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1987-1988

ANNUAL 48TH REPORT

FLORIDA PAROLE AND PROBATION COMMISSION

115438

U.S. Department of Justice
National Institute of Justice

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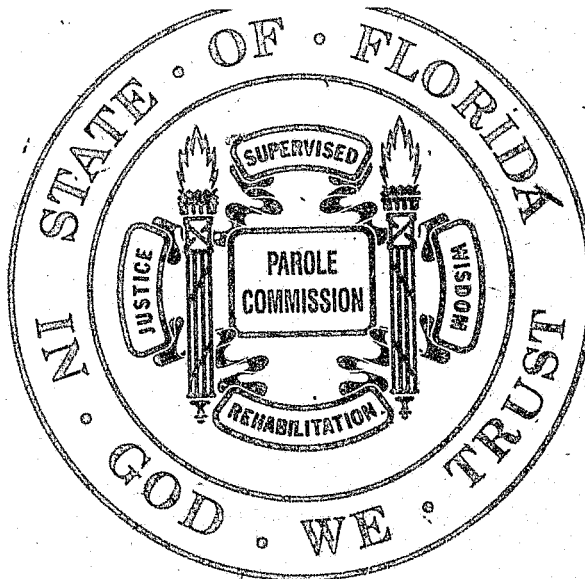
Florida Parole Commission

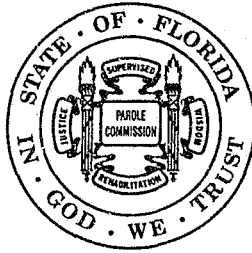
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E. GUY REVELL, JR.
COMMISSIONER CHAIRMAN

CHARLES H. LAWSON
COMMISSIONER VICE CHAIRMAN

MAURICE CROCKETT
COMMISSIONER SECRETARY

A.M. "TONY" FONTANA
COMMISSIONER

KENNETH W. SIMMONS
COMMISSIONER

JUDITH A. WOLSON
COMMISSIONER

FLORIDA PAROLE COMMISSION

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December 20, 1988

Governor Bob Martinez
Members of the Cabinet

Gentlemen:

In accordance with Chapter 947.15, Florida Statutes, I am pleased to present to you the 48th Annual Report of the Florida Parole Commission describing this agency's achievements during FY87-88.

This report also provides an overview of the Commission and its role in the criminal justice system.

Sincerely,

E. Guy Revell, Jr.
Chairman

EGR/cj

cc: President of the Senate
Speaker of the House
Substantive Legislative Committees
Department of Legal Affairs
Department of Corrections

NCJRB

FEB 8 Recd

ACQUISITIONS

THE FLORIDA PAROLE COMMISSION
A CONSTITUTIONAL AGENCY

The 1939 Florida Legislature passed Senate Joint Resolution 1001 authorizing the Legislature to create a parole and probation commission. This resolution was ratified by the electorate in November 1940 as a Constitutional amendment. It now reads:

ARTICLE IV: SECTION 8(c). There may be created by law a parole and probation commission with power to supervise persons on probation and to grant paroles or conditional releases to persons under sentences for crime. The qualifications, method of selection and terms, not to exceed six years, of members of the commission shall be prescribed by law.



FLORIDA PAROLE AND PROBATION COMMISSION

top row

left to right: Charles H. Lawson, Commissioner - Vice-Chairman

Judith A. Wolson, Commissioner

Maurice G. Crockett, Commissioner - Secretary

bottom row

left to right: E. Guy Revell, Jr., Commissioner - Chairman

A. M. "Tony" Fontana, Commissioner

Kenneth W. Simmons, Commissioner

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The Commission gratefully acknowledges the department heads and field supervisors who contributed to this report. Special thanks go to the following staff members:

Kurt Ahrendt, senior attorney; Sherry Colvin, administrative assistant; Linda Henderson, administrative assistant; Ruth Anne Reese, administrative assistant; Linda Summers, executive secretary; Carolyn Tibbetts, capital punishment research specialist; Barbara Daniel, planner; and Cynthia Jones, senior word processing systems operator.

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CHAIRMAN'S MESSAGE

During the 1987-88 year, the Commission focused its legislation on the Auditor General's report of April 1987, emphasizing a strong commitment to our agency's continuing role in the criminal justice system. Our message to the Legislature demonstrating that the Commission plays a vital role in protecting the public's interest was well received. As a result, legislation was passed allowing the Commission to place repeat offenders convicted of violent crimes and habitual offenders sentenced pursuant to guidelines under supervised release.

The Commission implemented a pilot project testing the feasibility of holding Commission meetings around the state to encourage input and participation from victims, victims' families, inmates' families, law enforcement agencies, and other interested parties. The project was successful and the Legislature provided funding to enable the Commission to continue this program on a regular basis.

Though many of our legislative goals were accomplished, the Commission was not successful in having the sunset date repealed. Instead, that date was extended by one year to July 1, 1990. Nevertheless, the repeal of the sunset provision will be included as a major objective in next year's legislative efforts.

As growing prison populations appear to be an insurmountable problem, the Commission's support of post-release supervision programs seems to be receiving more favorable attention.

The Commission will continue to support and promote programs to enhance public safety and improve the quality of life for the citizens of Florida.

*** *** ***

MISSION STATEMENT

Article 4, section 8(c), Florida Constitution, exclusively vests the authority to grant and revoke paroles or conditional releases in the Florida Parole Commission. Sections 947.13 and 947.1405, Florida Statutes, specify the Commission's duties and powers.

The Commission, an autonomous collegiate body, is responsible for determining who shall be placed on parole and conditional release, determining the terms and conditions of release, taking appropriate action on persons who violate those conditions, and providing reports to the Office of Executive Clemency regarding clemency applicants.

COMMISSIONERS' VITAEMaurice G. Crockett

Commissioner Crockett was born in Nashville, Tennessee. He received his bachelor of arts degree from Philander Smith College at Little Rock, Arkansas and attended Florida State University.

He started work at the Arthur Dozier School for Boys in November, 1954 as a houseparent and was serving as superintendent of the Lancaster Youth Development Center when he was appointed to the Parole and Probation Commission in November of 1975. He served as chairman of the Commission from July 2, 1978 until June 30, 1980. Commissioner Crockett holds membership in the American Correctional Association, the Florida Council on Crime and Delinquency, the American Association of Paroling Authorities. Commissioner Crockett is a certified consultant with the American Correctional Association. He served on the Governor's Council on Criminal Justice and was president of the Advisory Committee on TASC Drug Programs. Commissioner Crockett was presented the Distinguished Service Award for Chapter II of the Florida Council on Crime and Delinquency in 1979 and was recognized by the Statewide Council in that same year. Commissioner Crockett was also recognized by the Florida Chapter of the National Bar Association on July 16, 1983 for his outstanding contributions to the Florida criminal justice system. Commissioner Crockett was reappointed to the Commission to serve a six-year term on January 13, 1982 and to a four-year term on January 13, 1988.

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A. M. "Tony" Fontana

Commissioner Fontana, who was born in Providence, Rhode Island, attended Williams College and the University of North Carolina. He was a member of the Miami Police Department

for twenty-six years, retiring as lieutenant in 1975. Commissioner Fontana was elected from Dade County to the Florida House of Representatives in 1972 and served in that capacity for ten years. During his tenure with the Legislature, he was a member of the Corrections, Probation and Parole Committee, the Criminal Justice Committee and was chairman of the Subcommittee on Law Enforcement and Drugs. On January 29, 1982, he was appointed to the Commission to serve a six-year term and reappointed in February 1988 to a 4-year term. Commissioner Fontana is a member of the American Correctional Association and the Florida Council on Crime and Delinquency. He was elected vice-chairman July 1, 1984 through July 1, 1986 and chairman July 1, 1986 through June 30, 1988.

