

FLORIDA PAROLE COMMISSION



**ANNUAL REPORT
2006-2007**

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. Pursuant to the Rules of Executive Clemency, the Commission administers the clemency process for the Executive Clemency Board providing extensive background material on qualified applicants. A similar process is administered by the Commission for the investigation of seaport security waivers for the Florida Department of Law Enforcement.

GOVERNOR CRIST AND MEMBERS OF THE CABINET DECEMBER 2007



The Florida Board of Executive Clemency

Left to Right: Alex Sink, Chief Financial Officer; Charles Bronson, Commissioner of Agriculture; Charlie Crist, Governor; Bill McCollum, Attorney General

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CHAIRMAN'S MESSAGE

December 31, 2007

Dear Governor Crist and Members of the Cabinet,
President Pruitt, and
Speaker Rubio:

It gives me great pleasure to report to you that the Florida Parole Commission has just concluded one of its most productive years during my tenure as Chairman. With limited resources and staff, we have had to work smarter and more diligently to meet deadlines and complete the work mandated by statute, rule, and an increased, but unfunded, workload. As Chairman, I am pleased to present our Annual Report highlighting the Commission's accomplishments for Fiscal Year 2006-07 and the Commission's role in Florida's criminal justice system.

Commissioners Pate and Dunphy join me, along with Commission staff, in expressing our deepest gratitude to Senate President Ken Pruitt, Senator Lisa Carlton, Senator Victor Crist, and members of the Senate Committee on Civil and Criminal Justice Appropriations for their continued and unwavering support for the Commission during the 2007 Legislative Session. Also, we gratefully acknowledge the positive gains made in the House of Representatives during the 2007 Session due to the leadership of Speaker Marco Rubio, Fiscal Policy Council Chairman Ray Sansom, and Safety and Security Council Chairman Charles Dean. We look forward to forging an even stronger relationship with House leaders in the upcoming 2008 legislative session.

Senator Victor Crist, with his vast institutional knowledge of Florida's criminal justice system continues to impact the Commission in a positive way. Senator Crist knows the operations of the Commission, its historical significance within the criminal justice community, and understands the need for having a Commission separate and independent from the Department of Corrections. He believes the Parole Commission must maintain its independence to ensure an "autonomous body is in place ..." to protect the integrity of post release decisions made regarding inmates and ex-offenders.

On April 5, 2007, Governor Crist and the Cabinet, acting as the Board of Executive Clemency, made significant changes to the Rules of Executive Clemency. These changes greatly expanded the number of ex-felons eligible to have their civil rights restored (RCR). Under the old rules, approximately 26% of offenders were eligible to have their rights restored, based on their crime, for Restoration of Civil Rights without a hearing. The new rules expanded this to 80% eligible for automatic restoration (Level 1), which ensures RCR restoration provided no restitution is owed and there are no pending charges. Initially, cases are reviewed for eligibility, and then placed on an executive order for signature of the

Clemency Board. Once the order is signed, certificates are mailed to the persons granted restoration of civil rights.

Level 2 requires a short investigation but is also RCR without a hearing. A Level 3 case requires a hearing and is for the most serious offenses such as murder, sexual battery or sexual predators. These persons must go through a full investigation and a hearing before the Board in order to be considered for restoration of civil rights.

Commission's RCR Outreach Program

In the 2007 Legislative Session, State Senator Frederica Wilson earmarked a \$50,000 one-time appropriation beginning July 1, 2007, to fund restoration of civil rights' outreach efforts. This funding was provided to enhance the policy changes implemented by the Governor and Clemency Board on April 5th and to allow the Commission to inform as many ex-offenders as possible of the new automatic RCR eligibility rules. This money has been used to staff 17 training and restoration of civil rights' seminars and workshops beginning April 30, 2007, in twelve Florida cities and is currently funding the new RCR toll free number at 1-800-435-8286 which was activated in August. Currently, two multi-lingual contract employees fluent in English, Spanish, and Creole are answering these calls.

The clemency process has undergone vast changes the past three years. Beginning in July 2004, persons seeking to have their civil rights restored could call, send a letter to the Office of Executive Clemency, send an e-mail, or fill out a request form directly online at the Commission's website: <https://fpc.state.fl.us>. Today, they can simply contact the Commission, provide the necessary information by e-mail or phone, and their request is processed.

The Commission, through its Offices of Executive Clemency and Clemency Administration, continues to process an enormous number of clemency requests and applications each year while providing the major administrative and investigative support to the Board of Executive Clemency. Since 1999, the Commission has processed over 371,370 applications for clemency/civil rights. The policy changes adopted by the Clemency Board in April 2007 have resulted in approximately 40,000 persons being granted restoration of civil rights in the first 8 months, a figure four times greater than all clemencies granted for the previous fiscal year. Further, the number being granted their civil rights averages 5,200 a month, while the previous year the average was only 1,000 grants per month.

Simplifying and streamlining the process created more "business" for the Commission, while the staffing of the Parole Commission continued to remain static. Staffing at the Commission actually decreased 20% since 2001. To address the escalating workload, the Commission is requesting 42 additional FTE in its FY 2008-09 Legislative

Budget Request to counter the huge workload demands generated by the new policy changes and to ensure those eligible receive their rights as expeditiously as possible.

While I recognize that the approaching 2008 Legislative Session will be a difficult year for budget issues, as Chairman, I continue to promote and support reentry issues that will produce positive societal, governmental, and economic benefits to the state. To that end, I am asking for funds in the Commission's FY 2008-09 Legislative Budget Request for a Post Release Offender Re-entry initiative designed to assist offenders released into communities on conditional release supervision to become successful. The goal of the program is to reduce the number of offenders that violate the conditions of their supervised release on a technical offense by establishing local partnerships with faith-based and drug treatment providers to build a network of support for transitioning offenders at the local level. I believe this to be an improved use of state resources as it assists offenders to be successful on transitioning into the community as well as reducing state prison costs. In effect, the program will pay for itself.

The Commissioners and I will continue to work diligently to uphold our mission to provide for safer communities for the citizens of Florida. As Chairman, I look forward to another productive year and extend to anyone interested an invitation to attend a Commission meeting to observe the process first hand.

Sincerely,

Chairman
Florida Parole Commission



Chairman David Greets Volunteer at RCR Seminar
On October 13, Tallahassee Community College

A Snapshot of the Parole Commission's 2007 Restoration of Civil Rights Outreach Initiative

APRIL 5, 2007

Governor Crist and Clemency Board adopt rules making restoration of civil rights in Florida automatic for ex-felons in certain instances



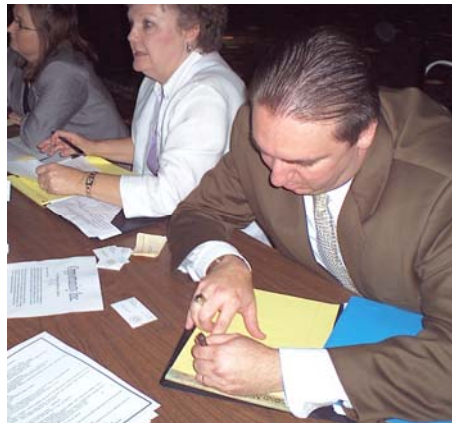
FPC Staff Teams up With State Senator Gary Siplin's Legislative Staff to Work 1st RCR Outreach Event

APRIL 30, 2007

Commission holds first "Train the Trainer" Session for staff of the Florida Legislature

MAY 23, 2007

Clemency Coordinator Janet Keels and Clemency Administration Director Steve Hebert train Florida's 67 Supervisors of Elections on new clemency rule process in SanDestin



Hebert, Keels and Fluharty Work RCR event

JUNE 23, 2007

Commission staff works first RCR workshop and seminar with Senator Gary Siplin and the Orange County legislative delegation and staff in **Orlando**



Sen. Siplin, Chairman David, Rep. Soto Present Rights Restoration Certificate to Workshop Attendee



Huge Turnout for 1st RCR Workshop on June 23 in Orlando

JULY 20, 2007

Commission staff provides rule and outreach training for members of the Florida Felons' Rights Coalition at their Annual Conference in **Orlando**

JULY 24, 2007

RCR Outreach Coordinator Jane Tillman and staff of Senator Frederica Wilson meet to formulate plans for a September 2007 RCR workshop in **Miami's Little Haiti**



