

BOARD OF CORRECTIONS

October 1, 2009

Atlanta, Georgia

MEMBERS PRESENT:

Mr. Robert Jones, Chairman
Mr. Bill Acuff
Mr. Wayne Dasher
Mr. Carl Franklin
Mr. John Mayes
Mr. Tommy Rouse
Mr. Roger Waldrop
Mr. Jim Whitehead, Sr.
Mr. Justin Wiedeman
Mr. Larry Wynn

MEMBERS ABSENT:

Mr. Bruce Hudson
Sheriff Carlton Powell
Mr. Kris Nordholz
Sheriff Cecil Nobles
Sheriff Roger Garrison

VIA TELEPHONE CONFERENCE:

Chief George Potter
Ms. Rose Williams

ATTORNEY GENERAL'S OFFICE:

Mr. Joe Drolet, Senior Assistant Attorney General

DEPARTMENT OF CORRECTIONS:

Commissioner Brian Owens
Mr. Adam Baswell, Executive Assistant
Ms. Laura Jones, Board Liaison
Mr. Danny Horne, Director of Chaplaincy Services
Mr. Larry Latimer, Engineering
Ms. Kristin Stancil, Office of Public Affairs
Mr. David Roussell, Office of Investigations and Compliance

VISITORS:

Mr. Bob Keller, Vice Chairman of State Board of Pardons and Paroles
Mr. Walt Davis, Director of Clemency, State Board of Pardons and Paroles
Ms. Jenny Salter, wife of former Board member Judge Tom Salter
Ms. Terri Mayes, wife of Board member John Mayes

Mr. Jim Lee Scott, A Closer Look
Mr. David Pratt, GEO Group
Ms. Nicole Smith
Ms. Sara Totonchi, Southern Center For Human Rights

Chairman Robert E. Jones called to order the October meeting of the Board of Corrections for the Georgia Department of Corrections. Chairman welcomed everyone, stating he appreciates all can be here and those who have called in. Chairman Jones requested Chaplain Danny Horne to open with a message in word of prayer.

Chairman Jones stated it is time to introduce visitors and, also, there are special visitors to recognize. Commissioner Brian Owens introduced Mr. Bob Keller, who has been on the State Board of Pardons and Paroles almost a year now; prior to that he was chief prosecutor at Clayton County for many years, followed with a short time at Prosecuting Attorneys Council. Commissioner Owens stated Mr. Keller brings a breath of fresh air to the Board perspective, is considered an ultimate professional, a colleague and a friend. Commissioner Owens explained that Mr. Keller and Mr. Walt Davis from the Parole Board will bring the principal briefing as the Commissioner's Report today. Chairman Jones welcomed Mrs. Terri Mayes, wife of Mr. John Mayes. Chairman Jones stated they are pleased to have Mrs. Jenny Salter here. Each visitor stood and stated his/her name.

Chairman Rob Jones requested Mrs. Jenny Salter to come to the front, along with Mr. Jim Whitehead and Commissioner Brian Owens. A Board Resolution was presented to Mrs. Salter to honor Mr. Tom Salter, who passed away this year. The Board Badge was also presented to Mrs. Salter. Mrs. Salter thanked the Board members and Commissioner Owens, telling them how she and family could not have made it without the support from the Board.

Chairman Rob Jones requested approval of the October Agenda. Mr. Bill Acuff made the motion to approve the Agenda, which was seconded by Mr. Roger Waldrop, and voted approval by the Board members.

Chairman Rob Jones requested approval of the Minutes of the September meeting. Mr. John Mayes made the motion to approve the Minutes, which was seconded by Mr. Wayne Dasher, and voted approval by the Board.

Chairman Rob Jones called on Commissioner Brian Owens to present his report.

COMMISSIONER'S REPORT

Commissioner Brian Owens started his report with thanking several members of the Board. Commissioner thanked Ms. Rose Williams for lending support yesterday with two major retirements. Chief Probation Officer Lee Oxford, who has over thirty years, and Field Operations Manager Wendy Squires, who has thirty-four years of service, retired from the Department of Corrections. Commissioner Owens thanked Ms. Williams for attending the events. Commissioner Owens thanked Mr. Wayne Dasher for putting together a meeting with some doctors in Reidsville; they had lunch with several doctors who want to participate in inmate health care opportunities. Commissioner Owens stated the Department will explore those opportunities. Commissioner Owens thanked Mr. Roger Waldrop for his work in putting together a partnership with North Georgia College. Commissioner stated the Department will try to start partnerships throughout the state and this will be the first one in trying to get students actively involved, perhaps with interns to learn more about the Department and eventually wanting to work in the Department.

