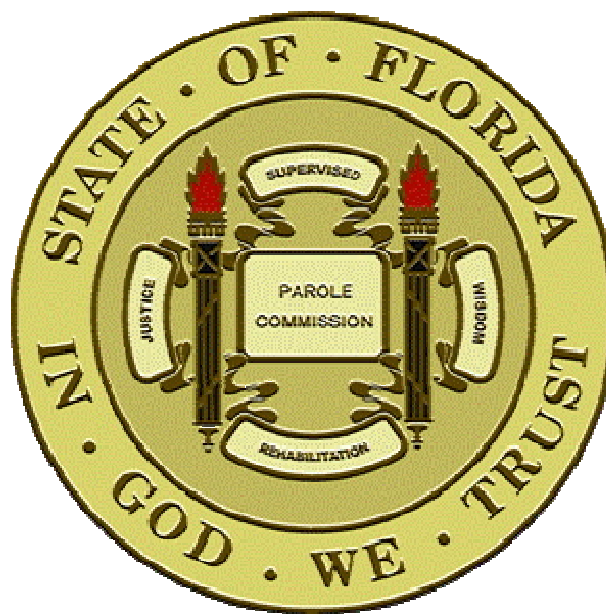


# FLORIDA PAROLE COMMISSION

A Governor and Cabinet Agency Created in 1941

*~Seventy Years of Service  
to the Citizens of Florida~*



ANNUAL REPORT  
2010-2011

Tena M. Pate, Chair

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## Mission Statement

To Ensure Public Safety and Provide  
Victim Assistance Through the  
Post Prison Release Process

## GOVERNOR SCOTT AND MEMBERS OF THE FLORIDA CABINET



### The Florida Board of Executive Clemency

Rick Scott, Governor  
Pam Bondi, Attorney General  
Jeff Atwater, Chief Financial Officer  
Adam Putnam, Commissioner of Agriculture and Consumer Services

# Central Office Headquarters Florida Parole Commission



4070 Esplanade Way  
Tallahassee, FL 32399-2450

## Chair's Message

December 31, 2011

Dear Governor Scott and Members of the Cabinet, President Haridopolos, and Speaker Cannon:

It is with great pleasure that I present the Annual Report on the state of the Florida Parole Commission for the reporting period July 1, 2010 through June 30, 2011.

Serving the Governor and Cabinet and the citizens of Florida as Chair of this small, but significant state agency is a great honor, and I will continue to fulfill these duties with the utmost integrity. I know my colleagues and the Commission's employees to be a hardworking, specialized group of criminal justice professionals committed to fulfilling the agency's mission and serving the citizens of this State.

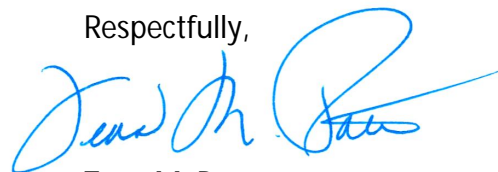
We value the fact that this agency was created as an independent body and charged with the sole responsibility to ensure that autonomous post release decisions are made affecting victims, inmates, ex-offenders, and the citizens of this State. Because of the vital role that the Commission plays in our justice system, by ensuring public safety, impacting recidivism, thereby reducing the number of victims of crime, the Commission is prepared to respond in whatever manner the Legislature deems appropriate.

We believe the Commission's role is vitally important to the criminal justice system and has been throughout its 70-year history. We strive to hold offenders accountable and to decrease recidivism by providing the opportunity for ex-offenders to become contributing, law-abiding members of society under the watchful eye of a supervising officer.

The Florida Parole Commission is a criminal justice agency and remains committed to serving as such. We believe the Commission is a part of the solution and should be at the table on any discussion regarding post-conviction reforms.

We look forward to working with the Governor and Cabinet and the Legislature in 2012 and to continuing a successful partnership with all of our state's criminal justice stakeholders.

Respectfully,



Tena M. Pate  
Chair

## Selected Activities

In FY 2010-11, the Commission was affected by many events, a few significant enough to require the Commission to alter some of its administrative, operational, and investigative procedures. The following is a summary of the key events, issues, and accomplishments of the Commission during this period for your information and review.

### **COMMISSION MOVES TO NEW OFFICES AUGUST 2010**

The Commission officially occupied its new Central Office Headquarters at 4070 Esplanade Way at the State's Satellite Office Complex at Southwood on August 17, 2010, and held its first Commission meeting at its new location on September 1. This move saved the State, the citizen taxpayers, and the Commission almost \$1 million dollars in general revenue funds over a ten-year period by ending its privately-owned lease and moving to a less costly state-owned office facility.

### **CHAIR PATE REAPPOINTED**

On July 29, 2010, the Governor and Cabinet reappointed Commissioner Pate to serve a second six-year term. At that time, they also designated her to serve a two-year term as Chair of this small, but significant, state criminal justice agency. With the transition of one administration to the next beginning January 2011, Governor Scott and the new Cabinet also reappointed Chair Pate on June 16, 2011.

### **RETIREMENT OF COMMISSIONER FRED DUNPHY**

On January 4, 2011, the Commission bade farewell to Commissioner Frederick B. Dunphy who resigned to return to private life prior to the expiration of his second six-year term. On October 26, 2010, Cassandra D. Jenkins was appointed by the Governor and Cabinet to fill the remainder of his term effective January 5, 2011. Commissioner-appointee Jenkins served in this capacity through June 21, 2011, resulting in a Commissioner vacancy.

### **RETIRED COMMISSIONERS UTILIZED WHILE VACANCIES ARE BEING FILLED**

We are especially grateful to retired Commissioners Kenneth W. Simmons, Charles H. Lawson, Judith A. Wolson, and Charles J. Scriven for their dedication and loyalty to the Commission by repeatedly filling in as a temporary Commissioner this year when current Commissioners are unavailable due to schedule conflicts, or when a Commissioner vacancy was created (June 22, 2011). In January 2012, we will welcome back former Commissioner Fred Dunphy who will be eligible to assist the Commission in voting cases in the absence of a sitting Commissioner.

### **INMATE FAMILY COORDINATOR**

To better serve the public, in October 2010, Teresa Martin, Operations Analyst II in the Release Services' Section, became the Commission's first Inmate Family Coordinator. Ms. Martin works with an inmate's family and friends just the same as the Victim's Coordinator interacts with victims and their families each hearing day and throughout the process. Ms. Martin is now the Commission's primary contact and source of information for inmate families inquiring about the hearing process.

### **CHAIR'S EDUCATION INITIATIVE**

Several educational projects were undertaken in FY 2010-11 designed to enhance the Legislature, the Commission's stakeholders and customers, and the public on the role the Commission plays within Florida's criminal justice system. In the Fall of 2010, the Commission began developing, in partnership with the Department of Corrections, an Educational Video Project providing a visual historical documentary of the Commission and its evolving role since its creation. The project is now in the editing stage with completion expected early in 2012. Also, the Commission developed and published several informational documents including a tri-fold brochure on the Commission and its duties and responsibilities in general and an updated brochure on the rights of victims in Florida. An informational training packet on the Clemency Process was developed and provided to the Legislature for use in orientation and training activities for newly-elected legislators.

### **CHAIR'S EFFORTS TO REDUCE CLEMENCY BACKLOG**

We continue to seek alternatives and options for reducing the clemency pending caseload. To this end, November of 2010, the Office of Executive Clemency began the Chair's Initiative, the "RCR Reduction of Pending Caseload Project." This was accomplished by redirecting staff from other sections of the agency to the clemency functions for short periods of time, and also through the use of non-paid interns recruited from certified university level criminal justice programs to process clemency cases for program credits. As part of this initiative we entered nearly 6,000 applications that were pending entry into our database, which had been completed by March 1, 2011, just prior to the adoption of new clemency Rules on March 9, 2011.

We continue to aggressively seek solutions to address the pending caseload while using existing resources as creatively as possible until either direct or alternative funding sources can be located.

### **NEW CLEMENCY RULES' CHANGES ADOPTED MARCH 9, 2011**

The Rules of Executive Clemency were amended on March 9, 2011, by Governor Rick Scott and members of the Cabinet sitting as the Board of Executive Clemency. The revised rules were effective immediately and applied to all pending clemency applications/investigations.

**FPC LEGISLATIVE BUDGET REQUESTS/PROPOSALS FOR 2012 SESSION**  
*(IN PRIORITY RANKING ORDER)*

The General Appropriations Act (SB 2000ER) passed during the 2011 Legislative Session provided a continuation budget for the Commission for FY 2011-12 of \$8,206,191, while taking a cut in our Expenses Category of \$151,000 and the loss of 7 unfunded positions (which had not been filled or funded since 2008). Despite the difficult budget year, we believe that the Commission did extremely well to keep all of its filled and funded positions.

The following are the Commission's Priority Budget Requests for FY 2012-13 and one (1) priority substantive issue. First, we are requesting funding for one (1) Victims' Services position to provide enhanced services to victims of crime and their families. Second, we are pursuing our substantive issue of extended interviews for specified crimes. Third, we are requesting additional funding for clemency investigations to provide enhanced clemency services to the Clemency Board and the public. Lastly, we are requesting additional funding to raise the statutorily set daily rate of pay for temporary Commissioners.



## Commissioners' Vitae



**TENA M. PATE**  
**COMMISSIONER**  
**CHAIR**

A native Floridian born in Fort Walton Beach and raised in Niceville, Florida, Commissioner Pate began her career in criminal justice in 1979 with the Office of State Attorney for the First Judicial Circuit, and later becoming the first person appointed to serve as Victims' Advocate for Okaloosa and Walton Counties.

Ms. Pate relocated to Tallahassee in 1989 to accept a position in the Executive Office of the Governor, where she served for over ten years with the exception of a year working in the private sector for the governmental consulting unit of the Tallahassee-based law firm of Steel, Hector, and Davis. In 1993, she accepted the appointment as Florida's Victims' Rights Coordinator in the administration of Governor Lawton Chiles. She served in this capacity until her appointment to the Florida Parole Commission in 2003 by Governor Bush and the Cabinet. While in the Governor's office, in addition to her position as the State's Victims' Rights Coordinator, and serving in the Chief of Staff's Offices for Governors Martinez and Chiles, she also served as a clemency assistant and the State Attorney liaison. Ms. Pate was privileged to serve in the administrations of four of Florida's former Governors: Bob Martinez, Lawton Chiles, Buddy MacKay, and Jeb Bush. She has also served Governors Bush, Crist, and Scott while on the Florida Parole Commission.

Commissioner Pate has a breadth of experience in the Criminal Justice System and holds a Bachelor's Degree in Criminology from Florida State University. As a result of her experiences in both the Executive and Judicial branches of government and private sector employment, Ms. Pate was exposed to many aspects of the criminal justice experience gaining insight both in criminal behavior and victim's issues. As Florida's Victims' Rights Coordinator, she sought to strengthen and promote the rights of Florida's crime victims, playing a key role in the passage and implementation of the law requiring courts to inform crime victims of their rights. Also, while Victim's Coordinator, she oversaw the implementation of Governor Bush's *Violence Free Florida!* initiative through the Department of Children and Families for victims of domestic violence and the statewide *Triad* administered by the Department of Elder Affairs, a crime prevention program established to assist Florida's elder citizens.

As Vice Chair of the State's Self-Inflicted Crimes Task Force, Ms. Pate and members studied the causes of repetitious, self-inflicting criminal behaviors such as illegal drug abuse and prostitution. Ms. Pate also staffed the Capital Cases Task Force, served as an *ad hoc* member of

Florida's Missing Children Information Clearinghouse, and served as State Committee Chair for coordinating statewide events to promote Florida's annual observance of National Crime Victims' Rights Week. Ms. Pate co-chaired the statewide working group charged with developing model policies to prevent or address violence in the workplace. As a clemency assistant, she was responsible for reviewing and providing recommendations for gubernatorial action in response to ex-offenders' requests for clemency. Ms. Pate has also served in the community as a volunteer Guardian Ad Litem.

On July 1, 2010, Commissioner Pate was appointed by Chief Justice Charles T. Canady to serve on the Florida Supreme Court's *Florida Innocence Commission*, a twenty-three member body formed to study cases where an individual was wrongfully incarcerated and provide a report and recommendations to safeguard against such future events. Also, she is currently serving on the Attorney General's Statewide Domestic Violence Fatality Review Team and the Leon County Child Abuse Death Review Team. Commissioner Pate is certified in the Static-99R-Sex Offender Risk Assessment by the Corrections & Community Justice, Justice Institute of British Columbia (2011).

Ms. Pate's professional affiliations include membership in the Association for Paroling Authorities International (APAI) where she serves as Vice Chair of the Victims Committee and Co-Chair of the Professional Development Committee, Florida Police Chiefs Association, American Probation and Parole Association, and the National Center for Victims of Crime. Ms. Pate has been selected as a member of Leadership Florida's Class XXX, is the recipient of the 2011 Distinguished Service Award in Criminal Justice by the Florida Council on Crime and Delinquency Chapter Two, and the recipient of the Florida Council on Crime and Delinquency's Statewide Criminal Justice Award for Distinguished Service. Her community involvement and activities include the Community Partnership Review Teams through the City of Tallahassee, Leon County and the United Way; Leon County Special Olympics; serving as board chair for the Character and Heritage Institute, a non-profit organization that promotes character education through the arts. Ms. Pate also volunteers as a mentor and is involved in church leadership roles.

She was initially appointed to the Florida Parole Commission by Governor Jeb Bush and the Florida Cabinet in 2003 to fill a Commission vacancy ending June 2004. On June 24, 2004, Commissioner Pate was appointed to a full six-year term ending June 2010. In 2010 and 2011 Commissioner Pate was reappointed by Governors Crist and Scott and the Florida Cabinet for a full six-year term ending June 30, 2016. Additionally, Ms. Pate was appointed to serve as Chair of the Commission for a two-year term ending June 30, 2012.



**MONICA DAVID  
COMMISSIONER  
VICE CHAIR**

Commissioner David was raised in Bradenton, Florida, where she graduated from Manatee High School. She attended Eastern Kentucky University and graduated with a Bachelor of Science Degree in Corrections and then received her Master of Arts Degree in Criminal Justice from the University of South Florida.

Ms. David began her criminal justice career working for the Department of Corrections as a Correctional Officer in a work release center. While at the center she was promoted to the position of Institutional Vocational Counselor. As Institutional Vocational Counselor she was responsible for inmate employment in the community. Commissioner David started her work in Probation and Parole as a Correctional Probation Officer where she served as a field officer for over seven years before being promoted to a Correctional Probation Supervisor. Commissioner David also worked as a Correctional Programs Administrator where she was responsible for specialized cases including post release, community control, conditional release, parole, drug offender probation, sex offenders, sexual predators, and high risk/high profile cases.

In 1994, with the creation of the new Department of Juvenile Justice, Commissioner David received juvenile corrections experience by working with juvenile detention and home detention programs. She was subsequently promoted to provide specialized technical assistance to juvenile commitment programs and their staff.

Commissioner David left the Department of Juvenile Justice when she was appointed the Victims' Services Release Administrator for the Florida Parole Commission. On October 2, 2000, the Governor and Cabinet appointed Commissioner David to a 6-year term as a Florida Parole Commissioner where she has served as the Commission Chair, Vice Chair, and Secretary. On May 31, 2006, the Governor and Cabinet reappointed Commissioner David to a second six-year term to begin July 1, 2006 and ending June 30, 2012.

Commissioner David has received extensive training in the criminal justice field which includes Correctional Officer and Correctional Probation Officer certifications. She is also a Florida Department of Law Enforcement (FDLE) certified instructor. She is a member of the Florida Council on Crime and Delinquency (FCCD) where she was awarded the "Distinguished Service Award" in the area of criminal justice. In August 2002, while serving as President of the local chapter of FCCD, she received the "Chapter Effectiveness" Award in recognition of her exemplary leadership. She has served on the State Board as Secretary and Treasurer.

Ms. David's other professional affiliations include the Association of Paroling Authorities International, the Florida Sheriffs Association, and the Florida Police Chiefs Association. She

was appointed to serve on Governor Bush's Ex-offender Task force and served as a representative of the Association of Paroling Authorities International in the Congress of the American Correctional Association as a Commissioner for Accreditation for a four-year term ending August 2008. She currently serves as a member of the Criminal Justice Advisory Board for Keiser University.



**FREDERICK B. DUNPHY**  
**COMMISSIONER**  
**SECRETARY**

Commissioner Dunphy was born in Sidney, Nova Scotia, Canada, and raised in Pittsburgh, Pennsylvania, and Broward County, Florida. Commissioner Dunphy received his Bachelor of Arts degree in 1974 from Biscayne College (now St. Thomas University) and his Masters Degree in 1996 from Florida Atlantic University. He is a 1985 graduate of the FBI National Academy and the National Institute of Corrections' Parole Commissioner's Course in 1999.

Mr. Dunphy began his criminal justice career in 1971 with the Metro Dade Police Department, eventually attaining the rank of Major. He held various positions there including command of the Narcotics Bureau, Internal Affairs, Strategic Investigations Bureau, Special Events Bureau, and the Miami International Airport District. He retired from the Police Department in January of 1996 after having served twenty-five years. In 1996, Commissioner Dunphy joined the North Bay Village Police Department where he served as Chief of Police until January 1998.

