

FLORIDA PAROLE COMMISSION



**ANNUAL REPORT
2007-2008**

MISSION STATEMENT

*To ensure public safety and provide
victim assistance through the
post prison release process*

GOVERNOR CRIST AND MEMBERS OF THE CABINET
DECEMBER 2008



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, 2008

Dear Governor Crist and Members of the Cabinet,
President Atwater, and
Speaker Sansom:

As Chairman of the Florida Parole Commission, it is my pleasure to present this FY 2007-08 Annual Report on the state of the Commission for the reporting period July 1, 2007 through June 30, 2008. I am proud to have been appointed to serve as Chair of this significant state agency and to lead our committed Commission employees, who by their exemplary work product, continue to bring value to State Government. Since being appointed Chairman August 12, 2008, we have refocused the Commission's mission and workload on its core mission of public safety to allow us to fulfill the duties the Legislature has mandated by statute. With dwindling resources and staff, we are working smarter and more diligently to meet deadlines and complete the work mandated by statute, rule, and an increased, but unfunded, workload.

Commissioners Pate and David join me, along with Commission staff, in expressing our gratitude to Governor Charlie Crist, Attorney General Bill McCollum, Agriculture and Consumer Services' Commissioner Charles Bronson, and Chief Financial Officer Alex Sink for their leadership during a difficult and trying year. Also, we are grateful to the Florida Legislature for their continued direction to the Commission during the 2008 Legislative Session. While facing budget deficits again next year, we look forward to working with the Governor and Cabinet and the House and Senate so that we make the best public safety decisions for this agency and for the citizens of Florida.

Budget Issues/New Initiatives

The streamlining of the clemency RCR process by the Governor and Cabinet in April 2007 created more clemency workload for the Commission. At the same time, the Commission's duties regarding Parole, Conditional Release, Addiction Recovery Supervision Release, and Warrants/Revocations continued to require our utmost diligence. All of this occurred while the staffing of the Parole Commission continued to decrease. Since 2001, the Commission's staff has decreased 29%, down from 184 FTEs in 2001 to 131 FTEs as of June 30, 2008. The Commission's budget was again reduced in the 2008

Regular Session by \$2 million or 20%, resulting in 17 employees being laid off on June 30, 2008, and another 7 positions being held vacant for FY 2008-09, an overall staffing reduction of 24 FTEs.

We are hopeful that once the State's economy recovers, we can pursue the restoration of these funds so that resources can again be directed to meet the demands generated by new policy changes and/or legislative initiatives. In the interim, the Parole Commission will continue to bring tremendous value to the people of Florida.

While we recognize that the approaching 2009 Legislative Session will be daunting, we support the enhancement of offender transition that results in improved public safety. To that end, as Chairman, I have asked for minimal start-up funding in the agency's FY 2009-10 Legislative Budget Request for a small Offender Assessment and Transition Initiative to assist inmates being returned into communities on Conditional Release supervision to become successful. The program's goal is to provide an alternative to incarceration for persons who violate the conditions of their supervised release for a technical violation by establishing local partnerships with faith-based and drug treatment providers. These partnerships would provide a network of support for transitioning offenders at the local level. We believe this improved use of state resources will result in reduced state prison costs as well as helping to reduce criminal recidivism. In effect, the program will potentially save the State a large amount of funds for a relatively small cost.

Clemency Function

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 previous 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 number to 80% eligible for automatic restoration (Level I), which ensures RCR restoration provided no restitution is owed and no charges are pending. 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 along with a voter registration application. Two additional levels of cases were created to address RCR issues for those cases with the more serious offenses. These cases may require a limited or 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. These funds allowed commission employees to provide staff training and restoration of civil rights' seminars and workshops throughout Florida beginning April 30, 2007, through July 12, 2008. Additionally, it funded the RCR toll free phone number at 1-800-435-8286, which was activated in August 2007. As of June 30, 2008, funding ended for all Commission RCR Outreach efforts.

The clemency process has undergone vast changes the past three years. 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 (application) directly online at the Commission's website: www.FLrestoremyrights.com. Today, persons need only to contact the Commission, provide the necessary information by e-mail or phone, and their request is processed, if staff resources are sufficient to process the caseload. Since April 2007, with the assistance of the Department of Corrections, the Commission has processed over 200,000 RCR cases with 123,232 persons being granted their civil rights as of June 30, 2008. Further, the number being granted their civil rights averages 5,200 a month, while the previous year the average was approximately 1,000 grants per month.

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

Sincerely,

Frederick B. Dunphy
Chairman
Florida Parole Commission



**COMMISSIONER
FREDERICK B. DUNPHY, CHAIRMAN**

Chairman Fred 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.

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

Commissioner Dunphy joined the 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 full six-year term in June 2002. On August 12, 2008, Commissioner Dunphy was reappointed for a second six-year term by a unanimous vote of the Governor and Cabinet and also appointed Commission Chairman for a two- year term effective the same day.



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. She was subsequently reappointed to a second two-year term as Vice Chairman by Governor Charlie Crist and the Florida Cabinet on August 12, 2008.



L-R: Commissioners Pate and Dunphy prepare to vote cases as a panel

COMMISSIONER MONICA DAVID, SECRETARY



Commissioner Monica 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.

Commissioner 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 served through August 12, 2008. 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.

History of the Commission

~Sixty-Seven 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 after that date except for capital offenses until 1995. 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, or is found to be a sexual predator, shall be conditionally 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 October 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.

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 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 process, which included electronic submissions 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 2006 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 deleted 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 made 80% of ex-felons eligible for **automatic restoration (Level 1), providing 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 no hearing. A Level 3 case requires a hearing and is utilized 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 to be considered for restoration of civil rights.

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 allowing the Commission to conduct outreach seminars around the State.

The 2008 Legislative Session saw the introduction of HB 5075 by the House Safety and Security Council. The bill, while not abolishing the Commission, proposed renaming the Commission as the "Parole Board" and transferred its funding and positions to the Department of Corrections. While it passed the House of Representatives, the Florida Senate referred it to a budget conference where the issue was resolved within the budget negotiation process. While the Commission remained intact as an independent state agency, the Commission lost \$2 million in funding and 17 full time employees were laid off.

ABOUT THE COMMISSION

~SERVES AS QUASI-JUDICIAL BODY~

The Parole Commission is an agency with 131 employees and a current budget of \$8.1 million, 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. 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 periodically checks the status of active releasees it has released to supervision.** 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.

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.

