



CHARLIE CRIST
Governor
FREDERICK B.
DUNPHY
Chairman

FLORIDA PAROLE COMMISSION



ANNUAL REPORT
2008-2009

Mission Statement

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

GOVERNOR CRIST AND MEMBERS OF THE CABINET
DECEMBER 2009



The Florida Board of Executive Clemency

L-R: 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 18, 2009

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

It is my pleasure to present the Commission's Annual Report on the state of the Parole Commission for the reporting period July 1, 2008 through June 30, 2009. I am proud to have been appointed to serve as Chair of this small but significant state agency. Our Commission employees continue to bring value to State Government due to their commitment to the agency's mission and their exemplary work ethic. We continue to focus the Commission's priorities and workload in the accomplishment of its core mission of public safety. These efforts allow us to fulfill the duties the Legislature has mandated by statute. With diminished resources and staff, we are working diligently to meet deadlines and complete the work mandated by statute, rule, and an increased workload.

We are extremely grateful to Governor Charlie Crist for his veto of a 4% cut to the agency made in Special Session "A" earlier this year. With the funds restored by this veto, the Commission was able to hire temporary employees to assist in reducing the pending clemency caseload.

BUDGET ISSUES/NEW INITIATIVES

While we recognize that the approaching 2010 Legislative Session will again be fiscally challenging, we support the enhancement and funding of offender transition programs that result in improved public safety. The Commission's 2010 Legislative proposals focus on public safety. Three major proposals would: (1) provide funding for 3 mental health professionals to Commissioners with the necessary information to make risk assessment evaluations vital to making an informed parole determination; (2) extend the length of time (from 5 years to 7 years) between subsequent interview dates for parole eligible inmates convicted of certain violent crimes, thus saving crime victims and their families from being confronted with the possibility of a parole of the offender for a longer period of time; and (3) provide funding for a small Offender Assessment and Transition Initiative. This third initiative, if funded, would: (1) assist inmates being returned into communities on Conditional Release supervision to become successful by providing an alternative to incarceration for technical violations; and (2) establish local partnerships with faith-based and drug treatment providers to 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 bed costs as well as helping to reduce criminal recidivism and result in a net budgetary gain.

CLEMENCY FUNCTION: AUDIT REVIEW

From July 1, 2009, and ending February 2009, the Auditor General conducted a review of the Clemency Board's Restoration of Civil Rights (RCR) Process as administered by the Parole Commission and staff. The Auditor General published its report and findings (Auditor General 2010-010) on September 1, 2009, and designated four areas for change or improvement along with their recommendations for achieving them.

The review covered a new RCR process which was begun as a result of the April 5, 2007 Board of Executive Clemency changes to the Rules of Executive Clemency, which 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 (without a hearing), based on their crime. 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.

2009 CLEMENCY/RCR AUDIT, COMMISSION'S RESPONSE

During the audit review period and since the adoption of these rules, the Parole Commission's budget was reduced by 20% for FY 2008-09, with staff reductions being made primarily in the clemency area. The Commission's critical mission is public safety and it administers programs with statutorily mandated timeframes. When asked to prioritize its spending by the Legislature, the agency's funding resources were directed to programs where critical timeframes are mandated before funding clemency functions, which have no mandated timeframes. Thus, funding to the clemency function has suffered during the current economic downturn.

Also, during the review period, other policy directives were made either administratively or by Executive Order that enhanced the RCR process for the stakeholders. Beginning October 31, 2007, clemency applicants receive a copy of their investigative report prior to a Board hearing and by Executive Order dated August 2008, the Commission now mails a voter registration form together with the certificate granting an individual their civil rights. Also, as a result of this order, the Commission added a search capability to its public website, allowing an individual or their designee to check to see if their rights have been restored and, if granted, allows for the immediate printing of the certificate.

The Commission formally acknowledged the findings of the Review and I have put in place measures to improve our performance. To this end, the following actions were made by me either on or before December 1, 2009, with the following specific goals to be achieved:

ACTIONS

1. Staff reviewed Quality Assurance (QA) procedures & made assessments for improvements;
2. "Errors of distraction" found to significantly impact review process;
3. Implemented a new QA checklist and manual on December 1, 2009, to further reduce the error rate;
4. Revamped and enhanced risk-based Supervisory Reviews to include documentation and recommendations;
5. Recommended modifications to MAC Database;
6. Requested Additional Performance Measures through the Office of Policy & Budget (OPB) and the Legislature to capture data & reflect results for all 3 levels of RCR; and
7. Established a Quality Assurance Unit reporting directly to the Chairman to conduct ongoing, independent evaluations of the process.

GOALS

1. To Reduce Error Rate to the 3% Standard or Less as approved by OPB and the Legislature;
2. To Focus on Quality Performance; and
3. To Provide managers with tools to target trouble spots and ineffective employees.

2009 TRANSFER OF INFORMATION TECHNOLOGY FUNCTION

The 2009 Legislature eliminated the Commission's Information Technology (IT) staff and provided for the Commission's IT services to be contracted out to the Department of Corrections beginning July 1, 2009. The entire month of June was spent in transitioning to the new process with staff of both agencies meeting daily and weekly to provide a seamless transition with minimal disruption to both agencies. This was accomplished, along with a transition plan and approved Service Level Agreement between the two agencies by July 1, 2009.

Commissioners Pate, David, and I will continue to work diligently along with Commission staff to uphold our mission to provide for safer communities for the citizens of Florida. We 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.

CHAIRMAN DUNPHY'S PERSONAL STAFF



**L-R Standing: Julie Gillette, Billie Zetrouer;
Seated: Commissioner Fred Dunphy**

COMMISSIONER TENA M. PATE
VICE-CHAIRMAN



A native Floridian, Commissioner Pate was born in Fort Walton Beach and raised in Niceville, Florida. She 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, with the Office of State Attorney for the First Judicial Circuit. During her tenure she was the first Victims' Advocate named for Okaloosa and Walton Counties. In 1989, Commissioner Pate relocated to Tallahassee accepting a position in the General Counsel's Office of the Executive Office of the Governor for Governor Bob Martinez. She also served in the Chief of Staff's Office of Governors Martinez and Chiles. In 1992, she left the Governor's Office to work in the governmental consulting unit of the Tallahassee-based law firm of Steele Hector and Davis. She was recruited to return to the Governor's Office and was appointed Florida's Victims' Rights Coordinator in late 1993. Ms. Pate served in this capacity until her appointment to the Florida Parole Commission. In addition to serving as the State's Victims' Rights Coordinator, she served as a clemency assistant and the State Attorney liaison for the Executive Office of the Governor. Ms. Pate was privileged to serve with Governors Bob Martinez, Lawton Chiles, Buddy MacKay, and Jeb Bush.

Commissioner Pate has a wealth of experiences in the criminal justice system. As Florida's Victims' Rights Coordinator, she was dedicated to strengthening and promoting the rights of Florida's crime victims. She played a pivotal role in the passage and implementation of the law requiring courts to inform crime victims of their rights. Commissioner Pate oversaw Governor Bush's *Violence Free Florida!* initiative for victims of domestic violence through the Department of Children and Families and the statewide *Triad* through the Department of Elder Affairs. She served as vice-chair of the statewide Self-Inflicted Crimes Task Force created by the Florida Legislature 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 offenders' requests for restoration of civil rights, pardons, commutations of sentences, waivers of fines, firearm authority, and other related clemency requests. Ms. Pate has also served as a volunteer Guardian Ad Litem.

