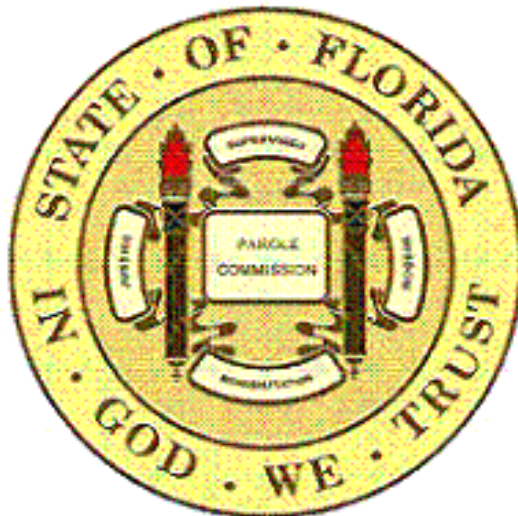


# FLORIDA PAROLE COMMISSION

*A Governor and Cabinet Agency Created in 1941*



## **Long Range Program Plan** Prepared for the **Office of Policy and Budget**

**Fiscal Year 2013-14  
through  
Fiscal Year 2017-18**

**Tena M. Pate, Chair  
September 30, 2012**

# Florida Parole Commission

**Tena M. Pate, Chair**

**Bernard R. Cohen, Sr., Vice Chair**

**Melinda N. Coonrod, Secretary**

---

Brian Logan, Director, Legislative Affairs  
Gina Giacomo, Director, Administration  
Karen Huff, Administrator, Budget & Accounting

4070 Esplanade Way  
Tallahassee, Florida 32399-2450

---

## The Florida Cabinet The Florida Board of Executive Clemency



**Rick Scott**

*Governor*



**Pam Bondi**

*Attorney General*



**Jeff Atwater**

*Chief Financial  
Officer*



**Adam Putnam**

*Commissioner  
Agriculture & Consumer  
Services*

# **AGENCY MISSION AND GOALS**

## **MISSION STATEMENT**

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

## **GOALS**

The Florida Parole Commission (hereinafter referred to as “Commission”) has five goals designed to provide for public safety and increased efficiency, while striving to meet the Commission’s approved performance measures and standards. The Commission’s goals are:

1. To select individuals appropriate for parole;
2. To ensure informed decision-making (Commission and Board of Executive Clemency, hereinafter referred to as “Board”);
3. To guarantee timely decisions;
4. To ensure informed decision-making (Board, Restoration of Civil Rights *Without a Hearing* cases, hereinafter referred to as “RCR”); and
5. To ensure informed decision-making (Board, RCR *With a Hearing* cases).

# OBJECTIVES OF THE FLORIDA PAROLE COMMISSION

**GOAL 1.** To select individuals appropriate for parole.

**OBJECTIVE 1A:** To identify individuals who will succeed as law-abiding citizens.

**GOAL 2.** To ensure informed decision-making (Commission and Board).

**OBJECTIVE 2A:** To provide complete and accurate information to the Commission on Parole, Conditional Medical, Conditional, Addiction Recovery, and Control Release decisions, and the Board on non-RCR<sup>1</sup> cases.

**GOAL 3.** To guarantee timely decisions.

**OBJECTIVE 3A:** To complete the revocation process within specific timeframes.

**GOAL 4.** To ensure informed decision-making. (Board, RCR *Without a Hearing* cases).

**OBJECTIVE 4A:** To ensure that eligibility determinations and investigatory information provided to the Board for Restoration of Civil Rights *Without a Hearing* cases contain no factual errors.

**GOAL 5.** To ensure informed decision-making. (Board, RCR *With a Hearing* cases).

**OBJECTIVE 5A:** To ensure that eligibility determinations and investigatory information provided to the Board for Restoration of Civil Rights *With a Hearing* cases contain no factual errors.

---

<sup>1</sup> Non-RCR: full pardon; pardon without firearm authority; pardon for misdemeanor; commutation of sentence; remission of fines and forfeitures; specific authority to own, possess or use firearms; requests for review; and capital case (death penalty) reviews.

## SERVICE OUTCOMES and PERFORMANCE PROJECTION TABLES

### GOAL ONE

**GOAL #1:** To select individuals appropriate for parole.

**OBJECTIVE 1A:** To identify individuals who will succeed as law-abiding citizens.

**OUTCOME:** Percent of parolees who have successfully completed their supervision without revocation within the first two years.

Baseline Year 99/00	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18
90%	85%	85%	85%	85%	85%

The Commission **exceeded** its projected goal of 85%. There were 38 inmates paroled during the reporting period, with **34 or 90%** successfully completing their supervision without revocation within the first two years of release.

### GOAL TWO

**GOAL #2:** To ensure informed decision-making.

**OBJECTIVE 2A:** To provide complete and accurate information to the Commission on Parole, Conditional Medical, Conditional, Addiction Recovery, and Control Release decisions and to the Board on non-RCR cases.

**OUTCOME:** Percent of all cases placed before the Parole Commission and Clemency Board containing no factual errors.

Baseline Year 99/00	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18
83%	98%	98%	98%	98%	98%

The Commission **achieved** its projected goal of 98% by placing **98%** of its cases before the Commission and the Board with no factual errors in FY 2011-12.

### GOAL THREE

**GOAL #3:** To guarantee timely decisions.

**OBJECTIVE 3A:** To complete the revocation process within specific timeframes.

**OUTCOME:** Percent of revocation cases completed within 90 days of final hearing.

Baseline Year 1999/00	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18
95%	99%	99%	99%	99%	99%

The Commission completed 1,153 revocation cases within 90 days after the final hearing for 100% in FY 2011-12. The Commission **exceeded** its projected goal of **99%**.

### GOAL FOUR

**GOAL #4** To ensure informed decision-making.

**OBJECTIVE 4A:** To ensure that eligibility determinations and investigatory information provided to the Board for Restoration of Civil Rights *Without a Hearing* cases contain no factual errors.

**OUTCOME:** Percent of RCR *Without a Hearing* cases provided to the Clemency Board containing no factual errors.

Baseline Year 2011-12	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18
100%	99%	99%	99%	99%	99%

The Commission **exceeded** its projected goal of 99% by placing **100%** of the *Without a Hearing* cases before the Board with no factual errors in FY 2011-12.

## GOAL FIVE

**GOAL #5:** To ensure informed decision-making.

**OBJECTIVE 5A:** To ensure that eligibility determinations and investigatory information provided to the Board for Restoration of Civil Rights *With a Hearing* cases contain no factual errors.