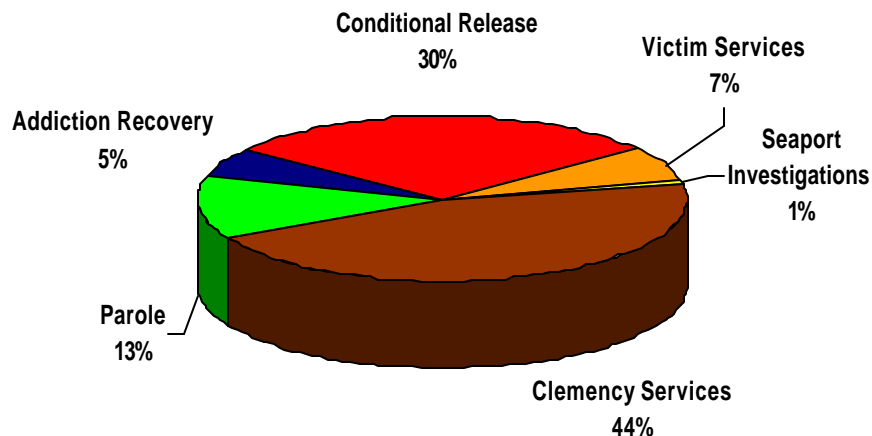
The Parole Commission is a lean, efficient agency that interacts with **65,000 offenders or ex-offenders** in some capacity each year with a budget of only **\$8.1 million**, making the Commission the smallest state agency and costing less to operate each year than a single state prison.

COMMISSION'S YEAR IN SUMMARY FY 2007-2008

by Performance Measures/Activity/Accomplishments

Number of parolees who have successfully completed their supervision without revocation within the first two years:	36
Percentage of parolees who have successfully completed their supervision without revocation within the first two years:	81.8%
Percentage of cases placed before the Commission/Clemency Board containing no factual errors:	98.7%
Percentage of revocation hearings completed within 90 days of final hearing:	99.9%
Number of conditional release/addiction recovery cases handled:	10,028
Number of revocation determinations:	2,457
Number of clemency cases handled:	171,948
Number of parole release decisions:	1,795
Number of victim assists:	19,985

FY 2007-2008 Workload Hours by Activity



COMMISSION YEAR IN SUMMARY STATISTICS

July 1, 2007 through June 30, 2008

CONDITIONAL RELEASE/ADDICTION RECOVERY

- The number of conditional release and addiction recovery supervision cases handled was 10,028.
- During FY 2007-08, 2,231 offenders were placed in the Addiction Recovery Supervision program, a 15% increase from FY 2006-07.

OFFENDER REVOCATIONS

- The number of revocation determinations made was 2,457, while Commissioners issued 2,889 arrest warrants for violations of supervision.

CLEMENCY SERVICES

- The Parole Commission processed 171,948 clemency cases with 123,232 persons having their rights restored as of 9/30/08.
- The Parole Commission received 3 capital punishment clemency cases and completed 2 capital punishment/death penalty investigations.

PAROLE DETERMINATIONS

- The number of parole release decisions made was 1,795. On June 30, 2008, there were approximately 6,000 inmates currently eligible for parole release and approximately 500 inmates under parole supervision.

VICTIMS' SERVICES

- The number of assists to victims provided by the Commission was 19,985.

BUDGET

- The Commission's appropriated FTEs for FY 2007-08 was 148, with an operating budget of \$10.2 million. In the first quarter of FY 2007-08, this was reduced to \$9.7 million and further reduced to \$8.1 million and 131 FTEs by the 2008 Legislature.

Commission Program Components

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 approximately 6,000 inmates currently eligible for parole consideration and approximately 500 inmates currently 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 5,414 offenders placed on conditional release in FY 2007-08.

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 to 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, 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.

Clemency 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 initial effort 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 result of these changes, the number of requests for restoration of rights increased. During the 2005 and 2006 Legislative Sessions, Governor Bush recommended funding for additional staff for the Parole Commission to help reduce the growing number of pending restoration of civil rights cases. 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.

~Governor Crist and Clemency Board Approve Automatic Restoration in 2007~

On April 5, 2007, Governor Charlie Crist and the Clemency Board adopted new rules implementing an automatic approval process (Level I) 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 convicted of less serious offenses such as Grand Theft, Burglary of a Dwelling, Possession of a Firearm by a Convicted Felon, Felony DUI, and Sale of Controlled Substance. Cases are reviewed for eligibility, and if found eligible, their names are 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. Beginning August 27, 2008, by Executive Order of Governor Crist, the Commission now mails a voter registration application along with the certificate.

Individuals 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 II 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 placed on an executive order for signature of the Board and certificates 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 III).

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 III 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. Forms are now available online for all clemency requests.

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, local law enforcement agencies, out-of-state boards and agencies, etc.). In addition, the Commission 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. 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 processed through the Commission's MAC database.

To address the increasing restoration of civil rights' caseload and pending cases, the Commission's Legislative Budget Request for FY 2008-09 asked for \$1.8 million in funding for additional positions. Again, this request was not funded by the Legislature. The Commission's FY 2009-10 legislative budget request addresses the need for additional resources (20 FTEs, \$1.2 million) so that certain RCR clemency cases can be completed within 6 months for Level I cases or 12 months for Level II cases.

Today, persons seeking to have their rights restored need only make a request by letter or e-mail, download the Clemency request form available on the Internet, or call the Office of Executive Clemency directly. Also, the Florida Department of State is provided the Board's actions bi-weekly so that it may update its Central Voter Registration Database.

Seaport Security Investigations

During the 2006 legislative Session, legislation was passed (CS for HB 7145), which addressed seaport security, access control, and credentialing. The legislation requires the Parole Commission to conduct 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 2007-08, 2,231 offenders were placed in the program, a 15% increase from FY 2006-07.

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 most of the 2007-08 Fiscal Year, the Office of the General Counsel consisted of a General Counsel, two Senior Attorneys, and two Administrative Assistants. This office was actively involved in litigation as a result of felony offenders filing numerous lawsuits in various state and federal courts. During the reporting period, this office filed over 2,268 court pleadings, briefs, memoranda, and legal correspondence, and provided legal assistance on approximately 485 legal issues. Also, staff received over 6,393 pieces of mail and answered over 3,572 telephone calls.

The Office of the General Counsel represented the Commission in numerous hearings throughout the State and provided legal advice and support to the Tallahassee Central Office and 10 field offices located throughout the State. Issues raised in these proceedings have become increasingly more complex and diverse over time, significantly impacting the workload of the Commission and the Office of the General Counsel. In spite of this complexity and diversity, a high percentage of these issues resulted in opinions favorable to the Commission.

