



FLORIDA PAROLE COMMISSION

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FLORIDA PAROLE COMMISSION Monthly Accomplishments' Report March 2011

~FEATURED CASE~

In July 1975, inmate Paula Carroll was sentenced to 5 years DOC for Stolen Property. She escaped in September 1975 and was returned to custody in April 2010, after being free for 35 years. In November 2010, she was convicted of Escape and sentenced to serve 1 year and 1 day to be served consecutive to the original sentence. On March 23, 2011, the Commission re-affirmed the previous parole date of November 9, 2010 and paroled inmate Paula Carroll to 1 day of supervision. This action would allow inmate Carroll to begin serving her consecutive Escape conviction on November 9, 2010. Ms. Carroll was released from Gadsden Correctional Facility Friday, April 1, 2011.

~CHAIR'S UPDATE~

On March 8, the 2011 Session of the Florida Legislature officially began and is expected to run the entire 60 days ending on Friday, May 6. While the Leadership Team and Commission employees continued to push forward on several proposals and initiatives, our Legislative Team has been busy attending hearings and meetings at the state's Capitol and has met a variety of reporting deadlines both with the Governor's Office and the Florida Legislature. We have been actively engaged in the budgeting process and talking with key legislators and stakeholders about the Commission's 2011 legislative priorities.

The month of March also brought about changes to the Rules of Executive Clemency. On March 9, 2011, the Governor and Cabinet, sitting as the Board of Executive Clemency, met and adopted changes to the Rules of Executive Clemency. At first blush it was thought the amended rules would reduce the Commission's workload, but after a careful review of the revisions and pending caseload it was determined the opposite was, in fact, true. While approximately 60,000 pending applications were made ineligible based on the release date from the lawful sentence, approximately 40,000 cases remain. Due to the Board requiring a more in-depth investigation on these cases, cases that previously would have taken on average a little less than an hour to complete will now take on average 5.1 hours to complete, and many cases that previously required 5.1 hours to investigate will now require on average 13.8 hours. Therefore, the overall impact of the new rules is expected to increase the Commission's workload. When adopting these changes the Board clearly established its policy that all clemency applicants must "desire clemency, deserve clemency, and demonstrate they are unlikely to reoffend."

Educating the public and state leaders on the various roles and responsibilities of the Commission continues to be one of our top priorities. Our tri-fold brochure, which contains relevant information

about the Commission, has been finalized and is being distributed. Commissioner Jenkins and team have been working hard on developing the first draft of the script for our historical and educational DVD to be played in both waiting rooms (inmate family and victims), and has arranged for FSU to produce this at no cost to this agency. The DVD will capture the history of the commission, and explain what visitors may expect, when attending Commission hearings depending on the type of hearing they are appearing on.

Quality Control and best-practices continue to be of major interest for the Commission, and with the revisions to the Rules of Executive Clemency made by the Board of Executive Clemency on March 9, 2011, we are again striving to ensure that the processes used by both the Offices of Executive Clemency and Clemency Investigations are as streamlined and non-duplicative in nature as possible. It is important when standing before Legislative Committees, or the Governor and Cabinet, that we are confident we are doing all we can to ensure our tax dollars are being spent in the most prudent and fiscally responsible way. To further ensure this, the Commission launched a revised “docket or agenda” pilot project this month, and it appears to be working well. This docket/agenda is more comprehensive and should eliminate the necessity for creating multiple dockets and voting sheets for each Commissioner. These efforts should result in a cost-savings to the agency.

On March 21, 2011, I attended the Florida Supreme Court’s Innocence Commission (FIC) meeting that was held in Tallahassee. The FIC is a twenty-three member body formed to study the dozen cases around Florida where an individual was wrongfully incarcerated and provide a report and recommendations to safeguard against such future events. I also participated as a panelist for FSU’s College of Criminology and Criminal Justice’s Career Connections: A Panel Discussion, and attended a variety of meetings with state legislators and representatives in the various offices of the Governor and members of the Cabinet. The Commission also welcomed representatives from the Office of the Commissioner, Florida Department of Agriculture and Consumer Services, visiting the Commission’s Central Office headquarters.

