

FLORIDA PAROLE COMMISSION



**ANNUAL REPORT
2002-2003**

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.

Additionally, the Commission administers the clemency process for the Executive Clemency Board pursuant to the Rules of Executive Clemency.

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CHAIRMAN'S MESSAGE

Monica David

December 31, 2003

Dear Governor Bush and Members of the Cabinet,
President King, and
Speaker Byrd:

As I reflect back on Fiscal Year 2002 – 2003, I do so with great pride and accomplishment. This has been a very challenging year for the Commission. With the resignation of the former Chairman, I assumed management of the Commission in May 2003, a very turbulent time for the agency. By taking swift, corrective action, the Commission was able to rectify immediately the majority of the deficiencies noted in the Auditor General's report, completed in September of this year. As Chairman, I intend to do all that I can to protect and preserve the integrity of the Commission as it has played a vital role in the criminal justice community since 1941.

In August 2003, Commissioner Tena Pate was appointed to complete the remainder of the unexpired term of the former Chairman through June 2004. With her appointment, the Commission is currently composed of three seasoned criminal justice professionals with impeccable credentials and strong ties to law enforcement and the judiciary. More importantly, the Commission dedicated itself to its mission of public safety in administering parole, conditional release, conditional medical release, control release, and addiction recovery supervision to eligible criminal offenders. Further, the Commission has made huge strides, with the help of the Clemency Board, in making the restoration of civil rights (RCR) process easier for those seeking such relief. During 2002-2003, over 120,000 offender files were reviewed for restoration of civil rights without a hearing eligibility.

It was a time of transition as we said goodbye to employees who had spent much of their professional careers at the Commission. But as we said goodbye to some, we welcomed new employees with a wealth of experience in their disciplines. We hired two new Senior Managers, a Director of Administration and a General Counsel. In the Select Exempt Service category, we hired a new Accounting and Budgeting Administrator, a Chief Information Officer, a Human Resources Administrator, three Regional Administrators, and two experienced attorneys. Additionally, new Parole Examiners and support staff were brought on board within our ten field offices, many with advanced degrees.

Chairman's Message
December 31, 2003

Upon my appointment as Chairman, I visited each of the Commission's regional offices throughout the State and talked with our employees and listened to their concerns and ideas. I have dedicated myself to be the Commission's primary liaison with judges, state attorneys, public defenders, the Police Chiefs' Association, the Sheriffs' Association, and the Legislature and was asked to work as a Federal/State liaison by the Association of Paroling Authorities, International.

In that regard, I am pleased to present to you this 2002-03 Annual Report documenting our many accomplishments for the year. The Commission will continue to be a much needed part of the criminal justice system and will work towards becoming an even more vital and necessary part of the system.

In closing, I would like to give my sincere thanks to all of our hardworking, dedicated employees, to my colleagues in other agencies that I have worked so closely with this year, and to you, Governor and members of the Cabinet, for the faith you have shown in me.

Sincerely

Monica David
Chairman



CHAIRMAN MONICA DAVID

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 felony 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. She is a member of the Florida Council on Crime and Delinquency (FCCD) where she was recently awarded the "Distinguished Service Award" in the area of criminal justice. Other professional affiliations include membership in the Association of Paroling Authorities International, Florida Sheriff's Association, and the Florida Police Chiefs Association. 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.

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.



VICE CHAIRMAN FREDERICK DUNPHY

Vice Chairman 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. Included in these assignments were commands of security during the 1987 Papal visit of Pope John Paul, Super Bowl XXIX, and the 1995 Summit of the Americas. Commissioner Dunphy also was in charge of all Organized Crime and Narcotics investigations for the Department.

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 on December 8, 1998, when he was appointed by the Governor and Cabinet to complete the unexpired six-year term of Commissioner Edward Spooner. He was subsequently reappointed for a six-year term as of June 2002 and on May 13, 2003, he was appointed Commission Vice-Chairman.



COMMISSIONER TENA M. PATE

Commissioner Pate was born in Fort Walton Beach and raised in Niceville, Florida. She graduated in 1976 from Niceville Sr. High School and later 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, when she joined 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 left the State Attorney's Office to accept a position with the Executive Office of the Governor. She served Governors Lawton Chiles, Buddy MacKay, and Jeb Bush as Florida's Victims' Rights Coordinator from 1993 until her appointment to the Florida Parole Commission in 2003. In addition to her service as Victims' Rights Coordinator, Commissioner Pate served three Governors as a clemency assistant.

