UNIVERSITY OF MINNESOTA

# PROFILES IN PAROLE RELEASE AND REVOCATION:

## Examining the Legal Framework in the United States

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ROBINA INSTITUTE
OF CRIMINAL LAW AND CRIMINAL JUSTICE

# PROFILES IN PAROLE RELEASE AND REVOCATION:

## Examining the Legal Framework in the United States

## Georgia

By

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## 1. Background; Sentencing System

### a. Sentencing Framework

Georgia has a sentencing system in which "judges fixing the sentence shall prescribe a determinate sentence for a specific number of months and years which shall be within the minimum and maximum sentences prescribed by law as the punishment for the crime."[1] Though the system is characterized in statute as "determinate," Georgia has retained discretionary parole release. The Board of Pardons and Paroles has been active since 1943.[2] Georgia does not have a sentencing commission or sentencing guidelines.

### b. Does the State Have a Parole Board or Other Agency with Discretionary Prison Release Authority?

Yes, the Georgia State Board of Pardons and Paroles.[3]

**http://pap.georgia.gov/**

### c. Which Agencies Are Responsible for the Supervision of Released Prisoners?

Effective July 2015, the Georgia Department of Community Supervision assumed responsibility for supervising parolees. This is an independent executive branch agency that also supervises probationer.[4] Prior to this date, parolee supervision resided under the Georgia Board of Pardons and Paroles, while the supervision of probationers was performed by the state's Department of Corrections.

**http://dcs.georgia.gov/offender-supervision-0**

### d. Which Agency Has Authority Over Parole Revocation?

The Georgia State Board of Pardons and Paroles.[5]

### e. Statistical Profile

**Summary:** Prison population rates are higher in Georgia compared to the states as a whole while parole population rates are similar. However, parolees are less likely to be reincarcerated compared to the states as a whole. Fifty-six percent of discretionary release considerations lead to parole being granted while just nineteen percent of life sentence considerations result in parole being granted. Georgia currently practices discretionary release for the majority of offenders, including violent offenders, sex offenders, property offenders, drug offenders, and public order offenders.

## Chart 1. Prison and Parole Population per 100,000 Adult Residents, 2003-2014

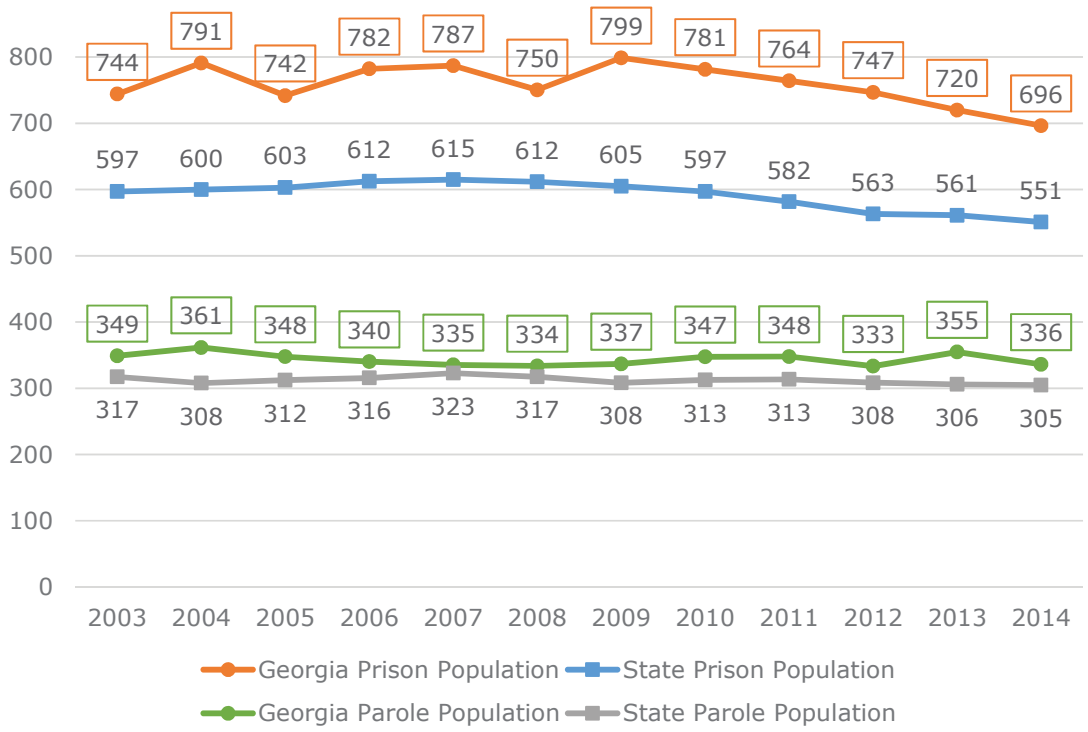



Chart 1 shows the population in prison and on parole per 100,000 adult residents at yearend for each year from 2003 to 2014. The data for this chart come from the *Probation and Parole in the United States* series and the *Prisoners* series published by the Bureau of Justice Statistics (BJS). A series for the individual state and an aggregate series for all 50 states is shown.

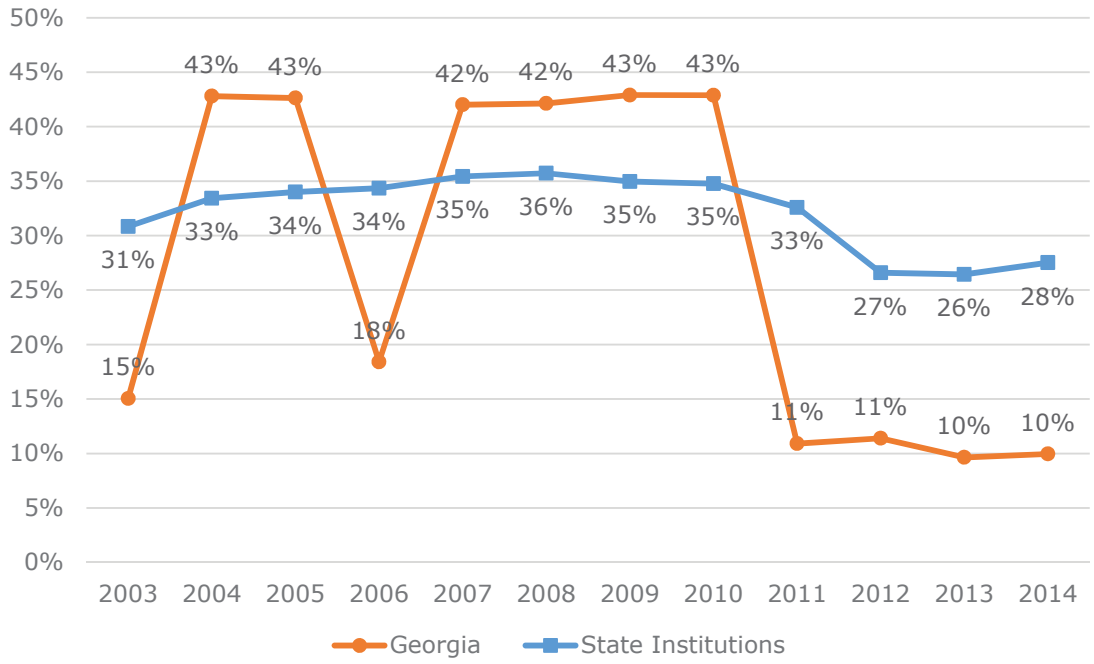
The prison population rate in Georgia is higher than the aggregate state rate. The peak rate was in 2009; thereafter, the rate declined. In 2014, the prison population rate was 696 in Georgia versus 551 for all 50 states. Georgia had the 10th highest prison population rate of the states in 2014. In 2014, 58% of releases from prison were conditional releases.

Throughout the series, the parole population rate in Georgia has been above the aggregate rate. The rate for Georgia has remained fairly steady over time and in 2014 stood at 336, modestly higher than the aggregate state rate of 305. Georgia had the 13th highest parole population rate of the states in 2014. In 2014, all admissions to parole were due to a discretionary decision by the parole board.

