



FLORIDA COMMISSION ON OFFENDER REVIEW

(formerly Florida Parole Commission)

SERVING THE CITIZENS OF FLORIDA SINCE 1941

Monthly Accomplishments Report – November 2014

Chair's Message

Tena M. Pate

November is traditionally a time of gratitude and thanksgiving and this month those feelings were brought into sharper focus with two incidents in Tallahassee that, while horrific, could have been so much worse. First, a reportedly mentally disturbed individual shot at students at a library on FSU's campus, paralyzing one; and not long after, another allegedly disturbed individual took the life of an exemplary public servant, Leon County Sheriff's Deputy Chris Smith. In both cases, the situations had the potential for many more casualties were it not for the quick response of local law enforcement and their selfless disregard for their own safety. Vice Chair Coonrod, Commissioner Davison and I attended Deputy Smith's funeral. His service overflowed the 1,300-seat venue, with a crowd that included Governor Rick Scott and Attorney General Pam Bondi. Law enforcement officers from across Florida came to show their support for a fallen comrade. It was both heartbreaking and moving to see our community come together as one during this tragic time.

Several of our staff and I participated in inmate interviews at Gadsden Reentry Center this month in an effort to better understand DOC's process for preparing inmates for their eventual release back into our communities. We are working with DOC to see where in the process FCOR should get involved that would provide the most benefit to the inmate's successful reentry.

We also had two hearings this month, including one with a high profile inmate up for review, Mark DeFriest. Once again, our staff handled the additional media interest, family and victim witnesses with professionalism and respect. During one of those hearings, we welcomed Wakulla CI Warden Jimmy Coker and some of his staff, who reciprocated our visit to his facility with an interest in our role in the criminal justice process. Both visits resulted in a better understanding of our separate but intertwined roles in successfully transitioning inmates back into our communities. This month I also had the opportunity to meet one-on-one with our new staff members, a process I implemented a couple of years ago that gives me the benefit of not just getting to know new employees, but learning from all where we might be able to improve, based on their hands-on experience. As a result of these meetings, I've made some adjustments that would not have occurred without this input from these employees. I thank you for your frank suggestions.

During our annual Thanksgiving luncheon several staff took a moment to share what they are thankful for this year, and I remarked on some of my thoughts from my personal journal as well. Our General Counsel Sarah Rumph mentioned that she was thankful for the sound of laughter drifting into her office from her colleagues down the hall – that she was grateful to work in a place where laughter and camaraderie were not uncommon. Let's take a page from Sarah's book during the upcoming holidays to enjoy the seemingly small pleasures of life, work and family, like laughter and each others' company.

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: November 2014

RESEARCH HIGHLIGHT

FCOR Research Analyst Paula Bryant studied the Commission's use of the "Notice to Appear" (NTA) over the past three years and produced a comprehensive report which included some of the data spotlighted here. From July 2011 to August 2014, 97 offenders who had violated supervision were issued a NTA. The NTA discretionary tool provides Commissioners an alternative to issuing an arrest warrant when an offender violates the terms of his or her supervision. Offenders with technical violations, rather than new arrests, are more likely candidates for a NTA. Of the aforementioned 97, as of September 2014, more than half (56.7%) had been reinstated to supervision. This pilot project saved a minimum of half a million taxpayer dollars, even after subtracting the cost of supervision for these offenders, by keeping them out of county jails and working in their communities during the four-month revocation process. In addition, each year these offenders spend out of prison will save taxpayers an additional \$16,339.60 per offender (\$17,338 - \$998.40 cost to supervise offender fees).

The majority (84.6%) of these offenders were serving conditional release supervision and their average supervision length was 6.6 years, though 69.1% were serving sentences of three years or less. They are mostly male (95.9%), African American (62.9%) and the most common age range was 35-49. Most had previous prison sentences, with 80.4% having two or more sentences on their records. Almost one third of them were convicted in Duval County (29.9%). Their offenses ranged from murder to DUI without injury, and most were serving for robbery (24.7%) and burglary (22.7%). The conditions they violated most often that resulted in making them eligible for a NTA were using/possessing narcotics/drugs/marijuana/cocaine (21.2%) and curfew violations (19.9%).

For a copy of the complete report, please contact Director of Operations Shana Lasseter at (850) 922-6137.

