

FLORIDA PAROLE COMMISSION



**ANNUAL REPORT
2004-2005**

MISSION STATEMENT

The Florida Parole Commission protects the public by administering parole, conditional release, conditional medical release, control release, and addiction recovery supervision to all eligible criminal offenders. Additionally, the Commission administers the clemency process for the Executive Clemency Board pursuant to the Rules of Executive Clemency.

GOVERNOR AND CABINET 2005



Left to Right: Charles Crist, Attorney General
Charles Bronson, Commissioner of Agriculture
Jeb Bush, Governor
Tom Gallagher, Chief Financial Officer

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CHAIRMAN'S MESSAGE

Chairman Monica David

December 31, 2005

Dear Governor Bush and Members of the Cabinet,
President Lee, and
Speaker Bense:

I would like to thank Governor Bush, General Crist, Chief Financial Officer Gallagher, and Commissioner Bronson for their continued support and for allowing me to serve as Chairman of the Parole Commission this year. We worked diligently and were successful with many of our objectives in FY 2004-2005. This report highlights this year's accomplishments and emphasizes our position within Florida's criminal justice system.

I would like to thank Senator Victor Crist for his crucial support for our agency. Senator Crist has followed the path of the Commission through its many years of studies, budget cuts, workforce reductions, and reorganizations. Senator Crist probably knows the operations of the Commission and its historical significance within the corrections community better than anyone in state government. He has observed the Commission during his legislative service both as a House member and during his more recent tenure as a member of the Florida Senate. Senator Crist eloquently reminded the audience at a recent Senate Justice Appropriations committee meeting that there was a reason the Commission was not made a part of the Department of Corrections. He explained that the initial rationale was to ensure an "autonomous body was in place ... with an independent perspective" to protect the integrity of post release decisions made regarding inmates and ex-offenders. Senator Crist further pointed out that as proof of the value of the Commission, the Legislature has consistently added to its duties and responsibilities.

I would also like to thank Senator Stephen Wise for attending a Commission meeting to see firsthand what is involved in the parole, conditional release, and revocations process; and for familiarizing himself with the intricacies of the clemency process. Senator Wise has graciously met with me on numerous occasions and has given his considerable support to the agency as Chair of the Senate Criminal Justice Committee.

During the 2005 Legislative Session, a corrections bill (HB 1899) was amended on the floor of the House, which would have abolished the Commission and transferred its functions and duties among the Courts, the Department of Corrections, and the Office of the Attorney General in FY 2005-2006. Under the amended bill, regional parole boards would have been located around the state and the boards would be comprised of volunteer commissioners. While this bill passed the House, the bill was never heard in the Senate and died in the Senate Committee on Ways and Means. However, as a result of this action, the General Appropriations Act of 2005-2006 ordered an Office of Program Policy and Governmental Accountability (OPPAGA) study of the Commission during the interim period prior to the 2006 Session and asked that OPPAGA report their findings to the respective Chairs of the House Appropriations Committee and the Senate Ways and Means Committee on or before January 1, 2006.

There continue to be misconceptions concerning the function, purpose, and history of the Florida Parole Commission and I would like to address these here:

- (1) **The Parole Commission is an agency, which 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 Parole Commission functions as a **quasi-judicial** body. The agency 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. The Parole Commissioners preside over quasi-judicial proceedings at the Central Office in Tallahassee, and on occasion, at various other locations across the State. During these public proceedings, the Commissioners make a variety of determinations regarding Parole, including the setting of Presumptive Parole Release Dates (PPRD), conducting subsequent reviews, and determining whether or not to authorize parole.

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, or the inmate’s family, and 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 and for the victims to get their “day in court.”** If parole is granted, the Commissioners may hear testimony concerning victim restitution issues as well as special conditions needed to ensure the protection of the victim and their family.

Also, during these meetings, the Commission 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.

- (2) **The Florida Parole 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. Revocation Hearings are informal hearings 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 minimal due process requirements, in the famous case of Morrissey v. Brewer. The revocation procedure for conditional release, parole and other types of supervised release provides tremendous cost-savings to taxpayers. **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, and all the other expenses attendant to a criminal proceeding, at much greater expense to the State.**
- (3) The Florida Parole Commission is a lean, efficient agency that deals with **65,000 offenders or ex-offenders** in some capacity each year with a budget of only **\$9.6 million** making the Commission the smallest state agency, which costs less to operate each year than a single state prison.
- (4) Given its resources, the Commission, through its Offices of Executive Clemency and Clemency Administration, processes an enormous amount of clemency applications each year while providing the major administrative and investigative support to the Board of Executive Clemency. **Since 2001, the Commission has processed over 285,000 clemency cases**, which has resulted in a surge in applications from those classified as being ineligible for restoration of civil rights cases (RCR)

without a hearing. **The number of citizens having their rights restored has also soared, from 6,669 (1994-1998) to 59,259 since 1999. This stupendous growth has occurred while the staffing of the Parole Commission has actually decreased 20% since 2001.**

- (5) Lastly, through my membership on the Governor's Ex-Offender Task Force, I am promoting an improved use of state resources through the use of transitional beds for a select group of conditional releasees. This proposal will benefit offenders who have violated the conditions of their prison release by providing programs designed to assist their reentry into the community as well as reduce state prison costs. A preliminary Task Force report is due to the Governor this month and, hopefully, will translate into some lasting, innovative legislative proposals.

We will continue to work diligently to provide safer communities for our citizens in the State of Florida and, as Chairman, I look forward to another productive year at the Commission.

Sincerely,

Monica David
Chairman

CHAIRMAN MONICA DAVID



Chairman David was raised in Bradenton, Florida, where she graduated from Manatee High School in 1978. She attended Eastern Kentucky University in 1982 and graduated with a Bachelor of Science Degree in Corrections. In 1997, Chairman David received her Master of Arts Degree in Criminal Justice from the University of South Florida.

Chairman David began her career in the criminal justice field in 1984, working for the Department of Corrections over a 10-year period. She started as a *Correctional Officer* in a work release center and was promoted to the position of *Institutional Vocational Counselor* where she was responsible for inmate employment in the community. In 1985, Chairman David started her work in Probation and Parole as a *Correctional Probation Officer*. She served as a field officer for over seven years and in 1993 was promoted to *Correctional Probation Supervisor*. As an officer, she supervised felon offenders on a daily basis. In 1994, with the creation of the new Department of Juvenile Justice, Chairman David received juvenile corrections experience by working with juvenile detention, home detention and juvenile commitment programs.

In August of 1998 Chairman David was appointed the *Victim Services Release Administrator* for the Florida Parole Commission. In *February 2000* Chairman David accepted a promotion as a *Correctional Programs Administrator* and returned to the Department of Corrections to work in the area of community corrections. Chairman 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.

Professional affiliations include membership in the Association of Paroling Authorities International, American Correctional Association, Florida Sheriff's Association, and the Florida Police Chiefs' Association. In August 2004, Ms. David became the first Chairman of the Commission to be elected by members of the Association of International Paroling Authorities (AIP) to serve in the Congress of Corrections of the American Correctional Association for a term to run through August 2008.

She is also a member of the Florida Council on Crime and Delinquency (FCCD) and is a recipient of their "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. In August of 2005, she was elected to the State Board as Secretary for 2005-2006.

In June 2005, she was appointed to the Governor's first Ex-offender Task Force along with other criminal justice professionals to make recommendations and a final report to the Governor on ex-offender issues.

On October 2, 2000, the Governor and Cabinet appointed Ms. David to a 6-year term as a Florida Parole Commissioner. In June 2002, the Governor and Cabinet appointed Ms. David as Commission Vice-Chairman and on May 13, 2003, she was appointed Commission Chairman. On June 24, 2004, she was appointed to a second two-year term as Chairman.



VICE CHAIRMAN FREDERICK DUNPHY

Vice Chairman 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.

Commissioner 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 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.

Commissioner Dunphy joined the Parole 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 six-year term as of June 2002. In May 2003, the Governor and Cabinet appointed him Commission Vice-Chairman.

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 TENA M. PATE

Commissioner Pate was born in Fort Walton Beach and raised in Niceville, Florida. She graduated in 1976 from Niceville Sr. High School and attended Florida State University, where she received her Bachelor of Science Degree in Criminology.