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. She also served on the Statewide Self-Inflicted Crimes Task Force, which was created to study the causes of criminal behavior and make recommendations regarding appropriate responses from the system.

In August 2003, Commissioner Pate was appointed by Governor Bush and the Cabinet to fill the unexpired term of Commissioner Jimmie Henry, through June 2004.

History of the Commission

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. 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 Florida Legislature also 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 also applies to any inmate convicted of Murder, Attempted Murder, Sexual Battery, or Attempted Sexual Battery, and the Commission finds it is not reasonable to expect that parole will be granted at a hearing in the following years and states the basis for the finding in writing. Five year interviews/reviews may also be considered for any inmate sentenced to a 25 year mandatory minimum term, or any inmate convicted of one of the above offenses, whose parole release date has been vacated by the court. If an inmate is within 7 years of their tentative release date, a 2 year re-interview will be considered.

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, who are convicted of a crime committed on or after July 1, 2001, and have a history of substance abuse or addiction or have participated in any drug treatment, and have not been convicted of a disqualifying offense. The law requires the Commission to set the terms and conditions of supervision, and to revoke that supervision if the offender fails to abide by the conditions of supervision. The program is fully operational and the first offender eligible for the program was released from prison in June 2002. While the number of offenders eligible for the program is increasing (estimates for FY 2003-2004 are between 480 and 630 offenders that will be reviewed), this increase in additional workload is not yet to the point of requiring additional staff. 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 did allow the Commission to significantly reduce the pending caseload in clemency. However, 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.

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 of 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 and control release 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 (“Clemency Board”), in clemency matters.

Parole

The Commission administers parole, which is a discretionary prison release (see Chapters 947, 948, and 949, Florida Statutes). 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 October 1, 1994, and all inmates who committed a capital felony sexual battery prior to October 1, 1995, are also parole eligible. There are approximately 5,900 inmates who are still eligible for parole consideration and numerous offenders who are still under parole supervision.

Control Release

In 1989, the Florida Legislature created Control Release Authority (see 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 release offenders who are still under supervision. The Commission is responsible for monitoring the progress of these releasees and conducting revocation hearings when alleged violations are reported.

Conditional Medical Release

In 1992, the Florida Legislature created Conditional Medical Release (see Chapters 947 and 948, 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 (see Chapters 925, 940, 944, 947, and 960, Florida Statutes, and 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, pardon without 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 through the courts and state and federal criminal justice agencies, also conduct comprehensive confidential clemency investigations for the Board for applicants seeking various types of clemency relief.

Clemency investigations provide a broad picture of the applicant’s history and activities which assist the Board in making informed decisions. The individuals who seek or are considered for clemency relief are either currently incarcerated felons or released felons. When a person is convicted of a felony they lose the right to vote, sit on a jury, hold public office, and possess a firearm. The clemency process also provides the means by which an offender may be considered for relief from punishment such as commutation of his/her sentence or a full pardon. 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 so that it may update its Central Voter File, which is used by the county Supervisors of Elections to update voter rolls.

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 terms and conditions of supervision, and to revoke that supervision if the offender fails to abide by the conditions of supervision. The program is

fully operational and the first offender eligible for the program was released from prison in June 2002.

Parole and Revocation Hearing, December 2003



Shane Bozman registers hearing attendees



Theresa Martin greets participants



Family & visitors wait to be called to appear

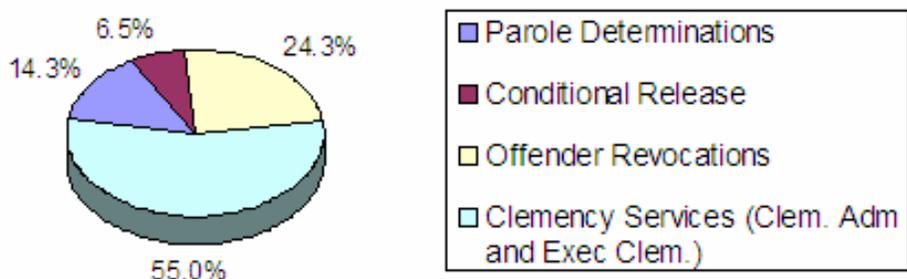


Commissioners Pate & Dunphy and Chairman David listen intently to victims' testimony