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Charles H. Lawson

Commissioner Lawson, a native Floridian and a graduate of Florida Southern College with a bachelor's degree in business administration and economics, has also completed graduate coursework

Commissioners' Vitae
(Cont'd)

in criminology at Florida State University. He was previously employed with the Commission as supervisor of the Lakeland Probation and Parole Office from July 1958 until August 1963 and as interstate compact administrator from August 1963 until August 1976. From August 1976 until his appointment to the Commission, he served as the Florida Department of Corrections' interstate compact administrator. He holds the rank of colonel in the U. S. Army Reserve. He is past national president of the Interstate Compact Administrative Association, and is also past treasurer of the Association of Paroling Authorities International. Mr. Lawson is the first recipient of the William Frederick Interstate Compact Administrator award for outstanding contributions as an interstate compact administrator. He is a member of the American Correctional Association and has been active in the Parole and Probation Compact Administrators Association and the Florida Council on Crime and Delinquency. Commissioner Lawson was reappointed to a four-year term effective July 1, 1987.

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E. Guy Revell, Jr.



Commissioner Revell received a bachelor of science degree in business and a master's degree in criminology and corrections from Florida State University. In 1961, he was employed by the Commission as

a probation and parole supervisor, a position held until 1966. During the next 17 years, he worked in the juvenile delinquency field with the

Division of Youth Services. Upon reorganization of the Department of Health and Rehabilitative Services, he held numerous positions which included director of aftercare, bureau chief for field services and acting division of youth services director. Additionally, he has provided a broad range of consultant services in the criminal justice field to numerous states, universities and professional organizations throughout the country. He is a recipient of the Walter S. Criswell Award for his contributions in the field of children and youth services. Commissioner Revell is a former director of the National Association of Interstate Compact Administrators and has served on the Governor's Criminal Justice System Reform Task Force and the Council on Criminal Justice Corrections Task Force as well as consultant to the Prison Overcrowding Task Force. He holds the rank of Commander (Ret.) in the U. S. Naval Intelligence Program. On June 20, 1983, he received an interim appointment as a commissioner, and on November 17, 1983, was reappointed to a four-year term. Commissioner Revell received a new four-year assignment on March 1, 1988.

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Kenneth W. Simmons



Commissioner Simmons was born in Columbus, Georgia, and raised in Graceville, Florida. He attended Chipola Junior College, received a bachelor of science degree in

criminology and corrections from Florida State University in 1964, and has done postgraduate studies at

Commissioners' Vitae
(Cont'd)

Florida State University. His career in criminal justice began as a part-time employee of the Commission while he was attending college. He was selected as a Probation and Parole Officer I in 1964, was promoted to a Probation and Parole Officer II in 1967, District Supervisor I in 1969, and District Supervisor III in 1971. He came to Tallahassee in 1973, as coordinator of the Parole and Probation Commission's Young Lawyers Volunteer Program and later moved up in the ranks to assistant and deputy director within the Commission. In October 1978, he became parole services director and remained in that position until his appointment to the Commission. He was appointed to the Commission on November 30, 1979, and reappointed to a four-year term December 1985. He served the Commission as vice-chairman from July 1, 1980, until June 30, 1982, and was re-elected vice-chairman on July 1, 1982, until June 30, 1984. Commissioner Simmons was elected chairman of the Commission from July 1, 1984 until June 30, 1986, and as secretary from July 1, 1987 until June 30, 1988. Commissioner Simmons is a member of the Florida Council on Crime and Delinquency and is presently serving on the committee to select this year's recipient of the Louie L. Wainwright Award. He has previously served as treasurer, secretary, president-elect and president of the Florida Council on Crime and Delinquency at the state level. He is also a member of the American Correctional Association.

Judith A. Wolson



Born in Glen Cove, New York, Commissioner Wolson was raised in Palm Beach County and has been a resident of Florida for most of her life. She is a graduate of Florida State University, having received her bachelor's degree in criminology. Her career in corrections began with the Commission in 1969 as a probation and parole officer in South Florida. She attained various positions of management at the field operations level and was then appointed the Commission's parole services director in 1979. Following three years of service as director, Ms. Wolson was appointed a member of the Commission on August 3, 1983, to a two-year term. She has been an active member of the American Correctional Association, Florida Council on Crime and Delinquency, and Southern States Correctional Association. In 1982, she was honored as one of the Outstanding Young Women of America. She is a member of the Florida Trail Association and is a hiking and four-wheel drive enthusiast. Commissioner Wolson was reappointed to the Commission on November 19, 1985, to a four-year term. She was elected Commission Secretary July 1, 1986 through June 30, 1987.

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THE PAROLE PROCESS

Only those persons who committed an offense on or before October 1, 1983 who were not sentenced under sentencing guidelines and whose sentence or cumulative sentences were for twelve months or more are eligible for parole consideration.

At the inmate's initial interview, the Commission establishes a presumptive parole release date (PPRD). The inmate may request an administrative review of his presumptive parole release date if he believes there are any technical errors in the PPRD computation.

At subsequent interviews, Commissioners review the status of the inmate's case since the last interview focusing on institutional adjustment, program involvement, and other new information. Special interviews may be conducted in instances of serious medical problems, on receipt of court orders modifying sentences, or on recommendations from the Department of Corrections.

The Commission holds effective interviews to review inmates' institutional adjustment and proposed release plans. The Commission may grant an inmate's release. The Order of Parole contains standard conditions of parole. The Commission has the authority to add special conditions of parole for the benefit of the parolee and for the protection of society. Restitution is important in the paroling process, and the Commission makes every effort to secure restitution amounts in order to make reparation to victims.

The Commission may also establish mutual participation program agreements. This program involves development of a formal agreement between the inmate, the Department of Corrections and the Commission, and provides an

incentive mechanism for an inmate to gain parole release prior to his PPRD.

Within 90 days of the effective parole release date interview, the Commission must notice the sentencing court and allow 30 days for the court's response to the notice. After establishing an effective parole release date, the Commission may postpone a release if disciplinary actions are taken against the inmate, if new criminal charges are filed, or if field reports confirm an unsatisfactory parole plan.

Within 120 days of receipt of the Certificate of Parole, the parolee may request that the Commission modify the terms and conditions of parole. The standard term for parole supervision is a maximum of two years unless the inmate had served a consecutive sentence, in which case the law requires that parole be for the maximum term. The Commission has the discretion to impose an extended term as long as the period of parole does not exceed the maximum period for which the inmate was sentenced to serve. The Commission may discharge a parolee from supervision prior to completion of his parole term if recommended by the Department of Corrections.

When a parolee violates conditions of his parole, the Commission can issue a warrant for his arrest. Thereafter, the parolee is entitled to a preliminary and final revocation hearing. Based on the testimony and evidence presented, the Commission decides whether to revoke, restore or terminate parole supervision.

THE CONDITIONAL RELEASE PROCESS

Any inmate who is convicted of a murder or manslaughter, sexual offenses, robbery, or violent personal crimes committed on or after October 1, 1988, and who has served at least one prior felony commitment at a state or federal correctional institution, or who is sentenced as a habitual or violent habitual offender shall, upon reaching the tentative release date established by the Department of Corrections, be released under supervision subject to specified terms and conditions.

The Commission specifies the terms and conditions of release and determines the amount of restitution. The Commission also determines whether the terms and conditions of such release have been violated and whether such violation warrants revocation of the release.

The Commission provides victims with information regarding the status of the inmate during the term of conditional release. Within 180 days of the tentative release date, the Commission interviews the inmate and reviews his program participation, disciplinary record, psychological and medical records to determine the details of the inmate's release plan. The Commission may impose any special conditions it considers warranted from its review of the record. Having determined the inmate's eligibility for release, the Commission then enters an order establishing the length of supervision and relevant conditions. The length of supervision cannot exceed the maximum penalty imposed by the court.