**OUTCOME:** Percent of Restoration of Civil Rights *With a Hearing* cases provided to the Clemency Board containing no factual errors.

Baseline Year 2011-12	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18
99%	99%	99%	99%	99%	99%

The Commission **achieved** its projected goal of **99%** by placing **99%** of the With a Hearing cases before the Board with no factual errors in FY 2011-12.

### Linkage to Governor's Priorities

The Commission's Long Range Program Plan (LRPP) aims to commit the agency's existing resources to ensuring public safety for the citizens of this State in an effective and efficient manner. The Commission's highest priority is to ensure public safety. The Commission's goals 1-5 link to the Governor's priority #1, "Accountability Budgeting," and goals 1, 4, and 5 also link to the Governor's priority #2, "Reduce Government Spending." The Commission achieves this by selecting individuals for parole release who demonstrate rehabilitation and who have used their time in prison to get an education and learn skills so that when they are released into a community they can provide for themselves as well as provide for their families. Accurate clemency investigations and reports are accomplished through staff training and quality assurance measures, maximizing the Commission's resources, and ensuring fiscal responsibility. Restoration of Civil Rights encourages individuals to become more responsible citizens within the community.

#### Governor's Priorities

##### #1 – Accountability Budgeting

**GOAL 1.** To select individuals appropriate for parole.

**GOAL 2.** To ensure informed decision-making (Commission and Board).

**GOAL 3.** To guarantee timely decisions.

**GOAL 4.** To ensure informed decision-making (RCR *Without a Hearing* cases).

**GOAL 5.** To ensure informed decision-making (RCR *With a Hearing* cases).

## #2 – Reduce Government Spending

**GOAL 1.** To select individuals appropriate for parole.

**GOAL 4.** To ensure informed decision-making (RCR *Without a Hearing* cases).

**GOAL 5.** To ensure informed decision-making (RCR *With a Hearing* cases).

## #3 – Regulatory Reform

## #4 – Focus on Job Growth and Retention

## #5 – World Class Universities

## #6 – Reduce Property Taxes

## #7 – Eliminate Florida’s Corporate Income Tax Over Seven Years

# TRENDS AND CONDITIONS STATEMENT

The purpose of the *Post-Incarceration Enforcement and Victim Rights’ Program* is:

- to provide victims and victims' families an opportunity to participate in the decision-making process of the Commission/Board;
- to set conditions of supervision for releasees to provide maximum assurance of public safety;
- to ensure swift and certain responses when offenders violate conditions of their supervision; and
- to provide accurate information to the Commission/Board.

The Florida Parole Commission’s LRPP for FY 2013-14 through FY 2017-18 is a five-year plan based on established and proposed goals and objectives. In the development of the LRPP, the Commission reviewed and evaluated the services and activities funded in the current year to determine their effectiveness and efficiency. The Parole Commission as it exists today has many diverse duties. Originally created in 1941, the Commission is a constitutionally authorized decision-making body created by law. 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 (section 20.32, Florida Statutes). Since that time, the Legislature has added the administration of conditional release, conditional medical release, control release, and addiction recovery supervision to the Commission’s primary duties and responsibilities.

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



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

Section 944.012 (5), Florida Statutes, requires the Commission, where possible, to co-locate the Commission's field offices within the Department of Corrections' (hereinafter referred to as "Department") institutions. The Commission's Tampa regional office was located in the Hillsborough Correctional Institution at no cost to the Commission. The passage of legislation in the 2012 Session, closing Hillsborough Correctional Institution in Tampa, left the Commission no choice but to seek office space for its employees. The Department did not have office space available in the Tampa area to meet the Commission's operational needs.

The Commission moved the Tampa regional office into the Trammel Building, a state owned building at the cost of \$38,500 annually. The Commission does not receive funding for rent for its field offices. The Commission is requesting \$38,500 annually to pay for Tampa region office space rent and is requesting that amount in recurring funding beginning July 1, 2013 for FY 2013-14 and each year thereafter.

### ***Victims' Services***

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

Victims' Services employees strive to reduce victimization through education and by providing and fostering an environment of compassion, dignity, and respect. They use this platform to: inform victims of their right to be heard and participate in the parole and clemency processes; educate victims about the parole and clemency processes; provide advance notice to victims of upcoming parole and clemency proceedings; personally greet victims; provide a separate waiting area; and accompany them during the hearing. A toll-free telephone number also is available for support or information before, during, and after the hearing process.

On June 30, 2012, there were 28,024 clemency cases pending, with most requiring victim input. Further, there are approximately 5,191 inmates currently parole eligible whose cases require victim input.

Victim input plays a critical role in helping the Commission and Clemency Board to make informed decisions. Due to the nature of our case load, great effort must be spent trying to locate victims, many of whom have relocated, changed their names through marriage, or have been out of contact with the criminal justice system for many years. Having trained, professional staff to assist victims of violent crimes ensures that a victim's rights are protected and they are not subjected to further victimization as a result of a parole hearing or clemency hearing. Currently, there are three (3) employees exclusively dedicated to Victims' Services, of which one (1) is primarily a grant-funded position.

In FY 2011-12, the Legislature and the Office of Policy and Budget (OPB) within the Governor's Office approved a fifth budget activity, Victims' Services. At the present time, Victims' Services comprise 9% of the Commission's workload. This fifth activity links to seven (7) of the Commission's approved performance measures. Central and field office staff provided 21,451 victim assists during FY 2011-12.

During the 2010 Florida Legislative Session, SB 200, a victim-friendly bill introduced by Senators Carey Baker and John Thrasher, was passed and became law on July 1, 2010 (Chapter No. 2010-95). The new law amended sections 947.16, 947.174, and 947.1745, Florida Statutes, giving the Commission authority to increase the interval between parole consideration re-interviews from within 2 years to within 7 years for parole-eligible offenders who were convicted of murder, attempted murder, sexual battery, or attempted sexual battery, or who are serving a 25-year minimum mandatory sentence under section 775.082, Florida Statutes. During the 2012 Florida Legislative Session similar legislation was introduced by Senator Greg Evers (SB 506) and Representative Carlos Trujillo (CS/CS/CS/HB 329). The House bill passed the full House by a vote of 118-0 and the Senate companion was reported favorably by the Senate Criminal Justice Committee and the Subcommittee on Criminal and Civil Justice Appropriations. The House companion died in Senate Messages and the Senate Companion died on the Senate Calendar.

