



FLORIDA PAROLE COMMISSION

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Commissioner/Secretary

FLORIDA PAROLE COMMISSION Monthly Accomplishments' Report February 2012

~CHAIR'S MESSAGE

Tena M. Pate

While the month of February was filled with many activities, our primary focus was on the Florida Legislature. With the 2012 Regular Legislative Session ending Friday midnight, March 9, the Commission's priority substantive bills, CS/SB 506 and CS/CS/HB 329 – extended parole interview dates for certain violent crimes, were positioned to be taken up and passed at any time last week, but time ran out. Obviously, the Commission will be back next Session with these bills as part of the Commission's priority legislative package.

The Commission is very fortunate to have received a generous budget from the Legislature in such difficult times. In summary, here is a recap of the Commission's budget for FY 2012-13, as provided in HB 5001, effective beginning July 1, 2012:

The approved operating budget for the Commission for FY 2012-13 is \$8,224,487 and includes:

- (1) a new full-time position (with benefits) for Victims' Services;
- (2) the elimination of the requirement to prepare a RCR Report to the Legislature annually;
- and,
- (3) \$350,000 in recurring general revenue to reduce the clemency backlog.

A special thank you is in order to Jane Tillman, Gina Giacomo, and Sarah Rumph. Their assistance to me during the 2012 Legislative Session was invaluable. There are many others to thank who fought hard for the Commission's additional funding of \$350,000 to reduce the Clemency caseload and the \$47,661 to fund the victim's position. Special "thank yous" are in order to Representatives Grimsley, Glorioso and Rouson, and Senators Alexander, Bogdanoff, and Joyner for their work on the Commission's behalf. I would also like to thank Tim Sadberry, Lorretta Jones-Darity, and John McAuliffe, Senate and House Budget staff, for their assistance throughout the 2012 Legislative Session.

On February 7, the Commission welcomed its newest member, Commissioner Bernard R. Cohen, Sr., and held a reception in his honor. Other February activities included but were not limited to: my participation in the February meeting of the Florida Supreme Court's Innocence Commission, which was held in Tallahassee; participating and conducting training on behalf of the Attorney General's Office regarding the Commission's Role and Responsibilities and victim advocacy in the Post Conviction Process, along with the Commission's victims' advocate;

meeting with stakeholders and legislators regarding relevant legislation; holding the Commission's weekly parole hearings and quarterly business meeting; and visiting correctional facilities, regional offices, and transitional programs.

COMMISSION SECTION ACCOMPLISHMENTS

OPERATIONS

Jack deRemer, Director

- Preparations continue for the 2012 Association of Paroling Authorities International (APAI) conference, which will be hosted by the Florida Parole Commission in May, 2012, in Orlando.
- Director deRemer visited all of the Field Offices in Regions II, III, IV and V. This time was used to receive input from Field Office staff, update them on current legislative and agency issues, meet several new Examiners, and bid farewell to Region V Administrator Patti Harris-Razor, who retired after 31 years State service.
- During the last several months of F/Y 2010/2011 we engaged in an Imaging OPS project, wherein we brought in additional Intern and OPS manpower to work on the perpetual backlog of boxes of files pending imaging. Also during this time we had upgraded our KOFAX Imaging scanner to a newer, higher capacity and more reliable machine. Near the end of this project in late 2011, we were preparing and processing documents that were 6 decades old. As a direct result of this project, the Imaging unit has become current on all imaging requirements. We anticipate being able to maintain this current status with current staffing of two part-time OPS employees.
- The Field offices will be working on an OPS RCR Project commencing March 1, 2012. Schedules have been completed and hours assigned.
- Preparations have begun for holding Parole Commission Hearings in Broward County on June 13 and 14, 2012.
- The Electronic Inmate Files' project continues. A new Project Manager from OIT has been assigned, and Commissioner Bernard Cohen has joined the project. We have begun researching systems currently in use by other similar Florida state agencies and other states' Parole Authorities.
- Monthly totals for Imaging Inmate Records (IRIS)

Completed Documents	January 2012	February 2012
	8,923	8,491

Release Services:

Cases Docketed:

	January	February
Parole	89	114
Conditional Medical	5	4
Conditional Release	432	513
Addiction Recovery	93	81
	619	712

Month	Paroles		Conditional Medical Release	
	Granted	Denied	Granted	Denied
February	3	5	3	0

During this period, the Commission granted 3 paroles and declined 5. The Commission also terminated 2 parolees from supervision. There were 3 conditional medical releases granted.

