



Criminal Justice Subcommittee

September 20th, 2011

8:30 AM

404 HOB

**Dean Cannon
Speaker**

**Gayle Harrell
Chair**

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Criminal Justice Subcommittee

Start Date and Time: Tuesday, September 20, 2011 08:30 am
End Date and Time: Tuesday, September 20, 2011 10:30 am
Location: 404 HOB
Duration: 2.00 hrs

Introduction and remarks - Ken Tucker, Secretary of the Florida Department of Corrections.

Presentation by the Florida Department of Law Enforcement on Domestic Security and the Florida Law Enforcement Exchange (FLEX) Project.

Staff presentation on the amended Rules of Executive Clemency.

Staff presentation on other states' laws that relate to reporting missing children.

NOTICE FINALIZED on 09/13/2011 16:15 by hudson.jessica



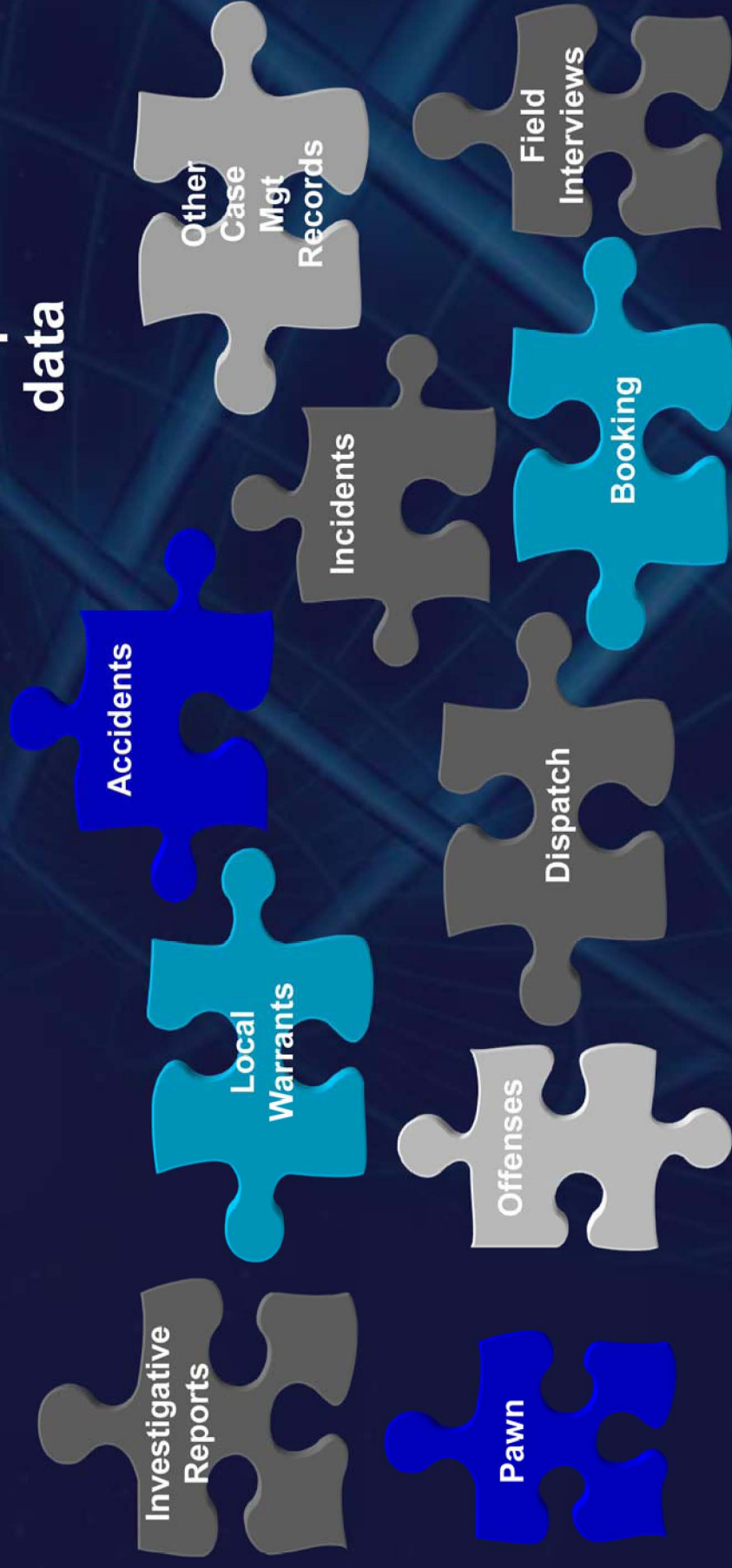
Regional, State & National Data Sharing

Presented to the House Criminal Justice Subcommittee

September 20, 2011

Scattered Data

The FLEX project addresses these scattered pieces of data



- Scattered data is found within LE Records Management Systems
- Accessible is on an individual basis or by members of a specific agency
- Not sharing this data results in missing data from a regional, statewide & national perspective

