

87454

U.S. Department of Justice
National Institute of Justice

87454

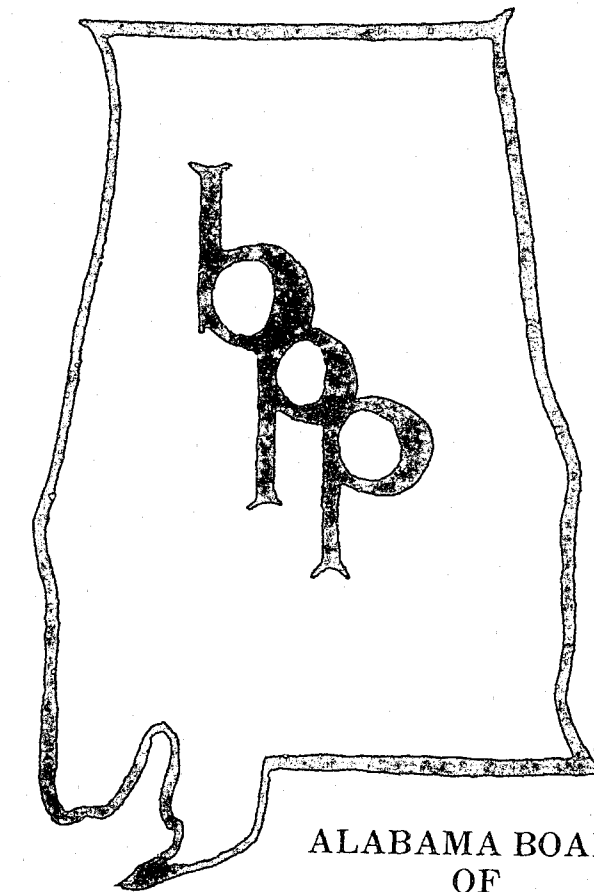
This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been granted by

Alabama Board of Pardons
and Parole

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.



ALABAMA BOARD
OF
PARDONS AND PAROLES

Suite 312
750 Washington Avenue
Montgomery, Alabama 36130
(205) 832-3070

Ealon M. Lambert
Chairman

John T. Porter
Member

Jack C. Lufkin
Member

David H. Williams
Executive Director

LETTER OF TRANSMITTAL

November 15, 1982

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

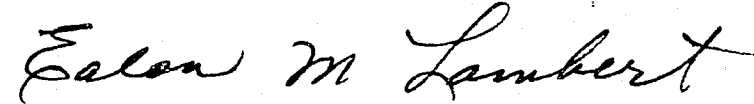
Dear Sir:

In compliance with statutory provisions, we are transmitting herewith the Forty-Third Annual Report of this Board covering the fiscal year October 1, 1981 to September 30, 1982.

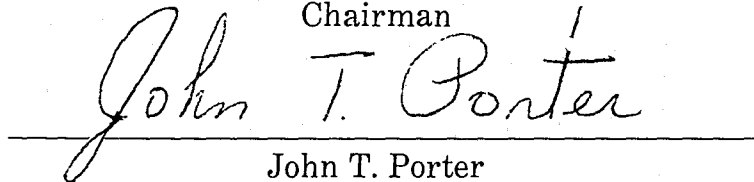
Copies of the report are being filed in the offices of the Secretary of State, Department of Archives and History, and the Bureau of Publicity and Information.

Respectfully submitted,

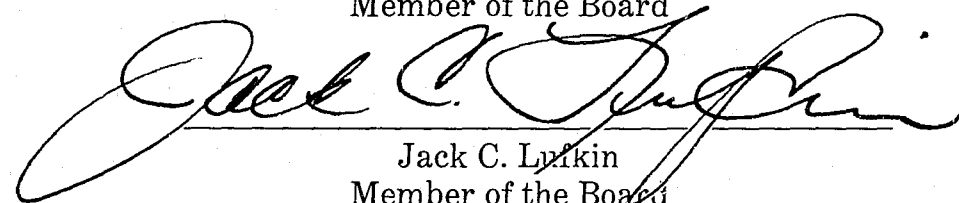
STATE BOARD OF PARDONS AND PAROLES



Ealon M. Lambert
Chairman



John T. Porter
Member of the Board



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 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

