

# FLORIDA COMMISSION ON OFFENDER REVIEW

A GOVERNOR AND CABINET AGENCY CREATED IN 1941

2015

Annual Report

## FLORIDA COMMISSION ON OFFENDER REVIEW



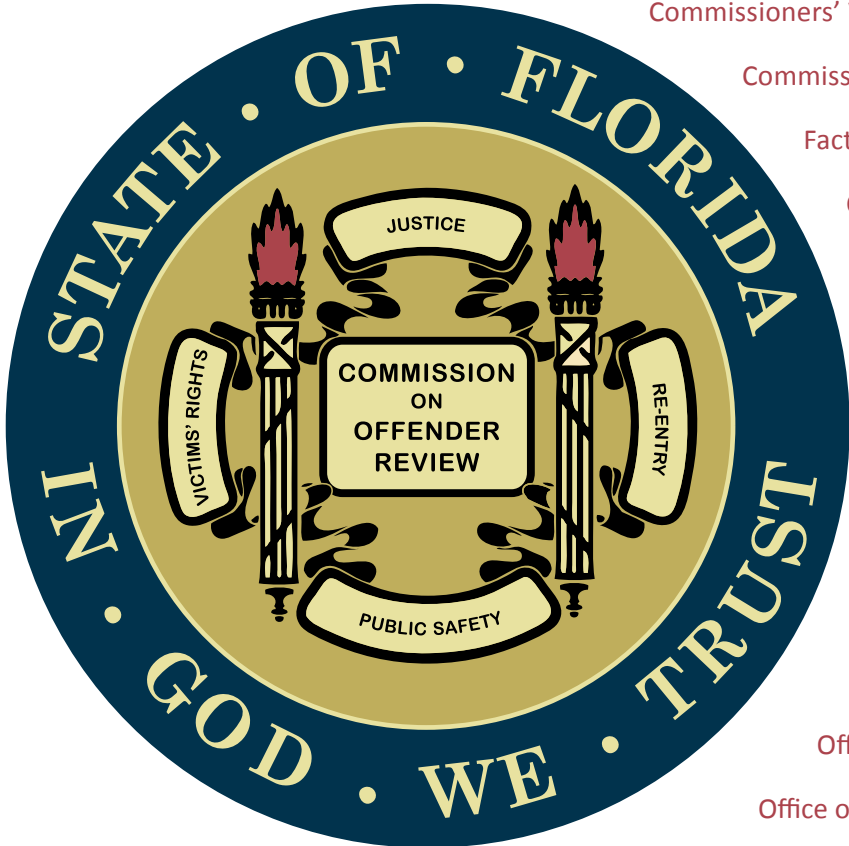
Commissioner Tena M. Pate, Chair  
Governor Rick Scott  
Commissioner Melinda N. Coonrod, Vice Chair  
Commissioner Richard D. Davison, Secretary  
*(Pictured from right to left)*

## FLORIDA BOARD OF EXECUTIVE CLEMENCY

Rick Scott, Governor  
Pam Bondi, Attorney General  
Jeff Atwater, Chief Financial Officer  
Adam Putnam, Commissioner of Agriculture  
and Consumer Services



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### *FCOR Mission Statement*

*Ensuring public safety and providing victim assistance through the post prison release process.*

## CHAIR'S MESSAGE



**FCOR Commissioners and 'A Conversation about Crime Victims' Rights' panelists.** (Pictured from left to right) State Attorney William "Willie" Meggs, Commissioner Richard Davison, Commission Chair Tena Pate, Peyton Tuthill Foundation founder Pat Tuthill, crime victim survivor and victims' advocate Cecilia McAdams, Commissioner Melinda Coonrod, and Director of Victim Services & Criminal Justice Programs for the Office of the Attorney General Emery Gainey.

December 2015

Dear Governor Scott and Members of the Cabinet, Senate President Gardiner, and Speaker Crisafulli:

With the support of our state leaders and the diligence of our dedicated staff, the Commission continued its commitment to protecting our state's residents and visitors this fiscal year under our new agency name, the Florida Commission on Offender Review (FCOR). During the 2014-15 fiscal year, the Commission provided accurate information to the Clemency Board for quarterly clemency hearings, held three successful out-of-town hearings, performed 21,176 victim assists, and continued to strengthen relationships with other public safety and law enforcement agencies locally, nationally and globally. Additional accomplishments are as follows:

- Hosted 'A Conversation about Crime Victims' Rights' panel presentation in observance of National Crime Victims' Rights Week at the Florida Capitol focused on victims' rights issues and services in Florida's post conviction processes. Panelists included State Attorney William "Willie" Meggs, Peyton Tuthill Foundation founder Pat Tuthill, Director of Victim Services & Criminal Justice Programs for the Office of the Attorney General Emery Gainey, and crime victim survivor and victims' advocate Cecilia McAdams. With guests including lawmakers, victims' rights advocates and public safety stakeholders, topics covered included current victims' issues and possible opportunities for future partnerships.
- Held a Victim Offender Dialogue (VOD) facilitator training session in preparation for the first state agency led VOD program in



Florida. The program is designed to provide victims and survivors of violent crime the opportunity to participate in a single face-to-face meeting with their offender in a safe and structured environment.

- Broadened our crime prevention initiative to educate at-risk youth on the potential consequences of poor life decisions.
- Created an online staff directory to increase familiarity and communication among employees and earned a Prudential Productivity Award for internal staff training innovations.
- Recognized as a model for parole, both nationally and internationally, through our continued efforts to improve the field of public safety and share the Commission's best practices with others. The Commission's media policy regarding victim interaction was cited in The National Parole Resource Center's Public and Stakeholder Education Toolkit as an example of strong communication practices for other parole boards to emulate.

The Commission plays a vital role in Florida's criminal justice system and contributes to ensuring public safety for residents and visitors to Florida, thereby reducing the number of crime victims. Commissioners Coonrod, Davison and I will continue to hold offenders accountable and through careful selection, also provide the opportunity for deserving offenders to become contributing, law-abiding members of society.

Respectfully,

Tena M. Pate, Chair

## COMMISSIONERS' VITAE



**TENA M. PATE**  
**COMMISSIONER**  
*Chair*

Serving the State of Florida and the public safety community for more than 30 years, Commissioner Pate has leveraged her extensive knowledge of the pre/post conviction and prison release process to propel the Commission forward in becoming a recognized model for parole and supervision release processes and policies across the globe. Pate is also an ardent advocate for citizens who have fallen prey to crime and has played a key role in the extensive enhancement and awareness of Florida's crime victims' rights.

Commissioner Pate has served in four of Florida's gubernatorial administrations including Martinez, Chiles, MacKay and Bush and received confirmation by the Florida Senate following her appointments to the Commission by Governors Bush, Crist, Scott, and the Florida Cabinet. Pate has also been tapped for numerous positions on national and statewide public safety boards and task forces including the National Institute of Corrections National Experts Panel on Victims Services in the Post Conviction Process, Florida Supreme Court's Florida Innocence Commission, the Attorney General's Domestic Violence Fatality Review Team and the Self-Inflicted Crimes Task Force.

