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FLORIDA PAROLE AND PROBATION COMMISSION

top row

left to right: Charles H. Lawson, Commissioner

Judith A. Wolson, Commissioner - Secretary

Maurice G. Crockett, Commissioner

bottom row

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

A. M. "Tony" Fontana, Commissioner - Chairman

Kenneth W. Simmons, Commissioner

not pictured: Anabel P. Mitchell, Commissioner

Charles J. Scriven, Commissioner

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A.M. "TONY" FONTANA
COMMISSIONER CHAIRMAN

E. GUY REVELL, JR.
COMMISSIONER VICE CHAIRMAN

KENNETH W. SIMMONS
COMMISSIONER SECRETARY



MAURICE G. CROCKETT
COMMISSIONER

CHARLES H. LAWSON
COMMISSIONER

JUDITH A. WOLSON
COMMISSIONER

**FLORIDA PAROLE AND
PROBATION COMMISSION**

1309 WINEWOOD BOULEVARD, BUILDING 6, THIRD FLOOR, TALLAHASSEE, FLORIDA 32399-2450, (904) 488-1653

January 7, 1988

Governor Bob Martinez
Members of the Cabinet

Sirs and Madame:

In accordance with Chapter 947.15, Florida Statutes, I am pleased to present to you the 1986-87 47th Annual Report of the Florida Parole and Probation Commission.

This report describes the accomplishments achieved in the Fiscal Year 1986-87. In addition, the report is designed to provide the reader with a comprehensive overview of the Commission and its role in the criminal justice system.

Sincerely,

A.M. "Tony" Fontana
Chairman

AMF:lds

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

NCJRS

FEB 12 1988

ACQUISITIONS

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CHAIRMAN'S MESSAGE

During 1987, the most comprehensive performance audit within the Florida Parole and Probation Commission's 46 year history was conducted.

This audit, dated April 22, 1987, was the culmination of a year long effort on the part of the Office of the Auditor General. It represents an extensive review of the Commission's function and role in Florida's criminal justice system. This annual report will detail the audit's recommendations.

It is the published findings and recommendations of this audit report that represent the highlight of the year. The Commission has traditionally maintained that independent review of an inmate's case and conduct prior to release from prison was an integral part of the criminal justice system in this state and that supervision of the inmate following release from prison was necessary for the protection of the public. These two basic principles are reinforced in the performance audit.

During the 1986-87 year the Commission continued to strive to improve the quality of its decision making and increase public access to the parole process. To facilitate this effort the legislature authorized the Commission to conduct its public meetings in locations other than its headquarters in Tallahassee. We have begun planning for a pilot project of such public meetings to be located in the more heavily populated areas of the state. The goals of this effort are to increase participation by victims, their families, appropriate criminal justice agencies and others who are interested in specific inmate cases.

While legislative goals for the reporting year were met, it was with considerable dedication that the agency began the process of formulating its legislative goals for the 1988 regular session. This process began in the latter part of the 1986-87 year, focusing on the legislative requirements associated with the performance audit.

As the inmate population continues to increase, the obvious gaps in Florida's criminal justice system become more evident. The Commission supports continuing dialogue on the viable role that the Commission can play in protecting the public interest.

**THE REPORT OF THE
AUDITOR GENERAL**

A major area of Commission activity during this year centered upon the Performance Audit conducted by the Office of the Auditor General as part of the Legislature's oversight responsibility for public programs. In 1986, the Chairman of the Senate Corrections Probation and Parole Committee requested that the Auditor General conduct an audit of the Florida Parole and Probation Commission. The purpose of the review was to analyze the function and administration of parole in Florida. The primary objectives were to assess the need for an independent entity to make decisions regarding the early release by parole and to consider the future role of the Commission.

The report, published in April, 1987, reinforces the role and philosophy of the Commission. As an independent reviewing authority, the Auditor presented findings and recommendations which could significantly affect the state's criminal justice system.

In general the study concluded that early prison release is a necessity if the state is to operate the criminal justice system in an economically efficient and operationally effective way. It also found that parole release has advantages over other mechanisms, that the need for parole activities continues to exist, and that the Commission is the best entity to perform duties related to supervised release.

The following recommendations contained in the Auditor's report expand the Commission's responsibilities:

**The process for the early release of inmates
should be modified.**

There are two major categories of early release in Florida: release by reason of accumulated gain-time and release by parole. Gain-time is administered by the Department of Corrections; and release by parole is administered and granted by the Commission. The decision to release inmates prior to the expiration of the court-imposed sentence should be made by an entity other than the one charged with their incarceration and rehabilitation. Although the Department of Corrections is authorized to grant inmates early release, some areas of concern with this practice have been identified. The current system of early release, other than parole, reduces commitments by award of gain-time and by allowing participation in the Supervised Community Release Program or the Basic Release Assistance Program. These methods consider the inmate's performance while incarcerated, rather than the degree of preparedness for reintegration into society. They provide only limited or no post-release supervision.

The Auditor General stated, "A release process that does not provide for review of an individual inmate's readiness for discharge, and in which limited or no post-release supervision is imposed, may not serve the best interests of society." Additionally, the potential for conflict of interest may arise when the agency charged with incarceration and rehabilitation of offenders is also authorized to make early release decisions. As stated in the report, "the demands of administering a correctional program may influence decisions that result in the release of an inmate rather than considering the best interest of society." Implementation of this recommendation would require Legislative revision of Chapter 944, Florida Statutes.

Parole eligibility should be extended to inmates sentencing guidelines.