If the Commission has reasonable grounds to believe that an offender has violated the terms and conditions of his release in a material respect, it may cause a warrant to be issued

for the arrest of the releasee.

Within 45 days after his arrest, the releasee must be afforded a hearing conducted by the Commission. If the releasee elects to proceed with a hearing, he must be informed of the alleged violation with which he is charged; his right to be represented by counsel; his right to be heard in person; his right to secure, present and compel the attendance of witnesses relevant to the proceeding; his right to produce documents on his own behalf; his right of access to all evidence used against him and to confront and cross-examine adverse witness; and his right to waive the hearing.

Within a reasonable time following the hearing, the Commission shall enter an order determining whether the charge of violation of conditional release has been sustained based upon the findings of fact. By such order, the Commission may revoke conditional release and return the releasee to prison to serve the sentence imposed upon him; reinstate the original order granting conditional release; or enter such order as it considers proper.

Whenever a conditional release is revoked by the Commission and the releasee returns to prison, the releasee forfeits all gain-time or commutation of time for good conduct earned up to the date of his conditional release. This does not deprive the prisoner of his right to gain-time or commutation of time for good conduct from the date on which he is returned to prison.

*** *** ***

THE CLEMENCY PROCESS

Executive clemency power, an act of grace, was vested in the Governor by the Florida Constitution of 1968. The Governor may, by executive order, suspend collection of fines and forfeitures and grant reprieves not exceeding sixty days. With the approval of three members of the full Cabinet sitting as the Clemency Board, the Governor may grant clemency as listed below. These acts of grace do not apply to cases of treason or impeachment. The Parole Commission carries out investigations to assist the Governor and Cabinet in making these decisions.

Conviction of a felony in Florida results in a loss of civil rights: the right to vote, to hold public office, to sit on a jury, and to own, possess or use firearms. Also, in many cases, it may result in denial, revocation, or suspension of professional licenses.

If granted, a full pardon would unconditionally forgive guilt and entitle an applicant to all the rights of citizenship enjoyed prior to conviction.

A conditional pardon releases an applicant from punishment only if certain conditions are fulfilled. It forgives guilt and entitles the applicant to the rights enjoyed prior to conviction.

If granted a waiver of the rules, an inmate may be considered for commutation resulting in a change of the penalty to one less severe.

A remission would suspend or remove any fines or forfeitures.

After civil or residential rights have been restored, application may be made for specific authority to own, pos-

sess, or use firearms. The applicant must comply with requirements of the Federal Gun Control Act of 1968.

If restoration of civil rights is granted to an applicant convicted of a felony in Florida, all or some of the rights of citizenship enjoyed prior to conviction would be restored. If the applicant was convicted of a felony in another jurisdiction, such restoration is in effect only as long as he is a resident of Florida.

If restoration of residence rights is granted to an applicant who is not a citizen of the United States, it restores any and all rights he enjoyed as a resident of Florida prior to conviction.

If an applicant is determined eligible for automatic restoration of civil rights by the Commission and no objections are filed by members of the Clemency Board, these rights would be restored except firearm authority.

Consideration for commutation of capital crimes is an automatic process under the Rules of Executive Clemency and would change the penalty to one less severe.

An applicant may request that a waiver of rules be granted in order to be considered for the appropriate type of clemency. Probationers who have completed supervision and are requesting waiver of the rules will undergo field investigation of their offense criminal record, social status, payment of fines, child support, and community reputation.

VICTIMS OF CRIME GRANT

The Commission acquired federal funds during FY87-88 to supplement a crime victim assistance program in FY88-89. The project will enhance post conviction services offered by the Commission.

The victim services coordinator will initiate a system to identify, locate and communicate with victims of crimes perpetrated by offenders who are eligible for parole consideration. Procedures will be established to furnish referrals to applicable crime victims in regard to services available through state, local and private victims services providers.

The coordinator will identify victims at the beginning of the parole process by conducting a file review. Each case that contains a parole-eligible commitment will be reviewed.

A victim information sheet will be completed which will include location information such as name, address and phone number. Available crime victim impact information such as financial, psychological and physical damage will also be recorded.

The victim services coordinator will contact victims and advise them of their ability to participate in parole-related proceedings, to include: establishment of effective parole release date, subsequent and special Commission actions and revocation proceedings. Victims will also be advised of current inmate status, to include: sentence structure, tentative release date, extent of program participation and disciplinary record.

Post conviction services will be provided to crime victims and their

families. Communication will be maintained with interested victims throughout the offender's incarceration and period of parole supervision and victims will be apprised of their right to involvement in the parole process.

Victims will be contacted prior to each Commission action during the entire process and given the opportunity to appear before the Commission in person if they so desire.

The victim services coordinator will determine what type of victims' services has been provided, make referrals to other victims service providers and actively network with other victims assistance programs.

Funds will be requested in the FY89-90 budget to make this program a permanent function within the agency supervised by the Director of Parole Grant.

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"The victim is given the rare opportunity of confronting the person who violated him. This face-to-face meeting in the presence of a trained community facilitator allows the victim to express intense feelings of frustration, hurt, and anger. Beyond such important emotional benefits, the victim can work out acceptable restitution and repayment by the offender. In short, the traumatic experience of being a victim can be dealt with in a more whole sense and be brought to a close." - H. Zehr

ADMINISTRATION OF THE COMMISSION

The Florida Parole Commission has its headquarters in Tallahassee. There are eleven field offices located in five regions throughout the state. The Chairman of the Commission is the administrative head of the agency. He is supported by five Department Heads who direct the functional areas of Administrative Services, Clemency Administration, Parole Grant, Parole Revocation and the Legal Services Department.

ADMINISTRATIVE SERVICES

The Administrative Services Department links the agency with the Department of Administration, the Governor's Office of Planning and Budgeting, the Information Resource Commission, the Comptroller's Office, and the Department of General Services. Staff in four sections provide administrative support to all Commission offices. This department has fiscal responsibility for the agency, including preparation of the agency's legislative budget requests.

Finance and Accounting

This section is responsible for receiving and processing all travel vouchers, salary vouchers and vendor payments, maintaining financial records, preparing financial statements and maintaining an inventory of fixed assets. Staff interacts with the Comptroller's office on fiscal matters.

Personnel

This section is responsible for recruitment, placement, pay administration, position classification, discipline and training. Staff interacts with the Department of Administration on personnel matters.

Planning and Evaluation

This section is responsible for planning and research projects, for the collection and analysis of statis-

tical data of Commission actions and for the Commission's data entry and office automation functions. Staff interacts with the Office of Planning and Budgeting, the Information Resource Commission and the Department of General Services.

Central Services

This section is responsible for the purchase and distribution of all equipment and supplies agencywide, making deliveries within the Capitol Center, and for printing forms. All Commission mail is processed by central services staff who interact with the Department of General Services. This section is also responsible for the care, maintenance and assignments of the agency's two automobiles.

CLEMENCY ADMINISTRATION

The Clemency Administration Department provides executive clemency investigation information so that the Governor and Cabinet can consider whether or not to grant clemency.

Together with the Office of Executive Clemency, this department processes information regarding eligibility for automatic restoration of civil rights when an offender exits the criminal justice system by expiring his commitment or completing his period of community supervision.

In capital punishment cases, clemency interviews are conducted at Florida State Prison. The Clemency Department is responsible for the compilation of investigative material, case material and updated information derived from the interview plus a transcript of the interview which is submitted to the Governor and Cabinet as well as to defense and state attorneys.

The Clemency Department, with the assistance of the Commission's field staff, is responsible for the limited investigation surrounding the automatic restoration of civil rights cases which does not require a recommendation by the Florida Parole Commission to the Clemency Board.

In cases where a full pardon, firearm authority, conditional pardon, restoration of civil rights in the State of Florida, and restoration of residential rights are requested, an extensive investigation is made by the field staff. An advisory recommendation is provided by the Parole Commission to the Clemency Board in full pardon, firearm authority, and conditional pardon cases.

