



CHARLIE CRIST  
Governor

TENA M. PATE  
Chairman

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# FLORIDA PAROLE COMMISSION



## ANNUAL REPORT 2009-2010

Tena M. Pate  
Chairman

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## **Mission Statement**

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

**GOVERNOR CRIST AND MEMBERS OF THE CABINET  
DECEMBER 2010**



**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**

**New Central Office Headquarters  
Florida Parole Commission  
August 2010**



**4070 ESPLANADE WAY  
SOUTHWOOD OFFICE CENTER**

# Chairman's Message

December 31, 2010

Dear Governor Crist and Members of the Cabinet, Governor-elect Scott, President Haridopolous, and Speaker Cannon:

It is with great pleasure that I present the Annual Report on the state of the Florida Parole Commission for the reporting period July 1, 2009 through June 30, 2010.

On July 29, 2010, I was reappointed by the Governor and Cabinet to serve a second six-year term and also designated to serve as Chair of this small but significant state agency. I know my colleagues and the Commission's employees to be a specialized group of criminal justice professionals committed to the agency's mission and possessing an exemplary work ethic.

## COMMISSION MOVES TO STATE-OWNED FACILITIES

On February 1, 2010, former Commission Chairman Frederick B. Dunphy began the process to explore alternative office space options pursuant to a directive issued to all state agencies by Senate Appropriations Chair J.D. Alexander in February 2010. Senator Alexander recommended that state agencies explore all cost savings options before renegotiating a lease for office space with a private vendor.

I am pleased to report that the Commission responded immediately to this directive, and once approved by the Legislature, acted to secure less costly office space. The Commission negotiated a new lease contract with a state-owned facility, retrofitted a small portion of the building, planned the move, and successfully moved within one week. All of this was accomplished and paid for with no additional funds. Estimates indicate that relocating to this state-owned facility will result in savings to the State over a 10-year period of approximately \$949,974. However, first year savings will be cost neutral due to move costs associated with space modifications and the additional expense incurred for providing building security and receptionist services.

## BUDGET REQUESTS AND SUBSTANTIVE LEGISLATION

The Commission continues to focus its priorities on fulfilling its core mission of public safety. These efforts allow us to accomplish the duties the Legislature and Clemency Board have mandated by statute, policy, or rule, while managing an increasing workload. Recognizing existing revenue challenges for the state, the Commission kept its 2011 Session legislative proposals and budget requests to a minimum. The Commission is requesting the following priority budget requests for FY 2010-11: (1) funding for 2 full time employees to assist in the Commission's Victims Services unit; (2) funding for 2 temporary OPS employees and a phone line for answering clemency calls on the restoration of civil rights'

process and case status inquiries; and (3) funding for 30 FTEs to reduce the pending case load in the Offices of Executive Clemency and Clemency Administration.

In response to the successful passage of SB 200 during the 2010 Legislative Session, the Commission is proposing that the crimes of *kidnapping* and *burglary or robbery with sexual assault* or *behaviors involving a sexual assault*, be added to the statute to extend the time between subsequent interview dates for these potential parolees, 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.

A second proposal for consideration by the 2011 Legislature seeks to give the Commission greater flexibility when imposing penalties on conditional releasees for technical violations. This proposal would allow the Commission, in lieu of revocation, to return a violator to a state corrections' institution for a minimal period of time not to exceed 22 months. Currently, when a conditional releasee violates supervision, the Commission has no other option but to restore or to revoke his/her supervision or return the offender to prison to serve the remainder of his/her sentence (15%). This is because there are no current contractual agreements between counties and the Department of Corrections for housing offenders who violate their supervision. If adopted, this proposal should result in a cost savings to the State by incarcerating the inmate for a shorter period of time, while also giving the offender the opportunity to prove his/her willingness to be back on supervision and, hopefully, successfully transition back into society.

#### **CLEMENCY FUNCTION: CHAIRMAN'S INITIATIVE TO REDUCE CURRENT RCR PENDING CASES**

As a result of the April 5, 2007 Board of Executive Clemency changes to the Rules of Executive Clemency, the new rules vastly expanded and made eligible for "automatic" or Level I Restoration of Civil Rights (RCR) approximately 80% of ex-offenders, which ensures restoration provided no restitution is owed and no charges are pending. As more individuals seek restoration, the case numbers continue to increase, while staffing for the clemency function is at an all-time low. These changes were made without providing additional funding or positions to the Commission to keep up with the dramatic increase in the clemency caseload.

Each year when asked to prioritize its spending by the Legislature, the Commission's funding resources are directed to programs where critical statutorily timeframes are mandated before funding clemency functions, which have no mandated timeframes. Due to this prioritization and the lack of increased funding for the clemency functions, the clemency caseload has continued to rise.

To address the growing clemency caseload, and in particular, the restoration of civil rights' pending cases, I have proposed an initiative to accomplish the following goal: To data enter and screen by June 30, 2011 approximately 48,600 of the 96,000 RCR cases currently pending review and eligibility determination in the Office of Clemency Administration, while assuring accuracy at all stages of the process. This goal will be implemented in two phases to be conducted over an eight-month period beginning November 1, 2010, and ending June 30, 2011. Phase I involves the data entry of 16,600 RCR applications by June 30, 2011, with Phase II involving the screening of 48,600 applications by

June 30, 2011. A third phase will involve the further processing of cases leaving Executive Clemency for final action by Clemency Administration. The project will run approximately 23 weeks and will be staffed by current and temporary (OPS) employees.

It is recognized these are aggressive goals, and the expectations of success are high. As the case numbers continue to rise, we must act to address the situation using existing resources as creatively as possible until direct funding sources can be located. Staff from other sections of the agency will be redirected to the clemency functions for short periods of time, and non-paid interns will be sought from certified university level criminal justice programs to process clemency cases for program credits. Much of the success of this project depends on the availability of interns.

In closing, as Chair of the Commission, I am committed to continuing the Commission's low-key but steady course as an independent, accountable, and efficient criminal justice and public safety agency. I am also committed to significantly reducing and eliminating, where possible, the Level I RCR automatic clemency pending caseload. With your help, we can accomplish this goal.

Respectfully,

Tena M. Pate  
Chair

***COMMISSION FACT: Did you know . . . that the weakness of the pardon system led to the formation of the Florida Parole and Probation Commission in 1941?***



## Commissioners' Vitae



TENA M. PATE  
COMMISSIONER  
CHAIR

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

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

As Vice-Chair of the State's Self-Inflicted Crimes Task Force, Ms. Pate and members studied the causes of repetitious, self-inflicting criminal behaviors such as illegal drug abuse and prostitution and reported their findings to the Legislature. Ms. Pate also staffed the Capital Cases Task Force, served as an *ad hoc* member of Florida's Missing Children Information Clearinghouse, and served as State Committee Chair for coordinating statewide events to promote Florida's annual observance of National Crime Victims' Rights Week. Ms. Pate co-chaired the statewide working group developing model policies to prevent or address violence in the workplace. As a clemency assistant, she was responsible for reviewing and providing recommendations for gubernatorial action in response to ex-offenders' requests for a form of clemency. Ms. Pate has also served in the community as a volunteer Guardian Ad Litem.

On July 1, 2010, Commissioner Pate was appointed by Chief Justice Charles T. Canady to serve on the Florida Supreme Court's *Florida Innocence Commission*, a twenty-three member body formed to study the dozen cases around Florida where an individual was wrongfully incarcerated and provide a report and recommendations to safeguard against such future events. Also, she is currently serving on Attorney General Bill



McCollum's Statewide Domestic Violence Fatality Review Team, the Department of Corrections' Re-entry Advisory Council, and the Leon County Child Abuse Death Review Team.

Ms. Pate's professional 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. Her community involvement and activities include the Community Partnership Review Teams through the City of Tallahassee, Leon County and the United Way, and serving as board chair for the Character and Heritage Institute, a non-profit organization that promotes character education through the Arts. Ms. Pate also volunteers as a mentor.

Chair Pate was initially appointed to the Florida Parole Commission by Governor Jeb Bush and the Florida Cabinet in 2003 to fill a Commission vacancy ending June 2004. On June 24, 2004, she was appointed to a full six-year term ending June 2010. On July 29, 2010, Ms. Pate was reappointed for a full six-year term ending June 30, 2016. Additionally, she was appointed to serve as Chairman of the Commission for a two-year term ending June 30, 2012.



**MONICA DAVID  
COMMISSIONER  
VICE CHAIR**

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

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

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

Commissioner David left the Department of Juvenile Justice when she was appointed the 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 Chair, Vice-Chair, 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.

Ms. David’s 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.



**FREDERICK B. DUNPHY  
COMMISSIONER  
SECRETARY**

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

Commissioner’s Course in 1999.

Mr. Dunphy began his criminal justice career in 1971 with the Metro Dade Police Department, eventually attaining the rank of Major. He held various positions there including command of the Narcotics Bureau, Internal Affairs, Strategic Investigations Bureau, Special Events Bureau, and the Miami International Airport District. He retired from the 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 him Commission Chair for a two-year term effective the same day.

