



FLORIDA COMMISSION ON OFFENDER REVIEW

(formerly Florida Parole Commission)

SERVING THE CITIZENS OF FLORIDA SINCE 1941

Monthly Accomplishments Report – July 2014

Chair's Message

Tena M. Pate

I am pleased to announce that on July 1st, the Florida Parole Commission's name was changed to the Florida Commission on Offender Review (FCOR). The name change was sought for a multitude of reasons, but paramount to all, was the need for a name that better reflected the roles and responsibilities of the Commission. When the Commission was first created in 1941, it was known as the Florida Probation and Parole Commission. Throughout the years, the responsibilities of the agency changed and it was renamed the Florida Parole Commission. With parole representing only ten percent of the agency's workload and the added responsibility of conditional release, addiction recovery and other release types, the Florida Parole Commission's name was no longer reflective of the important work carried out by the agency on a day to day basis. During the 2014 Legislative Session, the name change proposal was met with much support by the legislature and governor. The new name allowed the Commission an opportunity to communicate with our criminal justice partners, the general public and various other stakeholders through an educational initiative ensuring that everyone remains aware of our mission and role in the state of Florida. This initiative included visits and appearances at respective conferences and events, as well as an interview on the Florida Channel's Point of View program to promote the vital role we play in Florida's criminal justice system.

On another front, I am pleased to announce that the Clemency numbers are steadily decreasing, and this month the Office of Executive Clemency met its goal of conducting the basic eligibility reviews and bringing the pending pardon and firearm applications down to zero. Staff will now be able to provide status updates more promptly. This could not have been accomplished without the leadership of Executive Clemency Coordinator Julia McCall and her dedicated team. The Office of Clemency Investigations led by Steve Hebert also significantly reduced the number of restoration of civil rights without a hearing cases and the team was acknowledged by the governor's office for their hard work.

And, always looking for an opportunity to promote our excellent team members, I am extremely pleased to announce that the Commission's Director of Administration, Gina Giacomo, was honored with the 2014 Louie L. Wainwright Distinguished Service Award by the Florida Council on Crime and Delinquency, Chapter II. Director Giacomo received the award for her outstanding community volunteerism.

As we enter the second half of 2014, I am excited to further our education initiative, explore new partnerships and successfully complete the many goals we have set forth as we work to keep Florida's communities safe.

Respectfully,
Tena M. Pate
Chair

Division of Operations

The Division of Operations is comprised of four sections: Revocations; Victims' Services; Office of the Commission Clerk; and Field Services. Twelve field offices are divided into five regional areas across the state. Operations is responsible for multiple, diverse functions relating to the administration of post-prison supervisory release programs. These supervised release programs include parole, conditional release, conditional medical release, addiction recovery, and control release supervision. The Division, through its Field Services' staff, conducts administrative hearings for violations of supervision, as well as clemency investigations for the Board of Executive Clemency.

Accomplishments: July 2014

- In addition to receiving full budget funding during the 2014 Legislative Session, the Commission also received funding to hire a Research Analyst position to support special projects and to evaluate the efficiency and effectiveness of the Commission's programs. The interview process was completed in July and it is pleasing to announce the addition of Ms. Paula Bryant to the FCOR family as the Commission's new Research Analyst, effective August 15, 2014. Ms. Bryant's background in the criminal justice system, coupled with her expertise in the field of research, will provide the Commission with the opportunity to review our agency's current efforts and develop new strategies to improve and maximize the services we deliver to the citizens of Florida.
- Also during the 2014 Legislative Session, the Commission was awarded 9 new full time employees, six of whom will be field Examiners dedicated to the clemency workload. Strategizing for placement of these FTEs throughout the state is underway.
- The Commission has partnered with the Department of Corrections to investigate how FCOR can become involved early-on with determining risk and establishing program priorities for Conditional Release eligible inmates versus waiting until the inmate is within 180 days of release to do so. Doing this at the front end, with a second review as these inmates approach release will help ensure the proper conditions of supervision are being imposed in light of the work we/they do while the inmate is still incarcerated. It is anticipated that our programs/conditions upon release will take all of this early assessment, etc., into consideration, which may result in fewer conditions imposed, fewer technical violations, fewer victims and a reduction in recidivism.