Commissioner Pate began her career of service with the State of Florida in 1979, when she joined the Office of State Attorney for the First Judicial Circuit. During her tenure, she was the first Victim's Advocate named for Okaloosa and Walton counties. In 1989, Commissioner Pate left the State Attorney's Office to accept a position in the General Counsel's Office of the Executive Office of the Governor. She also served Governors Lawton Chiles, Buddy MacKay, and Jeb Bush as Florida's Victims' Rights Coordinator from 1993 until her appointment to the Florida Parole Commission in 2003. In addition to her service as Victims' Rights Coordinator, Commissioner Pate served three Governors as a clemency assistant wherein she was responsible for reviewing and providing recommendations for gubernatorial action in response to offenders' requests for restoration of civil rights, pardons, commutations of sentences, waivers of fines, firearm authority, and other related clemency requests.

As Florida's Victims' Rights Coordinator, Commissioner Pate was dedicated to strengthening and promoting the rights of Florida's crime victims. She played a pivotal role in the passage and implementation of a law requiring courts to inform crime victims of their rights. Commissioner Pate oversaw Governor Bush's *Violence Free Florida!* initiative for victims of domestic violence through the Department of Children and Families and the statewide *Triad* through the Department of Elder Affairs. She served as vice-chair of the statewide Self-Inflicted Crimes Task Force created by the Florida Legislature, which was created to study the causes of repetitious, self-inflicting criminal behaviors such as illegal drug abuse and prostitution. Ms. Pate also staffed the Capital Cases Task Force and served as an ad hoc member of Florida's Missing Children's Information Clearinghouse and chaired the annual, statewide National Crime Victims' Rights Week Observance Committee.

Her professional affiliations include membership in the Association for Paroling Authorities International, Florida Network of Victim Witness Services, Florida Police Chiefs Association, American Probation and Parole Association, National Center for Victims of Crime, and the Florida Council on Crime and Delinquency.

In August 2003, Commissioner Pate was appointed by Governor Bush and the Cabinet to fill a vacancy on the Commission, through June 2004. On June 24, 2004, Commissioner Pate was appointed to a full six-year term, through June 2010.

History of the Commission

~Sixty-four Years of Service to the State~

In the early 1800's, state prisoners were leased to Florida companies where they were often worked as slave labor. This era of inhumane and bitter treatment of prisoners ended after the notorious *Taber* case. Martin Taber was a young prisoner convicted of stealing a ride on a freight train. He died as a result of the brutal treatment administered by a lumber company boss to whom he was leased. An aroused public demanded the discontinuance of leasing prisoners, but prison overcrowding, the high cost of housing, and pressures for better treatment of prisoners set the stage for opportunists to peddle their influence in the pardoning of prisoners.

The *Pardon Board*, created by the 1885 Constitution and composed of the Governor and Cabinet, often presided over 200 pardon applications in one day. This resulted in hurried or capricious release procedures by overburdened officials. The weakness of the pardon system led in 1941 to the formation of the *Florida Parole Commission*.

The Commission selected sentenced inmates for parole release and its field staff provided parole and probation supervision. The responsibilities were not altered until reorganization in 1975, which transferred the field officers and supervision responsibilities to the Department of Corrections. As a result of the transfer, the positions with the Commission were reduced from 1,321 to 155.

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 to be 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. The Act also provided for reorganization of the agency into functional areas.

Following a study of the disparity in sentencing within the state court system, *Sentencing Guidelines* became effective October 1, 1983. Under Sentencing Guidelines, the Commission retained paroling authority only for inmates whose offenses were committed prior to October 1, 1983. The "sunset" of the Parole Commission adopted that year during the Legislative session, and later extended, was repealed a decade later.

In the 1988 Legislative Session, the *Victim Assistance Law* brought many new responsibilities to the Commission. This law provided that the victim, or family of the victim, have the opportunity to provide input into the decision-making process. Further, the *Conditional Release Program* was enacted and amended the following year pursuant to section 947.1405, Florida Statutes. This program provides that inmates convicted of certain 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.

Changes have affected the Commission since its inception. One of the most significant changes in the Commission's role was the creation of the *Control Release Authority* in 1989 by the Florida Legislature. 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 between 99 and 100% of its lawful capacity. The *Control Release Program* became

effective September 1, 1990, and over the next four years, 75,000 inmates were released through this program.

In 1992, the Florida Legislature created the ***Conditional Medical Release Program***. This program authorizes the Department of Corrections 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 the Department of Corrections' responsibility to supervise the offender in the community.

In 1996, the Commission began reviewing and establishing ***presumptive parole release dates*** for inmates convicted of capital felonies with 25-year mandatory minimum terms. These cases are often more complex and involve input from the inmate's representatives as well as the victim's families and law enforcement. Since the passage of this law, the number of those reviewed by the Commission has grown steadily.

The Florida Legislature also enacted SB 258, which applies to the setting ***of subsequent interview dates and the setting of subsequent review dates*** and allows the Commission the option to change the review time from every two years to every five years. This applies to any inmate convicted of Murder, Attempted Murder, Sexual Battery, or Attempted Sexual Battery that the Commission finds it is not reasonable to expect that parole will be granted at a hearing in the following years and stating the basis for the finding in writing. Five-year interviews/reviews may also be considered for any inmate sentenced to a 25-year mandatory minimum term, or any inmate convicted of one of the above offenses, whose parole release date has been vacated by the court. If an inmate is within 7 years of their tentative release date, a 2-year re-interview will be considered.

In 1997, the Florida Supreme Court issued its final opinion in the case of ***Florida Parole Commission v. Cooper***. At issue were eligibility criteria for releasees. The decision required the Commission to recalculate the maximum post-release supervision date for all conditional releasees.

Also that year a modification was made to the ***Conditional Release Program*** to include enhanced terms 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 (Jimmy Ryce Act)***. This act established legal procedures by which sexually violent predators may be committed to the Department of Children & Family Services for control, care and treatment until such time as the person's mental abnormality or personality disorder has so changed that the person is safe to be at large. The Commission's ***Victim Services/Release and Revocation Sections*** worked with the staff of the Department of Corrections (DOC) to assist them in performing their duties under the law by providing DOC with information to assist in fulfilling their notification responsibilities.

In 2001, the 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, which 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. The law requires the Commission to set the terms and conditions of supervision, and to revoke that supervision if the offender fails to abide by the conditions of supervision. The program is fully operational and the first offender eligible for the

program was released from prison in June 2002. While the number of offenders eligible for the program is increasing, this increase in additional workload is not yet to the point of requiring additional staff. The Commission continues to closely monitor this program.

The *2002-2003 General Appropriations Act* authorized fourteen additional Parole Examiner positions to help in reducing the backlog of pending clemency cases. The following year, four of these positions were deleted, but the additional ten allowed the Commission to significantly reduce the pending caseload in clemency. However, the Mail Room, Supply, Accounting, and Computer Help Desk functions of the Commission's Division of Administrative Services were transferred to the Department of Corrections.

In June 2004, Governor Bush praised the Commission and the Department of Corrections for their efforts in completing the review of 124,000 "lawsuit" clemency cases and in reducing the backlog of restoration of civil rights cases. "Lawsuit" cases were cases forwarded by the Department of Corrections to the clemency office for review as part of an agreement with the ACLU, the Department of Corrections, and other parties. These reductions were accomplished due to a monumental effort by Commission staff and a new streamlined application process, which included electronic applications submitted by the DOC for individuals terminating supervision and end of prison terms. Governor Bush further noted, "as of June 1, 2004, the team has completed its work on 80% of these cases."

While the lawsuit cases have now been eliminated, the backlog of "restoration of civil rights cases with a hearing" continues to grow. To address this issue, the Commission continues to seek additional funding for Parole examiner positions to handle the full investigations required by these cases.

During the 2005 Legislative Session, a corrections bill (HB 1899) was amended on the floor of the House, which would have abolished the Commission and transferred its functions and duties among the Courts, the Department of Corrections, and the Office of the Attorney General in FY 2005-2006. Under the amended bill, regional parole boards would have been located around the state and the boards would be comprised of volunteer commissioners. While this bill passed the House, the bill was never heard in the Senate and died in the Senate Committee on Ways and Means. However, as a result of this action, the General Appropriations Act of 2005-2006 ordered an Office of Program Policy and Governmental Accountability (OPPAGA) study of the Commission during the interim period prior to the 2006 Session and asked that OPPAGA report their findings to the respective Chairs of the House Appropriations Committee and the Senate Ways and Means Committee on or before January 1, 2006.