Revocations:

Statistics:

	January	February
Warrants Issued	173	183
Cases Reviewed and Prepared for Docket	116	145

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

Activities

Supervisor Kim Dickey, participated in a roundtable discussion with attorneys, judges, sheriff's offices, etc. to discuss an exciting new initiative that would provide an opportunity to directly contribute to the state's efforts to improve public safety: "Pretrial Detention in Florida: Strategies for Saving Taxpayer Money While Improving Public Safety." The discussions focused on risk factors and assessments for determining which offenders/inmates would be a low risk for release or to minimize recidivism and reduce state or county operations cost.

Victims' Services:

	January 2012	February 2012
Victims' requests for information on parole, conditional release, and conditional medical cases	205	518
Victims Located	86	63
Status updates to victims on parole, conditional medical, and clemency cases.	384	397
Assisted victims who attended parole or clemency hearings.	35	51

During February, we handled 518 victims' requests for information on parole, clemency, conditional medical, and conditional release cases. In addition, we located and made initial contact with 63 victims on parole and clemency cases. We did 397 status updates on parole and clemency cases by giving early notice of hearings and by letting victims know the outcome immediately after the hearings by telephone or e-mail. We assisted 51 victims who attended parole hearings.

On February 22, 2012, Daphne Asbell and Commission Chair Tena Pate traveled to Broward County to present at a workshop for the Attorney General's Office called "Advocacy after Conviction." They presented to over 50 participants from the criminal justice community.

Field Services:

Field Services' Statewide Activity Totals

Monthly Interviews and Hearings Conducted:	January 2012	February 2012
Parole Interviews	87	79
Revocation Interviews	250	222
Revocation Hearings	70	69
Total Interviews and Hearings for the Month	407	370

Region I:

- Examiner Russ Gallogly participated in a re-entry conference call at Quincy Annex on January 27, 2012 relating to information given to inmates during re-entry seminars.
- Examiner Russ Gallogly participated in a re-entry seminar at the Quincy Annex on January 31, 2012.

- Region I staff attended a Clemency training session on February 9, 2012, with Tanya SigRist and Steve Dawson of Clemency Investigations serving as the facilitators.

Region II:

- The vacant Parole Examiner position in Lawtey was filled by Sara Bowie who began her duties on February 10, 2012.
- Parole Examiner Karel Yedlicka of the Jacksonville Office resigned February 29, 2012.

Region III

- Felix Ruiz continues to attend the monthly meetings regarding the Lifer's Program at Sumter Correctional Institution
- Chair Pate attended the Region III staff meeting on February 27, 2012, and later toured Lowell Correctional Institution with RA Terry Turner. Chair Pate also toured a new transition program called the *Next Level*.

Region IV:

- Parole Examiner John O'Donnell received FCIC/NCIC certification as the Terminal Agency Contact (TAC) for the Stuart Office on January 12, 2012.
- On February 15, 2012, several Region IV staff attended an eight-hour course offered/presented by the Office of the Attorney General, Florida Crime Prevention Training Institute on Victim Services' "Advocacy after the Conviction"; Presenters also included Chair Tena Pate, Daphne Asbell, FPC Victims' Services, and Gil Barnes, Department of Corrections.
- Karyn Roth received her FCIC/NCIC re-certification for CJIS on February 17, 2012.
- Sheila Roberts received her FCIC/NCIC re-certification for CJIS on February 22, 2012.
- Through out the month of February, Broward FPC Office, along with P&P Circuit 17-2, participated in Black History celebrations and enjoyed a luncheon on February 24th.
- Miami FPC Office, along with Circuit 11-Probation Nation Offices, will participate in a Black History luncheon and a short program scheduled for February 29th.

