



# FLORIDA PAROLE COMMISSION

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*Commissioner/Chair*

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## FLORIDA PAROLE COMMISSION Monthly Accomplishments Report April 2014

### ~CHAIR'S MESSAGE~ Tena M. Pate

The month of April has been a very productive month at the Parole Commission. We continued to refresh our image with the launch of our new and modern website this month. The updated site is designed to ease access to pertinent and timely information for our stakeholders, which include law enforcement and criminal justice partners, fellow state agencies, crime victims, victim advocates, inmate supporters, members of the general public and interested media. Our new website provides detailed information on every aspect of the Commission, and the new layout and features ensure that anyone visiting it can find what they are looking for in an effective and timely manner. In addition to viewing and downloading the Commission's voting schedule and corresponding agendas, individuals will be able to locate information on the various release types the Commission administers, Commission history and Commissioner bios, clemency information and applications, as well as an overview of the services available to victims of crime. Take a look at the new site here or visit <https://fpc.state.fl.us/>.

One component of the new website is an emphasis on complete and factual information to correct the many misconceptions regarding our role as an agency and the status of parole in the state of Florida. Many prisoners believe that they can apply for parole; while others believe that there are not parole eligible inmates anymore. There are no mechanisms for inmates to "apply for parole eligibility" in the state of Florida. Inmates are determined eligible or ineligible for parole consideration based off of when their offense was committed. Further information regarding parole eligibility can be found in the Operations section of this report.

The 2014 Legislative Session is coming to a close and with that are some important changes to the Commission. The Legislature has approved additional funding for the processing of clemency cases, toll-free phone line operators for clemency services and a research analyst to support the Commission's initiatives. The House and the Senate also both voted favorably to rename the Florida Parole Commission to the Florida Commission on Offender Review (FCOR) to better reflect the duties and responsibilities of the agency. Once finalized, the budget and the name change bill will be sent to the Governor for his signature.

A statewide warrant sweep, to locate and serve warrants to parole and conditional release supervision absconders, was launched this month in partnership with the US Marshals Florida Regional Fugitive Task Force (FRFTF). To date, the sweep has resulted in dozens of arrests and disposed warrants. The Commission is grateful to the Marshals Service, the Florida Department of Law Enforcement, the Florida Department of Financial Services and the Florida Department of Health whose assistance was vital to the success of this initiative.

Earlier this month the Commission observed National Crime Victims' Rights Week with two events. To kick off the week, the Commission hosted a Victims' Rights Walk on Friday, April 4, where participants walked a designated one and a half mile route through our central office Southwood Complex and wore race bibs indicating a reason for supporting victims' rights. Posters positioned along the walking path informed participants of Commission's role in assisting Florida's crime victims. The Commission also welcomed Human Trafficking Advocate, Deborah Polston for an empowerment presentation on Thursday, April 10 in which Deborah shared vital information about this growing issue and important tips for spotting human trafficking in your community. The Commission's regional offices also attended and participated in events around the state to observe this important week.

The Parole Qualifications Committee, compiled of Florida criminal justice and law enforcement leaders appointed by the Governor and Cabinet, convened this month to begin the selection process of the Commissioner position which will open July 1st, when Commissioner Bernard Cohen's term expires.

In closing, I'd like to commend our staff members for their accomplishments throughout the month of April and give special accolades to Daphne Asbell who received the 2014 Charles Morris Victims Advocate of the Year Award from the Big Bend Victim Advocacy Coalition at their annual National Crime Victims' Rights Week luncheon.

I would also like to recognize Safety Committee members Bonnie Davidson, Gina Giacomo, Shana Lasseter, and Christan Jackson for their hard work on assisting in lowering the Commission's loss prevention. The 2012-13 Fiscal Year Trend Report showed zero paid claims, which translates into more than \$7,000 in cost savings. This effort is also due to our Commission staff who aid in keeping our workplace safe in the central office and throughout the regions.

Thank you to these and all employees for their dedication to serving the citizens of Florida. Please continue reading all the April accomplishments below.

Respectfully,



Tena M. Pate  
Chair

## COMMISSION SECTION ACCOMPLISHMENTS

### Office of Legislative Affairs

Kevin Reilly, Director

#### Budget

The legislature approved additional funding for 10 additional full time employees (FTE). Nine of these FTE are within clemency to fund workload issues. The other additional FTE is for a research analyst to aid in special projects and enhance the work we do at the Commission. The legislature also agreed to provide OPS funding for clemency phone operators and provided \$125,000 for the Commission to manage clemency for capital proceedings.

