



FLORIDA PAROLE COMMISSION

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Commissioner/Vice-Chair

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Commissioner/Secretary

FLORIDA PAROLE COMMISSION Monthly Accomplishments' Report May 2012

~CHAIR'S MESSAGE~

Tena M. Pate

May 2012 has been an extraordinary month for the Parole Commission. The following activities are being highlighted for the purposes of this report.

Law Enforcement Memorial Services

I attended two Law Enforcement Memorial Services during the month of May. The first one was held at the state Capitol and the other at Wakulla Correctional Institution, where I was joined by Commissioner Cohen and his analyst, Aares Williams. These memorial services were fitting tributes for those officers who have lost their lives in the line of duty while serving their fellow officers and the citizens of our state.

The 27th National Conference on Preventing Crime in the Black Community May 16-18, Tampa, Florida

The Florida Parole Commission was honored to be a Platinum Sponsor of the 27th National Conference on Preventing Crime in the Black Community held May 16-18, in Tampa. Parole Commissioner Bernard R. Cohen, Sr., standing in for Chair Pate, represented the Commission as an Opening Plenary Session Speaker and FPC staff Steve Hebert, Kim Dickey, and Daphne Asbell all played key roles as breakout session facilitators. Steve Hebert, Director of Clemency Investigations, and Daphne Asbell, Victims Coordinator, presented "The Role of the Florida Parole Commission in Ensuring Public Safety and Providing Victim Assistance" with Kim Dickey, Revocations Supervisor, acting as Moderator.

Leadership Florida, Class XXX Graduation Exercises, May 19, 2012

On May 19, 2012, I graduated from Leadership Florida as a member of their Class XXX. It has been such an honor to be a part of this talented group of business and government professionals and executives, and I believe that not only have I made friendships for life but have also learned much that will benefit me both as Commission Chair and the agency in general.

***Chair Visits Regions II, IV, and V
May 17-18, 2012; May 23-25, 2012***

On May 17-18, I traveled to Miami to visit with the employees of Region IV as a follow up to their input and comments made to the employee survey sent to all FPC employees on April 25. This was my first visit to the Commission's new Region V headquarters, Corrections' facility known as "Probation Nation." I then traveled with RA Sheila Roberts to Orlando for the APAI Conference beginning that weekend. On May 23-25, following the conclusion of the APAI Conference, I traveled to Regions V (Tampa) and II (Jacksonville) where, in Tampa, I visited our offices at HCI and toured our new offices downtown at the Park Trammel State Office Building. At both district offices, I met with our field employees to gather information and feedback as a result of the employee survey. I plan to visit Regions I and III in the near future to get their survey input and ideas.

***Florida Innocence Commission Meeting
May 21-22, Tampa***

While attending the APAI Conference in Orlando May 20-23, I commuted between Orlando and Tampa to also attend the meetings of the Florida Innocence Commission being held at the same time. Our work as members of the Florida Innocence Commission is nearing completion, but a June meeting will be held to continue finalizing a report on the Commission's findings.

***Highlights of the 28th Annual Training Conference
of the Association of Paroling Authorities International
May 20-23, Orlando, Florida***

Over a year ago, when Florida was selected as the Host State for the 28th Annual Training Conference of the Association of Paroling Authorities International (APAI), the Parole Commission was also designated as the conference's official host agency. Delighted with the opportunity to showcase Florida at its best, I formed a staff conference planning committee headed by Jack deRemer and co-chaired by Gina Giacomo, with key roles also assigned to Sarah Rumph and Mary Lynne Petroski. With other central office and regional staff participating, we planned, organized, and coordinated this effort in concert with the executive staff from APAI, Keith Hardison and Natalie Payne.

I am pleased to report that the conference was a huge success. The FPC Team did an outstanding job of making the 150 conference attendees who traveled from across the nation and around the world feel welcome.