The clemency interview for capital punishment cases is held at Florida State Prison where a Commissioner interviews the inmate in the presence of his legal counsel. The Clemency Department is responsible for the compilation of investigative material, case material and updated information derived from the interview plus a transcript of the interview which is submitted to the Clemency Board as well as to defense and state attorneys.

All requests for a waiver of the rules are reviewed by the Commission. All inmate case material and application documents are made available to the Commission so that a majority

recommendation on the waiver may be made to the Clemency Board.

PAROLE GRANT

The Parole Grant Department comprises staff in four sections who plan and prepare for the Commission's weekly meetings, carry out parole interviews, take part in revocation hearings, assist in executive clemency investigations, and provide a link between the Florida Parole Commission and parole boards in other states. This department reviews parolees annually and works closely with the Department of Corrections, judges, courts and other state and federal agencies involved in the criminal justice process. It will coordinate the Conditional Release Program created by the 1988 Legislature.

Field Services

The Chief of Field Services is responsible for the operation of eleven field offices located in five regions throughout the state. He supervises five parole examiner supervisors who, in turn, supervise the activities of the field staff. Staff members are involved in virtually every aspect of Commission duties ranging from parole interviews to revocation hearings to executive clemency investigations.

Parole Granting

This section is responsible for recording and maintaining dockets, and for producing and indexing Commission orders. Staff interact with Department of Corrections' staff on parole and conditional release matters.

Work Processing

This section is responsible for the preparation of case files and Commission dockets for the weekly Commission voting sessions. Other responsibilities include preparation of the Commission meetings with respect to persons appearing and speaking at the meetings.

Interstate Compact

This section is responsible for all aspects of interstate transfers and provides the administrative link between the Commission and parole boards in other states, coordinating matters ranging from securing out-of-state parole plan information to administrative involvement in the return of parole violators and parole termination.

PAROLE REVOCATION

The Department of Parole Revocation is responsible for receiving and processing information in reference to alleged violations of parole, drafting warrants for Commission approval, reviewing bond and preliminary hearing summaries, and administering the final revocation hearing process.

Supervision of parolees is provided by Department of Corrections' parole officers. A close working relationship with Department of Corrections field staff coupled with constant interaction with state and federal law enforcement agencies ensures the earliest possible detection and apprehension of alleged parole violators.

Once apprehended, the parolee is afforded a preliminary hearing conducted locally by a parole examiner

to determine if there is probable cause to believe that he committed the alleged violation. If probable cause is found, the parolee is generally returned to one of the four Department of Corrections reception centers and afforded a final revocation hearing.

The final hearing is conducted by a Commissioner with the assistance of a Revocation Specialist and is designed to determine if conditions of parole have been violated and whether the parolee should be returned to prison, reinstated to parole, placed on community control or discharged from supervision.

Alleged violators are afforded all due process rights including the right to counsel and are eligible for placement on recognizance bond pending the preliminary and final revocation hearings providing a determination can be made that they will appear for the hearing and are not a danger to society.

The Department of Parole Revocation coordinates and facilitates the entire revocation process.

LEGAL SERVICES

The Office of General Counsel provides legal advice and representation to the Commission and staff in matters pertaining to the Commission's statutory duties. Administratively, the Office of General Counsel is under the direction of the Chairman. During FY87-88, the office staff included the general counsel, two staff attorneys, one executive secretary and two administrative secretaries.

Although, by statute, the Attorney General has been designated as legal advisor to the Commission, the high volume of litigation has necessitated a full-time legal staff. As a result

of this litigation, a considerable body of case law has accrued in what has become a specialized area of the law. Legal staff knowledgeable in this field are readily available at all times for in-house consultation.

The litigation caseload is diverse. It includes extraordinary writ proceedings, administrative rule challenges, declaratory statements, and all appeals from these proceedings. Attorneys in the Office of General Counsel represent the Commission at all levels, in both state and federal courts.

In addition to its litigation caseload and in-house advisory function, the legal staff is called upon to issue General Counsel Opinions for use by the Commission and its staff in formulating policy, interpreting statutory and decisional law, and applying existing administrative rules. Staff attorneys also prepare legal opinions and participate in a number of special projects.

The bulk of the litigation caseload involves extraordinary writ proceedings brought by prison inmates. An inmate may file a petition for writ of mandamus in State Circuit Court to seek judicial review of his presumptive parole release date, as established by the Commission. Any decision by a Circuit Court judge may be subject to an appeal to the State District Courts, and ultimately the Florida Supreme Court.

Once an inmate has exhausted his state judicial remedies, he may attempt to seek relief in federal courts by filing a petition for writ of habeas corpus. Such petitions are considered by the United States District Courts, and subject to appeal to the Eleventh Circuit Court of Appeals. The United

States Supreme Court, on rare occasions, may decide to review a case from the Circuit Court of Appeals.

Although this system of state and federal judicial review is time consuming and extremely complicated, it provides an inmate or parolee with an opportunity to present any legal claims he may have to an impartial judiciary. This ensures that Commission actions and decisions are taken in compliance with all statutory and constitutional requirements.

*** *** ***

"And [parole] has been a longtime means of recognizing the ability of people to change." - The Post, April 6, 1983

"I do know from experience that, when a man gets out of prison, out of that concrete womb and into total freedom, he needs more structure than just walking away from it all." - Stanley J. Reiben, Esq.

"It is necessary to individualize each case, to give that careful, humane, and comprehensive consideration to the particular situation of each offender which would be possible only in the exercise of a broad discretion." - Chief Justice Hughes

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REGION 3:

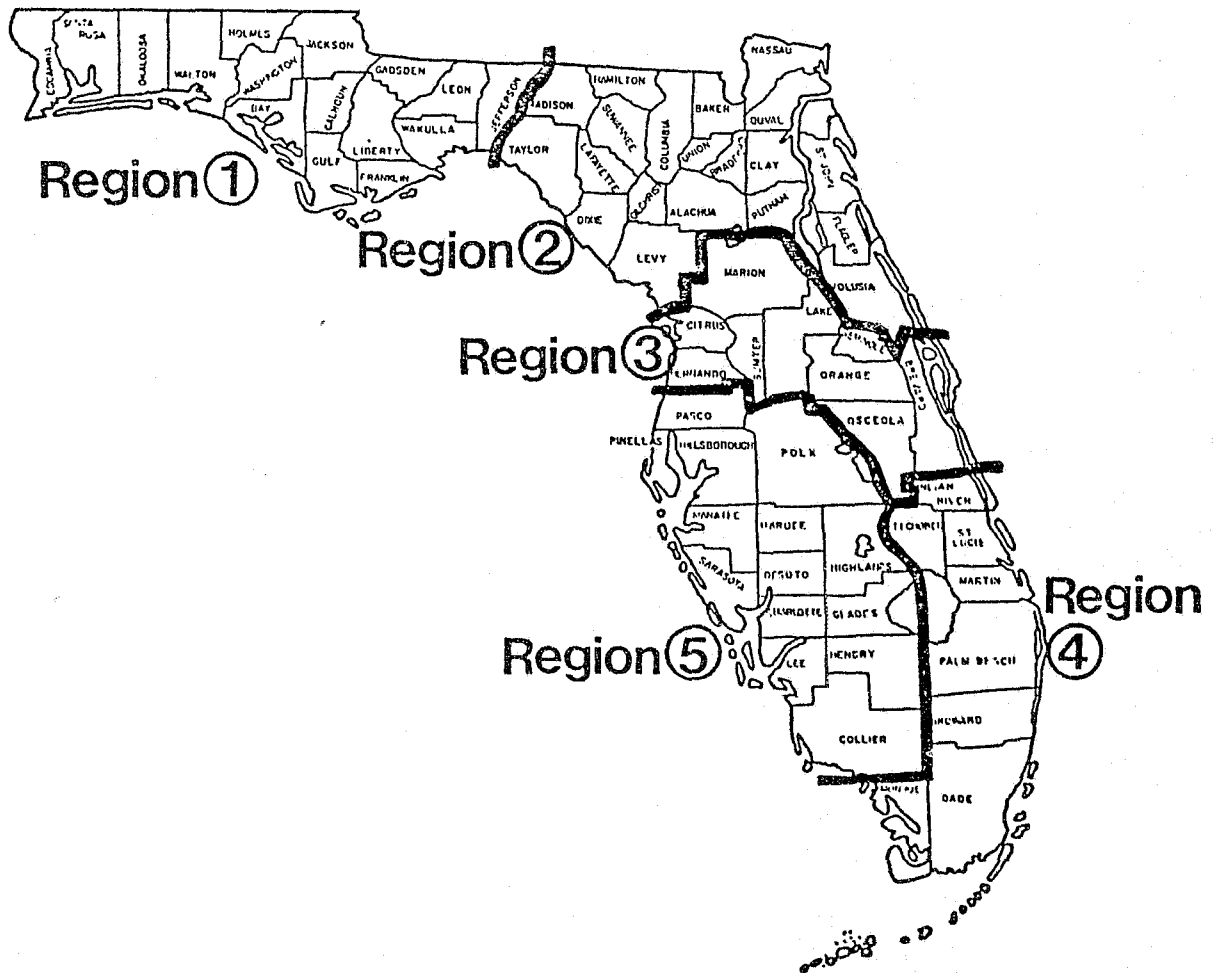
Spence H. McCall, Regional Supervisor
 1004 North 14th Street, Suite 107
 Leesburg, Florida 32748
 (904)787-5484
 John Franks, Orlando Sub-Office
 (407)423-6074

