



FLORIDA PAROLE COMMISSION

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FLORIDA PAROLE COMMISSION Monthly Accomplishments' Report

SEPTEMBER 2012 ~CHAIR'S MESSAGE~ Tena M. Pate

September 2012 was filled with many key events critical to the Commission's mission. First, the Commission had another very busy month holding three hearings on September 12, September 19, and September 26.

I had the pleasure of meeting with Warren Cave, an advocate and supporter of reentry programs which address "From Prison to Work" as a model for a National Prisoner Reentry Program. Mr. Cave shared his interest is starting some programs of this type in the Tallahassee area. One study in which Mr. Cave participated suggests that "around seven hundred thousand mostly low-income and minority men and women are released from prison each year, while returning to lives of low wages and high rates of unemployment, with about two thirds rearrested within three years."

September 13, the Commission held its 2nd Biannual Business Meeting for calendar year 2012. We hosted an impressive group of special guests who either made presentations on specific programs or briefed the Commission on their agency's current activities. The Department of Corrections, represented by Assistant Secretary Michael Crews on behalf of Secretary Ken Tucker, reported to the Commission on the success of the DOC sponsored Town Hall meetings currently being held around the State. I noted that the Commission has participated in many of these events, and thanked the Secretary for allowing the Commission to be a part of these reentry sponsored activities. Mr. Crews also spoke of the Department's priority to privatize and outsource current DOC programs to entities better suited to getting inmate's jobs that "are sustainable once inmates are released." Mr. Crews also noted the recent passing of longtime former Commission employee and administrative assistant, Mrs. Linda Vaughn, mother and mother-in-law of DOC employees Jeremy and Scotty Vaughn.

The Koris returned to present and update the Commission on the Sumter Correctional Institution's LIFER'S Program. Chaplain Sugrim Singh of the Department of Corrections was represented by Senior Chaplain Stephen Fox, and Warden James Coker and Assistant Warden Walt Summers of the Wakulla Correctional Institution, who informed the Commission of the many educational programs currently available for inmates at Wakulla Correctional Institution. Dr. Daniel Montaldo, Ph.D., of the Florida Department of Children and Families' Sexually Violent Predator Program, spoke on the factors that contribute towards making a person a "sexually violent predator" and how they come to be labeled as such. He further extended an invitation to Commissioners and staff to take a tour of current sexual predator/mental health facilities within the State. And Louis Sloan, Senior Management Analyst Supervisor with the Florida Department of Law

Enforcement gave an excellent presentation on the Department's Seal and Expunge Program, its eligibility criteria, and how the application process works (application fee still \$75.00 and is non-refundable with fees used to fund the 16-employee program unit). Commissioner Melinda Coonrod followed Mr. Sloan's presentation with a discussion of the State Attorney/Prosecutor's role in the granting of the seal/expunction of a criminal court record. In closing, Caressa Andrews and Jane Tillman were honored for their many years of service to the State of Florida.

September 13, 2012, I attended a reception sponsored by the *Pat Tuthill Foundation* and the following day I briefly attended a Tea Party for Homeless Women at the First Baptist Church sponsored by Chelsea House, one of the charitable activities I am honored to be a part of.

On September 17, John Pieno, Chairman, and Dione Geiger, Executive Director, Sterling Council of Florida, visited the Commission to promote 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 and is comprised of public and private sector members from locations throughout the nation. While the Commission would love to be able to participate in the Sterling Process, it was found to be cost-prohibitive at this time.

On September 18, Gina Giacomo, Brian Logan, Sarah Rumph, Steve Hebert, and I met with Jerry McDaniel and staff of the Governor's Office of Policy and Budget. I presented the Commission's Legislative Budget Request for FY 2013-14, which includes two simple issues: a \$38,500 funding request for rental costs for the Commission's Tampa Regional Office for FY 2013-14 and every year thereafter; and \$15,000 for travel costs to hold three (3) Commission hearings annually in locations other than Leon County to accommodate victims and their families and make the hearings more accessible to those affected.