His professional associations include the International Association of Chiefs of Police, Florida Council on Crime and Delinquency, and the Association of Paroling Authorities International. Additionally, he has taught extensively in the areas of supervision/management, criminal justice, and law enforcement.

Commissioner Dunphy joined the Commission in February of 1998, when he was appointed to serve as Director of Operations. On December 8, 1998, Commissioner Dunphy was appointed by the Governor and Cabinet to complete an unexpired term of a retiring commissioner. He was subsequently reappointed for a full six-year term in June 2002. On August 12, 2008, Commissioner Dunphy was reappointed for a second six-year term by a unanimous vote of the Governor and Cabinet and also appointed him Commission Chair for a two-year term effective the same day.

Commissioner Dunphy submitted his resignation to return to private life effective January 4, 2011. On October 26, 2010, Governor Crist and the Florida Cabinet appointed his successor, Cassandra D. Jenkins of Tallahassee, to fill the vacancy created by his resignation effective January 5, 2011.



**CASSANDRA D. JENKINS**  
**COMMISSIONER-APPEATEE**  
**Served January 5, 2011-June 21, 2011**

On October 26, 2010, Cassandra D. Jenkins was appointed by the Governor and Cabinet to fill the unexpired term of retiring Commissioner Frederick B. Dunphy, effective January 5, 2011. Ms. Jenkins was selected from a list of three finalists sent to the Governor and Cabinet by the Parole Qualifications Committee.

Ms. Jenkins most recently served as the Contract Manager Supervisor for the Florida Department of Children and Families' Substance Abuse Program Office. A career criminal justice professional, Jenkins has over 27 years of experience working with law enforcement agencies, social service agencies, and civic organizations. She has held various management and supervisory positions with the Florida Department of Juvenile Justice and the Florida Department of Law Enforcement.

Ms. Jenkins graduated with honors from Florida State University with graduate and undergraduate degrees in Criminology and Sociology. She has served as Chairman of the Board of Directors and National President of the Florida State University Black Alumni Association and is a life member of the National Association for the Advancement of Colored People (NAACP). She has also served as President of the Tallahassee Chapter of Zonta International and currently serves on many civic and sports-related organizations and committees.

# AGENCY AND EMPLOYEES RECOGNIZED FOR EXCELLENCE

## TEAM AWARD 2011 PRUDENTIAL-DAVIS PRODUCTIVITY AWARD PROGRAM

On June 2, 2011, Commission employees Jack deRemer, Gina Giacomo, Karen Huff, and Will Kendrick were honored at the 2011 Prudential-Davis Productivity Award Program Luncheon and Ceremony where they received Special Recognition in the "Team Category." By working as a team to plan, coordinate, and implement the Commission's move from a privately-owned leased facility to a state-owned facility, their efforts saved the State and the Commission close to a million dollars over a ten-year period. These employees were presented with a framed Certificate of Accomplishment and an engraved plaque for their accomplishment.



Jack deRemer, Karen Huff, Vice Chair David,  
Gina Giacomo, and Will Kendrick

**COMMISSION "EMPLOYEE OF THE YEAR"**  
**COMMISSION "EMPLOYEE OF THE YEAR" – CENTRAL OFFICE**  
**COMMISSION "EMPLOYEE OF THE YEAR" – FIELD OFFICE**

In FY 2010-11 we reinstated the practice of naming a Commission "Employee of the Year" for both Central and Field Offices. The 2011 recipients of these awards were Julia McCall, Coordinator, Office of Executive Clemency, Commission Employee of the Year; Teresa Martin, Operations Analyst II, Central Office Employee of the Year; and Rhonda Morris, Staff Assistant, Region One, Quincy Office, Field Office Employee of the Year.



Jeanie Deason Congratulates  
Teresa Martin



Julie McCall, Chair Pate, Gina Giacomo



Rhonda Morris

## **2011 PAROLE COMMISSION SUPERIOR ACHIEVEMENT AWARD**

Special Recognition was given to Mary Lynne Petroski and the Commission's Activities Committee as recipients of the 2011 "Parole Commission Superior Achievement Award." Chair Pate stated these employees were nominated and selected for the Superior Achievement Award because they "simply excelled in helping me to create an atmosphere of mutual appreciation and respect among all members of the Commission team. They did this by planning and initiating numerous activities and events which have encouraged a 'Team Spirit' mentality and fostered a sense of belonging for all employees. This Committee played a critical role in spreading the 'servant-leader' concept throughout the agency on behalf of the Chair." Committee Members honored included: Mary Lynne Petroski, Chair; Tammy Boyd; Tracie Crawford; Bonnie Davidson; Cynthia Deason; Cathy Floyd; Twanya Keaton; Kristin Lambert; Cindy Parrish; Misty Pearson; Jeffrey Rigdon; Tammy Salmon; Michelle Whitworth; and Avis Woods.



## **SECOND PLACE 2010 ANNUAL SAFETY AWARD PRESENTED BY THE DEPARTMENT OF FINANCIAL SERVICES**



Later that month, the agency took second place honors in the 2010 Annual Safety Award given by the Department of Financial Services, Division of Risk Management, and the Interagency Advisory Council on Loss Prevention, to the top state agencies having the best security/safety record and the safest workplace measures in place for its employees.



## History of the Parole Commission

On October 4, 2011, Chair Tena M. Pate was invited by Senator Greg Evers, Chairman, Senate Criminal Justice Committee, to address the Committee and discuss the history of the Commission and its role in the Criminal Justice System. The following is a summary of the presentation made that day by Chair Pate.

### *~Seventy Years of Service to the Citizens of Florida~*

- In **1868**, overcrowding, the high cost of housing, and public pressure for better treatment of prisoners led to the creation of the first Pardon Board.
- In **1885**, the Pardon Board, as it exists today, and consisting of the Governor and Cabinet, was created by the Florida Constitution as a result of influence-peddling in the pardoning of prisoners.
- In **1941**, the Florida Parole and Probation Commission was created to provide greater protection to the citizens of the State by having the Commission and the Pardon Board function independently without impairing the duties of the other.
  - The Commission was responsible for providing judges with pre-sentence investigations which included the circumstances leading to the offenses, the offenders' past history, family, home life, and other pertinent facts. The Commission acted in this capacity for **34** years.
  - The Commission supervised all inmates on probation and parole for **34** years.
  - The Commission acted as the appeals court for driver license reinstatements and collected filing fees. The Commission acted in this capacity for **17** years.
  - The Commission was the Interstate Compact administrative coordinator between the State and the parole boards in all other states and jurisdictions. The Commission acted in this capacity for **58** years.
- In **1963**,
  - the Commission received an additional duty of setting fixed termination dates based on a variety of risk factors for those committed by the court with an indeterminate sentence. The Commission acted in this capacity for **5** years; and
  - at the request of the Division of Corrections, the Commission also conducted security investigations on individuals having contact through correspondence

and personal visits with inmates. The Commission acted in this capacity for **12** years.

- In **1967**,

- the Commission approved work release. Prisoners were released from jail during the day for suitable employment and returned at night. The inmates were counseled and supervised by the Commission's field personnel. The work-release program was a cooperative venture between county officials, the court, the sheriff and the Commission. The Commission acted in this capacity for **12** years.
- under special legislative enactment, the Commission screened individuals by assessing risks for the Indigent Bail Bond Program or ROR. The Commission acted in this capacity for **8** years.
- the Florida Legislature enacted Mandatory Conditional Release. This required those inmates who were not released on parole and who had more than 180 days of "good time" remaining on their sentences at the time they were released from prison, to be under supervision as if on parole until the end of the actual sentence imposed by the court.

- In **1968**, the Commission implemented the Community Service Program. Florida was the first state to establish a statewide citizen volunteer program whereby citizens in the community assisted parolees' and probationers' readjustment to community living. By 1975, the Florida Parole and Probation Commission had the largest volunteer program of its kind in the nation with over 4,200 active volunteers. The Commission acted in this capacity for **6** years.

- In **1971**, the Commission established a statewide network of Multiphasic Diagnostic and Treatment Centers which provided group treatment programs, intensive supervision to youthful offenders and inpatient, as well as outpatient, services. The Commission acted in this capacity for **3** years.

- In **1973**, the Commission launched a pre-trial intervention pilot program and was involved in this effort for **2** years.

- In **1975**, supervision of offenders was transferred to the newly-created Department of Offender Rehabilitation, now the Department of Corrections.

- In **1976**, the Florida Legislature enacted the Mutual Participation Program known as contract parole. It encouraged inmates to seek self-directed rehabilitation. Contract parole was made available to all youthful offenders and other non-violent parole eligible inmates who earned parole through setting and accomplishing measurable program objectives.

- In **1978**, the Florida Legislature enacted the Objective Parole Guidelines Act, which required the Commission to develop and implement rules and criteria upon which parole decisions were made. It required the development of guidelines according to an acceptable research method based on the seriousness of the offense and the likelihood of favorable parole outcome.
- In **1983**,
  - the Correctional Reform Act for compulsory conditional release provided an emergency release mechanism to address prison overcrowding. This Compulsory Supervised Release Program was the predecessor to Control Release.
  - sentencing guidelines were adopted. Parole was abolished and retained only for certain crimes and for those offenses committed prior to the change.
- In **1988**, the Commission was given new responsibilities:
  - The Victim Assistance Law provided that the victim, or family of the victim, have the opportunity to provide input into the decision-making process; and,
  - The conditional release program was created and amended the following year as s. 947.1405, F.S. The Legislature deemed a particular population of offenders to pose the greatest risk to society; therefore, those offenders are required to be released on Conditional Release. This program provides that inmates convicted of certain violent crimes, committed on or after October 1, 1988, and who have served at least one prior felony commitment, or have been sentenced as a habitual offender, shall be released under supervision on their expiration date subject to specified terms and conditions established by the Commission.
- In **1989**, the Legislature designated the Commission as the Control Release Authority. This legislation directed the Commission to develop a system of uniform criteria to determine the number and type of inmates released into the community in order to maintain the state's prison population at less than 99% of the total capacity. The Commission does not currently review the inmate population for discretionary release under this authority, as there are sufficient prison beds for the current prison population.
- In **1992**, the Florida Legislature created the Conditional Medical Release Program. This program authorizes the Department to recommend to the Commission terminally ill or permanently incapacitated inmates for early release due to their medical conditions. It is the Commission's responsibility to determine which inmates will be released and what conditions to impose on that releasee.
- In **1996**, the Commission began reviewing and establishing presumptive parole release dates (PPRDs) for inmates convicted of capital felonies with 25-year mandatory minimum

terms. These cases are often more complex and involve input from the inmates' representatives as well as the victims' families and law enforcement. The number of those reviewed by the Commission in this category has grown steadily.

- In **1997**, there were further changes to Florida Statutes.
  - The Florida Legislature enacted SB 258, allowing the Commission the option to change the review time from within every two years to within every five years when setting subsequent interview dates. This applied to any inmate convicted of Murder, Attempted Murder, Sexual Battery, Attempted Sexual Battery, or who has been sentenced to a 25-year minimum mandatory sentence previously provided in s. 775.082, F.S., and who the Commission finds that it is not reasonable to expect that parole will be granted at a hearing in the following years, stating the basis for the finding in writing. (See 2010 entry for update.)
  - The Florida Supreme Court issued its final opinion in the case of *Florida Parole Commission v. Cooper* regarding the eligibility criteria for releasees. The decision required the Commission to re-calculate the maximum post-release supervision dates for all conditional releasees.
  - A modification was made to the Conditional Release Program to include enhanced conditions of supervision for sex offenders, i.e., participation in annual polygraph examinations, prohibitions against operating a motor vehicle or using a post office box, submission to an HIV test, and electronic monitoring when deemed necessary.
  
- In **1998**, the Legislature passed the *Jimmy Ryce* Involuntary Civil Commitment for Sexually Violent Predators' Treatment and Care Act. This act established legal procedures by which sexually violent predators may be committed to the Department of Children and Family Services for control, care and treatment until such time as the person can be safely returned to the community. The Commission's Victims' Services, Release, and Revocation Sections work with the Department of Corrections' staff by providing information to assist them in fulfilling their notification responsibilities.
  
- In **2001**, the Legislature created the Addiction Recovery Supervision Program and placed it under the Commission's administration. The Legislature deemed this population of offenders to pose the least risk and have the greatest potential for successful substance abuse recovery through treatment and transition assistance. This program requires mandatory post prison supervision for offenders released from a state correctional facility, who are convicted of a crime committed on or after July 1, 2001, and have a history of substance abuse addiction, or have participated in any drug treatment, and have not been convicted of a disqualifying offense.
  
- In **2006**, the Legislature passed HB 7145 (Ch. 2006-193, L.O.F.), making significant changes relative to seaport security, including access control. The bill became law on July

1, 2006, and the Florida Department of Law Enforcement (FDLE) established a waiver process to allow individuals denied access to or employment within restricted access areas of the seaports due to disqualifying criminal history factors, to seek to obtain unescorted access to the seaports, if specific requirements were met. The Commission was charged with the task of conducting fact-finding investigations for FDLE when making a determination to deny or grant a waiver request. The Commission acted in this capacity for approximately 5 years and completed 134 investigations through May 2011.

- In **2007**, the Governor and Cabinet, acting as the Board of Executive Clemency (Board), made significant changes to the Rules of Executive Clemency. These changes greatly expanded the number of ex-offenders eligible to have restoration of civil rights (RCR) without requiring a hearing.

- State Senator Frederica Wilson earmarked a \$50,000 one-time appropriation beginning July 1, 2007, to fund RCR outreach efforts. This funding was provided to enhance the policy changes implemented by the Board on April 5, 2007, and to allow the Commission to inform as many ex-offenders as possible of the new automatic RCR eligibility rules.

- In the **2010** Florida Legislative Session, SB 200, a victim-friendly bill sponsored by Senators Carey Baker and John Thrasher, was passed and became law on July 1, 2010 (Ch. 2010-95, L.O.F.), giving the Commission authority to increase the interval between parole subsequent interviews to within 7 years for parole-eligible offenders who have been convicted of murder, attempted murder, sexual battery, or attempted sexual battery, or who are serving a 25-year minimum mandatory sentence under s. 775.082, F.S.

- In **2011**, the Board made significant changes to the Rules of Executive Clemency, including RCR. The changes emphasize public safety and ensure that all applicants, who request clemency, have demonstrated their commitment to abide by the law for the time-periods set forth in the Rules, deserve clemency, and will not likely reoffend.

## Facts about the Commission

### *Serves as a Quasi-Judicial Body*

The Commission performs a vital role in Florida's criminal justice system by preserving the autonomy needed in post release decisions affecting inmates and ex-offenders. The Commission functions as a quasi-judicial body. It conducts administrative proceedings and hearings, and elicits testimony from witnesses and victims, which might otherwise be performed by a judge in the State Court System, a much costlier proceeding. In FY 2010-11, the Commission had **128** positions and was appropriated **\$8,206,191**.

Parole Commissioners preside over approximately 36 hearings annually at the Central Office in Tallahassee and various other locations throughout the state, as required by statute. During these public proceedings, the Commissioners make a variety of determinations regarding Parole, including for example, the setting of Presumptive Parole Release Dates (PPRD), conducting subsequent reviews, and determining whether or not to authorize parole. To assure public safety, the Commission periodically checks the status of active releasees it has released to supervision. The Commissioners may hear from victims, victims' families, law enforcement, state and private attorneys, as well as other interested parties.

Every parole-eligible inmate has a constitutionally protected right to proper consideration for parole, and these proceedings must be conducted as required by law. Testimony and pertinent information may be provided by representatives of the inmate, the inmate's family, by persons who were victims of the crime, and the victim's family. This proceeding is often the first opportunity for a victim or family member of a victim to provide input in a non-adversarial venue. If parole is granted, the Commissioners will address victim restitution issues as well as special conditions needed to ensure the protection of the citizens in our state.

During meetings, the Commission also conducts other types of proceedings, such as imposing conditions of conditional release, conditional medical release, or addiction recovery supervision. The Commission makes final determinations with regard to revocation of post release supervision, where a releasee may have violated the conditions of their release. Where the Commission finds the releasee guilty of a violation, the Commission may order the violator returned to state prison to complete service of the original term of imprisonment. These proceedings are less costly than would be required by the judicial system.

The Commission serves as a cost-saving mechanism for the taxpayers of the State of Florida. The Commission saves taxpayer dollars by conducting revocation hearings for post release supervision violators in informal surroundings conducted before a Parole Examiner, and usually held at a county jail, with eyewitnesses to the violation providing the pertinent testimony. The United States Supreme Court has fully sanctioned the state's use of these less costly proceedings, with limited due process requirements, in the case of *Morrissey v. Brewer*.

Probation revocation hearings, by contrast, require that proceedings be conducted in a courtroom before a judge, with an assistant state attorney prosecuting the case, and generally an appointed public defender representing the probationer, plus all other expenses attendant to a criminal proceeding, at much greater expense to the State.

In 2004, the Senate Criminal Justice Committee best summarized the Commission's history and responsibilities by writing that there was "no stable mechanism for managing inmate reentry after the abolition of parole." The report also stated that "prior to 1983, parole was the traditional mechanism for managing an inmate's reentry into the community" and that historically, it was the Commission that ensured an inmate was ready for release, that he or she had a place to stay, a job or solid job prospect, and the support of family and friends. Once the inmate was returned to the community, the parole officer would monitor that plan while they supervised the released inmate.

