



FLORIDA PAROLE COMMISSION

4070 Esplanade Way, Tallahassee, Florida 32399-2450

TENA M. PATE
Commissioner/Chair

MONICA DAVID
Commissioner/Vice-Chair

BERNARD R. COHEN, SR.
Commissioner/Secretary

FLORIDA PAROLE COMMISSION Monthly Accomplishments' Report January 2012

~CHAIR'S MESSAGE

Tena M. Pate

On January 19, Governor Scott and the Florida Cabinet appointed Bernard R. Cohen, Sr., as Commissioner to fill the vacant commissioner post – the remainder of the term of retired Commissioner Frederick B. Dunphy. Commissioner Cohen most recently served as Vice President of Corporate Administration for the Citizens Property Insurance Corporation, a position he held from February 2007 to April 2011. During his 33-year career with the Florida Department of Corrections, he held many executive and management level positions including Chief of the Bureaus of Staff Development and Program Services, Deputy Director of Programs, Deputy Assistant Secretary for Education and Training, Assistant to the Secretary, Deputy Circuit Administrator, and Inmate Classification Supervisor. Additionally, he has served his country as a Captain in the United States Army Reserves. Commissioner David and I welcome Commissioner Cohen to the Parole Commission and look forward to working with him.

The focus of our activities for the month of January has been on our weekly parole hearings and attending weekly legislative committee meetings now that the 2012 Legislative Session is in full swing. We further continue to focus on coordinating activities with our sister agencies and fellow public safety stakeholders, as well as continuing to provide our team with leadership growth opportunities. I continue to be encouraged by the dedicated team of professionals we have at the Commission whose commitment to their work on a daily work is unmatched.

On the legislative front, The Commission's priority bills, CS/CS/HB 329 by Reps. Trujillo and Perry, and CS/SB 506 by Senator Greg Evers, are steadily moving through the process as we reach the mid-point for the 2012 Session. The House bill is on the House Calendar on 2nd reading, and the House sponsors have requested it to be placed on the Special Order calendar to be heard and considered by the full House. The Senate companion, CS/SB 506, is currently in Senator Alexander's Senate Budget Committee, and I am working with Senate leadership to expedite the process once the House bill passes and is in the possession of the Senate leaders. This victim-friendly and public safety bill will allow the Commission to set extended interviews, from within 2 years to within 7 years, for inmates convicted of:

- the crimes of kidnapping; attempted kidnapping; or
- robbery, burglary of a dwelling, burglary of a structure or conveyance, or breaking and entering, or the attempt thereof of any of these, in which a human being is present and a sexual act is attempted or completed.

The bill has no fiscal impact and has an effective date of July 1, 2012.

The House recently passed its proposed House budget for FY 2012-13 regarding public safety agencies and the courts. The House version of the General Appropriations Act for FY 2012-13 provides the Parole Commission with a budget of \$8.1 million, an increase of \$248,000 (3.2 percent) over the 2011-12 fiscal year. This includes funding for clemency services (\$200,000) to help in reducing the clemency backlog and a new position (1 FTE) for Victims' Services. There were no cuts made to the Commission's budget in the House proposed bill, and the requirement to submit a RCR Proviso Report to the Legislature each October 1 was eliminated. The House's General Appropriations Act (GAA), HB 5001, passed the full House on Thursday, February 9, 2012, by a vote of 79-38. No changes were made to the Commission's budget, and the bill now goes to the Senate for concurrence, or if rejected, a conference committee is appointed to work out the differences between the House and Senate budgets.

This week (the week of February 6-10) the Senate Criminal and Civil Justice Subcommittee passed the criminal justice and courts' section of the proposed Senate FY 2012-13 General Appropriations Act. The Senate subcommittee's proposal includes a total budget of \$8,175,114 for the Commission with \$350,000 in new recurring general revenue for clemency services to help in reducing the RCR backlog and a new position (1 FTE) for Victims' Services. Additional funding for office rental will be added in the budget conference process pending final decisions being made on the closure of Hillsborough and DeSoto Correctional Institutions. The Senate will vote its final bill out of the full Senate Budget Committee on Wednesday, February 15, and will probably schedule the bill for a floor vote early in the following week (7th week of Session). While these bills are always subject to change, the Commission is having a very good Session so far, and we are hopeful that these positive actions by the Legislature thus far will continue to prevail.

~FEATURED CASES~

This section of the report provides examples of cases that come before the Commission on a weekly basis for consideration. The Commission is a public safety agency and has been serving the State of Florida as such for over 70 years.