The conference was officially convened on May 21 by APAI President Charles Traugher, Chair, Tennessee Board of Probation and Parole. As Chair, I had the great honor of welcoming approximately 150 of APAI's 443 members to Florida, with 30 coming from other countries. At

final count, there were 18 countries, 23 of the United States, and the District of Columbia represented this year's conference.

APAI has a worldwide membership of 443 members representing the Chairs of parole or releasing authority boards of 35 states (U.S.) and Puerto Rico, and the provinces or countries of Anguilla, Australia, Bermuda, British Virgin Islands, Cayman Islands, Canada, Hong Kong, Malaysia, Montserrat, New Zealand, South Africa, Tanzania, Turks and Caicos, the United Kingdom, Uganda, and Zambia. This international organization was formed to: sponsor and support research regarding parole practices; develop policy impacting public safety; and educate, discuss, and promote parole practices both nationally and internationally.

Conference participants were privy to a wide variety of topics and programs and heard how representatives from other states and countries have dealt with criminal justice and corrections policies during the tough economic times experienced world-wide. They also shared information on topics related to parole, emerging public safety concerns, balancing the rights of victims and offenders, and research-based parole practices and programs modeling such practices.

At the Awards Luncheon on Tuesday, May 22, Florida's own Dr. Regina Shearn, retired Professor at Florida International University, was presented with APAI's *2012 Community Service Award*, given each year to recognize and reward an individual or an organization which has contributed significantly to the furthering of the rehabilitative effects of parole. Dr. Shearn received this award for her efforts on behalf of parole-eligible inmates in Florida. Currently, she serves as the executive director of Alpha Phi Sigma, the nation's Criminal Justice Honor Society, and oversees 420 Chapters, 40,000 honor students, and 90,000 alumni.

At the Executive Board's Business Meeting on Wednesday, Jeff Peterson of Minnesota and David Blumberg of Maryland were elected as APAI Chair and Treasurer respectively, for the 2012-2013 term. Pat Tuthill, Florida Department of Juvenile Justice and Founder of the Peyton Tuthill Foundation, stunned the group as she recounted the 2006 violent sexual assault and torture murder of her daughter, Peyton, and her later decision to reclaim her life as an advocate and activist for victims' rights and issues.

As Chair of the APAI Victim's Committee, I presented the committee's report that included: an acknowledgment of the victim focus of the present conference and a recommendation to the Board to strongly feature victims' issues at future training conferences; an update on the committee's proposal to develop and publish a paper to serve as a model protocol for crime victims' services featuring best program practices; and utilizing technology to conduct future meetings. Jane Tillman, FPC Communications and Legislative Affairs Director and APAI Public Relations and Communications Committee Chair, presented the Board with a summary of the PR & C committee's plans to overhaul APAI's communications' efforts over a two-year period.

Parole Qualifications Committee Interview Results, May 30, 2012

On May 18, the Parole Qualifications Committee met and selected seven candidates to interview on Wednesday, May 30, for the vacancy that will occur with the ending of Commissioner David's term June 30. The names of Rick Davison, Melinda Coonrod, and Kim Fluharty-Denson were sent forward May 30 to the Governor and Cabinet members for consideration, with the appointment of a new Commissioner.

2012 Sterling Executive Roundtable, Orlando, May 30-31, 2012

On May 30-31, Gina Giacomo accompanied me to the 2012 Sterling Executive Roundtable in Orlando where we attended several workshops aimed at promoting performance excellence in the workplace. Founded in 1992, the Florida Sterling Council is a not-for-profit corporation supported by the Executive of the Governor. It is comprised of public and private sector members from locations throughout the nation. The Council is led by the Executive Committee, which oversees the Governor's Sterling Award for Performance Excellence, all Sterling process activities, and the annual Sterling Conference.

Parole Commission to Hold Hearings in Broward County June 13-14

Plans are being finalized to hold Commission hearings in Broward County June 13-14. Approximately 480 cases are scheduled to be heard during the two-day meeting being held at the Ft. Lauderdale City Commission Chambers located at 100 N. Andrews Avenue, Ft. Lauderdale.