In 2005, the GAA ordered an Office of Program Policy and Governmental Accountability (OPPAGA) study of the Commission. The OPPAGA study (OPPAGA Report 2006-15) concluded that "the Parole Commission Operations are consistent with its mission" and stated that "regionalizing the commission's parole determinations function would distribute this workload across the state" but would result in increased overall state costs. OPPAGA found that the Commission is successful in identifying low risk offenders for release.

For FY 2010-11, the Commission took action on **41,835** inmate and ex-offender cases in the clemency and post-conviction processes.

## Hearing Day Activities



Commission Hearing Room With Improved Security and Communications' Features



Parole Examiner Kristin Lambert Reviews Files During Hearing



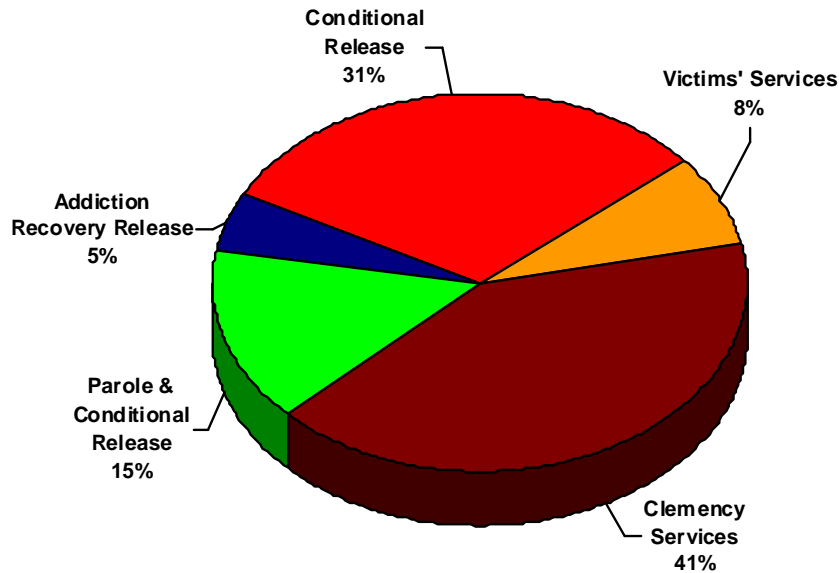
L-R: Commissioners Dunphy, David and Chair Pate Listen as an Inmate's Family Speak on his Behalf



## Year in Summary: Performance Measures FY 2010-11

<b>Number of parolees who have successfully completed their supervision without revocation within the first two years:</b>	<b>35</b>
<b>Percentage of parolees who have successfully completed their supervision without revocation within the first two years:</b>	<b>92%</b>
<b>Percentage of cases placed before the Commission/Clemency Board containing no factual errors:</b>	<b>99%</b>
<b>Percentage of revocation hearings completed within 90 days of final hearing:</b>	<b>99%</b>
<b>Number of conditional release/addiction recovery cases handled:</b>	<b>8,095</b>
<b>Number of revocation determinations:</b>	<b>1,772</b>
<b>Number of clemency cases completed:</b>	<b>30,565</b>
<b>Number of parole release decisions:</b>	<b>1,403</b>
<b>Number of victim assists:</b>	<b>18,547</b>

**Commission Workload: Hours by Program  
FY 2010-11**



**Commission Workload: Hours by Activity  
FY 2010-11**

Activity	Hours	%
Clemency Services	68,692.7	43%
Parole/Conditional Medical Release	28,405.4	18%
Conditional Release/Addiction Recovery	13,918.2	9%
Offender Revocation	48,371.2	30%
<b>TOTAL FY 2010-11</b>	<b>159,387.5</b>	<b>100%</b>

## Year in Summary: Statistics FY 2010-11

### **ADDICTION RECOVERY**

- Number of inmates placed on Addiction Recovery: **1,464**
- Number of inmates under Addiction Recovery supervision on July 8, 2011: **43**
- Percent of offenders placed on Addiction Recovery successfully completing supervision: **95%**

### **CONDITIONAL RELEASE**

- Number of inmates placed on Conditional Release: **4,723**
- Number of inmates under Conditional Release supervision on July 8, 2011: **1,716**
- Percent of offenders placed on Conditional Release successfully completing supervision: **80%**

### **OFFENDER REVOCATIONS**

- Number of Revocation Determinations: **1,772**
- Percent of Revocation hearings completed within 90 days of final hearing: **99%**
- Number of warrants issued: **2,035**

### **CLEMENCY SERVICES**

- Number of Clemency Cases Received: **38,886**
- Number of Clemency Cases Pending June 30, 2011: **95,425**
- Number of Clemency Cases Closed: **30,565**

### **PAROLE DETERMINATIONS**

- Number of Parole release Determinations/Decisions: **1,403**
- Number of inmates currently eligible for Parole release: **5,360**
- Number of inmates under Parole supervision on July 8, 2011: **439**

### **VICTIMS' SERVICES**

- Number of Assists to Victims provided by the Commission: **18,547**

### **CONDITIONAL MEDICAL RELEASE**

- Number of inmates referred for Conditional Medical release : **30**
- Number of inmates placed on Conditional Medical release: **16**
- Percent of offenders placed on Conditional Medical release successfully completing supervision: **93%**

# Program Components

## OVERVIEW

The Commission as it exists today has many diverse duties. Originally created in **1941** to administer parole, the Commission is a constitutionally authorized decision-making body created by law to administer parole. Article IV, Section 8 of the Florida Constitution, provides that there may be created by law “a parole and probation commission” with the power to supervise persons on probation and grant paroles or conditional releases to persons under sentences for crime (s. 20.32, Florida Statutes). Although the Commission no longer supervises persons on probation, the Legislature has added the administration of conditional release, conditional medical release, control release, and addiction recovery supervision to the Commission’s primary duties and responsibilities.

These diverse functions provide the means for fulfilling the Commission's mission: to protect the public and provide victim assistance through the post prison release process by administering parole, conditional release, conditional medical release, control release, and addiction recovery supervision. In accordance with statutes and case law, maintaining control over this criminal population is contingent upon the attentive and timely performance of a host of reviews, investigations, and hearings. Many of the services provided are aimed at controlling offenders during the post-incarceration phase of their sentences and facilitating their transition back to living freely in society. However, if the releasee fails to abide by the term and conditions of his/her supervision, the Commission responds to their failure to comply by means of the revocation process. The Commission also acts as the *investigative arm* of the Governor and Cabinet, sitting as the Board of Executive Clemency (Clemency Board), and provides administrative support in all clemency matters, including the RCR program.

## VICTIMS’ SERVICES

Victim assistance is a major tenet of the Commission’s mission and one considered vitally important when serving the public. Article I, Section 16(b) of Florida’s Constitution, and ss. 947.06 and 960.001, F.S., address the need to protect the rights of victims of crime and the need for victims’ input in the criminal justice process. To this end, Victims’ Services provides direct, personal assistance to crime victims and their families.

Victims’ Services staff strive to further reduce victimization through education and by providing and fostering an environment of compassion, dignity, and respect. They use this platform to make victims and their families aware of their rights and to provide the following services: informing victims of their right to be heard and participate in the parole and clemency processes; educating victims about the parole and clemency processes; providing advance notice to victims of upcoming parole and clemency proceedings; maintaining a separate waiting

area for victims; and providing a toll-free telephone number to obtain support or information **(1-855-850-8196)**.

In FY 2010-11, victims' assistance comprised **8%** of the Commission's workload hours by program with **18,547** assists made by Central and Field Office staff. On June 30, 2011, there were **36,384** Clemency cases pending, with most requiring some type of victim input. Further, there are approximately **5,360** inmates currently parole eligible whose cases will require victim input.

Victim input plays a critical role in helping the Commission to make informed decisions. Having highly trained, professional staff to assist victims of violent crimes ensures that a victim's rights are protected and they are not subjected to further victimization as a result of a parole hearing or clemency hearing. The Commission is committed to ensuring public safety for the citizens of this State in an effective and efficient manner. To this end, the Commission is requesting one **(1)** victim assistance position in its Legislative Budget Request (LBR) for FY 2012-13.

## **PAROLE**

The Commission administers parole, a discretionary prison release, which allows an inmate who has been granted parole to serve the remainder of his or her prison sentence outside of the confines of the institution. Once released, the parolee is subject to strict conditions of supervision set by the Commission. The Commission monitors the progress through supervision reviews and conducts revocation hearings when alleged violations are reported. If the parolee is found to have violated the conditions of her/his supervision, the Commission may return the parolee to prison.

Parole-eligible inmates are those who committed:

1. a first degree murder, a felony murder, or the crime of making, possessing, throwing, projecting, placing, or discharging a destructive device (or the attempt of) prior to May 25, 1994
2. all other capital felonies prior to October 1, 1995
3. a continuing criminal enterprise (violation of s. 893.20, F.S.) prior to June 17, 1993
4. a murder of a law enforcement officer (and other specified officers) prior to January 1, 1990
5. a murder of a justice or judge prior to October 1, 1990
6. any felony prior to October 1, 1983, or those who elected to be sentenced "outside the guidelines" for felonies committed prior to July 1, 1984.

The following capital felonies require a minimum of 25 years to be served before becoming parole eligible: sexual battery upon a child less than 12 years old; trafficking in cocaine; trafficking in illegal drugs; and the killing of another by distribution of cocaine or opium or derivatives. Some inmates will not become parole eligible until the year 2020. There are

approximately **5,360** inmates who are eligible for parole consideration and on July 8, 2011, there were **439** persons on parole supervision.

With **35** of **38** paroled inmates successfully completing their supervision without revocation within the first two years of release, the Commission exceeded its projected goal of **85%** for FY 2010-11 with a **92%** success rate.

### **CONDITIONAL MEDICAL RELEASE**

In 1992, the Florida Legislature created the *Conditional Medical Release* program which is a discretionary release allowing the Commission to release inmates on supervision who are "terminally ill" or "permanently incapacitated" and who are not a danger to others (s. 947.149, F.S.). Once released, the offender is subject to conditions of supervision set by the Commission. The Commission monitors the releasees progress through periodic medical reviews and conducts revocation hearings when alleged violations are reported. This supervision can be revoked and the releasee returned to prison if the Commission determines that a violation of supervision has occurred. The Commission may also return the releasee to custody due to improvement in the medical or physical condition of the releasee.

Currently, the Department is charged with the responsibility of recommending to the Commission cases to be considered for conditional medical release. Under current law, inmates granted a conditional medical release must remain under supervision for the balance of their sentence. For the past three (**3**) years, the Department has recommended **84** inmates for release, with the Commission granting a release to 45 or 54% of those recommended for release. In FY 2010-11, the Department recommended **30** inmates for a conditional medical release, **16** of which were granted, or **53%**.

### **CONDITIONAL RELEASE**

In 1988, the Florida Legislature created the Conditional Release Program and placed it under the administration of the Commission. This program requires mandatory post-prison supervision for inmates who are sentenced for certain violent crimes and who have served a prior felony commitment, or who are sentenced as a habitual offender, violent habitual offender, violent career criminal, or sexual predator. Unlike parole, conditional release is not a discretionary release.

Upon release from prison, inmates who are subject to conditional release are supervised for a period of time equal to the gain-time that they received in prison. These offenders are subject to strict conditions of supervision set by the Commission. The Commission monitors their progress through supervision reviews and conducts revocation hearings when alleged violations are reported. This supervision can be revoked and the releasee returned to prison if the Commission determines that a violation of supervision has occurred. There were **4,723** inmates placed on Conditional Release during FY 2010-11.

## **ADDICTION RECOVERY SUPERVISION**

In 2001, the Florida Legislature created the Addiction Recovery Supervision Program and placed it under the Commission's administration. This program requires mandatory post-prison supervision for offenders released from a state correctional facility who are convicted of a crime committed on or after July 1, 2001, and have a history of substance abuse or addiction or have participated in any drug treatment, and have not been convicted of a disqualifying offense. If released, the offender is subject to strict conditions of supervision set by the Commission. The Commission monitors the offenders progress through supervision reviews and conducts revocation hearings when alleged violations are reported. If the releasee is found to have violated the term and conditions of their supervision, the Commission may return the releasee to prison.

The program is fully operational and the first offender eligible for the program was released from prison in June 2002. During FY 2010-11, **1,464** offenders were placed in the program.

## **CONTROL RELEASE**

In 1989, the Florida Legislature created the Control Release Authority with the members of the Commission acting as the releasing authority. When active, it is utilized as a prison population management tool to keep the prison population at less than 99% of the total capacity. Currently, the Commission is not reviewing the inmate population for discretionary release under this authority as there are sufficient prison beds to house the current prison population. As of October 12, 2011, a small number (**55**) of control releasees remain under supervision. The Commission monitors their progress through supervision reviews and conducts revocation hearings when alleged violations are reported. This supervision can be revoked and the releasee returned to prison if the Commission determines that a violation has occurred.

## **CLEMENCY**

The Commission operates as the administrative and investigative arm of the Executive Clemency Board, with the Governor and 3 members of the Florida Cabinet sitting as the Board. Clemency is a constitutionally authorized process that provides the means through which convicted felons may be considered for relief from punishment and seek restoration of their civil rights (RCR). The forms of clemency include: a Full Pardon; Pardon Without Firearm Authority; Pardon for Misdemeanor; Commutation of Sentence; Remission of Fines and Forfeitures; Specific Authority to Own, Possess or Use Firearms; Restoration of Civil Rights in Florida; Restoration of Alien Status Under Florida law; and Capital Case (death penalty) Reviews.

In Florida, when a person is convicted of a felony, he/she loses the right to vote, sit on a jury, hold public office, and possess a firearm. The clemency process administered by the Commission provides the means through which the offender may have some or all of his/her



rights restored. The clemency process also provides a means by which an offender may be considered for relief from punishment. Persons seeking or being considered today for clemency relief include incarcerated felons requesting a commutation of sentence or released felons seeking relief through other forms of clemency.

The Commission assists the Board in the orderly processing of matters placed before the Board for consideration and board action. Commission staff, working through the courts and state and federal criminal justice agencies, conduct comprehensive, confidential investigations for the Board for applicants seeking one or more of the various forms of clemency relief. These detailed investigations provide a broad picture of the applicant's history and activities, which assist the Board in making informed decisions.

Persons seeking clemency can fill out an application worksheet. Persons can also access the Commission's clemency database via the Internet site and check to see whether their rights have been restored. If restored, they may print a copy of the certificate. Also, the Commission includes a voter registration application when mailing a certificate restoring an individual's rights.

## Division of Operations



Jack deRemer  
Director

Jack deRemer was appointed as the Director of Operations for the Commission in December 2008. Prior to this, he oversaw the statewide Drug Interdiction Program, Intelligence, and all Homeland Security activities for the Inspector General's Office, Florida Department of Corrections. Mr. deRemer has over 40 years law enforcement and investigative experience in a variety of positions. He is honorably retired from the Miami-Dade Police Department with 27 years experience, 24 of which were in investigative assignments including the Organized Crime Bureau, General Investigations Unit, and Internal Affairs. Mr. deRemer is a graduate of the FBI National Academy, a rigorous three-month residential senior management program given at Quantico, VA. He has a Bachelor of Arts degree in Criminal Justice from Florida Atlantic University in Boca Raton. Mr. deRemer represents the Commission on the Criminal and Juvenile Justice Information Systems (CJJIS) Council.

The Division of Operations is the largest unit of the Commission, with 102 positions dispersed among ten field offices throughout the State. The Operations Division is comprised of 4 sections: Revocations; Victims' Services; Release Services; and Field Services. Ten field offices are divided into five regional areas across the State with each region staffed by an Administrator who directs the day-to-day activities of the professional and support staff assigned to the offices located within the region.

The Operations' Division is responsible for multiple, diverse functions relating to the administration of post-prison supervisory release programs. These supervised release programs include Parole, Conditional Release, Conditional Medical Release, Addiction Recovery, and Control Release Supervision. The Division, through its Field Services' staff, conducts clemency investigations for the Board of Executive Clemency and seaport security waiver investigations for the Department of Law Enforcement.

**Division of Operations**  
**Highlights, Achievements, and Activities**  
**Fiscal Year 2010-11**

Throughout this report, there are many activities and accomplishments in which employees of the sections within the Division of Operations and the Field Offices participated. The following are just a few of the projects selected for recognition:

**RELOCATION OF FIELD OFFICES**

In anticipation of the privatization of the Department's Region IV, we began the relocation of our field offices located at the Department's Institutions which would be impacted by the privatization. With the support and assistance of the Department's Office of Community Corrections, we relocated or established new Commission field offices in Dade, Broward, and Pinellas counties. The Commission is in the process of relocating in Martin County. All of these moves were made using existing funds.

**MAY 2011 COMMISSION HEARINGS: DUVAL AND BROWARD COUNTIES**

In accordance with s. 947.06, F.S., the Commission held hearings in Duval County, Florida on May 11, 2011, and Broward County on May 25, 2011. Two full dockets were heard, one on each day. The dockets were comprised primarily of cases from the adjacent areas to allow as much public access to these hearings as possible. The Region's II and IV staff did an outstanding job of researching, securing and preparing the locations. The two hearings went extremely well.