For the 2013 Legislative Session, the Commission is proposing legislation that will set an extended length of time between re-interviews from within 2 years to within 7 years for persons convicted of the crime of kidnapping, and the crimes of robbery, burglary of a dwelling, burglary of a structure or conveyance, or breaking and entering, where a human being was present and a sexual act has been attempted or completed. These sex behaviors do not apply to the added crime of kidnapping. The Commission's mission and philosophy are to provide for public safety with goals which seek to ensure that Florida's citizens are safe and to do so in an effective and efficient manner. Lengthening the time between subsequent interview dates for those inmates who pose the greatest risk to the public and who are not expected to receive parole in the near future ensures public safety and reduces further victimization and trauma for crime victims and their families.

When victims are notified by Commission staff that an inmate has been placed on the Commission docket for a parole consideration hearing, many choose to personally attend. Commission staff educate victims, provide separate waiting areas apart from the inmate's family and representatives, and also are available to address the Commission and present

victim input in their absence, or when they are present but unable to do so. This service to the victims and their families is done to further reduce victimization and provide an environment of compassion, dignity, and respect. Victims often relive the trauma of the original crime when attending these hearings; lengthening the time between these parole subsequent interviews reduces the impact to the victim. For victims and their families, reduction of the frequency of an opportunity for parole will lessen the trauma, stress, and financial burden associated with the potential release of an offender. This further protects public safety by considering high risk behaviors and saves victims and their families from being confronted with the possibility of the parole of an offender for a longer period of time.

The proposal allows, but does not require, the subsequent interview to be set within seven (7) years for the specific crimes. Based upon Commission data, in FY 2011-12 there were 842 cases docketed for initial, subsequent, or extraordinary interview decisions. Of the total cases docketed, 534 cases could already have the next interview date set within seven (7) years; 264 cases would have not been affected by this bill and the next interview date remains within two (2) years; 44 cases may be affected by the proposal and could potentially have their next subsequent interview date set within seven (7) years in FY 2015-16. This will not impact the Commission’s workload. The workload associated with these subsequent interviews is not being eliminated; it merely has the potential to be postponed for an additional time period.

For the following cases, an extended interview within seven-years (7) would currently not apply, and the Commission would be required to give the inmates subsequent interviews within two (2) years:

Hillsborough	The inmate went to the home of the victim asking if he could pick some mangoes. She told him to help himself to some on her kitchen table. He then grabbed her and sexually battered her. He was charged and convicted only of the robbery.
Citrus	The victim was in her living room when the inmate entered, tied her with duct tape, and asked her for money. When she didn’t produce money, he took mayonnaise from the kitchen and, using this, pulled her pants down to sexually batter her with a broom handle. He was not charged with the sexual battery.
Manatee	The 16-year-old male victim was in his car and encountered a man with a gun who asked where a good place to hunt might be. The inmate and victim went to another area. The inmate took the victim's gun, forced him to perform oral sex, and then sodomized the victim. The inmate was convicted of robbery and misdemeanor lewd and lascivious conducts.
Calhoun/Bay	This involved a convenience store robbery where the inmate and two co-defendants kidnapped the clerk and took turns sexually battering her. The inmate was only charged with kidnapping and robbery.
Duval	The female victim was kidnapped and held for ransom. She was left in the

	forest tied to a post for four days with her eyes and mouth taped shut while the perpetrators went fishing and attempted to get more money from her husband. When she was finally recovered, she was in severe medical distress due to exposure to the elements, covered in bug bites, and her limbs extremely swollen from being tied upright to a post. The inmate was convicted of kidnapping.
Polk	The 7-year-old female victim was lured into the inmate's car and vaginally and anally battered. The inmate was convicted only of kidnapping and lewd assault.

These cases are illustrative of those that the Commission is targeting with this proposal.

### ***Parole***

The Commission administers parole (Chapters 947, 948, and 949, Florida Statutes), a discretionary prison release, which allows an inmate who has been granted parole to serve the remainder of his/her prison sentence outside of the confines of the institution. Once released, the parolee is subject to strict conditions of supervision set by the Commission. The Commission monitors the parolee's progress through supervision reviews, takes a swift and certain response appropriate to a violation of supervision, and conducts revocation hearings. If the parolee is found to have violated the term and conditions of his/her supervision, the Commission can restore the offender to supervision or revoke the supervision and return the parolee to prison.

With the implementation of sentencing guidelines in October 1983, parole was abolished and remained applicable for: inmates who elected to be sentenced outside the guidelines for felonies committed prior to July 1, 1984; inmates convicted of committing either first degree murder, a felony murder, or the crime of making, possessing, throwing, projecting, placing or discharging any destructive device or attempting to do so if the act resulted in the death of another person prior to May 25, 1994; a continuing criminal enterprise (violation of section 893.20, Florida Statutes) prior to June 17, 1993; a murder of a law enforcement officer (and other specified officers) prior to January 1, 1990; a murder of a justice or judge prior to October 1, 1990; any habitual felony offender sentenced prior to October 1, 1988; inmates who committed all other capital felonies prior to October 1, 1995. Capital felonies require a minimum mandatory service of 25 years before becoming eligible for an initial parole interview.

Some inmates will not be eligible for consideration until the year 2020 or beyond. Currently, there are 5,191 inmates who are eligible for parole and 579 persons on parole supervision. In FY 2011-12 the Commission made 1,486 parole decisions and granted parole to 52 inmates.

The Commission exceeded its projected goal of 85% for the reporting period by 5% , with 34 of 38 paroled inmates successfully completing their supervision without revocation within the first two years of release.

Section 947.06, Florida Statutes, requires the Commission to hold hearings in various counties throughout the State to facilitate the ability of victims and other persons to attend the Commission hearings. The Commission is not funded for the Commissioners and staff to travel to counties throughout the State to hold hearings. In recent years, the Commission has not been able to meet the statutory requirement of holding hearings in various counties throughout the State. In FY 2010-11 the Commission expense funding category was reduced by \$150,000, and in FY 2011-12 the Commission was only able to hold one (1) hearing outside of Leon County.

The cost to hold a Commission hearing in a county other than Leon County is approximately \$5,000. To hold three (3) Commission hearings in other counties, the Commission is requesting \$15,000 annually to pay for the hearings and is requesting that amount in recurring funding beginning July 1, 2013 for FY 2013-14.