Sen. Wilson, Jane Tillman Discuss Plans

JULY 25, 2007

Director Steve Hebert conducts RCR rules and outreach training session for community activists at invitation of Broward Sheriff's Office, Ft. Lauderdale assisted by Region IV's Parole Examiners



Miami Parole Examiners Alvarado, Konior, & Henry with Steve Hebert, Ft. Lauderdale



Steve Hebert Addresses Community Activist Groups in Ft. Lauderdale

AUGUST 15, 2007

Commission staff conducts RCR workshop in Florida City with State Senator Larcenia Bullard and State Representative Ed Bullard



Sheila Roberts, Examiners Zimmerman & Konior, Janet Keels staff Florida City workshop



State Senator Larcenia Bullard & State Rep. Ed Bullard host August 15 Florida City workshop



Back , let to right: D. Henry, Rep. Bullard, Sen. Bullard, Janet Keels; Front , left to right: S. Roberts, C. Zimmerman, R. Konior, S. Pimental



Don Henry & Jane Tillman with district staff of Senator Bullard & Rep. Bullard, Florida City,

- AUGUST 18, 2007 FPC employees work RCR workshop in **Deland**, Florida, with State Representative Joyce Cusack, **Deland**, and State Senator Evelyn Lynn, Ormond Beach
- AUGUST 25, 2007 FPC employees work with Sen. Tony Hill’s legislative staff on RCR event in **St. Augustine**.
- AUGUST 25, 2007 Clemency Coordinator Janet Keels and Jane Tillman, along with Commission staff, provide outreach training for community activists and volunteers at Florida A & M University, **Tallahassee**
- SEPT. 8, 2007 FPC employees led by Sheila Roberts and the staff of Miami’s Region IV office work RCR Outreach Summit with State Senator Frederica Wilson & State Representatives Yolly Roberson, Tee Holloway and staff in **Miami’s Little Haiti**



Senator Wilson Greets RCR Summit Attendees in Little Haiti on Sept. 8



The “Miami Dream Team” with Operations Director Gina Giacomo, Sept. 8, Little Haiti



Crowd in Excess of 1,200 Patiently Await Their Turn to Meet With Commission staff



Terry Tallent and Angela Lane, legislative staff for Sen. Wilson, ensure a smooth, successful event

OCT. 13, 2007

Commission employees assist legislative staff of State Senator Al Lawson and State Representative Curtis Richardson in holding North Florida's first RCR workshop, Tallahassee Community College, **Tallahassee**



Caressa Andrews & Volunteer set up Welcome Signs, Tallahassee, October 13



Parole Commission Senior Staff Keels, Fluharty & Giacomo Assist Workshop Attendees



Sen. Lawson, Chicarla Williams, Rep. Richardson, David Ash Host Oct. 13 RCR Event



FAMU Intern Director Jackie Perkins Listens to Rep. Richardson and Volunteer, Oct. 13, TCC

NOVEMBER 1, 2007

FPC staff work Community Outreach event in **Cocoa Beach, Florida**



Hebert, Jennings & Turner Assist Nov. 1 Cocoa Workshop Attendees



Janet Keels Reviews Workshop Plans With Event Hosts, Cocoa, Nov. 1

NOVEMBER 3, 2007

Commission staff works 3rd Orlando area RCR event in 2007 at Eatonville



Clemency Coordinator Keels Checks Data With Workshop Attendee



Eatonville Workshop Attendees Listen Intently as new Rules are Explained

DECEMBER 1, 2007

Commission staff work 3rd Miami area RCR workshop at Miami-Dade Junior College, Wolfson Campus, December 1



Sheila Roberts & Parole Examiners, Region IV, Miami



IT Administrator Johnson Checks Laptops With Examiners Prior to Workshop



RCR Team with Senator Frederica Wilson at Miami Dade Jr. College: Hebert, Roberts, Sen. Wilson, Keels, Tillman



FPC Examiners in Place and set up, Laptops Working, and Ready for Business!

DECEMBER 8, 2007

FPC employees work RCR event at invitation of State Representative Perry Thurston at the Joseph P. Carter Center, West Sunrise Boulevard, Ft. Lauderdale



Broward Supervisor of Elections' Mobile Voter Registration Unit Ready for Action



FPC Examiners Ralph Moulder, Sandra Jennings & Sandy Pimental Check Their Equipment



State Representative Perry Thurston, D-Ft. Lauderdale, Congratulates a Workshop Attendee on Getting her Rights Restored



District IV Region Staff Discuss Day's Events at Broward RCR Outreach, December 8

December 15, 2007

Sheila Roberts and Region IV staff work Redemption/RCR workshop at Miami's Orange Bowl



COMMISSIONER MONICA DAVID, CHAIRMAN

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 2005, she served on the State Board as Secretary.

In June 2005, she was appointed to former Governor Bush's Ex-offender Task Force along with other criminal justice professionals to make recommendations and a final report to the Governor on ex-offender issues. A final report was issued February 2007.

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 and on May 31, 2006, Ms. David was appointed to a second six-year term as Commissioner, and subsequently confirmed on a unanimous vote by the Florida Senate during the 2007 Legislative Session.



Sen. Gary Siplin, Chairman David Listen as Workshop Attendee Discusses his Right's Restoration Efforts June 23 in Orlando



COMMISSIONER TENA M. PATE, VICE CHAIRMAN

A native Floridian, Commission Vice Chairman 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 in 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 accepted a position in the General Counsel's Office of the Executive Office of the Governor. She later served in the Chief of Staff's Office of Governors Martinez and Chiles. From August, 1991, to October, 1993, Ms. Pate worked in the Tallahassee office of Steel, Hector and Davis' governmental consulting unit. In late 1993, she was appointed by Governor Lawton Chiles to serve as Florida's Victims' Rights Coordinator. She served in this capacity until she was appointed to the Florida Parole Commission by Governor Jeb Bush and the Florida Cabinet. In addition to serving as the State's Victims' Rights Coordinator, Ms. Pate served as clemency assistant and the State Attorney liaison for the Executive Office of the Governor. Ms. Pate was privileged to serve Governors Bob Martinez, Lawton Chiles, Buddy McKay, and Jeb Bush.

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 and was responsible for reviewing agency compliance with laws pertaining to the rights of crime victims. 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 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, served as an ad hoc member of Florida's Missing Children Information Clearinghouse and chaired the annual statewide National Crime Victims' Rights Week Observance Committee for the State of Florida. As a clemency assistant, she was responsible for reviewing and providing recommendations for gubernatorial action in response to ex-offenders' requests for restoration of civil rights, pardons, commutations of sentences, waivers of fines, firearm authority, and other related clemency issues. Ms. Pate has also served as a Guardian Ad Litem and is a current member of the local Child Abuse and Death Review Team.

Her professional affiliations include membership in the Association for Paroling Authorities International, Florida Police Chiefs Association, American Probation and Parole

Association, the National Center for Victims of Crime, and the Florida Council on Crime and Delinquency.

Ms. Pate was appointed to the Parole Commission by Governor Jeb Bush and the Florida Cabinet in 2003 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, and on May 31, 2006, she was appointed Commission Vice Chairman for a two year term.



L-R: Commissioners Pate and Dunphy Prepare to Vote Cases as a Panel



**COMMISSIONER
FREDERICK DUNPHY, SECRETARY**

Commission Secretary 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.

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.

History of the Commission

~Sixty-Six 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 1997 Florida Legislature 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, Attempted Sexual Battery, or who has been sentenced to a 25-year minimum mandatory sentence previously provided in s. 775.082, Florida Statutes, and who the Commission finds that 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.

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 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. In that the number of eligible offenders is increasing, the Commission has requested additional staffing to handle the workload and will work with the Legislature to assure adequate funding. The Commission continues to closely monitor this program.

The *General Appropriations Act* for FY 2002-03 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. That year, 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 ending 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 pending “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 2005-06. 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 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.

In December 2005 and February 2006, the staff of the Office of Program Policy and Accountability presented its findings to the respective legislative fiscal committees in the Senate and House on their FY 2005-06 study of the Parole Commission. The OPPAGA study concluded “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.

The 2006 Legislative Session again saw the introduction of HB 5017 by the House Fiscal Council, a corrections-related bill which included language to abolish the Commission and transfer its duties to the courts and other agencies in FY 2006-07. The Senate showed its tremendous support for the Commission by deleting the language from the bill prior to final passage. That same year, the Legislature provided the Commission with additional duties when it gave the Commission the responsibility of investigating seaport security waivers for the Florida Department of Law Enforcement in language included in HB 7415 on seaport security.