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

***COMMISSION FACT: Did you know . . . that prior to 1975, the Commission had 1,321 employees and was responsible for supervising inmates under its jurisdiction? The Commission currently has 128 employees and the Department of Corrections has the responsibility for supervising the inmates in the community.***

# History of the Parole Commission

~Sixty-Nine 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 5<sup>th</sup> 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**.

The **2010** Session of the Florida Legislature was plagued with budget challenges brought on by the continuing downturn in Florida's economy. Due to these constraints the Commission received a continuation budget for FRY 2010-11 of \$8.2 million and 128 FTEs. During the 2010 Florida Legislative Session, SB 200, a victim-friendly bill sponsored by Senators Carey Baker and John Thrasher, was passed and became law on July 1, 2010 (Chapter No. 2010-95.) A Commission legislative priority, the new law (Chapter No. 2010-95, Laws of Florida) amended ss. 947.16, 947.174, and 947.1745, F.S., giving the commission authority to increase the interval between parole consideration re-interviews to 7 years for parole-eligible offenders who have been convicted of murder, attempted murder, sexual battery, or attempted sexual battery, or who are serving a 25-year minimum mandatory sentence under s. 775.082, F.S. For victims and their families, reduction of the frequency of an opportunity for parole should lessen the trauma, stress, and financial burden associated with the potential release of an offender.

## Facts About the Commission

~Serves as a Quasi-Judicial Body~

The Parole Commission is an agency with 128 employees and a current budget of \$8,264,621 that 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 various other locations throughout the state, as required by statute.

During these public proceedings, the Commissioners make a variety of determinations regarding Parole, including for example, the setting of Presumptive Parole Release Dates (PPRD), conducting subsequent reviews, and determining whether or not to authorize parole. To assure public safety, the Commission periodically checks the status of active releasees it has released to supervision. The Commissioners may hear 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, the inmate's family, by persons who were victims of the crime, and the victim's family. This proceeding is often the first opportunity for a victim or family member of a victim to provide input in a non-adversarial venue 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 in informal surroundings conducted before a Parole Examiner, and usually held at a county jail, with eyewitnesses to the violation providing the pertinent testimony. The United States Supreme Court has fully sanctioned the state's use of these less costly proceedings, with 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 Commission provides great value to the citizens and taxpayers of the State. It manages to interact in some capacity each year with 65,000 plus inmates and ex-offenders while operating on a budget of \$8.2 million and costing less to operate annually than a single state prison.

***COMMISSION FACT: Did you know...that the Commission interacts with an average of 65,000 inmates annually but operates each year for less than a single state prison?***

## Commission Hearing Day Activities



**New Commission Hearing Room With Improved Security and Communications Features**



**Parole Examiner Kristin Lambert Reviews Files During Hearing**



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

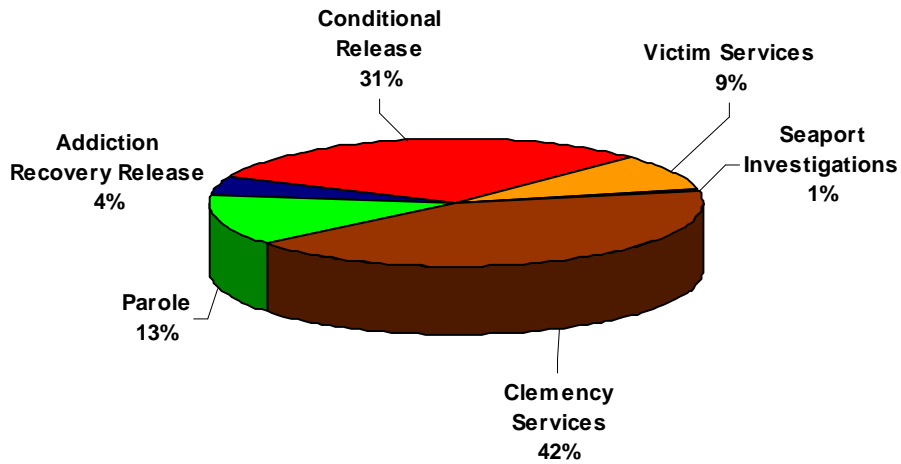
## Year in Summary by Performance Measures: FY 2009-10

### FLORIDA PAROLE COMMISSION Fiscal Year 2009-10 Summary by Performance Measures/Activity/Accomplishments

Number of parolees who have successfully completed their supervision without revocation within the first two years:	31
Percentage of parolees who have successfully completed their supervision without revocation within the first two years:	97%
Percentage of cases placed before the Commission/Clemency Board containing no factual errors:	99%
Percentage of revocation hearings completed within 90 days of final hearing:	99%
Number of conditional release/addiction recovery cases handled:	7,958
Number of revocation determinations:	1,776
Number of clemency cases handled:	38,355
Number of parole release decisions:	1,469
Number of victim assists:	20,559

**COMMISSION FACT:** *Did you know...that 154,110 persons have had their civil rights restored as of December 2010?*

**FY 2009-10 Commission Workload:  
Hours by *Program***



**FY 2009-10 Commission Workload:  
Hours by *Activity***

Service	Hours	%
Clemency Services and Seaport Investigations	70,225.3	46%
Parole	24,004.3	16%
Conditional Release/ Addiction Recovery	11,488.0	7%
Revocation Services	47,501.8	31%
<b>TOTAL FY 09-10</b>	<b>153,219.37</b>	<b>100%</b>

# **Commission Year in Summary: FY 2009-10**

## **STATISTICS**

July 1, 2009 through June 30, 2010

### **CONDITIONAL RELEASE/ADDICTION RECOVERY**

- Number of Conditional Release and Addiction Recovery supervision cases handled: 7, 958.

### **OFFENDER REVOCATIONS**

- Number of Revocation Determinations: 1,776.

### **CLEMENCY SERVICES**

- Number of Clemency Cases Received: 66,035 annually.
- Number of Clemency Cases Pending June 30: 88,096.
- Number of Clemency Cases Processed: 38,355.
- Number of Capital Punishment Clemency Cases Received: 3.
- Number of Capital Punishment/Death Penalty Investigations Completed: 4.

### **PAROLE DETERMINATIONS**

- Number of Parole Release Determinations/Decisions: 1,469.
- Number of inmates currently eligible for parole release: 5, 526.
- Number of inmates under Parole Supervision: 448.

### **VICTIMS' SERVICES**

- Number of Assists to Victims provided by the Commission: 20,559.

### **COMMISSION'S OPERATING BUDGET FOR FY 2009-10**

- Number of FTEs appropriated for FY 2009-10: 128.
- FPC Operating Budget for FY 2009-10: \$8,264,621.



# Commission Program Components

## OVERVIEW

The Parole Commission as it exists today has many diverse duties. Originally created in 1941 to administer parole, the Commission is a constitutionally authorized decision-making body created by law to administer parole. Article IV, Section 8 of the Florida Constitution, provides that there may be created by law “a parole and probation commission” with the power to supervise persons on probation and grant paroles or conditional releases to persons under sentences for crime (s. 20.32, Florida Statutes). Since that time, the Legislature has added the administration of conditional release, conditional medical release, control release, and addiction recovery supervision to the Commission’s primary duties and responsibilities.

These diverse functions provide the means for fulfilling the Florida Parole Commission's mission: to protect the public by administering parole, conditional release, conditional medical release, control release, and addiction recovery supervision. In accordance with statutes and case law, maintaining control over this criminal population is contingent upon the attentive and timely performance of a host of reviews, investigations, and hearings. Many of the services provided are aimed at controlling offenders during the post-incarceration phase of their sentences and to facilitate their transition back to living freely in society. However, if the releasee fails to abide by the terms and conditions of his/her supervision, the Commission responds to their failure to comply by means of the revocation process.

The Commission also acts as the *investigative arm* of the Governor and Cabinet, sitting as the Board of Executive Clemency (Clemency Board), and provides administrative support in all clemency matters, including the RCR program. The forms of clemency include: a full pardon; pardon without firearm authority; pardon for misdemeanor; commutation of sentence; remission of fines and forfeitures; specific authority to own, possess, or use firearms; restoration of civil rights in Florida; restoration of alien status under Florida law; and capital case (death penalty) reviews.

Further, in 2006, the Legislature added the additional task of conducting seaport security fact-finding investigations to be used by the Florida Department of Law Enforcement (FDLE) when making a determination to deny or grant a waiver request for applicants denied employment due to a prior felony conviction.

## VICTIM SERVICES

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

Victims Services' staff strive to further reduce victimization through education and by providing and fostering an environment of compassion, dignity, and respect. They use this platform to make victims and their families aware of their rights and to provide the following services: informing victims of their right to be heard and participate in the parole and clemency processes; educating victims about the parole and clemency processes; providing advance notice to victims of upcoming parole and clemency proceedings; maintaining a separate waiting area for victims; and providing a toll-free telephone number to obtain support or information (1-800-435-8286).

In FY 2009-10, victim assistance comprised 9% of the FPC workload hours by program with 20,559 victim assists made by Central and Field office staff, an increase of 2% over the previous year. On June 30, 2010, there were 27,715 Level II cases and 2,870 Level III Clemency cases pending, with most requiring some type of victim input. Further, there are approximately 5,526 inmates currently parole eligible whose cases will require victim input.