Georgia had the 10th highest prison population rate of the states in 2014.

Georgia had the 13th highest parole population rate of the states in 2014.

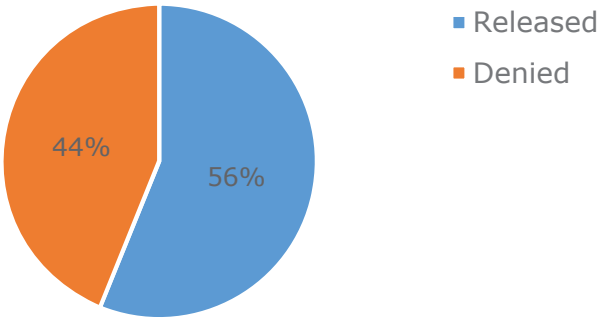
## Chart 2. Conditional Release Violators as a Percentage of Prison Admissions, 2003-2014




This chart shows the percentage of prison admissions each year from 2003 to 2014 that were due to violations of parole or other conditional release. The data for this chart come from the *Prisoners* series published by the Bureau of Justice Statistics (BJS). A series for the individual state and an aggregate series for all 50 states is shown.

In the early years of this series, the percentage of prison admissions that were conditional release violators in Georgia was often higher than that of the aggregate states. However, after a large decrease in 2011, the rate in Georgia has been much lower than the aggregate state rate. In 2014, ten percent of prison admissions in Georgia were due to violations of conditional release compared to just over one-quarter of admissions for states in aggregate. Georgia had one of the lowest percentages of prison admissions that were due to violations of conditional releases of the states in 2014. Due to the large changes in the data over this series, the numbers for Georgia should be interpreted with caution.

## Chart 3a. Georgia Grant Rate, 2014 Chart 3b.




## Georgia Grant Rate for Life Sentences, 2014

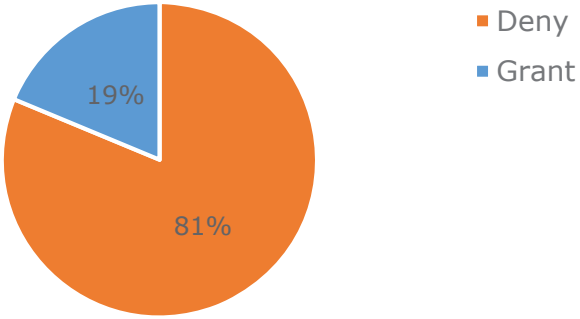
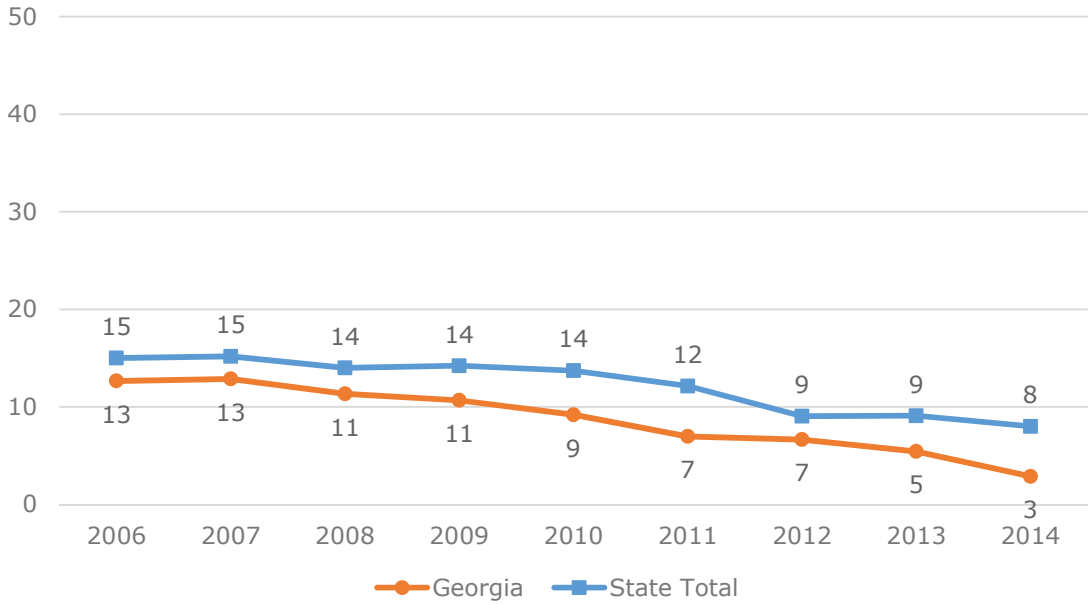



Chart 3a shows the percentage of parole considerations in fiscal year 2014 that resulted in parole being granted or denied for non-life sentences (discretionary release) and life sentences. Over half of the hearings for discretionary release resulted in release being granted, while the percentage was much lower for life sentences (just under one-fifth).[6]

## Chart 4. Rate of Incarceration Per 100 Parolees at Risk, 2006-2014




This chart shows the rate of incarceration per 100 parolees who are at risk of reincarceration each year from 2006 to 2014. The data for this chart come from the *Probation and Parole in the United States series* published by the Bureau of Justice Statistics (BJS). A series for the individual state and an aggregate series for all 50 states is shown. The incarcerated population includes the reported number of parolees who exited parole to incarceration for any reason. The at-risk population is calculated as the number reported on parole at the beginning of the year, plus the reported number of entries to parole during the year.

The rate of incarceration for parolees is lower in Georgia compared to the states in aggregate and has been so throughout the series. In 2014, the rate stood at 3 per 100 parolees in Georgia compared to 8 per 100 for the states in aggregate.

## Chart 5. Parole Exits, 2014

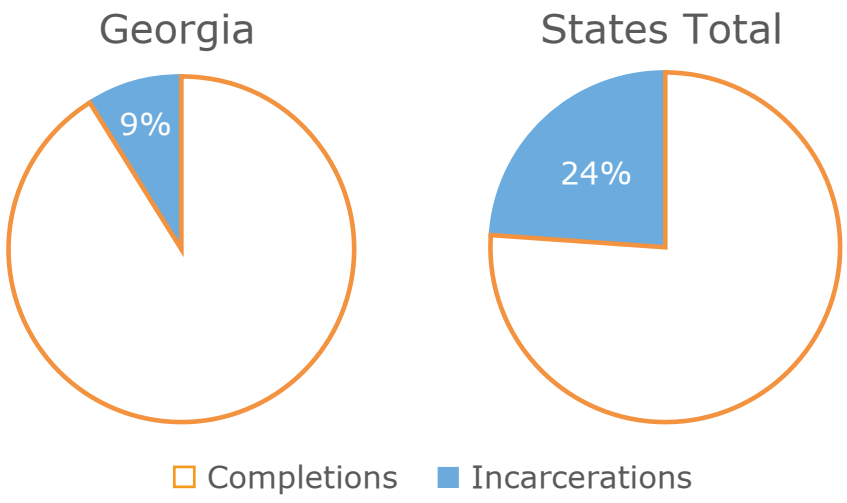



Chart 5 the percentage of people who exit parole to incarceration. All other exits are included in "completions". The data for this chart come from the *Probation and Parole in the United States* series published by the Bureau of Justice Statistics (BJS).

In Georgia, just under a tenth of the exits from parole are due to incarceration. This is much lower than the aggregate state proportion of 24%.