3
LInX
Northeast

5
FINDER
Central

7
Southeast
R-LEX

State Law
Enforcement Node
R-LEX

2
North Florida
R-LEX

4
COPLINK
Tampa Bay
Security
Network

6
Southwest
R-LEX

1
SmartCOP
Northwest

Regional Data Sharing Projects



Region 1 Northwest Florida

52 Agencies

15 Contributing

37 Querying

SmartCOP



131 Agencies in FL & GA

**55 Contributing
76 Querying
+**

**Connection to 7 Federal agencies
& other LInX Systems across the
country**

**Region 3
Northeast
Florida**

LInX



39 Agencies Connected

30 Contributing

9 Querying

Region 4

Tampa Bay

Security

Network

COPLINK



81 Regional Agencies

64 Contributing

16 Querying

**Region 5
Central
Florida**

FINDER

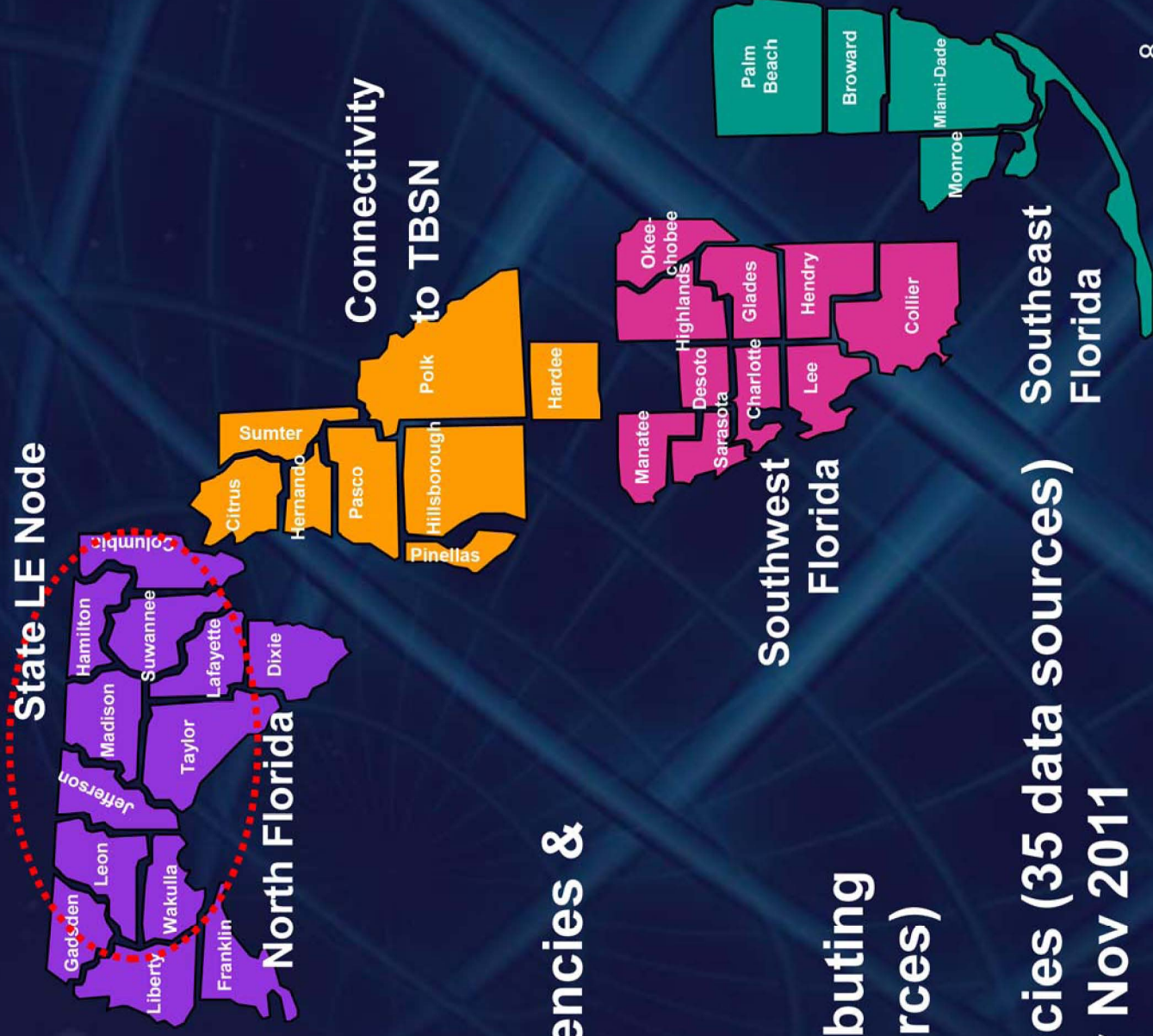
R-LEX

Regional Law Enforcement Exchange

Represents 102 agencies & 132 data sources

Current Status:
72 Agencies Contributing
(97 Data Sources)