COMMISSION'S YEAR IN REVIEW

Program: Post-Incarceration Enforcement
and Victims' Rights

FY 2002-2003 Workload Hours by Activity



Performance Measures/Activity Accomplishments

Percentage of cases placed before the Commission/Clemency Board containing no factual errors:	92.84%
Number of parolees who have successfully completed their supervision without revocation within the first two years:	66
Percentage of parolees who have successfully completed their supervision without revocation within the first two years:	85.71%
Percentage of revocation hearings completed within 90 days of final hearing:	99.9%
Number of conditional release cases handled:	4,621
Number of revocation determinations:	2,973
Number of clemency cases handled:	47,202
Number of parole release decisions:	1,657
Number of victims assisted:	2,822

THE OFFICE OF THE GENERAL COUNSEL

Kim Fluharty, General Counsel

The Office of the General Counsel was fully staffed during the 2002-2003 Fiscal Year with the General Counsel, three Staff Attorneys, and two Administrative Assistants. Over 550 new lawsuits and appeals were filed in various courts, with the Florida Parole Commission as a named party, resulting in the filing of almost 300 Appellate briefs and responses to court orders to show cause as well as over 250 other court pleadings and motions. This litigation involved challenges, or appeals from challenges to Commission actions regarding parole, conditional release, control release, and conditional medical release as well as any revocation proceeding resulting from these supervised releases. The issues raised in these proceedings have become increasingly more complex over time. These cases and those cases resulting from them will continue to significantly affect the workload of the Commission and the General Counsel's Office. In spite of this complexity and diversity, a very high percentage of these matters resulted in opinions favorable to the Commission.

In addition to litigation duties, the office was involved in a wide range of other Commission duties and responsibilities:

- The issuance of General Counsel opinions for use by the Commission and its staff in formulating policy, interpreting statutory case law, and applying existing administrative rules.
- The preparation of Special Orders and Directives regarding the handling and disposition of pending case matters for the Commission's use.
- Providing input and assistance to the Board of Executive Clemency regarding restoration of civil rights issues.
- Providing assistance and legal advice to the Governor's Office and the Attorney General's Office regarding two major lawsuits involving restoration of civil rights issues.
- Represented the Governor's Office in a death penalty case which involved a public records request for clemency records.
- Providing input and review in response to numerous requests from the Legislature regarding the operation of the Commission and its programs.
- Assisting in the promulgation of Agency rules regarding the conditional release and addiction recovery supervision programs.
- Providing assistance to revocation staff and hearing examiners regarding inmate revocation hearings.
- Review and input regarding Agency procedure directives.

- Review and preparation of proposed legislation and attendance before the Legislature.
- Held numerous staff meetings to review recent appellate court decisions and pending legal questions.

The Commission attorneys participated in a number of training sessions and activities sponsored by the Florida Bar, in order to maintain and sharpen their skills. In addition, the General Counsel was actively involved with the 2003 Legislative Session by drafting and reviewing proposed legislation and attending meetings of related House and Senate Legislative Committees and local and State Bar Association Committees. The General Counsel also assisted the Governor and Cabinet, sitting as the Board of Executive Clemency, and the Attorney General's Office, on matters and issues relating to clemency.

GENERAL COUNSEL WORKLOAD

Administrative Duties:

A.	Verbal Legal Opinions	631
B.	Written Legal Opinions	25
C.	Legal Correspondence	368
D.	Advisory Meetings	384
E.	947.18 Reviews	34

Litigation:

A.	Legal Briefs and Responses to Court Orders to Show Cause	260
C.	Proposed Court and Commission Orders	232
D.	Court Remands	1
E.	General Court Pleadings, Motions & Notices	262
F.	Rule Promulgations	2
G.	Hearings	4

Clemency Hearing – Cabinet Room December 2003



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, Senate and House members and staff, the State Technology Office, the Office of the Chief Financial Officer, and the Department of Management Services. It is currently staffed with 9 full time employees. Staff in four sections – the Director's Office, Budgeting, Human Resources, and Information Technology provide administrative support to the Commission's Central Office and ten field offices.