## 2. Parole Release and Other Prison-Release Mechanisms

### a. Parole Release Eligibility Formulas; Degree of Indeterminacy in System

*General rules of release eligibility.* While the grant of parole is discretionary, consideration for parole is often not; most inmates are entitled to automatic consideration for parole.[7] In general, this occurs after serving 1/3 of the total sentence. However, at minimum, a person serving a misdemeanor sentence must serve 6 months and a person serving a felony sentence must serve 9 months. Inmates serving 21 years or more, but not a life sentence, become eligible after serving a 7 year term.[8] In addition, inmates convicted of certain serious crimes (e.g. aggravated assault, incest, drug trafficking) are not eligible for parole until they have served 7 years or 1/3 of the prison term, whichever comes first. [9]

Due to the fact that consideration for parole is automatic, no application for parole is generally necessary. However, an application is required for certain drug offenders who are recidivists and statutorily ineligible for consideration by the Board because they must meet special eligibility requirements for parole.[10] The Board can choose to consider cases in which the prisoner has failed to serve the time required by law for automatic consideration; it has the ultimate authority to release. However, it may not release inmates serving certain types of sentences.[11]

*Violent and sex offenders.* Some inmates serving terms of imprisonment for "serious violent felonies" must serve mandatory minimum sentences. Those convicted of these crimes are generally not eligible for parole, but may be considered for work-release in the final year of incarceration. [12] In addition, repeat felony offenders face a "four strike rule" that provides that they must serve the maximum sentence and are thus ineligible for parole release. [13]

*Life sentences.* For those sentenced to life with parole for a crime committed before January 1, 1995, parole consideration can occur after 7 years; for crimes committed after that date consideration begins at 14 years. After July 1, 2006, individuals sentenced to life in prison for serious violent felonies may be considered for parole only after serving a term of 30 years. Those death penalty sentences that have been commuted to a life sentence are also eligible for parole consideration after 30 years. [14]

*Recurring eligibility after denial of release.* Inmates who are not serving life sentences are automatically reconsidered for parole at least every five years. Inmates who are serving life sentences are automatically reconsidered at least every eight years.[15] If the Parole Decision Guidelines System (discussed below) indicates that an inmate should be denied parole for the entirety of their sentence, their case must be reconsidered at the expiration of 1/3 of their sentence.[16]

### b. Good Time, Earned Time, and Other Discounts

The Department of Corrections has created a system called the Performance Incentive Credits Program (PIC) in which most inmates can earn credit "in recognition of institutional attainments in academic or vocational, education, satisfactory work assignments performance, and satisfactory compliance with established behavior standards." Through the system, an offender can earn points for certain activities which translate into earned time, up to a total of 12 months.[17] The Department of Corrections reports these credits to the Board, which can apply them to advance the tentative parole release date. The Department also reports to the Board on "cases of inmates who decline or refuse to participate in work, educational, or counseling programs, who fail to comply with satisfactory behavior standards, and who therefore refuse to earn work incentive credits."[18] Though these credits may hasten parole release, they do not reduce either the minimum parole eligibility date or the maximum length of a sentence.

### c. Principles and Criteria for Parole Release Decisions

*General statutory standard for release decisions.* Inmates may not be placed on parole "until and unless the board shall find that there is reasonable probability that, if he is so released, he will live and conduct himself as a respectable and law-abiding person and that his release will be compatible with his own welfare and the welfare of society."[19]

*Statutory factors the board must consider.* The Board must consider good conduct, achievement of a 5th grade or higher level on standard reading tests, and efficient performance of inmate duties as favorable to a grant of parole. In addition, "no person shall be [...] placed on parole unless and until the board is satisfied that he will be suitably employed in self-sustaining employment or that he will not become a public charge." However,

the Board can use discretion to grant parole to aged or disabled persons who cannot meet these criteria.[20]

*Special standard for sex offenders.* There is not a special standard for sex offenders.

*Standard for certain drug offenders who are statutorily ineligible recidivists.* Some drug offenders sentenced under the repeat offender statute may be eligible for parole release despite the general prohibition on parole release for repeat offenders. These offenders must have no serious disciplinary infractions within the last 12 months, obtain a low risk for recidivism rating, and obtain a medium or lower security risk rating for housing. They must also complete criminogenic programming requirements necessary given their level of risk, and (unless a disability or literacy issue is present) obtain a high school diploma or a GED.[21]

## d. Parole Release Guidelines

*Parole release guidelines used for most offenders.* In creating a guidelines system, the Board was required to consider "the severity of the current offense, the inmate's prior criminal history, the inmate's conduct, and the social factors which the board has found to have value in predicting the probability of further criminal behavior and successful adjustment under parole supervision." The Board's guidelines are also required to "be consistent with the board's primary goal of protecting society."[22]

The Parole Decision Guidelines system is intended to be "an aid to the Board in making more consistent, soundly based and explainable parole decisions and does not create a liberty interest. The Board specifically reserves the right to exercise its discretion under Georgia Law to disagree with the recommendation resulting from the application of the Parole Decision Guidelines and may make an independent decision to deny parole or establish a tentative parole month at any time prior to sentence expiration." In addition, any decision made using the guidelines may be changed at any time and the guidelines themselves may be modified by the Board at any time.[23]

The current Parole Decision Guidelines system accounts for both the severity for the crime and the offender's risk to reoffend. Georgia crimes are listed on a "Crime Severity Levels" index that ranges from Level I (e.g., Credit Card Theft) to Level VIII (e.g., Child Molestation). Attempts are generally considered to be one level lower than the actual crime.[24] After the Crime Severity Level is determined, it is used in conjunction with the Offender Risk Level (discussed below) to determine the low, middle, and high range of time that should be served.[25] Both the Parole Decision Guidelines and the Crime Severity Levels are appended to this report.[26]

*Parole release guidelines for sex offenders.* There are no independent parole release guidelines for sex offenders.

## e. Risk and Needs Assessment Tools

*Statutory mandate.* The Board is required by statute to develop and utilize risk assessment tools. The Board devised the current Parole Decision Guidelines system to account for both the severity of the crime and the offender's risk to reoffend (i.e., predict the probability of further criminal behavior).[27] One key feature of Georgia's risk assessment is that it automatically updates risk calculations for any given risk score daily based on current actuarial data. This is an attempt to more accurately mirror real-life risk of re-offense.[28]

*Main risk instrument.* The Parole Board uses a simple point tallying system to compute a "Risk to Re-Offend Score" that ranges from -5 to 7+ points. It considers six static factors:

- **Number of Felony Convictions:** (none = 0 pts.), (1-2 = 1 pt.), (3 = 2 pts.), (4-5 = 3 pts.), (6-7 = 4 pts.), (8 = 5 pts.), (9 or more = 6 pts.)
- **Number of Prior Prison Incarcerations:** (none = 0 pts.), (1 = 1 pt.), (2 = 3 pts.), (3 = 4 pts.), (4 or more = 6 pts.)
- **Current Prison Sentenced Offenses (Cumulative):** (offense(s) not listed = 0 pts.), (burglary = 1 pt.), (drug possession = 1 pt.), (forgery = 2 pts.), (felony obstruction of an officer = 3 pts.), (theft = 5 pts.)
- **Age at Current Prison Admission:** (20 or less = 0 pts.), (more than 20 to 40 = minus 1 pt.), (more than 40 = minus 2 pts.)
- **History of drug or alcohol abuse:** (no = 0 pts.), (yes = 2 pts.)
- **Employed at time of current arrest:** (no = 0 pts.), (yes = minus 3 pts.)[29]

*Transparency.* The Board has detailed how the risk assessment tool works in its regulations.[30] It has also published a current Risk to Re-Offend Score chart.[31]

*Sex offenders.* There does not appear to be a separate risk assessment for sex offenders.

