



# FLORIDA PAROLE COMMISSION

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*Commissioner/Chair*

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## FLORIDA PAROLE COMMISSION Monthly Accomplishments' Report January 2011

### ~ MONTHLY RCR PENDING CASE UPDATE~

As of January 1, 2011, there were 97,491 pending RCR cases. There were 42,412 application cases and 55,079 EOS/TOS cases.

### ~FEATURED CASE~

On January 5, 2011, the Commission voted to release inmate Betsie Gallardo from custody to a hospice facility as part of its discretion for terminally ill inmates under the conditional medical release program. Parole Commission Chair Tena M. Pate said of the Commission's decision to release Ms. Gallardo, "The action taken by the Commission today should in no way be interpreted as condoning the inmate's behaviors. The Commission is very empathetic to the concerns of the victim and the law enforcement community in this case. However, the concerns of the Commission about the public's safety are alleviated by the severe decline in her health and the negative prognosis...."

### ~CHAIR'S UPDATE~

We are off and running! The month of January was a busy month for the Florida Parole Commission. The Leadership Team and Commission employees pushed forward on several proposals and initiatives, held and attended hearings and meetings, and met a variety of reporting deadlines both with the Governor's Office and the Florida Legislature. 2011 promises to be an exciting year for the Commission and we are glad you are with us on this journey. January held its own history-making moments for the Commission that should not go unnoticed.

On January 4, our friend and colleague, Commissioner Frederick B. Dunphy, retired. We celebrated his retirement with him on Friday, January 7, with an official retirement party. On Wednesday, January 5, 2011, we welcomed our newest Commissioner, Cassandra D. Jenkins, who replaced Commissioner Dunphy. We are excited to have her and her staff on board with us. History was made at the Commission and for the State of Florida with Ms. Jenkins' appointment as it is the first time in Florida's history that the Commission has an all-female board. It is indeed an honor to serve with my colleagues and as chair at this time in the Commission's history.

The month of January also brought on a flurry of activity at the state's capitol as we said farewell to our former state leaders and welcomed our new Governor and Cabinet. We represented the agency at various legislative committee meetings on issues ranging from budget to pending legislation filed by Representative Weinstein and Senator Joyner regarding juvenile parole. As it pertains to juvenile

parole, the Commission “supports the concept of parole eligibility for juveniles sentenced to life-without-parole for non-homicide crimes or the course of action the Legislature deems best.” Representative Madden from Texas presented on various criminal justice reforms before a joint senate committee meeting and the Commission is following other criminal justice reforms legislation including but not limited to parole for the elderly, an expansion of the conditional medical release program, and immigration issues.

Educating the public and state leaders on the various roles and responsibilities of the Commission continues to be one of our top priorities. We are actively exploring avenues and opportunities to accomplish this. One example is we have busied ourselves making sure legislative aide/staff has information regarding the Commission and its various responsibilities, including Clemency and RCR. A one page RCR Information/Contact Information sheet for use by the Staff Professional Development Office of the Florida House of Representatives for inclusion in their Legislative Aide training packets was distributed, and we have an expectation of providing a more extensive training session on RCR/Legislative Constituents issues prior to Session in March. We are also in the process of producing in-house a tri-fold document that addresses our roles and responsibilities as well as contact information.

Quality Control and best-practices are also key components of our leadership efforts. We initiated a complete systems/process review to ensure the processes used by both the Office of Executive Clemency and Clemency Administration are as streamlined and non-duplicative in nature as is possible. It is important that when standing before Legislative Committees and the Governor and Cabinet that we are confident we are doing all we can do to ensure the state’s tax dollars are being spent in the most prudent and fiscally responsible way. Along these lines I have also requested data from our Revocations’ Section to determine the nature of violations coming before the Commission and the commonalities of conditions imposed by the Commission. It is expected that the information gleaned from these analyses will provide the Commission with empirical data when setting terms and conditions. The Commission is also looking at revising its docketing process as it pertains to docket preparation for Commissioners. These efforts should result in a cost-savings to the agency.