She currently serves as President-elect for the Association of Paroling Authorities International, is a member of the Florida Council on Crime and Delinquency, the Florida Police Chiefs Association, Leadership Florida, Leadership Tallahassee, and is a graduate of the Florida Department of Law Enforcement Chief Executive Seminar.



**MELINDA N. COONROD**  
**COMMISSIONER**  
*Vice Chair*

Commissioner Melinda N. Coonrod began her criminal justice career in 1992 when she was appointed to serve as an Assistant State Attorney for the Second Judicial Circuit. As a prosecutor, Commissioner Coonrod handled a diverse set of criminal cases and served as lead prosecutor in more than 57 jury trials and more than 30 non-jury trials where she gained extensive criminal law experience, and became well versed in the Florida criminal justice system. She prosecuted perpetrators of crimes, advocated sentencing of those found guilty and worked closely with victims and various law enforcement agencies.

Commissioner Coonrod later served as an Administrative Hearing Officer with the Florida Department of Agriculture and Consumer Services Division of Licensing, where she presided over hearings involving the denial, suspension and revocation of licensure under Chapters 493 and 790, F.S. Her experience also includes representing children before the courts as a certified court appointed Guardian Ad-Litem, providing training seminars to various law enforcement agencies, and teaching graduate and undergraduate courses as an adjunct instructor at Florida State University College of Criminology and Criminal Justice.

Commissioner Coonrod received a Bachelor of Science degree from Florida State University College of Business and a Juris Doctor degree from Nova University. Commissioner Coonrod was appointed by the Governor and Cabinet on June 26, 2012 and was confirmed by the Florida Senate on April 29, 2013 to serve a six-year term, which extends until June 30, 2018.



**RICHARD D. DAVISON**  
**COMMISSIONER**  
*Secretary*

Commissioner Richard D. Davison began his criminal justice career in 1989 as an Assistant State Attorney in the Ninth Judicial Circuit where he prosecuted juvenile delinquency, misdemeanor, and traffic cases in jury and non jury trials. In 1991, he became the staff attorney for the Florida House of Representatives Committee on Criminal Justice. He then served as an Assistant Statewide Prosecutor for Florida's Office of Statewide Prosecution where he prosecuted white collar crime, organized crime, and other criminal enterprises.

Following the creation of the Florida Department of Juvenile Justice in 1994, Commissioner Davison served as that Department's Director of Legislative Affairs, Assistant General Counsel, and Deputy Secretary. Subsequently, Commissioner Davison was appointed Deputy Secretary of the Florida Department of Corrections. Prior to his appointment to the Commission, Davison served as Legal Counsel and Director of Administration for the Gadsden County Sheriff's Office, as well as a program coordinator for the City of Tallahassee Community Connections Restorative Justice Program.

Commissioner Davison received a Bachelor of Science degree from Florida State University and a Doctor of Jurisprudence from the University of Florida in 1988. Commissioner Davison was appointed by Governor Scott and the Cabinet on August 19, 2014 and was confirmed by the Florida Senate on April 29, 2015 to serve a six-year term, which extends until June 30, 2020.

## Commission History

In the early 1800's, state prisoners were leased to Florida companies to work as slave laborers. This era of inhumane and bitter treatment of prisoners ended after the notorious Taber case. Martin Taber was a young prisoner convicted of stealing a ride on a freight train, after which he died as a result of the brutal treatment administered by the lumber company boss to whom he was leased. An incensed public demanded the discontinuance of leasing prisoners, but prison overcrowding, the high cost of housing, and pressures for better treatment of prisoners set the stage for opportunists to peddle their influence in the pardoning of prisoners. The Pardon Board was created by the 1885 Florida Constitution and was composed of the Governor and Cabinet. Due to the limitations of the pardon system, the Florida Parole and Probation Commission was established in 1941. The Commission selected sentenced inmates for parole release and its field staff provided supervision. In 1975, the responsibilities of the supervising field staff were transferred to the Florida Department of Corrections (Department). Below is an abbreviated timeline outlining the Commission's role in Florida's criminal justice system.

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

**1983** Under Sentencing Guidelines, the Commission retained paroling authority primarily for inmates whose offenses were committed prior to October 1, 1983.

**1988** The *Victim Assistance Law* was enacted and provided that the crime victim, or family of the victim, have the opportunity to provide input into the decision-making process.

**1988** *Conditional Release Program* was enacted and provides that inmates convicted of certain crimes, and who have served at least one prior felony commitment at a state or federal correctional institution or have been sentenced as a habitual offender, violent habitual offender, violent career criminal or sexual predator, shall be released under supervision on their tentative release date subject to specified terms and conditions established by the Commission.

**1989** *Control Release Authority* was established. This legislation directed the Commission to develop a system of uniform criteria to determine the number and type of inmates released into the community in order to maintain the state's prison population between 99% and 100% of its total capacity. The *Control Release Program* became effective September 1, 1990, and over the next four years, 75,000 inmates were released through this program.

**1992** *Conditional Medical Release Program* was established. This program authorizes the Department to recommend to the Commission terminally ill or permanently incapacitated inmates for early release due to their medical conditions.

**1996** The Commission began reviewing and establishing *presumptive parole release dates* (PPRD) for inmates convicted of capital felonies with 25-year minimum mandatory terms.

**2001** The Legislature created the *Addiction Recovery Supervision Program* and placed it under the Commission's administration. The law requires the Commission to set the terms and conditions of supervision, and to address alleged violations of supervision if the offender fails to abide by the conditions.

**2010** During Legislative Session, SB 200, a victim-friendly bill was passed and became law on July 1, 2010. The new law amended ss. 947.16, 947.174, and 947.1745, F.S., giving the Commission authority to increase the interval between parole consideration re-interviews to within seven years for parole eligible offenders who have been convicted of murder, attempted murder, sexual battery, or attempted sexual battery, or who are serving a 25-year minimum mandatory sentence under s. 775.082, F.S. For victims and their families, reduction in the frequency of parole opportunities lessens the trauma, stress, and financial burden associated with the potential release of an offender.

**2013** HB 685 was signed by the Governor on June 5, 2013 and became law on July 1, 2013. The law expanded the list of crimes eligible for subsequent interview dates to be set within seven years to include the act or attempt of kidnapping, and the crimes of robbery, burglary of dwelling, burglary of a structure or conveyance, or breaking and entering, or an attempt thereof of any of these crimes, in which a human being is present and a sexual act is completed or attempted. The sexual act or attempt thereof does not apply to the kidnapping offenses.

**2014** SB 1636 was passed and the name of the Commission was changed from the Florida Parole Commission to the Florida Commission on Offender Review.

The Legislature passed HB 5303 which reassigned the responsibility for appointing capital clemency counsel from the Justice Administrative Commission to the Board of Executive Clemency. Under the bill, the Board may only appoint private counsel with the fees paid from funds appropriated to the Commission.

## FACTS ABOUT THE COMMISSION



*Commissioners and staff during a hearing held in West Palm Beach in January 2015.*

The Commission performs a vital role in Florida's criminal justice system by preserving the autonomy needed in post release decisions affecting inmates and ex-offenders. The Commission functions as a quasi-judicial, decision-making body.

