

# FLORIDA PAROLE COMMISSION



**ANNUAL REPORT  
2005-2006**

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## MISSION STATEMENT

*The Florida Parole Commission protects the public by administering parole, conditional release, conditional medical release, control release, and addiction recovery supervision to all eligible criminal offenders. Pursuant to the Rules of Executive Clemency, the Commission administers the clemency process for the Executive Clemency Board providing extensive background material on qualified applicants. A similar process is administered by the Commission for the investigation of seaport security waivers for the Florida Department of Law Enforcement.*

## GOVERNOR AND CABINET & FLORIDA PAROLE COMMISSIONERS 2006



Left to Right: Charles Crist, Attorney General and Governor-Elect; Monica David, Florida Parole Commission Chair;

Jeb Bush, Governor; Tena Pate, Florida Parole Commission Vice Chair;

Charles Bronson, Commissioner of Agriculture; Tom Gallagher, Chief Financial Officer;

Fred Dunphy, Florida Parole Commission Secretary

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# CHAIRMAN'S MESSAGE

## *Chairman Monica David*

December 31, 2006

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

As the current Cabinet of Governor Jeb Bush, Attorney General Charlie Crist, Chief Financial Officer Tom Gallagher, and Commissioner Charles Bronson comes to an end, I would like to thank them for their support during their terms of office and for selecting me once again to serve a second two-year term as Chairman of the Parole Commission. The support shown to the Commission by Governor Bush in the eight years of his administration has been paramount. He has been tenacious in his support of the Commission and has repeatedly recommended additional funding for the Commission and its programs. With the support of the Governor and Cabinet members, the Commission through its clemency staff, was able to process more requests for restoration of civil rights than during any previous administration. We worked diligently and met many of our objectives in FY 2005-2006 and are particularly proud of the 49,010 clemency requests processed. As Chairman, I am pleased to present our Annual Report which highlights the previous fiscal year accomplishments and emphasizes our position within Florida's criminal justice system.

Commissioners Pate and Dunphy join me, along with Commission staff, in expressing our deepest gratitude to Senate President Tom Lee, Senator Lisa Carlton, Senator Victor Crist, and Senator Steve Wise for their crucial support for our agency during the 2006 Legislative Session

The Commission was very appreciative to receive an outstanding review by the Office of Program Policy and Governmental Accountability (OPPAGA), a study ordered in the General Appropriations Act of 2005-2006 to be conducted during the interim period prior to the 2006 Session. OPPAGA's report and findings were presented to the respective Chairs of the House Fiscal Council and the Senate Ways and Means Committee in February 2006. The report emphatically stated that the Commission is successful in meeting its mission and to redistribute its functions elsewhere would actually increase state costs.

I do want to acknowledge the superior institutional knowledge of Senator Victor Crist with Florida's criminal justice system. He has followed, not just the Commission, but all of the state's criminal justice agencies through their many years of studies, budget cuts, workforce reductions and reorganizations. Senator Crist knows the operations of the Commission and its historical significance within the criminal justice community better than anyone in state government. He has observed the Commission during his legislative service both as a House member and during his more recent tenure as a member of the Florida Senate. He understands the initial rationale for having a Commission separate and independent from the Department of Corrections: to ensure an "autonomous body was in place ... with an independent perspective" to protect the integrity of post release decisions made regarding inmates and ex-offenders.

As Chairman, I am encouraged and empowered by the promise of great things to come from the new leadership in the House and Senate emanating from the exciting leadership of Senate President Ken Pruitt, Speaker Marco Rubio, and Speaker Designates Ray Sansom and Dean Cannon. Their passage of HB 1123, the Government Accountability Sunset Review Act passed during the 2006 Legislative Session, provides

for a planned review of all state agencies by OPPAGA, with the Commission scheduled for review along with other criminal justice agencies in 2014.

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

- (1) The Parole Commission is an agency, which performs a vital role in Florida’s criminal justice system by preserving the autonomy needed in post release decisions affecting inmates and ex-offenders.** The Parole Commission functions as a **quasi-judicial** body. The agency conducts administrative proceedings and hearings, and elicits testimony from witnesses and victims, which might otherwise be performed by a judge in the State Court System, a much costlier proceeding. The Parole Commissioners preside over quasi-judicial proceedings at the Central Office in Tallahassee and, as required by statute, at various other locations across the State. During these public proceedings, the Commissioners make a variety of determinations regarding Parole, including for example, the setting of Presumptive Parole Release Dates (PPRD), conducting subsequent reviews, and determining whether or not to authorize parole. **To assure public safety, the Commission conducts periodic supervision reviews of active parolees.** The Commissioners may hear testimony from victims, victims’ families, law enforcement, state and private attorneys as well as other interested parties.

Every parole-eligible inmate has a constitutionally protected right to proper consideration for parole, and these proceedings **must** be conducted as required by law. Testimony and pertinent information may be provided by representatives of the inmate, or the inmate’s family, and by persons who were victims of the crime, and the victim’s family. **This proceeding is often the first opportunity for a victim or family member of a victim to provide input in a non-adversarial venue and for the victims to get their “day in court.”** If parole is granted, the Commissioners will address victim restitution issues as well as special conditions needed to ensure the protection of the citizens in our state.

Also, during these meetings, the Commission conducts other types of proceedings, such as imposing conditions of conditional release, conditional medical release, or addiction recovery supervision. The Commission makes final determinations with regard to revocation of post release supervision where a releasee may have violated the conditions of their release. Where the Commission finds the releasee guilty of a violation, the Commission may order the violator returned to state prison to complete service of the original term of imprisonment. These proceedings are less costly than would be required by the Judicial System.

- (2) The Florida Parole Commission serves as a cost-saving mechanism for the taxpayers of the State of Florida.** The Commission saves taxpayer dollars by conducting revocation hearings for post release supervision violators. Revocation Hearings are informal hearings conducted before a Parole Examiner, and usually held at a county jail, with eyewitnesses to the violation providing the pertinent testimony. The United States Supreme Court has fully sanctioned the state’s use of these less costly proceedings, with minimal due process requirements, in the famous case of Morrissey v. Brewer. The revocation procedure for conditional release, parole and other types of supervised release provides tremendous cost-savings to taxpayers. **Probation revocation hearings, by contrast, require that proceedings be conducted in a courtroom before a judge, with an assistant state attorney prosecuting the case, and generally an appointed public defender representing the probationer, and all the other expenses attendant to a criminal proceeding, at much greater expense to the State.**

- (3) The Florida Parole Commission is a lean, efficient agency that deals with **65,000 offenders or ex-offenders** in some capacity each year with a budget of only **\$9.6 million** making the Commission the smallest state agency, which costs less to operate each year than a single state prison.
- (4) Given its resources, the Commission, through its Offices of Executive Clemency and Clemency Administration, processes an enormous amount of clemency applications each year while providing the major administrative and investigative support to the Board of Executive Clemency. **Since 1999, the Commission has processed over 371,370 applications for clemency/civil rights. Simplifying the process** has resulted in a surge in applications from those classified as being ineligible for restoration of civil rights cases (RCR) without a hearing. **The number of citizens having their rights restored has also soared, from 6,669 (1994-1998) to 75,237 since 1999. This stupendous growth has occurred while the staffing of the Parole Commission has actually decreased 20% since 2001.**
- (5) Lastly, through my membership on the Governor's Ex-Offender Task Force, I am promoting an improved use of state resources through the use of transitional beds for a select group of conditional releasees and have requested funding in our 2007-2008 Legislative Budget request for this initiative. This proposal will benefit offenders who have violated the technical conditions of their prison release by providing programs designed to assist their reentry into the community as well as reducing state prison costs. A final Task Force report was submitted in November in hopes of translating the recommendations into some lasting, innovative legislative proposals.