Commission Program Overview and Activities

Overview

The Parole Commission is a constitutionally authorized decision-making body. 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). In 1941, the Commission was created by law to administer parole. Since that time, the administration of conditional release, conditional medical release, control release, and addiction recovery supervision has been placed under the Commission. The Commission also acts as the investigative arm of the Governor and Cabinet, sitting as the Board of Executive Clemency (“Clemency Board”), in clemency matters.

Parole

The Commission administers parole, which is a discretionary prison release (see Chapters 947, 948, and 949, Florida Statutes). It 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 conditions of supervision, and if those conditions are violated the Commission may return the parolee to prison. Parole has experienced a number of changes over the years. In 1978, the Florida Legislature enacted “Objective Parole Guidelines,” which required the Commission to develop and implement rules and criteria upon which parole decisions were to be made. These criteria were based on risk assessment and combined historical Commission decision-making experience with individual case elements. The most significant change, however, came in 1983. In that year, sentencing guidelines were enacted thereby effectively abolishing parole for those offenders who were sentenced for crimes committed on or after October 1, 1983.

Currently, all inmates who committed a capital felony murder prior to October 1, 1994, and all inmates who committed a capital felony sexual battery prior to October 1, 1995, are also parole eligible. There are approximately 5,200 inmates who are still eligible for parole consideration and approximately 904 offenders who are still under parole supervision.

Conditional Release

In 1988, the Florida Legislature created the Conditional Release Program and placed it under the administration of the Commission (see Chapters 947, 948, and 960, F.S.). Conditional Release 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 and this supervision can be revoked and the releasee returned to prison if the Commission determines that a violation of supervision has occurred.

Control Release

In 1989, the Florida Legislature created the Control Release Program and placed it under the administration of the Commission (see Chapters 947 and 948, Florida Statutes). This program was a prison population management system administered by the Commission to keep the prison population at its lawful 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. There are, however, a small number of control releasees who are still under supervision. The Commission is responsible for monitoring the progress of these releasees and conducting revocation hearings when alleged violations are reported.

Conditional Medical Release

In 1992, the Florida Legislature created Conditional Medical Release (see Chapters 947, 948, and 960, Florida Statutes). This is a discretionary release that allows the Commission to release inmates on supervision who are “terminally ill” or “permanently incapacitated” and who are not a danger to others.

Clemency

The Parole Commission operates as the investigative arm of the Governor and Cabinet sitting as the Board of Executive Clemency (“Board”) (see Chapters 925, 940, 944, 947, and 960, Florida Statutes, and 18 U.S.C. § 921 (a)(20) and § 922 (g)(1). Clemency is a constitutionally authorized process that provides the means through which convicted felons may seek restoration of their civil rights (RCR) and may be considered for relief from punishment.

Clemency functions include restoration of voting rights and other civil rights, pardons, commutation of sentence, relief from fines and forfeitures, firearm authority, capital case review, restoration of firearm authority, and alien initiative. The Parole Commission’s staff assists the Board in the orderly and expeditious processing of those matters that are considered by the Board. Parole Commission staff, working through the courts and state and federal criminal justice agencies, conducts comprehensive confidential clemency investigations for the Board for applicants seeking various types of clemency relief.

These investigations provide a broad picture of the applicant’s history and activities, which assist the Board in making informed decisions. The individuals who seek or are considered for clemency relief are either currently incarcerated felons or released felons. When a person is convicted of a felony, they lose the right to vote, sit on a jury, hold public office, and possess a firearm. The clemency process also provides the means by which an offender may be considered for relief from punishment. If the individual does not meet the eligibility criteria for any form of executive clemency as set forth in the rules, he or she may file an application requesting a waiver. The Florida Department of State is provided the Board’s actions so that it may update its Central Voter File, which is used by the county Supervisors of Elections to update voter rolls.

In December of 2004, the Clemency Board adopted changes to the Rules of Executive Clemency, which made it easier for felons in Florida to get their civil rights restored. The rule changes allow felons who have been arrest-free for five years to obtain restoration of civil rights without a hearing, unless convicted of certain violent crimes, or if they owe restitution. Anyone arrest-free for 15 years or more can have their rights restored without a hearing regardless of their crime unless they owe victim restitution. However, cases must be reviewed for eligibility in accordance with the rules of executive clemency and must be processed in the order in which they are received.

A direct result of these changes is an increase in the number of applications being filed. As the process is made simpler and more accessible, the number of applications increases. Governor Bush recommended to the 2005 Legislature additional money for staff for the Parole Commission to reduce a backlog of civil rights applications, which are currently awaiting review. To that end, Governor Bush recommended to the Legislature a \$1.5 million increase for clemency and 40 OPS positions to counter the

increasing workload and backlog. Unfortunately, no additional funds were provided by the Legislature in the 2005 Legislative Session.

Today, persons seeking to have their rights restored need only to download the Clemency application posted on the Internet, call the Office of Executive Clemency directly, or send a letter.

Addiction Recovery Supervision

In 2001, the Florida Legislature created the Addiction Recovery Supervision Program and placed it under the Commission’s administration. This program provides 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. The law requires the Commission to set the term and conditions of supervision, and to revoke that supervision if the offender fails to abide by the conditions of supervision. The program is fully operational and the first offender eligible for the program was released from prison in June 2002. During FY 2004-2005, 972 offenders were placed in the program.

COMMISSION MEETING DAY



Staff Registers Visitors



Families Wait to Appear Before Panel



Commission Meetings Are Conducted in a Structured, Quasi-Judicial Setting



New Security Measures Require Visitors To Be Screened Prior to Entry

Commission and Staff on Meeting Day



Laura Tully, Chairman David's Administrative Analyst, and Visitors



Commissioners Voting as a Panel



Release Services Supervisor Linda Summers Advising Dade Asst. State Attorney



Commissioners Pate & Dunphy Waiting for Chairman's Call to Order

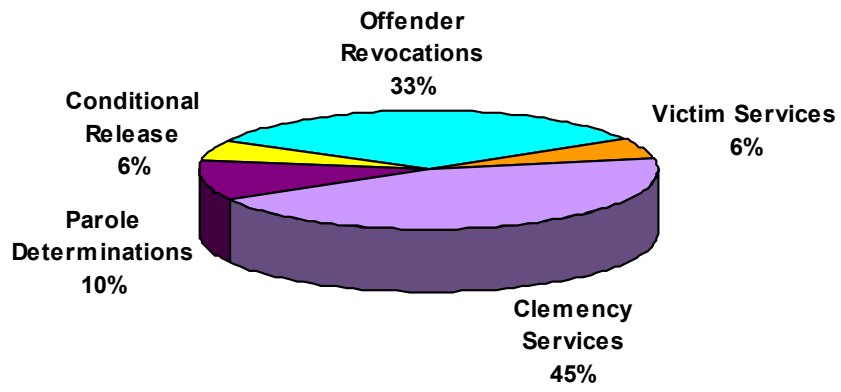
COMMISSION'S YEAR IN REVIEW

FY 2004-2005

Performance Measures/Activity Accomplishments

Percentage of cases placed before the Commission/Clemency Board containing no factual errors:	98%
Number of parolees who have successfully completed their supervision without revocation within the first two years:	63
Percentage of parolees who have successfully completed their supervision without revocation within the first two years:	83%
Percentage of revocation hearings completed within 90 days of final hearing:	99.93%
Number of conditional release cases handled:	5,330
Number of revocation determinations:	2,887
Number of clemency cases handled:	43,332
Number of parole release decisions:	1,374
Number of victim assists:	2,913

FY 2004-2005 Workload Hours by Activity



THE OFFICE OF THE GENERAL COUNSEL

Kim Fluharty, General Counsel

The Office of the General Counsel, comprised of the General Counsel, three Senior Attorneys, and two Administrative Assistants, was actively involved in litigation as a result of felony offenders filing numerous lawsuits in various state and federal courts during FY 2004-2005. This office filed over 300 briefs and responses to orders issued by state and federal courts, as well as over 440 general court pleadings, motions, notices and proposed court and commission orders. The Office of the General Counsel also represented the Commission in numerous hearings throughout the State of Florida and continues to provide legal advice and support to the Tallahassee Central Office and 5 Regions located throughout the state. The issues raised in these proceedings have become increasingly more complex and diverse over time. This litigation will continue to significantly affect the workload of the Commission and the Office of the General Counsel. In spite of this complexity and diversity, a very high percentage of these matters resulted in opinions favorable to the Commission.