Release of inmates by gain-time does not take into consideration the inmate's readiness to re-enter society as a respectable law-abiding citizen. Gain-time release only considers the inmate's behavior and participation in programs while incarcerated. It establishes the end of the sentence, thus terminating the Court's jurisdiction over the inmate. It does not provide for supervision of the offender upon re-entry into the community.

Parole, on the other hand, provides for a review of each inmate's potential for early release, a medium for community input, a method for post-release supervision under stipulated conditions, and for a means for reincarcerating the parolee if those conditions are violated. It is a more effective means of protecting society and meeting the needs of the prisoners. The report also noted that post-release supervision is preferred by judges, state attorneys and public defenders throughout the state.

Thus, the auditors recommended that the Legislature revise Section 944, Florida Statutes, to extend parole eligibility to inmates sentenced to prison under Sentencing Guidelines. Under the recommended program, inmates would first serve a minimum mandatory portion of their imposed sentence which would be followed by terms of street supervision on parole. This would create an overall longer period of supervision of the offender, yet save the state millions of dollars by relieving prison overcrowding by releasing 3800 inmates to supervision.

The role of the Parole and Probation Commission should be expanded.

With the passage of The Correctional Reform Act of 1983 and the implementation of Statewide Sentencing Guidelines, the need for a Parole Commission was questioned. The audit notes that for those persons sentenced prior to October 1, 1983, for persons requesting clemency, and for persons currently under parole supervision, some entity is needed to administer the functions inherent in these activities.

If the Commission is abolished, the most likely candidates for these operations are the courts and the Department of Corrections. However, the courts and the department of Corrections are understaffed for these activities, and neither can provide independence from the operational pressures of administering the prison system or minimize political pressures on the parole process, according to the Auditor.

The Auditor recommended that the Legislature not sunset the Commission as scheduled in 1989. It was further recommended that the Commission be the designated authority for setting terms and parameters of conditional release, as an alternative to unconditional release.

Of the issues and recommendations addressed by the Auditor General, these have the most significant impact on the Commission.

Other areas were examined and directions offered, some requiring legislative action while others do not. For example, the Auditor General suggested that the number of Commissioners should be determined by the size of the parole-eligible population. Also, modifications in some operational aspects of the Commission would improve the efficiency and effectiveness of the agency. The focus of the upcoming fiscal year will be the pursuit of enabling legislation and the in-house implementation of suggested program changes.

YEAR IN REVIEW

The Commission's budget and staffing remained relatively constant in 1986-87, with 140 authorized positions, an increase of one position over 1985-86 resulting from a deletion of one position in Parole Grant and the addition of two positions in Clemency.

In the 1987 session, the Legislature enacted one bill related to the Commission's operations: SB131 granted the Commission authority to transact business anywhere in the state. This legislation will provide expanded opportunities for citizens', victims', and criminal justice agencies' participation in the parole process. SB131 also facilitates Florida's goal within the Comprehensive Plan for maximizing citizen input in governmental operations.

This bill delayed for one year implementation of the Clemency Review Board and increased the Commission from five to six members.

No other bills relating to the Commission were considered during this session. The Commission anticipates that during the 1988 session the Legislature will consider substantive legislation which will impact on the Commission.

RECOGNITION

The Commission's greatest asset is its employees, especially those who have contributed many years of valuable service. Currently, there are forty-nine employees who have been with the Commission for over ten years. These dedicated employees represent over one-third of the total agency personnel.

The Commission appreciates the contributions of all its employees with special recognition to the following individuals who have completed twenty years or more service:

30 Years

Judy E. Hansen, Administrative Secretary, Region II
Ray E. Howard, Revocation Administrator, Central Office

26 Years

John R. Skinner, Parole Examiner Supervisor, Region I

25 Years

Spence H. McCall, Parole Examiner Supervisor, Region III
Gloria R. Williams, Senior Clerk, Central Office

24 Years

Edward L. Jenkins, Parole Examiner II, Region V
Carolyn W. Tibbetts, Parole Specialist, Central Office
Lena Tipton, Administrative Secretary, Region I

23 Years

William T. Browning, Parole Examiner I, Region II
Wanda F. Bryan, Parole Technician Supervisor, Central Office
S. Annette Messer, Executive Secretary, Central Office

22 Years

Kenneth W. Simmons, Commissioner

21 Years

Ray Chancey, Parole Examiner I, Region III

20 Years

Hunter Pfeiffer, Parole Examiner I, Region I
Jean Allen, Purchasing Agent I, Central Office

IN RETIREMENT

Anabel P. Mitchell

Anabel P. Mitchell is a native Floridian who graduated from Florida State University and who has distinguished herself with over 34 years of public service to the State of Florida.

She began her correctional career with the Florida Parole and Probation District Office in Quincy. In 1958, as a classification supervisor, she began her 16-year involvement with Florida Correctional Institution, where she was selected as assistant superintendent in 1968. In 1971, as superintendent of Florida Correctional Institution, she was the first woman to head a correctional institution housing women and men.

In 1975, she became the first female to be appointed to the Florida Parole and Probation Commission, and in that same year, she was elected as one of Florida's 14 outstanding women. Mrs. Mitchell had the distinction of serving as chairman of the Commission for two years, as well as vice-chairman and secretary.

Her leadership, dedication and concern have been recognized throughout the Nation. She has served as a consultant on women's correctional facilities to the U.S. Law Enforcement Assistance Administration, and as a member of the Board of Directors for the American Correctional Association. She is active in the Florida Council on Crime and Delinquency, an organization which presented its Distinguished Service Award to her in 1981.