In total, the Commission was awarded funds for 132 FTE and a total budget of \$9.57 million.

#### Name Change

The House and the Senate also both voted favorably to rename the Florida Parole Commission to the Florida Commission on Offender Review (FCOR) to better reflect the duties and responsibilities of the agency. Once finalized, the budget and the name change bill will be sent to the Governor for his signature.

#### Accomplishments

- Presented the Office of Legislative Affairs 2014 Goals and Strategies updates in the Senior Leadership Goals and Strategies meeting.
- Attended Executive Office of the Governor Legislative Affairs Director's Meetings.
- Met with various legislators and staff to discuss proposed Commission legislation.
- Conducted ongoing legislative constituent relations regarding various Commission functions.

## Operations

Shana Lasseter, Director

**SETTING THE RECORD STRAIGHT:** There are many misconceptions regarding parole in the state of Florida. Many prisoners believe that they can apply for parole; while others believe that there are no parole eligible inmates left within the prison system. Parole eligibility as it exists today is described below.

There are no mechanisms for inmates to “apply for parole eligibility” in the state of Florida. Inmates are determined eligible or ineligible for parole consideration based on when their offense was committed.

An inmate is eligible for parole consideration if they committed:

- 1) a first degree murder, a felony murder, or the crime of making, possessing, throwing, projecting, placing, or discharging a destructive device (or the attempt of) prior to May 25, 1994
- 2) all other capital felonies prior to October 1, 1995
- 3) a continuing criminal enterprise (violation of s. 893.20, F.S.) prior to June 17, 1993
- 4) a murder of a law enforcement officer (and other specified officers) prior to January 1, 1990
- 5) a murder of a justice or judge prior to October 1, 1990
- 6) any felony prior to October 1, 1983, or those who elected to be sentenced “outside the guidelines” for felonies committed prior to July 1, 1984
- 7) any habitual felony offender sentence prior to October 1, 1988

There is no right to parole in Florida. Simple eligibility for parole consideration, does not, by any means, guarantee parole. Parole is a grace of the State.

\*Credit to FPC General Counsel Sarah Rumph for eligibility breakdown.

### Office of the Commission Clerk

**Cases Docketed:**

<b>Parole</b>	<b>119</b>
<b>Conditional Medical</b>	<b>6</b>
<b>Conditional Release</b>	<b>756</b>
<b>Addiction Recovery</b>	<b>142</b>
<b>TOTAL</b>	<b>1023</b>

<b>Month</b>	<b>Paroles</b>		<b>Conditional Medical Release</b>	
	<b>Granted</b>	<b>Denied</b>	<b>Granted</b>	<b>Denied</b>
<b>March</b>	1	5	3	2

**Imaging**

- April 2014 totals for Imaging Inmate Records (IRIS):

Completed Documents	3,370
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### Revocations

**STATISTICS:**

Warrants Issued	186
Cases Reviewed and Prepared for Docket	183

Include Parole, Conditional Medical Release, Conditional Release, Addiction Recovery Release and/or Control Release.

**Warrant Sweep Case:** Ricky Bayles, DC#060035, was paroled in 1979 after serving 13 months of his 4-year sentence for Burglary. After four months on parole, Bayles absconded from supervision and remained a fugitive until the US Marshals located and apprehended him in West Virginia on April 3, 2014. At that time, West Virginia charged him with being a fugitive from justice based on the Commission’s warrant. In April 2014, Ricky Bayles waived extradition to

Florida and was returned to the custody of the Florida Department of Corrections where he is awaiting his revocation hearing.

**Training**

Revocations completed the annual Diversity Training. Supervisor Kim Dickey completed Dr. Tippy Amick’s 6-hour training: “From Supervisor to Leader” and Julia McCall’s training, “Why Employees Don’t Do What They Are Supposed To Do . . . And What To Do About It”. Supervisor also accompanied the US Marshals Service on a “warrant sweep” to capture Commission absconders/fugitives, during which she observed two fugitives being taken into custody.

**Activities**

Jamil Jefferson is a mentor with the Big Brothers Big Sister Mentoring 2.0 Program.