The Office of the General Counsel was also involved in a wide range of other Commission duties and responsibilities:

- Issuing legal opinions regarding formulating policy, interpreting case law, and applying existing administrative rules.
- Preparing responses to public record requests and insuring compliance with applicable rules and statutes.
- Preparing special orders and memorandums regarding the handling and disposition of pending Commission cases.
- Providing input and assistance to the Board of Executive Clemency regarding clemency issues.
- Litigating the confidentiality of clemency records in a death penalty case, which involved a public records request.
- Providing input and assistance in response to numerous requests from the Legislature, news media and the public regarding the operation of the Commission and its programs.
- Assisting in the rulemaking process of Commission rules including attending and participating in Rules Workshops.
- Providing assistance to revocation staff and parole examiners regarding felony offender revocation hearings.
- Reviewing and providing input regarding agency procedure directives.



DIVISION OF ADMINISTRATIVE SERVICES

Fred Schuknecht, Director

The Division of Administrative Services serves as liaison with the Governor's Office of Planning and Budgeting, Office of Program Policy and Accountability, Senate and House members and staff, the State Technology Office, the Office of the Chief Financial Officer, and the Department of Management Services. It is currently staffed with 10 full-time employees in five sections – the Director's Office, Budgeting, Human Resources, Research and Data Analysis, and Information Technology who provide administrative support to the Commission's Central Office and 10 field offices.

This office has fiscal responsibility for the agency including preparation of the agency's Legislative Budget Request, management of the Commission's operating budget, the Long Range Program Plan (LRPP), and conducting the pre-audit of all agency invoices. Additionally, it oversees emergency management and disaster response requirements for state agencies through its Continuity of Operations Plan (COOP), produces the agency Annual Report, and coordinates legislative activities, and provides public information. Also, the division oversees employee participation campaigns such as the Governor's Mentoring Initiative, Partners for Excellence, and the FSECC for the United Way.

HUMAN RESOURCES SECTION

The Human Resources Section is comprised of the Human Resources Administrator and a Personnel Services Specialist. This office is responsible for recruitment, insurance/benefits, payroll/leave, grievances/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 by *People First* on human resources administration, payroll, and benefits administration and works with *People First* and Department of Management Services (DMS) staff to resolve any problems with the *People First* system. In conjunction with *People First*, this office successfully administered the Open Enrollment process whereby a new Health Maintenance Organization (HMO) product was introduced to employees.

From July of 2004 through June of 2005, this office processed classification requests; employment requests; benefits requests; personnel action requests; payroll actions; time, attendance and leave; personnel records; handled employee relations; coordinated all performance evaluations; implemented the employee bonuses; and conducted special projects.

The Human Resources staff continues its commitment to providing exceptional customer service to all employees of the Commission. Part of this commitment is to ensure that through communication, employees are aware of changes that take place and ensures that managers and employees are trained and ready to use the *People First* system.

BUDGETING SECTION

The Accounting and Budgeting Administrator is responsible for preparing the agency Legislative Budget Request and the Long Range Program Plan (LRPP). Additionally, this person performs a pre-audit of all agency invoices; ensures compliance with all Department of Financial Services (DFS) rules on expenditures; and processes all purchase card receipts, refunds, property inventory changes, etc., for the Commission.

FLORIDA PAROLE COMMISSION
Final Expenditure Report
 Recap of Appropriation Activity for
 Fiscal Year **2004-2005**

Appropriation Category	Final Expenditures
010000 – Salaries	\$7,155,148
030000 – OPS	\$200,962
040000 – Expense	\$1,182,422
060000 – OCO	\$79,523
103241 – Risk Management	\$122,126
107040 – Transfers	\$ 59,750
210014 – Other Data Processing Svcs	\$295,198
 TOTAL	 \$9,095,129

Information Services

During Fiscal year 2004-2005, the **Information Services** staff consisted of an Administrator and two professional staff. The Information Services Administrator serves as the Chief Information Officer for the Parole Commission and serves as a voting member of the Criminal and Juvenile Justice Information Systems Council for the state.

A number of projects were begun or completed in 2004-2005:

- Upgraded the Commission’s electronic off-site data backup, which was initiated in FY 2003-04 (cited in Auditor General’s Report 04-035), to ensure the security of the Commission’s critical data, and tested the system to ensure recoverability.
- Installed new Cisco network switches that have enhanced processing and security capabilities, including encryption. These new switches have a lifetime warranty and thereby eliminate the need for annual maintenance agreements. A cost savings to the Commission of \$3,000 annually.
- Installed additional uninterrupted power supply (UPS) resources for the central server computer operations to increase continued operations during general power outages from the current length of time of approximately 30 minutes to up to 4 hours. This provides continued central server access by field offices whenever the Central Office is experiencing short-term power outages.
- Installed additional direct connections for electrical power to the Commission’s server installations in central office. This is to provide more stable power to the servers and facilitate the installation of the additional UPS.

- Purchased and installed a new Dell/EMC model CX300 RAID (*Redundant Array of Independent Disks*) data storage system. This storage system more than doubled the current data storage capacities in both speed and volume and has increased the ability of the Commission to accommodate future growth. This increased the Commission's data storage capacity from approximately 1 TB (terabyte) to 2.4 TB and reduced the number of servers required for data storage from 4 to 1.
- Provided new tablet PCs with wireless technology to the Commissioners so that they could issue warrants remotely.
- Purchased and installed 46 new Dell 1700 laser printers to replace all of the aging Hewlett Packard LaserJet model 4 and 5 printers, as well as some of the older inkjet printers. These printers were purchased on a 2 for 1 basis from Dell with an estimated cost savings to the Commission of over \$2,300.
- Purchased 32 new desktop computers and 2 laptop computers to replace older computers, primarily in the field offices.
- Implemented an additional SQL server so that data could be managed for research and analysis purposes separate from production data.
- Moved telephone and data network services for the Region I office from Tallahassee to Quincy.
- Upgraded telephone services for the Commission's Indiantown office to include Suncom service, reducing long distance costs by \$5,000.
- Coordinated with the State Technology Office the installation and setup (on servers and PCs) for Blackberry services at the Commission. Coordinated the deployment of "People First" personnel management software.
- Launched a new and improved Commission Internet web site. The site is designed after MyFlorida.com.
- Encrypted the Commission's Internet site to ensure the security of information electronically sent to the Commission. This was primarily to provide security for those persons applying electronically for their restoration of civil rights.
- Developed and deployed a new Visitor/Victims automated database. This was the first application developed by the Commission IS staff using Microsoft's .Net technology.
- Created an automated signature on clemency certificates.
- Began the redesign of the Clemency MAC and MCI system. Established a project management team and scheduled monthly progress meetings.
- Redesigned the information technology hardware inventory database and application.
- Acquired a software tool to allow for more thorough erasure of computer hard drives when the equipment is being processed for surplus. This is to ensure the confidentiality of any electronically maintained information that may have remained on the equipment after it was taken out of service.
- Coordinated the implementation of the Judicial Inquiry System (JIS) for staff with FCIC certificates.
- Implemented improvements to the Commission's Legal Tracking System.
- Modified the Management of Clemency Investigations (MCI) application and database to reflect changes made in the Restoration of Civil Rights rules.
- Modified the Visitors Notification Log system to reflect changes requested by the Commission's Victim's Services and Release Services sections.
- Modified PBB to allow certain non-examiner staff to enter data.
- Re-engineered the technology resource management application and database.
- Coordinated a risk assessment of the Commission's critical business systems by Dyntek, Inc., and began mitigation of areas at risk.

- Developed a digital recording process for the Commission meetings where the recordings can be backed-up to the Commission's data storage system for future access.
- Drafted a policy for technology hardware inventory and lifecycle methodology as well as guidelines for the assignment of telephone/electronic communication devices.
- Visited each field office in the state to update critical software and review the condition of equipment.



