



# FLORIDA PAROLE COMMISSION

4070 Esplanade Way, Tallahassee, Florida 32399-2450

TENA M. PATE  
*Commissioner/Chair*

MONICA DAVID  
*Commissioner/Vice-Chair*

CASSANDRA D. JENKINS  
*Commissioner/Secretary*

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## FLORIDA PAROLE COMMISSION Monthly Accomplishments' Report April and May 2011, and June 1 – 10, 2011

### ~ MONTHLY RCR PENDING CASE UPDATE~

	April	May	June 1	Change
<b>Application cases</b>	39,138	36,518	34,439	-12.01%
<b>EOS/TOS cases</b>	60,700	59,045	59,042	-2.73%
<b>TOTAL Pending RCR cases</b>	99,838	95,563	93,481	-6.37%

**NOTE:** The RCR eligibility requirements were amended on March 9, 2011, to include either a 5 or 7 year waiting period. Therefore, the 59,042 EOS/TOS cases shown above are now ineligible since they do not meet these time requirements. However, there is a workload component associated with the proper processing of these cases as ineligible in our clemency database, which includes data entry and the generation of letters to be mailed out to all individuals.

### ~CHAIR'S UPDATE~

The 2011 Legislative Session has come and gone! The Commission received a continuation budget for FY 2011-2012 of \$8,229,821, while taking a small cut in our Expenses Category of \$151,000 and the loss of 7 unfunded positions (which have not been filled or funded since 2008). Despite the difficult budget year, we believe that the Commission did extremely well to keep all of its filled and funded positions.

With all of the activities facing the Commission, our monthly updates were set aside to focus on other pressing matters before the Commission. Activities such as the wrapup of the session, two out-of-town Commission Hearings, preparation for the June 2, 2011 Clemency Meeting before the Governor and the Cabinet, Employee Appreciation Awards and Activities, participating in various task forces or Commissions (Innocence Commission, Re-Entry, etc.), relocation of some of our regional offices, training activities for Commissioners and employees, and much more, resulted in a real effort to produce this combined report to get everyone caught up with the Commission's activities for the months of April and May, and part of June, 2011.

Since our last update, the Commission and its team members have been recognized for the following:

- **2011 Davis Productivity Awards for the Commission Headquarters' Relocation Team, Florida Parole Commission.** This award recognized the Team's work for relocating our agency

without additional costs to the state of Florida and resulting in an approximate savings of one million dollars over the next 10 years. Congratulations to Jack deRemer, Will Kendrick, Gina Giacomo, and Karen Huff!

- **2<sup>nd</sup> Place, 2010 Annual Safety Award by the Department of Financial Services, Division of Risk Management and the Interagency Advisory Council on Loss Prevention.** This award recognizes the recipient with the second highest decrease in claims-paid rate in the “small agencies and university” categories for FY 2009-2010. Job well done, Gina, Bonnie, and Karen!
- Our newly adopted **Employee Appreciation Awards and Recognition Program** yielded the following winners who were recognized at our Employee Appreciation Breakfast held Friday, May 20, 2011:

*Ms. Rhonda Morris* – Field Office Employee of the Year, Region I.

*Ms. Teresa Martin* – Central Office Employee of the Year, Tallahassee

*Ms. Julia McCall* – FPC Employee of the Year, Central Office, Tallahassee

*Ms. Mary Lynne Petroski and the Activities Committee* – Superior Achievement Award, Central Office, Tallahassee – Activities Committee members also include Tammy Boyd, Tracie Crawford, Bonnie Floyd, Cathy Floyd, Twanya Keaton, Kristin Lambert, Cindy Parrish, Misty Pearson, Jeffrey Rigdon, Tammy Salmon, Michelle Whitworth, and Avis Woods.

Congratulations to our awesome Team!

Commissioners David and Jenkins attended the **2011 Annual Conference of the Association of Paroling Authorities International**, and both are now enrolled in a sex offender risk assessment course, which I have previously completed. The information gleaned from this course will be useful to us in the performance of our duties.