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	83
Probation and Parole Officer I	41
Clerical Staff, Main Office	20
Field Offices	73
Accountants	2
Account Clerk	1
Group Home Parents	4
Laborer	1
Clerical Aides	2
Total	249

COST OF OPERATIONS

Salaries: Board Members	\$ 129,831	
Other Salaries	<u>4,064,327</u>	\$4,194,158
Employee Benefits:		
FICA	278,537	
Group Health Insurance	189,271	
Retirement Contributions ...	414,414	
Unemployment Comp.	<u>1,804</u>	884,026
Travel-In-State		84,803
Travel-Out-Of-State		766
Repairs and Maintenance		7,361
Rentals and Leases		110,765
Utilities and Communications		132,317
Professional Services		12,540
Supplies, Materials & Operating Expenses		45,011
Grants & Benefits		16,895
Transportation Equipment Operations		61,666
Automobile Purchases		26,328
Other Equipment Purchases		63,136
Non-Expenditures Disbursements		<u>1,286</u>
Grand Total		<u><u>5,641,058</u></u>
Source of Funds:		
General Fund	\$4,508,987	
Federal Funds	11,575	
Probationers Upkeep		
Fund	1,037,480	
Montgomery County		
Commission	83,016	
Total	<u><u>\$5,641,058</u></u>	

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

COST OF OPERATIONS

Salaries: Board Members	\$ 129,831	
Other Salaries	<u>4,064,327</u>	\$4,194,158
Employee Benefits:		
FICA	278,537	
Group Health Insurance	189,271	
Retirement Contributions ...	414,414	
Unemployment Comp.	<u>1,804</u>	884,026
Travel-In-State		84,803
Travel-Out-Of-State		766
Repairs and Maintenance		7,361
Rentals and Leases		110,765
Utilities and Communications		132,317
Professional Services		12,540
Supplies, Materials & Operating Expenses		45,011
Grants & Benefits		16,895
Transportation Equipment Operations		61,666
Automobile Purchases		26,328
Other Equipment Purchases		63,136
Non-Expenditures Disbursements		<u>1,286</u>
Grand Total		<u><u>5,641,058</u></u>
Source of Funds:		
General Fund	\$4,508,987	
Federal Funds	11,575	
Probationers Upkeep		
Fund	1,037,480	
Montgomery County		
Commission	83,016	
Total		<u><u>\$5,641,058</u></u>

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 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, 1981 to September 30, 1982	September 15, 1939 to September 30, 1982
Considered	3,035	105,552
Denied	1,325	63,789
Granted	1,710	41,763
	October 1, 1981 to September 30, 1982	
Declared		
Delinquent	777	
Revoked	474	

During the past forty-three years, 10,735 paroles have been re-
voked, approximately 26% of all paroles granted.

*Includes inmates serving county jail sentences.

STATE INMATES PAROLED AND REVOKED BY COUNTIES

COUNTIES	GRANTED	REVOKED
Autauga	10	2
Baldwin	18	5
Barbour	22	1
Bibb	9	1
Blount	12	3
Bullock	3	0
Butler	6	0
Calhoun	58	13
Chambers	13	9
Cherokee	6	0
Chilton	15	1
Choctaw	1	2
Clarke	8	3
Clay	5	3
Cleburne	4	3
Coffee	7	1
Colbert	21	0
Conecuh	5	0
Coosa	9	2
Covington	7	7
Crenshaw	5	0
Cullman	35	6
Dale	27	4
Dallas	16	5
DeKalb	10	5
Elmore	10	3
Escambia	5	5
Etowah	34	11
Fayette	1	0
Franklin	5	1
Geneva	2	2
Greene	6	3
Hale	3	3
Henry	11	0
Houston	82	8
Jackson	27	6
Jefferson	248	112
Lamar	4	0
Lauderdale	18	10
Lawrence	12	2
Lee	59	17
Limestone	15	1