On April 5, 2007, Governor Crist and the Cabinet, acting as the Board of Executive Clemency, made significant changes to the Rules of Executive Clemency. These changes greatly expanded the number of ex-felons eligible to have their civil rights restored (RCR). Under the old rules, approximately 26% of offenders were eligible to have their rights restored, based on their crime, for Restoration of Civil Rights without a hearing. The new rules expanded this to 80% eligible for **automatic restoration (Level 1), which ensures** RCR restoration provided no restitution is owed and there are no pending charges. Initially,

cases are reviewed for eligibility, and then placed on an executive order for signature of the Clemency Board. Once the order is signed, certificates are mailed to the persons granted restoration of civil rights. Level 2 cases require a short investigation but are also RCR without a hearing. A Level 3 case requires a hearing and is for the most serious offenses such as murder, sexual battery or sexual predators. These persons must go through a full investigation and a hearing before the Board in order to be considered for restoration of civil rights.

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



State Senator Frederica Wilson Thanks Tampa Regional Administrator Patti Harris for Working the December 1 Miami RCR workshop as Jane Tillman looks on

ABOUT THE COMMISSION

~SERVES AS QUASI-JUDICIAL BODY~

The Parole Commission is an agency with 148 employees and a current budget of \$10.2 million and performs a vital role in Florida's criminal justice system by preserving the autonomy needed in post release decisions affecting inmates and ex-offenders. Thus, the Parole Commission functions as a **quasi-judicial** body. The Commission 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. Parole Commissioners preside over these quasi-judicial proceedings 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 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 conducts periodic supervision reviews of active parolees.** The Commissioners may hear testimony 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, 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 will address victim restitution issues as well as special conditions needed to ensure the protection of the citizens in our state.

Also, during 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.

~PROVIDES A COST-SAVING MECHANISM~

The 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, plus all the other expenses attendant to a criminal proceeding, at much greater expense to the State.

The Parole Commission is a lean, efficient agency that interacts with **65,000 offenders or ex-offenders** in some capacity each year with a budget of only **\$10.2 million** making the Commission the smallest state agency, costing less to operate each year than a single state prison.



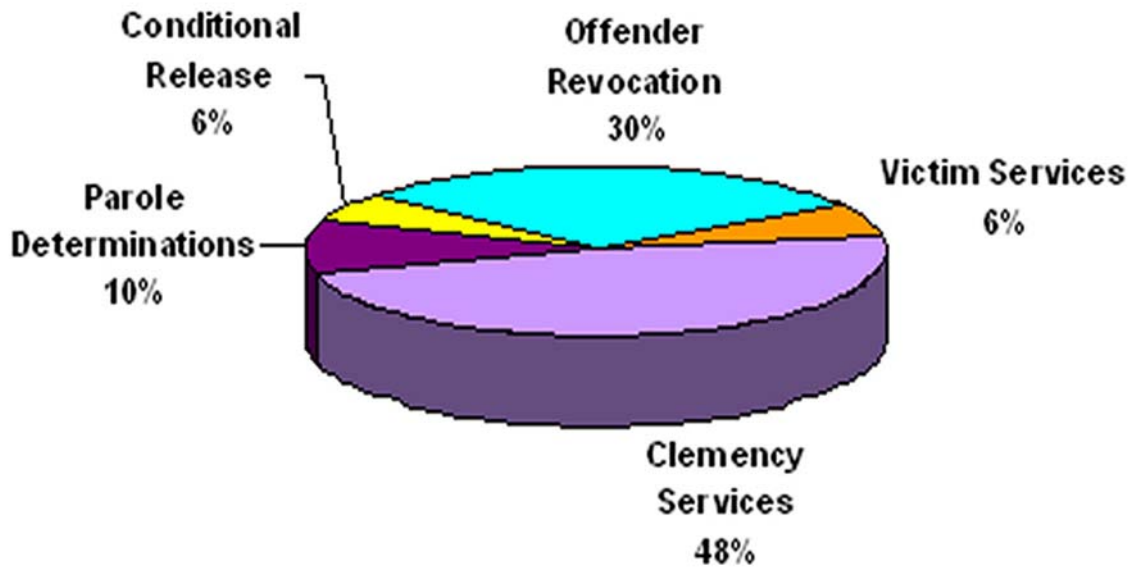
Parole Examiners Assist Two RCR Workshop Attendees as Director Hebert Works With Another Group, Tallahassee, October 13

COMMISSION'S YEAR IN SUMMARY for FY 2006-07

by Performance Measures/Activity/Accomplishments

Percentage of cases placed before the Commission/Clemency Board containing no factual errors:	97.40%
Number of parolees who have successfully completed their supervision without revocation within the first two years:	35
Percentage of parolees who have successfully completed their supervision without revocation within the first two years:	85.40%
Percentage of revocation hearings completed within 90 days of final hearing:	99.70%
Number of conditional release/addiction recovery cases handled:	7,316
Number of revocation determinations:	2,403
Number of clemency cases handled:	56,009
Number of parole release decisions:	1,161
Number of victim assists:	4,533

FY 2006-07 Workload Hours by Activity



COMMISSION YEAR IN REVIEW - STATISTICS

FY July 1, 2006-June 30, 2007

CONDITIONAL RELEASE/ADDICTION RECOVERY

- The number of conditional release and addiction recovery cases handled in FY 06-07 was 7,316.
- The number of offenders released to the Addiction Recovery Program increased from 1,392 to a total of 1,938 offenders in FY 06-07, a 39% increase from the previous year.
- The Addiction Recovery Program now accounts for 26% of the total conditional release caseload and 8 % of the revocations' caseload.

OFFENDER REVOCATIONS

- The number of revocation determinations made in FY 06-07 was 2,403, while Commissioners issued 3,206 arrest warrants for violations of supervision.

CLEMENCY SERVICES

- The Parole Commission processed 56,009 clemency cases in FY 06-07.
- The Parole Commission processed 53,586 restoration of civil rights without a hearing cases.
- The Parole Commission received 9 capital punishment clemency cases and completed 7 capital punishment/death penalty investigations in FY 06-07.
- The *Management of the Administration of Clemency (MAC)* and the *Restoration of Civil Rights (RCR)* data systems have been enhanced to modernize the workflow process and management oversight capabilities for this program.
- On April 5, 2007, the Board of Executive Clemency revised the rules creating three levels of restoration of civil rights eligibility. This action significantly increased the number of persons eligible to have their rights restored.

PAROLE DETERMINATIONS

- The number of parole release decisions for FY 06-07 was 1,161. On June 30, 2007, there were 5, 112 inmates currently eligible for parole release.

VICTIMS' SERVICES

- The number of victim assists provided by the Commission in FY 06-07 was 4,533.

BUDGET

- The Commission's staffing has remained static since 2003, with 148 FTEs and a current operating budget of \$10.2 million.

Commission Program Components 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 in clemency matters. The Legislature, in 2006, added to the Commission the responsibility of investigating seaport security waivers for the Florida Department of Law Enforcement when making a determination to deny or grant a waiver request for applicants who have been denied employment due to a prior felony conviction.

Parole

The Commission administers parole, which is a discretionary prison release. 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.

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. Thus, some inmates will not become parole eligible until the year 2020. There are currently 5,112 inmates who are still eligible for parole consideration and approximately 797 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 in Chapters 947, 948, and 960, Florida Statutes. 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. There were 7, 316 offenders placed on conditional release in FY 2006-07 and includes offenders released to the Addiction Recovery Program.

Control Release

In 1989, the Florida Legislature created the Control Release Program and placed it under the administration of the Commission in 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 in 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 in 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.

~Process~

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 with 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 every two weeks so that it may update its Central Voter File, which is used by the county Supervisors of Elections to update voter registration rolls.

~Governor Bush and Clemency Board streamline RCR Process in 2004~

In December of 2004, Governor Bush and members of the Clemency Board made the first efforts towards making it easier for felons in Florida to get their civil rights restored. These rule changes allowed *felons who had been arrest-free for five years* to obtain restoration of civil rights without a hearing, unless convicted of certain violent crimes, or if they owed restitution. *Anyone arrest-free for 15 years or more* could have their rights restored without a hearing regardless of their crime unless they owed victim restitution. However, cases had to be reviewed for eligibility in accordance with the rules of executive clemency and had to be processed in the order in which they were received.