COMMISSION SECTION ACCOMPLISHMENTS

OPERATIONS

Jack deRemer, Director

- In FY 2011-12, Region IV relocated into three new offices in order to not be dependent on Institutional office space and reduce telecommuting.

In Miami-Dade County, the office at Everglades CI was closed and relocated to what is informally referred to as "Probation Nation," a former bowling alley that houses four P&P Circuit offices. The address is 3601 Northwest 167th Street, Miami, Florida 33056. Needless to say, it is a very large facility and everyone there has been most gracious and welcoming to our staff.

In Broward, four former telecommuters and a supervisor moved into the Broward South P&P Circuit office. This is a fairly new facility and is working out very well. Their address is 3718-4 West Oakland Park Bld., Lauderdale Lakes, FL 33311.

And lastly, the Commission's former Regional office at Martin CI has relocated to the P&P Circuit office in Stuart, FL, located at 2015 Kanner Highway, Stuart, FL 34994.

Throughout these moves and the planning that went into it, everyone we worked with in Community Corrections, from Assistant Secretary Jenny Nimer to Regional Director Beth Atchison - to the local staff, supervisors and CPO's- have all been incredibly helpful and cooperative, making a difficult situation a lot better. And I would be negligent if I did not also mention Sheila Roberts, and all of the supervisors and staff of our Region IV, who all saw what needed to be done and rolled up their sleeves and did it. Packing, clearing and cleaning out, moving equipment, setting up new offices, and sometimes even painting their new offices, it was a superb effort by all!

- We will be upgrading to Microsoft 2007 very soon. The upgrade will be 'pushed' by OIT to each PC, and the employee will receive instructions on how to finalize it. The upgrade process won't be much different than any other software update that staff has received from OIT, it just may take longer to download. The upgrade will be done in groups which have been broken down into groups of 15 or less so Billy Bozel can take care of any problems that may arise (although we don't expect any).

There are a lot of new features and looks in the 2007 package. It will take a bit to get used to, but it is very intuitive, that is if you are trying to find or do something look at the menus and most of the time where you think the answer will be is where you will find it.

- Jack deRemer participated in the Criminal and Juvenile Justice Information Systems Council meeting on Wednesday, May 9, 2012 starting at FDLE Headquarters in Tallahassee.
- Monthly totals for Imaging Inmate Records (IRIS)

Completed Documents	May 2012
	7,244

Release Services:

Cases Docketed:

	May 2012
Parole	90
Conditional Medical	5
Conditional Release	307
Addiction Recovery	81

TOTALS	483
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Month	Paroles		Conditional Medical Release	
	Granted	Denied	Granted	Denied
May	4	3	2	3

During this reporting period, the Commission granted 4 paroles and declined 3. The Commission also terminated 4 parolees from supervision. There were 2 conditional medical releases granted and 3 denied.

Revocations:

Statistics:

	May
Warrants Issued	160
Cases Reviewed and Prepared for Docket	84

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

Activities

Supervisor Kim Dickey, assisted with registration and participated in the 27th Preventing Crime in the Black Community Conference, held in Tampa, Florida. She also attended and observed, along with General Counsel, Sarah Rumph, a revocation hearing at the Madison County Jail, conducted by Parole Examiner Johnnie Sheffield.

Victims' Services:

	May 2012
Victims' requests for information on parole, conditional release, and conditional medical cases	308
Victims Located	45
Status updates to victims on parole, conditional medical and clemency cases	284
Assisted victims who attended parole or clemency hearings.	23

During May, Victims' Services has been busy handling 308 victims' requests for information on parole, clemency, conditional medical, and conditional release cases. In addition, we located and made initial contact with 45 victims on parole and clemency cases. We did 284 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 email. We assisted 23 victims who attended parole hearings.