This office has fiscal responsibility for the agency including preparation of the agency's Legislative Budget Request, 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, and coordinates legislative activities. 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 an Administrator and one professional staff person. 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 has been working over the past year on the transition of human resource programs and processes to Convergys (*People First*). This office has participated in **User Acceptance Training** conducted by *People First* on staffing, human resources administration, payroll, and benefits administration. This office tested the functionality of the *People First* system and assisted in coordinating training on this system for Parole Commission employees.

From July of 2002 through June of 2003, this office processed classification requests; employment requests; benefits requests; personnel action requests; payroll actions; time, attendance and leave; personnel records; handled employee and labor relations; coordinated all performance evaluations; and conducted special projects.

This office continues its commitment to providing exceptional customer service to all employees of the Commission. Part of this commitment is to ensure that through communication, employees are aware of changes that take place due to further implementation of *People First* and ensure that employees are capable and comfortable in using the *People First* system.

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 receipting, refunds, property inventory changes, etc., for the Commission.

FLORIDA PAROLE COMMISSION FINANCIAL STATEMENT BALANCE SHEET FOR GENERAL REVENUE FUND AS OF JUNE 30, 2003

	June 30, 2003	June 30, 2002
ASSETS		
Unexpended general revenue	175,143.69	55,658.71
Accounts receivable	0.00	0.00
TOTAL ASSETS	\$175,143.69	\$55,658.71
TOTAL LIABILITIES AND FUND BALANCE		
Liabilities		
Accounts payable	148,712.70	31,243.47
Due to other departments	19,721.70	23,714.24
TOTAL LIABILITIES	\$168,434.40	\$54,957.71
Fund Equity	6,709.29	701.00
Reserve for Encumbrances	0.00	0.00
Total Fund Balance	\$6,709.29	\$701.00
TOTAL LIABILITIES AND FUND BALANCE	\$175,143.69	\$55,658.71

Information Services

During Fiscal year 2003-2003, the Information Services staff consisted of an Administrator and two professional staff. The Information Services Administrator serves as the Chief Information Officer for the Parole Commission and serves as a voting member of the Criminal and Juvenile Justice Information Systems Council for the state.

Several projects were begun or completed in 2002-2003:

- all primary and backup servers were upgraded from Microsoft Windows NT to Windows 2000 with progress being made on the remaining server upgrades;
- the Commission is currently operating in the Windows 2000 native mode Active Directory structure;
- Phase III of the RCR-MAC (Restoration of Civil Rights – Management of Clemency Administration) database merger and full redesign was completed Fall 2003;
- testing and modifications to the new Revocations system were begun with the last step being to complete the daily downloads from the Corrections mainframe to the Commission's server;
- position descriptions and agency policies and procedure directives were placed online at the intranet site;
- a new intranet site was designed and released in May;
- staff worked long hours with the State Technology Office on matters of information security to be able to complete the TrueSecure audits;
- critical changes were made to the security profiles for MAC and fieldMAC so that Clemency can handle the assignment of cases between Central Office and field offices; and
- the Microsoft Exchange Sever was converted to Exchange Server 2000.

The Chief Information Officer certified to the State Technology Office that all of the Commission's computers meet the new STO draft minimum standards for processor and memory configurations putting the Commission far ahead of other state agencies in meeting those standards.

THE OFFICE OF CLEMENCY ADMINISTRATION

Carolyn Tibbetts, Director

The Office of Clemency Administration is charged with investigating, evaluating, and ultimately reporting to the Board of Executive Clemency in all types of clemency cases, including domestic violence cases, and capital punishment cases. Clemency Administration also provides support to the Board of Executive Clemency in completing special projects and acts as the liaison with other 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, including but not limited to offense, criminal record, family history, social status, payment of fines/court costs/public defender fees/victim restitution, child support issues, and community reputation. Clemency Administration reviews and processes these investigations and obtains the Commission's recommendation for submission to the Board. The Commission is currently funded to investigate 50,970 restoration of civil rights without a hearing cases and 1,048 full clemency investigations. 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.

A procedure is currently in place and operating where the Commission obtains from the Department of Corrections electronic applications 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, thereby reducing copying and mailing expenses. In the eligibility review process, the Commission utilizes many automated computer systems (e.g., Department of Corrections, clerks of courts, the internet, Department of Law Enforcement, Highway Safety, local law enforcement agencies, out-of-state boards and agencies, etc.).