Commissioners preside over approximately 36 meetings annually at the Central Office in Tallahassee and various other locations throughout the state to encourage participation by victims, victims' families and inmates' families who would otherwise not be able to attend. While offenders are not present at these hearings, the Commission provides a victims' coordinator and an inmate family coordinator to assist both parties with participating in the proceedings and understanding the Commission's decisions. During these public proceedings the Commissioners make a variety of determinations regarding parole and other releases. In addition, the Commission reviews releasees' supervision status every two years.

Every parole eligible inmate has a constitutionally protected right to proper consideration for parole, and these proceedings must be conducted as required by law. In both parole and conditional medical release, testimony and pertinent information may be provided by representatives of the inmate, the inmate's family, by persons who were victims of the crime, and the victim's family. This proceeding is often the first opportunity for a victim, or family member of a victim, to provide input in a non-adversarial venue. If parole is granted, the Commissioners will address victim restitution issues, as well as special conditions needed to ensure the protection of the citizens in our state and the successful re-entry of the offender into society. The Commissioners may also hear from law enforcement, state and private attorneys, and other interested parties.

During meetings, the Commission also conducts other types of proceedings, such as imposing conditions of conditional release or addiction recovery supervision. The Commission makes final determinations with regard to revocation of post release supervision, where a releasee

may have violated the conditions of their release. When the Commission determines that the releasee is guilty of a willful and substantial violation, the Commission may order the violator's return to state prison to complete service of the original term of imprisonment.

The Commission serves as a cost-saving mechanism for the taxpayers of the State of Florida by conducting revocation hearings for post release supervision violators in informal surroundings conducted before an investigator, and usually held at a county jail, with witnesses to the violation providing the pertinent testimony. The United States Supreme Court has fully sanctioned the state's use of these less costly proceedings, with limited due process requirements. Probation revocation hearings, by contrast, require that proceedings be conducted in a courtroom before a judge, with an assistant state attorney prosecuting the case, and generally an appointed public defender representing the offender, plus all other expenses attendant to a criminal proceeding, at much greater expense to the state.

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

When offenders are convicted of a felony, they lose the right to vote, sit on a jury, hold public office, and possess a firearm in Florida. The clemency process administered by the Commission provides the means through which offenders may have some or all of their rights restored.

### Commission Quick Facts

- Functions as a quasi-judicial, decision-making body.
- Responsible for the careful selection of candidates who are appropriate for parole.
- Holds 36 hearings per year - including hearings held throughout the state to encourage participation by victims, victims' families and inmates' families who would otherwise not be able to attend.
- Administers parole, conditional medical release, control release, conditional release and addiction recovery release supervision.
- Acts as the administrative and investigative arm of the Governor and Cabinet, sitting as the Board of Executive Clemency.

## COMMISSION ACTIVITIES

### Parole

The Commission administers parole, a discretionary prison release, which allows an inmate who has been granted parole to serve the remainder of his prison sentence outside of the confines of the institution. Once released, the parolee is subject to strict conditions of supervision set by the Commission. The Commission monitors their progress through supervision reviews and conducts revocation hearings when alleged violations are reported. If the parolee is found to have willfully and substantially violated the conditions of his supervision, the Commission may return the parolee to prison.

Parole eligible inmates are those who committed:

1. A first degree murder, a felony murder, or the crime of making, possessing, throwing, projecting, placing, or discharging a destructive device (or the attempt of) prior to May 25, 1994;
2. All other capital felonies prior to October 1, 1995;
3. A continuing criminal enterprise (violation of section 893.20, Florida Statutes) prior to June 17, 1993;
4. A murder of a law enforcement officer (and other specified officers) prior to January 1, 1990;
5. A murder of a justice or judge prior to October 1, 1990;
6. Any felony prior to October 1, 1983, or those who elected to be sentenced "outside the guidelines" for felonies committed prior to July 1, 1984;
7. Any habitual offender sentence prior to October 1, 1988.

The following capital felonies require a minimum of 25 years to be served before becoming parole eligible: first-degree murder; sexual battery upon a child less than 12 years old; trafficking in cocaine; trafficking in illegal drugs; and the killing of another by distribution of cocaine or opium or derivatives.

There are approximately 4,561 inmates currently eligible for parole consideration and 547 parolees on supervision, as of July 1, 2015. In FY 2014-15, 28 inmates were granted parole, of which 25 were released during the fiscal year.

### Conditional Medical Release

In 1992, the Florida Legislature created the Conditional Medical Release Program (section 947.149, Florida Statutes) which is a discretionary release allowing the Commission to release inmates on supervision who are "terminally ill" or "permanently incapacitated" and who are not a danger to others. The Department is charged with the responsibility of recommending to the Commission cases to be considered for conditional medical release. Upon release, the offender is subject to conditions of supervision set by the Commission. The Commission monitors the offender's progress through periodic medical reviews. The

supervision can be revoked and the offender returned to prison if the Commission determines that a willful and substantial violation of supervision has occurred or if their medical or physical condition improves. In FY 2014-15, the Commission granted 15 of the 35 inmates recommended by the Department for conditional medical release.

### Conditional Release

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

Inmates who are subject to conditional release and have completed the incarceration portion of their sentence are placed under supervision for the remainder of their sentence. These offenders are subject to strict conditions of supervision set by the Commission. The Commission monitors their progress through supervision reviews, conducts revocation hearings when violations occur, and takes swift and certain response when willful and substantial violations occur, up to and including the return to prison. On July 1, 2015, there were 3,108 offenders on conditional release supervision, and in FY 2014-15 the Commission set terms and conditions for 5,386 offenders.

### Addiction Recovery

The Florida Legislature created the Addiction Recovery Supervision Program (section 944.4731, Florida Statutes) in 2001 and placed it under the Commission's administration. This program requires mandatory post prison supervision for offenders released from a state correctional facility who are convicted of a non-violent crime committed on or after July 1, 2001, and have a history of substance abuse or addiction or have participated in any drug treatment, and have not been convicted of a disqualifying offense. Upon release, the offender is subject to strict conditions of supervision set by the Commission. The Commission monitors the offender's progress through supervision reviews and conducts revocation hearings when violations occur. If the Commission finds the offender willfully and substantially violated the terms and conditions of supervision, the Commission may return the offender to prison. As of July 1, 2015, there were 317 offenders on addiction recovery supervision and in FY 2014-15 the Commission set terms and conditions for 1,172 offenders.



## Control Release

The Florida Legislature created the Control Release Authority (section 947.146, Florida Statutes) in 1989 with the members of the Commission acting as the release authority. When active, control release is utilized as a prison population management tool to maintain it between 99% and 100% of total capacity. Currently, the Commission is not reviewing the inmate population for discretionary release under this authority as there are sufficient prison beds to house the current prison population. Today, a small number of control releasees remain under supervision. The Commission monitors their progress through supervision reviews and conducts revocation hearings when alleged violations occur.

