

GEORGIA
STATE BOARD OF PARDONS AND PAROLES
ANNUAL REPORT
FISCAL YEAR 1989
JULY 1, 1988 - JUNE 30, 1989

TO

THE GOVERNOR
THE LIEUTENANT GOVERNOR
THE GENERAL ASSEMBLY
THE ATTORNEY GENERAL

SUBMITTED BY

WAYNE SNOW, JR., CHAIRMAN
JAMES T. MORRIS, MEMBER
MOBLEY HOWELL, MEMBER
MICHAEL H. WING, MEMBER
BETTYE O. HUTCHINGS, MEMBER

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

ANNUAL REPORT

Fiscal Year 1989

July 1, 1988 - June 30, 1989

The State Board of Pardons and Paroles, responding to the Governor's request, began emergency releases on April 3, 1989. They are continuing.

Threat of Class-Action Suit Spurs Faster Paroling and Prison Building

Governor Joe Frank Harris had no other rational choice when on March 7, 1989, he called for expedited paroles and more prison beds. It was the eve of the threatened filing of a suit against the state based on prison and jail overcrowding. It was time for a decision.

The Governor pulled no punches: "We simply must commit ourselves to a mammoth prison building program for the future, and, frankly, it is not likely we will ever be able to stop."

Attorney General Michael J. Bowers was at the Governor's side giving his support for the releases and prison expansion and saying, "It had to be done." Mr. Bowers added, "If we were to actually get into litigation, the potential for costing money is astronomical . . . because not only would you be talking about releasing folks to comply with some ceiling, you could be talking about conditions — all conditions of imprisonment: food, chaplain service, everything."

The State Board of Pardons and Paroles supports the Governor's actions and the Attorney General's analysis. Paroles and prison expansion had to be expedited together. The lawsuit had to be avoided.

The overcrowding-based class-action suit was threatened by Georgia Legal Services, which provides federally funded representation for the poor in civil cases. By March, sentenced state inmates packed in county jails had exceeded 4,000, and the number in the prison system had soared to 110 percent of maximum operating capacity.

Gov. Harris asked the Parole Board to review cases of misdemeanants plus certain non-violent felony inmates to select those suitable for earlier parole. The offense types he specified were damage to property, habitual traffic violation, forgery, theft, burglary, and revoked parole and revoked probation for technical violations or less serious offenses. Because the resulting inmate pool was not large enough, the Board later had to add low-level drug offenses to find enough acceptable parolees.

Candidates for the Governor's Emergency Release Program must have been confined at least four months on a sentence up to five years or confined at least six months on a sentence of more than five but not exceeding ten years. These Board-set criteria are drastic but necessary to reduce overcrowding and keep control of the prison system in the hands of Georgia leaders, not federal judges.

Under the Governor's Emergency Release Program, the Board from April 3 to December 1 paroled 4,102 men and women. That was in addition to 7,612 other Board releases. During this period the prison system brought on line new prison beds totaling 2,852.

Simultaneously, these eight months saw the prison population increase from 19,368 to 20,759, while the backlog of sentenced state inmates in county jails slowly came down from 4,000 to 2,122. To prevent the federal suit from being filed, that apparently was sufficient in the short run.

The jail-backlog reduction progressed slowly because of record-high numbers committed to prison. From April through November Georgia courts committed 12,495 persons to prison on new sentences, probation revocations, and shock incarceration, but court commitments to prison during the same months the year before were only 10,891.

Parole revocations were up, too, as would be expected with the parolee population increasing by 44 percent in seven months.

Persons paroled under the Governor's Emergency Release Program, who are serving for non-violent but potentially very repeatable offenses, are doing better than expected. Without knowing what the final tabulation will be, the Board notes that by December 15, 1989, these parolees totaled 4,253, of which 410 had had their paroles revoked for technical violations or new offenses.

Despite what some critics may have claimed, data comparing Board decisions on more serious offenders during fiscal years 1984 and 1988 actually show toughened punishment. During FY 1988 the Board voted to parole a substantially lower percentage of serious offenders before service of one-third of their sentences than it had voted to parole four years earlier. The respective percentages were 45 percent versus 72 percent.

During this time period (FY 1984-1988), average court sentence lengths for most of these serious offenders increased. These longer sentences, combined with the increased percentage of sentence to be served, meant that actual confinement time for most serious offenders in Georgia went up.