Commissioner Owens stated he hoped the Board members listened to the Voices of Hope CD while driving home last month after the September Board meeting. Commissioner stated he had the rare opportunity to attend a concert at Chastain Park to see the Indigo Girls. Even though he went to hear the Indigo Girls, Commissioner Owens also went to hear former inmate Renee Sneed. Ms. Sneed sang a solo to about 15,000 to 20,000 folks, who were there to hear the Indigo Girls. Ms. Sneed got a standing ovation. Ms. Emily Saliers of the Indigo Girls did not introduce Ms. Sneed as a former inmate but introduced Ms. Sneed a singer on the CD. Ms. Sneed is a student now at Candler School of Theology at Emory University, and has a 3.97 GPA. Commissioner Owens stated this is an example of what Mr. Tom Salter had talked about while a Board member; in giving people an opportunity to redeem themselves.

With a powerpoint slide, Commissioner Owens began his report. With Upcoming Events, Commissioner picked out a couple of highlights. On November 7 and 8, the Department of Corrections is helping support an Out4Life conference in Savannah. This is a prison fellowship ministries conference with looking for ways that the faith community can participate in helping inmates become productive citizens. The Department's Senior Leadership Off Site will be held on November 17 and 18. Typically, the Chairman and officers of the Board are invited to participate those days. Commissioner Owens pointed out a significant date of November 24, wherein the Department is on Governor's calendar to brief the budget request. Commissioner Owens stated the process there is that during the middle of January, Governor Perdue will brief his recommendations to the General Assembly. Then, the General Assembly within that next forty day period will pass a budget. Commissioner Owens continued his report in pointing to the 9th of December, in that a Holiday Breakfast will be held to thank staff for another great year. On December 15th, the first graduation of the New Orleans Baptist Theological Seminary program will be held at Phillips State Prison. This is the graduation of inmates who have participated and completed that academic program and will receive their Associates Degree, and,

will want to work on their Bachelors Degree. That will be a big day for Department of Corrections. Commissioner Owens pointed out January 4th is a big day, which is when the first Basic Correctional Officers Training program will be held at Tift College. There will be 150 cadets attending classes and sleeping in the campus buildings. The timeline is the rest of the Department will be moving to Tift by October of 2010.

With the next slide, Commissioner Owens pointed to the jail backlog numbers. The total jail backlog is sitting at about 4,300; number of inmates sentenced and currently waiting to come in the prison system is almost 3,500. The Department will be converting beds at Smith State Prison in that those transitional center beds will convert over to inmate beds. In addition, opening fast track beds will keep the backlog numbers down. Mr. Wayne Dasher asked about the backlog numbers. Commissioner Owens explained that with going to a single diagnostic center and with converting the 1,700 Coastal State Prison diagnostic beds to general population beds, then the jail backlog numbers will start coming down.

Commissioner Owens continued with his report in stating the number of active military is 170. He requested Board members to keep in mind that there are 170 men and women who are serving the nation; not only here in United States but over in the battlefields of Afghanistan and Iraq and other locations. The majority of the employees are with 48th Brigade. Also, the majority of the 170 are actually in Afghanistan. Commissioner Owens requested Board members continue to keep the employees in thoughts and prayers. Chairman Rob Jones stated that lists of correctional officers who are deployed are being handed to the Board members today. Chairman asked the Board members to take a moment to send a note or letter to each employee listed on that Board member's sheet.

Commissioner Owens stated that concluded his report, except to interact with Vice Chairman Keller and Mr. Walt Davis of the State Board of Pardons and Paroles. Commissioner Owens began his introducing with explaining the Parole Board is organized into two primary divisions; one which is the Clemency Division and is responsible for preparing cases for Parole Board members to vote on. He stated that Mr. Davis is Director of Clemency Division, and they prepare the files of inmates to be reviewed for possibly being released eventually. The other division is Field Services Division, and they are responsible for supervising former inmates. So there are two division directors, one who is here today. Commissioner Owens also asked Vice Chairman Keller if he would like to make a comment.