### f. Medical or Compassionate Release

The Board may issue a medical reprieve. However, if an individual is statutorily parole ineligible, he/she must be entirely incapacitated and suffering a progressively debilitating terminal illness in order to be considered for this type of release.[32]

### g. Executive Clemency Power

The Governor has no power to grant pardons or extend any other form of executive clemency.[33] The Board of Pardons and Paroles has the authority to grant either a pardon or a restoration of rights. The Board may also commute a death sentence.[34]

### h. Emergency Release for Prison Crowding

The Governor, upon certification by the commissioner of corrections and approval by the director of the Office of Planning and Budget, may declare a state of emergency with regard to prison overcrowding when the population has exceeded capacity for 30 consecutive days. This triggers a parole selection process with the goal of reducing the prison population to 100% capacity. Special consideration will be given to inmates who have participated in educational programs and can read at the 5th grade level. However, offenders who have committed dangerous crimes are not eligible for parole as part of this process. An annual report must be prepared by the Office of Planning and Budget that lists prisoners paroled in this manner and evaluates their success on parole.[35] In 1989, the emergency release provision was triggered and around 3,000 inmates were released over the course of that year.[36]

## 3. Parole Release Hearing Process

### a. Format of Release Hearings

In practice, "parole hearings are not conducted in Georgia."[37] Consideration of parole release is automatic for most inmates, and occurs administratively. Before parole is considered, a parole investigator obtains arrest and court records of the inmate, and may speak with arresting officers, victims, and others involved in the case. The investigator also interviews the inmate and works with them to complete a Personal History Statement questionnaire. The Board may personally examine an inmate in considering release, but is not required to do so. However, where parole release is contested the Board *may* hold a hearing and consider oral testimony, in addition to conducting the review of certain information that is required by statute (see below). In most cases, the parole decision is reached through a review process in which the offender's case is reviewed by each Board member until a majority decision has been reached.[38]

### b. Information Before the Board; Factors the Board May Consider

By statute, the Board must gather a great deal of information before making a parole determination:

- A report by correctional officials regarding the conduct of the inmate;
- The results of physical or mental examinations of the inmate;
- Evidence of "the extent to which the person appears to have responded to the efforts made to improve his or her social attitude";
- The industrial record of the person while confined;
- The educational programs the inmate has participated in and their level of education based on standardized reading tests;
- Written, recorded, or oral testimony of the victim, the victim's family, or a witness having personal knowledge of the victim's personal characteristics; and,
- For sex offenders required to register in the past, any court order releasing the person from registration, residency, or employment requirements. [39]

In addition to the general interview conducted by a parole investigator, the Board may request a psychological or psychiatric interview of the inmate for the purposes of the parole determination. It may also review relevant correspondence with the Board on the inmate's case.[40]

### c. Prisoners' Procedural Rights

The Board can make the decision of whether or not an inmate will personally appear for an examination regarding their parole release. Representation by an attorney is a "personal decision of the offender or those acting on his or her behalf", and only licensed attorneys may appear before the Board. There is no statutory guarantee that anyone will be able to attend a hearing on an inmate's behalf or that the inmate will be able to present evidence.[41] In general, all information received by the Board in the performance of their duties is classified as a confidential state secret and cannot be shared until it is declassified.[42] This means that inmates do not have the right to see the Board's file, the results of risk assessments, or other key documents that may be used to decide on parole release.

### d. Victims and Other Participants

The Board must notify victims who have provided contact information 20 days prior to reaching a final decision to grant parole.[43] The Board considers the written, oral, or recorded testimony of victims, their families, or other individuals who have personal knowledge of the victim.[44] If the Board reaches a decision to grant parole, it must notify victims within 72 hours.[45] However, due to the fact that there are generally no parole hearings, victims are not present during parole consideration.

The Board collects information from the presiding judge, prosecutors, investigators, and defense attorney involved in the inmate's initial case. They may consider the written or oral statement of the district attorney of the circuit in which the inmate was sentenced if the inmate was convicted of a serious offense (a violent felony or other enumerated crimes).[46] If the Board decides to grant parole, it must notify the presiding judge, district attorney, sheriff of the county of conviction, and sheriff of the county of the parolee's last residence in Georgia.[47]

### e. Burdens of Proof or Standards of Persuasion

There is no burden of proof utilized by the Board in considering parole release.

### f. Possible Outcomes at Parole Release Hearings; Form of Decisions

The Board may grant parole release, notify the inmate of a future Tentative Parole Month ("TPM"), or deny release.[48] If an inmate receives a TPM, it will be based on calculations made using the Parole Decision Guidelines system after their release has been considered. The TPM is not binding and can be changed; it is always conditioned on good conduct in prison and sometimes also hinges on successful completion of programming or other preconditions.[49]

If the Board denies parole, it will inform the inmate of the reason for denial in a manner that protects confidential information and does not discourage future diagnostic opinions.[50] If eligible for parole consideration, upon granting or denying a release, the decision must be a written decision signed by "at least the number of board members required by statute to constitute a board majority" and must be added to an offender's permanent Board record.[51]

### g. Administrative or Judicial Review of Parole Denial

There is no liberty interest protected by the due process clause in Georgia's parole system.[52] The parole release process may be challenged through habeas corpus or a writ of mandamus; but, because parole is discretionary, there is generally no substantive legal basis to challenge Board action.[53] However, due process may be violated if the Board engages in "flagrant and unauthorized action" such as the knowing use of false information in a parole determination.[54] In addition, although there is no right to parole, inmates in Georgia are legally entitled to timely consideration for parole release and this issue may form the basis for an appeal.[55]

### h. Rescission of Parole Release Dates

The Board reserves the right to withdraw the grant of all forms of relief prior to the effective date if, in its discretion, it believes it to be in the public interest to do so.[56]

## 4. Supervision Practices

*Parole supervision rate.*

As of 2014, Georgia's rate of parole supervision was 336 parolees per 100,000 adults. This is slightly higher than the fifty state average of 305 parolees per 100,000 adults. In the same year, there were 696 prisoners per 100,000 adults, much higher than the fifty state average of 551 prisoners per 100,000.[57]

### a. Purposes of Supervision

The mission of the Georgia Department of Community Supervision, established in 2015, is to "protect and serve all Georgia citizens through efficient and effective offender supervision in our communities, while providing opportunities for successful outcomes."[58] According to the Law Offices of the Southern Center for Human Rights, "[a]lthough every effort is made to help the parolee overcome addictions, learn new skills, and adjust to society's demands, the parole officer's primary responsibility is the community's safety."[59]

### b. Are All or Only Some Releasees Placed on Supervision?

All parolees are placed under some type of supervision at the outset of parole; mandatory conditions of release include following all instructions of a Community Supervision Officer and to follow a reentry plan.[60] However, at any time, the Board may relieve a parolee of the requirement to make further reports and may permit the individual to leave the county/state if satisfied that this will be in the best interest of both the parolee and society.[61]

### c. Length of Supervision Term

*Maximum supervision terms.* Unless "otherwise provided by law," a parolee must remain on parole until the full balance of the prison term for which they were sentenced has been served.[62]

*Early termination.* The Board can relieve parolees of supervision requirements, as described above.[63] The Board can also consider early termination of parole for non-violent offenders after two years, for first-degree arson, firearms offenses, or trafficking offenders after three years, or for violent offenders after five years. Early termination requires a written application and is intended for parolees who have made a "satisfactory adjustment to society."[64]

*Extension of supervision term.* There is no statutory provision for the extension of a parole term.

*Incentives; "goal parole"* Though the Board may adopt policies to grant earned time to people who are serving sentences on parole, at present there is no formal program established for this purpose.[65]

### d. Conditions of Supervision

By statute, the Board must adopt rules concerning the conditions of parole. The conditions must include that a parolee must obtain the equivalent of a high school diploma if they have not already done so.[66] The statute adds that the "rules, both general and special, may include, among other things, a requirement that the parolee shall not leave this state or any definite area in this state without the consent of the board; that the parolee shall contribute to the support of his or her dependents to the best of the parolee's ability; that the parolee shall make reparation or restitution for his or her crime; that the parolee shall abandon evil associates and ways; and that the parolee shall carry out the instructions of his or her community supervision officer, and, in general, so comport himself or herself as the parolee's officer shall determine."[67]

The Department of Community Supervision offers a list of the current standard conditions of supervision, which include:

1. Offenders will participate in the development of and comply with a reentry plan designed by their community supervision officer. This plan may require the offender to work, to be drug screened and/or to attend and to pay a reasonable fee for counseling or classes.
2. Offenders will not violate the law of any governmental unit and will immediately notify their community supervision officer if they are arrested for any offense, including traffic offenses.
3. Offenders shall not receive, posses, transport, have under their control, attempt to purchase, or obtain transfer of any firearm, ammunition, explosives or other deadly weapons.
4. Offenders will not leave their state of residence, even briefly, or change their residence without first obtaining permission from their community supervision officer. Offenders will not abscond from community supervision.
5. Offenders will support their children as required by Georgia law, make payments on my restitution, pay a monthly supervision fee and pay a reasonable fee for electronic monitoring.
6. If offenders do not have a high school diploma or its equivalent and are unable to maintain reliable, regular employment, they will attend school to pursue a general education diploma, a high school diploma or a trade at a vocational/technical school.[68]