As a direct result of the clemency process being made simpler and more accessible, the number of requests to have restoration of rights restored increased. In both the 2005 and 2006 Legislative Sessions, Governor Bush recommended funding for the hiring of additional staff for the Parole Commission to reduce the growing number of pending restoration of civil rights cases which were awaiting review. This recommendation included a \$1.8 million increase for clemency and 40 OPS positions to counter the increasing workload and pending cases. This recommendation was not funded by the Legislature.

~New Governor and Cabinet Approve Automatic Restoration in 2007~

On April 5, 2007, Governor Charlie Crist and Clemency Board members Alex Sink and Charles Bronson voted favorably to adopt new rules implementing an automatic approval process (Level 1) for the restoration of civil rights for felons convicted of specific offenses. Persons who have completed their sentences and paid their debt to society are now eligible for Level I automatic approval if they have been convicted of less serious offenses such as Grand Theft, Burglary of a Dwelling, Possession of Firearm by Convicted Felon, Felony DUI and Sale of Controlled Substance. Cases are reviewed for eligibility and placed on an executive order for signature of the Clemency Board. Once the order is signed, certificates are mailed to the persons granted restoration of civil rights.

Those individuals, who were convicted of more serious offenses such as Aggravated Battery/Assault, Trafficking in Cocaine, Aggravated Stalking, Kidnapping/False Imprisonment, or First Degree Burglary, are eligible for a Level 2 review for restoration of civil rights without a hearing. A more in-depth investigation is required for these cases with additional information being provided to the Clemency Board for a 30-day review. At the end of the review period, if the Clemency Board approves, the names of the eligible individuals are then placed on an executive order for signature of the Board and restoration of civil rights certificates are mailed to those persons once the order has been signed. If the Clemency Board does not approve, the case will be forwarded for a full clemency investigation (Level 3).

Persons convicted of the most serious offenses such as Murder/Manslaughter, Sexual Battery, Aggravated Child Abuse, or persons designated as Sexual Predators, must be investigated for restoration of civil rights with a hearing before the Board of Executive Clemency as a Level 3 case.

In addition to the electronic lists provided by the Department of Corrections, the Commission uses a one-page hardcopy restoration of civil rights data worksheet. This form has been redesigned to require less information and eliminates the requirement that individuals provide certified copies of court documents when applying for restoration of civil rights. The mailing of a copy of the request form to the sentencing judge and State Attorney has been eliminated in all types of clemency requests and forms are now available online for all clemency requests. Also, in August 2007, the Commission activated a toll-free number (1-800-435-8286) for persons calling for information on restoration of civil rights.

The current review process utilizes many automated computer systems (e.g., Department of Corrections, Clerks of Court, the Internet, Department of Law Enforcement, Department of Highway Safety and Motor Vehicles, Judicial Inquiry System (JIS), local law enforcement agencies, out-of-state boards and agencies, etc.). In addition, the Commission now uses the Comprehensive Case Information System (CCIS), a secured

Internet Portal maintained by the Florida Association of Court Clerks, providing a single point of access for statewide court case information as a new automated tool for Parole Examiners to use. The notification letter mailed to those individuals who are determined by the Commission to be ineligible for restoration of civil rights without a hearing is automatically generated by the Management Application of Clemency (MAC) database. This letter provides information on how to proceed with the process for restoration of civil rights with a hearing.

The referral, assignment, and approval of cases within the Commission are now processed through the Commission's Management of Clemency Investigations' (MCI) database. The clemency database was redesigned to consolidate the MAC and MCI databases into one integrated system. This redesign was completed in November 2006.

As a result of the clemency process being made more "user friendly," the number of restoration of civil rights requests (cases) has increased. To that end, the Commission in its FY 2007-08 Legislative Budget Request, addressed the clemency workload increase by asking for \$1.8 million for additional funding to counter the increasing workload and pending cases. Again, this request was not funded by the Legislature. The Commission's FY 2008-09 budget request again addresses the need for additional resources to handle the large growth in RCR cases.

Today, persons seeking to have their rights restored need only make a request by letter or e-mail, download the Clemency request form posted on the Internet, or call the Office of Executive Clemency or toll free number (1-800-435-8286) directly.

Seaport Security Investigations

During the 2006 legislative Session, legislation was passed (CS for HB 7145), which addressed seaport security, access control, and credentialing. The Parole Commission was charged with the additional task of conducting fact-finding investigations for use by the Florida Department of Law Enforcement (FDLE) when making a determination to deny or grant a waiver request for applicants who have been denied employment due to a prior felony conviction.

The law specifically requires Parole 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 a relevant investigation. On completion of its review and findings of fact, Commission staff provides the report to the Florida Department of Law Enforcement.

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. 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 2006-07, 1,938 offenders were placed in the program, a 39% increase from FY 2005-06. The Addiction Recovery Program now accounts for 26% of the total conditional release caseload and 8% of the revocations' caseload.

COMMISSION MEETING DAY



Staff Welcomes Meeting Day Visitors



Families Wait to Appear Before Panel



Staff & FDLE Security Agent Review Visitor List Prior to Meeting



Security Measures Require Visitors To Be Screened Prior to Entry

THE OFFICE OF THE GENERAL COUNSEL



Kim M. Fluharty
General Counsel

During Fiscal Year 2006-07, 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. This litigation resulted in staff filing over 1,297 court pleadings, briefs, memoranda, and legal correspondence and provided legal advice for approximately 864 legal issues. Additionally, legal staff received over 6,200 pieces of mail and answered over 4,300 telephone calls. A key responsibility of this Office is to represent the Commission in numerous hearings throughout the State, while providing legal advice and support to the Tallahassee Central Office and 5 Regional offices located throughout the state.

Issues raised in Commission legal proceedings have become increasingly complex and diverse over time. This litigation continues to significantly affect the workload of the Commission and the Office of the General Counsel. In spite of the complexity and diversity, a very high percentage of these matters resulted in opinions favorable to the Commission.

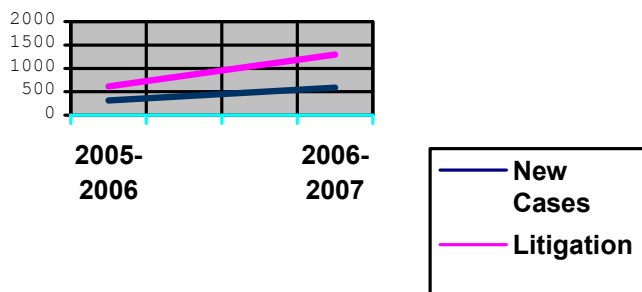
The following highlights some of the many accomplishments made by this office in FY 2006-07:

- Issuing verbal and written legal opinions regarding formulating policy, interpreting case law, and applying existing administrative rules.
- Responding to public record requests and ensuring compliance with applicable statutes.
- Providing advice on public record requests and other related matters.
- Preparing special orders and memoranda regarding the handling and disposition of Commission cases.

- Providing input and assistance to the Board of Executive Clemency regarding clemency issues.
- Advising the Office of Clemency Administration and the Office of Executive Clemency on clemency issues.
- Advising and assisting the Chairman and Director of Communications and Legislative Affairs with responses to numerous requests from the Legislature, news media and the public regarding the operation of the Commission and its programs.
- Providing input and assistance with the rulemaking process of Commission rules.
- Providing assistance to revocation staff and parole examiners regarding felony offender revocation hearings.
- Reviewing and providing input regarding Agency Procedure Directives.
- Providing review and analysis on proposed legislation and attending legislative meetings as needed.
- Holding staff meetings to review recent court decisions and pending legal questions.
- Providing Spanish translation for hearings, written correspondence and telephone inquiries.
- Reviewing contracts entered into by the Commission.
- Representing the Commission at meetings and during various discussions with the Department of Corrections regarding felony offenders under the Commission's jurisdiction.
- Providing legal representation, assistance and support on personnel issues.
- Establishing, coordinating and participating in week-long state-wide training sessions.
- Participating in training sessions and activities for continued professional development and compliance with state certification.
- Providing training to outside entities.

- Providing legal support for Commission staff at various Restoration of Civil Rights outreach workshops and programs.