STATE INMATES PAROLED AND REVOKED BY COUNTIES (Continued)

COUNTIES	GRANTED	REVOKED
Lowndes	4	1
Macon	2	1
Madison	97	29
Marengo	14	9
Marion	14	2
Marshall	24	8
Mobile	128	49
Monroe	6	1
Montgomery	131	41
Morgan	19	6
Perry	6	1
Pickens	5	2
Pike	17	1
Randolph	2	1
Russell	28	16
Shelby	14	10
St. Clair	16	1
Sumter	5	0
Talladega	58	9
Tallapoosa	15	3
Tuscaloosa	71	16
Walker	17	3
Washington	2	0
Wilcox	10	0
Winston	5	2
TOTAL	1,584	472

PROBATION	
Probation Granted	5,451
Probation Revoked	653
Total Placed on Probation During Forty-Three Year Period Of Administration	106,976
Total Revoked During Forty-Three Year Period of Administration	15,038
During the forty-three year period of administration, 14% of the proba- tions granted have been revoked.	

PROBATIONS GRANTED AND REVOKED BY COUNTIES

COUNTIES	GRANTED	REVOKED
Autauga	22	3
Baldwin	98	2
Barbour	26	1
Bibb	54	10
Blount	19	1
Bullock	7	0
Butler	41	6
Calhoun	165	30
Chambers	30	7
Cherokee	32	1
Chilton	23	12
Choctaw	33	1
Clarke	111	6
Clay	13	4
Cleburne	17	2
Coffee	49	10
Colbert	37	5
Conecuh	39	7
Coosa	5	3
Covington	26	3
Crenshaw	39	2
Cullman	63	6
Dale	42	5
Dallas	72	7
DeKalb	59	5
Elmore	23	6
Escambia	61	8
Etowah	262	6
Fayette	37	4
Franklin	23	3
Geneva	25	1
Greene	12	2
Hale	8	1
Henry	14	1
Houston	166	13
Jackson	48	8
Jefferson	1,206	93
Lamar	14	8
Lauderdale	114	23
Lawrence	68	27
Lee	104	17
Limestone	39	2

PROBATIONS GRANTED AND REVOKED BY COUNTIES (Cont'd)

COUNTIES	GRANTED	REVOKED
Lowndes	29	1
Macon	12	2
Madison	186	47
Marengo	48	1
Marion	17	4
Marshall	117	7
Mobile	401	62
Monroe	46	3
Montgomery	341	39
Morgan	104	16
Perry	6	0
Pickens	23	6
Pike	36	13
Randolph	14	0
Russell	72	14
Shelby	24	7
St. Clair	33	3
Sumter	25	3
Talladega	138	21
Tallapoosa	44	6
Tuscaloosa	237	18
Walker	96	15
Washington	28	0
Wilcox	12	0
Winston	16	3
TOTAL	5,451	653

PARDONS AND RESTORATIONS

Pardons granted	19
Restoration of Civil and Political Rights	
Granted	926

CLIENTS UNDER SUPERVISION AS OF:

	September 30, 1982	September 30, 1970
Parole Supervision	2,555	2,512
Probation Supervision	14,568	4,833
GRAND TOTAL	17,123	7,756 (includes 411 cases supervised for other states)