Remaining 30 agencies (35 data sources) to be completed by Nov 2011





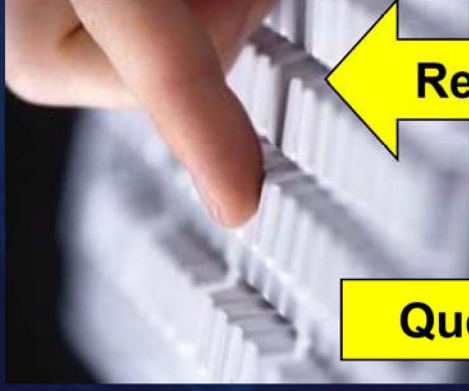
**R-LEX + TBSN are utilized by law enforcement agencies
which represent 63% of Florida's Population**

Adding LInX will bring that total up to 75%

FLEX:

Florida Law Enforcement eXchange

Joining regional systems to share information



Native
Regional
Systems

Query

Result



FLEX – Florida Law Enforcement eXchange



Phase 1 –

- Contract Staffing
- Requirements
- Architecture / Design

Phase 2 –

- Procurement
- Development
- Implementation

FLEX will:

- **Provide query access between the data sharing projects from the region's native system**
- **Develop data exchanges complying with the National Information Exchange Model (NIEM)**
- **Allow regional systems to retain control & maintenance of their data**
- **Connect Regional Systems to N-DEX**