We will continue to work diligently to provide safer communities for the citizens of Florida. As Chairman, I look forward to another productive year at the Commission and would extend to anyone interested, an invitation to attend a Commission meeting to observe the process.

Sincerely,

Monica David  
Chairman



## COMMISSIONER MONICA DAVID, CHAIRMAN

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

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

In August of 1998 Chairman David was appointed the *Victim Services Release Administrator* for the Florida Parole Commission. In *February 2000* Chairman David accepted a promotion as a *Correctional Programs Administrator* and returned to the Department of Corrections to work in the area of community corrections. Chairman David has received extensive training in the criminal justice field, which includes Correctional Officer and Correctional Probation Officer certifications. She is also a Florida Department of Law Enforcement (FDLE) certified instructor.

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

She is also a member of the Florida Council on Crime and Delinquency (FCCD) and is a recipient of their "Distinguished Service Award" in the area of criminal justice. In August 2002, while serving as President of the local chapter of FCCD, she received the "Chapter Effectiveness Award" in recognition of her exemplary leadership. In August of 2006, she was elected to the State Board as Treasurer for 2006-2007.

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

On October 2, 2000, the Governor and Cabinet appointed Ms. David to a 6-year term as a Florida Parole Commissioner. In June 2002, the Governor and Cabinet appointed Ms. David as Commission Vice-Chairman and on May 13, 2003, she was appointed Commission Chairman. On June 24, 2004, she was appointed to a second two-year term as Chairman and on May 31, 2006, Ms. David was appointed to a second six year term as Commissioner and another two year term as Commission Chairman.



## COMMISSIONER TENA M. PATE, VICE CHAIRMAN

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

Commissioner Pate began her career of service with the State of Florida in 1979 in the Office of State Attorney for the First Judicial Circuit. During her tenure, she was the first Victim's Advocate named for Okaloosa and Walton counties. In 1989, Commissioner Pate accepted a position in the General Counsel's Office of the Executive Office of the Governor. She later served in the Chief of Staff's Office of Governors Martinez and Chiles. From August, 1991, to October, 1993, Ms. Pate worked in the Tallahassee office of Steel, Hector and Davis' governmental consulting unit. In late 1993, she was appointed by Governor Lawton Chiles to serve as Florida's Victims' Rights Coordinator. She served in this capacity until she was appointed to the Florida Parole Commission by Governor Jeb Bush and the Florida Cabinet. In addition to serving as the State's Victims' Rights Coordinator, Ms. Pate served as clemency assistant and the State Attorney liaison for the Executive Office of the Governor. Ms. Pate was privileged to serve Governors Bob Martinez, Lawton Chiles, Buddy McKay, and Jeb Bush.

As Florida's Victims' Rights Coordinator, Commissioner Pate was dedicated to strengthening and promoting the rights of Florida's crime victims. She played a pivotal role in the passage and implementation of a law requiring courts to inform crime victims of their rights and was responsible for reviewing agency compliance with laws pertaining to the rights of crime victims. Commissioner Pate oversaw Governor Bush's *Violence Free Florida!* initiative for victims of domestic violence through the Department of Children and Families and the statewide *Triad* through the Department of Elder Affairs. She served as vice-chair of the statewide Self-Inflicted Crimes Task Force created by the Florida Legislature to study the causes of repetitious, self-inflicting criminal behaviors such as illegal drug abuse and prostitution. Ms. Pate also staffed the Capital Cases Task Force, served as an ad hoc member of Florida's Missing Children Information Clearinghouse and chaired the annual statewide National Crime Victims' Rights Week Observance Committee for the State of Florida. As a clemency assistant, she was responsible for reviewing and providing recommendations for gubernatorial action in response to ex-offenders' requests for restoration of civil rights, pardons, commutations of sentences, waivers of fines, firearm authority, and other related clemency issues. Ms. Pate has also served as a Guardian Ad Litem and is a current member of the local Child Abuse and Death Review Team.

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

Ms. Pate was appointed to the Parole Commission by Governor Jeb Bush and the Florida Cabinet in 2003 to fill a vacancy on the Commission through June, 2004. On June 24, 2004, Commissioner Pate was appointed to a full six-year term through June, 2010, and on May 31, 2006, she was appointed Commission Vice Chairman for a two year term.



## **COMMISSIONER FREDERICK DUNPHY, SECRETARY**

Commission Secretary Dunphy was born in Sidney, Nova Scotia, Canada, and raised in Pittsburgh, Pennsylvania, and Broward County, Florida. Commissioner Dunphy received his Bachelor of Arts degree in 1974 from Biscayne College (now St. Thomas University) and his Masters Degree in 1996 from Florida Atlantic University. He is a 1985 graduate of the FBI National Academy and the National Institute of Corrections' Parole Commissioner's Course in 1999.

Commissioner Dunphy began his criminal justice career in 1971 with the Metro Dade Police department, eventually attaining the rank of Major. He held various positions there including command of the Narcotics Bureau, Internal Affairs, Strategic Investigations Bureau, Special Events Bureau, and the Miami International Airport District. He retired from the Department in January of 1996 after having served twenty-five years. In 1996, Commissioner Dunphy joined the North Bay Village Police Department where he served as Chief of Police until January 1998.

Commissioner Dunphy joined the Parole Commission in February of 1998, when he was appointed to serve as Director of Operations. On December 8, 1998, Commissioner Dunphy was appointed by the Governor and Cabinet to complete an unexpired term of a retiring commissioner. He was subsequently reappointed for a six-year term as of June 2002. In May 2003, the Governor and Cabinet appointed him Commission Vice-Chairman.

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



Left to Right: Commissioners Pate and Dunphy; Chairman David

## **History of the Commission**

~Sixty-five Years of Service to the State~

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

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

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

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

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

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

Changes have affected the Commission since its inception. One of the most significant changes in the Commission's role was the creation of the *Control Release Authority* in 1989 by the Florida Legislature. This legislation directed the Commission to develop a system of uniform criteria to determine the number and type of inmates released into the community in order to maintain the state's prison population between 99 and 100% of its lawful capacity. The *Control Release Program* became

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

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

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

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

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

Also that year a modification was made to the ***Conditional Release Program*** to include enhanced terms of supervision for sex offenders, i.e., participation in annual polygraph examinations, prohibitions against operating a motor vehicle or using a post office box, submission to an HIV test, and electronic monitoring when deemed necessary.

In 1998, the Legislature passed the ***Jimmy Ryce Involuntary Civil Commitment for Sexually Violent Predators' Treatment and Care Act (Jimmy Ryce Act)***. This act established legal procedures by which sexually violent predators may be committed to the Department of Children & Family Services for control, care and treatment until such time as the person's mental abnormality or personality disorder has so changed that the person is safe to be at large. The Commission's ***Victim Services/Release and Revocation Sections*** worked with the staff of the Department of Corrections (DOC) to assist them in performing their duties under the law by providing DOC with information to assist in fulfilling their notification responsibilities.

In 2001, the Legislature created the ***Addiction Recovery Supervision Program*** and placed it under the Commission's administration. This program requires mandatory post prison supervision for offenders, released from a state correctional facility, which are convicted of a crime committed on or after July 1, 2001, and have a history of substance abuse or addiction or have participated in any drug treatment, and have not been convicted of a disqualifying offense. The law requires the Commission to set the term and conditions of supervision, and to revoke that supervision if the offender fails to abide by the conditions of supervision. The program is fully operational and the first offender eligible for the program was released from prison in June 2002. In that the number of eligible offenders is increasing, the

Commission has requested additional staffing to handle the workload and will work with the Legislature to assure adequate funding. The Commission continues to closely monitor this program.