Dr. Herbert M. Greenwood

Dr. Greenwood, known as "Herb", was born in Massachusetts and retired after having served the Commission for approximately 16 years. Following a military assignment in Guadalcanal with the U.S. Navy, he returned to the States. He received a Basic Science Chiropractic Degree from Palmer College, Davenport, Iowa, later opening his own Chiropractic practice in North Florida, then moving to Miami.

While employed with the Commission, he served as parole and probation officer; parole and probation supervisor; regional coordinator of community services; parole case analyst; parole and probation interstate compact specialist; parole specialist; and clemency administrator.

Herb took great pride in representing the Commission before the Governor and Cabinet in his role as clemency administrator. He is known for his generosity, his frankness, and his outstanding recollection of dates and events.

COMMISSIONER'S VITAE

Maurice G. Crockett

Commissioner Crockett was born in Nashville, Tennessee and received his bachelor of arts degree from Philander Smith College at Little Rock, Arkansas. He 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, and the American Association of Paroling Authorities. Commissioner Crockett is a certified consultant with the American Correctional Association. He also 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 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.

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. 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 June 30, 1986, and subsequently elected chairman July 1, 1986 through June 30, 1988.

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 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 appointed to a four-year term on August 3, 1983.

Anabel P. Mitchell

A native Floridian, Commissioner Mitchell was reared in Levy county and took her bachelor of science degree in commerce at Florida State University. Her career in corrections began in 1958 with employment at Florida Correctional Institution at Lowell where she served as classification supervisor, assistant superintendent and superintendent, successively. Prior to her appointment on March 10, 1975 as the first woman commissioner, she was the Department of Corrections' deputy director for inmate treatment. She served the Commission as secretary from July 1, 1976, until June 30, 1977, as vice-chairman from July 1, 1978, until June 30, 1980, and since her reappointment January 13, 1982, she served as chairman from July 1, 1982, until June 30, 1984. She was selected one of fourteen Outstanding Florida Women in 1975. Commissioner Mitchell is a member of the American Correctional Association and has served on the Association's Board of Directors, is a former president of the National Association of Programs for Female Offenders and is active in the Florida Council on Crime and Delinquency, an organization which presented its Distinguished Service Award to her in 1981.

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.

Charles J. Scriven

A native of Jacksonville, Florida, Commissioner Scriven served as patrolman, sergeant, lieutenant, and chief of the community relations division of the office of the sheriff, Duval County, Florida, prior to his appointment to the Commission on March 25, 1975. A graduate of Edward Waters College in 1962, he received his bachelor of science degree in social science, master of arts degree from Stetson University in August, 1975, and is a candidate for PhD (academic requirements completed), at Florida State University. He served as agency chairman from July 1, 1976, until June 30, 1978, and served as secretary of the Commission from July 1, 1983, until July 1, 1984. He was reappointed to a six-year term on January 13, 1982.

Kenneth W. Simmons

Commissioner Simmons, who was born in Columbus, Georgia, was 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 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, serving as vice-chairman from July 1, 1980, until June 30, 1982, and re-elected vice-chairman on July 1, 1982, until July, 1984, when he was elected as chairman of the Commission. Commissioner Simmons is currently a member of the Florida Council on Crime and Delinquency Executive Committee and Executive Board. He has previously served as treasurer, secretary, president-elect and president of the Florida Council on Crime and Delinquency and is presently serving as chairman of the Nominating Committee for State Officers. He is also a member of the American Correctional Association.

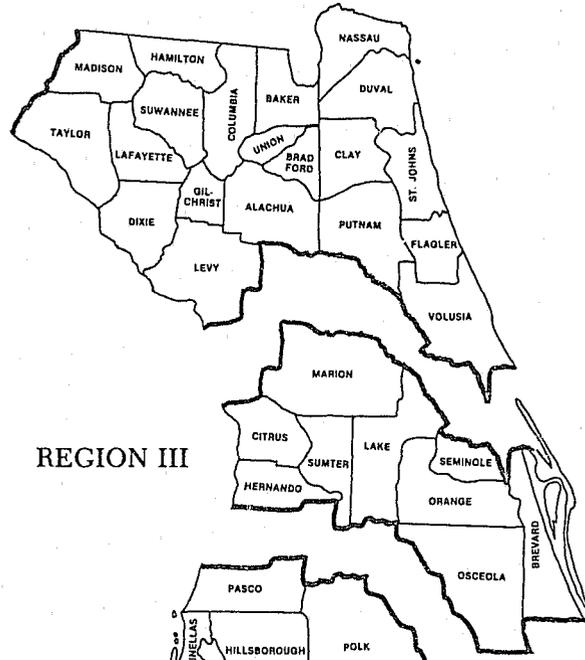
Judith A. Wolson

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 of several years standing. 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.