Of the eight Federal Bureau of Investigation Uniform Crime Report Index crimes (murder-involuntary manslaughter, rape, aggravated assault, robbery, burglary, larceny, motor vehicle theft, and arson), only three (burglary, larceny, and motor vehicle theft) showed a percentage of time to be served which was less than 38 percent.

This data helped the Commission on Criminal Sanctions and Correctional Facilities conclude in its recent report that the Board's Parole Decision Guidelines effectively handled most violent offenders.

Georgia does not yet have meaningful sentencing reform. The drug problem, which is causing more offenders to be consigned to confinement, is a long way from solution. Emergency releases should be phased out as soon as practical. Therefore, Georgia must, on a substantial scale and on a continuous time frame, build prisons and continue to work on sentencing reform.

Parole Residential Centers Open in Atlanta and Savannah

Georgia's first Parole Board-operated residential center for parolees opened in Atlanta on April 3, 1989, and the second one in Savannah on August 4. Both are staffed by parole officers and operate with the contracted assistance of the Salvation Army.

Although these are not the transitional centers which the Board has sought funding for in recent years, they nevertheless serve a valuable purpose. The Board still needs state transitional centers and detention centers for problem parolees, especially those with alcohol and drug problems.

The 75-bed Atlanta Parole Center is in one wing of the new Salvation Army Red Shield Lodge on Luckie Street, while the 50-bed Savannah Parole Center is situated similarly in the lodge on Montgomery Street. Both are full.

Assaultive persons are denied placement in the centers. Persons who are accepted come from three main groups:

1. Parolees who are having trouble obeying parole conditions but who can succeed when placed in a structured environment.
2. New parolees who could not develop a residence plan in prison.
3. New parolees with emotional, physical, or vocational problems requiring more supervision or assistance than usual.

Problems most commonly found in new arrivals are alcohol and drug abuse and lack of employment and general coping skills. To help residents overcome their problems, center staffs may use Salvation Army in-house programs and other community resources. These include general group counseling, drug and alcohol counseling, mental health counseling, sex-offender counseling, Alcoholics Anonymous, Narcotics Anonymous, educational upgrading, vocational rehabilitation, and out-patient drug treatment. In addition, residents with medical needs may be helped in obtaining eyeglasses, hearing aids, etc.

A parolee generally stays in a center three or sometimes four months, giving him time to find and settle into a full-time job. A working parolee pays \$5 per day for room and board on top of his \$10 monthly supervision fee. No one leaves until his proposed home receives a parole officer's approval.

The two parole centers can help salvage about 500 backsliding or borderline parolees a year.

Emergency Releases Raise Work Pressures, Show Personnel Needs

The Governor's Emergency Release Program has impacted heavily the Board's Central Operations and Field Operations Divisions, stretching capabilities to the limit.

First, Board members and top staff formulated detailed criteria governing release eligibility, and computer specialists programmed computers to deliver the lists of thousands of inmate candidates.

Clerks kept busy pulling the candidates' case files, and experienced hearing examiners pored over each individual file, verifying eligibility and identifying pertinent facts which could affect a release decision one way or another.

Processing personnel sent computer-printed requests to field offices for expedited pre-parole investigations, made doubly difficult by the number of inmates backlogged in county jails statewide. Parole officers had their hands full interviewing inmates and investigating their offenses, backgrounds, and residence plans. Little did they realize what was coming next.

After the emergency releases got underway in April, it took only seven months for the number of parolees in Georgia to jump from 10,883 to 15,647, with consequences for parole officers' supervision caseloads. It is projected that by July 1, 1990, the total under supervision will have risen to 20,000.

Fortunately, the Governor and General Assembly helped ease the strain on Board personnel. For employment during the last months of fiscal year 1989, the Board was allocated 115 new parole officers and support personnel. During fiscal year 1990, it has been permitted to hire 93 more officers and support staff. Six new parole districts have been created, as well as two new administrative areas.

To keep up with the growth in work, the Board is now asking that the FY 1990 supplemental budget include funds for 86 parole officers and that the FY 1991 budget authorize 186 more.

AIDS and Drug Abuse, Often Linked, Require Expanded Board Efforts

The rising numbers of Georgia inmates and parolees identified as carriers of the acquired immune deficiency syndrome (AIDS) virus are demanding greater Board effort to counsel them about their condition, probe their attitudes, and inculcate policy designed to protect public health.