Administrative Services Director Fred Schuknecht and Staff

Bottom, l-r: F. Sanchez, Y. Qui, S. Kethireddy, L. Owens

Back, l-r: F. McClure, D. Dawkins, F. Schuknecht, J. Douglas, W. McGriff, J. Tillman

CLEMENCY ADMINISTRATION

Steve Hebert, Director

The Office of Clemency Administration is charged with investigating, evaluating, and ultimately reporting to the Board of Executive Clemency in all types of clemency cases, including, but not limited to, restoration of civil rights cases, full pardon cases, domestic violence cases, and capital punishment cases. The Governor and full Cabinet sit as the Board of Executive Clemency. Clemency Administration also provides support to the Board of Executive Clemency in completing special projects and acts as the liaison with other agencies in the development of information.

Clemency Administration, with assistance of field staff, provides daily investigative and research support to the Clemency Board. In providing this support, the field staff conducts intensive investigations into all factors, including but not limited to offense(s), history of adjustment to incarceration or supervision, criminal record, traffic record, family history, social status, payment of fines/court costs/public defender fees/victim restitution, child support issues, and community reputation. Clemency Administration reviews and processes these investigations and obtains the Commission's advisory recommendation for submission to the Board. In cases granted conditional clemency, the Director of Clemency Administration researches and obtains residential treatment programs suitable for the offender and monitors compliance with the conditions set forth by the Board.

Clemency Administration receives electronic applications from the Department of Corrections for offenders being released from prison and those offenders being terminated from supervision who may be eligible for restoration of civil rights without a hearing. The referral, assignment and approval of these cases within the Commission are done electronically. In the eligibility review process, the Commission continues to utilize many automated databases to access information on criminal histories, court records and restitution obligations. (e.g., Department of Corrections, Clerks of Court, Department of Law Enforcement, Department of Highway Safety and Motor Vehicles, local law enforcement agencies, the Internet, and out-of-state boards and agencies, etc.). In the latter part of this fiscal year, the Commission gained access to the Judicial Inquiry System (JIS), which is a relatively new web-based inquiry system. This system allows an examiner to search against many different databases simultaneously and summarizes the results into a single report. Clemency Administration notifies all individuals who are not qualified to be considered for restoration of civil rights without a hearing, and provides information on how to proceed with the hearing process.

The *Rules of Executive Clemency* were revised in December 2004 to allow for individuals convicted of certain crimes to be considered for Restoration of Civil Rights without a hearing if the person has remained crime and arrest free for either five or fifteen years. These revisions were applied to all pending investigations and allowed for the conversion of many investigations, which had previously required a hearing. Clemency Administration worked closely with Field Services and Information Services to provide training and database enhancements to ensure the implementation of these revisions.

In cases where an individual cannot meet the eligibility requirements of a specific form of clemency, the Clemency Administration office may be requested to provide a report and recommendation on the applicant's specific request. This office will conduct a brief investigation and obtain an advisory Commission recommendation to be forwarded to the Board of Executive Clemency.

In capital punishment cases, by Rule of Executive Clemency, the Governor or any member of the Cabinet may require the Commission to conduct an in-depth investigation. Clemency Administration is responsible for coordinating the interview of the death row inmate, and researching 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. Clemency Administration compiles this information and provides it to the Board of Executive Clemency to assist in the consideration of commutation of sentence or signing of a death warrant.

The Commission places a great deal of emphasis on coordinating efforts with State Attorney and Attorney General Victim Services Offices to assist the victims in all clemency cases, which appear on agendas to the Board of Executive Clemency. We continue to make all possible efforts to identify, locate and contact the victims, and provide their comments to the Board. During this past year, a Victim Advocate was hired by the Victim Services section of the Commission to further enhance the overall victim contact process and to provide assistance to victims and victim family members in all types of clemency cases.

The Commission continues to respond to numerous requests regarding the Restoration of Civil Rights process from the Governor and Cabinet, the Legislature, and the news media.



**Clemency Administration Retired Director Carolyn Tibbetts
and Staff**

OFFICE OF EXECUTIVE CLEMENCY

Janet Keels, Coordinator

The Office of Executive Clemency reports directly to the Governor and Cabinet in the performance of their duties and responsibilities. This office is co-located with the Florida Parole Commission for ease of operation and coordination of functions. The Office of Executive Clemency was created in 1975 to process applications for executive clemency requiring approval of the Governor and three 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 custodian of all records. In addition to processing applications for restoration of civil rights and alien status, 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 other forms of clemency granted, to law enforcement agencies, state attorneys, public defenders, licensing agencies and supervisors of elections.

The Office of Executive Clemency prepares and distributes the agenda for the Clemency 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. The staff of the office is responsible for answering questions and assisting applicants in completing the applications, as well as responding to correspondence and phone calls referred from the Governor and other Cabinet offices.

The Coordinator works closely with the Clemency Aides to the Governor and Cabinet in the revision and adoption of Rules of Executive Clemency 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 numerous research inquiries regarding clemency statistics and provides information to persons conducting federal and state surveys on clemency procedures in Florida.

Beginning in July 2004, as the result of additional streamlining suggested by Governor Bush, applicants seeking restoration of civil rights need only call the Office of Executive Clemency and provide information verbally in order to start the restoration process. Applicants for other forms of clemency must still complete the application form and provide court documents.

The Office of Executive Clemency continues to receive a high volume of applications for all types of clemency, especially since applications can be submitted directly on-line through our website. This feature was started in December 2004.

Staff from Office of Executive Clemency and Clemency Administration, as well as staff from Legal, Administration and Operations, manned the phones until midnight on election night to assist Supervisors of Elections needing verification of restoration of civil rights for potential voters.

The Clemency Board made changes to Rule 9 of the Rules of Executive Clemency at the hearing on December 9, 2004. These changes will make it easier for convicted felons who have been arrest-free for 5 years and/or 15 years to be granted restoration of civil rights without a hearing.

The Coordinator has been meeting with Information Services Staff, along with the Director of Clemency Administration for the past 6 months, on the re-design of the clemency database that should be completed in late 2006.

During the reporting period, the Office of Executive Clemency coordinated four quarterly clemency hearings on September 23 and December 9, 2004 and March 3 and June 23, 2005. Waiver hearings were held on August 5 and October 27, 2004 and January 6, April 14, and May 26, 2005.



Left, Janet Keels, Coordinator; Right, Melinda Strickland, Parole Examiner, Tampa; General Counsel Kim Fluharty, Janet Keels, Carolyn Tibbetts, Florida Council on Crime and Delinquency (FCCD) Conference 2004

DIVISION OF OPERATIONS

Kurt Ahrendt, Director

THE DIVISION OF OPERATIONS is the largest component of the Florida Parole Commission, with about 100 positions throughout the state. The Operations Division is comprised of a Revocations Section, Victim Services Section, Release Services Section, and Field Services. Field Services has 10 offices, in five regional areas, across the State.

The Operations Division is responsible for accomplishing a wide variety of functions relating to the administration of the post-prison supervised 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, also conducts investigations for the Governor and Cabinet, sitting as the Board of Executive Clemency.

Highlights of the Division of Operation's Achievements and Activities for Fiscal Year 2004-2005:

- Creation of the Clemency Strike force Investigation (CSI) team, headquartered in Tallahassee, with the goal of reducing and eliminating the backlog of Clemency investigations and analyses pending in the South Florida region.
- Furthering the goals of the *Jessica Lunsford Act* by creating new "Special Conditions" to require electronic monitoring of **all sex offenders subject to Conditional Release Supervision**, even those convicted prior to the effective date of the Lunsford Act.
- Improving the ability of law enforcement to identify and apprehend alleged Parole, Conditional Release, Addiction Recovery, and Control Release violators by adding the releasee's photograph to warrants issued by the Commission.
- Reorganizing and streamlining workflow processes in the Central Office, in both the Release Services and Revocation Sections, allowing for more productive use of time and personnel.
- Expanding the use of information technology, and acquiring additional databases, such as the Judicial Inquiry System (JIS), ACCURINT (search engine/victim locator), E-agent, and DAVID (Dept. of Highway Safety and Motor Vehicles), for use in clemency investigations, locating victims, verifying eligibility for conditional release, and other related activities.
- Installation of modern equipment to record official proceedings of the Florida Parole Commission to provide for more efficient public access to Commission decisions made at these meetings.
- Applied for and received a federal grant to fund an additional full-time position in the Victim Services section to address the needs of victims of offenders who are seeking clemency.
- Recruited student interns to assist in the performance of criminal justice activities, which are carried out by the Florida Parole Commission.
- Fulfilled requests to appear before civic groups to provide information about the clemency process.