The *2002-2003 General Appropriations Act* authorized fourteen additional Parole Examiner positions to help in reducing the backlog of pending clemency cases. The following year, four of these positions were deleted, but the additional ten allowed the Commission to significantly reduce the pending caseload in clemency. 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 2005-2006. Under the amended bill, regional parole boards would have been located around the state and the boards would be comprised of volunteer commissioners. While this bill passed the House, the bill was never heard in the Senate and died in the Senate Committee on Ways and Means. However, as a result of this action, the General Appropriations Act of 2005-2006 ordered an Office of Program Policy and Governmental Accountability (OPPAGA) study of the Commission during the interim period prior to the 2006 Session and asked that OPPAGA report their findings to the respective Chairs of the House Appropriations Committee and the Senate Ways and Means Committee on or before January 1, 2006.

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 2005-2006 study of the Parole Commission. The OPPAGA study concluded "the Parole Commission Operations [are] consistent with its mission" and stated that "regionalizing the commission's parole determinations function would distribute this workload across the state" but would result in increased overall state costs. OPPAGA found that the Commission is successful in identifying low risk offenders for release.

The 2006 Legislative Session again saw the introduction of HB 5017 by the House Fiscal Council, a corrections-related bill which included language to abolish the Commission and transfer its duties to the courts and other agencies in FY 2006-2007. 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.

# COMMISSION YEAR IN SUMMARY

FY July 1, 2005-June 30, 2006

## CONDITIONAL RELEASE/ADDICTION RECOVERY

- The number of conditional release and addiction recovery cases handled in FY 05-06 was 6,954.
- The number of offenders released to the Addiction Recovery Program increased from 972 to a total of 1,392 offenders in FY 05-06, a 43% increase from the previous year.
- The Addiction Recovery Program now accounts for 20% of the total conditional release caseload and 6 % of the revocations' caseload.

## OFFENDER REVOCATIONS

- The number of revocation determinations made in FY 05-06 was 2,713, while Commissioners issued 3,349 arrest warrants for violations of supervision.

## CLEMENCY SERVICES

- The Parole Commission handled 49,010 clemency cases in FY 05-06.
- The Parole Commission processed 43,706 restoration of civil rights without a hearing cases.
- The number of capital cases/death penalty investigations conducted in FY 05-06 was 10.
- A full clemency investigation took 17 hours per case in FY 05-06 and RCR without a hearing cases required .99 hours of staff time.
- In the past 2 years, the *Management of the Administration of Clemency (MAC)* and the *Restoration of Civil Rights (RCR)* data systems have been enhanced to modernize the workflow process and management oversight capabilities for this program.
- GOAL: In FY 07-08, to process RCR *without a hearing* cases within six months and eliminate pending *with a hearing* cases by FY 08-09, based on funding of the FY 07-08 budget request.

## PAROLE DETERMINATIONS

- The number of parole release decisions for FY 05-06 was 1,285. There are currently 5,151 inmates eligible for parole release.

## VICTIMS' SERVICES

- The number of victim assists provided by the Commission in FY 05-06 was 3,332.

## BUDGET

- The Commission's staffing has remained static since 2003, with a current operating budget of \$9.9 million.

# Commission Program Overview and Activities

## *Overview*

The Parole Commission is a constitutionally authorized decision-making body. Article IV, section 8 of the Florida Constitution, provides that there may be created by law a parole and probation commission with the power to supervise persons on probation and grant paroles or conditional releases to persons under sentences for crime, s. 20.32, Florida Statutes. In 1941, the Commission was created by law to administer parole. Since that time, the administration of conditional release, conditional medical release, control release, and addiction recovery supervision has been placed under the Commission. The Commission also acts as the investigative arm of the Governor and Cabinet, sitting as the Board of Executive Clemency in clemency matters. The Legislature, in 2006, added to the Commission the responsibility of investigating seaport security waivers for the Florida Department of Law Enforcement.

## *Parole*

The Commission administers parole, which is a discretionary prison release. It allows an inmate who has been granted parole to serve the remainder of his or her prison sentence outside of the confines of the institution. Once released, the parolee is subject to conditions of supervision, and if those conditions are violated the Commission may return the parolee to prison. Parole has experienced a number of changes over the years. In 1978, the Florida Legislature enacted "Objective Parole Guidelines," which required the Commission to develop and implement rules and criteria upon which parole decisions were to be made. These criteria were based on risk assessment and combined historical Commission decision-making experience with individual case elements. The most significant change, however, came in 1983. In that year, sentencing guidelines were enacted thereby effectively abolishing parole for those offenders who were sentenced for crimes committed on or after October 1, 1983.

Currently, all inmates who committed a capital felony murder prior to May 25, 1994, and all inmates who committed a capital felony sexual battery prior to October 1, 1995, are also parole eligible. There are 5,151 inmates who are still eligible for parole consideration and approximately 876 offenders who are still under parole supervision.

## *Conditional Release*

In 1988, the Florida Legislature created the Conditional Release Program and placed it under the administration of the Commission in Chapters 947, 948, and 960, Florida Statutes. Conditional Release requires mandatory post-prison supervision for inmates who are sentenced for certain violent crimes and who have served a prior felony commitment, or who are sentenced as a habitual offender, violent habitual offender, violent career criminal, or sexual predator. Unlike parole, conditional release is **not** a discretionary release. Upon release from prison, inmates who are subject to conditional release are supervised for a period of time equal to the gain-time that they received in prison. These offenders are subject to strict conditions of supervision set by the Commission and this supervision can be revoked and the releasee returned to prison if the Commission determines that a violation of supervision has occurred. There were 5,562 offenders placed on conditional release in FY 2005-2006.

## *Control Release*

In 1989, the Florida Legislature created the Control Release Program and placed it under the administration of the Commission in Chapters 947 and 948, Florida Statutes. This program was a prison population management system administered by the Commission to keep the prison population at its lawful

capacity. The Commission does not currently review the inmate population for discretionary release under this authority, as there are sufficient prison beds for the current prison population. There are, however, a small number of control releasees who are still under supervision. The Commission is responsible for monitoring the progress of these releasees and conducting revocation hearings when alleged violations are reported.

### ***Conditional Medical Release***

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

### ***Clemency***

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

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

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

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

A direct result of the clemency process being made simpler and more accessible is that the number of requests has increased. Governor Bush again recommended to the 2006 Legislature additional money for staff for the Parole Commission to reduce the number of pending restoration of civil rights cases which are currently awaiting review. To that end, Governor Bush recommended to the Legislature a \$1.8 million

increase for clemency and 40 OPS positions to counter the increasing workload and pending cases. This recommendation was not funded by the Legislature.

Today, persons seeking to have their rights restored need only to make a request by letter or e-mail, download the Clemency request form posted on the Internet, or call the Office of Executive Clemency directly.

### ***Addiction Recovery Supervision***

In 2001, the Florida Legislature created the Addiction Recovery Supervision Program and placed it under the Commission’s administration. This program provides mandatory post- prison supervision for offenders released from a state correctional facility, who are convicted of a crime committed on or after July 1, 2001, and have a history of substance abuse or addiction or have participated in any drug treatment, and have not been convicted of a disqualifying offense. The law requires the Commission to set the term and conditions of supervision, and to revoke that supervision if the offender fails to abide by the conditions of supervision. The program is fully operational and the first offender eligible for the program was released from prison in June 2002. During FY 2005-2006, 1,392 offenders were placed in the program.