REGION 4:

Frank L'Hommedieu, Regional Supervisor
 1350 N.W. 12th Avenue, Rm. 391
 Miami, FL 33136
 (305)325-2897
 Elizabeth Shelton, Ft. Lauderdale Sub-Office
 (305)749-1906
 Roosevelt Perkins, West Palm Beach Sub-Office
 (305)837-5128

REGION 5:

Edward L. Jenkins, Regional Supervisor
 Park Trammel Building, Suite 515
 1313 North Tampa Street
 Tampa, Florida 33602
 (813)272-2642
 Lewis Parker, Arcadia Sub-Office
 (813)494-7597



Two employees have worked with the Commission over 30 years sharing their experiences to ensure that the work of Commissioners and other staff members flows smoothly and efficiently. The loyalty and dedication they have shown to the Commission and to the State of Florida is exemplary.

31 Years

Judy Hansen, Administrative Secretary, Region II
Ray E. Howard, Director of Clemency Investigations, Central Office

Seventeen employees have contributed 20 years and over of valuable experience. In giving yeoman service to the Parole Commission, they have made a significant contribution to the State of Florida.

27 Years

John Skinner, Parole Examiner Supervisor, Region I

26 Years

Edward Jenkins, Parole Examiner Supervisor, Region V
Lena Tipton, Administrative Secretary, Region I
Spence H. McCall, Parole Examiner Supervisor, Region III
Gloria R. Williams, Senior Clerk, Central Office

25 Years

William Browning, Parole Examiner I, Region II
Wanda Bryan, Parole Technician Supervisor, Central Office
Annette Messer, Executive Secretary, Central Office
Carolyn Tibbetts, Capital Punishment Research Specialist, Central Office

23 Years

Ray Chancey, Parole Examiner I, Region III

22 Years

Hunter Pfeiffer, Parole Examiner I, Region I

21 Years

Jean Allen, Purchasing Agent I, Central Office
Ann Knight, Fiscal Assistant I, Central Office
Howard Miller, Revocation Specialist, Central Office

20 Years

Gloria Claiborne, Parole Technician Supervisor, Central Office
Sherry Colvin, Administrative Assistant II, Central Office
Samuel Cooper, Parole Examiner I, Region V

CHAIRMAN'S AWARD

FY87-88



RUTH ANNE REESE

Ruth Anne Reese was selected to receive the Chairman's award. This award is presented for sustained exemplary performance. Ruth Anne has been of invaluable help in moving the Commission forward. She has provided the Commission with a wealth of knowledge in the field of legislation. She is cooperative, hard-working, and very loyal to the Commission. Her untiring efforts in seeing that the Commission's legislative package received support this past session have been outstanding.

EMPLOYEE OF THE YEAR AWARD

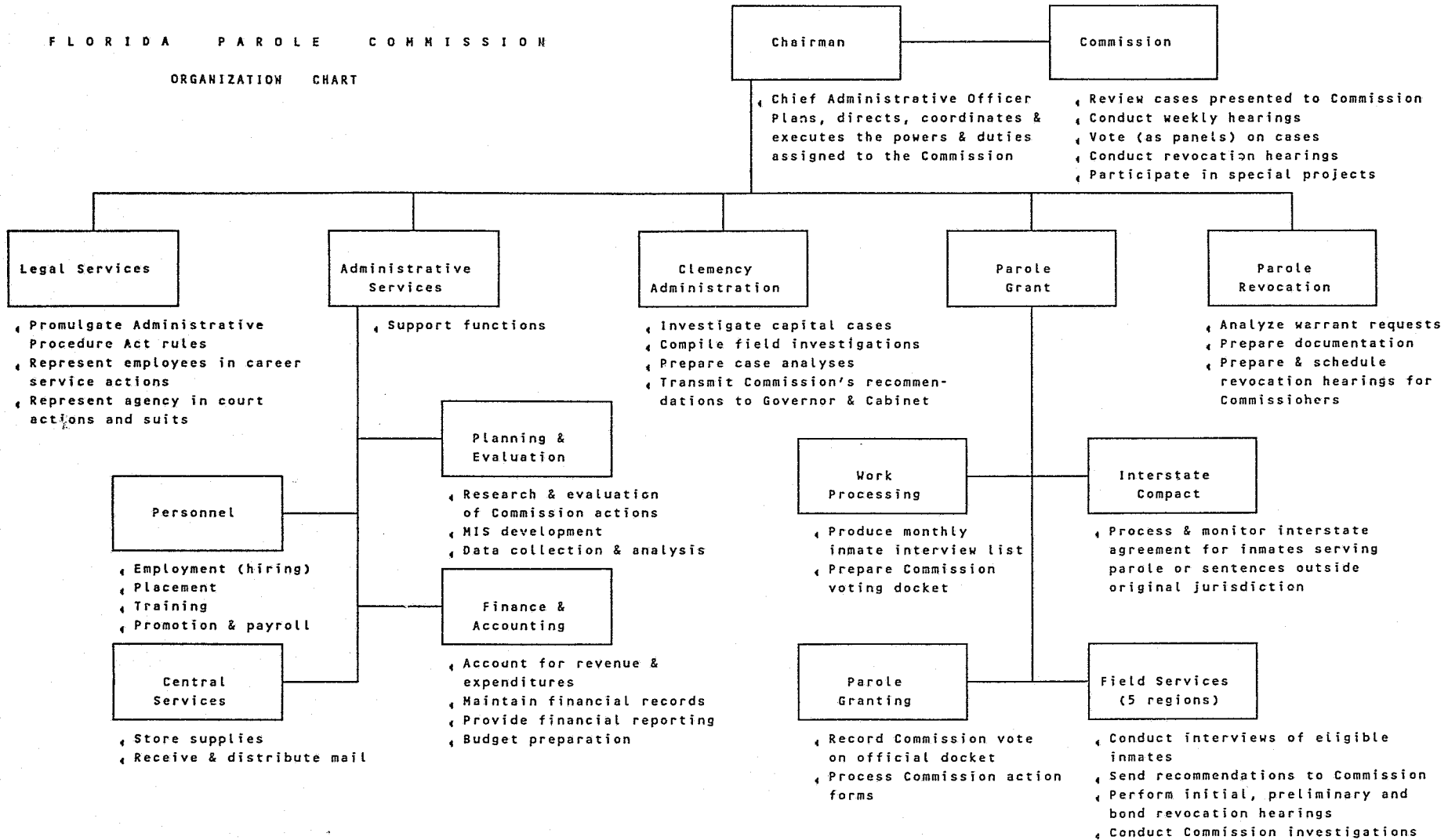
FY87-88



TERESA BEARDSLEY

Teresa Beardsley was selected as Employee of the Year. Teresa is an extremely capable individual and a dedicated employee who sets a good example for other employees. Her dedication and professionalism has improved the Commission's image in Region I. Teresa drafted a training manual for Field Services which will increase the quality of work generated by field staff. She consistently projects a positive image on behalf of the Commission and is a positive influence on the morale of other employees.