## Clemency

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

Under the Florida Constitution, when a person is convicted of a felony, they lose the right to vote, sit on a jury, hold public office, and possess a firearm in Florida. The clemency process administered by the Commission provides the means through which an offender may have some or all of their rights restored.

Individuals seeking any form of clemency must start the process by submitting an application and the required court documents to the Office of Executive Clemency (OEC). Detailed information is available online at [www.fcor.state.fl.us/clemencyoverview.shtml](http://www.fcor.state.fl.us/clemencyoverview.shtml).

## Victims' Services

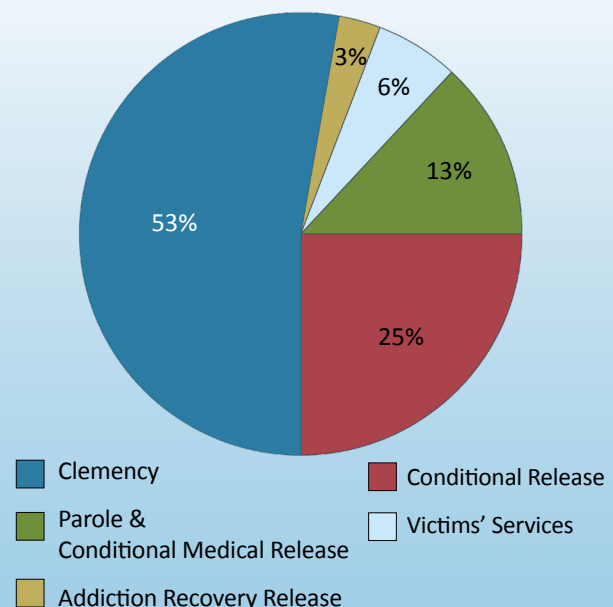
The Victims' Services section provides direct, personal service to crime victims and their families. Staff strive to reduce victimization through education within an environment of compassion, dignity, and respect. The section is proactive in educating victims and informing them of their rights. Central Office staff, in coordination with Field Services staff, attempt to locate all victims to inform them of their right to be present, informed, and heard in the clemency or Commission processes. Victims are located using many resources, including death certificates and obituaries to identify survivors, Florida driver's license information, the Internet, and the CLEAR investigative interface.

Victims are also informed of their right to be notified by the Department of an inmate's movement within the prison system or escape.

Victim input is important at every stage of the clemency, parole and conditional medical release process and is crucial to informed decision-making. Victim participation can impact a variety of decisions including clemency and conditional medical release or aggravating factors when setting a presumptive parole release date. Restitution, special conditions of supervision, and treatment programs for the offender are also impacted. If a victim chooses not to participate in this process, the person may still request to be notified and informed of upcoming proceedings and the Commission's or Clemency Board's actions concerning those proceedings. Victims make the decision as to what extent they wish to participate in the process.

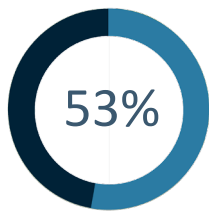
The "Victims of Crime Act" was enacted in 1984 and provides federal funding to assist state, local, and private nonprofit agencies to provide direct services to crime victims. Staff offers assistance to victims and their families by: responding to their emotional needs; providing the necessary support and resources available to help stabilize their lives after victimization; and providing information on the criminal justice system and its operations. This section is proactive in seeking ways to broaden the services that are available to victims.

**WORKLOAD HOURS BY FUNCTION**  
FY 2014-15

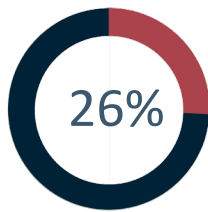


## YEAR IN SUMMARY STATISTICS

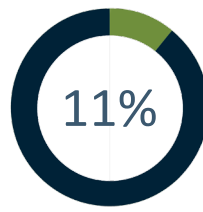
### WORKLOAD HOURS BY BUDGET ACTIVITY



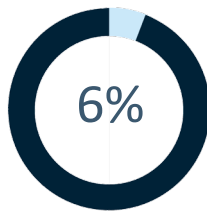
Clemency



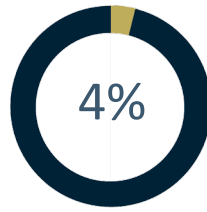
Revocations



Parole & Conditional  
Medical Release



Victims' Services



Conditional Release &  
Addiction Recovery Release

ACTIVITY	HOURS
Clemency	88,916
Revocations	43,676
Parole & Conditional Medical Release	18,577
Victims' Services	10,248
Conditional Release & Addiction Recovery Release	7,063
<b>TOTAL FY 2014-15</b>	<b>168,480</b>

### Clemency Services

- 5,327 clemency applications were received.
- 20,258 pending clemency applications.\*
- 6,121 clemency cases were completed.

### Offender Revocations

- 1,753 revocation determinations were made.
- 99% of revocation determinations were completed within 90 days of final hearing.
- 2,080 warrants were issued.

### Parole

- 1,300 parole release decisions were made.
- 4,561 inmates were eligible for parole release.\*
- 547 inmates were under parole supervision.\*
- 28 inmates were granted parole.
- 25 inmates were released on parole.

### Conditional Medical Release (CMR)

- 35 inmates were referred for CMR.
- 15 inmates were granted CMR.
- 100% of offenders placed on CMR successfully completed supervision.

\*As of July 1, 2015

### Victims' Services

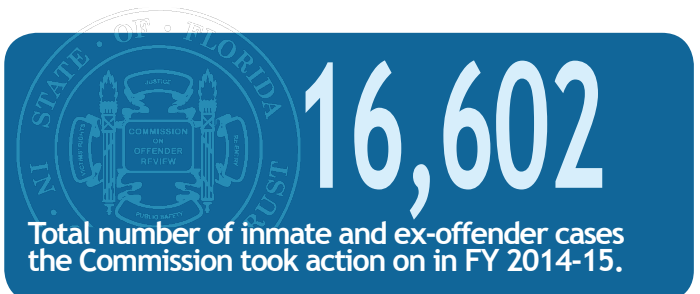
- 21,176 assists to victims were provided by FCOR.

### Conditional Release

- 5,386 inmates were placed on conditional release supervision.
- 3,108 inmates were under conditional release supervision.\*
- 75% of offenders placed on conditional release successfully completed supervision.

### Addiction Recovery Release

- 1,172 inmates were placed on addiction recovery release supervision.
- 317 inmates were under addiction recovery release supervision.\*
- 92% of offenders placed on addiction recovery successfully completed supervision.



## FINANCIAL DISCLOSURE

BUDGET CATEGORY	APPROPRIATED BUDGET	ACTUAL EXPENDITURES AS OF JUNE 30, 2015	BALANCE AS OF JUNE 30, 2015
Salaries (GR)	\$ 7,443,721	\$ 7,371,864	\$ 71,857
OPS	\$ 637,153	\$ 631,507	\$ 5,646
Expense	\$ 964,484	\$ 964,484	\$ -
OCO	\$ 108,202	\$ 108,202	\$ -
Contracted Services	\$ 68,000	\$ 64,000	\$ 4,000
Risk/Insurance	\$ 46,861	\$ 46,861	\$ -
Lease/Purchase Equipment	\$ 19,800	\$ 19,800	\$ -
Human Resource	\$ 51,712	\$ 51,712	\$ -
Data Processing	\$ 194,450	\$ 194,450	\$ -
<b>Total</b>	<b>\$ 9,534,383</b>	<b>\$ 9,452,880</b>	<b>\$ 81,503</b>

## PERFORMANCE MEASURES

**47**

Parolees successfully completed their supervision without revocation within the first two years.