### ***Conditional Release***

In 1988, the Florida Legislature created the Conditional Release Program (section 947.1405, Florida Statutes) and placed it under the administration of the Commission. This program is a non-discretionary release program and requires mandatory post-prison supervision for inmates who are sentenced for certain violent crimes and who have served a prior felony commitment at a state or federal correctional institution, or who are sentenced as a habitual offender, violent habitual offender, or sexual predator.

Inmates who are subject to conditional release and have completed their incarceration are supervised for the remainder of their sentence. These offenders are subject to strict conditions of supervision set by the Commission. The Commission monitors their progress through supervision reviews, conducts revocation hearings when violations occur, and takes swift and certain response, up to and including the return to prison. On July 1, 2012, there were 3,217 inmates on conditional release supervision, and in FY 2011-12 the Commission set terms and conditions for 5,094 offenders.

The Commission is proposing legislation for consideration in the 2013 session to place all violent offenders under mandatory supervision after completion of their prison sentence. The result will increase public safety, reduce the number of victims, decrease the costs of crime, and enhance the offender's chances for a successful reentry into the community.

In FY 2011-12, 19,413 offenders were released from prison after completion of their sentence without supervision, of those, 2,616 were violent offenders who completed their prison sentence and were released into the community without supervision. These violent offenders did not have a prior felony commitment to a state or federal correctional institution; therefore, not requiring mandatory supervision under section 947.1405, Florida Statutes.

Violent offenders include offenders convicted of capital murder, second degree murder, manslaughter, DUI manslaughter, capital sexual battery, life sexual battery, first degree sexual battery, second degree sexual battery, sexual assault – other, lewd/lascivious behavior, robbery with a firearm, robbery with a weapon, home invasion robbery, carjacking, aggravated assault, aggravated battery on law enforcement officer, assault/battery – other, aggravated stalking, resisting arrest with violence, and kidnapping.

While under the proposed mandatory supervision, these violent offenders will be required to pay victim restitution, court costs, and costs of supervision, where applicable, and complete programs for their specific needs. These violent offenders will be held accountable for their actions and will be subject to strict conditions of supervision set by the Commission. This supervision can be revoked and the violent offender returned to prison if the Commission determines that a violation of supervision has occurred. The proposal will only affect violent offenders who commit a crime on or after the July 1, 2013, effective date. The Commission is projecting a small fiscal impact in 2015.

The following are examples of violent offenders released **without** supervision not captured by current statute:

<p><i>Released to Lake County</i></p> <p>The inmate was incarcerated for <b>Robbery with a Weapon</b> and was released on August 23, 2009 without supervision. In November 2009, he committed <b>Sexual Battery on a minor, a 12-year-old female</b>. Upon the mother returning from work, her son told her that the offender raped his sister. The mother took her daughter to the hospital for medical treatment. Hospital staff stated the victim was violated in multiple areas. The offender was returned to prison on June 24, 2010 with a 45 year sentence.</p>
<p><i>Released to Miami-Dade County</i></p> <p>The inmate was incarcerated for <b>2nd Degree Murder</b> and was released on September 1, 2009 without supervision. He committed <b>Robbery with a Gun</b> by robbing 2 individuals at gun point. He was returned to prison on June 2, 2010.</p>
<p><i>Released to Brevard County</i></p> <p>The inmate was incarcerated for <b>Aggravated Assault with Weapon</b> and was released on June 14, 2010 without supervision. On April 4, 2011 and June 5, 2011 he committed <b>Burglary, Grand Theft, Possession of a Firearm, and Grand Theft Firearm</b>. He was returned to prison on August 3, 2012.</p>
<p><i>Released to Duval County:</i></p> <p>The inmate was incarcerated for <b>Robbery with a Weapon</b> and was released on October 21, 2009 without supervision. In April 2010, he committed <b>Battery and Aggravated Assault</b> on a 16 and 12 year old by holding a gun to their head. While being held, he committed battery on another inmate, breaking the inmate’s jaw. He was returned to prison on January 13, 2011 with a 5 year sentence.</p>
<p><i>Released to Duval County</i></p> <p>The inmate was incarcerated for <b>Assault with a Weapon</b> and was released on September 17, 2009 without supervision. In October 2009, over a period of days, he committed <b>Armed Robbery with a Deadly Weapon</b> by entering 5 homes, robbing the victims at gun point (5 convictions). He was returned to prison on September 7, 2010 with a LIFE sentence.</p>

<p><i>Released to Duval County</i></p> <p>The inmate was incarcerated for <b>Robbery without a Weapon</b> and was released on 9-03-09 without supervision. In January 2010, he committed <b>Battery</b> by placing a machete to a woman's neck and punching her in the face. He was returned to prison on March 16, 2010 with a 2 year sentence.</p>
<p><i>Released to Levy County</i></p> <p>The inmate was incarcerated for <b>Aggravated Assault</b> and was released on February 14, 2010 without supervision. In November 2010, he <b>Resisted an Officer with Violence</b>. The offender came into the victim's home and demanded money while threatening to kill the victim. During the arrest the offender narrowly missed kicking the officer in the face and kicked his left leg. He was returned to prison on November 4, 2010 with a 5 year sentence.]</p>
<p><i>Released to Duval County</i></p> <p>The inmate was incarcerated for <b>Lewd/Lascivious Behavior</b> and was released on October 10, 2009 without supervision. In July 2010, he committed <b>Grand Theft, Exploitation of the Elderly and Forgery</b>. He was returned to prison on December 15, 2009 with a 1 year, 5 month sentence.</p>
<p><i>Released to Palm Beach County</i></p> <p>The inmate was incarcerated for <b>Robbery without a Weapon</b> and was released on September 27, 2009 without supervision. In April 2010, he committed <b>Attempted Burglary</b> by cutting the patio screen to gain entry in the home. He was returned to prison on March 14, 2011 with a 2 year, 6 month sentence.</p>
<p><i>Released to Alachua County</i></p> <p>The inmate was incarcerated for <b>Robbery with a Weapon</b> and was released on 10-30-09 without supervision. In July 2010, he was arrested for <b>Possession of Cannabis</b>. The Crime Suppression Unit obtained a warrant to search his home and found 81.2 grams of cannabis in small baggies. On July 27, 2010, he was arrested for <b>Sale of Cannabis</b> within 1000 feet of a childcare facility. He was returned to prison on March 24, 2011 with a 2 year, 6 month sentence.</p>

These cases are illustrative of those that the Commission is targeting with this proposal.