The Office of the General Counsel was also involved in many of the Commission's other duties and responsibilities: This was accomplished by:

- 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. Advising 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 in responding 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.
- Reviewing and advising on proposed legislation and attending Legislative meetings. Holding staff meetings to review recent court decisions and pending legal questions.
- 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 regarding personnel issues.
- Representing the Commission at various personnel hearings.
- Participating in training sessions and activities for continued professional development and compliance with state certification.
- Representing the Commission and providing advice at various Restoration of Civil Rights Workshops and Training Sessions.
- Providing training to outside entities.
- Acting as counsel to the Parole Qualifications Committee.

OFFICE OF COMMUNICATIONS AND LEGISLATIVE AFFAIRS



Jane Tillman Director

The Office of Communications and Legislative Affairs is charged with two primary functions: directing the agency's communications and public information program, and overseeing and directing the Commission's legislative program. 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 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; assists with the preparation of the Long Range Program Plan and Proviso Report; attends legislative committee meetings; oversees the agency's responses to committee inquiries and legislator's inquiries; drafts bills for agency legislative proposals; provides information to all Commissioners and senior managers through the agency's legislative information data service; and makes presentations before legislative committees as needed. In FY 2007-08, this office received and responded to an unusually high volume of bill analysis and fiscal note request for information.

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, the Governor's Communications Office, and other state agency Communication's 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. This individual has chief oversight for all agency published materials and documents as Chief Editor.

In June 2007, as a result of funding appropriated for Restoration of Civil Rights' (RCR) outreach activities, the Director was given the assignment to coordinate and oversee the Commission's RCR efforts and to act as the agency liaison between Outreach groups, legislators' offices, and other state agencies. This resulted in the following accomplishments:

- Participation in 20 RCR workshops and training seminars around the State between April30, 2007, and July 12, 2008.
- 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.
- Assisted legislators' staff in providing RCR outreach and training to their communities.
- Worked with other state agencies and private communications groups to develop promotional materials for the RCR outreach initiative.
- Provided ongoing daily assistance by phone or e-mail to legislators' RCR or clemency-related issues.

Miami - September 2007



**Dade Senator Frederica Wilson
and Jane Tillman Finalize RCR Outreach Event**

DIVISION OF ADMINISTRATIVE SERVICES



Fred Schuknecht
Director

The Division of Administrative Services serves as a liaison with the Governor's Office of Planning and Budgeting, the Office of Program Policy and Government Accountability, the Auditor General, the Florida Legislature, the Department of Financial Services, and the Department of Management Services. It is currently staffed with 7 full-time employees in five sections, who provide administrative support to the Commission's Central Office and 10 field offices. In addition to the Director's Office, the other sections include Finance and Accounting, Human Resources, General Services, 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. Employee participation campaigns such as the Governor's Mentoring Initiative and Partners for Excellence are also handled in this office. The division has lead responsibility for providing all data, statistics, and financial information, both internally and to external agencies and individuals.

Human Resources' Section

The Human Resources Section is staffed solely by the Human Resources Administrator due to budget cuts. 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.

Human Resources continues its commitment to providing exceptional customer service to all employees of the Commission. This commitment includes using communication as a tool to ensure that employees are made aware of changes that take place and those managers and employees are trained and proficient using the *People First* database.

Budgeting Section

The Accounting and Budgeting Administrator is responsible for preparing the agency Legislative Budget Request and developing 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 accuracy of financial records; and processes all purchase card receipts, refunds, and property inventory changes for the Commission.

FLORIDA PAROLE COMMISSION
Final Expenditure Report
Recap of Appropriation Activity for
Fiscal Year **2007 - 2008**

Appropriation Category	Final Expenditures
010000 – Salaries	\$7,811,346
030000 – OPS	\$199,947
040000 – Expense	\$1,157,230
060000 – OCO	\$46,970
103241 – Risk Management	\$87,935
107040 – Personnel Assessment	\$ 61,175
100021 – Motor Vehicles	\$28,831
210014 – Other Data Processing Services	\$163,504
TOTAL	\$9,556,938

Information Services' Section

During Fiscal Year 2007-08, the Information Services' staff (IS) consisted of an Administrator and two professional staff. A part-time contract programmer assigned to work on the Clemency Application Redevelopment Project was available during this period along with a part-time OPS help desk employee. The Information Services Administrator acts as the Chief Information Officer for the Parole Commission. Additionally, this employee serves 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 IS staff routinely completes a variety of computer maintenance tasks and software updates to keep the central office's computer installations operating efficiently. Additionally, the staff responds to approximately 300 calls monthly for technical assistance from staff, as well as help desk referrals from the Department of Corrections. This is an increase of 50 calls per month compared to the prior year due to higher levels of automation in the Commission. Beyond these routine activities, a number of projects were completed or begun during FY 2007-08 and are as follows:

Configuration Management:

- Created Capacity Plan for hardware
- Created a patch server for windows patches
- Created a virus software update server
- Created voice over internet protocol server
- Created a public access web server with Secure Socket Layer security
- Created virtual desktop servers for telecommuters
- Created Linux console to manage servers
- Replaced Physical Network
- Replaced Logical Network
- Replaced Physical Production Servers
- Replaced Physical Production Core Switch
- Replaced SPAM filter hardware
- Replaced Physical Production Storage
- Implemented Citrix Digital Subscriber Lines at Quincy field office
- Implemented SQL server daily backup
- Implemented SQL server replication for data research
- Finalized virtual server consolidation

Incident Management:

- Implemented Windows Policy based desktop updates

Implemented Languard windows patching audit process
Created MACNet record data mining and reporting tool
Automated Combined Task List Process

Problem Management:

Tested Remote Disaster Recovery Server Shutdown Process
Tested new Disaster Recovery Process

Change Management:

Piloted VOIP software phones
Piloted Sharepoint
Implemented Digital Recorders in field offices
Implemented CD/DVD burners in field offices
Implemented Microsoft Software Installation management process
Implemented Air-Cards
Implemented MyFlorida.Net
Implement Red Hat Public Records Request system
Updated Kofax scanning process

Information Technology Governance:

Implemented Windows Software Update Server
Implemented SPAM filter
Implemented CISCO Network Security
Implemented Websense Browsing Security
Implemented Desktop Endpoint Security

Project Management:

Created Restoration of Civil Rights grants and certificate web application
Piloted Virtual Desktops through Leostream
Piloted Virtual Desktops through Redhat
Piloted Virtual Desktops through Knoppix
Implemented Virtual Desktops through VMWare using Citrix
Implemented Microsoft Windows Service Pack 2 and 3
Implemented Microsoft Internet Explorer 7.0
Implemented Adobe Acrobat 8
Reengineered and automated Department of Corrections Load process for clemency data
Reengineered and automated Department of State transfer process

Created Public Records viewing tool
Automated the data replication process for statistical analysis
Conducted Visitor's Notification Log joint application development
Tested Microsoft Vista
Tested Microsoft Office 2007
Tested Open Office

Release Management:

Separated Development, Test, and Production Environments

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

CLEMENCY ADMINISTRATION



Steve Hebert
Director

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

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 extensive investigations on all cases requiring a hearing before the Board. These investigations include, but are not limited to, criminal convictions, history of adjustment to incarceration or supervision, criminal record, traffic record, payment of fines/court costs/public defender fees/victim restitution, child support issues, and 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. Beginning in October 2007, clemency applicants are mailed a copy of their investigative report prior to each scheduled Board Meeting. In cases granted conditional clemency, the Director of Clemency 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.

Pursuant to s. 944.293, Florida Statutes, Clemency Administration 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. The referral, assignment, review, and approval of these cases are all completed through the Commission's clemency database. The Commission's Parole Examiners within the Office of Clemency Administration and the field offices determine

eligibility by following the Rules of Executive Clemency during the review process. The process involves utilizing many different databases to obtain and verify information on criminal histories, court records, pending court actions, and restitution obligations. Records of the Department of Corrections, Department of Law Enforcement, Department of Highway Safety and Motor Vehicles, clerks of court, local law enforcement agencies, the Internet, and other out-of-state boards and agencies may be consulted. Clemency Administration notifies all individuals who are determined ineligible for restoration of civil rights without a hearing, and provides information on how to proceed with the process, which may include a hearing.

On April 5, 2007, the Board of Executive Clemency adopted new rules, which allowed for automatic approval of restoration of civil rights. To qualify for automatic status, 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 specified violent crimes. As a result of the revisions to the Rules of Executive Clemency, all RCR cases are currently processed under one of three designated levels:

- Level I: The review process for automatic approval for the least severe offenses
- Level II: The review process, mid-level investigation, and preliminary review list for approval by Board for more severe crimes except murder, sex offenses, etc.
- Level III: The review process requiring a full investigation, Commission recommendation, and hearing before the Clemency Board for murder, sex offenses, and those not approved in Level II.

The Commission, in partnership with the Department of Corrections, processed all of the historical offenders who were eligible for automatic approval of restoration of their civil rights under the new rules. As a result of this effort, approximately 125,000 persons were granted their civil rights.

Clemency Administration staff, along with the Director of Clemency Administration, continue to work closely with Field Services, Department of Corrections' staff, Clemency Board Members' staff, legislative staff, and community outreach and activist groups by holding training workshops to provide a working knowledge and understanding of the Rules of Executive Clemency, especially on issues regarding eligibility for Restoration of Civil Rights.

The Director and staff of the Office of Clemency Administration, along with other Commission staff, participated in numerous Restoration of Civil Rights workshops, seminars, and outreach events across the State of Florida during the reporting period. Funding was provided which allowed the Commission to participate in these events to help inform as many individuals as possible regarding the new eligibility rules related to the Restoration of Civil Rights.

Waiver Process

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 criminal convictions, history of adjustment to incarceration or supervision, criminal record, and traffic record. Clemency Administration obtains the Commission's advisory recommendation, which is included with the waiver investigation for submission to the Board of Executive Clemency.

Capital Punishment Case Investigations

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 clemency interview of the death row inmate conducted 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. Clemency Administration compiles this information together with the Commission's recommendations and provides it to the Board to assist in the consideration of a commutation of sentence or signing of a death warrant.

Victim Assistance

The Commission fosters a positive working relationship with State Attorney and Attorney General Victim Services' Offices to assist victims in clemency cases that are submitted to the Board of Executive Clemency. Clemency Administration, along with field staff, make every effort to identify, locate, and contact the victims of record. They provide their comments in all cases appearing on Board agendas as well as all Level II Restoration of Civil Rights' investigations. The Agency's Victim Advocate for clemency cases works closely with Clemency Administration staff to enhance the overall victim contact process and to provide assistance to victims and victim family members in all types of clemency cases. Parole Examiners in Clemency Administration and the field offices have assisted numerous victims in receiving outstanding restitution owed to them.

Seaport Security Investigations

During the 2006 legislative session, House Bill 7145 proposed significant changes relative to seaport security within Chapter 311, Florida Statutes, including access control and credentialing. Effective July 1, 2006, the new law provided that only persons denied employment by the seaports after July 1, 2006, are eligible to participate in the waiver investigation process. The Florida Department of Law Enforcement (FDLE) established this new waiver process to allow individuals who have been denied access to or employment within restricted access areas of the seaports, due to disqualifying criminal history factors, to seek to obtain unescorted access to the seaports, if specific requirements are met.

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

Clemency Administration receives all waiver application packets from FDLE and refers the investigation to the appropriate Commission field office. A Research Specialist works closely with the field examiners, who submit the complete waiver investigation packet to Clemency Administration. Once the review is completed, Clemency Administration forwards the final report to FDLE.

RCR OUTREACH EVENT



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

OFFICE OF EXECUTIVE CLEMENCY



Janet Keels
Coordinator

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

In addition to processing requests for 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 responds to questions and assists applicants in completing the requests for restoration of civil rights, as well as responding to correspondence and phone calls referred from the Governor and other Cabinet offices.

The Coordinator works closely with the Clemency Aides to the Governor and Cabinet on the revision and adoption of Rules of Executive Clemency and keeps abreast of new state and federal legislation that might have a direct or indirect impact on the clemency process in

Florida. The Coordinator also responds to numerous research inquiries regarding clemency and provides information to persons conducting federal and state surveys on clemency procedures in Florida.

It was a busy fall and summer of 2007 for OEC. Between August 1 and December 8, OEC staff traveled from one end of the state to the other to participate in 10 outreach workshops and seminars for restoration of civil rights. The workshops were as follows:

- August 11 – Palatka
- August 15 – Florida City
- August 25 – Tallahassee (FAMU)
- September 8 – Miami
- October 13 – Tallahassee
- October 18 – Gainesville
- November 1 – Cocoa
- November 3 – Eatonville
- December 1 – Miami
- December 8 – Ft. Lauderdale

In August 2007, a toll-free phone number was established and two multi-lingual OPS employees were hired to answer the phones and assist callers with questions on restoration of civil rights. Funding for these employees ended June 30, 2008.