Daphne Asbell presented a training session on the Parole Commission and Victims' Services in Pensacola at the Attorney General's Post Conviction Advocacy training. In addition, Ms. Asbell also presented a two-hour training session on Florida Parole in conjunction with Steve Hebert from Clemency Investigations. Ms. Asbell also participated in a symposium on Innovative Practices in Parole at the Association of Paroling Authorities International Conference in Orlando.

Field Services:

Field Services' Statewide Activity Totals

Monthly Interviews and Hearings Conducted:	May 2012
Parole Interviews	94
Revocation Interviews	203
Revocation Hearings	55
Total Interviews and Hearings for the Month	352

Region I:

- Examiner Russ Gallogly participated in a re-entry seminar at Liberty CI on May 18, 2012.
- Regional Administrator Hamilton and his son, Ryan Hamilton participated in a Kingfish Tournament out of C-Quarters Marina in Carrabelle on April 28th where their team, "Yes Dear," finished in 3rd place. Proceeds from the tournament went to the "Make a Wish" Foundation.
- Regional Administrator Hamilton attended the APAI conference held in Orlando, Florida, May 20-23.

Region II:

- Parole Examiner Kara McGraw filled the vacant examiner position in Jacksonville on May 4, 2012.

- Regional Administrator Mills Rowland attended the Association of Paroling Authorities International Annual Conference from May 20-23, 2012.

Region III

- Will Whitehouse was re-certified for NCIC/FCIC access.
- Terry Turner attended the APAI Conference in Orlando, Florida on May 19-23, 2012.

Region IV:

- On May 8, 2012, interviews were conducted for the vacant parole examiner position in Stuart. It is anticipated a selection will be made by the first week of June.
- May 16, 2012, Chair Pate visited the Miami Office and met with staff, discussed various topics, toured the office and expressed her appreciation for all the hard work that staff do each and everyday.
- Sheila Roberts, Regional Administrator, participated in the 28th Annual Training Conference of the Association of Paroling Authorities International (APAI) hosted by the Florida Parole Commission in Orlando May 20th – 23rd. Topics discussed related to parole, emerging public safety concerns, balancing the rights of victims and offenders along with other topics relating to criminal justice and corrections policies worldwide.
- On May 22, 2012, staff attended a two-hour Town Hall Meeting & Restoration of Civil Rights Event hosted by Representative Cynthia Stafford, Miami. Parole Examiner Supervisor Ayesha Carson provided comments and with the assistance of Parole Examiners, Leris Calderon, Johnshay Footman, Donald Henry, Ana Mizioznikov and Karyn Roth provided information regarding the clemency process and eligibility criteria to interested attendees.

Region V:

- Jerry Harris and Jessie Ghent tested and were CJIS recertified April 25, 2012.
- All Region V Tampa/Arcadia 2012 *Morrissey* letters have been delivered to the sheriff's offices and jail contacts in their counties.
- Melinda Strickland will be in charge of a teddy bear drive to be donated to the FCCD Annual Conference in August.

- Region V staff collected box tops for education to be donated to a local school.
- Region V staff donated to the USPS “Stamp Out Hunger” food drive on May 12, 2012 leaving food donations at their home mailboxes.
- At the May 17-18 *Crime in the Black Community* Conference in Tampa, Helen Williams-Lester attended both days, Cathy Aylstock on Thursday and Lori Pille on Friday, representing FPC.
- Melinda Strickland attended the May 18 FCCD State Board Meeting in Daytona Beach.
- Kip Astrom will participate in the May 18 run in Orlando to raise money for the Special Olympics.
- Region V’s Regional Administrator, Helen Williams-Lester, attended the Association of Paroling Authorities International Conference (APAI) May 20-23 in Orlando, Florida.
- Chair Pate visited the Tampa Office on May 24, 2012 to visit with staff and tour the new office location.