In capital punishment cases, by Rule of Executive Clemency, the Governor or any member of the Cabinet may require the Commission to conduct an investigation. Clemency Administration is responsible for coordinating the interview of the death row inmate and researching the entire case file to include offense of conviction, prior and subsequent record, institutional record, co-defendant information, and court information relating to trial and appeals. Clemency Administration compiles this information and provides to the Board of Executive Clemency information to assist in the consideration of commutation of sentence or signing of a death warrant.

The Commission places a great deal of emphasis on coordinating efforts with State Attorney and Attorney General Victim Services' Offices to assist the victims in clemency cases being submitted to the Board. It is the goal of the Commission to move a fully functional victims' unit located in Clemency Administration and the work has started to implement such a program this year.

The November 2000 Presidential election brought about an emphasis on the Restoration of Civil Rights process in Florida. Since then, the Commission continues to respond to the Governor and Cabinet, the Legislature, the news media and lawsuit requests in this regard.

OFFICE OF EXECUTIVE CLEMENCY

Janet Keels, Coordinator

The Office of Executive Clemency reports directly to the Governor and Cabinet in the performance of their duties and responsibilities. This office is co-located with the Florida Parole Commission for ease of operation and coordination of functions. The Office of Executive Clemency was created in 1975 to process applications for executive clemency requiring approval of the Governor and members of the Cabinet who sit collectively as the Executive Clemency Board.

The Coordinator is appointed by the Governor and is responsible for coordinating all clemency hearings and referring applications for investigation. The Coordinator is the custodian of all records. In addition to processing applications for restoration of civil rights and 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 Executive Clemency staff 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 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 as well as assisting the Chairman's Office with media requests.

During 2002-2003, the Office of Executive Clemency (OEC) coordinated four quarterly meetings of the Executive Clemency Board, and five informational waiver hearings.

In July 2002, OEC began using the upgraded Management of Application for Clemency (MAC) database. The upgrade allowed for applications to be entered into the database upon receipt, and an executive clemency number assigned automatically. The new automation procedures provided by the MAC upgrade, require less data entry when processing the preliminary review reports and the executive orders for the Clemency Board. This system has allowed for a much quicker processing of the restoration of civil rights cases. The e-applications received from the Department of Corrections are automatically downloaded into the MAC database, along with the applicant's conviction information. Once they have been determined eligible, the names can be retrieved from MAC and placed on a review list. Field staff can also

utilize MAC to enter conviction information and eligibility status on the application cases for RCR without a hearing.

The constitutional amendment, effective on January 7, 2003, changed the make-up of the Cabinet from six officers to three. As a result, it was necessary to amend the Rules of Executive Clemency at the March 27, 2003 hearing to reflect the new requirement for votes required to grant clemency. Formerly, the votes of the Governor and three Board Members were required to grant clemency; now, it requires the votes of the Governor and two Board Members. In addition, the rules were amended to reflect a change regarding the granting of a waiver from the Governor and two members to the Governor and one member. The number of members required to object to restoration of civil rights was changed from three to two members.

In addition, several rules revisions and amendments were made at the June 20, 2003 clemency hearing. The major changes were made in Rule 5 concerning eligibility for pardons and firearms, and in Rule 9 for restoration of civil rights. Under Rule 5, it is no longer necessary to receive a waiver in cases where adjudication of guilt was withheld, as long as all other requirements have been met. Also, under firearms, the rule was changed to reflect the Board's policy of not considering applications for firearm authority for persons convicted in federal or out-of-state courts. In the same section, the requirement that a person convicted in a Florida court must be a resident of Florida to apply for firearm authority was removed. Several amendments were made including the addition of three new disqualifiers under Rule 9.A.6. The new rules are posted on the clemency website at www.state.fl.us/fpc/exclem.html.

During fiscal year 2002-2003, the Office of Executive Clemency received 9,141 applications for clemency, the majority of which were requesting restoration of civil rights. OEC issued 10,511 certificates for restoration of civil rights, processed 2,810 applications for clemency, provided information to other agencies on 7,603 requests, and assisted 44,948 applicants by phone and mail.