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

In 1992, the Florida Legislature created the Conditional Medical Release Program (section 947.149, Florida Statutes), a discretionary release allowing the Commission to release inmates on supervision who are “terminally ill” or “permanently incapacitated” and who are not a danger to others. The Department is charged with the responsibility of recommending to the Commission cases to be considered for conditional medical release. Upon release, the offender is subject to conditions of supervision set by the Commission. The Commission monitors the offender’s progress through periodic medical reviews and conducts revocation hearings when violations occur. This supervision can be revoked and the offender returned to prison if the Commission determines that a violation of supervision has occurred. The Commission may return the offender to custody if their medical or physical condition improves. The Department has recommended 83 inmates for release in the past three years. The Commission granted release to 41, or 49%, of those recommended by the Department. In FY 2011-12, the Commission granted 16 of the 34 inmates recommended by the Department for conditional medical release, or 47%.

## ***Addiction Recovery Supervision***

The Florida Legislature created the Addiction Recovery Supervision Program (section 944.7431, Florida Statutes) in 2001 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. Upon release, the offender is subject to strict conditions of supervision set by the Commission. The Commission monitors the offender's progress and conducts revocation hearings when violations occur. If the Commission finds the offender violated the terms and conditions of supervision, the Commission may return the offender to prison. During FY 2011-12, 1,365 offenders were placed in the program. As of June 30, 2012, there were 388 offenders on addiction recovery supervision.

The Commission is proposing legislation for consideration in the 2013 Legislative Session to amend section 947.141, Florida Statutes, to authorize the Commission to take swift and certain action against a conditional releasee, control releasee, or an addiction-recovery supervision releasee, who commits a willful and substantial technical violation by placing them in a state or private correctional institution as a condition of supervision not to exceed 22 months. The Commission will still maintain its ability to return the releasee to prison if the determination is made that full revocation is the best course of action. This option provides the Commission the ability to reduce costs of incarceration, to hold offenders accountable for their actions, and to enhance an offender's ability to return to the community as productive members of society.

A "technical" violation is behavior by an offender under supervision that is not a criminal offense. Examples of technical violations include failure to report for a scheduled office visit, a missed curfew, a positive result for drug or alcohol test, or contact with a victim. Technical violations also include, but are not limited to, absconding from supervision, leaving the state or county without permission, changing residence or employment without permission, associating with persons engaged in criminal behaviors, entering or frequenting an establishment whose primary purpose is the sale or consumption of alcoholic beverages, failing to attend substance abuse treatment or batterers' intervention treatment programs, or failing to pay costs or restitution. The Commission may take any action if it determines that the violation was willful and substantial.

Currently, section 947.141(5), Florida Statutes, allows the Commission to take swift and certain action by placing a releasee, upon a finding of a willful and substantial technical violation, into a county detention facility as a condition of supervision "not to exceed 22 months." The Commission can only place an offender in the county detention facility if there is a contractual agreement between a county and the Department for the housing of offender/inmates. The Commission is unable to implement this provision because there are no contractual agreements between counties and the Department for the housing of offenders who violate their supervision. Therefore, the Commission's only alternatives are to either restore the offender to supervision in the community or revoke their supervision and place the offender back in prison.



to serve the remainder of their sentence. This provides the Commission an additional option when deciding the appropriate level of response to supervision technical violations.

### ***Control Release***

The Florida Legislature created the Control Release Authority (section 947.146, Florida Statutes) in 1989 with the members of the Parole Commission acting as the release authority. When active, Control Release is utilized as a prison population management tool to keep it at less than 99% of the total capacity. Currently, the Commission is not reviewing the inmate population for discretionary release under this authority as there are sufficient prison beds to house the current prison population. Today, a small number of control releasees remain under supervision. The Commission monitors their progress through supervision reviews and conducts revocation hearings when violations occur. This supervision can be revoked and the releasee returned to prison if the Commission finds a willful and substantial violation.

### ***Clemency***

The Governor and members of the Cabinet sit as the Board of Executive Clemency; the Commission operates as the administrative and investigative arm of the Board. Clemency is a constitutionally authorized process and the forms of clemency include: a full pardon; pardon without firearm authority; pardon for misdemeanor; commutation of sentence; remission of fines and forfeitures; specific authority to own, possess, or use firearms; restoration of civil rights in Florida; restoration of alien status under Florida law; and capital case (death penalty) reviews.

When a person is convicted of a felony, he/she loses the right to vote, sit on a jury, hold public office, and possess a firearm in Florida. The clemency process administered by the Commission provides the means through which an offender may have some or all of his/her rights restored. The clemency process also provides a means by which the Board may consider an offender for relief from punishment. Persons seeking or being considered today for clemency relief are either incarcerated, released from a correctional facility, or have completed his/her term of supervision. An individual may apply for commutation of sentence through a Request for Review as set forth in the Rules.

The type of clemency investigation conducted by the Commission primarily depends on the severity and nature of the offense and the form of clemency relief being sought. The Commission's website provides detailed information regarding the list of offenses that determine the processing category. The depth and scope of each investigation vary by type and each type has a different waiting period after completion of sentence.

The Commission assists the Board in the orderly processing of matters placed before the Board for consideration and action. The Commission conducts comprehensive, confidential investigations for applicants utilizing records and databases of state and federal courts, and

multiple criminal justice agencies. The referral, assignment, and approval of all cases processed by the Commission are generated and managed by the clemency database. These detailed investigations provide a broad picture of the applicant's history and activities, which assist the Board in making informed decisions.

Individuals seeking any form of clemency must submit an application and required court documents to the Office of Executive Clemency. Information is also available on the clemency public website <https://fpc.state.fl.us/Clemency.htm> including application forms and instructional sheets. Individuals also may check to see whether their rights have been granted. If granted, a copy of the certificate may be printed. A certificate granting the restoration of a person's civil rights is mailed to the individual. If found ineligible, a letter is sent explaining how the person may proceed. The Commission provides the Board's action to the Florida Department of State on a bi-weekly basis so that it may use the information for verification purposes with the Central Voter Registration Database.

On March 9, 2011, the Board amended the Rules which were effective immediately and applied to all pending clemency applications/investigations. These changes resulted in the redesign of the application, related instructional information, and website content. Under the amended Rules, felons seeking to have their rights restored must complete a five (5) or seven (7) year waiting period upon completion of the sentence to become eligible.