Vice Chairman Bob Keller stated he appreciated the opportunity to come here today. Mr. Keller began with explaining the State Board of Pardons and Paroles inherited the former Commissioner, and that it has been a great situation for both departments. What it has done is brought the departments together. Mr. Keller stated the departments cannot do without each other; they are dependent on each other. The success of one is the success of the other; the failure of one is the failure of the other. Mr. Keller stated he would say the working relationship is closer now than it has ever been, and, it will continue to get closer. That will be to the benefit of the citizens of Georgia. Mr. Keller stated that one of the things that Parole Board is trying to

do is make sure that the line of communication is always open. Mr. Keller invited the Corrections Board members to visit the State Board of Pardons and Paroles Board meetings, because the agencies are only few floors apart and both departments need to continue to work together. Mr. Keller stated that what will be seen today from Mr. Walt Davis is a presentation about just how certain things work in Pardons and Paroles. This will give an idea of how they do things and why they do things. Mr. Keller stated he will be more than happy to answer any questions. Mr. Keller added that, on a personal note, he and Judge Tom Salter go back a long way and he was a dear friend.

Mr. Walt Davis, Director of Clemency Division, began with stating he was pleased to be here. He thanked both Commissioner Owens and the Board members for the invitation. This invitation came out of meetings held with Department of Corrections. At one point it was thought about when was the last time someone came and talked to Board of Corrections about clemency and what the Parole Board does.

Mr. Walt Davis, with a powerpoint presentation, explained he wanted to walk through a few things today and talk about what the Parole Board does. There are two divisions within the agency; one is Clemency Division which is responsible for making what is called 'informed decisions.' Parole decisions are a majority of those decisions. Pardons and Paroles also has the Field Services Division, which monitors those offenders who are released on parole. Mr. Davis stated that he is going to talk about the informed decision part of that; the clemency side.

Mr. Davis stated that, unlike the Board of Corrections, the five Parole Board members are full-time employees of the State of Georgia. The Parole Board members vote on about 1,200 cases a month on average. Parole Board members are constitutional officers of the state. Mr. Davis explained the Parole Board members are appointed by the Governor to seven-year terms, subject to confirmation by the Senate. Right now, there is a diverse group of individuals on the Parole Board. Several members are either attorneys or former law enforcement. Mr. Davis stated the Parole Board members make decisions according to their experience. The Chair is Ms. Gale Buckner, who came from Criminal Justice Coordinating Council and from many years with GBI.

Mr. Davis stated that one of the interesting things is that the State Board of Pardons and Paroles is one of six constitutional boards in the country. The Parole Board has unfettered discretion as a result of that. One discretion is that the Governor in State of Georgia has no clemency authority; the Governor cannot stay an execution. All clemency authority rests with those five members of the Parole Board.

Mr. Wayne Dasher asked about the Troy Davis case, and, Mr. Davis and Board Attorney Joe Drolet responded that the U. S. Supreme Court has sent the case back to the Southern District of Georgia. The United States Supreme Court basically said that Inmate Troy Davis should have a chance to prove what he is alleging took place; that Davis is being given an opportunity to

present his innocence claim to the Chief Judge of United States District Court for the Southern District.

Mr. Walt Davis continued his report in talking about Clemency actions. Clemency is a broad term that applies to all executive actions that the Parole Board has at their disposal. Pardons and Paroles is the name of the agency; 'paroles' tends to get the bulk of the attention and 'pardons' tends to get left out. Mr. Davis stated 85% of Parole Board's decisions are parole decisions, which is the release of an offender from prison custody. In the State of Georgia, there are not indeterminate sentences; although a recent statute allows determinate sentences. Mr. Davis stated this means when a person is sentenced to prison, the person will get a determinate sentence to serve a specific time in prison. There are two types of offenders that the Parole Board may grant clemency to: those who are serving prison sentences for a less than Life or those serving a Life sentence.