During the 2010 Florida Legislative Session, SB 200, a victim-friendly bill sponsored by Senators Carey Baker and John Thrasher, was passed and became law on July 1, 2010 (Chapter No. 2010-95.) A Commission legislative priority, the new law amended ss. 947.16, 947.174, and 947.1745, F.S., giving the commission authority to increase the interval between parole consideration re-interviews to 7 years for parole-eligible offenders who have been convicted of murder, attempted murder, sexual battery, or attempted sexual battery, or who are serving a 25-year minimum mandatory sentence under s. 775.082, F.S. For victims and their families, reduction of the frequency of an opportunity for parole should lessen the trauma, stress, and financial burden associated with the potential release of an offender.

In summary, victim input plays a critical role in helping the Commission to make informed decisions. Having highly trained, professional staff to assist victims of violent crimes ensures that a victim's rights are protected and they are not subjected to further victimization as a result of a parole hearing or clemency hearing. The Commission is committed to ensuring public safety for the citizens of this State in an effective and efficient manner. To this end, the Commission is requesting two (2) victim assistance positions in its Legislative Budget Request for FY 2011-12 to return the staffing in this section to its pre FY 2008-09 levels.

## PAROLE

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

With parole abolished in Florida in 1983 for most offenders sentenced for crimes on or after October 1, 1983, only inmates convicted of the following crimes are now parole eligible: first degree murder or the making, possessing, throwing, projecting, placing or discharging any destructive device or attempting to do so, if the act results in death of

another person prior to May 25, 1994; and inmates who committed other capital felonies prior to October 1, 1995, are also parole eligible.

The following capital felonies require a minimum of 25 years to be served before becoming parole eligible: sexual battery upon a child less than 12 years old; trafficking in cocaine; trafficking in illegal drugs; and the killing of another by distribution of cocaine or opium or derivatives. Thus, some inmates will not become parole eligible until the year 2020 or beyond. Currently, there are 5,526 inmates who are eligible for parole consideration and approximately 448 persons on parole supervision.

With 31 of 32 paroled inmates successfully completing their supervision without revocation within the first two years of release, the Commission exceeded its projected goal of 85% for FY 2009-10 with a 97% success rate.

### CONDITIONAL RELEASE

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

Upon release from prison, inmates who are subject to conditional release are supervised for a period of time equal to the gain-time that they received in prison. These offenders are subject to strict conditions of supervision set by the Commission. The Commission monitors their progress through supervision reviews and conducts revocation hearings when alleged violations are reported. This supervision can be revoked and the releasee returned to prison if the Commission determines that a violation of supervision has occurred. In July 2010, the Department of Corrections reported that 5,092 inmates were currently under conditional release supervision.

### CONTROL RELEASE

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

## CONDITIONAL MEDICAL RELEASE

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

Currently, the Department of Corrections (Department) is charged with the responsibility of recommending to the Commission cases to be considered for conditional medical release. Under current law, inmates granted a conditional medical release must remain under supervision for the balance of their sentence. For the past three years, the Department has recommended 75 inmates for release, with the Parole Commission granting a release to 42 or 56% of those recommended for release. In FY 2009-10, the Department recommended 19 inmates for a conditional medical release with 9 being granted or 47%.

## CLEMENCY

The Parole Commission operates as the administrative and investigative arm of the Board of Executive Clemency (Clemency Board), with the Governor and 3 members of the Florida Cabinet sitting as the Board. *Clemency* is a constitutionally authorized process that provides the means through which convicted felons may be considered for relief from punishment and seek restoration of their civil rights (RCR). The forms of clemency include: a full pardon; pardon without firearm authority; pardon for misdemeanor; commutation of sentence; remission of fines and forfeitures; specific authority to own, possess, or use firearms; restoration of civil rights in Florida; restoration of alien status under Florida law; and capital case (death penalty) reviews.

In Florida, when a person is convicted of a felony, he or she loses the right to vote, sit on a jury, hold public office, obtain certain occupational licenses, and possess a firearm.

The clemency process administered by the Commission provides the means through which the offender may have some or all of his/her rights restored. The clemency process also provides a means by which an offender may be considered for relief from punishment. Persons seeking or being considered today for clemency relief are generally either incarcerated felons or released felons. Should an individual 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 of the clemency rules.

The Commission assists the Clemency Board in the orderly processing of matters placed before the Clemency Board for consideration and board action. Commission staff, working through the courts and state and federal criminal justice agencies, also conduct comprehensive, confidential investigations for the Board for applicants seeking one or more of the various forms of clemency relief. These detailed investigations provide a broad

picture of the applicant's history and activities, which assist the Board in making informed decisions.

Persons seeking clemency, and particularly those who are seeking to have their civil rights restored, may call, e-mail, fax, send a letter to the Office of Executive Clemency, or fill out an application worksheet directly online at the Commission's website: [www.fpc.state.fl.us](http://www.fpc.state.fl.us) or <https://fpc.state.fl.us/Clemency.htm>. Persons can also access the Commission's clemency database via the Internet site and check to see whether their rights have been restored. If restored, they may print a copy of the certificate. Also, the Commission includes a voter registration application when mailing a certificate restoring an individual's rights.

#### *April 5, 2007 Clemency Rules Changes*

On April 5, 2007, the Clemency Board adopted new rules implementing an "automatic" approval process (Level I) for the restoration of civil rights for felons convicted of specific offenses. Persons who have completed their sentences and paid their debt to society are eligible for Level I automatic approval if 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. These are cases involving the least severe offenses that are not specifically designated in the Rules of Executive Clemency as violent/sexual offenses and do not require a hearing.

RCR Level I cases originate either (1) from an *electronic file* provided each month to the Commission by the Department containing the names of inmates being released from prison or terminating supervision (2) are received in the Office of Executive Clemency as a request from the individual in the form of an application worksheet. The Commission conducts an eligibility determination and quality assurance review. If determined eligible, their names are placed on an executive order for signature of the Board. Once an order is signed, a certificate granting the restoration of a person's civil rights is mailed to the individual's address. If found ineligible for restoration of civil rights *without a hearing*, a notification letter is automatically generated by the Management Application of Clemency (MAC) database. This letter provides information on how the person should proceed to seek restoration of civil rights.

Persons 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 Board for a 30-day review. At the end of the review period, if the 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 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 as a Level III RCR *with a hearing* case, which requires a hearing before the Clemency Board.

The referral, assignment, and approval of all cases processed by the Commission are generated and managed by the MAC database. This 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, Public Access to Court Electronic Records (PACER), local law enforcement agencies, out-of-state boards and agencies, etc.). Further, the Commission uses the Comprehensive Case Information System (CCIS), a secured Internet Portal maintained by the Florida Association of Court Clerks, which provides a single point of access for statewide court case information. Also, the Commission provides the Board's action to the Florida Department of State on a bi-weekly basis so that it may update its Central Voter Registration Database.

In addition to the electronic files of offenders released from prison or supervision provided by the Department, individuals may use the one-page hardcopy RCR application worksheet when submitting a request to have their civil rights restored. 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. All forms necessary for the clemency process are currently available online at the Commission's website.

### *3-Year Impact of 2007 Rules Changes*

As a result of the April 2007 rule changes and the clemency process being made more "user friendly," the number of RCR clemency cases has increased. During FY 2009-10, the Commission received 66,035 cases for all types of clemency. As the case numbers continue to rise, the need for additional resources to handle the high volume of cases has not abated. The Commission informs the Legislature, through its LBR and Proviso Report 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 difficult budgetary constraints, the Commission 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 FY 2007-08, the Commission has not received any additional positions or funding for clemency operations since 2003.

The Commission's FY 2011-12 LBR again addresses the need for additional resources to: (1) reduce the growing number of pending cases; (2) to answer the toll-free RCR information line; (3) to implement quality assurance measures to prevent errors; and (4) to process cases in a timely manner. *The Commission will be requesting 30 additional FTEs for the clemency function, while actually 36 additional FTEs are needed just to complete the RCR cases received annually. Auditor General Report No. 2010-010, in its September 2009 review of the current RCR process, stated that 71 additional FTEs would be required just to complete the current pending cases.*

Today, the process for seeking to have one's rights restored is simple. Individuals need only to make a request by letter or e-mail, send a request by fax, download the data information worksheet available on the Internet, or call the Office of Executive Clemency.

*Clemency Added Duty: Seaport Security Investigations*

In 2006, legislation was passed (CS/HB 7145) which addressed seaport security, seaport access control, and credentialing. This law requires the 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 FDLE. This is the one area in law where statutory timeframes are mandated for clemency investigatory staff. In FY 2009-10, 24 seaport security investigations were completed.

**FTEs/FUNDING  
FOR CLEMENCY FUNCTION  
FYs 2004-2005 – 2009-2010**

Fiscal Year	Total FTEs*	Total Clemency Appropriation
04-05	67 FTEs*	\$4,247,173
05-06	62 FTEs *	\$4,493,285
06-07	58 FTEs *	\$5,177,495
07-08	55 FTEs *	\$4,343,718
08-09	44 FTEs *	\$3,820,976
09-10	47 FTEs *	\$3,648,279

\* The number of FTEs supporting the clemency function either in whole or in part.