Region V:

- Examiner John Doyle was recertified as an FCIC/NCIC operator on February 8, 2012.
- Region V staff celebrated Black History Month with a trivia contest and luncheon following the February 9, 2012 staff meeting.
- Jessica Ghent attended the Hillsborough County Public Safety Council meeting on February 17, 2012.
- Kip Astrom will replace Patti attending the PERC meetings, his first will be on February 23, 2012.
- Patti Razor has retired. Her last day at work was February 24, 2012 with her last official day with FPC being February 29, 2012.
- The Region V. Tampa Parole Examiner Supervisor Position replacing Helen Williams-Lester has been advertised.

ADMINISTRATION
Gina Giacomo, Director

- Completed the Procurement Process Improvement Project stages 3 and 4 survey
- Attended the NIC training for Parole Executives
- Provide details of tours for APAI conference.
- Attended workshops on Florida Accountability Contract Tracking System
- Submitted the My Florida market place and Office Depot survey to DMS
- Attended the Interagency advisory council meeting.
- Achieved 100% Prompt Payment
- Provided staff with safety tips as agency safety coordinators

COMMUNICATIONS AND LEGISLATIVE AFFAIRS
Jane Tillman, Director

- Jane Tillman was appointed by the Executive Board of the **American Association of Paroling Authorities International (APAI)** to serve as Chair of the Communications'

Committee. Tillman, of Florida, will serve along with Communications' Directors for the following Parole Boards: the U.S. Army Parole Board; New Zealand; Tennessee; and Idaho. The Committee will receive staff assistance from Natalie Payne of APAI. Meetings will be held monthly by utilizing webinar assistance through Sam Houston State University's George J. Beto Criminal Justice Center. The Communication's Committee has been charged with developing a consistent brand and message for the Association; overseeing the publication of all of APAI's printed and broadcast media materials, including editing and branding issues; designing a new user-friendly website for use by APAI and its customers and stakeholders; and producing pertinent generic documents and PR tools that can be acclimated and personalized for use by the individual states' boards. Ms. Tillman will present the Committee's plan for APAI's future communications' efforts at the APAI Conference in May for the Board's consideration and approval.

- Worked with Commissioner Cohen and the Governor's Legislative Affairs Office, Secretary of State's LAD, FDLE investigative staff, and the staff of Senate Ethics and Elections to expedite the Senate confirmation hearings for Commissioner Cohen. With the invaluable assistance of Jon Costello, Angela Peterson, Rob Jakubik, and Brenda Burdette, this goal was accomplished and Cohen confirmation's was reported favorably from the two committees of referral and is awaiting a floor vote.
- Worked with the Chair and other Senior Staff during conference committee negotiations prior to the conference report issued March 6, 2012. If passed March 9, HB 5001 is effective beginning July 1, 2012 for FY 2012-13. The approved operating budget for the Commission for FY 2012-13 is \$8,224,487 and includes:
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CLEMENCY INVESTIGATIONS
Steve Hebert, Director

MONTHLY CLEMENCY PENDING CASE UPDATE

As of March 1, 2012, there were 31,009 pending clemency cases which include 24,544 RCR cases and 6,465 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.

	January 1	February 1	Change
RCR Without a Hearing Cases	16,169	15,084	-6.71%
RCR With a Hearing Cases	10,420	10,462	0.40%
Total	26,589	25,546	-3.92%

NOTE: In addition to the 31,009 pending clemency cases, there were also 39,784 EOS/TOS RCR cases for a total of 70,793 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.

Highlights/Accomplishments for the month of February 2012 for the Office of Clemency Investigations:

- On February 8, 2012, the Director of Clemency Investigations provided training to the Regional Administrators and Supervisors during a conference call to include procedures related to clemency investigations and the Rules of Executive Clemency.
- On February 9, 2012, Parole Examiners Tanya SigRist and Steve Dawson provided a full day of training to the Region I Quincy and Milton field office staff at the FPC office at the Quincy Annex. They covered procedures related to conducting all types of clemency investigations, the Rules of Executive Clemency, and the use of the multiple criminal justice databases.
- Restoration of Civil Rights (RCR) “EOS/TOS” cases are those cases of individuals expiring their sentences (EOS) or terminating their supervision (TOS), which were sent electronically each month, by the Department of Corrections to the Commission, prior to the March 9, 2011, amended Rules of Executive Clemency. During the month of February, approximately 7,000 letters have been generated and mailed to these individuals advising them of the eligibility criteria under the amended Rules.
- The Director of Clemency Investigations and staff assisted in the development of clemency information and prepared a semi-annual report for the agency’s Business Meeting held on February 23, 2012. The Director also welcomed new Commissioner Cohen and provided him with clemency training this month.
- On February 24, 2012, Parole Examiner Cindy Waymon left the Office of Clemency Investigations to begin her new position as the Personal Assistant to Commissioner Cohen.