**EXTERNAL ACTIVITIES**

Operations' staff participated in various state and local criminal justice organizations including the Florida Council on Crime and Delinquency (FCCD), the Florida Association of Community Corrections (FACC), the Pinellas County Ex-Offender Re-entry Coalition Services Board, Criminal Justice Program Advisory Boards, Public Safety Councils, and the Association of Paroling Authorities International.

## DIVISION OF OPERATIONS

### RELEASE SERVICES

Kim Dickey, Supervisor



Kim Dickey is a native Floridian, born in Tallahassee, Florida. Ms. Dickey graduated from Florida High School (the Demons) in 1981, and graduated with a Bachelor of Science degree from the School of Education at Florida A&M University in 1987. Ms. Dickey joined the Commission in 1992, where she worked in Control Release, Revocations and Interstate Compact. In 2007, she was promoted to Operations & Management Consultant II, as the Release Services supervisor. Ms. Dickey is actively involved in the Preventing Crime in the Black Community (PCBC) conference and has been on the planning committee for this conference since 2000. Her interests are reading, exercising, traveling and enjoying my family.

The Release Services' Section receives thousands of cases each year that it prepares and processes for the Commission's review and action. They include conditional release interviews, parole interviews, parole release plan investigations, addiction recovery interviews, conditional medical release recommendations, supervision reviews, requests for modifications of the conditions of supervision, and special requests from the Department of Corrections.

This section provides the following services: provides public notice of the Commission's meetings; prepares the Commission's agenda; notifies persons when cases are docketed and where they have requested to appear; calculates supervision dates; audits eligibility for supervised release; prepares orders reflecting the Commission's actions; prepares and processes all certificates for the Parole, Conditional Release, Conditional Medical Release, and Addiction Recovery Programs; and maintains the official records of the Commission's decisions. This section also coordinates the security for the Commission's meetings.

#### RELEASE SERVICES' ACCOMPLISHMENTS FY 2010-11:

- In conjunction with the Department, an audit was conducted on conditional release offenders/inmates in accordance with McNeil v. Canty. The audit caused a modification in the maximum term of supervision or the eligibility of some offenders/inmates.
- In September 2010, Tierra Varhalak filled the Parole Technician II position and in November 2010, the Staff Assistant position was filled by Kelly Bruce.

- Teresa Martin became the Inmate Family Coordinator who assists the inmate's families and supporters by providing them with information regarding the outcome of the Commission's decisions at the Parole Commission meetings.
- The number of cases docketed in FY 2010-11 were: Parole – **1,365**; Conditional Medical – **38**; Conditional Release – **6,367**; Addiction Recovery Supervision – **1,728**; and Control Release – 0.

## DIVISION OF OPERATIONS REVOCATIONS

Shana Lasseter, Supervisor



Shana Lasseter has served the Commission's Revocations Unit since 2004. She began her career with the Commission as a Revocation Specialist on January 5, 2004, and was subsequently promoted to Revocations Supervisor in December of the same year. Prior to her service with the Commission, Ms. Lasseter's work in the field of criminal justice includes employment as a Probation Officer in the state of Georgia, working briefly as a Hearing Officer for the Florida Agency for Workforce Innovation and serving as a Crime Intelligence Technician for the FDLE. She is a 1992 graduate of Florida State University where she received a Bachelor of Science Degree in Criminology. Ms. Lasseter is a member of the Florida Council on Crime and Delinquency and Thomasville Road Baptist Church in Tallahassee.

The Revocations' Section reviews all violation reports, prepares arrest warrants, updates the National Crime Information Center/Florida Crime Information Center (NCIC/FCIC), databases responds to requests from law enforcement agencies, coordinates the extradition of violators, and performs functions relating to the docketing and processing of cases for Commission action involving review of supervision and violations of supervision.

The violation process begins when law enforcement or the Department of Corrections notifies the Commission that a releasee has violated one or more conditions of his/her supervision. The Revocations Section is responsible for reviewing these reported violations and preparing a warrant for a Commissioner's signature. To assist law enforcement in identifying and apprehending alleged violators, the releasee's photograph is placed on the warrant. The Commission may issue a warrant for the arrest of any offender when reasonable grounds exist to believe the releasee has violated any of the conditions of supervision. In an effort to assist

law enforcement, NCIC/FCIC operators staff a hotline that is used by law enforcement to seek assistance when making an arrest of a releasee.

### **REVOCATIONS' ACCOMPLISHMENTS FY 2010-11:**

Warrants Issued	<b>2,035*</b>
Warrants Dismissed	<b>546</b>
Cases Reviewed and Prepared for Docket	<b>1,773</b>

\* Includes Parole, Conditional Release, Addiction Recovery Release, and Control Release cases.

### **Analysis of Most Commonly Violated Technical Conditions**

In early February, 2011, Revocations assisted Chair Pate with a special project in which 1,000 revocation cases and their respective violations, were entered into an Excel spreadsheet and analyzed to determine the most commonly violated technical conditions. The findings were shared with Commissioner's David and Jenkins for informational purposes.

### **Production of Informational DVD**

Revocations' staff participated in the development and production of an informational DVD about the Commission. The DVD will be played in the both the inmate family waiting room and the victims' waiting room on hearing days. The DVD will depict the history of the Commission and what visitors may expect on hearing days.

### **Transition from Prison to Community Initiative**

Revocations Supervisor Shana Lasseter joined the Transition from Prison to Community Initiative (TPCI) focus group for TPCI decision point 6, the Revocation (Case Management) Decision Making process, and participated in two (2) group conference calls during this reporting period. The purpose of the focus group is to organize and conduct events to seek input or disseminate information about transition and reentry efforts and developing strategies for community and agency education.

### **Absconders**

As can be expected, a significant number of offenders on supervised release are noncompliant. Many offenders walk away from supervision altogether. When this occurs, and all efforts to locate the offender have been exhausted, the offender is classified as an "absconder" and an arrest warrant is entered into NCIC/FCIC. At the present time, the Commission has active arrest warrants outstanding on approximately 398 absconders. The Commission maintains a strong interest in locating these absconders and returning them to custody. Fortunately, there are numerous resources available and teamwork coordinated among many agencies. As a matter of routine, Revocations works in conjunction with the

Department's Absconder Unit, the FDLE's Public Access Tip Line, and the U.S. Marshal Service/Florida Regional- Fugitive Task Force to locate and apprehend absconders.

#### Absconders Captured –Highlighted Cases

1. *Parolee Donald England (DC 062616) violated his parole in 1985 by absconding and failing to pay restitution. In 1987, the subject was arrested in Indiana for new crimes, sentenced to state prison and the Commission warrant was lodged as a detainer against him. Subject completed service of his Indiana sentence on 12/12/10 and was extradited to Florida on the Commission warrant. He proceeded through the violation process and his parole was revoked on 3/23/11.*
2. *Parolee Charles Gill (DC 093429) on LIFE parole for Capital Sexual Battery violated his parole in 1997 by absconding after only 11 months of supervision. He was arrested on 3/5/11, in Texas, on the outstanding Commission warrant as he was attempting to re-enter the United States from Mexico. The Commission ordered the subject's return to Florida, he was extradited on 3/18/11 and parole was revoked 5/25/11.*
3. *Parolee Douglas Polk (DC 037535), serving a 43 year sentence for Sexual Battery, was paroled in 1984 and absconded from supervision in 1987. The Commission issued a warrant for the subject's arrest in February 1988. The parolee successfully eluded capture until February 14, 2011, when, during a traffic stop in New York, he was arrested on the Commission warrant. The parolee was returned to Florida to face the 1987 violations of parole and, ultimately, the Commission voted to revoke his parole supervision and return him to state prison.*
4. *Sexual Predator Earl Carter, Jr. (DC 767158), absconded from conditional release supervision on or about April 15, 2011. Upon notification of the violation from the subject's supervision officer, the Commission quickly issued a warrant for the subject's arrest. Given the nature of the case and the urgency to apprehend this offender, the Commission, along with the Department, requested assistance from the United States Marshal Service (USMS), Florida and Caribbean Regional Fugitive Task Force. Carter was CAPTURED on 9/6/11 in Lee County, Florida. Along with the Commission warrant, he is facing criminal charges in Mississippi and federal charges for crossing state lines as an unregistered sex offender.*

Two new Commission cases adopted by the USMS, Florida, and Caribbean Regional Fugitive Task Force:

1. *Thomas William Granger (DC 027411) - Subject received a LIFE sentence in Polk County Case Number 7300386, Robbery Gun/Deadly Weapon on 2/28/73. He was paroled to a LIFE term on 7/4/06 and absconded 6/22/10 from his approved residence in Orlando.*

2. Eddie Roger Connor AKA Jeffrey Funk (DC 062559) - Subject received a LIFE sentence in Polk County Case Number 7900488, Robbery Gun/Deadly Weapon on 7/13/79. He was paroled to a LIFE term on 3/17/09 and absconded 12/23/09 from his approved residence in Wyoming.

The Commission, along with the Department, recently requested assistance from the USMS, Florida, and Caribbean Regional Fugitive Task Force with locating these parolees. The task force officially adopted both cases and is currently developing leads on Granger's and Connor's whereabouts.

## DIVISION OF OPERATIONS SPECIAL PROJECTS

Will Kendrick, Supervisor



Will Kendrick is a 1990 graduate of the Florida School of Banking and has held several positions in the field of banking and finance. Mr. Kendrick was elected to the Florida House of Representatives in 2000 representing the citizens of House District 10. During his service in the House, which ended in 2008, he served as Chair of the Committee on Conservation and State Lands and received numerous awards for his civic and community service. He was appointed Special Projects Supervisor for the Commission from August 2009 through November 2011. He also assisted with the agency's legislative program as a registered lobbyist in the 2010 and 2011 Legislative Sessions.

The Special Projects Section works closely with the Chair and Senior Managers throughout the year on Special Projects as assigned and supervises the Imaging Section. The following are some of the accomplishments of this section in FY 2010-11.

On March 15, 2011, the Imaging team began a major undertaking of processing **147** boxes of inmate whole files. Some of these files dated back to the 1960's and presented problems scanning into the Inmate Records and Information System (IRIS) system. Many of the problems were due to the age and condition of the paper.

The original purpose of this project was to prepare, scan, validate/index and perform a quality assurance function to ensure a quality electronic document to replace the 147 boxes of inmate files.

During the project period March 15th through June 30th, we utilized OPS employees. Over the three months, we were able to hire an additional 13 part-time OPS employees to assist in this project. Most had no previous training in using the systems encountered. The



majority of the training was done by veteran Imaging OPS employee's Antoine Dickey and Tammy Boyd.

The Commission was also able to purchase a new scanner to help with the increased demand and to eventually replace the existing scanner that is close to 15 years old. This contributed immensely in obtaining the team's goal of having these boxes completed by June 30, 2011.

In all, OPS employees completed **4,320.25** hours of work and processed **500,000** pages of documents that affect over **5,059** inmate files on the IRIS system. This project also has freed up an entire storage room that can now be used for other purposes.

## **DIVISION OF OPERATIONS VICTIM SERVICES**

Daphne Asbell, Coordinator



Daphne Asbell received her B.S. in Government from Florida State University. Prior to coming to the Commission, she worked for FDLE for 11 years in the Division of Criminal Justice Information Systems as a Supervisor and later an Administrator in criminal history records. Ms. Asbell worked as Administrator during the inception of the FDLE Firearms Purchase Program, overseeing the program that delivers instant criminal history record checks at point of purchase of firearms in Florida. After leaving FDLE, she worked for the Department of Juvenile Justice Inspector General's Office for a brief time. In 1996, she became the Victim's Coordinator for the Commission. As Victim's Coordinator, Ms. Asbell is dedicated to ensuring that victims are located, informed and allowed to have input in parole, conditional medical and conditional release cases.

The Victim Services' Section provides direct, personal service to crime victims and their families. These employees strive to reduce victimization through education within an environment of compassion, dignity and respect. The section is proactive in educating victims, and informing them of their rights. Central Office staff, in coordination with field staff, attempts to locate all victims to inform them of their right to be heard and participate in the clemency or Commission processes. Victims are located using many resources such as death certificates and obituaries to identify survivors and utilize Florida driver license information, the Internet, and the *Accurint* search engine. Victims are also informed of their right to be notified

by the Department of Corrections of an inmate's movement within the prison system or an escape.

For many victims, the clemency or parole process can be an intimidating and frightening experience. Educating victims about the process and their right to be heard can assist victims in dealing with their fears and anger, and it also serves to provide vital information to the Commission and the Board. Providing for victim input allows the person an opportunity to discuss the physical, financial, and emotional effects of the crime on his or her family, as well as themselves. Staff's goal is to assure victims that they have the support they need, if they desire to participate in the process.

Victim input is important at every stage of the clemency and parole process and is crucial to informed decision-making. Their participation can impact decisions regarding aggravating factors when setting a presumptive parole release date (PPRD), clemency, and conditional medical release. Restitution, special conditions of supervision, and treatment programs for the offender are also impacted. If a victim chooses not to participate in this process, the person still has the right to request to be notified and informed of upcoming clemency and parole proceedings and the Commission's or Board's actions concerning those proceedings. Victims make the decision as to what extent they wish to participate in the process.

Services provided to victims and their families may include:

- Informing victims of their right to be heard and participate in the Commission and clemency process.
- Educating victims about the clemency and Commission process.
- Providing advance notice to victims of upcoming clemency and Commission proceedings.
- Having professional staff available at each Commission and Clemency hearing to provide support to victims before, during, and after the meeting.
- Maintaining a separate waiting area for victims.
- Providing special assistance to victims such as reading a victim's statement into the record for victims who are unable to appear in person before the Commission or Clemency Board, but who want their concerns or recommendation voiced at the meeting.
- Timely notification of the outcome of clemency or Commission proceedings.
- Toll-free telephone number to obtain support or information (1-855-850-8196).

The Victim Services' section also acts as the liaison with victim advocacy groups, prosecutors, and other persons interested in victim rights. The "Victims of Crime Act" was enacted in 1984 to provide federal funding to assist state, local, and private nonprofit agencies to provide direct services to crime victims. Staff offers assistance to victims and their families by: responding to their emotional and physical needs; providing the necessary support to help stabilize their lives after victimization; and providing knowledge of the criminal justice system

and its operations. This section has been active in seeking ways to broaden the services that are available to victims.

#### **VICTIMS' SERVICES ACCOMPLISHMENTS FY 2010-11**

- Victims' Services applied and received approval for continuation of a federal grant under the Victims of Crime Act (VOCA). This grant primarily provides funds for a full-time staff position responsible for assisting victims of offenders who are seeking clemency.
- The Commission continues to utilize interns from the local universities and community colleges.
- The Department provides victim input for placement in conditional release files for review by the Commissioners prior to the setting of terms and conditions. Most of this correspondence is generated upon the receipt of an automated status notification from the Department informing the victim that the inmate may be eligible for conditional release.
- Staff participates in many local victim recognition/fund raiser events of the Big Bend Victim Assistance Coalition.

## DIVISION OF OPERATIONS FIELD SERVICES

Tom Hamilton – <i>Region One Administrator</i>	(850) 627-8436
Mills Rowland – <i>Region Two Administrator</i>	(904) 348-2610
Terry Turner – <i>Region Three Administrator</i>	(321) 504-2034
Sheila Roberts – <i>Region Four Administrator</i>	(772) 597-1426
Patti Harris-Razor – <i>Region Five Administrator</i>	(813) 272-2642

Field Services' staff are responsible for performing a variety of functions, including acting as hearing officers when conducting administrative hearings. Releasees under parole supervision are entitled by law to both a preliminary probable cause hearing and a final revocation hearing, which must be held within 45 days of notification of arrest. Other releasees have a final revocation hearing within 45 days of notification of arrest.

Revocation hearings are fact-finding hearings conducted by a Parole Examiner and are usually held at the county jail. These hearings are held for parole preliminary hearings, final revocation hearings, release on recognizance hearings, and interstate probable cause hearings. They are held for releasees who are under parole, conditional medical release, conditional release, addiction recovery supervision, or control release supervision.

Parole Examiners also conduct investigations and prepare reports on individuals who are seeking clemency. During the past fiscal year, field services' staff were instrumental in reducing the number of pending restoration of civil rights cases.

Regarding the parole release process, Field Services' Parole Examiners conduct inmate interviews at the correctional facility, investigations, and make recommendations regarding the establishment of a PPRD for parole eligible inmates. Their duties also include: making recommendations regarding changes to an inmate's PPRD and whether to release on parole; conducting investigations for parole release plans; and locating victims or the relatives of victims of parole eligible inmates. They also work closely with local law enforcement agencies, civic organizations, and other local and state agencies to promote working partnerships within the community. Their additional duties are clemency-related and include conducting full investigations for the Board.

### FIELD SERVICES' ACCOMPLISHMENTS FY 2010-11:

- Commission field staff participated in many Department Re-Entry Seminars held at correctional institutions throughout the state. Field staff played a vital role in this process by providing information on the RCR process.
- Field staff participated in numerous RCR Outreach events held throughout the state and assisted numerous ex-offenders seeking to obtain information on the RCR process.