Her affiliations include membership in the Association for Paroling Authorities International, Florida Police Chiefs Association, American Probation and Parole Association, and the National Center for Victims of Crime. She was appointed by Attorney General McCollum to serve on the Statewide Domestic Violence Fatality Review Team. She also serves on the Leon County Child Abuse Death Review Team, the Community Partnership Review Teams through the City of Tallahassee, Leon County and the United Way, and is a board member for the Character and Heritage Institute, a non-profit organization that promotes education through the Arts. Additionally, Ms. Pate volunteers as a mentor.

Ms. Pate was appointed to the Florida 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. On August 12, 2008, Ms. Pate was appointed for a second two-year term as Vice-Chairman by Governor Charlie Crist and the Florida Cabinet.

COMMISSIONER PATE'S PERSONAL STAFF



**L-R Standing: Sean Curran; Mary Lynne Petroski;
Seated: Commissioner Tena Pate**

COMMISSIONER MONICA DAVID
COMMISSIONER SECRETARY



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

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

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

Commissioner David left the Department of Juvenile Justice when she was appointed the Victim Services Release Administrator for the Florida Parole Commission. On October 2, 2000, the Governor and Cabinet appointed Commissioner David to a 6-year term as a Florida Parole Commissioner where she has served as the Commission Chairman, Vice-Chairman, and Secretary. On May 31, 2006, the Governor and Cabinet appointed Commissioner David to a second six-year term to begin July 1, 2006. Commissioner David has received extensive training in the criminal justice field which includes Correctional Officer and Correctional Probation Officer certifications. She is also a Florida Department of Law Enforcement (FDLE) certified instructor. She is a member of the Florida Council on Crime and Delinquency (FCCD) where she was awarded the “Distinguished Service Award” in the area of criminal justice. In August 2002, while serving as President of the local chapter of FCCD, she received the “Chapter Effectiveness” Award in recognition of her exemplary leadership. She has served on the State Board as Secretary and Treasurer.

Other professional affiliations include the Association of Paroling Authorities, Florida Sheriff’s Association, and the Florida Police Chiefs Association. She was appointed to serve on Governor Bush’s Ex-offender Task force and served as a representative of the Association of International Paroling Authorities in the Congress of the American Correctional Association as a Commissioner for Accreditation for a four year term ending August 2008.

COMMISSIONER DAVID'S PERSONAL STAFF



LR: Standing, Laura Tully, Jeannie Deason;
Seated: Commissioner Monica David

COMMISSION MEETING DAY



Shane Bozman Greets Meeting Day Visitors



Families Wait to Appear Before Parole Panel

HISTORY OF THE PAROLE COMMISSION

~Sixty-Eight 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 and Probation Commission*.

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

In 1978, the Florida Legislature enacted the *Objective Parole Guidelines Act*, which required the Commission to develop and implement rules and criteria upon which parole decisions were to be made. It required the development of guidelines according to an acceptable research method based on the seriousness of the offense and the likelihood of favorable parole outcome. The Act also provided for reorganization of the agency into functional areas.

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

In the 1988 Legislative Session, the *Victim Assistance Law* brought many new responsibilities to the Commission. This law provided that the victim, or family of the victim, have the opportunity to provide input into the decision-making process. Further, the *Conditional Release Program* was enacted and amended the following year pursuant to s. 947.1405, Florida Statutes. This program provides that inmates convicted of certain crimes committed on or after October 1, 1988, and who have served at least one prior felony commitment, or have been sentenced as a habitual offender, shall be released under supervision on their expiration date subject to specified terms and conditions established by the Commission.

Changes have affected the Commission since its inception. One of the most significant changes in the Commission's role was the creation of the *Control Release Authority* in 1989 by the Florida Legislature. This legislation directed the Commission to develop a system of uniform criteria to determine the number and type of inmates released into the community in order to

maintain the state's prison population between 99% and 100% of its lawful capacity. The *Control Release Program* became effective September 1, 1990, and over the next four years, 75,000 inmates were released through this program.

In 1992, the Florida Legislature created the *Conditional Medical Release Program*. This program authorizes the Department of Corrections to recommend to the Commission terminally ill or permanently incapacitated inmates for early release due to their medical conditions. It is the Commission's responsibility to determine which inmates will be released and the Department of Corrections' responsibility to supervise the offender in the community.

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

The 1997 Florida Legislature enacted SB 258, which applies to the setting of *subsequent interview dates and the setting of subsequent review dates* and allows the Commission the option to change the review time from every two years to every five years. This applies to any inmate convicted of Murder, Attempted Murder, Sexual Battery, Attempted Sexual Battery, or who has been sentenced to a 25-year minimum mandatory sentence previously provided in s. 775.082, Florida Statutes, and who the Commission finds that it is not reasonable to expect that parole will be granted at a hearing in the following years and stating the basis for the finding in writing.

In 1997, the Florida Supreme Court issued its final opinion in the case of *Florida Parole Commission v. Cooper* regarding the 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 addiction, or have participated in any drug treatment, and have not been convicted of a disqualifying offense. The law requires the Commission to set the terms and conditions of supervision, and to revoke that supervision if the offender fails to abide by the conditions of supervision. The program is fully operational and the

first offender eligible for the program was released from prison in June 2002. In that the number of eligible offenders is increasing, the Commission has requested additional staffing to handle the workload and will work with the Legislature to assure adequate funding. The Commission continues to closely monitor this program.

The *General Appropriations Act* for FY 2002-03 authorized fourteen additional Parole Examiner positions to help in reducing the backlog of pending clemency cases. The following year, four of these positions were deleted, but the additional ten allowed the Commission to significantly reduce the pending caseload in clemency. That year, the Mail Room, Supply, Accounting, and Computer Help Desk functions of the Commission's Division of Administrative Services were transferred to the Department of Corrections.

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

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

During the 2005 Legislative Session, a corrections bill (HB 1899) was amended on the floor of the House, which would have abolished the Commission and transferred its functions and duties among the Courts, the Department of Corrections, and the Office of the Attorney General in FY 2005-06. Under the amended bill, regional parole boards would have been located around the state and the boards would be comprised of volunteer commissioners. While this bill passed the House, the bill was never heard in the Senate and died in the Senate Committee on Ways and Means. However, as a result of this action, the General Appropriations Act of 2005 ordered an Office of Program Policy and Governmental Accountability (OPPAGA) study of the Commission during the interim period prior to the 2006 Session and asked that OPPAGA report their findings to the respective Chairs of the House Appropriations Committee and the Senate Ways and Means Committee on or before January 1, 2006.

In December 2005 and February 2006, the staff of the Office of Program Policy and Accountability presented its findings to the respective legislative fiscal committees in the Senate and House on their FY 2005-06 study of the Parole Commission. The OPPAGA study concluded "the Parole Commission Operations [are] consistent with its mission" and stated that "regionalizing the commission's parole determinations function would distribute this workload across the state" but would result in increased overall state costs. OPPAGA found that the Commission is successful in identifying low risk offenders for release.