The Commissions **out-of-town hearings** were held in May in Atlantic Beach (Duval County) and Pembroke Pines (Broward County). Both hearings were well attended by inmate and victim representatives, prosecutors, law enforcement officials, state legislators and staff, and program providers. The Commission enjoyed taking its hearings on the road and appreciated the opportunity afforded to spend time with our employees in the field. Regions II and IV, led by Mills Rowland and Shelia Roberts, did an outstanding job planning and preparing for our visit.

The Governor and Cabinet, sitting collectively as the Clemency Board, held its second quarterly **Clemency Board Meeting** at the Capitol on June 2, 2011. The Commission had completed and submitted 100 in-depth clemency investigations for 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 I provided detailed information related to the cases and the process in response to the Board members’ inquiries.

In May, we conducted research related to the specific reasons why applicants requested restoration of their civil rights. This topic has been debated in the halls of the Capital and throughout the State for

some time now. We reviewed the 75 Restoration of Civil Rights cases heard at the June 2, 2011, Clemency Board Meeting. Several applicants indicated multiple reasons in their statements to our examiners, and the following is a brief summary of what their statements revealed:

- 64% of the applicants specifically indicated an interest in regaining the right to vote, sit on a jury, or hold public office.
- 39% of the applicants specifically indicated an interest in obtaining their civil rights to help them with employment, ranging from specific licenses or occupations to general job opportunities.
- 8% of the applicants specifically indicated an interest in obtaining their civil rights to assist them in their pursuit of educational goals.
- 21% of the applicants did not provide any specific reason for requesting their civil rights.

The Commission will continue to track this information in an effort to gain a better understanding of the reasons ex-felons are requesting restoration of their civil rights.

## COMMISSION SECTION ACCOMPLISHMENTS

### Operations

- The Director of Operations has been in contact with Jeff Greipp, an attorney (former prosecutor) at the DOJ *Office on Violence against Women* - funded organization Aequitas. This organization provides training and technical assistance to prosecutors and allied professionals on a variety of topics, including why victims of domestic violence recant their statements. This is a frequent problem we encounter when conducting our Revocations' cases. Mr. Greipp is available to conduct webinar training for our examiners, at no charge. We will be scheduling this webinar training for all field staff in the very near future, as soon as we work out some technical access details.
- Our Region IV offices in Broward and Miami-Dade counties are finalizing their move into shared DC Community Corrections office space. This will provide a mutually beneficial situation for both agencies and preclude our Region IV office from having to seek private office space after the DC Region IV privatization gets underway.
- We have secured permission from WFSU-TV to make a video of the June 2, 2011, Clemency Board Meeting available via our intranet to our Field Examiners, who prepare the cases for the Board. This will be a great asset to the Examiners in helping them to understand the issues and the questions that are asked, which in turn will result in a better work product being submitted to the Board.
- Security screening training will be presented to FPC Hearing staff on June 22, 2011. We presently screen all visitors to the Parole Hearings; however, our process is in need of updating and regular training in this subject is beneficial to all.

**Release Services:**

Below are the numbers generated by the Release Services’ section for the months of April and May, 2011. There were no cases of interest during this reporting period.

April 1 thru June 10, 2011, the Commission granted 9 paroles and declined to authorize parole on 2 cases. There were also 3 conditional medical releases granted.

	<b>April</b>	<b>May</b>
Parole	118	97
Conditional Medical	3	0
Conditional Release	555	608
Addiction Recovery	165	126
<b>TOTALS</b>	<b>841</b>	<b>831</b>

Teresa Martin was selected as the 2011 “Central Office Employee of the Year.”

