



# FLORIDA COMMISSION ON OFFENDER REVIEW

(formerly Florida Parole Commission)

SERVING THE CITIZENS OF FLORIDA SINCE 1941

*Monthly Accomplishments Report – September 2014*

## Chair's Message

*Tena M. Pate*

We began September with a quiet remembrance of the almost 3,000 lives lost on September 11, 2001. It's hard to believe 13 years have elapsed since that terrible day, but many of the stories borne of that tragedy reassure me that good continues to trump evil.

September is often one of our busiest months, and this year was no exception. Head Coach Jamil Jefferson and her hardworking team had an excellent game plan for us to rally behind as Team FSECC (Florida State Employees' Charitable Campaign) cheered us on to victory at our FSECC launch on September 12. Thank you all for your support of this very worthwhile endeavor. Our Operations team also took the field this month as part of our ongoing training efforts, where Shana Lasseter, Kristin Lambert, Kim Dickey and Daphne Asbell did a great job describing their respective sections and answering questions from the audience.

Kudos, too, to our well-organized Office of Executive Clemency and Clemency Investigations teams, who were prepared for any eventuality at our quarterly meeting of the Board of Executive Clemency at the Capitol. Additionally, the Commission held three public parole hearings, each of which included an average of 254 cases on the docket. Few outside our agency know how much work goes into each of those cases, but I am most certainly aware and appreciative of our team's efforts.

Most recently, I was happy to welcome DOC's Maggie Agerton and Danny Clark to the Commission's semi-annual business meeting. They gave us an informative talk about the CINAS risk assessment classification system, which was helpful as we move forward with our Conditional Release pilot project.

As always, our employees continue to shine, and this month was no exception. Our own Gina Giacomo was awarded the Louie L. Wainwright award at the Florida Council on Crime and Delinquency meeting last month – their most prestigious award – for her commitment and dedication in the criminal justice community. And Kevin Reilly was named one of "30 under 30" rising stars in Florida politics by the Saintpetersblog, something we've known all along. Congratulations to both Gina and Kevin!

I encourage you to read all of the Commission's September accomplishments below.

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: September 2014

- Operations team members continue to work closely with the Department of Corrections on a myriad of topics and projects. During September, meetings and discussions were held on:
  - PPRDs as they relate to inmate custody levels;
  - FCOR's earlier involvement with conditional release eligible inmates;
  - Microfiche files maintained by the Department;
  - Commission Management System and other pending computer programming projects;
  - The Department's risk assessment tool, CINAS;
  - Parolee travel requests;
  - Additional office space for FCOR at DC properties throughout the state;
  - Commission Investigator contact with inmates inside correctional institutions;
  - Coding of parole eligible inmates in the Corrections Data Center; and
  - Post-release substance abuse transitional housing program services.

### Office of the Commission Clerk

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The number of cases docketed included:\*

- Parole - 103 (0 granted, 0 denied)
- Conditional Medical - 3 (0 granted, 2 denied-1 continued then denied, 0 deceased prior)
- Conditional Release - 522
- Addiction Recovery Supervision - 134
- Total - 762

\* 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): 2,919

### Revocations

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- Warrants Issued - 191
- Cases Reviewed and Prepared for Docket - 161\*

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

### Victims' Services

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- Victims' requests for information on parole, conditional release, and conditional medical cases - 234
- Victims Located - 41
- Status updates to victims on parole, conditional medical and clemency cases – 451
- Assisted victims who attended parole or clemency hearings - 25

## Field Services

### Field Services' Statewide Activity Totals

- Monthly Interviews and Hearings Conducted:
- Parole Interviews - 94
- Revocation Interviews - 262
- Revocation Hearings - 65
- Total Interviews and Hearings for the Month - 421

REGION	I	II	III	IV	V
COURTESY INTERSTATE COMPACT TASKS	3	2	3	7	2
PENDING CLEMENCY CASES	With Hearing: 601 W/o a Hearing: 17 Total Cases: 618	With Hearing: 868 W/o a Hearing: 19 Total Cases: 887	With Hearing: 926 W/o a Hearing: 13 Total Cases: 939	With Hearing: 2,137 W/o a Hearing: 52 Total Cases: 2,189	With Hearing: 2,123 W/o a Hearing: 58 Total Cases: 2,181

## 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: September 2014

- Renegotiated a regional office lease at a reduced rate.
- FCOR achieved 99% prompt payment compliance.
- Posted the Long Rang Program Plan to the fiscal portal.
- Completed six months Business Meeting report
- Submitted 44 requisitions, 10 Security request, 17 revisions to the website, approved 124 invoices and approved 42 purchase request.
- Six areas revised based upon the Commissions name change. DMS approved position title change based upon agency name changing.