Restoration of Civil Rights cases are now classified as follows: *Without a Hearing* (Rule 9.A.) and *With a Hearing* (Rule 10.A.). *Without a Hearing* investigations are those where offenders are eligible for consideration only after five (5) years have passed since the date of completion of all sentences and conditions of supervision imposed for all felony convictions, if no crimes have been committed and if the applicant has not been arrested for a misdemeanor or felony for the five (5) years prior to the date the application is being reviewed. *With a Hearing* investigations are those where offenders are eligible for consideration only after seven (7) years have passed since the date of completion of all sentences and conditions of supervision imposed for all felony convictions.

While the amended Rules resulted in a reduced number of cases being received annually by the Commission, the cases eligible under the amended Rules require the following hours for completion:

RCR *Without a Hearing* investigations require 5.1 hours to complete,

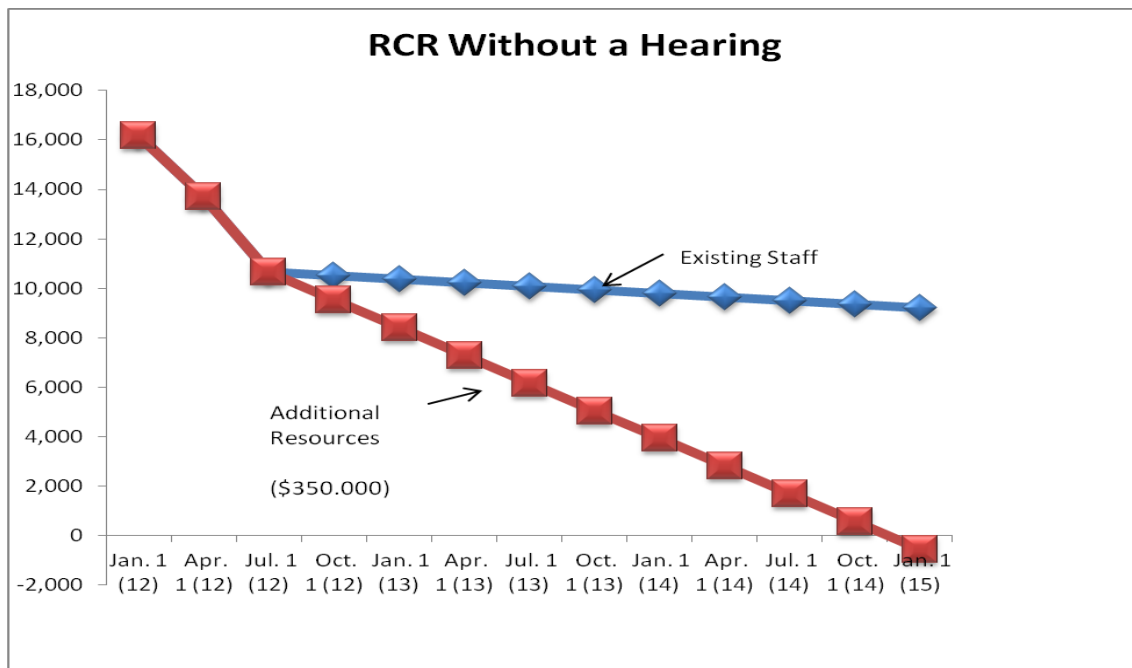
RCR *With a Hearing* investigations require 13.8 hours to complete, and

full pardons; pardons without firearm authority; pardons for misdemeanor; commutations of sentence; remission of fines and forfeitures; specific authority to own, possess or use firearms; requests for review investigations require 13.8 hours to complete.

There were 29,080 pending clemency cases as of July 1, 2012. To complete all pending clemency cases in one year, the Commission would need 162 FTEs. There are currently 39 FTEs, in whole or in part, who complete clemency cases.

In the 2012 legislative session, the Commission received \$350,000 in recurring general revenue OPS funding to complete RCR *Without a Hearing* cases. This is in addition to the 39 FTEs, in whole or in part, who complete clemency cases.

With current clemency staffing, plus the \$350,000 funding for full or part-time OPS examiner positions, there should be no pending RCR *Without a Hearing* investigations at the close of FY 2014-15. However, the Commission will continue to receive approximately 1,339 RCR *Without a Hearing* cases annually. The Commission estimates a total of 21,361 RCR *Without a Hearing* investigations will be completed by the end of FY 2014-15.



The Commission’s Office of Executive Clemency (OEC) also handles a large volume of telephone calls and emails. At the end of June 2012 OEC had answered 17,898 calls for the period of January 1, 2012 through June 30th 2012, averaging approximately 3,000 per month (this number does not include calls coming directly to OEC’s posted office telephone numbers). OEC also answers hundreds of clemency public web emails and numerous emails forwarded from the Governor’s Office and the Office of Citizen Services as well as applicants who email the Coordinator directly.

The Clemency search website ([www.FLrestoremyrights.com](http://www.FLrestoremyrights.com)), operational since August 2008, provides applicants the ability to print out their certificates from their personal computers. As of September 14, 2012, there have been 981,450 visits to this website; 771,952 searches conducted; 81,157 certificates found and 54,072 certificates printed. The tracking procedure is

live and changes after each inquiry. There are over 374,669 grant certificates available online at this time.

## **GOAL ONE**

The Commission's first goal is to select individuals for parole who will succeed as law-abiding citizens. The Commission conducts a thorough review of an inmate's record when determining whether to release an inmate on parole.

The Commission reviews the circumstances and seriousness of the offense as well as the inmate's prior criminal record, previous education, employment history, risk assessment evaluations, disciplinary record in prison, substance abuse history, and any other information that would impact a release decision. Commission parole examiners interview the inmate at the prison, review the complete institutional record and the inmate's release plan, and provide the Commission with an investigative report. Mental health records are provided by the Department upon request.

The Commission must make a finding that there is a reasonable probability that the inmate will be law-abiding, will not become a public charge, and that his/her release will be compatible with his/her own welfare and the welfare of society when considering an offender for parole. The Commission then sets the term and conditions of supervision for those released on parole. The conditions are intended to protect the public and to facilitate the parolee's successful reintegration into society. The inmate must agree to the term and conditions of supervision in order to be paroled. If the parolee violates the conditions of supervision, the Commission may revoke supervision and return the offender to prison.

The Commission also furthers this goal through the analysis of parole revocations data to identify common factors among this population of offenders that may have contributed to their inability to successfully transition into the community. This information aids the Commission in making future parole decisions and in assisting correctional probation officers in supervising parolees.

The Commission **exceeded** its projected goal of 85%. There were 38 inmates paroled during the reporting period, of which **34 or 90%** successfully completed their supervision without revocation within the first two years of release.