### **COMMISSION MEETING DAY**



**Staff Welcomes Meeting Day Visitors**



**Families Wait to Appear Before Panel**



**Shane Bozeman & FDLE Security Agent Review and Discuss Visitor List**



**New Security Measures Require Visitors To Be Screened Prior to Entry**

## Commission and Staff on Meeting Day



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



**Commissioners Voting as a Panel**



**Release Services Supervisor Linda Summers Advising Dade Asst. State Attorney**



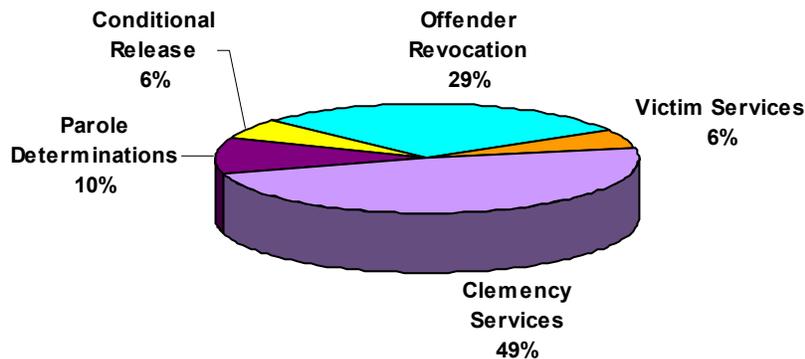
**Commissioners Pate & Dunphy Review Meeting Agenda**

# COMMISSION'S YEAR IN REVIEW FY 2005-2006

## Performance Measures/Activity Accomplishments

Percentage of cases placed before the Commission/Clemency Board containing no factual errors:	<b>98.20%</b>
Number of parolees who have successfully completed their supervision without revocation within the first two years:	<b>40</b>
Percentage of parolees who have successfully completed their supervision without revocation within the first two years:	<b>81.60%</b>
Percentage of revocation hearings completed within 90 days of final hearing:	<b>99.85%</b>
Number of conditional release/addiction recovery cases handled:	<b>6,954</b>
Number of revocation determinations:	<b>2,713</b>
Number of clemency cases handled:	<b>49,010</b>
Number of parole release decisions:	<b>1,185</b>
Number of victim assists:	<b>3,332</b>

**FY 2005-2006 Workload Hours by Activity**



## THE OFFICE OF THE GENERAL COUNSEL



**Kim M. Fluharty**  
**General Counsel**

**The Office of the General Counsel**, comprised of the General Counsel, three Senior Attorneys, and two Administrative Assistants, was actively involved in litigation as a result of felony offenders filing numerous lawsuits in various state and federal courts during FY 2005-2006. This office filed over 850 court pleadings; generated briefs, memoranda, and legal correspondence; and provided legal advice for approximately 2,300 legal issues. This office also represented the Commission in numerous hearings throughout the State of Florida and continues to provide legal advice and support to the Tallahassee Central Office and 10 field offices located throughout the state. The issues raised in these proceedings have become increasingly more complex and diverse over time. This litigation will continue to significantly affect the workload of the Commission and the Office of the General Counsel. In spite of this complexity and diversity, a very high percentage of these matters resulted in opinions favorable to the Commission.

The Office of the General Counsel was also involved in a wide range of other Commission duties and responsibilities during the reporting period which included:

- Issuing legal opinions, both written and verbal, regarding formulating policy, interpreting case law, and applying existing administrative rules.
- Preparing responses to public record requests and insuring compliance with applicable rules and statutes.
- Preparing special orders and memorandums regarding the handling and disposition of pending Commission cases.
- Providing input and assistance to the Board of Executive Clemency regarding clemency issues.
- Providing legal assistance to the Offices of Clemency Administration and Executive Clemency regarding clemency issues.
- Providing input and assistance in response to numerous requests from the Legislature, news media, and the public regarding the operation of the Commission and its programs.
- Providing input and assistance in the rulemaking process of Commission rules.
- Providing assistance to revocation staff and parole examiners regarding felony offender revocation hearings.

- Reviewing and providing input regarding agency procedure directives.
- Reviewing and drafting proposed legislation and attending legislative meetings.
- Holding staff meetings to review recent court decisions and pending legal questions.
- Providing Spanish translation services for hearings, written correspondence, and telephone inquiries.
- Reviewing all contracts entered into by the Commission.
- Coordinating and assisting the Department of Corrections regarding specific felony offenders.
- Providing legal representation, assistance, and support to the Office of Human Resource Services on personnel issues.
- Participating in training sessions and activities for continued professional development and compliance with state certification.
- Providing training to outside entities.

## DIVISION OF ADMINISTRATIVE SERVICES



**Fred Schuknecht**  
**Director**

**The Division of Administrative Services** serves as liaison with the Governor's Office of Planning and Budgeting, Office of Program Policy and Accountability, the Florida Legislature and staff, the State Technology Office, the Office of the Chief Financial Officer, and the Department of Management Services. It is currently staffed with 10 full-time employees in five sections who provide administrative support to the Commission's Central Office and 10 field offices. Those sections include the Director's Office, which includes Public Information and Legislative Affairs; the Finance and Accounting Office; Human Resources; Research and Data Analysis; and Information Technology.

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

### HUMAN RESOURCES SECTION

**The Human Resources Section** is comprised of the Human Resources Administrator and a Personnel Services Specialist. This office is responsible for recruitment, insurance/benefits, payroll/leave, grievances/disciplinary actions, training, and the maintenance and interpretation of the Commission's Procedure Directives relating to human resource programs. It is the central coordination point for services ranging from management consultation to job satisfaction and termination.

The Office of Human Resources works with *People First* to ensure that all employees human resource needs are met. This office participates in workshops, meetings, and trainings conducted by *People First* on human resources administration, payroll, and benefits administration and works with *People First* and Department of Management Services (DMS) staff to resolve any issues with the *People First* system. In conjunction with *People First*, this office successfully administered the Open Enrollment process whereby a new Health Maintenance Organization (HMO) product was introduced to employees.

From July of 2005 through June of 2006, this office processed position classification requests; employment requests; benefits requests; personnel action requests; payroll actions; time, attendance and leave; personnel records; handled employee relations; coordinated all performance evaluations; and conducted special projects.

The Human Resources staff continues its commitment to providing exceptional customer service to all employees of the Commission. This commitment includes using communication as a tool to ensure that employees are made aware of changes that take place and that managers and employees are trained and proficient using the *People First* database. Additionally, staff training activities through increased training opportunities and the tracking of training hours will be emphasized in the next fiscal year.

### BUDGETING SECTION

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

### FLORIDA PAROLE COMMISSION **Final Expenditure Report** Recap of Appropriation Activity for Fiscal Year **2005-2006**

Appropriation Category	Final Expenditures
010000 – Salaries	\$7,344,070
030000 – OPS	\$262,390
040000 – Expense	\$1,214,933
060000 – OCO	\$77,502
103241 – Risk Management	\$86,975
107040 – Transfers	\$ 60,643
210014 – Other Data Processing Svcs	\$314,643
<b>TOTAL</b>	<b>\$9,361,012</b>

## Information Services

During Fiscal year 2005-2006, the Information Services staff consisted of an Administrator and two professional staff. A full-time contract programmer assigned to work on the Clemency application redevelopment project was available during this period as was an intern from Florida State University who worked on a half-time basis. The Information Services Administrator serves as the Chief Information Officer for the Parole Commission and as a voting member of the Florida Criminal and Juvenile Justice Information Systems Council and the State's Chief Information Officer Council.