Victims’ Services

	<b>April 2014</b>
Victims’ requests for information on parole, conditional release, and conditional medical cases	200
Victims Located	42
Status updates to victims on parole, conditional medical and clemency cases	494
Assisted victims who attended parole or clemency hearings	16

Field Services

**Field Services’ Statewide Activity Totals**

	<b>April 2014</b>
Monthly Interviews and Hearings Conducted:	
Parole Interviews	64
Revocation Interviews	293
Revocation Hearings	72
<b>Total Interviews and Hearings for the Month</b>	<b>429</b>

**REGION I:**

- **COURTESY INTERSTATE COMPACT TASKS:**
  - Region I performed one notice and no hearings.
- **PENDING CLEMENCY CASES:**
  - With a hearing: 636
  - Without a hearing: 33
  - Total Cases: 669
- **PERSONNEL ACTION:**
  - Wayne Webb is now an intern in the Quincy Office.
- **TRAINING:**
  - Examiner Gallogly participated in a re-entry seminar at Blackwater CF on 3/26/14.
- **MISCELLANEOUS:**
  - Regional Administrator Tom Hamilton participated in the victim’s right walk at central office on April 4th.
  - Regional Administrator Tom Hamilton participated in the Big Bend Victim Assistance Coalition & Mothers Against Drunk Driving Candlelight Vigil and Celebration of Life on April 10th.
  - Examiners Russ Gallogly and Dale Sloan participated in the Lauren’s Kids
  - Walk in my Shoes on April 16th.
  - Examiner Russ Gallogly participated in the Escarosa Victim Coalition Meeting on April 24th.
  - Examiner Russ Gallogly participated in the Integration Meeting at the Kids’ House in Milton on April 25th.

## **REGION II:**

- COURTESY INTERSTATE COMPACT TASKS:
  - Region II had three (3) requests to conduct a Courtesy Preliminary Hearings.
- PENDING CLEMENCY CASES:
  - With a hearing: 874
  - Without a hearing: 69
  - Total Cases: 943
- PERSONNEL ACTION:
  - The interviews for the vacant examiner position in Jacksonville were completed on 4/10/14 and 4/11/14. The recommendation to fill the position was submitted to Central Office on 4/23/14.
- TRAINING:
  - From 4/1/14 - 4/3/2014 from 10 am until 12 noon Regional Administrator Mills Rowland attended the Supervisor to Leader training presented by Dr. Tippy Amick of the Florida Institute of Government of Florida State University.
  - On 4/18/14 General Counsel Sarah Rumph and Assistant General Counsel Mark Hiers provided legal training to Region 2.
- COMMUNITY SERVICE:
  - Examiner Cliff Rowan is a volunteer through the Florida Gaurdian Ad Litem program in Columbia County.
  - Examiner Gary Fox is a volunteer and coach with the Special Population Activities Recreation Council (SPARC) in Volusia County.
  - Regional Administrator Mills Rowland is a Supervision Group Leader for the Stephen Ministry through the Beach United Methodist Church and the Church of Eleven22.
- MISCELLANEOUS:
  - On 4/7/2014 Regional Adminstrator Mills Rowland was a recongnized guest at the News Conference for Jacksonville Mayor Alvin Brown at the Atrium of the City Hall recognizing National Crime Victims' Week.. Parole Examiner Kimberly Barrett attended the news conference.
  - On 4/8/2014 Parole Examiners Kimberly Barrett and Sharon Walker attended a Resource Fair at the Downtown Main Library in Jacksonville, which was hosted by the Mayor's Victim Assistance Advisory Council, sponsored by CSX. It consisted of non-profit, city, military and state agencies all providing information to the community detailing services they provide to crime victims in North Florida.

## **REGION III:**

- COURTESY INTERSTATE COMPACT TASKS:
  - Region III received four requests for Probable Cause Hearings in April.
- PENDING CLEMENCY CASES:
  - With a hearing: 961
  - Without a hearing: 49
  - Total Cases: 1,010
- PERSONNEL ACTION:
  - Region III welcomed our new Parole Examiner, Tarra Lawrence.
- TRAINING:
  - Region staff met at the Victim Service Center of Central Florida, Inc. for training as part of the region's recognition of National Crime Victims' Rights Week.
  - Region staff completed Diversity Training via online video.
- MISCELLANEOUS:
  - Will Whitehouses' son married in April.