During the months of January through June 2008, OEC staff worked a high volume of RCR “historical” cases, while also still answering the many phone calls, letters, and e-mails requesting information about restoration of civil rights. From April 2007 through June 2008, approximately 115, 000 individuals were granted restoration of civil rights without a hearing. Assisted by other agency employees, OEC folded certificates and stuffed envelopes after hours to mail out the thousands of certificates issued to those being granted restoration of civil rights each month. In May 2008 the office learned that several career employees would be laid off due to the 2008 legislative budget cuts. Three OPS Senior Clerks and a Staff Assistant were laid off, leaving no staff to support answering the RCR toll-free phone line.

In June 2008, the Coordinator traveled to Tampa to attend the Conference on “Preventing Crime in the Black Community” to present a training session on the restoration of civil rights process. The Coordinator received assistance from employees of Region 5 in facilitating this training. Later that month, the Coordinator and members of the Senior Management Team facilitated a training session for the restoration of civil rights process at the Department of Corrections’ Re-entry Summit held June 17-18 in Tallahassee. This was a two-day event during which information on re-entry was processed and discussed, with new ideas being developed and forwarded to the Governor’s Re-entry Council for consideration.

During the past year, OEC coordinated four quarterly clemency hearings: September 20, 2007; December 6, 2007; February 28, 2008; and June 5, 2008. There were also five waiver hearings: August 9, 2007; October 12, 2007; December 20, 2007; January 24, 2008; and May 22, 2008.

FLORIDA CITY 2007



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 2007

RCR OUTREACH EVENT - TALLAHASSEE



Caressa Andrews & volunteer set up welcome signs



Parole Commission senior staff Keels, Fluharty & Giacomo assist workshop attendees



Sen. Al Lawson, Aide Chicarla Williams, Rep. Curtis Richardson , Aide David Ash host Oct. 13 RCR event



FAMU Intern Director Jackie Perkins listens to Rep. Richardson and volunteer, Oct. 13, TCC

RCR OUTREACH EVENT - COCOA BEACH, FLORIDA



Hebert, Jennings & Turner assist Nov. 1 Cocoa workshop attendees



Janet Keels reviews workshop plans with event hosts, Cocoa, Nov. 1

RCR OUTREACH EVENT - FLORIDA CITY



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 2007

DIVISION OF OPERATIONS



Gina Giacomo
Director

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

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

Highlights of the Division of Operations Achievements and Activities for Fiscal Year 2007-08:

- In December 2007, Operations staff embarked on a project to define all existing Corrections Data Center (CDC) event codes as well as to introduce several new codes and their usage for offenders under the jurisdiction of the Florida Parole Commission. A CDC Event Codes Manual was produced which provides uniformity, clarity and instruction to both the Commission and the Department of Corrections (DC) in using the CDC codes. The manual has been placed on the Commission internet website, and a copy sent to DC for distribution.
- Modifications were made to Special Conditions of supervision. The revisions specifically related to evaluation, treatment and restitution conditions. The suggested

revisions were a result of working in participation with DC to minimize ambiguity for supervising offenders under the Commission's jurisdiction.

- During this time period Release Services, Revocations and the Director began meeting with staff from DC to develop a new CDC screen (RA17) to assist both agencies in ensuring that all areas of Conditional Release and Addiction Recovery are handled more efficiently and accurately. This is an ongoing project that will take some time before fully implementing.
- Revisions of the Conditional Release special condition E45 allows the Commission to impose mandatory electronic monitoring on any inmate being released on conditional release including sex offenders.
- Operations Conference call minutes are now posted on the Commission internet website. The monthly Operations conference calls continue to be a cost effective and productive way to provide clear direction to all of operations staff and in receiving statewide input on commission initiatives.
- Modifications to Special Conditions E26 & F26 Monthly Urinalysis Testing to include testing for both alcohol and drugs and for the test to be conducted monthly on random basis.
- Discretionary Language was added to the Conditional Release and Addiction Recovery certificates in addition to the Conditional Release Order, which states "The Florida Parole Commission imposes these conditions under discretionary authority pursuant to section 947.1405(6), Florida Statute"
- This year Operations has been blessed with interns both in Central Office, Release Services, Revocations, and Victims Section as well as in the Field Offices. Operations will continue to recruit students to participate in an internship with the Commission.
- Operations staff participated in various state and local criminal justice organizations including the Florida Council on Crime and Delinquency (FCCD), the Florida Association of Community Corrections (FACC), the Pinellas County Ex-Offender Re-entry Coalition Services Board, Criminal Justice Program Advisory Boards, Public Safety Councils, and the Association of Paroling Authorities International.

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 Parole, Conditional Release, Conditional Medical Release and Addiction Recovery Programs; and maintains the official records of the Commission's decisions. This section also coordinates the security for the Commission's meetings.

Special accomplishments for Release Services this year include the following:

- The Supervision Review form was revised to provide Commissioners with additional information needed to make an informed decision on offenders' supervision.
- Release Services worked with Department of Correction's staff to develop an electronic notification directly to the work release center when an offender's case is placed before the Commission for a Parole decision.
- In May, transitional housing beds were closed due to budget cuts, which resulted in 14 parolees needing to find alternate living arrangements. Release Services worked closely with DC to ensure the offenders' ability to move to an approved residence.
- Per legal, judicial objections' letters were revised to include language which was explanatory to the Chief Judge for referrals. Judicial Objections coming from a judge other than the Chief Judge or the sentencing judge could no longer be considered objections unless the letter indicates the Chief Judge referred the matter to the other judge for a response. As a result, all letters used to notify the courts were revised.
- Release Services worked with DC by providing ongoing feedback and meeting with DC staff to improve the quality and the timeframes in which out-of-state supervision reviews were received.
- A formal security schedule was developed to address the needs of the Commission's meeting room when open to the public.
- The new felony offenses passed by the Legislature were updated, and coded into CDC for determining eligibility of supervisions.
- All requests to the Department by the Commission for forensic evaluations were re-docketed due to budget restrictions; forensic evaluations will not be conducted in the future.

- A spreadsheet was created to log all documents received which allows for the tracking of documents while they are in the process of being imaged.

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 review of supervision and violations of supervision.