**ADDICTION RECOVERY SUPERVISION**

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

The program is fully operational and the first offender eligible for the program was released from prison in June 2002. During FY 2009-10, 1,776 offenders were placed in the program.



## 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. Mr. deRemer represents the Florida Parole Commission on the Criminal and Juvenile Justice Information Systems (CJJIS) Council.

**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.

**Division of Operations**  
**Highlights, Achievements, and Activities**  
**Fiscal Year 2009-10**

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

**CONVERSION TO eAGENT FOR FIELD OFFICES**

When reviewing Clemency files, it was found that the eAgent program was a more reliable database for portions of the investigation than the Judicial Information System (JIS) being used in many of the field offices. User rights for the eAgent program were acquired from FDLE, staff was trained, and field offices were converted to the program. This resulted in the standardization of clemency processes and procedures being used in the field resulting in a more uniform product.

**RCR-AT-A-GLANCE**

Operations recommended that DC OIT an application patterned after the Inmate-at-a-Glance for our Restoration of Civil Rights (RCR) work, to bring together a variety of disparate data that is required for our RCR investigations. The development of this application is well under way at DC OIT, and their staff has been extremely helpful in assisting us with this and other similar needs.

**MAY 26, 27 BROWARD COMMISSION HEARINGS**

The Commission held hearings in Broward County, Florida on May 26<sup>th</sup> and 27<sup>th</sup>, 2010. Two full dockets were heard, one on each day. The dockets were comprised of primarily cases from the Dade, Broward, and Palm Beach areas to allow as much public access to these hearings as possible. Our Region IV staff did an outstanding job of researching, securing and preparing a location and the two days of hearings went extremely well.

**EXTERNAL ACTIVITIES**

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

## DIVISION OF OPERATIONS

### RELEASE SERVICES SECTION

Kim Dickey, 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.

#### RELEASE SERVICES' SPECIAL ACCOMPLISHMENTS FY 2009-10:

- An audit was conducted on conditional release offenders/inmates in accordance with McNeil v. Canty. The audit caused a modification in the maximum term of supervision or the eligibility of some offenders/inmates.
- New Commission rules were adopted and became effective March 2010. Certificates for all supervision types were updated with the new standard conditions language, to include Control Release, Addiction Recovery, Conditional Release, Conditional Medical Release, and Parole.
- An audit was conducted on addiction recovery and conditional release cases with mandatory sentences and/or co-terminus sentences. These type sentences affected the gain-time, which caused a change in the calculation of the termination dates. The cases were reviewed and any necessary modifications were made.
- The number of Cases Docketed in FY 2009-10 were: Parole – 1460; Conditional Medical – 9; Conditional Release – 4,132; Addiction Recovery Supervision – 3,826; and Control Release – none.



**DIVISION OF OPERATIONS  
REVOCATIONS SECTION**

Shana Lasseter, 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 making an arrest of a releasee.

**REVOCATIONS’ SECTION  
SPECIAL ACCOMPLISHMENTS DATA FY 2009-10:**

Warrants Issued	2,140*
Warrants Dismissed	543
Cases Reviewed and Prepared for Docket	1,776

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

**2009 RULES REVIEW COMMITTEE ESTABLISHED**

The Commission’s 2009 Rules Committee, chaired by Commissioner Tena M. Pate, was organized and began meeting June 2009. The committee’s goal was to review sixty-nine (69) agency rules and revise approximately twenty-nine (29) of those by the end of January, 2010. Rules pertaining to revocation proceedings were edited, clarified, and synchronized across all types of supervision, where applicable. Procedures pertaining to mental competency issues raised during the revocation process were added to the rules. All rule revisions were approved by the Commission and are expected to be implemented by March 11, 2010.

## REVIEW OF CANTY CASES

In the recent court case of McNeil v. Canty, an inmate alleged that the Department of Corrections (Department) miscalculated his gain-time forfeiture after a revocation on conditional release causing the inmate to serve two additional years more than originally sentenced to serve by the Courts. The inmate's gain-time was tolled on an eligible offense prior to his release on all concurrent offenses. As a result of his revocation on conditional release, all of his gain-time, including the tolled amount, was forfeited.

In May 2009, the Florida Supreme Court heard oral arguments and released an opinion on June 25, 2009. The Court ruled against the Department, ordering the Department to recalculate the gain time forfeiture based on the shortest amount of time. The ruling meant that the Department could not forfeit the amount of gain time that was tolled while the inmate was still in custody on another concurrent sentence.

During the months of July, August, and September, 2009, the Revocations Unit worked closely with staff of the Department and the Commission's Release Services Unit to identify cases in which the Canty ruling was applicable and was going to result in the offender being released immediately. Cases in a warrant or pending revocation status were addressed first and subsequently brought before the Commission for terminations of supervision, dismissal of warrants, etc.

## ACCESS TO dFACTS

A large portion of released inmates placed under active supervision are not successful after being released. When this occurs, offenders are found to be in violation of the term of their release and are returned to custody, if they can be located. Those that cannot be located are classified as "absconders," and an arrest warrant is entered into NCIC/FCIC. Currently, the Parole Commission has active arrest warrants outstanding on approximately 1,000 absconders. The Commission aspires to locating these absconders and returning them to custody.

The distributed "Factual Analysis Criminal Threat Solution" (dFACTS) computer application uses existing non-intelligence data sources to integrate data from many types of storage systems to identify, develop, and analyze information related to criminal activity for investigative leads. The application provides instant access to public and commercially available records nationwide, as well as Florida data such as criminal histories, driver licenses and images, motor vehicle registrations, and sex offender records and images. This program is available statewide to FDLE personnel and other local, state, and federal law enforcement agencies, free of charge. A limited number of dFACTS licenses are administered by FDLE through agency and individual license agreements, contingent upon license availability, FCIC/CJIS certification, and mandatory training.

The Commission utilized the dFACTS application in recent years and found it to be an extremely useful tool in locating absconders. In October 2009, FDLE restored FPC's two dFACTS licenses and added a third one.

## NEW SEX OFFENDER PLACEMENT PROCESS IMPLEMENTED BY DEPARTMENT

During its September 2009 Leadership Meeting, the Department of Corrections listed “sex offender placements” as one of the top three (3) priorities requiring a comprehensive review and recommended improvements. A workgroup was formed, a comprehensive review was conducted, and new procedures were implemented in January, 2010, in an effort to reduce the number of “homeless” sex offenders.

The new procedures were put in place at different levels including reception centers, release officers, circuit administrators, and probation and parole officers. The goal was to assist the inmate in developing an acceptable release plan prior to being released to supervision, thus reducing the number of offenders reporting to the probation office with no plan or temporary residence options.

Where a plan is not secured upon the offender’s release, he/she will report to the probation and parole office where the supervising officers will discuss with the offender the options available in the circuit. These options have been researched and determined to be in compliance with statutory residence restrictions, local ordinances, or any special conditions of supervision. The officer will utilize computerized maps of available locations for the offender to view to select the location at which he/she will be during the scheduled curfew hours.

Once the officer has discussed the choices of temporary residence options with the offender, if the offender is uncooperative in selecting a location, or refuses to tell the officer where he/she will be during curfew hours, a warrantless arrest will be conducted. Adhering to this process helps establish a willful violation for which the Commission can confidently issue an arrest warrant.

### ABSCONDERS

As can be expected, a significant number of offenders on supervised release are noncompliant. Many offenders walk away from supervision altogether. When this occurs, and all efforts to locate the offender have been exhausted, the offender is classified as an absconder and an arrest warrant is entered into NCIC/FCIC. At the present time, the Parole Commission has active arrest warrants outstanding on approximately 410 absconders. The Commission maintains a strong interest in locating these absconders and returning them to custody. Fortunately, there are numerous resources available and teamwork among many agencies is commonplace. As a matter of routine, the Revocations unit works in conjunction with the Department of Corrections’ Absconder Unit, the Florida Department of Law Enforcement’s Public Access Tip Line and the U.S. Marshal Service Florida Regional Fugitive Task Force to locate and apprehend absconders.

## DIVISION OF OPERATIONS SPECIAL PROJECTS' SECTION

Will Kendrick, Coordinator



**The Special Projects Section** works closely with the Chairman and Senior Managers throughout the year on Special Projects as assigned and supervises the Imaging Section. The following are just two of the projects accomplished by this section in FY 2009-10.

### CLEMENCY REVIEW PROCESS

In response to Auditor General Report No. 2010-010, a committee was created by Chairman Dunphy to review current practices and procedures regarding clemency investigations and make recommendations to the Chairman. As a result of this committee's work, the review and quality assurance components of the clemency investigative process have been greatly improved, and numerous changes to the MACNet database were implemented. The Division of Operations is continuing to work very closely with Clemency Administration and DC OIT in developing and implementing both procedural and technological improvements to our Clemency processes.