## **REGION IV:**

- COURTESY INTERSTATE COMPACT TASKS:
  - 4 - Notice of Hearing/Postponements
  - 1 - Probable Cause Hearing
- PENDING CLEMENCY CASES:
  - With a hearing: 2,275

- Without a hearing: 150
- Total Cases: 2,425
- PERSONNEL ACTION:
  - Open position for Supervisor-Miami Office
- TRAINING:
  - On 04/01 and 04/03 Jayne Hayden attended "Supervisor to Leader Training"
  - On 04/01 thru 04/03 Ayesha Carson attended "Supervisor to Leader Training"
  - Region IV completed State of Florida "Diversity Training"
- COMMUNITY SERVICE:
  - On 4/08/14, as part of the National Crime Victim's Rights Week, Jayne Hayden, Rich Konior, Sandie Pimental and Cindy Zimmerman attended a "Victims With Disabilities" training followed by Awards ceremony hosted by Broward Victims Rights Coalition. The Awards were presented to outstanding candidates nominated from Broward County Law Enforcement agencies and from Victim Assistance Services both volunteer and professional.
- MISCELLANEOUS:
  - Congratulations, on April 25, 2014, Leris Calderon married her fiancé Emmanuel Ocean.

## **REGION V:**

- COURTESY INTERSTATE COMPACT TASKS:
  - Two requests for hearings received.
- PENDING CLEMENCY CASES:
  - With a Hearing: 1,143
  - Without a Hearing: 136
  - Total Cases: 1,279
- PERSONNEL ACTION:
  - Beth Glover hired as OPS Examiner in the Tampa Office.
- TRAINING:
  - Region V staff completed Diversity Training course.
  - Region V supervisors completed Leadership Training.
- COMMUNITY SERVICE:
  - Region V continues to collect donated supplies for the Kids In Support of Soldiers, Inc., Campaign, until 05/29/2014. The supplies will be given to FCCD State Board at the May meeting.
  - In recognition of Victim's Right Week Region V staff donated much needed supplies to the Spring of Tampa which provides services for victims of domestic violence.
  - Kip Astrom and Patti Razor attended the monthly meeting for PERC (Pinellas County Ex Offender Re-Entry Coalition).
- MISCELLANEOUS:
  - Administrative Professions Day: Region V recognized Staff Assistant Linda Dixon.

## **Administration**

Gina Giacomo, Director

The Division of Administration's primary accomplishments in the month of April 2014 included: We share with all Commission employees the accomplishment of having no workers compensation claims for FY 2012-2013 and the overall cost for workers compensation has been reduced over the past three years. Accounting achieved 100% prompt payment on invoices. The Division of Administration achieved full utilization in all five key functions of the utilization matrix. Administration staff assisted with and participated in the Commission's blood drive.

Commission staff worked with DOC IT staff to custom designed the security request application to include all of the Commission databases and the application has been totally reprogram. Assisted Communications in collaboration with DC Web team in revising and publishing the new Commission's public website. DOC Web team worked a total of 480 hours and the new website was launched in April.

Revised the Travel and the Recognition and Award procedure directives, Submitted budget amendment for revisions to performance measures, Prepared budget documents, Submitted and tracked ten security access requests, Completed four DMS surveys, Completed sixty requisitions for the purchase of goods and services, Submitted eight Maintenance Requests, Completed forty six PAR actions, made 19 deliveries, Conducted safety inspection of Central

Office, Participated as members of the Commission Management System and the Training team, Provided staff information on Wellness, Submitted the Annual Facility Data Report and the CSFA Certification, Completed the Purchasing Card Reconciliation, Determined the attorney's request amounts for FY 2014-15, Conducted interviews for vacant position, Toured the Wakulla Correctional Institute.

Division employees attended trainings/meetings on the following topics, (2) FASAAD Administration meeting, (4) Purchasing Director meeting, (2) Human Resource meeting, (2) CMS meetings, (2) Activities committee meeting, (2) Training Team meeting, (2) Victims Rights week planning meeting, (3) Safety Committee meeting, (3) Website meeting, (5) attended object code trainings, (2) Managed Resource Environment Training, (2) MFMP Workflow trainings, (6) attended PQC meetings, (1) attended 7 Effective Habits training, (5) Diversity Training, (1) Organization Charting and Modeling training, (2) Why Employees don't Do What They Are Supposed to do and What to do training, (1) Goal meeting, (1) Financial Plan training, (1) Unemployment Appeals Hearing training, (2) Working Titles meetings, (1) meeting with DC IT staff to address server space and disaster recovery, and (1) Timesheet training.

