



FLORIDA PAROLE COMMISSION

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FLORIDA PAROLE COMMISSION Monthly Accomplishments' Report September 2011

~ MONTHLY CLEMENCY PENDING CASE UPDATE~

As of October 1, 2011, there were 35,037 pending clemency cases which include 29,126 RCR cases and 5,911 non-RCR clemency cases such as Full Pardon, Specific Authority to Own, Possess or Use Firearms, Remission of Fines, Commutation of Sentence, and Request for Review.

The RCR cases include:

	October 1
RCR Without a Hearing Cases	17,772
RCR With a Hearing Cases	11,354
Total	29,126

NOTE: In addition to the 35,037 pending clemency cases, there were also 59,040 EOS/TOS RCR cases for a total of 94,077 pending clemency cases. These EOS/TOS cases are known to be ineligible since they do not meet the RCR eligibility requirements of either the 5 or 7 year waiting period of the amended Rules. However, there is still a workload component involved in processing these cases as ineligible in our clemency database which will include data entry and generation of letters to be mailed to all individuals.

CHAIR'S MESSAGE

As is evident by the individual unit reports that follow, the days and weeks of September arrived, creating much activity at the Commission.

In addition to the normal activities of being the Chair and the head of the agency, such as preparing for and voting in weekly Commission Hearings, overseeing the day-to-day management and administrative duties of the agency, attending budget and legislative briefings at the Capitol, directing the preparation of several yearly reports, and meeting with Legislators and other agency heads and/or agency representatives, during the month of September I was also able to attend and participate in the three day Department of Justice and the National Institute of Corrections' training for Chairs of Parole Commissions that was held in Washington, D.C., attended and participated in Leadership Florida events, continue planning for the 2012 annual conference of the Association of Paroling Authorities International, as well as prepare for and participate in the quarterly Clemency Meeting of the Board of Executive Clemency (Governor and Cabinet).

Our Legislative Staff and Leadership Team have worked tirelessly on the various reports and on other related matters. We are fully engaged in the legislative process, attending and presenting before legislative committees and partnering with our stakeholders on common and relevant issues. Bill sponsors have been secured for our substantive legislative proposal – extended interviews for specified crimes, and we are privileged to work with Senator Evers and Representative Trujillo on this very important piece of legislation.

I simply cannot wrap-up this part of our monthly report without a special *thank you!* Thank you to each and every member of our team for all of the fine work that is done on a daily basis. I am grateful to work along side such a dedicated and professional staff.

COMMISSION SECTION ACCOMPLISHMENTS

Operations

- During the month of September, 2011, we continued with several ongoing projects, including
 - The Electronic Inmate Files, which will greatly improve access and reviewability by the Commissioners
 - RCR-at-a-Glance, to enhance our ability to conduct Clemency and RCR investigations in the Field Offices
 - Program planning and preparation for the 2012 APAI Conference that our agency will be hosting in Orlando in May, 2012
 - The FPC Educational Video Project. The employee who was overseeing this project has left the agency, and we are in the process of evaluating the current status of the project, re-assigning responsibilities, and getting this project moving towards completion.

Release Services:

Cases Docketed:

	September
Parole	93
Conditional Medical	3
Conditional Release	422
Addiction Recovery	111
TOTALS	629

Monthly totals for Imaging Inmate Records (IRIS)
 Completed Documents 14,280

Case of Interest:

The Clarence Frederick case was continued from the previous docket, to allow a victim's input, who had not been notified. The case also brought media attention and a final decision has yet to be made. The Commission's vote resulted in a 3-way split, the first vote was to conduct and rescind the hearing, based on an unacceptable plan; the second vote was to proceed with parole and the final vote was to continue to the next docket to allow the Commissioner to review new information. The case was rescheduled for the September 28, 2011 docket.

The Commission granted 2 paroles, to the guidelines sentences only. There were no regular paroles and the Commission declined to authorize 1 parole. There were 3 conditional medical release requests this period, in which 1 was granted, 1 was denied and in the other case, the inmate died prior to the Commission's vote.