Workload Report Comparison



Fluharty, Keels and Giacomo Confer on the Status of a Pending RCR Case, Miami, December 1

OFFICE OF COMMUNICATIONS AND LEGISLATIVE AFFAIRS



Jane Tillman
Director

The Office of Communications and Legislative Affairs became an official and permanent part of the Commission's organizational structure in July 2007 with the Director being made a part of the senior management staff and reporting directly to the Commission Chairman. This office 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. In this role, the Director routinely interacts with all members and staff of the Florida Legislature; the Office of Program Policy and Accountability (OPPAGA); the Governor's Office of Policy and Budget (OPB); the Governor's Office of Legislative Affairs, and the Legislative Affairs Directors of all state agencies, particularly with 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 Chairman and the other senior managers; provides daily information to all Commissioners and senior managers through the agency's Lobbytools service; and makes presentations before legislative committees as needed.

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 along with the General Counsel, the Governor's Communications Office, and other state agency Communications Directors and Public Information Officers.

This office is also responsible for writing and producing the agency's Annual Report and works with other senior managers to produce the Long Range Program Plan, the Annual Proviso Report on Clemency Issues for the Legislature, and is the chief editor for any agency published materials and documents.

In June 2007, as a result of funding being appropriated for Restoration of Civil Rights' (RCR) outreach activities, this office was given the assignment to coordinate and

oversee the Commission's RCR efforts and to act as the agency liaison between the Outreach groups, legislator's offices, and other state agencies. This resulted in the following accomplishments:

- The Commission participated in 17 RCR workshops and training seminars around the state between April 30 and December 8, 2007.
- Established a toll-free hotline for inquiries on the Restoration of Civil Rights Process and case information staffed by two multi-lingual OPS employees.
- Worked with community activists and statewide organizations to enhance awareness campaigns for such groups on the new clemency changes by providing materials, training packets, and an outreach workshop plan component for their use.
- Worked with other state agencies and private communications groups to develop promotional materials for the RCR outreach initiative.

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 Government Accountability, the Florida Legislature and staff, the State Resources Office, the Office of the Chief Financial Officer, and the Department of Management Services. It is currently staffed with 9 full-time employees in five sections who provide administrative support to the Commission's Central Office and 10 field offices. Those sections include the Director's Office; the Finance and Accounting Office; Human Resources; Research and Data Analysis; and Information Technology.

This division 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), purchasing of all commodities for the agency, and conducting the pre-audit of all agency invoices. Additionally, it oversees emergency management and disaster response requirements for the agency. Also, the division oversees employee participation campaigns such as the Governor's Mentoring Initiative and Partners for Excellence.

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 issues with the *People First* system.

The Human Resources staff 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. Additionally, staff training through increased training opportunities and the tracking of training hours will be emphasized in the next fiscal year.

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 2006 - 2007

Appropriation Category	Final Expenditures
010000 – Salaries	\$7,736,481
030000 – OPS	\$256,067
040000 – Expense	\$1,244,344
060000 – OCO	\$76,243
103241 – Risk Management	\$95,637
107040 – <u>Personnel Assessment</u>	\$ 61,976
210014 – Other Data Processing Svcs	\$298,097
TOTAL	\$9,768,865

Information Services

During Fiscal Year 2006-07, the Information Services staff consisted of an Administrator and two professional staff. A full-time contract programmer assigned to work on the Clemency application redevelopment project was available during this period as was an OPS employee on a part-time basis. The Information Services Administrator serves as the Chief Information Officer for the Parole Commission and as a voting member of the Florida Criminal and Juvenile Justice Information Systems Council and the State's Chief Information Officer Council.

As part of a normal business day, the Commission's Information Services staff routinely complete a variety of computer maintenance tasks and software updates to keep the central office's computer installations operating efficiently. Additionally, the staff responds to between 40 and 50 calls monthly for technical assistance from staff, as well as help desk referrals from the Department of Corrections. Beyond these routine activities, a number of projects were completed or begun during FY 2006-07:

Automation

- Completed the re-programming of the clemency case management system, implemented the Restoration of Civil Rights initiative.
- Installed a portable digital recorder to replace the old system used for recording Commission meetings.
- Began testing Sharepoint for document storage and Redhat server for public record requests.

Servers

- Finished the virtualization of the operational servers including the Development, Intranet, IRIS Imaging, network printers, and WSUS (Windows Patch) servers.
- Replaced gateway physical server to support Citrix and Webmail.
- Created a NAS Data Warehouse storage server.
- Tested Disaster Recovery server procedures.
- Planned the move of the production servers to the Shared Resource Center.

Network

- Implemented a Virtual Private Network with Corrections.
- Redesigned the network for faster response time.
- Planned the conversion of network to Myflorida.net (MFN).

Desktop

- Installed 40 new desktop personal computers and reconfigured all desktops statewide.
- Tested and approved next printer replacement model and a mobile hardware solution for senior management COOP plan.

- Tested and rejected Wi-Fi connectivity for normal desktop and printer usage.

Security

- Hardened the Firewall.
- Implemented Group Security Policies.
- Registered desktops with Symantec antivirus solution.



Director Schuknecht & Chairman David, and DOC's,
Special Projects Director Tina Hayes, RCR Outreach,
Tallahassee, October 13

CLEMENCY ADMINISTRATION



Steve Hebert
Director

The Office of Clemency Administration is charged with investigating, reviewing, evaluating, and ultimately reporting to the Board of Executive Clemency on all types of clemency cases, including, but not limited to, restoration of civil rights, full pardons, firearm authority, domestic violence, and capital punishment cases. The Governor and 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 Board of Executive Clemency. In providing this support, the field staff conducts investigations into all factors, including but not limited to offense(s), history of adjustment to incarceration or supervision, criminal record, traffic record, payment of fines/court costs/public defender fees/victim restitution, family history, child support issues, history of domestic violence, alcohol/substance abuse history 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, monitors compliance with the conditions set forth by the Board, and provides quarterly progress reports to the Board.

Information Services (IS), assisted by the Director of Clemency Administration and Coordinator of the Office of Executive Clemency along with several staff members, created a new version of the Management of Application for Clemency (MACNet) database. This enhanced database, a product of the Clemency Database Redesign Project, became operational in November 2006 and uses newer technology to help the Commission meet future operational demands.

During the Chairman's Statewide Training held at the Pat Thomas Law Enforcement Academy in Quincy, Florida, October, November and December 2006, the Director of

Clemency Administration and office staff provided training on clemency investigations and the new clemency database to all Field Services.

Clemency Administration currently receives electronic applications from the Department of Corrections for offenders being released from prison and those offenders being terminated from community 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. The Commission follows the Rules of Executive Clemency during the review process to determine eligibility. This process involves accessing many different databases to obtain and verify information on criminal histories, court records and pending court actions and restitution obligations. Records of the Department of Corrections, Department of Law Enforcement, Department of Highway Safety and Motor Vehicles, local law enforcement agencies, clerks of court, the Internet, and other out-of-state boards and agencies may be accessed. In addition, the Commission also utilizes two newer databases, the Judicial Inquiry System (JIS) and the Comprehensive Case Information System (CCIS) which are valuable resources in conducting eligibility reviews for Restoration of Civil Rights. 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.

On April 5, 2007, the Board of Executive Clemency adopted new Rules of Executive Clemency at a specially called meeting. The revisions pertained to the Restoration of Civil Rights (RCR) and allow for automatic approval of restoration of civil rights. To qualify for automatic approval of restoration of civil rights a person must have completed all their sentences or terms of supervision; have no pending criminal charges or outstanding detainers; have paid all victim restitution; and have not been convicted of certain severe violent crimes. As a result of the revisions to the Rules of Executive Clemency, all RCR cases are now processed under one of three designated levels.

- Level 1 – Review process for automatic approval for less severe crimes
- Level 2 – Review process and preliminary review list for approval for severe crimes except murder, sex offenses, etc.
- Level 3 – Full investigation and hearing process for murder, sex offenses, and those not approved in Level 2

Subsequent to the adoption of the new Rules of Executive Clemency, the Director of Clemency Administration and Parole Examiner Supervisor in Clemency Administration assisted Information Services in quickly making all necessary modifications to the clemency database to comply with the newly adopted Rules. Immediate training regarding the eligibility criteria utilized in the review process, as well as changes made to the clemency database, was provided by Clemency Administration to all Commission staff.