COMMISSION SECTION ACCOMPLISHMENTS

Operations

We continue to make progress on the relocation of the Commission’s Region IV and V offices to shared office space with Community Corrections. This will involve minimal expense, will result in staff being more centrally located in their primary work areas, and result in reduced travel time and expenses. The ongoing effort to move Region V (Tampa) out of Hillsborough C.I. turned out to be premonitory, as in early March, DC announced that Hillsborough CI was scheduled to be closed by June 30th, 2011. A tentative agreement on the new shared office space with Community Corrections is pending review by the Director of Operations and the establishment of the requisite inter-agency agreements.

During March, arrangements for the Commission’s facilities, lodging, and site visit for the two out-of-town hearings were finalized. These hearings will be held in Jacksonville, May 11th, and Broward County, May 25th, 2011.

The Director visited Regions I and II and attended their staff meetings, discussing topical items and addressing suggestions, question, and concerns of staff.

Release Services: Below are the numbers of cases processed for the month of February 25th through March 25th.

Parole	111
Conditional Medical	3
Conditional Release	584
<u>Addiction Recovery</u>	<u>119</u>
Total	817

In total, for the month of March 2011, the Commission granted 12 paroles and declined to parole in one case. Two conditional medical releases requests were granted and one was denied.

Revocations:

Warrants Issued**	143
Cases Reviewed and Prepared for Docket**	181

** These cases include Parole, Conditional Release, Addiction Recovery Release, and Control Release cases **

Overview of Activities for 2/22/11 – 3/22/11

Victim Services: During the last month Victims Services has been busy and we have had one of our victims advocates leave for a new position. We are in the process of filling that position. We handled 234 victim’s requests for information on parole, conditional release and conditional medical cases. We sent out 307 status updates to victims on parole conditional medical and clemency cases.

Field Services:

Region I: welcomes our new Parole Examiner, Russ Gallogly.

Region II:

- Jayne Hayden attended training on “How Advocates Can Assist Victims of Child Abduction and Their Families” on March 2 offered through the Attorney General’s Office in Gainesville, FL.

Region III:

- Sandra Jennings, Felix Ruiz, Terry Turner, and Will Whitehouse conducted an RCR workshop as part of the Orlando Healthy Start Coalition’s first annual Central Florida Fatherhood Expo on Saturday, March 5, 2011.

Region IV:

- Miami-Dade County – Resolved several issues with Metro West regarding allowing examiners to enter the facility with tape recorders in order to conduct initial interviews/hearings and allowing witnesses subpoenaed for a final hearing to enter the facility. The RA will make arrangements to meet with the jail staff during their next policy/procedure meeting to advise of our agency’s needs while using these facilities to conduct revocation proceedings.

Monthly interviews and hearings conducted:

Parole Interviews - 68

Revocations Interviews - 209

Revocation Hearings - 51

Total interviews and hearings during the month - 328

Monthly totals for Imaging Inmate Records (IRIS)

Completed Documents 11,200

Clemency Investigations:

For the month of March 2011, the Office of Clemency Investigations has:

- worked with DC OIT on developing enhancements to MACNet and RCR at a Glance;
- attended meetings and contributed materials to the Chairman’s Educational/Historical Project 2011; and
- prepared and compiled clemency and other Commission data to be provided to the Chair, management, clemency aides, and other entities.

Specific Accomplishments/highlights related to clemency for this month are:

- On March 9, 2011, the Clemency Board (Governor and Cabinet) adopted revisions to the Rules of Executive Clemency after hearing public comments. This office has worked closely with the clemency aides to the Board Members for direction on implementation of the amended Rules. In addition, the Director and staff have reviewed the rules and developed training materials related to the amended rules, held multiple conference calls with field staff, and updated Commissioners and FPC Leadership Team members. We have also met with DC OIT several times to make changes to the MACNet database to restructure RCR categories, create new terminology, and take the necessary steps to be able to utilize the MACNet database effectively in accordance with the amended rules. We have also begun the process of reviewing pending cases for eligibility under the criteria of the amended rules.
- A new part-time OPS Parole Examiner was hired on March 2, 2011 to conduct eligibility investigations on Restoration of Civil Rights cases.