Revocations:

Statistics:

	September
Warrants Issued	190
Cases Reviewed and Prepared for Docket	142

**** Sample includes Parole, Conditional Release, Addiction Recovery Release and Control Release cases ****

Activities and/or Notable Cases

- During the 9/16/11 Operations conference call, field staff was made aware of central office's preliminary plan to begin having all revocation hearing and waiver materials delivered to revocations via e-mail instead of U.S. Mail. The electronic submission of these documents saves money on postage and allows for quicker docketing and voting of cases.
- Sexual Predator Norman Williams (DC 687042) absconded from conditional release supervision on or about September 25, 2011. Upon notification of the violation from the subject's supervising officer, the Commission quickly issued a warrant for the subject's arrest. Given the nature of the case and the urgency to apprehend this offender, the Parole Commission, along with the Department of Corrections, requested assistance from the United States Marshal Service

(USMS), Florida Caribbean Regional Fugitive Task Force with locating Williams, and the Task Force officially adopted the case.

Victim Services:

During September, Victims Services has been very busy. We were able to finish notification to the victims of the outcome of the Clemency hearing telephonically and by letter by the end of the month. On the parole side we have had great victim participation in the last two dockets which culminated with the victims appearing for 10 of the cases on the September 28, 2011 hearing docket.

	September
Victim's requests for information on parole, conditional release, and conditional medical cases	240
Victim's Located	118
Status updates to victims on parole, conditional medical, and clemency cases.	358
Assisted victims who attended parole or clemency hearings.	48

Field Services:

Field Services Statewide Activity Totals

Monthly interviews and hearings conducted:	August	September
Parole Interviews	89	83
Revocations Interviews	227	266
Revocation Hearings	74	57
Total interviews and hearings during the month	390	406

Region I:

- Examiner Braxton talked with the transition dorm at NWFRC on 9/15/11 while he was there doing parole interviews and revocation hearings.
- Regional Administrator, Tom Hamilton completed the Notary Public course on September 6, 2011.

Region II:

- Mills Rowland attended the Community Partners Re-Entry luncheon on 8/16/2011 at the Baker CI Dowling Training Center.
- Karel Yedlicka attended the FCCD Annual Training Conference from 8/22 – 8/25/2011 held at the Hilton Sandestin Beach Golf Resort and Spa in Destin, FL.
- Johnnie Sheffield participated in the Re-Entry Seminar on 9/21/2011 at the Gainesville Correctional Institute in Gainesville, FL.

Region III:

- No outside activities to report for this period

Region IV:

- Johnshay Footman was hired to fill the vacant Parole Examiner position in the Miami-Dade Office on August 29, 2011. Welcome Johnshay.
- Parole Examiner Supervisor Jayne Hayden joined Broward County Human Trafficking Coalition
- On August 19, 2011 – August 21, 2011, Parole Examiner Cindy Zimmerman participated in Susan G. Komen's 60 mile 3-Day Breast Cancer Walk, in Minnesota. She raised \$2,300 for awareness, research and to afford the indigent the ability to obtain mammograms and treatment.
- Parole Examiner Leris Calderon became a mentor at His House Children's Home, which is an organization dedicated to restoring joy in the lives of children from newborn to 18 and those who have transitioned out of the foster care system.
- On August 30, 2011, the Miami Office attended Crime Awareness Training at Circuit 11-8 on the subject of Identity Theft and other crime awareness, presented by Supervisor Marcelo Mungcal.
- On September 14, 2011, FPC Lauderdale Lakes Office along with DC Circuit 17-2 Probation and Parole Office participated in a presentation to AIU College (American InterContinental University). Richard Konior provided a brief history of the Parole Commission and Parole, Cindy Zimmerman discussed the Revocations process, and Sandy Pimental discussed Clemency process.

Region V:

- Melinda Strickland attended the FCCD Training Institute from August 22, 2011 through August 25, 2011 in Dustin, Florida.
- On September 9, 2011, Patti Razor assisted & presented at Hillsborough Correctional Institution Re-entry Day which featured different agencies and a presentation on Emotional Incarceration by retired Federal Probation Officer Eloy Salgado.
- Patti attended the Pinellas Ex-Offender Re-entry Council (PERC) meeting on September 25, 2011.

- Scott Harris has volunteered to be this year's Region V United Way Campaign Liaison.

Administration:

- Published the Long Range Program Plan
- Published Legislative Budget Request
- Provided staff with safety tips as agency safety coordinators
- Submit Bonus Plan and plan was approved Governors office
- Chair for the Charitable Campaign
 - Please note all of the Senior Management team worked together to do the LRPP and LBR.