Mr. Davis explained that a second type of clemency action is a Reprieve. A reprieve is a temporary suspension of the sentence. These are generally reserved for short sentence cases, and, right now there is an initiative between Parole Board and Department of Corrections to look at short sentence cases. Short sentence cases are defined as those offenders serving two years or less; to expeditiously move them through the system and to expeditiously make decisions where appropriate to reduce time served in some cases. The Parole Board has reduced the time of processing from about 120 days down to 45 days. Commissioner Owens added this will be the RSAT program. Mr. Davis explained the difference between a parole and a reprieve. The fundamental difference is that the law requires any reprieve beyond sixty days to be supervised. The other interesting difference is that any time the offender is allowed a reprieve but then violates the terms of that reprieve, the Parole Board can take that time away from that offender and require them to serve over again in prison. Whenever an offender is on parole, the Parole Board cannot take that away from the offender.

Mr. Davis stated that another big area in working closely with the Department of Corrections is the medical area. There is an expedited process now where those cases come before the Parole Board and the Parole Board can provide a medical reprieve by letting those offenders out based on their conditions. Right now the Parole Board's approval rate is very high.

One other area is Compassionate Reprieves, which is when an inmate requests to go home to a family member's funeral or visit a terminally ill parent.

Mr. Davis stated there are three more types of clemency authority. One that is not used very often but is used primarily when terminating someone from parole supervision early, that is the most common use of the commutation authority in that they are in fact commuting an offender to time served. Mr. Davis explained that if there is a person out on parole supervision and the offender has had exemplary supervision for a number of years, the Parole Board has the authority to commute that sentence for time served. Mr. Davis stated the Parole Board also has the authority to commute sentences to lesser sentences. For instance, where an offender has been

convicted in multiple counties and has served a lot of time in county jails, but the Judge chooses to not grant credit served in another county, the Parole Board can actually commute the sentence to include that jail time credit. In those cases, the Parole Board assists with actual overall time of confinement.

Mr. Davis continued with explaining the death sentences aspect of the Parole Board's clemency authority; they are the last resort for an offender in Georgia. The Parole Board can issue stays for executions and also commute a person from death sentence. Mr. Roger Waldrop questioned how many votes does it take of the five. Mr. Davis responded that to grant clemency it requires a majority of three like votes; have to have a simple majority and does not have to unanimous. Mr. Davis continued with explaining that with the death sentences an interesting aspect is that the Parole Board can commute an individual to any of these things. Within the statute, it states the Board can commute an individual, if it is a large sentence, then they are eligible after 25 years. However, the last cases that have been commuted were commuted to Life Without Parole.

Mr. Davis continued in talking about clemency actions, one being Remission. A remission is probably the rarest of all clemency actions. Remission goes back to the days when Probation and Parole were combined. That is remission to Probation; essentially saying that a case is being turned over to Probation supervision. This is not used very often; it is an old clemency authority.

Mr. Davis stated that when talking about pardons, one interesting thing to point out is that a pardon by the Parole Board does not expunge a record. The Parole Board issues several hundred pardons a year. Essentially, a pardon is an official forgiveness saying the offender has served the time, lived a crime-free life for five years, and restored the offender back to full citizenship. The offender is given the right to serve on a jury and hold political office. It does not expunge the offender's record. The Parole Board is not saying that the offender never committed that crime. Essentially, it is saying the offender is officially forgiven. It does restore any disabilities and rights that were lost as a result of the conviction.

Mr. Davis stated it is very rare but the Parole Board can issue a pardon of innocence. It is based on the Parole Board's internal investigations to determine if, in fact, the person is innocent of the conviction. This has happened, and, that is the beauty of the system in Georgia. Mr. Davis stated the state has the means to correct a miscarriage of justice. The most recent pardon occurred in 1992 in the case of Ron Lever out of Augusta. Mr. Lever was accused of selling drugs and the case went to jury trial. There was a surveillance video camera in the car. The video tape was sent to NASA which enhanced the video and this was able to prove that it was not Mr. Lever. However, the Judge in the case refused to rehear the case. The District Attorney in the case contacted the Parole Board and stated Mr. Lever is innocent but could not get the Judge to rehear it. With that, the Parole Board issued a pardon of innocence in that case. Mr. Davis stated that prior to that there was a case in 1984. Mr. Davis stated it does happen; it is a very rare action but it is a mechanism that the Parole Board can use to eliminate the miscarriage of justice. Mr. Roger Waldrop questioned if there is a procedure that requires the Parole Board to go back and notify the rest of criminal justice system about that or in totality will handle it.

Mr. Davis responded it will not be done without thorough investigation and notification of all parties involved in the case. Mr. Dasher questioned what did the Judge think after that happened, in which Mr. Davis stated the Judge did not object.