FIELD SERVICES
REGIONS

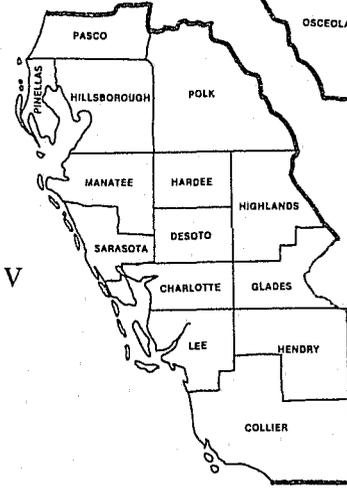


REGION I

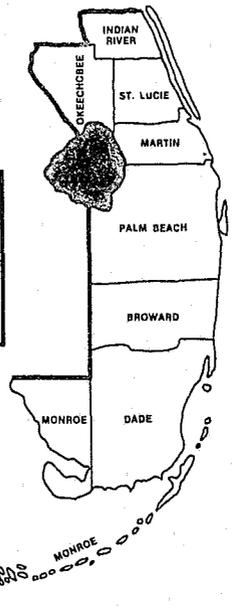


REGION II

REGION III

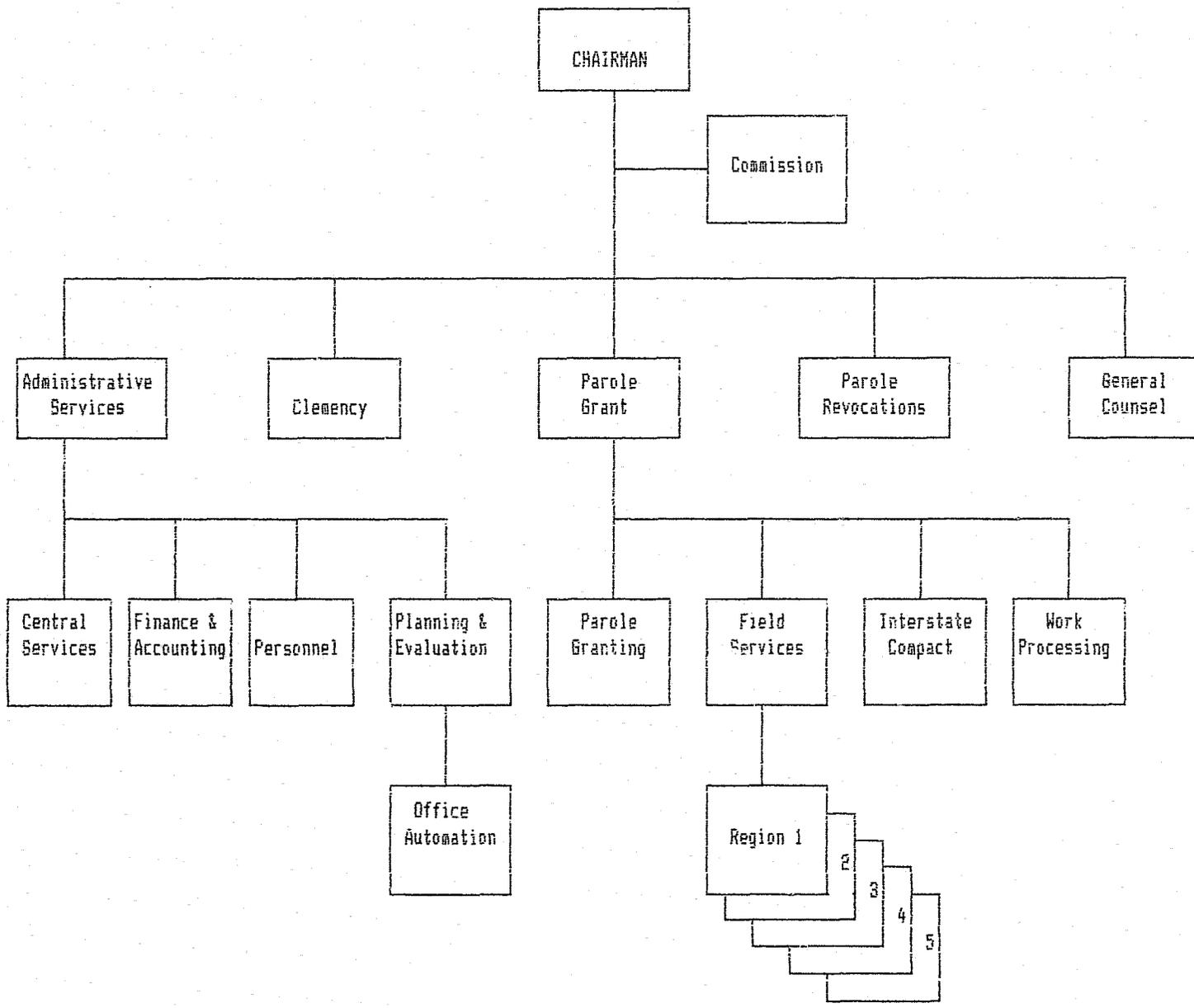


REGION V



REGION IV

ORGANIZATIONAL CHART



DEPARTMENTAL UNITS

PAROLE GRANT

The responsibilities of the Parole Grant Department are quite varied but directly relate to the parole grant process. As the largest functional area, this department is headed by the director of parole services who is responsible for the operation of several organizational sections. Matters relating to the conduct of the Commission's weekly public voting meetings is an additional responsibility of Parole Grant. The department accomplishes its tasks utilizing the following sections:

Field Services: This section, headed by the field services manager, is divided into five regions. Each region has a supervisor who administers the activities of the field staff. The field staff is comprised of thirty-five examiners and eighteen clerical personnel. These 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 staff complement provides administrative and clerical support to the Commission in its ongoing parole consideration duties. The support ranges from the maintenance of official voting dockets to the actual production of Commission orders.

Work Processing: The principle duties of this section's staff are the preparation of case files and Commission dockets for the weekly Commission voting sessions. Other responsibilities of this unit are the preparation of the Commission meetings with respect to persons appearing and speaking.

Interstate Compact: Providing the administrative link between the Commission and other states' parole boards is the principle duty of this section's staff. This office coordinates a host of administrative matters ranging from securing out-of-state parole plan information to administrative involvement in the return of parole violators and parole termination.