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

Special accomplishments for Revocations this year include the following:

- The supervision review process was revised. Revocations and Release Services are successfully working in partnership to ensure all supervision reviews are screened for sufficiency and contain adequate information prior to docketing for final Commission action.
- Effective January 2008, official guidelines for processing out of state arrests of persons in other states who have active Florida Parole Commission warrants. These offenders are arrested in other states on the FPC warrant or for new criminal charges which have occurred in the other state. The guidelines provide clear, concise and accurate instruction for processing out of state arrest.
- In November 2007, final revisions were made to the hearing summary template, revocation order, and the waiver of hearing form. The major change was the incorporation of a willful and substantial determination to be made for each alleged violation within the findings and evidence relied upon section of the summary. The determination that an offender has willfully violated a substantial condition of supervision is critical to the revocation process and the addition of this language to these three forms is expected to reduce future remands by the court.

- Revocations staff conducts an in-depth analysis of violation reports received from DC; those that are deemed unacceptable are returned to DC. FPC and DC have worked together to improve the process and have been successful at reducing the number of violation reports returned.
- New Warrant Processing Procedure was implemented. Now after a Commissioner signs a warrant, DC and FPC field staffs receive an e-mail notifying them of the issuance of the warrant. This occurs within 24 hours, if the offender is in custody; and with 72 hours, if offender is not in custody. Prior to implementing the new process, it took DC and FPC field staff two weeks by mail to be notified that a warrant had been issued. In addition, warrants are now scanned and sent by e-mail or imaged into the IRIS database for easy retrieval statewide. This has resulted in a large cost savings to both DC and FPC while greatly increasing public safety.
- New Procedure for Processing the Revocation Docket. Within 24 hours of the Commission vote on Revocation cases, DC receives an automatic e-mail notifying them that the Commission has taken action on the cases. Prior to this new procedure, it took approximately two weeks to communicate actions the Commission took on a case. The new process is a large cost savings to the State and has also increased public safety.
- DC supervising officers are now required to report to the Commission all cases in which non-compliance with conditions of supervision are determined to be not willful. The Revocations section responds to each not willful non-compliance notification from DC. These actions by DC have resulted in a large workload for the Commission. Since January 2008, FPC has responded to over 1000 notifications.

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 notification arrest. 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, 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:

- The new Clemency Rules resulted in a doubling of our Clemency workload and output from every region of the state. Field staffs across the state have worked nights and weekends conducting reviews of Level I RCR historical cases, while meeting statutory timeframes for all other Commission functions.
- The Commission's Regional Administrators and supervisors attended statewide trainings on "Reporting Violations" with the goal being to understand the responsibility and role in monitoring an offender's compliance with the conditions of supervision and the process of reporting violations.
- Field Services completed and delivered *Morrissey* Letters to all Jails and Sheriffs.
- The *Mathis* court case addressed "willful and substantial determinations," which resulted in numerous cases being remanded by circuit courts to Field Services to conduct willful and substantial determination hearings.
- Digital Recorders were purchased for field staff to use when interview offenders and conducting revocation hearings. This has result in high quality recordings, cost savings, and efficiencies when retrieving the recording.
- Commission field staffs have participated in many Department of Corrections Re-Entry Seminars which are held at correctional institutions throughout the state. Field staffs provide information on the restoration of civil rights process.
- Field staff participated in numerous Restoration of Civil Rights' Outreach events held throughout the state. Thousands of offenders were assisted in obtaining their restoration of rights.

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

Victim input is important at every stage of the clemency and parole process which are 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 clemency, 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 clemency and parole proceedings and the Commission's or Clemency Boards 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 clemency and parole process.
- Providing advance notice to victims of upcoming clemency and parole proceedings.
- Having professional staff available at each Commission and Clemency 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 or Clemency Board, but who wish their concerns or recommendation to be voiced at the meeting.
- Timely notification of the outcome of clemency or 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 applied and received approval for continuation of federal grant funding under the Victims of Crime Act (VOCA). These funds are to fund a full-time staff position that is responsible for assisting victims of offenders who are seeking clemency.
- The Commission Victims Procedure Directive 3.01.05 was revised to ensure accordance with current statutes, rules and current Commission practice. In addition, the fundamental rights of victims were included. The revised Procedure Directive 3.01.05 was issued on January 7, 2008.
- Representatives for the Florida Police Benevolent Association and the Fraternal Order of Police have been added to victim notification. To have input in cases involving Law Enforcement Officers who were killed or suffered serious injury.
- The notification records database was updated to ensure that appropriate persons were being notified.
- Letters for notification were revised to provide specific information to allow other agencies to determine the nature of the case.
- Staffs are members of the Big Bend Victim Assistance Coalition and attended local victim recognition events and fund raisers.

- Students interned in the Victim Services section during the fall, spring, and summer semesters.
- Staffs are contacting victims regarding future parole initial interviews and are currently working on cases as far ahead as 2018.

