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James E. Donald
Chairman

2 Martin Luther King, Jr., Drive, S.E.
Balcony Level, East Tower
Atlanta, Georgia 30334-4909
(404) 656-5651
www.pap.state.ga.us

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MEMORANDUM

To: Harry Hageman
ICAOS Executive Director

From: Jenna A. James
Commissioner, GA

Re: Voluntary Incident Report
Johnnie Wiggins
Offender Number #54768

Date: August 30, 2011

Offender Johnnie Wiggins has been supervised on probation in the state of Washington for several years. On 05/09/2011, a violation report was submitted by Washington with the recommendation of extradition due to the violent offender status under Rule 5.103-2. Washington originally indicated that the offender would "most likely" be charged with Assault and Drug Possession as a result of the arrest on 05/05/2011. A check of NCIC failed to reveal an arrest for the offenses reported in the violation report. As there were no pending charges, GA instructed the offender to leave WA and report to his GA PO no later than 08/16/2011.

The fact that no charges were filed against the offender lends credence to the fact that a GA judge might not have issued a warrant for extradition as it didn't appear that revocation of probation would be pursued. The GA PO planned a meeting with the ADA regarding the issuance of a GA warrant. The decision was later made not to issue a warrant as there were no charges pending against the offender as confirmed by the NCIC report. Instead, GA instructed the offender to return.

With regard to Rule 5.103-2, addressing violent offenders, GA is in violation of this rule as a warrant should have been issued in this case whether or not criminal charges would be pursued. Since the new rules took effect in March 2011, GA has taken steps to ensure awareness and address noncompliance. There appears to have been some confusion in the application of the new rules on the part of the GA probation officer with regard to the term "significant violation". Please note that leaving a county without permission is not a significant violation here in GA and would not be grounds for termination here or in most states.

With that being said, when I received knowledge of this case and had the opportunity to review the violations, I determined that a warrant and extradition were necessary due to the new rule

changes; however, the offender had already purchased his ticket to return to GA and was expected to report shortly thereafter. If the decision had been made, at that time, to secure a warrant and arrange extradition, the offender would have remained in WA beyond 08/16/2011.

The Incident Report submitted by WA contends GA is in violation of Rule 5.103 – Mandatory Retaking for Violation of Conditions of Supervision. I would venture to say that in this case, both states could have handled this case differently. This is an informal process and is available for use by all member states, though some may use it more than others. WA made no attempt to discuss this case with the GA Commissioner prior to the submission of the Incident Report. I do not know if the end result would have been different, but I would have had the opportunity to intervene and possibly facilitate a more amicable resolution.

As of the submission of this response, the offender has returned to the state of GA and the case has been closed in ICOTS. A Case Closure Notice was submitted and confirmed on 08/16/2011.



Jenna A. James
Commissioner, GA