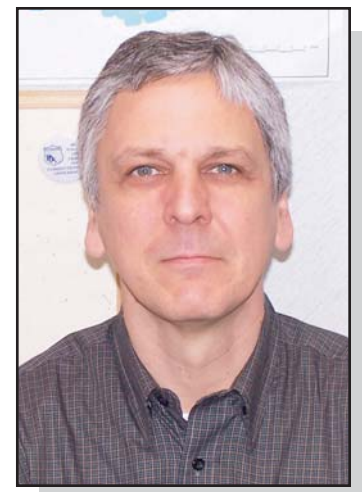


# Parole, Privacy & Privatization Issues In The News



*Ken  
Kopczynski  
Legislative  
and Political  
Affairs Assistant*

## Presumptive Release Date

**O**n May 26th, **Governor Charlie Crist** signed into law SB 200 (**Senator Carey Baker**) that extends from five to seven years the period between parole interview dates for inmates convicted of violating specified provisions or serving a mandatory minimum sentence under a specified provision. **Representative Greg Evers** sponsored the House companion to Senator Baker's bill.

Certain inmates, who committed capital sexual battery, capital sexual murder, or another crime prior to specific dates, are eligible for parole. The parole process begins with the setting of a presumptive release date (PRD) which is the date the inmate would be eligible for parole if they meet specific behavior goals and get a positive recommendation from a hearing officer.

Every five years the inmates are interviewed for a hearing before the Parole Commission to determine if any changes need to be made to their PRD. These hearings take quite a toll on the victim's families and law enforcement officers who come up to the Parole Commission to testify

for their murdered loved one or colleague. **Florida PBA President John Rivera** is committed to attend each of the hearings for cop killers to make sure the Parole Commission understands that the Florida PBA has no tolerance for such crimes.

I have attended a number of these hearings on behalf of President Rivera when he can't make it personally, and I can tell you these are not pleasant events. All of the details regarding the crime including details of the murder of the victims are recounted.

After talking with a number of victim's families, victim rights advocates, law enforcement and Parole Commission officials, and the FOP, the Florida PBA worked to get the five years changed to seven to give at least a little more time for the survivors to recover before they are forced into reliving the horrifying acts again.

We want to thank Senator Baker and Representative Evers for filing their bills, the Legislature for passing the bills, and the FOP for its efforts in helping to pass this bill. ■

## Public Records Case: "Are You Protected?"

**A** federal judge recently struck down as unconstitutional a provision of Florida Statutes that prohibited the publication of a law enforcement officer's name, phone number or address, leaving officers vulnerable to harassment or worse.

The case stemmed from an individual who posted personal information about a Tallahassee police officer on a webpage, RateMyCop.com. This individual posted anonymous comments about the officer being rude to him during a call to his apartment. He was subsequently tracked down and arrested for violating Ch. 843.17, F.S.

The case against the defendant was eventually dismissed due to technical issues, but he sued, claiming the statute violated his freedom of speech. **U.S. District Judge Richard Smoak** agreed and awarded the defendant \$25,000 in damages and legal fees.

What this case points out is that law enforcement officers need to know when they can have their personal information protected by the very nature of being a law enforcement officer. For example, if you are registered to vote and have not requested that your address be protected, you need to do so. What about your driver's license or motor vehicle registration? Do you own a home? Is your deed and mortgage on the internet? Do you have a Facebook page?

Let this be a warning to all our men and women of law enforcement: If you have personal information out in the public, then there is no legal protection for you when someone spreads that information throughout the community, or the world for that matter.

PBA is crafting legislation to address this issue in the 2011 session. ■

**Q:** What is the definition of optimism?

**A:** An investment banker ironing five shirts on a Sunday night.

## The Blackwater Bailout

**W**ith the 2010-2011 state budget being signed by the Governor, the Florida Legislature continued its effort to bailout the private Blackwater River Correctional Facility run by the GEO Group. This is in spite of the large number of empty beds in the Department of Corrections, concerns over an extra 224 beds added to the budget line, and an on-going FBI investigation into the prison.

When this issue first appeared as a last minute amendment to the Senate budget, it included the closing of public facilities to fill Blackwater. Not only that, but the Senate language included the privatizing of multiple public facilities.

The Florida PBA, under the leadership of **State Correctional Officers Chapter President Jim Baiardi**, successfully fought the closing of any public prisons for the private gain of the GEO Group. An amendment by **Senator Al Lawson** allowed the Department of Corrections the latitude to determine the best way to bring on line the Blackwater Prison without jeopardizing public safety or losing correctional officer's jobs.

According to the Criminal Justice Estimating Conference, a legislative group that projects the number of beds needed in the prison system, DOC has capacity for another 4,000 to 5,000 inmates. Instead of waiting on the need for Blackwater, the Legislature buckled under to the highly paid lobbyists for the GEO Group.

Blackwater was authorized in 2008 at 2,000 beds, but the budget item, driven by GEO Group in 2010, added 224 beds to the prison without building any more bed-space. Even the architect for the project, **Carter Goble Lee**, wrote that the extra 224 beds would jeopardize public safety and violate accreditation standards.

Recently it was again reported that the FBI was looking into how this prison came about in the first place. A citizen from Santa Rosa County, where this prison was built, filed a complaint with both the State's Attorney Office and the Federal Prosecutor's Office that questioned how this prison deal came about in the first place. The PBA will wait and see what this investigation uncovers. ■



*SCO Chapter President Jim Baiardi with former State Representative Lorraine Ausley at the rally in Sneads, Florida on March 30, 2010 to protest a Senate budget-cutting proposal involving the "Blackwater Bailout."*

**Editor's Note: PBA has endorsed Lorraine Ausley for Florida's Chief Financial Officer.**

*At left, some of the more than 400 people who showed up at the rally in Sneads.*