September 20, the Florida Board of Executive Clemency held its third quarterly meeting for 2012 with the Board granting 7 pardons; 4 requests for Specific Authority to Own, Possess or Use a Firearm; 11 Restorations of Civil Rights; and 1 Restoration of Civil Rights Case Granted If Special Conditions Are Met. Governor Scott and Commissioner Putnam urged the Commission to meet with the Department of State to further discuss mutual ex-felon voting and registration issues.

On September 25, FPC Leadership staff and I met with staff from the Auditor General's Office to review their findings concerning the audit of the Parole Commission's operations. We were extremely pleased with their report and findings and agreed to take corrective actions on the few issues to be addressed.

On September 27, Commissioner Cohen and I met with the Commission Management System (CMS) team and staff of the Department of Corrections' IT Development and Programming office to discuss details of the CMS (Commission docket documents currently stored in carts) being stored electronically. This is being considered and evaluated by the DC team and continues to be a work in progress.

The Commission's Long Range Program Plan was posted to the Governor's Budget Portal Site on September 28, two days prior to the September 30 deadline. Also that day we hosted Julie Gillette's "No Party Retirement Party" and staff brunch held in her honor. On behalf of the Commission, I presented Julie with a special plaque commemorating her many years of work with the Commission and staff and special invited guests treated Ms. Gillette to a wonderful exit party.

In closing, I am excited to report that the Office of Executive Clemency has exceeded one million hits on the FPC Home page with inquiries in the following categories: 1,002,650 visits to the Home page; 787,042 visits to the RCR search icon; 83,078 visits to the RCR found icon; and 55,044 RCR Certificates printed.

COMMISSION SECTION ACCOMPLISHMENTS

Operations
Shana Lasseter, Director

- The Commission Management System (CMS) project continues. The CMS is the vehicle to a paperless FPC. The project team is fortunate to work in close conjunction with DC OIT members Mr. Enrique Vargas and Mr. Tony Sullivan. Extensive research is involved to insure our full compliance with NCIC/FCIC security requirements, and related issues, but thus far no insurmountable obstacles have been encountered or identified. FPC team members include: Gina Giacomo, Shana Lasseter, Teresa Martin, Aares Williams, Christan Jackson and Commissioner Bernard Cohen. The team met weekly during the month of September.
- Central office staff is in the very preliminary stages of developing a training session for FPC regional administrators and parole examiner supervisors (9 total staff members), to be held 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.
- The Performance Based Budgeting (PBB) project mentioned in the July report is ongoing. Field and central office are working together to make necessary revisions to the PBB task categories. Revisions will include increasing and/or decreasing time allowed for tasks, deactivating tasks, adding tasks and consolidating tasks.
- The Commission's Semiannual Business Meeting was held September 13, 2012, at the Commission's central office in Tallahassee. As always, the meeting was productive and informative. In addition to standard Commission business, the Commission was fortunate to have presentations provided by: Department of Corrections Assistant Secretary Michael Crews, Department of Corrections Chaplain Fox from Wakulla C.I., Sumter LIFERS' Program Director Mr. Edward Kori, Daniel Montaldi, Ph.D. with the Department of Children and Families Sexually Violent Predator Program and SMA Supervisor Louis Sloan of the FDLE Seal and Expunge Unit.

Office of the Commission Clerk

Cases Docketed:

Parole	157
Conditional Medical	4
Conditional Release	460
Addiction Recovery	114
TOTAL	735

Month	Paroles		Conditional Medical Release	
	Granted	Denied	Granted	Denied
September	3	2	2	2

Activities:

- On the September 19, 2012 docket, the Commission reviewed Eulalio Gonzalez-Alvarez's (DC# 081036) parole supervision review which was forwarded to the Commission by the Department of Corrections. Mr.

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September 2012

Gonzalez-Alvarez was granted life parole by the Commission on December 14, 1993, after serving 12 years for a Second Degree Murder charge in Miami-Dade County. The parolee was on annual reporting since November 17, 2010, had no monetary obligations, received retirement payments since 2005 and maintained a stable residence. After thorough investigation and consideration, the Commission found that Mr. Gonzalez-Alvarez had successfully complied with the term and conditions of parole, and discharged the subject from parole on September 19, 2012.