## 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: September 2014

- **Conditional release orders** – Lyons v. FPC and Giles v. FCOR: In Lyons, the challenge to the revocation of conditional release was based on the imposition of the curfew condition. In Giles, the challenges presented were

that the final revocation order was not signed by a Commissioner and that the violation was not willful and substantial. The courts rejected both, finding that the Commission did not abuse its discretion in either regard.

- **Standard parole case** – Stanley v. FPC: In Stanley, the Commission rejected the investigator’s recommendation to reduce the PPRD, making no change, and set out an extended subsequent interview. The court held that the rejection and no change vote was not an abuse of the Commission’s discretion when based on the serious nature of the offense. The extended subsequent interview was also upheld since the reasons were clearly articulated.
- **MPP** – In Hampton v. FPC, the denial of an MPP was challenged. Since the denial was specific, the acceptance of any proposals is permissive with the Commission and the Commission followed the rules/statutes, the court did not grant the petitioner his request for mandamus relief.
- **Miller and Graham parole arguments** – Gonzalez v. FPC and McKee v. FPC: Both Gonzalez and McKee, via their attorneys, made similar arguments that the Commission’s decisions resulting in continued incarceration violated the *Miller* and *Graham* decisions based on their age at the time the primary offense was committed. The court rejected both, finding that *Miller* and *Graham* decisions are not applicable since those cases dealt with parole-ineligible juveniles and both Gonzalez and McKee are parole eligible.

## 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: September 2014**

- Presented the Commission’s budget to the Governor’s Office of Policy and Budget and other interested staff members.
- Presented the Office of Legislative Affairs accomplishments at the semi-annual Commission Business Meeting.
- Assisted with drafting the Commission’s Long Range Program Plan Report.
- Drafted and distributed Tampa vote invites to stakeholders, legislators, public defenders, state attorneys, and law enforcement officials.
- Attended a public records request training presented by the Office of General Counsel.
- 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: September 2014**

- Provided press materials and media relations for the September 23rd Executive Clemency Board Meeting.
- Presented the Office of Communications accomplishments at the semi-annual Commission Business Meeting.
- Attended a public records request training presented by the Office of General Counsel.
- Attended an enrichment training regarding the Office of Operation’s responsibilities and duties.

## 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: September 2014

- September was busy with the third clemency meeting for this year. Seventy one cases were presented with 23 applicants speaking in person before the Board. We have since then focused our efforts on the post-meeting tasks of preparing the Executive Orders. Efforts are being made to contact all of the Supervisor of Elections offices to make sure they have notification of the agency name change and new website information is available for interested parties.

#### Webpage Statistics

- <https://FPC.state.fl.us> has received 1,401,779 hits with 1,033,660 searches for Restoration of Civil Rights (RCR) grants.
- 115,808 names were located and 72,551 certificates have been printed.
- Currently 376,055 RCR certificates available for printing through the [www.FLrestoremyrights.com](http://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: September 2014

- On September 11, 2014, the Director of Clemency Investigations provided training to the Regional Administrators and Supervisors to include procedures related to clemency investigations.
- On September 13, 2014, Commission Investigator Jeff Rollins participated in this year's 33rd Annual 5K Run/Walk for Sickle Cell Anemia. Jeff has been the Race Director for this event for the past six years, and there were over 600 participants in this year's race. Jeff has been involved with the Leon County Sickle Cell Foundation for several years and has volunteered countless hours for this event which raises awareness and funds for the Leon County Sickle Cell Foundation.
- On September 23, 2014, the Governor and Cabinet, sitting collectively as the Clemency Board, held its third quarterly Clemency Board Meeting at the Capitol. The Commission completed and submitted 51 in-depth clemency investigations for Full Pardons, Firearm Authority and Restoration of Civil Rights (RCR) for consideration by the Board. The Coordinator of the Office of Executive Clemency presented the cases to the Board, and the Chair provided detailed information related to the Confidential Case Analyses and processes to the Board Members in response to their inquiries.