



FLORIDA PAROLE COMMISSION

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FLORIDA PAROLE COMMISSION Monthly Accomplishments' Report November 2012

COMMISSION SECTION ACCOMPLISHMENTS

Operations Shana Lasseter, Director

- On November 8, 2012, the Florida Department of Law Enforcement (FDLE) conducted an onsite audit of the Commission's use of the FCIC/NCIC system and the handling of criminal history information in its central office. The objective of the audit was to verify adherence to FCIC/NCIC policy and regulations. The following documents were made available to FDLE for review during the onsite audit: (1) Warrant Validation Procedures, (2) Discipline Policy for FCIC/NCIC Violators and (3) Copy of Most Recent Page of Secondary Dissemination Log. Additionally, 100 warrant files, including all supplemental documentation of data contained in the NCIC/FCIC system as well as all documentation relating to updates and/or modifications of records, were provided to FDLE for review. Upon completion, the audit results were discussed with the Commission during an out briefing. The Commission's central office was found to be in full compliance with the FCIC User Agreement and FCIC/NCIC rules and regulations.
- During November, 2012, the Office of the Commission Clerk (OCC) began a research project on Conditional Medical Release (CMR) supervision. The focus of the project is to analyze CMR cases over a ten year period to develop statistics on cases which have been successful or revoked, CMR releases for sex offenders and CMR cases by illness type and physical limitations.
- After many months of hard work, Commission and DC staff have completed the production of an informational DVD about the Commission. The video explains and depicts what visitors may expect during the voting process on Commission meeting days. The video will be played in the both the inmate family waiting room and the victims' waiting room on Commission meeting days. The Commission extends a special thank you to Charles Lockwood, of DC, for assisting Commission staff with this very important project.
- Highlight from Operations November Conference Call: Prior to the November 28th call, each region submitted its top 5 questions relating to travel and travel reimbursement. The

Commission's Finance and Accounting Administrator reviewed the questions in advance then provided the answers and additional information about travel during the conference call. Consistency in filling out reimbursement forms, providing documentation of travel and traveling at the least cost to the State were the primary items addressed.

- Much of November was dedicated to preparing a week long training session for FPC Regional Administrators and Parole Examiner Supervisors in December, 2012 in Tallahassee. In addition to participating in training segments, staff will also attend a Commission meeting as well as a meeting of the Executive Clemency Board.

Office of the Commission Clerk

Cases Docketed:

Parole	96
Conditional Medical	1
Conditional Release	350
Addiction Recovery	150
TOTAL	497

Month	Paroles		Conditional Medical Release	
	Granted	Denied	Granted	Denied
November	4	0	0	1

Case of Interest:

In the case of Charlie Nattiel DC# 093914, the Commission continued the Subsequent Interview from the October 31, 2012 panel docket to the November 7, 2012 full portion of the docket. Inmate Nattiel received twenty-seven (27) processed disciplinary reports since his initial interview on January 30, 2008. The Commission elected to extend his PPRD by 240 months, based on the processed Disciplinary Reports, resulting in a new PPRD of May 16, 2054. The extension should serve as an example of how the Commission does not look favorable on negative institutional conduct.

Imaging

- Monthly totals for Imaging Inmate Records (IRIS)

Completed Documents	November 2012
	2,973

Revocations

Statistics:

Warrants Issued	170
Cases Reviewed and Prepared for Docket	114

Featured Case:

- In 1978, Jay Dix was convicted of Robbery with a Deadly weapon and sentenced to 15 years state prison. After serving approximately 5 years, he was paroled March 26, 1985, to serve a two-year term of supervision. Within the same year of being paroled, Dix moved without permission and failed to report to his parole officer. The following year, he stole a vehicle, while in Nashville, Tennessee, which resulted in the Commission issuing a warrant. In August, 2012, parolee Dix was arrested and returned to Florida. After careful review and consideration, the Commission found Dix guilty of his violations. However, he was discharged from parole supervision on November 14, 2012.

Victims' Services

	November 2012
Victims' requests for information on parole, conditional release, and conditional medical cases	251
Victims Located	88
Status updates to victims on parole, conditional medical and clemency cases	538
Assisted victims who attended parole or clemency hearings.	16

Personnel:

- Dawn Mikola is continuing to work on notification and briefing victims on the clemency cases for the upcoming December hearing to make sure that victims have a voice in the clemency process.

- Dawn Mikola and Megan Gocs attended Legal Rights and up-to-date Legislation Affecting Crime Victims class at the beginning of the month and Megan Gocs attended a training session on Sexual Battery and the Criminal Justice System. Both classes were offered through the Attorney General's Office.