Office of the Commission Clerk

The number of cases docketed included:*

- Parole – 83 (2 granted, 1 denied)
- Conditional Medical - 4 (1 granted, 3 denied, 0 deceased prior)
- Conditional Release - 399
- Addiction Recovery Supervision - 63
- Total - 549

** 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): 1,763

Revocations

- Warrants Issued - 153
- Cases Reviewed and Prepared for Docket - 147*

Victims' Services

- Victims' requests for information on parole, conditional release, and conditional medical cases - 256
- Victims Located - 69
- Status updates to victims on parole, conditional medical and clemency cases – 455
- Assisted victims who attended parole or clemency hearings – 28

Field Services

Field Services' Statewide Activity Totals

- Monthly Interviews and Hearings Conducted:
- Parole Interviews - 78
- Revocation Interviews - 199
- Revocation Hearings - 65
- Total Interviews and Hearings for the Month - 342

REGION	I	II	III	IV	V
COURTESY INTERSTATE COMPACT TASKS	0	2	3	1	4
PENDING CLEMENCY CASES	With Hearing: 577 W/o a Hearing: 14 Total Cases: 591	With Hearing: 843 W/o a Hearing: 19 Total Cases: 862	With Hearing: 909 W/o a Hearing: 8 Total Cases: 917	With Hearing: 2,091 W/o a Hearing: 61 Total Cases: 2,152	With Hearing: 1,112 W/o a Hearing: 16 Total Cases: 1,128

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: November 2014

- Provided statewide training on travel and the P-card.
- FCOR achieved 100% prompt payment compliance.
- Submitted 17 requisitions, 13 Security request, 10 revisions to the website, approved 157 invoices and approved 15 purchase request.
- Submitted Administrations annual report section and participated in drafting the annual report.
- Worked with Operations to create and disseminate the 2014 employee survey.
- Welcomed a new HR Director Jennifer Boswell.

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: November 2014

- **Williams v. FCOR:** In this mandamus case, the Plaintiff raised the claims that he was entitled to a 2 year subsequent interview and that the Commission unlawfully corrected its action. The Commission set the Plaintiff for a 7-year subsequent interview based on conviction for robbery where a sexual act was committed. The court found that the agency did not abuse its discretion and that the record supported the action. In the second claim, the Commission made an error in noting the qualifying offense and that error was corrected. Since correction of the error by the agency did not negatively affect the PPRD, then the court found that the Plaintiff did not demonstrate prejudice.
- **Salsar v. FCOR:** In this habeas challenge to the Commission decision to impose certain conditions, the releasee's claims were rejected and so he filed a motion requesting the court reconsider its denial. The additional claim that the agency did not interview him prior to release as required by statute was raised. The court rejected this new argument, noting that the record does not support the claim in that the Commission provided documentation that the interview was done in compliance with the law, and that the argument still wouldn't require release from supervision since conditional release supervision is mandatory for those that qualify.
- We also had a case sent back from the First District Court of Appeal. In this case, Earley v. FCOR, the inmate contended that his conviction for an offense committed prior to the primary offense must have been scored in the salient factor score and not as an aggravation. The court agreed that the Commission rules require such and sent it back for correction. You will see this case on your docket in December.

On November 24, 2014, Chief Justice of the Florida Supreme Court, Jorge Labarga, signed an Administrative Order creating the Florida Commission on Access to Civil Justice. Access to civil justice for working middle class and lower families affects our employees and our court systems. If you want to find out more, both the Florida Bar and Florida Supreme Court website have additional information.

(Order: <http://www.floridasupremecourt.org/clerk/adminorders/2014/AOSC14-65.pdf>).

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: November 2014

- Assisted in preparing the Commission's 2015 legislative proposals.
- Attended the Governor's Office Legislative Affairs Directors Meeting.
- 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: November 2014

- Provided press materials and media relations for three high profile cases at the November 19th Commission hearing.

Monthly Accomplishments Report

- Assisted in preparing the Commission's 2015 legislative proposals.
- Prepared a presentation for the legislative budget request media availability in December.
- Drafted and edited the Commission's 2014 Annual Report.
- Created a business writing training to be presented to Commission staff.
- Participated in a Wakulla Correctional Institution site visit.
- Attended a purchasing card and travel training presented by the Office of Administration.

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: November 2014

- November proved to be another busy month with the General Election on November 4th. Staff worked flexible hours the week previous and days afterward to insure the availability for response to applicants and Supervisors of Elections. This office received 309 calls on Election Day between the hours of 7:00 a.m. and 8:30 p.m.

Webpage Statistics

- <https://FPC.state.fl.us> has received 1,428,764 hits with 1,049,075 searches for Restoration of Civil Rights (RCR) grants.
- 118,351 names were located and 73,701 certificates have been printed.
- Currently 376,214 RCR certificates are 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: November 2014

- During this past month, our office prepared investigations for the upcoming Clemency Board Meeting, conducted investigations on capital punishment clemency cases and Requests for Review for Commutation of Sentence cases, conducted quality assurance reviews of all field investigations, provided customer service to clemency applicants, and assisted in the development of clemency data requests.
- On November 4, 2014, selected staff members worked until 8:30pm to answer the phones to provide extended customer service to applicants inquiring as to the status of their restoration of civil rights on Election Day.
- On November 12 & 13, 2014, members of our office visited the Wakulla Correctional Institution and were led by the Assistant Warden of Operations during two in-depth tours of the facility. This was a wonderful and valuable educational experience for our team members which will be beneficial to each of us in our various duties and interactions with the Department.
- On November 13, 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.
- On November 13, 2014, Dewey Riou, was hired as a part-time Commission Investigator and will be conducting Restoration of Civil Rights eligibility investigations.