**1,338**

Number of parole and conditional medical release decisions.\*\*

**1,753**

Number of revocation determinations.

**21,176**

Number of victim assists.

**6,121**

Number of clemency cases completed.

**7,390**

Number of conditional release/addiction recovery cases handled.\*\*

**94%**

Of parolees have successfully completed their supervision without revocation within the first three years.

**99%**

Of cases placed before the Commission/Clemency Board contained no factual errors.

**99%**

Of revocation cases were completed within 90 days of final hearing.

**99%**

Of RCR *With a Hearing* cases provided to the Clemency Board contained no factual errors.

**100%**

Of RCR *Without a Hearing* cases provided to the Clemency Board contained no factual errors.

\*\* Number includes re-docketed cases.

## DIVISION OF OPERATIONS

*The Division of Operations is the largest unit of the Commission and is comprised of four sections: the Revocations Unit; Victims' Services; Office of the Commission Clerk; and Field Services. Twelve field offices are divided among five regional areas across the state with each region staffed by an Administrator who directs the day-to-day activities of the professionals and support staff assigned to the offices located within the region.*

*Operations is responsible for multiple, diverse functions relating to the administration of post prison supervisory release programs. These supervised release programs include parole, conditional medical release, control release, conditional release, and addiction recovery release supervision. The Division, through its Field Services staff, conducts parole interviews, administrative hearings for alleged violations of supervision, as well as clemency investigations for the Board of Executive Clemency.*

### Operations Accomplishments: FY 2014-15

In partnership with the Florida Department of Corrections, FCOR's Conditional Release work group met with Gadsden Re-Entry Center staff to become involved earlier in establishing program priorities for conditional release eligible inmates rather than waiting until the inmate is within 180 days of release. The goal of this early participation in inmate programming and assessment is the possibility of fewer conditions imposed upon release, fewer technical violations and a reduction in recidivism.

Held three successful out-of-town meetings in Hillsborough, Palm Beach, and Brevard Counties throughout the year, providing greater accessibility to hearings for victims and families. The hearings also broadened our Crime Prevention Initiative program by allowing at-risk youth the opportunity to observe the proceedings and view first hand the negative consequences criminal behavior has on families and the community.

Statewide Field staff updated and created operational procedure directives to ensure accurate and modern processes were documented and available if required.

Continued Operation Justice Owed (OJO) warrant sweep operation with the US Marshals Service Fugitive Task Force to locate and apprehend parole absconders. To date, more than 110 warrants have been cleared; 85 arrests, 25 confirmed deceased.

### Office of the Commission Clerk

The Office of the Commission Clerk receives thousands of cases each year which staff prepare and process for the Commission's review and action. They include conditional release interviews, parole interviews, parole release plan investigations, addiction recovery interviews, conditional medical release recommendations, supervision reviews, requests for modifications of the conditions of supervision, eligibility reviews and special requests from the Department.

### Office of the Commission Clerk Accomplishments: FY 2014-15

Electronically preserved all historical Commission dockets from the previous 30 years, including all control release case dockets.

Continued to refine the Commission Management System (CMS), the agency's paperless docketing mechanism, including scanning and filing all Central Office case files in their entirety.

Established Commission action forms for use upon parole grant and conditional medical release decisions to ensure timely notification to relevant parties.

Reclaimed preparation responsibility of judicial notices for sentencing courts so that they may have an opportunity to provide input upon the scheduling of an inmate's effective or extraordinary interview. Also updated Judicial Notice Procedure Directive 3.01.03 to provide specific direction to the Commission regarding sentencing courts notification procedures per section 947.1745(6) and section 947.146(4), Florida Statutes.

Completed project with the Florida Department of Corrections to electronically flag all violent criminals with conditional release eligible status. Resulted in the identification of 185 conditional release eligible inmates and ensured immediate status identification of newly admitted violent criminals.

Scanned 1,245 historical index orders of 15 years or greater into OnBase imaging system providing accessibility to all Commission staff.

The number of cases docketed in FY 2014-15 included:\*

- Parole - 1,304
- Conditional Medical Release - 37
- Conditional Release - 6,094
- Addiction Recovery Release Supervision - 1,220
- Control Release - 0

*\* Individual cases may be docketed multiple times throughout the year, therefore docketed case totals may be higher than actual case totals.*

## Revocations

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

### Revocations Accomplishments: FY 2014-15

Completed cross-training in Communications to respond to NCIC/FCIC notifications received on offenders under the agency's jurisdiction who have been arrested.

Created procedure directives for Waivers in Absentia and Out of State Hits and Extraditions.

Coordinated the Commission's workshops at The Attorney General's 30th National Preventing Crime in the Black Community Conference, including panel presentation, 'The Impact of Crime: The Good, The Bad & The Ugly' and a workshop on Restorative Justice focused on the concept of finding opportunities for offenders to take responsibility for their actions and contribute to the needs of the crime victim and surrounding community instead of simply receiving punishment.

- Warrants Issued - 2,214
- Warrants Dismissed - 487
- Cases Reviewed and Prepared for Docket - 1,753\*

*\*Includes parole, conditional medical release, control release, conditional release, and addiction recovery release supervision cases.*

### Victims' Services Accomplishments: FY 2014-15

Awarded Victims of Crime Act (VOCA) federal grant to fund a full-time staff position responsible for assisting victims of offenders who are seeking clemency.

Hosted a panel presentation in observance of National Crime Victims' Rights Week (NCVRW) at the Florida Capitol focused on victims' rights issues and services in Florida's post conviction processes. Moderated by Commission Chair Tena M. Pate, 'A Conversation about Crime Victims' Rights' included panelists State Attorney William "Willie" Meggs, Peyton Tuthill Foundation founder Pat Tuthill, Director of Victim Services & Criminal Justice Programs for the Office of the Attorney General Emery Gainey, and victims' advocate Cecilia McAdams. With guests including lawmakers, victims' rights advocates and public safety stakeholders, topics covered included current victims' issues and possible partnership opportunities.

Developed Victim Offender Dialogue (VOD) Program designed to provide victims of violent crime the opportunity to participate in one face-to-face meeting with their offender in a safe and structured setting. The victim-centered and initiated program allows the Commission to enhance victim assistance by supporting the healing process of victims and allowing offenders to learn about the impact of the crime on victims and to take direct responsibility for their behavior.

A VOD facilitator training session led by Jon Wilson, Director of Just Alternatives, was held and included victim services professionals from the Commission, Florida Department of Corrections, Department of Juvenile Justice, the Executive Office of the Governor, the Office of the State Attorney Second Judicial Circuit, and the Office of the State Attorney Eighth Judicial Circuit.