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

On April 5, **2007**, Governor Crist and the Cabinet, acting as the Board of Executive Clemency, made significant changes to the Rules of Executive Clemency. These changes greatly expanded the number of ex-felons eligible to have their civil rights restored (RCR). Under the old rules, approximately 26% of offenders were eligible to have their rights restored, based on their crime, for Restoration of Civil Rights without a hearing. The new rules expanded this to 80% eligible for automatic restoration (Level 1), which ensures RCR restoration provided no restitution is owed and there are no pending charges. Initially, cases are reviewed for eligibility, and then placed on an executive order for signature of the Clemency Board. Once the order is signed, certificates are mailed to the persons granted restoration of civil rights. Level 2 cases require a short investigation, but are also RCR without a hearing. A Level 3 case requires a hearing and is for the most serious offenses such as murder, sexual battery, or sexual predators. These persons must go through a full investigation and a hearing before the Board in order to be considered for restoration of civil rights.

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.

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.

The **2009** Florida Legislature authorized the transfer of computing resources from the Florida Parole Commission to the Florida Department of Corrections. Specifically, this proposal was successfully adopted as part of the passage of SB 2600, the **2009-10** General Appropriations Act, and Committee Substitute for Senate Bill SB 2574, the Agency for Enterprise Technology legislation. These bills authorized the transfer of all computing resources effective July 1, **2009**.

ABOUT THE COMMISSION

~SERVES AS QUASI-JUDICIAL BODY~

The Parole Commission is an agency with 128 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 releases 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, while costing less to operate each year than a single state prison.

COMMISSION MEETING DAY ACTIVITIES



Parole Examiner Kristin Lambert Reviews Files During Hearing

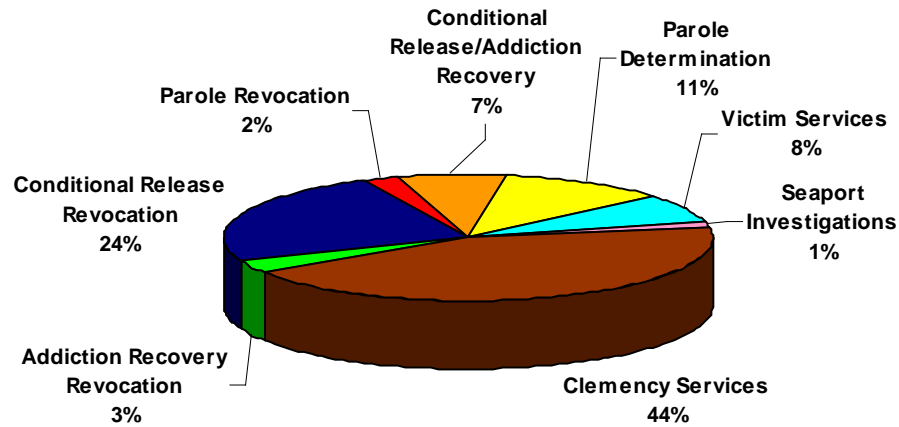


L-R: Commissioners David, Pate, and Chairman Dunphy Discuss a Case

COMMISSION'S YEAR IN SUMMARY by Performance Measures/Activity/Accomplishments

Number of parolees who have successfully completed their supervision without revocation within the first two years:	19 of 22
Percentage of parolees who have successfully completed their supervision without revocation within the first two years:	86.4%
Percentage of cases placed before the Commission/Clemency Board containing no factual errors:	99.37%
Percentage of revocation hearings completed within 90 days of final hearing:	99.9%
Number of conditional release/addiction recovery cases handled:	8,639
Number of revocation determinations:	1,991
Number of clemency cases handled:	76,069
Number of parole release decisions:	1,886
Number of victim assists:	20,219

FY 2008-2009 Commission Workload: Hours by Activity



FY 2008-2009 Commission Workload: Hours By Service Activity

Service	Hours	%
Clemency Services	73,891.6	43%
Addiction Recovery Revocation	5,975.0	3%
Conditional Release Revocation	41,004.8	24%
Parole Revocation	4,031.67	2%
Conditional Release/Addiction Recovery	12,393.18	7%
Parole Determination	18,564.6	11%
Victim Services	12,894.6	8%
Seaport Investigations	1,997.5	1%
TOTAL FY 08-09	170,752.8	100%

COMMISSION YEAR IN SUMMARY: STATISTICS

July 1, 2008 through June 30, 2009

CONDITIONAL RELEASE/ADDICTION RECOVERY

- Number of Conditional Release and Addiction Recovery supervision cases handled: 8,639.

OFFENDER REVOCATIONS

- Number of Revocation Determinations: 1,991.

CLEMENCY SERVICES

- Number of Clemency Cases Processed: 76,069.
- Number of Capital Punishment Clemency Cases Received: 10.
- Number of Capital Punishment/Death Penalty Investigations Completed: 7.

PAROLE DETERMINATIONS

- Number of Parole Release Determinations/Decisions: 1,886.
- Number of inmates currently eligible for parole release: 5, 826.
- Number of inmates under Parole Supervision: 450.

VICTIMS' SERVICES

- Number of Assists to Victims provided by the Commission: 20,219.

COMMISSION'S OPERATING BUDGET FOR FY 2008-09

- Number of FTEs appropriated for FY 2008-09: 131.
- FPC Operating Budget for FY 2008-09: \$8,154,780.
- Number of FTEs appropriated for FY 2009-10: 128.
- FPC Operating Budget for FY 2009-2010: \$8,089,756.

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 5,826 inmates currently eligible for parole consideration and approximately 450 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 2,864 inmates under conditional release supervision in June of 2009.

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 (see Chapters 947, 948, and 960, F.S.). Conditional medical release is a discretionary release that allows the Commission to release inmates on supervision who are “terminally ill” or “permanently incapacitated” and who are not a danger to others (s. 947.149, Florida Statutes). Under current law, inmates granted a conditional medical release must remain under supervision for the balance of their sentence.

In the past three years, the Department of Corrections has recommended 76 inmates for release, with the Parole Commission granting a release to 42 or 55% of those recommended for release. In FY 06-07, the Department recommended 15 inmates for a conditional medical release; in FY 07-08, this number increased to 25; and in FY 08-09, it increased again to 36, twice the amount recommended in FY 06-07. With Florida’s inmate population rapidly aging, and the costs for housing inmates and their medical care rising daily, this proposal would add another category of medically-compromised inmates for recommendation by the Department of Corrections and review by the Parole Commission for a potential conditional medical release.

The Commission is seeking in its FY 2010-11 Agency Legislative Proposals to expand the pool of inmates currently considered for conditional medical release to include “chronically ill” inmates to the category, thus potentially reducing the inmate population, housing costs, and costs for medical care.

By considering “chronically ill” inmates for conditional medical release, the costs of both incarceration and inmate medical costs would be reduced since their housing costs and medical care would be assumed by the persons to whom they are being released, while remaining under the supervision of the Department. Housing an inmate currently costs \$55.09 a day or \$20,108 per year with most of the costs associated with housing an inmate in a major prison spent on security and medical services.

Clemency

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

Clemency functions include: full pardon; pardon without firearm authority; pardon for misdemeanor; commutation of sentence; remission of fines and forfeitures; specific authority to own, possess, or use firearms; restoration of civil rights in Florida; restoration of alien status under Florida law; and capital case reviews. The Parole Commission's staff assists the Clemency Board in the orderly and expeditious processing of those matters that are considered by the Board. Parole Commission staff, working through the courts, state, and federal criminal justice agencies also conduct comprehensive confidential clemency investigations for the Board for applicants seeking various types of clemency relief. These detailed investigations provide a broad picture of the applicant's history and activities, which assists 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, obtain certain occupational licenses and possess a firearm. The clemency process provides the means through which the offender may have some or all of his/her rights restored. 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.