Our RCR Initiative is in progress, and we are working hard to address the pending cases. At present, our focus is on data entry and eligibility screening. We are making strides and have seen an increase in the numbers of cases processed. It is our hope to see a significant reduction of cases waiting to be entered and screened by June 30, 2011. During the month of January 2011, we processed an additional 3,392 cases, bringing our new total to 7,996 processed cases since our project began on November 1, 2010. Prior to our project, a monthly average of 691 cases were processed. This success has been accomplished simply by doing more with less; i.e., re-assigning staff and responsibilities and providing additional help with the phones, which averages 2,000 calls per month to the Office of Executive Clemency alone. Assisting us with this project is a handful of interns from Florida State University’s School of Criminology.

As part of our efforts to encourage greater communication between the Chairman’s Office and the staff in each of the Commission’s sections/offices, each month I host a “Brown Bag” lunch or two with a “meet and greet” format. During the month of January, I lunched with staff from Operations. These lunches afford me the opportunity to get to know our team better.

On January 10, 2011, I attended the Florida Supreme Court's Florida Innocence Commission (FIC) meeting that was held at FDLE in Jacksonville. The FIC is a twenty-three member body formed to study the dozen cases around Florida where an individual was wrongfully incarcerated and provide a report and recommendations to safeguard against such future events.

## **COMMISSION SECTION ACCOMPLISHMENTS**

**Administration:** The Division of Administration assisted with special projects including but not limited to the following: completed monthly and annual financial projections; attended training on E-agent; distributed safety tips to employees; assisted in completing surveys from other states; collected Driver Licenses and proof of insurance from field staff; attended training on the new fuel cards; processed hiring packages; implemented a tracking calendar for the state cars; submitted OPS Extension forms; assisted with the evaluation of the system process review of clemency; attended Personnel officer, Purchasing Director, and Director of Administration meetings; submitted programming and addressed IT issues with DC IT; submitted maintenance requests; attended the quarterly IAC meeting; prepared financial documents for the Chairman's office; submitted and processed numerous purchases and payments for the agency.

**Clemency Administration:** For the month of January 2011, the Office of Clemency Administration has continued to work steadily on processing all types of clemency cases; prepare for the upcoming February 24, 2011 Clemency Board Meeting; conduct quality assurance RCR reviews; work with DC OIT on developing enhancements to MACNet; and prepare and compile clemency and other Commission data to be provided to the Chair, management, clemency aides, and other entities.

Specific Accomplishments/highlights related to clemency for this month are:

- A new OPS Parole Examiner was hired on January 6, 2011 to begin working on conducting eligibility investigations on Restoration of Civil Rights cases for those individuals expiring prison sentences or terminating from supervision.
- The Director of Clemency Administration worked with the Office of Executive Clemency Coordinator and other Leadership members in preparing an informational Restoration of Civil Rights document to be used for Legislative Aide training.
- The Director of Clemency Administration worked with Commissioner Jenkins and her staff to provide clemency training to the new Commissioner.

### **Communications and Legislative Affairs:**

The Office of Communications and Legislative Affairs accomplished the following in the month of January:

- Worked with in-state and out-of-state media on the Betsy Gallardo conditional medical release case as well as several other cases involving in-state media attention;
- Worked with legislators and advocates to keep them informed of the events surrounding the Gallardo case;

- Prepared key documents for Chair Pate's presentations to the House and Senate budget and substantive committees;
- Prepared bill drafts and fiscal notes requested by the Legislature for final approval by the Chair and remission to the Legislature;
- Provided RCR documents created by Executive Clemency and Clemency Administration to House Professional Development Staff for Legislative Aide training;
- Conducted research on several criminal justice issues expected to surface in the 2011 Session;
- Continued to work with legislators and FDLE to coordinate action and clarify roles on the St. Augustine historical seal and expunge cases (December 9, 2010 Clemency Board Meeting) and future requests of this type;
- Worked with the Chair and key staff to secure bill sponsors for FPC legislative proposals for the 2011 Legislative Session;
- Met bill drafting deadlines of January 28 for both the House and Senate; and
- Updated the 2011 FPC Legislative Proposals for dissemination early in February.