Field Services

Field Services' Statewide Activity Totals

Monthly Interviews and Hearings Conducted:	November 2012
Parole Interviews	128
Revocation Interviews	192
Revocation Hearings	65
Total Interviews and Hearings for the Month	385

Region I:

- Ryan Hamilton, son of Regional Administrator, Tom Hamilton, played in the Big Bend Pop Warner Football Championship on November 3, 2012. Unfortunately the Chaires Eagles beat the Woodville Jaguars.
- Mason Braxton, son of Parole Examiner, Matt Braxton, played in the Tri-County Football Association, Super Bowl on November 10th. His team, the Graceville Tigers was victorious.
- Region I did not conduct any Interstate Hearings or Notices for the month of November.

Region II:

- Parole Examiner Eric Baker in the Lawtey office retired on October 31 of which left a vacant position. Parole Examiners Johnnie Sheffield and Cliff Rowan have continued to cover the Lawtey office even with a high revocation and parole interview workload.
- The recommendation to fill the vacant Parole Examiner position for Lawtey has been submitted and approved. Joanna Anderson will fill the vacant position on December 26, 2012.
- Parole Examiner Johnnie Sheffield covered for Regional Administrator Mills Rowland during an extended leave from November 6th through November 19th. Special thanks to Johnnie for job well done.

- Region 2 conducted two (2) Courtesy Preliminary Hearings; there was also one (1) out of state violator who waived and one (1) that postponed their Courtesy Hearings.

Region III:

- Kevin Tiller met with the Seminole County Public Safety Coordinating Council chairperson to discuss questions they had related to revocations and attending their next scheduled meeting.

Region IV:

- During the month of November 2012 Staff Assistant Marlene Schreiber took on another Spanish translation project for documents in central office.
- Marlene recently successfully completed translating the Conditional Release Certificate to Spanish. Congratulations Marlene and thank you so much.

Region V:

- FDLE
 - FDLE CJIS Re-certifications: Lori VanCamp.
 - FDLE Audit in Arcadia. Arcadia was found to be in compliance.
 - Congratulations Pam Carwise and Rhonda Murphy for a successful audit!!!
- FCCD
 - Region V, in conjunction with FCCD Chapter I, collected over 16 Thanksgiving food boxes, which were donated to the Metropolitan Ministries' Box of Hope Food Drive that ended 11/19/12.
- PERC (Pinellas Ex-Offender Re-Entry Coalition)
 - Kip Astrom attended the 10/25/12, meeting where they recapped the October Showcase of Services. Also discussed are resources needed for sex offenders with a focus on residential needs.
- OTHER
 - Probable Cause Hearings: During the month of October – 2012 Region V received nine (9) requests from DC's Interstate Compact Services for Probable Cause Hearings.

Administration
Gina Giacomo, Director

The Division of Administration's primary accomplishments in the month of November 2012 included: submitting Schedule ID for the Commission Trust fund to OPB; Completing the survey for the Crime Policy for the Commission to DMS; submission of the Administration Annual report; conducting research on multiple subjects; Submitted the Inventory list requested by OPB; Completed the Annual Certification of retirees' health Premium Payments Report to the division of Retirement and achieved one hundred percent prompt payment.

Additionally, Division employees attended training on My Florida Marketplace, and attended the Interagency Advisory Council Meeting, purchasing meeting, HR meetings, and Directors of Administration meeting. Other projects included providing staff with safety tips as the agency's safety coordinator; participation in the work group for automating the commissioner's docket and electronic files; and submitted request for many updates to FPC websites and programming changes to the databases and surveyed staff on Word 2007 on their laptops.

Office of Clemency Investigations
Steve Hebert, Director

Pending Clemency Cases Decemebr 1, 2012

Types of Clemency Cases	November 2012
RCR Cases	17,795
Without a Hearing Cases (5,991)	
With a Hearing Cases (11,804)	
Non-RCR Cases*	7,496
Total Pending Clemency Cases	25,291

* Full Pardon, Specific Authority to Own, Possess or Use Firearms, Remission of Fines, Commutation of Sentence and Request for Review.

NOTE: In addition to the 25,291 pending clemency cases, there were also 531 EOS/TOS RCR cases for a total of 25,822 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.