## **Office of Clemency Investigations**

Steve Hebert, Director

### **Pending Clemency Cases May 1, 2014**

<b>Types of Clemency Cases</b>	<b>April 2014</b>
RCR Cases	12,227
Without a Hearing Cases (1,106)	
With a Hearing Cases (11,121)	
Non-RCR Cases*	8,118
<b>Total Pending Clemency Cases</b>	<b>20,345</b>

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

### **Highlights / Accomplishments for the month of April 2014 for the Office of Clemency Investigations include:**

- On April 10, 2014, 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.
- On April 15, 2014, Carol Hargraves, was hired as a Parole Examiner and will be conducting Restoration of Civil Rights eligibility investigations.
- On April 23, 2014, our office completed a revised procedure directive related to the completion of clemency field investigations on capital cases.
- On April 25, 2014, the Director of Clemency Investigations joined the FPC Leadership Team for a Follow-up Session on Strategy and Goal Setting for 2014. Updates on the progress and/or completion of goals for each office were provided, and plans for the next quarter were discussed.
- On April 9 and April 29, 2014, several employees in our office had a wonderful learning opportunity by attending Oral Arguments at the Florida Supreme Court to observe capital cases being argued.
- Conducted capital punishment clemency investigations and coordinated interviews for death row inmates.
- Conducted quality assurance reviews of all clemency investigations completed by regional field offices.
- Reviewed Restoration of Civil Rights cases for eligibility prior to sending them out to field offices for in-depth field investigations to be conducted, and conducted Request for Review investigations for commutation of sentence applications.

## **Office of Communications**

Molly Kellogg-Schmauch, Director

- Launched the newly redesigned Florida Parole Commission website on April 12, 2014.
- Drafted and distributed a media advisory and social media posts regarding new website.
- Presented the Office of Communication's 2014 Goals and Strategies updates in the Senior Leadership Goals and Strategies meeting.

- Toured the Wakulla Correctional Institution with Commission staff.
- Attended EOG Communication Directors meeting.
- Submitted article regarding Daphne Asbell receiving the Charles Morris Victim Advocate of the Year Award for inclusion in the Governor's weekly state employee message.
- Coordinated National Crime Victims' Rights Week (NCVRW) events including Empowerment Seminar featuring Debbie Polston, Human Trafficking Advocate and the 2014 Victims' Rights Walk.
- Drafted and distributed materials promoting NCVRW events including media advisories, press releases, and social media posts.
- Drafted talking points for Chair Pate's speaking engagements.
- Coordinated and responded to various public records and media requests.

### **Executive Clemency**

Julia McCall, Clemency Coordinator

This month several members of this office attended a tour of the Wakulla Correctional Institute. This experience provided one more aspect of the world of Criminal Justice and enhanced our understanding of the situations and circumstances of those individuals in the clemency process. We look forward to all staff members having this same experience in the near future.

### **WEBPAGE STATISTICS**

- The Florida Parole Commission has received 1,314,423 hits with 979,934 searches for Restoration of Civil Rights (RCR) grants.
- 105,145 names were located and 65,690 certificates have been printed.
- Currently there are 375,709 RCR certificates available for printing through the [www.FLrestoremyrights.com](http://www.FLrestoremyrights.com) website.

### **Legal Office**

Sarah Rumph, General Counsel

Soon it will be summer and things will be heating up. However, the Legal office is already on fire!

Some of the recent court orders are:

1. Garrison v. State of Florida: The former conditional releasee in this case argued that he was entitled to credit for the time he spent on conditional release. He contended that he was "in custody" while out on conditional release. The Court rejected this contention and found that the inmate failed to establish a legal entitlement to the credit.
2. Jones v. FPC: Mr. Jones had two cases pending. He has this case where the final order was issued and another case where he was challenging the decision of Executive Clemency to find him ineligible to apply for a commutation under the Rules. That case was dismissed in the Circuit Court and is now pending appeal. In the case at hand, he challenged the Commission action on his PPRD. The Commission modified the PPRD, extending it by 24 months due to disciplinary reports. The Court upheld this action.
3. Harris v. DOC & FPC: The former parolee in this case challenged the Commission's decision revoking his parole in 1989. He claimed that the Commission lost jurisdiction over him because it started revocation proceedings after the original parole term date. The court found the claims to be without merit since the warrant was issued prior to the expiration of the term. It also dismissed them for procedural reasons since the inmate had already challenged the revocation previously in court and since he is bringing the challenge almost 25 years after the revocation.

This month, the PQC process started and is kicking in to high gear. The goal is to get three names to the Governor and Cabinet for consideration at the June 17th Cabinet meeting. We hope to conclude the PQC activities by the end of next month.