- The Chair continues to explore possibilities of hiring additional part-time OPS staff to conduct RCR Without a Hearing eligibility investigations. Staff would already have specialized training in determining eligibility and in completing comprehensive case analyses, have received certifications, and possess in-depth knowledge of how to utilize records and databases of multiple criminal justice agencies to conduct research and interpret data.
- Staff has continued to review all RCR cases for eligibility prior to sending them out to field offices for in-depth field investigations to be conducted; conduct Request for Review investigations for commutation of sentence applications; and provide quality assurance reviews of all clemency investigations completed by regional field offices.

EXECUTIVE CLEMENCY
Julia McCall, Clemency Coordinator

February brings closure to the first year of screening applications for clemency in the Office of Executive Clemency under the new Rules amended on March 9, 2011. Shortly after the Rule change, Central Office staff and Examiners from the field assisted existing OEC staff with the review of several thousand applications pending the initial screening for eligibility starting with August 2007. This assistance provided a major boost to our progress as we were able to move through the thousands of applications received prior to the 2008 presidential election. For example, from July 2008 through March 2009, there were 12,343 applications received, with 5,502 received in September and October alone. Specific OEC staff members were assigned to double check those applications which were determined ineligible by the project so as to ensure all eligible applicants were given an opportunity to proceed through the process. We now can focus all of our efforts on progressing through the remaining 19,000 + requests. This office works under a continual self-evaluation process with the main goal of working smarter, not harder, which allows for staff to be flexible and focused on current needs.

LEGAL
Sarah Rumph, General Counsel

CASES:

Attached are three extensive orders on cases that we recently received.

1 – Amos Hoyt v. Florida Parole Commission – This case was from a parole-eligible inmate challenging the Commission's initial setting of his PPRD, after parole revocation. The Court upheld the aggravators since the Commission provided a "written explanation which contains 'individual

particularities' which distinguish the aggravating circumstance relied on from the factors which determine the offense characteristic and the salient factor score." The Court also affirmed the salient factor score.

2 – Anthony Wilson v. Florida Parole Commission – Mr. Wilson was on conditional release in Alabama when he was arrested on allegations of a new crime. The Commission issued a warrant, and ultimately revoked conditional release after he was returned to Florida and he waived his right to a final hearing. Mr. Wilson argued against the Commission's revocation because his charges in Alabama were dropped; interestingly, the charges were not dropped until after the Commission's revocation decision. He also argued that the Commission violated the interstate compact because, allegedly, his new arrest would not have been considered a violation of supervision conditions in Alabama. The Court rejected these contentions finding that the Commission did not abuse its discretion.

3 – Hugh Thompson v. DOC & FPC – The Petitioner in this case was violated on his conditional release supervision for allegedly committing new crimes after he was released from the JR facility. He was requesting credit for the time spent in the JR facility. The Court held that the Commission did not abuse its discretion by denying his request for credit for the time spent in the JR facility.

OTHER LEGAL ISSUES:

One issue that we have seen pop up lately is the argument by parole-eligible inmates that their mitigation was not considered by the Commission in establishing the PPRD. The best way for us to combat this argument is for the Commissioners to state clearly on the record that mitigation was considered and for the Commission Action form to reflect this consideration.

At the General Counsel's Association luncheon this month, I received a fantastic presentation by the Department of Military Affairs on how to deal with personnel issues for employees that get re-activated by the military, are in the military reserves, or are on any type of active military duty.

I also had the opportunity this month to participate with Commissioner David, Ms. Dickey and Ms. Lasseter in the round table discussion hosted by TaxWatch's Smart Justice Initiative on the issue of pretrial risk assessments.

Brenda Council and Misty Pearson participated in a training seminar on e-filing for the Second Judicial Circuit here in Leon County this month. As each county comes into compliance with the Florida Supreme Court's e-filing requirements, we are learning all we can about each system and taking advantage of any training available.