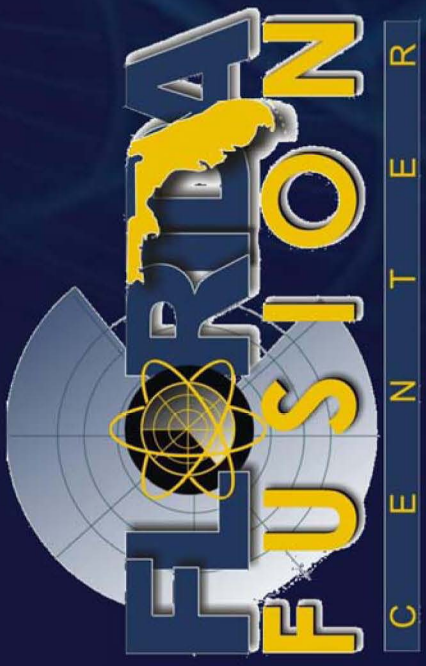
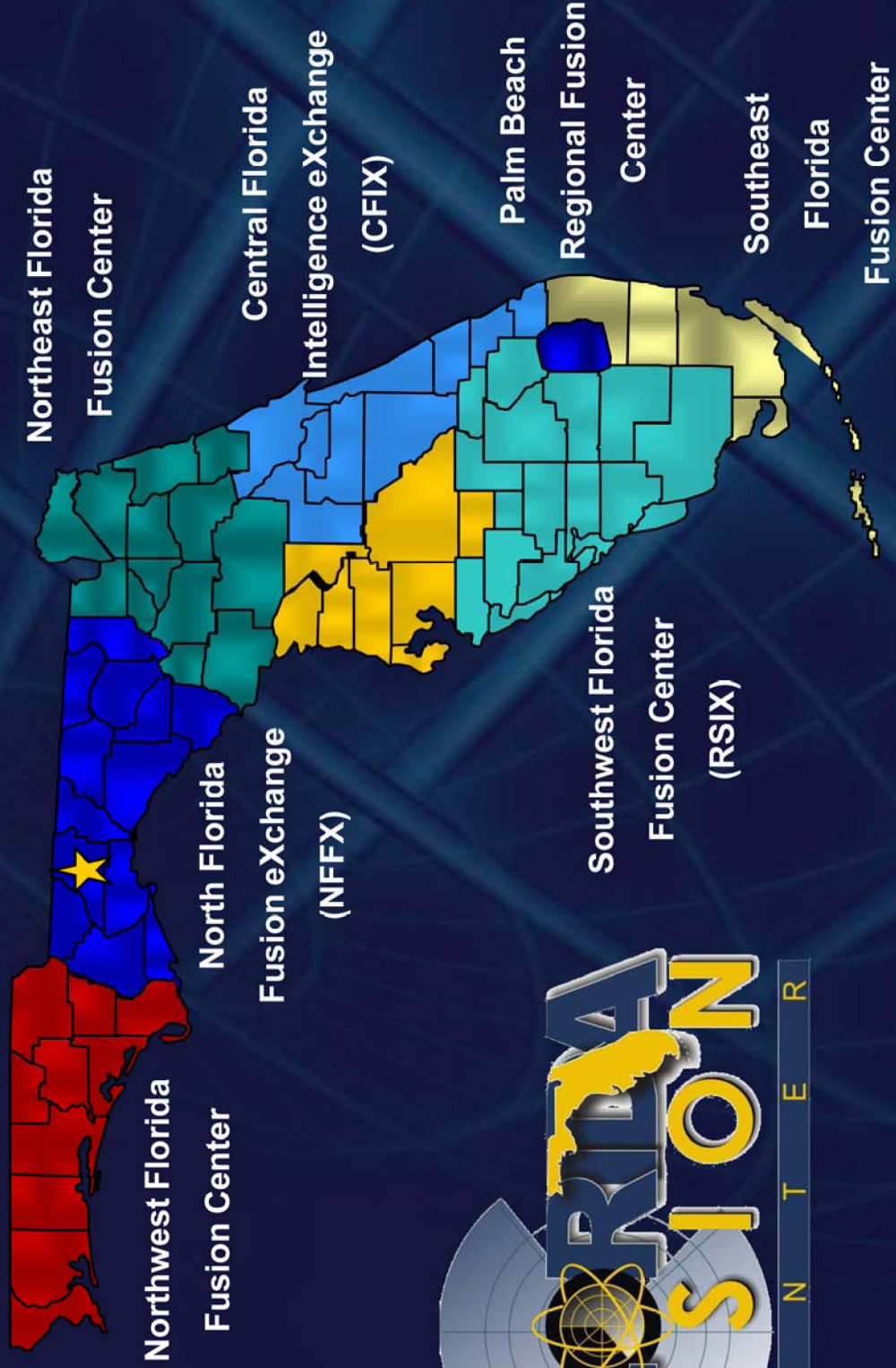