The Georgia Parole Board adds that common discretionary conditions of parole include "banishment" (i.e., from certain geographical areas, businesses, or residences), no contact orders, substance abuse treatment, mental health counselling, and/or electronic monitoring.[69]

*Sex offenders.* In addition to meeting residency and sex offender registration requirements, sex offenders may be required to pay to be electronically monitored (often for the whole parole period), sex offender counseling, and submit to polygraph examinations at their own expense. Special conditions for sex offenders are based on many factors, including the Sex Offender Registration Review Board's risk classification system.[70]

*Modification of conditions.* In Georgia, the Parole Board has the authority to add, modify, suspend or remove any special condition imposed through an administrative process.[71]

*Incentives; lighter conditions.* Offenders, through compliance with imposed conditions and successful reentry efforts, may work themselves to lower levels of supervision, to include a contact telephone reporting status, with the possibility of having their sentence eventually commuted by the Board. Changes to lower supervision levels and contact standards result in less travel for the parolee, fewer days off work and greater freedom to broaden their search or site of employment.[72]

### e. Fees and Other Financial Sanctions

*Parole supervision fees.* As per regulation, the Board may require a supervision fee of $30 per month. Individuals who cannot pay this fee without extreme hardship on them or their families may be exempted from payment.[73]

*Payments for drug and alcohol testing and treatment.* In Georgia, parolees are not required to pay for drug and alcohol screening. However, should a parolee request a confirmation test of a positive sample, the cost of that confirmation test is the responsibility of the parolee. Certain levels of substance abuse treatment and support are provided to the parolee without cost. However, higher levels of substance abuse treatment which may require residential treatment becomes the responsibility of the parolee. There are numerous programs throughout the State of Georgia that will provide services on a sliding scale or free to those that cannot pay for the services needed.[74]

*Restitution.* Restitution is a potential condition of parole and the restitution amount may encompass damages for physical harm, but may not exceed damages.[75] When a court determines the nature and amount of restitution, the wherewithal of the defendant (including obligations to dependents) will be considered, in addition to the victim's loss and the amount of damages.[76] When restitution is ordered as a condition of parole, an employed offender may be required to execute a wage assignment to pay the restitution.[77] However, to avoid peonage, "no offender shall be denied any benefit, relief, or privilege to which he or she might otherwise be entitled or eligible solely because he or she is financially unable and cannot become financially able to make restitution."[78]

*Child support.* Parolees are required, under the Board's current standard conditions listed above, to contribute to the support of their dependents to the best of their ability. This condition is allowed (but not required) by statute.[79]

*Other financial obligations.* Parolees convicted of violent crimes may be required to pay a monthly victim compensation fee, though it may sometimes be imposed by the Board as an alternative to a general parole supervision fee.[80] In addition, parolees cannot profit from movies, books, or other portrayals of their crime; thus, if they receive any money it is deposited into an escrow account for the victim of the crime or their representative.

*Incentives; reduction of economic sanctions.* There are no formal incentives related to the payment of financial sanctions.

## 5. Parole Revocation

*Parole revocation proceedings.* The Board re-incarcerated 2,655 parole violators in fiscal year 2015; only 8% of revocations were based on technical violations. Only 261 final revocation hearings were held that year. The remaining revocations were the result of parolees signing a "Waiver of Final Hearing" admitting they violated the conditions of release and agreeing to a return to prison and/or a new felony conviction with time to serve or a misdemeanor conviction involving time to serve with visible injury.[81] In 2014, 10% of prison admissions were based on violations of conditional release, much lower than the fifty state average of 28%.[82]

*Absconders.* In 2014, the Board reports that there were 221 parolees who exited parole by absconding.[83]

### a. Principles and Criteria of "When to Revoke"

*Policy considerations.* For technical parole violators, intermediate sanctions are preferred as a means of bringing parolees back into compliance.[84] With these violators, revocation to prison is used as a last resort. According to the Board, this policy has resulted in a relatively small percentage of Georgia's technical parole violators being re-incarcerated.[85] On the opposite end of the spectrum, all new criminal convictions for felonies or misdemeanors involving physical injury result in revocation without the possibility of a hearing.[86]

*Legal predicates.* If an alleged violator has "lapsed into criminal ways" or has violated the terms and conditions of parole release in a material respect, their behavior may trigger revocation proceedings.[87] An automatic revocation may occur where a parolee released pending a final revocation hearing fails to appear at that hearing.[88] Again, revocation is also mandatory for those who are convicted of new felonies or misdemeanors.[89]

### b. Revocation Guidelines

Georgia does not apply guidelines to the parole revocation process.

### c. Risk and Needs Assessment Tools

Georgia has an automated risk assessment tool utilized post release to predict the likelihood of incurring a new felony arrest. As a parolee's compliance level drops, their risk score rises, at which time progressive sanctions are employed to counteract the negative behavior trend. These sanctions may lead to revocation of parole as deemed appropriate by the Parole Board.[90]

### d. Preliminary and Final Revocation Procedures

*Arrest.* If the Board receives information indicating that a parolee has materially violated parole conditions a Board member may issue a warrant for the parolee's arrest. If the Board believes that the parolee has absconded or is unavailable for a hearing, they may also issue a temporary revocation order which suspends the accrual of parole time. [91] Finally, if the Board is informed of a violation, it can choose to set a final hearing without issuing an arrest warrant for the parolee.[92]

*Preliminary hearing.* A preliminary hearing determines whether there is probable cause or reasonable grounds to believe that a violation of parole conditions has occurred. The hearing must be conducted by a hearing officer who is not directly involved in the case, and must be recorded. If probable cause for revocation exists, the hearing officer will then decide whether to incarcerate the parolee pending a final hearing or to release the parolee on his or her own recognizance. The Board may later overrule a hearing officer's determination that probable cause does not exist or that a parolee should be released on recognizance.[93] A preliminary hearing is not required in those instances when a parolee has not been arrested based on their violation, has absconded, has admitted a violation, has been convicted of a new crime, or has waived the hearing.[94]

*Final hearing.* If the preliminary hearing officer or the Board (by overruling that officer) find probable cause for revocation, or where no preliminary hearing is required, a final hearing must be held within a reasonable time. This hearing is to determine whether violations have in fact occurred and whether they are serious enough to warrant revocation. A final hearing is not required where a parolee has been convicted of a new misdemeanor or felony.[95]

### e. Offenders' Procedural Rights

For the preliminary hearing, the offender must have sufficient written notice of the allegations and the date of the hearing to allow reasonable time to prepare a case. An offender may speak on his or her own behalf, and may provide witnesses and documentary evidence. Unless there are safety concerns on the part of a witness, an offender may cross-examine opposing witnesses. Offenders do not have to make a statement or answer questions. [96]

Final hearing rights are similar; parolees may invoke their right to remain silent or to make statements and answer questions. If revocation occurs, the parolee must receive a copy of the revocation order.[97] The Board is authorized to reveal the inculpatory evidence that will be introduced at a final hearing to an alleged parole violator despite its normal classification as a "state secret."[98]

Parolees have the right to obtain their own counsel for the preliminary hearing.[99] Appointed counsel must be provided to an indigent parolee at a revocation hearing if the parolee requests counsel and has made a timely and colorable claim of innocence, there are substantial reasons which justified or mitigated the violation and make revocation inappropriate, and/or that the reasons are complex or difficult to present.[100]

### f. Victims and Other Participants

If a parolee is required to participate in electronic release and monitoring, a victim must be notified of any violation of the terms of the electronic release, if a warrant has been issued and the parolee is prohibited from contacting the victim.[101] However, there is no other clear statutory inclusion of victims in the parole revocation process.