- On September 1, 2012, Megan Higgins was selected as the new Parole Examiner for the Office of the Commission Clerk. With her prior Revocation Specialist experience, she brings a wealth of knowledge to the OCC.
- September 6, 2012, Kristin Lambert participated in Leadership Basics offered by Leadership & Training Research Institute. Speakers included Steve Sheridan and Jack Martin. Training introduced leadership best practices, leadership attributes, 5 parts of leadership and teams, follower role, motivation, and team behavior.
- September 14, 2012, the OCC began updating desk manuals for the section's positions.
- September 18, 2012, Florida Administrative Weekly webinar was conducted. Tangila Akins and Kristin Lambert participated to get all new information for the new implementation of the Florida Administrative Registrar.

Imaging

- Monthly totals for Imaging Inmate Records (IRIS)

Completed Documents	September 2012
	3,005

Revocations

Statistics:

Warrants Issued	199
Cases Reviewed and Prepared for Docket	120

- **Featured Case:** Joshua Shiver (DC# I05177), a sex predator was arrested with a runaway boy in Clermont, Florida. Shiver was released on conditional release supervision on October 29, 2010. In 2002, he was sentenced as a sexual predator, to 10 years state prison, followed by 5 years of sex offender probation, for 2 counts of Attempted Battery on a Child under the Age of 12 and 5 years sex offender probation for the conviction of Count 3, Lewd or Lascivious Molestation of a Child. Due to the offender being eligible for conditional release and probation, the conditional release was deferred to probation. Although the offender was dual eligible, he only had to abide by the conditions of probation until he reached his probation termination date.

Victims' Services

	September 2012
Victims' requests for information on parole, conditional release, and conditional medical cases	431

Victims Located	98
Status updates to victims on parole, conditional medical and clemency cases	810
Assisted victims who attended parole or clemency hearings.	33

Activities:

- Dawn Mikola attended a Human Sex Trafficking Seminar presented by the Salvation Army, and signed up to join the Salvation Army Task Force for our region.
- Dawn Mikola and Megan Gocs attended a gathering with the Big Bend Victim Assistance Coalition (BBVAC), which is a group of professional victim advocates, counselors, survivors and community volunteers whose mission is to promote advocacy efforts on behalf of crime victims and their families.

Field Services' Statewide Totals and Activities

Monthly Interviews and Hearings Conducted:	September 2012
Parole Interviews	101
Revocation Interviews	219
Revocation Hearings	59
Total Interviews and Hearings for the Month	379

Region I:

- Examiner Nell Simmons attended the 36th Annual USA/Canada Lions Leadership Forum September 12-14, 2012 in Tampa Florida. Approximately 2,500 Lions Club members were in attendance from all over the United States, Canada and the Bahamas.

Region II:

- No new information to report.

Region III:

- On September 20, 2012, Kevin Tiller, received CJIS FCIC/NCIC Certification.
- Will Whitehouse attended the FSECC Kick-off Training held at the United Way of Marion County on September 21st.
- Thank you to RA Mills Rowland for traveling on 9/12/12 to Cocoa for training with RA Kevin Tiller.

Region IV:

- On September 13, 2012, an FDLE Compliance Audit was conducted in the Miami Office. The Miami Office was found to be in complete compliance with FCIC/NCIC standards in accordance with their policy and regulations.
- On September 14th -16th, Cindy Zimmerman and a friend travelled to Seattle, Washington to participate in the annual 60 Mile 3-Day Breast Cancer Walk for Susan G. Komen. Every year they choose a new city to walk in. They have participated in this walk in Tampa, Arizona, Washington D.C., San Diego, San Francisco, Minnesota, and now added to their list is Seattle. This was their 7th walk and they have raised a total of \$32,200 over the past 7 years. Each year they have to raise a total of \$4,600 in order to walk. Cindy says, "It is a very emotional walk, as the thanks we receive along the way from survivors, caretakers, and the community is unbelievable. It is so inspiring to be walking among the great heroes, both female and male, who have survived this dreaded disease, the heroes that are still fighting the

battle, those who are in the process of recovery, and of course the heroes that we are walking in memory of, who have lost their battle with breast cancer. It is an awesome event that has been close to my heart and the people that we have met along the way are truly inspirational.”