As part of a normal business day, the Commission's Information Services staff routinely complete a variety of computer maintenance tasks and software updates to keep the central office's computer installations operating efficiently. Additionally, the staff responds to between 40 and 50 calls monthly for technical assistance from staff, as well as help desk referrals from the Department of Corrections. Beyond these routine activities, a number of projects were completed or begun during 2005-2006:

- Continued the redevelopment of the clemency case management system. Held regularly scheduled project management team meetings.
- Redesigned the General Counsel's Office case tracking log for inmates by providing more functionality that will be more user friendly and will provide data faster to the General Counsel and other commission attorneys.
- Created a "Day for Day" calculator that was placed on the Commission's Intranet site at the request of the Revocations section.
- Created an electronic mail-merge and notification letter for Executive Clemency.
- Modified an existing application to meet the Department of State (DOS) Election's Office new Help American Vote Act (HAVA) data requirements and began the creation of a new application that will report granted clemency totals to DOS. The application will also report revoked clemencies or changes in data that are of interest to DOS. Once the modifications are completed, the data will be electronically transmitted to DOS on a monthly basis.
- Implemented a secure Webmail solution that allows staff with Internet access to access and manage their office emails through the Internet. Placed a link on the Commission's Internet 'Links' web page for easy access.
- Researched, tested, purchased, and deployed a universal access software product to provide the Commission staff Internet access to all of the Commission's critical applications. This secure Internet access is available to all of the Commission's staff as their job functions require.
- Implemented new group software policies to help ensure and further enhance network security to all staff statewide.
- Upgraded commission computers to the latest version of Microsoft Windows XP with Service Pack 2 to help prevent the spread of malicious mal-ware on the internal network.
- Implemented a risk mitigation plan to address vulnerabilities identified as a result of risk assessment analysis that was completed at the close of FY 2004-2005.
- Developed and deployed a digital recording process for the Commission meetings where the recordings can be backed-up to the Commission's data storage system for future access.
- Coordinated the implementation of the Judicial Inquiry System (JIS) for staff with FCIC certificates. Coordinated training for JIS in the Tallahassee and Tampa offices.
- Installed a new firewall for the central office computing installation in order to provide greater firewall protection for the Commission and to allow for the current firewall to be transferred for use at the Commission's backup computer installation in Lawtey CI.

- For disaster recovery purposes, installed a server, tape backup system, and firewall at Lawtey CI. Network bandwidth was also increased to this location in order that greater amounts of data could be transferred from the Tallahassee central office computer systems to the computer installed at this location. Network connectivity issues will be addressed during the next fiscal year to allow future connectivity from this location to all Commission offices throughout the state. The Lawtey location will serve as a secondary computing installation where critical data processing and communications functions could be transferred if an unforeseen event (hurricane, fire damage, etc.) rendered the central computing installation in Tallahassee inoperable or inaccessible.
- Installed a new dual processor server that will serve as a platform for the consolidation of a variety of Commission computer applications using VMware. This will result in the decommissioning of several older servers that are no longer supported for maintenance services by the original manufacturer.
- Completed an operational deployment of VMware virtual server software in the Commission's central computing installation. As a result of this deployment, non-mission critical applications that had previously been operating on six older servers were consolidated onto a single server.
- Implemented Windows 2003 Server operating systems in all of the Commission's operations servers.
- Replaced the Miami Office telephone system with direct connections to the state's Centrex phone system and provided new telephone instruments for all staff at that location.
- Successfully coordinated the execution of a 2-year Memorandum of Understanding with the Department of Corrections that describes the technology systems and services the Department will provide to the Commission.
- Processed a variety of obsolete or otherwise unusable technology equipment for surplus and disposed of the equipment through transfer to the Department of Corrections or to Unicor at the Marianna Federal Correctional Institution.



Commission Staff taking a break during the 2006 statewide Parole Examiner training

## CLEMENCY ADMINISTRATION



**Steve Hebert**  
**Director**

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

Clemency Administration, with assistance of field staff, provides daily investigative and research support to the Clemency Board. In providing this support, the field staff conducts intensive investigations into all factors, such as offense(s), history of adjustment to incarceration or supervision, criminal record, traffic record, family history, social status, payment of fines/court costs/public defender fees/victim restitution, child support issues, history of domestic violence, alcohol/substance abuse history, and community reputation. Clemency Administration reviews and processes these investigations and obtains the Commission's advisory recommendation for submission to the Board. In cases granted conditional clemency, the Director of Clemency Administration researches and obtains residential treatment programs suitable for the offender and monitors compliance with the conditions set forth by the Board.

Clemency Administration receives electronic applications from the Department of Corrections for offenders being released from prison and those offenders being terminated from supervision who may be eligible for restoration of civil rights *without a hearing*. The referral, assignment, and approval of these cases within the Commission are done electronically. The Commission follows the Rules of Executive Clemency during the review process to determine eligibility. The process involves accessing many different databases to obtain and verify information on criminal histories, court records, pending court actions, and restitution obligations. Records within the Department of Corrections, Clerks of Court, Department of Law Enforcement, Department of Highway Safety and Motor Vehicles, local law enforcement agencies, the Internet, and out-of-state boards and agencies may be utilized.

Within the last year, the Commission gained access to two new databases: the *Judicial Inquiry System* (JIS) and the *Comprehensive Case Information System* (CCIS). JIS is a relatively new web-based inquiry system which allows an examiner to search against many different databases simultaneously and summarizes the results into a single report. Clemency Administration notifies all individuals who are not qualified to be considered for restoration of civil rights *without a hearing*, and provides information on how to proceed with the hearing process.

The Clemency Administration staff and Director work closely with Field Services and Information Services to provide training and database enhancements to ensure the proper understanding and applications of the Rules of Executive Clemency. In 2005-2006, the Office of Clemency Administration completed a total re-write and update of the Clemency Administration Procedures Manual.

Request for waivers may be sought when an individual is unable to meet the requirements of a specific form of clemency. In such cases, when the Clemency Administration office receives a waiver application, it conducts an investigation of the applicant's offense(s), history of adjustment to incarceration or supervision, criminal record, traffic record and other documents as required.

In capital punishment cases, by Rule of Executive Clemency, the Governor may require the Commission to conduct an in-depth investigation. Clemency Administration is responsible for coordinating the interview of the death row inmate by the Commission. This office 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 which includes, where possible, interviews with the trial attorneys who prosecuted and defended the inmate, the presiding judge at the time of the offense, and the inmate's family. In addition, the Research Specialist works with the Office of Attorney General to allow victims of record to provide any comments to be included with the final report to the Board. Clemency Administration compiles this information and provides it to the Board of Executive Clemency to assist in the consideration of commutation of sentence or signing of a death warrant.

The Commission works diligently to coordinate efforts with State Attorney offices and the Commission's Victim Services Office to assist the victims in all clemency cases which appear on agendas of the Board of Executive Clemency. We continue to make all possible efforts to identify, locate, and contact the victims, and provide their comments to the Board. The Commission's Victim Advocate for clemency cases, who is under the Victim Services section of the Commission, continues to work closely with this office and the Director to further enhance the overall victim contact process and to provide assistance to victims and victim family members in all types of clemency cases.

The Commission continues to respond to numerous requests regarding clemency and the restoration of civil rights process from the Governor and Cabinet, the Legislature, the news media, and the public.

## OFFICE OF EXECUTIVE CLEMENCY



**Janet Keels**  
**Coordinator**

## OFFICE OF EXECUTIVE CLEMENCY

The Office of Executive Clemency reports directly to the Governor and Cabinet in the performance of their duties and responsibilities. This office is co-located with the Florida Parole Commission for ease of operation and coordination of functions. The Office of Executive Clemency was created in 1975 to process applications for executive clemency requiring approval of the Governor and three members of the Cabinet who sit collectively as the Executive Clemency Board. The Coordinator is appointed by the Governor and Cabinet and is responsible for coordinating all clemency hearings and referring applications to the Division of Clemency Administration for investigation. The Coordinator is the custodian of all clemency records. This office processes applications for restoration of civil rights, alien status, full pardons, remission of fines, waiver requests, commutations of sentence, and specific authority to own, possess or use firearms. The office also provides verification and/or certification of restoration of civil rights and other forms of clemency granted, to law enforcement agencies, state attorneys, public defenders, licensing agencies and supervisors of elections.

The Office of Executive Clemency prepares and distributes the agenda for the Clemency Board Hearings, as well as the orders and certificates granting clemency, and is responsible for notifying the applicants, attorneys and victims regarding hearing dates and the status of the cases. Information and applications for clemency are distributed on a daily basis. The staff of the office is responsible for answering questions and assisting applicants in completing the applications, as well as responding to correspondence and phone calls referred from the Governor and other Cabinet offices.