- Conducted workshops to propose, update, and promulgate new Commission Rules, and Procedure Directives, designed to streamline procedures and improve operations.
- 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, and Public Safety Councils.

Revocations

The Revocations Section reviews all violation reports, prepares arrest warrants, updates the National Crime Information Center/Florida Crime Information Center databases (NCIC/FCIC), responds to requests from law enforcement agencies, processes violation hearings, coordinates the extradition of violators, and performs administrative functions relating to the docketing and processing of cases involving 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. The Commission also has the authority to issue an emergency warrant when a conditional release, addiction recovery, conditional medical release or control release releasee is arrested in Florida on new felony charges. In these cases, the Commission issues a hold without bond to the arresting agency. The Commission then has 72 hours from the releasee's first appearance in court to issue a warrant, if the court determines that there was probable cause for the arrest.

When a warrant is issued, staff in the section's Communications unit, who are certified NCIC/FCIC operators, enter the information into the NCIC/FCIC databases. These operators interact with the various law enforcement agencies (local, state, federal, and foreign countries) in an effort to apprehend violators. When the Commission receives notification that a violator has been apprehended, this section relays the arrest information to the appropriate Commission field office. If the releasee is arrested in another state and the Commission requests the releasee's return, this section coordinates the return of the releasee to Florida. In an effort to assist law enforcement, NCIC/FCIC operators staff a hotline that is used by law enforcement to seek assistance when they are making an arrest of a releasee.

Once a releasee has been apprehended, a parole examiner from the closest field office notifies the releasee in person of the charges and the releasee's right to a hearing. This interview usually takes place at the county jail. The parole examiner also explains all the rights attendant to such a hearing, including (1) the right to be present and present evidence on his/her own behalf, (2) the right to be represented by counsel, (3) the right to cross-examine adverse witnesses, (4) the right to have disclosed prior to the hearing the evidence which may be presented at the hearing, and (5) the right to waive the hearing.

Releasees under Parole Supervision are entitled by law to both a preliminary probable cause hearing and a final revocation hearing. Persons on Conditional Release Supervision are entitled to a single final revocation hearing, which must be held within 45 days of arrest. These are informal hearings conducted before a Parole Examiner, usually held at the 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

inexpensive proceedings, with minimal due process requirements, in the famous case of Morrissey v. Brewer. The parole and conditional release revocation procedure provides tremendous cost-savings to taxpayers and has saved the State millions of dollars, over the course of the last 64 years the process has been in use. *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, and all the other expenses attendant to a criminal proceeding, at much greater expense to the State.

After the Parole Examiner conducts the informal revocation hearing, the examiner makes a recommendation to the Commission as to whether or not the facts indicate a violation of conditions of supervision. If a violation is sustained, the Commission may order the revocation of parole or conditional release and return the violator to state prison to complete service of the original sentence imposed. If the Hearing Examiner recommends a finding of no violation, or a technical violation, depending upon the nature of the violation and the circumstances surrounding the violation, the Commission may restore the releasee to supervision with or without additional conditions.



Revocations Staff

Release Services

The **Release Services** section receives thousands of cases each year that it must process for the Commission's review and action (e.g., 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, special requests from the Department of Corrections, etc.) (The Commission's Revocations' section handles issues concerning violations of supervision.) The Release Services' section provides public notice of the Commission's meetings, prepares the Commission's agenda, notifies the general public on cases they have requested to appear on, calculates supervision dates, audits eligibility for supervised release, prepares orders reflecting the Commission's actions, prepares and processes all certificates for the Conditional Release Program and the Addiction Recovery Program, and maintains the official records of the Commission's decisions. The section also coordinates the Commission's out-of-town meetings. During the reporting period, Commission meetings were held in Orlando, September 29, 2004, and in Ft. Lauderdale, February 23, and West Palm Beach, June 8, 2005.

Special accomplishments this year include the following:

- Coordinated the creation of a manual of Transitional Housing Programs, to include faith-based programs and those with a treatment component, to be used by the Commission in assisting offenders reintegrate back into society.

- Revised Conditional Release and Parole special conditions.
- Assisted in the revision of the Parole Administrative Rules.
- Revised the Conditional Release Procedure Directives.
- Eliminated the need to notice the Commission's weekly meetings in the local newspaper, resulting in a cost savings to the Commission. Meetings will continue to be noticed in the Florida Administrative Weekly.
- Instituted new security procedures for use at the Commission's weekly meetings, to protect the Commissioners and the Commission's employees.
- Streamlined the Commission's recording system, utilizing a new computerized system, which will allow us to e-mail auditory portions of the meetings based on public records requests.

Victim Services

The **Victim Services** staff is dedicated to providing direct, personal service to crime victims and their families. This section strives 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. The Victim Services staff, in coordination with field services staff, attempts to locate all victims of parole eligible inmates to inform them of their right to be heard and participate in each step of the parole process. Victim location is done using many resources such as obtaining death certificates and obituaries to identify survivors and utilizing Florida driver's 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 escape. For many victims, the 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.

Providing a forum for victim input allows the victim the opportunity to discuss the physical, financial, and emotional effects the crime has had on their families, as well as themselves. Victim input is important at every stage of the parole process and crucial to informed decision-making. The victim's input can impact decisions regarding aggravating factors when setting a presumptive parole release date (PPRD), as well as impact decisions regarding supervision issues such as restitution, special conditions of supervision, and treatment programs for the offender. Even if a victim chooses not to appear before the Commission or otherwise provide input, the victim still has the right to request to be notified of upcoming parole proceedings and the Commission's actions concerning those proceedings. The victims decide how and to what extent they wish to participate in the process. The section's goal is to assure victims that they have the support they need, if they desire to participate in the process.

Some services provided to victims and their families include:

- ◆ Informing victims of their right to be heard and participate in the parole process.
- ◆ Educating victims about the parole process.
- ◆ Providing advance notice to victims of upcoming parole proceedings.
- ◆ Having professional staff available at every Commission meeting to provide support to victims before, during and after the meeting.

- ◆ Maintaining a separate waiting area for victims.
- ◆ Providing special assistance to victims (e.g., reading a victim’s statement into the record for victims who are unable to appear in person before the Commission, but who wish their concerns or recommendation to be voiced at the meeting.)
- ◆ Timely notification of the outcome of parole proceedings.
- ◆ Toll-free telephone number to obtain support or information (1-800-435-8286).

The Victim Services section also serves as liaison with victim advocacy groups, state attorneys, and other persons interested in victim rights. This section has been active in seeking ways to broaden the services that are available to victims. This year Victim Services applied and received approval for federal grant funding under the Victims of Crime Act (VOCA). These funds will be used to fund a full-time staff position that will be responsible for assisting victims of offenders who are seeking clemency. 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. Services are defined as those efforts that respond to the emotional and physical needs of crime victims, assist victims of crime to stabilize their lives after a victimization, assist victims to understand and participate in the criminal justice system and provide victims of crime with a measure of safety and security. The section has also been active in seeking student interns to assist in the provision of victim services.

Field Services

The Commission has ten **field offices** located throughout the state. Each office is assigned to one of five regions, which is headed by a Regional Administrator who directs the day-to-day activities of the professional and support staff assigned to that region. Field services staff are responsible for performing a wide variety of functions, including conducting administrative hearings. These hearings encompass parole preliminary hearings, final violation hearings, and release on recognizance hearings for releasees who are under conditional release, parole, addiction recovery, conditional medical release, or control release supervision. The preliminary hearing in a parole case is a statutory requirement and is held to determine whether there is probable cause to believe that a parolee has violated the conditions of his or her release. A preliminary hearing is not required for the other types of supervision.