N-DEX

Principle goal is to enhance the Nation's ability to fight crime and prevent terrorism

- **Operated by FBI CJIS Division**
- **N-DEX is a central repository that allows criminal justice agencies to submit & share data across the country**
- **The current N-DEX system shares similar data to FLEX:**
 - **Incident Data**
 - **Case Data**
 - **Arrest Data**
 - **Booking Data**
 - **Incarceration Data**
 - **Holding Data**
 - **Probation Data**
 - **Parole Data**

Florida's Fusion Centers



Florida Department of Law Enforcement



Rules of Executive Clemency

Amended Rules of Executive Clemency

Criminal Justice Subcommittee
September 20, 2011

Background

- ▶ Governor and Cabinet collectively are the Board of Executive Clemency (Board)
- ▶ Florida Parole Commission (Commission) acts as the agent of the Board
- ▶ Types of Clemency
 - Pardons
 - Commutation of sentence
 - Remission of fines and forfeitures
 - Authority to possess a firearm
 - Restoration of civil rights (RCR)

Civil Rights

- ▶ Civil rights include the right to:
 - Vote
 - Hold public office
 - Serve on a jury
 - Engage in certain regulated occupations or businesses
 - Own, possess, or use firearms
- ▶ When a person is convicted of a felony his or her civil rights are suspended
- ▶ Civil rights can be restored by pardon or through the restoration of civil rights process

Rules of Executive Clemency

- ▶ Changes to the Rules were made in March 2011
- ▶ Substantive changes:
 - Application Process
 - Types of RCR
 - Disqualifying Offenses
 - Time Frame for RCR After Subsequent Conviction
 - Request for Waiver
 - Supporting Documentation for RCR Applications
 - Annual Report

Application Process

- ▶ Previous Rules
 - Inmates released from the Department of Corrections were provided with an electronic "automatic application" for civil rights restoration
 - Felons not released from DOC custody could file hardcopy applications
- ▶ Current Rules
 - All persons seeking restoration of civil rights must submit a hardcopy application

RCR Eligibility

- ▶ All applicants for RCR must:
 - Have completed all sentences imposed and all conditions of supervision;
 - Have no outstanding detainers or pending criminal charges;
 - Have paid all restitution; and
 - Be a citizen of the United States and be a legal resident of Florida

Types of RCR – Previous Rules

› Three ways RCR could occur depending on the applicant's crime:

1. Automatic Restoration
 - Basic Investigation by the Commission
 - Must not have committed any specified offenses
 - Must not have been declared as a special type of offender
2. Immediate Restoration Without a Hearing
 - Thorough Investigation by the Commission
 - Must not have committed any specified offenses
 - Must not have been declared a sexual predator
3. 15-Year Eligibility Without a Hearing
 - Must remain crime free for 15 years

Types of RCR – Current Rules

› Without a Hearing:

- Must not have committed any specified offenses
- Crime free and have not been arrested for a misdemeanor or felony for 5 years from the date of the completion of all sentences and conditions of supervision imposed
- Must not have been declared a special type of offender

Types of RCR – Current Rules

› With a Hearing

- No new felony convictions for a period of 7 years after completion of all sentences and conditions of supervision imposed
- If the application meets these requirements, the case may be placed on the next Board agenda

Disqualifying Offenses

- › A number of crimes were added to the list of disqualifying offenses that make an applicant ineligible to receive restoration of civil rights "Without a Hearing"
- › For example:
 - Additional sexual crimes - including lewdness and indecent exposure,
 - Drug trafficking,
 - All first- and second-degree drug felonies,
 - Possession of a firearm by a felon,
 - RICO, and
 - Public corruption crimes