Region V:

- At the Region V Staff Meeting on September 13, an FCCD overview presentation was given by Tim Strickland, with DOC, who is reorganizing the Hillsborough County FCCD Chapter I.
- Region V staff donated two large boxes of school supplies to a kindergarten class at Palm River Elementary School.
- Region V- Tampa Office welcomed new Parole Examiner Levar Allen. Mr. Allen is a 2003 graduate of Montclair State University, Montclair, New Jersey, with a degree in Sociology. Prior to coming to the Commission he worked for the Department of Corrections as a probation officer for 6 years.

Administration

Gina Giacomo, Director

- Attended training on the FACTS statewide contracting system.
- Participated in the work group for automating the commissioner’s docket and electronic files.
- Attended the Interagency advisory council meeting, purchasing meeting, HR meetings and Director of Administration meeting.
- Participated in drafting the Long Range Program Plan.
- Conducted research on multiple subjects.
- Submitted the Administration Business report.
- Completed project for retired Commissioner pictures.
- Participated in User Acceptance Training. Testing People First for the upcoming 2012 Open Enrollment and Dependant Verification Process held by the Department of Management Services.
- Updated the lump-sum bonus plan, and submitted to the Office of Policy and Budget in the Executive Office of the Governor for approval.
- Coordinated the Employee Enrichment Presentation offered by Austin Deeds from Deferred Comp.
- Attended the Open Enrollment Informational Meeting presented by Capital Health Plan.
- The 411 website has been updated to reflect the correct phone numbers for the agency.
- Verified Certified Forwarded payments.
- Completed Purchasing card audits and Budget Analysis.
- Submitted the AD-EBI Agency Survey.

Office of Clemency Investigations

Steve Hebert, Director

Pending Clemency Cases as of October 1, 2012

Types of Clemency Cases	October 2012
RCR Cases	18,966
Without a Hearing Cases (7,836)	

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September 2012

With a Hearing Cases (11,130)	
Non-RCR Cases*	7,168
Total Pending Clemency Cases	26,134

* 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 26,134 pending clemency cases, there were also 1,055 EOS/TOS RCR cases for a total of 27,189 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.

- The Governor and Cabinet, sitting collectively as the Clemency Board, held its third quarterly Clemency Board Meeting at the Capitol on September 20, 2012. The Commission completed and submitted 73 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 the Chair provided detailed information related to the Confidential Case Analyses and processes to the Board Members in response to their inquiries.
 - This office researched the specific reasons why applicants requested restoration of their civil rights. We reviewed the 54 Restoration of Civil Rights cases heard at the September 20, 2012 Clemency Board Meeting. Several applicants indicated multiple reasons in their statements to our examiners, and the following information is a brief summary of what our research revealed:
 - 76% of the applicants specifically indicated that they were interested in regaining their right to vote, sit on a jury or hold public office.
 - 31% of the applicants specifically indicated that they were interested in obtaining their civil rights to help them with employment, ranging from specific licenses or occupations to general job opportunities.
 - 15% of the applicants did not provide any specific reason for requesting their civil rights.
 - 33% of the applicants voted in an election without having their civil rights restored.
- On September 10, 2012, the Office of Clemency Investigations hired Wendy Schulte as a part-time OPS Parole Examiner to assist in conducting criminal history investigations, and to provide on-going appellate research and support to the Administrative Analyst as it relates to clemency capital punishment cases.
- On September 11, 2012, the Director of Clemency Investigations provided training to the Regional Administrators and Supervisors during a conference call to include procedures related to clemency investigations and the Rules of Executive Clemency.
- The Director and staff assisted in the development of clemency information and prepared a semi-annual report for the agency's Business Meeting held on September 13, 2012.
- Continued to review Restoration of Civil Rights cases for eligibility prior to sending them out to field offices for in-depth field investigations to be conducted.
- Conducted Request for Review investigations for commutation of sentence applications.
- Conducted capital punishment clemency investigations for death row inmates.
- Conducted quality assurance reviews of all clemency investigations completed by regional field offices.

- Assisted in the development of clemency information for agency reports such as the Long Range Program Plan and Performance Measures.