**Revocations:**

	<b>April</b>	<b>May</b>
Warrants Issued	<b>126</b>	<b>190</b>
Cases Reviewed and Prepared for Docket	<b>173</b>	<b>171</b>

**Overview of Activities**

- Parolee Elpidio Gonzalez (DC 037535), serving a LIFE sentence for Sexual Battery, was paroled in 1985 and allowed to transfer his supervision to New York via the Interstate Compact Agreement. The Commission issued its first violation warrant in 26 years of supervision after Gonzalez was found by his PO on 1/25/11 to be in the company of three minor children. The parolee’s conditions of supervision prohibit such contact with children. Based on the findings at a preliminary hearing conducted by New York parole authorities, combined with their recommendation that the offender be returned to the sending state, the Commission ordered the subject’s return to Florida on 4/20/11 to proceed through the revocation hearing process.
- Parolee Douglas Polk (DC 037535), serving a 43 year sentence for Sexual Battery, was paroled in 1984 and absconded from supervision in 1987. The Commission issued a warrant for the subject’s arrest in February, 1988. The parolee successfully eluded capture until February 14, 2011, when, during a traffic stop in New York, he was arrested on the FPC warrant. The parolee was returned to Florida to face the 1987 violations of parole with the Commission voting to revoke his parole supervision and returning him to state prison

**Victim Services:**

During this reporting period, Victim Services has been very busy as a result of one of our victim advocates leaving to take a new position. We have just filled that position with our new advocate, Dawn Mikola, on board as of May 2, 2011. Ms. Mikola will be handling the clemency process for this office.

	<b>April</b>	<b>May</b>
Victim's requests for information on parole, conditional release, and conditional medical cases	244	200
Victim's Located	149	93
Status updates to victims on parole, conditional medical, and clemency cases.	330	233

On June 9, 2011, FPC Victims' Advocates Daphne Asbell and Dawn Mikola completed a one day "dFACTs" database training class at FDLE. Ms. Mikola also provided assistance to victims of crime during the Clemency meeting held before the Governor and Cabinet on June 2, 2011.

**Field Services:**

**Field Services Statewide Activity Totals**

	<b>April</b>	<b>May</b>
Monthly interviews and hearings conducted:		
Parole Interviews	63	77
Revocations Interviews	217	219
Revocation Hearings	54	62
<b>Total interviews and hearings during the month</b>	<b>334</b>	<b>358</b>

Region I:

- The Region I office at Quincy CI was relocated from the north wing of the administration building to the south wing. Although the move was anticipated, it was carried out on a one day notice. This move was to make room for the DC Region I Reentry Staff.
- Regional Administrator (RA) Tom Hamilton trained with RA Mills Rowland May 16<sup>th</sup> through May 18<sup>th</sup>.
- Staff Assistant, Rhonda Morris, received the "Field Office Employee of the Year" award.

## Region II:

- On April 14, 2011, Parole Examiner Jayne Hayden attended training on Advocacy, Safety, and Technology through the Florida Crime Prevention Training Institute's "Victims Services Professional Development Program" (Office of Attorney General).
- On April 18, 2011, Parole Examiner Ralph Moulder was a guest speaker at the Florida Gateway College during one of their Introduction to Criminology courses.
- On May 5/2011, the Commission had its Region II out-of-town meeting in the Council Chambers for the City of Atlantic Beach. The meeting went well and was well attended.
- Chair Pate, Commissioner David, Commissioner Jenkins, and Regional Administrator Mills Rowland toured the "Prisoners of Christ" and the "Ken Cooper Ministry," both of which are transitional facilities located in Jacksonville. The tour of "Prisoners of Christ" included a tour of the administrative building, two transitional homes, and their *Second Chance* apartments. The tour of the "Ken Cooper Ministry" included a visit to the apartments and the home facility where we heard testimony from some individuals who have benefited from these programs.
- Parole Examiner Jayne Hayden has been promoted to the Parole Examiner Supervisor position in Region IV effective 6/1/2011. The hiring process for her replacement has been completed and a candidate has been selected.