Under the three-year-old policy — one of the first in the nation — parole will not be granted to an AIDS carrier unless he demonstrates a commitment to prevent risk of spreading the infection to others. After parole, he must obey special added conditions, which, for example, prohibit donating and selling blood and require disclosure of his condition to his spouse or head of the household at his place of residence.

When pre-parole interviews of AIDS-infected inmates first began, all were conducted by one central office employee who traveled regularly to the Augusta Correctional and Medical Institution. Later, the Georgia Department of Corrections began sending AIDS-positive inmates to segregated quarters in certain other state prisons. However, since June 1989, the GDC has been mainstreaming AIDS carriers into all state and county correctional institutions. As a result, in addition to central office employees, it now also takes specially trained parole officers from the Board's prison offices and field offices to handle all the interviews.

From December 1988 to December 1989, the number of identified AIDS carriers in Georgia prisons rose from 312 to 550, while the number of identified carriers on parole jumped almost fourfold from 44 to 172.

Most AIDS-infected inmates have a history of severe drug dependency, which may have involved sharing dirty needles, and the Parole Board is concerned that this drug dependency not recur. To detect drug use during fiscal year 1989, the Board used funds from a U.S. Justice Department grant to conduct more than 7,000 drug tests on suspect parolees. Thirty-five percent were positive for illegal drugs, and 85 percent of the positives were for cocaine.

Grant funds were also used during FY 1989 to place 97 addicted parolees under in-patient treatment. This gave these men and women the opportunity to become drug free, responsible, and motivated. Continued funding for drug-treatment referrals and for more intensive supervision is necessary to help fight the scourge of crack cocaine.

All Parole Offices Being Linked to Vast Computer System

From Fort Oglethorpe to Brunswick and from Hartwell to Cairo — the Parole Board's computer lines will soon crisscross Georgia. By July 1, 1990, computers with laser printers will be operating in every one of the Board's 63 parole offices and prison offices.

Importantly, the computers will be line-linked to the central office and to a mammoth mainframe computer. This will give all offices access to the Offender Tracking Information System (OTIS), a vast Corrections Department-Parole Board project. It will track each parole officer's supervision caseload and investigation reports pending or completed, will tabulate parolee supervision fee collection, and will cross-reference codefendants, among other tasks.

It is expected that within two years employees will send inter-office memos and investigation requests by electronic mail. Field secretaries will use word processing to prepare investigation reports and will send them to the central office through communication lines.

During fiscal year 1989, Board computer personnel programmed OTIS to track transfer preparation and supervision of Georgia parolees requesting to live in other states and to track supervision of other states' parolees in Georgia.

They also developed a scheduling system for the new Atlanta Parole Center to keep all its beds in use.

The automatic update of the Georgia Crime Information Center's Law Enforcement Data System (LEDS) started in March 1989. Information about parolees beginning and completing parole is now taken directly from OTIS and sent to GCIC for tape update. This saves much field office time and makes the information more quickly available to law enforcement agencies.

In-Service Training Exceeds Requirements of State Law

During 1989 the Parole Board went above and beyond the 1988 law requiring 20 hours of annual in-service training for certified peace officers. The Board provided in-service training for 24 hours to the following:

- * Four classes of managers on the subjects of firearms, managing stress, physical fitness, managing the hiring process, conflict management, and managing the troubled employee.
- * Eight classes of parole officers on the subjects of arrest, alcohol and drug abuse, managing stress, firearms, supervising the mentally deficient parolee, physical fitness, AIDS, and cardio-pulmonary resuscitation.
- * Nine classes of secretaries on the subject of Proofmatics.
- * One class of parole investigators on the subjects of interpersonal communications, criminal history record information, professionalism and ethics, public relations, interstate compact, investigative reports preparation, and report writing.

In addition, 28 hours of training were given to new managers.

Also during 1989 the six-week basic training course for new parole officers was taught three times.

Because of the additional training, more instructors were needed. Therefore, the Board put 15 management-level employees through the intensive two-week course to become instructors certified under the Peace Officer Standards and Training Act.

The number of instructors has now grown to 35. Many of them are area supervisors, deputy directors, assistant directors, or district chiefs, whose home offices are throughout Georgia. Each is a subject-matter expert in his or her area of training.