CASES SUPERVISED DURING THE YEAR

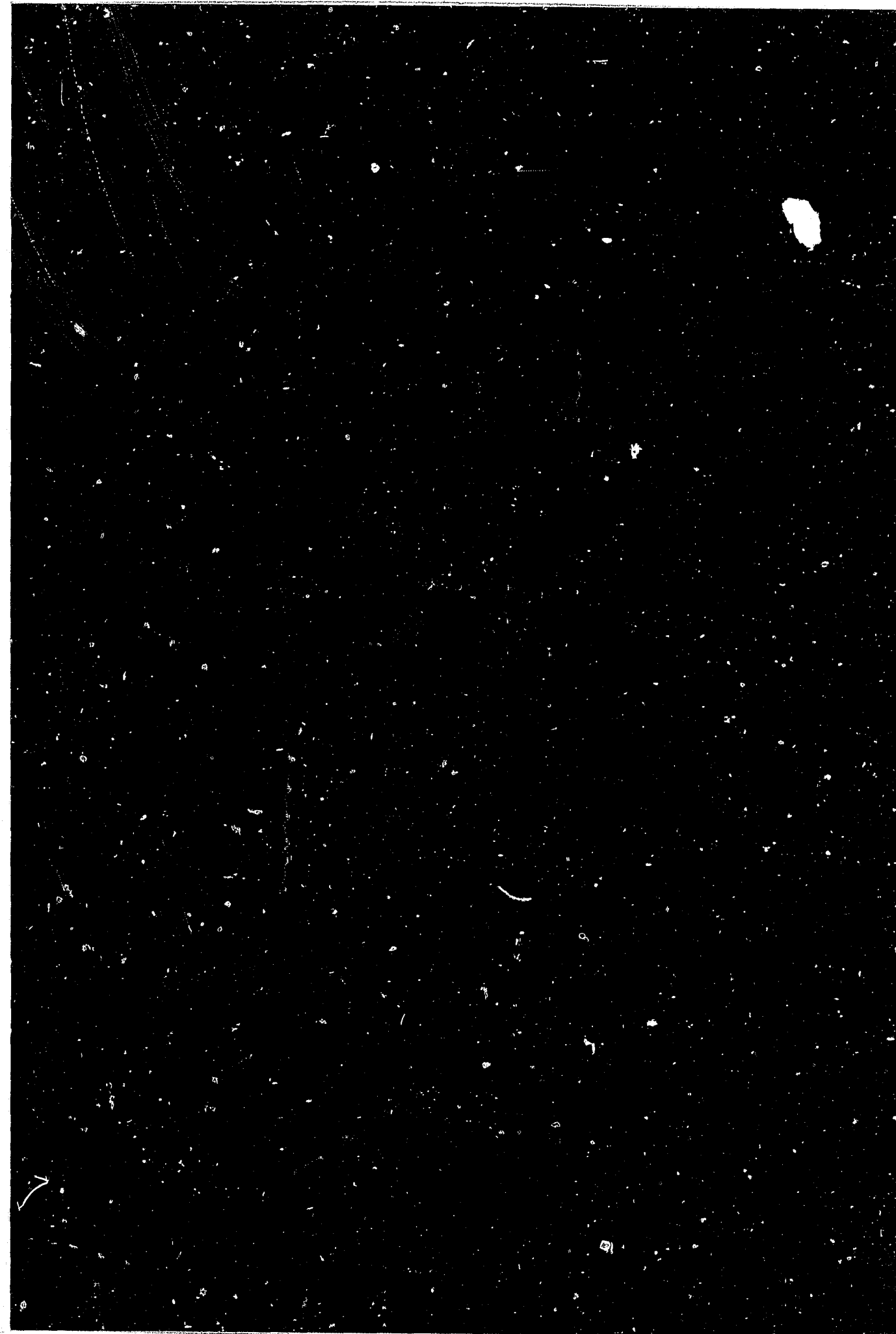
Supervised for other states	1,773
Parole Supervision	4,291
Probation Supervision	18,728
GRAND TOTAL	24,792

INVESTIGATIONS COMPLETED DURING THE YEAR

	OUT OF STATE	ALABAMA
Probation	1,386	13,182
Parole	587	9,058
Miscellaneous	500	4,321
Total	2,473	26,561
GRAND TOTAL		29,034

INTERSTATE RELATIONS

Cases Investigated for Other States	1,512
Parolees and Probationers received for supervision from other states	777
Alabama probationers and parolees accepted for supervision by other states	628



END