ADMINISTRATION
Gina Giacomo, Director

- FPC P-card procedure directive approved;
- Received 100% prompt payment;
- Worked with DMS for the renovation on the Trammel building for the Tampa office;
- Participated in the work group for automating the commissioner’s docket and electronic files;
- Worked at the APAI conference;
- Processed all employee awards to the chair;
- Participated in the State’s “Match Maker” conference for vendors and purchasing agents;
- Hosted a representative from ING for deferred compensation planning;
- Answered numerous questions and provided documents to AG Auditors;
- Attended the Interagency Advisory Council meeting, purchasing meeting, HR meetings, and Director of Administration meeting;
- Provided staff with safety tips as agency safety coordinators;
- Submitted state purchasing survey to DMS;

- Provided to all staff a video on FRS and DROP; and
- Completed a procedure directive on the "Separation Process for Terminated Employees"

COMMUNICATIONS AND LEGISLATIVE AFFAIRS

Jane Tillman, Director

Communications:

- Fielded calls and emails from the general public and provided information or routed them to the appropriate FPC or DC office.
- Processed public records requests, which included providing a copy of the Jim Morrison pardon to representatives of his estate;
- Facilitated a conference call with the APAI Communications Committee and began working on the goals of the committee in providing a worldwide focused message;
- Provided photos to the Victims' Service office for their presentation at the Attorney General's *Crime in the Black Community* Conference;
- Attended the annual APAI conference, hosted by Florida in Orlando May 20-23, as a staff resource worker for the conference;
- May 23rd, presented a report to the APAI Executive Committee on the Communication's Committee's 2-year plan to revamp and update all communication efforts for the Conference including redesigning the website and changing its website content; developing media guides; rebranding publications; and setting standards for articles and other written documents to be published or distributed under the umbrella of APAI;
- Prepared press releases and provided public information to the media and citizens;
- Distributed press releases before and after Florida's hosting of the annual APAI conference;
- The newsletter committee is finalizing the upcoming internal agency newsletter
- Represented the Commission at the 2012 Prudential - Davis Productivity Award Reception with Vice Chair David held to honor the 2012 award winners and state agency coordinators;
- Prepared speeches and remarks for the Chair and other Commissioners for various conferences and meetings; and
- Preparing draft of July 2012 RCR/Clemency Report for review by Clemency Staff and Chair Pate.

Legislative:

- Sent letters of invitation to members of the Broward, Palm Beach, and Dade County legislative delegations to attend and observe the June 13-14 Parole Commission Hearings to be held in Broward County on those dates;
- Preparing draft legislative proposals for discussion with the Chair and staff for possible inclusion in the 2013 Commission's Legislative Agency Proposals;
- Responded to legislative offices and the Governor's office regarding constituent issues and provided informational materials to Members for outreach events; and

- Coordinated with legislative district staff several RCR Outreach activities at the request of Legislators.

CLEMENCY INVESTIGATIONS
Steve Hebert, Director

MONTHLY CLEMENCY PENDING CASE UPDATE

As of June 1, 2012, there were 28,538 pending clemency cases which include 21,842 RCR cases and 6,696 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.

	May 1, 2012	June 1, 2012	Change
RCR Without a Hearing Cases	12,712	11,428	-11.24%
RCR With a Hearing Cases	10,246	10,414	1.61%
Total	22,958	21,842	-5.11%

NOTE: In addition to the 28,538 pending clemency cases, there were also 9,536 EOS/TOS RCR cases for a total of 38,074 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 May 2012
for the Office of Clemency Investigations:**

- On May 17, 2012, the Director of Clemency Investigations, along with Daphne Asbell, Victims Services Coordinator, co-presented 2 training workshops on the role of the Florida Parole Commission in ensuring public safety, along with the clemency process in Florida at the 27th National Conference on Preventing Crime in the Black Community in Tampa, Florida.
- From May 20-23, 2012, the Director of Clemency Investigations participated in the 2012 Association of Paroling Authorities International (APAI) conference in Orlando, Florida, with other members of the Florida Parole Commission as we were the host agency for this annual conference attracting parole authorities from across the U.S. and the world.
- 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 May, approximately

9,500 letters have been generated and mailed to these individuals advising them of the eligibility criteria under the amended Rules.

