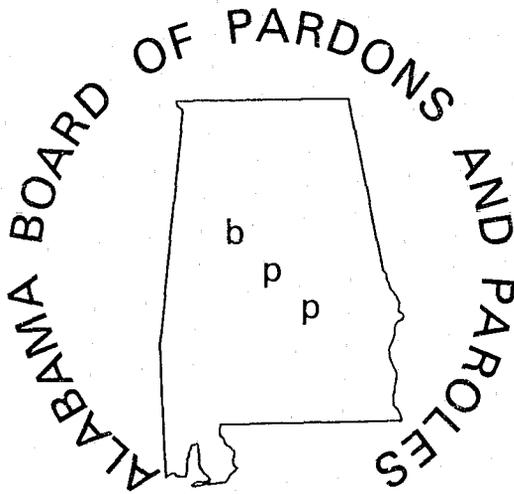




130117



Gordon Persons Building
50 North Ripley Street
Montgomery Alabama 36130
(205) 242-8700

Joel W. Barfoot
Chairman

John S. Nettles
Member

Jack D. Shows
Member

Elmo T. Graves
Executive Director

130117

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

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~~Alabama Board of Pardons and
Parole~~

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LETTER OF TRANSMITTAL

November 30, 1990

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

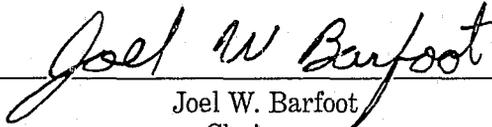
Dear Sir:

In compliance with statutory provisions, we are transmitting herewith the Fifty-first Annual Report covering the fiscal year October 1, 1989 to September 30, 1990.

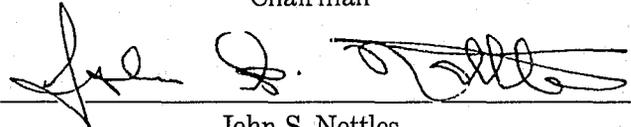
Copies of the report are being filed in the offices of the Secretary of State, Department of Archives and History, and the Bureau of Publicity and Information.

Respectfully submitted,

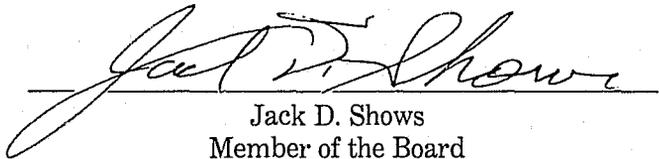
STATE BOARD OF PARDONS AND PAROLES



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
Account Clerk I	2
Administrative Assistant	1
Clerical Staff, Main Office	30
Field Offices	99
Deputy Interstate Compact Director	1
General Counsel	1
Baliff	1
Laborer	6
Office Systems Administrator II	1
Probation and Parole Officer V	4
Probation and Parole Officer IV	16
Probation and Parole Officer III	50
Probation and Parole Officer II	104
Probation and Parole Officer I	45
Total	371

COST OF OPERATIONS

ADMINISTRATION OF PARDONS AND PAROLES

Agency Administration Activity	1,590,534
Financial Services Activity	198,461
Interstate Services Activity	124,069
Field Services Activity	11,306,022
Personnel Services Activity	125,087
TOTAL EXPENDITURES:	13,344,173

BOARD OF PARDONS AND PAROLES SUMMARY:

Personnel Costs	9,479,949
Employee Benefits	2,213,040
Travel In-State	151,492
Travel Out-of-State	23,639
Repairs and Maintenance	56,672
Rentals and Leases	541,273
Utilities and Communications	310,820
Professional Services	80,770
Supplies, Materials and Operating Expenses	199,337
Transportation Equipment Operations	119,983
Grants and Benefits	40
Capital Outlay	106,354
Transportation Equipment Purchases	750
Other Equipment Purchases	43,554
Miscellaneous	16,500
TOTAL EXPENDITURES:	13,344,173