Coordinated NCVRW event for Commission staff who were invited to attend a Cyber Safety class presented by FDLE's Secure Florida team. Attendees learned how to protect themselves from being the victim of a cyber crime or cyber stalking.

Hosted a viewing of *The Other Way*, a short film about crime victim and advocate Agnes Furey's journey through the restorative justice process followed by a Q&A session.

- Requests for Information by Victims - 2,870\*
- Status Updates Provided to Victims - 5,573\*
- Victims Located - 1,093\*
- Victims Assisted at Parole/Clemency Hearings - 342

*\*Includes parole, conditional medical release, clemency, and conditional release cases.*

## Field Services

Field Services is responsible for performing a variety of functions, including acting as hearing officers when conducting administrative hearings. Regarding the parole release process, Field Services Investigators conduct inmate interviews at the correctional facilities, perform investigations, and make recommendations regarding the establishment of a presumptive parole release date (PPRD) for parole eligible inmates. Duties also include: making recommendations regarding changes to an inmate's PPRD and whether to grant parole; conducting investigations for parole release plans; and locating victims or relatives of victims. Additional duties include conducting full clemency investigations for the Board of Executive Clemency.

### Field Services Statewide Activity Totals: FY 2014-15

- Parole Interviews - 926
- Revocation Interviews - 2,673
- Revocation Hearings - 757
- Total Interviews and Hearings - 4,357

## DIVISION OF ADMINISTRATION

*The Division of Administration serves as a liaison with the Governor's Office of Planning and Budgeting, the Office of Program Policy and Government Accountability, the Auditor General, the Florida Legislature, the Department of Financial Services (DFS), the Department of Management Services (DMS), and the Department of Corrections' Information Technology section. The Division provides administrative support to the Commission's Central Office and 12 field offices. Administration includes Human Resources, Finance and Accounting, Purchasing, Safety, Grants, Contracts, Inventory, Emergency Management and General Services. This Division has fiscal responsibility for the agency including preparation of the agency's Legislative Budget Request, management of the Commission's operating budget, the Long Range Program Plan, and purchasing of all commodities and services for the agency. Additionally, the Division is responsible for preparing data, statistics, and financial information.*

### Administration Accomplishments: FY 2014-15

The Department of Financial Services reported 99-100% prompt payment requirement compliance by the Commission which processed 1,664 invoices.

The Department of Management Services' MFMP Agency Utilization Scorecard reported the Commission with 100% in purchase order and contract utilization, 91% in invoice utilization, 98% in catalog utilization and 95% in receiving goods.

The Department of Management Services reported 98-100% of performance evaluations completed in People First.

The Commission reported 100% completion of Financial Disclosure Reporting to the Commission on Ethics.

The Director of Administration and the Accounting and Budgeting Administrator successfully completed the Florida Certified Contract Manager course.

## OFFICE OF GENERAL COUNSEL

*The Office of the General Counsel is charged with successfully prevailing on litigation filed against the Commission; providing quality legal advice and representation in a prompt manner; and engaging in proactive legal counseling to prevent unnecessary litigation in the future.*

### General Counsel Accomplishments: FY 2014-15

The Office of the General Counsel was actively involved in litigation during FY 2014-15 in both state and federal court, opening 379 new cases.

The office filed 492 court pleadings, motions, responses, briefs, memoranda, and legal correspondence as a result of releasees, parolees, and clemency applicants challenging the Commission's decisions.

Legal staff responded to 348 public records requests.

The attorneys provided 611 legal opinions, advice and support to the Commissioners, Central Office and the five regional offices.

## OFFICE OF LEGISLATIVE AFFAIRS

*The Office of Legislative Affairs is charged with directing and overseeing the Commission's legislative program as the agency's chief legislative advocate. This office interacts with all members and staff of the Florida Legislature; the Office of Program Policy and Accountability and the appropriate Joint Legislative Committees; the Governor's Office of Policy and Budget; the Governor's Office of Legislative Affairs; and the Legislative Affairs Directors of all state agencies, particularly those in the areas of law enforcement and criminal justice.*

### Legislative Affairs Accomplishments: FY 2014-15

The Commission's primary legislative priority in 2015 was the confirmation of Commissioner Richard Davison. Commissioner Davison successfully appeared before the Senate Criminal Justice Committee and the Senate Committee on Ethics and Elections. The Senate voted unanimously in favor of Commissioner Davison's confirmation on April 29th.

The Commission's operating budget for FY 2015-16, as provided in SB2500a, is \$10,019,470 (\$9,958,912 in General Revenue Funding and \$60,558 from Trust Funds); the total represents an increase of \$449,891 over FY 2014-15 funding. In addition to receiving funding for the agency's base budget which included 132 full-time employees (FTEs), the Commission received \$210,577 for Information Technology (IT) services and \$153,537 for the Commission to manage clemency counsel for capital case proceedings.

## OFFICE OF COMMUNICATIONS

*The Office of Communications is charged with overseeing the agency's internal and external communications and public information programs, with the Director acting as the agency's chief spokesperson. This office responds to daily inquiries from local, state, and national media organizations, as well as responding to public information and public records requests. It is also responsible for the production of all publications and informational materials disseminated to legislators, media, key stakeholders and the general public throughout the state and nation.*

### Communications Accomplishments: FY 2014-15

Created comprehensive, strategic plan to notify, educate and connect with key stakeholders regarding the Commission's name change to the Florida Commission on Offender Review.

Designed the new official Commission seal, as well as updated brand and identity standards for all agency collateral, website and communication tools.

Designed and produced Commission publications and reports including: Legislative Budget Request and presentation, Long Range Program Plan, Annual Report, Commission Brochure, Victims' Services Brochure, Commission Media Kit and Virtual Press Kit, and Quarterly Staff Newsletters.

Composed media messaging and content copy for programs including: 2015 National Crime Victims' Rights Week (NCVRW), Crime Prevention Initiative, and Victim Offender Dialogue Program and Facilitator Training.

Prepared presentation and speaking points for internal and external events and engagements including: NCVRW 2015 Panel Presentation, Prosecuting Attorney's Association Conference, Florida Council on Crime and Delinquency Institute, Attorney General's Advocacy after Conviction training, Big Bend Paralegal Association, Canadian Parole Board Training, Wakulla Correctional Institution's National Women's History Month event, FCCD (Florida Council on Crime and Delinquency) Chapter II Annual Distinguished Service Awards Dinner, APAI's (Association of Paroling Authorities International) Annual Training Conference, Commission business meetings, Public Service Recognition Week and Annual Staff Awards Ceremony, and the Attorney General's National Preventing Crime in the Black Community Conference.

Provided media messaging, materials and on-site media relations for: Victim Offender Dialogue Facilitator Training, NCVRW Panel Presentation, weekly parole hearings in Central Office, Quarterly Board of Executive Clemency hearings, Commissioner Davison confirmation and Commissioner reappointments, and Florida Channel's Point of View Interview featuring Commission Chair.