## **GOAL TWO**

The Commission's second goal is to ensure informed decisions are made by placing cases before the Commission and Board that have no factual errors. The objective of this goal is to ensure that the Commission and Board have the most complete and accurate information upon which to base their decisions. "Complete information" means that staff has obtained or attempted to obtain all relevant information necessary. "Accurate information" means that the information presented has been verified or there is a statement in the report or investigation as to the

reason the information could not be verified. “Factual errors” are defined as an omission of information or reporting incorrect information. These errors do not include typographical errors. The types of cases reviewed for errors include non-RCR clemency investigations, cases considered for release, and revocation hearings. The Commissioners and the Board identify errors in the reports and investigations for the various types of cases reviewed. These errors are tabulated and expressed as a percentage of the total number of cases that are placed before the Commission and the Board. Targeting the error rate through performance measures allows the Commission to thoroughly evaluate errors and improve the release, revocation, and non-RCR clemency process.

This goal remains a high priority of the agency because the Commission and Board are ultimately decision-making bodies. The information provided to them by staff forms the basis of their decisions. Accordingly, their effectiveness as decision-makers is directly related to, or dependent in large part upon, the completeness and accuracy of the information provided.

The Commission addresses this priority by establishing clear policies and procedures, providing training, and completing Quality Assurance (QA) reviews. This ensures that staff produces a quality work product by having the Commission provide clear direction as to what is expected in the performance of their duties. Training provides detailed instruction on the correct procedures that must be followed when acting as a Hearing Officer in revocation proceedings or when acting as an investigator on a clemency case. The QA reviews are conducted by regional administrators, supervisors, and central office staff.

The percent of cases placed before the Commission/Board containing no factual errors for FY 2011-12 was 98%. The Commission **achieved** its goal of **98%**.

### **GOAL THREE**

The Commission’s third goal is guaranteeing timely decisions by ensuring that once the final revocation hearing has been held, the Commission will render its decision within 90 days. In FY 1999-00, the baseline percentage of revocation cases voted within 90 days was 95%. In FY 2011-12, the percentage remains high at 99%.

The Commission **achieved** its goal and will strive to maintain this high level of performance.

### **GOALS FOUR AND FIVE**

The Commission’s Goals Four and Five focus on ensuring informed decisions are made by placing RCR cases before the Board containing no factual errors. Restoration of Civil Rights cases are categorized as RCR *Without a Hearing* and RCR *With a Hearing* investigations.

The objective of these goals is to ensure that the Board has the most complete and accurate information with which to base their decisions pertaining to restoration of civil rights. “Complete information” means that staff has obtained or attempted to obtain all relevant

information necessary for the Board to make an informed decision. “Accurate information” means that the information presented has been verified or there is a statement in the report or investigation as to the reason the information could not be verified. “Factual errors” are defined as an omission of information, reporting incorrect information, or incorrectly determining eligibility. These errors do not include typographical errors.

The Commission acknowledges the significance and importance of the RCR process and providing quality investigative reports. Utilizing performance measures allows the Commission to evaluate the error rate of RCR cases and to improve the process. Errors are identified in Executive Orders and investigations for the various types of RCR cases reviewed. These errors are tabulated and expressed as a percentage of the total number of RCR cases that are placed before the Board.

The Commission addresses this priority by establishing clear policies and procedures, providing training, completing QA reviews, and holding monthly RCR teleconferences. This ensures that staff produces a quality work product by providing clear direction as to what is expected in the performance of their duties. Training provides detailed instruction on the Rules and the correct procedures when conducting a clemency investigation. The QA reviews are conducted by regional administrators, supervisors, and central office staff. Monthly statewide clemency teleconferences address questions from the field staff, discuss policies and procedures, and allow Clemency Investigations’ staff the opportunity to discuss any relevant issues.

The Commission **exceeded** its projected goal of 99% by placing **100%** of the *Without a Hearing* cases before the Board with no factual errors in FY 2011-12. The Commission **achieved** its projected goal of 99% by placing **99%** of the *With a Hearing* cases before the Board with no factual errors in FY 2011-12.

# **FLORIDA PAROLE COMMISSION**

## **PERFORMANCE MEASURES AND STANDARDS LRPP EXHIBIT II**

## LRPP Exhibit II - Performance Measures and Standards

Department: Florida Parole Commission		Department No.: 78000000		
Program: Post-Incarceration Enforcement and Victims' Rights		Code: 78010000		
Service/Budget Entity:		Code:		
Approved Performance Measures for FY 2012-13	Approved Prior Year Standard FY 2011-12	Prior Year Actual FY 2011-12	Approved Standards for FY 2012-13	Requested Standard for FY 2013-14
Number of parolees who have successfully completed their supervision without revocation within the first two years	20	34	20	20
Percent of parolees who have successfully completed their supervision without revocation within the first two years	85%	90%	85%	85%
Percent of revocation cases completed within 90 days after final hearing	99%	99%	99%	99%
Percent of cases placed before the Parole Commission/Clemency Board containing no factual errors	98%	98%	98%	98%
Number of conditional release/addiction recovery cases handled	5,597	7,362	5,597	5,597
Number of revocation determinations	2,000	1,724	2,000	2,000
Number of clemency cases completed	12,000	73,569	12,000	12,000
Number of parole release decisions	1,374	1,864	1,374	1,374
Number of victims assisted	15,000	20,219	15,000	15,000
Percent of RCR <i>With</i> a Hearing cases provided to the Clemency Board containing no factual errors	99%	99%	99%	99%
Percent of RCR <i>Without</i> a Hearing cases provided to the Clemency Board containing no factual errors	99%	100%	99%	99%



# **FLORIDA PAROLE COMMISSION**

## **ASSESSMENT OF PERFORMANCE FOR APPROVED PERFORMANCE MEASURES**

### **LRPP EXHIBIT III**

**LRPP Exhibit III (1): PERFORMANCE MEASURE ASSESSMENT**

**Department:** Florida Parole Commission

**Program:** Adult Prisons

**Service/Budget Entity:** Post Incarceration Enforcement and Victims' Rights

**Measure:** Number of revocation determinations.

**Action:**

- |   |  |
|---|--|
| <input type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure           | <input type="checkbox"/> Revision of Measure |
| <input checked="" type="checkbox"/> Performance Assessment of <u>Output</u> Measure | <input type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards                    |  |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
2,000	1,724	(-276)	14%