Initial Interviews: On January 25, 2012, the Commission heard the cases of Kathryn Russell, DC 789708, and Leonard Johnson, DC 585235. These inmates were charged in the 1988 sexual battery and aggravated battery of a two year old child, the daughter of Inmate Russell. Per the Bunnell Police Department offense reports, Inmates Russell and Johnson struck the victim to the right side of her head causing skull fractures and Inmate Russell allowed the co-defendant to sexually batter the victim by penetrating her vagina with his sexual organ, resulting in internal and external vaginal tearing and disfigurement to the vaginal-anal area. The Commission set a Presumptive Parole Release Date of May 26, 2066, with a next interview date of August 2016 for Inmate Russell. For Inmate Johnson, the Commission set a Presumptive Parole Release Date of May 12, 2288, with a next interview date of September 2018.

Parole Supervision Review: Samuel Muller was sentenced in 1977, to a total of 45 years for several counts of Constructive Possession. He was paroled and reinstated before his last parole in 1999, where he served approximately 9 months of incarceration. Muller has a stable residence and worked as a concrete finisher for many years until being placed on disability. The Commission terminated Muller's parole supervision on January 25, 2012.

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.
- The DVD video presentation regarding RCR and Clemency that can be shown to inmates at their transitional classes when we cannot attend was reviewed, edited, and distributed to all of our field offices for use when needed.
- One of the three OPS staff in the Imaging Section left the agency on December 30, which has had a negative impact on our productivity in this area. We are currently working on filling this position.
- We have updated our security access and cost tracking in the Federal PACER (Public Access to Court Electronic Records) system, which is frequently used in our Clemency investigations.
- We have prepared work schedules for an upcoming RCR OPS project that our field offices will be involved in.
- In order to strengthen the depth of the agency we are rotating two of our supervisors, both of whom currently oversee unique but comparable functions within our agency, Release Services and Revocations.
- Monthly totals for Imaging Inmate Records (IRIS)

| Completed Documents | December 2011 | January 2012 |
|---------------------|---------------|--------------|
| | 20,194 | 8,923 |

Release Services:

Cases Docketed:

| | December | January |
|---------------------|-----------------|----------------|
| Parole | 160 | 89 |
| Conditional Medical | 2 | 5 |
| Conditional Release | 541 | 432 |
| Addiction Recovery | 150 | 93 |
| TOTALS | 853 | 619 |

| Month | Paroles | | Conditional Medical Release | |
|-----------------|----------------|---------------|------------------------------------|---------------|
| | Granted | Denied | Granted | Denied |
| December | 2 | 1 | 0 | 2 |
| January | 3 | 0 | 3 | 2 |

Below are the numbers for the months of December 26, 2011 – January 25, 2012.

During this period, the Commission granted 3 paroles, with 1 being paroled to his guideline sentence. There were no declines. There were 5 conditional medical release requests this period, in which 3 were granted and 2 required further investigation. The Commission also terminated 1 inmate from parole supervision (see Featured Cases).

Revocations:

Statistics:

| | December | January |
|---|-----------------|----------------|
| Warrants Issued | 181 | 173 |
| Cases Reviewed and Prepared for Docket | 150 | 116 |

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

Revocation Case:

After serving a portion of a ten year sentence for robbery, **Inmate Gary Lee (DC 051532)** was paroled on 8/4/81 to a three year term of supervision. On 1/7/82, the Florida Parole Commission issued a warrant for parole violation based upon information that the offender had left the state of Florida without permission and had allegedly committed two new robberies in the state of Mississippi. The parolee subsequently committed aggravated assault on a law enforcement officer in Mississippi and was sentenced to a thirty year prison term in 1982. The FPC warrant from 1982 remained active throughout the subject's Mississippi incarceration, and the case was monitored diligently by FPC revocations staff

over the years. After serving almost exactly thirty years in the Mississippi Department of Corrections, the offender is being released to the FPC detainer on 2/9/12, and will be extradited to Florida to face the 1982 parole violation. If the Florida parole is revoked, the offender will have approximately six years to serve.

Other Activities

Revocations Supervisor Shana Lasseter attended leadership training in Pensacola, January 23, 2012. The featured speaker, John Maxwell, a world renowned leadership expert, has written more than 60 books on the topic of leadership. His books have sold more than nineteen million copies, with some on the New York Times Best Seller List.