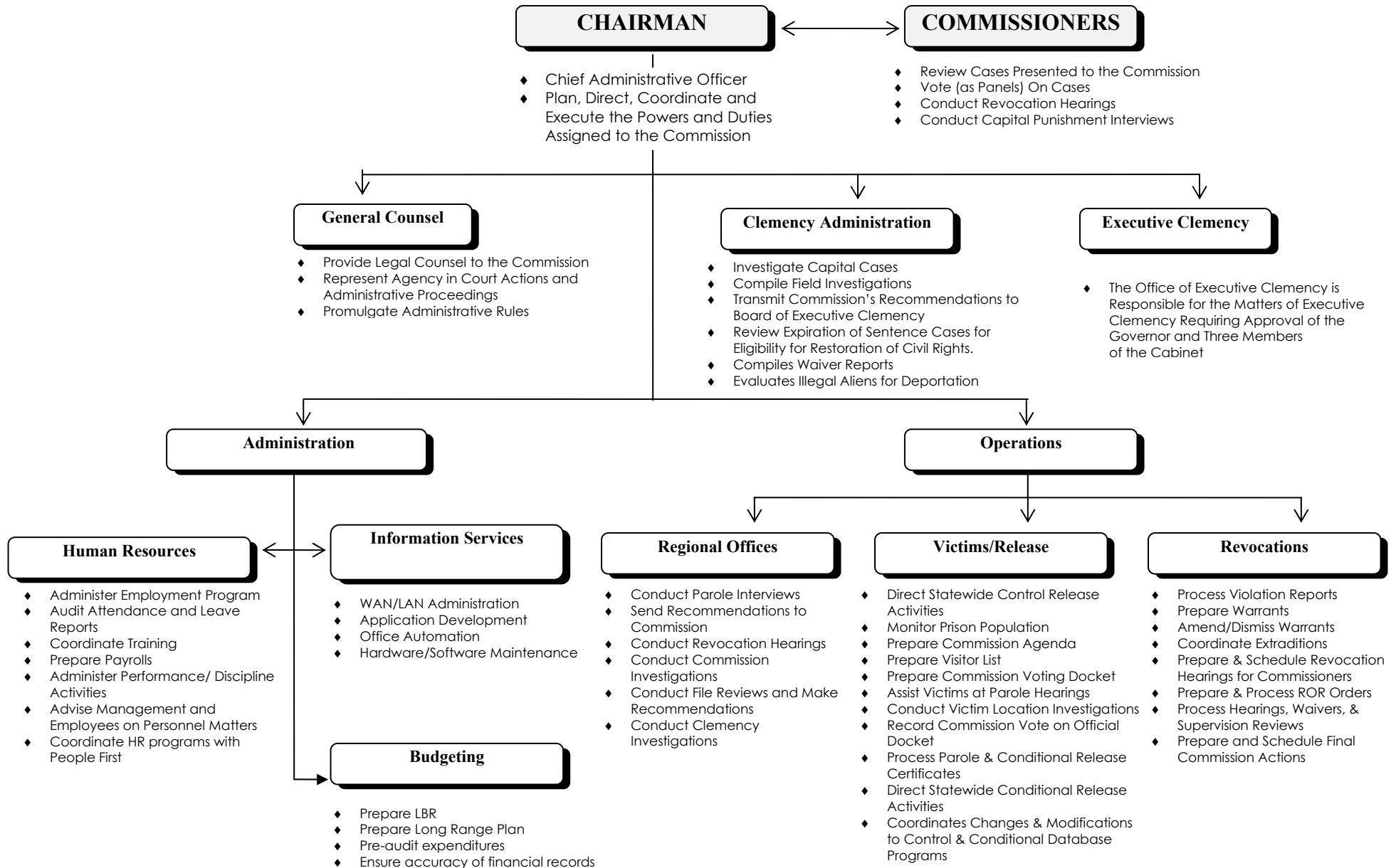
Parole Examiners also conduct investigations to prepare reports for the Governor and Cabinet, sitting as the Board of Executive Clemency, in connection with individuals who are seeking clemency. Offenders seeking clemency may be seeking a pardon, commutation of sentence, remission of fines or forfeitures, restoration of authority to own firearms, restoration of civil rights, restoration of alien status, or a waiver of the rules governing the processing of requests for clemency. During the past fiscal year, field services staff was instrumental in reducing the number of pending restoration of civil rights cases.

The Field Services division is also responsible for conducting inmate interviews and investigations relating to the parole process. Parole Examiners make recommendations regarding the establishment of a presumptive parole release date for parole eligible inmates, conduct subsequent reviews of an inmate’s record to make recommendations regarding changes to the inmate’s presumptive parole release date, make recommendations regarding release on parole, investigate parole release plans, and locate victims or the relatives of victims of parole eligible inmates.

Another important function that the field services staff performs is to maintain a close working relationship with local law enforcement agencies and local organizations. These contacts assist the field

staff in the performance of their duties and further the positive working relationship that the Commission has with these entities.

FLORIDA PAROLE COMMISSION ORGANIZATIONAL CHART



CENTRAL OFFICE DIRECTORY

FLORIDA PAROLE COMMISSION,
2601 BLAIRSTONE ROAD, BUILDING C,
TALLAHASSEE, FL 32399-2450

(Web site: www.state.fl.us/fpc/index.shtml)

COMMISSIONERS

Monica David – *Chairman*..... (850) 487-1978/SC 277-1978
Frederick B. Dunphy – *Vice Chairman*..... (850) 488-0476/SC 278-0476
Tena Pate – *Commissioner Secretary*..... (850) 487-1980/SC 277-1980

OFFICE OF GENERAL COUNSEL

Kim Fluharty – *General Counsel*..... (850) 488-4460/SC 278-4460

OFFICE OF CLEMENCY ADMINISTRATION

Steve Hebert – *Director*..... (850) 487-1175 /SC 277-1175

OFFICE OF EXECUTIVE CLEMENCY

Janet Keels- *Coordinator*..... (850) 488-2952 /SC 278-2952

DIVISION OF ADMINISTRATION

Fred Schuknecht – *Director*..... (850) 488-3415/SC 278-3415
Beatriz Caballero - *Human Resources Administrator*..... (850) 488-3417/SC 278-3417
Evelyn Perkins – *Accounting and Budgeting Administrator*..... (850) 921-2815/SC 291-2815
John Douglas – *Information Services Administrator*..... (850) 488-3418/SC 278-3418
Jane Tillman – *Public Information and Legislative Affairs*..... (850) 921-2816/SC 291-2816