Total Number of Employees:	369.02
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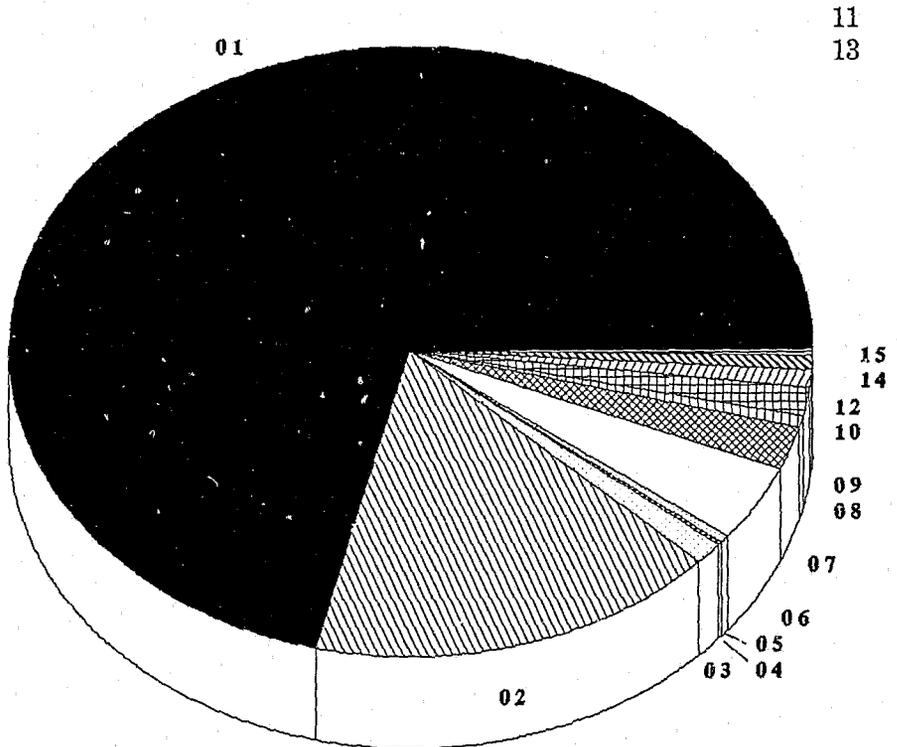
SOURCE OF FUNDS:

State General Fund Appropriation	9,377,342
State General Fund - Emergency Fund	272,543
State General Fund - Act 90-487	
Probationers Upkeep Fund	3,569,814
State Employees Insurance Board	128
Insurance Settlements	860
Grants - McConnell - Clark Foundation	93,750
Sale of equipment and paper	341
FFMA (Flood - Elba & Red Eagle)	29,395
TOTAL FUNDS:	13,344,173

**ACTUAL EXPENDITURES 1989 - 1990
BOARD OF PARDONS AND PAROLES**

Total Expenditures \$13,344,173

NOT SHOWN:



01-Personnel Costs	\$9,479,949	10-Transportation	
02-Employee Benefits	\$2,213,040	Equipment	
03-Travel In-State	\$151,492	Operations	\$119,983
04-Travel Out-of-State	\$23,639	11-Grants & Benefits	\$40
05-Repairs &		12-Capital Outlay	\$106,354
Maintenance	56,672	13-Transportation	
06-Rentals & Leases	\$541,273	Equipment	
07-Utilities &		Purchases	\$750
Communications	\$310,820	14-Other Equipment	
08-Professional Services	\$80,770	Purchases	\$43,554
09-Supplies Materials &		15-Miscellaneous	\$16,500
Operating Expenses	\$199,337		

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 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, 1989 to September 30, 1990	September 15, 1989 to September 30, 1990
Considered	5,039	135,984
Denied	2,350	79,305
**Paroled	2,487	56,480

	October 1, 1989 to September 30, 1990
Declared	
Delinquent	1,593
Revoked	1,021

A two-year follow-up study of cases paroled between October 1, 1986, and September 30, 1988, revealed the following recidivism rates:

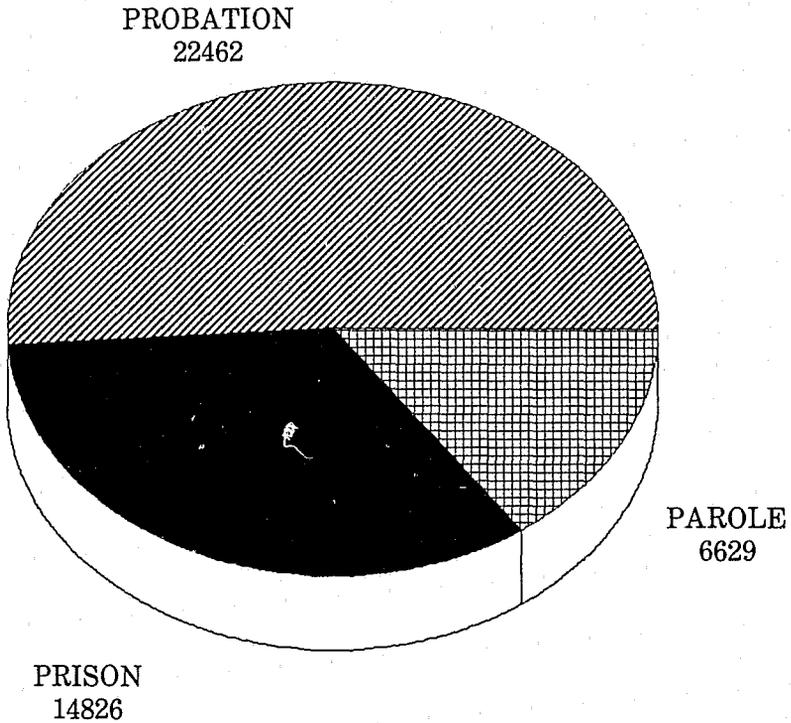
27.3% revoked

.7% revoked for crimes of violence

*Includes inmates serving county jail sentences.