RCR OUTREACH - FT. LAUDERDALE



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



Steve Hebert addresses community activist groups in Ft. Lauderdale



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

RCR OUTREACH EVENT- 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

RCR OUTREACH EVENT – FT. LAUDERDALE

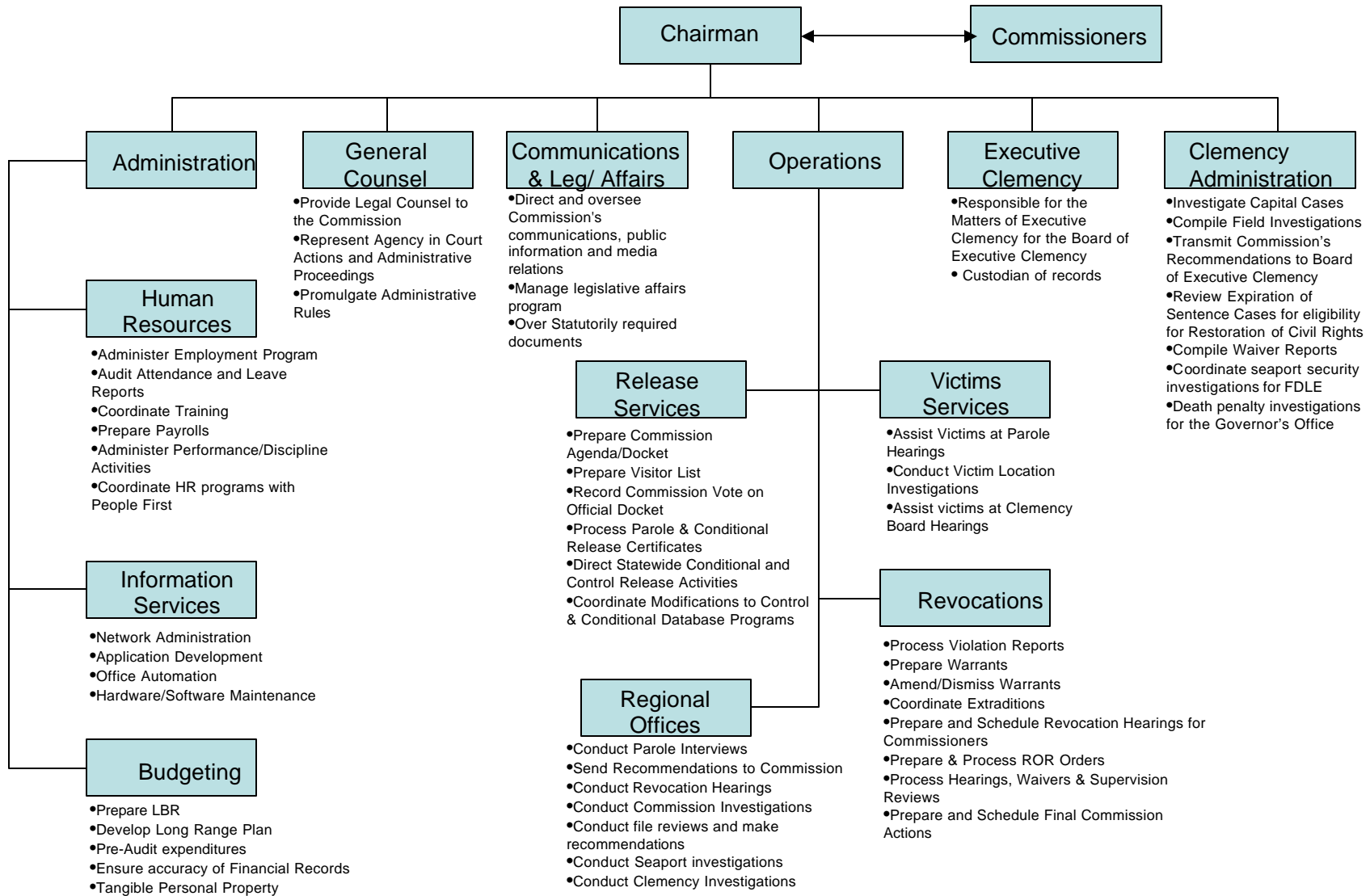


Legislative Aide to Rep. Thurston, Ella Phillips, and PE Leris Calderon, Ft. Lauderdale December 8th



December 8 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.FLrestoremyrights.com)

COMMISSIONERS

Frederick B. Dunphy – <i>Chairman</i>	(850) 488-0476
Tena Pate – <i>Vice Chairman</i>	(850) 487-1980
Monica David – <i>Commission Secretary</i>	(850) 487-1978

OFFICE OF GENERAL COUNSEL

Kim Fluharty – <i>General Counsel</i>	(850) 488-4460
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OFFICE OF COMMUNICATIONS AND LEGISLATIVE AFFAIRS

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

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

Janet Keels - <i>Coordinator</i>	(850) 488-2952
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DIVISION OF ADMINISTRATION

Fred Schuknecht – Director	(850) 488-3415
Beatriz Caballero - Human Resources Administrator	(850) 488-3417
Valerie Gardner – Accounting and Budgeting Administrator	(850) 921-2815
David Johnson – Information Services Administrator	(850) 488-3418

DIVISION OF OPERATIONS

Gina Giacomo – Director	(850) 922-6137
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REGIONAL ADMINISTRATORS

Ben Pearce – <i>Region One Administrator</i>	(850) 627-8436
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Mills Rowland – *Region Two Administrator* (904) 348-2610
Terry Turner – *Region Three Administrator* (321) 504-2034
Sheila Roberts – *Region Four Administrator* (305) 228-2266
Patti Harris -*Region Five Administrator* (813) 272-2642

TOLL FREE ACCESS NUMBER

Restoration of Civil Rights (RCR) and
Victims Toll Free number *1- 800- 435- 8286*