Mr. Davis continued in his report with explaining what State Board of Pardons and Paroles goes through before getting a case ready for consideration. The law requires that the Parole Board go through a certain amount of investigations. Mr. Davis explained that what will be found is that the State Board of Pardons and Paroles has the most complete files on any offender in the system. The Parole Board has to go through a number of investigations that are required by law; there are statutory guidelines under O.C.G.A. § 42-9-40 requiring the Parole Board to do investigations. These are done with obtaining information about the offender and the family and the offense; a legal investigation which is the facts and circumstances of the crime; and a social background check of the mom and dad. The Parole Board wants to have a picture of the offender, demographics, and facts and circumstances of the crime. All State Board of Pardons and Paroles files are confidential state secret.

Mr. Davis continued with talking about the clemency actions, with all these cases coming in the system, about how to prioritize and manage the cases. Mr. Davis stated everyone is familiar with Boot Camps; those being around since the late 1980's and early 1990's. Boot camps are a 90-day program, a wonderful mechanism to place low-level, non-violent, first offenders in the program, make an impression on them, and move offenders through the system. These are basically offenders who are young males and for offenders serving five years or less sentences. Commissioner Owens added there are two types of boot camps; one is a direct sentence option by the sentencing court and those are probation boot camps. Probation boot camps have about 150 beds in that program of those with short sentence; these ordered by the judge. The second type of boot camps are called inmate boot camps. Commissioner stated there are 20,000 or so cases stream in the prison system every day; therefore, offenders will be selected based upon criteria identified by Parole Board. Those files selected go to Mr. Davis's unit and he prepares forms for Parole Board's vote governing who will go to the inmate boot camp.

Mr. Davis explained Short Sentence cases, which are those serving two years or less. The Parole Board does expedite those through the system. As he stated earlier, 80% - 85% of the Parole Board's decisions fall under the Parole decision guidelines, as statutorily required. Mr. Davis stated there are Life Sentences outside that, which he stated he will talk about in a few minutes.

Mr. Davis continued with stating there is an interesting issue that all need to be aware of, and it impacts one's ability to manage the prison system and the Parole Board's ability to grant clemency. Prior to the passage of Two Strikes/Seven Deadly Sins law in 1995, about 96% of all inmates in the prison system were eligible for parole. Mr. Davis stated when an inmate came into the prison system, the State Board of Pardons and Paroles initiated the file and got that case considered by the Parole Board based on statutory or constitutional eligibility. With the passage of the Seven Deadly Sins law and when the recidivist law was in effect, that had a dramatic impact on the prison system. Mr. Davis stated that over the last few years, the inmates as part of

that population is reducing as far as eligibility for parole. Mr. Davis stated that when talking about essentially 31% of 54,000 inmates not being eligible for parole, then that is a lot of people. Mr. Davis stated that when adding in 10,000 plus Lifers, who serve 22.5 years, then that is a huge percentage of offenders who are not parole eligible. For purposes of bed space management, that is significant. In following with this topic, Mr. Walt Davis continued with talking about the effect of Life Sentence cases on the prison population. Pre-1995, Lifers were eligible for initial consideration after serving seven years. In 1995, eligibility changed to fourteen years. Mr. Davis stated there is the group of offenders who are eligible after seven years, and, there is the group of offenders eligible after fourteen years. In 2006, the General Assembly passed an amendment to the Sex Offender law that changed the eligibility for Sex Offender Lifers to thirty years. Mr. Davis stated there is an interesting point in the parole eligibility and that is that third offense drug offenders can be sentenced to Life. Also, part of the amendment to the Sex Offender law was that if a sex offender fails to register the second time that it could bring a Life sentence. There is a very small number of offenders who are eligible after seven years. The majority offenders are now available after fourteen years or thirty years. A roundtable discussion ensued by Board of Corrections members concerning the law on parole eligibility.