## Region III:

- Terry Turner met with Rev. Eddie Walker and other members of the congregation of the Tabernacle of Jesus, Orlando, FL, on May 10, 2011, to discuss the changes in the RCR process.

## Region IV:

- On April 5<sup>th</sup> Jack deRemer, Director of Operations, visited Region IV to assist in the interviewing process for the vacant Parole Examiner Supervisor Position. On April 6<sup>th</sup> he attended the staff meeting to discuss office relocation for the Miami/Broward Units, telecommuting, etc. He also visited the two new office locations and met with Community Corrections staff regarding the move.
- Nikko Evans in the Miami unit resigned on April 15<sup>th</sup>. Our best wishes go out to Nikko as she returns to school full time to work towards earning a second Masters degree. A request to advertise has been submitted for this vacant parole examiner position.
- Parole Examiner Donald Henry has returned to work after being on sick leave for seven weeks (February 25<sup>th</sup> through April 15<sup>th</sup>). We're happy that he is well and

excited that he has resumed his regular schedule and workload as the Miami Unit Revocation Examiner.

- On May 25, 2011, the Commission met in Region IV at the Broward County Library, South Regional-Broward College Campus. Special guests in attendance were State Representatives Ari Porth Cynthia Stafford, and Perry Thurston, Jr.; Jessica Finkelstein from State Representative James Waldman's Office; and Silvia Ramirez, Bond Security Officer with the Miami-Dade Police. During this meeting the Commission considered 41 visitor cases.
- On May 26, 2011, Commissioners Monica David and Cassandra Jenkins, along with staff from Central Office and Region IV, toured the FIU Transitional Program at Everglades Correctional Institution. They were accompanied by Program Director, Dr. Regina Shearn, Professor of Criminal Justice at FIU; and John Willis, Warden, Everglades CI.
- Jayne Hayden has been selected to fill the Supervisor's position for the Broward Unit. Jayne is currently an examiner in Region II, Jacksonville, with approximately 11 years of service with the agency. Congratulations to Jayne and we look forward to having her join our team effective 06/01/2011. We welcome Jayne and wish her the best during her relocation process.
- Region IV is in the process of relocating the Miami Office, which has resulted in an additional Commission office for South Florida. With the privatization of all correctional institutions in south Florida, it is anticipated that the Indiantown Office also will be relocated in the near future. Effective June 14, Region IV will have a Broward Office located at 3718-4 West Oakland Park Boulevard, Lauderdale Lakes, Florida 33311. The Miami-Dade Office will be relocated on June 15<sup>th</sup> to 3601 NW 167<sup>th</sup> Street, Miami, Florida 33056.

#### **Region V:**

- Melinda Strickland and Kip Astrom participated in The Special Olympics Torch Run and opening session on May 13, 2011, in Orlando, Florida.
- Patti Razor attended the Florida Association of Community Corrections State Board meeting on April 7, 2011 and April 8, 2011 in West Palm Beach, Florida.
- Staff of Region V are collecting and donating items for Daystar Life Center, a homeless outreach program.
- In May, Region V FPC staff met with each County Jail Management Personnel to deliver the *Morrissey* letter and review FPC statutory responsibilities referencing FPC detained inmates.

- Patti Razor attended the May 26, 2011, Pinellas Ex-Offender Reentry Coalition (PERC) meeting.

### **Administration:**

In the course of its daily operations, Administrative Services completed monthly and annual financial projections; submitted requests to OPB for changes to Commission's performance measures; processed OPS hiring packages for the Imaging project; developed a safety power point for new employees; attended training on several Human Resources issues; assisted with Legislative requests; prepared financial documents for the Chairman's office; submitted and processed numerous purchases and payments for the agency; attended Personnel officer, Purchasing Director, and Director of Administration meetings; submitted programming requests to DC IT; coordinated employee presentations, including a Disability Insurance Seminar and Deferred Compensation for staff in CO; attended stress management training; participated in Re-entry technical assistance meetings; participated in a conference call to plan FPC hosting the APAI conference in 2012; participated in FAMU and FSU criminal justice internship workshops; coordinated with Volunteer Leon for interns; and presented at FSU, providing information on internships. As a result, we have received interns from all three sources.