- 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; conduct capital punishment clemency investigations; and provide quality assurance reviews of all clemency investigations completed by regional field offices.

EXECUTIVE CLEMENCY
Julia McCall, Clemency Coordinator

I, along with fellow staff from the Parole Commission, attended the Association of Paroling Authorities International conference in Orlando this month. Not only did this conference expose us to the innovative thinking of neighboring states, but also how other countries handle parole and clemency issues. Of particular interest was a workshop addressing the transformation of vicarious trauma and how to present specific guidelines to build resiliency. The presentation was designed to address many of the front-line personnel who deal with the worst case situations but also focused on the ripple effect to others who follow in their footsteps with the medical aspect, investigative and prosecutory duties, as well as victim advocacy, and the very pertinent task of parole decisions. Even though clemency work is not front-line duty, I do believe that staff can be exposed to a great deal of client emotions which, if not dealt with properly, can have a lingering effect. My intentions are to incorporate the information I received into a training module which will hopefully provide an outlet for building resiliency and teaching good self-care.

LEGAL
Sarah Rumph, General Counsel

In honor of Public Service Recognition Week, held during the month of May, I would like to recognize my highly trained and dedicated staff. Because of them, we have continued to defend all of the Commission's decisions in Federal and State court, not missing any deadlines and continuing our high rate of success. It is my hope that this very important work of this small office is recognized as a valuable asset.

Along those lines, I would also like to announce that Tony has submitted his letter of resignation. He has received and accepted a job offer with the US Probation office in Oklahoma City. His last day will be May 31, 2012.

Some of our hard work is most visible in our **COURT ORDERS** received every month. The one that I attached for this past month involves a rule challenge by an inmate's wife to our 947.18, F.S. procedure. The Department of Administrative Hearings (DOAH) dismissed the challenge in an excellent detailed opinion. This is a great example of some of the rules work we do.

OTHER IMPORTANT LEGAL ISSUES:

1. SUBPOENA or SUMMONS: Serving a state agency with a subpoena or summons has very specific requirements for proper service. Given that it has been a while since I sent this information out and Commissioner Cohen was not with us at the time, I wanted to refresh you of the following:
 - a. Any subpoenas or summons naming the Commissioners personally is a lawsuit against the Commissioner both in his/her individual capacity and professional capacity. It may be picked up by either the named Commissioner or the Legal Office. If the Legal Office attempts to pick up the document(s) and it does not involve Commission business, the Legal Office will not accept service and the named individual must come down to be served.
 - b. Florida law § 48.111, Fla. Stat., requires that any subpoenas or summons naming the agency must be served on the Chair. If the Chair is unavailable, the Vice-Chair must be served. If the Vice-Chair is unavailable, then the Commissioner Secretary must be served. Anyone else may only be served if all three are out of the county.
 - c. For Federal subpoenas and summons to the agency, the Legal Office may pick it up. For convenience, I recommend that the Legal office be the default acceptor. If the Legal office representative gets to the front desk and determines that the summons or subpoena is for a Florida case and not a Federal case, then the Chair will be called.
 - d. Any employees being served in their individual capacity must receive service personally.
2. RECENT 2ND DCA OPINION: I also wanted to make you aware of the attached opinion from the 2nd DCA regarding a revocation of probation for a curfew violation. The court held that the lower tribunal abused its discretion in revoking probation based on a single, seemingly minor curfew violation after a 2-year period of success.
3. Remand in accordance with the ALDAY opinion: Just a clarification and reminder, the Rule which was the subject of the Alday opinion (attached again for your reference) requires the Commission to state both the *reasons* and the *record* supporting the continued suspension of the PPRD.