Persons seeking to have their civil rights restored may call, e-mail, fax, send a letter to the Office of Executive Clemency, or fill out a data information sheet directly online at the Commission's website: www.fpc.state.fl.us or <https://fpc.state.fl.us/Clemency.htm>. Most importantly, individuals can now access the Commission's clemency database via the Internet site and check to see whether their rights have been restored. If restored, they can also print a copy of the certificate. Also, effective September 2008, as a result of Governor Crist's Executive Order dated August 27, 2008, the Commission is now sending a voter registration application along with their certificate.

Significant Clemency Rules Change: April 5, 2007

On April 5, 2007, the Board of Executive Clemency 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 eligible for Level I automatic approval if they have been convicted of less serious offenses such as Grand Theft, Burglary of a Dwelling, Possession of Firearm by Convicted Felon, Felony DUI, and Sale of Controlled Substance. The cases are reviewed for eligibility and placed on an Executive Order for signature of the Clemency Board. Once the order is signed, certificates are mailed to the persons granted restoration of civil rights.

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 then placed on an executive order for signature of the Board and restoration of civil rights certificates are mailed to those persons once the order has been signed. If the Clemency Board does not approve, the case will be forwarded for a full clemency investigation (Level 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. The mailing of a copy of the request form to the sentencing judge and State Attorney has been eliminated in all types of clemency requests. All forms necessary for the clemency process are available online at the Commission’s website.

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. Additionally, the notification letter mailed to 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. This database was redesigned in November 2006 to consolidate the MAC and MCI (Management of Clemency Investigations) into one integrated system. Today, the Florida Department of State is provided the Board’s actions bi-weekly so that it may update its Central Voter Registration Database.

As a result of the April 2007 rule changes and the clemency process being made more “user friendly,” the number of restoration of civil rights requests (cases) has increased. During FY 2008-09, the Commission processed 76,069 clemency cases with the additional temporary staffing made possible by the Governor’s veto on January 27, 2009, of a 4% budget cut made in Special Session “A”. The Governor’s veto of the \$320,000 budget cut provided funding to hire 6 temporary employees and to pay 24 current employees to work part-time to process clemency cases and to assist in further reducing the current pending cases.

Today, it has never been easier to begin the process of having one’s rights restored, since persons seeking to have their rights restored need only make a request by letter or e-mail, fax, download the clemency request form available on the Internet, or call the Office of Executive Clemency directly. However, the need for additional resources to handle the high volume of cases has not abated. The Commission has continually informed the Legislature through its Legislative Budget Request each year of the increased clemency workload and asks for the funding and staff resources needed to counter the increasing workload and pending cases. However, due to the State’s current budgetary constraints, the Commission recognizes the challenges facing the Legislature and continues to persevere until adequate funding becomes available to sufficiently fund the clemency function’s staffing requirements. Other than a one-time \$50,000 appropriation for RCR Outreach in for FY 2007-08, the Commission has not received any additional positions or funding for clemency operations since 2003.

The Commission’s FY 2010-11’s legislative budget request again addresses the need for additional resources to: (1) reduce the growing number of pending cases; (2) to answer the toll free Restoration of Civil Rights information line (3) to implement quality assurance measures to negate errors; and (4) process cases within timeframes allowing RCR Level I cases to be completed within 6 months; Level II cases to be completed within 12 months; and Level III cases to be completed within

18 months. A September 2009 review of the current RCR process by the Auditor General stated that 70 additional FTEs would be needed to complete the current pending cases.

Seaport Security Investigations

During the 2006 legislative Session, legislation was passed (CS for HB 7145), which addressed seaport security, access control, and credentialing. This 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. This is the one area in law where statutory timeframes are mandated for clemency investigatory staff. In FY 08-09 there were 39 seaport investigations completed.

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 terms and conditions of supervision, and to revoke that supervision if the offender fails to abide by the conditions of supervision. The program is fully operational and the first offender eligible for the program was released from prison in June 2002. In FY 2008-09, 2,057 offenders were placed in the program.

THE OFFICE OF THE GENERAL COUNSEL



Sarah Rumph
General Counsel

Sarah Rumph has served as the Commission's General Counsel since her appointment in June 2009. Ms. Rumph's career of public service also includes work as a Senior Attorney with the Commission and the Florida Department of Health, and as a Public Defender in the Sixth Judicial Circuit. She holds an Associate of Arts Degree from St. Petersburg Junior College, a Bachelor of Arts Degree from the University of Tampa, and a *Juris Doctor* from the Stetson University College of Law. Ms. Rumph volunteers her legal assistance for many pro bono activities within the community and is a member of several shelters and civic and charitable organizations.

During the 2008-09 Fiscal Year, the Office of the General Counsel was actively involved in litigation as a result of felony offenders filing numerous lawsuits in various state and federal courts. Routinely, this office files court pleadings, briefs, memoranda, and legal correspondence and provides legal advice on all legal issues before the Commission. Further, the Counsel's Office represented the Commission in numerous hearings throughout the State of Florida and continues to provide legal advice and support to the Tallahassee Central Office and 5 Regional offices located throughout the state. During the months of July through December 2008, the General Counsel's Office has opened 283 new legal cases. In addition to these new cases, the Legal Office has also handled numerous other ongoing legal matters:

- prepared 510 court pleadings, briefs, memoranda, and legal correspondence;
- provided 241 verbal and written legal opinions;
- attended 8 hearings, including court hearings;
- reviewed 18 Section 947.18, Florida Statutes, orders for legal sufficiency and 13 Bolden review requests;
- processed 54 public record requests;
- represented the agency at 79 meetings involving significant Commission issues;
- received and/or made 2,071 telephone calls and received 3,101 pieces of mail;
- participated in approximately 2 interviews for an unpaid paralegal intern position;
- notarized approximately 152 documents for staff;
- reviewed and provided advice on prospective legislation;
- attended legislative committee meetings;
- provided legal advice and support to employees located in the field offices;
- assisted with the Restoration of Civil Rights Project;
- reviewed contracts;
- represented the agency at various personnel hearings, assisted with personnel actions, and other such related issues;
- prepared monthly activity reports for the Commissioners of current and ongoing legal challenges presented by inmates and significant cases; and
- created and implemented a rule change important to preserving the current Commission processes.

During this fiscal year, the General Counsel's office also assisted the Governor's Office and respective Cabinet Offices, the Department of Legal Affairs, the Department of Corrections, State Attorneys, the Florida Department of Law Enforcement, and private counsel on several significant issues involving post-release supervision programs, clemency issues, personnel issues, Risk Management cases, and newly enacted legislation. Internally, legal staff assisted the Clemency Administration Office and the Board of Executive Clemency in matters before the Clemency Board.

The Legal Office, through Brenda Council and Natalie Mims, assisted the RCR Project with mailing certificates to recipients of clemency rights restoration and both earned status as Registered Paralegals with the Florida Bar during the reporting period.

The General Counsel's Office continues to successfully prevail on inmate litigation filed against the Commission, continues to strive to provide quality legal advice and representation in a prompt manner, and engages in proactive legal counseling in an effort to prevent unnecessary litigation.