### CENTRAL OFFICE RELOCATION

The Commission's move to 4070 Esplanade Way at the State Shared Resource Center Complex at Southwood dominated a great portion of the Office of Operations' time during FY 2009-10. On February 1, 2010, former Commission Chairman Frederick B. Dunphy began the process to explore alternative office space options pursuant to a directive issued to all state agencies by Senate Appropriations Chair J.D. Alexander in February 2010. Senator Alexander recommended that state agencies explore all cost savings' options before renegotiating a lease for office space with a private vendor.

The Commission responded immediately to this directive, and once approval was obtained from the Legislature, the Commission acted quickly to secure less costly office space. The Commission negotiated a new lease contract with a state-owned facility, retrofitted a small portion of the building, planned the move, and successfully moved within one week. All of this was accomplished and paid for with no additional funds.

On August 17, 2010, the Commission completed the relocation of its Central Office Headquarters to the first floor of 4070 Esplanade Way at the State Shared Resource Center at Southwood. Estimates indicate that relocating to this state-owned facility will result in savings to the State over a 10-year period of approximately \$949,974. First year savings,



however, will be cost neutral due to move costs associated with space modifications and the additional expense incurred for providing building security and receptionist services.

## **DIVISION OF OPERATIONS VICTIM SERVICES**

Daphne Asbell, Victim Services' Coordinator



**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 VICTIMS SERVICES FOR FY 2009-10:**

- 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 Parole Commission continues to utilize interns from the local universities and community colleges and during Fall semester 2009, an intern from the FAMU School of Criminology
- The Department of Corrections provides victims' input to the Commission's Victims' Services Section for placement in conditional release files to be reviewed by the Commissioners prior to the setting of terms and conditions. Most of this correspondence is generated upon the receipt of an automated status notification from the Department informing the victim that the inmate may be eligible for conditional release.
- Staff participates in many local victim recognition/fund raiser events of the Big Bend Victim Assistance Coalition.

## Field Services

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

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

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

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

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

### SPECIAL ACCOMPLISHMENTS FIELD SERVICES FY 2009-10:

- Commission field staff participated in many Department of Corrections' Re-Entry Seminars held at correctional institutions throughout the state. Field staff played a vital role in this process by providing information on the restoration of civil rights process.
- Field staff participated in numerous Restoration of Civil Rights' (RCR) Outreach events held throughout the state and assisted thousands of exoffenders seeking to obtain information on the restoration of civil rights process.

## Regional Field Offices

### REGION I QUINCY

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

**EXAMINERS & STAFF:** Cindy Waymon, Matt Braxton, Ricardo Estrella; Staff Assistant: Rhonda Morris  
**COUNTIES:** Bay, Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Wakulla, Washington.

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

**EXAMINERS:** Nell Simmons  
**COUNTIES:** Escambia, Santa Rosa, Okaloosa, Walton.

\* \* \* \*

### REGION II JACKSONVILLE

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

**EXAMINERS & STAFF:** Gary Fox, Jayne Hayden, Richard Hughes, Karel Yedlicka, Sharon Walker. Staff Assistant: Nancy Lockwood  
**COUNTIES:** Baker, Clay, Duval, Flagler, Hamilton Putnam, Nassau, St. Johns, Volusia

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

**EXAMINERS & STAFF:** Eric Baker, Ralph Moulder, Joseph Reese, Johnnie Sheffield. Staff Assistant: Dian Morin  
**COUNTIES:** Alachua, Bradford, Columbia, Dixie, Gilchrist, Lafayette, Levy, Madison, Suwannee, Taylor, Union.

\* \* \* \*

**REGION III COCOA (Brevard CI)**  
**Terry Turner, Regional Administrator**  
**855 Camp Road, Cocoa, Florida 32927-3709**  
**321/504-2034; FAX 321/504-2041**

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

**OCALA (Lowell CI)**  
**11120 NW Gainesville Road, Ocala, Florida 34482-1479**  
**352/401-5448; FAX 352/401-5452**

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

\* \* \* \*

**REGION IV MIAMI (Everglades CI)**  
**Sheila Roberts, Regional Administrator**  
**1599 S.W. 187th Avenue, Miami, Florida 33194**  
**305/228-2266; FAX 305/228-2275**

**EXAMINERS & STAFF: Ayesha Carson (Supervisor), Sandra Pimental, Don Henry, Cindy Zimmerman, Ana Mizioznikov, Karyn Roth, Nikko Evans, Bran Alvarado, Leris Calderon, Richard Konior. Staff Assistant: Marlene Schreiber.**  
**COUNTIES: Broward, Dade, Monroe.**

**INDIANTOWN (Martin CI)**  
**1150 SW Allapattah Road, Indiantown, Florida 34956**  
**772/597-1426; FAX 772/597-1430**

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

\* \* \* \*

**REGION V TAMPA**

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

**EXAMINERS & STAFF: Helen Williams-Lester (Supervisor), Harv Buckner (Supervisor), Kip Astrom, John Doyle, Lori Pille, Annetta Austin, Melinda Strickland, Jerry Harris, Scott 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)**

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

**EXAMINERS: Pamela Carwise.**

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

***COMMISSION FACT: Did you know ... at the present time, the Parole Commission has active arrest warrants outstanding on approximately 410 absconders?***

## 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 organizations and activities and has received numerous awards and recognition for her work and dedication to these causes.

**The Division of Administrative Services** serves as a liaison with the Governor's Office of Planning and Budgeting, the Office of Program Policy and Government Accountability, the Auditor General, the Florida Legislature, the Department of Financial Services, the Department of Management Services, and the Department of Corrections Information Technology section (DC OIT). 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 Human Resources, Finance and Accounting, and General Services.

This division has fiscal responsibility for the agency including preparation of the agency's Legislative Budget Request, 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, disaster response, and risk management for the agency. Employee participation campaigns such as the *Governor's Mentoring Initiative* and *Partners for Excellence* are also administered in this office. Further, the division has lead responsibility for preparing all data, statistics, and financial information, for use internally as well as providing this information to external agencies and individuals.

## HUMAN RESOURCES

Beatriz Caballero, Human Resources' Administrator



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



## ACCOUNTING AND BUDGETING

Karen Huff, Administrator

The Accounting and Budgeting Section 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.

**FLORIDA PAROLE COMMISSION:  
Final Expenditure Report FY 2009-10**

Budget Category	FPC Appropriated Budget	Total Expenditures 6/30/2010	Budget Balance 06/30/10
Salaries	\$6,589,689	\$6,427,972	\$161,717
OPS	\$112,514	\$105,401	\$7,113
Expenses	\$1,103,766	\$1,099,389	\$4,377
OCO	\$7,940	\$7,940	\$0
Risk Management Insurance	\$84,982	\$84,982	\$0
Human Resources Outsourcing	\$52,712	\$52,712	\$0
Data Processing	\$194,450	\$194,450	\$0
<b>Total</b>	<b>\$8,146,053</b>	<b>\$7,972,846</b>	<b>\$173,207</b>

**GENERAL SERVICES**

Winston McGriff, Operations Analyst



**The General Services' Section** is staffed by an Operations Analyst who provides general service support for the Commission's Central Office and 10 field offices. The analyst is responsible for having extensive knowledge of all state purchasing and contract guidelines. Additionally, General Services is responsible for the purchasing of commodities and services for statewide use in compliance with all Department of Financial Services' rules. This section maintains the Commission's 2 state vehicles, submits maintenance requests, and distributes all external correspondence for the agency.



## Division of Clemency Administration



Steve Hebert  
Director

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.

**The Office of Clemency Administration** is charged with investigating, reviewing, evaluating, and reporting to the Board of Executive Clemency (Board) in all types of clemency cases, including, but not limited to, restoration of civil rights cases, full pardon cases, firearm authority cases, capital punishment cases and domestic violence cases. Clemency Administration also provides support by conducting 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 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. This includes having field staff conduct extensive investigations on all cases requiring a hearing before the Board. These investigations include, but are not limited to, criminal convictions, history of adjustment to incarceration or supervision, criminal record, traffic record, payment of fines/court costs/public defender fees/victim restitution, child support issues, 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 the 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. This is done by providing information, education, and 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.

***COMMISSION FACT: Did you know there are currently 47 FTE's assigned to the clemency activity (in whole or in part) of which 37 process clemency cases?***

## Office of Executive Clemency



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

**The Office of Executive Clemency** 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. During the reporting period, staff prepared 5,938 "Gold Seal" letters.

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 phones 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.

During FY 2009-10, the Office of Executive Clemency (OEC) coordinated four quarterly clemency hearings on February 25, June 3, September 23, and December 9, 2010 along with three waiver hearings held January 21, June 10, and October 28, 2010.