This office continues to work closely with Field Services, Department of Corrections staff, Clemency Board Members staff, legislative staff, and other agencies to ensure that they have the appropriate information and knowledge to understand the amended Rules of Executive Clemency, especially issues regarding eligibility for Restoration of Civil Rights. The Director, along with other Commission staff, has participated and made presentations regarding Restoration of Civil Rights in many outreach workshops throughout the State.

In cases where an individual cannot meet the eligibility requirements of a specific form of clemency, Clemency Administration may be referred a waiver application by the Office of Executive Clemency. This office conducts a brief investigation which includes, but is not limited to, the applicant's offense(s), history of adjustment to incarceration or supervision, criminal record, and traffic record. Clemency Administration obtains the Commission's advisory recommendation for submission to the Board of Executive Clemency.

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

The Commission places a great deal of importance on coordinating efforts with State Attorney and Attorney General Victim Services' Offices to assist victims in all clemency cases which appear on agendas to the Board of Executive Clemency. Clemency Administration staff, along with Commission field staff, make all possible efforts to identify, locate and contact the victims of record, and provide their comments to the Board. The Commission's Victim Advocate for clemency cases, who serves in the Victim Services section of the Commission, works closely with Clemency Administration and the Director to further enhance the overall victim contact process and to provide assistance to victims and victim family members in all types of clemency cases.

In 2006, the Legislature passed House Bill 7145 which provided for significant changes relative to seaport security in Chapter 311, Florida Statutes, including access control and credentialing. The new law became effective on July 1, 2006, and allows persons denied employment by the seaports after July 1, 2006, to be eligible to participate in

a waiver process. The Florida Department of Law Enforcement (FDLE) established a waiver process and the Parole Commission was charged with the task of conducting fact finding investigations for use by FDLE when making a determination to deny or grant a waiver request. This factual review of the waiver application and an investigation must be completed no later than 90 days after receipt of the waiver application packet from FDLE. This review entails a full investigation of the individual which includes a thorough review and verification of all statements and information provided by the applicant. On completion of its review and findings of fact, Clemency Administration forwards the final report to FDLE.



Parole Examiner Tom Hamilton and Clemency Administration Director Steve Hebert Discuss RCR Event Plans

OFFICE OF EXECUTIVE CLEMENCY



Janet Keels
Coordinator

The Coordinator in the Office of Executive Clemency reports directly to the Governor and Cabinet in the performance of her duties and responsibilities. This office is 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 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 for the overall coordination of clemency hearings and referring applications for investigation. The Coordinator is the custodian of all clemency records. In addition to processing requests for restoration of civil rights, and applications for 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. Office staff is responsible for answering questions and assisting applicants, as well as responding to correspondence and phones 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 the 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.

In October, November, and December 2006, OEC staff participated in statewide training for parole examiners. Staff provided training on the duties and responsibilities of the office and answered questions from field staff. The Coordinator also assisted the Director of Clemency Administration with clemency training.

In November 2006, the new clemency database was installed and staff began training to transition to the new system, now known as MACNET. IT staff made some modifications and added some requested features after the OEC staff tested the system for a few weeks.

After the new rules regarding automatic approval for restoration of civil rights were approved in April, OEC received over 1,500 requests for clemency in that month alone, with another 2,000 for the months of May and June. Staff has been able to keep the database current by entering these new requests on a daily basis. The office continues to receive hundreds of requests for restoration of civil rights, as well as other forms of clemency, each month.

During the 2006 legislative session, the Coordinator attended several committee hearings on the restoration of civil rights process and assisted the Director of Communications and Legislative Affairs in responding to many requests from legislators and staff members requesting the clemency status of their constituents. During April, OEC staff participated in an RCR training/workshop for legislative aides of the Legislative Black Caucus, as well as assisting with training for the Department of Corrections.

In May, the Coordinator and Director of Clemency Administration attended the annual conference for the Florida Association of Supervisors of Elections in SanDestin, Florida, and gave a presentation on the new rules and procedures for restoration of civil rights.

In June, the Coordinator, Chairman David, and other members of the senior management team participated in an RCR workshop organized by State Senator Gary Siplin and the ACLU in Orlando. OEC staff and other Commission employees were able to work one-on-one with members of the public who attended seeking to have their rights restored or to get information on the process. As a result of working with Senator Siplin's office, we were able to present several individuals with their certificates of restoration of civil rights.

During the past year, OEC coordinated four quarterly clemency hearings: September 21 and December 7, 2006; and March 1 and June 14, 2007. Also, a special meeting was held on April 5, 2007, to address the changes in the Rules of Executive Clemency. There were also five waiver hearings held on August 3, October 5, and November 2, 2006; and February 8 and May 24, 2007.

DIVISION OF OPERATIONS



Gina Giacomo
Director

THE DIVISION OF OPERATIONS is the largest component of the Florida Parole Commission, with 100 positions throughout the state. The Operations Division is comprised of 4 sections: Revocations; Victim Services; Release Services; and Field Services. Field Services includes 10 offices in five regional areas around the State. Each region has 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 a diversity of 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 both clemency investigations for the Board of Executive Clemency and seaport security waiver investigations for the Department of Law Enforcement.

Highlights of the Division of Operations Achievements and Activities for Fiscal Year 2006-07:

- Completed statewide training for all of the commission's professional staff during October, November, and December 2006 at the Pat Thomas Law Enforcement Academy in Quincy. All professional field and central office staff attended a full week of training prepared by the staff of the Operations and Legal Divisions.
- New Clemency Rules were adopted April 2007. This action by the Governor and Clemency Board more than doubled the number of cases to be processed, and/or heard, by the Executive Clemency Board. This has resulted in a huge clemency workload increase in every region of the state.
- Due to DOC's "zero tolerance" policy, the increase in violation reports resulted in a large increase in the number of revocation hearings and the preparation and processing of warrants. Field staff and revocations staff absorbed the increased workload while maintaining a quality work product.

- Applied for and received a federal grant to fund a full-time position in the Victim Services section to address the needs of victims of offenders who are seeking clemency.
- Recruited student interns from local universities to assist in the performance of criminal justice activities, which are carried out by the Florida Parole Commission.
- 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.

Release Services

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 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 Conditional Release and Addiction Recovery Programs; and maintains the official records of the Commission's decisions. This section also coordinates the Commission's out-of-town meetings. During the reporting period, Commission meetings were held on June 6th in Tampa and July 25th in Pensacola.

Special accomplishments for Release Services this year include the following:

- Computerized the process for noticing public meetings in the Florida Administrative Weekly and submissions are now sent electronically.
- Updated the policy on conducting Pre-Parole Investigations.
- A Felony Offense Coding Project was begun with Release Services and Legal staff to determine if new offenses passed by the Legislature are Conditional Release eligible or whether they qualify for Addiction Recovery.
- Installed new software to listen, review, and retrieve recordings of Commission meetings.
- Developed a checklist to ensure the Commission's voting sessions conducted away from central office proceed smoothly and efficiently.
- A work order was completed to increase the number of disciplinary reports that print out for the Commissioner's dockets.

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, coordinates the extradition of violators, and performs functions relating to the docketing and processing of cases for Commission action 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. 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.

Special accomplishments for Revocations this year include the following:

- Quality assurance measures were established for all docketed revocation cases.
- A new "FPC Verbal Hit Confirmation Form," was developed and is now utilized by the communications section in Revocations to handle verbal notification of arrests.
- The analysis of violation reports received from the Department of Corrections (DC) remains an ongoing project; however, the procedure for returning reports was modified to increase timeliness and efficiency.
- The status of sex offender cases continue to be monitored and evaluated and those with an unacceptable release plan reviewed to determine the best course of action.
- Implemented a commission order with Legal's assistance for conditional release cases in which the offender is dual eligible, where the probation or community control is subsequently revoked by the court, and there are also non-probationary sentences within the current sentence structure. Pursuant to s. 947.1405, Florida Statutes, and FPC Procedure Directive 3.03.02.06, if the court revokes the split sentence and re-sentences the offender to a term of incarceration in state prison, the Commission will vacate the order of CRS for that particular offense.
- Developed new codes for Revocations' use to improve the tracking of cases.