DIVISION OF OPERATIONS

Kurt Ahrendt – *Director*..... (850) 922-6137/SC 292-6137

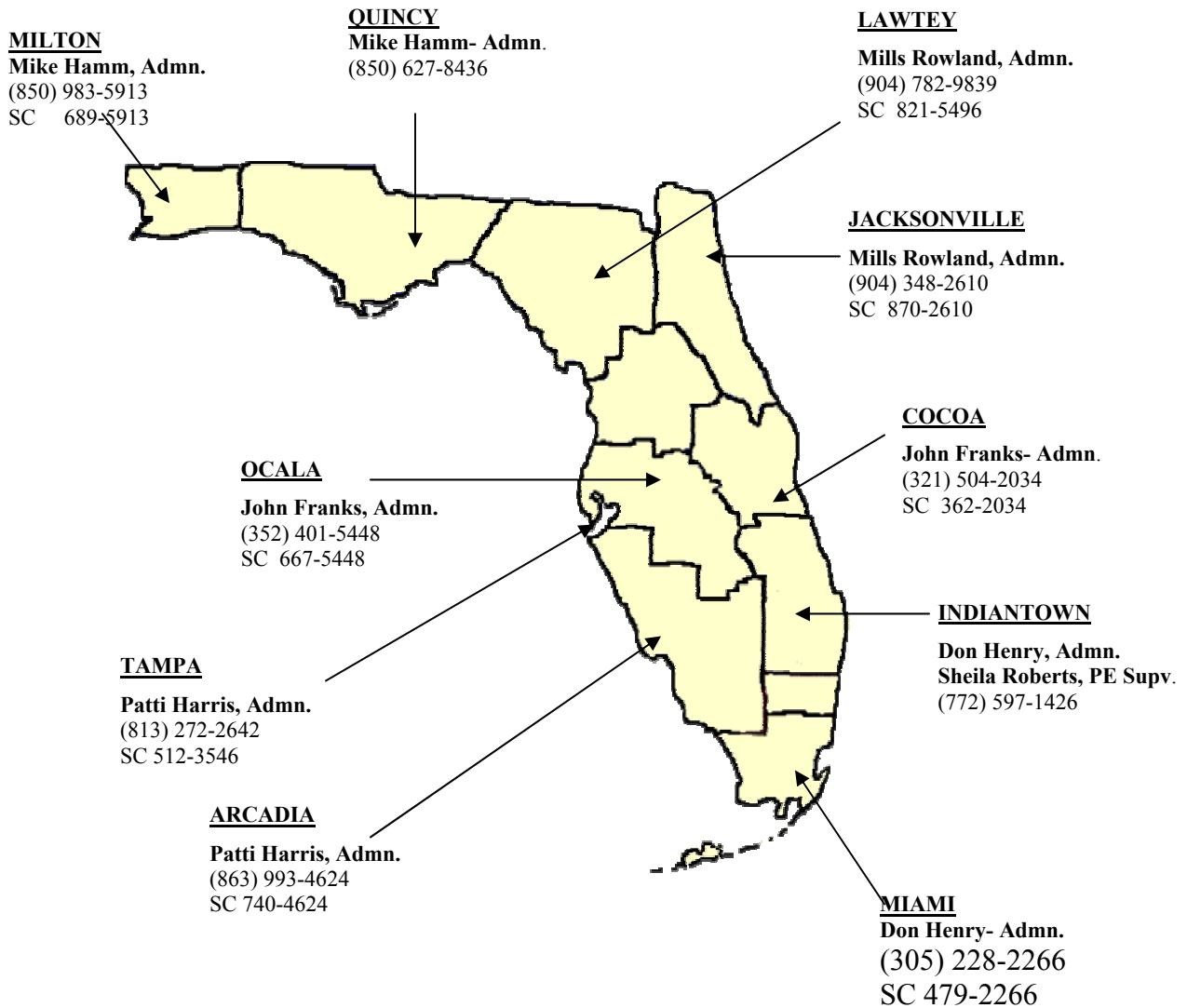
REGIONAL ADMINISTRATORS

Joseph “Mike” Hamm – *Region One Administrator*..... (850) 627-8436/SC 689-5913
Mills Rowland – *Region Two Administrator*..... (904) 782-9839/SC 821-5496
John Franks – *Region Three Administrator*..... (321) 504-2034/SC 362-2034
Donald Henry – *Region Four Administrator*..... (305) 228-2266/SC 479-2266
Patti Harris-*Region Five Administrator*..... (813) 272-2642/SC 512-3546

TOLL FREE ACCESS

VICTIMS..... 1- 800- 435- 8286

FIELD OFFICES DIRECTORY



FREQUENTLY-ASKED-QUESTIONS

THE COMMISSION

1. How are Commission members appointed?

The Governor and Cabinet appoint members of the Parole Commission from a list of eligible applicants submitted by a Parole Qualifications Committee. The five member Qualifications Committee is appointed by the Governor and Cabinet, and accepts and reviews applications. The Committee submits a list of three eligible applicants, which may include the incumbent if the Committee so decides, without recommendation of its first choice. After the Governor and Cabinet have made their selection, the full Senate must then confirm the chosen applicant.

2. How long are members' terms?

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

3. Can a person appear at Commission meetings?

All Commission meetings are open to the public and anyone may attend to observe. In the event a person desires 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.

4. How does the Commission provide for victims?

The Commission provides victim assistance through its Victim Services Section for all victims and their families desiring or requesting information or help regarding cases in which they are involved. Staff is diligent in their efforts to locate victims of crime and to offer guidance and compassion through the process by providing the Commission input on matters brought before it. The Commission also works in conjunction with victim advocates, law enforcement, and State Attorneys to further address victims' issues and concerns. Persons wishing to contact the Commission on victims' issues should do so at 1-800-435-8286 or 850-487-3259.

PAROLE

1. What is “parole”?

Parole is the release of an inmate, 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 and terms of the release agreement ordered by the Commission. The decision of the Commission to parole an inmate shall represent an act of grace of the State and considered a right.

The Parole Commission administers parole (see Chapters 947, 948, and 949, Florida Statutes). It allows an inmate who has been granted parole to serve the remainder of his or 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. Parole has experienced a number of changes over the years. In 1978, the Florida Legislature enacted “Objective Parole Guidelines,” which required the Commission to develop and implement rules and criteria upon which parole decisions were to be made. These criteria were based on risk assessment and combined historical Commission decision-making experience with individual case elements. The most significant change, however, came in 1983. In that year, sentencing guidelines were enacted, thereby effectively abolishing parole for those offenders who were sentenced for crimes committed on or after October 1, 1983.

Currently, all inmates who committed a capital felony murder prior to October 1, 1994, and all inmates who committed a capital felony sexual battery prior to October 1, 1995, are also eligible. There are approximately 5,200 inmates who are still eligible for parole consideration and numerous offenders who are still under parole supervision.

2. 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. These offenders are supervised by the Department of Corrections.

3. Who is eligible for Parole?

All persons sentenced prior to October 1, 1983, or convicted of crimes committed prior to October 1, 1983, and not sentenced under Sentencing Guidelines, who receive a sentence, or cumulative sentence, of 12 months or more (with the exception of persons sentenced to death), or those persons convicted of crimes who were sentenced with a 25 year minimum mandatory with eligibility for parole after service of the mandatory portion of the sentence and who have satisfactory prison conduct.

CLEMENCY

1. After release from prison or probation, how are one's civil rights restored?

On December 9, 2004, the Board of Executive Clemency adopted changes to the Rules of Executive Clemency, which will make it easier for felons in Florida to get their civil rights restored.

The current process for inmates leaving prison requires the Department of Corrections, at the completion of one's sentence, to automatically submit their name to the Parole Commission for eligibility review for restoration of civil rights without a hearing. If determined eligible, the name will go to the Clemency Board for a 30-day review and if no objection from three or more Board members is received, the person's rights will be restored. If determined ineligible by the Commission, or receive objections from the Board, the person will be notified and provided an application to return for processing for restoration of civil rights with a hearing.

The new rule changes will allow felons that have been arrest-free for five years to obtain restoration of civil rights *without a hearing*, unless convicted of certain violent crimes or if they owe victim restitution. Anyone arrest-free for 15 years or more can have their rights restored without a hearing regardless of their crime.

Persons seeking to have their rights restored can access the Clemency application posted on the Commission's website or call the Office of Executive Clemency at 850-488-2952. The complete revised Rules of Executive Clemency are also available on the website (see below).

2. How can one apply for Clemency?

All persons seeking clemency shall complete an application and submit it to the Office of Executive Clemency. The Coordinator upon request will furnish application forms. All applications for Clemency must be filed with the Coordinator on the form provided by the Office of Executive Clemency or the application provided on the Commission's website: <https://fpc.state.fl.us/Clemency.htm>.

3. Is an attorney needed to handle the application?

No, an attorney is not necessary to represent a person in the clemency process even if a hearing is required. The application form is very simple to complete and the staff of the Office of Executive Clemency can answer any questions one may have.

4. 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.

5. If a case is scheduled for a clemency hearing, does the applicant have to attend the hearing?

No. It is not a requirement for any applicant to attend the clemency hearing, although in some cases, the Governor or any Board member may request that an applicant appear to answer specific questions about his or her case.

6. If adjudication of guilt was withheld, is restoration of civil rights required?

No. If adjudication was withheld, a person has not lost their civil rights and does not need to make application. However, per the Florida Department of Law Enforcement's Firearms Purchase Program, a person is prohibited from purchasing or possessing firearms for at least three years from the date their supervision terminated.

7. If a person receives clemency, is their record expunged?

No. Neither a full pardon, nor any other type of clemency, will expunge or facilitate the expunging of a criminal record. A person should contact the Florida Department of Law Enforcement at seal-expunge@fdle.state.fl.us for information on the expunging or sealing of records.

**Commissioners' Executive Staff
2004-2005**

CHAIRMAN MONICA DAVID



**Front l-r, Erin Adkinson, Personal Assistant; Chairman David
Back l - r, Linda Summers, Administrative Analyst; Laura Tully, Administrative Assistant**

VICE-CHAIRMAN FRED DUNPHY



**Billie Zetrouer, Personal Assistant; Commissioner Dunphy; Murlene Amison,
Administrative Analyst**

COMMISSIONER TENA PATE



Seated: Commissioner Tena Pate; standing, Jean Mardis, Personal Assistant; Rob Kreps, Administrative Analyst



Governor Jeb Bush & Cabinet Members Honor Clemency Administration Director Carolyn Tibbetts on her Retirement and 42 Years of Service to the State of Florida and the Parole Commission