- On Election Day, November 6, 2012, we saw a significant increase in the number of telephone calls throughout the day, and answered calls up until 8:30pm to assist individuals with questions about whether their civil rights had been restored and where their application was in the investigation process.
- Throughout the past couple of months, the Director and staff met with DC 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.
- Prepared Confidential Case Analyses for the upcoming December 13, 2012 Clemency Board Meeting.
- Reviewed Restoration of Civil Rights cases for eligibility prior to sending them out to field offices for in-depth field investigations to be conducted.
- Conducted capital punishment clemency investigations for death row inmates.
- Conducted Request for Review investigations for commutation of sentence applications.
- Conducted quality assurance reviews of all clemency investigations completed by regional field offices.
- The Director of Clemency Investigations and staff assisted in the development of clemency information for the agency's Annual Report.
- On November 29, 2012, two members of our office participated in the 2012 Florida State Employees Charitable Campaign (FSECC) 5K Run/Walk.

Communications

Executive Clemency

Julia McCall, Clemency Coordinator

The month of November proved quite busy as expected. Staff answered 401 calls on Election Day commencing at 7:00 a.m. and ending at 9:00 p.m. The Commission website received 3,012 hits with 1,870 of those hits searching for Restoration of Civil Rights eligibility and a great number of emails were answered. OPS staff, funded by legislative recurring monies, and full time staff continue to work diligently to screen applications for eligibility. Those applications are then forwarded to the Office of Clemency Investigations for the investigative stage of the process.

Legal Office
Sarah Rumph, General Counsel

The great feasting of the month has led to a plethora of creative legal genius.

In the “Nov. 2012 orders” attachment, there are the following three cases of interest:

Morales v. FPC: I picked this case because we have been swamped lately with petitions similar to Mr. Morales’ and all from the same institution. These inmates are trying to file complaints to keep the Commission from putting them on conditional release. Some are years away from release, some are not eligible for CR, and some are clearly eligible. In many of these cases we filed Motions to Dismiss arguing that the Court should not even consider the arguments because the Commission had not taken any administrative actions yet. The Court herein agreed and dismissed the petition.

Werner v. FPC: This case involved an attempt by the IM to have the Courts declare §947.18, F.S., as unconstitutional and the Commission’s decision to suspend the PPRD. The Court rejected both his claims.

Joyner v. FPC: In this last case, the IM was challenging again his 2005 revocation of release. I included this case because the Court reviewed some good case law about there not being a right to claim ineffective assistance of counsel when there is no right to counsel and because it also reviewed the IM’s claim that he was incompetent. All claims were rejected as without merit and barred because the IM had already challenged the revocation previously.

Also attached is “Johnson #078182” (the DOC # is incorrect on the PPRD action form – it is actually #078187) which is a follow-up to the discussions at the November 7th Commission meeting. In this attachment, the Commission noted on its request for review that “While we recognize your achievements and good institutional adjustment, the Commission maintains that due to the seriousness of your offenses, additional prison time is justified.” Mr. Johnson just had his PPRD suspended in March 2012.

Next is an example of a problem with a confusing continued suspension finding. I hope to touch on this at the December 5th Commission meeting. This document notes that the prior 947.18 finding was reaffirmed but then latches on to some confusing language that would typically be considered or used by the Commissioners at a modification. However, the PPRD was not modified. When considering to reaffirm the prior 947.18 finding the Commission may consider both old and new information. Since there is no modification, there does not have to be “good cause in exceptional circumstances.”

Lastly, every November, I try to pass along the same message, and this November will be no different. I am urging you all as supervisors and colleagues to be patient and understanding during the holiday season. For many of our co-workers, the season is not one of joy, but of fear, frustration, depression and grief. The holidays also usually result in a loss of productivity, for many reasons. Please keep this in mind as we power through the holidays. If you have any personnel issues to discuss let me or Bonnie know, and we can advise you of your options.

Office of Legislative Affairs
Brian Logan, Director

- Met with the Senate President's staff regarding the confirmations of Commissioners Cohen and Coonrod.
- Met with new House Majority Leader and Majority Whip, Representatives Precourt and Young regarding the upcoming session.
- Continued communications with the Senate Ethics and Election Committee regarding the confirmations of Commissioners Cohen and Coonrod.
- Met with Legislative Analysts in the Senate Criminal Justice subcommittee regarding the Commission's legislative proposals.
- Scheduled meetings with Rep. Gaetz and Pilon, Chair and Vice-Chair of House Criminal Justice Subcommittee, during the first committee week to discuss Commission's legislative proposals.
- Scheduled meetings with Sen. Bradley, Chair of Criminal Justice Appropriations in the Senate, during the first committee week to discuss Commission's budget proposals.
- Continued having talks with multiple legislators regarding sponsorship of Commissions legislative priorities.
- Had several lunch meetings with staff of Rep. McKeel, incoming budget chair for the House.
- Worked on numerous constituent issues for Representatives and Senators, including incoming Speaker and Senate President, Rep. Weatherford and Sen. Gaetz.