Interns:

Ramona McFarlane - FAMU

Alexis Rockhill – Volunteer Leon

Sierra Pearson - FAMU

Matthew Johnson – FSU

Our Finance Director initiated a project with DC to remove duplicative and unnecessary approvals for both DC and FPC staff in the FPC purchasing system. In addition, our Finance Director now has a role in the processing of purchases/payments so that the FPC can better account for our expenditures by program and more efficiently use the different funding categories. This not only streamlines the FPC purchasing process, but also enhances our controls over our expenditures.

### **Clemency Investigations:**

- Conducted monthly clemency conference calls with field staff to provide training and direction on RCR and clemency topics;
- Met with DC OIT staff to make changes to the MACNet database and take the necessary steps to be able to utilize the database effectively in accordance with the amended rules.
- Met with DC OIT staff to make recommendations on the continued development of the "RCR At-a-Glance" application.



- Continued the process of reviewing pending RCR cases for eligibility under the criteria of the amended rules.
- Prepared 100 Confidential Case Analyses for the June 2, 2011 Clemency Board Meeting and submitted to the Clemency Board.
- Worked with the regional field offices to prepare closed clemency files in accordance with approved retention schedules for shipping and processing to the storage records center.

### **Communications and Legislative Affairs:**

The Office of Communications and Legislative Affairs, in the course of its daily operations, accomplished the following during this reporting period: prepared presentations and handouts for various legislative committees and staff; covered all budget conferences on behalf of the agency; prepared press releases and drafted letters of invitation to area elected officials and legislators for the May 11 and May 25, 2011 Commission votes to be held in Duval and Broward counties; responded to numerous requests for public information, tapes of hearings, and data from the media and public; responded to numerous requests for information, tapes of hearings, and data from the media and public; met with legislators on issues of concern to their constituents involving the Commission vote process and victims' rights; met with legislators and leadership on specific bills and budgetary issues as they move through the process; provided updates to the Chair, Commissioners, and employees on state employee-related issues and bills as end of Session approached; and provided a 2011 Legislative Session Final Report to the Chair, Commissioners, and FPC employees.

### **Executive Clemency:**

April, May, and June have continued to be a time of transition in Executive Clemency. We continue to receive hundreds of applications that were sent to the different regions for screening by the Field Examiners. We would not be able to be as efficient during this time period if not for the Field Examiners' assistance. Several Central Office staff also are participating in the screening process. The cases that are determined "eligible" are entered into the MAC database, and the "ineligible" requests are returned to the applicant with a letter explaining the disqualifying factors.

The previous waiver process was eliminated with the amended Rules. Staff has spent this time period returning applications which had been submitted requesting Pardons and Firearm Authority, which are no longer included. The new process is referred to as a "Request for Review" and focuses only on Commutation of Sentence cases.

Staff from Central Office, Clemency Investigations, and the various Regions throughout the state are receiving applications for screening to assist in the reduction of the large number of pending cases. This special project is being accomplished through the use of OPS funds and will end at the completion of the fiscal year on June 30<sup>th</sup>. At that time, both the Office of Executive Clemency and Clemency Investigations will meet to develop a plan for adjusting workloads and staff assignments to process the previously screened cases in the most efficient manner. That task involves notification to applicants that we received their application followed by a letter notifying many of their ineligibility status under the amended rules.

With regrets, we say goodbye to three FSU interns: Samuel Lyons, Sebastian Leon, and Kali Austin, who have been with us since January. Interns assigned to Executive Clemency have the opportunity to become NCIC/FCIC certified and to learn all of the databases that are used to process clemency applications. During their last weeks with us, the interns visited the different sections of the agency and its Commissioners to provide them with a thorough overview of the agency's operations. We also are losing TCC intern Veronica Berenstain-Moyal, who along with Sebastian, assisted callers who only spoke Spanish.