During the months of January through June 2009, the General Counsel's Office has opened 243 new legal cases. In addition to these new cases, the Legal Office has also handled numerous other ongoing legal matters:

- prepared 372 court pleadings, briefs, memoranda, and legal correspondence;
- provided 209 verbal and written legal opinions;
- attended 2 hearing, including court hearings and mediation;
- reviewed 19 Section 947.18, Florida Statutes, orders for legal sufficiency and 41 Bolden/straddling offense review requests;
- processed 20 public record requests;
- represented the agency at 38 meetings involving significant Commission issues;
- received and/or made 1,840 telephone calls and received 2,343 pieces of mail; and
- notarized approximately 15 documents for staff.

WORK WITH OUTSIDE AGENCIES

During the report period, the General Counsel's office also assisted and worked with:

- the Governor's Office and respective Cabinet Offices;
- the Department of Legal Affairs;
- the Department of Corrections;
- Various State Attorneys throughout Florida;
- the Florida Department of Law Enforcement involving registration of sex offenders;
- Private Attorneys on several significant issues and questions concerning post-release supervision programs and clemency issues.

WORK WITH THE FLORIDA LEGISLATURE

- Reviewed and provided advice on prospective legislation.
- Prepared proposed legislation.
- Attended legislative committee meetings.

WORK WITHIN THE AGENCY

- Provided legal advice and support to employees located in the field offices. This includes reviewing revocation hearings, willfulness determinations, and answering general legal questions.
- The Legal Office, through Brenda Council, assisted the RCR Project with mailing certificates to recipients of clemency rights restoration.

WORK ON BEHALF OF THE AGENCY

- Reviewed contracts.
- Represented the agency at various personnel hearings, assisted with personnel actions, and other such related issues.
- Worked with Risk Management to represent the Commission's interests in pending civil lawsuits.
- The Office further continued to provide legal review and assistance to the Clemency Administration Office and the Board of Executive Clemency in matters before the Clemency Board.

CURRENT STATE OF THE GENERAL COUNSEL'S OFFICE

- Continuing to prepare monthly activity reports for the Commissioners and Senior Management of current and ongoing legal challenges presented by inmates and summarizing any significant cases.
- Started the rule change process to get the rules updated to reflect law and procedural changes throughout the years.
- The Office continues to meet as a team once or twice a month in order to discuss pending cases and legal issues.
- Prepared and discussed capabilities of the system in order to make the transition of the office to a paperless environment. This is an ongoing project, now working with DOC's IT.
- During this period, Anthony Andrews joined the legal office as an Assistant General Counsel.
- We continue to work with Tallahassee Community College to have unpaid paralegal interns for a semester at a time to help out in the office.

The General Counsel's Office continues to successfully: prevail on inmate litigation filed against the Commission; strive to provide quality legal advice and representation in a prompt and efficient manner; and engage in proactive legal counseling in an effort to prevent unnecessary litigation.

STAFF OF THE OFFICE OF GENERAL COUNSEL



**L-R: Sarah Rumph; Misty Pearson;
Tony Andrews; Brenda Council**

**General Counsel: Sarah Rumph
Senior Attorney: Tony Andrews
Senior Attorney: (vacant)
Administrative Assistant: Brenda Council
Administrative Assistant: Misty Pearson**

CONTACT INFORMATION:

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ATTN: LEGAL**

**Phone: 850-488-4460
FAX: 850-414-0470**

OFFICE OF COMMUNICATIONS AND LEGISLATIVE AFFAIRS



Jane Tillman
Director

Jane Tillman has served as the Commission's Director of Communications and Legislative Affairs since her appointment in August of 2007. She has worked in Florida State Government for 30 plus years holding key positions with the Supreme Court of Florida, the Florida House of Representatives, the Commission on Ethics, the Department of Business & Professional Regulation, and the Parole Commission. She has a Bachelor of Arts Degree in Journalism from the University of Georgia where she majored in Broadcast Journalism and Speech. Ms. Tillman has extensive legislative experience as a former legislative staffer and as a private sector and state agency lobbyist. As a Communications Director, Ms. Tillman has met and interviewed many National and State Leaders along with prominent individuals in the entertainment and broadcasting fields. Ms. Tillman has been with the Parole Commission since November 1998.

The Director 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 Executive Office of the Governor; 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 Legislative Affairs Directors of all state agencies, and Communications 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 2008-09, this office received and responded to an unusually high volume of bill analysis and fiscal note requests for information.

As Director of Communications, this individual is the chief spokesperson for the agency and the Board of Executive Clemency. In this role, she responds to daily inquiries from local, state, and national media organizations and responds to public information and public records requests as necessary. This office 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, with the assistance of other Senior staff, the agency's annual Legislative Proposals; the Long Range Program Plan (LRPP); a yearly update on the Status of RCR-related Clemency Issues (Proviso Report) for the Legislature; and a

statutorily mandated Annual Report. Further, the Director acts as Chief Editor for the agency and in this capacity has primary oversight for all agency published materials and documents.

Special Projects

In June 2009, the Director was assigned to the Commission's Information Technology Transition Team under the direct supervision of Chairman Dunphy and composed of Gina Giacomo, FPC Team Leader, and Jack deRemer, Director of Operations. The Department's IT Transition Team included Team Leader Tammy Crumel, Lou Carroll, and John Kerski. From the team's initial meetings with the Agency for Enterprise Information Technology's Project Leader Terry Kester, the IT Transition Team worked days, nights, and weekends to craft, write, and produce a Transition Plan and a Service Level Agreement (SLA) for the two agencies by June 30, 2009. A transition plan was developed based upon the Commission becoming a full service IT customer of the Department of Corrections. Key components of the plan include budget and finance transfers, personnel transfers, consolidation of network services, management of all IT development, support, and maintenance functions, and physically relocating hardware devices into the Corrections Data Center.

In addition, a Service Level Agreement (SLA) was executed between the two agencies. The SLA addresses the service deliverables and performance measures. The purpose of the SLA is to formalize the service terms between the Florida Department of Corrections and the Florida Parole Commission, including the scope and definition of technical services, responsibilities for operational areas, and service level targets. The SLA also states the commitment of the Provider to furnish quality and prompt service to the Customer in a manner that contributes to the successful accomplishment of the Customer's mission. This SLA is a dynamic document and will be modified over time as additional knowledge between the Customer and Provider is gained.

2008-2009 LEGISLATIVE PRIORITIES/PROPOSALS

In September 2008, the Commission submitted the following legislative proposals to the Office of Policy and Budget and to the Legislature for consideration during the 2009 legislative session. While these proposals were not adopted, the Commission once again submitted them, along with 2 new proposals, for consideration by the 2010 Legislature either as filed legislation or as a part of the Commission's Legislative Budget Request for 2010-11. The 2008-09 legislative proposals/budget requests included:

1. Additional Positions (20 FTEs) and OPS (2) Funding for Restoration of Clemency Toll- Free Phone & Operators;
2. Funding for 2 FTEs for Victims' Services;
3. the Establishment of a Re-entry Program and 5 FTEs for Conditional Release Technical Violators;
4. the Expansion of Conditional Medical Release for "Chronically Ill" Inmates; and
5. the Restoration of 7 FTEs in unfunded Positions.