The new coordinator focused her attention on ensuring staff was performing their duties as efficiently as possible. She was challenged with utilizing limited staff that are faced daily with a tremendous number of pending cases to be processed and constant incoming external requests for assistance. Staff input yielded valuable information which has resulted in improved customer service responses to applicants requesting information through the following changes:

- Correspondence mailed or sent electronically to applicants was re-worded to better inform and educate the recipient regarding the clemency process. This same correspondence is now being sent to applicants when their requests are received in OEC.
- Individuals submitting online requests now receive an instant response to their submissions which outlines the process in detail. Hopefully, we will see a reduction of status inquiry emails and telephone calls due to this new automated response and the mailed responses.
- Testing for automated data entry is in the final stages which will increase the number of cases being entered into the system by staff. Staff will review the automated information prior to acceptance.
- Efforts are being made to recruit interns to assist in the eligibility screening process. The information and training they receive as a result of their assistance will provide them with a very unique aspect of the criminal justice arena.
- On November 1, the Commission kicked off its Three Phase RCR Initiative to address the pending RCR caseload. The goal of the project is to data enter and screen by June 2011 approximately 48,000 of the 90,000 Restoration of Civil Rights' (RCR) cases currently pending review and eligibility determination in the Office of Clemency Administration, while assuring accuracy at all stages of the process. The first two phases of the plan will be conducted over an eight-month period beginning November 1, 2010, and ending June 2011. A third phase will begin in July 2011.

## Office of Communications and Legislative Affairs



Jane Tillman  
Director

**Jane Tillman** has served as the Commission's Director of Communications and Legislative Affairs since her appointment in August of 2007. She has worked in Florida State Government for 30 plus years holding key positions with the Supreme Court of Florida, the Florida House of Representatives, the Commission on Ethics, the Department of Business and Professional Regulation, and the 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 Chief Legislative Analyst for the State Commission on Ethics and the Florida House of Representatives and as a private sector and state agency lobbyist. As a Communications Director, Ms. Tillman has interviewed numerous national and state leaders, along with prominent individuals in the entertainment and broadcasting fields.

**The Office of Communications and Legislative Affairs** is charged with two primary functions: directing the agency's communications and public information program, and overseeing and directing the Commission's legislative program as the agency's chief legislative lobbyist. Staffing consists of one Director and one full-time Staff Assistant.

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

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

As chief editor for the agency, the following documents and publications were produced and submitted: the IT Transition Plan; the IT Service Level Agreement between the Department of Corrections and the Commission; and the Agency Response to Auditor General Report 2010-010. These documents were desktop published and produced in-house, saving the Commission thousands of dollars in printing costs. Hard copies were provided to the Commissioners and Senior Staff with the electronic report files posted to the Commission's website. A minimal number of hard copies were produced to provide to the Secretary of State, Division of Archives, and for any in-state and out-of-state library requests. Additionally, the Director, working with other Senior Managers and staff, completed and published the following documents for the Commission:

- (1) the Commission's 2010 Agency Legislative Proposals to the Office of Policy and Budget/Executive Office of the Governor dated September 5, 2009;
- (2) the Commission's Long Range Program Plan (LRPP) finalized and published October 1, 2009;
- (3) the Annual Proviso Report to the Legislature on the Status of Restoration of Civil Rights Cases for FY 2008-09 published October 1, 2009; and
- (4) the Commission's Annual Report for FY 2008-09 completed December 18, 2009, with copies delivered to: the Governor and Office of Policy and Budget; Members of the Cabinet; the Senate President and appropriate Senate legislative committees; the House Speaker and appropriate House legislative committees; and State Archives. The report was posted to the Commission's website immediately.

The following is a summary of additional accomplishments during FY 2009-10:

- **Public Information:** Received and responded to numerous media inquiries;
- **Public Information:** Received and responded to hundreds of public information inquiries in-state, national, and international phone calls, e-mails, correspondence;
- **Public Records Requests:** Responded to 100 plus public records requests primarily in the area of RCR/clemency numbers and MAC database requests;
- **Media Inquiries/Radio/TV/On Camera Appearances:** Worked with the Chair in preparation for on-camera events;
- Responded to hundreds of inquiries from international, national, and in-state media, news organizations, television news magazines, and programs;
- Prepared Speeches and written materials for the Chair and other Commissioners as requested;
- Provided speeches and written materials to legislators and citizen activist organizations for use in RCR outreach activities;
- Wrote OP-ED pieces for use by the Governor's Office;
- Prepared Monthly Agency Accomplishment Reports for Governor's Office (beginning December 2009 through present);
- Coordinated and Produced FY 2008-09 Annual Report;
- Coordinated and Produced FY 2008-09 Clemency Proviso Response; and
- Coordinated and Produced the Long Range Program Plan for FY 2009-2014.



## LEGISLATIVE AFFAIRS

In preparation for the 2010 Legislative Session, the Director, together with the Director of Administration and General Counsel, produced the Commission's 2010 Legislative Priority Report for submission to the Office of Policy and Budget/Executive Office of the Governor September 5, 2009. Also, the Chair and the Communications and Legislative Affairs Director were registered as the Commission's Lobbyists for the Calendar Year beginning January 2010.

The Chair and Director attended all substantive and fiscal legislative committee hearings beginning September 2009 through April 2010, providing information as requested. The office also prepared presentations for the Governor/OPB and Legislature from September 2009 to the present including: the OPB Legislative Budget Request Media Event, October 30, 2009; the OPB Budget Priority Designation Report, EOG, November 9, 2009; the Response to Auditor General Report, House Public Safety & Domestic Security Committee, November 2009; the 10% Budget Reduction Plan, House Criminal and Civil Justice Appropriations Committee, November 3, 2009; the Response to Auditor General Report No. 2010-010, Senate Criminal & Civil Justice Appropriations Committee, December 8, 2009; the Response to Auditor General Report No. 2010-010, Florida Board of Executive Clemency, December 10, 2009.

Also, the Office reviewed bills for relevance to the Commission; responded to and drafted requests for agency data and information (July 2009 to present); prepared bill analyses and fiscal note requests from legislative staff; coordinated appointments for the Chair and Director to meet with legislators and committee staff on bills, budget matters, and issues of interest to the Commission; and responded to daily legislative inquiries.

During the 2010 Legislative Session, together with the Chair and Directors of Executive Clemency and Clemency Administration, the Director coordinated a presentation for Senators Tony Hill and Gary Siplin, and State Representative Daryl Rouson, for a symposium on Black History and the Role of Black Males.

In May, the Director provided the Commissioners and staff with an End of Session Legislative Report. Current Commissioners and the General Counsel were also provided a Desk Guide of enrolled copies of bills passing the 2010 Legislature.

On May 17, 2010, the Graham decision was handed down by the U.S. Supreme Court. This office began working with the appropriate staff of the Legislature on the implications of the Graham decision on incarcerated inmates in Florida who were juveniles at the time their crimes were committed.

On June 10, working with the Director of Clemency Administration, the Director drafted the agency's response to the Secretary's Re-entry Advisory Council on inquiries raised by Council members regarding restoration of civil rights issues. The Director presented this information at the July 15, 2010 Advisory Council workgroup meeting held at DOC and chaired by Mike Manguso.

Also that month, the Director drafted the agency's response to a request for a Six Month Update by the Joint Legislative Auditing Committee and State Representative Greg

Evers on the Commission's Audit Response to Auditor General Report No. 2010-10. This report was received and posted to their website in early July together with other agencies' six month audit updates. Also in June, the Director began drafting the Agency Legislative Proposals for submission to the Governor's Office of Policy and Budget (OPB) and consideration by the 2010 Legislature.

Public Information, public records requests, and media inquiries should be directed to Jane Tillman at 850-921-2816, Fax 840-921-2827, or e-mail: [janetillman@fpc.state.fl.us](mailto:janetillman@fpc.state.fl.us).

## 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.

The Office of the General Counsel was actively involved in litigation as a result of felony offenders filing numerous lawsuits in various state and federal courts during FY 2009-10. Routinely, this office files court pleadings, briefs, memoranda, and legal correspondence and provides legal advice on all legal issues before the Commission. Further, the staff attorneys represented the Commission in numerous hearings throughout the State and continue to provide legal advice and support to the Tallahassee Central Office and the 5 Regional offices.

This office strives to meet the following goals throughout the year:

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

During the months of July through December 2009 and January through June, 2010, the Office opened 389 new legal cases. In addition to these cases, the Office also handled numerous ongoing legal matters. In summary, the Office:

- prepared 744 court pleadings, briefs, memoranda, and legal correspondence;
- provided 372 verbal and written legal opinions;
- attended 6 hearings, including court hearings, mediations, and oral arguments;
- reviewed 22 Section 947.18, Florida Statutes, orders for legal sufficiency and 35 Bolden review requests;
- processed 115 public record requests;
- represented the agency at 50 meetings involving significant Commission issues;

- received and/or made 1,610 telephone calls and received 3,560 pieces of mail;
- notarized approximately 67 documents for staff.

Trends: An analysis of the above-referenced numbers revealed that the months of July through December 2009 tended to be the busiest for the General Counsel's Office during FY 2009-10.