## **DIVISION OF OPERATIONS REGIONAL FIELD OFFICES**

### **REGION I QUINCY**

Tom Hamilton, Regional Administrator  
2225 Pat Thomas Parkway, Quincy Annex, Quincy, Florida 32351  
Phone: 850/627-8436, Fax: 850/627-8703

EXAMINERS & STAFF: Matt Braxton, Russ Gallogly; Staff Assistant: Rhonda Morris  
COUNTIES: Bay, Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Wakulla, Washington

MILTON (Santa Rosa CI)  
5850 East Milton Road, Milton, Florida 32583  
850/983-5913; FAX 805/983-5915

EXAMINERS: Neil Simmons, Margaret (Dale) Sloan  
COUNTIES: Escambia, Santa Rosa, Okaloosa, Walton

\* \* \* \*

### **REGION II JACKSONVILLE**

Mills Rowland, Regional Administrator  
2050 Art Museum Dr., Suite 108, Jacksonville, Florida 32207  
904/348-2610; FAX 904/348-2634

EXAMINERS & STAFF: Richard Hughes, Karel Yedlicka, Sharon Walker, Kimberly Barrett; Staff Assistant: Nancy Lockwood  
COUNTIES: Baker, Clay, Duval, Flagler, Hamilton, Putnam, Nassau, St. Johns

LAWTEY (Lawtey CI)  
Office Location: 22298 NE County Road 200B  
Lawtey, Florida 32058-4361  
Mail Address: Post Office Box 959  
Lawtey, Florida 32026-2000  
904/782-9839; FAX 904/782-9877

EXAMINERS & STAFF: Gary Fox, Eric Baker, Ralph Moulder, Johnnie Sheffield; Staff Assistant: Dian Morin  
COUNTIES: Alachua, Bradford, Columbia, Dixie, Gilchrist, Lafayette, Levy, Madison, Suwannee, Taylor, Union, Volusia

\* \* \* \*

**REGION III COCOA (Brevard CI)**

Terry Turner, Regional Administrator  
855 Camp Road, Cocoa, Florida 32927-3709  
321/504-2034; FAX 321/504-2041

EXAMINERS & STAFF: Sandra Jennings, Dale Nichols; Staff Assistant: Jolynn Linder  
COUNTIES: Brevard, Orange, Osceola, Seminole

**OCALA (Lowell CI)**

11120 NW Gainesville Road, Ocala, Florida 34482-1479  
352/401-5448; FAX 352/401-5452

EXAMINERS: William Whitehouse, Felix Ruiz, Ed Segno  
COUNTIES: Citrus, Hernando, Lake, Marion, Sumter

\* \* \* \*

**REGION IV MIAMI**

Sheila Roberts, Regional Administrator  
3601 N.W. 167<sup>th</sup> Street, Miami, Florida 33056  
305/620-3737; FAX 305/628-6815

EXAMINERS & STAFF: Ayesha Carson (Supervisor), Don Henry, Ana Mizioznikov, Leris Calderon, Johnshay Footman; Staff Assistant: Marlene Schreiber  
COUNTIES: Miami-Dade, Monroe

**LAUDERDALE LAKES**

3718-4 West Oakland Park Blvd., Lauderdale Lakes, Florida 33311  
954/667-5546; FAX 954/497-1595

EXAMINERS & STAFF: Jayne Hayden (Supervisor), Richard Konior, Sandy Pimental, Karyn Roth, Cindy Zimmerman  
COUNTIES: Broward

**STUART**

2015 S. Kanner Highway, Stuart, Florida 34994  
772/223-2540; FAX 772/223-2541

EXAMINERS: Sean Murphy, John O'Donnell, Jennifer Stichter  
COUNTIES: Indian River, Martin, Okeechobee, Palm Beach, St. Lucie

\* \* \* \*

**REGION V TAMPA (Hillsborough CI)**

Patricia Harris-Razor, Regional Administrator  
11150 Highway 672, Riverview, Florida 33579-8402  
813/272-2642; Fax 813/272-2410

EXAMINERS & STAFF: Helen Williams-Lester (Supervisor), Cathy Aylstock (Supervisor), Kip Astrom, John Doyle, Lori Pille, Melinda Strickland, Jerry Harris, Scott Harris, Jessica Ghent, Mary Williams; Staff Assistant: Linda Dixon

COUNTIES: Hardee, Highlands, Hillsborough, Manatee, Pasco, Pinellas, Polk, Sarasota

**ARCADIA (Desoto CI)**

Office location: 13617 S.E. Highway 70, Arcadia, FL 34265  
Mail address: Post Office Box 70, Arcadia, FL 34265  
863/993-4624; FAX 863/993-4765

EXAMINERS: Pamela Carwise, Rhonda Murphy

COUNTIES: Charlotte, Collier, Desoto, Glades, Hendry, Lee

## Division of Administrative Services



Gina Giacomo  
Director

Gina Giacomo has served as the Commission's Director of Administration since her appointment in December 2008. Ms. Giacomo has vast managerial and leadership experience in the field of criminal justice gained through holding a variety of key positions in state government. She has served as the Commission's Director of Operations and Planning Officer; a Senior Management Analyst Supervisor with the Department of Children and Family Services; a Revocations Administrator with the Parole Commission; and a Classification Officer with the Department of Corrections. Ms. Giacomo holds an Associate of Science Degree in Criminal Justice; a Bachelor of Arts Degree in Criminal Justice Administration; and a Master of Science Degree in Adult Education. Ms. Giacomo is involved in many community service-oriented organizations and activities and has received numerous awards and recognition for her work and dedication to these causes.

The Division of Administrative Services serves as a liaison with the Governor's Office of Planning and Budgeting, the Office of Program Policy and Government Accountability, the Auditor General, the Florida Legislature, the Department of Financial Services, the Department of Management Services, and the Department's Information Technology section. The Division provides administrative support to the Commission's Central Office and 12 field offices. In addition to the Director's Office, the other sections include Human Resources, Finance and Accounting, and General Services.

This Division has fiscal responsibility for the agency including preparation of the agency's Legislative Budget Request (LBR), management of the Commission's operating budget, the Long Range Program Plan (LRPP), purchasing of all commodities and services for the agency, and conducting the pre-audit of all agency invoices. Additionally, it oversees emergency management, disaster response, and risk management for the agency. Employee participation campaigns such as the *Governor's Mentoring Initiative*, *Florida State Employees' Charitable Campaign*, and *Partners for Excellence* are also administered in this office. Further, the Division has lead responsibility for preparing all data, statistics, and financial information for use internally as well as providing this information to external agencies and individuals.



## DIVISION OF ADMINISTRATIVE SERVICES HUMAN RESOURCES

Bonnie Davidson, Administrator



Bonnie Davidson has served as the Commission's Human Resource Administrator since February 2011. She previously served as the Commission's Personnel Services Specialist; Operations & Management Consultant II with Department of Education; Personnel Aide, Personnel Technician I, and Operations Management Consultant II with the Department of Children and Families; Personnel Assistant and Human Resources Assistant II with DISC Village. Ms. Davidson has several years of experience with emergency management including volunteering with the evacuation team of Tulane Hospital after Hurricane Katrina.

The Human Resources Section is staffed solely by the Human Resources Administrator. This office is responsible for recruitment, insurance and benefits, payroll and leave, grievances and disciplinary actions, training, and the maintenance and interpretation of the Commission's Procedure Directives relating to human resource programs. It is the central coordination point for services ranging from management consultation to job satisfaction and termination.

The Office of Human Resources works with *People First* to ensure that all employees' human resource needs are met. This office participates in workshops, meetings, and trainings conducted on human resource administration, payroll, and benefits administration, and works with *People First* and Department of Management Services' staff to resolve any issues with the *People First* system. Human Resources continues its commitment to providing exceptional customer service to all employees of the Commission. This commitment includes using communication as a tool to ensure that employees are made aware of changes that take place and that managers and employees are trained and proficient using the *People First* database.

## DIVISION OF ADMINISTRATIVE SERVICES ACCOUNTING AND BUDGETING

Karen Huff, Administrator



Karen Huff was appointed to the position of Accounting and Budgeting Administrator for the Commission in October 2009. Ms. Huff has vast accounting and budgeting experience that was gained through a variety of positions in state government. Prior to coming with the Commission, she served as a Budget Analyst for several divisions at the Florida Department of Highway Safety; Operations and Management Consultant and Land Management Specialist at the Florida Fish and Wildlife Conservation Commission; and Operations Officer at the Citizens Bank of Wakulla. Ms. Huff holds a Bachelor of Arts Degree in Real Estate from Florida State University.

The Accounting and Budgeting Section is responsible for preparing the agency LBR and assisting with the development of the LRPP. This section also submitted six (6) agency budget amendment requests. One (1) of the budget amendments revised performance measures and requested two (2) additional measures due to the March 2011 Clemency Rules change. The Administrator prepares monthly budget projections, performs a pre-audit of all agency invoices, and ensures compliance with all Department of Financial Services' (DFS) rules on expenditures and accuracy of financial records. Additionally, this office is responsible for the management of leases and contracts, processing of all purchase card receipts and monthly reconciliations, refunds, and property inventory changes for the Commission. There were **1,068** invoices processed for payment last year with a **100%** compliance with the Prompt Payment Requirement. The Administrator has submitted a revised Purchasing Card Policy and Model Plan. This section is also responsible for tracking the VOCA grant expenditures and reimbursements as well as monthly invoices for reimbursement and responding to numerous surveys and questions from other state agencies.

## **DIVISION OF ADMINISTRATIVE SERVICES GENERAL SERVICES**

Winston McGriff, Operations Analyst



Winston McGriff was born and raised in Havana, Florida. He graduated from Havana Northside High and attended TCC & FAMU. He began his career with the State of Florida at the Florida Parole Commission as an OPS Senior clerk in June 1997 in the Administration Office. In November 1997, he obtained a permanent position as a Purchasing Technician. As a Purchasing Technician, he assisted the Purchasing Agent with the procurement of commodities and services. In June 2000, Mr. McGriff was promoted to the position of Purchasing Agent. Responsibilities were the procurement of commodities and services for central office, field offices and supervising the mailroom. In June 2002, he was promoted to the present position as Operation Analyst.

The General Services' Section is staffed by an Operations Analyst who provides general service support for the Commission's Central Office and twelve (12) field offices. The analyst is responsible for having extensive knowledge of all state purchasing and contract guidelines. Additionally, General Services is responsible for the purchasing of commodities and services for statewide use in compliance with all Department of Financial Services' rules. This section maintains the Commission's state vehicles, submits maintenance requests, and distributes all external correspondence for the agency.

## FINAL EXPENDITURE REPORT FY 2010-11

Budget Category	Appropriated Budget	Total Expenditures 6/30/2011	Budget Balance 06/30/11
Salaries	\$6,715,562	\$6,516,999	\$198,563
OPS	\$327,514	\$245,271	\$82,243
Expenses	\$867,604	\$847,179	\$20,425
OCO	\$27,092	\$27,013	\$79
Risk Management Insurance	\$172,950	\$172,950	\$0
Human Resources Outsourcing	\$46,672	\$46,672	\$0
Data Processing	\$194,450	\$194,450	\$0
<b>Total</b>	<b>\$8,351,844</b>	<b>\$8,050,534</b>	<b>\$301,310</b>

## ADMINISTRATION ACCOMPLISHMENTS FY 2010-11:

1. Established Emergency Evacuation Guidelines for the new Central Office building location, trained staff on procedures, and passed an official drill of the building evacuation
2. Drafted and submitted the Legislative Budget Request
3. Submitted the agency's "Schedule of Expenditures of Federal Awards Reconciliation" Template
4. Drafted Central Office Maintenance and key policy, Travel procedure directive, Central Office Mail policy, and Commission Bonus Plan
5. Executed the Commission and Department Memorandum Of Understanding (MOU) pertaining to office space and equipment
6. Submitted revisions to the P-card procedure directive
7. Participated in the National Institute of Corrections WebEx meeting to develop training for Parole Executives
8. Conducted research on different topics related to the Commission
9. Assisted regional offices with moving to new locations
10. Processed **205** personnel action requests and **21** hiring and selection packages
11. Coordinated the communication of the Benefits Open Enrollment process to Commission employees
12. Coordinated the Financial Disclosure Program with the Commission on Ethics
13. Participated in United Way events and processed the United Way (FSECC) deductions effective January 2011
14. Coordinated Parole Qualifications Committee meetings and worked with the Governor's Office on the appointment of a new Commissioner
15. Coordinated a FICA Alternative Plan for OPS employees
16. Created and produced a Safety Power Point presentation that is posted on the Commission Intranet website

17. Coordinated and assisted in "Bring your Child to Work Day"
18. Accepted nominations and coordinated the "Employee of the Year" award ceremony
19. Coordinated activities for Public Service Recognition Week/Employee Appreciation Week
20. Provided and assisted Volunteer Leon, FAMU, TCC, and FSU students with information and paperwork for internships
21. Coordinated Vendor/Agency visits: State Employees Credit Union, ING Deferred Comp, State Securities Corp Insurance, and Pre-Paid Legal
22. Located available training for employees at no cost

## Office of Clemency Investigations



Stephen Hebert  
Director

Stephen E. Hebert was appointed as the Director of Clemency Investigations for the Commission on January 18, 2005. Mr. Hebert has served continuously in the clemency area during his 13 years with the Commission. In September 1998, he began conducting clemency investigations as a Parole Examiner, including reviews of offenders' expiring prison sentences or terminating community supervision to certify their eligibility for restoration of civil rights in accordance with the Rules of Executive Clemency. In January 2001, he was subsequently promoted to the Capital Punishment Research Specialist position where he investigated and conducted in-depth studies of criminal appeals, motions, petitions, and responses filed in state and federal courts on Florida death-row inmates. Prior to his service with the Commission, he was employed as a Probation Officer for six years with the Leon County Probation Department in Tallahassee, Florida. He is a 1991 graduate of Florida State University where he received a Bachelor of Science Degree in Criminology.

The Office of Clemency Investigations is charged with investigating, reviewing, evaluating, and reporting to the Board of Executive Clemency (Board) in all types of clemency cases, including, but not limited to, the restoration of civil rights, full pardons, firearm authority, remission of fines, capital punishment, and domestic violence. Clemency Investigations also conducts special projects and acts as the liaison with other state agencies in the development of information. The Governor and Cabinet sit as the Board and establish the Rules of Executive Clemency (Rules) by mutual consent.

### GENERAL CLEMENCY INVESTIGATIONS

Clemency Investigations, with assistance of field staff, provides daily investigative and research support to the Board. This includes having field staff conduct extensive investigations on all cases requiring a hearing before the Board. These investigations include, but are not limited to, criminal convictions, history of adjustment to incarceration or supervision, criminal record, traffic record, payment of fines/court costs/public defender fees/victim restitution, child support issues, history of domestic violence, alcohol/substance abuse history, and community reputation. This office reviews and processes these investigations and obtains the Commission's advisory recommendation for submission to the Board. Clemency applicants are mailed a copy of their investigative report prior to each scheduled Board Meeting. In cases granted conditional clemency, the Director of Clemency Investigations researches and obtains

residential treatment programs suitable for the offender, monitors compliance with the conditions set forth by the Board, and provides quarterly progress reports to the Board.

The referral, assignment, review, and approval of all clemency cases are generated and managed by the Commission's clemency database. The Commission's Parole Examiners within the Office of Clemency Investigations and the field offices determine eligibility by following the Rules during the review process. The process utilizes records and databases of state and federal courts, and multiple criminal justice agencies to obtain and verify information on criminal histories, pending court actions, restitution obligations and citizenship status. Records of the Department of Corrections, Department of Law Enforcement, Department of Highway Safety and Motor Vehicles, Department of Homeland Security, clerks of court, federal courts, local law enforcement agencies, the Commission's clemency database, the Internet, and other out-of-state boards and agencies may be consulted. To qualify for clemency, a person must have completed all their sentences or term of supervision; have no pending criminal charges or outstanding detainers; have paid all victim restitution; and have met certain timeframes established by the Board. Clemency Investigations notifies the Office of Executive Clemency of all individuals determined ineligible for any form of clemency, and provides information on how they may proceed with the process.

The Office of Clemency Investigations continues to work closely with Field Services, Department staff, Boards staff, and legislative staff. The Office also works with community outreach and activist groups by providing information, education, and training to foster a better knowledge and understanding of the Rules and the clemency investigative process, especially on issues regarding eligibility for RCR.

### **CLEMENCY BOARD AMENDS RULES MARCH 9, 2011**

The Board amended its Rules on March 9, 2011, making significant changes emphasizing public safety to ensure that all applicants, who request clemency, have demonstrated their commitment to abide by the law for the time periods set forth in the Rules, deserve clemency, and will not likely reoffend. The adoption of the amended Rules applied to all pending clemency applications/investigations and resulted in the redesign of the application, related instructional information, and website content.

Under the amended Rules, felons seeking to have their rights restored must complete a five (5) or seven (7) year waiting period to become eligible. RCR cases are now classified as follows: Without a Hearing (Rule 9.A.) and With a Hearing (Rule 10.A.). Without a Hearing investigations are those where offenders, depending on the offense of conviction, are eligible for consideration only after five (5) years have passed since the date of completion of all sentences and conditions of supervision imposed for all felony convictions, and if no crimes have been committed and have not been arrested for a misdemeanor or felony for the five (5) years prior to the date the application is being reviewed. With a Hearing investigations are those where offenders with more serious offenses are eligible for consideration only after seven (7) years have passed since the date of completion of all sentences and conditions of supervision imposed for all felony convictions.