Hearings are public and any transcripts or audio recordings of the hearings are made available to the public upon request.[102]

### g. Burdens of Proof or Standards of Persuasion

There is no legal burden of proof associated with parole revocation. However, as a matter of practice the Board utilizes the preponderance of evidence standard when considering parole revocations.[103]

### h. Revocation and Other Sanctions

At the conclusion of a parole hearing, the Board must either:

- Enter an order rescinding parole and returning the parolee to serve the sentence imposed upon him, with benefit of computing the time so served on parole; or,
- Reinstate parole or enter other such other order as it may deem proper.[104]

The board uses intermediate sanctions such as treatment referral, administrative hearings, electronic monitoring, day reporting centers, and parole detention centers. Again, according to the Board, "the aim of intermediate sanctions is to bring parolees back into compliance and to only use a revocation to prison as the last resort."[105]

### i. Issuing Parole Revocation Decisions

Within a reasonable time after the final hearing, the Board must issue an order rescinding parole or reinstating parole in a manner that it deems appropriate. The Board must issue a written statement indicating the reasons for revocation or for "taking other actions as it deems appropriate" and indicating the evidence it has relied upon in making a decision.

### j. Administrative or Judicial Review of Parole Revocation Decisions

Apart from a writ such as a habeas corpus action, there does not appear to be a process for judicial or administrative review of revocation decisions.

### k. Re-Release Following Revocation

A person who is returned to prison because of violation of the conditions of parole or other conditional release will be scheduled for parole consideration six months to one year after revocation, unless the Board directs otherwise in its order of revocation, votes to consider the case earlier, or a new sentence supersedes the revoked sentence for the purpose of computing parole eligibility.[106] Again, parolees are given credit against the term of their sentence for time spent on parole; thus, they may be re-incarcerated only for the period of time that would have otherwise been spent on parole.[107]

## 6. Parole Board; Institutional Attributes

### a. Source of Authority and Jurisdiction

The State Board of Pardons and Paroles has been part of the Georgia Constitution since 1945. It has jurisdiction over all aspects of executive clemency, including "the powers 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.[108]

### b. Location in Government

The Board is an independent, executive branch agency.[109]

### c.Purpose (Vision/Principles/Rationale)

The Board's mission is "to serve the citizens of Georgia by exercising the constitutional authority of executive clemency through informed decision-making, thereby ensuring public safety, protecting victims' rights, and providing offenders with opportunities for positive change."[110]

The Board's vision is "to be the nation's leading paroling authority by: making informed clemency decisions, preparing offenders for positive change through the imposition of practical and constructive release conditions, protecting the public by holding accountable those offenders who violate the conditions of release, ensuring crime victims have a voice in the criminal justice process, fostering positive relationships with all stakeholders, and striving to be a continuously learning organization."

The Board also states that it values ethics, integrity, equity, and innovation.[111]

### d. Appointment and Qualifications of Board Members

The Board consists of five members appointed by the Governor subject to confirmation by the Senate.

*Qualifications.* There are no additional requirements for Board members.

### e. Tenure of Board Members, Ease of Removal

Board members serve seven-year staggered terms. They may be removed from office for cause by the concurrent action of the Governor, Lieutenant Governor, and Attorney General.[112]

### f. Training and Continuing Education

There is no statutory requirement for the continuing education of Board members.

### g. Workload

In 2015, there were 13,520 "clemency actions," including 7,172 parole certificates granted. This included 11,398 decisions made under the current parole guidelines. It is difficult from the information presented to calculate the total of parole-related considerations that were conducted.[113]

### h. Reporting and Accountability of Parole Board

The Board produces an Annual Report for each fiscal year that describes its activities and caseload.

All information, both oral and written, received by members of the Board in the performance of their duties and all records, papers, and documents coming into their possession by reason of the performance of their duties are classified as state secrets.[114] These materials can be declassified by a resolution of the Board. One exception to this rule is that the Board is authorized to disclose the evidence introduced against a parolee at a final revocation hearing.[115]

# 7. Appendix: Crime Severity Levels

The Crime severity Level is selected from the table of offenses listed below. If the offense is not listed, the severity level containing the most similar offense is chosen.

Unless otherwise specified, if the inmate is serving for an "attempted" offense, the offense will be rated one (1) severity level less than where the actual offense is listed.

If the inmate is serving for multiple offenses, the most serious offense will determine the Crime Severity Level. If serving for parole/probation revocation based on the commission of a new offense, the Crime Severity Level will be determined by that offense, unless otherwise specified.

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## LEVEL I - 15 TO 26 months

Bad Checks - under $2,000
Burglary - non-dwelling, less than $300, one count Credit Card Theft
Criminal Interference with Government Property Escape Custody - no weapon, aiding escape
Forgery II - possession, 10 or fewer counts or less than$1,000
Habitual Violator
Possession/passing forged prescriptions - first offense Possession of tools to commit a crime
Theft - $4,999 or less
Theft of Vehicle - not to sell; one count, first offense VGCSA - possession, first offense

## LEVEL II - 18 to 28 months

Bad Checks - $2,000 or more
Burglary - non-dwelling, $300 to $2,000, one count Credit Card Fraud - 10 or fewer counts or less than$1,000
Criminal Damage II - $300 to $2,000
Forgery I - 10 or fewer counts or less than $1,000 Possession of Illegal Firearm or Explosives Possession/Theft - materials to manufacture illegal drugs, first offense
Reckless Conduct by HIV Infected Persons Theft - $5,000 to $24,999
Theft of Vehicle - not for sale, second offense VGCSA - possession, second offense
VGCSA - sale/intent to sell/distribution, first offense

## LEVEL III - 20 to 32 months

Burglary - non-dwelling, 2 to 5 counts, or $2,001 to $5,000
Credit Card Fraud - more than 10 counts or $1,000 Criminal Damage - life in danger or over $2,000 Destroying or Injuring Police Dog or Horse
Forgery I - over 10 counts or $1,000 or more Manufacturing Methamphetamine - first offense Obstruction of Officers - Felony
Possession/Theft - materials to manufacture illegal drugs, second offense
Terroristic Threats Theft - $25,000 or more
Theft of Vehicle - for sale or 2 to 3 counts (non-sale) or third offense
VGCSA - sale - second offense or third drug possession

## LEVEL IV - 22 to 38 months

Arson II - $2,000
Burglary - non-dwelling, over $5,000 or 6 or more counts Homicide by Vehicle - not DUI/HV
Manufacturing Methamphetamine - near a child Serious Injury by Vehicle
Theft of Vehicle - 4 or more counts or fourth or greater offense
VGCSA - sale/distribution/intent to sell Schedule I or II drugs, third offense or greater

## LEVEL V - 30 to 60 months

Aggravated Assault (no injury or weapon) Arson I
VGCSA - Cocaine or Meth. - 28 to 199 grams* Identity Fraud
VGCSA - Marijuana - 10 to 1,999 pounds* Manufacturing Meth. - 2nd offense or child injured VGCSA - Opiates - 4 to 13 grams*
VGCSA – Meth/cocaine. Trafficking – less than 200 grams*

## LEVEL VI - 36 to 78 months

VGCSA - Cocaine or Meth. 200 to 399 grams* VGCSA - Marijuana - 2000 to 9,999 pounds* VGCSA - Opiates - 14 to 27 grams*
Burglary Unoccupied residential (committed before 10/21/13

## LEVEL VII - 40 to 102 months

Attempted Aggravated Child Molestation Attempted Armed Robbery
Attempted Kidnapping
Attempted Aggravated Sexual Battery Attempted Aggravated Sodomy
Pimping or Pandering a child under age 18 Probation Revocation based on Level VIII offense
Probation Revocation based on Serious Violent Felony
RICO Act