The Coordinator works closely with the Clemency Aides to the Governor and Cabinet in the revision and adoption of the Rules of Executive Clemency and keeps abreast of new state and federal legislation that might have a direct or indirect impact on the clemency process in Florida. The Coordinator also responds to numerous research inquiries regarding clemency statistics and provides information to persons conducting federal and state surveys on clemency procedures in Florida.

The Office of Executive Clemency continues to receive a high volume of applications for all types of clemency, especially since December 2004 when applications could be submitted directly on-line through our website. As a result of the increase in requests for clemency, the Commission is again asking the Legislature for additional funding in FY 2007-2008 to accommodate the growing workload.

In September 2005 and April 2006, in order to reduce the number of pending applications, Chairman David authorized OEC to exclusively review applications for one week to increase the number of

applications that could be referred for investigation or that needed to be returned for ineligibility reasons. During this time, Clemency Administration office assisted by answering the many phone calls received daily. It was during this initiative that the notification letter was developed with the assistance of the Information Services' staff to be sent to applicants whose applications had not yet been processed. This facilitated the closing of over 1,000 applications where the applicant had moved and left no forwarding address and could not be contacted by telephone.

During the 2006 legislative session, the Coordinator attended several committee hearings on the restoration of civil rights process and with the help of our Public Information Officer and Legislative Liaison, responded to many requests from legislators and staff members requesting the status of applications for various constituents.

The Coordinator met on a regular basis with Information Services' staff, along with the Director of Clemency Administration during the past year, on the re-design of the clemency database.

During the past year, OEC coordinated four quarterly clemency hearings on September 8, 2005, December 6, 2005, March 2, 2006 and June 15, 2006, as well as 7 waiver hearings on August 4, 2005, September 15, 2005, October 27, 2005, December 15, 2005, February 9, 2006, April 6, 2006 and May 25, 2006. There were 200 cases on the agenda for the December, March and June hearings as requested by the Governor. This is the first time the Board voted such a high volume of clemency cases at 3 consecutive hearing dates.

## DIVISION OF OPERATIONS



**Gina Giacomo**  
**Director**

**THE DIVISION OF OPERATIONS** is the largest component of the Florida Parole Commission, with about 100 positions throughout the state. The Operations Division is comprised of a Revocations Section, Victim Services Section, Release Services Section, and Field Services. Field Services includes 10 offices, in five regional areas, across the State. Each region has a Regional 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 accomplishing a wide variety of functions relating to the administration of the post-prison supervised release programs. These supervised release programs include Parole, Conditional Release, Conditional Medical Release, Addiction Recovery, and Control Release Supervision. The Division, through its Field Services staff, also conducts investigations for the Governor and Cabinet, sitting as the Board of Executive Clemency. In 2006, the legislature passed HB 7145 requiring the Commission to conduct Seaport Security Waiver investigations for the Department of Law Enforcement.

### **Highlights of the Division of Operations Achievements and Activities for Fiscal Year 2005-2006:**

- The Florida Parole Commission staff has continued to participate as a member of *the Jessica Lunsford Task Force* which addressed a number of critical public safety concerns.
- The increasing number of violation reports received from the Department of Corrections as a result of the “Zero Tolerance” policy has resulted in a huge increase in the number of Revocation hearings and the preparation and processing of warrants. The Field Offices and Revocations Section have met this challenge while maintaining a high quality work product.
- Applied for and received a federal grant to fund a full-time position in the Victim Services section to address the needs of victims of offenders who are seeking clemency.
- Recruited student interns from local universities to assist in the performance of criminal justice activities, which are carried out by the Florida Parole Commission.

- Developed a procedure directive pertaining to Conditional Release which provides guidance for Commission staff with regard to Conditional Release eligibility requirements, the calculation of the appropriate term of Conditional Release supervision, and the preparation of orders for the Commission's consideration.
- Participated in various state and local criminal justice organizations including the Florida Council on Crime and Delinquency (FCCD), the Florida Association of Community Corrections (FACC), the Pinellas County Ex-Offender Re-entry Coalition Services Board, Criminal Justice Program Advisory Boards, Public Safety Councils, and the Association of Paroling Authorities International.

## **Release Services**

The Release Services section receives thousands of cases each year that it prepares and processes for the Commission's review and action pertaining to conditional release interviews, parole interviews, parole release plan investigations, addiction recovery interviews, conditional medical release recommendations, supervision reviews, and requests for modifications of the conditions of supervision and special requests from the Department of Corrections. The Release Services section provides public notice of the Commission's meetings, prepares the Commission's agenda, notifies the general public on cases they have requested to appear on, calculates supervision dates, audits eligibility for supervised release, prepares orders reflecting the Commission's actions, prepares and processes all certificates for the Conditional Release and Addiction Recovery Programs, and maintains the official records of the Commission's decisions. The section also coordinates the Commission's out-of-town meetings. During the reporting period, Commission meetings were held in Orlando, May 24, 2006, and in Miami, July 19 and 20, 2006.

Special accomplishments this year include the following:

- The manual of Transitional Housing Programs, which includes faith-based programs and those with treatment components, was distributed and placed on the Commission's Intranet website to assist Commission staff in making recommendations to reintegrate offenders back into society.
- The Release Services Section has begun scanning the official Commission dockets into the computer, starting with the January 2006 docket, and going forward. This Section will also scan dockets retrospectively, moving backwards in time, with the intent of placing all prior dockets online for easy access.
- The *Certificate of Discharge* given to parolees upon expiration of their supervision was redesigned to be more professional and something that the parolee can be proud to display.

## **Revocations**

The Revocations Section reviews all violation reports, prepares arrest warrants, updates the National Crime Information Center/Florida Crime Information Center databases (NCIC/FCIC), responds to requests from law enforcement agencies, coordinates the extradition of violators, and performs functions relating to the docketing and processing of cases for Commission action involving violations of supervision.

The violation process begins when law enforcement or the Department of Corrections notifies the Commission that a releasee has violated one or more conditions of his/her supervision. The Revocations Section is responsible for reviewing these reported violations and preparing a warrant for a Commissioner's

signature. To assist law enforcement in identifying and apprehending alleged violators, the releasee's photograph is placed on the warrant. The Commission may issue a warrant for the arrest of any offender when reasonable grounds exist to believe the releasee has violated any of the conditions of supervision.

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

After the Parole Examiner conducts the revocation hearing, the examiner prepares a hearing package which contains a recommendation to the Commission as to whether or not the facts indicate a violation of conditions of supervision. The Revocations Section is responsible for reviewing the hearing packages and preparing a summary for Commission action. If a violation is sustained, the Commission may order the revocation of release and return the violator to state prison to complete service of the original sentence imposed. If there is a finding of no violation, or a technical violation, depending upon the nature and the circumstances surrounding the technical violation, the Commission may restore the releasee to supervision with or without additional conditions. After the final Commission action the preparation and processing of orders is completed by the revocation section.

Special accomplishments this year include the following:

- The primary focus of the Revocations Management team, during the latter part of 2005, involved issues pertaining to sex offenders. Sex offenders under supervision with certain housing restrictions imposed were required to provide an acceptable residence plan upon release. The Commission established a team whose efforts were to enforce residency requirements for sex offenders who have completed their prison sentence.
- Enhancements were made to the out-of-state hit return template utilized by revocation specialists. Upon notification from another state that a person wanted by the Florida Parole Commission has been arrested, or is available for extradition to Florida, a revocation specialist completes the out-of-state return request for Commissioner review and consideration.
- Revocations Section created a new "Release On Recognizance" (ROR) Cover Sheet" to assist the Commission when reviewing cases to be considered for ROR. The cover sheet was designed to be user friendly, and to provide the Commissioner with a case overview.