Executive Clemency:

The first week of March was a continuance of screening applications by members of the Office of Executive Clemency and OPS Central Office personnel based on the 2007 Rules of Executive

Clemency. As stated before, on March 9, 2011, the new Clemency Board made amendments to the existing Rules. Efforts are now being made to screen applications based on the guidelines imposed by this Administration for the dual purpose of moving more cases to the investigative phase of the process and also to determine how the amended Rules will affect applications that were already in the system. OPS Field personnel joined in on the screening process during the third week of the month. Changes are also being made in the MAC data base which will align tracking of cases with the changes, websites exhibiting application forms and instructions are being updated and correspondence re-worded to accurately advise the applicants of the status of their requests for clemency. Emails have been sent to the Supervisors of Elections advising of the change in the application process and letters will also be sent to the Clerks of the Courts advising of the new requirement for felony court documents for Restoration of Civil Rights requests.

Legal:

Two issues have arisen this month for discussion. The first issue is special interviews. The rule states that in order for a special interview to be docketed for consideration, one of two things must occur: (1) the Commission (all 3 Commissioners) or a quorum (2 Commissioners) requests it or (2) the Department of Corrections makes a recommendation for it. In either of these two cases, Release Services must docket the case and the panel determines if a special review is warranted or not. In order to be in compliance with the Sunshine Law, the process will be as follows:

1. Once a Commissioner receives a request for special review, she must decide if one is warranted or not;
2. The decision is then forwarded directly to Release Services (it can not be circulated among the Commissioners);
3. If Release Services receives a "yes" by at least two Commissioners, then the case will be docketed to order "the parole examiner to conduct" the special interview.
 - This order/instruction must "contain a written statement setting forth the reason for the special interview." The statute requires that the Commission have "good cause."
 - If Release Services receives a request for special interview directly from the Department, it will be docketed for final determination at this point without waiting for a Commission quorum;
4. Once the parole examiner has completed the special interview and has made his or her recommendation, the case will be docketed for the Commission's decision on the PPRD.
 - Even after a special review, the PPRD may NOT be modified except for new information or good cause in exceptional circumstances;
5. As always, the victims are entitled to be noticed any time a case is docketed and brought before the Commission.

The second issue involves the use of the co-defendant's PSI to score an initial PPRD. The bottom line is that it may be used if it is reliable and applicable to the inmate before the Commission.

We received three recent court orders which came in to the office since the last legal summary.

1. Stephon Thomas v. Florida Parole Commission: Court denied the inmate's petition challenging the imposition of a curfew on his conditional release supervision.

2. Thomas Cook v. Florida Parole Commission: The inmate challenged the Commission's continued suspension of his PPRD. The Court rejected the inmate's ex post facto, equal protection, and due process arguments.
3. Ladon Green v. Florida Parole Commission: This is a detailed order rejecting the inmate's challenges to the imposition of conditional release on him. He challenged the warrant by the Commission for a violation of CR, the Commission's jurisdiction to revoke his CR, violation of the separation of powers, the terms of his CR, and the evidence supporting the violation of CR. The court dealt with each issue separately and ultimately denied the pending petition.

Communications and Legislative Affairs:

The Office of Communications and Legislative Affairs, in the course of its daily operations, prepared presentations, talk points, datasheets, fiscal notes and bill analyses, and handouts for the Commission Chair, the LAD, and various legislative committees and staff; attended committee hearings and worked with Legislators and their staff re-writing bills and drafting amendments to pertinent bills; met with members and staff of both houses' budget committees on the Commission's Legislative Budget Request for FY 2011-12; drafted several documents relative to the Clemency Board's amended rules and new policy directives for use by Commission staff as needed; and provided information daily through phone calls and e-mail to the media, the public, and national research organizations.

Administration:

In the course of its daily operations, Administrative Services completed monthly and annual financial projections; submitted request for budget authority to move funds within our budget; processed OPS hiring packages for RCR and Imaging projects; assisted with Legislative requests completing fiscal impacts on all Bill Analyses; prepared financial documents for the Chairman's office; prepared Risk Management Payment Process for claims; submitted and processed numerous purchases and payments for the agency; attended Personnel Officer, Purchasing Director, and Director of Administration meetings; responded to DMS on business card policy; submitted programming requests to DC IT; submitted maintenance requests; prepared documents for the commission video project; and coordinated writing and stress management training for staff.