The amended Rules require specific court documents to be submitted by the applicant for each conviction. The Waiver of the Rules process was discontinued for Pardons and Firearm Authority as applicants seeking those forms of clemency must meet the required waiting periods set forth by the Rules. The Waiver of the Rules process remains for those applicants seeking commutations of sentence and has been renamed "Request for Review."

A new requirement of the amended Rules is for the Commission to provide a Clemency Activity Report to the Board.<sup>1</sup> Rule Eighteen of the Clemency Rules directed the Office of Executive Clemency, the Commission, and the Department to provide annually, beginning July 1, 2011, a report on the status of individuals whose rights were restored for the previous two calendar years, including recidivism statistics and evaluative data.

Rule 18 of the newly adopted March 9, 2011 Rules states:

18. Collection of Statistics and Evaluation of Clemency Action

The Office of Executive Clemency, in conjunction with the Florida Parole Commission and (the) Department of Corrections, shall collect and submit to the Clemency Board an annual written report providing statistics and evaluations regarding the status of those individuals whose rights were restored during the previous two calendar years. The first report shall be filed on July 1, 2011.

The first report was provided to the Board by the Commission on July 1, 2011, and is an overview of the processing and granting of RCR cases for calendar years 2009 and 2010, along with data indicating the number of these individuals who have reoffended and been returned to the custody of the Department with a new prison commitment or period of supervision. To access this report, go to the following link: <https://fpc.state.fl.us/RP.htm> and select "2009-10 Clemency Action Report."

### **RCR STATISTICS OF INTEREST**

The Commission reviewed the specific reasons why the **75** applicants who requested restoration of their civil rights and had their cases heard at the June 2, 2011, Clemency Board Meeting. Several applicants indicated multiple reasons in their statements to our examiners, and the following information is a brief summary of what their statements revealed:

- **64%** of the applicants specifically indicated that they were interested in regaining their right to vote, sit on a jury, or hold public office.
- **39%** of the applicants specifically indicated that they were interested in obtaining their civil rights to help them with employment, ranging from specific licenses or occupations to general job opportunities.

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<sup>1</sup> "Status Update: Restoration of Civil Rights' (RCR) Cases Granted 2009 and 2010," submitted to the Board of Executive Clemency by the Parole Commission, July 1, 2011.

- **8%** of the applicants specifically indicated that they were interested in obtaining their civil rights to assist them in their pursuit of educational goals.
- **21%** of the applicants did not provide any specific reason for requesting the restoration of their civil rights.

### **REQUEST FOR REVIEW (WAIVER) PROCESS**

Clemency Investigations may be referred a "Request for Review" application for Commutation of Sentence upon acceptance by the Office of Executive Clemency. This office conducts a brief investigation which includes, but is not limited to, the applicant's criminal convictions including sentence structure and circumstances of offense, history of adjustment to incarceration or supervision, criminal record, and traffic record. Clemency Investigations obtains the Commission's advisory recommendation, which is included with the investigation for submission to the Board.

### **CAPITAL PUNISHMENT CASE INVESTIGATIONS**

In capital punishment cases, by Rule, the Governor may require the Commission to conduct an in-depth investigation. Clemency Investigations is responsible for coordinating the clemency interview of the death row inmate conducted by the Parole Commission. The Capital Punishment Research Specialist researches the entire case to include offense(s) of conviction, complete criminal record, institutional record, co-defendant information, and court information relating to trial and appeals.

The Capital Punishment Research Specialist also coordinates with Field Services to conduct a field investigation on the inmate and conduct interviews, if possible, with the trial attorneys who prosecuted and defended the inmate, the presiding judge and the inmate's family. In addition, the Research Specialist works with the Attorney General's Office to allow victims of record to provide any comments to be included with the final report to the Board. Clemency Investigations compiles this information together with the Commission's findings and conclusions and provides it to the Board to assist in the consideration of a commutation of sentence or signing of a death warrant.

### **VICTIM ASSISTANCE**

The Commission fosters a positive working relationship with State Attorneys and Attorney General Victims' Services Offices to assist victims in clemency cases that are submitted to the Board. Clemency Investigations, along with field staff, works diligently to identify, locate, and contact the victims of record. They provide the victim's comments in all cases appearing on Board agendas as well as all RCR *Without a Hearing* investigations in which victims may be involved. Victim's statements are provided in a confidential manner to the Board. The Agency's Victim Advocate for clemency cases works closely with Clemency Investigations staff to enhance the overall victim contact process and to provide assistance to victims and their

family members in all types of clemency cases. Parole Examiners in Central Office and the field offices have assisted numerous victims in receiving outstanding restitution owed to them.

### **SEAPORT SECURITY INVESTIGATIONS**

During the 2006 legislative session, House Bill 7145 proposed significant changes relative to seaport security within Ch. 311, F.S., including access control. Effective July 1, 2006, the new law provided that only persons denied employment by the seaports after this date would be eligible to participate in the waiver investigation process. The FDLE established this waiver process to allow individuals who have been denied access to or employment within restricted access areas of the seaports, due to disqualifying criminal history factors, to seek to obtain unescorted access to the seaports, if specific requirements were met.

The Commission was charged with the task of conducting fact-finding investigations to be used by FDLE when making a determination to deny or grant a waiver request. The legislation specifically required the Commission staff, no later than 90 days after receipt of a complete waiver application packet from FDLE, to conduct a factual review of the waiver application and conduct an in-depth investigation. To present a report with findings of fact to FDLE, Commission staff conducted a thorough investigation of the individual, which included an extensive review with verification of all statements and information provided by the applicant.

Clemency Investigations received all waiver application packets from FDLE and referred the investigation to the appropriate Commission field office. The Research Specialist worked closely with the field examiners, who submitted the complete waiver investigation packet to this office. Once the review was completed and approved, Clemency Investigations forwarded the final report to FDLE.

During the 2011 legislative session the Legislature passed House Bill 283 relating to seaports, deleting the requirement for the Commission to conduct employee waiver investigations for FDLE. Governor Scott signed the bill into law effective May 24, 2011.

## Office of Executive Clemency



Julia R. McCall  
Coordinator

Julia R. McCall was appointed by the Governor and Cabinet as the Coordinator of the Office of Executive Clemency on January 12, 2010. Ms. McCall was previously serving as a Parole Examiner with the Commission's Office of Clemency Investigations. A twenty-five year veteran of the Alachua County Sheriff's Office, Ms. McCall retired from her position as Deputy Sheriff with the rank of Sergeant and Lead Inspector. In addition to her law enforcement experience, she is currently a member of the Domestic Violence Coordinating Council of Tallahassee and has served on the Guardian Ad Litem Advisory Board of Alachua County and the Sexual Battery Homicide Task Force of Gainesville, Florida. Ms. McCall holds an Associate of Arts Degree from the University of Charleston, formerly Morris Harvey College, Charleston, West Virginia.

The Office of Executive Clemency (OEC) reports directly to the Governor and Cabinet in the performance of their duties and responsibilities. This office is co-located with the Commission for ease of operation and coordination of functions. OEC was created in 1975 to process applications for executive clemency requiring approval of the Governor and requisite members of the Cabinet who sit collectively as the Executive Clemency Board. The Coordinator is appointed by the Governor and Cabinet and is responsible for coordinating all clemency hearings and referring applications for investigation. The Coordinator is the official custodian of all clemency records.

In addition to processing requests for RCR, applications for restoration of alien status under Florida law, full pardons, remission of fines, waiver requests, commutations of sentence and specific authority to own, possess or use firearms, the office also provides verification and/or certification of restoration of civil rights and all other forms of clemency granted to law enforcement agencies, state attorneys, public defenders, licensing agencies, and supervisors of elections. During the reporting period, staff prepared **4,490** "Gold Seal" letters, which verified the status of clemency requests for those agencies who have inquired.

OEC prepares and distributes the agenda for the Board hearings, as well as the orders and certificates granting clemency, and is responsible for notifying the applicants, attorneys, and victims regarding hearing dates and the status of the cases. Information and applications for clemency are distributed on a daily basis. Office staff responds to questions and assists

applicants in completing the requests for RCR, as well as responding to correspondence and phones calls referred from the Governor and other Cabinet offices.

The Coordinator works with the Clemency Aides to the Governor and Cabinet on the revision and adoption of Rules and keeps abreast of new state and federal legislation that might have a direct or indirect impact on the clemency process in Florida. The Coordinator also responds to research inquiries regarding clemency and provides information to persons conducting federal and state surveys on clemency procedures in Florida.

During FY 2010-11, OEC coordinated four quarterly clemency hearings on September 23, 2010, December 9, 2010, February 24, 2011 and June 2, 2011, as well as one waiver hearing on October 28, 2010.

### **OFFICE OF EXECUTIVE CLEMENCY ACCOMPLISHMENTS FY 2010-11**

The Coordinator continues to focus attention on ensuring that staff are performing their duties as efficiently as possible and have the tools and training to succeed. She is challenged with utilizing limited staff who are faced daily with a tremendous number of pending cases to be processed and numerous incoming external requests for assistance. Staff suggestions and ideas are highly regarded when addressing streamlining/efficiency based performance goals along with improvements to customer service.

- August through November 2010 again proved very busy with those months having Primary and General elections. Elections historically increase the number of telephone calls and email inquiries regarding whether a person's voting rights have been restored. These calls are not only from the applicant's themselves, but also legislative aides and numerous Supervisor of Elections' personnel. The total number of calls for FY 2010-2011 was **33,258**, with **385** calls coming to OEC on Election Day, November 2<sup>nd</sup>. This total does not include additional calls which come directly to our posted office numbers.
- OEC staff commenced an in-house special initiative designed to eliminate the data entry backlog of several thousand applications which had not been entered into the data base. Prior to this activity, manual searches were necessary to locate applications. This was a concerted effort between staff and interns. This task was accomplished and staff is now able to stay up-to-date with the daily incoming data entry requirement.
- At the request of Chair Tena Pate, OEC and the Office of Clemency Investigations performed a joint efficiency/duplication evaluation of the job task assignments of each staff member focusing specifically on the processing of applications and the flow of information between the two offices. It should be noted that the results of the analysis did not indicate any areas of duplication.
- An evaluation and written summary of efforts to streamline and spotlight efficiency progress was prepared to include staff assignments, procedural changes, use of existing equipment and equipment purchases, available computer technology, training needs,

etc. This activity was conducted in both Executive Clemency and Clemency Investigations.

- In February, the office commenced an application screening project designed to screen the **40,000+/-** applications pending in OEC for eligibility, which is the first step in the clemency process. This project was comprised of 19 Field Examiners and 21 Parole Commission Central Office staff. To accomplish this, thousands of applications awaiting the screening process in OEC were sent to Field Examiners in the regions throughout the state and distributed in Central Office.

On March 9, 2011, the Rules were amended. Training was conducted, applications and instructional information were redesigned, and temporary changes were made to the website. Staff were then required to apply the amended Rules to all existing cases. This project ended June 30, 2011. As of that date, **7,292** letters had been sent to applicants who were found ineligible under the amended Rules and **5,134** eligible cases forwarded to Clemency Investigations for processing.

The Rule change also had an impact on the number of Waiver requests pending in the current system and any submissions after the effective date. The official Waiver process would no longer exist for Pardons and Firearm Authority requests. The process would now be referred to as Requests for Review and would only apply to Commutations of Sentence. Staff commenced the review of all pending waivers under the amended Rules. As of June 30, over 400 applicants had been notified by mail of these changes.

The task of re-evaluating applications in the system at the time of the Rules change is a continuing process, utilizing existing staff.

Since the start-up date of 10/06/2008 and through 11/28/2011, the clemency RCR search website [www.FLrestoremyrights.com](http://www.FLrestoremyrights.com) had the following activity:

Visitors to site:	<b>820,391</b>
Certificate searches:	<b>669,464</b>
RCR certificates found:	<b>69,991</b>
RCR certificates viewed and possibly printed:	<b>47,618</b>

## Office of Communications and Legislative Affairs



Jane Tillman  
Director

Jane Tillman has served as the Commission's Director of Communications and Legislative Affairs since her appointment in August of 2007. She has worked in Florida State Government for 30 plus years holding key positions with the Supreme Court of Florida, the Florida House of Representatives, the Commission on Ethics, the Department of Business and Professional Regulation, and the Commission. She has a Bachelor of Arts Degree in Journalism from the University of Georgia where she majored in Broadcast Journalism and Speech. Ms. Tillman has extensive legislative experience as a former Chief Legislative Analyst for the State Commission on Ethics and the Florida House of Representatives and as a private sector and state agency lobbyist. As a Communications Director, Ms. Tillman has interviewed numerous national and state leaders, along with prominent individuals in the entertainment and broadcasting fields.

The Office of Communications and Legislative Affairs is charged with two primary functions: directing the agency's communications and public information program, and overseeing and directing the Commission's legislative program as the agency's chief legislative lobbyist. The Office is staffed by a Director of Legislative Affairs/Director of Communications and one full-time Staff Assistant. The Office's Staff Assistant is bi-lingual in English and Spanish and routinely assists this Office, the Chair and Commissioners, and the Leadership Team in responding to phone calls, acting as an interpreter during Commission hearings, and providing written responses to the Hispanic community. The Office is fortunate to have someone with these additional capabilities.

This office routinely interacts with all members and staff of the Florida Legislature; the Office of Program Policy and Accountability (OPPAGA) and the appropriate Joint Legislative Committees; the Governor's Office of Policy and Budget (OPB); the Governor's Office of Legislative Affairs; and the Legislative Affairs Directors (LADs) of all state agencies, particularly those in the areas of law enforcement and criminal justice. Additionally, this office handles all requests for agency information on proposed bill analyses and fiscal notes; maintains the legislative schedule for the Commission Chair, the LAD, and others; provides daily information to all Commissioners and senior managers through the agency's legislative information data service; attends legislative committee meetings and budget hearings; and makes presentations before legislative committees as needed.

For communications, public records, and public information matters, this office responds to daily inquiries from local, state, and national media organizations and responds to public information and public records requests, as necessary. It routinely interacts with the Governor's Office of Open Government for public records requests, the Governor's Office of External Affairs/Citizen Services, the Governor's Communications Office, and other state agency Communications' Directors and Public Information Officers. The Director works closely with the Commission Chair, General Counsel, and other members of the Commission's Leadership Team on most public records requests and requests for information. The Director also makes presentations for the agency when requested.

Additionally, the Office coordinates the production of most Commission-generated reports and documents and coordinates the Commission's Prudential-Davis Productivity Awards Program.

### **LEGISLATIVE AFFAIRS**

During the 2011 Legislative Session, the Legislature passed the General Appropriations Act (GAA - SB 2000ER) which is the budget document for funding state government and its agencies and programs for FY 2011-12. The FY 2011-12 GAA included a continuation budget for the Commission of \$8,229,821, while cutting \$151,000 in Expenses and 7 unfunded positions (which had not been filled or funded since 2008).

Numerous bills were tracked by the Commission that could have impacted the Commission's operations but failed to pass. These included such issues as immigration and deportation of alien inmates; parole for juvenile offenders; elder inmate programs; re-entry programs and issues; and the allocation of revenues for funding criminal justice programs. A final Legislative Session Report was provided to the Chair, Commissioners, and employees, which included only those bills that passed the 2011 Legislature.

The following summarizes work performed by this office July 1, 2010, through June 30, 2011, during the 2011 Session, and in preparation for an earlier 2012 Legislative Session (beginning January 10, 2012):

- Prepared documents and handouts for presentations to the Office of Policy and Budget and the appropriate legislative committees;
- Prepared talking points for all legislative presentations;
- Reviewed hundreds of bills for relevance to the Commission;
- Provided the Commission informational/educational documents to legislative aides;
- Coordinated appointments for the Chair and Legislative Affairs Director for meetings with legislators and committee staff on bills, budget, and issues of interest to the Commission;



- September 2010 presented the Commission's FY 2011-12 Legislative Budget Request to the staff of the Governor's Office of Policy and Budget, other state agencies' legislative staff, and the media;
- Responded to daily legislative inquiries and tracked their status to ensure completion;
- Coordinated the preparation of key documents with the Leadership Team for Chair Pate's presentations to the House and Senate budget and substantive committees;
- Coordinated the preparation of legislative bill drafts and fiscal note requests with the Leadership Team for approval by the Chair and submission to the Legislature;
- Provided RCR documents created by Executive Clemency and Clemency Investigations to House Professional Development Staff for Legislative Aide training;
- Conducted research on pertinent criminal justice issues;
- Worked with the staff of State Senator Tony Hill, FDLE, the Governor's Clemency Aide and Communication's staff, the Chair, and the Leadership Team to draft a Cabinet Resolution honoring the St. Augustine "Freedom Riders" arrested and jailed as a result of their civil rights activities during the early 1960s. The resolution was adopted and signed by the Governor and Cabinet at the December 9, 2010, Board hearing;
- Assisted the Chair and key staff in securing bill sponsors for Commission legislative proposals for the 2011 Legislative Session;
- Attended all budget conferences on behalf of the Commission;
- Met with legislators and their district staff on issues of concern to their constituents involving the Commission vote process and victims' rights;
- Assisted the Chair with the coordination of her meetings with legislators and leadership and their staff on specific bills and budgetary issues as they moved through the 2011 Session;
- Provided updates to the Chair, Commissioners, and employees on state employee-related issues and bills as the closure of Session 2011 approached; and,
- Provided a 2011 Legislative Session Final Report to the Chair, Commissioners, and Commission employees.