Time Frame for RCR After Subsequent Conviction

- › Previous Rules:
 - Crime and arrest free for 10 years after the completion of all sentences and conditions of supervision
- › Current Rules:
 - 7 years after the completion of all sentences and conditions of supervision

Request for Review

- › Previous Rules: Known as "Request for Waiver"
 - Allowed applicants to waive time constraints for:
 - Pardons
 - Firearm Authority
 - Commutation of Sentence
 - Required applicants to serve:
 - At least two years, or
 - One-third of the sentence, if serving a minimum mandatory sentence
- › Current Rules
 - Now only applies to commutation of sentence and must complete
 - Applicants must serve:
 - At least one-third of their sentence, or
 - one-half of the sentence, if serving a minimum mandatory sentence

Other Substantive Changes

- ▶ Supporting Documentation for RCR
 - The previous Rules did not require applicants who were only seeking RCR to attach a certified copy of the charging instrument, judgment and sentence for each conviction
 - The current Rules now require this documentation
- ▶ Annual Report
 - Current Rules require the Office of Executive Clemency to collect and submit to the Board an annual report providing the statistics and evaluations regarding the status of individuals whose rights were restored during the previous 2 calendar years

Effect on the Parole Commission

- ▶ Greatly reduced the number of applications received each month:
 - Prior to the change: 4,017 RCR applications
 - After the change: 184 RCR applications
- ▶ New eligibility requirements increased the time needed to investigate applications
 - Prior to the change: 335,569 hours to complete 105,341 backlogged clemency cases
 - After the change: 356,302 hours to complete 95,425 backlogged clemency cases
- ▶ 59,040 backlogged RCR applications may be found ineligible if they do not meet the new requirements

Reporting Missing Children

Failure to Report a Missing Child

Current Laws

Neither Florida nor any other state in the country has enacted a statute that makes it a crime to fail to report a missing child.

Filed Legislation in Other States

Legislation regarding the failure to report a missing child has been filed in the U.S. Congress and in 11 states:

- Alabama, California, Illinois, Kentucky, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Tennessee

Variables of the Filed Legislation

Each bill creates a criminal penalty for a person's failure to report a missing child. However, the bills vary in how they address the following:

- **Person responsible for reporting** – While terminology varies, most bills require that a parent, guardian, or other person having the care, custody, and control of a child report such child missing.
- **Age of child** – The bills define the term child using a variety of ages ranging from 8 years old or younger to under 21 years old. However, the majority of states use “less than 12” or “less than 13” years old.
- **When a child is missing** – The bills describe when a child is missing in a variety of ways. For example, some bill specify that a child is missing if the parent/caregiver:
 - Has not been in contact with the child for a specified time period (generally 24 hours) and the location of the child is unknown.
 - Fails to make contact with or otherwise verify the whereabouts and safety of a child for a specified time period (generally 24 hours).
 - Knew or should have known the child was missing.
 - Acquires knowledge that the child is missing.
- **Reporting method** – The majority of bills require a missing child report to be made to the “appropriate authorities” or to a “law enforcement agency.” However, some bills contain precise reporting requirements (e.g., requiring missing child reports be made via 911 or requiring the person reporting to provide his or her name and address).
- **Reporting period** – The majority of bills require a missing child report to be made within 24 hours after a determination is made that a child is missing. Other bills specify that such reports be made within 12 hours, 48 hours, “immediately,” or in a “timely manner.”
- **Severity of penalty** – While all of the bills impose criminal penalties for failing to report a missing child, the severity of the penalties vary. Some bills specify that the offense is a misdemeanor while others make the offense a felony requiring as much as 7 years in prison, fines of up to \$15,000, or both. Additionally, some bills provide enhanced penalties if the child was killed or seriously injured during the period of time he or she was missing.