LEGISLATIVE/COMMUNICATIONS STAFF



Jane Tillman, Director; Alexis Fleck, Legislative Aide

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Website at: <https://fpc.state.fl.us/clemency.htm>

or

www.FLrestoremyrights.com

Public Information, Public Records Requests, and Media Inquiries should be directed to Jane Tillman at 850-921-2816, Fax 840-487-1430, or e-mail: JaneTillman@fpc.state.fl.us.

DIVISION OF ADMINISTRATIVE SERVICES



Gina Giacomo
Director

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

The Division of Administrative Services serves as a liaison with the Governor's Office of Planning and Budgeting, the Office of Program Policy and Government Accountability, the Auditor General, the Florida Legislature, the Department of Financial Services, and the Department of Management Services. The Division provides 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 preparing all data, statistics, and financial information, both internally and to external agencies and individuals.

During FY 2008-09, the Division of Administrative Services responded to an operational audit from the Auditor General focused on Commission actions relating to the restoration of civil rights. The audit period covered July 2007 through February 2009.

HUMAN RESOURCES' SECTION

The Human Resources Section is staffed solely by the Human Resources Administrator. 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 continue 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, assisting with the development of the Long Range Program Plan (LRPP), and submitting agency budget amendment requests. The administrator prepares monthly budget projections, performs a pre-audit of all agency invoices, and ensures compliance with all Department of Financial Services' (DFS) rules on expenditures and accuracy of financial records. Additionally, this office is responsible for the management of leases and contracts, processing of all purchase card receipts, refunds, and property inventory changes for the Commission.

INFORMATION SERVICES' SECTION

The 2009 Florida Legislature authorized the transfer of computing resources from the Florida Parole Commission to the Florida Department of Corrections. Specifically, this proposal was successfully adopted as part of the passage of SB 2600, the 2009-2010 General Appropriations Act, and Committee Substitute for Senate Bill SB 2574, the Agency for Enterprise Technology legislation. These bills authorized the transfer of all computing resources effective July 1, 2009.

A transition plan was developed based upon the Commission being a full service IT customer of the Department of Corrections. Key components of the plan include budget and finance transfers, personnel transfers, consolidation of network services, management of all IT development, support, and maintenance functions, and physically relocating hardware devices into the Corrections Data Center.

In addition, a Service Level Agreement (SLA) was executed between the two agencies. The SLA addresses the service deliverables and performance measures. The purpose of the SLA is to formalize the service terms between the Florida Department of Corrections and the Florida Parole Commission, including the scope and definition of technical services, responsibilities for operational areas, and service level targets. The SLA also states the commitment of the Provider (the Department) to furnish quality and prompt service to the Customer (the Commission) in a manner that contributes to the successful accomplishment of the Customer's mission. This SLA is a dynamic document and will be modified over time as additional knowledge between the Customer and Provider is gained.

The agencies will continue to meet on a regular basis to address issues that may arise and resolve them quickly. Service levels will be monitored and continuously reviewed by both parties so that results are known and evaluated. Project managers are Tammy Crumel, Chief of Service Delivery, for the Department's Office of Information Technology, and Gina Giacomo, Director of Administration, for the Commission.

DIVISION OF ADMINISTRATIVE SERVICES' STAFF



**L-R: Karen Huff; Winston McGriff;
Gina Giacomo; Beatriz Caballero**

**Director of Administration: Gina Giacomo
Accounting & Budgeting Administrator: Karen Huff
Human Resources Administrator: Beatriz Caballero
Purchasing Specialist: Winston McGriff**

FLORIDA PAROLE COMMISSION: Final Expenditure Report FY 2008 - 09

Budget Category	FPC Appropriated Budget	Total Expenditures 6/30/2009	Budget Balance 06/30/2009
Salaries	6,795,742.00	6,793,236.84	2,505.16
OPS	212,514.00	204,873.11	7,640.89
Expenses	924,935.00	914,784.28	10,150.72
OCO	2,000.00	1,827.00	173.00
Risk Management Insurance	65,431.00	65,431.00	-
Human Resources Outsourcing	54,234.00	54,232.70	1.30
Data Processing	99,924.00	95,349.37	4,574.63
Total	8,154,780.00	8,129,734.30	25,045.70

INFORMATION SERVICES' SECTION

During Fiscal Year 2007-08, the Information Services' staff (IS) consisted of an Administrator and two professional employees. 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.

The IS staff routinely completes a variety of computer maintenance tasks and software updates to keep the central office's computer installations operating efficiently. Also, 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 2008-09 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

DIVISION OF CLEMENCY ADMINISTRATION



Stephen E. Hebert was appointed as the Director of Clemency Administration for the Florida Parole Commission on January 18, 2005. Mr. Hebert has served continuously in the clemency area during his 11 years with the Commission. In September 1998, he began conducting clemency investigations as a Parole Examiner, including reviews of offenders expiring prison sentences or terminating community supervision to certify their eligibility for restoration of civil rights in accordance with the Rules of Executive Clemency. In January 2001, he was subsequently promoted to the Capital Punishment Research Specialist position where he investigated and conducted in-depth studies of criminal appeals, motions, petitions, and responses filed in state and federal courts on Florida death-row inmates. Prior to his service with the Commission, he was employed as a Probation Officer for six years with the Leon County Probation Department in Tallahassee, Florida. He is a 1991 graduate of Florida State University where he received a Bachelor of Science Degree in Criminology.

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, capital punishment cases and domestic violence 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 sit as the Board of Executive Clemency and they 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. 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 and recorded 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 multiple databases to obtain and verify information on criminal histories, court records, pending court actions, restitution obligations and citizenship status. Records of the Department of Corrections, Department of Law

Enforcement, Department of Highway Safety and Motor Vehicles, clerks of court, federal courts, local law enforcement agencies, the Commission's clemency database, the Internet, and other out-of-state boards and agencies may be consulted. 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.

The Rules of Executive Clemency were last revised on April 5, 2007, when the Board of Executive Clemency adopted new rules, which allow 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, advisory Commission recommendation, and hearing before the Clemency Board for murder, sex offenses, and those not approved in Level II.

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 providing training to foster a better knowledge and understanding of the Rules of Executive Clemency, especially on issues regarding eligibility for 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 Parole 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, works diligently to identify, locate, and contact the victims of record. They provide the victims' 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 this date 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.

STAFF OF CLEMENCY ADMINISTRATION



**Front Row L-R: Tawanna Hays, Anna Freeman, Michelle Whitworth, Tanya Sigrist;
Back Row L-R: Brandy Fortune; Julie McCall; Steve Dawson; Steve Hebert, Director;
Dave Roberts; Cindy Durden; Jeff Rollins; Fernando Sanchez**

CONTACT INFORMATION:

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OFFICE OF EXECUTIVE CLEMENCY



Janet Keels retired October 31, 2009 after thirty-seven years of service with the State of Florida and twenty-one years spent as the Coordinator for the Board of Executive Clemency.

Janet Keels
Coordinator (retired 10/30/09)

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.

In June 2009, the Coordinator traveled to St. Augustine to address the Annual Conference of Supervisors of Elections on recent policy changes to the clemency process.

STAFF OF THE OFFICE OF EXECUTIVE CLEMENCY



**L-R: Gary Davis; Jill Raker; Caressa Andrews;
Jimi Megargee; Tom Hamilton**

**Clemency Coordinator: Janet Keels (retired)
Gary Davis, Staff Assistant
Jill Raker, Staff Assistant
Jimi Megargee, Staff Assistant
Caressa Andrews, Administrative Assistant
Tom Hamilton, Parole Examiner**

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ATTN: EXECUTIVE CLEMENCY**

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DIVISION OF OPERATIONS



Jack deRemer
Director

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

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 2008-09:

- 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 the reporting 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 to fully implement.