Clemency Investigations:

Highlights / Accomplishments for the month of September 2011 for the Office of Clemency Investigations:

- The Governor and Cabinet, sitting collectively as the Clemency Board, held its third quarterly Clemency Board Meeting at the Capitol on September 21, 2011. The Commission completed and submitted 100 in-depth clemency investigations for Commutations of Sentence, Full Pardons, Firearm Authority and Restoration of Civil Rights for consideration by the Board. The Coordinator of the Office of Executive Clemency presented the cases to the Board, and the Chair provided detailed information related to Confidential Case Analyses and processes to the Board Members in response to their inquiries.
- This past month the Commission researched the specific reasons why applicants requested restoration of their civil rights. We reviewed the 78 Restoration of Civil Rights cases heard at the September 21, 2011 Clemency Board Meeting. Several applicants indicated multiple reasons in their statements to our examiners, and the following information is a brief summary of what their statements revealed:
 - 63% of the applicants specifically indicated that they were interested in regaining their right to vote, sit on a jury or hold public office.
 - 26% of the applicants specifically indicated that they were interested in obtaining their civil rights to help them with employment, ranging from specific licenses or occupations to general job opportunities.
 - 22% of the applicants did not provide any specific reason for requesting their civil rights.

- The Director of Clemency Investigations and staff assisted in the development of clemency information for the agency's Proviso Report to the Legislature on the processing of clemency cases.

Communications and Legislative Affairs:

Due to the time constraints involved with the preparing and finalizing of reports and the preparations for upcoming committee meetings, the Office of Communications and Legislative Affairs will report its detailed activities in the next monthly report.

Executive Clemency:

The Office of Executive Clemency would like to present our newest arrival, RayLee Chevelle Waltman, the daughter of proud parents Randall and Rachael Waltman. She arrived on Friday, September 30th and weighed in at 7.5 lbs. and 20 inches. Rachael said she will be visiting soon to show her off. We have a Volunteer tag already prepared as soon as she can alphabetize! Rose Piercy will be here in Rachael's place during her time off.

September is always a busy month with the Clemency Hearing, which was held on September 21st. There is a considerable amount of pre and post communication with those on the agenda, which totaled 100 this hearing.

- As the reports are completed and recommendations are made by the Parole Commission, cases are forwarded to the Clemency Board and included on an agenda under the various categories of clemency. This agenda is available to the media upon completion and copies are made to distribute at the hearing.
- A letter is sent to the applicant advising that they have been scheduled for the hearing and a notification form included which is to be returned, if the applicant plans to attend.
- A letter is prepared for each applicant at the hearing who receives clemency which lists contact information and notification that they should receive their signed Executive Order within the next 30 days.
- After the hearing, correspondence is sent to each applicant on the agenda who was denied clemency advising their status and the next step for re-submission.
- Copies of all correspondence are filed with the individual cases for further reference.

With the announcement of the Florida primary scheduled for January 31st, this office will gear up for the increase in telephone calls and emails.

Legal:

The following orders from the courts received since the last summary:

1. Robinson v. FPC and DOC: The attached order on this case is denying the inmate's motion to try to compel us to produce a transcript of his revocation hearing. This order continues the long-standing case law which states that there is no entitlement to free transcription of his violation hearing.
2. Sullivan v. FPC, case # 2009-CA-4383: In this case, the inmate made several challenges to the Commission's actions revoking his parole. We filed a Motion to Dismiss which was granted as to all but three of the inmate's claims. The Court ordered us to respond to the merits of these remaining three claims. These claims challenged the forfeiture of his time when his parole was revoked, the amount of time the Commission placed him on parole, and what offense the Commission considered his primary offense. In this order, the Court agreed with us that his remaining three claims were without merit.
3. Sullivan v. FPC, case # 2010-CA-2708 + 2010-CA-2709: These two cases involved the same inmate and were pending at the same time as each other, as well as the above case. The Court agreed to consolidate these two cases and issued one order denying his multiple claims challenging the suspension of his PPRD.

In the beginning of September, the Legal office worked with an inmate's wife who had filed challenges against our rules. Since she was proceeding without an attorney, we met with her directly and prepared a joint stipulation agreement to DOAH which presented both her issues and ours. The case was originally scheduled for a hearing on September 9, 2011. After review, DOAH cancelled the hearing and ultimately dismissed the case holding that the inmate's wife does not have standing to challenge our rules.

The inmate rule challenges seem to be increasing this year, and I suspect will continue to rise as the petitions circulate through the prisons. We have another Petition to Initiate Rulemaking to be decided by the Commission next week. The time limits for responding to these are strict, so it will be brought to the Commission's attention as soon as we receive them. If you have any questions as they appear on the dockets, let me know.