdemeanor in a Georgia court of record.

Mobley Howell Re-elected Chairman

Mobley Howell was re-elected to a second term as chairman of the State Board of Pardons and Paroles effective July 1, 1982. He has served as chairman since July 1981 and has held Board membership since 1977.

The State Constitution provides that the five members elect their own chairman, and Board policy provides for an election annually.

Michael H. Wing Replaces Board Member J. O. Partain, Jr.

Michael H. Wing of Marietta was appointed to a seven-year term on the Parole Board by Governor George Busbee effective February 1, 1982. He had been the Board's director of field operations since 1975.

Mr. Wing replaced J. O. Partain, Jr., who retired after serving on the Board for fifteen years, including four and a half years as chairman.

James T. Morris Reappointed to Board

James T. Morris of Athens was reappointed to a new seven-year term on the Parole Board by Governor George Busbee on December 11, 1981. He was originally appointed to Board membership by Governor Jimmy Carter in 1974. Mr. Morris served as chairman for four years.

Central Office Returns to Capitol Hill

After being located miles away for eight years, the Parole Board's central office has finally returned to Capitol Hill. On August 2, 1982, doors were opened on the new headquarters in the James H. "Sloppy" Floyd Veterans Memorial Building. The Board has the entire fifth floor in the east tower.

The new office space is approximately twice as large as the leased offices formerly occupied at 800 Peachtree Street.

Respectfully submitted,

Mobley Howell

Mobley Howell, Chairman

Mamie B. Reese

Mrs. Mamie B. Reese, Member

James T. Morris

James T. Morris, Member

Floyd E. Busbee

Floyd E. Busbee, Member

Michael H. Wing

Michael H. Wing, Member

GEORGIA STATE BOARD OF PARDONS AND PAROLES

STATISTICAL SUMMARY

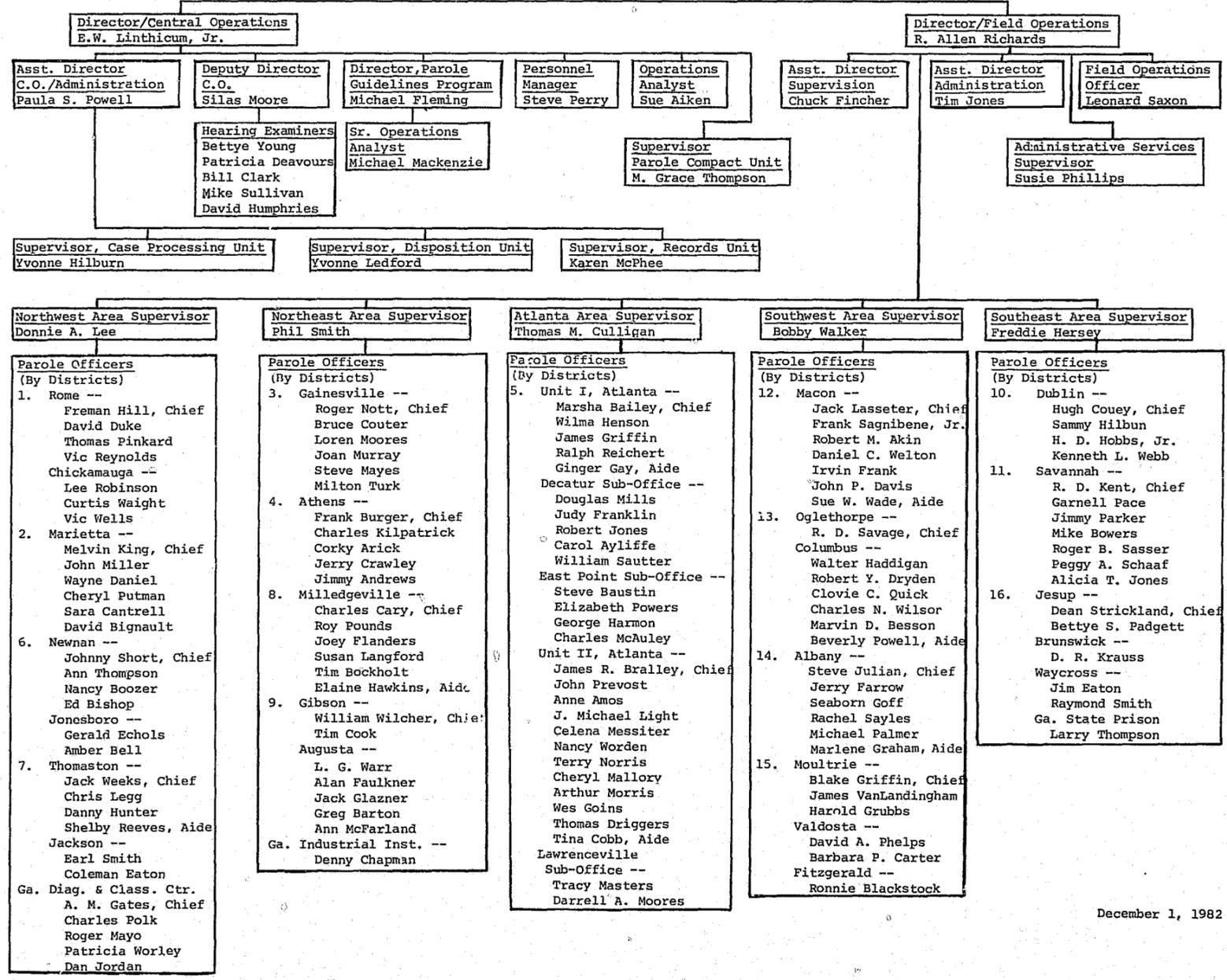
Activity for Fiscal Year Ending June 30, 1981/June 30, 1982