## LEVEL VIII - 65% to 90% of prison sentence

Aggravated Assault (with injury or weapon) Aggravated Assault on a Police Officer Aggravated Battery
Aggravated Battery on Police Officer Aggravated Stalking
Attempted Rape Attempted Murder
Burglary – occupied residence
Burglary Unoccupied residence (committed on/after 10 21 /13)
Bus Hijacking Child Molestation Cruelty to Children
Enticing a Child for Indecent Purposes Feticide by Vehicle
Hijacking Motor Vehicle
Homicide by Vehicle while DUI or Hab. Violator Incest
Involuntary Manslaughter Robbery
Statutory Rape Voluntary Manslaughter
VGCSA - Cocaine or Meth.- 400+ grams * VGCSA - Marijuana 10,000+ pounds* VGCSA - Opiates - 28+ grams*
Not Parole Eligible except on Life Sentence**
Aggravated Sexual Battery Aggravated Child Molestation Aggravated Sodomy
Armed Robbery Kidnapping Rape
Murder

*Based on the gross weight of any mixture containing a controlled substance
** Eligible for Parole Consideration after 14 years or 30 years if crime committed after July 1, 2006

Revised – Oct 2013

| Parole Decision Guidelines, Time to Serve GRID | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| **Risk** | **Low (-5 to +2)** | | | **Medium (3-6)** | | | **High (7+)** | | | **Risk** |
| CSL | Low | Mid | High | Low | Mid | High | Low | Mid | High | CSL |
| 1 | 15 | **17** | 19 | 17 | **20** | 22 | 20 | **22** | 26 | 1 |
| 2 | 18 | **20** | 22 | 20 | **22** | 24 | 24 | **26** | 28 | 2 |
| 3 | 20 | **22** | 24 | 22 | **24** | 28 | 26 | **28** | 32 | 3 |
| 4 | 22 | **24** | 26 | 24 | **28** | 34 | 28 | **32** | 38 | 4 |
| 5 | 30 | **34** | 40 | 34 | **42** | 52 | 40 | **50** | 60 | 5 |
| 6 | 36 | **40** | 52 | 40 | **50** | 60 | 52 | **65** | 78 | 6 |
| 7 | 40 | **44** | 60 | 48 | **60** | 78 | 60 | **76** | 102 | 7 |
| 8 | 65% of sentence | | | 75% of sentence | | | 90% of sentence | | | 8 |

GRID effective for cases considered on or after, January 1, 2008

## END NOTES

1 *See* Ga. Code Ann § 17-10-1.
2 Ga. Bd. of Pardons & Paroles, About, https://pap.georgia.gov/about.
3 *See* Ga. Code Ann § 42-9-39 et. seq.
4 Ga. Code Ann. § 42-3-3.
5 *See, e.g.* Ga. Code Ann.§§ 42-9-49 – 42-9-51.
6 Ga. State Bd. of Pardons & Paroles, *Annual Report FY2014*, https://pap.georgia.gov/sites/pap.georgia.gov/files/Annual_Reports/FY14%20AR.pdf.
7 *See, e.g., Daker v. Ray*, 563 S.E.2d 429 (Ga. 2002). Note that in Georgia, a "Conditional Release" is any release contingent upon compliance with certain requirements or conditions. Such releases include parole, conditional transfer, medical and supervised reprieves. This report focuses mainly on parole release.
8 *See* Ga. Code Ann., § 42-9-45(b).
9 The list of crimes consists of the following: voluntary manslaughter, statutory rape, incest, cruelty to children, arson in the first degree, homicide by vehicle while under the influence of alcohol or as a habitual traffic violator, aggravated battery, aggravated assault, trafficking in drugs, and violations of Chapter 14 of Title 16, the "Georgia RICO (Racketeer Influenced and Corrupt Organizations) Act." See Ga. Code Ann., § 42-9-45(f).
10 Ga. Comp. R. & Regs. 475-3-.05.
11 Ga. Code Ann. § 42-9-46; Op. Ga. Atty. Gen. No. 95-4 (Feb. 14, 1995). Inmates who are not parole release eligible include repeat offenders, those with mandatory minimum sentences who have not completed the minimum term, or inmates who have not served the minimum time required by law (i.e. 9 months for a felony sentence).
12 Ga. Code Ann. § 17-10-6.1. There is a ten-year mandatory minimum sentence for armed robbery or for kidnapping a victim who is under 14. There is a twenty-five-year mandatory minimum for murder, rape, kidnapping, and some other aggravated sex crimes.
13 *See* Ga. Code Ann., § 17-10-7(c).
14 Ga. Code Ann. § 17-10-6.1.
15 Ga. Comp. R. & Regs. 475-3-.05.
16 Ga. Comp. R. & Regs. 475-3-.06(3).
17 Ga. Comp. R. & Regs. 125-3-7-.01; Ga. Dep't of Corr., *Performance Incentive Credit (PIC) Program*, http://www.dcor.state.ga.us/InmateInfo/FamilyInfo/PIC (last visited Jul. 5, 2016). The PIC program does not include offenders participating in Boot Camp, offenders with two years or less to serve, offenders under death, LWOP, life, or mandatory minimum sentences, or offenders not eligible for parole or excluded from participation by the Board.
18 Ga. Code Ann. § 42-5-101; Ga. Comp. R. & Regs. 125-3-7-.01; Parole Consideration, *supra* note 10.
19 Ga. Code Ann. § 42-9-42.
20 *Id*. The requirement of "self-sustaining employment" or not becoming a public charge has been challenged unsuccessfully under due process, equal protection, and the Ex Post Facto clause.
21 Ga. Code Ann. § 42-9-45.
22 Ga. Code Ann. § 42-9-40.
23 Ga Comp. R. & Regs. 475-3-.05(5).
24 Ga. State Bd. of Pardons & Paroles, *Crime Severity Levels* (2013), https://pap.georgia.gov/sites/pap.georgia.gov/files/ParoleConsideration/Notice%20of%20Action%202013%20Oct%20CSL%20Revision.pdf.
25 Ga. State Bd. of Pardons & Paroles, *Parole Decision Guidelines, Time to Serve GRID* (2008), https://pap.georgia.gov/sites/pap.georgia.gov/files/ParoleConsideration/webpage_update.pdf.
26 *See* Appendix at 18.
27 Ga. Code Ann. § 42-9-40.
28 Roger K. Warren, *Evidence-Based Sentencing*, 43 U.S.F. L. Rev 585, 604 (2009) citing George S. Bracht & John Prevost, Ga. State Bd. of Pardons & Paroles, & Tammy Meredith, Applied Research Svcs. Inc., *Automating Offender Risk Assessment* (2004), https://www.academia.edu/2144312/Automating_offender_risk_assessment; See also Tammy Meredith et al., *Developing and Implementing Automated Risk Assessments in Parole*, 9 Just. Res. & Pol. 1 (2007).
29 Ga. Comp. R. & Regs. 475-3-.05.
30 Ga. Comp. R. & Regs. 475-3-.05.
31 Ga. State Bd. of Pardons & Paroles, *Risk to Reoffend Score Chart*, https://pap.georgia.gov/sites/pap.georgia.gov/files/ParoleConsideration/RISK_TO_RE.pdf (last visited Jul. 5, 2016).
32 The Law Office of the S. Ctr. for Human Rights, *Parole Handbook* at 6 (2012), https://pap.georgia.gov/sites/pap.georgia.gov/files/Reentry/parole_handbook.pdf.
33 Ga. Code Ann. § 42-9-56.
34 Ga. Const. art. IV, § II, ¶ II.
35 Ga. Code Ann. § 42-9-60.
36 Correspondence with Caryl Deems, Deputy Director of Clemency, Ga. State Bd. of Pardons & Paroles (Jul. 15, 2016); *See also Georgia's Prison Crunch Worsening* Rome News-Tribune, Sept. 11, 1989, at A1.
37 Ga. State Bd. of Pardons & Paroles, *Fiscal Year 2015 Annual Report* at 11, http://www.joomag.com/magazine/ga-parole-fy2015-annual-report/0499652001427221953?short [hereinafter Annual Report].
38 Ga. Code Ann. § 42-9-43, Ga. State Bd. of Pardons & Paroles, *The Parole Process in Georgia*, http://pap.georgia.gov/parole-process-georgia-0 [hereinafter The Parole Process].
39 Ga. Code Ann. § 42-9-43(a).
40 The Parole Process, *supra* note 35.
41 Ga Code Ann. § 42-9-43, The Parole Process, *supra* note 35.
42 *See* Ga Code Ann. § 42-9-53 (one exception is made for disclosure to parole/conditional release violators of evidence introduced against them at a final revocation hearing).
43 Ga Code Ann. § 17-17-13.
44 Ga Code Ann. § 42-9-43.
45 Ga. Code Ann. § 42-9-47.
46 Ga. Code Ann. §§ 42-9-42, 42-9-43.
47 Ga. Code Ann. § 42-9-47.
48 Ga Code Ann. § 42-9-42; Parole Consideration, *supra* note 10.
49 Ga. State Bd. of Pardons & Paroles, *Consideration, Eligibility, & Guidelines*, http://pap.georgia.gov/parole-consideration-eligibility-guidelines (last visited Jul. 5, 2016) [hereinafter Parole Consideration]; *See also Ray v. Carthen*, 569 S.E. 2d 542 (Ga. 2002).
50 Ga. Comp. R. & Regs. 475-3-.05(2).
51 Ga Code Ann. § 42-9-42.
52 *See, e.g. Sultenfuss v. Snow*, 35 F.3d 1494 (11th Cir. 1994).
53 *See, e.g. Johnson v. Griffin*, 522 S.E. 2d 657 (Ga. 1999); *Vargas v. Morris*, 465 S.E. 2d 275 (Ga. 1996); *Justice v. State Bd. of Pardons and Paroles*, 218 S.E.2d 45 (Ga. 1975). *But see Hamm v. Ray*, 531 S.E.2d 91 (Ga. 2000) (holding that parolee could use writ of mandamus to compel Board to change conditions of probation wrongfully imposed by parole officer).
54 *Saleem v. Snow*, 460 S.E. 2d 104, 108 (Ga. App. 1995), citing *Monroe v. Thigpen*, 932 F. 2d 1437, 1442 (11th Cir. 1992).
55 *Daker v. Ray*, 563 S.E. 2d 429 (Ga. 2002).
56 Ga. Comp. R. & Regs. 475-3-.04.
57 Mariel E. Alper, Robina Institute, *By the Numbers: Parole Release and Revocation Across 50 States* at 203 (2016).
58 Ga. Dept. of Cmty. Supervision, *Our Mission*, http://dcs.georgia.gov/our-mission (last visited Jul. 5, 2016).
59 The Law Office of the S. Ctr. for Human Rights, *Parole Handbook* at 47 (2012), https://pap.georgia.gov/sites/pap.georgia.gov/files/Reentry/parole_handbook.pdf.