Office of Communications

Jane Tillman, Director

- The month of September was especially busy with preparing responses to numerous public records requests requiring additional research as well as providing public information to the media and the public.
- Worked with the Governor's Communications, Legal, and External Affairs Offices' staff on public records requests.
- Additionally, we assisted the Chair in the preparation of the Business Report and the Chair's Message for the biannual business meeting, which was held on Thursday, September 13, 2012.
- On September 20, 2012, we attended the Clemency Board Meeting and worked with several members of the media who were writing stories on cases being considered that day.
- Worked with the Leadership Team in the preparation of the LRPP and Legislative Budget Request.
- Prepared speeches and written documents as requested.
- Redesigned public information documents for consideration by the Chair.

Executive Clemency

Julia McCall, Clemency Coordinator

- Status inquires continue to increase as we near the cutoff for voter registration which is October 9, 2012. Every effort is being made to provide responses to status checks as quickly as possible via telephone and email responses. The search which was set up in 2008 site has had 994,082 visits, 781,084 actual searches for RCR grants with 82,376 names located and 54,692 printed. There are currently 374,736 certificates available online available for printing by the applicant.
- We have also temporarily assigned staff to answer the telephones between the hours of 7:00 a.m.-8:00 a.m. and from 5:00 p.m. – 7:00 p.m. up until the election on November 6, 2012. Since January 2012 and including August, the Office of Executive Clemency has received 23,353 calls on the 1-800 number. This total does not include calls direct to our posted office numbers.
- On September 20, 2012, the Office of Executive Clemency and the Florida Parole Commission participated in the Clemency Board Hearing. Staff is now sending determination notification letters to all applicants who were included on the agenda.

Legal Office

Sarah Rumph, General Counsel

Samuel Simmons v. FPC was a detailed case involving Mr. Simmons' challenges to the Commission decision to revoke his parole and the calculation of the new PPRD after revocation. As part of the discussion on the parole revocation, the inmate challenged the service of an old Commission warrant on him. The warrant was issued in 1989 and served in 2010. The court went through each of the many challenges and denied them in turn as without merit.

This month, I would like to present further information on “good cause in exceptional circumstances.” This phrase appears only 3 times in chapter 947:

1. 947.173 – the PPRD, once set, may only be modified for “good cause in exceptional circumstances”;
2. 947.1745 – an unsatisfactory release plan may be “good cause in exceptional circumstances”; and
3. 947.1745 – a judicial objection may also be “good cause in exceptional circumstances”

Interestingly, the phrase “good cause” appears slightly more frequently. The Commission may decide to restrict cross-examination for “good cause”; may decide to request a special interview for “good cause”; or an initial interview may be postponed for “good cause.”

“Good cause” and “good cause in exceptional circumstances” are terms of art to be utilized only under the very narrow and specifically defined above actions. It should not be used as a generic ‘catch-all’ for any other actions – all other actions must follow the statute and rules for those particular actions.

Office of Legislative Affairs

Brian Logan, Director

- Attended meeting with the Department of Corrections and the Governor’s Office to discuss the status of overlapping legislative proposals on September 6th.
- Invited and held a meeting with the Department of Corrections as a follow up to the September 6th meeting with the Governor’s Office. The meeting resulted in the possibility of an inter-agency pilot-project dealing with technical violators of supervision. Answered follow up question by the Governor’s Office regarding this meeting.
- Attended a meeting with Lynn Cobb, Criminal Justice Policy Director, for Speaker Weatherford to discuss the Commission’s legislative proposals.
- Presented the Agency’s Legislative Budget Requests to the Governor’s Office for their support and consideration.
- Completed the drafting process for the Long Range Program Plan (LRPP) for FY 2013-14 through FY 2017-18. Submitted the Commission’s LRPP via the budget portal prior to the September 30 due date.
- Worked on finalizing drafts of the Commission’s LBRs due to the Governor’s Office on October 15, 2012.
- Attended the September 20th Clemency Board meeting. Watched the ‘Gonzalez’ trial at the 1st DCA regarding Juvenile Parole.
- Worked on numerous constituent issues for Representatives and Senators, including incoming Speaker and Senate President, Rep. Weatherford and Sen. Gaetz.