REVOCATIONS

This section, staffed by five professional and six clerical members, is responsible for receiving and processing information for violations of parole, drafting warrant requests for commissioner approval, reviewing bond and preliminary hearing summaries, and administering the final revocation hearing process.

Once the commissioners have granted a parole, it is the Department of Corrections' parole officer who provides the supervision, surveillance, control and guidance to the parolee. The Commission has the authority to order arrest of a parolee, detain him by warrant, and revoke parole when necessary to provide protection to society. This mutual responsibility works well due to the close and responsive relationship between the revocations staff and the Department of Corrections' parole field staff.

The correctional parole officers promptly notify the revocations staff of the parolee's criminal behavior or serious technical violations so that the revocations staff can expedite the violation report and draft the warrant for a commissioner's approval. This facilitates the prompt arrest or detention of a parolee. The revocation staff also interfaces with state and federal law enforcement agencies to assure the earliest possible detection and apprehension of alleged parole violators.

Prior to conducting the preliminary and final revocation hearing, the revocations staff continues to receive relevant information from the parole officer, other officials, family or community sources.

In 1983, the legislature provided the Commission with the authority to consider placement of a parole violator in Community Control as an alternative to revocation of parole. This is a true diversion program as these parolees would have been revoked without this alternative.

CLEMENCY

The seven-member staff of the Clemency Department has continued to meet its objective of fulfilling the investigative requirements of the clemency board.

Executive clemency power, an act of grace, was vested in the Governor by the Florida Constitution of 1968. This power provides that the Governor may, by executive order, suspend collection of fines and forfeitures and grant reprieves not exceeding sixty days. Furthermore, with the approval of three members of the full Cabinet sitting as the Clemency Board, the Governor and the board may restore civil rights, grant full or conditional pardons, commute punishment, waive rules, restore firearm authority, and remit fines and forfeitures for offenses. These acts of grace apply to cases that did not involve treason or impeachment.

In order to assist the Governor and Clemency Board in the exercise of this executive power, the Office of Executive Clemency was formed to administratively process clemency applications and thereby request investigations from the Florida Parole and Probation Commission.

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

Currently, the Clemency Department within the Commission is responsible to the Governor and Cabinet in all types of clemency and conducts an extensive investigation of each case by working through the Commission's field staff, the courts, and other state and federal criminal justice agencies. A report which covers the circumstances of the offense, rehabilitation efforts, length of time since conviction, and verifiable need for clemency, as well as other factors that were not weighed by the court, is submitted by this department to the Clemency Board along with the Commission's recommendation.

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

Conditional Pardon: A conditional pardon releases an applicant from punishment only if the applicant fulfills certain conditions. A conditional pardon forgives guilt and entitles the applicant to the rights enjoyed prior to conviction.

Commutation of Sentence: If granted a waiver of the rules, an inmate may be considered for this type of clemency. If commutation is granted, it would result only in a change of the penalty to one less severe.

This type of clemency consideration includes inmates recommended by the Department of Corrections under Florida Statutes, Section 944.30, who have ten years good conduct and a good institutional record, or individuals sentenced under sentencing guidelines.

Remission of Fines and Forfeitures: If granted, a remission would suspend or remove any fines or forfeitures.

Specific Authority to Own, Possess, or Use Firearms: After civil or residential rights have been restored to a convicted felon, application may be made for specific authority to own, possess, or use firearms. If such firearm authority is granted, the applicant must comply with certain requirements of the Federal Gun Control Act of 1968.

Restoration of Civil Rights: 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 civil rights are restored to an applicant convicted of a felony in another jurisdiction, such restoration is in effect only as long as the applicant is a resident of Florida.

Restoration of Residence Rights: 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.

Automatic Restoration of Civil Rights: 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. If a convicted felon is determined eligible by the Commission and no objections are filed by members of the Clemency Board, the civil rights enjoyed by the applicant prior to conviction would be restored except for firearm authority.

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 Florida Parole Commission field staff with an advisory recommendation made by the Florida Parole Commission to the Clemency Board. The Clemency Board meets four times during the year.

Commutation of Capital Punishment Cases: Consideration for commutation of capital crimes is an automatic process under the Rules of Executive Clemency and, if commutation is granted, such would change the penalty to one less severe. The clemency interview is conducted in capital punishment cases at Florida State Prison where a commissioner of the Florida Parole Commission 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 the defense and state attorneys.

Waiver of the Rules: The Florida Parole and Probation Commission has been charged with the review of applicants who request a waiver of the rules. All inmate case material and applicant documents are made available to the Commission so that a majority recommendation on the waiver may be made to the Clemency Board. The applicant may request that the rules be waived and, if a waiver is granted, the individual can then 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.

ADMINISTRATIVE SERVICES

The Administrative Services staff provides administrative support services to all central office operations and field offices, serves as the Commission's budget office, and maintains the Commission's financial records. It is comprised of Budgeting, Finance and Accounting, Personnel, Planning and Evaluation, and Central Services.

Finance and Accounting: This section processes all travel vouchers, salary vouchers and vendor payments, maintains financial records, prepares financial statements and inventories fixed assets.

The following fiscal transactions were accomplished in FY 1986-87:

Salary Vouchers Processed	99
Vendor Payments Processed	2,365
Travel Vouchers Processed	962
Purchase Orders Issued	462

Legislative Budget Appropriations including Administered Funds for 1986-87 vs. Expenditures:

Positions Budgeted:	140	
Salaries Budgeted:	3,739,565	(A)
Salaries Expended:	3,466,789	
OPS Budgeted:	96,587	
OPS Expended:	75,083	
Expenses Budgeted:	753,460	
Expenses Expended:	773,265	(B)
OCO Budgeted:	19,945	
OCO Expended:	20,894	(B)
D.P. Services Budgeted:	9,562	
D.P. Services Expended:	3,316	

- (A) Includes releases by OPB for salary increase;
(B) Difference transferred from salaries.