## **Field Services**

Field services staff are responsible for performing a wide variety of functions, including conducting administrative hearings. These hearings encompass parole preliminary hearings, final revocation hearings, and release on recognizance hearings. These hearings are held for releasees who are under conditional, parole, addiction recovery, conditional medical, or control release supervision.

Once a releasee has been apprehended, a parole examiner notifies the releasee in person of the violations of supervision and the releasee's rights. Serving of the notice of hearing usually takes place at the county jail. These rights as required by law include: (1) the right to be present and present evidence on his/her own behalf; (2) the right to be represented by counsel; (3) the right to cross-examine adverse witnesses; (4) the right to have disclosed prior to the hearing the evidence which may be presented at the hearing; and (5) the right to waive the hearing.

Releasees under Parole Supervision are entitled by law to both a preliminary probable cause hearing and a final revocation hearing. The preliminary hearing is held to determine whether there is probable cause to believe that a parolee has violated the conditions of his or her release. A preliminary hearing is not required for the other types of supervision. Persons in violation of their supervision are entitled to a final revocation hearing. The final hearing must be held within 45 days of notification arrest. Revocation hearings are fact finding hearings conducted by a Parole Examiner, usually held at the county jail, with introduction of evidence and eyewitnesses to the violations providing the pertinent testimony. The United States Supreme Court has fully sanctioned the state's use of these inexpensive proceedings, with minimal due process requirements, in the case of Morrissey v. Brewer.

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

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

Another important function that the field services staff performs is to maintain a close working relationship with stakeholders who include but are not limited to local law enforcement agencies and local organizations. This networking of relationships is vital to the Commission in the performance of its duties.

Special accomplishments this year include the following:

- Reorganized and streamlined workflow processes in field services allowing for more productive use of time and personnel.
- The Governor and Cabinet doubled the number of cases heard this year by the Executive Clemency Board. The Field Offices met this challenge, while maintaining the high standards for investigation and submission of quality reports that the Governor and Cabinet rely upon.
- Regional Administrators, Parole Examiner Supervisors, and Parole Examiners have fulfilled multiple requests to appear before civic groups and community organizations to provide information about the Commission processes.

## Victim Services

The Victim Services staff is dedicated to providing direct, personal service to crime victims and their families. This section strives to reduce victimization through education within an environment of compassion, dignity and respect. The section is proactive in educating victims, and informing them of their rights. The Victim Services staff, in coordination with field services staff, attempts to locate all victims of parole eligible inmates to inform them of their right to be heard and participate in each step of the parole process. Victim location is done using many resources such as obtaining death certificates and obituaries to identify survivors and utilizing Florida driver's license information, the Internet and the *Accurint* search engine. Victims are also informed of their right to be notified by the Department of Corrections of an inmate's movement within the prison system or escape. For many victims, the parole process can be an intimidating and frightening experience. Educating victims about the process and their right to be heard can assist victims in dealing with their fears and anger, and it also serves to provide vital information to the Commission.

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

Some services provided to victims and their families include:

- Informing victims of their right to be heard and participate in the parole process.
- Educating victims about the parole process.
- Providing advance notice to victims of upcoming parole proceedings.
- Having professional staff available at each Commission meeting to provide support to victims before, during, and after the meeting.
- Maintaining a separate waiting area for victims.
- Providing special assistance to victims such as reading a victim's statement into the record for victims who are unable to appear in person before the Commission, but who wish their concerns or recommendation to be voiced at the meeting.
- Timely notification of the outcome of parole proceedings.
- Toll-free telephone number to obtain support or information (1-800-435-8286).

The Victim Services section also serves as liaison with victim advocacy groups, prosecuting attorneys, and other persons interested in victim rights. The "Victims of Crime Act" was enacted in 1984 to provide federal funding to assist state, local and private nonprofit agencies to provide direct services to crime victims. Services are defined as those efforts that respond to the emotional and physical needs of crime victims, assist victims of crime to stabilize their lives after victimization, assist victims to understand and participate in the criminal justice system and provide victims of crime with a measure of safety and security. This section has been active in seeking ways to broaden the services that are available to victims. This year Victim Services applied and received approval for continuation of federal grant funding under the

Victims of Crime Act (VOCA). These funds are to fund a full-time staff position that is responsible for assisting victims of offenders who are seeking clemency.

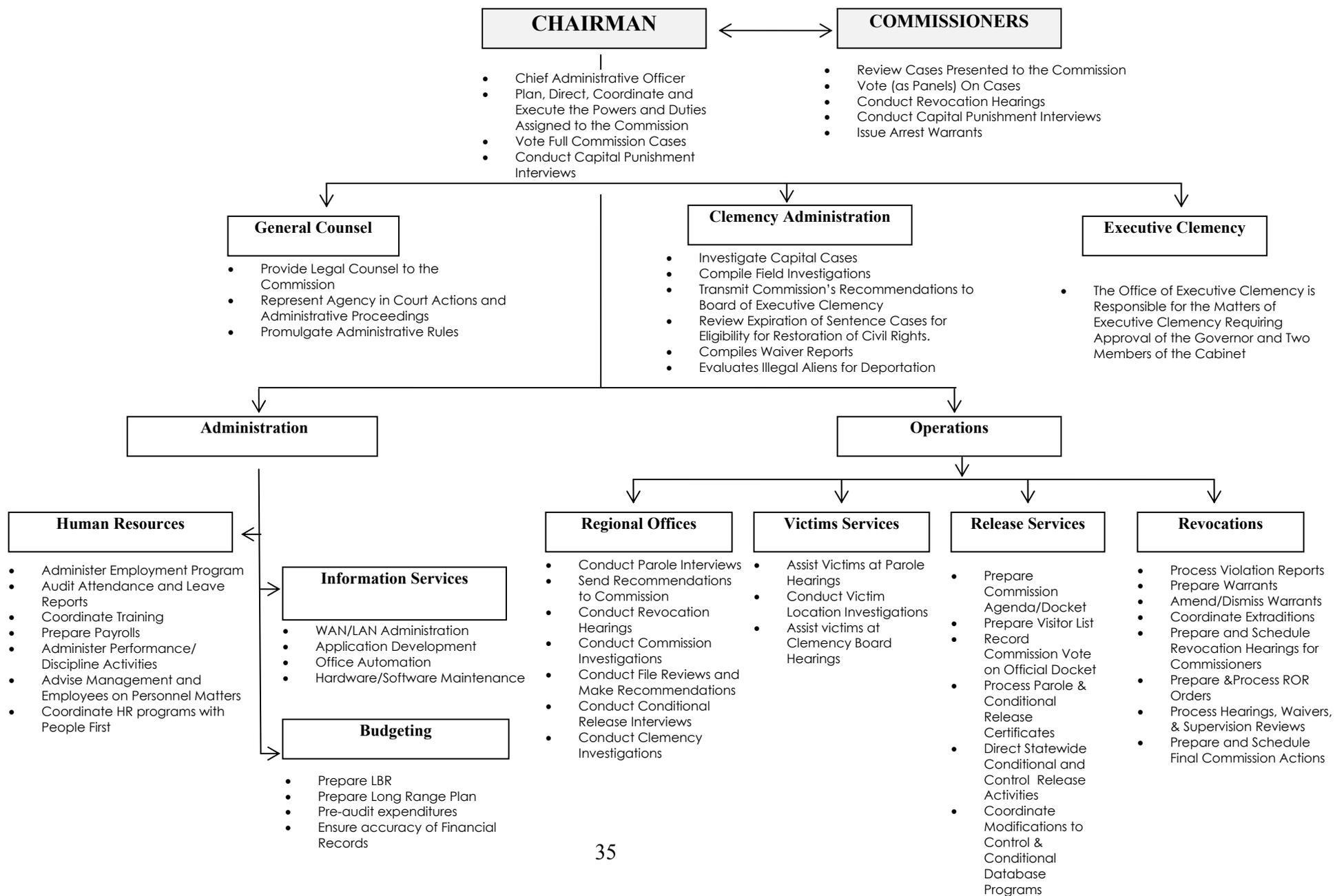
Special accomplishments this year include the following:

- Victim Services members attended the 2006 North American Victim Assistance Conference hosted by the National Organization for Victim Assistance. The workshops were designed to educate victim service providers and enable them to better understand the dynamics of victimization.
- Victim Service staff are members of the Big Bend Victim Assistance Coalition and attended local victim recognition events and fund raisers.
- Victim Services members received numerous “Thank You” e-mails, cards, and letters this year as a testament to victims’ satisfaction with the service they receive.