## SIGNIFICANT LITIGATION

Significant cases handled by this office during FY 2009-10 were as follows:

- Shiloh v. Walter McNeil, et al.: This case reaffirmed the Commission's authority to deny credit for time spent on conditional release while residing in a *Jimmy Ryce* facility.
- Coffee v. Florida Parole Commission: A decision out of Walton County reinforcing that the trial courts do not have the authority or jurisdiction to change the conditions the Commission places on a releasee.
- Moger v. Florida Parole Commission: The Court used the statute of limitations laws to dismiss an inmate challenge to the establishment of a presumptive parole release date that was more than 1 year old.
- Johnson v. Florida Parole Commission: The Commission's quasi-judicial powers to decide and deny an inmate's motion for taxable costs were upheld.
- Swaffer v. FPC: The Court upheld the Commission's decision to extend a PPRD based on "good cause in exceptional circumstances" for the need of an intensive transitioning program.
- Clifton v. FPC: The Federal Court upheld that issues involving the placement of conditions on a conditional releasee are not a federal challenge.
- Thorne v. FPC: The Court held that the Commission should have considered an inmate's request for review, which was received late, as "timely" and should have reviewed it. The Commission, like the Courts, should review inmate requests liberally.
- Grace v. FPC: This case confirmed that preliminary hearings are not required in conditional release cases.
- Spaziano v. Florida Parole Commission: Involved the assessment of filing fees for inmates challenging PPRD decisions and was argued before the Florida Supreme Court.
- Jones v. Florida Parole Commission: Involved the dismissal of petitions (other than habeas petitions) filed more than one year after the Commission's actions. The case was argued before the Florida Supreme Court.

## WORKING WITH OUTSIDE AGENCIES

The Office works extensively with other state agencies including the Governor's Office and respective Cabinet Offices; the Attorney General's Office; the Department of Corrections; various Assistant State Attorneys and Judicial Offices throughout Florida; the Parole Qualifications Committee; the Florida Department of Law Enforcement; the legal offices of other state agencies; and numerous private law firms handling cases involving issues and questions concerning post-release supervision programs and clemency issues.

## WORKING WITH THE FLORIDA LEGISLATURE

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

## WORKING 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.
- Continued 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.
- Updated Commission rules in the Florida Administrative Code. All rule changes became effective March 1, 2010.

## WORK PERFORMED ON BEHALF OF THE AGENCY

- Reviewed contracts between the Commission and outside vendors;
- 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.

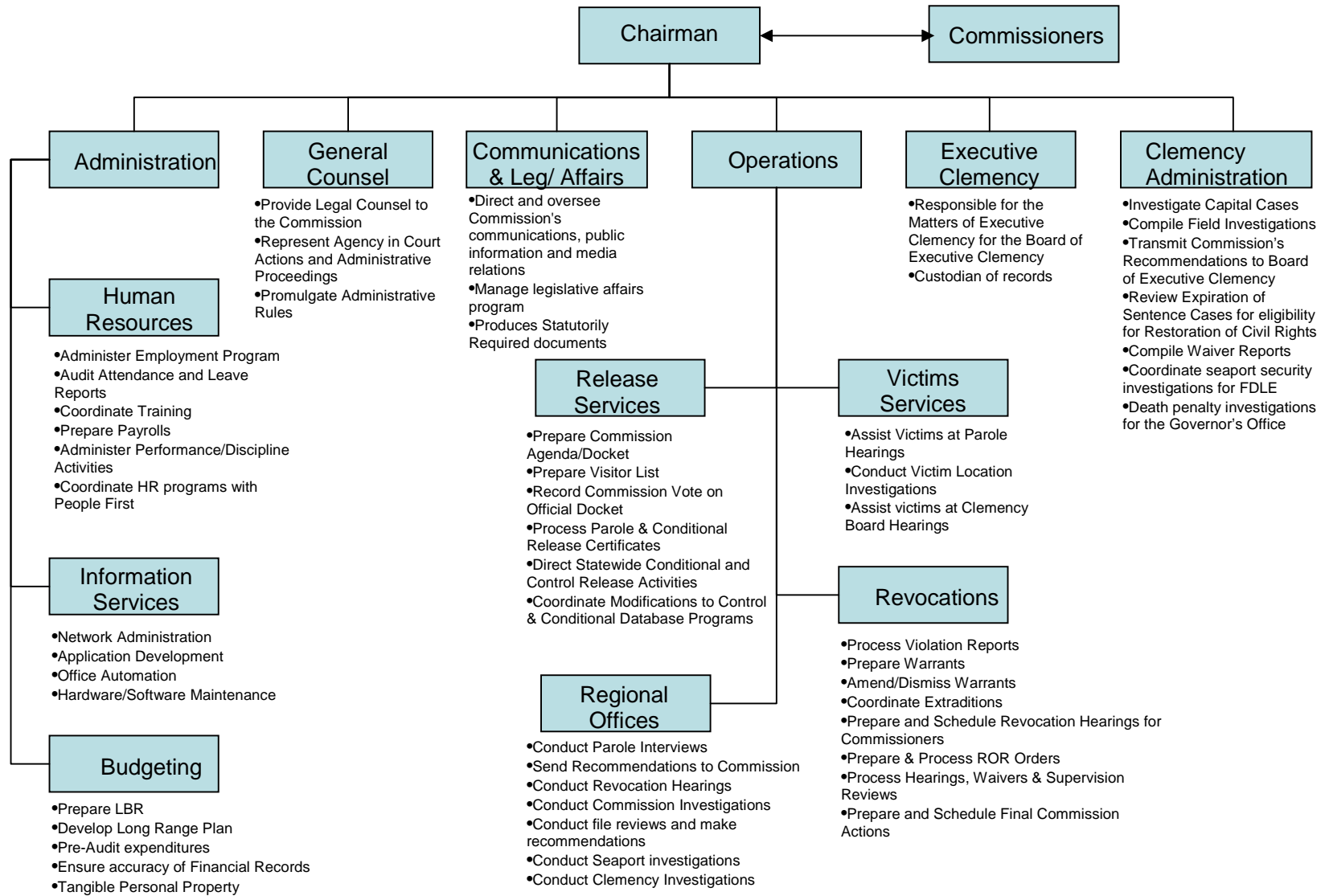
## CURRENT STATE OF THE GENERAL COUNSEL'S OFFICE

The Office continues to meet regularly as a team to discuss pending cases and legal issues. Communication within the team was enhanced by the addition of a "pending cases" board and efficient utilization of available resources. To maximize our goal of keeping staff informed of the Office's activities, we advise the leadership team via monthly email summaries of the "state of affairs" in the legal office, including significant litigation. Two law student interns assisted the Office this past year.

The Office was pleased to have the services of John Stevenson from Florida State University's College of Law and Christine Stosich from the University of Utah's College of Law as part of the Intern Program. Also, to better serve the agency, Sarah Rumph obtained admission to practice before the United States Supreme Court, and Tony Andrews was admitted to practicing before United States Federal District Court for the Southern District of Florida.

In FY 2009-10, staff contributed not only to the betterment of the agency, but also to the benefit of the community.

# Florida Parole Commission Organizational Chart



# CENTRAL OFFICE DIRECTORY

## FLORIDA PAROLE COMMISSION

4070 ESPLANADE WAY

TALLAHASSEE, FL 32399-2450

(Web site: [www.FLrestoremyrights.com](http://www.FLrestoremyrights.com))

### COMMISSIONERS

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

### OFFICE OF GENERAL COUNSEL

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

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

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

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

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

### DIVISION OF OPERATIONS

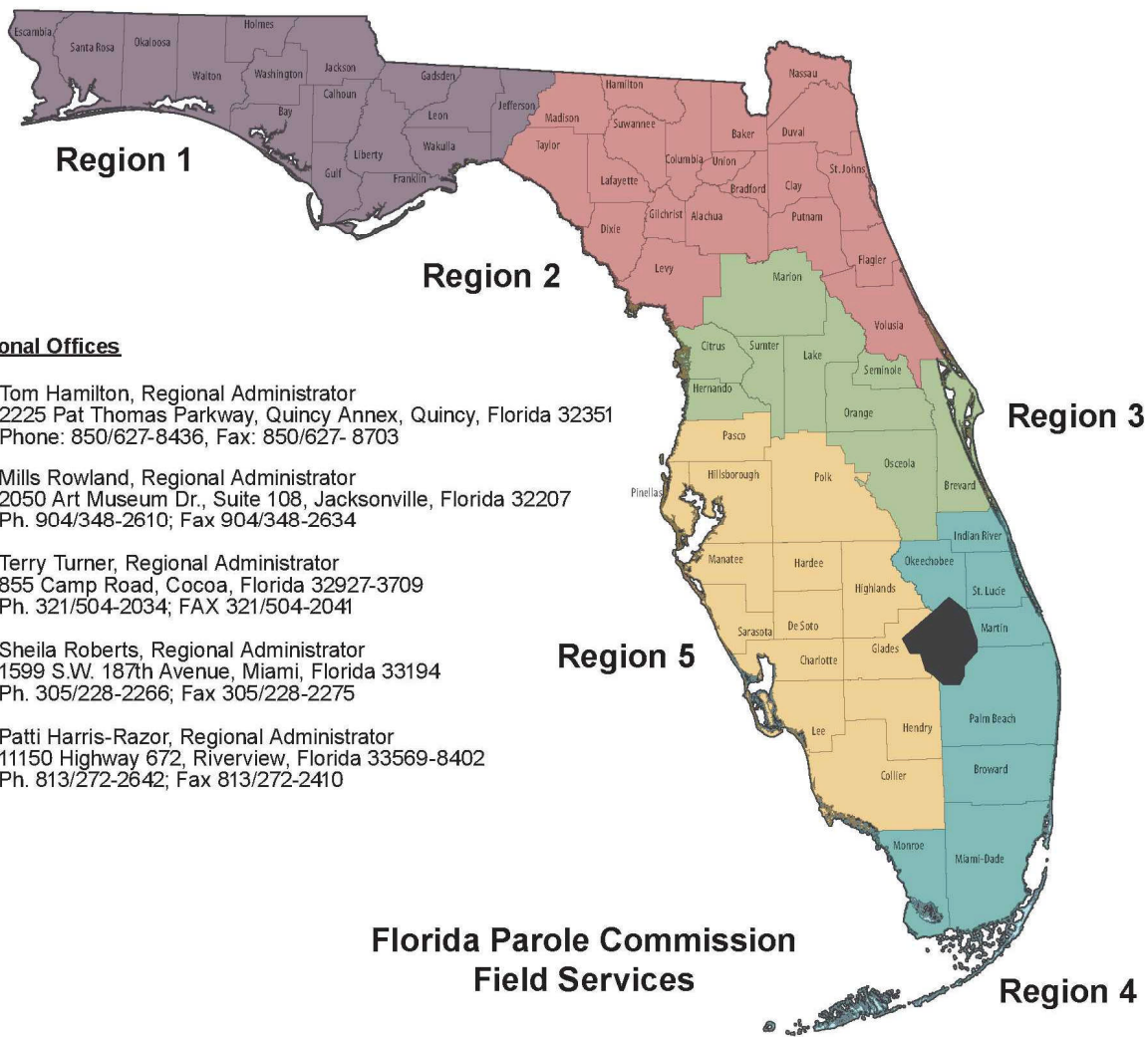
Jack deRemer – <i>Director</i>	(850) 922-6137
Daphne Asbell – <i>Victims Services Coordinator</i>	(850) 487-3259
Kim Dickey – <i>Release Services Supervisor</i>	(850) 488-1293
Will Kendrick – <i>Special Projects Coordinator</i>	(850) 921-2804
Shana Lasseter – <i>Revocations Supervisor</i>	(850) 488-0611