As we continue to gather new data on a daily basis, we will soon be able to show the impact of the amended rules on the clemency process.

**Legal:**

I have followed up on an issue with the Attorney General's Office, and I may now provide the following clarification going forward:

We may continue to not receive testimony under certain circumstances as we have always done and as spelled out in our rules with the one exception that victims always have the constitutional and statutory right to be present and be heard. If a victim, as defined by statute, is present for any level of the proceeding, we must allow him or her to have the opportunity to be heard by the Commission at the public meeting.

Attached are ten recent court orders which came into the office since the last legal summary:

1. David Viles v. Florida Parole Commission: The Court held that it did not have jurisdiction over the Commission for purposes of the declaratory judgment action, so the petition was dismissed.
2. Fernando Porte v. Florida Parole Commission: The inmate was seeking credit for the time he spent in ICE custody after release from prison on conditional release. The Court held that he did not have a right to that credit towards his prison sentence.
3. Dennis Creamer v. Florida Parole Commission: The District Court upheld the Commission's Rule 23-21.0155 as a valid delegation of legislative authority.
4. Irving Smith v. Florida Parole Commission: This case was originally remanded back to the Commission for consideration if his conditional release violation was willful and substantial. Upon remand, the Commission found that the releasee was indeed guilty of willfully and substantially violating, but it decided to reinstate his supervision. Since the inmate was released from custody, the Court dismissed the pending petition.
5. Amanda Skuro v. DOC: This was an addiction recovery case. We rarely see these since the individual usually has such a short time on addiction recovery supervision that any possible challenges do not make it through the courts. In this particular case, the releasee argued that even though she was only charged with a felony DUI, her DUI actually involved serious bodily injury; therefore, she should be excluded from eligibility. The court agreed with our

interpretation that the conviction matters and not the facts of the case when deciding eligibility.

6. Ladon Green v. FPC and DOC: This case seemed like a simple challenge to revocation of conditional release. However, what made it unusual was that Mr. Green, at one point in time, had four petitions pending in the same court at the same time for the same reason. He just kept adding arguments each time he filed another petition. The court found the petitions to be a needless depletion of limited resources and without merit. Ultimately, however, the majority of the challenges were dismissed since the inmate had since been released from prison.
7. John Hubbard v. DOC: In this particular order on this case, the court had a telephonic hearing in which Tony and the inmate participated. We filed the motion in order to alert the clerk and the court that the PSI was a confidential document under the requirements of a new judicial administration rule. After considering and identifying the document, the court agreed and ordered the clerk to seal it. We have filed a few of these types of motions since the new rule was implemented and have only heard back on a couple.
8. Alan Rolls v. FPC: The interesting thing about this case is that the inmate was seeking to force us to consider him for parole, even though he wasn't eligible. The court swiftly dispatched it.
9. Nicholas Iuelle v. Governor: This case is one of the few that come across our desk where the petitioner to the court was challenging clemency actions. Mr. Iuelle was specifically seeking to force us to process his application for a commutation of sentence. Since the courts have absolutely no say in clemency powers, the case was dismissed.
10. Gabriel Giraldo v. FPC: The last case attached was a regular PPRD challenge, with a twist. In this case, the inmate challenged his PPRD, but also sought immediate parole arguing that the Commission is required to parole him so he can return to his home country of Colombia. The court upheld the Commission's PPRD calculation and denied the inmate's argument.

Other than these unusual orders, we have been business-as-usual in Legal.

We are actively considering possible rule changes and updates once Session is over. We are also in the process of attempting to save and update our legal tracking database, which has decided it was going to quit on us. We hope to use this as an opportunity to continue moving towards an ever more efficient, and a more paperless, environment.

By far, the highlight of the month was the Employee Appreciation Brunch, which we enjoyed and are proud of our recipient, Misty, for her hard work on the Activities Committee!