Left: Operations/Release Services Supervisor Summers & Staff T. Martin 2006; Right: K. Dickey, N. Vickers, M. Thomas 2006

# FLORIDA PAROLE COMMISSION ORGANIZATIONAL CHART



# CENTRAL OFFICE DIRECTORY

FLORIDA PAROLE COMMISSION,  
2601 BLAIR STONE ROAD, BUILDING C,  
TALLAHASSEE, FL 32399-2450  
(Web site: [www.state.fl.us/fpc/index.shtml](http://www.state.fl.us/fpc/index.shtml))

## COMMISSIONERS

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

## OFFICE OF GENERAL COUNSEL

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

## OFFICE OF CLEMENCY ADMINISTRATION

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

## OFFICE OF EXECUTIVE CLEMENCY

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

## DIVISION OF ADMINISTRATION

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

## DIVISION OF OPERATIONS

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

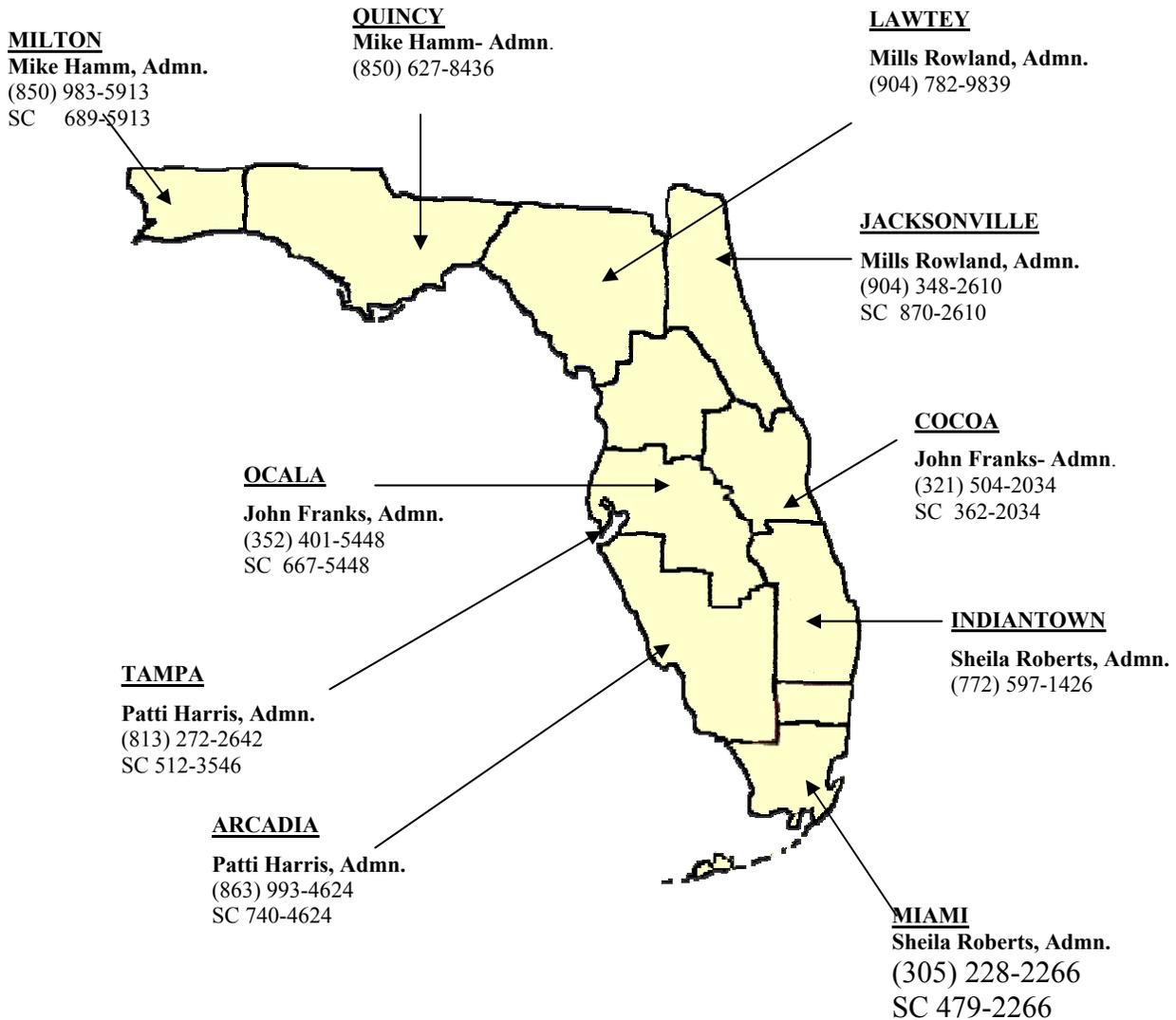
## REGIONAL ADMINISTRATORS

Joseph “Mike” Hamm – *Region One Administrator*..... (850) 627-8436  
Mills Rowland – *Region Two Administrator*..... (904) 348-2610/SC 8702610  
John Franks – *Region Three Administrator*..... (321) 504-2034/SC 362-2034  
Sheila Roberts – *Region Four Administrator*..... (305) 228-2266/SC 479-2266  
Patti Harris-*Region Five Administrator*..... (813) 272-2642/SC 512-3546

## TOLL FREE ACCESS

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

# FIELD OFFICES DIRECTORY



# FREQUENTLY-ASKED-QUESTIONS

## THE COMMISSION

### **1. How are Commission members appointed?**

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

### **2. How long are members' terms?**

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

### **3. Can a person appear at Commission meetings?**

All Commission meetings are open to the public and anyone may attend to observe. In the event a person desires to speak to the Commission at the time a particular case is being considered, he/she must request and receive prior approval of the Chair. The request to speak must be made in writing, with the exception of victims, and is subject to the discretionary approval of the Chair.

### **4. How does the Commission provide for victims?**

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

## **PAROLE**

### **1. What is “parole”?**

Parole is 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.

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.

Currently, all inmates who committed a capital felony murder prior to May 25, 1994, and all inmates who committed a capital felony sexual battery prior to October 1, 1995, are also eligible. There are 5,151 inmates who are still eligible for parole consideration and numerous offenders who are still under parole supervision.

### **2. Is “parole” the same as “probation”?**

No. Probation is a period of supervision in the community imposed by the court as an alternative to imprisonment. These offenders are supervised by the Department of Corrections.

### **3. Who is eligible for Parole?**

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

## CLEMENCY

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

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

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

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

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

### **2. How can one apply for Clemency?**

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

### **3. Is an attorney needed to handle the application?**

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

### **4. Is there a filing fee for the application process?**

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

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

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

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

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

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

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

**Commissioners' Executive Staff  
2005-2006**

**CHAIRMAN MONICA DAVID**



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

**COMMISSIONER / SECRETARY FRED DUNPHY**



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

**COMMISSIONER/VICE CHAIRMAN TENA PATE**



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



**Governor Bush & Chairman David 2006**



**FLORIDA CABINET 2006**

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