### REGIONAL ADMINISTRATORS

Tom Hamilton – <i>Region One Administrator</i>	(850) 627-8436
Mills Rowland – <i>Region Two Administrator</i>	(904) 348-2610
Terry Turner – <i>Region Three Administrator</i>	(321) 504-2034
Sheila Roberts – <i>Region Four Administrator</i>	(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



**Regional Offices**

- 1** Tom Hamilton, Regional Administrator  
2225 Pat Thomas Parkway, Quincy Annex, Quincy, Florida 32351  
Phone: 850/627-8436, Fax: 850/627- 8703
- 2** Mills Rowland, Regional Administrator  
2050 Art Museum Dr., Suite 108, Jacksonville, Florida 32207  
Ph. 904/348-2610; Fax 904/348-2634
- 3** Terry Turner, Regional Administrator  
855 Camp Road, Cocoa, Florida 32927-3709  
Ph. 321/504-2034; FAX 321/504-2041
- 4** Sheila Roberts, Regional Administrator  
1599 S.W. 187th Avenue, Miami, Florida 33194  
Ph. 305/228-2266; Fax 305/228-2275
- 5** Patti Harris-Razor, Regional Administrator  
11150 Highway 672, Riverview, Florida 33569-8402  
Ph. 813/272-2642; Fax 813/272-2410



## Frequently Asked Questions

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

The Parole Commission performs a vital role in Florida's criminal justice system by preserving the autonomy needed in post release decisions affecting inmates and ex-offenders. The Parole Commission functions as a quasi-judicial body and 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 Chair and Vice-Chair 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 HEARINGS?**

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 Chairman. The request to speak must be made in writing, with the exception of victims, and is subject to the discretionary approval of the Chairman.

## **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 releases to supervision 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](http://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](http://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 your sentence expired or supervision was 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 by phone at (850) 410-7870 or by e-mail at [seal-expunge@fdle.state.fl.us](mailto:seal-expunge@fdle.state.fl.us) for information on the expunction or sealing of records. Anyone needing information on the

**RESTORATION OF CIVIL RIGHTS (RCR) process should contact the Office of Executive Clemency at the following numbers:**

**Phone Toll Free: 1-800-435-8286**

**Phone Office: 850-488-2952**

**Fax: 850-488-0695**

**Email: [Clemencyweb@fpc.state.fl.us](mailto:Clemencyweb@fpc.state.fl.us)**

**Website: [www.FLrestoremyrights.com](http://www.FLrestoremyrights.com)**

**Regular Mail:**

**Office of Executive Clemency  
The Florida Parole Commission  
4070 Esplanade Way  
Tallahassee, Florida 32399-2450**

## Glossary of Terms

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

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

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

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

**Clemency Investigation:** A background investigation conducted by a parole examiner to determine those persons requesting clemency who should be considered for a pardon or other clemency action by the Governor and Cabinet sitting as the Executive Clemency Board.

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

**Conditional Release:** The release of a statutorily eligible inmate to community supervision at the expiration of her/his prison term, less any gain time allotments. The releasee serves the balance of time remaining on their maximum sentence under community supervision. An inmate must have been convicted of certain crimes, and must have had a prior state or federal prison term; or have been found to be a Habitual Offender, Violent Habitual Offender, Violent Career Criminal, or Sexual Predator to be eligible for conditional release.

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

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

**Inmate:** An individual sentenced to a term of at least one year and a day or more incarceration in a Department of Corrections' Institution.

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

**Parole:** The release of an inmate prior to the expiration of a sentence with a period of supervision to be successfully completed by compliance with the numbered conditions and term of the release agreement as ordered by the Commission. 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 death of another person prior to May 25, 1994, are parole eligible. Inmates who committed other capital felonies prior to October 1, 1995, are also parole eligible. Persons sentenced for the following capital felonies require service in prison of a mandatory minimum of 25 years before becoming parole eligible: sexual battery upon a child less than 12 years old; trafficking in cocaine; trafficking in illegal drugs; and the killing of another by distribution of cocaine or opium or derivatives.

**Parole Examiner:** An employee of the Commission working directly with inmates and release violators to prepare cases for Commission review.

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

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

**Restoration of Civil Rights/Level I automatic *application* case:** This is a case involving the least severe offenses not specifically designated in the Rules of Executive Clemency as violent/sexual offenses and does not require a hearing. This type of case is commonly referred to as "automatic" and is received in the Office of Executive Clemency in the form of an application which can be taken over the phone, received in regular mail, faxed, or provided online.

**Restoration of Civil Rights/Level I automatic *electronic* case:** This is a case involving the least severe offenses not specifically designated in the Rules of Executive Clemency as violent/sexual offenses and does not require a hearing. This type of case is commonly referred to as "automatic" and is an individual being released from prison or supervision whose name is provided in an electronic file sent monthly by the Department of Corrections to the Office of Clemency Administration.



**Restoration of Civil Rights/Level II:** A case involving more severe offenses, including violent and drug trafficking offenses, but not murder/sexual offenses. These types of cases do not require a hearing unless a Board member objects.

**Restoration of Civil Rights/Level III:** A case involving the most severe offenses including murder/sexual offenses, which requires a full investigation, a Commission recommendation, and a hearing before the Board of Executive Clemency.

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

**Seaport Security Waiver Investigation:** An investigation conducted by the Parole Commission when an applicant for employment at one of Florida's seaports is denied and seeks a waiver of the rules.

**Waiver (Clemency):** A request made by an individual seeking clemency to waive the Board rules when the individual does not meet the necessary eligibility requirements for a particular type of clemency. A waiver hearing may be held to allow the individual's request to be considered by the Clemency Board.

## **FAREWELL, COMMISSIONER DUNPHY!**

### **FREDERICK B. DUNPHY**

**Service from December 8, 1998 through January 4, 2011**



On January 4<sup>th</sup> 2011, Commissioner Fred Dunphy will be retiring from the Commission after 12 years of service to the State of Florida and this agency. In his capacity as Commissioner, he has served the state with distinction, integrity, and honor. His actions made on behalf of the Commission will be remembered as truthful, fair, and made with careful deliberation.

We wish Commissioner Dunphy well in his retirement and hope that he will return to the Commission when he can to provide his valuable contribution in a new role as a Visiting Commissioner.

## WELCOME COMMISSIONER JENKINS!

On October 26, 2010, Chairman Tena M. Pate announced the appointment of Cassandra D. Jenkins to fill the unexpired term of retiring Commissioner Frederick B. Dunphy effective January 5, 2011. Ms. Jenkins was selected from a list of three finalists by the Governor Charlie Crist and members of the Cabinet. Chairman Pate stated, “I congratulate Ms. Jenkins on her appointment and look forward to working with her on the Commission. She brings a wealth of knowledge and experience to the agency, and we welcome her wholeheartedly.”

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

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



CASSANDRA D. JENKINS  
COMMISSIONER

**COMMISSION FACT:** *Did you know . . . with the October 26, 2010, appointment of Cassandra D. Jenkins to the Commission, the Florida Parole Commission will become an all female body for the first time in its 69 year history effective January 5, 2011?*