### **COMMUNICATIONS, PUBLIC INFORMATION, AND PUBLIC RECORDS REQUESTS**

As Director of Communications for the agency, this office responds to daily inquiries from local, state, and national media organizations and responds to public information and public records requests as necessary. It routinely interacts with the Governor's *Office of Open Government* in concert with the Chair, the Commission's General Counsel, other members of the Leadership Team, the Governor's Communication's Office, and other state agency Communications' Directors and Public Information Officers (PIOs).

The following summarizes work performed by the Communication's Office during the reporting period:

- Coordinated the drafting of all talk points, presentations to the Governor and Cabinet and the Legislature, presentations to groups and associations, responses to news media requests for public information, and information shared with other stakeholders and state agencies with the Chair and the Leadership Team;
- Worked with the Governor's and Cabinet members' Communication's staff in preparation for their first Board hearing on February 24, 2011;
- Responded to media and public inquiries in person, via telephone or e-mail, and in writing on behalf of the Chair and Commission;
- Responded to public records requests, many of which required substantial research and staff time, coordinating Commission responses with the General Counsel;
- Provided written materials to legislators and citizen outreach and activist organizations for use in RCR outreach activities as requested;
- Prepared and disseminated press releases and prepared special press releases and letters of invitation to area elected officials and legislators for the May 11 and May 25, 2011, Commission meetings held in Duval and Broward counties; and,
- Coordinated the drafting and production of the first "Clemency Activity Report" as directed and formally submitted by the Chair to the Board on July 1, 2011.

Documents and publications from this Office are provided electronically to the Governor and the House and Senate and are also posted to the Commission's website. A minimal number of hard copies were produced to provide to the Secretary of State, Division of Archives, and for any in-state and out-of-state libraries requesting hard copies. The Director, working with the Chair and members of the Leadership Team, prepared and published the following documents for the Commission in FY 2010-11:

- the 2011 Session Agency Legislative Proposals for submission to the Office of Policy and Budget/Executive Office of the Governor, submitted September 5, 2010;
- the Long Range Program Plan (LRPP), finalized and published October 1, 2010;
- the Annual Proviso Report to the Legislature on the Status of Restoration of Civil Rights Cases for FY 2009-10 published October 1, 2010; and
- the Annual Report for FY 2009-10 completed December 18, 2010.

## Office of the General Counsel



Sarah Rumph  
General Counsel

Sarah Rumph has served as the Commission's General Counsel since her appointment in June 2009. Ms. Rumph's career of public service includes work as a Senior Attorney with the Commission, a Senior Attorney with the Florida Department of Health, and as an Assistant Public Defender in the Sixth Judicial Circuit. She holds an Associate of Arts Degree from St. Petersburg Junior College, a Bachelor of Arts Degree from the University of Tampa, and a *Juris Doctorate* from Stetson University College of Law. Ms. Rumph volunteers her legal assistance for many pro bono legal activities within the community and is a member of the Episcopal Church of the Advent, the FSECC Steering Committee, is a United Way Leadership Giver, and is a member of the Business and Professional Women organization, Tallahassee chapter.

The Office of the General Counsel was actively involved in litigation as a result of felony offenders filing numerous lawsuits in various state and federal courts during FY 2010-11. Routinely, this office files court pleadings, briefs, memoranda, and legal correspondence and provides legal advice on all legal issues before the Commission. Further, the staff attorneys represented the Commission in numerous hearings throughout the State and continue to provide legal advice and support to the Tallahassee Central Office and the 5 Regional offices.

### THE GENERAL COUNSEL OFFICE'S GOALS

- To successfully prevail on litigation filed against the Commission,
- To provide quality legal advice and representation in a prompt manner, and
- To engage in proactive legal counseling in an effort to prevent unnecessary litigation in the future.

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Between the months of July 2010 and June, 2011, the Office opened **293** new legal cases. In addition to these cases, the Office also handled numerous ongoing legal matters. In summary, the Office:

- prepared **529** court pleadings, briefs, memoranda, and legal correspondence;
- provided **384** verbal and written legal opinions;
- attended **2** hearings, including court hearings, mediations, and oral arguments;
- reviewed **16** Section 947.18, Florida Statutes, orders for legal sufficiency and **26** Bolden review requests;
- processed **131** public record requests;
- represented the agency at **152** meetings involving significant Commission issues;
- received and/or made **1,000** telephone calls and received **3,214** pieces of mail;
- notarized approximately **23** documents for staff.

### SIGNIFICANT LITIGATION

Significant cases handled by this office during FY 2010-11 were as follows:

- In **Scott v. FPC**, the conditional releasee was attempting to argue that violating him for both failure to abide by the conditions of electronic monitoring and for failure to follow instructions for failing to carry his EM with him violated **double jeopardy**. The Court soundly rejected that argument.
- **Florence v. FPC**: another conditional release violation case where the Court upheld the Commission's revocation of a releasee for committing a **domestic battery which was later dropped and not prosecuted**.
- **Grace v. FPC**: confirmed that **preliminary hearings are not required in conditional release** cases.
- **Ronet v. Office of Executive Clemency**: Mr. Ronet was seeking to have the Courts force the Office of Executive Clemency to grant him a full pardon and restoration of his civil rights. The Court dismissed the action finding it had no jurisdiction to consider the case.
- **Delana v. FPC**: Mr. Delana challenged that he was not present for the parole hearing. The Court upheld that **inmates do not have the right to be physically present at Commission hearings** and that the opportunity for the inmate to be heard is at the interview with the examiners.
- **Bills v. Florida Parole Commission**: the Third Judicial Circuit Court rejected the conditional releasee's argument that the Commission should not have served its **1994 warrant** on him in 2009. The Court found the warrant and corresponding proceedings proper. The Court also rejected the contention that the releasee should have been given credit towards his Florida sentence for his time spent in a Louisiana prison on an unrelated charge.
- **Campbell v. Florida Parole Commission, et al.**: The Court herein was determining if Mr. Campbell's PSI was considered confidential under a new court rule instructing Clerks to hold confidential certain information. Since the PSI was not on that list, the Commission had to petition the Court to make a ruling on it. The Court agreed with the Commission that the document was to be kept confidential. Along those same lines, we also had

**John Hubbard v. DOC**: In this particular order on this case, the court had a telephonic hearing in which Legal staff and the inmate participated. This office filed the motion in order to alert the clerk and the court that the PSI was a confidential document under the requirements of a **new judicial administration rule**. After considering and identifying the document, the court agreed and ordered the clerk to seal it.

- **Landry, Mark v. Florida Parole Commission**: This is an interesting case because the challenger is currently serving his Life sentence in New Hampshire via Interstate Compact. Mr. Landry challenged the Commission's decision not to reduce his PPRD as recommended by the parole examiner. He also challenged an alleged violation of the Sunshine Act, claiming that since his name was not listed in the Commission's notice, the Commission violated the Law. The Court rejected the argument, acknowledging that public interest is implicated if the inmate receives a reduction in the PPRD and the **victims were not properly noticed** and did not have an opportunity to be heard. However, in Mr. Landry's case, he did not have a reduction in his PPRD and his name was properly published two weeks prior.
- **Glen Alday v. FPC**: issued March 23, 2011, advises that when the Commission continues to find an inmate, who has already had his **PPRD suspended**, to be a poor candidate for parole, **it MUST make clear its reasons and record support**. The Court opinion states that the Commission's findings may "incorporate by reference or otherwise re-state the reasons contained in the Commission's prior orders suspending ... PPRD," but that **it can not be an "unelaborated 'reaffirmation' of its prior finding of a negative parole prognosis..."**
- **Dennis Creamer v. Florida Parole Commission**: The District Court upheld the Commission's **Rule 23-21.0155** as a valid delegation of legislative authority.
- **Amanda Skuro v. DOC**: This was an **addiction recovery** case. We rarely see these since the individual usually has such a short time on addiction recovery supervision that any possible challenges do not make it through the courts. In this particular case, the releasee argued that even though she was only charged with a felony DUI, her DUI actually involved serious bodily injury; therefore, she should be excluded from eligibility. The court agreed with our interpretation that conviction matters, not facts of the case when deciding eligibility.
- Florida Supreme Court cases:
  - In **FPC v. Spaziano**, the Court found that actions filed by prisoners challenging PPRD determinations are collateral criminal proceedings. This means that the inmates can file the petitions without suffering a lien on their inmate trust account. Chief Justice Canady was the sole dissenter and stated that the PPRD is not a collateral criminal proceeding because it does not challenge the criminal conviction or sentence.
  - In **Jones v. FPC**, the Court held that the application of the statute of limitations which generally bars extraordinary writ petitions filed one year after the action does not apply to habeas petitions filed challenging the Commission's actions. Chief Justice Canady dissented arguing that the ruling overlooks basic premises of appellate and original judicial jurisdiction. Justice Polston also dissented arguing that deciding the constitutional questions presented in the majority opinion was an unnecessary exercise.

## **WORKING WITH OUTSIDE AGENCIES**

The General Counsel's Office often works with external entities in various ways. As we work with these agencies and individuals, we strive to promote the integrity and mission of the Commission. Specifically, we have worked with the following:

- The Office assisted and worked with: the Governor's Office and respective Cabinet Offices regarding pending legislation and Commissioner appointments,
- Attorney General's Office on victims rights and interpretations of the Sunshine Law,
- Department of Corrections,
- State Attorneys and Public Defenders Offices throughout Florida,
  - We specifically worked extensively this period answering public records requests for both the SAO and PDO on the Ana Cardona death penalty case during this time period. This case was completed in October. The jury recommended resentencing to death on October 14, 2010.
- Parole Qualifications Commission members,
- Judges throughout Florida,
- Florida Legislature, reviewing and providing advice on prospective legislation and prepared proposed legislation,
- General Counsel's Offices for other agencies, and
- Private Attorneys on various significant issues and questions concerning post-release supervision programs and clemency issues.
- The Office further continued to provide legal review and assistance to the Board.

## **WORKING WITHIN THE AGENCY**

The General Counsel's Office is striving to build a reputation of open communication, responsiveness, and integrity within the agency. Towards this end, we have done the following work within the agency:

- Provided legal advice and support to employees located in the central office and the field. This includes reviewing revocation hearings, willfulness determinations, and answering general legal questions.
- Hosted the Revocations staff to observe oral arguments before the First District Court of Appeal at their new location.
- Presented an inmate's Petition to Initiate Rulemaking before the Commission for decision.
- Discussed the importance of distinguishing between Pre- and Post- sentence investigations in reporting Commission decisions.
- Worked with various sections resolving public records requests.

Like a General Counsel's Office for a major corporation, this office also handles several internal general legal matters. In this period we have completed the following work on behalf of the agency:

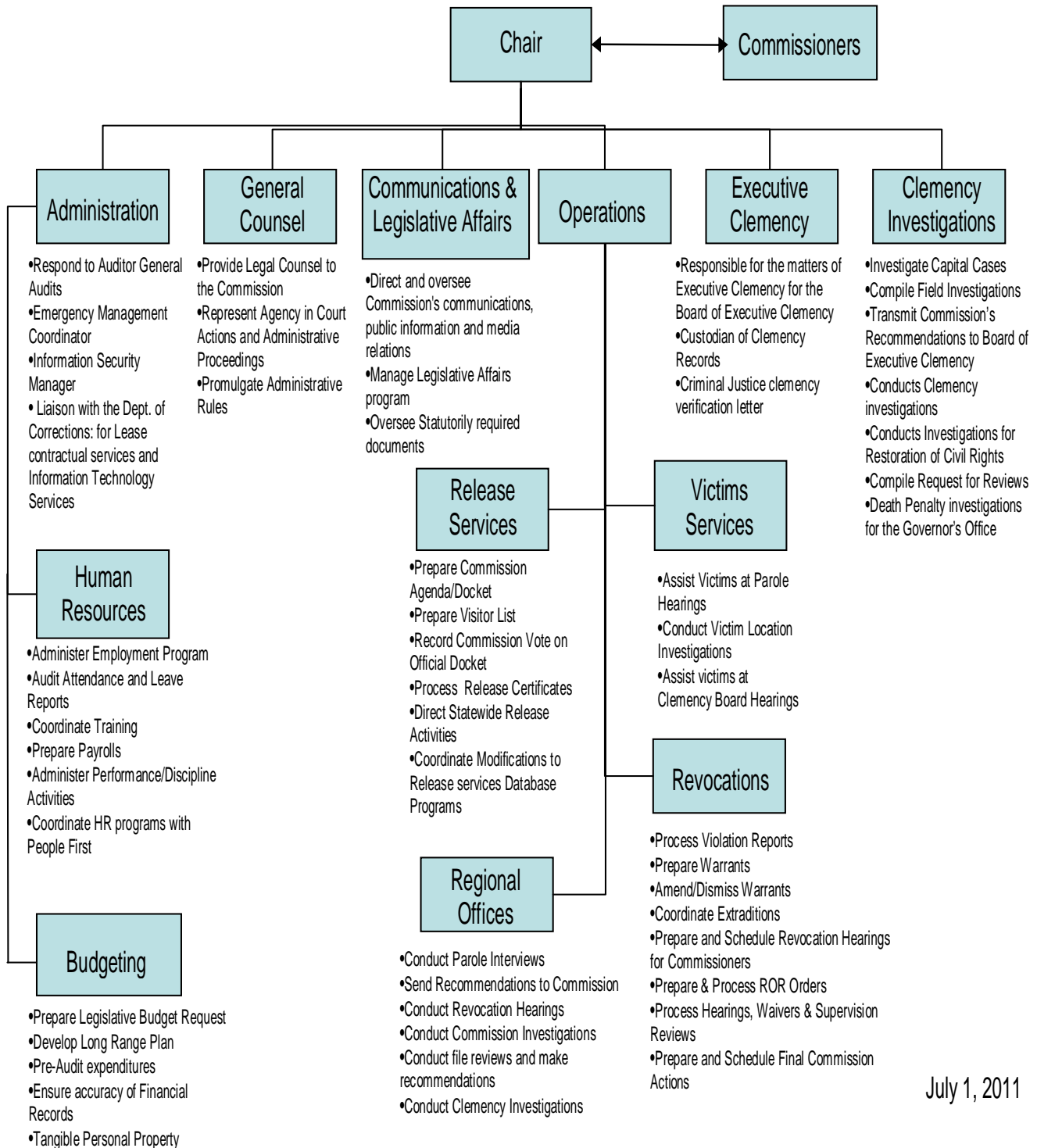
- Assisted with personnel actions and related issues.
- Worked with Risk Management to represent the Commission's interests in any pending civil lawsuits.
- Assisted with internal interviewing.

### **CURRENT STATE OF THE OFFICE**

We are always seeking to improve our efficiencies and service. Here is the current state of the Office and our professional achievements:

- Continuing to prepare monthly activity reports for the Commissioners and Leadership Team of current and ongoing legal challenges presented by inmates and summarizing any significant cases.
- The Office continues to meet as a team in order to discuss pending cases and any legal issues.
- The Office staff participated in e-filing training presented by the Department of State for Rule changes.
- The Office also continues to keep up with e-filing changes within all of the court systems. Currently there are 8 counties accepting e-filing, which is planned to expand to the entire court system in Florida by the end of 2011.
- The Office staff directly supported the Office of Executive Clemency by screening **356** RCR applications.
- During part of this period, Gabriëlle Pellemans worked at the legal office as an unpaid Criminology Student Intern. In exchange for her hard work, she received a semester worth of credit and graduated FSU in December.