**Includes conditional transfers to other jurisdictions.

ALABAMA FELONY ADULT
OFFENDER POPULATION
PROBATION — PAROLE — PRISON



*INCLUDES ALABAMA CASES TRANSFERRED TO OTHER STATES

SEPTEMBER 1990 TOTALS

STATE INMATES PAROLED AND REVOKED BY COUNTIES

COUNTIES	PAROLED	REVOKED
Autauga	9	6
Baldwin	37	16
Barbour	19	5
Bibb	6	3
Blount	15	8
Bullock	7	1
Butler	14	2
Calhoun	109	31
Chambers	20	6
Cherokee	8	0
Chilton	14	2
Choctaw	12	1
Clarke	14	7
Clay	4	2
Cleburne	4	1
Coffee	31	11
Colbert	26	7
Conecuh	12	6
Coosa	7	3
Covington	31	10
Crenshaw	7	1
Cullman	35	10
Dale	21	8
Dallas	32	17
DeKalb	26	6
Elmore	13	8
Escambia	6	9
Etowah	57	32
Fayette	6	2
Franklin	10	4
Geneva	15	4
Greene	9	3
Hale	3	1
Henry	11	1
Houston	118	43
Jackson	26	4
Jefferson	421	222
Lamar	21	4
Lauderdale	41	20
Lawrence	16	4
Lee	86	29
Limestone	19	5

STATE INMATES PAROLED AND REVOKED BY COUNTIES

COUNTIES	PAROLED	REVOKED
Lowndes	5	2
Macon	8	1
Madison	134	42
Marengo	22	5
Marion	14	4
Marshall	19	20
Mobile	284	122
Monroe	11	3
Montgomery	202	112
Morgan	56	17
Perry	5	2
Pickens	7	0
Pike	17	10
Randolph	15	0
Russell	51	20
Shelby	18	11
St. Clair	27	7
Sumter	6	2
Talladega	52	19
Tallapoosa	22	6
Tuscaloosa	83	39
Walker	26	7
Washington	3	1
Wilcox	2	2
Winston	0	2
TOTAL	2,487	1,021

PROBATION

Probation Granted	8,909
Probation Revoked	1,326
Total Placed on Probation During Fifty-one-Year Period Of Administration	157,970
Total Revoked During Fifty-one-Year Period of Administration	22,210

During the fifty-one-year period of administration, 14% of the probations granted have been revoked.

PROBATIONS GRANTED AND REVOKED BY COUNTIES

COUNTIES	GRANTED	REVOKED
Autauga	73	4
Baldwin	170	27
Barbour	71	4
Bibb	46	7
Blount	61	3
Bullock	26	2
Butler	43	6
Calhoun	287	62
Chambers	64	21
Cherokee	144	13
Chilton	47	5
Choctaw	80	5
Clarke	276	19
Clay	24	3
Cleburne	14	7
Coffee	93	24
Colbert	78	15
Conecuh	41	12
Coosa	19	5
Covington	44	8
Crenshaw	24	6
Cullman	100	10
Dale	73	4
Dallas	100	24
DeKalb	124	13
Elmore	58	18
Escambia	289	21
Etowah	280	47
Fayette	25	3
Franklin	37	12
Geneva	46	5
Greene	17	2
Hale	7	1
Henry	14	8
Houston	219	52
Jackson	57	5
Jefferson	1,628	170
Lamar	34	2
Lauderdale	104	20
Lawrence	125	8
Lee	211	39
Limestone	75	25

PROBATIONS GRANTED AND REVOKED BY COUNTIES

COUNTIES	GRANTED	REVOKED
Lowndes	31	3
Macon	22	3
Madison	407	59
Marengo	63	1
Marion	42	12
Marshall	176	10
Mobile	625	100
Monroe	58	15
Montgomery	616	136
Morgan	120	34
Perry	10	4
Pickens	36	1
Pike	68	24
Randolph	34	4
Russell	103	28
Shelby	120	23
St. Clair	124	6
Sumter	15	4
Talladega	186	39
Tallapoosa	66	18
Tuscaloosa	368	25
Walker	165	17
Washington	65	2
Wilcox	5	0
Winston	36	11
	<hr/>	<hr/>
TOTAL	8,909	1,326

PARDONS AND RESTORATIONS

Pardons with Restoration of Civil
and Political Rights Granted 440

PROBATION AND PAROLE CLIENTS AS OF:

	September 30, 1990	September 30, 1980
Parole Supervision	6,629	2,547
Probation Supervision	22,462	10,765
GRAND TOTAL	29,091*	13,312

CASES SUPERVISED DURING THE YEAR

Supervised for other states	2,782
Parole Supervision	7,852
Probation Supervision	26,805
GRAND TOTAL	37,439

INVESTIGATIONS COMPLETED DURING THE YEAR

	OUT OF STATE	ALABAMA
Probation	1,525	13,440
Parole	737	10,796
Miscellaneous	1,207	8,028
Total	3,469	32,264
GRAND TOTAL	35,733	

*Includes Alabama Cases transferred to other states.