Janet Keels advises Clemency Hearing participants



Chairman David awaits the arrival of the Governor and Cabinet

DIVISION OF OPERATIONS

Andrea Moreland, Director

THE DIVISION OF OPERATIONS is comprised of the Revocations, Victim Services/Release and Field Services sections. This division is responsible for accomplishing a wide variety of functions that relate to the administration of the post prison supervision programs that the Commission administers. These programs include parole, conditional release, conditional medical release, addiction recovery and control release. The division, through its field services staff, also conducts investigations for the Governor and Cabinet, sitting as the Board of Executive Clemency. In FY 2002-2003, the Commission was able to hire additional parole examiners to assist with the processing of pending clemency investigations, which allowed the Commission to increase the number of restoration of civil rights cases processed.

During this past fiscal year, the division was involved in the following activities:

- Provided training to the field staff in the area of revocation proceedings.
- Automated the tracking of parole cases.
- Implemented new procedures to further improve operations.
- The Commission's Victims Coordinator appeared as a guest speaker at the Annual Florida Network of Victim/Witnesses Services Conference.
- Fulfilled requests to appear before civic groups to provide information about the clemency process.
- Participated in various criminal justice and civic 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, and Public Safety Councils.

Revocations

The Revocations section's responsibilities include reviewing violation reports, preparing arrest warrants, updating the National Crime Information Center/Florida Crime Information Center databases (NCIC/FCIC), responding to requests from law enforcement agencies, processing revocation hearings, coordinating the extradition of violators, and performing administrative functions relating to the docketing and processing of issues concerning violations of supervision.

The revocation/violation process begins when law enforcement or the Department of Corrections notifies the Commission that a releasee has allegedly 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. The Commission may issue a warrant for the arrest of any person who it has reasonable grounds to believe has violated any of the conditions of supervision. The Commission also has the authority to issue an emergency warrant when a conditional releasee, addiction recovery releasee, conditional medical releasee, or control release releasee is arrested in Florida on new felony charges. In these cases, the Commission issues a hold without bond to the arresting agency. The Commission then has 72 hours from the releasee's first appearance in court to issue a warrant, if the court determines that there was probable cause for the arrest.

When a warrant is issued, staff in the Communications unit, who are certified NCIC/FCIC operators, enter the information into the NCIC/FCIC databases. These operators interact with the various enforcement agencies (local, state, 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.

Once a releasee has been apprehended, a parole examiner notifies the releasee in person of the alleged violations and the releasee's right to a hearing. This interview usually takes place at the county jail. If after a hearing it is determined that that releasee has violated the conditions of supervision, the releasee's supervision may be revoked or depending of the nature of the violation and the circumstances surrounding the violation, the Commission may restore the releasee to supervision with or without additional conditions.

Victim Services/Release

The Victim Services/Release section receives thousands of cases each year that it must process for the Commission's review and action (e.g., conditional release interviews, parole interviews, parole release plan investigations, addiction recovery interviews, conditional medical release recommendations, supervision reviews, etc.) (Issues pertaining to violations of supervision are handled by the Revocations section.) This section provides public notice of the Commission's meetings, prepares the Commission's agenda, calculates supervision dates, audits eligibility for supervision, prepares orders reflecting Commission action, and maintains the Commission's official voting records. This section also serves as liaison with victim advocacy groups, state attorneys, and other persons interested in victim rights. Victims of parole eligible inmates are located to inform them of their right to be heard and participate in each step of the parole process. This section responds to victim inquiries and concerns, and assists victims throughout the process. Staff is available at every Commission meeting to assist victims.

Field Services

The Commission has ten field offices located throughout the state. Each office is assigned to one of five regions, which is headed by a Regional Administrator who directs the day-to-day activities of the professional and support staff assigned to that region. Field services staff are responsible for performing a wide variety of functions. These functions include conducting various types of hearings. These hearings are administrative in nature and include preliminary hearings, final revocation hearings, and release on recognizance hearings for releasees who are under conditional release, parole, addiction recovery, conditional medical release, or control release supervision. The preliminary hearing in a parole case is a statutory requirement and 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.

Parole Examiners conduct investigations to prepare reports for the Governor and Cabinet, sitting as the Board of Executive Clemency, in connection with individuals who are seeking clemency relief. 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.