Mr. Walt Davis stated there is the issue of non-eligible parole cases. Mr. Davis pointed to the powerpoint slide reflecting the Georgia Code. Mr. Davis stated the original seven deadly sins law required ten years minimum mandatory. In 2006, the General Assembly amended the law for Rape, Aggravated Child Molestation, Aggravated Sodomy, and Aggravated Sexual Battery, all very serious crimes. The law was amended to require a minimum of twenty-five years. Not only did the law go to twenty-five years minimum but now the accessible sentence is to serve twenty-five years up to Life. Mr. Davis stated there could be a situation where an offender has committed one of the crimes, and if the legal sentence is serving twenty-five years up to serving Life, then it could be that a sentence of 100 years is just as appropriate. Mr. Davis stated that he did not know if that was the legislators' intent, but that is the effect of the law. Mr. Davis stated that the Parole Board has not yet seen those really lengthy sentences. He stated that the other part about O.C.G.A. § 42-9-6.1 is the Parole Board does not have commutation authority over these cases. Even if the Parole Board looked at the case and said that a 100-year sentence for the crime is excessive, the Parole Board cannot do anything about it. Mr. Wayne Dasher stated that a lot of these laws get passed because it is said the law will scare the guy in not doing the crime. Mr. Dasher stated that 99% of offenders are not thinking what penalty they will get when doing the crime; they don't care. The legislators put the long term sentencing on the law thinking this will scare the offenders; thinking this will stop the crime.

Mr. Davis stated that another issue having a big impact on the Parole Board is the Attorney General's Opinion, which affects the four time felony offenders. This is not just for serious violent felonies; this could be the fourth shop lifting. Mr. Davis stated they should keep in mind with a lot of sentences under Georgia Code, the Judge has the discretion to give anywhere from twelve months of probation to twenty years in prison. Mr. Davis stated the Judge could give the fourth time burglar twenty years in prison and not be parole eligible. Mr. Davis stated there are

several thousand offenders who fall under this category that are actually non-violent offenders who are not parole eligible. That is one group that the Parole Board would very much look at because of the nature of those offenses.

Mr. Davis reported another interesting point. When talking about third time drug offenders sentenced to Life, the issue is what if the offender has a prior fourth. The offender is sentenced to Life to prison as a recidivist. Mr. Davis stated that is a de facto Life Without Parole sentence and the offender is not eligible for parole consideration. There are several of those in the prison system right now. If the offender has his fourth sale of crack cocaine and is sentenced to Life for recidivism, then the taxpayers are paying for this offender for the rest of their lives to keep the offender in prison.

Vice-Chairman Bob Keller stated that he wanted to tell practically some things that are occurring; to explain why certain things happen. Mr. Keller stated that an Armed Robbery has a mandatory minimum of ten years. While he was a former District Attorney in 1995, there was the case of Armed Robbery of a 17-year old kid, who took the gun and placed it at the head of the clerk, demanded the money, was arrested, was prosecuted and was given ten years. Now, when reading cases on a daily basis, what Mr. Keller will see is: said defendant placed gun to clerk's head, demanded money, got \$200, fled, was arrested, was indicted for Armed Robbery, but allowed to plea to Robbery. What the system now does to combat the mandatory minimums that have been imposed by the legislature is change the charge from Armed Robbery to Robbery. What that does is totally erode the credibility of criminal justice system. When reading the fact situation, i.e., the person took a gun, held it to someone's head, demanded money, and allowed to plea to Robbery, then the question is why was the offender allowed to plea to lesser charge? It was not because he knew the judge or the district attorney, it was because everybody in the system knew that this kid does not need a mandatory minimum of ten years. The system looks at it with giving the Parole Board the discretion. Mr. Keller pointed to Aggravated Child Molestation, wherein the offender is indicted as such but the offender is allowed to plea guilty to Child Molestation, which makes it parole eligible. The next question would be why have recidivist statute? Mr. Keller stated that certain people decided that the Parole Board was too lenient on repeat offenders; repeat burglars kept getting out of prison; repeat shoplifters kept coming back into the system. What the Parole Board will make sure is that with the fourth conviction, the offender will never get out of prison. In referring to General Donald's approach of "afraid of them or mad at them," then yes, mad at the shoplifter. If a person runs a business and wants to know where the inventory is going and why the overhead is so high, look at that person who is one of the highest recidivators continually stealing from a Wal-mart. Mr. Keller stated this gets back to situation of discretion. Mr. Keller stated the first time the Parole Board paroles someone who commits a violent offense, the Parole Board takes a chance. Then, if the offender commits another offense, it locks down parole. Mr. Keller stated that what is needed is the courage of a legislature to re-do the whole criminal code. There is no need for a sentence running from one year to twenty years. The need is for sentencing to be concise; need to restore as much credibility on the front end of the system; and give the judges the options they need at the front end to keep the offenders out.