The legislative audit of the Commission's financial records and management practices for the fiscal year revealed no major deficiencies or variances.

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

<u>App. Category</u>	<u>Amt. Reverted</u>
Salaries	\$157,779.00
OPS	21,504.00
Expenses	17,195.00
OCO	48.00
D.P. Services	6,246.00
TOTAL REVERSIONS	\$202,772.00

Personnel: The Personnel section is responsible for recruitment, placement, pay administration, position classification, discipline and training. It also serves as liaison with the Department of Administration on personnel matters.

There were four types of pay increases for which various employees in Career Service classes could have been eligible for January 1, 1987. They were as follows:

1. Competitive Pay Adjustments (CPA) - Each full-time career service employee received a bi-weekly increase of 5% based on the minimum of the pay grade.
2. Critical Class Adjustments - These were adjustments which were applied to certain classes and were in addition to the competitive pay adjustments.
3. Competitive Area Differential (CAD) Equity Adjustments - These were adjustments which were either increases to the employee's current CAD salary additive where the CAD was being reduced or eliminated.
4. Guaranteed Minimum Adjustment (GMA) - These were adjustments which guaranteed a minimum salary increase of \$700.00 per year to all employees who achieve or exceed standards.

The Commission also gave an overall 5% salary increase for employees filling Senior Management and Selected Professional Service positions.

Funds were also appropriated for Commissioners to receive a salary increase effective February 1, 1987. In addition, Commissioners were granted Senior Management Benefits effective February 1, 1987.

Effective February 1, 1987 positions in the Senior Management Service were restructured and the Selected Professional Service was replaced by a new service entitled Selected Exempt Service. The current Senior Managers in the Commission were retitled and remained in the Senior Management Service. The position of Clemency Administrator was also placed in the Senior Management Service effective February 1, 1987. The two Senior Attorney positions previously in the Selected Professional Service were reallocated to the new Selected Exempt Service effective 2/1/87. The positions of Personnel Officer and Field Services Manager were also placed in the Selected Exempt Service.

Performance Incentive Increases were also implemented during this fiscal year. Those employees who were eligible received 3% of their base rate of pay.

Planning and Evaluation: This section is responsible for all planning, research and evaluation projects, and the collection and analysis of a variety of statistical data relating to parole actions and Commission activities and is responsible for the Commission's electronic data processing and office automation activities.

The Planning and Evaluation Department worked very closely with the Information Resource Commission, as emphasis has been placed on office automation.

New computers will be installed in the central office. These computers will perform word processing, database and spread sheet applications.

Central Services: The purchasing and issuing of supplies, making deliveries to and from the Capitol, State Comptroller and Governor's Offices, the printing of forms, and the processing of all outgoing and incoming mail fall within the responsibilities of this section.

OFFICE OF THE GENERAL COUNSEL

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. The Office staff includes the general counsel, two staff attorneys, and three 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 to 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.

**RECENT DEVELOPMENTS
IN PAROLE LAW**

The following provides a synopsis of some of the more significant decisions rendered during the past year:

The Florida Supreme Court recently considered the right-to-counsel issue for parolees in the case of Floyd v. Florida Parole and Probation Commission, 509 So.2d 919 (Fla. 1987). Previously, the Court ruled that in probation revocation hearings, indigent probationers have an absolute right to appointment of counsel, before being required to respond in any manner to charges of a violation. See, State v. Hicks, 478 So.2d 22 (Fla. 1985). However, the Florida Supreme Court refused to expand this absolute right to parolees.

In Floyd, supra, the Court held that the revocation of parole is not part of the criminal prosecution, and thus, the full panoply of rights due a defendant in a criminal prosecution do not apply to parole revocation. The Court also noted that there are some significant differences between probation and parole. On this basis, the Court determined that indigent parolees are not entitled to counsel in all parole revocation proceedings. Rather, the right to counsel must be determined on a case-by-case basis, according to the requirements set forth by the United States Supreme Court in Gagnon v. Scarpelli, 411 U.S. 778 93 S.Ct. 1756, 36 L.Ed.2d 656 (1973). The Floyd decision therefore had the effect of simply reaffirming pre-existing law. Only in those cases where an indigent parolee meets the requirements set forth in Gagnon, supra, does the parolee have a right to counsel.

**STATEMENT OF REVENUES, EXPENDITURES
 AND CHANGES IN FUND BALANCE AND
 BUDGET AND ACTUAL
 6-30-87**

	Budget	Actual	Variance Favorable (Unfavorable)
Revenues:			
General Revenue Appropriations	4,619,119.00	4,619,119.00	-0-
Less Reversions 6-30-87	-0-	(202,771.60)	(202,771.60)
General Revenue Appropriations Used	4,619,119.00	4,416,347.40	(202,771.60)
Total Revenues	<u>4,619,119.00</u>	<u>4,416,347.40</u>	<u>(202,771.60)</u>
Expenditures			
Salary	3,701,568.00	3,543,789.48	157,778.52
Other Personal Services	96,587.00	74,902.78	21,684.22
Expenses	790,460.00	748,000.17	42,459.83
Operating Capital Outlay	20,942.00	19,500.52	1,441.48
Data Processing Services	9,562.00	3,316.28	6,245.72
Certified Forward	31,878.45	30,978.54	899.91
Total Expenditures	<u>4,650,997.45</u>	<u>4,420,487.77</u>	<u>230,509.68</u>
Excess of Revenues over (under) Expenditures	31,878.45	(4,140.37)	27,738.08
Fund Balances July 1, 1986	3,617.84	39,617.67	43,235.51
Adjustments to Prior Year Fund Balance		649.86	649.86
Less Reverted to General Revenue		(1,549.77)	(1,549.77)
Fund Balance June 30, 1987	<u>35,496.29</u>	<u>34,577.39</u>	<u>70,073.68</u>