- Revisions of the Conditional Release special condition E45 allow 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 were made 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, to state: “The Florida Parole Commission imposes these conditions under discretionary authority pursuant to s. 947.1405(6), Florida Statutes.”
- In FY 2008-09, 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.

DIRECTOR'S OFFICE



L-R: Tammy Salmon, Executive Secretary; Jack deRemer, Director

RELEASE SERVICES' SECTION
Kim Dickey, Operations Management Consultant II, Supervisor

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' STAFF



L-R: Teresa Martin; Kristin Lambert; Monica Maddox; Jeffrey Rigdon; Tangila Akins; Shane Bozman; Cindy Parrish; Kim Dickey, Supervisor

- 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' SECTION

Shana Lasseter, Operation & Management Consultant II, Supervisor

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 include the following:

- The supervision review process was revised. Revocations and Release Services are working in partnership to ensure all supervision reviews are screened for sufficiency and contain adequate information prior to docketing for final Commission action.
- Official guidelines were developed for processing out-of-state arrests of persons who have active Florida Parole Commission warrants effective January 2008. 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 arrests.
- Final revisions were made to the *Hearing Summary* template, *Revocation Order*, and the *Waiver of Hearing* form in November 2007. 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 and those that are deemed unacceptable are returned. Working together, FPC and DC have improved the process thereby reducing the number of violation reports returned.
- A new Warrant Processing Procedure was implemented. Now, once a Commissioner signs a warrant, DC and FPC field staff receives an e-mail notifying them of the issuance of the warrant. This occurs within 24 hours if the offender is in custody and within 72 hours if the offender is not in custody. Also, warrants are now scanned and sent by e-mail or imaged into the IRIS database for easy retrieval statewide resulting in cost savings to both DC and FPC, while increasing public safety.
- A new Procedure for Processing the Revocation Docket was implemented. 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.
- 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. This has resulted in a large workload for the agency, with the Commission responding to 1000 plus notifications since January 2008.

REVOCATIONS' SECTION STAFF



L-R: Cathy Floyd; Twanya Keaton; Brenda Pendleton; Shana Lasseter, Supervisor; Fatima Oleabhiele; Megan Coury; Tracie Crawford

FIELD SERVICES

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

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 staff across the State have worked long hours 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 staff have participated in many Department of Corrections Re-Entry Seminars which are held at correctional institutions throughout the state. Field staff 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.

**REGIONAL FIELD OFFICES
REGION I: QUINCY**

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Phone: 850/627-8436, Fax: 850/627-8703

Benjamin Pearce, Regional Administrator

EXAMINERS & STAFF: Janice Britt, Cindy Waymon, Ricardo Estrella; Staff Assistant: Rhonda Morris

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EXAMINERS: Valarie Shakespeare.

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REGION II: JACKSONVILLE
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Mills Rowland, Regional Administrator

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Assistant: Nancy Lockwood

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EXAMINERS & STAFF: Ralph Moulder, Joseph Reese, Johnnie Sheffield. Staff Assistant: Dian Morin

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REGION III: COCOA (Brevard CI)

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Terry Turner, Regional Administrator

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REGION IV: MIAMI (Everglades CI)

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Sheila Roberts, Regional Administrator

EXAMINERS & STAFF: Ayesha Carson (Supervisor), Sandra Pimental (Supervisor), Don Henry, Cindy Zimmerman, Ana Kucera, Sandra Bermudez, Bran Alvarado, Leris Calderon, Richard Konior. Staff Assistant: Marlene Schreiber

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EXAMINERS: Sean Murphy, John O'Donnell, Jennifer Peattie-Stichter.

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REGION V: TAMPA

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Patricia Harris-Rozar, Regional Administrator

EXAMINERS & STAFF: Helen Williams-Lester (Supervisor), Harv Buckner (Supervisor), John Doyle, Lori Pille, Annetta Austin, Melinda Strickland, Jerry Harris, Carol Gammans, Daniel Martis, Jessica Ghent, Cathy Aylstock, Mary Williams. Staff Assistant: Linda Dixon.

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

ARCADIA (Desoto CI)
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863/993-4624; FAX 863/993-4765

EXAMINERS: Pamela Carwise.

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

VICTIM SERVICES

Daphne Asbell, Victim Services' Coordinator, Supervisor

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. Staff offers assistance to victims and their families by: responding to their emotional and physical needs; providing the necessary support to help stabilize their lives after victimization; and providing knowledge of the criminal justice system and its operations. This section has been active in seeking ways to broaden the services that are available to victims.

Special accomplishments by Victim Services this year include:

- Victim Services applied and received approval for continuation of a federal grant under the Victims of Crime Act (VOCA). This grant provides funds for a full-time staff position responsible for assisting victims of offenders who are seeking clemency.
- The Victims Procedure Directive 3.01.05 was updated to ensure compliance with 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 provide 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.
- Staff 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.
- Staff are contacting victims regarding future parole initial interviews and are currently working on cases as far ahead as 2018.

VICTIM SERVICES' STAFF



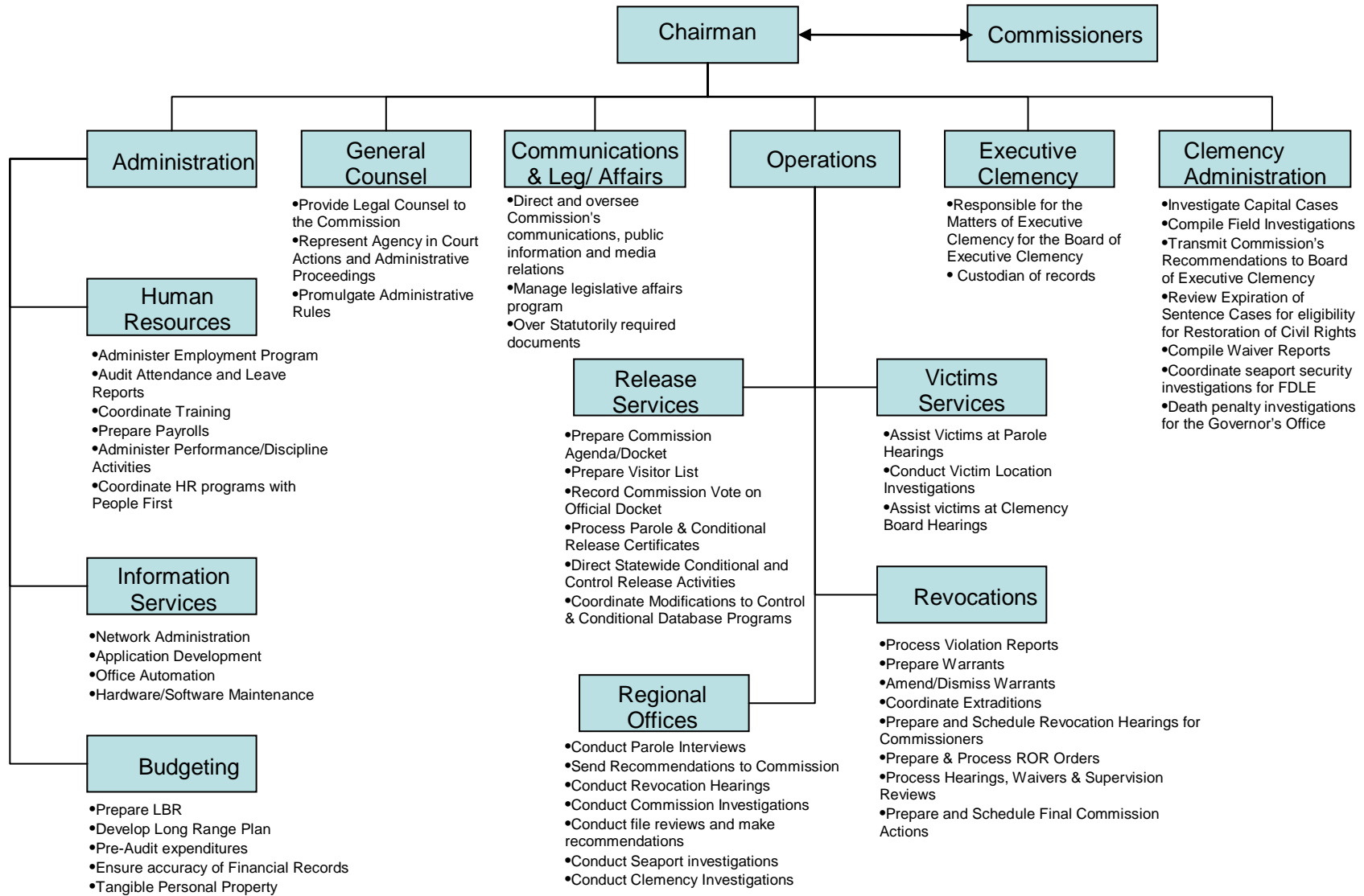
**L-R: Daphne Asbell, Supervisor;
Russ Gallogly; Stephanie France; Sondra Gregory (FAMU Intern)**