Field Services

Field Services' staff is responsible for performing a variety of functions, including conducting administrative hearings. 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 conditional release, parole, addiction recovery supervision, conditional medical release, or control release supervision. 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 arrest notification. Revocation hearings are fact-finding hearings conducted by a Parole Examiner and are usually held at the county jail. Parole Examiners also conduct investigations and prepare reports on individuals who are seeking clemency. During the past fiscal year, field services staff was instrumental in reducing the number of pending restoration of civil rights cases.

Regarding the parole release process, Field Services' Parole Examiners conduct inmate interviews and investigations and make recommendations regarding the establishment of a presumptive parole release date for parole eligible inmates. Their duties include making recommendations regarding changes to an inmate's presumptive parole release date and whether to release on parole. They conduct investigations for parole release plans, conduct parole supervision reviews; and locate 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.

Special accomplishments for Field Services this year include the following:

- After the April 2007 Clemency Rule changes, field staff reviewed all clemency cases currently in house and reassigned them to the new categories of Levels 1, 2 or 3, and then completed all Level 1 cases previously assigned to the field.
- Commission staff prepared and conducted Restoration of Civil Rights (RCR) training on April 19, 2007 which was broadcast by satellite statewide to all and FCP staff working RCR cases.
- In June and July, field staff conducted quality assurance reviews on historical cases where a preliminary review was conducted by DC staff.
- Field staff met this challenge while maintaining the high standards for investigation and submission of quality reports that the Governor and Cabinet rely upon.
- Implemented new policy on Warrant Retrieval which will result in a cost savings to the Commission.

Victim Services

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. Staff, in coordination with field 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 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 parole process and crucial to informed decision-making. Their participation 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 participate in this process, the person still has the right to request to be notified and informed of upcoming parole proceedings and the Commission'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 parole process.
- Educating victims about the parole process.
- Providing advance notice to victims of upcoming parole proceedings.
- Having professional staff available at each 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 such as 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 acts as the liaison with victim advocacy groups, prosecuting attorneys, 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. 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 victimization, assist victims to understand and participate in the criminal justice system and provide victims of crime with a measure of safety and security. This section has been active in seeking ways to broaden the services that are available to victims.

Special accomplishments by Victim Services this year include the following:

- Victim Services members attended the National Organization for Victim Assistance with workshops designed to educate victim service providers and enable them to better understand the dynamics of victimization.
- Staff are members of the Big Bend Victim Assistance Coalition and attended local victim recognition events and fund raisers.
- Staff continues to contact victims regarding future parole initial interviews and are currently working on cases as far ahead as 2014.
- April 24, staff participated in “Tallahassee Tuesdays” at the Governor’s Mansion as a part of Victims Rights’ Week at the invitation of Governor Crist for an informal discussion regarding victims’ issues

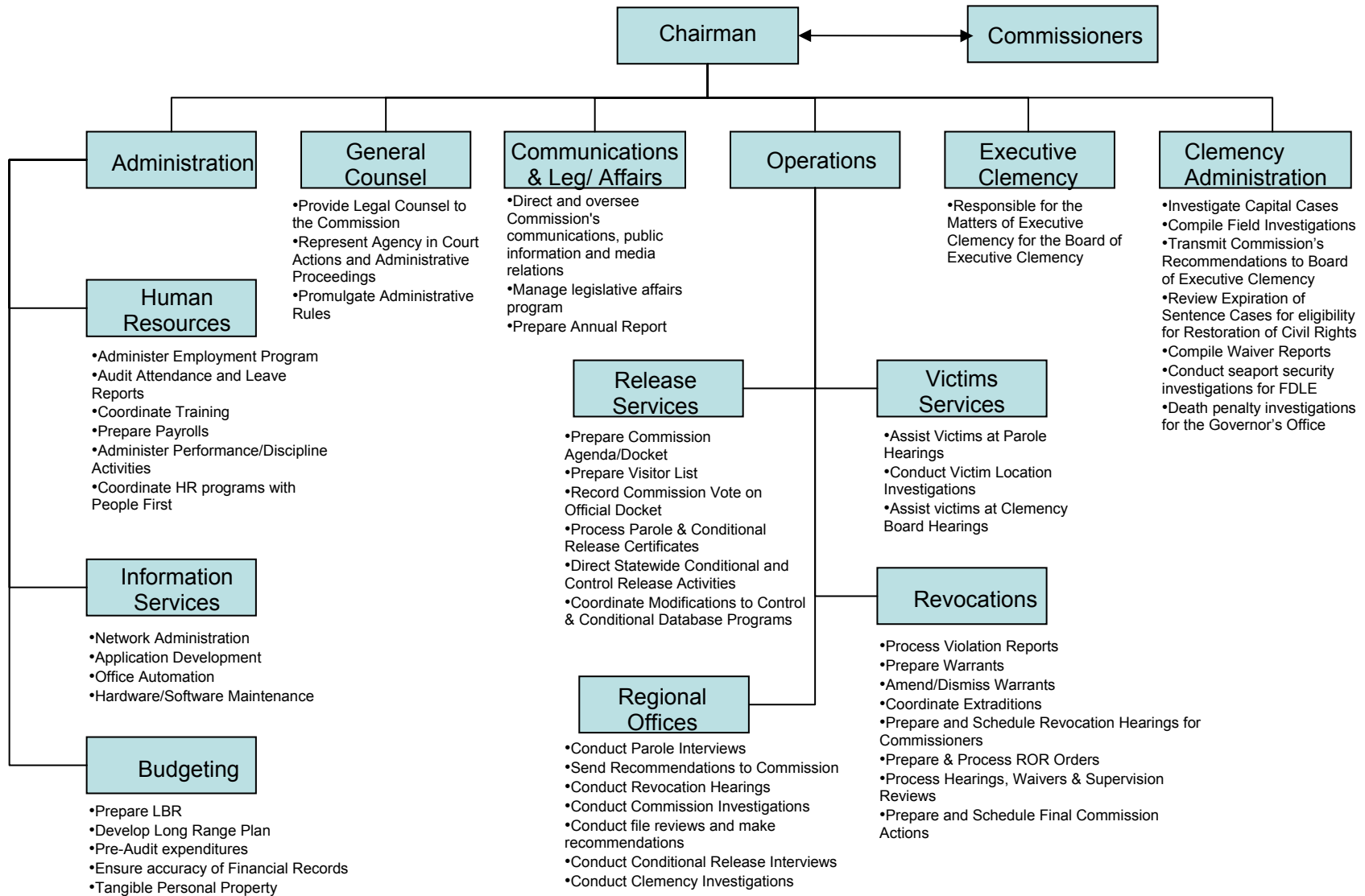


Legislative Aide to Rep. Thurston, Ella Phillips, and PE Leris Calderon, Ft. Lauderdale December 8th



December Ft. Lauderdale RCR Event Offered Many Services to Ex-offenders

Florida Parole Commission Organizational Chart



COMMISSION OFFICES DIRECTORY

**FLORIDA PAROLE COMMISSION,
2601 BLAIR STONE ROAD, BUILDING C,
TALLAHASSEE, FL 32399-2450**

(Web site: www.fpc.state.fl.us)

COMMISSIONERS

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

OFFICE OF GENERAL COUNSEL

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

OFFICE OF COMMUNICATIONS AND LEGISLATIVE AFFAIRS

Jane Tillman - Director (850) 921-2816/SC 291-2816

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
Valerie Gardner – Accounting and Budgeting
Administrator (850) 921-2815/SC 291-2815
David Johnson – Information Services Administrator (850) 488-3418/SC 278-3418

DIVISION OF OPERATIONS

Gina Giacomo – Director (850) 922-6137/SC 292-6137

REGIONAL ADMINISTRATORS

Becky Dodson – Region One Administrator (850) 627-8436
Mills Rowland – Region Two Administrator (904) 348-2610/SC 870-2610

Terry Turner – Region Three Administrator
Sheila Roberts – Region Four Administrator
Patti Harris-Region Five Administrator