## OFFICE OF EXECUTIVE CLEMENCY

*The Office of Executive Clemency (OEC) reports directly to the Governor and Cabinet who sit as the Clemency Board in the performance of their duties and responsibilities. This office is co-located with the Commission for ease of operation and coordination of functions. OEC was created in 1975 to process applications for executive clemency requiring approval of the Governor and requisite members of the Cabinet. The Coordinator is appointed by the Governor and Cabinet and is responsible for coordinating all clemency meetings, referring applications for investigation and serves as the official custodian of all clemency records.*

In addition to processing requests for Restoration of Civil Rights (RCR), applications for restoration of alien status under Florida law, full pardons, pardon without firearm authority, pardon for misdemeanors, remission of fines, requests for review regarding commutations of sentence and specific authority to own, possess or use firearms, the office also provides verification and certification of RCR and all other forms of clemency requested by law enforcement agencies, state attorneys, public defenders, licensing agencies, and supervisors of elections. During FY 2014-15, staff prepared 4,708 "Gold Seal" letters, which verified the status of clemency requests for inquiring agencies.

The OEC prepares and distributes the agenda for the quarterly Board meetings, as well as the orders and certificates granting clemency, and is responsible for notifying the applicants and their attorneys regarding meeting dates and the status of their cases. Information and applications for clemency are distributed on a daily basis. Office staff responds to questions and assists applicants in completing the requests for RCR, as well as responding to correspondence and phone calls referred from the Governor, Cabinet offices and other government agencies.

The Coordinator works with the Governor and Cabinet members' clemency aides on the interpretation of the Rules of Executive Clemency and stays abreast of new state and federal legislation that may have a direct or indirect impact on the clemency process in Florida. The Coordinator also responds to research inquiries regarding clemency and provides information to persons conducting federal and state surveys on clemency procedures in Florida.

In 2014, the Legislature passed HB 5303 which reassigned the responsibility for appointing capital clemency counsel from the Justice Administrative Commission to the Board of Executive Clemency. The Coordinator of the OEC facilitates and monitors this action.

### RCR Recidivism Report

Rule 18 directs the Office of Executive Clemency, the Commission, and the Department to provide an annual report on the status of individuals whose rights were restored for the previous two calendar years, including recidivism statistics and evaluative data.

The report was provided to the Board by the Commission on July 1, 2015, and is an overview of the processing and granting of RCR cases for calendar years 2013 and 2014, along with data indicating the number of these individuals who have re-offended with a new felony conviction.

### Office of Executive Clemency Accomplishments: FY 2014-15

During FY 2014-15, the OEC coordinated quarterly clemency meetings; September and December 2014, and March and June 2015. Much of the work is prepared prior to and after meetings regarding contacting applicants and informing them of their placement on the agenda and of the results after the meeting. The OEC and Clemency Investigations work jointly to ensure productive meetings.

Clemency's toll-free information number received 13,191 calls in FY 2014-15.

Since its inception on October 6, 2008 and through June 2015, the clemency RCR search web page had the following results:

- Visitors to site - 3,974,058
- Certificate searches - 1,106,369
- RCR certificates located - 126,904
- RCR certificates viewed and available to print - 77,419
- Certificates available online June 2015 - 376,597

The OEC focused efforts on customer service and enhanced assistance to applicants, as well as the Office of Clemency Investigations.

OEC's basic eligibility screening procedures were expanded in FY 2014-15 to include full research capabilities on all eligibility aspects for pending cases during the initial screening process. Benefits include timelier notification of disqualifying issues to applicants and detailed resolution instructions and assistance.

To ensure the dissemination of current and accurate information, the OEC provided daily data updates to the Division of Elections and provided updated instructional material to the Supervisors of Elections across the state. The same information is available online at [www.FLrestoremyrights.com](http://www.FLrestoremyrights.com), the 24/7 resource available to individuals who want to verify the restoration of their voting rights.



## OFFICE OF CLEMENCY INVESTIGATIONS

*The Office of Clemency Investigations is charged with investigating, reviewing, evaluating, and reporting to the Clemency Board in all types of clemency cases, including, but not limited to, the restoration of civil rights, restoration of alien status under Florida law, full pardons, firearm authority, commutations of sentence, remission of fines, and capital punishment cases. Clemency Investigations provides training, resource materials, and support to Field Services staff in all clemency matters.*

### General Clemency Investigations

Clemency Investigations, with the assistance of Field Services staff, provides daily investigative and research support to the Board. Field Services staff conducts confidential investigations on all applications that are referred to the Commission for investigation. The office conducts quality assurance reviews on each of these investigations, and all eligible cases are presented to the Board.

The office also conducts investigations on all Requests for Review for Commutation of Sentence applications, provides customer service to clemency applicants, and assists in the development of clemency data requests.

The type of clemency investigation primarily depends on the severity and nature of the offense and the form of clemency relief being sought. The Rules of Executive Clemency (Rules) provide detailed information regarding the list of offenses that determine the processing category. The depth and scope of each investigation vary by type and each has a different waiting period after completion of sentence.

Restoration of Civil Rights (RCR) investigations are classified as: Without a Hearing and With a Hearing. Without a Hearing investigations are those where offenders, depending on the offense of conviction, are eligible for consideration only after five years have passed since the date of completion of all sentences and conditions of supervision imposed for all felony convictions, if no crimes have been committed and if the applicant has not been arrested for a misdemeanor or felony for the five years prior to the date the application is being reviewed. With a Hearing investigations are those where offenders with more serious offenses are eligible for consideration only after seven years have passed since the date of completion of all sentences and conditions of supervision imposed for all felony convictions.

All With a Hearing investigations, including non-RCR, provide a broad picture of the applicant's history and activities, which assist the Board in making informed decisions. They include, but are not limited to: criminal convictions; history of adjustment to incarceration or supervision; criminal record; traffic record; payment of fines, court costs, public defender fees and victim restitution; history of domestic violence; alcohol and substance abuse history; voter registration information; as well as judicial, state attorney and victim input. The office

conducts quality assurance reviews on each of these investigations and obtains the Commission's advisory recommendation for submission to the Board. Clemency applicants are mailed a copy of their investigative report prior to each scheduled Board meeting.

### Capital Punishment Case Investigations

In capital punishment cases, by Rule, the Governor may direct the Commission to conduct an in-depth investigation. Clemency Investigations is responsible for coordinating the clemency interview of the death row inmate conducted by the Commission. The Capital Punishment Research Specialist researches the case history, including offense(s) of conviction, complete criminal record, institutional record, social and psychological information, co-defendant information, and trial and appellate court information. The Specialist is the point of contact for clemency counsel, manages the agreement, and acts as a liaison between counsel and the Florida Department of Corrections. They also coordinate with Field Services staff to conduct an investigation on the inmate and conduct interviews, if possible, with the trial attorneys who prosecuted and defended the inmate, the presiding judge, and the inmate's family. In addition, the Research Specialist works with the Attorney General's Office to allow victims of record to provide any comments to be included with the final report to the Board. Clemency Investigations compiles this information together with the Commission's findings and conclusions and provides it to the Board to assist in the consideration of a commutation of death sentence to life.