Commissioner Owens invited Mr. Keller to continue talking; that there are times perhaps when it is the only thing to do on cases of sex offenders. Mr. Keller stated that when dealing in cases of small children, it deals with credibility issue. Sometimes it is better to have someone on probation and supervised than it is to go the other way of going to trial and insisting on time served.

Mr. Keller added that the Parole Board members vote individually and do not vote as a group. Last month he voted on 1,400 cases. The Parole Board made over 70,000 parole decisions last year as a Board. Mr. Keller stated that after he votes, the file is passed on to another voter. When a file is not given three like votes, it is the highest of the bottom three. With only 69%, there are fewer cases to feel comfortable about paroling. The offenders' records are tough; the judges are not sending first offenders to jail. Mr. Keller stated that communication is essential to make sure to identify programs to where Parole Board can expedite cases.

Chairman Rob Jones thanked Mr. Walt Davis and Vice-Chair Bob Keller for their time and the briefing today.

Chairman Jones added that he wanted to mention that in follow-up to previous comments that the death penalty may not be a deterrent, that there are a number of studies that statistically report that when states drop their death penalty law, the murder rate increased.

CHAIRMAN'S REPORT

Chairman Rob Jones began with stating he wanted to talk about what he would like the Board to do in the coming months and at the next meeting. The legislative session starts in January. Chairman Jones stated Commissioner Owens and staff will be working to prepare for the session and is working diligently now on coming up with a plan with things that the legislature needs to do to help Department of Corrections. Chairman Jones stated that the job as Board members is to bear all the knowledge and experience and wisdom they have to help Commissioner Owens and help the state legislature with what needs to be done. With that said, Chairman Jones stated he would like to have at the next meeting the Board discuss and prioritize the things that the Board sees as the top three issues to be addressed by the Department of Corrections. In order to do so, Chairman Jones stated it is important for all Board members to think about those issues and talk about those issues with one another. There are a number of committees covering different areas of the Department. Chairman Jones requested each committee to meet either in person or on the phone this month and talk about what is seen as a top issue. At the November meeting, each committee will report on what is seen as the number one issue that the Department needs to address. Chairman Jones stated that at the next Board meeting he would like all Board members talk and see about reaching a consensus about those very points. Chairman Jones continued with stating the Board has agreed that for the next two Board meetings there will not be any per diem reimbursement. Mileage will be reimbursed. This had been discussed and

agreed upon and voted at the September meeting. Chairman Jones stated that if the committee needs to go to a site, then that is fine; mileage reimbursement request can be submitted. Chairman Jones stated he would like the Board members to give Commissioner Owens guidance so the Board can be prepared for the legislation session. Chairman Jones stated that, of course, when the session starts that many Board members please speak with their senators and representatives about the important needs and requirements for the Department. There are a number of things to address and a number of critical challenges that the Department faces. Chairman Jones stated officer safety issues are an important concern because of budgetary constraints and difficulty in today's society. There are many issues that need to be addressed and Chairman Jones stated he is asking all Board members to address all issues.

Chairman Jones requested the following committees meet this month:

Mr. Jim Whitehead, Sr. - Chair of Budget Committee
Mr. Bruce Hudson - Chair of Georgia Correctional Industries
Mr. Wayne Dasher - Chair of Education and Programs Committee
Mr. Larry Wynn - Chair of Recidivism Committee
Mr. Tommy Rouse - Chair of Facilities and Probation Committee
Sheriff Carlton Powell - Chair of Food and Farm Committee
Mr. John Mayes - Chair of Health Services Committee
Ms. Rose Williams - Chair of Utilities Committee

Chairman Rob Jones encouraged the Board members to keep track of the list of employees who are deployed; and, if unable to write notes to those employees, to please bring the list back and the list will be redisbursed.