## END NOTES

[60] Ga. Dept. of Cmty. Supervision, *Standard Conditions of Supervision,* http://dcs.georgia.gov/standard-conditions-supervision (last visited Jul. 5, 2016).
[61] Ga Code Ann. § 42-9-52.
[62] *Id.*
[63] *Id.*
[64] Ga. Comp. R. & Regs. 475-3-.10.
[65] Ga. Code Ann. § 42-9-52.
[66] Ga. Code Ann. § 42-9-44. ("Any such parolee who demonstrates to the satisfaction of the board an existing ability or skill which does in fact actually furnish the parolee a reliable, regular, and sufficient income shall not be subject to this provision. Any parolee who is determined by the department or the board to be incapable of completing such requirements shall only be required to attempt to improve his or her basic educational skills. Failure of any parolee subject to this requirement to attend the necessary schools or courses or to make reasonable progress toward fulfillment of such requirement shall be grounds for revocation of parole.")
[67] *Id.*
[68] Ga. Dept. of Cmty. Supervision, *Standard Conditions of Supervision,* http://dcs.georgia.gov/standard-conditions-supervision (last visited Jul. 5, 2016).
[69] Ga. Dept. of Cmty. Supervision, *Special Conditions of Supervision,* http://dcs.georgia.gov/special-conditions-supervision-0 (last visited Jul. 5, 2016).
[70] Ga. Code Ann. § 42-1-12; Ga. Dept. of Cmty. Supervision, Sex Offender Special Conditions of Supervision, http://dcs.georgia.gov/sex-offender-special-conditions-supervision-0; *See also Massey v. Georgia Bd. of Pardons & Paroles*, 562 S.E.2d 172 (2002).
[71] Correspondence with Ga. State Bd. of Pardons & Paroles Executive Team (Aug. 10, 2016).
[72] *Id.*
[73] Ga. Comp. R. & Regs. 475-2.-.01; Ga. State Bd. of Pardons & Paroles, *Supervision & Victim Fees,* http://pap.georgia.gov/supervision-victim-fees (last visited Jul. 5, 2016).
[74] Correspondence with Ga. State Bd. of Pardons & Paroles Executive Team (Aug. 10, 2016).
[75] Ga. Code Ann. §§ 17-14-9, 42-9-44.
[76] Ga. Code Ann. § 17-14-10.
[77] Ga. Code Ann. § 17-14-14(b).
[78] Ga. Code Ann. § 17-14-15.
[79] Ga. Code Ann. § 42-9-44.
[80] Ga. State Bd. of Pardons & Paroles, *Supervision & Victim Fees*, http://pap.georgia.gov/supervision-victim-fees (last visited Jul. 5, 2016).
[81] Annual Report, *supra* note 38 at 26. In cases where a parolee has been adjudicated guilty of a new felony or misdemeanor involving physical injury, parole is automatically revoked. Ga. Code Ann. § 42-9-51.
[82] Mariel E. Alper, Robina Institute, *By the Numbers: Parole Release and Revocation Across 50 States* at 203 (2016).
[83] Annual Report, *supra* note 38 at 26.
[84] *Id.* at 26. Intermediate sanctions in Georgia may include "treatment referral, administrative hearings, electronic monitoring, day reporting centers and parole detention centers."
[85] *Id.*
[86] Ga. Code Ann. § 42-9-51(a).
[87] Ga. Code Ann. § 42-9-48.
[88] Ga. Code Ann. § 42-9-50.
[89] Ga. Code Ann. § 42-9-51(a).
[90] Correspondence with Ga. State Bd. of Pardons & Paroles Executive Team (Aug. 10, 2016).
[91] Ga. Code Ann. § 42-9-48; Ga. Comp. R. & Regs. 475-3-.08.
[92] Ga. Code Ann. § 42-9-51.
[93] Ga. Code Ann. § 42-9-50.
[94] *Id.*
[95] Ga. Code Ann. § 42-9-51.
[96] Ga. Stat. § 42-9-50; Ga. Comp. R. & Regs. § 475-3-.08.
[97] Ga. Code Ann. § 42-9-51.
[98] Ga. Code Ann. § 42-9-53.
[99] Ga. Code Ann. § 42-9-50.
[100] *Elkins v. State*, 250 S.E. 2d 535 (Ga. Ct. App. 1978) citing *Gagnon v. Scarpelli*, 411 U.S. 778, 790-791 (1973).
[101] Ga. Code Ann. § 17-17-5.
[102] Ga. Code Ann. § 42-9-53.
[103] Correspondence with Ga. State Bd. of Pardons & Paroles Executive Team (Aug. 10, 2016).
[104] Ga. Code Ann. § 42-9-51.
[105] Annual Report, *supra* note 38 at 26.
[106] Ga. Comp. R. & Regs. 475-3-.05.
[107] Ga. Code Ann. § 42-9-51.
[108] Ga. Const. art. 4, §2, ¶¶ I-II.
[109] *Id.*
[110] Ga. State Bd. of Pardons & Parole, *About,* https://pap.georgia.gov/about (last visited Jul. 5, 2016).
[111] Annual Report, *supra* note 38 at 2-3.
[112] *Id.* at 11, Ga. Regs 475-1-.01.
[113] *Id.* at 22.
[114] Ga. Code Ann. § 42-9-53. No person shall divulge or cause to be divulged in any manner any confidential state secret. Violation of this rule is a misdemeanor. *Id.* at (c).
[115] *Id.*