CONTACT INFORMATION:

**The Florida Parole Commission
2601 Blair Stone Road, Building C
Tallahassee, Florida 32399-2450
ATTN: VICTIM SERVICES SECTION**

**Phone: 850-487-3259
TOLL FREE VICTIMS PHONE: 800-435-8286
FAX: 850-921-8712**

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

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

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

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

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

Gina Giacomo – <i>Director</i>	(850) 488-3415
Beatriz Caballero - <i>Human Resources Administrator</i>	(850) 488-3417
Karen Huff – <i>Acctg. and Budgeting Administrator</i>	(850) 921-2815

DIVISION OF OPERATIONS

Jack deRemer – <i>Director</i>	(850) 922-6137
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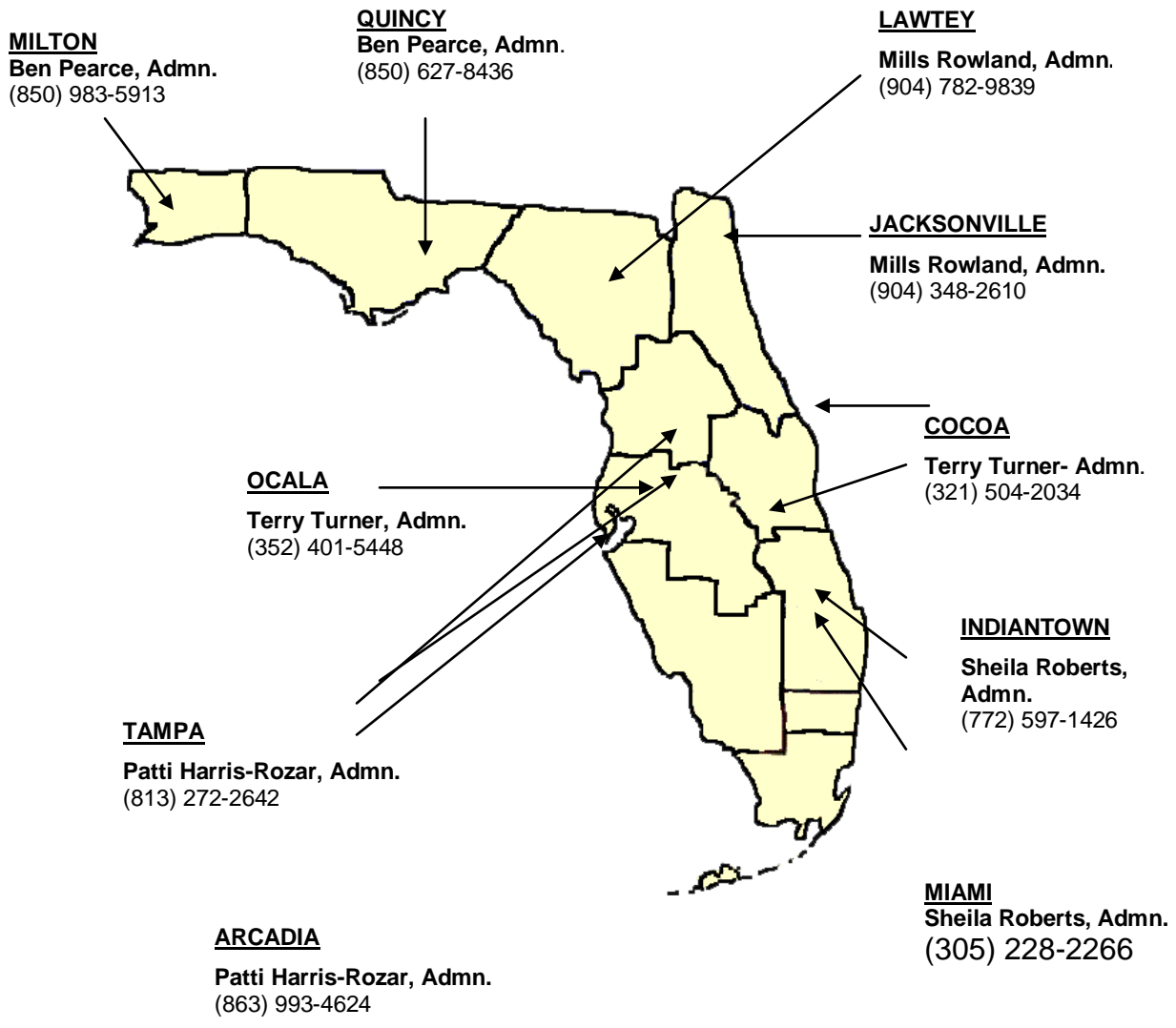
REGIONAL ADMINISTRATORS

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

TOLL FREE ACCESS NUMBERS:

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

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 grant 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, you should 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 website 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 CIVIL 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 OTHER FORMS OF 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 at the Office of Executive Clemency upon request.**

4. DO I NEED TO HIRE AN ATTORNEY TO HANDLE MY APPLICATION FOR RESTORATION OF MY CIVIL RIGHTS?

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

5. IS THERE A FILING FEE FOR APPLYING TO GET MY CIVIL RIGHTS RESTORED?

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 HEARING BEFORE THE CLEMENCY BOARD, DO I HAVE TO ATTEND?

No. It is not a requirement for an individual to be present at a 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 TO GET MY CIVIL RIGHTS RESTORED?

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 3 years from the date your supervision terminates.

8. IF I AM GRANTED 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 at the following numbers:

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:

The Office of Executive Clemency

2601 Blair Stone Road, Building C

Tallahassee, Florida