Chairman Rob Jones called on Mr. Bill Acuff for a report from the Operations Committee. Mr. Acuff stated Rule 125-2-1-.02 was brought before the Board in August. After a thirty-day posting, it was brought to today's Board meeting. The past custom with county correctional institutions has been that the county has made an appointment of a warden or a deputy warden, and would then ask Board of Corrections to approve. Then, the Board of Corrections would have the Department run criminal and financial background checks, and, wherein things are discovered that the county had no knowledge of. This proposed rule change requires the county conduct their own pre-investigation or defer it to Department of Corrections to run a background check. Mr. Acuff stated this is not an unfunded mandate on counties. Simply, the county can defer this to the Department for the investigation that will be done anyway, but in advance of any announcement that a man or woman has been appointed a warden or deputy warden of a county correctional institute. The Board of Corrections is not trying to supplant any authority of the county government; but trying to aid the county in seeing that they have competent appointees to be wardens of county correctional institutes which are in charge of state inmates. Mr. Acuff

made the motion to approve the proposed amendment to Rule 125-2-1-.02, which was seconded by Mr. Tommy Rouse, and voted approval by the Board members.

Chairman Rob Jones called on Mr. Larry Latimer to describe a bond resolution. Mr. Latimer, Director of Engineering and Construction, began with explaining that at the last legislative session Governor Perdue proposed, and legislature approved, five bond sales for the Georgia Department of Corrections. One is for central repairs in the amount of \$10m, another for minor construction issues in the amount of \$5m, completion of Tift Campus renovations in the amount of \$13m, completion of Baldwin County renovations for mental health population in the amount of \$1.3m, and security upgrades and enhancements in the amount of \$5m. That totals \$34.5m approved by the legislature. Mr. Latimer requested the Board of Corrections to approve a partial sale of those bonds for four of those items. Mr. Latimer explained this will involve \$5.5m for central repair projects, \$2.5m for minor construction projects, the entirety of the \$13m funds for Tift project completion, and the entirety of the \$1.3m Baldwin County renovations. Chairman Rob Jones asked Board Attorney Joe Drolet if the process is once the bond resolution is approved and passed by the legislature, approved and signed by the Governor, then the Board approval is necessary to actually spend the funds; wherein Mr. Drolet responded that the Board has to approve these in order to move forward. Mr. Latimer added there was a review of these projects prior to going to the legislature. Mr. Wayne Dasher made the motion to approve the bond resolution, which was seconded by Mr. Bill Acuff, and voted approval by the Board members.

Mr. Roger Waldrop stated he wanted to thank the State Board of Pardons and Paroles for the great briefing; it was an eye opener. There is the obvious need for both agencies to work closely together. Mr. Waldrop suggested looking into requesting constitutional amendment of increasing the Parole Board to seven members, which would be helpful with the growth of prison population.

Mr. Bob Keller stated they appreciate the compliments. He plans to try to attend each month's Corrections Board meeting as a way to keep communication lines open. Mr. Keller stated they would research the issue of increasing members on the Parole Board.

Mr. Bill Acuff made the motion for the Board to go into Executive Session, Mr. Wayne Dasher seconded the motion, and members present affirmatively approved moving into Executive Session.

Following Executive Session, the Board of Corrections went back into Regular Session.

Chairman Rob Jones called the meeting back into regular session.

OLD/NEW BUSINESS

Mr. Bill Acuff requested consideration with giving flu vaccinations to the correctional officers. Commissioner Owens responded that is something to look into; that recently he attended a meeting with several state agencies, along with Centers For Disease Control. CDC states that 3 million H1N1 vaccinations will be available to Georgia citizens. Of the specific categories of groups who first will get that vaccination, correctional officers might be considered with receiving the injections. Commissioner Owens indicated he will research the issue that Mr. Acuff raised.

Mr. Wayne Dasher questioned the status of two escape incidents. One occurred last year at Hays State Prison. Commissioner Owens responded that the only prosecution that came out of that incident was an employee convicted of providing cell phones to inmates, however, there was not a direct link to the inmates who escaped. Further, in response to a question of the incident where two inmates walked away from a center in Claxton, Commissioner Owens responded they were apprehended right away.

Mr. Roger Waldrop stated that last night he watched Channel 11 News. The news criticized the Department of Corrections about housing for the sex offenders. Mr. Waldrop questioned what the Board members should know with the issue of the Department trying to find housing for sex offenders. Commissioner Owens responded that it is an every day mission for the Department of Corrections. Commissioner Owens stated the bottom line is that the Department has a mission and follow the orders of the court and follow the laws passed by General Assembly and signed by Governor.

There being no further business, the meeting was adjourned.

Robert E. Jones, Chairman

James L. Whitehead, Sr., Secretary

Laura Jones, Board Liaison