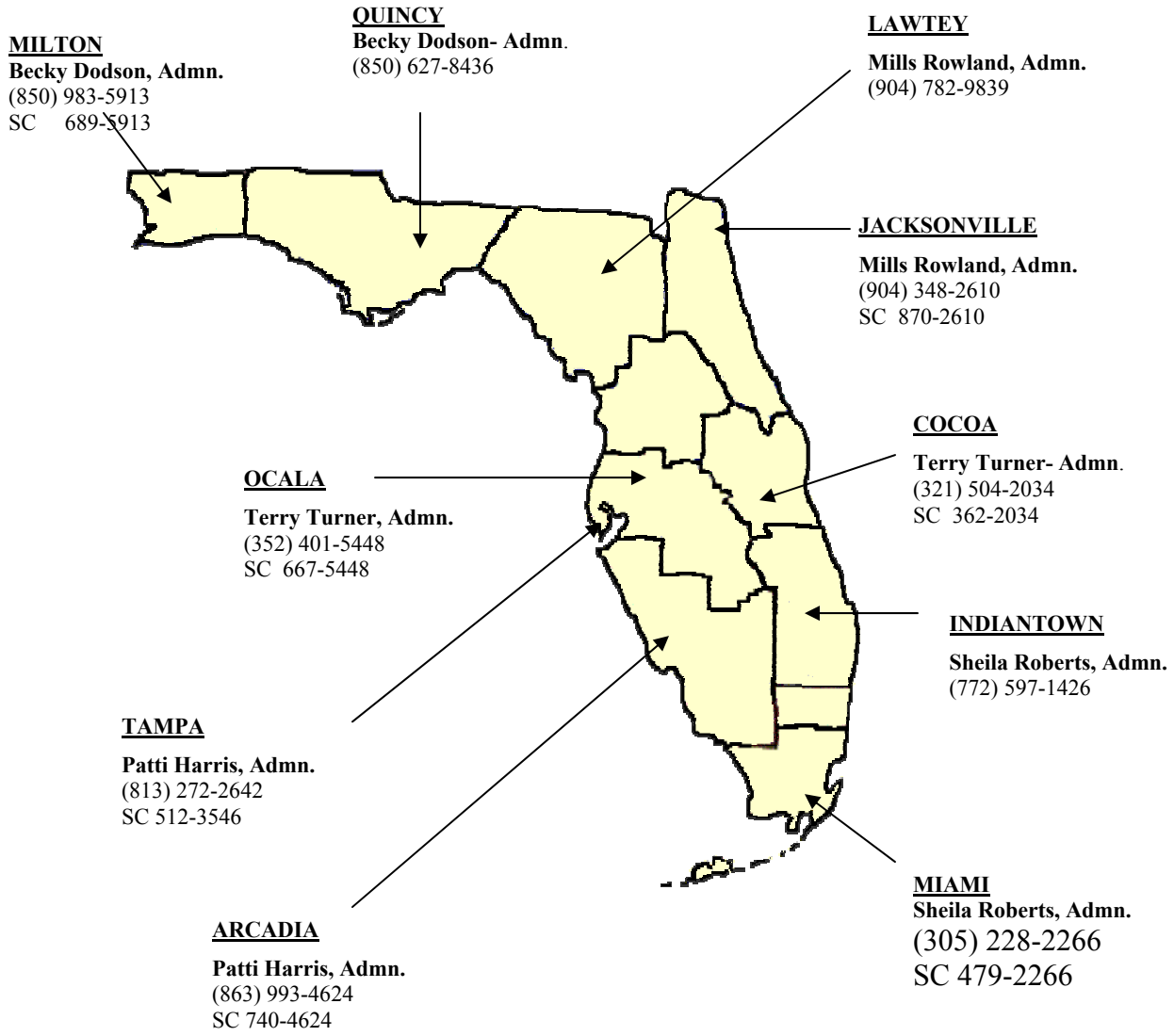
(321) 504-2034/SC 362-2034
(305) 228-2266/SC 479-2266
(813) 272-2642/SC 512-3546

TOLL FREE ACCESS NUMBER

Restoration of Civil Rights and
Victims toll free number

1- 800- 435- 8286

FIELD OFFICES DIRECTORY



FREQUENTLY ASKED QUESTIONS

THE COMMISSION

1. What role does the Commission serve within the criminal justice system in Florida?

The Parole Commission administers parole in 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. Certain capital felonies were eligible for parole up until 1995.

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, 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 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 conducts periodic supervision reviews of active parolees. The Commissioners may hear testimony 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, 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 will address victim restitution issues as well as special conditions needed to ensure the protection of the citizens in our state.

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.

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 greater expense to the State.

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 1999, the Commission has processed over 371,370 applications for clemency/civil rights.

Simplifying the Restoration of Civil Rights process in 2004 and again in 2007 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 over 100,000 since 1999. This stupendous growth has occurred while the staffing of the Parole Commission has actually decreased 20% since 2001.

The Florida Parole Commission is a lean, efficient agency that interacts with **65,000 offenders or ex-offenders** in some capacity each year with a budget of only **\$10.2 million** making the Commission the smallest state agency, which costs less to operate each year than a single state prison.

2. 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, without recommendation. After the Governor and Cabinet have made their selection, the full Senate must then confirm the chosen applicant.

3. 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 and Vice Chairman 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.

4. 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.

5. 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.

**CONDITIONAL RELEASE, CONDITIONAL MEDICAL RELEASE,
CONTROL RELEASE, ADDICTION RECOVERY SUPERVISION, AND
PAROLE**

1. 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.

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. Parole, Conditional Release, Control Release, Conditional Medical Release, and Addiction Recovery Supervision are under the jurisdiction of the Commission, not the Courts. All offenders are supervised by the Department of Corrections.

3. 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. Thus, some inmates will not become parole eligible until the year 2020. There are currently 5,112 inmates who are still eligible for parole consideration and approximately 797 offenders who are still under parole supervision.

CLEMENCY

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

On April 5th, 2007, the Board of Executive Clemency adopted changes to the Rules of Executive Clemency, which made it easier for felons in Florida to get their civil rights restored. The new rules implemented an automatic approval process (Level I) for the restoration of civil rights for felons convicted of specific offenses that have completed their sentences and paid their debt to society.

Three levels of restoration of civil rights eligibility criteria were determined and designated as Level I, Level II, or Level III. Persons eligible for Level I automatic approval have been convicted of less serious offenses such as *Grand Theft, Burglary of a Dwelling, Possession of Firearm by*

Convicted Felon, Robbery (No Deadly Weapon), Felony DUI, and Sale of a Controlled Substance. Initially, cases are reviewed for eligibility, and then placed on an executive order for signature of the Clemency Board. Once the order is signed, certificates are mailed to the persons being granted restoration of their civil rights.

Those individuals, who were convicted of more serious offenses such as *Aggravated Battery/Assault, Trafficking in Cocaine, Aggravated Stalking, Kidnapping/False Imprisonment or designated as a Three-Time Violent Felony Offender,* are eligible for a Level II review for restoration of civil rights without a hearing. This requires a more in-depth investigation with the information being provided to the Clemency Board for a 30-day review. At the end of the review period, if approved by the Clemency Board, the names of the eligible individuals are placed on an executive order for signature of the Board and, once signed, certificates are mailed to those persons granted restoration of civil rights.

A Level III case includes those persons convicted of the most serious offenses such as *Murder/Manslaughter, Sexual Battery, Aggravated Child Abuse, or persons designated as Sexual Predators.* These persons must go through a full investigation and a hearing before the Board in order to be considered for restoration of civil rights.

2. How can one apply for Clemency?

All persons seeking clemency shall complete a request form and submit it to the Office of Executive Clemency. The Coordinator, upon request, will provide an application form for all clemency requests other than restoration of civil rights. All requests for Clemency must be filed with the Coordinator on the form provided by the Office of Executive Clemency or the form 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 request 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 cost involved to get one's civil rights restored?

No. There is no charge to request that one's civil rights be restored. Please contact the Office of Executive Clemency at 850-488-2952 if someone attempts to charge a fee for this service which is provided at no charge by the State.

5. Is there a filing fee for the pardon application process?

No. A fee is not required. This is a service provided free of charge by the State of Florida.

6. If a case is scheduled for a clemency hearing, does the person seeking clemency have to attend the hearing?

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

7. 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 a request to have their rights restored. 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.

8. 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 2006-2007

CHAIRMAN MONICA DAVID



Seated: Chairman Monica David; Standing: left, Laura Tully, Administrative Analyst; right, Penny Burnside, Administrative Assistant

COMMISSIONER / SECRETARY FRED DUNPHY



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

COMMISSIONER/VICE CHAIRMAN TENA PATE



Standing L-R: Mary Lynn Petroski, Personal Assistant; Vice Chairman Tena Pate; Rose McCaffrey, Administrative Analyst