FLORIDA PAROLE COMMISSION
ORGANIZATION CHART



The Commissioners were very active during FY87-88 attending parole hearings in Tallahassee and revocation hearings at Lake Butler and at the South Florida Reception Center in Miami. A pilot project to hold meetings regionally was carried out and Commissioners held four hearings in Tampa, Jacksonville, Orlando and Miami, respectively. Commissioners also attended death row hearings at the Florida State Prison.

In keeping with the state goal to increase citizen participation, Commissioners reviewed their cases with input from victims and from inmates' and victims' families and friends. Because hearings were held at major locations regionally, Commissioners were able to interact with law enforcement agencies and interested parties on a wider scale.

Legislation was prepared and presented before the House of Representatives and Senate to extend the Parole Commission and to create a conditional

release program to oversee repeat offenders who have committed serious violent crimes. The Chairman and his staff met with legislators and committee chairmen.

To comply with F.S. 947.1745(4), administrative staff provided the sentencing court with written notice of any inmate scheduled for an effective parole release date interview. This notice contained information regarding the inmate's institutional program participation, disciplinary record, mental and physical condition, prior record and other facts of interest to the court. Should the court object to an inmate's release on parole, the Commission has the authority to extend the inmate's PPRD and schedule a subsequent interview.

The Commission was invited to speak before the Florida Bar Association and presented its case for an extension of parole.

COMMISSIONERS WORKLOAD

<u>WORKLOAD MEASURES</u>	<u>FY 86-87</u>	<u>FY 87-88</u>
Voting Docket Caseload	13,809	11,330
Mutual Participation Program Approved Contracts	73	58
Paroles Granted	797	475
Parole Violation Warrants Issued	1,139	856
Paroles Revoked	492	446

18 YEAR IN REVIEW - ADMINISTRATIVE SERVICES

In 1987-88, the Parole Commission suffered a net reduction of seven positions from 140 to 133 positions. This was due to the reduction of three Commissioners and their staff for a total of ten positions and the addition of three positions in the Clemency Administration functional area due to increased clemency workload. The Commission accomplished the reductions without any layoffs or other adverse effects on employees.

Legislative Budget Appropriations including Administered Funds for 1987-88 vs. Expenditures are as follows:

Positions Budgeted:	133
Salaries Budgeted:	3,780,016
Salaries Expended:	3,790,264 (A) (D)
OPS Budgeted:	87,010
OPS Expended:	82,136
Expenses Budgeted:	807,484 (C)
Expenses Expended:	810,197 (B)
OCO Budgeted:	30,886
OCO Expended:	29,568
DP Services Budgeted:	9,562
DP Services Expended:	2,416

- (A) Includes releases by OPB for salary increase
- (B) Difference transferred from salaries
- (C) Includes transfers from Deficiency Appropriation for Insurance Premium
- (D) Difference transferred from OPS, OCO, and Data Processing Services

The fiscal year was completed with no over-expenditures and the following reversion of funds:

<u>App. Category</u>	<u>Amt. Reverted</u>
Salaries	51.95
OPS	48.74
Expenses	112.40
OCO	17.98
DP Services	<u>146.10</u>
TOTAL REVERSIONS	<u>377.17</u>

All Career Service employees were granted a competitive pay adjustment equal to 3 percent (3%) of their June 30, 1987 base rate of pay effective July 1, 1987.

Increases averaging 5 percent (5%) overall for employees filling Senior Management and Selected Professional Service positions were granted effective July 1, 1987.

Performance Incentive Increases were awarded during this fiscal year to employees who were eligible in the amount of 3 percent (3%) of their base rate of pay.

The Personnel Office was audited during this period by the Auditor General's Office and all records were found to be accurate and error free.

The annual training plan, Affirmative Action Plan, biannual Performance Incentive Report and the Delegation of Authority reports were submitted to the Department of Administration as required by statute.

A new Performance Appraisal Form was adopted effective July 1, 1987.

The new W-4 system became operational October 5, 1987.

An average of 75 payroll change orders

YEAR IN REVIEW - ADMINISTRATIVE SERVICES 19

(Cont'd)

per month were processed on the regular payroll and an average of 6 payroll actions per month were processed on supplemental payroll for on-call and overtime. Twenty-eight (28) new employees joined the staff, three (3) of whom served temporarily in OPS positions. There were twenty-three (23) terminations during the year. Eleven (11) employees were promoted, one (1) demoted and four (4) reassigned within the agency. Staff processed twenty-five (25) classification actions.

There were 46 Job Opportunity Announcements prepared along with 507 notification letters to unsuccessful applicants, and 208 letters responding to employment/applicant information for the year.

Workload issues for inclusion in the agency's supplemental budget were automated. The Agency Functional Plan and all plans statutorily required by the Information Resource Commission were submitted. The Response to the Auditor General's Audit was also distributed.

The office automation program

continued although no funds were appropriated. Microcomputers and peripheral equipment were installed. Staff were trained in-house and at the Northwest Regional Data Center at Innovation Park. Emphasis was placed on security, and security procedures became effective in March.

Decentralization of data entry functions was begun. Staff in the Parole Revocation Department were trained to input data, while the Planning and Evaluation Section continued to verify entries; file tracking was done departmentally. Programs were prepared for the agency by Department of Corrections staff to record parole recidivists and to update the master interview list.

A reference library was initiated and books and magazines were donated by staff members.

The agency was awarded a federal grant of \$33,736 under the Victims of Crime Act (VOCA). The budget, goals and objectives were approved by the Department of Labor and Employment Security for startup on July 1, 1988.

FINANCE AND ACCOUNTING WORKLOAD

Salary Vouchers Processed	94
Vendor Payments Processed	2,500
Travel Vouchers Processed	1,003
Purchase Orders Issued	431

The ten-member staff of the Clemency Department continued to meet its objective of fulfilling the investigative requirements of the clemency board. Three new positions of Parole Specialist, Clerk and Clerk Typist Specialist were added to the Department at the beginning of the fiscal year.

Staff were trained in the use of computers and a microcomputer system

was installed in the second quarter of the fiscal year. A database to record clemency investigations and capital cases was created and assistance given to the Executive Office of Clemency in their office automation efforts.

There was an 11% increase in both capital punishment briefs and interviews.

CLEMENCY ADMINISTRATION CASE WORKLOAD

<u>WORKLOAD MEASURES</u>	<u>FY 86-87</u>	<u>FY 87-88</u>
Processing field services clemency investigations/ restoration of civil rights	245	196
Processing capital punishment cases Capital punishment interviews	24	47
Processing parolees/probationers terminating supervision for automatic restoration of civil rights	9,406	14,526
Processing inmates expiring sentences for automatic restoration of civil rights	7,877	13,103
Processing interstate compact parolees terminating supervision for ARCR	80	63
Processing commutations of sentence cases	9	12
Processing waivers	82	101
Clemency Board Decisions	188	245
Supplemental investigations	596	96

This department was instrumental in the implementation of a pilot project by the Commission to conduct Commission meetings in Orlando, Miami, Jacksonville and Tampa. The success of these out-of-town meetings resulted in the appropriation of \$36,000 to increase the number of meetings in FY88-89. It is anticipated that 26 meetings will be conducted in the vicinity of Orlando, Miami, Jacksonville and Tampa during the next fiscal year.