Parole	1,603	1,863
Conditional Transfer to Detainer	103	67
Youthful Offender Conditional Release	613	648
Commutation to Time Served	11	19
Remission to Probation	47	47
Supervised Reprieve	6	33
Special Parole to Reduce Prison Overcrowding	766	
Special Reprieve to Reduce Prison Overcrowding	1,670	
Special Commutation to Reduce Prison Overcrowding	<u>2,001</u>	<u>2,715</u>
Total Release Action	6,820	5,392
Revocation of Parole	359	375
Revocation of Youthful Offender Conditional Release	255	318
Revocation of Special Release	<u>130</u>	<u>38</u>
Total Returns to Prison	744	731
Parole Case Denied	4,363	3,834
Discharge from Parole	1,708	1,161
Youthful Offender Unconditional Release	296	222
Restoration of Civil and Political Rights	1,784	1,211
Upon Discharge from Parole	(1,241)	(837)
Upon Application	(543)	(374)
Pardon	124	85
Medical or Compassionate Reprieve	148	129
Commutation Reducing Sentence Without Release	26	31
Visitor Interview in Central Office	1,569	1,631
Inmate Interview at Institution	348	332
Preliminary Revocation Hearing	88	178
Final Revocation Hearing	<u>180</u>	<u>192</u>
Total Other Action	10,634	9,006
TOTAL BOARD ACTIVITY	18,198	15,129
Total Inmates at End of Reporting Period	13,034	14,788
Board Releases Being Supervised at End of Period	2,689	3,050
Youthful Offenders	(601)	(657)
Parolees and Others	(2,088)	(2,393)
Lifers Considered for Parole	771	854
Lifers Granted Parole	131	116
Lifers Granted on First Consideration	21	20