**COMBINED BALANCE SHEET ALL
FUND TYPES & ACCOUNT GROUPS
6-30-87**

	<u>Governmental</u> <u>Fund Types</u>	<u>Account Groups</u>		Total
	General	General Fixed Assets	General Long Term Debt	(Memoranda Only)
Assets:				
Unexpended General				
Revenue Releases	\$ 94,486.09			\$ 94,486.09
Accounts Receivable	665.54			665.54
Supply Inventory	11,712.23			11,712.23
Machinery & Equipment		434,239.77		434,239.77
Amount to be Provided				
General Long Term Debt			483,515.69	483,515.69
Total Assets	106,863.86	434,239.77	483,515.69	1,024,619.32
Liabilities:				
Accounts Payable	63,724.65			63,724.65
Due to Other Departments	7,009.54			7,009.54
Due to other Governmental Units	886.74			886.74
Compensated Absences Liability			483,515.69	483,515.69
Due to General Revenue Fund Unallocated	665.54			665.54
Total Liabilities	72,286.47	-0-	483,515.69	555,802.16
Fund Equity:				
Investments in General Fixed Assets		434,239.77		434,239.77
Reserve for Encumbrances	22,865.16			22,865.16
Reserve for Inventories	11,712.23			11,712.23
Total Fund Equity	34,577.39	434,239.77	-0-	468,817.16
Total Liabilities and Fund Equity	106,863.86	434,239.77	483,515.69	1,024,619.32

PAROLE GRANT SERVICES CASE WORKLOAD

<u>WORKLOAD MEASURE</u>	<u>FY 85-86</u>	<u>FY 86-87</u>
Processing docketed cases	17,880	13,809

LEGAL SERVICES CASE WORKLOAD

<u>WORKLOAD MEASURE</u>	<u>FY 85-86</u>	<u>FY 86-87</u>
<u>ADMINISTRATIVE DUTIES</u>		
Verbal Advice	301	462
Legal Opinions	81	79
Special Projects	30	22
Correspondence	38	78
Memoranda	47	49
Telephone Calls	389	558
Declaratory Statement and Risk Management	18	14
Revocation Hearings	2	1
<u>LITIGATION</u>		
Appeals		
Briefs	38	37
Motions	22	14
Oral Arguments	5	4
Extraordinary Writ Proceedings		
Responses	89	70
Motions and Memoranda	70	38
Remands	6	20
General Pleadings, Motions and Notices	54	87
Administrative Rule Challenges		
Answers	5	3
Motions	7	2
Evidentiary and Administration Hearings	13	9

PAROLE REVOCATIONS SERVICES CASE WORKLOAD

<u>WORKLOAD MEASURES</u>	<u>FY 85-86</u>	<u>FY 86-87</u>
Processing issuance of warrants	1,473	1,139
Processing existing warrants	200	218
Processing preliminary revocation interviews and hearings	1,394	1,016
Issuing final revocation hearing notices	996	825
Preparing final revocation hearing	1,016	806
Assisting commissioner at final revocation hearings	483	391
Processing final outcomes	8,095	680

EXECUTIVE CLEMENCY CASE WORKLOAD

<u>WORKLOAD MEASURES</u>	<u>FY 85-86</u>	<u>FY 86-87</u>
Processing field services clemency investigations/ restoration of civil rights	254	245
Processing capital punishment cases	30	22
Capital punishment interviews	16	24
Processing parolees/probationers terminating supervision for automatic restoration of civil rights	5,929	9,406
Processing inmates expiring sentences for automatic restoration of civil rights	8,782	7,877
Processing interstate compact parolees terminating supervision for ARCR	99	80
Processing commutations of sentence cases	6	9
Processing waivers	80	82
Clemency Board Decisions	40	188
Supplemental investigations	142	596

FIELD SERVICES CASE WORKLOAD

<u>WORKLOAD MEASURES</u>	<u>FY 85-86</u>	<u>FY 86-87</u>
<u>Parole Related:</u>		
Initial Interviews	3,492	1,723
Biennial/Special Interviews	3,689	4,726
Effective Interviews	1,727	1,109
County Jail Interviews	0	0
Other: Eligibility Reviews	4,718	3,562
County Jail Checks	1,048	942
Type A Investigations	1,680	1,898
Type B Investigations	928	472
MPP: Proposal Reviews	1,153	638
Negotiations	982	486
Violation Hearings	92	93
Renegotiations/Amendments	258	137
Rescission:		
Initial Interviews	163	89
Hearings	161	88
Judicial Notifications	N/A	625

WORKLOAD MEASURES

FY 85-86

FY 86-87

Revocation Related:

Initial Preliminary Hearing		
Interviews	1,416	1,227
Preliminary Hearings	725	572
Bond Hearings	976	807
Initial Pre-Revocation		
Interviews	1,804	879
Final Revocation Hearings	323	244

Clemency Related:

Clemency Investigations	271	239
Restoration of Civil Rights		
Investigations	5,538	7,437
Waiver Investigations	80	6

COMMISSION ACTIVITIES SUMMARY
FISCAL YEAR 1986-87

Commission Voting Docket Caseload	13,809
Mutual Participation Program	
Approved Contracts	73
Paroles Granted	797
Parole Violation Warrants Issued	1,139
Paroles Revoked	492
Parole Violators Reinstated or Terminated Interest	461

FUNCTIONAL AREAS

Parole Grant
Harry T . Dodd, Director

Parole Revocation
Merle Davis, Director

Clemency
Ray Howard, Director

Office of General Counsel
Doris Jenkins, General Counsel

Administrative Services
Billy G. Pelham, Director

Field Services
Clarence Rudloff, Chief

FIELD OFFICES

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 P. O. Box 861
 Chattahoochee, Florida 32324
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 SUB-OFFICE: Pensacola, Florida
 (904)444-8859

REGION II: Jeffery L. Jansen, Regional Supervisor
 1210 Andrews Circle Drive, North
 Starke, Florida 32091
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 SUB-OFFICE: Jacksonville, Florida
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REGION III: Spence H. McCall, Regional Supervisor
 1004 North 14th Street, Suite 107
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REGION IV: Frank L'Hommedieu, Regional Supervisor
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 West Palm Beach, Florida
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REGION V: Edward L. Jenkins, Regional Supervisor
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 (813)494-7597

THE HISTORICAL FOUNDING OF PAROLE AND PROBATION IN FLORIDA

During the early 19th century state prisoners, commonly referred to as convicts, were leased to the huge turpentine and land companies in Florida where they often worked as slave labor. Many instances of enslavement involving brutal and inhuman punishment by "whipping bosses" of the turpentine, phosphate, and lumber camps were recorded.

The era of inhuman and bitter treatment of prisoners culminated with the notorious Martin Taber case. Taber, a young prisoner convicted of stealing a ride on a freight train, died as a result of brutal treatment administered by a lumber company boss to whom he was leased. An aroused public demanded the discontinuation of leasing prisoners.

The abolishment of the practice of leasing prisoners caused overcrowded conditions in the state prison in Raiford in spite of the establishment of road camps where prisoners were used for road work. Overcrowded conditions in the prisons, high costs of housing, and underlying pressures from families and the general public for better treatment of prisoners set the stage for opportunists to peddle their influences for the pardoning of certain prisoners. The Pardon Board, created by the 1885 Constitution and composed of the Governor and Cabinet, often presided over 200 pardon applications in one day. Hurried release procedures by these officials who were burdened by other duties and able to devote only a small portion of their time to the task of analyzing criminal behavior and its adverse effects on the community created conditions susceptible to easy manipulation by unscrupulous politicians and other influential individuals. Capricious releasing practices flourished. Prisoners with "connections," money, appropriate friends, and other types of influence stood a good chance of release especially if coupled with real or "manufactured" family distress or passionate and emotional pleas by self appointed "pardoning specialists."

Prisoner abuses and innate weaknesses of the old pardon system led to the formation in the middle 1930's of the Florida Probation Association. It was composed of men and women who seriously wanted to improve the penal system in Florida. Through the efforts of this association and other interested persons an amendment to the State Constitution was approved in 1940 which authorized the Legislature to create the Parole and Probation Commission. It now reads:

ARTICLE IV; SECTION 7 (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.

The next year, the Legislature created the Parole and Probation Commission and appointments to the three member Commission were made on October 7, 1941. Selections were made from the three highest placements on a statewide merit examination given to 288 applicants graded by a distinguished committee of examiners named by the Governor and Cabinet and who were selected because of their special knowledge in the field of penal treatment and administration of criminal justice. Thus.....for the first time in the history of the United States a Parole Commission was named on the basis of merit examination.

Parole and Probation Commission members must be confirmed by the Senate. They serve in a quasi judicial capacity and are responsible for all parole releases. The Commission establishes policies which are administered by the agency's Director with the field staff as an integral part of the autonomous agency. Responsibilities for judicious parole decisions and supervision, which is consistent with reasonable protection of society and the welfare of the offenders, are clearly identified and easy to pinpoint.

The basic purpose and concept of parole is not to reward a person merely for good conduct in prison or to relieve overcrowded conditions in prison, but to help the offender bridge the gap between a regimented life within prison walls and the freedom and responsibilities in a free society. Parole is designed to return a person to the more typical community in the free world just as quickly as the offender is able to conduct himself or herself as a law-abiding member of society, but not at the sacrifice of the welfare and safety of society.

The Parole and Probation Commission was expanded to five members in 1965. The people again voiced their approval and confidence in the Commission's philosophy, policies, and administrative structure by voting to retain the Florida Parole and Probation Commission as an autonomous agency in the new Constitution adopted in 1968.

Throughout the history of the Florida Parole and Probation Commission it has undergone attacks vacillating from claims that it was too liberal or too conservative in its releasing practices. However, the Commission has not succumbed to pressures in either extreme even in the face of possible abolishment, divesting it of its field staff (which is the Commission's lifeline to the community,) or limiting its parole function to considering only persons sentenced to secure detention. The Commission has staunchly and steadfastly maintained releasing decisions based upon professional sound judgment and predicated upon the best interest of society, but tempered with compassion and concern for the rehabilitation of the offender.

This public document was promulgated at an annual cost of \$1,303 or \$2.37 per copy to inform the public of the yearly operations of the Florida Parole and Probation Commission.