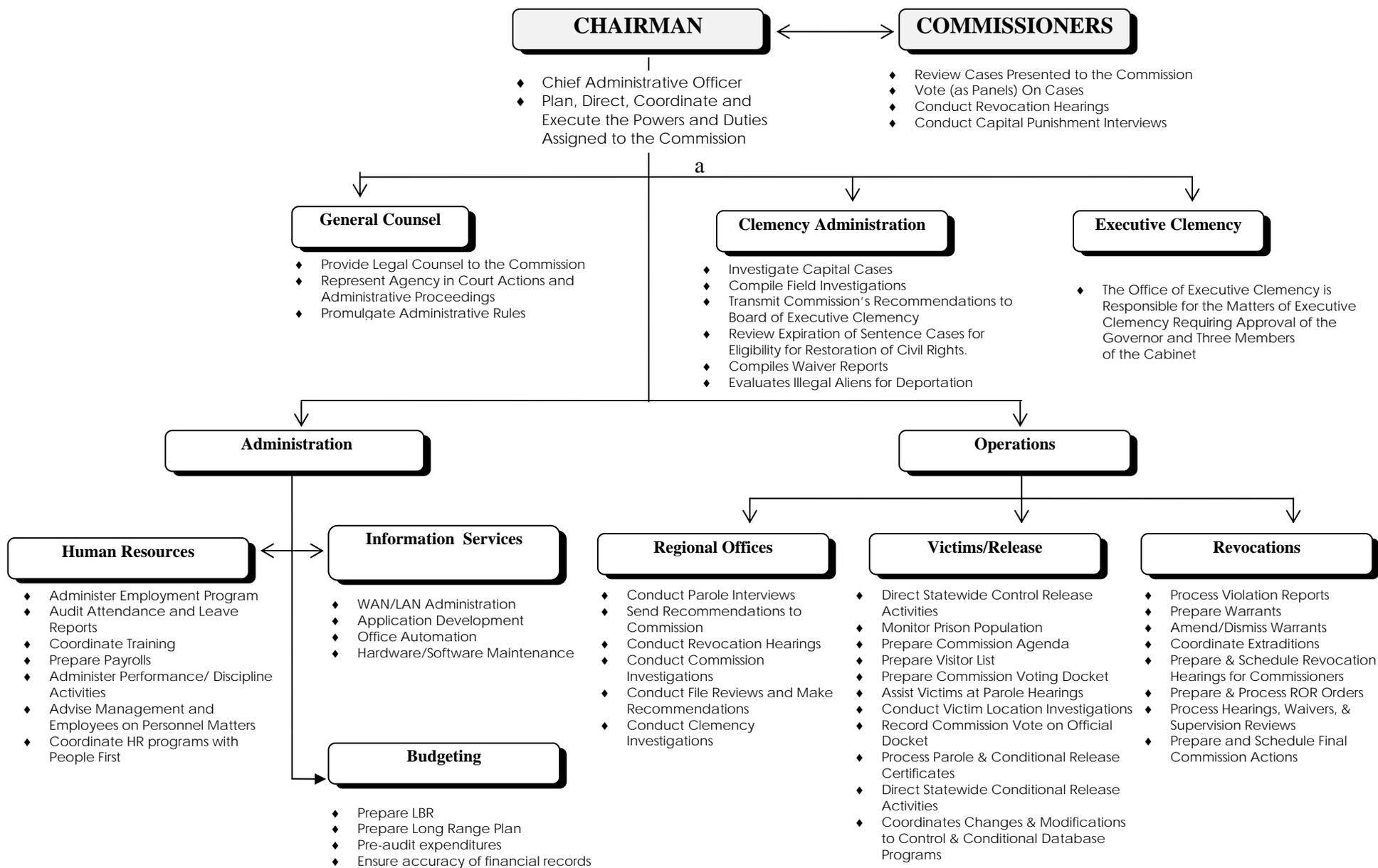
This division is also responsible for conducting inmate interviews and investigations relating to the parole process. Parole Examiners make recommendations regarding the establishment of a presumptive parole release date (PPRD) for parole eligible inmates, conduct subsequent reviews of an inmate's record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

Another important function that the field performs is to maintain a close working relationship with local law enforcement agencies and local organizations. These contacts assist the field staff in the performance of their duties and further the positive working relationship that the Commission has with these entities.