### Office of Clemency Investigations Accomplishments: FY 2014-15

Reduced the number of pending Without a Hearing cases from 956 on July 1, 2014 to 561 on July 1, 2015.

Produced a revised RCR eligibility investigation training manual; provided monthly teleconference training to field offices; established joint monthly training meetings with the OEC; and assisted in conducting on-site investigation training to the field offices.

Coordinated with the OEC to implement a clemency database upgrade to include an improved Notes system, a Quick Search feature, new categories for scanned documents, and greater security enhancements.

## CONTACT INFORMATION

### General Information

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4070 Esplanade Way  
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[www.fcor.state.fl.us](http://www.fcor.state.fl.us)

For general inquiries about the Commission  
[publicaffairs@fcor.state.fl.us](mailto:publicaffairs@fcor.state.fl.us) (850) 922-0000

### Clemency

For information regarding clemency applications for restoration of civil rights, full pardons, remission of fines, commutations of sentence and specific authority to own, possess or use firearms, call **toll-free (800) 435-8286**, email [clemencyweb@fcor.state.fl.us](mailto:clemencyweb@fcor.state.fl.us).

### Victims' Services

For notification of inmate hearings and release information contact Victims' Services **toll-free (855) 850-8196** or email [victimquestions@fcor.state.fl.us](mailto:victimquestions@fcor.state.fl.us).

### Inmate Supporters

For information regarding an inmate's parole, conditional medical release, conditional release or addiction recovery supervision or for information about attending a Commission hearing call **toll-free (800) 335-3396**.

To submit a statement of support, email [inmatessupporter@fcor.state.fl.us](mailto:inmatessupporter@fcor.state.fl.us).

### Revocations

For information regarding violations of supervision, warrants or other revocation matters, call **(850) 488-0611** or email [revocations@fcor.state.fl.us](mailto:revocations@fcor.state.fl.us).

### Public Affairs

All press inquiries should be directed to the Communications office at **(850) 921-2816** or [publicaffairs@fcor.state.fl.us](mailto:publicaffairs@fcor.state.fl.us).

All legislative inquiries should be directed to the Legislative Affairs office at **(850) 921-2804**.

### Commissioners

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Kristin Lambert .....	(850) 488-1293
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### Office of Clemency Investigations

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Director	FAX (850) 921-2827

### Office of Executive Clemency

Julia McCall .....	(850) 488-2952
Coordinator	FAX (850) 488-0695

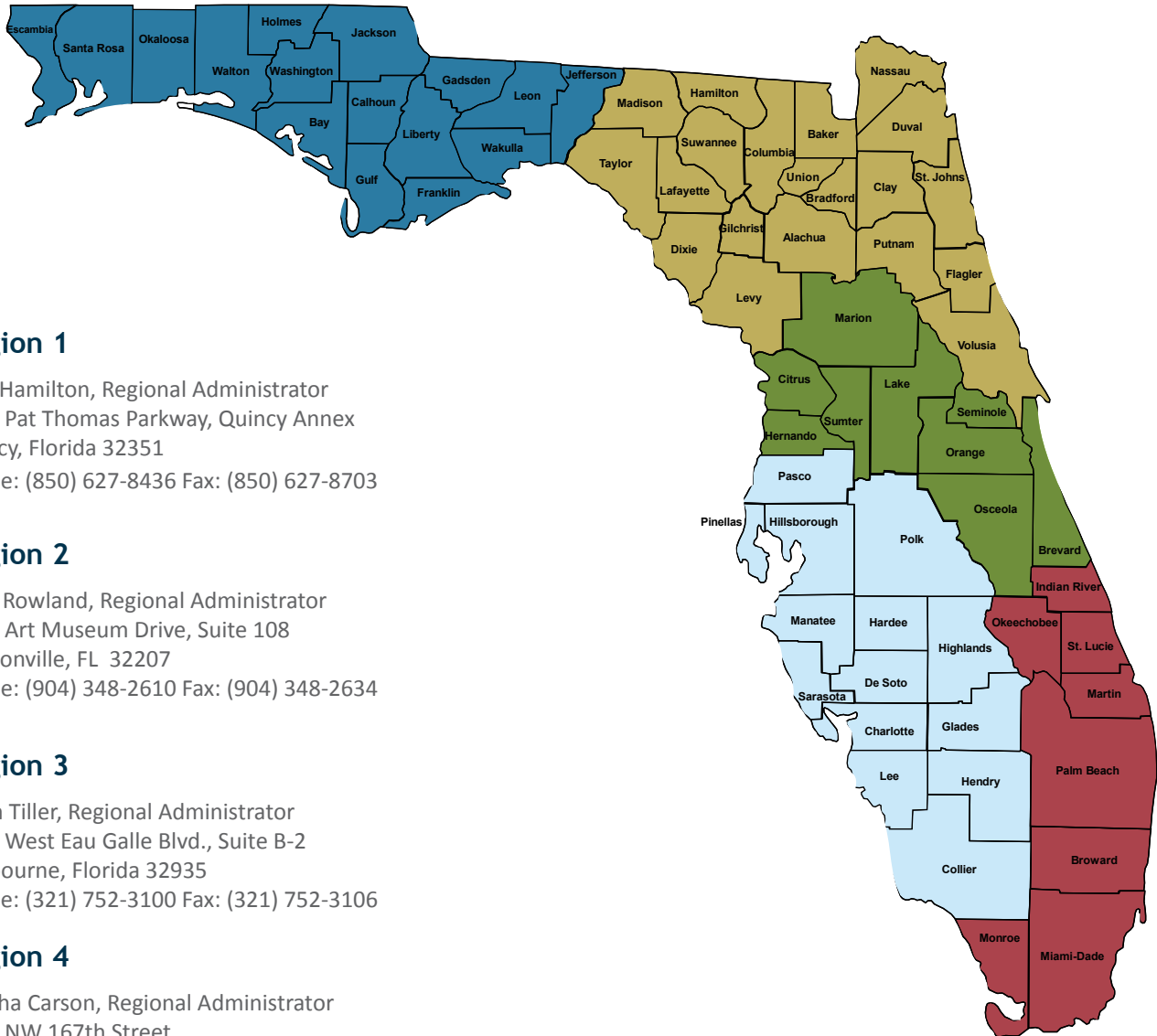
### Office of General Counsel

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### Office of Legislative Affairs

Peter Murray .....	(850) 921-2804
Director	FAX (850) 921-2827

## FIELD SERVICES DIRECTORY



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### ▶ Region 2

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### ▶ Region 3

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### ▶ Region 4

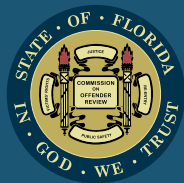
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### ▶ Region 5

Helen Williams-Lester, Regional Administrator  
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### Field Services

Field Services staff are responsible for carrying out the Commission's duties at a regional level including conducting administrative hearings for alleged violations of supervision; performing clemency investigations for the Board of Executive Clemency; conducting inmate interviews at the correctional facility and making appropriate recommendations; conducting investigations for parole release plans; and locating victims or the relatives of victims.



## **FLORIDA COMMISSION ON OFFENDER REVIEW**

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