Action on Death-Sentence Cases Includes One Commutation

On December 6, 1988, the Board commuted the death sentence of Freddie Davis to life imprisonment, the first such commutation since 1977. This action was taken after the more culpable codefendant received a life sentence in court.

The Davis case is the first to become subject to the 1977 constitutional provision that a person whose death sentence is commuted to life by the Board must serve 25 years before first parole consideration.

Also during the fiscal year the Board denied commutation in the case of James Messer, Jr., on July 28, 1988, and in the case of Henry Willis, III, on May 18, 1989. Shortly after the end of the fiscal year, the Board on July 12, 1989, denied commutation in the case of Son H. Fleming.

Since the enactment of Georgia's current capital punishment law in 1973, the Board has commuted two death sentences and denied commutation in 17 cases. Under this law there have been 14 executions.

More Than \$3 Million Collected in Parole Supervision Fees

During the fifth year of collecting a fee from parolees to help defray the costs of supervising them, the cumulative total collected rose above \$3 million.

A standard condition of parole, authorized by a 1984 law, requires payment from every Georgia parolee physically able to work or financially able to pay. Parolees send \$10 certified checks or money orders each month to the Board's central office, and all receipts are deposited in the state treasury.

The receipt record for each year, ending October 31, is as follows:

1985 -	\$276,412.30
1986 -	602,968.81
1987 -	674,305.82
1988 -	740,083.83
1989 -	850,751.02

TOTAL	\$3,144,521.78
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Mobley Howell Retires After 12 Years on Parole Board

Board Member Mobley Howell of Blakely submitted his resignation to Gov. Joe Frank Harris effective January 1, 1990. Mr. Howell decided to retire although he had three years remaining to serve on his term.

Mr. Howell was originally appointed to Board membership by Gov. George Busbee on November 14, 1977, to serve the rest of the term of Cecil C. McCall, who resigned. Gov. Busbee reappointed Mr. Howell to a full seven-year term in 1978, and Gov. Harris reappointed him in 1985. He served as chairman for three years.

Before beginning his work on the Board, Mr. Howell was a Blakely businessman who served two years in the State Senate and 13 years in the State House of Representatives.

James T. Morris Reappointed to Board Membership

James T. Morris of Athens was appointed to a third seven-year term as a Board member by Gov. Joe Frank Harris. The Governor administered the oath of office to Mr. Morris on January 19, 1989.

Originally appointed to membership by Gov. Jimmy Carter in 1974, Mr. Morris was reappointed in 1981 by Gov. George Busbee. He is the senior member.

Mr. Morris served as chairman from 1977 to 1981.

Wayne Snow, Jr., Elected Chairman for Fifth Time

Wayne Snow, Jr., is serving his fifth year as Board chairman. In their annual election of a chairman, effective July 1, 1989, members made the same decision they had made four times before.

Mr. Snow has held Board membership since 1983. In January 1990 he also became president of the Association of Paroling Authorities International.