**Executive Clemency:** The Office of Executive Clemency (OEC) participated in many activities this month beginning with OEC staff committing two (2) hours a day to entering RCR backlog applications in addition to their regular assigned duties. This reallocation of staff time has been successful with an average of approximately 2,200 applications being entered each month since November (from a backlog of over 6,000 applications). By comparison, the staff member solely performing this task was only entering approximately 700 per month. Additionally, OEC now enjoys access to a quick entry application program developed to present data entered by online applicants. Staff then compares the information with the MAC database and accepts the information. Having access to this program is expected to save many hours of staff data entry time.

To further reduce the backlog of RCR cases, three (3) interns were brought in this month. They were initially assigned to work a total of 68 work hours per week entering applications with the screening of applications to begin later in the month. This work allowed them to familiarize themselves with all of the required databases while learning the clemency process. This additional staff resource will expedite the movement of cases from OEC to the investigative phase performed by Clemency Administration.

Also this month, an evaluation of the job tasks performed by both Executive Clemency and Clemency Administration was conducted to identify any duplication of efforts and to focus on streamlining the process, while maintaining a high standard of quality. These evaluations will be conducted on a continual basis as needed. Key staff members, along with the Coordinator of OEC and the Director of Clemency Administration, contributed and participated in this exercise.

**Legal:** The holiday season which gave the Judges so much time off gave us fewer orders due in the month of January and allowed us to breathe a bit. The beginning of the year started off with the Commission denying an inmate's petition to initiate rule making. This was published in the Florida Law Weekly. Other case happenings include the attached orders from the Court:

1. First is Roberts v. Florida Parole Commission. The Court upheld the Commission's PPRD actions in Roberts. It rejected Mr. Roberts' argument that he should have been subject to the 1985 Objective Parole Guidelines (and Matrix) since his crime was committed prior to that time.
2. In the second case, Bills v. Florida Parole Commission, the Third Judicial Circuit Court rejected the conditional releasee's argument that the Commission should not have served its 1994 warrant on him in 2009. The Court found the warrant and corresponding proceedings proper. The Court also rejected the contention that the releasee should have been given credit towards his Florida sentence for his time spent in a Louisiana prison on an unrelated charge.
3. Lastly, is Campbell v. Florida Parole Commission, et al., The Court herein was determining if Mr. Campbell's PSI was considered confidential under a new court rule instructing Clerks to hold confidential certain information. Since the PSI was not on that list, the Commission had to petition the Court to make a ruling on it. The Court agreed with the Commission that the document was to be kept confidential.

On Tuesday, January 18, 2011 the Legal Office partnered with Revocations and Administration to watch Oral arguments at the new First District Court of Appeals court house. We were lucky enough to receive a tour of the courtrooms since arguments were delayed. Two interesting cases were presented dealing with the employee-employer relationship. The first case was about a school district employee's rights to challenge disciplinary actions under Chapter 120. The second case was about a traveling employee and if injuries sustained while participating in recreational horseback riding should have been paid by the employer or not. It was an excellent opportunity for the Revocations section to see a bit of what Legal does. We hope to take another group in February.

### **Operations:**

**Release Services:** During the month of January 2011, the Commission granted eight (8) paroles and two (2) conditional medical releases.

**Revocations:** On November 22, 2010, the Commission received a confidential tip from the Federal Bureau of Investigation (FBI) that parole violator Charles Ray Valentine, DC # 080850, and "wanted" by the FBI, was currently receiving social security payments at an address in Middletown, Ohio. The Commission immediately issued a teletype to local authorities in Middletown on November 23 requesting their assistance in locating and apprehending the offender. The quick response of FPC's Revocations Unit resulted in Valentine being arrested the same day on a warrant issued by the Commission dated October 14, 1987! As of January 21, 2011, Valentine had been returned to Florida to await the revocation process.

**Field Services:**

- Monthly interviews and hearings conducted:

Parole Interviews	79
Revocation Interviews	208
Hearings	47

Total - 334 interviews and hearings during the month.
- Monthly totals for Imaging Inmate Records (IRIS)

Completed Documents	7,402
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- A new Regional Administrator, Tom Hamilton, took over our Region I
- Promoted new supervisor, Region V, Cathy Aylstock