Revocations Supervisor Shana Lasseter participated in a round table discussion with leaders from the Department of Corrections in Tallahassee on January 13, 2012. Some of the issues of mutual concern which were discussed were:

- Necessary documents needed to support violations (example: lab reports or proof of bonding out on a felony) – currently not getting these from DC.
- The status of validation for CINAS? Has the process started; who is doing the validation; and how long should such take?
- Sex Offender Conditions being placed on Non-Sex Offender due to past history (Joshua Dobbins, DC#X09218).
- Warrants/Transporting Offenders per FPC (Reynolds Black, DC#684285).
- Custody Issues/Mentally Incompetent Inmates who have had revocation hearings pending but are still incarcerated with DC.

Victim Services:

| | December 2011 | January 2012 |
|---|--------------------------|-------------------------|
| Victim's requests for information on parole, conditional release, and conditional medical cases | 192 | 205 |
| Victim's Located | 22 | 86 |
| Status updates to victims on parole, conditional medical, and clemency cases. | 237 | 384 |
| Assisted victims who attended parole or clemency hearings. | 50 | 35 |

During January, Victims Services has been very busy. During the last month we handled 203 victims' requests for information on parole, clemency, conditional medical and conditional release

cases. In addition, we located and made initial contact with 86 victims on parole and clemency cases. We did 384 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 35 victims who attended parole hearings. We initiated more victim contacts in this month, as we do every year, because we were able to do some research on cases during December when we are doing less victim contact due to the holidays. We read letters for at least 10 victims who couldn't attend hearings.

Supervisor Daphne Asbell submitted an article on Victim Search techniques that was selected for posting by the Association of Paroling Authorities International (APAI) on their website. To view this article open this link: [APAI Blog: Victims Search](#)

Field Services:

Field Services Statewide Activity Totals

| Monthly interviews and hearings conducted: | December 2011 | January 2012 |
|---|----------------------|---------------------|
| Parole Interviews | 84 | 87 |
| Revocations Interviews | 234 | 250 |
| Revocation Hearings | 42 | 70 |
| Total interviews and hearings during the month | 348 | 407 |

Region I:

- Examiner Matthew Braxton is now the Vice-President of the Cottondale Dixie Youth Baseball Association.
- Regional Administrator Tom Hamilton attended the John Maxwell Leadership Training on January 23, 2012.

Region II:

- The interviews for the anticipated Parole Examiner vacancy position have been conducted and Sara Bowie from the Department of Corrections will begin on February 10, 2012.
- Parole Examiner Ralph Moulder in the Lawtey Office retired on January 27, 2012.
- Karel Yedlicka attended the Board Meeting for FACC on January 19, 2012 and January 20, 2012.

- Mills Rowland attended the John Maxwell Leadership Training Seminar on January 23, 2012 in Pensacola, FL.

Region III:

- No unusual activities to report during this period.

Region IV:

- We welcome Vana Cripps who started as a Parole Examiner in the Stuart Office as of January 9, 2012. Vana has eight years of experience in Probation and Parole Services with the State of Missouri, Department of Corrections; she also brings with her experience in court services from Palm Beach County Courts system.
- Sandy Pimental volunteered at Junior Achievement World's BizTown in Coconut Creek. This is an interactive simulated town facility (closely resembled a real-life workplace) where the 5th grade students at her son's Zachary school ran a town for the day assuming roles as workers and consumers. Zachary assumed the role of a Deputy Sheriff on duty at a bank. The hands-on experience was to help the students "connect the dots" with what they learned in school and the real world.
- On January 23, 2012, Regional Administrator Sheila Roberts attended leadership training in Pensacola, John Maxwell was the speaker.

Region V:

- Melinda Strickland raised approximately \$300 for the Special Olympics and the FCCD Polar Plunge. John Doyle assisted with the contributions.
- Patti Razor attended the FACC State Board meeting on January 19, 2012 at Lake Buena Vista, Florida. Plans were made for their annual training institute in August and new proposed legislation was discussed.
- Patti Razor attended the PERC monthly meeting on January 26, 2012. Pinellas County Sheriff Gualtieri was the guest speaker and made a presentation on Safe Harbor.
- Patti Razor announced her retirement effective February 29, 2012.
- Helen Williams Lester was selected as the next Regional Administrator for Region V effective March 1, 2012. Congratulations! We know she will do an awesome job.

- Helen Williams Lester attended Management Training in Tallahassee for January 23 thru the 25th, 2012.
- Some of Region V staff are now approved to have PICS access with the Polk County Clerk of Court. This will give them access to the criminal and civil records.
- HCI, Region V's Tampa office location is slated to close this fiscal year and Desoto CI, Region V's Arcadia's office is on the privatization list if approved by the Legislature. Region V is diligently looking for new homes.