INTERSTATE RELATIONS

Parolees and Probationers received for supervision from other states	1,197
Alabama probationers and parolees accepted for supervision by other states	765

DRUG SCREENS

31,418 drug tests were conducted by and for this agency for FY 89-90.

ELECTRONIC SURVEILLANCE
STATISTICS FOR FISCAL YEAR
OCTOBER 1989 THROUGH SEPTEMBER 1990

Number of Probationers Placed on Electronic Surveillance During FY 89-90:

Birmingham	8
Mobile	13
Montgomery	<u>25</u>

Total Number of Probationers: 46

Number of Parolees Placed on Electronic Surveillance During FY 89-90:

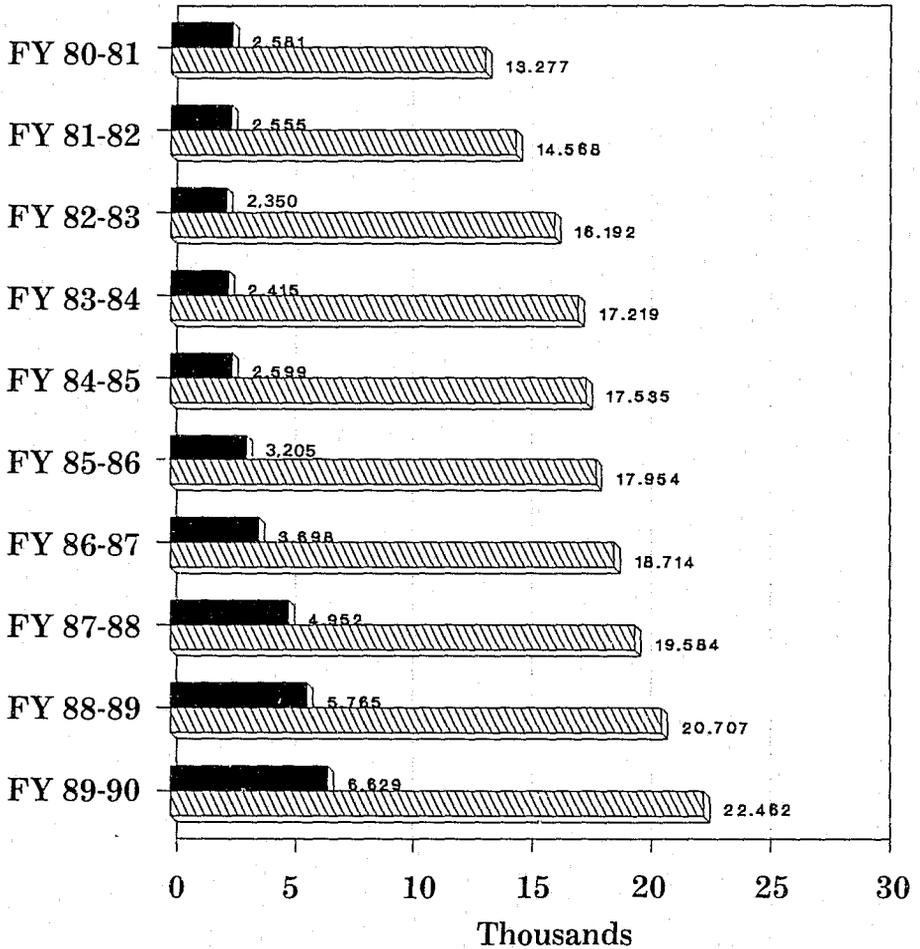
Birmingham	61
Mobile	46
Montgomery	<u>29</u>

Total Number of Parolees: 136

Total Number of Probationers and Parolees Placed on Electronic Surveillance During FY 89-90: 182

The Electronic Surveillance program was started in 88-89 fiscal year in the above-named cities.

OFFENDERS UNDER SUPERVISION OF THE ALABAMA BOARD OF PARDONS AND PAROLES



PAROLE
 PROBATION

*INCLUDES ALABAMA CASES TRANSFERRED TO OTHER STATES

SEPTEMBER 1990 TOTALS