Office of the Commission Clerk

The number of cases docketed included:*

- Parole - 95 (1 granted, 1 denied)
- Conditional Medical - 1 (1 granted, 0 denied, 0 deceased prior)
- Conditional Release - 537
- Addiction Recovery Supervision - 97
- Total - 730

**Individual cases may be docketed multiple times throughout the year, therefore docketed case totals may be higher than actual case totals.*

Imaging Inmate Records (IRIS): 1,619

Revocations

- Warrants Issued - 216
- Cases Reviewed and Prepared for Docket - 176*

**Includes parole, conditional release, addiction recovery release, conditional medical release and control release cases.*

Victims' Services

- Victims' requests for information on parole, conditional release, and conditional medical cases - 144
- Victims Located - 142
- Status updates to victims on parole, conditional medical and clemency cases – 533
 - This extreme number of status updates was facilitated by our excellent interns. The project was labor intensive due to our office having already located multiple victims on most future cases through year 2025.
- Assisted victims who attended parole or clemency hearings - 19

Field Services

Field Services' Statewide Activity Totals

- Monthly Interviews and Hearings Conducted:
- Parole Interviews - 73
- Revocation Interviews - 247
- Revocation Hearings - 65
- Total Interviews and Hearings for the Month - 385

REGION	I	II	III	IV	V
COURTESY INTERSTATE COMPACT TASKS	0	2	4	2	11
PENDING CLEMENCY CASES	With Hearing: 625 W/o a Hearing: 12 Total Cases: 637	With Hearing: 873 W/o a Hearing: 26 Total Cases: 899	With Hearing: 933 W/o a Hearing: 13 Total Cases: 946	With Hearing: 2,198 W/o a Hearing: 44 Total Cases: 2,242	With Hearing: 1,135 W/o a Hearing: 41 Total Cases: 1,176

Division of Administration

The Division of Administration provides administrative support to the Commission's Central Office and 12 field offices. Administration includes Human Resources, Finance and Accounting, Purchasing, Safety, Grants, Contracts, Inventory, Emergency Management and General Services.

Accomplishments: July 2014

- FCOR was the first and only agency to achieve 100% completion for setting performance expectations. This could not have been accomplished without everyone in the agency working together.
- Achieved 99% prompt payment compliance.
- Submitted 35 requisitions, 10 Security request, 17 revisions to the website, approved 237 invoices and 23 purchase requests.
- 23 areas revised for the Commission name change.

Office of General Counsel

The Office of the General Counsel is charged with successfully prevailing on litigation filed against the Commission; providing quality legal advice and representation in a prompt manner; and engaging in proactive legal counseling to prevent unnecessary litigation in the future.

Accomplishments: July 2014

- In Jackson, Gary v. FPC, we had the Court reviewing an initial PPRD establishment. The inmate was specifically challenging the aggravators for age of the child victim (2-year-old) and the inmate's familial/custodial authority over the victim. The inmate generally claimed that these aggravators were inappropriate because they were elements of the underlying felony murder charge of aggravated child abuse. The court rejected the inmate's challenges and upheld that the aggravators were not an abuse of the Commission's discretion.
- In Rahauiser v. Commission, the inmate was also challenging an aggravation for custodial authority over the child victim in his case, the child of his girlfriend that he lived with for seven years. The Court rejected the challenge and found that the aggravator was supported by competent and persuasive evidence.
- In Harvey v. DOC & FPC, is a denial of a challenge to revocation of conditional release supervision. The court noted that the inmate was barred from challenging the circumstances of the violation since he waived his right to a hearing. Furthermore, the violation was supported by competent and substantial evidence of the inmate's violation of his terms and conditions and the Commission did not violate his due process rights.
- In Jones, Markeith v. FPC, is also a conditional release revocation case. In Jones the inmate was revoked for violation of his curfew and he challenged the evidence supporting the violation as well as the Commission's jurisdiction over him. The court noted that the violation was supported by direct evidence in conjunction with hearsay and was sufficient. The court also noted that the warrant was issued during the term of supervision so the Commission did have proper jurisdiction over him.