Revocations staff confers with the field

FLORIDA PAROLE COMMISSION ORGANIZATIONAL CHART



CENTRAL OFFICE DIRECTORY

FLORIDA PAROLE COMMISSION,
2601 BLAIRSTONE ROAD, BUILDING C,
TALLAHASSEE, FL 32399-2450

(Web site: www.state.fl.us/fpc/index.shtml)

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

OFFICE OF GENERAL COUNSEL

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

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John Franks – *Region Three Administrator*..... (321) 504-2034/SC 362-2034
Donald Henry – *Region Four Administrator*..... (305) 228-2266/SC 479-2266
Felix Ruiz – *Region Five Administrator*..... (813) 272-2642/SC 512-3546

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

FIELD OFFICES DIRECTORY

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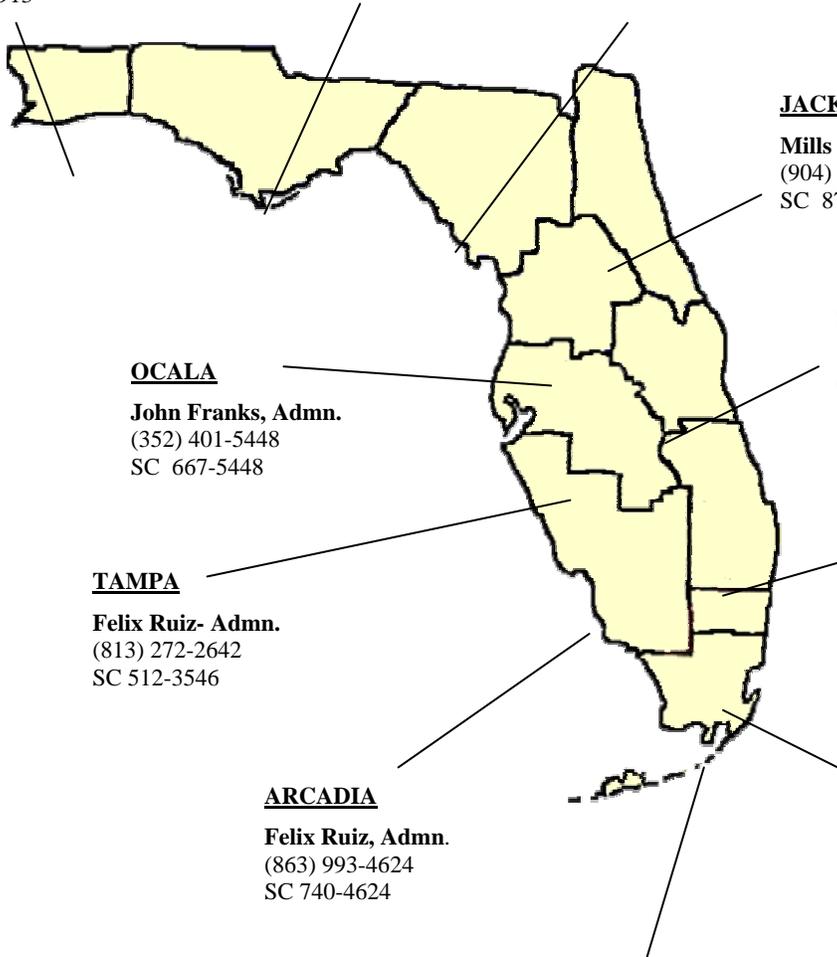
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SC 479-2266

FREQUENTLY-ASKED-QUESTIONS

1. 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.

2. How can I apply for Clemency?

All persons seeking clemency shall complete an application and submit it to the Office of Executive Clemency. The Coordinator upon request will furnish application forms. All applications for Clemency must be filed with the Coordinator on the form provided by the Office of Executive Clemency or the application provided on the Commission's website: www.state.fl.us/fpc/exclem.html.

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 in the Victim Services office are diligent in their efforts to locate victims of crime and to offer guidance and compassion through the process of 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 1-850-487-3259.

5. How are Commission members appointed?

The Governor and Cabinet appoint members of the Parole Commission from a list of eligible applicants submitted by a Parole Qualifications Committee. The five member Qualifications

Committee is appointed by the Governor and Cabinet to accept and review applications. The Committee submits a list of three eligible applicants, which may include the incumbent if the Committee so decides, without recommendation of its first choice. After the Governor and Cabinet have made their selection, the full Senate must then confirm the chosen applicant.

GOVERNOR AND CABINET 2003



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



Chairman David discusses hearings agenda with Governor Bush