ADMINISTRATION
Gina Giacomo, Director

- Submitted and held meetings on revisions to FPC P-card policy and model plan
- Respond to the Schedule I Survey
- Completed the Procurement Process Improvement Project (PIIP) survey
- Submitted the State Contract survey to OPB
- Assisted with bill analysis
- Achieved 100% Prompt Payment
- Provided staff with safety tips as agency safety coordinators

COMMUNICATIONS AND LEGISLATIVE AFFAIRS
Jane Tillman, Director

- Assisted the Chair and the Leadership Team in the drafting of the Commission's FY 2010-11 Annual Report due to the Governor and Legislative Leaders on December 31.
- Met with members and Legislative Committee Staff and attended January 2012 Legislative Committee Hearings with the Chair and senior staff.
- Prepared presentations and talk points for the Chair's use when presenting the Commission's priority bill/budget issues for the 2012 Session to the House and Senate Committees.
- Worked with new Commissioner candidates and Governor's Office on Press Releases for dissemination upon the announcement of the new Parole Commissioner.
- Worked with Senate staff to get Commission amended into a bill creating a Sexual Predator Conditional Release Workgroup.
- Assisting the Governor's Office and Commissioner Cohen on the Commissioner's Senate confirmation process.

CLEMENCY INVESTIGATIONS
Steve Hebert, Director

MONTHLY CLEMENCY PENDING CASE UPDATE

As of February 1, 2012, there were 31,871 pending clemency cases which include 25,546 RCR cases and 6,325 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 31,871 pending clemency cases, there were also 46,337 EOS/TOS RCR cases for a total of 78,208 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 January 2012 for the Office of Clemency Investigations:

- The Director of Clemency Investigations provided training to the Regional Administrators and Supervisors during a conference call to include procedures related to clemency investigations. The Clemency Board provided direction that the investigations we provide can be modified by excluding or altering certain information from the confidential case analyses, without sacrificing a thorough investigation.
- 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. Since December 1, 2011, approximately 12,000 letters have been generated and mailed to these individuals advising them of the eligibility criteria under the amended Rules.
- The Chair is currently exploring possibilities of hiring 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.

- Throughout the month, the Director and staff met with Department of Corrections OIT staff and also conducted user testing and made recommendations on the continued development of the RCR at a Glance application which is being created to enhance our efficiency in conducting RCR investigations.
- 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

On January 5, 2012, we started out the year with a staff meeting designed specifically to identify and process our professional goals for this year. It is very encouraging to see the interest each employee had regarding the contribution their assigned tasks played in the big picture of the office structure. We plan on scheduled follow-up staff sessions to monitor any changes that need to be made as a result of this being a Presidential Election year which perpetuates increased telephone contact with applicants seeking the status of their requests for Restoration of Civil Rights, specifically, voting privileges.

We are pleased to have Darlene Aquino with us this semester as our intern. She hails from the Criminal Justice Program with FSU. Ms. Aquino is bilingual and is available to assist throughout the agency.

LEGAL
Sarah Rumph, General Counsel

Due to the hard work the entire legal office put in over the holidays getting responses completed and filed, we should have a large number of final orders from the courts in the next couple of months. For this legal summary, I weeded it down to the attached three orders.

1. Williams, Gardner v. DOC & FPC: Mr. Williams was sentenced on one case which had two felony counts, one of which he was habitualized, and two misdemeanor counts. He was eligible for conditional release on the habitual offender sentence and was subject to misdemeanor probation following incarceration for the misdemeanor offenses. Mr. Williams argued that his misdemeanor probation substituted for his conditional release supervision. The court rejected this argument, upholding the Commission's eligibility determination.
2. Harris, Keith v. FPC: Mr. Harris argued to the federal court that the Commission violated his constitutional rights when it revoked his parole. The Commission had revoked Mr. Harris' supervision when he tested positive for marijuana. He specifically argued that the urinalysis was

unreliable and tainted. The court rejected his arguments and found that the Commission covered all of his federally protected rights.

3. Robinson v. DOC & FPC: In this case, Mr. Robinson's conditional release was revoked when the examiner found him guilty of violating for stealing beer from a gas station, carrying a weapon, and failing to abstain from alcohol. The violator was specifically found not guilty of the theft by a jury when tried criminally. He also challenged that he was denied his right to call witnesses and to be represented by counsel. The court upheld the Commission's findings and revocation regardless of the not guilty finding by the jury, further noting that Mr. Robinson's broad, conclusory allegations to the court were not supported by the record.

This month, the legal office had the pleasure of hosting the General Counsel's Association luncheon, presenting a guest speaker on employer litigation. We also had a birthday in the office, giving us the opportunity to celebrate a bit...but not too much, we still have work to do!