Office of Legislative Affairs

The Office of Legislative Affairs is charged with directing and overseeing the Commission's legislative program as the agency's chief legislative advocate.

Accomplishments: July 2014

- Met with Department of Corrections regarding inmate programming and assessments.
- Coordinated initial planning for the Commission's 2015 legislative proposals.
- Continued with organizing plans for the senior leadership workshop and training in August.
- Conducted ongoing legislative constituent relations regarding various Commission functions.

Office of Communications

The Office of Communications is charged with overseeing the agency's communications and public information program.

Accomplishments: July 2014

- Provided media relations at the Point of View Florida Channel interview.
- Drafted talking points for the Florida Prosecuting Attorneys Conference, Florida Council on Crime and Delinquency Awards Banquet, and the Florida Sheriffs Association Summer Conference.
- Participated in the "5 Steps to Creating Awesome Social Media Content for Government" training.

Office of Executive Clemency

The Office of Executive Clemency (OEC) reports directly to the Governor and Cabinet who sit as the Clemency Board in the performance of their duties and responsibilities. This office is responsible for coordinating all clemency meetings, referring applications for investigation and serves as the official custodian of all clemency records.

Accomplishments: July 2014

- This office celebrated a major accomplishment last August when we completed the backlog of applications to be reviewed for basic eligibility in the Office of Executive Clemency, which is the starting point of the clemency process. In 2010 there were over 36,000 applications with approximately 85% being RCR applications. Since August 2013, we have been able to process an application within a couple days of receipt and many times the same day while still receiving an average of 330 applications a month for all forms of clemency. Thus, applicants know their basic eligibility upfront and receive guidance on the next steps.
- With that accomplished, our next task was to tackle the Pardon and Firearm applications, which totaled 4,875 on June 21, 2013. As of July 21, 2014, we are at **ZERO**. We will continue to process applications as quickly as possible and forward those determined eligible to Clemency Investigations for the next step in the process.
- This was a total team effort including the person who entered the application into the system, the call takers, the screeners, and including the person preparing the case file to be forwarded to Clemency Investigation for the next step in the process. This office brings new meaning to the word “challenge.”

Webpage Statistics

- <https://FPC.state.fl.us> has received 1,370,156 hits with 1,014,813 searches for Restoration of Civil Rights (RCR) grants.
- 113,031 names were located and 71,267 certificates have been printed.
- Currently 375,873 RCR certificates available for printing through the www.FLrestoremyrights.com website.

Office of Clemency Investigations

The Office of Clemency Investigations is charged with investigating, reviewing, evaluating, and reporting to the Clemency Board in all types of clemency cases, including, but not limited to, the restoration of civil rights, restoration of alien status under Florida law, full pardons, firearm authority, commutations of sentence, remission of fines, and capital punishment cases.

Accomplishments: July 2014

Pending Clemency Cases August 1, 2014

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

- RCR Cases - 12,004
- Without a Hearing Cases - 943
- With a Hearing Cases - 11,061
- Non-RCR Cases* - 8,088
- Total Pending Clemency Cases - 20,092
- On July 9, 2014, the clemency database workgroup comprised of members from the Office of Clemency Investigations, the Office of Executive Clemency, and Tony Sullivan, Department of Corrections OIT, met to discuss strategies and plans to work toward improving data integrity for the clemency database and creating a clemency file management system which will include scanned documents.
- During June/July 2014, this office coordinated with the regional field offices to prepare closed clemency files in accordance with approved retention schedules for shipping and processing to the storage records center. In addition, we processed closed central office clemency files for preparation. There were a total of 200 boxes containing 5,894 clemency files that were boxed and indexed by the five regions and Clemency Investigations, labeled and picked up by the Storage Records Center.