Of significance was the passage of Committee Substitute for House Bill 1574. The most significant provisions of the bill can be found in section 19, the "conditional release program act" which calls for any inmate who is convicted of a crime committed on or after October 1, 1988, which crime is contained in category 1, 2, 3, and 4 of the sentencing guidelines, and who has served at least one (1) prior felony commitment at a state or federal correctional institution or is sentenced as a habitual or violent habitual offender pursuant to section 775.084, shall, upon reaching the tentative release date established by the Department of Corrections, be released under supervision subject to specified terms and conditions. The Commission is mandated to establish the terms and conditions of any such release and determine whether the

terms and conditions of such release have been violated and whether a revocation of conditional release shall take place. The Commission must determine the amount of reparation or restitution, the consequences of the offense as reported by the aggrieved party, the aggrieved party's fear of the inmate or concerns about the release of the inmate and providing the aggrieved party information regarding the manner in which notice of any developments concerning the status of the inmate during the term of conditional release may be requested.

During FY87-88, 1,007 notices were sent to the judiciary pursuant to F.S. 947.1745 which requires the Commission to send written notice to the sentencing court within 90 days of the effective parole release interview of any inmate.

Finally, the Commission continued its commitment to aggrieved parties during FY87-88 by ordering, as a special condition of parole, that inmates released on parole pay a total of one million, twenty-one thousand, one hundred and seventy-three dollars (\$1,021,173.00) in restitution to the victims or other parties effected by their criminal activity.

PAROLE GRANT CASE WORKLOAD

<u>WORKLOAD MEASURES</u>	<u>FY 86-87</u>	<u>FY 87-88</u>
Processing Docketed Cases	13,809	11,330

(cont'd)

FIELD SERVICES CASE WORKLOAD

<u>WORKLOAD MEASURES</u>	<u>FY 86-87</u>	<u>FY 87-88</u>
<u>Parole Related:</u>		
Initial Interviews	1,723	1,133
Biennial/Special Interviews	4,726	4,392
Effective Interviews	1,109	820
County Jail Interviews	0	1
Other: Eligibility Reviews	3,562	2,065
County Jail Checks	942	1,037
Type A Investigations	1,898	1,700
Type B Investigations	472	288
MPP: Proposal Reviews	638	373
Negotiations	486	313
Violation Hearings	93	39
Renegotiations/Amendments	137	56
Rescission: Initial Interviews	89	41
Hearings	88	40
Judicial Notifications	625	981
<u>Revocation Related:</u>		
Initial Preliminary Hearing		
Interviews	1,227	751
Preliminary Hearings	572	448
Bond Hearings	807	690
Initial Pre-Revocation Interviews	879	751
Final Revocation Hearings	244	179
<u>Clemency Related:</u>		
Clemency Investigations	239	226
Restoration of Civil Rights		
Investigations	7,437	14,822
Waiver Investigations	6	18

During FY 87-88, revocation staff issued 856 new warrants and processed 282 existing warrants. 870 preliminary hearings and waivers were processed and 687 notices for final revocation hearings were issued. Staff prepared for 817 final revocation hearings, and assisted Commissioners with 490 final hearings, processing 691 final outcomes. 446 paroles were revoked and 63 parolees were placed on community

control as an alternative to revocation of parole resulting in incarceration.

In an effort to facilitate the availability of witnesses, final hearings were conducted at 12 locations throughout the state in addition to the 4 Department of Corrections Reception Centers.

PAROLE REVOCATIONS CASE WORKLOAD

<u>WORKLOAD MEASURES</u>	<u>FY 86-87</u>	<u>FY 87-88</u>
Processing issuance of warrants	1,139	856
Processing existing warrants	218	282
Processing preliminary revocation interviews and hearings	1,016	870
Issuing final revocation hearing notices	825	687
Preparing final revocation hearings	806	817
Assisting Commissioners at final revocation hearings	391	490
Processing final outcomes	680	691

During the 87-88 fiscal year, the Office of General Counsel was involved in a large number of lawsuits brought by inmates and parolees against the Florida Parole Commission. Nearly 200 new cases were filed in Court with the Commission named as a party, an increase over the 150 cases filed in FY 86-87. This steady stream of litigation raised challenges on diverse issues involving all aspects of parole law, from parole eligibility and PPRD determinations to parole revocation proceedings. The issues raised have become increasingly more complex, as many of the fundamental legal questions have already been resolved by earlier court decisions. In spite of this complexity and diversity, attorneys in this office brought a very high percentage of these lawsuits to a successful conclusion.

The Office of General Counsel represented the Commission in numerous evidentiary hearings, which included the following cases:

Roosevelt Hayes v. Florida Parole and Probation Commission, before the Honorable Harold J. Cohen. The Court granted a motion for change of venue.

Lawrence Caldwell v. Florida Parole and Probation Commission, before the Honorable Edward Fine. The Court denied the petition for writ of mandamus.

Frederick Dornau v. Florida Parole and Probation Commission, before Circuit Judge Ralph "Bubba" Smith. The Court remanded the case to the Commission, and an appeal of the decision is currently pending.

Jerry P. Gaines v. Chester Lambdin, et al.; Jack Legg v. Florida Parole and Probation Commission; and Earl Lloyd v. Florida Parole and Probation Commission. The cases were all before

the 15th Judicial Circuit Court, Honorable Tom Johnson presiding.

In addition to the litigation workload, the Office of the General Counsel provided a variety of other services to the Commission. The General Counsel worked closely with the Chairman and his staff to compile legislation pertaining to community control and the continuation of the Florida Parole Commission. The Office was also responsible for amendments to the Rules of the Florida Parole Commission, and their dissemination. In addition, the Office was involved with research and analysis of CS/HB 1467, regarding the Risk Assessment Information System (RAIS) Coordinating Council. Research on the quarterly Casualty Report Services was completed and submitted to the Safety and Security Coordinator.

General Counsel and staff worked with the Revocations Department in drafting contracts for legal representation of indigent parolees at final revocation hearings, and advertising for submission of bids. Contracts were finally awarded to the law firms of Gold and Fox, P.A. for South Florida, and to John Middleton, P.A. for North Florida. The Office of General Counsel also spent an increased amount of time involved in special projects. These other special projects included the handling of AIDS victims, the agency functional plan, Commission subpoena powers, and a revocations training seminar.

Office staff participated in a number of Bar activities and training sessions to maintain and sharpen their skills. Staff attorneys attended meetings of the Corrections Committee, the 33rd Annual Southern Conference on Corrections, the Bar Leaders Conference, and a meeting of the Sentencing Guidelines Committee.

(Cont'd)

Also, office staff attended workshops pertaining to performance appraisals and standards criteria, CPR training, and computer training.

The Office of General Counsel, of course, provided legal advice on a daily basis to Commissioners and agency staff. Thorough analysis of all factual issues was essential in determining the proper legal course of action. Throughout the 87-88 fiscal

year, the Office of General Counsel encountered more complex and diverse legal issues affecting activities of the Florida Parole Commission. The challenges have been difficult.

However, through hard work, thorough research and specialized training, the Office of General Counsel will continue to meet these challenges, providing the best possible legal representation for the Florida Parole Commission.