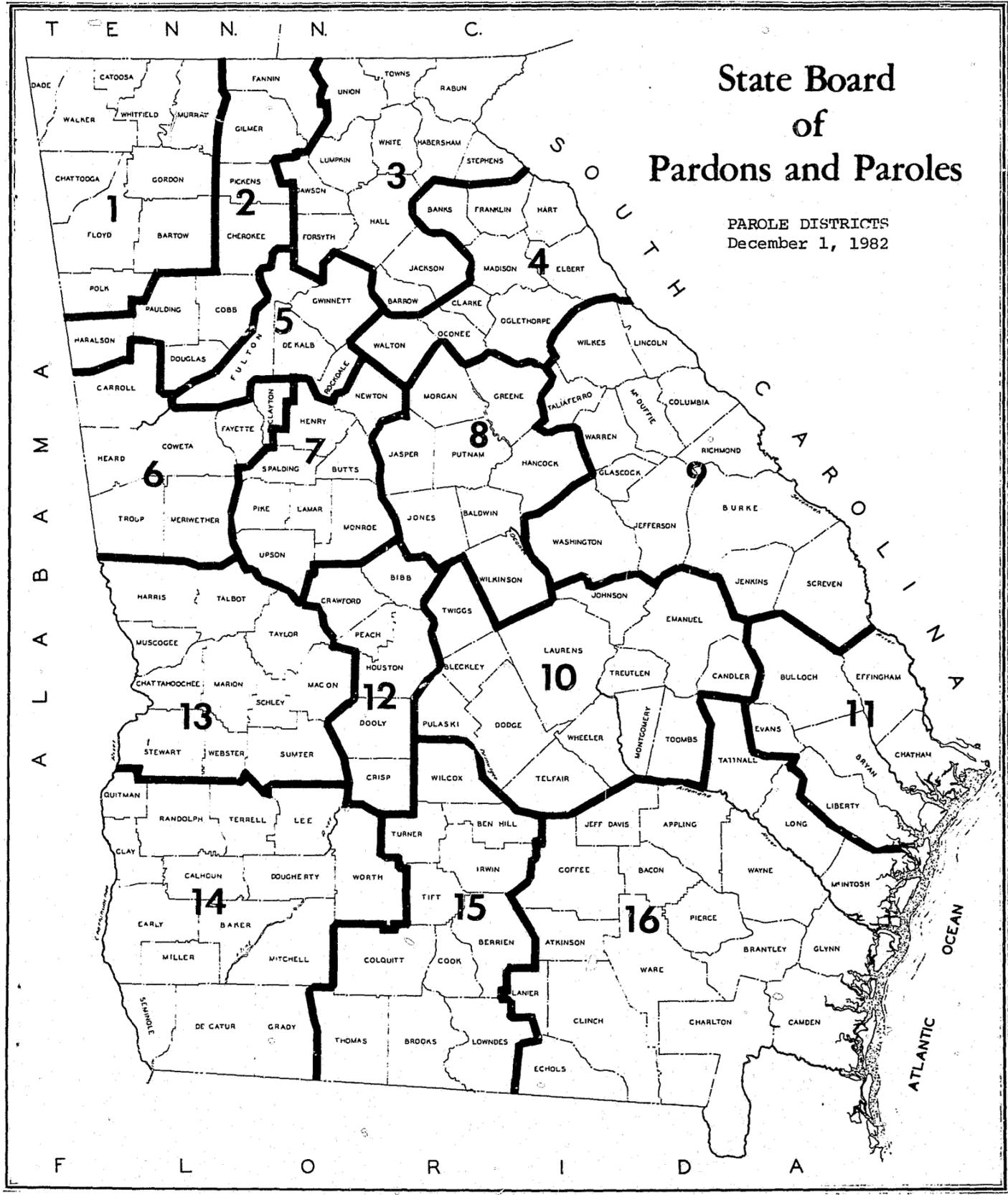
State Board of Pardons and Paroles



BOARD MEMBERS
 Mobley Howell, Chairman
 Mrs. Mamie B. Reese
 James T. Morris
 Floyd Busbee
 Michael H. Wing



December 1, 1982



State Board of Pardons and Paroles

PAROLE DISTRICTS
December 1, 1982

T E N N I S
S O U T H
C A R O L I N A
A T L A N T I C
O C E A N
F L O R I D A

END