# Florida Parole Commission Organizational Chart



July 1, 2011



# CENTRAL OFFICE DIRECTORY

## FLORIDA PAROLE COMMISSION 4070 ESPLANADE WAY TALLAHASSEE, FL 32399-2450

### COMMISSIONERS

Tena M. Pate – <i>Commissioner, Chair</i>	(850) 488-1980
Monica David – <i>Commissioner, Vice Chair</i>	(850) 487-1978
Vacant – <i>Commissioner, Secretary</i>	(850) 488-0476

### OFFICE OF GENERAL COUNSEL

Sarah Rumph – <i>General Counsel</i>	(850) 488-4460
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### OFFICE OF COMMUNICATIONS AND LEGISLATIVE AFFAIRS

Jane Tillman - <i>Director</i>	(850) 921-2816
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### OFFICE OF CLEMENCY INVESTIGATIONS

Steve Hebert – <i>Director</i>	(850) 487-1175
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### OFFICE OF EXECUTIVE CLEMENCY

Julia McCall - <i>Coordinator</i>	(850) 488-2952
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### DIVISION OF ADMINISTRATION

Gina Giacomo – <i>Director</i>	(850) 488-3415
Bonnie Davidson - <i>Human Resources Administrator</i>	(850) 488-3417
Karen Huff – <i>Accounting and Budgeting Administrator</i>	(850) 921-2815
Winston McGriff--- <i>Purchasing</i>	(850) 488-2280

### DIVISION OF OPERATIONS

Jack deRemer – <i>Director</i>	(850) 922-6137
Daphne Asbell – <i>Victims Services Coordinator</i>	(850) 487-3259
Kim Dickey – <i>Release Services Supervisor</i>	(850) 488-1293
Will Kendrick – <i>Special Projects Coordinator</i>	(850) 921-2804
Shana Lasseter – <i>Revocations Supervisor</i>	(850) 488-0611

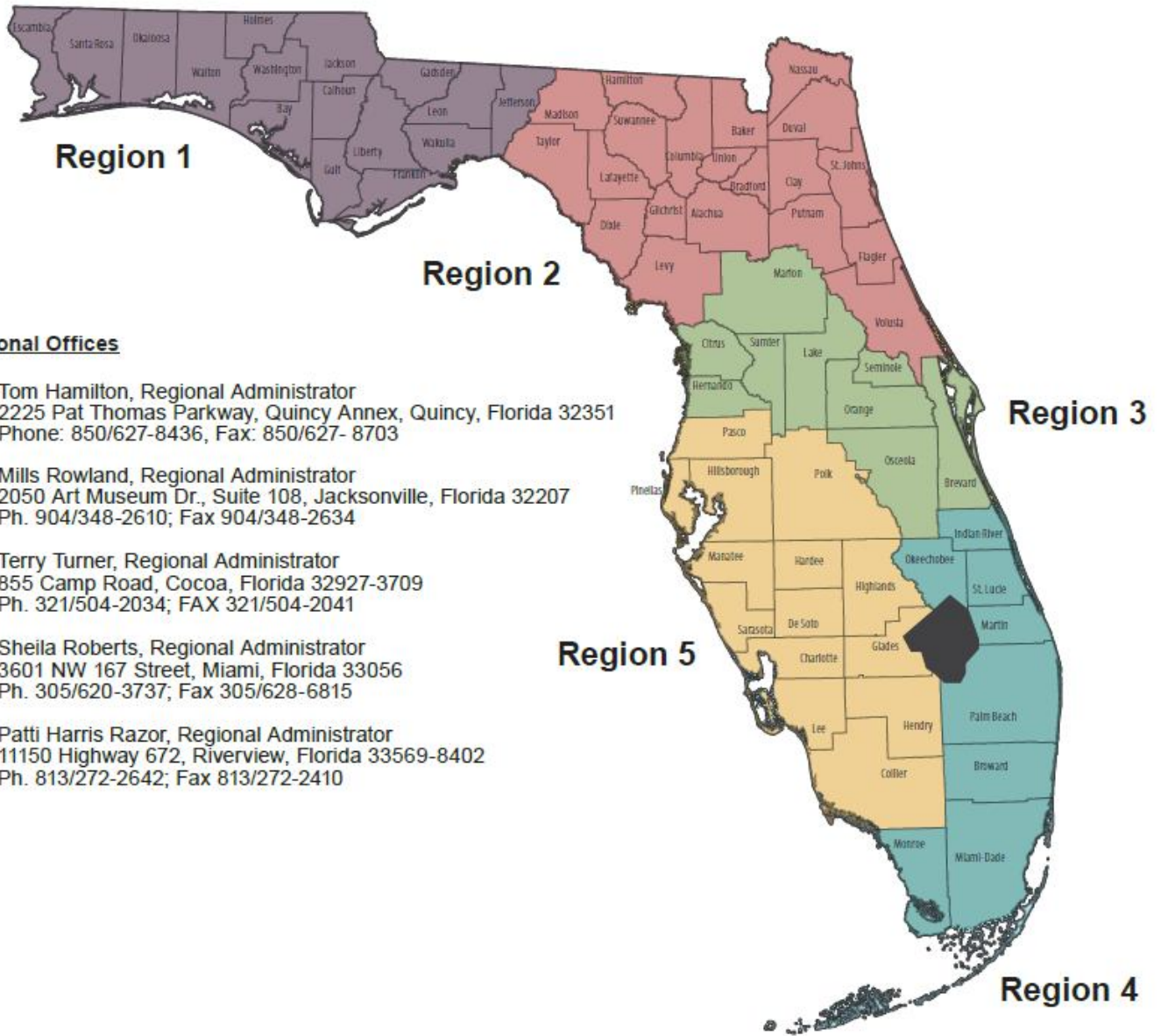
### REGIONAL ADMINISTRATORS

Tom Hamilton – <i>Region One Administrator</i>	(850) 627-8436
Mills Rowland – <i>Region Two Administrator</i>	(904) 348-2610
Terry Turner – <i>Region Three Administrator</i>	(321) 504-2034
Sheila Roberts – <i>Region Four Administrator</i>	(772) 597-1426
Patti Harris-Razor - <i>Region Five Administrator</i>	(813) 272-2642

### TOLL FREE ACCESS NUMBERS:

Restoration of Civil Rights (RCR)	(800)-435-8286
Victims Toll Free number	(855)-850-8196

# FIELD SERVICES DIRECTORY



**Regional Offices**

- 1** Tom Hamilton, Regional Administrator  
2225 Pat Thomas Parkway, Quincy Annex, Quincy, Florida 32351  
Phone: 850/627-8436, Fax: 850/627- 8703
- 2** Mills Rowland, Regional Administrator  
2050 Art Museum Dr., Suite 108, Jacksonville, Florida 32207  
Ph. 904/348-2610; Fax 904/348-2634
- 3** Terry Turner, Regional Administrator  
855 Camp Road, Cocoa, Florida 32927-3709  
Ph. 321/504-2034; FAX 321/504-2041
- 4** Sheila Roberts, Regional Administrator  
3601 NW 167 Street, Miami, Florida 33056  
Ph. 305/620-3737; Fax 305/628-6815
- 5** Patti Harris Razor, Regional Administrator  
11150 Highway 672, Riverview, Florida 33569-8402  
Ph. 813/272-2642; Fax 813/272-2410

## Frequently Asked Questions

### 1. WHAT ROLE DOES THE PAROLE COMMISSION SERVE WITHIN THE CRIMINAL JUSTICE SYSTEM IN FLORIDA?

The Commission performs a vital role in Florida's criminal justice system by preserving the autonomy needed in post-release decisions affecting inmates and ex-offenders. The Commission functions as a quasi-judicial body by conducting administrative hearings and eliciting testimony from witnesses and victims.

The Commissioners preside over hearings at the Central Office in Tallahassee and, as required by statute, at various other locations across the State. During these public proceedings, the Commissioners make a variety of determinations regarding Parole, including but not limited to, the setting of PPRD, the conducting of subsequent reviews, and determining whether or not to grant parole.

Also, during these meetings, the Commission makes determinations on other types of proceedings, such as imposing conditions of conditional release, conditional medical release, or addiction recovery supervision. The Commission also makes final determinations with regard to revocation of post-release supervision, where a releasee may have violated the conditions of his/her release. Where the Commission finds the releasee guilty of a violation, the Commission may order the violator returned to state prison to complete service of the original term of imprisonment.

The Commission administers parole pursuant to Chapter 947, Florida Statutes. Parole allows an inmate the opportunity to serve the remainder of his/her sentence outside the confines of the institution. Once released, the parolee is subject to conditions of supervision, and if those conditions are violated, the Commission may return the parolee to prison.

The Commission, through the Offices of Executive Clemency and Clemency Investigations, processes a significant number of clemency applications each year, while providing administrative and investigative support to the Board.

### 2. HOW ARE COMMISSION MEMBERS APPOINTED?

The Governor and Cabinet appoint members of the Parole Commission from a list of eligible nominees submitted by the Parole Qualifications Committee (PQC). The five (5) member Qualifications Committee is appointed by the Governor and Cabinet to accept and review applications for Commissioner vacancies. The Committee submits a list of three (3) nominees, which may include the incumbent, without recommendation. After the Governor and Cabinet have made the appointment, the Florida Senate must then confirm the chosen appointee.

3. **HOW LONG ARE MEMBERS' TERMS?**

Commissioners are appointed to serve six-year terms and may serve no more than two (2) full consecutive six-year terms. A Chair and Vice Chair are appointed from the three (3) members by the Governor and Cabinet to serve a two-year term with the Chair acting as the Chief Administrative Officer of the agency.

4. **CAN ANYONE ATTEND COMMISSION HEARINGS?**

All Commission meetings are open to the public and anyone may attend to observe. In the event a person wants to speak to the Commission at the time a particular case is being considered, he/she must request and receive prior approval of the Chair. The request to speak must be made in writing, with the exception of victims, and is subject to the discretionary approval of the Chair.

5. **HOW DOES THE COMMISSION PROVIDE FOR VICTIMS?**

The Commission provides victim assistance through its Victims' Services Section for all victims and their families desiring or requesting information or help regarding Commission or clemency cases in which they are involved. Staff is diligent in its efforts to locate victims of crime and to offer guidance and compassion throughout the clemency and Commission process. Victims' input is critical to the Commission when considering matters brought before it. The Commission also works in conjunction with victim advocates, law enforcement, and Prosecuting State Attorneys to further address victims' issues and concerns. To contact the Commission on victims' issues call (855) 850-8196 or (850) 487-3259.

6. **WHAT IS "PAROLE"?**

Parole is an act of grace of the State and shall not be considered a right, (s. 947.002(5), F.S.). When granted parole by the Commission, an inmate is released prior to the expiration of the inmate's court-imposed sentence, with a period of supervision to be successfully completed by compliance with the conditions of the release agreement ordered by the Commission.

7. **IS "PAROLE" THE SAME AS "PROBATION"?**

No. Probation is a period of supervision in the community imposed by the court as an alternative to imprisonment. Parole, Conditional Medical Release, Conditional Release, Addiction Recovery, and Control Release Supervision are post-incarceration releases to supervision under the jurisdiction of the Commission, not the Courts. All offenders are supervised by the Department of Corrections.

## 8. WHO IS ELIGIBLE FOR PAROLE?

Inmates convicted of first degree murder or making, possessing, throwing, projecting, placing or discharging any destructive device or attempting to do so if the act results in the death of another person prior to May 25, 1994, are parole eligible and inmates who committed other capital felonies prior to October 1, 1995, are also parole eligible. Capital felonies of sexual battery upon a child less than 12 years old, capital felony of trafficking in cocaine, capital felony of trafficking in illegal drugs, and the killing of another by distribution of cocaine or opium or derivatives require 25 years to be served before being parole eligible.

## 9. HOW DO I KNOW IF I NEED TO HAVE MY CIVIL RIGHTS RESTORED? WHEN CAN MY RIGHTS BE RESTORED?

Upon conviction of a felony in the State of Florida, a person's civil rights are suspended indefinitely unless restored by the Clemency Board. The four members of the Clemency Board are the Governor, Attorney General, Chief Financial Officer, and Commissioner of Agriculture and Consumer Services. Individuals may search our website at [www.FLrestoremyrights.com](http://www.FLrestoremyrights.com) to verify if their civil rights have been restored and print out a copy of the certificate. Individuals can enter either their Date of Birth or Florida Department of Corrections ID number, and will only be able to find their name and retrieve a certificate if their rights have been granted. A person's civil rights cannot be restored until all sentences or supervision periods have been completed; all restitution owed to current or prior victim(s) is paid in full; there are no pending criminal charges, warrants or detainers; and established waiting periods have been met. Depending on your offense, you must wait until either five (5) or seven (7) years after completing your sentence or supervision to apply. The list of offenses and specific requirements for applying for the restoration of civil rights can be found in the Rules of Executive Clemency located on the Clemency page of this website. All persons seeking the restoration of civil rights must submit an application to the Office of Executive Clemency.

## 10. WHAT RIGHTS ARE RESTORED?

The basic civil rights that are restored are: the right to vote, the right to serve on a jury, and the right to hold public office. The right to own, possess, or use firearms requires a waiting period of eight (8) years from the date your sentence expired or supervision terminated.

## 11. HOW CAN I APPLY FOR CLEMENCY (INCLUDING CIVIL RIGHTS)?

All persons seeking clemency, including the restoration of civil rights, must complete an application and submit it to the Office of Executive Clemency. Application forms are furnished on the Clemency page of this website and by the Coordinator upon request. All applications for Clemency must be filed with the Coordinator on the form provided and include the required court documents.

12. **DO I NEED AN ATTORNEY TO HANDLE MY APPLICATION?**

No, you do not need an attorney to represent you in the clemency process.

13. **IS THERE A FILING FEE FOR THE APPLICATION PROCESS?**

No, there is no fee involved. This is a service provided free of charge by the State of Florida.

14. **IF THE CASE IS SCHEDULED FOR A CLEMENCY HEARING, IS ATTENDANCE REQUIRED?**

Individuals are not required to appear before the Clemency Board at the clemency hearing. However, any testimony provided may aid the Governor and Cabinet in understanding the case and will be considered by the Clemency Board in its final decision.

15. **IF ADJUDICATION OF GUILT WAS WITHHELD, IS RESTORATION OF CIVIL RIGHTS NEEDED?**

No, if adjudication of guilt was withheld, rights have not been lost. However, per the Florida Department of Law Enforcement (FDLE) Firearms Purchase Program, individuals are usually prohibited from purchasing firearms for at least three (3) years from the date supervision terminated. Contact FDLE at (850) 410-8139 for more information.

16. **DOES CLEMENCY OR RESTORATION OF CIVIL RIGHTS AUTOMATICALLY EXPUNGE THE CRIMINAL RECORD?**

No. Neither a full pardon, nor any other type of clemency, will automatically expunge or facilitate the expungement of a criminal record. Persons who have been convicted (adjudicated guilty) of a felony are not eligible for a seal or expunge of their criminal history under Florida law, regardless of whether their civil rights have been restored. For information on the expungement or sealing of records, contact the Florida Department of Law Enforcement at [seal-expunge@fdle.state.fl.us](mailto:seal-expunge@fdle.state.fl.us).

## Glossary of Terms

**Addiction Recovery Supervision:** A program of mandatory post prison supervision for persons released from a state correctional facility who were convicted of a crime committed on or after July 1, 2001, and have a history of substance abuse or addiction or have participated in any drug treatment, and have not been convicted of a disqualifying offense.

**Capital Case:** A case in which an inmate has been sentenced to death and the Governor's Office has requested Clemency Investigations to review, update, or conduct an interview of the inmate and prepare an in-depth investigation for consideration of the signing of a death warrant or commutation of sentence.

**Clemency Board:** Comprised of the Governor and members of the Florida Cabinet: the Attorney General; the Chief Financial Officer; and the Commissioner of Agriculture and Consumer Services.

**Clemency Investigation:** An in-depth investigation conducted by a parole examiner to determine who should be considered for a pardon or other clemency action by the Governor and Cabinet sitting as the Executive Clemency Board.

**Clemency Received Case:** A clemency case received in the Office of Executive Clemency which includes the application and the required court documents.

**Clemency Completed/Closed Case:** A clemency completed/closed case is one: (a) where the application has been deemed to be incomplete; (b) or the person seeking a form of clemency has been determined ineligible; or (c) a final action has been made by the Board, granting or denying a case. The terms "completed" and "closed" are used interchangeably herein.

**Clemency Pending Case:** A clemency case received by the Office of Executive Clemency and the Florida Parole Commission that is moving through some stage of the eligibility determination or investigation process and/or is awaiting final action by the Clemency Board.

**Conditional Medical Release:** The release of an inmate referred by the Department, who has been identified as terminally ill or permanently incapacitated, and does not pose a danger to herself/himself or others.

**Conditional Release:** The release of a statutorily eligible inmate to community supervision at the expiration of her/his prison term, less any gain time allotments. The releasee serves the balance of time remaining on their maximum sentence under community supervision. An

inmate must have been convicted of certain crimes, and must have had a prior state or federal prison term; or have been found to be a Habitual Offender, Violent Habitual Offender, Violent Career Criminal, or Sexual Predator to be eligible for conditional release.

**Control Release:** The release of a statutorily eligible inmate prior to the expiration of the inmate's sentence which is required to maintain the prison population within its lawful capacity.

**Final Hearing:** A fact-finding *quasi-judicial* hearing by the Commission's authorized representatives for the purpose of determining whether a releasee has violated the conditions of release; and if so, what recommendation should be made to the Commission.

**Inmate:** An individual sentenced to a term of at least one year and a day or more incarceration in a correctional institution.

**Objective Parole Guidelines:** A predictive parole risk assessment established to ensure uniformity and equity of the parole process, while combining historical decision-making experience with individual case elements.

**Parole:** The release of an inmate prior to the expiration of a sentence with a period of supervision to be successfully completed by compliance with the numbered conditions and term of the release agreement as ordered by the Commission.

**Parole Examiner:** An employee of the Commission responsible for conducting parole, clemency and revocations investigations, holding revocation hearings, and preparing reports for Commission and Board review.

**Releasee:** An offender who has completed her/his prison term and has been released to a program of Control Release, Conditional Release, Parole, Conditional Medical Release, or Addiction Recovery Supervision.

**Restitution:** A special condition of release, whereby the releasee is required to make payments to the victim of the crime.

**Restoration of Civil Rights (RCR) Without a Hearing case:** Investigations where the offender, depending on the offense of conviction, is eligible for consideration only after five (5) years have passed since the date of completion of all sentences, conditions of supervision imposed for all felony convictions, and if no crimes have been committed and have not been arrested for a misdemeanor or felony for the five (5) years prior to the date the application is being reviewed.

**Restoration of Civil Rights (RCR) With a Hearing case:** Investigations where an offender with more serious offenses are eligible for consideration only after seven (7) years



have passed since the date of completion of all sentences and conditions of supervision imposed for all felony convictions.

**Request for Review:** A request to waive the Board Rules by an individual seeking a commutation of sentence when the individual does not meet the eligibility requirements. A Request for Review hearing may be held to allow the individual's request to be considered by the Board.

**Special Condition:** A condition of release that addresses a specific aspect of a releasee's behavior.