LEGAL SERVICES CASE WORKLOAD

<u>WORKLOAD MEASURES</u>	<u>FY 86-87</u>	<u>FY 87-88</u>
<u>Administrative Duties</u>		
Verbal Advice	462	775
Legal Opinions	79	79
Special Projects	22	24
Correspondence	78	66
Memoranda	49	122
Telephone Calls	558	621
Declaratory Statement and Risk Management	14	5
Revocation Hearings	1	3
<u>Litigation</u>		
<u>Appeals</u>		
Briefs	37	24
Motions	14	12
Oral Arguments	4	0
<u>Extraordinary Writ Proceedings</u>		
Responses	70	66
Motions and Memoranda	38	26
Remands	20	6
<u>General Pleadings, Motions and Notices</u>		
	87	91
<u>Administrative Rule Challenges</u>		
Answers	3	0
Motions	2	0
<u>Evidentiary and Administration Hearings</u>		
	9	3

STATEMENT OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCE AND
BUDGET AND ACTUAL
6-30-88

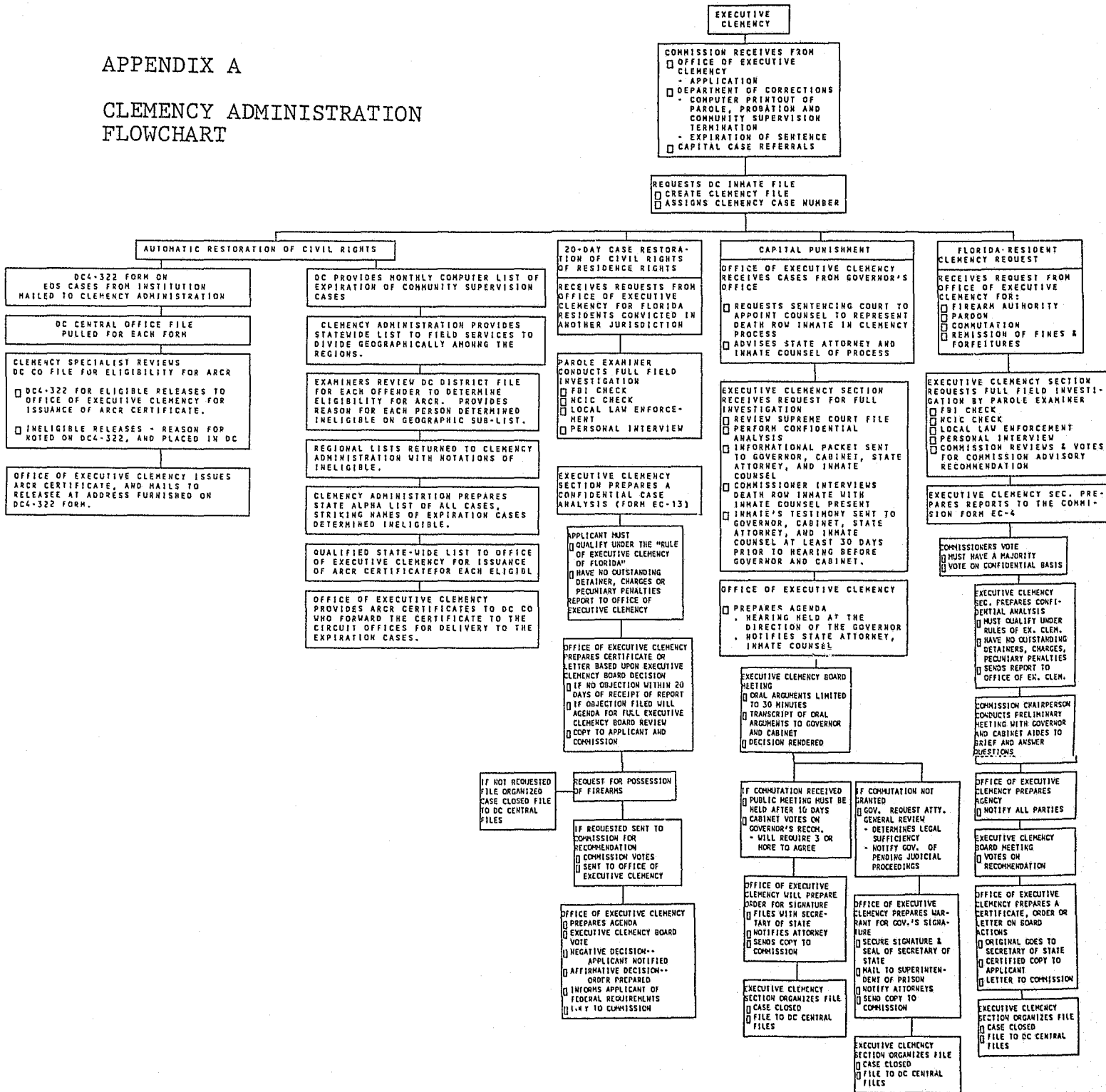
	Budget	Actual	Variance Favorable (Unfavorable)
Revenues:			
General Revenue Appropriations	4,714,958.00	4,714,958.00	-0-
Less Reversions 6-30-88		(377.17)	(377.17)
General Revenue Appropriations Used	4,714,958.00	4,714,580.83	(377.17)
Total Revenues	4,714,958.00	4,714,580.83	(377.17)
Expenditures			
Salary	3,790,316.00	3,790,264.05	51.95
Other Personal Services	82,185.00	82,136.26	48.74
Expenses	810,309.00	800,205.49	10,103.51
Operating Capital Outlay	29,586.00	15,918.68	13,667.32
Data Processing Services	2,562.00	2,415.90	146.10
Certified Forward	22,865.16	18,635.15	4,230.01
Total Expenditures	4,737,823.16	4,709,575.39	28,247.63
Excess of Revenues over (under) Expenditures	22,865.16	5,005.30	27,870.46
Fund Balances July 1, 1987	35,496.29	34,577.39	70,073.68
Reverted to General Revenue 12/31/88		(4,230.01)	(4,230.01)
Increases (Decreases) Reserved for Inventory		(3,295.96)	(3,295.96)
Fund Balance June 30, 1988	58,361.45	32,056.72	90,418.17

COMBINED BALANCE SHEET ALL
FUND TYPES & ACCOUNT GROUPS
6-30-88

	<u>Governmental</u> <u>Fund Types</u>	<u>Account Groups</u>		<u>Total</u>
	General	General Fixed Assets	General Long Term Debt	(Memoranda Only)
Assets:				
Unexpended General				
Revenue Releases	119,505.18			119,505.18
Accounts Receivable	665.54			665.54
Due from Other Departments	72.79			72.79
Supply Inventory	8,416.27			8,416.27
Machinery & Equipment		391,950.61		391,950.61
Amount to be Provided				
General Long Term Debt			542,249.70	542,249.70
Total Assets	<u>128,659.78</u>	<u>391,950.61</u>	<u>542,249.70</u>	<u>1,062,860.09</u>
Liabilities:				
Accounts Payable	17,690.69			17,690.69
Due Other Funds Within				
Departments	72,319.79			72,319.79
Due to Other Departments	5,600.06			5,600.06
Due to other Governmental				
Units	326.98			326.98
Compensated Leave Balances			542,249.70	542,249.70
Due to General Revenue				
Allotment	665.54			665.54
Total Liabilities	<u>96,603.06</u>		<u>542,249.70</u>	<u>638,852.76</u>
Fund Equity:				
Investments in General				
Fixed Assets		391,950.61		391,950.61
Reserve for Encumbrances	23,640.45			23,640.45
Reserve for Inventories	8,416.27			8,416.27
Total Fund Equity	<u>32,056.72</u>	<u>391,950.61</u>	<u>-0-</u>	<u>424,007.33</u>
Total Liabilities and Fund Equity	<u>128,659.78</u>	<u>391,950.61</u>	<u>542,249.70</u>	<u>1,062,860.09</u>

APPENDIX A

CLEMENCY ADMINISTRATION
FLOWCHART



This public document was promulgated at an annual cost of \$1,016 or \$1.56 per copy to inform the public of the yearly operations of the Florida Parole and Probation Commission.