RCR OUTREACH EVENT 2007-2008

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**

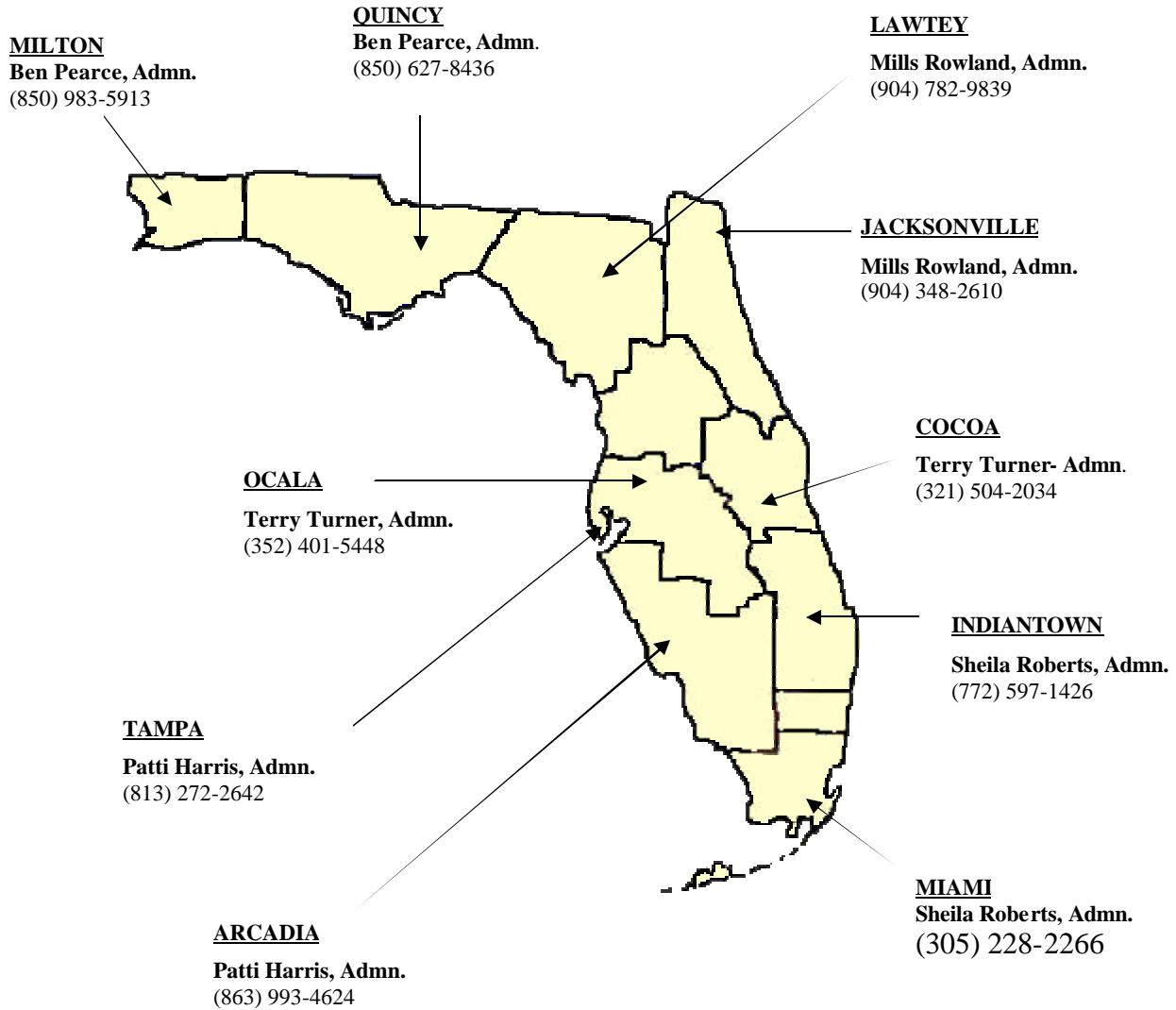


Broward Supervisor of Elections' Mobile Voter Registration Unit ready for business;



FPC Examiners Ralph Moulder, Sandra Jennings & Sandy Pimental check their equipment

FIELD OFFICES DIRECTORY



FREQUENTLY ASKED QUESTIONS

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

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.

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.

To assure public safety, the Commission evaluates supervision reviews of active parolees and takes action if needed. 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 makes determinations on other types of proceedings, such as imposing conditions of conditional release, conditional medical release, or addiction recovery supervision. The Commission also makes final determinations with regard to revocation of post release supervision, where a releasee may have violated the conditions of 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.

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. Simplifying the Restoration of Civil Rights process in 2004 and again in 2007 has resulted in a surge of new applications.

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 to accept and review 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 parole or clemency cases in which they are involved. Staff is diligent in its efforts to locate victims of crime and to offer guidance and compassion throughout the clemency and parole process. The victims' input is critical to the Commission when considering matters brought before it. The Commission also works in conjunction with victim advocates, law enforcement, and 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.

EXECUTIVE CLEMENCY

1. When and How Do I Get My Civil Rights Restored?

If you were adjudicated guilty of a felony offense, you cannot get your civil rights restored until you have completed your sentence or supervision period. You must also have paid in full any restitution owed to current or prior victim(s) and not have any pending charges or detainers.

Once you have been released from custody or supervision from the Florida Department of Corrections, your name will be submitted electronically to the Florida Parole Commission, who will conduct an eligibility review for restoration of civil rights.

Most reviews can be completed without requiring a detailed investigation of your case and hearing. These are referred to as Level 1 cases. The level depends on the type of offense committed or designations declared at sentencing. There are three levels of cases and reviews. For further information on the level of review that your particular case requires, please refer to the Rules of Executive Clemency at www.FLrestoremyrights.com or contact the Office of Executive Clemency at telephone number (850) 488-2952 or toll-free at 1-800-435-8286.

If your case is determined to be a Level I, the Florida Parole Commission will conduct a review to ensure your sentence is completed, restitution is paid, and there are no pending charges or detainers. If you are found to be ineligible for restoration of civil rights, the Florida Parole Commission will notify you in writing and provide further information and instructions to request your civil rights. If you are determined to be eligible for restoration of civil rights, your name will be submitted to the Executive Clemency Board on an Executive Order for approval. Your certificate will be mailed to your last known address once the Executive Order has been signed by the Executive Clemency Board.

If your case is determined to be a Level II, the Florida Parole Commission will conduct an investigation and your name and investigation will be submitted to the Executive Clemency Board on a preliminary review list. If the Governor and two or more Board Members approve restoration of civil rights, a certificate will be mailed to your last known address once the Executive Order has been signed by the Executive Clemency Board.

If your case has been determined to be a Level III, please contact the Florida Parole Commission for more information. The Rules of Executive Clemency require an investigation and hearing in all Level 3 cases.

You may search the Florida Parole Commission's web site at www.FLrestoremyrights.com to verify if your civil rights have been restored and print out a copy of your certificate. You will only be able to find your name and pull up your certificate once your civil rights have been granted.

2. What rights are restored?

The basic civil rights that are restored are: the right to vote, the right to serve on a jury, and the right to hold public office. In addition, restoration of civil rights may allow you to be considered for certain types of employment licenses. The right to own, possess, or use firearms requires an application and there is a waiting period of 8 years from the date sentence expired or supervision terminated.

3. How can I apply for Clemency (other than civil rights)?

All persons seeking clemency such as a full pardon or firearm authority (other than civil rights) must complete an application and submit it to the Office of Executive Clemency. Application forms are available on the clemency page of the Florida Parole Commission's web site and by the Office of Executive Clemency upon request.

4. Do I need an attorney to handle my application?

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

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

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

6. If my case is scheduled for a clemency hearing, do I have to attend the hearing?

No. It is not a requirement for an individual to attend the clemency hearing. However, in rare 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 in my case, do I need restoration of civil rights?

No. If adjudication of guilt was withheld in your case, you did not lose your civil rights. However, per the Florida Department of Law Enforcement Firearms' Purchase Program, you are prohibited from purchasing or possessing firearms for at least three years from the date your supervision terminated.

8. If I receive clemency, will my record be expunged?

No. Neither a full pardon, nor any other type of clemency, will expunge or facilitate the expunction of your criminal record. You should contact the Florida Department of Law Enforcement at (850) 410-7870 or by e-mail at seal-expunge@fdle.state.fl.us for information on the expunction or sealing of records.

Anyone needing information on the restoration of civil rights process should contact the Office of Executive Clemency:

Toll Free at: 1-800-435-8286

Phone at: 850-488-2952

Fax at: 850-488-0695

Email at: Clemencyweb@fpc.state.fl.us

Website at: www.FLrestoremyrights.com

Mail at: The Office of Executive Clemency

2601 Blair Stone Road, Building C

RCR OUTREACH EVENTS 2007-2008



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



Miami Dade Jr. College: FPC Examiners in place, laptops working, and ready for business!