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Personnel Factors                                   | <input type="checkbox"/> Staff Capacity              |
| <input type="checkbox"/> Competing Priorities                                | <input type="checkbox"/> Level of Training           |
| <input type="checkbox"/> Previous Estimate Incorrect                         | <input checked="" type="checkbox"/> Other (Identify) |
| <input type="checkbox"/> This Program/Service Cannot Fix the Problem         |  |
| <input type="checkbox"/> Current Laws Are Working Against the Agency Mission |  |

**Explanation:** Reducing the number of offenders returning back to prison is a positive result.

**External Factors** (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Resources Unavailable                               | <input type="checkbox"/> Technological Problems      |
| <input type="checkbox"/> Legal/Legislative Change                            | <input type="checkbox"/> Natural Disaster            |
| <input type="checkbox"/> Target Population Change                            | <input checked="" type="checkbox"/> Other (Identify) |
| <input type="checkbox"/> This Program/Service Cannot Fix the Problem         |  |
| <input type="checkbox"/> Current Laws Are Working Against the Agency Mission |  |

**Explanation:** The Department of Corrections is reporting less violations of supervision, which has caused a decrease in the number of revocations.

**Management Efforts to Address Differences/Problems** (check all that apply):

- |                                    |  |
|------------------------------------|--|
| <input type="checkbox"/> Training  | <input type="checkbox"/> Technology                  |
| <input type="checkbox"/> Personnel | <input checked="" type="checkbox"/> Other (Identify) |

**Recommendation:** Reducing the number of offenders returning back to prison is a positive result.

# **FLORIDA PAROLE COMMISSION**

## **ASSOCIATED ACTIVITIES CONTRIBUTING TO PERFORMANCE MEASURES**

### **Exhibit V**

**LRPP Exhibit V: Identification of Associated Activity Contributing to Performance Measures**

Measure Number	Approved Performance Measures for FY 2011-2012		Associated Activities Title
1	Number of parolees who have successfully completed their supervision without revocation within the first two years		(2) Offender Revocations (4) Parole Determinations (5) Victims' Services
2	Percentage of parolees who have successfully completed their supervision without revocation within the first two years		(2) Offender Revocations (4) Parole Determinations (5) Victims' Services
3	Percentage of revocation cases completed within 90 days after final hearing		(2) Offender Revocations (5) Victims' Services
4	Percentage of cases placed before the Parole Commission/Clemency Board containing no factual errors		(2) Offender Revocations (4) Parole Determinations (3) Clemency Services (1) Conditional Release (5) Victims' Services
5	Number of conditional release/addiction recovery cases handled		(1) Conditional Release (5) Victims' Services
6	Number of revocation determinations		(2) Offender Revocations (5) Victims' Services
7	Number of Clemency Cases completed		(3) Clemency Services (5) Victims' Services
8	Number of Parole Release Decisions		(4) Parole Determinations (5) Victims' Services
9	Number of Victims Assisted		(3) Clemency Services (4) Parole Determinations (1) Conditional Release (5) Victims' Services
10	Percent of RCR With a Hearing cases provided to the Clemency Board containing no factual errors		(3) Clemency Services (5) Victims' Services
11	Percent of RCR Without a Hearing cases provided to the Clemency Board containing no factual errors		(3) Clemency Services (5) Victims' Services

PAROLE COMMISSION	FISCAL YEAR 2011-12			
SECTION I: BUDGET	OPERATING			FIXED CAPITAL OUTLAY
TOTAL ALL FUNDS GENERAL APPROPRIATIONS ACT			8,229,821	0
ADJUSTMENTS TO GENERAL APPROPRIATIONS ACT (Supplementals, Vetoes, Budget Amendments, etc.)			(402,995)	0
FINAL BUDGET FOR AGENCY			7,826,826	0
SECTION II: ACTIVITIES * MEASURES	Number of Units	(1) Unit Cost	(2) Expenditures (Allocated)	(3) FCO
Executive Direction, Administrative Support and Information Technology				
CONDITIONAL RELEASE/Number of Conditional and Addiction Recovery Release Cases Handled	7,362	81.78	602,032	
OFFENDER REVOCATIONS/Number of Revocation Determinations	1,724	1,353.17	2,332,873	
CLEMENCY SERVICES/Number of clemency cases handled	73,569	40.92	3,010,160	
PAROLE DETERMINATIONS/Number of parole/conditional medical release decisions	1,486	607.70	903,048	
VICTIMS' SERVICES/Number of Victims Assisted	21,415	33.62	719,880	
<b>TOTAL</b>				
SECTION III: RECONCILIATION TO BUDGET				
PASS THROUGHS			0	
TRANSFER - STATE AGENCIES			0	
AID TO LOCAL GOVERNMENTS			0	
PAYMENT OF PENSIONS, BENEFITS AND CLAIMS			0	
OTHER			0	
REVERSIONS				
Total Budget for Agency (Total Activities + Pass Throughs + Reversions)			258,839	
<b>SCHEDULE XI/EXHIBIT VI: AGENCY-LEVEL UNIT COST SUMMARY</b>			7,826,832	

## ~GLOSSARY OF TERMS~

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

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

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

**Clemency Board:** The Governor and members of the Florida Cabinet (the Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture and Consumer Services) sit as the Board of Executive Clemency.

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

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

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

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

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

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

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

**Parole:** With the implementation of sentencing guidelines in October 1983, parole was abolished and remained applicable for: inmates who elected to be sentenced outside the guidelines prior to July 1, 1984; inmates convicted of committing either first degree murder or making, possessing, throwing, projecting, placing or discharging any destructive device or attempting to do so if the act resulted in the death of another person prior to May 25, 1994; and inmates who committed all other capital felonies prior to October 1, 1995. Capital felonies require a minimum mandatory service of 25 years before becoming eligible for an initial parole interview.

**Parole Examiner:** An employee of the Commission responsible for conducting Parole, Clemency and Revocations investigations, holding revocation hearings, and preparing reports for Commission and Board review.

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

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

**Restoration of Civil Rights (RCR)/Without a Hearing case:** Investigations where the offender, depending on the offense of conviction, is eligible for consideration only after five (5) years have passed since the date of completion of all sentences, conditions of supervision imposed for all felony convictions, and if no crimes have been committed and have not been arrested for a misdemeanor or felony for the five (5) years prior to the date the application is being reviewed.

**Restoration of Civil Rights (RCR)/With a Hearing case:** Investigations where an offender with more serious offenses are eligible for consideration only after seven (7) years have passed since the date of completion of all sentences and conditions of supervision imposed for all felony convictions.

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

**Request for Review:** A request to waive the Board Rules by an individual seeking a commutation of sentence.