Respectfully submitted,



Wayne Snow, Jr., Chairman



James T. Morris, Member



Mobley Howell, Member



Bettye O. Hutchings, Member

GEORGIA STATE BOARD OF PARDONS AND PAROLES

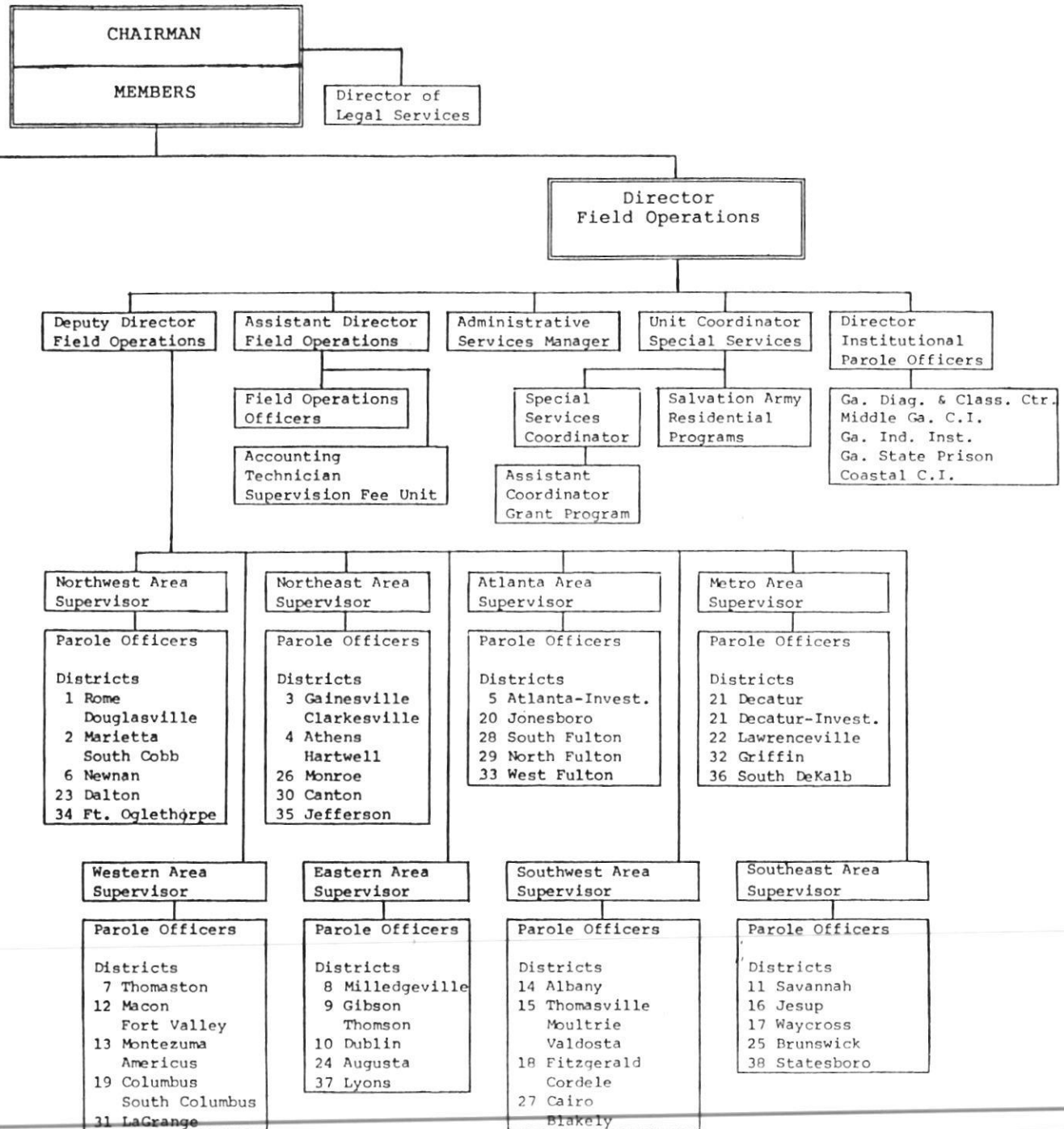
STATISTICAL SUMMARY

Activity for Fiscal Year Ending June 30, 1989

Parole		10,216
Conditional Transfer to Detainer		273
Commutation to Time Served (Regular)		16
Commutation to Time Served (Special Commutation Program)		1,576
Reprieve & Conditional Commutation for Short-Sentence Inmate		<u>1,200</u>
Total Release Action		13,281
Total Revocations of Release		2,950
Board Decision under Guidelines		8,755
Decision to Deny Parole	938	
Decision to Grant Tentative Parole Month	7,817	
Board Decision on Life-Sentence Inmate		719
Decision to Deny Parole	552	
Decision to Grant Parole	167	
Decision to Grant at 1st Consideration	10	
Discharge from Parole		2,664
Restoration of Civil and Political Rights		1,379
Upon Discharge from Parole	759	
Upon Application	620	
Pardon		123
Medical, Maternity, or Compassionate Reprieve		283
Commutation Reducing Sentence Without Release		7
Commutation to Discharge Parolee		332
Death Sentence Commutation Granted		1
Death Sentence Commutation Denied		2
Visitor Interview in Central Office		2,684
Inmate Interview at Institution		303
Preliminary Revocation Hearing		495
Final Revocation Hearing		416
Other Board Action (Cancellation of Supervised Reprieve)		<u>1</u>
Total Other Action		18,164
TOTAL BOARD ACTIVITY		34,395
Total Inmates on 6-30-89		19,588
Releasees under Supervision in Georgia on 6-30-89		13,941
Parolees	13,330	
Other States' Parolees	611	
Board Releasees under Supervision in Other States		1,191

State Board of Pardons and Paroles

December 1, 1989



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